



NALSAR University of Law Hyderabad

COURSE OUTLINES – B.A., LL.B. (Hons.). & LL.M.

ELECTIVE & SEMINAR COURSES

COURSE TITLE:	Applied Jurisprudence
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Prof. Amita Dhanda
NUMBER OF CREDITS:	4
DURATION	January-April, 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	An oft levelled charge against legal theory is its relevance to every day life and to the bread-butter activities of law persons. This charge of irrelevance is vociferously countered by all those who are passionate about the philosophy of law. The debate on the usefulness or otherwise of legal theory carries along with assertions that universities should provide space to useless knowledge that is learning and knowledge which is good in itself. Legal Theory I contend can qualify as both useful and useless knowledge, it is possible to engage with it without taking an unequivocal position on this or that side of the utility divide. This course which I have entitled applied jurisprudence has been constructed on two planks. On one plank it aims to show the contextual rootedness of theory. Every theorist is seeking to find answers or provide analysis for problems found in his or her times. Thus for example Austin, Hart and Raz are all described as positivists because they have some common belief systems; however these commonalities often blur over the differences. There is need to appreciate the differences because these differences show how even as every era draws from the past, it also moulds what it receives in accordance with the needs and concerns of its times, as perceived by the particular theorist. Given this contextual relationship, our engagement with any theory necessarily cannot be de hors the needs and challenges of our own times. This limb of the course aims to look at a select group of theorists from the lens of our times as to what they mean or do not mean to us. The first part of the course explores the contemporary relevance of bodies of thought; however this effort at contemporising carries with it the danger of generating uninformed opinions. Consequently the second plank of the course scrutinizes some of the contentious socio-legal issues of our times; examines the legislative-judicial solutions that have been devised in the country and outside to resolve these problems and then evaluates those solutions from the lens of relevant theories. This exercise is aimed to bring home the fact that there are theoretical underpinnings to black letter law and any endorsement or reform of that law cannot happen without understanding those theoretical underpinnings. This part of the course is being constructed with the object of providing students with the

	equipment to independently evaluate contemporary law and policy and thus assume responsibility for their scholastic positions. This process of assuming responsibility will be through a deliberative discourse on selected issues by theoretically evaluating the contemporary legal solutions. The legal regulation of sexual harassment; the questions of administrative accountability; the problems of privacy and surveillance and the developments in bio-technology (organ transplant, surrogacy) are some of the issues I plan to examine in the course. However this list is neither inflexible nor exhaustive; consequently students electing to do the course can also send their suggestions.
SCHEME OF EVALUATION:	Mid Semester Examination :25 Marks Project :25 Marks End Semester Examination :50 Marks

COURSE TITLE:	Banking and Finance Laws
COURSE OFFERED TO	LL.B. and LL.M.
INSTRUCTOR:	Prof. K. Vidyullatha Reddy
NUMBER OF CREDITS:	4
DURATION	January- April, 2017
BRIEF DESCRIPTION (MINIMUM 500 WORDS)	The nexus between law and economics necessitates the law graduates to further study the nuances of financial governance. The study of financial institutions role and regulation forms the basis for understanding financial governance. The nature of financial transactions have seen a sea change with liberalization and enhanced cross boarder financial activities. The Economic crisis, financial deficit, inflation, growth rate, structural adjustment programs and similar other issues often take the centre stage in a sovereign State. We need to arm our citizens with necessary financial knowledge to overcome any such situation with optimum prudence in the larger interest, however it also helps an individual to serve corporate, financial institution, legal and other stake holders. The course intends to provide holistic perspective on legal aspects concerning the functioning of banking and non- banking financial institutions in India. The course dwells further on the impact of the functioning of financial institutions on Indian economy. The financial services rendered by the financial institutions and the scope of their transactions within and outside country will also be dealt as part of the course. The course while leans more in studying the regulation of banks do provide sufficient scope to study non-banking financial institutions as well. Foreign investment in India and the consequent impact on Indian economy will be studied alongside the regulation of foreign investment in India. The course further intends to provide complete overview of financial structure and the issues concerning financial governance in the country.
SCHEME OF EVALUATION:	Mid Semester Examination :25 Marks Project :25 Marks End Semester Examination :50 Marks

COURSE TITLE:	Criminology and Penology
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Dr. D. Balakrishna
NUMBER OF CREDITS:	4
DURATION	January-April, 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Course description The course is designed to acquaint the students with various causes of crime and Punishment. Emphasis will be laid on various theories of criminology and Penology. The course shall dwell on these concepts principles with a view to develop among students a greater understanding of genesis of crime and social cost of crime, rehabilitation of victim as well as offender. This course also deals with analysis of contemporary programs and trends in the criminal justice system Objectives of the course: 1. To provide the students with a critical insight and awareness of the criminality and social deviation phenomena and a critical and analytical insight in Criminological research within the framework of social justice. 2. To provide an overview of modern and ancient Penal systems; the nature of modern Penology; contemporary issues and challenges on prison and correctional Systems; organisation, structure and functions Learning outcomes: On completing this course the participant will be able to: • Understand meanings and concepts of Criminology, the nature and scope of Penology • Understand the role and nature of Criminology and Penology in various practical aspects of criminal justice administration. • Understand the nature of punishment and issues involved in sentencing Mode of Study: Pre-reading of course material Classroom discussions Project Work Module –I: SCHOOLS OF CRIMINOLOGY • Classical School, • Positive School • Sociological positivism • Chicago School Readings: Essential: 1. Criminology: Adler, Mueller, Oxford University Press 2nd Edition 2. J. Mitchell Miller, 21st Century Criminology A Reference Handbook. -(Ed) Sage

Additional:

1. Sutherland, E. Cressy, Principles of Criminology (1978)
2. Katherine S Williams, Text on Criminology(1997), Blackstone,
3. Lavland, TheFrontiers of Criminality (1995)
4. Walker, N. Crime and Criminology: Criminology

Module-II: CAUSATION OF CRIME- Criminological Theories:

- Introduction to Criminological Theory
- Deterrence and Rationale Choice Theories
- Psychological Theories
- Social Learning Theory
- Social Bonding and Control Theories
- Labelling Theory
- Social Disorganization, Anomie, and Strain Theories
- Conflict Theory
- Marxist and Critical Theories
- Feminist Theories
- Integrating Criminological Theory

Readings:

Essential:

1. Criminology: Adler, Mueller, Oxford University Press 2nd Edition
2. J. Mitchell Miller, 21st Century Criminology A Reference Handbook. -(Ed) Sage – Part-III, p 184-356

Additional:

1. Sutherland, E. Cressy, Principles of Criminology (1978)
2. Katherine S Williams, Text on Criminology (1997), Blackstone,
3. Lavland, The Frontiers of Criminality (1995)
4. Walker, N. Crime and Criminology: Criminology

Module III: HISTORY AND THEORIES OF PUNISHMENT

Historical development from punishment to correction and reformation. Prison Reform since independence: Types of Punishment – Simple and Rigorous imprisonment- Capital Punishment- views of Abolitionists and Retentionists: current problems and challenges in Prison Administration: Indeterminate and Determinate sentence.

Administrative Provisions: Civil Rights of Inmates. Inmate Rules and Discipline , Classification of Inmates, Administrative Segregation And Security and Control.

- Conventional Philosophies of Punishment
- Sentencing, the Legal Context and Court Issues
- The Imprisonment of Women, Children, Minorities and Terrorists etc.
- Prison Staff and Management
- Comparative Perspective on Prison Policies and Systems
- Prison Culture and Implication.

	Readings: Essential: 1. H.L.A. Hart, Punishment and Responsibility 2. Martin Wasik, Emmins on Sentencing, Blackstone(1998) 3. Deborah H Drake: Critical Criminological Perspective: Prison, Imprisonment, Punishment and Pursuit of Security 4. Milovanovic, D., & Henry, S. (1991). Constitutive penology. <i>Social Justice</i>, 18, 204–224. 5. Commonwealth Guidelines for the Treatment of Victims of Crime 6. Kennedy, and Sacco, V. (1989), Crime Victims in Context. Los Angeles, Cal; Roxbury Publishing Company 7. Pamela Davies Peter Francis Chris Green, Victim, Crime and Society, (Ed) Sage Pub. Additional: Additional: 1. P. Madhava Soma Sundarm , (Ed) Crime Victim and Justice, Serials (2008) 2. Peter B. Wood. Prison, J. Mitchell Miller, 21st Century Criminology A Reference Handbook. -(Ed) Sage –p 730-740. 3. Brian D. Johnson, 21st Century Criminology A Reference Handbook. (Ed) Sage-p. 761-770 4. Law Commission of India- Forty Second Report –Chapter-III (971) 5. Krishna Iyer Report on Female Prisoners (1986) 6. John Braithwaite, Restorative Justice and Responsive Regulation (2002), Oxford 7. Eugene Mc Laughlin, Ross Ferguson (Ed) Restorative Justice Critical Issues, Sage Pub. (2003) 8. Catherine Elgibeth Kaukinen, Victim Services, 21st Century Criminology A Reference Handbook. (Ed) Sage-p. 780-787 9. Law Commission of India- Forty Second Report –Chapter-III (971)
SCHEME OF EVALUATION:	Mid Semester Examination :25 Marks Project :25 Marks End Semester Examination :50 Marks

COURSE TITLE:	Cyber Laws, Crimes and Technologies
COURSE OFFERED TO	LL.B.
INSTRUCTORS:	Dr. G. Mallikarjun (Cyber Law part) and B Md Irfan (Technologies part)
NUMBER OF CREDITS:	4
DURATION	January-April, 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Cyber-crimes are rapidly expanding due to extensive use of internet and technology in the present world. Cyber-crime is a criminal activity in which computers or computer networks are used as a tool, a target, or a place of criminal activity. By extension, they may include everything ranging from an electronic cracking to a denial of service attack. The field of Cyber Forensics surfaced in response to the increasing cyber-crime in general and cyber terrorism in particular. Cyber-Crime affects, to begin with, the privacy of an individual or an organization and finally would threaten the security and integrity of the State itself. Varieties of evidence, collected to prove the cyber offences, will understandably be in an electronic form and it is very difficult and is also highly technical to collect, preserve, and analyze the evidence and present the same before the court of law. Cyber Forensic techniques are therefore necessary to identify, detect, collect and analyze digital evidence admissible in the court of law in order to deal with the cyber-crimes. An overall 'expertise' is needed to testify the veracity of such variations of evidence. Here comes justification for the Cyber Forensics. Needless to add, Forensics generally means the use of science and technology to establish facts in the court of law. Law students, law enforcement agencies, functioning at various levels, need to be adequately trained to use techniques of Cyber Forensic so as to deal with Cyber-Crimes. This elective is intended to make the students to understand the veracity of Cyber-crimes, the importance of Cyber Forensics in investigating and establishing the case against the offenders of cyber-crime. Module I: Introduction to Cyber Crimes: Module II: Cyber Crimes and its Types: Module III: Law relating to Cyber Crimes in India Module IV: Cyber Crimes and Intellectual property issues Module V: Cyber Law - International Perspectives Module VI: Cyber Crime and Applied Cyber forensics Module VI: Applied Cyber Forensics-Lab session
SCHEME OF EVALUATION:	1. Mid Exam for 25 Marks 2. End Exam for 50 Marks 3. Project Written Submission 20 Marks 4. Project Presentation 05 Marks

COURSE TITLE:	Goods and Service Tax
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Dr. Neha Pathakji
NUMBER OF CREDITS:	1
DURATION	January 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	It has been speculated since a long time now that the GST will prove to be a game changer by removing the cascading effect of taxes, creating a unified common market and simplifying the current multi tax regime. With the passing of the Constitution Amendment Bill for Goods and Service Tax in the Lok Sabha and the Rajya Sabha and approved by the President of India, the government is set to roll out the GST in April 2017. While the GST Act will take a final shape in the current winter session of the Parliament, the economy, industry and businesses are gearing up for the transition. This elective offers a foundational understanding of the GST with respect to its impact on indirect structure, tax rates, incidence of tax, classification, valuation and credit utilization.
SCHEME OF EVALUATION:	Multiple Choice Questions and/or Application based Question Paper of 50 Marks (to be scaled up to 100 Marks)

COURSE TITLE:	Intellectual Property Rights and Competition Law
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Mr. Sourabh bharti
NUMBER OF CREDITS:	3
DURATION	January-April 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Intellectual Property Rights Law and Competition Law appear to be at cross-roads. Whereas Intellectual Property creates monopolies over new creations, competition law intends to promote competition by condemning monopolistic behavior in the market. Yet from policy perspective it is rather simplistic to think that the two are in absolute conflict with each other. Intellectual property rights balance the exclusivity granted to pioneer inventors and creators with the limits and exceptions in favour of follow on innovators. However the limits of permitted exercise of IPRs are drawn not only by the laws of IP but also by reference to the rules of competition law. In a way the outer limits of the exclusive rights of IPRs are determined by the prohibitions of the competition rules even when the conduct is allowed by the IP laws. The design of the general rules of competition law seems almost customized to leave room for the normal exercise of IPRs and to focus on the extreme cases where their exercise happens to coincide with abusive conduct or restrictions of competition. The full extent to which IP owners can enjoy the exercise of their IPRs untrammelled by the competition rules can only be understood by a better appreciation of the manner in which the internal logics of both the IPRs and the Competition law rules have been applied by courts in resolving those disputes where these two laws come in apparent conflict with each other. The course on offer will be geared towards understanding the same, primarily by relying upon the case law on the topic.
SCHEME OF EVALUATION:	Projects: 25 Mid Sem: 25 End Sem: 50

COURSE TITLE:	Judicial Process and Statutory Interpretation
COURSE OFFERED TO	LL.B. and LL.M.
INSTRUCTOR:	Mr. Sidharth Chauhan
NUMBER OF CREDITS:	4 credits for LL.B. students 3 credits for LL.M. students
DURATION	January-April 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Questions about interpretation in the law have been principally examined from the viewpoint of a judge who is called upon to read and apply legislative materials. It goes without saying that judges are constantly dealing with the uncertainties that arise in the continuum between the opposite ends of literal construction (or plain meaning) and purposive interpretation. It would be an oversimplification to think of these two seemingly divergent approaches as exhaustive of the various approaches to legal interpretation. Much like a reader who interprets a piece of prose, an individual who is trying to make sense of a painting or one who is listening to music, legal interpretation also depends on the specific circumstances surrounding the act of creation (by the author or the artist) as well as the standpoint of the one who reads a text, observes a painting or listens to music. It is quite foreseeable that the act of creation might have been motivated by a set of concerns that are at variance with those of the reader, viewer or listener. In some cases, the social meaning attached to the specific words and images used by the creator might change with time. Interpretation in the common law tradition has to account for the overarching preference for certainty, clarity and consistency in the law. While these qualities cannot be present in an absolute sense, they do command the attention of those who claim to be familiar with the law, either as legislators, judges or lawyers (or more simply 'lawmen' as described by Karl Llewellyn). From the prism of inclusive legal positivism, the authoritative force of legal provisions bears a strong correlation with coherence in their interpretation, both from the viewpoint of those who are asked to apply them and those who are asked to follow the law. There are two distinctive methods for teaching a course of this description. The established method requires students to learn the canons of statutory interpretation by examining how they have been applied and explained in past decisions. However, the newer method that seems to be gaining ground locates statutory interpretation as a sub-field in the philosophy of language. In particular, the analysis of legislative materials draws heavily from literary theory. We will also examine the institutional dynamics of the legislative process, which can be roughly divided into three phases, namely the pre-enactment phase, deliberations inside the legislature and post-enactment history. There will also be an effort to survey some frequently cited literature that engages with theories of adjudication in common law settings.

SCHEME OF EVALUATION:	For 4th and 5th year, B.A., LL.B. students: Term Paper + Presentation (25%) Mid-term (25%) End-term (50%) For LL.M. students: End-term (100%) For LL.M. students, this elective course will be part of the ‘Public Law and Legal Theory’ specialization. Please note that this course will run for the entire duration of the semester and the attendance requirements will be enforced.

COURSE TITLE:	Law on Real Estates
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Dr. Shaik Nazim Ahmed Shafi
NUMBER OF CREDITS:	4
DURATION	January-April, 2017
BRIEF DESCRIPTION (MINIMUM 500 WORDS)	The Real Estate Industry is one of the most progressive industries in the country. It is that infrastructure service which is said to be driving the economic growth of our country. One of the fastest growing markets of the world today, Real estate Industry has come a long way. It comprises of 4 sub-sectors, i.e., Housing, Retail, Commercial and Hospitality, out of which, housing constitutes 5-6% of India's GDP. The total realty market in the country is expected to touch US\$ 180 billion by 2020. There are hardly any apprehensions about the scope of this sector. It has constantly been gaining huge capital investments by corporate giants spread all over the world. Total investment by private equity (PE) funds in the real estate sector from January–March 2014 was approximately Rs 28 billion (US\$ 465.19 million). This is a substantial increase of 28 per cent compared to the previous quarter and close to 2.5 times the investments during January–March 2013. The Government has also been undertaking steps to improvise the industry and bring out higher amount of investment in all the sub-sectors of Real Estate. The Real Estate (Regulation in India), aims to create a Real Estate Regulatory Authority and an Appellate Tribunal that will act as a watchdog for the housing sector, primarily towards protecting consumer interests while creating an alternative redress mechanism for any disputes that may arise. Finally this subject will deal the need for consumer protection in the real estate where they are prone to a lot of vulnerabilities and also to a higher degree of risk than they are in the other sectors of the economy. <u>A brief introduction</u> to the existing legislations for consumer protection in real estate sector like the Consumer Protection Act, 1986; Indian Contract Act, 1872; Specific Relief Act, 1963; Indian Penal Code 1860; Competition Act 2002; will be dealt. The outcome of this subject for the students in particular acting on the legal side in relation to commercial real estate includes not only the core traditional activities involving development, leasing, financing, buying and selling property, but increasingly it requires being a more general adviser to the real estate industry. This involves advising clients in relation to real estate activities generally and can encompass anything from tax and fund structuring to indirect investment in property, including share and unit trust sales and acquisitions and joint venture arrangements. The key issues pertaining to FDI, land acquisition etc. will also be dealt. The students are given an opportunity of the practical aspect in <u>DRAFTING</u> of Sale Deed; Mortgage Deed; Lease Deed.
SCHEME OF EVALUATION:	Projects: 25 Mid Sem: 25 End Sem: 50

COURSE TITLE:	Law relating to sexual harassment at the workplace
COURSE OFFERED TO	LLB
INSTRUCTOR:	Prof. N.Vasanthi
NUMBER OF CREDITS:	4
DURATION	January-April 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Sexual Harassment as a legal concept came to be introduced in the United States following Catherine Mackinnon seminal work which also coined the term in the 1970's. The concept has since evolved and is now part of the law in most countries around the world. There are a variety of laws that deal with sexual harassment; some are penal laws, some employment statutes and some are discrimination based laws. While some are stand alone laws, there are others which are part of statutes on crimes or discrimination or employment. In India the origin of the concept is rooted in Constitutional Law while the remedies are located in employment law. In 2013 a new stand alone law relating to sexual harassment at the workplace was enacted . While the earlier guidelines regarding sexual harassment at the workplace were laid down by the Supreme Court in <i>Vishakha</i> , the new Act i.e. The Sexual Harassment at the Workplace (Prevention, Prohibition and Redressal) Act 2013 has made important additions to the law. The course will look at theories around the protection of women from sexual harassment, its origin and evolution, its relation to gender based harassment and sex-based discrimination along with comparative perspectives on the law looking at important cross cultural perspectives. The enforcement of the Supreme Court guidelines since 1997 and the changes the new law makes, the position of the Internal Complaints Committee, the standards of evidence that the new law requires and established standards and procedures in domestic enquiries will be examined. Objectives: • To inform students about the various conceptual foundations of sexual harassment law • To give them an exposure to international practices in the area of sexual harassment at the workplace • To equip them with an thorough understanding of the Indian law • To enable students to handle cases of sexual harassment
SCHEME OF EVALUATION:	Mid-sem(25 marks), paper 25 marks (20+5 for presentation) and End-sem for 50 marks

COURSE TITLE:	Modern Insurance Law
COURSE OFFERED TO	LLB and LLM
INSTRUCTOR:	Mr. P Ashwini Kumar
NUMBER OF CREDITS:	4
DURATION	January-April 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Risk is a part of life. Occurrence of uncertain events may adversely affect the life of an individual, family, firm, company and also society as a whole. Hence, everybody expects security to life and property. Insurance is meant to protect against uncertain events which may otherwise cause loss/ disadvantage. The contract of insurance is basically governed by the general rules of law of contract. At the same time, it has formulated special rules/principles and developed into “Law of Insurance”. At present, insurance sector (private or public) has greater role in the Indian economy and World economy. Insurance is not only a commercial business but also a tool for the enhancement of the welfare. Insurance is a form of risk management. It appraises the risk involved and controls/reduces the risk through providing compensation to the assured. Thus it assures individuals, community, firms, companies etc and helps in providing security and for the smooth growth. In the first part of the course, we study about the general principles of insurance and also about the regulatory authorities. Further we study about the role of insurance in the economy. The second part of the course is about various kinds of insurance like Life Insurance, Fire Insurance, Motor Vehicle Insurance, Marine Insurance etc and relevant legislations regarding.
SCHEME OF EVALUATION:	1. Mid Semester Examination:25 Marks 2. Project :25 Marks 3. End Semester Examination:50 Marks

COURSE TITLE:	Patent Analysis, Mapping, and Visualization systems (Pat informatics)
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Mr. B Md Irfan
NUMBER OF CREDITS:	2
DURATION	March – April, 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The Intent in this Course is to explore some of the methods and techniques that are commonly used in patent analysis. Patent analysis is an extremely versatile Methodology, with many implications for businesses--strategic planning, mergers, acquisitions, licensing opportunities, R&D management, human resources, competitive intelligence, business intelligence, etc. This course also examines patent analysis tool for competitive intelligence developing using spatial and statistical data schemas and models such as Big databases , data mining and visualization techniques, and graphically rich spatial data models, This course explains various concepts like creating patent landscapes, patent profiling , patent searching, patent visualization , patent research gaps identification, patent competitive intelligence, new venture evaluation, patent portfolio re-engineering and techno-legal reports generation (Patentability, Validity, Infringement and freedom to operate) using open source patinformatics tools. Applications and tools: 1. Obtaining patent data with PatentScope or Google patents application. 2. Cleaning patent data with Open Refined application. 3. Analyzing patent data with Lexis Nexis tools 4. Patent Network Visualization with Gephi or Plotly. 5. Patent landscaping with IPAT systems and MAXVAL. Conclusion: Considering the emergence of patents as game changers in corporate world the course helps the participants develop their skills in patent searching and analysis and use this information for Designing patents landscapes for research and business planning, legal conflict avoidance and resolution at patent licensing and issuing , Business Intelligence development etc , this course helps to implement Text-based, Graphic based and content based searching scenario's with in detail understanding of algorithms and design Architectures of different methodologies and technologies which petitions for availing patent rights, after successful completion of the course the participants shall be capable of handling all the IPR related

	issues such as verification, validation and extension, independently and accurately.
SCHEME OF EVALUATION:	70% for Research, Analysis and Reporting, 30% for MCQ's (theory)

COURSE TITLE:	Protection of Minorities and Indigenous Peoples in International law
COURSE OFFERED TO	LL.M. and LL.B.
INSTRUCTOR:	Mr. Syed Ashaq Hussain
NUMBER OF CREDITS:	4
DURATION	January-April, 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	With ethnic conflicts erupting in many parts of the world, controversial issues concerning minority right have been resurrected again. This has especially been the case since the last decade of the previous century which witnessed massive geo-political changes due to collapse of the communist governments in Eastern Europe and the former Soviet Union. These changes, following aggressive and boisterous movements, largely driven by the forces of ethnicity and nationalism; have virtually brought forth many issues concerning minorities and their rights in international law. Although, international law has accorded protection to minorities since the dawn of the sixteenth century; these new developments, unfolding a political reality, have once again raised questions of identity and group rights in International law. These aforementioned developments are all the more significant since, unlike its predecessor; the United Nations has taken a different approach: protection of human rights became the main focus of international concern in the post-World War II period and minority rights as such were abandoned. The only norm of international law which directly concerns minorities in the whole regime of international human rights law is Article 27 of the International Covenant on Civil and Political Rights which guarantees ethnic, linguistic and religious minorities the right to protect their language, culture and tradition. This article is clearly limited in its scope and content. Besides, it finds difficulty in accommodating minority rights within the individualist and universal framework of human rights. However, international law, like any other law is not static and has evolved to meet the situation and exigencies of time. The United Nations declaration on Minorities Rights, 1992 has led to maturing of new norms and standards for the protection of minorities. Consequently, one of the purposes of the course is to examine the contemporary developments concerning protection of minorities and their rights in international law. Similar developments on the regional side will also be examined. Most prominent amongst them is the Framework Convention for the Protection of National Minorities in Europe, adopted in 1994, will be part of the course, since a comparison of the regional norms and standards with the universal protection accorded to them is important to appreciate the different approaches in resolving the problem of minorities.

	This course also includes discussion of indigenous peoples, considered as one the most deprived and dispossessed groups; since their rights have progressed almost parallel to minority rights in international law. Who are indigenous peoples and what rights they have in contrast to minorities as such would be examined in the light of the UN Declaration on the Rights of the Indigenous Peoples, 2007. This is all the more important because the declaration has evolved some new concepts and norms that were hitherto considered as alien to their rights and claims in international law. It is equally important to mention that this course is taught in the light of the historical protection accorded to minorities in international law, with special emphasis on protection of minorities under the League of Nations. The significant role the Permanent Court of International Justice in evolving a whole corpus of minority rights jurisprudence, which still occupies a central place in any discourse on minority rights, will be examined closely. Broadly speaking the subject is taught on the basis of a thematic approach with issues revolving around the following modules: (i) the concept of minority in international law, (ii) historical protection of minorities, (iii) protection of minorities under the League of Nations, (iv) protection of minorities and the United Nations, (v) human rights and protection of minorities, and (vi) regional protection of minorities. At the regional level, development of the various institutions for the protection of minorities by the European Union shall be examined.
SCHEME OF EVALUATION:	Projects: 25 Mid Sem: 25 End Sem: 50

COURSE TITLE:	Reading and Writing for Academia -1 (Skill Development Program)
COURSE OFFERED TO	LL.B. (1st & 2nd Year Students Only)
INSTRUCTOR:	Dr. Uma Maheshwari
NUMBER OF CREDITS:	2
DURATION	January-March 2017 (as per time table mostly on Every Saturday)
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Any student struggling with reading and writing process Interaction with the course instructor Reading and Writing for academia is a 36 hours composition course whose main goals are to help students develop: 1. Critical reading and writing skills. 2. Ability to synthesize information from several sources into your own writing. 3. Development and organizational strategies for common types of academic writing 4. Revising and editing skills. All the above will be discussed in relation to academic reading and writing tasks. Emphasis will be placed on individual students' needs. To strengthen students' reading skills To prepare students for writing in courses To help students develop information literacy skills To help students develop awareness of their progress as readers and writers 1. Feak, C. and Swales, J. (2009). Telling the research story: Writing a literature review. 2. Swales, J and Feak, C. (1994). Academic writing for graduate students.
SCHEME OF EVALUATION:	Writing diagnostic: 5% Working through a 'quote': 5% Short writing assignment (summary-in-class): 5% Summary writing (one of your readings): 10% Reading for multiple perspectives: 10% In-class rhetoric analysis: 10% Rhetoric analysis (a comparative analysis of two texts): 10% Theme-based pre writing + annotating+ reflective writing+ critical writing:20% Final exam: 25%

COURSE TITLE:	Socio – Economic Offences
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Ms. Anuradha Prasad
NUMBER OF CREDITS:	4
DURATION	January – April, 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The conducts which are criminalized varies from country to country depending upon various factors like political, religious and economic considerations. However there are certain conducts which are recognized as crime irrespective of any ideology which a state follows, for example, offence of murder, sexual offences, robbery etc. Apart from these traditional offences there are certain offences which affect the social and economic well-being of a state. These offences are termed as socio-economic offences. The root cause of such offences could be numerous but the most important cause of such offences as explained by various criminologists is ignoring minor deviations from right practices at the initial stages. The system fails to detect the minor deviations at the initial stages, leading to a situation where these minor deviations take the shape of purposeful wrongful practice culminating into a poisonous tree which affects the material social and economic well-being of the nation. The reality of socio economic offences in India, particularly in relation to economy can be seen through the multi-crorescams, the rising corruption, manufacture and sale of sub-standard and adulterated food items, the fraud being played upon the public distribution system and the like. On the social front also the scenario is almost the same. Instances of torture being meted out to the marginalized sections such as scheduled Castes and Scheduled Tribes, women being subjected to torture of various kinds inside their homes (demands of dowry, mental cruelty for not having a male child, abuse in the forms of physical and sexual violence.) and in the workplaces (sexual harassment, eve-teasing, stalking etc.) is quite rampant. The economic dependence of women has led to various problems related to women abuse in the form of trafficking for sexual purpose and other purposes such as domestic servant, organ trade etc. Thus to know the nature and extent of socio – economic offences in India, it is pertinent to refer to the list of socio-economic offences prepared by the Santhanam Committee. However the list is not exhaustive and there are newer forms of criminality such as smuggling, bank frauds, violation of foreign exchange regulation, etc, which the society has witnessed. The Indian Penal Code contains some provisions to curb the menace of socio – economic offences but the same was not sufficient in the day to day context of curbing socio – economic offences and could not have operated successfully, therefore time and again statutes were enacted and amendments were made in the existing legislations to combat socio – economic offences. There are various enactments in place to deal with the socio - economic offences in India but due to limited span of a semester, the following important enactments dealing with socio – economic Offences will be covered for the better understanding of the course: • The Immoral Traffic (Prevention) Act, 1956

	• The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 • The Prevention of Women from Domestic Violence Act, 2005 • The Food Safety and Standards Act, 2006 • The Prevention of Corruption Act, 1988 • The Prevention of Money Laundering Act, 2002
SCHEME OF EVALUATION:	Project: 20 Marks Presentation: 5 Marks Mid – Term : 25 Marks End – Term Exam: 50 Marks

COURSE TITLE:	International Security Law
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Mr. Abhimanyu Singh
NUMBER OF CREDITS:	2
DURATION	January – February, 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	International Security Law focuses primarily on collective security measures involving both military and non-military activities against both traditional and non-traditional security threats. The course will introduce students to the conceptual, normative and institutional framework governing international security law. It will move on to two major components of collective security measures - peacekeeping and peace enforcement - in which recent operational and doctrinal developments such as civilian protection and the notion of "responsibility to protect" will also be discussed. The reinvigoration of the UN Security Council's authority and its expanded conception of security since the end of the Cold War have significantly increased an understanding of the legal basis, nature and limits of collective security measures. During the course, students will be given opportunities to familiarise themselves with contemporary examples of how international law in different areas regulates the way in which security measures are adopted and undertaken in response to existing and emerging threats. OBJECTIVE By the conclusion of this course, it is intended that students who have successfully completed all of the course requirements will be able to: ▪ Demonstrate an advanced understanding of international law as it applies to international and regional security issues; ▪ Demonstrate a sound knowledge of the normative and institutional frameworks characterising international security law and rules governing the operations for the purpose of maintaining or restoring international peace and security; ▪ Explain and critically analyse the operation of the relevant provisions of the United Nations Charter and other international legal instruments dealing with various international or regional security issues; and ▪ Plan and execute complex legal research with independence in order to produce original scholarship on a specific aspect of international law issues arising from different international security concerns within the normative and institutional frameworks. TEXT AND READING MATERIALS In view of the intensive nature of the course, it is highly desirable for you to do some preliminary reading for the first classes. You will be provided with a reading guide, which will be made available a few weeks prior to the commencement of the course. It is advisable that you read at least core readings and, if you can, as much literature as possible from the reading guide and come prepared to the first class. For those of you who are new to this field, the following introductory textbook is recommended for preliminary reading:

- Nigel D White, Advanced Introduction to International Security Law (Edward Elger, 2014).

The following books are also recommended, but not prescribed.

- Hitoshi Nasu and Kim Rubenstein (eds), Legal Perspectives on Security Institutions (Cambridge: Cambridge University Press, 2015).
- Nicholas Tsagourias and Nigel D White, Collective Security: Theory, Law and Practice (Cambridge: Cambridge University Press, 2013).
- Alexander Orakhelashvili, Collective Security (Oxford: Oxford University Press, 2011).
- Alan D Hemmings, Ronald R Rothwell and Karen N Scott (eds), Antarctic Security in the Twenty-First Century: Legal and Policy Perspectives (London: Routledge, 2012).
- Natalie Klein, Joanna Mossop, and Donald R Rothwell (eds), Maritime Security: International Law and Policy Perspectives from Australia and New Zealand (London: Routledge, 2010)
- Hitoshi Nasu, International Law on Peacekeeping: A Study of Article 40 of the UN Charter (Leiden: Martinus Nijhoff, 2009)
- Cecilia M Bailliet (ed), Security: A Multidisciplinary Normative Approach (Leiden: Martinus Nijhoff, 2009).
- Gareth Evans, The Responsibility to Protect (Washington: Brookings Institution Press, 2008)
- Simon Chesterman, Thomas M Franck & David M Malone, Law and Practice of the United Nations: Documents and Commentary (New York and London: Oxford University Press, 2008)
- Ramesh Thakur, The United Nations, Peace and Security (Cambridge: Cambridge University Press, 2006)
- Benedetto Conforti, The Law and Practice of the United Nations (3rd revised ed, Martinus Nijhoff Publishers, 2005)
- Ray Murphy, UN Peacekeeping in Lebanon, Somalia and Kosovo: Operational and Legal Issues in Practice (Cambridge: Cambridge University Press, 2007)
- Kenneth Manusama, The United Nations Security Council in the Post-Cold War Era: Applying the Principle of Legality (Leiden: Martinus Nijhoff Publishers, 2006)
- Marten Zwanenburg, Accountability of Peace Support Operations (Leiden: Martinus Nijhoff Publishers, 2005)
- Kofi A Annan, In Larger Freedom: Towards Development, Security and Human Rights for All (New York: United Nations, 2005)
- Erika de Wet, The Chapter VII Powers of the United Nations Security Council (Portland, Oregon: Hart Publishing, 2004)
- UN Secretary-General's High Level Panel on Threats, Challenges and Change, A More Secure World: Our Shared Responsibility (New York: United Nations Department of Public Information, 2004)
- International Commission on Intervention and State Sovereignty, The Responsibility to Protect (2001)
- Danesh Sarooshi, The United Nations and the Development of Collective Security: The Delegation by the UN Security Council of Its Chapter VII Powers (Oxford: Oxford University Press, 1998)
- Sydney D Bailey and Sam Daws, The Procedures of the UN Security Council (3rd ed, Oxford: Oxford University Press, 1998)
- Nigel D White, Keeping the Peace (2nd ed, Manchester: Manchester University Press, 1997)

	▪ Hans Kelsen, Collective Security under International Law (Naval War College, 1957)	
	COURSE OUTLINE	
	DAY 1	Introduction and Notion of Security
	DAY 2	Analytical Framework of Security
	DAY 3	Norms of International Security Law
	DAY 4	The UN Security Council and Collective Security
	DAY 5	The UN Security Council Working Methods
	DAY 6	International Security and Peacekeeping
	DAY 7	The Responsibility to Protect & Civilian Protection in Armed Conflict
	DAY 8	Collective Security with special reference to the so-called 'Islamic State'
	DAY 9	Case-Study 1: Democratic Republic of the Congo (DRC)
	DAY 10	Non-Traditional Security Issues and International Law
	DAY 11	Food Security
	DAY 12	Regional Security
	DAY 13	Case-Study 2: ASEAN and Human Trafficking/People Smuggling
	DAY 14	Maritime Security
	DAY 15	Case-Study 3: South China Sea Dispute
	DAY 16	Future Directions and Course Wrap up
SCHEME OF EVALUATION:	Will be notified shortly	

NALSAR University of Law



Seminar Courses Outlines
(In House Faculty)

JANUARY-APRIL, 2017

COURSE TITLE:	Caste and Political Mobilization in India (Social Science Seminar)
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Dr. T. Kannan
NUMBER OF CREDITS:	3
DURATION	February – April, 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The political mobilization of ethnic groups and communities in Modern India cannot be imagined without the caste based political mobilization of mainstream political parties on the one hand and the organization of caste groups into autonomous political forces on the other hand. The caste based political mobilization in a sense simultaneously makes caste system more rigid and as well as creates a political space to question such rigidities. The proposed new course will help our students to understand the politics behind the construction of political identities that are derived from caste consciousness. Outline: I Caste Hierarchy, Power and Dominance II Caste and Political Mobilization in Colonial India III Caste and Political Mobilization in Post-Colonial India IV Caste in Contemporary Indian Politics
SCHEME OF EVALUATION:	Research Paper: 50 Marks Oral Presentation of the Research Paper: 20 Marks Paper discussion in Class Room: 20 Marks Class room participation and attendance: 10 Marks
SELECTION CRITERIA	Statement of Purpose

COURSE TITLE:	Commons, Conservation, Poverty and the Forests (Social Science Seminar)
COURSE OFFERED TO	LL.B. & LL.M. (Joint)
INSTRUCTOR:	Mr. Jagteshwar Singh Sohi
NUMBER OF CREDITS:	3
DURATION	Jan – March
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	<i>Basing our inquiry in the Forest we shall endeavour to understand the delicate balance b/w Protection of Environment and Needs of the People it affects most.</i> As a good read on the broad issues we'll be covering in this course, please see below: John Vidal, "The tribes paying the brutal price of conservation" (The Guardian: August 28, 2016; 08:00 BST) The Botswana police helicopter spotted TshodanyestsoSesana and his friends in the afternoon. The nine young <u>Bushmen, or San</u>, had been <u>hunting antelope to feed their families</u>, when the chopper flew towards them. There was a burst of gunfire from the air and the young men dropped their meat and skins and fled. Largely through luck, no one was hit, but within minutes armed troops arrived in a jeep and the nine were arrested, stripped naked, beaten and then detained for several days for <u>poaching in a nature reserve</u>. Welcome to 21st-century life in the vast Central Kalahari game park, <u>an ancient hunting ground</u> for the San, but now off-limits to the people who forged their history there. The brutal incident took place last week, just days after Botswana's wildlife minister TshekediKhama, the brother of President Ian Khama, announced <u>a shoot-on-sight policy on poachers</u>. Khama claims the policy, which is supported by conservation groups, will <u>deter poaching and the illegal wildlife trade</u>, which is widely <u>seen by Europe and the US as disastrous for biodiversity</u>. But there are no rare or endangered species such as elephants or rhinos in the areas where the bushmen hunt. Sending a helicopter gunship and armed guards to arraign the hunters looks rather like an escalation of the low-grade war that Botswana has waged for years on one of the most vulnerable indigenous groups in the world. <u>For the past 20 years, the San have been systematically stripped of their homes, land and culture</u>. In a series of heavy-handed evictions, houses have been burned, schools and health centres closed, and water supplies cut off. <u>Now these people live, dispossessed, on the edge of the huge game park, forbidden to hunt in or enter the land they have lived on sustainably for centuries</u>. Meanwhile, <u>one of the largest diamond mines in the world has been allowed to open in the park, and wealthy big game hunters from abroad</u>

are welcomed to newly constructed state-of-the-art game lodges. Is this conservation, or something more akin to bullying of the weak and exploitation of the land in the interests of the powerful?

What has happened in Botswana is happening all over the world, according to an increasingly vocal group of campaigners, academics and environmentalists. They claim that indigenous peoples are being appallingly treated and abused, all in the name of a conservation philosophy that carries a heavy human cost. In order to make room for wildlife, tourism and industry, governments are using conservation as a pretext to drive the world's most endangered peoples away from the lands and animals they have lived with for generations.

This week, the issue will be raised in Hawaii at the International Union for Conservation of Nature's congress. "*The world's most vulnerable people are paying the price for today's conservation*," says Victoria Tauli-Corpuz, UN special rapporteur on the rights of indigenous peoples. She has already sounded the alarm at the UN over the impact that conservation is having on tribal peoples in Kenya, Uganda, Bangladesh, Namibia, Botswana, Ethiopia, South Africa, Argentina, Chile and Ecuador.

Tauli-Corpuz will tell the congress that nature conservation is not working for people or for wildlife. "*Houses are still being burned down, and people are being displaced violently. Protected areas continue to expand, yet threats against them are also increasing*," she will say. Vulnerable tribal peoples are being removed by force from India's tiger reserves and forests; tribal groups such as the Ogiek and Sengwer, the San, Maasai and Baka are being forced out of forests and wildlife-rich plains in Africa; and from Thailand to Ecuador, Cameroon to Bangladesh, ethnic groups are being dispossessed in the name of protecting nature.

"*It is happening all over Asia and Africa. We can agree with the goals of conservation, but if these protected areas are then being overrun by mining companies, what is the point of conservation?*" Tauli-Corpuz said.

What's more, human rights groups claim, governments are accessing wealthy conservation groups based in the US and Europe to take advantage of the billions of pounds of conservation money being offered by global banks, northern governments and foundations for climate change and biodiversity protection. The international money duly flows in, but recipient governments are not abiding by international laws to protect communities.

"*Governments like conservation because there is a lot of money in it. It brings money from the Global Environment Facility and elsewhere. But when your economic priority is to generate money from conservation, you want to get rid of people from these protected areas. That is what is now happening*," Tauli-Corpuz told the Observer.

Most of the world's 6,000 national parks and 100,000 protected places have been created by the removal of tribal peoples. Hundreds more parks are being created every year as countries commit to meeting the UN's goal to protect 17% of land by 2020. And the human toll is rising accordingly. *"Eviction numbers are declining,"* says Rosaleen Duffy, a political ecologist at Sheffield University. *"There are still large-scale, violent evictions, generally in national parks, but they are less common now. But much more common is the everyday form of exclusion [of tribal groups] which makes it impossible for anyone to live in protected areas."*

Gonzalo Oviedo is head of social policy at the IUCN. He told the Observer: *"Conservation has changed a lot. Governments are more likely now to restrict the rights of people who live in protected areas. They may ban hunting, or farming, the cutting down of trees or fishing. The effect is to force people to move."*

"They are more careful now about evictions. But in practice they are reducing access to resources and reducing people's ability to live in protected areas. People in reserves may not be allowed to do anything. They are often poorer than they were before, and the impact can be bigger than if they are moved out," said Oviedo.

Simon Counsell, director of the UK's Rainforest Foundation, agrees: *"Much conservation is still in the mindset of being in opposition to people. The 'conservation v people' approach to protecting wildlife has worsened the lives of thousands of native people."*

The foundation this year documented dozens of cases of human rights abuses in central Africa, where up to \$500m has been spent in the last decade by the US, EU and other western donors to protect the world's second largest swath of rainforest.

The irony is that *"anti-people" conservation doesn't appear to be having a beneficial effect on wildlife and may in fact be self-defeating.* Analysis this year of 34 large protected areas in Congo DRC, Cameroon, Gabon, the Central African Republic and the Republic of Congo found that conservation had displaced villages and led to conflict and multiple human rights abuses – and that animals including elephants, gorillas and chimps were still declining at alarming rates anyway.

"Conservation is clearly not working," said Counsell. *"Despite billions of dollars being poured into protected areas over this period and in spite of legally binding commitments to respect people's rights, there was evidence that local indigenous and local communities across the world continue to pay a heavy price for protected areas,"* he said.

"A new model of saving nature is urgently needed because the anti-people agenda now being practised by many countries is not working and undermines attempts to protect nature. Not only is the present anti-people model which is being practised unjust. It marginalises the very

people who have protected forests for millennia and who represent one of our best hopes for doing so in the future.”

Meanwhile, tension is mounting between human rights groups who seek to protect people and conservationists who are paid to effectively run protected areas for government. The ill-feeling came to a head this year when the WWF was accused by tribal defence group Survival International of funding and logistically aiding anti-poaching eco-guards in Equatorial Africa. The guards were allegedly victimising pygmy groups in the region.

According to a 228-page complaint made to the OECD, the Baka people in Cameroon had been forbidden to enter many of their traditional hunting areas, despite the fact that their hunting is reported to have minimal impact on the environment.

The WWF responded that it provides human rights training for the eco-guards, and that it was working in a complex area overrun with military groups. Adjudication by the OECD on that row is expected shortly.

According to Duffy: “Some groups are in danger of becoming complicit in government wrongdoing. They rely on national governments to allow access. Some have very significant links with corporates and corporate sponsorship, and tend not to be very critical of what is going on. It can be difficult for them to talk out of turn. Some facilitate the process.”

The IUCN’s Gonzalez believes conservation groups and western governments need to monitor what is happening on the ground far more closely. *“A lot has changed in the big groups but there is still a lot to be done. Countries often impose no conditions on money for conservation. EU countries give money but do not have sufficient safeguards on how it is used. They don’t care what is going on. But multilateral groups like the World Bank have social safeguards and are more careful now. Why don’t governments have the same safeguards? Foundations and private money also do not care much about the impact of their spending,”* he said.

According to Kristen Walker at Conservation International’s Policy Center for Environment and Peace, the big conservation groups are attempting to adapt to often difficult dilemmas and relationships. *“We can find ourselves in tricky situations. We are invited guests in countries, but we also try to advocate and support communities, too. There are countries we have pulled out of because we felt we could not work there, and in some places people expect us to be more outspoken advocates.*

Governments sometimes look at the short term. We have adopted a rights-based approach and we are guided by an indigenous advice group. There has been a lot of change in conservation in 10 years. But how do you make sure governments are not short-sighted? How do you make sure communities are recognised? These are challenges,” she said.

The lobby in favour of returning more protected land to the original “owners” is growing. Studies by the Centre for International Forestry Research and the World Bank have found that when traditional communities are given full legal rights to their land, they protect the environment efficiently and cheaply.

“In India, tribal peoples face arrest and beatings, harassment, threats and trickery and feel forced to ‘agree’ to leave their forest homes. But the evidence proves that tribal peoples are better at looking after their environment than anyone else”, says Sophie Grig of Survival.

“In the BRT tiger reserve in southern India where tribal people have been allowed to stay, tiger numbers have increased at above the national average. There is no reason to believe that evicting tribes helps tigers. In fact, it’s harming conservation.”

In Hawaii this week, Tauli-Corpuz will make the same argument. She will tell delegates that indigenous-owned lands are effective at resisting deforestation in Brazil; that in Namibia, community-based wildlife management has resulted in significant growth in wildlife populations; and in the US and Australia, indigenous peoples manage protected areas effectively. *“Studies have demonstrated that the territories of indigenous peoples who have been given land rights have been significantly better conserved than the adjacent lands”.*

Leading environmentalists and human rights advocates, including Noam Chomsky, Jonathon Porritt and Ghilleen Prance, agree. Last year they appealed to conservationists to protect endangered tribes. In a letter to the *Guardian*, they stated: *“Tribal peoples have managed their lands sustainably for generations. Forcibly removing them usually results in environmental damage. Such removals are a violation of human rights. The cheapest and quickest way to conserve areas of high biodiversity is to respect tribal peoples’ rights. The world can no longer afford a conservation model that destroys tribal peoples: it damages human diversity as well as the environment.”*

The argument is still a long way from being won. But could 2016 be the year that some of the world’s most ancient tribes began to return to the land of their ancestors?

MAASAI (Tanzania)

Thousands of pastoralist Maasai groups in Tanzania have been evicted from a 1,500 sq km area close to the Serengeti, Maasai Mara and Ngorongoro national parks. The government has tried to remove them to establish exclusive game-hunting in the area. In 2009, a mass eviction left more than 200 homes burned and 3,000 people homeless.

BAIGA (India)

Thousands of these tribes people in India are being forcibly evicted from Kanha tiger reserve, though they do not hunt tigers and have lived in the forests with the animals for centuries. Many other *adivasi*, or tribal groups, are under notice to leave their forest homes to make way for tourism and tiger conservation. The Baiga have now set up a project to “save the forest from the forest department”.

BAKA (Cameroon)

The indigenous forest pygmy tribe which lives near Nki national park in south-east Cameroon, and the Bagyeli ethnic group of South Kribi have been forced out of their forests or massively restricted in what they hunt and fish. The groups say that they have become squatters on their own land, with entry into the forest restricted.

HMONG (Thailand)

Thousands of ethnic Hmong and Karen hill tribes groups in northern Thailand have been displaced from their forests after they were designated national parks or protected areas. The groups have been classed as “illegal occupants” or “squatters” even though they have been living there for more than 100 years. The Hmong and Karen are routinely blamed for resource degradation but say their traditions protect nature.

BARMAN (Bangladesh)

These tribespeople, who have lived in the forests of central Bangladesh for centuries with other ethnic groups, have been evicted or prevented from living in traditional lands rezoned by the government as protected reserves in the 1980s. They are now restricted in where they live, move, and what they grow.

SENGWER (Kenya)

Kenya Forest Service guards have for years harassed and tried to evict Sengwer indigenous people from the western highlands. The 5,000 hunter gatherers were barred from their ancestral forests in 1964 but continue to return. Many now live in makeshift homes, camped out on roadsides.

SAN (Botswana)

The San, or Bushmen, peoples of the Kalahari Desert in Botswana have been outlawed from their traditional lands to make way for tourism and mining. Even though they have lived in the desert for generations, they are considered a threat to wildlife. In a series of evictions, they have had their homes destroyed and water cut off and have been restricted from hunting. In 2006 the high court granted the Bushmen the right to return to their land, but the government has continued to enforce a permit system.

OGIEK (Kenya)

The Kenyan government has long been seeking to drive the Ogiek and others from the Mau forest to protect national water supplies and wildlife. The forest has been severely degraded after an influx of logging companies and illegal settlers, but the Ogiek, who have lived there for centuries, say they are not responsible and are resisting eviction. Many communities have had their homes burned but continue to fight to return.

DUKHA (Mongolia)

The nomadic reindeer-herding Dukhatribes of northern Mongolia are struggling to survive after being banned from hunting in the name of conservation. Their traditional land was declared a protected area in 2013 and they face prison and restrictions on where they migrate to and hunt. The Dukha have hunted sustainably for generations, with their own strict rules governing the number of animals they can kill, and when and where they can hunt.

LICKAN ANTAY (Chile)

The LickanAntay indigenous people from the Atacama Desert in northern Chile live in a state-protected reserve but have been overwhelmed by tourism and conservation which leaves them little water and restricts them from access to many places. *“Before the creation of the reserve there wasn’t a single tourist, and suddenly they’re everywhere. Our existence is now a constant battle,”* says one member of the community.

WANNIYALA-AETTO (Sri Lanka)

The “forest people” of Sri Lanka were evicted from their homeland in what is now the MaduruOya national park. Until recently, they hunted deer and wild boar, and collected honey, fruit and nuts. Today, they live outside their forest with small plots of land to grow rice and vegetables. They need a permit to enter the forest and those caught hunting risk arrest and violence.

Most of the lectures, and resultant discussion shall flow from the various readings (*articles, reports, case-laws etc.*) shared with you prior to the class. You may refer to the below mentioned books to build a general understanding of the legal regime in relation to environment in India.

Books for reference

Author	Name	Edition	Referred as

	S. Shastri	Environmental Law	5 th ed., 2015	<i>Shastri</i>
	Shyam Divan & Armin Rosencranz	Environmental Law and Policy in India	2 nd ed., 2001 [2010]	<i>Divan &Rosencranz</i>
	N.V Paranjape	Environmental Laws and Management in India	1 st ed., 2015	<i>Paranjape</i>
	S.C Tripathi	Environmental Law	6 th ed., 2015	<i>Tripathi</i>
	ArjyaMajumdar et al	Environment and Wildlife Laws in India	1 st ed., 2013	<i>Majumdar</i>
SCHEME OF EVALUATION:	Evaluation system - Abstract of 500 words: 10 Marks - Inexhaustive Bibliography of atleast 5 articles: 10 Marks - Skeletal outline of paper: 20 Marks - Final Paper of 5000 words: 60 Marks			

COURSE TITLE:	Competition Law
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Mr. Sudhanhsu Kumar
NUMBER OF CREDITS:	4
DURATION	January – April 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Competition law defends the practice of fair competition. One of the reasons for having legal framework for competition in market is to remedy those instances where the actions of one or more individuals or entities or organizations causes the collapse of free market system. It is important to lay down rules of the game so that every participant of the market has a fair and equal chance of flourishing. With the growth of both volume of transactions and the complexity of economies, jurisdictions across the globe have come to realize the need and benefit of having a well-defined competition policy and probably this is the reason the antitrust regime has seen the fastest growth when compared to other economic regulations. It is widely accepted, though some economists rebut the idea that competition law acts as a catalyst in promoting innovation and economic growth along with social progress of the nation. Antitrust laws prevent individual or collective acts or any other form of negative co-operation that adversely affects competition and functions to set prices at altitudes at which market can breathe, largely without interference and in a way that cannot be done through central control. Indian competition regime is fairly new when compared when compared to its counter parts. The Monopolies and Restrictive Trade Practices Act, 1969 was passed subsequent to finding and recommendations of Mahalanobis (1960) and Monopolies Inquiry Commission (MIC) (1964) to prevent monopolization or concentration of economic power. MRTP can be said to be the precursor of Competition Act, 2002 and can be considered as a move from preventive mechanism to developmental mechanism. The LPG model coupled with the shortcomings of MRTP paved the way for passing of new Act on the recommendation of Raghavan Committee. Doing away with prohibitory provisions for monopoly trade practices, restrictive trade practices and Unfair trade practices, the new Act has three major provisions which deal with ‘Anti-competitive agreements, Abuse of dominance and Regulation of Combinations.’ The growing powers of Competition Commission of India is evident from its recent decisions which cuts across different sectors including petroleum, pharma, entertainment, real estate, cement etc and which has forced market entities to review their business strategies and focus on competition compliances.

COURSE STRUCTURE

This course on competition law has been structured in a manner to understand the objectives of antitrust laws. To appreciate the law of the land it is essential to also understanding of economic underpinnings of the legal framework. The course will also include a comparative assessment of Indian competition law with its counterpart in UK and US.

I. Economics and Competition law

- Competition – Meaning and Objectives – Types of Competition (Perfect – workable – effective etc) – Economic efficiency and welfare
- Schools of competition analysis and theories of competition law (Harvard school; Chicago school; post Chicago; neo-Chicago) – Contestable market theory – transaction cost economics – Game theory
- Market and its types – Relevant market – Market power – dominant power
- Techniques and tools of competition law – form of effects and theories of harm – over and under enforcement Type 1, Type 2 errors – Use of economic analysis.

II. Introduction to Competition law –

- What is competition – why is competition needed in market – Objectives of competition law – Political content of Anti-trust - overview on laws on competition law (India; EU; US) – Shift from Monopolies and Restrictive Trade Practices Act, 1969 to Competition Act, 2002 – Preamble of Competition Act, 2002.

III. Anti-competitive Agreements (S. 3(1), S.3(2), S.3(3)(a) + S.19(3) along with comparisons with Article 101 TFEU

- Definition of Agreement – concerted action – Concept of Single overall agreement - unilateral conduct; Definition of Enterprise – commercial v. Sovereign activities – Single economic entity doctrine; Meaning of ‘Appreciable’- De-minimis doctrine; Causes or likely to cause.; ‘Competition within India’ – effects doctrine
- AAEC – Section 19(3) – Negative and positive effects - Sources of monopoly power
- Object (horizontal) and effect (Vertical agreements); Horizontal price fixing agreements (price fixing ; Pricing methods) – Exchange of information
- Section 3(3); Limiting or controlling production - Group boycott - cases discussed like White lead case; FICCI multiplex etc.; Market allocation and sharing; S.3(1) v. S.3(3) debate including R. Prasad dissenting opinions; Collusive tendering - LPG case; Price Parallelism with cases

- Cartels - Cement / LPG / Domestic airlines
- S. 3(4)- Distribution chain - vertical integration concept - inter-brand and intra-brand competition - Block exemption in EU; Per se Rule and Rule of Reason; Tie-in agreements - Types and cases; Exclusive supply - cases like shamsherkataria / US v. Standard Oil / Exclusive motors; Selective distribution - Metro doctrine; Refusal to deal – cases; Resale price maintenance - positive and negative effects - Leegin rule

IV. Abuse of dominant position - Section 4

- Relevant market concept and cases - SSNIP test; Dominant position - Akzo presumption - cases like BCCI case/ MCX stock exchange case / Belaire owners association case; Predatory pricing - Areeda Turner test; Exploitative pricing strategies - price discrimination - discriminatory rebates and discounts; Limiting and controlling production; Refusal to supply - commercial solvents case; Essential facilities doctrine

V. Combinations – Section 5, 6

Reading List

1. Michal Gal, 'The Ecology of Antitrust: Preconditions for Competition Law Enforcement in Developing Countries', New York University Law and Economics Research Paper Series, Working Paper No. 02-03
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=665181
2. Evolution of Competition Policy and Law by - Pradeep S Mehta & Simon J Evenett –http://www.cuts-ccier.org/pdf/Evolution_of_Competition_Policy_and_Law.pdf
3. Why India adopted a new Competition Law, A CUTS C-CIER publication (Specially focus from Section 4 onwards, you can skim read the previous provisions) –<http://www.cuts-ccier.org/pdf/wiancl.pdf>
4. OkeogheneOdudu, "Interpreting Art. 81(1): the object requires revisited," European Law Review, Sweet & Maxwell, 2001.
5. OkeogheneOdudu, "Restriction of competition by object – what's the beef?," Competition law Journal, 2009
6. New Definitions of Relevant Market and the Assault on Antitrust, Robert Pitofsky, Columbia Law Review, Vol. 90, No. 7 (Nov., 1990), pp. 1805-1864
7. Phillip Areeda and Donald F. Turner, "Predatory Pricing and Related Practices under Section 2 of the Sherman Act", Harvard Law Review, Vol. 88, No. 4 (Feb., 1975), pp. 697-733.

	8. Andrey V. Makaro, “Comparative analysis of antitrust policy against collusion in some transition economies: Challenges for effectiveness” WP BRP 20/PA/2014, National Research University. Books: 1. Richard Whish, David Bailey, COMPETITION LAW, 7th ed., Oxford University Press, 2012. 2. Alison Jones, Brenda Sufrin, EU COMPETITION LAW, 5th ed., Oxford University Press, 2014. 3. D.P. Mittal, COMPETITION LAW AND PRACTICE, 3rd ed., Taxmann Publications, 2011. 4. Sandra Marco Colino, CARTELS AND ANTI-COMPETITIVE AGREEMENTS, Ashgate Publications, 2012. 5. T. Ramappa, COMPETITION LAW IN INDIA: POLICY, ISSUES AND DEVELOPMENT, 3rd ed., Oxford University Press, 2006.
SCHEME OF EVALUATION:	PROJECT + PRESENTATION
SELECTION CRITERIA	CGPA

COURSE TITLE:	Democracy and Development: Interrogating the Indian context (Social Science Seminar)
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Mr. Harathi Vageeshan
NUMBER OF CREDITS:	3
DURATION	February-April 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Democracy based on the principles laid down in the constitution became a most popular ruling system in the past two century and a half. Development as a concept is closely associated with economic wellbeing. The ruling system has to take in to cognizance of the wellbeing of its people to attain and continue its legitimacy. The relationship between the two concepts is well debated since the beginning of the twentieth century. How the democracies are visualizing development and how they attempt to realizes those visions is an interesting area of study in politics and development studies. The role played by the state and the market in ushering democracy and development dominated the debate of development politics and democratization since the early twentieth century. The aims, processes and consequences of the ‘development’ became part of the debates of deepening and strengthening democracies across the globe. India became independent from colonial yoke in the middle of the last century. For this newly independent state keeping democracy and development in alignment was a great challenge. Establishing institutions of representative democracy based on the universal adult franchise and using their energies to bring a balance between freedom and equality in a plural and unequal social and economic context was the task the republic embarked up on. Development was seen as a vital and inseparable part of the democratic agenda, and it was clear to all that the Indian state was cast in an economic role in order to further the cause of democracy. There was a general consensus to use the centralized state in a quasi federal arrangement to modernize and develop the state . But by the end of the 1960s decade however the first cracks in this consensus began to emerge. This breakdown of consensus then sped along, and by the 1980s through many other tumultuous events of Indian politics, the challenge to the Nehruvian consensus became stronger, louder, and deeper. The aim of the democracy/development project was to challenge social and economic privileges that were entrenched in India. In reality, however, the Indian state soon forgot the intertwined nature of the democracy/development agenda and hoped that somehow the fruits of development would seep downwards without any concrete and institutional changes being made in this regard. This assumption had its serious inherent limitations and led to unevenness in the front of well being of people at large. People’s restlessness began to express itself in the form of numerous social movements that questioned the legitimacy of the Indian state and its policies. These movements repeatedly drew attention to the sharp inequalities and discriminations that continue to be a part of the Indian landscape. These movements

	challenge the practice and ideas of development; question the validity of a development programme that leaves out the experience and aspirations of the vast majority of Indian citizens. These struggles are taking a new shape in the period of liberalisation which was ushered in the early 1990s in India. In the above back ground the seminar course looks in to the global debates on democracy and development. It attempts to focus more on the Indian journey in the path of democracy and development. The course intends explore The essential aspects of democracy and key aspects of development debate The connection and disjunction between democracy and development The interplay of the concept liberty, equality and justice.
SCHEME OF EVALUATION:	Class room discussions 15Marks , Project Paper 70 Marks , Project Presentation 15 Marks
SELECTION CRITERIA	SOP

COURSE TITLE:	Democracy and Elections
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Prof. P.B. Shanker Rao
NUMBER OF CREDITS:	4
DURATION	January – April, 2017
BRIEF DESCRIPTION (MINIMUM 500 WORDS)	The word election has both a wider and narrower meaning depending upon the schme of the act. In a narrower sense, the word “elections” means the final selectionof the candidate by taking poll when polling is necessary and without taking polling when the candidate returned is unopposed. The word election in article 329 (6) of the Constitution of India, and in section 80 of the representation of the peoples act 1951, is used in the wider sense with consequences that the question whether the nomination paper has been rightly accepted or rejected can be determined only by Election Tribunal. The founding fathers of our republic conceived of representative Parlimentary Democracy as the polity best suited to India's background and needs. The framers of the Constitution envisaged equal participation of all the adult citizens in the democratic process without any descrimination. The basics to democratic polity is the concept of Sovereign powers wested in the people.In modern democrasis people govern them selves thourgh their elected representatives. – Some of the debatable points related to elections are:- 1. The terrible cost of elections are inturn are leading to unethical, illegal, elctroval funding from illegal sources as become the major strength to win the elections. 2. The importance of cast in elections is also focused more on winning the elections. 3. An other important area to be focused is on the participation of the youth in Elections in particular registration as a voter and casting of vote on the date of Elections. 4. To retain democracy the role of youth is indispensable. Syllabus 1. Representation of peoples act in 1950 2. Representation of people act on1951 3. Related case laws decided by national election tribunal and Supreme Court of India
SCHEME OF EVALUATION:	<i>Class Participation 10 marks</i> <i>Written Project on Selected Topic on Election Laws 25 marks</i> <i>Oral Presentation of Project 15 marks</i>

	<i>Final Paper of 5000 words 50 marks</i>

COURSE TITLE:	Fundamentals of social justice (and Education) (Social Science Seminar)
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Dr Uma Maheshwari Chimirala
NUMBER OF CREDITS:	3
DURATION	February – April, 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	COURSE DESCRIPTION Social justice is both a goal and process (Adams, Bell, and Griffin, 2007). There are two strands to the course: One, understand of the conceptual frames underlying it while working towards a better understanding of how <i>our</i> social identities and systems of oppression contribute to and/or work against the social justice process. Two, study how education edify social justice both a goal and a process. These two strands of the course will be integrated at various points to help students think deeply about how to find congruence around social justice in their personal and professional lives and between theory and practice. Therefore we will focus on fundamental concepts that breed the need for social justice and then in moving towards understanding how we can contribute to the process of social justice we will engage in readings, watch movies and videos, engage in dialogue, experiential activities and meaning-making exercises that combine to push us into areas of discomfort for maximum learning while not being harmful. LEARNING OUTCOMES This course is intended to equip students with a research, theoretical, and practical background in social justice through the lens of education. My hope is that you will be able to leverage this training in your professional practice to remediate systemic inequities and perpetuate development. Thus, after successfully completing this course, you should be able to: 1. Recall the meaning of key terms and concepts associated with social justice engagement, and education. 2. Understand and be able to assess your positionality and social location in the several spaces you live 3. Find consolation in being uncomfortable and knowing that discomfort (dissonance) is an important part of the social justice process and learning in general 4. Hone your written and verbal communication skills in different formats and venues, including the use of APA (6th ed.). 5. Expand your awareness of social justice issues by developing and understanding of the “interlocking” nature of poverty, violence, racism, sexism, colonization, disability, religious

		persecution, environmental degradation and other forms of oppression.
SCHEME OF EVALUATION:		Will be confirmed in conversation with the participants
READINGS AND WEEK SCHEDULE		READINGS 1. Adams, M. , Bell , L. , & Griffin , R (1997). Teaching for diversity and social justice: A sourcebook. New York: Routledge. 2. Adams, M., Blumenfeld, W., Castañeda, R., Hackman, H., Peters, M., & Zúñiga, X. (2000). Readings for diversity and social justice. New York: Routledge. 3. Goodman, D. (2001). Promoting diversity and social justice: educating the people form the privileged groups. Thousand oaks: Sage publications
schedule	Concept	Reading/assignment
Week 1	The beginning	1. Introduction: Teaching for diversity 2. Knowing the key terms
Week 2	Introduction	3. Chapter 1: Reading for diversity
Week 3	Conceptual framework s	4. Chapter 1 teaching for diversity
Week 4	Power and privilege	5. Ch 2 and 5: Goodman
Week 5	Oppression	6. Chapter 1: Readings for diversity and social justice
Week 6	Systems of oppression: sexism	7. Harris III, F. (2008). Deconstructing masculinity: A qualitative study of college men's masculine conceptualizations and gender performance. NASPA journal, 45(4), 453-474.
Week 7	Systems of oppression: ablism	8. Kattari, S. K. (2015). Examining Ableism in Higher Education through Social Dominance Theory and Social Learning Theory. Innovative Higher Education,40(5), 375-386.
Week 8	Systems of oppression: racism	9. Towards a critical race theory 10. Social Justice and Multilingual Education: Chapter 3 (Skutnabb-Kangas), Chapter 5 (Phillipson) and Chapter 17 (Skutnabb Kangas)
Week 9	Systems of oppression: gender	11. He works she works but what different opinions they make. 12. Kimmel, M (2007) masculinity as homophobia
Week 10	Systems of oppression: hetero/trans sexism	13. Sanlo, R. (2004). Lesbian, gay, and bisexual college students: Risk, resiliency, and retention. Journal of College Student Retention: Research, Theory & Practice, 6(1), 97-110. 14. Spade, D. (2011). Some very basic tips for making higher education more accessible to trans students and rethinking how we talk about gendered bodies. Radical Teacher, 92(1), 57-62.
Week 11	Systems of oppression: religion	15. <i>Reading to be identified</i>

Week 13	Fighting back : Privileged group	16. Ch 2 and 5 Goodman
Week 14	Fighting back: agency	17. Glass, R. D. (2001). On Paulo Freire's philosophy of praxis and the foundations of liberation education. Educational Researcher, 30(2), 15-25
Week 15	Fighting back: education	18. Milner, H. R. (2007). Race, culture, and researcher positionality: Working through dangers seen, unseen, and unforeseen. Educational researcher, 36(7), 388-400. 19. Garces, L. M., & Jayakumar, U. M. (2014). Dynamic diversity toward a contextual understanding of critical mass. Educational Researcher, 43(3), 115-124.
SELECTION CRITERIA		Interaction with the Instructor

COURSE TITLE:	Interdisciplinary Studies on the Indian Legal System
COURSE OFFERED TO	LL.B. / LL.M.
INSTRUCTOR:	Mr. Sidharth Chauhan
NUMBER OF CREDITS:	4 credits for LL.B. students 3 credits for LL.M. students
DURATION	January-April 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	In this seminar, we will read the lesser known (but easily available) literature that grapples with questions of institutional design in India's legal system. In the introductory classes we will begin with some historical background on how the modern Indian legal system is seeking to move on from its colonial origins. We will then reflect on broader concerns about access to justice and the quality of justice-delivery in our country before moving on to a loosely demarcated focus on five components of our legal system, i.e. litigation, the judicial system, the legal aid movement, the emergence of commercial law firms and lastly the state of legal education. Most of the reading assignments will be in the nature of descriptive studies that shed light on the experiences of the various stakeholders in our legal system. For instance, the module on the legal profession will include some anthropological writings about lawyers and the complex web of their social relationships. This will enable a more meaningful appraisal of the requisite doctrinal materials such as The Advocates Act, 1961 and the Bar Council of India Rules framed under the same. The module on the judicial system will seek to draw attention to empirical data pertaining to litigation rates (institution, disposal and pendency of cases) and manpower planning in the different tiers of our courts. There will be some engagement with doctrinal works when we come to issues pertaining to the higher judiciary such as the evolution of social action litigation and the ongoing debate on the method of appointments. Another part of the course will cover the evolution of the legal aid movement, with a special emphasis on the concerted efforts to promote dispute-resolution methods such as Permanent Lok Adalats and Mediation. If time permits, we will also look at some writings that examine the emergence of commercial law firms which are engaged in transactional practice. We will conclude the course with some reflections on the state of legal education, which will hopefully give you an occasion to think about your own experiences as a law student.
SCHEME OF EVALUATION:	• Attendance and Class Participation: 20% • Research Proposal + Presentation: 20% • Final submission of research paper: 60% Note for LL.M. students:

	This seminar course is part of the ‘Public Law and Legal Theory’ specialization. Classes will be held throughout the semester and attendance requirements will be enforced.
SELECTION CRITERIA	For LL.B. students: Grades obtained in mandatory courses for History and Sociology. For LL.M. students: Statement of interest in empirical legal research.

COURSE TITLE:	International Commercial Arbitration
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Mr. Rajesh Kapoor
NUMBER OF CREDITS:	2
DURATION	March-April 2017
BRIEF DESCRIPTION (MINIMUM 500 WORDS)	COURSE DESCRIPTION International commercial arbitration has become such a prominent method of resolving international commercial disputes that it is said to be “the only game in the town.” The course deals in an exhaustive manner with the substantive and procedural aspects of the law related to international commercial arbitration. The course will examine and discuss various issues which occur in international arbitral process, ranging from entering into the arbitration agreement to the enforcement of the award. It will focus on theoretical foundations of international arbitration, the juridical nature of arbitration, the agreement to arbitrate, applicable laws, the interplay between national courts and international arbitral tribunals and finally the various issues related with the award. We shall refer to various national arbitration statutes, international arbitration treaties and the arbitral rules of leading international arbitral institutes. OBJECT OF THE COURSE: The object of the course is to enable students to develop legal strategy to solve disputes in the field of international commerce, through the method of arbitration.
SCHEME OF EVALUATION:	Evaluation shall be out of 100 marks, which shall be divided into 2 parts: A research paper of 4000-4200 words (75 marks written submission and 25 marks for oral presentation). ACADEMIC HONESTY Plagiarism and cheating are strictly prohibited.
SELECTION CRITERIA	SOP

COURSE TITLE:	International Dispute Settlement Laws
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Prof. V Balakista Reddy
NUMBER OF CREDITS:	4
DURATION	January – April, 2017
BRIEF DESCRIPTION (MINIMUM 500 WORDS)	International investment law jurisprudence has emerged more by the dispute settlement activities of arbitral tribunals which entertain claims between foreign investors and nation states brought under investment treaties rather than by diplomatic exchange, inter-governmental negotiation, and inter-state treaty-making. Similarly, international investment law also transpires and develops more in view of arbitral awards and proceedings which are precedents and case laws rather than on the basis of traditional textual approaches to treaty interpretation. Nonetheless, applying investment treaties in practice as well as studying and understanding the field not only requires knowledge about the jurisprudential developments but also demands awareness of the historic, economic, and customary international law context of foreign investment activities and this course encourages that kind of approach. Most of the investments that India is making in other countries (cross border investment) are regulated by International Investment law. Be it be the ONGC, HPL investment in Russian oil and gas resources, Indian coal companies investing in Indonesia and recently the dispute between GMR-Maldives row of \$511 million of the airport development contract. There are so many disputes to which India is a party be it the Indian oil companies' investment in Vietnam territorial sea, which China is claiming its right upon. This is just the tip of the iceberg but there are numerous investments which Indian companies have made in foreign jurisdiction. Post White Industries decision, the Indian Government has been threatened with several notices under diverse existing Bilateral Investment Treaties (BITs) and several international companies have threatened to invoke disputes under their respective BITs against the Indian Government for reneging on international obligations. This rising list is indicative of global investors losing confidence in the Government's ability to discharge treaty obligations, and has reportedly led the Government to consider whether investor-state arbitration clauses should be excluded from the country's future bilateral investment treaties. India which was earlier indifferent to the impact of the MFN and other contentious clauses, will now have to be abundantly cautious of the repercussions of such inadequately drafted clauses. As a fall-out of this arbitration award, foreign investors like Vodafone, Sistema and Telenor, amongst many others, are threatening to invoke the arbitration clauses in the investment treaties in order to protect their investments. Thus in all likelihood, in the near future, corporate law firms/ lawyers will be loaded with cases involving investment treaties and laws. It is inevitable that a prospective corporate lawyer should know the investment law. After brief introduction about the investment dispute settlement mechanism, the course will review major principles of substantive law and procedure implicated in investment treaty claims, including

	jurisdictional issues of qualifying investment and nationality; the appointment of arbitrators; interim measures of protection; the relationship between parallel proceedings in domestic and international fora; rules of procedure and disclosure of evidence; substantive standards of protection including assurances of nondiscriminatory treatment, fair and equitable treatment, and protection against unlawful expropriation; state defenses such as necessity and countermeasures; principles governing damages; and the review and enforceability of investment arbitration awards. The focus of the course is on the practical application of legal principles in the context of specific investment claims, governed by international agreements and reflected in arbitral awards and decisions. The aim of the course is to develop an understanding of the nature and function of the various legal instruments, mechanisms and processes constituting investment law, as well as the key issues of the substantive law. The course also aims to provide a critical perspective on the function of the law and its future development in India. This Course will encourage students to look issues pertaining to Investments dispute from a holistic perspective, to drive home the point that the present trend of fragmentation in International Law is going against the larger economic interest of developing countries like India. Thus students will guided to undertake research projects which look at International issue from India perspective through an Inter disciplinary lens and then come up with innovative solutions.
SCHEME OF EVALUATION:	
SELECTION CRITERIA	SOP

COURSE TITLE:	Into the Colonial and Out of It: Caste, Gender and Other Subject Positions (Social Science Seminar)
COURSE OFFERED TO	LLB
INSTRUCTOR:	Mr. Hota Agni Kumar
NUMBER OF CREDITS:	3
DURATION	JAN – March, 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The course aims to deal with specific questions posed and loaded answers reached with reference to caste and gender as subject positions in Colonial India, whatever is the agenda under which they are found to be of seminal social relevance. Various institutions that were related to caste and gender underwent changes during the colonial phase of Indian history and people often found that they were being (re)defined without much of their willingness and knowledge with reference to the identities they lived by which now under the colonial rule were schematized, rationalized, regulated and transformed. Given this, there was no single i.e., monolithic, discourse possible for caste and gender issues from an existential point of view. However, ironically, the colonial government already circulated its administrative rationale in this regard as a system of knowledge and rearticulated its sporadic bureaucratic experiments as well-thought-out legislative policies once they were ‘successfully’ imposed. When a specific managerial initiative or purposive rational /legislative move would face a relative defeat, Indians were blamed as ‘backward’ to that extent and were found to be in need of a rationalization possible only under the British rule. Whatever the British did in the direction of caste and women, they did in order to argue that the British rule in India is a messianic project of civilization awaited in India by its own processual past. While social marginals in India---subalterns so to speak--- were denied to the new schemes of identity chalked out by the colonial programmes of rule, they did not as well found around the familiar transactions of caste that reproduced their patterns of life for all the deprivations built into it. An occasional resentment, revolt or reform reflected crisis that was consequent to this unavoidable dichotomy artificially created by a state. This led some historians to state that various movements and their associate ideologies in colonial India did not have a direction and goal. An entire historiography, viz., Subaltern Studies, was developed to challenge this hasty observation that portrayed helplessness as choice fatalism and interpreted dissent and protest through the reversals and subversions of the regular exploitative mechanisms as revolts without strategy. Apart from those belonging to this school, there are many other individual historians engaged in research with questions that only the discipline of History can claim to formulate. This need not mean that they do not follow any other methodology than the one that swears by History. They could see what archives can reveal with reference to the concealed versions of a reality contemporary with their origin as entrants of a process. Documentary value, archival dimension and status of evidence are but what the narratives add to ideologies they reflect through and discourses they refract through. However, it is noted that it should not mean to reduce the argument of the course to say that such delicate and

	nuanced social science categories as gender form a matter of idle ideologies and idealist discourses and ignore the lived experience. If gender assumptions are based on ideology, gender differences have already charged them to become cultural and all that is cultural, when it comes to argument, is at once political and all political is also ‘practical’. One should be academically lazy to see the divide of practice and theory as valid. In that sense the <i>historians</i> who are really <i>interdisciplinary</i> wrote double <i>histories</i> i.e., of the making of evidence and the making of history on the basis of evidence. Every paper that is going to be submitted to the teacher of the course will be expected to represent an awareness to this effect and it follows that all the papers are already strictly divisible between these two paradigms of approach i.e., empirical base of a probable methodology for a theme and methodological revisit and thereby reinvention of the facts of an ideal and full-fledged empirical situation.
SCHEME OF EVALUATION:	Research Paper:75marks Presentation : 25marks
SELECTION CRITERIA	SOP that strictly engages in the outlines provided by the “Brief Description” above.

COURSE TITLE:	Introduction to Researching (Social Science Seminar)	
COURSE OFFERED TO	LL.B.	
INSTRUCTOR:	Dr. Uma Maheshwari	
NUMBER OF CREDITS:	3	
DURATION	JANUARY-March 2017	
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Learning Objectives Specifically, at the end of this course, conceptually you should be able to: 1. Defend the use of Research Methodology 2. Gain an overview of research intent and design, methodology and technique involved in data collection and analysis. 3. Evaluate the extent of synchrony between the theory as well as the methodological decisions, including sampling and measurement (evaluation of the statistical test as well). 4. Describe and compare the major quantitative and qualitative research methods in empirical and doctrinal research. 5. Judge the reliability and validity of experiments/studies. 6. Be able to assess and critique a published journal article that uses one of the primary research methods we will discuss. Evaluate research studies and their conclusions and be able to draw conclusions from data. 7. Understand the variables/constructs, their operationalisation and their measurement to Gauge the validity and reliability of the studies. Pedagogy The objectives listed above would be achieved through lectures, case-studies, discussions and assignments. Readings Schutt, R. K. (2012). Investigating the Social World: The Process and Practice of Research (7th edition). Los Angeles: Sage. Cane and Krier.(2006). <i>The handbook of empirical legal research</i>. Oxford: Oxford University Press. F. L. Leuwe and H. Schmutts (2016). Empirical legal research. Northampton: Edward Edgar house. Assessment	
SCHEME OF EVALUATION:		
SELECTION CRITERIA	Interaction with the Instructor	
mode	description	Weightage
Exam	There will be exam at the end of the semester. The exam will be a combination of definitions, multiple choice and short answers and critique of a research study.	30
Contribution to lectures	For every class, you are requested to submit a question about one of the chapters that you were assigned for that week. This should be a question that you think could occur on an exam,	20

	and that can be discussed in class. You are required to hand in the question on paper in class. We will then choose 2-3 exam questions every class for discussion.	
Critique	You will each <i>critique the methodology of an article</i> from a peer-reviewed journal which you will use for one of your term papers. The critique should be 3-5 pages long and should analyze based on the criteria used to judge <i>good</i> research in that research methodology.	20
Participation	We will have several <i>in-class exercises</i> to help you learn the concepts introduced in class. You need to be in class that day to receive credit for the exercises. The exercises are part of your participation grade.	30

Course contents

S.no	Topics
Week 1	Introduction to research – why do we need research? The role of research, research process overview
Week 2	Philosophies and the language of research theory building – Science and its functions
Week 3	What is theory?, and The meaning of methodology
Week 4	Thinking like a researcher – Understanding Concepts, Constructs, Variables, and Definitions
Week 5	Problems and Hypotheses – Defining the research problem, Formulation of the research hypotheses, The importance of problems and hypotheses
Week 6	Research design – Experimental and Non-experimental research design, Field research, and Survey research
Week 7	Methods of data collection – Secondary data collection methods, qualitative methods of data collection, and Survey methods of data collection
Week 8	Reliability and Validity
Week 9	Sampling techniques – The nature of sampling, Probability sampling design, Non-probability sampling design, Determination of sample size
Week 10	Processing and analysis of data
Week 11	Ethical issues in conducting research
Week 12	Report generation, report writing, and APA format – Title page, Abstract, Introduction, Methodology, Results, Discussion, References, and Appendices

COURSE TITLE:	Is Labour Law Dead?
COURSE OFFERED TO	LL.B. and LL.M.
INSTRUCTOR:	Prof. N.Vasanthi
NUMBER OF CREDITS:	4
DURATION	January-April 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	There is no dearth of material internationally on the proposition that labour law is dead and as far as India is concerned Professor Upendra Baxi has also opined that labour law is now only legal history. It can be argued that as long as the legislations on labour continue it is unnecessary to speculate on the death of labour law, but it is also true that we can study it as part of our legal history rather than as an alive and vibrant discipline. It is undoubtedly true that Labour Law's traditional boundaries have come to be challenged on many grounds. There is a notable decline in even industrialised countries of collective worker organisations and supporting regulatory mechanisms. There is a decline in standard employment and a rise of new forms of flexible work which lack the formal characteristics of subordination traditionally associated with the contract of employment but are still as exploitative. The intersection of labour and migration concerns and the rise in informal labour markets have given visibility to a whole range of work that is outside the scope of formal regulation and ventures into precarious and unregulated work. Gender becomes an important dimension in such work. The once solid lines between family law, social security law, criminal law and immigration law are beginning to fade. The rise of new forms of work has forced labour lawyers to develop new and more encompassing conceptualisation of work relations. Women as part of the labour force have thrown up new challenges to the way work is understood and regulated. The Global Gender Gap report prepared by the World Economic Forum shows India as the second lowest performing country in terms of health and survival of women. It performs below average on economic participation and opportunities for women. According to the report India is part of 20 worst performing countries on labour force participation. The report notes that women in India perform a disproportionately high amount of unpaid work as compared to men. India has the highest difference between women and men on the average minutes spent per day on unpaid work—a difference of 300 minutes. It is also among the countries with the highest difference in the female and male percentage of total R&D personnel. India has one of the lowest percentages of firms with female participation in ownership. Extending legal protections to the informal sector has proved to be challenging given the diversity of workers and work conditions. The broad category of informal workers includes a range of workers from street vendors and other self-employed workers to contract labour and casual, daily-wage workers. There are several theories of informal labour and existing theories on informality such as dualism or voluntarist school approach.

	The seminar will allow students to explore whether labour law has any relevance in today's day and time.
SCHEME OF EVALUATION:	Lit rev: 25 marks due in the beginning of March End sem paper: 40 marks due at the beginning of April Seminar presentation: beginning of April 10 marks (students who don't meet the deadline will not be able to clear the course)
SELECTION CRITERIA	

COURSE TITLE:	LGBT Impact Litigation
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Ms. Prerna Dhoop
NUMBER OF CREDITS:	4
DURATION	January-April 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The main object is to engage in the study and comparison of the LGBT rights movement in the United States and India in order to examine the unique challenges to successfully conducting ‘Impact Litigation’ designed to enact social change and discuss practical methods to overcome those challenges. It is pertinent to understand the meaning and scope of the term ‘Impact Litigation’ before we proceed to study and compare the LGBT rights movements in the US, India and beyond. The term ‘Impact Litigation’ deals with the designing and development of different strategies and approaches which human rights lawyers may choose from in order to bring about long lasting changes to public policy and legislation. It includes designing effective litigation techniques, promoting national and international media coverage, reporting to and petitioning before international bodies, networking with international non-governmental organizations and research institutes and most importantly, setting exemplary impact litigation techniques for other human rights advocates. As such, the class will study about the LGBT rights movements in the US, India and other countries in order to get a thorough idea of how human rights advocates and organizations design and develop ‘Impact Litigation’ techniques and strategies. The LGBT rights movements in the US and India have largely revolved around a) elimination of sodomy laws; b) advocacy for equal rights like marriage rights; and c) call for ending discrimination in public life. While the LGBT rights movement in the US has reached the second stage with the recent decision in Obergefell v. Hodges, the movement in India is still in its nascent stage with the latest defeat in the legal battle against Section 377 in Suresh Kumar Koushal v. Naz Foundation. However, the recent decision in National Legal Services Authority v. Union of India is said to be progressive so far as it upholds the right of the eunuchs to be recognized as a ‘third gender’ and eligible for special protection and guarantees. As such, it is very important to study these cases in depth and analyze the legal issues involved like for example, how the judiciary dealt with the issues of constitutional morality and societal morality in Obergefell, Koushal and NALSA judgments. Also, we shall have a slightly closer look at the factual and legal arguments and litigation techniques that were employed in these cases. In this way we would be able to gather an understanding of the winning legal arguments and successful litigation techniques in the LGBT rights movement. Apart from the litigation techniques, the class will also study about other strategies and approaches that the LGBT rights movements have employed in order win legal cases and battles outside courts. It is important to understand that the main battle for the LGBT rights movement is fought outside the courts because it is very difficult to

		influence and appeal to societal morality which has largely been anti LGBT persons. As such, we will trace how the LGBT rights movements in different countries have used other fora apart from courts like the political forum and social media in order to spread their message and win wide support among the masses. In this way the students will be able to understand the role of litigation and media within a broader social and political movement. For a practical understanding the students will also learn how to draft a complaint that is designed to serve the dual purposes of persuading a court of law and the court of public opinion. Therefore, by the end of the semester the students would acquire theoretical knowledge and practical expertise to design and develop ‘impact litigation’ strategies required to bring about changes in public policy and law. There will be class readings and discussions on LGBT rights cases (US & India), legal writings and research articles on the topic. Our interactions will only be beneficial if you read the assigned materials in advance and actively participate in the classroom discussions.
SCHEME EVALUATION:	OF	☐ Weekly Group Assignments: 50 marks (5 short assignments of 10 marks each) ☐ Individual Assignment: 30 marks ☐ Class participation: 20 marks
SELECTION CRITERIA		SOP

COURSE TITLE:	Public Private Partnership (PPP)
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Dr. Shaik Nazim Ahmed Shafi
NUMBER OF CREDITS:	2 (TWO)
DURATION	January - February, 2017
BRIEF DESCRIPTION (MINIMUM 500 WORDS)	Objectives: Inadequate infrastructure is a constraint on growth worldwide, and particularly in developing countries. Infrastructure services are often inadequate to meet demand, resulting in congestion or service rationing. Infrastructure services are also often of low quality or reliability, while many areas are simply un-served. This poor infrastructure performance reflects pervasive challenges facing governments. First, most countries simply are not spending enough to provide the infrastructure needed; Secondly, poor planning and coordination, weak analysis underpinning project selection, pursuit of political gain and corruption, mean that the limited resources are often spent on the wrong projects. Moreover, the delivery of infrastructure assets and services often disappoints construction of new assets costs more and takes longer than expected, and service delivery is weak. Finally, infrastructure assets are often poorly maintained, increasing costs and reducing benefits. Hence, a growing number of developing country governments are interested in using Public Private Partnerships (PPP) to provide public infrastructure assets and services. The concept of PPPs aims to help the government officials to answer three questions; what are PPP, and why would we want to use them?; what kind of policy, legal and institutional framework we need to put in place to ensure PPPs are done well? ; What is the process for developing and implementing a PPP project? Students will be taught the various mechanisms underlying the PPPs Concept. Law and Policy Framework of PPPs in key sectors like the Ports, Airports, Railways, Highways, Power, Telecom, Information Technology and Communications will be given as Seminar Topics.
SCHEME OF EVALUATION:	Projects: As per Examination Rules
SELECTION CRITERIA	SOP

COURSE TITLE:	Strict Liability in Criminal Law
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Ms. Anuradha Prasad
NUMBER OF CREDITS:	4
DURATION	January – April 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	In criminal law, strict liability refers to the liability for offences that do not require <i>mens rea</i> or guilty mind to attribute to an element of the <i>actus reus</i>. Such kind of liability is referred to as strict because once the <i>actus reus</i> is proved, the liability is attracted even though the actor is ignorant of the factors which made his acts or omission criminal. The effect of such liability is that the actor may not be culpable in real sense of the term but still can be convicted. These laws are primarily applied in regulating those conducts which are not intrinsically wrongful but the society is interested in the prevention of harm and not the moral blameworthiness of the conduct. The proponents in favour argue that strict liability in criminal law helps in promotion of due care and caution, has deterrent value, easy enforcement of such laws, difficulty of proving <i>mens rea</i> is dispensed with, no threat to liberty, etc. Arguments against strict liability include injustice to the accused, ineffectiveness, little administrative advantage, inconsistent application, and the like. However there are disturbing issues in strict liability which needs objective and critical analysis. The multiplication of strict liability offences in criminal law has prompted the strident criticism from various analysts and philosophers of the law. The imposing of criminal sanctions coupled with the non-existence of any required mental element has been urged by many scholars to be irreconcilable with the fundamental tenets of any civilized criminal law jurisprudence. Jerome Hall, one of the most vigorous and persistent critic of such offences, has consistently condemned '<i>the notion of strict liability as anathema to the coherent development of a rational criminal law</i>'. It has nowhere been evidently proved that the strict liability statutes have a deterrent effect greater than that of ordinary criminal statutes. The notion of 'fault' is quite ambiguous to obscure the sense in which these statutes do impose liability 'without fault'. It is admitted on the one hand that strict liability offences are the creation of statutes and many strict liability statutes do not perform the very desirable social function. It is also conceded on the other hand that legislatures might have been negligent and unwise in their selection as to which crimes are crimes of strict liability. But until the critical issues involved in strict liability offences are considered more carefully and precisely, it cannot be evidently said that all strict liability statutes are inherently vicious or irrational legislative blunders. In this backdrop this Seminar <i>inter alia</i> will address the following issues: • What kind of conduct can be categorized as strict liability offences? • Why the requirement of <i>mens rea</i> is dispensed with in strict liability offences?

	• How have the courts approached in determining the offence of strict liability? • Why is the existence of strict liability offences considered so controversial since its inception? • What are the justifications of imposing criminal liability where no <i>mensrea</i> has been proved? • How far does the imposition of criminal liability depend upon the existence of fault?
SCHEME OF EVALUATION:	Research Paper: 60 Marks Presentation: 30 Marks Class Participation: 10 Marks
SELECTION CRITERIA	SOP + Overall CGPA

COURSE TITLE:	Water Disputes Law
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Dr. T. Raghavendraraao
NUMBER OF CREDITS:	4
DURATION	January-April 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Water is essential of life involved in everything we do. Its shortage is one of the most important resource and security problems the world is facing in this century as well. Water Law deals with the laws and institutions governing water allocation and use with special emphasis on water rights. The law governing water has always been regarded as a specialized field. However, the political and social reforms during the last decade of 20th century the water related problems experienced and the prominence given to fundamental human rights and environmental related matters have significantly increased the need for this knowledge by all. LEARNING OBJECTIVES: The Course addresses in general international, regional and national legal principles for the governance, management of water with special emphasis on water rights. The objectives of this course is to impart knowledge and understanding of the complex body of water disputes law, the actual implementation of water rights, development of critical perspective on various issues on water resources management. TEACHING METHODOLOGY Assigned Readings, Class Participation in Discussions, Assignments and Lectures. COURSE CONTENT: Module: 1 – Settlement of International Water Disputes: International Water Disputes (Helsinki Rules, FAO, ILC). Core principles and International instruments for water law and management, World Water Forum, Water and Sustainable Development, IUCN, WWC, Judicial Trends. Module: 2 – Settlement of Regional Water Disputes:(SAARC Region) India and Bangladesh, India and Pakistan, India and Nepal, India and Bhutan, Various Treaties, Judicial Trends. Module: 3 – Settlement of Water Disputes: (Indian Context) Inter State Water Disputes, Tribunals of Inter State Water Disputes, Constitutional Frame Work, Relevant Legislations, Reports of Various Commissions, Water Policies, Judicial Trends, Interlinking of Rivers. Suggested Readings: 1. Stephen C, McCaffrey, The Law of International Watercourses. 2. Joseph L. Sax et.al legal control of water resources. 3. Henry E. Smith, Governing Water. 4. Sharif S. Elmusa, Dividing Common Water Resources according to International Water Law. 5. Governing Water in India: Review of Law and Policy Developments.

	6. Water Law in India: An Introduction to Legal Instruments. 7. Law relating to Water Rights by V. SitaramaRao. 8. Angell on “Water Courses”. 9. Coulson & Forbes on “Law of Waters”. 10. Fornham on “Water and Water Courses”. 11. Chatrapathisingh: Water Law in India. 12. Philippe Sands: Principles of International Environmental Law. 13. B.R. Chouhan: Settlement of International & Interstate Water disputes. 14. Perret&Heggar: Water Governance. 15. R.K. Mishra and SamantaSahu:. Water Governance 16. Prof. Saligram Bhatt.: Water Resources Management. 17. Sax, Thompson et.al: Legal Control of Water Resources, Cases & Materials
SCHEME OF EVALUATION:	Evaluation Project: 70 Marks Presentation: 30 Marks ACADEMIC HONESTY: Students are expected to maintain the highest standards of academic integrity.
SELECTION CRITERIA	SOP

COURSE TITLE:	Uniform Civil Code and Personal Laws
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Prof. Faizan Mustafa
NUMBER OF CREDITS:	4
DURATION	January – April, 2017
BRIEF DESCRIPTION (MINIMUM 500 WORDS)	Will be notified shortly.
SCHEME OF EVALUATION:	
SELECTION CRITERIA	CGPA

COURSE TITLE:	Intersections of grassroots advocacy and international human rights law
COURSE OFFERED TO	From 3 rd to fifth year and postgraduates
INSTRUCTOR NAME	Gabor Gombos
SHORT DESCRIPTION OF INSTRUCTOR	Leading advocate for the rights of persons with psychosocial disabilities; working for human rights consonant legislation and policy in Hungary, Central and Eastern Europe and globally; former member of the UN Committee on the Rights of Persons with Disabilities; adjunct professor at NALSAR and adjunct professor of Comparative disability law and policy at the National University of Ireland at Galway
Credits	2
PREFERRED DATES FOR CONDUCT OF COURSE	January 3 – January 31
PRE-REQUISITES:	Basic interest in human rights
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	It often held that the instruments, mechanisms and jurisprudence of international human rights law are distant, abstract and have little to do with the human rights violations experienced on the grassroots level. Taking these arguments to their extreme, one can even question if human rights law and human rights are distinct and disjoint enterprises. This interactive course will elaborate on how the instruments, mechanisms and machineries of the United Nations human rights system can be used in practice by grassroots advocates. It explores the intersections of human rights, social justice and international as well as regional human rights law informed by the instructor's quarter century experience as grassroots disability rights activist, human rights defender, movement builder and independent expert working in the UN system. How can lawyers, advocates and civil society combat concrete injustices and human rights violations through the devices of human rights law? How does movement level work feed into international human rights law? How can the gap between local/national and international be bridged? How can universal, legally binding norms strengthen grassroots level activism? What are the intersections between domestic politics and international human rights jurisprudence, and how can it be used by advocates to combat injustice? Examples will be given from combating cruel, inhuman and degrading treatment such as the use of cage beds in mental health facilities, through challenging psychiatric deprivation of liberty and legal incapacitation up to the negotiations of the UN Convention the Rights of Persons with Disabilities. Case studies on effective collaboration between grassroots activist, regional human rights bodies and the UN mechanisms will be analysed. Topics to be covered:

	Initiatives in grassroot advocacy ; Introduction to the UN Human Rights system: history, overview, mandates; Treaty Bodies, Special Procedures, Human Rights Council, High Commissioner of Human Rights; Mandates of the Treaty Bodies: monitoring, individual communications, inquiries; The monitoring cycle: from the Country Reports through the List of Issues till the Concluding Observations; General Comments; Human Rights Advocates interacting with the UN system: shadow reports, days of general discussion, commenting on draft general comments, participation in constructive dialogues; Evolving jurisprudence: how „universal” rights become indeed universal: the right to legal capacity and the right to political participation; Evolving jurisprudence and the emergence of „new rights”: such as the right to live independently and being included in the community..
SCHEME OF EVALUATION:	24 hour Open Book Open Web exam
SELECTION CRITERIA*	No upper limit, hence anybody interested can attend.

COURSE TITLE	Biotech & Software Patents in the US.																																
COURSE OFFERED TO	Cap of 25 students LL.M (IP Specialization) Students LL.B 4/5 th year need to submit a SOP																																
SHORT DESCRIPTION OF INSTRUCTOR	Dr. Anindya Sircar is currently engaged in consulting, strategizing, teaching and training programs in the field of Intellectual Property management. Dr. Sircar had been Associate Vice President and Head of IP with Infosys Limited for over five years and was responsible for all IP activities of Infosys Limited and its subsidiaries. Prior to this he was heading the IP Department Biocon Group – a premiere biotechnology company in Bangalore, India and was instrumental in setting up the IP practices for the Biocon Group.																																
Credits	1																																
PREFERRED DATES FOR CONDUCT OF COURSE	31 st Jan – 7 th Feb																																
PRE-REQUISITES	Aware of basics of IP.																																
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	<table><tr><td>#</td><td>TOPIC</td><td>HRS</td></tr><tr><td>1</td><td>US Patent System</td><td>2</td></tr><tr><td>2</td><td>Patents & Biotechnology</td><td>2</td></tr><tr><td>3</td><td>Assessment of Novelty - Biotech Patents</td><td>2</td></tr><tr><td>4</td><td>Assessment of Inventive Step - Biotech Patents</td><td>2</td></tr><tr><td>5</td><td>Assessment of industrial Application - Biotech Patents</td><td>1</td></tr><tr><td>6</td><td>Assessment of Unity of Invention - Biotech Patents</td><td>1</td></tr><tr><td>7</td><td>Software patents after Alice</td><td>2</td></tr><tr><td>8</td><td>Patent Infringement & DoE</td><td>2</td></tr><tr><td>9</td><td>Group Discussion / Assessment</td><td>2</td></tr></table>			#	TOPIC	HRS	1	US Patent System	2	2	Patents & Biotechnology	2	3	Assessment of Novelty - Biotech Patents	2	4	Assessment of Inventive Step - Biotech Patents	2	5	Assessment of industrial Application - Biotech Patents	1	6	Assessment of Unity of Invention - Biotech Patents	1	7	Software patents after Alice	2	8	Patent Infringement & DoE	2	9	Group Discussion / Assessment	2
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SCHEME OF EVALUATION:	Assignments / Simulation Exercise																																
SELECTION CRITERIA *	All LL.M (IP Specialization can apply) LL.B 4/5 year exposed to Patents can be taken by reviewing their SOP (half page)																																

COURSE TITLE:	Technology and Law
COURSE OFFERED TO	LLB (4 & 5 th Year students)/ LL.M Students.
INSTRUCTOR NAME	Swapna Sundar
SHORT DESCRIPTION OF INSTRUCTOR	Swapna Sundar is CEO of IP Dome Strategy Advisors (P) Ltd. (2009- Present). She completed her BL in Dr. Ambedkar Law College in Chennai (1997-2000) after passing BA (Political Science) from Madras Christian College in 1997. She practiced law at the Madras High Court from 2000. She earned her LLM in International Law in Brussels School of International Studies in 2003 and served as a Teaching Assistant at Kent Law School, University of Canterbury in UK in 2003-2004. She completed her PG Diploma in Patent Law from Nalsar University in its Proximate Education Programme and is currently teaching US & EU Patent Law in the same course. She is a regular resource person for IP Strategy at CII and APTDC and various institutions, including IIT-Madras, Anna University, VIT and Symbiosis University, to whom she also provides IP Strategy and Patent-related services. She is the author of “IP Smart Workbook – The Lab to Market Guide to Inventing” published by Lexis Nexis. She also authored “IP Smart Approach to Doing Business in India” commissioned by the UKIPO.
CREDITS	One
PREFERRED DATES	10 th to 13 th Feb.
PREREQUISITES:	Should have completed at least 3 years of the law course, so as to have a basic understanding of legal concepts and an interest in Science and Technology.
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	India is a net importer of technology – both in technology-led products and technology for operating in the high-technology global ecosystem. This poses challenges unique to India including: - Last mile technology connectivity and digital governance - Use and consumption of services that enable Indian data to be retained in servers outside the country - Technology transfer and offsets to promote technology absorption and competence in India - IP-led collaboration and development of appropriate technologies in India. - Regulatory and ethical issues in Technology use and development. This course will explore the legal dimensions of these developments, and appropriate governance frameworks. Students would be introduced to legal issues surrounding emerging concepts such as Smart Cities, UIDAI – Aadhaar, Industrial automation and integration of robotics, machines and electronics in manufacturing, services as products, Make in India and Digital India.
SCHEME OF EVALUATION:	Assignments – two essays of 1500 words each on current issues in the field
SELECTION CRITERIA *	25 students – based on SOP

COURSE TITLE:	CONSTITUTIONAL OBLIGATIONS OF NON-STATE ENTITIES
COURSE OFFERED TO	LLB (4 & 5 th Year students)
INSTRUCTOR NAME	PVS Giridhar,
SHORT DESCRIPTION OF INSTRUCTOR	PVS Giridhar is Senior Partner of <i>Giridhar & Sai Associates</i>, a Chennai-based law firm handling civil and corporate law practice, including litigation. He joined the Bar in 1987 and initially worked as a junior in the Chambers of P.Chidambaram, Senior Advocate. His expertise includes Constitutional Law, Intellectual Property, Information Technology, and technology-related contracts, including software licensing. He practices in the Madras High Court, the Supreme Court of India and High Courts in other states. Giridhar has handled briefs in U.S., Malaysia, and Singapore, and has been involved in International Arbitration. He is a Certified Mediator on the Court-annexed mediation panel of the Madras High Court. His Firm also conducts Corporate Training Programmes in various branches of law. Their unique methodology encourages executives to draw upon their experiential resources through simulation exercises, generating a higher quality of learning. He has travelled widely and has lectured in various Universities in U.S.A., U.K. and Europe, including Oxford University, University of Michigan, and Brussels School of International Studies, affiliated to the University of Kent. He also teaches a specialised course on 'Monetising IP' in the Post-Graduate course on 'Patent Law' in NALSARPRO.
CREDITS	One
PREFERRED DATES	17 th – 20 th FEB
PREREQUISITES:	Should have completed at least 3 years of the law course, so as to have a basic understanding of legal concepts and a course in Basic Constitutional Law or the Indian Constitution.
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	It is a common fallacy even among the legal fraternity that the Indian Constitution deals with only obligations of State and its agencies and that fundamental rights are generally enforceable only against the State (as defined under Article 12). As a corollary writ, with the exception of Habeas Corpus can be issued only against the State. It is not unusual to find Division Benches of High Courts frame a maintainability question on whether a body is State under Article 12 or not, even after the Supreme Court clarified in 1989 in the Sree Andi Muktha Trust case (AIR 1989 SC 1609) that a writ can be issued against a private body when it performs a public function and/or has a public duty cast upon it. With the march of globalisation, many functions/activities conventionally associated with the State are being passed on to and performed by private bodies, thereby raising the question whether constitutionally guaranteed rights (eg. right to education or right to participatory governance in local bodies) are being watered-down. There is a need for understanding the jurisprudence of rights and constitutional obligations in this emerging socio-economic reality of the 21st Century where even the notion of the nation-state, its boundaries and political significance is undergoing a sea-change. The course will comprise of the following themes: ▪ Traditional understanding of Constitution – Constitutional Bodies, Powers and Rights ▪ Development of Jurisprudence of Rights (including unenumerated rights) and Remedies ▪ Constitutional Obligations of Non-State Entities ▪ Enforcement of Constitutional Rights against Non-State Entities ▪ 21st Century Challenges for Constitutional Democracy
SCHEME OF EVALUATION:	Assignments – two essays of 1500 words each on current issues in the field

SELECTION CRITERIA *	Notified Later

COURSE TITLE:	Securities Regulation
COURSE OFFERED TO	4 th & 5 th Year
INSTRUCTOR NAME & CONTACT DETAILS:	Sandeep Parekh, Anil Choudhary, Prof. Sudhanshu
SHORT DESCRIPTION OF INSTRUCTOR	Sandeep Parekh, Managing Partner of Finsec Law Advisors Anil Choudhary, Partner Finsec Law Advisors Prof. Sudhanshu, Faculty, NALSAR
Credits	1
PREFERRED DATES FOR CONDUCT OF COURSE	14 th – 20 th March
PRE-REQUISITES:	--
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	• To introduce you to the application of regulations in the securities markets. Primary markets, secondary markets, takeovers, insider trading, manipulation, fraud and international regulations. • To introduce you to legal strategy. Several successful businessmen have used the law and the courts as a sword and a shield in corporate disputes, in particular, takeover issues. The law is indeed a powerful weapon in the highly regulated field of securities and financial regulations. You will also be exposed to people who use the law and legal remedies to their strategic advantage.
SCHEME OF EVALUATION:	One final exam.
SELECTION CRITERIA *	If class size exceeds 60, we can seek a one para from prospective students why they want to join the course.

COURSE TITLE:	FRACTURED FREEDOMS: <i>Understanding Life in India's Margins</i>
COURSE OFFERED TO	2 nd ,3 rd ,4 th ,5 th years
INSTRUCTOR:	Harsh Mander
NUMBER OF CREDITS:	1
DURATION	24 th March – 02 nd April
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	After completing the course, students will be able to: - understand the situation of some of the most socially excluded groups in India, and to critically analyze the impact of law and public policy on their lives - understand alternative notions of poverty, social exclusion and marginalization, and the role of the state, in relation to excluded people, in the context of India <i>Type, plan and session-wise content of the course</i> The course will attempt firstly to use film and narrative as instruments of critical empathy to understand the conditions of India's most socially disadvantaged groups: dalits, women, workers, the urban poor, religious and sexual minorities, persons with disabilities, and people living with hunger. It will then look at data to examine further evidence about the lived experience of these most disadvantaged groups, and also briefly examine the impact of law and public policy on changing their conditions, its strengths and failures. It will do this in the light of detailed case studies of some specific socially excluded groups and the impact of public policy on their lives. Finally it will try to equip students with instruments of empathetic observation and critical thinking and reasoning, of understanding privilege and disadvantage, of democracy and engaged citizenship, of justice and public compassion. The course design will be in 6 full day modules. Each day module will have 3 parts, as follows: 1. <i>Each module will have an introduction, and then a fiction or non-fiction film designed to create empathetic understanding of the situation of the vulnerable population.</i> 2. <i>The second part will present data and analysis, of the lived conditions of the marginalised group being studied, and also the limitations of law and policy to understand their situation</i> 3. <i>The third part of the module will be based on discussions of key questions, debates and so on, that arise in the minds of students, and in the larger public discourse, related to these vulnerable populations and the nature of public policy for them</i> The day-modules will cover the following broad themes:

	1. Dalits: This will begin with the film <i>India Untouched</i>, and also the life of PhD scholar Rohith Vemula. This will be followed by a discussion of their overall situation, and law and constitutional arrangements for their protection and equitable access to various rights. This is followed by a discussion that is expected mainly to cover the highly contested area of reservations. 2. Rural Poverty: This will begin with the film clips reflecting the agrarian crisis and rural hunger. It will then cover the themes of the agrarian crisis, as well as continuing endemic hunger. It will examine the strengths and failures of policy interventions for both of these, including MG NREGA and the Food Security Act and debates in the NAC. The open discussions can be expected to cover whether states should provision food and work, and the ways that we can actually see an end to India's agrarian crisis. 3. Urban Poverty: This will begin with a films by street children on street life film <i>Patri par Bachpan</i>, and film clips on homelessness and slums. It will cover themes of street children, urban homelessness, and urban slums. It will focus both on the situation of each of these, but also the failures of law and policies to address these, and what can be done. Debates would focus on why slums occur, and how these can be prevented. Similarly about street children and homelessness. 4. Gender: This will begin again with an edited version of fiction film <i>Bawandar</i> about the rape of Bhanwari Devi or <i>Provoked</i>. It will cover themes of what is gender, missing women, sex selective abortion, and discrimination against women in education, work and development access in general, and violence against women. Discussions could cover themes like whether inequality between women and men in really culturally imposed or has biological roots, why India continues to have an adverse sex ratio, cultural ideas of masculinity and so on. 5. Religious Minorities: This will begin with film clips about communal riots and discrimination against minorities. It will then examine the problems and anxieties of religious minorities, mainly Muslims, on the parameters of identity, security and equity. It will look at the causes of continuing communal violence and related impunity, and the causes for this. It will also talk about profiling and discrimination against Muslims. It will talk about strengths and failings of constitutional protections and law, and the debates around the communal violence bill in the NAC. Debates will cover secularism, many beliefs about Muslims, Islam and terror, and also fears about appeasement and the attachment of Muslims to the idea of the Indian nation. 6. Labour: This will begin with short films on unorganised worker conditions, especially of women and migrants, child labour, as well as stigmatised occupations like manual scavenging. It will incorporate discussions about the conditions of labour, and the contributions or failures of the current growth model to ensure jobs and decent work. It will discuss the conditions and debates about child labour and bonded labour, and the limitations of law and

	policy to ensure decent work for all. Debates would be about the neo-liberal growth model, and labour reforms, and also and whether and how child labour should be abolished Assignments Each student will undertake two assignments, in lieu of an end-of-course examination. Each student will identify one woman, man or child living in conditions of poverty and social exclusion. They may be homeless, disabled, single women, impoverished working women, street or other out of school children, survivors of violence, persons persecuted and discriminated because of their caste or religious identity, or others. The student will spend as much individual time as possible with this person, based on the person's consent, and try to build a relationship. They will hear their stories, but also accompany them to their homes and work locations. They will then record their life histories in the form of a narrative, which may be 3000 words or longer. They can optionally also add photographs of other visual materials. Selected assignments will be presented to the full class. Assignment 2 Each student will undertake one of the following projects: 1. India Exclusion Report: Please critically review any 2 chapters from the India Exclusion Report 2015 2. Equity and Growth: Please critically review the proposals made by Amartya Sen and Jean Dreze in 'An Uncertain Glory' for simultaneously ensuring economic growth and equity, and comment on Sen's critics like Jagdish Bhagwati. 3. Stories of Marginalised Persons: In Unheard Voices, as well as the Fractured Freedoms course reader given to the students, there are a number of real life stories of marginalised persons. In the light of a selection of at least 5 of these stories, please critically review the role – positive and negative - of public policy and the law in creating, maintaining or changing conditions of social and economic marginalisation. 4. Looking Away: Inequality, Prejudice and Indifference or Ash in the Belly: Please critically review the arguments in the book, and locate the causes of failures of justice in India
SCHEME OF EVALUATION:	Rough length of assignments would be 2000 words plus

COURSE TITLE:	Recent Developments in Commercial Dispute Resolution in India
COURSE OFFERED TO	IVth and Vth year students
INSTRUCTOR NAME & CONTACT DETAILS:	1. Ameya Gokhale; 2. Meghna Rajadhyaksha; 3. Akash Menon; 4. Umang Singh;
SHORT DESCRIPTION OF INSTRUCTORS	a. Ameya Gokhale – B.A. LL.B (Hons.) - NLSIU, Bangalore (2005), LLM (George Washington University, 2008); presently Partner at Shardul Amarchand Mangaldas & Co., b. Meghna Rajadhyaksha – B.A. LL.B (Hons.) - NLSIU, Bangalore (2008), LLM (Columbia University, 2011); presently Principal Associate at Shardul Amarchand Mangaldas & Co., c. Akash Menon - B.B.A., LL.B, Symbiosis Law School, Pune (2009); presently Principal Associate (Designate) at Shardul Amarchand Mangaldas & Co. d. Umang Singh, B.A., LL.B. (Hons) – NALSAR (2014), presently Associate, Shardul Amarchand Mangaldas & Co
Credits	1
PREFERRED DATES FOR CONDUCT OF COURSE	14 th – 17 th April
PRE-REQUISITES:	a. Civil Procedure Code, 1908 and b. Alternative Dispute Resolution – (Arbitration & Conciliation Act, 1996).
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	This course is designed to equip students with practical information in relation to recent legislative and regulatory developments that impact commercial dispute resolution in India. The course is divided in four modules: a. Module A - Amendments in Arbitration & Conciliation Act, 1996 (“Arbitration Act”); b. Module B – The Commercial Courts, Commercial Division And Commercial Appellate Division of High Courts Act, 2015 (“Commercial Courts Act”); c. Module C – The introduction of the National Company Law Tribunal (“NCLT”) and its operations d. Module D– The Insolvency and Bankruptcy Code, 2016 (“Bankruptcy Code”) Module A covers the key changes in the Arbitration Act in view of the recent amendment; with particular focus on interim reliefs, disclosures by arbitrators, the role of the Tribunal and challenges to enforcement of domestic and international awards. Module B covers the Commercial Courts Act, the resultant amendments to the Civil Procedure Code, 1908; and its potential impact on the speed of dispute resolution within the Court system.

	Module C, which will be taken together with Module B, will focus on the introduction of the NCLT as a specialized Tribunal in terms of the Companies Act, 2013, the appellate structure developed thereunder, and its impact on commercial dispute resolution. Module D will cover the Bankruptcy Code, that is currently in the process of notification. It will focus on the process of corporate insolvency, with a detailed examination of the two step insolvency process; the resulting amendments to other laws/procedures; and a brief comparative analysis with similar legislations in other countries. Each module will also have an interactive/participative component in which students will have to analyse/discuss practical aspects of various laws.
SCHEME OF EVALUATION:	Take Home Assignments: 75% (25% for each module) Class Participation & Exercise: 25%
SELECTION CRITERIA *	Interested students are requested to send a brief statement of purpose not exceeding 250 words, indicating their interest in pursuing the course. The selection criteria is based on: (a) Quality of Statement of Purpose – 50% (b) Marks obtained in CPC and ADR – 25% (c) Experience/interest in the field of ADR and Commercial Litigation (Moots, internships, publications) – 25% The course is restricted to a maximum class size of 30.

COURSE TITLE:	Law of testamentary and intestate succession in India – A comparative study among diverse systems
COURSE OFFERED TO	2, 3, 4, 5 th year students.
INSTRUCTOR NAME & CONTACT DETAILS:	K.Kannan, Chairman, Railway Claims Tribunal
SHORT DESCRIPTION OF INSTRUCTOR	A former judge of P& H High Court and author of book on “Wills & Succession” (Halsbury’s Laws of India series) and editor of Paruck’s Indian Succession Act (both of LexisNexis)
Credits	One
PREFERRED DATES FOR CONDUCT OF COURSE	7 th – 14 th March
PRE-REQUISITES:	None
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	The course will give initially the students of the systems of law relating succession and explain the historical perspectives for their diversity. The students will be taken through the course through critical analysis of the case laws that abound in this area and help identify areas of legislative deficit and empower students to formulate their own ideas to layout a road map for changes in future. Along the course, will be examined the status of women in the laws of succession as well as the feasibility of adopting a uniform civil code. By the end of the course, the students will be able to obtain a thorough mastery of the subject in a fun way of approach to learning.
SCHEME OF EVALUATION:	Through quiz on objective and case law analytical method
SELECTION CRITERIA*	By personal option

COURSE TITLE:	'Protection of Civil Liberties in India'
COURSE OFFERED TO	LL.B. 3,4,5 years
INSTRUCTOR:	Mr. Gautam Navlakha
NUMBER OF CREDITS:	1
DURATION	23 rd – 30 th Jan
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The Six proposed themes for lectures cum interaction are outlined below:- While proposing the given below format I am mindful that I do not want to overload students with reading list. 1. What are Civil Liberties and Democratic Rights? Why we do what we do? What is our shared perspective of India that has been under transformation for all of 68 years? I aim to present our 40 years of work to show both a wide range of issues but also how even when circumstances change, conditions remain the same. From what we wrote, what story does it tell us about our own people and their fight against oppression and exploitation. There are no suggested readings per say. My main objective is to problematise the idea of India based on my experience as a member of PUDR. 2. Legal Immunity: In light of the apex court raising questions about “prolonged” deployment of armed forces for “internal security”. And wondered if it’s not time to ask that if “normalcy” does not get restored even after decades, that there is something wrong with the policy? I aim to take participants through the history and working of AFSPA and other statutes which provide Legal Immunity to the Armed Forces of the Union as well as Police forces. We examine the importance of Article 14 [Equality before Law] where it bends and where it ought not to as well as Article 21, for people residing in areas declared “Disturbed”. There are 101 districts out of 680 districts in India, comprising no less than 100-150 million Indians, who reside in “Disturbed Areas”. What does it mean in real terms on the ground to live there? Reading List: PUDR was the second petitioner in the 1997 AFSPA Writ Petition NPMHR and others versus the Union of India and ors. Supreme Court judgments in the case NPMHR and others versus Union of India on AFSPA [http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/IN/COHR_IND_UPR_S1_2008_anx_Annex%20XXIII_Supreme%20Court%20%20ruling%20on%20AFSPA.pdf] as well as the latest judgment from July 2016 [http://supremecourtindia.nic.in/FileServer/2016-07-08_1467967629.pdf] I request everyone to access PUDR.org and read our critique of the 1997 Supreme Court judgment available on PUDR.org under reports and also read our reports from Nagaland, Assam, Manipur and Jammu and Kashmir. I especially draw attention to our press statements on Kashmir and Manipur between 2010-2016, which spell out what legal immunity means in specific instances. I strongly recommend: “Varieties of Rule of Law: An introduction and Provisional Conclusion by Randall Peerenboom; UCLA 2004. [https://drive.google.com/open?id=0By1T4HTTrboF5TEVFZ3lSERwTTg] 3. One of the most cherished provisions of the Constitution is Article 19(1) which concerns our Freedoms. Article 19(1)(c) deals with Associations. How this freedom gets circumscribed and how much power vests with the Executive to proscribe organizations arbitrarily is provided in PUDR’s report on “Banned and Damned” which looks at how this law has been used not just selectively but more than anything else in most unfairly and unjustly subjectively through a judicial process which shows how Rule of Law can become Rule by Stealth. The report is available on PUDR website, along with updates, under reports for 2015. 4. Trade Unions: The least studied is how right to form trade union, a Fundamental Right, gets subverted through enormous powers which the Executive and the Companies have to deny the actual working of the constitutional provision where workers right to form Unions to engage in collective bargaining and collectively oppose conditions which impose

	inhuman or onerous working conditions. PUDR website has three reports “Hard Drive(2001), Freewheelin Capital (2007) and Driving Force (2012). Also if anyone is keen they can check out other reports or statements. Since they deal with one company over a period of a decade or more it helps illustrates how rights get infringed where it matters most at work places. 5. Uniform Civil Code, Personal Laws, Women’s rights and Uniform Criminal Code. This issue has been in the news and is immensely important. It has split the political class, women’s organizations as well as civil liberties group. To provide a fairly comprehensive critique please read ‘Working Group on Women’s Rights’ whose report was carried in Economic and Political Weekly [http://www.epw.in/journal/1998/9/discussion/ucc-and-women-s-movement.html]. The arguments contained there still have resonance today. Because, its critique of UCC as well as limitations of Personal Law reform, opens up another possibility. It’s a good way to discuss this matter. 6. Death Penalty along with the issue of Life imprisonment meaning up to convict's natural life. I will cover Why Death Penalty? Who gets Death Penalty? Why do similar crimes beget different response and processes? Why we oppose Death Penalty. I recommend PUDR's Position Paper on Death Penalty [:http://pudr.org/?q=content/yes-justice-no-death-position-paper-death-penalty] "No to Death Penalty; Yes to Justice"], and our Report on Bara Case "Harvesting Deaths: Massacres in Bihar and the Question of Justice"; PUDR September 2016 [http://pudr.org/content/harvesting-death-massacres-bihar-and-question-justice]. Participants are free to read anything else they can search and find. However, I would stress that PUDR reports/statements on the subject matter would be found interesting and useful.
SCHEME OF EVALUATION:	Response paper + class participation

COURSE TITLE:	Recruitment to Termination: Practical Insights to Labour & Employment issues
COURSE OFFERED TO	4th and 5th year students
INSTRUCTOR NAME & CONTACT DETAILS:	Atul Gupta
SHORT DESCRIPTION OF INSTRUCTOR	Atul Gupta is a Partner in Trilegal and has been with the firm since 2006. He is part of the Employment and Corporate practice group. He possesses extensive experience and specialist knowledge of India's complex labour and employment laws, and regularly assists clients in managing all legal aspects of their human capital. Atul's practice reflects his mixed corporate and employment law experience, giving him the ability to provide comprehensive advice on complex domestic and cross border transactions on both the corporate and employment side.
Credits	1
PREFERRED DATES FOR CONDUCT OF COURSE	19th to 22nd January 2017
PRE-REQUISITES:	-
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	Trilegal proposes to conduct a credit course titled ' <i>Recruitment to Termination: Practical Insights to Labour & Employment issues</i> ', to equip students with practical and conceptual tools relating to Indian Labour and Employment Law, that will help them see the significant role that employment legislations have in modern business and equip them with a starting base to tackle employment law related advisory in their careers.
SCHEME OF EVALUATION:	Students will be evaluated through a written test and the format may include multiple choice questions, alternate responses, short answers, essay questions etc.
SELECTION CRITERIA *	NA

COURSE TITLE:	Hermeneutics and Justice (Social Sc. Seminar)
COURSE OFFERED TO	3 rd , 4 th and 5 th year students
INSTRUCTOR NAME & CONTACT DETAILS:	Dr. Satish Chandra
SHORT DESCRIPTION OF INSTRUCTOR	Osmania University
Credits	3
PREFERRED DATES FOR CONDUCT OF COURSE	January – March, 2017
PRE-REQUISITES:	-
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	In the social the notion of “Interpretation” technically speaking the notion of “Hermeneutics” has made a significant comeback towards the last three decades of the twentieth century (even though thinkers who advocated this form of thinking were in existence from the 18th and 19th Century itself). Hermeneutics originally came into being in the Greek period and it was later used extensively by the Christian thinkers. However, in the Modern period the context and the used of Hermeneutics changed significantly. The intervention of the Positivism and its positing of the fact-value dichotomy through the elimination of History and Philosophy from studying society and creating a social science free of history and philosophy became the context in which Vico and Herder decided to take the side of history and philosophy. It was also a cue a little later for Wilhelm Dilthey to create “Methodological hermeneutics” where Dilthey set out to demonstrate that there could be no knowledge that could come into being by eliminating philosophy and history especially later. The early twentieth century saw the creation of the Vienna Circle consisting of people such as Moritz Schlick, Otto Neurath, Rudolph Carnap and even Karl Popper to revive positivism under the garb of Logical Positivism and Karl Popper came under fire especially, from Thomas Kuhn who brought down the agenda of Logical Positivism completely. Even though Positivism and Logical Positivism tasted complete failure, one of the off shoots of Positivism, Empiricism found success due to its agenda being more limited. But in the aftermath of the rise of critical theory from within Marxism started by Georgy Luckacs and later on the Frankfurt School especially Jürgen Habermas brought Political Theory or Grand Theory of the Human Sciences as Quentin Skinner preferred to call it came back to the centre of social sciences bringing in its wake the likes of not only Habermas but also the likes Hans Gadamer and Paul Riceour into focus. Hermeneutics has since occupied an important position in social sciences. All categories of social knowledge have fallen into the exploring of Hermeneutics and that included Justice as well. In fact, it was this that led to John Rawls writing his magnum opus “A Theory of Justice” and its communitarian critique by Michael Sandel. This paper proposes to teach all of the developments to the takers of this course. Its presentation will be in this format:

	1. Positivism and Logical Positivism 2. Empiricism and behaviouralism 3. The rise of History due to the efforts of Vico and Herder 4. Dilthey and Methodological Hermeneutics 5. Gadamer, Paul Ricoeur and Philosophical Hermeneutics 6. Habermas, Universal Pragmatics and the Life World 7. Every day speech systems and the hermeneutics 8. Justice as seen by hermeneutics This way one of the most important developments of the late twentieth century compelled social scientists and jurists to revisit the importance of history, speech situations and how they have impacted on the concept of justice.
SCHEME OF EVALUATION:	Paper Submission
SELECTION CRITERIA *	SOP

COURSE TITLE:	Justice in the age of Capitalism and Colonialism (Social Sc. Seminar)
COURSE OFFERED TO	3 rd , 4 th and 5 th year students
INSTRUCTOR NAME & CONTACT DETAILS:	Dr. Satish Chandra
SHORT DESCRIPTION OF INSTRUCTOR	Osmania University
Credits	3
PREFERRED DATES FOR CONDUCT OF COURSE	February – April, 2017
PRE-REQUISITES:	-
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	Justice as a term was actually made integral to human beings' vocabulary by the Romans who tried to codify laws and through the codification of laws intended to punish people who were seen as committing crimes against society and against the rulers. Roman law, as revealed through ancient legal texts, literature, papyri, wax tablets and inscriptions, covered such facets of everyday Roman life as crime and punishment, land and property ownership, commerce, the maritime and agricultural industries, citizenship, sexuality and prostitution, slavery and manumission, local and state politics, liability and damage to property, and the preservation of the peace. Law was established through a variety of means, for example, via statutes, magisterial decisions, emperor's edicts, senatorial decrees, assembly votes, plebiscites and the deliberations of expert legal counsel and so became multi-faceted and flexible enough to deal with the changing circumstances of the Roman world, from republican to imperial politics, local to national trade, and state to inter-state politics. Justice as seen by the Christians It is important to note that after the Romans, it was the Christians who tried to create a codified understanding of justice. Our understanding of biblical justice has been diminished by how the Greek and Hebrew words that were originally used have been translated. In Hebrew, there were at least three words to articulate the concept of justice as we understand it today — each with its own nuances and subtleties. The clear meaning of “justice” is “what is right” or “what is normal” — the way things are supposed to be. The fairness of laws coupled with fair and equal treatment under the law are common biblical concerns. Throughout scripture, God is the defender and protector of the poor, the alien, the debtor, the widow, and the orphan. Justice can also mean “deliverance,” “victory,” “vindication,” or “prosperity” — but for all, not just a few. Justice is part of God's purpose in redemption. Justice as seen during capitalism and colonialism It is quite easy to believe that a system of Justice evolved along with capitalism when the latter started emerging. However, history shows to us that this is not really the case. The Hobbesian thinking shows that justice is just securing the lives of the people without the fear of death as it was in the case of the State of Nature. John Locke's concentration on private property saw him tying justice only to the propertied. He too took recourse Natural Rights and went on to establish property as natural rights. This form of thinking based in Natural Rights was questioned by David Hume who believed that there was no conceivable mechanism of Natural Rights and their endowment to human beings. This scepticism of David Hume led to the birth of the system of thought called Utilitarianism which is the first real school of thinking to try and define justice. Utilitarians tend to be among those who see no major divide between justice and morality.

	Utilitarians see justice as part of morality and don't see justice to have a higher priority than any other moral concern. This seminar course will discuss all the forms of codification of laws but will only take recourse to discussing them briefly and concentrate more upon Capitalism and colonialism which is the off shoot of colonialism. The ideas of Bentham and those of John Stuart Mill will be given more time and discussed in greater detail after having used the other sections for building a foundation.
SCHEME OF EVALUATION:	Paper Submission
SELECTION CRITERIA *	SOP

COURSE TITLE:	Law and Culture (Social Science Seminar)
COURSE OFFERED TO	3 rd , 4 th and 5 th year students
INSTRUCTOR NAME & CONTACT DETAILS:	Susie Tharu
SHORT DESCRIPTION OF INSTRUCTOR	Formerly Professor, Departments of English Literature and Cultural Studies, EFLU, Hyderabad. Academic specializations include literary and cultural theory; feminism, dalit studies.
NUMBER OF CREDITS:	3
PREFERRED DATES FOR CONDUCT OF COURSE	February – April, 2017
PRE-REQUISITES:	None
BRIEF DESCRIPTION ON COURSE (MINIMUM 500 WORDS)	The course will introduce students to some of the concepts that have, in recent times, significantly renewed the understanding of the relationship between law and culture. Culture is notoriously hard to define, but I use it here in the sense used in the broad interdisciplinary field, Cultural Studies. Through a close reading of key texts we will discuss theories extended by Michel Foucault, Ranajit Guha, Jacques Lacan, Giorgio Agamben, BR Ambedkar, Jacques Derrida, Upendra Baxi and other thinkers students may want to discuss. Special effort will be made to connect these concepts to the contemporary world and to the student's everyday life experiences. There will be lectures, discussions and student presentations. I will provide a master copy of the readings, some of which are also available on the internet. A two hour session might proceed through discussions of an art work, a film, a story, a case, or a current event (first hour) to guided close readings in the classroom of a related theoretical text (second hour). Students will be expected to follow this up with further reading and research which they will bring back to subsequent sessions. The emphasis will be more on understanding and digesting a concept and its implications than on covering ground. The following schedule for the initial weeks should provide a sense of how we will proceed. <u>Week 1:</u> Viewing and discussion of the engraving "Justice" by Pieter Bruegel the Elder. Thinking more about law and violence: An Introduction to Ranajit Guha, "Chandra's Death." <u>Week 2:</u> Reports from students on further work done on Brueghel. Close reading and discussion: "Chandra's Death". Further Reading: Nivedita Menon, "When Pro-choice is Anti women" <u>Week 3</u> Michel Foucault, "Two Lectures" ; Upendra Baxi "The Crisis of the Indian Legal System."

	Additional Material: Film: "Hannah Arendt". Dir: Magaritta Von Trotta. 2012 (Students will watch this on their own or arrange a screening outside class hours).
SCHEME OF EVALUATION:	Students will design a small project related to the theme of the course. Proposals and the mode of presentation (report, short film, debate) will be discussed with the instructor.

COURSE TITLE:	Climate Law And Anthropocene Justice
COURSE OFFERED TO	4th and 5th year students, LLM
INSTRUCTOR NAME & CONTACT DETAILS:	UPENDRA BAXI
SHORT DESCRIPTION OF INSTRUCTOR	
NUMBER OF CREDITS:	2
PREFERRED DATES FOR CONDUCT OF COURSE	Feb 12-22
PRE-REQUISITES:	None
BRIEF DESCRIPTION ON COURSE (MINIMUM 500 WORDS)	1. These Seminars will discuss the following thematics in eight sessions: designed primarily to the question of how much resilience may the law and jurisprudence generate in the Anthropocene era of climate change and global (in)justice and what the latter may do the structures and processes of the law and jurisprudence (as we know it now). 2. It would be best if you were to read beforehand the two recent general works: [1] Amitav Ghosh, <i>The Great Derangement: Climate Change and the Unthinkable</i> (Gurgaon, Penguin/Allen Lane (2016) and [2] Naomi Klien, <i>This Changes Everything: Capitalism vs. Climate</i> (London, Penguin/Allan Lane, 2014). These books should prove worthwhile acquisitions in your personal library. Of course, always you should have access to the full text of Paris Agreement: one source is https://unfccc.int/resource/docs/2015/cop21/eng/l09.pdf 3. While the thematics are relatively independent, they are also densely interconnected and you are well advised <i>not</i> to pick and choose between seminars. The entire seminar course should be attended and benefit from your participation. 4. Further readings will be made soon available; please note that they are classified as required, recommended, and advanced. Required readings shall be presumed to have been studied; the seminar presentation will extend to most of the other categories—and will roam further! Session1: The Wonderful World of the late Holocene and the Emerging Planetary Crisis Anthropocene: Toward a Geological Understanding of a 'Perfect Moral Storm' Session 11: The Late Holocene Environmental Law and Jurisprudence: Sustainable Development. Biodiversity, The Precautionary Principle, and All That! Session 111: What Does the Paris Framework Agreement Say and What Does It Mean? And Does Either matter? Session IV: Human Rights and Climate Change: The Futures of Business and Human Rights Standards and Norms Session V: Towards a Theory of Just Emissions? What are Common Approaches to Common but Differentiated Principle (CBDP) and Climate Refugees?

	Session VI: The Harm Principle and 'Dangerous Climate Change' Session VII: Climate Change Litigation in National Courts and Tribunals: With Special Reference to the Dynamic of the National Green Tribunal and National Human Rights Commission Session VIII: Scenarios of Survival: How Shall We Postulate Interspecies and Planetary Collective Human Right to Immunity from Extinction?
SCHEME OF EVALUATION:	
SELECTION CRITERIA	NO CAP

SEMINAR ON CLIMATE LAW AND ANTHROPOCENE JUSTICE

1. These Seminars will discuss the following thematics in eight sessions: designed primarily to the question of how much resilience may the law and jurisprudence generate in the Anthropocene era of climate change and global (in)justice and what the latter may do the structures and processes of the law and jurisprudence (as we know it now).
2. It would be best if you were to read beforehand the two recent general works: [1] Amitav Ghosh, *The Great Derangement: Climate Change and the Unthinkable* (Gurgaon, Penguin/Allen Lane (2016) and [2] Naomi Klien, *This Changes Everything: Capitalism vs. Climate* (London, Penguin/Allan Lane, 2014). These books should prove worthwhile acquisitions in your personal library. Of course, always you should have access to the full text of Paris Agreement: one source is <https://unfccc.int/resource/docs/2015/cop21/eng/l09.pdf>
3. While the thematics are relatively independent, they are also densely interconnected and you are well advised *not* to choose between seminars. The entire seminar course should be attended and benefit from your participation.
4. Further readings will be made soon available; please note that they are classified as required, recommended, and advanced. Required readings shall be presumed to have been studied; the seminar presentation will extend to most of the other categories—and will roam further!

Session1: *The Wonderful World of the late Holocene and the Emerging Planetary Crisis Anthropocene: Toward a Geological Understanding of a 'Perfect Moral Storm'*

1.1 The Earth Sciences and Time

1.2 Narratives of the Anthropocene: Apocalyptic and the New Technological Normal

1.3The Achievements of the Late Holocene

1.4 Certain 'necessary social illusions'?

1.5Human Rights and Biology: The Ontic Powers of 'Rational' Animals

1.6 Introduction to the concept of Perfect Moral Storm and Moral Epistemology of Prince Duryodhana

Session 11: *The Late Holocene Environmental Law and Jurisprudence: Sustainable Development, Biodiversity, The Precautionary Principle, and All That!*

2.1 Is there a Single Principle or a Body of Principles Which May be Named as the *Grundnorm* of International Environmental Law?

2.2 The Miracle, Mystery, and Myth of 'Sustainable Development'

2:3 The Avatars of Precautionary Principle

2.4 The Conceptions of Biosphere and Regimes of Biodiversity Laws and Jurisprudence

2:5 The Rio Principles

Session 111 and IV: *What Does the Paris Framework Agreement Say and What Does It Mean? And Does Either Matter?*

3.1 A Full Side Glance at Kyoto Protocols

3.2 Was Paris necessary?: Narratives of Paris Agreement: 'Differentiation in the Paris Agreement'

3.3 How may one regard the non-inclusion of a reference to human rights in article 2 of the Paris Agreement?

3.4 Human Rights and Climate Change: The Futures of Business and Human Rights Standards and Norms

3.5 The Problem of Just Emissions

3.6 Versions of common but differentiated Responsibility

3:7 Law and Justice Issues in Adaptation and Mitigation

Session V: Historic Injustice and Intergenerational Justice

5.1 The Analogues: Reparations in International Law

5.2 Ways of 'taking responsibility for the past'

5.3 How Many Generations?

5.4 May the Present Generation Determine the Membership of Future generations?

5.5 What Precisely May we Said to Owe to the 'Future' Generations by Way of Anthropocene Justice Obligations?

5.6 Multinational Corporations and Allied Entitles: How May One Foretell Futures and Change the Past?

Session VI: Towards Anthropocene Justice, or Earth Justice

6.1 Is There Anything That We May Retrieve before Smashing the Box?

6.2 Continuities and Discontinuities Between Approaches to Global Justice and Anthropocene Justice

6.3 Is there any Principle of Justice that May Address 'Dangerous Climate Change ' or 'Extinction'?

6.4 The Harm Principle and Anthropocene Justice

6.5 Feminist Approaches to Global and Anthropocene Justice

6.6 The Problematic of Anthropocentrism in Theorizing Anthropocene Justice

6.7 Scenarios of Survival: How Shall We Postulate Interspecies and Planetary Collective Human Right to Immunity from Extinction?

Session VII: *Climate Change Litigation in National Courts and Tribunals: With Special Reference to the Dynamic of the National Green Tribunal and National Human Rights Commission*

7.1 Assurances of Basic Human Constitutional Rights and Promotion of Anthropocene Justice

7.2 Anthropocene Justice Litigation in Non-US Courts

7.3 Anthropocene Justice Litigation in US Courts

7.4 The Underuse of the Supreme Court of India and the High Courts Demosprudential Leadership

7.6 Beyond 'Middle-Class Environmentalism': The NGT and Anthropocene Justice?

7.7 What May Legal Professions, Justices, and Law Media Persons, Law Teachers and Students, Law Reform, and other Legal Institutions Do for Anthropocene Justice?

COURSE TITLE:	State, Religion and Law in Indian History
COURSE OFFERED TO	LLB 3-5 years
INSTRUCTOR NAME & CONTACT DETAILS:	Prof. Shireen Moosvi
Credits	3 (Social Science Seminar Course)
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	Following themes will be covered in the course. 1. Inferring religion, state and law from archaeology: the Indus Civilization. 2. Tracing elements of state and sources of law in the Vedic hymns. 3. The evolution and diffusion of the caste system: sources of the <i>dharmaśāstra</i>. 4. The Imperial State: The implications of Aśoka's edicts for nature of state and law. The Tolerance Edict. 5. Classical to Feudal state: The ideal caste society and reality. 6. The Delhi Sultanate: Baranđ's theory of faith, state and law. 7. <i>Sulh –i Kul</i>: The concept of state, religion, and law under Akbar. 8. Organisation of law and justice in the Mughal Empire (local-level documentation). 9. The evolution of 'constitutional' basis of law-making in the colonial state. 10. Custom and religious law under the colonial state. 11. The Social Reform movement in modern India 12. The concept of secularism and its implication for free India
SCHEME OF EVALUATION:	Notified later
SELECTION CRITERIA *	

COURSE TITLE:	Refugee law
COURSE OFFERED TO	LLB 3-5 years
INSTRUCTOR NAME & CONTACT DETAILS:	Tapan Bose
Credits	3 (social sc. Seminar)
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	structure of the Seminar course Module 1. Basic concepts of Human Rights, their role and relevance Ideas and histories of State, Citizenship and fundamental rights, Sovereign prerogatives and democracy, National and International human rights law International humanitarian law Module 2. <u>History of Population Movements: Migrants, Immigrants, Internally Displaced Persons and Refugees</u> Right of freedom to move to another country. Relationship between past movements and present migration policies. Is migration an asset or a burden for receiving states? Module 3. Theories of Migration Causes of migration. Root cause theory – push-pull factors. Absence of a single theory explaining migration. Movement of refugees/migrants in Europe after World War II – movement of refugees/migrants at the end of Cold War, movement of refugees/migrants post ‘global war on terror’ Module 4. The Evolution of International refugee regime. Origin of characterisation of Refugee as ‘unprotected persons’. Stateless persons as ‘unprotected persons’. The principle of Non-refoulement. The Statute of the UNHCR and 1951 UN Convention on Refugees. <u>Definitions of refugee: 1951 Convention -Group Specific: geographically and temporally limited.</u> <u>Expansion of definition of refugee by the 1967 Protocol.</u> <u>Contemporary and alternative definition of Refugees: OAU Charter, Cartagena Declaration, EU Convention on Human Rights and Protection of Refugees</u> <u>Protection of refugees/migrants in South Asia.</u> <u>Refugees vs. Migrants</u> <u>Asylum in International Law.</u> <u>The legal practice of asylum – balancing state sovereignty and obligation of states.</u> Module 5. Refugee Protection on India <u>Law, policy and protection of refugees in India.</u> <u>The Foreigners Act and its application to refugees.</u> <u>Status of refugees in India- Limited nature of constitutional protection.</u> <u>Indian practice regarding refugee protection.</u>

	Human Rights of non-citizens. Judicial intervention and protection of refugees in India. The absence of a law regarding refugees. India's commitment under International Law. Future of protection of refugees in India – need for a legal framework.
SCHEME OF EVALUATION:	1. The participants of the seminar course will write a review paper on any one of the topics related to Module 1 Basic concepts of Human Rights, their role and relevance. The review paper should be submitted at first week of the course. 2. The participants will write a term paper on any of the topics discussed under Module 4. The Evolution of International refugee regime and Module 5. Refugee Protection in India The participants will identify the module clearly relating to which s/he wants to prepare the term paper. The participant may consult the course conductor on an appropriate theme and the relevant module. The participants will prepare the term papers and submit at the conclusion of the course. The review and term papers should be between 1500/2000 words. These may be submitted by e-mail. A hard copy of the papers should also be submitted
SELECTION CRITERIA*	

COURSE TITLE:	VIOLENCE AGAINST WOMEN AND LEGISLATIVE REFORMS - IMPACT ON THE GROUND AND GAPS IN IMPLEMENTATION
COURSE OFFERED TO	LLM, LLB 4 th & 5 th Year Students
INSTRUCTOR NAME & CONTACT DETAILS:	Ms. Flavia Agnes, Director Majlis and expert on matrimonial law and statutes concerning violence against women
SHORT DESCRIPTION OF INSTRUCTOR	The Instructor is a renowned women's rights lawyer with extensive experience both in academics as well as ground realities and court experience and an ardent observer of litigation processes through her NGO Majlis which offers litigation help to victims of sexual and domestic violence. How lofty ideas of a statute get transformed into court realities is the concern she would foreground during the course.
Credits	1
PREFERRED DATES FOR CONDUCT OF COURSE	20 th March to 27 th March, 2017
PRE-REQUISITES:	A working knowledge of criminal statutes and recent legislations dealing with crimes against women
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	The course will address some of the statutory reforms dealing with crimes against women – dowry related violence, civil statute providing protection from domestic violence, sexual offences and the recent criminal law amendment, child sexual abuse and POCSO Act, 2012, sexual harassment at workplace and the statute enacted in 2013, issues of sexuality and sexual choices, SC ruling on S.377 etc. changes brought about through these enactments, schemes of victim compensation / victim protection, preventive measures, and ground level realities of victims / survivors. The landmark cases, the statistical profile, access to justice and implementability and gaps within the system will also be addressed. The course will be structured to impart practical knowledge and not just statutory information and also question some of the prevailing biases in society.
SCHEME OF EVALUATION:	Papers and Presentation.
SELECTION CRITERIA *	

COURSE TITLE:	Telecom Laws, Policies and Regulation		
COURSE OFFERED TO	LLB 4, 5 & LLM		
INSTRUCTOR NAME & CONTACT DETAILS:	Anil Kumar Bhardwaj		
SHORT DESCRIPTION OF INSTRUCTOR	The course has been designed especially for law student, by Sh. Anil Kumar Bhardwaj who has more than 20 years’ experience in Telecom Sector in various positions in Government of India. He has experience of working in policy side (Department of Telecom), Operations side (Bharat Sanchar Nigam Limited) and Regulation (Competition Commission of India). In addition to bachelors in Electronics and Communications, Anil has done Post Graduate Diploma in Operations Management, MBA (Finance), Master’s In Economics Development and 3 year LL. B.		
Credits	1		
PREFERRED DATES FOR CONDUCT OF COURSE	April 3 rd to 8 th		
PRE-REQUISITES:	-		
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	<u>Telecom Sector Laws and Policy:</u> Telecommunications is the backbone of the ICT revolution that has changed the pace of global development and global integration in last 25 years. The sector presents a continuous paradox between the desire of stable statutory regimes on one side and need to support the disruptive innovations and new technologies on the other. The sector presents a quandary for legal and regulatory regime where the incumbents are always looking at ways to safeguard their turf and innovators keep challenging the status-quo. Change is the hallmark of this sector where technology life cycle is less than 4-5 years and next generation is always only few months away. Looking purely at the legal perspective, the sector has continuously evolving statutory and regulatory framework. Despite continually evolving, paradoxically the sector is governed by Indian Telegraph Act 1885 which is one of the oldest operative statute in India. The other most important statute of the telecom sector is the TRAI Act 1997 (as amended in 2001) that laid the foundation of regulatory regime in India with TRAI becoming the first independent new age sectoral regulator (other than Financial sector regulators). Over the last two decades, TRAI has itself issued a number of regulations ranging from Telecom Tariff Orders, Quality of Service standards, Inter-connect Usage Charges and Regulations, Telecom Consumer Regulations, Mobile Number Portability and many more. On the other side, there are various types of licences for telecom service providers with each of these having their own stipulated conditions and revenue sharing and license fee structure. Being one of the most important sectors of the economy, this course will enable the students to understand the nuances of the Statutory, Regulatory and Policy regime in telecom sector in India and the underlying legal provisions.		
	<u>Draft Course Module for Telecom Laws and Policies</u>		
	S. No.	Background	Tentative Hours

	1	Telecom Sector in India, Pre-reforms upto 1990	30 Minutes
	2	Telecom Reforms NTP 1994; NTP 1999; Broadband Policy 2004; NTP 2012	1 Hour
	3	Indian Telegraph Act 1885 and Regulations thereunder	1 Hour
	4	Policies	
	4A	Same Service, Same Rules	2 Hours
	4B	EMF	
	4C	Right of Way	
	4D	Universal Service Obligation Fund (USOF) levy:	
	4E	Spectrum policy in India	
	4F	Licence Fee Regime for telecom licences:	
	4G	Security Guidelines - PMA Guidelines	
	5	Telecom Regulatory Authority of India ACT 1997	2 Hours
	5A	TRAI: Its Functions and Structure	
	5B	Telecom Dispute Settlement Tribunal (TDSAT) - Functions and Structure	
	6	Role of DOT as Licensor ; Telecom Enforcement and Monitoring; Controller of Communication Accounts: Revenue	2 Hours
	6 A	Universal Access : License Agreement; Terms thereunder	
	6 B	Spectrum Management and Allocation	
	6 C	Licenses (Other than Universal Access)	
	7	TRAI Regulations	6 Hours
	7A	Telecom Tariff Orders	
	7B	Mobile Number Portability (MNP)	
	7C	Telecom Consumers Complaint Redressal Regulations, 2012	
	7D	Telecom Consumer Regulations (TCPRI) 2012	
	7E	Unsolicited Commercial Communications (UCC)	
	7F	Quality of Service (QoS)	

	7G	Interconnection Usage Charges and Regulations	
	7H	Subscriber Verification	
	7I	Metering and Billing Audit Regulation	
	7J	Telecom Licenses and Regulatory levies	
	8	Case Law - Importance Cases; Jurisprudence and Present scenario - Including current issues and cases	1 hour
SCHEME OF EVALUATION:	The course will entail intense study for 6 to 7 hours and seminar type discussions for 3 to 4 hours. Student will be evaluated at the end of each module with 15 to 30 minutes test (total 2 tests – each for 30 marks). There will be a group exercise (25 marks) where students will be asked to make a 10 minutes presentation and submit a two page write-up on the topic of their choice. Balance 15 marks will be awarded on the basis of class-room participation and attendance.		
SELECTION CRITERIA *	Notified later		

COURSE TITLE:	Conflict of marriage laws
COURSE OFFERED TO	LL.M.
INSTRUCTOR:	Dr. Aruna Venkat
NUMBER OF CREDITS:	3
DURATION	Full semester
BRIEF DESCRIPTION (MINIMUM 500 WORDS)	It is a subject which deals with <u>marriage</u> in different jurisdictions. When marriage-related issues arise between couples with diverse backgrounds, questions as to which legal systems and norms should be applied to the relationship, which law will govern celebrations and which law will govern essentials of marriage, whether renvoi is applicable in matrimonial causes? These are issues which are central of transnational marriages. This course will also deal with issues of recognition and implementation of foreign decrees. The course will also look at issues related to same sex marriages and civil partnerships and whether the general laws of marriage and matrimonial causes will be applicable to these unions.
SCHEME OF EVALUATION:	End term exams

COURSE TITLE:	Banking and Finance Laws
COURSE OFFERED TO	LL.B. and LL.M.
INSTRUCTOR:	Prof. K. Vidyullatha Reddy
NUMBER OF CREDITS:	4
DURATION	January- April, 2017
BRIEF DESCRIPTION (MINIMUM 500 WORDS)	The nexus between law and economics necessitates the law graduates to further study the nuances of financial governance. The study of financial institutions role and regulation forms the basis for understanding financial governance. The nature of financial transactions have seen a sea change with liberalization and enhanced cross boarder financial activities. The Economic crisis, financial deficit, inflation, growth rate, structural adjustment programs and similar other issues often take the centre stage in a sovereign State. We need to arm our citizens with necessary financial knowledge to overcome any such situation with optimum prudence in the larger interest, however it also helps an individual to serve corporate, financial institution, legal and other stake holders. The course intends to provide holistic perspective on legal aspects concerning the functioning of banking and non- banking financial institutions in India. The course dwells further on the impact of the functioning of financial institutions on Indian economy. The financial services rendered by the financial institutions and the scope of their transactions within and outside country will also be dealt as part of the course. The course while leans more in studying the regulation of banks do provide sufficient scope to study non-banking financial institutions as well. Foreign investment in India and the consequent impact on Indian economy will be studied alongside the regulation of foreign investment in India. The course further intends to provide complete overview of financial structure and the issues concerning financial governance in the country.
SCHEME OF EVALUATION:	Mid Semester Examination :25 Marks Project :25 Marks End Semester Examination :50 Marks

COURSE TITLE:	Modern Insurance Law
COURSE OFFERED TO	LLB and LLM
INSTRUCTOR:	Mr. P Ashwini Kumar
NUMBER OF CREDITS:	4
DURATION	January-April 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Risk is a part of life. Occurrence of uncertain events may adversely affect the life of an individual, family, firm, company and also society as a whole. Hence, everybody expects security to life and property. Insurance is meant to protect against uncertain events which may otherwise cause loss/ disadvantage. The contract of insurance is basically governed by the general rules of law of contract. At the same time, it has formulated special rules/principles and developed into "Law of Insurance". At present, insurance sector (private or public) has greater role in the Indian economy and World economy. Insurance is not only a commercial business but also a tool for the enhancement of the welfare. Insurance is a form of risk management. It appraises the risk involved and controls/reduces the risk through providing compensation to the assured. Thus it assures individuals, community, firms, companies etc and helps in providing security and for the smooth growth. In the first part of the course, we study about the general principles of insurance and also about the regulatory authorities. Further we study about the role of insurance in the economy. The second part of the course is about various kinds of insurance like Life Insurance, Fire Insurance, Motor Vehicle Insurance, Marine Insurance etc and relevant legislations regarding.
SCHEME OF EVALUATION:	4. Mid Semester Examination:25 Marks 5. Project :25 Marks 6. End Semester Examination:50 Marks

COURSE TITLE:	Is Labour Law Dead?
COURSE OFFERED TO	LL.B. and LL.M.
INSTRUCTOR:	Prof. N.Vasanthi
NUMBER OF CREDITS:	4
DURATION	January-April 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	There is no dearth of material internationally on the proposition that labour law is dead and as far as India is concerned Professor Upendra Baxi has also opined that labour law is now only legal history. It can be argued that as long as the legislations on labour continue it is unnecessary to speculate on the death of labour law, but it is also true that we can study it as part of our legal history rather than as an alive and vibrant discipline. It is undoubtedly true that Labour Law's traditional boundaries have come to be challenged on many grounds. There is a notable decline in even industrialised countries of collective worker organisations and supporting regulatory mechanisms. There is a decline in standard employment and a rise of new forms of flexible work which lack the formal characteristics of subordination traditionally associated with the contract of employment but are still as exploitative. The intersection of labour and migration concerns and the rise in informal labour markets have given visibility to a whole range of work that is outside the scope of formal regulation and ventures into precarious and unregulated work. Gender becomes an important dimension in such work. The once solid lines between family law, social security law, criminal law and immigration law are beginning to fade. The rise of new forms of work has forced labour lawyers to develop new and more encompassing conceptualisation of work relations. Women as part of the labour force have thrown up new challenges to the way work is understood and regulated. The Global Gender Gap report prepared by the World Economic Forum shows India as the second lowest performing country in terms of health and survival of women. It performs below average on economic participation and opportunities for women. According to the report India is part of 20 worst performing countries on labour force participation. The report notes that women in India perform a disproportionately high amount of unpaid work as compared to men. India has the highest difference between women and men on the average minutes spent per day on unpaid work—a difference of 300 minutes. It is also among the countries

	with the highest difference in the female and male percentage of total R&D personnel. India has one of the lowest percentages of firms with female participation in ownership. Extending legal protections to the informal sector has proved to be challenging given the diversity of workers and work conditions. The broad category of informal workers includes a range of workers from street vendors and other self-employed workers to contract labour and casual, daily-wage workers. There are several theories of informal labour and existing theories on informality such as dualism or voluntarist school approach. The seminar will allow students to explore whether labour law has any relevance in today's day and time.
SCHEME OF EVALUATION:	Lit rev: 25 marks due in the beginning of March End sem paper: 40 marks due at the beginning of April Seminar presentation: beginning of April 10 marks (students who don't meet the deadline will not be able to clear the course)
SELECTION CRITERIA	

COURSE TITLE:	Interdisciplinary Studies on the Indian Legal System
COURSE OFFERED TO	LL.B. / LL.M.
INSTRUCTOR:	Mr. Sidharth Chauhan
NUMBER OF CREDITS:	4 credits for LL.B. students 3 credits for LL.M. students
DURATION	January-April 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	In this seminar, we will read the lesser known (but easily available) literature that grapples with questions of institutional design in India's legal system. In the introductory classes we will begin with some historical background on how the modern Indian legal system is seeking to move on from its colonial origins. We will then reflect on broader concerns about access to justice and the quality of justice-delivery in our country before moving on to a loosely demarcated focus on five components of our legal system, i.e. litigation, the judicial system, the legal aid movement, the emergence of commercial law firms and lastly the state of legal education. Most of the reading assignments will be in the nature of descriptive studies that shed light on the experiences of the various stakeholders in our legal system. For instance, the module on the legal profession will include some anthropological writings about lawyers and the complex web of their social relationships. This will enable a more meaningful appraisal of the requisite doctrinal materials such as The Advocates Act, 1961 and the Bar Council of India Rules framed under the same. The module on the judicial system will seek to draw attention to empirical data pertaining to litigation rates (institution, disposal and pendency of cases) and manpower planning in the different tiers of our courts. There will be some engagement with doctrinal works when we come to issues pertaining to the higher judiciary such as the evolution of social action litigation and the ongoing debate on the method of appointments. Another part of the course will cover the evolution of the legal aid

	movement, with a special emphasis on the concerted efforts to promote dispute-resolution methods such as Permanent Lok Adalats and Mediation. If time permits, we will also look at some writings that examine the emergence of commercial law firms which are engaged in transactional practice. We will conclude the course with some reflections on the state of legal education, which will hopefully give you an occasion to think about your own experiences as a law student.
SCHEME OF EVALUATION:	• Attendance and Class Participation: 20% • Research Proposal + Presentation: 20% • Final submission of research paper: 60% Note for LL.M. students: This seminar course is part of the 'Public Law and Legal Theory' specialization. Classes will be held throughout the semester and attendance requirements will be enforced.
SELECTION CRITERIA	For LL.B. students: Grades obtained in mandatory courses for History and Sociology. For LL.M. students: Statement of interest in empirical legal research.

COURSE TITLE:	Judicial Process and Statutory Interpretation
COURSE OFFERED TO	LL.B. and LL.M.
INSTRUCTOR:	Mr. Sidharth Chauhan
NUMBER OF CREDITS:	4 credits for LL.B. students 3 credits for LL.M. students
DURATION	January-April 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Questions about interpretation in the law have been principally examined from the viewpoint of a judge who is called upon to read and apply legislative materials. It goes without saying that judges are constantly dealing with the uncertainties that arise in the continuum between the opposite ends of literal construction (or plain meaning) and purposive interpretation. It would be an oversimplification to think of these two seemingly divergent approaches as exhaustive of the various approaches to legal interpretation. Much like a reader who interprets a piece of prose, an individual who is trying to make sense of a painting or one who is listening to music, legal interpretation also depends on the specific circumstances surrounding the act of creation (by the author or the artist) as well as the standpoint of the one who reads a text, observes a painting or listens to music. It is quite foreseeable that the act of creation might have been motivated by a set of concerns that are at variance with those of the reader, viewer or listener. In some cases, the social meaning attached to the specific words and images used by the creator might change with time. Interpretation in the common law tradition has to account for the overarching preference for certainty, clarity and consistency in the law. While these qualities cannot be present in an absolute sense, they do command the attention of those who claim to be familiar with the law, either as legislators, judges or lawyers (or more simply 'lawmen' as described by Karl Llewellyn). From the prism of inclusive legal positivism, the authoritative force of legal provisions bears a strong correlation with coherence in their interpretation, both from the viewpoint of those who are asked to apply them and those who are asked to follow the law. There are two distinctive methods for teaching a course of this description. The established method requires students to learn the

	canons of statutory interpretation by examining how they have been applied and explained in past decisions. However, the newer method that seems to be gaining ground locates statutory interpretation as a sub-field in the philosophy of language. In particular, the analysis of legislative materials draws heavily from literary theory. We will also examine the institutional dynamics of the legislative process, which can be roughly divided into three phases, namely the pre-enactment phase, deliberations inside the legislature and post-enactment history. There will also be an effort to survey some frequently cited literature that engages with theories of adjudication in common law settings.
SCHEME OF EVALUATION:	For 4th and 5th year, B.A., LL.B. students: Term Paper + Presentation (25%) Mid-term (25%) End-term (50%) For LL.M. students: End-term (100%) For LL.M. students, this elective course will be part of the 'Public Law and Legal Theory' specialization. Please note that this course will run for the entire duration of the semester and the attendance requirements will be enforced.

COURSE TITLE:	Protection of Minorities and Indigenous Peoples in International law
COURSE OFFERED TO	LL.M. and LL.B.
INSTRUCTOR:	Mr. Syed Ashaq Hussain
NUMBER OF CREDITS:	4
DURATION	January-April, 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	With ethnic conflicts erupting in many parts of the world, controversial issues concerning minority right have been resurrected again. This has especially been the case since the last decade of the previous century which witnessed massive geo-political changes due to collapse of the communist governments in Eastern Europe and the former Soviet Union. These changes, following aggressive and boisterous movements, largely driven by the forces of ethnicity and nationalism; have virtually brought forth many issues concerning minorities and their rights in international law. Although, international law has accorded protection to minorities since the dawn of the sixteenth century; these new developments, unfolding a political reality, have once again raised questions of identity and group rights in International law. These aforementioned developments are all the more significant since, unlike its predecessor; the United Nations has taken a different approach: protection of human rights became the main focus of international concern in the post-World War II period and minority rights as such were abandoned. The only norm of international law which directly concerns minorities in the whole regime of international human rights law is Article 27 of the International Covenant on Civil and Political Rights which guarantees ethnic, linguistic and religious minorities the right to protect their language, culture and tradition. This article is clearly limited in its scope and content. Besides, it finds difficulty in accommodating minority rights within the individualist and universal framework of human rights. However, international law, like any other law is not static and has evolved to meet the situation and exigencies of time. The United Nations declaration on Minorities Rights, 1992 has led to maturing of new norms and standards for the protection of minorities. Consequently, one of the purposes of the course is to examine the contemporary developments concerning protection of minorities and their rights in international law. Similar developments on the regional side will also be examined. Most prominent amongst them is the Framework Convention for the Protection of National Minorities in Europe, adopted in 1994, will be part of the course, since a comparison of the regional norms and standards with the universal protection

	accorded to them is important to appreciate the different approaches in resolving the problem of minorities. This course also includes discussion of indigenous peoples, considered as one the most deprived and dispossessed groups; since their rights have progressed almost parallel to minority rights in international law. Who are indigenous peoples and what rights they have in contrast to minorities as such would be examined in the light of the UN Declaration on the Rights of the Indigenous Peoples, 2007. This is all the more important because the declaration has evolved some new concepts and norms that were hitherto considered as alien to their rights and claims in international law. It is equally important to mention that this course is taught in the light of the historical protection accorded to minorities in international law, with special emphasis on protection of minorities under the League of Nations. The significant role the Permanent Court of International Justice in evolving a whole corpus of minority rights jurisprudence, which still occupies a central place in any discourse on minority rights, will be examined closely. Broadly speaking the subject is taught on the basis of a thematic approach with issues revolving around the following modules: (i) the concept of minority in international law, (ii) historical protection of minorities, (iii) protection of minorities under the League of Nations, (iv) protection of minorities and the United Nations, (v) human rights and protection of minorities, and (vi) regional protection of minorities. At the regional level, development of the various institutions for the protection of minorities by the European Union shall be examined.
SCHEME OF EVALUATION:	Projects: 25 Mid Sem: 25 End Sem: 50

COURSE TITLE:	Law relating to sexual harassment at the workplace
COURSE OFFERED TO	LLB
INSTRUCTOR:	Prof. N.Vasanthi
NUMBER OF CREDITS:	4
DURATION	January-April 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Sexual Harassment as a legal concept came to be introduced in the United States following Catherine Mackinnon seminal work which also coined the term in the 1970's. The concept has since evolved and is now part of the law in most countries around the world. There are a variety of laws that deal with sexual harassment; some are penal laws, some employment statutes and some are discrimination based laws. While some are stand alone laws, there are others which are part of statutes on crimes or discrimination or employment. In India the origin of the concept is rooted in Constitutional Law while the remedies are located in employment law. In 2013 a new stand alone law relating to sexual harassment at the workplace was enacted . While the earlier guidelines regarding sexual harassment at the workplace were laid down by the Supreme Court in <i>Vishakha</i> , the new Act i.e. The Sexual Harassment at the Workplace (Prevention, Prohibition and Redressal) Act 2013 has made important additions to the law. The course will look at theories around the protection of women from sexual harassment, its origin and evolution, its relation to gender based harassment and sex-based discrimination along with comparative perspectives on the law looking at important cross cultural perspectives. The enforcement of the Supreme Court guidelines since 1997 and the changes the new law makes, the position of the Internal Complaints Committee, the standards of evidence that the new law requires and established standards and procedures in domestic enquiries will be examined. Objectives: • To inform students about the various conceptual foundations of sexual harassment law • To give them an exposure to international practices in the area of sexual harassment at the workplace • To equip them with an thorough understanding of the Indian law • To enable students to handle cases of sexual harassment

SCHEME OF EVALUATION:	Mid-sem(25 marks), paper 25 marks (20+5 for presentation) and End-sem for 50 marks

COURSE TITLE:	Applied Jurisprudence
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Prof. Amita Dhanda
NUMBER OF CREDITS:	4
DURATION	January-April, 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	An oft levelled charge against legal theory is its relevance to every day life and to the bread-butter activities of law persons. This charge of irrelevance is vociferously countered by all those who are passionate about the philosophy of law. The debate on the usefulness or otherwise of legal theory carries along with assertions that universities should provide space to useless knowledge that is learning and knowledge which is good in itself. Legal Theory I contend can qualify as both useful and useless knowledge, it is possible to engage with it without taking an unequivocal position on this or that side of the utility divide. This course which I have entitled applied jurisprudence has been constructed on two planks. On one plank it aims to show the contextual rootedness of theory. Every theorist is seeking to find answers or provide analysis for problems found in his or her times. Thus for example Austin, Hart and Raz are all described as positivists because they have some common belief systems; however these commonalities often blur over the differences. There is need to appreciate the differences because these differences show how even as every era draws from the past, it also moulds what it receives in accordance with the needs and concerns of its times, as perceived by the particular theorist. Given this contextual relationship, our engagement with any theory necessarily cannot be de hors the needs and challenges of our own times. This limb of the course aims to look at a select group of theorists from the lens of our times as to what they mean or do not mean to us. The first part of the course explores the contemporary relevance of bodies of thought; however this effort at contemporising carries with it the danger of generating uninformed opinions. Consequently the second plank of the course scrutinizes some of the contentious socio-legal issues of our times; examines the legislative-judicial solutions that have been devised in the country and outside to resolve these problems and then evaluates those solutions from the lens of relevant theories. This exercise is aimed to bring home the fact that there are theoretical underpinnings to black letter law and any endorsement or reform of that

	law cannot happen without understanding those theoretical underpinnings. This part of the course is being constructed with the object of providing students with the equipment to independently evaluate contemporary law and policy and thus assume responsibility for their scholastic positions. This process of assuming responsibility will be through a deliberative discourse on selected issues by theoretically evaluating the contemporary legal solutions. The legal regulation of sexual harassment; the questions of administrative accountability; the problems of privacy and surveillance and the developments in biotechnology (organ transplant, surrogacy) are some of the issues I plan to examine in the course. However this list is neither inflexible nor exhaustive; consequently students electing to do the course can also send their suggestions.
SCHEME OF EVALUATION:	Mid Semester Examination :25 Marks Project :25 Marks End Semester Examination :50 Marks

Movements against Criminalization of Homosexuality in US & India

(Research based Seminar Course, February-March 2017)

NALSAR University of Law, Hyderabad

Instructor: Prerna Dhoop

Course outline:

The main object is to engage in the study and comparison of the movements against criminalization of homosexuality in the United States and India in order to examine the unique challenges to successfully bringing about social change and discuss practical methods to overcome those challenges.

The movements in the US and India have largely revolved around a) elimination of sodomy laws; b) advocacy for equal rights like marriage rights; and c) call for ending discrimination in public life. While the movement in the US post *Lawrence v. Texas* has reached the second stage with the recent decision in *Obergefell v. Hodges*, the movement in India is still in its nascent stage with the latest defeat in the legal battle against Section 377 in *Suresh Kumar Koushal v. Naz Foundation*. However, the recent decision in *National Legal Services Authority v Union of India* is said to be progressive so far as it upholds the right of the eunuchs to be recognized as a 'third gender' and eligible for special protection and guarantees. As such, it is very important to study these cases in depth and analyze the legal issues involved like for example, how the judiciary dealt with the issues of constitutional morality and societal morality in *Lawrence*, *Obergefell*, *Koushal* and *NALSA* judgments. Also, we shall have a slightly closer look at the factual and legal arguments and litigation techniques that were employed in these cases. In this way we would be able to gather an understanding of the winning legal arguments and successful litigation techniques in the movements against criminalization of homosexuality.

Apart from the litigation techniques, the class will also study about other strategies and approaches that the movements have employed in order win legal cases and battles outside courts. It is important to understand that the main battle for the movement against criminalization is fought outside the courts because it is very difficult to influence and appeal to societal morality which has largely been anti-homosexuals. As such, we will trace how the movements in different countries have used other fora apart from courts like the political forum and social media in order to spread their message and win wide support among the masses. In this way the students will be able to understand the role of litigation and media within a broader social and political movement.

There will be class readings and discussions on the relevant cases (US & India), legal writings and research articles on the topic. Our interactions will only be beneficial if you read the assigned materials in advance and actively participate in the classroom discussions.

Evaluation Scheme

- Weekly Group Assignments: 30 marks (3 short assignments of 10 marks each)
- Class participation: 20 marks
- Movie & Case Reviews: 50 marks

Reading Plan

Week 1: Introduction to the Course

Week 2 Legalization of Homosexuality in the US

- *Lawrence v. Texas* 539 U.S. 558 (2003)

Week 3: Same-Sex Marriage Victory in the US

- *Obergefell v. Hodges* 135 S.Ct. 2584

Week 4: Analysis of the *Obergefell* Judgment & the Road Ahead

- Callie E. Wells, Case Comment: *Obergefell v. Hodges*, E.H.R.L.R. 2015, 4, 406-412
- Steven Petrow, "After court victory on marriage, what's next for *Obergefell*?", THE WASHINGTON POST, June 30, 2015
- Gwendolyn M. Leachman, "From Protest to Perry: How Litigation Shaped the LGBT Movement's Agenda", 47 U.C. Davis L. Rev. 1667 (2014) (**ASSIGNMENT**)

Week 5: Movement against Section 377 in India

- Danish Sheikh, "The Road to Decriminalization: Litigating India's Anti-Sodomy Law", 16 Yale H.R. & Dev. L.J. 104 (2013)
- *Suresh Kumar Koushal and another v. NAZ Foundation and others* (2014) 1 SCC 1; AIR 2014 SC 563
- *Naz Foundation v Government of NCT of Delhi and others* 2010 CRLJ 94; 2009 (160) DLT 277

Week 6: Response to the *Koushal* Judgement & Future Challenges for the Movement in India

- Michael Kirby, "Sexuality and International Law: The New Dimension", E.H.R.L.R. 2014, 4, 350-368
- Robert Wintemute, "Same-Sex Love and Indian Penal Code 377: An Important Human Rights Issue for India" 4(1) NUJS L. Rev. 31 (2011)
- Prof. M.P. Singh, "Constitutionality of Section 377 Indian Penal Code – A Case Of Misplaced Hope In Courts" 6 NUJS L.Rev. 4 (2013)

- Rukmini Sen, “Breaking Silences, Celebrating New Spaces: Mapping Elite Responses to the ‘Inclusive’ Judgment”, 2(3) NUJS L. Rev. 481 (2009)

Week 7: Response to the NALSA judgment

- *National Legal Services Authority v Union of India and others* (2014) 5 SCC 438; AIR 2014 SC 1863
- Aniruddha Dutta, “Contradictory Tendencies: The Supreme Court's NALSA Judgment on Transgender Recognition and Rights”, 5 J. Indian L. & Soc'y 225 2014
- Bret Boyce, “Sexuality and Gender Identity under the Constitution of India”, 18 J. Gender Race & Just. 1 (2015)
- Tarunabh Khaitan, “NALSA v Union of India: What Courts Say, What Courts Do”, available at <http://ukconstitutionalaw.org/2014/04/24/tarunabh-khaitan-nalsa-v-union-of-india-what-courts-say-what-courts-do/>
- Sujitha Subramanian, “The Indian Supreme Court Ruling in Koushal v. Naz: Judicial Deference or Judicial Abdication?”, 47 Geo. Wash. Int'l L. Rev. 711 (2015)

Week 8: Movements in Canada, Colombia & Israel

- John Fisher, “Outlaws or In-laws?: Successes and Challenges in the Struggle for LGBT Equality”, 49 McGill L.J. 1183 2003-2004
- Christine Davies, “Canadian Same-Sex Marriage Litigation: Individual Rights, Community Strategy”, 66 U.T. Fac. L. Rev. 101 (2008)
- Julieta Lemaitre Ripoll, “Love in the Time of Cholera: LGBT Rights in Colombia”, 11 Sur - Int'l J. on Hum Rts. 73 2009
- Yoav Dotan, “The Boundaries of Social Transformation through Litigation: Women's and LGBT Rights in Israel, 1970-2010”, 48 Isr. L. Rev. 3 2015

Week 9: Common Lessons from LGBT Rights Movements'

- Julie Mertus, “The Rejection of Human Rights Framings: The Case of LGBT Advocacy in the US”, 29 Hum. Rts. Q. 1036 2007
- Leonore F. Carpenter, “Getting Queer Priorities Straight: How Direct Legal Services Can Democratize Issue Prioritization in the LGBT Rights Movement”, 17 U. Pa. J.L. & Soc. Change 107 (2014)

Week 10: Future Challenges for the Movements

- Hadar Aviram & Gwendolyn M. Leachman, “The Future of Polyamorous Marriage: Lessons from the Marriage Equality Struggle”, 38 Harv. J.L. & Gender 269 (2015)
- Dipika Jain & Kimberly Rhoten, “The Heteronormative State and the Right to Health in India”, 6(4) NUJS L. Rev. 627 (2013)
- Nancy J. Knauer, “LGBT Youth: Reconciling Pride, Family, and Community”, 23 Temp. Pol. & Civ. Rts. L. Rev. 297 2013-2014

Week 11:

Movie Screening

COURSE TITLE:	Climate Law And Anthropocene Justice
COURSE OFFERED TO	4th and 5th year students, LLM
INSTRUCTOR NAME & CONTACT DETAILS:	UPENDRA BAXI
SHORT DESCRIPTION OF INSTRUCTOR	
NUMBER OF CREDITS:	2
PREFERRED DATES FOR CONDUCT OF COURSE	Feb 12-22
PRE-REQUISITES:	None
BRIEF DESCRIPTION ON COURSE (MINIMUM 500 WORDS)	1. These Seminars will discuss the following thematics in eight sessions: designed primarily to the question of how much resilience may the law and jurisprudence generate in the Anthropocene era of climate change and global (in)justice and what the latter may do the structures and processes of the law and jurisprudence (as we know it now). 2. It would be best if you were to read beforehand the two recent general works: [1] Amitav Ghosh, <i>The Great Derangement: Climate Change and the Unthinkable</i> (Gurgaon, Penguin/Allen Lane (2016) and [2] Naomi Klien, <i>This Changes Everything: Capitalism vs. Climate</i> (London, Penguin/Allan Lane, 2014). These books should prove worthwhile acquisitions in your personal library. Of course, always you should have access to the full text of Paris Agreement: one source is https://unfccc.int/resource/docs/2015/cop21/eng/l09.pdf 3. While the thematics are relatively independent, they are also densely interconnected and you are well advised <i>not</i> to pick and choose between seminars. The entire seminar course should be attended and benefit from your participation. 4. Further readings will be made soon available; please note that they are classified as required, recommended, and advanced. Required readings shall be presumed to have been studied; the seminar presentation will extend to most of the other categories—and will roam further! Session1: The Wonderful World of the late Holocene and the Emerging Planetary Crisis Anthropocene: Toward a Geological Understanding of a 'Perfect Moral Storm' Session 11: The Late Holocene Environmental Law and Jurisprudence: Sustainable Development. Biodiversity, The Precautionary Principle, and All That!

	Session 111: What Does the Paris Framework Agreement Say and What Does It Mean? And Does Either matter? Session IV: Human Rights and Climate Change: The Futures of Business and Human Rights Standards and Norms Session V: Towards a Theory of Just Emissions? What are Common Approaches to Common but Differentiated Principle (CBDP) and Climate Refugees? Session VI: The Harm Principle and 'Dangerous Climate Change' Session VII: Climate Change Litigation in National Courts and Tribunals: With Special Reference to the Dynamic of the National Green Tribunal and National Human Rights Commission Session VIII: Scenarios of Survival: How Shall We Postulate Interspecies and Planetary Collective Human Right to Immunity from Extinction?
SCHEME OF EVALUATION:	
SELECTION CRITERIA	NO CAP



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Examination Section

Faculty Option Form for **Elective Courses** (Form-2)– January-April, 2017 Semester

Name of the Faculty: **Dr. BALA KRISHNA**

(Note: If any Faculty wants to offer more than ONE Elective Please copy this page and fill it accordingly)

COURSE TITLE:	CHILD PROTECTION AND JUVENILE JUSTICE
COURSE OFFERED TO	Elective for LL.B. / LL.M. / M.B.A. / Joint (Please Specify: LL.M)
INSTRUCTOR:	Dr. BALA KRISHNA
NUMBER OF CREDITS:	4
DURATION	January-April, 2017 Semester
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The main aim of the course is to provide a combination of theoretical and practical aspects of the protection of child rights and juvenile

delinquency law. This course deals with substantial and procedural law which includes the role of social worker, police, prosecution, judiciary and correctional services with emphasis on CWC and JJB. This course is a unique combination of Socio-legal and Criminological outlook.

Objectives of the Course

- To provide an over view of theories, ideas and legal principles on child protection and juvenile delinquency.
- To provide an opportunity to learn the fundamental principles of procedural aspects.
- To expose the learner to examine the child protection and rehabilitation process.

Outlines of the Course

1. MODULE I: Introduction
 - 1.1. Origin and significance of the Child Rights
 - 1.2. An over view of Child Rights Protection
 - 1.3. The national policies for children
 - 1.4. Key concepts and General Principles of Law
2. MODULE- II: Juvenile Delinquency
 - 2.1. Juvenile Justice: Historical Perspectives
 - 2.2. Bio-social explanation of juvenile delinquency
 - 2.3. Psychological explanation of juvenile delinquency
 - 2.4. Sociological explanation of juvenile delinquency
 - 2.5. Policy issues on child rights protection and delinquency prevention
3. MODULE-III: The Care and Protection of the Children
 - 3.1. Children need of care and protection
 - 3.2. Child abuse and child rights law
 - 3.3. The welfare principles
 - 3.4. Child Welfare Committee: powers, inquiry and procedure
 - 3.5. Child Friendly Procedures
 - 3.6. Children homes, shelter homes
 - 3.7. Process of Social Reintegration
4. MODULE- IV: JJ Act and POCSO Act
 - 4.1. Key concepts under JJ Act and POSCA.
 - 4.2. An Overview of the Protection of Children from Sexual Offences Act,2012
 - 4.3. Juvenile delinquency and the working on criminal justice system
 - 4.4. The Role of Police, JJB, Probation Officer,

	4.5. Arrest and Custody of Juvenile and Child Institutions 4.6. Law of Bail. 4.7. Juvenile Transfer to Criminal Court 4.8. Nature Trial and Appeal Procedures basic principles of evidence and Need for Reforms 4.9. Field visits and Field Work Report
SCHEME OF EVALUATION:	Written Examination

(Signature of the Faculty)

COURSE TITLE:	COMPANY ADMINISTRATION , MERGERS AND ACQUISITIONS
COURSE OFFERED	LLM (CORPORATE AND COMMERCIAL LAWS) Taught Paper
INSTRUCTOR:	Dr. T. Raghavendra Rao
NUMBER OF CREDITS:	03
DURATION	January- April 2017
BRIEF DESCRIPTION (MINIMUM 500 WORDS)	COURSE COVERAGE: 1. Directors: Liability, Qualifications, Removal, Powers, Duties, Remunerations, Other Managerial Personnel. 2. Meetings: Statutory Meeting, AGM, Extraordinary General Meeting, Voting rights, Resolutions, Service of Documents. 3. Dividends, Accounts and Audit: Dividends, Reserve Fund, Depreciation, Bonus Shares, Directors Responsibility statement, Auditors. 4. Borrowing, Lending, Investments and Contracts: Borrowing, Registration of Mortgages and charges, Debentures, Floating charge, Company Law Board,

Investment in other Companies, Inter Corporate Loans and Investments.

5. Minority Protection, Majority Powers and Minority Rights: Rule in Foss v Harbottle, Ultra Vires, Fraud on Minority, Special Majority, and Individual Membership Rights.
6. Prevention of Oppression and Mismanagement: Powers of Company Law Board, Powers of Central Government, Powers of Investigation, Powers of SEBI.
7. Reconstruction and Amalgamation: Compromises and Arrangements, Reconstruction and Amalgamation, Takeover and Acquisition of Minority Interest, Demerger, Amalgamation in National Interest.
8. Winding up: Defunct, Foreign, Existing Companies, Restoration, Winding up by Court, Voluntary Winding up, Conduct of Winding up, Liability of Past Members, Frauds by officers.
9. Emerging Trends:
 - Revival and Rehabilitation of Sick Industrial Companies.
 - Takeover Code Regulations, 1997.
 - Competition Act, 2002.
 - Companies Act, 2013
 - Comparative Study of India, U.K. and U.S.A.

SUGGESTED READINGS:

Ramaiya Guide to The Companies Act

Author: A RAMAIYA

[Ramaiya Guide to Companies Act, 17th Edn.](#)

Author: A Ramaiya

[Joint Ventures and Mergers And Aquisitions In India: Legal And Tax Aspects](#)

Author: Seth Dua & Associates

[Guide to Company Law Procedures](#)

Author: MC Bhandari

[Datta on the Company Law:](#)

Author: CR Datta

[Company Meetings - Law, Practice and Procedure](#)

Author: KR Chandratre

[Boyle & Bird's Company Law](#)

[John Birds, A.J.Boyle, Eilis Ferran & C.Villiers](#)

[Butterworth's Guide to Takeovers & Mergers](#)

[Sridharan & Pandian](#)

[Charlesworth's Company Law](#)

[Stephen Girvin, Prof. Alastair Hudson & Dr. Sandra Fristy](#)

[Company Directors - Fiduciary Duties & Liabilities under the Indian Company Law](#)

[K.D. Raju](#)

[Company Directors under Company Law](#)

[Badruddin](#)

[Company Directors' Compliance Manual - Directors' Position & Powers, Responsibilities & Duties, Liabilities and Risks](#)

[V.K.Pamecha \(F.C.A.\)](#)

[Company Law](#)

[A.K.Majumdar & Dr. G.K.Kapoor \(Taxmann\)](#)

Palmer's Company Law

	Mergers and Acquisitions From A to Z Andrew J. Sherman, Milledge A. Hart Mergers And Acquisitions By Weston Mergers & Acquisitions By Brian Coyle, Glenlake Publishing Company Mergers and Acquisitions Basics By Michael E. S. Frankel The Art of M&A, Fourth Edition A Merger Acquisition Buyout Guide By Stanley Foster Reed, Alexandra Lajoux, H. Peter Nesvold
SCHEME OF EVALUATION:	End Term Examination for 100 Marks

COURSE TITLE:	THE LAW OF TRADEMARKS
COURSE OFFERED TO	LLM
INSTRUCTOR:	Prof. V. C. Vivekanandan
NUMBER OF CREDITS:	3
DURATION	Jan-April, 2017
BRIEF DESCRIPTION	<u>INTRODUCTION:</u> Trademarks –a component of Intellectual Property Rights deals with various signs used to distinguish the products and services in the market. Trademarks serve the function of connecting the consumer with the producer/service provider to identify specific products and services. It enables the consumer to buy or use the products and services they desire and on the other hand it enables the producers and service providers to build their loyal market share. Trade Marks in essence is connected with the functional benefit, emotional satisfaction and self- expressive aspect of the consumer. From business perspective, Trade Mark registration also protects the huge investment of the producers/service providers to act upon piracy and cheating by free riders in the market. The Trademark history dates back to the Roman empire where potteries and swords were marked as distinctive signs. The recorded history of trademark legislation dates back to the British empire where King Henry III enacted a Trade Mark Act in 1226 to enable the bakers to mark their bread. This was followed by the French legislation in 1857 called the “ Manufacture and Goods Mark Ac followed by the British legislation in 1862- the Merchandise Marks Act and in the US the Trade Mark got enacted in 1881. In Indian context the statutory was enacted in 1940 based on the UK Trade Marks Act of 1938 and later revised in 1958 as the Trade and Merchandise Act. Post TRIPS the Act of 1958 gave way to the new Trade Marks Act of 1999, which included the essential elements of the TRIPS agreement notably with the inclusion of the Service Marks.

THE DELIVERABLES OF THE COURSE

- ✓ To enable the learners to understand the concept, evolution and current issues of the Law of Trade Marks
- ✓ To understand the interface of Trade Marks Act and Unfair Competition practices
- ✓ To learn the comparative aspects of Trade Marks in US and European regimes
- ✓ To understand the interface of Trade Mark Jurisprudence in the context of Domain Names in Internet Processes
- ✓ To learn the International regime of Trade Marks through International Agreements

STRUCTURE OF THE COURSE

MODULE 1 – EVOLUTION AND BASIC PRINCIPLES OF TRADE MARKS

- ✓ Concept & Definitions
- ✓ Essential elements
- ✓ Historical time line
- ✓ Functions and forms of TM
- ✓ TM and Business interface

MODULE 2 – INTERNATIONAL PERSPECTIVE OF TRADE MARKS

- ✓ Madrid convention
- ✓ Paris convention
- ✓ Trips agreement

MODULE 3 – FUNDAMENTALS OF TRADEMARKS

- ✓ Distinctiveness
- ✓ Deception
- ✓ Unregistered marks
- ✓ International marks
- ✓ Collective marks
- ✓ Certification marks

MODULE 4- REGISTRATION OF TRADEMARKS UNDER INDIAN LAW

- ✓ Registrable Marks
- ✓ Marks not registrable
- ✓ Registration procedure
- ✓ Examination
- ✓ Opposition/invalidity/revocation

MODULE 5- INFRINGEMENT OF TRADEMARKS

- ✓ Infringement
- ✓ Exceptions
- ✓ Unauthorized use
- ✓ Non-infringing use

MODULE 6- ENFORCEMENT

- ✓ Common law action
- ✓ Dilution
- ✓ Remedies
- ✓ Passing off & remedies
- ✓ Ambush Marketing

MODULE 7- TRADEMARKS & DOMAIN NAMES

- ✓ TM and interface of domain names
- ✓ Domain name disputes
- ✓ UDRP procedure
- ✓ gTLD -legal issues

ESSENTIAL READING

Narayanan, P. (2004). *Law of Trade Marks and Passing off* (6th ed.). Kolkata: Eastern Law House. p. 3. ISBN 9788171772322

W. R. Cornish, *Intellectual Property: Patents, Copyrights, Trademarks and Allied Rights*, Sweet and Maxwell, 2003

ADDITIONAL READING

1. Cohen, "Transcendental Nonsense and the Functional Approach," 35 Colum. L. Rev. 809, 814-17 (1935) [[PDF version](#)] [[MSWord version](#)]
2. Fundamentals of Intellectual Property: Cases & Materials, [Thomas G. Field Jr.](#) University of New Hampshire School of Law (formerly Franklin Pierce Law Center) http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1172142
3. Non-Conventional Trade Marks in India, [Dev Saif Gangjee](#), Faculty of Law, University of Oxford, National Law School of India Review, Vol. 22, No. 1, pp. 67-96, 2010, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1555807
4. Quibbling Siblings: Conflicts between Trademarks and Geographical Indications, [Dev Saif Gangjee](#), Faculty of Law, University of Oxford, [Chicago-Kent Law Review](#), Vol. 82, No. 2, 2007-
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1000467
5. 'What is in a Name?' A Comparative Look at the ICANN Uniform Domain Name Dispute Resolution Policy and the United States Anti-Cybersquatting Consumer Protection Act, [Terrence Fernbach](#), Munich Intellectual Property Law Center (MIPLC), MIPLC Master Thesis Series (2011/2012)-
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2226375
6. Rebooting Trademarks for the Twenty-First Century, [Doris Estelle Long](#) John Marshall Law School, February 11, 2013, *University of Louisville Law Review*, Vol. 49, pp. 517, 2011-
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2214754
7. Dilution of Goodwill in Trademarks: A Case Study in Indian

	Context, Sankalp Jain ,Delhi High Court , April 5, 2012- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2208105 8. Revisiting TRIPS and Trademarks: The Case of Tobacco, Benn McGrady Georgetown University , September 10, 2012- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2144269 9. Trademarks as Search Engine Keywords: Much Ado About Something? David J. Franklyn, University of San Francisco School of Law ,David A.Hyman, University of Illinois College of Law ,April 12, 2013- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2110364 10. Marks, Morals, and Markets, Jeremy N. Sheff , St. John's University School of Law, March 13, 2012, 65 Stanford Law Review 761 (2013) , St. John's Legal Studies Research Paper No. 12-0007- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2021394 11. Trade Mark Liability Issues Arising Out of Internet Advertising-Sam Ricketson - http://papers.ssrn.com/sol3/papers.cfm?abstract_id=958858 12. Allegro without Vivaldi: Trademark Protection, Freedom of Speech, and Constitutional Balancing -Wojciech Sadurski http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1998445 13 Evaluating Trade Mark Dilution from the Perspective of the Consumer-Sarah Lux - http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1965852 14. The Use of Trade Marks in Keyword Advertising - Developments in ECJ and National Jurisprudence -Nicole Van der Laan ■ http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2041936
SCHEME OF EVALUATION:	FINAL EXAM – 100 MARKS

Patents Law- LL.M - Syllabi

- 1. Introduction**
- 2. Evolution of the Patent system**
 - 2.1 Early origins**
 - 2.2 Modern developments in US and Europe**
 - 2.3 Evolution of the Patent Regime in India**
- 3. Patentability**
 - 3.1 Patentability**
- 4. Invention & Non-Inventions**
- 5. Patent Prosecution**
 - 5.1 The Concept of Prior Art**
 - 5.2 Determining the Prior Art**
 - 5.3 Patent Search**
 - 5.4 Drafting of Patent**
 - 5.5 Types of Patent Drafting**
 - 5.6 Drafting a final specification**
 - 5.7 Disclosure requirements**
 - 5.8 Unity of Invention**
- 6. Patent Office Procedures**
 - 6.1 Publication**
 - 6.2 Examination**
 - 6.3 Amendments**
 - 6.4 Grant of Patent**
 - 6.5 Opposition**
- 7. Abuse of Patents**

7.1 Compulsory Licences

7.2 Revocation

7.3 Other Provisions

8. Case Laws on Patents

9. Important readings and Links

COURSE TITLE:	Internet Governance with special focus on cyber crimes
COURSE OFFERED TO	LL.M.
INSTRUCTOR:	Dr. K. V. K. Santhy
NUMBER OF CREDITS:	3
DURATION	January-April 2017
BRIEF DESCRIPTION (MINIMUM 500 WORDS)	The objective of this seminar is to identify the policy frame for various issues regarding internet crimes for India taking into account the global initiatives. This course encourages the students to explore how a "networked" world has bred new crimes and new responses, and investigates how Information and Communication Technology (ICT) could act as a tool, a target, and a place of criminal activity and national security threats, and at the same time efficient tool of investigation leading to conviction of criminals. This course addresses such questions as how emerging technologies challenge existing laws and criminal procedures; how nation-states regulate criminal conduct across traditional geographic and political boundaries; what reasonable expectations of privacy are in cyberspace; and how control is shifting from traditional mechanisms of law enforcement to new regulatory regimes, including technology. Outcomes: Student would have a clear idea about nature and scope of Internet Crimes, various laws and regulations in place in other countries, what could be the road map for India to deal with these issues. Reading Requirement: 200 pages readings
SCHEME OF EVALUATION:	written submission : 75 marks Presentation: 25 marks



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Examination Section

Faculty Option Form for **Seminar Courses** (Form-3)– January-April, 2017 Semester

Name of the Faculty: _SOURABH BHARTI_____

(Note: If any Faculty wants to offer more than ONE Seminar Please copy this page and fill it accordingly)

COURSE TITLE:	Intellectual Property and the issues of diversity
COURSE OFFERED TO	Seminar for LL.B. / LL.M. / M.B.A. / Joint (Please Specify <u>LLM</u>)
INSTRUCTOR:	Sourabh Bharti
NUMBER OF CREDITS:	
DURATION	Semester

BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Intellectual property debates have been historically informed by the theories based on law and economics as well as property rights. Scholars and lawmakers commonly invoke utilitarian explanations to justify granting exclusive intellectual property rights as a necessary societal bargain to incentivize innovation and creativity or to promote fair competition in the marketplace. The dominant notion of intellectual property protection strictly bounded by norms finalized to capture economic incentives, by commercialization and monetization of intellectual property rights as intangible assets, is no longer sufficient to comprehensively explain the multifaceted complexity of diversity-related issues. The aim of the course is to better appreciate the interface between intellectual property norms and diversity-related issues and investigate the underlying tension between them. More details about the course will be provided later.
SCHEME OF EVALUATION:	Submission of seminar paper at the end of the course.
SELECTION CRITERIA	First come first serve basis.

(Signature of the Faculty)

COURSE TITLE:	Bio Safety Laws
COURSE OFFERED TO	Seminar for LL.M
INSTRUCTOR:	Prof. K. Vidyullatha Reddy
NUMBER OF CREDITS:	3
DURATION	January to April, 2015
BRIEF DESCRIPTION (MINIMUM 500 WORDS)	India is blessed with diverse biological resources and has potential for development of biotechnology. The choice of biotechnology regulation is decided based on the individual States choice and their adoption to the international agreements. Bio safety refers to safety issues arising out of the use of bio technology. Law should precede technology; however technological advancements are challenging the Regulators. The Convention on Biological Diversity provides the States sovereign right to exploit their biological resources. The Convention also provides for making efforts to use bio technology and fair distribution of the benefits arising therein. This led to successive protocols Cartagena and Nagoya to develop procedures for safe handling and transfer of Living Modified Organisms. Living Modified Organism (LMO) has entered food and environment threatening ecosystems and human sustenance in few parts of the world. The population of India is also diverse ranging from scientists to illiterate and the potential consumers are left with the choice decided by the literate and the Sovereign. Living Modified Organism (LMO) refers to use of biotechnology to develop new genetic combination. This can be beneficial or harmful. It can help in developing pest resistant crops, improved crop yield, developing bio fuel etc. The harmful effects of introducing LMO into environment challenge the positive effects resulting from LMO. The sale of genetically engineered seed of cotton

to farmers in India by a multinational seed company led to unforeseen activism in some parts of the country. This example reinforces the need to understand that Sovereign right in relation to the adoption and implementation of Conventions and Protocols should also be consumer centric; otherwise the consumer dilemma may outsmart a sovereign decision. This is just an example of the challenges bio technology possess to regulators.

Conference of Parties (COP) to the Convention of Bio-diversity serving as Meeting of Parties (MOP) to biosafety protocols is struggling to bring in international regime for fixing liability for trans-boundary harm resulting from LMO's introduction in foreign State. Cartagena Protocol on biosafety provides for mechanism for introduction of LMO's into food, feed and environment of other State; however the mechanism supports free trade regime. The liability for any harm arising out of such introduction is the regulatory challenge. Biosafety clearing house essentially tries to provide information and strategies for risk assessment, however there are challenges in enforcing liability regime. Developing States believe that biosafety regulation should be stringent as they believe that they are rich in bio diversity and the benefit of research should reach them, besides the apprehension that they can also easily become victims of bio terrorism. Developed states believe that such an attitude of the developing states would operate as a hindrance for research and development in biotechnology. The law regulating biosafety in India is under consideration for some time and the bill is pending; the bill however is not above criticism.

Bio piracy and the protection of traditional knowledge remains a challenge. India like many other States is struggling to identify and acknowledge traditional knowledge and define bio piracy. Use of animals for laboratory testing, transport of animals etc. and many more challenging issues demand the need for cutting edge legal research in the field.

The seminar course intends to provide basic understanding on issues concerning bio safety law besides providing a platform for students to research on specific focused area of their choice within the broad frame work of the outlined course

SCHEME OF EVALUATION:	Presentation 30 Marks Seminar paper 70 Marks

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ELECTIVE Courses Outlines
(In House Faculty)

June - October, 2017 Semester

COURSE TITLE:	Agroecology and Law: Themes and perspectives
COURSE OFFERED TO	Elective for LL.B 4 th and 5 th year Batches and LL.M. Batch
INSTRUCTOR:	Mr. Vivek Mukherjee
NUMBER OF CREDITS:	1
DURATION	25 th July to 3 rd Aug
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The course seeks to examine a multifunctional perspective towards agriculture, catering to the shifting socio- economic paradigm. This heuristic shift will be cited in both the the international legal framework and Indian municipal laws related to agriculture. Agroecology as a transdisciplinary subject has taken concrete shape only recently. It started as a scientific experiment(at University of Salento, Italy from 2012 onwards), where principles of ecology were applied to the practice of agriculture resulting in an applied science of sorts- agroecology. Agroecology goes beyond the traditional dichotomy between the natural and the social sciences, to identify agroecosystem as socio- ecological system. Law, nevertheless hardly finds place in the mainstream debate. This course intends to bridge the unexplored gap between Law and Agroecology. During the initial phase, emphasis would be laid at discovering methodological issues connecting the two disciplines. In the later phase, the focus would shift towards the plurality of challenges that agroecology presents to law. This will take into consideration the multifunctional aspect of agriculture; the multi-faceted relation that agriculture bears towards land and environment and their inter- dependence on each other. An important component of the course would be to understand agriculture as rurality (as contrasted to the rapid industrialization of agriculture). This would undo the obsolete perception of agriculture as a private activity. An activity which deals with the production and consumption of material goods by exploiting land as resource. Rurality will broaden the scope of learning by making agriculture an economic, social and cultural activity. This would be both material and ideal, while simultaneously being private and public. This course shall cater students of public law who are broadly interested in analyzing laws and policies related to developmental issues. The course will touch upon contemporary debates on GM seeds and its trade, merits of <i>sui generis</i> IPR regime for plant varieties

	(PV Act in India), multilateral and bilateral treaties catering agricultural trade like International Treaty on Plant Genetic Resources for Food and Agriculture, trade negotiations related to agriculture under WTO (or beyond) including the Doha Development Rounds etc. Source: Massimo Monteduro <i>et al</i>, Law and Agroecology- A Transdisciplinary Dialogue.
SCHEME OF EVALUATION:	Structure presentations or problem based evaluation, subject to the final number of subscribers.

COURSE TITLE:	Ancient Greek Jurisprudence And Its Relevance To Modern World
COURSE OFFERED TO	Elective for LL.B. & LL.M.
INSTRUCTOR:	Mr. P Ashwini Kumar
NUMBER OF CREDITS:	4
DURATION	<i>June-October, 2017 Semester</i>
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Jurisprudence is a study of the fundamental legal concepts. One of the tasks of jurisprudence is to construct and elucidate concepts serving to render the complexities of law more manageable and more rational. The logical analysis of legal concepts sharpens the logical technique of the lawyers and statesmen. Jurisprudence provides answers to new legal problems by utilizing the wisdom of the past. This helps in examining the consequences of law and suggesting changes for the betterment. The genesis of the modern jurisprudence can be traced in Ancient Greek philosophy. Our knowledge and experience of the past would help us to be wise in the present and forewarned for the future. Every beginning is difficult; holds in all sciences. The fundamental concepts of jurisprudence like Justice, Equality and Freedom were discussed by Ancient Greek philosophers with their rational methodology. In this course, we are going to examine the analysis made by Plato, Epicures, Heraclitus and Aristotle. Further, we are going to analyse the trials of Antigone and Socrates.
SCHEME OF EVALUATION:	Mid -Term Exam- 25 marks Research Project-25 marks Semester Exam- 50 marks

COURSE TITLE:	AVIATION LAW
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Dr. Shaik Nazim Ahmed Shafi
NUMBER OF CREDITS:	4
DURATION	July-October 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Course Description: Aviation Law is a highly specialized field of law. Aviation is a transnational, border-crossing phenomenon. Without aviation, the globalization of the flow of people and goods, and of the mixing of cultures would have been impossible and also the global awareness that we all live together on one planet could not have been developed. Airports have evolved as drivers of business location and urban development in the 21st century in same way as did Highways in the 20th century, Railroads in the 19th century, and Seaports in the 18th century. The aviation industry is international and global. Aviation industry at the international is regulated by the International Civil Aviation Organization (ICAO), Airports Council International (ACI) and International Air Transporters Association (IATA) and at Domestic by the Directorate General of Civil Aviation and the Ministry of Civil Aviation. India no exception to the globalization process has initiated the concept of liberalization, privatization and globalization allowing the FDI in aviation industry. Hence, the outcome is seen by establishing world class airports in Hyderabad and Bangalore. However, there are various legal issues confronting the aviation industry which is debatable at domestic as well as at international level. Hence, this course enables students to obtain an understanding of the application of legal principles to aviation. It further provides an overview of the role of law in the management of aviation and explains legal concepts and principles as they apply to aviation and the conduct of pilots and operators. It examines international regulatory body conventions, regulations and audit processes. Course Objective: This course provides the students the theoretical basic introduction to aviation law at international and domestic level. The said course gives impetus to various provisions laid down under The Chicago Convention 1944 focusing the aspects of air navigation; flight over territory of contracting States; nationality of aircraft; international standards and recommended practices; structure of ICAO; air safety and security; Rome Convention; Warsaw Convention; Montreal Convention; Tokyo Convention, The Hague Convention etc. along with the relevant provisions, policies, laws, at national level. Students are given an opportunity of drafting of agreements pertaining to airports and airlines. Learning Objectives: After completion of the course the students will have a clear understanding of the way the system of international civil aviation

works; through which regulations, policies and practices, international organizations and institutions such as ICAO, ACI and IATA and national governments regulate, manage and otherwise influence the international air transport industry.

Teaching Methodology

In the context of legal education, it has been noted that teaching is effective if it results in “significant learning”, when students “can apply what they have learnt to solve a previously unseen problem.” In order to do so, students are given an opportunity to master the skills of analysis, synthesis, critique and evaluation. Students are involved in more than listening. A greater emphasis is made on student’s exploration of their own attitudes and values.

Lecture Plan (Module-wise)*

Module-1:

Lecture Hours: 13

Introduction: Meaning; Decree of Paris Police; Airspace; Paris Convention 1919; Chicago Convention 1944; Entry of Aircrafts; Division of Commercial Air Transport; Freedoms of Air; Bermuda Agreement 1946; Principles of Air Space Sovereignty; Private Rights; Airports; Nationality of Aircrafts; Criminal Jurisdiction; Crimes against Aircraft; Goods, Passengers, Shippers and other Parties; International Regulations.

Module-2:

Lecture Hours: 13

Sources of Air Law: Public International Aviation Law (a) Multilateral Agreements: Paris Convention 1919; The Pan-American Commercial Aviation Convention 1928; Tokyo Convention 1963; Hague Convention 1970; Convention on the Marking of Plastic Explosives 1991; Beijing Convention 2010 (b) Bilateral Agreements: Chicago Convention 1944; Private International Aviation Law: Warsaw Convention 1929; Geneva Convention 1944; Rome Convention 1952; Gaudalajara Convention 1961; Montreal Convention 1999; Cape Town Convention 2001; General Risks Conventions 2009; Hague Protocol 1955; Cape Town Aircraft Protocol 2001; etc.

Module-3:

Lecture Hours: 13

International Air Law: Chicago Convention 1944 – Air Navigation; Flight Over Territory of Contracting State; Nationality of Aircraft; Measures to Facilitate Air Navigation; Documents; International Standards and Recommended Practices; Organizational Structure of ICAO;

Module-4:

Lecture Hours: 13

Domestic Implementation of International Air Law: Introduction; Tokyo Convention 1975; The Foreign Aircraft Exemption from Taxes and Duties on Fuel and Lubricants Act 2002; The Carriage by Air Act and Amendment 2009; Aircraft Act 1934; The Airports Economic Regulatory Authority of India 2008; Airports Authority Act 1994 (Amendment 2003); Aircraft Security Rules, 2011; Policies

	governing Greenfield and Brownfield Airports; Airport Infrastructure etc. Module-5: Lecture Hours: 12 Drafting of Aviation Contracts: Meaning of Aviation Contract; Types of Aviation Contracts; Concession Agreement; Operation, Maintenance and Development Agreement; Practical Session on Drafting of Aviation Contracts. * Content in Modules may be reduced subject to Present Trends in India and also at International level. Books Recommended: i) Abeyratne Ruwantissa, <i>Convention on International Civil Aviation - A Commentary</i> (2014 edn, Springer International Publishing, Switzerland 2014) ii) E. Gesell Laurence and Stephen Dempsey Paul, <i>Aviation and the Law</i> (Fifth Edition edn, Coast Aire Publications 2011) iii) R. Wadhwaney Kishin, <i>Indian Airports Shocking Ground Realities</i> (2014 edn, Diamond Books, Delhi 2004) iv) Shaik Nazim Ahmed Shafi, <i>Airports Privatisation in India: Law and Policy Issues</i> (1st edn, Asia Law House 2013) v) Sk Khanna and others, <i>Airport Planning and Design</i> (2012 Reprinted edn, Nem /Chank & Bros 2012) Cases to be Referred i) <i>Viking Travel v. Air France</i> 1982 U.S. Dist. Lexis 18350 (E.D.N.Y. 1982) ii) <i>British Caledonian Airways v. Bond</i> 665 F. 2d 1153 (D.C. Cir. 1981) iii) <i>Greater Trampa Chamber of Commerce v. Goldschmidt</i> 627 F.2d 258 (D.C. Cir. 1980) iv) Note: Cases will be added during lecture hours.
SCHEME OF EVALUATION:	Mid Semester Examination: 25 Marks Projects (Written): 20 Marks Presentation (Oral): 05 Marks End Semester Examination: 50 Marks Note: No Theory Questions – Only Problem based Questions

COURSE TITLE:	CAPITAL MARKET AND SECURITIES
COURSE OFFERED TO	B.A.LL.B
INSTRUCTOR:	Mr. SUDHANSHU KUMAR
NUMBER OF CREDITS:	4
DURATION	JULY – OCTOBER
BRIEF DESCRIPTION	<u>Course Description & Objectives:</u> There has been a tremendous growth of Indian market in recent years forcing rapid changes in the laws relating to investment and security. The economic and social development depends on security market at national and global levels. On the global level there is a trend for unification of controls of securities and investments. Reflection of this global phenomenon has also been felt in India. The new laws and regulations now fall line with the global requirements at times transcending the constitutional limitations. The corporate securities markets perhaps comprises the most vibrant sector of the financial industry. Significant reforms have taken place in both trading and post trade infrastructure and even the business conventionally handled within the commercial banking and insurance sectors is making inspired use of ordered capital market techniques. As well as new opportunities, these changes present new regulatory and legal risk management challenges. “Capital market in any jurisdiction has a vital role, including providing liquidity for investors and incorporating information in to prices, which in turn serve as vital guides to real economic activity. The effectiveness with which capital markets perform these functions, and their costs of operation, are determined in significant part by the rules governing the persons and entities operating and trading in these markets.” The course on “Capital Market and Securities” would envisage the issues and procedures in connect with the progress and parameters of securities markets in India. Discussions would be on the major building blocks of an effective capital market and the policy environment needed to help its development. <u>Course Outline:</u> Module 1: Market Structure in India Ch. 1. An impression of Financial System - Constituents of financial system; significance

- Development and growth of financial and capital markets in India;
- Financial reforms and present scenario

Ch. 2. Capital Market

- Introduction, meaning and significance of capital market;
- Capital market vis-à-vis money market; market players.
- Evolution of capital market in India (*Policy issues affecting development of capital markets; Managing risks and responding to crises in Capital Markets*)
Cases like Harshad Mehta Case 1992, MS Shoes scam 1994, Vanishing companies scam 1998, Plantation scam 1999, Ketan Parekh scam will be discussed)

Module 2: Legal and Regulatory framework

Ch.1. Importance of Securities regulation

The role securities regulation plays a role promoting the attributes in five main areas of securities regulation: mandatory disclosure; insider trading; market manipulation; takeover bid regulation; and securities industry regulation. The primary role securities regulation plays in all these areas is promoting confidence in the market. In promoting confidence in the market securities regulation can reduce the tendency for investors to discount prices for securities. By reducing the discounting of securities prices, securities regulation can improve the allocation of savings to investment and the allocation of financial resources to productive activities thereby improving the overall economic performance.

(there is whole range of readings available on this and other topics as well on the internet. The materials shall be provided or forwarded as and when necessary)

- *"The Role of Securities Regulation in Promoting a Competitive Capital Market", Mark Gillen –Canada 2006.*
- *"Securities Laws, Disclosure, and National Capital Markets in the Age of Financial Globalization", RENE M. STULZ, Journal of Accounting Research, Vol. 47 No. 2 May 2009 Printed in U.S.A.*
- *The Essential role of securities regulation, Duke Law Journal, vol. 55 Feb 2006.*

- Securities Contract (Regulation) Act (SCRA), 1956;
- SEBI Act, 1992 (*objectives, powers and functions of SEBI, Securities Appellate Tribunal and related cases 1996; Jurisdictional tussle between regulatory bodies.*)
- Role of SEBI in Indian Capital market

Ch.2. Market Instruments and Rating

- Market instruments (equity and debt market)– equity, debentures, preference shares, sweat equity shares, non-voting shares; Government securities.
- New instruments of capital market – pure, hybrid and derivatives;
- Rating agencies in India, Rating Methodologies.

Ch.5. Market Intermediaries

	- Role of Participants in Capital Markets (<i>Regulators, financial institutions, accountants/auditors, government</i>) - Issuers of securities and Investors (individuals and institutional players) in capital markets Primary Market and Secondary Market Intermediaries – role and functions, merchant bankers, stock brokers, registrar to an issue, underwriters, bankers to issue, portfolio managers, debenture-trustees, Ch.6. Secondary Market Institutions - Function and significance of Stock Exchanges (<i>regulatory framework; operations and trading mechanism of stock exchanges</i>) - Settlement of securities; - Operational mechanism at stock exchanges. Ch.7. Depository System Overview of the depository system in India; Depositories Act, setting up of depository, role and functions of depository, DP, inspection and penalties. Ch.8. AIF regulation 2012 (Angel Investment; Venture capital; Private equity; Hedge Funds), Mutual Funds. Ch.9. Market Protection: Insider Trading; Corporate Governance. Module 3: ISSUE MANAGEMENT AND COMPLIANCES Ch.1. Issue of Capital Listing and de-listing of Securities; ICDR; Process for issue for various types of shares and debentures, ESOPs.
SCHEME OF EVALUATION:	MID-SEM(25) + END SEM(50) + RESEARCH PAPER (25 MARKS)

COURSE TITLE:	Challenges to Copyright law in 21 st Century India
COURSE OFFERED TO	LLB & LLM
INSTRUCTOR:	Prashant Reddy T
NUMBER OF CREDITS:	2
DURATION	Sept/ October, 2017
BRIEF DESCRIPTION	The last two decades of copyright law in India has witnessed a great churn. This is due to the development of technology, the increasing friction within the content creating industry and the growing clout of broadcasters and internet companies like Google and Facebook who are primarily consumers of copyrighted content. This friction has caused splits within the content creating industry and substantially curbed the monopoly powers which have traditionally been enjoyed by copyright owners. The increase in statutory licensing of copyright protected material and the expansive interpretation of limitations and exceptions to copyright law have considerably blunted the injunctive relief granted to copyright owners. At the same time, copyright owners are slowly but steadily changing the terms of their engagement with users by making available content through databases that are governed by contract. This course will explore the various challenges posed by copyright law in the 21st century in the Indian context. Students can expect the course to often intersect with contract law, competition law, constitutional law and the basic jurisprudence of copyright law. I. License v. Ownership – the new copyright paradigm; • Back in the day consumers would buy a book or a CD which they could reuse for the rest of the life or even resell the book or the CD to others. The new business model brought about by digitization of content is that e-books or music will now be licensed. Under this new paradigm of licensing, the consumer's relationship with the copyright owner will be governed by a contract. The contract may be governed by foreign law, it may circumvent fair dealing provisions. Can such contracts be declared void as offending public policy? II. Copyright law and the creators; • Despite the copyright debate being centered on the 'romantic author', copyright law has always tilted towards the "owner" who has bankrolled the creation and distribution of creative content. The creator has rarely ever had any rights under copyright law. The Copyright (Amendment) Act, 2012 had introduced new, inalienable rights for authors in the Indian context. What are the jurisprudential underpinnings of these new rights? Is copyright still property? Have these new rights changed the fortunes of creators? If not, then why?

	III. Copyright law, academic databases and access to knowledge; • The recent DU Photocopy case before the Delhi High Court exposed the fault-lines between copyright law and access to knowledge. While the case ended in victory for Delhi University, it is also likely to speed the inevitable which is the access of content through academic databases that are governed by contracts. Two specific issues require examination in this context. The first is with regard to data mining and fair dealing exception. Does India need to introduce a fair dealing exception for data mining of databases like several other countries? The second question is the status of statutory fair dealing provisions in light of contractual provisions stating otherwise. IV. Copyright law & music; • The history of litigation between radio broadcasters & music labels in India; • The new model of statutory licensing after the Copyright (Amendment) Act, 2012; • Copyright societies, collective management & competition law; • Will block-chain technology mark the end of copyright societies? V. Copyright law, Sports Broadcasting & Mandatory Sharing of Signals • The nature of broadcast rights under the Copyright Act; • The Supreme Court litigation on sharing of sports broadcast signals and the subsequent enforcement of the “The Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007”; VI. Copyright infringement & remedies in the digital age; • Intermediary liability – Has India gone too far? • The role of ISPs in combating copyright piracy; • Mass blocking of websites/URLs & domain-name seizures: Implications for privacy & prior restraint on free speech; • The challenge of ‘plug & play’ piracy; • Preventive detention and copyright infringement; • Statutory damages;
SCHEME OF EVALUATION:	Class participation (10%), Seminar paper (70%), Presentation & defense (20%)

COURSE TITLE:	CORPORATE TAXATION
COURSE OFFERED TO	Elective for LL.B
INSTRUCTOR:	Dr. Neha Patakji
NUMBER OF CREDITS:	4
DURATION	July-October
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Course description The phenomenal rise of corporations has on the one hand resulted into highly lucrative taxable units for augmentation of revenue; on the other hand they have proved to be complicated subjects of taxation. Recent corporate tax disputes involving multinational corporations have earned Indian tax regime a reputation of being amongst the most complex and uncertain tax structures. This complexity when coupled with high rates of corporate tax, renders the country's claims of emerging as a foreign investment friendly regime questionable. It is pertinent to clearly understand corporate tax implications for companies doing business in India. This course offers essential overview and comprehensive understanding of corporate taxation in India. Course Outcome This course aims to offer understanding of tax structure related to corporation and apply this understanding in clearly comprehending tax implications of corporate form of doing business in India, identifying opportunities of tax planning and side-stepping likely controversies, being mindful of ongoing tax issues. Detailed Course Outline Module 1 Introduction to Basic Concepts (1) Forms of doing Business (2) Definition of Company A. Company B. Indian Company C. Domestic Company D. Foreign company E. Company in which public are substantially interested (widely-held company) F. Closely held company (3) Tax incidence Under Income Tax Act, 1961 A. Residence of Company Test of incorporation Test of Place of effective management B. Scope of total income of company Module 2 Income of Company (1) Income from House Property (2) Profits and Gains from business/profession (3) Capital gains (4) Income from other sources (5) Deemed dividends

Module 3 Rebates, Tax Holidays for Companies

(1) Exemptions

- i. Exemption on Royalty or FTS on behalf of foreign company
- ii. Exemption to a foreign enterprise deriving income from an Indian company engaged in the business of operation of aircraft
- iii. Exemption on Royalty or FTS received by a specified foreign company for projects connected to security of India
- iv. Special provision in respect of newly established undertakings in free trade zone, etc.
- v. Special provisions in respect of newly established Units in Special Economic Zones
- vi. Special provisions in respect of newly established hundred per cent export-oriented undertakings
- vii. Special provisions in respect of export of certain articles or things

(2) Deductions

- i. Deduction in Respect of Profits and Gains from industrial Undertakings or Enterprise Engaged in infrastructure Development
- ii. Deduction in Respect of Profit and Gains By An Undertaking A Enterprise Engaged in Development of Special Economic Zone
- iii. Deduction in Respect of Profits and Gains from Certain industrial Undertakings other Than infrastructure Development Undertakings
- iv. Deduction in Respect of Profits and Gains from the Business of Collecting and Processing Bio-Degradable Waste
- v. Special provisions for venture capital and venture funds

(3) Carry forward and set off of losses

Module 4 Taxation of certain companies

Taxation of Venture Capital Companies/Funds/Undertakings

(1) Meaning [sec.10(23F)]

- A. Venture capital company
- B. Venture capital fund
- C. Venture capital undertaking

(2) Tax on income from venture capital companies and venture capital funds [sec.115U]

- A. Investor liable to tax

(3) Exemptions [sec.10(23F), (23FA), (23FB)]

Taxation of Securitization Trust

(1) Meaning

- A. Securitisation [sec.10(23DA)]
- B. Securitisation Trust [sec.115TU]

(2) Tax on distributed income by securitization trust

- A. No distribution tax on trust from 1st June 2016 [sec.115TA(5)]

	B. Investor liable for tax [sec.115TCA] C. Tax collected at source [sec.194LBC] (3) Exemption in relation any income of a securitisation trust from the activity of securitization [sec.10(23DA)] Taxation of Business Trust (1) Meaning A. Business Trust B. Special Purpose Vehicle (2) Taxability in the hands of the trust A. Exemption of interest income in the hands of the trust [sec.10(23FC)] B. Exemption of rental income in the hands of the trust [sec.10(23FCA)] (3) Taxability in the hands of unit holders A. Interest income and rental income B. Exemption for other distributed income by the trust [sec.10(23FD)] C. Exemption from capital gains in the hands of shareholders for exchange of shares of SPV for units of business trust (4) Tax on income of unit holder and business trust (sec.115UA) A. Capital gains on transfer of units of business trust taxable in the hands of unit holders [sec.111A and sec.10(38)] B. Capital gains on transfer of assets of business trust taxable in the hands of business trust [sec.112] C. Total income of a business trust shall be charged to tax at the maximum marginal rate Taxation of Investment Fund/Trust (1) Meaning (Explanation 1 to sec.115UB) A. Investment fund B. Trust C. Unit (2) Tax on income from investment fund(sec.115UB) A. Unit holder liable to tax B. Carry forward and set off of losses C. When unit holder is an assessee in default (3) Exemptions A. Any income of an investment fund other than the income chargeable under the head "Profits and gains of business or profession" [sec.10(23FBA)] B. any income referred to in section 115UB, being that proportion of income which is of the same nature as income chargeable under the head "Profits and gains of business or profession" [sec.10(23FBB)] Module 5 Taxation of Non-resident Companies in India Special provision for computing profits and gains of the business of operation of aircraft in the case of non-residents (1) Special provision for computing profits and gains in connection with the business of exploration, etc., of mineral oils

	(2) Special provision for computing profits and gains of foreign companies engaged in the business of civil construction, etc., in certain turnkey power projects (3) Deduction of head office expenditure in the case of non-residents (4) Special provisions for computing income by way of royalties, etc., in the case of foreign companies (5) Shipping business of non-residents Module 6 Taxation upon corporate restructuring (1) Amalgamation (2) Demerger (3) Slump sale (4) Conversion of sole proprietary business into company (5) Conversion of Partnership Firm into Company (6) Conversion of a private company or an unlisted public company into a Limited Liability Partnership (7) Buy back of Shares (8) Conversion of an Indian branch of foreign company into an Indian subsidiary company Module 7 Taxes on corporation (1) Income tax (2) Minimum Alternate Tax (MAT) (3) Dividend Distribution Tax (DDT) (4) Special Provisions for Computing Profits and Gains of Shipping Business in the Case of Non-Residents
SCHEME OF EVALUATION:	End-sem 50 Marks Mid-sem 25 Marks Project 25 Marks

COURSE TITLE:	DIGITAL EVIDENCE RETRIEVALS AND ANALYSIS SYSTEMS (DERAS)
COURSE OFFERED TO	Elective for LL.B.
INSTRUCTOR:	B Md Irfan
NUMBER OF CREDITS:	2
DURATION	September-October 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	<u>Course Objectives</u> The primary purpose of the DERAS course is to equip criminal investigators with the knowledge, skills, and abilities to properly identify and seize digital evidence. Through a combination of lecture, demonstration, hands on exercises, labs and a practical exercise investigators learn how to seize digital evidence from personal computer (PC) and notebook computer hard drives, floppy diskettes, compact disks (CDs), DVDs, thumb drives, and various flash media by acquiring forensically valid images. <u>Relevance of Course</u> Scientifically Authenticated Evidence determines legal proceedings immensely, In recent time's evidences emerge from IT and ICT utilization's as well, hence Lawyers and Law enforcers should understand : Digital formats of data storage media; Internal architecture of existing Storage Medias; Data storage mechanisms on Digital Domain's (DD); Data retrieval process both deleted and prevalent memory structure's; Analyzing process of retrieved data etc. Having Moderate knowledge helps Student to add IT knowledge in fact finding processes. <u>Digital Evidence Lab tools</u> 1. Windows based sector level recovery tools 1.1 Pandora recovery 1.2 Recuva 1.3 ICare Data Recovery 2. Linux Based bit-stream based data recovery tools 2.1 DEFT: Digital Evidence Forensic Tools Kit 2.1.1 Foremost 2.1.2 Bulk Extractor <u>Concepts covered:</u> Disk structuring/spacing; Device Mounting; Device Imaging; Device Hashing; Device Carving.
SCHEME OF EVALUATION:	Lab exercise and practical viva (25%); project work (35%); end-semester examination (40%).

COURSE TITLE:	FINANCIAL ASPECTS OF MERGERS AND ACQUISITIONS
COURSE OFFERED TO	LLB students
INSTRUCTOR:	Dr. Y. V. Ramana Murthy
NUMBER OF CREDITS:	3
DURATION	July-October, 2017
BRIEF DESCRIPTION	Ever since a huge number on Multi National Corporations are entering into India, to face the competition coming from them and also to capture the bigger size of business opportunities available both in India and abroad, a range of Indian corporate houses are opting for the inorganic way of business expansion by the way of Mergers and Acquisitions (hereafter M&A). As the world has seen time and again, a good number of M&As have been facing a variety of bottlenecks which are leading to failure such deals. Either premerger or post merger failures. To avoid such failures, it has become mandatory to do proper analysis of legal and financial aspects of M&A activities. As the legal knowledge of the students is already ensured, this course is designed and will be delivered to enhance their skill set to thoroughly understand the financial aspects of M&A activities to impart holistic knowledge of the subject. As the decision related to the activities of M&A are taken at the corporate level as part of corporate policy and strategy, the subject introduces certain fundamental concepts of corporate strategy as the beginning point to its students. Later the focus of the subject goes on to understanding mandatory annual financial statements of corporate to establish the link between financial legislations and practice of finance. This becomes the foundation for the subject. Afterwards, students will be introduced to the basic financial calculations that are used in the world of M&A which will help them to understand the valuation of business houses. The significance and the way financial due diligence is conducted and documented will be introduced to the students as it is an essential activity that takes place before any M&A deal. On a later stage, various sources of financing any M&A deal will be deeply discussed. Also, various defensive measures adopted by corporate houses while facing hostile takeover bids. All the financial aspects mentioned in the Substantial Acquisition of Shares and Takeover Regulations 2011 of SEBI will be thoroughly discussed.
SCHEME OF EVALUATION:	MID-SEM(25) + END SEM(50) + RESEARCH PAPER (25 MARKS)

COURSE TITLE:	Gender Dysphoria and medical jurisprudence
COURSE OFFERED TO	B.A.LL.B. 4 th year onwards and LL.M.
INSTRUCTOR NAME & CONTACT DETAILS:	Nishtha Singh
SHORT DESCRIPTION OF INSTRUCTOR	Ph.D. scholar at NALSAR University of Law, Hyderabad Previously, Assistant Professor Amity University, Jaipur
NUMBER OF CREDITS:	2
PREFERRED DATES FOR CONDUCT OF COURSE	For the month of July / august / September
PRE-REQUISITES:	cleared Jurisprudence paper or legal methods
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	<i>Gender Dysphoria and medical jurisprudence</i> is a 48 hour interdisciplinary medico-legal study programme. Social inclusion is an integral part of legal studies and this course is another exemplification, aiming at revisiting and reiterating the fundamentals. This course is primarily looking at the various facets of gender studies from a medico legal glance and how the politics around it has played out from what <i>ought</i> to be. This course aims at exploring deeper into Gender studies, apart from the basic differences that have been established between sex and gender. Here we look forward to address basic questions on: Inclusion, personhood, identity, best interest, consent and normalization in light of gender dysphoria studies and the medical-legal approach in response to the same. COURSE CONTENT: • Identity and personhood • Gender identity: Transgender and intersexed identity • Medical intervention: a) Sex-re assignment surgery: tests b) Dutch protocol • ‘<i>third gender</i>’ identity in Indian scenario and laws • Best interest and consent: functional test SUGGESTED READINGS: • Stephanie Brill and Rachel Pepper ‘The Transgender Child: A Handbook for Families and Professionals’ (Cleis Press, United States, 2008) • Judith Butler ‘Gender Trouble’ (Routledge, Indian, 3rd edn., 2015) • Nivedita Menon ‘Seeing like a Feminist’ (Penguin, 2012) • Paisley Currah, Richard M. Juang, <i>et.al.</i> (eds.) Transgender Rights (University of Minnesota Press, 2006) • Arlene Lev ‘Transgender Emergence: Therapeutic Guidelines for Working with Gender Variant People and Their Families’ (Routledge, 2004)

	• Lisa Keen 'Outlaw: What LGBT Youth Should Know' (Beacon Press, 2007) • Julia Serano 'Whipping girl' (Seal Press, 2nd edn., 2016) • Beatriz Preciado 'Testo Junkie: Sex, Drugs and Biopolitics in the Pharmacopornographic Era' (Feminist Press, City University, New York, 2013) • Mattilda 'Nobody Passes: Rejecting the rules of gender and conformity' (Seal Press, 2006)
SCHEME OF EVALUATION:	Paper (70) + presentation (30)
SELECTION CRITERIA	-

COURSE TITLE:	Land Laws
COURSE OFFERED TO	Elective for LL.B.
INSTRUCTOR:	Dr.G.Mallikarjun
NUMBER OF CREDITS:	4
DURATION	June-October, 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Land is a gift of the nature and it has been the source of the livelihood of human beings from the beginning of the human civilization. It being an important element of the human life, the struggle for the existence has been characterized as the struggle for the land. Whether it was the territories and kingdoms in the past or the agricultural or commercial land in the present, the land has been one of the central themes of human life. There have been a number of instances in the past and present where human lives have been sacrificed for a single cent of land. Even in present democratic world the land has become the vital area for the governance. In a country like India with huge population and major issues of development, the stress on land is ever increasing. This stress manifests itself in various forms. We see it in our cities in ever increasing disputes between landlords and tenants, we see it in our villages in the form of families fighting over agricultural land, we also see that stress raising its head in the form of a conflict between the govt. and people when their land is acquired for development projects. This last problem acquires even more importance as it involves bigger questions of rights or the traditional communities over their land and forest resources. Therefore, the main intention to offer this course is to make students to understand the practical problems involved in relation to land whether it is agriculture or urban land OBJECTIVES OF THE COURSE ☐ To get comprehensive understanding on Land Laws in India; ☐ To acquire ability to identify the land law issues involved in practical scenario; ☐ To acquire ability to apply law to practical situations so as to analyse legal implication thereof ; and ☐ To analyse and reflect on land related issues in the present scenario. Module - I Introduction Module - II Law reforms pre - post independence Module -III Revenue Authorities Module - IV Law Relating to Land Acquisition and Requisition in India Module -V Law relating to Ceiling on Land Holdings Module- VI Laws Relating to Tenancy Reforms Module -VII Laws Relating to Alienation/Assignment in Schedule Areas Module- VIII Law Relating to Land Grabbing and Protection of Public Land Module- IV Forest Rights and Conservation in India

SCHEME OF EVALUATION:	Mid semester exam -25 Marks Project Marks -25 (20 for written and 5 for presentation) End semester exam -50 Marks

COURSE TITLE:	SPACE LAW AND CONTEMPORARY ISSUES
COURSE OFFERED TO	LLB 4-5 Years and LLM
INSTRUCTOR NAME & CONTACT DETAILS:	Ms. Anita Singh
SHORT DESCRIPTION OF INSTRUCTOR	Research Associate, NALSAR
Credits	2
PREFERRED DATES FOR CONDUCT OF COURSE	July, August (15th
PRE-REQUISITES:	July-August
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	The man's small step on moon is indeed proving a giant leap for mankind as predicted by Neil Armstrong in 1969 where human kind has explored the universe abundantly and still to explore the much in Universe. The everyday discovery of truth in outer space has many implications on mankind. The continuous development in space exploration leads to rapid developments in science, technology and indeed in communication sector which has changed the human relations. This development however, came with many problems finding legal solutions to protect and regulate the international relations. Hence today, the space law has become one of the important branches of international law. The objective of the Elective course on Space Law and Contemporary Issues is to offer the knowledge of legal regime governing outer space bodies including moon and other celestial bodies, its implication on science, technology and communication and examining its practical implications. The most recent outer space activities of property ownership, the space tourism and the other commercial use of outer space, the intellectual property rights has raised many legal questions with regard to sovereignty and sovereign rights of state, liability of states and the rights of individuals. This course tries to study these problems along with their legal solutions and the case studies throwing light upon space incidents raising legal questions which has been divided into following modules. This course will deal with the five multilateral Conventions (the Space Treaty, Rescue Agreement, Liability Convention, Registration Agreement and Moon Treaty) as well as the role of the various International, Inter-governmental, Regional and National organizations: the role of the U.N., national space legislation, launching of space objects, military use of outer space, satellite telecommunications and satellite broadcasting, remote sensing of the earth, nuclear power sources of satellites, environmental problems and the institutional framework of various national organizations. In a short span of five decades, on the basis of bilateral agreements, multilateral treaties and institutional arrangements, a distinctive

	body of principles and rules governing the exploration and use of outer space has emerged, sufficient for it to be considered a separate branch of International Law. This is indeed a significant achievement both in terms of its contribution to the overall development of International Law and relations, as well as, in terms of demonstrating the ability of the International community to deal adequately with issues arising from the exploration of outer space and to devise legal techniques for the purpose of accommodating divergent, and sometimes diametrically-opposed, interests.
SCHEME OF EVALUATION:	Paper and Presentation - 70 (written paper) + 30 (presentation)
SELECTION CRITERIA *	

NALSAR University of Law



SEMINAR Courses Outlines
(In House Faculty)

June - October, 2017 Semester

COURSE TITLE:	Caste and Political Mobilization in India (Social Science Seminar)
COURSE OFFERED TO	3 rd & 4 th Year Students
INSTRUCTOR:	Dr. T. Kannan
NUMBER OF CREDITS:	3
DURATION	August – October, 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The political mobilization of ethnic groups and communities in Modern India cannot be imagined without the caste based political mobilization of mainstream political parties on the one hand and the organization of caste groups into autonomous political forces on the other hand. The caste based political mobilization in a sense simultaneously makes caste system more rigid and as well as creates a political space to question such rigidities. The proposed new course will help our students to understand the politics behind the construction of political identities that are derived from caste consciousness. Outline: I Caste Hierarchy, Power and Dominance II Caste and Political Mobilization in Colonial India III Caste and Political Mobilization in Post-Colonial India IV Caste in Contemporary Indian Politics
SCHEME OF EVALUATION:	Research Paper: 50 Marks Oral Presentation of the Research Paper: 20 Marks Paper discussion in Class Room: 20 Marks Class room participation and attendance: 10 Marks
SELECTION CRITERIA	Statement of Purpose

COURSE TITLE:	Dynamics of Indian Democracy <u>(Social Science Seminar)</u>
COURSE OFFERED TO	3 rd & 4 th Year Students
INSTRUCTOR:	H.Vageeshan
NUMBER OF CREDITS:	3
DURATION	August-October, 2017
BRIEF DESCRIPTION (MINIMUM 500 WORDS)	Study of the process of democracy of a country like India, an ensemble of multiple diversities and contradictions is quite interesting and challenging. Evolution of democracy in this non Euro American milieu is deeply embedded by its colonial past and postcolonial present. This journey started by framing a constitution entrusted with a mandate to provide liberty equality and justice to its entire people without any discrimination. The prime intent is to convert people from mere subjects of powerful state apparatus to citizens interacting and negotiating with the state. Viewed from the vitality of the formal institutions of government and the electoral processes Indian democracy fares well when compared with countries with more or less similar historical and socio economic circumstances. The working of the three organs namely the legislature executive and judiciary have contributed to the strengthening of democracy. Participation of various segments of society in the political process is also sign of attractiveness of a working democracy in India. More than six decades of journey of Indian republic with democracy generated appreciative as well as critical scholarship. Indian version of democracy is viewed as an anomalous example when compared to older democracies in the globe. Compared with the Euro American milieu where the modern democratic institutions took deep roots India lacks on many socio economic counts but still it succeeded in continuing its democratic experiment. This is a very interesting aspect of study. According to Atul Kohli in his edited volume 'Success of Indian Democracy' says that working of democracy in a difficult terrain of India was made possible by negotiating and renegotiating power in two ways. One way is by striking a balance between centralization and decentralization the other way is serving the interests of powerful sections of society without alienating the weaker and the marginalized completely. On the other hand there is a serious critique of Indian democracy from substantive perspective. Notwithstanding the relative success of procedural aspects, Indian democracy faces the challenge of fulfilling its own constitutional mandate of social, economic and political justice. The deficiency in addressing redistribution and broad basing production and consumption is plaguing India's democracy since its inception. The centralized state apparatus pre liberalization era gave a halfhearted attempt at socio political transformation aimed at universalizing freedom and equality. This led to germination of various social and political movements challenging the democratic claims of Indian state. To an extent these issues raised by these movements are testimony of deficiency of democracy. In the era of liberalization which was stated as a crisis

	response in early nineteen nineties the democracy is facing a serious contradiction of rapid economic growth and galloping impoverishment of majority of population. This situation is contributing to disenchantment various social groups which is visible in the demands various identity movements. Indian democracy is now in an unenviable position facing myriad internal challenges pushing it into crisis of governability and hence in to crisis of legitimacy. This seminar course attempts to interrogate the genesis and journey of Indian democracy over the decades and how it is attempting deal with emerging challenges and crises .It further tries to understand the probable ways and means to make India a substantive democracy. <u>How will seminar progress?</u> A) Course will run for 14 sessions of two hours each ones in a week. B) After fist four sessions the students will be asked select topics for paper presentation C) From fifth session onwards in each session the students must present progress of their work and there will be rap up session by the in structure. D) In the last two ending sessions students must give oral presentation of their final work to the entire class.
SCHEME OF EVALUATION:	The class room presentations of progress of work final presentation and the written paper are taken as three activities for evaluation. (15+15+70=100)
CRITERIA FOR SELECTION OF STUDENTS INTO THIS SEMINAR	SOP. The statement of purpose must contain A brief note on why you are interested in the course (150 words) Comment on contemporary condition of constitutional democracy of our republic. (250 to 550 words) Format:(Follow it strictly) Letter Font: Times new roman, 12Points, Line Space: 1.5. Alignment: Justify Word Limit: 400 to 750 words (Follow the world limit strictly) Reference : APA

COURSE TITLE:	Goods and Services Tax (GST) (Social Science Seminar)
COURSE OFFERED TO	3 rd & 4 th Year Students
INSTRUCTOR:	Manisha Kulhrestha
NUMBER OF CREDITS:	03
DURATION	August-October, 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The Constitution(One Hundred and First amendment) Act, 2016 has cleared and set the road for the implementation of GST in. Goods and Service Tax (GST) which has been framed with an approach to resolve the current tax issues, is identified as one of most important fiscal reform post-independence.This paradigm shift in the indirect tax regime will go to impact businesses whether small or large. This tax law not only aims at bringing harmony in tax laws across the country but also to create an industry friendly environment for 'Make in India'policy. Keeping all this as the fundamental to this seminar course, the main goal here is to engage with detail discussion on the; pre GST regime, GST as tax law and post GST regime. The course focuses to answer following questions: *What is the present tax structure in India? *What is cascading effect? *How does the current tax regime in India has the prevalence of cascading effect and how does it effectively work when VAT is imposed. *What is GST? What is the difference between the current taxation and new GST in India? What is it's impact? * Which taxes will be removed after the implementation of GST. * What effect GST will have on the local taxes of a region? *How is GST beneficial for the country? How would it help to improve the country's economy?
SCHEME OF EVALUATION:	Writing a Research Paper- 70 marks Presentation: 30 marks
SELECTION CRITERIA	SOP

COURSE TITLE:	Ideology and Cultural Context In Colonial India (Social Science Seminar)
COURSE OFFERED TO	3 rd & 4 th Year Students
INSTRUCTOR:	Mr. Hota Agni Kumar
NUMBER OF CREDITS:	3
DURATION	June-October, 2017
BRIEF DESCRIPTION (MINIMUM 500 WORDS)	Any valid attempt to understand the process of colonization of India finds it imperative to notice that a variety of indigenous narrative sensibilities around such macro-problematics as caste, gender and religion were ignored and sometimes even obliterated in the characteristic history-writing project that began in the colonial times. However, testing the elasticity of this otherwise valid observation will often break it into a sort of ill-digested and uncritical version of orientalism. Given this rather general idea of the production of colonial discourse, the course aims to show that any historical and theoretical critique of colonial past will help reconceptualise the socio-political ideologies of identity and difference that are being debated around us now. Discovery, collection and codification of an entire cultural zone i.e. information about Indian society, was often arbitrary in the colonial projects of Survey, Law and History. Politico-cultural products of nationalist imagination based on various premises with reference to colonial enterprises of intervention kept colonial projects under a critical scrutiny. However, appropriating all the areas of institutional activity as 'national cultural' on the part of the nationalist mission had both normalized and marginalized the subordinate/subaltern social groups with reference to their praxis and (re)presentation. The contradiction between the honest nationalist "will to make structural reform" and its own vision of what was "given" as structure makes it necessary, for us, to read various documents as 'texts' and texts as 'documents'. The course will deal with the writings done with remarkable methodological suggestions and possibilities in this direction. It will make the students realize that documents/texts not only reflect on an 'experience' but often also participate in the making of an existential dimension and thereby work beyond their limited function as data-base for an exercise in yet another common place informative monograph. Besides all these concerns, colonial India engaged the attention of even those working with themes at the margins of an otherwise general consensus and regular caveat; Ashis Nandy for example. Connected to this area of study is also the 'project' of literature as defined, delimited and canonized in colonial times with often arbitrary imposition of an idea of Pan-Indian CLASSIC vis-à-vis regional/vernacular literary PRODUCT. In this regard, the course, however, aims to focus on the beginnings of a particular genre e.g.

	novel, especially when it claims to have achieved much in the way of documenting a modernity of reflection which is not colonial; modern without going much in contradiction with what would offer as a plot in/from an indigenous context. On their part, the students will know how to rewrite the tenets of reading of the sources much beyond the aesthetics of reception of the immediate/target audience. The students would hopefully realize that a viable exercise in any theme related to colonial India has all the potential to add conceptually to the social science research in general.
SCHEME OF EVALUATION:	Research Theme Synopsis Presentation: 20marks. Research paper: 60marks. Research paper Presentation: 20marks.
SELECTION CRITERIA	SOP

COURSE TITLE:	INTELLECTUAL PROPERTY RIGHTS AND TRADITIONAL KNOWLEDGE
COURSE OFFERED TO	Seminar for LL.B.
INSTRUCTOR:	Mr. Sourabh Bharti
NUMBER OF CREDITS:	4
DURATION	July – October 2017
BRIEF DESCRIPTION (MINIMUM 500 WORDS)	In the recent past we have seen that the world of science and technology has shown incredible interest in the knowledge held by the indigenous and local communities across the world. This upsurge in the interest in those areas of knowledge has given rise to a new point of conflict in international law and politics. Over the years we have seen that the models of science and technology developed in the western world have not necessarily given due recognition to the knowledge systems developed by the indigenous and local communities, even though industries like the pharmaceuticals and the cosmetics have given greater attention to traditional knowledge relating to biogenetic resources in the context of bio-prospecting activities aiming at the development of new plant based medicines and cosmetic products. Similarly we have seen that the seed industry, in order to innovate, often borrows the germplasm developed by the traditional/local farmers on their farmlands. Yet when it comes to acknowledging the expertise of the developers of this knowledge, modern science and technology shies away from doing so. As a necessary consequence we have seen that the legal regimes developed to protect the fruits of scientific and technological endeavors have either excluded the innovative efforts of the indigenous and traditional communities from the umbrella of protection or they fall way short of the expectations of the indigenous/local communities as far as protection of traditional knowledge is concerned. This exclusion from being recognized as knowledge creators and therefore lawful holders of that knowledge gives rise to intriguing questions about science, culture, politics and law embedded in the modern intellectual property rights system. Through this course an attempt would be made to explore the nuances of the debate on intellectual property and traditional knowledge. This attempt would invariably require us to ask questions about some of the fundamental assumptions of the modern intellectual property system. For example, in its design to protect knowledge, how does the system conceptualize 'knowledge' and 'innovation'? Do different societies define these concepts differently? In case it does, how do we justify universalization as one particular

	understanding of these through intellectual property rights? Intellectual property rights system focuses on the economic value associated with knowledge system. In most of the traditional knowledge systems the cultural and spiritual values take prominence over the economic value of knowledge. What is the validity of a system which does not take into cognizance the possibility that people located in different cultural settings might organize the values associated with knowledge in different hierarchies? Does the fact that different societies prioritize different aspects of knowledge, impact the nature and meaning of innovation in that society? How far is this taken into consideration when modern intellectual property system is promoted as one universal method of knowledge protection? What are the political and cultural implications of the universalization of modern IP system for the indigenous and traditional communities? A background brief on 'traditional knowledge and IP' prepared by WIPO mentions that 'recognizing traditional forms of creativity and innovation as protectable intellectual property would be an historic shift in international law, enabling indigenous and local communities as well as governments to have a say over the use of their traditional knowledge by others.' Therefore the course will also involve studying different approaches to recognize the epistemological and legal validity of traditional knowledge systems and the extent to which different approaches propose to bring in politico-legal parity between different knowledge and innovation cultures.
SCHEME OF EVALUATION:	PAPER SUBMISSION-50 PRESENTATION-25 CLASS INTERACTION – 25
CRITERIA FOR SELECTION OF STUDENTS INTO THIS SEMINAR	Students interested to take up this seminar course will be required to write a short write-up on any one of the issues mentioned across the above description of the course. You are also free to identify any issue for the write-up which you feel is implicitly present in the above description or would be otherwise relevant in the context of it.

COURSE TITLE:	Interrogating the Idea of Justice
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Prof. Shanker Rao
NUMBER OF CREDITS:	4
DURATION	July – October, 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	• The idea of justice in Indian tradition – Niti and Nyaya • Justice is a crucial and major aspect of ethics, though it does not constitute the whole of ethics. • Justice has received more attention of moral philosophers, because of its tremendous social significance, that is relevance at collective level and social relations, apart from individual virtue. • The idea of justice has tremendous practical significance, since it can provide not only the basis for law but also for social action and economic and political policy. • Mahabharatha says clearly "whatever has its beginning in justice (Nyayaukta), that alone is called dharma, whatever is unjust and oppressive is called Adharma. • Sen creatively uses the distinction between two of Niti and Nyaya. • Niti meant ethical or moral wisdom or justice in general, while Nyaya meant applied or specific aspects of justice as administered or realized. Rationality as the basis of justice; • The dual use of Nyaya in Indian tradition to indicate logic or rationality and also justice, suggest close relationship between the two. As Sen points out emperor Akbar also Emphasized the rule on intellect (Rahi Aql) As the basic determinant of good and just behavior as well of good an acceptable for work of legal duties and entitlement. • Social contract theories and Rawl; The idea that a moral order- is necessary to Sustain society has been there in western thought too since long, as in India- This led to social contract theories first by Thomas Hobbes. In 1588-1679 and later by John Locke (1632-1704) others. Justice requires of people to co-operate with and trust each other and the Government and of the government to protect them and their property and self-respect. Sen observes that rawl's foundational idea of justice is to meet the demands of fairness. What is fairness? Impartiality. How to know what is impartial? 'Original position' a situation of primordial equality, where parties involved have no idea of their own personal identities, not in terms of wealth and status, but also in terms of race, ethnicity, religion, gender and even education. Bernard William thinks that the two terms "moral" and ethical" have different reasons. 'Ethics carries a broader conception, including a concern with the values of different kinds of life and activity, moral. Tends to narrow its interests to rules and obligations, and

	to Experiences and considerations most closely related to these As per Williams in his essays, no particular distinction between the two is suggested.
SCHEME OF EVALUATION:	Research Paper: 70 Marks Presentation: 30 Marks
SELECTION CRITERIA	SOP

COURSE TITLE:	Law of Environment and Health
COURSE OFFERED TO	Seminar for LL.B.
INSTRUCTOR:	Dr.T. Raghavendra Rao
NUMBER OF CREDITS:	04
DURATION	June-October 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Environment is everything around us, the air we breathe, the water we drink and use, and the food we consume. Good health is a fundamental precondition of much human activity. Environmental Health Laws and Policies are created to regulate and safeguard the human environment. The 20th Century has witnessed an unparalleled improvement in human health. Progress in a range of environmental sectors has yielded corresponding improvements in health outcomes with substantial economics and financial gains, but challenges remain. The environment and eco systems are under serious threat with dire consequences for human health and well being of mankind. Environmental degradation can have a significant impact on human health. Opportunities for reducing environmental related health risks are considerable. The impact of environmental risk factors on health are extremely varied and complex. Humans interact with environment constantly. These interactions affect quality of life. Environmental health encompasses the assessment and controls of those environmental factors that can be potentially affect human health. The impacts on human health due to degradation of environment affect society not only in terms of loss of quality of life, but also in terms of expenditure on health care as well. Since, these impacts are very different, different approaches are required for estimating their magnitude. Hence, the loss of health due to environmental degradation is substantial and calls for interventions at this juncture. Maintaining a healthy environment is central for increasing the quality of life.. Learning Objectives: • The primary objective of this course is to introduce law student to the emerging area of Jurisprudence, which has assumed of late, crucial social significance. • To generate critical understanding about competing and conflicting interest that are evolved and influenced by interface of environment and health. • To create critical knowledge and informed opinion about legal, social, and regulatory issues and implications.

	Course Coverage: This course attempts to describe the major impacts on human health due to environmental degradation with the help of legal and regulatory frame work. Course coverage includes: Environment and Health Interface, Environmental Pollution and Health (Air, Water, Environment) Municipal, Hazardous and Bio-Medical Waste, Mass Torts, Climate Change, Forest and Biological Diversity, Occupational Health, Role of the State. Suggested Readings: D.S. Blumental et.al (1995) Introduction to Environmental Health: Springer Moeller, D. W. (1997), Environmental Health, Cambridge, Harvard University Press. Melse, J. M et.al "Human Health and Environment", OECD Paris. WHO, World Health Report: Making a Difference WHO, Geneva. Sanford M. Brown et.al, Environmental Health Law, Praeger. Divan et.al, Environmental Law and Policy in India,Oxford University Press.
SCHEME OF EVALUATION:	Presentation:30 Marks Written:70 Marks
SELECTION CRITERIA	SOP

COURSE TITLE:	State, Criminal Justice System and Individual Liberty.
COURSE OFFERED TO	Seminar for LL.B.
INSTRUCTOR:	Ms. Anuradha Prasad
NUMBER OF CREDITS:	4
DURATION	July – October, 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The criminal legislations has seen paradigm shift in the recent past from the classical principles of criminal law, be it the passing of the Gujrat Anti-Terror law, trying Juveniles as adults or passing of the Criminal Law Amendment Act, 2013 which was seen as a hasty action of the Govt. to pacify social, political and media pressure. When the entire world is moving towards reformative justice and abolishing death penalty, India is trying to reinforce death penalty on one pretext or the other and going in the direction of retribution. These laws have resulted in increased restrictions on individual liberty and freedom in varying forms and degrees, but has not actually sorted out the problem of crime in the society. Had the criminal justice performed with reasonable efficiency in the budding stages of crime the menace of crime in the society would not have assumed such dimensions as it is today. Given the importance of the subject this course has been designed to examine these issues in an objective manner. The course would basically deal with the recent developments in the substantive and procedural criminal laws both from the national and international perspectives with an intent to apprise students about the current developments. If the law is to be made effective in dealing with crimes, it can only do so if the cardinal principles are affirmed and if the rights of accused are upheld, both at the legislative and judicial level. This does not mean undermining the significance of strict laws and theory of regulatory mechanism to tackle the problem as serious as terrorism. The state has to in all cases confirm to its duty of security but this duty shall in no case lead to unwarranted curtailment of individual liberty by the state. Hence, the modern state has to ensure that it must frame such laws that are able to meet its general ambitions of defending and managing the lives of its population and at the same time establish equilibrium between individual liberties and duty of the state. There will be interaction on various issues confronting the administration of justice including procedural and other current challenges and reforms in the criminal justice system

Course objectives

1. To fully appreciate the significance of classical principles of criminal law
2. To understand the significance of protecting individual liberty in the criminal justice system
3. To examine the recent criminal law reforms/amendments and their impact on rights of the accused.
4. To search for unique ways to avoid reflex application of criminal law in society.

Tentative Course Outline

Module 1: *Criminal Justice System: An Overview*

Module 2: *Classical Principles of Criminal Justice System and Individual Liberty*

- Principles of legality[*nullum crimen sine lege, nulla poena sine lege* (“no crime without law, no punishment without law”)]
- Non-retroactivity (*nullum crimen sine lege praevia*)
- The Interdiction of Analogy (*nullum crimen sine lege stricta*)
- The Principle of Certainty (*nullum crimen sine lege certa*)

Module 3: *Rights of the Accused*

- Fair trial norms
- Rights of the accused under international documents
- Rights of the accused under Constitution of India
- Rights of the accused under Code of criminal procedure

Module 4: *Crime against Women & Juvenile Delinquency*

- Abuse of legislations pertaining to women
- Trial of juveniles in adult courts
- Lowering the age limit of juveniles

Module 5: *Anti-terror laws*

- Jurisprudential validity of Anti-Terror Legislations
- Case Studies on Terror Trials

Module 6: *Current international developments in the substantive and procedural criminal laws*

- Jurisdictional issues in criminal trial
- Application of the principles of criminal law in international crimes

Module 7: *New trends in Penology in the contemporary society*

- Minimum mandatory punishment
- Unequal penalties for similar offences violates the principles of legality
- Debate on death penalty

Preliminary readings

The students shall be conversant with the following readings before the commencement of the course. Further readings shall be supplied after the commencement of the course as and when required.

- Andrew Ashworth, *Principles of Criminal Law* (5thed.)98-100,105-113,122-135
- Arthur J. Goldberg and Alan M. Dershowitz, *Declaring the Death Penalty Unconstitutional*, HARVARD LAW REVIEW, Vol.83, No.8 (Jun.,1970), pp.1773-1819

- Austin Abbott, *Two Burdens of Proof*, HARVARD LAW REVIEW, Vol. 6, No. 3 (Oct. 15, 1892), pp. 125-137
- Brent Pollitt, *Buying Justice on Credit Instead of Investing in Long-term Solutions: Foreclosing on Trying Juveniles in Criminal Court*, 6 J.L. & Fam. Stud. 281 (2004)
- DAVID HAMER, *the presumption of innocence and reverse burdens: a balancing act*, Cambridge Law Journal, 66(1), March 2007, pp. 142-171
- Glanville Williams, *Definition of Crime*, 8 (1) CURRENT LEGAL PROBLEMS 107-130 (1955)
- Glanville Williams, *Offences and Defences*, 2 Legal Studies 233 (1982)
- H.L.A. Hart, *Legal Responsibility and Excuses in PUNISHMENT AND RESPONSIBILITY* (2008) 28-53
- Heleen Scheer, *Publicity and the Presumption of Innocence*, THE CAMBRIDGE LAW JOURNAL, Vol. 52, No. 1 (Mar., 1993), pp. 37-39
- Henry Hart Jr. *The Aims of the Criminal Law*, 23 LAW AND CONTEMPORARY PROBLEMS 402, 402-422 (1958)
- James Bradley Thayer, *The Presumption of Innocence in Criminal Cases*, The Yale Law Journal, Vol. 6, No. 4 (Mar., 1897), pp. 185-212
- James B. Thayer, *The Burden of Proof*, HARVARD LAW REVIEW, Vol. 4, No. 2 (May 15, 1890), pp. 45-70
- Jayanth K. Krishnan, *'India's PATRIOT ACT: POTA and impact on Civil Liberties in the World's Largest Democracy'* 22 Law & Ineq. 265 (2004)
- Jeffrey A. Butts, *Can we do without Juvenile Justice*, 15 Crim. Just. 50 (2000-2001)
- Jerome Hall, *Nulla Poena Sine Lege*, 47 THE YALE LAW JOURNAL 165-193 (1937)
- John A. Seiff, *The Presumption of Innocence*, JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY (1931-1951), Vol. 25, No. 1 (May-Jun., 1934), pp. 53-64
- Leo Katz, *Criminal Law in A COMPANION TO PHILOSOPHY OF LAW AND LEGAL THEORY* (Dennis Patterson (ed.), 2010), 90-102
- Michael L. Radelet and Ronald L. Akers, *Deterrence and the Death Penalty: The Views of the Experts*, The Journal of Criminal Law and Criminology (1973-), Vol. 87, No. 1 (Autumn, 1996), pp. 1-16
- Richard Wasserstorm, *Strict Liability in Criminal Law*, 12 STANFORD LAW REVIEW 731 (1959)
- Una Ni Raifeartaigh, *Reconciling Bail Law with the Presumption of Innocence*, OXFORD JOURNAL OF LEGAL STUDIES, Vol. 17, No. 1 (Spring, 1997), pp. 1-21
- Victor Tadross, *'Justice and Terrorism'* New Criminal Law Review: An International and Interdisciplinary Journal, Vol. 10, No. 4 (Fall 2007)

	○ William C. Bailey, <i>Murder and the Death Penalty</i>, THE JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY(1973-),Vol. 65, No.3 (Sep.,1974), pp.416-423 ○ Owen Fiss, <i>The War Against Terrorism And The Rule Of Law</i>, 26 Oxford J. Legal Stud. 235, Summer, 2006 <u>Other readings</u> ○ Framed, Damned and Acquitted: Dossiers of a Very Special Cell, A Report by Jamia Teachers Solidarity Association. ○ Committee on reforms of criminal justice system, Govt. of India, Ministry of Home Affairs, March 2003, Chairman: Dr. Justice V.S. Malimath ○ Report of the Committee on Draft National Policy on Criminal Justice, Ministry of Home Affairs, Government of India, July 2007, Chairman: Prof (Dr.) N.R. Madhava Menon ○ 10th D.P.Kohli Memorial Lecture on 'Criminal justice system-growing responsibility in light of contemporary challenges' by Hon'ble Sh.K.G. Balakrishnan, Chief Justice of India (New Delhi – April 2, 2009) ○ Criminal Law Amendment Act, 2013
SCHEME OF EVALUATION:	Paper Submission: 70 Marks Class Participation: 10 Marks Presentation: 20 Marks
SELECTION CRITERIA	SOP

COURSE TITLE:	Women, Narrative and Technology (Social Science Seminar)
COURSE OFFERED TO	3 rd & 4 th Year Students
INSTRUCTOR:	Dr. Alice Samson
NUMBER OF CREDITS:	3
DURATION	August – October 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The course will focus on literary texts and cultural material that help understand the cultural narratives of Gender, Science and Technology. The course will examine films, TV shows, books, paintings and cartoons amongst other media to understand how cultural narratives stereotype women through their portrayals of female medical professionals, scientists, mathematicians etc. Through theoretical feminist readings and examination of narratives by and of women, the course will examine how undesirable cultural constructions of gender and privileging of physical appearance and social skills over the place of investigative and inventive personalities impact the role of women in society.
SCHEME OF EVALUATION:	Short response papers to selected readings, one presentation and one final project/paper
SELECTION CRITERIA	SOP

COURSE TITLE:	INDUSTRIAL RELATIONS: AN INTRODUCTION (Social Science Seminar)
COURSE OFFERED TO	LLB
INSTRUCTOR NAME & CONTACT DETAILS:	Dr. V. Janardhan
SHORT DESCRIPTION OF INSTRUCTOR	M.A, M,Phil, PhD in Sociology from University of Hyderabad M.A in Philosophy from Osmania University Faculty, Dept. of Sociology, University of Hyderabad
NUMBER OF CREDITS:	03
PREFERRED DATES FOR CONDUCT OF COURSE	THU
BRIEF DESCRIPTION ON COURSE (MINIMUM 500 WORDS)	The central objective of this course is to provide an overview of the theory and practice of industrial relations (IR) in organizations that come under the definition of 'industry', including the services sector. The ambit of the course would be global as well as Indian and the organizations considered, multinational as well as national. Students would be exposed to the world of managements, labour, unions and the state, and the theoretical and conceptual manner of understanding them at the point they all converge – industrial relations. The following themes would be dealt with:- <u>Introductory Aspects</u> A working definition of IR; contrast with ER; the individual and 'collective' nature of the contract of employment; judicial interventions; general determinants of IR <u>Theoretical Perspectives on Industrial Relations</u> Critical considerations on Marxian, Pluralist and Systems perspectives, and the strategic management of industrial relations approach <u>Trade Unions and Collective Bargaining</u> On trade unions; types of unions; preliminary discussion of collective bargaining; bargaining structures and processes; issues in collective bargaining; typical management and union demands; IR in multi-national companies; trade unionism and collective bargaining today. <u>The Labour Process</u> An introduction to labour process theory (LPT) <u>'New' Industrial Relations including HRM</u> Background, Principles and practices of HRM; impact of HRM on conventional IR <u>Industrial Relations in India</u> The two so-called sectors; economic and political unions; collective bargaining; dominant issues in Indian IR including the problem of casualization of employment; other emerging issues. Readings for the course would be introduced and discussed in the class room. Students should submit a written Assignment / Paper at the end of the course which ought to be on any topic within the frame of the course.
SCHEME OF EVALUATION:	Term Paper of minimum of 15 pages submitted as soft and hard copy, by the end of the course.
SELECTION CRITERIA	CGPA

COURSE TITLE:	Pscho-analysing politics in the context of human behavior (Social Science Seminar)
COURSE OFFERED TO	BA LLB students
INSTRUCTOR NAME & CONTACT DETAILS:	A V Satish Chandra, PhD Professor, Department of Political Science, Osmania University, Hyderabad, Telangana
SHORT DESCRIPTION OF INSTRUCTOR	I have nearly 27 years of teaching experience in Osmania University and also the Tata Institute of Social Sciences (where I went on lien from Osmania University). I specialise in Political Theory but I have reasonable expertise in other areas of political science such as Public Policy and Governance apart from expertise in allied social sciences such as history and sociology and humanities such as psychology and English Literature.
Credits	3
PRE-REQUISITES:	Peripheral acquaintance with the social sciences and humanities
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	This course is not about psychology. It draws its inspiration from Pscho-analysis of the Freudian and Reichian variety. The course will 1. Explore what psycho analysis is 2. Look at the work of Freud especially his work the Origins of Religion 3. Look at the work of Wilhelm Reich especially The mass psychology of Fascism 4. The work of critical thinkers like Marcuse and his Eros and Civilisation and One Dimensional Man 5. The utilitarians and their critics such Michel Foucault and his History of Sexuality and Madness and Civilisation
SCHEME OF EVALUATION:	Two seminar papers
SELECTION CRITERIA *	CGPA

COURSE TITLE:	Telecom Laws, Policies and Regulation
COURSE OFFERED TO	LLB 4, 5 & LLM
INSTRUCTOR NAME & CONTACT DETAILS:	Anil Kumar Bhardwaj Director Department of Telecommunications Government of India
SHORT DESCRIPTION OF INSTRUCTOR	The course has been designed especially for law student, by Sh. Anil Kumar Bhardwaj who has more than 20 years' experience in Telecom Sector in various positions in Government of India. He has experience of working in policy side (Department of Telecom), Operations side (Bharat Sanchar Nigam Limited) and Regulation (Competition Commission of India). In addition to bachelors in Electronics and Communications, Anil has done Post Graduate Diploma in Operations Management, MBA (Finance), Master's In Economics Development and 3 year LL. B.
Credits	1
PREFERRED DATES FOR CONDUCT OF COURSE	18 th to 24 th July
PRE-REQUISITES:	-
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	<u>Telecom Sector Laws and Policy:</u> Telecommunications is the backbone of the ICT revolution that has changed the pace of global development and global integration in last 25 years. The sector presents a continuous paradox between the desire of stable statutory regimes on one side and need to support the disruptive innovations and new technologies on the other. The sector presents a quandary for legal and regulatory regime where the incumbents are always looking at ways to safeguard their turf and innovators keep challenging the status-quo. Change is the hallmark of this sector where technology life cycle is less than 4-5 years and next generation is always only few months away. Looking purely at the legal perspective, the sector has continuously evolving statutory and regulatory framework. Despite continually evolving, paradoxically the sector is governed by Indian Telegraph Act 1885 which is one of the oldest operative statute in India. The other most important statute of the telecom sector is the TRAI Act 1997 (as amended in 2001) that laid the foundation of regulatory regime in India with TRAI becoming the first independent new age sectoral regulator (other than Financial sector regulators). Over the last two decades, TRAI has itself issued a number of regulations ranging from Telecom Tariff Orders, Quality of Service standards, Inter-connect Usage Charges and Regulations, Telecom Consumer Regulations, Mobile Number Portability and many more. On the other side, there are various types of licences for telecom service providers with each of these having their own stipulated conditions and revenue sharing and license fee structure. Being one of the most important sectors of the economy, this course will enable the students to understand the nuances of the Statutory,

Regulatory and Policy regime in telecom sector in India and the underlying legal provisions.

Draft Course Module for Telecom Laws and Policies

S. No.	Background	Tentative Hours
1	Telecom Sector in India, Pre-reforms upto 1990	30 Minutes
2	Telecom Reforms NTP 1994; NTP 1999; Broadband Policy 2004; NTP 2012	1 Hour
3	Indian Telegraph Act 1885 and Regulations thereunder	1 Hour
4	Policies	
4A	Same Service, Same Rules	2 Hours
4B	EMF	
4C	Right of Way	
4D	Universal Service Obligation Fund (USOF) levy:	
4E	Spectrum policy in India	
4F	Licence Fee Regime for telecom licences:	
4G	Security Guidelines – PMA Guidelines	
5	Telecom Regulatory Authority of India ACT 1997	2 Hours
5A	TRAI: Its Functions and Structure	
5B	Telecom Dispute Settlement Tribunal (TDSAT) – Functions and Structure	
6	Role of DOT as Licensor ; Telecom Enforcement and Monitoring; Controller of Communication Accounts: Revenue	2 Hours
6 A	Universal Access : License Agreement; Terms thereunder	
6 B	Spectrum Management and Allocation	
6 C	Licenses (Other than Universal Access)	
7	TRAI Regulations	6 Hours
7A	Telecom Tariff Orders	
7B	Mobile Number Portability (MNP)	
7C	Telecom Consumers Complaint Redressal Regulations, 2012	
7D	Telecom Consumer Regulations (TCPR) 2012	
7E	Unsolicited Commercial Communications (UCC)	
7F	Quality of Service (QoS)	
7G	Interconnection Usage Charges and Regulations	

	7H	Subscriber Verification	
	7I	Metering and Billing Audit Regulation	
	7J	Telecom Licenses and Regulatory levies	
	8	Case Law – Importance Cases; Jurisprudence and Present scenario – Including current issues and cases	1 hour
SCHEME OF EVALUATION:	The course will entail intense study for 6 to 7 hours and seminar type discussions for 3 to 4 hours. Student will be evaluated at the end of each module with 15 to 30 minutes test (total 2 tests – each for 30 marks). There will be a group exercise (25 marks) where students will be asked to make a 10 minutes presentation and submit a two page write-up on the topic of their choice. Balance 15 marks will be awarded on the basis of class-room participation and attendance.		
SELECTION CRITERIA *	Notified later		

COURSE TITLE:	Transactional Aspects of IP		
COURSE OFFERED TO	LLB (4th/5th year); LLM		
INSTRUCTOR NAME & CONTACT DETAILS:	Mr. ANINDYA SIRCAR		
SHORT DESCRIPTION OF INSTRUCTOR	Dr. Anindya Sircar is currently engaged in consulting, strategizing, teaching and training programs in the field of Intellectual Property management. Dr. Sircar had been Associate Vice President and Head of IP with Infosys Limited for over five years and was responsible for all IP activities of Infosys Limited and its subsidiaries. Prior to this he was heading the IP Department Biocon Group – a premiere biotechnology company in Bangalore, India and was instrumental in setting up the IP practices for the Biocon Group. < https://in.linkedin.com/in/anindyasircar >		
Credits	1		
PREFERRED DATES FOR CONDUCT OF COURSE	August 01 to 09, 2017		
PRE-REQUISITES:	Aware of basics of IP.		
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	Intellectual property is a broad categorical description for the set of intangibles owned and legally protected by a company from outside use or implementation without consent. Intellectual property can consist of patents, trade secrets, copyrights and trademarks, or simply ideas. This short course focuses on the legal and practice issues that are directly relevant to transaction of IP for practitioners		
	Key Learnings:		
	▪ Which IP to buy or sell? ▪ Different Approaches to value IP ▪ IP Transactions including license and assignment ▪ Technology Management ▪ Licensing with focus in FRAND		
	Course breakdown:		
	#	TOPIC	HRS
	1	IP - Relevance to Business	2
	2	IP and IP Transactions	2
	3	Trends in IP Transaction - Global Perspective	2
	4	Technology Valuation -1	2
	5	Technology Valuation -2	1
	6	Technology Management – 1	2
	7	Technology Management – 2	1
8	FRAND	2	
9	Group Discussion / Assessment	2	

SCHEME OF EVALUATION:	Assignments / Simulation Exercise
SELECTION CRITERIA *	

COURSE TITLE:	Law and Society (Social Science Seminar)
COURSE OFFERED TO	LLB
INSTRUCTOR NAME & CONTACT DETAILS:	Dr. Anindita Mukhopadhyay
SHORT DESCRIPTION OF INSTRUCTOR	Teaches History in the Department of History, University of Hyderabad. Research interests are: cultural history, history of ideas, Social Change, Marginalized Histories.
Credits	3
PREFERRED DATES FOR CONDUCT OF COURSE	Wednesday, Evening lectures (6 pm -8pm) august onwards
PRE-REQUISITES:	
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	The lectures are designed to first locate the changing stakes in governance, law and power in England, and the identification of the “ungovernable elements” by the English ruling classes within the Parliament and within society. The importance of the centrality of two principles – “life” and “property”, their definitions, their patriarchal moorings and their civilizational validity. The lectures then move these principles of governance, law and power to the colonial domain, to show how these were deployed to establish hubs of western power (upheld through western legal principles and structures, and institutions of governance). Finally, the lectures show how these were received by the Indian communities throughout the period of colonial expansion. While the standard historical narratives will be part of these lectures, these lectures will also move from point to point through important trials. These trials will highlight the differences between “subject” and the “legal subject”, between what constitutes a modern citizen, and will show how the trials revealed certain “subject” positions central to the understanding of the emergence of the “modern” citizen.
SCHEME OF EVALUATION:	Will be notified later
SELECTION CRITERIA *	Draw of lots

COURSE TITLE:	Law and Politics of Food and Nutrition (Social Science Seminar)
COURSE OFFERED TO	III, IV LLB
INSTRUCTOR NAME & CONTACT DETAILS:	Dr. Veena Shatrugna
SHORT DESCRIPTION OF INSTRUCTOR	A medical doctor with 34 years experience in Clinical Nutritional research at the National Institute of Nutrition, Hyderabad. Areas of work 1) Women's health and Nutrition 2) Women and Work 3) Osteoporosis 4) Child and infant growth Retired as the Head of Clinical Division
NUMBER OF CREDITS:	Three
PREFERRED DATES FOR CONDUCT OF COURSE	THU 02-04 pm from 3 rd aug. onwards
PRE-REQUISITES:	
BRIEF DESCRIPTION ON COURSE (MINIMUM 500 WORDS)	Law and Politics of Food and Nutrition The nutritional status of the poor in India maybe described as alarming. Based on nutritional indicators such as adult weights, heights, body mass index(BMI), percentage of severely malnourished children, mean birth weights, infant mortality rate(IMR), dietary intakes and unacknowledged starvation deaths confirm this fact. Over 40 % of children less than 6 years of age are underweight, and 35% are short or stunted. Of these about 15% do not have adequate weight for height. In addition 50-60% of children and over 80% of women are anemic. The nutritional status of Tribals and SCs are of course worse than the national average data. The reasons for this may be traced to the policies and programs of the Government, which expects them to consume a monotonous cereal, based diet, with little pulse, and negligible amounts of vegetables, fruits, milk, and flesh foods. These policies go back to the famine years during the world war in the 1940s and 50s. The areas of Food and Nutrition have been contested areas since independence in India. Nutrition Scientists in the 1940s and 50s had successfully analyzed and organized Indian foods based on the concentration of major nutrients such as calorie, proteins, fats etc. Despite the fact that all foods contained most of the known nutrients in varying proportions, foods were classified into calorie rich foods, protein rich foods, foods rich in vitamins and minerals, and foods containing fat etc. It was not surprising that scientists were at the forefront of research and policy making advising the Government during these years. Their work though brilliantly innovative and committed to the welfare of Indians, unfortunately simplified the science of food and nutrition with long term consequences. Armed with the knowledge of nutrients, scientists laid down RDAs (recommended dietary requirements) in terms of calories for the Indian population engaged in various kinds of work (sedentary, moderate or heavy work), with the assumption that foods culturally and regionally appropriate such as cereals, pulse, milk,

	eggs, vegetables, fish, nuts, fowl etc would be consumed in quantities such that calories would be derived from varied sources. A varied diet would also ensure intakes of vitamins and minerals. (For a sedentary worker the RDA was fixed at 2400 calories) For a nation, which looked forward to abundance after independence, (foods such as cereals, pulse, milk, eggs, fish and flesh foods, vegetables, fruits, nuts etc), RDAs in terms of calories resulted in the following. Bureaucrats and economists sought out calorie rich foods to be provided in the PDS, and not surprisingly cereals fit the bill (100gm of cereal, any cereal, such as wheat, rice, jowar, bajra, ragi, corn, and other millets), contains 340-360 calories. Cereals as an important source of calories were acceptable to the population, but instead of a mix of cereals, only wheat and rice were available to provide the RDAs of 2400 calories to the population. Not just food diversity, but also cereal varieties disappeared from this scientific calculation. The rich food cultures of a newly independent nation were being eroded gradually. This simple understanding of requirements in terms of calories helped bureaucrats, planners, economists, statisticians, among others further reduce it to “Cheap sources of Calories” for the poor. Over a short time these concepts were deployed and recast in administrative circles in such a manner that it systematically transformed the diets of the poor in India to plain cereals as the only source of calories, with massive deficiencies of Vitamins and minerals, resulting in small malnourished babies and stunted underweight adults. This course will try to cover the following- 1. The Nutritional status of Indians over the last 35 years 2. The use of Nutritional data for policy and programs, such as determining minimum wages, feeding programs etc. Its role in the Right to Food Act will also be discussed. 3. The newer problems of vegetarianism, and its impact on micronutrient deficiencies in the poor. 4. The role of industry and international organizations as they addressed the newer questions. In the meantime economists have tried to suggest that malnutrition may be addressed by changing the growth standards, ie instead of using WHO standards maybe India should generate “Indian Standards” This course on Food and Nutrition –will help students understand the science, politics and economics of hunger in India, and better appreciate the demands for a Right to Food Act.
SCHEME OF EVALUATION:	20% Class participation and 80% Research Paper
SELECTION CRITERIA *	Draw of lots

COURSE TITLE:	Citizenship and Belonging: Politics of Inclusion & Exclusion (Social Science Seminar)
COURSE OFFERED TO	LLB
INSTRUCTOR NAME & CONTACT DETAILS:	Dr. Rita Manchanda
SHORT DESCRIPTION OF INSTRUCTOR	Rita Manchanda is an established writer, scholar-researcher, and human rights activist specializing in conflicts and peace-building in South Asia with particular attention to vulnerable and marginalized groups, that is, women, minorities, indigenous peoples, and forcibly displaced persons. Professor Manchanda has over 15 years of experience as a Senior Executive and Research Director with the regional NGO “South Asia Forum for Human Rights” (SAFHR), directing and coordinating a diverse portfolio of programs, including “Human Rights Audits of Peace Processes,” “Women, Conflict, and Peace,” “Media in Conflict,” and “Rights-based Approaches to Poverty Reduction.” Also, during the last decade and a half, she had been the gender advisor, Commonwealth Technical Fund (2004–05), and consultant in projects with UN Women (2010–11, 2012– 13, 2014), United Nations Development Programme (UNDP 2014–15), Centre for Humanitarian Dialogues (2011, 2012), and SAFERWORLD (2015, 2016). She has lectured on conflict resolution at Rotary Centre for International Studies in Peace and Conflict Resolution, Chulalongkorn University (2014), Welthungerhilfe (WHH; 2014), Lady Shri Ram College (2008–16), and SAFHR: Human Rights and Peace Orientation Course (2000–08). Her more recent publication SAGE Series in Human Rights Audits of Peace Processes undertaken by SAFHR and published by SAGE (2015), is a field-based audit study of peace-making in Northeast (India), Balochistan (Pakistan), Madhesh (Nepal), and Chittagong Hill Tracts (Bangladesh). Among her many books and articles are Women War and Peace in South Asia: Beyond Victimhood to Agency, a pioneering study on feminist theorizing and praxis on conflict and peace-building (SAGE 2001), and Naga Women in the Peace Process (SAGE 2004).
Credits	3
PREFERRED DATES FOR CONDUCT OF COURSE	August 17-24
PRE-REQUISITES:	-
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	Description This is an interdisciplinary course that brings together legal studies, political science and gender studies as it unpacks the dynamics between state, democracy and citizenship. It will examine the evolving discourses of Citizenship, the ideological and political shifts in citizenship as a concept, and the paradoxes in the practice of citizenship. It will explore the tension between the principle of equality and inclusion enshrined in the concept of civic citizenship

	and inequality and exclusion inherent in the praxis of citizenship in India. It will analyze the experience of citizenship as a multi-tiered concept with shifting terms of belonging and 'hierarchies of inequalities'. The Course will engage with Citizenship as a terrain of struggle for inclusion and expanding rights and the tension between individual rights and collective rights. It will visit the role of the judiciary, state institutions and the legislature in challenging and reinterpreting citizenship laws and redefining the philosophical and ideological basis of citizenship at times towards closures and at other times towards encompassment. The Course will unpack the paradoxes of citizenship by tracking particular problematic categories, e.g. <i>Woman</i> and the <i>Migrant</i>. It will analyze how gender relations and contemporary understandings of gender difference, both acted upon and were shaped by the emerging identity of the Indian as postcolonial citizen. The Course will foreground struggles for rights and status and the arrival of women as an autonomous political subject. Through the 'Migrant' it will explore the changing terms of citizenship inclusion, regionally differentiated citizenship (Assam) and the backdoor entry of religion as an organizing principle in citizenship law.
SCHEME OF EVALUATION:	The participants of the seminar course will be assessed on a term paper of 2500-3000 words.
SELECTION CRITERIA *	Draw of Lots

COURSE TITLE:	Peace Education Program																																			
COURSE OFFERED TO	LLM & LLB 2 nd – 5 th Years																																			
INSTRUCTOR NAME & CONTACT DETAILS:	Dr. D. Bala Krishna, Prof. Beena and Praveena, Dr. Raghuraman																																			
SHORT DESCRIPTION OF INSTRUCTOR	This course is offered by Dr. D Bala Krishna (Coordinator of the course) Prof. Beena Professor of Psychology and Praveena representative of The Prem Rawat Foundation (TPRF).																																			
Credits	1																																			
PREFERRED DATES FOR CONDUCT OF COURSE	<table><tr><td>Date</td><td>Day</td><td>Timings</td><td>Hours</td></tr><tr><td>07/08/2017</td><td>Monday</td><td>04.20-06.20 pm</td><td>2</td></tr><tr><td>09/08/2017</td><td>Wednesday</td><td>04.20-07.20 pm</td><td>3</td></tr><tr><td>11/08/2017</td><td>Friday</td><td>04.20-07.20 pm</td><td>3</td></tr><tr><td>16/08/2017</td><td>Wednesday</td><td>05.20-07.20 pm</td><td>2</td></tr><tr><td>18/08/2017</td><td>Friday</td><td>05.20-07.20 pm</td><td>2</td></tr><tr><td>21/08/2017</td><td>Monday</td><td>04.20-06.20 pm</td><td>2</td></tr><tr><td>23/08/2017</td><td>Wednesday</td><td>04.20-06.20 pm</td><td>2</td></tr></table>				Date	Day	Timings	Hours	07/08/2017	Monday	04.20-06.20 pm	2	09/08/2017	Wednesday	04.20-07.20 pm	3	11/08/2017	Friday	04.20-07.20 pm	3	16/08/2017	Wednesday	05.20-07.20 pm	2	18/08/2017	Friday	05.20-07.20 pm	2	21/08/2017	Monday	04.20-06.20 pm	2	23/08/2017	Wednesday	04.20-06.20 pm	2
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PRE-REQUISITES:																																				
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	COURSE PORTRAYAL: The Peace Education Program (PEP) is a media-based educational program, created by The Prem Rawat Foundation (TPRF). The purpose is to help participants to explore the possibility of personal peace and to discover inner resources. Tools for living such as inner strength, choice, appreciation and hope. OBJECTIVE OF THE COURSE: To explore the possibility of personal peace and to discover inner resources TEACHING METHODOLOGY: The basic methodology is lecture cum demonstration method, supervisory study and workshop / seminars. LECTURE PLAN MODULE 1: Peace, Appreciation, MODULE II: Inner Strength, Self-Awareness, MODULE III: Clarity, Understanding, MODULE IV: Dignity, Choice, MODULE V: Hope and Contentment For all the modules the following material will be provided and these are self-explanatory, at the same time the teacher facilitates in the learning and practice on peace education: • A manual for facilitators and a workbook for participants • Each workshop/ Seminar includes several video segments, times for reflection • 10 DVDs and 10 illustrated articles on inner resource themes • 6 supplemental videos <table><tr><td>MODULES</td><td>TITLE</td><td>NUMBER OF REQUIRED LECTURES</td></tr><tr><td>Module 1</td><td>Peace, Appreciation</td><td>2</td></tr></table>				MODULES	TITLE	NUMBER OF REQUIRED LECTURES	Module 1	Peace, Appreciation	2																										
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	Module 2	Inner Strength, Self-Awareness	4
	Module 3	Clarity, Understanding	3
	Module 4	Dignity, Choice	3
	Module 5	Hope and Contentment.	4
SCHEME OF EVALUATION:	Project: 75 Marks Presentation: 25 Marks		
SELECTION CRITERIA *	Students who got at least A+ grade in Criminal Law-I can apply and selection will be through Draw of lots		

COURSE TITLE:	Criminal Law and Practice (Elective Courses)
COURSE OFFERED TO	Elective
INSTRUCTOR:	D BALA KRISHNA
NUMBER OF CREDITS:	3
DURATION	June- October , 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The course will be divided into various Units with each unit focusing on some special aspect of criminal law theory and practice. Aim is to provide the students with clarity about the fundamentals of criminal justice system by exposing them to both theoretical and practical aspects of it. Expected Learning Outcomes: On completing this course the participant should be able to: • Understand fundamental definitions and concepts of Criminal law • Understand the role and nature of Investigation Agencies and Criminal Courts • Determine responsibility of the State Mode of Study: • Course would be reading based. Reading material will be supplied to the students and students would be expected to go through the relevant reading before joining the class discussions. • Classroom discussions will include class presentations by students or debates amongst students. • Emphasis will also be on sending students for field visits. • Project Work • Teaching sessions to be supplemented by lectures of experts in various areas of criminal law practice (from

	Forensic Science, Criminal Court practitioners, Magistrates and Judges) The following are the topics to be covered under this course UNIT –I: CRIMINOLOGICAL THEORIES AND SCHOOLS OF THOUGHT UNIT- II: INTERNATIONAL CRIMINAL LAW AND PROCEDURE, AND INDIAN CRIMINAL JUSTICE SYSTEM UNIT – III: CRIMINAL INVESTIGATION PRACTICE AND PROCEDURE • Investigation of socio-economic offences, corruption cases, serious crimes and the constitutional issues. • Investigation practice and procedure of CBI, NIA, CID, SIT etc. • Forensic Science in crime investigation. • Use of evidence and general rules in criminal cases. UNIT- IV: NATURE OF JUDICIAL TRIAL AND TYPES OF CRIMINAL TRIAL: • Trial before CBI court, Trial before a Court Sessions, Trial of warrant cases by Magistrate, Trial of Private Complaint and Trial of Juvenile Offender. • Punishment, sentencing and Prison Reform, Current problems and challenges in Prison Administration.
SCHEME OF EVALUATION:	100 marks for written examination

COURSE TITLE:	Internet Governance with Special focus on Cyber Crimes
COURSE OFFERED TO	Seminar for LL.M. Specialization (Criminal Law) / General
INSTRUCTOR:	DR. K V K Santhy
NUMBER OF CREDITS:	3
DURATION	July-October 2017
BRIEF DESCRIPTION (MINIMUM 500 WORDS)	The contemporary debate is being focused more on Corporate Crime moving away from traditional bloody or emotional crimes or street crimes. The recent international financial crisis and its serious impact on the world economy led to such crimes and hence the focus. According to PwC's latest economic crime survey, the most comprehensive study: "The economic crime remains pervasive among organizations of all sizes, in all countries and all industries". In Ireland, the survey reports, over a quarter of Irish organizations were victims of fraud in the last 12 months. Cybercrime was ranked as one of the top economic crimes in the survey. India woke up first on Corporate Criminality with the Bhopal Gas Leak Tragedy. After 25 long years the court of the chief judicial magistrate held Union Carbide and its Indian subsidiary criminally liable on the matter of negligence and liability. The court's decision holds seven officials of Union Carbide India guilty on diluted charges of accidental injury, and surprisingly Indian judiciary lets off the main accused of the US parent company. The Union Law Minister admitted as much, saying "justice has been buried in the Bhopal case". It was strongly criticized that the Supreme Court erred first in 1989, by settling all civil and criminal liability at a small sum of US \$470 million (in 1991 it reopened the criminal case). Then in 1996, the apex court reduced criminal charges from section 304b—culpable homicide with a maximum punishment of 10 years—to a milder section 304a, used in traffic accidents for deaths caused by rash or negligent acts, which limits the term of imprisonment and provides for lighter fines. The amount settled for the disaster was less than what was agreed in the Exxon Valdez case that occurred a few years later in 1989. In this oil disaster, which hit the coast of Alaska in the US, the toll on the natural environment— the flora and fauna—was priced double (some US\$ 1 billion settled for punitive and economic damages) that paid for the thousands of human lives lost and maimed in Bhopal. Corporate crime generally refers to crimes committed either by a Corporation, a business entity with distinct legal personality or by individuals acting on behalf of a corporation. The corporate crime also include: White-collar crime, organized crime such as laundering with proceeds of crime, and

crimes by corporate persons having relationship with state. These are categorized as non-violent and involve such crimes as fraud, insider trading and money laundering. The state-corporate crime is that wherein the corporations that rely on states for financial support commit to make illegal profits. The Principals and directors of corporations can be charged with these crimes. White Collar crimes also are non-violent involving unethical acts, fraud and financial theft. Health care fraud is an instance where employees present fraudulent information in to induce reimbursement of huge amounts from insurance company for medical services. The Corporate entity organizes the crime or the organization commits that crime making it corporate and organized crime. Maximizing profits through illegal means is the crux of the criminality in corporate crime.

Mensrea becomes a serious issue with reference to Corporate Crimes. Recently, the Supreme Court of India, through a landmark judgment (*Iridium India Telecom Ltd v Motorola Incorporated &ors* [2010]), has added a new dimension to the jurisprudence relating to corporate criminal liability in India with respect to offences requiring *mensrea* or criminal intent, holding that despite being a legal fiction, a company can be said to possess *mensrea* required to commit a crime. As a general rule, common law did not impose criminal liability on corporations. This was based on the belief that a corporation lacked moral blameworthiness or the requisite *mensrea*, which is an essential element of a crime.

The criminal intent of the 'alter ego' of the corporation, i.e., the persons or the group of the persons that guide the business of the corporation, would be imputed to the corporation. In another judgment in July 2011 of CBI vs M/s Blue-Sky Tie-up Ltd and Others, the apex court reiterated the position of law held that companies are liable to be prosecuted for criminal offences and fines may be imposed on the companies.

Although today it is an established fact that corporations can be criminally liable but so far India has not legislated on corporate criminal liability like the US, UK or Australian counterparts which I shall elaborate in my later chapters. The statutes in India do not yet include such developed jurisprudence and hence still makes the official responsible for all criminal acts. Some examples are sections 45, 63, 68, 70(5), 203, 542 etc of the Indian Companies Act 1956 which hold only the officials of the company liable and not the company itself and the various sections of the Indian Penal Code 1860 directs compulsory imprisonment failing to take a corporation into account since such a sanction cannot work against the corporation. Apart from the above in India certain legislations which have provisions for corporate method of liability are

	Prevention of Food Adulteration Act, 1954 (Section 17), the Essential Commodities Act, 1955 (Section 10), the NDPS Act, 1985 (Section 38), the Trade Marks Act, 1999 (Section 114), the Income Tax Act, 1961 (Sections 276-C and 278-B). Course Objectives The impact of corporate crime can cause more harm than all of bloody or emotional crimes could cause combined. The problem is that these corporate crimes are rarely sanctioned or shamed, and when they are, punishments are much lighter than those received by traditional street offenders. There is a need to study the criminology and penology of these crimes. It is difficult to find criminological answers to question why these privileged people commit these crimes and what is the appropriate way of punishing them? Why most of them go unpunished or unreported? The domestic enforcement of law is weakened or affected by the globalized trade, outsourcing etc. More serious problem is the question of preventing corporate violence, the virulent frauds and assaults that kill injure and defraud thousands of people annually? In the contemporary phenomenon of growing corporate power and influence is it possible to reduce the corporate harm without compromising corporate profits or employment or innovation. <u>COURSE CONTENT</u> 1. Introduction, Defining Corporate Crime and white collar crime, Genesis of Corporate Crime, Theories of Corporate liability, Individual criminal liability. 2. Insider trading 3. Fraud 4. Money Laundering, Proceeds of crime 5. Accounting Manipulations 6. Abuse of law, competition, market abuse etc. 7. Enforcement & Government regulatory 8. Prosecution 9. Confiscation 10. Sentencing 11. Whistle Blower protection 12. Comparative analysis of systems in different countries
SCHEME OF EVALUATION:	PROJECT: 70 Marks PRESENTATION: 30 Marks

LLM Seminar Course Outline

Title of Course: Waste Management Law

Instructor: K. Vidyullatha Reddy

Duration (with dates): 15th July to 15th October

Number of Classes: 15 (1 hour classes)

Number of Credits: 3

Brief Details:

Waste management laws in comparison with the environmental laws are relatively recent in their origin. The laws on the subject have constantly challenged the legislators and the administration to rethink for enhancing their operational efficiency. Management laws are distinct from other laws as they contradict the scope within which they need to operate thus require a more refined approach.

The High Powered Committee constituted by the Government of India in 2014 states waste is the looming catastrophe challenging urban India. Government of India has identified Swatch Bharat as their policy which drives many initiatives including waste management besides revising all the laws on waste management. However the challenge of their execution can still be visualized in view of the complexity of the issues.

The legal research should ideally be able to suggest an approach that is not only ideal but is also practical. This requires a jurisprudential analysis of the waste management laws while trying to apply the concepts of waste management through the legal realm.

Methodology:

The teacher will introduce the course and the challenges highlighting the gaps in the existing legal realm. The teacher will then discuss the efforts made the policy makers, legislators and the administrative agencies in this regard. The teacher shall then circulate the select list of articles for discussion in the contact classes. The scheduled dates for discussion of each of these readings in the class will be informed to the seminar students in the class.

Scheme of Evaluation: 30 marks – presentation, 70 marks – final draft

List of Readings:

1. “Law and the Regulatory Environment of Waste Management”, Neil Hawke, *Journal of Law and Society*, Vol. 18, No. 1, Law, Policy and the Environment (Spring, 1991), pp. 81-94
2. “Unorthodox Law Making, Unorthodox Rule Making”, Abbe R. Gluck, Anne Joseph O'Connell and Rosa Po, *Columbia Law Review*, Vol. 115, No. 7 (NOVEMBER 2015), pp. 1789-1865
3. “Food Loss and Waste in the European Union: A New Challenge for the Food Law?” Luis González Vaquéal, *European Food and Feed Law Review*, [10 *Eur. Food & Feed L. Rev.* 20], 2015 *p: 20 to 48*
4. “Regulatory Intervention Beyond the Law Towards a Typology of the Extra-Legal Frontier” Aute Kasdorp, *European Journal of Risk Regulation* [7 *Eur. J. Risk Reg.* 361], 2016 *p. 361 to 388*
5. “Solid Waste Management in Indian Country: Multiple Sovereigns and Multiple Relationships at the Nexus of Federalism and Tribal Governance”, James Ortiz, *Administrative Theory & Praxis*, Vol. 23, No. 2 (Jun., 2001), pp. 263-268
6. “Agencies as Litigation Gatekeepers”, David Freeman Engstrom, *The Yale Law Journal*, Vol. 123, No. 3 (DECEMBER 2013), pp. 616-712
7. “Reading Statutes in the Common Law Tradition”, Jeffrey A. Pojanowski, *Virginia Law Review*, Vol. 101, No. 5 (September 2015), pp. 1357-1424

COURSE TITLE:	Law of Marriage and Separation
COURSE OFFERED TO	Elective
INSTRUCTOR:	Dr. G. Mallikarjun
NUMBER OF CREDITS:	3
DURATION	June-October, 2017
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Course Outline It is designed to acquaint and equip the students with the concept and law relating to marriage and separation in India and also to create in-depth understanding about contemporary developments in the arena of emerging marriage and separation issues. The students will be motivated to study the historical and sociological basis to understand the concept and reason for the emergence of these laws in India. Efforts will be made to have comparative study of all personal laws applicable to different communities in India, namely, Hindu Law, Muslim Law, Christian Law and Parsi Law etc. Special emphasis will be given on the status of women and children while referring to their constitutional rights. The objectives of course are: 1. To examine the historical evolution Hindu jurisprudence, Islamic jurisprudence and other jurisprudential theories of the world 2. To Identify emerging issues in the development of family in India 3. To make the students familiarize with the most prominent aspects of the concepts of Marriage and Separation and their subsequent developments 4. To discuss and analyse the current controversial family issues and 5. To develop and enhance skills with regard to family matters and legal issues and their interpretation in the Indian context
SCHEME OF EVALUATION:	End semester exam for 100 marks

International Parental Child Abduction: A Child Abuse

(Seminar Course)

The course will focus on Child rights and Child protection in the context of International parental child abduction. It will consider a broad range of other issues involving the conflicts between the legal rights of children and the legal rights of their parents and the state. The course will also discuss parental violations of the legal rights of their children, such as prenatal abuse, and other physical abuse, domestic violence, failure to thrive and other psychological abuse and intra-familial sexual abuse. Also explores parental failure to provide their children with the basic necessities of life, such as food, housing, supervision and medical care. Consider the impact of poverty and homelessness on the ability of parents to meet their children's needs. The course will also explore the conflicts between the legal rights of children and the state authority within the juvenile justice system to regulate the lives of dependent children and their families.

Child rights are specialized human rights that apply to all human beings below the age of 18. According to the UNCRC Child Rights are minimum entitlements and freedoms that should be afforded to all persons below the age of 18 regardless of race, colour, gender, language, religion, opinions, origins, wealth, birth status or ability and therefore apply to all people everywhere. The UN finds these rights interdependent and indivisible, meaning that a right cannot be fulfilled at the expense of another right. There are some basic human rights that should be afforded to children. There are four broad classifications of these rights. These four categories cover all civil, political, social, economic and cultural rights of every child.

- **Right to Survival:** A child's right to survival begins before a child is born. According to Government of India, a child life begins after twenty weeks of conception. Hence the right to survival is inclusive of the child rights to be born, right to minimum standards of food, shelter and clothing, and the right to live with dignity.
- **Right to Protection:** A child has the right to be protected from neglect, exploitation and abuse at home, and elsewhere.
- **Right to Participation:** A child has a right to participate in any decision making that involves him/her directly or indirectly. There are varying degrees of participation as per the age and maturity of the child.
- **Right to Development:** Children have the right to all forms of development: Emotional, Mental and Physical. Emotional development is fulfilled by proper care and love of a support system, mental development through education and learning and physical development through recreation, play and nutrition.

Child protection is the prevention of or responding to the incidence of abuse, exploitation, violence and neglect of children. This includes commercial sexual exploitation, trafficking, child labour and harmful

traditional practices, such as female genital mutilation/cutting and child marriage. Protection allows children to have access to rights of survival, development, growth and participation.

The Course aims to provide students with an understanding of the role of the legal system and International Law in enhancing the well-being and rights of children and young people. Relevant legislation, case Law, child development theories and socio-legal research will be considered. Upon completion of the course the student is expected to: Understand basic concepts of the law related to children. Appreciate the difficulty of developing and applying rules related to child, government and parent interaction and conflict.

International Parental Child Abduction: A Child Abuse

(Course Outline)

PART I: Introduction to Child Rights and Child Protection

- Who is a child? Child Rights Jurisprudence,
- Children Rights v Parental Rights, Children Rights as Responsibility of State and Society
- Prevention of Child Abuse and Neglect
- How to protect and save Children from abuse
- Child Rights as specialized human Rights

Part I will cover the following issues:

What is the status of children in our legal system? What are the legal and psychosocial principles that govern the creation, regulation, and termination of the relationship between children and their parents? How does a child differ from an embryo or a fetus? Who is a "parent"? Do the rights of children differ from those of adults? Does the State have an obligation to protect the liberty, privacy, and autonomy interests of children? How should the law resolve conflicts between a child's "best interests" and "parental rights"? How should the law treat adoptive, foster, psychological or intended parents as distinguished from biogenetic parents or sperm and egg providers? Should all children be treated equally without regard to the circumstances of their birth and without regard to the marital status, gender or sexual orientation of their parents? Should social science and child development research influence legal determinations of parentage? This course explores the historical, common law, statutory, and constitutional doctrines of children's rights, "parental autonomy," and "parens patriae" in the context of disputes about legal parentage, the use of assisted reproductive technology to produce children, the status of children raised by same sex parents, domestic and intercountry adoption, adolescents access to health care, and children's quest for identity and citizenship. Several case files are studied in detail in order to explore the distinctive challenges faced by lawyers who represent children in a variety of administrative and judicial proceedings.

PART II- International Parental Kidnapping as Child Abuse

Part II will cover Child Victims of International Parental Kidnapping

Child victims of international parental kidnapping are often taken from a familiar environment and suddenly isolated from their community, family, and friends. They may miss months or even years of schooling. The child may be moved to multiple locations in order to stay hidden or out of reach of the parent remaining in the United States. In some cases, the child's name, birth date, and physical appearance are altered or concealed to hide identity.

In addition, the tense and unfavorable situation between the parents may be emotionally troubling to a child. Kidnapped children are at high risk for long-term psychological problems including anxiety, eating disorders, nightmares, mood swings, sleep disturbances, and aggressive behavior. As adults, child victims of international parental kidnapping may struggle with identity, relationship, and family issues.

Legal Hurdles and the Return of a Kidnapped Child to his place of habitual residence

The return of kidnapped children is often settled through negotiation. In some circumstances, the return may be governed by the *Hague Convention on the Civil Aspects of International Parental Child Abduction* (1980). This Convention was established to facilitate the return of children abducted to foreign countries. However, it only applies if both countries involved in the international parental kidnapping situation are signatories to the Convention. India is not a signatory state.

Role of the State and Judiciary in child protection

The Use of Best Interest Principle in absence of State policy

Readings

Articles

- Leto, Marisa (2000-04-01). "*Whose best interest? International child abduction under the Hague Convention*". Chicago Journal of International Law. Retrieved 2010-09-24.
- Ernie Allen. ""*The kid is with a parent, how bad can it be?*" *The Crisis of Family Abductions*". National Center for Missing and Exploited Children. Retrieved 2012-05-11.

Cases

- [*Mausami Moitra Ganguli vs. Jayant Ganguli*](#) (2008) 7 SCC 673, para 19, page 678

- [*In Rosy Jacob vs. Jacob A Chakramakkal*](#) [(1973) 1 SCC 840],
- [*Dhanwanti Joshi vs. Madhav Unde*](#) (1998) 1 SCC 112
- [*Thrity Hoshie Dolikuka vs. Hoshiam Shavaksha Dolikuka*](#) AIR 1982 SC 1276, para 17
Vikram Vir Vohra v Shalini Bhalla
- [*Gaurav Nagpal vs. Sumedha Nagpal*](#) (2009) 1 SCC 42
Vishal Jeet vs. Union of India, (1990) 3 SCC 318
Sakshi v India and others
- *M.C. Mehta v. State of Tamil Nadu & Others* [1996] RD-SC 1576 (10 December 1996)
- *Prosecutor v. Jean Paul Akayesu*
- *State of Punjab v Gurmit Singh* 1996 (2) SCC 384.)
- [*Bachpan Bachao Andolan Vs. Union of India*](#) 2011 STPL(Web) 400 SC--'Circus - Child Abuse
- [*Jabar Singh Vs. Dinesh*](#), 2010 STPL (Web) 181 SC-- Juvenile
- *DESHANEY v. WINNEBAGO COUNTY*, 489 U.S. 189 (1989).
- *Brown v. Board of Education*, [347 U.S. 483](#) (1954),
- *Hammer v. Dagenhart*, 247 U.S. 251 (1918)
- *Meyer v. Nebraska*, 262 U.S. 390 (1923); *Pierce v. Society of Sisters*, 268 U.S. 510 (1926);
- *West Virginia Board of Education v. Barnette*, 319 U.S. 624 (1943);
- *Prince v. Massachusetts*, 321 U.S. 158 (1944);
- *Tinker v. De Moines*, 393 U.S. 503 (1969);
- *Wisconsin v. Yoder*, 406 U.S. 205 (1972);
- *Bellotti v. Baird*, 443 U.S. 622 (1979)

Books

- Viviana Zelizer, *Pricing the Priceless Child: The Changing Social Value of Children*, Princeton University Press, 08-Aug-1994 (Ch 1-3)
- Judith Sealander, *The Failed Century of the Child: Governing America's Young in the Twentieth century*, Cambridge University Press, 03-Nov-2003 chap. 4
- [Martin Guggenheim](#), *What's wrong with children's rights?* Harvard University Press, 2005
- Irons, Peter H. (2002). *Jim Crow's children: the broken promise of the Brown decision*. New York, N.Y: Viking. Penguin Books [ISBN 0-670-88918-0](#).
- David Archard, *Children, Rights and Childhood*, Routledge, 26-Oct-2004 - 247 pages
- Michael Grossberg, "Children and the Law," in Paula Fass, ed. *Encyclopedia of Children and Childhood* (2004), 539-46
- Elizabeth S. Scott, "The Legal Construction of Childhood" in Margaret K. Rosenheim, Franklin E. Zimring, David S. Tannenhaus, and Bernadine Dohrn eds. *A Century of Juvenile Justice* (2002), 113-41

Other recommended readings and websites

- *Keeping Kids Safe: A Child Sexual Abuse Prevention Manual* Paperback by Pnina Tobin, Hunter House, 01-Aug-2002 - 160 pages
- *Your Body Belongs to You* by Cornelia Maude Spelman, Albert Whitman, 01-Jan-1997 - 24 pages
- *My Body Is Private* (Albert Whitman Prairie Books) by Linda Walvoord Girard
- *If I'd Only Known...* author Dorothy M. Neddermeyer
- Freeman, Lory. *It's My Body*. Parenting Press, Inc., Seattle, WA, 1982
- Gil, Eliana. *I Told My Secret: A Book for Kids Who Were Abused*. Launch Press, California, 1986
- Hindman, Jan. *A Very Touching Book...for Little People and for Big People*. McClure-Hindman Associates, Durkee, OR, 1985

- Satullo, J. It Happens to Boys Too. RCC Berkshire Press, 1989
- Sweet, Phyllis. Something Happened to Me. Mother Courage Press, Racine, WI, 1981
- Sweet, Phyllis. Alice Doesn't Babysit Anymore. McGovern and Mulbacker, Oregon, 1985
- "Courage to heal" Activity book for adult survivors – Sage Publications
- Incest – the most common form of child abuse – Anuja Gupta & RAHI – www.rahifoundation.org
- helping overcome the torment of incest by Shekhar Chandran
- Bitter Chocolate – By Pinki Virani

Related Links

- www.rahifoundation.org
For adult survivors of child sexual abuse. Website of RAHI, an NGO in New Delhi
- www.stopitnow.org
Prevention of child sexual abuse based in USA
- www.prevent-abuse-now.com
comprehensive information on child sexual abuse.
- www.tulircphcsa.org
An NGO in Chennai, India working on prevention of child sexual abuse.
- www.childsexualabuseinindia.blogspot.com
Blog maintained by Tulir-CPHCSA on child sexual abuse in India and related issues.
- www.kidpower.org
For school going children age 6-14 years on information and prevention
- www.cari.ie
provides a professional, child centred therapy and counselling service to children, families, and groups who have been affected by child sexual abuse. (services in Ireland)
- www.protectkids.com
protecting children from child sexual abuse and pornography.
- www.healthline.com
information on CSA and different aspects of abuse.
- www.cphcsa.org
Center for prevention and healing of child sexual abuse – Philippines / Malaysia / Vietnam
- Stair Way Foundation references of DVDs and books on prevention of CSA
- www.ispcan.org
ISPCAN – International Society for Prevention of Child Abuse and Neglect, Denmark. Details of Child Protection Activities.
- www.child-abuse.com
Child Abuse Prevention Network (US) – Protection of children from abuse
- www.ecpat.net
ECPAT – End Child Prostitution and Trafficking, France / Germany
Prevention of Child Trafficking with an offshoot against child sexual abuse
- www.tarshi.net
Talking About Reproductive Sexual Health Issues

COURSE TITLE:	Gender Dysphoria and medical jurisprudence
COURSE OFFERED TO	B.A.LL.B. 4 th year onwards and LL.M.
INSTRUCTOR NAME & CONTACT DETAILS:	Nishtha Singh
SHORT DESCRIPTION OF INSTRUCTOR	Ph.D. scholar at NALSAR University of Law, Hyderabad Previously, Assistant Professor Amity University, Jaipur
NUMBER OF CREDITS:	3
PREFERRED DATES FOR CONDUCT OF COURSE	For the month of July / august
PRE-REQUISITES:	cleared Jurisprudence paper or legal methods
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	<i>Gender Dysphoria and medical jurisprudence</i> is a 48 hour interdisciplinary medico-legal study programme. Social inclusion is an integral part of legal studies and this course is another exemplification, aiming at revisiting and reiterating the fundamentals. This course is primarily looking at the various facets of gender studies from a medico legal glance and how the politics around it has played out from what <i>ought</i> to be. This course aims at exploring deeper into Gender studies, apart from the basic differences that have been established between sex and gender. Here we look forward to address basic questions on: Inclusion, personhood, identity, best interest, consent and normalization in light of gender dysphoria studies and the medical-legal approach in response to the same. COURSE CONTENT: • Identity and personhood • Gender identity: Transgender and intersexed identity • Medical intervention: b) Sex-re assignment surgery: tests b) Dutch protocol • '<i>third gender</i>' identity in Indian scenario and laws

	• Best interest and consent: functional test SUGGESTED READINGS: • Stephanie Brill and Rachel Pepper ‘The Transgender Child: A Handbook for Families and Professionals’ (Cleis Press, United States, 2008) • Judith Butler ‘Gender Trouble’ (Routledge, Indian, 3rd edn., 2015) • Nivedita Menon ‘Seeing like a Feminist’ (Penguin, 2012) • Paisley Currah, Richard M. Juang, <i>et.al.</i> (eds.) Transgender Rights (University of Minnesota Press, 2006) • Arlene Lev ‘ Transgender Emergence: Therapeutic Guidelines for Working with Gender Variant People and Their Families’ (Routledge, 2004) • Lisa Keen ‘Outlaw: What LGBT Youth Should Know’ (Beacon Press, 2007) • Julia Serano ‘Whipping girl’ (Seal Press, 2nd edn., 2016) • Beatriz Preciado ‘Testo Junkie: Sex, Drugs and Biopolitics in the Pharmacopornographic Era’ (Feminist Press, City University, New York, 2013) • Mattilda ‘Nobody Passes: Rejecting the rules of gender and conformity’ (Seal Press, 2006)
SCHEME OF EVALUATION:	100 marks end paper
SELECTION CRITERIA	-

COURSE TITLE:	SPACE LAW AND CONTEMPORARY ISSUES
COURSE OFFERED TO	LLB 4-5 Years and LLM
INSTRUCTOR NAME & CONTACT DETAILS:	Ms. Anita Singh
SHORT DESCRIPTION OF INSTRUCTOR	Research Associate, NALSAR
Credits	2
PREFERRED DATES FOR CONDUCT OF COURSE	July, August (15th
PRE-REQUISITES:	July-August
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	The man's small step on moon is indeed proving a giant leap for mankind as predicted by Neil Armstrong in 1969 where human kind has explored the universe abundantly and still to explore the much in Universe. The everyday discovery of truth in outer space has many implications on mankind. The continuous development in space exploration leads to rapid developments in science, technology and indeed in communication sector which has changed the human relations. This development however, came with many problems finding legal solutions to protect and regulate the international relations. Hence today, the space law has become one of the important branches of international law. The objective of the Elective course on Space Law and Contemporary Issues is to offer the knowledge of legal regime governing outer space bodies including moon and other celestial bodies, its implication on science, technology and communication and examining its practical implications. The most recent outer space activities of property ownership, the space tourism and the other commercial use of outer space, the intellectual property rights has raised many legal questions with regard to sovereignty and sovereign rights of state, liability of states and the rights of individuals. This course tries to study these problems along with their legal solutions and the case studies throwing light upon space incidents raising legal questions which has been divided into following modules.

	This course will deal with the five multilateral Conventions (the Space Treaty, Rescue Agreement, Liability Convention, Registration Agreement and Moon Treaty) as well as the role of the various International, Inter-governmental, Regional and National organizations: the role of the U.N., national space legislation, launching of space objects, military use of outer space, satellite telecommunications and satellite broadcasting, remote sensing of the earth , nuclear power sources of satellites, environmental problems and the institutional framework of various national organizations. In a short span of five decades, on the basis of bilateral agreements, multilateral treaties and institutional arrangements, a distinctive body of principles and rules governing the exploration and use of outer space has emerged, sufficient for it to be considered a separate branch of International Law. This is indeed a significant achievement both in terms of its contribution to the overall development of International Law and relations, as well as, in terms of demonstrating the ability of the International community to deal adequately with issues arising from the exploration of outer space and to devise legal techniques for the purpose of accommodating divergent, and sometimes diametrically-opposed, interests.
SCHEME OF EVALUATION:	Paper and Presentation - 70 (written paper) + 30 (presentation)
SELECTION CRITERIA *	

COURSE TITLE:	Telecom Laws, Policies and Regulation
COURSE OFFERED TO	LLB 4, 5 & LLM
INSTRUCTOR NAME & CONTACT DETAILS:	Anil Kumar Bhardwaj Director Department of Telecommunications Government of India
SHORT DESCRIPTION OF INSTRUCTOR	The course has been designed especially for law student, by Sh. Anil Kumar Bhardwaj who has more than 20 years' experience in Telecom Sector in various positions in Government of India. He has experience of working in policy side (Department of Telecom), Operations side (Bharat Sanchar Nigam Limited) and Regulation (Competition Commission of India). In addition to bachelors in Electronics and Communications, Anil has done Post Graduate Diploma in Operations Management, MBA (Finance), Master's In Economics Development and 3 year LL. B.
Credits	1
PREFERRED DATES FOR CONDUCT OF COURSE	18 th to 24 th July
PRE-REQUISITES:	-
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	<u>Telecom Sector Laws and Policy:</u> Telecommunications is the backbone of the ICT revolution that has changed the pace of global development and global integration in last 25 years. The sector presents a continuous paradox between the desire of stable statutory regimes on one side and need to support the disruptive innovations and new technologies on the other. The sector presents a quandary for legal and regulatory regime where the incumbents are always looking at ways to safeguard their turf and innovators keep challenging the status-quo. Change is the hallmark of this sector where technology life cycle is less than 4-5 years and next generation is always only few months away. Looking purely at the legal perspective, the sector has continuously evolving statutory and regulatory framework. Despite continually evolving, paradoxically the sector is governed by Indian Telegraph Act 1885 which is one of the oldest operative statute in India. The other most important statute of the telecom sector is the TRAI Act 1997 (as amended in 2001) that laid the foundation of regulatory

regime in India with TRAI becoming the first independent new age sectoral regulator (other than Financial sector regulators). Over the last two decades, TRAI has itself issued a number of regulations ranging from Telecom Tariff Orders, Quality of Service standards, Inter-connect Usage Charges and Regulations, Telecom Consumer Regulations, Mobile Number Portability and many more. On the other side, there are various types of licences for telecom service providers with each of these having their own stipulated conditions and revenue sharing and license fee structure.

Being one of the most important sectors of the economy, this course will enable the students to understand the nuances of the Statutory, Regulatory and Policy regime in telecom sector in India and the underlying legal provisions.

Draft Course Module for Telecom Laws and Policies

<u>S. No.</u>	<u>Background</u>	<u>Tentative Hours</u>
1	Telecom Sector in India, Pre-reforms upto 1990	30 Minutes
2	Telecom Reforms NTP 1994; NTP 1999; Broadband Policy 2004; NTP 2012	1 Hour
3	Indian Telegraph Act 1885 and Regulations thereunder	1 Hour
4	Policies	
4A	Same Service, Same Rules	2 Hours
4B	EMF	
4C	Right of Way	
4D	Universal Service Obligation Fund (USOF) levy:	
4E	Spectrum policy in India	
4F	Licence Fee Regime for telecom licences:	
4G	Security Guidelines – PMA Guidelines	

	5	Telecom Regulatory Authority of India ACT 1997	2 Hours
	5A	TRAI: Its Functions and Structure	
	5B	Telecom Dispute Settlement Tribunal (TDSAT) – Functions and Structure	
	6	Role of DOT as Licensor ; Telecom Enforcement and Monitoring; Controller of Communication Accounts: Revenue	2 Hours
	6 A	Universal Access : License Agreement; Terms thereunder	
	6 B	Spectrum Management and Allocation	
	6 C	Licenses (Other than Universal Access)	
	7	TRAI Regulations	6 Hours
	7A	Telecom Tariff Orders	
	7B	Mobile Number Portability (MNP)	
	7C	Telecom Consumers Complaint Redressal Regulations, 2012	
	7D	Telecom Consumer Regulations (TCPRI) 2012	
	7E	Unsolicited Commercial Communications (UCC)	
	7F	Quality of Service (QoS)	
	7G	Interconnection Usage Charges and Regulations	
	7H	Subscriber Verification	
	7I	Metering and Billing Audit Regulation	
	7J	Telecom Licenses and Regulatory levies	

	8	Case Law – Importance Cases; Jurisprudence and Present scenario – Including current issues and cases	1 hour
SCHEME OF EVALUATION:	The course will entail intense study for 6 to 7 hours and seminar type discussions for 3 to 4 hours. Student will be evaluated at the end of each module with 15 to 30 minutes test (total 2 tests – each for 30 marks). There will be a group exercise (25 marks) where students will be asked to make a 10 minutes presentation and submit a two page write-up on the topic of their choice. Balance 15 marks will be awarded on the basis of class-room participation and attendance.		
SELECTION CRITERIA *	Notified later		

NALSAR University of Law



ELECTIVE Courses Outlines
(In House Faculty)

JANUARY-APRIL, 2018

COURSE TITLE:	Banking and Finance Laws
COURSE OFFERED TO	Elective for LL.B.
INSTRUCTOR:	Prof. Vidyulatha Reddy
NUMBER OF CREDITS:	4
DURATION	January- April, 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Course Outline Banking and Finance is offered as an elective course for four credits to the fourth year students of B.A., L.L.B. (Hons.) program at NALSAR University of Law. The nexus between law and economics necessitates the law graduates to further study the nuances of financial governance. The study of financial institutions role and regulation forms the basis for understanding financial governance. The nature of financial transactions have seen a sea change with liberalization and enhanced cross boarder financial activities. The Economic crisis, financial deficit, inflation, growth rate, structural adjustment programs and similar other issues often take the centre stage in a Sovereign State. We need to arm our citizens with necessary financial knowledge to overcome any such situation with optimum prudence in the larger interest, however it also helps an individual to serve corporate, financial institution, legal and other stake holders. The course intends to provide holistic perspective on legal aspects concerning the functioning of banking and non-banking financial institutions in India. The course dwells further on the impact of the functioning of financial institutions on Indian economy. The financial services rendered by the financial institutions and the scope of their transactions within and outside the country will also be dealt as part of the course. The course while leans more in studying the regulation of banks do provide sufficient scope to study non-banking financial institutions as well. The course further intends to provide complete overview of financial structure and the issues concerning financial governance in the country special focus however is limited to aspects such as project finance, mutual funds and restructuring of debts and assets Course Objective Course aims to help the students to gain knowledge of the legal aspects concerning the functioning of the financial institutions in India. It also helps them to understand the nuances of the financial governance.

	Teaching Methodology The course will be dealt through lectures, supplemented by discussions and project presentations. Project topics are assigned in such a way that they are part of the course but are not dealt in detail in the class through lectures; hence project presentations will strengthen the course besides aiding in developing research skills to the students. Articles ideally suited for comprehensive understanding of the course will be dealt in detail supported by other supplementary readings supplied for better understanding
SCHEME OF EVALUATION:	Mid-term exam- 25 marks End-term exam – 50 marks Projects- 20 marks Presentation 5 marks

COURSE TITLE:	Climate Change Law And Politics
COURSE OFFERED TO	Elective for 4 TH , 5 TH YEAR LL.B AND LL.M
INSTRUCTOR:	VIVEK MUKHERJEE
NUMBER OF CREDITS:	3
DURATION	January- April, 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Einstein was making a very sharp observation on human nature when he said, “We shall need a substantially new way of thinking if humanity is to survive.” Climate Change was a non-issue when this statement was made, be it stands true for human behavior in dealing with the defining challenge of the century. This new way of thinking is the objective that we seek to achieve in this course. The course will start with revisiting the readings supplied by Prof. Baxi’s in his course “Introduction to Climate Change and Anthropocene”. Understanding the fundamental features of the Anthropocene through his readings will allow us to acknowledge the gravity of the problem. It shall be a call to go back to the drawing board and foreground the importance of ethics and morals in dealing with a challenge which has the potential to wipe us out of existence. A deeper study of the science of extinction will be done in order to learn from history and avoid repeating mistakes. What International Law in general and International Environmental Law (and it’s principles like precautionary principle) in particular has to learn from subjects like geoengineering will be explored. Further, the theory of climate change in the Anthropocene will be tested in the real-world scenario of politics of climate change. India’s journey from a ‘obstruction’ to a CC ‘leader’ will be traced. Climate politics ‘within’ India will also be discussed. An effort will be made to identify reasons for India sporting an ‘over-ambitious’ image internationally in the field of CC and at the same time dragging on to a lethargic attitude ‘within’ India. With the complex framework panned above, a ‘legal’ analysis of the climate change instruments will be done. Our central attention will be on analyzing the legal content of international climate instruments within the problem of enforcement. It will also look at typical CC tangents like adaptation, mitigation, loss and damage, vulnerability, finance etc. Finally, we will make a concerted effort to reconcile all the contradictions that India is facing in the complex Climate Change matrix. It will look at India’s CC strategy, importance of CC adaptation in India through

	localized studies, involvement of international organizations like world bank in shaping India's CC strategy, how these strategies interact with poverty in India, its diplomacy fails (especially in negotiating historical responsibility in Paris) and successes. This will be done within the narratives of equity, CC justice, collective commons among other themes discussed in the first limb of the course. I welcome you to this journey of tragedy in the comedy of commons, of many contradictions and a hope for some conjunction.
SCHEME OF EVALUATION:	Mid-term exam- 25 marks End-term exam – 50 marks Projects- 20 marks Presentation 5 marks Exams will be open book

COURSE TITLE:	Competition Law
COURSE OFFERED TO	B.A.LL.B [4 th and 5 th year students]
INSTRUCTOR:	Mr. SOURABH BHARTI, SUDHANSHU KUMAR Guest invite: Mr. GAUTAM SHAHI [not confirmed; depends on time suitable schedule]
NUMBER OF CREDITS:	5
DURATION	January- April, 2018
BRIEF DESCRIPTION	INTRODUCTION Competition law defends the practice of fair competition. One of the reasons for having legal framework for competition in market is to remedy those instances where the actions of one or more individuals or entities or organizations causes the collapse of free market system. It is important to lay down rules of the game so that every participant of the market has a fair and equal chance of flourishing. With the growth of both volume of transactions and the complexity of economies, jurisdictions across the globe have come to realize the need and benefit of having a well-defined competition policy and probably this is the reason the antitrust regime has seen the fastest growth when compared to other economic regulations. It is widely accepted, though some economists rebut the idea that competition law acts as a catalyst in promoting innovation and economic growth along with social progress of the nation. Antitrust laws prevent individual or collective acts or any other form of negative co-operation that adversely affects competition and functions to set prices at altitudes at which market can breathe, largely without interference and in a way that cannot be done through central control. Indian competition regime is fairly new when compared when compared to its counter parts. The Monopolies and Restrictive Trade Practices Act, 1969 was passed subsequent to finding and recommendations of Mahalanobis (1960) and Monopolies Inquiry Commission (MIC) (1964) to prevent monopolization or concentration of economic power. MRTP can be said to be the precursor of Competition Act, 2002 and can be considered as a move from preventive mechanism to developmental mechanism. The LPG model coupled with the shortcomings of MRTP paved the way for passing of new Act on the recommendation of Raghavan Committee. Doing away with prohibitory provisions for monopoly trade practices, restrictive trade practices and Unfair trade practices, the new Act has three major provisions which deal with 'Anti-competitive agreements, Abuse of dominance and Regulation of Combinations.' The growing powers of Competition Commission of India is evident from its recent decisions which cuts across different sectors including petroleum, pharma, entertainment, real estate, cement etc and which

has forced market entities to review their business strategies and focus on competition compliances.

COURSE STRUCTURE

This course on competition law has been structured in a manner to understand the objectives of antitrust laws. To appreciate the law of the land it is essential to also understanding of economic underpinnings of the legal framework. The course will also include a comparative assessment of Indian competition law with its counterpart in UK and US.

Part A : COMPETITION LAW

Course Instructor : Mr. SUDHANSHU KUMAR

I. Introduction to Competition law –

- What is competition – why is competition needed in market – Objectives of competition law – Political content of Anti-trust - overview on laws on competition law (India; EU; US) – Shift from Monopolies and Restrictive Trade Practices Act, 1969 to Competition Act, 2002 – Preamble of Competition Act, 2002.

II. Anti-competitive Agreements (S. 3(1), S.3(2), S.3(3)(a) + S.19(3) along with comparisons with Article 101 TFEU

- Definition of Agreement – concerted action – Concept of Single overall agreement - unilateral conduct; Definition of Enterprise – commercial v. Sovereign activities – Single economic entity doctrine; Meaning of ‘Appreciable’- De-minimis doctrine; Causes or likely to cause.; ‘Competition within India’ – effects doctrine
- AAEC – Section 19(3) – Negative and positive effects - Sources of monopoly power
- Object (horizontal) and effect (Vertical agreements); Horizontal price fixing agreements (price fixing ; Pricing methods) – Exchange of information
- Section 3(3); Limiting or controlling production - Group boycott - cases discussed like White lead case; FICCI multiplex etc.; Market allocation and sharing; S.3(1) v. S.3(3) debate including R. Prasad dissenting opinions; Collusive tendering - LPG case; Price Parallelism with cases
- Cartels - Cement / LPG / Domestic airlines
- S. 3(4)- Distribution chain - vertical integration concept - inter-brand and intra-brand competition - Block exemption in EU; Per se Rule and Rule of Reason; Tie-in agreements - Types and cases; Exclusive supply - cases like shamsher kataria / US v. Standard Oil / Exclusive motors; Selective distribution - Metro doctrine; Refusal to deal – cases; Resale price maintenance - positive and negative effects - Leegin rule

III. Abuse of dominant position - Section 4

- Relevant market concept and cases - SSNIP test; Dominant position - Akzo presumption - cases like BCCI case/ MCX stock exchange case / Belaire owners association case; Predatory pricing - Areeda tirner test; Exploitative pricing strategies - price discrimination - discriminatory rebates and discounts; Limiting and controlling production; Refusal to supply - commercial solvents case; Essential facilities doctrine

IV. Combinations – Section 5, 6

Reading List

1. Michal Gal, 'The Ecology of Antitrust: Preconditions for Competition Law Enforcement in Developing Countries', New York University Law and Economics Research Paper Series, Working Paper No. 02-03
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=665181
2. Evolution of Competition Policy and Law by - Pradeep S Mehta & Simon J Evenett –http://www.cuts-ccier.org/pdf/Evolution_of_Competition_Policy_and_Law.pdf
3. Why India adopted a new Competition Law, A CUTS C-CIER publication (Specially focus from Section 4 onwards, you can skim read the previous provisions) – <http://www.cuts-ccier.org/pdf/wiancl.pdf>
4. Okeoghene Odudu, "Interpreting Art. 81(1): the object requires revisited," European Law Review, Sweet & Maxwell, 2001.
5. Okeoghene Odudu, "Restriction of competition by object – what's the beef?," Competition law Journal, 2009
6. New Definitions of Relevant Market and the Assault on Antitrust, Robert Pitofsky, Columbia Law Review, Vol. 90, No. 7 (Nov., 1990), pp. 1805-1864
7. Phillip Areeda and Donald F. Turner, "Predatory Pricing and Related Practices under Section 2 of the Sherman Act", Harvard Law Review, Vol. 88, No. 4 (Feb., 1975), pp. 697-733.
8. Andrey V. Makaro, "Comparative analysis of antitrust policy against collusion in some transition economies: Challenges for effectiveness" WP BRP 20/PA/2014, National Research University.

Books:

1. Richard Whish, David Bailey, COMPETITION LAW, 8th ed., Oxford University Press, 2015.
2. Alison Jones, Brenda Sufrin, EU COMPETITION LAW, 5th ed., Oxford University Press, 2014.
3. SM Dugar, GUIDE TO COMPETITION ACT, 2002, 7th ed., LexisNexis, 2017.
4. Sandra Marco Colino, CARTELS AND ANTI-COMPETITIVE AGREEMENTS, Ashgate Publications, 2012.
5. T. Ramappa, COMPETITION LAW IN INDIA: POLICY, ISSUES AND DEVELOPMENT, 3rd ed., Oxford University Press, 2006.

Part B : COMPETITION LAW AND INTELLECTUAL PROPERTY

Course Instructor : Mr. SOURABH BHARTI

Module 1 - Introduction – 2 hours

- Brief History on the relationship between antitrust law and intellectual property rights
- The relationship between Intellectual Property and Market Power
- Antitrust Law and the Misuse of Intellectual Property

Module 2: Unilateral Conduct by Intellectual Property Owners and Competition Law Implications – 10 hours

In this module we will discuss various unilateral actions of Intellectual Property owners which give rise to competition related concerns. Issues like enforcement of fraudulently procured patents and sham litigation, tying arrangements, unilateral refusals to license deal, Design Changes and Predatory Innovation, deceptive conduct before standard setting organizations shall be discussed. Following are the essential cases which would be

- Walker Process Equipment v. Food Machinery & Chemical Corp.
- CVD, Inc v. Raytheon Co.
- Professional Real Estate Investors v. Columbia Pictures
- International Salt Company v. United States 332U.S.392(1947)
- United States of America, Appellee v. Microsoft Corporation, Appellant, 253 F.3d 34 (D.C. Cir. 2001).
- Microsoft Corp. vs. Commission of European Communities, In Case T-201/04.
- United States v. Loew's 371U.S38(1962)
- Krehl v. Baskin-Robbins Ice Cream Co. 664F.2d1348(9th Cir.1982)
- Data General Corp. v. Grumman Systems Support Corp. 36 F.3d1147(1st Cir.1994)
- Image Technical v. Eastman Kodak 125F.3d1195(9th Cir.1997)
- In Re Independent Service Organizations Antitrust Litigation (Xerox) 203 F.3d1322(Fed. Cir.2000)
- Berkey Photo, Inc. v. Eastman Kodak Co. 603F.2d263(2nd Cir.1979)

- Foremost Pro Color, Inc. v. Eastman Kodak Co. 703 F.2d534(9th Cir.1983)
- C.R.Bard, Inc. v. M3 Systems, Inc. 157F.3d1340 (Fed. Cir. 1998)
- In the Matter of Dell Computer Corp.121F.T.C.616(1996)
- Broadcom Corp. v. Qualcomm Inc. 501F.3d297(3d Cir. 2007)
- Rambus, Inc. v. FTC, 522F.456(D.C.Cir.2008)
- Huawei Technologies Co. Ltd v. ZTE Corp., ZTE Deutschland GmbH, Case C-170/13
- Telefonaktiebolaget Lm Ericsson ... vs Competition Commission Of India

Module 3: Horizontal Agreements Involving Intellectual Property and Competition Law- The discussions in this module will involve questions of price fixing and intellectual property, market allocation agreement, reverse payments agreements in pharmaceutical industry, group boycotts and concerted refusals to deal or license etc. 8 hours

- Standard Oil Co. v. United States 283 U.S. 163 (1931) (POOLING)
- Matsushita Electrical Industrial Co. v. Cinram 299 F.Supp. 2d370(D.Del2004)
- Federal Trade Commission In the Matter of Summit Technology 127FTC208(February 23,1999)
- Broadcast Music, Inc. v. CBS, 441U.S.I(1979)
- United States v. Sealy, 388 U.S.350 (1967)
- United States v. Topco Associates, Inc 405U.S.596(1972)
- Clorox Co. v. Sterling Whinthrop, Inc. 117F.3d50(2nd Cir. 1997)
- In re Tamoxifen Citrate Antitrust Litigation 466 F.3d. 187 (2nd Cir. 2006)
- The Movie 1&2 v. United Artists Communication, Inc. 909F.2d 1245(1990)
- Radio Telefis Eirrean vs Magill TV Guide Ltd. Cases C-241/91 P
- FICCI- Multiplex Association of India vs United Producers/ Distributors Forum, CASE NO. 01 OF 2009

Part 4: The Antitrust Implications of Vertical Agreements Involving Intellectual Property: while licensing Intellectual Property the owners often use vertical price restraints or non-price restrictions in order to maximize the benefits of the monopoly. These are not per se problematic, but at times can raise concerns under competition law. This module will deal with those cases where the legal position on the issue was clarified. 4 hours

- Dr. Miles Medical Co. v. John D. Park & Sons Co. 220U.S.373(1911)
- United States v. Line Materials Co. 333 U.S.287(1948)
- United States v. Paramount Pictures, Inc. 334 U.S.131(1948)
- Leegin Creative Leather Products, Inc. v. PSKS, Inc. 127 S.Ct.2705(2007)
- Braun Med., Inc. v. Abbott Labs, 124 F.3d1419(Fed. Cir. 1997)

	• United States v. Studiengesellschaft Kohle 670F.2d1122(D.C.Cir.1981) • Transparent-Wrap Machine Corp. v. Stokes & Smith Co.329U.S.637(1947) Part C : PRACTICE AND PROCEDURE OF COMPETITION LAW Course Instructor: Mr. GAUTAM SHAHI, Competition Counsel, Trilegal [depends on confirmation]
SCHEME OF EVALUATION:	Mid-term exam- 25 marks End-term exam – 50 marks Projects- 20 marks Presentation 5 marks

COURSE TITLE:	Cyber Laws, Crimes and Technologies
COURSE OFFERED TO	Elective for LL.B.
INSTRUCTOR:	Dr. G Mallikarjuna & Mr. B Md Irfan
NUMBER OF CREDITS:	4
DURATION	January- April, 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Cyber-crimes are rapidly expanding due to extensive use of internet and technology in the present world. Cyber-crime is a criminal activity in which computers or computer networks are used as a tool, a target, or a place of criminal activity. By extension, they may include everything ranging from an electronic cracking to a denial of service attack. The field of Cyber Forensics surfaced in response to the increasing cyber-crime in general and cyber terrorism in particular. Cyber-Crime affects, to begin with, the privacy of an individual or an organization and finally would threaten the security and integrity of the State itself. Varieties of evidence, collected to prove the cyber offences, will understandably be in an electronic form and it is very difficult and is also highly technical to collect, preserve, and analyze the evidence and present the same before the court of law. Cyber Forensic techniques are therefore necessary to identify, detect, collect and analyze digital evidence admissible in the court of law in order to deal with the cyber-crimes. An overall 'expertise' is needed to testify the veracity of such variations of evidence. Here comes justification for the Cyber Forensics. Needless to add, Forensics generally means the use of science and technology to establish facts in the court of law. Law students, law enforcement agencies, functioning at various levels, need to be adequately trained to use techniques of Cyber Forensic so as to deal with Cyber-Crimes. The objective the elective is to make the students to understand the veracity of Cyber-crimes, the importance of Cyber Forensics in investigating and establishing the case against the offenders of cyber-crime. SYLLABUS : Unit I: Introduction to Cyber Crimes: Unit II: Cyber Crimes and its Types: Unit III: Law relating to Cyber Crimes in India Unit IV: Cyber Crimes and Intellectual property issues: Unit V: Cyber Law - International Perspectives Unit VI: Cyber Crime and Technologies(Applied Cyber forensics) Unit VII: Applied Cyber Forensics-Lab
SCHEME OF EVALUATION:	Response paper: 20 marks Class presentation 5 marks Mid-sem: 25 marks

	End-sem: 50marks

COURSE TITLE:	Gender and Law
COURSE OFFERED TO	Elective for LL.B. & LLM
INSTRUCTOR:	Prof. N.Vasanthi
NUMBER OF CREDITS:	4
DURATION	January- April, 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The course on gender and law will look at the interface between the conceptual category on gender and its impact on the discipline of law. Law has been viewed as an objective neutral discipline which does not cater to specific constituencies and categories. It has also been viewed as one that is independent of politics and as an autonomous discipline. This course seeks to look at a body of feminist thought that offers a different perspective towards law while raising issues of gender based discrimination and other intersectional discrimination issues which have found a resonance in the Law. The course will look at how questions of gender impact jurisprudence, legal method, criminal law, family law, disability law, indigenous people and labour law. Starting with an introduction to feminist theory, the course will move into feminist jurisprudence and feminist legal methods which have been used to bring unique perspectives and thus engendering law. Issues of discrimination in relation to access to fundamental rights for women have called for large scale reform in criminal law, family law and employment law. Increasing gender based violence against women has drawn greater attention to some fundamental structures in the organisation of the society such as the divide between the public and the private, the continuing influence of patriarchy at the family and societal level, the confluence of gender, caste, community which makes it extremely difficult to separate gender issues from other vectors of discrimination. The need for some fundamental changes in the structure of law in order to respond better to the issues raised forms the <i>raison de' etre</i> for this course. This requires participation from different stand points and must be seen as a political process that accomodates various viewpoints and not only from within the law. The objective of the course is to enable students to develop a perspective towards contemporary issues in law. The course will use texts on feminist theory, feminist jurisprudence, feminist legal methods to provide a theoretical basis. Case law will be used as illustrating either the difficulty of existing methods to arrive at decisions promoting women's equality or which have used feminist method to reach results otherwise not possible. International as well as domestic materials will be used to improve perspective on issues taking account of position and context in understanding questions of gender.

	Rationale: The course offers an opportunity for self-reflection and critical thinking irrespective of future career paths.
SCHEME OF EVALUATION:	Response paper: 20 marks Class presentation 5 marks Mid-sem: 25 marks End-sem: 50marks Students will be allowed to carry reading materials given for the course to the exam hall. Other notes and class notes and materials will not be allowed.

COURSE TITLE:	International Human Rights Law
COURSE OFFERED TO	LLB & LLM
INSTRUCTOR:	Ms. ADYA SURBHI
NUMBER OF CREDITS:	3
DURATION	January- April, 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The international human rights law system, comprising primarily, but not solely, of the treaties and mechanisms of the United Nations (UN), forms the most important tool in human rights protection. This course provides students with the principal foundations of international human rights law, including: introducing theoretical perspectives; key international human rights treaties and resolutions; monitoring and enforcement mechanisms. It further introduces students to parallel regional human rights regimes. The second part of the course examines specific human rights issues namely lawful and unlawful limitations to human rights protection, prohibition against torture, right to life, equality and non-discrimination, political rights, and 3rd generation rights. Each of these issues allow for critical analysis of the application of IHRL. Throughout the course three recurring themes will be discussed in the background. First is identification of positive and negative obligations of states, and international organizations (such as the UN and regional organizations). Another is the existence and effectiveness of monitoring and enforcement mechanisms of particular human rights obligations. The third is the existence of parallel regional human rights systems, some of which are more developed and effective than others in relation to particular norms and/or monitoring and enforcement mechanisms. Although the course will focus on the UN system, attention will be drawn where relevant to the existence of regional treaties and mechanisms, as well as to any important differences regarding the protection of particular human rights.
SCHEME OF EVALUATION:	Mid-term exam- 25 marks End-term exam – 50 marks Projects- 20 marks Presentation 5 marks

COURSE TITLE:	International Humanitarian Law
COURSE OFFERED TO	Elective for LL.B & LL.M.
INSTRUCTOR:	Mr. Syed Ashfaq Hussain
NUMBER OF CREDITS:	2
DURATION	
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	We watch almost every day horrifying pictures of armed conflicts between States and insurgent or belligerent groups fighting against one another in several parts of the world. As these shocking and graphic pictures emerge on our television screens, sending a spine chilling feeling of what it would be like in a war zone, witnessing bloodshed, burnt bodies, mutilated and slaughtered, and dying sick and wounded soldiers writhing in pain; one wonders what exactly the International Humanitarian Law is all about. Are there any restraints, or legal constraints in waging a war? These are the obvious questions that immediately come to mind, while watching those pictures which leave a trail of poignant collection of haunting memories behind. The magnitude of human carnage is such that even civilians are not spared from the ruthless brutality and outrages hostilities of the armies in the battle-field. The most tragic and appalling consequences of such conflicts are borne by the innocent children, who have absolutely no idea of what is going on, and yet they pay the price of the irreparable loss to humanity. Even before the international community realizes, a whole generation, and perhaps more than one, is lost in such prolonged and senseless wars fought between the nations. Even in the aftermath of such catastrophe, children are the worst effected victims of war. In Yemen alone, according to a recent report by the UNICEF, 11 million children are living under the threat of death, out of which 2 million are in a critical condition since the outbreak of preventable diseases such as malaria and cholera. This is because the supply of vaccine and other medical services have been hit hard due to blockade imposed by rival States in the region. Similarly, the Syrian crisis, and the spectre of the so called 'Arab Spring' (Egypt, Libya and other States in the Middle-East), would suffice to underscore the importance of the subject in a contemporary sense. International humanitarian law is an introductory course examining the fundamental principles and the basic concepts of humanitarian law. We begin with the study of the sources of this particular branch of law as it evolved against the backdrop of its legitimizing history of human sentiment, starting from the early Geneva rules of 1863 and

	The Hague Peace Conferences in 1860. The central theme of the course would be to examine how humane is the humanitarian law and how does it operate to mitigate human misery and sufferings of people caught in armed conflicts. We would also reflect upon the contributions made by the major religions of the world in so far as they have been instrumental in exerting their influence in shaping the rules and regulations of the laws of war. Further, we will examine such definitions and concepts as <i>Jus ad bellum</i> and their relationship with other basic principles of necessity and proportionality. A range of contemporary issues concerning the law of armed conflict in terms of classifying conflicts, combatants and non-combatants, treatment of prisoners of war, protection of civilian population and the regulation of means and methods of warfare will be examined. The emphasis here would be to draw upon the Geneva Conventions, 1949 and The Hague principles of engagement in terms of what is permitted and what is prohibited in a war. More importantly, how international humanitarian law is implemented, and what constitutes individual and State responsibility, which include issues concerning non-state actors, such as Al-Qaeda and ISIS. It is also pertinent to mention that the course includes discussion of the relationship between international humanitarian law and human rights law. Finally, we will also examine the role of the international humanitarian agencies, such as the International Red Cross Society. The study of international humanitarian law is also a study of human endeavour to civilize the laws of war, to an extent that is possible; accord protection to the military and civilian populations, and compel States to respect and comply with the minimum standards of humane treatment. In brief, international humanitarian law is an attempt to repose faith in the fundamental values of human existence and maintenance of international law and order. It is also a vigorous attempt to humanize the inhuman attitude of greed and vengeance resulting from aggression, plunder and pillage of one nation against the other.
SCHEME OF EVALUATION:	Research Project: 70 Marks. Project presentation: 30 Marks.

COURSE TITLE:	International Taxation
COURSE OFFERED TO	Elective for LL.B.
INSTRUCTOR:	Dr. Neha Pathakji
NUMBER OF CREDITS:	3
DURATION	January- April, 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	As business entities continue to evolve complex structures of holdings that operate in a global market, international taxation has become vital to doing business. Sound business strategies and decision making necessarily involves cultivating an understanding of tax implications of doing business in a particular jurisdiction. Within this context, the course in Advanced International Taxation is designed to provide insight into the principles, policy and practice of international taxation. Topics covered will includes Fundamentals of international taxation, introduction to tax treaties, Scope of Tax Treaties, Residence for Treaty purposes, Tie-break rules, Permanent Establishment, Business Profits and associated enterprises, Force of attraction Rules, royalties, capital gains, Entertainers and Sportspersons
SCHEME OF EVALUATION:	Mid-semester (25 Marks) End-semester (50 Marks) Project(25 Marks)

COURSE TITLE:	LGBT Impact Litigation
COURSE OFFERED TO	Elective for LL.B. & LL.M.
INSTRUCTOR:	Ms. PRERNA DHOOP
NUMBER OF CREDITS:	4
DURATION	January- April, 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The main object is to engage in the study and comparison of the LGBT rights movement in the United States and India in order to examine the unique challenges to successfully conducting 'Impact Litigation' designed to enact social change and discuss practical methods to overcome those challenges. It is pertinent to understand the meaning and scope of the term 'Impact Litigation' before we proceed to study and compare the LGBT rights movements in the US, India and beyond. The term 'Impact Litigation' deals with the designing and development of different strategies and approaches which human rights lawyers may choose from in order to bring about long lasting changes to public policy and legislation. It includes designing effective litigation techniques, promoting national and international media coverage, reporting to and petitioning before international bodies, networking with international non-governmental organizations and research institutes and most importantly, setting exemplary impact litigation techniques for other human rights advocates. As such, the class will study about the LGBT rights movements in the US, India and other countries in order to get a thorough idea of how human rights advocates and organizations design and develop 'Impact Litigation' techniques and strategies. The LGBT rights movements in the US and India have largely revolved around a) elimination of sodomy laws; b) advocacy for equal rights like marriage rights; and c) call for ending discrimination in public life. While the LGBT rights movement in the US has reached the second stage with the recent decision in Obergefell v. Hodges, the movement in India is still in its nascent stage with the latest defeat in the legal battle against Section 377 in Suresh Kumar Koushal v. Naz Foundation. However, the recent decision in National Legal Services Authority v Union of India is said to be progressive so far as it upholds the right of the eunuchs to be recognized as a 'third gender' and eligible for special protection and guarantees. As such, it is very important to study these cases in depth and analyze the legal issues involved like for example, how the judiciary dealt with the issues of constitutional morality and societal morality in Obergefell, Koushal and NALSA judgments. Also, we shall have a slightly closer look at the factual and legal arguments

	and litigation techniques that were employed in these cases. In this way we would be able to gather an understanding of the winning legal arguments and successful litigation techniques in the LGBT rights movement. Apart from the litigation techniques, the class will also study about other strategies and approaches that the LGBT rights movements have employed in order win legal cases and battles outside courts. It is important to understand that the main battle for the LGBT rights movement is fought outside the courts because it is very difficult to influence and appeal to societal morality which has largely been anti LGBT persons. As such, we will trace how the LGBT rights movements in different countries have used other fora apart from courts like the political forum and social media in order to spread their message and win wide support among the masses. In this way the students will be able to understand the role of litigation and media within a broader social and political movement. For a practical understanding the students will also learn how to draft a complaint that is designed to serve the dual purposes of persuading a court of law and the court of public opinion. Therefore, by the end of the semester the students would acquire theoretical knowledge and practical expertise to design and develop ‘impact litigation’ strategies required to bring about changes in public policy and law. There will be class readings and discussions on LGBT rights cases (US & India), legal writings and research articles on the topic. Our interactions will only be beneficial if you read the assigned materials in advance and actively participate in the classroom discussions.
SCHEME OF EVALUATION:	Mid-term exam- 25 marks End-term exam – 50 marks Projects- 20 marks Presentation 5 marks

COURSE TITLE:	Modern Insurance Law
COURSE OFFERED TO	Elective for LL.B. & LL.M.
INSTRUCTOR:	Mr. P ASHWINI KUMAR
NUMBER OF CREDITS:	4
DURATION	January- April, 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Risk is a part of life. Occurrence of uncertain events may adversely affect the life of an individual, family, firm, company and also society as a whole. Hence, everybody expects security to life and property. Insurance is meant to protect against uncertain events which may otherwise cause loss/ disadvantage. The contract of insurance is basically governed by the general rules of law of contract. At the same time, it has formulated special rules/principles and developed into "Law of Insurance". At present, insurance sector (private or public) has greater role in the Indian economy and World economy. Insurance is not only a commercial business but also a tool for the enhancement of the welfare. Insurance is a form of risk management. It appraises the risk involved and controls/reduces the risk through providing compensation to the assured. Thus it assures individuals, community, firms, companies etc and helps in providing security and for the smooth growth. In the first part of the course, we study about the general principles of insurance and also about the regulatory authorities. Further we study about the role of insurance in the economy. The second part of the course is about various kinds of insurance like Life Insurance, Fire Insurance, Motor Vehicle Insurance, Marine Insurance etc and relevant legislations regarding.
SCHEME OF EVALUATION:	1. Mid Semester Examination:25 Marks 2. Project :25 Marks 3. End Semester Examination:50 Marks

COURSE TITLE:	Patent and Trade Secret Litigation in India: Policy and legal issues
COURSE OFFERED TO	Elective for LL.B. & LL.M.
INSTRUCTOR:	Mr. Prashant Reddy T.
NUMBER OF CREDITS:	2
DURATION	
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Patent litigation in India has been steadily increasing since India amended its Patent Act in 1999, 2002 and 2005. As a consequence of the new law and a growing economy, patent litigation has been increasing steadily in India. While most of the litigation has been in the area of pharmaceutical patents, other technology sectors like standard essential patents (SEP) in the telecom sector, wind turbines in the energy sectors and railway related technology have also seen increasing litigation. Similarly, India has also seen an increasing uptick in trade secret litigation. While some of the litigation is between businesses, most of the litigation is between employers and employees and raises issues of freedom of employment, restraint of contract and its impact on innovation. The aim of this course is twofold. The first is to discuss the nuances of patent and trade secret litigation in the Indian context through case law. The reason we are discussing both patents and trade secrets is because these are the only two options for inventors looking to transfer their technology to others. The secondary aim is to examine the issues raised during litigation and examine whether Indian policy needs to be amended. For example, increased patent litigation involving government tenders have hampered public procurement – do we therefore have a case for revamping the government use exception under the Patents Act? Similarly, in the context of trade secret litigation, should Section 27 of the Contracts Act be revamped to protect the interests of employees.
SCHEME OF EVALUATION:	A 3,000 word paper and presentation of said paper.

COURSE TITLE:	Patent Analysis, Mapping, and Visualization systems (Pat informatics)
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Mr. B Md Irfan
NUMBER OF CREDITS:	2
DURATION	March – April, 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The Intent in this Course is to explore some of the methods and techniques that are commonly used in patent analysis. Patent analysis is an extremely versatile Methodology, with many implications for businesses--strategic planning, mergers, acquisitions, licensing opportunities, R&D management, human resources, competitive intelligence, business intelligence, etc. This course also examines patent analysis tool for competitive intelligence developing using spatial and statistical data schemas and models such as Big databases , data mining and visualization techniques, and graphically rich spatial data models, This course explains various concepts like creating patent landscapes, patent profiling, patent searching, patent visualization , patentresearch gaps identification, patent competitive intelligence, new venture evaluation, patent portfolio re-engineering and techno-legal reports generation (Patentability, Validity, Infringement and freedom to operate) using open source patinformatics tools. Applications and tools: 1. Obtaining patent data with PatentScope or Google patents application. 2. Cleaning patent data with Open Refine application. 3. Analyzing patent data with Lexis Nexis tools 4. Patent Network Visualization with Gephi or Plotly. 5. Patent landscaping with IPAT systems and MAXval. Conclusion: Considering the emergence of patents as game changers in corporate world the course helps the participants develop their skills in patentsearching and analysis and use this information for Designing patents landscapes for research and business planning, legal conflict avoidance and resolution at patent licensing and issuing , Business Intelligence development etc , this course helps to implement Text-based, Graphic based and content based searching scenario's with in detail understanding of algorithms and design Architectures of different methodologies and technologies which petitions for availing patent rights, after successful completion of the course the participants shall be capable of handling all the IPR related

	issues such as verification, validation and extension, independently and accurately.
SCHEME OF EVALUATION:	70% for Research, Analysis and Reporting, 30% for MCQ's (theory)

COURSE TITLE:	Political Obligations
COURSE OFFERED TO	Elective for LL.B. & LL.M.
INSTRUCTOR:	Mr. SIDHARTH CHAUHAN
NUMBER OF CREDITS:	4
DURATION	January- April, 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The main goal is to engage with the foundational questions in political philosophy, namely, what is the basis of political authority and why must we obey the authority of the state. As a preliminary matter, we will read some texts that examine the necessity of state formation and the contemporaneous understanding of what is a democracy. There are numerous scholarly works dealing with the theories of political obligation that invoke the consent of the governed as well as those that rest on the principle of fair play. In recent decades, many authors have emphasized a third strand, namely that the legitimacy of a state can be grounded in the reciprocal obligations that we owe to each other as citizens. Building on our discussion of the theories of consent, fair play and civic virtues, we will consider whether a democratically constituted authority has a stronger claim to obedience in comparison to other forms of government? Even if a liberal democracy is assumed to be the best form of government, do citizens retain a right to challenge the authority of the state? Can we draw a recognizable distinction between civil disobedience as a form of responsible citizenship and disobedience of a destructive nature? What are the different avenues available for citizens to recognise or reject the legitimacy of those who wield power over them, be it in the state apparatus, civil society groups or even private institutions such as the family? Theories of consent locate the authority of the state in the expressed willingness of citizens to obey the same. Building on the Lockean idea of a ‘social contract’, we could argue that in modern democracies the legitimacy of a government can indeed be identified with the outcomes of periodic elections and issue-specific referenda respectively. However, it is difficult to develop a comprehensive theory of political obligations on the pillar of consent alone, since the outcome of an election or a referendum reflects majority opinion at a given point in time while the exercise of political authority is a dynamic process. Even if one were to assume the existence of preconditions for democratic rule such as free and fair elections, it may be difficult to identify the collective will of the people with the actions of their elected representatives. These problems are accentuated in parliamentary democracies such as India which follow the ‘first-past-the-post’ system for general elections while at the same time grappling with structural problems such as

dynastic perpetuation in political parties and voting patterns that track group identities based on caste, religion, ethnicity and language among other markers.

The argument of fair play broadly implies that as individuals we are obliged to obey the state in return for the provision of benefits such as the protection of life, liberty and property. Such an obligation based on the principle of fairness has several layers and many argue that it includes a duty to be an active citizen rather than a passive one. This normative claim is of course at odds with the experience of many liberal democracies where the traditional indicators of political participation such as voting percentages seem to be on the decline. If the state apparatus is viewed as a provider of valuable public goods such as the enforcement of laws and the enhancement of collective welfare, the situation of a passive citizen could be likened to that of a free rider. However, if it is made mandatory for all citizens to vote in general elections or to serve in the armed forces, many would decry that as a decidedly illiberal position. If a liberal democracy must respect individual freedom, what is the extent of the demands that it can legitimately make on its citizens? There are some scholars (primarily John Rawls) who have argued that there is a natural duty to obey just institutions. In that case, how can we evaluate the justness of the public institutions that govern us?

Moving away from the traditional emphasis on the tensions between the state's power and individual rights, scholarship in recent decades has increasingly veered towards justifying the authority of the state as a necessary means for recognising and protecting private rights. These rights can be broadly classified as those based on property, contract and status, which are in turn derived from the obligations that we owe to each other. Taking this forward, the need for a centralized political authority can also be linked to our participation in a collective enterprise where our relationships with fellow citizens are treated as intense friendships. Hence, we will spend some lecture-hours on the idea of civic virtues as well as the concept of 'associative obligations' which was first enunciated by Aristotle.

While we will spend most of the semester discussing theoretical literature in the field, the latter half will include reading assignments on the understanding of rights as well as the contours of citizenship in multicultural societies. We will conclude the course by returning to the normative question of why (and whether?) we must obey the authority of the state and attempt to flesh out an account that may suitably explain the conditions and contradictions of contemporary India.

SCHEME OF EVALUATION:	Evaluation scheme for 4th/5th B.A., LL.B. (Hons.) students (4 credits): Mid-semester examination: 25 marks End-semester examination: 50 marks Response paper (on a chosen set of advanced readings): 20 marks Presentation of response paper: 5 marks For LL.M. students (3 credits): End-semester examination: 100 marks

COURSE TITLE:	Remote Sensing for Legal and Regulatory Support
COURSE OFFERED TO	Elective for LL.B.
INSTRUCTOR:	Dr. D. Bala Krishna, Justice B. Prakash Rao and Vijan, Director, Training, NRSC, ISRO
NUMBER OF CREDITS:	-3-
DURATION	January- April, 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	This course is designed and offered in collaboration with ISRO and the main purpose of this course is to promote Inter disciplinary education. OBJECTIVES OF THE COURSE: 1. To study Temporal change 2. To evolution the evidence change over a period 3. To understand key concepts of law and technology 4. To analyze both early and contemporary judicial thinking and legal reasoning and Legal challenges OUTCOME OF THE COURSE: By the end of this course, students will gain fundamental knowledge in the area of Aerial Images and Remote Sensing and its process and application in the judicial process and regulatory authorities. TEACHING METHODOLOGY: • This course will provide a variety of instructional activities and assessments to assist the student in achieving the objectives of the course. • Teaching methods are interactive and assignments, in-class activities (paper, presentation, discussion, and exam) and exams. Include lectures, interactive group exercises, readings, video sources, web-based resources, field visits, class presentations, and group projects. Student will also have the opportunity to interact with guest speakers from NRSC, ISRO (also from law enforcement, regulatory authorities and Judiciary.) Unit-I: Introduction to Law of Photographs and Images Unit –II: Remote Sensing Laws: International and National Scenario Unit- III: Aerial and Satellite Remote Sensing with Field /Attribute data

	Unit-IV : Image Preprocessing & Enhancement Techniques Unit- V: Interpretation, Feature Extraction, Thematic Mapping and GIS Unit- VI: Laws & Policies Related to Domains wherein Remote Sensing can contribute Unit- VII: 3 D analysis Unit- VIII: Deliverables for Legal & Regulatory Support Applications Unit- IX: Web based services
SCHEME OF EVALUATION:	Written examination (100 marks)

COURSE TITLE:	Specific Relief And Law Of Injunctions	
COURSE OFFERED TO	LLB	
INSTRUCTOR:	MR. VARUN MALIK	
NUMBER OF CREDITS:	4	
DURATION	January- April, 2018	
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The first principle for remedy against breach of contract is to ensure that the party suffering from breach of other is restored back to the condition it would have been in if the contract had been performed. Common law and most of the civil law countries remedy the breach in basically two ways viz. (1) the damages and (2) Specific Performance of Contract. The present course is concerned with the latter. The specific performance of the contract cannot be executed without a decree of mandatory and permanent injunction being passed to that effect and therefore the law of injunction forms an integral part of the relief of the specific performance. The contours of law of injunctions, but, extend much beyond the relief of specific performance and outreach to almost all the branches of civil law and in some cases to criminal law as well. In order to appreciate the deep linkages between the two branches of law I have taken this thoughtful pedagogic decision to offer the two together. But, in order to also ensure that the abovementioned linkages don't have a shadowing effect on the disjunctions between the two, the course divides Specific Performance of Contract and Law of Injunctions into two different parts. The Part I of the course deals with the relief of Specific Performance of Contract. The part intends to discuss and analyze the law relating to specific performance in India. It shall focus on the provisions of Specific Relief Act, 1963 along with the evaluation of specific relief as compared to the relief of Damages in civil law. The Part II of the course is dedicated to Injunctions and intends to discuss the historical origins of the concept of Injunctions, its basics and practice. I further intend to discuss how injunction interacts with other branches of civil laws with a special attention to specific relief and law of contracts. The Part III discusses the core litigation technicalities around how the injunction applications and specific relief complaints are drafted. As the course is being offered to 4th and 5th year students, who are almost ready to face the field, the course aims to develop the acumen of the students both from corporate as well as litigation point of view. The course further aims to expose the students to the practical aspects of injunctions and specific relief to facilitate an easier assimilation of students into the profession of law (both corporate field and litigation).	
SCHEME OF EVALUATION:	End Semester:	50 Marks
	Mid Semester:	25 Marks

	Project: 20 Marks Project Presentation: 05 Marks Both Mid-Sem and End-Sem Exams would be Closed book. A copy of relevant statues/ provisions of statute would be provided to students for reference purposes.

NALSAR University of Law



Seminar Courses Outlines
(In House Faculty)

JANUARY-APRIL, 2018

COURSE TITLE:	Cine-Politics in India (Social Science Seminar)
COURSE OFFERED TO	LLB 3 rd
INSTRUCTOR:	Dr. N. Manohar Reddy
NUMBER OF CREDITS:	3
DURATION	February-March, 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The course has two parts: The first part deals with debates on film stars and their phenomenal success in forging political careers. This subject has fascinated several scholars such as MSS Pandian, Sara Dickey, SV Srinivas, Madhava Prasad and so on. Stressing the interface between the cinematic medium and the political process, some argued that the legendary stars such as MG Ramachandran and NT Rama Rao were able to exploit the cinematic apparatus to first carefully create their “cinematic persona” or the “on-screen image,” of adulation or devotion, and then transfer it to the domain of politics, which yielded them rich dividends in elections. In other words, the gullible fan-spectators of the stars were turned into potential voters through the manipulation of the cinematic image which supposedly “dovetailed” the real life and the screen image of the stars. Those who have put forward this argument believe that nothing else can explain how the subaltern classes continued to vote for MGR and NTR despite their anti-poor policies. However, this argument has been contested by others who have pointed out that the political mobilization of star charisma, particularly in South India, must be understood in relation to the absence of republican institutions and the accompanying popular sovereignty. An elaboration of this complex idea demands for an in-depth analysis of political life in independent India and the many conflicts over national identity. The second part of the course engages with “new cinema,” a set of recently made low budget films such as <i>Chaapa Kurish</i>, <i>Kammatipadam</i>, <i>Kaaka Muttai</i>, <i>Tithi</i>, <i>Sairat</i>, <i>Fandry</i> and so on, which represent a different kind of cine-politics. These films have been made by the first generation film makers mostly belonging to the marginalized sections of Indian population. These small budget films with no stars are however commercially successful. In this aspect, they are innovative and experimental in nature, which need to be understood in the context of contemporary political scenario. Not much scholarly work is available on this kind of cinema barring a couple of articles and a few journalistic film reviews. Thus, the course provides an opportunity to explore and define the ways in which this genre of “new cinema” is different from the mainstream cinema as well as the avant-garde and the art films. Attention also must be paid to the emergence of digital technologies, multiplex

	culture, and the small town migrants to the metropolitan cities who constitute the main audiences to this cinema. Students may have a chance to interact with one film maker and one film scholar (subject to availability) during the course. Note of caution: This is not a film appreciation course, where one can simply watch a set of films for fun and walk away. Those who opt for the course will require putting in serious effort to understand the theoretical and intellectual debates on cinema and politics. Thus, only those who are interested in taking cinema seriously and want to pursue it as an academic and intellectual exercise, and are willing to work hard, are advised to opt for this course.
SCHEME OF EVALUATION:	Active participation in class discussions: 10 marks Oral presentation of prescribed reading(s): 20 marks Oral presentation of research paper findings: 20 marks Written research paper (4000 words): 50 marks
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Colonial Economy: India (1757—1947) (Social Science Seminar)
COURSE OFFERED TO	LLB 3 rd
INSTRUCTOR:	Mr. Hota Agni Kumar
NUMBER OF CREDITS:	3
DURATION	February-April 2018
BRIEF DESCRIPTION (MINIMUM 500 WORDS)	The course expects the students to cover all the significant developments in the historiography of Colonial Economy. It starts by problematizing the themes related to an understanding of the forms of indigenous economy intervened by the early British commercial interests which turned out to be colonial interests in a process. The course then proceeds to deal with those issues having a bearing on the nature and context of the British administrative encroachments in terms of and in the name of revenue 'reforms' and settlements. Themes that focus on the inevitable transformation of land and labor into commodities will be balanced against the themes dealing with the general origins of market or money economy as influenced by colonial interests of a capitalist market. Closely following this insight, there come other areas of interest such as origins of Indian capitalism/capitalist class. Intersecting areas of study include such dimensions of 'development' as railway and communication which have a potential to present the contradictions that every development carries with reference to social context. Similar is the case with famine policies and hydraulic projects more clearly revealing the duplicity of capitalism in colonial context when it talks about "improvement" without human dimension. Issues related to this area, specifically of a regional geographical approach, contribute to such macroeconomic zones as "peasant economy"; famine was really political in colonial India. Besides all these topical areas, new class compositions based on the new colonial economy, e.g. working class that came in / as response to the Indian capitalism that saw its own contradictions as it evolved in a colonial context, will generally add to the claims of economic history in the direction of its socio-political goals, relevance and achievements.
SCHEME OF EVALUATION:	Research paper: 70marks. Presentation: 30marks.
CRITERIA FOR SELECTION OF STUDENTS INTO THIS SEMINAR	Draw of Lots

COURSE TITLE:	Democracy and Development : A view from India and the global south (Social Science Seminar)
COURSE OFFERED TO	LLB 3 rd
INSTRUCTOR:	Dr. Harathi Vageshan
NUMBER OF CREDITS:	3
DURATION	February-April 2018
BRIEF DESCRIPTION (MINIMUM 500 WORDS)	Democracy based on the principles laid down in the constitution became a most popular ruling system in the past two century and a half. Development as a concept is closely associated with economic wellbeing. The ruling system has to take in to cognizance of the wellbeing of its people to attain and continue its legitimacy. The relationship between the two concepts is well debated since the beginning of the twentieth century. How the democracies are visualizing development and how they attempt to realizes those visions is an interesting area of study in politics and development studies. The role played by the state and the market in ushering democracy and development dominated the debate of development politics and democratization since the early twentieth century. The aims, processes and consequences of the ‘development’ became part of the debates of deepening and strengthening democracies across the globe. India became independent from colonial yoke in the middle of the last century. For this newly independent state keeping democracy and development in alignment was a great challenge. Establishing institutions of representative democracy based on the universal adult franchise and using their energies to bring a balance between freedom and equality in a plural and unequal social and economic context was the task the republic embarked up on. Development was seen as a vital and inseparable part of the democratic agenda, and it was clear to all that the Indian state was cast in an economic role in order to further the cause of democracy. There was a general consensus to use the centralized state in a quasi federal arrangement to modernize and develop the state . But by the end of the 1960s decade however the first cracks in this consensus began to emerge. This breakdown of consensus then sped along, and by the 1980s through many other tumultuous events of Indian politics, the challenge to the Nehruvian consensus became stronger, louder, and deeper. The aim of the democracy/development project was to challenge social and economic privileges that were entrenched in India. In reality, however, the Indian state soon forgot the intertwined nature of the democracy/development agenda and hoped that somehow the fruits of

	development would seep downwards without any concrete and institutional changes being made in this regard. This assumption had its serious inherent limitations and led to unevenness in the front of well being of people at large. People's restlessness began to express itself in the form of numerous social movements that questioned the legitimacy of the Indian state and its policies. These movements repeatedly drew attention to the sharp inequalities and discriminations that continue to be a part of the Indian landscape. These movements challenge the practice and ideas of development; question the validity of a development programme that leaves out the experience and aspirations of the vast majority of Indian citizens. These struggles are taking a new shape in the period of liberalisation which was ushered in the early 1990s in India. In the above back ground the seminar course looks in to the global debates on democracy and development. It attempts to focus more on the Indian journey in the path of democracy and development. The course intends explore The essential aspects of democracy and key aspects of development debate The connection and disjunction between democracy and development The interplay of the concept liberty, equality and justice.
SCHEME OF EVALUATION:	Class room discussions 15Marks , Project Paper 70 Marks , Project Presentation 15 Marks
CRITERIA FOR SELECTION OF STUDENTS INTO THIS SEMINAR	Draw of Lots

COURSE TITLE:	Gender and Labour
COURSE OFFERED TO	Seminar for LL.B. & LLM
INSTRUCTOR:	Prof. N.Vasanthi
NUMBER OF CREDITS:	4
DURATION	Jan-April
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The aim of this seminar is to examine what the gendering of work would mean. While the increasing visibility of women in the workplace marks the new economy, it is also marking a lowering of standards at work, without addressing concerns about work that feminist scholars have brought forth such as the gendering of certain forms of work, the lack of attention to power hierarchies at work, and the question of unpaid work. The withdrawal of the State from labour protection means very different things to the worker at the fringe of the workplace. What are new age solutions or innovations that have been implemented that address these questions in concrete ways. What does the question of gender bring to the workplace? How does the term inclusive workplace interact with the intersectionality that accompanies questions of gender? How does work get defined as against slavery or trafficking and what makes a human rights approach different from a labour law approach? What is a labour law approach to questions of work and conditions of work and is it necessary to replace it with a human rights approach? The course will offer some thoughts on the above questions and invites students to engage with them to bring some new ideas to old questions.
SCHEME OF EVALUATION:	Class participation 15 marks Class presentation 10 marks Literature review 25 marks Final paper of 5000 words 50marks
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Interdisciplinary Studies On The Indian Legal System
COURSE OFFERED TO	Seminar for LL.B. / LL.M.
INSTRUCTOR:	Mr. SIDHARTH CHAUHAN
NUMBER OF CREDITS:	4
DURATION	JANUARY-APRIL 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	In this seminar, we will read the lesser known (but easily available) literature that grapples with questions of institutional design in India's legal system. In the introductory classes we will begin with some historical background on how the modern Indian legal system is seeking to move on from its colonial origins. We will then reflect on broader concerns about access to justice and the quality of justice-delivery in our country before moving on to a loosely demarcated focus on five components of our legal system, i.e. litigation, the judicial system, the legal aid movement, the emergence of commercial law firms and lastly the state of legal education. Most of the reading assignments will be in the nature of descriptive studies that shed light on the experiences of the various stakeholders in our legal system. For instance, the module on the legal profession will include some anthropological writings about lawyers and the complex web of their social relationships. This will enable a more meaningful appraisal of the requisite doctrinal materials such as The Advocates Act, 1961 and the Bar Council of India Rules framed under the same. The module on the judicial system will seek to draw attention to empirical data pertaining to litigation rates (institution, disposal and pendency of cases) and manpower planning in the different tiers of our courts. There will be some engagement with doctrinal works when we come to issues pertaining to the higher judiciary such as the evolution of social action litigation and the ongoing debate on the method of appointments. Another part of the course will cover the evolution of the legal aid movement, with a special emphasis on the concerted efforts to promote dispute-resolution methods such as Permanent Lok Adalats and Mediation. If time permits, we will also look at some writings that examine the emergence of commercial law firms which are engaged in transactional practice. We will conclude the course with some reflections on the state of legal education, which will hopefully give you an occasion to think about your own experiences as a law student.
SCHEME OF EVALUATION:	• Class Participation: 20% • Presentation of research proposal: 20% • Final submission of research paper: 60%
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Language Conflict and Language rights (Social Science Seminar)
COURSE OFFERED TO	LLB 3 rd
INSTRUCTOR:	Dr Uma Maheshwari Chimirala
NUMBER OF CREDITS:	3
DURATION	February-April, 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Language is the central marker of difference between people (and nations). In theory, all languages are equal and any language has the potential to convey complex, precise, and novel meaning. However, the functional load of a language for administration and educational purposes requires constitutional endorsement and planning support. Thus in practice, languages are necessarily intertwined with the politics of power and social difference. It can potentially be construed as the source, the tool and strategy for initiating conflict and conflict resolution alike. Therefore of all the social variables that can be said to be involved in the causation and maintenance of conflict situations, language is the most diffuse and the most difficult to define. This is because language is profoundly implicated in all human social activity and cannot easily be isolated as a specific causal factor in any conflicts. Whether through conquest, colonization, immigration, enslavement, or the simple fact of ignoring ethnic distinctions, linguistic minorities have always been bred and hence existed, and so have language conflicts and the infringement of their language rights to use their languages without prejudice. The importance of language rights as the stepping stone for realizing human rights (such as freedom of (cultural) expression, and preservation and access to educational and economic opportunities) cannot be overstated. Hence in this course we will attempt to survey language conflicts worldwide between those trying to secure them and those trying to deny language rights. The course will explore the various manifestations of language conflicts and the various ways and means through which language rights are secured or denied. Efforts to deny those rights through legislation and other actions will receive special attention. Such an endeavor necessitates a three dimensional approach to enquiry: a deep understanding of the international documents regarding language rights; manifestations of the provisions of the international documents and critical reflection on case studies from diverse contexts. The course will use readings, case studies, films and excerpts of reports as triggers for discussions, role plays, simulations, presentations, as well as lectures. We will watch two movies on this course: The Sami Blood and Borrowed Identity Learning outcomes 1. Explain how language is a construed as key symbol of identity and resource for cultural maintenance 2. Identify different cultural and moral values that underlie debates about language conflicts and rights

	3. Discuss language rights struggles in the larger context of human rights issues across the world 4. Apply skills of critical analysis to various conflict situations and identify the drivers of conflicts and their implications		
SCHEME OF EVALUATION:	S.no	Description of the assignment	Submission deadline
	1	Posting of Questions/Comments	20%
	2	Journaling assignments (10% each)	20%
	3	Concept Mining assignment (Research paper + Court vs. + Polemic sources)	30%
	4	Exam	30%
	5	Extra perks (trace a language conflict in India	5%
SELECTION CRITERIA	Draw of Lots		

COURSE TITLE:	Law and Religion
COURSE OFFERED TO	Seminar for LLB
INSTRUCTOR:	Prof. Faizan Mustafa
NUMBER OF CREDITS:	4
DURATION	January-April, 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The course will deal with the importance of freedom of religion in plural societies. This freedom includes freedom from religion and freedom within religions. Freedom of religion also deals with the relationship of religion with the state and individual's autonomy in religious matters vis-à-vis state's power to restrict this vital freedom. The course will also examine the issue of secularism- Should it mean the mere neutrality of the state in religious matters or it must necessarily include rights of religious minorities particularly in countries South Asia. The issue of should secular countries permit diverse religious laws in personal matters or enact a uniform civil law will also be discussed. At the end of the course students would be expected to write a term paper.
SCHEME OF EVALUATION:	Project Work: 70 Presentation: 30
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Law of Aero Space and Defence Startups
COURSE OFFERED TO	Seminar for LLB
INSTRUCTOR:	Prof. V. Balakista Reddy
NUMBER OF CREDITS:	4
DURATION	January-April, 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	
SCHEME OF EVALUATION:	Project Work: 70 Presentation: 30
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Pluralising Inclusion: Equality and Non-Discrimination in a Globalising World
COURSE OFFERED TO	Seminar for LL.B. IV & V Years
INSTRUCTOR:	Prof. Amita Dhanda
NUMBER OF CREDITS:	4
DURATION	January-April, 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Human rights discourse speaks of the equality of all human beings; even as social, political and economic considerations prompt the practice of prejudicial difference. The expanding globalization of the world has increased the tension between the norm of equality and the aberration of discrimination. This may be because even as the value of equality is generally viewed as an integral part of any exposition of justice, the demands of the value are far from certain. Does equality require that all should be treated the same or different? Are we looking for equality of treatment or outcome? Or both? Does equality mean that the other is treated as the other wishes to be treated? These debates about the meaning of equality and non-discrimination reflect the tensions between liberal aspirations for universal rights and the desire to accommodate differences. With the ascendance of post-structural theory the value of differences is more widely acknowledged but this acceptance carries with it the danger of relativism. The course will actively compare how the value of equality plays itself out for different people, issues and regions, and use the comparison in order to move away from unitary or universal definitions of equality and move toward plural definitions without opting for the relativism of post structural thought. This trajectory is being adopted in order to highlight the importance of continuing to pursue justice for all and not for some only. The course employs a comparative methodology in order to arrive at a plurality of principles which will promote values of tolerance, reasonable accommodation and peaceful existence for this world of shrinking distances and rising divisiveness. The following topics shall be deliberated upon with the aid of required and recommended readings: The liberal concept of equality - history and philosophy underlying the Liberal concept of equality; the shift from the ancient regime to modern state and the French/American revolutions; the scope of the right to equality - gradual expansion with the change in rationales for exclusion and inclusion; universal suffrage/colonial practices/racial differences Equality; various bases of classification (e.g. immutable characteristics); substantive or formal equality; limitations on various concepts of equality and non-discrimination - critical studies, feminist, post-structuralist - transcending the limitations of critiques to pursue justice

	and the right to be different simultaneously; conceptual and institutional responses to differences (e.g. gender, race, ability, sexual orientation, religious, political and cultural differences).
SCHEME OF EVALUATION:	Project Work: 70 Presentation: 30
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Public-Private Partnership
COURSE OFFERED TO	Seminar for LL.B. IV & V Years
INSTRUCTOR:	Dr. Shaik Nazim Ahmed Shafi
NUMBER OF CREDITS:	2
DURATION	March, April, 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The advent of liberalization, privatization and globalization has led the governments to initiate the new model of infrastructural activities through a concept known as 'Public-Private Partnership'. Facing constraints on public resources and fiscal space, while recognizing the importance of investment in infrastructure to help their economies grow, governments are increasingly turning to the private sector as an alternative additional source of funding to meet the funding gap. Public-private partnerships (PPPs) and shared-value partnerships are increasingly being used as strategies to address significant public policy challenges. But, what makes a complex public policy problem ripe for a strategic multi-stakeholder solution? This course will examine how governments are partnering with for-profit and non-profit organizations, shaping public policy, redefining traditional methods of public administration, and solving some of the world's most intractable problems at the same time. The first half of this course will examine the growing prevalence of PPPs used by governments to transfer risk and responsibility to the private sector in exchange for financial or other incentives. In the second half of the course, the myriad benefits of entering into strategic shared-value partnerships involving the public, for-profit, and non-profit sectors will be examined. The objective for this course is for students to understand the role public-private partnerships and shared-value partnerships play as a tool for policy makers. In the conclusion of the course, students will have working knowledge of a conceptual framework for the formation and management of multi-stakeholder partnerships. Students will be able to distinguish between revenue-generating PPP's and partnerships designed to achieve public policy-related goals (e.g.: shared-value) and to make recommendations and/or decisions based on different stakeholder priorities. Students will not only be able to identify the characteristics of successful partnership strategies, but they will deepen their knowledge of best practices for governments, NGOs and the private sector. Students should also be able to articulate successful measurement tools to increase success and accountability.

	Finally, the students will be given an opportunity in drafting a PPP Agreement of their choice which will be a part of their Project work.
SCHEME OF EVALUATION:	As per Examination Rules
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Social Conflicts and the Conflict Resolutions in India (Social Science Seminar)
COURSE OFFERED TO	Seminar for 3 rd Year LLB
INSTRUCTOR:	T. Kannan
NUMBER OF CREDITS:	3
DURATION	February to April, 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The course tries to address and understand social conflicts and its resolutions at various levels within the field of sociology of social conflict. It is very important for law students to understand the social conflicts because the large numbers of legal disputes arises out of the conflicts between the forces in civil society and the state, between the oppressed and the dominant in civil and political society. Law gets into crisis when its legitimacy questioned by the complexities of social conflicts. The course is an attempt to understand these complexities of social conflicts in India. I- Theoretical Reflections on Social Conflicts and Conflict Resolutions II- Empirical Studies on Social Conflicts Social Sphere: Cultural Sphere: Political Sphere: Economic Sphere: III- Empirical Studies on Conflict Resolutions Political Resolutions: Legal Resolutions: Social Resolutions
SCHEME OF EVALUATION:	Research Paper: 60 Marks Oral Presentation of the Research paper: 20 Marks Paper Discussion from the course Readings: 20 Marks
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Water Disputes Law
COURSE OFFERED TO	Seminar for LL.B.
INSTRUCTOR:	Dr. T. Raghavendra Rao
NUMBER OF CREDITS:	FOUR
DURATION	JANUARY-APRIL 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	COURSE PORTRAYAL: Water is essential of life involved in everything we do. Its shortage is one of the most important resource and security problems the world is facing in this century as well. Water disputes Law deals with the laws and institutions governing water allocation and use with special emphasis on water rights. The law governing water has always been regarded as a specialized field. However, the political and social reforms during the last decade of 20th century, the water related problems experienced and the prominence given to fundamental human rights and environmental related matters have significantly increased the need for this knowledge by all. Water Disputes and Dispute Resolution Methods constitute important dimensions of water law, from a natural resources management perspective. What is pertinent is the determination of rights and obligations in relation to water, given the scarcity, multiple demands and the human rights foundations of water use. This is where policies become important. If rights and obligations are neatly demarcated and policies are clear, disputes can be avoided to some extent and dispute resolution becomes easier to handle interstate or intra state disputes. It is from this point of view recent developments in water policy assume importance. Water Disputes Law has developed over the years and there are now principles universally accepted in managing it for maximum benefit for all the concerned. Addressing issues on water disputes and water management is the need of the hour. LEARNING OBJECTIVES: The primary objective of this course is to introduce law student to emerging area of jurisprudence which has assumed of late, crucial social significance. The Course addresses in general International, Regional and National legal principles for the governance, management of water with special emphasis on water rights. The other objective of this course is to impart knowledge and understanding of the complex body of water disputes law, the actual implementation of water rights, and development of critical perspective on various issues on water resources management. TEACHING METHODOLOGY Assigned Readings, Class Participation in Discussions, Assignments and Lectures. Lecture Plan

Modules	Title	Number of Required Lectures (2 Hours)
Module I	International Water Disputes Law	6
Module 2	Regional Water Disputes Law	5
Module 3	Water Disputes Law in India	4

Class Hours: 15X2 =30 Hours

COURSE CONTENT:

This course attempts to address the issues on water disputes and water management with the help of legal, regulatory frame work and other developments.

Course coverage includes:

Module: 1 –International Water Disputes Law: International Water Disputes (Helsinki Rules, FAO, ILC). Core principles and International instruments for water law and management, World Water Forum, Water and Sustainable Development, IUCN, WWC, IPCC Judicial Trends, Climate Change, Re allocation of International Waters, International Law on River Water Sharing and other countries, Pillars of International Water Sharing, Water Treaties and Conventions. Dividing Shared Waters and the exploring the legal dimensions. Doctrines, Joint Mechanisms and Joint Commissions, UN Conventions. Emerging Trends in International Water Disputes.

Module: 2 –Regional Water Disputes Law :(SAARC Region) India and Bangladesh, India and Pakistan, India and Nepal, India and Bhutan, Various Treaties, Judicial Trends.

Module: 3 –Water Disputes Law: (Indian Context) Inter State Water Disputes, Tribunals of Inter State Water Disputes, Constitutional Frame Work, Relevant Legislations, Reports of Various Commissions, Water Policies, , Interlinking of Rivers, Environmental issues, Dam Safety, Water Transfer, Water Conflicts and Water Wars, Livelihood issues. Role of the Courts and Tribunals, Techno Legal issues with regards to water disputes. Basin specific experiences and methodological refinements, Dispute Resolution and water sharing.

Mandatory Readings:

18. Stephen C, McCaffrey, The Law of International Watercourses.
19. Joseph L. Sax et.al legal control of Water Resources.
20. Henry E. Smith, Governing Water.
21. Water Law in India: An Introduction to Legal Instruments.
22. Law relating to Water Rights by V. SitaramaRao.
23. P. Ishwar Bhat: Interstate & International Water Disputes..
24. Chatrapathisingh: Water Law in India.
25. Philippe Sands: Principles of International Environmental Law.
26. B.R. Chouhan: Settlement of International & Interstate Water disputes.
27. Prof. Saligram Bhatt.: Water Resources Management.
28. Sax, Thompson et.al: Legal Control of Water Resources, Cases & Materials
29. Rama Swamy R Iyer: Water Laws.

SCHEME OF EVALUATION:	PROJECT: 70 Marks PRESENTATION:30 Marks
SELECTION CRITERIA	Draw of Lots

NALSAR University of Law



VISITING FACULTY Courses Outlines
(In House Faculty)

JANUARY-APRIL, 2018

COURSE TITLE:	International Intellectual Property (SEMINAR)
COURSE OFFERED TO	LLB IV & V Year
INSTRUCTOR NAME & CONTACT DETAILS:	Dr. S Rama Rao
SHORT DESCRIPTION OF INSTRUCTOR	-
Credits	4
PREFERRED DATES FOR CONDUCT OF COURSE	JAN-April, 2018
PRE-REQUISITES:	
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	<u>Course overview :</u> The course will address the issues of intellectual property in the context of globalization, rise in export of intangibles in international trade, and global developmental challenges including climate change, biopiracy and protection of biodiversity, traditional knowledge, access to medicines, and free trade agreements. Promotion of new technologies and innovation aimed at solving the global problems and contributing to the development of public health, poverty eradication and development also require protection of the intellectual property embedded in them. The international development debate between the developing and developed countries with particular reference to the role of intellectual property in respect of these issues would be discussed appropriately. To that end, the course introduces to the students and makes them undertake deeper study of law, policy and court decisions in relation to international intellectual property as followed by the primary players namely USA, EU, USTR, Japan and responses of certain developing countries to specific issues such as China, India, South Africa and others. The subject matter of IP covers patents, trademarks, geographical indications, copyrights, trade secrets - both pre-TRIPS and TRIPS, as well as their enforcements. The course would also cover all the international conventions and legal instruments governing the above subject areas and recent developments and progressive development and codification of international intellectual property law including the substantive patent law treaty, law governing traditional knowledge and genetic resources and folklore, access to medicines. As an important part and parcel of it, the course will discuss in detail the evolution, mandate, functions, law and practice of the international institutions and latest developments in mainly WTO and WIPO. <u>Class sessions and discussion topics:</u>

	In terms of classes, the course will entail around 25 classes of 2 hours each, or as divided by the applicable class timings. <u>Class room discussion topics:-</u> Course would be divided along the following subject lines: Introduction and Course preview Overview of US IP laws: -patent laws, -copyright law, -trademark law, -trade secrets law International IP system and its basic principles; Players / institutions in international intellectual property - WTO, - WIPO, - EU, - USTR; International IP regimes - Berne, - Paris, - TRIPS; Specific IPRs - copyrights and related rights, - patents, - TMs and GIs; International enforcement, FTAs; Contemporary issues - access to medicines; - biopiracy , - GRs, - TK, - TCEs. <u>Course materials:</u> Mainly :- Daniel Chow and Edward Lee, “International Intellectual Property”. Supplemental:- F. Scott Kief and Ralph Nack, “Internaitonal , United States, and European Intellectual Property Selected Material”. There would always be need for additional materials , which would be posted from time to time.
SCHEME OF EVALUATION:	Research Paper
SELECTION CRITERIA *	Draw of Lots

COURSE TITLE:	Politics and Society: Characterization of the Modern State (Social Science Seminar)
COURSE OFFERED TO	LLB students
INSTRUCTOR NAME & CONTACT DETAILS:	Dr. V. Janardhan
SHORT DESCRIPTION OF INSTRUCTOR	M.A, M,Phil, PhD in Sociology from University of Hyderabad M.A in Philosophy from Osmania University Faculty, Dept. of Sociology, University of Hyderabad since 2000.
NUMBER OF CREDITS:	03
PREFERRED DATES FOR CONDUCT OF COURSE	FRI
BRIEF DESCRIPTION ON COURSE (MINIMUM 500 WORDS)	Notwithstanding the Foucauldian position in social theory, it can be held that the state continues to be the essential, unique and quite singular site and repository of power in contemporary societies. Indeed the Foucauldian understanding is itself an enrichment of the insights on state power, particularly the practice of surveillance. Therefore, while this position cannot be certainly ignored or underestimated, it is definitely not the last and decisive word on the subject. Consequently, in the present course, an examination would be made of other perspectives on state and (its) power. It would begin with Foucault's argument and go back, temporally, till Machiavelli so to say, to see what has changed and what has not. In course of this journey, the perspectives examined would include the Marxian theory of the state (itself having a history of diverse theorization) and the theory of Carl Schmitt. Thus, prima facie, the considerations in this course would be stimulating to students of law, legal theory and jurisprudence besides other areas ranging from corporate law to environment. As is the practice of the course instructor always, concepts and theories would be discussed with reference to and drawing on empirical situations past and present. The students also would be encouraged to do likewise, both in classroom participation as well as in the Paper they would be submitting for evaluation at the end of the course. An outline of the course:- -Michel Foucault on Power: A (re)consideration -Hegel, State and Civil Society; also stopping at Locke and Rousseau -Marxian theory: the trajectory is Marx, Lenin, onward to Miliband, Poulantzas, and a few others including Mikhail Kalecki, focusing on the 'relative autonomy of the state', re-assessing the debate. The discussion will also cover corporatism, STAMOCAP, etc. -The totalitarian being and becoming: Carl Schmitt, Hannah Arendt -A comprehensive summing up.

SCHEME OF EVALUATION:	Term Paper of minimum of 15 pages submitted as soft and hard copy, by the end of the course.

COURSE TITLE:	The evolution of the term “Political” in the English language and culture (Social Science Seminar)
COURSE OFFERED TO	BA LLB students
INSTRUCTOR NAME & CONTACT DETAILS:	A V Satish Chandra, PhD Professor, Department of Political Science, Osmania University, Hyderabad, Telangana
SHORT DESCRIPTION OF INSTRUCTOR	I have nearly 27 years of teaching experience in Osmania University and also the Tata Institute of Social Sciences (where I went on lien from Osmania University). I specialise in Political Theory but I have reasonable expertise in other areas of political science such as Public Policy and Governance apart from expertise in allied social sciences such as history and sociology and humanities such as psychology and English Literature.
Credits	3
PREFERRED DATES FOR CONDUCT OF COURSE	FRI
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	In life there are a number of things taken for granted and therefore they are rarely investigated. One such example is the term political and its other uses such as politics. It is assumed that they have always existed in the English language and that their meanings have constant. Reality though is different. Unlike terms such as economics and social which denote everyday activities, the term political was different. For the Ancient Greeks political was more of an invention of an aspiration that would lead to the betterment of life. While no one says that the father of economics was so and so, it is very common for people to say the father of politics was Aristotle and the founder of politics was Machiavelli. The reason behind this is simple. Aristotle saw a purpose for politics which was teleological and believed that man becoming political represented the highest stage of a pre-determined goal. Politics had a purpose; the realisation of the highest rational capacity of the human being and his ability to think for common good or the good of all. Post Aristotle through mists of time the term politics and also the term political were almost totally eclipsed till it was revived by Machiavelli with the explicit intention to keep the temporal activities of the human being outside the scope of the authority of the church. In order to achieve that Machiavelli revived the term politics and imbued it with meanings which were devoid of ethical content, a situation very different from what Aristotle and prior to him Plato wanted. This attempt of Machiavelli’s was fairly successful and dis-imbued the political with any content ethical. The next significant intervention into the construction of a new meaning for politics and the political came from the English philosopher John Locke. John a staunch protagonist of both capitalism and private property plucked out yet another Greek term “democracy” and aligned it along with politics and political. While the Greeks found

	democracy undesirable since it was “mob rule”, Locke yet again washed off the undesirable “mob” part out of democracy and made it the rule of the enlightened members of the “civil society” who were capable of enlightened political rule which created institutions of “political society” such as government and its various agencies. However honourable Locke tried to make his intentions look, it was obvious his politics and democracy were both based in exclusion rather than inclusion. Locke’s intellectual attempts contained the subtly manipulative as opposed to the openly manipulative ones of Machiavelli. Today politics and political carry within themselves not the exalted meanings that the Greeks gave to them but the ones that Machiavelli and Locke and later on Bentham and Mill imbued the terms with. These are the meanings that we operate with today and this course will draw the graph of the birth, growth and evolution of meanings of the political and politics. The course will be divided into Unit I: A general introduction to the course Unit II: The Greek period and Plato’s and Aristotle’s usage of political and politics Unit III: The Medieval period and the near disappearance of the terms political and politics Unit IV: The interventions of Machiavelli and Locke Unit V: Other interventions and the present status of the terms political and politics.
SCHEME OF EVALUATION:	Two seminar papers
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Thinking about equality
COURSE OFFERED TO	Elective for LL.B. & LL.M.
INSTRUCTOR:	Mr. Ajey Sangai
NUMBER OF CREDITS:	1
DURATION	4-12 th Jan
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	This course focuses on the idea of equality conceptualized in Western Political Philosophy. The primary focus is on the work of John Rawls (A Theory of Justice and Political Liberalism) and Ronald Dworkin (Sovereign Virtue). It then engages with the internal critique, most importantly the capabilities approach by Amartya Sen and Martha Nussbaum, and G.A. Cohen. This discussion was shaken up with Iris Marion Young's powerful critique of ideas of equality/justice that focus on (re)distribution. She argues for making oppression and domination as the sites of conceptualizing justice and equality. Young argues that unequal distribution of public goods is in fact a symptom of systemic oppression. Then, it takes note of the communitarian critique, most notably from Charles Taylor and Michael Sandel, that challenges liberalism for its 'disembodied' or 'atomistic' conception of self and ideas of recognition originating therefrom. Communitarians criticize the acontextualised account of individuals as free and equal parties of a contract that pervades the liberal social imagination. Where people <i>come from</i> (not only geographically but importantly socio-culturally) provides mediates their agency to provide meaning to their choices and identities. It is here Rawls' 'idea of public reason' and overlapping consensus' acquire significance. Finally, we shall try to ground the above discussion in emerging studies of urbanism and creation of cities where the issues of recognition, domination and distribution intersect in non-trivial ways in constructing the cities and its people. This part would engage with issues of segregation, homelessness, movements and exchanges in cities that emerge from histories of deprivation and identities.
SCHEME OF EVALUATION:	2500-word long research paper at the end of the course.

COURSE TITLE:	CONSTITUTIONAL THEORY: Problems of Interpretation & Historicism in Modern Constitutions
COURSE OFFERED TO	LL.B. (4 th & 5 th Years); LL.M.
INSTRUCTOR NAME & CONTACT DETAILS:	<i>Mr. Anshuman Shukla</i>
SHORT DESCRIPTION OF INSTRUCTOR	# Assistant Professor [<i>Jindal</i> , 2017-present] # Cambridge Trust-Commonwealth Joint Scholar [Cambridge 2016-17] # Assistant Professor [NALSAR 2013-2016] # Field: Political Thought, Constitutional Law, Republicanism;
Credits	1 Credit Elective
PREFERRED DATES FOR CONDUCT OF COURSE	4 th -12 th Jan
PRE-REQUISITES:	Students must have completed at least one mandatory course in Constitutional Law at the LLB level.
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	This course pertains to an advanced conceptualization of certain constitutional questions. Unlike a typical undergraduate course on constitutional law, this seminar is not a broad overview or survey of various constitutional themes, like specific rights, scope of judicial review, federalism etc. However, it draws upon our preliminary knowledge of these constitutional themes to construct and analyze three dynamic, but complex problems of modern constitutions. Firstly, there is the <u>problem of constitutional design and constitutional founding</u>. This theme reflects upon the challenges of governing a nation's polity with entrenched constraints of constitutions. It requires a functional or purposive conception of constitutions to consider them as instruments serving specific purpose(s). Secondly, the 'written-ness' of modern constitutions (even the unwritten constitution of the United Kingdom operates through written rules, precedents, or statutes) forces the challenge of <u>argumentative culture and interpretation</u>. For the pedagogical purposes, the course can be broadly divided into two modules: Module I: Constitutional Democracy [6 hours] This module introduces students to the various types of relevant literature and modes of analysis prevalent in the field of constitutional law and theory. Specifically, it focuses upon the conceptual challenges of reconciling the demands of constitutionalism (legal constraints) and democracy (political power), and the effects of such reconciliation in the design of constitutions. (i) Politico-legal conception of constitutions; (ii) Literature survey & prevalent modes of analysis; (iii) Constitutional rights as the core element of legal constitutionalism; (iv) Political disagreements and constitutional pre-commitments; <i>References</i>

→ Donald S. Lutz, "Constitutionalism", Ch. 1, PRINCIPLES OF CONSTITUTIONAL DESIGN, Cambridge University Press (2006), pp. 1-24.

→ Keith E. Whittington, "Constitutionalism", Ch. 16, KE. Whittington *et al.* (eds.), THE OXFORD HANDBOOK OF LAW & POLITICS, Oxford University Press (2008), pp. 281-295.

→ Walter F. Murphy, "Constitutions, Constitutionalism, & Democracy", Ch. 1, D. Greenberg *et al.* (eds.), CONSTITUTIONALISM & DEMOCRACY, Oxford University Press (1993), pp. 3-20.

→ Richard Bellamy, POLITICAL CONSTITUTIONALISM, Ch. 1 "Constitutional Rights & Limits of Judicial Review", Cambridge University Press (2007), pp. 15-51.

→ Jeremy Waldron, LAW & DISAGREEMENT, Ch. 12 "Disagreement & Pre-commitment", Oxford University Press (1999), pp. 255-281.

→ Hanna Lerner, "The Indian Founding: A Comparative Perspective", Ch. 4, Sujit Choudhry *et al.* (eds.), THE OXFORD HANDBOOK OF THE INDIAN CONSTITUTION, Oxford University Press (2016).

Module II: Meta-constitutions and Constitutional Identity [10 hours]

This module introduces students to the particular structuring of values, principles, and rules in various constitutions. Such difference of constitutional structures is the core basis for differing constitutional arguments employed across countries. These insights will be applied in the areas such as secularism, free speech, Basic Structure Doctrine etc.

(i) Disharmonies and conflicts of constitutional values;
(ii) Interpretive quest for the unity of constitutional values;
(iii) Relation between constitutional values and socio-cultural values;

(iv) Institutional practice or functionalism as the determinant of meta-constitution;

(v) Constitutional configuration of secularism;

(vi) Basic Structure Doctrine;

References

→ Gary J. Jacobsohn, CONSTITUTIONAL IDENTITY, Chs. 3 & 5, Harvard University Press.

→ Jeffrey Jowell, "Parliamentary Sovereignty under the New Constitutional Hypothesis", PUBLIC LAW (2006).

→ Gary J. Jacobsohn, THE WHEEL OF LAW: INDIA'S SECULARISM IN COMPARATIVE CONSTITUTIONAL CONTEXT, Chs. 2, 3 & 4, Princeton University Press (2003).

→ Sudhir Krishnaswamy, DEMOCRACY & CONSTITUTIONALISM IN INDIA- A STUDY OF THE BASIC STRUCTURE DOCTRINE, Chs. 3-4, Oxford University Press (2009).

SCHEME OF EVALUATION:	Students will be required to individually submit a response paper essay (1200-1500 words) upon any one of the designated readings of their choice.
SELECTION CRITERIA *	CGPA

COURSE TITLE:	SECURITIES REGULATION IN INDIA: IPOs AND QIPs
COURSE OFFERED TO	LL.B. IV & V Year & LL.M.
INSTRUCTOR NAME & CONTACT DETAILS:	Mr. Surya Bala
SHORT DESCRIPTION OF INSTRUCTOR	Mr. Bala is a graduate of Columbia Law School and the WB National University of Juridical Sciences. From 2008 to 2015, Mr. Bala was in the Capital Markets & Securities Department at Luthra & Luthra Law Offices in their Mumbai office, where he advised on a wide range of international and Indian securities listings. Mr. Bala earned his LL.M. from Columbia Law School in 2016, with a concentration of securities courses. From 2016 to 2017, Mr. Bala was an Associate in the Corporate Department at Gibbons P.C. in their New York City office, where he advised on U.S. securities, M&A and general corporate law matters. Mr. Bala is qualified to practice in New York and India.
Credits	One (1)
PREFERRED DATES FOR CONDUCT OF COURSE	17 th to January 24 th
BRIEF DESCRIPTION OF THE COURSE	This Course gives an overview of securities regulation in India and discusses in some detail, two of the most common securities offering products in India: Initial public offerings (IPOs) and qualified institutions placements (QIPs). Students will be introduced to the regulatory regime and the relevant statutes & case law will be discussed. However, the focus of the Course will be on understanding the nuances of securities practice, and the process and policy considerations behind the statutory scheme. In doing so, the course will engage students with drafting, due diligence and other exercises from everyday securities practice. By focusing on practices, concepts and processes of securities regulation in India, students will be able to generally apply their learning from the Course to securities regulation in other jurisdictions. Even so, this Course will specifically discuss some aspects of United States securities regulation, to the extent they are relevant to securities offerings in India and other non-US jurisdictions. A general understanding of securities framework and processes is beneficial for all corporate lawyers, irrespective of their specific practice. Students who wish to become corporate lawyers will find this Course useful. By focusing on IPOs and QIPs, this Course will be particularly valuable to students who wish to practice securities law or plan to intern in securities department of law firms in India. <u>TOPICS TO BE COVERED</u> Topics to be covered in the Course, include:

- understanding the Indian securities regulatory regime: The Companies Act, 2013, the SEBI (ICDR) Regulations and the SEBI (LODR) Regulations;
- role and function of the Securities and Exchange Board of India;

IPOs

- what is a public offering/IPO – Indian case law;
- why do an IPO?
- the overall process and timelines – from “kick-off” to listing;
- the different parties involved – who does what?
- prospectus: structure of the document; strategy and style of drafting;
- due diligence: legal requirements; effective due diligence strategies;
- who gets the shares and how?
- ICDR IPO regime;
- understanding the policy behind the law: Why appoint merchant bankers? Why have promoters’ contribution? Why issue prospectus? Why have publicity restrictions? Why underwriting?
- liability regime: Who is responsible and for what? When are lawyers responsible?
- role of lawyers: issuer’s counsel v. underwriter’s counsel; what is their liability – nature of the legal opinions.

QIPs

- what is a QIP?
- overall process and timelines;
- the different parties involved – who does what?
- due diligence and offering memorandum – differences vis-à-vis an IPO;
- liability regime: who is responsible and for what? When are lawyers responsible?
- role of lawyers: how is it different from an IPO?

Other Topics

- overview of the U.S. securities regime and U.S regulations that apply to Indian IPOs and QIPs; and
- becoming a securities lawyer: special skills, challenges, opportunities and rewards.

SCHEME OF EVALUATION:	Students will be evaluated on the basis of a take home exam. The exam will require students to briefly simulate a drafting, due diligence or other 'real life' exercise, based on a given set of facts. This will test some of practice skills and strategies discussed during the Course.
SELECTION CRITERIA	To facilitate a more intimate and in-depth discussion environment, the course is to be restricted to approximately twenty five (25) students. In the event more than twenty five (25) students apply for the Course, students will be selected on the basis of CGPA and the Statement of Purpose. All interested students are to send across the following: • current CGPA; and • a brief Statement of Purpose (no more than 300 words) explaining their interest in the Course, particularly covering details of any relevant past experience and future career plans.

COURSE TITLE:	DEVELOPMENT STUDIES
COURSE OFFERED TO	LLB and LLM students
INSTRUCTOR NAME & CONTACT DETAILS:	Sandeep Pandey,
SHORT DESCRIPTION OF INSTRUCTOR	Sandeep Pandey, Ph.D. from University of California, Berkeley, has taught engineering and humanities courses at IITs at Kanpur, BHU, Varanasi, Gandhinagar and IIM, Ahmedabad. He is a social activist working on the issues of education for underprivileged children, struggles of poor for fundamental rights, human rights of marginalised communities and innocent individuals, peace and communal harmony within country and with Pakistan, global nuclear disarmament.
Credits	1
PREFERRED DATES FOR CONDUCT OF COURSE	22 to 29 January, 2018
PRE-REQUISITES:	None
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	The course will discuss why India remains poor in spite of being the largest democracy, second fastest growing economy in the world and a regional military power. Some of India's neighbours have surpassed India in terms of social indices like literacy rates, malnourishment of children, access to improved sanitation, health of children and women, etc., since we became independent in spite of their lower GDP rates compared to India's. The course will examine the causes of India's backwardness. Is it corruption in implementation of policies or is it paralysis of policy itself? What are the reasons we are not able to formulate the right kind of policies or are not honest in execution of whatever programmes are there for the poor? Has caste system got to do anything with an inherent bias in the system against the poor, who are mostly Dalits and minorities? Can education get rid of this bias? But education system itself is paralysed. Our democracy has two kinds of education systems - one for the rich and another for the poor. Will the children of poor ever be able to catch up with the children of rich without a Common Education System? What is the condition of women? Can a society progress without empowerment of women? The politics of communalism has further aggravated matters. The issues of poverty, hunger, illiteracy, poor health care, unemployment have been relegated to back burner and emotional issues hog the limelight. Tribals, have anyway been ignored from the beginning. The other marginalised communities have at least some political leadership, worth the name, to raise their issues in assemblies and parliament but there is hardly any credible tribal leadership to fight for their rights in Indian society. Looking at our social indices it appears that the democracy has failed these deprived communities. The role of judiciary has also been ambiguous. Sometimes it appears very progressive but at another moment it lets down the hopes of poor. Will copying the western model of development help? We consider ourselves to be if not in G-8 group then at least in the second rung of countries, BRICS. We have invested heavily in space and defence

	programmes. But for what purpose? How can the expensive arms, mostly bought from outside, save children, mother from dying and farmers from committing suicide? We don't have cure for deadly diseases like Japanese Encephalitis which takes children's lives in big numbers. When are we going to make the lives of poor secure? When will it become the priority for the government and the ruling elites? What is the way out? Better policy making, honest and efficient governance or political transformation? What is the role of educated in all this? The course will provoke the minds of young students to think in that direction. It'll give them an exposure to life of poor and also to the complexities of government system. It may be a life transforming experience for some.
SCHEME OF EVALUATION:	1. Student will be required to build relationship with one family belonging to weaker socio-economic status than their's, preferably from SC community, and understand the discrimination they face in life and also how they make both ends meet within limited earning. 2. File one application under the RTI Act, 2005. Student will be evaluated based on the above work and its presentation in class.
SELECTION CRITERIA *	None. There is no limit on class size.

COURSE TITLE	Overview of Patents.																											
COURSE OFFERED TO	LLB (4 th /5 th year); LLM																											
INSTRUCTOR NAME & CONTACT DETAILS	ANINDYA SIRCAR																											
SHORT DESCRIPTION OF INSTRUCTOR	Dr. Anindya Sircar is currently engaged in consulting, strategizing, teaching and training programs in the field of Intellectual Property management. Dr. Sircar had been Associate Vice President and Head of IP with Infosys Limited for over five years and was responsible for all IP activities of Infosys Limited and its subsidiaries. Prior to this he was heading the IP Department Biocon Group – a premiere biotechnology company in Bangalore, India and was instrumental in setting up the IP practices for the Biocon Group. <https://in.linkedin.com/in/anindyasircar>																											
Credits	One																											
PREFERRED DATES FOR CONDUCT OF COURSE	January 25 th – February 01 st , 2018.																											
PRE-REQUISITES	Aware of basics of IP.																											
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	<table><tr><th>#</th><th>TOPIC</th><th>HRS</th></tr><tr><td>1</td><td>Introduction to IP</td><td>2</td></tr><tr><td>2</td><td>Concepts related to Patentability</td><td>2</td></tr><tr><td>3</td><td>Patents & Biotechnology</td><td>2</td></tr><tr><td>4</td><td>Software patents after Alice</td><td>2</td></tr><tr><td>5</td><td>Patent Infringement & DoE</td><td>2</td></tr><tr><td>6</td><td>Drafting of Patent Application</td><td>2</td></tr><tr><td>7</td><td>PCT - Procedural Aspects & Recent Trends</td><td>2</td></tr><tr><td>8</td><td>Group Discussion / Assessment</td><td>2</td></tr></table>	#	TOPIC	HRS	1	Introduction to IP	2	2	Concepts related to Patentability	2	3	Patents & Biotechnology	2	4	Software patents after Alice	2	5	Patent Infringement & DoE	2	6	Drafting of Patent Application	2	7	PCT - Procedural Aspects & Recent Trends	2	8	Group Discussion / Assessment	2
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5	Patent Infringement & DoE	2																										
6	Drafting of Patent Application	2																										
7	PCT - Procedural Aspects & Recent Trends	2																										
8	Group Discussion / Assessment	2																										
SCHEME OF EVALUATION:	Assignments / Simulation Exercise																											
SELECTION CRITERIA *	50 students (draw of lots if more than 50)																											

COURSE TITLE:	LIFE CYCLE OF AN EQUITY INVESTMENT TRANSACTION (TERM SHEET – CLOSING)
COURSE OFFERED TO	4 th and 5 th Years
INSTRUCTOR NAME & CONTACT DETAILS:	Apurva Jayant (Partner)
SHORT DESCRIPTION OF INSTRUCTOR	Apurva is a partner with Luthra & Luthra Law Offices, Mumbai. She graduated from the National Law School of India University, Bangalore in 2007. Since graduation she has worked with AZB & Partners, Mumbai, Amarchand Mangaldas and Samvad Partners as a part of the corporate practice. She specializes in transactional work (M&A (both public and private) as well as private equity). She works with both institutional as well as corporate clients. She is interested in teaching and has taken similar courses in the past. She views these courses as a good opportunity to interact with senior law students and to (hopefully) offer a course that bridges the gap between theory and practice.
Credits	1 Credit
PREFERRED DATES FOR CONDUCT OF COURSE	February 3-4 and February 10-11 (4 hours each)
PRE-REQUISITES:	• Interest in corporate law.
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	The Course will comprise of 4 interactive sessions, wherein we will run the group through the different stages of a private equity transaction. The class will be taught the key principles underlying the different stages of a prototype private equity transaction: (1) Diligence stage; (iii) Documentation stage; and (3) closing of a transaction. As a part of the course we will also cursorily run through the different types of institutional investors in the market and their investment philosophies and business cases (ex: seed funds, venture capital investors, private equity investors and public market arms of private equity funds). We will also briefly focus on the different hats that a transaction lawyer wears when acting on the sell side and buy side. In advance of the course, we will circulate a few sample information memorandums/ fact sheets of actual transactions (which fact sheet will lay out a background of the target company, credentials of the promoter and track record of the private equity investor). On the back of the theory put forth before the group, the students/ groups of students will then simulate a transaction basis the information memorandum made available to the student. The tasks will include review of a diligence report, marking up of transaction documentation, identification of key concerns in a deal etc. This course would provide practical insight to students who are looking to work with/ intern with corporate law firms.
SCHEME OF EVALUATION:	Marks will be awarded based on the following group exercises: (i) Identification of key issues from a due diligence report and recommendations to address such issues (50%); (ii) Drafting/Marking-Up of Transaction Document (50%);

COURSE TITLE:	Mergers & Acquisitions
COURSE OFFERED TO	LLB
INSTRUCTOR NAME & CONTACT DETAILS:	Mr. Jay Gandhi
SHORT DESCRIPTION OF INSTRUCTOR	Mr. Jay Gandhi is a Partner with Shardul Amarchand Mangaldas & Co's Mumbai office and specialises in Investment Funds, Private Equity and M&A. Jay actively represents international and domestic fund managers in relation to structuring, formation and regulation of private equity funds, hedge funds, venture capital funds, alternative investment funds and mutual funds, including India focused international funds. Jay has been involved in strategic joint ventures for setting up several funds and regularly negotiates fund documents on behalf of the GP as well as the LPs. Jay frequently advises on the nuances of a dynamic regulatory regime and evolving trends around funds, pooling vehicles and financial intermediaries in India. Jay has extensive experience in cross-border and domestic mergers and acquisitions, joint ventures and corporate restructuring, with a particular focus on private equity transactions. He has represented international and domestic funds as well as promoters and the target companies in all forms of private equity deals, ranging from venture capital investments to complex leveraged buy-outs. Jay has been involved in several marquee private equity and M&A transactions across various sectors. Jay has been recently involved in some of the largest foreign direct investment transactions that the country has witnessed, in the real estate and infrastructure sectors. Jay also has vast experience in advising clients engaged in the financial services and industrial and manufacturing sectors. Jay is a member of Bar Council of Maharashtra & Goa. He holds a bachelors in commerce and a bachelors in law degree from the Mumbai University, followed by a Solicitor's degree from the Bombay Incorporated Law Society. Jay is also a qualified Chartered Accountant (CA) from the Institute of Chartered Accountants of India and was practicing as a CA before moving to law. Prior to joining the Firm, Jay worked at J. Sagar Associates, Advocates and Solicitors and was a partner there since 2010.
Credits	1
PREFERRED DATES FOR CONDUCT OF COURSE	k 2 nd , 3 rd , 4 th February'18 and 9 th , 10 th , 11 th February'18
PRE-REQUISITES:	
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	We will be giving students an overview of the technical as well as practical aspects of an M&A transaction. We will cover various aspects involved in the life of an M&A transaction, and will touch upon topics such as structuring of the transaction, carrying out a due diligence, negotiation of share purchase agreement, etc. This

	will be an interactive course, where students will be broken up into teams and will be expected to participate in various exercises through the duration of the course - this will also include putting together a short presentation on a large M&A transaction, information of which will be available in the public domain. Appropriate preparatory / reading material will be made available to the students in advance.
SCHEME OF EVALUATION:	
SELECTION CRITERIA *	4 th & 5 th year students. If more than 40 (Draw of lots)

COURSE TITLE:	Creative Destruction: Changes in the law of commercial insolvency - theory and practice.
COURSE OFFERED TO	IV and V year and LLM students.
INSTRUCTOR NAME & CONTACT DETAILS:	Venkatesh Dhond, Sr. Adv. Rohan Kelkar, Adv. Shyam Kapadia, Adv. Shyam Kapadia <kapadia.shyam@gmail.com>
SHORT DESCRIPTION OF INSTRUCTOR	Venkatesh Dhond graduated with BSc, LLB and LLM degrees from the University of Mumbai. He began practice as Counsel at the Bombay High Court in 1991. He was designated a Senior Advocate in 2011. His practice areas cover almost the entire breath of commercial litigation, and include admiralty, intellectual property, writ / public law, other commercial or corporate litigation and international commercial arbitration. Rohan Kelkar graduated with a BLS, LLB degree from the Government Law College, Mumbai in 2007. He worked with M/s Federal and Rashmikant, before beginning counsel practice in 2008 in the chambers of Mr. Dhond. Shyam Kapadia graduated with a BA, LLB (Hons) degree from NALSAR University, Hyderabad, in 2009. He thereafter began working in the London office of Clifford Chance LLP, and later moved to Mumbai to begin practice as Counsel in the chambers of Mr. Dhond, in 2013.
Credits	1
PREFERRED DATES FOR CONDUCT OF COURSE	Will be notified later.
PRE-REQUISITES:	-
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	The course will explore the sea-change in commercial insolvency law after the coming into force of the Insolvency & Bankruptcy Code, 2016 (“IBC”). It will include a comparative analysis of the provisions of the IBC, and analogous provisions of the Companies Act, 1956, will look at the several high-profile insolvencies which formed the background for the passage of the Code. The course will then discuss the division of creditors into financial and operational, and the vastly differing powers of both. It will also delve into the practical difficulties which have arisen in the implementation of the provisions of the Code and the measures taken so far to iron out such issues, including the interplay between the IBC mechanism and those for CDR (Corporate Debt Restructuring) and SDR (Strategic Debt Restructuring), provided by the RBI. It will be the course’s chief endeavour to give students a practitioner’s perspective of the working of the Code, with a view to understanding the real-time effects this will have in this area of the law.
SCHEME OF EVALUATION:	Term end examination.
SELECTION CRITERIA *	-

COURSE TITLE:	International taxation and transfer pricing
COURSE OFFERED TO	Students pursuing LLB and Masters
INSTRUCTOR NAME & CONTACT DETAILS:	Instructor 1: Vikram Doshi Instructor 2: Manish Matta
SHORT DESCRIPTION OF INSTRUCTOR	- Vikram is a partner with KPMG and the Regional Tax Head of South India Practice. He has over 20 years of professional experience in corporate tax, international tax, transfer pricing, mergers & acquisitions and tax litigation. - Manish is a partner with KPMG based out of Hyderabad. He has over 14 years of professional experience in international taxation and transfer pricing.
Credits	2 (32 hours)
PREFERRED DATES FOR CONDUCT OF COURSE	Scattered over March and April on Weekends (Tentative schedule given in Class time table)
PRE-REQUISITES:	Basic knowledge of laws on taxation
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	The course will be divided primarily into four topics: - International tax and regulations update - Transfer pricing and Base Erosion and Profit Shifting (BEPS) - Advanced Pricing Agreements (APA) - Business structuring from a Tax perspective – Mergers & Acquisitions (M&A) <u>International tax and regulations update</u> This topic will cover a brief introduction on international taxation and related regulations along with the latest practical trending issues. It will also provide insights into the tax challenges faced by Multinational Companies operating in the prevailing digital economy. It will also provide an overview of the Multilateral Instrument (MLI) – BEPS tax treaty measures providing details on Action Plan 15 wherein more than 100 jurisdictions have concluded negotiations on MLI adoption of which will enable amendments in bilateral tax treaties. The topic will also cover selected Action Plans impacting international taxation prescribed in the BEPS framework, case studies on various BEPS action plans and competent authority proceedings. <u>Transfer pricing and Base Erosion and Profit Shifting (BEPS)</u> Transfer Pricing and related BEPS issues are among the top five priority areas today for CEO's of every organization. Base erosion and profit shifting (BEPS) refers to tax avoidance strategies that exploit gaps and mismatches in tax rules to artificially shift profits to low or no-tax locations. Under the BEPS framework, over 100 countries and jurisdictions are collaborating to implement the BEPS

	measures and tackle BEPS. BEPS framework will be critical for all future international tax related litigation. This session will provide practical insights into application of transfer pricing provisions and practical case studies dealing with transfer pricing litigation. The topic will also touch upon BEPS Action plan 8 to 10 and 13 related to transfer pricing issues. <u>Advanced Pricing Agreements (APA)</u> An APA is a contract, usually for multiple years, between a taxpayer and at least one tax authority specifying the pricing method that the taxpayer will apply to its related-company transactions. These programmes are designed to help taxpayers voluntarily resolve actual or potential transfer pricing disputes in a proactive, cooperative manner, as an alternative to the traditional examination process. This topic will cover the prevailing regulations of the APA programme in India and the relevant practical experiences of how the APA programme works in India. It will provide insights on how multinational companies are opting for APA's to curb rising transfer pricing litigation <u>Business structuring from a Tax perspective – Mergers & Acquisitions (M&A)</u> Mergers & Acquisitions is one of the most complicated yet efficient business structuring strategies used by Multinational Enterprises globally. This topic will cover some of the prominent business structuring strategies adopted by Multinational Companies and deal with some of the practical tax efficient structures adopted by Multinational Companies.
SCHEME OF EVALUATION:	Students will be evaluated based on practical case studies to be solved after completion of each topic
SELECTION CRITERIA *	30 to 35 students (Draw of lots if more than that)

COURSE TITLE:	ENGENDERING RIGHT TO THE CITY (<u>Social Science Seminar</u>)
COURSE OFFERED TO	LLB Students
INSTRUCTOR NAME & CONTACT DETAILS:	<u>Anant Maringanti</u>
SHORT DESCRIPTION OF INSTRUCTOR	A Hyderabad based geographer, <u>Anant Maringanti</u> is the founder and Executive Director of Hyderabad Urban Lab, self-described as a 'hub for researchers, activists and students' 'curious about the transformation of Indian cities'. His research interests include human geography, urban studies, globalisation and Marxism.
NUMBER OF CREDITS:	03
PREFERRED DATES FOR CONDUCT OF COURSE	Feb-April, 2018
PRE-REQUISITES:	Students should have the stamina to read through material which may sometimes be quite dense and should be willing to engage with the readings and produce their own writing.
BRIEF DESCRIPTION ON COURSE (MINIMUM 500 WORDS)	This course will use the concept of 'Right to the City' as an entry point into an in-depth review of Indian policy and legal documents related to urban governance. The course is premised on an understanding of cities as constituted by multiple overlapping jurisdictions. Careful analysis of these jurisdictions and how they impact both durable structural changes and transitory everyday life in cities will prepare students for a professional practice in a context where laws governing cities are constantly undergoing changes. The course will be delivered through a series of lectures. It will be reading and writing intensive.
SCHEME OF EVALUATION:	Case study report based on a city of choice.

NALSAR University of Law



ELECTIVE Courses Outlines
(In House Faculty)

JULY – OCTOBER, 2018

COURSE TITLE:	Agriculture Law and Policy: Selected Themes
COURSE OFFERED TO	LLB & LLM
INSTRUCTOR:	Vivek Mukherjee
NUMBER OF CREDITS:	4
DURATION	July-October, 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Indian agriculture is presently at the crossroads. On the one hand where the cost of production has only shown a steep rise, the output prices have mostly been unremunerative on the other. This urges one to rethink the viability of farming as a mode of livelihood today. The lack of technology, infrastructure and the declining rate of public investment has only aggravated the issue. Statistics denote that some 22.5 percent of the farmers live below the poverty line. The list of maladies ailing Indian agriculture is unending. The deteriorating situation in agriculture is not a direct damage to economy's foundational primary sector alone but is also an undoing of the promises of socio-cultural equitability and welfare. This course, intended to cater students interested in public law, will focus on three themes: a critique of the green revolution, agrarian crisis as a socio-political struggle of small-hold peasants and the coming of a new green movement. Before delving into the selected themes, an attempt will be made to introduce the fundamentals of agriculture law and policy in India to students. It is about time one put to question the market- oriented private sector tracing its origins in the neo- liberal regime. This regime that encapsulates within itself the flags of globalization, privatization and liberalization, has come to be institutionally exhaustible and inadequate. Green revolution, often portrayed as one of the most efficient solutions, is an example of its exhaustibility. From destroying soil fertility to genetic diversity, it rendered the state of Punjab socially and politically, a wasteland. In diffusing the situations with expedient measures, the country gave up its pursuit for alternative strategies. These quick- fix solutions induce irreparable damage. The modern day agricultural remedies are based on extensive utility of chemicals which are propagated as safe to use. However, the consequent reality speaks otherwise. There needs to be a check on the industrial mode of agriculture. Alternatives in the form of agro-ecology, or other more natural and organic form of agricultural practices is quintessentially necessitated. Besides the inept solutions, the method too is largely problematic. For an instance, the post- production phase in farming ends up in sheer negligence of the parameters governing the return, like processing, marketing, storage and transportation. Another visible example of such laxity is seen in the transformation CPR (Common Property Resource) management has seen lately. The large- scale privatization of the CPRs has led to the unavailability of these resources to the poor, the needs of whom it was supposed to cater to. Quite often, the lack of complementary resources forces the poor to give up the allotted land too.

	The changing governments are not simply to be blamed for making the agricultural sector poorer but also for shifting entirely the locale of the issue at hand through various propagandas, thereby securing publicity along with vote banks. It is on account of the complaints that went unheard repeatedly, that farmers today in India can be seen to be more aware of the situation around, than before. They have been honest with their responsibilities towards the nation at large and towards their personal, everyday plaguing issues too. The realization of this dual responsibility of bringing about a change is a good sign. This has the potential to culminate into a new social movement which is reflected in the recent farmers agitation in different parts of India. An analysis of these new social movements and it's point of departure from the agrarian movements of the past is intended in this course. I invite students of 4th,5th year and LLM to join me in this exciting course.
SCHEME OF EVALUATION:	Mid-term exam- 25 marks End-term exam- 50 marks Research paper- 25 marks (20-writing, 5-presentation)
SELECTION CRITERIA	None

COURSE TITLE:	Ancient Greek Jurisprudence And Its Relevance To Modern Society
COURSE OFFERED TO	LLB & LLM
INSTRUCTOR:	P Ashwini Kumar
NUMBER OF CREDITS:	4
DURATION	July-October, 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Jurisprudence is a study of the fundamental legal concepts. One of the tasks of jurisprudence is to construct and elucidate concepts serving to render the complexities of law more manageable and more rational. The logical analysis of legal concepts sharpens the logical technique of the lawyers and statesmen. Jurisprudence provides answers to new legal problems by utilizing the wisdom of the past. This helps in examining the consequences of law and suggesting changes for the betterment. The genesis of the modern jurisprudence can be traced in Ancient Greek philosophy. Our knowledge and experience of the past would help us to be wise in the present and forewarned for the future. Every beginning is difficult; holds in all sciences. The fundamental concepts of jurisprudence like Justice, Equality and Freedom were discussed by Ancient Greek philosophers with their rational methodology. In this course, we are going to examine the analysis made by Plato, Epicures, Heraclitus and Aristotle. Further, we are going to analyse the trials of Antigone and Socrates.
SCHEME OF EVALUATION:	Mid -Term Exam- 25 marks Research Project-25 marks Semester Exam- 50 marks

COURSE TITLE:	AVIATION LAW
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Dr. Shaik Nazim Ahmed Shafi
NUMBER OF CREDITS:	4
DURATION	July-October, 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Course Description: Aviation Law is a highly specialized field of law. Aviation is a transnational, border-crossing phenomenon. Without aviation, the globalization of the flow of people and goods, and of the mixing of cultures would have been impossible and also the global awareness that we all live together on one planet could not have been developed. Airports have evolved as drivers of business location and urban development in the 21st century in same way as did Highways in the 20th century, Railroads in the 19th century, and Seaports in the 18th century. The aviation industry is international and global. Aviation industry at the international is regulated by the International Civil Aviation Organization (ICAO), Airports Council International (ACI) and International Air Transporters Association (IATA) and at Domestic by the Directorate General of Civil Aviation and the Ministry of Civil Aviation. India no exception to the globalization process has initiated the concept of liberalization, privatization and globalization allowing the FDI in aviation industry. Hence, the outcome is seen by establishing world class airports in Hyderabad and Bangalore. However, there are various legal issues confronting the aviation industry which is debatable at domestic as well as at international level. Hence, this course enables students to obtain an understanding of the application of legal principles to aviation. It further provides an overview of the role of law in the management of aviation and explains legal concepts and principles as they apply to aviation and the conduct of pilots and operators. It examines international regulatory body conventions, regulations and audit processes. Course Objective: This course provides the students the theoretical basic introduction to aviation law at international and domestic level. The said course gives impetus to various provisions laid down under The Chicago Convention 1944 focusing the aspects of air navigation; flight over territory of contracting States; nationality of aircraft; international standards and recommended practices; structure of ICAO; air safety and security; Rome Convention; Warsaw Convention; Montreal Convention; Tokyo Convention, The Hague Convention etc. along with the relevant provisions, policies, laws, at national level. Students are given an opportunity of drafting of agreements pertaining to airports and airlines. Learning Objectives: After completion of the course the students will have a clear understanding of the way the system of international civil aviation works; through which regulations, policies and practices, international organizations and institutions such as ICAO, ACI

and IATA and national governments regulate, manage and otherwise influence the international air transport industry.

Teaching Methodology

In the context of legal education, it has been noted that teaching is effective if it results in “significant learning”, when students “can apply what they have learnt to solve a previously unseen problem.” In order to do so, students are given an opportunity to master the skills of analysis, synthesis, critique and evaluation. Students are involved in more than listening. A greater emphasis is made on student’s exploration of their own attitudes and values.

Lecture Plan (Module-wise)*

Module-1:

Lecture Hours: 13

Introduction: Meaning; Decree of Paris Police; Airspace; Paris Convention 1919; Chicago Convention 1944; Entry of Aircrafts; Division of Commercial Air Transport; Freedoms of Air; Bermuda Agreement 1946; Principles of Air Space Sovereignty; Private Rights; Airports; Nationality of Aircrafts; Criminal Jurisdiction; Crimes against Aircraft; Goods, Passengers, Shippers and other Parties; International Regulations.

Module-2:

Lecture Hours: 13

Sources of Air Law: Public International Aviation Law (a) Multilateral Agreements: Paris Convention 1919; The Pan-American Commercial Aviation Convention 1928; Tokyo Convention 1963; Hague Convention 1970; Convention on the Marking of Plastic Explosives 1991; Beijing Convention 2010 (b) Bilateral Agreements: Chicago Convention 1944; Private International Aviation Law: Warsaw Convention 1929; Geneva Convention 1944; Rome Convention 1952; Gaudalajara Convention 1961; Montreal Convention 1999; Cape Town Convention 2001; General Risks Conventions 2009; Hague Protocol 1955; Cape Town Aircraft Protocol 2001; etc.

Module-3:

Lecture Hours: 13

International Air Law: Chicago Convention 1944 – Air Navigation; Flight Over Territory of Contracting State; Nationality of Aircraft; Measures to Facilitate Air Navigation; Documents; International Standards and Recommended Practices; Organizational Structure of ICAO;

Module-4:

Lecture Hours: 13

Domestic Implementation of International Air Law: Introduction; Tokyo Convention 1975; The Foreign Aircraft Exemption from Taxes and Duties on Fuel and Lubricants Act 2002; The Carriage by Air Act and Amendment 2009; Aircraft Act 1934; The Airports Economic Regulatory Authority of India 2008; Airports Authority Act 1994 (Amendment 2003); Aircraft Security Rules, 2011; Policies governing Greenfield and Brownfield Airports; Airport Infrastructure etc.

	Module-5: Lecture Hours: 12 Drafting of Aviation Contracts: Meaning of Aviation Contract; Types of Aviation Contracts; Concession Agreement; Operation, Maintenance and Development Agreement; Practical Session on Drafting of Aviation Contracts. * Content in Modules may be reduced subject to Present Trends in India and also at International level. Books Recommended: vi) Abeyratne Ruwantissa, <i>Convention on International Civil Aviation - A Commentary</i> (2014 edn, Springer International Publishing, Switzerland 2014) vii) E. Gesell Laurence and Stephen Dempsey Paul, <i>Aviation and the Law</i> (Fifth Edition edn, Coast Aire Publications 2011) viii) R. Wadhwaney Kishin, <i>Indian Airports Shocking Ground Realities</i> (2014 edn, Diamond Books, Delhi 2004) ix) Shaik Nazim Ahmed Shafi, <i>Airports Privatisation in India: Law and Policy Issues</i> (1st edn, Asia Law House 2013) x) Sk Khanna and others, <i>Airport Planning and Design</i> (2012 Reprinted edn, Nem /Chank & Bros 2012) Cases to be Referred v) <i>Viking Travel v. Air France</i> 1982 U.S. Dist. Lexis 18350 (E.D.N.Y. 1982) vi) <i>British Caledonian Airways v. Bond</i> 665 F. 2d 1153 (D.C. Cir. 1981) vii) <i>Greater Trampa Chamber of Commerce v. Goldschmidt</i> 627 F.2d 258 (D.C. Cir. 1980) viii) Note: Cases will be added during lecture hours.
SCHEME OF EVALUATION:	Mid Semester Examination: 25 Marks Projects (Written): 20 Marks Presentation (Oral): 05 Marks End Semester Examination: 50 Marks Note: No Theory Questions – Only Problem based Questions

COURSE TITLE:	CAPITAL MARKET AND SECURITIES
COURSE OFFERED TO	B.A.LL.B. (Hons.)
INSTRUCTOR:	Mr. SUDHANSHU KUMAR
NUMBER OF CREDITS:	4
DURATION	July-October, 2018
BRIEF DESCRIPTION	<u>Course Description & Objectives:</u> There has been a tremendous growth of Indian market in recent years forcing rapid changes in the laws relating to investment and security. The economic and social development depends on security market at national and global levels. On the global level there is a trend for unification of controls of securities and investments. Reflection of this global phenomenon has also been felt in India. The new laws and regulations now fall line with the global requirements at times transcending the constitutional limitations. The corporate securities markets perhaps comprises the most vibrant sector of the financial industry. Significant reforms have taken place in both trading and post trade infrastructure and even the business conventionally handled within the commercial banking and insurance sectors is making inspired use of ordered capital market techniques. As well as new opportunities, these changes present new regulatory and legal risk management challenges. "Capital market in any jurisdiction has a vital role, including providing liquidity for investors and incorporating information in to prices, which in turn serve as vital guides to real economic activity. The effectiveness with which capital markets perform these functions, and their costs of operation, are determined in significant part by the rules governing the persons and entities operating and trading in these markets." The course on "Capital Market and Securities" would envisage the issues and procedures in connect with the progress and parameters of securities markets in India. Discussions would be on the major building blocks of an effective capital market and the policy environment needed to help its development. <u>Course Outline:</u> Module 1: Market Structure in India Ch. 1. An impression of Financial System - Constituents of financial system; significance - Development and growth of financial and capital markets in India; - Financial reforms and present scenario Ch. 2. Capital Market - Introduction, meaning and significance of capital market; - Capital market vis-à-vis money market; market players.

- Evolution of capital market in India (*Policy issues affecting development of capital markets; Managing risks and responding to crises in Capital Markets*)
Cases like Harshad Mehta Case 1992, MS Shoes scam 1994, Vanishing companies scam 1998, Plantation scam 1999, Ketan Parekh scam will be discussed)

Module 2: Legal and Regulatory framework

Ch.1. Importance of Securities regulation

The role securities regulation plays a role promoting the attributes in five main areas of securities regulation: mandatory disclosure; insider trading; market manipulation; takeover bid regulation; and securities industry regulation. The primary role securities regulation plays in all these areas is promoting confidence in the market. In promoting confidence in the market securities regulation can reduce the tendency for investors to discount prices for securities. By reducing the discounting of securities prices, securities regulation can improve the allocation of savings to investment and the allocation of financial resources to productive activities thereby improving the overall economic performance.

(there is whole range of readings available on this and other topics as well on the internet. The materials shall be provided or forwarded as and when necessary)

- “The Role of Securities Regulation in Promoting a Competitive Capital Market”, Mark Gillen –Canada 2006.
- “Securities Laws, Disclosure, and National Capital Markets in the Age of Financial Globalization”, RENE M. STULZ, *Journal of Accounting Research*, Vol. 47 No. 2 May 2009 Printed in U.S.A.
- *The Essential role of securities regulation*, Duke Law Journal, vol. 55 Feb 2006.
- Securities Contract (Regulation) Act (SCRA), 1956;
- SEBI Act, 1992 (*objectives, powers and functions of SEBI, Securities Appellate Tribunal and related cases 1996; Jurisdictional tussle between regulatory bodies.*)
- Role of SEBI in Indian Capital market

Ch.2. Market Instruments and Rating

- Market instruments (equity and debt market)– equity, debentures, preference shares, sweat equity shares, non-voting shares; Government securities.
- New instruments of capital market – pure, hybrid and derivatives;
- Rating agencies in India, Rating Methodologies.

Ch.5. Market Intermediaries

	- Role of Participants in Capital Markets (<i>Regulators, financial institutions, accountants/auditors, government</i>) - Issuers of securities and Investors (individuals and institutional players) in capital markets Primary Market and Secondary Market Intermediaries – role and functions, merchant bankers, stock brokers, registrar to an issue, underwriters, bankers to issue, portfolio managers, debenture-trustees, Ch.6. Secondary Market Institutions - Function and significance of Stock Exchanges (<i>regulatory framework; operations and trading mechanism of stock exchanges</i>) - Settlement of securities; - Operational mechanism at stock exchanges. Ch.7. Depository System Overview of the depository system in India; Depositories Act, setting up of depository, role and functions of depository, DP, inspection and penalties. Ch.8. AIF regulation 2012 (Angel Investment; Venture capital; Private equity; Hedge Funds), Mutual Funds. Ch.9. Market Protection: Insider Trading; Corporate Governance. Module 3: ISSUE MANAGEMENT AND COMPLIANCES Ch.1. Issue of Capital Listing and de-listing of Securities; ICDR; Process for issue for various types of shares and debentures, ESOPs.
SCHEME OF EVALUATION:	MID-SEM(25) + END SEM(50) + RESEARCH PAPER (25 MARKS)

COURSE TITLE:	Deconstructing the public private divide in comparative constitutional law													
COURSE OFFERED TO	LLB & LLM													
INSTRUCTOR:	Prof. N. Vasanthi													
NUMBER OF CREDITS:	4													
DURATION	July-October, 2018													
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The origins of constitutional law are associated with the creation of a public space, public authority, public interest which are distinct from the private space. English common law particularly had a strong understanding of the private space which was free from state control. The origins of the concept of State were also in terms of a creation of the Public as distinct from the Private. The impact of this concept of State is seen in the definition of State in the Indian Constitution and the availability of fundamental rights primarily against the State and not private persons. This understanding of the State has been questioned in many ways, including feminist theory which held this division between the public and the private, particularly the family, to be the cause for the oppression of women which could not be addressed merely by granting rights in the public sphere. The fluidity of remedies which were originally available against the State and were now increasingly were being made available against private persons, corporations again brought this divide into question. The privatization of erstwhile public duties/obligations also raised the questions of holding such private persons to be responsible in the same manner as the public authorities. The distinction now stands so blurred that it seems an impossible task to define what is public and what is private. The course engages with this debate in comparative constitutions to examine how different jurisdictions have dealt with this divide. OBJECTIVES OF THE COURSE 1. To examine how different constitutions have understood the public private divide 2. To understand the distinction in the Indian Constitution and its evolution TEACHING METHODOLOGY: Lectures and class discussions of readings LECTURE PLAN <table> <tr> <th>MODULES</th><th>TITLE</th><th>NUMBER OF REQUIRED LECTURES</th></tr> <tr> <td>Module 1</td><td>Introduction to the public private distinction in constitutional theory</td><td>10</td></tr> <tr> <td>Module 2</td><td>The origins and evolution of the distinction in comparative constitutional law</td><td>10</td></tr> <tr> <td>Module 3</td><td>The blurring of the divide</td><td>15</td></tr> </table>		MODULES	TITLE	NUMBER OF REQUIRED LECTURES	Module 1	Introduction to the public private distinction in constitutional theory	10	Module 2	The origins and evolution of the distinction in comparative constitutional law	10	Module 3	The blurring of the divide	15
MODULES	TITLE	NUMBER OF REQUIRED LECTURES												
Module 1	Introduction to the public private distinction in constitutional theory	10												
Module 2	The origins and evolution of the distinction in comparative constitutional law	10												
Module 3	The blurring of the divide	15												

	Module 4	The challenges that the blurring of the divide pose	15
	Module 5	Possibilities for the Indian Constitution	14
	. Class Hours: 64		
SCHEME OF EVALUATION:	MID-SEM(25) + END SEM(50) + RESEARCH PAPER (25 MARKS)		

COURSE TITLE:	Digital Evidence Retrievals and Analysis Systems (DERAS)
COURSE OFFERED TO	B.A.LL.B
INSTRUCTOR:	Mr. IRFAN
NUMBER OF CREDITS:	2
DURATION	September – OCTOBER, 2018
BRIEF DESCRIPTION	Course Objectives. The primary purpose of the DERAS course is to equip criminal investigators with the knowledge, skills, and abilities to properly identify and seize digital evidence. Through a combination of lecture, demonstration, hands on exercises, labs and a practical exercise investigators learn how to seize digital evidence from personal computer (PC) and notebook computer hard drives, floppy diskettes, compact disks (CDs), DVDs, thumb drives, and various flash media by acquiring forensically valid images.[r] Course Relevancy. Scientifically Authenticated Evidence determines legal proceedings immensely, In recent time's evidences emerge from IT and ICT utilization's as well, hence Lawyers and Law enforcers should understand 1. Digital formats of data storage media 2. Internal architecture of existing Storage Medias 3. Data storage mechanisms on Digital Domain's (DD) 4. Data retrieval process both deleted and prevalent memory structure's 5. Analyzing process of retrieved data etc. Having Moderate knowledge helps Student to add IT knowledge in fact finding processes. Digital Evidence Lab tools: 1. Windows based sector level recovery tools 1.1 Pandora recovery 1.2 Recuva 1.3 ICare Data Recovery 2. Linux Based bit-stream based data recovery tools 2.1 DEFT: Digital Evidence Forensic Tools Kit 2.1.1 Foremost 2.1.2 Bulk Extractor Concepts offering with this course are 1. Disk structuring/spacing 2. Device Mounting. 3. Device Imaging. 4. Device Hashing. 5. Device Carving. Conclusion Having in depth knowledge on existing legal framework is mandatory for excelling in Legal profession but having substantial understanding on emerging technologies where different legal derivations are depended upon provides multi-

	dimensional perceptive in due course of litigation handling processes.
SCHEME OF EVALUATION	Project Work.

COURSE TITLE:	Insolvency and Winding up of companies
COURSE OFFERED TO	Elective for LL.B.
INSTRUCTOR:	ALOK VERMA
NUMBER OF CREDITS:	3
DURATION	July – October, 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	With multiple laws governing the area of insolvency and bankruptcy in India could not deliver the justice and fall short in effective recovery of stressed assets, causing undue strain on the credit system. All past efforts in the direction of resolving insolvency dispute and recovery have fallen far short of expectations, due to poor implementation and legal loopholes available for the defaulters. According to World Bank, the average time taken for completion of bankruptcy process in India is far higher than any other country. Since, it is the first time that the government and RBI are on the same page for effective resolution of the problem of bad debt and improving overall financial discipline in the way business is conducted in India. With the enactment of Insolvency and Bankruptcy Code, the government has not only consolidated the provisions, it has also put forth the arrangement of uniform procedure to be followed by the tribunal to expedite the disposal of cases of insolvency and winding up. Numerous features of the IBC and recent pronouncement by various high courts and the Supreme Court motivate us to look at this latest effort in a positive way. The idea behind this course is to provide overall understating of current legal regime dealing with procedural aspect of insolvency proceeding in India.
SCHEME OF EVALUATION:	MID-SEM(25) + END SEM(50) + RESEARCH PAPER (25 MARKS)

COURSE TITLE:	JUDICIAL PROCESS AND STATUTORY INTERPRETATION
COURSE OFFERED TO	LLB & LLM
INSTRUCTOR:	Sidharth Chauhan
NUMBER OF CREDITS:	4 credits for B.A, LL.B. students 3 credits for LL.M. students ('Public Law and Legal Theory' specialization)
DURATION	July-October 2018 (Full semester)
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Questions about interpretation in the law have been principally examined from the viewpoint of a judge who is called upon to read and apply legislative materials. It goes without saying that judges are constantly dealing with the uncertainties that arise in the continuum between the opposite ends of literal construction (or plain meaning) and purposive interpretation. It would be an oversimplification to think of these two seemingly divergent approaches as exhaustive of the various approaches to legal interpretation. Much like a reader who interprets a piece of prose, an individual who is trying to make sense of a painting or one who is listening to music, legal interpretation also depends on the specific circumstances surrounding the act of creation (by the author or the artist) as well as the standpoint of the one who reads a text, observes a painting or listens to music. It is quite foreseeable that the act of creation might have been motivated by a set of concerns that are at variance with those of the reader, viewer or listener. In some cases, the social meaning attached to the specific words and images used by the creator might change with time. Interpretation in the common law tradition has to account for the overarching preference for certainty, clarity and consistency in the law. While these qualities cannot be present in an absolute sense, they do command the attention of those who claim to be familiar with the law, either as legislators, judges or lawyers (or more simply 'lawmen' as described by Karl Llewellyn). From the prism of inclusive legal positivism, the authoritative force of legal provisions bears a strong correlation with coherence in their interpretation, both from the viewpoint of those who are asked to apply them and those who are asked to follow the law. There are two distinctive methods for teaching a course of this description. The established method requires students to learn the canons of statutory interpretation by examining how they have been applied and explained in past decisions. However, the newer method that seems to be gaining ground locates statutory interpretation as a sub-field in the philosophy of language. In particular, the analysis of legislative materials draws heavily from literary theory. We will also examine the institutional dynamics of the legislative process, which can be roughly divided into three phases, namely the pre-enactment phase, deliberations inside the legislature and post-enactment history. There will also be an effort

	to survey some frequently cited literature that engages with theories of adjudication in common law settings.
SCHEME OF EVALUATION:	Mid-term examination: 25 marks End-term examination: 50 marks Written assignment: 25 marks (To be administered as a take-home assignment on a chosen set of dates)

COURSE TITLE:	Land Laws
COURSE OFFERED TO	B.A., LL.B. (Hons.)
INSTRUCTOR:	Dr.G.Mallikarjun
NUMBER OF CREDITS:	4
DURATION	June-October, 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Land is a gift of the nature and it has been the source of the livelihood of human beings from the beginning of the human civilization. It being an important element of the human life, the struggle for the existence has been characterized as the struggle for the land. Whether it was the territories and kingdoms in the past or the agricultural or commercial land in the present, the land has been one of the central themes of human life. There have been a number of instances in the past and present where human lives have been sacrificed for a single cent of land. Even in present democratic world the land has become the vital area for the governance. In a country like India with huge population and major issues of development, the stress on land is ever increasing. This stress manifests itself in various forms. We see it in our cities in ever increasing disputes between landlords and tenants, we see it in our villages in the form of families fighting over agricultural land, we also see that stress raising its head in the form of a conflict between the govt. and people when their land is acquired for development projects. This last problem acquires even more importance as it involves bigger questions of rights or the traditional communities over their land and forest resources. Therefore, the main intention to offer this course is to make students to understand the practical problems involved in relation to land whether it is agriculture or urban land OBJECTIVES OF THE COURSE ☐ To get comprehensive understanding on Land Laws in India; ☐ To acquire ability to identify the land law issues involved in practical scenario; ☐ To acquire ability to apply law to practical situations so as to analyse legal implication thereof ; and ☐ To analyse and reflect on land related issues in the present scenario. Module - I Introduction Module - II Law reforms pre - post independence Module –III Revenue Authorities Module - IV Law Relating to Land Acquisition and Requisition in India Module -V Law relating to Ceiling on Land Holdings Module- VI Laws Relating to Tenancy Reforms Module -VII Laws Relating to Alienation/Assignment in Schedule Areas Module- VIII Law Relating to Land Grabbing and Protection of Public Land Module- IV Forest Rights and Conservation in India

SCHEME OF EVALUATION:	Mid semester exam -25 Marks Project Marks -25 (20 for written and 5 for presentation) End semester exam -50 Marks

COURSE TITLE:	Legal and Taxation aspect of M & A
COURSE OFFERED TO	B.A., LL.B. (Hons.)
INSTRUCTOR:	ALOK VERMA
NUMBER OF CREDITS:	Three (3)
DURATION	July – October, 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The Indian M&A landscape has witnessed several big ticket deals in the past few years. At a time when Indian business houses are constantly looking at inorganic growth through acquisitions of other businesses, the M&A arena appears stronger than ever before now. Recently, a lot of consolidation in the form of mergers, share acquisitions and business acquisitions has been observed in telecom, cement, banking, power and insurance. Ever since the Vodafone tax litigation took the Indian M&A landscape by storm in 2007, tax aspects surrounding any M&As in India came to the forefront—so much so that corporates have now started taking tax insurance to insulate themselves from the uncertainties and vagaries of interpretation of Indian tax laws. Of course, while the government is making strides in trying to deliver the comfort of certainty to the investor community (such as by issuing clarifications on various aspects of indirect transfers), it is also tightening the screws on various fronts—the renegotiation of India’s tax treaties, the looming advent of General Anti-Avoidance Rules (GAAR) in 2017 and the adoption of Base Erosion and Profit Shifting (BEPS) action plans. On an allied front, practically all laws which could impact M&A transactions are in a state of evolution. The relevance and impact of Ind AS on transactions cannot be undermined, and professionals and chief financial officer (CFOs) alike have to undergo much unlearning. Companies are still straddling Companies Acts—201 and Securities Exchange Board of India (SEBI) laws which are continually being revamped to bring in additional safeguards for the minority investor community. Every transaction is now subject to public scrutiny—with the spectre of potential shareholder activism looming large, the interest of public shareholders in any transaction is of paramount importance. Keeping above thing in mind it becomes an important area to be worked on by the corporate professional. In this course the idea is to share insight about the applicable laws on M& A deals and other modes of business restructuring. The course includes a comprehensive study of cases and ongoing deal with practical inputs in order to cover wider amplitude and holistic understanding of commercial scenario as prevailing in India. Further, the mix of tax implication on the restructuring venture is a must know thing and inclusion of tax aspect to the study makes this course more relevant for the students who wish to opt for corporate advisory, M&A and transactions as their career option.
SCHEME OF EVALUATION:	MID + PROJECT + END Open Book Written Examination

NALSAR University of Law



Seminar Courses Outlines
(In House Faculty)

JULY – OCTOBER, 2018

COURSE TITLE:	AN INQUIRY INTO TRANSGENDER ISSUES IN US & INDIA
COURSE OFFERED TO	LLB & LLM
INSTRUCTOR:	PRERNA DHOOP
NUMBER OF CREDITS:	4
DURATION	July – October, 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	This course seeks to explore the fundamental question: what are the issues that the transgender and gender non-conforming people face- from workplace discrimination, to securing identity documents, to finding culturally competent healthcare, to family and parenting issues, to combating violence—and to advocate for full inclusion and equality. The course will focus on transgender rights in the United States and India and will have both theoretical and practical components.
SCHEME OF EVALUATION:	GROUP ASSIGNMENTS – 50 Marks INDIVIDUAL ASSIGNMENT PAPER- 25 Marks PRESENTATION- 25 Marks
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Bio Safety Laws
COURSE OFFERED TO	Seminar for LL.B.
INSTRUCTOR:	K. Vidyullatha Reddy
NUMBER OF CREDITS:	2
DURATION	5 July to 15 August, 2018
BRIEF DESCRIPTION (MINIMUM 500 WORDS)	India is blessed with diverse biological resources and has potential for development of biotechnology. The choice of biotechnology regulation is decided based on the individual States choice and their adoption to the international agreements. Bio safety refers to safety issues arising out of the use of bio technology. Law should precede technology; however technological advancements are challenging the Regulators. The Convention on Biological Diversity provides the States sovereign right to exploit their biological resources. The Convention also provides for making efforts to use bio technology and fair distribution of the benefits arising therein. This led to successive protocols Cartagena and Nagoya to develop procedures for safe handling and transfer of Living Modified Organisms. Living Modified Organism (LMO) has entered food and environment threatening ecosystems and human sustenance in few parts of the world. The population of India is also diverse ranging from scientists to illiterate and the potential consumers are left with the choice decided by the literate and the Sovereign. Living Modified Organism (LMO) refers to use of biotechnology to develop new genetic combination. This can be beneficial or harmful. It can help in developing pest resistant crops, improved crop yield, developing bio fuel etc. The harmful effects of introducing LMO into environment challenge the positive effects resulting from LMO. The sale of genetically engineered seed of cotton to farmers in India by a multinational seed company led to unforeseen activism in some parts of the country. This example reinforces the need to understand that Sovereign right in relation to the adoption and implementation of Conventions and Protocols should also be consumer centric; otherwise the consumer dilemma may outsmart a sovereign decision. This is just an example of the challenges bio technology possess to regulators. Conference of Parties (COP) to the Convention of Bio-diversity serving as Meeting of Parties (MOP) to biosafety protocols is struggling to bring in international regime for fixing liability for trans-boundary harm resulting from LMO's introduction in foreign State. Cartagena Protocol on biosafety provides for mechanism for introduction of LMO's into food, feed and environment of other State; however the mechanism supports free trade regime. The liability for any harm arising out of such introduction is the regulatory challenge. Biosafety clearing house essentially tries to provide information and strategies for risk assessment, however there are challenges in enforcing liability regime. Developing States believe that biosafety regulation should be stringent as they believe that they are rich in bio diversity and the benefit of research should reach them, besides the apprehension that they can also easily become victims of bio

	terrorism. Developed states believe that such an attitude of the developing states would operate as a hindrance for research and development in biotechnology. The law regulating biosafety in India is under consideration for some time and the bill is pending; the bill however is not above criticism. Bio piracy and the protection of traditional knowledge remains a challenge. India like many other States is struggling to identify and acknowledge traditional knowledge and define bio piracy. challenging issues demand the need for cutting edge legal research in the field. The seminar course intends to provide basic understanding on issues concerning bio safety law besides providing a platform for students to research on specific focused area of their choice within the broad frame work of the outlined course
SCHEME OF EVALUATION:	Article review and class presentation 20 Marks Class participation 10 Marks Presentation 20 Marks Seminar paper 50 Marks
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	DYNAMICS OF INDAIN DEMOCRACY (Social Science Seminar)
COURSE OFFERED TO	B.A., LL.B. (Hons.)
INSTRUCTOR:	Dr.H.Vageeshan
NUMBER OF CREDITS:	Three
DURATION	August – October
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The purpose of the course is to introduce the evolution, nature and functioning of Indian state which is located in the post-colonial milieu of global south. The course starts with evolution of Democratic Republic of India, in the process how Justice, Liberty and Equality became the cardinal principles of the republic will be dwelled in to. The course wades through the journey of the Republic and the interplay between the principles and practices on the ground. The (uneasy) relationship between the Politics of the state apparatus and the politics of the people will be introduced; in the process the changes in the political economy and socio cultural milieu will be ascertained. The, aspirations, demands and struggles of people to have a life with dignity and the response of the system of governance will be intorragated.Dynamics of state building and nation building and concomitant problems involved will be discussed. On the whole the course is intended to introduce the student to the journey of a populous,plural,competitive constitutional democracy and its problems and prospects. 1) Evolution of the constitutional democratic republic of India 2) The journey of the republic in phases to ascertain the nature of the republic. 3) The changes in political economic and social sphere and their expression in the form of electoral and non-electoral arenas. 4) The prospects of a democratic republic . Will be the broad areas be covered in the seminar.
SCHEME OF EVALUATION:	Class room discussions 15+ Paper 70+ Presentation+15 =100
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	INTELLECTUAL PROPERTY RIGHTS AND TRADITIONAL KNOWLEDGE
COURSE OFFERED TO	Seminar for LL.B.
INSTRUCTOR:	Mr. Sourabh Bharti
NUMBER OF CREDITS:	4
DURATION	July – October 2018
BRIEF DESCRIPTION (MINIMUM 500 WORDS)	In the recent past we have seen that the world of science and technology has shown incredible interest in the knowledge held by the indigenous and local communities across the world. This upsurge in the interest in those areas of knowledge has given rise to a new point of conflict in international law and politics. Over the years we have seen that the models of science and technology developed in the western world have not necessarily given due recognition to the knowledge systems developed by the indigenous and local communities, even though industries like the pharmaceuticals and the cosmetics have given greater attention to traditional knowledge relating to biogenetic resources in the context of bio-prospecting activities aiming at the development of new plant based medicines and cosmetic products. Similarly we have seen that the seed industry, in order to innovate, often borrows the germplasm developed by the traditional/local farmers on their farmlands. Yet when it comes to acknowledging the expertise of the developers of this knowledge, modern science and technology shies away from doing so. As a necessary consequence we have seen that the legal regimes developed to protect the fruits of scientific and technological endeavors have either excluded the innovative efforts of the indigenous and traditional communities from the umbrella of protection or they fall way short of the expectations of the indigenous/local communities as far as protection of traditional knowledge is concerned. This exclusion from being recognized as knowledge creators and therefore lawful holders of that knowledge gives rise to intriguing questions about science, culture, politics and law embedded in the modern intellectual property rights system. Through this course an attempt would be made to explore the nuances of the debate on intellectual property and traditional knowledge. This attempt would invariably require us to ask questions about some of the fundamental assumptions of the modern intellectual property system. For example, in its design to protect knowledge, how does the system conceptualize ‘knowledge’ and ‘innovation’? Do different societies define these concepts differently? In case it does, how do we justify universalization as one particular understanding of these through intellectual property rights? Intellectual property rights system focuses on the economic value

	associated with knowledge system. In most of the traditional knowledge systems the cultural and spiritual values take prominence over the economic value of knowledge. What is the validity of a system which does not take into cognizance the possibility that people located in different cultural settings might organize the values associated with knowledge in different hierarchies? Does the fact that different societies prioritize different aspects of knowledge, impact the nature and meaning of innovation in that society? How far is this taken into consideration when modern intellectual property system is promoted as one universal method of knowledge protection? What are the political and cultural implications of the universalization of modern IP system for the indigenous and traditional communities? A background brief on 'traditional knowledge and IP' prepared by WIPO mentions that 'recognizing traditional forms of creativity and innovation as protectable intellectual property would be an historic shift in international law, enabling indigenous and local communities as well as governments to have a say over the use of their traditional knowledge by others.' Therefore the course will also involve studying different approaches to recognize the epistemological and legal validity of traditional knowledge systems and the extent to which different approaches propose to bring in politico-legal parity between different knowledge and innovation cultures.
SCHEME OF EVALUATION:	PAPER SUBMISSION-70 PRESENTATION-20 MID SEMESTER RESPONSE PAPER -10
CRITERIA FOR SELECTION OF STUDENTS INTO THIS SEMINAR	Draw of Lots

COURSE TITLE:	INTERNATIONAL COMMERCIAL ARBITRATION
COURSE OFFERED TO	B.A., LL.B. (Hons.) & LLM
INSTRUCTOR:	RAJESH KAPOOR
NUMBER OF CREDITS:	3
DURATION	JULY-Oct, 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	International commercial arbitration has become such a prominent method of resolving international commercial disputes that it is said to be “the only game in the town.” The course deals in an exhaustive manner with the substantive and procedural aspects of the law related to international commercial arbitration. The course will examine and discuss various issues which occur in international arbitral process, ranging from entering into the arbitration agreement to the enforcement of the award. It will focus on theoretical foundations of international arbitration, the juridical nature of arbitration, the agreement to arbitrate, applicable laws, the interplay between national courts and international arbitral tribunals and finally the various issues related with the award. We shall refer to various national arbitration statutes, international arbitration treaties and the arbitral rules of leading international arbitral institutes. OBJECT OF THE COURSE: The object of the course is to enable students to develop legal strategy to solve disputes in the field of international commerce, through the method of arbitration. DESIRED LEARNING OBJECTIVES: Understand the legal order of international commercial arbitration To be well versed with the arbitration law of prominent arbitration institutions, international conventions and domestic legislations of some countries To become familiar with the structure and conduct arbitration proceedings To understand the process of recognition and enforcement of an award passed in an international arbitration proceeding TEACHING METHODOLOGY: The course shall be taught through the lecture based method. EXPECTATION FROM STUDENTS Students are required to go through the readings before the class and acquire a preliminary idea about the topic to be discussed. Conduct in the class: Laptops and mobile phones are not allowed. EVALUATION Evaluation shall be out of 100 marks, which shall be divided into 2 parts: A research paper of 4000-4200 words (75 marks written submission and 25 marks for oral presentation). COURSE CONTENT Module I Concept and ethos of arbitration 1. Dispute settlement mechanisms 2. Arbitration as a dispute settlement mechanism 3. What is arbitration (theoretical definitions)

4. Arbitration defined in various laws
5. Why to arbitrate?
6. History and growth of international commercial arbitration
7. Forms of arbitration- their advantages and disadvantages
8. International Commercial Arbitration defined
9. The meaning of international
10. The meaning of commercial
11. Distinguishing International arbitration from arbitration
12. Overview of the legal regime governing international commercial arbitration

Readings:

Jan Paulson, *International Arbitration is not Arbitration*, Stockholm International Arbitration Review 2008

Module II

Theoretical foundations of International Commercial Arbitration:

Two Theoretical Models:

- National order approach
- The denationalized autonomous approach

Readings:

Redfern and Hunter, 2009 pp-68-73 and 188-193

Poudret and Besson, *Comparative Law of International Arbitration*, 2007, pp 83 -104- Soft copy will be supplied

Emmanuel Giallard, *Legal theory of International Arbitration*, Martin Nijhoff, 2010, pp 1- 53

Lex Facit Arbitrum, F. A. Mann, *Arbitration International*, Vol. 2 No. 3 (1986) – A soft copy will be supplied

The status of Vacated Awards in France: the court de cassation Decision in Putrabali, *Arbitration International*, Vol. 24 No.2 (2008) – A soft copy will be supplied

Arbitration Unbound: Award detached from the country of its origin, Jan Paulson, *International and Comparative Law quarterly* (1981) pp 358- A soft copy will be supplied.

Module III

The Agreement to Arbitrate

- Categories of arbitration agreement
- Significance of an arbitration agreement- positive and negative effect
- Parties to an arbitration agreement
- Formal Validity- The requirement of writing and the debate surrounding it
- Key Characteristics: The doctrine of Separability/Autonomy – UNCITRAL Model Law Art. 16 @ Fiona Trust & Holding & Holding Corporation v Yuri Privalov & others (2007) UKHL 40

Module IV

Applicable Law

- Capacity- Article V (I) (a) New York convention
- The Law Governing the Agreement to Arbitrate C v D (2007) EWCH 1541
- The law applicable to the substance

	➤ The law governing the Arbitration- Union of India v McDonnell Douglas (1993) 2 Lloyd's Rep. 48 - The concept and relevance of seat ➤ Delocalised Arbitration ➤ Conflict Rules and the search for the applicable law ➤ Recognition and enforcement Module V Arbitral Tribunals ➤ Appointment of Arbitrators ➤ Different types of tribunals ➤ Composition of Arbitral Tribunals ➤ Mechanisms for nominating and appointing @ Redfern and Hunter paras 4.29 to 4.47 ➤ Challenge and replacement of Arbitrators – Independence v Impartiality v Neutrality - Actual v Apparent bias, Duties of Disclosure - Loss of right to appoint/ Truncated tribunals ➤ Status of Arbitral Tribunals- judges or creatures of contract ➤ Jurisdiction of Arbitration Tribunal: Competence of arbitral tribunal to rule on its jurisdiction Module VI The Award 1. Categories of Awards 2. Remedies 3. Validity of Awards 4. The effect of Awards- <i>Res Judicata</i> 5. Clarification and review of the Award 6. Recourse against Arbitral Awards 7. Recognition and enforcement of arbitral Awards Prescribed books: Nigel Blackaby and Constantine Partasides with Alan Redfern and Martin Hunter, <i>Redfern and Hunter on International Arbitration</i>, 5th ed. Oxford Gary Born, <i>International Arbitration; Law and Practice</i> 2012 Reference books: Gary Born, <i>International Commercial Arbitration</i>, 2009 CCH Jean-François Poudret, Sébastien Besson <i>Comparative Law of International Arbitration</i>, 2007 Fouchard, Gaillard, <i>Goldman on International Commercial Arbitration</i>, Gaillard and Savage ed. Emmanuel Giallard, <i>Legal Theory of International Arbitration</i>, Martinus Nijhoff, 2010 Julian D.M. Lew et al. <i>Comparative International Commercial Arbitration</i>, Kluwer Law International.
SCHEME OF EVALUATION	Evaluation shall be out of 100 marks, which shall be divided into 2 parts: A research paper of 4000-4200 words (75 marks written submission and 25 marks for oral presentation).
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Into the Colonial and Out of It: Caste, Gender and Other Subject Positions (Social Science Seminar)
COURSE OFFERED TO	LLB
INSTRUCTOR:	Hota Agni Kumar
NUMBER OF CREDITS:	3
DURATION	August - October 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The course aims to deal with specific questions posed and loaded answers reached with reference to caste and gender as subject positions in Colonial India, whatever is the agenda under which they are found to be of seminal social relevance. Various institutions that were related to caste and gender underwent changes during the colonial phase of Indian history and people often found that they were being (re)defined without much of their willingness and knowledge with reference to the identities they lived by which now under the colonial rule were schematized, rationalized, regulated and transformed. Given this, there was no single i.e., monolithic, discourse possible for caste and gender issues from an existential point of view. However, ironically, the colonial government already circulated its administrative rationale in this regard as a system of knowledge and rearticulated its sporadic bureaucratic experiments as well-thought-out legislative policies once they were 'successfully' imposed. When a specific managerial initiative or purposive rational /legislative move would face a relative defeat, Indians were blamed as 'backward' to that extent and were found to be in need of a rationalization possible only under the British rule. Whatever the British did in the direction of caste and women, they did in order to argue that the British rule in India is a messianic project of civilization awaited in India by its own processual past. While social marginals in India---subalterns so to speak--- were denied to the new schemes of identity chalked out by the colonial programmes of rule, they did not as well found around the familiar transactions of caste that reproduced their patterns of life for all the deprivations built into it. An occasional resentment, revolt or reform reflected crisis that was consequent to this unavoidable dichotomy artificially created by a state. This led some historians to state that various movements and their associate ideologies in colonial India did not have a direction and goal. An entire historiography, viz., Subaltern Studies, was developed to challenge this hasty observation that portrayed helplessness as choice fatalism and interpreted dissent and protest through the reversals and subversions of the regular exploitative mechanism s as revolts without strategy. Apart from those belonging to this school, there are many other individual historians engaged in research with questions that only the discipline of History can claim to formulate. This need not mean that they do not follow any other methodology than the one that swears by History. They could see what archives can reveal with reference to the concealed versions of a reality contemporary with their origin as entrants of a process. Documentary value, archival dimension and status of

	evidence are but what the narratives add to ideologies they reflect through and discourses they refract through. However, it is noted that it should not mean to reduce the argument of the course to say that such delicate and nuanced social science categories as gender form a matter of idle ideologies and idealist discourses and ignore the lived experience. If gender assumptions are based on ideology, gender differences have already charged them to become cultural and all that is cultural, when it comes to argument, is at once political and all political is also 'practical'. One should be academically lazy to see the divide of practice and theory as valid. In that sense the <i>historians</i> who are really <i>interdisciplinary</i> wrote double <i>histories</i> i.e., of the making of evidence and the making of history on the basis of evidence. Every paper that is going to be submitted to the teacher of the course will be expected to represent an awareness to this effect and it follows that all the papers are already strictly divisible between these two paradigms of approach i.e., empirical base of a probable methodology for a theme and methodological revisit and thereby reinvention of the facts of an ideal and full-fledged empirical situation.
SCHEME OF EVALUATION:	Research Paper:75marks Presentation : 25marks
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Language, Democracy and National Identity in India (Social Science Seminar)
COURSE OFFERED TO	LLB
INSTRUCTOR:	Dr. N. Manohar Reddy
NUMBER OF CREDITS:	Three (3)
DURATION	August – October
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	This course explores the fascinating field of language politics in India. While the Indian subcontinent is home to many major languages, they do not officially possess the national status. After independence, in a major undemocratic move, the Nehruvian regime retained English in the fields of judiciary, administration and education. The result has been that questions of democratic polity and popular sovereignty (for which the locus is the nation-state founded on the principle of a common language), which occupied centre stage during the decades that had preceded independence were dismissed as unimportant. Today, the language issue is treated as a non-political issue by the Indian state. The liberal discourse of Indian nationalism and multiculturalism, while stressing the issue of coexistence, completely ignores the issue of the political existence of the people. To understand the issue in depth, we need to look at how the story of the major languages of India has been told from the perspective of the Anglophone class, which has been indifferent to the political aspirations of the people constituted by these languages. This course tries to reinvestigate such a position and tries to understand the curious contemporary language situation in India from the perspective of ‘regional’ languages and histories. It tries to unravel the myth of singular Indian nationalism and brings into perspective the multiple (linguistic) nationalisms that have been suppressed for decades, and revisits the idea that for democracy to work, India must be a federation of multiple nationalities.
SCHEME OF EVALUATION:	1. Participation in the class discussions: 25 Marks 2. Presentation of the abstract of the research paper: 15 Marks 3. Research paper (6000 words): 60 Marks
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Law and Politics (Social Science Seminar)
COURSE OFFERED TO	JOINT
INSTRUCTOR:	Dr. Murali Karnam
NUMBER OF CREDITS:	3
DURATION	August – October
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Law, Justice and Politics Rationale The framework of the seminar is designed to provide advanced level of understanding to students, which are required to address the most complex questions of justice in the changing world of globalization. The neo-liberal thinking around the notions of justice is subtle and invisible and it is important to unravel the departure of present notions from the foundations of philosophy of law and justice. The meaning of access to justice should not be confined to mere access to mechanism of justice but to access to primary notions of justice and law. The thrust of the course is an inquisitive, critical perspective on law, Politics and Justice, what they are and what they do. The seminar would focus on interrelationship between law and Politics and treat this as an exercise of study in the history of ideas. Consequently, I explore the nature of the relationship mainly through an examination of the classic ideas of political thought, such as freedom, equality, human rights, constitutionalism, rule of law, justice, civil society, state and contractual theories and state of exception. These political ideas can also throw light into character and machinery of law. It is very important for scholars of law to understand the genesis and scope of these most popular ideas meanings of which often are taken for granted. It is necessary to introduce the body of knowledge evolved over a period of time around these notions. The political theorists and critical legal studies have tried hard to characterize the nature of relationship between politics and law. The discussions around these ideas are also necessary to understand the nature of the legal and political institutions and their interface with the state. The basic thrust of the seminar would be on interrelationship between law, Justice and politics and they shape one another. The seminar is proposed to equip scholars of law with the knowledge and skills that will enable them to take up serious research on the contemporary nature of legal and political institutions. Readings will be drawn from different disciplines such as legal and political sociology and familiarize the students with the contemporary theoretical ideas around politics and law. READINGS 1. Giorgio Agamben on State of Exception 2. Bauman Z. Freedom, Introductory Chapter, Minneapolis, Minnesota, University of Minnesota Press, pp 1-20.

	3. Constitutionalism and Rule of Law by Shannon c. Stimson 4. Politics and Law by Martin Loughlin 5. Jack Donnelly on history of Human Rights 6. John Rawls on Theory of Justice 7. Amartya Sen on Idea of Justice 8. Upendra Baxi on Future of Human Rights 9. Governmentality: Notes on the Thought of Michel Foucault : http://criticallegalthinking.com/2014/12/02/governmentality-notes-thought-michel-foucault 10. Moral Reading of Constitution by Ronald Dworkin
SCHEME OF EVALUATION:	Three modes of evaluation 1. Classroom discussion 20 marks 2. Presentation 20 marks 3. Seminar Paper writing 60 marks
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Mediation and Conflict Resolution
COURSE OFFERED TO	LLB
INSTRUCTOR:	Utkarsh Leo
NUMBER OF CREDITS:	Three
DURATION	August – October, 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Mediation is an effective way of resolving disputes without the need to go to court. Lately, the demand for mediators/specialists in conflict resolution has been on the rise. A seminar paper will certainly be beneficial as it will introduce you to the basic theories of conflict resolution, negotiating skills and techniques for facilitating problem solving. You will also learn about professional ethics, standards to adhere-to and common issues you may face as a mediator. Besides, whether you choose to practice as a mediator or not, it is attractive to future employers. The course attempts to cover the process and procedure of mediation—through interactive and engaging sessions. It will help in acquiring transferable skills of rapport, communication, listening, question techniques, and more specialist mediator skills of dealing with difficult parties and practicalities of mediation. Put simply, you will- I. learn how to manage the mediation process effectively. II. transform the way you and others communicate verbally and non-verbally. III. learn how to settle disputes and conflicts effectively. IV. learn how to get beyond intractability. V. develop and refine negotiation skills. VI. understand more about non-verbal communication. VII. be able to act as an effective advocate in mediation. VIII. encourage participants through neutral language towards settlement. IX. develop and refine questioning techniques.
SCHEME OF EVALUATION:	Class participation: 20 Role-plays: 40 Project Report: 40
SELECTION CRITERIA	Draw of lots

COURSE TITLE:	Policy Issues in India: A Holistic Approach for Prospective Practitioners (Social Science Seminar)	
COURSE OFFERED TO	LLB	
INSTRUCTOR:	Malvika Tyagi	
NUMBER OF CREDITS:	3	
DURATION	3 months	
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Issues of Demonetization, GST, Land Acquisition, Aadhar and climate change/environment in India, which fall in the realm of both Economics as well as Law are being vociferously debated and the policies and laws pertaining to them are and will be in the making for years, or even decades to come (given their relatively incipient and therefore, dynamic nature). Note that these issues are not specific to India, so aspects of International Affairs may also be included in the course. The objective is to help you form a broad perspective of the various aspects of these issues, not only from the point of view of a student of Law, but also as a prospective practitioner in the fields of Law, Policy, Politics, Academia or Public Administration. The course also expects active participation by students in the form of presentations (or debates) with inputs of students' own opinion in addition to their comprehension of assigned readings. These readings will encompass Research Papers (both qualitative as well as quantitative) in both Indian and International journals as well as Opinion Articles of newspapers. Through my lectures, I will ensure that methodologies used in research papers can be at least elementarily understood since at times, they might be based on data and econometric techniques, to which students are not expected to have been exposed before. The idea is not to bog you down with rigorous research methods, but to guide you to consider evidence in the form of research and expert opinions before advocating or opposing any policy or legal issue. And it is this development of "...scientific temper, humanism and the spirit of inquiry.." (fundamental duty enshrined in the Constitution of India) that is the broader goal of this course.	
SCHEME OF EVALUATION:	Class participation	30%
	Presentations	30%
	Term paper	40%
SELECTION CRITERIA	Draw of lots	

COURSE TITLE:	Social Conflicts and the Conflict Resolutions in India (Social Science Seminar)
COURSE OFFERED TO	B.A., LL.B. (Hons.)
INSTRUCTOR:	T. Kannan
NUMBER OF CREDITS:	3
DURATION	August – October
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The course tries to address and understand social conflicts and its resolutions at various levels within the field of sociology of social conflict. It is very important for law students to understand the social conflicts because the large numbers of legal disputes arises out of the conflicts between the forces in civil society and the state, between the oppressed and the dominant in civil and political society. Law gets into crisis when its legitimacy questioned by the complexities of social conflicts. The course is an attempt to understand these complexities of social conflicts in India. IV- Theoretical Reflections on Social Conflicts and Conflict Resolutions V- Empirical Studies on Social Conflicts Social Sphere: Cultural Sphere: Political Sphere: Economic Sphere: VI- Empirical Studies on Conflict Resolutions Political Resolutions: Legal Resolutions: Social Resolutions
SCHEME OF EVALUATION:	Research Paper: 60 Marks Oral Presentation of the Research paper: 20 Marks Paper Discussion from the course Readings: 20 Marks
SELECTION CRITERIA	Draw of Lots

NALSAR University of Law



Visiting Courses Outlines

JULY – OCTOBER, 2018

COURSE TITLE:	LEARNING THROUGH PERFORMANCE (Social Science Seminar)
COURSE OFFERED TO	STUDENTS FROM ALL YEARS (LLB)
INSTRUCTOR NAME & CONTACT DETAILS:	FEISAL ALKAZI
SHORT DESCRIPTION OF INSTRUCTOR	Educationist, social activist, author, master trainer and theatre director Feisal Alkazi lives and works in New Delhi. He has, over the past 42 years, directed over 200 plays and carved out a niche for himself in the Indian theatre scene chiefly with the group Ruchika. Feisal has also worked extensively in the area of children's theatre, regularly directing for schools across India and the Little Actors Club of Ruchika. He has directed over 100 children's plays in Delhi, Jaipur, Chennai, Moradabad, Chandigarh and Gwalior. His book for children on theatre, Rang Biranga Rangmanch, published by National Book Trust, has sold over 30,000 copies. For television, Feisal has directed two serials and 32 documentaries and short-films. Among other awards, he was given the Sanskriti Award for outstanding contribution to the theatre in 1987. In his capacity as a professional social worker Feisal founded and headed Ankur, Society for Alternative in Education for ten years. As a master trainer Feisal has worked with various organizations and some of his trainings have included theatre based activities as well.
Credits	3
PREFERRED DATES FOR CONDUCT OF COURSE	September 1, 2018– September 30, 2018
PRE-REQUISITES:	N.A.
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	The course envisages the students participating in a large scale production of a full length play. The varied arts that make up theatre: literature, music, movement, speech, costumes, gesture, poetry and dance would be components of the path they traverse. Beginning with the initial steps of reading and analyzing the script, they will gain an understanding of how it exemplifies themes of social justice, individual freedom and the repressive power of the state. The students would be guided towards seeing the play in its historical context and examining why we are choosing to do it today. They will go through a process resulting in rigorous rehearsal culminating in a public performance. The rehearsals would develop their creativity and further enhance their imagination. Towards this end they would build on skills of speech and communication, dance and movement, coordination and flexibility, and confidence and public speaking. In creating the final performance, essential skills of teamwork and group decision-making will be greatly enhanced. Whether the

	student is a dancer, actor, or involved in the backstage areas of set design, props, costume, lighting, etc, he or she would understand the integral role of interdependence and how to be part of a whole. A vital part of the acting process is learning how to create a character through observation and improvisational techniques. Various theatre games and opening up exercises will lead the students to sharpen skills of examining the world around them, drawing on their own personal stories, delving into deep emotions, and learning how to express these. Working towards the deadline of the final performance will test and contribute to their ability to manage timelines, multi-task and deliver with confidence in a stressful environment.
SCHEME OF EVALUATION:	A three part evaluation: 1. By the instructor* 2. By students* 3. Based on attendance <i>*The format of the evaluation forms will be shared by the end of June 2018.</i>
SELECTION CRITERIA*	OPEN TO ALL INTERESTED STUDENTS

COURSE TITLE:	Understanding Regulation
COURSE OFFERED TO	Final year BA.BL(Hons) and LLM students.
INSTRUCTOR NAME & CONTACT DETAILS:	Adithya Krishna Chintapanti
SHORT DESCRIPTION OF INSTRUCTOR	Mr. Adithya Chintapanti, an alumnus of NALSAR, is a legal consultant and practitioner, specialising in infrastructure regulation. Mr. Chintapanti submitted his PhD thesis on impact of regulatory globalisation on developing jurisdictions to the University of Warwick, United Kingdom. He has advised the Department of Posts and the Ministry of Coal on sectoral regulatory reform and institutional restructuring. Amongst other assignments, Mr. Chintapanti advised NITI Aayog on infrastructure regulation and the government of Bhutan on constitutional aspects of budgetary appropriation.
Credits	4 Credits
PREFERRED DATES FOR CONDUCT OF COURSE	July 2018 to October 2018
PRE-REQUISITES:	Applicants are expected to have a basic understanding of constitutional law, administrative law, and commercial laws.
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	Students of law are not newcomers to state regulation of economic activity. Regulation of economic activity would have been dealt with in courses such as Company Law, Banking Law, Law of Contracts, Property Law, etc. This course, however, takes an interdisciplinary approach to regulation, i.e. as an activity influenced by and influencing the disciplines of law, economics, and political science. The objective of the course is to equip the participant with a macro vision of the way law operates alongside the dynamics of political economy and societal expectations from state. Such an approach helps contextualise the role and limitations of law in regulating economic activity and helps strategise effective regulatory interventions. It endeavors to make the participant aware of the ideological or normative underpinnings and actor motivations informing regulatory interventions. The course will primarily cover the theories of regulation, aspects of regulatory globalisation concerning developing jurisdictions and state regulation of economic activity in India. In the Indian context, the course will focus on the relevance and efficacy of

	institutional regulators in infrastructure sectors such as Coal, Posts, and Electricity. The sessions will be proportionately divided between lectures and seminars. Seminars will involve discussions on tasks based on lectures and course materials.
SCHEME OF EVALUATION:	Mid-term exam- 25 marks End-term exam- 50 marks Research paper- 25 marks (20-writing, 5-presentation)
SELECTION CRITERIA *	--

COURSE TITLE:	Global Banking and Finance: Law and Practices
COURSE OFFERED TO	Law Students
INSTRUCTOR NAME & CONTACT DETAILS:	Dr. Subhrendu Bhattacharya, MS Physics-Electronics, MA History, MS Finance (UK) LLB, PhD, Formerly IAS
SHORT DESCRIPTION OF INSTRUCTOR	Dr Subhrendu Bhattacharya has been a magistrate for 16 years as Sub Divisional Magistrate, Additional District Magistrate and District Magistrate. Cases relating to he violations of law and order in villages and towns and binding the factious parties for good behavior has been an active responsibility. Adjudication over land laws has also constituted his duty. Maintenance of law and order, in the jurisdiction, with the help Police headed by Superintendent of Police of the District, was addressed, when the need arose. During Parliamentary and Legislature Elections, a watch over factious villages and to take corrective magisterial actions, were also to be attended. All of these professional experiences in the realm of law was formalized by legal studies at the University level. As Commissioner of Inquiries quasi judicial work, was addressed for 3 years, trying Cases of Corruption of Senior Officers in the Government, in Engineering Medical service, Forests, Police departments and the like, under the Prevention of Corruption Act. My academic interface, on a regular basis, includes several Universities in India. USA and IIM Ahmadabad and IIM Calcutta. I publish many articles in Journals, mostly in USA besides at IIM, Ahmadabad. I address numerous speaking sessions at various organizations, besides delivering Course teachings.
Credits	2
PREFERRED DATES FOR CONDUCT OF COURSE	15 th July to 15 th September
PRE-REQUISITES:	None
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	<i>Course Objectives:</i> The Course is intended to expose the law students to the details and complexities of international laws and practices, in the functioning of the global economies. They would intensively learn in this Course, the configurations of the finance and banking

	laws, which tend to vary, among the developed and developing worlds. The law students would also gain knowledge, imparted among other global aspects with Human Welfare Laws, Laws relating to Bank Regulation, Financial Laws and the results of the Regulatory Failures. They would be enlightened with the ideologies, which govern nations that have a bearing on, passing of such laws by the US Congress, Labour Market Laws that is more proximate to bargaining power of the Oligarchs, Laws relating to International Capital markets and the like. With the World Bank and the IMF, taking up the cause of the Washington consensus, to liberalize the economies and open the trade of countries world over, to other nations and compliance of Conditionalities, insisted by the IMF has made such a Course extremely relevant from the point of view of getting nice placements. <i>Placement Opportunities:</i> With the business gigantism, being a very modern and important phenomenon, in the global business landscape, characterizing the MNCs and expansion of global businesses and banks through globalization, those who take the Course would stand to gain expertise, to be placed to work in important jobs, in the MNCs, foreign banks, particularly American and EU Banks and British Banks. Developed country insurance companies and outsourced company projects in India, US, Britain and EU, will be other avenues for successful placements. Knowledge based on theories and real world function, provided by this Course, will help the law students in their placements, being not only be preferred by foreign employers working in India, but also by the foreign employers in US and Europe Module 1 Functioning of the Economies of the Developed World and their complexities 1 Session Functioning of the Economies of the Developing World 2 Sessions Finance and Banking Downsides in Europe after the World War One 1 Session Rise of the Public Policy and Law for Protectionism in the Developed Countries 1 Session Module 2 Roaring 20s in US Finance and Banking Systems 1 Session US Congress approves the Marshall plan to provide Aid for Reconstruction, after World War 2 in Europe 1 Session

	Federal Reserve Law Passed by the US Congress, to set up the US Central Bank, known as Federal Reserve in 1913 1 Session Federal Reserve Passed several Subordinate Legislations, to act as a controller of Money 1 Session Ascendancy of USA, in the realm of Finance and Banking, besides being a Super Power in Global Economy 1 Session Module 3 Implementation of Regulatory Laws in European Banking System 1 Session Reserve Bank of India Act and its Regulatory Policies for the Indian Banking 1 Session Laws relating to the Issuance of Securities in the US and Europe, by Public Companies 1 Session Laws relating to the Issuance of Fixed Income Securities, in the US and Europe 1 Session Global Credit Rating Agencies, to provide Credit Ratings to the Debt Issuing Companies, before issuance of Government and Corporate Bonds 1 Session Module 4 Accelerated Expansion of Credit Rating Industry, making US more powerful in Global Finance 1 Session Role of Brettonwoods Institutions located in US to maintain Global Financial and Economic stability by the IMF; IMF and its Conditionalities, challenged the continents of Africa and Latin America, in their economic development 1 Session India benefitted from the World Bank projects and IMF occasionally 1 Session Great Depression in USA, in the 1930s 1 Session Module 5 President FDR and Plethora of Laws, to Rejuvenate Public Confidence, in US Economy 1 Session Glass Steagall Act to separate Investment Banking from Commercial Banking, to rein in misuse of bank credit 2 Sessions Reining in Laws for Preventing Speculation with Bank Money 1 Session Federal Deposit Insurance Act Passed by Congress to bail out those average Americans who lost money for no fault of their due to Banking Failures 1 Session Massive Bank Failures, 1 Session during the Great Depression 1 Session

	Social Security Act to Finance the Old Age of the Americans 1 Session Model 6 Poverty Reduction measures in the US and India ; Garibi Hatao by PM Mrs. Indira Gandhi 1 Session Nationalisation of Banks Ordinance and Law 1 Session US Banking Crisis of 1980s, Government Bail Outs and Moral Hazard ; Hedge Fund Crisis: Long Term Capital Management, Bail Out by the US Government 1 Session Asian Crisis and the Role of IMF 1 Session Global Economic and Financial Meltdown 28 and very Long Recession, Great Recession of 2010s 2 Sessions Government Bailouts and Massive Moral Hazard 1 Session Model 7 Poor Implementation of Debt Laws of the Banks and Housing Bubble 2 Sessions Massive Misuse of Securitization of Debt; Misuse of Graham Bailey Act by the Investment Banks 1 Session Cross Border Loss of Confidence of the American Big Banks; Lehman Brothers in the USA, went into oblivion and was closed, after a history of 15 years. 2 Sessions Total Number of Sessions distributed in 7 Modules = 32 Sessions
SCHEME OF EVALUATION:	End Term Examination
SELECTION CRITERIA*	–

COURSE TITLE:	Telecom Laws, Policies and Regulation
COURSE OFFERED TO	LLB 4, 5 & LLM
INSTRUCTOR NAME & CONTACT DETAILS:	Anil Kumar Bhardwaj Advisor (Broadcasting and Cable Service) (Joint Secretary to GOI Level) Telecom Regulatory Authority of India
SHORT DESCRIPTION OF INSTRUCTOR	The course has been designed especially for law student, by Sh. Anil Kumar Bhardwaj who has more than 25 years' experience in Telecom Sector in various positions in Government of India. He has experience of working in policy side (Department of Telecom), Operations side (Bharat Sanchar Nigam Limited) and Regulation (Competition Commission of India). In addition to bachelors in Electronics and Communications, Anil has done Post Graduate Diploma in Operations Management, MBA (Finance), Master's In Economics Development and 3 year LL. B.
Credits	1
PREFERRED DATES FOR CONDUCT OF COURSE	Aug 10-17
PRE-REQUISITES:	-
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	<u>Telecom Laws, Regulation and Policy:</u> Telecommunications is the backbone of the ICT revolution that has changed the pace of global development and global integration in last 25 years. The sector presents a continuous paradox between the desire of stable statutory regimes on one side and need to support the disruptive innovations and new technologies on the other. The sector presents a quandary for legal and regulatory regime where the incumbents are always looking at ways to safeguard their turf and innovators keep challenging the status-quo. Change is the hallmark of this sector where technology life cycle is less than 4-5 years and next generation is always only a few months away. Looking purely at the legal perspective, the sector has a persistently evolving statutory and regulatory framework. Despite this, paradoxically, the sector is governed by Indian Telegraph Act 1885, one of the oldest operative statute in India. The other most important statute of the telecom sector is 'The Telecom Regulatory Authority of India (TRAI) Act 1997' (as amended). The Act laid the foundation of new regulatory regime in India, with TRAI becoming the first independent sectoral regulator (other than the financial sector regulators). Over the last two decades, TRAI has itself issued a number of regulations ranging from Telecom Tariff Orders, Quality of Service standards, Inter-connect Usage Charges etc. On the other side, there are various types of licences for telecom service providers with each of these having their own stipulated conditions and revenue sharing and license fee structure. Addition of 'Broadcasting Service' as Telecommunication Service in 2004, made TRAI as a converged regulator managing another important sector i.e. Broadcasting and Cable TV Services Sector. Being two of the most important sectors of the economy, this course will enable the students to understand the nuances of the Statutory, Regulatory and Policy regime in telecom and broadcasting sector in India and the underlying legal provisions. <u>Telecom Laws, Regulation and Policy (including Broadcasting Regulations)</u>

<u>S. No.</u>	<u>Background</u>	<u>Tentative Hours</u>
1	Telecom Sector in India, Pre-reforms	1 Hour
2	Telecom Reforms NTP 1994; NTP 1999; Broadband Policy 2004; NTP 2012, National Digital Communication Policy 2018	
3	Indian Telegraph Act 1885 and Regulations there under	2 Hour
4	Policies	1 Hours
	a) Same Service, Same Rules b) EMF c) Right of Way d) Universal Service Obligation Fund (USOF) e) Spectrum policy in India f) License Fee Regime for telecom licenses g) Security Guidelines - PMA Guidelines	
<u>5</u>	Telecom Regulatory Authority of India ACT 1997	3 Hours
	a) TRAI: Its Functions and Structure b) Telecom Dispute Settlement Tribunal (TDSAT) – Functions and Structure c) TRAI Regulations: i. Telecom Tariff Orders ii. Mobile Number Portability (MNP) iii. Telecom Consumers Complaint Redressal Regulations, 2012 iv. Telecom Consumer Protection Regulations (TCPDR) 2012 v. Unsolicited Commercial Communications (UCC) vi. Net Neutrality , Data Protection vii. Quality of Service (QoS) viii. Interconnection Usage Charges and Regulations ix. Subscriber Verification x. Metering and Billing Audit Regulation xi. Telecom Licenses and Regulatory levies	
6	Role of DOT as Licensor ;	2 Hours
	a) Telecom Enforcement and Monitoring b) Controller of Communication Accounts: Revenue Universal Access c) Spectrum Management and Allocation d) Licenses (Other than Universal Access)	
7	Broadcasting Service as Telecom Service	1 hour
	a) Interconnection Regulations b) Tariff Order c) Quality of Service	1 hour

	8	Case Law – Importance Cases; Jurisprudence and Present scenario – Including current cases	5 hours
SCHEME OF EVALUATION:	The course will entail intense study for 6 to 8 hours and seminar type discussions for 6 to 8 hours. We will focus more on the case laws and jurisprudence based on the decided cases. The case analysis will be undertaken as group based exercise. There will be one/ two surprise tests which will help students understand the topics and also help the gap analysis (not rated, for self-evaluation). Student will be evaluated on the basis of a short 'Analysis Paper' to be submitted at the end of the module (40 marks). The topic of the short analysis paper will be decided on the basis of mutual interests and current topics related to the course. There will be a group exercise on the basis of case analysis of a major judgement (35 marks), where students will be asked to make a 20 minutes presentation and submit a two page write-up on the topic of their choice. Balance 25 marks will be awarded on the basis of class-room participation (15 marks) and attendance (10 Marks).		
SELECTION CRITERIA *	Notified later		

COURSE TITLE:	Interpreting Trade Agreements: Impact for Nations or Business
COURSE OFFERED TO	LLB
INSTRUCTOR NAME & CONTACT DETAILS:	T S Vishwanath,
SHORT DESCRIPTION OF INSTRUCTOR	Vishwanath has 30 years of experience in trade and economic issues of which about 25 have been spent on working on trade agreements of the World Trade Organization (WTO) and free trade agreements of countries world wide. Vishwanath works with industry and government to help mitigate the challenges posed by trade agreements as also identify opportunities for increasing market access for the country and specific industry sectors by interpreting the various articles of the trade agreements.
Credits	2
PREFERRED DATES FOR CONDUCT OF COURSE	Slot-1: August 13 th to 20 th Slot-2: Sept. 20 th to 27 th
PRE-REQUISITES:	Interest in interpreting trade agreements to identify challenges and opportunities for countries and companies.
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	The course will provide a deep understanding of the various agreements of the trade agreements like the GATT and WTO as also the various trade agreements. The course will look into some critical articles of GATT/WTO like Article 1, 2, 3, 11, 20 and 21. Besides this it will look at various agreements in the WTO and FTAs related to industrial goods, services, TRIPS, Trade defense measures like anti dumping and safeguard, non tariff measures like sanitary and phytosanitary measures and technical barriers to trade and the dispute settlement mechanism. This will help students understand how legal provisions in international trade agreements impact policy making for countries as also the bottom line of companies. This will help students understand how legal provisions in trade agreements need to be interpreted to benefit a country or sector while using the same to challenge another country or sector. It will also provide them insights into understanding and interpreting some key provisions of the Foreign Trade Policy.
SCHEME OF EVALUATION:	It is suggested that 80 per cent of the evaluation may be done through multiple-choice questions to evaluate if the student has a basic understanding of all that is taught in the course. The remaining 20 per cent may be through a short 600- 800 words paper where again multiple choices would be given for choosing the topic.
SELECTION CRITERIA *	Senior students having an interest in understanding the legal provisions of trade agreements and in its interpretation.

COURSE TITLE:	Global Internet Governance: Institutions, Issues and Methods
COURSE OFFERED TO	4 th and 5 th years
INSTRUCTOR NAME & CONTACT DETAILS:	Puneeth Nagaraj
SHORT DESCRIPTION OF INSTRUCTOR	Visiting Scholar on Technology and Governance at Brookings India. Formerly Project Manager, Global Internet Governance at the Centre for Communication Governance at NLU-Delhi.
Credits	One
PREFERRED DATES FOR CONDUCT OF COURSE	15 th -22 nd August
PRE-REQUISITES:	Interest in politics/internet governance and technology regulation
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	This course will cover the institutions and policy questions that face the global internet governance regime today. The Internet is an important driver for economic growth and development. At the same time, the issue of global Internet governance raises challenging questions regarding where the control of the Internet should reside (if any), what guiding principles should be used and who should take part in the policy making process. The objective of the course is to offer students an introduction to contemporary policy debates, the institutions that are engaged in resolving them and to look to future challenges in responding to new technologies. As an interdisciplinary course, it will also equip the students with tools to analyse internet governance problems from a legal, political and economic standpoint.
SCHEME OF EVALUATION:	50 marks for open book test and 50 marks for in class negotiation exercise
SELECTION CRITERIA *	Demonstrable interest in international relations and/or technology regulation

COURSE TITLE:	Foreign Exchange Management Act – Laws & Practices
COURSE OFFERED TO	LL.B – 4 th year or 5 th year students or LLM - students
INSTRUCTOR NAME & CONTACT DETAILS:	Dr. Mukul Shastri
SHORT DESCRIPTION OF INSTRUCTOR	Ph.d (Trade & Competition Law), MBA (IIM Ahmedabad), LL.B, LL.M, CS, CAIIB 15+ years of experience in Corporate Law. Worked in RBI as Legal Counsel, was Asst. Professor, NLU, Jodhpur. At present Heading a Legal Division in KEC International Ltd. (US \$ 2 billion) company.
Credits	One Credit (16 hours)
PREFERRED DATES FOR CONDUCT OF COURSE	Aug 18 to Aug 24
PRE-REQUISITES:	Students should have basic understanding of Corporate law & practices.
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	The course shall enable the students to have a basic understanding of FEMA law and practices. In short the following are the major objectives of the course: (i) Understanding of the regulatory framework governing the Foreign Investment in India and Off Shore Investment by Person Resident in India; (ii) Knowledge about procedural aspects of Foreign Direct Investment and Overseas Direct Investment; (iii) How funds can be raised by Indian entities from outside India and the regulatory landscape for the same; (iv) Why and how of the Foreign Portfolio Investment; (v) Procedural aspects in brief.
SCHEME OF EVALUATION:	End Term Examination – 60% Project & Paper Presentation – 40%
SELECTION CRITERIA *	Interest in Corporate law.

COURSE TITLE:	The Right to Privacy in India: Structure and Scope
COURSE OFFERED TO	Elective for LL.B 4 th and 5 th year Batches and LL.M. Batch
INSTRUCTOR:	Mariyam Kamil
NUMBER OF CREDITS:	1
DURATION	Sept 14-20
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	This course will examine the scope and structure of the constitutional right to privacy in India. The course will proceed in five parts. The first lecture will focus on the history and evolution of the right to privacy in India. Since privacy is not an enumerated right under the Indian Constitution, this inquiry will be largely doctrinal. Most of the case-law discussed in the lecture will be drawn from the Supreme Court of India, although some relevant High Court decisions will also be considered. However, the cases considered will be pre-<i>Puttaswamy</i>. The second lecture will examine the nine-judge decision of the Indian Supreme Court in <i>Puttaswamy</i>. If the Aadhaar decision is handed down by then, some part of the lecture will also consider that decision, particularly its interpretation and application of <i>Puttaswamy</i>. The third part of the course will attempt to understand the Indian conception of privacy. What does the right to privacy in India mean? What rationales can be said to justify the existence of the right? This section will combine a philosophical privacy analysis with existing Indian privacy jurisprudence. It will also examine whether the rationale(s) for privacy pave the way for meaningful classification of the right. A fourth lecture will discuss the standard(s) of judicial review against which privacy infractions must be tested. In particular, does the Supreme Court now prescribe the standard of proportionality for privacy infractions, as <i>Puttaswamy</i> appears to hint? Or do the standards applicable before <i>Puttaswamy</i>—‘compelling state interest’ and reasonableness—continue to apply? Or indeed, does proportionality subsume the other standards? The final lecture will examine whether there is any support in the Indian case law for the horizontal application of the constitutional right to privacy. Unfortunately, the extent and the manner in which privacy in India operates horizontally remains ambiguous even after <i>Puttaswamy</i>.
SCHEME OF EVALUATION:	A 2500-word essay on an assigned topic (subject to the number of subscribers)

COURSE TITLE:	Theory and Practice of Animal Laws in India
COURSE OFFERED TO	Elective for LL.B. (4 th and 5 th year) and LL.M jointly.
INSTRUCTOR:	N.G. Jayasimha Nivedita Chowdhary Shreya Paropkari Alokparna Sengupta
NUMBER OF CREDITS:	2 (16*2=32)
DURATION	Sept. 3 rd & 4 th Week
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	In this course, we consider a series of topics that come under the general headings of “animal law,” “animal welfare,” and “animal rights.” One of the fastest growing fields of legal practice, animal law may involve issues of constitutional law, administrative law, environmental law, consumer protection law, etc. The unifying factor within this field of practice is that, no matter what type of law is involved, the underlying substance of the matter addresses the interests of animals themselves. India undoubtedly has some of the best animal laws in the world. For instance, the Prevention of Cruelty to Animals Act, 1960, that aims to prevent suffering and the Wildlife (Protection) Act, 1972, which was notified to protect and conserve the environment, including wildlife. However, as mentioned above, animal welfare laws in India overlap with other areas of the law such as torts, criminal law, constitutional law and property law. It is rooted in the practical application of statutory and decisional law but also explores legal theory and jurisprudence. Through ground-breaking litigation for the improvement of animals’ lives, fundamental questions are being asked about the nature of a legal right or interest, the manner in which the law often creates or entrenches power imbalances, and how those imbalances impact animals. Through this course, we offer to explore the history of animal welfare in India, the legal theory, jurisprudence, and practical application of animal law.

SCHEME OF EVALUATION:	a) Project Submission	30 marks
	b) Project Presentation	30 marks
	c) Drafting Problem	30 marks
	e) Class Participation	10 marks
	The Drafting Problem is an opportunity for students to apply what they have learnt in class to combat a situation that exists currently in India. This will be a group activity and the class can divide itself into teams of three or four for the same. The students will have 15 days to produce a response to the simulation and can seek advice from the course instructor if needed.	

COURSE TITLE:	Social Movements (Social Science Seminar)
COURSE OFFERED TO	LLB
INSTRUCTOR NAME & CONTACT DETAILS:	Sandeep Pandey,
SHORT DESCRIPTION OF INSTRUCTOR	Social Activist working on right based movements and peace movements. Has taught courses at IIT Gandhinagar, IIT BHU Varanasi and IIM Ahmedabad on 'Social Movements' and 'Development Studies' over last 5 years.
Credits	3
PREFERRED DATES FOR CONDUCT OF COURSE	18 th July to 29 th July
PRE-REQUISITES:	None.
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	The course will cover social movements from around the world which have aimed to bring about social transformation. The course will specifically focus on transformational movements of the marginalised or disempowered sections of society. The course will cover peasant and land rights movements, community/tribal rights movements, environment movements, movements for assertion of dalit rights, women's rights movements, students' movements, movements for political democracy like in Nepal and Arab world, human rights movements like against apartheid, for rights of Palestinian people, Tiananmen square protests, anti-corruption movements, LGBTQ movement, anti-globalisation movements. The course will attempt to develop an understanding among students that movements are not always disruptive and some of them have played important roles in addressing the issues of injustice in society. Dissent is an important ingredient of democracy otherwise democracy may degenerate into authoritarian rule.
SCHEME OF EVALUATION:	(1) Students will participate in an ongoing social movement or talk to an activist of the movement to understand the issues and get a feeling of being part of a movement. (30%) (2) Students will select one individual/family who has been part of the movement and build a relationship with them and see how his/her/their life has changed because of the movement. (10%) (3) Students will try to sensitise the campus on the issues raised by above movement or any other movement. (20%) (4) Students will file an application under the RTI Act related to above movement or any other issue. (10%) (5) Students will scan media for the duration of course to see how much coverage of social movements is there. (10%) (6) Final presentation in class on all the above-mentioned work. (10%) (7) A report on the work done during the course to be submitted. (10%)
SELECTION CRITERIA *	Draw of Lots

COURSE TITLE:	Marginalised Societies
COURSE OFFERED TO	LLB
INSTRUCTOR NAME & CONTACT DETAILS:	Sandeep Pandey, A-893, Indira Nagar, Lucknow-226016, U.P., Ph: 0522 4242830, e-mail: ashaashram@yahoo.com
SHORT DESCRIPTION OF INSTRUCTOR	Social Activist working on right based movements and peace movements. Has taught courses at IIT Gandhinagar, IIT BHU Varanasi, IIM Ahmedabad and NALSAR, Hyderabad on 'Social Movements' and 'Development Studies' over last 5 years.
Credits	3
PREFERRED DATES FOR CONDUCT OF COURSE	
PRE-REQUISITES:	None.
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	There are many sections of India society who have faced discrimination traditionally and still continue to be oppressed. Groups of Dalits, Tribals, Minorities, Women and Labourers are fighting in today's India for their Constitutional rights. We see the assertion of these oppressed communities through movements, narratives and different types of visual media. The course will examine the history of oppression and movements for assertions of these segments of society. The course will also cover struggles of some marginal groups which have lately started getting recognition like LGBTIQ, sex workers, denotified tribes, differently abled, etc.
SCHEME OF EVALUATION:	(1) Students will interact with an activist of the movements for the rights of any of the marginalized groups to understand the issues. (30%) (2) Students will select one individual/family who has benefitted for any of the movements for marginalised groups and build a relationship with them and see how his/her/their life has changed because of the movement. (10%) (3) Students will try to sensitise the campus on the issues related to one marginalized group. (20%) (4) Students will file an application under the RTI Act related to any issue of one marginalized group. (10%) (5) Students will scan media for the duration of course to see how much coverage of issues of marginalized groups is there. (10%) (6) Final presentation in class on all the above-mentioned work. (10%) (7) A report on the work done during the course to be submitted. (10%)
SELECTION CRITERIA *	Draw of Lots

Seminar Course Outline

Title of Course:	Regulation of Financial Services LLM Commercial and corporate law specialization
Instructor:	K. Vidyullatha Reddy
Number of Classes:	10 (90 minutes classes)
Number of Credits:	3

Brief outline:

India embarked on the new international economic order two decades ago and the results of it are visibly pronounced. The popular form of its pronouncement is often quoted as Liberalization, Privatization and Globalization. There are enough reasons to support each of the argument i.e. Liberalization fostered Privatization and Globalization, Privatization fostered Liberalization and Globalization, Globalization fostered Privatization and Liberalization. The end result of all that remains the same i.e. India witnessed private operations of massive scale across States, Liberalization of all its economic regulations and Globalization and global approach on every policy.

Economic Regulations have witnessed sea change due to unanticipated nature of transactions and unforeseen challenges. Protectionist measures should not hamper the spirit of the investors. Attracting foreign or Indian investment is a necessity for developing countries to achieve higher growth rate.

The nexus between law and economics necessitates the law graduates to further study the nuances of financial governance. The study of the nature of financial services and the institutions that offer these services their role and regulation forms the basis for understanding financial governance. The nature of financial transactions have seen a sea change with liberalization and enhanced cross boarder financial activities.

The course intends to provide holistic perspective on legal aspects concerning the regulation of financial services in India. The financial services rendered by the financial institutions and the scope of their transactions will be dealt as part of the course. The course further intends to provide overview of financial governance in the country.

The indicative scope for research topics are: recapitalization of public sector banks, Misuse of letters of credit, IBC and its impact on project finance, growth of alternate investment funds post SEBI regulation, GST/ demonetization and its impact on foreign investment both direct and institutional, crypto currencies and their impact on money laundering, hedge funds and their impact on financial governance, etc.

Reading Requirement: Select articles covering the scope of the lecture will be provided to the students after the contact classes. These readings will be determined based on the composition of the class.

Scheme of Evaluation:

25 marks - Article Review (10 marks for selection of three articles (relevance and comprehensiveness)
(15 marks for summary of each of these articles)

45 marks – Final Draft

30 marks – Presentation

COURSE TITLE:	Corporate Taxation
COURSE OFFERED TO	Elective for LL.M_(Corporate Law)
INSTRUCTOR:	Dr.Neha Pathakji
NUMBER OF CREDITS:	3 credits
DURATION	July-October 2018 (Corporate Law Specialisation)
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The phenomenal rise of corporations has on the one hand resulted into highly lucrative taxable units for augmentation of revenue; on the other hand they have proved to be complicated subjects of taxation. Recent corporate tax disputes involving multinational corporations have earned Indian tax regime a reputation of being amongst the most complex and uncertain tax structures. This complexity when coupled with high rates of corporate tax, renders the country's claims of emerging as a foreign investment friendly regime questionable. It is pertinent to clearly understand the law and policy governing corporate taxation and tax implications for companies doing business in India. This course offers essential overview and comprehensive understanding of corporate taxation in India. Module 1 Introduction to Basic Concepts

	Module 2 Income of Company Module 3 Rebates, Tax Holidays for Companies Module 4 Taxation of Certain Companies Module 5 Taxation of Non-resident companies Module 6 Taxation of Cross Border transactions Module 7 Taxation of Business Restructuring Module 8 Corporate Taxes
SCHEME OF EVALUATION:	end-sem

Course on
International Economic and Trade Law
Course Instructor: Prof.V.Balakista Reddy

Brief Outline of the Course

The objective of this course is to make the students aware of the practical problems in the area of International Trade. Keeping this aim in view, the International Trade law syllabus for Session 2018-19 has been divided into four modules. The module one focuses on the introductory concerns of International Trade Law. The module two deals with the issues of International trade organizations. Module three mainly focuses on the major role of the WTO in international trade regulations. Module four deals with disputes settlement mechanism of international trade issues.

Module I

The vast expanse of this module gives brief introduction about International Trade Law. It covers definitions, scope, codification, the similarities and distinctions between the International facet of Economic, Business Law, Commercial Law and Trade Law. It highlights the regulations in the Ancient, Medieval and Modern times, and the Role of Various Trade Theories in Development of International Trade Law. It also deals with the Sources and Subjects of International Trade Law, Debate between Hard Law and Soft Law Sources, the role of the U.N. General Assembly Resolutions. The Module further includes the Basic Principles and Concepts of International Trade Law including the Most favored nation (MFN) Treatment, The Principle of Non-Discrimination and Equality of states, Changing Concept of Sovereignty & Protection of National Interests, Transparency and Reciprocity, Free Trade and Fair Trade, Binding Commitments, P.S.N.R and Non-Intervention in Domestic Affairs, etc.

Module II

Module two majorly focuses on the role of various International Trade and Financial Institutions in the development of International Trade Law. It begins with the History and Development of Financial Institutions including the Bretton Woods Conference, followed by Establishment and Role of IMF and IBRD, IMF Initiatives for LDC and Regional Financial Crisis, and finally the Contribution of the IMF to International Trade. It also deals with the Role of the IBRD, and its various constituents which include International Finance Corporation (IFC), International Development Association (IDA), and International Center for Settlement of Investment Disputes (ICSID), and the Multilateral Investment Guarantee Agency (MIGA). The Module also deals with the UN Initiatives in International Economic and Trade Matters including the G77, UNCTAD, UNCITRAL, UNIDO, WIPO, and NIEO. However, the focus of this module will be on the General Agreement on Tariffs and Trade (GATT), its origin, development, Objectives, Structure and Functions. The module also includes the Core Principles, i.e. the MFN, National

Treatment, Binding Commitments, Removal of QR's and Transparency. GATT and the Balance of Payment Problems, Dumping and Anti-Dumping under the GATT will also be covered in the module.

Module III

Module Three focuses on the Uruguay Round Negotiations and the establishment of the WTO with reference to its scope, objectives, structure and functions. It also focuses on the WTO Multilateral Agreements on Trade in Goods including the Agreement on Agriculture, Textiles and Clothing, Sanitary & Phyto-sanitary, and Technical Barriers to Trade etc. It also covers the realm of International Trade in Services, i.e., GATS. The module focuses on Intellectual Property and International Trade IPR Issues, linkage between International Trade Law and Environment, Concept of Free Trade and the Environmental Implications, the WTO and Environment, and the Law Relating to the Concept of Sustainable Development. The last part of the module focuses on the domestic implementation of international trade law in India.

Module IV

Module Four focuses on the Dispute Settlement Procedure by GATT and WTO. To that end it begins with the Dispute settlement under GATT Regime, Scope and Application of Article 22 and 23 of GATT-1947, the Basic Element of the Disputes among the Contracting Parties, **the** Success and Failures of GATT Dispute Settlement System. It also intends to analysis the Relevant Case Laws. However, the main focus of this module will be on the WTO and Dispute Settlement procedures. It deals with **the** Dispute Settlement under WTO Regime, Annexure II of Marrakesh Agreement, the Agreement on Dispute Settlement Understanding, the Procedure, the Panel, the Appellate Review **and the** Implementation and Enforcement. It also deals with the Anti-Dumping Measures, Subsidies and Countervailing Measures, Services and IPR related cases in the WTO.

COURSE TITLE:	INTERNATIONAL COMMERCIAL ARBITRATION
COURSE OFFERED TO	B.A., LL.B. (Hons.) & LLM
INSTRUCTOR:	RAJESH KAPOOR
NUMBER OF CREDITS:	3
DURATION	JULY-Oct, 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	International commercial arbitration has become such a prominent method of resolving international commercial disputes that it is said to be “the only game in the town.” The course deals in an exhaustive manner with the substantive and procedural aspects of the law related to international commercial arbitration. The course will examine and discuss various issues which occur in international arbitral process, ranging from entering into the arbitration agreement to the enforcement of the award. It will focus on theoretical foundations of international arbitration, the juridical nature of arbitration, the agreement to arbitrate, applicable laws, the interplay between national courts and international arbitral tribunals and finally the various issues related with the award. We shall refer to various national arbitration statutes, international arbitration treaties and the arbitral rules of leading international arbitral institutes. OBJECT OF THE COURSE: The object of the course is to enable students to develop legal strategy to solve disputes in the field of international commerce, through the method of arbitration. DESIRED LEARNING OBJECTIVES: Understand the legal order of international commercial arbitration To be well versed with the arbitration law of prominent arbitration institutions, international conventions and domestic legislations of some countries To become familiar with the structure and conduct arbitration proceedings To understand the process of recognition and enforcement of an award passed in an international arbitration proceeding TEACHING METHODOLOGY: The course shall be taught through the lecture based method. EXPECTATION FROM STUDENTS

Students are required to go through the readings before the class and acquire a preliminary idea about the topic to be discussed.

Conduct in the class: Laptops and mobile phones are not allowed.

EVALUATION

Evaluation shall be out of 100 marks, which shall be divided into 2 parts: A research paper of 4000-4200 words (75 marks written submission and 25 marks for oral presentation).

COURSE CONTENT

Module I

Concept and ethos of arbitration

13. Dispute settlement mechanisms
14. Arbitration as a dispute settlement mechanism
15. What is arbitration (theoretical definitions)
16. Arbitration defined in various laws
17. Why to arbitrate?
18. History and growth of international commercial arbitration
19. Forms of arbitration- their advantages and disadvantages
20. International Commercial Arbitration defined
21. The meaning of international
22. The meaning of commercial
23. Distinguishing International arbitration from arbitration
24. Overview of the legal regime governing international commercial arbitration

Readings:

Jan Paulson, *International Arbitration is not Arbitration*,
Stockholm International Arbitration Review 2008

Module II

Theoretical foundations of International Commercial Arbitration:

Two Theoretical Models:

- National order approach
- The denationalized autonomous approach

Readings:

Redfern and Hunter, 2009 pp-68-73 and 188-193

Poudret and Besson, Comparative Law of International Arbitration, 2007, pp 83 -104- Soft copy will be supplied

Emmanuel Giallard, Legal theory of International Arbitration, Martin Nijhoff, 2010, pp 1- 53

Lex Facit Arbitrum, F. A. Mann, Arbitration International, Vol. 2 No. 3 (1986) – A soft copy will be supplied

The status of Vacated Awards in France: the court de cassation Decision in Putrabali, Arbitration International, Vol. 24 No.2 (2008) – A soft copy will be supplied

Arbitration Unbound: Award detached from the country of its origin, Jan Paulson, International and Comparative Law quarterly (1981) pp 358- A soft copy will be supplied.

Module III

The Agreement to Arbitrate

- Categories of arbitration agreement
- Significance of an arbitration agreement- positive and negative effect
- Parties to an arbitration agreement
- Formal Validity- The requirement of writing and the debate surrounding it
- Key Characteristics: The doctrine of Separability/Autonomy – UNCITRAL Model Law Art. 16 @ Fiona Trust & Holding & Holding Corporation v Yuri Privalov & others (2007) UKHL 40

Module IV

Applicable Law

- Capacity- Article V (I) (a) New York convention
- The Law Governing the Agreement to Arbitrate C v D (2007) EWCH 1541
- The law applicable to the substance
- The law governing the Arbitration- Union of India v McDonnell Douglas (1993) 2 Lloyd's Rep. 48
- The concept and relevance of seat
- Delocalised Arbitration
- Conflict Rules and the search for the applicable law
- Recognition and enforcement

Module V

Arbitral Tribunals

- Appointment of Arbitrators

- Different types of tribunals
- Composition of Arbitral Tribunals
- Mechanisms for nominating and appointing @ Redfern and Hunter paras 4.29 to 4.47
- Challenge and replacement of Arbitrators – Independence v Impartiality v Neutrality
Actual v Apparent bias, Duties of Disclosure
Loss of right to appoint/ Truncated tribunals
- Status of Arbitral Tribunals- judges or creatures of contract
- Jurisdiction of Arbitration Tribunal: Competence of arbitral tribunal to rule on its jurisdiction

Module VI

The Award

8. Categories of Awards
9. Remedies
10. Validity of Awards
11. The effect of Awards- *Res Judicata*
12. Clarification and review of the Award
13. Recourse against Arbitral Awards
14. Recognition and enforcement of arbitral Awards

Prescribed books:

Nigel Blackaby and Constantine Partasides with Alan Redfern and Martin Hunter, *Redfern and Hunter on International Arbitration*, 5th ed. Oxford

Gary Born, *International Arbitration; Law and Practice* 2012

Reference books:

Gary Born, *International Commercial Arbitration*, 2009 CCH

[Jean-François Poudret](#), [Sébastien Besson](#) *Comparative Law of International Arbitration*, [2007](#)

Fouchard, Gaillard, Goldman on International Commercial Arbitration, Gaillard and Savage ed.

Emmanuel Giallard, *Legal Theory of International Arbitration*, Martinus Nijhoff, 2010

Julian D.M. Lew et al. *Comparative International Commercial Arbitration*, Kluwer Law International.

SCHEME OF EVALUATION	Evaluation shall be out of 100 marks, which shall be divided into 2 parts: A research paper of 4000-4200 words (75 marks written submission and 25 marks for oral presentation).
SELECTION CRITERIA	Draw of Lots

Law of Inheritance and Succession (Elective for LLM students)

G. Mallikarjun

It is designed to acquaint and equip the students with the concept and law relating to inheritance and succession in India and also to create in-depth understanding about contemporary developments and issues relating to inheritance and succession. The students will be motivated to study the historical and sociological basis to understand the concept and reason for the emergence of these laws in India. Efforts will be made to have comparative study of all personal laws applicable to different communities in India, namely, Hindu Law, Muslim Law, Christian Law and Parsi Law etc. Special emphasis will be given on the status of women and children while referring to their constitutional rights. The objectives of course are:

6. To Identify emerging issues in the development of family in India
7. To discuss and analyse the current controversial issues and the lacunas of the law of inheritance and succession in the Indian context
8. To understand and articulate gender sensitive issues, their interpretation and application in succession related matters;

Teaching Methodology

The methodology is not a traditional lecture method but participatory teaching with discussion on legal principles and precedents in the classroom. The students are informed in advance the topic for discussion and the topic of project/assignment they have to prepare. The students will prepare their topics from the sources suggested to them. The students are also encouraged to do independent research on their respective assignments. In the classroom every student is required to present his/her topic and to have his/her doubt cleared through discussion. The teacher will summarize after the students have completed their discussion, he will clarify the doubts, if any, and answer their queries.

Expected Outcomes of the Course

On completion of the course, the students are expected to have understood the nuances of each module of the course, and thereafter, they shall be in a position to undertake teaching

position as a family law teacher with confidence to handle the subject.

Module 1

[22 Teaching Hours]

Intestate Succession

Hindu Law :

Devolution of an interest in coparcenary property and Distribution of property among heirs and Related Issues

General rules of succession in the case of female Hindu and the Need for Reforms in the present scenario.

Mode of succession of two or more heirs;

Right of child in womb; Murderer (*predeceased son v. Non-existent son*),

Convert's disqualifications from succession

Muslim Law : General Principles of Inheritance under Shia and Sunni Laws;

Order of Succession and allotment of Shares;

Rules of Exclusion.

Step-children and illegitimate children

The Christian Law Of Succession:

Provisions relating to Intestate Succession for Christians and Parsis under the Indian Succession Act 1925 and possible reforms

Testamentary Succession (Will-Vasiyat)

Will under Hindu, Muslim, Christian and Parsi Law; Definition and extent of testamentary power; Subject of Will; Persons capable of making Will; Bequests to unborn persons; Joint Will; Form of Will; Revocation; Extent of the testamentary power; Will and *Marz-ulMaut*.

Development in Laws on Will in other countries including Islamic and their impact on India Laws.

Statutory Reference

The Hindu Disposition of Property Act 1916	(Act No. 15 of 1916)
The Hindu Inheritance (Removal of Disabilities) Act 1928	(Act No. 12 of 1928)
The Hindu Succession Act 1956	(Act No. 30 of 1956)
The Hindu Succession (Amendment) Act 2005	(Act No. 39 of 2005)
The Indian Succession Act 1925	(Act No. 39 of 1925)

Judicial Reference

Gurupad v. Hirabai	AIR 1978 SC 1239
Commr. of Wealth Tax, Kanpur v. Chander Sen	AIR 1986 SC 1753
Satyacharan v. Urmila	AIR 1970 SC 1714
Gangu v. Chandrabhagabai	(1908) 32 Bom. 275
Bhagat Ram v. Teja Singh	AIR 1999 SC 1944 and AIR 2002 SC 1
Lachman Singh v. Kirpa Singh	AIR 1987 SC 1616 : (1987) 2 SCC 547
Bhagwania v. Gilli	1977 JLJ 137
Smt. Dhanistha Kalita v. Ramakant Kalita	AIR 2003 Gau. 92
Kenchava K. S. Hosmani v. Girimallappa Channappa Somasagar	AIR 1924 PC 209
Gangu v. Chandrabhagabai	(1908) 32 Bom. 275
Vellikannu v. R. Singaperumal	AIR 2005 SC 2587
Nawazish Ali Khan v. Ali Raza Khan	(1948) 75 IA 62: (1948) APC 134
Abdul Manan Khan v. Mirtuza Khan	AIR 1991 Pat154
Mazhar Husen v. Bodhi Bibi	(1898) 21 All 91
Baboo Beri Pertab v. Maharajah Rajender Pertab	(1867) 12 MIA 28
Ishwari Singh v. Baldo	(1884) 11 IA 135
Ghulam Mohammad v. Ghulam Hussein	1932 PC 81

Compulsory Readings

- Satyajeet A. Desai (rev.), D. F. Mulla, HINDU LAW, 21st ed. 2010, Ch. III (*General Principles of Inheritance – Law Prior to the Hindu Succession Act 1956*), pp. 109-116; Ch. IV (*Order of Inheritance of Males According to Mitakshara – Law Prior to the Hindu Succession Act 1956*), pp. 117-182; Ch. V (*Female Heirs – Law Prior to the Hindu Succession Act 1956*), pp. 183-188; Ch. VII (*Order of Inheritance to Males According to Dayabhaga or Bengal School – Law Prior to the Hindu Succession Act 1956*), pp. 195-204; (*Notes and Commentary on the Hindu Succession Act 1956*) pp. 1080-1238.
- Iqbal Ali Khan (rev.), D. F. Mulla, PRINCIPLES OF MAHOMEDAN LAW, 20th ed. 2013, Ch. V (*Succession and Administration*), pp. 32-49; Ch. VI (*Inheritance-General Rules*), pp. 50-64; Ch. VII (*Hanafi Law of Inheritance*), pp. 65-109; Ch. VIII (*Shia Law of Inheritance*), pp. 110-130.
- A. A. A. Fyzee, OUTLINES OF MUHAMMADAN LAW, 5th ed. 2008, Ch. 13 (*Sunni Law of Inheritance*), pp. 314-351; Ch. 14. (*Shia Law of Inheritance*), pp. 352-369.
- Poonam Pradhan Saxena, “*Succession Laws and Gender Justice*”, Archana Parashar and Amita Dhanda (eds.), REDEFINING FAMILY LAW IN INDIA, 1st ed. 2008, pp. 282-305.
- Bina Agarwal, “*‘Bargaining’, Gender Equality and Legal Change : The Case of India’s Inheritance Laws*”, Archana Parashar and Amita Dhanda (eds.), REDEFINING FAMILY LAW IN INDIA, 1st ed. 2008, pp. 306-354.
- Satyajeet A. Desai (rev.), D. F. Mulla, HINDU LAW, 21st ed. 2010, Ch. XIX (*Wills*), pp. 557-570.
- Vijender Kumar (rev.), J. D. Mayne, HINDU LAW & USAGE, 17th ed. 2014, Ch. 27 (*Wills*), pp. 1541-1572.
- Iqbal Ali Khan (rev.), D. F. Mulla, PRINCIPLES OF MAHOMEDAN LAW, 20th ed. 2013, Ch. IX (*Wills*), pp. 132-146.
- A. A. A. Fyzee, OUTLINES OF MUHAMMADAN LAW, 5th ed. 2008, Ch. 11 (*Wills and Death-bed Gifts*), pp. 289-303.

Module 2

[4 Teaching Hours]

Christian Law of Succession:

Christian Law of Succession is governed by the provisions in the Indian Succession Act, 1925. However, Protestant and Tamil Christians, for example, living in certain taluks, are still governed by their respective customary laws. Christians in the State of Goa and the Union Territories of Daman and Diu are governed by the Portuguese Civil Code, 1867, while those in Pondicherry could be governed by the French Civil Code, 1804 (such Christians are known as “Renocants”), customary Hindu law, or the Indian Succession Act.

Compulsory Readings

- Champapilly, Sebastian, “Christian Law of Succession and Mary Roy's Case,” (1994) 4 SCC (Jour) 9

- Champapilly, Sebastian, “Reforms in Christian law of succession in India,” (1999) 4 SCC (Jour) 7

Module 3

[3 Teaching Hours]

Matrimonial Property Laws

Defining the class and specifications of “matrimonial property”; Formulating a standard method to allocate the share proportionate to the domestic economic capacitance of the Hindu spouse; Parameters to be considered by the Courts in determining the proportion of the share in the said “matrimonial property”; The necessity to empower women by reducing their economic dependency on the male counterparts; The basic policy postulate is recognition of the child care, household management and financial provision as joint responsibilities of both the spouses and that in marital relationship there is an equal contribution, whether financial or otherwise, by both the spouses to effective discharge of responsibilities with equal entitlements of both spouses in the net family properties; and One of the issues is also to prevent transfer of property in order to avoid women from getting her due rights.

Reading

- Kamala Sankaran, “*Family, Work and Matrimonial Property : Implications for Women and Children*”, Archana Parashar and Amita Dhanda (eds.), REDEFINING FAMILY LAW IN INDIA, 1st ed. 2008, pp. 258-281.
- Vijender Kumar, “*Matrimonial Property Law in India: Need of The Hour*”, ILI , 2015

REFERENCE BOOKS

- Satyajeet A. Desai (rev.), D. F. Mulla, HINDU LAW, 21st ed. 2010.
- Vijender Kumar (rev.), J. D. Mayne, HINDU LAW & USAGE, 17th ed. 2014.
- J. D. M. Derrett, ESSAYS IN CLASSICAL AND MODERN HINDU LAW, 1st ed. 1977, 1st Ind. Rep. 1995 Vol. 2.
- Iqbal Ali Khan (rev.), D. F. Mulla, PRINCIPLES OF MAHOMEDAN LAW, 20th ed. 2013.
- A. A. A. Fyzee, OUTLINES OF MUHAMMADAN LAW, 5th ed. 2008.
- Basu, N.D., “Law of Succession”; Bakshi, P.M.(rev.), 6th ed. 1998, Asoka Law House, New Delhi
- Diwan, Paras, “The Law of Intestate and Testamentary Succession”, 1st ed. 1991, IInd ed. 1998, Universal law Publishing Co. , Delhi

- Parry & Clark, "The Law of Succession," 10th ed. 1996 (2nd imp. 1997), Sweet & Maxwell, London
- Sen, D.N., "Indian Succession Act, 1925"; Gupta, S.P. Sen (eds.), 4th ed. 2002, Kamal Law House, Calcutta

Introduction 6

Inheritance in Hindu, Muslim and other religion: object, scope and nature of inheritance in Hindus, Muslims, and other Religious communities such as Parsis and Christians.

Inheritance under Hindu law 6

Succession under Mitakshara and Dayabhaga, Joint family property, Coparcenary Property, Order of inheritance of male and female, Classes of heirs and rules of exclusion.

Inheritance under Muslim Law 6

Pre Islamic customs and Islamic reforms, Sunni law of inheritance, Shia law of inheritance, Doctrine of increase and return under Sunni and Shia law and Rules of exclusion, Testamentary succession.

Recent development and contemporary issues 6

The Constitution of India, Judicial Trends and the Family Courts Act, 1984.

Basic Principles Of The Christian Law Of Succession

The Concept Of Succession

Before venturing into a discussion on the Christian Law of Succession, we would do well to first make a preliminary study of what exactly succession is. Succession, in brief, deals with how the property of a deceased person devolves on his heirs. This property may be ancestral or self-acquired, and may devolve in two ways:

1. By Testamentary Succession, i.e. when the deceased has left a will bequeathing his property to specific heirs
2. By Intestate Succession, i.e. when the deceased has not left a will, whereby the law governing the deceased (according to his religion) steps in, and determines how his estate will devolve.

The Indian Succession Act, 1925

The religion of the deceased determines the succession to his estate. For example, succession among Hindus is governed by the Hindu Succession Act, 1956. As such, Christians in general are governed by the Indian Succession Act of 1925 for succession purposes.

S. 2(d) of the Act defines an “Indian Christian” hereby: “Indian Christian” means a native of India who is, or in good faith claims to be, of unmixed Asiatic descent and who professes any form of the Christian religion.

This was further clarified in the case of *Abraham v. Abraham* where the scope of this definition of an ‘Indian Christian’ was delineated with regard to its actual working. This case laid down that a Hindu who has converted to Christianity shall not be governed by Hindu law (customary or otherwise) anymore, and any continuing obligatory force that the Hindu law may have exercised upon him stands renounced. However, he was clearly given the option to permit the old law to continue to have an effect on him, despite having converted out of the old religion into the new one.

In 1865, the original Indian Succession Act was passed and a new question arose as to whether, even under the provisions of this new Act, the convert could elect to be governed by the old law. In the case of *Kamawati v. Digbijoy* thereafter it was held by the Privy Council that the old law ceases to be applicable with regard to inheritance i.e. succession. Thereafter in a recent 2001 judgement, the Allahabad High Court reiterated that Hindu converts to Christianity will be bound solely by the succession laws governing Christians, inclusive of the Indian Succession Act, 1925, and it will not be possible for them to elect to be governed by the old law in this or related matters.

Will, however, the incidents of the joint family (in the case of those converting out of the Hindu religion) continue to apply? The Courts in this regard have not been able to reach a uniform conclusion. In the case of *Francis v. Gabri* the Bombay High Court held that if a family were to convert out of Hinduism into Christianity, the coparcenary rights of that family would remain untouched. But the Madras High Court held in the case of *Francis v. Tellis* that the effect of conversion out of Hinduism would be to render all coparcenary rights thenceforth individual rights. In this case, out of two brothers, one of them converted to Christianity. It was held that upon his death it would not be possible for the other brother to succeed to the entire estate by way of the doctrine of survivorship.

Intestate Succession Among Indian Christians

S. 30 of the Indian Succession Act, 1925 defines intestate succession thus: A person is deemed to die intestate in respect of all property of which he has not made a testamentary disposition which is capable of taking effect. Thus any property which has not already been bequeathed or allocated as per legal process, will, upon the death of the owner, insofar as he is an Indian Christian, devolve as per the rules contained in Chapter II of the Act. It would be worthwhile to note at this point that intestacy is either total or partial. There is a total intestacy where the

deceased does not effectively dispose of any beneficial interest in any of his property by will. There is a partial intestacy where the deceased effectively disposes of some, but not all, of the beneficial interest in his property by will.

Domicile

The Domicile of the deceased plays an integral role in determining the method of devolution of his property. Halsbury defined 'domicile' thus: "A person's domicile is that country in which he either has or is deemed by law to have his permanent home." S.5 of the Act categorically states that succession to the movable property of the deceased will be governed by the *lex loci* as per where he had his domicile at the time of his death; whereas succession to his immovable property will be governed by the law of India (*lex loci rei sitae*), no matter where he was domiciled at the time of his death. Also, S. 6 further qualifies this provision by stating that a person can have only one domicile for the purpose of succession to his movable property. It must be noted that domicile and nationality differ from each other - domicile deals with immediate residence, whereas nationality implies the original allegiance borne by the person. S. 15 lays down that upon and during subsistence of marriage, the wife acquires the domicile of her husband automatically.

Kindred Or Consanguinity

S. 24 of the Act makes an initial reference to the concept of kindred and consanguinity, defining it as "the connection or relation of persons descended from the same stock or common ancestor." S. 25 qualifies 'lineal consanguinity' with regard to descent in a direct line. Under this head fall those relations who are descendants from one another or both from the same common ancestor. Now, succession can be either 'per capita' (one share to each heir, when they are all of the same degree of relationship) or 'per stirpes' (division according to branches when degrees of relationship are discrete). For Christians, if one were to claim through a relative who was of the same degree as the nearest kindred to the deceased, one would be deemed to stand in the shoes of such relative and claim 'per stirpes.'

S. 26 qualifies 'collateral consanguinity' as occurring when persons are descended from the same stock or common ancestor, but not in a direct line (for example, two brothers). It is interesting to note that the law for Christians does not make any distinction between relations through the father or the mother. If the relations from the paternal and maternal sides are equally related to the intestate, they are all entitled to succeed and will take equal share among themselves. Also, no distinction is made between full-blood/half-blood/uterine relations; and a posthumous child is treated as a child who was present when the intestate died, so long as the child has been born alive and was in the womb when the intestate died.

Christian law does not recognise children born out of wedlock; it only deals with legitimate marriages. Furthermore it does not recognise polygamous marriages either. However, a decision has been made to the effect that it does recognise adoption and an adopted child is

deemed to have all the rights of a child natural-born, although the law does not expressly say so.

The law of intestate succession under S. 32 states that: The property of an intestate devolves upon the wife or husband or upon those who are of the kindred of the deceased, in the order and according to the rules hereinafter contained in this Chapter. However, as aforementioned, the Act recognises three types of heirs for Christians: the spouse, the lineal descendants, and the kindred. These shall be dealt with now.

Rights Of The Widow And Widower

S. 33, S. 33-A, S. 34 of the Act govern succession to the widow. Together they lay down that if the deceased has left behind both a widow and lineal descendants, she will get one-third share in his estate while the remaining two-thirds will go to the latter. If no lineal descendants have been left but other kindred are alive, one-half of the estate passes to the widow and the rest to the kindred. And if no kindred are left either, the whole of the estate shall belong to his widow. Where, however, the intestate has left a widow but no lineal descendants, and the net value of his property does not exceed five thousand rupees, the whole of the property will go to the widow - but this provision does not apply to Indian Christians.

S. 35 lays down the rights of the widower of the deceased. It says quite simply that he shall have the same rights in respect of her property as she would in the event that he predeceased her (intestate).

Rights Of Children And Other Lineal Descendants

If the widow is still alive, the lineal descendants will take two-thirds of the estate; if not, they will take it in whole. Per capita (equal division of shares) applies if they stand in the same degree of relationship to the deceased. This is as per Sections 36-40 of the Act. Importantly, case law has determined that the heirs to a Christian shall take his property as tenants-in-common and not as joint tenants.

Also, the religion of the heirs will not act as estoppel with regard to succession. Even the Hindu father of a son who had converted to Christianity was held entitled to inherit from him after his death.

As per S. 48, where the intestate has left neither lineal descendant, nor parent, nor sibling, his property shall be divided equally among those of his relatives who are in the nearest degree of kin to him. If there are no heirs whatsoever to the intestate, the doctrine of escheat can be invoked by the Government, whereupon the estate of the deceased will revert to the State.

Testamentary Succession Among Indian Christians

A will is the expression by a person of wishes which he intends to take effect only at his death. In order to make a valid will, a testator must have a testamentary intention i.e. he must intend the wishes to which he gives deliberate expression to take effect only at his death.

Testamentary Succession is dealt with under Part VI of the Indian Succession Act, 1925. According to S. 59, every person of sound mind, not being a minor, may dispose of his property by will. The explanations to this Section further expand the ambit of testamentary disposition of estate by categorically stating that married women as also deaf/dumb/blind persons who are not thereby incapacitated to make a will are all entitled to disposing their property by will. Soundness of mind and freedom from intoxication or any illness that render a person incapable of knowing what he is doing are also laid down as prerequisites to the process.

Part VI of the Act encompasses 134 Sections from S. 57 to S. 191, that comprehensively deal with all issues connected with wills and codicils, and the making and enforcing of the same, including capacity to make a will, formalities needed for wills, bequests which can be validly made etc.

Matrimonial Causes and Jurisdictional Conflicts

*** Short description of course**

The Course is concerned with what happens in cases where not all of the facts are tied to one jurisdiction. While this course deals with a number of specific theoretical frameworks, it is taught largely from a practical standpoint. The three core components of the course investigate:

- Jurisdiction: When domestic courts can hear cases that involve parties and property from outside the territory of the court.
- Choice of Law: Which law is applicable when a case has connections with a number of different jurisdictions? In particular, this course considers family disputes that involve a variety of jurisdictions.
- Enforcement of Judgements: How to enforce a court judgement or arbitral award from another jurisdiction in local courts.

*** Expected outcome from the course**

By the end of this course, you should be able to:

- explain the similarities and differences between international and domestic civil litigation in practical and theoretical terms
- describe the three stages of international litigation, and explain the relationship between them
- explain and apply the principles relevant to determining the Indian courts' jurisdictional competence and the circumstances in which they will decline to exercise that jurisdiction
- explain and apply the principles relevant to determining whether a foreign judgement will be recognised in India and how foreign judgements can be enforced
- explain the choice of law process, and be able to identify and apply choice of law rules which are applicable to international disputes, particularly those relevant to family matters.
- analyses, research and resolve problems in international litigation from theoretical and practical perspectives.

As a result of the increase in the number of the constituent states coupled with the increasing fluidity and frequency in the movement of individuals across unguarded state boundaries, the study of conflict of laws is aimed at illuminating the minds of the students on principles of law to be applicable to resolve dispute involving foreign element, i.e. whether the Indian court has power to hear the case? Whether the parties to the dispute should be freed to choose the jurisdiction most favorable to their case?

The subject matter will be applied to real events against the background of this knowledge and therefore will be able to discuss the subjects relating to the course by situating, evaluating and criticizing.

Modules

❖ Introduction to Matrimonial causes

- Definition, nature and scope
- Meaning of Foreign Law, Justification, Principal aspects of the subject of PIL

❖ Characterization/ Classification

- Matrimonial causes
- Renvoi
- Substance and procedure
- Proof of foreign law
- Exclusion of foreign law – Public policy
- Personal Connecting factors – Residence, Domicile of Individuals, Domicile and Nationality

❖ Jurisdiction, Recognition and enforcement and execution of foreign judgments and awards

Conventions

Foreign Judgments (Reciprocal Enforcement) Act, 1933

The Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, 1965.

The Hague Convention on the Recognition of Divorces and Legal Separations, 1970

The Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, 1965

Brussels II framework Regulation of recognition of foreign orders

Readings

- William Latey, *Conflicts of Jurisdiction in Matrimonial Causes*, The International and Comparative Law Quarterly, Vol. 14, No. 3 (Jul., 1965), pp. 845-861
 - Chaturvedi, Nishant and Nayak, Sugandha, *Marriage & Matrimonial Causes in Private International Law: Issues in Common Law Countries* (February 15, 2011).SSRN: <https://ssrn.com/abstract=1762153> or <http://dx.doi.org/10.2139/ssrn.1762153>
 - *Matrimonial Disputes in India and England*, Law Times Journal, August 6, 2017, <http://lawtimesjournal.in/matrimonial-disputes-india-england/>
 - *Marriage, Matrimonial Causes, Legitimacy and Adoption: Miscellaneous Notes on Recent Australian Statutes* by Professor Zelman Cowen, dean of the faculty of law, university of Melbourne. <http://www.austlii.edu.au/au/journals/AUYrBkIntLaw/1965/3.pdf>
 - Cheshire, *Private International Law* (1999), 13th ed, Butterworths
 - Morris, *The Conflict of Laws* (2005), 9th ed , Sweet & Maxwell
-
- Jaffey, *Introduction to the Conflict of Laws* (1988), Lexis Law Publishing
 - Atul Setalvad, *Conflict of Laws*, Butterworths India

Cases

- *Satya v Teja* (1975)
- *Black v Yates*
- *Anupama Sharma v. Union of India*
- *P.K.Srikumar vs Harshitha Gopinathan*
- *IRc v Dutchess of Portland*
- *Plummer v IRC*
- *Winans v AG*
- *Udny v Udny*
- *Bell v Kennedy*
- *Brook v Brook*
- *Sottomayor v De Barros*
- *Ogden v Ogden*
- *Hussain v Hussain*
- *Lawrence v Lawrence*
- *Shaw v Gould*

- *Motala v AG*
- *Lakmi Kant v UOI*
- *Le Mesurier v Le Mesurier*
- *Indyka v Indyka*
- *Re H (minor) 1992*
- *Winans v AG*
- *Ramsay v Liverpool Royal Infirmary*
- *Central Bank of India v Ram Narayan*
- *Kedar Pandey v Narayan Vikram*
- *Sankaran Govindan v Lakshmi Bharati*
- *Locis De Raedt v UOI*
- *DP Joshi v MB State*

COMPARATIVE CRIMINAL LAW AND PROCEDURE

COURSE TITLE:	<u>COMPARATIVE CRIMINAL LAW AND PROCEDURE</u>
COURSE OFFERED TO	Elective for: LL.M.
INSTRUCTOR:	K.V.K,SANTHY
NUMBER OF CREDITS:	- 3 -
DURATION	June-October – 2018

It is important to understand that no criminal justice, be it India ,U. S., Europe, or Asia is free from imperfections as such. Each system may have certain strengths as well as limitations. The comparative approach helps to realize that we can learn to develop efficiency of any system by comparing it with other systems. In addition, what approach for law enforcement may work in one system may not work in the other. Systematic comparisons of criminal justice systems should provide us help in understanding what works or does not work depends on circumstances and cultural contexts. This course provides us insight into ways of evaluating our own criminal justice practices by enhancing the scope of planning to increase their efficiency.

The course will examine issues related to crime and criminal procedure throughout the world. The student will identify, analyze, and compare the criminal justice system India with those of other countries such as US, UK, Netherlands and Germany. It will provide comparative study of the major legal traditions (e.g., common law, civil law) and analysis of the criminal justice system across the world, including police, courts, and corrections which includes an examination of crime from a comparative perspective and the study of the organization and function of different types of criminal justice and dispute-settlement systems.

MODULE - I: Pre-trial Procedures

- A Brief History of European Criminal Procedure.
- Arrest and questioning of the accused.
- The rights of the accused and the Victim.
- The evidentiary value of statements/articles seized/collected by the police
- Special Investigating Agencies and their powers: conflict with human rights
- Investigation of socio-economic offences, corruption cases, serious crimes and the constitutional issues.
- Investigation practice and procedure of CBI, NIA, CID, SIT etc.
- Significance of Forensic Science in crime investigation.
- Use of evidence and general rules in criminal cases.

READINGS:

1. Comparative Criminal Justice: An Institutional Approach, *Duke Journal of Comparative and International Law*, Vol. 24, Issue 3 (Spring 2014), pp. 501-528, [Lacey, Nicola](#), 24 *Duke J. Comp. & Int'l L.* 501 (2013-2014)
2. The Case-Law of the Court of Justice of the European Union on the European Arrest Warrant [article], *Revista Universul Juridic*, Vol. 2018, Issue 3 (March 2018), pp. 61-128, Bocsan, Gheorghe.
3. Are Officers Liable for an Arrest in Violation of the Fourth Amendment When They Lacked Direct Evidence That the Suspects Intended to Violate the Law: District of Columbia v. Wesby (15-1485) , *Preview of United States Supreme Court Cases*, Vol. 45, Issue 1 (October 2, 2017), pp. 18-20, [Schwinn, Steven D.](#)
4. Lessons of Comparative Criminal Procedure, *American University Law Review*, Vol. 15, Issue 3 (June 1966), pp. 341-36, [Mueller, Gerhard O. W.](#), 15 *Am. U. L. Rev.* 341 (1965-1966).
5. Blood and Breath Tests - Constitutional Law: Constitutionality of Warrantless Blood and Breath Tests Incident to DUI Arrest: Impact on Drunk Driving in North Dakota: Birchfield v. North Dakota, 136 S. Ct. 2160 (2016) [comments], *North Dakota Law Review*, Vol. 92, Issue 1 (2016), pp. 197-212, Gordon, Megan.

MODULE –II: Organization of Courts and Prosecuting Agencies

- The accusatory system of trial and the inquisitorial system •

- Role of the judge, the prosecutor and defense attorney in the trial – their accountability
- Admissibility and inadmissibility of evidence and Confession, contradictions and corroboration
- Identification Parade
- Expert Evidence
- Burden of proof
- Main features of session's trial, warrant, trial, summons trial and Summary trial – causes for the delay in conducting the trial – possible reforms
- Appeal of the court in awarding appropriate punishment
- Provision as to Bails and Bail Bonds – possible abuse of the law – reforms in Bail procedure.
- Plea bargaining.
- Withdrawal of prosecution and compounding- Pardoning powers

Readings:

1. Structures of Authority and Comparative Criminal Procedure, *Yale Law Journal*, Vol. 84, Issue 3 (January 1975), pp. 480-544, Damaska, Mirjan, 84 Yale L.J. 480 (January 1975).
2. A Place for Comparative Criminal Procedure, *Brandeis Law Journal*, Vol. 42, Issue 2 (2003-2004), pp. 277-328, Luna, Erik, 42 Brandeis L.J. 277 (2003-2004).
3. A Place for Comparative Criminal Procedure, *Brandeis Law Journal*, Vol. 42, Issue 2 (2003-2004), pp. 277-328, Luna, Erik, 42 Brandeis L.J. 277 (2003-2004).
4. Lessons of Comparative Criminal Procedure, *American University Law Review*, Vol. 15, Issue 3 (June 1966), pp. 341-362, Mueller, Gerhard O. W., 15 Am. U. L. Rev. 341 (1965-1966)

MODULE-III Trial Procedures:

- The Accusatory system of trial and the Inquisitorial system
- **Role of the Trial Judge:** Investigator of the Truth.
- The prosecutor and defence attorney in the trial
- Admissibility and inadmissibility of evidence
- Expert Evidence
- Appeal of the court in awarding appropriate punishment
- Plea bargaining
- Judgment and Appeal
- Presumption of Innocence and Burden of Proof
- Presumption of Innocence and Right to Remain Silent

Readings:

1. *Leiden Journal of International Law*, Vol. 27, Issue 4 (December 2014), pp. 935-946, Oberg, Marko Divac, 27 LJIL 935 (2014).

2. Lessons of Comparative Criminal Procedure: France and the United States, *San Diego Law Review*, Vol. 19, Issue 2 (March 1982), pp. 277-28, Darby, Joseph J., 19 *San Diego L. Rev.* 277 (1981-82).
3. Impartial Evaluator of the Evidence, or Impartial Guarantor of a Fair Adversarial Trial? The Judge's Power to Question Witnesses and Introduce Evidence Decision of October 10, 1991 (Italian Supreme Court) 179 Decision of March 26, 1993 (Italian Supreme Court) 180 Regina v. Foxford (Northern Ireland Court of Appeals) (1974) 182 Regina v. Roncoli (English Court of Appeal) (1997) 183 § 683 LECr (Spain) 184 § 310 CPP (France) 184 2.
4. The Judge as Investigator and Evaluator of the Evidence 185 Decision No. 145 of July 12, 1988 (Spanish Constitutional Court) 185 Decision No. 455 of December 30, 1994 (Italian Constitutional Court) 186 Decision of April 20, 1999 (Russian Constitutional Court) 187 Questions 190 Relevant U.S. Case Law.
5. Chapter: "**Chapter 4. Criminal Justice Reform in Northern Ireland: The Agents of Change**", Brice Dickson, McAlinden, A., & Dwyer, C. (Eds.). (2015). *Criminal Justice in Transition: The Northern Ireland Context*. London: Hart Publishing. Retrieved June 25, 2018, from <http://dx.doi.org/10.5040/9781474202367>.
6. William Franklin Willoughby. Principles of Judicial Administration (1929), England Limits the Right to Silence and Moves towards an Inquisitorial System of Justice, *Journal of Criminal Law and Criminology*, Vol. 85, Issue 2 (Fall 1994), pp. 402-452, O'Reilly, Gregory W., 85 *J. Crim. L. & Criminology* 402 (Fall 1994)
7. Prosecutorial Power in an Adversarial System: Lessons from Current White Collar Cases and the Inquisitorial Model [article], *Buffalo Criminal Law Review*, Vol. 8, Issue 1 (2004), pp. 165-220, Moohr, Geraldine Szott, 8 *Buff. Crim. L. Rev.* 165 (2004-2005).
8. "Demystification of the Inquisitorial System", L. T. C. Harms, Demystification of the Inquisitorial System, 14 *Potchefstroom Elec. L.J.* 1 (2011).
9. Against Adversary Prosecution, *Iowa Law Review*, Vol. 103, Issue 4 (May 2018), pp. 1419-1482, Fish, Eric S. 103 *Iowa L. Rev.* 1419 (2017-2018)

UNIT-IV Correction and Aftercare services

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

Readings:

1. Comparative Criminal Justice, *European Journal of Criminology*, Vol. 6, Issue 4 (July 2009), pp. 291-312, Nelken, David, 6 *Eur. J. Criminology* 291 (2009)
2. Zvonimir Tomicic; Vladimir Horvat, The Turn in the Criminal Policy and Modern Prison System in the Netherlands, 34 *Pravni Vjesnik* 125 (2018).
3. Sanjana Biswas, Solitary Confinement of Juveniles in the Florida Prison System: Analyzing National and State issues & Strategies for the Protection of America's Children, 17 *Whittier J. Child. & Fam. Advoc.* 1 (2018)

UNIT-V Preventive measures in India

- Provisions in the Criminal Procedure Code and special enactments- comparison with other countries
- Role of Police – Prevention Action of the police –Security Proceedings- Dispersal of Unlawful Assemblies
- Role of Executives-Removable of Public Nuisance and apprehensible danger- Disputes as to immovable property

Reference Books

1. Thaman, Stephen; Comparative Criminal Procedure: A Casebook Approach; Carolina Academic Press 2. Nijboer, J.F.; Comparative Criminal Law and Procedure; Kluwer Publication
2. Domestic Crime, Transnational Crime, and Justice (pp. 29-40 only)
3. Beirne, P. (1983) "Generalization and its Discontents: The Comparative Study of Crime" in Barak-Glantz and Johnson (eds.) Comparative Criminology (Beverly Hills: Sage), pp. 19-38. International and Transnational Crime and Crime Control Chapter 2: Domestic Crime, Transnational Crime, and Justice (pp. 43-66 only)
4. Felson, D. and A. Kalaitzdis (2005) "A Historical Overview of Transnational Crime" in Reichel, P. (ed.) Handbook of Transnational Crime & Justice (Thousand Oaks, CA: Sage), pp. 3-19. NEXUS Pakes, F. (2005) "International and Transnational Criminal Justice" in Comparative Criminal Justice (Portland, OR: Willan), pp. 141-168.
5. Comparing Legal Traditions I: Common, Civil and Socialist Systems Chapter 3: An American Perspective on Criminal Law Chapter 4: Legal Traditions Chapter 5: Substantive Law and Procedural Law in the Four Legal Traditions (pp. 147-158 only)
6. Celia Hamptom, criminal Procedure. . Wilkiris and Cross, Outline of the Law of Evidence Archbold, Pleading, Evidence and Practice in Criminal Cases Sarkar, Law of Evidence K.N.Chandrasekharan Pillai (ed.), R.V.Kelkar's Outlines of Criminal Procedure (200), Eastern, Lucknow Patric Devlin, The Criminal Prosecution in Englands Americal Series of Foreign Penal Codes Criminal Procedure Code of People's Republic of China John N. Ferdico, Criminal Procedure (1996), West Sanders & Young, Criminal Justice{1994)
7. Andrews, J.A. ed. *Human Rights in Criminal Procedure: A Comparative Study* (The Hague; Boston: M. Nijhoff; Kluwer, 1982). – Covers protection of the rights of the accused in pre-trial and trial procedures (preliminary investigation, arrest, bail, speedy trial, trial by jury, fair trial, right to counsel, search and seizure, detention, etc.) in Belgium, Canada, the Federal Republic of Germany, Greece, Ireland, Northern Ireland, Scotland, and the United States.
8. Thaman, Stephen C. *Exclusionary Rules in Comparative Law* (Dordrecht; New York: Springer, 2013) (Ius Gentium: Comparative Perspectives on Law and Justice; 20). "This book is a comparative study of the exclusion of illegally gathered evidence in the criminal trial, which includes 15 country studies [Belgium, England and Wales, France, Germany, Greece, Ireland, Israel, Italy, The Netherlands, Scotland, Serbia, Spain, Taiwan, Turkey, the U.S.], a chapter on the European Court of Human Rights, and a comparative synthetic

conclusion. The topic is one of the most controversial in criminal procedure law, because it reveals a constant tension between the criminal court's duty to ascertain the truth, on the one hand, and its duty to uphold important constitutional rights on the other, most importantly, the privilege against self-incrimination and the right to privacy in one's home and one's private communications."

9. **Harry R. Dammer and Jay S. Albanese, *Comparative Criminal Justice Systems*. (2015 edition). Wadsworth. ISBN: 13: 978-1-285-06786-5**
10. *Comparing Legal Cultures*, Dartmouth 1997, Nelken D, Tsinghua university Press, Peking, China (2003) [ISBN 7-302-07249-3](#).
11. Bohlander, Michael. *Principles of German Criminal Procedure* (Oxford; Portland, Or.: Hart, 2012).
12. Boyne, Shawn Marie. *The German Prosecution Service: Guardians of the Law?* (Dordrecht: Springer, 2014).

International IP Regulations

Course Instructor: Prof.V.Balakista Reddy

Brief Outline of the Course

The objective of this course is to make the students aware of the practical problems in the area of International Intellectual Property Regime. Keeping this in view, the International IP Regulations syllabus for Session 2018-19 has been divided into four modules. The module one focuses on the introductory concerns of International IPRs. The module two deals with the issues of traditional IP regimes and various international conventions. The third module highlights the Interface between the International Trade and Intellectual Property Rights and the problems thereof. The fourth module focuses on the challenges in the contemporary global Intellectual Property Laws including Dispute Settlement Mechanisms in IP Regulations.

Module I

The module provides an overview of the Philosophical Approaches, Theories, Classification and Kinds of Intellectual Property Rights .It offers a brief insight into the traditional IPR i.e. the Paris and the Berne regimes and the modern IPRs under the WTO/TRIPS regime. It also discusses the kinds of the IPRs. The module also focuses on Definition, Nature, Scope, Development and Sources of International IPR and Principles of IPR such as -Territoriality, Reciprocity, National Treatment, Most Favored Nation principles in the International IPR Conventions .The module surveys the regulations in general as well as the need, purpose and goals of IP Regulations at various national levels such as legal, organizational, bilateral and judicial components.

Module II

This module deals with the IPR Regulations under the Paris, Berne and WIPO Regimes. It discusses and analyses the evolution of Patent System and International Convention on Patents, the Paris Convention for Protection of Industrial Property, 1883, the International Convention for the Protection of New Varieties of Plants 1961, the Patent Co-operation Treaty (PCT), Washington, 1970, the Budapest Treaty on the International Recognition of the Deposit of Micro-organism for the purpose of Patent Procedures, 1977. The International Conventions Relating to Industrial Designs, International Convention on Trade Marks and the Berne Regime will also be covered in the module. The module also discusses the challenges to the IP Protection, the Role of the UN, WIPO, and UNESCO in International IPR Regulations.

Module III

This module highlights the interface between the International Trade and Intellectual Property Rights, the role of the GATT, WTO and TRIPS. It discusses the Regulations of International Trade and International IPRs -GATT Regime. The module also focuses on the interface between World Trade Organization (WTO) and the International Trade Law from GATT to WTO—Historical Overview, *Marakesh Agreement*, the difference between GATT and WTO, scope ,structure and functions and the WTO and the impact of WTO on Different Sectors. The module also touches the Trade in Services, New Issues in WTO such as Trade and the Environment, Labor Rights, Competition Policy and Trade Facilitation, Electronic Commerce and Transfer of Technology. WTO, Globalization and Developing Countries, Trade Related Intellectual Property Rights (TRIPS), and Domestic Enforcement of TRIPS Agreement in India

Module IV

The fourth module focuses on Challenges in the Contemporary Global Intellectual Property Laws such as Issues and Challenges in IPR of the Digital Age, Cyber law, Cyber space, Cybercrimes and Internet ,domain name infringement ,growing threat of international piracy- including piracy and internet, use of Trademark on the Internet, attempts to use Intellectual Property Laws for the protection of emerging areas- Traditional Knowledge, Biodiversity, Biotechnology, Expressions of Folklore and Legal Responses to e-commerce in traditional areas of commercial concerns. The module also gives an insight into the Dispute Settlements in WIPO, IPRs, and Services of the WIPO, Arbitration and Mediation Center, International Center for Resolution of Intellectual Property Disputes, WIPO Arbitration / Mediation Rules. The Dispute Resolution in Electronic World, Virtual and Online Arbitration will also be dealt.

Cyber Crimes- Law, Policy and regulation:

The emergence of modern information and technology-based societies in which the exercise of economic, political, and social power increasingly depends on the opportunities to access, manipulate, and use information and information infrastructure has created opportunities enforcement and national security responses. To deal with the new emerging menace of cyber crime we have only one legislation in place, IT Act, 2000 which did not deal with much of internet crime. Even though the 2008 amendment Act took care of some major internet crimes we are still lacking in many areas.

One of the important objective of this course to lay down policy for various issues regarding internet crimes for India taking into account the global initiatives. This course explores how a "networked" world has bred new crimes and new responses, and investigates how information and communication technology (ICT) has become a tool, a target, and a place of criminal activity and national security threats, as well as a mechanism of response. This course addresses such questions as how emerging technologies challenge existing laws and criminal procedures; how nation-states regulate criminal conduct across traditional geographic and political boundaries; what reasonable expectations of privacy are in cyberspace; and how control is shifting from traditional mechanisms of law enforcement to new regulatory regimes, including technology.

Module - I. Nature and Concept of Cyber Crimes

- Classification of Cyber Crimes
- Fundamental aspects of Cyber Crimes/Cyber offences/Online Crimes: Mensrea and actus reaus,
- US v. SABLON, 92 F.3d 865 (1995) (relationship of "*mens rea*" to "damages," and how are damages calculated).
- US v. MIDDLETON, 231 F.3d 1207 (2000) (*Factual Background*, pp. 1208-09, Part B. *Damages*, p. 1213, and Part C. *Sufficiency of Evidence*, pp. 1213-14).
- Need for criminalization of offences in cyber space
- Types of cyber offences to be criminalized
- Spamming, hacking, cyber stalking, theft of service, denial of service attacks, salami slicing, data transfer fraud,
- International dimensions to cyber crimes – Budapest convention.
- Online intermediary liability
- [Computer Viruses, Time Bombs, Trojans, Malicious Code \(Malware\)](#)

Readings:

- Jyh-An Lee, Hacking into China's Cybersecurity Law, 53, Wake Forest L. Rev. 57 (2018).
- Josh Goldfoot; Aditya Bamzai, A Trespass Framework for the Crime of Hacking, 84 Geo. Wash. L. Rev. 1477, (2016).
- Sara Sun Beale; Peter Berris, Hacking the Internet of Things: Vulnerabilities, Dangers, and Legal Responses, 16 Duke L. & Tech. Rev. 161 (2017-2018).
- Maneela, Cyber Crimes: The Indian Legal Scenario, 11, US-China L. Rev. 570 (2014).

- Danielle Keats Citron, Addressing Cyber Harassment: An Overview of Hate Crimes in Cyberspace, 6 Case W. Res.J.L. Tech. & Internet 1 (2014-2015)

Module –II: Cyber Crimes and Procedural Aspects:

- Investigating Internet Crime: cyber cells, search, seizure, digital evidence
- Computer forensics
- Prosecution of internet crime,
- Admissibility of electronic records and issues in the admission of digital evidence
- International aspects and Jurisdictional issues

Readings:

- Milana Pisaric, Electronic Records as Digital Evidence, 43 Zbornik Radova 519 (2009).
- Jacqueline J. DeGaine, Digital Evidence, 2013 Army Law. 7 (2013).
- Paul W. Grimm; Daniel J. Capra; Gregory P. Joseph, Authenticating Digital Evidence, 69 Baylor L. Rev. 1 (2017).
- Mrinalini Singh; Shivam Singh, Cyber Crime Convention and Trans Border Criminality, 1 Masaryk U. J.L. & Tech. 53 (2007).

Module – III: Cyber Terrorism

- Need for comprehensive national cyber security
- Monitoring and surveillance of potentially harmful websites
- Cyber Crime and fund raising
- Cyber network based attacks
- Should sentencing law and policy take into account the differences between traditional crimes and cyber crimes
- Cyber security measures : Computer Emergency Response team. NERT

Readings:

- Dan-Calin Besliu, Cyber Terrorism - A Growing Threat in the Field of Cyber Security, 6 Int'l J. Info. Sec. & Cybercrime 35 (2017).
- Loan Marcel, The Components of Cyber-Terrorism, 2 Int'l J. Info. Sec. & Cybercrime 49 (2013).
- Ioana Martin, Cyber Security Strategies - An Overview, 4 Int'l J. Info. Sec. & Cybercrime 33 (2015).

Module IV: Pornography, prostitution, and sex crimes in cyber space:

- Pornography in India: policy and regulation.
- Child porn and the law
- Sending offensive messages S 66A

- Policy problems with a national or cyberspace standard
- Constitutional and statutory rules governing obscenity
- Operation of local community standards in cyber space
- Voyeurism S 66E
- Sexually explicit content and child pornography S 67A ND s 67B
- **Online Gambling:** UNLAWFUL INTERNET GAMBLING ENFORCEMENT ACT OF 2006(enacted as Title VIII of the [Security and Accountability For Every Port Act of 2006 or SAFE Port Act, Pub. L. 109-347](#)):
- Avinash Bajaj v State, 116(2005)DLT427
- Fimbros v State of Kerala, AIR 2006 Ker 279
- Ashcroft v. ACLU, 542 U.S. 656 (2004).
- MILLER v. CALIFORNIA, 413 U.S. 15 (1973) (Miller Test - community standards; "lacks serious literary, artistic, political, or scientific value").
- U.S. v. AMERICAN LIBRARY ASSOC., 539 U.S. 194 (2003) ([LII](#)) (upholding Children's Internet Protection Act (CIPA)).

STATUTES:

- Communications Decency Act of 1996 (Title V of the Telecommunications Act of 1996).
- Child Online Protection Act (COPA) of 1998 ([47 U.S.C. 231](#)). (Cf. Children's Online Privacy Protection Act of 1998 (COPPA) 16 USC 6501-6506).
- Children's Internet Protection Act (CIPA) of 2000 Children's Internet Protection Act (CIPA), Pub. L. No. 106-551, Div. B., Tit. XVII, 114 Stat. 2763A-335 (2000).
- Child Protection and Obscenity Enforcement Act of 1988 (Pub. L. 100-690, title VII, subtitle N (§7501 et seq.), Nov. 18, 1988, 102 Stat. 4485, 18 U.S.C. § 2251 et seq.) (enforced through "[2257 Regs](#)" guidelines, [28 CFR 75](#)).

Readings:

- Gerard V. Bradley, Prolegomenon on Pornography, 41 Harv. J. L. & Pub. Pol'y 447 (2018).
- Godwin Tan, Is Pornography Merely Obscene: Feminist Perspectives on the Regulation of Pornography, 5 UK L. Student Rev. 97 (2017).
- Shannon Russell, The Criminalisation of Extreme Pornography: Legitimacy and Scope, 3 Edinburgh Student L. Rev. 51 (2017).

Module – IV: Online fraud issues and challenges:

- Identity Theft; Intellectual Property Theft;
- Theft of computer resource S66B
- Identity theft and impersonation S 66C and S66D
- Tampering with the source code S65,
- Syed Asifuddin v The State of Andhra Pradesh, 2005 CriLj 4314.

Readings:

- Eric Holm, The Darknet: A New Passageway to Identity Theft, 6 Int'l J. Info. Sec. & Cybercrime 41 (2017).
- N. S. Nappinai, Cyber Crime Law in India: Has Law Kept Pace with Engineering Trends - An Empirical Study, 5 J. Int'l Com. L. & Tech. 22 (2010)

COURSE TITLE:	JUDICIAL PROCESS AND STATUTORY INTERPRETATION
COURSE OFFERED TO	LLB & LLM
INSTRUCTOR:	Sidharth Chauhan
NUMBER OF CREDITS:	4 credits for B.A, LL.B. students 3 credits for LL.M. students ('Public Law and Legal Theory' specialization)
DURATION	July-October 2018 (Full semester)
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Questions about interpretation in the law have been principally examined from the viewpoint of a judge who is called upon to read and apply legislative materials. It goes without saying that judges are constantly dealing with the uncertainties that arise in the continuum between the opposite ends of literal construction (or plain meaning) and purposive interpretation. It would be an oversimplification to think of these two seemingly divergent approaches as exhaustive of the various approaches to legal interpretation. Much like a reader who interprets a piece of prose, an individual who is trying to make sense of a painting or one who is listening to music, legal interpretation also depends on the specific circumstances surrounding the act of creation (by the author or the artist) as well as the standpoint of the one who reads a text, observes a painting or listens to music. It is quite foreseeable that the act of creation might have been motivated by a set of concerns that are at variance with those of the reader, viewer or listener. In some cases, the social meaning attached to the specific words and images used by the creator might change with time. Interpretation in the common law tradition has to account for the overarching preference for certainty, clarity and consistency in the law. While these qualities cannot be present in an absolute sense, they do command the attention of those who claim to be familiar with the law, either as legislators, judges or lawyers (or more simply 'lawmen' as described by Karl Llewellyn). From the prism of inclusive legal positivism, the authoritative force of legal provisions bears a strong correlation with coherence in their interpretation, both from the viewpoint of those who are asked to apply them and those who are asked to follow the law. There are two distinctive methods for teaching a course of this description. The established method requires students to learn the canons of statutory interpretation by examining how they

	have been applied and explained in past decisions. However, the newer method that seems to be gaining ground locates statutory interpretation as a sub-field in the philosophy of language. In particular, the analysis of legislative materials draws heavily from literary theory. We will also examine the institutional dynamics of the legislative process, which can be roughly divided into three phases, namely the pre-enactment phase, deliberations inside the legislature and post-enactment history. There will also be an effort to survey some frequently cited literature that engages with theories of adjudication in common law settings.
SCHEME OF EVALUATION:	Mid-term examination: 25 marks End-term examination: 50 marks Written assignment: 25 marks (To be administered as a take-home assignment on a chosen set of dates)

COURSE TITLE: Deconstructing the public private divide in comparative constitutional law

COURSE INSTRUCTOR: N.Vasanthi

NATURE OF COURSE AND CREDITS: Elective Credits: 4

OFFERED TO: Students of LLB and LLM

COURSE DURATION: July to October 2018

COURSE PORTRAYAL:

The origins of constitutional law are associated with the creation of a public space, public authority, public interest which are distinct from the private space. English common law particularly had a strong understanding of the private space which was free from state control. The origins of the concept of State were also in terms of a creation of the Public as distinct from the Private. The impact of this concept of State is seen in the definition of State in the Indian Constitution and the availability of fundamental rights primarily against the State and not private persons.

This understanding of the State has been questioned in many ways, including feminist theory which held this division between the public and the private, particularly the family, to be the cause for the oppression of women which could not be addressed merely by granting rights in the public sphere. The fluidity of remedies which were originally available against the State and were now increasingly were being made available against private persons, corporations again brought this divide into question. The privatization of erstwhile public duties/obligations also raised the questions of holding such private persons to be responsible in the same manner as the public authorities. The distinction now stands so blurred that it seems an impossible task to define what is public and what is private.

The course engages with this debate in comparative constitutions to examine how different jurisdictions have dealt with this divide.

OBJECTIVES OF THE COURSE

3. To examine how different constitutions have understood the public private divide
4. To understand the distinction in the Indian Constitution and its evolution

TEACHING METHODOLOGY:

Lectures and class discussions of readings

LECTURE PLAN

MODULES	TITLE	NUMBER OF REQUIRED LECTURES
Module 1	Introduction to the public private distinction in constitutional theory	10
Module 2	The origins and evolution of the distinction in comparative constitutional law	10

Module 3	The blurring of the divide	15
Module 4	The challenges that the blurring of the divide pose	15
Module 5	Possibilities for the Indian Constitution	14

Class Hours: 64

EVALUATION SCHEME

1. One take away exam for 50 marks
2. One pen and paper exam for 50 marks

COURSE TITLE:	Agriculture Law and Policy: Selected Themes
COURSE OFFERED TO	LLB & LLM
INSTRUCTOR:	Vivek Mukherjee
NUMBER OF CREDITS:	4
DURATION	July-October, 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Indian agriculture is presently at the crossroads. On the one hand where the cost of production has only shown a steep rise, the output prices have mostly been unremunerative on the other. This urges one to rethink the viability of farming as a mode of livelihood today. The lack of technology, infrastructure and the declining rate of public investment has only aggravated the issue. Statistics denote that some 22.5 percent of the farmers live below the poverty line. The list of maladies ailing Indian agriculture is unending. The deteriorating situation in agriculture is not a direct damage to economy's foundational primary sector alone but is also an undoing of the promises of socio-cultural equitability and welfare. This course, intended to cater students interested in public law, will focus on three themes: a critique of the green revolution, agrarian crisis as a socio-political struggle of small-hold peasants and the coming of a new green movement. Before delving into the selected themes, an attempt will be made to introduce the fundamentals of agriculture law and policy in India to students. It is about time one put to question the market- oriented private sector tracing its origins in the neo- liberal regime. This regime that encapsulates within itself the flags of globalization, privatization and liberalization, has come to be institutionally exhaustible and inadequate. Green revolution, often portrayed as one of the most efficient solutions, is an example of its exhaustibility. From destroying soil fertility to genetic diversity, it rendered the state of Punjab socially and politically, a wasteland. In diffusing the situations with expedient measures, the country gave up its pursuit for alternative strategies. These quick- fix solutions induce irreparable damage. The modern day agricultural remedies are based on extensive utility of chemicals which are propagated as safe to use. However, the consequent reality speaks otherwise. There needs to be a check on the industrial mode of agriculture. Alternatives in the form of agro-ecology, or other more natural and organic form of agricultural practices is quintessentially necessitated.

	Besides the inept solutions, the method too is largely problematic. For an instance, the post- production phase in farming ends up in sheer negligence of the parameters governing the return, like processing, marketing, storage and transportation. Another visible example of such laxity is seen in the transformation CPR (Common Property Resource) management has seen lately. The large- scale privatization of the CPRs has led to the unavailability of these resources to the poor, the needs of whom it was supposed to cater to. Quite often, the lack of complementary resources forces the poor to give up the allotted land too. The changing governments are not simply to be blamed for making the agricultural sector poorer but also for shifting entirely the locale of the issue at hand through various propagandas, thereby securing publicity along with vote banks. It is on account of the complaints that went unheard repeatedly, that farmers today in India can be seen to be more aware of the situation around, than before. They have been honest with their responsibilities towards the nation at large and towards their personal, everyday plaguing issues too. The realization of this dual responsibility of bringing about a change is a good sign. This has the potential to culminate into a new social movement which is reflected in the recent farmers agitation in different parts of India. An analysis of these new social movements and it's point of departure from the agrarian movements of the past is intended in this course. I invite students of 4th,5th year and LLM to join me in this exciting course.
SCHEME OF EVALUATION:	Mid-term exam- 25 marks End-term exam- 50 marks Research paper- 25 marks (20-writing, 5-presentation)
SELECTION CRITERIA	None

COURSE TITLE:	Ancient Greek Jurisprudence And Its Relevance To Modern Society
COURSE OFFERED TO	LLB & LLM
INSTRUCTOR:	P Ashwini Kumar
NUMBER OF CREDITS:	4
DURATION	July-October, 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Jurisprudence is a study of the fundamental legal concepts. One of the tasks of jurisprudence is to construct and elucidate concepts serving to render the complexities of law more manageable and more rational. The logical analysis of legal concepts sharpens the logical technique of the lawyers and statesmen. Jurisprudence provides answers to new legal problems by utilizing the wisdom of the past. This helps in examining the consequences of law and suggesting changes for the betterment. The genesis of the modern jurisprudence can be traced in Ancient Greek philosophy. Our knowledge and experience of the past would help us to be wise in the present and forewarned for the future. Every beginning is difficult; holds in all sciences. The fundamental concepts of jurisprudence like Justice, Equality and Freedom were discussed by Ancient Greek philosophers with their rational methodology. In this course, we are going to examine the analysis made by Plato, Epicures, Heraclitus and Aristotle. Further, we are going to analyse the trials of Antigone and Socrates.
SCHEME OF EVALUATION:	Mid –Term Exam- 25 marks Research Project-25 marks Semester Exam- 50 marks

COURSE TITLE:	AN INQUIRY INTO TRANSGENDER ISSUES IN US & INDIA
COURSE OFFERED TO	LLB & LLM
INSTRUCTOR:	PRERNA DHOOP
NUMBER OF CREDITS:	4
DURATION	July – October, 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	This course seeks to explore the fundamental question: what are the issues that the transgender and gender non-conforming people face- from workplace discrimination, to securing identity documents, to finding culturally competent healthcare, to family and parenting issues, to combating violence—and to advocate for full inclusion and equality. The course will focus on transgender rights in the United States and India and will have both theoretical and practical components.
SCHEME OF EVALUATION:	GROUP ASSIGNMENTS – 50 Marks INDIVIDUAL ASSIGNMENT PAPER- 25 Marks PRESENTATION- 25 Marks
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Agriculture Law and Policy: Selected Themes
COURSE OFFERED TO	LLB & LLM
INSTRUCTOR:	Vivek Mukherjee
NUMBER OF CREDITS:	4
DURATION	July-October, 2018
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Indian agriculture is presently at the crossroads. On the one hand where the cost of production has only shown a steep rise, the output prices have mostly been unremunerative on the other. This urges one to rethink the viability of farming as a mode of livelihood today. The lack of technology, infrastructure and the declining rate of public investment has only aggravated the issue. Statistics denote that some 22.5 percent of the farmers live below the poverty line. The list of maladies ailing Indian agriculture is unending. The deteriorating situation in agriculture is not a direct damage to economy's foundational primary sector alone but is also an undoing of the promises of socio-cultural equitability and welfare. This course, intended to cater students interested in public law, will focus on three themes: a critique of the green revolution, agrarian crisis as a socio-political struggle of small-hold peasants and the coming of a new green movement. Before delving into the selected themes, an attempt will be made to introduce the fundamentals of agriculture law and policy in India to students. It is about time one put to question the market- oriented private sector tracing its origins in the neo- liberal regime. This regime that encapsulates within itself the flags of globalization, privatization and liberalization, has come to be institutionally exhaustible and inadequate. Green revolution, often portrayed as one of the most efficient solutions, is an example of its exhaustibility. From destroying soil fertility to genetic diversity, it rendered the state of Punjab socially and politically, a wasteland. In diffusing the situations with expedient measures, the country gave up its pursuit for alternative strategies. These quick- fix solutions induce irreparable damage. The modern day agricultural remedies are based on extensive utility of chemicals which are propagated as safe to use. However, the consequent reality speaks otherwise. There needs to be a check on the industrial mode of agriculture. Alternatives in the form of agro-ecology, or other more natural and organic form of agricultural practices is quintessentially necessitated.

	Besides the inept solutions, the method too is largely problematic. For an instance, the post- production phase in farming ends up in sheer negligence of the parameters governing the return, like processing, marketing, storage and transportation. Another visible example of such laxity is seen in the transformation CPR (Common Property Resource) management has seen lately. The large- scale privatization of the CPRs has led to the unavailability of these resources to the poor, the needs of whom it was supposed to cater to. Quite often, the lack of complementary resources forces the poor to give up the allotted land too. The changing governments are not simply to be blamed for making the agricultural sector poorer but also for shifting entirely the locale of the issue at hand through various propagandas, thereby securing publicity along with vote banks. It is on account of the complaints that went unheard repeatedly, that farmers today in India can be seen to be more aware of the situation around, than before. They have been honest with their responsibilities towards the nation at large and towards their personal, everyday plaguing issues too. The realization of this dual responsibility of bringing about a change is a good sign. This has the potential to culminate into a new social movement which is reflected in the recent farmers agitation in different parts of India. An analysis of these new social movements and it's point of departure from the agrarian movements of the past is intended in this course. I invite students of 4th,5th year and LLM to join me in this exciting course.
SCHEME OF EVALUATION:	Mid-term exam- 25 marks End-term exam- 50 marks Research paper- 25 marks (20-writing, 5-presentation)
SELECTION CRITERIA	None

COURSE TITLE:	Understanding Regulation
COURSE OFFERED TO	Final year BA.BL(Hons) and LLM students.
INSTRUCTOR NAME & CONTACT DETAILS:	Adithya Krishna Chintapanti
SHORT DESCRIPTION OF INSTRUCTOR	Mr. Adithya Chintapanti, an alumnus of NALSAR, is a legal consultant and practitioner, specialising in infrastructure regulation. Mr. Chintapanti submitted his PhD thesis on impact of regulatory globalisation on developing jurisdictions to the University of Warwick, United Kingdom. He has advised the Department of Posts and the Ministry of Coal on sectoral regulatory reform and institutional restructuring. Amongst other assignments, Mr. Chintapanti advised NITI Aayog on infrastructure regulation and the government of Bhutan on constitutional aspects of budgetary appropriation.
Credits	4 Credits
PREFERRED DATES FOR CONDUCT OF COURSE	July 2018 to October 2018
PRE-REQUISITES:	Applicants are expected to have a basic understanding of constitutional law, administrative law, and commercial laws.
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	Students of law are not newcomers to state regulation of economic activity. Regulation of economic activity would have been dealt with in courses such as Company Law, Banking Law, Law of Contracts, Property Law, etc. This course, however, takes an interdisciplinary approach to regulation, i.e. as an activity influenced by and influencing the disciplines of law, economics, and political science. The objective of the course is to equip the participant with a macro vision of the way law operates alongside the dynamics of political economy and societal expectations from state. Such an approach helps contextualise the role and limitations of law in regulating economic activity and helps strategise effective regulatory interventions. It endeavors to make the participant aware of the ideological or normative underpinnings and actor motivations informing regulatory interventions.

	The course will primarily cover the theories of regulation, aspects of regulatory globalisation concerning developing jurisdictions and state regulation of economic activity in India. In the Indian context, the course will focus on the relevance and efficacy of institutional regulators in infrastructure sectors such as Coal, Posts, and Electricity. The sessions will be proportionately divided between lectures and seminars. Seminars will involve discussions on tasks based on lectures and course materials.
SCHEME OF EVALUATION:	Mid-term exam- 25 marks End-term exam- 50 marks Research paper- 25 marks (20-writing, 5-presentation)
SELECTION CRITERIA *	--

COURSE TITLE:	Global Banking and Finance: Law and Practices
COURSE OFFERED TO	Law Students
INSTRUCTOR NAME & CONTACT DETAILS:	Dr. Subhrendu Bhattacharya, MS Physics-Electronics, MA History, MS Finance (UK) LLB, PhD, Formerly IAS
SHORT DESCRIPTION OF INSTRUCTOR	Dr Subhrendu Bhattacharya has been a magistrate for 16 years as Sub Divisional Magistrate, Additional District Magistrate and District Magistrate. Cases relating to he violations of law and order in villages and towns and binding the factious parties for good behavior has been an active responsibility. Adjudication over land laws has also constituted his duty. Maintenance of law and order, in the jurisdiction, with the help Police headed by Superintendent of Police of the District, was addressed, when the need arose. During Parliamentary and Legislature Elections, a watch over factious villages and to take corrective magisterial actions, were also to be attended. All of these professional experiences in the realm of law was formalized by legal studies at the University level. As Commissioner of Inquiries quasi judicial work, was addressed for 3 years, trying Cases of Corruption of Senior Officers in the Government, in Engineering Medical service, Forests, Police departments and the like, under the Prevention of Corruption Act. My academic interface, on a regular basis, includes several Universities in India. USA and IIM Ahmadabad and IIM Calcutta. I publish many articles in Journals, mostly in USA besides at IIM, Ahmadabad. I address numerous speaking sessions at various organizations, besides delivering Course teachings.
Credits	2
PREFERRED DATES FOR CONDUCT OF COURSE	15 th July to 15 th September
PRE-REQUISITES:	None

BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	<i>Course Objectives:</i> The Course is intended to expose the law students to the details and complexities of international laws and practices, in the functioning of the global economies. They would intensively learn in this Course, the configurations of the finance and banking laws, which tend to vary, among the developed and developing worlds. The law students would also gain knowledge, imparted among other global aspects with Human Welfare Laws, Laws relating to Bank Regulation, Financial Laws and the results of the Regulatory Failures. They would be enlightened with the ideologies, which govern nations that have a bearing on, passing of such laws by the US Congress, Labour Market Laws that is more proximate to bargaining power of the Oligarchs, Laws relating to International Capital markets and the like. With the World Bank and the IMF, taking up the cause of the Washington consensus, to liberalize the economies and open the trade of countries world over, to other nations and compliance of Conditionalties, insisted by the IMF has made such a Course extremely relevant from the point of view of getting nice placements. <i>Placement Opportunities:</i> With the business gigantism, being a very modern and important phenomenon, in the global business landscape, characterizing the MNCs and expansion of global businesses and banks through globalization, those who take the Course would stand to gain expertise, to be placed to work in important jobs, in the MNCs, foreign banks, particularly American and EU Banks and British Banks. Developed country insurance companies and outsourced company projects in India, US, Britain and EU, will be other avenues for successful placements. Knowledge based on theories and real world function, provided by this Course, will help the law students in their placements, being not only be preferred by foreign employers working in India, but also by the foreign employers in US and Europe Module 1 Functioning of the Economies of the Developed World and their complexities 1 Session Functioning of the Economies of the Developing World 2 Sessions Finance and Banking Downsides in Europe after the World War One 1 Session Rise of the Public Policy and Law for Protectionism in the Developed Countries 1 Session

	Module 2 Roaring 20s in US Finance and Banking Systems 1 Session US Congress approves the Marshall plan to provide Aid for Reconstruction, after World War 2 in Europe 1 Session Federal Reserve Law Passed by the US Congress, to set up the US Central Bank, known as Federal Reserve in 1913 1 Session Federal Reserve Passed several Subordinate Legislations, to act as a controller of Money 1 Session Ascendancy of USA, in the realm of Finance and Banking, besides being a Super Power in Global Economy 1 Session Module 3 Implementation of Regulatory Laws in European Banking System 1 Session Reserve Bank of India Act and its Regulatory Policies for the Indian Banking 1 Session Laws relating to the Issuance of Securities in the US and Europe, by Public Companies 1 Session Laws relating to the Issuance of Fixed Income Securities, in the US and Europe 1 Session Global Credit Rating Agencies, to provide Credit Ratings to the Debt Issuing Companies, before issuance of Government and Corporate Bonds 1 Session Module 4 Accelerated Expansion of Credit Rating Industry, making US more powerful in Global Finance 1 Session Role of Brettonwoods Institutions located in US to maintain Global Financial and Economic stability by the IMF; IMF and its Conditionalities, challenged the continents of Africa and Latin America, in their economic development 1 Session India benefitted from the World Bank projects and IMF occasionally 1 Session Great Depression in USA, in the 1930s 1 Session Module 5 President FDR and Plethora of Laws, to Rejuvenate Public Confidence, in US Economy 1 Session

	Glass Steagall Act to separate Investment Banking from Commercial Banking, to rein in misuse of bank credit 2 Sessions Reining in Laws for Preventing Speculation with Bank Money 1 Session Federal Deposit Insurance Act Passed by Congress to bail out those average Americans who lost money for no fault of their due to Banking Failures 1 Session Massive Bank Failures, 1 Session during the Great Depression 1 Session Social Security Act to Finance the Old Age of the Americans 1 Session Model 6 Poverty Reduction measures in the US and India ; Garibi Hatao by PM Mrs. Indira Gandhi 1 Session Nationalisation of Banks Ordinance and Law 1 Session US Banking Crisis of 1980s, Government Bail Outs and Moral Hazard ; Hedge Fund Crisis: Long Term Capital Management, Bail Out by the US Government 1 Session Asian Crisis and the Role of IMF 1 Session Global Economic and Financial Meltdown 28 and very Long Recession, Great Recession of 2010s 2 Sessions Government Bailouts and Massive Moral Hazard 1 Session Model 7 Poor Implementation of Debt Laws of the Banks and Housing Bubble 2 Sessions Massive Misuse of Securitization of Debt; Misuse of Graham Bailey Act by the Investment Banks 1 Session Cross Border Loss of Confidence of the American Big Banks; Lehman Brothers in the USA, went into oblivion and was closed, after a history of 15 years. 2 Sessions Total Number of Sessions distributed in 7 Modules = 32 Sessions
SCHEME OF EVALUATION:	End Term Examination
SELECTION CRITERIA*	–

COURSE TITLE:	Telecom Laws, Policies and Regulation
COURSE OFFERED TO	LLB 4, 5 & LLM
INSTRUCTOR NAME & CONTACT DETAILS:	Anil Kumar Bhardwaj Director Department of Telecommunications Government of India
SHORT DESCRIPTION OF INSTRUCTOR	The course has been designed especially for law student, by Sh. Anil Kumar Bhardwaj who has more than 20 years' experience in Telecom Sector in various positions in Government of India. He has experience of working in policy side (Department of Telecom), Operations side (Bharat Sanchar Nigam Limited) and Regulation (Competition Commission of India). In addition to bachelors in Electronics and Communications, Anil has done Post Graduate Diploma in Operations Management, MBA (Finance), Master's In Economics Development and 3 year LL. B.
Credits	1
PREFERRED DATES FOR CONDUCT OF COURSE	Aug 10-17
PRE-REQUISITES:	-
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	<u>Telecom Sector Laws and Policy:</u> Telecommunications is the backbone of the ICT revolution that has changed the pace of global development and global integration in last 25 years. The sector presents a continuous paradox between the desire of stable statutory regimes on one side and need to support the disruptive innovations and new technologies on the other. The sector presents a quandary for legal and regulatory regime where the incumbents are always looking at ways to safeguard their turf and innovators keep challenging the status-quo. Change is the hallmark of this sector where technology life cycle is less than 4-5 years and next generation is always only few months away. Looking purely at the legal perspective, the sector has continuously evolving statutory and regulatory framework. Despite continually evolving, paradoxically the sector is governed by Indian Telegraph Act 1885 which is one of the oldest operative statute in India. The other most important statute of the telecom sector is the TRAI Act 1997 (as amended in 2001) that laid the foundation of regulatory regime in India with TRAI becoming the first independent new age sectoral regulator

(other than Financial sector regulators). Over the last two decades, TRAI has itself issued a number of regulations ranging from Telecom Tariff Orders, Quality of Service standards, Inter-connect Usage Charges and Regulations, Telecom Consumer Regulations, Mobile Number Portability and many more. On the other side, there are various types of licences for telecom service providers with each of these having their own stipulated conditions and revenue sharing and license fee structure.

Being one of the most important sectors of the economy, this course will enable the students to understand the nuances of the Statutory, Regulatory and Policy regime in telecom sector in India and the underlying legal provisions.

Draft Course Module for Telecom Laws and Policies

<u>S. No.</u>	<u>Background</u>	<u>Tentative Hours</u>
1	Telecom Sector in India, Pre-reforms upto 1990	30 Minutes
2	Telecom Reforms NTP 1994; NTP 1999; Broadband Policy 2004; NTP 2012	1 Hour
3	Indian Telegraph Act 1885 and Regulations thereunder	1 Hour
4	Policies	2 Hours
4A	Same Service, Same Rules	
4B	EMF	
4C	Right of Way	
4D	Universal Service Obligation Fund (USOF) levy:	
4E	Spectrum policy in India	
4F	Licence Fee Regime for telecom licences:	
4G	Security Guidelines - PMA Guidelines	

	5	Telecom Regulatory Authority of India ACT 1997	2 Hours
	5A	TRAI: Its Functions and Structure	
	5B	Telecom Dispute Settlement Tribunal (TDSAT) - Functions and Structure	
	6	Role of DOT as Licensor ; Telecom Enforcement and Monitoring; Controller of Communication Accounts: Revenue	2 Hours
	6 A	Universal Access : License Agreement; Terms thereunder	
	6 B	Spectrum Management and Allocation	
	6 C	Licenses (Other than Universal Access)	
	7	TRAI Regulations	6 Hours
	7A	Telecom Tariff Orders	
	7B	Mobile Number Portability (MNP)	
	7C	Telecom Consumers Complaint Redressal Regulations, 2012	
	7D	Telecom Consumer Regulations (TCPR) 2012	
	7E	Unsolicited Commercial Communications (UCC)	
	7F	Quality of Service (QoS)	
	7G	Interconnection Usage Charges and Regulations	
	7H	Subscriber Verification	

	7I	Metering and Billing Audit Regulation	
	7J	Telecom Licenses and Regulatory levies	
	8	Case Law - Importance Cases; Jurisprudence and Present scenario - Including current issues and cases	1 hour
SCHEME OF EVALUATION:	The course will entail intense study for 6 to 7 hours and seminar type discussions for 3 to 4 hours. Student will be evaluated at the end of each module with 15 to 30 minutes test (total 2 tests – each for 30 marks). There will be a group exercise (25 marks) where students will be asked to make a 10 minutes presentation and submit a two page write-up on the topic of their choice. Balance 15 marks will be awarded on the basis of class-room participation and attendance.		
SELECTION CRITERIA *	Notified later		

COURSE TITLE:	Interpreting Trade Agreements: Impact for Nations or Business
COURSE OFFERED TO	LLB & LLM
INSTRUCTOR NAME & CONTACT DETAILS:	T S Vishwanath,
SHORT DESCRIPTION OF INSTRUCTOR	Vishwanath has 30 years of experience in trade and economic issues of which about 25 have been spent on working on trade agreements of the World Trade Organization (WTO) and free trade agreements of countries world wide. Vishwanath works with industry and government to help mitigate the challenges posed by trade agreements as also identify opportunities for increasing market access for the country and specific industry sectors by interpreting the various articles of the trade agreements.
Credits	2
PREFERRED DATES FOR CONDUCT OF COURSE	Slot-1: August 13 th to 20 th Slot-2: Sept. 20 th to 27 th
PRE-REQUISITES:	Interest in interpreting trade agreements to identify challenges and opportunities for countries and companies.
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	The course will provide a deep understanding of the various agreements of the trade agreements like the GATT and WTO as also the various trade agreements. The course will look into some critical articles of GATT/WTO like Article 1, 2, 3, 11, 20 and 21. Besides this it will look at various agreements in the WTO and FTAs related to industrial goods, services, TRIPS, Trade defense measures like anti dumping and safeguard, non tariff measures like sanitary and phytosanitary measures and technical barriers to trade and the dispute settlement mechanism. This will help students understand how legal provisions in international trade agreements impact policy making for countries as also the bottom line of companies. This will help students understand how legal provisions in trade agreements need to be interpreted to benefit a country or sector while using the same to challenge another country or sector. It will also provide them insights into understanding and interpreting some key provisions of the Foreign Trade Policy.
SCHEME OF EVALUATION:	It is suggested that 80 per cent of the evaluation may be done through multiple-choice questions to evaluate if the student has a basic understanding of all that is taught in the course. The remaining 20 per cent may be through a short 600- 800 words

	paper where again multiple choices would be given for choosing the topic.
SELECTION CRITERIA *	Senior students having an interest in understanding the legal provisions of trade agreements and in its interpretation.

COURSE TITLE:	Global Internet Governance: Institutions, Issues and Methods
COURSE OFFERED TO	4 th and 5 th years & LLM
INSTRUCTOR NAME & CONTACT DETAILS:	Puneeth Nagaraj
SHORT DESCRIPTION OF INSTRUCTOR	Visiting Scholar on Technology and Governance at Brookings India. Formerly Project Manager, Global Internet Governance at the Centre for Communication Governance at NLU-Delhi.
Credits	One
PREFERRED DATES FOR CONDUCT OF COURSE	15 th -22 nd August
PRE-REQUISITES:	Interest in politics/internet governance and technology regulation
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	This course will cover the institutions and policy questions that face the global internet governance regime today. The Internet is an important driver for economic growth and development. At the same time, the issue of global Internet governance raises challenging questions regarding where the control of the Internet should reside (if any), what guiding principles should be used and who should take part in the policy making process. The objective of the course is to offer students an introduction to contemporary policy debates, the institutions that are engaged in resolving them and to look to future challenges in responding to new technologies. As an interdisciplinary course, it will also equip the students with tools to analyse internet governance problems from a legal, political and economic standpoint.
SCHEME OF EVALUATION:	50 marks for open book test and 50 marks for in class negotiation exercise
SELECTION CRITERIA *	Demonstrable interest in international relations and/or technology regulation

COURSE TITLE:	Foreign Exchange Management Act – Laws & Practices
COURSE OFFERED TO	LL.B – 4 th year or 5 th year students or LLM - students
INSTRUCTOR NAME & CONTACT DETAILS:	Dr. Mukul Shastri
SHORT DESCRIPTION OF INSTRUCTOR	Ph.d (Trade & Competition Law), MBA (IIM Ahmedabad), LL.B, LL.M, CS, CAIIB 15+ years of experience in Corporate Law. Worked in RBI as Legal Counsel, was Asst. Professor, NLU, Jodhpur. At present Heading a Legal Division in KEC International Ltd. (US \$ 2 billion) company.
Credits	One Credit (16 hours)
PREFERRED DATES FOR CONDUCT OF COURSE	Aug 18 to Aug 24
PRE-REQUISITES:	Students should have basic understanding of Corporate law & practices.
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	The course shall enable the students to have a basic understanding of FEMA law and practices. In short the following are the major objectives of the course: (vi) Understanding of the regulatory framework governing the Foreign Investment in India and Off Shore Investment by Person Resident in India; (vii) Knowledge about procedural aspects of Foreign Direct Investment and Overseas Direct Investment; (viii) How funds can be raised by Indian entities from outside India and the regulatory landscape for the same; (ix) Why and how of the Foreign Portfolio Investment; (x) Procedural aspects in brief.
SCHEME OF EVALUATION:	End Term Examination – 60% Project & Paper Presentation – 40%
SELECTION CRITERIA *	Interest in Corporate law.

COURSE TITLE:	The Right to Privacy in India: Structure and Scope
COURSE OFFERED TO	Elective for LL.B 4 th and 5 th year Batches and LL.M. Batch
INSTRUCTOR:	Mariyam Kamil
NUMBER OF CREDITS:	1
DURATION	Sept 14-20
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	This course will examine the scope and structure of the constitutional right to privacy in India. The course will proceed in five parts. The first lecture will focus on the history and evolution of the right to privacy in India. Since privacy is not an enumerated right under the Indian Constitution, this inquiry will be largely doctrinal. Most of the case-law discussed in the lecture will be drawn from the Supreme Court of India, although some relevant High Court decisions will also be considered. However, the cases considered will be pre-<i>Puttaswamy</i>. The second lecture will examine the nine-judge decision of the Indian Supreme Court in <i>Puttaswamy</i>. If the Aadhaar decision is handed down by then, some part of the lecture will also consider that decision, particularly its interpretation and application of <i>Puttaswamy</i>. The third part of the course will attempt to understand the Indian conception of privacy. What does the right to privacy in India mean? What rationales can be said to justify the existence of the right? This section will combine a philosophical privacy analysis with existing Indian privacy jurisprudence. It will also examine whether the rationale(s) for privacy paved the way for meaningful classification of the right. A fourth lecture will discuss the standard(s) of judicial review against which privacy infractions must be tested. In particular, does the Supreme Court now prescribe the standard of proportionality for privacy infractions, as <i>Puttaswamy</i> appears to hint? Or do the standards applicable before <i>Puttaswamy</i>—‘compelling state interest’ and reasonableness—continue to apply? Or indeed, does proportionality subsume the other standards? The final lecture will examine whether there is any support in the Indian case law for the horizontal application of the constitutional right to privacy. Unfortunately, the extent and the manner in which privacy in India operates horizontally remains ambiguous even after <i>Puttaswamy</i>.
SCHEME OF EVALUATION:	A 2500-word essay on an assigned topic (subject to the number of subscribers)

COURSE TITLE:	Theory and Practice of Animal Laws in India
COURSE OFFERED TO	Elective for LL.B. (4 th and 5 th year) and LL.M jointly.
INSTRUCTOR:	N.G. Jayasimha Nivedita Chowdhary Shreya Paropkari Alokparna Sengupta
NUMBER OF CREDITS:	2 (16*2=32)
DURATION	Sept. 3 rd & 4 th Week
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	In this course, we consider a series of topics that come under the general headings of “animal law,” “animal welfare,” and “animal rights.” One of the fastest growing fields of legal practice, animal law may involve issues of constitutional law, administrative law, environmental law, consumer protection law, etc. The unifying factor within this field of practice is that, no matter what type of law is involved, the underlying substance of the matter addresses the interests of animals themselves. India undoubtedly has some of the best animal laws in the world. For instance, the Prevention of Cruelty to Animals Act, 1960, that aims to prevent suffering and the Wildlife (Protection) Act, 1972, which was notified to protect and conserve the environment, including wildlife. However, as mentioned above, animal welfare laws in India overlap with other areas of the law such as torts, criminal law, constitutional law and property law. It is rooted in the practical application of statutory and decisional law but also explores legal theory and jurisprudence. Through ground-

	breaking litigation for the improvement of animals' lives, fundamental questions are being asked about the nature of a legal right or interest, the manner in which the law often creates or entrenches power imbalances, and how those imbalances impact animals. Through this course, we offer to explore the history of animal welfare in India, the legal theory, jurisprudence, and practical application of animal law.								
SCHEME OF EVALUATION:	<table> <tr> <td>a) Project Submission</td><td>30 marks</td></tr> <tr> <td>b) Project Presentation</td><td>30 marks</td></tr> <tr> <td>c) Drafting Problem</td><td>30 marks</td></tr> <tr> <td>e) Class Participation</td><td>10 marks</td></tr> </table> The Drafting Problem is an opportunity for students to apply what they have learnt in class to combat a situation that exists currently in India. This will be a group activity and the class can divide itself into teams of three or four for the same. The students will have 15 days to produce a response to the simulation and can seek advice from the course instructor if needed.	a) Project Submission	30 marks	b) Project Presentation	30 marks	c) Drafting Problem	30 marks	e) Class Participation	10 marks
a) Project Submission	30 marks								
b) Project Presentation	30 marks								
c) Drafting Problem	30 marks								
e) Class Participation	10 marks								

SEBI, CPAITAL ISSUES AND LISTING

OBJECTIVES:

In response to globalisation, India has opened up its economy, removing controls and adopted liberalisation policies. The natural corollary of this is that the Indian market should gear to face competition from the local as well as the international players. As a result of this, The Companies Act, 1956 is replaced by The Companies Act, 2013. The subject aims to give an overview on capital markets which includes laws relating SEBI, FEMA, Corporate Governance, Corporate Social Responsibility, Stock Markets and intermediaries in the capital market. The aim of the subject is to give a sound knowledge of the laws relating to issue of securities. This course has been specially designed for Post Graduates studying “Laws relating to Capital Markets” and assumes that the students do not study the subject on capital markets. It will give the students an advance research skill. The outcome of the subject is that the readers will get a sound knowledge in the concepts of the capital markets. The course is designed to acquaint the students with the basic aspects of the capital markets. At the end, the subject provides conceptual understanding and in-depth knowledge of securities laws and the regulatory framework concerning financial markets in India. The course will provide a critical view of current regulatory developments with the aim to identify the most appropriate regulatory policies towards increasingly financial phenomena and markets.

Module I: PUBLIC OFFER: Public Offer and Private Placement; Power of SEBI to regulate issue and transfer of securities etc 56 to 58 of the Companies Act, 2013 , Shelf Prospectus, Red herring Prospectus, Liability for mis-statement in prospectus, Allotment of Securities. Sections-23 to 41 of the Companies Act, 2013; Acceptance of Deposits by Companies ss.73 to 76 of the Companies Act, 2013;

Module II: Securities and Exchange Board of India: Constitution; Powers and Functions of the Board; Securities Appellate Tribunal;

Module III: SEBI (Issue of Capital and Disclosure Requirements) Regulations, 2009

Module IV: Modes of Investments: Collective Investment Scheme; Alternative Investment Funds; Venture Capital Investors; American Deposit Receipts; Global Deposit Receipts; Indian Deposit Receipts; Euro Issues; Mutual Funds; Hedge Funds; Private Equity; Book Building; Reverse Book Building; Green Shoe Option;

Module V: Law relating to listing of securities: Stock Exchange; Listing and De-Listing Regulations; Contracts and Options in Securities; Securities Appellate Tribunal; Securities Contract Regulation Act, 1956; Securities Contract Regulation Rules, 1957;

Module VI: Insider Trading Regulations: SEBI (Prohibition of Insider Trading) Regulations, 1992.

SEBI (Prohibition of Insider Trading) Regulations, 2015;

Module VII: Intermediaries in the Capital Market: Merchant Bankers, Credit Rating Agencies, Registrar to an Issue, Share Transfer Agents, Under Writers, Debenture Trustee, Banker to an Issue, Stock Brokers, Sub Brokers, Portfolio Managers, Foreign Institutional Investors.

Module VIII: Law relating depositories and transfer of Securities.

Module IX: Listing Agreement and Corporate Governance; Corporate Social responsibility; Listing and Disclosure Regulations;

Module X: Law Relating to Foreign Exchange Management; Foreign Direct Investment;

Course Title: **Criminology and Penology**

(Elective)

Credits: 3

Course description

The course is designed to acquaint the students with various causes of crime and Punishment. Emphasis will be laid on various theories of criminology and Penology. The course shall dwell on these concepts principles with a view to develop among students a greater understanding of genesis of crime and social cost of crime, rehabilitation of victim as well as offender. This course also deals with analysis of contemporary programs and trends in the criminal justice system

Objectives of the course:

3. To provide the students with a critical insight and awareness of the criminality and social deviation phenomena and a critical and analytical insight in Criminological research within the framework of social justice.
4. To provide an overview of modern and ancient Penal systems; the nature of modern Penology; contemporary issues and challenges on prison and correctional Systems; organisation, structure and functions

Learning outcomes:

On completing this course the participant will be able to:

- Understand meanings and concepts of Criminology, the nature and scope of Penology
- Understand the role and nature of Criminology and Penology in various practical aspects of criminal justice administration.
- Understand the nature of punishment and issues involved in sentencing

Module-I: Introduction

- Concepts of Criminology
- The Nature and Scope of Criminology
- Criminology a Science?
- Contemporary Criminology: Theory and Practice

Readings:

1. **Mike Maguire, Rodney Morgan, Robert Reiner,(Ed) The Oxford Handbook of Criminology (4th Ed), 2007**
2. Raymond Montemayor, Men and Their Bodies: The Relationship between Body Type and Behavior, Journal of Social Issues Volume 34, Number 1, 1978

Articles:

1. Henry, Stuart; Milovanovic, Dragan, Constitutive Criminology: Origins, Core Concepts, and Evaluation: <https://www.questia.com/library/journal/1G1-67547378/constitutive-criminology-origins-core-concepts>
2. Ben Bowling, A brief history of criminology, Journal Criminal Justice Matters Volume 65, 2006 - Issue 1
3. Criminology: The Key Concepts. Martin O'Brien - Author, Majid Yar, Routledge London. 2008. Page number: ii
4. Agozino, B. (2003) Counter-Colonial Criminology: A Critique of Imperialist Reason, London: Pluto Press.

Module –II: SCHOOLS OF CRIMINOLOGY

- Classical School,
- Positive School / Italian School,
- Sociological positivism
- Chicago School

Readings:

Essential:

3. Thomas J. Bernard and Jeffrey B. Snipes, Theoretical Integration in Criminology, Crime and Justice, Vol. 20 (1996), pp. 301-348. Published by: The University of Chicago Press
4. Criminology: Adler, Mueller, Oxford University Press 2nd Edition
5. J. Mitchell Miller, 21st Century Criminology A Reference Handbook. -(Ed) Sage

Additional:

1. Katherine S Williams, Text on Criminology(1997), Blackstone,

2. Lavland, TheFrontiers of Criminality (1995)
3. Walker, N. , Crime and Criminology: A Critical Introduction: Oxford University Press, (1987)
Inc New York, NY 10016

Module-III: CAUSATION OF CRIME- CRIMINOLOGICAL THEORIES:

- Introduction to Criminological Theory
- Rationale Choice Theories
- Psychological Theories
- Social Learning Theory
- Social Bonding and Control Theories
- Labelling Theory
- Social Disorganization, Anomie, and Strain Theories
- Conflict Theory
- Marxist and Critical Theories
- Feminist Theories
- Integrating Criminological Theory

Readings:

Essential:

3. Sturat Henry, The Essential Criminology Reader, Westview, 2005
4. Adler, Mueller, Criminology, Oxford University Press 2nd Edition
5. J. Mitchell Miller, 21st Century Criminology A Reference Handbook. –

Additional:

1. Sutherland, E. Cressy, Principles of Criminology (1978)
2. Katherine S Williams, Text on Criminology (1997), Blackstone,
3. Lavland, The Frontiers of Criminality (1995)

Articles

1. David Garland and Richard Park, Criminology, Social theory and challenge of our times, Brit. J. Crimino. (2000) p. 189-204
2. Boris Brasol, Foundations of Criminology, Journal of the American Institute of Criminal Law and Criminology, Vol. 17, No. 1, pp. 13-39
3. Marvin E. Wolfgang, Pioneers in Criminology: Cesare Lombroso (1835-1909), The Journal of Criminal Law, Criminology, and Police Science, Vol. 52, No. 4, pp. 361-391Published by: Northwestern University
Stable URL: <http://www.jstor.org/stable/1141263>

4. Ronald L. Akers, Rational Choice, Deterrence, and Social Learning Theory in Criminology: The Path Not Taken: The Journal of Criminal Law and Criminology, Vol. 81, No. 3 (Autumn, 1990), pp. 653-676
<http://www.jstor.org/stable/1143850>

Module IV: PENOLOGY & PRISON ADMINISTRATION

- The concept of punishment, correction and reformation
- Conventional Philosophies of Punishment
- Types of Punishment (Indeterminate and Determinate sentence)
- Comparative Perspective on Prison Policies and Systems (UK and USA)
- Prison Culture and Implication
- Administrative Provisions: Rights of Inmates. Inmate Rules and Discipline, Classification of Inmates, Administrative Segregation and Security and Control. Prison Staff and Management
- Current problems and challenges in Prison Administration
- Prison Reform in India

Readings:

Essential:

8. Rob Canton, Why punishment? An Introduction to the Philosophy of Punishment, Macmillan Education UK, 2017
9. H.L.A. Hart, Punishment and Responsibility
10. Martin Wasik, Emmins on Sentencing, Blackstone (1998)
11. Deborah H Drake: Critical Criminological Perspective: Prison, Imprisonment, Punishment and Pursuit of Security
12. Milovanovic, D., & Henry, S. (1991). Constitutive penology. *Social Justice*, 18, 204–224.
13. Malcolm M. Feeley, The New Penology: Notes on the Emerging Strategy of Corrections and Its Implications, 30 Criminology 449 (1992)

Additional:

10. Peter B. Wood. Prison, J. Mitchell Miller, 21st Century Criminology A Reference Handbook. -(Ed) Sage –p 730-740.
11. Brian D. Johnson, 21st Century Criminology A Reference Handbook. (Ed) Sage-p. 761-770
12. Law Commission of India- Forty Second Report –Chapter-III (1971)
13. Krishna Iyer Report on Female Prisoners (1986)
14. Commonwealth Guidelines for the Treatment of Victims of Crime,. Commonwealth Secretariat
15. Kennedy, and Sacco, V. (1989), Crime Victims in Context. Los Angeles, Cal; Roxbury Publishing Company
16. The Committee on Empowerment Of Women (2001-2002) Chairperson Smt. Margaret Alva, Lok Sabha Secretariat New Delhi 24th August, 2001/Bhadrapada 2, 1923(Saka))

17. John Braithwaite, Restorative Justice and Responsive Regulation (2002), Oxford
18. Eugene Mc Laughlin, Ross Ferguson (Ed) Restorative Justice Critical Issues, Sage Pub. (2003)
19. Catherine Elgibeth Kaukinen, Victim Services, 21st Century Criminology A Reference Handbook. (Ed) Sage-p.780-787

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NALSAR University of Law



ELECTIVE Courses Outlines
(In House Faculty)

JANUARY-APRIL, 2019

COURSE TITLE:	Climate Change Law And Politics
COURSE OFFERED TO	LLB & LLM Students who have opted this course last year, are not allowed to opt for this course now.
INSTRUCTOR:	Mr. VIVEK MUKHERJEE
NUMBER OF CREDITS:	2
DURATION	March- April
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Einstein was making a very sharp observation on human nature when he said, "We shall need a substantially new way of thinking if humanity is to survive." Climate Change was a non-issue when this statement was made, be it stands true for human behavior in dealing with the defining challenge of the century. This new way of thinking is the objective that we seek to achieve in this course. The course will start with revisiting the readings supplied by Prof. Baxi's in his course "Introduction to Climate Change and Anthropocene". Understanding the fundamental features of the Anthropocene through his readings will allow us to acknowledge the gravity of the problem. It shall be a call to go back to the drawing board and foreground the importance of ethics and morals in dealing with a challenge which has the potential to wipe us out of existence. A deeper study of the science of extinction will be done in order to learn from history and avoid repeating mistakes. What International Law in general and International Environmental Law (and it's principles like precautionary principle) in particular has to learn from subjects like geoengineering will be explored. Further, the theory of climate change in the Anthropocene will be tested in the real-world scenario of politics of climate change. India's journey from a 'obstruction' to a CC 'leader' will be traced. Climate politics 'within' India will also be discussed. An effort will be made to identify reasons for India sporting an 'over-ambitious' image internationally in the field of CC and at the same time dragging on to a lethargic attitude 'within' India. With the complex framework panned above, a 'legal' analysis of the climate change instruments will be done. Our central attention will be on analyzing the legal content of international climate instruments within the problem of enforcement. It will also look at typical CC tangents like adaptation, mitigation, loss and damage, vulnerability, finance etc. Finally, we will make a concerted effort to reconcile all the contradictions that India is facing in the complex Climate Change matrix. It will look at India's CC strategy, importance of CC adaptation in India through localized studies, involvement of international organizations like world bank in shaping India's CC strategy, how these strategies interact with poverty in India, its diplomacy fails (especially in negotiating

	historical responsibility in Paris) and successes. This will be done within the narratives of equity, CC justice, collective commons among other themes discussed in the first limb of the course. I welcome you to this journey of tragedy in the comedy of commons, of many contradictions and a hope for some conjunction.
SCHEME OF EVALUATION:	Research Paper: 100 marks

COURSE TITLE:	COMPETITION LAW
COURSE OFFERED TO	B.A.LL.B [4th and 5th year students]
INSTRUCTOR:	Mr. Sudhanshu Kumar & Mr. Sourabh bharti
NUMBER OF CREDITS:	4
DURATION	January – April, 2019
BRIEF DESCRIPTION	INTRODUCTION Competition law defends the practice of fair competition. One of the reasons for having legal framework for competition in market is to remedy those instances where the actions of one or more individuals or entities or organizations causes the collapse of free market system. It is important to lay down rules of the game so that every participant of the market has a fair and equal chance of flourishing. With the growth of both volume of transactions and the complexity of economies, jurisdictions across the globe have come to realize the need and benefit of having a well-defined competition policy and probably this is the reason the antitrust regime has seen the fastest growth when compared to other economic regulations. It is widely accepted, though some economists rebut the idea that competition law acts as a catalyst in promoting innovation and economic growth along with social progress of the nation. Antitrust laws prevent individual or collective acts or any other form of negative co-operation that adversely affects competition and functions to set prices at altitudes at which market can breathe, largely without interference and in a way that cannot be done through central control. Indian competition regime is fairly new when compared when compared to its counter parts. The Monopolies and Restrictive Trade Practices Act, 1969 was passed subsequent to finding and recommendations of Mahalanobis (1960) and Monopolies Inquiry Commission (MIC) (1964) to prevent monopolization or concentration of economic power. MRTP can be said to be the precursor of Competition Act, 2002 and can be considered as a move from preventive mechanism to developmental mechanism. The LPG model coupled with the shortcomings of MRTP paved the way for passing of new Act on the recommendation of Raghavan Committee. Doing away with prohibitory provisions for monopoly trade practices, restrictive trade practices and Unfair trade practices, the new Act has three major provisions which deal with ‘Anti-competitive agreements, Abuse of dominance and Regulation of Combinations.’ The growing powers of Competition Commission of India is evident from its recent decisions which cuts across different sectors including petroleum, pharma, entertainment, real estate, cement etc and which

has forced market entities to review their business strategies and focus on competition compliances.

COURSE STRUCTURE

This course on competition law has been structured in a manner to understand the objectives of antitrust laws. To appreciate the law of the land it is essential to also understand the economic underpinnings of the legal framework. The course will also include a comparative assessment of Indian competition law with its counterpart in UK and US.

Part A : COMPETITION LAW

Course Instructor : Mr. SUDHANSHU KUMAR

I. Introduction to Competition law -

- What is competition - why is competition needed in market
 - Objectives of competition law - Political content of Anti-trust
 - overview on laws on competition law (India; EU; US) - Shift from Monopolies and Restrictive Trade Practices Act, 1969 to Competition Act, 2002 - Preamble of Competition Act, 2002.

II. Anti-competitive Agreements (S. 3(1), S.3(2), S.3(3)(a) + S.19(3) along with comparisons with Article 101 TFEU

- Definition of Agreement - concerted action - Concept of Single overall agreement - unilateral conduct; Definition of Enterprise - commercial v. Sovereign activities - Single economic entity doctrine; Meaning of 'Appreciable' - De-minimis doctrine; Causes or likely to cause.; 'Competition within India' - effects doctrine
- AAEC - Section 19(3) - Negative and positive effects - Sources of monopoly power
- Object (horizontal) and effect (Vertical agreements); Horizontal price fixing agreements (price fixing ; Pricing methods) - Exchange of information
- Section 3(3); Limiting or controlling production - Group boycott - cases discussed like White lead case; FICCI multiplex etc.; Market allocation and sharing; S.3(1) v. S.3(3) debate including R. Prasad dissenting opinions; Collusive tendering - LPG case; Price Parallelism with cases
- Cartels - Cement / LPG / Domestic airlines
- S. 3(4)- Distribution chain - vertical integration concept - inter-brand and intra-brand competition - Block exemption in EU; Per se Rule and Rule of Reason; Tie-in agreements - Types and cases; Exclusive supply - cases like shamsher kataria / US v. Standard Oil / Exclusive motors; Selective distribution - Metro doctrine; Refusal to deal - cases; Resale price maintenance - positive and negative effects - Leegin rule

III. Abuse of dominant position - Section 4

- Relevant market concept and cases - SSNIP test; Dominant position - Akzo presumption - cases like BCCI case/ MCX

stock exchange case / Belaire owners association case;
Predatory pricing - Areeda tirner test; Exploitative pricing
strategies - price discrimination - discriminatory rebates and
discounts; Limiting and controlling production; Refusal to
supply - commercial solvents case; Essential facilities doctrine

IV. Combinations – Section 5, 6

Reading List

9. Michal Gal, 'The Ecology of Antitrust: Preconditions for Competition Law Enforcement in Developing Countries', New York University Law and Economics Research Paper Series, Working Paper No. 02-03
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=665181
10. Evolution of Competition Policy and Law by - Pradeep S Mehta & Simon J Evenett –http://www.cuts-ccier.org/pdf/Evolution_of_Competition_Policy_and_Law.pdf
11. Why India adopted a new Competition Law, A CUTS C-CIER publication (Specially focus from Section 4 onwards, you can skim read the previous provisions) – <http://www.cuts-ccier.org/pdf/wiancl.pdf>
12. Okeoghene Odudu, "Interpreting Art. 81(1): the object requires revisited," European Law Review, Sweet & Maxwell, 2001.
13. Okeoghene Odudu, "Restriction of competition by object – what's the beef?," Competition law Journal, 2009
14. New Definitions of Relevant Market and the Assault on Antitrust, Robert Pitofsky, Columbia Law Review, Vol. 90, No. 7 (Nov., 1990), pp. 1805-1864
15. Phillip Areeda and Donald F. Turner, "Predatory Pricing and Related Practices under Section 2 of the Sherman Act", Harvard Law Review, Vol. 88, No. 4 (Feb., 1975), pp. 697-733.
16. Andrey V. Makaro, "Comparative analysis of antitrust policy against collusion in some transition economies: Challenges for effectiveness" WP BRP 20/PA/2014, National Research University.

Books:

6. Richard Whish, David Bailey, COMPETITION LAW, 8th ed., Oxford University Press, 2015.
7. Alison Jones, Brenda Sufrin, EU COMPETITION LAW, 5th ed., Oxford University Press, 2014.
8. SM Dugar, GUIDE TO COMPETITION ACT, 2002, 7th ed., LexisNexis, 2017.

9. Sandra Marco Colino, CARTELS AND ANTI-COMPETITIVE AGREEMENTS, Ashgate Publications, 2012.
10. T. Ramappa, COMPETITION LAW IN INDIA: POLICY, ISSUES AND DEVELOPMENT, 3rd ed., Oxford University Press, 2006.

Part B : COMPETITION LAW AND INTELLECTUAL PROPERTY

Course Instructor : Mr. SOURABH BHARTI

Module 1 - Introduction – 2 hours

- Brief History on the relationship between antitrust law and intellectual property rights
- The relationship between Intellectual Property and Market Power
- Antitrust Law and the Misuse of Intellectual Property

Module 2: Unilateral Conduct by Intellectual Property Owners and Competition Law Implications – 10 hours

In this module we will discuss various unilateral actions of Intellectual Property owners which give rise to competition related concerns. Issues like enforcement of fraudulently procured patents and sham litigation, tying arrangements, unilateral refusals to license deal, Design Changes and Predatory Innovation, deceptive conduct before standard setting organizations shall be discussed. Following are the essential cases which would be

- Walker Process Equipment v. Food Machinery & Chemical Corp.
- CVD, Inc v. Raytheon Co.
- Professional Real Estate Investors v. Columbia Pictures
- International Salt Company v. United States 332 U.S. 392 (1947)
- United States of America, Appellee v. Microsoft Corporation, Appellant, 253 F.3d 34 (D.C. Cir. 2001).
- Microsoft Corp. vs. Commission of European Communities, In Case T-201/04.
- United States v. Loew's 371 U.S. 38 (1962)
- Krehl v. Baskin-Robbins Ice Cream Co. 664 F.2d 1348 (9th Cir. 1982)
- Data General Corp. v. Grumman Systems Support Corp. 36 F.3d 1147 (1st Cir. 1994)
- Image Technical v. Eastman Kodak 125 F.3d 1195 (9th Cir. 1997)
- In Re Independent Service Organizations Antitrust Litigation (Xerox) 203 F.3d 1322 (Fed. Cir. 2000)
- Berkey Photo, Inc. v. Eastman Kodak Co. 603 F.2d 263 (2nd Cir. 1979)
- Foremost Pro Color, Inc. v. Eastman Kodak Co. 703 F.2d 534 (9th Cir. 1983)
- C.R. Bard, Inc. v. M3 Systems, Inc. 157 F.3d 1340 (Fed. Cir. 1998)
- In the Matter of Dell Computer Corp. 121 F.T.C. 616 (1996)
- Broadcom Corp. v. Qualcomm Inc. 501 F.3d 297 (3^d Cir. 2007)
- Rambus, Inc. v. FTC, 522 F.456 (D.C. Cir. 2008)

	• Huawei Technologies Co. Ltd v. ZTE Corp., ZTE Deutschland GmbH, Case C-170/13 • Telefonaktiebolaget Lm Ericsson ... vs Competition Commission Of India Module 3: Horizontal Agreements Involving Intellectual Property and Competition Law- The discussions in this module will involve questions of price fixing and intellectual property, market allocation agreement, reverse payments agreements in pharmaceutical industry, group boycotts and concerted refusals to deal or license etc. 8 hours • Standard Oil Co. v. United States 283 U.S. 163 (1931) (POOLING) • Matsushita Electrical Industrial Co. v. Cinram 299 F.Supp. 2d370(D.Del2004) • Federal Trade Commission In the Matter of Summit Technology 127FTC208(February 23,1999) • Broadcast Music, Inc. v. CBS, 441U.S.I(1979) • United States v. Sealy, 388 U.S.350 (1967) • United States v. Topco Associates, Inc 405U.S.596(1972) • Clorox Co. v. Sterling Whinthrop, Inc. 117F.3d50(2nd Cir. 1997) • In re Tamoxifen Citrate Antitrust Litigation 466 F.3d. 187 (2nd Cir. 2006) • The Movie 1&2 v. United Artists Communication, Inc. 909F.2d 1245(1990) • Radio Telefis Eirrean vs Magill TV Guide Ltd. Cases C-241/91 P • FICCI- Multiplex Association of India vs United Producers/ Distributors Forum, CASE NO. 01 OF 2009 Part 4: The Antitrust Implications of Vertical Agreements Involving Intellectual Property: while licensing Intellectual Property the owners often use vertical price restraints or non-price restrictions in order to maximize the benefits of the monopoly. These are not per se problematic, but at times can raise concerns under competition law. This module will deal with those cases where the legal position on the issue was clarified. 4 hours • Dr. Miles Medical Co. v. John D. Park & Sons Co. 220U.S.373(1911) • United States v. Line Materials Co. 333 U.S.287(1948) • United States v. Paramount Pictures, Inc. 334 U.S.131(1948) • Leegin Creative Leather Products, Inc. v. PSKS, Inc. 127 S.Ct.2705(2007) • Braun Med., Inc. v. Abbott Labs, 124 F.3d1419(Fed. Cir. 1997) • United States v. Studiengesellschaft Kohle 670F.2d1122(D.C.Cir.1981) • Transparent-Wrap Machine Corp. v. Stokes & Smith Co.329U.S.637(1947)
SCHEME OF EVALUATION:	MID-SEM(25) + END SEM(50) + RESEARCH PAPER (20 MARKS) + PRESENTATION (5 MARKS)

COURSE TITLE:	Cyber Laws, Crimes And Technologies
COURSE OFFERED TO	LLB
INSTRUCTORS:	Dr. G. Mallikarjun and M.D Irfan
NUMBER OF CREDITS:	4
DURATION	January to April
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Cyber-crimes are rapidly expanding due to extensive use of internet and technology in the present world. Cyber-crime is a criminal activity in which computers or computer networks are used as a tool, a target, or a place of criminal activity. By extension, they may include everything ranging from an electronic cracking to a denial of service attack. The field of Cyber Forensics surfaced in response to the increasing cyber-crime in general and cyber terrorism in particular. Cyber-Crime affects, to begin with, the privacy of an individual or an organization and finally would threaten the security and integrity of the State itself. Varieties of evidence, collected to prove the cyber offences, will understandably be in an electronic form and it is very difficult and is also highly technical to collect, preserve, and analyze the evidence and present the same before the court of law. Cyber Forensic techniques are therefore necessary to identify, detect, collect and analyze digital evidence admissible in the court of law in order to deal with the cyber-crimes. An overall 'expertise' is needed to testify the veracity of such variations of evidence. Here comes justification for the Cyber Forensics. Needless to add, Forensics generally means the use of science and technology to establish facts in the court of law. Law students, law enforcement agencies, functioning at various levels, need to be adequately trained to use techniques of Cyber Forensic so as to deal with Cyber-Crimes.
SCHEME OF EVALUATION:	End Semester: 50 Marks Mid Semester: 25 Marks Project: 20 Marks Presentation: 05 Marks

COURSE TITLE:	Law of Insolvency and Bankruptcy
COURSE OFFERED TO	LLB & LLM
INSTRUCTORS:	Prof. K V S Sarma
NUMBER OF CREDITS:	3
DURATION	January to April
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The Code provides for a class of regulated professionals, namely, insolvency professionals (IP), who constitute one of the four key pillars of the insolvency regime, other three being the Adjudicating Authority, the Insolvency and Bankruptcy Board of India (Board), and the information utilities. The IPs play an important role in resolution, liquidation and bankruptcy process of companies, LLPs, Partnership firms and individuals. In the backdrop of Vijay Mallya episode and season of corporate defaults when public sector and financial institutions are helplessly chasing their dues in largely protracted legal battles, the Parliament of India in the first week of May swiftly passed Insolvency and Bankruptcy Code 2016. This Code is essential because no single umbrella legislation has governed insolvency and bankruptcy proceedings in India till now. Objectives: The law of insolvency is a social legislation which has been enacted to provide relief to the honest debtors who due to any fortunate or unforeseen circumstances become incapable of paying back their debts. The object is also securing distribution of a debtor's estate among his creditors equitably and thereafter to release him under certain conditions from liability in respect of his debts and obligations. Constitution empowered both the Central and State Governments to make the law about Insolvency and Bankruptcy matter in List III (Concurrent List) of Seventh Schedule of the Constitution of India. This course is designed to make the student to know the concepts of bankruptcy and insolvency and the corporate insolvency resolution process of corporates, firms and individuals. The students will be acquainted with the process of administration and distribution of the estate of the bankrupt. The study enables the student to understand the intricacies of bankruptcy law and gets thorough understanding of the administration of the insolvency and bankruptcy proceedings. MODULE i: INSOLVENCY RESOLUTION AND LIQUIDATION FOR CORPORATE PERSONS: Corporate Insolvency Resolution Process-Liquidation Process-Fast Track Corporate Insolvency Resolution Process- Voluntary Liquidation of Corporate Persons-Adjudicating Authority for Corporate Persons-Offences and Penalties. MODULE II: INSOLVENCY RESOLUTION AND BANKRUPTCY FOR INDIVIDUALS AND PARTNERSHIP FIRMS

	Fresh Start Process-Insolvency Resolution Process-Bankruptcy Order for Individuals and Partnership Firms-Administration and Distribution of the Estate of the Bankrupt-Adjudicating Authority for Individuals and Partnership Firms-Offences and Penalties MODULE III: REGULATION OF INSOLVENCY PROFESSIONALS, AGENCIES AND INFORMATION UTILITIES: The Insolvency and Bankruptcy Board of India-Powers and Functions of the Board-Insolvency Professional Agencies-Insolvency Professionals-Information utilities-Inspection and Investigation-Finance Accounts and Audit-General. MODULE IV: RULES AND REGULATIONS: a) Insolvency and Bankruptcy Board of India (Model Bye-Laws and Governing Board of Insolvency Professional Agencies) Regulations, 2016; b) Insolvency and Bankruptcy Board of India (Insolvency Professional Agencies) Regulations, 2016; c) Insolvency and Bankruptcy Board of India (Insolvency Professionals) Regulations, 2016; d) Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016; e) Insolvency and Bankruptcy Board (Insolvency Resolution Process for Corporate Persons) Regulations, 2016; f) Insolvency and Bankruptcy of India(Liquidation Process) Regulations, 2016; g) Insolvency and Bankruptcy Board of India (Voluntary Liquidation Process) Regulations, 2017; h) Insolvency and Bankruptcy Board of India (Information Utilities) Regulations, 2017; i) Insolvency and Bankruptcy Board of India (Advisory Committee) Regulations, 2017; j) Insolvency and Bankruptcy Board of India(Fast Track Insolvency Resolution Process for Corporate Persons) Regulations, 2017.
SCHEME OF EVALUATION:	
SELECTION CRITERIA (IF ANY)	

COURSE TITLE:	LGBT IMPACT LITIGATION
COURSE OFFERED TO	LLB & LLM
INSTRUCTOR:	Ms. PRERNA DHOOP
NUMBER OF CREDITS:	4
DURATION	January to April
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The main object is to engage in the study and comparison of the LGBT rights movement in the United States and India in order to examine the unique challenges to successfully conducting 'Impact Litigation' designed to enact social change and discuss practical methods to overcome those challenges. It is pertinent to understand the meaning and scope of the term 'Impact Litigation' before we proceed to study and compare the LGBT rights movements in the US, India and beyond. The term 'Impact Litigation' deals with the designing and development of different strategies and approaches which human rights lawyers may choose from in order to bring about long lasting changes to public policy and legislation. It includes designing effective litigation techniques, promoting national and international media coverage, reporting to and petitioning before international bodies, networking with international non-governmental organizations and research institutes and most importantly, setting exemplary impact litigation techniques for other human rights advocates. As such, the class will study about the LGBT rights movements in the US, India and other countries in order to get a thorough idea of how human rights advocates and organizations design and develop 'Impact Litigation' techniques and strategies. The LGBT rights movements in the US and India have largely revolved around a) elimination of sodomy laws; b) advocacy for equal rights like marriage rights; and c) call for ending discrimination in public life. While the LGBT rights movement in the US has reached the second stage with the recent decision in Obergefell v. Hodges, the movement in India is still in its nascent stage with the latest defeat in the legal battle against Section 377 in Suresh Kumar Koushal v. Naz Foundation. However, the recent decision in National Legal Services Authority v Union of India is said to be progressive so far as it upholds the right of the eunuchs to be recognized as a 'third gender' and eligible for special protection and guarantees. As such, it is very important to study these cases in depth and analyze the legal issues involved like for example, how the judiciary dealt with the issues of constitutional morality and societal morality in Obergefell, Koushal and NALSA judgments. Also, we shall have a slightly closer look at the factual and legal arguments and litigation techniques that were employed

	in these cases. In this way we would be able to gather an understanding of the winning legal arguments and successful litigation techniques in the LGBT rights movement. Apart from the litigation techniques, the class will also study about other strategies and approaches that the LGBT rights movements have employed in order win legal cases and battles outside courts. It is important to understand that the main battle for the LGBT rights movement is fought outside the courts because it is very difficult to influence and appeal to societal morality which has largely been anti LGBT persons. As such, we will trace how the LGBT rights movements in different countries have used other fora apart from courts like the political forum and social media in order to spread their message and win wide support among the masses. In this way the students will be able to understand the role of litigation and media within a broader social and political movement. For a practical understanding the students will also learn how to draft a complaint that is designed to serve the dual purposes of persuading a court of law and the court of public opinion. Therefore, by the end of the semester the students would acquire theoretical knowledge and practical expertise to design and develop 'impact litigation' strategies required to bring about changes in public policy and law. There will be class readings and discussions on LGBT rights cases (US & India), legal writings and research articles on the topic. Our interactions will only be beneficial if you read the assigned materials in advance and actively participate in the classroom discussions.
SCHEME OF EVALUATION:	End Semester: 50 Marks Mid Semester: 25 Marks Project: 20 Marks Presentation: 05 Marks

COURSE TITLE:	Patent Analysis, Mapping, and Visualization systems (Pat informatics)
COURSE OFFERED TO	LLB
INSTRUCTOR NAME & CONTACT DETAILS:	B Md Irfan
SHORT DESCRIPTION OF INSTRUCTOR	System Admin
NUMBER OF CREDITS:	2
PREFERRED DATES FOR CONDUCT OF COURSE	March to April
PRE-REQUISITES:	N.A
BRIEF DESCRIPTION ON COURSE (MINIMUM 500 WORDS)	The Intent in this Course is to explore some of the methods and techniques that are commonly used in patent analysis. Patent analysis is an extremely versatile Methodology, with many implications for businesses--strategic planning, mergers, acquisitions, licensing opportunities, R&D management, human resources, competitive intelligence, business intelligence, etc. This course also examines patent analysis tool for competitive intelligence developing using spatial and statistical data schemas and models such as Big databases , data mining and visualization techniques, and graphically rich spatial data models, This course explains various concepts like creating patent landscapes, patent profiling , patent searching, patent visualization , patent research gaps identification, patent competitive intelligence, new venture evaluation, patent portfolio re-engineering and techno-legal reports generation (Patentability, Validity, Infringement and freedom to operate) using open source patinformatics tools. Applications and tools: 1. Obtaining patent data with PatentScope or Google patents application. 2. Cleaning patent data with Open Refined application. 3. Analyzing patent data with RStudio. 4. Patent Network Visualization with Gephi or Plotly. 5. Patent landscaping with IPAT systems. Conclusion: Considering the emergence of patents as game changers in corporate world the course helps the participants develop their skills in patent searching and analysis and use this information for Designing patents landscapes for research and business planning, legal conflict avoidance and resolution at patent licensing and issuing , Business Intelligence development etc , this course helps

		to implement Text-based, Graphic based and content based searching scenario's with in detail understanding of algorithms and design Architectures of different methodologies and technologies which petitions for availing patent rights, after successful completion of the course the participants shall be capable of handling all the IPR related issues such as verification, validation and extension, independently and accurately .
SCHEME OF EVALUATION:		Theory : 50% Project (Practical): 50%
SELECTION CRITERIA		N.A

COURSE TITLE:	Specific Relief and Law of Injunctions
COURSE OFFERED TO	LLB & LLM
INSTRUCTOR:	MR. VARUN MALIK
NUMBER OF CREDITS:	4
DURATION	January to April
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The first principle for remedy against breach of contract is to ensure that the party suffering from breach of other is restored back to the condition it would have been in if the contract had been performed. Common law and most of the civil law countries remedy the breach in basically two ways viz. (1) the damages and (2) Specific Performance of Contract. The present course is concerned with the latter. The specific performance of the contract cannot be executed without a decree of mandatory and permanent injunction being passed to that effect and therefore the law of injunction forms an integral part of the relief of the specific performance. The contours of law of injunctions, but, extend much beyond the relief of specific performance and outreach to almost all the branches of civil law and in some cases to criminal law as well. In order to appreciate the deep linkages between the two branches of law I have taken the decision to offer the two together. But, in order to ensure that the abovementioned linkages don't have a shadowing effect on the disjunctions between the two, the course divides Specific Performance of Contract and Law of Injunctions into two different parts. The Part I of the course deals with the relief of Specific Performance of Contract. The part intends to discuss and analyze the law relating to specific performance in India. It shall focus on the provisions of Specific Relief Act, 1963 along with the evaluation of specific relief as compared to the relief of Damages in civil law. The aforesaid discussion shall lead us to evaluation of the Specific Relief (Amendment) Act, 2016. The Part II of the course is dedicated to Injunctions and intends to discuss the historical origins of the concept of Injunctions, its basics and practice. I further intend to discuss how injunction interacts with other branches of civil laws with a special attention to specific relief and law of contracts. The Part III discusses the core litigation technicalities around how the injunction applications and specific relief complaints are drafted. As the course is being offered to 4th/ 5th year students and LL.M students, who are almost ready to face the field, the course aims to develop the acumen of the students both from corporate/ litigation as well as academic point of view. The course further aims to

	expose the students to the practical aspects of injunctions and specific relief to facilitate an easier assimilation of students into the profession of law.
SCHEME OF EVALUATION:	End Semester: 50 Marks Mid Semester: 25 Marks Project: 20 Marks Project Presentation: 05 Marks Both Mid-Sem and End-Sem Exams would be Closed book. A copy of relevant statutes/ provisions of statute would be provided to students for reference purposes.

COURSE TITLE:	Taxation of structured funds
COURSE OFFERED TO	LLB
INSTRUCTOR:	Mr. ALOK VERMA
NUMBER OF CREDITS:	3 credit
DURATION	January to April
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The shift in legal paradigm in which an investment fund operates requires that attention be given to articulating disclosures in fund documents and intelligently planning investment asset-holdings to lower regulatory burden. In our experience, fund documentation is critical in ensuring protection for fund managers from exposure to legal, tax and regulatory risks. Fund counsels are now required to devise innovative structures and advise investors on terms for meeting investor's expectations on commercials, governance and maintaining GP discipline on the articulated investment strategy of the fund. All these are to be done in conformity with the changing legal framework. The objective of this course is to bring to focus, the structural and taxation aspects that need to be considered while setting up India focused funds and some of the recent developments that impact the fund management industry and its implication on large tax outflows.
SCHEME OF EVALUATION:	End Semester: 50 Marks Mid Semester: 25 Marks Project: 20 Marks Project Presentation: 05 Marks Open Book Exam (Mid Semester + End Semester)
SELECTION CRITERIA (IF ANY)	----

COURSE TITLE:	Law, Reason, and Modernity: An Introduction to Selected Themes in Legal Theory
COURSE OFFERED TO	LLB II to V year and LLM
INSTRUCTOR:	Chinmay Deshmukh Pursued undergraduate studies in Law at the National Law University, Jodhpur. After graduating from NLUJ, I worked as a Legislative Assistant to Mr Naresh Gujral, MP, Rajya Sabha under the LAMP Fellowship and at the Constitution Club of India. I then went on to pursue LLM in Legal Theory at Goethe University, Frankfurt, Germany, graduating with <i>Summa Cum Laude</i>. I am also currently enrolled as a doctoral candidate at Goethe University, working with Dr Matthias Goldmann on Hayekian and Habermasian legal theoretical interpretations for blockchain based legal and normative order.
NUMBER OF CREDITS:	3
DURATION	Tuesday 3to 5 pm Friday 3 to 5 pm From 1st Feb. onwards.
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The course will introduce students to a selection of both well-explored and relatively less-explored traditions and stimulating contemporary debates in legal theory, with the underlying theme of exploring the law's intricate and intriguing relationship with rationality, mainly situated within the philosophical discourses of modernity. Legal theory seeks to address fundamental questions regarding the nature, functions, and development of law and legal institutions in human societies; critically assessing the relationship between law, morality, and justice. Since the eighteenth-century Enlightenment or the 'Age of Reason', concepts, categories, and discourses around such legal theoretical investigations have been dominated by liberal, modernist, and progressivist worldview. Roughly, this worldview can be characterised as holding reason as the primary guiding principle in the organisation of human affairs, including the organisation of our normative order. Over the past few decades; however, this 'project of modernity' has been increasingly problematised by different socio-political and intellectual factions. For instance, post-secularists reject the legal and normative privileging of secular reason over religious-moral belief, post-modernists seek to contest the Enlightenment narrative of teleological progress through the use of reason, and Critical Legal Studies scholars aim at uncovering legal liberalism's inherent social biases. Against this context, the course will provide an introduction to a selection of pre-modern, modern, and post-modern perspectives in legal theory, highlighting particularly their assumptions and accounts of rationality. It will seek to do so through a genealogical survey of important legal philosophers

	ranging from Plato, Lao Tzu through Weber, Nietzsche to recent legal philosophers including Hayek, Kennedy, and MacKinnon. The course will conclude by reviewing implications and questions arising from this analysis for contemporary topics in legal philosophy - such as behavioural sciences and the law, artificial intelligence and the law - where discourses of rationality play a central role. Preliminary Course Outline: (A detailed course syllabus will be provided to participants in class.) 1. Multi-Normativity: Basic Concepts in Classical Greek, Indian, and Chinese legal theories 2. Natural Law and Legal Positivism <i>vis-à-vis</i> Modernity: Hobbes, Hume, and Kelsen 3. Normativity between Reason and History: Kant, Marx, and Habermas 4. Normative Disenchantment and Modernity: Weber and Nietzsche 5. Historical/Evolutionary Legal Theory: Savigny, Hayek 6. Post-modern Legal Theory: Foucault, Derrida 7. Critical Legal Studies: Kennedy, Unger 8. Feminist Legal Theory: MacKinnon, Nussbaum 9. Towards a Post-secular Legal Theory?: Charles Taylor, T.N. Madan, Ashis Nandy 10. Navigating the Road Ahead: Introduction to legal theoretical issues concerning AI and Behavioural Science
SCHEME OF EVALUATION:	<u>Written Assignment and Presentation:</u> A short reaction paper of 2500-3000 words, critically engaging with the readings/case laws discussed during the classes (20%), followed by oral exam/presentation (5%). <u>Mid-semester Examination:</u> (25%) <u>End-semester examination:</u> (50%)
SELECTION CRITERIA (IF ANY)	Draw of Lots

NALSAR University of Law



Seminar Courses Outlines
(In House Faculty)

JANUARY-APRIL, 2019

COURSE TITLE:	Cine-Politics in India (Social Science Seminar)
COURSE OFFERED TO	LLB
INSTRUCTOR:	Dr. N. Manohar Reddy
NUMBER OF CREDITS:	3
DURATION	February to April, 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The course has two parts: The first part deals with debates on film stars and their phenomenal success in forging political careers. This subject has fascinated several scholars such as MSS Pandian, Sara Dickey, SV Srinivas, Madhava Prasad and so on. Stressing the interface between the cinematic medium and the political process, some argued that the legendary stars such as MG Ramachandran and NT Rama Rao were able to exploit the cinematic apparatus to first carefully create their “cinematic persona” or the “on-screen image,” of adulation or devotion, and then transfer it to the domain of politics, which yielded them rich dividends in elections. In other words, the gullible fan-spectators of the stars were turned into potential voters through the manipulation of the cinematic image which supposedly “dovetailed” the real life and the screen image of the stars. Those who have put forward this argument believe that nothing else can explain how the subaltern classes continued to vote for MGR and NTR despite their anti-poor policies. However, this argument has been contested by others who have pointed out that the political mobilization of star charisma, particularly in South India, must be understood in relation to the absence of republican institutions and the accompanying popular sovereignty. An elaboration of this complex idea demands for an in-depth analysis of political life in independent India and the many conflicts over national identity. The second part of the course engages with “new cinema,” a set of recently made low budget films such as <i>Chaapa Kurish</i>, <i>Kammatipadam</i>, <i>Kaaka Muttai</i>, <i>Tithi</i>, <i>Sairat</i>, <i>Fandry</i> and so on, which have been made by the first generation film makers mostly belonging to the marginalized sections of Indian population. These small budget films with no stars are however commercially successful. In this aspect, they are innovative and experimental in nature, which need to be understood in the context of contemporary political scenario. Not much scholarly work is available on this kind of cinema barring a couple of articles and a few journalistic film reviews. Thus, the course provides an opportunity to explore and define the ways in which this genre of “new cinema” is different from the mainstream cinema as well as

	the avant-garde and the art films. Attention also must be paid to the emergence of digital technologies, multiplex culture, and the small town migrants to the metropolitan cities who constitute the main audiences to this cinema. Note of caution: This is not a film appreciation course, where one can simply watch a set of films for fun and walk away. Those who opt for the course will require putting in serious effort to understand the theoretical and intellectual debates on cinema and politics. Thus, only those who are interested in taking cinema seriously and want to pursue it as an academic and intellectual exercise, and are willing to work hard, are advised to opt for this course. It is mandatory to watch 6-8 films together with other members of the class and these hours will not count for attendance.
SCHEME OF EVALUATION:	Active participation in class discussions: 25 marks Oral presentation of research paper findings: 25 marks Written research paper (4000 words): 50 marks
SELECTION CRITERIA	Statement of Purpose. If necessary, an interview may be conducted.

COURSE TITLE:	Defence & Security Laws
COURSE OFFERED TO	Seminar for LL.B.
INSTRUCTOR:	Prof. V. Balakista Reddy
NUMBER OF CREDITS:	4
DURATION	January to April, 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	
SCHEME OF EVALUATION:	
SELECTION CRITERIA	

COURSE TITLE:	Democracy and Development: Global and Indian Contexts (Social Science Seminar)
COURSE OFFERED TO	LLB
INSTRUCTOR:	Dr.H.Vageeshan
NUMBER OF CREDITS:	3
DURATION	February to April, 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The concept of Democracy and Development became very popular after fifteenth century. In that sense they are two key modern concepts often discussed and have a complex relationship. Many modern nation states espouse the conceptual frame of democracy and claim their legitimacy based on their perceived ideas of development and their execution. In this context it is important dwell in to the origin, evolution and connection between these two concepts. The seminar course is intended to understand the evolution of democracy and how during the process of popularization of the concept as " rule by the people" expanded its base from limiting the monarchies to framing constitutions based on popular sovereignty and rule of law. How various democracies perceive the concept of development will be the one of the important explorative of the course. It also tracks the transformation of the concepts like "Wellbeing" " Public Good" "progress" and proceeds to unravel concept of development from the economic growth dimension to human development dimension. Thus various facets of the concept and especially its importance to the connotation of human dignity will be explored. The seminar will look in to literature on the interrelation between ruling systems and the wellbeing of the people and try's to understand the nonlinear and complex relationship between democracy and development. The important thrust of the course is can be the concept of development which occasionally associated with economic efficiency ,growth and at times with ease of doing business etc. (especially in the post 1990s world political economic order) be made democratized that means can it be connected to dignity and social and economic justice which are the cardinal values of democratic republican orders of our times. The seminar course takes comparative political approach the question of democracy and development thus looks in to the west European and American and other (Asian ,African , Latin

	American ,east European) experiences of development and democracy. It also has a special focus on India's experience with democracy and development. The following are the key explorative of the course. ➤ Democracy its nature and working in the Western and non western contexts. ➤ How is the the connection between the democracy and development is percieved?)is there a connnect or not etc(➤ Rapid Economic growth and sustainable developemnt ? are they compatible? ➤ Democratic Regimes and Human Developmnet Strtagies ➤ Interface between Developemnt and democracy in India .
SCHEME OF EVALUATION:	Class room participation/activities 15 + Written Research Paper 70+ Presentation 15 arks
SELECTION CRITERIA	Statement of Purpose of choosing the course

COURSE TITLE:	Discourses (and Counter Discourses) on Disadvantaging Bi/Multilinguality (Social Science Seminar)
COURSE OFFERED TO	LLB
INSTRUCTOR:	Dr. UMA MAHESHWARI CHIMIRALA
NUMBER OF CREDITS:	3
DURATION	February to April, 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Notice the terms Bi/Multilinguality (and not the oft used bi/multilingualism) and the ING in 'DISADVANTAGING' in the title of the course. According to McNamaara (2016), 'Ism' terms are power-driven as they operate as <i>mental constructs</i> for explaining a physical/describable/observable reality. The mental construct is simultaneously the project, product and process of constructing <i>discourses</i>. It is in the modality and justification of how an 'ism' is described and the actual operationalization that deserves explicit and critical investigation. The choice of terms thus in the title is deliberately oriented to focus on the tri-partite relationship between 1) the construction of an 'ism' as a mental explanation; 2) how that construction breeds discourses that effectuate policies and 'welfare oriented affirmative initiatives'; and 3) how such initiatives trigger a vicious cycle of 'disadvantaging' psychologically, socially, economically and linguistically. This course builds on the premise that any 'Ism' is a linguistic manipulation created to suit ones perspective while simultaneously invisibilising several perspectives. In the case of this course we focus on BI/MULTILINGUALISM as the focal point of interest. What this course would then focus on is not restricted to the conceptualization of bilingualism across different linguistic contexts but in how the concept of Bi/Multilingualism becomes BI/MULTILINGUALITY i.e. how it is operationalized, measured and studied and how these investigation become the basis for discourses that effectuate Policy formulation and Planning and Management activities. The course thus has three strands for analysis 1. Understanding Bilinguality: What is Bilinguality? What have been some of the discourses surrounding Bilinguality? How is it conceptualized in different geo-political spaces? How has it been measured? On whom? To what effect? And What consequences? How have these conceptualizations created the 'vicious cycle of disadvantaging'? 2. Theoretical Perspectives on discourses of disadvantaging: What have been the historical, Cognitive, Social, linguistic, and cultural grounding on the basis of which discourses of 'Bilinguality as a disadvantage' have been built? What have been the factors behind the expansion of Monolinguality worldwide, including in India, in the past and in the modern world? What discourses mask the recognition of

	causal factors and the resultant consequences of disadvantaging Bilinguality? 3. For Theory- in action/Practice (6 CASE STUDIES): Who are the players in each of the case studies? What discourses dominate the construction of 'language' in the specific contexts of the case studies? What concerns and issues mediate the construction of a 'lingua-action' space (educational, public services, administrative)? How is bilinguality represented in these spaces? How do we counter the 'interventionist army (ies)' (4 case studies in the list and 2 more to be added)		
SCHEME OF EVALUATION:	Percentage of scores allotted	Nature of evaluation	Submission
	20%	Engagement with the reading documented in the form of discussion questions drafted by the students	Every week on the date and time decided upon
	30%	Proposal for the term paper in about 500 words	Date will be announced
	35%	Term paper	Date as indicated by the Examination branch
	15%	Presentation of your term paper	Date as indicated by the Examination branch
READING LIST	Reading List (will be handed as reading pack) Understanding Bilinguality (9 chapters totally): 1. Skutnabb-Kangas, T. (1990). Chapter 1,2,5,8 and 12. In <i>Bilingualism or not: The Education of Minorities</i>. Orient-Longman: Hyderabad, India. Chapter (1,2,5,8,12) 2. Mohanty, A. K. (2018). <i>Multilingual Reality: Living with languages</i>. Multilingual Matters: Bristol, UK. (Chapters 2, 3, 4 and 6) Ways of Taking: Perspectives on Discourses on disadvantaging (4 theorists) 1. Lefebvre, H. (1991). <i>The Production of Space</i>. Oxford, Basil Blackwell Ltd. (selected pages) 2. Soja, E.W. (1996). <i>Third space: Journeys to Los Angeles and other real-and-imagined places</i>. Malden, MA: Blackwell. (selected pages) 3. Phillipson, Robert (2016). Promoting English: Hydras old and new. In Bunce, Pauline, Robert Phillipson, Vaughan Rapatahana and Ruanni Tupas (eds.), <i>Why English? Confronting the Hydra</i>, 35-46 (12 pp.) 4. Phillipson, Robert & Skutnabb-Kangas, Tove (2018).		

	Linguistic imperialism and the consequences for language ecology. In Penz, Hermine & Fill, Alwin (eds). <i>Handbook of Ecolinguistics</i>. New York: Routledge, 121-134. 14 pages 5. Foucault, M., 1977, <i>Discipline and punish: The birth of the prison</i>, Allen Lane, London. (Selected chapter/PAGES) 6. Foucault, M., 1980, in C. Gordon (ed.), 'Truth and power', in <i>Power/knowledge: Selected interviews and other writings 1972-1977</i>, pp. 109-133, Harvester, Brighton, UK. 7. Foucault, M., 1982, 'Afterword: The subject and power', in H.L Dreyfuss & P. Rabinow (eds.), <i>Michael Foucault: Beyond poststructuralism and hermeneutics</i>, pp. 10-49, The Harvester Press, Brighton. For Theory- in action/Practice (4 case studies and 2 more to be added) 1. Pasanen, Annika (2005). The day when Malu-Sina-Jampu-Ture got a new mother tongue. A Mother Tongue Reclaimed – Reversing Language Shift in Saamiland. <i>Bilingual Family Newsletter</i> (2005) 23:1, 1-4. 4 pages 2. Laakso, J., Sahimaa, A., Akermarck, S.S., and Toivanen, (2016). Law, Language and Multilingualism. In Towards openly multilingual policies and practices. <i>Multilingual Matters</i>: Bristol, UK. (pgs 173-191) 3. Mohanty, Ajit & Skutnabb-Kangas, Tove (2013). MLE as an economic equaliser in India and Nepal: mother tongue based multilingual education fights poverty through capability development and identity support. In Henrard, Kristin (ed.). <i>The interrelation between the right to identity of minorities and their socio-economic participation</i>. Studies in International Minority and Group Rights, Volume 2. Leiden and Boston: Brill/ Martinus Nijhoff Publishers, 159-187. 29 pages 4. Annamalai, E. (2017). Conflict between Law and Language Policy in Education: Deliberations of Indian Supreme Court. In Skutnabb-Kanga, Tove & Phillipson, Robert (eds). <i>Language Rights</i>. Volume 2. London/New York: Routledge. 326-336. 11 pages. 5. Rao, A. Giridhar 2016. The (illusory) promise of English in India. In Bunce, Pauline, Robert Phillipson, Vaughan Rapatahana, and Ruanni. F. Tupas (eds). <i>Why English? Confronting the Hydra</i>. Bristol: Multilingual Matters, 197-207. 11 pages
SELECTION CRITERIA	BASED ON SOP

COURSE TITLE:	DYNAMICS OF INDAIN DEMOCRACY (Social Science Seminar)
COURSE OFFERED TO	LLB IV & V Years only
INSTRUCTOR:	Dr.H.Vageeshan
NUMBER OF CREDITS:	Three
DURATION	February to April, 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The purpose of the course is to introduce the evolution, nature and functioning of Indian state which is located in the post-colonial milieu of global south. The course starts with evolution of Democratic Republic of India, in the process how Justice, Liberty and Equality became the cardinal principles of the republic will be dwelled in to. The course wades through the journey of the Republic and the interplay between the principles and practices on the ground. The (uneasy) relationship between the Politics of the state apparatus and the politics of the people will be introduced; in the process the changes in the political economy and socio cultural milieu will be ascertained. The, aspirations, demands and struggles of people to have a life with dignity and the response of the system of governance will be intorragated.Dynamics of state building and nation building and concomitant problems involved will be discussed. On the whole the course is intended to introduce the student to the journey of a populous,plural,competitive constitutional democracy and its problems and prospects. 5) Evolution of the constitutional democratic republic of India 6) The journey of the republic in phases to ascertain the nature of the republic. 7) The changes in political economic and social sphere and their expression in the form of electoral and non-electoral arenas. 8) The prospects of a democratic republic . Will be the broad areas be covered in the seminar.
SCHEME OF EVALUATION:	Class room discussions 15+ Paper 70+ Presentation+15 =100
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Environmental Justice – Stories and Struggles
COURSE OFFERED TO	LL.B. & LL.M.
INSTRUCTOR:	Mr. Jagteshwar Singh Sohi
NUMBER OF CREDITS:	4
DURATION	January to April, 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The course will be divided into two main components. The first shall be conducted in lecture form over the initial month wherein I shall narrate to the students the story of the struggle at Niyamgiri, the story of the struggle of the Dongria Kondh people against the State and Vedanta. You'll be expected to read: 1. Site Inspection Report of the Fact Finding Committee Regarding its Visit to Orissa (18th - 23rd December 2004) 2. Central Empowered Committee, Report in IA No. 1324 Regarding the Alumina Refinery Plant Being Set Up by M/S Vedanta Alumina Limited at Lanjigarh in Kalahandi District, Orissa (21 September 2005) 3. T.N Godavarman Thirumulpad v. UoI & Others (in the matter of Vedanta Alumina Ltd.), IA nos. 1324 and 1474 in WP (C) no. 202 of 1995 with IAs nos. 2081-82 (decided on 23 November 2007) 4. T.N. Godavarman Thirumulpad v UoI & Others (in the matter of M/s. Sterlite Industries (India) Ltd.), IA no. 2134 of 2007 in WP (C) no. 202 of 1995 (decided on 8 August 2008) 5. Dr N. C Saxena et al, Report of the Four Member Committee for Investigation into the Proposal submitted by the Orissa Mining Company for Bauxite Mining in Niyamgiri (2010) 6. Orissa Mining Corporation Ltd. v MoEF & Others, WP (C) no. 180 of 2011 (decided on 18 April 2013) We'll also read some material to create an understanding of a theoretical framework to analyze Environmentalism in India. You'll be expected to read: 7. Madhav Gadgil & Ramachandra Guha, Ecology and equity: the use and abuse of nature in contemporary India (London: Routledge, 1995).

	8. Ramachandra Guha & Juan Martinez-Alier, Varieties of Environmentalism: Essays North and South (London: Earthscan, 1997) – Ch. 1 9. Partha Chaterjee, The Politics of the Governed: Reflections on Popular Politics in Most of the World (New York: Columbia University Press, 2004) – at least Ch. 2 The story of Niyamgiri will give us an opportunity to read and learn about significant legal aspects of laws around a range of environment issues, specifically: FCA 1980, EPA 1986, EIA Notification 1994, PESA 1996, Samatha judgment 1997, FRA 2006. You are also expected use this first month to <u>identify an environmental struggle in India for which you wish to ‘construct’ a story over the next 3 months [250 words]. This will be the second component of the course.</u> Week 5, 6 & 7 respectively – 1/3rd of the class shall present their story. Everyone is expected to sit through the presentation of others. This will enable you to see the similarities and differences between these stories and the one that you are pursuing [15 minutes]. * Week 8 – there shall be no class; however, everyone will submit in a write-up of the story as it stands [1500 words]. Week 9, 10 & 11 respectively – see * above. Week 12 – We’ll hold an open presentation and invite anyone who is interested to listen in to 20 different stories of struggle around environmental issues in the country [15 minutes]. We can speak to the person teaching Environmental Law and see if he/she is interested in having these presentations in that course. Week 13, 14 & 15 respectively – see * above Week 16 – final submission [3000 words] will be made.
SCHEME OF EVALUATION:	Identifying a struggle – 10 marks First presentation – 10 marks First submission – 15 marks Second presentation – 10 marks Open presentation – 15 marks Third presentation – 10 marks Final submission – 30 marks

SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Framing Fundamental Rights: Constituent Assembly Debates (Social Science Seminar)
COURSE OFFERED TO	LLB
INSTRUCTOR:	Dr. Murali Karnam
NUMBER OF CREDITS:	3
DURATION	February to April, 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Framing Fundamental Rights: Constituent Assembly Debates Framing of Fundamental Rights in Constitution The making of Constitution of India was a huge democratic process. While the final shape of the Constitution looks reverent and clean, the process of arriving at it was not. Diverse ideological perspectives competed and jostled with one another to find place in it. There had been accommodations, compromises and dissents. Nowhere these ideological competitions were more visible than in the making of Part III and IV of the Constitution. The embers of ideological simmering are still alive and the political debate around them still rages. The Constituent Assembly appointed many sub-committees on specific areas of Constitution and the reports of those committees were elaborately debated and dissented within and outside of the Assembly. Beginning with the debates on Objectives Resolution, the process of making of fundamental rights involved production of interim and final reports by Sub-Committee on fundamental Rights, Sub-Committee on Minorities and deliberations by the Advisory Committee and finally by the Constituent Assembly. In addition, draft bills of rights were prepared separately by B.R. Ambedkar, K.M. Munshi, and Harnam Singh, K.T. Shah and B.N. Rau. I propose to undertake a close reading of few reports of deliberations of the Sub-Committee on Fundamental Rights and Advisory Committee. These reports of Advisory Committee and Sub-Committee give us clues to understand the historical context of the making fundamental rights. In the seminar I propose to discuss these specific texts to underscore the significance of those debates and their relevance to the present. • The Students are expected to read the text in advance and come to the class for discussion. • The students are expected to choose their areas of research well in advance. The seminar theme and research themes are expected to move simultaneously. • Only those students who are willing to give serious attention are advised to apply for the course. READINGS

	1. The specific portions of <i>The Framing of India's Constitution: Select Documents</i> by B. Shiva Rao would be used for the discussion. Those portions would be identified for close reading and supplied in advance for discussion in the class. 2. <i>Politics and Ethics of India Constitution</i> by Rajeev Bhargava
SCHEME OF EVALUATION:	Three modes of evaluation 4. Classroom discussion 20 marks 5. Presentation 20 marks 6. Seminar Paper writing 60 marks
SELECTION CRITERIA	Interest mode.

COURSE TITLE:	Ideology and Cultural Context In Colonial India (Social Science Seminar)
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Mr. Hota Agni Kumar
NUMBER OF CREDITS:	3
DURATION	February to April, 2019
BRIEF DESCRIPTION (MINIMUM 500 WORDS)	Any valid attempt to understand the process of colonization of India finds it imperative to notice that a variety of indigenous narrative sensibilities around such macro-problematics as caste, gender and religion were ignored and sometimes even obliterated in the characteristic history-writing project that began in the colonial times. However, testing the elasticity of this otherwise valid observation will often break it into a sort of ill-digested and uncritical version of orientalism. Given this rather general idea of the production of colonial discourse, the course aims to show that any historical and theoretical critique of colonial past will help reconceptualise the socio-political ideologies of identity and difference that are being debated around us now. Discovery, collection and codification of an entire cultural zone i.e. information about Indian society, was often arbitrary in the colonial projects of Survey, Law and History. Politico-cultural products of nationalist imagination based on various premises with reference to colonial enterprises of intervention kept colonial projects under a critical scrutiny. However, appropriating all the areas of institutional activity as 'national cultural' on the part of the nationalist mission had both normalized and marginalized the subordinate/subaltern social groups with reference to their praxis and (re)presentation. The contradiction between the honest nationalist "will to make structural reform" and its own vision of what was "given" as structure makes it necessary, for us, to read various documents as 'texts' and texts as 'documents'. The course will deal with the writings done with remarkable methodological suggestions and possibilities in this direction. It will make the students realize that documents/texts not only reflect on an 'experience' but often also participate in the making of an existential dimension and thereby work beyond their limited function as data-base for an exercise in yet another common place informative monograph. Besides all these concerns, colonial India engaged the attention of even those working with themes at the margins of an otherwise general consensus and regular caveat; Ashis Nandy for example. Connected to this area of study is also the 'project' of literature as defined, delimited and canonized in colonial times with often arbitrary imposition of an idea of Pan-Indian CLASSIC vis-à-vis regional/vernacular literary PRODUCT. In this regard, the course, however, aims to focus on the beginnings of a particular genre e.g.

	novel, especially when it claims to have achieved much in the way of documenting a modernity of reflection which is not colonial; modern without going much in contradiction with what would offer as a plot in/from an indigenous context. On their part, the students will know how to rewrite the tenets of reading of the sources much beyond the aesthetics of reception of the immediate/target audience. The students would hopefully realize that a viable exercise in any theme related to colonial India has all the potential to add conceptually to the social science research in general.
SCHEME OF EVALUATION:	Research Theme Synopsis Presentation: 20marks. Research paper: 60marks. Research paper Presentation: 20marks.

COURSE TITLE:	International Protection of Minorities
COURSE OFFERED TO	B.A., LL.B. (Hons.)
INSTRUCTOR:	Mr. Ashfaq Hussain
NUMBER OF CREDITS:	4
DURATION	January to April, 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	
SCHEME OF EVALUATION:	
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Introduction to Researching (Social Science Seminar)
COURSE OFFERED TO	LLB IV & V Years only
INSTRUCTOR:	Dr. M Uma Maheshwari
NUMBER OF CREDITS:	Three
DURATION	February to April, 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Whether you are ‘searching’ research literature for your term paper or for ‘informing’ the judge on a specific component or for ‘analyzing’ the underlying relevance between precedents across jurisdictions, researching research is an integral part of legal profession. The need to understand ‘research’ is felt when one is confronted with empirical evidence in cases ranging from bankruptcy and taxation to criminal law and environmental infringement. Therefore, the primary purpose of this hands-on course is to learn how <i>to do</i> and <i>evaluate</i> research and to put that knowledge into practice. A secondary purpose is to convince you that the process of scientific discovery which academicians call as ‘research’ can be fun. So the course will provide you with a broad introduction to the methodological foundations and tools largely used in quantitative and qualitative research. You will learn how to identify problems to study, develop hypotheses and research questions, specify independent and dependent variables check for the validity and reliability of studies and design research projects. In other words, you will learn to engage in research; to take a step back and think about what you can conclude from a certain experiment or statistical test. Learning Objectives Specifically, at the end of this course, conceptually you should be able to: 8. Gain an overview of research intent and design, methodology and technique involved in data collection and analysis. 9. Evaluate the extent of synchrony between the theory as well as the methodological decisions, including sampling and measurement (evaluation of the statistical test as well). 10. Describe and compare the major quantitative and qualitative research methods in empirical and doctrinal research. 11. Judge the reliability and validity of experiments/studies. 12. Be able to assess and critique a published journal article that uses one of the primary research methods we will discuss. Evaluate research studies and their conclusions and be able to draw conclusions from data.

13. Understand the variables/constructs, their operationalisation and their measurement to Gauge the validity and reliability of the studies.

Pedagogy

The objectives listed above would be achieved through lectures, case-studies, discussions and assignments.

Readings

Schutt, R. K. (2012). *Investigating the Social World: The Process and Practice of Research* (7th edition). Los Angeles: Sage.

Cane and Krier.(2006). *The handbook of empirical legal research*. Oxford: Oxford University Press.

F. L. Leuwe and H. Schmutts (2016). *Empirical legal research*.

Northhampton: Edward Edgar house.

Course contents

S.no	Topics	Chapter from the book
Week 1	Introduction to research – why do we need research? The role of research, research process overview	Anol Bhattacharjee's book: chapter 1 and 2
Week 2	Philosophies and the language of research theory building – Science and its functions	Anol Bhattacharjee's book: chapter 3
Week 3	What is theory?, and The meaning of methodology	Chapter 2 in Anol Bhattacharjee's book
Week 4	Thinking like a researcher – Understanding Concepts, Constructs, Variables, and Definitions	Anol Bhattacharjee's book: Chapter 6 and 7
Week 5	Problems and Hypotheses – Defining the research problem, Formulation of the research hypotheses, The importance of problems and hypotheses	Chapter 3 in Nicolas Walliman's book
Week 6	Research design – Experimental and Non-experimental research design, Field research, and Survey research	Anol Bhattacharjee's book: chapter 5 Or
Week 7	Methods of data collection – Secondary data collection methods, qualitative methods of data collection, and Survey methods of data collection	Chapter 6, 7 and 8 in Nicolas Walliman's book
Week 8	Reliability and Validity	Anol Bhattacharjee's book: chapter 7

	Week 9	Sampling techniques – The nature of sampling, Probability sampling design, Non-probability sampling design, Determination of sample size	Anol Bhattacharjee's book: Chapter 8
	Week 10	Processing and analysis of data	Anol Bhattacharjee's book: chapter 13-15 Or Chapter 9 and 10 in Nicolas Walliman's book
	Week 11	Ethical issues in conducting research	Anol Bhattacharjee's book: chapter 16 Or Chapter 4 in Nicolas Walliman's book
	Week 12	Report generation, report writing, and APA format – Title page, Abstract, Introduction, Methodology, Results, Discussion, References, and Appendices	Chapter 3 in Nicolas Walliman's book
SCHEME OF EVALUATION:	Assessment		
	mode	description	Weightage
	Exam	There will be exam at the end of the semester. The exam will be a combination of definitions, multiple choice and short answers and critique of a research study.	30
	Contribution to lectures	For every class, you are requested to submit a question about one of the chapters that you were assigned for that week. This should be a question that you think could occur on an exam, and that can be discussed in class. You are required to hand in the question on paper in class. We will then choose 2-3 exam questions every class for discussion.	20
	Critique	You will each <i>critique the methodology of an article</i> from a peer-reviewed journal which you will use for one of your term papers. The critique should be 3-5 pages long and should analyze based on the criteria used to judge <i>good</i> research in that research methodology.	20
	Participation	We will have several <i>in-class exercises</i> to help you learn the concepts introduced in class. You need to be in class that day to	30

		receive credit for the exercises. The exercises are part of your participation grade.	
SELECTION CRITERIA	Draw of Lots		

COURSE TITLE:	Law & Technology
COURSE OFFERED TO	LLB
INSTRUCTOR:	Mr. Utkarsh Leo
NUMBER OF CREDITS:	4
DURATION	January to April, 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The aim of this option is to introduce students to the legal/regulatory and policy issues associated with blockchain and crypto-enabled technologies. It will analyse the legal issues and opportunities presented by blockchain technologies and their intersection with existing legal frameworks.
SCHEME OF EVALUATION:	Project Report:70 Project Presentation:20 Class participation:10
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Public-Private Partnership
COURSE OFFERED TO	LLB
INSTRUCTOR:	Dr. Shaik Nazim Ahmed Shafi
NUMBER OF CREDITS:	2
DURATION	March, April, 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The advent of liberalization, privatization and globalization has led the governments to initiate the new model of infrastructural activities through a concept known as 'Public-Private Partnership'. Facing constraints on public resources and fiscal space, while recognizing the importance of investment in infrastructure to help their economies grow, governments are increasingly turning to the private sector as an alternative additional source of funding to meet the funding gap. Public-private partnerships (PPPs) and shared-value partnerships are increasingly being used as strategies to address significant public policy challenges. But, what makes a complex public policy problem ripe for a strategic multi-stakeholder solution? This course will examine how governments are partnering with for-profit and non-profit organizations, shaping public policy, redefining traditional methods of public administration, and solving some of the world's most intractable problems at the same time. The first half of this course will examine the growing prevalence of PPPs used by governments to transfer risk and responsibility to the private sector in exchange for financial or other incentives. In the second half of the course, the myriad benefits of entering into strategic shared-value partnerships involving the public, for-profit, and non-profit sectors will be examined. The objective for this course is for students to understand the role public-private partnerships and shared-value partnerships play as a tool for policy makers. In the conclusion of the course, students will have working knowledge of a conceptual framework for the formation and management of multi-stakeholder partnerships. Students will be able to distinguish between revenue-generating PPP's and partnerships designed to achieve public policy-related goals (e.g.: shared-value) and to make recommendations and/or decisions based on different stakeholder priorities. Students will not only be able to identify the characteristics of successful partnership strategies, but they will deepen their knowledge of best practices for governments, NGOs and the private sector. Students should also be able to articulate successful measurement tools to increase success and accountability.

	Finally, the students will be given an opportunity in drafting a PPP Agreement of their choice which will be a part of their Project work.
SCHEME OF EVALUATION:	As per Examination Rules
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	RELGION AND SECULAR THEOLOGIES: Critical Approaches to the Legal Imagination of the Sacred and Secular in India
COURSE OFFERED TO	LLB
INSTRUCTOR:	Dr. T Kannan
NUMBER OF CREDITS:	3
DURATION	February to April, 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	RELGION AND SECULAR THEOLOGIES: Critical Approaches to the Legal Imagination of the Sacred and Secular in India Philosophical Debates: Charles Taylor, Jurgen Habermas Theoretical Positions: Karl Marx, Emile Durkheim, Max Weber, Peter Berger, Mary Douglas, Talal Azad, and Veena Das Empirical Studies: Arjun Appadurai, C.J. Fuller, Franklin A. Presler, Marc Galantar Analysis of Selected Judicial Pronouncements: Sabarimala Temple, Haji Ali Dargah, Who can apply: Those students who are interested in doing field work can apply. The seminar research paper for this course involves <i>primary data collection and analysis of empirical data</i>. The themes of the field based research '<i>Disputes and Clashes between religious institutions and secular authorities</i>', <i>Clashes between two religious communities, Secularization and Resacralization among the religious minorities. The field work will be only in Hyderabad</i>
SCHEME OF EVALUATION:	Will be notified later
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Selected Themes in Economics and International Relations (Social Science Seminar)
COURSE OFFERED TO	LLB
INSTRUCTOR:	Dr. Malvika Tyagi
NUMBER OF CREDITS:	3
DURATION	February to April, 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	In view of the IPCC's call for a concerted and expeditious effort towards combating Climate Change, reinforced by the Nobel Prize being awarded to Nordhaus, who incorporated climate change in macroeconomic growth models, this course will introduce students to The Economics of Climate Change. The course will also introduce the Political Economy of Conflict at a time when polarization in India is increasingly becoming conspicuous feature rather than simply an undercurrent. International Relations will be covered in light of the fact that the World has never been so economically integrated and yet so politically disintegrated, as developments such as the rise of right-wing authoritarianism in World Politics, the rise of extremist forces (against the very political units that created them) and opposition to mass immigration of persecuted communities, indicate.
SCHEME OF EVALUATION:	Students will be given the choice to engage relatively more in the themes that are of primary interest to them. Class participation & Presentations (30%) Final Assignment (70%)
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Sentencing : Law, policy and Practice
COURSE OFFERED TO	LLB
INSTRUCTOR:	Dr. KVK Santhy
NUMBER OF CREDITS:	4
DURATION	January to April, 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Sentencing is a crucial strategy of Criminal Law in achieving social defence and resocialization of the delinquents. It is a facet of social justice and the judiciary has a very important role to play in it. Sentencing is “the judicial determination of a legal sanction to be imposed on a person found guilty of an offence.” The realities of the sentencing process are complex. A sentence passed by a judge is the result of many conflicting pressures. This course will examine the issues in sentencing along with the principles guiding the process, the pressing need to have guidelines and also would focus on a comparative perspective of the same. Concept meaning and definition of Sentencing What is sentencing? I. Goals of sentencing Normative and Functional goals Promote Respect for the Law Reflect the Seriousness of the Offense Provide Just Punishment for the Offense Deter the Defendant from Future Criminal Conduct Protect the Public from the Convicted Offender General deterrence, specific deterrence and rehabilitation. Role of the media II. Purposes of Sentencing Retribution Deterrence and Prevention Just Desserts and Justice Incapacitation and Control Rehabilitation and Reintegration III. Types of Sentencing Schemes Indeterminate Sentencing The impact of indeterminate sentencing Determinate Sentencing The impact of determinate sentencing Presumptive Sentencing Mandatory Sentencing IV. SENTENCING ISSUES AND CHALLENGES Issues in sentencing Inconsistency Evidence of Inconsistency Social Consequences of Inconsistency

	Proportionality The Role of Proportionality in Sentencing The Primacy of Proportionality Disparity Types of Sentencing Disparity Intra-jurisdictional Disparity Intra-judge Disparity Warranted Versus Unwarranted Disparity Sources of Disparity What are Sentencing guideline bodies Objectives of Sentencing Guidelines Bodies Functions of Sentencing Guidelines Bodies Factors to be taken into account when drafting guidelines Alternatives to Sentencing Guidelines Bodies V. Sentencing in United Kingdom Functions Appointments to the Council Criminal Justice Act 2003 Determining Sentencing Sentencing hearing Determination of sentence VI. Sentencing in Northern Ireland VII. Sentencing in New Zealand VIII. Specific Sentencing Issues Issues of sentencing in cases of homicide Issues of sentencing in cases of Sexual Assault Reforms in sentencing in India Sentencing female offenders
SCHEME OF EVALUATION:	80 marks for written submission 20 marks for presentation
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	WATER DISPUTES LAW
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Dr. T. Raghavendra Rao
NUMBER OF CREDITS:	4
DURATION	January-April 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	COURSE PORTRAYAL: Water is essential of life involved in everything we do. Its shortage is one of the most important resource and security problems the world is facing in this century as well. Water disputes Law deals with the laws and institutions governing water allocation and use with special emphasis on water rights. The law governing water has always been regarded as a specialized field. However, the political and social reforms during the last decade of 20th century, the water related problems experienced and the prominence given to fundamental human rights and environmental related matters have significantly increased the need for this knowledge by all. Water Disputes and Dispute Resolution Methods constitute important dimensions of water law, from a natural resources management perspective. What is pertinent is the determination of rights and obligations in relation to water, given the scarcity, multiple demands and the human rights foundations of water use. This is where policies become important. If rights and obligations are neatly demarcated and policies are clear, disputes can be avoided to some extent and dispute resolution becomes easier to handle interstate or intra state disputes. It is from this point of view recent developments in water policy assume importance. Water Disputes Law has developed over the years and there are now principles universally accepted in managing it for maximum benefit for all the concerned. Addressing issues on water disputes and water management is the need of the hour. LEARNING OBJECTIVES: The primary objective of this course is to introduce law student to emerging area of jurisprudence which has assumed of late, crucial social significance. The Course addresses in general International, Regional and National legal principles for the governance, management of water with special emphasis on water rights. The other objective of this course is to impart knowledge and understanding of the complex body of water disputes law, the actual implementation of water rights, and development of critical perspective on various issues on water resources management.

TEACHING METHODOLOGY

Assigned Readings, Class Participation in Discussions, Assignments and Lectures.

Lecture Plan

Module s	Title	Num Lect
Module 1	International Water Disputes Law	6
Module 2	Regional Water Disputes Law	5
Module 3	Water Disputes Law in India	4

Class Hours: 15X2 =30 Hours

COURSE CONTENT:

This course attempts to address the issues on water disputes and water management with the help of legal, regulatory frame work and other developments.

Course coverage includes:

Module: 1 –International Water Disputes Law: International Water Disputes (Helsinki Rules, FAO, ILC). Core principles and International instruments for water law and management, World Water Forum, Water and Sustainable Development, IUCN, WWC, IPCC Judicial Trends, Climate Change, Re allocation of International Waters, International Law on River Water Sharing and other countries, Pillars of International Water Sharing, Water Treaties and Conventions. Dividing Shared Waters and the exploring the legal dimensions. Doctrines, Joint Mechanisms and Joint Commissions, UN Conventions. Emerging Trends in International Water Disputes.

Module: 2 –Regional Water Disputes Law :(SAARC Region) India and Bangladesh, India and Pakistan, India and Nepal, India and Bhutan, Various Treaties, Judicial Trends.

Module: 3 –Water Disputes Law: (Indian Context) Inter State Water Disputes, Tribunals of Inter State Water Disputes, Constitutional Frame Work, Relevant Legislations, Reports of Various Commissions, Water Policies, , Interlinking of Rivers, Environmental issues, Dam Safety, Water Transfer, Water Conflicts and Water Wars, Livelihood issues. Role of the Courts and Tribunals, Techno Legal issues with regards to water disputes. Basin specific experiences and methodological refinements, Dispute Resolution and water sharing.

Mandatory Readings:

1. Stephen C, McCaffrey, The Law of International Watercourses.

	2. Joseph L. Sax et.al legal control of Water Resources. 3. Henry E. Smith, Governing Water. 4. Water Law in India: An Introduction to Legal Instruments. 5. Law relating to Water Rights by V. SitaramaRao. 6. P. Ishwar Bhat: Interstate & International Water Disputes.. 7. Chatrapathisingh: Water Law in India. 8. Philippe Sands: Principles of International Environmental Law. 9. B.R. Chouhan: Settlement of International & Interstate Water disputes. 10. Prof. Saligram Bhatt.: Water Resources Management. 11. Sax, Thompson et.al: Legal Control of Water Resources, Cases & Materials 12. Rama Swamy R Iyer: Water Laws.
SCHEME OF EVALUATION:	Project(Written):70 Marks Presentation:30 Marks
SELECTION CRITERIA	Draw of Lots

NALSAR University of Law



VISITING FACULTY Courses Outlines

JANUARY-APRIL, 2019

COURSE TITLE:	Re- Imagining Surveillance
COURSE OFFERED TO	LLB (IV and V years), LLM
INSTRUCTOR NAME & CONTACT DETAILS:	Akansha Singh
SHORT DESCRIPTION OF INSTRUCTOR	Before coming to NALSAR I was teaching at Ashoka University a course on Critical Thinking and Academic Writing. I have completed my M.A. in English from CES, JNU and B.A. (Hons) in English (with minors in Sociology) from Sri Venkateswara College, University of Delhi. My areas of research and teaching interest include Philosophy of Literature, Narratology, Law and Literature, Literary Theory and Translation Studies.
Credits	4
PREFERRED DATES FOR CONDUCT OF COURSE	10 th January, 2019- 30 th April, 2019
PRE-REQUISITES:	-
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	The course attempts to re- think surveillance. The term “re-imagine” has been used to break the homogenous pattern of comprehending surveillance. To bring about this change the selected texts range from letters, poems, short- stories, experimental reports, dreams; to something as metatextual as animated series. The sequencing has been done in a way that the latter half of the readings not only discuss surveillance through different modes but also offer remedial solutions to the problematics of surveillance. Piloting from a discussion on the distinctive realms of the private and the public, the first segment enters into analyzing a self-surveilled society through letters on Parisian lives. We further move into the dynamism of body that both concentrates and distributes power. Body is central to the idea of surveillance, it being the only possibility of inflicting punishment so as to discipline and it never exists in isolation. It always exists as a community of people alternating between modes of subjugation and domination in a surveillance society. For this segment we would read selections from Hannah Arendt’s <i>The Human Condition</i>, Michel Foucault’s <i>Disorderly Families: Infamous Letters from the Bastille Archives</i>, Judith Butler’s <i>Gender Trouble: Feminism and the Subversion of Identity</i> and Maurice Blanchot’s <i>The Unavowable Community</i>. The second segment attempts to locate surveillance in the idea of the popular vis-à-vis the dichotomy between the high- life and the low- life. It is crucial to study how that which appears to have emerged popular naturally is often manufactured into becoming popular. The process of making things selectively visible obscures

	more than it reveals. This we would be studying through selections from Jean Baudrillard's <i>Why Hasn't Everything Already Disappeared?</i> And Pierre Bourdieu's <i>What is a People</i>. The third segment onwards texts would not simply be discussed in the light of surveillance but also alongside a possible remedial solution to the problem. Through the medium of the city- life, this segment will act as a link between bodies that promote/ maintain surveillance and those that mitigate it. The latter is what we see emerging here through the figure of the flaneur. There 'idle' walks in a city submerged in surveillance is in itself an expression of resistance. This will include Franz Kafka's "Before the Law", Charles Baudelaire's <i>The Painter of Modern Life</i> and Walter Benjamin's "Hashish in Marseilles". The fourth segment delves deeper into the above- mentioned questions through alternative texts from a wider a range of genres. This includes Jorge Luis Borges' short- story "The Circular Ruins", T.S. Eliot's "Love Song of Alfred J. Prufrock" and selections from Joseph Foy's <i>SpongeBob SquarePants and Philosophy: Soaking Up Secrets Under the Sea!</i> This also includes screening of <i>Hypernormalization</i>, a documentary by Adam Curtis that shows how there are models of surveillance through which the State functions but simultaneously there are also fictitious models of surveillance, created to divert attention from the larger elephants in the room. It is through this carefully manoeuvred diversion that the eventualization of anomalies get conveniently accommodated into the system.
SCHEME OF EVALUATION:	Project(25) + Mid (25) + End (50)
SELECTION CRITERIA *	-

COURSE TITLE:	Law and Social Change in Divided Societies
COURSE OFFERED TO	LLB II year to V Year & LLM
INSTRUCTOR NAME & CONTACT DETAILS:	Prof. Neta Ziv, The Buchmann Faculty of Law, Tel Aviv University, Israel.
SHORT DESCRIPTION OF INSTRUCTOR	Professor Neta Ziv is the academic director of The Israel Affordable Housing Center and the Housing, Community and Law Clinic at Tel Aviv University Faculty of Law. Until 2014 she directed the Clinical Programs at the law school. Prof. Ziv teaches courses on "Legal Ethics and the Legal Profession", "Law and Social Change", Social Rights", "Housing Law" and "Human Rights of People with Disabilities." Prof. Ziv received an LL.B. from the Hebrew University Law Faculty, an LL.M. from The American University in Washington, D.C., and her J.S.D. from Stanford Law School. Prof. Ziv practiced as a public interest lawyer for the Association for Civil Rights in Israel, and served as a leading attorney in some of Israel's major human rights cases litigated before the Israeli Supreme Court. She was among the founding members of the Israel Women's Network Legal Center, the chair of Bizchut - the Israel Human Rights Center for People with Disabilities", and currently serves as a board member of "Itach - Women Lawyers for Social Justice".
Credits	1
PREFERRED DATES FOR CONDUCT OF COURSE	21 st – 30 th January, 2019
PRE-REQUISITES:	none
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	The course will explore issues in which law, mainly litigation, was utilized to promote social justice and human rights, in societies divided on racial, ethnic or religious grounds. We will examine a number of legal struggles and court cases from South Africa, India, Israel, and the United States, to understand and evaluate the impact of differentiated historical, social, political and economic factors on the use of law for public interest causes. We will discuss a series of public interest cases (involving civil and political as well as social and economic rights) that embody tensions of this sort, in countries that differ both in their social makeup and their constitutional protection of basic rights. We will also look at the ways courts make use of comparative decisions on similar issues, despite evident differences between societies. For example, in a 2005 much celebrated case the Israeli Supreme Court, banned land and housing discrimination against the Arab minority. While the decision looked up to the US 1954 <i>Brown</i> decision as its inspiration, in Israel Jews and Arabs consensually attend separate state schools systems. India and South Africa recognize social rights in their constitutions, but has this recognition enabled better protection of poor people? How have courts been willing to actually intervene in distributive policies of the state? In cases of this sort, similar topics and concepts addressed by public interest lawyers by way of litigation have been influenced by local political and social factors. We will try to identify them and understand how the context of public interest lawyering shapes and constitutes lawyers' use of law and choice of strategies. Exploring the work of public interest lawyers as conditioned upon such factors can provide a richer understanding of this professional and social praxis. A tentative list of the issues to be studied in the course: theories of social change, land and housing, welfare and poverty, the right to health, LGBT rights, women and religion.
SCHEME OF EVALUATION:	One paper (7-8 pages)- analyzing a particular legal struggle

SELECTION CRITERIA *	Maximum 60 Students. Draw of Lots

COURSE TITLE	Overview of Patents.																													
COURSE OFFERED TO	LLB (4 th /5 th year); LLM																													
INSTRUCTOR NAME & CONTACT DETAILS	ANINDYA SIRCAR																													
SHORT DESCRIPTION OF INSTRUCTOR	Dr. Anindya Sircar is currently engaged in consulting, strategizing, teaching and training programs in the field of Intellectual Property management. Dr. Sircar had been Associate Vice President and Head of IP with Infosys Limited for over five years and was responsible for all IP activities of Infosys Limited and its subsidiaries. Prior to this he was heading the IP Department Biocon Group – a premiere biotechnology company in Bangalore, India and was instrumental in setting up the IP practices for the Biocon Group. <https://in.linkedin.com/in/anindyasircar>																													
Credits	One																													
PREFERRED DATES FOR CONDUCT OF COURSE	28 th January to 4 th February																													
PRE-REQUISITES	Aware of basics of IP.																													
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	<table><tr><th>#</th><th>TOPIC</th><th>HRS</th></tr><tr><td>1</td><td>Introduction to IP</td><td>2</td></tr><tr><td>2</td><td>Concepts related to Patentability</td><td>2</td></tr><tr><td>3</td><td>Patents & Biotechnology</td><td>2</td></tr><tr><td>4</td><td>Software patents after Alice</td><td>2</td></tr><tr><td>5</td><td>Patent Infringement & DoE</td><td>2</td></tr><tr><td>6</td><td>Drafting of Patent Application</td><td>2</td></tr><tr><td>7</td><td>PCT - Procedural Aspects & Recent Trends</td><td>2</td></tr><tr><td>8</td><td>Group Discussion / Assessment</td><td>2</td></tr></table>			#	TOPIC	HRS	1	Introduction to IP	2	2	Concepts related to Patentability	2	3	Patents & Biotechnology	2	4	Software patents after Alice	2	5	Patent Infringement & DoE	2	6	Drafting of Patent Application	2	7	PCT - Procedural Aspects & Recent Trends	2	8	Group Discussion / Assessment	2
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8	Group Discussion / Assessment	2																												
SCHEME OF EVALUATION:	Assignments / Simulation Exercise																													
	50 Students																													

SELECTION CRITERIA *	

COURSE TITLE:	Foreign Exchange Management Act – Laws & Practices
COURSE OFFERED TO	LL.B – 4 th year or 5 th year students or LLM - students
INSTRUCTOR NAME	Dr. Mukul Shastry
SHORT DESCRIPTION OF INSTRUCTOR	Ph.d (Trade & Competition Law), MBA (IIM Ahmedabad), LL.B, LL.M, CS, CAIIB 15+ years of experience in Corporate Law. Worked in RBI as Legal Counsel, was Asst. Professor, NLU, Jodhpur. At present Heading a Legal Division in KEC International Ltd. (US \$ 2 billion) company.
Credits	One Credit (16 hours)
PREFERRED DATES FOR CONDUCT OF COURSE	Feb 1 (Friday) to Feb 8 (Friday)
PRE-REQUISITES:	Students should have basic understanding of Corporate law & practices.
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	The course shall enable the students to have a basic understanding of FEMA law and practices. In short the following are the major objectives of the course: (xi) Understanding of the regulatory framework governing the Foreign Investment in India and Off Shore Investment by Person Resident in India; (xii) Knowledge about procedural aspects of Foreign Direct Investment and Overseas Direct Investment; (xiii) How funds can be raised by Indian entities from outside India and the regulatory landscape for the same; (xiv) Why and how of the Foreign Portfolio Investment; (xv) Procedural aspects in brief.
SCHEME OF EVALUATION:	End Term Examination – 60% Project & Paper Presentation – 40%
SELECTION CRITERIA *	Interest in Corporate law.

COURSE TITLE:	Contemporary themes in data governance in India
COURSE OFFERED TO	Fourth and fifth year students of the B.A. LL.B. (Hons.) programme. The course is open to a maximum of 25 students.
INSTRUCTOR NAME & CONTACT DETAILS:	• Nehaa Chaudhari • Tuhina Joshi
SHORT DESCRIPTION OF INSTRUCTOR	Nehaa Chaudhari leads the public policy practice at Ikigai Law, a law and policy firm in India, which specializes in representing technology businesses and investors. She advises some of the largest technology companies in the world, innovative ventures in India, and leading think-tanks, on understanding and navigating India's technology law and policy ecosystem. Some of her areas of work include data protection, fin-tech, blockchain and cryptocurrencies, unmanned aviation, online content regulation, intermediary liability, and artificial intelligence. A Harvard Law School alumna, Nehaa has been a visiting faculty member at the National Law University Delhi. She has previously worked with the Berkman Klein Center for Internet and Society at Harvard University, and the Centre for Internet and Society, India (CIS). Tuhina Joshi is a policy associate at Ikigai Law, and works closely on emerging technology and innovation focused public policy. Previously, she has worked as a consultant with the Member of Parliament currently representing South Goa, and the Ministry of Law and Justice, and channels this experience towards her work with the team. She has read law at the National Law School of India University, Bangalore, India.
Credits	1
PREFERRED DATES FOR CONDUCT OF COURSE	4-13 th Feb, 2019
PRE-REQUISITES:	Students must have successfully completed a course in Indian constitutional law; specifically, fundamental rights. A demonstrable interest in questions of technology law/policy is encouraged.
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	This course will introduce students to important themes in India's data governance and privacy debates. We will explore notice and consent; data localization; data minimization and purpose specification; and data portability. We will study India's existing legal framework for data protection, and the degree to which this is set to change in the coming years. Conversations will be grounded in defining moments in India's data

	governance landscape in the past few years, namely, the right to privacy and Aadhaar judgments, India's draft Personal Data Protection Bill, 2018, the Justice Sri Krishna Committee's White Paper, and final recommendations on a data protection framework for India, the RBI's data localization directive, and the TRAI's privacy recommendations. To the extent relevant, discussions will draw from international developments, such as the European Union's GDPR, and the United States' CLOUD Act. This course will also introduce students to policy making on data governance in India. In doing so, we will understand different stakeholders' positions and motivations on each of the themes listed above, and the manner in which they have engaged with these critical issues. The final leg of the course will synthesize the learnings from these discussions, to equip students with an understanding of designing data governance frameworks in a world of emerging technologies including facial recognition, unmanned aviation, Big Data, and the Internet of Things.
SCHEME OF EVALUATION:	Class participation – 20 marks Two response papers of 1500 words each – $40 \times 2 = 80$ marks Total – 100 marks
SELECTION CRITERIA *	The course will be offered to a maximum of 25 students. Students must have successfully completed a course in Indian constitutional law; specifically, fundamental rights. In the event that more than 25 students want to enroll for the course, all interested students must submit a cover letter/personal statement, no longer than 500 words, explaining their interest in the course, and why they want to study it. 25 students will then be selected for the course based on their cover letters.

COURSE TITLE:	International Price Management: Laws and Paradigms
COURSE OFFERED TO	LLB
INSTRUCTOR NAME & CONTACT DETAILS:	Dr. Subhrendu Bhattacharya, PhD,
SHORT DESCRIPTION OF INSTRUCTOR	Formerly IAS
Credits	2
PREFERRED DATES FOR CONDUCT OF COURSE	January - February
PRE-REQUISITES:	
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	A: <u>Course Objectives:</u> The Objectives of the Course are to provide a comprehensive view, of the Role of Prices of goods and services, in an economy and how they influence the households, corporations and the economy at large. Laws relating to Prices vary among economies, across the World, based on whether a country adopts a market economy, command economy, or a mixed economy. Law students will also be enlightened about the resilience that the Monopolies and Oligopolies possess as against the Small Firms, characterized by Perfect Competition, in the market. The Objectives of the Course would also include how the prices of Currencies play out, in the International Trade, affecting the Exports of some countries and Imports of the others. The Law students will also learn about the areas, where interaction of supply and demand of goods, could determine the prices. The plusses of Price Ceilings and Price Floors patterns only in emerging and developing countries would be another important area of study. B: <u>Placement Objectives:</u> Those who take the Course would stand to gain expertise, in multidimensional role of Price Management of goods and services including that of Financial Products such as loans, securities including stocks, Government Bonds, Corporate Bonds and the like. They are likely to be placed in important jobs in the Corporate Sector including giant MNCs, Foreign and Indian Banks, Foreign and Indian Insurance Companies, Investment Banks and Credit Rating Agencies would be other areas of employment opportunities. Knowledge of Price Management would throw up additional employment opportunities in Public Policy Departments in the Ministries of the State and Central Government, locally and abroad and also the well established NGOs will scout for such talents. C: <u>Course Modules:</u> The Course is a 2 Credit Course There are 32 Sessions, divided in 6 Modules. <u>MODULES:</u>

Module - 1

1. Price Determination in a Free Market Economy
2. Price Determination in a Mixed Economy
(Point 1 & 2 includes 1 session)
3. Price elasticity of Aggregate Demand of Goods and Services
4. Income Elasticity of Aggregate Demand of Goods and Services. (Point 3 & 4 includes 1 session)
5. Economic Structures as per Smithsonian Theory
-- 1 session
6. Economic Structures as per Keynesian Theory
-- 1 session

Number of Sessions in Module 1 - 4 Sessions

Module - 2

1. Regulation of Prices in Indian Economy cases, relating to Price Regulation of Pharmaceutical Drugs, Essential Commodities, Engineering and Management Education.
-- 1 Session
2. Implementation of Essential Commodities Act in India.
-- 1 Session
3. Minimum Support Price for Agricultural Commodities and Procurement by Government of India, through FCI
-- 1 Session
4. Food Price Rationing through Fair Price Outlets across the country
-- 1 Session

Number of Sessions in Module 2 - 4 Sessions

Module - 3

1. Market Economy Challenges of Rents in Global Metropolises, shooting to the stratosphere – Cases relating to Price Ceiling Laws, Regulating Rents, in the Cities of New York, Chicago, Los Angeles, in the US; Cities in London, Glasgow and Edinburgh in Britain and Cities of Mumbai, Bangalore, Hyderabad, New Delhi, Kolkata and the like in India.
-- 2 Sessions
2. Minimum Wages Laws and Systems in USA, UK, Germany and India.
-- 2 Sessions
3. Implementation of Price Floor Law with varying degrees of success, across Countries Globally.
-- 1 Session

	4. Flaws in this Law, particularly in the Federal Political Structure of US, where Approaches by 50 States of US, suffer from Significant Standard Deviation. -- 1 Session Number of Sessions in Module 3 – 6 Sessions <u>Module – 4</u> 1. Price, International Trade and Protectionism. -- 2 Sessions 2. International Trade and Market Competition -- 2 Sessions 3. Protectionism and consumer challenges, due to High Price Determination, by local Industries. -- 1 Session 4. New Recent Trends of Protectionism by the US, leading to Retaliatory Tariffs against US, goods, by China, Europe and India. -- 1 Session Number of Sessions in Module 4 – 6 Sessions <u>Module –5</u> 1. Competitive Firm Structure of Monopolies and pricing of Goods and Services. -- 2 Sessions 2. Competitive Firm Structure of Oligopolies and Cartels -- 2 Sessions 3. Monopolistic Competitive Firms and Pricing of Goods -- 1 Session 4. Perfectly Competitive Firms and Moderate Price of Goods -- 1 Session Number of Sessions in Module 5 – 6 Sessions <u>Module – 6</u> 1. Challenges of Exporting Countries, as a result of Currency Fluctuations. -- 1 Session 2. Challenges of Importing countries, triggered by Currency Fluctuations. -- 1 Session 3. Trade Deficit and National Borrowing from Domestic Central Bank and Central Banks Abroad. -- 2 Sessions 4. Trade Surplus and Accelerated Economic Growth,Cases relating to Japan and China. -- 2 Sessions Number of Sessions in Module 6 – 6 Sessions
SCHEME OF EVALUATION:	Will be notified later
SELECTION CRITERIA *	

COURSE TITLE:	Locating Texts: Methods and Forms (Social Science Seminar)
COURSE OFFERED TO	LLB
INSTRUCTOR NAME & CONTACT DETAILS:	Akansha Singh
SHORT DESCRIPTION OF INSTRUCTOR	Before coming to NALSAR I was teaching at Ashoka University a course on Critical Thinking and Academic Writing. I have completed my M.A. in English from CES, JNU and B.A. (Hons) in English (with minors in Sociology) from Sri Venkateswara College, University of Delhi. My areas of research and teaching interest include Philosophy of Literature, Narratology, Law and Literature, Literary Theory and Translation Studies.
Credits	3 credit
PREFERRED DATES FOR CONDUCT OF COURSE	February to April, 2019
PRE-REQUISITES:	-
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	The course takes the work of reading as the point of initiation, arriving thereby at the work of writing. Here, the task of reading can be viewed as an equivalent of the act of archiving, whereas the task of writing as an act of dispersion. The idea is to help students develop the ability to locate a text while reading it. The basic premise here is to understand that no text can be read or looked at in isolation from the larger society. It is this larger peripheral contextualization that helps a reader to understand a text better. To facilitate the task of locating, the parameters of space, time, memory, history and past will be used as medium. It is in accordance with this that the syllabus has been drafted. It begins with the idea of identifying oneself as a student. The knowledge of this eventive identification will be looked at historically. This will create conditions suitable to raise the questions regarding the difference between the private and the public realm. The trajectory then moves into an interrogation of the concept of history and how history obscures more than making events visible by violating the repository of the past. It is at this stage that history will be studied as forming a couple with time. This will help in entering the discussion of the (non-) linearity of time and how the obligation of production in any economy has come to occupy a position of quintessential importance. The course will further move into the discussion of space and how it contributes to the discourse that has been generated so far. Once we equip ourselves with the ability to use these tools, we would begin to analyze different forms of texts that investigate life histories in conjunction with where the person(s) is/ are situated. For this we begin with Bhimayana where we look at both, the structural aspect of it being a graphic novel as well as the content-

	laden issues of caste discrimination in India that it deals with. From here, we steer the question of understanding discrimination in the context of Nazi concentration camps from the perspective of a holocaust survivor, Primo Levi. The course will further take into account an imaginal recourse to the spoils of Hiroshima through Michael Perlman's book. These modules have been designed keeping in mind the way in which they incorporate the questions of space, time, memory and remembrance of the past as different from the canonized history. By the end of this course the students, irrespective of their disciplinary specializations will gain the ability of contextualizing any text they read. This will give them a vantage point while writing academic papers, besides giving them a holistic perspective of events happening around.
SCHEME OF EVALUATION:	Term Paper
SELECTION CRITERIA *	Draw of Lots

COURSE TITLE:	Political Ecology (Social Science Seminar)
COURSE OFFERED TO	B.A., LL.B. (Hons.) II year Students ONLY
INSTRUCTOR NAME & CONTACT DETAILS:	Dr. Lavanya Suresh
SHORT DESCRIPTION OF INSTRUCTOR	Dr. Lavanya Suresh is an Assistant Professor at BITS-Pilani, Hyderabad campus. Her areas of research interest are political ecology, decentralisation and public administration. Her work has been published in journals of repute like the <i>Economic & Political Weekly</i> , <i>South Asia Research</i> among others. Her most recent publication is a book titled “Decentralised Democracy: Gandhi’s Vision and Indian Reality” co-authored with Prof. M.V. Nadkarni and N. Sivanna published by Routledge in 2018. She has a PhD in Political Science from the Institute for Social and Economic Change (ISEC). Prior to working at BITS, she was an Assistant Professor at the Tata Institute of Social Sciences (TISS), Hyderabad. She was also awarded the visiting research scholar fellowship under the Graduate Development Program of the Watson Institute of International Studies’ at Brown University, USA in 2012.
CREDITS	3
PREFERRED DATES FOR CONDUCT OF COURSE	Every Friday from 3:00 pm to 5:00 pm Beginning on 25 th Jan and ending on 12 th April
PRE-REQUISITES:	This will be a reading-intensive seminar. Preparation for class discussion by careful reading of the week’s readings is required. This seminar relies upon the participants’ capacity to participate in a fruitful discussion in the seminar meeting. This means that each student should be familiar with the central arguments of the required reading.
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	The field of political ecology has emerged in geography and anthropology since the 1980s from the intersection of political economy and cultural ecology, but defies characterization in terms of a single discipline or theoretical paradigm (cf. Robbins 2004: 6-7 for a survey of attempts to define political ecology). This course does not attempt a survey or a history of the field. Rather, it focuses on Paul Robbins work that covers a range of contemporary approaches to, and questions in, political ecology. While generally remaining grounded in the intersection of political economy and cultural ecology, recent scholarship in political ecology has drawn upon a range of fields—many of them interdisciplinary themselves: environmental history, phenomenology, postcolonial and poststructuralist theory, governmentality studies, science and technology studies, and neo- institutional economics, among others. The range of comparative, theoretical and methodological issues addressed includes questions about the relations between capital, nature and culture; states, non-governmental organizations and communities; gender, race and nature; space, place and landscape;

	scale, units of analysis, and objects of explanation; conservation, environmentalism and subject formation; population, commoditization and the use of land and natural resources. This course will focus on political aspect of these interactions.
SCHEME OF EVALUATION:	Term Paper: 80% Presentation of Paper: 20%
SELECTION CRITERIA *	Draw of Lots

NALSAR University of Law



ELECTIVE Courses Outlines
(In House Faculty)

June - October, 2019 Semester

COURSE TITLE:	Ancient Greek Jurisprudence And Its Relevance To Modern Society
COURSE OFFERED TO	LL.B. & LL.M.
INSTRUCTOR:	Mr. P Ashwini Kumar
NUMBER OF CREDITS:	4
DURATION	July – October, 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Jurisprudence is a study of the fundamental legal concepts. One of the tasks of jurisprudence is to construct and elucidate concepts serving to render the complexities of law more manageable and more rational. The logical analysis of legal concepts sharpens the logical technique of the lawyers and statesmen. Jurisprudence provides answers to new legal problems by utilizing the wisdom of the past. This helps in examining the consequences of law and suggesting changes for the betterment. The genesis of the modern jurisprudence can be traced in Ancient Greek philosophy. Our knowledge and experience of the past would help us to be wise in the present and forewarned for the future. Every beginning is difficult; holds in all sciences. The fundamental concepts of jurisprudence like Justice, Equality and Freedom were discussed by Ancient Greek philosophers with their rational methodology. In this course, we are going to examine the analysis made by Plato, Epicures, Heraclitus and Aristotle. Further, we are going to analyse the trials of Antigone and Socrates.
SCHEME OF EVALUATION:	MID SEM [25] :: END SEM [50] :: PROJECT/PRESENTATION [25]
SELECTION CRITERIA (IF ANY)	Batch representative draw of lots (Maximum 60 seats).

COURSE TITLE:	Aviation Law
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Dr. Shaik Nazim Ahmed Shafi
NUMBER OF CREDITS:	4
DURATION	July – October, 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Aviation Law is a highly specialized field of law. Aviation is a transnational, border-crossing phenomenon. Without aviation, the globalization of the flow of people and goods, and of the mixing of cultures would have been impossible and also the global awareness that we all live together on one planet could not have been developed. Airports have evolved as drivers of business location and urban development in the 21st century in same way as did Highways in the 20th century, Railroads in the 19th century, and Seaports in the 18th century. The aviation industry is international and global. Aviation industry at the international is regulated by the International Civil Aviation Organization (ICAO), Airports Council International (ACI) and International Air Transporters Association (IATA) and at Domestic by the Directorate General of Civil Aviation and the Ministry of Civil Aviation. India no exception to the globalization process has initiated the concept of liberalization, privatization and globalization allowing the FDI in aviation industry. Hence, the outcome is seen by establishing world class airports in Hyderabad and Bangalore. However, there are various legal issues confronting the aviation industry which is debatable at domestic as well as at international level. Hence, this course enables students to obtain an understanding of the application of legal principles in aviation. It further provides an overview of the role of law in the management of aviation and explains legal concepts and principles as they apply to aviation and the conduct of pilots and operators. It examines international regulatory body conventions, regulations and audit processes. This Elective is taught in four segments or modules ie. (i) Introduction; (ii) Public International Air Law; (iii) Private International Air Law and (iv) Penal International Air Law.
SCHEME OF EVALUATION:	MID SEM [25] :: END SEM [50] :: PROJECT/PRESENTATION [25]
SELECTION CRITERIA (IF ANY)	Batch representative draw of lots (Maximum 60 seats).

COURSE TITLE:	Banking and Finance Laws
COURSE OFFERED TO	LL.B. & LL.M.
INSTRUCTOR:	Prof. K. Vidyullatha Reddy
NUMBER OF CREDITS:	4
DURATION	July- October, 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The nexus between law and economics necessitates the law graduates to further study the nuances of financial governance. The study of financial institutions role and regulation forms the basis for understanding financial governance. The nature of financial transactions have seen a sea change with liberalization and enhanced cross boarder financial activities. The Economic crisis, financial deficit, inflation, growth rate, structural adjustment programs and similar other issues often take the center stage in a Sovereign State. We need to arm our citizens with necessary financial knowledge to overcome any such situation with optimum prudence in the larger interest, however it also helps an individual to serve corporate, financial institution, legal and other stake holders. The course intends to provide holistic perspective on legal aspects concerning the functioning of banking and non- banking financial institutions in India. The course dwells further on the impact of the functioning of financial institutions on Indian economy. The financial services rendered by the financial institutions and the scope of their transactions within and outside the country will also be dealt as part of the course. The course while leans more in studying the regulation of banks do provide sufficient scope to study non-banking financial institutions as well. The course further intends to provide complete overview of financial structure and the issues concerning financial governance in the country special focus however is limited to aspects such as insolvency and bankruptcy laws, project finance, mutual funds and restructuring of debts and assets Course Objective Course aims to help the students to gain knowledge of the legal aspects concerning the functioning of the financial institutions and their transactions in India. It also helps them to understand the nuances of the financial governance. Teaching Methodology The course will be dealt through lectures, supplemented by discussions and project presentations. Project topics are assigned in such a way that they are part of the course but are not dealt in detail in the class through lectures; hence project presentations will strengthen the course besides aiding in developing research skills to the students. Articles ideally suited for comprehensive understanding of the course will be dealt in detail supported by other supplementary readings supplied for better understanding
EVALUATION	MID SEM [25] :: END SEM [50] :: PROJECT/PRESENTATION [25]
SELECTION CRITERIA (IF ANY)	Batch representative draw of lots (Maximum 60 seats).

COURSE TITLE:	Commercial Equity and Trusts
COURSE OFFERED TO:	LL.B. & LL.M.(Commercial and Corporate Law/ Public Law and Legal Theory Specializations)
INSTRUCTOR:	Mr. VARUN MALIK
NUMBER OF CREDITS:	4
DURATION:	July – October, 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The students of law, in the Indian Law Schools, get acquainted with the term equity in the very first year of college education and yet many of them don't have an answer to the question, "What is Equity?" even on the last day of their law school. The principles which have so intricately been related to the private law, as it exists today, and have played a major role in its development cannot be left to the prevailing vague idea, amongst the students, of just 'a value akin to fairness and good conscience' when they don't have a concrete understanding of what, when and how of the idea. It is with an intention of filling the above described void that the course is being offered. The course, as the name suggests, shall be divided into two separate but deeply interlinked parts viz. equity and trusts. The first part of the course shall focus on various aspects of equity such as its origin, relation to common law and its development, role in adjudication of disputes, characteristic as a safety valve against opportunism of a party and economic analysis of equity. The part shall further explore the development and assimilation of equity in the law relating to contracts and would involve the exploration of areas such as undue influence, mistake, quantum meruit claims, quasi contracts, exemplary damages etc. The second part of the course would deal with the idea of fiduciary relationships, recognized in the principles of equity, and its application to the matters related to the property, more specifically trusts. The provisions of the Indian Trusts Act, 1882 and the underlying equitable principles shall form the backbone of discussion in this part of the course. The areas such as formation of trusts, types of trusts, authorities and duties of trustees, consequences of the breach of duties by the trustees etc. would be explored and discussed while navigating through the provisions of the act. The course is designed with an intention of grounding the students into the theoretical aspect of equity and at the same time to acquaint them with the practical side of several equitable concepts. The same becomes extremely important in today's scenario wherein the equitable principles have been codified and many practitioners of law, especially younger ones, have effectively no or a very little idea of where and how they have been incorporated in the statutes and the spirit behind such incorporations. It is expected that, after the completion of the course, the students would be better equipped with the reasoning skills as a commercial lawyer, both on advisory as well as on the court room practice front.
JUSTIFICATION OF SPECIALIZATION (LL.M.)	The course is being offered to the LL.M students under Public Law and Legal Theory as well as Commercial and Corporate Law Specializations because the first part of the course is theoretical in nature but the theoretical foundations of equity are deeply and inseparably linked to several principles and practice of commercial law and the second part of the course, though primarily deals with commercial aspects of trust but the discussion of the aspects would require a constant reference to theoretical principles discussed in the first part.
SCHEME OF EVALUATION:	MID SEM [25] :: END SEM [50] :: PROJECT/PRESENTATION [25]

SELECTION CRITERIA (IF ANY)	Batch representative draw of lots (Maximum 60 seats).

COURSE TITLE:	Comparative Political Equality
COURSE OFFERED TO	LL.B. & LL.M. ('Public Law and Legal Theory' specialization)
INSTRUCTOR:	Mr. SIDHARTH CHAUHAN
NUMBER OF CREDITS:	4 credits for LL.B. 3 credits for LL.M.
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Formalist ideas of Liberal Democracy have conflated the conferral of the rule of 'Universal Adult Franchise' with the pursuit of political equality. This belief rests on the equation of an individual citizen's acts of political participation with the presumptive recognition of her equal worth by the State. However, the practice and experience of democracy negates this claim. The constitution of elected government primarily reflects the expression of group identity ('Politics of Presence') rather than the Aristotelian goal of individual self-realization ('Politics of Ideas'). A realist understanding of democracy engages with how public institutions both shape and constrain the articulation of collective interests, irrespective of whether they are based on primordial identities (such as religion, caste, ethnicity) or inorganic categories (such as professional or class backgrounds). In post-conflict societies, the analysis extends to arguments about historical justice and the long-term interest in moving towards a 'politics of accommodation'. In this course, we will examine some of the scholarly literature that looks at electoral and administrative arrangements which seek to advance the goal of political equality. While the initial emphasis will be on the evolution of the Indian Constitution's prescriptions for electoral reservations (Articles 330, 332, 243D and 243T), we will survey some other methods of apportioning political power that have been tried in other nations. In particular, we will look at alternatives to the First-Past-the-Post (FPTP) electoral system such as 'Proportional Representation' and 'Functional Representation'. We will then proceed to contextual comparisons such as those with the law and practice of race-based redistricting in the United States of America, Consociational models of governance (Belgium, Lebanon, South Africa) and proposals for improving inner-party democracy in matters such as candidate selection. This course will be useful for students seeking to enhance their understanding in the field of Political Philosophy as well as those of Indian and Comparative Constitutional Law. I will expect engagement with 2-3 scholarly articles/book extracts every week.
SCHEME OF EVALUATION:	MID SEM [25] :: END SEM [50] :: PROJECT/PRESENTATION [25] (Based on a scholarly article/book extract identified after consultations with the instructor).
SELECTION CRITERIA (IF ANY)	Batch representative draw of lots (Maximum 60 seats).

COURSE TITLE:	Corporate Taxation
COURSE OFFERED TO	LL.B. & LL.M.
INSTRUCTOR:	Dr. Neha Pathakji
NUMBER OF CREDITS:	4
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The phenomenal rise of corporations has on the one hand resulted into highly lucrative taxable units for augmentation of revenue; on the other hand they have proved to be complicated subjects of taxation. Indian tax regime has earned a reputation of being amongst the most complex and uncertain tax structures in the world. This complexity when coupled with high rates of corporate tax, renders the country's claims of emerging as a foreign investment friendly regime questionable. It is pertinent to clearly understand the law and policy governing corporate taxation and tax implications for companies throughout their life cycle. This course offers essential overview and comprehensive understanding of corporate taxation in accordance with the corporate life cycle from incorporation to winding up or restructuring. This course aims to offer understanding of law, policy and practice of corporate taxation and apply this understanding in clearly comprehending tax implications of corporate form of doing business in India, identifying opportunities of tax planning and side-stepping likely controversies, being mindful of ongoing tax issues.
SCHEME OF EVALUATION:	MID SEM [25] :: END SEM [50] :: PROJECT/PRESENTATION [25]
SELECTION CRITERIA (IF ANY)	A prior study of direct taxation will be helpful Batch representative draw of lots (Maximum 60 seats).

Course Title:	Digital Evidence Retrievals and Analysis Systems (DERAS)
Course offered to	LL.B.
Instructor:	Mr. IRFAN
Number of Credits:	2
Duration	July-October 2019
Brief Description	Course Objectives. The primary purpose of the DERAS course is to equip criminal investigators with the knowledge, skills, and abilities to properly identify and seize digital evidence. Through a combination of lecture, demonstration, hands on exercises, labs and a practical exercise investigators learn how to seize digital evidence from personal computer (PC) and notebook computer hard drives, floppy diskettes, compact disks (CDs), DVDs, thumb drives, and various flash media by acquiring forensically valid images.[r] Course Relevancy. Scientifically Authenticated Evidence determines legal proceedings immensely, In recent time's evidences emerge from IT and ICT utilization's as well, hence Lawyers and Law enforcers should understand 1. Digital formats of data storage media 2. Internal architecture of existing Storage Medias 3. Data storage mechanisms on Digital Domain's (DD) 4. Data retrieval process both deleted and prevalent memory structure's 5. Analyzing process of retrieved data etc. Having Moderate knowledge helps Student to add IT knowledge in fact finding processes. Digital Evidence Lab tools: 1. Windows based sector level recovery tools 1.1 Pandora recovery 1.2 Recuva 1.3 ICare Data Recovery 2. Linux Based bit-stream based data recovery tools 2.1 DEFT: Digital Evidence Forensic Tools Kit 2.1.1 Foremost 2.1.2 Bulk Extractor Concepts offering with this course are 1. Disk structuring/spacing 2. Device Mounting. 3. Device Imaging. 4. Device Hashing. 5. Device Carving. Conclusion Having in depth knowledge on existing legal framework is mandatory for excelling in Legal profession but having substantial understanding on emerging technologies where different legal derivations are depended upon provides multi-dimensional perceptive in due course of litigation handling processes.

Scheme of Evaluation	Project Work
SELECTION CRITERIA (IF ANY)	Batch representative draw of lots (Maximum 60 seats).
COURSE TITLE:	FEMA and INVESTMENT LAWS
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Dr. Anindita Jaiswal Jaishiv
NUMBER OF CREDITS:	4
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Relating to one of the most engaging and in-demand commercial laws, this course would introduce students to the technicalities of foreign exchange and investment management. Considering the fast reforming regulations/rules notified annually by the Reserve Bank of India (often required to be read along with other company and securities markets regulations), alongside promulgations by the Department of Industrial Policy and Promotion (DIPP), recently rechristened as the Department for Promotion of Industry and Internal Trade (DPIIT), reading and interpretation in this space tends to become cumbersome and challenging. The curriculum would enable students to familiarize with and internalize these mechanics, while learning the rules, allowances and restrictions applicable to a potential cross-border investment, whether to India or from India. The course would also cover international borrowings and current account transactions. Considering that a significant portion of contemporary corporate acquisitions and structuring spills over national boundaries, this course forms the foundation of commercial law practice.
SCHEME OF EVALUATION:	MID SEM [25] :: END SEM [50] :: PROJECT/PRESENTATION [25]
SELECTION CRITERIA (IF ANY)	Batch representative draw of lots (Maximum 60 seats).

COURSE TITLE:	Insolvency and Winding up of companies
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Mr. ALOK VERMA
NUMBER OF CREDITS:	4
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	With multiple laws governing the area of insolvency and bankruptcy in India could not deliver the justice and fall short in effective recovery of stressed assets, causing undue strain on the credit system. All past efforts in the direction of resolving insolvency dispute and recovery have fallen far short of expectations, due to poor implementation and legal loopholes available for the defaulters. According to World Bank, the average time taken for completion of bankruptcy process in India is far higher than any other country. Since, it is the first time that the government and RBI are on the same page for effective resolution of the problem of bad debt and improving overall financial discipline in the way business is conducted in India. With the enactment of Insolvency and Bankruptcy Code, the government has not only consolidated the provisions, it has also put forth the arrangement of uniform procedure to be followed by the tribunal to expedite the disposal of cases of insolvency and winding up. Numerous features of the IBC and recent pronouncement by various high courts and the Supreme Court motivate us to look at this latest effort in a positive way. The idea behind this course is to provide overall understating of current legal regime dealing with procedural aspect of insolvency proceeding in India.
SCHEME OF EVALUATION:	MID SEM [25] :: END SEM [50] :: PROJECT/PRESENTATION [25]
SELECTION CRITERIA (IF ANY)	Batch representative draw of lots (Maximum 60 seats).

COURSE TITLE:	Investment Treaty Law
COURSE OFFERED TO	LL.B. & LL.M.
INSTRUCTOR NAME & CONTACT DETAILS:	Ms. Sahana Ramesh
SHORT DESCRIPTION OF INSTRUCTOR	Sahana is a graduate of the National University of Juridical Sciences, Kolkata. She has about two years' experience, having worked at Cyril Amarchand Mangaldas, Mumbai, primarily with their dispute resolution practice. She obtained her Master of Laws (LL.M.) from the London School of Economics and Political Science, with a specialization in International Business Law. Her studies focused on international dispute settlement, with courses ranging from international arbitration and commercial remedies to international trade law.
Credits	4
PREFERRED DATES FOR CONDUCT OF COURSE	July-October 2019
PRE-REQUISITES:	Basic knowledge of principles of arbitration preferable.
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	With arbitration making its mark as a primary method of dispute resolution in the commercial world, its importance in international law can no longer be overlooked. Investment Treaty Law will discuss the evolution of dispute settlement from a purely State-State mechanism, where States were required to espouse the cause of an injured national, to one that affords direct rights to individual investors. The course will introduce students to various substantive standards and protections afforded by the investment treaty regime to the investor, and the dispute resolution mechanism, with a focus on the ICSID Convention and existing case law (but will also draw on examples from other treaties like the NAFTA and Model BITs of specific nations). Along the way, certain problems of the current investment treaty regime will be highlighted. The course has been divided into several modules, each focusing on a different concept of investment treaty law. The aim of the course is to equip students with an understanding of the framework of investment treaty law, as well as of the jurisdictional and substantive principles underlying investment treaty arbitration so as to be able to critically analyze and apply principles in a practical scenario.
SCHEME OF EVALUATION:	MID SEM [25] :: END SEM [50] :: PROJECT/PRESENTATION [25]
SELECTION CRITERIA (IF ANY)	Batch representative draw of lots (Maximum 60 seats).

COURSE TITLE:	Matrimonial Causes and Jurisdictional Conflicts
COURSE OFFERED TO	LL.B. & LLM
INSTRUCTOR:	Dr. Aruna B. Venkat
NUMBER OF CREDITS:	4
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The Course is concerned with what happens in cases where not all of the facts are tied to one jurisdiction. This course deals with a number of specific theoretical frameworks. The three core components of the course investigate: • Jurisdiction: When domestic courts can hear cases that involve parties and property from outside the territory of the court. • Choice of Law: Which law is applicable when a case has connections with a number of different jurisdictions? In particular, this course considers family disputes that involve a variety of jurisdictions. • Enforcement of Judgements: How to enforce a court judgement or arbitral award from another jurisdiction in local courts. By the end of this course, you should be able to: • explain and apply the principles relevant to determining the Indian courts' jurisdictional competence and the circumstances in which they will decline to exercise that jurisdiction • explain and apply the principles relevant to determining whether a foreign judgement will be recognised in India and how foreign judgements can be enforced
SCHEME OF EVALUATION:	MID SEM [25] :: END SEM [50] :: PROJECT/PRESENTATION [25]
SELECTION CRITERIA (IF ANY)	Batch representative draw of lots (Maximum 60 seats).

COURSE TITLE:	New & Old Peasant Movements in India; A comparison
COURSE OFFERED TO	LL.B. & LLM
INSTRUCTOR:	Mr. Vivek Mukharjee
NUMBER OF CREDITS:	3
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Indian agriculture is presently at the crossroads. On the one hand where the cost of production has only shown a steep rise, the output prices have mostly been unremunerative on the other. This urges one to rethink the viability of farming as a mode of livelihood today. The lack of technology, infrastructure and the declining rate of public investment has only aggravated the issue. Statistics denote that some 22.5 percent of the farmers live below the poverty line. The list of maladies ailing Indian agriculture is unending. The deteriorating situation in agriculture is not a direct damage to economy's foundational primary sector alone but is also an undoing of the promises of socio-cultural equitability and welfare. This course, intended to cater to students interested in public law, will focus on three themes: a critique of the green revolution, agrarian crisis as a socio-political struggle of small-hold peasants and the coming of a new green movement. Before delving into the selected themes, an attempt will be made to introduce the fundamentals of agriculture law and policy in India to students. It is about time one put to question the market- oriented private sector tracing its origins in the neo- liberal regime. This regime that encapsulates within itself the flags of globalization, privatization and liberalization, has come to be institutionally exhaustible and inadequate. Green revolution, often portrayed as one of the most efficient solutions, is an example of its exhaustibility. From destroying soil fertility to genetic diversity, it rendered the state of Punjab socially and politically, a wasteland. In diffusing the situations with expedient measures, the country gave up its pursuit for alternative strategies. These quick- fix solutions induce irreparable damage. The modern day agricultural remedies are based on extensive utility of chemicals which are propagated as safe to use. However, the consequent reality speaks otherwise. There needs to be a check on the industrial mode of agriculture. Alternatives in the form of agroecology, or other more natural form of agricultural practices is quintessentially necessitated. Besides the inept solutions, the method too is largely problematic. For an instance, the post- production phase in farming ends up in sheer negligence of the parameters governing the return, like processing, marketing, storage

	and transportation. Another visible example of such laxity is seen in the transformation of CPR (Common Property Resource) management. The large- scale privatization of the CPRs has led to the unavailability of these resources to the poor, the needs of whom it was supposed to cater to. Quite often, the lack of complementary resources forces the poor to give up the allotted land too. The changing governments are not simply to be blamed for making the agricultural sector poorer but also for shifting entirely the locale of the issue at hand through various propagandas, thereby securing publicity along with vote banks. It is on account of the complaints that went unheard repeatedly, that farmers today in India can be seen to be more aware of the situation around, than before. They have been honest with their responsibilities towards the nation at large and towards their personal, everyday plaguing issues too. The realization of this dual responsibility of bringing about a change is a good sign. This has the potential to culminate into a new social movement which has been reflected in the recent farmers agitation in different parts of India. An analysis of these new social movements and it's point of departure from the agrarian movements of the past is intended in this course. <u>COURSE OBJECTIVES</u> ➤ Introduce the fundamentals of agriculture law and policy in India to students. ➤ To highlight the various maladies ailing Indian Agriculture. ➤ To emphasize on the socio-cultural equity issues within Indian Agriculture sector. ➤ To make an informed critique of the first green revolution. ➤ To make an informed critique of the involvement of market- oriented private sector in Agriculture sector, tracing its origins in the neo- liberal regime. ➤ To explore the alternatives offered by Agroecological methods to replace intensive industrial agriculture. ➤ Analyze the transformation in Common Property Resource Management in Agriculture sector. ➤ To thematize land as rurality and the impact of such perspectives on agriculture and its related laws. To study the new social movement traced in recent farmer agitation in different parts of India and to identify it's point of departure from the previous farmer movements
SCHEME OF EVALUATION:	MID SEM [25] :: END SEM [50] :: PROJECT/PRESENTATION [25]
SELECTION CRITERIA (IF ANY)	Batch representative draw of lots (Maximum 60 seats).

COURSE TITLE:	Capital Market and Securities
COURSE OFFERED TO	LL.B. / LL.M.
INSTRUCTOR:	SUDHANSHU KUMAR
NUMBER OF CREDITS:	4
DURATION	JULY-OCTOBER
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	There has been a tremendous growth of Indian market in recent years forcing rapid changes in the laws relating to investment and security. The economic and social development depends on security market at national and global levels. On the global level there is a trend for unification of controls of securities and investments. Reflection of this global phenomenon has also been felt in India. The new laws and regulations now fall line with the global requirements at times transcending the constitutional limitations. The corporate securities markets perhaps comprises the most vibrant sector of the financial industry. Significant reforms have taken place in both trading and post trade infrastructure and even the business conventionally handled within the commercial banking and insurance sectors is making inspired use of ordered capital market techniques. As well as new opportunities, these changes present new regulatory and legal risk management challenges. "Capital market in any jurisdiction has a vital role, including providing liquidity for investors and incorporating information in to prices, which in turn serve as vital guides to real economic activity. The effectiveness with which capital markets perform these functions, and their costs of operation, are determined in significant part by the rules governing the persons and entities operating and trading in these markets." The course on "Capital Market and Securities" would envisage the issues and procedures in connect with the progress and parameters of securities markets in India. Discussions would be on the major building blocks of an effective capital market and the policy environment needed to help its development.
SCHEME OF EVALUATION:	MID SEM [25] :: END SEM [50] :: PROJECT/PRESENTATION [25]

COURSE TITLE:	Toolbox for 'Maximum' Lawyering
COURSE OFFERED TO	IV -V year and LLM
INSTRUCTOR NAME & CONTACT DETAILS:	Shruti Pandey
SHORT DESCRIPTION OF INSTRUCTOR	Shruti Pandey is currently an associate professor and associate dean at Jindal Global Law School. Earlier, Shruti litigated at the Indian Supreme Court and Delhi High Court for many years, apart from being involved with legal reform, research, writing and capacity-building. As the human rights program officer at Ford Foundation's Regional Office for India, Nepal and Sri Lanka, her major strategic focus was on grassroots public interest legal remedies and lawyering. Shruti has also worked with the Lawyers Collective; Human Rights Law Network (HRLN); INTERIGHTS; and National Health Systems Resource Centre (NHSRC), Government of India.
Credits	1
PREFERRED DATES FOR CONDUCT OF COURSE	July 8-16
PRE-REQUISITES:	Passion for law and openness of mind
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	Focused on India as the location of enquiry, this elective course is being offered against the backdrop of a deepening crisis in legal system across the globe today. Whereas the links between law and justice, or even law and order, have always been far from straightforward, it would not be inaccurate to say that today the world is witnessing a particularly alarming sense of disappointment and cynicism in legal and judicial processes, and in extreme cases their complete abandonment – in the most recent memory in India: the #MeToo movement, the aftermath of Sabarimala temple entry judgment; and in longer term, the persistence of naxalism and terrorism are some of the most visible recent examples. Less visible but equally pressing are issues around legal enforceability and justiciability of economic-social rights (ESRs) such as health, employment, education, housing, food and water – these are some of the most politically charged issues of our times. Also, on the one hand, 'strong' governments being elected by the majoritarian voters are drastically changing entire laws to egregiously privilege the powerful, on the other hand in the garb of strong governments, private interests, especially corporations, are systematically undermining power and role of the state as law maker and implementer. Increasingly even the relevance of law and legal remedies in their conventional sense are being questioned in some of the most pressing areas of our lives, such as climate change, and business and human rights. And globalization is challenging state sovereignty and territoriality, the conventional principles of legal systems, in the face of inherently transnational issues such as environment, refugee crisis and trans-border terrorism. The course treats this moment as a pause point for the legal profession as well – some even think it is a crisis point for the legal profession, but there are also some fresh opportunities with

	accompanying challenges. At the very least, to stay relevant and responsive, the times we are in the midst of entrust us with a new set of responsibilities as well as offer us an opportunity to take stock and reimagine our role as lawyers; indeed that is closely linked with the task of reimagining the world also. To do that, the course takes a step back and collates, revisits and examines some of the key sites and processes of law's formation, performance and impacts, as also law itself as a site and process beyond strictly legal, from the Indian context. It builds on our understanding of jurisprudence and professional ethics, but goes beyond them to explore more practice-oriented aspects. The course by no means expects to arrive at any definitive 'solutions' to the problems. This is a less ambitious attempt in the nature of exploration – it leans on illustrative case-studies and undertakes a reflective process, towards provoking an altered consciousness and sensibility on lawyering. Those in turn could possibly inform our future strategies and nudge our practices. This would necessarily be an inside-outside exploration as lawyers, through collaborative thinking and openness to new and emerging ideas from the field.
SCHEME OF EVALUATION:	24 hour exam
SELECTION CRITERIA *	If more than 60 apply then by draw of lots

COURSE TITLE:	The history, philosophy, economics and politics of basic income
COURSE OFFERED TO	2 nd to 5 th Year LLB & LLM
INSTRUCTOR NAME & CONTACT DETAILS:	Philippe Van Parijis
SHORT DESCRIPTION OF INSTRUCTOR	A Belgian political philosopher and political economist, best known as a proponent and main defender of the concept of a basic income and for the first systematic treatment of linguistic justice. His book “What is wrong with a free lunch” is an all-time classic
Credits	1
PREFERRED DATES FOR CONDUCT OF COURSE	August 14 th to 23 rd (Tea will be provided)
PRE-REQUISITES:	
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	In the last few years, the idea of an unconditional basic income has been triggering increasing interest around the globe. How does it differ from existing minimum income schemes? Who defended it in the past? Is it realized anywhere in the world? What are the main ethical and economic arguments for it and against it? What are its political prospects in developed and developing countries?”
SCHEME OF EVALUATION:	24 hour exam to be set by Prof Parijis and to be evaluated by Prof Dhanda
SELECTION CRITERIA *	Students have to register whether to audit or for credits. 60 seats for credits and 60 for audit. Batch representative draw of lots

COURSE TITLE:	Acontextual Lawmaking: The Curious Case of India's Land Laws
COURSE OFFERED TO	3 rd to 5 th Year LL. B. & LL.M.
INSTRUCTOR NAME & CONTACT DETAILS:	Astha Saxena
SHORT DESCRIPTION OF INSTRUCTOR	Astha Saxena is an independent research consultant and doctoral scholar at NALSAR, Hyderabad. Her research interests include research related to the shifting of legislative paradigms, adivasi jurisprudence and the socio-economic right to land. Author of Land Law in India (Routledge forthcoming 2019)
Credits	1
PREFERRED DATES FOR CONDUCT OF COURSE	September 9 th 2019 to September 20 th 2019
PRE-REQUISITES:	It would be helpful if the people have a basic understanding of the constitution and history of land reform. This course will be useful for anyone interest in economic rights, law reform, judicial interpretation and out of box thinking.
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	A law devoid of its context is an exercise in abstraction – where rhetorical principles are idealized, norms are constructed and gigantic state policies are laid down without any reasonable hope of actualization. And sometimes, the consequences of such legal drafting can be rather adverse to the declared objectives. The Law of Land in India exemplifies such acontextual lawmaking. Thus a law that has been determining ownership patterns in the country and is central to the resource allocation systems and structures of our society, is largely unaware of the lived realities of people. In a desperate attempt to create an atmosphere of mass political acceptance, states have enacted nearly one thousand and one hundred land legislations across the country; along with myriad rules, regulations, orders, that are uncountable. If one of the objectives of law is clarity and consistency, then the sheer number of these legislations and rules negates any possibilities of meaningful articulation. The fact that the state of Andhra Pradesh got entangled in its own web and twice repealed the same statute, demonstrates the mechanical nature of law making and interpretation. Such events makes one wonder whether the abundance of laws is meant to advance the rule of law or veil the operation of an arbitrary regime. The other idea which has greatly influenced our understanding of land and land law is the concept of property. Though land and property are often viewed synonymous, the two barely enclose one another. The right to property further severs land from its subjective realities – of being an anchor of a variety of social relationships and part of a larger ecosystem of nature. This course on Land Law is dedicated to understanding these problems of acontextual law making, intersections of land and property and the manner in which land law affects the lives of people. The course will look at the laws of land reform and acquisition, especially in the states of Andhra Pradesh and Telangana, to realize the realities behind the law. The process is aimed to aid a critically rethink of the process and substance of lawmaking and accompanying interpretations.
SCHEME OF EVALUATION:	24 hours exam

SELECTION CRITERIA (IF ANY)	Batch representative draw of lots (Maximum 60 seats).

NALSAR University of Law



SEMINAR Courses Outlines
(In House Faculty)

June - October, 2019 Semester

COURSE TITLE:	Bribery and Anti-Corruption Laws
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Dr. D Bala Krishna
NUMBER OF CREDITS:	4
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	In order to keep the law students abreast with the latest developments in the legal area in relation to the bribe and corruption as well as to equip them with most recent legal developments in this area, training of the law students and researchers is a need of the time. In this scenario, the course will explore the various policies and laws on prevention of corruption and its strengths and shortcomings with emphasis upon its stakeholders under the criminal justice system. This course will provide students with a conceptual and theoretical foundation to study and critique anti-corruption laws and its application in India and other countries as well. Course Objectives The course contents shall cover both administrative and legal aspects and focuses on the fundamental principles and practices of prevention of corruption laws and explores the roles of key stakeholders under the legal system. The course besides emphasizing the basic principles of law and practice, it also identifies the emerging challenges in the enforcement of corruption laws. Therefore the course is mainly focused on the issue of crime relating to bribery and corruption and its impact on individual and the society in the global legal context. Learning Outcomes 1. Think critically about important issues in legal controls of corruption 2. To critically analyse the practical issues and concerns related to various forms of corruption and its effect on the nation 3. To sensitize the student in relations to citizen accountability towards participation in the criminal justice system Teaching Methods This course will provide a variety of activities and following methods shall be used besides class room teaching: discussions, seminar, assignments, project, group projects, cases Studies, Field study paper presentations and a final paper presentation Course Outline The course contents shall cover both administrative and legal aspects. The following issues will be discussed. Understanding corruption: • The Basic theories and Concepts • Bribery and Corruption • Political Corruption • Frauds (Online, Corporate Frauds) • Fugitives Offenders • Money Laundering The criminal justice system and Corruption: Landscape Review: • Major Constitutional Protections

	• Structure and functions of state and central enforcement Authorities • How is a corruption case initiated? • Trap cases and its legality • Special Courts • Court Personnel • Prosecution and Trail of bribe and corruption cases • Sanction for Prosecution • Professional non Professional Courtroom Actors and Court Process Regulatory Authorities: • State Vigilance Department, CVC, Lokayukta, Upalokayuktha and ACB • Professional non Professional Courtroom Actors and Court Process • The Adjudication Process • Identifying implementation priorities • Effects of New Information Technologies Proceeds of Crime • The concept and legal aspects of proceeds of crime • The identification and attachment of the properties • Binamy transactions and binamy holders • Practice and Practitioner Issues Legal Scenario: • Benami Transaction (Prohibition) Act, 2008 • United Nations Convention against Corruption • Conspiracy, Attempt and Abetment criminal Law (Amendment) Act,1952 • The Delhi Special Police Establishment Act, 1946 • The Central Vigilance Commission Act, 2003 • The Criminal Law Amendment Ordinance, 1944 • The Prevention of Corruption Act, 1988, • The Prevention of Corruption (Amendment) Act, 2018 • Prevention of Money Laundering Act,2002 • The National Security Act, 1980, • Telangana State Lokayukta Act, 1983 • Vigilance Manual of Telangana State
SCHEME OF EVALUATION:	Research paper
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Colonial Economy: India (1757 – 1947) (Social Science Seminar)
COURSE OFFERED TO	LL.B. 3 rd year onwards
INSTRUCTOR:	Mr. Hota Agni Kumar
NUMBER OF CREDITS:	3
DURATION	July-October 2019
BRIEF DESCRIPTION (MINIMUM 500 WORDS)	The course expects the students to cover all the significant developments in the historiography of Colonial Economy. It starts by problematizing the themes related to an understanding of the forms of indigenous economy intervened by the early British commercial interests which turned out to be colonial interests in a process. The course then proceeds to deal with those issues having a bearing on the nature and context of the British administrative encroachments in terms of and in the name of revenue 'reforms' and settlements. Themes that focus on the inevitable transformation of land and labor into commodities will be balanced against the themes dealing with the general origins of market or money economy as influenced by colonial interests of a capitalist market. Closely following this insight, there come other areas of interest such as origins of Indian capitalism/capitalist class. Intersecting areas of study include such dimensions of 'development' as railway and communication which have a potential to present the contradictions that every development carries with reference to social context. Similar is the case with famine policies and hydraulic projects more clearly revealing the duplicity of capitalism in colonial context when it talks about "improvement" without human dimension. Issues related to this area, specifically of a regional geographical approach, contribute to such macroeconomic zones as "peasant economy"; famine was really political in colonial India. Besides all these topical areas, new class compositions based on the new colonial economy, e.g. working class that came in / as response to the Indian capitalism that saw its own contradictions as it evolved in a colonial context, will generally add to the claims of economic history in the direction of its socio-political goals, relevance and achievements.
SCHEME OF EVALUATION:	Research paper: 70marks. Presentation: 30marks.
CRITERIA FOR SELECTION OF STUDENTS INTO THIS SEMINAR	Draw of Lots

COURSE TITLE:	Comparative Study Behavior of Supreme Court Judges of US and India
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Mr. Prakhar Ganguly
NUMBER OF CREDITS:	4
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The broader idea is to understand Judicial Process. One of the seminal works of judicial process is by Justice Cardozo. The underlying question to be answered is how judges should decide cases. In determining this question one is faced with a multiverse of possibilities as to how make law. There is no straight jacket application of existing or established principles of judging. Judges decide the way they decide keeping only legal factors in consideration. This is the way it ought to be. What are the existing normative foundations of ought? For example, judicial review ought to be exercised where the law is blatantly arbitrary. But existing studies on judicial behavior show that judges are affected by multiple factors other than adherence to normative principles of ought. These normative ought(s) also provides a set of ought not(s). While employing cosmopolitan notions of justice, conscience and good faith, the judge should be parochial in exercising them in their judgments. In other words, they should not replace the nations conscience with that of the judge. This course will guide the student to understand what are the normative ought(s) and ought not(s) and will take them through some exploratory and empirical works of authors in the field of political science, law and psychology thereby establishing those factors in a positive correlation in the context of the US and the Indian Supreme Court. The students will be exposed to three schools of judicial behavior: i. Legal. ii. Attitudinal. iii. Strategic. While doing so, the students will be exposed to the various schools of judicial law making and analyze these in the context of hard decisions given by the Sup. Ct. of India. This will enable the students to analyze the difference between judicial process under which judges are nominated and other which appoints its judges. In, US, where judges are appointed almost based on their dominant political ideology most of these scholars see their voting patterns as an attempt to forward their ideological goal. In stark contrast to the nature of cases- jurisprudentially denoted as hard cases, existing literature and data on the Indian Sup. Ct. provides for the absence of dissent which may signify the concentration on a particular thought of judicial process. Following are the outcomes of the course: ◆ Understand the existing models of decision making of the US and Indian Sup. Ct.. ◆ Analyze each model in respect of institutional characteristics of the US and the Indian apex court. ◆ Students will be able to critically understand the nuanced areas of judicial process thereby challenge the parochial notions of judicial decision making.

SCHEME OF EVALUATION:	RESEARCH PAPER AND PRESENTATION.
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Cyber Crimes- Law, Policy and regulation
COURSE OFFERED TO	LL.B. & LL.M.
INSTRUCTOR:	Dr. KVK Santhy
NUMBER OF CREDITS:	4
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Cyber Crimes- Law, Policy and regulation: The emergence of modern information and technology-based societies in which the exercise of economic, political, and social power increasingly depends on the opportunities to access, manipulate, and use information and information infrastructure has created opportunities enforcement and national security responses. To deal with the new emerging menace of cyber crime we have only one legislation in place, IT Act, 2000 which did not deal with much of internet crime. Even though the 2008 amendment Act took care of some major internet crimes we are still lacking in many areas. One of the important objective of this course to lay down policy for various issues regarding internet crimes for India taking into account the global initiatives. This course explores how a "networked" world has bred new crimes and new responses, and investigates how information and communication technology (ICT) has become a tool, a target, and a place of criminal activity and national security threats, as well as a mechanism of response. This course addresses such questions as how emerging technologies challenge existing laws and criminal procedures; how nation-states regulate criminal conduct across traditional geographic and political boundaries; what reasonable expectations of privacy are in cyberspace; and how control is shifting from traditional mechanisms of law enforcement to new regulatory regimes, including technology. Module - I. Nature and Concept of Cyber Crimes • Classification of Cyber Crimes • Fundamental aspects of Cyber Crimes/Cyber offences/Online Crimes: Mensrea and actus reaus, • US v. SABLON, 92 F.3d 865 (1995) (relationship of "mens rea" to "damages," and how are damages calculated). • US v. MIDDLETON, 231 F.3d 1207 (2000) (<i>Factual Background</i>, pp. 1208-09, Part B. <i>Damages</i>, p. 1213, and Part C. <i>Sufficiency of Evidence</i>, pp. 1213-14). • Need for criminalization of offences in cyber space • Types of cyber offences to be criminalized • Spamming, hacking, cyber stalking, theft of service, denial of service attacks, salami slicing, data transfer fraud, • International dimensions to cyber crimes – Budapest convention. • Online intermediary liability • Computer Viruses, Time Bombs, Trojans, Malicious Code (Malware) <u>Readings:</u>

- Jyh-An Lee, Hacking into China's Cybersecurity Law, 53, Wake Forest L. Rev. 57 (2018).
- Josh Goldfoot; Aditya Bamzai, A Trespass Framework for the Crime of Hacking, 84 Geo. Wash. L. Rev. 1477, (2016).
- Sara Sun Beale; Peter Berris, Hacking the Internet of Things: Vulnerabilities, Dangers, and Legal Responses, 16 Duke L. & Tech. Rev. 161 (2017-2018).
- Maneela, Cyber Crimes: The Indian Legal Scenario, 11, US-China L. Rev. 570 (2014).
- Danielle Keats Citron, Addressing Cyber Harassment: An Overview of Hate Crimes in Cyberspace, 6 Case W. Res.J.L. Tech. & Internet 1 (2014-2015)

Module -II: Cyber Crimes and Procedural Aspects:

- Investigating Internet Crime: cyber cells, search, seizure, digital evidence
- Computer forensics
- Prosecution of internet crime,
- Admissibility of electronic records and issues in the admission of digital evidence
- International aspects and Jurisdictional issues

Readings:

- Milana Pisaric, Electronic Records as Digital Evidence, 43 Zbornik Radova 519 (2009).
- Jacqueline J. DeGaine, Digital Evidence, 2013 Army Law. 7 (2013).
- Paul W. Grimm; Daniel J. Capra; Gregory P. Joseph, Authenticating Digital Evidence, 69 Baylor L. Rev. 1 (2017).
- Mrinalini Singh; Shivam Singh, Cyber Crime Convention and Trans Border Criminality, 1 Masaryk U. J.L. & Tech. 53 (2007).

Module - III: Cyber Terrorism

- Need for comprehensive national cyber security
- Monitoring and surveillance of potentially harmful websites
- Cyber Crime and fund raising
- Cyber network based attacks
- Should sentencing law and policy take into account the differences between traditional crimes and cyber crimes
- Cyber security measures : Computer Emergency Response team. NERT

Readings:

- Dan-Calin Besliu, Cyber Terrorism - A Growing Threat in the Field of Cyber Security, 6 Int'l J. Info. Sec. & Cybercrime 35 (2017).
- Loan Marcel, The Components of Cyber-Terrorism, 2 Int'l J. Info. Sec. & Cybercrime 49 (2013).

- Ioana Martin, Cyber Security Strategies - An Overview, 4 Int'l J. Info. Sec. & Cybercrime 33 (2015).

Module IV: Pornography, prostitution, and sex crimes in cyber space:

- Pornography in India: policy and regulation.
- Child porn and the law
- Sending offensive messages S 66A
- Policy problems with a national or cyberspace standard
- Constitutional and statutory rules governing obscenity
- Operation of local community standards in cyber space
- Voyeurism S 66E
- Sexually explicit content and child pornography S 67A ND s 67B
- **Online Gambling:** UNLAWFUL INTERNET GAMBLING ENFORCEMENT ACT OF 2006(enacted as Title VIII of the [Security and Accountability For Every Port Act of 2006 or SAFE Port Act, Pub. L. 109-347](#)):
- Avinash Bajaj v State, 116(2005)DLT427
- Fimbros v State of Kerala, AIR 2006 Ker 279
- Ashcroft v. ACLU, 542 U.S. 656 (2004).
- MILLER v. CALIFORNIA, 413 U.S. 15 (1973) (Miller Test - community standards; "lacks serious literary, artistic, political, or scientific value").
- U.S. v. AMERICAN LIBRARY ASSOC., 539 U.S. 194 (2003) ([LII](#)) (upholding Children's Internet Protection Act (CIPA)).

STATUTES:

- Communications Decency Act of 1996 (Title V of the Telecommunications Act of 1996).
- Child Online Protection Act (COPA) of 1998 ([47 U.S.C. 231](#)). (Cf. Children's Online Privacy Protection Act of 1998 (COPPA) 16 USC 6501-6506).
- Children's Internet Protection Act (CIPA) of 2000 Children's Internet Protection Act (CIPA), Pub. L. No. 106-551, Div. B., Tit. XVII, 114 Stat. 2763A-335 (2000).
- Child Protection and Obscenity Enforcement Act of 1988 (Pub. L. 100-690, title VII, subtitle N (§7501 et seq.), Nov. 18, 1988, 102 Stat. 4485, 18 U.S.C. § 2251 et seq.) (enforced through "[2257 Regs](#)" guidelines, [28 CFR 75](#)).

Readings:

- Gerard V. Bradley, Prolegomenon on Pornography, 41 Harv. J. L. & Pub. Pol'y 447 (2018).
- Godwin Tan, Is Pornography Merely Obscene: Feminist Perspectives on the Regulation of Pornography, 5 UK L. Student Rev. 97 (2017).
- Shannon Russell, The Criminalisation of Extreme Pornography: Legitimacy and Scope, 3 Edinburgh Student L. Rev. 51 (2017).

Module - IV: Online fraud issues and challenges:

- Identity Theft; Intellectual Property Theft;
- Theft of computer resource S66B
- Identity theft and impersonation S 66C and S66D
- Tampering with the source code S65,
- Syed Asifuddin v The State of Andhra Pradesh, 2005 Crilj 4314.

	<u>Readings:</u> • Eric Holm, The Darknet: A New Passageway to Identity Theft, 6 Int'l J. Info. Sec. & Cybercrime 41 (2017). • N. S. Nappinai, Cyber Crime Law in India: Has Law Kept Pace with Engineering Trends - An Empirical Study, 5 J. Int'l Com. L. & Tech. 22 (2010)
SCHEME OF EVALUATION:	Written Submission : 70 marks Assignments : 2 : 2 x 15 = 30
SELECTION CRITERIA	Draw of Lots:

COURSE TITLE:	Dispute Resolution and Advanced Mediation
COURSE OFFERED TO	LL.B. & LL.M.
INSTRUCTOR:	Mr. Utkarsh Leo
NUMBER OF CREDITS:	4
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The aim of this option is to bring together theory and observation of practice, and is divided into two parts. In the first section, students will examine what motivates people to enter into disputes and the range of outcomes they seek, the history of the 'informal justice' movement and the transformation of attitudes to dispute resolution in India and beyond. The emphasis in this part of the option is also on looking at the two primary forms of dispute resolution, negotiation and mediation. In the second part of the course, students practise dispute resolution techniques and interact with practitioners to explore the interface between theory and practice and the different dynamics of disputes and their resolution in specific subject areas such as commercial law, international law and family law.
SCHEME OF EVALUATION:	Project work and Role-plays
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	DYNAMICS OF INDIAN DEMOCRACY (Social Science Seminar)
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Dr. Harathi Vageeshan
NUMBER OF CREDITS:	3
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The purpose of the course is to introduce the evolution, nature and functioning of Indian state which is located in the post-colonial milieu of global south. The course starts with evolution of Democratic Republic of India, in the process how Justice, Liberty and Equality became the cardinal principles of the republic will be dwelled in to. The course wades through the journey of the Republic and the interplay between the principles and practices on the ground. The (uneasy) relationship between the Politics of the state apparatus and the politics of the people will be introduced; in the process the changes in the political economy and socio cultural milieu will be ascertained. The, aspirations, demands and struggles of people to have a life with dignity and the response of the system of governance will be intorragated.Dynamics of state building and nation building and concomitant problems involved will be discussed. On the whole the course is intended to introduce the student to the journey of a populous,plural,competitive constitutional democracy and its problems and prospects. 9) Evolution of the constitutional democratic republic of India 10) The journey of the republic in phases to ascertain the nature of the republic. 11) The changes in political economic and social sphere and their expression in the form of electoral and non-electoral arenas. 12) The prospects of a democratic republic . Will be the broad areas be covered in the seminar.
SCHEME OF EVALUATION:	Class room discussions 15+ Paper 70+ Presentation+15 =100
SELECTION CRITERIA	SOP in 600 words .

COURSE TITLE:	ENTREPRENEURSHIP and LAW
COURSE OFFERED TO	LL.B. & LL.M.
INSTRUCTOR:	Dr. Anindita Jaiswal Jaishiv
NUMBER OF CREDITS:	4
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	This course stands at the intersection of law and entrepreneurship, which is an emerging area. It explores the challenges in law that are confronted by entrepreneurs during the lifecycle of their start-up venture, commencing with identifying the appropriate form of business entity (company, LLP, partnership, one-person company), procuring the right kind of investments and investors, applicable laws and regulations, compliances and governance, safeguards in terms of IPRs and trade secrets/data protection, taxation, and finally exit options- a full-fledged eco system for an entrepreneurial mindset. Needless to state, the course would comprise of theoretical inputs, alongside practical insights from existing entrepreneurs, company secretaries, and sector-specific industry experts. Given its outreach that crosses over multiple disciplines and sectors, this course would be suited for both, law students and MBA students. The course is proposed to be offered on an experiential basis, where every student commences with an investible idea for entrepreneurship, which he/she would develop over the course period into a potential start-up. This, while helping the students to take home a legally viable start-up idea which they can carry forward or actuate later once out of campus, will also offer an industry workable curriculum.
SCHEME OF EVALUATION:	Each student will be evaluated on the entire entrepreneurship model that he/she develops over and by the end of the duration of the course.
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Environmental Justice – Stories and Struggles
COURSE OFFERED TO	LL.B. & LL.M.
INSTRUCTOR:	Mr. JAGTESHWAR SINGH SOHI
NUMBER OF CREDITS:	4
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	<u>COURSE OBJECTIVE</u> India has an impressive range of environmental laws from those related to pollution (<i>Water Act 1974, Air Act 1981, EPA 1986 etc.</i>) and others dealing with the forests/wildlife (<i>Indian Forest Act 1927, Forest Conservation Act 1980, Forest Rights Act 2006 etc.</i>). These are all accompanied by a series of regulations and guidelines passed thereunder. They also create an imposing web of bureaucracy; dealing in both pollution control and forest control. This, in turn, means that we are able to successfully safeguard the environment and the health related concerns of its citizens. But is it so? A study of environmental justice focuses on the failure of these laws and related bureaucracies to effectively speak for the citizen/environment. To ‘see’ these failures we need to focus on individual stories of development projects and environmental/social justice movements that often accompany them. <u>COURSE STRUCTURE</u> To this end, this course will be divided into four components: PART 1: UNDERSTANDING ENVIRONMENTAL JUSTICE The first part of the course shall focus on reading some literature on the development of the Environmental Justice movement around the world. The idea will be to familiarize the students with the vocabulary of this field and understand the locations from which it grew [2 weeks]. PART 2: STORIES OF ENVIRONMENTAL JUSTICE In this part - conducted in lecture form - I shall narrate the story of the struggle at Niyamgiri, the story of the struggle of the Dongria Kondh people against the State and Vedanta. We shall read expert committee reports, judicial decisions and news reports. We shall also look at some interesting papers submitted by the previous group of students (subject to their approvals) to see the range of issues that can form stories of interest to the environmental justice narrative [3 weeks]. PART 3: ENVIRONMENTALISM OF THE POOR Whereas the environmental justice movement can be used as a lens to understand a variety of environmental movements around the world, a specific theoretical frame has developed to explain the developments in the global south (specifically around the Indian and the Latin American

	experiences). This material shall help the students see similarities among various stories of environmentalism in India [2 weeks]. PART 4: THE STORIES THAT YOU DEVELOP The students shall be expected to use the first month to identify an environmental struggle in India for which you wish to 'construct' a story over the next 3 months (<i>you'll be expected to submit a 250 word abstract</i>). From week 8 onwards, 1/4th of class shall present their story with others expected to sit through to learn more about the environmental story around the country [8 weeks].
SCHEME OF EVALUATION:	Attendance = 10 Marks (this is a seminar course and everyone is expected to attend 100% of the classes. If you have to miss a class, you'll be required to write an email explaining your absence in advance). Selecting a story = 10 Marks (250 word abstract) First presentation = 15 Marks (20 minutes max) Skeletal draft of the paper = 10 Marks (2/3 pages) Second presentation = 15 Marks (30 minutes max) Final paper = 40 Marks (3000 words)
SELECTION CRITERIA	Draw of Lots (Students who took the course previously are welcome to enroll again; however, they must work on a new story this time around)

COURSE TITLE:	Horizontality in Comparative Constitutional Law
COURSE OFFERED TO	LL.B. & LL.M.
INSTRUCTOR:	Prof. N. Vasanthi
NUMBER OF CREDITS:	4
DURATION	July-October 2019
BRIEF DESCRIPTION (MINIMUM 500 WORDS)	Constitutional law in India and in other jurisdictions is associated with a strict divide between the public and the private although in many instances the divide has been bridged in specific instances leading to an understanding that the distinction is incoherent. This distinction is also associated with the idea that fundamental rights are primarily available against the State and not private persons. The availability of rights only against the State leads to a narrow reading of rights but doing away with the distinction between State as representing the public sphere and private persons will also lead to the diluting of obligations associated with public duties. The more contemporary challenge to the availability of rights exclusively against the State is the decline of the State and important state functions now being performed by private actors. Given the increasing presence of private corporations in erstwhile state functions has led to remedies which were originally available against the State now increasingly being made available against private persons and corporations. The privatization of erstwhile public duties/obligations also raises questions of holding such private persons to be responsible in the same manner as the public authorities. Public Private Partnerships also raise interesting questions of law and regulation regarding the obligations and duties and perhaps rights of corporations. The course engages with this debate in jurisdictions around the world to examine how different legal systems have responded to the challenge of horizontality of rights and the impact of these developments on fundamental rights in India. OBJECTIVES OF THE COURSE 5. To examine how different constitutions have understood horizontality of rights 6. To understand horizontality of rights in the Indian Constitution and its evolution TEACHING METHODOLOGY: Lectures and class discussions of readings
SCHEME OF EVALUATION:	Research paper for 75 marks and 25 marks for presentation.
CRITERIA FOR SELECTION OF STUDENTS INTO THIS COURSE TITLE:	Draw of Lots

COURSE TITLE:	International Commercial Arbitration
COURSE OFFERED TO	LL.B. & LL.M.
INSTRUCTOR:	Mr. Rajesh Kapoor
NUMBER OF CREDITS:	4
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	International commercial arbitration has become such a prominent method of resolving international commercial disputes that it is said to be “the only game in the town.” The course deals in an exhaustive manner with the substantive and procedural aspects of the law related to international commercial arbitration. The course will examine and discuss various issues which occur in international arbitral process, ranging from entering into the arbitration agreement to the enforcement of the award. It will focus on theoretical foundations of international arbitration, the juridical nature of arbitration, the agreement to arbitrate, applicable laws, the interplay between national courts and international arbitral tribunals and finally the various issues related with the award. We shall refer to various national arbitration statutes, international arbitration treaties and the arbitral rules of leading international arbitral institutes.
SCHEME OF EVALUATION:	Research paper of 4200 to 4500 words. Excluding abstract and foot notes. 75 marks for written part and 25 for oral.
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Land Rights and Tribal: Facts, Acts and Issues.
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Dr. G. Mallikrjun
NUMBER OF CREDITS:	4
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The course intends to discuss the existing legal provisions and processes related to the land rights of the tribals in the context of their occurrence as well as litigation. For a preliminary idea we can refer to the Part X of the Constitution that contains special provisions relating to administration of Scheduled Areas and tribal areas. Sub-paragraph 2 of Paragraph 5 of Part B of Schedule-V, under Article 244 (1) of the Constitution further provide that the Governor may make 'regulations' for general peace and good governance of any area in a State which is for any reason is defined as a Scheduled Area. However, regulations are supposed to stand by a rationality of their own structure to the effect that in particular, and <i>without prejudice to the generality of the foregoing power</i>, such regulations may prohibit or restrict the transfer of land by or among members of the Scheduled Tribes in such area. It can also regulate the allotment of land to members of the Scheduled Tribes in such area. Further, it can regulate the transaction of business such as is held by the money-lenders from outside who lend money to the members/people of the area identified constitutionally as the area of the Scheduled Tribes. The provisions become really regulatory when, in making any such regulation, the Governor may repeal or amend any Act of Parliament or of the Legislature of the State or any existing law which is thereto applicable to the area in question. To come to a point that carries structural significance, the Panchayats Act, 1996 provides in fact for the extension of part IX of the Constitution relating to Panchayat to the Scheduled areas. The Act, inter-alia, provides that the Gram Sabha or Panchayats shall be consulted before making the acquisition of land in the scheduled areas towards development projects and before resettling or rehabilitating persons affected by such projects in scheduled areas. Coming to the larger social dimensions of the issues related to the tribals in the general framework of this course, mention can be made of the Scheduled Tribes and Other Traditional Forest Dwellers Act, 2006 that seeks to recognize the forest rights and occupation in forest land in forest dwelling STs and OTFDs who have been residing in forests for generations. It is logically understood that the responsibility for implementation of the Act lies with the States/UTs. Section 4(5) of FRA, 2006 ensure that no member of a forest dwelling Scheduled Tribe or Other Traditional Forest Dweller shall be evicted or removed from a forest land under his occupation till the recognition and verification procedure is complete.

	There are certain Acts that have dealt with the issues emanating from the gaps left by the areas already covered by the Acts above referred to. For example, in order to ensure fair compensation and timely and proper rehabilitation of displaced tribal people across the country, adequate provisions in the “Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013” have been made. In logical and legal connection with this, as per section 41 of the Act, as far as possible, no land is to be acquired in the Scheduled Area. In case acquisition or alienation of any land in the Scheduled Areas takes place, a prior consent of Gram Sabha or the Panchayats or the Autonomous District Councils-- as the case may be-- is required to be obtained. The Act <i>consciously</i> lays down procedure and manner of rehabilitation and resettlement (R&R) wherein R&R is an integral part of the land acquisition plan itself. To locate the provision solidly, Chapter-V and VI of the said Act contain detailed provisions of R&R awards and their implementation. At a larger and more technical level, the provisions of Section 48 of the RFCTLARR Act, 2013, direct that a national Monitoring Committee is to be set up for reviewing and monitoring the implementation of Rehabilitation and Resettlement Schemes, looking into issues related to displacement of people, payment of compensation, rehabilitation and resettlement, and the status of land acquisition. By and large, the course attempts to cover all the areas related to the rights of the tribals when the land policies at large either include or exclude them. In this sense, the course tries to offer an overview of the existing Acts specifically with reference to their general relevance for interpretations other than legal and their potential as “Acts” to accommodate the recommendations from those quarters not entirely legal.
SCHEME OF EVALUATION:	Research paper for 75 marks and 25 marks for presentation.
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Language, Democracy and National Identity in India (Social Science Seminar)
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Dr. N. Manohar Reddy
NUMBER OF CREDITS:	3
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	This course explores the fascinating field of language politics in India. While the Indian subcontinent is home to many major languages, they do not officially possess the national status. After independence, in a major undemocratic move, the Nehruvian regime retained English in the fields of judiciary, administration and education. The result has been that questions of democratic polity and popular sovereignty (for which the locus is the nation-state founded on the principle of a common language), which occupied centre stage during the decades that had preceded independence were dismissed as unimportant. While the liberal discourse of Indian nationalism and multiculturalism stresses the issue of coexistence and completely ignores the issue of political existence of the people, the Hindutva groups continue to insist on their Hindi-Hindu-Hindustan formula. To understand the issue in depth, we need to look at how the story of the major languages of India has been told from the perspective of the Anglophone class, which has been indifferent to the political aspirations of the people constituted by these languages. This course tries to reinvestigate such a position and tries to understand the curious contemporary language situation in India from the perspective of 'regional' languages and histories. It tries to unravel the myth of singular Indian nationalism and brings into perspective the multiple (linguistic) nationalisms that have been suppressed for decades, and revisits the idea that for democracy to work, India must be a federation of multiple nationalities. The course will have readings on language policy, linguistic identity and different linguistic movements such as anti-Hindi agitation, Banish English movement, political movements for separate linguistic states, and so on, and the authors include, Benedict Anderson, Bernard Cohn, Etienne Balibar, Duncan Forrester, Granville Austin, Ranajit Guha, Alok Rai, BR. Ambedkar, M.K. Gandhi, Rammanohar Lohia, et al.
SCHEME OF EVALUATION	4. Participation in the class discussions: 40 Marks 5. Presentation of the abstract of the research paper: 10 Marks 6. Research paper (5000 words): 50 Marks
SELECTION CRITERIA	Statement of Purpose

COURSE TITLE:	Law of Aerospace and Defence Start-Ups
COURSE OFFERED TO	LLB
INSTRUCTOR:	Prof. (Dr.)V.Balakista Reddy
NUMBER OF CREDITS:	4 Credits
DURATION	July-October, 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	With the help of 'Make-in-India' initiative, the Government of India aims at promoting and encouraging the new and young enthusiastic entrepreneurs to turn their innovative ideas into start-ups by facilitating and aiding them with investments, especially in the sectors like aerospace, defence, infrastructure, pharmacy etc. Post-liberalization, India witnessed a changed legal regime that facilitates in the trade, thereby increasing its economic growth. Hence, it is an hour of the need for the existing and new entrepreneurs to have a strong hold in the understanding of the basic laws, rules and regulations which governs them. Also, with the proper understanding of these laws, the entrepreneurs will be in a better position to run their businesses smoothly in an effective and efficient manner. The course on 'Law of Aerospace and Defence Start-ups' is designed to provide a basic understanding of the myriad legal issues that the entrepreneurs face while turning their innovative ideas into successful business start-ups, from formalizing a founders' agreement to safeguarding intellectual property to enforcing business contracts. The course also raises the fundamental legal issues relating to the aerospace and defence start-ups like the need for local manufacturing of defence and aerospace equipments, legal dimensions of India's defence and aerospace contracts, different legal structures in which defence and aerospace sector operates and functions, government policies governing these start-ups like DPP etc., and various legal challenges that defence and aerospace startups face in the present legal architecture in India. Module I: Fundamentals of Start-ups give a general overview about the regulatory framework for start-up companies in India. It begins with the nature and type of the business including - partnership, sole-proprietorship, private and public limited, limited liability partnership, Incorporation and Registration, Legal Status, Member Liability, Transferability, Annual Statutory Meetings, Winding Up etc. Further the module also deals with Business licenses, Taxation and Accounting Norms, Labour Laws, IPR Laws, Contract Management etc. Module II: Aviation Law and Start-ups briefly covers various multilateral conventions and bilateral agreements, both of

	public and private law in the field of international air transportation including the Chicago Convention. However, due attention will be given to the recent developments i.e. Globalization, liberalization, de-regulation, privatization and the WTO/GATS and air transport services and their impact on the Indian aviation industry. Further the module will focus on the Advent of Start-ups in Aviation and Sector Specific Licenses of DGCA Norms. Module III: Space Law and Start-ups. This Module focuses on Space Law and Space Regulations including five multilateral Conventions (the Space Treaty, Rescue Agreement, Liability Convention, Registration Agreement and Moon Treaty). It also covers the recent outer space activities of property ownership, space tourism and the other commercial use of outer space which are very much part of space start-ups. Further this module also covers the advent of Start-ups in Space, and Sector Specific Licenses of Department of Space (DoS) and ISRO Guidelines. Module IV: Defence Laws and Start-ups. Start-up units operating in defence sector has increased in last few years. However, ambiguities and disappointments at the level of legal framework are often the reason India has not been able to harness the fruits of young, small firms in aerospace and defence start-ups. Bureaucratic processes offer discouraging hurdles as well. The Law of Defence in India, Advent of Start-ups in Defence Sector, Sector Specific Licenses of Defence Procurement Procedure & Offset will also be covered in this module.
SCHEME OF EVALUATION:	Draft Submission 10 Marks Final Presentation 30 Marks Final Submission 60 Marks
SELECTION CRITERIA	Strictly based on Statement of Purpose(SOP) Merit

COURSE TITLE:	Law of Environment and Health.
COURSE OFFERED TO	LL.B
INSTRUCTOR:	Dr. T. Raghavendra Rao
NUMBER OF CREDITS:	4
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Environment is everything around us, the air we breathe, the water we drink and use, and the food we consume. Good health is a fundamental precondition of much human activity. Environmental Health Laws and Policies are created to regulate and safeguard the human environment. The 20th Century has witnessed an unparalleled improvement in human health. Progress in a range of environmental sectors has yielded corresponding improvements in health outcomes with substantial economics and financial gains, but challenges remain. The environment and eco systems are under serious threat with dire consequences for human health and well being of mankind. Environmental degradation can have a significant impact on human health. Opportunities for reducing environmental related health risks are considerable. The impact of environmental risk factors on health are extremely varied and complex. Humans interact with environment constantly. These interactions affect quality of life. Environmental health encompasses the assessment and controls of those environmental factors that can be potentially affect human health. The impacts on human health due to degradation of environment affect society not only in terms of loss of quality of life, but also in terms of expenditure on health care as well. Since, these impacts are very different, different approaches are required for estimating their magnitude. Hence, the loss of health due to environmental degradation is substantial and calls for interventions at this juncture. Maintaining a healthy environment is central for increasing the quality of life.. Learning Objectives: • The primary objective of this course is to introduce law student to the emerging area of Jurisprudence, which has assumed of late, crucial social significance. • To generate critical understanding about competing and conflicting interest that are evolved and influenced by interface of environment and health. • To create critical knowledge and informed opinion about legal, social, and regulatory issues and implications Teaching Methodology: Assigned Readings, Class Participation in Discussions, Assignments and Lectures. Course Coverage: This course attempts to describe the major impacts on human health due to environmental degradation with the help of legal and regulatory frame work. Course coverage includes: Environment and Health Interface, Environmental Pollution and Health (Air, Water, Environment), Municipal, Hazardous and Bio-Medical Waste, Mass Torts, Climate

	Change, Forest and Biological Diversity, Occupational Health, Role of the State. Suggested Readings: D.S. Blumental et.al (1995) Introduction to Environmental Health: Springer Moeller, D. W. (1997), Environmental Health, Cambridge, Harvard University Press. Melse, J. M et.al "Human Health and Environment", OECD Paris. WHO, World Health Report: Making a Difference WHO, Geneva. Sanford M. Brown et.al, Environmental Health Law, Praeger. Divan et.al, Environmental Law and Policy in India, Oxford University Press.
SCHEME OF EVALUATION:	Project:Written :(70 Marks) Presentation: (30 Marks)
SELECTION CRITERIA	DRAW OF LOTS

COURSE TITLE:	Linguistic Justice and Linguistic Landscape Studies (Social Science Seminar)
COURSE OFFERED TO	LLB
INSTRUCTOR:	Dr. Uma Chimirala
NUMBER OF CREDITS:	3
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Purpose of the Course: The course is a conceptual and methodological preparation to join the research team that will then engage in field work in ITM/Scheduled areas. (More on this aspect if you are taken into the course) This course is a three component study. The course will begin with the omniscient yet arbitrary notion of what is language? Language is personal, visceral, and powerful; it is tied to our lands, to our bodies, to our relationships, to our living landscapes and to our knowledge. Every time we speak or sign in our particular accents and dialects, syntax and rhythms, cadences and inflections, we identify ourselves and bring social history and personal experience with us. When we come together to dialogue, it is important that we are able to express ourselves in the language that most fully conveys the depth and nuance of our hopes and ideas, our frustrations and questions. Thus Language is at the same time the cognitive and the cultural representation of the speaker and the speaker community yet it is the legal systems that regulate and reorganize social institutions and the interactional arrangement and (in)equalities through policies. In the first section the notion of Linguistic Justice is explored. Language justice is one of the key components that impact the realization of inclusive policies for social justice. As a concept it has eluded a concrete definition as well. So for us to arrive at a simplistic understanding of the concept of Linguistic Justice let's create an interim proposition i.e. LJ can be understood as "the right everyone has to communicate in the language in which we feel most comfortable" and the State needs to ensure that. What is your reaction to this statement? While you could frown it to be liberal-egalitarian and utopian, you would start asking is it even possible to conceive of a <i>lived world</i> where minorities/ minoritised peoples can experience '<i>intercommunity cooperative justice</i>' and <i>fairness</i> in language policy in the patterns of interactions that benefits both the communities in contact. Given the fact that we live in a world of asymmetrical bi/multilingualism, interactional patterns between minorities and the State/ dominant communities legitimizes <i>unfairness in free-riding</i> i.e. two people (or categories of people) enjoy some benefit while the work required to produce it is (self-interestedly) performed by only one of them. Linguistic Justice as a domain of thought and investigation attempts to understand the normative political management of the presence of different language groups within a political community? This question comprises different sub-questions: 1. Should we go for equality or inequality of recognition between the different languages?

	2. Should we go for sub-state territories with monolingual policies, or for states that instantiate statewide multilingualism or for some combination of both? 3. Should linguistic minorities receive special linguistic benefits? Should we endeavor to save moribund languages? Why? Would it create unfairness in free-ride? 4. Should states have one common language that all speak and understand? Why? Would it create unfairness in free-ride? The second section presents an investigation of signage in public/private space, including non-commercial and official signs, are known as Linguistic Landscape studies. It is a blooming field that attracts the curiosity of researchers from several disciplines including law since this domain aims “to understand the motives, uses, ideologies, manifestations of power and empowerment discourses, language varieties and contestations of multiple forms of ‘languages’ as they are displayed in public spaces.” The study of the linguistic landscapes adds an innovative and captivating approach to the mapping of language diversity and multilingualism in urban settings (Gorter, 2013). A lot of thought has go into what signs mean, what they do, and how they influence the use of written and spoken languages in people’s lives. In an ITM context, questions of legal importance/ significance such as the meditational role of language in triggering ‘linguistic (non)discrimination’ ‘linguistic (in) accessibility’ to several State welfare services such as educational opportunities, health services, participation in administration, welfare programmes etc. The third (covert) section aims to build researching skill to be able to take up field work. Topics that will be discussed (not limited to) 1. Can LINGUISTIC JUSTICE be ever achieved? What do you see as hindrances/ barriers? Can the State be implicated to such an ideal? What would be the political prerequisites for such an ideology to materialize? 2. How is the linguistic landscape a representation of linguistic (in) justice and (in)equality? 3. Should mother-tongue education be a right? Should Official languages be made a right? 4. Should official languages be legally protected? Why? Why not? 5. To what extent can law/legal regimes offer equal treatment to different language communities? Do we have legal examples in the form of Statutes? 6. Do states have a moral obligation to keep an endogenous language alive? Why? How is it related to Linguistic Justice? 7. Is the emergence of English as a global lingua franca a form of linguistic imperialism? Or a form of Linguistic Justice?
SCHEME OF EVALUATION:	Course requirement (assessment): 1. Participation by way of discussions of the readings and In-class oral presentations and (20%) 2. Worksheets and response to trigger questions (10%+10%) 3. Research proposal submission (20%) Research project (40%): The main source for your papers, unless you have strong reasons to choose something different else and more local, will be your own first-hand documentation of the Linguistic Landscapes

	of institutional spaces of ITM/scheduled areas or other comparable contexts such as court of law (any one in location of the study), administrative institutions, health services, early childhood centers etc. Most of these spaces are open to the public. In case you need to access restricted spaces, I recommend that you begin very early in the term to scout out accessibility. Make it convenient to investigate their schedules, and rules of access
SELECTION CRITERIA	Statement of Purpose

COURSE TITLE:	Politics of Penal System (Social Science Seminar)
COURSE OFFERED TO	LL.B. & LL.M.
INSTRUCTOR:	Dr. Murali Karnam
NUMBER OF CREDITS:	3
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The Politics of Penal System The state in India has been in an expansionist mode as far as penal measures are concerned. Imprisonment as a mode of social control has been increasingly taken for granted without questions raised. This is time once again to take stock of the performance of the penal institution as a mode of social control. The burgeoning penal system across the world is not seen as a threat to citizenry. It seems the prison is no longer in the margins of society but it is integrated into general system of control. Mass media and entertainment industry has corroded our doubts and worries about prison as a solution. The mass media is able to set the agenda in such a way that the leading political parties are adjusting their agenda to suit them. Prison now increasingly exists within an integrated network of control in society, making up a total control system. It is still a major institution of control and pain in our society. What has been the mandate of the penal institutions as evolved historically? It has been changing since mid-19th century has been kept changing. But let's ask some hard questions ourselves what do we think is the finally settled and primary mandate of the penal institution not only in India but across the world? If you press for the definite answers for the mandate of the penal institution, it keeps moving from one mandate to another. It is ephemeral. Are there really convincing justifications for the existence of the prisons as an institution even in democratic regime? These questions will be explored through the reading of a set of articles and books. Note: WHO SHOULD NOT APPLY: 1. Who cannot stick to seminar timings and presentation schedules. 2. Who are not interested in engaging other students and teacher in the discussions and presentations. 3. Those who cannot pay attention to the discussion and presentations by other students and teacher. 4. Those who want to make presentation exclusively to the teacher. • WHO SHOULD APPLY • Only those students who are capable to sticking to academic plan of action in the seminar. Those who miss a presentation as per the schedule will forgo the marks. • Only those students are who are interested in reading the material in advance and can attend the class. • All the students of seminar are also encouraged to opt for Prison Legal Education Clinic Course. • After every prison visit, issues can be discussed theoretically in the class.

	• Maximum 15 students are to apply. Final list of reading material will be decided and supplied on the first class of seminar and dates of discussion by the students will be fixed on that day. Readings 1. Prison Talk: Michel Foucault from the Interviews. 2. The Prison and Factory: The origins of Penitentiary System by Dario Melossi and Massimo Pavarini (1981 and 2018) 3. Social issues of Law and Order by Zygmunt Bauman, British Journal of Criminology (2000), 40 205-221 4. Thomas Mathiesen - Prison on trial (2006, Waterside Press) 5. Craig Gilmore: The Real Cost of Prison 6. Prisons and Jail: A Reader by Richard Tewskbury and Dean Debney 2009
SCHEME OF EVALUATION:	Three modes of evaluation 7. Classroom discussion 20 marks 8. Presentation 20 marks 9. Seminar Paper writing 60 marks
SELECTION CRITERIA	Only Interest and drawing of lots

COURSE TITLE:	Religion, Caste, Gender and the Secular Legal Order (Social Science Seminar)
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Dr. T. Kannan
NUMBER OF CREDITS:	3
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	I The problem of religion and secular in Philosophy II The problem of religion and secular in Sociology III The problem of religion and secular in Law IV The Religion and Secular Encounter with the Politics of Caste and Gender Identities V Legal Pluralism, Religion and Secularism
SCHEME OF EVALUATION:	Research Paper: 50 marks Short note on the research paper: 25 Marks Oral Presentation based on short note: 25 Marks
SELECTION CRITERIA	Statement of Purpose

COURSE TITLE:	State Citizenship and Democracy (Social Science Seminar)
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Dr. Harathi Vageeshan
NUMBER OF CREDITS:	3
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The purpose of the course is to introduce the conceptual evolution of citizenship and state and how they interplay in democracies. The four cardinal points of the state are territory and population government and sovereignty (severing authority). The relationship between the population and the authority is very critical for the system ruling and also for the people governed by such system. The evolution of this relationship from Subject hood to citizenship is an interesting historical process interspersed by theoretical debates. The course endeavors to track this evolution of state and citizenship from pre modern times to contemporary times. Essentially how the concept of citizenship expanded from a limited arena to universal scope especially in the times of popularization consent based ruling systems which later evolved into constitutional democracies. The course looks in the political and legal aspects of state citizen relationship. This relation is seminal to define a citizen and who is not. The debates which revolve around rights and obligations which are coterminous to the concept of citizenship will be dealt. The question citizenship, its entitlements and responsibilities and their relevance to democracy will be discussed. There will be discussion on the critical connection between citizenship and democracy in selected democracies across the globe. Statelessness which is becoming a growing problem in our times will be dealt in the course where the conflation of citizenship with human rights will be looked in to . Very briefly following will be dealt in the course A. Evolution of concept of State and Citizenship (a Politico-legal term) from Pre modern times to contemporary times. B. Legal and political aspects of the relationship between the Citizen and State in the context of democratic theory. C. Obligations and entitlements of citizens and ruling systems D. Stateless and Citizen - Human rights perspective.
SCHEME OF EVALUATION:	Class room discussions 15+ Paper 70+ Presentation+15 =100
SELECTION CRITERIA	SOP in 600 words.

COURSE TITLE:	Strategic Diversity and Law
COURSE OFFERED TO	LL.B. & LL.M.
INSTRUCTOR:	Dr. Anindita Jaiswal Jaishiv
NUMBER OF CREDITS:	4
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Gaining momentum globally and across all institutional/organizational set-ups, diversity is slowly but steadily emerging as core strategy both, from a legal and governance standpoint. Evident in several of country legislations requiring female directors in company leadership, starting with Norway, France, Belgium, United Kingdom, Germany and India, diversity brings along a whole package of concerns and challenges- (i) Why diversity (a conflict between social equality and business judgement)? (ii) Approaches and strategies implemented- mandatory or voluntary? (iii) India's legal position and progress made so far (iv) Diversity policy (as sought by SEBI and other agencies like the University Grants Commission)- core components
SCHEME OF EVALUATION:	Assignment of 100 marks
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Structuring and restructuring of family forms and family law in Globalizing world
COURSE OFFERED TO	LL.B. & LLM
INSTRUCTOR:	Dr. Aruna B. Venkat
NUMBER OF CREDITS:	4
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	This paper will try to study and understand the types of new family forms that are emerging as a product of changing societal, political, psychological, ecological and demographic forces that are transforming the old, traditional and religious family structure. Family as an Institution is experiencing continuous and rapid change. The argument that will form the central focal point of this paper would be disintegration of familial processes and a possibility of social collapse of family functions and family systems and emergence of new family form with new sets of responsibilities especially in the positions of parents and spouses.
SCHEME OF EVALUATION:	Research paper
SELECTION CRITERIA	Draw of Lots max 20 students

COURSE TITLE:	The Legal Philosophy of Jürgen Habermas
COURSE OFFERED TO	LL.B. & LL.M.
INSTRUCTOR:	Mr. Chinmay Deshmukh
NUMBER OF CREDITS:	3
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Jurgen Habermas is considered as one of the most important contemporary philosophers, offering an intriguing perspective towards conceptualising norms and normativity, based on his distinctive idea of communicative rationality. Habermasian insights into the nature of law and the accompanying emphasis on communicative and deliberative aspects of democracy are becoming increasingly important in today's fragmented and polarised societies. Against this context, the course aims to introduce students to the major assumptions, principles, and implications of the Habermasian theoretical project of law and democracy. It will do so through a close genealogical reading of Habermas's major works.
SCHEME OF EVALUATION:	Class Participation: 15% Take home exam: 25% Research paper: 60%
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	TRADITIONAL KNOWLEDGE AND INTELLECTUAL PROPERTY RIGHTS
COURSE OFFERED TO	LL.B. & LLM
INSTRUCTOR:	Mr. Sourabh Bharti
NUMBER OF CREDITS:	4
DURATION	July – October 2019
BRIEF DESCRIPTION (MINIMUM 500 WORDS)	In the recent past we have seen that the world of science and technology has shown incredible interest in the knowledge held by the indigenous and local communities across the world. This upsurge in the interest in those areas of knowledge has given rise to a new point of conflict in international law and politics. Over the years we have seen that the models of science and technology developed in the western world have not necessarily given due recognition to the knowledge systems developed by the indigenous and local communities, even though industries like the pharmaceuticals and the cosmetics have given greater attention to traditional knowledge relating to biogenetic resources in the context of bio-prospecting activities aiming at the development of new plant based medicines and cosmetic products. Similarly we have seen that the seed industry, in order to innovate, often borrows the germplasm developed by the traditional/local farmers on their farmlands. Yet when it comes to acknowledging the expertise of the developers of this knowledge, modern science and technology shies away from doing so. As a necessary consequence we have seen that the legal regimes developed to protect the fruits of scientific and technological endeavors have either excluded the innovative efforts of the indigenous and traditional communities from the umbrella of protection or they fall way short of the expectations of the indigenous/local communities as far as protection of traditional knowledge is concerned. This exclusion from being recognized as knowledge creators and therefore lawful holders of that knowledge gives rise to intriguing questions about science, culture, politics and law embedded in the modern intellectual property rights system. Through this course an attempt would be made to explore the nuances of the debate on intellectual property and traditional knowledge. This attempt would invariably require us to ask questions about some of the fundamental assumptions of the modern intellectual property system. For example, in its design to protect knowledge, how does the system conceptualize ‘knowledge’ and ‘innovation’? Do different societies define these concepts differently? In case it does, how do we justify universalization as one particular understanding of these through intellectual property rights? Intellectual property rights system focuses on the economic value associated with knowledge system. In most of the traditional knowledge systems the cultural and spiritual values take prominence over the economic value of knowledge. What is the validity of a system which does not take into cognizance the possibility that people located in different cultural settings might organize the values associated with knowledge in different hierarchies? Does the fact that different societies prioritize different aspects of knowledge, impact the nature and meaning of innovation in that society? How far is this taken into consideration when modern intellectual property system is

	promoted as one universal method of knowledge protection? What are the political and cultural implications of the universalization of modern IP system for the indigenous and traditional communities? A background brief on 'traditional knowledge and IP' prepared by WIPO mentions that 'recognizing traditional forms of creativity and innovation as protectable intellectual property would be an historic shift in international law, enabling indigenous and local communities as well as governments to have a say over the use of their traditional knowledge by others.' Therefore the course will also involve studying different approaches to recognize the epistemological and legal validity of traditional knowledge systems and the extent to which different approaches propose to bring in politico-legal parity between different knowledge and innovation cultures.
SCHEME OF EVALUATION:	PAPER SUBMISSION-70 PRESENTATION-20 MID SEMESTER RESPONSE PAPER -10
CRITERIA FOR SELECTION OF STUDENTS INTO THIS SEMINAR	Draw of Lots

COURSE TITLE:	Predistribution, liberal socialism and property-owning democracy. (Social Science Seminar)
COURSE OFFERED TO	2 nd to 5 th Year LLB & LLM
INSTRUCTOR NAME & CONTACT DETAILS:	Prof. Roberto Merrill
SHORT DESCRIPTION OF INSTRUCTOR	Roberto Merrill teaches moral and political philosophy at the University of Minho, in Portugal, where he does research at the Centre for Ethics, Politics & Society. He is also an associate researcher at CEVIPOF (Sciences Po-Paris). His book on basic income is to be published in June 2019. He is also preparing the edition of a book on predistribution and property-owning democracy with Alan Thomas. His last co-edited book (with Daniel Weinstock) was on Political Neutrality: a Re-evaluation (Palgrave Macmillan, 2014). Webpage: https://sites.google.com/site/nrbmerrill/
Credits	3
PREFERRED DATES FOR CONDUCT OF COURSE	From August 8 to August 16
PRE-REQUISITES:	Mandatory reading material will be given before the course starts.
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	In this course, we will start by defining the main versions of redistributive justice and contrast them to redistributive justice. We will then confront property-owning democracy and liberal socialism as two alternative redistributive political systems. We will finally apply this theoretical framework to evaluate public policies such as basic income, the funding of higher education, workers' cooperatives, and public investment funds. At the core of a good political system there is its capacity to guarantee what John Rawls calls a background justice, that is the property to promote equal treatment for all, and not only its capacity to provide a fair compensation for unjust and unequal treatment. Since laissez-faire capitalism must be condemned because it does not promote such an equal treatment, welfare state capitalism, to the extent it just adds to the latter simply a compensation for unequal treatment, must be condemned also. Based on this criterion, only survive the systems which ensure that productive assets are widely available for all. There are many definitions of socialism but amongst the various definitions we can consider a common property of socialism the following: a political system is socialist if the major means of production are collectively owned (Roemer, 1994; Edmundson, 2017). A political system in which the major means of production are public and in which the basic liberties are not protected, we call it, following Rawls, "state

	socialism with a command economy” (Rawls, 2001: 136). In contrast, a socialist system which protects these liberties is a “liberal socialist” system. The most important difference between a liberal socialist system and a property-owning democracy is that the former implies at a “constitutional level” the public ownership of the major means of production and the natural resources while the latter does not. In fact, in a property-owning democracy the major means of production and the natural resources can be privately although held, although there are predistributive mechanisms which insure these are widely dispersed, such as a democratic system. This wide dispersion of private property is a major difference between a property-owning democracy and a system of welfare-state capitalism, which allows for vast concentrations of wealth in the hands of a few individuals. Widespread ownership is thus consistent with private ownership of the means of production, as in a property-owning democracy. Everyone owes a share of the means of production, even though this share is not necessarily the same for all. In contrast, under collective ownership, the means of production are never privately own and everyone has the right to be equally included in its use and the distribution of its benefits. Regardless of the major differences between these two political systems, both can be considered predistributive in the sense that transfers (by the state or by individuals) are not used merely for public assistance, but to provide everyone with a capital allowing them to become “fully cooperating members of society on a footing of equality” (Rawls, 2001: 140).
SCHEME OF EVALUATION:	Paper submission & presentation
SELECTION CRITERIA *	Batch representative draw of lots

COURSE TITLE:	Tracing Patterns in Acts of Resistance (Social Science Seminar)
COURSE OFFERED TO	LL.B.
INSTRUCTOR NAME & CONTACT DETAILS:	Akansha Singh
SHORT DESCRIPTION OF INSTRUCTOR	I have completed my M.A. in English from CES, JNU and B.A. (Hons) in English (with minors in Sociology) from Sri Venkateswara College, University of Delhi. My areas of research and teaching interest include Philosophy of Literature, Narratology, Law and Literature, Literary Theory and Translation Studies.
Credits	3 credits
PREFERRED DATES FOR CONDUCT OF COURSE	July- October, 2019
PRE-REQUISITES:	-
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	The course aims to study unusual modes of resistance that can be relevant to the present times. It is divided into four modules based on a connecting thematic. <u>Module 1</u> <u>Resistance Through Language and Forms of Literature</u> This opening module of the syllabus engages with the question of language and the role it plays in offering resistance. The module is intended to undertake a twofold exploration: politics of language and language of politics through the writings of Ngugi wa Thiong'o, Bhim Rao Ambedkar and Jonathan Swift. Colonization acts as a shared parameter that (in)directly triggered the very writing of the texts under consideration at different points of time. Modes of Resistance: Language, Satire, Life Writing <u>Module 2</u> <u>Resistance Through Practices of Subversion</u> Building up on the issues raised in the first module, the texts included here continue exploring the different realms of the genre of Life Writing. Further, this module also marks a shift from the documentation of experiences in Life- Writing to a conceptual analysis of the parameters governing various structures of subjugation and domination. This is done through the essays by Gopal Guru and Upendra Baxi where they undercut the practice of humiliation through it's rejection and discursive construction, respectively. Modes of Resistance: Rejecting Humiliation, Studying Humiliation <u>Module 3</u> <u>Resistance Through the Refusal of Expression</u> This module marks a shift from the one preceding it. If the module before stressed on the various methods of expressing resistance (e.g. rejecting rejection, writing back, documenting life or discourses recontextualizing humiliation), this module talks about denying any form of expression as a tool of resistance. This will include works by Freud, Premchand and Sartre. Modes of Resistance: Work of Grief, Existentialism <u>Module 4</u>

	<u>Resistance Through Activism</u> The final module of the syllabus focuses on resistance through activism. The common feature shared by the texts so far in the syllabus has been the idea that they all initiate the dialog with resistance at an individual level. This module marks a shift from individual led movements to mass movements. The readings for this module range from the atrocious negligence shown towards farmers to the ways in which they have offered resistance to it. This will include a chapter on solidarity from Ranajit Guha's <i>Elementary Aspects of Peasant Insurgency</i>. To add an introductory briefing to it, sections from Gail Omvedt's <i>Reinventing Revolution</i> will be of help. The aim of the final module is to help students look at all the alternative models of resistance discussed in the syllabus as practically relevant by leading the idea that began at an individual level to that of a mass led movement. Modes of Resistance: Creating Awareness, Solidarity
SCHEME OF EVALUATION:	Term- Paper
SELECTION CRITERIA *	Batch representative draw of lots

COURSE TITLE:	Theatre and the Law (Social Science Seminar)
COURSE OFFERED TO	II to V year
INSTRUCTOR NAME & CONTACT DETAILS:	Diksha Lamba
SHORT DESCRIPTION OF INSTRUCTOR	M.Phil. in Theatre and Performance Studies at the School of Arts and Aesthetics, Jawaharlal Nehru University. Taught Drama and Literature with the English Department at Motilal Nehru College and Zakir Husain Delhi College, University of Delhi. Has 13 years of experience as theatre practitioner, performer and workshop facilitator with a Delhi-based activist theatre group. Pursuing Doctorate in theatre and the law at JNU.
Credits	3
PREFERRED DATES FOR CONDUCT OF COURSE	September-October, 2019
PRE-REQUISITES:	Basic reading and writing skills along with an interest in the subject
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	The course will highlight the common grounds shared by law with theatre and performance, critically analysing the law as a form of theatre or a performance. With introduction to the basics of Performance Theory, the course will introduce the connections and more importantly, the crucial differences between the two fields. As students of law, is it enough to merely know the existing laws? Here, we study and understand the contested relationship shared by legal structures with its varied social, political and cultural spaces. Interweaving legal history with the history of theatre activism in the country, the course will engage students with the process of legislative struggles and changes. Beginning from the introduction of Dramatic Performances Act in the 19th century by the colonial government to control the seditious Indian theatre, to the various means adopted by the governments in Post-Independence India to deal with theatre artists and performances, the course will delve into the criminality of art practices. While the law does not provide a legal definition of art, it has the power to decide what constitutes art. From direct censorship and bans to blocking funds and intimidation, art that threatens becomes difficult for legal apparatuses to be treated within legal means. That is why a theatre practitioner in the 1970s Punjab, Gursharan Singh, is picked up by the police on charges of blowing up a bridge instead of performing. While the course focuses on the Indian context, we draw parallels with certain dominant global trends. After all, why is the band of performers called <i>Pussy Riot</i> such a big threat to Russia? Legal theorist Upendra Baxi acknowledges the unique contributions to judicial activism and constitutional discourse made by social movements and art practices. Art has an insightful way of articulating injustice and a nuanced way of capturing the layers of collective histories of hurt that the official legal discourse falls short of. To understand the struggle waged by English women for their voting rights through a play called <i>Votes for Women</i> by Elizabeth Robins will help students study the intersections between legislative changes and art practices. From the direct use of legislative theatre by Brazilian theatre practitioner Augusto Boal to enact laws during his term as City Councilman of Rio De Janeiro to an intervention from outside by Budhan theatre of Gujarat to the legal trial

	in the custodial killing of a member of Chara community, we have multiple examples in life where law and theatre come together or collide with each other over the meaning and materialization of justice. Through these discussions the students get to debate and envision the future of legal practice, grapple with the foundations of modern legal institutions and study the challenges faced by the legal concepts of justice. The course underlines the fluidity of the law, opening various possible, desirable and not so desirable, directions in which it could lead.
SCHEME OF EVALUATION:	A theatre workshop to conclude in self-scripted plays by students in small groups
SELECTION CRITERIA *	Draw of Lots

NALSAR University of Law



ELECTIVE Courses Outlines
(In House Faculty)

June - October, 2019 Semester

COURSE TITLE:	Ancient Greek Jurisprudence And Its Relevance To Modern Society
COURSE OFFERED TO	LL.B. & LL.M.
INSTRUCTOR:	Mr. P Ashwini Kumar
NUMBER OF CREDITS:	4
DURATION	July – October, 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Jurisprudence is a study of the fundamental legal concepts. One of the tasks of jurisprudence is to construct and elucidate concepts serving to render the complexities of law more manageable and more rational. The logical analysis of legal concepts sharpens the logical technique of the lawyers and statesmen. Jurisprudence provides answers to new legal problems by utilizing the wisdom of the past. This helps in examining the consequences of law and suggesting changes for the betterment. The genesis of the modern jurisprudence can be traced in Ancient Greek philosophy. Our knowledge and experience of the past would help us to be wise in the present and forewarned for the future. Every beginning is difficult; holds in all sciences. The fundamental concepts of jurisprudence like Justice, Equality and Freedom were discussed by Ancient Greek philosophers with their rational methodology. In this course, we are going to examine the analysis made by Plato, Epicures, Heraclitus and Aristotle. Further, we are going to analyse the trials of Antigone and Socrates.
SCHEME OF EVALUATION:	MID SEM [25] :: END SEM [50] :: PROJECT/PRESENTATION [25]
SELECTION CRITERIA (IF ANY)	Batch representative draw of lots (Maximum 60 seats).

COURSE TITLE:	Aviation Law
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Dr. Shaik Nazim Ahmed Shafi
NUMBER OF CREDITS:	4
DURATION	July – October, 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Aviation Law is a highly specialized field of law. Aviation is a transnational, border-crossing phenomenon. Without aviation, the globalization of the flow of people and goods, and of the mixing of cultures would have been impossible and also the global awareness that we all live together on one planet could not have been developed. Airports have evolved as drivers of business location and urban development in the 21st century in same way as did Highways in the 20th century, Railroads in the 19th century, and Seaports in the 18th century. The aviation industry is international and global. Aviation industry at the international is regulated by the International Civil Aviation Organization (ICAO), Airports Council International (ACI) and International Air Transporters Association (IATA) and at Domestic by the Directorate General of Civil Aviation and the Ministry of Civil Aviation. India no exception to the globalization process has initiated the concept of liberalization, privatization and globalization allowing the FDI in aviation industry. Hence, the outcome is seen by establishing world class airports in Hyderabad and Bangalore. However, there are various legal issues confronting the aviation industry which is debatable at domestic as well as at international level. Hence, this course enables students to obtain an understanding of the application of legal principles in aviation. It further provides an overview of the role of law in the management of aviation and explains legal concepts and principles as they apply to aviation and the conduct of pilots and operators. It examines international regulatory body conventions, regulations and audit processes. This Elective is taught in four segments or modules ie. (i) Introduction; (ii) Public International Air Law; (iii) Private International Air Law and (iv) Penal International Air Law.
SCHEME OF EVALUATION:	MID SEM [25] :: END SEM [50] :: PROJECT/PRESENTATION [25]
SELECTION CRITERIA (IF ANY)	Batch representative draw of lots (Maximum 60 seats).

COURSE TITLE:	Banking and Finance Laws
COURSE OFFERED TO	LL.B. & LL.M.
INSTRUCTOR:	Prof. K. Vidyullatha Reddy
NUMBER OF CREDITS:	4
DURATION	July- October, 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The nexus between law and economics necessitates the law graduates to further study the nuances of financial governance. The study of financial institutions role and regulation forms the basis for understanding financial governance. The nature of financial transactions have seen a sea change with liberalization and enhanced cross boarder financial activities. The Economic crisis, financial deficit, inflation, growth rate, structural adjustment programs and similar other issues often take the center stage in a Sovereign State. We need to arm our citizens with necessary financial knowledge to overcome any such situation with optimum prudence in the larger interest, however it also helps an individual to serve corporate, financial institution, legal and other stake holders. The course intends to provide holistic perspective on legal aspects concerning the functioning of banking and non- banking financial institutions in India. The course dwells further on the impact of the functioning of financial institutions on Indian economy. The financial services rendered by the financial institutions and the scope of their transactions within and outside the country will also be dealt as part of the course. The course while leans more in studying the regulation of banks do provide sufficient scope to study non-banking financial institutions as well. The course further intends to provide complete overview of financial structure and the issues concerning financial governance in the country special focus however is limited to aspects such as insolvency and bankruptcy laws, project finance, mutual funds and restructuring of debts and assets Course Objective Course aims to help the students to gain knowledge of the legal aspects concerning the functioning of the financial institutions and their transactions in India. It also helps them to understand the nuances of the financial governance. Teaching Methodology The course will be dealt through lectures, supplemented by discussions and project presentations. Project topics are assigned in such a way that they are part of the course but are not dealt in detail in the class through lectures; hence project presentations will strengthen the course besides aiding in developing research skills to the students. Articles ideally suited for comprehensive understanding of the course will be dealt in detail supported by other supplementary readings supplied for better understanding
EVALUATION	MID SEM [25] :: END SEM [50] :: PROJECT/PRESENTATION [25]
SELECTION CRITERIA (IF ANY)	Batch representative draw of lots (Maximum 60 seats).

COURSE TITLE:	Commercial Equity and Trusts
COURSE OFFERED TO:	LL.B. & LL.M.(Commercial and Corporate Law/ Public Law and Legal Theory Specializations)
INSTRUCTOR:	Mr. VARUN MALIK
NUMBER OF CREDITS:	4
DURATION:	July – October, 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The students of law, in the Indian Law Schools, get acquainted with the term equity in the very first year of college education and yet many of them don't have an answer to the question, "What is Equity?" even on the last day of their law school. The principles which have so intricately been related to the private law, as it exists today, and have played a major role in its development cannot be left to the prevailing vague idea, amongst the students, of just 'a value akin to fairness and good conscience' when they don't have a concrete understanding of what, when and how of the idea. It is with an intention of filling the above described void that the course is being offered. The course, as the name suggests, shall be divided into two separate but deeply interlinked parts viz. equity and trusts. The first part of the course shall focus on various aspects of equity such as its origin, relation to common law and its development, role in adjudication of disputes, characteristic as a safety valve against opportunism of a party and economic analysis of equity. The part shall further explore the development and assimilation of equity in the law relating to contracts and would involve the exploration of areas such as undue influence, mistake, quantum meruit claims, quasi contracts, exemplary damages etc. The second part of the course would deal with the idea of fiduciary relationships, recognized in the principles of equity, and its application to the matters related to the property, more specifically trusts. The provisions of the Indian Trusts Act, 1882 and the underlying equitable principles shall form the backbone of discussion in this part of the course. The areas such as formation of trusts, types of trusts, authorities and duties of trustees, consequences of the breach of duties by the trustees etc. would be explored and discussed while navigating through the provisions of the act. The course is designed with an intention of grounding the students into the theoretical aspect of equity and at the same time to acquaint them with the practical side of several equitable concepts. The same becomes extremely important in today's scenario wherein the equitable principles have been codified and many practitioners of law, especially younger ones, have effectively no or a very little idea of where and how they have been incorporated in the statutes and the spirit behind such incorporations. It is expected that, after the completion of the course, the students would be better equipped with the reasoning skills as a commercial lawyer, both on advisory as well as on the court room practice front.
JUSTIFICATION OF SPECIALIZATION (LL.M.)	The course is being offered to the LL.M students under Public Law and Legal Theory as well as Commercial and Corporate Law Specializations because the first part of the course is theoretical in nature but the theoretical foundations of equity are deeply and inseparably linked to several principles and practice of commercial law and the second part of the course, though primarily deals with commercial aspects of trust but the discussion of the aspects would require a constant reference to theoretical principles discussed in the first part.
SCHEME OF EVALUATION:	MID SEM [25] :: END SEM [50] :: PROJECT/PRESENTATION [25]

SELECTION CRITERIA (IF ANY)	Batch representative draw of lots (Maximum 60 seats).

COURSE TITLE:	Comparative Political Equality
COURSE OFFERED TO	LL.B. & LL.M. ('Public Law and Legal Theory' specialization)
INSTRUCTOR:	Mr. SIDHARTH CHAUHAN
NUMBER OF CREDITS:	4 credits for LL.B. 3 credits for LL.M.
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Formalist ideas of Liberal Democracy have conflated the conferral of the rule of 'Universal Adult Franchise' with the pursuit of political equality. This belief rests on the equation of an individual citizen's acts of political participation with the presumptive recognition of her equal worth by the State. However, the practice and experience of democracy negates this claim. The constitution of elected government primarily reflects the expression of group identity ('Politics of Presence') rather than the Aristotelian goal of individual self-realization ('Politics of Ideas'). A realist understanding of democracy engages with how public institutions both shape and constrain the articulation of collective interests, irrespective of whether they are based on primordial identities (such as religion, caste, ethnicity) or inorganic categories (such as professional or class backgrounds). In post-conflict societies, the analysis extends to arguments about historical justice and the long-term interest in moving towards a 'politics of accommodation'. In this course, we will examine some of the scholarly literature that looks at electoral and administrative arrangements which seek to advance the goal of political equality. While the initial emphasis will be on the evolution of the Indian Constitution's prescriptions for electoral reservations (Articles 330, 332, 243D and 243T), we will survey some other methods of apportioning political power that have been tried in other nations. In particular, we will look at alternatives to the First-Past-the-Post (FPTP) electoral system such as 'Proportional Representation' and 'Functional Representation'. We will then proceed to contextual comparisons such as those with the law and practice of race-based redistricting in the United States of America, Consociational models of governance (Belgium, Lebanon, South Africa) and proposals for improving inner-party democracy in matters such as candidate selection. This course will be useful for students seeking to enhance their understanding in the field of Political Philosophy as well as those of Indian and Comparative Constitutional Law. I will expect engagement with 2-3 scholarly articles/book extracts every week.
SCHEME OF EVALUATION:	MID SEM [25] :: END SEM [50] :: PROJECT/PRESENTATION [25] (Based on a scholarly article/book extract identified after consultations with the instructor).
SELECTION CRITERIA (IF ANY)	Batch representative draw of lots (Maximum 60 seats).

COURSE TITLE:	Corporate Taxation
COURSE OFFERED TO	LL.B. & LL.M.
INSTRUCTOR:	Dr. Neha Pathakji
NUMBER OF CREDITS:	4
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The phenomenal rise of corporations has on the one hand resulted into highly lucrative taxable units for augmentation of revenue; on the other hand they have proved to be complicated subjects of taxation. Indian tax regime has earned a reputation of being amongst the most complex and uncertain tax structures in the world. This complexity when coupled with high rates of corporate tax, renders the country's claims of emerging as a foreign investment friendly regime questionable. It is pertinent to clearly understand the law and policy governing corporate taxation and tax implications for companies throughout their life cycle. This course offers essential overview and comprehensive understanding of corporate taxation in accordance with the corporate life cycle from incorporation to winding up or restructuring. This course aims to offer understanding of law, policy and practice of corporate taxation and apply this understanding in clearly comprehending tax implications of corporate form of doing business in India, identifying opportunities of tax planning and side-stepping likely controversies, being mindful of ongoing tax issues.
SCHEME OF EVALUATION:	MID SEM [25] :: END SEM [50] :: PROJECT/PRESENTATION [25]
SELECTION CRITERIA (IF ANY)	A prior study of direct taxation will be helpful Batch representative draw of lots (Maximum 60 seats).

Course Title:	Digital Evidence Retrievals and Analysis Systems (DERAS)
Course offered to	LL.B.
Instructor:	Mr. IRFAN
Number of Credits:	2
Duration	July-October 2019
Brief Description	Course Objectives. The primary purpose of the DERAS course is to equip criminal investigators with the knowledge, skills, and abilities to properly identify and seize digital evidence. Through a combination of lecture, demonstration, hands on exercises, labs and a practical exercise investigators learn how to seize digital evidence from personal computer (PC) and notebook computer hard drives, floppy diskettes, compact disks (CDs), DVDs, thumb drives, and various flash media by acquiring forensically valid images.[r] Course Relevancy. Scientifically Authenticated Evidence determines legal proceedings immensely, In recent time's evidences emerge from IT and ICT utilization's as well, hence Lawyers and Law enforcers should understand 1. Digital formats of data storage media 2. Internal architecture of existing Storage Medias 3. Data storage mechanisms on Digital Domain's (DD) 4. Data retrieval process both deleted and prevalent memory structure's 5. Analyzing process of retrieved data etc. Having Moderate knowledge helps Student to add IT knowledge in fact finding processes. Digital Evidence Lab tools: 1. Windows based sector level recovery tools 1.1 Pandora recovery 1.2 Recuva 1.3 ICare Data Recovery 2. Linux Based bit-stream based data recovery tools 2.1 DEFT: Digital Evidence Forensic Tools Kit 2.1.1 Foremost 2.1.2 Bulk Extractor Concepts offering with this course are 1. Disk structuring/spacing 2. Device Mounting. 3. Device Imaging. 4. Device Hashing. 5. Device Carving. Conclusion Having in depth knowledge on existing legal framework is mandatory for excelling in Legal profession but having substantial understanding on emerging technologies where different legal derivations are depended upon provides multi-dimensional perceptive in due course of litigation handling processes.

Scheme of Evaluation	Project Work
SELECTION CRITERIA (IF ANY)	Batch representative draw of lots (Maximum 60 seats).
COURSE TITLE:	FEMA and INVESTMENT LAWS
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Dr. Anindita Jaiswal Jaishiv
NUMBER OF CREDITS:	4
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Relating to one of the most engaging and in-demand commercial laws, this course would introduce students to the technicalities of foreign exchange and investment management. Considering the fast reforming regulations/rules notified annually by the Reserve Bank of India (often required to be read along with other company and securities markets regulations), alongside promulgations by the Department of Industrial Policy and Promotion (DIPP), recently rechristened as the Department for Promotion of Industry and Internal Trade (DPIIT), reading and interpretation in this space tends to become cumbersome and challenging. The curriculum would enable students to familiarize with and internalize these mechanics, while learning the rules, allowances and restrictions applicable to a potential cross-border investment, whether to India or from India. The course would also cover international borrowings and current account transactions. Considering that a significant portion of contemporary corporate acquisitions and structuring spills over national boundaries, this course forms the foundation of commercial law practice.
SCHEME OF EVALUATION:	MID SEM [25] :: END SEM [50] :: PROJECT/PRESENTATION [25]
SELECTION CRITERIA (IF ANY)	Batch representative draw of lots (Maximum 60 seats).

COURSE TITLE:	Insolvency and Winding up of companies
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Mr. ALOK VERMA
NUMBER OF CREDITS:	4
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	With multiple laws governing the area of insolvency and bankruptcy in India could not deliver the justice and fall short in effective recovery of stressed assets, causing undue strain on the credit system. All past efforts in the direction of resolving insolvency dispute and recovery have fallen far short of expectations, due to poor implementation and legal loopholes available for the defaulters. According to World Bank, the average time taken for completion of bankruptcy process in India is far higher than any other country. Since, it is the first time that the government and RBI are on the same page for effective resolution of the problem of bad debt and improving overall financial discipline in the way business is conducted in India. With the enactment of Insolvency and Bankruptcy Code, the government has not only consolidated the provisions, it has also put forth the arrangement of uniform procedure to be followed by the tribunal to expedite the disposal of cases of insolvency and winding up. Numerous features of the IBC and recent pronouncement by various high courts and the Supreme Court motivate us to look at this latest effort in a positive way. The idea behind this course is to provide overall understating of current legal regime dealing with procedural aspect of insolvency proceeding in India.
SCHEME OF EVALUATION:	MID SEM [25] :: END SEM [50] :: PROJECT/PRESENTATION [25]
SELECTION CRITERIA (IF ANY)	Batch representative draw of lots (Maximum 60 seats).

COURSE TITLE:	Investment Treaty Law
COURSE OFFERED TO	LL.B. & LL.M.
INSTRUCTOR NAME & CONTACT DETAILS:	Ms. Sahana Ramesh
SHORT DESCRIPTION OF INSTRUCTOR	Sahana is a graduate of the National University of Juridical Sciences, Kolkata. She has about two years' experience, having worked at Cyril Amarchand Mangaldas, Mumbai, primarily with their dispute resolution practice. She obtained her Master of Laws (LL.M.) from the London School of Economics and Political Science, with a specialization in International Business Law. Her studies focused on international dispute settlement, with courses ranging from international arbitration and commercial remedies to international trade law.
Credits	4
PREFERRED DATES FOR CONDUCT OF COURSE	July-October 2019
PRE-REQUISITES:	Basic knowledge of principles of arbitration preferable.
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	With arbitration making its mark as a primary method of dispute resolution in the commercial world, its importance in international law can no longer be overlooked. Investment Treaty Law will discuss the evolution of dispute settlement from a purely State-State mechanism, where States were required to espouse the cause of an injured national, to one that affords direct rights to individual investors. The course will introduce students to various substantive standards and protections afforded by the investment treaty regime to the investor, and the dispute resolution mechanism, with a focus on the ICSID Convention and existing case law (but will also draw on examples from other treaties like the NAFTA and Model BITs of specific nations). Along the way, certain problems of the current investment treaty regime will be highlighted. The course has been divided into several modules, each focusing on a different concept of investment treaty law. The aim of the course is to equip students with an understanding of the framework of investment treaty law, as well as of the jurisdictional and substantive principles underlying investment treaty arbitration so as to be able to critically analyze and apply principles in a practical scenario.
SCHEME OF EVALUATION:	MID SEM [25] :: END SEM [50] :: PROJECT/PRESENTATION [25]
SELECTION CRITERIA (IF ANY)	Batch representative draw of lots (Maximum 60 seats).

COURSE TITLE:	Matrimonial Causes and Jurisdictional Conflicts
COURSE OFFERED TO	LL.B. & LLM
INSTRUCTOR:	Dr. Aruna B. Venkat
NUMBER OF CREDITS:	4
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The Course is concerned with what happens in cases where not all of the facts are tied to one jurisdiction. This course deals with a number of specific theoretical frameworks. The three core components of the course investigate: • Jurisdiction: When domestic courts can hear cases that involve parties and property from outside the territory of the court. • Choice of Law: Which law is applicable when a case has connections with a number of different jurisdictions? In particular, this course considers family disputes that involve a variety of jurisdictions. • Enforcement of Judgements: How to enforce a court judgement or arbitral award from another jurisdiction in local courts. By the end of this course, you should be able to: • explain and apply the principles relevant to determining the Indian courts' jurisdictional competence and the circumstances in which they will decline to exercise that jurisdiction • explain and apply the principles relevant to determining whether a foreign judgement will be recognised in India and how foreign judgements can be enforced
SCHEME OF EVALUATION:	MID SEM [25] :: END SEM [50] :: PROJECT/PRESENTATION [25]
SELECTION CRITERIA (IF ANY)	Batch representative draw of lots (Maximum 60 seats).

COURSE TITLE:	New & Old Peasant Movements in India; A comparison
COURSE OFFERED TO	LL.B. & LLM
INSTRUCTOR:	Mr. Vivek Mukharjee
NUMBER OF CREDITS:	3
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Indian agriculture is presently at the crossroads. On the one hand where the cost of production has only shown a steep rise, the output prices have mostly been unremunerative on the other. This urges one to rethink the viability of farming as a mode of livelihood today. The lack of technology, infrastructure and the declining rate of public investment has only aggravated the issue. Statistics denote that some 22.5 percent of the farmers live below the poverty line. The list of maladies ailing Indian agriculture is unending. The deteriorating situation in agriculture is not a direct damage to economy's foundational primary sector alone but is also an undoing of the promises of socio-cultural equitability and welfare. This course, intended to cater to students interested in public law, will focus on three themes: a critique of the green revolution, agrarian crisis as a socio-political struggle of small-hold peasants and the coming of a new green movement. Before delving into the selected themes, an attempt will be made to introduce the fundamentals of agriculture law and policy in India to students. It is about time one put to question the market- oriented private sector tracing its origins in the neo- liberal regime. This regime that encapsulates within itself the flags of globalization, privatization and liberalization, has come to be institutionally exhaustible and inadequate. Green revolution, often portrayed as one of the most efficient solutions, is an example of its exhaustibility. From destroying soil fertility to genetic diversity, it rendered the state of Punjab socially and politically, a wasteland. In diffusing the situations with expedient measures, the country gave up its pursuit for alternative strategies. These quick- fix solutions induce irreparable damage. The modern day agricultural remedies are based on extensive utility of chemicals which are propagated as safe to use. However, the consequent reality speaks otherwise. There needs to be a check on the industrial mode of agriculture. Alternatives in the form of agroecology, or other more natural form of agricultural practices is quintessentially necessitated. Besides the inept solutions, the method too is largely problematic. For an instance, the post- production phase in farming ends up in sheer negligence of the parameters governing the return, like processing, marketing, storage

	and transportation. Another visible example of such laxity is seen in the transformation of CPR (Common Property Resource) management. The large- scale privatization of the CPRs has led to the unavailability of these resources to the poor, the needs of whom it was supposed to cater to. Quite often, the lack of complementary resources forces the poor to give up the allotted land too. The changing governments are not simply to be blamed for making the agricultural sector poorer but also for shifting entirely the locale of the issue at hand through various propagandas, thereby securing publicity along with vote banks. It is on account of the complaints that went unheard repeatedly, that farmers today in India can be seen to be more aware of the situation around, than before. They have been honest with their responsibilities towards the nation at large and towards their personal, everyday plaguing issues too. The realization of this dual responsibility of bringing about a change is a good sign. This has the potential to culminate into a new social movement which has been reflected in the recent farmers agitation in different parts of India. An analysis of these new social movements and it's point of departure from the agrarian movements of the past is intended in this course. <u>COURSE OBJECTIVES</u> ➤ Introduce the fundamentals of agriculture law and policy in India to students. ➤ To highlight the various maladies ailing Indian Agriculture. ➤ To emphasize on the socio-cultural equity issues within Indian Agriculture sector. ➤ To make an informed critique of the first green revolution. ➤ To make an informed critique of the involvement of market- oriented private sector in Agriculture sector, tracing its origins in the neo- liberal regime. ➤ To explore the alternatives offered by Agroecological methods to replace intensive industrial agriculture. ➤ Analyze the transformation in Common Property Resource Management in Agriculture sector. ➤ To thematize land as rurality and the impact of such perspectives on agriculture and its related laws. To study the new social movement traced in recent farmer agitation in different parts of India and to identify it's point of departure from the previous farmer movements
SCHEME OF EVALUATION:	MID SEM [25] :: END SEM [50] :: PROJECT/PRESENTATION [25]
SELECTION CRITERIA (IF ANY)	Batch representative draw of lots (Maximum 60 seats).

COURSE TITLE:	Capital Market and Securities
COURSE OFFERED TO	LL.B. / LL.M.
INSTRUCTOR:	SUDHANSHU KUMAR
NUMBER OF CREDITS:	4
DURATION	JULY-OCTOBER
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	There has been a tremendous growth of Indian market in recent years forcing rapid changes in the laws relating to investment and security. The economic and social development depends on security market at national and global levels. On the global level there is a trend for unification of controls of securities and investments. Reflection of this global phenomenon has also been felt in India. The new laws and regulations now fall line with the global requirements at times transcending the constitutional limitations. The corporate securities markets perhaps comprises the most vibrant sector of the financial industry. Significant reforms have taken place in both trading and post trade infrastructure and even the business conventionally handled within the commercial banking and insurance sectors is making inspired use of ordered capital market techniques. As well as new opportunities, these changes present new regulatory and legal risk management challenges. "Capital market in any jurisdiction has a vital role, including providing liquidity for investors and incorporating information in to prices, which in turn serve as vital guides to real economic activity. The effectiveness with which capital markets perform these functions, and their costs of operation, are determined in significant part by the rules governing the persons and entities operating and trading in these markets." The course on "Capital Market and Securities" would envisage the issues and procedures in connect with the progress and parameters of securities markets in India. Discussions would be on the major building blocks of an effective capital market and the policy environment needed to help its development.
SCHEME OF EVALUATION:	MID SEM [25] :: END SEM [50] :: PROJECT/PRESENTATION [25]

COURSE TITLE:	Toolbox for 'Maximum' Lawyering
COURSE OFFERED TO	IV -V year and LLM
INSTRUCTOR NAME & CONTACT DETAILS:	Shruti Pandey
SHORT DESCRIPTION OF INSTRUCTOR	Shruti Pandey is currently an associate professor and associate dean at Jindal Global Law School. Earlier, Shruti litigated at the Indian Supreme Court and Delhi High Court for many years, apart from being involved with legal reform, research, writing and capacity-building. As the human rights program officer at Ford Foundation's Regional Office for India, Nepal and Sri Lanka, her major strategic focus was on grassroots public interest legal remedies and lawyering. Shruti has also worked with the Lawyers Collective; Human Rights Law Network (HRLN); INTERIGHTS; and National Health Systems Resource Centre (NHSRC), Government of India.
Credits	1
PREFERRED DATES FOR CONDUCT OF COURSE	July 8-16
PRE-REQUISITES:	Passion for law and openness of mind
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	Focused on India as the location of enquiry, this elective course is being offered against the backdrop of a deepening crisis in legal system across the globe today. Whereas the links between law and justice, or even law and order, have always been far from straightforward, it would not be inaccurate to say that today the world is witnessing a particularly alarming sense of disappointment and cynicism in legal and judicial processes, and in extreme cases their complete abandonment – in the most recent memory in India: the #MeToo movement, the aftermath of Sabarimala temple entry judgment; and in longer term, the persistence of naxalism and terrorism are some of the most visible recent examples. Less visible but equally pressing are issues around legal enforceability and justiciability of economic-social rights (ESRs) such as health, employment, education, housing, food and water – these are some of the most politically charged issues of our times. Also, on the one hand, 'strong' governments being elected by the majoritarian voters are drastically changing entire laws to egregiously privilege the powerful, on the other hand in the garb of strong governments, private interests, especially corporations, are systematically undermining power and role of the state as law maker and implementer. Increasingly even the relevance of law and legal remedies in their conventional sense are being questioned in some of the most pressing areas of our lives, such as climate change, and business and human rights. And globalization is challenging state sovereignty and territoriality, the conventional principles of legal systems, in the face of inherently transnational issues such as environment, refugee crisis and trans-border terrorism. The course treats this moment as a pause point for the legal profession as well – some even think it is a crisis point for the legal profession, but there are also some fresh opportunities with

	accompanying challenges. At the very least, to stay relevant and responsive, the times we are in the midst of entrust us with a new set of responsibilities as well as offer us an opportunity to take stock and reimagine our role as lawyers; indeed that is closely linked with the task of reimagining the world also. To do that, the course takes a step back and collates, revisits and examines some of the key sites and processes of law's formation, performance and impacts, as also law itself as a site and process beyond strictly legal, from the Indian context. It builds on our understanding of jurisprudence and professional ethics, but goes beyond them to explore more practice-oriented aspects. The course by no means expects to arrive at any definitive 'solutions' to the problems. This is a less ambitious attempt in the nature of exploration – it leans on illustrative case-studies and undertakes a reflective process, towards provoking an altered consciousness and sensibility on lawyering. Those in turn could possibly inform our future strategies and nudge our practices. This would necessarily be an inside-outside exploration as lawyers, through collaborative thinking and openness to new and emerging ideas from the field.
SCHEME OF EVALUATION:	24 hour exam
SELECTION CRITERIA *	If more than 60 apply then by draw of lots

COURSE TITLE:	The history, philosophy, economics and politics of basic income
COURSE OFFERED TO	2 nd to 5 th Year LLB & LLM
INSTRUCTOR NAME & CONTACT DETAILS:	Philippe Van Parijis
SHORT DESCRIPTION OF INSTRUCTOR	A Belgian political philosopher and political economist, best known as a proponent and main defender of the concept of a basic income and for the first systematic treatment of linguistic justice. His book “What is wrong with a free lunch” is an all-time classic
Credits	1
PREFERRED DATES FOR CONDUCT OF COURSE	August 14 th to 23 rd (Tea will be provided)
PRE-REQUISITES:	
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	In the last few years, the idea of an unconditional basic income has been triggering increasing interest around the globe. How does it differ from existing minimum income schemes? Who defended it in the past? Is it realized anywhere in the world? What are the main ethical and economic arguments for it and against it? What are its political prospects in developed and developing countries?”
SCHEME OF EVALUATION:	24 hour exam to be set by Prof Parijis and to be evaluated by Prof Dhanda
SELECTION CRITERIA *	Students have to register whether to audit or for credits. 60 seats for credits and 60 for audit. Batch representative draw of lots

COURSE TITLE:	Acontextual Lawmaking: The Curious Case of India's Land Laws
COURSE OFFERED TO	3 rd to 5 th Year LL. B. & LL.M.
INSTRUCTOR NAME & CONTACT DETAILS:	Astha Saxena
SHORT DESCRIPTION OF INSTRUCTOR	Astha Saxena is an independent research consultant and doctoral scholar at NALSAR, Hyderabad. Her research interests include research related to the shifting of legislative paradigms, adivasi jurisprudence and the socio-economic right to land. Author of Land Law in India (Routledge forthcoming 2019)
Credits	1
PREFERRED DATES FOR CONDUCT OF COURSE	September 9 th 2019 to September 20 th 2019
PRE-REQUISITES:	It would be helpful if the people have a basic understanding of the constitution and history of land reform. This course will be useful for anyone interest in economic rights, law reform, judicial interpretation and out of box thinking.
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	A law devoid of its context is an exercise in abstraction – where rhetorical principles are idealized, norms are constructed and gigantic state policies are laid down without any reasonable hope of actualization. And sometimes, the consequences of such legal drafting can be rather adverse to the declared objectives. The Law of Land in India exemplifies such acontextual lawmaking. Thus a law that has been determining ownership patterns in the country and is central to the resource allocation systems and structures of our society, is largely unaware of the lived realities of people. In a desperate attempt to create an atmosphere of mass political acceptance, states have enacted nearly one thousand and one hundred land legislations across the country; along with myriad rules, regulations, orders, that are uncountable. If one of the objectives of law is clarity and consistency, then the sheer number of these legislations and rules negates any possibilities of meaningful articulation. The fact that the state of Andhra Pradesh got entangled in its own web and twice repealed the same statute, demonstrates the mechanical nature of law making and interpretation. Such events makes one wonder whether the abundance of laws is meant to advance the rule of law or veil the operation of an arbitrary regime. The other idea which has greatly influenced our understanding of land and land law is the concept of property. Though land and property are often viewed synonymous, the two barely enclose one another. The right to property further severs land from its subjective realities – of being an anchor of a variety of social relationships and part of a larger ecosystem of nature. This course on Land Law is dedicated to understanding these problems of acontextual law making, intersections of land and property and the manner in which land law affects the lives of people. The course will look at the laws of land reform and acquisition, especially in the states of Andhra Pradesh and Telangana, to realize the realities behind the law. The process is aimed to aid a critically rethink of the process and substance of lawmaking and accompanying interpretations.
SCHEME OF EVALUATION:	24 hours exam

SELECTION CRITERIA (IF ANY)	Batch representative draw of lots (Maximum 60 seats).

NALSAR University of Law



SEMINAR Courses Outlines
(In House Faculty)

June - October, 2019 Semester

COURSE TITLE:	Bribery and Anti-Corruption Laws
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Dr. D Bala Krishna
NUMBER OF CREDITS:	4
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	In order to keep the law students abreast with the latest developments in the legal area in relation to the bribe and corruption as well as to equip them with most recent legal developments in this area, training of the law students and researchers is a need of the time. In this scenario, the course will explore the various policies and laws on prevention of corruption and its strengths and shortcomings with emphasis upon its stakeholders under the criminal justice system. This course will provide students with a conceptual and theoretical foundation to study and critique anti-corruption laws and its application in India and other countries as well. Course Objectives The course contents shall cover both administrative and legal aspects and focuses on the fundamental principles and practices of prevention of corruption laws and explores the roles of key stakeholders under the legal system. The course besides emphasizing the basic principles of law and practice, it also identifies the emerging challenges in the enforcement of corruption laws. Therefore the course is mainly focused on the issue of crime relating to bribery and corruption and its impact on individual and the society in the global legal context. Learning Outcomes 4. Think critically about important issues in legal controls of corruption 5. To critically analyse the practical issues and concerns related to various forms of corruption and its effect on the nation 6. To sensitize the student in relations to citizen accountability towards participation in the criminal justice system Teaching Methods This course will provide a variety of activities and following methods shall be used besides class room teaching: discussions, seminar, assignments, project, group projects, cases Studies, Field study paper presentations and a final paper presentation Course Outline The course contents shall cover both administrative and legal aspects. The following issues will be discussed. Understanding corruption: • The Basic theories and Concepts • Bribery and Corruption • Political Corruption • Frauds (Online, Corporate Frauds) • Fugitives Offenders • Money Laundering The criminal justice system and Corruption: Landscape Review: • Major Constitutional Protections

	• Structure and functions of state and central enforcement Authorities • How is a corruption case initiated? • Trap cases and its legality • Special Courts • Court Personnel • Prosecution and Trail of bribe and corruption cases • Sanction for Prosecution • Professional non Professional Courtroom Actors and Court Process Regulatory Authorities: • State Vigilance Department, CVC, Lokayukta, Upalokayuktha and ACB • Professional non Professional Courtroom Actors and Court Process • The Adjudication Process • Identifying implementation priorities • Effects of New Information Technologies Proceeds of Crime • The concept and legal aspects of proceeds of crime • The identification and attachment of the properties • Binamy transactions and binamy holders • Practice and Practitioner Issues Legal Scenario: • Benami Transaction (Prohibition) Act, 2008 • United Nations Convention against Corruption • Conspiracy, Attempt and Abetment criminal Law (Amendment) Act,1952 • The Delhi Special Police Establishment Act, 1946 • The Central Vigilance Commission Act, 2003 • The Criminal Law Amendment Ordinance, 1944 • The Prevention of Corruption Act, 1988, • The Prevention of Corruption (Amendment) Act, 2018 • Prevention of Money Laundering Act,2002 • The National Security Act, 1980, • Telangana State Lokayukta Act, 1983 • Vigilance Manual of Telangana State
SCHEME OF EVALUATION:	Research paper
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Colonial Economy: India (1757 – 1947) (Social Science Seminar)
COURSE OFFERED TO	LL.B. 3 rd year onwards
INSTRUCTOR:	Mr. Hota Agni Kumar
NUMBER OF CREDITS:	3
DURATION	July-October 2019
BRIEF DESCRIPTION (MINIMUM 500 WORDS)	The course expects the students to cover all the significant developments in the historiography of Colonial Economy. It starts by problematizing the themes related to an understanding of the forms of indigenous economy intervened by the early British commercial interests which turned out to be colonial interests in a process. The course then proceeds to deal with those issues having a bearing on the nature and context of the British administrative encroachments in terms of and in the name of revenue 'reforms' and settlements. Themes that focus on the inevitable transformation of land and labor into commodities will be balanced against the themes dealing with the general origins of market or money economy as influenced by colonial interests of a capitalist market. Closely following this insight, there come other areas of interest such as origins of Indian capitalism/capitalist class. Intersecting areas of study include such dimensions of 'development' as railway and communication which have a potential to present the contradictions that every development carries with reference to social context. Similar is the case with famine policies and hydraulic projects more clearly revealing the duplicity of capitalism in colonial context when it talks about "improvement" without human dimension. Issues related to this area, specifically of a regional geographical approach, contribute to such macroeconomic zones as "peasant economy"; famine was really political in colonial India. Besides all these topical areas, new class compositions based on the new colonial economy, e.g. working class that came in / as response to the Indian capitalism that saw its own contradictions as it evolved in a colonial context, will generally add to the claims of economic history in the direction of its socio-political goals, relevance and achievements.
SCHEME OF EVALUATION:	Research paper: 70marks. Presentation: 30marks.
CRITERIA FOR SELECTION OF STUDENTS INTO THIS SEMINAR	Draw of Lots

COURSE TITLE:	Comparative Study Behavior of Supreme Court Judges of US and India
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Mr. Prakhar Ganguly
NUMBER OF CREDITS:	4
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The broader idea is to understand Judicial Process. One of the seminal works of judicial process is by Justice Cardozo. The underlying question to be answered is how judges should decide cases. In determining this question one is faced with a multiverse of possibilities as to how make law. There is no straight jacket application of existing or established principles of judging. Judges decide the way they decide keeping only legal factors in consideration. This is the way it ought to be. What are the existing normative foundations of ought? For example, judicial review ought to be exercised where the law is blatantly arbitrary. But existing studies on judicial behavior show that judges are affected by multiple factors other than adherence to normative principles of ought. These normative ought(s) also provides a set of ought not(s). While employing cosmopolitan notions of justice, conscience and good faith, the judge should be parochial in exercising them in their judgments. In other words, they should not replace the nations conscience with that of the judge. This course will guide the student to understand what are the normative ought(s) and ought not(s) and will take them through some exploratory and empirical works of authors in the field of political science, law and psychology thereby establishing those factors in a positive correlation in the context of the US and the Indian Supreme Court. The students will be exposed to three schools of judicial behavior: iv. Legal. v. Attitudinal. vi. Strategic. While doing so, the students will be exposed to the various schools of judicial law making and analyze these in the context of hard decisions given by the Sup. Ct. of India. This will enable the students to analyze the difference between judicial process under which judges are nominated and other which appoints its judges. In, US, where judges are appointed almost based on their dominant political ideology most of these scholars see their voting patterns as an attempt to forward their ideological goal. In stark contrast to the nature of cases- jurisprudentially denoted as hard cases, existing literature and data on the Indian Sup. Ct. provides for the absence of dissent which may signify the concentration on a particular thought of judicial process. Following are the outcomes of the course: ◆ Understand the existing models of decision making of the US and Indian Sup. Ct.. ◆ Analyze each model in respect of institutional characteristics of the US and the Indian apex court. ◆ Students will be able to critically understand the nuanced areas of judicial process thereby challenge the parochial notions of judicial decision making.

SCHEME OF EVALUATION:	RESEARCH PAPER AND PRESENTATION.
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Cyber Crimes- Law, Policy and regulation
COURSE OFFERED TO	LL.B. & LL.M.
INSTRUCTOR:	Dr. KVK Santhy
NUMBER OF CREDITS:	4
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Cyber Crimes- Law, Policy and regulation: The emergence of modern information and technology-based societies in which the exercise of economic, political, and social power increasingly depends on the opportunities to access, manipulate, and use information and information infrastructure has created opportunities enforcement and national security responses. To deal with the new emerging menace of cyber crime we have only one legislation in place, IT Act, 2000 which did not deal with much of internet crime. Even though the 2008 amendment Act took care of some major internet crimes we are still lacking in many areas. One of the important objective of this course to lay down policy for various issues regarding internet crimes for India taking into account the global initiatives. This course explores how a "networked" world has bred new crimes and new responses, and investigates how information and communication technology (ICT) has become a tool, a target, and a place of criminal activity and national security threats, as well as a mechanism of response. This course addresses such questions as how emerging technologies challenge existing laws and criminal procedures; how nation-states regulate criminal conduct across traditional geographic and political boundaries; what reasonable expectations of privacy are in cyberspace; and how control is shifting from traditional mechanisms of law enforcement to new regulatory regimes, including technology. Module - I. Nature and Concept of Cyber Crimes • Classification of Cyber Crimes • Fundamental aspects of Cyber Crimes/Cyber offences/Online Crimes: Mensrea and actus reaus, • US v. SABLON, 92 F.3d 865 (1995) (relationship of "mens rea" to "damages," and how are damages calculated). • US v. MIDDLETON, 231 F.3d 1207 (2000) (<i>Factual Background</i>, pp. 1208-09, Part B. <i>Damages</i>, p. 1213, and Part C. <i>Sufficiency of Evidence</i>, pp. 1213-14). • Need for criminalization of offences in cyber space • Types of cyber offences to be criminalized • Spamming, hacking, cyber stalking, theft of service, denial of service attacks, salami slicing, data transfer fraud, • International dimensions to cyber crimes – Budapest convention. • Online intermediary liability • Computer Viruses, Time Bombs, Trojans, Malicious Code (Malware) <u>Readings:</u>

- Jyh-An Lee, Hacking into China's Cybersecurity Law, 53, Wake Forest L. Rev. 57 (2018).
- Josh Goldfoot; Aditya Bamzai, A Trespass Framework for the Crime of Hacking, 84 Geo. Wash. L. Rev. 1477, (2016).
- Sara Sun Beale; Peter Berris, Hacking the Internet of Things: Vulnerabilities, Dangers, and Legal Responses, 16 Duke L. & Tech. Rev. 161 (2017-2018).
- Maneela, Cyber Crimes: The Indian Legal Scenario, 11, US-China L. Rev. 570 (2014).
- Danielle Keats Citron, Addressing Cyber Harassment: An Overview of Hate Crimes in Cyberspace, 6 Case W. Res.J.L. Tech. & Internet 1 (2014-2015)

Module -II: Cyber Crimes and Procedural Aspects:

- Investigating Internet Crime: cyber cells, search, seizure, digital evidence
- Computer forensics
- Prosecution of internet crime,
- Admissibility of electronic records and issues in the admission of digital evidence
- International aspects and Jurisdictional issues

Readings:

- Milana Pisaric, Electronic Records as Digital Evidence, 43 Zbornik Radova 519 (2009).
- Jacqueline J. DeGaine, Digital Evidence, 2013 Army Law. 7 (2013).
- Paul W. Grimm; Daniel J. Capra; Gregory P. Joseph, Authenticating Digital Evidence, 69 Baylor L. Rev. 1 (2017).
- Mrinalini Singh; Shivam Singh, Cyber Crime Convention and Trans Border Criminality, 1 Masaryk U. J.L. & Tech. 53 (2007).

Module - III: Cyber Terrorism

- Need for comprehensive national cyber security
- Monitoring and surveillance of potentially harmful websites
- Cyber Crime and fund raising
- Cyber network based attacks
- Should sentencing law and policy take into account the differences between traditional crimes and cyber crimes
- Cyber security measures : Computer Emergency Response team. NERT

Readings:

- Dan-Calin Besliu, Cyber Terrorism - A Growing Threat in the Field of Cyber Security, 6 Int'l J. Info. Sec. & Cybercrime 35 (2017).
- Loan Marcel, The Components of Cyber-Terrorism, 2 Int'l J. Info. Sec. & Cybercrime 49 (2013).

- Ioana Martin, Cyber Security Strategies - An Overview, 4 Int'l J. Info. Sec. & Cybercrime 33 (2015).

Module IV: Pornography, prostitution, and sex crimes in cyber space:

- Pornography in India: policy and regulation.
- Child porn and the law
- Sending offensive messages S 66A
- Policy problems with a national or cyberspace standard
- Constitutional and statutory rules governing obscenity
- Operation of local community standards in cyber space
- Voyeurism S 66E
- Sexually explicit content and child pornography S 67A ND s 67B
- **Online Gambling:** UNLAWFUL INTERNET GAMBLING ENFORCEMENT ACT OF 2006(enacted as Title VIII of the [Security and Accountability For Every Port Act of 2006 or SAFE Port Act, Pub. L. 109-347](#)):
- Avinash Bajaj v State, 116(2005)DLT427
- Fimbros v State of Kerala, AIR 2006 Ker 279
- Ashcroft v. ACLU, 542 U.S. 656 (2004).
- MILLER v. CALIFORNIA, 413 U.S. 15 (1973) (Miller Test - community standards; "lacks serious literary, artistic, political, or scientific value").
- U.S. v. AMERICAN LIBRARY ASSOC., 539 U.S. 194 (2003) ([LII](#)) (upholding Children's Internet Protection Act (CIPA)).

STATUTES:

- Communications Decency Act of 1996 (Title V of the Telecommunications Act of 1996).
- Child Online Protection Act (COPA) of 1998 ([47 U.S.C. 231](#)). (Cf. Children's Online Privacy Protection Act of 1998 (COPPA) 16 USC 6501-6506).
- Children's Internet Protection Act (CIPA) of 2000 Children's Internet Protection Act (CIPA), Pub. L. No. 106-551, Div. B., Tit. XVII, 114 Stat. 2763A-335 (2000).
- Child Protection and Obscenity Enforcement Act of 1988 (Pub. L. 100-690, title VII, subtitle N (§7501 et seq.), Nov. 18, 1988, 102 Stat. 4485, 18 U.S.C. § 2251 et seq.) (enforced through "[2257 Regs](#)" guidelines, [28 CFR 75](#)).

Readings:

- Gerard V. Bradley, Prolegomenon on Pornography, 41 Harv. J. L. & Pub. Pol'y 447 (2018).
- Godwin Tan, Is Pornography Merely Obscene: Feminist Perspectives on the Regulation of Pornography, 5 UK L. Student Rev. 97 (2017).
- Shannon Russell, The Criminalisation of Extreme Pornography: Legitimacy and Scope, 3 Edinburgh Student L. Rev. 51 (2017).

Module - IV: Online fraud issues and challenges:

- Identity Theft; Intellectual Property Theft;
- Theft of computer resource S66B
- Identity theft and impersonation S 66C and S66D
- Tampering with the source code S65,
- Syed Asifuddin v The State of Andhra Pradesh, 2005 Crilj 4314.

	<u>Readings:</u> • Eric Holm, The Darknet: A New Passageway to Identity Theft, 6 Int'l J. Info. Sec. & Cybercrime 41 (2017). • N. S. Nappinai, Cyber Crime Law in India: Has Law Kept Pace with Engineering Trends - An Empirical Study, 5 J. Int'l Com. L. & Tech. 22 (2010)
SCHEME OF EVALUATION:	Written Submission : 70 marks Assignments : 2 : 2 x 15 = 30
SELECTION CRITERIA	Draw of Lots:

COURSE TITLE:	Dispute Resolution and Advanced Mediation
COURSE OFFERED TO	LL.B. & LL.M.
INSTRUCTOR:	Mr. Utkarsh Leo
NUMBER OF CREDITS:	4
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The aim of this option is to bring together theory and observation of practice, and is divided into two parts. In the first section, students will examine what motivates people to enter into disputes and the range of outcomes they seek, the history of the 'informal justice' movement and the transformation of attitudes to dispute resolution in India and beyond. The emphasis in this part of the option is also on looking at the two primary forms of dispute resolution, negotiation and mediation. In the second part of the course, students practise dispute resolution techniques and interact with practitioners to explore the interface between theory and practice and the different dynamics of disputes and their resolution in specific subject areas such as commercial law, international law and family law.
SCHEME OF EVALUATION:	Project work and Role-plays
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	DYNAMICS OF INDIAN DEMOCRACY (Social Science Seminar)
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Dr. Harathi Vageeshan
NUMBER OF CREDITS:	3
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The purpose of the course is to introduce the evolution, nature and functioning of Indian state which is located in the post-colonial milieu of global south. The course starts with evolution of Democratic Republic of India, in the process how Justice, Liberty and Equality became the cardinal principles of the republic will be dwelled in to. The course wades through the journey of the Republic and the interplay between the principles and practices on the ground. The (uneasy) relationship between the Politics of the state apparatus and the politics of the people will be introduced; in the process the changes in the political economy and socio cultural milieu will be ascertained. The, aspirations, demands and struggles of people to have a life with dignity and the response of the system of governance will be intorragated.Dynamics of state building and nation building and concomitant problems involved will be discussed. On the whole the course is intended to introduce the student to the journey of a populous,plural,competitive constitutional democracy and its problems and prospects. 13) Evolution of the constitutional democratic republic of India 14) The journey of the republic in phases to ascertain the nature of the republic. 15) The changes in political economic and social sphere and their expression in the form of electoral and non-electoral arenas. 16) The prospects of a democratic republic . Will be the broad areas be covered in the seminar.
SCHEME OF EVALUATION:	Class room discussions 15+ Paper 70+ Presentation+15 =100
SELECTION CRITERIA	SOP in 600 words .

COURSE TITLE:	ENTREPRENEURSHIP and LAW
COURSE OFFERED TO	LL.B. & LL.M.
INSTRUCTOR:	Dr. Anindita Jaiswal Jaishiv
NUMBER OF CREDITS:	4
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	This course stands at the intersection of law and entrepreneurship, which is an emerging area. It explores the challenges in law that are confronted by entrepreneurs during the lifecycle of their start-up venture, commencing with identifying the appropriate form of business entity (company, LLP, partnership, one-person company), procuring the right kind of investments and investors, applicable laws and regulations, compliances and governance, safeguards in terms of IPRs and trade secrets/data protection, taxation, and finally exit options- a full-fledged eco system for an entrepreneurial mindset. Needless to state, the course would comprise of theoretical inputs, alongside practical insights from existing entrepreneurs, company secretaries, and sector-specific industry experts. Given its outreach that crosses over multiple disciplines and sectors, this course would be suited for both, law students and MBA students. The course is proposed to be offered on an experiential basis, where every student commences with an investible idea for entrepreneurship, which he/she would develop over the course period into a potential start-up. This, while helping the students to take home a legally viable start-up idea which they can carry forward or actuate later once out of campus, will also offer an industry workable curriculum.
SCHEME OF EVALUATION:	Each student will be evaluated on the entire entrepreneurship model that he/she develops over and by the end of the duration of the course.
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Environmental Justice – Stories and Struggles
COURSE OFFERED TO	LL.B. & LL.M.
INSTRUCTOR:	Mr. JAGTESHWAR SINGH SOHI
NUMBER OF CREDITS:	4
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	<u>COURSE OBJECTIVE</u> India has an impressive range of environmental laws from those related to pollution (<i>Water Act 1974, Air Act 1981, EPA 1986 etc.</i>) and others dealing with the forests/wildlife (<i>Indian Forest Act 1927, Forest Conservation Act 1980, Forest Rights Act 2006 etc.</i>). These are all accompanied by a series of regulations and guidelines passed thereunder. They also create an imposing web of bureaucracy; dealing in both pollution control and forest control. This, in turn, means that we are able to successfully safeguard the environment and the health related concerns of its citizens. But is it so? A study of environmental justice focuses on the failure of these laws and related bureaucracies to effectively speak for the citizen/environment. To ‘see’ these failures we need to focus on individual stories of development projects and environmental/social justice movements that often accompany them. <u>COURSE STRUCTURE</u> To this end, this course will be divided into four components: PART 1: UNDERSTANDING ENVIRONMENTAL JUSTICE The first part of the course shall focus on reading some literature on the development of the Environmental Justice movement around the world. The idea will be to familiarize the students with the vocabulary of this field and understand the locations from which it grew [2 weeks]. PART 2: STORIES OF ENVIRONMENTAL JUSTICE In this part - conducted in lecture form - I shall narrate the story of the struggle at Niyamgiri, the story of the struggle of the Dongria Kondh people against the State and Vedanta. We shall read expert committee reports, judicial decisions and news reports. We shall also look at some interesting papers submitted by the previous group of students (subject to their approvals) to see the range of issues that can form stories of interest to the environmental justice narrative [3 weeks]. PART 3: ENVIRONMENTALISM OF THE POOR Whereas the environmental justice movement can be used as a lens to understand a variety of environmental movements around the world, a specific theoretical frame has developed to explain the developments in the global south (specifically around the Indian and the Latin American

	experiences). This material shall help the students see similarities among various stories of environmentalism in India [2 weeks]. PART 4: THE STORIES THAT YOU DEVELOP The students shall be expected to use the first month to identify an environmental struggle in India for which you wish to 'construct' a story over the next 3 months (<i>you'll be expected to submit a 250 word abstract</i>). From week 8 onwards, 1/4th of class shall present their story with others expected to sit through to learn more about the environmental story around the country [8 weeks].
SCHEME OF EVALUATION:	Attendance = 10 Marks (this is a seminar course and everyone is expected to attend 100% of the classes. If you have to miss a class, you'll be required to write an email explaining your absence in advance). Selecting a story = 10 Marks (250 word abstract) First presentation = 15 Marks (20 minutes max) Skeletal draft of the paper = 10 Marks (2/3 pages) Second presentation = 15 Marks (30 minutes max) Final paper = 40 Marks (3000 words)
SELECTION CRITERIA	Draw of Lots (Students who took the course previously are welcome to enroll again; however, they must work on a new story this time around)

COURSE TITLE:	Horizontality in Comparative Constitutional Law
COURSE OFFERED TO	LL.B. & LL.M.
INSTRUCTOR:	Prof. N. Vasanthi
NUMBER OF CREDITS:	4
DURATION	July-October 2019
BRIEF DESCRIPTION (MINIMUM 500 WORDS)	Constitutional law in India and in other jurisdictions is associated with a strict divide between the public and the private although in many instances the divide has been bridged in specific instances leading to an understanding that the distinction is incoherent. This distinction is also associated with the idea that fundamental rights are primarily available against the State and not private persons. The availability of rights only against the State leads to a narrow reading of rights but doing away with the distinction between State as representing the public sphere and private persons will also lead to the diluting of obligations associated with public duties. The more contemporary challenge to the availability of rights exclusively against the State is the decline of the State and important state functions now being performed by private actors. Given the increasing presence of private corporations in erstwhile state functions has led to remedies which were originally available against the State now increasingly being made available against private persons and corporations. The privatization of erstwhile public duties/obligations also raises questions of holding such private persons to be responsible in the same manner as the public authorities. Public Private Partnerships also raise interesting questions of law and regulation regarding the obligations and duties and perhaps rights of corporations. The course engages with this debate in jurisdictions around the world to examine how different legal systems have responded to the challenge of horizontality of rights and the impact of these developments on fundamental rights in India. OBJECTIVES OF THE COURSE 7. To examine how different constitutions have understood horizontality of rights 8. To understand horizontality of rights in the Indian Constitution and its evolution TEACHING METHODOLOGY: Lectures and class discussions of readings
SCHEME OF EVALUATION:	Research paper for 75 marks and 25 marks for presentation.
CRITERIA FOR SELECTION OF STUDENTS INTO THIS COURSE TITLE:	Draw of Lots

COURSE TITLE:	International Commercial Arbitration
COURSE OFFERED TO	LL.B. & LL.M.
INSTRUCTOR:	Mr. Rajesh Kapoor
NUMBER OF CREDITS:	4
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	International commercial arbitration has become such a prominent method of resolving international commercial disputes that it is said to be “the only game in the town.” The course deals in an exhaustive manner with the substantive and procedural aspects of the law related to international commercial arbitration. The course will examine and discuss various issues which occur in international arbitral process, ranging from entering into the arbitration agreement to the enforcement of the award. It will focus on theoretical foundations of international arbitration, the juridical nature of arbitration, the agreement to arbitrate, applicable laws, the interplay between national courts and international arbitral tribunals and finally the various issues related with the award. We shall refer to various national arbitration statutes, international arbitration treaties and the arbitral rules of leading international arbitral institutes.
SCHEME OF EVALUATION:	Research paper of 4200 to 4500 words. Excluding abstract and foot notes. 75 marks for written part and 25 for oral.
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Land Rights and Tribal: Facts, Acts and Issues.
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Dr. G. Mallikrjun
NUMBER OF CREDITS:	4
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The course intends to discuss the existing legal provisions and processes related to the land rights of the tribals in the context of their occurrence as well as litigation. For a preliminary idea we can refer to the Part X of the Constitution that contains special provisions relating to administration of Scheduled Areas and tribal areas. Sub-paragraph 2 of Paragraph 5 of Part B of Schedule-V, under Article 244 (1) of the Constitution further provide that the Governor may make 'regulations' for general peace and good governance of any area in a State which is for any reason is defined as a Scheduled Area. However, regulations are supposed to stand by a rationality of their own structure to the effect that in particular, and <i>without prejudice to the generality of the foregoing power</i>, such regulations may prohibit or restrict the transfer of land by or among members of the Scheduled Tribes in such area. It can also regulate the allotment of land to members of the Scheduled Tribes in such area. Further, it can regulate the transaction of business such as is held by the money-lenders from outside who lend money to the members/people of the area identified constitutionally as the area of the Scheduled Tribes. The provisions become really regulatory when, in making any such regulation, the Governor may repeal or amend any Act of Parliament or of the Legislature of the State or any existing law which is thereto applicable to the area in question. To come to a point that carries structural significance, the Panchayats Act, 1996 provides in fact for the extension of part IX of the Constitution relating to Panchayat to the Scheduled areas. The Act, inter-alia, provides that the Gram Sabha or Panchayats shall be consulted before making the acquisition of land in the scheduled areas towards development projects and before resettling or rehabilitating persons affected by such projects in scheduled areas. Coming to the larger social dimensions of the issues related to the tribals in the general framework of this course, mention can be made of the Scheduled Tribes and Other Traditional Forest Dwellers Act, 2006 that seeks to recognize the forest rights and occupation in forest land in forest dwelling STs and OTFDs who have been residing in forests for generations. It is logically understood that the responsibility for implementation of the Act lies with the States/UTs. Section 4(5) of FRA, 2006 ensure that no member of a forest dwelling Scheduled Tribe or Other Traditional Forest Dweller shall be evicted or removed from a forest land under his occupation till the recognition and verification procedure is complete.

	There are certain Acts that have dealt with the issues emanating from the gaps left by the areas already covered by the Acts above referred to. For example, in order to ensure fair compensation and timely and proper rehabilitation of displaced tribal people across the country, adequate provisions in the “Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013” have been made. In logical and legal connection with this, as per section 41 of the Act, as far as possible, no land is to be acquired in the Scheduled Area. In case acquisition or alienation of any land in the Scheduled Areas takes place, a prior consent of Gram Sabha or the Panchayats or the Autonomous District Councils-- as the case may be-- is required to be obtained. The Act <i>consciously</i> lays down procedure and manner of rehabilitation and resettlement (R&R) wherein R&R is an integral part of the land acquisition plan itself. To locate the provision solidly, Chapter-V and VI of the said Act contain detailed provisions of R&R awards and their implementation. At a larger and more technical level, the provisions of Section 48 of the RFCTLARR Act, 2013, direct that a national Monitoring Committee is to be set up for reviewing and monitoring the implementation of Rehabilitation and Resettlement Schemes, looking into issues related to displacement of people, payment of compensation, rehabilitation and resettlement, and the status of land acquisition. By and large, the course attempts to cover all the areas related to the rights of the tribals when the land policies at large either include or exclude them. In this sense, the course tries to offer an overview of the existing Acts specifically with reference to their general relevance for interpretations other than legal and their potential as “Acts” to accommodate the recommendations from those quarters not entirely legal.
SCHEME OF EVALUATION:	Research paper for 75 marks and 25 marks for presentation.
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Language, Democracy and National Identity in India (Social Science Seminar)
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Dr. N. Manohar Reddy
NUMBER OF CREDITS:	3
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	This course explores the fascinating field of language politics in India. While the Indian subcontinent is home to many major languages, they do not officially possess the national status. After independence, in a major undemocratic move, the Nehruvian regime retained English in the fields of judiciary, administration and education. The result has been that questions of democratic polity and popular sovereignty (for which the locus is the nation-state founded on the principle of a common language), which occupied centre stage during the decades that had preceded independence were dismissed as unimportant. While the liberal discourse of Indian nationalism and multiculturalism stresses the issue of coexistence and completely ignores the issue of political existence of the people, the Hindutva groups continue to insist on their Hindi-Hindu-Hindustan formula. To understand the issue in depth, we need to look at how the story of the major languages of India has been told from the perspective of the Anglophone class, which has been indifferent to the political aspirations of the people constituted by these languages. This course tries to reinvestigate such a position and tries to understand the curious contemporary language situation in India from the perspective of 'regional' languages and histories. It tries to unravel the myth of singular Indian nationalism and brings into perspective the multiple (linguistic) nationalisms that have been suppressed for decades, and revisits the idea that for democracy to work, India must be a federation of multiple nationalities. The course will have readings on language policy, linguistic identity and different linguistic movements such as anti-Hindi agitation, Banish English movement, political movements for separate linguistic states, and so on, and the authors include, Benedict Anderson, Bernard Cohn, Etienne Balibar, Duncan Forrester, Granville Austin, Ranajit Guha, Alok Rai, BR. Ambedkar, M.K. Gandhi, Rammanohar Lohia, et al.
SCHEME OF EVALUATION	7. Participation in the class discussions: 40 Marks 8. Presentation of the abstract of the research paper: 10 Marks 9. Research paper (5000 words): 50 Marks
SELECTION CRITERIA	Statement of Purpose

COURSE TITLE:	Law of Aerospace and Defence Start-Ups
COURSE OFFERED TO	LLB
INSTRUCTOR:	Prof. (Dr.)V.Balakista Reddy
NUMBER OF CREDITS:	4 Credits
DURATION	July-October, 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	With the help of 'Make-in-India' initiative, the Government of India aims at promoting and encouraging the new and young enthusiastic entrepreneurs to turn their innovative ideas into start-ups by facilitating and aiding them with investments, especially in the sectors like aerospace, defence, infrastructure, pharmacy etc. Post-liberalization, India witnessed a changed legal regime that facilitates in the trade, thereby increasing its economic growth. Hence, it is an hour of the need for the existing and new entrepreneurs to have a strong hold in the understanding of the basic laws, rules and regulations which governs them. Also, with the proper understanding of these laws, the entrepreneurs will be in a better position to run their businesses smoothly in an effective and efficient manner. The course on 'Law of Aerospace and Defence Start-ups' is designed to provide a basic understanding of the myriad legal issues that the entrepreneurs face while turning their innovative ideas into successful business start-ups, from formalizing a founders' agreement to safeguarding intellectual property to enforcing business contracts. The course also raises the fundamental legal issues relating to the aerospace and defence start-ups like the need for local manufacturing of defence and aerospace equipments, legal dimensions of India's defence and aerospace contracts, different legal structures in which defence and aerospace sector operates and functions, government policies governing these start-ups like DPP etc., and various legal challenges that defence and aerospace startups face in the present legal architecture in India. Module I: Fundamentals of Start-ups give a general overview about the regulatory framework for start-up companies in India. It begins with the nature and type of the business including - partnership, sole-proprietorship, private and public limited, limited liability partnership, Incorporation and Registration, Legal Status, Member Liability, Transferability, Annual Statutory Meetings, Winding Up etc. Further the module also deals with Business licenses, Taxation and Accounting Norms, Labour Laws, IPR Laws, Contract Management etc. Module II: Aviation Law and Start-ups briefly covers various multilateral conventions and bilateral agreements, both of

	public and private law in the field of international air transportation including the Chicago Convention. However, due attention will be given to the recent developments i.e. Globalization, liberalization, de-regulation, privatization and the WTO/GATS and air transport services and their impact on the Indian aviation industry. Further the module will focus on the Advent of Start-ups in Aviation and Sector Specific Licenses of DGCA Norms. Module III: Space Law and Start-ups. This Module focuses on Space Law and Space Regulations including five multilateral Conventions (the Space Treaty, Rescue Agreement, Liability Convention, Registration Agreement and Moon Treaty). It also covers the recent outer space activities of property ownership, space tourism and the other commercial use of outer space which are very much part of space start-ups. Further this module also covers the advent of Start-ups in Space, and Sector Specific Licenses of Department of Space (DoS) and ISRO Guidelines. Module IV: Defence Laws and Start-ups. Start-up units operating in defence sector has increased in last few years. However, ambiguities and disappointments at the level of legal framework are often the reason India has not been able to harness the fruits of young, small firms in aerospace and defence start-ups. Bureaucratic processes offer discouraging hurdles as well. The Law of Defence in India, Advent of Start-ups in Defence Sector, Sector Specific Licenses of Defence Procurement Procedure & Offset will also be covered in this module.
SCHEME OF EVALUATION:	Draft Submission 10 Marks Final Presentation 30 Marks Final Submission 60 Marks
SELECTION CRITERIA	Strictly based on Statement of Purpose(SOP) Merit

COURSE TITLE:	Law of Environment and Health.
COURSE OFFERED TO	LL.B
INSTRUCTOR:	Dr. T. Raghavendra Rao
NUMBER OF CREDITS:	4
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Environment is everything around us, the air we breathe, the water we drink and use, and the food we consume. Good health is a fundamental precondition of much human activity. Environmental Health Laws and Policies are created to regulate and safeguard the human environment. The 20th Century has witnessed an unparalleled improvement in human health. Progress in a range of environmental sectors has yielded corresponding improvements in health outcomes with substantial economics and financial gains, but challenges remain. The environment and eco systems are under serious threat with dire consequences for human health and well being of mankind. Environmental degradation can have a significant impact on human health. Opportunities for reducing environmental related health risks are considerable. The impact of environmental risk factors on health are extremely varied and complex. Humans interact with environment constantly. These interactions affect quality of life. Environmental health encompasses the assessment and controls of those environmental factors that can be potentially affect human health. The impacts on human health due to degradation of environment affect society not only in terms of loss of quality of life, but also in terms of expenditure on health care as well. Since, these impacts are very different, different approaches are required for estimating their magnitude. Hence, the loss of health due to environmental degradation is substantial and calls for interventions at this juncture. Maintaining a healthy environment is central for increasing the quality of life.. Learning Objectives: • The primary objective of this course is to introduce law student to the emerging area of Jurisprudence, which has assumed of late, crucial social significance. • To generate critical understanding about competing and conflicting interest that are evolved and influenced by interface of environment and health. • To create critical knowledge and informed opinion about legal, social, and regulatory issues and implications Teaching Methodology: Assigned Readings, Class Participation in Discussions, Assignments and Lectures. Course Coverage: This course attempts to describe the major impacts on human health due to environmental degradation with the help of legal and regulatory frame work. Course coverage includes: Environment and Health Interface, Environmental Pollution and Health (Air, Water, Environment), Municipal, Hazardous and Bio-Medical Waste, Mass Torts, Climate

	Change, Forest and Biological Diversity, Occupational Health, Role of the State. Suggested Readings: D.S. Blumental et.al (1995) Introduction to Environmental Health: Springer Moeller, D. W. (1997), Environmental Health, Cambridge, Harvard University Press. Melse, J. M et.al "Human Health and Environment", OECD Paris. WHO, World Health Report: Making a Difference WHO, Geneva. Sanford M. Brown et.al, Environmental Health Law, Praeger. Divan et.al, Environmental Law and Policy in India, Oxford University Press.
SCHEME OF EVALUATION:	Project:Written :(70 Marks) Presentation: (30 Marks)
SELECTION CRITERIA	DRAW OF LOTS

COURSE TITLE:	Linguistic Justice and Linguistic Landscape Studies (Social Science Seminar)
COURSE OFFERED TO	LLB
INSTRUCTOR:	Dr. Uma Chimirala
NUMBER OF CREDITS:	3
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Purpose of the Course: The course is a conceptual and methodological preparation to join the research team that will then engage in field work in ITM/Scheduled areas. (More on this aspect if you are taken into the course) This course is a three component study. The course will begin with the omniscient yet arbitrary notion of what is language? Language is personal, visceral, and powerful; it is tied to our lands, to our bodies, to our relationships, to our living landscapes and to our knowledge. Every time we speak or sign in our particular accents and dialects, syntax and rhythms, cadences and inflections, we identify ourselves and bring social history and personal experience with us. When we come together to dialogue, it is important that we are able to express ourselves in the language that most fully conveys the depth and nuance of our hopes and ideas, our frustrations and questions. Thus Language is at the same time the cognitive and the cultural representation of the speaker and the speaker community yet it is the legal systems that regulate and reorganize social institutions and the interactional arrangement and (in)equalities through policies. In the first section the notion of Linguistic Justice is explored. Language justice is one of the key components that impact the realization of inclusive policies for social justice. As a concept it has eluded a concrete definition as well. So for us to arrive at a simplistic understanding of the concept of Linguistic Justice let's create an interim proposition i.e. LJ can be understood as "the right everyone has to communicate in the language in which we feel most comfortable" and the State needs to ensure that. What is your reaction to this statement? While you could frown it to be liberal-egalitarian and utopian, you would start asking is it even possible to conceive of a <i>lived world</i> where minorities/ minoritised peoples can experience '<i>intercommunity cooperative justice</i>' and <i>fairness</i> in language policy in the patterns of interactions that benefits both the communities in contact. Given the fact that we live in a world of asymmetrical bi/multilingualism, interactional patterns between minorities and the State/ dominant communities legitimizes <i>unfairness in free-riding</i> i.e. two people (or categories of people) enjoy some benefit while the work required to produce it is (self-interestedly) performed by only one of them. Linguistic Justice as a domain of thought and investigation attempts to understand the normative political management of the presence of different language groups within a political community? This question comprises different sub-questions: 5. Should we go for equality or inequality of recognition between the different languages?

	6. Should we go for sub-state territories with monolingual policies, or for states that instantiate statewide multilingualism or for some combination of both? 7. Should linguistic minorities receive special linguistic benefits? Should we endeavor to save moribund languages? Why? Would it create unfairness in free-ride? 8. Should states have one common language that all speak and understand? Why? Would it create unfairness in free-ride? The second section presents an investigation of signage in public/private space, including non-commercial and official signs, are known as Linguistic Landscape studies. It is a blooming field that attracts the curiosity of researchers from several disciplines including law since this domain aims “to understand the motives, uses, ideologies, manifestations of power and empowerment discourses, language varieties and contestations of multiple forms of ‘languages’ as they are displayed in public spaces.” The study of the linguistic landscapes adds an innovative and captivating approach to the mapping of language diversity and multilingualism in urban settings (Gorter, 2013). A lot of thought has go into what signs mean, what they do, and how they influence the use of written and spoken languages in people’s lives. In an ITM context, questions of legal importance/ significance such as the meditational role of language in triggering ‘linguistic (non)discrimination’ ‘linguistic (in) accessibility’ to several State welfare services such as educational opportunities, health services, participation in administration, welfare programmes etc. The third (covert) section aims to build researching skill to be able to take up field work. Topics that will be discussed (not limited to) 8. Can LINGUISTIC JUSTICE be ever achieved? What do you see as hindrances/ barriers? Can the State be implicated to such an ideal? What would be the political prerequisites for such an ideology to materialize? 9. How is the linguistic landscape a representation of linguistic (in) justice and (in)equality? 10. Should mother-tongue education be a right? Should Official languages be made a right? 11. Should official languages be legally protected? Why? Why not? 12. To what extent can law/legal regimes offer equal treatment to different language communities? Do we have legal examples in the form of Statutes? 13. Do states have a moral obligation to keep an endogenous language alive? Why? How is it related to Linguistic Justice? 14. Is the emergence of English as a global lingua franca a form of linguistic imperialism? Or a form of Linguistic Justice?
SCHEME OF EVALUATION:	Course requirement (assessment): 4. Participation by way of discussions of the readings and In-class oral presentations and (20%) 5. Worksheets and response to trigger questions (10%+10%) 6. Research proposal submission (20%) Research project (40%): The main source for your papers, unless you have strong reasons to choose something different else and more local, will be your own first-hand documentation of the Linguistic Landscapes

	of institutional spaces of ITM/scheduled areas or other comparable contexts such as court of law (any one in location of the study), administrative institutions, health services, early childhood centers etc. Most of these spaces are open to the public. In case you need to access restricted spaces, I recommend that you begin very early in the term to scout out accessibility. Make it convenient to investigate their schedules, and rules of access
SELECTION CRITERIA	Statement of Purpose

COURSE TITLE:	Politics of Penal System (Social Science Seminar)
COURSE OFFERED TO	LL.B. & LL.M.
INSTRUCTOR:	Dr. Murali Karnam
NUMBER OF CREDITS:	3
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The Politics of Penal System The state in India has been in an expansionist mode as far as penal measures are concerned. Imprisonment as a mode of social control has been increasingly taken for granted without questions raised. This is time once again to take stock of the performance of the penal institution as a mode of social control. The burgeoning penal system across the world is not seen as a threat to citizenry. It seems the prison is no longer in the margins of society but it is integrated into general system of control. Mass media and entertainment industry has corroded our doubts and worries about prison as a solution. The mass media is able to set the agenda in such a way that the leading political parties are adjusting their agenda to suit them. Prison now increasingly exists within an integrated network of control in society, making up a total control system. It is still a major institution of control and pain in our society. What has been the mandate of the penal institutions as evolved historically? It has been changing since mid-19th century has been kept changing. But let's ask some hard questions ourselves what do we think is the finally settled and primary mandate of the penal institution not only in India but across the world? If you press for the definite answers for the mandate of the penal institution, it keeps moving from one mandate to another. It is ephemeral. Are there really convincing justifications for the existence of the prisons as an institution even in democratic regime? These questions will be explored through the reading of a set of articles and books. Note: WHO SHOULD NOT APPLY: - Who cannot stick to seminar timings and presentation schedules. - Who are not interested in engaging other students and teacher in the discussions and presentations. - Those who cannot pay attention to the discussion and presentations by other students and teacher. - Those who want to make presentation exclusively to the teacher. - WHO SHOULD APPLY - Only those students who are capable to sticking to academic plan of action in the seminar. Those who miss a presentation as per the schedule will forgo the marks. - Only those students are who are interested in reading the material in advance and can attend the class. - All the students of seminar are also encouraged to opt for Prison Legal Education Clinic Course. - After every prison visit, issues can be discussed theoretically in the class.

	- Maximum 15 students are to apply. Final list of reading material will be decided and supplied on the first class of seminar and dates of discussion by the students will be fixed on that day. Readings - Prison Talk: Michel Foucault from the Interviews. - The Prison and Factory: The origins of Penitentiary System by Dario Melossi and Massimo Pavarini (1981 and 2018) - Social issues of Law and Order by Zygmunt Bauman, British Journal of Criminology (2000), 40 205-221 - Thomas Mathiesen - Prison on trial (2006, Waterside Press) - Craig Gilmore: The Real Cost of Prison - Prisons and Jail: A Reader by Richard Tewskbury and Dean Debney 2009
SCHEME OF EVALUATION:	Three modes of evaluation - Classroom discussion 20 marks - Presentation 20 marks - Seminar Paper writing 60 marks
SELECTION CRITERIA	Only Interest and drawing of lots

COURSE TITLE:	Religion, Caste, Gender and the Secular Legal Order (Social Science Seminar)
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Dr. T. Kannan
NUMBER OF CREDITS:	3
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	I The problem of religion and secular in Philosophy II The problem of religion and secular in Sociology III The problem of religion and secular in Law IV The Religion and Secular Encounter with the Politics of Caste and Gender Identities V Legal Pluralism, Religion and Secularism
SCHEME OF EVALUATION:	Research Paper: 50 marks Short note on the research paper: 25 Marks Oral Presentation based on short note: 25 Marks
SELECTION CRITERIA	Statement of Purpose

COURSE TITLE:	State Citizenship and Democracy (Social Science Seminar)
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Dr. Harathi Vageeshan
NUMBER OF CREDITS:	3
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The purpose of the course is to introduce the conceptual evolution of citizenship and state and how they interplay in democracies. The four cardinal points of the state are territory and population government and sovereignty (severing authority). The relationship between the population and the authority is very critical for the system ruling and also for the people governed by such system. The evolution of this relationship from Subject hood to citizenship is an interesting historical process interspersed by theoretical debates. The course endeavors to track this evolution of state and citizenship from pre modern times to contemporary times. Essentially how the concept of citizenship expanded from a limited arena to universal scope especially in the times of popularization consent based ruling systems which later evolved into constitutional democracies. The course looks in the political and legal aspects of state citizen relationship. This relation is seminal to define a citizen and who is not. The debates which revolve around rights and obligations which are coterminous to the concept of citizenship will be dealt. The question citizenship, its entitlements and responsibilities and their relevance to democracy will be discussed. There will be discussion on the critical connection between citizenship and democracy in selected democracies across the globe. Statelessness which is becoming a growing problem in our times will be dealt in the course where the conflation of citizenship with human rights will be looked in to . Very briefly following will be dealt in the course E. Evolution of concept of State and Citizenship (a Politico-legal term) from Pre modern times to contemporary times. F. Legal and political aspects of the relationship between the Citizen and State in the context of democratic theory. G. Obligations and entitlements of citizens and ruling systems H. Stateless and Citizen - Human rights perspective.
SCHEME OF EVALUATION:	Class room discussions 15+ Paper 70+ Presentation+15 =100
SELECTION CRITERIA	SOP in 600 words.

COURSE TITLE:	Strategic Diversity and Law
COURSE OFFERED TO	LL.B. & LL.M.
INSTRUCTOR:	Dr. Anindita Jaiswal Jaishiv
NUMBER OF CREDITS:	4
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Gaining momentum globally and across all institutional/organizational set-ups, diversity is slowly but steadily emerging as core strategy both, from a legal and governance standpoint. Evident in several of country legislations requiring female directors in company leadership, starting with Norway, France, Belgium, United Kingdom, Germany and India, diversity brings along a whole package of concerns and challenges- (v) Why diversity (a conflict between social equality and business judgement)? (vi) Approaches and strategies implemented- mandatory or voluntary? (vii) India's legal position and progress made so far (viii) Diversity policy (as sought by SEBI and other agencies like the University Grants Commission)- core components
SCHEME OF EVALUATION:	Assignment of 100 marks
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Structuring and restructuring of family forms and family law in Globalizing world
COURSE OFFERED TO	LL.B. & LLM
INSTRUCTOR:	Dr. Aruna B. Venkat
NUMBER OF CREDITS:	4
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	This paper will try to study and understand the types of new family forms that are emerging as a product of changing societal, political, psychological, ecological and demographic forces that are transforming the old, traditional and religious family structure. Family as an Institution is experiencing continuous and rapid change. The argument that will form the central focal point of this paper would be disintegration of familial processes and a possibility of social collapse of family functions and family systems and emergence of new family form with new sets of responsibilities especially in the positions of parents and spouses.
SCHEME OF EVALUATION:	Research paper
SELECTION CRITERIA	Draw of Lots max 20 students

COURSE TITLE:	The Legal Philosophy of Jürgen Habermas
COURSE OFFERED TO	LL.B. & LL.M.
INSTRUCTOR:	Mr. Chinmay Deshmukh
NUMBER OF CREDITS:	3
DURATION	July-October 2019
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Jurgen Habermas is considered as one of the most important contemporary philosophers, offering an intriguing perspective towards conceptualising norms and normativity, based on his distinctive idea of communicative rationality. Habermasian insights into the nature of law and the accompanying emphasis on communicative and deliberative aspects of democracy are becoming increasingly important in today's fragmented and polarised societies. Against this context, the course aims to introduce students to the major assumptions, principles, and implications of the Habermasian theoretical project of law and democracy. It will do so through a close genealogical reading of Habermas's major works.
SCHEME OF EVALUATION:	Class Participation: 15% Take home exam: 25% Research paper: 60%
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	TRADITIONAL KNOWLEDGE AND INTELLECTUAL PROPERTY RIGHTS
COURSE OFFERED TO	LL.B. & LLM
INSTRUCTOR:	Mr. Sourabh Bharti
NUMBER OF CREDITS:	4
DURATION	July – October 2019
BRIEF DESCRIPTION (MINIMUM 500 WORDS)	In the recent past we have seen that the world of science and technology has shown incredible interest in the knowledge held by the indigenous and local communities across the world. This upsurge in the interest in those areas of knowledge has given rise to a new point of conflict in international law and politics. Over the years we have seen that the models of science and technology developed in the western world have not necessarily given due recognition to the knowledge systems developed by the indigenous and local communities, even though industries like the pharmaceuticals and the cosmetics have given greater attention to traditional knowledge relating to biogenetic resources in the context of bio-prospecting activities aiming at the development of new plant based medicines and cosmetic products. Similarly we have seen that the seed industry, in order to innovate, often borrows the germplasm developed by the traditional/local farmers on their farmlands. Yet when it comes to acknowledging the expertise of the developers of this knowledge, modern science and technology shies away from doing so. As a necessary consequence we have seen that the legal regimes developed to protect the fruits of scientific and technological endeavors have either excluded the innovative efforts of the indigenous and traditional communities from the umbrella of protection or they fall way short of the expectations of the indigenous/local communities as far as protection of traditional knowledge is concerned. This exclusion from being recognized as knowledge creators and therefore lawful holders of that knowledge gives rise to intriguing questions about science, culture, politics and law embedded in the modern intellectual property rights system. Through this course an attempt would be made to explore the nuances of the debate on intellectual property and traditional knowledge. This attempt would invariably require us to ask questions about some of the fundamental assumptions of the modern intellectual property system. For example, in its design to protect knowledge, how does the system conceptualize ‘knowledge’ and ‘innovation’? Do different societies define these concepts differently? In case it does, how do we justify universalization as one particular understanding of these through intellectual property rights? Intellectual property rights system focuses on the economic value associated with knowledge system. In most of the traditional knowledge systems the cultural and spiritual values take prominence over the economic value of knowledge. What is the validity of a system which does not take into cognizance the possibility that people located in different cultural settings might organize the values associated with knowledge in different hierarchies? Does the fact that different societies prioritize different aspects of knowledge, impact the nature and meaning of innovation in that society? How far is this taken into consideration when modern intellectual property system is

	promoted as one universal method of knowledge protection? What are the political and cultural implications of the universalization of modern IP system for the indigenous and traditional communities? A background brief on 'traditional knowledge and IP' prepared by WIPO mentions that 'recognizing traditional forms of creativity and innovation as protectable intellectual property would be an historic shift in international law, enabling indigenous and local communities as well as governments to have a say over the use of their traditional knowledge by others.' Therefore the course will also involve studying different approaches to recognize the epistemological and legal validity of traditional knowledge systems and the extent to which different approaches propose to bring in politico-legal parity between different knowledge and innovation cultures.
SCHEME OF EVALUATION:	PAPER SUBMISSION-70 PRESENTATION-20 MID SEMESTER RESPONSE PAPER -10
CRITERIA FOR SELECTION OF STUDENTS INTO THIS SEMINAR	Draw of Lots

COURSE TITLE:	Predistribution, liberal socialism and property-owning democracy. (Social Science Seminar)
COURSE OFFERED TO	2 nd to 5 th Year LLB & LLM
INSTRUCTOR NAME & CONTACT DETAILS:	Prof. Roberto Merrill
SHORT DESCRIPTION OF INSTRUCTOR	Roberto Merrill teaches moral and political philosophy at the University of Minho, in Portugal, where he does research at the Centre for Ethics, Politics & Society. He is also an associate researcher at CEVIPOF (Sciences Po-Paris). His book on basic income is to be published in June 2019. He is also preparing the edition of a book on predistribution and property-owning democracy with Alan Thomas. His last co-edited book (with Daniel Weinstock) was on Political Neutrality: a Re-evaluation (Palgrave Macmillan, 2014). Webpage: https://sites.google.com/site/nrbmerrill/
Credits	3
PREFERRED DATES FOR CONDUCT OF COURSE	From August 8 to August 16
PRE-REQUISITES:	Mandatory reading material will be given before the course starts.
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	In this course, we will start by defining the main versions of redistributive justice and contrast them to redistributive justice. We will then confront property-owning democracy and liberal socialism as two alternative redistributive political systems. We will finally apply this theoretical framework to evaluate public policies such as basic income, the funding of higher education, workers' cooperatives, and public investment funds. At the core of a good political system there is its capacity to guarantee what John Rawls calls a background justice, that is the property to promote equal treatment for all, and not only its capacity to provide a fair compensation for unjust and unequal treatment. Since laissez-faire capitalism must be condemned because it does not promote such an equal treatment, welfare state capitalism, to the extent it just adds to the latter simply a compensation for unequal treatment, must be condemned also. Based on this criterion, only survive the systems which ensure that productive assets are widely available for all. There are many definitions of socialism but amongst the various definitions we can consider a common property of socialism the following: a political system is socialist if the major means of production are collectively owned (Roemer, 1994; Edmundson, 2017). A political system in which the major means of production are public and in which the basic liberties are not protected, we call it, following Rawls, "state

	socialism with a command economy” (Rawls, 2001: 136). In contrast, a socialist system which protects these liberties is a “liberal socialist” system. The most important difference between a liberal socialist system and a property-owning democracy is that the former implies at a “constitutional level” the public ownership of the major means of production and the natural resources while the latter does not. In fact, in a property-owning democracy the major means of production and the natural resources can be privately although held, although there are predistributive mechanisms which insure these are widely dispersed, such as a democratic system. This wide dispersion of private property is a major difference between a property-owning democracy and a system of welfare-state capitalism, which allows for vast concentrations of wealth in the hands of a few individuals. Widespread ownership is thus consistent with private ownership of the means of production, as in a property-owning democracy. Everyone owes a share of the means of production, even though this share is not necessarily the same for all. In contrast, under collective ownership, the means of production are never privately own and everyone has the right to be equally included in its use and the distribution of its benefits. Regardless of the major differences between these two political systems, both can be considered predistributive in the sense that transfers (by the state or by individuals) are not used merely for public assistance, but to provide everyone with a capital allowing them to become “fully cooperating members of society on a footing of equality” (Rawls, 2001: 140).
SCHEME OF EVALUATION:	Paper submission & presentation
SELECTION CRITERIA *	Batch representative draw of lots

COURSE TITLE:	Tracing Patterns in Acts of Resistance (Social Science Seminar)
COURSE OFFERED TO	LL.B.
INSTRUCTOR NAME & CONTACT DETAILS:	Akansha Singh
SHORT DESCRIPTION OF INSTRUCTOR	I have completed my M.A. in English from CES, JNU and B.A. (Hons) in English (with minors in Sociology) from Sri Venkateswara College, University of Delhi. My areas of research and teaching interest include Philosophy of Literature, Narratology, Law and Literature, Literary Theory and Translation Studies.
Credits	3 credits
PREFERRED DATES FOR CONDUCT OF COURSE	July- October, 2019
PRE-REQUISITES:	-
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	The course aims to study unusual modes of resistance that can be relevant to the present times. It is divided into four modules based on a connecting thematic. <u>Module 1</u> <u>Resistance Through Language and Forms of Literature</u> This opening module of the syllabus engages with the question of language and the role it plays in offering resistance. The module is intended to undertake a twofold exploration: politics of language and language of politics through the writings of Ngugi wa Thiong'o, Bhim Rao Ambedkar and Jonathan Swift. Colonization acts as a shared parameter that (in)directly triggered the very writing of the texts under consideration at different points of time. Modes of Resistance: Language, Satire, Life Writing <u>Module 2</u> <u>Resistance Through Practices of Subversion</u> Building up on the issues raised in the first module, the texts included here continue exploring the different realms of the genre of Life Writing. Further, this module also marks a shift from the documentation of experiences in Life- Writing to a conceptual analysis of the parameters governing various structures of subjugation and domination. This is done through the essays by Gopal Guru and Upendra Baxi where they undercut the practice of humiliation through it's rejection and discursive construction, respectively. Modes of Resistance: Rejecting Humiliation, Studying Humiliation <u>Module 3</u> <u>Resistance Through the Refusal of Expression</u> This module marks a shift from the one preceding it. If the module before stressed on the various methods of expressing resistance (e.g. rejecting rejection, writing back, documenting life or discourses recontextualizing humiliation), this module talks about denying any form of expression as a tool of resistance. This will include works by Freud, Premchand and Sartre. Modes of Resistance: Work of Grief, Existentialism <u>Module 4</u>

	<u>Resistance Through Activism</u> The final module of the syllabus focuses on resistance through activism. The common feature shared by the texts so far in the syllabus has been the idea that they all initiate the dialog with resistance at an individual level. This module marks a shift from individual led movements to mass movements. The readings for this module range from the atrocious negligence shown towards farmers to the ways in which they have offered resistance to it. This will include a chapter on solidarity from Ranajit Guha's <i>Elementary Aspects of Peasant Insurgency</i>. To add an introductory briefing to it, sections from Gail Omvedt's <i>Reinventing Revolution</i> will be of help. The aim of the final module is to help students look at all the alternative models of resistance discussed in the syllabus as practically relevant by leading the idea that began at an individual level to that of a mass led movement. Modes of Resistance: Creating Awareness, Solidarity
SCHEME OF EVALUATION:	Term- Paper
SELECTION CRITERIA *	Batch representative draw of lots

COURSE TITLE:	Theatre and the Law (Social Science Seminar)
COURSE OFFERED TO	II to V year
INSTRUCTOR NAME & CONTACT DETAILS:	Diksha Lamba
SHORT DESCRIPTION OF INSTRUCTOR	M.Phil. in Theatre and Performance Studies at the School of Arts and Aesthetics, Jawaharlal Nehru University. Taught Drama and Literature with the English Department at Motilal Nehru College and Zakir Husain Delhi College, University of Delhi. Has 13 years of experience as theatre practitioner, performer and workshop facilitator with a Delhi-based activist theatre group. Pursuing Doctorate in theatre and the law at JNU.
Credits	3
PREFERRED DATES FOR CONDUCT OF COURSE	September-October, 2019
PRE-REQUISITES:	Basic reading and writing skills along with an interest in the subject
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	The course will highlight the common grounds shared by law with theatre and performance, critically analysing the law as a form of theatre or a performance. With introduction to the basics of Performance Theory, the course will introduce the connections and more importantly, the crucial differences between the two fields. As students of law, is it enough to merely know the existing laws? Here, we study and understand the contested relationship shared by legal structures with its varied social, political and cultural spaces. Interweaving legal history with the history of theatre activism in the country, the course will engage students with the process of legislative struggles and changes. Beginning from the introduction of Dramatic Performances Act in the 19th century by the colonial government to control the seditious Indian theatre, to the various means adopted by the governments in Post-Independence India to deal with theatre artists and performances, the course will delve into the criminality of art practices. While the law does not provide a legal definition of art, it has the power to decide what constitutes art. From direct censorship and bans to blocking funds and intimidation, art that threatens becomes difficult for legal apparatuses to be treated within legal means. That is why a theatre practitioner in the 1970s Punjab, Gursharan Singh, is picked up by the police on charges of blowing up a bridge instead of performing. While the course focuses on the Indian context, we draw parallels with certain dominant global trends. After all, why is the band of performers called <i>Pussy Riot</i> such a big threat to Russia? Legal theorist Upendra Baxi acknowledges the unique contributions to judicial activism and constitutional discourse made by social movements and art practices. Art has an insightful way of articulating injustice and a nuanced way of capturing the layers of collective histories of hurt that the official legal discourse falls short of. To understand the struggle waged by English women for their voting rights through a play called <i>Votes for Women</i> by Elizabeth Robins will help students study the intersections between legislative changes and art practices. From the direct use of legislative theatre by Brazilian theatre practitioner Augusto Boal to enact laws during his term as City Councilman of Rio De Janeiro to an intervention from outside by Budhan theatre of Gujarat to the legal trial

	in the custodial killing of a member of Chara community, we have multiple examples in life where law and theatre come together or collide with each other over the meaning and materialization of justice. Through these discussions the students get to debate and envision the future of legal practice, grapple with the foundations of modern legal institutions and study the challenges faced by the legal concepts of justice. The course underlines the fluidity of the law, opening various possible, desirable and not so desirable, directions in which it could lead.
SCHEME OF EVALUATION:	A theatre workshop to conclude in self-scripted plays by students in small groups
SELECTION CRITERIA *	Draw of Lots

NALSAR University of Law



ELECTIVE Courses Outlines
(In House Faculty)

January – April, 2020 Semester

COURSE TITLE:	CIVIL REMEDIES
COURSE OFFERED TO	B.A LL.B (4 TH AND 5 TH YEAR) & LL.M. (Corporate and Commercial Law Specialization)
INSTRUCTOR:	MR. VARUN MALIK
NUMBER OF CREDITS:	4
DURATION	January-April
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The first principle for remedy against breach of commercial obligation is to ensure that the party suffering from breach is restored back to the position it would have been in if the obligation had not been breached. The law, in most of the Common law countries, remedies the breach in basically two ways viz. the damages and Specific Performance of Contract. The former, across the common law nations, except India and a few others, is considered as the primary remedy and the latter, a remedy in equity, is granted only in the cases where the damages are proven to be insufficient by the party claiming the relief. The Specific Performance is granted by way of a decree in the nature of mandatory- permanent injunction and therefore the law of injunction forms an integral part of the relief of the specific performance. The present course is primarily concerned with above mentioned remedies of (1) Damages; (2) Specific Performance of Contract and (3) Injunctions. The Part I of the course deals with Damages as a relief for breach of civil- commercial obligations. It covers the basic principles for grant of un-liquidated and liquidated damages in cases of breach, the exception to such principles, grant of damages for harm other than commercial loss etc. The Part II deals with the relief of Specific Performance of Contract. The part intends to discuss and analyze the law relating to specific performance in India. It shall focus on the provisions of Specific Relief Act, 1963 along with the evaluation of specific relief as compared to the relief of Damages. The aforesaid discussion shall be intended in the direction of evaluation of the Specific Relief (Amendment) Act, 2016. The Part III of the course is concerned with the relief of Injunctions. The relief although is closely linked to the relief of Specific Performance, the contours of law of injunctions extend much beyond the relief of specific performance and outreach to almost all the branches of civil law. In order to appreciate the deep linkages between the two branches of

	law the two are offered together in the course. But, in order to ensure that the abovementioned linkages don't have a shadowing effect on the disjunctions between the two, the course divides Specific Performance of Contract and Law of Injunctions into two different parts. The part revolves around the the historical origins of the concept of Injunctions, its basics and practice. I further intend to discuss how injunction interacts with other branches of civil laws with a special attention to specific relief and law of contracts. As the course is being offered to 4th/ 5th year students and LL.M students, who are ready to face the field, it aims to develop the acumen of the students both from corporate/ litigation as well as academic point of view. The course further aims to expose the students to the practical aspects of injunctions and specific relief to facilitate an easier assimilation of students into the profession of law.
SCHEME OF EVALUATION:	End Semester: 50 Marks Mid Semester: 25 Marks Project: 20 Marks Project Presentation: 05 Marks Both Mid-Sem and End-Sem Exams would be Closed book. The Students mat carry their own copy of relevant statues/ provisions of statute for reference purposes.
SELECTION CRITERIA	Any student who had earlier enrolled for the Specific Relief and Law of Injunctions shall not be allowed to enroll for this course. NO LIMIT FOR NUMBER OF STUDENTS.

COURSE TITLE:	Comparative Constitutional Law
COURSE OFFERED TO	
INSTRUCTOR NAME & CONTACT DETAILS:	Professor Tony Blackshield AO
ACADEMIC QUALIFICATIONS	LL.M.(First Class Honours), Sydney 1968; LL.D (honoris causa) Macquarie University 2004; LL.D. (honoris causa) UNSW 2019
PRESENT POSITION & DETAILS OF THE ORGANISATION	Emeritus Professor of Law Macquarie University Sydney, Australia
POSITIONS HELD EARLIER	Dept of Jurisprudence & Int'l Law, University of Sydney, 1/8/1960 to 31/12/1969 (Lecturer from 6/10.1964; Senior Lecturer from 1/1/1969) Faculty of Law, UNSW: Senior Lecturer 1/1/1971 to 31/12/1973; Associate Professor, 1/1/1974 to 31/12/1978 LaTrobe University: Professor of Legal Studies, 1/1/1979 to 30/6/1988 Macquarie University: Professor of Law, 1/7/1988 to 30/6/1999
TEACHING EXPERIENCE (NO. OF YEARS)	43 years' full time University teaching (1961-2003); thereafter casual teaching until 2018 – 58 years in all
PROFESSIONAL / INDUSTRY EXPERIENCE (NO. OF YEARS)	Articled Clerk 1954-1958; Law Clerk 1959; solicitor 1960 (seven years in all)
RESEARCH EXPERIENCE (NO. OF YEARS)	58 years as teacher and researcher – see above
SHORT DESCRIPTION OF INSTRUCTOR	Emeritus Professor of Law, Macquarie University (Australia); Visiting Professorial Fellow, University of NSW (Australia); Honorary Professor, Indian Law Institute (New Delhi)
Credits	4
PREFERRED DATES FOR CONDUCT OF COURSE	Jan-April, 2020
PRE-REQUISITES:	
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	A comparison of judicial decisions on five Federal Constitutions with historical links to the English common law tradition (the United States, Canada, Australia, India and South Africa)
SCHEME OF EVALUATION:	MID + PROJECT + END
SELECTION CRITERIA *	Draw of Lots

Course Title:	COMPETITION LAW
Course offered to	LLB
Instructor:	Mr. SOURABH BHARTI, SUDHANSHU KUMAR
Number of Credits:	4
Duration	January-April
Brief Description	INTRODUCTION Competition law defends the practice of fair competition. One of the reasons for having legal framework for competition in market is to remedy those instances where the actions of one or more individuals or entities or organizations causes the collapse of free market system. It is important to lay down rules of the game so that every participant of the market has a fair and equal chance of flourishing. With the growth of both volume of transactions and the complexity of economies, jurisdictions across the globe have come to realize the need and benefit of having a well-defined competition policy and probably this is the reason the antitrust regime has seen the fastest growth when compared to other economic regulations. It is widely accepted, though some economists rebut the idea that competition law acts as a catalyst in promoting innovation and economic growth along with social progress of the nation. Antitrust laws prevent individual or collective acts or any other form of negative co-operation that adversely affects competition and functions to set prices at altitudes at which market can breathe, largely without interference and in a way that cannot be done through central control. Indian competition regime is fairly new when compared when compared to its counter parts. The Monopolies and Restrictive Trade Practices Act, 1969 was passed subsequent to finding and recommendations of Mahalanobis (1960) and Monopolies Inquiry Commission (MIC) (1964) to prevent monopolization or concentration of economic power. MRTP can be said to be the precursor of Competition Act, 2002 and can be considered as a move from preventive mechanism to developmental mechanism. The LPG model coupled with the shortcomings of MRTP paved the way for passing of new Act on the recommendation of Raghavan Committee. Doing away with prohibitory provisions for monopoly trade practices, restrictive trade practices and Unfair trade practices, the new Act has three major provisions which deal with 'Anti-competitive agreements, Abuse of dominance and Regulation of Combinations.' The growing powers of Competition Commission of India is evident from its recent decisions which cuts across different sectors including petroleum, pharma, entertainment, real estate, cement etc and which has forced market entities to review their business strategies and focus on competition compliances. COURSE STRUCTURE This course on competition law has been structured in a manner to understand the objectives of antitrust laws. To appreciate the law of the land it is essential to also understanding of economic underpinnings of the legal framework. The course will also include a comparative assessment of Indian competition law with its counterpart in UK and US. The course shall also include a dedicated discussion on the interface of IP and Competition law

Part A : COMPETITION LAW

Course Instructor : Mr. SUDHANSHU KUMAR

I. Introduction to Competition law –

- What is competition – why is competition needed in market – Objectives of competition law – Political content of Anti-trust - overview on laws on competition law (India; EU; US) – Shift from Monopolies and Restrictive Trade Practices Act, 1969 to Competition Act, 2002 – Preamble of Competition Act, 2002.

II. Anti-competitive Agreements (S. 3(1), S.3(2), S.3(3)(a) + S.19(3) along with comparisons with Article 101 TFEU

- Definition of Agreement – concerted action – Concept of Single overall agreement - unilateral conduct; Definition of Enterprise – commercial v. Sovereign activities – Single economic entity doctrine; Meaning of ‘Appreciable’- De-minimis doctrine; Causes or likely to cause.; ‘Competition within India’ – effects doctrine
- AAEC – Section 19(3) – Negative and positive effects - Sources of monopoly power
- Object (horizontal) and effect (Vertical agreements); Horizontal price fixing agreements (price fixing ; Pricing methods) – Exchange of information
- Section 3(3); Limiting or controlling production - Group boycott - cases discussed like White lead case; FICCI multiplex etc.; Market allocation and sharing; S.3(1) v. S.3(3) debate including R. Prasad dissenting opinions; Collusive tendering - LPG case; Price Parallelism with cases
- Cartels - Cement / LPG / Domestic airlines
- S. 3(4)- Distribution chain - vertical integration concept - inter-brand and intra-brand competition - Block exemption in EU; Per se Rule and Rule of Reason; Tie-in agreements - Types and cases; Exclusive supply - cases like shamsher kataria / US v. Standard Oil / Exclusive motors; Selective distribution - Metro doctrine; Refusal to deal – cases; Resale price maintenance - positive and negative effects - Leegin rule

III. Abuse of dominant position - Section 4

- Relevant market concept and cases - SSNIP test; Dominant position - Akzo presumption - cases like BCCI case/ MCX stock exchange case / Belaire owners association case; Predatory pricing - Areeda tirner test; Exploitative pricing strategies - price discrimination - discriminatory rebates and discounts; Limiting and controlling production; Refusal to supply - commercial solvents case; Essential facilities doctrine

IV. Combinations – Section 5, 6

Reading List

1. Michal Gal, ‘The Ecology of Antitrust: Preconditions for Competition Law Enforcement in Developing Countries’, New York University Law and Economics Research Paper Series, Working Paper No. 02-03 http://papers.ssrn.com/sol3/papers.cfm?abstract_id=665181
2. Evolution of Competition Policy and Law by - Pradeep S Mehta & Simon J Evenett –http://www.cuts-ccier.org/pdf/Evolution_of_Competition_Policy_and_Law.pdf

3. Why India adopted a new Competition Law, A CUTS C-CIER publication (Specially focus from Section 4 onwards, you can skim read the previous provisions) – <http://www.cuts-ccier.org/pdf/wiancl.pdf>
4. Okeoghene Odudu, “Interpreting Art. 81(1): the object requires revisited,” European Law Review, Sweet & Maxwell, 2001.
5. Okeoghene Odudu, “Restriction of competition by object – what’s the beef?,” Competition law Journal, 2009
6. New Definitions of Relevant Market and the Assault on Antitrust, Robert Pitofsky, Columbia Law Review, Vol. 90, No. 7 (Nov., 1990), pp. 1805-1864
7. Phillip Areeda and Donald F. Turner, “Predatory Pricing and Related Practices under Section 2 of the Sherman Act”, Harvard Law Review, Vol. 88, No. 4 (Feb., 1975), pp. 697-733.
8. Andrey V. Makaro, “Comparative analysis of antitrust policy against collusion in some transition economies: Challenges for effectiveness” WP BRP 20/PA/2014, National Research University.

Books:

1. Richard Whish, David Bailey, COMPETITION LAW, 8th ed., Oxford University Press, 2015.
2. Alison Jones, Brenda Sufrin, EU COMPETITION LAW, 5th ed., Oxford University Press, 2014.
3. SM Dugar, GUIDE TO COMPETITION ACT, 2002, 7th ed., LexisNexis, 2017.
4. Sandra Marco Colino, CARTELS AND ANTI-COMPETITIVE AGREEMENTS, Ashgate Publications, 2012.
5. T. Ramappa, COMPETITION LAW IN INDIA: POLICY, ISSUES AND DEVELOPMENT, 3rd ed., Oxford University Press, 2006.

Part B : COMPETITION LAW AND INTELLECTUAL PROPERTY
Course Instructor : Mr. SOURABH BHARTI

Module 1 - Introduction – 2 hours

- ☐ Brief History on the relationship between antitrust law and intellectual property rights
- ☐ The relationship between Intellectual Property and Market Power
- ☐ Antitrust Law and the Misuse of Intellectual Property

Module 2: Unilateral Conduct by Intellectual Property Owners and Competition Law Implications

In this module we will discuss various unilateral actions of Intellectual Property owners which give rise to competition related concerns. Issues like enforcement of fraudulently procured patents and sham litigation, tying arrangements, unilateral refusals to license deal, Design Changes and Predatory Innovation, deceptive conduct before standard setting organizations shall be discussed.

		Module 3: Horizontal Agreements Involving Intellectual Property and Competition Law- The discussions in this module will involve questions of price fixing and intellectual property, market allocation agreement, reverse payments agreements in pharmaceutical industry, group boycotts and concerted refusals to deal or license etc. Part 4: The Antitrust Implications of Vertical Agreements Involving Intellectual Property: while licensing Intellectual Property the owners often use vertical price restraints or non-price restrictions in order to maximize the benefits of the monopoly. These are not per se problematic, but at times can raise concerns under competition law. This module will deal with those cases where the legal position on the issue was clarified. A detailed list of relevant cases and readings for this part shall be communicated later.
Scheme Evaluation:	of	MID-SEM(25) + END SEM(50) + RESEARCH PAPER (20 MARKS) + PRESENTATION (5 MARKS)

COURSE TITLE:	CYBER LAWS, CRIMES AND TECHNOLOGIES
COURSE OFFERED TO	LLB
INSTRUCTOR:	G..Mallikarjun & Mr. Irfan (2 credits each)
NUMBER OF CREDITS:	4
DURATION	January-April, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Cyber-crimes are rapidly expanding due to extensive use of internet and technology in the present world. Cyber-crime is a criminal activity in which computers or computer networks are used as a tool, a target, or a place of criminal activity. By extension, they may include everything ranging from an electronic cracking to a denial of service attack. The field of Cyber Forensics surfaced in response to the increasing cyber-crime in general and cyber terrorism in particular. Cyber-Crime affects, to begin with, the privacy of an individual or an organization and finally would threaten the security and integrity of the State itself. Varieties of evidence, collected to prove the cyber offences, will understandably be in an electronic form and it is very difficult and is also highly technical to collect, preserve, and analyze the evidence and present the same before the court of law. Cyber Forensic techniques are therefore necessary to identify, detect, collect and analyze digital evidence admissible in the court of law in order to deal with the cyber-crimes. An overall 'expertise' is needed to testify the veracity of such variations of evidence. Here comes justification for the Cyber Forensics. Needless to add, Forensics generally means the use of science and technology to establish facts in the court of law. Law students, law enforcement agencies, functioning at various levels, need to be adequately trained to use techniques of Cyber Forensic so as to deal with Cyber-Crimes.
SCHEME OF EVALUATION:	Mid-exam= 25 Marks End -Exam =50 Marks Project = 25 (20 marks for written submission and 5 Marks for oral presentation
SELECTION CRITERIA (IF ANY)	Section Criteria = SOP In the course we are going to use Cyber Forensics Lab (CtrlZ) and mostly hands on training session will be conducted. Therefore, the class strength should not be more than 35 students.

COURSE TITLE:	Goods and Service Tax
COURSE OFFERED TO	LLB & LLM
INSTRUCTOR:	Dr.Neha Pathakji
NUMBER OF CREDITS:	4 credits
DURATION	January-April, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The introduction of Goods and Services Tax is evidently a major indirect tax overhaul in the history of independent India. The paradigm shift from an origin-based to a destination-based consumption tax was set to rationalize, harmonize and simplify existing taxes. However, the implementation of GST so far has proved to be somewhat a roller coaster ride for the traders, administrators and practitioners alike. Issues with respect to substantive, procedural and to certain extent constitutional aspects have already surfaced. While many consider these as teething issues, others persist that these are symbolic of deeper systemic problems. This course aims to offer an understanding of the law, policy and practice of GST and critically analyze the same. The course will introduce students to constitutional foundations of GST and basic concepts in GST and emerging issues in GST.
SCHEME OF EVALUATION:	Mid-sem, project, end-sem
SELECTION CRITERIA (IF ANY)	

COURSE TITLE:	Law of Intellectual Property in International Trade
COURSE OFFERED TO	LLB & LLM
INSTRUCTOR:	Ms. Aakanksha Kumar
NUMBER OF CREDITS:	03
DURATION	January to April, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	It is understood that nations protect intellectual property for two main reasons. One is to give statutory expression to the moral and economic rights of creators in their creations and the rights of the public in access to those creations. The second is to promote, as a deliberate act of Government policy, creativity and the dissemination and application of its results and to encourage fair trading which would contribute to economic and social development. This course shall introduce the economics of legal IP protection to the students, enabling them to understand the dynamics of interactions of laws of different nations when IP protected material crosses national boundaries. This course further examines the international intellectual property system and addresses the legal issues raised by the trade of products protected by intellectual property rights across different jurisdictions. This course reviews the key international agreements, not merely restricted to the TRIPS Agreement, but also focusses on IP Chapters in FTAs and RTAs, including the newer Mega-Regionals, and provisions in this area, as well as the different national policies, which have been adopted, to date, in several domestic jurisdictions or free trade areas, e.g.: the European Union, the U.S., China, Japan, India, the ASEAN countries, etc. Objectives of the course 1) To help students understand and grasp basic concepts, issues and rules of Intellectual Property Law and its relationship, and rationale for being a subject matter for international trade; 2) Understand the reading, interpretation, and application of the relevant International and domestic statutes and leading IPR in Trade law cases and case-studies (including the famed WTO-TRIPS US 301 reports, The Cuban Embargo, Standardised Cigarette Packaging, WTO and Public Health, USA's role in FTA negotiation, CETA and US-EU FTAs and GIs etc.); 3) To help students understand the underlying public policies and economic concepts to comprehend how and why IPR often is used as a bargaining chip in trade-treaty negotiations; 4) To enable correct identification of legal issues, application of relevant legal principles, and generation of solutions to legal problems arising in relevant factual contexts

SCHEME OF EVALUATION:	Mid-Semester Exam: 25 Marks Research Project: 25 marks End Semester Exam: 50 Marks
SELECTION CRITERIA (IF ANY)	Prior knowledge of basics of Intellectual Property Law is compulsory. Prior awareness of basics of WTO Laws is desirable, but not compulsory.

COURSE TITLE:	MODEERN INSURANCE LAW
COURSE OFFERED TO	LLB & LLM
INSTRUCTOR:	Mr. P ASHWINI KUMAR
NUMBER OF CREDITS:	4
DURATION	January-April, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Risk is a part of life. Occurrence of uncertain events may adversely affect the life of an individual, family, firm, company and also society as a whole. Hence, everybody expects security to life and property. Insurance is meant to protect against uncertain events which may otherwise cause loss/ disadvantage. The contract of insurance is basically governed by the general rules of law of contract. At the same time, it has formulated special rules/principles and developed into “Law of Insurance”. At present, insurance sector (private or public) has greater role in the Indian economy and World economy. Insurance is not only a commercial business but also a tool for the enhancement of the welfare. Insurance is a form of risk management. It appraises the risk involved and controls/reduces the risk through providing compensation to the assured. Thus it assures individuals, community, firms, companies etc and helps in providing security and for the smooth growth. In the first part of the course, we study about the general principles of insurance and also about the regulatory authorities. Further we study about the role of insurance in the economy. The second part of the course is about various kinds of insurance like Life Insurance, Fire Insurance, Motor Vehicle Insurance, Marine Insurance etc. and relevant legislations regarding.
SCHEME OF EVALUATION:	Mid-Semester Exam: 25 Marks Project: 25 marks End Semester Exam: 50 Marks
SELECTION CRITERIA (IF ANY)	NONE

COURSE TITLE:	Patent Analysis, Mapping, and Visualization systems (Pat informatics)
COURSE OFFERED TO	LLB
INSTRUCTOR:	Mr. B Md Irfan
NUMBER OF CREDITS:	2
DURATION	32 Hrs
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The Intent in this Course is to explore some of the methods and techniques that are commonly used in patent analysis. Patent analysis is an extremely versatile Methodology, with many implications for businesses--strategic planning, mergers, acquisitions, licensing opportunities, R&D management, human resources, competitive intelligence, business intelligence, etc. This course also examines patent analysis tool for competitive intelligence developing using spatial and statistical data schemas and models such as Big databases , data mining and visualization techniques, and graphically rich spatial data models, This course explains various concepts like creating patent landscapes, patent profiling , patent searching, patent visualization , patent research gaps identification, patent competitive intelligence, new venture evaluation, patent portfolio re-engineering and techno-legal reports generation (Patentability, Validity, Infringement and freedom to operate) using open source patinformatics tools. Applications and tools: 1. Obtaining patent data with PatentScope or Google patents application. 2. Cleaning patent data with Open Refine application. 3. Analyzing patent data with RStudio. 4. Patent Network Visualization with Gephi or Plotly. 5. Patent landscaping with IPAT systems. Conclusion: Considering the emergence of patents as game changers in corporate world the course helps the participants develop their skills in patent searching and analysis and use this information for Designing patents landscapes for research and business planning, legal conflict avoidance and resolution at patent licensing and issuing , Business Intelligence development etc , this course helps to implement Text-based, Graphic based and content based searching scenario's with in detail understanding of algorithms and design Architectures of different methodologies and technologies which petitions for availing patent rights, after successful completion of the course the participants shall be capable of handling all the IPR related issues such as verification, validation and extension, independently and accurately
SCHEME OF EVALUATION:	Theory : 50%

	Project (Practical): 50%
SELECTION CRITERIA (IF ANY)	If applied morethan 30 then Draw of Lots

COURSE TITLE:	Taxation of structured funds
COURSE OFFERED TO	Elective for LL.B.
INSTRUCTOR:	Mr. ALOK VERMA
NUMBER OF CREDITS:	Three credit (3)
DURATION	January-April, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The shift in legal paradigm in which an investment fund operates requires that attention be given to articulating disclosures in fund documents and intelligently planning investment asset-holdings to lower regulatory burden. In our experience, fund documentation is critical in ensuring protection for fund managers from exposure to legal, tax and regulatory risks. Fund counsels are now required to devise innovative structures and advise investors on terms for meeting investor's expectations on commercials, governance and maintaining discipline on the articulated investment strategy of the fund. All these are to be done in conformity with the changing legal framework. The objective of this course is to bring to focus, the structural and taxation aspects that need to be considered while setting up India focused funds and some of the recent developments that impact the fund management industry and its implication on large tax outflows.
SCHEME OF EVALUATION:	Project + Mid + End

COURSE TITLE:	The Law on Real Estate
COURSE OFFERED TO	LLB
INSTRUCTOR:	Dr. Shaik Nazim Ahmed Shafi
NUMBER OF CREDITS:	4
DURATION	January-April, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	This Course examines the fundamentals of real estate from a legal perspective. The course serves as a foundation course for real estate students in attempting to develop skills in using legal concepts in a real estate transactional setting. The course will be of interest to students contemplating careers in real estate development etc. Taking note of the Real Estate (Regulation and Development) Act, 2016 (Act 16 Of 2016), a description of the topics will be addressed covering the aspects of concept; definition; scope; nature; classification of property; registration of real estate project and real estate agents; functions and duties of promoter; rights and duties of Allottees; regulatory authority; adjudication of real estate disputes etc. Relevant laws will also be dealt during the course of the study. A component of <i>drafting of real estate contract</i> will be practically dealt by the students as a part of an exercise in this subject.
SCHEME OF EVALUATION:	As per Examination Rules of the University
SELECTION CRITERIA (IF ANY)	--

NALSAR University of Law



SEMINAR Courses Outlines
(In House Faculty)

January – April, 2020 Semester

COURSE TITLE:	Bio Safety Laws
COURSE OFFERED TO	Seminar for LL.B. & LLM
INSTRUCTOR:	Prof. K. Vidyullatha Reddy
NUMBER OF CREDITS:	3
DURATION	January-April, 2020
BRIEF DESCRIPTION (MINIMUM 500 WORDS)	India is blessed with diverse biological resources and has potential for development of biotechnology. The choice of biotechnology regulation is decided based on the individual States choice and their adoption to the international agreements. Bio safety refers to safety issues arising out of the use of bio technology. Law should precede technology; however technological advancements are challenging the Regulators. The Convention on Biological Diversity provides the States sovereign right to exploit their biological resources. The Convention also provides for making efforts to use bio technology and fair distribution of the benefits arising therein. This led to successive protocols Cartagena and Nagoya to develop procedures for safe handling and transfer of Living Modified Organisms. Living Modified Organism (LMO) has entered food and environment threatening ecosystems and human sustenance in few parts of the world. The population of India is also diverse ranging from scientists to illiterate and the potential consumers are left with the choice decided by the literate and the Sovereign. Living Modified Organism (LMO) refers to use of biotechnology to develop new genetic combination. This can be beneficial or harmful. It can help in developing pest resistant crops, improved crop yield, developing bio fuel etc. The harmful effects of introducing LMO into environment challenge the positive effects resulting from LMO. The sale of genetically engineered seed of cotton to farmers in India by a multinational seed company led to unforeseen activism in some parts of the country. This example reinforces the need to understand that Sovereign right in relation to the adoption and implementation of Conventions and Protocols should also be consumer centric; otherwise the consumer dilemma may outsmart a sovereign decision. This is just an example of the challenges bio technology possess to regulators. Conference of Parties (COP) to the Convention of Bio-diversity serving as Meeting of Parties (MOP) to biosafety protocols is struggling to bring in international regime for fixing liability for trans-boundary harm resulting from LMO's introduction in foreign State. Cartagena Protocol on biosafety provides for mechanism for introduction of LMO's

	into food, feed and environment of other State; however the mechanism supports free trade regime. The liability for any harm arising out of such introduction is the regulatory challenge. Biosafety clearing house essentially tries to provide information and strategies for risk assessment, however there are challenges in enforcing liability regime. Developing States believe that biosafety regulation should be stringent as they believe that they are rich in bio diversity and the benefit of research should reach them, besides the apprehension that they can also easily become victims of bio terrorism. Developed states believe that such an attitude of the developing states would operate as a hindrance for research and development in biotechnology. The law regulating biosafety in India is under consideration for some time and the bill is pending; the bill however is not above criticism. Bio piracy and the protection of traditional knowledge remains a challenge. India like many other States is struggling to identify and acknowledge traditional knowledge and define bio piracy. challenging issues demand the need for cutting edge legal research in the field. The seminar course intends to provide basic understanding on issues concerning bio safety law besides providing a platform for students to research on specific focused area of their choice within the broad frame work of the outlined course	
SCHEME OF EVALUATION:	Article review and class presentation Class participation Presentation Seminar paper	20 Marks 10 Marks 20 Marks 50 Marks
SELECTION CRITERIA	Draw of Lots	

COURSE TITLE:	CHILD PROTECTION AND JUVENILE JUSTICE
COURSE OFFERED TO	Seminar for LLB & LLM
INSTRUCTOR:	Dr. D. BALA KRISHNA
NUMBER OF CREDITS:	4
DURATION	January-April, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The main aim of the course is to provide a combination of theoretical and practical aspects of the protection of child rights and juvenile delinquency law. This course deals with substantial and procedural law which includes the role of social worker, police, prosecution, judiciary and correctional services with emphasis on CWC and JJB. This course is a unique combination of Socio-legal and Criminological outlook. Objectives of the Course • To provide an over view of theories, ideas and legal principles on child protection, juvenile delinquency and CCL. • To provide an opportunity to learn the fundamental principles of procedural aspects. • To expose the learner to examine the child protection and rehabilitation process. Outlines of the Course 5. MODULE I: Introduction 5.1. Origin and significance of the Child Rights 5.2. An over view of Child Rights Protection 5.3. The national policies for children 5.4. Key concepts and General Principles of Law 6. MODULE- II: Juvenile Delinquency 6.1. Juvenile Justice: Historical Perspectives 6.2. Bio-social explanation of juvenile delinquency 6.3. Psychological explanation of juvenile delinquency 6.4. Sociological explanation of juvenile delinquency 6.5. Policy issues on child rights protection and delinquency 1. MODULE-III: The Care and Protection of the Children 1.1. Children need of care and protection 1.2. Child abuse and child rights law 1.3. The welfare principles 1.4. Child Welfare Committee: powers, inquiry and procedure 1.5. Child Friendly Procedures 1.6. Children homes, shelter homes

	1.7. Process of Social Reintegration 2. MODULE- IV: JJ Act and POCSO Act 2.1. Key concepts under JJ Act and POSCA. 2.2. An Overview of the Protection of Children from Sexual Offences Act,2012 2.3. Juvenile delinquency and the working on criminal justice system 2.4. The Role of Police, JJB, Probation Officer, 2.5. Arrest and Custody of Juvenile and Child Institutions 2.6. Law of Bail. 2.7. Juvenile Transfer to Criminal Court 2.8. Nature Trial and Appeal Procedures basic principles of evidence and Need for Reforms Field visits and Field Work Report
SCHEME OF EVALUATION:	Project work + presentation
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Commons, Communities and Climate Change
COURSE OFFERED TO	LLB & LLM
INSTRUCTOR:	Mr. VIVEK MUKHERJEE
NUMBER OF CREDITS:	3
DURATION	January-April, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Einstein was making a very sharp observation on human nature when he said, “We shall need a substantially new way of thinking if humanity is to survive.” Climate Change was a non-issue when this statement was made, be it stands true for human behavior in dealing with the defining challenge of the century. This new way of thinking is the objective that we seek to achieve in this course. The course will start with revisiting the readings supplied by Prof. Baxi in his course “Introduction to Climate Change and Anthropocene”. Understanding the fundamental features of the Anthropocene through his readings will allow us to acknowledge the gravity of the problem. It shall be a call to go back to the drawing board and foreground the importance of ethics and morals in dealing with a challenge which has the potential to wipe us out of existence. A study of the science of extinction will be done in order to learn from history and avoid repeating mistakes. What International Law in general and International Environmental Law (and it’s principles like precautionary principle) in particular has to learn from subjects like geoengineering will be explored. Further, the theories of climate change in the Anthropocene will be tested in the real-world scenario of politics of climate change. India’s journey from a obstruction to a CC leader will be traced. Climate politics within India will also be discussed. An effort will be made to identify reasons for India sporting an over-ambitious image internationally and at the same time dragging on to a lethargic attitude within India. With the complex framework panned above, a legal analysis of the climate change instruments will be done. Our central attention in this seminar will be on the importance of rural community-based institutions in dry rural patches in India. We will make a concerted effort to reconcile all the contradictions that India is facing in the complex Climate Change matrix. It will look at India’s CC strategy, importance of CC adaptation in India through localized studies, involvement of international organizations like world bank in shaping India’s CC strategy, how these strategies interact with poverty in India, its diplomacy fails (especially in negotiating historical responsibility in Paris) and successes. This will be done within the framework of principles like equity, CC Justice, vulnerability, collective commons etc. The role played by state in weakening

	indigenous institutions (which are ostensibly better suited to deal with climate change events) will be explored. The new realities of the Indian peasants will be seen through the lens provided by Partha Chatterjee and others. I welcome you to this journey of tragedy in the comedy of commons, of many contradictions and a hope for some conjunction.
SCHEME OF EVALUATION:	Research Paper: 100 marks
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Global Economic Challenges
COURSE OFFERED TO	LLB & LLM
INSTRUCTOR:	Mr. Utkarsh Leo
NUMBER OF CREDITS:	4 credits
DURATION	January-April, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The aim of this option is to offer an examination of key events, and current policy debates that are shaping the world economy. A mix of class and guest lectures followed by student-led discussions will provide you with the analytical tools to understand the logic and implication of such issues. The seminar will cover issues, such as: - Is international trade good for everybody? - Whether immigrants from poorer-countries take away jobs from low-income native workers? - Global imbalances and its implication on the US dollar, and foreign exchange markets. - China and its macroeconomic implications on the global economy - The macroeconomics of Brexit - Issues in the European Monetary Union - The impact of demonetization in India This option will prepare you to become a change-maker. It will enable you to find and use evidence effectively, communicate effectively, and understand the global economic challenges. In doing so, the instructor will integrate insights and approaches from a diverse range of academic disciplines.
SCHEME OF EVALUATION:	a) 10,000 word research paper b) Class presentation
SELECTION CRITERIA	Draw of Lots [capped at 20]

COURSE TITLE:	International Trade Law
COURSE OFFERED TO	LLB
INSTRUCTOR:	Ms. Sahana Ramesh
NUMBER OF CREDITS:	4
DURATION	January-April, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The globalization of the world flagged off the need for a concrete set of rules to govern and regulate world trade. The establishment of such rules, and a body to oversee their proper implementation, was not a straightforward task, and several challenges remain on this front to this day. The General Agreement on Tariffs and Trade (GATT) and the World Trade Organization (WTO) mark major and, in several ways, successful attempts by the world community to provide an international framework for international trade. Has the WTO been able to meet the challenges of the changing economic needs of various countries? How has the system evolved and adapted in the face of growing participation of developing and previously-under- developed countries in international trade? How does the current trade regime interplay with issues like by human rights violations or environmentally degrading activities, or even the changing notion of morality? This seminar course will introduce students to basic concepts crucial to international trade law, using some of the WTO covered agreements and cases decided by the WTO's dispute settlement body. At the same time, the course seeks to stimulate students to think of dilemmas faced today in the field of international trade, and whether existing structures are sufficient to meet those challenges. Examples can range from the existing Appellate Body crisis that threatens the very effectiveness of the WTO, to the need to protect intellectual property rights while also ensuring basic necessities like medicine and education in developing countries. The seminar course will seek to bring out discussions on these and other aspects in class, as well as in the seminar paper to be presented at the end of the term. At the end of the course, it is hoped that students will be able to not only address practical problems arising from trade disputes but also be able to engage with policy questions associated with the trade regime.
SCHEME OF EVALUATION:	Seminar Paper at the end of the term.
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Marriage: Is it An Economic Arrangement?
COURSE OFFERED TO	LLB & LLM
INSTRUCTOR:	Dr. Aruna B Venkat
NUMBER OF CREDITS:	4
DURATION	January-April, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The institution of marriage has undergone significant changes in recent decades as women have invested in education and economic growth. These gains have led to role reversals in both the spousal characteristics and the economic benefits of marriage. In the past, when relatively few wives worked, marriage enhanced the economic status of women more than that of men. In recent decades, however, the economic gains associated with marriage for women have diminished. This course will try to study the old and new economic implications of marriage. The larger questions the course will deal with are – Is marriage an economic arrangement? What will happen to the institution of family if there was no property inheritance?
SCHEME OF EVALUATION:	Paper (70) + Presentation (30)
SELECTION CRITERIA	LLB-Family law I marks LLM – Draw of lots

COURSE TITLE:	New and Emerging Technologies: Legal Challenges
COURSE OFFERED TO	LLB
INSTRUCTOR:	Prof. V Balakista Reddy
NUMBER OF CREDITS:	4
DURATION	Jan-April, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	There has always been a close yet conflicting relationship between Law & Technology and the matter of whether Law should follow technology, or the other way around has always been a subject matter of debate. More often than not, Law has always struggled to keep pace with technological developments. In the past few decades the world has witnessed numerous technological developments which has indeed become an indispensable part of our daily lives. Technologies in the contemporary areas of virtual reality (VR), the Internet of Things (IoT), artificial intelligence (AI), Automation, Big Data, Block chain, 3D printing, Cyber technology, Cloud Computing, Crypto Currency, Drones, Energy, Genetic, Geo special, Mobile, Machine learning Nano, Robotics technologies etc., are changing the living patterns of the human beings. However, each of these technologies and many more to come have bring along with it numerous legal challenges as a consequence of which law is said to struggle to keep pace with the latest technological developments. Major legal issues concerning the above technologies including Privacy, Security, Jurisdiction, Liability, IP Protection, Taxation, use of e-evidence etc. For example, use of Artificial intelligence and the allied technologies raise many complex legal issues and challenges that lawyers ignore at their peril. At the same time, AI also holds out the promise of helping lawyers to meet their ethical obligations, serve their clients more effectively, and promote access to justice and the rule of law. Similarly, Block chain has the ability to cross jurisdictional boundaries as the nodes on a block chain can be located anywhere in the world can pose a number of complex jurisdictional issues. It has also implications for data privacy, particularly where the relevant data is personal data or metadata sufficient to reveal someone's personal details. Similarly, the laws dictating drone operations are complex, to account for all the ways drones are currently used and how they could be used in the future. Laws that enable innovation, but restrict infringements on privacy and misuses of airspace, will be incredibly difficult. Issues related to the intellectual property rights are also common due to unlawful use of user generated content created by New and Emerging Technologies (NET), unlawful publication of copyrighted material or unlawful collection of copyrighted content on social networks etc. there are also a lot of controversy

regarding use of NET in warfare which potentially enhances the performance of soldiers or use of heavy weapons for war. What is further challenging is the transnational impact of these technologies. Technologies like these have raised major concerns on the issue of Privacy on the data it collects. Cross border impact of such technologies has often crippled the execution of laws which have a territorial implementation. Managing such technologies from a legal standpoint now requires the attention and cooperation from international community including the international institutions.

In view of these aspects, a Seminar paper on ‘ New & Emerging Technologies and Legal Challenges’ has been designed. The objective of this paper is to explore the relationship between law and emerging technology and the issues that arise while utilizing these technologies. This paper is divided into four Modules.

Module – I – Law and Technology Relationship

The first module will deal with the infamous relationship between Law and Technology and will be centred around theme of whether law follows technology or technology follows law. Attempts will be made to give an over view of how law has led to better governance of technology and how technology has also helped law in better governance. Case studies will also be seen where certain technologies have been introduced after a legal framework for the same has been developed.

Module II – International Law on Technological Governance
Cross border nature of these technologies has often led extensive deliberations on the international platform. This module will dwell into the attempts taken at the international level to manage the cross-border nature of such technologies. This module will also investigate the best practices developed in regional associations like European Union, ASEAN, SAARC, OPEC, African Union and International Treaties.

Module III – India and Technological Governance

The third module will deal with India’s susceptibility and adaptability to emerging technologies and discuss in detail the way India has framed laws to govern technology. It will look into the Information Technology Act 2000 including its latest amendments. It will further look into India’s response to implementation of these emerging technologies especially in the realm of data protection and privacy and the landmark judgements in this regard. A major flaw in the existing domestic regulations are more in territorial in nature and the above technologies are of cross border in nature, the implications of which will be addressed in this module.

Module IV – Contemporary Developments

	The final module of this paper will look into those areas of concern of technological developments which till date remains unaddressed at global and domestic level. This module will examine current technological developments, anticipated litigation, and conclude with proposals for guiding principles to address liability and regulatory implications of emerging technologies
SCHEME OF EVALUATION:	Draft Submission 20 Marks Final Presentation 20 Marks Final Submission 60 Marks
SELECTION CRITERIA	Strictly based on Statement of Purpose(SOP) Merit

COURSE TITLE:	Political Economy of Crime, Punishment and Prison
COURSE OFFERED TO	Seminar for LL.B
INSTRUCTOR:	Mr. Prakhar Ganguly
NUMBER OF CREDITS:	4
DURATION	January-April, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	<i>“Justice pursues the body beyond all possible pains.”</i> - Michel Foucault (Discipline and Punish). Law should be understood in context and what better context than the political economy in which the law thrives. There are endless necessities of law out of which preserving order leads the hierarchy. This list of necessities which the law structures often leads us <i>not</i> to question whether these are necessary or necessitated. This course will challenge three of these necessities. The first among them is crime. The course will enable the students to economically and sociologically analyse crime. The core questions to be solved are the following: - What does a rational amoral criminal take into consideration before committing an offence or choosing not to commit it? - How is a deviant constructed? The second part of the course will introduce the students to sociological perspectives of punishment. The students will be brought to face the capitalist resemblance of the justice. The broader theme will be challenge the bourgeois standards of the judicial system under the garb of being a <i>just</i> system. Not as often mentioned, as it should be, science remains the biggest threat to democracy and its offshoot – objectivity, is based on empiricism. This is course is aimed at challenging the empiricist in each taker. The reliance on theory will portray an array of (anti)mundane counter philosophical underpinnings which will question whether the penal policy reflects the classical class dialectics, i.e. whether the state while preferring one penal policy over other works in tandem with the needs of the bourgeois? The larger question is whether the penal policy operates in strict isolation only adhering to the hallowed principles of procedural and substantive niceties or it serves the silent mandate of capitalism? Some other questions which we will analyse: - What stakes does the society have in punishment? - Is punishment reflective of the criminal’s failure to adhere to the norms or it reflects the societies solidarity in context of what it considers to be right? In the third and final month of the course, the students will be exposed to literature that breaks down the prison, not literally, into questions of how and why. The societal

	conditions that facilitated and necessitated the birth of the prison will be looked into through the lens of Foucault and Durkheim. The former addressing how the prison was a necessitated structure and the latter answering what the prison facilitated by exploring two classical works – Discipline and Punish and Two Laws of Penal Evolution.
SCHEME OF EVALUATION:	Research paper: 70 marks. The research paper will be assessed in terms of: - Innovation in context of topic chosen. - The richness of literature surveyed. - The levels of complexity and attempted abstraction. - The clarity of thought process as depicted in the paper. - Turnitin Report. Consultation 1: Identifying areas of research. The student is expected to have read the suggested and compulsory readings and come up with their own areas which they wish to research on. Consultation 2: Zeroing on Title and Hypothesis. Any and all confusions should be mitigated at consultation 2. No future changes to the title shall be allowed. Minor changes to the working hypothesis <i>may</i> be allowed provided it does not alter the normative idea which the student initially wished to work upon. Consultation 3: Progress Report 1. The students are expected to meet the concerned faculty with at least 40% of their project complete. In any case, if the concerned faculty is not satisfied with the progress report the faculty reserves the right to request the student to re-submit the progress report. Consultation 4: Progress Report 2. The students must reach 80% of their project by the second presentation. The faculty still reserves the right to request the students to <i>re-submit the report</i> or <i>re-do the project from scratch</i> in case the student fails to present the paper in the light of the points of evaluation. <u><i>*Each of the above four criterion of evaluation consists of 5 marks.</i></u> Final Presentation: All students are expected to be present in class while the presentations take place. Each student shall be observed and noted for their participation during the presentations along with the candidate presenting. Students other than the presenting candidate shall be liable for deduction of marks in case they fail to engage during the final presentation. The final presentation shall consist of 10 marks. Expected Project Length: 7500 words (Single-spaced, TNR, 12)
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	PUBLIC-PRIVATE PARTNERSHIP (PPP)
COURSE OFFERED TO	LLB
INSTRUCTOR:	Dr. Shaik Nazim Ahmed Shafi
NUMBER OF CREDITS:	4
DURATION	January-April, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The use of private innovation and finance in public infrastructure is not a new concept but rather an old tradition, experiencing a new revival. The concept of PPP can be traced as far back as the Roman Empire two thousand years ago in Europe. However, this procedure disappeared with the fall of Roman Empire and reappeared only during the Middle Ages in France during the 12th and 13th centuries and finally took shape in 1990's due to the emerging trend of <i>Liberalization, Privatisation and Globalization</i>. Public-Private Partnership and shared-value partnerships are increasingly being used as strategies to address significant public policy challenges. This Seminar Paper on "<i>Public-Private Partnership</i>" will examine how governments are partnering with for-profit and non-profit organizations, shaping public policy, redefining traditional methods of public administration, and solving some of the world's most intractable problems at the same time. The basics of PPP's; Objectives, Scope, Legal Framework, Processes and Institutional Responsibilities, Identification of PPP Projects, designing PPP Contracts etc.at domestic level. This Seminar Course will be a helping hand for those students' opting International Business and Commercial Contracts. Finally, the students' are given an opportunity to <i>draft a PPP Agreement</i> practically along with the Project (Written
SCHEME OF EVALUATION:	Project (Written): 70 Marks (Project [50] Agreement [20] Presentation: 30 Marks
SELECTION CRITERIA	SOP

COURSE TITLE:	Sentencing: Law, Policy and Issues
COURSE OFFERED TO	Seminar for LL.B. & LLM
INSTRUCTOR:	Dr. KVK Santhy
NUMBER OF CREDITS:	4
DURATION	January-April, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Course objectives Sentencing is “the judicial determination of a legal sanction to be imposed on a person found guilty of an offence.” The realities of the sentencing process are complex. A sentence passed by a judge is the result of many conflicting pressures. This course will examine these countervailing values and why the sentencing aspects of the judicial system have been a lightning rod at times for the public, the media and seized on by politicians. The theory of sentencing, current practices and the perceptions of the role of sentencing in the judicial process will be reviewed. Sentencing does not end with the passing of a sentence and issues such as parole, probation and penal law will be examined. As this is a seminar class, students will be relied upon to contribute and analyze issues in sentencing and what role it plays in Indian democratic values. sentencing as “the judicial determination of a legal sanction to be imposed on a person found guilty of an offence.” A sentence passed by a judge is the result of many conflicting pressures. This course will examine these countervailing values and why the sentencing aspects of the judicial system have been a lightning rod at times for the public, the media and seized on by politicians. The theory of sentencing, current practices and the perceptions of the role of sentencing in the judicial process will be reviewed. Sentencing does not end with the passing of a sentence and issues such as parole, probation and penal law will be examined. As this is a seminar class, students will be relied upon to contribute and analyze issues in sentencing and what role it plays in Canadian democratic values. IX. Concept meaning and definition of Sentencing What is sentencing? X. Goals of sentencing Normative and Functional goals Promote Respect for the Law Reflect the Seriousness of the Offense Provide Just Punishment for the Offense Deter the Defendant from Future Criminal Conduct Protect the Public from the Convicted Offender General deterrence, specific deterrence and rehabilitation. Role of the media

	XI. Purposes of Sentencing - Retribution - Deterrence and Prevention - Just Desserts and Justice - Incapacitation and Control - Rehabilitation and Reintegration XII. Types of Sentencing Schemes - Indeterminate Sentencing - The impact of indeterminate sentencing - Determinate Sentencing - The impact of determinate sentencing - Presumptive Sentencing - Mandatory Sentencing XIII. SENTENCING ISSUES AND CHALLENGES - Issues in sentencing - Inconsistency - Evidence of Inconsistency - Social Consequences of Inconsistency - Proportionality - The Role of Proportionality in Sentencing - The Primacy of Proportionality - Disparity - Types of Sentencing Disparity - Intra-jurisdictional Disparity - Intra-judge Disparity - Warranted Versus Unwarranted Disparity - Sources of Disparity - What are Sentencing guideline bodies - Objectives of Sentencing Guidelines Bodies - Functions of Sentencing Guidelines Bodies - Factors to be taken into account when drafting guidelines - Alternatives to Sentencing Guidelines Bodies XIV. Sentencing in United Kingdom - Functions - Appointments to the Council - Criminal Justice Act 2003 - Determining Sentencing - Sentencing hearing - Determination of sentence XV. Sentencing in Northern Ireland XVI. Sentencing in New Zealand XVII. Specific Sentencing Issues - Issues of sentencing in cases of homicide - Issues of sentencing in cases of Sexual Assault - Reforms in sentencing in India - Sentencing female offenders - The role of Parole and Probation and what happens to adults when sentences of incarceration are given.
SCHEME OF EVALUATION:	Written Submission : 70 marks

	Viva : 30
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Spontaneous Order, Law, and Liberty: An Introduction to Friedrich Hayek's Legal Philosophy
COURSE OFFERED TO	Seminar for LL.B. and LL.M.
INSTRUCTOR:	Mr. Chinmay Deshmukh
NUMBER OF CREDITS:	4
DURATION	January-April, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Friedrich August von Hayek (1899–1992), one of the most influential thinkers of the twentieth century, is widely recognized for his contributions to the discipline of economics, having won the Nobel Prize in economics in 1974. Much less known - yet perhaps more profound - however, are Hayek's writings on political and legal philosophy. In his later writings, Hayek developed a comprehensive legal and political theoretical frameworks supplementing his analysis of liberty and liberalism. Hayek's method was highly distinctive, drawing insights from a fascinating range of disciplines including cognitive science, evolutionary epistemology, cybernetics, and philosophy. The divergent reception of his highly original ideas of cultural evolution and spontaneous order - perhaps a consequence of his intense interdisciplinarity - continue to divide scholars over its analytical utility and normative desirability. Nevertheless, the recent revival of Hayekian scholarship indicates that his ideas continue to be relevant for understanding today's complex and multidimensional normative orders. Against this context, the course will attempt to introduce students to the legal philosophy of Friedrich Hayek through a close reading of his most prominent works on the subject. Particularly, it will focus on thoroughly examining his ideas of critical rationalism, knowledge distribution and coordination of action, thesis and nomos, spontaneous and planned orders, cultural evolution and its implications for his theorization of law and liberty. The course will also explore Hayek's opinions on common law and the ideal role of judges. <u>A basic outline of readings:</u> 1. Hayek, <i>"The Use of Knowledge in Society"</i> (Essay) [1945] 2. Chapters 10 and 11, <i>The Constitution of Liberty</i> [1960] 3. <i>Law, Legislation and Liberty</i>, Volume 1: Rules and Order [1973] 4. Chapter 1 and 2, <i>The Fatal Conceit: The Errors of Socialism</i> [1988]
SCHEME OF EVALUATION:	Class preparation and participation: 30 Response Paper: 20 Marks

	Research Paper: 50 Marks
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	WATER DISPUTES LAW
COURSE OFFERED TO	Seminar for LL.B.
INSTRUCTOR:	Dr. T. Raghavendra Rao
NUMBER OF CREDITS:	4
DURATION	January-April 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	COURSE PORTRAYAL: Water is essential of life involved in everything we do. Its shortage is one of the most important resource and security problems the world is facing in this century as well. Water disputes Law deals with the laws and institutions governing water allocation and use with special emphasis on water rights. The law governing water has always been regarded as a specialized field. However, the political and social reforms during the last decade of 20th century, the water related problems experienced and the prominence given to fundamental human rights and environmental related matters have significantly increased the need for this knowledge by all. Water Disputes and Dispute Resolution Methods constitute important dimensions of water law, from a natural resources management perspective. What is pertinent is the determination of rights and obligations in relation to water, given the scarcity, multiple demands and the human rights foundations of water use. This is where policies become important. If rights and obligations are neatly demarcated and policies are clear, disputes can be avoided to some extent and dispute resolution becomes easier to handle interstate or intra state disputes. It is from this point of view recent developments in water policy assume importance. Water Disputes Law has developed over the years and there are now principles universally accepted in managing it for maximum benefit for all the concerned. Addressing issues on water disputes and water management is the need of the hour. LEARNING OBJECTIVES: The primary objective of this course is to introduce law student to emerging area of jurisprudence which has assumed of late, crucial social significance. The Course addresses in general International, Regional and National legal principles for the governance, management of water with special emphasis on water rights. The other objective of this course is to impart knowledge and understanding of the complex body of water disputes law, the actual implementation of water rights, and development of critical perspective on various issues on water resources management.

TEACHING METHODOLOGY

Assigned Readings, Class Participation in Discussions, Assignments and Lectures.

Lecture Plan

Modules	Title	Number of Hours)
Module I	International Water Disputes Law	6
Module 2	Regional Water Disputes Law	5
Module 3	Water Disputes Law in India	4

Class Hours: 15X2 =30 Hours

COURSE CONTENT:

This course attempts to address the issues on water disputes and water management with the help of legal, regulatory framework and other developments.

Course coverage includes:

Module: 1 –International Water Disputes Law: International Water Disputes (Helsinki Rules, FAO, ILC). Core principles and International instruments for water law and management, World Water Forum, Water and Sustainable Development, IUCN, WWC, IPCC Judicial Trends, Climate Change, Reallocation of International Waters, International Law on River Water Sharing and other countries, Pillars of International Water Sharing, Water Treaties and Conventions. Dividing Shared Waters and the exploring the legal dimensions. Doctrines, Joint Mechanisms and Joint Commissions, UN Conventions. Emerging Trends in International Water Disputes.

Module: 2 –Regional Water Disputes Law :(SAARC Region) India and Bangladesh, India and Pakistan, India and Nepal, India and Bhutan, Various Treaties, Judicial Trends.

Module: 3 –Water Disputes Law: (Indian Context) Inter State Water Disputes, Tribunals of Inter State Water Disputes, Constitutional Frame Work, Relevant Legislations, Reports of Various Commissions, Water Policies, , Interlinking of Rivers, Environmental issues, Dam Safety, Water Transfer, Water Conflicts and Water Wars, Livelihood issues. Role of the Courts and Tribunals, Techno Legal issues with regards to water disputes. Basin specific experiences and methodological refinements, Dispute Resolution and water sharing.

Mandatory Readings:

13. Stephen C, McCaffrey, The Law of International Watercourses.

	14. Joseph L. Sax et.al legal control of Water Resources. 15. Henry E. Smith, Governing Water. 16. Water Law in India: An Introduction to Legal Instruments. 17. Law relating to Water Rights by V. SitaramaRao. 18. P. Ishwar Bhat: Interstate & International Water Disputes.. 19. Chatrapathisingh: Water Law in India. 20. Philippe Sands: Principles of International Environmental Law. 21. B.R. Chouhan: Settlement of International & Interstate Water disputes. 22. Prof. Saligram Bhatt.: Water Resources Management. 23. Sax, Thompson et.al: Legal Control of Water Resources, Cases & Materials 24. Rama Swamy R Iyer: Water Laws.
SCHEME OF EVALUATION:	Project(Written):70 Marks Presentation:30 Marks
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Citizenship State and Democracy (SSS)
COURSE OFFERED TO	LLB IV & V Years only
INSTRUCTOR:	Dr.H.Vageeshan
NUMBER OF CREDITS:	Three
DURATION	January-April, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The purpose of the course is to introduce the conceptual evolution of citizenship and state and how they interplay in democracies. The four cardinal points of the state are territory and population government and sovereignty (severing authority). The relationship between the population and the authority is very critical for the system ruling and also for the people governed by such system. The evolution of this relationship from Subject hood to citizenship is an interesting historical process interspersed by theoretical debates. The course endeavors to track this evolution of state and citizenship from pre modern times to contemporary times. Essentially how the concept of citizenship expanded from a limited arena to universal scope especially in the times of popularization consent based ruling systems which later evolved into constitutional democracies. The course looks in the political and legal aspects of state citizen relationship. This relation is seminal to define a citizen and who is not. The debates which revolve around rights and obligations which are coterminous to the concept of citizenship will be dealt. The question citizenship, its entitlements and responsibilities and their relevance to democracy will be discussed. There will be discussion on the critical connection between citizenship and democracy in selected democracies across the globe. Statelessness which is becoming a growing problem in our times will be dealt in the course where the conflation of citizenship with human rights will be looked in to . Very briefly following will be dealt in the course A. Evolution of concept of State and Citizenship (a Politico-legal term) from Pre modern times to contemporary times. B. Legal and political aspects of the relationship between the Citizen and State in the context of democratic theory. C. Obligations and entitlements of citizens and ruling systems D. Stateless and Citizen - Human rights perspective.
SCHEME OF EVALUATION:	Class room discussions 15+ Paper 70+ Presentation+15 =100

SELECTION CRITERIA	SOP in 600 words.

COURSE TITLE:	DYNAMICS OF INDIAN DEMOCRACY (SSS)
COURSE OFFERED TO	LLB III Years only
INSTRUCTOR:	Dr.H.Vageeshan
NUMBER OF CREDITS:	Three
DURATION	
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The purpose of the course is to introduce the evolution, nature and functioning of Indian state which is located in the post-colonial milieu of global south. The course starts with evolution of Democratic Republic of India, in the process how Justice, Liberty and Equality became the cardinal principles of the republic will be dwelled in to. The course wades through the journey of the Republic and the interplay between the principles and practices on the ground. The (uneasy) relationship between the Politics of the state apparatus and the politics of the people will be introduced; in the process the changes in the political economy and socio cultural milieu will be ascertained. The, aspirations, demands and struggles of people to have a life with dignity and the response of the system of governance will be interrogated. Dynamics of state building and nation building and concomitant problems involved will be discussed. On the whole the course is intended to introduce the student to the journey of a populous, plural, competitive constitutional democracy and its problems and prospects. 1) Evolution of the constitutional democratic republic of India 2) The journey of the republic in phases to ascertain the nature of the republic. 3) The changes in political economic and social sphere and their expression in the form of electoral and non-electoral arenas. 4) The prospects of a democratic republic . Will be the broad areas be covered in the seminar.
SCHEME OF EVALUATION:	Class room discussions 15+ Paper 70+ Presentation+15 =100
SELECTION CRITERIA	SOP in 600 words

COURSE TITLE:	Conflict and Language rights (SSS)
COURSE OFFERED TO	LL.B. III Years
INSTRUCTOR:	Dr Uma Maheshwari Chimirala
NUMBER OF CREDITS:	3
DURATION	
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Language is the central marker of difference between people (and nations). In theory, all languages are equal and any language has the potential to convey complex, precise, and novel meaning. However, the functional load of a language for administration and educational purposes requires constitutional endorsement and planning support. Thus in practice, languages are necessarily intertwined with the politics of power and social difference. It can potentially be construed as the source, the tool and strategy for initiating conflict and conflict resolution alike. Therefore of all the social variables that can be said to be involved in the causation and maintenance of conflict situations, language is the most diffuse and the most difficult to define. This is because language is profoundly implicated in all human social activity and cannot easily be isolated as a specific causal factor in any conflicts. Whether through conquest, colonization, immigration, enslavement, or the simple fact of ignoring ethnic distinctions, linguistic minorities have always been bred and hence existed, and so have language conflicts and the infringement of their language rights to use their languages without prejudice. The importance of language rights as the stepping stone for realizing human rights (such as freedom of (cultural) expression, and preservation and access to educational and economic opportunities) cannot be overstated. Hence in this course we will attempt to survey language conflicts worldwide between those trying to secure them and those trying to deny language rights. The course will explore the various manifestations of language conflicts and the various ways and means through which language rights are secured or denied. Efforts to deny those rights through legislation and other actions will receive special attention. Such an endeavor necessitates a three dimensional approach to enquiry: a deep understanding of the international documents regarding language rights; manifestations of the provisions of the international documents and critical reflection on case studies from diverse contexts. The course will use readings, case studies, films and excerpts of reports as triggers for discussions, role plays, simulations, presentations, as well as lectures. We will watch two movies on this course: The Sami Blood and Borrowed Identity Learning outcomes

	1. Explain how language is a construed as key symbol of identity and resource for cultural maintenance 2. Identify different cultural and moral values that underlie debates about language conflicts and rights 3. Discuss language rights struggles in the larger context of human rights issues across the world 4. Apply skills of critical analysis to various conflict situations and identify the drivers of conflicts and their implications		
SCHEME OF EVALUATION:	S.no	Description of the assignment	Submission deadline
	1	Posting of Questions/Comments	10%
	2	Journaling assignment	20%
	3	Concept Mining assignment (Research paper + Court case vs. + Polemic sources) OR Exam	60
	4	Trace a language conflict in India	10%
SELECTION CRITERIA	Draw of Lots		

COURSE TITLE:	Into the Colonial and Out of It: Caste, Gender and Other Subject Positions (SSS)
COURSE OFFERED TO	LLB IV & V Years only
INSTRUCTOR:	Mr. Hota Agni Kumar
NUMBER OF CREDITS:	3
DURATION	January-April, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The course aims to deal with specific questions posed and loaded answers reached with reference to caste and gender as subject positions in Colonial India, whatever is the agenda under which they are found to be of seminal social relevance. Various institutions that were related to caste and gender underwent changes during the colonial phase of Indian history and people often found that they were being (re)defined without much of their willingness and knowledge with reference to the identities they lived by which now under the colonial rule were schematized, rationalized, regulated and transformed. Given this, there was no single i.e., monolithic, discourse possible for caste and gender issues from an existential point of view. However, ironically, the colonial government already circulated its administrative rationale in this regard as a system of knowledge and rearticulated its sporadic bureaucratic experiments as well-thought-out legislative policies once they were ‘successfully’ imposed. When a specific managerial initiative or purposive rational /legislative move would face a relative defeat, Indians were blamed as ‘backward’ to that extent and were found to be in need of a rationalization possible only under the British rule. Whatever the British did in the direction of caste and women, they did in order to argue that the British rule in India is a messianic project of civilization awaited in India by its own processual past. While social marginals in India---subalterns so to speak--- were denied to the new schemes of identity chalked out by the colonial programmes of rule, they did not as well found around the familiar transactions of caste that reproduced their patterns of life for all the deprivations built into it. An occasional resentment, revolt or reform reflected crisis that was consequent to this unavoidable dichotomy artificially created by a state. This led some historians to state that various movements and their associate ideologies in colonial India did not have a direction and goal. An entire historiography, viz., Subaltern Studies, was developed to challenge this hasty observation that portrayed helplessness as choice fatalism and interpreted dissent and protest through the reversals and subversions of the regular exploitative mechanisms as revolts without strategy. Apart from those belonging to this school, there are many other individual historians engaged in research with questions that only the discipline of History can claim to formulate.

	This need not mean that they do not follow any other methodology than the one that swears by History. They could see what archives can reveal with reference to the concealed versions of a reality contemporary with their origin as entrants of a process. Documentary value, archival dimension and status of evidence are but what the narratives add to ideologies they reflect through and discourses they refract through. However, it is noted that it should not mean to reduce the argument of the course to say that such delicate and nuanced social science categories as gender form a matter of idle ideologies and idealist discourses and ignore the lived experience. If gender assumptions are based on ideology, gender differences have already charged them to become cultural and all that is cultural, when it comes to argument, is at once political and all political is also 'practical'. One should be academically lazy to see the divide of practice and theory as valid. In that sense the <i>historians</i> who are really <i>interdisciplinary</i> wrote double <i>histories</i> i.e., of the making of evidence and the making of history on the basis of evidence. Every paper that is going to be submitted to the teacher of the course will be expected to represent an awareness to this effect and it follows that all the papers are already strictly divisible between these two paradigms of approach i.e., empirical base of a probable methodology for a theme and methodological revisit and thereby reinvention of the facts of an ideal and full-fledged empirical situation.
SCHEME OF EVALUATION:	Research Paper:75marks Presentation : 25marks
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Politics of Penal System (SSS)
COURSE OFFERED TO	LLB III Years only
INSTRUCTOR:	Dr. Murali Karnam
NUMBER OF CREDITS:	3 credits
DURATION	January-April, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The Politics of Penal System The state in India has been in an expansionist mode as far as penal measures are concerned. Imprisonment as a mode of social control has been increasingly taken for granted without questions raised. This is time once again to take stock of the performance of the penal institution as a mode of social control. The burgeoning penal system across the world is not seen as a threat to citizenry. It seems the prison is no longer in the margins of society but it is integrated into general system of control. Mass media and entertainment industry has corroded our doubts and worries about prison as a solution. The mass media is able to set the agenda in such a way that the leading political parties are adjusting their agenda to suit them. Prison now increasingly exists within an integrated network of control in society, making up a total control system. It is still a major institution of control and pain in our society. What has been the mandate of the penal institutions as evolved historically? It has been changing since mid-19th century has been kept changing. But let's ask some hard questions ourselves what do we think is the finally settled and primary mandate of the penal institution not only in India but across the world? If you press for the definite answers for the mandate of the penal institution, it keeps moving from one mandate to another. It is ephemeral. Are there really convincing justifications for the existence of the prisons as an institution even in democratic regime? These questions will be explored through the reading of a set of articles and books. Note: WHO SHOULD NOT APPLY: 1. Who cannot stick to seminar timings and presentation schedules. 2. Who are not interested in engaging other students and teacher in the discussions and presentations. 3. Those who cannot pay attention to the discussion and presentations by other students and teacher. 4. Those who want to make presentation exclusively to the teacher. • WHO SHOULD APPLY • Only those students who are capable to sticking to academic plan of action in the seminar. Those who

	miss a presentation as per the schedule will forgo the marks. • Only those students are who are interested in reading the material in advance and can attend the class. • All the students of seminar are also encouraged to opt for Prison Legal Education Clinic Course. • After every prison visit, issues can be discussed theoretically in the class. • Maximum 15 students are to apply. Final list of reading material will be decided and supplied on the first class of seminar and dates of discussion by the students will be fixed on that day. Readings 1. Prison Talk: Michel Foucault from the Interviews. 2. The Prison and Factory: The origins of Penitentiary System by Dario Melossi and Massimo Pavarini (1981 and 2018) 3. Social issues of Law and Order by Zygmunt Bauman, British Journal of Criminology (2000), 40 205-221 4. Thomas Mathiesen - Prison on trial (2006, Waterside Press) 5. Craig Gilmore: The Real Cost of Prison 6. Prisons and Jail: A Reader by Richard Tewskbury and Dean Debney 2009
SCHEME OF EVALUATION:	Three modes of evaluation 13. Classroom discussion 20 marks 14. Presentation 20 marks 15. Seminar Paper writing 60 marks
SELECTION CRITERIA	Only Interest and drawing of lots

COURSE TITLE:	Reading and Writing Multilingual Legal Contexts: Policies, Practices and Problematics (SSS)
COURSE OFFERED TO	LLB I & II Years only
INSTRUCTOR:	Dr Uma Maheshwari Chimirala
NUMBER OF CREDITS:	3 credits
DURATION	Tuesday evenings from 5.30pm-7.30pm (21 st Jan-31 st March)
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Academic/college-level Writing is not a skill that students learn separate from other processes. It combines many complex activities, including categorizing, building key terms and concepts for a subject, measuring one's reaction to a subject, making new connections, abstracting, figuring out significance, and developing arguments—to name a few. Our highest cognitive functions are developed and supported through active and interconnected use of language—primarily reading, and writing and reading-writing. In practice, this means that reading (and speaking and listening) can be used as a springboard for writing projects, and writing can be used as a way to understand reading. A variety of informal, often ungraded, writing activities will be used to help understand that critical reading can be practiced through writing about reading and that writing projects can be strengthened through careful, critical reading. Classroom practices will be designed so that students use writing to read and reading to write. This is a reading and writing course designed to introduce you to the literacy practices of college level intellectual work via an interdisciplinary investigation into Multilingual Legal Contexts, Policies, Practices and Problematics. Voices, Texts, Conflicts and Demands for Linguistic Rights have dominated the academic, social, political and media spaces. So legitimate questions like the following will drive the course - 5. What is diversity? 6. How do various constitutions recognize 'diversity' (in substance and in operation)? 7. What is the 'mindset' behind such 'recognitions'?
SCHEME OF EVALUATION:	1. Participation -you can't do well without participation. You will be encouraged to submit two questions each prior to reading and post reading the allotted text (20%) 2. I do take attendance. Class notebook to be submitted every week (20%) 3. Mid-term self-assessment analysis (10%) 4. Final showcase portfolio including, minimally, one polished version of each of the following genres: 50% 1. Seed sentence essay (3 pgs) 5% 2. Review and rhetorical analysis of one of the chapters (4 pgs) (10%)

	3. Critical essay synthesizing key ideas from at least two course readings (5 pgs) (10%) 4. Argument developing a claim around the ideas of our course and supporting such a claim with at least two course readings (5 pgs) (20%) 5. Self-Assessment (5%)
SELECTION CRITERIA	SOP

COURSE TITLE:	Religion, Caste, Gender and the Secular Legal Order (SSS)
COURSE OFFERED TO	LLB III Years only
INSTRUCTOR:	Dr. T Kannan
NUMBER OF CREDITS:	3
DURATION	January-April, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	I The problem of religion and secular in Philosophy II The problem of religion and secular in Sociology III The problem of religion and secular in Law IV The Religion and Secular Encounter with the Politics of Caste and Gender Identities V Legal Pluralism, Religion and Secularism
SCHEME OF EVALUATION:	Research Paper: 50 marks Short note on the research paper: 25 Marks Oral Presentation based on short note: 25 Marks
SELECTION CRITERIA	Statement of Purpose

COURSE TITLE:	The Small Voice of Literature by Nobel Laureates from the Margins (SSS)
COURSE OFFERED TO	LLB III Years only
INSTRUCTOR:	Dr. N. Manohar Reddy
NUMBER OF CREDITS:	3
DURATION	Jan-April, 2020. Ten 2-hour sessions (2 hours/week). It is essential to attend eight sessions to qualify for the submission of the research paper.
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	This course is an attempt to understand the critical insights offered by selected novels by a few Nobel laureates. Since the majority of the Nobel Prize winners have been European white men, and anyway attract huge attention, this course will focus on the novelists from the marginalized sections: Blacks, South Americans, Asians, Muslims, Women, and so on. The idea is to move away from the dominant Eurocentric knowledge systems in order to familiarize oneself with the not-so-familiar “Other” worlds. Such a selection will demand critical discussions in the class on issues of, among other things, race, region, gender, and so on. Tentative list of novels (more will be added later): Rabindranath Tagore 1. <i>The Home and the World</i> (1916) Gabriel Garcia Marquez 2. <i>One Hundred Years of Solitude</i> (1967) 3. <i>Love in the Time of Cholera</i> (1985) Toni Morrison 4. <i>The Bluest Eye</i> (1970) 5. <i>Song of Solomon</i> (1977) Orhan Pamuk 6. <i>My Name is Red</i> (2000)
SCHEME OF EVALUATION:	Students (in groups of two or three) choose a novel from the given list, read critically, discuss among themselves, and make an oral presentation together in the class. This will count for 30 marks out of 100. Other students who listen to the presentations are expected to read these novels before coming to the class so that they will be able to play the role of an active critical audience. Depending on the level of interest shown and the contribution made to

	the class discussions, each student will be evaluated for 20 marks out of 100. In addition, keeping in mind the critical framework and the spirit of the course, each student, with the approval of the instructor, will work on a novel by a Nobel laureate or a Man Booker Prize recipient, and submit a research paper 10 days before the commencement of the final exams (the deadline is non-negotiable). This research paper will count for 50 marks out of 100.
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Regulatory Governance
COURSE OFFERED TO	LLB & LLM
INSTRUCTOR NAME & CONTACT DETAILS:	Timothy D. Lytton
ACADEMIC QUALIFICATIONS	B.A. (1987), J.D. (1991) Yale University
PRESENT POSITION & DETAILS OF THE ORGANISATION	Distinguished University Professor & Professor of Law; Associate Dean for Research & Faculty Development, Georgia State University College of Law, Atlanta, Georgia, United States
POSITIONS HELD EARLIER	Albert & Angela Farone Distinguished Professor of Law, Albany Law School, Albany, New York, United States (2000-2015) Associate Professor of Law, New York Law School, New York, New York, United States (1997-2000) Assistant Professor of Law, Capital University, Columbus, Ohio, United States (1991-1993)
SHORT DESCRIPTION OF INSTRUCTOR	I have 28 years of experience in teaching postgraduate legal education and conducting academic research.
Credits	1 credit
PREFERRED DATES FOR CONDUCT OF COURSE	9 th Jan to 6 th Feb
PRE-REQUISITES:	Ability to read and write English at a university level.
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	This course will introduce students to the variety of regulatory approaches in economic and social regulation. Examples include rate setting, price control, price supports, taxation, cap and trade, labeling, mandatory disclosure, screening, standard setting, bans, civil litigation, performance-based regulation, social marketing, and management-based regulation. The course will also include analysis of the underlying reasons for government regulation (e.g. market failure, risk management, consumer protection), the institutional structure of regulatory systems (e.g. federalism, jurisdictional overlap, public-private partnership), and the theories of regulatory process (e.g. legal process theory, interest group theory, institutional theory). Class sessions will employ case studies, problem solving, and simulations. Substantive topics will include contemporary regulatory challenges in the areas of food safety, tobacco control, oil exploration, farm subsidies, securities regulation, gun control, educational standards, healthcare reform, and obesity reduction. The course will take an interdisciplinary approach to regulatory governance.
SCHEME OF EVALUATION:	final written examination
SELECTION CRITERIA *	Draw of Lots

COURSE TITLE:	Advanced Course in Patents.																																
COURSE OFFERED TO	LLB (4 th /5 th year); LLM																																
INSTRUCTOR NAME & CONTACT DETAILS:	ANINDYA SIRCAR																																
ACADEMIC QUALIFICATIONS	M.Sc.; Ph.D. (Microbiology); Ph.D. (Law).																																
PRESENT POSITION & DETAILS OF THE ORGANISATION	Intellectual Property Consultant.																																
POSITIONS HELD EARLIER	AVP & Head - IP Cell, Infosys Group; Global Head - IP, Biocon Group of Companies.																																
SHORT DESCRIPTION OF INSTRUCTOR	Dr Anindya Sircar is currently engaged in consulting, strategizing, teaching and training programs in the field of Intellectual Property management. Dr Sircar had been Associate Vice President and Head of IP with Infosys Limited for over five years and was responsible for all IP activities of Infosys Limited and its subsidiaries. Prior to this he was heading the IP Department Biocon Group – a premiere biotechnology company in Bangalore, India and was instrumental in setting up the IP practices for the Biocon Group. Additionally, he has been a Visiting Professor to several NLUs and Management Institutes. <https://in.linkedin.com/in/anindyasircar>																																
Credits	02 (Two)																																
PREFERRED DATES FOR CONDUCT OF COURSE	February 03 th – February 19 th , 2020.																																
PRE-REQUISITES:	Aware of basics of IP.																																
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	<table><tr><td>#</td><td>TOPIC</td><td>HRS</td></tr><tr><td>1</td><td>Overview of IP</td><td>2</td></tr><tr><td>2</td><td>Concepts related to Patentability</td><td>2</td></tr><tr><td>3</td><td>Patent Infringement & DoE</td><td>2</td></tr><tr><td>4</td><td>Drafting of Patent Application</td><td>2</td></tr><tr><td>5</td><td>PCT - Procedural Aspects & Recent Trends</td><td>2</td></tr><tr><td>6</td><td>Patent Search</td><td>2</td></tr><tr><td>7</td><td>SEP & FRAND</td><td>2</td></tr><tr><td>8</td><td>Law of Trade Secrets</td><td>2</td></tr><tr><td>9</td><td>Technology Management & Transactions</td><td>2</td></tr></table>			#	TOPIC	HRS	1	Overview of IP	2	2	Concepts related to Patentability	2	3	Patent Infringement & DoE	2	4	Drafting of Patent Application	2	5	PCT - Procedural Aspects & Recent Trends	2	6	Patent Search	2	7	SEP & FRAND	2	8	Law of Trade Secrets	2	9	Technology Management & Transactions	2
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	10	Technology Valuation	2
	11	IP & Social Media	2
	12	Patents & Biotechnology	2
	13	Patents & Software	2
	14	Patenting after Alice	2
	15	Group Discussion / Assessment	2
	16	Group Discussion / Assessment	2
SCHEME OF EVALUATION:	Assignments / Simulation Exercise		
SELECTION CRITERIA *	Draw of Lots		

COURSE TITLE:	WESTERN POLITICAL THOUGHT: A Brief History
COURSE OFFERED TO	LL.B. (4 th & 5 th Years); LL.M.
INSTRUCTOR NAME & CONTACT DETAILS:	<i>Anshuman Shukla</i>
SHORT DESCRIPTION OF INSTRUCTOR	# Assistant Professor [<i>Jindal</i> , 2017-present] # Cambridge Trust-Commonwealth Joint Scholar [Cambridge 2016-17] # Assistant Professor [NALSAR 2013-2016] # Field: Political Thought, Constitutional Law, Practical Reason;
Credits	2 Credit Elective
PREFERRED DATES FOR CONDUCT OF COURSE	January 16-31
PRE-REQUISITES:	Students must have completed at least one mandatory course in Constitutional Law at the LLB level.
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	Western political philosophy has evolved over two millennia through recurring themes of rulership, religion, culture and economy. Scholarly interventions, that have entered into the canons of western political thought, were primarily in the nature of purposive study of contemporary political problems of the relevant epoch. <i>Aquinas</i>' resolution of the Church-state conflict or <i>Hobbes</i>' study of the political conflicts of the medieval Europe are some of the standard illustrations. These canonical works have also been dialogical as they have evolved through discursive communication established among contesting scholars over a long period of time. This latter nature of the political philosophy has led to the emergence of various school of thoughts that have attempted to present a coherent moral universe of established relationship among state, religion, culture and economy. Liberalism, republicanism, Marxism, conservatism and libertarianism are, therefore, rooted in the historically dialogical and discursive nature of the western political philosophy. <i>Aim & Objectives</i> 1) The course introduces the students to the canonical scholarly interventions in the field of western political philosophy spanning from the classical Greek thought to the post-war emergence of the administrative state. 2) The nature of political philosophy, as conceptualised through its core problems, is therefore revealed over time through recurring themes of politics.

- 3) Relationship among government, religion, culture and economy constitutes this recurring theme, wherein, shift of salient focus determines the fundamental character of the various schools of political thought.
- 4) The course traverses through a thematic survey of Aristotle's Politics, early Christianity, medieval revivalism, Protestant Reformation, early liberalism and capitalism, Marxism, later liberalism and libertarianism, post-modern turn *etc*;
- 5) The course serves as a rich bibliographical reference for those students who are interested in the advanced study of constitutional law and politics.
- 6) The course will be utilizing two of the canonical works in the field as its primary reference-
 - a. *Sheldon Wolin*, POLITICS AND VISION (Princeton, 1960 & 2004);
 - b. *Alan Ryan*, ON POLITICS (Penguin, 2013);

Suggested Readings

- 1) *JGA Pocock*, POLITICAL THOUGHT AND HISTORY (Cambridge 2009)
 - a. Ch. 1 Methodological Inquiry
 - b. Ch. 2 Ideas in Time
 - c. Ch. 10 Time, Institutions and Action
- 2) *Sheldon Wolin*, POLITICS AND VISION (Princeton 2004)
 - a. Ch. 1 Political Philosophy
 - b. Ch. 2 Plato
 - c. Ch. 3 Empire
 - d. Ch. 4 Early Christian Era
 - e. Ch. 5 Luther
 - f. Ch. 6 Calvin
 - g. Ch. 7 Machiavelli
 - h. Ch. 8 Hobbes
 - i. Ch. 9 Liberalism
 - j. Ch. 10 Age of Organization
 - k. Ch. 11 From Modern to Postmodern Power
 - l. Ch. 12 Marx
 - m. Ch. 15 Rawls & Liberal Justice
 - n. Ch. 17 Postmodern Democracy
- 3) *Alan Ryan*, ON POLITICS (Penguin, 2013)

	a. Introduction: Thinking about Politics b. Ch. 2 Plato & Anti-politics c. Ch. 3 Aristotle (Anti-philosophy) d. Ch. 4 Roman Insights (Cicero) e. Ch. 5-7 Augustine & Aquinas f. Ch. 9-10 Humanism & Reformation g. Ch. 11 Machiavelli h. Ch. 12 Hobbes i. Ch. 13 Locke j. Ch. 14 Republicanism k. Ch. 16 American Founding l. Ch. 17 French Revolution (& counter-Conservatism) m. Ch. 18 Hegel n. Ch. 19 Utilitarianism o. Ch. 20 Tocqueville p. Ch. 21 Marx q. Ch. 23 Empire and Imperialism r. Ch. 24 Socialisms s. Ch. 25 Marxism, Fascism, Dictatorship
SCHEME OF EVALUATION:	Response Paper
SELECTION CRITERIA *	Draw of lots

COURSE TITLE:	Ambedkar's Preamble: A Secret History of the Constitution of India
COURSE OFFERED TO	LLB III, IV & V Years & LLM
INSTRUCTOR NAME & CONTACT DETAILS:	Aakash Singh Rathore
ACADEMIC QUALIFICATIONS	BA, MALA, LLM, MPhil, PhD, Post-Doc
PRESENT POSITION & DETAILS OF THE ORGANISATION	Professor at Jindal Global University & LUISS University, Rome, Italy
POSITIONS HELD EARLIER	2019: Fellow, Indian Institute of Advanced Study, Shimla 2018: Visiting Professor, Rutgers University, Division of Global Affairs, Newark, USA 2017: Visiting Professor, Jawaharlal Nehru University, Centre for Philosophy, New Delhi, India 2013-2014: Visiting Professor, University of Pennsylvania, Center for the Advanced Study of India, Philadelphia, USA 2013: Visiting Professor, University of Toronto, Department of Political Science, Canada 2012: International Fellow, Center for Ethics & Global Politics, Rome, Italy Apr-Sep 2011: Visiting Fellow, Developing Countries Research Centre, Delhi University, India 2008-2011: Research Professor, LUISS University of Rome, Faculty of Political Science, Italy 2005-2008: Reader, University of Delhi, Department of Philosophy, Delhi, India 2004: Post-Doc Lecturer, Humboldt University of Berlin, Faculty of Public Law, Germany 2002-2003: Lecturer, Catholic University of Louvain, Higher Institute of Philosophy, Leuven, Belgium
TEACHING EXPERIENCE (NO. OF YEARS)	Approx. 20 years
SHORT DESCRIPTION OF INSTRUCTOR	Aakash Singh Rathore is author of eight books and Series Editor of <i>Rethinking India</i> (14 vols, Penguin/Vintage) and also editor of its first volume, <i>Vision for a Nation: Paths and Perspectives</i> (with Ashis Nandy). Rathore's 20 authored and edited books range from political philosophy, law, and religion to literature, sports, and wine. He is the Series Editor of <i>Ethics, Human Rights and Global Political Thought</i> (Routledge) and <i>Religion and Democracy: Reconceptualizing Religion, Culture, and Politics in Global Context</i> (Oxford University Press). Among his new and forthcoming books are <i>Ambedkar's Preamble: A Secret History of the Constitution of India</i> (Vintage/Penguin, 2020) and <i>B. R. Ambedkar: The Quest for Justice</i> (5 vols, Oxford University Press, 2020), as well as <i>B. R. Ambedkar: A Definitive Biography</i> (Macmillan, forthcoming).

Credits	1
PREFERRED DATES FOR CONDUCT OF COURSE	March 16, 2020 to March 23, 2020 (approx.)
PRE-REQUISITES:	None
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	On 26 January 1950, the Constitution of India was formally adopted and came into effect. Its Preamble set out in brief the enlightened values it enshrined and hoped to engender. In a substantial shift from mainstream constitutional history, this 1-credit course on “Ambedkar’s Preamble” establishes Dr B.R. Ambedkar’s irrefutable authorship of the Preamble by uncovering the intellectual origins of its six most central concepts: justice, liberty, equality, fraternity, dignity and nation. Although Dr Ambedkar is universally regarded as the chief architect of the Constitution, the specifics of his role as chairman of the Drafting Committee are not widely discussed. Totally neglected is his almost-single-handed authorship of the Constitution’s Preamble, which is frequently and mistakenly attributed to B.N. Rau. During this 1-credit course, we shall see how and why the Preamble to the Constitution of India is essentially an Ambedkarite Preamble. It is clear that its central concepts have their provenance in Dr Ambedkar’s writings and speeches. Through five lectures, this course reveals the story of these six constitutional concepts. In doing so, it spotlights fundamental facts about modern Indian history, as well as Dr Ambedkar’s revolutionary political thought, hitherto ignored in conventional accounts.
SCHEME OF EVALUATION:	MCQ exam with 100 questions covering all topics discussed
SELECTION CRITERIA *	Draw of Lots

COURSE TITLE:	Platform Regulation
COURSE OFFERED TO	4 th and 5 th years
INSTRUCTOR NAME & CONTACT DETAILS:	Puneeth Nagaraj
SHORT DESCRIPTION OF INSTRUCTOR	Senior Associate, Policy & Advisory, L&L Partners
Credits	One
PREFERRED DATES FOR CONDUCT OF COURSE	Will confirm exact dates shortly
PRE-REQUISITES:	Interest in governance/policy and technology regulation
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	Technology platforms are continuously evolving and encompass a wide gamut of activities that are regulated to different degrees in the offline world. Existing regulatory frameworks have attempted to catch up with this constant change with varying levels of success. In examining this tension, the course will cover two primary questions: <i>Defining digital platforms:</i> Technology platforms include services such as e-commerce, online communication, digital content, and financial technologies to name a few. It needs to be understood if a singular definition for what constitutes a digital platform can help as a starting point for regulation. Existing terminologies such as ‘intermediary’, ‘marketplace; and ‘service provider’ will be further examined and in the context of the dizzying array of technology platforms operating in the market. <i>Regulating digital platforms:</i> The laws that apply to digital platforms are varied and include inter alia content regulations, consumer protection, labour laws, privacy, and antitrust. The dynamic nature of the digital world can mean that regulations can rapidly become obsolete unless they are constantly being updated. In this context, some of the questions that arise are: (1) Do there need to be separate laws that govern the physical and the digital spheres? (2) Who gets to regulate: governments or companies themselves? (3) Would a one-size-fits-all regulator be preferable to sector specific regulation? The purpose of this course would be to provide students with a deeper understanding of the contemporary policy debates surrounding platform regulation. As an interdisciplinary course, it will also equip the students with tools to analyse platform regulation problems from a legal, political and economic standpoint.
SCHEME OF EVALUATION:	50 marks for a take-home exam. and 50 marks for presentations

SELECTION CRITERIA *	Demonstrable interest in technology regulation & Draw of lots

COURSE TITLE:	Locating Texts: Methods and Forms (SSS)
COURSE OFFERED TO	3 rd year LL.B.
INSTRUCTOR:	Ms. Akansha Singh
NUMBER OF CREDITS:	3
DURATION	Jan-April, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The primary aim of this course is to help students develop the ability to locate a text while reading it. The basic premise here is to understand that no text can be read or looked at in isolation from the larger society. It is this larger peripheral contextualization that helps a reader to understand a text better. To facilitate the task of locating, the parameters of space, time, memory, history and past will be used as medium. It is in accordance with this that the syllabus has been drafted. It begins with the idea of identifying oneself as a student. The knowledge of this eventive identification will be looked at historically. This will create conditions suitable to raise the questions regarding the difference between the private and the public realm. The trajectory then moves into an interrogation of the concept of history and how history obscures more than making events visible by violating the repository of the past. It is at this stage that history will be studied as forming a couple with time. This will help in entering the discussion of the (non-) linearity of time and how the obligation of production in any economy has come to occupy a position of quintessential importance. The course will further move into the discussion of space and how it contributes to the discourse that has been generated so far. Once we equip ourselves with the ability to use these tools, we would begin to analyze different forms of texts that investigate life histories in conjunction with where the person(s) is/ are situated. For this we begin with <i>Bhimayana</i> where we look at both, the structural aspect of it being a graphic novel as well as the content- laden issues of caste discrimination in India that it deals with. From here, we steer the question of understanding discrimination in the context of Nazi concentration camps from the perspective of a holocaust survivor, Primo Levi.

	The course will further take into account an imaginal recourse to the spoils of Hiroshima through Michael Perlman's book. These modules have been designed keeping in mind the way in which they incorporate the questions of space, time, memory and remembrance of the past as different from the canonized history. By the end of this course the students, irrespective of their disciplinary specializations will gain the ability of contextualizing any text they read. This will give them a vantage point while writing academic papers, besides giving them a holistic perspective of events happening around.
SCHEME OF EVALUATION:	Project Paper
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Text and Context in the Study of Law and Literature (SSS)
COURSE OFFERED TO	For LLB IV & V Years only
INSTRUCTOR NAME & CONTACT DETAILS:	Dr Rosemary Huisman
ACADEMIC QUALIFICATIONS	Ph.D
PRESENT POSITION & DETAILS OF THE ORGANISATION	Honorary Associate Professor in English The University of Sydney Life Member, Clare Hall, Cambridge UK
POSITIONS HELD EARLIER	Chair, International Systemic Functional Linguistics Association, 2014-17.
TEACHING EXPERIENCE (NO. OF YEARS)	42 years at The University of Sydney in undergraduate and postgraduate courses and postgraduate thesis supervision and examination. After formal retirement occasional teaching and supervision at Macquarie University, Sydney.
PROFESSIONAL / INDUSTRY EXPERIENCE (NO. OF YEARS)	53 years as above
RESEARCH EXPERIENCE (NO. OF YEARS)	53 Years and continuing
SHORT DESCRIPTION OF INSTRUCTOR	Author of <i>The Written Poem, Semiotic Conventions from Old to Modern English</i> (Cassell 1998; Continuum 2000); co-author of <i>Narrative and Media</i> (Cambridge U.P., 2005); numerous chapters/papers on legal language (sometimes with my husband, Professor Tony Blackshield) and literary language, most recently: "The discipline of English literature from the perspective of SFL register," <i>Language, Context and Text (2019)</i> 1.1:102-20. Also a published poet.
Credits	3
PREFERRED DATES FOR CONDUCT OF COURSE	Jan- April, 2020
PRE-REQUISITES:	--
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	Using a functional theory of language enables the study of text in relation to the context in which it is used. This course introduces the terms of systemic functional linguistics (SFL), focusing on concepts particularly relevant to the study of legal texts, with copious examples (from published papers). The course then describes a modelling of temporal meanings, compatible with SFL, which is central to the study of narrative texts, amply illustrated from English prose fiction. It finally concludes with an Australian legal case which turns on different judicial reasonings on the meaning of "time".
SCHEME OF EVALUATION:	Paper submission
SELECTION CRITERIA *	Draw of lots

COURSE TITLE:	Documents & Bureaucracy (SSS)
COURSE OFFERED TO	LLB 3 rd to 5 th Years
INSTRUCTOR NAME & CONTACT DETAILS:	Shagufta Kaur Bhangu
ACADEMIC QUALIFICATIONS	M.A. in Sociology, Delhi School of Economics, University of Delhi (2012) M.Phil. in Sociology, Delhi School of Economics, University of Delhi (2014) Fulbright-Nehru Doctoral Scholar in Medical Anthropology, UCSF-UC Berkeley (2017-2018)
PRESENT POSITION & DETAILS OF THE ORGANISATION	PhD Research Scholar, Department of Sociology, Shiv Nadar University (2014 onwards)
POSITIONS HELD EARLIER	M.Phil. Scholar, Delhi School of Economics, University of Delhi (2013-2014) Guest Faculty, Department of Sociology Hindu College, University of Delhi (2014) Project Manager, Outreach & Curriculum Development, IFRE (Ashoka University) (2013) Research Assistant, Indian Institute of Public Health, Delhi (2012)
TEACHING EXPERIENCE (NO. OF YEARS)	2 years (Hindu College- 1 semester & Shiv Nadar University- 3 semesters)
PROFESSIONAL / INDUSTRY EXPERIENCE (NO. OF YEARS)	1 year (IIPH-Delhi & Ashoka University)
RESEARCH EXPERIENCE (NO. OF YEARS)	6 years (MPhil & PhD)
SHORT DESCRIPTION OF INSTRUCTOR	Shagufta Bhangu is a PhD Research Scholar in the Department of Sociology, Shiv Nadar University. Her research is ethnographic in nature and explores the emergence of pain medicine and pain clinics in India. Ms. Bhangu has previously taught at Shiv Nadar University and at Hindu College, University of Delhi. In 2017-2018, she was awarded the Fulbright-Nehru Doctoral Fellowship and spent a year in UCSF and UC Berkeley's Medical Anthropology programme. Her doctoral thesis is an investigation of five thematics: bodies in pain, pain's records, chronicity of pain, an institute of pain and phantom pains.
Credits	1
PREFERRED DATES FOR CONDUCT OF COURSE	20-31 st Jan
PRE-REQUISITES:	Prior training in Sociological or Anthropological courses is desirable.
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	Course Description Documents are ubiquitous artefacts of modern life. As media technologies, they are available in multiple forms and collectivities, as written and typed records, in files and archives, among others. Documentary artefacts are the materiality of bureaucratic regimes. In bureaucratic offices,

documents are written, prepared, collated, organised and archived daily. Both documents and documentary practices, i.e., practices by which documents are crafted are fundamental features of bureaucracies. Together, these shape governance and everyday negotiations between the state and its subjects. While these enable medical, legal and state administration, they are also relied upon by citizens to navigate everyday life as can be seen through petitions, letters and complaints. What are the forms of negotiations, actions and governance that documents enable and limit? — is one of the central questions this course shall address. Along side governance, documentary artefacts also play an important role in the production and circulation of evidence and ‘truths’ within institutions. While exploring the everyday routine worlds that these artefacts craft and administer, their operations in violent events will also be addressed. Each class shall be organised around a key concept or theme and we shall address these from a sociological perspective, by working through historical, literary critical and ethnographic texts. An attempt will be made to focus on ethnographic texts based in South Asia.

Course Thematics & Class Schedule

Session 1: Introductory Lecture: Documents

Session 2: Documents & Bureaucracy

Session 3: Documents, Bureaucracies and Statecraft-Spaces & Peoples

Session 4: Documentary & Bureaucratic Negotiations: Subjects & State

Session 5: Documents in Bureaucracies: Producing ‘truth’, Evidence

Session 6: Documents in Bureaucracies: Media Forms

Session 7: Documents & Bureaucracies of Torture & Death

Session 8: Final Paper- 2 hours, 1500-2000 words.

Readings

Berg, Michael and Geoffrey Bowker. 1997. ‘The Multiple Bodies of the Medical Record’ in *The Sociological Quarterly*. Vol. 38 (3): 513-537.

Bhangu, Shagufta K. 2019 (forthcoming). ‘Pain’s Records’ in *Administory*. Vol. 4: 1-18, doi: 10.2478/ADHI-2019-0010

Chatterjee, Roma & Deepak Mehta. 2007. *Living with Violence*. Routledge: New Delhi. (Chapter 2)

Das, Veena. 2004. ‘The Signature of the State: The Paradox of Illegibility’ in Veena Das & Deborah Poole (eds.) *Anthropology in the Margins of the State*. Oxford University Press: Delhi. (pp. 225-253)

Dirks, Nicholas B. 2001. *Castes of the Mind*. Princeton University Press: Princeton & Oxford. (Chapter - 5)

Foucault, Michel. 2004 [1972]. *The Archaeology of Knowledge*. Routledge Classics: London (Page 7)

	Gitelman, Lisa. 2014. Paper Knowledge. Duke University Press: Durham & London. (Introduction, Chapter- 4) Gupta, Akhil. 2012. Red Tape. Duke University Press: Durham & London. (Chapter 5) Hull, Matthew. 2012. 'Documents and Bureaucracy' in Annual Review of Anthropology. — 2012. Government of Paper. University of California Press: Berkeley & Los Angeles. (Introduction, Chapters- 1 & 2) Latour, Bruno. 2002. The Making of Law. Polity Press: Paris. (Chapter- 2) McKay, Ramah. 2012. 'Documentary Disorders' in American Ethnologist. Vol. 39 (3): 545-561. Proctor, Robert N. 1988. Racial Hygiene. Harvard University Press: Cambridge & London. (Chapter 7) Rabinow, Paul. 1991 [1984]. The Foucault Reader. Penguin Books: London. (Part II- The Means of Correct Training) Ralph, Laurence. 2020 (forthcoming). Torture Letters. University of Chicago Press: Chicago. (Part 1) Scott, James C. 1998. Seeing like a State. Yale University Press: New Haven & London. (Chapters- 1 & 2) Serpa, Sandro & Carlos Miguel Ferreira. 2019. 'The Concept of Bureaucracy by Max Weber' in International Journal of Social Science Studies. Vol. 7 (2): 12-18. Singh, Ashveer Pal. (unpublished paper). 'Throwing Darts in the Dark: Sifarish, Bureaucracy and the Opaque State' Stanford University: Stanford. Stoler, Ann Laura. 2009. Along the Archival Grain. Princeton University Press: Princeton & Oxford. (Chapter 2) Vismann, Cornelia. 2008. Files, Law and Media Technologies. Stanford University Press: Stanford. (Chapters- 1, 3 & 4) Weld, Kirsten. 2014. Paper Cadavers. Duke University Press: Durham & London. (Chapter 4)
SCHEME OF EVALUATION:	Course Requirements Students must meet the 75% attendance requirement. Attendance and class participation are key requirements for this course. Students will be given short reading and writing assignments in class that shall contribute towards their final grade. You will not be required to read or work for the course outside of class hours. Evaluation In the final session (8th session, or 15th and 16th classes), students will be asked to compile 5 of their writing assignments from previous sessions into a single paper of 1500-2000 words. To sharpen the focus of this paper, students will be given a question in class. This in class exercise shall count as the final exam for the course.
SELECTION CRITERIA *	Draw of Lots

COURSE TITLE:	Political Ecology (Social Science Seminar)
COURSE OFFERED TO	LLB II Years only
INSTRUCTOR NAME & CONTACT DETAILS:	Dr. Lavanya Suresh Assistant Professor, Department of Humanities and Social Sciences Birla Institute of Technology & Science, Pilani, Hyderabad Campus Jawahar Nagar, Kapra Mandal, Medchal District - 500078, Telangana, India
SHORT DESCRIPTION OF INSTRUCTOR	Dr. Lavanya Suresh is an Assistant Professor at BITS-Pilani, Hyderabad campus. Her areas of research interest are political ecology, decentralisation and public administration. Her work has been published in journals of repute like the <i>Economic & Political Weekly</i> , <i>South Asia Research</i> among others. Her most recent publication is a book titled “Decentralised Democracy: Gandhi’s Vision and Indian Reality” co-authored with Prof. M.V. Nadkarni and N. Sivanna published by Routledge in 2018. She has a PhD in Political Science from the Institute for Social and Economic Change (ISEC). Prior to working at BITS, she was an Assistant Professor at the Tata Institute of Social Sciences (TISS), Hyderabad. She was also awarded the visiting research scholar fellowship under the Graduate Development Program of the Watson Institute of International Studies’ at Brown University, USA in 2012.
CREDITS	3
PREFERRED DATES FOR CONDUCT OF COURSE	Tuesday evenings from 5.30pm-7.30pm (21 st Jan-31 st March)
PRE-REQUISITES:	This will be a reading-intensive seminar. Preparation for class discussion by careful reading of the week’s readings is required. This seminar relies upon the participants’ capacity to participate in a fruitful discussion in the seminar meeting. This means that each student should be familiar with the central arguments of the required reading.
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	The field of political ecology has emerged in geography and anthropology since the 1980s from the intersection of political economy and cultural ecology, but defies characterization in terms of a single discipline or theoretical paradigm (cf. Robbins 2004: 6-7 for a survey of attempts to define political ecology). This course does not attempt a survey or a history of the field. Rather, it focuses on Paul Robbins work that covers a range of contemporary approaches to, and questions in, political ecology. While generally remaining grounded in the intersection of political economy and cultural ecology, recent scholarship in political ecology has drawn upon a range of fields—many of them interdisciplinary themselves: environmental history,

phenomenology, postcolonial and poststructuralist theory, governmentality studies, science and technology studies, and neo- institutional economics, among others.

The range of comparative, theoretical and methodological issues addressed includes questions about the relations between capital, nature and culture; states, non-governmental organizations and communities; gender, race and nature; space, place and landscape; scale, units of analysis, and objects of explanation; conservation, environmentalism and subject formation; population, commoditization and the use of land and natural resources. This course will focus on political aspect of these interactions.

Required Text:

Robbins, P. 2004 Political Ecology: A Critical Introduction. London: Blackwell Publishers.

Additional Reading:

Arnold, David and R Guha, 1995. Nature, Culture and Imperialism: Essays on Environmental History of South Asia, Delhi: OUP.

Baviskar, Amita, 2008. 'Contested Grounds: Essays on Nature, Culture and Power'. New Delhi: OUP.

Cederlof, Gunnel and K. Sivaramakrishnan, 2012. 'Ecological Nationalisms: Nature, Livelihoods and Identities in South Asia'. New Delhi: Permanent Black.

Cernea, Michael. M and Hari Mohan Mathur, 2008. Can Compensation prevent Impoverishment? Reforming Resettlement through investments and benefit-sharing. New Delhi: OUP.

Endres, Alfred, 2012. 'Economics for environmental studies', Heidelberg: Springer

Gadgil, M and R. Guha. 1995. 'This fissured land: An ecological history of India'. Delhi: OUP.

Guha, R. 2009. The Ramachandra Guha Omnibus, Delhi:OUP.

Moran, E. F. 2010. Environmental Social Sciences: Human-Environmental Interactions and Sustainability, Oxford: Wiley-Blackwell

Omvedt, G. 1984. Ecology and Social Movements, Economic and Political Weekly, XIX (44) 1865-67.

Bina Agarwal. 1992. The Gender and Environment Debate: Lessons from India. Feminist Studies, 18 (1), pp. 119-158

SCHEME OF EVALUATION:	Term Paper: 80% Presentation of Paper: 20%
SELECTION CRITERIA *	Draw of Lots

COURSE TITLE:	Corporeality and Culture (Social Science Seminar)
COURSE OFFERED TO	2 nd , 3 rd , 4 th & 5 th year students
INSTRUCTOR NAME & CONTACT DETAILS:	Shilpaa Anand, Associate Professor, Department of Humanities and Social Sciences, BITS-Pilani, Hyderabad Campus.
SHORT DESCRIPTION OF INSTRUCTOR	Shilpaa Anand has a PhD in Disability Studies from the University of Illinois at Chicago and an MA in English from the University of Hyderabad. Her research interests include literary and cultural disability studies, historiography of disability and culturally different concepts of corporeality. In her doctoral work she explored the conceptual history of disability in the Indian context. Having worked at different universities in Hyderabad since 2009, she has previously taught courses in literary theory and criticism, cultural studies, comparative literature, nineteenth century fiction as well as American literature. Her papers have been published in edited volumes on disability studies in India and South Asia as well as in scholarly journals. She moderates a lively email list called Disability Studies India and has co-edited multiple issues on disability of the web magazine <i>Cafe Dissensus</i>. She has recently become associated with the Centre for Disability Studies at NALSAR University of Law, Hyderabad as Distinguished Research Fellow. She presently serves on the editorial board of the journal Disability Studies Quarterly.
NUMBER OF CREDITS:	3 Credits
PREFERRED DATES FOR CONDUCT OF COURSE	Tuesday evenings from 5.30pm-7.30pm (21 st Jan-31 st March)
PRE-REQUISITES:	
BRIEF DESCRIPTION ON COURSE (MINIMUM 500 WORDS)	Normative notions of corporeal difference and corporeal normality emerge and are sustained under distinct cultural circumstances. The seminar course aims at a study of different cultural contexts and the ways in which different kinds of bodily abnormality and normality are designated. Michel Foucault's studies of the production of monstrous bodies – the moral monster, the sexual monster, the illegal monster - through medico-legal systems in France will serve as a useful methodological framework to begin and proceed with our investigations. Drawing on theory from medical anthropology, disability studies and medical humanities, the course will trace a genealogy of how notions of corporeality are constituted in particular cultural contexts. Cultural texts that are canonical and popular in nature consisting of literature, media, cinema and performance will serve as primary sources that facilitate our investigation. Of the 16 course hours, each module will be covered through 4 to 6 hours of lecturing, discussion and in-class activities.

	<u>Course modules:</u> [1] '<i>Normal</i>' in Euro-American contexts – Certain cultural contexts such as the western one, are primarily dominated by normative ideas that contain binaries such as health/ill-health, whole/part, good/evil and so on. Meanings of corporeality depend on standards that are established. Standardising is a way in which knowledge about the world is produced and acted-upon in such contexts. This module will explore the emergence of the concept of 'the normal' in, what is commonly referred to as, 'the west'. We will focus on the idea of monstrosity and its prevalence in nineteenth century fiction. [2] South Asian concepts of <i>corporeal difference</i> – There are culturally different ways of knowing and being 'normal' that are configured in ways distinct from the binaries prevalent within 'the west'. We will explore some of these concepts by examining certain historical and anthropological studies as well as different linguistic conceptualizations of corporeal differences. We will discuss everyday usage in multiple Indian languages as well as literary sources to get a grasp of these concepts. [3] <i>Bio-politics</i> and the contemporary world – Developments in international politics the world over has produced the phenomenon of 'maiming' as a way of not letting people die while not letting them live fully. In this module we will explore the idea of <i>disability intersectionality</i> through media representation as well as literary and cinematic memorialization.
SCHEME OF EVALUATION:	Class participation (15%); In-class Presentation (25%); End-of-course reflective paper (60%)
SELECTION CRITERIA *	Draw of Lots

COURSE TITLE:	Basics of Academic Writing (SSS)
COURSE OFFERED TO	LLB II Years only
INSTRUCTOR:	Ms. Akansha Singh
NUMBER OF CREDITS:	3
DURATION	Tuesday evenings from 5.30pm-7.30pm (21 st Jan-31 st March)
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	A course dedicated specifically to writing becomes quintessential in the professional legal studies. The Academic Writing Clinic will cater to the requirements of students, helping them strike the correct balance between the professional and academic dimensions while writing. The course has been designed with the intent of preparing the students for academic writing and learning. Following this, collaborative learning will be an important component of the pedagogy adopted. It will be ensured that the course equally touches upon the aspects of understanding, reading, writing and learning, thereby acting as a contact zone. The approach of the instructor would be geared towards providing students with newer options and possibilities to study. I use the word “study” here as its flexibility accommodates forms of studying other than reading the prescribed literature. If a student is provided with the correct and flexible set of tools, fine writing is already taken care of. Owing to this, the course is more aligned with the idea of equipping students rather than enabling them. This involves a preliminary stage of decoding (through the act of reading/ archiving/ understanding) and a subsequent (re)coding (through the act of writing/ dispersion/ channelizing). Making the above- mentioned components essential, the course adopts metacognition as its pedagogy. The readings have been carefully shortlisted so as to ensure they either discuss writing or have been written by people who teach writing courses. Most of the assignments will take place during the classes in the form of workshops. However, there are a few major assignments that students will be required to work on during the course. Personal Essay, Justificatory Paper, Argumentative Paper and Explanatory paper are a few of the genres of assignments students will be familiarized with. The course will also lay emphasis on the idea of working with drafts. Writing strategies such as summary, paraphrase, peer- review, outline, literature- review and post- outline will be demonstrated and practiced through in- class assignments. Further, few classes have been allocated to work- sheets on plagiarism, proofreading (at the level of paper, paragraph, sentence and word), style (structure, syntax, diction, punctuation) and editing.
SCHEME OF EVALUATION:	Class Participation: 10

	Short assignments (on a turn- in basis): 20 Peer reviews: 10 Justificatory paper: 20 Presentations: 10 Final paper: 30 Total: 100 marks
SELECTION CRITERIA (IF ANY)	Draw of Lots

COURSE TITLE:	Law and Religion: National, international and Comparative Perspectives (SSS)
COURSE OFFERED TO	LLB 3 rd , 4 th & 5 th Years & LLM
INSTRUCTOR:	Prof. Cole W Durham Jr Prof. Faizan Mustafa & Dr. Manisha Sethi
NUMBER OF CREDITS:	3
DURATION	Feb, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	This course is an introduction to law and religion from a comparative constitutional and international human rights perspective. It is designed as an upper level course for students who have completed one or two years of basic legal training. The course will take Indian constitutional guarantees of religious freedom and relevant caselaw as a starting point, but will analyze them in a broader comparative framework that will help enrich understanding of the relevant Indian constitutional framework. For example, the course will address the decision of the Indian Supreme Court's historic judgment last year in the historic Sabrimala judgement, which permitted women to visit a temple that previously had restricted access in Kerala. The course will also address constitutional and family law implications of the rules that provide for personal law of different religious communities to govern matters of marriage, divorce, inheritance, etc. Thus, the course will be relevant to two mandatory Constitutional Law courses and two mandatory Family Law Courses. Introductory topics include formative tensions in the history of religious freedom, theoretical and religious perspectives on freedom of religion, international human rights perspectives on freedom of religion and belief, and comparative constitutional perspectives on religion-state relationships. More focused attention is then placed on freedom of religious belief and expression, limitations on religious actions and manifestations, religious rights in specialized regulatory contexts, financial relationships between religion and the state, education, and religion in public life. In each of these areas, attention will be paid to relevant Indian legal cases and issues.
SCHEME OF EVALUATION:	Paper Submission
SELECTION CRITERIA (IF ANY)	Draw of Lots

COURSE TITLE:	Suffering
COURSE OFFERED TO	LLB 2 nd to 5 th Year and LLM
INSTRUCTOR NAME & CONTACT DETAILS:	Amulya Purushothama,
ACADEMIC QUALIFICATIONS	J.S.M. (2019, Stanford Law School), B.A.LL.B. (Hons.) (2015, NALSAR)
PRESENT POSITION & DETAILS OF THE ORGANISATION	Assistant Professor. NALSAR University of Law
POSITIONS HELD EARLIER	SPILS Fellow(Stanford Law School) Graduate Fellow (Azim Premji University)
TEACHING EXPERIENCE (NO. OF YEARS)	2
PROFESSIONAL / INDUSTRY EXPERIENCE (NO. OF YEARS)	-
RESEARCH EXPERIENCE (NO. OF YEARS)	2
SHORT DESCRIPTION OF INSTRUCTOR	I am a recent graduate of the Stanford Programme in International Legal Studies (SPILS) (J.S.M. 2019). Prior to that I worked as a graduate fellow at Azim Premji University in Bangalore (2015-2017). And before that I graduated with a B.A. LL.B (Hons.) from NALSAR in 2015. I am interested in empirical legal studies, legal history, law and sociology and law and literature, law and violence, and legal system reforms.
Credits	4
PREFERRED DATES FOR CONDUCT OF COURSE	Feb-April 2020
PRE-REQUISITES:	None.
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	Robert Cover said it best when he said “Legal interpretation takes place in a field of pain and death.” Lawyers and litigants constantly engage in the act of naming their suffering, claiming relief for it under the law, and blaming the party responsible for their suffering. Despite this central import of suffering to the law, suffering remains elusive. In this elective, we will analyse the treatment of suffering in different philosophies, music, fiction, law review articles, court judgments, and other media. The aim is to understand how suffering is defined, the elusiveness of suffering, the ways in which suffering is recognised, the spectacle and the banality of suffering, legal responsibility for suffering, redressing suffering through the law, and ways of resisting suffering.
SCHEME OF EVALUATION:	Long Research Paper at the end of a semester or by instructor consent, weekly short response papers. Class Participation.
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Emergency Jurisprudence (SSS)
COURSE OFFERED TO	Seminar for LL.B. / LL.M.
INSTRUCTOR:	Dr. Manisha Sethi
NUMBER OF CREDITS:	Three
DURATION	11 sessions of two hours each
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	What is the relationship between normative rule of law and the sovereign's power to suspend it in times of 'emergency'? The rise of Constitutions and rights regimes across the world has been paralleled by the continuing expansion of exceptions, where questions of free speech, the right to protest and dissent, the right to fair trial, and even the right to life can be put into abeyance. What is the relationship between legal enactments, the judicial institution, and the public rhetoric and cultural processes that make that enactment possible? And once created, do these exceptions exist in tension with the avowed principles of liberal democracies, or are there neat resolutions possible? These are some of the issues that the course will grapple with. The course will proceed by introducing students to theoretical perspectives on sovereignty and emergency, and the close relationship between the two. The writings of Agamben and Carl Schmitt among others will be discussed. It will then move on to India, tracing the current emergency provisions to the imperatives of colonial legality. The focus here will be on habeas corpus and preventive detention regime. 'National security' has become today one of the foremost grounds for the curtailment of the very idea of liberty, as evidenced in the proliferation of anti-terror laws across the world. We will examine the architecture of laws like Armed Forces Special Powers Act, TADA, POTA and UAPA, paying close attention to the legal and judicial language in which they are legitimized. An important aspect of the course will be to shift the focus from the Supreme Court to the judgments of the lower courts in order to examine the effects of such laws. Some comparisons will be drawn with experiences from the USA and Australia. We will also look at the forging of the legal consciousness through public culture (including cinema and news media) such that the departure from established procedures of law is normalized.
SCHEME OF EVALUATION:	Presentation: 25 Paper: 75 Total: 100
SELECTION CRITERIA	Preference will be given to students who have submitted a satisfactory SOP of 500 – 600 words... and remaining seats will be filled through draw of lots

COURSE TITLE:	Law of Intellectual Property in International Trade
COURSE OFFERED TO	LLB & LLM
INSTRUCTOR:	Ms. Aakanksha Kumar
NUMBER OF CREDITS:	03
DURATION	January to April, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	It is understood that nations protect intellectual property for two main reasons. One is to give statutory expression to the moral and economic rights of creators in their creations and the rights of the public in access to those creations. The second is to promote, as a deliberate act of Government policy, creativity and the dissemination and application of its results and to encourage fair trading which would contribute to economic and social development. This course shall introduce the economics of legal IP protection to the students, enabling them to understand the dynamics of interactions of laws of different nations when IP protected material crosses national boundaries. This course further examines the international intellectual property system and addresses the legal issues raised by the trade of products protected by intellectual property rights across different jurisdictions. This course reviews the key international agreements, not merely restricted to the TRIPS Agreement, but also focusses on IP Chapters in FTAs and RTAs, including the newer Mega-Regionals, and provisions in this area, as well as the different national policies, which have been adopted, to date, in several domestic jurisdictions or free trade areas, e.g.: the European Union, the U.S., China, Japan, India, the ASEAN countries, etc. Objectives of the course 5) To help students understand and grasp basic concepts, issues and rules of Intellectual Property Law and its relationship, and rationale for being a subject matter for international trade; 6) Understand the reading, interpretation, and application of the relevant International and domestic statutes and leading IPR in Trade law cases and case-studies (including the famed WTO-TRIPS US 301 reports, The Cuban Embargo, Standardised Cigarette Packaging, WTO and Public Health, USA's role in FTA negotiation, CETA and US-EU FTAs and GIs etc.); 7) To help students understand the underlying public policies and economic concepts to comprehend how

	and why IPR often is used as a bargaining chip in trade-treaty negotiations; 8) To enable correct identification of legal issues, application of relevant legal principles, and generation of solutions to legal problems arising in relevant factual contexts
SCHEME OF EVALUATION:	
SELECTION CRITERIA (IF ANY)	

COURSE TITLE:	Goods and Service Tax
COURSE OFFERED TO	LLB & LLM
INSTRUCTOR:	Dr.Neha Pathakji
NUMBER OF CREDITS:	4 credits
DURATION	January-April, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The introduction of Goods and Services Tax is evidently a major indirect tax overhaul in the history of independent India. The paradigm shift from an origin-based to a destination-based consumption tax was set to rationalize, harmonize and simplify existing taxes. However, the implementation of GST so far has proved to be somewhat a roller coaster ride for the traders, administrators and practitioners alike. Issues with respect to substantive, procedural and to certain extent constitutional aspects have already surfaced. While many consider these as teething issues, others persist that these are symbolic of deeper systemic problems. This course aims to offer an understanding of the law, policy and practice of GST and critically analyze the same. The course will introduce students to constitutional foundations of GST and basic concepts in GST and emerging issues in GST.
SCHEME OF EVALUATION:	Mid-sem, project, end-sem
SELECTION CRITERIA (IF ANY)	

COURSE TITLE:	CIVIL REMEDIES
COURSE OFFERED TO	B.A LL.B (4 TH AND 5 TH YEAR) & LL.M. (Corporate and Commercial Law Specialization)
INSTRUCTOR:	MR. VARUN MALIK
NUMBER OF CREDITS:	
DURATION	January-April
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The first principle for remedy against breach of commercial obligation is to ensure that the party suffering from breach is restored back to the position it would have been in if the obligation had not been breached. The law, in most of the Common law countries, remedies the breach in basically two ways viz. the damages and Specific Performance of Contract. The former, across the common law nations, except India and a few others, is considered as the primary remedy and the latter, a remedy in equity, is granted only in the cases where the damages are proven to be insufficient by the party claiming the relief. The Specific Performance is granted by way of a decree in the nature of mandatory- permanent injunction and therefore the law of injunction forms an integral part of the relief of the specific performance. The present course is primarily concerned with above mentioned remedies of (1) Damages; (2) Specific Performance of Contract and (3) Injunctions. The Part I of the course deals with Damages as a relief for breach of civil- commercial obligations. It covers the basic principles for grant of un-liquidated and liquidated damages

	in cases of breach, the exception to such principles, grant of damages for harm other than commercial loss etc. The Part II deals with the relief of Specific Performance of Contract. The part intends to discuss and analyze the law relating to specific performance in India. It shall focus on the provisions of Specific Relief Act, 1963 along with the evaluation of specific relief as compared to the relief of Damages. The aforesaid discussion shall be intended in the direction of evaluation of the Specific Relief (Amendment) Act, 2016. The Part III of the course is concerned with the relief of Injunctions. The relief although is closely linked to the relief of Specific Performance, the contours of law of injunctions extend much beyond the relief of specific performance and outreach to almost all the branches of civil law. In order to appreciate the deep linkages between the two branches of law the two are offered together in the course. But, in order to ensure that the abovementioned linkages don't have a shadowing effect on the disjunctions between the two, the course divides Specific Performance of Contract and Law of Injunctions into two different parts. The part revolves around the the historical origins of the concept of Injunctions, its basics and practice. I further intend to discuss how injunction interacts with other branches of civil laws with a special attention to specific relief and law of contracts. As the course is being offered to 4th/ 5th year students and LL.M students, who are ready to face the field, it aims to develop the acumen of the students both from corporate/ litigation as well as academic point of view. The course further aims to expose the students to the practical aspects of injunctions and specific relief to facilitate an easier assimilation of students into the profession of law.
SCHEME OF EVALUATION:	
SELECTION CRITERIA	

COURSE TITLE:	Law of Copyright
COURSE OFFERED TO	LL.M. (IPR Specialization)
INSTRUCTOR:	Mr. Sourabh Bharti
NUMBER OF CREDITS:	3
DURATION	January-April
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	<u>Evolution of Copyright Law</u> • The aim is to make students understand how from the very beginning the jurisprudence of copyright has grappled with finding the right theoretical justification for copyright protection. It is expected that this would help students appreciate how copyright law was and continues to be a space of tension between the author and users visa-vis the works sought to be protected by authors. This tension arises from the fact that law's attempt to protect one person's expression creates immediate and automatic hurdles for another person's expression to develop. • The part of the module is also aimed discussing how copyright law was globalised and made part of international trade regime. This would help students have a better appreciation of how modern copyright law is more about 'owners' and less about 'authors' (though author driven rhetoric continues to drive its expansion). <u>Mandatory Readings & Cases</u>

- Donaldson vs Beckett, (1774) 2 Brown's Parl. Cases (2d ed.) 129, 1 Eng. Rep. 837
- Walter v. Lane [1900] AC 539
- **Lawrence Lessig, Copyright's First Amendment, UCLA L.Rev.2001**
- **Carys J. Craig, Lockean, Labour and Limiting the Author's Right: A Warning Against A Lockean Approach to Copyright Law, 28 Queen's L.J. 1**
- **Global Copyright, Local Speech - Michael D. Birnhack, 24 Cardozo Arts & Ent. L.J. 491**

Foundational Principles

- The aim is that while students are familiarised with the fundamental principles informing the whole body of copyright law, they also understand how these principles play a critical role in mediating a triadic relationship of the authors and users with the works of authorship. The principles of originality, idea/expression dichotomy etc. would be discussed. Since these principles form the bedrock of copyright law, it would be interesting to also expose the fragility of assumptions behind these principles.

Mandatory Readings and Cases

- *University of London Press v. University Tutorial Press*, [1916] 2 Ch 601
- *Feist Publications vs Rural Telephone Company* 499 U.S. 340 (1991)
- *Eastern Book Company vs. D.B. Modak* (2008) 1 SCC
- *Baker vs. Selden* 101 U.S. 99 (1879)
- *Nichols vs. Universal Pictures Corporation*, 45 F.2d 119 (2d Cir. 1930)
- *Computer Associates International, Inc. V. Altai, Inc.* 20 U.S.P.Q.2d 1641
- *R.G. Anand vs. Delux Films* 1978 AIR 1613

- **Howard. B. Abrams, Originality and Creativity in Copyright Law, Duke Law Journal**
- **Amy B Cohen, Copyright Law and the Myth of Objectivity: The Idea/Expression Dichotomy and the Inevitability of Artistic Value Judgements, Indiana Law Journal 1990.**

Basic Features of Statutory Law

- While discussing the features, once again the course would continue to engage with the question of tension between the expectations/interests of the authors and those of the users. This would be done by understanding how and when something is judicially considered to be falling within the protection, how judicial opinions can expand or narrow down the understanding of what is protectable subject matter and what is the scope of the rights visa-vis that subject matter. This expansion or narrowing down depends upon the theoretical position a judge takes, explicitly or implicitly, towards the matter in issue.

Mandatory Readings and Cases

- Warner Brothers, Inc. v. American Broadcasting Companies, Inc. 720 F.2d231(2d Cir.1983)
- Time Incorporated v Bernard Geis Associates 293 F. Supp. 130 (S.D.N.Y. 1968)
- Green v Broadcasting Corporation of New Zealand, [1989] R.P.C. 700 (PC),
- Anil Gupta And Anr. vs Kunal Dasgupta And Ors AIR 2002 Delhi 379
- Microfibres V Girdhar and Ors 2006(32) PTC 157 (Del)
- MAI Systems Corp. v. Peak Computer, Inc. 991 F.2d 511 (9th Cir. 1993)
- Star India (P) Ltd. vs. Leo Burnett Private Ltd. (2003)27PTC81(BOM)
- Supercassette Industries vs. Nirulas Corner House (P) Ltd. 2008(37)PTC237 (Del)
- John Wiley v Prabhat Chander Kumar Jain,MANU/DE/1442/2010

- Lewis Galoob Toys, Inc. v Nintendo of America, Inc. (US court of appeals, 9th crt. 92)
- **Francis M Nevins Jr, Copyright+Character = Catastrophe, 39 J. Copyright Soc'y U.S.A. 303**
- **P.R. Goold, Why the U.K. Adaptation Right is Superior to US Derivative Work Right, Nebraska Law Review 2014.**
- Manu Bhandari v Kala Vikas pictures AIR1987 Del 13
- Amarnath Sehgal v. Union of India 2005 (30) PTC Del. 260
- **Mira T Sundara Rajan, Moral Rights in Digital Age: New Possibilities for the Democratization of Culture. International Review Of Law Computers & Technology, Volume 16, No. 2, Pages 187–197, 2002**
- Najma Heptulla v Orient Longman Ltd. AIR 1989 Del 63
- Community for creative non-violence vs. Reid, [490 US 730 \(1989\)](#)
- **Annemarie Bridy, Coding Creativity: Copyright and The Artificially Intelligent Author, 2012 Stan. Tech. L. Rev. 5**
- Roth Greeting Cards v United Card Co 429 F.2d 1106
- Fred Fisher, Inc. v. Dillingham 298 F. 145 (S.D.N.Y. 1924)
- Anton Piller KG v. Manufacturing Process Ltd. and Ors.[1976] F.S.R 129
- Bloomsbury Publishing Plc v Newsgroup Newspapers Ltd [2003] EWHC 1087 Ch,

Neighbouring rights under the Copyright Act, 1957

- Performer's Rights:
 - ✓ Indian Performing Right Society v. Eastern Motion Pictures 1977 AIR 1443
 - ✓ Neha Bhasin v. Anand Raj Anand & Anr. 132 (2006) DLT 196;
- Broadcaster's Rights
 - ✓ Video Master & Anr. v. Nishi Productions & Other (Bombay High Court, 1997)

- ✓ Shemaroo Video P. Ltd. v. Movie Tee Vee Enterprises & Ors. (Bombay High Court, 2005)
- ✓ Union of India v. BCCI (Supreme Court, 2017) (With regard to sports broadcasting);

Fair use/ Fair dealing

- The stability of copyright system otherwise threatened by the tensions explored in this course is ensured to large extent by the fair use part of copyright law. Ironically the idea of fair use is itself infested with the same tensions. The robustness of fair use doctrine is hugely dependent upon how we categorise fair use – ‘user’s right’ or ‘user’s privilege.’ This part of the course would engage with such issues.

Mandatory Readings and Cases

- The Chancellor, Masters & Scholars of the University of Oxford and Ors. vs. Rameshwari Photocopy Services and Ors. (Delhi High Court 2017 – Division Bench, Delhi High Court)
- ESPN Star Sports v. Global Broadcast News Ltd. & Ors. (Delhi High Court, 2008)
- Super Cassettes Industries Ltd. v. Hamar Television Network Pvt. Ltd. (Delhi High Court 2010)
- India TV Independent News Service v. Yashraj Films Pvt. Ltd. (Delhi High Court 2012)
- **Rahul Cherian Jacob, Sam Taraporevala & Shamnad Basheer, *The Disability Exception and the Triumph of New Rights Advocacy*, 5 NUJS L. Rev. 603**
- CCH Canadian Ltd v Law Society of Upper Canada, [2004] 1 SCR 339, 2004 SCC 13;
- Harper & Row vs. Nation Enterprises, 471 U.S. 539 (1985);
- Campbell vs. Acuff-Rose Music, Inc. (92-1292), 510 U.S. 569 (1994);

Digital world copyright Issues

	• In this last sub-module there will be discussion on the issue like ISP liability and Anticircumvention law. The discussion here would focus on how the developments on these two issues have further increased the points of conflicts in copyright law. <u>Mandatory Readings and Cases</u> • A&M Records, Inc. v. Napster Inc, 239 F.3d 1004 (2001) • Youtube v. Viacom 676 F.3d 19 • Super Cassettes v. Myspace, MANU/DE/3411/2016 • Universal City Studios, Inc. v. Corley, Universal City Studios, Inc. v. Corley, 2001 • Peter K Yu, Anti-Circumvention and Anti Anti-Circumvention, 84 Denv. U. L. Rev. 13 (2006)
SCHEME OF EVALUATION:	
SELECTION CRITERIA	

COURSE TITLE:	Marriage: Is it An Economic Arrangement?
COURSE OFFERED TO	LLB & LLM
INSTRUCTOR:	Dr. Aruna B Venkat
NUMBER OF CREDITS:	4
DURATION	January-April, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The institution of marriage has undergone significant changes in recent decades as women have invested in education and economic growth. These gains have led to role reversals in both the spousal characteristics and the economic benefits of marriage. In the past, when relatively few wives worked, marriage enhanced the economic status of women more than that of men. In recent decades, however, the economic gains associated with marriage for women have diminished. This course will try to study the old and new economic implications of marriage. The larger questions the course will deal with are – Is marriage an economic arrangement? What will happen to the institution of family if there was no property inheritance?
SCHEME OF EVALUATION:	Paper (70) + Presentation (30)
SELECTION CRITERIA	LLB-Family law I marks LLM – Draw of lots

COURSE TITLE:	Spontaneous Order, Law, and Liberty: An Introduction to Friedrich Hayek's Legal Philosophy
COURSE OFFERED TO	Seminar for LL.B. and LL.M.
INSTRUCTOR:	Mr. Chinmay Deshmukh
NUMBER OF CREDITS:	4
DURATION	January-April, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Friedrich August von Hayek (1899–1992), one of the most influential thinkers of the twentieth century, is widely recognized for his contributions to the discipline of economics, having won the Nobel Prize in economics in 1974. Much less known - yet perhaps more profound - however, are Hayek's writings on political and legal philosophy. In his later writings, Hayek developed a comprehensive legal and political theoretical frameworks supplementing his analysis of liberty and liberalism. Hayek's method was highly distinctive, drawing insights from a fascinating range of disciplines including cognitive science, evolutionary epistemology, cybernetics, and philosophy. The divergent reception of his highly original ideas of cultural evolution and spontaneous order - perhaps a consequence of his intense interdisciplinarity - continue to divide scholars over its analytical utility and normative desirability. Nevertheless, the recent revival of Hayekian scholarship indicates that his ideas continue to be relevant for understanding today's complex and multidimensional normative orders. Against this context, the course will attempt to introduce students to the legal philosophy of Friedrich Hayek through a close reading of his most prominent works on the subject. Particularly, it will focus on thoroughly examining his ideas of critical rationalism, knowledge distribution and coordination of action, thesis and nomos, spontaneous and planned orders, cultural evolution and its implications for his theorization of law and liberty. The course will also explore Hayek's opinions on common law and the ideal role of judges.

	<u>A basic outline of readings:</u> 5. <i>Hayek, "The Use of Knowledge in Society"</i> (Essay) [1945] 6. Chapters 10 and 11, <i>The Constitution of Liberty</i> [1960] 7. <i>Law, Legislation and Liberty, Volume 1: Rules and Order</i> [1973] 8. Chapter 1 and 2, <i>The Fatal Conceit: The Errors of Socialism</i> [1988]
SCHEME OF EVALUATION:	Class preparation and participation: 30 Response Paper: 20 Marks Research Paper: 50 Marks
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Global Economic Challenges
COURSE OFFERED TO	LLB & LLM
INSTRUCTOR:	Mr. Utkarsh Leo
NUMBER OF CREDITS:	4 credits
DURATION	January-April, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The aim of this option is to offer an examination of key events, and current policy debates that are shaping the world economy. A mix of class and guest lectures followed by student-led discussions will provide you with the analytical tools to understand the logic and implication of such issues. The seminar will cover issues, such as: - Is international trade good for everybody? -Whether immigrants from poorer-countries take away jobs from low-income native workers? - Global imbalances and its implication on the US dollar, and foreign exchange markets. -China and its macroeconomic implications on the global economy - The macroeconomics of Brexit - Issues in the European Monetary Union - The impact of demonetization in India This option will prepare you to become a change-maker. It will enable you to find and use evidence effectively, communicate effectively, and understand the global economic challenges. In doing so, the instructor will integrate insights and approaches from a diverse range of academic disciplines.
SCHEME OF EVALUATION:	a)10,000 word research paper

	b) Class presentation
SELECTION CRITERIA	Draw of Lots [capped at 20]

COURSE TITLE:	Bio Safety Laws
COURSE OFFERED TO	Seminar for LL.B. & LLM
INSTRUCTOR:	Prof. K. Vidyullatha Reddy
NUMBER OF CREDITS:	3
DURATION	January-April, 2020
BRIEF DESCRIPTION (MINIMUM 500 WORDS)	India is blessed with diverse biological resources and has potential for development of biotechnology. The choice of biotechnology regulation is decided based on the individual States choice and their adoption to the international agreements. Bio safety refers to safety issues arising out of the use of bio technology. Law should precede technology; however technological advancements are challenging the Regulators. The Convention on Biological Diversity provides the States sovereign right to exploit their biological resources. The Convention also provides for making efforts to use bio technology and fair distribution of the benefits arising therein. This led to successive protocols Cartagena and Nagoya to develop procedures for safe handling and transfer of Living Modified Organisms. Living Modified Organism (LMO) has entered food and environment threatening ecosystems and human sustenance in few parts of the world. The population of India is also diverse ranging from scientists to illiterate and the potential consumers are left with the choice decided by the literate and the Sovereign. Living Modified Organism (LMO) refers to use of biotechnology to develop new genetic combination. This can be beneficial or harmful. It can help in developing pest resistant crops, improved crop yield, developing bio fuel etc. The harmful effects of introducing LMO into environment challenge the positive effects resulting from LMO. The sale of genetically engineered seed of cotton to farmers in India by a multinational seed company led to unforeseen activism in some parts of the country. This example reinforces the need to understand that Sovereign right in relation to the adoption and implementation of Conventions and Protocols should also be consumer centric; otherwise the consumer dilemma may outsmart a sovereign decision. This is just an

	example of the challenges bio technology possess to regulators. Conference of Parties (COP) to the Convention of Bio-diversity serving as Meeting of Parties (MOP) to biosafety protocols is struggling to bring in international regime for fixing liability for trans-boundary harm resulting from LMO's introduction in foreign State. Cartagena Protocol on biosafety provides for mechanism for introduction of LMO's into food, feed and environment of other State; however the mechanism supports free trade regime. The liability for any harm arising out of such introduction is the regulatory challenge. Biosafety clearing house essentially tries to provide information and strategies for risk assessment, however there are challenges in enforcing liability regime. Developing States believe that biosafety regulation should be stringent as they believe that they are rich in bio diversity and the benefit of research should reach them, besides the apprehension that they can also easily become victims of bio terrorism. Developed states believe that such an attitude of the developing states would operate as a hindrance for research and development in biotechnology. The law regulating biosafety in India is under consideration for some time and the bill is pending; the bill however is not above criticism. Bio piracy and the protection of traditional knowledge remains a challenge. India like many other States is struggling to identify and acknowledge traditional knowledge and define bio piracy. challenging issues demand the need for cutting edge legal research in the field. The seminar course intends to provide basic understanding on issues concerning bio safety law besides providing a platform for students to research on specific focused area of their choice within the broad frame work of the outlined course				
SCHEME OF EVALUATION:	<table> <tr> <td>Article review and class presentation</td> <td>20 Marks</td> </tr> <tr> <td>Class participation</td> <td>10 Marks</td> </tr> </table>	Article review and class presentation	20 Marks	Class participation	10 Marks
Article review and class presentation	20 Marks				
Class participation	10 Marks				

	Presentation	20 Marks
	Seminar paper	50 Marks
SELECTION CRITERIA	Draw of Lots	

COURSE TITLE:	Commons, Communities and Climate Change
COURSE OFFERED TO	LLB & LLM
INSTRUCTOR:	Mr. VIVEK MUKHERJEE
NUMBER OF CREDITS:	3
DURATION	January-April, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Einstein was making a very sharp observation on human nature when he said, “We shall need a substantially new way of thinking if humanity is to survive.” Climate Change was a non-issue when this statement was made, be it stands true for human behavior in dealing with the defining challenge of the century. This new way of thinking is the objective that we seek to achieve in this course. The course will start with revisiting the readings supplied by Prof. Baxi in his course “Introduction to Climate Change and Anthropocene”. Understanding the fundamental features of the Anthropocene through his readings will allow us to acknowledge the gravity of the problem. It shall be a call to go back to the drawing board and foreground the importance of ethics and morals in dealing with a challenge which has the potential to wipe us out of existence. A study of the science of extinction will be done in order to learn from history and avoid repeating mistakes. What International Law in general and International Environmental Law (and it’s principles like precautionary principle) in particular has to learn from subjects like geoengineering will be explored. Further, the theories of climate change in the Anthropocene will be tested in the real-world scenario of politics of climate change. India’s journey from a obstruction to a CC leader will be traced. Climate politics within India will also be discussed. An effort will be made to identify reasons for India sporting an over-ambitious image internationally and at the same time dragging on to a lethargic attitude within India. With the complex framework panned above, a legal analysis of the climate change instruments will be done. Our central attention in this seminar will be on the importance of rural community-based institutions in dry rural patches in India. We will make a concerted effort to reconcile all the contradictions that India is facing in the complex Climate Change matrix. It will look at India’s CC strategy, importance of CC adaptation in India through localized studies, involvement of international organizations like world bank in shaping India’s CC strategy, how these strategies interact with poverty in India, its diplomacy fails (especially in negotiating historical responsibility in Paris)

	and successes. This will be done within the framework of principles like equity, CC Justice, vulnerability, collective commons etc. The role played by state in weakening indigenous institutions (which are ostensibly better suited to deal with climate change events) will be explored. The new realities of the Indian peasants will be seen through the lens provided by Partha Chatterjee and others. I welcome you to this journey of tragedy in the comedy of commons, of many contradictions and a hope for some conjunction.
SCHEME OF EVALUATION:	Research Paper: 100 marks
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	CHILD PROTECTION AND JUVENILE JUSTICE
COURSE OFFERED TO	Elective LLM
INSTRUCTOR:	Dr. D. BALA KRISHNA
NUMBER OF CREDITS:	3
DURATION	January-April, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The main aim of the course is to provide a combination of theoretical and practical aspects of the protection of child rights and juvenile delinquency law. This course deals with substantial and procedural law which includes the role of social worker, police, prosecution, judiciary and correctional services with emphasis on CWC and JJB. This course is a unique combination of Socio-legal and Criminological outlook. Objectives of the Course • To provide an over view of theories, ideas and legal principles on child protection, juvenile delinquency and CCL. • To provide an opportunity to learn the fundamental principles of procedural aspects. • To expose the learner to examine the child protection and rehabilitation process. Outlines of the Course 7. MODULE I: Introduction 7.1. Origin and significance of the Child Rights 7.2. An over view of Child Rights Protection 7.3. The national policies for children 7.4. Key concepts and General Principles of Law 8. MODULE- II: Juvenile Delinquency 8.1. Juvenile Justice: Historical Perspectives 8.2. Bio-social explanation of juvenile delinquency 8.3. Psychological explanation of juvenile delinquency 8.4. Sociological explanation of juvenile delinquency 8.5. Policy issues on child rights protection and delinquency

	3. MODULE-III: The Care and Protection of the Children 3.1. Children need of care and protection 3.2. Child abuse and child rights law 3.3. The welfare principles 3.4. Child Welfare Committee: powers, inquiry and procedure 3.5. Child Friendly Procedures 3.6. Children homes, shelter homes 3.7. Process of Social Reintegration 4. MODULE- IV: JJ Act and POCSO Act 4.1. Key concepts under JJ Act and POSCA. 4.2. An Overview of the Protection of Children from Sexual Offences Act,2012 4.3. Juvenile delinquency and the working on criminal justice system 4.4. The Role of Police, JJB, Probation Officer, 4.5. Arrest and Custody of Juvenile and Child Institutions 4.6. Law of Bail. 4.7. Juvenile Transfer to Criminal Court 4.8. Nature Trial and Appeal Procedures basic principles of evidence and Need for Reforms Field visits and Field Work Report
SCHEME OF EVALUATION:	
SELECTION CRITERIA	

COURSE TITLE:	Sentencing: Law, Policy and Issues
COURSE OFFERED TO	Seminar for LL.B. & LLM
INSTRUCTOR:	Dr. KVK Santhy
NUMBER OF CREDITS:	4
DURATION	January-April, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Course objectives Sentencing is “the judicial determination of a legal sanction to be imposed on a person found guilty of an offence.” The realities of the sentencing process are complex. A sentence passed by a judge is the result of many conflicting pressures. This course will examine these countervailing values and why the sentencing aspects of the judicial system have been a lightning rod at times for the public, the media and seized on by politicians. The theory of sentencing, current practices and the perceptions of the role of sentencing in the judicial process will be reviewed. Sentencing does not end with the passing of a sentence and issues such as parole, probation and penal law will be examined. As this is a seminar class, students will be relied upon to contribute and analyze issues in sentencing and what role it plays in Indian democratic values. sentencing as “the judicial determination of a legal sanction to be imposed on a person found guilty of an offence.” A sentence passed by a judge is the result of many conflicting pressures. This course will examine these countervailing values and why the sentencing aspects of the judicial system have been a lightning rod at times for the public, the media and seized on by politicians. The theory of sentencing, current practices and the perceptions of the role of sentencing in the judicial process will be reviewed. Sentencing does not end with the passing of a sentence and issues such as parole, probation and penal law will be examined. As this is a seminar class, students will be relied upon to contribute and analyze issues in sentencing and what role it plays in Canadian democratic values.

	XVIII. Concept meaning and definition of Sentencing What is sentencing? XIX. Goals of sentencing Normative and Functional goals Promote Respect for the Law Reflect the Seriousness of the Offense Provide Just Punishment for the Offense Deter the Defendant from Future Criminal Conduct Protect the Public from the Convicted Offender General deterrence, specific deterrence and rehabilitation. Role of the media XX. Purposes of Sentencing Retribution Deterrence and Prevention Just Desserts and Justice Incapacitation and Control Rehabilitation and Reintegration XXI. Types of Sentencing Schemes Indeterminate Sentencing The impact of indeterminate sentencing Determinate Sentencing The impact of determinate sentencing Presumptive Sentencing Mandatory Sentencing XXII. SENTENCING ISSUES AND CHALLENGES Issues in sentencing Inconsistency Evidence of Inconsistency

	Social Consequences of Inconsistency Proportionality The Role of Proportionality in Sentencing The Primacy of Proportionality Disparity Types of Sentencing Disparity Intra-jurisdictional Disparity Intra-judge Disparity Warranted Versus Unwarranted Disparity Sources of Disparity What are Sentencing guideline bodies Objectives of Sentencing Guidelines Bodies Functions of Sentencing Guidelines Bodies Factors to be taken into account when drafting guidelines Alternatives to Sentencing Guidelines Bodies XXIII. Sentencing in United Kingdom Functions Appointments to the Council Criminal Justice Act 2003 Determining Sentencing Sentencing hearing Determination of sentence XXIV. Sentencing in Northern Ireland XXV. Sentencing in New Zealand XXVI. Specific Sentencing Issues Issues of sentencing in cases of homicide Issues of sentencing in cases of Sexual Assault Reforms in sentencing in India Sentencing female offenders The role of Parole and Probation and what happens to adults when sentences of incarceration are given.

SCHEME OF EVALUATION:	Written Submission : 70 marks Viva : 30
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Comparative Constitutional Law
COURSE OFFERED TO	
INSTRUCTOR NAME & CONTACT DETAILS:	Professor Tony Blackshield AO
ACADEMIC QUALIFICATIONS	LL.M.(First Class Honours), Sydney 1968; LL.D (honoris causa) Macquarie University 2004; LL.D. (honoris causa) UNSW 2019
PRESENT POSITION & DETAILS OF THE ORGANISATION	Emeritus Professor of Law Macquarie University Sydney, Australia
POSITIONS HELD EARLIER	Dept of Jurisprudence & Int'l Law, University of Sydney, 1/8/1960 to 31/12/1969 (Lecturer from 6/10.1964; Senior Lecturer from 1/1/1969) Faculty of Law, UNSW: Senior Lecturer 1/1/1971 to 31/12/1973; Associate Professor, 1/1/1974 to 31/12/1978 LaTrobe University: Professor of Legal Studies, 1/1/1979 to 30/6/1988 Macquarie University: Professor of Law, 1/7/1988 to 30/6/1999
TEACHING EXPERIENCE (NO. OF YEARS)	43 years' full time University teaching (1961-2003); thereafter casual teaching until 2018 – 58 years in all
PROFESSIONAL / INDUSTRY EXPERIENCE (NO. OF YEARS)	Articled Clerk 1954-1958; Law Clerk 1959; solicitor 1960 (seven years in all)
RESEARCH EXPERIENCE (NO. OF YEARS)	58 years as teacher and researcher – see above
SHORT DESCRIPTION OF INSTRUCTOR	Emeritus Professor of Law, Macquarie University (Australia); Visiting Professorial Fellow, University of NSW (Australia); Honorary Professor, Indian Law Institute (New Delhi)
Credits	4
PREFERRED DATES FOR CONDUCT OF COURSE	Jan-April, 2020
PRE-REQUISITES:	
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	A comparison of judicial decisions on five Federal Constitutions with historical links to the English common law tradition (the United States, Canada, Australia, India and South Africa)
SCHEME OF EVALUATION:	MID + PROJECT + END

SELECTION CRITERIA *	Draw of Lots

COURSE TITLE:	Text and Context in the Study of Law and Literature (SSS)
COURSE OFFERED TO	For LLB IV & V Years only
INSTRUCTOR NAME & CONTACT DETAILS:	Dr Rosemary Huisman
ACADEMIC QUALIFICATIONS	Ph.D
PRESENT POSITION & DETAILS OF THE ORGANISATION	Honorary Associate Professor in English The University of Sydney Life Member, Clare Hall, Cambridge UK
POSITIONS HELD EARLIER	Chair, International Systemic Functional Linguistics Association, 2014-17.
TEACHING EXPERIENCE (NO. OF YEARS)	42 years at The University of Sydney in undergraduate and postgraduate courses and postgraduate thesis supervision and examination. After formal retirement occasional teaching and supervision at Macquarie University, Sydney.
PROFESSIONAL / INDUSTRY EXPERIENCE (NO. OF YEARS)	53 years as above
RESEARCH EXPERIENCE (NO. OF YEARS)	53 Years and continuing
SHORT DESCRIPTION OF INSTRUCTOR	Author of <i>The Written Poem, Semiotic Conventions from Old to Modern English</i> (Cassell 1998; Continuum 2000); co-author of <i>Narrative and Media</i> (Cambridge U.P., 2005); numerous chapters/papers on legal language (sometimes with my husband, Professor Tony Blackshield) and literary language, most recently: "The discipline of English literature from the perspective of SFL register," <i>Language, Context and Text (2019)</i> 1.1:102-20. Also a published poet.
Credits	3
PREFERRED DATES FOR CONDUCT OF COURSE	Jan- April, 2020
PRE-REQUISITES:	--
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	Using a functional theory of language enables the study of text in relation to the context in which it is used. This course introduces the terms of systemic functional linguistics (SFL), focusing on concepts particularly relevant to the study of legal texts, with copious examples (from published papers).

	The course then describes a modelling of temporal meanings, compatible with SFL, which is central to the study of narrative texts, amply illustrated from English prose fiction. It finally concludes with an Australian legal case which turns on different judicial reasonings on the meaning of “time”.
SCHEME OF EVALUATION:	Paper submission
SELECTION CRITERIA *	Draw of lots

COURSE TITLE:	COMPETITION LAW
COURSE OFFERED TO	LLB & LL.M
INSTRUCTOR:	Mr. SOURABH BHARTI, SUDHANSHU KUMAR
NUMBER OF CREDITS:	4
DURATION	January-April
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	INTRODUCTION Competition law defends the practice of fair competition. One of the reasons for having legal framework for competition in market is to remedy those instances where the actions of one or more individuals or entities or organizations causes the collapse of free market system. It is important to lay down rules of the game so that every participant of the market has a fair and equal chance of flourishing. With the growth of both volume of transactions and the complexity of economies, jurisdictions across the globe have come to realize the need and benefit of having a well-defined competition policy and probably this is the reason the antitrust regime has seen the fastest growth when compared to other economic regulations. It is widely accepted, though some economists rebut the idea that competition law acts as a catalyst in promoting innovation and economic growth along with social progress of the nation. Antitrust laws prevent individual or collective acts or any other form of negative co-operation that adversely affects competition and functions to set prices at altitudes at which market can breathe, largely without interference and in a way that cannot be done through central control. Indian competition regime is fairly new when compared when compared to its counter parts. The Monopolies and Restrictive Trade Practices Act, 1969 was passed subsequent to finding and recommendations of Mahalanobis (1960) and Monopolies Inquiry Commission (MIC) (1964) to prevent monopolization or concentration of economic power. MRTP can be said to be the precursor of Competition Act, 2002 and can be considered as a move from preventive mechanism to developmental mechanism. The LPG model coupled with the shortcomings of MRTP paved the way for passing of new Act on the recommendation of Raghavan Committee. Doing away with prohibitory provisions for monopoly trade practices, restrictive trade practices and Unfair trade practices, the new Act has three major provisions which deal with 'Anti-competitive agreements, Abuse of dominance and Regulation of Combinations.' The growing powers of Competition Commission of India is evident from its recent decisions which cuts across different sectors including petroleum, pharma, entertainment, real estate, cement etc and which

has forced market entities to review their business strategies and focus on competition compliances.

COURSE STRUCTURE

This course on competition law has been structured in a manner to understand the objectives of antitrust laws. To appreciate the law of the land it is essential to also understanding of economic underpinnings of the legal framework. The course will also include a comparative assessment of Indian competition law with its counterpart in UK and US. The course shall also include a dedicated discussion on the interface of IP and Competition law

Part A : COMPETITION LAW

Course Instructor : Mr. SUDHANSHU KUMAR

I. Introduction to Competition law –

- What is competition – why is competition needed in market – Objectives of competition law – Political content of Anti-trust - overview on laws on competition law (India; EU; US) – Shift from Monopolies and Restrictive Trade Practices Act, 1969 to Competition Act, 2002 – Preamble of Competition Act, 2002.

II. Anti-competitive Agreements (S. 3(1), S.3(2), S.3(3)(a) + S.19(3) along with comparisons with Article 101 TFEU

- Definition of Agreement – concerted action – Concept of Single overall agreement - unilateral conduct; Definition of Enterprise – commercial v. Sovereign activities – Single economic entity doctrine; Meaning of ‘Appreciable’- De-minimis doctrine; Causes or likely to cause.; ‘Competition within India’ – effects doctrine
- AAEC – Section 19(3) – Negative and positive effects - Sources of monopoly power
- Object (horizontal) and effect (Vertical agreements); Horizontal price fixing agreements (price fixing ; Pricing methods) – Exchange of information
- Section 3(3); Limiting or controlling production - Group boycott - cases discussed like White lead case; FICCI multiplex etc.; Market allocation and sharing; S.3(1) v. S.3(3) debate including R. Prasad dissenting opinions; Collusive tendering - LPG case; Price Parallelism with cases
- Cartels - Cement / LPG / Domestic airlines

□ S. 3(4)- Distribution chain - vertical integration concept - inter-brand and intra-brand competition - Block exemption in EU; Per se Rule and Rule of Reason; Tie-in agreements - Types and cases; Exclusive supply - cases like shamsher kataria / US v. Standard Oil / Exclusive motors; Selective distribution - Metro doctrine; Refusal to deal – cases; Resale price maintenance - positive and negative effects - Leegin rule

III. Abuse of dominant position - Section 4

□ Relevant market concept and cases - SSNIP test; Dominant position - Akzo presumption - cases like BCCI case/ MCX stock exchange case / Balaire owners association case; Predatory pricing - Areeda tirner test; Exploitative pricing strategies - price discrimination - discriminatory rebates and discounts; Limiting and controlling production; Refusal to supply - commercial solvents case; Essential facilities doctrine

IV. Combinations – Section 5, 6

Reading List

1. Michal Gal, 'The Ecology of Antitrust: Preconditions for Competition Law Enforcement in Developing Countries', New York University Law and Economics Research Paper Series, Working Paper No. 02-03 http://papers.ssrn.com/sol3/papers.cfm?abstract_id=665181
2. Evolution of Competition Policy and Law by - Pradeep S Mehta & Simon J Evenett -http://www.cuts-ccier.org/pdf/Evolution_of_Competition_Policy_and_Law.pdf
3. Why India adopted a new Competition Law, A CUTS C-CIER publication (Specially focus from Section 4 onwards, you can skim read the previous provisions) – <http://www.cuts-ccier.org/pdf/wiancl.pdf>
4. Okeoghene Odudu, "Interpreting Art. 81(1): the object requires revisited," European Law Review, Sweet & Maxwell, 2001.

5. Okeoghene Odudu, "Restriction of competition by object – what's the beef?," Competition law Journal, 2009

6. New Definitions of Relevant Market and the Assault on Antitrust, Robert Pitofsky, Columbia Law Review, Vol. 90, No. 7 (Nov., 1990), pp. 1805-1864

7. Phillip Areeda and Donald F. Turner, "Predatory Pricing and Related Practices under Section 2 of the Sherman Act", Harvard Law Review, Vol. 88, No. 4 (Feb., 1975), pp. 697-733.

8. Andrey V. Makaro, "Comparative analysis of antitrust policy against collusion in some transition economies: Challenges for effectiveness" WP BRP 20/PA/2014, National Research University.

Books:

1. Richard Whish, David Bailey, COMPETITION LAW, 8th ed., Oxford University Press, 2015.

2. Alison Jones, Brenda Sufrin, EU COMPETITION LAW, 5th ed., Oxford University Press, 2014.

3. SM Dugar, GUIDE TO COMPETITION ACT, 2002, 7th ed., LexisNexis, 2017.

4. Sandra Marco Colino, CARTELS AND ANTI-COMPETITIVE AGREEMENTS, Ashgate Publications, 2012.

5. T. Ramappa, COMPETITION LAW IN INDIA: POLICY, ISSUES AND DEVELOPMENT, 3rd ed., Oxford University Press, 2006.

Part B : COMPETITION LAW AND INTELLECTUAL PROPERTY

Course Instructor : Mr. SOURABH BHARTI

Module 1 - Introduction – 2 hours

☐ Brief History on the relationship between antitrust law and intellectual property rights

☐ The relationship between Intellectual Property and Market Power

	□ Antitrust Law and the Misuse of Intellectual Property Module 2: Unilateral Conduct by Intellectual Property Owners and Competition Law Implications In this module we will discuss various unilateral actions of Intellectual Property owners which give rise to competition related concerns. Issues like enforcement of fraudulently procured patents and sham litigation, tying arrangements, unilateral refusals to license deal, Design Changes and Predatory Innovation, deceptive conduct before standard setting organizations shall be discussed. Module 3: Horizontal Agreements Involving Intellectual Property and Competition Law- The discussions in this module will involve questions of price fixing and intellectual property, market allocation agreement, reverse payments agreements in pharmaceutical industry, group boycotts and concerted refusals to deal or license etc. Part 4: The Antitrust Implications of Vertical Agreements Involving Intellectual Property: while licensing Intellectual Property the owners often use vertical price restraints or non-price restrictions in order to maximize the benefits of the monopoly. These are not per se problematic, but at times can raise concerns under competition law. This module will deal with those cases where the legal position on the issue was clarified. A detailed list of relevant cases and readings for this part shall be communicated later.
SCHEME OF EVALUATION:	MID-SEM(25) + END SEM(50) + RESEARCH PAPER (20 MARKS) + PRESENTATION (5 MARKS)
SELECTION CRITERIA	

COURSE TITLE:	Regulatory Governance
COURSE OFFERED TO	LLB & LLM
INSTRUCTOR NAME & CONTACT DETAILS:	Timothy D. Lytton
ACADEMIC QUALIFICATIONS	B.A. (1987), J.D. (1991) Yale University
PRESENT POSITION & DETAILS OF THE ORGANISATION	Distinguished University Professor & Professor of Law; Associate Dean for Research & Faculty Development, Georgia State University College of Law, Atlanta, Georgia, United States
POSITIONS HELD EARLIER	Albert & Angela Farone Distinguished Professor of Law, Albany Law School, Albany, New York, United States (2000-2015) Associate Professor of Law, New York Law School, New York, New York, United States (1997-2000) Assistant Professor of Law, Capital University, Columbus, Ohio, United States (1991-1993)
SHORT DESCRIPTION OF INSTRUCTOR	I have 28 years of experience in teaching postgraduate legal education and conducting academic research.
Credits	1 credit
PREFERRED DATES FOR CONDUCT OF COURSE	9 th Jan to 6 th Feb
PRE-REQUISITES:	Ability to read and write English at a university level.
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	This course will introduce students to the variety of regulatory approaches in economic and social regulation. Examples include rate setting, price control, price supports, taxation, cap and trade, labeling, mandatory disclosure, screening, standard setting, bans, civil litigation, performance-based regulation, social marketing, and management-based regulation. The course will also include analysis of the underlying reasons for government regulation (e.g. market failure, risk management, consumer protection), the institutional structure of regulatory systems (e.g. federalism, jurisdictional overlap, public-private partnership), and the theories of regulatory process (e.g. legal process theory, interest group theory, institutional theory). Class sessions will employ case studies, problem solving, and simulations. Substantive topics will include contemporary regulatory challenges in the areas of food safety, tobacco control, oil exploration, farm subsidies, securities regulation, gun control, educational standards, healthcare reform, and obesity reduction. The course will take an interdisciplinary approach to regulatory governance.
SCHEME OF EVALUATION:	final written examination

SELECTION CRITERIA *	Draw of Lots

COURSE TITLE:	Advanced Course in Patents.																				
COURSE OFFERED TO	LLB (4 th /5 th year); LLM																				
INSTRUCTOR NAME & CONTACT DETAILS:	ANINDYA SIRCAR																				
ACADEMIC QUALIFICATIONS	M.Sc.; Ph.D. (Microbiology); Ph.D. (Law).																				
PRESENT POSITION & DETAILS OF THE ORGANISATION	Intellectual Property Consultant.																				
POSITIONS HELD EARLIER	AVP & Head - IP Cell, Infosys Group; Global Head - IP, Biocon Group of Companies.																				
SHORT DESCRIPTION OF INSTRUCTOR	Dr Anindya Sircar is currently engaged in consulting, strategizing, teaching and training programs in the field of Intellectual Property management. Dr Sircar had been Associate Vice President and Head of IP with Infosys Limited for over five years and was responsible for all IP activities of Infosys Limited and its subsidiaries. Prior to this he was heading the IP Department Biocon Group – a premiere biotechnology company in Bangalore, India and was instrumental in setting up the IP practices for the Biocon Group. Additionally, he has been a Visiting Professor to several NLUs and Management Institutes. <https://in.linkedin.com/in/anindyasircar>																				
Credits	02 (Two)																				
PREFERRED DATES FOR CONDUCT OF COURSE	February 03 th – February 19 th , 2020.																				
PRE-REQUISITES:	Aware of basics of IP.																				
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	<table><tr><td>#</td><td>TOPIC</td><td>HRS</td></tr><tr><td>1</td><td>Overview of IP</td><td>2</td></tr><tr><td>2</td><td>Concepts related to Patentability</td><td>2</td></tr><tr><td>3</td><td>Patent Infringement & DoE</td><td>2</td></tr><tr><td>4</td><td>Drafting of Patent Application</td><td>2</td></tr><tr><td>5</td><td>PCT - Procedural Aspects & Recent Trends</td><td>2</td></tr></table>			#	TOPIC	HRS	1	Overview of IP	2	2	Concepts related to Patentability	2	3	Patent Infringement & DoE	2	4	Drafting of Patent Application	2	5	PCT - Procedural Aspects & Recent Trends	2
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5	PCT - Procedural Aspects & Recent Trends	2																			

	6	Patent Search	2
	7	SEP & FRAND	2
	8	Law of Trade Secrets	2
	9	Technology Management & Transactions	2
	10	Technology Valuation	2
	11	IP & Social Media	2
	12	Patents & Biotechnology	2
	13	Patents & Software	2
	14	Patenting after Alice	2
	15	Group Discussion / Assessment	2
	16	Group Discussion / Assessment	2
SCHEME OF EVALUATION:	Assignments / Simulation Exercise		
SELECTION CRITERIA *	Draw of Lots		

COURSE TITLE:	Ambedkar's Preamble: A Secret History of the Constitution of India
COURSE OFFERED TO	LLB III, IV & V Years & LLM
INSTRUCTOR NAME & CONTACT DETAILS:	Aakash Singh Rathore
ACADEMIC QUALIFICATIONS	BA, MALA, LLM, MPhil, PhD, Post-Doc
PRESENT POSITION & DETAILS OF THE ORGANISATION	Professor at Jindal Global University & LUISS University, Rome, Italy
POSITIONS HELD EARLIER	2019: Fellow, Indian Institute of Advanced Study, Shimla 2018: Visiting Professor, Rutgers University, Division of Global Affairs, Newark, USA 2017: Visiting Professor, Jawaharlal Nehru University, Centre for Philosophy, New Delhi, India 2013-2014: Visiting Professor, University of Pennsylvania, Center for the Advanced Study of India, Philadelphia, USA 2013: Visiting Professor, University of Toronto, Department of Political Science, Canada 2012: International Fellow, Center for Ethics & Global Politics, Rome, Italy Apr-Sep 2011: Visiting Fellow, Developing Countries Research Centre, Delhi University, India 2008-2011: Research Professor, LUISS University of Rome, Faculty of Political Science, Italy 2005-2008: Reader, University of Delhi, Department of Philosophy, Delhi, India 2004: Post-Doc Lecturer, Humboldt University of Berlin, Faculty of Public Law, Germany 2002-2003: Lecturer, Catholic University of Louvain, Higher Institute of Philosophy, Leuven, Belgium

TEACHING EXPERIENCE (NO. OF YEARS)	Approx. 20 years
SHORT DESCRIPTION OF INSTRUCTOR	Aakash Singh Rathore is author of eight books and Series Editor of <i>Rethinking India</i> (14 vols, Penguin/Vintage) and also editor of its first volume, <i>Vision for a Nation: Paths and Perspectives</i> (with Ashis Nandy). Rathore's 20 authored and edited books range from political philosophy, law, and religion to literature, sports, and wine. He is the Series Editor of <i>Ethics, Human Rights and Global Political Thought</i> (Routledge) and <i>Religion and Democracy: Reconceptualizing Religion, Culture, and Politics in Global Context</i> (Oxford University Press). Among his new and forthcoming books are <i>Ambedkar's Preamble: A Secret History of the Constitution of India</i> (Vintage/Penguin, 2020) and <i>B. R. Ambedkar: The Quest for Justice</i> (5 vols, Oxford University Press, 2020), as well as <i>B. R. Ambedkar: A Definitive Biography</i> (Macmillan, forthcoming).
Credits	1
PREFERRED DATES FOR CONDUCT OF COURSE	March 16, 2020 to March 23, 2020 (approx.)
PRE-REQUISITES:	None
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	On 26 January 1950, the Constitution of India was formally adopted and came into effect. Its Preamble set out in brief the enlightened values it enshrined and hoped to engender. In a substantial shift from mainstream constitutional history, this 1-credit course on "Ambedkar's Preamble" establishes Dr B.R. Ambedkar's irrefutable authorship of the Preamble by uncovering the intellectual origins of its six most central concepts: justice, liberty, equality, fraternity, dignity and nation. Although Dr Ambedkar is universally regarded as the chief architect of the Constitution, the specifics of his role as chairman of the Drafting Committee are not widely discussed. Totally neglected is his almost-single-handed authorship of the Constitution's Preamble, which is frequently and mistakenly attributed to B.N. Rau.

	During this 1-credit course, we shall see how and why the Preamble to the Constitution of India is essentially an Ambedkarite Preamble. It is clear that its central concepts have their provenance in Dr Ambedkar's writings and speeches. Through five lectures, this course reveals the story of these six constitutional concepts. In doing so, it spotlights fundamental facts about modern Indian history, as well as Dr Ambedkar's revolutionary political thought, hitherto ignored in conventional accounts.
SCHEME OF EVALUATION:	MCQ exam with 100 questions covering all topics discussed
SELECTION CRITERIA *	Draw of Lots

COURSE TITLE:	Platform Regulation
COURSE OFFERED TO	4 th , 5 th years and LL.M
INSTRUCTOR NAME & CONTACT DETAILS:	Puneeth Nagaraj
SHORT DESCRIPTION OF INSTRUCTOR	Senior Associate, Policy & Advisory, L&L Partners
Credits	One
PREFERRED DATES FOR CONDUCT OF COURSE	Will confirm exact dates shortly
PRE-REQUISITES:	Interest in governance/policy and technology regulation
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	Technology platforms are continuously evolving and encompass a wide gamut of activities that are regulated to different degrees in the offline world. Existing regulatory frameworks have attempted to catch up with this constant change with varying levels of success. In examining this tension, the course will cover two primary questions: <i>Defining digital platforms:</i> Technology platforms include services such as e-commerce, online communication, digital content, and financial technologies to name a few. It needs to be understood if a singular definition for what constitutes a digital platform can help as a starting point for regulation. Existing terminologies such as ‘intermediary’, ‘marketplace; and ‘service provider’ will be further examined and in the context of the dizzying array of technology platforms operating in the market. <i>Regulating digital platforms:</i> The laws that apply to digital platforms are varied and include inter alia content regulations, consumer protection, labour laws, privacy, and antitrust. The dynamic nature of the digital world can mean that regulations can rapidly become obsolete unless they are constantly being updated. In this context, some of the questions that arise are: (1) Do there need to be separate laws that govern the physical and the digital spheres? (2) Who gets to regulate: governments or companies themselves? (3) Would a one-size-fits-all regulator be preferable to sector specific regulation? The purpose of this course would be to provide students with a deeper understanding of the contemporary policy debates surrounding platform regulation.

	As an interdisciplinary course, it will also equip the students with tools to analyse platform regulation problems from a legal, political and economic standpoint.
SCHEME OF EVALUATION:	50 marks for a take-home exam. and 50 marks for presentations
SELECTION CRITERIA *	Demonstrable interest in technology regulation & Draw of lots



NALSAR University of Law
Justice City :: Shameerpet :: Hyderabad

Examination Section

Course Outlines – June - October, 2020 Semester

Elective Courses:

S.no.	Course Name	Credits	Name of the Faculty
1.	Ancient Greek Jurisprudence And Its Relevance To Modern Society	4	Mr. P Ashwini Kumar
2.	Approaching Nationalisms: Origins and Forms	4	Ms. Akansha Singh
3.	Aviation Law	4	Dr. Shaik Nazim Ahmed Shafi
4.	Capital Market and Securities	4	Mr. Sudhanshu Kumar
5.	Comparative Political Equality	4	Mr. Sidharth Chauhan
6.	Corporate Taxation	4	Dr. Neha Pathakji
7.	Digital Evidence Retrievals and Analysis Systems (DERAS)	2	Mr. Irfan
8.	Goods and Service Tax	4	Dr. Neha Pathakji
9.	Insolvency and Winding up of companies	4	Mr. Alok Verma
10.	Investment Treaty Law	4	Ms. Sahana Ramesh
11.	Law on Non-discrimination in Employment in India	4	Prof. N Vasanthi
12.	Legal Personhood	4	Prof. Amita Dhanda
13.	Matrimonial Causes and Jurisdictional Conflicts	4	Dr. Aruna Venkat
14.	Statistics for Lawyers	3	Ms. Amulya Purushothama
15.	~~The Animal Turn: Contextualizing Animal Rights Movement and the Law~~	4	~~Mr. Vivek Mukharjee~~
16.	Animal Protection Laws and Policies Clinic-1 spanning two semesters (credits 4+4)	4	Mr. Vivek Mukharjee

Visiting Faculty Elective Courses

S.no.	Course Name	Credits	Duration	Name of the Faculty
1.	Civil Litigation & Arbitration: A Primer (For LLB III, IV&V Years only)	1	Notified later	Dr. Amit George
2.	Affirmative Action and the Constitution of India (For LLB III, IV&V Years only)	2	Notified later	Dr. Abhinav Chandrachud

3.	Transfer Pricing and Taxation of Digital Economy (For LLB IV&V Years only)	2	Notified later	Ms. Ananya Kapoor
4.	Commercial Remedies in the times of COVID-19 (For LLBIV&V Years only)	1		Dhruva Gandhi & Vinodini Srinivasan:
5.	SIAC & Institutional Arbitration Module (For LLBIV&V Years only)	1	Nov-19-22	NALSAR PRO+ Mr. Rajesh Kapoor

Seminar Courses:

S.no.	Course Name	Credits	Name of the Faculty
1.	Bribery and Anti-Corruption Laws	4	Dr. D Bala Krishna
2.	Cyber Crimes- Law, Policy & Regulation	4	Dr. KVK Santhy
3.	~~Empirical Legal Studies: Research and Design~~	4	~~Dr. Amulya Purushothama~~
4.	~~Ideas of Justice Education~~	4	~~Prof. Amita Dhanda~~
5.	International Commercial Arbitration	4	Rajesh Kapoor
6.	Land Rights and Tribal: Facts, Acts and Issues	4	Dr. G.Mallikrjun
7.	Law of Environment and Health	4	Dr. T. Raghavendra Rao
8.	Locating Equity in the Pronouncements of Equity Courts	4	Mr. Varun Malik
9.	New and Emerging Technologies: Legal Challenges	4	Prof. V Balakista Reddy
10.	Reading Marxism, Society and Law	4	Mr. Prakhar Ganguly
11.	Structuring and Restructuring of Family Forms and Family Law in Globalizing World	4	Dr. Aruna B Venkat
12.	The Legal Philosophy of Jürgen Habermas	4	Mr. Chinmay Deshmukh
13.	Traditional knowledge and Intellectual Property Rights	4	Mr. Sourabh Bharati
14.	Caste and Political Mobilization in India (SSS) (For III, IV & V Years)	3	Dr. T Kannan
15.	Dynamics of Indian Democracy (SSS) (For LLB IV & V Years only)	3	Dr. H.Vageeshan
16.	Fake News: Digital Media, Law and Politics (SSS) (For III, IV & V Years)	3	Dr. N. Manohar Reddy
17.	Historical Evaluation of Preventive Detention in India: A Discussion on Due Process (SSS) (For III, IV & V Years)	3	Dr. Murali Karnam
18.	Ideology and Cultural Context In Colonial India (SSS) (For III, IV & V Years)	3	Mr. Hota Agni Kumar
19.	~~Language Rights and Access to Health (for Indigenous/Tribal Communities) (SSS) (For III, IV & V Years)~~	~~3~~	~~Dr Uma Maheshwari Chimirala~~
20.	Politics of Penal System (SSS) (For III, IV & V Years)	3	Dr. Murali Karnam
21.	State Citizenship and Democracy (SSS) (For III, IV & V Years)	3	Dr. H.Vageeshan
22.	Terrorism Trials (SSS) (For III, IV & V Years)	3	Dr. Manisha Sethi
23.	Discourses (and Counter Discourses) Disadvantaging Bi/ Multilinguality (For LLB II Years only)	3	Dr Uma Maheshwari Chimirala

Visiting Faculty Seminar Courses

S.no.	Course Name	Cr	Duration	Name of the Faculty
1.	Documents & Bureaucracy (SSS) (For III, IV & V Years)	3	Aug-Oct	Dr. Shagufta Kaur Bhangu
2.	Ethnographies of Labour (SSS) (For LLB II Years only)	3	July-Sept	Dr. Shagufta Kaur Bhangu

NALSAR University of Law



ELECTIVE Courses Outlines
(In House Faculty)

June - October, 2020 Semester

COURSE TITLE:	Ancient Greek Jurisprudence And Its Relevance To Modern Society
COURSE OFFERED TO	Elective for LL.B.
INSTRUCTOR:	Mr. P ASHWINI KUMAR
NUMBER OF CREDITS:	4
DURATION	July-October, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Jurisprudence is a study of the fundamental legal concepts. One of the tasks of jurisprudence is to construct and elucidate concepts serving to render the complexities of law more manageable and more rational. The logical analysis of legal concepts sharpens the logical technique of the lawyers and statesmen. Jurisprudence provides answers to new legal problems by utilizing the wisdom of the past. This helps in examining the consequences of law and suggesting changes for the betterment. The genesis of the modern jurisprudence can be traced in Ancient Greek philosophy. Our knowledge and experience of the past would help us to be wise in the present and forewarned for the future. Every beginning is difficult; holds in all sciences. The fundamental concepts of jurisprudence like Justice, Equality and Freedom were discussed by Ancient Greek philosophers with their rational methodology. In this course, we are going to examine the analysis made by Plato, Epicures, Heraclitus and Aristotle. Further, we are going to analyse the trials of Antigone and Socrates.
SCHEME OF EVALUATION:	As per Mandatory Course
SELECTION CRITERIA (IF ANY)	

COURSE TITLE:	Approaching Nationalisms: Origins and Forms
COURSE OFFERED TO	Elective for LL.B
INSTRUCTOR:	Ms. Akansha Singh
NUMBER OF CREDITS:	4
DURATION	July- October, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The course is aimed at developing a basic understanding of nationalism that is emerging in various forms across the globe, especially in erstwhile colonies. Driven by the concerns of a homogeneous national identity and social security, nationalism manifests itself through exclusionary practices. In keeping with this, a common trend has developed which reduces people from different social groups, communities, nationalities and cultures to biological threat as a mode of preserving one's purity of origin and traditionalism. At the same time nationalism is equally motivated towards achieving rationality through developmental modernity. Trapped in a flux between tradition and modernity, nationalism surfaces through a complex formation. This course is a step towards understanding the complex causalities that result in nationalism. It is divided into four modules as follows: 1. Nationalism: Introduction It is a preliminary introduction to the concept of nationalism with the most staple and prominent works exploring the highly possible dimensions of engagement while studying nationalism. It locates nationalism through its relations with class, history, race, culture and identity using selections from works of:- ▪ Benedict Anderson- <i>Imagined Communities. Reflections on the Origin and Spread of Nationalism</i>, ▪ Hans Kohn- <i>Nationalism: Its Meaning and History</i>, ▪ Frantz Fanon- <i>The Wretched of the Earth</i> and ▪ Etienne Balibar- <i>Race, Nation, Class: Ambiguous Identities</i>. 2. Postcolonial Nationalisms It will focus on the development of nationalism in colonial and post-colonial India. It includes works that talk about the specificity of Indian nationalism, the process of creating a unified national history and varying oppositions it garnered. The module includes selections from texts by:- ▪ Partha Chatterjee- <i>Nationalist thought and the Colonial World</i>, ▪ Sumit Sarkar- <i>Writing Social History</i>, ▪ Priyamvada Gopal- <i>The Nation Across the World</i> and ▪ Rabindra Nath Tagore- <i>Nationalism in India</i>. 3. Narrating Nations This module deals with the task of studying compositional narratives of nation. The formation of a country always coincides with it being narrated. Frequently, the narrative of a country and its formed identity share a symbiotic relation. This relation and its consequent effects in a third- world country like India, will be studied in this module through writers such as:- ▪ Homi Bhabha- <i>Nation and Narration</i>,

	▪ Fredric Jameson- "Third-World Literature in the Era of Multinational Capitalism", ▪ Aijaz Ahmad- Jameson's Rhetoric of Otherness and the "National Allegory" and ▪ Francesca Orsini- <i>The Hindi Public Sphere</i>. 4. Everyday Nationalisms This module delves into the subtle ways in which nationalism has been emerging in the contemporary times. From language celebratory days to codes of conduct to be abided by the citizens, they all promote imagined nationalism. The irony here is that despite being imaginary, its repercussions are quite material. This module includes selections from texts by:- ▪ G. Aloysius- <i>Nationalism without Nation in India</i> and ▪ Michael Billig- <i>Banal Nationalism</i>.
SCHEME OF EVALUATION:	As per Mandatory Course
SELECTION CRITERIA (IF ANY)	None

COURSE TITLE:	Aviation Law
COURSE OFFERED TO	Elective for LL.B.
INSTRUCTOR:	Dr. Shaik Nazim Ahmed Shafi
NUMBER OF CREDITS:	4
DURATION	July-October, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Aviation Law is a highly specialized field of law. Aviation is a transnational, border-crossing phenomenon. Without aviation, the globalization of the flow of people and goods, and of the mixing of cultures would have been impossible and also the global awareness that we all live together on one planet could not have been developed. Airports have evolved as drivers of business location and urban development in the 21st century in same way as did Highways in the 20th century, Railroads in the 19th century, and Seaports in the 18th century. The aviation industry is international and global. Aviation industry at the international is regulated by the International Civil Aviation Organization (ICAO), Airports Council International (ACI) and International Air Transporters Association (IATA) and at Domestic by the Directorate General of Civil Aviation and the Ministry of Civil Aviation. India no exception to the globalization process has initiated the concept of liberalization, privatization and globalization allowing the FDI in aviation industry. Hence, the outcome is seen by establishing world class airports in Hyderabad and Bangalore. However, there are various legal issues confronting the aviation industry which is debatable at domestic as well as at international level. Hence, this course enables students to obtain an understanding of the application of legal principles in aviation. It further provides an overview of the role of law in the management of aviation and explains legal concepts and principles as they apply to aviation and the conduct of pilots and operators. It examines international regulatory body conventions, regulations and audit processes. This Elective is taught in four segments or modules ie. (i) Introduction; (ii) Public International Air Law; (iii) Private International Air Law and (iv) Penal International Air Law.
SCHEME OF EVALUATION:	As per Mandatory Course
SELECTION CRITERIA (IF ANY)	--

COURSE TITLE:	Capital Market and Securities
COURSE OFFERED TO	B.A.LL.B
INSTRUCTOR:	Mr. Sudhanshu Kumar
NUMBER OF CREDITS:	4
DURATION	JULY – OCTOBER
BRIEF DESCRIPTION	<u>Course Description & Objectives:</u> There has been a tremendous growth of Indian market in recent years forcing rapid changes in the laws relating to investment and security. The economic and social development depends on security market at national and global levels. On the global level there is a trend for unification of controls of securities and investments. Reflection of this global phenomenon has also been felt in India. The new laws and regulations now fall line with the global requirements at times transcending the constitutional limitations. The corporate securities markets perhaps comprises the most vibrant sector of the financial industry. Significant reforms have taken place in both trading and post trade infrastructure and even the business conventionally handled within the commercial banking and insurance sectors is making inspired use of ordered capital market techniques. As well as new opportunities, these changes present new regulatory and legal risk management challenges. “Capital market in any jurisdiction has a vital role, including providing liquidity for investors and incorporating information in to prices, which in turn serve as vital guides to real economic activity. The effectiveness with which capital markets perform these functions, and their costs of operation, are determined in significant part by the rules governing the persons and entities operating and trading in these markets.” The course on “Capital Market and Securities” would envisage the issues and procedures in connect with the progress and parameters of securities markets in India. Discussions would be on the major building blocks of an effective capital market and the policy environment needed to help its development. <u>Course Outline:</u> Module 1: Market Structure in India Ch. 1. An impression of Financial System - Constituents of financial system; significance - Development and growth of financial and capital markets in India; - Financial reforms and present scenario Ch. 2. Capital Market - Introduction, meaning and significance of capital market; - Capital market vis-à-vis money market; market players. - Evolution of capital market in India (<i>Policy issues affecting development of capital markets; Managing risks and responding to crises in Capital Markets</i>) <i>Cases like Harshad Mehta Case 1992, MS Shoes scam 1994, Vanishing companies scam 1998, Plantation scam 1999, Ketan Parekh scam will be discussed)</i> Module 2: Legal and Regulatory framework Ch.1. Importance of Securities regulation

The role securities regulation plays a role promoting the attributes in five main areas of securities regulation: mandatory disclosure; insider trading; market manipulation; takeover bid regulation; and securities industry regulation. The primary role securities regulation plays in all these areas is promoting confidence in the market. In promoting confidence in the market securities regulation can reduce the tendency for investors to discount prices for securities. By reducing the discounting of securities prices, securities regulation can improve the allocation of savings to investment and the allocation of financial resources to productive activities thereby improving the overall economic performance.

(there is whole range of readings available on this and other topics as well on the internet. The materials shall be provided or forwarded as and when necessary)

- *"The Role of Securities Regulation in Promoting a Competitive Capital Market", Mark Gillen –Canada 2006.*
- *"Securities Laws, Disclosure, and National Capital Markets in the Age of Financial Globalization", RENE M. STULZ, Journal of Accounting Research, Vol. 47 No. 2 May 2009 Printed in U.S.A.*
- *The Essential role of securities regulation, Duke Law Journal, vol. 55 Feb 2006.*

- Securities Contract (Regulation) Act (SCRA), 1956;
- SEBI Act, 1992 *(objectives, powers and functions of SEBI, Securities Appellate Tribunal and related cases 1996; Jurisdictional tussle between regulatory bodies.)*
- Role of SEBI in Indian Capital market

Ch.2. Market Instruments and Rating

- Market instruments (equity and debt market)– equity, debentures, preference shares, sweat equity shares, non-voting shares; Government securities.
- New instruments of capital market – pure, hybrid and derivatives;
- Rating agencies in India, Rating Methodologies.

Ch.5. Market Intermediaries

- Role of Participants in Capital Markets *(Regulators, financial institutions, accountants/auditors, government)*
- Issuers of securities and Investors (individuals and institutional players) in capital markets

Primary Market and Secondary Market Intermediaries – role and functions, merchant bankers, stock brokers, registrar to an issue, underwriters, bankers to issue, portfolio managers, debenture-trustees,

Ch.6. Secondary Market Institutions

- Function and significance of Stock Exchanges *(regulatory framework; operations and trading mechanism of stock exchanges)*
- Settlement of securities;
- Operational mechanism at stock exchanges.

Ch.7. Depository System

Overview of the depository system in India; Depositories Act, setting up of depository, role and functions of depository, DP, inspection and penalties.

Ch.8. AIF regulation 2012 (Angel Investment; Venture capital; Private equity; Hedge Funds), Mutual Funds.

Ch.9. Market Protection: Insider Trading; Corporate Governance.

Module 3: ISSUE MANAGEMENT AND COMPLIANCES

Ch.1. Issue of Capital

Listing and de-listing of Securities; ICDR; Process for issue for various types of shares and debentures, ESOPs.

SCHEME OF EVALUATION:

As per Mandatory Course

COURSE TITLE:	Comparative Political Equality
COURSE OFFERED TO	Elective for LL.B.
INSTRUCTOR:	Mr. Sidharth Chauhan
NUMBER OF CREDITS:	4
DURATION	JULY-OCTOBER 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Formalist ideas of Liberal Democracy have conflated the adoption of 'Universal Adult Franchise' with the pursuit of political equality. This flows from the equation of a citizen's acts of political participation with the presumptive recognition of her equal worth by the State. However, the practice and experience of democracy negates this claim. The constitution of elected government primarily reflects the expression of group identity ('Politics of Presence') rather than the Aristotelian goal of individual self-realization ('Politics of Ideas'). A Realist understanding of democracy engages with how public institutions both shape and constrain the articulation of collective interests, irrespective of whether they are based on primordial identities (such as religion, caste, ethnicity, language) or inorganic categories (such as professional or class backgrounds). In post-conflict societies, the analysis extends to arguments about historical justice and the long-term interest in moving towards a 'politics of accommodation'. In this course, we will survey some of the scholarly literature which examines the different kinds of electoral and administrative arrangements that seek to advance the goal of political equality. While the early emphasis will be on the evolution of the Indian Constitution's prescriptions for electoral reservations (Articles 330, 332, 243D and 243T), we will also understand other methods of apportioning political power that have been tried in other nations. In particular, we will look at alternatives to the First-Past-the-Post (FPTP) electoral system such as 'Proportional Representation' and 'Functional Representation'. We will then proceed to contextual comparisons such as those with the law and practice of race-based redistricting in the United States of America and the evolution of 'Consociational' models of governance, especially in ethnically diverse nations. If time permits, we can also look at proposals for improving inner-party democracy in matters such as candidate selection. By the end of this course, we should acquire a robust analytical understanding of political equality as well as a working knowledge of how institutional arrangements are structured towards this normative idea. This course will be most useful for those interested in deepening their engagement with the fields of Indian Constitutional Law and Comparative Politics.
SCHEME OF EVALUATION:	<u>Response Paper (30%)</u>: Based on materials covered in July-August. The thematic focus is to be decided in consultation with the instructor. This will be due in Early-September. (2,000 words). <u>End-Term Examination (70%)</u>: Based on materials covered throughout the semester. In case we are able to resume physical classes, the exam will be conducted in the physical mode in Early-November. In the event of an online exam, students will be given a 48 hour window to prepare their answers.

SELECTION CRITERIA (IF ANY)	Not applicable

COURSE TITLE:	Corporate Taxation
COURSE OFFERED TO	Elective for LL.B.
INSTRUCTOR:	Dr.Neha Pathakji
NUMBER OF CREDITS:	4
DURATION	July-October 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The phenomenal rise of corporations has on the one hand resulted into highly lucrative taxable units for augmentation of revenue; on the other hand they have proved to be complicated subjects of taxation. Indian tax regime has earned a reputation of being amongst the most complex and uncertain tax structures in the world. This complexity when coupled with high rates of corporate tax, renders the country's claims of emerging as a foreign investment friendly regime questionable. It is pertinent to clearly understand the law and policy governing corporate taxation and tax implications for companies throughout their life cycle. This course offers essential overview and comprehensive understanding of corporate taxation in accordance with the corporate life cycle from incorporation to winding up or restructuring. This course aims to offer an understanding tax implications of corporate form of doing business in India, identifying opportunities of tax planning and side-stepping likely controversies, while being mindful of the ongoing tax issues.
SCHEME OF EVALUATION:	There will be a continuous evaluation where each element is connected to the next level. The first stage of evaluation will be case survey which primarily aims at broadly mapping existing case laws with respect ot a chosen topic. The survey undertaken feeds into writing a position paper i.e the position of law (and not that of the writer) by assimilating the past and present of that specific topic. The position paper will enable in identifying gaps in law/policy/controversy and developing an argument, problem area to be converted as a research paper. Case Survey/Literature survey (10 Marks) Position Paper (15 Marks) Research Paper (25 Marks) Total 50 Marks (each component scaled up)
SELECTION CRITERIA (IF ANY)	-

Course Title:	Digital Evidence Retrievals and Analysis Systems (DERAS)
Course offered to	B.A.LL.B
Instructor:	Mr. IRFAN
Number of Credits:	2
Duration	September – OCTOBER, 2020
Brief Description	Course Objectives. The primary purpose of the DERAS course is to equip criminal investigators with the knowledge, skills, and abilities to properly identify and seize digital evidence. Through a combination of lecture, demonstration, hands on exercises, labs and a practical exercise investigators learn how to seize digital evidence from personal computer (PC) and notebook computer hard drives, floppy diskettes, compact disks (CDs), DVDs, thumb drives, and various flash media by acquiring forensically valid images.[r] Course Relevancy. Scientifically Authenticated Evidence determines legal proceedings immensely, In recent time's evidences emerge from IT and ICT utilization's as well, hence Lawyers and Law enforcers should understand 1. Digital formats of data storage media 2. Internal architecture of existing Storage Medias 3. Data storage mechanisms on Digital Domain's (DD) 4. Data retrieval process both deleted and prevalent memory structure's 5. Analyzing process of retrieved data etc. Having Moderate knowledge helps Student to add IT knowledge in fact finding processes. Digital Evidence Lab tools: 1. Windows based sector level recovery tools 1.1 Pandora recovery 1.2 Recuva 1.3 ICare Data Recovery 2. Linux Based bit-stream based data recovery tools 2.1 DEFT: Digital Evidence Forensic Tools Kit 2.1.1 Foremost 2.1.2 Bulk Extractor Concepts offering with this course are 1. Disk structuring/spacing 2. Device Mounting. 3. Device Imaging. 4. Device Hashing. 5. Device Carving. Conclusion Having in depth knowledge on existing legal framework is mandatory for excelling in Legal profession but having substantial understanding on emerging technologies where different legal derivations are depended upon provides multi-dimensional perceptive in due course of litigation handling processes.
Scheme of Evaluation	Project Work.

COURSE TITLE:	Goods and Service Tax
COURSE OFFERED TO	Elective for LL.B.
INSTRUCTOR:	Dr.Neha Pathakji
NUMBER OF CREDITS:	4
DURATION	July-October 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The introduction of Goods and Services Tax is evidently a major indirect tax overhaul in the history of independent India. The paradigm shift from an origin-based to a destination-based consumption tax was set to rationalize, harmonize and simplify existing taxes. However, the implementation of GST so far has proved to be somewhat a roller coaster ride for the traders, administrators and practitioners alike. Issues with respect to substantive, procedural and to certain extent constitutional aspects have already surfaced. While many consider these as teething issues, others persist that these are symbolic of deeper systemic problems. This course aims to offer an understanding of the law, policy and practice of GST and critically analyze the same. The course will introduce students to constitutional foundations of GST and basic concepts in GST and emerging issues in GST.
SCHEME OF EVALUATION:	Blog Post (10 Marks) Essay (15 Marks) Research Paper (25 Marks) Total (50 Marks) to be scaled up to 100.
SELECTION CRITERIA (IF ANY)	-

COURSE TITLE:	Insolvency and Winding up of companies
COURSE OFFERED TO	Elective for LL.B.
INSTRUCTOR:	Mr. Alok Verma
NUMBER OF CREDITS:	4
DURATION	July-October, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	With multiple laws governing the area of insolvency and bankruptcy in India could not deliver the justice and fall short in effective recovery of stressed assets, causing undue strain on the credit system. All past efforts in the direction of resolving insolvency dispute and recovery have fallen far short of expectations, due to poor implementation and legal loopholes available for the defaulters. According to World Bank, the average time taken for completion of bankruptcy process in India is far higher than any other country. Since, it is the first time that the government and RBI are on the same page for effective resolution of the problem of bad debt and improving overall financial discipline in the way business is conducted in India. With the enactment of Insolvency and Bankruptcy Code, the government has not only consolidated the provisions, it has also put forth the arrangement of uniform procedure to be followed by the tribunal to expedite the disposal of cases of insolvency and winding up. Numerous features of the IBC and recent pronouncement by various high courts and the Supreme Court motivate us to look at this latest effort in a positive way. The idea behind this course is to provide overall understating of current legal regime dealing with procedural aspect of insolvency proceeding in India.
SCHEME OF EVALUATION:	Open Book Written Examination/ MCQ and practical problems

COURSE TITLE:	Investment Treaty Law
COURSE OFFERED TO	Elective for LL.B.
INSTRUCTOR:	Ms. Sahana Ramesh
NUMBER OF CREDITS:	4
DURATION	June to October 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	With arbitration now considered one of the primary methods of dispute resolution in the commercial world, its importance and usefulness in the context of international law cannot be overlooked. Today, permitting the use of arbitration by aggrieved individual investors against States has been seen as key in attracting foreign investment. Investment Treaty Law will discuss the evolution of dispute settlement mechanisms from a purely State-State mechanism, to one that affords direct rights to individual investors. This course will introduce students to various substantive standards and protections afforded by the investment treaty regime to the investor, including those that have come under the spotlight in recent times especially after measures taken by States in response to the COVID-19 pandemic. The course will also study the dispute resolution mechanism itself, with a special focus on the ICSID Convention and existing case law (while drawing on examples from investment treaties like the NAFTA/USMCA, and Model Bilateral Investment Treaties of specific nations). Along the way, problems associated with the present investment treaty regime will be highlighted. The course is divided in to several modules, each dealing with a different concept of investment treaty law. The aim of the course is to equip students with an understanding of the framework of investment treaty law, as well as the jurisdictional and substantive principles underlying investment treaty arbitration so as to enable them to critically analyze and apply principles in a practical scenario. Knowledge of the basic principles of public international law is a must; knowledge of the basic principles of international arbitration would be helpful but is not essential.
SCHEME OF EVALUATION:	Best 3 of 4 tests of 10 marks each (each to be scaled up to 25) + a mandatory written paper (and oral presentation) of 25 marks.
SELECTION CRITERIA (IF ANY)	--

COURSE TITLE:	Law on Non-discrimination in Employment in India
COURSE OFFERED TO	Elective for LL.B.
INSTRUCTOR:	Prof. N.Vasanthi
NUMBER OF CREDITS:	4
DURATION	July-October 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Equality at work is an important value that has received protection under the Indian Constitution. While it is a constitutional value, its translation into practice remains uneven. There are pockets of employment where the value is invoked and vast areas where there are no protections available at all. Equality in Employment in India straddles two distinct areas of law; labour law and constitutional law. The two areas of law have developed independently and often are interpreted distinctly from each other. While equality law under the constitution invokes liberal philosophy, equality law under labour law in India invokes welfarism. This course will discuss both these areas of law under the broad rubric of non-discrimination. It has been pointed out by scholars that non-discrimination law has not been theorized well under the Indian Constitution and consequently its use in labour law is also undertheorised. The use of doctrines of equality such as the legality and the rationality tests have led to some problematic rulings in the context of discrimination. The course will use theories on discrimination including intersectional discrimination theory and critical labour theory to critically analyse significant rulings in the area of employment law. The course will discuss specific concepts that have evolved in discrimination law such as stereotyping, hostile work environments, reasonable accommodation as well as affirmative action. The equality bills that have been proposed recently will also be discussed to the extent they deal with discrimination in employment.
SCHEME OF EVALUATION:	1. A mid semester submission of a case review due around August(25 marks) 2. A mid semester submission of a legislative analysis due in September(25 marks) 3. An end semester submission of a paper(50 marks)
SELECTION CRITERIA (IF ANY)	No

COURSE TITLE:	Legal Personhood
COURSE OFFERED TO	Elective for LL.B.
INSTRUCTOR:	Prof. Amita Dhanda
NUMBER OF CREDITS:	4
DURATION	July to October 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	It has often been believed that legal personhood accompanies biological personhood and except for minors or persons of unsound mind all others are persons before the law. Roscoe Pound in his chapter on Persons in the 23rd volume of his Jurisprudence has demonstrated the dichotomy between legal and biological personhood. In tracking the history of personhood, he has shown how the social, economic, and political compulsions of a society determined who was or was not a legal person. Thus, feudal society needed to deny personhood to slaves and patriarchy had to keep out not just women but the adult son and other dependents. Pound's concludes his narrative by pointing out that except for persons who were intellectually or developmentally deficient, personhood has increasingly acquired universal manifestation. And the denial of persons with disabilities was unproblematic as it was being done not to deprive but to protect. The Disability Rights movement would not agree with Pound's conclusion and the Convention on the Rights of persons with Disabilities has negated Pound's argument by recognizing the full personhood of persons with disabilities. Arguments have been raised in relation to non-human animals. Questions around the legal status of humanoids and genomic beings are started to be raised even as the legal status problems of climate refugees; stateless persons are far from resolved. Not to forget the personhood that Indian adjudicators have conferred on the idol; a sacred city or a river. The paper aims to look at the political and legal significance of legal personhood and the various sites at which questions of personhood may arise. How personhood very often may not be an all or nothing game and entitlements are linked to the position accorded to an individual or group in the political, economic and social hierarchy. And why is it that despite its logical validity there is such legal and social resistance to universality of personhood to humans and so much of enterprise and innovation is demonstrated in the creation of artificial persons. The paper aims to undertake informed reflection on one of the key concepts of rule of law i.e., who is a person before the law?
SCHEME OF EVALUATION:	Two 24 hours exams and a project.
SELECTION CRITERIA (IF ANY)	All interested students from 4 th and 5 th Year

COURSE TITLE:	Matrimonial Causes and Jurisdictional Conflicts
COURSE OFFERED TO	LL.B.
INSTRUCTOR:	Dr. Aruna Venkat
NUMBER OF CREDITS:	4
DURATION	July-October, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The Course is concerned with what happens in cases where not all of the facts are tied to one jurisdiction. This course deals with a number of specific theoretical frameworks. The three core components of the course investigate: • Jurisdiction: When domestic courts can hear cases that involve parties and property from outside the territory of the court. • Choice of Law: Which law is applicable when a case has connections with a number of different jurisdictions? In particular, this course considers family disputes that involve a variety of jurisdictions. • Enforcement of Judgements: How to enforce a court judgement or arbitral award from another jurisdiction in local courts. By the end of this course, you should be able to: • explain and apply the principles relevant to determining the Indian courts' jurisdictional competence and the circumstances in which they will decline to exercise that jurisdiction • explain and apply the principles relevant to determining whether a foreign judgement will be recognized in India and how foreign judgements can be enforced
SCHEME OF EVALUATION:	Project, Mid and end term take home exams (4 hour duration)
SELECTION CRITERIA (IF ANY)	

COURSE TITLE:	Statistics for Lawyers
COURSE OFFERED TO	Elective for LL.B.
INSTRUCTOR:	Ms. Amulya Purushothama
NUMBER OF CREDITS:	3
DURATION	July-October 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Understanding and analysing quantitative data is proving to be a valuable skill for lawyers and law students whether they are interested in working in litigation, public policy, social sciences research, or simply being good citizens. Mathphobia and poor data literacy often inhibits us from engaging with quantitative research in a rigorous manner. In this elective course, we will start from the basics and learn statistical concepts and tools that will enable us to become sophisticated consumers of law and social sciences research that uses quantitative methods. The aim is that at the end of the course, we should all be able to read and evaluate and criticize quantitative empirical legal research. The first half of the course will cover basic statistical concepts: measures of central tendency, of spread, normal distribution, expected values, probability, significance testing, confidence intervals, statistical inference, and linear regression. The second half we will read empirical legal studies to understand how these concepts are used and to hone our analysis/ critical thinking skills. No statistics/ economics background required- as long as there is a firm grasp of high school algebra. Students taking this course must make sure they have access to a computer and can run Excel on it. The texts we will primarily refer to are Gregory J. Privitera and Darryl J. Mayeaux, Core Statistical Concepts With Excel® and Naked Statistics: Stripping the Dread from the Data Audible by Charles Wheelan, which should be read in its entirety.
SCHEME OF EVALUATION:	Mid Term Exam- 40% Class Presentation (on selected empirical paper)- 20% Individual Presentation (on selected empirical paper)- 20% Discussion Questions- 10%
SELECTION CRITERIA (IF ANY)	40 student cap. Draw of lots

COURSE TITLE:	The Animal Turn: Contextualizing Animal Rights Movement and the Law
COURSE OFFERED TO	Elective for LL.B.
INSTRUCTOR:	Mr. Vivek Mukherjee
NUMBER OF CREDITS:	4
DURATION	July-October
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Over the past decade, Indian courts have consistently held that animals enjoy constitutionally recognized fundamental rights. Similar developments may only be observed in a few other countries such as Switzerland and Germany, albeit through the legislative route unlike India where judiciary has taken the lead. A significant difference between the Indian story and the German or Swiss stories is that the Indian story lacks a concentrated social and intellectual movement towards the recognition of constitutional rights of animals. It was mainly the judicial activism of the Indian courts that the legal rights of animals have been recognized. As a result, a gap may be observed between idealism with which the judges have approached the issue and, the practical implication and implementation of the judgements. I argue in this course that Indian judges have faltered in assessing the most fundamental question- whether animals can be fundamental right holders under the Indian Constitution. I base my claim on theoretical inconsistencies observed in landmark judgments of the Indian Supreme Court and High Courts, directly or indirectly touching upon the question raised above. For an instance in the landmark case AWBI v. Nagaraja which recognized the right to life of bulls who were cruelly forced to participate in a sport called Jalikattu, the Supreme Court prohibited the cultural activity by making contradictory observations. On one hand it recognized the property status of animals and privileged the doctrine of necessity and on the other it recognized the inherent right of animals to live with dignity. The reconciliation between property status of animals and the recognition of their rights surfaces nowhere in the judgment. My claim gives rise to the following questions: Who may be right holders under the Indian Constitution? If the answer is a 'legal person', has the legal personhood of animals been recognized under Indian laws? Does sentience play any role in the recognition of legal personhood in the Indian Constitution? Since the constitution takes a human rights approach, can animal rights be integrated with human rights conceptually? Is it absolutely necessary to provide the protection of fundamental rights to animals? Are we choosing the rights route over the welfare route if the answer to the previous question is yes? Are rights and welfare approach always binary? Can both approaches coexist? Does the fact that, the primary legislation preventing cruelty against animals in India (Act of 1960) is welfare oriented and treats animals as property, have any bearing on the judicial recognition of fundamental rights of animals? This course seeks to reconcile the theoretical inconsistencies in the landmark cases decided by Indian Courts by exploring a constitutional theory of justice for animals which addresses the questions raised above in a pragmatic manner. The course does not seek to question the effectiveness of a rights-based approach. It seeks to observe how judgments construct animals and how it interacts with justice. Since this project is one of

	reconciliation; the insights from interdisciplinary, intersectional and coalitional nature of Critical Animal Studies would be quite useful.
SCHEME OF EVALUATION:	As per Mandatory Course
SELECTION CRITERIA (IF ANY)	None

COURSE TITLE:	Animal Protection Laws and Policies Clinic
COURSE OFFERED TO	Elective CLINIC for LLB
INSTRUCTOR:	Mr. Vivek Mukherjee
NUMBER OF CREDITS:	4 + 4
DURATION	June-October 2020 (The clinic will continue in the subsequent semester too)
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The course aims at promoting a clinical study of legal systems that deal with the protection of animals. The question of ethically proper treatment of animals has historically been grounded in the social realm governed by the concepts of compassion and morality. In this light, the course shifts the locale of the discussion from social to that of the legal. The course is deeply rooted in social justice tradition of clinical legal education. It attempts to draw the attention of future social justice lawyers to those who cannot afford legal representation i.e. animals. The degree of injustice meted out to animals is not just exorbitant and shocking, it is also invisible. Violence towards animals has been normalized in the dominant neo-liberal capitalist logic. Laws and judicial pronouncements passed to protect animals in India have been praised for its progressive leaps but much is yet to be done. Laws may have insufficiently addressed the act of slaughter itself; it does not deal with the condition of animals in the livestock industry. Poultry chickens are still kept in A4 sized battery cages lined in multiple rows piled 3-5 tiers high. The cages are so small that the hens are unable even to spread their wings which prevent nearly all forms of natural behaviour, including perching, roosting, scratching, foraging and exploring. Their beaks are brutally cut so that they cannot peck on fellow hens which they are bound to do considering the extremely stressful environment. The Indian Courts have recognized 'rights of animals' in cases like Nagaraj but there is no academic engagement with questions of legal personality, capacity and enforcement. The clinic seeks to work with NhRP to design a good strategy for the recognition of the personhood of individual non-humans. Cosmetics are still not labelled with green and red dots and unlike many progressive laws in other jurisdiction 'humane tags' are not promoted by Indian laws and policies. The mid-day meal scheme mandates distribution of 2 eggs per child without any consideration of the artificial demand for (caged) eggs created by the state in the process. There are no laws for reporting of GHG emissions from the livestock sector and land use changes which amounts to more than 20 percent of emissions in India. Above all, there is lack of a one stop legal database for legal, policy and enforcement material for animal laws in the Indian context. The clinic will work with a team from animallaw.info to create such a database. The course seeks to address the above issues by collaborating with Environmental Justice and the Protection of Animals Rights Clinic, Buchmann Faculty of Law, Tel Aviv University. Students will pair with students from Tel Aviv University to conduct research on the clinic projects. Experts in the field of Animal Law, made available by the Animal Law Centre, NALSAR will supervise students in the clinic projects. The course will also broadly attempt to frame a theoretical understanding of the history of animal usage by humans through practices of domestication, agriculture and animal husbandry and the effects of industrialization and urbanization on it. These discussions will be grounded

	in the philosophy of animal liberation based on the analysis of the weightage of the claim to rights as promoted by speciesism. Further, the treatment of animals would be looked at in conjunction with other structures of power that function through oppression. Insights of the feminist thinkers in this regard would be important. Beyond this, the course also deals with the issue of property and legal personality where the affirmation of the latter is necessary to enforce the former. This will also lead to the discussion of the principle of balance between the suffering of animals and the purpose of the act causing suffering. The over- arching goal is to connect clinical practice with more abstract levels of knowledge about law and animals so as to provide the necessary background for meaningful handling of cases. The course offers a rare opportunity to students to learn the law while trying to change it.
SCHEME OF EVALUATION:	Clinic Product (100 Marks) The marks distribution will be specified later.
SELECTION CRITERIA (IF ANY)	CV and interview of students (Maximum 10 students only)

NALSAR University of Law



SEMINAR Courses Outlines
(In House Faculty)

June - October, 2020 Semester

COURSE TITLE:	Bribery and Anti-Corruption Laws
COURSE OFFERED TO	Seminar for LL.B.
INSTRUCTOR:	Dr. D Bala Krishna
NUMBER OF CREDITS:	4
DURATION	June – October 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	In order to keep the law students abreast with the latest developments in the legal area in relation to the bribe and corruption as well as to equip them with most recent legal developments in this area, training of the law students and researchers is a need of the time. In this scenario, the course will explore the various policies and laws on prevention of corruption and its strengths and shortcomings with emphasis upon its stakeholders under the criminal justice system. This course will provide students with a conceptual and theoretical foundation to study and critique anti-corruption laws and its application in India and other countries as well. Course Objectives The course contents shall cover both administrative and legal aspects and focuses on the fundamental principles and practices of prevention of corruption laws and explores the roles of key stakeholders under the legal system. The course besides emphasizing the basic principles of law and practice, it also identifies the emerging challenges in the enforcement of corruption laws. Therefore the course is mainly focused on the issue of crime relating to bribery and corruption and its impact on individual and the society in the global legal context. Learning Outcomes 7. Think critically about important issues in legal controls of corruption 8. To critically analyse the practical issues and concerns related to various forms of corruption and its effect on the nation 9. To sensitize the student in relations to citizen accountability towards participation in the criminal justice system Teaching Methods This course will provide a variety of activities and following methods shall be used besides class room teaching: discussions, seminar, assignments, project, group projects, cases Studies, Field study paper presentations and a final paper presentation Course Outline The course contents shall cover both administrative and legal aspects. The following issues will be discussed. Understanding corruption: • The Basic theories and Concepts • Bribery and Corruption • Political Corruption • Frauds (Online, Corporate Frauds) • Fugitives Offenders • Money Laundering The criminal justice system and Corruption: Landscape Review:

	• Major Constitutional Protections • Structure and functions of state and central enforcement Authorities • How is a corruption case initiated? • Trap cases and its legality • Special Courts • Court Personnel • Prosecution and Trail of bribe and corruption cases • Sanction for Prosecution • Professional non Professional Courtroom Actors and Court Process Regulatory Authorities: • State Vigilance Department, CVC, Lokayukta, Upalokayuktha and ACB • Professional non Professional Courtroom Actors and Court Process • The Adjudication Process • Identifying implementation priorities • Effects of New Information Technologies Proceeds of Crime • The concept and legal aspects of proceeds of crime • The identification and attachment of the properties • Binamy transactions and binamy holders • Practice and Practitioner Issues Legal Scenario: • United Nations Convention against Corruption • Benami Transaction (Prohibition) Act, 2008 • The Delhi Special Police Establishment Act, 1946 • The Central Vigilance Commission Act, 2003 • The Criminal Law Amendment Ordinance, 1944 • The Prevention of Corruption Act, 1988, • The Prevention of Corruption (Amendment) Act, 2018 • Prevention of Money Laundering Act, 2002 • The National Security Act, 1980, • Telangana State Lokayukta Act, 1983 • The Fugitive Economic Offenders Act, 2018
SCHEME OF EVALUATION:	Seminar Paper Submission and Presentation
SELECTION CRITERIA (IF ANY)	SOP

COURSE TITLE:	Cyber Crimes- Law, Policy and regulation
COURSE OFFERED TO	Seminar for LL.B.
INSTRUCTOR:	Dr. KVK Santhy
NUMBER OF CREDITS:	4
DURATION	July to October 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The emergence of modern information and technology-based societies in which the exercise of economic, political, and social power increasingly depends on the opportunities to access, manipulate, and use information and information infrastructure has created opportunities enforcement and national security responses. To deal with the new emerging menace of cyber crime we have only one legislation in place, IT Act, 2000 which did not deal with much of internet crime. Even though the 2008 amendment Act took care of some major internet crimes we are still lacking in many areas. One of the important objective of this course to lay down policy for various issues regarding internet crimes for India taking into account the global initiatives. This course explores how a "networked" world has bred new crimes and new responses, and investigates how information and communication technology (ICT) has become a tool, a target, and a place of criminal activity and national security threats, as well as a mechanism of response. This course addresses such questions as how emerging technologies challenge existing laws and criminal procedures; how nation-states regulate criminal conduct across traditional geographic and political boundaries; what reasonable expectations of privacy are in cyberspace; and how control is shifting from traditional mechanisms of law enforcement to new regulatory regimes, including technology. Module - I. Nature and Concept of Cyber Crimes • Classification of Cyber Crimes • Fundamental aspects of Cyber Crimes/Cyber offences/Online Crimes: Mensrea and actus reaus, • US v. SABLAN, 92 F.3d 865 (1995) (relationship of "<i>mens rea</i>" to "damages," and how are damages calculated). • US v. MIDDLETON, 231 F.3d 1207 (2000) (<i>Factual Background</i>, pp. 1208-09, Part B. <i>Damages</i>, p. 1213, and Part C. <i>Sufficiency of Evidence</i>, pp. 1213-14). • Need for criminalization of offences in cyber space • Types of cyber offences to be criminalized • Spamming, hacking, cyber stalking, theft of service, denial of service attacks, salami slicing, data transfer fraud, • International dimensions to cyber crimes – Budapest convention. • Online intermediary liability • Computer Viruses, Time Bombs, Trojans, Malicious Code (Malware) <u>Readings:</u> • Jyh-An Lee, Hacking into China's Cybersecurity Law, 53, Wake Forest L. Rev. 57 (2018). • Josh Goldfoot; Aditya Bamzai, A Trespass Framework for the Crime of Hacking, 84 Geo. Wash. L. Rev. 1477, (2016).

	• Sara Sun Beale; Peter Berris, Hacking the Internet of Things: Vulnerabilities, Dangers, and Legal Responses, 16 Duke L. & Tech. Rev. 161 (2017-2018). • Maneela, Cyber Crimes: The Indian Legal Scenario, 11, US-China L. Rev. 570 (2014). • Danielle Keats Citron, Addressing Cyber Harassment: An Overview of Hate Crimes in Cyberspace, 6 Case W. Res.J.L. Tech. & Internet 1 (2014-2015) Module –II: Cyber Crimes and Procedural Aspects: • Investigating Internet Crime: cyber cells, search, seizure, digital evidence • Computer forensics • Prosecution of internet crime, • Admissibility of electronic records and issues in the admission of digital evidence • International aspects and Jurisdictional issues Readings: • Milana Pisaric, Electronic Records as Digital Evidence, 43 Zbornik Radova 519 (2009). • Jacqueline J. DeGaine, Digital Evidence, 2013 Army Law. 7 (2013). • Paul W. Grimm; Daniel J. Capra; Gregory P. Joseph, Authenticating Digital Evidence, 69 Baylor L. Rev. 1 (2017). • Mrinalini Singh; Shivam Singh, Cyber Crime Convention and Trans Border Criminality, 1 Masaryk U. J.L. & Tech. 53 (2007). Module – III: Cyber Terrorism • Need for comprehensive national cyber security • Monitoring and surveillance of potentially harmful websites • Cyber Crime and fund raising • Cyber network based attacks • Should sentencing law and policy take into account the differences between traditional crimes and cyber crimes • Cyber security measures : Computer Emergency Response team. NERT Readings: • Dan-Calin Besliu, Cyber Terrorism - A Growing Threat in the Field of Cyber Security, 6 Int'l J. Info. Sec. & Cybercrime 35 (2017). • Loan Marcel, The Components of Cyber-Terrorism, 2 Int'l J. Info. Sec. & Cybercrime 49 (2013). • Ioana Martin, Cyber Security Strategies - An Overview, 4 Int'l J. Info. Sec. & Cybercrime 33 (2015). Module IV: Pornography, prostitution, and sex crimes in cyber space: • Pornography in India: policy and regulation. • Child porn and the law • Sending offensive messages S 66A • Policy problems with a national or cyberspace standard

	• Constitutional and statutory rules governing obscenity • Operation of local community standards in cyber space • Voyeurism S 66E • Sexually explicit content and child pornography S 67A ND s 67B • Online Gambling: UNLAWFUL INTERNET GAMBLING ENFORCEMENT ACT OF 2006(enacted as Title VIII of the Security and Accountability For Every Port Act of 2006 or SAFE Port Act, Pub. L. 109-347): • Avinash Bajaj v State, 116(2005)DLT427 • Fimbros v State of Kerala, AIR 2006 Ker 279 • Ashcroft v. ACLU, 542 U.S. 656 (2004). • MILLER v. CALIFORNIA, 413 U.S. 15 (1973) (Miller Test - community standards; "lacks serious literary, artistic, political, or scientific value"). • U.S. v. AMERICAN LIBRARY ASSOC., 539 U.S. 194 (2003) (LII) (upholding Children's Internet Protection Act (CIPA). STATUTES: • Communications Decency Act of 1996 (Title V of the Telecommunications Act of 1996). • Child Online Protection Act (COPA) of 1998 (47 U.S.C. 231). (Cf. Children's Online Privacy Protection Act of 1998 (COPPA) 16 USC 6501-6506). • Children's Internet Protection Act (CIPA) of 2000 Children's Internet Protection Act (CIPA), Pub. L. No. 106-551, Div. B., Tit. XVII, 114 Stat. 2763A-335 (2000). • Child Protection and Obscenity Enforcement Act of 1988 (Pub. L. 100-690, title VII, subtitle N (§7501 et seq.), Nov. 18, 1988, 102 Stat. 4485, 18 U.S.C. § 2251 et seq.) (enforced through "2257 Regs" guidelines, 28 CFR 75). Readings: • Gerard V. Bradley, Prolegomenon on Pornography, 41 Harv. J. L. & Pub. Pol'y 447 (2018). • Godwin Tan, Is Pornography Merely Obscene: Feminist Perspectives on the Regulation of Pornography, 5 UK L. Student Rev. 97 (2017). • Shannon Russell, The Criminalisation of Extreme Pornography: Legitimacy and Scope, 3 Edinburgh Student L. Rev. 51 (2017). Module – IV: Online fraud issues and challenges: • Identity Theft; Intellectual Property Theft; • Theft of computer resource S66B • Identity theft and impersonation S 66C and S66D • Tampering with the source code S65, • Syed Asifuddin v The State of Andhra Pradesh, 2005 Crilj 4314. <u>Readings:</u> • Eric Holm, The Darknet: A New Passageway to Identity Theft, 6 Int'l J. Info. Sec. & Cybercrime 41 (2017). • N. S. Nappinai, Cyber Crime Law in India: Has Law Kept Pace with Engineering Trends - An Empirical Study, 5 J. Int'l Com. L. & Tech. 22 (2010)
SCHEME OF EVALUATION:	Written Submission : 70 marks Assignments : 30 marks
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Empirical Legal Studies: Research and Design
COURSE OFFERED TO	Seminar for LL.B.
INSTRUCTOR:	Ms. Amulya Purushothama
NUMBER OF CREDITS:	4
DURATION	July- October 2020 Semester
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Empirical legal research is fast becoming popular in India. It is now common place to look beyond the letter of the law to understand the law. This seminar will be an introduction to empirical legal research and a workshop for both qualitative and quantitative research projects. Empirical research connotes a wide range of research methods all aimed at understanding and measuring the world as it is. Empirical research as a category includes both quantitative methods such as surveys, experiments, content analysis and statistical modelling and more qualitative methods such as interviewing, ethnographic studies, case studies, history and archival research. In the first part of this course we will understand the research design process, how we arrive at and refine a research question, define research populations, select samples, specify variables of interest and figure out how to measure them, how we collect data and analyse data using different tools, and how we conduct hypothesis testing. In the second part of this course we will understand the different empirical research methods named above by reading studies of each kind and unpacking them in class. The goals of this course will be to build capacity to read, understand, criticize and conduct empirical legal research. We will demonstrate our learning through working on individual empirical research projects.
SCHEME OF EVALUATION:	5 Page note on Research Question- 10% Literature Review- 10% Research Design Proposal- 20% Final Research Paper- 60%
SELECTION CRITERIA	1/2 page SOP describing students interest in and goals for the seminar.

COURSE TITLE:	Ideas of Justice Education
COURSE OFFERED TO	Seminar for LL.B.
INSTRUCTOR:	Prof. Amita Dhanda
NUMBER OF CREDITS:	4
DURATION	July -October 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	How should education at whichever level and whatever kind be undertaken so that it is emancipatory in method and content is fundamental to any inquiry on the emancipatory potential of education. A potential which needs to be tapped if education is to assist in the pursuit of social justice. When an educational establishment includes the excluded in the education system, without permitting any challenge to the exclusivity of the system or without allowing the inequities of the system to be questioned, then the establishment needs to be called out as a source of oppression or a vital part of the engine of oppression. This seminar course takes off by admitting to the oppressiveness of existing educational systems and therefore devotes minimal time on the how and why of the practices of oppression. Instead the seminar looks at writings which blueprint how to impart education for freedom? These writings I contend prevent us from getting bogged down by the pervasive negativity of the present and instead allow us to think on how to obtain freedom and pursue justice through education. Beginning from Paulo Freire's Pedagogy of the Oppressed, the course will go through a body of emancipatory writing on education to reflect on how do we think about education in a manner that systemic cooptation can be understood and hopefully avoided. The writings would be a pot pourri of writings from the north and the south. Ambedkar, bell hooks, Gandhi, Ivan Illich, Upendra Baxi, Edmond Cahn, Anil Sadgopal, Howard Gardner are some of the writers whose work I am putting together. The readings will be selected determining the extent to which they advance thinking about education for justice. The readings of the course shall be deliberated upon in the class sessions with any one student leading the class discussion. Students will be provided hard copies of the book or material whose discussion they will lead, the remaining material will be shared as soft copy.
SCHEME OF EVALUATION:	The written paper 60 marks. Class discussion on reading 20 marks and paper presentation 20 marks
SELECTION CRITERIA	One paragraph stating why you wish to pursue the course

COURSE TITLE:	International Commercial Arbitration
COURSE OFFERED TO	Seminar for LL.B.
INSTRUCTOR:	Mr. Rajesh Kapoor
NUMBER OF CREDITS:	4
DURATION	July-October, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The course deals in an exhaustive manner with the substantive and procedural aspects of the law related to international commercial arbitration. The course will examine and discuss various issues which occur in international arbitral process, ranging from entering into the arbitration agreement to the enforcement of the award. It will focus on theoretical foundations of international arbitration, the juridical nature of arbitration, the agreement to arbitrate, applicable laws, the interplay between national courts and international arbitral tribunals and finally the various issues related with the award. We shall refer to various national arbitration statutes, international arbitration treaties and the arbitral rules of leading international arbitral institutes.
SCHEME OF EVALUATION:	Evaluation shall be out of 100 marks, which shall be divided into 2 parts: A research paper of 4500-5000 words (75 marks written submission and 25 marks for oral presentation).
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Land Rights and Tribal: Facts, Acts and Issues
COURSE OFFERED TO	Seminar for LL.B.
INSTRUCTOR:	Dr. G.Mallikrjun
NUMBER OF CREDITS:	4
DURATION	July to October
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The course intends to discuss the existing legal provisions and processes related to the land rights of the tribals in the context of their occurrence as well as litigation. For a preliminary idea we can refer to the Part X of the Constitution that contains special provisions relating to administration of Scheduled Areas and tribal areas. Sub-paragraph 2 of Paragraph 5 of Part B of Schedule-V, under Article 244 (1) of the Constitution further provide that the Governor may make 'regulations' for general peace and good governance of any area in a State which is for any reason is defined as a Scheduled Area. However, regulations are supposed to stand by a rationality of their own structure to the effect that in particular, and <i>without prejudice to the generality of the foregoing power</i>, such regulations may prohibit or restrict the transfer of land by or among members of the Scheduled Tribes in such area. It can also regulate the allotment of land to members of the Scheduled Tribes in such area. Further, it can regulate the transaction of business such as is held by the money-lenders from outside who lend money to the members/people of the area identified constitutionally as the area of the Scheduled Tribes. The provisions become really regulatory when, in making any such regulation, the Governor may repeal or amend any Act of Parliament or of the Legislature of the State or any existing law which is thereto applicable to the area in question. To come to a point that carries structural significance, the Panchayats Act, 1996 provides in fact for the extension of part IX of the Constitution relating to Panchayat to the Scheduled areas. The Act, inter-alia, provides that the Gram Sabha or Panchayats shall be consulted before making the acquisition of land in the scheduled areas towards development projects and before resettling or rehabilitating persons affected by such projects in scheduled areas. Coming to the larger social dimensions of the issues related to the tribals in the general framework of this course, mention can be made of the Scheduled Tribes and Other Traditional Forest Dwellers Act, 2006 that seeks to recognize the forest rights and occupation in forest land in forest dwelling STs and OTFDs who have been residing in forests for generations. It is logically understood that the responsibility for implementation of the Act lies with the States/UTs. Section 4(5) of FRA, 2006 ensure that no member of a forest dwelling Scheduled Tribe or Other Traditional Forest Dweller shall be evicted or removed from a forest land under his occupation till the recognition and verification procedure is complete. There are certain Acts that have dealt with the issues emanating from the gaps left by the areas already covered by the Acts above referred to. For example, in order to ensure fair compensation and timely and proper rehabilitation of displaced tribal people across the country, adequate provisions in the "Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013"

	have been made. In logical and legal connection with this, as per section 41 of the Act, as far as possible, no land is to be acquired in the Scheduled Area. In case acquisition or alienation of any land in the Scheduled Areas takes place, a prior consent of Gram Sabha or the Panchayats or the Autonomous District Councils-- as the case may be-- is required to be obtained. The Act <i>consciously</i> lays down procedure and manner of rehabilitation and resettlement (R&R) wherein R&R is an integral part of the land acquisition plan itself. To locate the provision solidly, Chapter-V and VI of the said Act contain detailed provisions of R&R awards and their implementation. At a larger and more technical level, the provisions of Section 48 of the RFCTLARR Act, 2013, direct that a national Monitoring Committee is to be set up for reviewing and monitoring the implementation of Rehabilitation and Resettlement Schemes, looking into issues related to displacement of people, payment of compensation, rehabilitation and resettlement, and the status of land acquisition. By and large, the course attempts to cover all the areas related to the rights of the tribals when the land policies at large either include or exclude them. In this sense, the course tries to offer an overview of the existing Acts specifically with reference to their general relevance for interpretations other than legal and their potential as “Acts” to accommodate the recommendations from those quarters not entirely legal.
SCHEME OF EVALUATION:	Project: Written :(70 Marks) Presentation: (30 Marks)
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Law of Environment and Health
COURSE OFFERED TO	Seminar for LL.B
INSTRUCTOR:	Dr. T. Raghavendra Rao
NUMBER OF CREDITS:	4
DURATION	JUNE-OCTOBER 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Environment is everything around us, the air we breathe, the water we drink and use, and the food we consume. Good health is a fundamental precondition of much human activity. Environmental Health Laws and Policies are created to regulate and safeguard the human environment. The 20th Century has witnessed an unparalleled improvement in human health. Progress in a range of environmental sectors has yielded corresponding improvements in health outcomes with substantial economics and financial gains, but challenges remain. The environment and eco systems are under serious threat with dire consequences for human health and wellbeing of mankind. Environmental degradation can have a significant impact on human health. Opportunities for reducing environmental related health risks are considerable. The impact of environmental risk factors on health are extremely varied and complex. Humans interact with environment constantly. These interactions affect quality of life. Environmental health encompasses the assessment and controls of those environmental factors that can be potentially affect human health. The impacts on human health due to degradation of environment affect society not only in terms of loss of quality of life, but also in terms of expenditure on health care as well. Since, these impacts are very different, different approaches are required for estimating their magnitude. Hence, the loss of health due to environmental degradation is substantial and calls for interventions at this juncture. Maintaining a healthy environment is central for increasing the quality of life. Learning Objectives: • The primary objective of this course is to introduce law student to the emerging area of Jurisprudence, which has assumed of late, crucial social significance. • To generate critical understanding about competing and conflicting interest that are evolved and influenced by interface of environment and health. • To create critical knowledge and informed opinion about legal, social, and regulatory issues and implications Teaching Methodology: Assigned Readings, Class Participation in Discussions, Assignments and Lectures. Course Coverage: This course attempts to describe the major impacts on human health due to environmental degradation with the help of legal and regulatory frame work. Course coverage includes: Environment and Health Interface, Environmental Pollution and Health (Air, Water, and Environment), Municipal, Hazardous and Bio-Medical Waste, Mass Torts, Climate Change, Forest and Biological Diversity, Occupational Health, Role of the State. Suggested Readings: D.S. Blumental et.al (1995) Introduction to Environmental Health: Springer

	Moeller, D. W. (1997), Environmental Health, Cambridge, Harvard University Press. Melse, J. M et.al "Human Health and Environment", OECD Paris. WHO, World Health Report: Making a Difference WHO, Geneva. Sanford M. Brown et.al, Environmental Health Law, Praeger. Divan et.al, Environmental Law and Policy in India, Oxford University Press.
SCHEME OF EVALUATION:	Project: Written :(70 Marks) Presentation: (30 Marks)
SELECTION CRITERIA	DRAW OF LOTS

COURSE TITLE:	Locating equity in the pronouncements of Equity Courts.
COURSE OFFERED TO	LL.B. (4 th and 5 th Year)
INSTRUCTOR:	Mr. Varun Malik
NUMBER OF CREDITS:	4
DURATION	July-October, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Centuries of prevalence of common law on the English soil resulted into consolidation of law; and a strong realization of its rigidity due to a strong adherence to <i>stare decisis</i>. The said realization, commonly shared by people in England, ranging from the crown to the poor peasants, lead to the advent of a parallel system of adjudication: Equity. The Equity adjudication mechanism operated as an off-shoot of residuary power of the king to impart justice. It primarily operated through the Chancery (administrative) Division of the state, headed by the King's Prime Minister (Lord Chancellor). Initially, the ecclesiastical chancellors applied the principles of Good Conscience and ruled on a case to case basis without a strict adherence to previous decisions of the Chancery. Hence, developing procedure and principles of adjudication which served, for some time, the purpose of mitigating the rigor and rigidity of common law. But, with time, as was inevitable, in a system operated by judicial minds conditioned to application of pre-existing principles (precedents), Equity was reduced to a set of procedural norms and substantive principles/ maxims. The courts, some decades before the 'fusion' of Equity and common law courts in 1873-75, started applying the principles of Equity meticulously. The codification of Equity was evident enough to the then 17th Century scholars. In this light, Blackstone suggested that Equity and common law are equally rigid structures of adjudication primarily governed by the principles of positivist law. Further, the post-fusion scholars have not been able to demonstrate the commonalities in the principles of Equity. The idea of commonality lying in the Principles of Good Conscience too doesn't claim much ground. The scholarship reveals but one common thread running through all the principles viz. their development through the pronouncements of the Courts of Equity/ Chancery. This reduces Equity to its most accepted definition: "<i>.... that body of rules which is (was) administered only by those courts known as the Courts of Equity.</i>" The above backdrop and primarily the definition of Equity in historical terms leaves us with many questions regarding its nature, especially in the present era. The most important amongst such questions which forms the spine of discussion in this course is: 'Is Equity really Equitable?'

	The course seeks, in the process of addressing the above question, to extend the inquiry to other related domains such as the nature and evolution of major substantive and procedural principles of Equity, the unthoughtful and inequitable legislative and judicial application of principles of Equity, the possibilities of reinstating the lost essence of Equity as a mode of adjudication etc.
SCHEME OF EVALUATION:	1. A survey of literature on any of the several themes (not topics) discussed during the lectures + presentation (25+5 Marks) 2. First Draft for seminar Paper (1000-1500 words) (20 Marks) 3. Seminar Paper + Presentation (3000-4000 words) (40+10 Marks) The assignments are to be submitted in the same order. The date of submission for each shall be discussed during the lectures.
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	New and Emerging Technologies: Legal Challenges
COURSE OFFERED TO	LLB
INSTRUCTOR:	Prof. V Balakista Reddy
NUMBER OF CREDITS:	4
DURATION	June-October, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	There has always been a close yet conflicting relationship between Law & Technology and the matter of whether Law should follow technology, or the other way around has always been a subject matter of debate. More often than not, Law has always struggled to keep pace with technological developments. In the recent times when we are facing crucial challenges like fighting with Covid-19, work from home has become a mandate and it has been made possible due to the technological developments. Social media has become a legitimate tool for marketing and even doing business. Lawyers have increasingly come to embrace the power of social media and its potential for growing business. In the past few decades the world has witnessed numerous technological developments which has indeed become an indispensable part of our daily lives. Technologies in the contemporary areas of virtual reality (VR), the Internet of Things (IoT), artificial intelligence (AI), Automation, Big Data, Block chain, 3D printing, Cyber technology, Cloud Computing, Crypto Currency, Drones, Energy, Genetic, Geo special, Mobile, Machine learning Nano, Robotics technologies etc., are changing the living patterns of the human beings. However, each of these technologies and many more to come have bring along with it numerous legal challenges as a consequence of which law is said to struggle to keep pace with the latest technological developments. Major legal issues concerning the above technologies including Privacy, Security, Jurisdiction, Liability, IP Protection, Taxation, use of e-evidence etc. For example, use of Artificial intelligence and the allied technologies raise many complex legal issues and challenges that lawyers ignore at their peril. At the same time, AI also holds out the promise of helping lawyers to meet their ethical obligations, serve their clients more effectively, and promote access to justice and the rule of law. Similarly, Block chain has the ability to cross jurisdictional boundaries as the nodes on a block chain can be located anywhere in the world can pose a number of complex jurisdictional issues. It has also implications for data privacy, particularly where the relevant data is personal data or metadata sufficient to reveal someone's personal details. Similarly, the laws dictating drone operations are complex, to account for all the ways drones are currently used and how they could be used in the future. Laws that enable innovation, but restrict infringements on privacy and misuses of airspace, will be incredibly difficult. Issues related to the intellectual property rights are also common due to unlawful use of user generated content created by New and Emerging Technologies (NET), unlawful publication of copyrighted material or unlawful collection of copyrighted content on social networks etc. there are also a lot of controversy regarding use of NET in warfare which potentially enhances the performance of soldiers or use of heavy weapons for war. What is further challenging is the transnational impact of these technologies. Technologies like these have raised major concerns on the

	issue of Privacy on the data it collects. Cross border impact of such technologies has often crippled the execution of laws which have a territorial implementation. Managing such technologies from a legal standpoint now requires the attention and cooperation from international community including the international institutions. In view of these aspects, a Seminar paper on ‘New & Emerging Technologies and Legal Challenges’ has been designed. The objective of this paper is to explore the relationship between law and emerging technology and the issues that arise while utilizing these technologies. This paper is divided into five Modules. Module – I – Law and Technology Relationship The first module will deal with the infamous relationship between Law and Technology and will be centred around theme of whether law follows technology or technology follows law. Attempts will be made to give an over view of how law has led to better governance of technology and how technology has also helped law in better governance. Case studies will also be seen where certain technologies have been introduced after a legal framework for the same has been developed. Module II – International Law on Technological Governance Cross border nature of these technologies has often led extensive deliberations on the international platform. This module will dwell into the attempts taken at the international level to manage the cross-border nature of such technologies. This module will also raise general legal issues such as: Do machines have morality? What legal liability regime should we adopt for damages arising from increasingly advanced artificial intelligence? Which ethical guideline should we adopt to orient its advancement? Is anticipative regulation justified for certain classes of risks and/or AI applications? Should legal systems resort to the precautionary principle to avoid dealing with the risks of a rapidly changing technological trajectory? Are technology-based initiatives necessary, or is a product-specific approach more appropriate? Can a line be drawn between legal and ethical guidance in this context? Module III – Ethics, Law and Technology In this module we will introduce the topic of Law ethics and technology. The module will discuss the ethical challenges that are brought by the use of these technologies. Issues such as fairness, accountability, reliability and safety will be looked into in details in this module. What are the repercussions of creating technology that starts taking decisions like human beings? How do we ensure the fairness of the decisions taken by the computers? Will it discriminate in ways that are deemed to be unlawful? How can we ensure responsible data use in order to protect the privacy and safety of the people in the society? The most important principles of bridging the gap between ethics, law and technology are transparency and accountability. The creators of such technologies should keep in mind that it is their responsibility to ensure that the users of such technology and those who are impacted by the technology know how the algorithms work so as to ensure transparency. Finally, we need to ensure that machines remain accountable to the people and those who design those technologies remain accountable to the society as well. The module aims at providing an

	insight into the complexities of bridging the gap between ethics and technology by looking into these issues. Module IV – India and Technological Governance The third module will deal with India’s susceptibility and adaptability to emerging technologies and discuss in detail the way India has framed laws to govern technology. It will look into the Information Technology Act 2000 including its latest amendments. It will further look into India’s response to implementation of these emerging technologies especially in the realm of data protection and privacy and the landmark judgements in this regard. A major flaw in the existing domestic regulations are more in territorial in nature and the above technologies are of cross border in nature, the implications of which will be addressed in this module. Module V – Contemporary Developments The final module of this paper will look into those areas of concern of technological developments which till date remains unaddressed at global and domestic level. This module will examine current technological developments, anticipated litigation, and conclude with proposals for guiding principles to address liability and regulatory implications of emerging technologies
SCHEME OF EVALUATION:	Draft Submission 20 Marks Final Presentation 20 Marks Final Submission 60 Marks
SELECTION CRITERIA	Strictly based on Statement of Purpose(SOP) Merit

COURSE TITLE:	Reading Marxism, Society and Law
COURSE OFFERED TO	Seminar for LL.B.
INSTRUCTOR:	Mr. Prakhar Ganguly. (Guest session on Marxism and Buddhism by Prof. Graham Priest, subject to his availability)
NUMBER OF CREDITS:	4
DURATION	July - October 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The course is intended to introduce students to some classical and contemporary literatures. Some of them by Karl Marx and Friedrich Engels like the Economic And Philosophical Manuscripts of 1844 and the Outlines of the Critique of the Political Economy and the latter literature by post and neo Marxists. The course intends to challenge the basic assumptions we make about how our society functions and how the legal form functions. Albeit, students may be aware empirically of the functioning of the legal form but this course targets, in the initial introductory phase as to the normative rationale for such structure. Module 1: Readings in Classical Marxist Literature: Manuscripts of 1844 and Outlines of Critique of Political Economy. The Issues Discussed: - Challenging basic foundations of Economic thought. - Challenging the class structure. - Economics and law as the rules living in Exception. Module 2: General Theory of Law and Marxsim by E Pashukanis. The issues to be discussed: - Whether the legal form operates under the principle logic of capitalism? - Whether morality operates under the dominion of bourgeois notions? - Whether criminality as defined sets bourgeois standards? Module 3: Contemporary Issues: - Reading Zizek (Violence). - Marxism and Buddhism. - Marx and the Environment. - Lord of the Rings and Marxism. The course has been structured in such a manner so as to analyse our world view from the lens of critical Marxist axioms. Apropos Module 2, the students shall be exposed to how the legal form itself gives way to the capitalist logic of exchange and equivalence with special focus on morality, criminal justice system, state etc. The <i>third</i> module <i>may</i> be termed contemporary issues although the instructor remains wary of using contemporary with religion and violence. Hitherto, the course should have exposed the student to basics of early marxist writings to examine contemporary issues like cinema, religion, violence.

	The foundational thought of this course shall extend to examine violence which is committed by the State and the violence which forms a part of a revolution. With a specific focus on the environment, Marx introduces us to Nature as the extension of the inorganic body of man. We shall see how the mode of production causes alienation of man from nature which forms the normative arguments against exploitation of environment.
SCHEME OF EVALUATION:	Research Paper (7500 to 8500 words)
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Structuring and restructuring of family forms
COURSE OFFERED TO	Seminar for LL.B.
INSTRUCTOR:	Dr. Aruna Venkat
NUMBER OF CREDITS:	4
DURATION	July-October, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	This paper will try to study and understand the types of new family forms that are emerging as a product of changing societal, political, psychological, ecological and demographic forces that are transforming the old, traditional and religious family structure. Family as an Institution is experiencing continuous and rapid change. The argument that will form the central focal point of this paper would be disintegration of familial processes and a possibility of social collapse of family functions and family systems and emergence of new family form with new sets of responsibilities especially in the positions of parents and spouses.
SCHEME OF EVALUATION:	Research paper
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	The Legal Philosophy of Jürgen Habermas
COURSE OFFERED TO	Seminar for LL.B.
INSTRUCTOR:	Mr. Chinmay Deshmukh
NUMBER OF CREDITS:	4
DURATION	July-October
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Jurgen Habermas is undoubtedly one of the most influential philosophers of the 20th century, a living link to the exceptional German philosophical tradition. Considered as the leading thinker of the second-generation Frankfurt School, Habermas has devoted his lifetime investigating and trying to wrestle with the grim prognosis of human reason reached by his mentors Theodor W. Adorno and Max Horkheimer. Dissatisfied with such one-dimensional prophesies of the eclipse of reason, Habermas launches his project of rational reconstruction of reason, drawing on an exceptional range of philosophers and philosophies from both analytical and continental traditions. Although his initial articulations are strictly within the vocabulary of the Frankfurt School, he eventually takes a decisive linguistic turn in his approach and focusing on the formal pragmatics of communicative exchanges in everyday life, comes up with a highly distinctive idea of 'communicative rationality' in his famous two-volume 'The Theory of Communicative Action' (1981). Broadly, Habermas argues that there are certain normative ideals implicit in the everyday communicative practices that we could use for determining the legitimacy of our collective normative standards reached through discussions. Based on this idea, Habermas develops his comprehensive legal-theoretical framework that puts such discursive methods and its obstacles at its centre. Habermas also complements his linguistic insights with an interesting two-level model of human society - composed of 'lifeworld' and 'system' - that helps us situate the concerns around discursive practices and its implications on normative legitimacy in a broader context. Finally, in his latest <i>magnum opus</i> 'Between Facts and Norms', Habermas decides to test his highly abstract formulations against the relatively concrete and vital themes of democracy and the rule of law. Noticing the inadequacies in the traditional models of republicanism and liberalism, Habermas puts forward his provocative thesis of 'co-originality' of private autonomy (the rule of law) and public autonomy (democracy). Against this context, the course aims to introduce students to different themes in the comprehensive and complex Habermasian legal-theoretical project in a genealogical fashion. It seeks to do so through a close reading of Habermas's major works and a rich collection of secondary works on Habermas. Indicative material: 1. Theodor W. Adorno and Max Horkheimer, <i>Dialectic of Enlightenment</i> (1944) 2. J. Habermas, <i>Communication and the Evolution of Society</i> (1976) 3. J. Habermas, <i>The Theory of Communicative Action</i> (1981)

	4. J. Habermas, Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy (1992) 5. Andrew Bowie, Introduction to German Philosophy: From Kant to Habermas (2003) 6. Martin Jay, Reason After Its Eclipse: On Late Critical Theory (2016) 7. Barbara Fultner (ed.), Jürgen Habermas: Key Concepts (2011)
SCHEME OF EVALUATION:	Response Paper I: 25% Response Paper II: 25% Research paper: 50%
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Traditional Knowledge and Intellectual Property Rights
COURSE OFFERED TO	Seminar for LL.B.
INSTRUCTOR:	Mr. Sourabh Bharti
NUMBER OF CREDITS:	4
DURATION	July – October
BRIEF DESCRIPTION (MINIMUM 500 WORDS)	In the recent past we have seen that the world of science and technology has shown incredible interest in the knowledge held by the indigenous and local communities across the world. This upsurge in the interest in those areas of knowledge has given rise to a new point of conflict in international law and politics. Over the years we have seen that the models of science and technology developed in the western world have not necessarily given due recognition to the knowledge systems developed by the indigenous and local communities, even though industries like the pharmaceuticals and the cosmetics have given greater attention to traditional knowledge relating to biogenetic resources in the context of bio-prospecting activities aiming at the development of new plant based medicines and cosmetic products. Similarly we have seen that the seed industry, in order to innovate, often borrows the germplasm developed by the traditional/local farmers on their farmlands. Yet when it comes to acknowledging the expertise of the developers of this knowledge, modern science and technology shies away from doing so. As a necessary consequence we have seen that the legal regimes developed to protect the fruits of scientific and technological endeavors have either excluded the innovative efforts of the indigenous and traditional communities from the umbrella of protection or they fall way short of the expectations of the indigenous/local communities as far as protection of traditional knowledge is concerned. This exclusion from being recognized as knowledge creators and therefore lawful holders of that knowledge gives rise to intriguing questions about science, culture, politics and law embedded in the modern intellectual property rights system. Through this course an attempt would be made to explore the nuances of the debate on intellectual property and traditional knowledge. This attempt would invariably require us to ask questions about some of the fundamental assumptions of the modern intellectual property system. For example, in its design to protect knowledge, how does the system conceptualize 'knowledge' and 'innovation'? Do different societies define these concepts differently? In case it does, how do we justify universalization as one particular understanding of these through intellectual property rights? Intellectual property rights system focuses on the economic value associated with knowledge system. In most of the traditional knowledge systems the cultural and spiritual values take prominence over the economic value of knowledge. What is the validity of a system which does not take into cognizance the possibility that people located in different cultural settings might organize the values associated with knowledge in different hierarchies? Does the fact that different societies prioritize different aspects of knowledge, impact the nature and meaning of innovation in that society? How far is this taken into consideration when modern intellectual property system is promoted as one universal method of knowledge protection? What are the political and cultural implications of the universalization of modern IP system for the indigenous and traditional communities? A background brief on 'traditional knowledge and IP' prepared by WIPO mentions that 'recognizing traditional forms of creativity and innovation as

	protectable intellectual property would be an historic shift in international law, enabling indigenous and local communities as well as governments to have a say over the use of their traditional knowledge by others.' Therefore the course will also involve studying different approaches to recognize the epistemological and legal validity of traditional knowledge systems and the extent to which different approaches propose to bring in politico-legal parity between different knowledge and innovation cultures.
SCHEME OF EVALUATION:	PAPER SUBMISSION-70 PRESENTATION-30
CRITERIA FOR SELECTION OF STUDENTS INTO THIS SEMINAR	Draw of Lots

COURSE TITLE:	Caste and Political Mobilization in India (SSS)
COURSE OFFERED TO	Seminar for LL.B.
INSTRUCTOR:	Dr. T Kannan
NUMBER OF CREDITS:	03 (Three)
DURATION	July - October
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The political mobilization of ethnic groups and communities in Modern India cannot be imagined without the caste based political mobilization of mainstream political parties on the one hand and the conversion of caste organizations and associations of into mainstream political parties on the other hand. The caste based political mobilization in a sense simultaneously makes caste system more rigid and as well as creates a political space to question such rigidities. The mainstream parliamentary politics or electoral politics is inevitably intertwined with caste based political formations. 'Those in India who complain of <i>casteism in politics</i> are really looking for a sort of politics which has no basis in society. They also probably lack any clear conception of either the nature of politics or the nature of caste system'. This course has been designed to critically engage with the abovementioned observation of Rajni Kothari. Objectives: 1. To understand the politics behind the political mobilization of caste groups. 2. To engage with the emerging issues of the formations of caste based political identities. 3. To understand: what form caste is taking under the impact of modern politics, and what form is politics taking in a caste-oriented society? Course Outline I Introduction: Conceptualization of Mobilization a) Conceptualization of 'Mobilization' in social sciences b) Mobilization of Caste for 'Resources', 'Opportunities' and 'Power' c) Political Mobilization for Caste Identity Readings: Etzioni, Amitai (1968) Mobilization as a Macrosociological Conception. The British Journal of Sociology, Vol. 19, No. 3 (Sep., 1968), pp. 243-253 Cameron, D. R (1974) Toward a Theory of Political Mobilization. The Journal of Politics, Vol. 36, No. 1 (Feb., 1974), pp. 138-171 Nedelmann, Birgitta (1987) Individuals and Parties-Changes in Processes of Political Mobilization. European Sociological Review, Vol. 3, No. 3 (Dec., 1987), pp. 181-202 Kothari, Rajni (1970) Introduction: Caste in Indian Politics in Rajni Kothari (ed) Caste in Indian Politics. New Delhi: Orient Longman (Hard Copy) Sheth, D.L (1996) Changing Terms of Discourse: The Case of Reservation for 'Other Backward Classes' in T. V. Sathyamurthy (ed) Region, Religion, Caste, Gender and Culture in Contemporary India. Oxford University Press (Hard Copy) Beteille, Andre. (1991) The Future of the Backward Classes: the competing demands of status and power in Society and Politics in India. Oxford University Press (Hard Copy)

	Gupta, Dipankar. (2005) Caste and Politics: Identity Over System. Annu. Rev. Anthropol. 2005. 21:409-27 Kothari, Rajni. (1994) Rise of Dalits and the Renewed Debate on Caste. Economic and Political Weekly. Vol. 29, Issue No.26, 25 June 1994 II Caste and Political Mobilization in Colonial and Post-Colonial India Readings: Rudolph, Lloyd I (1965) The Modernity of Tradition: The Democratic Incarnation of Caste in India. The American Political Science Review, Vol. 59, No. 4 (Dec., 1965), pp. 975-989 Geetha, V and Rajadurai, S. V. (1993) Dalits and Non-Brahmin Consciousness in Colonial Tamil Nadu. Economic and Political Weekly, Vol. 28, No. 39 (Sep. 25, 1993), pp. 2091-2098 Radhakrishnan, P. (1993) Communal Representation in Tamil Nadu, 1850-1916: The Pre-Non-Brahmin Movement Phase. Economic and Political Weekly, Vol. 28, No. 31 (Jul. 31, 1993), pp. 1585-1597 Geetha, V. and Rajadurai, S. V. (1995) One Hundred Years of Brahminitude: Arrival of Annie Besant. Economic and Political Weekly, Vol. 30, No. 28 (Jul. 15, 1995), pp. 1768-1773 Beteille, Andre. (1991) Caste and Politics in Tamil Nadu in Society and Politics in India. Oxford University Press Bandyopadhyay, Sekhar. (2008) Social Mobility in Colonial Bengal: The Namasudras in Ishita Banerjee-Dube (ed) Caste in History. OUP Zelliot, Eleanor (1970) Learning the Use of Political Means: The Mahars of Maharashtra in Rajni Kothari (ed) Caste in Indian Politics. New Delhi: Orient Longman Elliot, C.M. (1970) Caste and Faction among the Dominant Caste: The Reddis and Kammas of Andhra in Rajni Kothari (ed) Caste in Indian Politics. New Delhi: Orient Longman Sission, Richard (1970) Caste and Political Factions in Rajasthan in Rajni Kothari (ed) Caste in Indian Politics. New Delhi: Orient Longman Roy, Ramashray (1970) Caste and Political Recruitment in Bihar in Rajni Kothari (ed) Caste in Indian Politics. New Delhi: Orient Longman Hardgrave, Jr (1970) Political Participation and Primordial Solidarity: The Nadars of Tamilnad in Rajni Kothari (ed) Caste in Indian Politics. New Delhi: Orient Longman Sisson, Richard (1969) Peasant Movements and Political Mobilization: The Jats of Rajasthan. Asian Survey, Vol. 9, No. 12 (Dec., 1969), pp. 946-963 IV Caste in Contemporary Indian Politics Readings: Rudolph, L. I and Rudolph, S. H (1960) The Political Role of India's Caste Associations. Pacific Affairs, Vol. 33, No. 1 (Mar., 1960), pp. 5-22

	Dirks, N.B. (1997) Recasting Tamil Society: The Politics of Caste and Race in Contemporary Southern India in C.J. Fuller (ed) Caste Today. Oxford University Press (Hard Copy) Michelutti, Lucia (2007) The Vernacularization of Democracy: Political Participation and Popular Politics in North India. The Journal of the Royal Anthropological Institute, Vol. 13, No. 3 (Sep., 2007), pp.639-656 Jaffrelot, Christophe (2000) The Rise of the Other Backward Classes in the Hindi Belt The Journal of Asian Studies, Vol. 59, No. 1 (Feb., 2000), pp. 86-108 Chandra, Kanchan (2000) The Transformation of Ethnic Politics in India: The Decline of Congress and the Rise of the Bahujan Samaj Party in Hoshiarpur. The Journal of Asian Studies, Vol. 59, No. 1 (Feb., 2000), pp. 26-61 Jeffrey, Craig, Jeffery, Patricia and Jeffery, Roger (2008) Dalit Revolution? New Politicians in Uttar Pradesh, India. The Journal of Asian Studies, Vol. 67, No. 4 (Nov., 2008), pp. 1365-1396 Neeru, Sharma. Caste in Punjab: Political Marginalization and Cultural Assertion of Scheduled Castes in Punjab. Journal of Peasant Studies, 19: 1 Sanjay Kumar, Mohammad Sanjeer Alam, Dhananjai Joshi (2008) Caste Dynamics and Political Process in Bihar. JOURNAL OF INDIAN SCHOOL OF POLITICAL ECONOMY JAN-JUNE 2008 Corbridge, Stuart (2000) Competing Inequalities: The Scheduled Tribes and the Reservations System in India's Jharkhand. The Journal of Asian Studies, Vol. 59, No. 1 (Feb., 2000), pp. 62-85
SCHEME OF EVALUATION:	Presentation, and submission of final research paper
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Dynamics of Indian Democracy (SSS)
COURSE OFFERED TO	Seminar for LL.B.
INSTRUCTOR:	Dr.H.Vageeshan
NUMBER OF CREDITS:	3
DURATION	July-October, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The purpose of the course is to introduce the evolution, nature and functioning of Indian state which is located in the post-colonial milieu of global south. The course starts with evolution of Democratic Republic of India, in the process how Justice, Liberty and Equality became the cardinal principles of the republic will be dwelled in to. The course wades through the journey of the Republic and the interplay between the principles and practices on the ground. The (uneasy) relationship between the Politics of the state apparatus and the politics of the people will be introduced; in the process the changes in the political economy and socio cultural milieu will be ascertained. The, aspirations, demands and struggles of people to have a life with dignity and the response of the system of governance will be interrelated. Dynamics of state building and nation building and concomitant problems involved will be discussed. On the whole the course is intended to introduce the student to the journey of a populous, plural, competitive constitutional democracy and its problems and prospects. 5) Evolution of the constitutional democratic republic of India 6) The journey of the republic in phases to ascertain the nature of the republic. 7) The changes in political economic and social sphere and their expression in the form of electoral and non-electoral arenas. 8) The prospects of a democratic republic . Will be the broad areas be covered in the seminar.
SCHEME OF EVALUATION:	Class room discussions 15+ Paper 70+ Presentation+15 =100
SELECTION CRITERIA	SOP in 600 words

COURSE TITLE:	Fake News: Digital Media, Law and Politics
COURSE OFFERED TO	Seminar for LL.B
INSTRUCTOR:	N. Manohar Reddy
NUMBER OF CREDITS:	3
DURATION	July-October, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Many analysts across the world believe that fake news has become a global problem as it affects the economic, social and political life of people in most countries of the world. Fake news seems to have entered every sphere of modern life: elections, market, religion, science, education, legal battles, state policy, international relations, sexual relations, the Covid-19 pandemic, etc. It has played a decisive role in mobilizing public opinion in matters of 'national importance' such as making and enforcing new laws on citizenship, immigration, religious practices, welfare, and so on. Observers claim that fake news has also significantly exacerbated religious conflict, hate campaigns against racial and religious minorities, women, LGBTQ communities, oppressed castes, political opponents, civil rights activists, and so on. Judiciary's own response seems to be influenced by this new sociopolitical order created with the help of concealed bots (internet automated software) and deep-fakes (video manipulation) which are used to produce and circulate fake news en mass through digital social media platforms such as Twitter, Facebook, WhatsApp, etc. with much greater intensity than we have ever known before. 'Digital scandals' is a related concern. For instance, <i>The Great Hack</i> documents the nexus between Facebook and Cambridge Analytica in creating news and advertisements that targeted political opponents by using personal data of millions of Facebook users without their consent. However, it is only recently, that too only in the West, scholars are beginning to critically analyze fake news and study the production, distribution and consumption of digital content more seriously. Participants at a workshop held in 2017 at the Yale University felt that "the most salient danger associated with fake news is that it devalues and delegitimizes voices of expertise, authoritative institutions, and the concept of objective data—all of which undermines society's ability to engage in rational discourse based upon shared facts." Therefore, stricter state regulations to control fake news were proposed whereas some people were skeptical about such measures as they might grant the government too much power to control free speech. Moreover, what does one do when the states themselves are the agents of fake news? On the other hand, the Slovenian philosopher Slavoj Žižek has argued that fake news is a symptom of a much bigger problem arising out of a context where the modern liberal established institutions themselves, founded on the promise of objectivity, freedom, justice, etc., have lost their legitimacy so it is futile to merely argue for the protection of such institutions. He believes that fake news always existed in some form, which is now augmented by new technologies, and argues that what is important is not the "truth" of the news, but an alternative politics which can challenge the earlier establishments as well as the new ones founded on the digital manipulation of news. A special issue on fake news, brought out by <i>The Journal of American Folklore</i> in 2018, has raised a much more fundamental question: How does one even begin to define 'fake news' when the boundaries between real and parody, rumor and truth, conspiracy and fact are hardly clear?

	A lot has happened in the last five years. Traditional news agencies like the BBC, CNN, the print media, and the new digital media such as Google, Facebook, etc. have brought out new guidelines to their own employees with the claim of regulating fake news. The UNESCO has published a handbook for journalists, titled, "Journalism, Fake News and Disinformation." The European Commission has come up with its own report on 'disinformation.' Many countries have framed new regulations. Private law firms have taken special interest in dealing with the phenomenon. In addition, there are newly published books and hundreds of articles on fake news authored by independent scholars. This course involves reading and discussing selected writings on fake news and other related topics with a focus on law and politics. With the help of the insights gained, hopefully, each student would study a particular piece of fake news and assess how it has impacted people around us. This is probably the first time a course on fake news is offered at an Indian university! You are welcome to be part of that journey.
SCHEME OF EVALUATION:	Oral Presentation: 30 marks Research paper: 70 marks
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Historical Evaluation of Preventive Detention in India: A Discussion on Due Process (SSS)
COURSE OFFERED TO	Seminar for LL.B.
INSTRUCTOR:	Dr. Murali Karnam
NUMBER OF CREDITS:	3
DURATION	July-October, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The Due Process of Law, which is one of the cardinal principles of criminal justice system, has its genesis in the Magna Carta. It connotes that personal liberty of no person shall be taken away without following procedures of fair trial. The right to know the grounds of arrest, right to have legal representation of once choice, right to trial in open court, rights against self-incrimination and right to appeal are the most important due procedural rights of the accused that are to be accepted by all civilized societies claim to be democratic. If these procedures are non-negotiable principles of any society, the commitment to them cannot be subjected to vagaries of the legislatures and executives. There cannot be exceptions to these principles. But throughout history many sections are exempted from applications of those principles. Indian Constitution did not accept the due process of law but only procedure established by law in article 21. The preventive detention laws are the manifestation of non-application of due procedural rights to the citizens. The East India Company government made the Bengal State Prisoners Regulation III of 1818 to exempt certain sections from application of principles of fair trial. The trajectory of preventive detention has taken many turns including racial since then and they are applied widely in many states in India. Around one lakh citizens are subjected to preventive detention every year as per official records. The seminar will trace the historical trajectory of the concept of preventive detention and its expanding scope and an attempt will be made to critique them in the light of due process debate in the Constituent Assembly and judgments of the Supreme Court. The contemporary practices of preventive detentions will also be elaborated to deepen the understanding. Since a long history will be covered, the meaningful seminar requires team work and each student is expected to cover a certain ground of the subject and hand over the baton to the next student in the run. Only those who are willing to completely involve from day one to day 10 are required to apply. Every student will be given a specific portion of the subject to be completed in the chronological order and hence the relay cannot be dropped. Presence of all the students is mandatory for every class, presentation and every lecture. Material will be sent in advance.
SCHEME OF EVALUATION:	First Draft of Research: 40 Marks Oral Presentation of First Draft: 15 Participation in discussions: 15 Marks Final submission of revised Report: 30 marks
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Ideology and Cultural Context In Colonial India (SSS)
COURSE OFFERED TO	Seminar for LL.B.
INSTRUCTOR:	Mr. Hota Agni Kumar
NUMBER OF CREDITS:	3
DURATION	June-October, 2018
BRIEF DESCRIPTION (MINIMUM 500 WORDS)	Any valid attempt to understand the process of colonization of India finds it imperative to notice that a variety of indigenous narrative sensibilities around such macro-problematics as caste, gender and religion were ignored and sometimes even obliterated in the characteristic history-writing project that began in the colonial times. However, testing the elasticity of this otherwise valid observation will often break it into a sort of ill-digested and uncritical version of orientalism. Given this rather general idea of the production of colonial discourse, the course aims to show that any historical and theoretical critique of colonial past will help reconceptualise the socio-political ideologies of identity and difference that are being debated around us now. Discovery, collection and codification of an entire cultural zone i.e. information about Indian society, was often arbitrary in the colonial projects of Survey, Law and History. Politico-cultural products of nationalist imagination based on various premises with reference to colonial enterprises of intervention kept colonial projects under a critical scrutiny. However, appropriating all the areas of institutional activity as 'national cultural' on the part of the nationalist mission had both normalized and marginalized the subordinate/subaltern social groups with reference to their praxis and (re)presentation. The contradiction between the honest nationalist "will to make structural reform" and its own vision of what was "given" as structure makes it necessary, for us, to read various documents as 'texts' and texts as 'documents'. The course will deal with the writings done with remarkable methodological suggestions and possibilities in this direction. It will make the students realize that documents/texts not only reflect on an 'experience' but often also participate in the making of an existential dimension and thereby work beyond their limited function as data-base for an exercise in yet another common place informative monograph. Besides all these concerns, colonial India engaged the attention of even those working with themes at the margins of an otherwise general consensus and regular caveat; Ashis Nandy for example. Connected to this area of study is also the 'project' of literature as defined, delimited and canonized in colonial times with often arbitrary imposition of an idea of Pan-Indian CLASSIC vis-à-vis regional/vernacular literary PRODUCT. In this regard, the course, however, aims to focus on the beginnings of a particular genre e.g. novel, especially when it claims to have achieved much in the way of documenting a modernity of reflection which is not colonial; modern without going much in contradiction with what would offer as a plot in/from an indigenous context. On their part, the students will know how to rewrite the tenets of reading of the sources much beyond the aesthetics of reception of the immediate/target audience. The students would hopefully realize that a viable exercise in any theme related to colonial India has all the potential to add conceptually to the social science research in general.
SCHEME OF EVALUATION:	Research Theme Synopsis Presentation: 20marks. Research paper: 60marks.

	Research paper Presentation: 20marks.
SELECTION CRITERIA	drawing of lots

COURSE TITLE:	Language Rights and Access to Health (for Indigenous/Tribal Communities) (SSS)
COURSE OFFERED TO	2 nd year to 4 th year
INSTRUCTOR:	Dr Uma Maheshwari Chimirala
NUMBER OF CREDITS:	3
DURATION	June-October
BRIEF DESCRIPTION (MINIMUM 500 WORDS)	Jonathan Mann (1994), contends that health and human rights (HR) are intricately woven in three ways: health policies, programs and systems can have negative and positive impacts on HR; violation of HR are violation of health rights; and that ‘promotion’ and protection of HR are intricately and fundamentally linked to ‘promotion’ and protection of health rights. Several recent reports on access to health rights for vulnerable and particularly vulnerable communities across the globe underscore the interplay between <i>language</i> of interaction between the key players as <i>a primary variable</i> that impacts access to health care and health and that denial of language rights in health services accounts to violations of human rights which grossly affects access to other key state services as well. This finding is consistently repetitive across the Inuit, Maori; Kurds (Turkey), Arab-speakers (Israel) to name a few. Note that such studies are yet to be intensely taken up in Indian context. This course thus will engage with some of the fundamental aspects that are central to the realization of ‘communicative access’ (Sarangi, 2018) and from there aspire to critically examine the Indian ITM context. Therefore the course will engage with readings from diverse fields as law, policy studies, nursing, anthropology, applied linguistics and management has the following objectives: 1. Understand language beyond the identity and ecology discourses to its codification of within human rights and health discourses and field research on health spaces. 2. Identify and understand prevailing concepts (and approach) to language in health spaces and human rights around the world 3. Engage in research on access to health with specific reference to language access/barriers in Indian ITM contexts (with an attempt to examine the use of litigation and advocacy campaigns) 4. Build researching and writing skills and hence places emphasis on field data-based research. MODULES AND READINGS Module 1: On Language and Language in Human Rights discourses Four readings in this module set the tone for a discussion on how linguistic regimes ‘harm’ ITM languages and people across some select specific geo-political spaces from around the globe. Ruiz (1981) frames the philosophical vantage point by coining a definition for ‘orientation’ to apply it dissect States’ Language policies for ITM communities where in their languages are posited as a right, a resource and a problem. Skutnabb-Kangas traverses the journey of language rights for minorities from the 16th century to argue that the ‘aspirational’ frameworks produced by the UN which frame the State’s responsibility also house the ‘exit-clauses for State’s commitments’. William’s talks of the ‘side-effects’ of the official linguistic regimes on the minority languages. Taking the argument further, Leung unpacks the view of law as the protector of minority languages and carries hope for those who are seeking language rights or linguistic justice by critiquing the bare minimum provisions that she calls a shallow equality. Readings:

	1. Richard Ruiz (1986). Orientations in Language Planning. In Hornberger, N. Honoring Richard Ruiz and his work on Language Planning and Bilingual education. Multilingual matters: PA , USA. 2. Tove Skutnabb-Kangas (2017). Linguistic human rights, past and present In Skutnabb-Kangas, Tove and Phillipson, Robert (eds) (2017). <i>Language Rights</i>. London / New York. Series Critical Concepts in Language Studies. 4 3. Williams, C, H., (2013). Perfidious Hope: The Legislative Turn in Official Minority Language Regimes. <i>Regional and Federal Studies</i> 23(1): 101-122. 4. Leung, J. (2019). In <i>Shallow Equality and Symbolic Jurisprudence in Multilingual Legal Orders</i>. New York: Oxford University Press. (selected chapters from this book) Module 2: The human right to health: Origins and progressions (digressions as well) Module 2 dove-tails with the first one, as it empirically attempts to demonstrate how the theoretical plays out in specific spaces within specific contexts. While Mann et al (1994) lay out the philosophical position that places 'human right to health as the foundation for human rights, we extend the argument further by placing language as the core of any form of human right. Rubio-Marin's paper brings in the States' latent ideology within the tangible confines of health economics and in intangible deliverables of comfort, care and contentment. What Hornill, et al (2018) then do is the politics between the intended and the delivered. 5. Jonathan Mann et al (1994) Health and Human Rights. <i>Health and Human Rights review</i>, 1, 1-25. 6. Rubio Ruth-Marin (2007) In Language Rights and Political Philosophy. 7. Tara Horrill, Diana E McMillan, Annette S H Schultz, Genevieve Thompson (2018) Understanding access to healthcare among Indigenous peoples: A comparative analysis of biomedical and postcolonial perspectives. <i>Nursing Enquiry</i>, 25 (3), 23-35. Module 3: Understanding Frameworks: Language OF right to health vs Language in Access to Health Module three marginally departs from the mainstream theoretical approach and connects the first two modules. This module aims to showcase lived realities of ITM communities within the legal-manifestations of the State's policies and the practical ramifications for the community. Emphasis will be on research approaches as well as research method adopted from this module onwards. 8. Davy et al. (2016) Access to Primary health: A framework synthesis. <i>International Journal for Equity in Health</i>, 15:163. 9. Alicia Ely Yamin (2007). Promoting Equity in Health: What Role for Courts? (Introduction to the special issue, 16 (2) 10. Excerpts from Language Barriers in access to health rights. Downloaded from http://www.hc-sc.gc.ca/hppb/healthcare/equity/index.html 11. Renata F. I. Meuter et al., Overcoming language barriers in healthcare: A protocol for investigating safe and effective communication when patients or clinicians use a second language, 15 BMC Health Services Research (2015). 12. Revisiting the evidence on health and health care disparities among the Roma: a systematic review, <i>International journal of public health</i>, 58(6), 885-911, (2013). Module 4: Access in 'my' language is Access to 'my' health

	What factors (set of variables) impact access to health. The collection of empirical papers in this module introduce you to several intervening and mediating variables that effect availability and accessibility to health system. Snodgrass and Vallengia (2015) examine several factors that impact access to health and advocate for a 'bio-cultural framework'. Brown et al., (2012) explain how colonial relations (past and present) intersect with neoliberal policies and practices to create subtle forms of dispossession which have far reaching consequences on ITM communities and their health conditions. Li (2015) and Perkins (2007) enumerate and describe the nature of communicative difficulties that professionals face despite 'interpreter and translator services'. 13. Claudia, Vallengia and Snodgras (2015). Health and Indigenous communities. <i>Annu. Rev. Anthropology</i>, 44: 117–35. 14. Brown, H. J., McPherson, G., Peterson, R., Newman, V., & Cranmer, B. (2012). Our land, our language: Connecting dispossession and health equity in an Indigenous context. <i>Canadian Journal of Nursing Research</i>, 42(2), 44–63. 15. Perkins, J. (2007). The need for language access in access to health. In <i>Ensuring linguistic access in health care settings: an overview of current legal rights and responsibilities</i>. (Pages 2-4) 16. Li, (2015). Cultural barriers lead to inequitable healthcare access for aboriginal Australians and Torres Strait Islanders. <i>Chinese Nursing Research</i> 4 (2017) 207- 210. Case studies to be used (will be shared as soft copies): The Kerala Case study, The Roma, The Inuit, The Kurds. Module 5: Researching Health Spaces: The Q methodology Watts and Stenner (2005) is considered seminal piece by students who wish to adopt the Q methodology since the paper has a neat explication of know-what, know-why, know-how components of 'WHY and HOW' one can explore subjectivity, beliefs and values "whilst retaining the transparency, rigor <u>and mathematical underpinnings</u> of mainstream quantitative techniques. My work will be to help you grapple with the statistics and conceptualize your research projects using this approach. 17. McHugh, N., Baker, R., Biosca, O., Ibrahim, F. & Donaldson, C., (2019). Who knows best? A Q methodology study to explore perspectives of professional stakeholders and community participants on health in low-income communities. <i>BMC Health Services Research</i>. 19, 13 p., 35. 18. Simon Watts & Dr Paul Stenner (2005) Doing Q methodology: theory, method and interpretation, <i>Qualitative Research in Psychology</i>, 2:1, 67-91.
SCHEME OF EVALUATION:	1. Working towards the written submissions: The list of written submissions below are designed to scaffold your final submission and so ideally I would want you to attempt all four because you would get a detailed feedback on your submissions and you will progressively work towards your final written submission. However, you can choose to submit any two of the four listed below. This would make up 30% of the evaluation. Any two of the below 1. SEED essay: Reaction paper based on one of the first three readings. (1-pages) 2. Summarizing the argument (from the readings) 3. Response essay: Based on the essay picked for submission 1 (2-pages)

	4. Synthesizing concepts: Argument developing a claim around the ideas of our course and supporting such a claim. You will synthesize at least 3 concepts (maximum 5) in your response (3 pages) 2. Written Submission: The Research Project (Mandatory) Research Proposal (10%): A 1-page proposal on what you would want to study with clear argument, brief literature survey, methodology, procedure for data collection and data analysis. Research Paper (50%) and Presentation (10%)
SELECTION CRITERIA	drawing of lots

COURSE TITLE:	Politics of Penal System (SSS)
COURSE OFFERED TO	Seminar for LL.B.
INSTRUCTOR:	Dr. Murali Karnam
NUMBER OF CREDITS:	3
DURATION	July-October, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The Politics of Penal System The state in India has been in an expansionist mode as far as penal measures are concerned. Imprisonment as a mode of social control has been increasingly taken for granted without questions raised. This is time once again to take stock of the performance of the penal institution as a mode of social control. The burgeoning penal system across the world is not seen as a threat to citizenry. It seems the prison is no longer in the margins of society but it is integrated into general system of control. Mass media and entertainment industry has corroded our doubts and worries about prison as a solution. The mass media is able to set the agenda in such a way that the leading political parties are adjusting their agenda to suit them. Prison now increasingly exists within an integrated network of control in society, making up a total control system. It is still a major institution of control and pain in our society. What has been the mandate of the penal institutions as evolved historically? It has been changing since mid-19th century has been kept changing. But let's ask some hard questions ourselves what do we think is the finally settled and primary mandate of the penal institution not only in India but across the world? If you press for the definite answers for the mandate of the penal institution, it keeps moving from one mandate to another. It is ephemeral. Are there really convincing justifications for the existence of the prisons as an institution even in democratic regime? These questions will be explored through the reading of a set of articles and books. Note: WHO SHOULD NOT APPLY: 5. Who cannot stick to seminar timings and presentation schedules. 6. Who are not interested in engaging other students and teacher in the discussions and presentations. • • WHO SHOULD APPLY • Only those students who are capable to sticking to academic plan of action in the seminar. Those who miss a presentation as per the schedule will forgo the marks. • Only those students who are interested in reading the material in advance and can attend the class. • All the students of seminar are also encouraged to opt for Prison Legal Education Clinic Course. • After every prison visit, issues can be discussed theoretically in the class. Final list of reading material will be decided and supplied on the first class of seminar and dates of discussion by the students will be fixed on that day. Readings 7. Prison Talk: Michel Foucault from the Interviews.

	8. The Prison and Factory: The origins of Penitentiary System by Dario Melossi and Massimo Pavarini (1981 and 2018) 9. Social issues of Law and Order by Zygmunt Bauman, British Journal of Criminology (2000), 40 205-221 10. Thomas Mathiesen - Prison on trial (2006, Waterside Press) 11. Craig Gilmore: The Real Cost of Prison 12. Prisons and Jail: A Reader by Richard Tewskbury and Dean Debney 2009
SCHEME OF EVALUATION:	Three modes of evaluation 16. First Draft of Research 40 Marks 17. Presentation of first draft 15 marks 18. Class room participation: 15 Marks 19. Final Draft Submission Revised: 30 Marks
SELECTION CRITERIA	Only Interest and drawing of lots

COURSE TITLE:	State Citizenship and Democracy (SSS)
COURSE OFFERED TO	Seminar for LL.B.
INSTRUCTOR:	Dr.H.Vageeshan
NUMBER OF CREDITS:	3
DURATION	July- October, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The purpose of the course is to introduce the conceptual evolution of citizenship and state and how they interplay in democracies. The four cardinal points of the state are territory and population government and sovereignty (severing authority). The relationship between the population and the authority is very critical for the system ruling and also for the people governed by such system. The evolution of this relationship from Subject hood to citizenship is an interesting historical process interspersed by theoretical debates. The course endeavors to track this evolution of state and citizenship from pre modern times to contemporary times. Essentially how the concept of citizenship expanded from a limited arena to universal scope especially in the times of popularization consent based ruling systems which later evolved into constitutional democracies. The course looks in the political and legal aspects of state citizen relationship. This relation is seminal to define a citizen and who is not. The debates which revolve around rights and obligations which are coterminous to the concept of citizenship will be dealt. The question citizenship, its entitlements and responsibilities and their relevance to democracy will be discussed. There will be discussion on the critical connection between citizenship and democracy in selected democracies across the globe. Statelessness which is becoming a growing problem in our times will be dealt in the course where the conflation of citizenship with human rights will be looked in to . Very briefly following will be dealt in the course E. Evolution of concept of State and Citizenship (a Politico-legal term) from Pre modern times to contemporary times. F. Legal and political aspects of the relationship between the Citizen and State in the context of democratic theory. G. Obligations and entitlements of citizens and ruling systems H. Stateless and Citizen - Human rights perspective.
SCHEME OF EVALUATION:	Class room discussions 15+ Paper 70+ Presentation+15 =100
SELECTION CRITERIA	SOP in 600 words.

COURSE TITLE:	Terrorism Trials (SSS)
COURSE OFFERED TO	Seminar for LL.B.
INSTRUCTOR:	Dr. Manisha Sethi
NUMBER OF CREDITS:	03
DURATION	July – October
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	How is juridical truth produced in terrorism trials? Is there something distinctive about terrorism trials that distinguish them from ordinary criminal trials? How do the social, political and the legal interact in the course of adjudication of guilt or innocence of those accused of crimes of terrorism? These are only some of the questions that the seminar paper on ‘Terrorism Trials’ will engage with. The course will proceed first, by surveying the different theoretical frameworks available for understanding terrorism trials as embedded in a complex mesh of nationalism, citizenship, belonging, entitlements, suspicion. We will try and understand how terrorism trials articulate a discourse not only about the accused, but about the phenomenon of terrorism itself. We will also look at those approaches which caution us about the limits of reading only the social-political in a legal process, urging us to pay attention to the bureaucratic and the procedural in the unfolding of the trial. Emerging from the above, we are interested both in <i>how</i> the trials are conducted, the kinds of documents that are produced, the rules and regulations that are invoked, the everyday bureaucratic nitty gritty, and in the implications of these trials <i>beyond</i> the court room, even beyond the question of individual justice and redemption. Some of the other key issues addressed through the course will be: - To understand how the terrorism trials can be seen as a theatre par excellence of performing justice (show trials, UAPA tribunals) - Censorship, media trials, and congealing of public memory in terror cases (looking especially at the <i>Black Friday</i> case) - The methodological issue of how we may excavate the process of arriving at the juridical truth. What are the kinds of sources that may inform our understanding? This paper will move away from the decisions of the higher courts to look at not only the workings of lower and special courts (POTA/ MCOCA courts) but also other documents such FIRs, chargesheets, submissions by prosecutors, bail orders etc. that go into producing the official archive. This shall be supplemented by record of another kind: the affidavits, letters and memoirs by terror accused/ convicted, possibly discussions with those acquitted of terror charges etc, fact finding and citizens’ enquiry reports. Some of the cases discussed will be the trial of Bhagat Singh, the Parliament Attack Case, The Guildford Bombings Case (IRA), and the 7/11 Mumbai suburban trains bombing case, the trial of Mohamedou Slahi (USA).
SCHEME OF EVALUATION:	Presentation, and submission of final research paper
SELECTION CRITERIA	Draw of Lots

COURSE TITLE:	Discourses (and Counter Discourses) Disadvantaging Bi/ Multilinguality (SSS)
COURSE OFFERED TO	Seminar for BA LLB ONLY 2nd years
INSTRUCTOR:	Dr Uma Maheshwari Chimirala
NUMBER OF CREDITS:	3
DURATION	July-October, 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Notice the terms Bi/Multilinguality (and not the oft used bi/multilingualism) and the ING in 'DISADVANTAGING' in the title of the course. According to McNamaara (2016), 'ism' terms are power-driven as they operate as <i>mental constructs</i> for explaining a physical/ describable/ observable reality. The mental construct is simultaneously the project, product and process of constructing <i>discourses</i>. It is in the modality and justification of how an 'ism' is described and the actual operationalization that deserves explicit and critical investigation. The choice of terms thus in the title is deliberately oriented to focus on the tri-partite relationship between 1) the construction of an 'ism' as a mental explanation; 2) how that construction breeds discourses that effectuate policies and 'welfare oriented affirmative initiatives'; and 3) how such initiatives trigger a vicious cycle of 'disadvantaging' psychologically, socially, economically and linguistically. This course builds on the premise that any 'Ism' is a linguistic manipulation created to suit ones perspective while simultaneously invisibilizing several perspectives. In the case of this course we focus on BI/MULTILINGUALISM as the focal point of interest. What this course would then focus on is not restricted to the conceptualization of bilingualism across different linguistic contexts but in how the concept of Bi/Multilingualism becomes BI/MULTILINGUALITY i.e. how it is operationalized, measured and studied and how these investigation become the basis for discourses that effectuate Policy formulation and Planning and Management activities. The course thus has three strands for analysis Understanding Bilinguality: What is Bilinguality? What have been some of the discourses surrounding Bilinguality? How is it conceptualized in different geo-political spaces? How has it been measured? On whom? To what effect? And What consequences? How have these conceptualizations created the 'vicious cycle of disadvantaging'? Reading List 1: 1. Skutnabb-Kangas, T. (1990). Chapter 1,2,5,8 and 12. In Bilingualism or not: The Education of Minorities. Orient-Longman: Hyderabad, India. Chapter (1,2,5,8,12) 2. Mohanty, A. K. (2018). Multilingual Reality: Living with languages. Multilingual Matters: Bristol, UK. (Chapters 2, 3, 4 and 6 and Afterword by Prof Annamalai) Theoretical Perspectives on discourses of disadvantaging: What have been the historical, Cognitive, Social, linguistic, and cultural grounding on the basis of which discourses of 'Bilinguality as a disadvantage' have been built? What have been the factors behind the expansion of Monolinguality worldwide, including in India, in the past and in the modern world? What discourses mask the recognition of causal factors and the resultant consequences of disadvantaging Bilinguality? 3. Census of India (2011) 'on bilinguality'.

	4. Crawford, J (1990). Monolingual and Proud of it; Ten common fallacies about Bilingual (education). In James Crawford Advocating for English Learners: Selected Essays. Multilingual Matters: Cleveland. 5. Phillipson, R. (2016). Promoting English: Hydras old and New. In Pauline Bunce et al (eds) Why English? Confronting the Hydra. Multilingual matters: Bristol, UK. 6. Ruth Rubio-Marin (2003). Language Rights: Exploring the Competing Rationales. In Will Kymlicka and Alan Patten (Ed). Language Rights and Political Theory. Oxford University Press. Oxford. For Theory-in action/Practice (6 CASE STUDIES): Who are the players in each of the case studies? What discourses dominate the construction of 'language' in the specific contexts of the case studies? What concerns and issues mediate the construction of a 'lingua-action' space (educational, public services, administrative)? How is bilinguality represented in these spaces? How do we counter the 'interventionist army (ies)' (4 case studies in the list and 2 more to be added) 7. Alan Patten (2003). What Kind of Bilingualism. In Will Kymlicka and Alan Patten (Ed). Language Rights and Political Theory. Oxford University Press. Oxford. 8. Prof Jim Cummins (Threshold Hypothesis + Interdependence Hypothesis + BICS and CALP) Prof Ajit Mohanty (Double Divide Hypothesis) 9. Pasanen, Annika (2005). The day when Malu-Sina-Jampu-Ture got a new mother tongue. A Mother Tongue Reclaimed – Reversing Language Shift in Saamiland. <i>Bilingual Family Newsletter</i> (2005) 23:1, 1-4. 4 pages 10. Laakso, J., Sahimaa, A., Akermark, S.S., and Toivanen, (2016). Law, Language and Multilingualism. In Towards openly multilingual policies and practices. Multilingual Matters: Bristol, UK. (pgs 173-191). 11. Annamalai, E. (2017). Conflict between Law and Language Policy in Education: Deliberations of Indian Supreme Court. In Skutnabb-Kanga, Tove & Phillipson, Robert (eds). <i>Language Rights</i>. Volume 2. London/New York: Routledge. 326-336. 11 pages.
SCHEME OF EVALUATION:	1. Working towards the written submissions: The list of written submissions below are designed to scaffold your final submission and so ideally I would want you to attempt all four because you would get a detailed feedback on your submissions and you will progressively work towards your final written submission. However, you can choose to submit any two of the four listed below. This would make up 30% of the evaluation. - Any two of the below 5. SEED essay: Reaction paper based on one of the first three readings. (1-pages) 6. Summarizing the argument (from the readings) 7. Response essay: Based on the essay picked for submission 1 (2-pages) 8. Synthesizing concepts: Argument developing a claim around the ideas of our course and supporting such a claim. You will synthesize at least 3 concepts (maximum 5) in your response (3 pages)

	2. Written Submission: The Research Project (Mandatory) Research Proposal (10%): A 1-page proposal on what you would want to study with clear argument, brief literature survey, methodology, procedure for data collection and data analysis. Research Paper (50%) and Presentation (10%)
SELECTION CRITERIA	Draw of Lots

NALSAR University of Law



ELECTIVE / SEMINAR Courses Outlines
(Visiting Faculty)

June - October, 2020 Semester

COURSE TITLE:	Civil Litigation & Arbitration: A Primer
COURSE OFFERED TO	LL.B. (3 rd to 5 th year students)
INSTRUCTOR NAME	Dr. Amit George
ACADEMIC QUALIFICATIONS	B.A., LL.B. [NALSAR, Hyderabad] LL.M. [University of London] Ph.D. [National Law University, Delhi]
PRESENT POSITION & DETAILS OF THE ORGANISATION	Advocate, High Court of Delhi
POSITIONS HELD EARLIER	-
TEACHING EXPERIENCE (NO. OF YEARS)	-
PROFESSIONAL / INDUSTRY EXPERIENCE (NO. OF YEARS)	10 ('ten') years
RESEARCH EXPERIENCE (NO. OF YEARS)	-
SHORT DESCRIPTION OF INSTRUCTOR	Dr. Amit George practices as an Advocate before the High Court of Delhi. He has appeared as an arguing counsel in various matters resulting in reported judgments in diverse areas of law such as contract, arbitration, administrative, property, service and labor law. He also frequently appears before various arbitral tribunals in <i>ad-hoc</i> and institutional arbitrations, with a special focus on infrastructure disputes. He has been appointed as an arbitrator on various occasions by the High Court of Delhi and the Delhi International Arbitration Centre. Dr. George is the author of the book titled '<i>Minority Rights in a Cosmopolitan World</i>' [Media House: 2018], and frequently contributes opinion pieces and articles on issues of contemporary legal relevance. He has also held guest lectures at the National Law University, Delhi, the Jamia Millia Islamia, Delhi, the Jindal Global Law School, Sonipat and the Lal Bahadur Shastri National Academy of Administration, Mussorie.
CREDITS	1
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	"The legal system is often a mystery, and we, its priests, preside over rituals baffling to everyday citizens." Henry G. Miller

The aforementioned quote pithily captures the seemingly esoteric and impenetrable nature of the litigation process. The bafflement that is often experienced by laymen in relation to these so-called 'rituals' is often mirrored amongst law students, who may experience but a fleeting and perplexing glance at the same during the course of a short internship. Such a distorted and inadequate interface with the procedural 'core' of litigation engenders various misgivings and trepidations, and which may ultimately result in a general reluctance to enter the rough and tumble of litigation after graduation. The position is not much different with the practice of arbitration, an arena to which a significant number of civil disputes are now shifting, with the innately private and cloistered nature of its proceedings leading to much the same result.

In an attempt to remedy the aforesaid situation, whilst being mindful of the inherent pedagogical difficulty in seeking to delve upon an intrinsically procedural and 'real-worldly' subject in a class-room environment, the present course is designed to provide a broad overview of the civil litigation and arbitration landscape in India, and associated practices.

The course is intended to be 'trans-substantive' inasmuch as it seeks to address the practice and procedure of civil litigation and arbitration without dwelling upon the substantive law(s) that might be applicable to the substance of the legal dispute in question.

The course is divided into five segments *viz.*

- i. The *first* segment briefly elucidates upon the foundational aspects of civil litigation in terms of the principal institutions and stakeholders involved, and the overreaching concepts and themes that will recur throughout the course.
- ii. The *second* segment focuses on the initial stage of the conduct of a litigation case from the earliest stage of being introduced to a prospective client till the filing of the case with the registry of the concerned Court or Tribunal. The segment would include aspects such as client interaction, record collection, deliberation on issues of territorial and pecuniary jurisdiction and limitation, best practices in the drafting of pleadings, filing procedure *etc.*
- iii. The *third* segment covers the trial stage of a litigation case from the stage of issuance of notice/summons by a Court or Tribunal till the passing of a final decree/order. The segment would include aspects such as framing of issues, evidence, cross-examination of witnesses, oral arguments *etc.*
- iv. The *fourth* segment covers the post-decree/order stage of a litigation case from the preferring of an appeal and related remedies till final enforcement of the decree/order. The segment would include aspects such as differences between a review and an appeal,

	filing of a caveat, obtaining certified copies, prosecuting and defending against enforcement actions <i>etc.</i> v. The <i>fifth</i> and final segment briefly examines the practice and procedure of arbitration in India, and juxtaposes its essential features with that of the civil litigation firmament, in order to demonstrate critical similarities and differences between the two. The segment would include aspects such as best practices in drafting an arbitration clause, selection of an arbitral tribunal, conducting arbitration proceedings, challenges to arbitral awards and enforcement thereof <i>etc.</i>
SCHEME OF EVALUATION:	Paper submission & Presentation
NUMBER OF STUDENTS ALLOWED FOR COURSE (CAP):	50
SELECTION CRITERIA (IF APPLIED IS MORE THAN CAP) *	Draw of Lots

COURSE TITLE:	Affirmative Action and the Constitution of India
COURSE OFFERED TO	LLB 3 rd Year to 5 th Years
INSTRUCTOR NAME & CONTACT DETAILS:	Dr. Abhinav Chandrachud abhinav.chandrachud@gmail.com
ACADEMIC QUALIFICATIONS	J.S.D. (Stanford 2014), J.S.M. (Stanford 2012), LL.M. (Harvard 2009), LL.B. (Mumbai 2008), B.L.S. (Mumbai 2006)
PRESENT POSITION & DETAILS OF THE ORGANISATION	Advocate, Bombay High Court
POSITIONS HELD EARLIER	Associate Attorney, Gibson Dunn & Crutcher (2009-2011)
TEACHING EXPERIENCE (NO. OF YEARS)	I have previously taught as a visiting professor at NALSAR (2014) and Government Law College, Mumbai (2014)
PROFESSIONAL / INDUSTRY EXPERIENCE (NO. OF YEARS)	I have been an advocate registered with the Bar Council of India since 2008.
RESEARCH EXPERIENCE (NO. OF YEARS)	12 years
EMAIL ID	abhinav.chandrachud@gmail.com
SHORT DESCRIPTION OF INSTRUCTOR	Abhinav Chandrachud is an advocate who practices at the Bombay High Court. He is the author of numerous books, including <i>Republic of Rhetoric: Free Speech and the Constitution of India</i> (Penguin 2017) and <i>Republic of Religion: The Rise and Fall of Colonial Secularism in India</i> (Penguin 2020). He has written for several leading newspapers in India including The Hindu and The Indian Express, and is presently a columnist with Bloomberg Quint. He graduated from Harvard Law School (where he was a Dana Scholar) and Stanford Law School (where he was a Franklin Family Scholar).
Credits	2
PREFERRED DATES FOR CONDUCT OF COURSE	July – November
PRE-REQUISITES:	None
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	Caste-based reservations are always in the news. In January 2019, a few months prior to the general elections, the 103rd Constitutional amendment brought about a 10% quota in government jobs and higher educational institutions for “economically weaker sections” (EWS) of Indian society, the first time in India’s history that the Constitution enabled quotas in government jobs and colleges for the upper caste poor. In 2020, the Uttarakhand government scrapped reservations in promotions, while the Karnataka government introduced 25% reservations for local students (in addition to the pre-existing reservations for Scheduled Castes and Scheduled Tribes) at the National Law School in Bangalore. Adopting a legal history lens, the objective of this course is to introduce students to the law and history of caste-based quotas in the country. We will trace how groups eligible for reservations were identified and defined: how the terms “depressed classes” and “backward classes” were used in British India and how they evolved into the constitutional concepts of “Scheduled Castes”, “Scheduled Tribes”, and “Other Backward Classes”. We will examine how the Supreme Court invented tests to impose limits on quotas in the country – the rule that no more than 50% of the

	available seats or positions can be reserved, the principle that the “creamy layer” must not receive the benefit of quotas, the requirement that governments must have “quantifiable data” before providing certain kinds of reservations. This course examines the debates that have taken place in the Constituent Assembly, the Supreme Court and Parliament on the following questions among others: are reservations an exception to the principle of equality of opportunity? Do quotas in government service, especially in promotions, undermine efficiency? Can “merit” really be defined neutrally and do marks in board exams or entrance exams really demonstrate a student’s intelligence? Like reservations in Parliament and state legislatures, should seats in colleges and government jobs be reserved in proportion to the population of backward classes? Can caste be made the primary criterion for reservations? What happens when a person from a backward caste migrates to another state, converts to another religion or marries a person of another caste- does she become ineligible for a reserved seat? Is there a fundamental right to reservation – can an Indian citizen compel a government to reserve seats even if it doesn’t want to do so? Along the way, we will examine complex concepts like vertical and horizontal (or “interlocking”) reservations, the carry-forward rule, the catch-up rule, consequential seniority, the “L” shaped 13-point roster and the 200-point roster in government employment.
SCHEME OF EVALUATION:	Take home exam; students will also have the option of writing a research paper instead of an exam
NUMBER OF STUDENTS ALLOWED FOR COURSE (CAP):	30
SELECTION CRITERIA (IF APPLIED IS MORE THAN CAP) *	Draw of Lots

COURSE TITLE	Documents and Bureaucracy (SSS)
COURSE OFFERED TO	Year III, IV, Year V
INSTRUCTOR NAME & CONTACT DETAILS:	Shagufta Kaur Bhangu shaguftabhangu@gmail.com
ACADEMIC QUALIFICATIONS	M.A. in Sociology, Delhi School of Economics, University of Delhi (2012) M.Phil. in Sociology, Delhi School of Economics, University of Delhi (2014) Fulbright-Nehru Doctoral Scholar in Medical Anthropology, UCSF-UC Berkeley (2017-2018)
PRESENT POSITION & DETAILS OF THE ORGANISATION	PhD Research Scholar, Department of Sociology, Shiv Nadar University (2014 onwards)
POSITIONS HELD EARLIER	M.Phil. Scholar, Delhi School of Economics, University of Delhi (2013-2014) Guest Faculty, Department of Sociology Hindu College, University of Delhi (2014) Project Manager, Outreach & Curriculum Development, IFRE (Ashoka University) (2013) Research Assistant, Indian Institute of Public Health, Delhi (2012)
TEACHING EXPERIENCE (NO. OF YEARS)	2 years (Hindu College- 1 semester & Shiv Nadar University- 3 semesters)
PROFESSIONAL / INDUSTRY EXPERIENCE (NO. OF YEARS)	1 year (IIPH-Delhi & Ashoka University)
RESEARCH EXPERIENCE (NO. OF YEARS)	6 years (MPhil & PhD)
SHORT DESCRIPTION OF INSTRUCTOR	Shagufta Bhangu is a PhD Research Scholar in the Department of Sociology, Shiv Nadar University. Her research is ethnographic in nature and explores the emergence of pain medicine and pain clinics in India. Ms. Bhangu has previously taught at Shiv Nadar University and at Hindu College, University of Delhi. In 2017-2018, she was awarded the Fulbright-Nehru Doctoral Fellowship and spent a year in UCSF and UC Berkeley's Medical Anthropology programme. Her doctoral thesis is an investigation of four thematics: bodies in pain, pain's records, chronicity of pain and an institute of pain.
CREDITS	3
PREFERRED DATES FOR CONDUCT OF COURSE	July-August 2020

PRE-REQUISITES:	Prior training in Sociological or Anthropological courses is desirable.
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	Course Description Documents are ubiquitous artefacts of modern life. As media technologies, they are available in multiple forms and collectivities, as written and typed records, in files and archives, among others. Documentary artefacts are the materiality of bureaucratic regimes. In bureaucratic offices, documents are written, prepared, collated, organised and archived daily. Both documents and documentary practices, i.e., practices by which documents are crafted are fundamental features of bureaucracies. Together, these shape governance and everyday negotiations between the state and its subjects. While these enable medical, legal and state administration, they are also relied upon by citizens to navigate everyday life as can be seen through petitions, letters and complaints. What are the forms of negotiations, actions and governance that documents enable and limit? — is one of the central questions this course shall address. Along side governance, documentary artefacts also play an important role in the production and circulation of evidence and ‘truths’ within institutions. While exploring the everyday routine worlds that these artefacts craft and administer, their operations in violent events will also be addressed. Each class shall be organised around a key concept or theme and we shall address these from a sociological perspective, by working through historical, literary critical and ethnographic texts. An attempt will be made to focus on ethnographic texts based in South Asia. The thematics discussed in this course shall include: Documents in Bureaucracies: Media Forms Documents, Bureaucracies and Statecraft- Spaces & Peoples Documentary & Bureaucratic Negotiations: Subjects & State Documents in Bureaucracies: Producing ‘truth’, Evidence Documents & Bureaucracies of Torture & Death
SCHEME OF EVALUATION:	Course Requirements In each lecture, the instructor shall present a summary and critical analyses of texts. Given the challenges faced by online teaching technologies, lectures will be recorded and available for students. Students will be given short reading and writing assignments that shall contribute towards their final grade. Evaluation In each lecture a question shall be posed. Students must submit essay responses to any 5 of these questions. Each essay shall be 300-500 words in length and must centrally address the question. These essay responses must be submitted before the next class. The instructor will give detailed feedback on each essay response. For the final examination, students will be asked to develop one of their writing assignments into a paper of 1500-2000 words.
SELECTION CRITERIA *	Draw of Lots

COURSE TITLE	Ethnographies of Labour (SSS)
COURSE OFFERED TO	Year II
INSTRUCTOR NAME & CONTACT DETAILS:	Shagufta Kaur Bhangu shaguftabhangu@gmail.com
ACADEMIC QUALIFICATIONS	M.A. in Sociology, Delhi School of Economics, University of Delhi (2012) M.Phil. in Sociology, Delhi School of Economics, University of Delhi (2014) Fulbright-Nehru Doctoral Scholar in Medical Anthropology, UCSF-UC Berkeley (2017-2018)
PRESENT POSITION & DETAILS OF THE ORGANISATION	PhD Research Scholar, Department of Sociology, Shiv Nadar University (2014 onwards)
POSITIONS HELD EARLIER	M.Phil. Scholar, Delhi School of Economics, University of Delhi (2013-2014) Guest Faculty, Department of Sociology Hindu College, University of Delhi (2014) Project Manager, Outreach & Curriculum Development, IFRE (Ashoka University) (2013) Research Assistant, Indian Institute of Public Health, Delhi (2012)
TEACHING EXPERIENCE (NO. OF YEARS)	2 years (Hindu College- 1 semester & Shiv Nadar University- 3 semesters)
PROFESSIONAL / INDUSTRY EXPERIENCE (NO. OF YEARS)	1 year (IIPH-Delhi & Ashoka University)
RESEARCH EXPERIENCE (NO. OF YEARS)	6 years (MPhil & PhD)
SHORT DESCRIPTION OF INSTRUCTOR	Shagufta Bhangu is a PhD Research Scholar in the Department of Sociology, Shiv Nadar University. Her research is ethnographic in nature and explores the emergence of pain medicine and pain clinics in India. Ms. Bhangu has previously taught at Shiv Nadar University and at Hindu College, University of Delhi. In 2017-2018, she was awarded the Fulbright-Nehru Doctoral Fellowship and spent a year in UCSF and UC Berkeley's Medical Anthropology programme. Her doctoral thesis is an investigation of four thematics: bodies in pain, pain's records, chronicity of pain and an institute of pain.
CREDITS	3
PREFERRED DATES FOR CONDUCT OF COURSE	
PRE-REQUISITES:	Prior training in Sociological or Anthropological courses is desirable.

BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	The concept of labour is perhaps amongst the most rigorously analysed and studied categories in social sciences. As Friedrich Engels argues, labour lies at the heart of what makes a ‘man.’ This course shall employ this observation and investigate labour to understand constitutions of persons, systems of production (economic and political) and social worlds. Labour lies at the heart of philosophical debates and investigations on work and forces of production, reproduction and gender, affective and psychic work, urban studies and migration, and global economic and political arrangements. From early political economic writings to the present day crises faced by informal, migrant and precarious labouring groups, a diverse spectrum of political, economic, geographical and sociological milieus may be traversed by attending to labour and its transformations. This course shall introduce students to key ethnographies and anthropological thinkers who have contributed to the canon on labour, offering critical insights through anthropological research. The course shall focus on the following thematics: Labour & Capitalist Production Labour & Gender Labour & Affects, Emotions Labour, Global South & Migration Labouring Bodies & Psyches
SCHEME OF EVALUATION:	Course Requirements In each lecture, the instructor shall present a summary and critical analyses of texts. Given the challenges faced by online teaching technologies, lectures will be recorded and available for students. Students will be given short reading and writing assignments that shall contribute towards their final grade. Evaluation In each lecture a question shall be posed. Students must submit essay responses to any 5 of these questions. Each essay shall be 300-500 words in length and must centrally address the question. These essay responses must be submitted before the next class. The instructor will give detailed feedback on each essay response. For the final examination, students will be asked to develop one of their writing assignments into a paper of 1500-2000 words.
SELECTION CRITERIA *	Draw of Lots

Course Title:	<i>Commercial Remedies in the times of COVID-19</i>	
Course offered to	Undergraduate Students of the 4th and 5th Year	
Instructor Name & Contact Details:	Dhruva Gandhi:	Vinodini Srinivasan:
Academic Qualifications	• B.A L.L.B Hons, National Law School of India University, Bangalore (2018) • BCL, Oxford University (2019)	• B.A L.L.B Hons, National Law School of India University, Bangalore (2014)
Present Position & Details of the organisation	Counsel, Bombay High Court	Counsel, Bombay High Court
Positions held earlier	N/A	• Senior Associate, Keystone Partners Advocates & Solicitors, Mumbai • Business Analyst, McKinsey & Co
Teaching Experience (No. of years)		N/A
Professional / Industry Experience (No. of years)	1 year	6 years
Research Experience (No. of years)	Co-author, <i>Land Acquisition in India: A Review of Supreme Court Cases from 1950 to 2016</i> , Centre for Policy Research, New Delhi (2015-17)	-
Email id	dhruvagandhi95@gmail.com	vinodinisrinivasan@gmail.com
Short Description of Instructors	The instructors are practising advocates at the Bombay High Court, with practise areas extending to arbitration, insolvency, commercial disputes and writ remedies.	

	Dhruva Gandhi is a graduate of NLSIU, Bangalore. He completed his BCL from the University of Oxford, where he read Commercial Remedies and Constitutional Theories. Vinodini Srinivasan graduated from NLSIU Bangalore in 2014. She was, previously, a Senior Associate at Keystone Partners, Mumbai and a Business Analyst at McKinsey & Co, where she consulted with India's leading automobile manufacturers, IT companies and banks on business strategy.
Credits	1 credit
Preferred Dates for conduct of Course	July, 2020 to 31st August, 2020
Pre-Requisites:	None
Brief Description on Course (Maximum 500 words)	Concepts and principles of what the law says is just one dimension of it. As litigating lawyers, a lot of time is actually spent procuring the most appropriate remedy for clients. First principles are often tailored to suit the desired remedy. The nationwide lockdown has left several businesses facing some unique difficulties and has consequently seen them asking for different reliefs: 1. Every business owes their suppliers money. However, to pay these dues could put them on the verge of bankruptcy. 2. On the flip side, every business woman has her own customers who are not paying her. To stay in the game, she needs to find a way to secure her revenue. 3. A retail chain has been asked to pay rent for its stores, or vacate by the end of the month. What is worse, even if they do shut down some stores, they have no confidence that they will receive their security deposit. 4. The local construction company has bid for a Government contract, and offered a Bank Guarantee for Rs. 100 crores. The Government has threatened to invoke it, now that the project has been stalled. Questions such as these are likely to become the mainstay of commercial litigation, and judges are attempting to answer them in hearings everyday. In this Course we look at the principles of law that businesses can apply to secure or resist relief in each of these cases. Some of the remedies we cover in this course include, insolvency petitions, invocation of guarantees, restitution for force majeure, summary actions to recover a sum due and the like. A seminar-wise break up of topics covered has been attached below. Every session will start with a short lecture that focuses on the basic principles of the remedy being discussed and will be followed by a seminar style discussion centered around one or two cases that have come before the courts or have confronted law firms after the pandemic.

	The objective is to (i) offer students a brief overview of a few commercial remedies and (ii) provide them an insight into their changing nature. Keeping this objective in mind, the reading list is indicative and primarily includes some of the foundational cases for each remedy. Some of the decisions that have been rendered post-lockdown will be discussed in class or shared beforehand.
Scheme of Evaluation:	The endeavour in the evaluation is to expose students to the experience of pursuing a legal remedy for a client. Students may choose a judgment denying/ allowing interim relief from an indicative list, and draft an Appeal under the relevant legislation, challenging the same.
Number of Students Allowed for course (CAP):	60 students
Selection Criteria (if applied is more than CAP) *	Draw of Lots

COURSE TITLE:	Transfer Pricing and Taxation of Digital Economy
COURSE OFFERED TO	LLB Students
Credits	2 credits- 32 hours of teaching
PREFERRED DATES FOR CONDUCT OF COURSE	Starting July,2020
PRE-REQUISITES:	N/A
BRIEF DESCRIPTION ON COURSE (MAXIMUM 500 WORDS)	This course aims to offer a comprehensive understanding of the Transfer Pricing Law in India and the legal framework/mechanism for taxing the digital economy. 1. <u>Transfer Pricing-</u> • Concept of transfer pricing- need, aim and purpose • Concept of International Transaction and Associated Enterprise [Sec. 92 to 92F of Income Tax Act, 1961] • Computation of the Arm's Length Price (ALP) • Methods of computing ALP [Sec. 92C] • Comparability of Transaction- Rules under the Income Tax Rules, 1962- Rule 10B etc. • Most appropriate method of ALP computation • Various case-laws and development of the jurisprudence in this regard • BEPS Action Plan • OECD Guidelines on Transfer Pricing • Domestic transfer pricing • Amendments in the law- secondary adjustments, Explanation to Section 92B etc. • Benchmarking of intangibles, royalty payments, issue of AMP etc. • Case studies of the on-going litigation issues 2. <u>Taxation of Digital Economy-</u> aspects of virtual PE, digital PE, significant economic presence, equalization levy, e-commerce, such other concepts, including case studies of google, amazon etc. There are also several judgments in this regard which will be analyzed. Various amendments have been introduced in 2016, 2019 and 2020 with an aim to tax digital economy and online transactions. Such new legal provisions will be studied and analyzed in detail.
SCHEME OF EVALUATION:	Flexible (as suggested by the University or the Students or whatever is mutually decided)
NUMBER OF STUDENTS ALLOWED FOR COURSE (CAP):	Flexible (as suggested by the University or the Students or whatever is mutually decided)
SELECTION CRITERIA (IF APPLIED IS MORE THAN CAP) *	Flexible (as suggested by the University or the Students or whatever is mutually decided)



NALSAR University of Law

Justice City :: Shameerpet :: Hyderabad

Examination Section

COURSE TITLE:	International Trade Law
COURSE OFFERED TO	Seminar for LL.M. Specialization ITBL
INSTRUCTOR:	Prof. V. Balakista Reddy
NUMBER OF CREDITS:	3
DURATION	October – December 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	International Trade Law is a system of rules and regulations which governs the international trade transactions and related issues among the nations. The present situation is not restricted to the individual countries alone. Presently the subjects of the international trade law also include individuals, MNCs and other governmental and non-governmental international organisations. International trade law includes the issues relating to trade transactions, transportations, international banking and insurance, international exchange rate, environment, IPRs and cyber space, economies, financial markets etc. In India the problem is of implementation of international trade laws. The transition period given to India by WTO for all multilateral agreements has already lapsed. And we are still far behind other countries. Still we are not able to achieve compatibility between national laws and international trade laws. The obvious reason is the lack of knowledge to understand WTO Laws. In India there is no formal or informal instruction on international trade laws. The objective of this course is to make the students aware of the practical problems in the area of International Trade. While analyzing this, the course will examine the laws, policies, and multilateral trade institutions governing the global trade in goods, services, intellectual property, investment, dispute settlement, with a special reference to the World Trade Organization (WTO). Keeping this aim in view, the International Trade law syllabus for Session 2013-14 has been divided into four modules. Module one focuses on the introductory concerns of International Trade Law. Module two deals with the issues of International trade

organizations. Module three mainly focuses on the major role of the WTO in international trade regulations.

Module I

The first module is divided into three chapters and is introductory in nature. Chapter I gives a brief introduction about International Trade Law. It covers definitions, scope, codification, the similarities and distinctions between the International facet of Economic Law, Business Law, Commercial Law and Trade Law. It highlights the regulations in the Ancient, Medieval and Modern times, and the Role of Various Trade Theories in Development of International Trade Law. Chapter II deals with the Sources and Subjects of International Trade Law, Debate between Hard Law and Soft Law Sources, the role of the U.N. General Assembly Resolutions. Chapter III includes the Basic Principles and Concepts of International Trade Law including the Most Favored Nation (MFN) Treatment, The Principle of Non-Discrimination and Equality of states, Changing Concept of Sovereignty & Protection of National Interests, Transparency and Reciprocity, Free Trade and Fair Trade, Binding Commitments, P.S.N.R and Non-Intervention in Domestic Affairs, etc.

Module II

Module two majorly focuses on the role of various International Trade and Financial Institutions in the development of International Trade Regulations. It begins with the History and Development of International Trade and Financial Institutions including the Bretton Woods Conference and the ITO. The Module also deals with the UN Initiatives in International Economic and Trade Matters including the G77, UNCTAD, UNCITRAL, UNIDO, WIPO, and NIEO. However, the focus of this module will be on the General Agreement on Tariffs and Trade (GATT), its origin, and development, Objectives, Structure and Functions. The module also includes the Core Principles, i.e. MFN, National Treatment, Binding Commitments, Removal of QR's and Transparency. GATT and the Balance of Payment Problems, Dumping and Anti-Dumping under the GATT will also be covered in the module.

Module III

	Module Three focuses on the Uruguay Round Negotiations and the establishment of the WTO with reference to its scope, objectives, structure and functions. It also focuses on the WTO Multilateral Agreements on Trade in Goods including the Agreement on Agriculture, Textiles and Clothing, Sanitary & Phyto-sanitary, and Technical Barriers to Trade etc. It also covers the realm of International Trade in Services, i.e., GATS. The module focuses on contemporary issues such as Intellectual Property and International Trade IPR Issues, linkage between International Trade Law and Environment, Concept of Free Trade and the Environmental Implications, the WTO and Environment, and the Law Relating to the Concept of Sustainable Development. The last part of the module focuses on the domestic implementation of international trade law in India. <u>Module IV</u> This module discusses the Concept and Kinds of Dispute Settlements, the Obligation for the peaceful settlement of international disputes, the Methods of international dispute settlements including the Diplomatic methods that also include the Negotiation, Good Offices and Mediation, Inquiry and Fact finding, Conciliation and Legal methods including the Arbitration and Judicial settlement. It focuses on the Dispute Settlement Procedure by GATT and WTO. The Main focus of this course is on the WTO and Dispute Settlement procedures. It deals with the Dispute Settlement under WTO Regime, Annexure II of Marrakesh Agreement, the Agreement on Dispute Settlement Understanding, the Procedure, the Panel, the Appellate Review and the Implementation and Enforcement. It also deals with the Anti-Dumping Measures, Subsidies and Countervailing Measures, Services and IPR related cases in the WTO. This module shall also emphasize on probing into the new method of resolving e-commerce disputes i.e. Online Dispute Resolution. Additionally, the work of UNCITRAL on resolving e-commerce disputes shall be studied
SCHEME OF EVALUATION:	As per University Guidelines

(Signature of the Faculty)



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Examination Section

COURSE TITLE:	Internet Governance - Law, Policy and Regulation vis-a-vis Internet Crimes
COURSE OFFERED TO	Seminar for LL.M. Specialization (Criminal Law) / PLLT
INSTRUCTOR:	DR. K V K Santhy
NUMBER OF CREDITS:	3
DURATION	October – December 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Course Description The Internet has become an essential platform and engine for economic development, social justice and the protection of human rights. At the same time, the issue of global Internet governance raises challenging questions, including: where the control of the Internet should reside, what guiding principles should be used and who should take part in the policy making process? Students will explore prominent narratives and issues, such as the concept of architectural openness and the promotion of Internet Freedom. Through weekly discussions and the tracking of developmental shifts, this course seeks to provide insight into the possible future of the medium. . Introduction to Internet and Internet Governance? - <i>The Internet as a multi-use platform, and the diversity of issues and actors involved.</i> - <i>The Internet as a global, converged medium with other media, and the challenges of balkanization and fragmentation.</i>

Suggested Readings: Gralla, Preston. *How the Internet Works (8th Edition)*. Indianapolis: Que, 2006. Kurbalija, Jovan. *An Introduction to Internet Governance (4th Edition) · The Online Companion to the Book, An Introduction to Internet Governance*. Geneva: Diplo Foundation, 2010. Mathiason, John. *Internet Governance: The New Frontier of Global Institutions*. London: Routledge, 2008. Working definition of Internet governance, 2005. *Report of the Working Group on Internet Governance*. <http://www.wgig.org/docs/WGIGREPORT.pdf>

2. Internet governance as global governance

- *Principles and challenges of global governance in a connected world.*
- *Legitimacy and participatory deficits in current governance structures.*
- *The move toward a multi-polar world, and the challenge of cultural and economic protectionism.*

Suggested Readings: Coglianese, C. *Globalization and the Design of International Institutions*. In: Nye, J. & J. Donahue. *Governance in a Globalizing World*. Brookings Institution Press, 2000, p. 297 – 315. Drake, William J., and Ernest J. Wilson. *Governing Global Electronic Networks: International Perspectives on Policy and Power*. Cambridge, MA: MIT, 2008. Mueller, Milton. *Networks and States: The Global Politics of Internet Governance (Information Revolution and Global Politics)*. Cambridge, MA: MIT, 2010. Rosenau, James N. "Governance in the Twenty-First Century." *Global Governance* 1 (1995): p.13–43.

3. A brief history of Internet Governance

- The creation of ICANN as an experiment in non-governmental Internet governance.
- The role of the United Nations, the World Summit of the Information Society (WSIS) and the debate on intergovernmental governance models.
- The Internet Governance Forum and other attempts to institutionalize collective action regarding the Internet.

Suggested Readings: Crawford, Susan P. "The ICANN Experiment," 12 *Cardozo Journal of International Comparative Law*, 409, Fall 2004. Kleinwachter, Wolfgang. "The History of Internet Governance." *Governing the Internet: Freedom and Regulation in the OSCE Region*. Vienna: OSCE, 2007.

<http://intgov.org/papers/35> Mathiason, John, Milton Mueller, Hans Klein, Marc Holitscher, and Lee McKnight. "Internet Governance: The State of Play." Sept. 2004. <http://www.internetgovernance.org/pdf/ig-sop-final.pdf> Mueller, Milton. *Ruling the Root: Internet Governance and the Taming of Cyberspace*. Cambridge, MA: MIT, 2002. Ziewitz, Malte and Ian Brown, "A Prehistory of Internet Governance" in *Research Handbook on Governance Of The Internet*, Ian Brown, ed., Cheltenham: Edward Elgar, 2012.

4. Multi-stakeholder governance models and democratic practices

The concept of multi-stakeholder governance approaches. Practices, promises and limitations of participatory models of governing. Structural deficits of existing global governance structures New models of "networked governance" such as Wikipedia

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Overcoming disparities in spread and accessibility of the Internet globally. Broadband divide and Internet literacy. Net neutrality and other traffic discriminatory challenges. Spectrum management at a time of wireless Internet worldwide Draft Syllabus, NYU Department of Media, Culture and Communication

Module - I. Nature and Concept of Cyber Crimes

- Classification of Cyber Crimes
- Fundamental aspects of Cyber Crimes/Cyber offences/Online Crimes: Mensrea and actus reaus,
- US v. SABLON, 92 F.3d 865 (1995) (relationship of "mens rea" to "damages," and how are damages calculated).
- US v. MIDDLETON, 231 F.3d 1207 (2000) (*Factual Background*, pp. 1208-09, Part B. *Damages*, p. 1213, and Part C. *Sufficiency of Evidence*, pp. 1213-14).
- Need for criminalization of offences in cyber space
- Types of cyber offences to be criminalized
- Spamming, hacking, cyber stalking, theft of service, denial of service attacks, salami slicing, data transfer fraud,
- International dimensions to cyber crimes – Budapest convention.
- Online intermediary liability
- [Computer Viruses, Time Bombs, Trojans, Malicious Code \(Malware\)](#)

Readings:

- Jyh-An Lee, Hacking into China's Cybersecurity Law, 53, Wake Forest L. Rev. 57 (2018).
- Josh Goldfoot; Aditya Bamzai, A Trespass Framework for the Crime of Hacking, 84 Geo. Wash. L. Rev. 1477, (2016).
- Sara Sun Beale; Peter Berris, Hacking the Internet of Things: Vulnerabilities, Dangers, and Legal Responses, 16 Duke L. & Tech. Rev. 161 (2017-2018).
- Maneela, Cyber Crimes: The Indian Legal Scenario, 11, US-China L. Rev. 570 (2014).
- Danielle Keats Citron, Addressing Cyber Harassment: An Overview of Hate Crimes in Cyberspace, 6 Case W. Res.J.L. Tech. & Internet 1 (2014-2015)

Module –II: Cyber Crimes and Procedural Aspects:

- Investigating Internet Crime: cyber cells, search, seizure, digital evidence
- Computer forensics
- Prosecution of internet crime,
- Admissibility of electronic records and issues in the admission of digital evidence
- International aspects and Jurisdictional issues

Readings:

- Milana Pisaric, Electronic Records as Digital Evidence, 43 Zbornik Radova 519 (2009).
- Jacqueline J. DeGaine, Digital Evidence, 2013 Army Law. 7 (2013).
- Paul W. Grimm; Daniel J. Capra; Gregory P. Joseph, Authenticating Digital Evidence, 69 Baylor L. Rev. 1 (2017).
- Mrinalini Singh; Shivam Singh, Cyber Crime Convention and Trans Border Criminality, 1 Masaryk U. J.L. & Tech. 53 (2007).

Module – III: Cyber Terrorism

- Need for comprehensive national cyber security
- Monitoring and surveillance of potentially harmful websites
- Cyber Crime and fund raising
- Cyber network based attacks
- Should sentencing law and policy take into account the differences between traditional crimes and cyber crimes
- Cyber security measures : Computer Emergency Response team. NERT

Readings:

- Dan-Calin Besliu, Cyber Terrorism - A Growing Threat in the Field of Cyber Security, 6 Int'l J. Info. Sec. & Cybercrime 35 (2017).
- Loan Marcel, The Components of Cyber-Terrorism, 2 Int'l J. Info. Sec. & Cybercrime 49 (2013).
- Ioana Martin, Cyber Security Strategies - An Overview, 4 Int'l J. Info. Sec. & Cybercrime 33 (2015).

Module IV: Pornography, prostitution, and sex crimes in cyber space:

- Pornography in India: policy and regulation.
- Child porn and the law
- Sending offensive messages S 66A
- Policy problems with a national or cyberspace standard
- Constitutional and statutory rules governing obscenity
- Operation of local community standards in cyber space
- Voyeurism S 66E
- Sexually explicit content and child pornography S 67A ND s 67B
- **Online Gambling:** UNLAWFUL INTERNET GAMBLING ENFORCEMENT ACT OF 2006(enacted as Title VIII of the [Security and Accountability For Every Port Act of 2006 or SAFE Port Act, Pub. L. 109-347](#)):
- Avinash Bajaj v State, 116(2005)DLT427
- Fimbros v State of Kerala, AIR 2006 Ker 279
- Ashcroft v. ACLU, 542 U.S. 656 (2004).
- MILLER v. CALIFORNIA, 413 U.S. 15 (1973) (Miller Test - community standards; "lacks serious literary, artistic, political, or scientific value").
- U.S. v. AMERICAN LIBRARY ASSOC., 539 U.S. 194 (2003) ([LII](#)) (upholding Children's Internet Protection Act (CIPA)).

STATUTES:

- Communications Decency Act of 1996 (Title V of the Telecommunications Act of 1996).
- Child Online Protection Act (COPA) of 1998 ([47 U.S.C. 231](#)). (Cf. Children's Online Privacy Protection Act of 1998 (COPPA) 16 USC 6501-6506).
- Children's Internet Protection Act (CIPA) of 2000 Children's Internet Protection Act (CIPA), Pub. L. No. 106-551, Div. B., Tit. XVII, 114 Stat. 2763A-335 (2000).
- Child Protection and Obscenity Enforcement Act of 1988 (Pub. L. 100-690, title VII, subtitle N (§7501 et seq.), Nov. 18, 1988, 102 Stat. 4485, 18 U.S.C. § 2251 et seq.) (enforced through "[2257 Regs](#)" guidelines, [28 CFR 75](#)).

	Readings: • Gerard V. Bradley, Prolegomenon on Pornography, 41 Harv. J. L. & Pub. Pol'y 447 (2018). • Godwin Tan, Is Pornography Merely Obscene: Feminist Perspectives on the Regulation of Pornography, 5 UK L. Student Rev. 97 (2017). • Shannon Russell, The Criminalisation of Extreme Pornography: Legitimacy and Scope, 3 Edinburgh Student L. Rev. 51 (2017). Module – IV: Online fraud issues and challenges: • Identity Theft; Intellectual Property Theft; • Theft of computer resource S66B • Identity theft and impersonation S 66C and S66D • Tampering with the source code S65, • Syed Asifuddin v The State of Andhra Pradesh, 2005 Crilj 4314. <u>Readings:</u> • Eric Holm, The Darknet: A New Passageway to Identity Theft, 6 Int'l J. Info. Sec. & Cybercrime 41 (2017). • N. S. Nappinai, Cyber Crime Law in India: Has Law Kept Pace with Engineering Trends - An Empirical Study, 5 J. Int'l Com. L. & Tech. 22 (2010)
SCHEME OF EVALUATION:	As per University Guidelines

(Signature of the Faculty)



NALSAR University of Law

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Examination Section

COURSE TITLE:	CAPITAL MARKET AND SECURITIES
COURSE OFFERED TO	LL.M.
INSTRUCTOR:	Mr. SUDHANSHU KUMAR
NUMBER OF CREDITS:	3
DURATION	October – December 2020
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	<u>Course Description & Objectives:</u> There has been a tremendous growth of Indian market in recent years forcing rapid changes in the laws relating to investment and security. The economic and social development depends on security market at national and global levels. On the global level there is a trend for unification of controls of securities and investments. Reflection of this global phenomenon has also been felt in India. The new laws and regulations now fall line with the global requirements at times transcending the constitutional limitations. The corporate securities markets perhaps comprises the most vibrant sector of the financial industry. Significant reforms have taken place in both trading and post trade infrastructure and even the business conventionally handled within the commercial banking and insurance sectors is making inspired use of ordered capital market techniques. As well as new opportunities, these changes present new regulatory and legal risk management challenges. “Capital market in any jurisdiction has a vital role, including providing liquidity for investors and

incorporating information in to prices, which in turn serve as vital guides to real economic activity. The effectiveness with which capital markets perform these functions, and their costs of operation, are determined in significant part by the rules governing the persons and entities operating and trading in these markets.”

The course on “Capital Market and Securities” would envisage the issues and procedures in connect with the progress and parameters of securities markets in India. Discussions would be on the major building blocks of an effective capital market and the policy environment needed to help its development.

Course Outline:

Module 1: Market Structure in India

Ch. 1. An impression of Financial System

- Constituents of financial system; significance
- Development and growth of financial and capital markets in India;
- Financial reforms and present scenario

Ch. 2. Capital Market

- Introduction, meaning and significance of capital market;
- Capital market vis-à-vis money market; market players.
- Evolution of capital market in India (*Policy issues affecting development of capital markets; Managing risks and responding to crises in Capital Markets*)
Cases like Harshad Mehta Case 1992, MS Shoes scam 1994, Vanishing companies scam 1998, Plantation scam 1999, Ketan Parekh scam will be discussed)

Module 2: Legal and Regulatory framework

Ch.1. Importance of Securities regulation

The role securities regulation plays a role promoting the attributes in five main areas of securities regulation: mandatory disclosure; insider trading; market manipulation; takeover bid regulation; and securities industry regulation. The primary role securities regulation plays in all these areas is promoting confidence in the market. In promoting confidence in the market securities regulation can reduce the tendency for investors to discount prices for securities. By reducing the discounting of securities prices, securities regulation can improve the allocation of savings to investment and the allocation of financial resources to productive activities thereby improving the overall economic performance.

(there is whole range of readings available on this and other topics as well on the internet. The materials shall be provided or forwarded as and when necessary)

	• <i>“The Role of Securities Regulation in Promoting a Competitive Capital Market”, Mark Gillen –Canada 2006.</i> • <i>“Securities Laws, Disclosure, and National Capital Markets in the Age of Financial Globalization”, RENE M. STULZ, Journal of Accounting Research, Vol. 47 No. 2 May 2009 Printed in U.S.A.</i> • <i>The Essential role of securities regulation, Duke Law Journal, vol. 55 Feb 2006.</i> - Securities Contract (Regulation) Act (SCRA), 1956; - SEBI Act, 1992 (<i>objectives, powers and functions of SEBI, Securities Appellate Tribunal and related cases 1996; Jurisdictional tussle between regulatory bodies.</i>) - Role of SEBI in Indian Capital market Ch.2. Market Instruments and Rating - Market instruments (equity and debt market)– equity, debentures, preference shares, sweat equity shares, non-voting shares; Government securities. - New instruments of capital market – pure, hybrid and derivatives; - Rating agencies in India, Rating Methodologies. Ch.5. Market Intermediaries - Role of Participants in Capital Markets (<i>Regulators, financial institutions, accountants/auditors, government</i>) - Issuers of securities and Investors (individuals and institutional players) in capital markets Primary Market and Secondary Market Intermediaries – role and functions, merchant bankers, stock brokers, registrar to an issue, underwriters, bankers to issue, portfolio managers, debenture-trustees, Ch.6. Secondary Market Institutions - Function and significance of Stock Exchanges (<i>regulatory framework; operations and trading mechanism of stock exchanges</i>) - Settlement of securities; - Operational mechanism at stock exchanges. Ch.7. Depository System Overview of the depository system in India; Depositories Act, setting up of depository, role and functions of depository, DP, inspection and penalties. Ch.8. AIF regulation 2012 (Angel Investment; Venture capital; Private equity; Hedge Funds), Mutual Funds. Ch.9. Market Protection: Insider Trading; Corporate Governance. Module 3: ISSUE MANAGEMENT AND COMPLIANCES Ch.1. Issue of Capital Listing and de-listing of Securities; ICDR; Process for issue for various types of shares and debentures, ESOPs.
SCHEME OF EVALUATION:	

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Examination Section

Faculty Option Form for **Seminar Courses** (Form-3)– October - January, 2020-
2021 Semester

Name of the Faculty: Prakhar Ganguly

(Note: If any Faculty wants to offer more than ONE Seminar Please copy this page and fill it accordingly)

COURSE TITLE:	Political Economy of Crime, Prison and Punishment.
COURSE OFFERED TO	Seminar for LL.M
INSTRUCTOR:	Prakhar Ganguly
NUMBER OF CREDITS:	3
DURATION	October – December 2020

BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	<i>"Justice pursues the body beyond all possible pains."</i> - Michel Foucault (Discipline and Punish). The discordants observable in the society needs to be analysed and located at its normative fulcrum. Is this normative fulcrum the difference in moral normativity between three institutions of power - markets, society and law? In order to analyse this moral incongruity 'situations' should be understood in specific contexts. Situations ought to be placed within the broader perspective of the 'political economy' in which these situations thrive or which thrives on these situations. There are endless necessities within the realm of political economy that find solace in the fact that law exists in specific situations within particular and universal contexts that preserve the substance of the order, albeit the form may be anarchic. These necessities which the law structures in manner as if they are necessary often leads us <i>not</i> to question whether these instruments are necessary or <i>necessitated</i>. This course will challenge three of these necessities, albeit not in any particular order, on which the necessitated institutions of markets, society and law thrive. The first among them is <i>crime</i>. The course shall enable the students to sociologically analyse crime from the normative stand-point of labour: I. Does labour markets define what is a crime? II. How have institutions of power historically treated these two classes - the deviants, who have fallen off the frontier and the labourers at the frontier? III. The relativity of crime. The second part of the course will introduce the students to how <i>punishment</i> law, or more specifically the procedural form of penal laws (the ersatz of the bourgeois system), resembles the capitalist 'is' of commodity-exchange. The reader shall introduce the takers to the capitalist essence of the justice. In doing so, the students shall be able to analyse bourgeois justice as a thing-for itself, i.e. as something that has gained consciousness of its own. The broader theme will be to uncover

the bourgeois standards of the judicial form which in its content though unjust is in appearance just.

Reliance on theory, that tries break down realities to a norm and eventually reconstruct another reality from the norm, shall uncover an array of (anti)mundane counter-discursive philosophical standpoints which questions whether the penal policy reflects the classical class dialectics, i.e. whether the state while preferring one penal policy over other works in tandem with the needs of the bourgeois? The larger question is whether the penal policy operates in strict isolation only adhering to the hallowed principles of procedural and substantive niceties or it serves the silent mandate of capitalism?

Some other questions which the readers might find interesting:

- I. Relevance of Freud in the context of Breaking Bad and Todd Phillips's Joker.
- II. Crimes and distribution of resources from the context of 'The Platform' with Focus on legitimate culture and crime).
- III. Self-preservation and Crime in the context of the 'Belko Experiment'
- IV. The Bourgeois shades of Edwin Sutherland's White Collar Crimes.
- V. Derrida on Death Penalty.
- VI. Lombrosso on The Born Criminal

Apropos the third and final month of the course, the takers shall be exposed to literature that breaks down the prison, not literally, into questions of how and why. The societal conditions that facilitated and necessitated the birth of the prison will be looked into through the lens of **Foucault, Durkheim and revisit Rusche**. An attempted visit, depending on how the course proceeds and how the takers respond, shall be made to how criminal law views women as a class.

	<i>Takers are cautioned that this is not a course on theories of punishment as entailed under traditional jurisprudence.</i>
SCHEME OF EVALUATION:	As per University Guidelines Research paper: 70 marks. The research paper will be assessed in terms of: - Innovation of topic chosen. - The richness of literature surveyed. - The level of complexity and attempted abstraction. - The clarity of thought process as depicted in the paper. - Turnitin Report. Consultation 1: Identifying areas of research. The student is expected to have read the suggested and compulsory readings and come up with their own areas which they wish to research on. Zeroing on Title and Hypothesis. Any and all confusions should be mitigated at consultation 2. No future changes to the title shall be allowed. Minor changes to the working hypothesis <i>may</i> be allowed provided it does not alter the normative idea which the student initially wished to work upon. Consultation 2: The students are expected to meet the concerned faculty with at least 40% of their project complete. In any case, if the concerned faculty is not satisfied with the progress report the faculty reserves the right to request the student to re-submit the progress report. The students must reach 80% of their project by the second presentation to be made at a decide date. <u>The faculty still reserves the right to request</u>

	<u>the students to re-submit the report or re-do the project from scratch in case the student fails to present the paper in the light of the points of evaluation.</u> <u><i>*Each of the above four criterion of evaluation consists of 5 marks.</i></u> Final Presentation: All students are expected to be present in class while the presentations take place. Each student shall be observed and noted for their participation during the presentations along with the candidate presenting. Students other than the presenting candidate shall be liable for deduction of marks in case they fail to engage during the final presentation. The final presentation shall consist of 10 marks. Expected Project Length: 7500 words (Single-spaced, TNR, 12) NO GROUP PROJECTS ALLOWED.
SELECTION CRITERIA	Draw of Lots

(Signature of the Faculty)



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Examination Section

Faculty Option Form for **Seminar Courses** (Form-3)– October - January, 2020-
2021 Semester

Name of the Faculty: Dr. G. Mallikarjun

(Note: If any Faculty wants to offer more than ONE Seminar Please copy this page and fill it accordingly)

COURSE TITLE:	Administrative Process and Judicial Control
COURSE OFFERED TO	ELECTIVE for : LL.M.
INSTRUCTOR:	Dr. G. Mallikarjun
NUMBER OF CREDITS:	3
DURATION	October – December 2020

BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Objectives of the course The ever increasing number of powers on the administrators tempted to resort for mal administration. The maladministration is a disturbing phenomenon witnessed in a developing democracy like India. People holding public offices and authority are accused of misuse of their office and misappropriation of public funds for private gain. Agencies like commissions of enquiry and vigilance commission and legislative committees inquiring into particular problem or general questions are put in the place to uphold the procedural fairness in the administrative decision process without any arbitrariness so as to check the maladministration. In the present day of governance the relationship between the executives and the common man has been increasing day by day due to shift made by the state from police state to welfare state. This has witnessed the vesting of more powers on the administrative officers and the agencies, more particularly in the welfare state context as state became the guardian of the rights of individuals, the check and balances on the powers of the administrators is essential to ensure fair play. The standards and the process of administration should ensure the upholding of the Indian constitution. The main object of this paper is to make the students to comprehend on the importance of discretionary powers and understand the basic principles and the process in relation to administrative adjudication. Further it provides the various legislations relating to administrative adjudication and government privileges in legal proceeding in the light of the judicial dicta on certain cases. Module-I: Introduction Concept of State- laissez faire and welfare state – Other functions of modern state:- -Relationship between Constitutional Law and Administrative Law- Droit Administrative - Separation of Powers- Comparative study of English. U.S.A. France and India- Rule of Law changing dimensions, Classification of Administrative Actions- Natural Justice in Administrative Actions

Module-II: Administrative Discretion powers and Procedural Fairness

Administrative Discretionary power – definition, its scope, nature and relevance in the present day context, with the support of right to information Act, 2005. use, misuse, abuse and non-use of discretionary power- judicial control over Administrative Discretionary power – Retention, Dictation and Abuse of Administrative power- Scope and limits on mala fide exercise of discretion- non- exercise of discretionary authority- Judicial Control of Discretionary Power

Right to fair hearing – Administrative cases – statutory hearing- reasoned decision and its exceptions - Rule against bias and exceptions

Module-III Adjudicatory power of the Administration

Need for evolution of administrative adjudication-distinction between judicial and quasi-judicial functions –distinction between Court and tribunal , Tribunals - Need, Nature, Kinds, Constitution, Jurisdiction, and Procedure, Judicial process of administrative tribunals.

Administrative Tribunals- Administrative Tribunals Act 1985, Central Administrative Tribunal (CAT), State- Administrative Tribunal (SAT), Railway Claims Tribunal (RCTO) etc.

Module IV: Judicial review of Administrative action

Nature extent and limitation of Administrative action in India- General and Specific statutory remedies for administrative action- Judicial control over Administrative action (Writs Remedies)- Limits of Judicial review-Locus standi and PIL- Laches-Resjudicata and Doctrine of exhaustion of alternative remedies – Doctrine of Standing and Doctrine of Ripeness

Module-IV: Access to information and Privileges of the Government

Governmental Privileges- withholding of documents and evidence -Official Secrets Act, 1923- Position in England and India – Freedom of Information- Right to Information Act, 2005 and its importance

Doctrine of Legitimate Expectation and its limitations- Public utility services- Nature and Extent of Doctrine of proportionality- Promissory Estoppel- Constitutional dimensions

Recommended Readings:

1. Neville L. Brown and J.F. Garner, French Administrative Law

	2. Davis, Discretionary Justice 3. De Smith, Judicial Review of Administrative Action 4. H.W.R. Wade and C.F. Forsyth - Administrative Law, 10th Edition 2009, Publication-Oxford University Press, New York. 5. I. P. Massey - Administrative Law, 7th Edition 2008. Publication-Eastern Book Company, Luck now. 6. M. P. Jain & S. N. Jain, Principles of Administrative Law, Nagpur: Lexis Nexis, India, 2010. 7. S. P. Sathe - Administrative Law, 7th Edition 2006. Lexis Nexis, Butterworth's Publication.
SCHEME OF EVALUATION:	As per University Guidelines



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Examination Section

COURSE TITLE:	UN Instruments against Racial Discrimination
COURSE OFFERED TO	LL.M.
INSTRUCTOR:	Syed Ashfaq Hussain
NUMBER OF CREDITS:	3 Credits – Seminar course.
DURATION	October – December 2020

BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Racism constitutes one of the major obstacles in the recognition of the equal rights and dignity of all human beings. This remains a reality for many people across the world despite the fact that there is no scientific evidence or basis for a theory of racial superiority or ‘purity of races’. Racism has emerged, however, from a multitude of complex factors, which include slavery, apartheid policies, and colonialism; and not to forget the Nazi laws which provided a justification to exterminate the Jews, and which reached a mad crescendo when used as a justification for world dominance. What constitutes racism, or how it can be defined, is still a difficult question. It exists in many forms that one can imagine – from very subtle to widespread discrimination, from pernicious and systematic institutionalized oppression to the horror of ethnic cleansing. It has thrived both in the developed and the developing world, notwithstanding the fact that the concept of racial superiority has been denounced and discarded by the United Nations. It would not be an exaggeration to say that racism continues to survive even till this day despite all the efforts of the international community to combat the evil of racism. The recent incident of George Floyd which arose out of police violence and brutality against the American Blacks is a grim reminder of the tragic relationship between the blacks and the whites in the United States. The worldwide protest under the banner of “Black Lives Matters” is an expression of the outrage following decades of overt, invidious and egregious racist practices which still haunts, reverberate and resonate in public conscience across the world, reminding us of what was once said by Martin Luther King Jr. “Our lives begin to end the day we become silent about things that matter.” It would also be very significant in this context to examine on parallel lines our own experiences in India with several abominable practices based on caste and religion, especially when it comes to discrimination and persecution of minorities and the Dalit communities. This is extremely important since it is hard to distinguish or separate issues of racial discrimination with religious prejudice and caste annihilation because such issues are often driven by common elements of hatred, intolerance and bigotry – all of which are intertwined and cannot be neatly separated from one another. The death of a nineteen year old girl, gang raped in Hathras, and her cremation hurriedly carried out by the State without family members, speaks in volumes of the caste politics played out in the aftermath of this shocking incident, which is just an example of the most heinous crimes to mention. In this context, one can also engage in a similar exercise of introspection or comparison from the lessons draws from elsewhere? We need to think hard, and this is not merely an academic question, but one which confronts the harsh

	reality even in the twenty first century which is characterized by most advanced and progressive notions of a civilized society and indeed civilization. The subject is thus a minefield of several deceptive, illusive and extraordinarily complex forces of human exploitation and existence which casts its shadow across a range of issues whether education, liberal arts, theatre or sports. This apart, issues of hate speech, xenophobia, anti-Semitism, migration, refugees and Citizenship laws form the subject matter of inquiry and exploration. While it is an undeniable fact that almost every State has put in place legislative, political, and educational measures to combat racism in all its forms, our concerns here is with the international legislation, or international perspective of the problem of racial discrimination. It is in this spirit that we begin to examine some of the most fundamental and seminal works that the United Nations has undertaken. For instance, the UNESCO Declarations on Race and Racial Prejudice; the Genocide Convention; the Convention Against Discrimination in Education; the Human Rights Conventions; and the International Convention Against Elimination of All Forms of Discrimination. All these instruments would be examined against their political and historical back ground, legislative intent, besides institutional mechanism for their compliance. To put it in brief, we shall examine some of the main international instruments which have a bearing upon the central theme of combating racial prejudice and discrimination across a range of issues that touch our lives. In that perspective, this course would largely reflect upon the core international Human Rights Instruments together with an emphasis on the praxis of the Committees established thereunder, and also the jurisprudence of the World Court and the European Court of Human Rights.
SCHEME OF EVALUATION:	Course requirements/assessment: Research paper – 70 Marks. Presentation – 30 Marks.

Ashfaq Hussain

Syed

(Signature of the Faculty)



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Examination Section

COURSE TITLE:	Insolvency Law
COURSE OFFERED TO	LL.M.
INSTRUCTOR:	Alok Verma
NUMBER OF CREDITS:	3
DURATION	October – December 2020

BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	With multiple laws governing the area of insolvency and bankruptcy in India could not deliver the justice and fall short in effective recovery of stressed assets, causing undue strain on the credit system. All past efforts in the direction of resolving insolvency dispute and recovery have fallen far short of expectations, due to poor implementation and legal loopholes available for the defaulters. According to World Bank, the average time taken for completion of bankruptcy process in India is far higher than any other country. Since, it is the first time that the government and RBI are on the same page for effective resolution of the problem of bad debt and improving overall financial discipline in the way business is conducted in India. With the enactment of Insolvency and Bankruptcy Code, the government has not only consolidated the provisions, it has also put forth the arrangement of uniform procedure to be followed by the tribunal to expedite the disposal of cases of insolvency and winding up. Numerous features of the IBC and recent pronouncement by various high courts and the Supreme Court motivate us to look at this latest effort in a positive way. The idea behind this course is to provide overall understating of current legal regime dealing with procedural aspect of insolvency proceeding in India.
SCHEME OF EVALUATION:	OPEN BOOK EXAMINATION + RESEARCH PAPER (50+50)

(Signature of the Faculty)

COURSE TITLE:	CONSUMER JUSTICE IN THE ERA OF GLOBALIZATION
COURSE OFFERED TO	Elective for LL.B. and LL.M. Joint
INSTRUCTOR:	Dr. Anirban Chakraborty
NUMBER OF CREDITS:	4 Credits
DURATION	One Semester
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Consumer considerations and their protection are very old concepts, but in the last decade there has been a significant development in this branch of law. Globalization of trade, market-dominated economy, information revolution and emergence of e-commerce has further enhanced this process. A greater importance has been assigned to consumer justice at a global basis. All these factors have increased more scope for research and advocacy for creating a consumer-friendly regulatory framework. The Indian legal framework has also undergone a substantial change to comply with the international norms. The subject has received tremendous importance among the contemporary legal fraternity. The legal experts are emphasizing on the need for teaching consumer law very seriously to present generation law students for making them equipped to handle issues relating to this branch of law. In this background the present elective course aims to introduce the students to the philosophy of consumer protection, consumer justice and the cross-cutting issues and challenges to consumer interest in the globalizing world. LEARNING OUTCOME 1. Students will acquire an understanding of the philosophy behind the modern approach to secure consumer justice. 2. Students will comprehend the cross-cutting issues challenging consumer interests in the globalizing world. 2. Students will be able to locate the policy and regulatory frameworks to address the concerns of consumer justice. 3. Students will develop familiarity with the necessary analytical framework and research tools in the field of consumer law.
SCHEME OF EVALUATION:	Research Project and Viva- 25 Marks (optional) Mid-Semester examination-25 Marks End Semester examination-50 Marks
SELECTION CRITERIA (IF ANY)	As decided by the University

COURSE TITLE:	CHILD PROTECTION AND JUVENILE JUSTICE
COURSE OFFERED TO	Elective for LL.M and LLB
INSTRUCTOR:	D. BALA KRISHNA
NUMBER OF CREDITS:	4
DURATION	January-April, 2022
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The main aim of the course is to provide a combination of theoretical and practical aspects of the protection of child rights and juvenile delinquency law. This course deals with procedural law which includes the role of social worker, SJPU/ CWPO, prosecution, statutory bodies, judiciary, and rehabilitation and social re-integration services with an emphasis on CWC and JJB. This course is a unique combination of Socio-legal and Criminological outlook. Objectives of the Course • To provide an overview of concepts, theories, and legal principles on child abuse, child protection, juvenile delinquency, and juvenile justice. • To provide an opportunity to learn the fundamental principles of procedural aspects of juvenile justice law. • To expose the learner to examine the child protection and rehabilitation process. Outlines of the Course 9. MODULE I: Introduction 9.1. Child abuse: the problem of definition 9.2. Origin and significance of the Child Rights 9.3. An overview of Child Rights Protection 9.4. The national policies for children 9.5. Key concepts and General Principles of Law 10. MODULE- II: Juvenile Delinquency 10.1. Juvenile Justice: Historical Perspectives 10.2. Bio-social explanation of juvenile delinquency 10.3. Psychological explanation of juvenile delinquency

	10.4. Sociological explanation of juvenile delinquency 10.5. Policy issues on child rights protection and delinquency 11. MODULE-III: The Care and Protection of the Children 11.1. Children in need of care and protection 11.2. Child abuse and child rights law 11.3. The welfare principles and Legal approach 11.4. Child Welfare Committee: powers, inquiry, and procedure 11.5. Child-Friendly Procedures 11.6. Child Care Institutions: Children homes, shelter homes 11.7. Process of Social Reintegration 11.8. Recent Trends 12. MODULE- IV: JJ Act and POCSO Act 12.1. Key concepts under JJ Act and POSC Act. 12.2. An Overview of the Protection of Children from Sexual Offences Act,2012 12.3. Juvenile delinquency and juvenile justice 12.4. The Role of Police, JJB, Probation Officer, 12.5. Apprehension and Custody of Juvenile and Child Care Institutions 12.6. Law of Bail. 12.7. Juvenile Transfer to Criminal Court/Designated Court 12.8. Nature of Inquiries and Appeal Procedures 12.9. Reforms 13. MODULE-V: Offences against children 13.1. Cruelty to child 13.2. Exploitation of child 13.3. Offences committed on disabled children 13.4. Determination of age 13.5. The Juvenile Justice (Care and Protection of Children) Amendment Act, 2021
SCHEME OF EVALUATION:	Mid Sem -25 Marks End Sem-50 Marks Project and Presentation- 25 marks

COURSE TITLE:	Law, Reason, and Modernity: An Introduction to Selected Themes in Legal Theory
COURSE OFFERED TO	Elective for LL.B. / LL.M. / Joint Joint
INSTRUCTOR:	Chinmay Deshmukh
NUMBER OF CREDITS:	4
DURATION	Jan to April, 2022
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The course will introduce students to a selection of both well-explored and relatively less-explored traditions and stimulating contemporary debates in legal theory, with the underlying theme of exploring the law's intricate and intriguing relationship with rationality, mainly situated within the philosophical discourses of modernity. Legal theory seeks to address fundamental questions regarding the nature, functions, and development of law and legal institutions across societies; critically assessing the relationship between law, morality, and justice. Since the eighteenth-century Enlightenment or the 'Age of Reason', concepts, categories, and discourses around such legal theoretical investigations have been dominated by liberal, modernist, and progressivist worldview. Roughly, this worldview can be characterized as holding reason as the primary guiding principle in the organization of human affairs, including the organization of our normative order. Over the past few decades; however, this 'project of modernity' has been increasingly problematized by different socio-political and intellectual factions. For instance, post-secularists reject the legal and normative privileging of secular reason over religious-moral belief, post-modernists seek to contest the Enlightenment narrative of teleological progress through the use of reason, and Critical Legal Studies scholars aim at uncovering legal liberalism's inherent social biases. Against this context, the course will provide an introduction to a selection of pre-modern, modern, and post-modern perspectives in legal theory, highlighting particularly their assumptions and accounts of rationality. It will seek to do so through a genealogical survey of important legal philosophers ranging from Plato, Lao Tzu through Weber to recent legal philosophers including Hayek and Foucault.

SCHEME OF EVALUATION:	<u>Written Assignment and Presentation:</u> A short reaction paper of 2500-3000 words, critically engaging with the readings/case laws discussed during the classes (20%), followed by oral exam/presentation (5%). <u>Mid-semester Examination:</u> (25%) <u>End-semester examination:</u> (50%)
SELECTION CRITERIA (IF ANY)	

Course Title:	Patent Analysis, Mapping, and Visualization systems (Pat informatics)
Course offered to	LLB
Instructor:	Mr. B Md Irfan
Number of Credits:	2
Duration	32 Hrs
Brief Description (Maximum 500 words)	The Intent in this Course is to explore some of the methods and techniques that are commonly used in patent analysis. Patent analysis is an extremely versatile Methodology, with many implications for businesses--strategic planning, mergers, acquisitions, licensing opportunities, R&D management, human resources, competitive intelligence, business intelligence, etc. This course also examines patent analysis tool for competitive intelligence developing using spatial and statistical data schemas and models such as Big databases , data mining and visualization techniques, and graphically rich spatial data models, This course explains various concepts like creating patent landscapes, patent profiling , patent searching, patent visualization , patent research gaps identification, patent competitive intelligence, new venture evaluation, patent portfolio re-engineering and techno-legal reports generation (Patentability, Validity, Infringement and freedom to operate) using open source patinformatics tools. Applications and tools: 1. Obtaining patent data with PatentScope or Google patents application. 2. Cleaning patent data with Open Refine application. 3. Analyzing patent data with RStudio. 4. Patent Network Visualization with Gephi or Plotly. 5. Patent landscaping with IPAT systems. Conclusion: Considering the emergence of patents as game changers in corporate world the course helps the participants develop their skills in patent searching and analysis and use this information for Designing patents landscapes for research and business planning, legal conflict avoidance

	and resolution at patent licensing and issuing , Business Intelligence development etc , this course helps to implement Text-based, Graphic based and content based searching scenario's with in detail understanding of algorithms and design Architectures of different methodologies and technologies which petitions for availing patent rights, after successful completion of the course the participants shall be capable of handling all the IPR related issues such as verification, validation and extension, independently and accurately
Scheme of Evaluation:	Theory : 50% Project (Practical): 50%
Selection Criteria (if any)	If applied morethan 30 then Draw of Lots

COURSE TITLE:	CYBER LAWS, CRIMES AND TECHNOLOGIES
COURSE OFFERED TO	LLB
INSTRUCTOR:	G. Mallikarjun and Mr. Irfan
NUMBER OF CREDITS:	4
DURATION	January-April, 2022
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Cyber-crimes are rapidly expanding due to extensive use of internet and technology in the present world. Cyber-crime is a criminal activity in which computers or computer networks are used as a tool, a target, or a place of criminal activity. By extension, they may include everything ranging from an electronic cracking to a denial of service attack. The field of Cyber Forensics surfaced in response to the increasing cyber-crime in general and cyber terrorism in particular. Cyber-Crime affects, to begin with, the privacy of an individual or an organization and finally would threaten the security and integrity of the State itself. Varieties of evidence, collected to prove the cyber offences, will understandably be in an electronic form and it is very difficult and is also highly technical to collect, preserve, and analyze the evidence and present the same before the court of law. Cyber Forensic techniques are therefore necessary to identify, detect, collect and analyze digital evidence admissible in the court of law in order to deal with the cyber-crimes. An overall 'expertise' is needed to testify the veracity of such variations of evidence. Here comes justification for the Cyber Forensics. Needless to add, Forensics generally means the use of science and technology to establish facts in the court of law. Law students, law enforcement agencies, functioning at various levels, need to be adequately trained to use techniques of Cyber Forensic so as to deal with Cyber-Crimes.
SCHEME OF EVALUATION:	Mid Semester: 25 Marks End Semester: 50 Marks Project: 20 Marks Presentation: 05 Marks
SELECTION CRITERIA (IF ANY)	Number of Seats 30 (Draw of lots)

COURSE TITLE:	Advanced Copyright Law
COURSE OFFERED TO	IPR Hons Elective for LLM students
INSTRUCTOR:	Niharika Salar
NUMBER OF CREDITS:	3 Credits
DURATION	One Semester
BRIEF DESCRIPTION	This course shall attempt to address the legal issues concerned with the protection of intellectual property rights (IPRs) from a specific Copyright Law lens. The course builds up on Advanced Trademark Law offered to LLM students last semester and will explore the purpose of Copyright law. (that being said, the course is still open to students who did not opt for Advanced TM Law last semester, after prior permission). The key objectives of the course is to understand the foundations of copyright law, identify the different types of theories including fairness and personality theories in addition to the subject matter of Copyrights. The course will also examine core authorship issues and appreciate remedies and defenses available like fair use and misuse. These concepts will be understood through various creative industries from a multi-jurisdictional dimension.
SCHEME OF EVALUATION:	Research Paper + Presentation (25% + 15%) + Exam (60%)
SELECTION CRITERIA	As per the standard University Procedure

COURSE TITLE:	Intellectual Property issues in Sports
COURSE OFFERED TO	BA LLB students
INSTRUCTOR:	Niharika Salar
NUMBER OF CREDITS:	2 Credits
DURATION	One Semester
BRIEF DESCRIPTION	Intellectual property lies at the heart of commercial opportunities offered by the world of sports. IP rights stimulate the growth of the sports industry and involve sporting organizations to finance high profile sports events. This course shall attempt to explore various acts of unauthorized use of intellectual property which tend to eventually lead to IP disputes. With an increase in the commercial exploration of IPR in sports, various legal issues that can arise in the sports industry include infringement of trademarks, brand abuse, misbranding, misuse in bad faith, using the name of a sports personality without permission or without paying any license fee or royalty; copyright infringement with regard to the copyrighted merchandise, artwork in logo and infringement in promotional material used. These issues can lead to damage of goodwill, unfair competition and commercial disputes which ultimately lead to huge commercial losses which in turn defeats the principal purpose of exploring the commercial aspect of the sports industry.
SCHEME OF EVALUATION:	Research paper (70%) + Presentation (30%)
SELECTION CRITERIA	As per the standard University Procedure

COURSE TITLE:	Understanding Judicial Behavior.
COURSE OFFERED TO	LLB
INSTRUCTOR:	Prakhar Ganguly
NUMBER OF CREDITS:	2 Credits.
DURATION	3 months
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Why do judges behave the way they behave? Each decision of the judge is dependent upon multiple considerations. When a judge in a larger bench decides a judgement he essentially makes a choice. In the field of economics choice represents the normative core of rational behavior theory. The theory proclaims that each and every individual looks to maximise their benefits and reduce their costs. When a judge decides i.e. when he or she votes he or she essentially takes a side. Irrespective of the pronouncement of fairness of process for a student of law and economics it becomes necessary that each such outcome of the judge is analysed in the context of his individuality, his brethren and the institution of the supreme court. This is exactly what the course offers. We analyse outcomes of judges within the framework of the consumer choice theory and try to infer broader institutional and individual factors that affect judges in the process of decision making. Objective of the Course: > To enable the students to analyse behavioral economics. > To comprehend judicial decisions through the lens of legal realism. Teaching Methodology: Lectures.

SCHEME EVALUATION:	Research paper: 70 marks. The research paper will be assessed in terms of: - Innovation of topic chosen. - The richness of literature surveyed. - The clarity of thought process as depicted in the paper. - Turnitin Report. Consultation 1: Identifying areas of research. The student is expected to have read the suggested and compulsory readings and come up with their own areas which they wish to research on. Zeroing on Title and Hypothesis. Any and all confusions should be mitigated at consultation 2. No future changes to the title shall be allowed. Minor changes to the working hypothesis <i>may</i> be allowed provided it does not alter the normative idea which the student initially wished to work upon. (25 Marks) Consultation 2: The students are expected to meet the concerned faculty with at least 40% of their project complete. In any case, if the concerned faculty is not satisfied with the progress report the faculty reserves the right to request the student to re-submit the progress report. (25 Marks) The students must reach 80% of their project by the second presentation to be made at a decided date. <u>The faculty still reserves the right to request the students to re-submit the report or re-do the project from scratch in case the student fails to present the paper in the light of the points of evaluation.</u> <u>*Each of the above four criteria of evaluation consists of 5 marks.</u> Final Presentation: All students are expected to be present in class while the presentations take place. Each student shall be observed and noted for their participation during the presentations along with the candidate presenting. Students other than the presenting candidate shall be liable for deduction of marks in case they fail to engage during the final presentation. The final presentation shall consist of 30 marks. Expected Project Length: upwards of 5000 words

	Citation: ILI. NO GROUP PROJECTS ALLOWED.
SELECTION CRITERIA	Draw Of Lots.

COURSE TITLE:	Jurisprudence
COURSE OFFERED TO	B.A.,L.L.B. (Hons.) – 4 th and 5 th years
INSTRUCTOR:	Mr. Pranav Verma
NUMBER OF CREDITS:	4
DURATION	Jan-April, 2022
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The course aims to survey some of the theories at the heart of the contemporary debates within the philosophy of law, which have defined both philosophical and juridical enquiries in the past 50 years. In particular, central to the course is an exposition of the role morality should play in determining legal validity of ‘evil’ or ‘wicked’ statutes; and how courts, legislatures, and law-enforcers should approach wicked laws. These questions would be placed in the very real context of laws of a regime such as the Nazi Germany, and the conundrum of post-WWII courts in deciding the grudge-informer cases. Exploring any inherent connection between law and morality has at its core an engagement with Hart’s theorisation on positivism and the separation between law and morality (built after acknowledging the shortcomings of the Austinian account of positivism); Fuller’s attempts to refute Hart and define the ‘internal morality of law’ (including Nigel Simmonds’ more sophisticated defense of a Fullerian account); positivist responses to Fuller (including those by Hart himself, Joseph Raz, and Mathew Kramer); and finally a dip into Ronald Dworkin’s theorisation on ‘integrity’ – moving beyond the confines of the Hart-Fuller debate and setting out a new paradigm to deal with the problem of wicked laws. Much of Dworkin’s own work has come under recent criticism for conceding too much to legal positivism, and some current-age theorists such as Trevor Allan have attempted to strengthen the application of Dworkin’s account of integrity and give a convincing solution to the dilemma of wicked laws, which we shall explore by taking the example of the Fugitive Slave Acts, and evaluate the merits of an ‘improved Dworkinian account’ as proffered by Allan. More recent additions to the debate by Greenberg and Herschovitz would also be navigated. The course would end with a critical engagement with John Finnis’ conception of authority and obedience, and discuss whether Finnis offers a satisfactory account of authority without offering an account of authoritarianism.

SCHEME OF EVALUATION:	Students would be asked to answer any five 10-mark questions out of a choice a total of ten questions, in a twenty-four hour take-home exam. The final total out of 50 would be scaled up to a total out of 100.
SELECTION CRITERIA (IF ANY)	N/A

COURSE TITLE: TOWARDS A QUEER LEGAL PEDAGOGY

COURSE INSTRUCTOR: PRERNA

NATURE OF COURSE AND CREDITS: ELECTIVE: 3 Credits

OFFERED TO: FOURTH and FIFTH YEARS

COURSE DURATION: January-April, 2022

COURSE PORTRAYAL:

This elective course is an attempt to seek a pedagogical approach to legal education in a manner which includes, reflects, and values queer lives in all its complexities and nuance. The reason for wanting to develop a course like this stems from a genuine belief that it might be responsive to some of the problems that regularly confront queer students in conventional law school settings. Any kind of legal analysis is grounded in perspective, which is partly informed by experience, but we find that time and again that perspectives which are not in the mainstream not only struggle to find a space for active engagement in the academic discourse but are also not taken into account at the time of basic level conception of a legal doctrine. This means that even if at times there might be certain queer perspectives that could be of relevance, for instance in matters such as taxation or inheritance of property, the way in which conventional law teaching happens in such substantive law courses simply renders these perspectives missing by reason of default. This experience is quite a common one for queer individuals in law school settings and falls exactly in line with what Kimberle Crenshaw talks about in the context of her own work when she tried to develop a legal scholarship that centred the experience of minority black students. Here Crenshaw pointed out that this “*myth of perspectivelessness*” in a class room setting often perpetuates a scenario where a significant part of an individual’s consciousness and life experiences is forced outside the ‘legitimate’ academic discourse. Having to constantly experience this often leaves students who are at the margins feeling analytically and emotionally disempowered.

Inspired by Crenshaw’s pedagogical approach, the perspective that this course tries to centre is that of queer minority experience in contemporary law school settings in their dealings with the law, the legal system and within the law school space itself. This exercise in critical legal pedagogy which is an attempt to centre queer perspectives in legal education offers an

alternative to the traditional classroom experiences of having been taught much of the substantive law subjects without factoring in this unique perspective. In this way, the course deliberately marks a departure from some of the Gender and Sexuality in Law courses that have been on offer in other National Law Schools across the country. The purpose of trying to develop a queer legal pedagogy necessarily involves going beyond the landmark “gay rights” and “transgender rights” cases and making an effort to see how the study of many of the substantive core areas of law using queer perspectives might benefit our overall understanding of the law and how it actually impacts queer lives.

Lastly, at the very outset it needs to be stated that the course is an attempt to develop a queer legal pedagogy that could be used in classrooms regardless of the identities of the participants. This is important not only because queer law students and teachers have many intersecting identities which warrants embracing an approach to legal education that at least attempts to speak to them in their entirety. But also because of the conviction that even non-queer law students and teachers could use some queering. This serves a pragmatic purpose in the sense that, current law students may have queer clients in the future and might need to deal with legal issues that affect the queer community. Lastly, and most importantly, perhaps the very foundation of attempting to develop such an approach to critical legal pedagogy is the belief that a better understanding of queer lives and such other ‘outsider’ perspectives has the potential to make the study of law a more humane enterprise for all stakeholders involved.

OBJECTIVE OF THE COURSE

One of the main objectives of this course is to initiate students into being an active participant when it comes to thinking critically about pedagogy and scholastic choices. This becomes all the more important because the experiences of Queer students in law school matter. Absence of queer perspectives from classroom discussions and all throughout law school not only injures the community. Such perspectivelessness also prevents positive law reform to take place as these unique perspectives continue to be ignored by most of the legal community. Thus, one of the larger objectives of this course is an attempt to develop a pedagogical approach that would allow legal education to happen in a manner that includes, reflects, and values queer lives while also allowing them to participate in larger transformative projects addressing oppression based on race, gender, disability, class, and other axes of subordination.

TEACHING METHODOLOGY:

Lecture, Class Discussions and Group Activities

LECTURE PLAN

MODULES	TITLE	NUMBER OF REQUIRED LECTURES
Module 1	<u>Situating Queerness in the Law School Classroom</u>	22
Module 2	<u>Situating Queerness in the Law School Curriculums</u>	18

Project: 40 marks

Presentation: 10 marks

Final Exam: 50 marks

COURSE CONTENT

MODULE 1: Situating Queerness in the Law School Classroom

In this module we try to examine some of the existing scholarship that might help us draw some design principles to develop a queer legal pedagogy. For doing this, we start with reviewing some of experiential accounts of queer law students and faculty to see if they can inform queer legal pedagogy in any way. These narrative accounts are valuable in the sense that they help us uncover, at least in part, some of the ways in which conventional approaches to legal education leave individuals in a law school setting feeling less than fully human. The next category of queer scholarship we review in this module warrant us to closely analyse the explications of postmodern queer legal theory. We do this specifically to underscore the point that queer scholars do not write from a uniform theoretical perspective. Moreover, reviewing this scholarship also allows us to propose an approach to queer legal pedagogy that will necessarily involve some deliberation and reflection on what being queer means. For doing this, we also make use of some of the significant contributions by other '*outsider scholars*'- in other words people who have traditionally not been the ones fashioning, teaching, or adjudicating the law.

List of Mandatory Readings

1. Paulo Freire, *Pedagogy of the Oppressed*, New York: Continuum (1996) (selected excerpts).
2. Scott Irlig, *Sexual Orientation in Law School: Experiences of Gay, Lesbian, and Bisexual Law Students*, 14 *LAW & INEQ.* 555, 555-59 (1996).
3. Kevin S. Reuther, *Dorothy's Friend Goes to Law School*, 1 *NAT'L J. SEXUAL ORIENTATION L.* 253, 253 (1995).
4. Laurie Rose Kepros, *Queer theory: Weed or seed in the garden of legal theory*, *Law & Sexuality: Rev. Lesbian, Gay, Bisexual & Transgender Legal Issues* 9 (1999): 279.
5. Darren Lenard Hutchinson, *Out yet unseen: A racial critique of gay and lesbian legal theory and political discourse*, *Conn. L. Rev.* 29 (1996): 561.
6. Mari J. Matsuda, *Public Response to Racist Speech: Considering the Victim's Story*, 87 *MICH. L. REV.* 2320, 2323 (1989).

7. Ruthann Robson, SAPPHO GOES TO LAW SCHOOL, Columbia University Press (1998) (selected excerpts).

MODULE 2:

Situating Queerness in the Law School Curriculums

In this Module we will try to review scholarship that enables us to take approaches to substantive legal topics from queer perspectives and has some level of significance when it comes to queer lived realities. Even a small exercise in this direction can reveal to the participants that the content depth required to take queer lives seriously in legal education is already available to us. However, despite that availability, it is just that queerness as a perspective is just something that is considered unavailable by default in the treatment of certain substantive law subjects. The way in which law curriculums have dealt with topics surrounding issues of sexuality and gender identity have in some ways solidified since Navtej Johar v. UOI and NALSA v. UOI. The class discussions on the subject matter use privacy or dignity arguments as an integral part of Right to Life jurisprudence. However, despite this progress there still remains an absence of development of critical thought around the numerous substantive laws that are taught in law schools and which substantially impact individual queer lives but are never looked at from the lens of queer perspectives. Therefore, in this module we will try to understand if there are any unsaid assumptions about how and when queerness features in substantive law courses like Family Law or Criminal law and the modalities through which queer relationships navigate through these State institutions. A close reading of such cases using the queer legal pedagogical approach would showcase how our understanding our substantive legal doctrines can be made much more nuanced if we start looking at it from the lens of much needed queer perspectives that are available to us.

List of Mandatory Readings

1. Ponni Arasu & Priya Thangarajah, Queer Women and Habeas Corpus in India: The Love that Blinds the Court, 19(3) INDIAN JOURNAL OF GENDER STUDIES 413 (2012).
2. Maya Sharma, Loving Women: Being Lesbian In Underprivileged India, Introduction, 1-41 (Yoda Press, 2015)

Mandatory Case laws:

1. Sweety v. General Public [AIR 2016 HP 148]
2. Monu Rajput & Anr. v. State & Ors., WP CrI 3407/2019 (Delhi High Court)
3. In Madhu Bala v. State of Uttarakhand & Ors., HABC 8/2020 (Uttarakhand High Court)
4. Soni Gerry v. Gerry Douglas AIR 2018 SC 346
5. Shafin Jahan v. Ashokan K.M. & Ors., (2018) 16 SCC 368
6. Rajesh v. Baby Girija RPFC No. 364 of 2016 (Kerala High Court)

Concluding Remarks: At present, the substantive areas of law that I have planned to cover in Module 2: Situating Queerness in the Law School Curriculums are Constitutional Law, Criminal Law and Family Law. However, I am open to adding more substantive areas of law to the Module in future if there is student interest in that particular subject area.

COURSE TITLE:	ENERGY LAW.
COURSE OFFERED TO	Elective for LL.B.
INSTRUCTOR:	Dr. T Raghavendra Rao.
NUMBER OF CREDITS:	4 (FOUR)
DURATION	January-April 2022.
	Object of the Course : Energy has become the basic need of human beings. Energy is the fundamental necessity of civilization and, indeed, of life itself. Energy law concerns the management of energy resources. Energy law is still considered a new area of law. It has been in existence in different forms for over a century. Energy law has now come to the fore. In the economy of any country energy sector plays significant role. This area is now growing at an accelerated pace. Energy law and policy is the Centre of the triangle, and the three points of the triangle are: finance, energy security and climate change mitigation (i.e.: economics, politics and environment) these three issues are trying to pull each other. In nut shell, effective and efficient energy policy and the law will balance these three aims to deliver the best out come to the society. The growing population at international, regional and national levels and the rapid expansion of its economy has inevitably led to faster energy consumption than what any country can afford. Unless effective measures are urgently taken to conserve and rationalize the energy sources, the gap between demand and supply of energy will rise considerably leading to severe energy crisis in the days to come. Learning Objectives of this course: • To provide students with knowledge, understanding and skills relating to energy laws. • To provide students with a broad and clear insight into relevant legal, political and economic issues pertaining to energy laws at international, national and regional levels. • To provide students with an understanding of the dynamics of Energy laws and the policy to shape as a specialized lawyer for the future. Teaching Methodology: Lectures. ACADEMIC HONESTY: Students are expected to maintain the highest standards of academic integrity. COURSE CONVERAGE:

	1. Introduction: General Background, legal and political structure, economic, social and cultural characteristics, energy concerns, energy sector reforms, Basic principles of Energy law, Development of Energy law, Sources of Energy law. 2. Energy conservation: International Framework: USA, UK, Japan, And Denmark. 3. Legal and Regulatory Framework: Indian Context (Electricity): Introduction, Regulatory mechanism, statutory structure and legal regime, reforms, production, exploitation, transmission, distribution and consumption. 4. Legal and Regulatory Framework: Gas sector: Introduction, Regulatory mechanism, statutory structure and legal regime, reforms, production, exploitation, transport, distribution and consumption. Judicial Trends. 5. Legal and Regulatory Framework: Petroleum sector: Introduction, Regulatory mechanism, statutory structure and legal regime, reforms, production, exploitation, transport, distribution and consumption. Judicial trends. 6. Legal and Regulatory Framework: Coal sector: Introduction, Regulatory mechanism, statutory structure and legal regime, production of coal, exploitation of coal, transport of coal, distribution and consumption of coal. Judicial Trends. 7. Energy Law and Environment Law Interaction: Introduction, Regulatory framework, legislations, coal sector and environment, Hydrocarbon sector and Environment, Electricity and Environment, Environmental clearances, physical incentives. 8. Energy Law and Tax Laws interaction: Introduction, general taxation, Income tax incentives, Indirect taxes, Mines and Minerals act, Petroleum and Gas sectors, Electricity and Taxation. 9. Emerging Trends: Renewable and Non Renewable Energy sources, Atomic and Nuclear Energy, Energy requirements, Energy security, Energy policy options and Future challenges.
EVALUATION:	Project Marks: 25. Mid-Semester Exam: 25. End Semester Exam: 50. Total Marks: 100
SELECTION CRITERIA (IF ANY)	As Per the Allotment made by the University.

Suggested Readings:

1. **Energy Law and Policy in India : Nawneet Vibhaw**
2. **Environmental and Energy Law : Karen Makuch**
3. **Energy Law: A Context and Practice Case Book:Joshua.P Ferschee.**
4. **Electricity Laws in India : R.S.Niranjan**

- 5. Research Handbook on International Energy Law: Kim Talus**
- 6. Energy Law: An Introduction: Heffron, Raphael**
- 7. Compendium of Sustainable Energy Laws: Richard L. Ottinger.**

COURSE TITLE: International Climate Change Law

COURSE INSTRUCTOR: Rahul Mohanty

NATURE OF COURSE AND CREDITS: Elective: 2 Credits

OFFERED TO: 4th and 5th year B.A.LL.B (Hons.) students)

COURSE DURATION: March to April, 2022

COURSE PORTRAYAL: Global environment, global commons and climate change are some of the most important issues faced by humanity and the earth. While cooperation and efforts are underway to tackle these issues, this course will examine the role with law can play in such efforts. Any attempt to understand climate issues are incomplete without taking a global perspective.

The course will deal with international climate change law and future trends in them. We will discuss evolution of international efforts and treaties to deal with climate change. We will specifically discuss UNFCCC, Kyoto Protocol and Paris Agreement. We will also attempt to understand how multilateral climate change treaties are negotiated, and issues concerning their compliance, enforcement and effectiveness.

OBJECTIVE OF THE COURSE: This course will provide an overview of the International Law concerning global climate change. The aim of the course is to familiarise students about the historical context in which the laws concerning climate change emerged and the emerging and future trends in this area.

TEACHING METHODOLOGY: I will employ a combination of lecture and discussion as my teaching methodology. While lecture will be used to introduce a topic to the students, subsequently a class discussion will be used to let students debate various issues involved and make up their own minds about the legality of certain acts (real and hypothetical).

LECTURE PLAN

MODULES	TITLE	NUMBER OF REQUIRED LECTURES
Module 1	Evolution of climate change law	8 hours
Module 2	Sources of international climate change law – study into the UNFCCC, Kyoto Protocol and Paris Agreement	8 hours
Module 3	Understanding and negotiating international climate change treaties	8 hours
Module 4	Compliance, enforcement and effectiveness of multilateral environmental and climate change treaties	8 hours

EVALUATION SCHEME:

1. Take Home Examination (open book) : 50 Marks X 2 = 100

COURSE CONTENT

1. Module 1: Evolution of climate change law

- 1.1. Daniel Bodansky, Jutta Brunnée and Lavanya Rajamani, *International Climate Change Law* (Oxford University Press, 2017), Chapter 1, 'Introduction', 1-34 and Chapter 4, 'Evolution of the United Nations Climate Regime', 96-117.

2. Module 2: Sources of international climate change law – study into the UNFCCC, Kyoto Protocol and Paris Agreement

- 2.1. Daniel Bodansky, Jutta Brunnée and Lavanya Rajamani, *International Climate Change Law* (Oxford University Press, 2017), Chapter 5, 'The Framework Convention on Climate Change', pp 118-158, Chapter 6, 'Kyoto Protocol', pp 160-208, and Chapter 7, the Paris Agreement, pp 209-250.
- 2.2. Lavanya Rajamani, *Ambition and Differentiation in the 2015 Paris Agreement* *International and Comparative Law Quarterly* (2016) 65/2: 493-14.

3. Module 3: Understanding and negotiating international climate change treaties

- 3.1. Daniel Bodansky, Jutta Brunnée and Lavanya Rajamani, *International Climate Change Law* (Oxford University Press, 2017), Chapter 3: 'Treaty-Based Law-Making: Rules, Tools, and Techniques'.

4. Module 4: Compliance, enforcement and effectiveness of multilateral environmental and climate change treaties

- 4.1. Philippe Sands and Jacqueline Peel, *Principles of International Environmental Law* (Cambridge University Press, 4th edition, 2018), Chapter 5, 'Compliance: Implementation, Enforcement, Dispute Settlement', 144-194.
- 4.2. Edith Brown Weiss, 'Understanding Compliance with International Environmental Agreements: The Baker's Dozen Myths' *University of Richmond Law Review* (1999) 32/5: 1555-1589.
- 4.3. Harro Van Asselt, 'The Role of Non-State Actors in Reviewing Ambition, Implementation and Compliance under the Paris Agreement' *Climate Law* (2016) 6/1: 91-108.
- 4.4. Aarti Gupta and Harro van Asselt, *Transparency in multilateral climate politics: Furthering (or distracting from) accountability? Regulation and Governance* (2019) 13/1: 18-34.
- 4.5. UN General Assembly's Resolution: *Towards a Global Pact for the Environment*, A/RES/72/277, 14 May 2018.

- 4.6. Report by the Secretary General of the United Nations, Gaps in International Environmental Law and Environment-Related Instruments: Towards A Global Pact For The Environment, A/73/419, 30 November 2018.
- 4.7. UNEP Emissions Gap Report 2020, Executive Summary.

COURSE TITLE:	International Trade Law
COURSE OFFERED TO	LLB & LLM
INSTRUCTOR:	Sahana Ramesh
NUMBER OF CREDITS:	3 credits
DURATION	Jan – April 2022
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The globalization of the world flagged off the need for a concrete set of rules to govern and regulate world trade. The establishment of such rules and a body to oversee their proper implementation, was not a straightforward task, and several challenges remain on this front to this day. The General Agreement on Tariffs and Trade (GATT) and the World Trade Organization (WTO) mark major and, in several ways, successful attempts by the world community to provide an international framework for international trade. Has the WTO been able to meet the challenges of the changing economic needs of various countries? How has the system evolved and adapted in the face of growing participation of developing and previously-under- developed countries in international trade? How does the current trade regime interplay with issues like by human rights violations or environmentally degrading activities, or even the changing notion of morality? This elective course will introduce students to basic concepts crucial to international trade law, using some of the WTO covered agreements and cases decided by the WTO's dispute settlement body. At the same time, the course seeks to stimulate students to think of dilemmas faced today in the field of international trade, and whether existing structures are sufficient to meet those challenges. Examples can range from the continuing Appellate Body crisis that threatens the very effectiveness of the WTO, to the ever-growing concerns of climate change and its impact on trade policy. The elective course will seek to bring out discussions on these and other aspects in class, as well as in the evaluated components of this course. At the end of the course, it is hoped that students will be able to not only address practical problems arising from trade disputes but also be able to engage with policy questions associated with the trade regime.
SCHEME OF EVALUATION:	Mid-semester exam; Project + presentation; End semester exam.
SELECTION CRITERIA (IF ANY)	Draw of Lots

COURSE TITLE:	FOUNDATIONS OF COMPARATIVE LAW
COURSE OFFERED TO	Elective Course for 4th year/5th year B.A.,LL.B. And LL.M.
INSTRUCTOR:	SIDHARTH CHAUHAN
NUMBER OF CREDITS:	4 credits for 4th year/5th year B.A.,LL.B. 3 credits for LL.M. (Public Law and Legal Theory)
DURATION	56 class hours, spread across the entire semester.
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	This elective course will take students through the central methodological debates in the field of Comparative Law. In the initial sessions, we will closely examine the rationale for drawing comparisons between legal developments across jurisdictions, time-periods and subject-matter. We will then proceed towards understanding the forms and limits of comparative inquiry. We will engage with questions such as:- - Why and how to legal transplants take place? - How should we assess legal transplants in the long-run? - Should courts cite foreign materials? - What are the universalist, nationalist, functionalist and colonialist approaches that can be adopted in order to pursue comparative legal studies? - What are the intellectual continuities between Comparative Politics, Public Law and Private Law? - How should we approach comparative research methods? Main Books: 1) Pierre Legrand & Roderick Munday, Comparative Legal Studies – Traditions and Transitions (CUP, 2003) 2) A.B. Engelbrekt & J. Nergelius, New Directions in Comparative Law (Edward Elgar, 2009). 3) Andras Sajó & Michel Rosenfeld, The Oxford Handbook of Comparative Constitutional Law (OUP, 2012).
SCHEME OF EVALUATION:	Mid-Term: 40 marks End-Term: 60 marks Both of these assessments will have a combination of descriptive questions and issue-spotting exercises.
SELECTION CRITERIA (IF ANY)	The enrolled students should have completed introductory courses on Constitutional Law. Furthermore, this course will require students to read at least 50-60 pages every week.

COURSE TITLE:	Indian Competition Law
COURSE OFFERED TO	LL.B / LL.M
INSTRUCTOR:	Dr. Sudhanshu Kumar
NUMBER OF CREDITS:	3 credits
DURATION	Jan – April 2021
BRIEF DESCRIPTION	INTRODUCTION Competition law defends the practice of fair competition. One of the reasons for having legal framework for competition in market is to remedy those instances where the actions of one or more individuals or entities or organizations causes the collapse of free market system. It is important to lay down rules of the game so that every participant of the market has a fair and equal chance of flourishing. With the growth of both volume of transactions and the complexity of economies, jurisdictions across the globe have come to realize the need and benefit of having a well-defined competition policy and probably this is the reason the antitrust regime has seen the fastest growth when compared to other economic regulations. It is widely accepted, though some economists rebut the idea that competition law acts as a catalyst in promoting innovation and economic growth along with social progress of the nation. Antitrust laws prevent individual or collective acts or any other form of negative co-operation that adversely affects competition and functions to set prices at altitudes at which market can breathe, largely without interference and in a way that cannot be done through central control. Indian competition regime is fairly new when compared when compared to its counter parts. The Monopolies and Restrictive Trade Practices Act, 1969 was passed subsequent to finding and recommendations of Mahalanobis (1960) and Monopolies Inquiry Commission (MIC) (1964) to prevent monopolization or concentration of economic power. MRTP can be said to be the precursor of Competition Act, 2002 and can be considered as a move from preventive mechanism to developmental mechanism. The LPG model coupled with the shortcomings of MRTP paved the way for passing of new Act on the recommendation of Raghavan Committee. Doing away with prohibitory provisions for monopoly trade practices, restrictive trade practices and Unfair trade practices, the new Act has three major provisions which deal with 'Anti-competitive agreements, Abuse of dominance and Regulation of Combinations.'

The growing powers of Competition Commission of India is evident from its recent decisions which cuts across different sectors including petroleum, pharma, entertainment, real estate, cement etc and which has forced market entities to review their business strategies and focus on competition compliances.

COURSE STRUCTURE

This course on competition law has been structured in a manner to understand the objectives of antitrust laws. To appreciate the law of the land it is essential to also understanding of economic underpinnings of the legal framework. The course will also include a comparative assessment of Indian competition law with its counterpart in UK and US. The course shall also include dedicated discussion on the interface of IP and Competition law

I. Introduction to Competition law -

- What is competition - why is competition needed in market
- Objectives of competition law - Political content of Anti-trust
- overview on laws on competition law (India; EU; US) - Shift from Monopolies and Restrictive Trade Practices Act, 1969 to Competition Act, 2002 - Preamble of Competition Act, 2002.

II. Anti-competitive Agreements (S. 3(1), S.3(2), S.3(3)(a) + S.19(3) along with comparisons with Article 101 TFEU

- Definition of Agreement - concerted action - Concept of Single overall agreement - unilateral conduct; Definition of Enterprise - commercial v. Sovereign activities - Single economic entity doctrine; Meaning of 'Appreciable' - De-minimis doctrine; Causes or likely to cause.; 'Competition within India' - effects doctrine
- AAEC - Section 19(3) - Negative and positive effects - Sources of monopoly power
- Object (horizontal) and effect (Vertical agreements); Horizontal price fixing agreements (price fixing ; Pricing methods) - Exchange of information
- Section 3(3); Limiting or controlling production - Group boycott - cases discussed like White lead case; FICCI multiplex etc.; Market allocation and sharing; S.3(1) v. S.3(3) debate including R. Prasad dissenting opinions; Collusive tendering - LPG case; Price Parallelism with cases
- Cartels - Cement / LPG / Domestic airlines
- S. 3(4)- Distribution chain - vertical integration concept - inter-brand and intra-brand competition - Block exemption in EU; Per se Rule and Rule of Reason; Tie-in agreements - Types and cases; Exclusive supply - cases like shamsher kataria / US v. Standard Oil / Exclusive motors; Selective distribution - Metro doctrine; Refusal to deal - cases; Resale price maintenance - positive and negative effects - Leegin rule

III. Abuse of dominant position - Section 4

- Relevant market concept and cases - SSNIP test; Dominant position - Akzo presumption - cases like BCCI case/ MCX stock exchange case / Belaire owners association case; Predatory pricing - Areeda tirner test; Exploitative pricing strategies - price discrimination - discriminatory rebates and discounts; Limiting and controlling production; Refusal to supply - commercial solvents case; Essential facilities doctrine

IV. Combinations - Section 5, 6

Reading List

1. Michal Gal, 'The Ecology of Antitrust: Preconditions for Competition Law Enforcement in Developing Countries', New York University Law and Economics Research Paper Series, Working Paper No. 02-03 http://papers.ssrn.com/sol3/papers.cfm?abstract_id=665181
2. Evolution of Competition Policy and Law by - Pradeep S Mehta & Simon J Evenett - http://www.cuts-ccier.org/pdf/Evolution_of_Competition_Policy_and_Law.pdf
3. Why India adopted a new Competition Law, A CUTS C-CIER publication (Specially focus from Section 4 onwards, you can skim read the previous provisions) - <http://www.cuts-ccier.org/pdf/wiancl.pdf>
4. Okeoghene Odudu, "Interpreting Art. 81(1): the object requires revisited," European Law Review, Sweet & Maxwell, 2001.
5. Okeoghene Odudu, "Restriction of competition by object - what's the beef?," Competition law Journal, 2009
6. New Definitions of Relevant Market and the Assault on Antitrust, Robert Pitofsky, Columbia Law Review, Vol. 90, No. 7 (Nov., 1990), pp. 1805-1864
7. Phillip Areeda and Donald F. Turner, "Predatory Pricing and Related Practices under Section 2 of the Sherman Act", Harvard Law Review, Vol. 88, No. 4 (Feb., 1975), pp. 697-733.
8. Andrey V. Makaro, "Comparative analysis of antitrust policy against collusion in some transition economies: Challenges for effectiveness" WP BRP 20/PA/2014, National Research University.

Books:

	1. Richard Whish, David Bailey, COMPETITION LAW, 8th ed., Oxford University Press, 2015. 2. Alison Jones, Brenda Sufrin, EU COMPETITION LAW, 5th ed., Oxford University Press, 2014. 3. SM Dugar, GUIDE TO COMPETITION ACT, 2002, 7th ed., LexisNexis, 2017. 4. Sandra Marco Colino, CARTELS AND ANTI-COMPETITIVE AGREEMENTS, Ashgate Publications, 2012. 5. T. Ramappa, COMPETITION LAW IN INDIA: POLICY, ISSUES AND DEVELOPMENT, 3rd ed., Oxford University Press, 2006. Part B : COMPETITION LAW AND INTELLECTUAL PROPERTY Instructor : Mr. SOURABH BHARTI In this part of the course we will start by looking into the history of relationship between competition law and intellectual property rights and the relationship between Intellectual Property and Market Power. The course would then move on to discuss specific forms of behaviour by IP holders which bring IP Law and Competition Law into potential conflict. The objective is to investigate specific forms of unilateral as well as collusive/collaborative behaviour which attracts competition law scrutiny. Hence issues like enforcement of IP, tying agreements, predatory innovation, standard setting process, reverse payments in pharmaceutical industry, refusal to deal etc will be used as points of discussion in this part of the course. A detailed list of relevant cases and readings for this part shall be communicated later.
SCHEME OF EVALUATION:	Research Paper (40 Marks) + Presentation (10 Marks) End Semester Examination (50 Marks)
SELECTION CRITERIA (IF ANY)	

COURSE TITLE:	International Humanitarian Law
COURSE OFFERED TO	LLB & LLM
INSTRUCTOR:	Syed Ashfaq Hussain
NUMBER OF CREDITS:	2
DURATION	January-April, 2022
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	We watch almost every day horrifying pictures of armed conflicts between States and insurgent or belligerent groups fighting against one another in several parts of the world. As these shocking and graphic pictures emerge on our television screens, sending a spine chilling feeling of what it would be like in a war zone, witnessing bloodshed, burnt bodies, mutilated and slaughtered, and dying sick and wounded soldiers writhing in pain; one wonders what exactly the International Humanitarian Law is all about. Are there any restraints, or legal constraints in waging a war? These are the obvious questions that immediately come to mind, while watching those pictures which leave a trail of poignant collection of haunting memories behind. The magnitude of human carnage is such that even civilians are not spared from the ruthless brutality and outrages hostilities of the armies in the battle-field. The most tragic and appalling consequences of such conflicts are borne by the innocent children, who have absolutely no idea of what is going on, and yet they pay the price of the irreparable loss to humanity. Even before the international community realizes, a whole generation, and perhaps more than one, is lost in such prolonged and senseless wars fought between the nations. Even in the aftermath of such catastrophe, children are the worst effected victims of war. In Yemen alone, according to a recent report by the UNICEF, 11 million children are living under the threat of death, out of which 2 million are in a critical condition since the outbreak of preventable diseases such as malaria and cholera. This is because the supply of vaccine and other medical services have been hit hard due to blockade imposed by rival States in the region. Similarly, the Syrian crisis, and the spectre of the so called 'Arab Spring' (Egypt, Libya and other States in the Middle-East), would suffice to underscore the importance of the subject in a contemporary sense. International humanitarian law is an introductory course examining the fundamental principles and the basic concepts of humanitarian law. We begin with the study of the sources of this particular branch of law as it evolved against the backdrop of its legitimizing history of human sentiment, starting from the early Geneva rules of 1863 and The Hague Peace Conferences in 1860. The central theme of the course would be to examine how humane is the humanitarian law and how does it operate to mitigate human misery and sufferings of people caught in armed conflicts. We would also reflect upon the contributions made by the major religions of the world in so far as they have been instrumental in exerting their influence in shaping the rules and regulations of the laws of war.

	Further, we will examine such definitions and concepts as <i>Jus ad bellum</i> and their relationship with other basic principles of necessity and proportionality. A range of contemporary issues concerning the law of armed conflict in terms of classifying conflicts, combatants and non-combatants, treatment of prisoners of war, protection of civilian population and the regulation of means and methods of warfare will be examined. The emphasis here would be to draw upon the Geneva Conventions, 1949 and The Hague principles of engagement in terms of what is permitted and what is prohibited in a war. More importantly, how international humanitarian law is implemented, and what constitutes individual and State responsibility, which include issues concerning non-state actors, such as Al-Qaeda and ISIS. It is also pertinent to mention that the course includes discussion of the relationship between international humanitarian law and human rights law. Finally, we will also examine the role of the international humanitarian agencies, such as the International Red Cross Society. The study of international humanitarian law is also a study of human endeavour to civilize the laws of war, to an extent that is possible; accord protection to the military and civilian populations, and compel States to respect and comply with the minimum standards of humane treatment. In brief, international humanitarian law is an attempt to repose faith in the fundamental values of human existence and maintenance of international law and order. It is also a vigorous attempt to humanize the inhuman attitude of greed and vengeance resulting from aggression, plunder and pillage of one nation against the other.
SCHEME OF EVALUATION:	End 50 M Project Work 40 M Project presentation: 10 Marks.

COURSE TITLE: CIVIL REMEDIES

COURSE INSTRUCTOR: MR. VARUN MALIK

NATURE OF COURSE AND CREDITS: Elective :: 4 Credits

OFFERED TO: 4th and 5th year students of B.A LL.B (Hons.) & LL.M.

COURSE DURATION: January to April, 2022

COURSE PORTRAYAL

The first principle for remedy against breach of commercial obligation is to ensure that the party suffering from breach is restored back to the position it would have been in if the obligation had not been breached. The law, in most of the Common law countries, remedies the breach in basically two ways viz. the damages and Specific Performance of Contract. The former, across the common law nations, except India and a few others, is considered as the primary remedy and the latter, a remedy in equity, is granted only in the cases where the damages are proven to be insufficient by the party claiming the relief. The Specific Performance is granted by way of a decree in the nature of mandatory- permanent injunction and therefore the law of injunction forms an integral part of the relief of the specific performance. The present course is primarily concerned with above mentioned remedies of **(1) Damages; (2) Specific Performance of Contract and (3) Injunctions and other equitable remedies.**

The **Part I** of the course deals with **Damages** as a relief for breach of civil- commercial obligations. It covers the basic principles for grant of un-liquidated and liquidated damages in cases of breach, the exception to such principles, grant of damages for harm other than commercial loss etc.

The **Part II** deals with the relief of **Specific Performance of Contract**. The part intends to discuss and analyze the law relating to specific performance in India. It shall focus on the provisions of Specific Relief Act, 1963 along with the evaluation of specific relief as compared to the relief of Damages. The aforesaid discussion shall be intended in the direction of evaluation of the Specific Relief (Amendment) Act, 2018.

The **Part III** of the course is concerned with the relief of **Injunctions and other equitable remedies**. The relief although is closely linked to the relief of Specific Performance, the contours of law of injunctions extend much beyond the relief of specific performance and outreach to almost all the branches of civil law. In order to appreciate the deep linkages between

the two branches of law the two are offered together in the course. But, in order to ensure that the abovementioned linkages don't have a shadowing effect on the disjunctions between the two, the course divides Specific Performance of Contract and Law of Injunctions into two different parts. The part revolves around the historical origins of the concept of Injunctions, its basics and practice. I further intend to discuss how injunction interacts with other branches of civil laws with a special attention to specific relief and law of contracts. Lastly, the part intends to discuss the equitable remedies of Possession of Property, Rectification, Rescission, Cancellation and Declaratory Decrees.

OBJECTIVE OF THE COURSE

As the course is being offered to 4th/ 5th year students and LL.M students, who are ready to face the field, it aims to develop the acumen of the students both from **corporate/ litigation as well as academic point of view**. The course further aims to expose the students to the practical aspects of remedies to facilitate an easier assimilation of students into the profession of law.

TEACHING METHODOLOGY

The content would be delivered through a combination of lecture and discussion mode. The lecture mode would be adopted to make the students understand the concepts and the discussion mode would largely be adopted in response to questions or concerns from the students or in order to puzzle the class with an intent of making them gauge a particular concept in a better fashion.

LECTURE PLAN

MODULES	TITLE	NUMBER OF REQUIRED LECTURES
Module 1	Unliquidated Damages	20
Module 2	Liquidated Damages	6
Module 3	Equity and Equitable remedy of Specific Performance of Contracts	12
Module 4	Injunctions	8

Module 5	Remedies of Possession of Property, Rectification, Rescission and Cancellation	6

Class Hours: 52

EVALUATION SCHEME

End Semester Exam: 50 Marks

Mid Semester Exam: 25 Marks

Project: 20 Marks

Project Presentation: 5 Marks

COURSE CONTENT

Module 1: Unliquidated Damages

The module intends to discuss the common law remedy of unliquidated damages and explores various principles of grant and measure of the damages in case of breach of duty. It intends to discuss the basic purpose behind the grant of monetary remedy of damages, the rules of directness, remoteness mitigation etc. which are considered by the court while granting the remedy. Further the module aims at discussing certain special kind of monetary remedies such as disgorgement, negotiation damages etc.

Cases:

- Hochester v. De La Tour (1853) 2 E & B 678
- Robinson v. Harman [1848] 1 Exch. 850
- Radford v. de Froberville [1977] 1 WLR 1262
- Ruxley Electronics & Construction Ltd. v. Forsyth [1996] AC 344
- Anglia TV v. Reeds [1972] 1 QB 60
- Golden Strait Corporation v. Nippos Yusen Kubishika Kaisha, The Golden Victory [2007] UKHL 12
- Hadley v. Baxendale [1854] 9 Exch. 341
- Victoria Laundry (Windsor) Ltd. v. Newmann Industries Ltd. [1949] 2 KB 528
- Kaufos v. C. Czarnikow Ltd. , The Heron II [1969] 1 AC 350
- Madras Railway Co. Govinda Rau ILR (1898) 21 Mad. 172
- Fazl Illahi v. Eastern Indian Railway Co. ILR (1921) 43 All. 623
- AT Brij Paul v. State of Gujarat (1984) 4 SCC 59
- British Westing House Electric v. Underground Electric Railway Company of London [1912] AC 673
- AKAS Jamaal v. Moola Dawood Sons & Co. 20 CWN 105: 1916 (23) CLJ 137
- M/s. Muralidhar Chiranjilal v. M/s. Harishchandra Dwarkdas & Anr. AIR 1962 SC 366
- Wrotham Park Estate v. Park Side Homes Ltd. [1974] 1 WLR 798
- Morris Garner v. One Step (Support) Ltd. [2018] UKSC 20
- Attorney General v. Blake [2001] 1 AC 268
- Wellesley Partners LLP v. Withers LLP [2016] Ch. 529

Module 2: Liquidated Damages

The module discusses the principles applied by the courts while interpreting a liquidated damages clause in an agreement. It aims at discussing the (1) distinction between penalty and damages; (2) Liquidated Damages forming the ceiling; (3) relationship between liquidated damages and earnest money/ security deposit.

Cases:

- Lamdon Trusts v. Hurrell (1955) 1 WLR 391
- Cellulose Acetate Silk Co. V. Widness Foundry 1932 All.ER Rep 567 [HL]
- Sir Chunnilal V. Mehta v. Century Spg & Mfg Co. Ltd. AIR 1962 SC 1314
- Fateh Chand v. Balkishan Das AIR 1963 SC 1405
- Maula Bax v. Union of India (1969) 2 SCC 554
- Sri Hanuman Cotton Mills v. Tata Aircraft AIR 1970 SC 1968
- Kailash Nath Associates v. Delhi Development Authority (2015) 4 SCC 136

Reading

- Shivprasad Swaminathan, De-inventing the wheel: Liquidated Damages. Penalties and the Indian Contract Act 1872, The Chinese Journal of Comparative law, 1 – 25 (2018)

Module 3: Equity and Equitable remedy of Specific Performance of Contracts

The module aims at discussing the very basic nature of equity and equitable remedies and in light of the discussion the module proceeds to discuss the remedy of specific performance of contracts. The discussion around the nature of the remedy of specific performance, bars to the remedy, parties who can seek the recourse etc. form an integral part of this module. In addition to the common law rules for granting/ barring the remedy, it is intended to discuss the relevant provisions of Specific Relief Act, 1963 in detail.

Cases

- Falcke v. Gray (1859) 4 Drew 651
- Beswick v. Beswick [1968] AC 58
- Co-operative Insurance Society Ltd. v. Argyll Stores [1998] AC 1
- Powell v. Brent London Borough Council [1988] ICR 176
- Price v. Strange [1978] Ch. 337

- Ardeshir Mama v. Flora Sassoon AIR 1928 PC 208
- Surjit Kaur v. Naurata Singh AIR 2000 SC 2927
- Kalyanpur Lime Works v. State of Bihar AIR 1954 SC 165
- Executive Committee of Vaish Degree College v. Lakshmi Narain AIR 1976 SC 888
- Srinivas Das v. Meher Bai AIR 1916 PC 5
- Uttam Chand v. Radha Bai AIR 1991 MP 296

Readings

- John Brunyate, Equity A course of Lecture by F.W. Maitland 1 – 22 (2011)
- John McGhe, QC, Snell's Equity (2020)
- Allan Beever, Aristotle on Equity, Law, and Justice, 10 Legal Theory, 33-50 (2004)
- Melvin A Eisenberg, Actual and Virtual Specific Performance of Contract, the theory of efficient breach and the indifference principle in Contract Law , 93 (4) California Law Review, 975 – 1050 (2005)

Module 4: Injunctions

The module aims to discuss the equitable remedy of injunctions and pre requisites for grant of temporary and permanent injunctions. In furtherance of the above described aim the discussion around the relevant provisions of Code of Civil Procedure and Specific Relief Act, 1963 form an integral part of the module.

Cases:

- American Cyanamid v. Ethicon [1975] AC 396
- Union of India v. Bhuvneshwar Kumar AIR 1963 Pat. 296
- Dilip Kumar Biswas v. Kamaendu Chanda AIR 1987 Cal. 172
- Hyderabad Stock Exchange v. Ranganath Rathi & Co. AIR 1958 AP 43
- Suresh Jindal v. Rizoli AIR 1991 SC 2092

Module 5: Remedies of Possession of Property, Rectification, Rescission, Cancellation and Declaratory Decrees

The module intends to discuss the equitable remedies of Possession of Property, Rectification, Rescission, Cancellation and Declaratory Decrees. Further the incorporation of these remedies

in the Specific Relief Act, 1963 and the interpretation of relevant provisions of the act form an integral part of the module.

Cases

- Ladha Singh v. Munshiram Agarwalla AIR 1927 Cal. 605
- Wallington v. Townstead (1939) 2 All ER 225
- Inder Parshad v. Campbell (1881) ILR 6-7 Cal 474
- Joseph Severance v. Benny Mathew (2005) 7 SCC 667
- Nair Service Society v. KC Alexander AIR 1968 SC 165

Banking and Finance Laws

Course Outline

Banking and Finance is offered as an elective course for three credits to the students of one year LLM program and to IV and V year students of LLB at NALSAR University of Law. The nexus between law and economics necessitates further study to understand the nuances of financial governance. The study of financial institutions role and regulation forms the basis for understanding financial governance. The nature of financial transactions have seen a sea change with liberalization and enhanced cross boarder financial activities. The Economic crisis, financial deficit, inflation, growth rate, structural adjustment programs and similar other issues often take the centre stage in a Sovereign State. We need to arm our citizens with necessary financial knowledge to overcome any such situation with optimum prudence in the larger interest, however it also helps an individual to serve corporate, financial institution, legal and other stake holders.

The course intends to provide holistic perspective on legal aspects concerning the functioning of banking and non- banking financial institutions in India. The course dwells further on the impact of the functioning of financial institutions on Indian economy. The financial services rendered by the financial institutions and the scope of their transactions within and outside the country will also be dealt as part

of the course. The course while leans more in studying the regulation of banks do provide sufficient scope to study regulation of non-banking financial institutions as well.

The course further intends to provide complete overview of financial structure and the issues concerning financial governance in the country special focus however is limited to aspects such as project finance, mutual funds, and restructuring of debts and assets

Course Objective

Course aims to help the students to gain knowledge of the legal aspects concerning the functioning of the financial institutions in India. It also helps them to understand the nuances of the financial governance.

Teaching Methodology

The course will be dealt through lectures, supplemented by discussions and presentations. Research papers ideally suited for comprehensive understanding of the course will be dealt in detail supported by other supplementary readings supplied for better understanding

Examination and Evaluation

The Course is offered as an elective course for three credits to the LLM and LLB students. The examination and evaluation for the course this semester will be in accordance with the university policy of examination and evaluation. The course instructor will intimate during the window period class if there are any further doubts in this regard.

Course Contents

Module I

(4 Classes)

1) Introduction

- 1.1 History and Development of Banks and Financial Institutions In India
- 1.2 Post-Independence challenges for economic growth in India
- 1.3 Establishment of Reserve Bank of India, other Banks and Financial Institutions
- 1.4 Social Control and Nationalization of Banks

1.5 Role and governance of Non-Banking Financial Institutions and Non-Banking Finance Companies (NBFC's)

Readings:

Book:

TANNAN'S "BANKING LAW AND PRACTICE IN INDIA" Published by Wadhwa and Company, Nagpur – 21 Edition, 2005, Page 1 to 60, 125 to 141

Acts:

Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970

Reserve Bank of India Act 1934

Article:

Anticipatory Regulation for the Management of Bank crisis - *Karen Haris*

Cases:

R. C. Cooper V Union of India - AIR 1970 SC 564

Excel wear V Union of India - AIR 1979 SC 25

Mithilesh Garg V Union of India - AIR 1992 SC 443

Delhi Science Forum V Union of India- (1996) 2 SCC 405

Module II

(6 Classes)

2) Regulation of Banks in India

2.1 Banking (Regulation) Act, 1949

2.2 Reserve Bank of India Act, 1934

2.3 Functions of the Reserve Bank of India

2.4 Banker Customer Relationship

2.5 Bankers Rights and Lenders Liability

2.6 Negotiable Instruments Act, 1881

Readings:

Books:

TANNAN'S "BANKING LAW AND PRACTICE IN INDIA" Published by Wadhwa and Company, Nagpur – 21 Edition, 2005, Page 64 to 122 and 163 to 172

Bhasyam and Adiga on Negotiable Instruments

Acts:

Reserve Bank of India Act, 1934

Banking (Regulation) Act, 1949

Negotiable Instruments Act, 1881

Cases:

Foley Vs. Hill (1848) 2 HLC 28 (D)

S.P..Jain Vs. Director of Enforcement (1963) 2 SCR 297

N.Joachimson Vs. Swiss Bank Corp. (1921) 3 KB 110

R Vs. Davenport (1954) 1 All ER 602

Clare & Co v Dresdner Bank (1915) 2 KB 576

Delhi Cloth General Mills Co. Ltd v HarnamSingh AIR 1955 SC 590

State Bank of India V Shyama Devi AIR 1978 SC 1263

Bank of Bihar V Mahabirlal AIR 1964 SC 377

State Bank of India V Samba Murthy AIR 1988 Orissa 50

Hyderabad Commercials V Indian bank AIR 1991 SC 247

Sudhir Shantilal Mehta V CBI (MANU/SC/1415/2009)

Ashok Yeshwant B V Surendra Madhavrao Nighojakar (AIR 2001 SC 1315)
Kolla Veera Raghav Rao V G. Venkateswara Rao (AIR 2011 SC 641)

M.D. Thomas Vs. P.S. Jaleel and Anr. [(2009) 14 SCC 398]

Vinod Tanna and Anr. Vs. Zaheer Siddiqui [MANU/SC/1475/2001]

P. Rajarathinam Vs. State of Maharashtra [(2000)10 SCC 529]

Damodar S. Prabhu Vs. Sayed Babalal H.(AIR 2010 SC 1907)

Module III

(3 Classes)

3) Recovery of Debts

3.1 Finance Sector Reforms committee's reports

3.2 Recovery of Debts due to Banks and Financial Institutions Act, 1993

3.3 Debt Recovery Tribunals functions

3.4 Cross Border Debts – issues and challenges

Readings:

Book:

TANNAN'S "BANKING LAW AND PRACTICE IN INDIA" Published by Wadhwa and Company, Nagpur –
21 Edition, 2005, Page 991 to 1030

Act:

Recovery of Debts due to Banks and Financial Institutions Act, 1993

Articles:

Banking and Financial Law Reforms in India: will it improve Lenders Rights and Recovery - *Aparna Viswanathan*

Asset Securitization: The Unsecured Creditor's Perspective - [Lois R. Lupica](#)

The Subprime Lending Crisis - *David Anderson*

Cases:

Jagadamba oil mills V Haryana State Financial Corporation AIR 2002 SC 834

Hiralal and Others V Laxmi Commercial Bank – AIR2002 SC 2873

Venkateshwara Textile traders and printers V Canara Bank AIR 1998 AP 282

Allahabad bank Vs. Canara Bank AIR 2000 SC 1535

VebDeutracht V New Central Jute Co AIR 1994 SC 516

Delhi Cloth Mills Vs. Harnam Singh AIR 1955 SC 590

State Bank of India V G. Ram AIR 1969 SC 1330

Harbajan Singh Dhalla V Union of India AIR 1987 SC 9

Module IV

(10 Classes)

4) Securitization, Asset Reconstruction & Enforcement of Security Interest Act, 2002

4.1 Securitization

4.2 Kinds of Securitization

4.3 Cross Border Securitization

4.4 Sub-Prime Crisis

4.5 Asset Reconstruction

4.6 Enforcement of Security Interest

4.7 Credit Rating

Readings:

Book:

TANNAN'S "BANKING LAW AND PRACTICE IN INDIA" Published by Wadhwa and Company, Nagpur – 21 Edition, 2005, Page 1178 to 1215

Acts:

Securitization, Asset Reconstruction & Enforcement of Security Interest Act, 2002

SEBI (Credit Rating Agencies) Regulations 1999

Articles:

"Securitization: Crossing Borders and Heading towards Globalization", Parikshit Dasgupta, Suffolk Transnational Law Review, summer, 2004

"Rating Games with Contingent Transfer: A Structured Finance Illusion", Petrina R.Dawson, Duke Journal of Comparative and International Law, Spring, 1998

The Law of Cross- Border Securitization: Lex Juris – *Tamar Frankel*

Cases:

Mardia Chemicals Ltd. V Union of India (2004) 4 SCC 311

Neeraj Malhotra V Deutsche Bank Home Finance Ltd. (2010 Indlaw CCI 28)

[Indian Overseas Bank V Ashok Saw Mill](#) AIR2009SC2420

[Smt. Har Devi Asnani V State of Rajasthan](#) 2011(11) SCALE 121

Bharat Steel Tubes Ltd. V IFCI Ltd AIR2011SC2568

Module V

(10 Classes)

5) Regulation of Financial Services

5.1 Project Finance

5.2 Letters of Credit

5.3 Corporate Debt Restructuring

5.4 Mutual Funds,

5.5 Private Equity

5.6 Venture Capital Investment

5.7 Insolvency

Readings:

Acts:

SEBI (Mutual Funds) Regulations 1996

SEBI (Venture Capital Funds) Regulations 1996

SEBI (Foreign Venture Capital Funds) Regulations 2000

SEBI (Alternate Investment Fund) Regulations 2013

Insolvency and Bankruptcy Code, 2016

Book:

Neel Kant Sharma -Strategic Management of Venture Capital An Indian Perspective (book) page No. 108 to 127

Articles:

“Unique Jurisprudence of Letters of Credit: Its origin and Sources” by Gao Xiang and Ross P Buckley – San Diego International Law Journal, Vol. 4, 2003

Cases:

Rajashree Sugars and Chemicals Ltd. V Axis Bank Limited (2008)MLJ 261

ICICI Bank Ltd. V Sundaram Multi pap Ltd. (2010) 193 CompCas 24 (Bom)

National Bank V. Ghanshyam Das (2015) 4 SCC 228

Suggested Books :

- ✓ “Tanan’s Banking Law and Practice in India”, By M.L Tanan, , 20 ed., (2002), Vol 1, Indian Law House.
- ✓ “Modern Banking Law”- By E.P Ellinger, E. Lomnicka, R.J.A Hooley- III ed.,(2002), Oxford University Press.
- ✓ “Supreme Court on Banking Law”, By S.N Gupta, V ed., (2007), Universal Law Publishing Co. Pvt Ltd.
- ✓ “Securitisation”, By Vinod Kothari
- ✓ “Law relating to Infrastructure”, By Piyush Joshi, II ed., (2003), Lexis Nexis- Buterworths.
- ✓ “Securitisation and Debt Recovery Laws”, By Srivastava’s, IV ed., (2007), law Publishers India Pvt Ltd.
- ✓ “Foreign Direct Investment Policy and Procedure”, By R.R. Beedu, I ed., (2008).

- ✓ “The Banking Law in Theory and Practice”, By S.N. Gupta, III ed., (1999), Universal Law Publishing Co. Pvt Ltd.
- ✓ “Commentary on securitisation and reconstruction of financial assets and enforcement of security interest Act, 2002, (Central Act No. 54 of 2002)”, By Pratha Banerjee, (2003), New Edition., Puliani and Puliani Publishers , Banglore.

COURSE TITLE:	Animal Protection Laws and Policies Clinic-II
COURSE OFFERED TO	LLB & LLM Already students enrolled last semester will continue now.
INSTRUCTOR:	Vivek Mukherjee
NUMBER OF CREDITS:	4
DURATION	<u>January-April, 2021 Semester</u>
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	The course aims at promoting a clinical study of legal systems that deal with the protection of animals. The question of ethically proper treatment of animals has historically been grounded in the social realm governed by the concepts of compassion and morality. In this light, the course shifts the locale of the discussion from social to that of the legal. The course is deeply rooted in social justice tradition of clinical legal education. It attempts to draw the attention of future social justice lawyers to those who cannot afford legal representation i.e. animals. The degree of injustice meted out to animals is not just exorbitant and shocking, it is also invisible. Violence towards animals has been normalized in the dominant neo-liberal capitalist logic. Laws and judicial pronouncements passed to protect animals in India have been praised for its progressive leaps but much is yet to be done. Laws may have insufficiently addressed the act of slaughter itself; it does not deal with the condition of animals in the livestock industry. Poultry chickens are still kept in A4 sized battery cages lined in multiple rows piled 3-5 tiers high. The cages are so small that the hens are unable even to spread their wings which prevent nearly all forms of natural behaviour, including perching, roosting, scratching, foraging and exploring. Their beaks are brutally cut so that they cannot peck on fellow hens which they are bound to do considering the extremely stressful environment. The Indian Courts have recognized ‘rights of animals’ in cases like Nagaraj but there is no academic engagement with questions of legal personality, capacity and enforcement. The clinic seeks to work with NhRP to design a good strategy for the recognition of the personhood of individual non-humans. Cosmetics are still not labelled with green and red dots and unlike many progressive laws in other jurisdiction

	'humane tags' are not promoted by Indian laws and policies. The mid-day meal scheme mandates distribution of 2 eggs per child without any consideration of the artificial demand for (caged) eggs created by the state in the process. There are no laws for reporting of GHG emissions from the livestock sector and land use changes which amounts to more than 20 percent of emissions in India. Above all, there is lack of a one stop legal database for legal, policy and enforcement material for animal laws in the Indian context. The clinic will work with a team from animallaw.info to create such a database. The course seeks to address the above issues by collaborating with Environmental Justice and the Protection of Animals Rights Clinic, Buchmann Faculty of Law, Tel Aviv University. Students will pair with students from Tel Aviv University to conduct research on the clinic projects. Experts in the field of Animal Law, made available by the Animal Law Centre, NALSAR will supervise students in the clinic projects. The course will also broadly attempt to frame a theoretical understanding of the history of animal usage by humans through practices of domestication, agriculture and animal husbandry and the effects of industrialization and urbanization on it. These discussions will be grounded in the philosophy of animal liberation based on the analysis of the weightage of the claim to rights as promoted by speciesism. Further, the treatment of animals would be looked at in conjunction with other structures of power that function through oppression. Insights of the feminist thinkers in this regard would be important. Beyond this, the course also deals with the issue of property and legal personality where the affirmation of the latter is necessary to enforce the former. This will also lead to the discussion of the principle of balance between the suffering of animals and the purpose of the act causing suffering. The over- arching goal is to connect clinical practice with more abstract levels of knowledge about law and animals so as to provide the necessary background for meaningful handling of cases. The course offers a rare opportunity to students to learn the law while trying to change it.
SCHEME OF EVALUATION:	Clinic Product (100 Marks) The marks distribution will be specified later.
SELECTION CRITERIA (IF ANY)	CV and interview of students

COURSE TITLE:	Imagining Rights for Animals
COURSE OFFERED TO	LLB & LLM
INSTRUCTOR:	Vivek Mukherjee
NUMBER OF CREDITS:	4
DURATION	Jan-April (2022)
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Over the past few decades, animal advocacy has transformed from a movement which used to be limited to a few advanced legal systems to a global social movement. Scholars from diverse social, cultural and economic backgrounds have transgressed the limitation of borders to focus on bringing down the thick wall that separates humans and non-humans. They consistently argue that there is a need to shift away from the legal ‘thinghood’ of animals. As legislative will to make this transmission is lacking in most countries, the judiciary has stepped up to recognize the right of animals where no such right explicitly exists in the text of anti-cruelty or other allied animal protection legislations. That is so because most animal protection legislations are mostly welfare oriented with a duty-based approach at its centre. Judges have used judicial creativity to deduce rights from existing duties that humans have towards animals. Indian courts have ostensibly recognized the constitutional fundamental rights of animals without discussing the content or context of such right, neither clarifying on the source of such a right.¹ At best, judgments like AWBI v. Nagaraja deduce rights from existing duties that humans have towards animals in the primary animal protection legislation in India, The Prevention of Cruelty Towards Animals Act, 1960. My central claim is that such a ‘deductive right’ is not desirable for the protection of animals, rather fundamental animal rights must have its source in the constitution which in turn will be a source to animal rights in non-duty oriented legislations. The theoretical soundness of this claim can be assessed by studying the context of the preference of utilitarian approaches towards animal protection over rights based approaches. I contend that Indian judges have faltered in assessing the most fundamental question— whether animals can be fundamental right holders under the Indian Constitution. I base my claim on theoretical inconsistencies in landmark judgments of the Indian Supreme Court and High Courts, directly or indirectly touching upon the question raised above. For an instance in the landmark case of AWBI v. Nagaraja which ostensibly recognized the fundamental right to life of bulls who were cruelly forced to participate in the sport of Jallikattu, the Supreme Court prohibited the cultural activity by making contradictory observations. The Jallikattu case which was decided by the Supreme Court in 2014 has been celebrated as a watershed moment for animal law jurisprudence in India. I believe that Jallikattu case has led to more questions than answers which makes it a convoluted conundrum instead of a watershed moment. On one hand it recognized the property status of animals and privileged the doctrine of necessity and on the other, it recognized (albeit indirectly) the right of animals to live with dignity. The reconciliation between the property status of animals and the recognition of their rights surfaces nowhere in the judgment. It also remains ambiguous if the court granted the right to life to animals per se or if human ‘life’ was given an expanded definition which includes any disturbance from the basic environment, including animal life. Further, the court applies sentience as a criterion to extend rights to bulls when the PCA does not extend protection to animals based on sentience. An

	assessment of such contradiction broadly and the interaction between the property status of animals upheld in statutes like the Prevention of Cruelty to Animals Act, 1960, and the rights framework of the constitution utilized by Indian courts, particularly, is due.
SCHEME OF EVALUATION:	Mid-Term Exam: 25 End-Term-50 Project:25
SELECTION CRITERIA (IF ANY)	

COURSE TITLE:	Cooperative Negotiation: Theory and Skills
COURSE OFFERED TO	Seminar for Joint
INSTRUCTOR:	Dr. Anirban Chakraborty
NUMBER OF CREDITS:	4 Credits
DURATION	One Semester
BRIEF DESCRIPTION (MAXIMUM 500 WORDS)	Negotiation in broad term can be stated as an interactive communication process that potentially takes place whenever a person wants something from someone else or they want something from him. We are engaged in some form of negotiation in every walk of our life. But that don't necessarily lead to the making of a professionally trained negotiator capable of handling professional and sophisticated legal negotiations. Professional negotiation involves deep understanding of braining theories and bargaining process, psychological elements, skills to manage interactive communication process during negotiation, overcoming impasse and drafting of settlement agreements. Negotiating is an integral part of contemporary lawyers' professional life. They are engaged in negotiating contracts for clients and resolving conflicts using negotiation to reach settlements. Therefore, learning the theories, models and skills of negotiation is an imperative part to current legal education. In this context this seminar course intends to train students in the theories and skills used in the contemporary negotiation practice. Learning Outcomes After successful completion of the course students will • develop necessary understanding about the contemporary theories of negotiation and bargaining, • knowledge of the negotiation models used in contemporary legal practice and their comparative advantages and limitations, • learn the skills to mange the psychological elements, interactive communication and preparatory aspects for professional negotiation, and • learn to draft settlement agreements.
SCHEME OF EVALUATION:	Written submission : 70 marks Viva : 30 marks
SELECTION CRITERIA	As per the standard University Procedure

Marriage: Is it An Economic Arrangement? —Seminar

Aim of the Course:

The institution of marriage has undergone significant changes in recent decades as women have invested in education and economic growth. These gains have led to role reversals in both the spousal characteristics and the economic benefits of marriage. In the past, when relatively few wives worked, marriage enhanced the economic status of women more than that of men. In recent decades, however, the economic gains associated with marriage for women have diminished.

Course Objectives

This course will try to study the old and new economic implications of marriage. Explore the interrelation between labour markets and spousal labour markets also called market for wife-services. The tools of cost-benefit analysis and market analysis will be applied to the study of marriage in this course. Economic approach to marriage says people marry when a marriage looks profitable after doing a cost benefit analysis. Benefits can be material, social or spiritual. All depends on the values people attach to every aspect of their lives. In this course, we will try to price tag each attribute attached to an individual's life.

Method of Evaluation:

60 marks research paper, 10 marks assignments, 30 marks presentation. Total marks are 100.

Essential Reading:

1. Millennial Marriage: How Much Does Economic Security Matter to Marriage Rates for Young Adults? SEHSD Working Paper #2018-09 Benjamin Gurrentz, Fertility and Family Statistics Branch U.S. Census Bureau Issued April 26, 2018
2. M. E. Robinson, Marriage as an Economic Institution, International Journal of Ethics, Vol. 13, No. 2 (Jan., 1903), pp. 171-185. University of Chicago Press
<https://www.jstor.org/stable/2376450>
3. Women, Men and the New Economics of Marriage by Richard Fry and D'Vera Cohn, Pew Research Center, <http://pewsocialtrends.org>
4. The Decline of Marriage And Rise of New Families, <http://pewsocialtrends.org>
5. Living Together: The Economics of Cohabitation by Richard Fry and D'Vera Cohn, Pew Research Center, <http://pewsocialtrends.org>
6. On Pay Gap, Millennial Women Near Parity – For Now Despite Gains, Many See Roadblocks Ahead, <http://pewsocialtrends.org>
7. Grossbard, Shoshana, On the Economics of Marriage - A Theory of Marriage, Labor and Divorce, Westview Press, [On the Economics of Marriage - A Theory of Marriage, Labor and Divorce. - Munich Personal RePEc Archive \(uni-muenchen.de\)](#)

THE LAW OF TRADEMARKS – COURSE OUTLINE

ONE-YEAR LL.M – SECOND SEMESTER (JAN- APR-2016)

INTRODUCTION:

Trademarks –a component of Intellectual Property Rights deals with various signs used to distinguish the products and services in the market. Trademarks serve the function of connecting the consumer with the producer/service provider to identify specific products and services. It enables the consumer to buy or use the products and services they desire and on the other hand it enables the producers and service providers to build their loyal market share. Trade Marks in essence is connected with the functional benefit, emotional satisfaction and self- expressive aspect of the consumer. From business perspective, Trade Mark registration also protects the huge investment of the producers/service providers to act upon piracy and cheating by free riders in the market.

The Trademark history dates back to the Roman empire where potteries and swords were marked as distinctive signs. The recorded history of trademark legislation dates back to the British empire where King Henry III enacted a Trade Mark Act in 1226 to enable the bakers to mark their bread. This was followed by the French legislation in 1857 called the “ Manufacture and Goods Mark Act followed by the British legislation in 1862- the Merchandise Marks Act and in the US the Trade Mark got enacted in 1881.

In Indian context the statutory was enacted in 1940 based on the UK Trade Marks Act of 1938 and later revised in 1958 as the Trade and Merchandise Act. Post TRIPS the Act of 1958 gave way to the new Trade Marks Act of 1999, which included the essential elements of the TRIPS agreement notably with the inclusion of the Service Marks.

THE DELIVERABLES OF THE COURSE

- ✓ To enable the learners to understand the concept, evolution and current issues of the Law of Trade Marks
- ✓ To understand the interface of Trade Marks Act and Unfair Competition practices
- ✓ To learn the comparative aspects of Trade Marks in US and European regimes
- ✓ To understand the interface of Trade Mark Jurisprudence in the context of Domain Names in Internet Processes
- ✓ To learn the International regime of Trade Marks through International Agreements

Child Rights Law

The course will focus on Child rights and Child protection. It will consider a broad range of other issues involving the conflicts between the legal rights of children and the legal rights of their parents and the state. The course will also discuss parental violations of the legal rights of their children, such as prenatal abuse, and other physical abuse, domestic violence, failure to thrive and other psychological abuse and intra-familial sexual abuse. Also explores parental failure to provide their children with the basic necessities of life, such as food, housing, supervision and medical care. Consider the impact of poverty and homelessness on the ability of parents to meet their children's needs. The course will also explore the conflicts between the legal rights of children and the state authority within the juvenile justice system to regulate the lives of dependent children and their families.

Child rights are specialized human rights that apply to all human beings below the age of 18. According to the UNCRC Child Rights are minimum entitlements and freedoms that should be afforded to all persons below the age of 18 regardless of race, colour, gender, language, religion, opinions, origins, wealth, birth status or ability and therefore apply to all people everywhere. The UN finds these rights interdependent and indivisible, meaning that a right cannot be fulfilled at the expense of another right. There are some basic human rights that should be afforded to children. There are four broad classifications of these rights. These four categories cover all civil, political, social, economic and cultural rights of every child.

Right to Survival: A child's right to survival begins before a child is born. According to Government of India, a child life begins after twenty weeks of conception. Hence the right to survival is inclusive of the child rights to be born, right to minimum standards of food, shelter and clothing, and the right to live with dignity.

Conflict of Marriage Laws

*** Short description of course**

Conflict of Laws, also sometimes called Private International Law, is concerned with what happens in cases where not all of the facts are tied to one jurisdiction. In the federal system of Australia, this can occur both within a domestic intra-Australia context and in an international context. While this course deals with a number of specific theoretical frameworks, it is taught largely from a practical standpoint aimed at preparing lawyers for handling cases with trans-jurisdictional issues. The three core components of the course investigate:

- Jurisdiction: When domestic courts can hear cases that involve parties and property from outside the territory of the court.
- Choice of Law: Which law is applicable when a case has connections with a number of different jurisdictions? In particular, this course considers contract, family and tort disputes that involve a variety of jurisdictions.
- Enforcement of Judgements: How to enforce a court judgement or arbitral award from another jurisdiction in local courts.

*** Expected outcome from the course**

By the end of this course, you should be able to:

- explain the similarities and differences between international and domestic civil litigation in practical and theoretical terms
- describe the three stages of international litigation, and explain the relationship between them
- explain and apply the principles relevant to determining the Indian courts' jurisdictional competence and the circumstances in which they will decline to exercise that jurisdiction
- explain and apply the principles relevant to determining whether a foreign judgement, and an international arbitral award, will be recognised in India and how foreign judgements and international arbitral awards can be enforced
- explain the choice of law process, and be able to identify and apply choice of law rules which are applicable to international disputes, particularly those relevant to contract, tort and family matters
- analyse, research and resolve problems in international litigation from theoretical and practical perspectives.

As a result of the increase in the number of the constituent states coupled with the increasing fluidity and frequency in the movement of individuals across unguarded state boundaries, the study of conflict of laws is aimed at illuminating the minds of the students on principles of law to be applicable to resolve dispute involving foreign element, i.e. whether the English court has power to hear the case? Whether the parties to the dispute should be freed to choose the jurisdiction most favourable to their case.

LLM

COURSE TITLE:	COMPANY ADMINISTRATION , MERGERS AND ACQUISITIONS
COURSE OFFERED	LLM (CORPORATE AND COMMERCIAL LAWS) Taught Paper
INSTRUCTOR:	Dr. T. Raghavendra Rao
NUMBER OF CREDITS:	02
	COURSE CONTENT: 1. Directors: Liability, Qualifications, Removal, Powers, Duties, Remunerations, Other Managerial Personnel. 2. Meetings: Statutory Meeting, AGM, Extraordinary General Meeting, Voting rights, Resolutions, Service of Documents. 3. Dividends, Accounts and Audit: Dividends, Reserve Fund, Depreciation, Bonus Shares, Directors Responsibility statement, Auditors. 4. Borrowing, Lending, Investments and Contracts: Borrowing, Registration of Mortgages and charges, Debentures, Floating charge, Company Law Board, Investment in other Companies, Inter Corporate Loans and Investments. 5. Minority Protection, Majority Powers and Minority Rights: Rule in Foss v Harbottle, Ultra Vires, Fraud on Minority, Special Majority, and Individual Membership Rights. 6. Prevention of Oppression and Mismanagement: Powers of Company Law Board, Powers of Central Government, Powers of Investigation, Powers of SEBI. 7. Reconstruction and Amalgamation: Compromises and Arrangements, Reconstruction and Amalgamation, Takeover and Acquisition of Minority Interest, Demerger, Amalgamation in National Interest. 8. Winding up: Defunct, Foreign, Existing Companies, Restoration, Winding up by Court, Voluntary Winding up, Conduct of Winding up, Liability of Past Members,

LL.M
CORPORATE INSOLVENCY LAW (SEMINAR COURSE) 2 CREDITS

OBJECT OF THE COURSE

Insolvency is a subject that has gained considerable standing as an object of academic study and professional attention. Insolvency is nevertheless not just a legal discipline but also one that includes the study of interdisciplinary areas. Corporate Insolvency Law is more recently established branch of study of insolvency law that owes much to the business because of the insolvencies that have occurred in the international business and financial sectors and there are ongoing debates and discussions about how to improve the law.

LEARNING OBJECTIVES

The course intends to provide an understanding of the law and practice relating to personal bankruptcy law and corporate insolvency. The course examines the various regimes of insolvency and its effects with special emphasis upon the interface of insolvency law and the other branches of law and also the socio-economic implications.

TEACHING METHODOLOGY

Assigned Readings, Class Participation in Discussions, Assignments, and Lectures.

EVALUATION

Project- 70 Marks, Presentation – 30 Marks

ACADEMIC HONESTY:

Students are expected to maintain the highest standards of academic integrity.

COURSE CONTENT:

Introduction:

Historical Background, Sources of Insolvency Law, Rationale of Insolvency Law, overview of procedures, concepts and role players, English Insolvency Law.

Personal Insolvency:

Acts of insolvency, petitions, Effects of insolvency, Termination of insolvency,

Corporate Insolvency:

Different insolvency regimes, provisional and final liquidation, winding up, recovery of assets, liability and duties of directors and employees, composition and schemes of arrangements, administration, official assignee and receiver, Corporate Rescue, Pari Passu principle, Insolvency and Corporate Borrowing.

EntertaTitle of Course:

Instructor:

Duration (with dates):

Number of Classes:

Number of Credits:

Brief Details:

Reading Requirement:

Scheme of Evaluation:

Entertainment Law

Seminar Course- 3 credits

Instructor-Prof.V.C.Vivekanandan

Duration-January to April 2013

No of Classes: 16 + research work for 32 hours

No.of.Credits -3

Semester IX B.A. LL.B- Final Year & Fourth Year

Course Outline

The Seminar course titled as Entertainment Law will focus on the legal practice area of in the fields of Music, Films, Multimedia, Publishing, Television & Radio, Theatre, Visual Arts & Designs, and Digital Rights Management.

The course has been limited to Intellectual Property issues such as copyright, Trademark and Right of Publicity as part of the 3-credit course.

Expected outcome

- ✓ The course will serve as a specialized input over the IP course in the fourth semester focusing on the niche area of Entertainment industry.
- ✓ This will acquaint and project the students to specialize as entertainment law practitioners in the era of digital content
- ✓ The Seminar Course will expose the students to the technological developments and its ramifications in the traditional discourse of IP
- ✓ The Enrollment



**National Academy of Legal Studies and Research (NALSAR)
Hyderabad-500 078**

Law of Inheritance and Succession (Elective for LLM students)

Course Instructor

Dr. G. Mallikarjun



**National Academy of Legal Studies and Research (NALSAR)
Hyderabad, -500 078**

Law of Marriage and Separation (Elective for LLM students)

Course Instructor

Dr. G. Mallikarjun

THE LAW OF Copyright- COURSE OUTLINE

ONE-YEAR LL.M – SECOND SEMESTER (JAN- APR-2016)

INTRODUCTION:

Copyright defined as “a bundle of intangible rights granted by statute to the author or originator of certain literary or artistic productions, whereby, for a limited period, the exclusive privilege is given to that person (or to any party to whom he or she transfers ownership) to make copies of the same for publication and sale.” by the legal dictionary is a component of the Intellectual Property Rights. The concept has its legislative origin in the Licensing of Press Act 1662 of the British Parliament which later gave birth to the Statute of Anne in 1710. In United States the US constitution of 1787 included the provision “ To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective writings and discoveries.

International dimensions of Copyright can be traced to the Berne convention in 1886 allowing International recognition rights which was followed by the Universal Copyright Convention in 1952 as an alternative to Berne. These conventions were followed by the WTO TRIPS agreement in 1995 and the WIPO Copyright Treaty in 2002 placing Copyright as an important agenda among the sovereign States.

The birth of computer programmes and its inclusion in the copyright regime has placed the commercial potential of copyright in the centre stage of IP Rights. The advent of Internet or the digital era has thrown upon new challenges on the traditional perspective of Copyright. This paper will track the basics and contemporary issues surrounding the law and practice of Copyright.

THE DELIVERABLES OF THE COURSE

- ✓ To enable the learners to understand the concept, evolution and current issues of the Law of Copyright
- ✓ To understand the interface of Copyright Act and Unfair Competition practices
- ✓ To learn the comparative aspects of Copyright in US and European regimes
- ✓ To understand the interface of Copyright practices in the realm of open source and proprietary software
- ✓ To learn the International regime of Copyright through International Agreements

MANDATORY COURSES OUTLINE – B.A., LL.B. (Hons.)

ENVIRONMENTAL LAW

Jagteshwar Singh Sohi

Assistant Professor, Law

(5-credit, mandatory paper)

The course is intended to provide the student(s) with a foundational base as regards environmental legislation in India. However, it is also geared towards analysing the political, economic and social influences in analysing the successes and the failures of the same.

Most of the lectures, and resultant discussion shall flow from the various readings (*articles, reports, case-laws etc.*) shared with you prior to the class. You may refer to the below mentioned books to build a general understanding of the legal regime in relation to environment in India.

Books for reference

Author	Name	Edition	Referred as
S. Shastri	Environmental Law	5 th ed., 2015	<i>Shastri</i>
Shyam Divan & Armin Rosencranz	Environmental Law and Policy in India	2 nd ed., 2001 [2010]	<i>Divan & Rosencranz</i>
N.V Paranjape	Environmental Laws and Management in India	1 st ed., 2015	<i>Paranjape</i>
S.C Tripathi	Environmental Law	6 th ed., 2015	<i>Tripathi</i>
Arjya Majumdar <i>et al</i>	Environment and Wildlife Laws in India	1 st ed., 2013	<i>Majumdar</i>

Course Outline

Module-1: Introduction to Regulatory Approaches to Avert the Tragedy of the Commons	7.5 hours
Module-2: Forest Conservation – the Environmental and Human Aspects	10.5 hours
Module-3: Wildlife Protection and the Law	9 hours
Module-4: Basic Principles related to Environmental Law	13.5 hours
Module-5: Judicial Approaches and Remedies	6 hours
Module-6: Environmental Protection Laws	12 hours
Module-7: Pollution and the Law	7.5 hours
Module-8: Consumerism and the Environment	6 hours

Module-1: Introduction to Regulatory Approaches to Avert the Tragedy of the Commons

Reading number	Name	Mandatory reading	Class No.
1	Garrett Hardin, <i>The Tragedy of the Commons</i> , Vol. 162, No. 3859 <i>SCIENCE</i> (Dec. 13, 1968) 1243-1248.	*	1
2	Simmons et al, <i>The Tragedy of the Commons Revisited: Politics v. Private Property</i> (Center for Private Conservation, 1996).	*	2
3	Dreze & Sen, <i>Population, Health and the Environment</i> , in INDIA: DEVELOPMENT AND PARTICIPATION (2012 reprint) 218-228.	*	
4	Robert J. Smith, <i>Resolving the Tragedy of the Commons by Creating Private Property Rights in Wildlife</i> , Vol. 1, No. 2 <i>CATO Journal</i> (Fall 1981) 439.		3
5	Adam Soliman, <i>Do Private Property Rights Promote Sustainability? Examining Individual Transferable Quotas in Fisheries</i> , 4 <i>SEAJEL</i> (2014) 245.		
6	Elinor Ostrom, <i>GOVERNING THE COMMONS</i> (Cambridge University Press, 1990) 57-102.	*	4
7	Lore M. Ruttan, <i>Closing the Commons: Cooperation for Gain or Restraint?</i> 26 (1) <i>HUMAN ECOLOGY</i> (1998) 43-62.		
8	Robert Wade, <i>Common Property Resource Management in South Indian Villages</i> , in PROCEEDINGS OF THE CONFERENCE ON COMMON PROPERTY RESOURCE MANAGEMENT (1985) 231-253.		5
9	N.S Jodha, <i>The Decline of Common Property Resources in Rajasthan, India</i> (Overseas Development Institute, 1986).		

Note: For this module, the readings marked with a (*) are an absolute must to help you understand the conceptual framework. All other readings, while also important – tend to generally build upon the former.

Module-2: Forest Conservation – the Environmental and Human Aspects

Reading number	Name	Class No.
10	<u>Common Property, Poverty & the Forests</u> - Chhatrapati Singh, <i>Property and Poverty</i>, in COMMON PROPERTY AND COMMON POVERTY (1986) 1-14.	6
11	<u>Disempowerment and the Forest laws</u> - The Indian Forest Act, 1927 • Shastri, pp. 349-356. • Paranjape, pp. 303-312.	7
12	- Madhu Sarin, <i>Disempowerment in the name of 'Participatory' forestry – Village Forests Joint Management in Uttarakhand</i>, 44 FORESTS, TREES AND PEOPLE (April 2001) available at http://www.cifor.org/publications/pdf_files/polex/Psarin0301.pdf Kumaon Panchayat Forest Rules 1931 Panchayati Forest Rules 1976 Uttar Pradesh Joint Management Rules 1997 The Uttaranchal Panchayati Forest Rules 2001 The Uttaranchal Panchayati Forest Rules 2005 • http://www.himalprakriti.org/?q=content/van-panchayats.	
13	<u>Conserving the Forests – legal position in the 80s & 90s</u> - <i>The Silent Valley case</i>, 1980 Ker HC. • Shastri, pp. 44-45.	8
14	- Forest (Conservation) Act, 1980. • Shastri, pp. 356-364. • Paranjape, pp. 313-323.	
15	- Rural Entitlement and Litigation Kendra, Dehradun v. State of Uttar Pradesh (<i>Doon Valley Litigation</i>). • Divan & Rosencranz, pp. 308-315.	
16	<u>Forest Law & Policy: The Gaps</u> - Kanchan Chopra, <i>Forests and Other Sectors: Critical Role of Government Policy</i>, EPW (June 1995). - National Forest Policy, 1988 • Shastri, pp. 369-374. • Paranjape, pp. 324-327.	

17	- A.K Nongkynrih, <i>Development, Environment and Broom Grass</i>, in Dev Nathan & Virginius Xaxa, <i>SOCIAL EXCLUSION AND ADVERSE INCLUSION</i> (2012)	
18	<u>Judiciary and Forest Conservation</u> - T.N Thirumulpad Godavarman (<i>The Forest</i>) case • Divan & Rosencranz, pp. 294-304. • Armin Rosencranz et al, <i>The Godavarman Case: The Indian Supreme Court's Breach of Constitutional Boundaries in Managing India's Forests</i>, 37 ELR (2007) 10032 • http://forestcaseindia.org/forest-case-updates	9
19	<u>Judiciary's early efforts viz. Forest Dwellers</u> - Banwasi Seva Ashram v. State of UP AIR 1987 SC 374. - Fatesang Vasava v. State of Gujarat AIR 1987 Guj 9. • Divan & Rosencranz, pp. 316-322.	10
20	<u>The Law & Forest Dwellers</u> Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. • Divan & Rosencranz, pp. 329-338. • Shastri, pp. 365-368. • http://www.forestrightsact.com/what-is-this-act-about	
21	<u>Analysing the Law 'for' Forest Dwellers</u> - Issues of Struggle on the Act (January 2009) • http://www.forestrightsact.com/component/content/46?task=view	11
22	- Charge sheet on Government's Violations of Forest Rights (November, 2009) • http://www.forestrightsact.com/current-situation/75-chargesheet-on-governments-violations-of-forest-rights-act	
23	- The Council for Social Development, "State of Implementation of the Forest Rights Act – Summary Report" (September 2010) • http://www.forestrightsact.com/component/k2/item/15	
24	- Why Forests Will Be a Crucial Policy Issue (May 15, 2014) • http://www.forestrightsact.com/statements-and-news/138-the-upcoming-clash-in-forest-areas	

25	- Bringing Back the British Raj in Forests – A guide to the BJP government's sabotage of forest rights (September 15, 2014) • http://www.forestrightsact.com/statements-and-news/140-bring-back-the-british-raj-in-forests	
26	- Endangering People, Banks, the Environment and the Economy – The new land acquisition ordinance only benefits cronies, fixers and speculators (January 2, 2015) • http://www.forestrightsact.com/statements-and-news/142-endangering-people-banks-the-environment-and-the-economy - Orissa Mining Corporation Ltd. v. Ministry of Environment and Forest and Ors. (2013) 6 SCC 476.	
27	<u>Forests and the People's Movements</u> - Ramachandra Guha, <i>The Environmentalism of the Poor</i>, in Guha & Martinez, <i>VARIETIES OF ENVIRONMENTALISM</i> (1997), pp. 3-21.	12

Module-3: Wildlife Protection and the Law

“Men too wise to tolerate hasty tinkering with our political constitution accept without a qualm the most radical amendment to our biotic constitution”

- Aldo Leopold

India is endowed with an immense variety of natural living resources in its rich animal and plant heritage, which sustains millions of its people. While the maintenance of the country's basic biological productivity through proper land and water management is of vital ecological concern, the preservation of its genetic diversity and conservation of its species and ecosystems for sustainable utilization is of crucial importance for the future survival and development of our people.

Wild Life (Protection) Act, 1972

- Shastri, pp. 375-408.
- Divan & Rosencranz, pp. 329-362.
- Paranjape, pp. 347-384.

Prevention of Cruelty to Animals Act, 1960

Prevention of Cruelty to Animals (Slaughter House) Rules, 2001

- Shastri, pp. 409-417.
- Paranjape, pp. 385-389.

Biological Diversity Act, 2002

- Shastri, pp. 418-423.

- *Paranjape*, pp. 396-406.
- *Majumdar*, pp. 117-139.

Cases

- *Tarun Bharat Sangh v. UoI (Sariska case)* 1993 Supp (3) SCC 115
- *Pradeep Krishen v. UoI* AIR 1996 SC 2040
- *Nagarahole Hotel case* AIR 1997 Kar. 228
- *Asiatic Wild Buffalo case* 2012 (3) SCC 277; AIR 2012 SC 1254
- *Red Sandalwood case* 2012 (4) SCC 362
- *Asiatic Lion case* 2013 (8) SCC 234

Module-4: Basic Principles related to Environmental Law

Sustainable Development

- Defining Sustainable Development: Through the Ages
 - *Towards Sustainable Development*, in Report of the World Commission on Environment and Development: Our Common Future (The Brundtland Commission, 1987), pp. 41-60.
 - Separate Opinion by Vice-President Weeramantry in *Gabchikovo-Nagymaros case* 1997 ICJ 3.
 - Hari M. Osofsky, *Defining Sustainable Development after Earth Summit 2002* 26 Loy. L.A. Int'l & Comp. L. Rev. (2003) 111.
 - Karen Morrow, *Rio+20, the Green Economy and Re-orienting Sustainable Development* 14 Env'tl. L. Rev. (2012) 279.
- Indian Judiciary and Sustainable Development
 - *M.C. Mehta v UoI and Ors (Kanpur Tanneries case)* AIR 1988 SC 1037
 - *Vellore Citizens Welfare Forum v UoI and Ors* AIR 1996 SC 2715
 - *Kenchappa 's case* AIR 2006 SC 2038

Inter-Generational Equity

- "Sustainable development rests on a commitment to equity with future generations. In 1972 the United Nations Stockholm Conference on the Human Environment recognized that we had a responsibility to "protect and improve" the environment for both present and future generations. In 1992, we are faced with defining and implementing this commitment to future generations in the context of environmentally sustainable development."
- E. Brown Weiss, *Our Rights and Obligations to Future Generations for the Environment*, 84 AJIL (1990) 198.

- E. Brown Weiss, *Intergenerational Equity: A Legal Framework for Global Environmental Change* in ENVIRONMENTAL CHANGE AND INTERNATIONAL LAW: NEW CHALLENGES AND DIMENSIONS (1992).
- Kirsty Schneeberger, *Intergenerational Equity: Implementing the Principle in Mainstream Decision-Making*, 23 ELM 20 (2011).
- Indian Judiciary and Inter-Generational Equity
 - State of HP and others v Ganesh Wood Products and others, AIR 1996 SC 149
 - S. Jagannath v UoI and others (*Shrimp Culture* case) AIR 1997 SC 811

Precautionary Principle

- Defining the Precautionary Principle
 - John S. Applegate, *The Taming of the Precautionary Principle*, 27(13) WM. & MARY ENVTL. L. & POL'Y REV. (2002) 13.
 - Cass Sunstein, *The Paralyzing Principle*, Regulation (2002-2003) 32.
 - Nassim Nicholas Taleb et al, *The Precautionary Principle*, (Extreme Risk Initiative – NYU Working Paper Series) available at <http://arxiv.org/pdf/1410.5787.pdf>.
 - Marko Ahteensuu, *Defending the Precautionary Principle Against Three Criticisms*, 11 TRAMES (2007) 366–381.
- Indian Judiciary and the Precautionary Principle
 - A.P. Pollution Control Board v Prof. M.V. Nayudu (Retd.) & Others
 - *Mullaperiyar Dam* case AIR 2014 SC 2407
 - K. Guruprasad Rao v State of Karnataka and Others (2013) 8 SCC 418
 - M.C. Mehta v. UoI (*Taj Trapezium Matter*) (1997) 2 SCC 353
 - M.C. Mehta v. UoI (*Taj Trapezium Pollution*) (2001) 9 SCC 235
 - M.C. Mehta v. UoI (*Badkal Lake & Surajkund* case) (2004) 12 SCC 118
 - M.C. Mehta v. UoI (*Mining in the Aravalli Hills*) (2009) 6 SCC 142
 - *Kundankulam Nuclear plant* case (2013) 6 SCC 620

Common, but Differentiated, Responsibility & Climate Change

- Evolution of Climate Change Regime
 - Jutta Brunnée, Meinhard Doelle & Lavanya Rajamani, PROMOTING COMPLIANCE IN AN EVOLVING CLIMATE REGIME (2012) Chapters TBA.
- Differing Perspectives on CBDR-RC

- Pieter Pauw et al, *A State-of-the-Art Review of the Notion of Common but Differentiated Responsibilities in International Negotiations* (Discussion Paper 6/14, German Development Institute).
- Douglas Bushey & Sikina Jinnah, *Evolving Responsibility? The Principle of Common but Differentiated Responsibility in the UNFCCC* 6 BERKELEY J. INT'L L. PUBLICIST 1.

Module-5: Judicial Remedies

Tort Law

- Damages and Injunction
 - *Oleum Gas Leak* case AIR 1987 SC 1086
- Nuisance, Negligence, Strict & Absolute Liability
 - J.C Gaulstan v. Dunia Lal (1905) 9 CWN 612
 - Mukesh Mills Pvt. Ltd. v S.R.S Sastry AIR 1987 Kar 87
 - Union Carbide Corp. v UoI (Bhopal Review case) AIR 1992 SC 248

Public Nuisance

- Municipal Council, Ratlam v Vardichand AIR 1980 SC 1622

Public Interest Litigation

- M.C Mehta v UoI (*Ganga Pollution* case) AIR 1988 SC 1115
- Doon Valley Litigation
- State of HP and others v Ganesh Wood Products and others, AIR 1996 SC 149

Module-6: Environmental Protection Laws

Need for a Comprehensive Legislation

- Tiwari Committee, 1980
- Stockholm, 1972 & Brundtland Committee, 1986
- Judiciary
 - *Silent Valley* case, 1979
 - *Doon Valley Litigation*, 1983 onwards
 - *Bhopal Gas Disaster*, 1985
 - *Oleum Gas Leak* case, 1986

Environmental (Protection) Act, 1986

- Shastri, pp. 136-144, 169-192.
- Divan & Rosencranz, pp. 66-84.
- Paranjape, pp. 265-287.
- Majumdar, pp. 23-32.

Rules (u/s. 6, 8 & 25 of EPA) to deal with Hazardous Waste and Toxic Chemicals

- Hazardous Wastes (Management and Handling) Rules, 1989
 - Manufacture, Storage and Import of Hazardous Chemical Rules, 1989
 - Hazardous Micro-Organisms Rules, 1989
 - Biomedical Waste (Management and Handling) Rules, 1998
 - Recycled Plastics Manufacture and Uses Rules, 1999
 - Municipal Solid Wastes (Management and Handling) Rules, 2000
 - Batteries (Management and Handling) Rules, 2001
 - Hazardous Wastes (Management, Handling and Transboundary Movement) Rules 2008
 - E-Waste (Management and Handling) Rules, 2010
- *Shastri*, pp. 208-219, 221 & 224-229.
 - *Paranjape*, pp. 428-430, 434-441 & 444-455.
- Coastal Regulation Zone (CRZ) Notification of 1991
 - Noise Pollution (regulation and Control) Rules 2000

Environmental Impact Assessment Notification, 2006

- *Shastri*, pp. 149-168.
- *Paranjape*, pp. 297-300.
- *Majumdar*, pp. 93-113.

National Green Tribunal Act, 2010

- *Shastri*, pp. 199-207.
- *Paranjape*, pp. 287-294.

Module-7: Pollution and the Law

Water (Prevention and Control of Pollution) Act, 1974

- *Shastri*, pp. 280-310.
- *Divan & Rosencranz*, pp. 176-196.
- *Paranjape*, pp. 181-210.

Water (Prevention and Control of Pollution) Cess Act, 1977

- *Divan & Rosencranz*, pp. 197-204.
- *Paranjape*, pp. 210.

Air (Prevention and Control of Pollution) Act, 1981

- National Auto Fuel Policy
- National Policy on Bio-Fuels
- Ecomark Scheme

- *Shastri*, pp. 311-338.
- *Divan & Rosencranz*, pp. 244-269.
- *Paranjape*, pp. 217-240.

Module-8: Consumerism and the Environment

- Bradley Harsch, *Consumerism and Environmental Policy: Moving Past Consumer Culture*, 26 ECGLQ 543.
- Hans Rask Jensen, *Environmentally Co-Responsible Behaviour and Political Consumerism*, in CONSUMER, POLICY AND THE ENVIRONMENT: A TRIBUTE TO FOLKE OLANDER 165.



**National Academy of Legal Studies and Research (NALSAR)
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SEMESTER VI: B.A.LL.B

COMPANY LAW

COURSE PORTRAYAL

Corporate law is the study of how shareholders, directors, employees and consumers and the business community interact with each other. Also, corporate law defines the internal rules of the company. The object of the

course is to provide conceptual understanding and working knowledge of the provisions of Companies Act, 2013 along with comparison with the old Act. The course is intended to provide a broad overview of the main aspects of the subject. It introduces the fundamental ideas of company law and gives the working knowledge and skill, needed to analyse practical problems involving companies. In addition to this, it also analyses some of the current trends in company law to give an idea as to how the field is likely to develop in future. This course deals with the following topics: i) types of commercial/trading associations; ii) incorporation under the Corporations Act including the incorporation process and the types of corporations that may be incorporated; iii) the consequences of incorporation including the concept of corporate personality; iv) the regulation of the internal affairs of a corporation including the role of the corporate constitution and the way in which a corporation is managed and administered; v) dealing with a corporation including the contractual liability of a corporation; iv) share capital and company membership; vii) debt capital including credit and security arrangements; viii) the duties and liabilities of directors and other officers of a corporation; ix) the legal remedies and powers of members of a corporation; x) the regulation of corporations in financial difficulty including the administration and the winding up processes. The course is structured around the 'life-cycle' of registered companies from pre-incorporation to dissolution. It considers corporate governance with an emphasis on directors' duties and the rights and remedies of members; corporate finance and external administration. The course also considers the context in which companies operate, their role in society and the implications of the concept of corporate personality.

OBJECT OF THE COURSE

The object of this course is to provide grounding in company law. This course seeks to expose the student to the various business forms and company groupings in India, with special emphasis on the recent changes as a result of the coming into force in 2013 of the new Companies Act. Relevant aspects relating to meetings, resolutions and corporate personnel will also be discussed.

DESIRED LEARNING OBJECTIVES

- The cognitive skills to analyse evaluate and synthesise information about corporations, corporate officers, shareholders and creditors so as to identify and resolve legal and business related issues.
- Understand the existence and import of the concepts of separate legal entity and limited liability;

- Know how to comply with the statutory and administrative requirements of the Companies Act 2013, in particular: (a) how to incorporate a company; (b) the record keeping and filing requirements for companies; (c) the disclosure requirements for companies;
- Understand corporate capacity and the powers of companies and how companies relate to the outside world;
- Know how the rules relating to capital, shares and finance operate;
- Are aware of director's duties and potential liability;
- Have a good knowledge of shareholder remedies;
- Understand the way in which powers are divided between shareholders and directors, and appreciate the role which a constitution can play in a company's affairs;
- Be aware of the different ways in which professional advisers, such as accountants become involved in insolvency practice and their ethical responsibilities;
- Identify problems and issues that may arise in respect of any of the above and are able to point to the appropriate legal consequences or remedies. Students are expected to be able to support their assertions with reasons including relevant statutory provisions or case law and why these are relevant;
- Acquire the ability to independently research the law relating to any aspect of the operation of a company and to apply their research.

TEACHING METHODOLOGY

Teaching will be mainly done through lectures by the principal teacher, external experts and the teaching assistants. Projects including the research paper presentations would offer an opportunity to learn and appreciate deeper issues involved in the course. Group exercises may also be used for some topics.

In addition to case law and notes in the text, materials from the web shall be used to provide one with source documents and classical commentaries concerning the development and early articulation of the principles underlying corporate development in India and other comparable jurisdiction. One is expected to become familiar with these principles, to be able to extract those principles from the cases studied, and be able to apply those principles in a

reasoned and disciplined manner to factual situations. Grades will be based primarily upon performance in the Mid-Term and final examination. Class attendance, preparation, and participation as well as your performance on written assignments which may be given will also count towards your final grade.

LECTURE PLAN

MODULES	TITLE	NUMBER OF LECTURES
MODULE ONE	FORMATION, REGISTRATION AND INCORPORATION OF COMPANY	TEN LECTURES
MODULE TWO	COMPANY DOCUMENTATION	SIX LECTURES
MODULE THREE	CAPITAL FORMATION AND REGULATION	FIFTEEN LECTURES
MODULE FOUR	COMPANY ADMINISTRATION	TEN LECTURES
MODULE FIVE	COMPANY MEETINGS	FIVE LECTURES
MODULE SIX	ACCOUNTS AND AUDIT	FOUR LECTURES
MODULE SEVEN	MAJORITY RULE AND MINORITY PROTECTION	FIVE LECTURES
MODULE EIGHT	WINDING UP	TEN LECTURES
MODULE NINE	AUTHORITIES UNDER COMPANIES ACT	TWO LECTURES

EXPECTATION FROM YOU

1. BEFORE CLASS

- ❖ Read, study and think/write about the assigned materials thoroughly;
- ❖ Know the cases and materials well enough that you can give a summary if called upon to do so;
- ❖ Decide what issue or issues the case raises and what rules of law/principles/definitions apply to the issue;

2. DURING CLASS

- ❖ Discuss the issues in the materials and how the Court analyzes these issues and argues for their resolution;
- ❖ Discuss justifications the various opinions given for adoption of principles in legislation;
- ❖ Identify flaws and strengths in the court's reasoning;
- ❖ Explore alternative arguments that might better resolve the controversies in this area;
- ❖ Explore related policy issues relevant to the cases;

3. **AFTER CLASS**

- ❖ Work on problems assigned to your small group with your group.
Consider your own views about these issues, and how you would be prepared to make an argument to resolve such issues;
- ❖ Think about how the day's assignment relates to past and upcoming areas of Company Law;
- ❖ Review any material assigned but not covered to make sure they know it.
- ❖ Summarize and outline course materials and class discussion.

ACADEMIC HONESTY

Plagiarism and Cheating are strictly prohibited. Plagiarism is defined as taking or using the thoughts, writings, or inventions of another without acknowledging him/her. It also means using direct quotations without quotation marks, as well as using the ideas of another without proper credit. Ask your instructor when in doubt. Cheating is defined as any intent to deceive the instructor in his or her effort to grade fairly. Anything that can possibly effect the fairness of grading is cheating, which I interpret to include any collaborative, mischievous, or disruptive behaviour. In this course, pay special attention to gleaning information off the Internet, and do NOT pass it off as your own, or without proper citation. Learn to paraphrase ideas in your own words. Do not purchase, borrow, or revise another student's work. Do not "double dip" an assignment you did in another class to turn it in for this one. Students indulging in such activities shall be punished according to University rules.

NOTE: All students must keep their own copy of the bare text of the Corporate laws during the class hours.

EVALUATION

The performance of the students on this course is assessed on the basis of 100 marks. The overall assessment of 100 marks is divided into Mid-Term Examination (25 marks), End semester examination (50 marks) and project-presentation (25 marks).

- ***Mid-Term Examination (20 Marks):*** At the middle of the semester you will have to appear in the Mid-Term Examination of one hour and 45 minutes of 25 Marks.
- ***End semester examination (50 marks):*** At the end of the semester student will appear (Subject to the rules of attendance) in End-Term exam for two and half hours and of 50 marks. Students are strongly advised to read the leading cases from the report which would enable

them to solve the legal problems in the exams as most of the questions will be problem based. **Only Bare Text** (*without any commentary*) will be allowed in the examination.

- Projects (20 marks) will be assigned to each student at the beginning of the semester. The entire class will be divided in to five groups and each group will be allotted a different type of assignment. Each student will have to bid for the project at the beginning of the semester to be assigned a particular category of project. The five category of projects in company law are:

1. Case Comment
2. Literature Review
3. Case Survey
4. Transaction deal analysis
5. Research paper

Each student will have to make a presentation of their work (5 marks) after they make their written submissions.

Note: Strict adherence to University deadlines has to be done by the students. Late submissions will attract mark deductions and may also result in failing of the student in the course at the maximum.

COURSE CONTENT

MODULE ONE: FORMATION, REGISTRATION AND INCORPORATION OF COMPANY

Corporations are legal fictions, created and sustained by an act of the state and are endowed with corporate personality. Since the commencement of the use of the corporate form in the business world, parties have utilized the corporate form to insulate other entities, stakeholders, members and shareholders from liability. Courts and legal scholars have characterized this limited liability as a corporate veil, which may be pierced only in exceptional circumstances.

The first module will discuss the various theories of Corporate Personality; Nature and evolution of corporate form and advantages; Meaning of Company, essential characteristics, corporate personality and the reasons and circumstances leading to lifting the corporate veil;

The second part of the module explains the forms of Corporate and non-Corporate Organisations; Corporations, partnerships and other associations of persons like state corporations, government companies, public sector private sector and elaborates on the role, functions and accountability of companies.

Promotion is the process of organizing and planning the finance of a business enterprise under the corporate form and perhaps the first stage in the incorporation of company. Last part of the first module will discuss the role, position, duties and liabilities of promoters along with mode and consequences of incorporation

Readings:

- ✚ *Paul L. Davies, Gower and Davies: Principles of Modern Company Law, 8th Ed., 2011, p. 33-52.*
- ✚ *G.K Kapoor, Company Law and Practice, Taxmann, 2015, P. 4-28*
- ✚ *Alistair Hudson, Principles of Company Law, 2013, P. 6-15.*
- ✚ *Umakanth Varottil, The Evolution of Corporate Law in Post-Colonial India: From Transplant to Autochthony, working paper 2015/001, National University of Singapore.*
- ✚ *John H. Farrar, "Frankenstein Incorporated or Fools' Parliament? Revisiting the Concept of the Corporation in Corporate Governance", Vol.10, 2nd Issue, Bond Law Review, 1998.*
- ✚ *M.A. Pickering, "Company as separate legal entity", Vol.31, No.5, The Modern Law Review, 1968.*
- ✚ *Eisenberg, Melvin Avon, "The Structure of Corporation Law", 89 Colum.L.Rev.1461(1989)*
- ✚ *Jennifer Payne, "Lifting the Corporate Veil, Reassessment of the fraud exception", Vol. 56, No.2, Cambridge Law Journal, 1997.*
- ✚ *S. Ottolenghi, From Peeping behind the veil to Ignoring it Completely, The Modern Law Review, Vol. 53, No. 3 (1990)*

Cases:

- ❖ *Salomon v. Salomon & Co. 1895-99 All ER Rep 33.*
- ❖ *State Trading Corpn. of India, Ltd. v. CTO (1964) 4 SCR 99*
- ❖ *Tata Engineering and Locomotive Co. Ltd. v. State of Bihar (1964) 6 SCR 885*
- ❖ *Daimler Co., Ltd. v. Continental Tyre and Rubber Co. (G.B.), Ltd. [1916-17] All ER Rep. 191*
- ❖ *Gilford Motor Company v. Horne 1933 1 ch 935.*
- ❖ *Subhra Mukherjee v. Bharat Coking Coal Ltd. (2000) 3 SCC 312*
- ❖ *VTB Capital plc (Appellant) v Nutritek International Corp and others (Respondents) [2013] UKSC 5*

- ❖ *Prest (Appellant) v Petrodel Resources Limited and others (Respondents)* [2013] UKSC 34
- ❖ *CIT v. Sri Meenakshi Mills Ltd. (1967) 1 SCR 934 : AIR 1967 SC 819*
- ❖ *Workmen v. Associated Rubber Industry Ltd. (1985) 4 SCC 114*

EXPECTED LEARNING OUTCOME

After completion of this module the students will be equipped with good understanding of:

- *Idea of corporate personality and limited liability;*
- *History of evolution of corporate law in India and UK;*
- *Reasons for forming company over other forms of business associations;*
- *Procedure and legal requirements to incorporate a company;*
- *Idea of the concept of Lifting of Corporate veil; and*
- *Types of Company.*
- *Concept of Promoters*
- *Pre-incorporation Contracts*

MODULE TWO: COMPANY DOCUMENTATION

The basic purpose of Memorandum of Association (MOA) or Articles of Association (AOA) is to make aware its reader or stakeholders, of the objects of the company permitted by law and the organisational framework of the company respectively.

The Second module will elaborate specifically on the nature, alteration and inter-relation of MOA and AOA. Specific doctrines like doctrine of *ultra vires*, Doctrine of Constructive Notice and Indoor Management will be analysed in the context of company.

Readings:

- ✚ *Ramaiya, Guide to Companies Act, p. 523 - 590*
- ✚ *Paul J. Omar, Powers, Purposes and Objects: the Protracted demise of Ultra Vires Rule, Bond Law Review, 2004*
- ✚ *Paul L. Davies, Gower and Davies: Principles of Modern Company Law, 8th Ed., 2011.*

Cases:

- ❖ *Ashbury railway carriage and Iron co. v. Richie 1875 LJ Exch 185.*
- ❖ *L. Mudliyar v. LIC AIR 1963 SC 85*
- ❖ *Kotla v. Swamy v. Rammurthy AIR 1934 Mad 579*
- ❖ *Freeman and Lockyer v. Buckhurst Park Properties (Mangal), Ltd. [1964] 1 All E.R. 630*
- ❖ *Introductions, Ltd. v. National Provincial Bank Ltd. [1969] 1 All E.R. 887*

- ❖ *Cotman v. Brougham* [1918-19] All E.R. Rep. 265(HL)
- ❖ *Royal British Bank v. Turquand* 1856 119 ER 886.
- ❖ *Sahara India Real Estate v. SEBI* 2013 SC
- ❖ *Minerva Mills Ltd. v. Govt. of Maharashtra* [1975] 45 Comp. Cas 1 (Bom.)
- ❖ *LIC v. Escorts Ltd.* 1986 1 SCC 264

EXPECTED LEARNING OUTCOME

After completing this module students will be in position to comprehend:

- *Process to form company documents;*
- *Alteration of MOA, AOA;*
- *Doctrine of Ultra Vires and its relevance in present times;*
- *Doctrine of Constructive Notice;*
- *Doctrine of Indoor Management; and*

MODULE THREE: CAPITAL FORMATION AND REGULATION

Prospectus: Issues, contents, kinds, liabilities for misstatement, statement in lieu of prospectus.

Stakeholders of Company: Shareholders: Shares - general principles of allotment and statutory restrictions - share certificate - its objects and effects - transfer of shares - restrictions on transfer - procedure for transfer; relationship between transferor and transferee; issue of shares at premium and discount; forfeiture and surrender of shares

- Share capital - kinds - alteration and reduction of share capital - further issue of capital - conversion of loans and debentures into capital duties of court to protect the interests of creditors and shareholders.
- Dividends, Debentures, Borrowing Powers: Dividends - payment - capitalization of bonus shares, Audit and accounts, Borrowing - powers - effects of unauthorised borrowing - charges and mortgages - loans to other companies investments - contracts by companies, Debentures - meaning- floating charge - kinds of debentures - shareholder and debenture holder - remedies of debenture holders.

Readings:

- ✚ *Paul L. Davies, Gower and Davies: Principles of Modern Company Law, 8th Ed., 2011.*
- ✚ *G.K Kapoor, Company Law and Practice, Taxmann, 2015, P. 4-28*
- ✚ *Alistair Hudson, Principles of Company Law, 2013, P. 6-15.*

Cases:

- ❖ *Sahara India Real Estate v. SEBI* 2013 SC
- ❖ *Minerva Mills Ltd. v. Govt. of Maharashtra* [1975] 45 Comp. Cas 1 (Bom.)

- ❖ *Harinagar sugar mills v. Shyam sunder Jhunjunwala* AIR 1961 SC 1669
- ❖ *Shanti Prasad Jain v. Kalinga Tubes Ltd.* AIR 1965 SC 1535.
- ❖ *SEC v. Ralston Purina* 346 US 119 (1953)
- ❖ *DLF case – SEBI, SAT 2015*
- ❖ *Rotla India Ltd. V. Venire Industries Ltd.* (2000) Bom.
- ❖ *Anand Jaiswal v. Jagatjit Industries*
- ❖ *V.B. Rangraj v. V.B Gopalkrishnan* (1992) SC
- ❖ *Mafatlal Industries Ltd. V. Gujrat Gas Co. Ltd* (1997) Guj.
- ❖ *M.S. Madhusoodhanan v. Kerala Kaumudi* (2003) SC
- ❖ *WMDC b. Baja Auto Ltd.* (2010) Bom.
- ❖ *Messers Holding v. Shyam Mohan Ruia* (2010) Bom.
- ❖ *Harsha N. Kokate v. Saraswat Co-operative Bank* (2010) Bom. [SC]
- ❖ *Transmission of shares*
- ❖ *Case study – Hindustan Copper; Coalgate; Reckitt Benkiser; Yamaha*

EXPECTED LEARNING OUTCOME

After completing this module students will be in position to comprehend:

- *Private placement v. Public issue;*
- *Regulation of Public offerings;*
- *Disclosures in a prospectus – Golden Rule;*
- *Mis-statement in Prospectus*
- *Allotment of shares*
- *Concept of ‘share’ and its types*
- *Transfer, Nomination, Transmission, forfeiture of shares*
- *Calls on Shares*
- *Reduction and Buy-back of share capital*
- *Debentures and debt finance*

MODULE FOUR: COMPANY ADMINISTRATION

Smooth running of a corporate entity largely depends on the internal administration and day to day affairs of the company. In general the responsibilities and liabilities of directors derive from various sources, including the constitution of the company, case law and statute law. If a person does not comply with his duties as a director he may be liable to civil or criminal proceedings and may be disqualified from acting as a director.

The Fourth module will largely focus on the role, position, qualifications and appointment of Directors of company along with sections dealing with vacation of office - removal, resignation - powers and duties of directors -meeting, registers, loans remuneration of directors - role of nominee directors- compensation for loss of office - managing directors and other managerial personnel.

- Process of decision making: Company Meetings - kinds - procedure – voting.

- Protection regime in company administration: Majority rule: Protection of minority rights, Prevention of oppression and mis-management, who can apply - when can he apply, powers of the court and of the Central Government.

Readings:

- + L.C.B.Gower, *Principles of Modern Company Law*, Sweet. & Maxwell, London, 1997, Ch. 16-17.
- + S. Mayson, *Company Law*, 22nd Ed., 2006, Oxford University Press.
- + Palmer, *Palmer's Company Law*, 1987 Stevens, London.
- + A. Ramaiya, *Guide to the Companies Act*, Wadhwa Publications, Nagpur, 2011.
- + A.K. Majumdar, Dr. G.K. Kapoor, *Taxmann's Company Law and Practice*, 11th Ed., Taxmann publications, New Delhi, 2013.
- + Struan Scott, *Corporate Opportunity Doctrine*, *Modern Law Review* (2003)

Cases:

- ❖ *Foss v. Harbottle* 1843 67 ER 189.
- ❖ *Rajamundry electric supply corp. v. A.N. Rao* AIR 1956 SC 213.
- ❖ *Percival v. Wright* (1902) 2 Ch. 421
- ❖ *Rajahmundry Electric Supply Corporation Ltd. v. A. Nageshwara Rao* AIR 1956 SC 213
- ❖ *Bharat Insurance Co. Ltd. v. Kanhaya Lal Gauba* AIR 1935 Lah. 792
- ❖ *Radharamanan (M.S.D.C.) v. Chandrasekara Raja (M.S.D.)* (2008) 6 SCC 750
- ❖ *Seth Mohan Lal v. Grain Chambers, Muzaffarnagar* AIR 1968 SC 772
- ❖ *Aluminium Corp. of India Ltd. v. Lakshmi Ratan Cotton Mills Co. Ltd.* AIR 1978 All. 452
- ❖ *Saurashtra Cement Ltd. V. UOI* (2007) Guj.
- ❖ *Snowcem India Ltd. V. UOI* (2005) Bom.
- ❖ *Coleman v. Myres* (1977)
- ❖ *Percival v. Wright* (1902)
- ❖ *Bhullar v. Bhullar* (2003) UK
- ❖ *Regal Hastings v. Gulliver* 1942 All ER
- ❖ *Guth v. Loft* (1939) US
- ❖ *O'Donnell v. Shanahan*

EXPECTED LEARNING OUTCOME

By the end of this module students will be in position to understand:

- *Directors and Types of Directors;*
- *Duties and Powers of Directors;*
- *Appointment and Removal of Directors;*
- *Corporate Opportunity Doctrine and Self dealing*

- *Loans to Directors*
- *Related Party Transaction*
- *Corporate social Responsibility*

MODULE FIVE: COMPANY MEETINGS

Most decisions about the company's business will be taken by the Board. Nevertheless, shareholders' decision making still has important, indeed crucial, role to play in the governance of companies. Quite apart from those decisions for which the Act requires shareholder consent, the traditional model of directorial accountability to the shareholder depends heavily on the ability of the shareholders to review the performance of the Board (notably when the annual report and accounts are presented to them) and to take decisions if they think that performance has not been adequate, for example, by removing the existing directors and installing a new Board. Module Five will cover the different types of meetings required to take decisions will be discussed.

Readings:

- ✚ *L.C.B.Gower, Principles of Modern Company Law, Sweet. & Maxwell, London, 1997, Ch. 15.*
- ✚ *S. Mayson, Company Law, 22nd Ed., 2006, Oxford University Press.*
- ✚ *Palmer, Palmer's Company Law, 1987 Stevens, London.*
- ✚ *A. Ramaiya, Guide to the Companies Act, Wadhwa Publications, Nagpur, 2011.*

Cases:

- ❖ *Westfort Hi-tech Hospital Ltd. V. V. S. Krishnan 2007 Ker.*
- ❖ *Suzuki Motor Corp. v. Union of India 1998 Del.*
- ❖ *Sanjay Gambhir v. D.D Industries Limited 2013 CLB*

EXPECTED LEARNING OUTCOME

After completion of this module students will be well aware of:

- *Meeting and kinds of meetings*
- *Process to conduct a meeting*
- *Resolutions*
- *Voting by shareholders*
- *Board Meetings and General Body Meetings*

MODULE SIX: ACCOUNTS AND AUDIT

On the basis that 'forewarned is forearmed' the fundamental principle underlying the Companies Act has been that of disclosure. If the public and the members were enabled to find out all relevant information about the company, this, thought the founding fathers of our Company Law, would be a sure shield. This chapter is centred on what has always been the central disclosure mechanism of the companies legislation, namely the obligation laid on the directors to produce annual accounts relating to the financial position

of the company and to accompany those accounts with a report on the company's activities, including their own stewardship of the company. Those accounts and reports are then typically considered by the shareholders at a general meeting of the company. The production of annual accounts has seen the development of an industry of professionals to help the company meet its statutory obligations.

Readings:

- + L.C.B.Gower, *Principles of Modern Company Law*, Sweet. & Maxwell, London, 1997, Ch. 15.
- + A. Ramaiya, *Guide to the Companies Act*, Wadhwa Publications, Nagpur, 2011.

EXPECTED LEARNING OUTCOME

After completion of this module the students will be equipped with good understanding of:

- o *Book of accounts*
- o *Financial statements*
- o *Disclosures*
- o *Audit and Auditors*
- o *Duties and Powers of Auditor*

MODULE SEVEN: THE MAJORITY RULE AND MINORITY PROTECTION

The will of the majority or the majority rule is an established general principle of company law which ensures that any decisions taken by the company conform to the will of the majority of the shareholders; the same shareholders who share a common (financial) incentive to see that the company thrives. Though a seemingly obvious and well-adjusted rule, (one that democratic countries operate in very much the same way), this rule which was so vigilantly observed in the judgment *Foss vs. Harbottle*, does have its flaws and is not immune to abuse and has, consequently, had to be kept in check first by the principle of 'fraud on the minority' and more recently by the 'unfair prejudicial remedy.' This module will explore the principles around majority rule and protection of the minority.

Readings:

- + Przemyslaw Sobolewski, *Caring for the small: The protection of Minority Shareholders*, *Common Law Review*
- + A.J Boyle, *Minority Shareholders' Remedies*, Cambridge University Press, P. 1-10.

Cases:

- ❖ *Carlen v. Drury* (1812)
- ❖ *Bharat Insurance Co. Ltd. v. Kanhaiya Lal* (1935) SC
- ❖ *Foss v. Harbottle* 1843 67 ER 189.
- ❖ *Rajamundry electric supply corp. v. A.N. Rao* AIR 1956 SC 213.
- ❖ *Percival v. Wright* (1902) 2 Ch. 421
- ❖ *Shanti Prasad Jain v. Kalinga Tubes* 1964 SC

- ❖ *Needle Industries Ltd. v. Needle Industries Holding Ltd.* 1981
- ❖ *Hunger Ford Investment Trust Ltd. Turner Morrison & co, ltd.* 1972 Cal.

EXPECTED LEARNING OUTCOME

After discussing this module students will be in situation to figure out:

- *The Majority Rule*
- *Foss v. Harbottle*
- *Exceptions to Majority Rule*
- *Oppression and Mismanagement*
- *Derivative Action / Class Action*
- *Powers of the Tribunal in cases of oppression and Mismanagement*

MODULE EIGHT: WINDING UP

“Winding up is a proceeding by means of which the dissolution of a company is brought about & in the course of which its assets are collected and realised; and applied in payment of its debts; and when these are satisfied, the remaining amount is applied for returning to its members the sums which they have contributed to the company in accordance with Articles of the Company.” Winding up is a legal process.

Readings:

- ❖ *Radharamanan (M.S.D.C.) v. Chandrasekara Raja (M.S.D.)* (2008) 6 SCC 750
- ❖ *Seth Mohan Lal v. Grain Chambers, Muzaffarnagar* AIR 1968 SC 772
- ❖ *Aluminium Corp. of India Ltd. v. Lakshmi Ratan Cotton Mills Co. Ltd.* AIR 1978 All. 452

EXPECTED LEARNING OUTCOME

By the end of this unit students will be in position to appreciate:

- *Types of winding up*
- *Process of winding up*
- *Contributories*
- *Liquidators-Appointment, Powers and functions*

MODULE NINE: AUTHORITIES UNDER COMPANIES ACT

The Companies Act, 2013 specifies certain authorities, apart from the Courts, to overview and regulate the Companies:

1. Registrar of Companies
2. Regional Director
3. National Financial Reporting Authority
4. Serious Fraud Investigation office
5. National Company Law Tribunal
6. National Company Law Appellate Tribunal
7. Special Courts

Readings:

- ✚ Impact of the SC (NTT) case on extant Tribunals, available at <http://static1.squarespace.com/static/551ea026e4b0adba21a8f9df/t/55700e54e4b03651f8725cac/1433407060764/HaltingTribunalisation.pdf>

Cases:

- ❖ *Union of India v. T. R. Gandhi SC*
- ❖ *Madras Bar Association v. Union of India 2014 SCC Online SC 771.*

EXPECTED LEARNING OUTCOME

After completion of this module the students will be equipped with good understanding of:

- ❖ Authorities under Companies Act
- ❖ Constitutionality Debate around Tribunals
- ❖ Constitutionality of Tribunals

REFERENCE BOOKS

1. L.C.B.Gower, Principles of Modern Company Law, Sweet. & Maxwell, London, 2011
2. S. Mayson, Company Law, 22nd Ed., 2006, Oxford University Press.
3. Palmer, Palmer's Company Law, 1987 Stevens, London.
4. A. Ramaiya, Guide to the Companies Act, Wadhwa Publications, Nagpur, 2011.
5. A.K. Majumdar, Dr. G.K. Kapoor, Taxmann's Company Law and Practice, th Ed., Taxmann publications, New Delhi, 2013.

LAW OF EVIDENCE

Course outline

Evidence is required in proceedings to ascertain the truth and to decide the case fairly. As evidence remains the deciding factor in dispute settlements all legal transactions are carefully considered to ensure that the law and procedure relating to evidence are followed. Laws relating to evidence are codified for greater transparency and for ensuring fairness in application. Historically dispute settlement used to be in the hands of the kings; ministers; religious leaders or village heads. They would apply the principles of natural justice as applicable in those days and as per the conventional custom prevailing.

The law relating to evidence is codified in the form of Indian Evidence Act, 1872. This Act is the main piece of legislation governing law of evidence in India. Besides this minor legislations relating to evidence are The Oaths Act, 1969; The Bankers Books Evidence Act, 1891; The Oaths Act prescribes the norms for administering Oath and the Bankers Books Evidence Act prescribes norms for collecting evidence from the bankers. Constitution of India guarantees certain rights and liberties which are required to be followed and they override any statutory provisions contrary to it. Certain Articles in the constitution have direct bearing on the evidence. Criminal procedure code and civil procedure code also have provisions relating to evidence. While all of these are incidental the main legislation governing the law of evidence is the Indian Evidence Act, 1872. The interpretation to the provisions of this legislation is guided by the judgments of Supreme Court and the High Courts in India.

Law relating to admissibility, relevancy, proof and other issues concerning evidence is governed largely by the Indian Evidence Act 1872. This legislation is drafted during colonial rule in India by Sir James Stephen but it has stood the test of time and is acclaimed to be one of the well drafted legislation. The Act was amended few times subsequently, but none of the amendments altered the structure of the legislation and the Act remained intact largely. The Act is silent in its application to quasi-judicial proceedings, tribunals, commissions of inquiry and other fact finding bodies but the general principles of evidence enunciated in this Act are applied in all proceedings. This Act gained acceptability in all quasi-judicial proceedings as it embodies the principles of natural justice in ascertaining truth by employing the method of proof enunciated in a finite manner. The reason why it is applied to all other proceedings is also because of the definition of court given in the Act. Court is defined to include any person legally authorized to take evidence extending the application of the Act to tribunals, however it was asserted that the test to define court shall be the ability to deliver judgment and finality of orders.

Evidence as contemplated in the Act is of various kinds such as direct evidence, circumstantial evidence, hearsay evidence, oral evidence, documentary evidence, opinion evidence, expert evidence etc. The Evidence Act does not classify evidence into the above stated categories but these categories

of evidence are governed by the Act. This is because evidence of one category falls into other category as well.

In order to ascertain the truth best evidence must be admitted this helps in saving courts time and avoid judge's mind being biased with irrelevant evidence. In order to administer justice Evidence Act deals in great detail with principles relating to admissibility, relevancy and evidentiary value of evidence besides the mode of proof and standard of proof. The Law relating to evidence is codified in 1872 hence the study of the Indian Evidence Act, 1872 is essential for all purposes of administration of justice.

The Course is designed to cover essentials of evidence law discussed through the frame work of the Evidence Act as interpreted by the various courts in the relevant cases. Law Commission of India recommendations and other reforms committee's suggestions will be considered for better appreciation of the subject. International experience and the applicable law of evidence in other parts of the world will be discussed based on the contextual demand.

Course Objectives

The Course strives to enable the student to jurisprudentially analyze the evidence concepts and be able to apply them in future proceedings. The course tries to provide holistic view of the Indian Evidence Act with all its interpretation besides providing conceptual base for further enhancement of domain knowledge. It also helps the students to understand the basis of judicial pronouncements and familiarize themselves with the subsequent developments and the probability of future stand. The developments in investigation techniques and other developments in the field will be deliberated for better appreciation. Humanistic perspective in the context of examination of witness and witness protection measures etc. will be articulated to inculcate values for furthering the cause of justice administration.

Teaching Methodology

The Course will be dealt mainly through lectures substituted with tutorials, project presentations, discussions on various articles and case studies. The teacher will employ the audio visual techniques wherever required besides providing the students with edited case law, handouts and other references. Project topics as far as possible shall be from the broad area of the course and which is not dealt in the class due to- paucity of time/remotely connected to the course/do not fit into the structure of an undergraduate basic course. Depending upon the work load of the student assignments other than projects shall also be contemplated and executed.

Examination and Evaluation

The Course is offered as a mandatory course for four credits in the fifth semester. This being a four credit course sixty four teaching hours shall be assigned to the course including hours scheduled for tutorials and presentations. The examination will be held cumulatively for hundred (100) marks and the distribution of the marks shall be as follows:

Mid semester test (conducted in the middle of the semester): 25 Marks

Project /Assignment to be completed within

the semester (written and presentation/ viva put together): 25 Marks

End semester examination (conducted at the end of the semester): 50 marks

Total 100 Marks

Lecture Plan:

Modules	Title	No. of Lectures
Module I	Introduction	6 lectures
Module II	Relevancy of Facts	28 lectures
Module III	Proof	14 lectures
Module IV	Competency and Compellability of Witness	8 lectures
Module V	Examination of Witness	8 lectures

Course Contents

Module I

- 1 Introduction
- 1.1 Application of Indian Evidence Act
- 1.2 Definitions

- 1.3 Presumptions
- 1.4 Theory of Relevancy

Essential Reading

Section 1 to 5 of the Indian Evidence Act, 1872

Section 195 (3) of Code of Criminal Procedure, 1973

Case Law

Brajnandan Sinha v. Jyoti Narain (AIR 1956 SC 66) [Definition of Court]

Vilas Pandurang Patil v. State of Maharashtra (AIR 2004 SC 3562) [Circumstantial Evidence]

Sodi Transport Co. v. State of UP (AIR 1986 SC 1099) [Presumptions]

Yusufalli Esmail Nagree v. State of Maharashtra (AIR 1968 SC 147) [Tape recorded evidence]

Suggested Reading

Section 7, 8, 59, 60, 61, 62, 91, 105, 113 A, 113 B and 153 of Indian Evidence Act, 1872

185th Law Commission of India Report, Part II [Page 5 to 28]

Case Law

R.M. Malkani v. State of Maharashtra (AIR 1973 SC 157) [Tape recorded evidence]

Bodh Raj Bodha and Others v. State of Jammu and Kashmir (AIR 2002 SC 3164) [Circumstantial Evidence]

Expected outcome of the module:

The module tries to introduce to the students the application of the Act and the various definitions with its crucial import. Students should be able to appreciate the various forms of evidence more

specially direct evidence vis-à-vis circumstantial evidence. The difference between oral evidence and documentary evidence with focus of recorded statements etc. and hearsay will be dealt in greater detail. Students should be able to appreciate the importance of presumptions and the consequent shifting of burden of proof

Module II

- 2 Relevancy of Facts
- 2.1 Resgestae
- 2.2 Occasion, cause and effect
- 2.3 Motive
- 2.4 Alibi and Identification
- 2.5 Conspiracy
- 2.6 Admissions and Confessions
- 2.7 Dying Declaration
- 2.8 Opinion Evidence
- 2.9 Character Evidence

Essential Reading

Section 6 to 55 of the Indian Evidence Act, 1872

Section 161 to 164 of Code of Criminal Procedure, 1973

Section 80 of the Indian Evidence Act, 1872

Article 20 (3) of Indian Constitution

Case Law

Teper v. Reginam (All ER1952- 448) [Resgestae]

State of Uttar Pradesh v. Hari Prasad (AIR 1974 SC 1740) [Motive]

Badri Rai v. State of Bihar (AIR 1958 SC953) [Conspiracy]

Nalini v State of Tamil Nadu (1999) 5 SCC 253 [Conspiracy]

Dudh Nath Pandey v. State of Uttar Pradesh (AIR 1981 SC 911) [Alibi]

Bishwanath Prasad v. Dwarka Prasad (AIR 1974 SC117) [Admissions]

Prakash Chand v State (Delhi Administration) AIR 1979 SC 400 [Trap witness]

Pakala Narayana Swamy v. King Emperor ((1939) 66 IA 66) [Confession definition and Dying Declaration]

Palvinder Kaur v. State of Punjab (AIR 1952 SC 354) [Confession definition]

Veera Ibrahim v. State of Maharastra (AIR 1976 SC116) [Section 24]

Pulukuri Kotayya v. Emperor (AIR 1947 PC 119) [Section 27]

Aghnu Nagesia v. State of Bihar (AIR 1966 SC 119) [Section 25 to 27]

State of Maharashtra v Kamal Ahmed Mohammed Vakil Ansari and Others (AIR 2013 SC 1441) [Confessions admissibility]

Ajmal Kasab v. State of Maharashtra (AIR 2012 SC 3565) [Conspiracy and Confessions admissibility]

State of Uttar Pradesh v. Deoman Upadhyaya (AIR 1960 SC1125) [Section 27]

Kashmira Singh v. State of M.P. (AIR 1952 SC 159) [Section 30]

Khushal Rao v. State of Bombay (AIR 1958 SC22) [Dying Declaration]

Paramanada Kataria v.. Union of India (AIR 1989 SC 2039) [Expert Evidence]

Sharad Birdhichand v. State of Maharastra ((1984) 4 SCC 116) [Expert Evidence]

Smt. Selvi and Ors. Vs. State of Karnataka (AIR 2010 SC) [Polygraph, Narco tests]

Habib Mohammed v. State of Hyderabad (1954 SCR 475) [Character Evidence]

Suggested Reading

185th Law Commission of India Report – Part II [Page 29 to 238] and Part III A [Page 239 to 307]

Sections 123 to 127, 153, 162, 165 of Indian Evidence Act, 1872

Section 120A, 43 of Indian penal Code, 1860

Case Law

Mirza Akbar v. Emperor (AIR 1940 PC 176) [Conspiracy]

Bhagwan Swarup v. State of Maharastra (AIR 1965 SC 682) [Conspiracy]

State of Uttar Pradesh v. Babu Ram (AIR 2000 SC 118) [Motive]

Hasan Murtza v. State of Haryana ((2002) 3 SCC 1) [Motive]

State of Madhya Pradesh v. Bhim Mohammed (AIR 2002 SC 1906) [Motive]

Balwinder Singh v. State of Punjab ((1995) supp. (4) SCC 260) [Extra Judicial Confession]

G.Vijaya Vardhan Rao v. State of A.P. (AIR 1996 SC 2791) [Resgestae and Dying Declaration]

Kusa v. State of Orissa (AIR 1980 SC 559) [Dying declaration]

Md. Zahid v. State of Tamil Nadu (AIR 1999 SC 2416) [Expert Evidence]

Jayamala v. Home Secretary, J and K (AIR 1982 SC 1297) [Expert Evidence]

Expected outcome of the module:

Students should be able to understand the difference between ‘relevant facts of facts in issue’ and the ‘relevant facts of relevant facts and facts in issue’ i.e. the language of the Act with its implication. The understanding of nuances of each of these topics and their relevancy and admissibility must be appreciated with and without dwelling deep into the evidentiary value of each of them. The development of law relating to confession and the change of its definition over the period require to be appreciated by the students. The mode of proof of conspiracy along with conspirators needs to be appreciated more particularly in the context of court decisions in many prominent cases. Scientific advancements and the investigation techniques need special focus while studying expert evidence and its application in the courts.

Module III

- 3 Proof
- 3.1 Judicial Notice
- 3.2 Oral Evidence
- 3.3 Documentary Evidence

- 3.4 Documentary Evidence – Oral Evidence
- 3.5 Standard of Proof
- 3.6 Burden of Proof
- 3.7 Estoppel

Essential Reading

Section 56 to 117 of the Indian Evidence Act, 1872

Section 63 of Indian Succession Act, 1925

Section 463 of Code of Criminal Procedure, 1973

Articles:

Electronic evidence and the rule against hearsay: a comparative overview -Nehaluddin Ahmad;
Computer and Telecommunications Law Review, 2011

Burden of Production of evidence: A function of a burden of persuasion – John T.Mc. Naughton;
Harvard Law Review, Vol. 68, No. 8 (Jun., 1955), pp. 1382-1391

Case Law

Tukaram S Dighole v manikrao Shivaji Kokate AIR 2010 SC 965 [Electronic evidence]

State (NCT of Delhi) v Navjot Sandhu (2005) 11 SCC 600 [Electronic evidence]

Anvar PV v PK Basheer (AIR 2015 SC 180) [Electronic evidence]

Government of A.P. v. Karsichinna Venkata Reddy (AIR 1994 SC 591) [Genuineness of document]

Abdul Jabbar v. Venkata Sastri (AIR 1969 SC 1147) [attestation of a document]

Kishore v. Ganesh (AIR 1954 SC 316) [Presumption of sending messages]

Sukhdei v. Bairo ((1999) 4 SCC 262) [documentary evidence – oral evidence]

Eshwar Das Jain v. Sohan lal ((2000)1SCC 434) [documentary evidence – oral evidence]

General Court Martial v. Colonel Antileg Singh ((1998)1 SCC 756) [documentary evidence – oral evidence- admission]

Dahyabhai v. State of Gujrat (AIR 1964 SC 1563) [Burden of Proof]

Jaya Laxmi Ammal v. R.Gopalal Pathar (AIR 1995 SC 995) [Burden of Proof]

Nair Service Society v. Alexander (AIR 1968 SC 1165) [Burden of Proof]

State of HP v. Ganesh wood products (AIR 1996 SC 149) [Estoppel]

Suggested Reading

185th Law Commission of India Report –Part III A 307 to 521 and Part III B [Page 224 to 286]

Case Law

State of Bombay v. Kathi Kalu (AIR 1961 SC 1816) [Compelling to sign/attest]

Modi Ganga v. State (AIR 1981 SC 1165) [Section 80]

Bala Shankar Maha Shankar Bhattjee v. Charity Commissioner (AIR 1995 SC 175) [Section 81]

Yogendra Morarji v. State of Gujrat (AIR 1980 SC 660) [Burden of Proof]

Sanjay Kumar Bajpai v. Union of India (1997 (10) SCC 312) [Burden of Proof]

Gautam Kundu v. State of West Bengal (AIR 1993 SC 2295) [Burden of Proof]

State of West Bengal v. Orilal Jaiswal (AIR 1994 SC 1418) [Burden of Proof]

Shamlal v. State of Haryana (AIR 1997 SC 1830) [Burden of Proof]

Motilal Padampat Sugar Mills v. State of UP (AIR 1979 SC 621) [Estoppel]

Expected outcome of the module:

Students should be able to understand the swinging of standard of proof from preponderance of probabilities to beyond reasonable doubt based on the nature of proceedings. The mode of proving contents, genuineness and truthfulness of a document requires special attention while also dwelling on the importance of documentary proof vis a vis oral evidence. The rules pertaining to burden of proof

and the distinction between burden of proof and onus of proof shall be studied in greater detail with the help of relevant case law. The law relating to estoppel and estoppel as a rule of evidence and not as evidence in itself shall be discussed with special focus on promissory estoppel and other forms of estoppel

Module IV

- 4 Competency and Compellability of Witness
- 4.1 Competent witness
- 4.2 Privileged Communications
- 4.3 Accomplice Evidence

Essential Reading

Section 118 to 134 of the Indian Evidence Act, 1872

Section 57 and 68 of Indian Succession Act, 1925

Section 313 to 315 of Code of Criminal Procedure, 1973

Section 306 of Code of Criminal Procedure, 1973 [Approver]

Case Law

Rameshwar v. State of Rajasthan (AIR 1952 SC 54) [Child Witness]

Prakash v. State of M.P (AIR 1993 SC 60) [Teenager Evidence]

Godrej Soap Ltd. V. State (1991 CrLJ 828 (Cal)) [Corporate as competent witness]

M.C.Verghese v. T.J.Ponnan (AIR 1970 SC 1876) [Spouse privilege]

S.P.Gupta v. Union of India (1981 Supp SCC 53) [State Privilege]

State v. Jagjith Singh (AIR 1989 SC 598) [Approver Evidence]

Haroon Haji v. Sate of Maharastra (AIR 1968 SC 832) [Accomplice Evidence]

Biva Doulu v. State (AIR 1963 SC 599) [Accomplice Evidence]

Suggested Reading

185th Law Commission of India Report – Part III B [Page 287 to 427]

Section 113 of Code of Civil Procedure 1908

Bar Council of India Rules, Part VI [Duty to Client]

Case Law

Shanker v. State of Tamilnadu (1994 (4) SCC 478) [Spouse privilege]

Ram Bharosey v. State (AIR 1954 SC 704) [Spouse privilege]

Union of India v. Orient Eng. Works (AIR 1977 SC 2445) [Judges Privilege]

State of Punjab v. Sodhi Sukdev (AIR 1961 SC 493) [State Privilege]

V.Ravi v. Sate of kerala (1994 Cri.L.J. 162 (ker)) [Professional Communication]

Suptd. Legal Affairs, West Bengal v. Satyen Bhowmick (AIR 1981 SC 917) [Professional Communication]

Laxmipat Choraria v. State of Maharastra (AIR 1968 SC 938) [Approver/Accomplice Evidence]

Expected outcome of the module:

Students are expected to understand who can testify and the nuances of privileged communications. The difference between logical and legal relevancy shall be appreciated. The need for granting pardon for one of the accused and the reliability of the evidence of an accomplice shall be learnt in greater detail. The issues pertaining to the witness right to remain silent and the right against self incrimination shall be studied.

Module V

- 5 Examination of Witness
- 5.1 Chief Examination
- 5.2 Cross Examination

- 5.3 Hostile Witness
- 5.4 Credit of witness
- 5.5 Judges Power in relation to examination
- 5.6 Finality of Trial

Essential Reading

Section 135 to 167 of the Indian Evidence Act

Order 16 to 18 of Code of Civil Procedure 1908

Sections 225 to 237, 244 to 249, 251 to 259 of Code of Criminal Procedure, 1973

Articles:

The Right to Silence: A Review of the Current Debate - Steven Greer; The Modern Law Review, Vol. 53, No. 6 (Nov., 1990), pp. 709-730;

The Right to Silence, Defence Disclosure, and Confession Evidence - Steven Greer; Journal of Law and Society, Vol. 21, No. 1, pp. 102-118 (1994)

Case Law

Parameshwari v. State (AIR 1977 SC 403) [Production of witness]

Chittaranjan Das v. State of West Bengal (AIR 1963 SC 1696) [Testimony as substantive evidence]

Sat pal v. Delhi Administration ((1967) 1 SCC 727) [Hostile Witness]

Guru Singh v. State of Rajasthan (AIR 2001 SC 330) [Hostile Witness]

Binay Kumar Singh v. State of Bihar (AIR 1997 SC 322) [Impeaching the credit of witness]

State of Rajasthan v. Ani (AIR 1997 SC 1023) [Judges Power to ask question]

Pulukuri Kotayya v. Emperor (AIR 1947 PC 119) [Finality of Trial]

Suggested Reading

185th Law Commission of India Report – Part III B [Page 427 to 535]

The Oaths Act, 1969

Order 13, 41 of Code of Civil Procedure 1908

Section 91 of Code of Criminal Procedure, 1973

Section 99 of Code of Civil Procedure, 1908 and Section 465 of Code of Criminal Procedure, 1973
[Finality of trial]

Case Law

Achyutani v. Gorantla (AIR 1961 AP 420) [Production of witness]

Bhagwan Singh v. State of Punjab (AIR 1952 SC 214) [Testimony as substantive evidence- Hostile witness]

Kehar Singh v. State (AIR 1988 SC 1883) [Witness evidence-contradicting with previous statement]

Rama Reddy v. V.V. Giri (1970 (2) SCC 340) [Tape recorded evidence – impeachment of credit of witness]

Anil Rai v. State of Bihar (2001 (7) SCC 318) [Hostile Witness]

Laminarayana v. Returning officer (AIR 1974 SC 66) [Refreshing the memory of witness]

Raghunanden v. State of Uttar Pradesh (AIR 1974 SC 463) [Judges Power to ask question]

Aghnu Nagesia v. State of Bihar (AIR 1966 SC 119) [Finality of Trial]

M.C.Verghese v. T.J.Ponnan (AIR 1970 SC 1876) [Finality of Trial]

Expected outcome of the module:

Students are expected to learn the manner of production and examination of witness. The questions that can be asked in examination of witness and the witness switching sides shall be studied. Judges power to ask questions and production of documents shall be dealt in detail. The students shall also examine the situations when trial can be ordered afresh for improper admission or rejection of evidence.

Books Recommended

Law of Evidence by Vepa P. Sarathi
Sarkar's law of evidence by P. C. Sarkar
A practical approach to evidence by Peter Murphy
Electronic Evidence- edited by Stephen Mason [et.al]
Evidence in Trials at Common Law by John Henry, Wigmore
Feminist perspectives on evidence-Edited by Mary Childs, Louise Ellison
Sir John Woodroffe and Amir Ali's Law of Evidence by Sripada Venkata Joga Rao
The Indian Evidence Act: A Critical Commentary Covering Emerging Issues and International
Development by –Prof. V. Nageswara Rao



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SEMESTER IV: B.A.LL.B

CRIMINAL LAW II

**CODE OF CRIMINAL PROCEDURE, 1973 AND JUVENILE
JUSTICE SYSTEM**

COURSE OUTLINES

Criminal law provides the ultimate means to society for the protection of its individuals and institutions. The core objective of criminal law is to protect the society against criminals. In wider sense, criminal law consists of both substantive criminal law and the procedural criminal law. The purpose of criminal procedural law is to administer the substantive criminal law.

‘Criminal Justice Process’ denotes the method employed for the purpose of enforcing the Criminal Law. It is represented by the procedure which the law enforcement agencies have to follow in the application of Criminal Law to the individuals in various situations. The importance of this aspect of Criminal Justice System is that it affects the individual in his life and liberty in several respects. Since Criminal Law is supposed to observe certain norms of a civilized society the process employed by the authorities for the purpose of enforcing the law is important from the point of view of the nature and extent of the authority of the State and the kind of protection afforded by the system to the individuals.

There are a large number of steps in the criminal Justice process. This covers the phases like arrest, search and seizure, bail, trial, conviction, sentencing etc. Criminal law at the NALSAR will be covered in two semesters viz. Criminal Law-I i.e. “Law of Crimes” (IPC) and Criminal Law II i.e. “Code of Criminal Procedure” which includes the Juvenile Justice and Probation system.

OBJECT OF THE COURSE

The prime object of this course is to provide the student a critical insight and awareness of the administration of criminal justice and a critical and analytical insight in contemporary criminal law issues and also to introduce the procedure involved in various stages of determination of guilt with the help of Criminal Procedure Code, 1973.

To observe the shortcomings and lacunae in the present criminal justice system with the help of case law, with an emphasis on selected issues of contemporary importance such as concept of crime, crime control policy, creating separate agencies like crime investigation or detection agency, directorate of prosecution and sentencing process etc.

DESIRED LEARNING OBJECTIVES

- To provide abilities in understanding historical back ground of penal policy and evolution of criminal law.
- To identify the fundamental policy choices incorporated in the code of criminal procedure.
- The student will become familiar with the most prominent aspects of the administration of criminal justice system;
- The learner will get familiar to the diverse nature of legal arguments in socio-legal controversies and also get acquainted with the problems and lacunas of the Indian legal and criminal judicial system.
- To analyze the interpretations of criminal law principles consistence to constitutional provisions offered by Indian judiciary.
- To understand and articulate the internal logic of an “argument and whether it is consistent or inconsistent with similar “arguments” previously made and to analyze the strengths and weaknesses of such argument.
- To expressive views on significant, vital, controversial and current penal policy and legal issues.
- To comprehend present-day judicial trends and scenario.
- To appreciate the practical problems through problem-solving methods by applying case law

TEACHING METHODOLOGY

The units are arranged in a logical sequence i.e., If a crime is committed, first the information has to be given to the Police officer. Then he starts investigating into the crime and submits a charge sheet. During the course of investigation, police may arrest the accused. Then the accused will apply for Bail. Court frames charges on the basis of the charge sheet submitted. Thereafter trial process begins and finally a judgment would be delivered by the court. The aggrieved party can file an appeal before appellate court and the Supreme Court of India is the final Appellate authority. If there is any error committed by courts, powers are given to the executive to correct the mistake and do justice to the victim by exercising their constitutional powers like pardon, remission, respite and commutation. Curriculum is framed and arranged in the same order as explained above, and it would be easier for the student also to understand easily the concepts taught in the class. Method of teaching is lecture, interaction and case study. Project work including the

research paper presentations would offer an opportunity to learn and appreciate deeper issues involved in the subject matter.

Teaching sessions to be supplemented by lectures of experts in various areas of criminal law practice (from Forensic Science, Criminal Court practitioners, Magistrates, Judges and Social Workers)

LECTURE PLAN

MODULES	TITLE	NUMBER OF LECTURES
MODULE ONE	NATURE AND FUNCTIONS OF CRIMINAL PROCEDURE	FOUR LECTURES
MODULE TWO	PRE TRIAL PROCEDURES	SIX LECTURES
MODULE THREE	INVESTIGATION INCLUDING SEARCH AND SEIZURE	EIGHT LECTURES
MODULE FOUR	BAIL	SIX LECTURES
MODULE FIVE	CHARGES	SIX LECTURES
MODULE SIX	INITIATION OF PROCEEDINGS IN THE MAGISTRATE COURT	SIX LECTURES
MODULE SEVEN	TRIAL PROCEDURES AND LEGAL AID IN CRIMINAL CASES	EIGHT LECTURES
MODULE EIGHT	JUDGMENT	FIVE LECTURES
MODULE NINE	APPEALS, REVIEW AND REFERENCE	SIX LECTURES
MODULE TEN	PARDON, REMISSION, SUSPENSION AND COMMUTATION OF SENTENCES	SIX LECTURES
MODULE ELEVEN	CORRECTIONAL SYSTEMS	SIX LECTURES

EXPECTATION FROM YOU

4. BEFORE CLASS

- ❖ Read, study and think/write about the assigned materials thoroughly;
- ❖ Know the cases and materials well enough that you can give a summary if called upon to do so;
- ❖ Decide what issue or issues the case raises and what rules of law/principles/definitions apply to the issue;

- ❖ Be familiar with, and reflect on, the argument that the opinions give to justify
- ❖ Their application of the rules of law to the particular facts.

5. DURING CLASS

- ❖ Discuss the issues in the materials and how the court analyzes these issues and argues for their resolution;
- ❖ Discuss justifications the various opinions given for criminal law principles;
- ❖ Evaluate stated and unstated factual and value assumptions in the court's reasoning;
- ❖ Identify flaws and strengths in the court's reasoning;
- ❖ Explore alternative arguments that might better resolve the controversies in this area;
- ❖ Explore related policy issues relevant to the cases;

6. AFTER CLASS

- ❖ Work on problems assigned to your small group with your group.
- ❖ Identify and clarify anything confusing about substantive law or application, and do the necessary work to clarify your understanding of the procedural law ;
- ❖ Consider your own views about these issues, and how you would be prepared to make an argument to resolve such issues;
- ❖ Think about how the day's assignment relates to past and upcoming areas of Constitutional Law;
- ❖ Review any material assigned but not covered to make sure they know it.
- ❖ Summarize and outline course materials and class discussion.

COURSE REQUIREMENTS

Most assignments will come from the cases or reading material or websites. Students are expected to not only attend class, but devote out-of-class time to reading, checking websites.

ACADEMIC HONESTY

Plagiarism and Cheating are strictly prohibited. Students indulging in such activities shall be punished according to University rules.

NOTE: All students must keep their own copy of the Bare Act of the Code of Criminal Procedure during the class hours.

EVALUATION

The performance of the students on this course is assessed on the basis of 100 marks. The overall assessment of 100 marks is divided into Project work (25 marks), Mid-Term Examination (25 marks) and End semester examination (50 marks).

- **Project Work (25 Marks):** Project work is planned by the course teacher in his discretion. The tentative plan of the project work will be on the following basis:

<i>Project Work</i>	<i>Marks</i>
Contents	20 Marks
Presentation	05 Marks
Total	25 Marks

- **Mid-Term Examination (25 Marks):** At the middle of the semester you will have to appear in the Mid-Term Examination of two hour and of 25 Marks. You will be eligible to appear in this exam only if you have put in 75% of attendance.
- **End semester examination (50 marks):** At the end of the semester student will appear (Subject to the rules of attendance) in End-Term exam for two and half hours and of 50 marks. Students are strongly advised to read the leading cases from the report which would enable them to solve the legal problems in the exams as most of the questions will be problem based. **Only Bare Text** (without any commentary) will be allowed in the examination.

COURSE CONTENT

MODULE ONE: NATURE AND FUNCTIONS OF CRIMINAL PROCEDURE:

- 1) **An Introduction to the Criminal Procedure and the Criminal justice system –**
 - **Models of Criminal Process: Crime Control Model and Due Process Model.**
 - **A comparative study on Accusatorial and Inquisitorial System in different jurisdictions; Relationship between substantive and Procedural,**
 - **Key Concepts of Criminal Procedure (S 2): Cognizable and non cognizable offence S 2 (c), S 2 (b) of the Cr.P.C. of the first schedule, Warrants case and summons case S 2 (x).**
- 2) **Criminal Justice Administration in India:**
- 3) **Courts and Officers under Cr.P.C. (S 6-23).**
- 4) **Hierarchy of Courts, Powers of Courts, Special Courts.**
- 5) **Agencies of the Criminal Process:**
 - **Criminal Courts – Constitution and their Powers.**
 - **Public Prosecutors**
 - **Police**
 - **Prison Authorities**

Readings:

- ✚ 37th Law Commission Report, pp. 1 -2
- ✚ R V Kelkar's Criminal Procedure (Sixth Ed), EBC, Pp. 7- 37
- ✚ Ratanlal & Dhirajlal, the Code of Criminal Procedure (21st Ed), pp.17-39
- ✚ Maxwell on the Interpretation of Statutes, 10th Ed., p 379- 345
- ✚ **Articles:** Herbert L.Packer, **Two Models of Criminal Process**, University of Pennsylvania Law Review, Vol 113, No.1 pp. 1-68 (No 1964).
- ✚ Herbert L. Packer, Courts, the Police, and the Rest of Us, 57 J. Cri. L. Criminology and Police Sci. 238 (1996)
- ✚

Cases:

- ❖ *Iqbal Ismail Sodawala v. State of Maharashtra* (1975) 3 SCC 140
- ❖ *State of AP, Re, 1992 Cr. L. J 1827 (AP)*
- ❖ *Directorate of Enforcement v. Deepak Mahajan, AIR 1994 SC 1775*

EXPECTED LEARNING OUTCOME

After completion of this module the students will be equipped with good understanding of:

- *Idea of crime Control and Due Process Models;*
- *Administration of Criminal Justice System*

- *The constitution and the role of the criminal court in Indian Legal System;*
- *The functions of Prosecution;*
- *Hierarchy of Criminal Court and*
- *Approach of the Apex Court in interpreting fundamental rights.*

MODULE TWO: PRE TRIAL PROCEDURES

Arrest involves restriction of liberty of a person arrested whereas, custody involves detaining of the person arrested under safety especially by the police custody also may be legal confinement by court's order. Arrest is nothing but deprivation of arrestee's liberty and thereof, at the sametime, the constitution of India as well as international human rights law recognizes the power of the state to arrest any person as a part of its primary role of maintaining law and order. The constitution requires a just and fair procedure. Another important area in this connection is that arrest how to be made?

The police officer may search any place for the purpose of arrest of a person where there is reason to believe that such person has taken shelter at such place and if ingress to such place cannot be obtained, he may break any outer or inner door. This module also deals with the investigation of crime, and various steps involved in it. During the course of investigation, issues such as arrest, handcuffing, rights of accused, recording the statements of complainant and witnesses, confessions and its evidentiary value, polygraph and brain mapping tests, the remand procedure criminal procedure, remand is necessary when investigation cannot be completed within 24 hours of the arrest of a person and there is reason to believe that the arrested person involves in a serious offence and that he may hamper the investigation by influencing the vital witnesses and tampering the evidences in the event of his bail.

A. ARREST

Meaning and definition of Arrest

- 6) Arrest without warrant. (S 46),**
- 7) Arrest by private person.43**
- 8) Arrest by Magistrate. S 44.**
- 9) Issue of Summons Ss 61- 69.**
- 10) Arrest Warrant S 70- 81.**
- 11) Reforms in the Law relating to Arrest:**

Cases:

- ❖ *Rubabuddin Shah v. State of Gujarath, 7.5.2007 WP No 6 of 2007.*
- ❖ *Ramsagar yadav v State of UP (1985) 1 SCC 552.*
- ❖ *Joginder Kumar v. State of West Bengal, (1997) 1 SCC 416.*
- ❖ *Civil Rights Committee v. Union of India, AIR 1983 Kant 85*
- ❖ *People's Union for Democratic Rights v. Police Commissioner, (1989) 4 SCC 730;*

- ❖ *Premshankar v. Delhi Administration*, AIR 1980 SC 1535
- ❖ *Sebastian Hongray v. Union of India*, AIR 1984 SC 571
- ❖ *D.K.Basu v. Union of India.v. State of Uttar Pradesh*, (1994) 4 SCC 260.
- ❖ *State of Maharastra v. Christian Community Welfare Council of India*, AIR 2004 SC 7
- ❖ *Smt. Selvi & Ors. v. State of Karnataka*, AIR 2010 SC

B. Preventive Jurisdiction

- 1) Of police (S 36, 37, 39, 40 and 149-153)**
- 2) Of Magistrates (S 106).**
- 3) Executive Magistrates, Hierarchy of Magistrates (S 107- 124 & 129 to 144).**
- 4) Preventing Public Nuisance Sec 133.**
- 5) Maintaining Public Order Sec 144.**

CASES:

- ❖ *Madhu Limaye (1969) 1 SCC 292.*
- ❖ *Ram Avatar v. State of Uttar Pradesh*, AIR 1962 SC.
- ❖ *Ratlam Municipality v. Vardhichand*,
- ❖ *State of MP v. Kedia Leather*, AIR 2003 SC 3236.
- ❖ *Babulal Parate v. State of Maharastra*, AIR 1961 SC 884.
- ❖ *State of Karnataka v. Praveen Bhai Togadia*, AIR 2004 SC 2081

Readings:

- ✚ Kingsley Napley, *Serious Fraud, Investigation and Trial*, (4th Ed), Lexis Nexis,(2010). Pp.91-228
- ✚ Gross, *Criminal Investigation* (5th Ed) Sweet & Maxwell Ltd, UK; pp1-30
- ✚ V Kelkar's *Criminal Procedure* (Sixth Ed), EBC, Pp. 7- 37
- ✚ Ratanlal & Dhirajlal, *the Code of Criminal Procedure* (21st Ed)
- ✚ *Iyengar's Commentary on the Code of Criminal Procedure*, 1973 (2nd Ed), Delhi Law House, pp. 92-122
- ✚ *Prof.R.Deb, Principles of Criminology, Criminal Law and Investigation*,(3rd Ed) S.C. Sarkar, Calcutta 1995 , pp. 493-915
- ✚ *B.R. Sharma, Scientific Criminal Investigation*, Universal Law Pub.(2006), Pp.318 and 158-164.
- ✚ *B.K Bagchi, Science of Investigation*, (2nd Ed) Lawman Publishing House, 2014, Pp. 13- 174

EXPECTED LEARNING OUTCOME

After completing this module students will be in position to comprehend:

- *The concept of arrest, purpose of arrest and mode of arrest, etc.*
- *Changing dimensions of the law of arrest, specifically arrest of women;*

- *The rights of arrestee*
- *The concept of process and issuance of process;*
- *State action its effect on fundamental rights;*
- *The grounds on which constitutionality of a statute or executive action can be challenged*
- *Reforms in law related arrest and its need*
- *Prevention of offences and the role of the police and the Magistrates*

MODULE THREE: INVESTIGATION INCLUDING SEARCH AND SEIZURE

In this module of the course we will discuss various dimensions of investigation and search and seizure proceedings.

- 1) Information to police –**
- 2) Lodging FIR in the police station. (S 154)**
- 3) FIR in Cognisable and non cognizable cases**
- 4) Power of police to conduct investigation anywhere in India in a cognizable offence: Sec 156**
- 5) Power of Magistrate to order for investigation Sec 156 (3).**
- 6) Procedure to conduct Investigation in cognisable offences. (S 157)**
- 7) Procedure to conduct Investigation in Non Cognisable Offences (S 155)**
- 8) Powers given to police during Investigation:**
- 9) Police officers power to require attendance of witnesses and Procedure to examine the witnesses. (S 161)**
- 10) Procedure when Investigation cannot be completed within 24 hours (S.167).**
- 11) Doctrine of self incrimination and Sec 162,**
- 12) The interpretation given by Supreme Court in the following cases**
- 13) Constitutionality of narco analysis and brain mapping tests, and their admissibility as evidence**

Cases

- ❖ *Mrs Rupan Deol Bajaj v. Kanwar Pal Singh Gill Air 1996 SC 309.*
- ❖ *Faddi v The state of MP. AIR 1964 SC 1850.*
- ❖ *Nandini Satapathy v. P.L. Dhani, AIR 1978 SC 1025.*
- ❖ *M.P.Sharma v. Satish Chandra, AIR 1954 SC 300.*
- ❖ *Selvi Vs union of India, 2010*

- 14) Judicial Custody and Police Custody. (S.167),Police Interrogation and misuse of the power by using third degree methods, remedies suggested by law commission of India in its 113th report.**
- 15) Recording of Confessions and Statements by Magistrate(S 164).**
- 16) Police Diary or Case Diary (S 172), its evidentiary value in the trial.**
- 17) Final Report/ Charge sheet/ Police Report (S 173).**

18) Inquest Report. (S 174).

19) Inquest Report in Custodial Deaths. (S 176).

Cases:

- ❖ *Shankaria v. State of Rajasthan*, 1978 Cri.L.J 251.
- ❖ *Kuthu Gola v. State of Assam*, 1981 Cri l j 424.
- ❖ *State of West Bengal v. Dinesh Dalmia*, 2007 CriLJ 2757.
- ❖ *Chaganti Satynarayana v. State of AP*, AIR 1986 SC 2130.

20) Search AND Seizure:

21) Search Warrant (S 93). Issue of Search Warrant by Police officer, By Court, By State Government.

22) Procedure to search the premises. S 100.

Cases:

V.S. Kuttan Pillai v. Rama Krishna, (1980) 1 SCC 264.

Readings:

Articles:

- ✚ Martin, Susan E., Hamilton, Edwin E, Police **Handling of Child Abuse Cases: Policies, Procedures, and Issues**, 9 *Am. J. Police* 1 (1990).
- ✚ Moynahan, J. M., **Perceptions of Police Legal Powers**, *Police L.Q.* 5 (1972-1973)
- ✚ The, Sulger, John J , **Role of the Police in Modern Society**,. 3 *Police L.Q.* 5 (1973-1974)
- Kaune, Michael M., Tischler, Chole A. , **Liability in Police Use of Deadly Force**, 8 *Am. J. Police* 89 (1989).
- ✚

Books

- ✚ Kingsley Napley, *Serious Fraud, Investigation and Trial*, (4th Ed), Lexis Nexis,(2010).
- ✚ Gross, *Criminal Investigation* (5th Ed) Sweet & Maxwell Ltd, UK; pp1-30
- ✚ V Kelkar's *Criminal Procedure* (Sixth Ed), EBC,
- ✚ Ratanlal & Dhirajlal, *the Code of Criminal Procedure* (21st Ed)
- ✚ *Iyengar's Commemetary on the Code of Criminal Procedure*, 1973 (2nd Ed), Delhi Law House,
- ✚ *Prof.R.Deb, Principles of Criminology, Criminal Law and Investigation*,(3rd Ed) S.C. Sarkar, Calcutta 1995 ,
- ✚ *B.K Bagchi, Science of Investigation*, (2nd Ed) Lawman Publishing House, 2014,

EXPECTED LEARNING OUTCOME

At the end of this module all of you will be well familiarized with the:

- *Information to the Police and Magistrate;*
- *Steps involved in crime investigation and crime detection;*
- *Powers of police to investigate and Limitations*
- *Police custody and judicial custody*
- *Various other dimensions search and seizure.*
- *Evidence collected during the investigation and its validity*

MODULE FOUR: BAIL:

- 1) Bail in Bailable Offence (S 436).**
- 2) Releasing the prisoner after serving half of the (S 436 – A).**
- 3) Bail in Non Bailable Offence (S 437 - By Magistrate), (S 439 - By High Court).**
- 4) Anticipatory Bail (S 438),**

Readings:

- ✚ *41st Law commission report*
- ✚ *203rd Law Commission of India's report*
- ✚ *R V Kelkar's Criminal Procedure (Sixth Ed), EBC,*
- ✚ *Ratanlal & Dhirajlal, the Code of Criminal Procedure (21st Ed),*
- ✚ *Iyengar's Commemetary on the Code of Criminal Procedure, 1973 (2nd Ed), Delhi Law House, .1410-1547*
- ✚ *Sushan Kunjuraman, Criminal Practical Legal Drafts,(5th Ed), Snow white, 2014,*

Cases: We will discuss following cases:

- ❖ *Jayendra Saraswathi v. State of Tamilnadu, AIR 2005 SC 716.*
- ❖ *Kalyana Chandra Sarkar v. Ranjan Rajesh, 2005 Cri.L.J 242.*
- ❖ *State through CBI v. Amarmani Tripathi, Air 2005 SC 3490.*
- ❖ *Guru Baksh Singh Sibbia, AIR 1980 SC 1632*

EXPECTED LEARNING OUTCOME

By the end of this module students will be in position to understand:

- *Bail in bailable cases*

- *Bail in non-bailable cases*
- *Anticipatory bail*
- *Statutory bail and its limitations*
- *Personal bonds*
- *Bail bonds and sureties and*
- *Cancellation of bail*

MODULE FIVE: CHARGES

One of the underlying substratum of the justice as applicable to the criminal justice process is the principle that none shall be condemned unheard. The framing the charge against the accused is the first and foremost steps in the trial of criminal case before the criminal court. In this procedure it is the fundamental duty of the court in framing the charge. And it is considered as a thoughtful exercise of judicial authority. This module covers the theory behind charge framing. Charges before the Magistrate court, charges before the Court of Session, joinder and misjoinder of charges. Alteration of charges, and also discuss effect of omission to frame charge and withdrawal of charges.

- ✚ **Framing of Charge:, Form and Content of Charge Sec 211 – 214.**
- ✚ **Joinder of Charges : Ss 219- 222.**
- ✚ **Joinder of Persons/Parties : 214.**
- ✚ **Rectification of errors in framing of Charges: S 215 read with S 464.**
- ✚ **Alteration of Charge: S 216 and S 217 shall be read together**

Readings:

- ✚ R V Kelkar's Criminal Procedure (Sixth Ed), EBC,
- ✚ Ratanlal & Dhirajlal, the Code of Criminal Procedure (21st Ed),
- ✚ *Iyengar's Commmentary on the Code of Criminal Procedure, 1973 (2nd Ed), Delhi Law House, 446 – 787*
- ✚ *Sushan Kunjuraman, Criminal Practical Legal Drafts,(5th Ed), Snow white, 2014,*
- ✚ *D.P Varshni's How to Frame a Charge(3rd Ed) EBC,2014*

Cases:

- ❖ *Tolaram v. State of Rajasthan.*
- ❖ *Prafulla Kumar v. Union of India, AIR 1979 SC 366.*
- ❖ *Kahan Singh v. State of Haryana, AIR 1971 SC 983.*
- ❖ *Balbir Singh v. State of Hararyana, AIR 2000 SC 11.*
- ❖ *Bhanwarilal Jhunjhunwala v. Union of India, AIR 1963 SC 1620.*

EXPECTED LEARNING OUTCOME

After completion of this module students will be well aware of:

- *Framing of charges by criminal court*
- *Joinder of charges and consequences of misjoinder*
- *Alteration of charges*
- *Marshaling of facts*
- *Withdrawal of charges*
- *The role of prosecutor, the Magistrate and Judge*

MODULE SIX: INITIATION OF PROCEEDINGS IN THE MAGISTRATE COURT

The state is the criminal procedure code provides two types of trials namely warrant cases and summons cases. The session's case trial is also of a warrant with some differences. The private complaints have to be filed before a Magistrate. The relevant provisions relating to the trial of private complaints are embodied in the code.

1) Taking Cognizance of Offence	: Sec 190
2) Definition of Complaint	: S 2 (d)
3) Examination of Complaint	: S 200
4) Power to Postpone the issue of Process	: S 202.
5) Dismissal of Complaint :	: S 203
6) Committal of the case :	: S 209.

Readings:

Article:

- ✚ The, Ferguson, Pamela R., **Criminal Jury in England and Scotland: The Confidentiality Principle and the Investigation of Impropriety**, *10 Int'l J. Evidence & Proof* 180 (2006)

Books

- ✚ Ratanlal & Dhirajlal, the Code of Criminal Procedure (21st Ed),
- ✚ *Iyengar's Commemetary on the Code of Criminal Procedure*, 1973 (2nd Ed), Delhi Law House, 713- 739 & 789-831
- ✚ R V Kelkar's Criminal Procedure (Sixth Ed), EBC,
- ✚ P.K. Das, famous Murder Trials (2007 Ed), Universal Law Pub.
- ✚ Sushan Kunjuraman, *Criminal Practical Legal Drafts*, (5th Ed), Snow white, 2014,

Cases: will discuss important cases including:

- ❖ *Tularam v. Kishore Singh*, AIR 1977 SC 240

- ❖ *Venkatesh Nilappa Talwar v, Laxmavva, 1988 (1) Crimes, 801*
- ❖ *Chandra Mani Chand v. Bachha Nidhi Swain, 1988 (2) Crimes 824*

EXPECTED LEARNING OUTCOME

After completion of this module the students will be equipped with good understanding of:

- *The meaning of complaint as per the code;*
- *The nature of private complaint*
- *The process*
- *The examination of the complaint*
- *The procedure in case of Magistrate not competent to take cognizance of the offence,*
- *An endorsement and its effects*
- *Postponement of issue of process*
- *Investigation in to the complaint*
- *Dismissal of complaint*

MODULE SEVEN: TRIAL PROCEDURES

The session court should see that the trial should be conducted by the Public Prosecutor and the police especially the investigating officer should not be allowed to conduct the trial. The session's court should verify as to the supply of copies to the accused. In this process it observes the committal court. After the hearing the prosecution and defence side, the sessions court, if the crime not made out the accused may be discharged. In this module we will discuss following issues:

1) Kinds of Trial Procedures:

Trial by Sessions Court : (S 225 – 237)

Pre Sentence Hearing S 235 (2)

2) Trial by Magistrate

a) Trial of Case Instituted upon Police Report (S 238 – 243).

b) Trial of Case Instituted otherwise (S 244 - 249)

3) Trial of Summons Case : (S 251 -259).

4) Summary Trial : (S 260 – 265).

Miscellaneous Topics:

1) Compoundable Offences S 320:

2) Withdrawal of Complaint S 321

3) Legal Aid in Criminal Cases: S 304

4) Power to adjourn the Proceedings: (S 309).

5) Power to summon the witness: (S 311).

6) Concept of Plea Bargaining : (S 265 A – 265L)

Readings:

Articles:

- ✚ Paper by Newzealand Law Commission on Criminal Trial, February, 2012.
- ✚ Spader, Dean J., **Two Models and Three Uses for Mock Trials in Justice Education**, 13 *J. Crim. Just. Educ.* 57 (2002).
- ✚ The, Ramsey, Carolyn B., **Discretionary Power of Public Prosecutors in Historical Perspective** 39 *Am. Crim. L. Rev.* 1309 (2002).
- ✚ Lardner, George Jr., Love, Margaret Colgate., **Mandatory Sentences and Presidential Mercy: The Role of Judges in Pardon Cases**, 1790-1850, 16 *Fed. Sent.R.*212(2003-2004).
- ✚ A, Sanborn, Joseph B. Jr, Historical Sketch of Plea Bargaining, 3 *Just. Q.* 111 (1986).
- ✚ Snyman, E., Du Toit , Defining and Evaluating Plea Bargaining, , S., 13 *S. Afr. J. Crim. Just.* 190 (2000)

Books

- ✚ R V Kelkar's Criminal Procedure (Sixth Ed), EBC,
- ✚ Ratanlal & Dhirajlal, the Code of Criminal Procedure (21st Ed),
- ✚ *Iyengar's Commmentary on the Code of Criminal Procedure*, 1973 (2nd Ed), Delhi Law House,
- ✚ P.K. Das, famous Murder Trials (2007 Ed), Universal Law Pub.
- ✚ Sushan Kunjuraman, *Criminal Practical Legal Drafts*,(5th Ed), Snow white, 2014,

Cases:

- ❖ *R. S. Nayak v, A. R Antulay*, AIR 1986 SC 2045
- ❖ *Sheonandan Pasawan v. State of Bihar*, AIR 1987 SC 877.
- ❖ *Rajinder Kumar Jain* , AIR 1980 SC 1510.
- ❖ *Abdul Kareem* AIR 2001 SC 116.
- ❖ *Sheonandan Pasawan v. State of Bihar*, AIR 1987 SC 877.
- ❖ *Rajinder Kumar Jain* , AIR 1980 SC 1510.
- ❖ *Abdul Kareem* AIR 2001 SC 116.
- ❖ *Sukhdas v. Union Territory of Arunachal Pradesh*, 1986 SCC (CRI) 166.
- ❖ *Khatri v. State of Bihar*, AIR 1981 SC 928.
- ❖ *Hussainara Khatoon*, AIR1979 SC 1369
- ❖ *State though C.B.I v. Dawood Ibrahim Kaskar*, AIR 1997 SC 2494
- ❖ *Kali Vishwakarma v. State of Jarkhand*, 2005 Cri.L.J 4233.

EXPECTED LEARNING OUTCOME

After discussing this module students will be in situation to figure out:

- *The different kinds of trial;*
- *Powers and duties of committal court*
- *The summary trial*
- *Trial of warrant cases by Magistrate*
- *Procedure to be adopted in the trial of warrant case;*
- *Summons case*
- *Compounding of cases and limitations*
- *Concept of Plea bargaining*
- *Adjournment of cases*
- *Legal aid to accused*

MODULE EIGHT: JUDGMENT:

In this module we will discuss:

- 1) Contents of Judgment: S 353, S 354.**
- 2) Alteration of Judgment: S 362.**
- 3) Sentencing Perspectives,**
- 4) Doctrine of Rarest of Rare cases and the conflicting reasons given by Supreme Court in the application of the Doctrine**

Readings:

- ✚ Herbert L/Packer, Making the Punishment fit the Crime, 77 Harv.L.Rev 1071 1963
- ✚ R V Kelkar's Criminal Procedure (Sixth Ed), EBC,
- ✚ Ratanlal & Dhirajlal, the Code of Criminal Procedure (21st Ed),
- ✚ *Iyengar's Commemetary on the Code of Criminal Procedure, 1973 (2nd Ed), Delhi Law House,*
- ✚ *Sushan Kunjuraman, Criminal Practical Legal Drafts,(5th Ed), Snow white, 2014,*
- ✚ P.K. Das, famous Murder Trials (2007 Ed), Universal Law Pub

Cases:

- ❖ *State of Bihar v. Ram Naresh*
- ❖ *Bachhan Singh v. State of Punjab*
- ❖ *Macchi Singh v.*
- ❖ *Ediga Annamma v. State of Andhra Pradesh, (1974) SCC (Cri) 479.*
- ❖ *Holiram Bardoloi v. State of Assam, AIR 2005 SC 2059.*
- ❖ *Naresh v. State of UP, AIR 1981 SC 1385*

EXPECTED LEARNING OUTCOME

By the end of this unit students will be in position to appreciate:

- *The judicial decision*
- *The rules relating to pass conviction order*
- *The sentencing process*
- *Need of sentencing guidelines*
- *Alteration of judgment*

MODULE NINE: APPEALS, REVIEW AND REFERENCE:

The word appeal means the right of carrying a particular case from an inferior to a superior court with a view to ascertain whether the judgment is sustainable. The code provides that no appeal shall lie from any judgment or order of a criminal court except as provided for by this code or by any other law for the time being in force. In this module the following legal aspects covered.

- 1) Right to File an Appeal: S 375 and 376.**
- 2) Constitutional Provisions relating to Appeal (Article: 134 and 134-A.)**
- 3) Form of Appeal (S 382)**
- 4) Appeal from Acquittal (S 374).**
- 5) Appeal from Conviction (S 378).**
- 6) Difference between Appeal from conviction and Acquittal**
- 7) Appeal for Enhancement of Sentence (S 377).**
- 8) Summary Dismissal of Appeal**
- 9) Powers of Appellate Court (S 386)**
- 10) Revision S 397- 401**
- 11) Calling for Records from the lower court: S 397.**
- 12) Right to file a revision Petition: S 401.**
- 13) Powers of a Revision Court.**
- 14) Withdrawal of a case : S 408-412**

Readings:

- ✚ R V Kelkar's Criminal Procedure (Sixth Ed), EBC,
- ✚ Ratanlal & Dhirajlal, the Code of Criminal Procedure (21st Ed), Pp.715- 795
- ✚ *Iyengar's Commemetary on the Code of Criminal Procedure, 1973 (2nd Ed), Delhi Law House,*
- ✚ *Sushan Kunjuraman, Criminal Practical Legal Drafts,(5th Ed), Snow white, 2014,*

Cases:

- ✚ *Kapildev v. State of UP AIR 1958 SC 121.*
- ✚ *Wajir Hakki v. State 2005 Cr.L.J 2719.*
- ✚ *Kamaljit Singh v. State of Punjab, 1980 Cri.L.J 542*
- ✚ *Ram Briksh Singh v Ambika Yadav, 2004 Cri.L.J 3115.*
- ✚ *Power of courts to transfer the case : S406-407.*
- ✚ *Fatima Riswana v. State AIR 2005 SC 712.*

EXPECTED LEARNING OUTCOME

After completion of this module the students will be equipped with good understanding of:

- The appeal case form conviction
- Appeal to the Supreme Court
- Appeal to the High Court
- Power of appellate court
- Appeal for the enhancement of punishment
- Revision
- Power of revision court

MODULE TEN: Pardon, Remission, Suspension and Commutation of Sentences

This module mainly focused on the provisions related to the circumstances in which the appropriate government can suspend remit or commute the sentence passed on the offender. In this module it will structure our discussions around followings:

- 1) Remission and commutation 432, 433, 433-A**
- 2) Suspension S 432**

Readings:

- ✚ Harrison, John, **Pardon as Prerogative**, 13 Fed. Sent. R. 147 (2000-2001)
- ✚ R V Kelkar's Criminal Procedure (Sixth Ed), EBC, Pp.756- 769
- ✚ Granville Austin: *Working A Democratic Constitution: The Indian Experience.* Oxford University Press (2002)

- ✚ *Glanville Austin: The Indian Constitution: Cornerstone of a Nation. Oxford University Press, New Delhi (1998).*
- ✚ *Durga Das Basu: Constitutional Law of India. Butterworth LexisNexis 2009.*
- ✚ *Ratanlal & Dhirajlal, the Code of Criminal Procedure (21st Ed),*
- ✚ *Iyengar's Commentary on the Code of Criminal Procedure, 1973 (2nd Ed), Delhi Law House, 446 - 787*
- ✚ *D.P Varshni's How to Frame a Charge(3rd Ed) EBC,2014*

Cases: **main cases will be**

- ❖ *Maru Ram v. Union of India, AIR 1980 SC 2147.*
- ❖ *Epuru Sudhakar v. State of Andhra Pradesh*
- ❖ *Dhanijoy Chatterjee v. State of W.B, Cri Appeal No.393-394*
- ❖ *Devendra Pal Bhullar v. State, 2013 (5) SCALE 573*

EXPECTED LEARNING OUTCOME

At the end of this module all of you will be well familiarized with the following issues;

- *Pardoning power*
- *Suspension of the conviction*
- *Remission*
- *Commutation of sentence*

MODULE ELEVEN: CORRECTIONAL SYSTEMS

This module deals with the Probation in UK, Probation in USA, Probation Law in India, Probation, S 360 and Probation of offenders Act, 1958. Procedure to grant probation, Powers and duties of probation officers Parole Definition, origin and history, conditions for granting parole, Parole Board

Readings:

- ✚ *Ratanlal & Dhirajlal, the Code of Criminal Procedure (21st Ed),*
- ✚ *Iyengar's Commentary on the Code of Criminal Procedure, 1973 (2nd Ed), Delhi Law House, 446 – 787*
- ✚ *R V Kelkar's Criminal Procedure (Sixth Ed), EBC*
- ✚ *Sushan Kunjuraman, Criminal Practical Legal Drafts,(5th Ed), Snow white, 2014,*
- ✚ *Ahamed Siddique's Criminology & Penology (6th Ed) ,EBC, 2014, Pp.377-435*
- ✚ *Prof. N. V. Pranjape, Criminology & Penology with Victimology, (16th Ed), Central Law Pub, 2015, Pp. 303-318, 555-622*
- ✚ *Dr. Krishna Pal Malik, Penology, Victimology & Correctional Administration in India, Allahabad Law Agency, 2014, Pp.119 – 139. 161- 177*
- ✚ *Samuel M. Davis, Rights of Juveniles the Juvenile Justice System, (2nd Ed) Thomson Reuters, 2014*

- ✚ Royal Commission Report,Pp. 191-193
- ✚ Dr. Walter c. Reckless, Jail Committee (1919-1920)

Cases

- ❖ *Kent v. United States*, 383 U.S. 541, 86 S.Ct.1045 (1966)
- ❖ *In Re Gault*, 387 U.S. 1 S. Ct.1428 (1967)
- ❖ *McKeiver v Pennsylvania* (403 U.S 528, 91, 1976)
- ❖ *Breed v. Jones* (421 U.S 519, 95 S.Ct. 1779 (1975)
- ❖ *Maru Ram v. Union of India*, AIR 1980 SC 2147.
- ❖ *Jogmohan Singh v. State of UP*, (1973) SCC (Cri) 169
- ❖ *Bachan Sing V. State of Punjab*, (1980) 2 SCC684
- ❖ *Asharfi Lal v. State of UP*, (1987) 3 SCC, 224
- ❖ *Kehar Singh v. State (Delhi Admin.)* (1988) 3 SCC 609
- ❖ *Shankar v. State of T.N* (1994) 4 SCC 47

REFERENCE BOOKS

- ✚ Cross & Jones, Introduction to Criminal Law (13th Ed)1995
- ✚ Fitzgerald PJ, Criminal Law & Punishment (Oxford) 1962
- ✚ Francis Raffaele, Boardeland of Criminal Justice, 1964
- ✚ Gross, Crimial Investigation (5th Ed) Sweet & Maxwell Ltd, UK;
- ✚ *Iyengar's Commemetary on the Code of Criminal Procedure*, 1973 (2nd Ed), Delhi Law House, 446 – 787
- ✚ Kingsley Napley, Serious Fraud, Investigtion and Trial, (4th Ed), Lexis Nexis,(2010). Pp.91-228
- ✚ *Prof.R.Deb, Principles of Criminology, Criminal Law and Investigation*, (3nd Ed) S.C. Sarkar, Calcutta 1995 , Vol .I. II and III
- ✚ R V Kelkar's Criminal Procedure (Sixth Ed), EBC
- ✚ Ratanlal & Dhirajlal, the Code of Criminal Procedure (21st Ed),
- ✚ Sohoni, Criminal Procedure Code. Lexis Nexis, 2014

TAXATION

Course Description

In order to establish an egalitarian society where members, organisations and individuals flourish, it is pertinent for the state to ensure sustainable and inclusive growth. This necessitates identifying developmental priorities, planning societal and economic goals and channelizing public spending towards the identified goals and priorities. It is in this context, that fiscal policy of any country assumes criticality in creating a roadmap towards the developmental goals and strategising revenue augmentation for the same.

Taxation serves as a crucial instrumentality of fiscal policy that influences the economy. Primarily viewed as a revenue augmenting means for the government, broader perspective of taxation encompass complex strategies to redistribute resources, regulate, channelize and stimulate the economy. Three prominent tasks are assigned to taxation: firstly, augmentation of revenue; secondly, redistribution of wealth in society and thirdly, regulatory measure to steer economic activity. Whereas normative foundations of wealth redistribution goals of taxation are often controverted, it nevertheless remains a reality of modern state and its citizens.

Needless to say, taxation laws plays a critical role in providing conducive environment for investment, consumptions, savings and the overall public expenditure in a booming economy as India. The power to tax is a sovereign's inherent power and the same is found in the Constitution of India. Owing to the Constitutional framework, India's taxing powers have been divided between the Centre and states. India's experience of Fiscal Federalism has been characterised by strong centralising tendencies and effective control of the Centre over revenue generation. Accompanied with watertight compartmentalisation of taxing powers, the Centre could command the direction of economic development with little fiscal autonomy to states. However, as economy witnessed transition from plan-based protectionist approach towards more liberalised market driven approach, existing fiscal arrangement necessitated a re-look. While the robustness of the economy owes fairly to fiscal responses of government, tax laws and policies and their implications on foreign investors needs to be further clarified. Tax laws of the country have always been in the news for good or bad-be it for the multicrore corporate tax dispute involving Vodafone or Nokia, or progressively increasing rates of service tax or expectations of the populace from the budget. Guided by principles of simplicity, efficiency and responsiveness; the current

tax system, both direct and indirect, is endeavouring to establish a clarity and consistency in tax policy that benefits the common populace as well as the corporate sector.

Tax Laws, therefore, make a crucial area of study for law students both in terms of understanding the wealth redistribution, regulatory and commercial implications of the same.

Desired Learning Objectives

This course aims to impart jurisprudential, constitutional, theoretical, practical and commercial underpinnings of the subject. It is expected that at the end of the course, students will be able to appreciate normative foundations of taxation as a wealth distributive measure as well as its functional utility as a significant source of public financing. Students will be developing critical insights into the policy issues involved and emerge with strong foundational understanding of the concepts, practical and theoretical aspects of Taxation.

Teaching Methodology

The course at the outset seeks to discuss normative and theoretical justification of taxation and later discuss canons of taxation. Thus, initial sessions will adopt a discursive and critical analytical form of learning. In order to develop an understanding about the existing tax regime in India, the course will provide brief overview of the Constitutional aspects and fiscal federalism in India. Students shall be introduced to practical and theoretical intricacies of taxing statute as an effective tool and instrumentality of public finance. In the process, the course seeks to adopt informational and analytical approach of study. The topics covered under International Taxation and Indirect Taxes will adopt a case law study. While the course mainly comprise of Direct Taxes (with focus on Income Tax), International Taxation and Indirect Taxes, discussions may incorporate critical insight into existing concepts, provisions and desirable changes. For instance, the course may make references to the Goods and Service Tax (GST) Act to develop appreciation for futuristic position and systems. Accordingly, comparative analysis may be drawn from other laws, concepts prevalent in other jurisdictions wherever necessary.

Lecture Plan

Module	Topic	Number of Hours

Module I	Normative and Theoretical Basis of Taxation	3
Module II	Fiscal Federalism in India	7
Module III	Basic concepts, residential status, scope of total income	5
Module IV	Income from Salary	8
	Income from House Property	8
	Profits and Gains from Business or Profession	4
	Capital gains tax	10
	Income from Other sources	4
	Exceptions and deductions, set off and carry forward of losses, Gross Income, Net Income	6
Module V	Introduction to International Taxation and model DTAA	2
	Permanent Establishment and its forms	4
	Business Profits, Fees for technical services, Capital Gains, Taxation of Turnkey contract	5
	Transfer Pricing	4
	Tax Avoidance, Evasion, Tax Planning, GAAR	5
Module VI	Indirect Taxes	10
	Total Number of Hours	80

MODULES

MODULE I Normative and Theoretical basis of Taxation

Modern society and State requires to consider normative and theoretical underpinnings whilst contemplating how best to redistribute fruits of social cooperation including income, wealth, power and opportunity. In the process it has to grapple seeking justifications for why should it tax, who should be taxed, what should be taxed. This module will be dealing with the debate surrounding redistributive function of taxation, Economic Principles of Taxation and Basis of Taxation

Readings

- Sagit Leviner, *The Normative Underpinnings of Taxation*, 13 Nevada Law Journal 95 (2012)
- W. McGee, *Taxation and Public Finance: A Philosophical and Ethical Approach*, 1 Commentaries on the Law of Accounting & Finance 157 (1997)
- Equity in Distribution Richard Musgrave & Peggy Musgrave

Recommended Readings

- Handbook on Taxation James A. Richardson and W.Bartley Hildreth (ed.), New York: Marcel Dekker (1999)
- Klaus Vogel, *Justification for Taxation: A forgotten question*, 33 The American Journal of Jurisprudence 19 (1988)

MODULE II Fiscal Federalism in India

Prior to embarking upon taxing statute it is crucial to appreciate the Constitutional design and sources of power to tax. This module will be providing a brief overview of fabric of tax laws within Indian Constitutional and develop foundational understanding about the financial relation between the Centre and States. Demarcations between Centre and State to impose taxes, challenges to legislative competencies to levy a tax, defences in the form of Aspects Theory, distinctions between a tax, fee and cess. A crucial issue in this context pertaining to taxing statutes and fundamental rights as well as Freedom of Trade and Commerce, and judicial evolution of compensatory taxes and related case laws also forms a part of this module.

Readings

- Amaresh Bagchi, *Fifty Years of Fiscal Federalism in India: An Appraisal*, Kale Memorial lecture delivered at Gokhale Institute of Politics & Economics, Pune, December 8, 2001.
- M.G. Rao and François Vaillancourt, *Interstate Tax Disharmony in India: A Comparative Perspective*, 24(4) Publius: The Journal of Federalism 99 (Autum 1994)

Cases

- UOI v. H.S.Dhillon AIR 1972 SC 1061
- Federation of Hotel and Restaurant Hotel Owners Association v. UOI 1989 (178) ITR 97 SC
- Secunderabad Hyderabad Hotel Owners Association v. Hyderabad Municipal Corporation AIR 1999 SC 635

- Jindal Stainless Ltd. v. State of Haryana (2006) 7 S.C.C 241
- Atiabari Tea Co. Ltd. v. State of Assam, (1961) 1 S.C.R. 809
- Automobile Transport Rajasthan Ltd. v. State Of Rajasthan, [1963] 1 S.C.R. 491
- Vijayalaxmi Rice Mill and ors. V. The Commercial Tax Officers, Palakol and Ors. AIR 2006 SC 2897

Recommended Readings and Cases

- H.M.Seervai, *The Freedom of Trade and Commerce in the Indian Constitution: The Atiabari Case and after*, (21) Cambridge Journal of Law 54 (1963)
- M.P.Singh, *Freedom of Trade and Commerce v. Power of Taxation*, 17 Journal of Indian Law Institute 367 (1975).
- M.G.Rao and Nirvikar Singh, *The Political Economy of India's Fiscal Federal System and Its Reform*, Working Paper series available at <http://ssrn.com/abstract=950327>
- General Traders Vs. State of Andhra Pradesh, 1983 AIR 1246
- Municipal Corporation of Delhi and Ors. v. Mohd. Yasin, AIR (1983) SC 617

MODULE III Basic Concepts, Residential Status and Scope of Total Income

This module will introduce the scheme of Income Tax Act and acquaint students with basic concepts of taxing statute such as concepts of income, assessee, person, Previous Year, Assessment Year, Accrual of income, Deeming Provisions in the Taxing Statute. Since incidence of tax depends upon residential Status of Persons; the module will discuss in greater details residential status of Individuals and Company. Whereas residential status of individuals involves certain computations; that of company comprise of several case laws from Indian as well as other jurisdictions. Scope of Total Income and Deemed Income will also be discussed at length.

Books

- Kanga and Palkhiwala's, *The Law and Practice of Income Tax*, Arvind P. Datar (ed), Volume 1 (10th edn.) LexisNexis 2014 pg.177-305, 313-343
- Draft Guiding Principles for determination of Place of Effective Management (POEM) of a Company, Central Board of Direct Taxes, Department of Revenue, Ministry of Finance, Government of India (23rd December, 2015)

Cases

- De Beers Consolidated Mines Ltd. V. Howe 5 TC 198 (HL)
- Subbayya Chettiar v. CIT 1951 AIR 101, 1950 SCR 961
- Narottam and Pereira v. CIT (1953)23 ITR 454 (Bom)

- Laerstate BV v. HMRC 2009] UKFTT 209 (TC)
- Radha Rani Holdings P Ltd. v. ACIT (2007) 110 TTJ Delhi 920
- Barendra Prasad Ray v. ITO (1973) 91 ITR 82
- CIT v. R.D. Aggarwal & Co. (1965) 56 ITR 20 (SC)

Recommended Readings and Cases

- Omri Marian, Jurisdiction to tax corporations, 54 B.C. L. Rev 1613
- Wood and Another v Holden (Inspector of Taxes) (2006) STC 443
- Trevor Smallwood Trust v HM Revenue and Customs (2008) S.T.C. (S.C.D.) 629

MODULE IV Income from Salary, House Property, Profits and Gains from Business or Profession and Capital Gains

This module comprises of all the technicalities that a tax statute is well-known for. It concentrates on four main heads of Income- Salary Income, Property Income, Business Income and Capital Gains. The module will be a combination of foundational concepts and accompanying case laws.

What is income from Salary-employee-employer relationships-allowances-perquisites-gratuity-pension- taxation point for ESOPs-fringe benefits

Income from House Property-self occupied property-deemed to be let out-deductions-exemptions—controversy as to classification of income as Property Income and Business Income

Profits and Gains from Business or Profession-Business, Profession, Vocation, Profits and gains, allowable and non allowable expenses, Expenditure wholly and exclusively for business purposes

Income from Capital Gains-Concepts of Long term and short term capital gains-Capital Asset -Transfer- whether extinguishment of asset means transfer?-Cost of Acquisition- Cost of Improvement- Case laws where cost of acquisition in NIL- cost of acquisition for bonus shares, intangibles—Exemptions on capital gains

Income from Agriculture----Income from other Sources---Exemptions---Deductions-- --Clubbing Provisions----Carry Forward and Set off of Losses

Readings

- Kanga and Palkhiwala's, *The Law and Practice of Income Tax*, Arvind P. Datar (ed), Volume 1 (10th edn.) LexisNexis 2014 pg. 600-632, 638-670, 671-678, 933-1031, 1173-1280, 1288-1303, 1318-1347, 1374-1417, 1419-1428, 1448-1451, 1455-66

Cases

- Lakshminarayan Ram Gopal & Son Ltd. V. The Government of Hyderabad (1954) 25 ITR 449 (SC)
- Ram Prashad v. CIT (1972) 86 ITR 22 (SC)
- East India Housing and Land Development Trust Ltd v. CIT (1961) 42 ITR 49 (SC)
- Sultan Bros Pvt Ltd. v. CIT (1964) 51 ITR 353 (SC)
- Karnani Properties Ltd. v. CIT (1971) 82 ITR 547(SC)
- CIT v. Bhoopalamm Commercial Complex and Industries (P) Ltd (2003) 262 ITR 517 (Kar)
- CIT v. Hajee Moosa and Company 153 ITR 422
- CIT v. D.P.Sandhu Bros. Chembur P. Ltd. (2005) 273 ITR 1 (SC)
- CIT v.B.C.Srinivasa Setty (1981) AIR 972
- Vania Silk Mills P. Ltd.v. CIT (1991) 191 ITR 647 (SC)
- CIT v. Mrs.Grace Collis (2001) 248 ITR 323 (SC)

MODULE V International Taxation

The proliferation of business and cross-border transactions has enhanced the significance of Double Tax Avoidance Treaties. This module will be dealing with core issues in International Taxation such as Interpretation of Tax Treaties--- Taxation of Permanent Establishments----Fees for Technical Services-----Royalty Payments---- Capital gains on share transfers by non-residents----Treaty Shopping.

The module also elaborates on Tax Avoidance v. Tax evasion controversy, Transfer Pricing as a tool for tax planning, extracts from OECD's draft Base Erosion and Profit Shifting (BEPS) and recent transfer pricing controversy including Vodafone.

Books

- Roy Rohatgi, *Basic International Taxation*, Volume 2 (2nd edn. 2007) Taxmann page 1-32
- Mukesh Butani, *Transfer Pricing: [An Indian Perspective](#)* New Delhi: LexisNexis (2007)

Cases

- Ishikawajima – Harima Heavy Industries Limited vs. DIT (2007) 288 ITR 408
- Vodafone International Holdings BV v. UOI and another, (2012) 341 ITR 1.
- Sony Ericsson Mobile Communications India P. Ltd. v. CIT (2015) 374 ITR 118
- McDowell and Company Ltd. v. CTO 154 ITR 148 (SC)

- Ramsay v. IR 54 TC 101
- UOI v. Azadi Bachao Andolan 263 ITR 706

Recommended Readings and Cases

- Klaus Vogel, *Double Tax Treaties and Their Interpretation*, 4 Int'l Tax & Bus. Law. 1 (1986)
- Re: Roxar Maximum Reservoir Performance WLL, (2012) 349 ITR 189 (AAR)
- IR v. Burma Oil 54 TC 200
- Furniss v. Dawson 55 TC 324

MODULE VI Introduction to Indirect Taxes and Service Tax

Whereas there are range of indirect taxes prevalent in existing regime, this module will provide foundational introduction to Excise/CENVAT, CST, VAT without delving into details. However, major controversy and Constitutional challenges posed on account of composite transactions by virtue of Art.366(29A) such as works contracts will be studied in detail. Such discussion seamlessly flows into discussion about necessity of GST, sector specific challenges and Constitutional amendments it requires.

Readings

- V.S.Datey, *Indirect Taxes Law and Practice* (22nd edn) Taxmann 2009
- A White Paper on State Level Value Added Tax, by The Empowered Committee of State Finance

Cases

- UOI v. Delhi Cloth Mills AIR 1963 SC 791
- Ujjagar Prints v. UOI AIR 1989 SC 516
- Triveni Engineering v. CCE 2000 AIR SCW 3144
- BSNL v. UOI

Recommended Readings and Cases

- Policy for India's Service Sector, Working Paper no. 1/2020-DEA, Department of Economic Affairs, Ministry of Finance, Government of India.

- Satya Poddar & Ehtisham Ahmad, GST Reforms and Intergovernmental Considerations in India, Working Paper No.1/2009-DEA, March 2009 Department of Economic Affairs Ministry of Finance Government of India

REFERENCE BOOKS

- Kanga & Palkhiwala's, The Law and Practice of Income Tax by Arvind Datar 10th ednn. LexisNexis:2014
- Chaturvedi & Pithisaria's, Supreme Court on Income Tax Case Digest (1922-2015) Volume 1 and 2 LexisNexis: 2015
- Students' Hand Book on Income Tax Law T.N. ManoharanSnowwhite Publications P. Ltd., Chennai
- Systematic Approach to Income Tax and Central Sales Tax GirishAhuja& Ravi Gupta Bharat law House, New Delhi
- Basic International Taxation by Roy Rohatgi
- Commentary on Double Tax Avoidance Agreement by B.V.Venkataramaiah
- Public Finance in Theory and Practice by Richard A. Musgrave and Peggy B. Musgrave.
- [S. Rajaratnam; B. V. Venkataramaiah](#) Commentary on 2008 Double Taxation Aviodance Agreements: India's Tax Treaties Com prehensive and Limited Mumbai: Snow White, 2008
- [Datey, V. S., Taxmann's Service Tax Ready Reckoner: as Amended by Finance Act 2008](#), New Delhi: Taxmann Allied Services (P), 2008

POITICAL THEORY: CONCEPTS AND PRACTICES

(INTRODUCTION TO POLITICAL SCIENCE)

Political science as a subject deals with the theory of State, its relationship with society, social groups and individual and interstate relations. The subject mainly comprises the study of political theory; political thought; political institutions; political process; political participation; public policy and international affairs. The scope of this subject is vast and is evolving continuously. Legal system is a sub system of the state system on the basis of which distributive and regulatory functions take place

This is a basic course of political theory to the B.A, L.L.B (Hons) students .It contains outline of political science especially in the context of state. Building perspectives and providing analytical skills is the key purpose of his course. Students will be introduced to the key concepts of state and political power and gradually will be acquaint with ideas of liberty, equality and justice, rights, obligations and citizenship. Further they will be given inputs in to ideologies revolving around these key ideas. Form and nature of government will also be introduced to them. Course is a blend of traditional (Rights and Obligations) and Contemporary issues (Multiculturalism origin and Civil Society, Public Opinion).

Objectives of the course: Course essentially intends to provide understanding of politics as a process pervading all aspects of life. It will help the student to understand the concept of state and its evolution, legitimization of its authority, its organization, and functioning. Further it acquaints students with various ideological perspectives to understand state and its action. Further provides insights into key players in the political processes like political parties, Interest groups, social movements, which play significant role policy making. On the whole the course intends to provide the students to understand the nature of politics and State and their functioning at given point of time.

Teaching Methodology: Each concept is introduced to the student by asking a set of key critical questions. Then the lecture proceeds explaining probable ways of answering those questions. This process is adopted to introduce multiple perspectives about a given concept. Each lecture session will end with a fifteen minutes interactive session. And will close with rising relevant questions so that the student starts pondering over the concept even after the class. Occasionally short duration audio visuals will also be used start a discussion. There will discussion sessions at the end of each module. Reading material

form authentic sources will be provided to the students. Apart from reading material, well acclaimed sources like key texts, reference books and journals also will be provided. Comparative political approach will be used to illustrate concepts. Indian examples also will be used in an appropriate manner.

Organization of plan:

Sl No	Name of the Module	Classes
1	Introduction to The Study of Political Science	7
2	Essential Theoretical Aspects of Political Science	15
3	Essential Ideological Stand Points	15
4	Understanding Political Institutions	8
5	Introduction to Political Processes	12
6	Public Opinion and Civil Society and Politics	7

MODULE 1

INTRODUCTION TO THE STUDY OF POLITICAL SCIENCE

This module will introduce core area study of political science and how to approach it. It elaborates on the concept of state - fundamental area of enquiry of politics, further discusses about the nature of Political Power and its legitimacy. During this process various explanations of the origin and growth and existence of the state through ancient medieval and modern, and contemporary the historical phases. The core area of political science and Liberal, Marxists and Feminists, Behavioral, perspectives to understand politics will be briefly introduced

CONTENTS

- Nature and scope of Political Science
- Understanding Major approaches to the study of Political Science
- Concept of State Origin and Definition and significance
- Meaning of political Power authority and legitimacy of the power

Reading Material :

First , Second from *Tancy.D. Stephen and Jackson Nigel: Politics: The Basics, Routledge (2004)*
Third ,and Fourth chapters from *Haywood Andrew : Political Theory and Introduction Palgrave
McMillon (2004)*

Expected learning outcome:

After completion of the module students will understand

- Essential nature of politics and how it encompasses various aspects of life.
- Various perspectives to analyze and understand a political event.
- Ascertain the meaning of state and how it is distinct from government.
- Nature of power, authority and its legitimization.

MODULE 2

ESSENTIAL THEORETICAL ASPECTS OF POLITICAL SCIENCE

DESCRIPTON

This Module will deal with quintessential aspects of political theory. Liberty equality and justice will be introduced as interwoven concepts. Contradictory and complimentary relationship between these concepts will be discussed. In the process perceptions of various thinkers like Plato, Aristotle Locke, Rousseau, Mill, Marx, Hayek, Rawls and, Amartya Sen and Nussbaum will be introduced. Discussions in this part will revolve around the concepts of Property, Disadvantage, Social Justice, Distributive Justice and Inclusion etc. It starts with the prime ideas of equality and liberty and explains how these ideas are interwoven into debates around justice and rights. The purpose of the module is to introduce the link between perennially debated concepts.

- Liberty: Meaning and scope
- Equality: Meaning and Scope
- Justice: Liberal ,and Egalitarian perspectives
- Rights and obligations
- Citizenship.

Reading Material:

Chapter three, from *Tancy.D. Stephen and Jackson Nigel: Politics: The Basics, Routledge (2004)*

Chapters four and six from *Hoffman John and Graham Paul : Introduction to Political theory, Pearson (2006)*

Expected Learning Outcome:

After completion of the module students will understand

- The nuances of concept of concepts of freedom equality and justice
- The relationship between the above three concepts
- Relationship between the individual and the state
- Concept of distributive and Social Justice

MODULE 3:

ESSENTIAL IDEOLOGICAL STAND POINTS

DESCRIPTION

This module continues the theoretical debate further and tries to explain how strong political and how they interpret the prime concepts of Liberty and equality and justice. Ideas from liberalism to multiculturalism will be discussed. Various hues of liberal and socialist schools of thought will be introduced. Neo liberalism, welfare state also will be dealt with. This chapter gives a panoramic view of essential debates in politic ranging from Neo liberalism to multiculturalism. This module paves way to understand political process, nature and organization of state further.

CONTENT

- Liberalism: Classical and Modern
- Socialism and Communism
- Anarchism: Negating State and Resistance to State
- Feminism: Politics, Gender Justice and Empowerment,
- Nationalism: Its evolution and consequences
- Multiculturalism: Evolution of the concept and its future
- Ecologism : from Anthropocentrism to Eco- centrisism

Reading Material:

Chapters Seven from, *Eccleshall Robert et al :Political Ideology An introduction, Routledge (1994)*

Chapter five ,eight and nine from: *Miskelly Mathew and Noce Jaime (ed) Political theories for Students ,Gale Group (2002)*

Chapter eleven and fourteen from *Hoffman John and Graham Paul : Introduction to Political theory, Pearson,New Delhi (2006)*

Expected Learning Outcomes:

After completion of the module students will

- Understand the concept of ideology and its impact of function of the state
- Appreciate the critic of the state various perspectives
- Ascertain the importance of management of pluralism in modern nation-states
- Distinguish between Eco-centrism and Anthropo centrism

MODULE4**UNDERSTANDING POLITICAL INSTITUTIONS****DESCRIPTION**

In this chapter the distinction between state and government will be discussed. Further the concept of constitutional government will be discussed .the relationship between Legislature Executive and Judicatory will be discussed. The origin of concept of separation of powers will be presented. Nature and the forms of various governments will be introduced using comparative political analysis. The concepts like rise of the executive, nature of the legislature etc. will be discussed. Further distinction between Government and democracy also will be highlighted .The nature and the context of the governments and relationship between types of the government governance will be highlighted.

- State and government
- Constitutionalism and Constitution
- Organs of the State Legislative, Executive and Judiciary
- Forms of Government

Reading Material:

Chapter four from *Haywood Andrew : Political Theory and Introduction Palgrave McMillon ,London, (2004)*

Expected Learning Outcomes:

After completion of the module students will

- Understand the distinction between the state and government
- Appreciate the essence of constitutionalism and different constitutions
- Comprehend the nature and functioning of modern governments
- Acquaint with the concept of separation of power.

MODULE 5

INTRODUCTION TO POLITICAL PROCESSES

DESCRIPTION

The module focuses on the distinction between the democracy and authoritarianism. The distinction will be explained in the historical context, Theoretical support and critique of both the processes will be explained. Variety of thinkers like Lenin, Mao, Hanna Ardent, and David Held will be introduced. Euro Atlantic and non-euro Atlantic political process will be introduced. Nature of representative democracy and electoral process and its evolution will be introduced. Political parties agencies of political mobilization and articulation will be elucidated. Structure and functioning of special interest groups and movements will be brought forth. The concept of good governance and public policy will be explained.

CONTENTS

- Democracy as a political process
- Authoritarianism as a form of ruling system
- Political representation and electoral process
- Concept of good governance
- Public Policy and decision making
- Political Mobilization: Practices of Parties and Movements.
- Special Interests Groups and their functioning

Reading Material:

Chapter Eight from Tancy.D. Stephen and Jackson Nigel: *Politics: The Basics*, Routledge, London (2003)

Chapter sixteen from Hoffman John and Graham Paul : *Introduction to Political theory*, Pearson ,India (2006)

Chapter four from Sargent Tower layman: *Contemporary political Ideologies,A Comparative analysis*, Words Worth Cengage, New york (2009)

Chapter one from Michel Moran et al (Ed): *The Oxford handbook on Public Policy* ,Oxford University Press. London 2006

Expected Learning Outcomes:

After completion of the module students will

- Understand the essentials of democracy and non-democratic forms of ruling
- Learn the essential prerequisites for a substantive democracy
- Understand the concept of public policy and how political process influences its shaping.
- Know about Political Parties and Pressure groups and peoples movements.

MODULE 6

PUBLIC OPINION AND CIVIL SOCIETY AND POLITICS

DESCRIPTION

The concept of public opinion and its importance for the ruling systems, making of public opinion will be brought out. The Interaction of state and public opinion will be analyzed. Effort of states to mold public opinion and influence of public opinion on the political elite will be explained. Role of mass media in shaping public opinion will be dealt with. Mass Media will be explained as a tool of dissidence and also a tool of consent building to the ruling system will be explained. Thinkers like Gramsci, Habermas , and Chomsky will be introduced. The evolution of the concept of civil society will be explained from the times social contractual thought to current day. The relationship between civil society and state will be explained

CONTENT

- Public opinion: Media as an instrument of public opinion and its political impact
- Civil society: concept, nature and scope its role in political process

Reading Material:

Introduction and chapter one to five *Lippman Walter Public Opinion (with new introduction by Curits Michale)*, Transaction Publishers, London, 1998

Chapter one from *Edward Michale, Civil Society, Polity*, (2004)

Chapter Twelve from Bhargava Rajeev and Acharya Ashok (ED), *Political Theory an introduction*, Pearson education, New Delhi 2008

Expected Learning Outcomes:

After completion of the module students will

- Appreciate how public opinion is formed and molded
- Understand how the wielders of power uses mass media to persuade
- Learn fundamental aspects of civil society
- Understand civic action as an essential part of political life.

Select Readings

1. Andrew Heywood, *Political Theory: An Introduction*, New York: Palgrave Macmillan, 2004,
2. Andrew Vincent : *Modern Political Ideologies* : Willy Blackwell 2010
3. Ellen Grisby , *Analyzing Political science : an introduction to political science* Wadsworth Cengage 2010
4. Gerald Gauss, *Political Concepts and Political Theories*, 2000
5. James.W.McAulay , *An introduction to politics state and Society*, sage 2003
6. John Hoffman and Paul graham : *Introduction to Political Theory*, Pearson 2010
7. John.S.Dryzek. et al : *Oxford Handbook of Political Theory*: 2006
8. Lyman Tower Sargent : *Cotemporary Political Ideologies* ,Wordsworth Cengage 2009
9. N.D.Arora and S.S.Avasthi, *Political Theory*, HarAnand , New Delhi 2007
10. O.P. Gauba, *An Introduction to Political Theory*, Mcmillon 2003
11. Rajeev Bhargava and Ashok Acharya (ED) , *Political Theory an introduction*, Pearson education, 2008
12. Stephen.D. Tancy and Nigel Jokson, *Politics The basics*, Routledge 2006
13. Will Kymlica: *Contemporary Political Philosophy an Introduction* Oxford 2002

SOCIOLOGY

Society, Culture and Law in Sociological Perspectives

Introduction:

Law is largely taught without social and cultural context in our country. This teaching culture had emerged predominantly from disciplinary or uni-disciplinary understanding of law. The need for inter-disciplinary approach to legal material and teaching is strongly felt in the recent past among the legal scholars. As a result of this, legal scholars and social scientists worked together and created inter-disciplinary approaches to teach and research legal materials. To some extent this new trend started questioning the mainstream and conventional understanding of law as mere expression of the Will of the Sovereign or a system of imperatives. Law is not so much a system of imperatives but primarily an instrument of ideological practices of dominance that produces subordination in the form of disciplining and normalizing the individuals and communities within the legal framework of citizenship. It is in this context the present course gains certain importance because it helps the students to understand interpretatively the complex socio-cultural and political realities that structure the practices of legal system.

Object of the Course:

This course is intended to introduce students to the socio-legal reasoning that emphasizes the dialogic relations between law, society and culture.

Specific Objectives of the Course:

1. To introduce the discipline of sociology to the students of law. This is done by encouraging students to develop a critical engagement with the various basic sociological concepts, theories, issues and, methods.
2. To expose the students to the practical and theoretical issues that emerges out of interdisciplinary approaches to the interactions between society and law and culture and law.
3. To examine the law's relationship to society within the framework of sociology of law.
4. To develop a sociological understanding on the functioning of legal institutions and actors within the broader legal system.

Methods of Teaching and Learning:

It is a combination of lecture and discussion of course readings. The lectures will not simply summarize the course readings. The lectures will utilize material from the course

readings, but they will also go beyond the readings in a variety of ways. They will often address theories, concepts, issues, etc. that are not discussed in the readings. The lectures and the readings are intended to complement each other, not copy each other. In order to develop their own perspectives on the issues that are discussed in the readings, the students will be asked to raise certain questions and discuss them in the classroom *after* the lectures everyday. Therefore students are expected to read all the **required readings** *before* class and be prepared to discuss the major issues raised in the material, as well as ask questions about the readings and the lectures. You are also encouraged to read **recommended readings**, mentioned in the lectures and identified on the course outline below.

Lecture Plan:

Module One:	Sociological Perspectives	(12
Lectures)		
Module Two:	Social Stratification	(10
Lectures)		
Module Three:	Social Institutions	(8 Lectures)
Module Four:	Deviance and Social Control	(8 Lectures)
Module Five:	Culture/ Culture and Law:	(8 Lectures)
Module Six:	Law in Sociological Theoretical Perspectives	(15
Lectures)		

Expectation from you:

1. **Before Class:** Read thoroughly the readings from the given module before coming to class. It is always better to come to class with some deeper questions that emerges out your engagement with the selected readings.
2. **During Class:** Listen carefully to lectures and the interpretations of teacher. Engage seriously with the conceptual categories that are discussed in the class in the form discussing with teacher and other students. Listen to the views of the other students. Listening not only helps to learn new things but also helps to de-learn certain pre-conceived notions about concepts, theories and thinkers.
3. **After Class:** Reflect deeply on the categories that are taught and learned in the class. Reformulate your questions and understanding based on such reflection.

Course Requirement:

Academic Honesty

Plagiarism and Cheating are strictly prohibited. Plagiarism is defined as taking or using the thoughts, writings, or inventions of another without acknowledging him/her. It also means using direct quotations without quotation marks, as well as using the ideas of another without proper credit. Ask your instructor when in doubt. Cheating is defined as any intent to deceive the instructor in his or her effort to grade fairly.

Evaluation: The course work will be evaluated for 100 Marks. The course work has four components: Written Project Paper, Presentation of the Project Paper, Mid-Semester Examination and End-Semester Examination.

Project Paper: This written project paper based on research carries 20 Marks. The project papers are evaluated for their originality, analysis and elaboration of the central argument, and rigorous methodology followed in the analysis of the textual materials.

Presentation of Project Paper: The presentation of the written project is evaluated for 5 Marks. The evaluative criteria for these presentations are articulations of ideas, communication of the central argument and the conclusions and the response to the questions of the teacher and other participants in the presentations

Mid-Semester Examination: The question paper is set for 25 Marks

End-Semester Examination: The End-Semester question paper is set for the remaining 50 Marks

Course Content:

The discipline of sociology is offered with an understanding that the sociological categories and approaches can influence to a greater extent the legal reasoning in our context. It is essential for law students to have a basic and critical understanding of social issues, processes and, relations, as law is inextricably related to socio-political institutions and language of power and governance. The course is structured around a number of basic concepts, social issues, social processes and theories.

Course Outline:

I Sociological Perspectives: Definitions and the scope of the discipline are discussed under this module. Basic sociological concepts are taken for detailed discussion. Sociological theories are introduced and discussed in a brief form. Sociological perspectives are derived from these concepts and theories.

1. Sociology as a Field of Inquiry
2. The Empirical Basis of Sociology
3. Central Sociological Concepts: a) Social Interaction; b) Social Structure and Mobility; c) Social Change
4. Sociological Theory: a) Functionalism; b) Conflict Theory; c) System Theory; d) Structuralism; e) Post-Structuralism

Required Readings:

Chapter 1, “Defining Sociology” in Abraham, M.F. (2006). *Contemporary Sociology: An Introduction to Concepts and Theories*. New Delhi: Oxford University Press

Chapter 1, “ The Subject Matter of Sociology” in Inkeles, Alex. (1993). *What is Sociology?* New Delhi: Prentice-Hall of India Private Limited.

Chapter 2, “The Science of Sociology” in Albrow, Martin. (1999). *“Sociology: The Basics*. London and New York: Routledge

Chapters 4, and 9 in Stolley, K.S. (2005). *The Basics of Sociology*. London: Greenwood Press

Chapter 2, “Theoretical Perspectives in Sociology” in Abraham, M.F. (2006). *Contemporary Sociology: An Introduction to Concepts and Theories*. New Delhi: Oxford University Press

Expected Learning Outcome:

- Get a thorough understanding on some of the sociological concepts and theories.
- Get some grounding in interdisciplinary approaches in the field of social sciences.

II Social Stratification: No human society is free from the structures of inequality and stratification. Some are systemic inequalities that are deeply rooted in culture and some others forms are created for some specific political and economic purposes. This second module discusses elaborately the entire conceptualization that revolves around social stratification in terms of analyzing the concepts of hierarchy, difference and inequality. Some of the theoretical interpretations on caste, class and gender will be discussed briefly under this module.

1. The Concept of Social Stratification
2. Forms of Social Inequalities: a) Class; b) Caste; c) Race; and d) Gender
3. Theories of Social Stratification

Required Readings:

Chapter 7, “Stratification” in Stolley, K.S. (2005). *The Basics of Sociology*. London: Greenwood Press

Chapter 9, “Social Stratification” in Abraham, M.F. (2006). *Contemporary Sociology: An Introduction to Concepts and Theories*. New Delhi: Oxford University Press

Expected Learning Outcome:

- A complete understanding on the conceptual difference between Hierarchy and Inequality, *Varna* and *Jati*, Sex and Gender, and Caste and Race.
- Clarity on how caste, class and gender in Indian context are inter-connected in reproducing dominance and subordination.

III Social Institutions: This module starts with the basic concepts that help the students to understand the characteristics and functioning of these two (Family and Religion) social institutions. The changing nature of these institutions and the theoretical and ideological interpretations on the changing nature of these institutions are also discussed under this module.

1. Family
2. Religion

Required Readings:

Chapter 11, “The Family” in Abraham, M.F. (2006). *Contemporary Sociology: An Introduction to Concepts and Theories*. New Delhi: Oxford University Press

Chapter 14, “Religion” in Abraham, M.F. (2006). *Contemporary Sociology: An Introduction to Concepts and Theories*. New Delhi: Oxford University Press

Expected Learning Outcome:

- Good grasp of changing familial relationships in general and Indian family in particular. Helps the students to understand how legal interventions force the traditional family setup to reckon with changing social realities of sexuality and property rights to women.
- Some deeper understanding on various religious traditions, changing religious imagination from ‘Religion as Faith’ to ‘Religion as Politics’. Helps them to understand how the notions of secularism and highly varying interpretations of secularization affect the legal imagination that entangled in the binary of Sacred and Profane, Religion and Secular.

IV Deviance and Social Control: The sociological concepts of deviance and social control are directly relevant for the law students who are interested in practicing criminal law. The conceptual difference between ‘Deviance’ and ‘Crime’, social control and enforcement of law are very important to understand the functioning of criminal justice system. This module largely engages with conceptual categories and theories that are related to deviant and criminal behavior patterns of communities and individuals on the one hand and theories of punishment and social control on the other hand.

1. What is Deviance?
2. The difference between ‘Deviance’ and ‘Crime’
3. Types of Crime: a) Juvenile Crime; b) White-Collar Crime
4. Theories of Crime
5. Criminal Justice System

Required Readings:

Chapter 8, “Deviance and Social Control” in Abraham, M.F. (2006). *Contemporary Sociology: An Introduction to Concepts and Theories*. New Delhi: Oxford University Press

Chapter 10, “Deviance” in Haralambos, M. (1998). *Sociology: Themes and Perspective*. Delhi: Oxford University Press

Chapter 6, “Deviance and Social Control” in Stolley, K.S. (2005). *The Basics of Sociology*. London: Greenwood Press

Expected Learning Outcome:

- Get a complete understanding of the sources of deviant and criminal behaviour.
- Get a complete picture on the criminal justice system in practice. The practical problems in running criminal justice system will be very clearer to the students.

V Culture/ Culture and Law: This module starts with the sociological conception of culture and then discusses the conception of culture from the perspective of Cultural Studies. After gaining certain grounding in the fundamental categories of culture, the module addresses the interconnections that exist between Culture and Law, Culture and Rights, and Legal Culture. The growing interests in the field of comparative law have made tracing such interconnections between culture and law more meaningful.

1. Meaning and Concept of Culture
2. Components of Culture: a) Language; b) Beliefs; c) Values, Norms, and Customs; d) Culture and Rights; e) Legal Culture; f) Popular Culture

Required Readings:

Chapter 3, “Culture and Society” in Stolley, K.S. (2005). *The Basics of Sociology*. London: Greenwood Press

Chapter 4, “Culture” in Abraham, M.F. (2006). *Contemporary Sociology: An Introduction to Concepts and Theories*. New Delhi: Oxford University Press

Cowan, J.K, M-B Dembour and Richard A. Wilson. (2001). Introduction in Cowan, J.K, M-B Dembour and Richard A. Wilson (eds). *Culture and Rights*. Cambridge: Cambridge University Press. (p. 1-26)

Merry, S. E. (2001). Changing rights, changing culture in Cowan, J.K, M-B Dembour and Richard A. Wilson (eds). *Culture and Rights*. Cambridge: Cambridge University Press. (p.31-55)

Baxi, Upendra. (1991). Conflicting Concepts of Legal Cultures and Conflict of Legal Cultures. *Journal of the Indian Law Institute*, Vol.33, Number 2, April-June, 1991

Williams, Raymond. (1981). *Culture*. Glasgow: Fontana Paperbacks (p.9-32)

Expected Learning Outcome:

- Get exposed to the debate between ‘Universalists’ and ‘Cultural Relativist’ on the question of rights articulations, particularly human rights.
- Develop some interpretative understanding on the practical and theoretical problems that emerges out of intense interactions between culture and law.

VI Law in Sociological Theoretical Perspectives: Law is interpreted from various sociological theoretical traditions. The discussion on these theoretical positions helps the students to understand the widening gap between ‘law in books’ and ‘law in practice’. These theoretical interpretations help to understand the crisis in legal regulations.

1. Functionalist Interpretations

2. Marxist Interpretations
3. Weberian Interpretations
4. Post-Structuralist Interpretations

Required Readings:

Wilkinson, P.J. (1981) The Potential of Functionalism for the Sociological Analysis of Law in Podgorecki, A and Whelan, J. (eds). ***Sociological Approaches to Law***. London: Croom Helm (p.67-90)

Chapter 11, “Marxism, Law, Legal Theory and Jurisprudence” in Hunt, Alan. (1993). ***Explorations in Law and Society***. New York and London: Routledge

Andreski, S.L. (1981). Understanding Action and Law in Max Weber in Podgorecki, A and Whelan, J. (eds). ***Sociological Approaches to Law***. London: Croom Helm (p.45-65)

Ewald, F (2001) Norms, Discipline and the Law in Cotterrell, R. (ed). Sociological Perspectives on Law. Vol.II. Aldershot: Ashgate. (p.411-434)

Expected Learning Outcome:

- Thorough grounding in sociological theories.
- Ability to connect legal theoretical notions with sociological theoretical categories.
- Ability to develop interdisciplinary approaches to law teaching and legal research.

Recommended Readings:

Abraham, M.F. (1988). Modern Sociological Theory: An Introduction Delhi: Oxford University Press.

Beteille, Andre. 2002. Sociology: Essays on Approach and Method. New Delhi: Oxford University Press

Bottomore, T.B. (1972). Sociology: A Guide to Problems and Literature. Bombay: Blackie & Sons (India) Ltd

Das, Veena. (1996). Critical Events: An Anthropological Perspective on Contemporary India. New Delhi: Oxford University Press

Deshpande, Sathish. (2003). Contemporary India: A Sociological View. New Delhi: Viking

Dumont, Louis (1980) *Homo Hierarchicus: The caste system and its implications*. Chicago: University of Chicago Press.

Geetha, V. (2002). Gender. Calcutta: **Stree**

Giddens, Anthony. (2001). Sociology. Cambridge: Polity

Giddens, Anthony. (1986). Sociology: A Brief but Critical Introduction. London: The Macmillan Press Ltd

Srinivas, M.N. (1969). India- Social Structure. Hindustan Publishing Co.

Thompson, K and Jeremy Tunstall (eds). (1983). Sociological Perspectives. Harmondsworth: Penguin Books



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B.A.LL.B

FAMILY LAW-II

Course Instructor

Dr. G. Mallikarjun

Course is so designed as to acquaint, train and equip the students with the comprehensive knowledge of the personal laws operating in Indian society. These laws have their bases in the religions of the respective communities. The students are motivated to study these laws with historical and social perspective so that they can understand the reasons for the emergence of these laws and also the anxiety of the founding fathers of the Constitution for the Uniform Civil Code (*vide Article 44 of the Constitution*). Thus, the students are required to study these laws in the Constitutional framework so that they can form their own opinion as to how far it is proper to have secular matters related to religion.

The students will study on comparative basis the personal laws of Hindus, Muslims, Christians and Parsis. They will themselves find out the points of similarity and difference in these laws. Thus, a study of personal laws on comparative lines will best train the budding lawyers to initiate and work for reform in personal laws so that the process of unification started in the National Law Universities may, one day, make the dream of the founding fathers of the Constitution for the Uniform Civil Code for all the citizens of India realised which will contribute towards the unity and integrity of the country. Special care is taken in the course to look at the status of women and children in family relations with a view to ensure greater protection of Constitutional rights of these groups in the administration of family matters.

Course Objectives

- To inculcate the skill of reading and understanding of Family law;
- To identify emerging issues in the Family law development;
- To examine the historical evolution of Hindu jurisprudence, Islamic jurisprudence and other jurisprudential theories of the world;
- To familiarize with the most prominent aspects of the concepts and their subsequent developments in the contemporary world;
- To get acquainted with the problems and lacunas of the Indian personal laws;
- To analyze and interpret sacred text and offer contextual interpretation before the Courts in India;
- To understand and articulate gender sensitive issues, their interpretation and application in property related matters;
- To understand and articulate the internal logic of an “argument,” and whether it is consistent or inconsistent with similar “arguments” previously made;
- To recognize and articulate the strengths and weaknesses of an “argument” independent of one’s level of agreement with it;
- To articulate opinions on significant, vital, controversial and current family issues; and
- To develop and enhance skills with regard to family matters and their interpretation in the context.

Teaching Methodology

The methodology is not a traditional lecture method but participatory teaching with discussion on legal principles and precedents in the classroom. The students are informed in advance the topic for discussion and the topic of project / assignment they have to prepare. The students prepare their topics from the sources suggested to them. The students are also encouraged to do independent research on their respective assignments. In the classroom every student is required to present his/her topic and to have his/her doubt cleared through discussion. The teacher will be helping and guiding the students in their pursuits of learning. The teacher will summarize after the students have completed their discussion, he will clarify the doubts, if any, and answer their queries.

LECTURE PLAN

MODULES	TITLE	NUMBER OF LECTURES
MODULE ONE	Hindu Joint Family and Coparcenary (Mitakshara and Dayabhaga)	12 LECTURES
MODULE TWO	Partition	11 LECTURES
MODULE THREE	Maintenance	03 LECTURES
MODULE FOUR	Stridhana (Women's Estate)	03 LECTURES
MODULE FIVE	Gift (Hiba)	04 LECTURES
MODULE SIX	Liability for Debts	03 LECTURES
MODULE SEVEN	Intestate Succession and Testamentary Succession (Will-Vasiyat)	22 LECTURES
MODULE EIGHT	Muslim Law of Wakf	03 LECTURES
MODULE NINE	Matrimonial Property Laws	03 LECTURES

Course Evaluation Method

The Course is assessed for 100 Marks in total by open book system of examination. There shall be a Mid-Semester Exam for 25 Marks and End Semester Exam for 50 Marks. 25 Marks are allotted for the Project work which includes 20 Marks for written research work and 5 Marks for presentation of Project. The question papers shall be designed on a decided or under-trial case based; therefore, students are advised to look at previous years' examination papers to familiarize with the examination format.

COURSE CONTENT

Module 1

[12 Teaching Hours]

Hindu Joint Family and Coparcenary

(Mitakshara and Dayabhaga)

Hindu Joint Family : Definition, Nature, Concept and requisite of joint Hindu family; Hindu undivided family; Hindu composite family; Hindu trading family; rights of male and female members in Mitakshara and Dayabhaga joint Hindu family; impact of modern lifestyle on Shastric and traditional joint Hindu family and impact of daughter being coparcener on joint Hindu family.

Coparcenary : Mitakshara coparcenary; Dayabhaga coparcenary and Mitakshara statutory coparcenary; son's and daughter's right by birth in father's, grand-father's and great grand-father's property; dual membership in the Shastric and traditional joint Hindu family and impact of daughter being coparcener on Shastric and traditional Hindu coparcenary system.

Coparcenary Property : corporate ownership; individual ownership; coparcenary property; incidents of coparcenary property; self-acquired property; property jointly acquired; coparcenary within the coparcenary.

New Coparcenary as defined and codified by the Hindu Succession (Amendment) Act 2005; position of daughter in the family of her birth and marriage; daughter as *Karta* in the family of her birth and marriage; daughter's right of alienation etc.

Karta of joint Hindu family; *Karta*/ manager's legal position; woman as *Karta*; rights of coparcener of joint possession and enjoyment;

Alienation : subject of alienation; alienation of undivided coparcenary property; Doctrine of legal necessity / benefit to the estate (*exceptions-Apatkale, Kutumbharte and Dharmarthe*); alinee and alinee's legal position.

Hindu undivided family; Hindu trading family; Hindu composite family.

Dual membership in Hindu family; Daughter as coparcener under Mitakshara and Dayabhaga Schools of Hindu law; woman as *Karta*.
Doctrine of legal necessity.

Law Commission of India Report

- 204 Report (2008) on "Proposal to amend the Hindu Succession Act 1956 as amended by the Act 39 of 2005".
- 207 Report (2008) on "Proposal to amend Section 15 of the Hindu Succession Act 1956 in case a female dies intestate leaving her self-acquired property with no heirs".

Statutory Reference

The Kerala Joint Hindu Family System (Abolition) Act 1975	(Act No. 30 of 1976)
The Hindu Succession Act 1956	(Act No. 30 of 1956)
The Hindu Succession (Andhra Pradesh Amendment) Act 1986	(Act No. 13 of 1986)
The Hindu Succession (Tamil Nadu Amendment) Act 1990	(Act No. 1 of 1990)
The Hindu Succession (Maharashtra Amendment) Act 1994	(Act No. 40 of 1994)
The Hindu Succession (Karnataka Amendment) Act 1994	(Act No. 23 of 1994)
The Hindu Succession (Amendment) Act 2005	(Act No. 39 of 2005)

Judicial Reference

Surjeet v. W. T. Commissioner	AIR 1976 SC 109
Jagannath v. Lokanath	AIR 1981 Ori. 52
K. O. Reddy v. V.N.Reddy	AIR 1984 SC 1171
Kamesh Panjiyar v. State of Bihar	2005 (2) SCC 388
Commr. of Income-Tax v. Seth Govind Ram	AIR 1966 SC 2
Katama Nachiar v. Raja of Sivaganga	9 MIA 539
Hanooman Persaud Pandey v. Mussumat Babooee	(1856) 6 MIA 393
Hanuman Prasad v. Indrawati	AIR 1958 All. 304
Rao Balwant Singh v. Rani Kishori	(1898) 25 IA 54
Bijay Kumar Shah v. Rama Pati Basu	ILR (1942) 2 Cal. 413
Sunil Kumar v. Ram Prakash	AIR 1988 SC 576
Guramma v. Mallappa	AIR 1964 SC 510

Compulsory Readings

- Satyajee A. Desai (rev.), D. F. Mulla, HINDU LAW, 21st ed. 2010, Ch. XII (*Hindu Joint Family and Mitakshara Coparcenary*), pp. 321-430, pp. Ch. XIII (*Dayabhaga Coparcenary*), pp. 431-437.
- Vijender Kumar (rev.), J. D. Mayne, HINDU LAW & USAGE, 17th ed. 2014, Ch. 12 (*The Hindu Joint Family*), pp. 820-912; Ch. 14 (Alienation), pp. 957-1015.
- Vijender Kumar, “*Coparcenary under Hindu Law: Boundaries Redefined*”, NALSAR Law Review, 2008-09, Vol. 4, pp. 27-40.
- B. Sivaramayya, “*Coparcenary Rights to Daughters: Constitutional and Interpretational Issues*”.
- J. D. M. Derrett, ESSAYS IN CLASSICAL AND MODERN HINDU LAW, 1st ed. 1977, 1st Ind. Rep. 1995 Vol. 4, pp. 126-137, “*May a Hindu Woman be the Manager of a Joint Hindu Family at Mitakshara Law?*” Bom.LR. J., LXVIII 1966, 1-11.
- J. D. M. Derrett, ESSAYS IN CLASSICAL AND MODERN HINDU LAW, 1st ed. 1977, 1st Ind. Rep. 1995 Vol. 2, pp. 8-130, “*The Development of the Concept of Property in India C.A.D. 800-1800*”, ZVR LXIV, 1957, 15-130.
- J. D. M. Derrett, ESSAYS IN CLASSICAL AND MODERN HINDU LAW, 1st ed. 1977, 1st Ind. Rep. 1995 Vol. 3, pp. 169-181, “*Alienation at Hindu Law :A Revolutionary Full Bench Decision*”, SCJ 1957, 85-96.
- J. D. M. Derrett, ESSAYS IN CLASSICAL AND MODERN HINDU LAW, 1st ed. 1977, 1st Ind. Rep. 1995 Vol. 3, pp. 365-372, “*Acquisition of Joint Family Property through a Coparcener : Let Shastric and Equity Principles join hands*”, Bom.LR.J., LXXI 1969, 75-81.

Module 2

[11 Teaching Hours]

Partition

Partition under Mitakshara and Dayabhaga Schools of Hindu law; Subject of Partition; Persons entitled to ask for Partition; Persons entitled to take share on Partition; Doctrine of representation; Doctrines of *per stripes* and *Capita*; Minor's suit for Partition; Mode of division; Birth and deaths during pending suit; Suit for Partition by Stranger; Partial Partition- Parson and Property; Partition by Metes and Bounds; Re-opening of Partition; and Re-Union of Partition.

Section 171 of the Income Tax 1961 and Partition

Pre-emption under Hindu and Muslim Law

Doctrine of representation; Doctrines of *per stripes* and *Capita*.

Law Commission of India Report

- 208 Report (2008) on “Proposal for amendment of Explanation to Section 6 of the Hindu Succession Act 1956 to include oral partition and family arrangement in the definition of ‘Partition’”.

Statutory Reference

The Hindu Gains and Learning Act 1930	(Act No. 30 of 1930)
The Partition Act 1893	(Act No. 4 of 1893)
The Income Tax 1961	(Act No. 43 of 1961)

Judicial Reference

Appovier v. Rama	(1866) 11 MIA 75
Rewun Prasad v. Mst. Radha	(1856) 4 MIA 137
Girja v. Sadashiv	1916 PC 104
Raghavamma v. Chenchamma	AIR 1964 SC 136
Puttrangumma v. M.S. Rangamma	AIR 1968 SC 1018
Kasinath v. Narsingsa	AIR 1961 SC 1977
Nani v. Gita	AIR 1958 SC 706
Kalloomal v. Tapeswari Prasad (HUF)	AIR 1982 SC 760
Chowdhry Ganesh v. Mst. Jewash	(1904) 31 IA 10
Munnalal v. Rajkumar	AIR 1962 SC 1493
Duddi v. Duddin	AIR 1983 SC 583

Compulsory Readings

- Satyajeet A. Desai (rev.), D. F. Mulla, HINDU LAW, 21st ed. 2010, Ch. XVI (*Partition and Reunion- Mitakshara Law*), pp. 489-542; Ch. XVI (*Partition-Dayabhaga Law*) pp. 543-548.
- Vijender Kumar (rev.), J. D. Mayne, HINDU LAW & USAGE, 17th ed. 2014, Ch. 15 (*Partition*), pp. 1016-1082.
- J. D. M. Derrett, ESSAYS IN CLASSICAL AND MODERN HINDU LAW, 1st ed. 1977, 1st Ind. Rep. 1995 Vol. 2, pp. 169-181, “*The Hindu Law Relating to Pre-emption*”, Adyar Lib. Bull. XXV, 1961, 13-27.
- Iqbal Ali Khan (rev.), D. F. Mulla, PRINCIPLES OF MAHOMEDAN LAW, 20th ed. 2013, Ch. XIII (*Pre-emption*), pp. 299-328.
- A. A. A. Fyzee, OUTLINES OF MUHAMMADAN LAW, 5th ed. 2008, Ch. 10 (*Pre-emption*), pp. 271-288.

Module 3

[3 Teaching Hours]

Maintenance

Under Hindu, Muslim, Christian and Parsi Personal Laws.

The Hindu Adoptions and Maintenance Act 1956, Sections 18-28: Maintenance of wife; Maintenance of widowed daughter-in law; Maintenance of children and aged parents; Maintenance of dependants; Maintenance when to be a charge and Effect of transfer of property to maintenance.

Parental responsibility and Personal Laws.

Statutory Reference

The Hindu Married Women's Rights for Separate Maintenance Act 1946

The Hindu Adoptions and Maintenance Act 1956 (Act No. 78 of 1956)

Judicial Reference

Raghubar Singh v. Gulab Singh	AIR 199 SC 2401

Compulsory Readings

- Satyajeet A. Desai (rev.), D. F. Mulla, HINDU LAW, 21st ed. 2010, Ch. III (*The Hindu Adoptions and Maintenance Act 1956*), pp. 1325-1351.
- Vijender Kumar (rev.), J. D. Mayne, HINDU LAW & USAGE, 17th ed. 2014, Ch. 24 (*The Hindu Adoptions and Maintenance Act 1956*), pp. 1461-1510.
- Iqbal Ali Khan (rev.), D. F. Mulla, PRINCIPLES OF MAHOMEDAN LAW, 20th ed. 2013, Ch. XIX (*Maintenance of Relatives*), pp. 454-458.
- A. A. A. Fyzee, OUTLINES OF MUHAMMADAN LAW, 5th ed. 2008, Ch. 7 (*Maintenance*), pp. 173-180.

Module 4

[3 Teaching Hours]

Stridhana (Women's Estate)

Stridhana; Women's power of disposition; Women's power of alienation; Consent of reversioners to alienate by widow, etc. Property of a female Hindu to be her absolute property.

Statutory Reference

The Hindu Women's Rights to Property Rights 1937 (Act No. 18 of 1937)

The Hindu Succession Act 1956 (Act No. 30 of 1956)

Judicial Reference

Seshamma v. Ramakoteswara Rao	AIR 1958 SC 280
Kotturuswami v. Veeravva	AIR 1959 SC 577
V. Tulasamma v. Sesha Reddi	AIR 1977 SC 1944
Raghubar Singh v. Gulab Singh	AIR 199 SC 2401

Compulsory Readings

- Satyajeet A. Desai (rev.), D. F. Mulla, HINDU LAW, 21st ed. 2010, Ch. X (*Women's Property : Part I Stridhana – Law Prior to the Hindu Succession Act 1956*), pp. 215-250; Ch. XI (*Women's Property : Part II Property Acquired by a Woman by Inheritance – Law Prior to the Hindu Succession Act 1956*), pp. 251-320.
- Vijender Kumar (rev.), J. D. Mayne, HINDU LAW & USAGE, 17th ed. 2014, Ch. 18 (*The Hindu Women's Rights to Property Rights 1937*), pp. 1186-1195; Ch. 20 (*Stridhana*), pp. 1204-1229; and Ch. 21 (*Women's Estate*), pp. 1230-1276.
- Vijender Kumar, "Proprietary Rights of Females under Hindu Law: Strains and Stresses" 39 (1997) JILI 376.

Module 5

[4 Teaching Hours]

Gift (*Hiba*)

Definition of Gift; Property that may be gifted; Gift may be express or implied; Gift to a minor or Lunatic or to unborn persons; Gift when revocable.

Death-bed Gift and acknowledge

Judicial Reference

Khalida Adib Begum v. S. A. Bashirunnissa Begum	(1970) II MLJ 98
Abdul Rahman v. Athifa Begum	AIR 1998 Kant 39
Nawazish Ali Khan v. Ali Raza Khan	(1948) 75 IA 62
Enaet Hossein v. Khoboonnissa	(1869) 11 WR 320
Mulani v. Maula Baksh	(1924) 46 All 260
Mahboob Khan v. Abdul Rahim	AIR 1964 Raj 250

Compulsory Readings

- Satyaajeet A. Desai (rev.), D. F. Mulla, HINDU LAW, 21st ed. 2010, Ch. XVIII (*Gifts*), pp. 549-556.
- Vijender Kumar (rev.), J. D. Mayne, HINDU LAW & USAGE, 17th ed. 2014, Ch. 26 (*Gifts*), pp. 1528-1540.
- Iqbal Ali Khan (rev.), D. F. Mulla, PRINCIPLES OF MAHOMEDAN LAW, 20th ed. 2013, Ch. X (*Death-bed Gift and Acknowledge*), pp. 147-150; Ch. XI (*Gifts*), pp. 151-195.
- A. A. A. Fyzee, OUTLINES OF MUHAMMADAN LAW, 5th ed. 2008, Ch. 8 (*Gifts*), pp. 181-223.

Module 6

[3Teaching Hours]

Liability for Debts

Debts of father; Obligation is religious; matters in which it does not arise; Doctrine of Pious Obligation; matters in which sons are liable; matters in which sons are not liable; liability of coparcener taking by survivorship; Antecedent Debt.

Statutory Reference

The Hindu Succession (Amendment) Act 2005

(Act No. 39 of 2005)

Judicial Reference

Sahu Ram Chandra v. Bhup Singh	6 MIA 393
Brij Narain v. Mangla Prashad	(1923) 51 IA 129
Amrit Lal v. Jayantilal	AIR 1960 SC 964
Amarjit Kaur v. Karamvir Singh	AIR 2006 SC 2481

Compulsory Readings

- Satyaajeet A. Desai (rev.), D. F. Mulla, HINDU LAW, 21st ed. 2010, Ch. XIV (*Debts-Mitakshara Law*), pp. 439-486; Ch. XV (*Debts-Dayabhaga Law*), pp. 487-488.
- Vijender Kumar (rev.), J. D. Mayne, HINDU LAW & USAGE, 17th ed. 2014, Ch. 13 (*Liability for Debts*), pp. 913-956.
- Vijender Kumar, “*Basis and Nature of Pious Obligation of Son to Pay Father’s Debt vis-à-vis Statutory Modifications in Hindu Law*”, 36 (1994) JILI 339.
- J. D. M. Derrett, ESSAYS IN CLASSICAL AND MODERN HINDU LAW, 1st ed. 1977, 1st Ind. Rep. 1995 Vol. 4, pp. 173-185, “*Hindu Law : Mitakshara : The Pious*

Obligation and the Doctrine of 'Antecedency' : The End to a Prolonged Controversy?', SCJ XVIII, 1955, 139-150.

Module 7

[22 Teaching Hours]

Intestate Succession

Hindu Law : Devolution of an interest in coparcenary property; General rules of succession in the case of male Hindu; Order of succession among heirs in the Schedule; Distribution of property among heirs in Class-I of the Schedule; Distribution of property among heirs in Class-II of the Schedule; Order of succession among agnates and cognates; Computation of degrees. General rules of succession in the case of female Hindu; Order of succession and manners of distribution among heirs of a female Hindu. Mode of succession of two or more heirs; Right of child in womb; Presumption in cases of simultaneous death; Preferential right to acquire property in certain cases; Murderer (*predeceased son v. Non-existent son*), Convert's disqualified from succession; Succession when heir disqualified; Doctrine of Escheat.

Muslim Law : Succession and Administration; General Principles of Inheritance under Shia and Sunni Laws; Birth right of an heir in property; Principle of representation. Classes of heirs – Sharers; Residuary and Distant Kindred; Doctrine of Increase (*Aul*); Doctrine of Return (*Radd*); Order of Succession; Allotment of Shares; Rules of Exclusion. Step-children; an illegitimate children; Missing persons and Escheat.

Provisions relating to Intestate Succession for Christians and Parsis from the Indian Succession Act 1925.

Testamentary Succession (Will-Vasiyat)

Will under Hindu, Muslim, Christian and Parsi Law; Definition and extent of testamentary power; Subject of Will; Persons capable of making Will; Bequests to unborn persons; Joint Will; Form of Will; Revocation; Extent of the testamentary power; Will and *Marz-ulMaut*.

Development in Laws on Will in other countries including Islamic and their impact on India Laws.

Statutory Reference

The Hindu Disposition of Property Act 1916	(Act No. 15 of 1916)
The Hindu Inheritance (Removal of Disabilities) Act 1928	(Act No. 12 of 1928)
The Hindu Gains and Learning Act 1930	(Act No. 30 of 1930)
The Hindu Succession Act 1956	(Act No. 30 of 1956)
The Hindu Succession (Amendment) Act 2005	(Act No. 39 of 2005)

Judicial Reference

Gurupad v. Hirabai	AIR 1978 SC 1239
Commr. of Wealth Tax, Kanpur v. Chander Sen	AIR 1986 SC 1753
Satyacharan v. Urmila	AIR 1970 SC 1714
Gangu v. Chandrabhagabai	(1908) 32 Bom. 275
Bhagat Ram v. Teja Singh	AIR 1999 SC 1944 and AIR 2002 SC 1
Lachman Singh v. Kirpa Singh	AIR 1987 SC 1616 : (1987) 2 SCC 547
Bhagwania v. Gilli	1977 JLJ 137
Smt. Dhanistha Kalita v. Ramakant Kalita	AIR 2003 Gau. 92
Kenchava K. S. Hosmani v. Girimallappa Channappa Somasagar	AIR 1924 PC 209
Gangu v. Chandrabhagabai	(1908) 32 Bom. 275
Vellikannu v. R. Singaperumal	AIR 2005 SC 2587
Nawazish Ali Khan v. Ali Raza Khan	(1948) 75 IA 62: (1948) APC 134
Abdul Manan Khan v. Mirtuza Khan	AIR 1991 Pat154
Mazhar Husen v. Bodhi Bibi	(1898) 21 All 91
Baboo Beri Pertab v. Maharajah Rajender Pertab	(1867) 12 MIA 28
Ishwari Singh v. Baldo	(1884) 11 IA 135
Ghulam Mohammad v. Ghulam Hussein	1932 PC 81

Compulsory Readings

- Satyajeet A. Desai (rev.), D. F. Mulla, HINDU LAW, 21st ed. 2010, Ch. III (*General Principles of Inheritance – Law Prior to the Hindu Succession Act 1956*), pp. 109-116; Ch. IV (*Order of Inheritance of Males According to Mitakshara – Law Prior to the Hindu Succession Act 1956*), pp. 117-182; Ch. V (*Female Heirs – Law Prior to the Hindu Succession Act 1956*), pp. 183-188; Ch. VII (*Order of Inheritance to Males According to Dayabhaga or Bengal School – Law Prior to the Hindu Succession Act*

1956), pp. 195-204; (*Notes and Commentary on the Hindu Succession Act 1956*) pp. 1080-1238.

- Vijender Kumar (rev.), J. D. Mayne, HINDU LAW & USAGE, 17th ed. 2014, Ch. 16 (*Succession under Mitakshara Law – Principles of Succession*), pp. 1083-1170; Ch. 17 (*Succession under Dayabhaga Law – Principles of Succession*), pp. 1171-1185; Ch. 19 (*Exclusion from Inheritance*), pp. 1196-1203; Ch. 22 (*Notes and Commentary on the Hindu Succession Act 1956*) pp. 1279-1432.
- Iqbal Ali Khan (rev.), D. F. Mulla, PRINCIPLES OF MAHOMEDAN LAW, 20th ed. 2013, Ch. V (*Succession and Administration*), pp. 32-49; Ch. VI (*Inheritance-General Rules*), pp. 50-64; Ch. VII (*Hanafi Law of Inheritance*), pp. 65-109; Ch. VIII (*Shia Law of Inheritance*), pp. 110-130.
- A. A. A. Fyzee, OUTLINES OF MUHAMMADAN LAW, 5th ed. 2008, Ch. 13 (*Sunni Law of Inheritance*), pp. 314-351; Ch. 14. (*Shia Law of Inheritance*), pp. 352-369.
- Poonam Pradhan Saxena, “*Succession Laws and Gender Justice*”, Archana Parashar and Amita Dhanda (eds.), REDEFINING FAMILY LAW IN INDIA, 1st ed. 2008, pp. 282-305.
- Bina Agarwal, “*‘Bargaining’, Gender Equality and Legal Change : The Case of India’s Inheritance Laws*”, Archana Parashar and Amita Dhanda (eds.), REDEFINING FAMILY LAW IN INDIA, 1st ed. 2008, pp. 306-354.
- Satyajeet A. Desai (rev.), D. F. Mulla, HINDU LAW, 21st ed. 2010, Ch. XIX (*Wills*), pp. 557-570.
- Vijender Kumar (rev.), J. D. Mayne, HINDU LAW & USAGE, 17th ed. 2014, Ch. 27 (*Wills*), pp. 1541-1572.
- Iqbal Ali Khan (rev.), D. F. Mulla, PRINCIPLES OF MAHOMEDAN LAW, 20th ed. 2013, Ch. IX (*Wills*), pp. 132-146.
- A. A. A. Fyzee, OUTLINES OF MUHAMMADAN LAW, 5th ed. 2008, Ch. 11 (*Wills and Death-bed Gifts*), pp. 289-303.

Module 8

[3 Teaching Hours]

Muslim Law of Wakf

Definition of Wakf; Persons capable of making a Wakf; Dedication must be permanent; Subject of Wakf; Subject of Wakf must belong to Wakif; Wakf of Mushaa; Object of Wakf; Wakf- Public and/or Private; Wakf how completed; Registration; Revocation of Wakf; etc.

Mutawalli; qualification of Mutawalli; appointment of Mutawalli; Mutawalli’s position and power; Remuneration of Mutawalli; Removal of Mutawalli etc.

Miscellaneous: Public Mosques; whether Mosque a juristic person; Sajjadanashin; Khankhah; Kazi; Takia; Imambara;

Statutory control of Wakfs; Trusts in India

Statutory Reference

The Mussalman Wakf Validating Act 1913

(Act No. 6 of 1913)

The Mussalman Wakf Act 1923

(Act No. 42 of 1923)

The Mussalman Wakf Validating Act 1930	(Act No. 32 of 1930)
The Bengal Wakf Act 1934	(Act No. 13 of 1934)
The Mussalman Wakf (Bombay Amendment) Act 1935	(Act No. 18 of 1935)
The Wakf Act 1954	(Act No. 29 of 1954)
The Wakf (Amendment) Act 1959	(Act No. 30 of 1959)
The Public Wakfs (Extension of Limitation) Act 1959	(Act No. 29 of 1959)
The Uttar Pradesh Muslim Wakfs Act 1960	(Act No. 16 of 1960)
The Wakf (Amendment) Act 1964	(Act No. 34 of 1964)
The Public Wakfs (Extension of Limitation) Amendment Act 1967	(Act No. 22 of 1967)
The Wakf (Amendment) Act 1969	(Act No. 38 of 1969)
The Wakf (Amendment) Act 1984	(Act No. 69 of 1984)
The Public Wakfs (Extension of Limitation) (Delhi Amendment) Act 1982	(Act No. 39 of 1982)
The Wakf Act 1995	(Act No. 43 of 1995)

Judicial Reference

Abdul Fata v. Russomoy	(ILR (1894) 22 Cal. 619 (PC))
Ahmed G. H. Ariff v. Commissioner of Wealth Tax	AIR 1971 SC 1691
Mohammad Shah v. Fasihuddin Ansari	AIR 1956 SC 713
Abu Sayed v. Bakar Ali	(1901) 24 All 190
Md. Ali v. Dinesh Chandra	AIR 1940 Cal 417

Compulsory Readings

- Iqbal Ali Khan (rev.), D. F. Mulla, PRINCIPLES OF MAHOMEDAN LAW, 20th ed. 2013, Ch. XII (*Wakfs*), pp. 196-298.
- A. A. A. Fyzee, OUTLINES OF MUHAMMADAN LAW, 5th ed. 2008, Ch. 9 (*Law of Wakfs*), pp. 224-270.

Module 9

[3 Teaching Hours]

Matrimonial Property Laws

Defining the class and specifications of “matrimonial property”; Formulating a standard method to allocate the share proportionate to the domestic economic capacitance of the Hindu spouse; Parameters to be considered by the Courts in determining the proportion of the share in the said “matrimonial property”; The necessity to empower women by reducing their economic dependency on the male counterparts; The basic policy postulate is recognition of the child care, household management and financial provision as joint responsibilities of both the spouses and that in marital relationship there is an equal contribution, whether financial or otherwise, by both the spouses to effective discharge of responsibilities with equal entitlements of both spouses in the net family properties; and One of the issues is also to prevent transfer of property in order to avoid women from getting her due rights.

Reading

- Kamala Sankaran, “*Family, Work and Matrimonial Property : Implications for Women and Children*”, Archana Parashar and Amita Dhanda (eds.), REDEFINING FAMILY LAW IN INDIA, 1st ed. 2008, pp. 258-281.

REFERENCE BOOKS

- Satyajeet A. Desai (rev.), D. F. Mulla, HINDU LAW, 21st ed. 2010.
- Vijender Kumar (rev.), J. D. Mayne, HINDU LAW & USAGE, 17th ed. 2014.
- J. D. M. Derrett, ESSAYS IN CLASSICAL AND MODERN HINDU LAW, 1st ed. 1977, 1st Ind. Rep. 1995 Vol. 2.
- Iqbal Ali Khan (rev.), D. F. Mulla, PRINCIPLES OF MAHOMEDAN LAW, 20th ed. 2013.
- A. A. A. Fyzee, OUTLINES OF MUHAMMADAN LAW, 5th ed. 2008.



**NALSAR University of Law
Hyderabad, Telengana-500 101**

II YEAR: B.A.LL.B

HISTORY-II

**“ANTI-COLONIAL MOVEMENTS AND CONSTITUTIONAL
DEVELOPMENTS”**

PORTRAYAL OF THE COURSE

By the middle of the nineteenth century, various socio-economic groups of India became clear about the negative and alien character of the British rule in India. Administrative experiments of the British could not always understand an occasional field that they approached in its own frame of reference and viability. We often see the British Constitutional approach punctuate various phases of anti-Colonial movement. The aspiration of the British to “improve” and “train” India to suit its categories and definitions of advancement often saw it experiment in the areas of administration in ways far ahead, sometimes, of the metropolitan experience with the same fields. The British initiated a democratic process that was distorted frequently by their own Colonial interests twisting a colony in the direction of a meaning and efficiency as defined by them. The paradox was that we often had well-structured and logically democratic institutions never allowed to develop their own versions of pragmatic communicative practices of democracy. It is worth noting that Congress, Swaraj Party later, and various individuals/leaders at their own level exhibited remarkable subtlety in adapting themselves to the new frameworks and almost found them as natural and inevitable. Indian quick learning in politico-legislative areas was never fully utilized; nor was it encouraged ever by the British. This often led to agitations that took the forms denied to them i.e., constitutional claims and civil agitations when denied of their constitutional rights and an effective entry into civil administrative areas. When the British could not come out of their stereotype/ image of India as the only valid and practical one, versions of Indian socio-political experience as both started and thwarted by the British surfaced by making claims that often turned out to be armed insurrections. Multiple strands of anti-colonial struggle often refer to the multiple levels of British failure caused primarily by its colonial character.

OBJECT OF THE COURSE

The objective of the course is to steer a way through the missing links of facts and interpretation in relation to constitutional developments surfacing often as responses to forms of Indian struggle for freedom and anti-colonial struggle, derivative in a reflexive manner on Colonialism, gaining constitutional dimensions. The course will show how such concepts as Legitimacy Crisis (Habermas) and Consent (Gramsci) verify inevitable phases of history in the context of the discussion of any polity of anytime. Discussion of the details of various constitutional acts will hope to add theoretically to the

general-and thereby lazy-understanding that nationalist programmes of reaction were the only windows to look through the official version of the colonial administration and polity. A good deconstruction of the acts made by the British has every chance to expose the inadequacies and negative dialectics of various colonial policies and intentions.

DESIRED LEARNING OBJECTIVES

- By the end of the course, the students should be able to balance between the genuine, of course finally western, versions of constitutionalism and empty claims made by the colonial government in that direction.
- They should be able to distinguish between the colonial versions of constitutionalism and Indian levels of perception in that direction.
- They should realize that certain insurgencies from the margins of the British administrative empire could expose the weak areas of the managerial control that the British were so convinced of as their area of efficiency and efficacy.
- They should learn that the British contribution with respect to various politico-administrative areas had always fallen between “Intention” and “Method”, which was exposed in all earnest by the Nationalist critique, at least during its early phases.

TEACHING METHODOLOGY

The content of the course is so visualized that its division into modules is much more than a technical dimension. The modules are consequential in terms of a structural logic of continuity of a feature historically generated in/during one period of time as “a matter of fact” but having its own new incarnation in different contexts as dealt with by other modules. While this can be the case, the teaching still aims to specialize in the interests of focus but doesn’t reduce it to comfortable compartmentalization of the “Common Causes”. When the students come up with questions, the teaching should aim to integrate them with the lesson of the day which can serve two desirable interests at one time: one, it can clarify the doubt at a general level of the class and thereby can serve the interests of a complete lesson. Another interest refers to the intellectual dimension of a lesson: the doubt as put forth should be developed to include a context that the student(s) may be missing.

LECTURE PLAN

MODULES	TITLE	NUMBER OF LECTURES
MODULE ONE	FORMS OF RESISTANCE	EIGHT LECTURES
MODULE TWO	COLONIALISM AS AN ARGUMENT OF RESTRUCTURING	SIX LECTURES
MODULE THREE	POPULAR INSURGENCY AND ORIGINS OF CONSTITUTIONAL AGITATION: INDIAN NATIONAL CONGRESS:	FIVE LECTURES
MODULE FOUR	REVOLUTIONARY TRENDS: PARTITION OF BENGAL AND THE SWADESHI MOVEMENT:	SEVEN LECTURES
MODULE FIVE	CONSTITUTIONAL DEVELOPMENTS: REFORMS AND REFORMULATIONS (1892-1919):	EIGHT LECTURES
MODULE SIX	GANDHI, SWARAJISTS, REVOLUTIONARY TERRORISTS AND TRADE UNION MOVEMENTS.	SIX LECTURES
MODULE SEVEN	CONSTITUTIONAL DEVELOPMENTS: REFORMS AND REFORMULATIONS (1921-1935):	EIGHT LECTURES
MODULE EIGHT	TOWARDS FREEDOM: POPULAR/QUIT INDIA MOVEMENT, BRITISH “POLICY” APPROACHES, COMMUNAL OUTBURST AND FREEDOM WITH PARTITION	FOUR LECTURES
MODULE NINE	POSTCOLONIAL PERORATIONS:	SIX LECTURES

EXPECTATION FROM YOU

7. BEFORE CLASS

- ❖ Students can do a little homework in finding out those portions of the previous lessons with which the teacher is a bit hasty, incomplete and ambiguous and point them out for discussion.
- ❖ They should compare their notes with the books suggested and mark the contradictions for a discussion.

8. DURING CLASS

- ❖ A teacher, more regularly than not, comes across a point gradually, through a conscious mental exercise that involves an unravelling of different self-sufficient logical phases that an argument can have. The students should be patient enough to ‘wait’ till the final statement unfolds. They, of course, have all the right to intervene when such clarificatory statement doesn’t occur.

9. AFTER CLASS

- ❖ Students should consult the books or the teacher to fill up the insufficient notes. It is better they prepare their own notes on the lessons by making a balanced version that has a chance to lie in between the class, books prescribed and material circulated.

COURSE REQUIREMENTS

The course requires learning the sources of both primary and secondary nature. Books on line can be approached and in the case of the old, but still relevant, books teacher's own library has all the access.

ACADEMIC HONESTY

Entire academic honesty cannot be ensured only by the software of Turn-it-in. Teacher should be able to locate, through an analysis of stylistic specificities, the original parts of the writing by a student.

COURSE CONTENT

MODULE ONE: FORMS OF RESISTANCE:

A) Early Forms of Resistance: Peasant Insurgencies, Tribal Uprisings, and the Revolt of 1857:

It need not be any irony that the first paradigmatic identity that found problems with the 'colonial' as also 'alien' should happen to be "tribal". The tribals often found their lifestyle not only tampered with by various policy-based encroachments but also rather hastily juxtaposed many times with a "settled" Other. The colonial categories of "waste land", "wild social groups", and the subjects of their 'record' in the registers of Survey and Settlement and later with the Census collection programmes surface in their own force and operative frame here in this era. For some time, the British had to rethink their own sources of managerial capacity to rule by passive numbers and imposed classifications.

1. Peasant and Tribal Uprisings: Popular Character:
2. Uprising of the Bhils, 1818—31. The Kol Uprising, 1823—31.
3. Levels of Participation and methods of mobilization.

B) The Revolt of 1857:

Studying a Revolt: Causes course and consequences.

1. Causes: Direct, immediate and residual.
2. Course: Encrustation of meanings and changing goals.
3. Consequences: Change in the character of Colonialism.

Suggested Readings:

- ✚ Sashi Bhushan Chaudhuri (1955). Civil Disturbances During British Rule in India, 1765-1857, World Press, Calcutta.
- ✚ S.N. Sen (1957). Eighteen Fifty—Seven (1957). Publications Division. Govt' of India.
- ✚ Eric Stokes (1978). The Peasant and the Raj: Studies in Agrarian Society and Peasant Rebellion in Colonial India. Cambridge University Press. Cambridge.
- ✚

MODULE TWO: COLONIALISM AS AN ARGUMENT OF RESTRUCTURING:

Administrative reorganization in particular and restructuring in relation to different areas in general-in the wake of the events of 1857-only repeated the structural logic of imperialism. Exploitative mechanisms gained further justification and this time through the promise of the Indian entry. Various fields of administration were only partially open to the Indians. However, it was sufficient to drive the logic of legitimacy on the basis of the rhetoric of the promises made. Issues related to the promises, when asked why they were never met with, pointed out the general inefficiency of the Indians rather than British unwillingness to experiment...!!

The New Administrative System After 1857:

1. The Government of India Act 1858.

Indian Councils Act, 1861.

2. The Indian High Courts Act, 1861.

The Indian Civil Services Act, 1861.

The Government of India Act, 1870.

: Political Reorganization.

: Administrative changes.

: New Judicial Structure.

: Army and Police Reforms.

Economic Policies and Consolidation.

Suggested Readings:

- ✚ Sarvepalli Gopal (1965).British Policy in India, 1858-1905.Cambridge University Press. Cambridge.
- ✚ Thomas R. Metcalf (1964).The Aftermath of Revolt: India1857-1870.Princeton University Press. Princeton.
- ✚ Rajat Kanta Ray ed.,(1992).Entrepreneurship and Indian Industry in India,1800-1947.Oxford University Press.Oxford.

MODULE THREE: POPULAR INSURGENCY AND ORIGINS OF CONSTITUTIONAL AGITATION: INDIAN NATIONAL CONGRESS:

Insurgencies of this time, tribal as well as peasant, reflect the fallacies of the Colonial Policies with reference to their oppressive nature whereas the earlier insurgencies happened more as a reaction to the general military expansions of the British. To say this, however, need not underestimate the radical versions of fight that the earlier ones offered. A module that deals with the formation of such a constitutional entity as Congress in juxtaposition with the more popular forms of insurrection has to carefully analyse the distance of the governing authority from the definitions, and their variations, regarding various institutions, as created and controlled by it. The formation of the Congress sharing the same institutions of a civil society—however fragile may be the definition of “Civil Society” in the given circumstances—with its contemporary forms of struggle is in itself a clash of ideologies that always passed unnoticed. Given this, the fact that there should emerge two groups within Congress was more an eventuality than an incident.

1. Characterizing Revolts before, around and after 1857. Santhal Rebellion.

Popular Movements after 1857: Indigo Riots.

Moplah Uprising.

Pabna and Deccan Riots.

Koya Rebellion.

Birsa Munda's Revolt.

The Working Class.

2. Social Reforms in 19th century India
3. Indian National Congress: Formation:

Art and Literature.

News Paper and Public Sphere.

Political Associations before 1885.

Imperial Response: Lytton and Ripon.

Foundations of the Congress. First Meeting, Presidential Speech, Participation, Proceeding and Resolutions.

Controversies Relating to Its Origins: Official Conspiracy and its Possibilities.

Ambitions and Rivalries of Indian Elite.

An All India Body: Need and Efficacy.

4. Indian National Congress: Moderates and Extremists:

Composition of the Congress; Middle Class Organization. The Method of work.

The Moderates; Programme and Argument: Economic Drain of India.

The Extremists: Programme and Argument: Action.

Clashes and Conflicts: Split.

Suggested Readings:

- + C.A.Bayly, The Local Roots of Indian Politics, Allahabad, 1880-1920. (1975).Clarendon Press. Oxford.
- + Sumit Sarkar(1983).Modern India,1885-1947.

MODULE FOUR: REVOLUTIONARY TRENDS: PARTITION OF BENGAL AND THE SWADESHI MOVEMENT:

This module gleans over the paradigms of conscious anti-colonial movement. People and the leaders really became symbiotic in terms of presupposing one another and also to some extent distant from one another. Images of the “freedom struggle” as we generally hear around were produced during this phase. Revolutionary trends of this era showed remarkable knowledge of the systemic weaknesses lying with the government in structural and operational levels so much so that they could attack the colonizer where he was vulnerable.

This was the time when the radical message of Marxism internationalized the narrow nationalist interests; converted intimate quasi-intellectual and ideological associations into the broader questions of social responsibility and revolution.

1. The Motive and Miscalculation. Boycott and Other Methods. Swadeshi Educational Programmes.Samitis and the Concept of Mass

Movement. Workers and Peasants: Levels of Participation. The Rise of “Revolutionary Terrorism”. The Communal “tangle”.

2. Marxist and Socialist Thought:

Socialism, Marxism and Communism: Indian Package and Position: Economic and Social Analysis and Political Convictions.

3. Ghadar “Party” and Home Rule League:

Early Activities of the Ghadar Party: Organisation, Network and “Paper”. Major Events, Achievements and Suppression.

Events Leading to the Formation of Home Rule Leagues. Tilak and Annie Besant. Change in the British Attitude and Decline of the Home Rule Leagues.

Suggested Readings:

- ✚ Anil Seal(1968)The Emergence of Indian Nationalism, Cambridge University press, Cambridge.
- ✚ Bipan Chandra(1979).Nationalism and Colonialism in Modern India. Orient Longman, Hyderabad.
- ✚ Sumit Sarkar(1973).The Swadeshi Movement of Bengal,1903-1908.People’s Publishing House, New Delhi.

MODULE FIVE: CONSTITUTIONAL DEVELOPMENTS: REFORMS AND REFORMULATIONS (1892-1919):

The takeover of power by the British Crown from the Company saw the need for structural adjustments in relation to all the civil institutions. This module will discuss the constitutional side of the requirements and also their merits and demerits. The idea of India had to be constitutionally gained for all the presence of colonial interests coming in the way of a correct version everytime. From the Act of 1909 to the Act of 1919, India changed a lot in terms of constitutional presentability. The module will try to re-establish the missing links in that direction.

The Indian Councils Act, 1892: Need for the Act and its Provisions.

Morley-Minto Reforms(1909); Constitutional Changes, Composition of the Legislative Bodies: Changes in Functions.

Montagu-Chelmsford Reforms(1919): Influential Background and Efficacious Intervention(?). Changes in the “Central Government”, Provincial Governments etc.,

Suggested Readings:

- ✚ M.P.Jain(1966).Outlines of Indian Legal History.
- ✚ B.B.Mishra,The Administrative History of India.OUP. Delhi.
- ✚ Radhika Singha(1998).A Despotism of Law.OUP.Delhi.

MODULE SIX: GANDHI, SWARAJISTS, REVOLUTIONARY TERRORISTS AND TRADE UNION MOVEMENTS.

Growth of Communalism:

This module will deal with the pull of directions in the nationalist agitation. It was simply not a common enemy, the alien rule, that was targeted and fought against, but there were also different definitions that characterized the nature of the Foreign Rule as a historical contradiction. Moral and constitutional programmes defined the political goals and revolutionaries concentrated as much on message as on individual sacrifice through conviction. The era was really political in all its dimensions.

Gandhi and Indian Mass Politics: Non-Cooperation Movement (1919-1922):

Gandhi in South Africa. Gandhi to India: Champaran, Kheda, Ahmedabad.

The Rowlatt Act and Satyagraha.

The Issue of Khilafat.

1. Towards Non-Cooperation.Places and Phases.People's Response and Local Variations.Causes of Withdrawal; Impact.

2. The Non-Brahmin Movement in Western and Southern India:

Jotirao Govindrao Phule.

Justice Party and Non-Brahmin Movement: E.V.Ramaswami Naicker.
The Questions/Versions of Upliftment and Self-Respect.

3. Swarajists and Gandhian Constructive Work,1922-29:

Councils: Inside and Outside. Working from the Legislature.

Constructive work: Khadi, Untouchability and other Social Problems.

4. Growth of Communalism upto the Second World war and "Partition":

Role of the British Policy. Socio-Economic Factors. 19th Century Revivalism and Weakness of the Nationalist Movement. Mass Base: False Impressions.

5. Revolutionary and Terrorist Movement:

Bhagat Singh and the Hindustan Socialist Republican Association/Army. Chittagong Armoury Raid. Bengal Revolutionaries. Decline.

6. Civil Disobedience Movement: 1930-34 and other Trends and Developments:

Movement and Regional Variations. Punctuations of Policy Approaches. Congress Socialist Wing.

Growth of the Left. Workers' and Peasants' Parties and Wings.

Peasant Movements in 30s.

Trade Union Movements and Acts.

7. The Growth of Indian Capitalist Class and its Nationalism of sorts: Capitalists and The Congress. Capitalists and the Left. Capitalists and Nehru.

Suggested Readings:

- ✚ Judith Brown (1972). Gandhi's Rise to Power, Indian Politics, 1915-1922. CUP. Cambridge.
- ✚ Shahid Amin (1995). Event, Metaphor, Memory: Chauri Chaura, 1922-1992. OUP. Delhi.
- ✚ David Hardiman ed., (1992) Peasant Resistance in India, 1858-1914, OUP > Delhi.

MODULE SEVEN: CONSTITUTIONAL DEVELOPMENTS: REFORMS AND REFORMULATIONS (1921-1935):

If the Simon Commission was resented by the Congress, it need not be for the reason that Indians did not understand the democratic methods of the survey of the political opinion, but it is because they had correctly got it through its ideals, expectations and methodologies. Nehru Report represented the level of maturity of reflection that the Indians can claim on legislative issues of self-rule. The colonial government that intended to teach and train the Indians in

self-rule had to accept its moral defeat to that extent. India as a viable administrable political zone is nearly complete in all its constitutional details with the “text” of the Govt’ of India Act 1935, except for some provisions such as Fundamental Rights. This gamut of achievements did not however stop the Indian Constitutional thinking from making more innovative and bold attempts in the direction of exposing the colonial govt’.

Constitutional Developments: Reforms and Reformulations 1921-1935):

1. Failure of Dyarchy.

Reform Proposals Between 1920-27.

Simon Commission.

All Parties Conference and Nehru Report.

The First Round Table Conference.

Gandhi and the Second Round Table Conference.

Communal Award and Poona Pact.

2. The government of India Act, 1935.

Suggested Readings:

- ✚ (Those readings as are suggested for the Module V above stand relevant for this Module as well).

MODULE EIGHT: TOWARDS FREEDOM: POPULAR/QUIT INDIA MOVEMENT, BRITISH “POLICY” APPROACHES, COMMUNAL OUTBURST AND FREEDOM WITH PARTITION:

This phase of Indian movements saw their agendas change, loyalties shift and alliances clash. For some time, the popular leaders assumed the role of the arbitrators and represented rather than rationalized the “interests”. The only mass, all-India, agitation was the Quit India Movement led by Gandhi from outside the Congress and from inside the prison. That it was so explained a lot by itself. The changing political equations and election digits seemed for some time as of a mature democratic reflection but only until all these developments turned to include tensions and bloodshed around the argument and reality of partition. The module will try to discuss various issues through their close links with one another and also along the helpless combinations and permutations of the same that they had to obey.

1. Indian Nationalism During the World War II.

Individual Satyagrahas.

Cripps Mission/Proposals.

Quit India Movement:Regional Variations.

INA Actions.

Impact of the Second World War.

Communalism and the Partition of India: Hindu and Muslim
Communal Forms. The Simla Conference. The "Labour" in Power.

Elections as Watershed.The Cabinet Mission Plan.

Ambivalent Groups and Formation of Interim Government. Direct
Action. Interim Government and Threat of Breakdown. June 3rd Plan.
Massacres and Partition. Gandhi, Congress and Partition. The Basic
Pitfalls and Failures.

Suggested Readings:

- ✚ D.A.Low.ed.,(1977)Congress and the Raj: Facets of the Indian
Struggle,1917-47.Arnold Heinemann.London.
- ✚ Gyanendra Pandey (1990).The Construction of Communalism in
Colonial North India.OUP>Delhi.
- ✚ Urvashi Butalia((1998).The Other Side of Silence:Voices from the
Partition of India.Penguin.New Delhi.

MODULE NINE: POSTCOLONIAL PERORATIONS:

This module analyses the late colonial events in the intellectual area from the points of departure as offered by the methods of analysis familiar with the postcolonial studies in general. Besides, the module will make a systematic revisit of the constitutional agendas and developments during the colonial times in order only to link them to the content and quality of debates that the Constituent Assembly held and stood for. Ideals of social justice and egalitarian economic redistribution as promoted through different phases of anti-colonial agitation will come in the module to cater to the needs of discussions of the welfare schemes and policies that the independent Indian government devised and implemented.

The Establishment of Democratic Polity in India and the Making of the
Constitution:

The Evolution of Democratic Ideas in Colonial India. Institutional Training.

Constituent Assembly and its Debates. Historical Background of Federalism.

Planning and versions of Development. Civil Rights and Politico-Cultural Developments.

Suggested Readings:

- + Granville Austin (1966). Indian Constitution: Corner Stone of a Nation. OUP>Delhi.
- + Ronald Herring (1983). Land to the Tiller: The Political Economy of Agrarian Reform in South Asia.
- + Ayesha Jalal (1995). Democracy and Authoritarianism in South Asia: A Comparative and Historical Perspective. CUP>Cambridge.

Wish you good luck!



National Academy of Legal Studies and Research (NALSAR)
Hyderabad, Andhra Pradesh-500 078

SEMESTER III: B.A.LL.B

CONSTITUTIONAL LAW II

“CONSTITUTIONAL GOVERNANCE”

Constitutional Law II-Constitutional Governance

COURSE PORTRAYAL

Constitutionalism is usually associated with securing fundamental liberties of people. The traditional definitions of constitutionalism have been that constitutionalism is a limit of state authority and seeks to control arbitrary power. But constitutionalism has another different meaning which pays more attention to form-constitutional forms. The term constitutional morality is also usually invoked in the context of protecting fundamental rights. It is however argued that constitutional morality is also associated with constitutional form i.e. “a paramount reverence for the forms of the constitution, enforcing obedience to authority and acting under and within these forms, yet combined with the habit of open speech, of action subject only to definite legal control, and unrestrained censure of those very authorities as to all their public acts combined, too with a perfect confidence in the bosom of every citizen amidst the bitterness of party contest that the forms of constitution will not be less sacred in the eyes of his opponents than his own.”

Ambedkar invokes constitutional morality in the constituent assembly debates when he states that “The diffusion of ‘constitutional morality’, not merely among the majority of any community, but throughout the whole is the indispensable condition of a government at once free and peaceable; since even any powerful and obstinate minority may render the working of a free institution impracticable, without being strong enough to conquer ascendance for themselves”.

Ambedkar invokes self-restraint, the anti-revolutionary nature of constitutional morality as the most important role of the constitution because the failure of the constitution is the failure of an idea of resolving conflicts through processes and the constitution is but the management of plurality of opinions, beliefs and goals of its people. What the Constitution provides us with is a means to resolve conflicts and the commitment between parties is a commitment to forms and process rather than specific goals. In this sense some aspects of fundamental rights transcend individual freedoms and become part of the process, in terms of recognition and participation in constitutional governance. It is in this sense that the Supreme Court also recognises equality and social justice as the overarching principles constituting the basic structure of the Constitution.

OBJECT OF THE COURSE

This course examines fundamental concepts such as federalism, separation of powers, judicial review, parliamentary privileges along with constitutional structures, processes that have been put in place through the distribution of powers, limitations on the exercise of these powers, executive powers, role of the judiciary and also special provisions in the constitution such as A.370 and the Vth and VI Schedules of the constitution.

DESIRED LEARNING OBJECTIVES

- To become familiar with the text of the constitution

- To identify the fundamental policy choices incorporated in the Constitution.
- To examine the historical evolution of constitutional doctrines, standards, and tests.
- The student will become familiar with the most prominent aspects of federalism, separation of powers and judicial review
- You will get accustomed to the different nature of legal arguments in constitutional controversies based on the constellation of constitutional values and principles enunciated in Supreme Court majority and minority opinions.
- To be able to understand the role of comparative constitutional law in the interpretation of the Indian Constitution
- To analyze the interpretations of constitutional provisions offered by Apex Court in India.
- To recognize and articulate the strengths and weaknesses of an “argument” independent of one’s level of agreement with it.
- To articulate opinions on significant, vital, controversial and current constitutional issues.
- To understand contemporary judicial thinking on a range of topics such as pardoning power, legislative power of the state, scope and limitations on executive power
- You practice in applying Constitutional Law II principles to hypothetical or real controversies, particularly through problem-solving—applying the legal principles enunciated in Supreme Court cases to particular hypothetical or real lower-court cases.
- The student will develop enhanced skills with regard to constitutional interpretation in general.

TEACHING METHODOLOGY

Teaching will be mainly done through lectures by the principal teacher, and the teaching assistants. Projects including the research paper presentations would offer an opportunity to learn and appreciate deeper issues involved in the course.

Material used will include seminal case law, case analysis by leading commentators, as well as articles which allow us to view the first principles that are applicable in constitutional interpretation.

Students are expected to be familiar with the concepts that are discussed and must be able to apply them in given situations. Grades will be based primarily upon performance in the Mid-Term, projects and final examination.

LECTURE PLAN

MODULES	TITLE	NUMBER OF LECTURES
MODULE ONE	INDIAN FEDERALISM	TWENTY LECTURES
MODULE TWO	UNION AND STATE EXECUTIVE	FOURTEEN LECTURES
MODULE THREE	PARLIAMENT AND STATE LEGISLATURE	NINE LECTURES
MODULE FOUR	UNION AND STATE JUDICIARY	TEN LECTURES
MODULE FIVE	SCHEDULE V AND VI	FOUR LECTURES
MODULE SIX	CONSTITUTIONAL PROTECTION TO CIVIL SERVANTS	FOUR LECTURES
MODULE SEVEN	ARTICLE 370	THREE LECTURES
MODULE EIGHT	THEORY OF BASIC STRUCTURE	THREE LECTURES

EXPECTATION FROM YOU

10. BEFORE CLASS

- ❖ Read, study and think/write about the assigned materials thoroughly;
- ❖ Know the cases and materials well enough that you can give a summary if called upon to do so;
- ❖ Decide what issue or issues the case raises and what rules of law/principles/definitions apply to the issue;
- ❖ Be familiar with, and reflect on, the argument that the opinions give to justify
- ❖ Their application of the rules of law to the particular facts.

11. DURING CLASS

- ❖ Discuss the issues in the materials and how the Court analyzes these issues and argues for their resolution;
- ❖ Discuss justifications the various opinions given for constitutional rules and the resolution of constitutional cases, utilizing various mock settings to do so;

- ❖ Evaluate stated and unstated factual and value assumptions in the court's reasoning, including ongoing themes in constitutional values and interpretation;
- ❖ Identify flaws and strengths in the court's reasoning;
- ❖ Explore alternative arguments that might better resolve the controversies in this area;
- ❖ Explore related policy issues relevant to the cases;

12. AFTER CLASS

- ❖ Identify and clarify anything confusing about substantive law or application, and do the necessary work to clarify your understanding of the law and constitutional argument;
- ❖ Consider your own views about these issues, and how you would be prepared to make an argument to resolve such issues;
- ❖ Think about how the day's assignment relates to past and upcoming areas of Constitutional Law;
- ❖ Review any material assigned but not covered to make sure they know it.
- ❖ Summarize and outline course materials and class discussion.

COURSE REQUIREMENTS

The evaluation will happen from the cases, analyses and commentary that has been discussed and assigned. Students are expected to not only attend class, but devote out-of-class time to reading, checking websites, and using other college resources.

ACADEMIC HONESTY

Plagiarism and Cheating are strictly prohibited. Plagiarism is defined as taking or using the thoughts, writings, or inventions of another without acknowledging him/her. It also means using direct quotations without quotation marks, as well as using the ideas of another without proper credit. Ask your instructor when in doubt. Cheating is defined as any intent to deceive the instructor in his or her effort to grade fairly. Anything that can possibly effect the fairness of grading is cheating, which I interpret to include any collaborative, mischievous, or disruptive behaviour. In this course, pay special attention to gleaning information off the Internet, and do NOT pass it off as your own, or without proper citation. Learn to paraphrase ideas in your own words. Do not purchase, borrow, or revise another student's work. Do not "double dip" an assignment you did in another class to turn it in for this one. Students indulging in such activities shall be punished according to University rules.

NOTE: All students must keep their own copy of the bare text of the Constitution of India during the class hours.

EVALUATION

The performance of the students on this course is assessed on the basis of 100 marks. The overall assessment of 100 marks is divided into Project work (25 marks), Mid-Term Examination (25 marks) and End semester examination (50 marks).

- **Project Work (25 Marks):** Students will be assigned projects such as reading and summarising the Constituent Assembly Debates, summarising and analysing important case law in constitutional law, a moot problem on federalism which will be released in the middle of the semester, judgement writing and research paper writing.
- **Mid-Term Examination (20 Marks):** At the middle of the semester you will have to appear in the Mid-Term Examination of one and half hour and of 20 Marks.
- **End semester examination (50 marks):** At the end of the semester student will appear (Subject to the rules of attendance) in End-Term exam for two and half hours and of 50 marks. Students are strongly advised to read the leading cases from the report which would enable them to solve the legal problems in the exams as most of the questions will be problem based. **Only Bare Text** (without any commentary) will be allowed in the examination.

COURSE CONTENT

MODULE ONE: Indian Federalism

The core module in Constitutional law-II is federalism. The Indian constitution is described as 'Quasi-federal' but this definition by itself does not help us reach any conclusions on the interpretation of the provisions of the constitution. Till the *Bommai* case, for instance, federalism was not invoked as the basic structure of the constitution to strike down the imposition of president rule in the state. The impression that India was not a federal state, in fact led to several decisions which read down state's powers in many matters. The invocation of the federal structure on the other hand has led to interpretations which have expanded on the scope of the state's powers, whether in terms of legislative powers, power to tax which is restrictive of the freedom of trade, commerce and intercourse or in terms of the imposition of president rule under A.356. It is thus quite evident that the understanding of the nature of the Indian Constitution can play an important role in the manner in which its provisions are interpreted.

The important features in the Indian Constitution that give it a federal character as well as take away from the federal character will be discussed. There have been a series of decisions of the Supreme Court which have discussed the nature of the Indian Constitution and evaluated it upon the ground of federalism. The module will pick five of the important criteria for determining the nature of Indian federalism. These have been used in several cases as well as in commentaries to analyse the nature of the Indian constitution. The five features chosen are

- i. State formation
- ii. Distribution of powers
- iii. Emergency powers
- iv. Amendment powers
- v. Inter-state trade and commerce

General reading for the module

H.M.Seervai, Constitutional Law of India, III ed.

Federalism in India p 146-168 Vol I (mandatory reading)

Case law:

State of West Bengal vs. Union of India 1963 AIR 1241 (mandatory reading)

Ram Jawayya Kapur v State of Punjab AIR 1955 SC 549 (mandatory reading)

Hoechst pharma v State of Bihar AIR 1983 SC 1019 (mandatory reading)

Samsher Singh v state of Punjab AIR 1974 SC 2192 (mandatory reading)

i) State formation:

The Supreme Court in the case of State of West Bengal vs UOI held that given the manner in which the Indian state was constituted, and the provisions with regard to the formation of new states under Article 3 and the alteration of areas, boundaries or names of existing states concluded that since the essential ingredient of a federal constitution, i.e. the existence of independent, sovereign units that come together to form the federation is missing and that the Union is given absolute power to form a new state and alter the boundaries of any state and the name of any state without the requirement of the assent of the state leads to an irrefutable conclusion that India is not a federal state. The issue of state formation is left entirely to the Union government with the states not having a major say in the formation of states.

The counter argument for this is found in Seervai's critical commentary on the Indian Constitution where he observes that although in form the Union's power is absolute, its practice shows that the demand for states and the re-drawing of the boundaries has come from the states rather than from the Union.

In the current scenario of the demands for smaller states such as Telangana or Gorkhaland the issue will be examined looking at the existing case law as well as arguments put forward on whether this is a good criteria to examine the nature of India's Constitution.

Reading:

Federalism in India p 146-168 Vol I

Committee for consultations on the situation in Andhra Pradesh, <http://pib.nic.in/archieve/others/2011/jan/d2011010502.pdf>
Report of the State reorganisation Commission, 1955
http://www.mha.nic.in/sites/upload_files/mha/files/State%20Reorganisation%20Commisison%20Report%20of%201955_270614.pdf
Reorganisation of States: The Approach and Arrangements, EPW October 15, 1955

Case law:

Babulal Parate vs State of Bombay 1960 AIR 51

ii) Distribution of powers:

The distribution of powers between the union and the States has been clearly made in the Constitution but several issues still arise in the interpretation of lists. The important doctrine of Pith and Substance, Doctrine of Harmonious Construction, Doctrine of repugnancy will be discussed along with a close reading on Articles 245, 246 and 254. The Doctrine of Paramountcy and the impact on the federal principle will be discussed.

Readings:

1. Art. 254: The Text is Explicit, P.K. Tripathi, AIR 1986 J 17 (mandatory reading)
2. Durga Das Basu, Commentary on the Constitution of India, 8th Edition, Volume 8-Part XI, Relations between the Union and the States, Nature of distribution of powers and the theory of Implied Powers pages 8641-8655
Doctrine of 'incidental and ancillary powers' pages 8657-60
Doctrine of 'Occupied Field' 8677-79
Doctrine of pith and substance 8692-97
Doctrine of aspect of legislation 8707-8710
General Principles for Interpretation of the three lists in the Seventh Schedule 8712-8728

Case law:

1. UOI v H.S. Dhillon AIR 1972 SC 106 (mandatory reading)
2. Profulla Kumar v Bank of Commerce AIR 1953 PC 60
3. Vijay Kumar v State of Karnataka AIR 1990 SC 2072
4. Gujarat University v Sri Krishna AIR 1963 SC 703 (mandatory reading)
5. DAV College v State of Punjab AIR 1971 SC 1731
6. State of Karnataka v Raghunath Reddy AIR 1978 SC 218
7. KCG Deo v State of Orissa AIR 1953 SC 375
8. Jayanti Lal Amrit Lal v FN Rana AIR 1964 SC 648
9. Zameer Ahmed vs Maharashtra 2010 Supreme (3) 494 (doctrine of repugnancy) (mandatory reading)
10. Hoechst Pharmaceuticals Ltd. v. State of Bihar, AIR 1983 SC 1019 (mandatory reading)
11. Prof. Yashpal and Anr. vs. State of Chhattisgarh and Ors, AIR 2005 SC 2026

iii) Emergency powers:

Another major feature in the Indian Constitution which gives power to the Central government to impose emergency through presidential proclamation. Articles 352-360 deal with the power of the president to declare an emergency if he is satisfied that a grave emergency exists with respect to the whole of India or of such part of the territory thereof. During the declaration of an emergency fundamental rights may be

suspended as well as increasing the power of the Union. The use of this provision in 1975 and the resultant changes to the constitution as a whole and with regard to the conditions under which an emergency may be declared, by whom and the process required as well as subsequent actions are crucial to an understanding of the constitution and its implications for rule of law. The suspension of fundamental rights, the power to amend the constitution, the attempt to restrain judicial review during the period of emergency have left deep impressions on constitutional law which students need to be aware of.

Apart from the national emergency, state emergency i.e. the imposition of President's rule in the state on the ground of a failure of constitutional machinery has also raised serious questions about the nature of Indian federalism. Apart from questions of federalism, these provisions also raise important questions about the scope of judicial review in matters of proclamation of emergency or failure of constitutional machinery. The decision in Bommai has used the concept of basic structure of the constitution to justify its interference in and to assess the failure of constitutional machinery in the States. The court also answered questions of whether these were "political questions" and whether there were "judicially manageable standards" to answer these questions.

Readings:

G.Austin, working a democratic constitution, 1990 part III page 293-391
M P Singh, V N Shukla's Constitution of India, 11th edition, EBC:2011 p.942-979
H.R.Khanna, Neither roses nor thorns, EBC 1987
Decision of the Supreme Court in S.R. Bommai v. Union Of India: A Critique by Soli J. Sorabjee (1994) 3 SCC (Jour) 1
Can a legislative Assembly function without an executive government, under the Indian Constitution, Shubhankar Dam, Public Law, 2008, Summer, 224,233(mandatory reading)
Gopal Subramaniam, Emergency provisions under the Indian Constitution, Supreme but not infallible, p.134
Sudhir Krishnaswamy and Madhav Khoslat, Regional Emergencies Under Article 356: The Extent Of Judicial Review Indian Journal of constitutional law 2009

Case law:

A.352:

Makhan Singh vs state A.64 SC 381
Mohd.Yakub vs State of J&K A.68 SC 765
ADM Jabalpur v. Shivkant Shukla A.76 SC 1207

A.356:

State of Rajasthan v. Union of India, AIR 1977 SC 1361
S.R. Bommai v. Union of India, AIR 1994 SC 1918
Rameshwar Prasad v. Union of India, AIR 2006 SC 980

iv) Amendment powers:

Amendment powers have been the battle ground between the judiciary and the legislature on the power to amend the constitution and the scope of judicial review of such powers. The history of amendment powers and judicial scrutiny start with the very first amendment and continue to the latest NJAC decision. The evolution of the basic structure theory to limit amendment power is an ingenious invention of the Indian Judiciary. The power to amend the constitution vests with the parliament but

certain amendments which impact upon the federal structure require the ratification by the states. The exercise of amendment powers during the emergency by the 42nd amendment have led to what has been termed as a re-writing of the Constitution and the subsequent omissions of these amendments provide us with a fascinating insight into the manner in which this power has been exercised.

The module will look at amendment power in terms of the discussion on the nature and scope of the power as well as its implications for federalism.

Reading:

Upendra Baxi, The Constitutional Quicksands of Kesavananda Bharati and the Twenty-Fifth Amendment (1974) 1 SCC (Jour) 45

Hari Chand, Amending Process under the Indian Constitution (1972) p. 150.

P.K. Tripathi "Kesavananda Bharati v. State of Kerala: Who wins?" (1974) 1 SCC (Jour.) 3

Case law:

1. Golaknath v State of Punjab, AIR 1967 SC 1643
2. Keshvananda Bharti v State of Kerala, AIR 1973 SC 1461
3. Indira Gandhi vs Raj Narain AIR1975SC2299,
4. Waman Rao v. Union of India, AIR 1981 SC 271 (mandatory reading)
5. Minerva Mills v Union of India, AIR 1980 SC 1789
6. Cohelo v State of T.N, AIR 2007 SC 861 (mandatory reading)
7. Kihoto Hollohah v. Zachillu 1992 Suppl (2) SCC 651

•v) Inter-state trade and commerce:

One of the challenges to Federalism in India has been to allow the States to retain their autonomy while ensuring that free trade is facilitated between States. The provisions in the Constitution have clearly provided for a fine balance to be struck between autonomy and freedom. The distribution of legislative powers and taxing powers between the Union and State imply that State's power to tax is retained under the Constitutional scheme. The Supreme Court's position in *Atiabari* that taxes may and do amount to restrictions, has raised questions of the scope of the freedom under A.301 and the possible restrictions on this freedom. The ruling in *Atiabari* which held that the freedom under this part of the Constitution cannot be subject to the other parts of the Constitution has been critiqued as violative of the federal distribution of powers and particularly the power to tax conferred on the states by the Constitution. The use of comparative constitutional material to interpret the provisions of the Indian Constitution also have been criticised as an inappropriate use of the comparative method.

These provisions will be discussed using the following materials.

Reading:

H.M.Seervai, Constitutional Law of India Vol. 2 2149

M.P.Singh, Freedom of Trade and Commerce v. Power of Taxation, JILI Vol.17:3, 1975 p.363 ((mandatory reading))

V. Niranjan , Interstate Trade And Commerce: The Doctrine Of Proportionality Reaffirmed, (2008) 2 Indian Journal of Constitutional Law 192

Case law:

1. Automobile Transport Ltd. v. State of Rajasthan, AIR 1962 SC 1406

2. Jindal Stainless Ltd. V. State of Haryana, AIR 2006 SC 2550 ((mandatory reading))
3. G.K. Krishnan v. State of TN, AIR 1975 SC 583
4. Atiabari Tea Co. v. State of Assam, AIR 1961 SC 232
5. M/s Video Electronics (Pvt.) Ltd. State of Punjab, AIR 1990 SC 820
6. Jindal steel 2010 (2)Supreme 414
7. Jayaram v UOI AIR 1983 SC 1005
8. Bolani Ores V. Orissa, (1974) 2 S.C.C. 777.
9. International Tourist Corporation V. Haryana, (1981) 2 S.C.C. 318
10. Bhagat Ram V. Commissioner Of Sales Tax, 1994 (4) Scale 1103
11. State Of Bihar V. Bihar Chamber Of Commerce, 1996 (9) S.C.C. 138

EXPECTED LEARNING OUTCOME

After completion of this module the students will be equipped with good understanding of:

- *Idea of federalism;*
- *Nature of Indian federalism as distinguishable from federalism in other constitutions.*
- *The important markers of federalism in the Indian Constitution such as state formation, distribution of legislative powers, inter-state trade and commerce, amendment powers and emergency powers*
- *Comments on the approach of the Supreme Court in interpreting federal features.*

MODULE TWO: Union and State Executive

Module 2 will look at the unique nature of the Indian executive and the old debate of whether India should follow the West Minister Model or the Strict Separation of Powers followed in the United States. The Indian constitution does not define Executive power and the only provision to be referred to is A.73 which states that executive power is co-extensive to legislative power. The Indian judiciary therefore has played a big part in defining the scope of executive power and the limitations on this power and the manner in which it may be exercised.

There are however several important powers conferred on the President as the executive head and the Governor as the executive head of the state, which call for the exercise of discretionary powers. These powers have raised questions of whether it was the intention of the framers of the Indian Constitution to retain the president as a mere figurehead or to discharge important constitutional functions. Important aspects to be discussed will be the cabinet form along with the presidential form of government, the special powers of the President of India such as the legislative and executive powers i.e. the ordinance making powers, and the pardoning powers, the difference between the powers of the President and the Governor, the scope of discretionary powers of both as well as the scope for judicial review of their powers.

- A) Definition of Executive power
- B) Executive power distinguished from constitutional powers
- C) Ordinance making power
- D) Pardoning power
- E) Special powers of the Indian President
- F) Special powers of the Governor of the State

G) Standards of Judicial review applicable for the various powers

Case Law:

- ✚ *Samsher Singh v state of Punjab* A. 74 SC 2192 ((mandatory reading))
- ✚ *Ram Jawayya Kapur v State of Punjab* A55 SC 549 ((mandatory reading))
- ✚ *Jayantilal Amritlal Shodhan v. Rana* A.64 SC 648
- ✚ *DC Wadhwa vs UOI*
- ✚ *B.P.Singhal vs Union of India*, 2010
- ✚ *Maru ram* (1981)1 SCC 107
- ✚ *Epuru sudhakar vs government of Andhra Pradesh* AIR 2006 SC 3385
- ✚ *Devinder Pal Singh Bhullar vs. State of NCT*, April 12 2013
- ✚ *State of Gujarat and another vs Justice R.A.Mehta* 2013
- ✚ *M.P.Special Police establishment vs State of M.P.* (2004)8 SCC 788
- ✚ *U.N.R.rao vs Indira Gandhi* (1971) 2 SCC 63

- ✚ *Shatrughan Chauhan vs Union of India* (2014)3 SCC 1

- ✚ *Sarat Chandra Rabha v. Khagendranath Nath*, AIR 1961 SC 334.

Reading:

- ✚ *D.C. Wadhwa, Repromulgation of Ordinances: Fraud on the Constitution of India*, Gokhale Institute of Politics and Economics 1983
- ✚ *Seervai, H.M., (2011), Constitutional Law of India, Universal Law Publishings, (7th Ed.) New Delhi, p. 1232*
- ✚ *Balkrishana, "Presidential Power of Pardon", 13 J.I.L.I (1971) at 104*
- ✚ *P.J. Dhan, "Justifiability of the President's Pardon Power", 26 Indian Bar Review 1999, at 69.*
- ✚ *Upendra Baxi, "Clemency, Erudition and Death: The Judicial Discourse in Kehar Singh", 30 J.I.L.I (1988) 501 at 503.*
- ✚ *Brian C. Kalt, "Pardon Me?: The Constitutional Case Against Presidential Self Pardons", 106 Yale Law Journal 1996 779*
- ✚ *Dr.S.Muralidhar, Hang them now Hang them not: India's travails with the Death penalty, 40 JILI (1998), p.143*
- ✚ *Subhankar Dam, Making Motives Count: Judicial Review of Ordinances in India, Statute Law Review, Vol. 33, No. 2, 2012*

EXPECTED LEARNING OUTCOME

After completing this module students will be in position to comprehend:

- *The nature of executive power in general and under the Indian Constitution*
- *Different interpretations of the nature of executive power*
- *Executive power as distinguished from constitutional*
- *Executive power distinguished from legislative and judicial power*
- *The grounds on which the exercise of executive power may be challenged.*

MODULE THREE: Union and State legislation

Module 3 will closely examine parliamentary privileges, the provisions regarding the disqualification of a member of either house of parliament and a member of either house of the State legislative assembly on the ground of defection. The scope of

protection available under the privileges doctrine was raised in the case of the JMM Bribery case i.e. P.V.Narasimha Rao vs State. Prior to this case the issue of parliamentary privileges were raised before the court in terms of the conflict between the freedoms under part III given to citizens and the privileges which was discussed in the earlier cases.

Parliamentary privileges and the scope of judicial review raise questions of separation of powers, basic structure as well as their position vis a vis fundamental rights. The disqualification of membership of a house has raised several questions of constitutional as well as public importance.

Readings:

- ✚ D.D.Basu, Shorter Constitution of India, 14th Edition Vol.1 p.726-738
- ✚ H.M.Seervai, Constitutional Law of India, III ed. Legislative power of the Union and the States p.1892-2140 Vol.II particularly 2056-57, 2004-2008, 1904-5
- ✚ Subhankar Dam, Parliamentary Privileges As Façade: Political Reforms And The Indian Supreme Court, at: <http://ssrn.com/abstract=985155>
- ✚ Justice P.K. Balasubramanyan, Parliamentary Privilege: Complementary Role Of The Institutions, (2006) 2 SCC (Jour) 1
- ✚ Parliamentary Privilege and the Common Law of Corruption: R. v. Greenway", Public Law, 1998, p. 356
- ✚ Subash C. Kashyap: Anti-Defection Law and Parliamentary Privileges (2nd Edn.) p. 100
- ✚ Shivraj V. Patil "Powers, Privileges and Duties of Parliamentarians", Journal of Constitutional and Parliamentary Studies, 2001, Vol. XXXV, p. 17
- ✚ Balwant Singh Mallik, P.V. Narasimha Rao v. State: A Critique, (1998) 8 SCC J- 1.
- ✚ Law Commission of India, 170th Report: Reform of the Electoral Laws ("170th Report"),

Case law:

- ✚ U.P.Assembly case(Special Reference No.1 of 1964) A.65 SC 745
- ✚ JMM Bribery case 1998 4 SCC ((mandatory reading))
- ✚ MSM Sharma v Srikrishna Sinha A.59 SC 395
- ✚ BR Kapur vs State of Tamil Nadu 2001.
- ✚ Raja Ram Pal v. Hon'ble Speaker (2007) 3 SCC 184
- ✚ Lily Thomas vs UOI (2013) 7 SCC 653

EXPECTED LEARNING OUTCOME

At the end of this module all of you will be well familiarized with the:

- *The distinction between legislative power and privilege*
- *Import of doctrine of parliamentary privileges*
- *The role of the judiciary in balancing fundamental rights with parliamentary privileges*
- *The questions involving separation of powers that are often raised in these issues*
- *The standard of judicial review applicable when dealing with cases of privilege*

MODULE FOUR: Union and state Judiciary

Module 4 will look at the Union and State judiciary under Articles 124-147 and 214-231. Among the three institutions of the legislature, executive and the judiciary the Indian judiciary has been seen as one which has retained popular support. The role of the judiciary in implementing fundamental rights, and bringing about accountability in the executive has been extraordinary. The Indian Supreme Court has different powers and some powers usually not seen with the Judiciary such as the advisory jurisdiction that the Indian Supreme Court has under A.143. The module will look at whether the doctrine of political question will apply to the Indian judiciary given that the separation of powers under the Indian Constitution is not as strict as the separation in the American Constitution that the doctrine is based on. The module will also examine the vexed question of the Independence of the judiciary and the issue of appointment of judges. The different powers of the Supreme Court under its various jurisdictions, i.e. in its powers as a reviewing court, reviewing legislative action, executive action or constitutional amendment, its role as an appellate court, powers of answering presidential reference, and its power to do complete justice will be explored.

- A. Doctrine of Political question
- B. Independence of the judiciary
- C. Appointment of judges
- D. Scope of Judicial review
- E. Difference between the High Court and the Supreme Court

Readings:

- H.M.Seervai, Constitutional Law of India, III ed Doctrine of political question 2205-2213 Vol.II
- Arghya Sengupta, Judicial Primacy and the Basic structure, EPW, Nov.28 2015,Vol.I.No.48((mandatory reading))
- Judicial Independence p.2264-2454 particularly summing up 2450-54 Vol.II
- Is Judicial Review undemocratic p.2498 Vol.II
- Law Commissions 214th report (mandatory)
- Pran Chopra (2004), “The Constitution and Supreme Court”, Economic and Political Weekly, Vol. 39, No. 30, pp. 3355-3359
- Nick Robinson (2012), “The Indian Supreme Court by the Numbers”, LGDI Working Paper, 2012-2; Azim Premji University, Bangalore, available at http://www.azimpremjiuniversity.edu.in/SitePages/pdf/LGDI_WorkingPaper_14December2012_The%20Indian-Supreme-Court-by-the-Numbers_NickRobinson.pdf, website visited, 11 March, 2015
- Pratap Bhanu Mehta (2007) “The Rise of Judicial Sovereignty” Journal of Democracy (Vol. 18, No.2; 2007)
- Abhinav Chandrachud (2011) “An Empirical Study of the Supreme Court’s Composition” Economic and Political Weekly, Vol. XLVI No. 01, pp.71-78

Cases: We will discuss following cases:

1. Subhash sharma v UOI A. 91 SC 631

2. Sub committee on judicial accountability v UOI (1991) 4 SCC 409
3. Sarojini Ramaswami v UOI
4. Krishnaswami v UOI (1992) 4 SCC 605
5. All India judges association v UOI A 1992 SC 165
6. SP Gupta v UOI A. 82 SC 149(judges case)
7. SC Advocates on record Asso v UOI A. 94 SC 268(Second judges case)
8. In re presidential reference AIR 1999 SC 1,
9. SCAORA vs UOI 2015

EXPECTED LEARNING OUTCOME

By the end of this module students will be in position to understand:

- *The controversies in the appointment of judges*
- *The legal and constitutional issues in relation to the appointment of judges*
- *The constitutional amendment and the following litigation and*
- *The Judicial Trend in this regard and the current law.*

MODULE FIVE: Schedule 5 and 6

Module 5 will look at Schedule 5 and 6 and explore the constitutional design in terms of special protections for indigenous people. The course will look at the provisions of the schedules in terms of granting a degree of autonomy and the application of laws to these territories. The Constitutional design will be contrasted with the United Nations Convention on Rights of Indigenous people and examine emerging demands for a return to the Panchsheel principles that were advocated for the administration of the Scheduled areas. India does not recognise the terms indigenous people and uses the words scheduled tribe to refer to persons residing in these areas. Scheduled tribes particularly those in the VI Schedule areas have advocated for the term indigenous to refer to themselves. Indigenous people across the world have raised questions about the right to preserve and practice their own particular culture, religion, customs and practices. A process of assimilation adopted by India have eroded many of these cultures, languages and practices.

Readings:

Constituent Assembly Debates, Volume I, pp 143-4.

Naveen Thayil, Judicial fiats and Contemporary Enclosures, Conservation and Society, 7(4):268-282, 2009

Apurv Kurup, Tribal Law in India, Indigenous Law Journal, Volume 7: Issue 1, 2008

Siddique Saima Jarrar Alam and Nimushakavi Vasanthi , Tribes and their land

N.Vasanthi, Case comment on the Niyamgiri hills case,

Benedict Kingsbury, Reconciling five competing conceptual structures of indigenous people's claims in international and comparative law, New York University Journal of International law and politics, Vol.34:1,2001,p.189-250,2001

Geetanjoy Sahu, "Mining in the Niyamgiri Hills and Tribal Rights", Economic & Political Weekly, XLIII (15), 2008,pp. 19-21

Klare, Karl and Davis, Dennis M., "Transformative constitutionalism and the common and customary law" (2010). School of Law Faculty Publications. Paper 46.

<http://hdl.handle.net/2047/d20001245>

Michael Kirby, The necessities and limitations of Judicial Activism, (2013) 8 SCC(J),pp.5-21

Report of the Bhuria Committee, 2004

Report of the UN Dhebar Commission, 1961

<http://ramachandraguha.in/archives/adivasis-naxalites-and-indian-democracyeconomic-and-political-weekly.html>

Cases:

1. Amarendra Nath Dutta v. State of Bihar, A.83 Pat.151
2. Samata vs. Government of Andhra Pradesh AIR 1997 SC
3. PU Myllai Hlychho & Ors.vs.State of Mizoram & Ors. (2005) 2 SCC 92
4. Edwingson Bareh vs. State of Assam & Ors.1965 SC 265
5. Dt. Council of the Jowai Autonomous v. Dweet Singh Rymbai, A.86 SC 1930
6. Dt Council of United Khasi and Jaintia Hills vs Sitiman sawain A.72 SC 787
7. Orissa Mining Corporation vs. Ministry of Environment & Forest & Others (2013) 6 SCC 476
8. Mabo v. Queensland (no.2), (1992) 175 CLR
9. Delgamuukw v. British Columbia (1998) 1 C.N.L.R.177
10. Michael Kirby, The necessities and limitations of Judicial Activism, (2013) 8 SCC(J),pp.5-21

EXPECTED LEARNING OUTCOME

After completion of this module students will be well aware of:

- *The special value of the provision relating to the schedules areas and scheduled tribes*
- *The significance of the rights of indigenous people*
- *The constitutional scheme with regard to these areas*
- *The significance of institutions of panchayati raj*

MODULE SIX: Constitutional Protections to Civil Servants

Module 6 will look at constitutional protections to civil servants by examining the doctrine of pleasure and the applicability of the principles of natural justice to these situations.

- A. The doctrine of Pleasure
- B. The exceptions to the doctrine
- C. The understanding of state/public employment
- D. The role of the executive in laying down the rules regarding conditions of service
- E. The applicability of the principles of natural justice

Readings:

- ✚ Jois, Justice M. Rama, *Services under the State*, New Delhi, The Indian Law Institute, 2007
- ✚ Chapter 14, *Report of the Administrative Reforms Commission*, available at
- ✚ http://arc.gov.in/10th/ARC_10thReport_Ch14.pdf

Cases: *We will discuss* important cases including:

1. *Sardari lal v state of Punjab* A 71 SC 1547

2. *Moti Ram v N.E.Frontier Railway AIR1964 SC 600*
3. *Purshottam lal Dhingra v UOI A. 58 SC 36*
4. *UOI v Tulsiram Patel A. 85 SC 1416 ((mandatory reading))*
5. *UOI vs Shardindu AIR 2007 SC 2204*
6. *State Of Punjab & Anr v Sukh Raj Bahadur AIR 1968 SC 1089*
7. *M.D.,ECIL v. B.Karunakar, (1993) 4 SCC 727*

EXPECTED LEARNING OUTCOME

After completion of this module the students will be equipped with good understanding of:

- *The meaning of the doctrine of pleasure*
- *The exceptions to the doctrine*
- *The applicability of the principles of natural justice*

MODULE SEVEN: Article 370 : Special provisions in the Indian Constitution

Jammu and Kashmir and its position among other Indian States has raised many constitutional issues and questions. This module will discuss some of these issues from a constitutional perspective on what these have meant in the understanding of special, temporary and transitional provisions in the Indian Constitution.

Readings:

- ✚ **A.G.Noorani, A Constitutional History of Jammu and Kashmir, OUP: 2011**

EXPECTED LEARNING OUTCOME

After discussing this module students will be in situation to figure out:

- *The importance and status of the special provisions in the Indian Constitution*

MODULE EIGHT: Basic Structure

The evolution of the Basic Structure theory presents a unique opportunity to discuss the essential features of the Indian Constitution. It gives us a keyhole to view the entire Constitution and organise the various features in order of their importance to the core or the essence of the Constitution. Since there is no exhaustive list of features it is also an important exercise in argument building such that any feature can possibly be argued as basic to the Constitution.

Through the doctrine we will touch upon the provisions in the Constitution on declaration of emergency, the provisions for Constitutional amendments, the scope of judicial review, the supersession of fundamental rights and the balancing theory. The course will draw upon the importance of fundamental rights already discussed in the first course and their place in the Constitution along with the other features of the Constitution. The module will discuss the origins of the theory, its subsequent expansion and its contemporary usage. Accordingly, special safeguards were guaranteed to the minorities and were incorporated in the chapter on fundamental rights with a view to install in them a sense of confidence and security. In this module we will discuss:

Readings:

- ✚ Raju Ramchandran, The Supreme Court and the Basic Structure Doctrine, 107-134, Supreme but not Infallible, OUP:2000
- ✚ Durga Das Basu, Shorter Constitution of India, 14th Edition 2009, Vol 2, Part XII: Chapter IV Right to Property, pages 1805-1823
- ✚ Durga Das Basu, Shorter Constitution of India, 14th Edition 2009, Vol 2, Part XX, Amendment of the Constitution, pages 2225-2245. ((mandatory reading))
- ✚ Part XVIII Emergency Provisions, 2155-2197
- ✚ Granville Austin, Working a democratic Constitution: A History of the Indian Experience, 1999, pages 171-293,
- ✚ Part II The Great Constitutional Confrontation: Judicial versus Parliamentary Supremacy, 1967-73, see also in the same book
- ✚ Closing the circle p.314-328
- ✚ The Constitution Strengthened and weakened p. 498-516
- ✚ Judicial reform or harassment p.516-528
- ✚ Prof. Dietrich Conrad lecture on "Basic Structure of the Constitution and Constitutional Principles," delivered at the Indian Law Institute in New Delhi on April 2, 1996. It was published in Law and Justice, a journal of the United Lawyers Association, New Delhi (Vol. 3, Nos. 1-4; pages 99-114).
- ✚ Pratap Bhanu Mehta, What is Constitutional Morality, available at http://www.india-seminar.com/2010/615/615_pratap_bhanu_mehta.htm

Case law:

- ✚ Golaknath I.C. v. State of Punjab, AIR 1967 SC 1643
- ✚ Kesavananda Bharati v. State of Kerala AIR 1973 SC 1461
- ✚ Indira Nehru Gandhi v. Raj Narain 1975 Supp.SCC 1
- ✚ Waman Rao v. Union of India, AIR 1981 SC 271
- ✚ Minerva Mills v. Union of India, AIR 1980 SC 1789
- ✚ Bommaiv. Union of India AIR 1994 SC 1918
- ✚ Kihota Hollohan v. Zachilhu, (1992) Supp.(2) SCC 651
- ✚ M. Nagaraj v. Union of India, (2006) 8 SCC 212
- ✚ I.R.Coelho v. State of Tamil Nadu (2007) 2 SCC 1
- ✚ Indian Medical Association vs Union of India 2011
- ✚
- ✚

EXPECTED LEARNING OUTCOME

By the end of this unit students will be in position to appreciate:

- *The evolution of the doctrine of basic structure*
- *The significance of judicial review and significant cases dealing with the basic structure doctrine*
- *The relevance of the basic structure doctrine to understanding the important features of the Indian Constitution*

Wish you good luck!

REFERENCE BOOKS

- A.G.Noorani, A Constitutional History of Jammu and Kashmir,OUP: 2011
- B. Shiva Rao: The Framing of India's Constitution (5 Vols.).
- Durga Das Basu, Commentary on the Constitution of India, 8th Edition, LexisNexis Butterworth Wadhwa: 2011, Volumes 1-10
- Durga Das Basu, Shorter Constitution of India,(14th Edition) LexisNexis Butterworth Wadhwa: 2009 (2 volumes)
- D.D.Basu,Comparative Constitutional Law,Wadhwa:2008
- H.M.Seervai, Constitutional Law of India, III ed,Tripathi: 1984
- M P Singh, V N Shukla's Constitution of India, 11th edition, EBC:2011
- Granville Austin: The Indian Constitution: Cornerstone of a Nation. Oxford University Press, New Delhi (1998).
- Granville Austin:Working a democratic constitution, Oxford University Press
- Fali.S.Nariman, India's legal system:can it be saved.Penguin Books:interrogating India series, 2006
- Supreme but not infallible: Essays in honour of the Supreme Court of India, Oxford:2000
- Jackson and Tushnet: Comparative Constitutional Law, Foundation Press:2006
- Tania Groppi and Marie-Claire Ponthoreau, The use of foreign Precedents by Constitutional Judges, Hart Publishing:2013
- Zoya Hasan,E.Sridharan,R.Sudarshan, India's Living Constitution:Ideas Practices Controversies,New Delhi:Permanent Black,2002
- Rajeev Bhargava (2008), "Outline of a Political Theory of Indian Constitution", in Rajeev Bhargava (ed.), Politics and Ethics of the Indian Constitution, New Delhi, Oxford University Press, pp.1- 41
- B.N. Rau: The Making of Indian Constitution.
- D.J. De: The Constitution of India. Asia Law House, p.148-177-196
- Report of the National Commission to Review the Working of the Constitution

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NATIONAL ACADEMY OF LEGAL STUDIES AND RESEARCH
HYDERABAD-500 078
Telangana State

Course Outline

On

Property Law

II Year III Semester; B.A.LL.B. (Hons.)

Course Designed by:

Dr. Shaik Nazim Ahmed Shafi

Instructor's Information:

Instructor : Dr. Shaik Nazim Ahmed Shafi
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Course Basics:

Course Name	:	Property Law (Transfer of Property Act, 1882)
Course Code	:	
Course Nature	:	Mandatory
Course Credits	:	04
Course Lectures	:	64
Classes Per Week	:	04
Duration of Class	:	02 Hours
Sections	:	02 (A+B)

Course Description:

Political and economic institutions – the rules, laws, and customs that guide behavior, help determine living standards around the world. Property rights are most important in shaping long-run economic growth and thus prosperity. Prosperity and property rights are inextricably linked. The importance of having well defined and strongly protected property rights is now widely recognized among economists and policy makers. A private property system gives individuals the exclusive right to use their resources as they see fit.

Hence, those who are lucky to have property movable or immovable can do whatever they like with it. They can sell it, mortgage it as security and raise money, lease it out and enjoy the income, exchange it for another type of property, make a gift of it to whomsoever they please, bequeath it to anyone they like; and even destroy it as long as they do not do any harm to another or his property. While this is the position, one would like to know, whether it was the same always, that is before the British started governing India.

The earlier period, historically falls into two stages, first when Hindus were governing various parts of India, and the second stage when Muslims conquered India and finally the British.

Under the Hindu Law, the development of the right of alienation by act of parties and the development of the idea of property from its communal to its individual form grew side by side. The power of alienation in India had been recognized even in the days of Manu (200 BC), but certain limitations in family properties and ancestral property.

In Muhammedan Law, the system of law which has governed the Muhammedans in India has recognized the ideas of free alienation and testamentary succession from the earliest period of their settlement in this country. While a Muhammedan could dispose of his entire properties by a gift *inter vivos*, he could make a testamentary disposition or a death-bed gift only to extent of a third of his net assets.

After the British came to India, they introduced the English Law into India, but, there was no uniformity. The English law was administered in the Presidency towns of Bombay, Calcutta and Madras. In places outside Presidency towns questions relating to property were decided according to justice, equity and good conscience. To produce uniformity, the law relating to transfer of property *inter vivos* and the law relating to devolution of property on the death of a person were codified. As far as the law relating to devolution of property by succession, the law was first codified in 1865, and today the law is governed by the Indian Succession Act, 1925, but, the Act does not apply to Hindus and Muhammedans in several matters. As regards transfers *inter vivos* the relevant enactment today is the Transfer of Property Act, 1882.

Course Objectives:

The objects of the Transfer of Property Act are set out by Whitely Stokes in his *Anglo-Indian Codes* thus: The chief objects of the Transfer of Property Act are two: first to bring the rules which regulate the transmission of property between living persons into harmony with the rules affecting its devolution upon death and thus to furnish the complement of the work commenced in framing the law of intestate and testamentary succession; and secondly, to complete the code of contract law as it relates to immovable property. In aiming at these objects, the Legislature has striven to avoid refinements and technicalities, to discard all rules whereby the parties to a transaction were made liable to unexpected consequences, all rules which seemed unfair or inexpedient in them, all provisions in deeds which were found in practice to lend to embarrassments and litigation. Like the Contract Act, it is not, and does not purport to be, an exhaustive measure.

The said Course conventionally deals with the Transfer of Property Act 1882. Except with a few Amendments carried in 1929, presently the said Act is intact, and creates various interests pertaining to persons as well unborn persons (Section 13). The provisions relating to leases under the Act are not applicable to agricultural leases; and even with respect to urban immovable property, the provisions are not applicable to the most dominant type, namely housing under the rent control legislation.

Finally, the course will equip the students in understanding the concept of immovable property along with other definitions laid down under Section 3, various general principles to be adhered while transferring the property; and thereby taking into cognizance these general principles, specific transfers can be made by way of a Sale, Mortgage, Lease, Exchange and Gift.

Learning Objectives:

At the end of this Course, students will be able to:

- i) Outline Property Law in India
- ii) Describe the classification of Interests
- iii) Understand various Equity Principles which are imbibed in Section formats
- iv) Application of various Doctrines at appropriate occasions
- v) Know various rights and liabilities under a Sale, Mortgage, Lease, Exchange and Gift.

Teaching Methodology

In the context of legal education, it has been noted that teaching is effective if it results in “significant learning”, when students “can apply what they have learnt to solve a previously unseen problem.” In order to do so, students are given an opportunity to master the skills of analysis, synthesis, critique and evaluation. Students are involved in more than listening. A greater emphasis is made on student’s exploration of their own attitudes and values.

Lecture Plan (Module-wise)

Module-1: Introduction; Interpretation Clauses; Transfer of Property-defined; What may be transferred; Persons Competent to Transfer; Operation of Transfer; Condition Restraining Alienation; Transfer for benefit of Unborn

Person; Rule Against
for benefit of Public; Various
Contingent, Vested; Conditional

Perpetuity; Transfer to Class; Transfer in Perpetuity
Types of Interests-Future, Existing, Restricted,
Transfers. (Sections: 1-34)

Lecture Hours: 13

Module-2: Doctrine of Election; Apportionment of Periodical Payments on determination of interest of person entitled; Transfer by person authorized only under certain circumstances; Covenants; Doctrine of Holding Out; Doctrine of Feeding the Grant by Estoppel; Transfer by Co-owners; Doctrine of Priority; Transferee's Right under Policy; Improvements made by Bonafide Holder under Defective Title; Doctrine of Lis Pendens; Fraudulent Transfers; Doctrine of Part-Performance (Sections: 35-53A)

Lecture Hours: 13

Module-3: **Sale:** Definition of Sale; Difference between Sale and Agreement to Sell; Rights and Liabilities of the Vendor, Rights and Liabilities of Vendee;
Mortgage: Definition; Classification of Mortgages; Redemption of Mortgages; Doctrine of Equitable Redemption; Doctrine of Clog; Doctrine of Consolidation; Doctrine of Accession; Doctrine of Foreclosure; Doctrine of Substituted Security; Doctrine of Redeem Up and Foreclose Down; Doctrine of Marshaling and Contribution. (Sections: 54-104)

Lecture Hours: 13

Module-4: **Lease:** Definition of Lease; Rights and Liabilities of Lessor and Lessee; Difference between License and Lease; Determination of Lease; Tenancy-at-Will; Tenancy-by-Holding Over; Tenancy at Sufferance.
Exchange: Definition; Right of Party deprived of thing received in exchange; Rights and Liabilities of Parties; Exchange of Money; Difference between Sale and Exchange (Sections:105-121)

Lecture Hours: 13

Module-5: **Gifts:** Definition; Transfer how effected; Gift of existing and future property; Gift to several, of whom one does not accept; Suspension or Revocation of Gifts; Onerous Gifts; Universal Donee; Donations Mortis Cause and Mohammedan Law.
Actionable Claims: Definition; Transfer of Actionable Claim; Notice to be in Writing; Liability of Transferee; Warranty of solvency of Debtor; Mortgaged Debt; Assignment of Rights; Incapacity of Officers connected with Courts of Justice; Saving of Negotiable Instruments, etc.(Sections: 122-137)

Lecture Hours: 12

Evaluation – For 100 Marks:

Mid Semester Examination: 25 Marks
Projects (Written): 20 Marks
Presentation (Oral): 05 Marks
End Semester Examination: 50 Marks

Note: No Theory Questions – Only Problem based Questions

Books Recommended:

- xi) G. C. V. Subba Rao's Law of Transfer of Property (law of property) [easements, trust and wills.] / G.C.V. Subba Rao; Revised Vepa P. Sarathi; foreword by. V. Govinda Rajachari.
- xii) Law of Transfer of Property by Vepa. P. Sarathi.
- xiii) Law of Transfer of Property: A Case book on the Transfer of Property Act, 1882 Jaswant Singh, Deepak Arora & R.S. Dogra and edited by O.P. Arora.
- xiv) Law Commission of India. Section 52: The Transfer of Property Act, 1882 and Its Amendment:
- xv) The Transfer of Property Act [Act n.4 of 1882) Commentary Critical & Explanatory) with (latest case law) Shukla, S.N.; Revised by D.P. Naula.
- xvi) The Transfer of Property Act, Sir Dinshaw Fadunji Mulla, revised by Justice M.R. Hariharan Nair 12th Edition, 2015.
- xvii) The Transfer of Property Act, Dr. S. N. Shukla 29th edition, 2015
- xviii) The Transfer of Property Act, Dr. G.P.Tripathi 18th edition, 2014
- xix) A Textbook on the Transfer of Property Act, Dr. Avtar Singh & Dr. Harpreet Kaur, 4th edition, reprint
- xx) Transfer of Property Act, B.B. Mitra, & S.P. Sengupta 20th edition, June 2012

Cases to be Referred

- Achayya v. Venkata Subba Rao, (1956) An WR 830
- Achayya v. Vvenkat Subba Rao, (1956) AnWR 830
- Alderson v. While, 44 ER 924
- Amrit Narayan v. Goya Singh, (1918) LR 45 IA 35
- Ananda Behera v. State of Orisa, (1955) 2 SCR 919
- Annada Mohan Roy v. Gour Mohan Mulick, ILR 50 Cal 929 (PC)
- Ariff v. Jadnath, AIR 1931 PC 79
- Ariff v. Jadunath, AIR 1931 PC 79
- Austerberry v. Corporation of Oldham, (1885) 29 Ch D 750
- Austerberry v. Corporation of Oldham, (1885) 29 Ch D 750
- Bibi Sayeeda v. State of Bihar, (1996) 9 SCC 516
- Cadell v. Palmer, 131 ER 859
- CIT v. Ahmedabad Rana Caste Association, (1982) 2 SCC 542
- Debaraj v. Ghanshyam, AIR 1979 Ori 162
- Devaki v. Alaci, AIR 1979 Ker 108
- Dugdale v. Dugdale, 38 Ch 176, 182
- Ewaz Ali v. Firdaus Jehan, ILR 19 Luck 566
- Ghumma v. Ramchandra, (1925) ILR 47 All 619
- Haywood v. Brunswick Permanent Building Society, (1881) 8 QBD 403
- Jumma Masjid Mercara v. Kodimaniandra Deviah, 1962 Supp (2) SCR 554
- Kedarnath Lal v. Ganesh Ram, (1969) 2 SCC 787
- Krishna v. V.K. Velayudhan, AIR 1979 Ker 47
- London v. S.W. Rly. Co., v. Gomm, (1882) 20 Ch D 562
- Ma Yait v. Official Assignee, (1930) LR IA 10
- Mineral Development Ltd. v. Union of India, (1961) 1 SCR 445
- Mohari Bibi v. Dharmodas, ILR 30 Cal 539 (PC)
- Nagaratanba v. Ramayya, (1968) 1SCR 43
- Noakes and Co. v. Rice, (1902) AC 24
- Pandey Oraon v. Ram . Chander Sahu, 1992 Supp (2) SCC 77
- Panmal v. OFG Insurance Co., AIR 1979 Gau 70
- Pannalal v. Ramnarayan, AIR 1971 Raj 294

- Pattabhirama v. Sri Ramanuja, AIR 1984 AP 176
- Rajah Vurmah v. Ravi Vurmah, ILR 1 Mad 235 (PC)
- Rajesh Kanta Roy v. Santi Debi, 1957 SCR 77
- Ramaswami Pattar v. Chinnar Asa, ILR 24 Mad 449
- Ramayyar v. Mahalakshmi, 1921 MWN 434
- Ramayyar v. Mahalakshmi, 1921 MWN 434
- Ranchhoddas Chaganlal v. Devaji Supdu Dorik, (1977) 2 SCC 584
- Ranganatha Mudaliar, v. Mohan Krishna Mudaliar, AIR 1926 Mad 645
- Sheth Maneklal Mansukhbhai v. Hormusji Jamshedji Ginwalla, 1950 SCR 75
- Swamintha Odayar v. Subbarama Ayyar, (1927) ILR 50 Mad 548
- Tagore v. Tagore, (1874) LR 1 IA 389
- Thakur Chandra Paramanik v. Ram Dhone Bhattacharya, (1866) 6 WR 228
- Thelluson v. Woodford, (1805) 11 Ves June 112
- Thomas v. Moram, AIR 1979 Ker 156
- Tulk v. Moxhay, 41 ER 1143
- Union of India v. Sarada Mills, (1972) 2 SCC 877
- Varadaraja v. Lakshmi Narayana, AIR 1985 Kant 245
- Vasudev v. Pranlal, (1974) 2 SCC 323
- Veerabhadra v. Chiranjivi, (1905) ILR 28 Mad 173 (PC)
- Walsh v. Lonsdale, (1882) LR 21 Ch D 9
- Whitby v. Mitchell, 44 Ch D 85
- Zafrul Hussan v. Fariduddin, AIR 1946 PC 177

OBJECT OF THE COURSE

Industry plays a predominant role in building the economic structure of the society. Therefore, the significance of labour and industrial laws in shaping the economy of any country cannot be ignored. It is both social and economic justice which we cherish in the Constitution of India. From the Indian context the post – independence era has witnessed significant developments in the field of labour and industrial laws.

Social Engineering is a continuous process which goes on with the pace of time, and here lies the importance of the study of Industrial Jurisprudence.

The emergence of globalization, liberalization and privatization has further brought new challenges. There is every need to reform Labour Laws. There is therefore a mounting pressure to reform labour laws. In view of this the National Commission on Labour was set up by the Government of India in removing the irritants and stumbling blocks.

There have been many developments in the area of Labour Laws and Industrial Relations. In the legislative sphere the Industrial Disputes Act of 1947, Trade Union Act of 1926 has undergone major amendments in the years 1982 and 2001 respectively. Quite apart from the survey of decided cases of the Supreme Court and High Courts reveals that there has been a marked shift in approaches of the Indian judiciary in the areas of Labour and Industrial Laws..

Learning Objectives:

- The primary objective of this course to introduce law student to this emerging area of jurisprudence.
- To understand the General principles of Industrial Relations and Labour Laws.
- To examine the emerging International Labour problems and India's Labour Policy.

- To build, create and generate knowledge base pertaining to diverse multiple perspectives of Industrial Relations and Labour Law.
- To impart essential professional skills.
- To induce the student to understand the dynamics of Industrial Relations and Labour Laws to shape as a specialized Lawyer.

Teaching Methodology

Lectures by Principal Teacher, Tutorials by T.A's, Guest Lectures.

Evaluation

Project: 25 Marks,

Mid Semester: 25 Marks

End Semester: 50 Marks

ACADEMIC HONESTY:

Students are expected to maintain the highest Standards of academic integrity.

Course Content:

- 1. Industrial Relations : Contextual and Constitutional Frame Work**
 - 1.1 Dimensions of the problem of Industrial Relations and the Law**
 - 1.2 Contextual Frame work**
 - 1.3 Community prescription**
 - 1.4 Constitutional Frame work and Industrial Relations.**
 - 1.5 Five Year plans and Industrial Relations**
 - 1.6 National commission on Labour and Industrial Relations and the Law.**
 - 1.7 International Labor Organization**
- 2 Industrial Disputes Act of 1947**
 - 2.1 Regulation of Industrial Disputes**
 - 2.1.1 Contextual Framework**
 - 2.1.2 Object and Scheme of the Act**

- 2.1.3 Industrial Disputes (Amendment) Act, 1982 & 1984
- 2.1.4 Scope of the Act
- 2.1.5 Interpretation of Industrial Relations Law
- 2.1.6 No Jurisdiction of Civil Court in Industrial Dispute
- 2.2 Industrial Dispute and Individual Dispute
- 2.3 Arena of Interaction and Participants in Industrial Disputes
- 2.4 Settlement of Industrial Disputes
- 2.5 Powers of Appropriate Government
- 2.6 Instruments of Economic Coercion (Strikes and Lock outs)
- 2.7 Lay-off, Retrenchment, Transfer and Closure
- 2.8 Discharge and Dismissal
- 2.9 Management Prerogative during the pendency of Proceedings

Cases

- *Workmen of Dimakuchi Tea Estate vs Management of Dimakuchi Tea Estate*
- *Bangalore Water Supply and Sewerage Board vs A. Rajappa*
- *State of UP vs Jaibir Singh*
- *Bombay Union of Journalists vs State of Bombay.*
- *Neetakaplish vs PO, Labour Court*
- *Lal Mohd. & others vs Indian Railway Construction Company*
- *Sharadkumar vs NCT, Delhi.*
- *Orissa Textiles and Steels Ltd., vs State of Orissa & others*
- *Workmen of Meenakshi Mills Ltd., vs Meenakshi Mills Ltd.*
- *Gujarat Steel Tubes Ltd., vs GST Mazdoor Sabha*
- *Rohtas Industries vs Rohtas Industries Mazdoor Sangh*

3 Trade Unions Act of 1926

- 3.1 Regulations of Trade Unions, Collective Bargaining and Unfair Labor Practices.
- 3.2 Trade Unionism
- 3.3 Judicial Delimitation of Statutory definition of Trade Union and Trade Dispute
- 3.4 Registration of Trade Union
- 3.5 Members, Office bearers and outsiders in Trade Unions
- 3.6 Trade Union Finances and Funds
- 3.7 Privileges of Registered Trade Unions
- 3.8 Recognition of Trade Unions

3.9 Collective Bargaining

3.10 Unfair Labour Practices and Victimisation

Cases:

- *Standard Vaccum refining Company vs Their workmen*
- *Western India Automobile Association vs Industrial Tribunal*
- *TATA Workers Union vs State of Jharkhand.*
- *Re Indian Steam Navigation Worker Union*
- *Campbell vs Thompson*
- *Mario Raposo vs H M Bhandarkar and Ors*

4 Industrial Employment (Standing Orders) Act of 1946

4.1 Introduction

4.2 Scope and Coverage of the Act

4.3 Concept and Nature of Stading Orders

4.4 Certification Process/ Its Operation and Binding Effect

4.5 Modificiation and Temporary Application of Model Standing Orders

4.6 Interpretation and Enforcement of Standing Orders.

4.7 Role of the Government under the Act

Cases:

- *Western India March Co. vs Workmen*
- *Salem Erode Electricity Distribution Company vs Employee Union*
- *Avery India Ltd., vs 2 Industrial Tribunal, West Bengal.*
- *Associated Cement Company Ltd vs Their workmen*
- *Dunlop India Ltd vs Workmen*
- *Hindustan Lever vs Workmen*

5. Workers Participation in Management

5.1 Introduction

5.2 Constitutional Commitment

5.3 Concept and Scope

5.4 The 1975 Scheme of Workers Participation in Industries

5.5 The 1983 Scheme of Workers Participation in Management

5.6 Making workers shareholders

5.7 Representation of Workers on Board of Directors

5.8 Workers Participation in Winding up Operation

5.9 Workers Right to Run Sick Industries

5.10 Participation of Workers in the Management Bill, 1990

5.11 Enforcement of the Act

5.12 Steps taken during the 1996-1997.

Suggested Readings:

Prof. G.V.Ajjappa and Prof.Faizan Mustafa, Commentary on Indian Trade Unions Act, 1926, Asia Law House, Hyd.

- S.N. Mishra, Labour and Industrial Laws, Central Law Publications, Allahabad.
- Dr. Avtar Singh & Dr. Harpreet Kaur, Introduction to Labour and Industrial Law, Lexisnexis, Butterworths. New Delhi.
- P.L Malik, Labour and Industrial Laws, Eastern Book Company, Lucknow.
- Justice M.R.Mallick, Labour and Industrial Law, Professional Book Publishers, New Delhi.
- Taxmann's Labour Laws, Taxman Publications Pvt Ltd, New Delhi.
- Kumar, H. L, Digest of Labour cases 1990 - 2007: Case Law Finder.
- Forum for National Uniformity in Labour Adjudication: / Law Commission of India.
- Labour law and labour relations: cases and materials / edited by Anand Prakash, Suresh C. Srivastava, P. Kalpakam, Bombay: N. M. Tripathi Pvt. Ltd.
- Code of International Labour Law (ed.) Neville Rubin in consultation with Evance Kalula and Bob Hepple, Cambridge University Press, UK.
- Woodiwiss, Anthony, Globalisation, Human Rights and Labour Law in Pacific Asia.
- Robert J. Rabin [et.al.], Labour and Employment Law, Problems, Cases and Materials on the Law of Work.
- Davies, A. C. L., Perspectives on Labour Law / A.C.L. Davies.
- V.V Giri, Labour Problems in Indian Industry.
- Report on the National Commission on Labour'
- ILO Approaches Social Security

- ILI Labour Law and Labour Relations
- Orwell De R. Foenander, Industrial Conciliation and Arbitration
- Sharma, A.M Aspects of Labour Welfare and Social Security, Himalaya Publishing House, New Delhi.
- Government of India, Ministry of Labour, Annual Reports
- R.F. Rushtumji, Law of Industrial Relations in India (1961)
- N.M Joshi, Trade Union Movement in India (1927)
- G. Ramanujam, Story of Indian Labour
- Mathur & Mathur. Trade Union Movement of India (1962)
- Government of India, Report of the Royal Commission on Labour.
- Brooks Contract of Employment CCH, Australua, 1979.
- Bowers Bowers on Employment Law (4th ed) Blackstone Press, UK, 1997
- Bowers & Honeyball, Textbook on Labour Law (4th ed) Blackstone Press, 1996.
- S. Fredman, The Ideology of New Labour Law (C. Barnard, S Deakin and G Morris, Hart, 2004)
- V.G.Goswami, Labour and Industrial Laws, Central Law Agency.
- G.M. Kothari, A study of Industrial Law, Lexsi Nexis.
- E.M.Rao, Industrial Jursirpudence, Lexis Nexis
- P.K. Padhi, Labour and Industrial Laws.
- Khan and Khan, Labour and Industrial Law.
- A.K. Rao, Supreme Court on Labour and Industrial Law.
- A.C.L. Davies, Perspectives on Labour Law (2nd ed. Cambridge University Press, Law in Content Series, 2009).
- Citrine, Trade Unions.

Journals:

- Labour Law Reporter
- Labour Law Journal
- Labour Law Notes
- Factories and Labour Reporter
- All India Reporter (Journal Section)
- International Journal of Comparative Labour Law & Industrial Relations
- International Labour Review
- Labour and Industrial Cases (Journal Section)
- REPORTS
- Report of the Royal Commission on Labour.
- Reports of the National Commission on Labour(1&2).
- Labour Code on Industrial Relations Bill,2015.
- Law commission of India Reports.
- ILO Conventions.

LLB
LABOUR LAW II

Credits: 4

OBJECT OF THE COURSE:

Labour law is one of the oldest branches of law which has emerged out of the inadequacies of contract and tort laws. It seeks to secure social and economic justice for all workers. Labour law has evolved over time and now covers various aspects of workers rights, such as right to form associations, collective bargaining, safety, wages, terminal benefits and social security. New areas such as equal pay, sexual harassment, disability/gender-based discrimination are emerging. Given the widespread poverty in India, socio economic disparities, illiteracy and social disabilities, certain unacceptable forms of labour exist that need special attention. Legislations have been passed for bonded labour, contract labour, child labour, migrant labour and manual scavengers.

Since the law is spread over various legislations, it is useful to start with an introduction to rights that are rooted in the Constitution and which are reinforced through legislation. The International Labour Organisation (ILO) has set out standards on labour and is a major source for research and information about issues around the world. India is a founding member of the ILO and continues to be an active member. The relevant conventions adopted by the ILO will be discussed at appropriate places throughout the course.

LEARNING OBJECTIVES

The course on labour law will attempt to provide a working knowledge rather than an in-depth knowledge on all the issues discussed above through five modules.

Modules 1: Introduction to General Principles in Labour Law (5 lectures)

Module 2: Constitutional Rights for Labour (5 lectures)

Module 3: Unorganized Labour (10 lectures)

Module 4: Law on Wages (5 lectures)

Module 5: Law on Social Security (13 lectures)

Module 6: Module 7: Module 8: Globalization and Labour law (5 lectures)

TEACHING METHODOLOGY

Lectures by Principal Teacher, Tutorials by T.A's, Guest Lectures.

Evaluation

Project: 25 Marks,

Mid Semester: 25 Marks

End Semester: 50 Marks

ACADEMIC HONESTY:

Students are expected to maintain the highest standards of academic integrity.

COURSE CONTENT:

Module 1: Introduction to General Principles in Labour Law

Labour law, the varied body of law applied to such matters as employment, remuneration, conditions of work, trade unions and industrial relations. In its most basic comprehensive sense, the term includes social security and disability insurance as well. Unlike the laws of contract, tort or property, the elements of labour law are somewhat less homogeneous than the rules governing a particular legal relationship. In addition to the individual contractual relationships growing out of the traditional employment situation, labour law deals with the statutory requirements and collective relationships that are increasingly important in mass production societies, the legal relationships between organized economic interests and the state, and the various rights and obligations related to some types of social services. The aim of this introductory section is to make a connect between the jurisprudence behind formation of the current statutory framework and the emerging challenges that the society produces today. We take a tour of the general principles that apply to the formation of the subject with an intention to understand the lacunas of the law as it stands today. This section will particularly provide us with a background to scrutinize the statues and the judgments in order to enable us to critically analyze the same.

Readings:

1. Guy Davidov and Brian Langille The Idea of Labour Law, Oxford University Press 2011
2. Paul Davies and Mark Freedland, Kahn Freund's Labour and the Law
3. Labour Laws and the Working Poor, Edited by Amah Siddiqui, ARPLA (ILO) Publication, 1990
4. John Howe, The Broad idea of Labour Law- Industrial Policy, Labour Market Regulation and Decent Work, Working Paper no. 49, Center for Employment and Labour Relations Law, Melbourne Law School, 2010
5. Functions of Labour Law, University of Pretoria, Chapter 2. 2005
6. Feminisation Joanne Connaghan, Gender and the Idea of Labour law feminists@law, Vol 4, No 1 (2014)

Module 2: Constitutional Rights for Labour

The Indian Constitution in its preamble, Parts III and IV sets out the goal of the Constitution which is to pursue justice-social, economic and political. Part III sets out human rights called as Fundamental Rights and part IV are principles which are fundamental in the governance of the country. The three read together are a charter of rights of particular significance to workplace rights. The Fundamental Rights are capable of a wide understanding and un enumerated rights have also been read into them. The Constitution guarantees the freedom of speech and association, the fundamental right against bonded labour and exploitation abolishing a system of beggar where workers worked without pay. The courts have widened the scope of the right to life to include a prohibition of forced labour which was expansively interpreted as the non payment of minimum wages. The rights to respect, dignity, livelihood, privacy and protection from sexual harassment along with the right against forced labour have been read into the right to life. The rights under Part III have been held to be indivisible and the right to equality read with the right to life provides a code against sexual harassment. The right to equality includes the right against arbitrary action and unreasonable classification.

The core labour standards as set out by the ILO Declaration on fundamental rights and principles at work such as the freedom of association, right against discrimination, prohibition of child labour and forced labour can be located within part III of the Indian Constitution. Articles 14, 15, 23 and 24 provide for the right to equality, right against discrimination, right against exploitation in terms of child labour in hazardous employment and a right against forced labour or beggar (i.e. the rights against employment without payment). The courts have widened the scope of the right to life under Article 21 to include a prohibition of forced labour which was expansively interpreted as the non payment of minimum wages¹. The rights to dignity², livelihood³, privacy⁴, protection from sexual harassment⁵, and the right to a safe and non hazardous workplace⁶ as well as the right to health⁷ have been read into the right to life. The rights under Part III have been held to be indivisible and the right to equality should be read with the right to life⁸.

In addition to this express reading of rights, state action in terms of legislating on labour welfare has been upheld, in spite of challenges on the basis of violation of the right to equality and an unreasonable restriction on the right to carry on trade and business⁹. The pursuance of the directives has resulted in legislations on social security, minimum wages, equal remuneration, maternity relief and health and safety at the workplace. The lack of protection of termination of employees was held to be violative of the right to equality as an unreasonable and arbitrary power even if it was part of the contract of employment¹⁰.

Materials:

Articles:

Circle of Rights: Economic, Social and Cultural Rights Activism-Training Resource, University of Minnesota, Justiciability of ESC Rights—the Indian Experience

Ashish Chugh, Fundamental Rights—Vertical Or Horizontal? (2005) 7 SCC (J) 9

¹ PUDR vs. Union of India 1982 3 SCC 235

² Francis vs. union territory A. 1981 SC 746

³ Board of trustees of port of Bombay vs. Dilip Kumar A.1983 SC 109 and Olga Telles A. 1986 SC 180

⁴ Govind vs. State of MP A.1972 SC

⁵ Vishakha vs. State of Rajasthan A. 1997 SC 3011

⁶ Delhi jal board vs. National Campaign for Dignity and Rights of Sewage and allied Workers decision of the Supreme Court delivered in July 2011

⁷ Cerc vs. UOI A. 1995 SC 922

⁸ Menaka vs. Union of India A.1978 SC 597

⁹ Bijoy cotton mills vs. State of Ajmer A. 1955 33

¹⁰ Central Inland Water Transport Authority vs. Brojonath Ganguly 1986 3 SCC156

Suresh C.Srivastava, *Constitutional Protection to weaker and disadvantaged sections of labour*, JLLI, 2000 Vol. 42.2-4, Page 232

Case Law to be discussed:

1.The Right to Equality:

M/S. Bhikuse Yamasa Kshatriya (P) vs. Union Of India, And Another 1963 AIR SC 1591,

Official liquidator vs Dayanand 2008 Indian Kanoon - <http://indiankanoon.org/doc/288422/>

Randhir Singh vs. UOI and ors. AIR 1982 SC 879

2.Right against Discrimination:

Vasanth R vs UOI (2001) IILLJ 843 Mad

Anuj Garg & Ors vs Hotel Association Of India & Ors (2008) 3 SCC

Air India Cabin Crew Association v. Yeshawinee Merchant, (2003) 8 ILD 1 (SC)

Air India Cabin Crew Association and others vs. Union of India
<http://indiankanoon.org/doc/938108/>.

3. Right to Life:

Delhi Jal Board vs. National Campaign for Dignity and Rights of Sewerage and allied workers 2011 Indian Kanoon - <http://indiankanoon.org/doc/379785/>

Anand Bihari And Ors vs Rajasthan State Road Transport AIR 1991 SC 1003

Vishakha vs. State of Rajasthan AIR 1997 SC 3011

4. Right against Exploitation:

PUDR vs UOI AIR 1982 SC 1473

Sanjit Roy vs. State of Rajasthan AIR 1983 SC 328

Bandhua Mukti Morcha vs Union Of India & Others AIR 1984 SC 802

MC Mehta vs UOI AIR 1997 SC 699,

5. Freedom of Speech and Expression and the Freedom to Form Associations:

AIBE A vs.National Industrial Tribunal AIR 1962 SC 171

Kameswar Prasad vs. The State of Bihar and anr AIR 1962SC 1166

Railway Board vs Niranjan Singh AIR 1969 SC 966

Recommended Texts:

ACL Davies, Perspectives on Labour Law,

ILI, Labour law: Cases and Materials, originally designed by Prof Wilcox in 1967 and revised in 2007 by SC Srivastava

Module 3: Unorganized Labour and Workplace Rights

The concept of an informal/unorganised sector began to receive world-wide attention in the early 1970s, when the International Labour Organisation (ILO) initiated serious efforts to identify and study the area through its World Employment Programme Missions in Africa. Since then, the informal sector has been used and defined in relation to various aspects like its size, employment potential, its relationship with the formal sector, technological levels etc. In 1987, the Director General of the ILO submitted a report to the International Labour Conference on the “Dilemma of the Informal Sector.” In it, he referred to the role of this sector in promoting employment, the absence of adequate laws for providing protection to workers in this sector, and the scope for application of international labour standards in this area.

India has been using this term initially as unorganised labour i.e. marginalised groups of labour and later in the Sharm Shakti report as that “... in which women 'do arduous work as wage earners, piece-rate workers, casual labour and paid and unpaid family labour. The economic and social conditions of these women are dismal.’

The report also observed that

‘the unorganised sector is characterized by a high incidence of casual labour mostly doing intermittent jobs at extremely low wages or doing their own account work at very uneconomical returns. There is a total lack of job security and social security benefits. The areas of exploitation are high, resulting in long hours, unsatisfactory work conditions, and occupational health hazards.’

Unorganised labour and unorganised sector are two terms that have been used to describe workers who do not enjoy many workplace rights and employments which display certain characteristics which are not favorable to the implementation of workplace rights. While all labour in the unorganised sector is necessarily understood as unorganised labour there is labour working in the organised sector which is also referred to as unorganised, contract labour and construction labour being important examples.

It is difficult to define vast sections of the workforce particularly in India who are engaged in various occupations and under varying conditions. The most prevalent mode of carrying on work is through contractors and the term contract labour has become synonymous with unorganised labour. However unorganised sector is even more difficult to define given their various forms in which work in organised.

The difficulty in definition has been commented upon in the report of the First National Commission on Labour which defined unorganised labour as

“We now take up for discussion the issues connected with another group of workers, who cannot be identified by a definition but could be described as those who have not been able to organize in pursuit of a common objective because of constraints such as

- (a) Casual nature of employment,
- (b) Ignorance and illiteracy,
- (c) Small size of establishments with low capital investment per person employed,
- (d) Scattered nature of establishments, and
- (e) Superior strength of the employer operating singly or in combination.”

Thus unorganised labour began to be linked to the unorganised sector in which the dominant form of labour was casual, receiving low wages and were exploited which are the characteristics of unorganised labour.

There was no legislation specifically covering unorganised labour until the Second National Commission on Labour (SNCL) in 2002 was set up to make an umbrella legislation for the unorganised sector. The Commission reviewed all the labour laws that were applicable to the sector and held that several legislations extend partial protection to unorganised labour and observed that:

“7.312 We have many labour laws in our Statute book. All of them do not cover workers in the unorganised/informal sector. All of them are not applicable, and were not meant to be applicable to the employments in the unorganised sector. Some are applicable. But none of the laws that form the base of the social security system covers the whole unorganised sector.”

The right to work had emerged as a major policy recommendation of the Sham Shakhti Report on women in the informal sector. The realization of that right is manifested in the Employment Guarantee Act in 2005.

i) Right to work:

One of the most successful initiatives for unorganised labour has been the enactment of the National Rural Employment Guarantee Act, 2005. The Act in its preamble describes it as an attempt to provide for the enhancement of livelihood security of households in rural areas by providing at least 100 days of work. The Act is often not termed a labour legislation although it provides for manual labour to be

performed. It is termed as a welfare measure towards eradicating poverty. The change in the nature of legislations made post 2000 have been the broader base that they seem to cover, without restricting the legislations towards employment alone, but making employment a stepping stone in the direction of poverty reduction. This is also the first legislation made for rural labour. Since the time of India's Independence there have been several efforts at making legislation for rural labour particularly for agricultural labour. Although certain states have made legislations for agricultural labour, the central legislation is still pending.

The legislation is also unique in that it does away with terms such a worker and uses the term household. The act guarantees 100 days of work and promises to pay an unemployment allowance in case work is not provided after applying in the gram panchayat. The works to be taken up are in rural areas involving unskilled work. The Act provides for a minimum wage notification by the Central government and in its absence the wage fixed by the State Government for agricultural work under the Minimum Wages Act would apply¹¹.

Since several states have a minimum wage which could be higher than the central government wage it has been contested whether the central government can notify a wage that is less than the minimum wage payable in a state. The payment of a wage less than the minimum wage amounts to forced labour according to various decisions of the Supreme Court.

The Central Government by a directive issued in 2009 has limited the payment of wage under the NREGA to the amount stipulated by it notwithstanding a higher wage notified under the Minimum Wages Act by the State government. This directive has been struck down both by the Andhra Pradesh and Karnataka High Court's. An SLP filed by the Centre against the Karnataka High Court decision has been admitted by the Supreme Court but the Court declined to stay the High Court direction and asked the Centre to consider paying the same wage that was payable by the State Government.¹²

ii) The Unorganised Sector Workers Social Security Act, 2008.

¹¹ Section 6(1) of the NREGA reads:

Notwithstanding anything contained in the Minimum Wages Act, 1948, the Central Government may, by notification, specify the wage rate for the purposes of this Act:

Provided that different rates of wages may be specified for different areas:

Provided further that the wage rate specified from time to time under any such notification shall not be at a rate less than sixty rupees per day.

¹² <http://www.thehindu.com/opinion/editorial/article2834930.ece?css=print>

The first national commission on labour looked at various forms of unorganised labour such as contract labour, construction labour, Bidi workers, workers in shops and establishments, handloom power loom workers, sweepers and scavengers, workers in tanneries, unprotected labour, tribal labour and labour in the cooperative sector. Since the report in 1967, there have been legislative measures on contract labour construction labour, bidi workers and on manual scavenging. The Commission was not in favour of a common code on labour citing practical difficulties and the variety of subjects presently covered under labour legislation. The Commission was of the opinion that since labour was in the Concurrent List, giving power to both the centre and States to legislate on it, adjustments to suit local conditions in different state would have to be allowed. These adjustments would not confirm to the letter of a common code.

The SNCL differs from the views of this commission and has proposed an umbrella legislation. The Umbrella legislation was to have recognised rights both social and political. However the provisions of Unorganised Sector Workers Social Security Act 2008 do not match with the proposed umbrella legislation.

The Unorganised Sector Workers Social Security Act 2008 does not set forth any right to social security in clear terms. Not even minimum level such as provident fund or pension/retirement benefits and insurance as suggested by the First National Commission on Labour. It merely lists out the existing schemes for unorganised labour such as the existing national pension scheme, family benefit scheme, maternity protection scheme and the RSBY Rashtriya Swasthya Bhima Yojana. As Mr T.S.Shankaran points out

“Also, it is strange that the recommendations of the Second National Labour Commission, the Report of the Petitions Committee of Lok Sabha, the Report of the Parliamentary Standing Committee for Labour and the Report along with draft laws prepared by the National Commission for Enterprises in the Unorganised Sector have all been ignored.”¹³

The Law also refers to an “unorganised worker” as “a home-based worker, self employed worker, wage worker in the unorganised sector and includes a worker in the organised sector who does is not covered by the Acts mentioned in Schedule II to this Act.” The term unorganised sector is defined as an enterprise which employs less than 10 workers.

Schedule II to the Act mentions the Workmen’s Compensation Act, Industrial Disputes Act, The ESI and EPF Act, Maternity Benefit act and the Gratuity Act. One could assume that the provision for social security is adequately covered in these legislations.

¹³ A Critique of India’s Unorganised Workers’ Social Security Act, 2008 by T S Sankaran Monday 16 February 2009 <http://www.sacw.net/article658.html>

This module will look at various workplace rights for unorganised labour under different statutes such as the

- Workmen's Compensation Act, 1923
- Trade Unions Act, 1926
- Payment Of Wages Act, 1936,
- Industrial Disputes Act, 1947
- The Minimum Wages Act, 1948
- Factories Act, 1948
- Employees State Insurance Act, 1948
- Employees Provident Funds and Miscellaneous Provisions Act, 1952
- Maternity Benefit Act, 1961,
- Payment of Bonus Act, 1965
- The Payment of Gratuity Act, 1972
- Bonded Labour System (Abolition) Act, 1976
- Inter State Migrant Workers Act, 1976
- Equal Remuneration Act, 1976,
- Child Labour (Prohibition and Regulation) Act, 1986
- Unorganised Sector Workers Social Security Act, 2008

Case law and materials to be used:

Articles:

Samuel D. Permutt, The Manual Scavenging Problem: A Case for the Supreme Court of India, Cardozo J. Of Int'l & Comp. Law Vol. 20:277

T.S.Papola, Informal sector: Concept and Policy, EPW, May 1980

Temporary employment and the imbalance of power, Harvard Law Review, 1996

Companies and employees: Common law or social dimension, LQR, 1993

Feminization and Contingency: Regulating the stakes of work for women, Labour law in an era of Globalisation

Case Law:

1. Dharangadhara Chemical works vs State of Saurashtra, A.1957 SC 264
2. M/S. Bhikusa Yamasa Kshatriya vs. Sangamner Akola Taluka Bidi Kamgar Union 1963 AIR 806
3. Shri Birdhi Chand Sharma vs. First Civil Judge Nagpur AIR 1961 SC 644
4. Mangalore Ganesh Beedi Works etc vs. Union of India 1974 (1)LLJ 367
5. Royal Talkies vs. Employees State Insurance Corporation AIR 1978 SC 1478
6. Shri Narakesari Prakashan vs. ESI 1984 AIR 1916
7. P.M.Patel vs. Union of India AIR 1987 SC 447
8. M/S. Rajasthan Prem Krishan vs. Regional Provident Fund 1996 SCALE (4)638
9. Andhra University vs. Regional Provident Fund commissioner AIR 1986 SC 463
10. Management Seyadu Beedi Company vs. Appellate Authority under the Payment of Gratuity Act Indian Kanoon - <http://indiankanoon.org/doc/1603038/>
11. Municipal Corporation of Delhi vs. Female Workers on muster roll 2000(2) SLR 3
12. Standard Vacuum Refining Co. of India Ltd. vs. Its Workmen (1960)II LLJ 238 SC
13. SAIL vs. National Union Water Front Workers AIR 2001 SC 3527
14. Bhilwara Dugdh Utpadak Sahakari vs. Vinod Kumar Sharma available at <http://www.indiankanoon.org/doc/294074/>
15. Hussainbhai vs. Alath Factory AIR 1978 SC 1410
16. Bachpan Bachao Andolan vs. Union of India (2011) 5 SCC 1
17. Safai Karmachari Andolan v. Union of India, Writ Petition (Civil) No. 583 of 2003

Module 4: Law on Wages

- Payment Of Wages Act, 1936,
- The Minimum Wages Act, 1948
- Equal Remuneration Act, 1976

The right to a minimum wage:

One of the earliest challenges to welfare legislations conferring socio economic rights in the form of minimum wages was in the case of Bijoy cotton mills vs. State of Ajmer¹⁴. The arguments for both the workers and the owners of establishments were forwarded by the eminent jurist Seervai who maintained that the fixation of minimum wages which were higher than what the owners could pay and the workers were willing to work for was violative of the Right to carry on business and put an unreasonable burden on them. The owners of the establishments closed down their operation stating that they could not pay the higher minimum wages notified. The 5 judge bench of the Supreme Court did not accept this contention and said that the owners could not be heard to say that they cannot pay the minimum wage which was for the welfare of the workers.

¹⁴ AIR 1955 SC 33

The Supreme Court in *Randhir Singh*¹⁵, departing from the earlier stance that the directives could be enforced through writ petition, held that the abstract principles of art 14 and 16 would have no meaning for a vast majority of people of the country if they could not be applied to matters of vital concern to them i.e. equal pay for equal work. The court held that

“3:3. From a construction of Articles 14 and 16 in the light of the Preamble and Article 39(d), it is clear that the principle "equal pay for equal work" is deducible from those Articles and may be properly applied to cases of unequal scales of pay based on no classification or irrational classification though those drawing the different scales of pay do identical work under the same employer.”

The court upheld the claim of a driver of the Delhi Police to be entitled to pay on par with other drivers in the service of the Delhi Administration.

In subsequent cases like the *Official Liquidator vs. Dayanand*¹⁶ the Supreme court observed that the court in several cases had consciously and repeatedly deviated from the ruling and that

“similarity in the designation or quantum of work are not determinative of equality in the matter of pay scales and that before entertaining and accepting the claim based on the principle of equal pay for equal work, the Court must consider the factors like the source and mode of recruitment/appointment, the qualifications, the nature of work, the value judgment, responsibilities, reliability, experience, confidentiality, functional need etc.”

Following this principle the Court held that it could not allow for pay scales of employees on par with regular employees as that would result in the State having to sanction additional posts. The petition was filed by employees in the office of the Official liquidator to be given the same benefits that were available in the same office to those who were appointed against sanctioned posts. This case is one in a long series of cases of government servants who seek regularization of their services after putting in several years of service but being deprived of their service benefits.

Important cases:

¹⁵ AIR 1982 SC 879

¹⁶ Indian Kanoon - <http://indiankanoon.org/doc/288422/>

Haryana Unrecognised Schools ... vs State of Haryana 1996 AIR 2108, 1996 SCC (4) 225

Crown Aluminum Works Ltd. v. Workmen, AIR 1958 SC 130 178

Greaves Cotton and Co. Ltd. v Workmen, AIR 1964 SC 639 186

The Workmen v. The Management of Reptakos Brett & Co. Ltd.,AIR 1992 SC 504 194

Mackinon Mackenzie vs.Audrey de Costa and anr AIR1987 SC 281

Module 5: Law on Social Security

The module is look at Social Security, the concept and meaning of Social Insurance, the difference between social security and social insurance. It will trace the origins of the concept of social security, the various meanings that the term can have, the relevant ILO Conventions of social security and will examine the Indian legal regime. India has had several Social Assistance Schemes and Social Security Legislations include several laws starting from the Workmen's Compensation Act 1923 to the new act in 2008.

The Workmen's Compensation Act is one of the earliest legislations on social security and has been replaced with more comprehensive social security mechanisms in most countries. The course will cover important definitions such as injury "arising out of and in the course of employment", disablement : Partial and Total ; Temporary and Permanent, Quantum of Compensation and the principles for determination, Employer's liability for compensation , Nexus between injury and employment and the payment of compensation..

Important case law:

B.E.S.T. Undertaking v. Agnes (1964) 3 SCR 930

The Employees State Insurance Act 1948 is a more modern legislation on social security and has comprehensive provisions beyond compensation. We will discuss the application of the Act, Benefits under the Act, adjudication of disputes and claims and the differences between the Workmen's Compensation Act and this Act.

The Employees Provident Fund and Miscellaneous Provisions Act 1952, is a contributions based employment benefit Schemes. It continues to be an important employment benefit with equal contributions from the employer and the employee. The scope of the Act, the wide definition of the term employee and its penalty provisions will be discussed.

The payment of Bonus Act,1965 was enacted to consolidate the law on granting a share of profits in Industry to workers. The concept underwent a major change with the enactment of the law which provided for a mandatory bonus. The application of the law, the exceptions, the relevance of the concept of bonus beyond the legislation will be discussed.

Important case law:

Jalan Trading Co. (P.) Ltd. v. Mill Mazdoor Sabha, AIR 1967 SC 69 202

The Payment of Gratuity Act 1972 is one of the most important legislations conferring termination benefits on employees who have put in the requisite years of employment with an employer. The Payment of Gratuity Act was enacted to provide for benefits for long years of service to the employer. The payment is not a gratuitous one but is an entitlement of the employee. A worker is entitled to gratuity in the contingency of superannuation, retirement, resignation, death or disablement due to accident or disease, subject to completion of five years continuous service. A worker is entitled to gratuity in the contingency of superannuation, retirement, resignation, death or disablement due to accident or disease, subject to completion of five years continuous service. The condition of five years is however, not applicable in case of death or disablement.

The term employee in the Act is wide enough to cover all workers whether casual, contract, temporary or permanent workers.

Various decisions have held that contract labour is entitled to the benefits of this legislation. Further since the Principal employer is liable to discharge all the obligations of the immediate employer under the Contract labour Act, the Principal employer may make the payment of gratuity to contract workers and recover the amount from the contractor.

The applicability of this legislation to different workers in different employments, important definitions exceptions, forfeitures and the interpretation of courts on combining this benefit with others will be discussed.

Legislations to be covered:

Workmen's Compensation Act, 1923

Employees State Insurance Act, 1948

Employees Provident Funds and Miscellaneous Provisions Act, 1952

Payment of Bonus Act, 1965

The Payment of Gratuity Act, 1972

Unorganised Sector Workers Social Security Act, 2008

Texts:

1. S.C.Shrivastava, Social Security law in India.
2. Ahmad Ahsan and Carmen Pages, 'Are all labour legislations equal? Assessing the effects of job security, labour disputes and Contract Labour Laws in India', World Bank Policy Research Working paper 4259, June 2007

Module 6: Gender, Labour and Law

The aim of this section is to comprehend the 'gendered' transformation of work that has taken place with development of the new economy. There is indeed, a global steep rise in the number of women in the paid work force which gives the state another responsibility to bear. Since women workers can often be compelled to accept terms and conditions that are below the work standards, low-waged women workers become a tool for industrialized countries to enhance their amounts of service and production work at low prices. Thus, this process had created an increased role of state to regulate the market especially for women to prevent such abuse of their services. There is emerging feminist scholarly work to the gendered character of this phenomenon as also, its connection to the ongoing reorganization of work. We would make an attempt to study some part of this work and understand the emerging challenges it poses to labour law. There is also an increasing case of inclusion of maternity benefits in rules of labour law. We would give a short thought to the strategy that needs to be adopted for such employment protection schemes and their implications on both labour law and women.

The following articles and reports are meant to analyse this scenario. The article would explain the legal context of such issues and the reports are meant to factually analyse the situation which would also surface whether the mere inclusion and increase of women workers in the industrial sector means that we are achieving a state of women empowerment, or is it only proving to be another means of abuse of women. We would also encounter questions like the purpose and relation of labour protection rules and feminist theories, as also the extent of economic stability that labour law seeks to provide to women workers.

1.1. Kerry Rittich, *Feminization and Contingency- Regulating the stakes for work for Women*, Labour law in an Era of Globalization: Transformative Practices and Possibilities, Oxford University press 2008 pp. 117-136

1.2. Shram Shakti, Report on Women in the Informal Sector

1.3. Report of the World Economic Forum- The Global Gender Gap Report, 2013 (for reference purposes)

Module 7: Disability, Labour and Law

Rights of persons with disabilities have received scant attention particularly in the field of employment in India. Employment being one of the means of improving the enjoyment of social and economic rights occupies an important position within disability rights. Ensuring adequate access to employment improves access to a variety of rights and removal of stereotypes and barriers, both physical and otherwise, for persons with disabilities.

The rights of persons with disability and persons acquiring disability are governed by the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act (PWD) 1995. The Act provides for reservation in employment¹⁷, the right against discrimination and the right to continue in employment after acquiring disability¹⁸.

Apart from the PWD Act, the issue of disability as far as the right to employment is concerned is governed the Workmen's Compensation Act,(WCA) 1923, The Industrial Disputes act, 1947 and the Employees State Insurance Act, 1950 (ESI Act). The WCA provides for compensation for injuries arising out of and in the course of employment. These three legislations have three different approaches to disability. None of them use the term disability and were clearly not addressing the issue of discrimination. The approaches used were to provide compensation, to provide health benefits and to terminate their services is found medically unfit. More importantly none of these legislations have been amended after the enactment of the PWD resulting in a denial of rights. The PWD Act changes these narrow and restrictive interpretations. Section 47 mandates that the services of an employee who acquires a disability during his service shall not be dispensed with, nor shall he be reduced in rank. It further provides that in case the employee is not suitable for the post he was holding, he could be shifted to another post with the same pay scale and service benefits, and provided it is not possible to adjust him against any post he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation. Section 47 is an embodiment of both the principle of non-discrimination as well as reasonable accommodation. The provision intends to address the discriminatory treatment meted out to persons with disability as persons incapable of making any material contribution to the workplace. It puts the onus on the employer to create an environment in which the disabled are not put to hostile work conditions but are allowed to function to the best of their capabilities. By preventing the removal of persons acquiring disability, the provision creates a

¹⁷ Section 33

¹⁸ Section 47

possibility of exploring alternate methods of functioning of workplaces. The further provision to continue them on a supernumerary post is to ensure that employers do not shirk their responsibilities by claiming that there are no employments that can be carried on by a person with disability.

Critical disability theory calls for an introspection of the existing framework of law which are premised on ability to work. Critical Disability Theory was proposed as an alternative understanding from the liberal theory of rights which could not accommodate the understanding of disability. The basic premise of liberalism has been of an able bodied person and inherently is not capable to repositioning the world from the point of view of the disabled. Critical Disability Theory calls for a repositioning of disability from being the 'other' to being the model.

Readings

Adjudicating Disability: Some Emerging Questions Saptarshi Mandal

Richard Devlin and Dianne Pothier, Introduction: Toward a critical Theory of Dis-Citizenship, Dianne Pothier and Richard Devlin (Eds) Critical Disability Theory: UBC Press 2006

Case Law:

Ranjit Kumar Rajak V. State Bank of India (2009) 5 Bom CR 227

Dalco Engineering Pvt. Ltd vs Satish Prabhakar padhye Date of the judgment 31 March, 2010, <http://indiankanoon.org>.

Module 8: Globalization and Labour law

This section is dedicated to analyse the proximity of labour law and the state. As we know that one of the most essential elements of labour law is the contract between the employer and the employee. The presence of state alters this balance of relationship and its power affects the substance of collective bargained norms. We would revisit this assumption of existence of a close affinity between the state and labour law and would see the manner in which the social, economic, political and technical development in the economy would affect this relationship. With the advent of a new emerging economy and the era of globalization, there have been material alterations in the approach taken by

labour law scholars to the subject. The new liberal theory of economy calls for a decreasing role of the state and an increasing role of markets to regulate the norms of employer-employee contract. There is a simultaneous need for labour protection schemes and for the state to act on behalf of the weaker party to ensure that its interest are not surpassed in the wake of money making industrialists. Social welfare of the labourers has been one of the founding stones of growth of the subject and its now time to rework the same to suit the contemporary scenario. We would seek to examine such conflicting ideas and see which one would suit a fast growing, yet immensely poor country like India.

The readings are focussed to examine the effect of globalization on the subject and the changing role of the state. This inquiry becomes slightly more tedious owing to the vanishing distinction of private and public spheres. The following articles are chosen in a manner that they would reflect both sides of the case in some detail to enable us comprehend the situation completely.

Readings

1. Guy Davidov, The (Changing?) Idea of Labour Law, 146 Int'l Lab. Rev. 311 2007
2. 2.1. An extract from- H.W. Arthurs, '*Labour Law without the State*' The University of Toronto Law Journal, Vol. 46, No. 1 (Winter, 1996), pp. 1-45
3. 2.2. Chapter 7 from '*Liberalization and Development*' by Deepak Nayyar Oxford University Press, 2008- '*Work, Livelihoods and Rights*' (provides an entirely economic perspective of the rights of workers and other labour related matters)
4. 2.3. Lucy A. Williams, '*Beyond Labour Law's Parochialism: A Re-envisioning of the Discourse of Redistribution*' Labour law in an Era of Globalization: Transformative Practices and Possibilities, Oxford University press 2008 pp. 92-114
5. 2.4. An extract from- Joanne Conaghan, '*Critical Labour Law: The American Contribution*' Journal of Law and Society, Vol. 14, No. 3 (Autumn, 1987), pp. 334-352
6. (This article is particularly based on the conflicting ideas of 'liberal theory of labour law' and 'labour law as an ideology.' It appears as a part of the American Critical Legal Studies Movement and gives the reader an interesting and critical approach to labour law. The author has used this approach to test the British labour law standards. It advocates and focusses on the critical approach of 'labour law as an ideology' through judicial reasoning and decision making. It emphasises on the gaps between 'means and ends,' the 'aspirations and actuality' and the attempt to reconcile the means and ends.)

SUGGESTED READINGS

Reports:

1. Reports of the first National Commission on Labour (1969)
2. Report of the Second National Commission on Labour (2002)
3. Report of the Committee on Fair Wages (1948)
4. Shram Shakti, Report on Women in the Informal Sector

Books:

Suresh C Srivastava, Treatise on Social Security and Labour Law, EBC, 1985

Ela R. Bhat, We are Poor but so Many, OUP, 2006

Otto Kahn-Freund, Hamlyn Lecture Series, 1972, Labour and the Law

G.B.Pai, Social Welfare Legislation in India: An overview, chapter in Labour Adjudication in India, ILI, 2001.

International Labour Law, Prof N.Valticos and Prof. G.von Potobsky, 1994 Kluwer Law and Taxation Publishers, pages 17-33

Leading cases on Occupational health and safety, Friedrich-Ebert-Stiftung, New Delhi 1993

Study Group on Labour Laws, ILI 1991

Surinder Medirata, Handbook of Law, Women and Employment, OUP 2009

Chandra Kumar Johri, Labour law and Industrial relations in India ,(Ch.) International Encyclopedia of Law series, 2002, Kluwer Law International,

Chapter 5 on Employment relationship in the Un-organised sector, pages 286-301 and

Chapter 6: Migrant Labour, Bonded Labour, Female and Child Labour pages 301-313

G.B. Pai, Labour Law in India (2001)

K.D. Srivastava, Minimum Wages Act, 1948 (1995)

P.L. Malik, K.D. Srivastava's Commentaries on Payment of Wages Act, 1936 (5th ed., 1998)

Articles:

T.S.Papola, Informal sector: Concept and Policy, EPW, May 1980

Temporary employment and the imbalance of power , Harvard law Review, 1996

Wedderburn of Charlton, Companies and employees: Common law or social dimension, LQR, Vol. 109, p.220

Feminization and Contingency: Regulating the Stakes of work for women, Labour Law in an era of Globalization

Nimushakavi Vasanthi, Critical Theory and Contract Labour, Nalsar Law Review, Vol.3:1, 2006-2007.

R.N.Sharma and Chandan Sengupta, Women workers in SEEPz's, Social Intervention for Justice, (Ed.) R.K.Hebsur, TISS 1996

Pollock, Who is a servant?, LQR Vol. I, p.210

Parenthood: Right to Work, LQR, Vol. III, p.220.



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SEMESTER - I: B.A.LL.B

FUNDAMENTALS OF ECONOMICS FOR LAWYERS

**FUNDAMENTALS OF ECONOMICS FOR
LAWYERS**

COURSE PORTRAYAL

This course is an introduction to the field. Broad areas covered would be decision making by consumers and producers/sellers (firms), market forms, and strategic behavior. This course would employ mathematical, statistical/econometric (to some extent) and graphical methods for analysis and understanding of various pertinent concepts of the field.

OBJECT OF THE COURSE

To make the student aware and understand that Economics is at the core of all business (or any other) activities. The ultimate object is to cultivate a thought process that is in consistency with the existence of scarcity and strategic behavior.

DESIRED LEARNING OBJECTIVES

- To enable the students to understand the principles of Economics.
- To enable the students to think in a manner consistent with the existence of scarcity and strategic behaviour.
- To enable the students to properly understand the themes in this course using various tools (mathematical, statistical/econometric (to some extent) and graphical) of analyses.
- To sufficiently equip the students with the tools of decision making.

TEACHING METHODOLOGY

Teaching will be mainly done through lectures by the principal teacher, external experts and the teaching assistants. Projects including the research paper presentations would offer an opportunity to learn and appreciate deeper issues involved in the course. Group exercises may also be used for some topics.

One is expected to become familiar with these principles and be able to apply those principles in a reasoned and disciplined manner to factual situations. Grades will be based primarily upon performance in the project assignments, mid-semester and end-semester examinations.

LECTURE PLAN

MODULES	TITLE	NUMBER OF LECTURES

MODULE ONE	INTRODUCTION & BASIC PRE-REQUISITES	SIX LECTURES
MODULE TWO	INTRODUCTION TO ECONOMICS	SIX LECTURES
MODULE THREE	DEMAND, SUPPLY AND PRICE AND POLICY ANALYSIS	TEN LECTURES
MODULE FOUR	THEORY OF PRODUCTION	TEN LECTURES
MODULE FIVE	THEORY OF COST	EIGHT LECTURES
MODULE SIX	MARKET FORMS	EIGHT LECTURES
MODULE SEVEN	MACROECONOMICS	FOUR LECTURES
MODULE EIGHT	MACROECONOMIC POLICIES	SIX LECTURES

EXPECTATION FROM YOU

13. BEFORE CLASS

- ❖ Read, study and think about the concepts.

14. DURING CLASS

- ❖ Come to the class with an open and focussed mind and clarify any doubts that you may have.

15. AFTER CLASS

- ❖ Re-read, re-study and re-think the concepts discussed in the class and practice the same.

COURSE REQUIREMENTS

Economics cannot be memorized. Its mastery is a function of its practice. Students are expected to not only attend classes, but practice solving a lot of problems to master the concepts.

ACADEMIC HONESTY

Plagiarism and Cheating are strictly prohibited. Plagiarism is defined as taking or using the thoughts, writings, or inventions of another without acknowledging him/her. It also means using direct quotations without quotation marks, as well as using the ideas of another without proper

credit. Ask your instructor when in doubt. Cheating is defined as any intent to deceive the instructor in his or her effort to grade fairly. Anything that can possibly effect the fairness of grading is cheating, which I interpret to include any collaborative, mischievous, or disruptive behaviour. In this course, pay special attention to gleaning information off the Internet, and do NOT pass it off as your own, or without proper citation. Learn to paraphrase ideas in your own words. Do not purchases, borrow, or revise another student's work. Do not "double dip" an assignment you did in another class to turn it in for this one. Students indulging in such activities shall be punished according to University rules.

EVALUATION

The performance of the students on this course is assessed on the basis of 100 marks. The overall assessment of 100 marks is divided into Project assignments (20 marks), Presentations (5 marks), Mid-Term Examination (25 marks) and End semester examination (50 marks).

- ***Project assignments (20 Marks):*** You would be submitting written assignments. Following are the details pertaining to the said assignments.

PROJECT #	NOMENCLATURE	EXPECTATIONS
PROJECT 1	NEWSPAPER DISCOVERY	SPOT/LOCATE/DISCOVER THE ECONOMIC CONCEPTS IN NEWSPAPER(S)/MAGAZINE(S) AND UNDERSTAND & ANALYZE THE ECONOMIC FORCES AT WORK. (1500 TO 2000 WORDS (W/O FOOTNOTES)).
PROJECT 2	FILM/BOOK REVIEW	SPOT/LOCATE/DISCOVER THE ECONOMIC CONCEPTS IN BOOK/FILM AND UNDERSTAND & ANALYZE THE ECONOMIC FORCES AT

		WORK. (2000 TO 2500 WORDS (W/O FOOTNOTES)).
PROJECT 3	POLICY ANALYSIS	TURN IN A DETAILED ECONOMIC ANALYSIS OF A GOVERNMENT POLICY. (2000 TO 2500 WORDS (W/O FOOTNOTES)).
PROJECT 4	LITERATURE REVIEW	CHOOSE A THEME AND REVIEW THE RELEVANT LITERATURE. (2500 TO 3000 WORDS (W/O FOOTNOTES)).
PROJECT 5	RESEARCH PAPER	TURN IN A GOOD RESEARCH PAPER. (5000 TO 6000 WORDS (W/O FOOTNOTES)).

- **Project Presentations (5 Marks):** Presentations of the project assignments would be required to be made as per the schedule (it would be sent to you in due course of time).
- **Mid-Term Examination (25 Marks):** At the middle of the semester you will have to appear in the Mid-Term Examination of one and half hour and of 25 Marks. You will be eligible to appear in this exam only if you have put in 75% of attendance.
- **End semester examination (50 marks):** At the end of the semester student will appear (Subject to the rules of attendance) in End-Term exam for two and half hours and of 50 marks.

COURSE CONTENT

MODULE ONE: INTRODUCTION & BASIC PRE-REQUISITES

Following topics would be covered:

1. Why Law & Economics?
2. Some Thinkers (Smith, Ricardo & Marx)

3. Basic tools of Economics

- i. Basic Math ii. Graphs

Readings:

1. Chapter 1, Robert Cooter & Thomas Ulen: Law and Economics, 6th Edition.
2. Appendix of chapter 2 from the “Principles of Economics”, Gregory N. Mankiw (6th Edition), South-Western Cengage Learning.

EXPECTED LEARNING OUTCOME

After completion of this module the students will be equipped with good understanding of:

- *The value of studying Economics and resorting to the Economic reasoning.*
- *The thinking(s) of some major thinkers (Smith, Ricardo and Marx).*
- *The major tools (mathematics and graphs) of analysis in the field of Economics.*

MODULE TWO: INTRODUCTION TO ECONOMICS

Following topics would be covered:

1. Introduction to Economics
2. Central Problems of an Economy
3. Production Possibility Curve and Opportunity Cost
4. Micro versus Macro Economics
5. Ten Principles of Economics
6. Thinking like an Economist

Readings:

Chapters 1 and 2 from the “Principles of Economics”, Gregory N. Mankiw (6th Edition), South-Western Cengage Learning.

EXPECTED LEARNING OUTCOME

After completing this module students will be in position to comprehend:

- *The general importance of Economics;*
- *The functioning of an economy;*
- *Problems of an economy and their possible solutions;*
- *Major principles of economics; and*
- *The thinking of economists.*

MODULE THREE: DEMAND, SUPPLY AND PRICE AND POLICY ANALYSIS

Following topics would be covered:

1. Demand Analysis
2. Supply Analysis
3. Equilibrium
4. Government Policies
 - i. Minimum Wages
 - ii. Price Floors
 - iii. Price Ceilings
 - iv. Taxation
 - v. Subsidies

Readings:

Chapters 4 and 6 from the “Principles of Economics”, Gregory N. Mankiw (6th Edition), South-Western Cengage Learning.

EXPECTED LEARNING OUTCOME

At the end of this module all of you will be well familiarized with the:

- *Concepts and functioning of demand and supply;*
- *The Laws of Demand and Supply;*
- *The concept of Equilibrium; and*
- *Analysis (critical) of various government policies.*

MODULE FOUR: THEORY OF PRODUCTION

Following topics would be covered:

1. Factors of Production
2. Production with at least one fixed input
3. Returns to a Factor
 - Theory of Production
 - Law of Variable Proportions
 - Diminishing Returns to a Factor

Readings:

Chapter 13 from the “Principles of Economics”, Gregory N. Mankiw (6th Edition), South-Western Cengage Learning.

EXPECTED LEARNING OUTCOME

By the end of this module students will be in position to understand:

- *The various factors utilized in the process of production;*
- *The process of production and the notion of time in the theory of production; and*
- *The process of production in the short run.*

MODULE FIVE: THEORY OF COST

Following topics would be covered:

1. Concepts of Costs
2. Types of Costs
3. Marginal-Average Relationship
4. Economies / Diseconomies of Scale

Readings:

Chapter 13 from the “Principles of Economics”, Gregory N. Mankiw (6th Edition), South-Western Cengage Learning.

EXPECTED LEARNING OUTCOME

After completion of this module students will be well aware of:

- *The various concepts of costs;*
- *The various types of costs;*
- *The relationship between some types of costs; and*
- *Economies / Diseconomies of scale.*

MODULE SIX: MARKET FORMS

Following topics would be covered:

1. Perfect Competition
2. Non-Competitive Market Forms
3. Monopoly
4. Monopsony
5. Oligopoly
6. Monopolistic Competition

Readings:

Chapters 14, 15, 16 and 17 from the “Principles of Economics”, Gregory N. Mankiw (6th Edition), South-Western Cengage Learning.

EXPECTED LEARNING OUTCOME

After completion of this module the students will be equipped with good understanding of:

- *The meaning the term ‘markets’; and*
- *Various forms of markets and their functioning;*

MODULE SEVEN: MACROECONOMICS

Following topics would be covered:

1. Introduction to Macroeconomics
2. National Income
3. Consumption
4. Saving and Investment
5. Money and Banking

Readings:

Chapters 23, 24, 26 and 29 from the “Principles of Economics”, Gregory N. Mankiw (6th Edition), South-Western Cengage Learning.

EXPECTED LEARNING OUTCOME

After discussing this module students will be in situation to figure out:

- *The importance of Macroeconomics ;*
- *The importance and technicalities of National income and its policy relevance;*
- *The roles of consumptions, saving and investment in an economy; and*
- *The need and the roles of money and banking (both commercial and central).*

MODULE EIGHT: MACROECONOMIC POLICIES

Following topics would be covered:

1. Monetary Policy
2. Fiscal Policy
3. Some more policies (if we have time)

Readings:

Chapter 34 from the “Principles of Economics”, Gregory N. Mankiw (6th Edition), South-Western Cengage Learning.

EXPECTED LEARNING OUTCOME

By the end of this unit students will be in position to appreciate:

- *The need for and the functioning of the monetary and fiscal policies; and*
- *Various tools of the monetary and fiscal policies and their effects on the macro-economy.*

REQUIRED TEXTS:

1. “Principles of Economics”, Gregory N. Mankiw (6th Edition), South-Western Cengage Learning.

OTHER BOOKS

18th edition; Samuelson and Nordhaus Published by Tata McGraw Hill.

William J. Baumol & Alan S. Blinder – Micro economics, Principles and policy (10th Edition, 2006)

Koutsoyiannis, A, Modern Microeconomics, London, Macmillan.

Experiments with Economic Principles: Micro Economics, 2nd Edition, 2000 by Theodore C. Bergstrom and John H. Miller

Hal Varian, Intermediate Microeconomics (the 8th Edition)

Robert Cooter & Thomas Ulen: Law and Economics, 5th Edition, Addison Wesley, 2007

Lipsey and Chrystal, Economics, 10th Edition, Oxford University Press

Eaton, B. Curtis; Eaton, Diane F.; and Douglas W. Allen. Microeconomics. Prentice Hall, 5th Edition: 2002.

Frank, Robert A.; Microeconomics and Behavior. McGraw-Hill/Irwin, 6th Edition: 2006.

Nicholson, Walter. Microeconomic Theory: Basic Principles and Extensions. South-Western College Pub, 8th Edition: 2001.



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SEMESTER – IV: B.A.LL.B

LAW AND ECONOMICS

Fundamentals of Economics for Lawyers

COURSE PORTRAYAL

After an introduction to the field and methodology of Law and Economics, review of Economic Theory, this course would utilize the tools of economic analysis for the study of Law and Legal Institutions. This course would have a special focus on the following topics: (1). Economic Theory of Property, (2). Economic Theory Contract, (3). Economic Theory Tort Law, (4) Economic Theory of the Legal Process, and, (5) Economic Theory of Crime and Punishment.

OBJECT OF THE COURSE

To introduce the students to the economic approach to the analysis of law. This approach would focus on identifying designs of legal rules that would maximize social welfare.

DESIRED LEARNING OBJECTIVES

- To understand the importance of the field of Law and Economics in general.
- To understand the underlying logic of Economic Analysis of Law.
- To understand and make use of the standard tools of economic analysis for this course with a special focus on Property, Contract, Tort law, Legal Process and Crime and Punishment.

TEACHING METHODOLOGY

Teaching will be mainly done through lectures by the principal teacher, external experts and the teaching assistants. Projects including the research paper presentations would offer an opportunity to learn and appreciate deeper issues involved in the course.

One is expected to become familiar with these principles and be able to apply those principles in a reasoned and disciplined manner to factual situations. Grades will be based primarily upon performance in the project assignments, mid-semester and end-semester examinations.

LECTURE PLAN

MODULES	TITLE	NUMBER OF LECTURES
MODULE ONE	INTRODUCTION	SIX LECTURES
MODULE TWO	REVIEW OF BASIC MICROECONOMIC CONCEPTS	EIGHT LECTURES
MODULE THREE	AN ECONOMIC THEORY OF PROPERTY	EIGHT LECTURES
MODULE FOUR	AN ECONOMIC THEORY OF CONTRACT	EIGHT LECTURES
MODULE FIVE	AN ECONOMIC THEORY OF TORT LAW	EIGHT LECTURES
MODULE SIX	AN ECONOMIC THEORY OF LEGAL PROCESS	EIGHT LECTURES
MODULE SEVEN	AN ECONOMIC THEORY OF CRIME AND PUNISHMENT	TEN LECTURES

EXPECTATION FROM YOU

16. BEFORE CLASS

- ❖ Read, study and think about the concepts.

17. DURING CLASS

- ❖ Come to the class with an open and focussed mind and clarify any doubts that you may have.

18. AFTER CLASS

- ❖ Re-read, re-study and re-think the concepts discussed in the class and practice the same.

COURSE REQUIREMENTS

Economics cannot be memorized. Its mastery is a function of its practice. Students are expected to not only attend classes, but practice solving a lot of problems to master the concepts.

ACADEMIC HONESTY

Plagiarism and Cheating are strictly prohibited. Plagiarism is defined as taking or using the thoughts, writings, or inventions of another without acknowledging him/her. It also means using direct quotations without quotation marks, as well as using the ideas of another without proper credit. Ask your instructor when in doubt. Cheating is defined as any intent to deceive the instructor in his or her effort to grade

fairly. Anything that can possibly effect the fairness of grading is cheating, which I interpret to include any collaborative, mischievous, or disruptive behaviour. In this course, pay special attention to gleaning information off the Internet, and do NOT pass it off as your own, or without proper citation. Learn to paraphrase ideas in your own words. Do not purchase, borrow, or revise another student's work. Do not "double dip" an assignment you did in another class to turn it in for this one. Students indulging in such activities shall be punished according to University rules.

NOTE: *All students must keep their own copy of the bare text of the Constitution of India during the class hours.*

EVALUATION

The performance of the students on this course is assessed on the basis of 100 marks. The overall assessment of 100 marks is divided into Project assignments (20 marks), Presentations (5 marks), Mid-Term Examination (25 marks) and End semester examination (50 marks).

- **Project assignments (20 Marks):** You would be submitting written assignments. Following are the details pertaining to the said assignments.

PROJECT #	NOMENCLATURE	EXPECTATIONS
PROJECT 1	NEWSPAPER DISCOVERY	SPOT/LOCATE/DISCOVER THE ECONOMIC CONCEPTS IN NEWSPAPER(S)/MAGAZINE(S) AND UNDERSTAND & ANALYZE THE ECONOMIC FORCES AT WORK. (1500 TO 2000 WORDS (W/O FOOTNOTES)).
PROJECT 2	FILM/BOOK REVIEW	SPOT/LOCATE/DISCOVER THE ECONOMIC CONCEPTS IN BOOK/FILM AND UNDERSTAND & ANALYZE THE ECONOMIC FORCES AT WORK. (2000 TO 2500 WORDS (W/O FOOTNOTES)).

PROJECT 3	POLICY ANALYSIS	TURN IN A DETAILED ECONOMIC ANALYSIS OF A GOVERNMENT POLICY. (2000 TO 2500 WORDS (W/O FOOTNOTES)).
PROJECT 4	LITERATURE REVIEW	CHOOSE A THEME AND REVIEW THE RELEVANT LITERATURE. (2500 TO 3000 WORDS (W/O FOOTNOTES)).
PROJECT 5	RESEARCH PAPER	TURN IN A GOOD RESEARCH PAPER. (5000 TO 6000 WORDS (W/O FOOTNOTES)).

- **Project Presentations (5 Marks):** Presentations of the project assignments would be required to be made as per the schedule (it would be sent to you in due course of time).
- **Mid-Term Examination (25 Marks):** At the middle of the semester you will have to appear in the Mid-Term Examination of one and half hour and of 25 Marks. You will be eligible to appear in this exam only if you have put in 75% of attendance.
- **End semester examination (50 marks):** At the end of the semester student will appear (Subject to the rules of attendance) in End-Term exam for two and half hours and of 50 marks.

COURSE CONTENT

MODULE ONE: INTRODUCTION

Following topics would be covered:

1. Introduction to Law and Economics
2. Convergence of Law and Economics
3. Law and Legal Institutions

Readings:

1. Chapter 1, Robert Cooter & Thomas Ulen: Law and Economics, 6th Edition.

EXPECTED LEARNING OUTCOME

After completion of this module the students will be equipped with good understanding of:

- *The value of studying Economics to lawyers.*
- *The convergence of the fields of Law and Economics.*
- *The major roles of law and legal institutions as policy tools.*

MODULE TWO: REVIEW OF BASIC MICROECONOMIC CONCEPTS

Following topics would be covered:

1. Overview
2. Fundamental Concepts
3. Consumer Theory
4. Producer Theory
5. Market Forms
6. Theory of Games and Strategic Behavior
7. Welfare Economics and Economic Efficiency
8. Externalities and Public Goods

Readings:

1. Chapter 2, Robert Cooter & Thomas Ulen: Law and Economics, 6th Edition.
2. Chapters 7 through 17 from the “Principles of Economics”, Gregory N. Mankiw (6th Edition), South-Western Cengage Learning.

EXPECTED LEARNING OUTCOME

After completing this module students will be in position to comprehend:

- *The general importance of Economics as a tool (of analysis).*

MODULE THREE: AN ECONOMIC THEORY OF PROPERTY

Following topics would be covered:

1. The Legal Concept of Property

2. Bargaining Theory
3. The Origins of the Institution of Property: A Thought Experiment
4. An Economic Theory of Property
5. How are Property Rights Protected?
6. What Can be Privately Owned?—Public and Private Goods
7. What May Owners Do with Their Property?

Readings:

Chapter 4, Robert Cooter & Thomas Ulen: Law and Economics, 6th Edition.

EXPECTED LEARNING OUTCOME

At the end of this module all of you will be well familiarized with the:

- *Concepts and functioning of property rights;*
- *The economic rationale of property rights;*
- *The protection of property rights; and*
- *Private and public goods.*

MODULE FOUR: AN ECONOMIC THEORY OF CONTRACT

Following topics would be covered:

1. Bargaining Theory
2. Economic Theory of Contract

Readings:

Chapter 8, Robert Cooter & Thomas Ulen: Law and Economics, 6th Edition.

EXPECTED LEARNING OUTCOME

By the end of this module students will be in position to understand:

- *The economic reasoning for existence of contract law.*

MODULE FIVE: AN ECONOMIC THEORY OF TORT LAW

Following topics would be covered:

1. Defining Tort Law
2. Economic Theory of Tort Law

Readings:

Chapter 6, Robert Cooter & Thomas Ulen: Law and Economics, 6th Edition.

EXPECTED LEARNING OUTCOME

After completion of this module students will be well aware of:

- *The economic reasoning for existence of tort law.*

MODULE SIX: AN ECONOMIC THEORY OF LEGAL PROCESS

Following topics would be covered:

1. Rationale to Sue
2. Exchange of Information
3. Settlement Bargaining
4. Trial
5. Appeals

Readings:

Chapter 10, Robert Cooter & Thomas Ulen: Law and Economics, 6th Edition.

EXPECTED LEARNING OUTCOME

After completion of this module the students will be equipped with good understanding of:

- *The rationality to sue; and*
- *Exchange of information and settlement bargaining in the legal process; and*
- *The general importance of trials and appeals.*

MODULE SEVEN: AN ECONOMIC THEORY OF CRIME AND PUNISHMENT

Following topics would be covered:

1. Traditional Theory of Criminal Law
2. Economic Theory of Crime and Punishment

Readings:

Chapter 12, Robert Cooter & Thomas Ulen: Law and Economics, 6th Edition.

EXPECTED LEARNING OUTCOME

After discussing this module students will be in situation to figure out:

- *The importance of Economic analysis of crime and punishment;*
- *The difference between the traditional and the economic theory of crime and punishment; and*
- *The efficacy of economic theory of crime and punishment as a policy tool.*

REQUIRED TEXTS:

1. Robert Cooter & Thomas Ulen: Law and Economics, 6th Edition.

OTHER BOOKS

1. Foundations of Economic Analysis of Law, Steven Shavell.
2. Law's Order, David D. Friedman.

★★★★★★★★★★★★★★★★



**National Academy of Legal Studies and Research (NALSAR)
Hyderabad, Andhra Pradesh-500 101**

SEMESTER VII: B.A.LL.B

INTELLECTUAL PROPERTY RIGHTS

COURSE PORTRAYAL

IP – the state of play

*"The patent system added the fuel of interest to the fire of genius." -**Abraham Lincoln***

*"If I have seen further than most, it is because I stood on the shoulders of giants."-**Isaac Newton***

OBJECT OF THE COURSE

- Intellectual Property Law – plays a pivotal role in the globalized era of trade and commerce. The course will deal with the theory and practice of IP laws interfacing the fields of arts, science, technology, and business.
- The core contents will deal on the basics of copyright, trademarks, patents, geographical indications, trade secrets, protection of plant varieties and overview of international agreements on IP.
- The course on analytical plane will deal on impact of IP on health, free access to information, development agenda, north-south divide, alternate discourse on innovation and incentives.

DESIRED LEARNING OBJECTIVES

- To acquaint the students with the fundamentals of the IP laws and its practice through case laws.
- To impart skill sets in terms of patent drafting, organizational copyright policymaking, and drafting of confidentiality agreements.
- To expose to the International treaties and impact on national legislation and policymaking.
- To develop a critical outlook on the public policy choices and appropriate IP legal regimes
- To sensitize on emerging alternate incentive models in various IP segments in balancing public-private rights.

TEACHING METHODOLOGY

Teaching will be mainly done through lectures by the principal teacher, external experts and the teaching assistants. Projects including the research paper presentations would offer an opportunity to learn and appreciate deeper issues involved in the course. Group exercises may also be used for some topics.

In addition to case law and notes in the text, materials from the web shall be used to provide one with source documents and classical commentaries concerning the development and early articulation of the principles underlying our constitutional development and civil liberties as a stable democracy. One is expected to become familiar with these principles, to be able to extract those principles from the cases studied, and be able to apply those principles in a reasoned and disciplined manner to factual situations. Grades will be based primarily upon performance in the Mid-Term and final examination. Class attendance, preparation, and participation as well as your performance on written assignments which may be given will also count towards your final grade.

LECTURE PLAN

MODULES	TITLE	NUMBER OF LECTURES
MODULE ONE	INTRODUCTION	EIGHT LECTURES
MODULE TWO	COPYRIGHT LAW	SIXTEEN LECTURES
MODULE THREE	PATENTS LAW	TWELVE LECTURES
MODULE FOUR	LAW OF TRADEMARKS	SIXTEEN LECTURES
MODULE FIVE	LAW OF TRADE SECRETS	FOUR LECTURES
MODULE SIX	EMERGING IP REGIME	SIX LECTURES
MODULE SEVEN	INTERNATIONAL IP REGIME	SIX LECTURES
MODULE EIGHT	IP AND PUBLIC POLICY	SIX LECTURES

EXPECTATION FROM YOU

19. BEFORE CLASS

- ❖ Read, study and think/write about the assigned materials thoroughly;
- ❖ Know the cases and materials well enough that you can give a summary if called upon to do so;
- ❖ Decide what issue or issues the case raises and what rules of law/principles/definitions apply to the issue;
- ❖ Be familiar with, and reflect on, the argument that the opinions give to justify
- ❖ Their application of the rules of law to the particular facts.

20. DURING CLASS

- ❖ Discuss the issues in the materials and how the Court analyzes these issues and argues for their resolution;
- ❖ Discuss justifications the various opinions given for constitutional rules and the resolution of constitutional cases, utilizing various mock settings to do so;
- ❖ Evaluate stated and unstated factual and value assumptions in the court's reasoning, including ongoing themes in constitutional values and interpretation;
- ❖ Identify flaws and strengths in the court's reasoning;
- ❖ Explore alternative arguments that might better resolve the controversies in this area;
- ❖ Explore related policy issues relevant to the cases;

21. **AFTER CLASS**

- ❖ Work on problems assigned to your small group with your group.
- ❖ Identify and clarify anything confusing about substantive law or application, and do the necessary work to clarify your understanding of the law and constitutional argument;
- ❖ Consider your own views about these issues, and how you would be prepared to make an argument to resolve such issues;
- ❖ Think about how the day's assignment relates to past and upcoming areas of Constitutional Law;
- ❖ Review any material assigned but not covered to make sure they know it.
- ❖ Summarize and outline course materials and class discussion.

COURSE REQUIREMENTS

Most assignments will come from the cases and/reading material/ or websites. Students are expected to not only attend class, but devote out-of-class time to reading, checking websites, and using other college resources.

ACADEMIC HONESTY

***Plagiarism and Cheating* are strictly prohibited. Plagiarism is defined as taking or using the thoughts, writings, or inventions of another without acknowledging him/her. It also means using direct quotations without quotation marks, as well as using the ideas of another without proper credit. Ask your instructor when in doubt. Cheating is defined as any intent to deceive the instructor in his or her effort to grade**

fairly. Anything that can possibly effect the fairness of grading is cheating, which I interpret to include any collaborative, mischievous, or disruptive behaviour. In this course, pay special attention to gleaning information off the Internet, and do NOT pass it off as your own, or without proper citation. Learn to paraphrase ideas in your own words. Do not purchase, borrow, or revise another student's work. Do not "double dip" an assignment you did in another class to turn it in for this one. Students indulging in such activities shall be punished according to University rules.

NOTE: *All students must keep their own copy of the bare text of the Constitution of India during the class hours.*

EVALUATION

The performance of the students on this course is assessed on the basis of 100 marks. The overall assessment of 100 marks is divided into Project work (25 marks), Mid-Term Examination (25 marks) and End semester examination (50 marks).

- **Project Work (25 Marks):** Project work is planned by the course teacher in his discretion. The tentative plan of the Project work will be on the following basis:

<i>Assessment Mode</i>	<i>Marks</i>
Patent Drafting – (groups of 8)	10 Marks
Public Policy analysis – Written report on IP and public policy –(5 pages) (group of 5 or individual submissions)	10 Marks
Presentation	5 Marks

GROUP WORK

You will have the opportunity to work for a moot with a group of three students from class. One group of these three students will prepare a memorial on a given case for petitioner and other group of three students for the respondents. At the end of the semester the group members will submit the memorial and

would argue the case from both the sides before faculty members and their classmates.

- **Mid-Term Examination (25 Marks):** At the middle of the semester you will have to appear in the Mid-Term Examination of one and half hour and of 25 Marks. You will be eligible to appear in this exam only if you have put in 75% of attendance.
- **End semester examination (50 marks):** At the end of the semester student will appear (Subject to the rules of attendance) in End-Term exam for two and half hours and of 50 marks. Students are strongly advised to read the leading cases from the report which would enable them to solve the legal problems in the exams as most of the questions will be problem based. **Only Bare Text** (*without any commentary*) will be allowed in the examination.

COURSE CONTENT

MODULE 1 –INTRODUCTION

- Intellectual Property Law- Basic theories
- Overview of Intellectual Property Law
- Monetizing Intellectual Property Law

ADDITIONAL READING

- **Thirteen Ways to Steal a Bicycle: Theft Law in the Information Age -Stuart P. Green**
- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2027494
- **Law and Economics of Litigation: New Insights from Patents-Axel Haus, Steffen Juranek**

- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2016260
- **Global Intellectual Property Law: Chapter 1-Uma Suthersanen, Graham Dutfield**
- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2011343
- **The Economics of Patent Enforcement and Its Reception in AsiaAndrea Wechsler**
- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2010986
- **The Juridical Origins of the International Patent System: Towards a Historiography of the Role of Patents in Industrialization-Ikechi Mgbeoji**
- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1895545

MODULE 2- COPYRIGHT LAW

- Idea-expression dichotomy
- Fair Use doctrine and applications
- Salient features of Indian Copyright Law
- Infringement and remedies
- Copyright issues in Digital environment

CASES

Feist Publications, Inc. v. Rural Telephone Service Co.

Sega Enterprises, Ltd. v. Accolade, Inc

Baker v Selden

Apple Computer, Inc. Franklin Computer Corp.

Rogers v. Koons

Leibovitz v Paramount Pictures

Campbell v. Acuff-Rose Music, Inc

Essential Reading

ADDITIONAL READING

- **Encountering the Sustaining Myths of Copyright-** Mayur Suresh Atreyee Majumder Lawrence Liang
- <http://www.altlawforum.org/intellectual-property/publications/encountering-the-sustaining-myths-of-copyright>
- Code Version 2. Lawrence Lessig-
- <http://codev2.cc/download+remix/Lessig-Codev2.pdf>
- **Deterring Abuse of the Copyright Takedown Regime by Taking Misrepresentation Claims Seriously** Lydia Pallas Loren -Lewis & Clark Law School
- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1930069
- **The Pope's Copyright? Aligning Incentives with Reality by Using Creative Motivation to Shape Copyright Protection** -Lydia Pallas Loren -Lewis & Clark Law School
- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1134035
- **The Colonial Legacy of the International Copyright System-** Alexander Peukert
- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2057796

MODULE 3- PATENTS LAW

- Patentability criteria
- Salient features of Indian Patent Law
- Infringement in Patents
- Patent Information Management
- Patent Drafting & Patent Prosecution
- Abuse of Patents and remedies

CASES

Diamond v. Diehr

Diamond v Chakraborty

KSR v Teleflex

Novartis v Union of India

F. Hoffman-La **Roche** Ltd & Anr **v. Cipla** Ltd
Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.

ADDITIONAL READING

- Policy Levers in Patent Law-Burk, Dan L., University of Minnesota Law School, Lemley, Mark, Boalt Hall School of Law, UC Berkeley
- <http://escholarship.org/uc/item/4qr081sg#page-1>
- **Genes as Intellectual Property-Joseph N Michelotti**
- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2033414
- **Patent Claim Construction in the United States as a Form of Legal Interpretation-Christian Mammen**
- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2012571
- **Software Patents and/or Software Development-Wendy Seltzer**
- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1985780

MODULE 4- LAW OF TRADEMARKS

- Fundamentals of Trade Mark Law
- Indian Trade Mark Law
- Acquiring a Trade Mark
- Infringement & Defences
- Domain Names & Trademark interface

CASES

Win -Medicare Ltd V. DUA Pharmaceuticals Pvt Ltd
Cadila Lab v. Dabur Pharma Ltd,
Estee lauder v fragrance counter
Interstellar Starship Services Ltd V Epix Inc epix.com
Dongre v. Whirlpool

ADDITIONAL READING

- **Non-Conventional Trade Marks in India -Dev Saif Gangjee -**
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1555807
- **Trade Mark Liability Issues Arising Out of Internet Advertising-
Sam Ricketson**
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=958858
- **Dealing with Intangibles: Valuing Brand Names, Flexibility and
Patents -Aswath Damodaran**
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1374562
- **Evaluating Trade Mark Dilution from the Perspective of the
Consumer-Sarah Lux**
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1965852
- **The Appropriation of American Indian Names and Images
in Trademarks - The Washington Redskins Case-Daphne Zografos**
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1628164
- **The Use of Trade Marks in Keyword Advertising - Developments in
ECJ and National Jurisprudence -Nicole Van der Laan**
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2041936
- **Allegro without Vivaldi: Trademark Protection, Freedom of
Speech, and Constitutional Balancing -Wojciech Sadurski**
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1998445

MODULE 5- LAW OF TRADE SECRETS

- Fundamentals of Trade Secrets
- Misappropriation & Remedies
- Confidentiality agreements
- Non Compete Agreements

CASES

Rockwell Graphic Systems, Inc. v. DEV Industries, Inc.

E.I. duPont de Nemours & Co. v. Christopher

Emery Industries, Inc. v Cottier

Ansell Rubber Co Pty Ltd v Allied Rubber Industries Pty Ltd

ADDITIONAL READING

- **Best Mode Trade Secrets-Brian J. Love, Christopher B. Seaman**
- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2056115
- **The Surprising Virtues of Treating Trade Secrets as IP Rights-Mark A. Lemley**
- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1155167
- **Secrets Revealed: How Magicians Protect Intellectual Property without LawJacob Loshin**
- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1005564
- **Trade Secrecy, Innovation, and the Requirement of Reasonable Secrecy Precautions-Robert G. Bone**
- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1467723
- **Open Secrets-Michael J. Madison**
- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1452805##
- **The Impact of Trade Secrecy on Public Transparency-David S. Levine**
- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1373536

MODULE 6 – EMERGING IP REGIME

- Geographical Indications & Appellations of origin
- Law of Design
- Protection of Plant Varieties Regime
- Law on Semi Conductors

ADDITIONAL READING

- **Protection of Geographical Indications: An Overview of Select Issues with Particular Reference to India-Kasturi Das**
- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1587372
- **The Control of the Production and Commerce of Transgenic Seeds Through Contracts -Anselmo M. Martinez Canellas**
- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1998728
- **New Paradigms for Protection of Biodiversity-Srividhya Ragavan - University of Oklahoma Law Center**
- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1742721
- **A Trade Secret Approach to Protecting Traditional Knowledge-Deepa Varadarajan -St. John's University School of Law**
- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1892359
- **Intellectual Property Rights in Plant Varieties: International Legal Regimes and Policy Options for National Governments-Laurence R. Helfer**
- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=711842

MODULE 7-INTERNATIONAL IP REGIME

- Paris Convention
- Berne Convention
- Madrid Agreement
- WTO- TRIPS agreement
- Budapest Treaty
- Plurilateral Treaties

ADDITIONAL READING

- Intellectual Property, Trade & Development: The State of Play-Daniel J. Gervais
- <http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=4107&context=flr&sei-redir=1&referer=http%3A%2F%2Fscholar.google.co.in%2Fscholar%3Fq%3D>

- **The Objectives and Principles of the TRIPs Agreement-**
Peter K. Yu -Drake University Law School
- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1398746
- **Two Tales of a Treaty Revisited: The Proposed Anti-Counterfeiting Trade Agreement (ACTA)-Charles R. McManis ,John S. Pelletier**
- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2049673
- **ACTA and Access to Medicines-Sean M. Flynn ,Bijan Madhani**
- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1980865

MODULE 8- IP AND PUBLIC POLICY

- Patents & Health
- Access to Knowledge & Technological protection
- Copy left & Open Source movement
- Data Exclusivity
- Patenting by Public Institutions

ADDITIONAL READING

- **Can Louis Vuitton Dance with Hiphone? Rethinking the Idea of Social Justice in Intellectual Property Law-Haochen Sun**
- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2055136
- **Protecting Open Innovation: A New Approach to Patent Threats, Transaction Costs, and Tactical Disarmament-Jason Schultz, Jennifer M. Urban**
- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2040945
- **Exclusivity Without Patents: The New Frontier of FDA Regulation for Genetic Materials-Gregory Dolin**
- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2027494
- **Compulsory Licensing for Public Health: A Guide and Model Documents for Implementation of the Doha Declaration Paragraph 6 Decision-Frederick M. Abbott ,Rudolf V. Van Puymbroeck**
- http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1913854
- **Transplanting Bayh-Dole Act- V.C.Vivekanandan**

- [http://nopr.niscair.res.in/bitstream/123456789/2036/1/JIPR%2013\(5\)%20480-485.pdf](http://nopr.niscair.res.in/bitstream/123456789/2036/1/JIPR%2013(5)%20480-485.pdf)
- **Subsidizing 'Patent Roulette'-Brian J. Love**
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2019190

Wish you good luck!



**NALSAR University of Law
Hyderabad, Telengana-500 101**

I YEAR: B.A.LL.B

HISTORY-I

"COLONIAL INDIA: ECONOMY, ADMINISTRATION AND LAW"

PORTRAYAL OF THE COURSE

This course on British Colonial rule in India aims to show how a global economic trend, Capitalism, gradually formulated new politics of empire. War and expansion in the early phases and hegemony in the later periods characterized the British policy and ideology as much as they decided the Indian rhetoric of response and strategy of contestation. The course through its seven modules tries to balance the description of a particular event vis-a-vis agencies of action.

Colonial expansion in India is of a profundity which no single approach, theoretical or empirical, can hold through a context-specific exercise it takes up in an attempt to unravel its logic. All the conventional approaches and radical departures could suggest links and severances with the earlier forms of socio-political problematic that can be unified as one convenient vignette: “the decline of the Mughals”. Hardly could they see that the regional ramifications of the Mughal influence often by-passed the occasional Mughal ruler himself and outlived the empire through a rare framework of efficacy the meaning and power of which the British utterly failed to discern, re-use, and, needless to add, inherit.

Various processes in the European historical context in terms of trade and search for new markets found their logic ending in and as colonialism in Asia and Americas. Beginning with one local feud in the Bengal portion of the Indian subcontinent the course would locate changes as brought in by the British colonial expansion in India in the areas of administration and economy, with inevitable legal outline added.

The course locates the areas for social and intellectual history both in terms of colonial approach and Indian response and also aims to show that issues now being discussed in and for the post-colonial discourse had versions and variations in the concerns making various items of the syllabus.

The course as a whole argues for a balanced view of conscious and contingent factors that made an anti-colonial discourse possible and an occasional uprising practical. As such, the course aims to glean a narrative that would be inevitably inter-textual and an exercise in interdisciplinary statement where “History” will be the pulling ground of various layers of opinion and nuances of interpretation.

OBJECT OF THE COURSE

A constant objective of the course is to relate History, as a discipline in its own right, to Law as a Discourse with anxieties of contemporaneity. “Legal turn” of the institutions of the past i.e., reflexive phases of the institutions, will be approached for the keys they offer regarding different areas of direct historical concern. These areas include origins of Public Sphere, suggestions of Civil Society and implications of Democratic Institutions and Constitutionalism in the Colonial past of India. The objective extends, given this possibility, to receive legal discourse for History as one more method in unravelling a past. It is where interdisciplinarity is rather consequential. The course aims to see the past not just in passive relation to present but as an open-ended temporality demanded by the present needs to delve into an identity, an institution, and even a “tradition”. If this exercise should not fall in the traps of obscurantist pseudo-nationalism, contemporary legal approach should be constantly invited to readjust a version of the past as and when it slips through parochialism and History should verify legal discourse as and when it becomes stagnant with one/monolithic understanding of its Sources i.e. its own grid of the past. The course will be finally of History and is not presumptuous about any expertise in the areas that belong to the world of legal studies. It only intends to offer its own understanding of Law wherever necessary and meaningful.

DESIRED LEARNING OBJECTIVES

- In the wake of the course, students should be able to glean a critical continuum and dialogic dimension between the past and the present.
- They should be able to use such words and terms as ‘tradition’, ‘legacy’ etc., in a careful way and with inquiring mode as social science categories of temporal/historical depth. Given the contemporary mushrooming of various right-wing versions of the past, it is all the more essential.
- Students should be able to see historical dimensions with various everyday existentialist concerns.
- Students should be able to distinguish between lazy antiquarianism, bankrupt ‘legacy’ studies and vigorous, method-based, history.

TEACHING METHODOLOGY

Teaching will continuously balance between the developments with the discipline at large and contours of the syllabus, aimed to teach the first years, beginners in every sense. Modules are so prepared that there is a balance between the respectable theme-based autonomy of every module and an intra-modular flow of emphases. Projects are designed to train the students in

writing and drafting skills as well as documentation. Conceptual clarity and methodological approach will be preferred to mere length and rambling. Students are warned to be aware of the difference between verbal fancy/word-mongering/stock vocabulary and a real and contextual usage of the words that a good theoretical insight can help formulate. Students are free in making choices within the requirements of the course and once they choose a theme, guidance in various directions will begin.

Units of the module are not rigidly prioritized but can stand relative to the interests, spontaneously found, with a class i.e., a batch. It need not make the structure of the syllabus a confusing cluster of issues but can promise a rare connecting argument. By and large, an item of importance will be invited across the modules to be a relativist discussant and an oblique modifier.

Class room discussion is always invited but care will be taken to notice the point that those who remain silent may also be reflecting equally capably and might be hesitating for various reasons to make a point. Teaching will try to include them by helping formulate, complete, if not condition, their expression. Doubts as raised by the students belong to all the class in terms of their relevance. Teaching will try to make a doubt an integral part of the lesson as a whole rather than clarifying a doubt and leaving it then there.

LECTURE PLAN

MODULES	TITLE	NUMBER OF LECTURES
MODULE ONE	HISTORICAL CONTEXT: CONCEPTUAL APPROACH TO A HISTORIC TRANSFORMATION	EIGHT LECTURES
MODULE TWO	COLONIAL ECONOMY	SIX LECTURES
MODULE THREE	COLONIAL DISCOURSE AND “TRADITIONAL” INDIA: SOCIAL LEGISLATION	FIVE LECTURES
MODULE FOUR	CENSUS, SURVEY, AND CREATION OF THE ADMINISTRATIVE CATEGORIES	SEVEN LECTURES
MODULE FIVE	COLONIAL INTELLECTUAL PROGRAMS AND CLAIMS OF MODERNITY	EIGHT LECTURES
MODULE SIX	COLONIAL JUDICIARY	SIX LECTURES
MODULE SEVEN	COLONIAL LEGAL FORMATIONS AND THE PRODUCTION OF PUBLIC SPHERE	EIGHT LECTURES
MODULE EIGHT	1857 REVOLT: CAUSES, COURSE AND CONSEQUENCES	FOUR LECTURES
MODULE NINE	COLONIAL DISCOURSE AND POSSIBILITIES OF NEW THEMES FOR LAW	SIX LECTURES

EXPECTATION FROM YOU

22. BEFORE CLASS

- ❖ Students are expected to connect the arguments of the authors they read with their reading material (distributed in Xerox form) with the reading, approach and coverage of the teacher.
- ❖ They should go through the previous lesson and formulate questions.
- ❖ They may prepare an index of the lessons and connect it with the actual units covered.

23. DURING CLASS

- ❖ Should believe that class room discussion is a collective interest and also an attempt to arrive at an open ended dialogue but not an arbitrary closure and conclusion regarding any issue.
- ❖ Should understand that there are levels of perception and should not make fun, through word or gesture, of those students who come with fundamental doubts of the beginners.

24. AFTER CLASS

- ❖ Students may verify whether any connectivity is lost with the teacher with reference to various units and modules as well as modules and syllabus as a whole.
- ❖ They can suggest the teacher as to what they want to be covered in the interests of an ideal interdisciplinary concern they may discover in their training with other social sciences.

COURSE REQUIREMENTS

Most of the books that the course requires are available with the websites. Some are recommended and also reached the racks of the Library. Some rare books, both old and new, can be borrowed from the teacher.

ACADEMIC HONESTY

Software that can check with the plagiarism of the papers submitted by the students towards various projects is available with the University. Certain oblique chances of immoral lifting that a software cannot identify for its own reasons—for example, an old text that the net may not have uploaded for its checking operations--- will be taken seriously and such papers are incurred with various modes of punishment at various levels as decided by the discretion of the University.

COURSE CONTENT

MODULE ONE: HISTORICAL CONTEXT: CONCEPTUAL APPROACH TO A HISTORIC TRANSFORMATION.

Various changes in almost all the fields gain an economic logic. Late Mughal institutions can be found woven into early Colonial interests. Mercantilism ceases gradually to characterize the European contacts and gives space to Colonial variant of the capitalist logic. We see the Mughal traditions outlive the Mughal Empire itself. Military Fiscalism explains how the Indian involvement became inevitable in colonizing India. We realize that structural changes with the onset of colonial rule cannot offer modernist claims by themselves.

1. Structural and ideological background of colonialism: Imperialism and Colonialism; continuum and difference.
2. British colonial expansion: “Military fiscalism”.

Suggested Readings:

- ✚ Alam, Muzaffar (1993).The Crisis of Empire in Mughal North India, Awadh and the Punjab, 1707—1748. Oxford University Press.
- ✚ C.A.Bayly (1988).Indian Society and the Making of the British Empire.
- ✚ Habib Irfan (1963).The Agrarian System of Mughal India, 1556—1707.

MODULE TWO: COLONIAL ECONOMY:

Colonial rule is generally exploitative. However, by way of this module, it will be understood as a matter of evolution of the structural logic of underdevelopment presented and defended by the British as a beneficial project of modernization .We see various areas overlap which need not be an ideal and planned collapse of the possibilities of advancement but negative dialectics of a history of backwardness happening because of an unsound managerial aspect of an alien government. The aim will be to show how the evils of colonial intervention in various economic fields still influence the problems and policies of our contemporary times.

1. Land Revenue settlements: the logic of “Property Law”
2. Commercialization of Agriculture and rural indebtedness: Land laws and famine codes.
3. Railway lines and hydraulic projects.
4. Modern Industry: rise of the capitalist class: labor and industrial laws.

Suggested Readings:

- ✚ Bayly, C.A. (1983). Rulers, Townsmen and Bazaars: North Indian Society in the Age of British Expansion, 1770—1870. Cambridge; Cambridge University Press.
- ✚ Guha, Ranajit (1963/96). A Rule of Property for Bengal: An Essay on the Idea of Permanent Settlement. Duke University Press.
- ✚ Washbrook, David (1981). "Law, State and Agrarian Society in Colonial India", "Modern Asian Studies", 15, 3.

MODULE THREE: Colonial Discourse and "Traditional" India: Social Legislation:

Reformism, an incipient nationalism before it surfaces with a political programme, works in collaboration with Colonialism, itself attempting to convert the native institutions to mean for its administrative orientations. The result of this collaboration saw the emergence of a public culture of debate that eventually influenced the political forms to gain a ready audience. Reforms taken up created an argument beyond a colonial modernity.

1. Reform vs Revivalism.
2. Ram Mohan Roy and the Discourse of "Sati".
3. Official attitude to the Indian public sentiment and Private practice: William Bentinck.

Suggested Readings:

- ✚ David Kopf (1969). British Orientalism and the Bengal Renaissance: The Dynamics of Indian Modernization, 1773-1835. University of California Press. Berkeley.
- ✚ Nicholas Dirks (2001). Castes of Mind: Colonialism and the Making of Modern India. Princeton University Press. Princeton.
- ✚ Eric Hobsbawm, Terence Ranger eds., (1983) The Invention of Tradition. Cambridge University Press.

MODULE FOUR: CENSUS, SURVEY, AND CREATION OF THE ADMINISTRATIVE CATEGORIES:

This module will revisit the existing clichés regarding such evasive but always essential categories like identity, tradition, progress, and, finally, Modernity as discourse. Whatever happened as “change” during the Colonial times often produced, ironically, certain official stereotypes of what was treated as “given” and “factual”. The module offers a discussion of the postcolonial discourse through its strong empirical connectivities.

4. Modes of collecting information: the Making of “Subjective” Administrable Units.
5. Survey and new possibilities of Surveillance: the Making of “Objective” Administrable Units.
6. New Social Identities and New Official Categories of Inclusion.

Suggested Readings:

- ✚ Chattejee, Partha (1994). The nation and its Fragments, Delhi, OUP.
- ✚ Stokes, Eric (1959), English Utilitarians and India, Clarendon Press, Oxford.
- ✚ Trautmann Thomas (1997). Aryans and British India, University of California Press, Berkeley.

MODULE FIVE: COLONIAL INTELLECTUAL PROGRAMS AND CLAIMS OF MODERNITY:

Often approached as a well-known item of discussion, the Colonial intellectual project in such areas as education contained a message that it did not intend to make except in its colonial frame of reference to efficient rule. The idiom of “improvement” is clearer here than anywhere else, an idiom that propagated the idea that Indian conditions had to be improved with reference to acceptable packages of knowledge in general and education in particular. As an “Ideological State Apparatus”, education really became subservient to the interests of the state here.

1. Curriculum and Culture: Orientalism and Anglicism.
2. Educational Acts and Committees: Promise of Progress and “Training” in a Colonial Context
3. New Intellectuals of an Administrative Empire.

Suggested Readings:

- ✚ David Kopf (1969). British Orientalism and the Bengal Renaissance: The Dynamics of Indian Modernization, 1773—1935. University of California Press, Berkeley.
- ✚ Eric Stokes (1959). The English Utilitarians and India. Clarendon Press. Oxford.
- ✚ Gauri Visvanathan, The Masks of Conquest, Oxford University Press. Delhi.

MODULE SIX: COLONIAL JUDICIARY:

Individuals like Warren Hastings, Cornwallis etc., appeal here as metaphors for a process that started inevitably. The agential value and contribution of these individuals were quite incidental and relative to that process once it started. It is not to ignore the material reality with a managerial skill but it points to the links of causation as multidimensional and not to be easily retrieved out of our experience with the immediate effect. Intellectual positions and ideologies of various administrators will be assessed vis-à-vis the practical implications they could draw and pragmatic dimensions they could offer. They need not be put under the words and heads that make a value judgment of them. They need not be assessed as good or bad; they were, simply, “Colonial”.

1. Presidency towns and Presidencies: presidency courts.
2. Evolution of Judicial Pattern: from 1726-1773
3. Judicial Reforms:
 - (i) Warren Hastings.
 - (ii) Cornwallis and his “code”.
 - (iii) William Bentinck
 - (iv) Dalhousie.
4. Courts of law, Privy Councils, etc.,

Suggested Readings:

- ✚ Jain M.P. (1966). Outlines of Indian Legal History.
- ✚ Misra, B.B. The Administrative History of India, OUP London
- ✚ Singha, Radhika (1998). A Despotism of Law. OUP. Delhi.

MODULE SEVEN: COLONIAL LEGAL FORMATIONS AND THE PRODUCTION OF PUBLIC SPHERE:

This module is a careful perusal of the documents produced out of the schemes of rule by various colonial administrators, those that became familiar by the previous module. Selection of the documents will allot some for the

projects—especially the project: “Reading the Primary Source”—and some to the TAs and the rest will remain with the teacher to be constantly articulated not only within the confines of the module but outside it, with other modules. The production of a public sphere charged by Colonial intervention and influence will be gleaned out in order to be connected to the structures of experience and activity –majorly if not wholly political--that the following module will bring for discussion.

1. Administrative structure and policies.
2. Towards legislation; from the Regulating Act, 1773 to the Indian Councils Act 1861.
3. Legal, social and moral intimations of a new public sphere and civil society.
4. Nationalist Movement and its Paradigms: History, Leadership and Mass Movement.

Suggested Readings:

- ✚ Cohn, Bernard (1983) ‘Representing Authority in Victorian India’, in Eric Hobsbawm and Terrence Ranger, eds, *The Invention of Tradition*. Cambridge University Press.
- ✚ Derrett, J.D.M. (1968). *Religion, Law and the State in India*. New York: Free Press.
- ✚ Metcalf, Thomas (1994). *The Ideologies of the Raj*. Cambridge University Press.

MODULE EIGHT: 1857 REVOLT: CAUSES, COURSE AND CONSEQUENCES:

Administrative reorganization in particular and restructuring in relation to different areas in general—in the wake of the events of 1857—only repeated the structural logic of imperialism. Exploitative mechanisms gained further justification and this time through the promise of the Indian entry. Various fields of administration were only partially open to the Indians. However, it was sufficient to drive the logic of legitimacy on the basis of the rhetoric of the promises made. Issues related to the promises, when asked why they were never met with fulfilment, pointed out the general inefficiency of the Indians rather than British unwillingness to experiment...!!

1. 1857: An Exercise in Historiography.
2. Forms of Insurgency and Versions of contemporary Understanding.

3. 1858: Government of India Act: Towards the second phase of the Colonial Administration.
4. Indian Councils Act 1861: The Second Phase of an Administrative Empire.

Suggested Readings:

- ✚ Syed Ahmad Khan (2000): The Causes of the Indian Revolt. Oxford University Press. Karachi.
- ✚ R.C. Majumdar (1957): The Sepoy Mutiny and the Revolt of 1857. Firma K.L. Mukhopadhyaya. Calcutta.
- ✚ 1857: Essays from Economic and Political Weekly (2008), Orient Blackswan. Hyderabad.

MODULE NINE: POST-COLONIAL DISCOURSE AND POSSIBILITIES OF NEW THEMES FOR LAW.

It is where lessons will assume or even gain their final links with the contemporary postcolonial reality as socially inescapable, culturally analyzable, politically unavoidable and legally seminal. The links of the past will be treated more as continua than as categories offered for intellectual analysis. Such delicate issues as communities and their sudden blur into communalism will be inquired into. Modules III and IV have a specific right to re-enter here by way of offering themes.

- A) New areas.
- B) New approaches to the persistent themes.

Suggested Readings:

- ✚ Butalia, Urvashi (1998). The Other side of Silence: Voices from the Partition of India. Penguin. India.
- ✚ Khilnani, Sunil (1997). The Idea of India. Hamish Hamilton. London.
- ✚ Veer, Peter Van der (1994), Religious Nationalism, University of California Press, Berkeley.

Wish you good luck!

Civil Procedure Code and Law of Limitation

Civil Procedure Code deals with private rights and obligations of a citizen. Civil Procedure Code is a procedural law which prescribes procedure for enforcement of rights and liabilities and the procedure through which substantive laws are applied. The efficiency of substantive laws, to a large extent, depends on procedural laws. The Procedural rules are not mere technicalities and it is a misconception to ignore them. Civil Procedural Law is an indispensable instrument for the attainment of justice and social functions and assumes complimentary character when it puts into motion and gives life to substantive law. They are needed for proper resource management, time management and public policy. It helps in achieving order and regularity.

Teaching Method: First a concept will be explained in the class and then students are expected to apply the said concept to different set of facts. Teaching will be focused on questioning students continuously to achieve disciplined reasoning. This method helps in understanding the concept and also increases the capacity to apply law for a given problem. Then prominent cases related to the concept will be discussed in class.

Objective: The objective of this exercise is to get clear understanding of the concept and learn to apply it which helps in achieving command over the subject and ability to apply the code in real life situations.

Evaluation: The performance of the students on this course is assessed on the basis of 100 marks.

- i) **Project:** Marks allotted to project is 20 and 5 marks for the presentation of the project.
- ii) **Mid-term:** Marks allotted to mid-term examination is 25.
- iii) **End-term:** Marks allotted to end-term examination is 50.

Lesson Plan: 16 Lectures for each module.

Expectations from students:

- i) Students are expected to study the prescribed reading material before the class.
- ii) Active participation in the class.
- iii) Application of the code to various factual scenarios.
- iv) Study the relevant readings and discuss the doubts with the instructor.

Module 1

Introduction; Jurisdiction of civil courts (s 9); Principles of Res Sub Judice (s10), Res Judicata (s11); Place of Suing (s15-21A); Parties to suit and cause of action (orders 1&2)

Cases:

1. Gundaji Satwaji Shinde v. Ram Chandra Bhikaji Joshi, AIR 1979 SC 653
2. Indian Bank v. Maharashtra State Cooperative Marketing Federation Ltd, AIR 1998 SC 1952
3. Iftikhar Ahmed v. Syed Meharban Ali, AIR 1974 SC 749
4. State of U.P. v. Nawab Hussain, AIR 1977 SC 1680 20
5. C.A. Balakrishnan v. Commissioner Corporation of Madras, AIR 2003 Mad. 170
6. Bharat Nidhi Ltd. v. Megh Raj Mahajan, AIR 1967 Del. 22
7. Y. Narsimha Rao v. Y Venkata Lakshmi (1991) 2 SCR 821

Recommended Readings:

- 1) C.K. Takwani: Civil Procedure Code. Eastern Book Company. Chapter 1 to 5.
- 2) Ganguly's Civil Court Practice and Procedure. Eastern Law House. Chapters 1 to 4 and 6.

Module 2

Institution of Suit (order 4); Pleadings Generally (order 6); Plaint (order 7); Summons (s27, 28 & 29) (order 5); Written Statement (order 8); Discovery, Inspection and Production of documents (order 11,12,13); Effect of appearance and non-appearance of parties (order 9); Summoning of Witnesses (order 13)

Cases

8. Jai Jai Ram Manohar Lal v. National Building Material Supply Co., AIR 1969 S.C. 1267 100

9. M/s Ganesh Trading Co. v. Moji Ram, AIR 1978 SC 484
10. Dalip Kaur v. Major Singh, AIR 1996 P & H 107 109
11. B.K. Narayana Pillai v. Parameswaran Pillai, (2000) 1 SCC 712
12. Saleem Bhai v. State of Maharashtra, AIR 2003 SC 759
13. Sangram Singh v. Election Tribunal, AIR 1955 SC 425
14. Rajni Kumar v. Suresh Kumar Malhotra, 2003 (3) SCALE 434
15. Bhanu Kumar Jain v. Archana Kumar, AIR 2005 SC 626

Recommended Readings:

- 1) C.K. Takwani: Civil Procedure Code. Eastern Book Company. Chapter 5 to 10.
- 2) Ganguly's Civil Court Practice and Procedure. Eastern Law House. Chapters 1 to 4 and 6.
- 3) V.S.R. Avadhani: Civil Adjudication: Law Practice and Procedure. ALD Publications. Part I Chapter 2 and 3 Part I Chapter 2 and 3

Module 3

Trial; Settlements of Issues (order 14) and first hearing (order 15); Adjournments (order 17); Judgment and Decree (order 20); Execution of decrees (order 21); Summary Procedure (order 37)

Cases

16. Mahant Ram Dass v. Mahant Ganga Dass, AIR 1961 S.C. 882
17. Samarendra Nath Sinha v. Krishan Kumar Nag, AIR 1967 SC 1440
18. Dwarka Das v. State of M.P. (1999) 3 SCC 500
19. N. Khosla v. Rajlakshmi (dead), AIR 2006 SC 1249
20. Ram Chander v. Maharaja Man Singh, AIR 1968 SC 934
21. Union Bank of India v. Khader International Construction (2001) 5 SCC 22
22. Santosh Kumar v. Bhai Mool Singh, AIR 1958 S.C. 321
23. M/s Mechalec Engineers and Manufacturers v. Basic Equipment Corporation, AIR 1977 SC 577
24. ONGC Ltd. v. State Bank of India, AIR 2000 SC 2548
25. Monohar Lal v. Seth Hira Lal AIR 1962 SC 527 158
26. Dalpat Kaur v. Prahlad Singh, AIR 1993 SC 276

Recommended Readings:

- 1) C.K. Takwani: Civil Procedure Code. Eastern Book Company. Chapter 14 to 15 and Part IV
- 2) Ganguly's Civil Court Practice and Procedure. Eastern Law House. Chapters 1 to 4 and 6.
- 3) V.S.R. Avadhani: Civil Adjudication: Law Practice and Procedure. ALD Publications. Part I Chapter 2 and 3 .

Module 4

Appeals (s 96 to 107)(order 41 to 45); Reference (s113) (order 46); Revision (s 115); Review (s 114) (order 47); Suits in particular cases like Suits by or against Minor and Lunatics (order 37), Indigent Person (order 38), Firms (order 30); Alternate Disputes Mechanisms; Limitation Act, 1963; Vigilantibus Non Dormientibus Jura Subveniunt; Limitation bars remedy; Limitation does not bar defense; Condonation of delay; Plea of limitation and duty of court.

Recommended Readings:

- 1) C.K. Takwani: Civil Procedure Code. Eastern Book Company. Chapter 16 and Part III and Part VI.
- 2) Ganguly's Civil Court Practice and Procedure. Eastern Law House. Chapters 51 and 52.
- 3) V.S.R. Avadhani: Civil Adjudication: Law Practice and Procedure. ALD Publications. Part II Chapter 4.

Cases

27. Chunilal V. Mehta v. Century Spinning and Manufacturing Co. Ltd. AIR 1962 SC 1314
28. Koppi Setty v. Ratnam v. Pamarti Venka 2009 RLR 27 (NSC) 56
29. Gill & Co. v. Bimla Kumari, 1986 RLR 370 57
30. Shivajirao Nilangekar Patil v. Dr. Mahesh Madhav Gosavi AIR 1987 SC 294
31. Salem Advocate Bar Assn. Tamil Nadu v. Union of India, AIR 2003 SC 189
32. Salem Advocate Bar Assn. Tamil Nadu v. Union of India, AIR 2005 SC 3353
33. Iridium India Telecom Ltd. v. Motorola Inc. (2005) 2 SCC 145
34. Sri Veera Hanuman Rice And Flour Mill and another v. state Bank Of India, Ramachandrapuram, AP. (2000) 5 SCC 248

REFERENCE BOOKS

- 1) C.K. Takwani: Civil Procedure Code. Eastern Book Company
- 2) Ganguly's Civil Court Practice and Procedure. Eastern Law House.
- 3) V.S.R. Avadhani: Civil Adjudication: Law Practice and Procedure. ALD Publications.
- 4) B.M. Prasad and Manish Mohan: Mulla The Code of Civil Procedure Abridged. Lexis Nexis Butterworths Wadhwa Nagpur.
- 5) C.K. Thakker: Code of Civil Procedure. Eastern Book Company. Volumes I to VI.

Course Designed by P.Ashwini Kumar

Law of Torts (LLB)

Aim of the Course:

The Law of Torts involves the study of civil wrongs which result in personal injury, property damage, or economic injuries. The course will deal with the areas of Negligence, Infliction of Emotional Distress, Premises Liability, Intentional & Strict Liability Torts, Vicarious Liability, and Defenses to Tort Actions.

Course Objectives

Law of Torts is a fundamental area of law and one of the core subjects for the legal profession. The body of rights, obligations, and remedies that is applied by courts in civil proceedings to provide relief for persons whose rights have been violated from the wrongful acts of others. The primary objective of this course is to familiarize the students with their private rights and duties. And also to make them understand that Tort law has three purposes- The first is to compensate the victim, the second is to punish the wrongdoer, and the third is to deter harmful activities. Therefore, the students should know that compensation in Tort Law is an end in itself, compensation will be paid by the person who causes harm (fairness) hence, gives rise to corrective justice. Finally the rules under Tort Law affect people's conduct and also deter them and cause social control.

Learning outcomes of the course:

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

- Identify and distinguish negligent, intentional, and strict liability torts
- Differentiate fault-based torts from vicarious and statutory liability torts
- Define the rules for products liability, premises liability, and emotional distress torts

- Analyze court decisions that set forth and change the law of torts
- Explain the defenses available in tort cases.

Method of Evaluation:

50 marks end term paper, 25 marks mid -term paper and 25 marks for research project writing and presentation. Total marks are 100.

Essential Reading:

- Ratanlal & Dhirajlal on Law of Torts (26th Edition 2011)
- C. Witting, Street on Torts (14th edition 2014)

Suggested and Recommended texts:

- E. Peel & J. Goudkamp, Winfield and Jolowitz on Tort (19th edition, 2014);
- M. Lunney & K. Oliphant, Tort Law: Text and Materials (5th edition, 2013).
- P. Giliker, Tort (5th edition. 2014);
- N.J. McBride & R. Bagshaw, Tort Law (4th edition, 2012);
- J. Murphy & C. Witting, Street on Torts (13th edition, 2012).
- Vivieune Harpwood, 'Causation and Remoteness of Damages', Law of Tort, Cavendish Publishing Ltd. London, 1993, PP 35-50.
- Vivieune Harpwood, 'Nervous Shock, Law of Tort, Cavendish Publishing Ltd. London, 1993, PP 85-97.
- Upendra Baxi, 'Bhopal Victims in the labyrinth of the Law.

Course Modules

The Course comprises of 5 Modules:

Module I Conceptual Foundations of the Law of Torts - (16 lectures)

- Whether Law of Tort or Law of Torts: Winfield Salmond and Prof Glanville Williams
- Maxims: *Ubi Jus ibiremedium, Ubiremediumibi jus*

- Torts and other wrongs: Contracts, Quasi-Contracts, Crimes and Breach of Trust
- Omission and commission; *Damnum sine injuria and Injuria sine damno*-
Ashby v White (1703) 2 Ld Raym 938, *Gloucester Grammar School Case* (1410) YB 11 Hen IV- *Tomlinson v Congleton Borough Council* (2003) 3 All 1122
- Elements of Torts-
- Duty of Care- *Donoghue v. Stevenson* (1932) AC 562; *Anns v. Merton LBC* (1997) 2 All ER 492; *Caparo's* (1990) 1 All ER 568 Test-Modern approach of duty of care; Incremental approach endorsed by UK through Australian authority in *Sutherland Shire Council v. Heyman* [1985] 50 ALR 1, (1985) 157 CLR 424 ; Cases covered as examples- *MPRTC v Basanti Bai* (1971) IILLJ 273 MP, *Mcloughlin v O'Brain* [1983] 1 AC 410, [1982] 2 All ER 298, *Jacob Mathew v State of Punjab* (2005) 6 SCC 1, *Roshwell v Chemical co* [2008] 1 AC 281; *Home office v Dorset Yatch co* [1970] UKHL 2, [1970] AC 1004.
- Duty of Breach- objective test- standard of a reasonable man- factors relevant to establish standard of care
- a) Factors Extraneous to the Defendant eg. likelihood of harm *Bolton v. Stone*; seriousness of harm; social utility of defendant's activity; cost of avoiding the harm; hurly-burly of life; general practice of community
- b) Factors dependent upon the defendant- eg. Child defendants *Mullin v. Richards*, intelligence and skill; special knowledge about the claimant; informality-disability *Roberts v. Ramsbottom and Mansfield v. Weetabix Ltd.*
- Res ipsa loquitur
- Causation- a) Causation in fact- the 'but for' test; loss of chance-*Hotson v. East Berkshire Area Health Authority*; *Gregg v. Scott*; hypothetical conduct

of the claimant; material contribution to the harm- *Bonnington Casting Ltd. v. Wardlaw*, *McGee v. National Coal Board*

- b) causation in law- Novus Actus Interveniens-break in the chain of causation- Natural Cause, Claimant's own conduct, Third Party *Baker v. Willoughby* and *Jobling v. Associated Dairies* compared and contrasted
- c) Remoteness of Damages- *Re Polemis*; *Wagon Mound* case
- Damage and Damages- *McKay v. Essex Area Health Authority*

Module II Negligent invasions of interests in person, property and economic interest - (16 lectures)

- Duty to the unborn person-Economic Loss-*Hedley Byrne & co. Ltd. Heller & Partners Ltd.*, *Dobson v Dobson* [1997]2SCR 753, *Zepede v Zepeda* 190 NE 2d 849 (1963), *Williams v State of New York* 18 NY 2d 481 (1966), *Gleiman v Cosgrove* 49 NJ 22, 227 A 2d 689 (1967), *Mckay v Essex Area Health Authority* [1982] 2 ALL E R 771,
Discussion on - Liability for fetal injuries run contrary to liberty and equality.
- Duty to rescuers-Psychiatric injury-nervous shock-*McLoughlin v. O'Brian*, *Alock v. Chief Constable of South Yorkshire*-fear for relatives and friends, impact theory, the area of shock theory, rescuers, *Page v Smith* (1995) 2 ALL E R 736, *White sub nom Frost v. Chief Constable of South Yorkshire* (1997) 3 WLR 1194, *Hicks v Chief Constable of South Yorkshire*(1992).
- Occupier's Liability Act, 1957- Sec. 1(3)(a) Applicability of the Act, Protected Damage, Lawful visitors, Invitees sec. 1(2), Licensees sec. 1(2), entrants pursuant to contract sec. 5(1), child visitor sec.2(3)(a) and (b), Common duty of care sec. 2(2), Liability of independent contractors sec.2(4)(b) *Ferguson v. Welsh*, *British Railway Board v. Herington*, *Subhagwanti v. Municipal Corporation*, *Cammerse v. Northern & London Investment Trust Ltd.*

Occupier's Liability Act, 1984, Occupier's Liability under Factories Act, 1948, in 1987 as a spin off, the Bhopal Gas Tragedy and other industrial disasters led to new responsibilities. *JK Industries Ltd v Chief Inspector Factories and Boilers (1996)*, *Wheat v Lacon*, Defences

Module III Intentional Invasions in person, property and economic interests **- (10 lectures)**

- Trespass to the person-battery, assault, false imprisonment- effects on safety and liberty, remedies as writ, criminal law, criminal and civil law and overlapping areas, difference between compensation and fine, when trespass to person takes place, principle of directness and harm, difficulty in deciding the matter, *Wagon Mound* cases, Latest principle, how law of negligence overlaps with trespass to person, *Wainwright v Home Office*, *Bavisetti Venkata Surya Rao v Nandipati Muttayya*, *R v Governor of Brockhill Prison*, *Bird v Jones*
- Defamation- distinction between Libel and slander, *Yousouppoff v Metro-Goldwyn-Mayer- Pictures limited*
- Trespass to land-Difference between trespass and occupier's liability and nuisance, continuing trespass, horizontal trespass, defenses- license, right to entry, remedies, *Gregory v Piper*, *British waterways Board v Severn Trent water Ltd*, *Minister of Health v Bellotti*, *Robert v Hallett*, *Konskier v B Goodman Ltd*, *Watson v Murray*, *Basely v Clarson*, *Kelsen v Imperial*, *Smith v Stone*
- Wrongful interference with goods- conversion, human dead body- *Dobson case*, *Fowler v Lanning*.
- Interference with economic interests-false representation-deceit-elements of deceit- representation, knowledge of falsity, intention to deceive, reliance of the claimant, damages, passing off-malicious falsehood
- Defenses

Module IV Strict liability - (16 lectures)

- Nuisance-public nuisance-remedies for public nuisance-damages, injunctions-private nuisance-bases of liability- substantial interference- location, sensitivity, material damage to the land, unreasonableness- duration of the harm, extent of the harm, character of the harm, social value, reasonable user, defendant's motive defences private nuisance-prescription, statutory authority-remedies for private-damages, injunction, abatement of nuisance, Difference between trespass and nuisance. *Campbell v Paddington Corp*, *Kennaway v Thompson*, *Miller v Jackson*, *Hunter v Canary Wharf*, *London Borough of South work v Mills*, *Mullin v Richards*, *Wagon Mound No 2*, *Bradford v Pickles*, *Cambridge Water co*.
- The rule in *Rylands v. Fletcher* – Lord Blackburn on liability and Lord Cairn on Judgement of Blackburn J., *Read v J Lyons*, *Rickards v Lothian*, *AG v Corke*, *Tranco v Stockport MBC (2003)*, *Cambridge Water co.*, Defenses- Act of stranger *Perry v. Kendricks Transport Ltd.*, *Ribee v. Norrie*, Act of God, Act of a third party, statutory authority, consent benefit of the claimant
- Absolute Liability- *M C. Mehta v. UOI*, *UCC v UOI (1990)*, *Indian Council for Envirolegal Action v UOI (1996)*, *Klaus Mittelbachert v East India Hotels Ltd AIR 1997 Del 201*
- Mass Torts-single event, series of event, toxic damage, *Union Carbide Corporation v. UOI*, *The Bhopal victims in the Labyrinth of the Law: An Introduction by Upendrabaxi*
- Vicarious Liability-*Qui facit per alium facit per se*, *Respondeat Superior*, Lord Thankerton in *Short v JU&W Henduson*, employers liability for the tortious act of employees, justification, contract of service and contract for service, control test, personal investment in the enterprise, intention of the parties, borrowed employees, *Mercy Docks & Harbour Board v. Coggins&*

Griffiths Liverpool Ltd., Rajasthan State Road Transport Corporation Kailash Nath Kothari, In the course of employment, impact of express prohibition- sphere of employment and mode of doing an act within sphere of employment, close connection test- *Lister v. Hesley Hall*, sexual assault by employee, fraud by employee, *State bank of India v. Shyama Devi*, *Lloyd v. Grace Smith & Co.* employer's vicarious liability for independent contractor-delegable duty and non-delegable duty, *Govindarajulu v MLA Govindaraja*, *Devinder Singh v Mangal Singh*, *VN Rao v Ghanshyam Das*, *Anandan v Gomathi*, *Ramu Tularam v Amichand*, *KL Mishra v Biharilal*,

- State Liability- Sir Barnes Peacock CJ's observations on the doctrine of King can do no wrong- Pre- Constitutional Judgments- *Peninsular and Oriental Steam Navigation Co. v. Secretary of State for India*, *Nobin Chander Dey v Secretary of state*, *Secretary of state v Hari Bhanji*, Post-Constitutional Judgments- *State of Rajasthan v Vidyawati* , *Kasturi Lal v State of UP*, *N Nagendra Rao v State of AP*, Distinction between Sovereign and non-sovereign functions, *Ubi jus incertum ibi jus ullum welfare state*, *Why the ratio in Kasturi lal not overruled?*
- Constitutional Torts – difference between torts and constitutional torts, doctrine of *res ipsa loquitur*, as exception to sovereign immunity, *Rudul Shah v. State of Bihar*, *Sebastin . M. Hongray v UOI*, *Bhim Singh v. State of J & K*, *Saheli – a women's resource centre v comm of police Delhi*, *Challa Ramakrishna reddy v State of AP*, *Nilabati Behra v. State of Orissa*.

Module V Defenses and Remedies in Torts – (6 lectures)

- Defenses- Acts of States, Statutory Authority, *Metropolitan Asylum Dist v Hill*, *Allen v Gulf oil Refining Ltd*, Inevitable Accident, Act of God, Necessity – Private and Public, *Olga Tellis v Bombay Muncipal Corporation* – observations of Lord Denning, Mistake – in law, in fact, Private Defense, Plaintiff the wrong doer, *Bird v Holbrook*, *Pitts v Hunt*,

volenti non fit injuria , *Scienti non fit injuria* – *London Borough of South work v Williams*, *Dann v Hamilton*, *Morris v Murray*, *Pitt v Hunt*, *Ogwa v Taylor*, Bolam test, adequate information test, *Samira Kohli v Prabha Machanda*, Rescue, *Haynes v Harwood*, *Wagner v International Railways*, Contributory negligence, public policy.

- Damages-types of damages-measures of damages-injunction-self-help



**National Academy of Legal Studies and Research (NALSAR)
Hyderabad, Telangana-500 101**

SEMESTER III: B.A.LL.B

LAW OF CONTRACTS II

"SPECIFIC CONTRACTS"

Law of Contracts II

COURSE DESCRIPTION

Prof. Roscoe Pound says, “Wealth in a commercial age is largely made up of promises.” This statement conveys sufficiently the importance of law of contracts which is nothing else but enforcing certain promises. This course is useful only for those who are interested in making wealth.

In our life we enter into various contracts of various types. If we want to buy a car or a flat, or want to go for higher studies abroad, we most often take loan from a bank and need to furnish a guarantee. We deliver our valuable gadgets like mobile phones, laptops, televisions and vehicles to a service station, clothes for ironing and dry cleaning, while travelling by air, our bags at the airport to the employees of the concerned airlines to be collected at the destination and jewellery to a bank for safe keeping. Business would be almost impossible without appointing agents and life would be extremely difficult without buying and selling goods. In order to make all such activities happen we need to exchange promises and thus create contracts.

These contracts because of the object for which they are entered into have features peculiar to them and on the basis of these peculiarities are given different or specific labels. Thus when goods are delivered by one person to another for *some purpose* like a mobile phone or a car for repair or jewellery for safe custody it is bailment and when the purpose of delivering the goods is *securing* the repayment of a loan it is called pledge. Similarly when one person authorises another to act on his behalf so as to make him liable to the third party and is paid for his services in the form of commission or remuneration, the relationship is called agency. The same arrangement would become partnership if there is an agreement to do business and the reward is not in the form of remuneration or commission but sharing of profits.

In this course we will deal with various specific contracts namely, indemnity, guarantee, bailment, pledge, agency, contract of sale of goods and partnership.

The course analyses the factors underlying and associated with each of the above mentioned contracts which transform them into specific contracts. It deals with various aspects of these contracts ranging from formation to termination and the rights and obligations of the concerned parties.

OBJECT OF THE COURSE

The prime object of this course is to build on the knowledge of the students on general principles of contracts and acquaint them with special contracts including contracts of sale of goods and partnership. These are contracts to which the general principles are fully applicable, but these contracts have special features and rules which need to be enunciated over and above what was discussed in the last semester of Contracts I. The judgements in the leading cases on each of the topics taught in this course are meant to enable the students to have a clear understanding of the basic concepts underlying these provisions of the law on contracts in India.

DESIRED LEARNING OBJECTIVES

- To be well versed with the law dealing with specific contracts in India.
- To be able to solve the real life problems pertaining to specific contracts.

TEACHING METHODOLOGY

The principal method of teaching will be class based lectures, which will be supplemented by weekly tutorials.

LECTURE PLAN

MODULES	TITLE	NUMBER OF LECTURES
MODULE ONE	INDEMNITY AND GUARANTEE	TEN LECTURES
MODULE TWO	BAILMENT AND PLEDGE	TEN LECTURES
MODULE THREE	AGENCY	TWELVE LECTURES
MODULE FOUR	FORMATIONS OF CONTRACTS FOR SALE OF GOODS AND ITS EFFECTS	SEVEN
MODULE FIVE	CONDITIONS AND WARRANTIES IN SALE OF GOODS	THREE
MODULE SIX	PERFORMANCE OF CONTRACTS FOR SALE OF GOODS; RIGHTS OF UNPAID SELLERS AND SUIT FOR BREACH OF CONTRACTS	SIX
MODULE SEVEN	NATURE OF PARTNERSHIP	THREE
MODULE EIGHT	RELATIONS OF PARTNERS TO ONE ANOTHER AND TO 3RD PARTIES	EIGHT
MODULE NINE	DISSOLUTION AND REGISTRATION OF FIRMS	FIVE

EXPECTATION FROM STUDENTS

Students are required to go through the readings before the class and acquire a preliminary idea about the topic to be discussed.

ACADEMIC HONESTY

Plagiarism and cheating are strictly prohibited.

EVALUATION

Evaluation shall be out of 100 marks, which shall be divided into 3 parts: Mid- term examination (25 marks), end term examination (50 marks) project work (25 marks).

COURSE CONTENT

MODULE ONE: INDEMNITY AND GUARANTEE

We will discuss following with reference to the Indian context:

A. Indemnity: (Ss. 124-125)

- 1) Definition of Indemnity**
- 2) Nature and extent of liability of the indemnifier**
- 3) Commencement of liability of the indemnifier**

B. Guarantee: (Ss. 126-147)

- 1) Definition of guarantee: as distinguished from indemnity.**
- 2) Basic essentials for a valid guarantee contract.**
- 3) Continuing guarantee.**
- 4) Nature of surety's liability-duration and termination of such liability**
 - **Rights of surety**
 - **Extent of surety's liability.**
 - **Discharge of surety's liability.**

Readings:

- ✚ *Nilima Bhadbhade: Pollock & Mulla – Indian Contract & Specific Relief Acts Vol.2. Lexis Nexis (2009) (pp. 1735-1758).*
- ✚ *Avtar Singh: Contract and Specific Relief, Eastern Book company (2013)(pp.571-646).*
- ✚ *S.N. Gupta: Law Relating to Guarantees. Universal Law Publishing Company (2014) (pp. 1-41).*
- ✚ *P.C. Markanda: The Law of Contract Vol.2. Wadhwa Nagpur (2008) (pp. 1297-1314).*
- ✚ *Vepa P.Sarathi & G. Krishna Moorthy: Law of Contract Vol. 2. ALT Publications (2012) (pp. 964-978).*
- ✚ *Nilima Bhadbhade: Pollock & Mulla – Indian Contract & Specific Relief Acts Vol.2. Lexis Nexis (2009) (pp. 1758-1927).*
- ✚ *P.C. Markanda: The Law of Contract Vol.2. Wadhwa Nagpur (2008) (pp. 1314-1462).*
- ✚ *Vepa P.Sarathi & G. Krishna Moorthy: Law of Contract Vol. 2. ALT Publications (2012) (pp. 979-1071).*

Cases:

INDEMNITY

- ❖ *Adamson v. Jarvis* (1827), 4 Bing 66;
- ❖ *Dugdale v. Lovering* (1875), 10 CP 196;
- ❖ *Gajanan Moreshwar Parelkar v. Moreshwar Madan Mantri*, AIR 1942 Bom 302;
- ❖ *Richardson Re, Ex parte the governor of St. Thomas Hospital*, (1911) 2 KB 705;
- ❖ *Abdul Hussain v. Bombay Metal Syndicate*, AIR 1972 Bom. 252;

GUARANTEE

- ❖ *Edavam Kevingal Kallipana v. Medikal Kunni Raman*, AIR 1957 Mad;
- ❖ *Swan v. Bank of Scotland*, (1835) 10 Bligh NS 627;
- ❖ *Kashiba v. Shripat*, 1895 ILR 19 Bom. 697;
- ❖ *M. Gulam Husain Khan v. M. Faiyaz Ali Khan*, AIR 1940 Oudh 346;
- ❖ *National Provincial Bank of England v. Brackenbury*, (1906) 22 TLR 797;
- ❖ *Subramanyan Chettiar v. M P Narayan Swami*, AIR 1951 Mad. 48;
- ❖ *Bank of Bihar v. Damodar Prasad*, AIR 1969 SC 297;
- ❖ *Union of India v. Manku Narayan*, AIR 1987 SC 1078;
- ❖ *State Bank of India v. Indexport Registered*, AIR 1992 SC 1740;
- ❖ *SIOCOM v. Padmashri Mahipatrai Shah*, (2005) 3 Mah LJ 125;
- ❖ *Myingam Municipal Commisone v. Mauyncom*, 130 Rang;
- ❖ *Bonar v. Macdonald*, AIR 1959 Mad 122;
- ❖ *M.S. Anirudhan v. Thomco's Bank Ltd.*, AIR 1963 SC 746;
- ❖ *Blest v. Brown*, 45 ER 1225;
- ❖ *Holme v. Brunskill*, (1877) 3 QBD 495(CA);
- ❖ *Mahant Singh v. U Ba Yi*, (1938-39) 66 IA 198;
- ❖ *State of MP v. Kaluram*, AIR 1967 SC 1105;
- ❖ *Bank of Saurasta v. Chitranga Rangnath Raja*, AIR 1980 SC 1528;
- ❖ *Govedhandas Gokuldas v. Bank of Bengal*, ILR 1891 15 Bom. 48;
- ❖ *Parvateneni Bhushaya v. Polluri Suryanarayan*, AIR 1944 Mad. 195;
- ❖ *Maharashtra SEB v. Official Liquidator*, (1982) 3 SCC 358: AIR 1982 SC 1497;
- ❖ *Harbottle R D (Mercantile) v. National Westminster Bank*, 2 All ER 862;
- ❖ *Itek Co. v. First National Bank of Boston*, 506 Fedural Supp. 1210;
- ❖ *UP State Sugar Co. v. Sumac Co.*, (1997) 1 SCC 568;
- ❖ *KL Steel Ltd. v. Maharashtra State Electricity Board*, (1998) 2 Bom. CR 31;

MODULE TWO: BAILMENT AND PLEDGE

We will discuss following aspects:

A. Definition of Bailment

- 1) Kinds of bailees**
- 2) Duties of Bailor and Bailee towards each other**
- 3) Rights of bailor and bailee**

B. Pledge: (Ss. 172-179)

- 1) Pledge: comparison with bailment**
- 2) Definition of pledge under the Indian contract Act**
- 3) Rights of the pawner and pawnee.**
 - **Pownee's right of sale as compared to that of an ordinary bailee**
- 4) Pledge by certain specified persons mentioned in the Indian Contract Act.**

Readings:

- ✚ John R. Peden: *The Creation of Common Law Liens. The International and Comparative Law Quarterly*, Vol. 18 No. 1 (1969) (pp. 129-151).
- ✚ Avtar Singh: *Contract and Specific Relief*, Eastern Book company (2013) (pp.647-709).
- ✚ Nilima Bhadbhade: *Pollock & Mulla – Indian Contract & Specific Relief Acts Vol.2. Lexis Nexis* (2009) (pp. 1929-2029, 2082-2086).
- ✚ Chitty on Contracts Vol.2. Sweet & Maxwell (1977) (pp. 80-134).
- ✚ P.C. Markanda: *The Law of Contract Vol.2. Wadhwa Nagpur* (2008) (pp. 1463-1525).
- ✚ Vepa P.Sarathi & G. Krishna Moorthy: *Law of Contract Vol. 2. ALT Publications* (2012) (pp. 1071-1115).
- ✚ P.C. Markanda: *The Law of Contract Vol.2. Wadhwa Nagpur* (2008) (pp. 1525-1562).
- ✚ Vepa P.Sarathi & G. Krishna Moorthy: *Law of Contract Vol. 2. ALT Publications* (2012) (pp. 1115-1146).

Cases:

BAILMENT

- ❖ *Kaliaperumal Pillai v. Visalakshmi*, AIR 1938 Mad. 32;
- ❖ *Atul Mehara v. State of Maharastra*, AIR 2003 P&H 11;
- ❖ *Hyman and wife v. Nye and Sons*, (1881) 6 QBD 685;
- ❖ *Mahendra Kumar v. CBI*, AIR 1984 Guj 53;
- ❖ *Vithobha Kalar v. Maruti Kalar*; AIR 1940 Nag 273;
- ❖ *Kalumal Tapeswari Prasad v. RC&F*, AIR 1990 All 214;
- ❖ *Eduljee v. Café John Bros*, ILR 1944 Nag. 37;
- ❖ *R.D. Saxena v. Balram Prasad*, AIR 2000 SC 2912;

PLEDGE

- ❖ *Revenue Authority v. Sudharshan Pictures*, AIR 1963 Mad 319;
- ❖ *Moorvi Mercantile Bank v. UOI*, AIR 1965 SC 1964;
- ❖ *Reeves v. Capper*, 1838 5 Bing NC 136;
- ❖ *Bank of Chittoor v. Narasimbulu*, AIR 1966 AP 163;

MODULE THREE: AGENCY

Agency (s.182-238)

In this module of the course we will discuss:

- 1) Agent' and 'Principal' defined**
- 2) Who may employ an agent- who may be appointed as agent**
- 3) Kinds of agents and agencies- essentials of an agency transaction**
 - **Distinction between agent and servant.**
 - **Various methods of creation of agency**
- 4) Rights, duties and liabilities of principal and agent- scope and limitation**
- 5) Delegation- ratification and revocation of authority**
- 6) Methods of termination of agency contract**
 - **Liability of the principal and agent before and after such termination.**

Readings:

- ✚ *O. W. Holmes, Jr.: Agency. Harvard Law Review, Vol. 4 No. 8 (1891) (pp. 345-364).*
- ✚ *Nilima Bhadbhade: Pollock & Mulla – Indian Contract & Specific Relief Acts Vol.2. Lexis Nexis (2009) (pp. 2087-2390).*
- ✚ *Avtar Singh: Contract and Specific Relief, Eastern Book company (2013)(pp.710-713)*
- ✚ *Chitty on Contracts Vol.2. Sweet & Maxwell (1977) (pp. 1-79).*
- ✚ *P.C. Markanda: The Law of Contract Vol.2. Wadhwa Nagpur (2008) (pp. 1563-1722).*
- ✚ *Vepa P.Sarathi & G. Krishna Moorthy: Law of Contract Vol. 2. ALT Publications (2012) (pp. 1146-1260).*

Cases:

- ❖ *Debenham v. Mellon, (1880) 6 AC 24;*
- ❖ *Summan Singh v. National Capital Bank of New York, AIR 1952 Pun. 172;*
- ❖ *Keighely & Co. v. Durant, [1901] AC 240;*
- ❖ *Lilley v. Doubleday, All ER Rep 406;*
- ❖ *Pannalal Jankidas v. Mohanlal, AIR 1951 SC 144;*
- ❖ *De Busche v. Alt, [1874-80] All ER Rep 1247;*
- ❖ *Said v. Butt (1920), 3 KB 497;*
- ❖ *HarshadJ. Shah v. LIC, AIR 1997 SC 2459;*
- ❖ *London Country Freehold & Lease board property ltd. v. Barkley Property, [1936] 2 All ER 1039;*

MODULE FOUR: FORMATIONS OF CONTRACTS FOR SALE OF GOODS AND ITS EFFECTS

In this module of the course we will discuss:

A. General : Formation of Contracts of Sale (Ss. 1-10)

- 1) **Concept of 'Goods'**
- 2) **'Sale' and 'Agreement to sell'**
- 3) **Statutory Transactions**
- 4) **Contract for 'Works' / 'Labour'**

B. Effects of the Contract (Ss.18-30)

- 1) **Transfer of property;**
- 2) **Doctrine of Nemo dat quod non habet**
- 3) **Sale :**
 - **By a person other than the owner,**
 - **By joint owner,**
 - **By mercantile agent,**
 - **By seller or buyer in possession after sale**
 - **Under voidable contract,**

Readings:

- ✚ G.C. Bharuka: *Pollock & Mulla – The Sale of Goods Act. Lexis Nexis (2007) (pp. 63-100)*
- ✚ Avtar Singh: *Law of Sale of Goods. Eastern Book Company (2011) (pp. 1-31 & 99-158)*

Cases:

- ❖ *Graff v. Evans*, [1882] 8 QBD 373;
- ❖ *Barrow Lane and Bllard v. Phillip Phillips& Co. Ltd.*, [1929] 1 KB 574;
- ❖ *Asfar& Co. v. Blundell*, [1896] 1 QB 123 (CA);
- ❖ *Howell v. Coupland*, [1876] 1 QBD 258;
- ❖ *Agriculture Market Committee v. Shalimar Chemical works*, AIR 1997 SC2502;
- ❖ *Healy v. Howlett& Sons*, [1917] 1 KB 337: (1917) 116 LT 591;
- ❖ *Kirkham v. Attenborough*, [1897] 1 Q.B. 201;
- ❖ *Elphick v. Barnes*, (1880) 5 CPD 321;
- ❖ *Loeschman v. Williams*, 4 Camp 181;
- ❖ *Mercantile Bank of India v. Central Bank of India*, 1938 AC 287;
- ❖ *Staffs Motor Guarantee Ltd v. British Wagon Co Ltd* [1934] 2 K.B. 305;

MODULE FIVE: CONDITIONS AND WARRANTIES IN SALE OF GOODS

In this module of the course we will discuss:

- 1) Stipulations as to time**
- 2) Implied Conditions and Warranties – as to title, quality, fitness, etc.,**
- 3) Sale by Description and by Sample**
- 4) Treating conditions as warranties**
- 5) Doctrine of Caveat Emptor**

Readings:

- ✚ G.C. Bharuka: *Pollock & Mulla – The Sale of Goods Act. Lexis Nexis (2007) (pp. 138-150).*
- ✚ Avtar Singh: *Law of Sale of Goods. Eastern Book Company (2011) (pp.32-39).*
- ✚ Carol L. Chomsky and Christina L. Kunz: *Sale of Goods: Reading and Applying the Code (2002) (pp. 87-131).*

Cases:

- ❖ *Baldry v. Marshall*, [1925] 1 KB 260;
- ❖ *Wallis, Son & Well v. Pratt & Haymes*, 1911 AC 394 (HL);
- ❖ *Rowland v. Divall*, [1923] 2 KB 500 (CA);
- ❖ *Niblett v. Confectioner's Material Co.*, [1921] 3 KB 387;
- ❖ *Moore & Co. v. Landaurer & Co*, [1921] 2 KB 519;
- ❖ *Ward v. Hobbs*, 4 App Cas 13;
- ❖ *Burnby v. Bollet*, (1847) 16 M. & W. 644;
- ❖ *Varley v. Whipp*, [1900] 1 QB 513;
- ❖ *Reardon Smith Lines Ltd v. Hansen Tangen*, [1976] 1 WLR 989;
- ❖ *Nikolson and Venn v. Smith*, (1947) 177 LT 189;
- ❖ *Grant v. Australia Knitting Mills*, 1936 AC 85;
- ❖ *Harlingdon & Leinster Enterprises v. Christopher Fine Arts*, [1990] 3 WLR 13;

MODULE SIX: PERFORMANCE OF CONTRACTS FOR SALE OF GOODS; RIGHTS OF UNPAID SELLERS, SUIT FOR BREACH OF CONTRACTS AND AUCTION SALE

In this module of the course we will discuss:

A. Performance of the Contract (Ss. 31-44)

- 1) Duties of seller and buyer
- 2) Rules relating to delivery of goods

B. Rights of Unpaid Seller (Ss. 45-54)

- 1) Who is an un-paid seller?
- 2) Un-paid Seller's Rights –
- 3) Right of lien,
- 4) Right of stoppage in transit;
- 5) Transfer of goods by buyer and seller

C. Suit for Breach of Contract (Ss.55-61)

- 1) For price;
- 2) Non-delivery,
- 3) Non-acceptance,
- 4) Damages for breach of conditions and warranties;
- 5) Repudiation of contract;
- 6) Payment of damages and special damages

D. Auction Sale (S.64)

Readings:

- ✚ G.C. Bharuka: *Pollock & Mulla – The Sale of Goods Act. Lexis Nexis (2007) (pp. 421-440).*
- ✚ Avtar Singh: *Law of Sale of Goods. Eastern Book Company (2011) (pp.159-226).*
- ✚ P. Ramanatha Aiyar: *Law of Sale of Goods. Universal Law Publishing Co. (2007) (pp. 307-357).*

Cases:

- ❖ *Nagardas Mathuradas v. Velmohhaamd*, 1930 32 Bom 481;
- ❖ *Heap v. Motorists Advisory Agency Ltd*, [1923] 1 KB 577;
- ❖ *J.L. Lyons & Co Ltd v. May & Baker Ltd*, [1923] 1 KB 685;
- ❖ *Great India Peninsula Rly Co v. Hanmandas*, ILR (1889) 14 Bom 57;
- ❖ *Burnby v. Bollet*, (1846) 16 M&W 644;
- ❖ *James v. Griffin*, (1837) 2 M&W 623: 6LJ Ex 241;
- ❖ *Bird v. Brown*, (1850) 4 Ex 786: 80 RR 775;

MODULE SEVEN: NATURE OF PARTNERSHIP

In this module of the course we will discuss:

- 1) Definition of “partnership”, “partner”, “firm” and “firm name” (S. 4)**
- 2) Partnership not created by status (S. 5)**
- 3) Mode of determining existence of partnership (S. 6)**
- 4) Partnership at will (S.7)**
- 5) Particular partnership (S.8)**
- 6) Partnership and private limited company-Advantages & disadvantages**

Readings:

- ✚ G.C. Bharuka: *Pollock & Mulla – The Indian Partnership Act. Lexis Nexis (2007)* (pp. 50-68).
- ✚ R.C.I' Anson Banks: *Lindley & Banks on Partnership. Sweet & Maxwell (2002)* (pp. 71-107).

Cases:

- ❖ *CIT v. Abdul Rahim & Co., AIR 1965 SC 1703;*
- ❖ *Smith v. Anderson, (1880) 15 Ch D 247;*
- ❖ *Champaran Cane Concern v. State of Bihar, AIR 1963 SC 1737;*
- ❖ *Rashiklal & Co. v. CIT (1998) 2 SCC 49;*
- ❖ *Bhagat Ram Mohanlal v. EPT Commr, AIR 1956 SC 374;*
- ❖ *Cox v. Hickman, (1860) 8 HLC 268;*
- ❖ *Karumuthu Thiagarajan Chettiar v. EM Muthapa Chettiar, AIR 1961 SC 1225*

MODULE EIGHT: RELATIONS OF PARTNERS TO ONE ANOTHER AND TO 3RD PARTIES

In this module of the course we will discuss:

- 1) Relations of Partners to One Another (Ss. 9-17)**
- 2) Relations of Partners to Third Parties (Ss. 18-30)**
- 3) Introduction & Retirement etc. of a Partner (S. 31-38)**

Readings:

- ✚ Geoffrey Morse: *Partnership Law. Oxford University Press (2006)* (pp. 109–155-205).

- ✚ *Avtar Singh: Introduction to Law of Partnership. Eastern Book Company (2005) (pp. 36-61-88).*
- ✚ *R.C.I' Anson Banks: Lindley & Banks on Partnership. Sweet & Maxwell (2002) (pp.303-373).*

Cases:

- ❖ *Const v. Harris, (1823-24) T&R 496;*
- ❖ *Rashiklal & Co. v. CIT (1998) 2 SCC 49;*
- ❖ *Commissioner of Income-tax v. RM Chidambaram Pillai, (1977) 1 SCC 431;*
- ❖ *Bentley v Craven, (1853) 18 Beav 75;*
- ❖ *Aas v. Bienham [1891] 2 Ch 244;*
- ❖ *Devi Prasad Rai v. Kanhaiyalal Murkharya (1986) 4 SCC 5;*

MODULE NINE: DISSOLUTION AND REGISTRATION OF FIRMS

In this module of the course we will discuss:

- 1) Dissolution of Firm (39-55)**
- 2) Registration of Firms (Ss. 56-71)**

Readings:

- ✚ *William A. Gregory: The Law of Agency and Partnership. West Group (2001) (pp. 367-401).*
- ✚ *Avtar Singh: Introduction to Law of Partnership. Eastern Book Company (2005) (pp.104-150).*
- ✚ *G.C. Bharuka: Pollock & Mulla – The Indian Partnership Act. Lexis Nexis (2007) (pp. 267-311).*

Cases:

- ❖ *Abdul v. Century, AIR 1954 Kant 33;*
- ❖ *Chandrasekharan v. Kumaresan, (2000) 3 Mad LJ 475;*
- ❖ *VVP Thangaraju v. KV Perumal Chettiar & Ors. AIR 1973 SC 2572;*
- ❖ *Atwood v. Maude (1868) LR 3 Ch 373;*
- ❖ *Saligram Ruplal Khanna v. Kanwar Rajnath, (1974) 2 SCC 642;*
- ❖ *Sharad Vasant Kotak v. Ramnikal Chawda (1998) 2 SCC 877;*

REFERENCE BOOKS

- ✚ Avtar Singh, *Contract and Specific Relief* (2013), Eastern Book Company, Lucknow
 - ✚ Avtar Singh, *Law of sale of Goods* (2011), Eastern Book Company, Lucknow
 - ✚ Avtar Singh, *Introduction to Law of Partnership*, (2011), Eastern Book Company, Lucknow
 - ✚ G.C. Bharuka: *Pollock & Mulla – The Sale of Goods Act. Lexis Nexis* (2007).
 - ✚ G.C. Bharuka: *Pollock & Mulla – The Indian Partnership Act. Lexis Nexis* (2007).
 - ✚ Nilima Bhadbahde (ed.) *Pollack and Mulla, The Indian Contract and Specific Relief Act* (2103), Lexis Nexis
 - ✚ P. Ramanatha Aiyar: *Law of Sale of Goods. Universal Law Publishing Co.* (2007) (pp. 307-357).
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**National Academy of Legal Studies and Research (NALSAR)
Hyderabad, Andhra Pradesh-500 078**

SEMESTER II: B.A.LL.B

CONSTITUTIONAL LAW I

“CONSTITUTIONALISM, RIGHTS AND OBLIGATIONS”

Constitutional Law I-Constitutionalism, Rights and Obligations

COURSE PORTRAYAL

On October 29, 1958, at 5:45 in the morning, nine Chicago police officers acting without warrant forced their way into James and Flossie Monroe's home, pulled the Monroes and their six children out of bed, and forced them to stand half-naked in the living room while they ransacked the home, dumped out the drawers, tore clothes out of closets, and slit open mattresses. Officer Pape, the leader, beat James Monroe with his flashlight and called him "nigger" and "black boy"; another officer pushed Flossie Monroe; and several officers kicked and hit the children and pushed them to the floor. The officers eventually took Mr. Monroe to a station house, where he was forced to appear in a line up and was questioned for ten hours about a recent murder. He was not allowed to consult lawyers. At the end he was released-the victim of a story about a "Negro robber" concocted by the real murderers. They sued the officers under a federal civil rights statute, but the federal district court and the court of appeals rejected their right to sue. In 1961, to the surprise of many, the United States Supreme Court reversed and granted them this right. The Monroe decision opened the door to civil law suits to redress official abuse of individual rights.

The decision, moreover, was part of a much larger transformation in which the Supreme Court, for the first time in its history, began deciding and supporting individual rights and civil liberty claims in a sustained way. By the late sixties, almost 70% of its decisions involved individual rights and the Court had essentially proclaimed itself the guardian of individual rights. In the process, the court created or expanded a host of new constitutional rights, among them virtually all of the rights now regarded as essential to the constitution: freedom of speech and expression and freedom of press, right against discrimination. Undoubtedly the depth of this transformation is limited, but real and it has had important effects. This transformation is commonly called **The Rights Revolution**. The U.S. rights revolution is usually attributed to one or more of the followings: *constitutional guarantees of individual rights and judicial independence, leadership from activist judges* who have been willing to use those constitutional provisions to transform society, and the rise of rights consciousness in popular culture.

The supposed judicial activism of American Courts seems almost conservative in comparison to the Indian Courts' leading decisions. Constitution of India unlike American Constitution makes Supreme Court the custodian of civil liberties. By 1987 the Indian Supreme Court had ordered a complete reform of the country's prison administration and created, among other things, a constitutional right to a minimum wage, a constitutional right to counsel and broad new remedies against destruction of environment. The Indian Supreme Court clearly tried to spark a rights revolution-*but little happened*. Charles

Epp in his book “Rights Revolutions” has written that “right consciousness, judicial independence and presence of constitutional guarantees, and rights-supportive judges-all key conditions were met by 1978 in India. Framers have put their aspirations in the language of rights, the Indian Constitution guarantees a basic set of liberal rights, and the Indian Supreme Court is independent of the legislative and executive branches of the government, both by tradition and constitutional guarantee and today indeed it is “the most powerful court in the world”. Perhaps, most importantly, after 1977, leading judges of the Supreme Court became deeply committed to the protection of individual rights. If the standard explanations for the rights revolution are true, then India is an ideal site for a rights revolution. But according to Charles Epp, rights revolution could not occur in India like USA or Canada due to the weakness of the Indian support structure for legal mobilization.

Constitutional law at the NALSAR will be covered in two semesters viz. **Constitutional Law-I** i.e. “Constitutionalism, Rights and Obligations” and Constitutional Law II i.e. “Constitutional Principles”. This course titled **“Constitutionalism, Rights and Obligations”** will commence from the above hypothesis and would verify it during the course i.e. the authentic status of rights revolution in India.

OBJECT OF THE COURSE

The prime object of this course is to test the abovementioned proposition that up to what degree rights revolution occurred in India. The intention of this course is also to familiarize students with the concept, debates and controversies relating to the fundamental rights explicitly guaranteed by the Constitution and how Supreme Court has broadened the list beyond the explicit constitutional guarantees, with a focus on selected issues of contemporary importance such as discrimination, arbitrary action and dispersion of governmental power and affirmative action/reverse discrimination and minority rights.

DESIRED LEARNING OBJECTIVES

- To inculcate the skill of reading the Constitution.
- To identify the fundamental policy choices incorporated in the Constitution.

- To examine the historical evolution of constitutional doctrines, standards, and tests.
- The student will become familiar with the most prominent aspects of the concept of civil liberty i.e. equality and law of freedom of speech and religious freedom in India;
- You will get accustomed to the different nature of legal arguments in constitutional controversies based on the constellation of constitutional values and principles enunciated in Supreme Court majority and minority opinions.
- You will also get acquainted with the problems and lacunas of the Indian legal and judicial system if any, which weakened the Indian, support structure for legal mobilization, as claimed by Charles Epp.
- To analyze the interpretations of constitutional provisions offered by Apex Court in India.
- To understand and articulate the internal logic of an “argument,” and whether it is consistent or inconsistent with similar “arguments” previously made.
- To recognize and articulate the strengths and weaknesses of an “argument” independent of one’s level of agreement with it.
- To articulate opinions on significant, vital, controversial and current constitutional issues.
- To understand contemporary judicial thinking on civil liberties in the era of judicial activism.
- You practice in applying Constitutional Law II principles to hypothetical or real controversies, particularly through problem-solving—applying the legal principles enunciated in Supreme Court cases to particular hypothetical or real lower-court cases.
- The student will develop enhanced skills with regard to constitutional interpretation in general.

TEACHING METHODOLOGY

Teaching will be mainly done through lectures by the principal teacher, external experts and the teaching assistants. Projects including the research paper presentations would offer an opportunity to learn and appreciate deeper issues involved in the course. Group exercises may also be used for some topics.

In addition to case law and notes in the text, materials from the web shall be used to provide one with source documents and classical commentaries concerning the development and early articulation of the principles underlying our constitutional development and civil liberties as a stable democracy. One is expected to become familiar with these principles, to be able to extract those principles from the cases studied, and be able to apply those principles in a reasoned and disciplined manner to factual situations. Grades will be based primarily upon performance in the Mid-Term and final examination. Class attendance, preparation, and participation as well as your performance on written assignments which may be given will also count towards your final grade.

LECTURE PLAN

MODULES	TITLE	NUMBER OF LECTURES
MODULE ONE	INTRODUCTION TO THE AND CONSTITUTIONALISM FUNDAMENTAL RIGHTS	SIX LECTURES
MODULE TWO	THE CONCEPT OF STATE AND STATE ACTION	SIX LECTURES
MODULE THREE	RIGHT TO EQUALITY I	TEN LECTURES
MODULE FOUR	RIGHT TO EQUALITY II	TEN LECTURES
MODULE FIVE	SIX FREEDOMS	EIGHT LECTURES
MODULE SIX	LIFE AND PERSONAL LIBERTY	EIGHT LECTURES
MODULE SEVEN	THE RIGHT OF RELIGION IN THE CONSTITUTION	FOUR LECTURES
MODULE EIGHT	THE PROTECTION OF MINORITIES IN THE CONSTITUTION	SIX LECTURES
MODULE NINE	RIGHT TO CONSTITUTIONAL REMEDIES	SIX LECTURES
MODULE TEN	DIRECTIVE PRINCIPLES OF STATE POLICY & FUNDAMENTAL DUTIES	SIX LECTURES

EXPECTATION FROM YOU

25. BEFORE CLASS

- ❖ Read, study and think/write about the assigned materials thoroughly;
- ❖ Know the cases and materials well enough that you can give a summary if called upon to do so;
- ❖ Decide what issue or issues the case raises and what rules of law/principles/definitions apply to the issue;

- ❖ Be familiar with, and reflect on, the argument that the opinions give to justify
- ❖ Their application of the rules of law to the particular facts.

26. DURING CLASS

- ❖ Discuss the issues in the materials and how the Court analyzes these issues and argues for their resolution;
- ❖ Discuss justifications the various opinions given for constitutional rules and the resolution of constitutional cases, utilizing various mock settings to do so;
- ❖ Evaluate stated and unstated factual and value assumptions in the court's reasoning, including ongoing themes in constitutional values and interpretation;
- ❖ Identify flaws and strengths in the court's reasoning;
- ❖ Explore alternative arguments that might better resolve the controversies in this area;
- ❖ Explore related policy issues relevant to the cases;

27. AFTER CLASS

- ❖ Work on problems assigned to your small group with your group.
- ❖ Identify and clarify anything confusing about substantive law or application, and do the necessary work to clarify your understanding of the law and constitutional argument;
- ❖ Consider your own views about these issues, and how you would be prepared to make an argument to resolve such issues;
- ❖ Think about how the day's assignment relates to past and upcoming areas of Constitutional Law;
- ❖ Review any material assigned but not covered to make sure they know it.
- ❖ Summarize and outline course materials and class discussion.

COURSE REQUIREMENTS

Most assignments will come from the cases and/reading material/ or websites. Students are expected to not only attend class, but devote out-of-class time to reading, checking websites, and using other college resources.

ACADEMIC HONESTY

Plagiarism and Cheating are strictly prohibited. Plagiarism is defined as taking or using the thoughts, writings, or inventions of another without acknowledging him/her. It also means using direct quotations without quotation marks, as well as using the ideas of another without proper credit. Ask your instructor when in doubt. Cheating is defined as any intent to deceive the instructor in his or her effort to grade fairly. Anything that can possibly effect the fairness of grading is cheating, which I interpret to include any collaborative, mischievous, or disruptive behaviour. In this course, pay special attention to gleaning information off the Internet, and do NOT pass it off as your own, or without proper citation. Learn to paraphrase ideas in your own words. Do not purchase, borrow, or revise another student's work. Do not "double dip" an assignment you did in another class to turn it in for this one. Students indulging in such activities shall be punished according to University rules.

NOTE: *All students must keep their own copy of the bare text of the Constitution of India during the class hours.*

EVALUATION

The performance of the students on this course is assessed on the basis of 100 marks. The overall assessment of 100 marks is divided into Sessional work (30 marks), Mid-Term Examination (20 marks) and End semester examination (50 marks).

- **Sessional Work (30 Marks):** Sessional work is planned by the course teacher in his discretion. The tentative plan of the sessional work will be on the following basis:

Assessment Mode		Marks
Moot Court	Content of the Memorial	5 Marks
	References/Citation/Bibliography	5 Marks
	Arguments	10 Marks
Two Snap Tests: Cumulative		10 Marks

GROUP WORK

You will have the opportunity to work for a moot with a group of three students from class. One group of these three students will prepare a memorial on a given case for petitioner and other group of three students for the respondents. At the end of the semester the group members will submit the memorial and

would argue the case from both the sides before faculty members and their classmates.

- **Mid-Term Examination (20 Marks):** At the middle of the semester you will have to appear in the Mid-Term Examination of one and half hour and of 20 Marks. You will be eligible to appear in this exam only if you have put in 75% of attendance.
- **End semester examination (50 marks):** At the end of the semester student will appear (Subject to the rules of attendance) in End-Term exam for two and half hours and of 50 marks. Students are strongly advised to read the leading cases from the report which would enable them to solve the legal problems in the exams as most of the questions will be problem based. **Only Bare Text** (*without any commentary*) will be allowed in the examination.

COURSE CONTENT

MODULE ONE: INTRODUCTION TO CONSTITUTION, CONSTITUTIONALISM AND CIVIL LIBERTIES

A Constitution is perceived as a document that seeks to strike a delicate balance between governmental power on the one hand to accomplish the great ends of civil society and on the other to protect and safeguard individual liberty. As James

Madison put it in The Federalist Papers, “if men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. So the *telos* of any constitution, in the ontological sense must be seen in articulation of devices to control the governmental power and history of constitutionalism is nothing but the quest of political man for the limitation of absolute power. Its influence was latent in the distribution of functions among several power holders under reciprocal control and patent in the inclusion of a bill of fundamental rights.

Civil liberties perhaps are one among the most powerful concepts of the twentieth century. It has particularly acquired a central place in the post-World War II period, ever since the adoption of the Universal Declaration of Human Rights by the United Nations in 1948. While the general legitimacy and popularity of the human rights discourse has grown consistently, it has also opened up simultaneously various grey areas of ambiguity. An important area of ambiguity, which also became a widely contested terrain, is the issue of ‘origins’ of human rights. The debate has addressed, among other things, the following questions: Are human rights essentially ‘modern’ or conversely European / Western? Or, is it that human rights existed in non-western societies such as India and China and ancient religions such as Hinduism, Islam and Christianity? Whether constitution must have provisions of fundamental rights? What are the essential characteristics of fundamental rights and in what socio-political context those characteristics emerge? We will discuss following with reference to the Indian context:

- 1) **Need and uses of constitution.**
- 2) **Whether a constitution should contain a chapter on fundamental rights.**
- 3) **Constitutionalism: Idea and Significance.**
 - *Contribution of Natural Law to the idea of Constitutionalism.*
 - *Contribution of English Common Law to the idea of Constitutionalism.*
 - *Contribution of American Legal System to the idea of Constitutionalism.*
 - *Finest Hour of Constitutionalism and Death of Constitutionalism*
- 4) **Introduction to the History and Significance of the Fundamental Rights in India**
- 5) **Philosophical Foundation of Fundamental Rights.**
- 6) **The Incorporation Debate.**
- 7) **Rights Revolution.**

Readings:

- ✚ Read the **CONSTITUENT ASSEMBLY DEBATES** (Vol. III, pp. 379-421 & 431-57, 465-530)
- ✚ Constitution of India (as modified up to 2010)
- ✚ B. Shiva Rao: *The Framing of India’s Constitution* Vol. 5, pp.170-179.
- ✚ B.N. Rau: *The Making of Indian Constitution.*
- ✚ Ashish Caugh: *Fundamental Rights: Vertical or Horizontal?* (2005)7 SCC p. 9-18

- ✚ *Bruce Ackerman: The Rise of World Constitutionalism. Yale Law School Occasional Papers, 1996.*
- ✚ *Faizan Mustafa: Constitution & Article 356, Institute of Objective Studies, New Delhi, p. 1-21.*
- ✚ *Granville Austin: Working A Democratic Constitution: The Indian Experience. Oxford University Press (2002) (pp. 123,278,492 and 516)*
- ✚ *Glanville Austin: The Indian Constitution: Cornerstone of a Nation. Oxford University Press, New Delhi (1998). Chapters 8 to 10.*
- ✚ *H.M. Seervai: Constitutional Law of India: A Critical Commentary Vol.1(p. 349-399)*
- ✚ *Karl Lowenstein: Political Power and the Governmental Process. The University of Chicago Press 1965 (Chapter V)*
- ✚ *Sudhir Krishnaswamy: Democracy and Constitutionalism in India: A study of the Basic Structure Doctrine. Oxford University Press*
- ✚ *T. M. Cooley: A Treatise on the Constitutional Limitations, Hindustan Law Book Company, Calcutta, 2005.*
- ✚ *Upendra Baxi: Constitutionalism as Site for State Formative Practices. 21 Cardozo Law Review.*

Cases:

- ❖ *Sajjan Singh v. State of Rajasthan, AIR 1965 SC 845;*
- ❖ *Golaknath v. State of Punjab, AIR 1967 SC*
- ❖ *Keshvanand Bharti v. State of Kerala, AIR 1973 SC*
- ❖ *Minerva Mills Ltd v. Union of India, AIR 1980 SC 1789;*
- ❖ *Waman Rao v. Union of India, AIR 1981 SC 271;*

EXPECTED LEARNING OUTCOME

After completion of this module the students will be equipped with good understanding of:

- *Idea of constitutionalism;*
- *Place of constitutionalism in Indian Legal System;*
- *Constitutionalism and its relationship with fundamental rights;*
- *Intention of the drafters in framing various fundamental rights;*
- *Scheme of fundamental rights in Indian Constitution; and*
- *Approach of the Apex Court in interpreting fundamental rights.*

MODULE TWO: THE CONCEPT OF STATE AND STATE ACTION (Article 12 & 13)

The Constitution of India has recognized certain inherent human freedoms to be sacrosanct, which shall never be infringed. The Constitution enjoins an onerous duty upon “the State”, not to violate these rights and to protect these rights. But there should be absolutely no doubts about who the participants are in the entire process. While it is easy to identify the subjects of violation of fundamental rights, the question of identifying, who constitutes “the State” is more perplexing. Since “the State” is an abstract entity and it can act only through its agencies or instrumentalities, whether such agency or instrumentality is human or juristic. The task would have been much easier, had we been able to define “the State” as an entity that exercises the Austinian dictatorial power. But fortunately or unfortunately that is not the case as “a modern

State is certainly exposed to engage in all activities necessary for the promotion of the social and economic welfare of the community. While bodies discharging executive or legislative function are readily identifiable as “the State”, the problem areas are those, which may collectively be grouped under the expression “other authorities”, under Article 12 of the Constitution. The problem becomes more peculiar and defies a clear answer, in cases involving private action violating fundamental Rights.

The importance attached to the fundamental freedoms is so transcendental that a bill enacted by a unanimous vote of all the members of both the Houses is ineffective to derogate from its guaranteed exercise. It is not what the Parliament regards at a given moment as conducive to the public benefit, but what Part III declares protected, which determines the ambit of the freedom. There is opposite view that the inclusion of article 13 (1) and (2) in the Constitution appears to be a matter of abundant caution. Even in their absence, if any of the fundamental rights was infringed by any legislative enactment, the Court has always the power to declare the enactment; to the extent it transgresses the limits, invalid. The existence of article 13 (1) and (2) in the Constitution therefore is not material for the decision of the question what fundamental right is given and to what extent it is permitted to be abridged by the constitution itself. Whatever is the correct view, nevertheless this article explicitly denies the power of the state. We will discuss following aspects:

C. THE STATE

- 1) Purpose of defining “State” under Article 12**
- 2) Definition of State and its interpretation made by the Apex Court**
- 3) Other Authorities: Meaning and Scope of Development**
- 4) Is Judiciary State?**
- 5) Need to redefine the state under Article 12**

D. THE STATE ACTION

- 1) Article 13: Extra Caution or Abundant Caution**
- 2) Doctrine of Eclipse**
- 3) Doctrine of Waiver**
- 4) Doctrine of Severability**
- 5) Doctrine of Colourable Legislation**
- 6) Presumption of Constitutionality of statute**
- 7) Definition of Law**
- 8) Article 13 and Personal Laws**

Readings:

- ✚ Read the **CONSTITUENT ASSEMBLY DEBATES** (Vol. III pp. 410-411 & Vol. VII, pp. 607-612)
- ✚ Constitution of India (as modified up to 2010)
- ✚ B. Shiva Rao: *The Framing of India’s Constitution* (5 Vols.).
- ✚ **145th Report of the Law Commission of India on Article 12 and Public Undertakings.**
- ✚ B.N. Rau: *The Making of Indian Constitution.*
- ✚ D.J. De: *The Constitution of India.* Asia Law House, p.148-177-196

- ✦ Granville Austin: *Working of a Democratic Constitution: The Indian Experience*. Oxford University Press (2002) (pp. 123,278,492 and 516)
- ✦ Granville Austin: *The Indian Constitution: Cornerstone of a Nation*. Oxford University Press, New Delhi (1998). Chapters 8 to 10.
- ✦ H.M. Seervai: *Constitutional Law of India: A Critical Commentary Vol.3* (p. 349-399 & 400-434)
- ✦ R.K. Choudhury & T. G. Choudhury: *Judicial Reflections on Justice Bhagwati*; p. 128-138

Cases:

- ❖ **A.R. Antuley v. R.S. Nayak (1988)2SCC 602;**
- ❖ **Electricity Board, Rajasthan v. Mohan Lal AIR 1967 SC 1857;**
- ❖ *Ujjan Bai v. State of U.P.* AIR 1962 SC 1621;
- ❖ *Ramana Dayaram Shetty v. The International Airport Authority of India*, AIR 1979 SC 1628;
- ❖ **Ajay Hasia v. Khalid Mujib AIR 1981 SC 487;**
- ❖ *Central Inland Water Transport Corp. V. Brajonath Ganguly* (1986)3 SCC 156.
- ❖ **Pradeep Kumar Biswas v. Indian Institute of Chemical Biology (2002)5 SCC 111**
- ❖ *Sabhajit Tewary v. Union of India and Others*, AIR 1975 SC 1329
- ❖ *Ujjam Bai v. State of U.P.* (1963)1 SCR 778
- ❖ **Zee Telefilms Ltd. v. Union of India, AIR 2005 SC 2677**
- ❖ *State of West Bengal v. Anwar Ali Sarkar* AIR 1952 SC 75;
- ❖ *Bashshar Nath v, C.I.T* AIR 1959 SC 149;
- ❖ *State of Bombay v RMDC* AIR 1957 SC 628;
- ❖ *Gajapati Narayan Dev v State of Orissa*;
- ❖ *Bhikaji v. State of M.P.* AIR 1955 SC 781;
- ❖ *Deep Chand v. State of U.P.* AIR 1959 SC 648;
- ❖ *State of Gujrat v. Sri Ambika Mills* AIR 1974 SC 1300;
- ❖ *Dulare Lodh v. Illrd Additional judge Kanpur* AIR 1984 SC 1260;
- ❖ *Kameshwar v State of Bihar*, AIR 1965 575
- ❖ *Prafulla Kumar Mukherjee v Bank of Commerce* (AIR 1947 PC 60);

EXPECTED LEARNING OUTCOME

After completing this module students will be in position to comprehend:

- *The purpose of defining state at the beginning of the chapter of fundamental rights;*
- *Changing dimensions of the concept of state;*
- *Need to redefine the State under Article 12;*
- *State action its effect on fundamental rights; and*
- *The grounds on which constitutionality of a statute or executive action can be challenged.*

MODULE THREE: RIGHT TO EQUALITY I (ARTICLE 14)

One of the most important provisions in the Indian Constitution i.e. Article 14 mandates that the State shall not deny equality before law and equal protection of laws to any person within the territory of India. By incorporating in Article 14 the British doctrine of rule of law as propounded by Prof. Dicey and the "equal protection

of law" clause of 14th Amendment of the U.S. Constitution, the framers of our Constitution had in their zeal infused extra vigour and vitality in the right to equality. However, Parliament has repeatedly tried to curtail the scope and vigour of Article 14 in order to carry out the welfare programmes. Apart from it, the Supreme Court had sapped some of the vigour of Article 14 by showing "fanatical reverence" to the theory of classification or the nexus tests". Finally in 1974 the Supreme Court evolved the new doctrine that 'Article 14 is a guarantee against arbitrariness'. In this module of the course we will discuss various dimensions of Article 14 viz.

- 1) **Levels of Scrutiny Under the Equal Protection Clause: “Equality before the law” and “Equal Protection of Laws”**
- 2) **Separate But Equal**
- 3) **Proving Unconstitutional Discrimination**
- 4) **Doctrine of Reasonable Classification**
- 5) **Doctrine of Arbitrary State Action**
- 6) **Rights of non-citizen under the equal protection clause**

Readings:

- ✚ Read the **CONSTITUENT ASSEMBLY DEBATES** (Vol. III, pp. 457, (Vol. VII, pp. 797-8, 842-857, 859, 999-1001)
- ✚ Constitution of India (as modified up to 2010)
- ✚ B. Shiva Rao: *The Framing of India's Constitution* Vol. 5, pp.170-179
- ✚ B.N. Rau: *The Making of Indian Constitution*.
- ✚ D.J. De: *The Constitution of India*. Asia Law House, p.198 onwards
- ✚ Granville Austin: *Working A Democratic Constitution: The Indian Experience*. Oxford University Press (2002) (pp. 123,278,492 and 516)
- ✚ Glanville Austin: *The Indian Constitution: Cornerstone of a Nation*. Oxford University Press, New Delhi (1998). Chapters 8 to 10.
- ✚ H.M. Seervai: *Constitutional Law of India: A Critical Commentary* Vol.1(p.435-550)
- ✚ P. Ishwara Bhat: *Fundamental Rights*. Eastern Book House;p. 90-161
- ✚ R.K. Choudhury & T. G. Choudhoury: *Judicial Reflections on Justice Bhagwati*; p. 85-89
- ✚ Salman Khurshid: *The Concept of Equality* (1984)1 SCC p. 1-6

Cases: We will discuss in the class:

- ❖ **Ram Krishna Dalmiya v. Justice Tendolkar, AIR 1958 SC 538;**
- ❖ *Indira Nehru Gandhi v. Raj Narain*, AIR 1975 SC 2299;
- ❖ **R.K. Garg v. Union of India AIR 1981 SC 2138;**
- ❖ *Sanjeev Coke Mfg. Co. V. Bharat Cooking Coal Ltd.* (1983) 1 SCC 147;
- ❖ **Air India v. Narges Mirza, AIR 1981SC 1829;**
- ❖ **E.P. Royappa v. State of Tamil Nadu, AIR 1974 SC 555;**
- ❖ **D.S. Nakara v. Union of India AIR 1983 SC 130;**
- ❖ *K.A. Abbas v. Union of India*, AIR 1971 SC 481;
- ❖ *Mithu Singh v. State of Punjab*, AIR 1983SC 473;
- ❖ *Pradeep Jain v. Union of India*, (1984) 3 SCC 654;
- ❖ *BALCO Employees Union v. Union of India*, AIR 2002 SC 350;
- ❖ *Charan Lal Sahu v. Union of India*, (1990) 1 SCC 663;
- ❖ **In Re Special Court Bill, 1978, AIR 1979;**

- ❖ *Kathi Ranning v. State of Saurashtra*, AIR 1952 SC 123;
- ❖ *A.K.Kraipak v. Union of India*; *In Re Kerala Education Bill*, AIR 1958 SC 956
- ❖ ***Om Kumar v. Union of India*, AIR 2000 SC 3689**

EXPECTED LEARNING OUTCOME

At the end of this module all of you will be well familiarized with the:

- *Import of doctrine of equality under Article 14 of the Constitution;*
- *Difference between twin concepts “Equality before the law and Equal Protection of Laws”;*
- *Limitations on Equality Principle in India viz. Reasonable Classification Doctrine; and*
- *Various other dimensions of Article 14 viz. Doctrine of Arbitrariness etc.*

MODULE FOUR: RIGHT TO EQUALITY II (ARTICLE 15 & 16)

With an entire chapter dedicated to “Fundamental Rights,” the Indian Constitution prohibits any discrimination based on religion, race, caste, sex, and place of birth. Affirmative action policies to increase access to education and employment have been at the core of public policies towards historically disadvantaged or non-dominant groups in the country. India has had perhaps the longest histories of affirmative action to counter caste and ethnic discrimination and produced the most controversial constitutional policy of the country. As of now, the total reservation quota stands at 50% in many states of India and this includes the SCs, STs, and the OBCs. The trend seems to have shifted to reverse discrimination rather than mere affirmative action. Some backward class elites have gained political and/or economic power based on this reservation. However, a majority of the backward classes is not living any differently than before. Their subsistence is meager and rural lifestyles do not provide them with any of the benefits. Thus, a distinct economic class system exists within the backward classes. Since economic status is not a test used, undeserving people gain the advantages and the deserving ones are still without a significant change in their situations. This sorry state of affairs is a result of political factors and the social policies existing in a society in which, the old caste prejudices and discriminations. Those who are loud in their criticism of reservations invariably belong to the dominant groups, who have been enjoying the benefits of, if not a monopoly over, education, wealth, land, and public services in India. On the other hand, the worst victims of the condemnation, persecution and exploitation of contemporary society have been the untouchables, unseeables, unapproachables, and women. As Das says in his article, “There is a difference between a bird’s point of view and the worm’s point of view.

1) No Discrimination on the Grounds of Religion, Sex, Caste etc.

2) Positive discrimination/Affirmative Action

a. Women and Children

b. Socially and Educationally Backward Classes

c. Reservation in Admissions in Educational Institutions

d. Reservation in Super-speciality Courses

3) Equality of Opportunity in the Matters of Employment

4) Reservation in Services

5) Reservation for Backward Classes: The Mandal Commission Case

6) Concept of Creamy Layer

7) Reservation in Promotion/Seniority

Readings:

- ✦ Read the **CONSTITUENT ASSEMBLY DEBATES** (Vol. III, pp. 410-1, (Vol. VII, p. 650-660)
- ✦ Constitution of India (as modified up to 2010)
- ✦ B. Shiva Rao: *The Framing of India's Constitution* Vol. 5, pp.170-179
- ✦ Ashok Chandra: *Other Backward Classes: Not Caste but Economic and Other Basis* (1984) 3 SCC p. 22-31
- ✦ Anirudh Krishnan & Harini Sudersan: *Law of Reservation & Anti-Discrimination*. LexisNexis-Butterworths Wadhwa Nagpur. 2008
- ✦ B.N. Rau: *The Making of Indian Constitution*.
- ✦ D.J. De: *The Constitution of India*. Asia Law House, p.417 onwards
- ✦ Granville Austin: *Working of A Democratic Constitution: The Indian Experience*. Oxford University Press (2002) (pp. 123,278,492 and 516)
- ✦ Granville Austin: *The Indian Constitution: Cornerstone of a Nation*. Oxford University Press, New Delhi (1998). Chapters 8 to 10.
- ✦ H.M. Seervai: *Constitutional Law of India: A Critical Commentary* Vol.1(p.550-692)
- ✦ Thomas E. Weisskopf: *Affirmative Action in United States and India*, Routledge Taylor & Francis Group

Cases: We will discuss following cases:

- ❖ *State of Madras v. Champkan Dorairajan*, AIR 1951 SC 226;
- ❖ *Yusuf Abdul Aziz v. State of Bombay*, AIR 1954 SC 321;
- ❖ *M. R. Balaji v. State of Mysore*, AIR 1963 SC 649;
- ❖ *Chitrallekha v. State of Mysore*, AIR 1964 SC 1823
- ❖ *T. Devadasan v. Union of India*, AIR 1964 SC 179;
- ❖ *State of Kerala v. N.M. Thomas*; (1976)2 SCC 310
- ❖ *State of M.P. v. Nivedita Jain* AIR 1981 SC 2045;
- ❖ ***Indira Sawhney v. Union of India*, AIR 1993 SC 477 (The Mandal Commission Case);**
- ❖ ***Indira Sawhney v. Union of India*, (1999) Supp 5 SCC 557 (559);**
- ❖ ***Dr. Preeti Srivastava v. State of Madhya Pradesh*, (1999)7 SCC 120**
- ❖ *T.M.A. Pai Foundation v. State of Karnataka* (2002) 8 SCC 481
- ❖ *E. V. Chinnaian v. State of Andhra Pradesh*, (2005)1 SCC 394
- ❖ ***P.A. Inamdar v. State of Maharashtra*, (2005) 6 SCC 537;**
- ❖ ***Ashok Kumar Thakur v. State of Bihar* (2008)6 SCC 1.**

We will also discuss some important cases viz. **Regents of the University of California v Bakke, Baker v. Carr, Marbury v. Madison; Grutter v Bollinger, and Richmond v J. R. Croson** decided by the decided by the US Supreme Court on affirmative action.

EXPECTED LEARNING OUTCOME

By the end of this module students will be in position to understand:

- *The design of affirmative action in India;*
- *The legal and constitutional issues in relation to caste based reservation;*
- *The controversy related to caste-based reservation; and*

- *The Judicial Trend in this regard and the current law.*

MODULE FIVE: SIX FREEDOMS (ARTICLE 19)

Freedom is regarded by many as the pre-eminent political value, but what does it mean to be free? Do we have to justify freedom, or do it we take it as axiomatic that we should be free, and that it is restrictions on freedom which require justification? And what are those justifications? If we go into the street and survey people's attitude to freedom, we might find that they favour the freedom to do things of which they approve, but are in favour of the state using its power to restrict freedom to do things that they dislike. Is there then any principled way to establish what we should be free to do? At the core of the freedom is the idea of "choice" but can we choose to do anything we want. Article 19 of the Indian Constitution guarantees such kind of freedoms only to the citizens and also reasonable restriction on them to be imposed by the state. The module covers various freedoms guaranteed under Article 19(1) and reasonable restrictions on them under Article 19(2)-(6):

A. Freedom of Speech and Expression

- Philosophical Justification of the Freedom**
- Importance of Freedom of Speech and Expression**
- Freedom of Press**
- Right to Information**
- Reasonable Restrictions**

B. Freedom to Assemble and form Association

- Philosophical Justification and Importance of this freedom**
- Right of Government Servant to form Association**
- Reasonable Restrictions**

C. Freedom of Movement and Residence

- Importance of this Freedom**
- The Recent Controversy created by Raj Thackeray**
- Reasonable Restrictions**

D. Freedom to Carry on Trade and Commerce

- State Monopoly**
- Reasonable Restrictions**

Readings:

- ✚ Read the **CONSTITUENT ASSEMBLY DEBATES** (Vol. III, pp. 445-456, (Vol. VII, p. 730-760)
- ✚ Constitution of India (as modified up to 2010)
- ✚ B. Shiva Rao: *The Framing of India's Constitution* Vol. 5, pp.179-211
- ✚ B.N. Rau: *The Making of Indian Constitution.*
- ✚ D.J. De: *The Constitution of India.* Asia Law House, p.819 onwards
- ✚ Granville Austin: *Working A Democratic Constitution: The Indian Experience.* Oxford University Press (2002) (pp. 123,278,492 and 516)
- ✚ Glanville Austin: *The Indian Constitution: Cornerstone of a Nation.* Oxford University Press, New Delhi (1998). Chapters 8 to 10.
- ✚ H.M. Seervai: *Constitutional Law of India: A Critical Commentary* Vol.1(p.693-947)
- ✚ H.R. Khanna: *Freedom of Expression with Particular Reference to Freedom of the Media*,(1982)2SCC p. 1-9
- ✚ P. Ishwara Bhat: *Fundamental Rights.* Eastern Book House; p. 353-407

- ✚ P.K. Tripathi: *India's Experiment in Freedom of Speech: The First Amendment and Thereafter (Spotlights on Constitutional Interpretation)*, p.255-290
- ✚ R.K. Choudhury & T. G. Choudhoury: *Judicial Reflections on Justice Bhagwati*; p. 39-92 & 139-163

Cases:

- ❖ *Brij Bhushan v. Delhi*, AIR 1950 SC 129
- ❖ *Express Newspapers v. Union of India*, AIR 1958 SC 578
- ❖ *Hamdard Dawakhana v. Union of India*, AIR 1960 SC 554
- ❖ ***Sakal Papers v. Union of India* AIR 1962 SC 305**
- ❖ *O.K. Ghosh v. E.X. Joseph*, AIR 1963 SC 812
- ❖ *Kharag Singh v. State of U.P.* AIR 1963 SC 1295
- ❖ *K.A. Abbas v. Union of India* AIR 1971 SC 481
- ❖ ***Bennett Coleman v. Union of India*, AIR 1973 SC 106;**
- ❖ *Maneka Gandhi v. Union of India*, AIR 1978 SC 597
- ❖ ***Indian Express Newspapers(Bombay)Pvt. Ltd. v. Union of India* AIR 1986 SC 515**
- ❖ ***Bijoe Emmanuel v. State of Kerala*, AIR 1987 SC 748;**
- ❖ *Printers (Mysore) Ltd. v. Assistant Commercial Tax Officer* (1994)2 SCC 434
- ❖ *New York Times v. Sullivan*, 376 US 254
- ❖ *Leonard Hector v. Attorney General of Antiqua and Barbuda*, (1990)2AC 312
- ❖ *Derbyshire County Council v. Times Newspaper Ltd.* (1993)2 WLR 449
- ❖ ***R. Rajgopal v. State of Tamilnadu*, AIR 1995 SC 264**
- ❖ *Bharat Kumar K. Palicha v. State of Kerala*, AIR 1997 Ker.291
- ❖ *Communist Party of India v. Bharat Kumar*, AIR 1998 SC 184

EXPECTED LEARNING OUTCOME

After completion of this module students will be well aware of:

- *The values underlying in various freedoms of Article 19 and mainly the freedom of speech and expression;*
- *Freedom available to the Press and Media in India;*
- *The concept of reasonable restrictions;*

MODULE SIX: LIFE AND PERSONAL LIBERTY (ARTICLE 20, 21 & 22)

Article 21 of the Constitution deals with prevention of encroachment upon personal liberty. It assures the right to live with human dignity, free from exploitation. The state is under a constitutional obligation to see that there is no violation of the fundamental right of any person, particularly when he belongs to the weaker section of the community and is unable to wage a legal battle against a strong and powerful opponent who is exploiting him. Both the Central Government and the State Government are therefore bound to ensure observance of the various social welfare and labour laws enacted by Parliament for the purpose of securing to the workmen a life of basic human dignity in compliance with the directive principles of the state policy. The meaning of the word life includes the right to live in fair and reasonable conditions, right to rehabilitation after release, right to livelihood by legal means and decent environment. In this module of syllabus we will discuss:

A. Article 20

- a) **Protection Against Ex-Post Facto Law**
- b) **Protection Against Double Jeopardy**
- c) **Protection Against Self-Incrimination**

❖ **Constitutional Validity of Narco-Analysis Test**

B. Article 21

- a) The Right to **'Life'** and **'Personal liberty'**
- b) **Due Process: Substantive Due Process and Procedural Due Process with reference to the fourteenth amendment of American Constitution vis-a-vis Procedure Established by Law**
- c) **Cruel and Unusual Punishment, Constitutionality of Capital Punishment**
- d) **Right to Die**
- e) **The Right of Privacy**
- f) **The Right to Abortion**
- g) **Decriminalization of Homosexuality**

C. Rights of Accused and Persons Detained under Preventive Detention Laws (Article 22)

Readings:

- ✚ Read the **CONSTITUENT ASSEMBLY DEBATES** (Vol. VII- p. 53-54, 848-852, 1000-1001)
- ✚ Constitution of India (as modified up to 2010)
- ✚ B. Shiva Rao: *The Framing of India's Constitution* Vol. 5, pp.179-211
- ✚ **180th Report of the Law Commission of India on Self Incrimination**
- ✚ Abhinav Chandrachud: *The Substantive Right to Privacy: Tracing the Doctrinal Shadows of the Indian Constitution.*(2006)3 SCC p. 31-50
- ✚ Ashish Caugh: *A Reassessment of The Self-Incrimination Clause*(2006)8 SCC p.19-32
- ✚ B.N. Rau: *The Making of Indian Constitution.*
- ✚ D.J. De: *The Constitution of India.* Asia Law House, p.1085 onwards
- ✚ Dr. Parmanand Singh: *Equality, Reservation and Discrimination in India*, Deep and Deep Pub. New Delhi.
- ✚ Granville Austin: *Working of A Democratic Constitution: The Indian Experience.* Oxford University Press (2002) (pp. 123,278,492 and 516)
- ✚ Glanville Austin: *The Indian Constitution: Cornerstone of a Nation.* Oxford University Press, New Delhi (1998). Chapters 8 to 10.
- ✚ H.M. Seervai: *Constitutional Law of India: A Critical Commentary* Vol.2(p.1088-1258)
- ✚ Justice A.M. Bhattacharjee: *Article 21 and Due Process and "Exclusionary Rule of Evidence.* (1983)3SCC p.32-40
- ✚ P. Ishwara Bhat: *Fundamental Rights.* Eastern Book House;p. 279-338
- ✚ P.K. Tripathi: *The Fiasco of Overruling, A.K. Gopalan, AIR 1990 (J) 1.*
- ✚ P.K. Tripathi: *Protection of Personal Liberty under the Indian Constitution. (Spotlights on Constitutional Interpretation), p.161-167*
- ✚ P.K. Tripathi: *Preventive Detention: The Indian Experience (Spotlights on Constitutional Interpretation), p.187-212*
- ✚ R.K. Choudhury & T. G. Choudhoury: *Judicial Reflections on Justice Bhagwati;* p. 93-101
- ✚ Solil Paul: *Was Due Process Due?—A Critical Study of the Projection of "Reasonableness" in Article 21 Since Maneka Gandhi. (1983)1SCC p.1-10*

Cases: We will discuss important cases including:

- ❖ **A.K. Gopalan v. State of Madras, [1950] SCR 88**
- ❖ **Maneka Gandhi v. Union of India, AIR 1978 SC 597**
- ❖ *Bandhua Mukti Morcha v. Union of India, AIR 1984 SC 802;*
- ❖ *Bhim Singh v. State of Jammu & Kashmir, AIR 1986 SC 494;*
- ❖ *Bijoe Emmanuel v. State of Kerala, AIR 1987 SC 748;*
- ❖ *Civil Rights Committee v. Union of India, AIR 1983 Kant 85;*
- ❖ *D.K. Basu v. State of West Bengal, AIR 1997 SC 610;*
- ❖ **Francis Coralie Mullin v. Administrator, Union Territory of Delhi, AIR 1981 SC 746;**
- ❖ *Gaurav Jain v. Union of India, AIR 1997 SC 3012;*
- ❖ **Govind v. State of Madhya Pradesh, AIR 1975 SC 1378;**
- ❖ *Hussainara v. Home Secretary, State of Bihar, AIR 1979 SC 1360 ;*
- ❖ *Indian Council for Enviro-Legal Action v. Union of India, AIR 1996 SC 1446;*
- ❖ **J.P. Unnikrishnan v. State of Andhra Pradesh, AIR 1993 SC 2178;**
- ❖ *Kanu Sanyal v. District Magistrate, AIR 1973 SC 2684;*
- ❖ **Kharak Singh v. State of Uttar Pradesh, AIR 1963 SC 1295;**
- ❖ *Khatri(II) v. State of Bihar, AIR 1981 SC 928;*
- ❖ *M.H. Hoskot v. State of Maharashtra, AIR 1978 SC 1548;*
- ❖ *Nandini v. Dani, AIR 1978 SC 1025;*
- ❖ *Narmada Bachao Andolan v. Union of India, AIR 2000 SC 3751;*
- ❖ *National Human Rights Commission v. State of Arunachal Pradesh, AIR 1996 SC 1234;*
- ❖ **Nilabati Behera v. State of Orissa, AIR 1993 SC 1960;**
- ❖ **Olga Tellis v. Bombay Municipal Corporation, AIR 1986 SC 180;**
- ❖ **P. Rathinam Nagbhusan Patnaik v. Union of India, JT (1994) 3 SC 392;**
- ❖ *Parmanand Katara v. Union of India, AIR 1989 SC 2039;*
- ❖ *Paschim Bangal Khet Mazdoor Society v. State of West Bengal, AIR 1996 SC 2426;*
- ❖ *People Union for Civil Liberties (PUCL) v. Union of India, AIR 1997 SC 568;*
- ❖ *People's Union for Civil Liberties v. Union of India, AIR 1997 SC 568;*
- ❖ *People's Union for Democratic Rights v. Police Commissioner, (1989) 4 SCC 730;*
- ❖ *Rohtas Industries Ltd. v. Rotas Industries Ltd., AIR 1990 SC 481;*
- ❖ *Rudul Shah v. State of Bihar, AIR 1983 SC 1086;*
- ❖ *Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh, AIR 1989 SC 594;*
- ❖ *Saheli v. Commissioner of Police, AIR 1954 SC 513;*
- ❖ *Satwant v. State of Punjab, AIR 1960 SC 266;*
- ❖ **Sebastian Hongray v. Union of India, AIR 1984 SC 571;**
- ❖ *Sheela Barse v. Secretary, Children Aid Society, AIR 1983 SC 378;*
- ❖ *Sheela Barse v. Union of India, AIR 1986 SC 1773;*
- ❖ **Smt. Selvi & Ors. v. State of Karnataka, AIR 2010 SC**
- ❖ *Union of India v. Prakash P. Hinduja, AIR 2003 SC 2562;*

We will also discuss cases decided by US Supreme Court and European Court of Human Rights for example: Francis v. Resweber, Ingraham v. Wright, Furman v. Georgia, Hudson v. McMillan, and Roper v. Simmons. Meyer v. Nebraska, Griswold v. Connecticut, Stanley v. Georgia, Ravin v. State, Kelley v. Johnson, Cruzan v. Missouri Department of Health, and Lawrence v. Texas. Roe v. Wade and Planned Parenthood v. Casey etc

EXPECTED LEARNING OUTCOME

After completion of this module the students will be equipped with good understanding of:

- The meaning of life and personal liberty;
- The meaning and difference between “procedure established by law and Due Process of Law”;
- Expanding horizons of right to life and personal liberty;

MODULE SEVEN: THE RIGHT OF RELIGION IN THE CONSTITUTION (ARTICLE 25 and 26)

India, a multi-religious state, is well known to be the land of philosophy and spirituality. It is home to the adherents of all the major religions of the world. Religion in India is the integral part of the Indian tradition and culture. The drafters of the constitution though were prompted to create a secular state, but they were aware of this fact that ‘left to itself, religion on its own basis could permit orthodox practices and indulge in social evils’. They were also aware that it was necessary to bring about social reforms with the view to lifting India out of medievalism, obscurantism, blind superstition and antisocial practices. With this view various provisions were made in the constitution to guarantee the freedom of conscience of the citizens and at the same time this assurance that religion should not be a hindrance to social transformation. In this module we will discuss following issues:

- 5) Concept of Secularism vis-a-vis Right of Religion**
- 6) Right of practice, profess and propagate any religion and conscience**
- 7) Restrictions on Freedom of religion**
- 8) Conversion and Anti-Conversion Laws**
- 9) Is Uniform Civil Code Solution?**

Readings:

- ✚ **Read the CONSTITUENT ASSEMBLY DEBATES (Vol. VII p. 831-837)**
- ✚ Constitution of India (as modified up to 2010)
- ✚ B. Shiva Rao: *The Framing of India’s Constitution* Vol. 5, pp.257-272.
- ✚ B.N. Rau: *The Making of Indian Constitution.*
- ✚ D.J. De: *The Constitution of India.* Asia Law House, p.1413-1446
- ✚ Justice Dharmadhikari: *Right of Freedom of Religion and Faith: India’s Legal Tradition.*(2007)1SCC p.8-13
- ✚ Granville Austin: *Working A Democratic Constitution: The Indian Experience.* Oxford University Press (2002) (pp. 123,278,492 and 516)
- ✚ Glanville Austin: *The Indian Constitution: Cornerstone of a Nation.* Oxford University Press, New Delhi (1998). Chapters 8 to 10.
- ✚ H.M. Seervai: *Constitutional Law of India: A Critical Commentary* Vol.2(p.1259-1308)
- ✚ Harry E. Groves: *Religious Freedom*,4 JILI, 191 (1962)
- ✚ P. Ishwara Bhat: *Fundamental Rights.* Eastern Book House; p. 408-450
- ✚ P.K. Tripathi: *Secularism and Judicial Review (Spotlights on Constitutional Interpretation)*, p.100-125
- ✚ V.K. Sinha: *Dr. Radhakrishnan in Secularism in India* (1968) p.127

Cases:

- ❖ *Rev. Stainislaus v. State of Madhya Pradesh*, AIR 1977 SC 908
- ❖ *Gulam Abbas v. State of U.P.* AIR 1981 SC 2198
- ❖ *Bijoe Emmanuel v. State of Kerala*, AIR 1987 SC 748
- ❖ *S.R. Bommai v Union of India*, AIR 1994 SC 1918
- ❖ *M.Ismail Faruqui v. Union of India*, AIR 1995 SC 604
- ❖ *Lily Thomas v. Union of India*, AIR 2000 SC 1650
- ❖ *Church of God (Full Gospel) in India v. K.K.R.M.C. Welfare Association*, AIR 2000 SC 2773

EXPECTED LEARNING OUTCOME

After discussing this module students will be in situation to figure out:

- *The importance and status of freedom of religion in a secular constitution;*
- *Restrictions on freedom of religion;*
- *Issues and controversies related to conversion and anti-conversion;*
- *Need of Uniform Civil Code in India?*

MODULE EIGHT: THE PROTECTION OF MINORITIES IN THE CONSTITUTION (ARTICLE 29 and 30)

Protection of minorities is the hallmark of a *civilization*. According to Gandhiji the claim of a country to civilization depends on the treatment it extends to the minorities. Lord Acton added a dimension: “The most certain test by which we judge whether a country is really free is the amount of security enjoyed by minorities”.

Rights of minorities figured prominently in the Constituent Assembly our founding fathers were deeply concerned to ensure full meaningful protection to the members of the minority community individually and collectively. The minority communities, in particular Muslims, the Christians and the Sikhs, were apprehensive that their civil and political rights may be ridden roughshod by the majority community despite the secular pretensions of independent India. In the initial stages, the minorities insisted that the system of separate electorates should continue as in the past. Nationalists in India opposed this demand because it was based on and recognized communal or religious separatism. Separate electorates were incompatible with the goal of secular democracy to which the Indian nation was committed. At the same time, some method had to be found by which minorities were not ignored or swamped. Popular legislature swayed by passion and prejudice may well trample upon the rights of the minorities, especially unpopular minorities.

Accordingly, special safeguards were guaranteed to the minorities and were incorporated in the chapter on fundamental rights with a view to install in them a sense of confidence and security. In this module we will discuss:

- 1) Definition of Minority**
- 2) Why Minorities Need Special Protection?**
- 3) Constitutional Safeguards: USA, Canada, Europe and India**
- 4) Rights of Minorities to establish and administer educational institutions: Problems of Affiliation, Admission, Reservation**
- 5) Relation Between Article 29 and 30 of the Constitution**

Readings:

- ✦ Read the **CONSTITUENT ASSEMBLY DEBATES** (Vol. III, pp. 497-504, (Vol. V, p. 396-402, Vol. VII, pp. 895, 897-9)
- ✦ Constitution of India (as modified up to 2010)
- ✦ B. Shiva Rao: *The Framing of India's Constitution* Vol. 5, pp.272-281
- ✦ B.N. Rau: *The Making of Indian Constitution*.
- ✦ D.J. De: *The Constitution of India*. Asia Law House, p.1472-1547
- ✦ Granville Austin: *Working A Democratic Constitution: The Indian Experience*. Oxford University Press (2002) (pp. 123,278,492 and 516)
- ✦ Glanville Austin: *The Indian Constitution: Cornerstone of a Nation*. Oxford University Press, New Delhi (1998). P.50-113
- ✦ H.M. Seervai: *Constitutional Law of India: A Critical Commentary* Vol.2 (p.1309-1353)
- ✦ P. Ishwara Bhat: *Fundamental Rights*. Eastern Book House; p. 451-500

Cases:

- ❖ *State of Bombay v. Bombay Educational Society* AIR 1954 SC 561
- ❖ ***In Re Kerala Education Bill, AIR 1958 SC 956***
- ❖ *S. Azeez Basha v. Union of India* AIR 1968 SC 662
- ❖ ***Rev. Father W. Proost v. State of Bihar, AIR 1969 SC 465***
- ❖ ***State of Kerala v. Mother Provincial, AIR 1970 SC 2079***
- ❖ *S.K. Patro v. State of Bihar, AIR 1970 SC 259*
- ❖ *D. A.V. College, Jullundur v. State of Punjab, AIR 1971 SC 1737*
- ❖ ***Ahmadabad St. Xavier's College v. State of Gujarat AIR 1974 SC 389***
- ❖ *Managing Board M.T.M. v. State of Bihar, AIR 1984 SC 1757*
- ❖ ***St. Stephen's College v. University of Delhi AIR 1992 SC 1630***
- ❖ ***T.M.A. Pai Foundation v. State of Karnataka (2002) 8 SCC 481***
- ❖ ***Islamic Academy of Edn. & Anr. vs. State of Karnataka & Ors, AIR 2003 SC 3724***
- ❖ ***P.A. Inamdar v. State of Maharashtra, (2005) 6 SCC 537;***

EXPECTED LEARNING OUTCOME

By the end of this unit students will be in position to appreciate:

- *The need and justifications for giving far-reaching constitutional protection to minority communities in India;*
- *The constitutional protection of minorities;*
- *The minorities right to establish and administer educational institutions; and*
- *Interpretation of minority rights by the Supreme Court of India.*

MODULE NINE: RIGHT TO CONSTITUTIONAL REMEDIES (ARTICLE 32)

Framers of the Indian Constitution after dedicating a full chapter on fundamental rights were still conscious about this fact that 'a mere enumeration of rights, even if it is meticulously worked is not enough. What is needed is a provision for its enforcement, and avenue for redressal? Article 32 of Indian Constitution enshrines

this provision whereby individual may seek redressal for the violation of their fundamental rights from the Apex Court of the land. In this sense, this provision of the constitution is really, novel one as Justice B.P. Gajendragadkar has observed that “it is a very distinguishing feature of the Indian constitution and it is the cornerstone of the democratic edifice raised by the Constitution. Dr. Ambedkar, the Chief Architect of the Constitution observed in the Constituent Assembly that *“If I was asked to name any particular Article in the Constitution as the most important — an Article without which this Constitution would be a nullity— I could not refer to any other Article except this one i.e. Article 32. It is the very soul of the Constitution and the very heart of it.”*

- 15) **Right to move to the Supreme Court**
- 16) **Obligation or Discretion of the Supreme Court to provide remedy**
- 17) **Article 32 vis-a-vis Article 226**
- 18) **Remedies under Article 32**
 - a. **Remedy in the form of Writs(*Mandamus, Habeas Corpus, Quo Warranto, Prohibition and Certiorari*)**
 - b. **Remedy in the form of Directions**
 - c. **Remedy in the form of Order**
 - d. **Remedy in the form of Compensation**
- 19) **Development of Public Interest Litigation/Social Action Litigation**
- 20) **Restrictions on the Right to Constitutional Remedy**

Readings:

- ✚ Read the **CONSTITUENT ASSEMBLY DEBATES** (Vol. III, pp. 520-2, (Vol. VII, p. 933-950)
- ✚ Constitution of India (as modified up to 2010)
- ✚ B. Shiva Rao: *The Framing of India's Constitution*, Vol. 5, pp.300-319.
- ✚ B.N. Rau: *The Making of Indian Constitution*.
- ✚ D.J. De: *The Constitution of India*. Asia Law House, p.1472-1547
- ✚ Granville Austin: *Working A Democratic Constitution: The Indian Experience*. Oxford University Press (2002) (pp. 123,278,492 and 516)
- ✚ Glanville Austin: *The Indian Constitution: Cornerstone of a Nation*. Oxford University Press, New Delhi (1998). P.50-113
- ✚ G. Vethirajulu: *Article 32 and the Remedy of Compensation*. (2004) 7 SCC p.49-60
- ✚ H.M. Seervai: *Constitutional Law of India: A Critical Commentary* Vol.2(p.1309-1353)
- ✚ Nirmalendu Bikash Rakshit: *Right to Constitutional Remedy*. Economic and Political Weekly(1999) August 21-28
- ✚ P. Ishwara Bhat: *Fundamental Rights*. Eastern Book House; p. 451-500

Cases:

- ✚ *State of Madras v. V. G. Row*, AIR 1952 SC 196
- ✚ *Daryao v. State of Uttar Pradesh*, AIR 1961 SC
- ✚ *Bandhua Mukti Morcha v. Union of India*, AIR 1984 SC 802;
- ✚ *P. L. Lakhanpal v. Union of India*, AIR 1967 SC 908
- ✚ *Lallubhai . Union of India*, AIR 1981 SC 728

EXPECTED LEARNING OUTCOME

After completion of this module the students will be equipped with good understanding of:

- The importance of Article 32 as it is referred by Dr. B.R. Ambedkar the soul of Indian Constitution;
- The nature of right under Art. 32 i.e. whether is right or discretion of the Apex Court to provide remedy;
- Power of Supreme Court to issue writs, order and directions; and
- Expanding horizons of right of constitutional remedies viz. Public Interest Litigation and Social Action Litigation.

MODULE TEN: DIRECTIVE PRINCIPLES OF STATE POLICY & FUNDAMENTAL DUTIES

The directive principles of state policy were borrowed from the Constitution of Ireland. The makers of the constitution of India were influenced by Irish Nationalist Movement. Hence they borrowed the directive principle of social policy in the name of DPSP. It represents not the temporary will of a majority in the power but the deliberate wisdom of the nation. Directive Principles set forth in Part IV of the Constitution are intended to be principles fixed by the Constitution for directing state policy whatever party may come into power. This is probably Magna Carta of social, economic and cultural rights. Dr. Ambedkar had categorically mentioned that the Directive Principles of State Policy were not intended to be mere pious declaration. They were instead in the nature of an instrument of instructions and whoever captured power will have to respect these. These principles inter alia envisage an end to economic exploitation and staggering inequalities and cast upon the state the duty to secure a just social order and establish a welfare state. In this model we will structure our discussions around followings:

- 3) Nature and Object of Directive Principles of State Policy.**
- 4) Directive Principles of State Policy: Sentiment or Sense?**
- 5) Directive Principles of State Policy vis-a-vis Fundamental Rights**
- 6) Harmonious Construction of Directive Principles and Fundamental Rights**
- 7) Importance of Fundamental Duties**

Readings:

- ✚ **Read the CONSTITUENT ASSEMBLY DEBATES (Vol. VII, p. 41-44 & Vol. V, pp. 361-78)**
- ✚ Constitution of India (as modified up to 2010)
- ✚ *B. Shiva Rao: The Framing of India's Constitution, Vol. 5, pp. 319-334*
- ✚ *B.N. Rau: The Making of Indian Constitution.*
- ✚ *D.J. De: The Constitution of India. Asia Law House, p. 1611-1616*
- ✚ *Glanville Austin: The Indian Constitution: Cornerstone of a Nation. Oxford University Press, New Delhi (1998). P. 75-84 & 113*

- ✚ H.M. Seervai: *Constitutional Law of India: A Critical Commentary Vol.2* (p.1921-2020)
- ✚ M.P. Singh: *The Statics and Dynamics of the Fundamental Rights and Directive Principles---A Human Right's Perspective*. (2003) 5 SCC p.1-14
- ✚ P.K. Tripathi: *Directive Principles of State Policy: The Lawyer's Approach to Them Hitherto, Parochial, Injurious and Unconstitutional (Spotlights on Constitutional Interpretation)*, p.291-322
- ✚ R.K. Choudhury & T. G. Choudhury: *Judicial Reflections on Justice Bhagwati*; p. 117-125
- ✚ Videh Upadhyay: *Public Interest Litigation in India*. LexisNexis, Butterworths, p. 103-138

Cases: **Our main cases will be**

- ❖ **State of Madras v. Champkan Dorairajan, AIR 1951 SC 226;**
- ❖ *Kameshwar Singh v. State of Bihar*, AIR 1951 SC;
- ❖ *Shankari Prasad v. Union of India*, AIR 1951 SC 455;
- ❖ *Sajjan Singh v. State of Rajasthan*, AIR 1965 SC 845;
- ❖ *Balmadies Plantation Ltd. v. State of Tamilnadu*, (1972)2 SCC 133;
- ❖ **Excel Wear v. Union of India, AIR 1979 SC 25;**
- ❖ **R.C.Cooper v. Union of India; 1970 AIR SC 1318**
- ❖ *Madhav Rao Schidia v. Union of India*; (1971) 1 SCC 85
- ❖ *Keshavananada Bharati v. State of Kerala*, AIR 1973 SC 1461
- ❖ **Minerva Mills Ltd v. Union of India, AIR 1980 SC 1789;**
- ❖ **Waman Rao v. Union of India, AIR 1981 SC 271;**
- ❖ **I.R.Coelho v. State of Tamil Nadu& Others, AIR 2007 SC.**

EXPECTED LEARNING OUTCOME

At the end of this module all of you will be well familiarized with the:

- *Philosophy of Directive Principles of State Policy;*
- *Importance and justifiability of DPSP;*
- *Fundamental rights vis-a-vis Directive Principles of State Policy;*
- *Role of the State in giving effect to various principles of part IV; and*
- *Role of courts in giving effect to Directive Principles of State Policy.*

Wish you good luck!

REFERENCE BOOKS

- ✚ Asim Pandya: Writs and Other Remedies, LexisNexis: Butterworths Wadhwa, Nagpur.
- ✚ Asbjorn Eide, Catarina Krause and Allan Rosas: Economic, Social and Cultural Rights, Martinus Nijhoff Publishers.
- ✚ A.V. Dicey: An Introduction to the Study of the Law of the Constitution. Universal Law Publishing Co.
- ✚ Chemerinsky: Constitutional Law: ASPEN Publishers 2005.
- ✚ Donald P. Kommers, John E. Finn and Gary J. Jacobsohn, Rowman & Littlefield Publishers.
- ✚ Durga Das Basu: Constitutional Law of India. Butterworth LexisNexis 2009.
- ✚ Ellis Sandoz: The Roots of Liberty, Liberty Fund Indianapolis. 2008
- ✚ John Macdonald QC, Ross Crail and Clive H. Jones: The Law of Freedom of Information, Oxford Press.
- ✚ M.R. Mallick: Writs: Law and Practice. Eastern Law House
- ✚ Nicholas Tsagourias: Transnational Constitutionalism: International and European Perspectives. Cambridge University Press.
- ✚ P. Ishwara Bhat: Fundamental Rights: A Study of Their Relationship. Eastern Law House.
- ✚ Richard A. Epstein: Economics of Constitutional Law (2 Vols.) An Elgar Reference Collection.
- ✚ Tony Blackshield & George Williams: Australian Constitutional Law and Theory. The Federation Press.
- ✚ T. M. Cooley: *A Treatise on the Constitutional Limitations*, Hindustan Law Book Company, Calcutta, 2005.
- ✚ [Thomas M. Cooley](#): The General Principles of Constitutional Law in the United States of America, Hindustan Law Book Company.

★★★★★★★★★★★★★★

English-II (Law and Literature)

2nd year B.A., LL.B. (Hons.) [January-April 2016]

NALSAR University of Law, Hyderabad

Instructor: Sidharth Chauhan

Course Outline:

This course explores the linkages between legal studies and literature. In doing so, there will be a conscious attempt to highlight the structural similarities and overlaps between the two fields as well as the significant differences between them. The coverage over the semester will be organized around three conceptual approaches, namely (i) 'Law in Literature', (ii) 'Law as Literature' and (iii) the 'Law of Literature'. In keeping with the progression in other disciplines such as cultural studies and communication theory, we will assume that the field of literature is not confined to the written word (i.e. novels, short stories and poems) but also extends to other means of communication such as oral storytelling, the use of images, theatre and cinema.

The first of these approaches captures the most intuitive understanding of the 'Law and Literature' movement and will hence be predominant in this course. The question to ask is whether reading works of imaginative fiction can convey valuable lessons for those who are trying to understand the subjectivities attached with the operation of the legal system. This need not necessarily be confined to works which depict trials or the performance of lawyers, judges or legislators. It can include stories that describe the experience of individuals who may be affected by the creation and enforcement of laws as well as their unintended consequences among others. Supporters of this approach often emphasize the possibility of 'moral upliftment' among the readers who can perhaps better understand the injustices experienced by people from other backgrounds through the realm of fiction writing. However, they need to engage with the pervasive criticism that the 'Law and Literature' movement does not hold relevance for the practice of law since it often makes broad generalizations about political and ethical questions by relying on fictional narratives that narrowly capture the experience of particular individuals. An internal criticism is that if reading fiction can cultivate our virtues, it can also exacerbate our prejudices.

The second approach, namely 'Law as Literature', reflects a stronger emphasis on methods of interpretation rather than the content of literary works. The primary claim is that the methods that have been evolved to read literary works can be used to examine formal legal sources such as constitutions, statutes, judgments and contracts among others. While there could be intense debates about which method of interpretation (Intentionalism, Textualism, New Criticism, Structuralism, Deconstruction etc.) may be suitable for making sense of a given text, the resonance between the two fields is sought in the manner of applying a chosen method rather than the answers which are arrived at. This approach has another layer where literary works can be described as cultural artifacts of important socio-legal developments. This covers instances where a literary work has contributed to the formation of public attitudes about legal concepts or the enforcement of existing laws. While this approach holds fascinating possibilities, critics argue that it lacks internal coherence and ignores foundational differences between the two

fields especially on account of the existing constraints on the discretion of those involved in formal law-making (i.e. common law judges are bound by precedents, legislators are answerable to voters, executive branch officials are answerable to their superiors).

The third approach contemplates a discussion of laws that affect the creation, distribution and consumption of literary works. This component will not be delved into with much detail since subsequent courses will cover areas such as censorship (on grounds of obscenity, defamation, insult to religion and sedition among others) and the protection of copyrighted works. However, there will be classroom discussions about some prominent instances that foreground this approach.

The overarching objective of this course is to persuade law students to cultivate an interdisciplinary orientation and look beyond the vocational dimensions of their studies. This means that one's learning in the humanities and the social sciences needs to be seen as an intrinsic part of one's thinking about the law rather than a mere appendage.

Evaluation scheme:

Assignments (20%):

- First Submission - Film Review (1,800-2,000 words)
- Second Submission - Book Review- preferably of a novel or a collection of short stories (1,800-2,000 words)
- Third Submission - Discussion of a legal controversy arising out of a literary work (2,000-2,500 words)
- Fourth Submission - Reading formal legal materials (e.g. judicial opinions, statutes, contracts) using literary methods (2,000-2,500 words)
- Fifth Submission - Research Paper (2,500-3,000 words)

Presentation (5%):

Mid-term examination (25%):

End-term examination (50%): Both the mid-term and end-term examinations will be partially 'open book', which implies that students can carry the assigned readings as well as their own notes for the same.

Reading plan

Week 1: Introduction to the approaches

- Jane B. Baron, 'Law, Literature and the problems of interdisciplinarity', 108 *The Yale Law Journal* 1059-1085 (1999).
- Gary Minda, 'Law and Literature at century's end', 9 *Cardozo Studies in Law and Literature* 245-256 (1997).

- J.M. Lotman, 'Point of view in a text', 6(2) *New Literary History* 339-352 (Winter 1975).

Week 2: The foundational violence of the law

- Franz Kafka, *In the Penal Colony* (1919).
- Robert Cover, 'Violence and the word', 95(8) *The Yale Law Journal* 1601-1629 (1986).
- Richard Posner, *Law and Literature*, 3rd edn. (Harvard University Press, 2008), See 'Ch. 4: The Limits of Literary Jurisprudence' at pp. 170-186 and 'Ch. 6: Two Legal Perspectives on Kafka' at pp. 229-250

Week 3: Revenge and equity in Ancient Greek Tragedy

- Sophocles, *Antigone*.
- Aeschylus, *Eumenides* (part of the trilogy on the Orestes myth).
- Martha Nussbaum, 'Equity and Mercy', 22(2) *Philosophy and Public Affairs* 83-125 (1993).

Week 4: Reading Shakespearean plays as legal artifacts

- William Shakespeare, *The Merchant of Venice* (1598).
- Charles Spinosa, 'Shylock and Debt and Contract in The Merchant of Venice', 5(1) *Cardozo Studies in Law and Literature* 65-85 (1993).
- Thomas C. Bilello, 'Accomplished with what she lacked: Law, Equity and Portia's con', 16 *Law and Literature* 11-28 (2004).
- David B. Saxe, 'Shylock, Portia and a case of literary oppression', 5(1) *Cardozo Studies in Law and Literature* 115-123 (1993).
- William Shakespeare, *Measure for Measure* (1604).
- John Denvir, 'William Shakespeare and the Jurisprudence of Comedy', 39(4) *Stanford Law Review* 825-849 (1987).

Week 5-6: Discussions of racial inequality in popular American fiction

- Herman Melville, *Benito Cereno* (1855).
- Sidney Kaplan, 'Herman Melville and the American National Sin: The Meaning of Benito Cereno-Part I', 41(4) *The Journal of Negro History* 311-338 (Oct. 1956).
- Sidney Kaplan, 'Herman Melville and the American National Sin: The Meaning of Benito Cereno-Part-II', 42(1) *The Journal of Negro History* 11-37 (Jan. 1957).
- Brook Thomas, 'Plessy v. Ferguson and the literary imagination', 9 *Cardozo Studies in Law and Literature* 45 (1997).
- Harper Lee, *To Kill a Mockingbird* (1960).
- Steven Lubet, *Reconstructing Atticus Finch*, 97(6) *Michigan Law Review* 1339-1362 (May 1999)
- Ann Althouse, *Reconstructing Atticus Finch? A Response to Professor Lubet*, 97(6) *Michigan Law Review* 1363-1369 (May 1999)
- Randolph N. Stone, *Atticus Finch, in Context*, 97(6) *Michigan Law Review* 1378-1381 (May 1999)

Week 7: Depictions of the isolation of the legal subject

- Herman Melville, *Bartleby The Scrivener: A Story of Wall Street* (1853).
- Ernest Simon, 'Palais De Justice and Poetic Justice in Albert Camus' 'The Stranger', 3(1) *Cardozo Studies in Law and Literature* 111-125 (1991).
- Truman Capote, *In Cold Blood* (1966).
- George Plimpton, 'Capote's Long Ride', *New Yorker* (Oct. 13, 1997).

Week 8: Remembering the Partition through Manto's short stories

- Saadat Hasan Manto, *Toba Tek Singh* (1955).
- Saadat Hasan Manto, *Khol Do* (1950).
- Veena Das, 'The Figure of the Abducted Woman: The Citizen as Sexed' in Hent De Vries and Lawrence E. Sullivan (eds.), *Political Theologies* (Fordham University Press, 2006), pp. 18-37.
- Saadat Hasan Manto, *Naya Kanoon* (1937).
- Gayatri Chakravorty Spivak, 'Constitutions and Culture Studies', 2(1) *Yale Journal of Law and the Humanities* 133-147 (1990).

Week 9: Representations of the Indian Emergency in novels

- Salman Rushdie, *Midnight's Children* (1980), pp. 384-439
- M. Keith Booker, 'Beauty and the Beast: Dualism as despotism in the fiction of Salman Rushdie', 57(4) *English Literary History* 977-997 (1990).
- Jean M. Kane, 'The migrant intellectual and the body of history: Salman Rushdie's *Midnight's Children*', 37(1) *Contemporary Literature* 94-118 (1996).
- Rohinton Mistry, *A Fine Balance* (1995), pp. 257-327.

Week 10: Depictions of oppression in short stories

- Mahasweta Devi, *Draupadi* (Translated by Gayathri Chakravarty Spivak).
- Jennifer Wenzel, 'Epic Struggles over India's forests in Mahasweta Devi's short fiction', 18 *Alif: Journal of Comparative Poetics* 127-158 (1998).
- Gayathri Chakravarty Spivak, 'A literary representation of the subaltern: Mahasweta Devi's 'Stanadayini'', in Ranajit Guha (ed.), *Subaltern Studies: Writings on South Asian History and Society*, Vol. 5 (Oxford University Press, 1987) pp. 91-134.
- A.S. Kalsi, 'Human Rights in the Contemporary Hindi short story', 13 *Alif: Journal of Comparative Poetics* 144-169 (1993).

Weeks 11-12: 'Law as Literature'

- Ronald Dworkin, 'Law as Interpretation', 60 *Texas Law Review* 527-550 (1982).
- Stanley Fish, 'Working on the Chain Gang: Interpretation in the Law and in Literary Criticism', 9(1) *Critical Inquiry* 1-16 (1982).
- James Boyd White, 'Reading Law and Reading Literature', 60 *Texas Law Review* 415-445 (1981-1982).
- Richard Posner, *Law and Literature*, 3rd edn. (Harvard University Press, 2008), See 'Ch. 9: Judicial Opinions as Literature' at pp. 329-385.
- *Florence Hynes v. New York Central Railway Co.*, 231 N.Y. 229 (1921).
- *Helen Palsgraf v. Long Island Railroad Co.*, 248 N.Y. 339 (1928).

Weeks 13-14: 'Law of Literature'

- *United States v. One book called 'Ulysses'*, 5 F. Supp. 182 (1933)
- *Ranjit D. Udeshi v. State of Maharashtra*, 1965 SCR (1) 65.
- *S. Rangarajan etc. v. P. Jagjivan Ram*, 1989 SCR (2) 204.
- *Bobby Art International, etc. v. Om Pal Singh Hoon & Ors.*, (1996) 4 SCC 1.
- Ratna Kapur, 'Postcolonial Erotic Disruptions: Legal Narratives of Culture, Sex and Nation in India', 10 *Columbia Journal of Gender and Law* 333 (2001).
- Pinaki Chakravorty, 'The Rushdie Incident as Law-and-Literature parable', 104(8) *The Yale Law Journal* 2213-2247 (1995).
- *Sujato Bhadra v. State of West Bengal*, 2005 Cri L J 368 (Cal HC).
- *R.V. Bhasin v. State of Maharashtra*, 2010 (Bom HC).
- *State of Uttar Pradesh v. Lalai Singh Yadav*, AIR 1977 SC 2.
- A.K. Ramanujan, 'Three Hundred Ramayanas: Five Examples and Three Thoughts on Translation' in Vinay Dharwadker (ed.), *Collected Essays of A.K. Ramanujan* (Oxford University Press, 1999).
- Wendy Doniger, 'Censorship by the Batra Brigade', *The New York Review of Books* (May 8, 2014).

LEGAL THEORY AND METHODS

1st year B.A., LL.B. (Hons.), (July-October, 2016)

National Academy of Legal Studies and Research (NALSAR), Hyderabad

Instructors: Ms. Prerna Dhoop (Section A) and Mr. Sidharth Chauhan (Section B).

5 credit mandatory course (approximately 65 class hours and 15 tutorial hours).

Teaching Assistants: Ms. Veera Mahuli (2012-29) and Mr. Pranav Verma (2012-44).

Course rationale:

This course will introduce you to the philosophy of law, which will serve as a foundation for much of your coursework at law school. It will equip you with the conceptual tools needed for engaging in legal reasoning, providing holistic analysis of official legal sources (such as legislation, judgments and administrative rules) and producing meaningful academic legal writing. The second set of objectives will be pursued in tandem with the 'Law and Language' course. During this semester, we will examine several ideas and texts that will help you to think about legal processes and controversies with considerable depth. More significantly, we hope that you will become comfortable with the notion of arriving at multiple answers to a given problem and evaluating them from different points of view. For the purpose of clarity, we have divided the course into four modules, which are outlined below:-

- Module I: Introduction to the concept of law and elements of legal reasoning (Weeks 1, 2 and 3).
- Module II: Prominent approaches and debates in legal philosophy (Weeks 4, 5, 6 and 7).
- Module III: Important steps in legal research (Weeks 8, 9 and 10).
- Module IV: Overview of the Indian legal system and comparison between different legal traditions (Weeks 11, 12, 13 and 14).

Teaching Plan:

Module I: Introduction to the concept of law and elements of legal reasoning

In the introductory classes, we will discuss our understanding of what the 'law' means to each one of us? If it is a tool of social control, is it distinct from other systems of social control such as organised religion, markets or governmental structures? Does our understanding of law depend on cultural

specificities or is there a universal conception of law? What are the basic features of a modern legal system? What are the acknowledged sources of law in the same? Additionally, what are your expectations from law school? What were your main motivations for joining this programme? What is your perception of lawyers and the legal system as shaped by their representations in popular culture?

After the introductory week, we will illustrate some established approaches to legal reasoning such as those based on logic (induction and deduction), using analogies (pointing out similarities and differences), interpretation of legislative materials and reliance on judicial precedents (the last of these is often described as the most important element of the 'Common Law method'). We will also explore our understanding of concepts such as 'authority', 'rights', 'duties', 'powers', 'obligations' and 'privileges' among others which appear frequently in the literature describing legal controversies. The overarching objective is to examine whether legal reasoning is different from the methods adopted in other disciplines? If so, what are the distinctive features of this field of knowledge? Where do we situate the study of law in the larger universe of the humanities and the social sciences?

Core readings

- Joseph W. Bingham, 'What is the Law?', 11 *Michigan Law Review* 1-25 (1912).
- Ruggero J. Aldisert, Stephen Clowney and Jeremy D. Peterson, 'Logic for Law Students: How to Think Like a Lawyer', 69(1) *University of Pittsburgh Law Review* 100-121 (2007).
- William P. Quigley, 'Letter to a Law Student interested in Social Justice', 1(1) *DePaul Journal for Social Justice* 7-28 (2007).

Advanced reading (Selective coverage)

- Wesley N. Hohfeld, 'Some Fundamental Legal Conceptions as applied in Judicial Reasoning', 23(1) *Yale Law Journal* 16-59 (1913).

Module II: Prominent approaches and debates in legal philosophy

The second module is perhaps going to be the most intellectually challenging part of this course. While there are several elective courses devoted to the different approaches and debates in legal philosophy which are taught during the 4th and 5th year of the B.A., LL.B. (Hons.) programme, this module seeks to give you a taste of what you can explore at that later stage. In a general sense, the field of legal philosophy (or 'jurisprudence' as it is also called) principally asks two foundational questions. Firstly, what is the nature of law? Is it derived from a determinable set of authoritative sources or is there an inherent fluidity in what serves as the basis of law? Secondly, what methods should be adopted to interpret and apply the presumptive sources of law when disputes arise as to their meaning? The answers to these questions have evolved distinctively in different legal traditions. Apart from formal processes of legal change such as the enactment of legislation, the framing of administrative rules and the pronouncement of judicial decisions, there are other factors that

contribute to the same such as customs, institutional structures and scholarship. We will concentrate on the major currents in the scholarship which addresses the two questions outlined above.

The 'natural law tradition' suggests that the validity of official sources of law should be derived from norms established by higher sources, which could range from religious beliefs to humanist moral reasoning and ethics. With the evolution of liberal democratic institutions, there was considerable disputation of this view since it seems to enable a high degree of subjectivity in addressing specific disputes. In response, some other scholars framed the position of 'legal positivism' which describes official sources of law as part of a self-validating system that ultimately relies on ideas of political authority. This approach situates the formal study of law as an autonomous discipline and pursues the objectives of clarity and predictability in the eyes of the participants in a legal system. There are internal disagreements among those who subscribe to these two positions.

Legal scholarship in the 20th century emphasized a third strand, namely 'Legal Realism', which treats official sources of law as derivatives of human behaviour. In this view, disputes about the meaning of rules cannot be addressed without understanding the background and motivations of the individuals (as well as institutions) who are involved in creating, interpreting and enforcing them. As opposed to the legal positivists, this approach firmly situates the study of law in the larger realm of the humanities and the social sciences. Contemporary legal scholarship has extended the key ideas of 'Legal Realism' to highlight problems that arise when legitimate interests are excluded while creating law as well as when the interpretation and enforcement of laws have a discriminatory impact. We study distinctive approaches to legal philosophy under the framework of 'Critical Legal Studies' (CLS) which has further sub-divisions such as 'Feminist Legal Theory', 'Critical Race Studies', 'Law and Poverty' among others.

Some debates in legal philosophy deal with specific branches of legal studies such as the philosophy of tort law, criminal law, contracts and property law. Owing to considerations of time, this course will not delve into those debates since they are better addressed in the respective subjects devoted to these branches.

Core readings

- Lon Fuller, 'The Case of the Speluncean Explorers', 62 *Harvard Law Review* 616-645 (1949).
- H.L.A Hart, 'Positivism and the Separation of Law and Morals', 71 *Harvard Law Review* 593-629 (1958).
- Oliver Wendell Holmes, Jr., 'The Path of the Law', 10 *Harvard Law Review* 457-478 (1897).
- Ronald Dworkin, *Law's Empire* (Harvard University Press, 1986), See: 'Chapter 7 – Integrity in Law', pp. 226-254.

Advanced readings (Selective coverage)

- Katherine T. Bartlett, 'Feminist Legal Methods', 103(4) *Harvard Law Review* 829-887 (1990).
- Roberto M. Unger, 'The Critical Legal Studies Movement', 96(3) *Harvard Law Review* 561-675 (1983).
- Kimberle W. Crenshaw, 'Twenty Years of Critical Race Theory: Looking back to move forward', 43(5) *Connecticut Law Review* 1253-1352 (2011).

Module III: Important steps in legal research

In this part of the course, we will focus on the norms of doctrinal legal research. We will also give you illustrations of writing based on empirical legal research. We will begin by asking whether legal writing can be clearly distinguished from creative writing (novels, poems, short stories and essays) and other forms of non-fiction writing (such as journalism, biographies and travelogues). The next step will be an introduction to the different forms of legal writing that can be broadly grouped under the heads of 'academic legal writing' (law review articles, comments on judicial decisions, book reviews, opinion pieces and legislative analysis to name a few) as opposed to 'professional legal writing' (office memos, case briefs, advisory memos for clients, documents submitted to courts as part of litigation). Since this is an introductory course, the emphasis will be on academic legal writing.

We will closely examine the structure and flow in judicial opinions. This component needs special attention since it exposes you to the 'case method', which is the most prevalent method for instruction in legal subjects. At this stage, we will grapple with the important task of identifying the 'ratio decidendi' of a case (holding) as distinct from the 'obiter' (or 'dicta') in the same. We will also discuss the expectations for research papers at law school and strategies on how to approach the preparation of the same. The discussion will then turn to the accepted categorization of sources in legal scholarship (primary, secondary and tertiary) and strategies for prioritizing amongst them during the research and writing process.

The tutorials will be used to emphasize on the norms of academic integrity and the prominent legal citation styles such as The Bluebook (Harvard), The Maroon Book (Chicago) and OSCOLA (Oxford) among others. The students will be required to prepare short notes so as to familiarize them with the referencing styles as well as the strictures against plagiarism. We will also supplement the coverage in the 'Moot Clinics' which entails searching for relevant literature in a law library (textbooks, commentaries, reports of judicial decisions and scholarly articles) as well as through online sources [paid databases such as Westlaw, JSTOR, HeinOnline, LexisNexis and Manupatra as well as freely available databases such as the Cornell Legal Information Institute, the Avalon Project, the Social Sciences Research Network (SSRN), IndianKanoon and Shodhganga to name a few]. In recent years, some collaborative blogs devoted to specific sub-fields have also become a useful source for tracking the latest legal developments and publications. Some of the prominent ones include 'Law and Other Things', 'SpicyIP', 'I-CONnect', 'Legal Theory Blog', 'Balkinisation', 'Indian Constitutional Law and Philosophy' and 'Law Professor Blogs' to name a few.

- Frederick Schauer, *Thinking Like A Lawyer: A New Introduction to Legal Reasoning* (Harvard University Press, 2009), See:
 - 'Chapter 3 – The Practice and Problems of Precedent', pp. 36-60.
 - 'Chapter 6 – The Idea of the Common Law', pp. 103-123.
 - 'Chapter 9 – The Judicial Opinion', pp. 171-187.

- Arthur L. Goodhart, 'Determining the Ratio Decidendi of a case', 40 (2) *Yale Law Journal* 161-183 (1930).
- Nadia E. Nedzel, *Legal Reasoning, Research and Writing for International Graduate Students*, 2nd edn. (Aspen Publishers, 2008), See: 'Chapter 3 – Legal Reasoning and Objective Legal Writing' at pp. 67-100.

Illustrative coverage of the following materials

- *The Plagiarism Spectrum – Instructor Insights into the 10 Types of Plagiarism* (Turnitin White Paper).
- *The Bluebook: A Uniform System of Citation* (19th ed. 2010).
- *The University of Chicago Manual for Legal Citation* (4th ed. 2010).
- *Oxford Standard for the Citation of Legal Authorities* (4th ed. 2010).
- *Indian Law Institute (ILI) Rules of Footnoting* (2003).

Module IV: Overview of the Indian legal system and comparison between different legal traditions

This part of the course will include an overview of the Indian legal system, where we will look at the various steps in the law-making processes, the structure of the judicial system and the legal profession. We will ask whether the modern Indian legal system faces a crisis of legitimacy on account of the colonial origins of its most significant institutions and codes? How do the citizens of independent India perceive the position of the formal legal system in their lives? Have they worked out a convenient balance between the formal and informal methods of dispute settlement available to them? Does this compel us to seriously engage with the idea of 'Legal Pluralism'?

The concluding part of the course will introduce students to the study of comparative legal sources. Furthermore, we will examine the key characteristics of the significant legal traditions in the world (Civil Law, Common Law, Islamic Legal Systems and Indigenous Traditions) and ask whether such classifications have any utility in the postcolonial context? Once again, these themes will be discussed with a lot more depth in the later years. As stated earlier, this course gives you a point of entry into these fascinating areas of inquiry.

- Marc Galanter, 'The Aborted Restoration of 'Indigenous' Law in India', 14(1) *Comparative Studies in Society and History* 53-70 (1972).
- Robert Moog, 'Delays in the Indian Courts: Why the Judges don't take control?', 16 *Justice System Journal* 19-32 (1992).
- William Twining, *General Jurisprudence: Understanding Law from a Global Perspective* (Cambridge University Press, 2009), 'Chapter 9 – Diffusion of Law: A Global Perspective', pp. 269-292.

(Note: Some more readings will be assigned in due course for this module. Professor Faizan Mustafa will also engage some classes on the methods for comparative legal research and the intellectual history of Islamic legal systems.)

Scheme for Evaluation:

- Mid-Term examination: 25 marks (Last week of August)
- End-Term examination: 50 marks (Last week of October)
- Term Paper: 20 marks
- Presentation: 5 marks

Sequence for Term Papers:

- Group 1: A short essay on a current or recent legal controversy, based on journalistic sources (1,200-1,500 words).
- Group 2: Review of a short book or a law review article (1,500-1,800 words).
- Group 3: Comment on a significant judicial decision (1,800-2,000 words).
- Group 4: Discussion paper based on an important legislation (2,000-2,200 words).
- Group 5: Research paper (2,500-3,000 words).

Recommended books:

1. Benjamin N. Cardozo, *The Nature of the Judicial Process* (Yale University Press, 1921).
2. Bryan Garner, *Legal Writing in Plain English: A Text with Exercises* (University of Chicago Press, 2001).
Selected exercises available at <<http://press-pubs.uchicago.edu/garner/>>
3. Frederick Schauer, *Thinking Like a Lawyer – A New Introduction to Legal Reasoning* (Harvard University Press, 2009).
4. Glanville Williams, *Learning the Law*, 14th edn. (Revised by A.T.H. Smith) [Sweet & Maxwell, 2011].
5. H.L.A. Hart, *The Concept of Law*, 2nd edn. (Clarendon Press, 1994).
6. J.W. Harris, *Legal Philosophies*, 2nd edn. (Oxford University Press, 1997).
7. Julius Stone, *Law and the Social Sciences: The Second Half Century* (University of Minnesota Press, 1966).
8. Karl N. Llewellyn, *The Bramble Bush – The Classic Lectures on the Law and Law School*, Revised edn. (1951) [OUP reprint, 2008].
9. Lon Fuller, *The Morality of Law* (Yale University Press, 1969).
10. Margaret Davies, *Asking the Law Question*, 3rd edn. (Thomson Reuters, 2008).
11. Nadia E. Nedzel, *Legal Reasoning, Research and Writing for International Graduate Students*, 2nd edn. (Aspen Publishers, 2008).
12. Oliver Wendell Holmes Jr., *The Common Law* (1881), Freely available online.

FAMILY LAW – I

Course description and objectives

India is a country of many religions. Every community, whether Hindus, Muslims, Christians, Parsis or Jews; have a set of personal laws which govern them in all family matters. This is a right grounded in the freedom of religion, which is the corner stone of the Indian Constitution. Against this background, the object of the course is to introduce the subject of Family law to the students at a very conceptual and fundamental level, grasping a plethora of issues pertaining to personal laws as they evolved in their social and historical settings, influenced by religious dogmas and doctrines, contrary to their meaning in common parlance. Hence, students are exposed to the study of personal laws as practiced by different communities in India.

An important area which falls within the domain of the study is matrimonial laws. This includes all aspects incidental and attendant to marriage as an institution. It covers, in the same vein, a range of other related issues such as ‘divorce’ and ‘judicial separation’, in the case of failed marriages. In all these areas, students are taught to investigate and analyze critically how laws affecting matrimonial causes have been interpreted and applied by the Courts. This is examined thoroughly, given the fact that the phase of transition towards a progressive interpretation and application of the personal laws, both codified and un-codified, has been an uphill task and has often run into difficult and complex problems. In this perspective, it will be examined how issues, such as ‘restitution of conjugal rights’, for instance, situate within the larger framework of debates on fundamental rights under the Constitution. Besides, a significant area of interest would be to examine and explore the prospects of harnessing a set of common precepts and principles from various personal laws with a view to adopt Uniform Civil Code, which still remains a constitutional goal, even today.

This course, in a wider context, is also designed to reflect upon emerging concepts, such as ‘live-in-relations’, which poses a sort of a threat to the institution of marriage understood in its traditional sense, making it irrelevant to contest anymore whether a marriage is a sacrament or contract. In sum and substance, Family law is a fascinating subject, which dwells upon a number of controversial and contested issues, which shall be examined scrupulously through a scrutiny of judicial decisions in the light of the changing norms and social values of a contemporary society. It goes without saying that this branch of law is the bedrock of any civilized society upon which the legal, moral and spiritual foundations of peace, prosperity, and solidarity of individuals as well as the communities rests. Within the contours of these broadly identified issues, the purpose of the course is to arm the students with legal training and practical skills, based upon erudite knowledge of the subject, which would enable them to handle matrimonial cases. Briefly stated, the following are the objectives of the course:

- Examine ancient sources of laws and the development of various schools in the context of religious, social, and spiritual philosophy of different communities and religions.

- Analyze the basic features of the institution of marriage and divorce as they evolved historically in different communities.
- Identify milestones in the progressive development and codification of personal laws. Analyze and discuss how certain customary rites and practices have matured over a period of time, or have been discarded by the judiciary.
- Discuss the land mark judgments of the various High Courts and Supreme Court and examine their impact upon actual practices followed by a particular community, especially in relation to areas such as maintenance and adoption.
- Examine if gender issues are sufficiently addressed in all matrimonial matters, especially since women are mostly vulnerable, and often the first victims in any patriarchal society; a feature which is a common denominator across all religions and communities in India.
- Analyze critically emerging trends and contemporary issues in the light of scholarly writings on the subject and the debates surrounding them.

Teaching Methodology

NALSAR University of Law has framed its own teaching methodology to train the students in learning and understanding of legal problems. The methodology is not a traditional lecture method but participatory teaching with discussion on legal principles and precedents in the classroom. The students are informed in advance the topic for discussion and the topic of project/assignment they have to prepare. The students will prepare their topics from the sources suggested to them. The students are also encouraged to do independent research on their respective assignments. In the classroom every student is required to present his/her topic and to have his/her doubt cleared through discussion. The teacher will be helping and guiding the students in their pursuits of learning. The teacher will summarize after the students have completed their discussion, he will clarify the doubts, if any, and answer their queries.

Case Law Reporter/ Journal

The specialist law reports on family related issues are abbreviated as DMC (Divorce and Matrimonial Cases) published from Delhi; HLR (Hindu Law Reporter) published from Chandigarh; AIR (All India Reporter) from Nagpur; and SCC (Supreme Court Cases) from Lucknow. These reporters are available in print as well as in CD ROM (electronic form). For comparative study and research students can also access family law cases of United Kingdom from Fam Law (the „official“ reports of the Family Division of the High Court and appeals from there to the Court of Appeal), FLR (Family Law Reporters), FCR (Family Court Reporter).

Specialist journals in this area include AIR, HLR, DMC, SCC, JILI etc. For comparative study and research students can also use Family Law (Fam Law), Child and Family Law Quarterly (CFLQ), Journal of Social Welfare and Family Law (JSWFL), International Journal of Law, Policy and the Family (IJLPF). Some of these journals are available on LexisNexis, West Law data basis etc.

Course Text Books

There are several books on family law which may assist students' study and research. The preferred books are: D. F. Mulla, "Hindu Law"; John D. Mayne, "Usage of Hindu Law"; Paras

Diwan, “Hindu Law”, “Principles of Mahomedan Law” and “Family Law in India”; G. C. V. Subba Rao, “Family Law in India”; Vijender Kumar, “Hindu Law of Adoption” and “Law Relating to Domestic Violence”; A. M. Bhattacharjee, “Hindu Law and the Constitution”, “Matrimonial Remedies and the Constitution”; A. A. A. Fyzee, “Outlines of Muhammadan Law”; Tahir Mahmood, “The Muslim Law of India”; Kande Prasad Rao, “The Law Relating to Marriages and Christians in India”; Shabbir and Manchanda, “Parsi Law in India” etc. There is a long list of suggested references being attached separately at the end of Course Outlines. Students are advised to use references from the list provide for the purpose for their in-depth knowledge, project research or an independent research for publication.

Course Evaluation Method

The Course is assessed for 100 Marks with a close book examination system however the relevant bare acts will be provided by the University. There shall be a Mid-Semester Exam for 25 Marks of 110 Minutes and End Semester Exam for 50 Marks of 2^{1/2} Hours. 25 Marks

are allotted for the project work, on varied themes, which includes 20 Marks for written research work and 5 Marks for presentation of project.

The question papers shall be designed on a decided or under-trial case based where the students are expected to use and apply concepts and case law, they understood in the class, in the given situation. Therefore, the students are advised to look at previous years’ examination papers to familiarize with the examination format/pattern.

The University reserves a right to change question pattern and mode of exam any time, if it deem proper to have been in the interest of the students

Expected Outcomes of the Course

On completion of the course, the students are expected to have understood the nuances of each module of the course, and thereafter, they shall be in a position to undertake family litigation with confidence to handle them in the Courts and/or outside the Court.

Law Reporters / Journals

AIR	: All India Reporter
CFLQ	: Child and Family Law Quarterly
DMC	: Divorce and Matrimonial Reporter
Fam Law	: Family Law
FCR	: Family Court Reporter
FLR	: Family Law Reporters
HLR	: Hindu Law Reporter
IJLPF	: International Journal of Law, Policy and the Family
JSWFL	: Journal of Social Welfare and Family Law
SCC	: Supreme Court Cases (Civil)

COURSE CONTENTS

Module 1

[7 Teaching Hours]

The Nature, Origin and Source of Law

Nature, Origin and Application of Hindu, Muslim, Christian and Parsi Personal Laws and Civil Laws in the present day.

Hindu Law - Vedas, Dharmasastras (*Smritis*), Dharmasutras (*Srutis*), Commentaries on Vedas, Customs, Judicial Precedents and Legislation.

Mahomedan Law - Quran, Hadis, Ijmaa and Qiyas and Legislation. Christian and Parsi - Legislation.

Statutory Reference

The Hindu Marriage Act 1955	(Act No. 25 of 1955) (Sections 1-4)
The Special Marriage Act 1954	(Act No. 43 of 1954) (Sections 1-3)
The Indian Christian Marriage Act 1872	(Act No. 15 of 1872) (Sections 1-3)
The Parsi Marriage and Divorce Act 1936	(Act No. 3 of 1936) (Sections 1-3)
The Muslim Personal Law (Shariat) Application Act 1937	(Act No. 26 of 1937)
The Muslim Personal Law (Shariat) Application Act 1993	

Judicial Reference

Abraham v. Abraham	(1863) 9 MIA 195
Shastri Yagnapurushadasji v. Muldas Bhundardas Vaishya	AIR 1966 SC 1119
Shuganchand v. Prakash Chand	AIR 1967 SC 506
Kailash v. Maya Devi	AIR 1984 SC 600
Anbalayan v. Devarajan	AIR 1984 SC 411
State of Bombay v. Narasu Appa Mali	AIR 1952 Bom 84
Niranjani Roshan Rao v. Roshan Mark Pinto	Decided by the Bombay High Court on December 24, 2013

Compulsory Readings

- Satyajeet A. Desai (rev.), D. F. Mulla, HINDU LAW, 21st ed. 2010, (*Introduction*) pp. 1-88; Ch. I (*Operation of Hindu Law*), pp. 91-98; Ch. II (*Sources of Hindu Law*), pp. 99-108; (*Notes and Comments on Sections 1-4 of the Hindu Marriage Act 1955*) pp. 837-853.
- Ranganath Misra and Vijender Kumar (rev.), J. D. Mayne, HINDU LAW & USAGE, 16th ed. 2007, Ch. 1 (*The Nature and Origin of Hindu Law*) pp. 1-14; Ch. 2 (*The Sources of Hindu Law*) pp. 15-45; Ch. 3 (*The Sources of Hindu Law*) pp. 46-88; Ch. 4 (*The Constitution and Hindu Law*) pp. 89-95; Ch. 6 (*Notes and Comments on Sections 1-4 of the Hindu Marriage Act 1955*) pp. 165-179.
- M. Hidayatullah and Arshad Hidayatullah (rev.), D. F. Mulla, PRINCIPLES OF MAHOMEDAN LAW, 19th ed. 1990, 9th rep. 1999, Ch. I (*Introduction of Mahomedan Law into India*), pp. 1-13; Ch. II (*Conversion to Mahomedanism*) pp. 14-19; Ch. III (*Mahomedan Sects and Sub-sects*) pp. 20-21; Ch. IV (*Sources and Interpretation of Mahomedan Law*) pp. 22-23.

Module 2

[15 Teaching Hours]

Marriage

The Concept and Nature of Marriage; Forms of Marriage; Marriage as Samskara/Contract; Guardianship in Marriage; Sapindas and Degrees of Prohibited Relationship in Marriage; Marriage Ceremonies-*Saptapadi*; *Factum valet*; Presumption of Valid Marriage; and Void, Voidable Irregular Marriage under Hindu Law.

Essentials of a Marriage (*Nikah*): Valid, Irregular and Void Marriage; Absence of Witnesses; Number of Wives; Marriage with a Woman undergoing *Iddat*, Prohibition on the ground of Consanguinity, Affinity and Fosterage, Distinction between void and irregular Marriage; Effects of Valid (*Sahih*), Void (*Batil*) and Irregular (*Fasid*) Marriages; Presumption of Marriage; *Muta* Marriage, Marriage of Minors; Guardianship in Marriage (*Jabar*) under Muslim Law.

Essentials of a valid Marriage under Christian and Parsi personal laws.

Dower (*Mahr*)

Definition of Dower (*Mahr*): Specified Dower-Dower may be fixed after Marriage, Contract of Dower may be made by Father; Prompt and Deferred Dower; Remission of Dower by Wife; Non-Payment of Prompt Dower and Restitution of Conjugal Rights; Liability of heirs for Dower Debt; Widow's right to retain possession of husband's estate in lieu of Dower etc. under Muslim Law.

Law Commission Report

- 205 Report (2008) on "Proposal to amend the Prohibition of Child Marriage Act 2006 and other allied laws".
- 211 Report (2008) on "Laws on Registration of Marriage and Divorce: A Proposal for Consolidation and Reform".
- 212 Report (2008) on "Laws of Civil Marriage in India: A Proposal to Resolve Certain Conflicts".
- 227 Report (2009) on "Preventing Bigamy via Conversion to Islam : A Proposal for giving Statutory Effect to Supreme Court Rulings".
- 242 Report (2012) on "Prevention of Interference with the Freedom of Matrimonial Alliances (in the name of Honour and Tradition) : A Suggested Legal Framework".
- 243 Report (2012) on "Section 498-A of the Indian Penal Code, 1860".

Statutory References

The Child Marriage Restraint Act 1929	(Act No.19 of 1929)
The Prohibition of Child Marriage Act 2006	(Act No. 6 of 2007)
The Hindu Marriage Act 1955	(Act No. 25 of 1955)
The Anand Marriage Act 1909	(Act No. 29 of 2012)
The Indian Christian Marriage Act 1872	(Act No. 15 of 1872)
The Parsi Marriage and Divorce Act 1936	(Act No. 3 of 1936)

The Special Marriage Act 1954	(Act No. 43 of 1954)
The AP Compulsory Registration of Marriages Act 2002	(Act No. 15 of 2002)
The Dowry Prohibition Act 1961	(Act No. 28 of 1961)

Judicial Reference

Panchireddi Appala Suramma v. Gadela	AIR 1975 AP 193
Ganapatulu	AIR 1978 AP 43
P.Venkataramana v. State	AIR 1965 SC 1564
Bhaurao Shanker Lokhande v. State of Maharashtra	AIR 1969 All 489
Dr. A. N. Mukerji v. State	AIR 1991 SC 816
Santi Deb Berma v. Kanchan, Prava Devi	Crimes 1994 (3) 234-236
Smt. Laxmi Devi v. Satya Narayan	AIR 1963 SC 933
Veerappa v. Michael	AIR 1998 MP 324
Virendra Singh Pal v. Kashibai	AIR 1992 SC 756
S. P. S. Balasubramanyam v. Suruttayan	AIR 1994 SC 135
Surjit Kaur v. Garja Singh	AIR 2006 SC 1158
Seema v. Ashwani Kumar	AIR 2009 SC 1085
Gullipilli Sowria Raj v. Bandaru Pavani	AIR 2008 SC 1420
Vidyadhari v. Sukharana Bai	AIR 2010 SC 2685
Bharatha Matha v. R. Vijaya Renganathan	AIR 2011 SC 3031
A.Subhash Babu v. State of AP	(AIR 2011 SC (Supp) 155)
Revanasiddappa v. Mallikarjun	Decided by the Supreme Court of India on November 26, 2013
Indra Sarma v. V.K.V. Sarma	Decided by the Bombay High Court on November 24, 2013
Niranjani Roshan Rao v. Roshan Mark Pinto	AIR 1980 SC 1730
Fuzlunbi v. Khader Vali	AIR 1996 SC 2184
S. Gopal Reddy v. State of AP	AIR 2002 SC 2830
Vikas v. State of Rajasthan	AIR 2002 SC 2531
Mungeshwar Praad Chaurasia v. State of Bihar	

Compulsory Readings

- Satyajeet A. Desai (rev.), D. F. Mulla, HINDU LAW, 21st ed. 2010, Ch. XXII (*Marriage*), pp. 637-656; (*Notes and Comments on Sections 5-8 of the Hindu Marriage Act 1955*) pp. 854-869.
- Ranganath Misra and Vijender Kumar (rev.), J. D. Mayne, HINDU LAW & USAGE, 16th ed. 2007, Ch. 6 (*Notes and Comments on Sections 5-8 of the Hindu Marriage Act 1955*), pp. 179-200.
- Vijender Kumar, “*Concept of Marriage under the Hindu Marriage Act, 1955: A Critique*”, THE LAW OF MARRIAGE, edited by K. Padmaja, published by ICFAI University Press, Hyderabad, 2007 (pp. 1-14).
- M. Hidayatullah and Arshad Hidayatullah (rev.), D. F. Mulla, PRINCIPLES OF MAHOMEDAN LAW, 19th ed. 1990, 9th rep. 1999, Ch. XIV (*Marriage, Maintenance of Wives and Restitution of Conjugal Rights, A-Marriage*), pp. 221-236.
- M. Hidayatullah and Arshad Hidayatullah (rev.), D. F. Mulla, PRINCIPLES OF MAHOMEDAN LAW, 19th ed. 1990, 9th rep. 1999, Ch. XV (*Dower*), pp. 245-257.

Matrimonial Remedies***Nullity of Marriage, annulment of Marriage, Restitution of Conjugal Rights, Judicial Separation and Divorce (Talak)***

Nullity of Marriage; Restitution of Conjugal Rights; Judicial Separation and Divorce: Adultery, Cruelty, Desertion, Conversion, Fraud, Bigamy, Impotency, Repudiation of Marriage or Option of Puberty and Customary Divorce under Hindu, Muslim, Christian and Parsi Personal Laws and Civil Law.

Talaq: Form of Talaq, Talaq-ul-Sunnat, Talaq Hasan, Talaq-ul-Biddat, Ila, Zihar, Talaq-e-Tafwid, Khula and Mubarat etc. under Muslim law.

Law Commission Report

- 71 Report (1978) on “The Hindu Marriage Act 1955 - Irretrievable Breakdown of Marriage as a Ground of Divorce”.
- 217 Report (2009) on “Irretrievable Breakdown of Marriage : Another Ground of Divorce”.
- 224 Report (2009) on “Amendment of Section 2 of Divorce Act 1869 Enabling Non-Domiciled Estranged Christian Wives to Seek Divorce”.

Statutory References

The Hindu Marriage Act 1955	(Act No. 25 of 1955)
The Indian Divorce Act 1869	(Act No. 4 of 1869)
The Divorce Act 1869 (Amendment Act of 2001)	(Act No. 51 of 2001)
The Parsi Marriage and Divorce Act 1936	(Act No. 3 of 1936)
The Special Marriage Act 1954	(Act No. 43 of 1954)
The Dissolution of Muslim Marriage Act 1939	(Act No. 8 of 1939)
The Converts“ Marriage Dissolution Act 1866	(Act No. 21 of 1866)
The Indian Evidence Act 1972	(Act No. 1 of 1872)
	: <i>Chapter VII: The Burden of Proof</i>
The Indian Penal Code 1860	(Act No. 45 of 1860)
	: <i>Chapter XX : Offences Relating to Marriage</i>
	: <i>Chapter XX A: Cruelty by Husband or Relatives of Husband</i>

The Family Courts Act 1984	(Act No.66 of 1984)
The Legal Services Authority Act 1987 (1994) & (2002)	(Act No. 39 Of 1987)
The Arbitration and Conciliation Act 1996	(Act No. 26 of 1996)
The Code of Civil Procedure 1908 (Amendment of 2002)	(Act No. 5 of 1908)

Judicial Reference

T. Sareetha v. Venkatasubbarah	AIR 1983 AP 356
Harvinder Kaur v. Harmander Singh	AIR 1984 Del 67
Saroj Rani v. Sudarshan Kumar	AIR 1984 SC 1562
Dastane v. Dastane	AIR 1975 SC 1535
Bipinchandra v. Prabhavati	AIR 1957 SC 176
Tirrath Kaur v. Kirpal Singh	AIR 1975 PLR 572
Surinder Kaur v. Gurdeep Singh	AIR 1973 P&H 134
Gaya Prasad v. Bhagwati	AIR 1966 MP 212
Chetan Dass v. Kamla Devi	AIR 2001 SC 1709
Praveen Mehta v. Inderjit Mehta	AIR 2002 SC 2582
Lachman v. Meena	AIR 1964 SC 40
Sayal v. Sarala	AIR 1961 P & H 125
Sant Kumar Deshmukh v. Chitralekha	AIR 1998 MP 314
Bhagwat v. Bhagwat	AIR 1967 Bom 80
Preeti Singh v. Sandeep Singh	AIR 1995 SC 1851
Sureshta Devi v. Om Prakash	AIR 1992 SC 1904
Ashok Hurra v. Rupa	AIR 1997 SC 1266
V. Bhagat v. D. Bhagat	AIR 1994 SC 710
Anita Laxmi Narayan Singh v. Laxmi Narayan Singh	AIR 1992 SC 1148
Sneh Prabha v. Ravinder Kumar	AIR 1995 SC 2170
Balwinder Kaur v. Hardeep Singh	AIR 1998 SC 764
Mohd. Hoshan v. State of AP	AIR 2002 SC 3270
Yamanji H. Jadhav v. Nirmala	AIR 2002 SC 971
G.V.N. Kameswara Rao v. G. Jabilli	AIR 2002 SC 576
Savitri Pandey v. Prem Chandra Pandey	AIR 2002 SC 591
Adhyatma Bhattar Alwar v. Adhyatma Bhattar Sri Devi	AIR 2002 SC 88
Itwari v. Asghari	AIR 1960 All 684
Mrs. Swaraj Garg v. K.M. Garg	AIR 1978 Del 296
Vishnu Dutt Sharma v. Manju Sharma	AIR 2009 SC 2254
Naveen Kohli v. Neelu Kohli	AIR 2006 SC 1675
Anil Kumar Jain v. Maya Jain	AIR 2010 SC 229
Poonam v Sumit Tanwar	AIR 2010 SC 1384
Neelam Kumar v Dayarani	AIR 2011 SC 193
Hitesh Bhatnagar v Deepa Bhatnagar	AIR 2011 SC 1637
Vishwanath Sitaram Agrawal v Sarla Vishwanath Agrawal	AIR 2012 SC 2586
Davinder Singh Narula v Meenakshi Nagia	AIR 2012 SC 2890

Compulsory Readings

- Satyajeet A. Desai (rev.), D. F. Mulla, HINDU LAW, 21st ed. 2010, (*Notes and Comments on Sections 9-13 of the Hindu Marriage Act 1955*) pp. 870-965; (*Sections 14-30 of the Hindu Marriage Act 1955*) pp. 965-1064.

Ranganath Misra and Vijender Kumar (rev.), J. D. Mayne, HINDU LAW & USAGE, 16th ed. 2007, Ch. 6 (*Notes and Comments on Sections 9-13 of the Hindu Marriage Act 1955*) pp. 201-339; (*Sections 14-30 of the Hindu Marriage Act 1955*) pp. 339-454.

- Vijender Kumar, “*Restitution of Conjugal Rights: An Analysis with Reference to Fundamental Rights*”, M.D.U. Law Journal, Vol. X, Part-I, (2005), pp. 117-128 (Rohtak).
- Vijender Kumar, “*Irretrievable Breakdown of Marriage: Right of a Married Couple*”, NALSAR Law Review, 2010, Vol. 5, pp. 15-38.
- Vijender Kumar, “*Live-in Relationship: Impact on Marriage and Family Institutions*”, (2012) 4 SCC (J), pp. 19-34.
- Vijender Kumar, “*Impact of Divorce on Children: A Socio-Economic and Legal Study*”, NALSAR Law Review, 2011, Vol. 6, pp. 124-138.
- M. Hidayatullah and Arshad Hidayatullah (rev.), D. F. Mulla, PRINCIPLES OF MAHOMEDAN LAW, 19th ed. 1990, 9th rep. 1999, Ch. XIV (*Marriage, Maintenance of Wives and Restitution of Conjugal Rights, C-Judicial Proceedings*), pp. 241-244; Ch. XVI (*Divorce*) pp. 258-276; Ch. XVII (*Parentage-Legitimacy and Acknowledgment*) pp. 277-284.

Module 4

[5 Teaching Hours]

Adoption

Evolution of Adoption; Influence of secular motives; Who may adopt; Whether invalid adoption bars second adoption; Widow’s power to Adopt; When Widow’s power becomes incapable of being exercised; Who may give in adoption; Who may be taken in adoption; the Ceremonies necessary to an Adoption; Effects of Adoption; Adoption of an Orphan etc. under Hindu Law.

Law Commission Report

- 228 Report (2009) on “Need for Legislation to Regulate Assisted Reproductive Technology Clinics as well as Rights and Obligations of Parties to a Surrogacy”.

Statutory Reference

The Assisted Reproductive Technology (Regulation) Bill, 2010

The Surrogacy Agreements Act 1985 (UK)

The Hindu Adoptions and Maintenance Act 1956 (Act No. 78 of 1956) : (*Sections 5-17*)

The Juvenile Justice (Care and Protection of Children) Act 2000 (Act No. 56 of 2000)
: (*Sections 40-45*)

The Juvenile Justice (Care and Protection of Children) Rules 2007

Judicial Reference

Khazan Singh v. Union of India

AIR 1980 Del 60

Gangadhar v. Surplus Land Determination Tribunal

AIR 1991 SC 1181

Chandan Bilasini v. Aftabuddin Khan
 Sawan Ram v. Kalawanti
 Sitabai v. Ramachandra Philips
 Alfred v. Y.J.Gonsalvis Heera
 Lal v. Board of Revenue Jai
 Singh v. Shakuntala

AIR 1996 SC 591
 AIR 1967 SC 1761
 AIR 1970 SC 343
 AIR 1999 Ker 187
 AIR 2001 Raj 318
 AIR 2002 SC 1428

Compulsory Readings

- Satyajeet A. Desai (rev.), D. F. Mulla, HINDU LAW, 21st ed. 2010, Ch. XXIII (Adoption), pp. 657-716; (Notes and Comments on Sections 5-17 of the Hindu Adoptions and Maintenance Act 1956) pp. 1289-1324.
- Ranganath Misra and Vijender Kumar (rev.), J. D. Mayne, HINDU LAW & USAGE, 16th ed. 2007, Ch. 7 (Family Relations-Adoption) pp. 470-565; (Notes and Comments on Sections 5-17 and Section 30 of the Hindu Adoptions and Maintenance Act 1956) pp. 575-620.
- Vijender Kumar, “Emerging Trends in Sonship and Adoption under Hindu Law”, NALSAR Law Review, 2003, Vol.1, pp. 96-111.
- J.D.M. Derrett, ESSAYS IN CLASSICAL AND MODERN HINDU LAW, 1st ed. 1977, 1st Ind. Rep. 1995 Vol. 3, pp. 84-88, “The Relationship of a Married Woman to her Husband’s Adopted Son in Hindu Theory and Practice : A Correction”, ZVR LXI, 1959, 1-5.
- J.D.M. Derrett, ESSAYS IN CLASSICAL AND MODERN HINDU LAW, 1st ed. 1977, 1st Ind. Rep. 1995 Vol. 3, pp. 127-142, “Divesting by an Adopted Son : A Pressing Problem for the Supreme Court”, SCJ 1960, 43-57.
- Vijender Kumar, “Doctrine of Relation Back under Hindu Law: A Case Law Study”, Andhra University Law Journal, Vol. 4, 2001, pp. 73-103.

Module 5

[5 Teaching Hours]

Maintenance

Maintenance to wife/husband, children and parents as personal and/or property obligation under Hindu, Muslim, Christian, Parsi, Criminal and Civil laws.

Maintenance *pendente lite* and expenses of proceedings; Permanent alimony and Maintenance.

Maintenance under the provisions of the Code of Criminal Procedure, the Protection of Women from Domestic Violence Act 2005 (Rules 2006) and the Maintenance and Welfare of Parents and Senior Citizens Act 2007.

Statutory References

The Hindu Marriage Act 1955	(Act No. 25 of 1955) : (Sections 24-25)
The Hindu Adoptions and Maintenance Act 1956	(Act No. 78 of 1956) : (Sections 18-28)
The Special Marriage Act 1954	(Act No. 43 of 1954) : (Sections 36-37)
The Indian Divorce Act 1869	(Act No. 4 of 1869) : (Sections 36-38)

The Divorce Act 1869 (Amendment Act of 2001) (Act No. 51 of 2001)
 The Parsi Marriage and Divorce Act 1936 : (Sections 39-41)
 The Muslim Women (Protection of Rights on Divorce) Act 1986 (Act No. 25 of 1986)
 Code of Criminal Procedure 1973 :(Sections 125-128)
 Code of Civil Procedure 1908
 The Protection of Women from Domestic Violence Act 2005 (Act No. 43 of 2005)
 (Sections 2, 3, 12, 18, 19, 22, 23, 26 and 29)
 The Maintenance and Welfare of Parents and Senior Citizens Act 2007 (Act No. 56 of 2007)

Judicial Reference

Rameshwari Devi v. State of Bihar	AIR 2000 SC 735
Savitaben v. State of Gujarat	AIR 2005 SC 1809
Mohd. Ahmed Khan v. Shah Bano Begam	AIR 1985 SC 945
Noor Saba Khatoon v. Mohd. Quasim	AIR 1997 SC 3280
Danial Latifi v. Union of India	AIR 2001 SC 3262
Badshah v. Urmila Badshah Godse	Decided by the Supreme Court of India on October 18, 2013

Compulsory Readings

- Satyajeeet A. Desai (rev.), D. F. Mulla, HINDU LAW, 21st ed. 2010, Ch. XXV (*Maintenance*), pp. 735-766; (*Notes and Comments on Sections 18-30 of the Hindu Adoptions and Maintenance Act 1956*) pp. 1325-1352.
- Ranganath Misra and Vijender Kumar (rev.), J. D. Mayne, HINDU LAW & USAGE, 16th ed. 2007, Ch. 23 (*Maintenance*), pp. 1280-1304; Ch. 24 (*Notes and Comments on Sections 18-30 of the Hindu Adoptions and Maintenance Act 1956*) pp. 1309-1351.
- M. Hidayatullah and Arshad Hidayatullah (rev.), D. F. Mulla, PRINCIPLES OF MAHOMEDAN LAW, 19th ed. 1990, 9th rep. 1999, Ch. XIV (*Marriage, Maintenance of Wives and Restitution of Conjugal Rights, A-Maintenance of Wives*), pp. 236-241.

Module 6

[5 Teaching Hours]

Custody, Minority and Guardianship (*Hizanat*)

Custody : Doctrine of Welfare of Child; Doctrine of Wishes of Child and Doctrine of Interest of Child.

Guardianship (*Hizanat*) : Natural Guardian, Testamentary Guardian, De-facto Guardian (*Person and Property*), Guardian's Appointment, Power and Removal.

Statutory References

The Hindu Minority and Guardianship Act 1956	(Act No. 32 of 1956)
The Guardians and Wards Act 1890	(Act No. 3 of 1890)

Law Commission Report

- 218 Report (2009) on "Need to accede to the Hague Convention on the Civil Aspects of International Child Abduction (1980)".
- 219 Report (2009) on "Need for Family Law Legislations for Non-Resident Indians".

Judicial Reference

Githa Hariharan v. Reserve Bank of India	AIR 1999 SC 1149
Mohd. Amin v. Vakil Ahmad	AIR 1952 SC 358
Vikram Vir Vohra v. Shalini Bhalla	AIR 2010 SC 1675

Compulsory Readings

- Satyajeet A. Desai (rev.), D. F. Mulla, HINDU LAW, 21st ed. 2010, Ch. XXIV (Minority and Guardianship), pp. 717-734; (*Notes and Comments on Sections 1-13 of the Hindu Minority and Guardianship Act 1956*) pp. 1239-1273.
- Ranganath Misra and Vijender Kumar (rev.), J. D. Mayne, HINDU LAW & USAGE, 16th ed. 2007, Ch. 9 (*Family Relations-Minority and Guardianship*), pp. 621-642; Ch. 10 (*Notes and Comments on Sections 1-13 of the Hindu Minority and Guardianship Act 1956*) pp. 646-687.
- M. Hidayatullah and Arshad Hidayatullah (rev.), D. F. Mulla, PRINCIPLES OF MAHOMEDAN LAW, 19th ed. 1990, 9th rep. 1999, Ch. XVIII (*Guardianship of Person and Property*), pp. 285-299.
- Vijender Kumar, “*Custody of Child: A Critical Appraisal*”, M.D.U. Law Journal, Vol. XI, Part-I, (2006), pp. 62-78 (Rohtak).

FAMILY LAW

A List of Printed Sources for in-depth Research on Family related Issues

Agarwala A.K.	Hindu Law
Banerjee, G.	The Hindu Law of Marriage and <i>Stridhan</i> (TLL)
Bhattacharjee, A.M.	Hindu Law and the Constitution
Bhattacharjee, A.M.	Matrimonial Remedies and the Constitution
Bhattacharya, J.N	Commentaries on Hindu Law
Buckland, W.W.	A Text Book of Roman Law
Colebrooke, H.T	Daya-Bhaga and Mitaksara
Derrett, J.D.M	Modern Hindu Law
"	Hindu Law Past and Present
"	A Critique of Hindu Law
"	Death of Marriage Law
"	Essays in Classical and Modern Hindu Law (Vol. 1 - <i>Dharmasastra and Related Ideas</i>)
"	Essays in Classical and Modern Hindu Law (Vol. 2 - <i>Consequences of the Intellectual Exchange with the Foreign Powers</i>)
"	Essays in Classical and Modern Hindu Law (Vol. 3 – <i>Anglo-Hindu Legal Problem</i>)
"	Essays in Classical and Modern Hindu Law (Vol. 4 – <i>Current Problems and the Legacy of the Past</i>)
Dhanda Amita	Redefining Family Law in India
Diwan, Paras	Family Law
Diwan, Paras	Modern Hindu Law
Diwan, Paras	Law of Marriage and Divorce
Diwan, Paras	Law of Adoption, Minority, Guardianship and Custody
Diwan, Paras	Law of Joint Family System
Diwan, Paras	Law of Intestate and Testamentary Succession
Diwan, Paras	Law relating to Dowry, Dowry Deaths, Bride Burning, Rape and Related Offences
Gharpure, J.R.	Translation on the Smriti of Yajnavalkya
Ghose, H.L.,	The Principles of Hindu Law 3 volumes
Gour, H.S	Hindu Code
Gupte, S.V.,	Hindu Law of Marriage
Hamid Ali	Outlines of Roman Law
Holmes, W.	Common Law
Jayaswal,K.P	Manu and Yajnavalkya (TLL)
Jha, G.N	Hindu and Yajnavalkya (TLL)
Jha, G.N	Hindu Law in its Sources
Jha, G.N	Manu Bhashya of Medhatithi
Jois M.Rama	Legal and Constitutional History of India
Jolly Julius	History of the Hindu Law
Jolly, J.	Law and Custom
Jolly, J.	Outlines of an History of the Hindu Law

Jolowicz, H.F	Historical Introduction to Roman Law
Kane, P.V.	History of Dharmasastra
Kohli Hari Dev	Law and Illegitimate Child
Kuber	Dattaka Chandrika, Translated Sutherland
Kumar Vijender	Hindu Law of Adoption
Kumar Vijender	Law Relating to Domestic Violence
Lee, R.W	The Elements of Roman Law
Macnaghten, F	Considerations on Hindu Law
Macnaghten, W.H.	Hindu Law
Mahmood, T.	Hindu Law
Mahamod Tahir	Civil Marriage Law
Maine , H.J.S	Ancient Law
Maine, H.J.S	Village Communities
Mandlik, V.N	The Vyavahara Mayukha and Yajnavalkya, Sanskrit text and Translation with Introduction and Appendices, Bombay (1880)
Manju Goel	Marital Disputes and Counselling
Mayne, John D.	Treatise on Hindu Law & Usage
Menski Werner	Modern Indian Family Law
Mookerjee, A.	Marriage, Separation and Divorce
Mukherjee, B.K.	The Hindu Law of Religious and Charitable Trust (TLL)
Mulla, D.F.	Principles of Hindu Law
Muller F.Max	Sacred Books of the EAST (50 Vols. Set)
Nanda Pandit	Dattaka Mimamsa, translated Southland
Nelson	The Hindu Law
Nicholas, B	An Introduction to Roman Law
Nijjar M.S.	Nullity of Marriage under Hindu Law
Raghavachariar, N.R	Hindu Law Principles and Precedents
Rao, G.C.V.	Family Law in India
Sarvadhikari, R	The Principles of the Hindu Law of Inheritance (TLL)
Sarkar, G.C	The Hindu law of Adoption (TLL)
Sarkar, G.C	A Treatise on Hindu Law
Sarkar, K.L	The Mimansa Rules of Interpretation as Applied to Hindu Law (TLL)
Sarkar U.C.	Epochs in Hindu Legal History
Sarswati, P.N.	The Hindu Law of Endowment (TLL)
Sastri, C.S	Fictions in the Development of Hindu Law Texts
Sen Gupta, N.C	Evolution of Ancient Indian Law (TLL)
Sen Gupta, N.C	The Evolution of Law
Sen, P.N	General Principles of Hindu Jurisprudence (TLL)
Sharma, S.D	Administration of Justice in Ancient India
Shuklendra Acharya	Hindu Law
Shuklendra Acharya	Hindu Undivided Family, Taxation and Tax Planning
Simone De Beauvoir	The Second Sex (Penguin)
Stokes	Hindu Law Books
Strange, T.	Hindu Law
Strange, T.L	Manual of Hindu Law
Subba Rao G.C.V	Family Law in India

Supakar Shraddhakar
Sutherland's
Trevelyan, E.J
Vandana
Vijnaneswara
West and Buhler's

Law of Procedure and Justice in Ancient India
Synopsis of the Law of Adoption
Hindu Law
Sexual Violence Against Women
Mitakshara Commentary on Yajnavalkya Smriti
Hindu Law

Ahmad Aqil
Ali Ameer
Ali Ameer
Baillie
Baillie
Bhattacharjee, A.M
Charles Hamilton
Coulson, N.J.
Diwan, P
Fatima Tanzeem
Faqih Irfan
Faruki A. Kemal
Fyzee, A.A.A

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Hasan Ahmed
Iyer, V.R. Krishna
Kader, S.A
Mahmood Tahir

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Mulla, D.F
Rahim Abdul
Rashid, S.K
Siddiqi M.Iqbal
Siddiqi M.M.
Schacht Joseph

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Tyabji
Wani, M.A
West & Buhler

Mohammedan Law
The Sprit of Islam
Mahomedan Law
Digest of Moohummudan Law
Moohummudan Law of Inheritance
Muslim Law and the Constitution
The Hedaya (Commentary on the Islamic Laws)
History of Islamic Law
Muslim Law in Modern India
Islamic Law and Judiciary
Glimpses of Islamic History
The Evolution of Islamic Constitutional Theory and Practice
Outlines of Muhammadan Law
A Modern Approach to Islam
Cases in the Muhammadan Law of India, Pakistan and Bangladesh
The Pillars of Islam
The Early Development of Islamic Jurisprudence
Muslim Women (Protection of Rights on Divorce) Act 1986
Muslim Law of Marriage and Succession
Muslim Law
The Muslim Law of India
Principles of Mahomedan Law
Mohammedan Jurisprudence
Muslim Law
The Family Laws of Islam
Women in Islam
An Introduction to Islamic Law (1964)
Origins of Muhammadan Jurisprudence
Muslim Law
Maintenance Rights of Muslim Women 1989
Digest of Muslim Law, Bombay

Rao Kande Prasada
Shabbir & Manchanda

The Law relating to Marriages of Christians in India
Parsi Law in India

READING MATERIAL

Contents

PART-A

S. No.	Title of the Paper	Author
1.	Course Objectives, Teaching Methodology and Preface	Prof. Vijender Kumar
2.	Vitality of Ancient Indian Legal Philosophy	Prof. Vijender Kumar
3.	Concept of Marriage under Hindu Law: A Critique	Prof. Vijender Kumar
4.	Women and Compulsory Registration of Marriage: Need for Uniform Legislation	Prof. Ranbir Singh
5.	Polygamous Marriages and Muslim Law	Prof. Vinod B. Sinha
6.	Restitution of Conjugal Rights: An Analysis with Reference to Fundamental Rights	Prof. Vijender Kumar
7.	Irretrievable Breakdown of Marriage: Right of a Married Couple	Prof. Vijender Kumar
8.	Doctrine of Relation-back under Hindu Law: A Case Study	Prof. Vijender Kumar
9.	Custody of Child	Prof. Vijender Kumar
10.	Live-in Relationship: Its Impact on Marriage and Family Relations	Prof. Vijender Kumar

PART-B

S. No.	Name of the Case	Citation
1.	P. Venkataramana v. State of AP	AIR 1977 AP 43
2.	Bhaurao Shankar Lokhande v. State of Maharashtra	AIR 1965 SC 1564
3.	Dharmendra Kumar v. Usha Kumar	AIR 1977 SC 2218
4.	T. Sareetha v. Venkatasubbarah	AIR 1983 AP 356
5.	Harvinder Kaur v. Harmander Singh	AIR 1984 Del. 67
6.	Saroj Rani v. Sudershan Kumar	AIR 1984 SC 1562
7.	Dastane v. Dastane	AIR 1975 SC 1634
8.	Bipinchandra Shah v. Prabhavati	AIR 1957 SC 176
9.	Itwari v. Asghari	AIR 1960 All. 684
10.	Chetan Dass v. Kamla Devi	AIR 2001 SC 1709
11.	Praveen Mehta v. Inderjit Mehta	AIR 2002 SC 2582
12.	Sureshtha Devi v. Om Prakash	AIR 1992 SC 1904
13.	Ashok Hurra v. Rupa	AIR 1997 SC 1266
14.	Sawan Ran v. Kalawanti	AIR 1967 SC 1761
15.	Sitabai v. Ramachandra	AIR 1970 SC 343
16.	Philips Alfred Malvin v. Y.J.Gonsalvis	AIR 1999 Ker. 187
17.	Fuzlumbi v. Khader Vali	AIR 1980 SC 1730
18.	Rameshwari v. State of Bihar	AIR 2000 SC 735
19.	Mohd. Ahmed Khan v. Shah Bano Begum	AIR 1985 SC 945
20.	Noor Saba Khatoon v. Mohd. Quasim	AIR 1997 SC 3280
21.	Githa Hariharan v. Reserve Bank of India	AIR 1999 SC 1149



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SEMESTER I: B.A.LL.B

CRIMINAL LAW - I

COURSE OUTLINE: CRIMINAL LAW-I:

COURSE PORTRAYAL

The primary objectives of criminal law are to maintain law and order in the society, protect the life and liberty of people and punish the offender. As punishment to the offender has long term consequences for the convict, it is the basic principle that criminal liability may be imposed only if all the ingredients of an offence are fully proved beyond reasonable doubt. Various offences in the Indian Penal Code have been drafted keeping in view various principles of criminal liability. For example, most offences specify the required state of mind as well as the prohibited act for imposition of criminal liability. However, many situations require deviation from these principles due to the involvement of more than one person in the action, or due to the resultant harm to society, or due to prevailing social and cultural norms contrary to constitutional principles of equality and liberty to all. The course of Criminal Law-I has been so designed as to enable the students to understand the general principles of criminal liability, to identify the ingredients of an offence, understand the range of state of mind required for different offences, as well as to sensitize the students about the inherent biases of criminal law against certain groups of people despite its claim of universality, neutrality and equality. The course will enable students to critically scrutinize the recent developments and changes that have taken place in the field.

OBJECTIVES OF THE COURSE:

1. To examine the historical evolution of criminal law maxims, doctrines, and principles vis-à-vis Indian Penal Code.
2. To understand key cases, legal terms, clauses, and chronologies in criminal law
3. To analyze both early and contemporary judicial thinking and legal reasoning
4. To understand the essential elements of crimes against person, property
5. To articulate informed opinion over important, controversial issues in criminal law.

OUTCOME OF THE COURSE:

1. Student would get an acquaintance and familiarity with nature of crime and would be able to identify a criminal act from a civil wrong.
2. Students will get a hold on fundamentals of general principles of criminal law and important specific offences as per IPC.
3. As the course includes contemporary developments in various dynamic and grey areas such as rape, homo sexuality, dowry death etc student will be kept abreast of latest reforms.

EVALUATION

The performance of the students on this course is assessed on the basis of 100 marks. The overall assessment of 100 marks is divided into Sessional work (25 marks), Mid-Term Examination (25 marks) and End semester examination (50 marks).

- Sessional Work (25 Marks): Sessional work is planned by the course teacher in his discretion. The tentative plan of the sessional work will be on the following basis:
- Mid-Term Examination (25 Marks): At the middle of the semester you will have to appear in the Mid-Term Examination of one and half hour and of 20 Marks. You will be eligible to appear in this exam only if you have put in 75% of attendance.
- *End semester examination (50 marks):* At the end of the semester student will appear (Subject to the rules of attendance) in End-Term exam for two and half hours and of 50 marks. Students are strongly advised to read the leading cases from the report which would enable them to solve the legal problems in the exams as most of the questions will be problem based. *Only Bare Text (without any commentary) will be allowed in the examination.*
- **LECTURE PLAN**

MODULES	TITLE	NUMBER OF REQUIRED LECTURES
PART – I: GENERAL PRINCIPLES OF CRIMINAL LAW I		

Module-1	INTRODUCTION TO CRIMINAL LAW	7
Module-2	INCHOATE CRIMES	7
Module-3	GROUP LIABILITY	7
Module-4	GENERAL EXCEPTIONS	9
PART – II: SPECIFIC OFFENCES: APPLICATION OF GENERAL PRINCIPLES		
Module-5	OFFENCES AGAINST HUMAN BODY	8
Module-6	OFFENCES AFFECTING FREEDOM AND DIGNITY OF A PERSON	7
Module-7	OFFENCES AGAINST PROPERTY	7

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COURSE CONTENT

PART – I : GENERAL PRINCIPLES OF CRIMINAL LAW I

MODULE- I: INTRODUCTION TO CRIMINAL LAW:

Law is simply a means to an end and should not be treated as an end in itself. It's ultimate object should always be to secure maximum good of the community. That is why the two questions of what is law and the nature and concept of crime are so closely related with each other that it is very difficult to understand one without knowing the other. Law is the aggregate of rules set by a legally constituted body or the legislation duly enacted by a legally constituted legislature and addressed to the members. Law prescribes certain standards of conduct to be observed by the people in society. These standards have the approval of the society in general. Any deviation from the standards of behavior fixed by the society is prevented and punished. Therefore, such conduct as does not accord with the prescribed standard is loosely known as crime. Thus crime is said to be an act which is both forbidden by law and against the moral sentiments of the society.

A. CONCEPT OF CRIME

The first unit in criminal law will explore meanings of violence and its response with the criminal law. It attempts to understand the basic issues confronting criminal law like criminalization and punishment. This unit motivates the student to identify an act as a crime and will make him able to differentiate a tort from a crime and which is very important for a law student.

- (i) Concept of Crime, definition of crime and classification of offences, difference between crime and offence.
- (ii) Nature of Crime: Contours of Criminal Liability, Distinction between moral and legal wrongs, civil and criminal wrongs.
- (iii) Definitions of new Crimes : Cyber Crimes, White Collar Offence, Socio-Economic Offence, Terrorism, Organized Crime, Money Laundering, Trafficking etc.,
- (iv) History of crime and development of criminal law in UK and India.
- (v) Morality and Criminal Law
- (vi) Distinction between Criminal Liability and other forms of liability

B. CONSTITUENT ELEMENTS OF CRIME:

(i) Conduct element or *Actus Reus* – Causation of Crime: But for test, Alternate and sufficient causes, Subsisting and intervening causes, the chain of causation.

R. v. Jordan (1956) 40 Cr. App. R 152,

R v. Blaue (1975) 1 WLR 1411; (1975) 3 All ER 446].

(ii) Fault element or *Mens Rea* (Principle of Liability)

Various forms of *Mensrea* : Intention, Cognition, volition, Knowledge, Negligence and recklessness.

Strict Liability:

Queen v. Prince: (1875) LR 2 CCR 154 (HL)

Queen v. Tolson: (1889) 23 QBD 168 (HL)

State of Maharashtra v. Mayor Hans George AIR 1965 SC 722

Nathulal v. State of Madhya Pradesh AIR 1966 SC 43

Sherras v. Derutzen, 1895 ALLER 1167

Brend v. Wood, (1946) TLR 462

State of MP v. Narayan Singh,

Harding v. Price, (1948) 1 ALL ER 283 (KBD)

S. Varadarajan v. State of Madras 1965 AIR SC 942

Required concurrence of the fault and conduct elements. *Actus non facit ream nisi mens sit rea.*

(iii) *Injury or Harm*

(iv) *Legality Requirement* *Nulla Poena sine lege* & *Nullum Crimen Sine Lege*, Kinds of Punishment prescribed by Indian Penal Code and other alternate forms of punishment which are in vogue in other countries, Reforms in the present penal philosophy.

(v) *Stages of commission of crime.* (Intention, Preparation, Attempt and Accomplishment)

MODULE – II: INCHOATE CRIMES:

Two elements are always necessary to constitute a crime, namely, *mensrea* and *actus reus*. Where there is only *mensrea*, there is no crime. Though *actus reus* is necessary to constitute a crime, yet there may be a crime even where the whole of the *actus reus* that was intended has not been consummated. Just as *mensrea* alone cannot be punished, so neither are the earliest conceivable stages of *actusreus*. As a general rule, there is no criminal liability where no *mensrea* has only been followed by some act that does no more than manifest *mensrea*. Liability begins only at a stage when the offender has done some act which not only manifests his *mensrea* but goes ahead towards carrying it out. This is known as inchoate crimes.

A. CRIMINAL ATTEMPT (S.511 I.P.C.):

Conduct element and its determination: the search for a test: rule of *Locus Paenitentiae*, Last act test, Proximate Test, Probable desistence Test, Un equivocal Test, Substantial Steps Test, suggestions made in 42nd Law Commission of India's report. Test of first act, test of last act Case: Stokes' case (American case), R v. Eagleton [1855] 6 Cox CC 559. R.J. Spjut [29 ARIZ. L. REV. 247, 255, 278 (1987)], United States v. Stephens [3 Crim. L. Mag. 536 1882]

Malkiat Singh v State of Punjab 1969 SCR 157.

Mohammad Yakooob . State of Maharastra. AIR 1980 SC 1111.

Abhayanand Mishra AIR 1961 SC 1698

Asgar Ali Prdhanian v. Emperor, 1934 LLR 54

Om Prakash v. State of Punjab AIR 1961 SC 782

Difference between Abetment and Attempt

Attempt to commit suicide

P Rathinam v Union Of India, AIR 1994 SC 1844

Gyan Kaur v. State of Punjab, AIR 1996 SC 946

B. JOINT LIABILITY:

(i) Abetment

Notions of Principal and Accessory,

Abetment [S. 107 – S. 120 I.P.C.],

Kinds of Abetment: Instigation; Conspiracy; Intentional Aiding.

General Principles governing Abetment.

Queen v. Mohit (1871) 3 NWP 316

Nand Kishore v. State of Madhya Pradesh (decided on 9.7.2011)

State of Uttar Pradesh v. Mohd. Iqbal & Anr. [2011 (6) SCALE 497]

Sunil Rai alias Pawa and Ors. v. Union Territory, Chandigarh (decided on 4.7.2011)

Jamuna Singh v. State of Bihar, AIR 1967 SC 553

Ramkumar v state of Himachal Pradesh, AIR 1995 SC 1965

(ii) *Criminal Conspiracy* [S. 120 A and S 120 B. I.P.C.]

Sec 10 Indian Evidence Act. *Special characteristics of criminal conspiracy, special rule of evidence-*
Section 10 of the Indian Evidence Act 1872

Kebar Singh v. State (Delhi Admn.) AIR 1988 SC 1883

Nalini v. State of Tamil Nadu 1999 Cr 4 3124

Shaukat Hussain Guru v. State (Nct) Delhi & Anr [2008] INSC 928 (Parliamentary attack case)

R v. Mulcahy (1868) LR 3HL 306

PV Narsimha Rao v. State, AIR 1998 SC 2120

MODULE- III: GROUP LIABILITY:

If a crime is committed by more than one individual it is difficult to fix the liability hence principle of joint liability. This unit discusses various kinds Joint Liabilities envisaged by the Indian Penal Code. It is a well recognized canon of criminal jurisprudence that the courts cannot distinguish between co-conspirators, nor can they enquire, even if it were possible, as to the part taken by each in the crime. Offence committed by groups of persons is of frequent occurrence and courts are called upon to determine the liability of each member for the crime committed by the entire group or by any member or members thereof. In such cases, it becomes difficult to distinguish between

criminal act of individual members of a party, who act in furtherance of a common intention of all, or to prove exactly what part was taken by each of them. Therefore, to deter people from committing offences in groups and to spare the prosecution from the onerous task of proving specific *actus reus* of each member of the group, the legislature in its wisdom has made provisions providing for group liability making each member of the group vicariously liable for the acts done by others.

A. **COMMON INTENTION** [S. 34 I.P.C.]:

B. **Principle of Constructive Liability**

Essentials of Common Intention: *Participation in criminal act* :

Barendra kumar Ghosh v Emperor, AIR 1925 PC 1

Mehboob Shah v King Emperor, AIR 1945 PC 118

Pandurang v State, AIR 1955 SC 216

Dukhmochan Pandey v. Bihar, AIR 1998 SC 40

Suresh v. State of UP, AIR 2001 SC 1344

C. **COMMON OBJECT** [S. 149 I.P.C.]:

Essentials of Unlawful assembly Sec 141,

Definition of constructive liability,

difference between common intention and common object

Principle of vicarious liability

Mizaji v State, AIR 1959 SC 572

Bhardwad Mepa Dana v State, AIR 1960 SC 289

Ram Tahal v State [1972] 1 SCC 136:

Naina Singh v State of Rajasthan, AIR 1976 SC 1084

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D. **COMMON INTENTION** [S. 34 I.P.C.]:

Essentials of Common Intention:

Barendra kumar Ghosh v Emperor, AIR 1925 PC 1

Mehboob Shah v King Emperor, AIR 1945 PC 118

Pandurang v State, AIR 1955 SC 216

E. **COMMON OBJECT** [S. 149 I.P.C.]:

Essentials of Unlawful assembly Sec 141, Definition of constructive liability, difference between common intention and common object.

Mizgaji v State, AIR 1959 SC 572

Bhardwad Mepa Dana v State, AIR 1960 SC 289

Ram Tabal v State [1972] 1 SCC 136:

MODULE -IV: GENERAL EXCEPTIONS:

When it is shown that the injurious event in question is a consequence of someone's conduct, he is prima facie liable for it, and his conduct, plus its more immediate consequences from his offence. This is so because a person is presumed to know the nature and consequence of the act that he does and is therefore responsible for it in law. It does not, however, necessarily follow that he is really liable, for his prima facie liability may be rebutted, and he may be freed from all blame, for certain special reasons. These reasons may be pleaded by the accused to claim immunity from punishment prescribed for the offences of which he is charged.

A. **EXCUSATORY DEFENCES** : (SS. 76,79,82,83,84,85,86,I.P.C.)

(i) *Mistake (Ignorance of Law)* (S. 76, S. 79 I.P.C.), The general Rule, Making Law

Accessible, Views by Jurists opinions for and against the rule, Superior Orders, fraud,

Difference between Mistake of Law and Mistake of Fact.

R.v. Tolson, [1886-90] ALL ER 26.

R v. Prince, {1875} L.R. CCR 154.

R. v. Prince over ruled in B v. DPP [2000] 2 WLR 452.

Sheo mangal v State [1981] 4 SCC 2.

(ii) *Infancy and Immaturity* [S. 82 & 83 I.P.C.]

I.P.H. v Chief Constable of South Wales, 1987 Cr LR 42

Arnit Das v. State of Bihar (2000) 5 SCC 488

Pratap Singh v. State of Jharkhand (2005) 3 SCC 551

(iii) *Insanity* [S. 84 I.P.C.]:

Legal Insanity and Medical Insanity, Mac Naughtens Rules, Compare and Contrast the Indian Law with Mac Naughten's rules. Defence of insanity, Section 84 of the IPC, Medical insanity and Legal insanity, kinds of legal insanity –*dementia naturalis*, *dementia accidentalis*, *delirium tremens*, development of law of insanity at common law, wild beast test, good and evil test, right and wrong test. Section 1 of the Mental Deficiency Act 1913- classification of insane people, epileptic insanity, hallucinations

R v Daniel M'Naughten 1843 10 C & F 200

Woolmington v D.P.P. [1935] AC 462

Asbridduin Ahmed v The king, AIR Cal. 182

Muhammad Hussain v. Emperor (1913) 14 Cr. L.J. 81 Oudh

In Re: Pappathi Ammal AIR 1959 Mad 239

Jai Lal v. Delhi Administration AIR 1969 SC 15

Nivrutti Dhondiba Shinde v. State Of Maharashtra (1984) 86 BOMLR 462

(iv) *Intoxication* [s. 85,86 I.P.C.]

Involuntary Intoxication and Voluntary Intoxication

D.P.P. V Beard [1920] AC 479

State of Madhya Pradesh v. Ahmadulla AIR 1961 SC 990

Basdev v. State of Pepsu AIR 1956 SC 488

B. JUSTIFICATORY DEFENCES [Ss. 81,94,96-106 I.P.C.]

(i) *Necessity* [S. 81 I.P.C.]

R v Dudley & Stephens, [1884] 14 QBD 273

Re A (Children) (conjoined twins) case [2000] 4 All ER 961,

Bishambher v. Roomal AIR 1951 All 500.

(ii) *Duress* [S. 94 I.P.C.]

D.P.P. for Northern Ireland v Lynch [1975] 1 ALL ER 913

R v Combay, [1988] 3 ALL ER 1025

(iii) *Accident* [S. 80]

State of Orissa v. Khorra Ghosi 1978 CriLJ 1305,

Atmendra v. State of Karnataka AIR 1998 SC 1985,

Shankar Narayan Bhadolkar v. State of Maharashtra AIR 2004 SC 1966

(iv) *Right of Private Defence* [S. 96-106 I.P.C.],

Right of Private Defence of body , [SS. 97,98,100,101,102 I.P.C.]

Vishwanath v State AIR 1960 SC 67

Munney Khan v State of M.P. AIR 1971 SC 149

Right of Private Defence of Property [s. 97,103,104,105 I.P.C.]

(vi) *Consent and compulsion* [87 – 94]

PART – II:

SPECIFIC OFFENCES

APPLICATION OF GENERAL PRINCIPLES

MODULE -V: OFFENCES AGAINST HUMAN BODY:

This module clearly indicates the importance attached to the preservation and protection of right to life and liberty. Every system of jurisprudence recognizes four cardinal rights of the subjects of the state: rights relating to person, property, reputation and liberty and the invasion on any of these rights has been looked upon an injury to the community as a whole, an offence against the state as such rather than against only the individual adversely affected. The offences covered by this module cover every aspect of human life. The offences range from a technical assault or a slight show of violence to the deliberate killing of the person and are of many kinds. The law views them with different grades of severity according to the circumstances attending their commission and the consequences involved.

A. CULPABLE HOMICIDE AMOUNTING TO MURDER: (S. 299- S.300):

R.V. Govinda ILR (1876) 1 Bom 342.

Rawalpenta Venkalu v. State of Hyderabad AIR 1956 SC 1715.

Inder Singh v Emperor AIR 1929 Lahore 157

Virsa Singh v. State of Punjab AIR 1958 SC 465.

Anda v. State of Rajasthan AIR 1966 SC 148.

Rajwant Singh v. State of Kerala AIR 1966 SC 1874.

Laxman Kalu Nikale v. State of Maharastra AIR 1968 SC 1390.

State of Andhra Pradesh v. R.Punnayya AIR 1977 SC 45.

Emperor v. Dhiragia AIR 1940 All 486.

Gyarsi Bai v. State AIR 1953 MB 61.

B.CULPABLE HOMICIDE NOT AMOUNTING TO MURDER' (EXCEPTIONS TO SEC 300 IPC):

Doctrine of Diminishing Liability.

Exception 1: Grave and Sudden Provocation:

KM Nanavathi v State of Maharashtra AIR 1962 SC 2629.

Exception 2 : Exceeding the right of Private Defence:

Jai Bhagwan v. State of Harayana 1999 Cri.L.J. 1634

State of Karnataka v. Kamalaksba 1978 Cri.L.J 290.

Exception 3: act by a public servant:

Whether encounters and lock up deaths come under this exception?

Exception 4: Sudden fight:

Mabesh Valmiki V. State of MP, 1999 Cri L J 4301.

Exception 5: Death by Consent:

Dasarath Paswan v. State of Bihar.

C. SEC 302: DEATH PENALTY:

Bachan Singh v. State of Punjab AIR 1982 SC 1325

Machhi Singh v. State of Punjab AIR 1983 SC 957

Jagmohan Singh v. State of UP AIR 1973 SC 947

Rajendra Prasad v. State of UP (1979) 3 SCC 646

Dhananjay Chatterjee alias Dhana v. State of West Bengal 1994 (2) SCC 220

Sushil Murmu v. State of Jharkhand AIR 2004 SC 394

Mithu Singh v. State of Punjab AIR 1983 SC 473

Sevaka Perumal v. State of Tamil Nadu 1991 AIR 1463

Yelchuri Manohar v. State of AP 2005 CriLJ 4593

Ediga Anamma v. State of Andhra Pradesh AIR 1974 SC 799

Holiram Bardoloi v. State of Assam on 8 April, 2005

Renuka Bai @ Ratna v. State of Maharashtra AIR 2006 SC 3056

D. DEATH BY RASH AND NEGLIGENT ACT: 304 A

Cherubin Gregory v. State of Bihar, AIR 1964 SC 205.

Accidents:

S.N.Hussain v. State of AP, (1972) 2 SCC 264.

Doctor's Negligence and Liability:

Dr Suresh Gupta v. NCT Delhi, (2004) 6 SCC 422.

E. DOWRY DEATH 304 –B:

This unit discusses reasons and justification for imposing liability in case of suicidal death and escalating the punishment provided from Life imprisonment to death penalty in the light of 203rd Report of the Law Commission of India by J.A R Lakshmanan.

Akula Ravinder v. State of AP, AIR 1991 SC 1142.

Pawan Kumar v. State of Harayana, (1998) 3 SCC 309.

K Bala Subrahmanyam v. State of Andhra Pradesh 1993 Cr LJ 163

F. HURT AND GREVIOUS HURT (S 319 – 326)

Difference between Hurt and Greivous Hurt, with reference to assault and mischief.

Rambaran Mathon v. State, AIR 1958 pat 452.

MODULE -VI: OFFENCES AFFECTING FREEDOM AND DIGNITY OF A PERSON:

This Unit discusses to kinds of offences first one is which affects the freedom of the person. The second category is offence which affects the dignity of a person.

A. KIDNAP AND ABDUCTION : (S.367 AD 369).

S. Varadarajan v. State of Tamilnadu, (1965) 1 SCR 243., Thakorlal D.Vadgama v. State of Gujarath, (1974) 1 SCR 178.

B. RAPE: (SEC 375 AND 376):

Definition of Rape and aggravated forms of Rape

Tukaram v. State of Maharashtra, (1979) 1 SCR 810, Bharmada Bhoginibhai Hirajibhai v. State of Gujarat, Delhi Domestic Working Womens Forum v. Union of India, (1995) 1 SCC 14, State of Punjab v. Gurmit Singh, (1996) 2 SCC 384, Bodhi Satwa Gontham v. Subhra Chakraborty, (1996) 1 SCC 490, 172nd Law Commission of India's Report, Priya Patel v. State of Madhya Pradesh, AIR 2006 SC 2639, DPP v. s Morgon [1975] 2 All ER 347 [HL].

Proposed Amendments:

The Protection of Children From Sexual Offences Bill, 2011 and criminal law amendment bill 2010.

Section 377 of the Indian Penal Code, discussion of Naz Foundation v. Government Of Nct Of Delhi (decided on 2 July, 2009)

Cases:

Naz Foundation v. Government Of NCT Of Delhi (decided on 2 July, 2009)

MODULE- VII: OFFENCES AGAINST PROPERTY:

For human society to regulate its administration, it requires the protection of not only the person of individuals, but also of their property. To a considerable extent, provisions for violation of property rights have been provided in Civil Law and remedies are sought by private individuals in Civil Courts to obtain relief. A stage is, however, reached when violation of property rights become so violent, mischievous or fraudulent that the state finds it necessary to step in and utilize its criminal law machinery to afford protection to property in a speedy and effective way.

A.THEFT, EXTORTION, ROBBERY AND DACOITY (SS 378 – 402,IPC).

Differences and similarities:

K.N.Mehera v. State of Rajasthan, 1957 SCR 623.

Pyarelal Bhargava v. State of Rajasthan, 1962 (1) SCR 689.

Jadunandan Singh v. Emperor, AIR Pat 129.

State of Maharashtra v. Viswanath Tukaram, (1979) 4 SCC 23.

B. CRIMINAL BREACH OF TRUST AND CRIMINAL MISAPPROPRIATION:

Ramaswami Nadar v State of Madras, 1958 SCR 739.

Suprentindent & Remambrancer of Legal Affairs, West Begal v. SK Roy (1974) 4 SCC 230.

C.CHEATING (S 415 TO 420):

Viswananda Maharaj v. State of UP, 1999 Cri L J 3661.

SUGGESSTED READINGS

BOOKS

- IAN LOVELAND, FRONTIERS OF CRIMINALITY, Sweet & Maxwell Publisher, (1995).
- NICOLA LACEY, CELIA WELLS RECONSTRUCTING CRIMINAL LAW : CRITICAL PERSPECTIVES ON CRIME AND THE CRIMINAL PROCESS, Weidenfeld and Nicolson, (1990).
- GEORGE P FLETCHER, BASIC CONCEPTS OF CRIMINAL LAW, NEW YORK: Oxford University Press, (1998).
- ANDREW ASHWORTH, PRINCIPLES OF CRIMINAL LAW, Oxford University Press, (2013).
- A P SIMESTER, G R SULLIVAN, CRIMINAL LAW : THEORY AND DOCTRINE, (edi. 3), Hart, (2007).
- GEORGE P FLETCHER, RETHINKING CRIMINAL LAW, Oxford University Press, (2000).
- NICOLA LACEY, CELIA WELLS ,OLIVER QUICK, RECONSTRUCTING CRIMINAL LAW : TEXT AND MATERIALS, Cambridge University Press, (2003).
- JOHN M SCHEB, CRIMINAL LAW, 8th edi. Cengage Learning, (2013).
- REBECCA GONSALVEZ , RYAN MENEZES, VIJAY HIREMATH CRIMINAL LAW, India Centre for Human Rights and Law ; New Delhi : Human Rights Law Network, (2005).
- CHRISTINA MCALHONE,,REBECCA HUXLEY-BINNS CRIMINAL LAW : THE FUNDAMENTALS, Sweet & Maxwell, (2010).
- P S A PILLAI CRIMINAL LAW, 11th edi., LexisNexis Butterworths, (2008).
- R A DUFF, LINDSAY FARMER, S E MARSHALL ,THE BOUNDARIES OF THE CRIMINAL LAW, Oxford University press, (2014).
- KN CHANDRASEKHARAN PILLAI, GENERAL PRINCIPLES OF CRIMINAL LAW, 2nd edi., Eastern Book Company, (2011).
- JOHN SMITH, BRIAN HOGAN, CRIMINAL LAW : CASES AND MATERIALS, 8th edi., Butterworths, (2002)
- JONATHAN HERRING ,CRIMINAL LAW : TEXT, CASES AND MATERIALS, 6th edi., Oxford University Press, (2014).

- PHILIP E JOHNSON, CRIMINAL LAW: CASES, MATERIALS AND TEXT, West Publishing Company, (1985).
- RUSSELL HEATON, CRIMINAL LAW : CASES AND MATERIALS, Blackstone, (1996).
- Itzhak Kugler, *Direct and oblique intention in the criminal law : An inquiry into degrees of blameworthiness*, Ashgate Publishing Group, (2002).
- Noel Cross, *Criminal law and criminal justice : An introduction*, SAGE Publication Limited, (2009).
- A P Simester, A T H Smith *Harm and culpability*, Clarendon Press, (2012).
- Andrew Ashworth, *Sentencing and criminal law*, Cambridge University Press, (2015).
- V R Bhat, *Essays in criminal law*, Karnataka University, (1971).
- G Rajasekharan Nair, *Gender justice under Indian criminal justice system*, Eastern Law House, (2011).
- F T Giles, *The criminal law : A short introduction*, Harmondsworth, Middx, Penguin Books, (1967).
- Tapas Kumar Banerjee, *Background to Indian criminal law*, Orient Longmans, (1963).
- J K Soonvala, *The supreme court on Indian penal code 1950-1990 : Being an analysis of the supreme court during the last four decades 1950-90 on the Indian Penal Code*
- Surendra Malik, Sudeep Malik, *Supreme Court on Indian penal code*
- Rudolph Peters, *Crime and punishment in Islamic law : Theory and practice from the sixteenth to the twenty-first century*, Cambridge University Press, (2003).
- Paul H Robinson, *Structure and function in criminal law*, Clarendon Press Oxford, (1997).
- Joel Feinberg, *The moral limits of the criminal law: Harm to self*, Oxford University Press, (1986).
- Thomas Morawetz, *Criminal law*, New York University Press, (1991).
- R A Duff, *Answering for crime : Responsibility and liability in the criminal law*, Hart Publishing, (2007).
- John Gardner *Offences and defences : Selected essays in the philosophy of criminal law*, Oxford University press, (2007).
- Antony Duff, *Philosophy and the criminal law : Principles and critique*, Cambridge University Press, (1998).
- Douglas Husak, *The philosophy of criminal law : Selected essays*, Oxford University Press, (2010).
- John Deigh, David, Dolinko, *The Oxford handbook of philosophy of criminal law*, Oxford University Press, (2011).
- Collen A, Ward, *Attitudes towards rape : Feminist and social psychological perspectives*, SAGE, (1995).
- Sheldon Krantz, Lynn S Branham *Cases and materials on the law of sentencing, corrections and prisoner's rights*, West Publishing Company, (1997).
- Stephen Shute, A P Simester, *Criminal law theory : doctrines of the general principles*, Oxford University Press, (2002).
- Alan Norrie, *Crime, reason and history : A critical introduction to criminal Law*, Cambridge University Press, (2014).
- Lewis Frederick Sturge, *A digest of the criminal law (indicatable offences)*
- Michael J Allen, *Text book on criminal law*, Oxford University Press, (2007).
- Russell Heaton, *Criminal law : Learning texts*, Blackstone, (2001).
- John Smith, Brian Hogan, *Criminal law*, Butterworths, (1996).
- Paul H Robinson, Stephen P Garvey, Kimberly Kessler Ferzan *Criminal law conversations*, Oxford University Press, (2009).

- Russell Heaton, Claire De Than *Criminal law*, Oxford University Press, (2011).
- Nicola Lacey, Celia Wells, Oliver Quick, *Reconstructing criminal law : Text and materials*, Cambridge University Press, (2003).
- Leo Katz, Michael S Moore, Stephen J Morse, *Foundations of criminal law*, Foundation Press, (2007).
- Edward M Wise, Gerhard O W Mueller, *Studies in comparative criminal law*, Charles C Thomas Pub Ltd, (1975).
- Michael Louis Corrado, *Justification and excuse in the criminal law : A collection of essays*, Garland Publishing Inc., (1994).
- Michael Bohlander, *Globalization of criminal justice*, Farnham ; Burlington, VT : Ashgate , (2010).
- Alan Norrie, *Punishment responsibility and justice : A relational critique*, Oxford University Press, (2008).
- H L A Hart, *Punishment and responsibility : Essays in the philosophy of law*
- Courtney Stanhope Kenny, *Outlines of criminal law*, Cambridge University Press, (1966).
- Glanville Williams, *Text book of criminal law*, Sweet & Maxwell, (2012).
- Janet Dine, James Gobert, *Cases and materials on criminal law*, Oxford University Press, (2010).
- C M V Clarkson, *Understanding criminal law*, Sweet & Maxwell, (2005).
- Joseph G Cook, Paul Marcus *Criminal law*, LexisNexis, (2009).
- Wayne R Lafare, *Modern criminal law : Cases, comments and questions*
- Lloyd Weinreb, Andre A Moenssens, James R, Thompson *Criminal law : Cases and comments*
- V V Raghavan, *Law of crimes : A handbook*, G.D. Kataria for Orient Law House (1981).
- John M Brumbaugh, *Cases and materials on criminal law and approaches to the study of law*, Foundation Press, (2001).
- John Kaplan, Robert Weisberg, *Criminal law : Cases and materials*, Aspen Publishers, (2004).
- Mike Molan, *Cases and materials on criminal law*, APH Publishing Corporation, (1997).
- Bharat B Das, *Victims in the criminal justice system*
- Gross Hyman, *A theory of criminal justice*, Oxford University Press, (1979).
- K J M Smith, *A modern treatise on the law of criminal complicity*, Clarendon Press. (1991).
- Paul H Robinson, *Structure and function in criminal law*, Clarendon Press. (1997).
- Michael Moore, *Act and crime : The philosophy of action and its implications for criminal law*, Oxford University Press, (1993).
- Antony Duff, *Philosophy and the criminal law : Principles and critique*, Cambridge University Press, (1998).
- B C Pathak , *Rape law and flaw : Along with immoral traffic (prevention) Act, 1956*, Gogia Law House, (1988).
- Aparna Bhat, *Supreme court on rape trials : A manual of best practices of the supreme court*, Combat Law Publisher, (2003).
- W O Russell, *Crime*, London, Steven, (1964).
- N L Mitra, *Juvenile delinquency and Indian justice system*, Deep & Deep Publication, (1988).
- David Scott, *Penology*, SAGE Publications, (2008).

ARTICLES

- Henry Hart Jr. The Aims of the Criminal Law, 23 LAW AND CONTEMPORARY PROBLEMS 402, 402-422 (1958)
- Jerome Hall, Nulla Poena Sine Lege, 47 THE YALE LAW JOURNAL 165-193 (1937)
- Leo Katz, Criminal Law in A COMPANION TO PHILOSOPHY OF LAW AND LEGAL THEORY (Dennis Patterson (ed.), 2010), 90-102
- Glanville Williams, Definition of Crime, 8(1) CURRENT LEGAL PROBLEMS 107-130 (1955)
- Francis Sayre, Mens Rea, 45 HARVARD LAW REVIEW 974-1026 (1932)
- H.L.A. Hart, Legal Responsibility and Excuses in PUNISHMENT AND RESPONSIBILITY (2008) 28-53
- H.L.A. Hart, Negligence, Mens Rea and Criminal Responsibility in punishment AND RESPONSIBILITY (2008) 136-157
- Andrew Ashworth, Principles of Criminal Law (5th ed.) 98-100, 105-113, 122-135
- Richard Wasserstorm, Strict Liability in Criminal Law, 12 STANFORD LAW REVIEW 731 (1959)
- Glanville Williams, Offences and Defences, 2 Legal Studies 233(1982)
- Arthur J. Goldberg and Alan M. Dershowitz, Declaring the Death Penalty Unconstitutional, HARVARD LAW REVIEW, Vol. 83, No. 8 (Jun., 1970), pp. 1773-1819
- William C. Bailey, Murder and the Death Penalty, THE JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY (1973-), Vol. 65, No. 3 (Sep., 1974), pp.416-423
- Michael L. Radelet and Ronald L. Akers, Deterrence and the Death Penalty: The Views of the Experts, The Journal of Criminal Law and Criminology (1973-), Vol. 87, No. 1 (Autumn, 1996), pp. 1-16

OTHER READINGS

- Committee on reforms of criminal justice system, Govt. of India, Ministry of Home Affairs, March 2003, Chairman: Dr. Justice V.S. Malimath
- Report of the Committee on Draft National Policy on Criminal Justice, Ministry of Home Affairs, Government of India, July 2007, Chairman: Prof (Dr.) N.R. Madhava Menon
- 10 th D.P. Kohli Memorial Lecture on ‘Criminal justice system – growing responsibility in light of contemporary challenges’ by Hon’ble Sh. K.G. Balakrishnan, Chief Justice of India (New Delhi – April 2, 2009)
- Hart-Devlin Debate.



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**SEMESTER II: B.A., LL.B.
JAN-APRIL**

LAW OF CONTRACT- I

“GENERAL PRINCIPLES”

PREPARED BY- SURABHI RAJPAL

Law of Contract-I

Objective:

This course aims at equipping the undergraduate law students with the knowledge and application of the general principles of contract law. Contracts form the linchpin of all commercial dealings, ranging from commonplace transactions such as buying and selling of consumer goods to the complex commercial agreements entered into between large business corporations. The general principles of contract law include inter alia the essential requirements to enter into contractual relations, the elements that vitiate contracts, the statutory limitations on the freedom of contract, the rules regulating performance of contracts, the rules regulating breach of contracts and the remedies for breach of contract.

Methodology:

In India the general principles of contract law are embodied in the Indian Contract Act, 1872, which is mainly based on principles derived from the English common law. In certain cases, a conscious departure is made from the English position. In other cases, where the statute is silent, the Indian courts have resorted to rules of English common law as principles of justice, equity and good conscience.¹⁹ Accordingly, in discussing the general principles and their application in India, the English cases reflecting the common law position would be necessarily examined.

The case law method would be adopted, with selected cases being used to understand and analyse the legal principles. To better appreciate the legal position enunciated in a case, secondary sources such as authoritative treatises and leading academic writings would also be referred to.

Lecture Plan

Module No.	Title	Number of Hours
I	Introduction to the law of contracts	2
II	Proposal (Offer) and Acceptance- Formation of agreement	6
IIA	Intention to create legal relations	2
III	Consideration	6
IV	Capacity to Contract	3
V	Free Consent and Vitiating Factors	12
VI	Limitations on Freedom of Contract	7
VII	Discharge of a contract and its various modes	7
VIII	Remedies for breach of Contract	10
IX	Quasi-contracts	2
X	Specific Relief	7

¹⁹ Goverdhandas Kedia v. Girdharilal Parshottamdas, AIR1966SC543, Per J.C. Shah J.

MODULE-I

INTRODUCTION TO THE LAW OF CONTRACT

- History and nature of contractual obligations

Readings:

D.J. Ibbetson, A Historical Introduction to the Law of Obligations, OUP, 1999

Chapter 7, The Rise of the Action of Assumpsit, pp 126-147

Chapter 11, Foundations of the Modern Law of Contract, pp 202-219

P.S. Atiyah & Stephen Smith, Atiyah's Introduction to the Law of Contract, OUP, 2005

Chapter 1, Introduction, pp 9-27

FORMATION OF CONTRACT- ESSENTIAL REQUIREMENTS (MODULES II –V)

MODULE-II

PROPOSAL (OFFER) AND ACCEPTANCE- FORMATION OF AGREEMENT

- Proposal, Acceptance & Contract- Definition and essential elements
- Distinction between offer and invitation to offer (advertisements, auctions & tenders)
- Distinction between acceptance, counter offer and cross offer
- Communication of proposal; Communication of acceptance- Postal Rule, Rule applicable to instantaneous modes of communication (telex, telephone and fax), Rule applicable to emails
- Unilateral Contracts
- Revocation of offer and acceptance
- Standard Form Contracts

Cases:

Partridge v Crittendon, [1968] 1 WLR 379

Pharmaceutical Society of Great Britain v Boots Cash Chemists (Southern) Ltd., [1953] 1 QB 401

U.P. Rajkiya Nirman Nigam Ltd. v. Indure Pvt. Ltd., AIR1996SC1373

Lalman Shukla v Gauri Dutt, (1913) 11 All LJ 489

LIC v Raja Vasireddy, AIR 1984 SC 1014

Powell v Lee, (1908) 99 L.T. 284

Felthouse v Bindley, (1862) 11 CBNS 869

Adam v Lindsell

Household Fire and Carriage Accident Insurance Co. Ltd v Grant, (1879) 4 ExD 216

Holwell Securities v Hughes, [1974] 1 WLR 155

Entores v. Miles Far East Corporation, [1955] 2 QB 327

Bhagwandas Goverdhandas Kedia v. Girdharilal Parshottamdas, AIR 1966 SC 543

P.R. Transport Agency v UOI, AIR 2006 All 23

Carlill v Carbolic Smoke Ball Company, [1893] 1 Q.B. 256
Byrne & Co. v. Leon Van Tienhoven & Co., (1880) 5 C.P.D. 344

Readings:

P.H. Winfield, *Some aspects of Offer and Acceptance*, 55 L. Q. Rev. 499 1939
Deverall Capps, *Electronic mail and the postal rule*, I.C.C.L.R. 2004, 15(7), 207-212

MODULE II A

INTENTION TO CREATE LEGAL RELATIONS

- Agreements in domestic context
- Agreements in social context
- Agreements in commercial context

Cases:

Balfour v Balfour, (1919) 2 KB 571
Jones v. Padavatton, [1969] 1 W.L.R. 328
Meritt v Meritt, [1970] 2 All ER 760
Rose & Frank Co v J.R. Crompton & Bros Ltd, (1923) 2 KB 261
Kleinwort Benson Ltd.v. Malaysia Mining Corp. Bhd. [1989] 1 W.L.R. 379

MODULE III

CONSIDERATION

- Meaning- basis and the nature of consideration
- Kinds of consideration
- Essential elements
- Doctrine of Privity of Contract and of consideration, its exceptions (nudum pactum)
- Adequacy of consideration-present, past and adequate consideration
- Unlawful consideration and its effects

Cases:

Kedarnath Bhattacharji v. Gorie Mahomed (1886) 7 I.D. 64 (Cal.) 54
Doraswami Iyer v. Arunachala Ayyar (1935) 43 LW 259 (Mad.) 56
Abdul Aziz v. Masum Ali, AIR 1914 All. 22 58
Venkata Chinnaya Rau v. Venkataramaya Garu (1881) 1 ID 137 (Mad.) 60
M.C.Chacko v State bank of Travancore, (1969) 2 SCC 343
Nawab Khwaja Muhammad Khan v. Nawab Husaini Begam, (1910) LR 37 I.A. 152

Readings:

Patrick Atiyah, *Consideration: A Restatement*, Chapter 8 in *Essays on Contract*, Oxford: Clarendon Press, 1986

MODULE IV

CAPACITY TO CONTRACT

- Legal disability to enter into contract
- Minor- nature of minor's agreement, effects of minor's agreement, beneficial contracts, ratification, liability for necessities supplied to the minor,
- Persons of unsound mind

Cases:

Mohori Bibee v. Dhurmodas Ghose (1903) 30 I.A. 114 65

Khan Gul v. Lakha Singh, AIR 1928 Lah. 609 69

Ajudhia Prasad v. Chandan Lal, AIR 1937 All. 610

MODULE V

FREE CONSENT AND VITIATING FACTORS

- Definition of free consent, vitiating factors and their effect
- **Coercion**- definition- techniques of causing coercion
- **Undue Influence**- definition- between which parties can it exist? Burden of proof, presumption of undue influence, contracts with pardanashin woman, rescission
- **Misrepresentation** – definition, unwarranted statements, breach of duty, inducing mistake about subject matter, suppression of vital facts, means of discovering truth
- **Fraud** - definition - essential elements - suppressio veri -suggestio falsi— when does silence amount to fraud? Active- concealment of truth - importance of intention.
- **Mistake** – definition- kinds- fundamental error- mistake of law and of fact- their effects- when does a mistake vitiate free consent and when does it not vitiate free consent?

Cases:

Raghunath Prasad v. Sarju Prasad (1923) 51 I.A. 101 87

Subhas Chandra Das Mushib v. Ganga Prasad Das Mushib, AIR 1967 SC 878 90

Lakshmi Amma v. T. Narayana Bhatta, 1970 (3) SCC 159 94

Lloyds Bank v Bundy, (1975) 1 QB 326

Dai-ichi Karkaria Pvt Ltd v ONGC, AIR 1992 Bom 309

Royal Bank of Scotland v Etridge (No. 2), [2001] UKHL 44

Derry v Peek, (1889) 14 AC 337
Peek v Gurney, (1873) LR 6 HL 377
Cundy v Lindsay, (1878) 3 AC 459
Ingram v Little, (1961) 1 QB 31
Couturier v Hastie, (1856) 5 HL Cas 673
Bell v Lever Brothers, (1932) AC 161
Smith v Hughes, 1871 LR 6 QB 597
Tarsem Singh v. Sukhminder Singh (1998) 3 SCC 471

Readings:

David Capper, *The unconscionable bargain in the common law world*, L.Q.R. 2010, 126(Jul), 403-419
Janet O'Sullivan, *Rescission as a self-help remedy: a critical analysis*, C.L.J. 2000, 59(3), 509-543
Alexander Trukhtanov, *Misrepresentation: acknowledgement of non-reliance as defence*, L.Q.R. 2009, 125(Oct), 648-670
David Capper, *Common Mistake in Contract Law*, (2009) Singapore J Legal Stud 457

MODULE VI

LIMITATIONS ON FREEDOM OF CONTRACT (Sections 23-30, Indian Contract Act, 1872)

- Void agreements - lawful and unlawful considerations and objects – Distinction between void and voidable agreement, illegal and unlawful agreements and their effects.
- Unlawful considerations and objects: Forbidden by law, Defeating the provision of any law, Fraudulent, Injurious to person or property, Immoral, Against public policy
- Void Agreements: Agreements without consideration, Agreements in restraint of marriage, Agreements in restraint of trade- its exceptions- sale of goodwill- restrictions under the partnership Act, trade combinations, exclusive dealing agreements, restraints on employees under agreements of service.
- Agreements in restraint of legal proceedings- its exceptions.
- Uncertain and ambiguous agreements, wagering agreement - its exception.

Cases:

Gherulal Parakh v. Mahadeodas Maiya, AIR 1959 SC 781 106
Niranjan Shankar Golikari v. Century Spinning & Manufacturing Co. Ltd., AIR 1967 SC 1098 119
Central Inland Water Transport Corpn. Ltd. v. Brojo Nath Ganguly, (1986) 3 SCC 156
D.T.C. v. D.T.C. Mazdoor Congress, AIR 1991 SC 101
Bank of India v. O.P. Swarankar, AIR 2003 SC 858)
Dhurandhar Prasad Singh v. Jai Prakash University, AIR 2001 SC 2552

Madhub Chander v Raj Coomar, (1874) 14 Beng LR 76

Nordenfelt v Maxim Nordenfelt Guns & Ammunition Co., 1894 AC 535

Esso Petroleum Co Ltd v Harper's Garage (Stouport) Ltd, 1968 AC 269

Module VII

DISCHARGE OF A CONTRACT AND ITS VARIOUS MODES

- By performance- conditions of valid tender of performance- How? By whom? Where? When? In what manner? Performance of reciprocal promises- time as essence of contract.
- By breach - anticipatory breach and present breach.
- Supervening Impossibility of performance- specific grounds of frustration- application to leases, theories of frustration- effect of frustration- frustration and restitution.
- By period of limitation
- By agreement and Novation- rescission and alteration - their effect- remission and waiver of performance - extension of time- accord and satisfaction.

Cases:

Satyabrata Ghose v. Mugneeram Bangur & Co., AIR 1954 SC 44 148

M/s. Alopi Parshad & Sons Ltd. v. Union of India, AIR 1960 SC 588 158

Punj Sons Pvt. Ltd. v. Union of India, AIR 1986 Del. 158 162

Easun Engineering Co. Ltd. v. The Fertilizers & Chemicals Travancore Ltd., AIR 1991 Mad. 158 167

Readings:

Francis Dawson, *Metaphors and Anticipatory Breach of Contract*, [1981] CLJ 83

J.W. Carter, *Discharge as the basis for termination for breach of contract*, L.Q.R. 2012, 128(Apr), 283-302

MODULE VIII

REMEDIES FOR BREACH OF CONTRACT

- Damages-kinds
- Remoteness of damages- ascertainment of damages
- Mitigation of Damages
- Penalty & Liquidated Damages
- Injunction- when granted and when refused- Why?
- Refund and restitution
- Specific performance- When? Why?

Cases:

Hadley v. Baxendale (1843-60) All ER Rep. 461 172
A.K.A.S. Jamal v. Moolla Dawood, Sons & Co., (1915) XX C.W.N. 105 175
Karsandas H. Thacker v. M/s. The Saran Engineering Co. Ltd., AIR 1965 SC 1981 178
Maula Bux v. Union of India, AIR 1970 SC 1955 182
Shri Hanuman Cotton Mills v. Tata Air Craft Ltd., 1969 (3) SCC 522 186
State of Kerala v K. Bhaskaran [1985] A.I.R. Ker. 49
Ghaziabad Development Authority v. Union of India, AIR 2000 SC 2003 196
Oil & Natural Gas Corporation Ltd. v. Saw Pipes Ltd., (2003) 4 SCALE 92
Transfield Shipping v Mercator (The Achilleas), [2009] 1 A.C. 61

Readings:

Michael G. Bridge, *Mitigation of damages in contract and the meaning of avoidable loss*, L.Q.R. 1989, 105(Jul), 398-423
 Aditya Gupta, *The implications of The Achilleas on s.73 of Indian Contract Act 1872*, Comp. Law. 2014, 35(6), 179-186
 Mary Sabina Peters, *Hermeneutics of the term "consequential loss"*, I.E.L.R. 2013, 6, 263-265

MODULE IX

QUASI-CONTRACTS

- Certain relations or obligations resembling those created by contract (Sections 68-72, Indian Contract Act, 1872) - Concept and classification

Cases:

State of West Bengal v. B.K. Mondal & Sons, AIR 1962 SC 779

MODULE X

SPECIFIC RELIEF (Specific Relief Act, 1963)

- Specific performance of contract
- Contracts that can be specifically enforced
- Persons against whom specific enforcement can be ordered
- Rescission and cancellation
- Injunction- Temporary & Perpetual
- Declaratory orders
- Discretion and powers of court

Cases:

Kammana Sambamurthy v Kalipatnapu Achutamma, (2011) 11 SCC 153

Man Kaur v Hartar Singh Sangha, (2010) 10 SCC 512

V. Pechimuthu v Gowrammal, (2001) 7 SCC 617

Rutherford v Acton Adams, 1915 AC 866

Indian Oil Corporation Ltd v Amritsar Gas Service, (1991) 1 SCC 533

Mukesh Kumar v Col Harbans Waraich, AIR 2000 SC 172

Reading:

Hayk Kupelyants, *Specific performance in the draft common frame of reference*, UCL J.L. and J. 2012, 1(2), 15-45

Reference Books:

Indian Law

Nilima Bhadbahde (ed.), *Pollock and Mulla, The Indian Contract and Specific Relief Acts*, Lexis Nexis, 14th Ed., 2013

Avatar Singh, *Contract and Specific Relief*, Eastern Book Company, Lucknow, 11th Edition. 2013

English Law

Jack Beatson et. al, *Anson's Law of Contract*, OUP, 29th Edition, 2010

Stephen A Smith (ed.), *Atiyah's Introduction to the Law of Contract*, OUP, 6th Edition, 2006

Hugh Beale (General Editor), *Chitty on Contracts*, 32nd Edition, Sweet and Maxwell, 2015

Edwin Peel, *Treitel on the Law of Contract*, 14th Edition, Sweet and Maxwell, 2015

Richard Stone & James Devenney, *The Modern Law of Contract*, 11th Edition, Routledge, 2015

M P Furmston, *Cheshire, Fifoot and Furmston's Law of Contract*, 16th Ed., OUP, 2012

Ewan McKendrick, *Contract Law*, 11th Ed., Palgrave Macmillan, 2015

Ewan McKendrick, *Contract Law: Text, Cases and Materials*, 6th Ed., OUP, 2014



NALSAR University of Law Hyderabad



Department of
Management Studies
NALSAR University of Law

COURSE OUTLINES – MBA

START YOUR OWN BUSINESS - (SYOB)

Course Outline by Somdutta Banerjee

MBA 2021 - 2023

Start your own Business

Credits	2
Faculty Name	Somdutta Banerjee
E-mail	somdutta.banerjee@nalsar.ac.in
Academic Year and Semester	2021-2022, Term -III

Course Description:

This course is to help young budding entrepreneurs to assess potential business/ start-up ideas, evaluate the market opportunity, establish the unique value propositions and evolve an initial start-up business plan.

Learning Outcomes:

Upon successful completion of this course, the student is expected to learn:

1. Ideas and opportunities to launch a start-up
2. decision-making and teamwork involved to build a new business.
3. To make a professional pitch deck
4. How to get his business model canvas and pitch deck reviewed

READINGS

Textbook

1. Bill Aulet. **Disciplined Entrepreneurship: 24 Steps to a Successful Startup**. 1st edition. Wiley, 2013
ISBN-13: 978-1118692288
2. Peter F. Drucker. **Innovation and Entrepreneurship**. Reprint edition. HarperCollins e-books, 2009
ISBN-13: 978-0060851132

Reference Book / Additional Readings:

1. David J. Bland and Alexander Osterwalder. **Testing Business Ideas: A Field Guide for Rapid Experimentation (The Strategyzer Series)**. 1st edition. Wiley. 2019
ISBN-13: 1119551447

Session Plan:

No.	Topics	Readings
1	Ideas and Opportunities	Handout
2	Customer Discovery	Handout
3	Opportunity Validation	Handout
4	Value Proposition	Handout
5	Customer Segments and Channels	Handout
6	Revenue & Value Models	Handout
7	Business Model Canvas	Handout
8	Learn to make a professional pitch deck	Handout
9	Action learning session 1 – Prof. Vandana Sharma	Handout
10	Action learning session 2 – Surbhi Guha	Handout
11	Action learning session 3 – Pradeep Mittal	Handout
12	Action learning session 4 – Sanjay Jesrani	Handout
13	Action learning session 5 – Anurag Garg	Handout
14	Action learning session 6 – Viiveck Verma	Handout
15	Project Presentation	
16	Project Presentation	

Evaluation:

Project (75 marks) & Presentation (25 marks)

Think of a unique business product or idea and create a business model canvas and pitch deck.

Mechanism

1. Document your business idea based on broad strokes of
 - a. Capability (do you as the applicant have the adequate education and experience to carry out the task)
 - b. Feasibility (is the proposal technically feasible) and
 - c. Viability (the commercial potential of the proposal).
2. You need to assess your business/ start-up idea, evaluate the market opportunity, establish the unique value propositions and evolve an initial start-up business plan.
3. Discuss the the Go No-go decision about your idea; if it is viable to take it forward.
4. The report needs to be submitted in the form of a 2500 word report by the 13th session.
5. Marks shall only be awarded upon sufficient usage and linkage of taught in-class concepts to the project.

Requirements

The project report (75 marks) should be minimum of 2500 words of text, using one and a half spaced, 12-point Times New Roman font. In addition, diagrams and charts are encouraged.

I will be allocating the class in groups comprising of at least 3 members. This is a hybrid team/individual project. Each student should work independently to contribute to the final project. Each team member should document his/her contributions to the paper. You will also be grading each member of your team.

Teams will be presenting a 15-minute Presentation (25 marks) of your paper focusing on a summary of the project report, its potential success (or failure) and your individual, well thought out conclusions.

Academic Integrity:

Malpractice of any kind shall be dealt with as per the manual of policies of DoMS, NALSAR University of Law, Hyderabad.

Mergers, Acquisitions & Corporate Restructuring

Credits

4

E-mail Name

m.praveen@nalsar.ac.in

Academic Year and Semester

2022-23, Term-VI

Course Description

Mergers, Acquisitions & Corporate Restructuring activity represent the ultimate in change for a business. No other event is more difficult, challenging, or chaotic as a merger and acquisition. It is imperative that everyone involved in the process has a clear understanding of how the process works.

The course aims at providing students with the knowledge and skills to initiate, analyze, evaluate, and implement M&A transactions.

The course is aimed at offering a concise view on assessing and valuing target businesses by applying corporate finance tools and knowledge within the context of evaluating, developing and executing M&A transactions.

It also offers a bird's eye view on execution of transactions including mergers, business acquisitions, takeovers and other corporate actions.

Students will be expected to gain an insight into corporate and business strategies that motivate M&A transactions and the motivations of financial buyers such as private equity participants in M&A markets.

The purpose of the course is to give the user a solid understanding of how and why mergers and acquisitions work (or) mostly don't work.

Course Goals & Learning Outcomes

The Objective of the Course is to provide students with knowledge of -

CO 1 - Provide an Overview on what and why of Mergers, Acquisition & corporate restructuring activity.

CO 2 – Describe the key stakeholders involved in M&A transactions.

CO 3 - Initiate a discussion on Regulatory environment for M&As in India

CO 4 - The M&A Process - Challenges and issues associated with each phase of the M&A process from developing acquisition plans through post-closing integration; and

CO 5 - How value (Synergies) is created (or destroyed) because of corporate mergers, acquisitions, divestitures, spin-offs, etc., through an analysis of how to do a deal.

CO 6 - Deal Valuations, Structuring and Financing. CO 7 -

Commonly used takeover tactics and defenses. CO 8 -

Overview of Select M&A Deals.

Module Outline and Topics	
Module I – Basic Concepts of M&A	Introduction to Mergers & Acquisitions – The Significance M&A Activity – Perspectives on Mergers and Acquisitions–History of Merger Movements - Theories of M&A – Factors driving M&A - Types & Characteristics of M&A – Cross Border M&As
Module II – M&A Transaction Process	Introduction to M&A Process - Deal Structuring Valuation – Methods of Payment in Mergers and Acquisitions – Quantification of Synergies - Due Diligence – Transaction Structuring
Module III – M&A Transaction Structuring	SAST Regulations - Control Mechanism and Takeover Defenses – Critical Success Factors of Success and Failure – Rules of M&A Integration - Post Merger Integration Plans - Post Integration Challenges in M&A
Module IV - Corporate Restructuring Forms	Introduction to Corporate Restructuring – Alternative Restructuring Mechanisms - Demergers – Divestments – Corporate Spin-offs etc.

Text book (s):

1. Mergers & Acquisitions Text & Cases, B Rajesh Kumar, Tata McGraw – Hill
2. Mergers, Acquisitions, and Other Restructuring Activities: An Integrated Approach to Process, Tools, Cases, and Solutions, 9th edition, by Donald M. DePamphilis, Academic

Session Plan

Session No	Topics	Learning Outcomes	Readings*
1	Refresher session on Corporate Finance & Valuation Approaches	• Concept of Finance Management • Strategic Objective of Financial Management • Foundations of Value • Corporate Valuation Methodologies for Value Discovery	Class Discussion
2	Introductory Concepts of Mergers, Acquisitions and Corporate Restructuring	• Definitions of various Corporate Restructuring activities • Differences among these corporate actions	Chapter 1, Book 1
3	Understanding M&A Environment	• Foundational Concepts of Corporate Strategy (<i>Inorganic Growth; Survival, Defense, Consolidation etc.</i>) • The need, purpose and drivers of these corporate actions • Stakeholder Impact due to these Corporate Actions	Reading Material Byjus - A Growth Story driven by Acquisitions.
4	Class Presentations by 2 member teams on M&A Environment & Activity in Selected Industries	• Trends & State of M&A Transactions • Identification of Various Stakeholders Involved • M&A as a Strategic Exercise	Refer: Bain & Co M&A Report 2022 Pharma Sector E-commerce Sector
5	Regulatory Environment for M&As in India	• Principal Regulators in M&A Activity • Role & Scope of Regulators in Inbound & Outbound M&As • Role & Scope of Regulators in Unlisted Vs Listed Companies	Refer: Mergers & Acquisitions Laws and Regulations 2022
6	Regulatory Framework under Companies Act, 2013 – Merger Process	• Understanding the Terms Compromise, Arrangements and Amalgamations • A Overview of Procedure under Companies Act, 2013 (Sections 232-234)	Refer: Relevant provisions under Companies Act, 2013
7			Refer: Vodafone-Idea Merger Documents
		Solving Kirla group_Case Study	
8	Introduction to the 'Mergers & Acquisition' Process	• M&A Planning • A brief on Steps in M&A Process	Refer: SmartSheet M&A Process Templates
9	'Mergers & Acquisition' Process Steps	• Accessing Data from various data sources	Refer: Driving Successful Deals_

10	(Using Listed Companies for Reference)	- Preparing an M&A Charter for the Acquirer Company - Defining a Screening Criteria - Search, Screen and shortlist Potential Targets - First Contact with potential targets - Role of Due Diligence and Negotiation	Critical Roles of Five M&A Stakeholders Chapter 4, Book 1 Chapter 5, Book 1
11	Synergies – Understanding and Quantification	- What is a Synergy? - Different Types of Synergies with Examples - Approaches to Valuing Synergy	Chapter 14, Book 1
12	M&A Valuation Approaches & Methods	- Foundations of Valuation in the context of Deal Making - The Context and Determinants of Value - Value triangulation of Unlisted companies (Listed Cos. In SAST Regulations)	Chapter 7 & 8, Book 1
13			Chapter 10, Book 1
14	SAST 2011 regulations – Valuation Rules for Listed Companies	- SAST Regulations, Applicability & Context - What is an Open Offer - Difference between Mandatory & Voluntary Open Offer - Discussion on ‘Analysis of Information Presented’ in Open Offer - Valuation Approaches that can be adopted under SAST regulations. - Path & Timeline of Open Offer Process.	Refer: FAQs on SAST regulations Open Offer Documents of designated companies from SEBI website
15	Valuation of Listed Companies – Class Presentation on Simulated Case model of assigned companies		
16	SAST 2011 regulations – Open Offer Process		
17	Class Presentations by 2 member teams on Open Offer Process & Documentation of assigned companies	- Review and Analysis of Information in Open Offer Documents - Valuation, Mode of Consideration & Terms of Deal	Company as per the Choice of the Teams
18	Introduction to M&A Deal Structure	- Objectives of Deal Structuring in M&A (Risk & Return Sharing between Buyers & Sellers) - What are the Various Types of Common Deal Structures (Slump Sale, Equity Sale, Mergers, Reverse Mergers, Multi-Step Takeovers)	Chapter 11; Book 1
19	M&A - Financing the Deals	- Common Financing Options - Role of Alternative Investment Funds (VC, PE, Hedge Funds) in M&A Funding	Chapter 13; Book 1
20			
21			

		• Leveraged Buy Outs • Financial Modelling to determine funding and value outcome scenarios	
22	M&A – Post Closing Integration	• Integration Phase as an Active Strategy for M&A Success • Factors driving Post implementation success.	Chapter 6; Book 1
23	Takeover tactics and anti-takeover measures	• What is Hostile Takeover and their prevalence • Can Hostile Takeovers be defended against? • Various types of Takeover Defense Strategies • Advantages & Disadvantages of Defense Strategies	Refer: L&T-Mindtree Takeover Offer; Elon Musk-Twitter Offer Chapter 3; Book 1
24			
25	Alternative Corporate Restructuring Strategy: Exit& Divestures, Spin-offs and more.	• What are Business Alliances? • What are various corporate restructuring strategies? • Purpose & motivation for corporate restructuring strategies?	Chapter 16, Book 1
26			
27 -28	Project Presentations		

Evaluation:

1. Two (2 out of 3) Quizzes	(2 X 15 = 30 Marks)
2. Term Project	(1 X 20 = 20 Marks)
3. End Term Exam	(1 X 50 = 50 Marks)

Project Submission requirements:

- Submissions on Turnitin anti-plagiarism software shall be post submission and prior to evaluation.
- The due date for the Project shall be as specified in the timetable.

End Term mProject	Individual Student Activity Nature of Assignment – Descriptive Report & Valuation Workings in Excel Assignment Topic – Turnkey M&A Transaction Process of the Target Company selected from list assigned. Areas to be Covered. • Search & Screening • Valuation • Transaction Structure • Financing Strategy Proposed • Target Integration Strategy

**CENTRE FOR MANAGEMENT STUDIES
NALSAR UNIVERSITY OF LAW, HYDERABAD
INSTRUCTION PLAN MBA - II SEMESTER – IV
ENVIRONMENTAL LAWS AND CORPORATE MANAGEMENT**

Course Code	Course Title	Course Instructor	Credits
MM-03	Environmental Laws and Corporate Management	Manjula Rani.M	4

1	environmental law by Dharmendra S. Sengar (DS)
2	Corporate Environmental Management: A Study With Reference to India by banerjee Bhabatosh (BB)
3	environmental management, Text and Cases by Bala Krishnamoorthy (BK)
6	Environmental Management Systems and Certification by Philipp Weiß and Jörg Bentlage
7	Handbook of Environmental Decision Making in India: An EIA Model by O.V. Nandimath (oup)
8	Environmental Law and Policy in India: Cases, Materials and Statutes, Second edition by Shyam Divan & Armin Rosencranz
9	Corporate Strategy and Environment: The Theory by Sangeetha Bhargava and Richard Welford
10	An overview of Corporate Environmental Management Practices: A joint study by OECD Secretariat and EIRIS
11	Environmental Law and Practice: Nalsar Publication
12	Bare Acts: Environmental Laws in india

	Week Number	Lecture Number	Lecture Topic
		Lecture-1	Environmental Crisis
		Lecture-2	Environmental Challenges and Corporate Responses
		Lecture-3	Industrial Pollution: Causes and Consequences
		Lecture-4	Environmental Regulations
		Lecture-5	Legal control of Hazardous Substances and Process
		Lecture-6	Law relating to Water Pollution
		Lecture-7	Industrial Air Pollution and Law
		Lecture-8	Environmental Issues and Judicial trend
		Lecture-9	Corporate Environmental Liability
		Lecture-10	Corporate Environmental Mangement
		Lecture-11	Accountingand Reporting for Corporate Environmental Management

		Lecture-12	Corporate Environmental Accounting in India
		Lecture-13	WTO and Environmental Law
		Lecture-14	Enforcement Machinery
		Lecture-15	Environmental Ethics and Risk Communication
			Total

	Evaluation No	Nature of Evaluation & Marks	Date of conducting the evaluation / allotment of assignment
	Evaluation-1	Class Test (5 Marks)	
	Evaluation-2	Project Report (10)	
	Evaluation-3	Group Presentation (10)	
	Evaluation-4		

MBA 2014 - 2016
CG-05 Corporate Crimes

Credits	4
Faculty Name	Anuradha Prasad
E-mail	Anuradha.prasad@nalsar.ac.in anuradha.prasad07@gmail.com
Academic Year and Semester	2014 – 2016 (3 rd Sem)

Course Description: This course would basically deal with the white collar crimes and the corporate crimes, attributing criminal liability to corporations and how it differs in various jurisdictions and the fallout of the same, the problem of corporate crime in India with different case studies and relevant statutory provisions

Learning Outcomes: At the end of this course students should be able to understand the appropriateness of attributing criminal liability to corporations, to understand the various models of corporate criminal liability; to learn the adequacy and effectiveness of those measures as to whether they fulfill the deterrent object of punishment; to assess as to how corporate crimes can be effectively curbed.

Readings:

Books

1. Corporate criminal liability; Amanda Pinto, Martin Evans
2. Corporations, Crime and accountability; Brent Fisse, John Braithwaite
3. Corporate crime, law and social control; Sally S, Simpson
4. Rethinking Corporate Crime; James Gobert, Maurice Punch
5. Corporate fraud : Prevention and detection, Julia, Penny

Articles

1. [Ellen S. Podgor](#) , [The Challenge of White Collar Sentencing](#) , *Journal of Criminal Law and Criminology*, Vol. 93, No. 3, 2007
2. [Gabriel Markoff](#), [Arthur Andersen and the Myth of the Corporate Death Penalty: Corporate Criminal Convictions in the Twenty-First Century](#) , *15 University of Pennsylvania Journal of Business Law* 797 (2013)
3. [Eilis Ferran](#), [Corporate Attribution and the Directing Mind and Will](#) , *Law Quarterly Review*, Vol. 127, pp. 239-259, 2011, *University of Cambridge Faculty of Law Research Paper No. 5/2012*
4. [Roman Tomasic](#) , *From White Collar to Corporate Crime and Beyond: The Limits of Law and Theory*, *ISSUES IN AUSTRALIAN CRIME AND CRIMINAL JUSTICE*, pp. 252-267, D. Chappell and P Wilson, eds., LexisNexis Butterworths, 2005,
5. [Kathleen F. Brickey](#), [Perspectives on Corporate Criminal Liability](#), *ENCYCLOPEDIA OF CRIMINOLOGY & CRIMINAL JUSTICE*, Springer, 2012, *Washington University in St. Louis Legal Studies Research Paper No. 12-01-02*

Session Plan:

Session No	Topics/Activities
1 – 2	INTRODUCTION TO CORPORATE CRIME • What is crime and corporate crime? • White collar crime and corporate crime • Corporate crime and the law
3 – 5	WHITE COLLAR CRIME AND CORPORATE CRIME • Causes, implications and types of white collar crime • Rationalization of white collar crimes and Sutherland's Differential Association theory • White collar crimes in India • Problem of enforcement of anti white collar legislation • Judicial attitude Remedial measures
6 – 7	CRIMINAL LIABILITY OF CORPORATIONS • Why corporations fell out of the purview of the criminal law • Liability standard adopted by the current legal regime and the resulting fall-out (England, US and Indian Position) • Corporate sanctions: the tussle between legal theory, economics and reality
8 – 14	THE PROBLEM OF CORPORATE CRIME IN INDIA <u>Case studies</u> • Bhopal Gas Disaster • Bofors Scandal • 2G Spectrum Scam • The Coal Allocation Scam • The Fodder Scam in Bihar • Satyam Scandal • Uphaar Cinema Fire • Fire accident in Sivakasi

Evaluation

- **Research Paper**: 25 Marks
- **Mid-Term Examination**: 25 Marks
- **End-Term Examination**: 50 Marks

Name of the Course : Labour Laws
No. of Credits : FOUR
Name of the Faculty : Dr..T. Raghavendra Rao

Objective of the Course:

To sensitize and enlighten the students with the Industrial Relations and social security systems applicable to labour and workforce in India. It also highlights the pertinent legal provisions and compliances required to be followed mandatorily by the Business Houses/ Corporations/ Industries.

Course Coverage:

Unit I

The Indian Industrial Relations and Social Security: Overview, Concept, Scope, Theories - Trade Unionism in India, International Labour Organisation.

Employer and Employee Relationship: Concept of Employment, Master and Servant Relationship Regulation of Employment Relationship.

Unit II

Industrial Relations: Legislations: The Industrial Dispute Act of 1947, The Industrial Employment Standing Orders Act of 1946 and the Trade Unions Act of 1926, Constitution of India and Industrial Relations.

Unit III

Social Security Legislations: The Minimum Wages Act of 1948, Employees Compensation Act of 1923 and the Employees State Insurance Act 1948, EPF Act, 1956, Factories Act, 1948, Constitution of India and Social Security.

Unit IV

Workers Participation in Management and Labour Laws.

Unit V

Collective Bargaining and Labour Laws.

Suggested Readings

J.P. Sharma: Labour Laws.

S. N. Mishra: *Labour and Industrial Laws*.

Khan&Khan: *Labour and Industrial Law*.

Method of Evaluation:

Quiz: 3X10=30 Marks.

Project: 20 Marks.

End Term Examination: 50 Marks.

The Method in which Evaluation will be done: CLOSED BOOK.

NALSAR UNIVERSITY OF LAW
HYDERABAD
DEPARTMENT OF MANAGEMENT STUDIES
MBA 2021-23
BUSINESS LAWS

Credits	4
Faculty Name	Dr. Shaik Nazim Ahmed Shafi
E-mail	snashafi@yahoo.co.in
Mobile	99496 99212
Academic Year and Term	2020-21, Term- III

Course Description

The said course “Business Law” relates to the field of businesses carried in many ways in the development of any nation economically whether domestically or internationally. This course introduces the legal context in which the business is conducted in common law jurisdiction. The first part discusses purely the fundamentals of contract law and later part on specific contracts is discussed at length. This course finally gives the students the knowledge how contracts are entered between persons, throwing focus on how the terms and conditions are laid down whether valid or unscrupulous which will be decided by the Courts for interpretation.

Learning Outcomes

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

- Understand the *concepts* being used in Law of Contracts;
- Understand it's *application* in Business terms;
- Understand the meaning of *various clauses* executed at the time of entering into contract;
- Understand how business contracts are *drafted practically* in business environment.

Readings

Text Book

- BUSINESS LAW- Principles of Mercantile Law, by Dr. Avtar Singh, Eleventh Edition 2018, EBC Publications.

Evaluation

Assignments	: 2x10 = 20 Marks
Quiz	: 1x10 = 10 Marks
Group Project/Assignment & Presentation	: 20 Marks
End Term Examinations	: 50 Marks

Sl. No.	Description of Assignment on Case Law
1.	Brief facts of the Case
2.	Issues involved in the Case
3.	Majority and Minority View (if any)
4.	Application of Law Cited in the Case (means provisions of law quoted in the case)
5.	Conclusion (to be given by the Student)

Session Plan

Session No	Topics
1.	Introduction; Classification of Contracts; Offer; Acceptance; Intention to Create Legal Relations; Competency of Parties; Free Consent
2.	Lawful Consideration; Legality of Object and Consideration; Void Agreements; Contingent Contracts
3.	Performance of Contracts; Discharge of Contracts; Remedies for Breach of Contract; Quasi Contracts
4.	Contract of Indemnity; Contract of Guarantee; Contract of Bailment; Contract of Pledge (Only Conceptual)
5.	Indian Partnership Act; Indian Companies Act (Only Relevant Provisions)

Academic Integrity

Malpractice in any form will be dealt with as per the Manual of Policies of Centre for Management Studies, NALSAR University of Law, Hyderabad.

**DEPARTMENT OF MANAGEMENT STUDIES
NALSAR UNIVERSITY OF LAW, HYDERABAD**

Course Name: HRD Instruments & Analytics

Credits	4
Faculty Name	Prof. Binod Rajak
E-mail	Binod.rajak@nalsar.ac.in
Academic Year and Semester	2022-23 Trimester – XV

Course Description:

Instruments are very important to measure the performance of an individual's and it became more pertinent in current digital world where thousand of people waiting to replace you. HRD Instrument not only measure the performance but also provide guidelines for future growth and development. HR Managers must align HR data and initiatives to the organization's strategic goals. Understanding of HR analytics enables HR professionals to make data-driven decisions to attract, manage, and retain employees, which improves ROI.

It helps HR managers and leaders make informed decisions to create better work environment and maximize employee productivity. It has a major impact on the bottom-line when used effectively.

Course Outcomes:

At the end of the course, students will –

CO1: Understand the HRD Instrument importance to develop the competencies of employees and improved the overall organizational climate.

CO2: Understand the role of analytics in human resource decision making and develop necessary skills to identify and apply analytics to solve HR problems.

CO3: Measuring HR analytics and turning data into a strategy can help an organization save money, free up time for other tasks, and create a happier company culture

CO4: Effectively measure the success of human resources activities and processes by overall performance and efficiency.

CO5: Tracking metrics through data visualization can offer valuable insights into how well certain processes are performing.

Unit 1: HRD Instrument Overview

- Concepts, Objectives, Historical evolution of HR Instrument.
- Components of HRD Instrument
- What is Performance Appraisal and Different types of PA
- Traditional and Modern/Contemporary methods of PA

Unit 2: Career Planning & Development

- Career Planning, Critical Stages of Talent Life Cycle
- Training & Development Overview
- Team Building, Process of team building
- Job enrichment, Role Analysis, Quality of Work Life

Unit 3: HR Analytics

- Introduction, Objective and significance of Analytics
- HRD Matrix and its Importance
- HR Analytics?
- Predictive HR Analytics, HRIS
- Data visualization?

Unit 4: Tableau

- Introduction of Tableau
- Different types and technique of data Visualization
i.e., Bar chart, Pie chart, lolly Pop Chart, Butterfly chart
- Dashboard and story development

Text Book(s):
Halдар, U. K., - Human Resource Development, Oxford University Press. Rao, T.V., —Future of HRD, Macmillan India. Edwards, M. R., & Edwards, K. (2016). Predictive HR Analytics: Mastering the HR Metric. Kogan Page Publishers.

Reference books

1. Fitz-Enz, J., & John Mattox, I. I. (2014). Predictive analytics for human resources. John Wiley & Sons.
2. Phillips, J., & Phillips, P. P. (2014). Making human capital analytics work: Measuring the ROI of human capital processes and outcomes. McGraw Hill Professional.
3. Sesil, J. C. (2013). Applying advanced analytics to HR management decisions: Methods for selection, developing incentives, and improving collaboration. FT Press.
4. Siegel, E., & Davenport, T.H. (2013). Predictive Analytics: The Power to Predict Who Will Click, Buy, Lie, or Die. Wiley.
5. Fitz-enz, J., & Mattox, J. (2014). Predictive Analytics for Human Resources. Wiley.

Instruction Plan

Lecture Number	Lecture Topic	Pedagogical tool: Demonstration/ Case study / Activity etc.
Unit-1	HRD Instrument Overview	
Lecture1	Concepts, Objectives, Historical evolution of HR Instrument. Explain how and why Instruments are used in an organization	
Lecture 2	Components of HRD Instrument	
3-6	Different types of Performance Appraisal	
7	Tutorial/Case Study/Guest Lecture/Industry Speaker	
Unit-2	Career Planning & development	
8-9	Career Planning, Critical Stages of Talent Life Cycle	
10-11	Training & Development Overview	
12-13	Team Building, Process of team building	
13	Job enrichment, Role Analysis, Quality of Work Life	
14	Tutorial/Case Study/Guest Lecture/Industry Speaker	
Unit-3	HR Analytics	
15	Introduction, Objective and significance of Analytics	
16	HRD Matrix and its Importance	
17-18	HR Analytics? Predictive HR Analytics, HRIS	
Unit-4	Tableau – Data Visualization	
19- 20	Data visualization - Introduction of Tableau	
21-25	Different types and technique of data Visualization	
26	Dashboard and Story Development	
27-28	Project Presentation	

Details of Internal Evaluation Components:

Evaluation No	Nature of Evaluation & Marks	Marks
Evaluation-1	MCQ-1	15
Evaluation-2	MCQ-2	15
	MCQ-3	30
Evaluation-3	Project	15+5
Evaluation-4	End Term Exam	50

MBA 2020 - 2021
Enterprise Resource Planning (ERP)

Credits	4
Faculty Name	B Md Irfan
E-mail	irfan@nalsar.ac.in
Academic Year and Semester	2021-22,

Course Description:

The course is basically meant for introducing Enterprise Resource Planning (ERP), which provides for integrating planning throughout the business cycle from raw-materials, shop floor control to the related human-resource and finance processes. The course will discuss the role of ERP and ERP-Soft-ware to reduce inventories, waste, scrap, and rework and how to utilize resources efficiently. Functional modules will be given special emphasis to make the users feel the practical world of enterprise planning and its impact on the bottom line of financial statements. This course systematically presents several conceptual and pragmatic methodologies, tools and techniques for various phases of implementation in an enterprise.

The course attempts to serve the practical needs of consultants, training personnel, industrial engineers, Supply Chain Planning managers, Finance managers, Shop floor managers (first line managers), Human Resource Planning Managers, accountants, corporate planners, and administrators.

Learning Outcomes:

By the end of the course, the Students would be able to:

1. Evaluate the role of Enterprise Resource Planning (ERP) in today's competitive business environment.
2. Identify and describe important features of organizations in order to build and use Enterprise Resource Planning (ERP) successfully.
3. Demonstrate systems analysis, design and decision making in a business setting.
4. Define and describe the fundamentals of hardware, software, database management, data communications and systems related to the management activities of an organization.
5. Assess how Enterprise Resource Planning (ERP) support the activities of managers and end-users in organizations.
6. Identify the principal management challenges posed by the ethical and social impact of Enterprise Resource Planning (ERP) and management solutions.
7. Demonstrate Information system integration plans to connect and expand Business processes in to tackle Pandemics like Covid-19 , War torn territories , countries hit by Natural disasters and sovereignties restricted policies with an agenda of Business Sans Boundaries.

Expectations from Students:

- must have and express a strong intent to learn practical implementations of all the concepts delivered in the class
- come prepared to class by reading the assigned portions from the supplementary reading material suggested beforehand.

- be attentive during the class

CONTENTS

CHAPTER	TOPICS	Sessions
I	INTRODUCTION	1-3
	1.1 Overview of enterprise systems	
	1.1.1 Introduction	
	1.1.2 What is ERP	
	1.1.3 Why ERP	
	1.1.4 Need for Enterprise Resource Planning	
	1.1.5 Definition of ERP	
	1.2 Evolution of Enterprise Resource Planning	
	1.2.1 Pre material requirement planning (MRP stage)	
	1.2.2 Material requirement planning	
II	1.2.3 MRP- II	4-8
	1.2.4 ERP	
	1.2.5 Extended ERP	
	1.2.6 ERP Planning –II	
	1.2.7 ERP-A manufacturing perspective	
	1.3 Risks and benefits –	
	1.3.1 Risk implementation	
	1.4 Fundamental technology of ERP	
	1.5 Issues to be consider in planning design and implementation of cross functional integrated ERP systems	
	ERP SOLUTIONS AND FUNCTIONAL MODULES	
II	2.1 Overview of ERP software solutions	4-8
	2.2 Small, medium and large enterprise vendor solutions,	
	2.3 Business process Reengineering	
	2.4 Business process Management	
	2.4.1 Steps of BPM	
	2.5 Functional Modules.	
	2.5.1 ERP Production planning module	
	2.5.2 ERP purchasing module	
	2.5.3 ERP Inventory control module	
	2.5.4 ERP Sales module	
II	2.5.5 ERP Marketing module	4-8
	2.5.6 ERP Financial module	
	2.5.7 ERP HR module	

III	ERP IMPLEMENTATION	9-11
	3.1 Planning Evaluation and selection of ERP systems 3.2 ERP Implementation life cycle 3.2.1 Pre-evaluation Screening 3.2.2 Package Evaluation 3.2.3 Project Planning Phase 3.2.4 Gap-Analysis 3.2.5 Reengineering 3.2.6 Configuration ERP Implementation 3.2.7 Implementation Team Training 3.2.8 Testing 3.2.9 Going Live 3.2.10 End-user training 3.2.11 Post – implementation	
	3.3 ERP implementation, Methodology and Frame work- Training 3.4 Data Migration. 3.5 People Organization in implementation 3.5.1 Consultants and Vendors 3.5.2 Employees.	
IV	POST IMPLEMENTATION	12-16
	4.0 ERP Implementation 4.1 Maintenance of ERP 4.2 Organizational and Industrial impact; 4.3 Success factors of ERP Implementation 4.3.1 Key success factors 4.4 Failure factors of ERP Implementation.	
	EMERGING TRENDS ON ERP	17-18
	5.1 Extended ERP systems and ERP add-ons 5.2 CRM 5.2.1 Benefits of ERP Module	

	5.3 Supply Chain Management (SCM) 5.4 Business analytics & Intelligence	

V	5.5 Wireless Technology used in ERP 5.6 Future trends in ERP	19
	5.7 Cloud Computing 5.7.1. SAP and the Internet	

LAB Sessions.	Topics	Readings
20-24	ERPNext Developer API	1. Track all Invoices and Payments. 2. Know what quantity of what product is available in stock. 3. Identify open customer queries. 4. Manage payroll. 5. Assign tasks and follow up on them. 6. Maintain a database of all your customers, suppliers and their contacts 7. Prepare quotes. 8. Get reminders on maintenance schedules. 9. Publish your website.
Books to Refer: • Directing the ERP Implementation: A Best Practice Guide to Avoiding Program Failure Traps While Tuning System Performance (Resource Management) by Michael W. Pelphrey • ERPNext : https://docs.erpnext.com		

MBA: 2021-23
Marketing Research

Credits	4
Faculty Name	Mahendra Kumar Shukla
E-mail	mahendra@nalsar.ac.in
Academic Year and Semester	2021-22: Term-III

Course Description

In today's fast changing business environment, organizations face significant challenges in making marketing decisions that become fruitful. Organizations are increasingly realizing that fact based decisions can come to their rescue by significantly reducing the chance of incorrect decision. This is largely being achieved by basing decision on insights drawn from statistical analysis of data.

This course takes you into the field of market research, which has been defined as the extensive use of data, statistical and quantitative analysis, exploratory and predictive models, and fact-based management to drive decisions and actions. Market research projects rely heavily on the knowledge and use of some tools like SPSS, E-view, STATA, SAS, R, and ANGOSS etc. This course will also introduce to R the open source and powerful analytical tool (like SAS) that is used by over one million analysts worldwide.

Learning Outcomes

At the end of the course you should:

1. Be able to conceptualize the marketing research (MR) problem.
2. Be able to design marketing research study.
3. Be able to execute the marketing research project independently.
4. Be able to understand how MR process is integrated to actual decision-making and strategy creation in organizations.
5. Be able to use SPSS, E-view, STATA and R for statistical analysis.

Readings

Textbooks

1. Malhotra, N.K. and Dash, S. (2019). Marketing Research: An Applied Orientation, Pearson Education.

Additional Readings

1. Multivariate Data analysis by Hair, J.F., Black, W. C., Babin, B. J., Anderson, R. E., & Tatham, R. L., Pearson Prentice Hall, India, Sixth Edition, 2011.
2. Basic Econometrics by Gujarati, D. N., Porter, D. C., & Gunasekar, S., TMH India,

Fifth Edition, 2012.

3. Churchill, G. A., Iacobucci, D. & Israel, D. (2016), Marketing Research: A South-Asian Perspective, Delhi: Cengage Learning.
4. Smith, S. M. & Albaum, G. S. (2005), Fundamentals of Marketing Research, New Delhi: Sage Publications.

Session Plan

Topic	Sub Topic/Activity	Session	Readings
Introduction to Market Research	Lecture	1	Class Slides
MANOVA	Lecture & Demo	2	Class Slides
	Exercise with SPSS and R	3	
Correlation & Regression Analysis	Correlation Analysis (Lecture & Demo)	4-5	Class Slides & Text Book/Ch-17
	Two Variable Regression Analysis (Lecture & Demo)	6-7	
	Multiple Regression Analysis (Lecture & Demo)	8-9	
	Exercise with SPSS and R	10	
Factor Analysis	Lecture and Demo using SPSS and R	11	Text Book/Ch-19
	Group Exercise Presentation	12	
Cluster Analysis	Lecture and Demo using SPSS and R	13-14	Text Book/Ch-20
	Group Exercise Presentation	15	
Qualitative Response Models of Regression Analysis	Dummy Variable on Independent side (Lecture and Demo using SPSS and R)	16-17	Class Slides & DN Gujarati Book/Ch-9
	Group Exercise Presentation	18	
	Dummy Variable on Dependent side (LOGIT Model) (Lecture and Demo using SPSS and R)	19-20	Text Book/Ch-18
	Dummy Variable on Dependent side (PROBIT Model) (Lecture and Demo using SPSS and R)	21	
	Group Exercise Presentation	22	
Discriminant Analysis	Lecture and Demo using SPSS and R	23	Text Book/Ch-18
	Group Exercise Presentation	24	

Evaluation

1. Two assignments: $2 \times 10 = 20$ Marks
2. One Quiz: 10 Marks
3. End Term Examination: 50 Marks.
4. Mentor mind project report and presentation: $15 + 5 = 20$ Marks
5. No Makeup Exams.

Academic Integrity

Malpractice in any form will be dealt with as per manual of policies of Centre for Management Studies, NALSAR University of Law, Hyderabad.

Sales and Distribution Management

Credits	4
Faculty Name	Dr. Vivek Pani Gumparthi
E-mail	vivekpani@nalsar.ac.in
Academic Year and Trimester	2022-23 and Term VI - MBAE

Course Description:

Sales continues to be one of the crucial functions of any organization. This course aims at providing a comprehensive understanding of sales as a function and the efforts that are required in delivering the product to the last mile. This course requires a basic understanding of marketing, communications and product.

Course Outcomes:

1. Develop an understanding of the areas in which sales managers make decisions.
2. Understanding sales management and achieving the objectives of the organization
3. Understanding and developing the significance of customer relationships (both B2B & B2C) and
4. To develop an understanding of market penetration and product dissemination.

Text Book:

Primary Text Book – Sales and Distribution Management by Richard R. Still, Edward W. Cundiff, Norman A. P. Govoni and Sandeep Puri.

Secondary Text Book – Sales and Distribution Management by Krishna K Havaldar and Vasant M Cavale

Unit 1: Personal Selling and Marketing Strategy

- Sales Management and the Business Enterprise
- Sales Management, Personal Selling and Salesmanship
- Setting Personal-Selling Objectives
- Determining Sales-Related Marketing Policies
- Formulating Personal-Selling Strategy

Unit 2: Organizing the Sales Effort

- The Effective Sales Executive
- The Sales Organization
- Sales Department Relations

Unit 3: Controlling the Sales Effort

- The Sales Budget
- Targets and Sales Management
- Sales Territories
- Sales Control and Cost Analysis

Unit 4: Distribution Management

- Marketing Channels
- Managing the Channel Partners
- Channel Information Systems
- Logistics and Supply Chain Management
- International Sales and Channel Management

Instruction Plan

Lecture Number	Lecture Topic	Pedagogical Tool
1 & 2	Sales Management and the Business Enterprise	Sales Force Design and Management
3 & 4	Sales Management, Personal Selling and Salesmanship	Aspects of Sales Management
4 & 5	Setting Personal-Selling Objectives	Laurs & Bridz Case Study
6 & 7	Determining Sales-Related Marketing Policies	Sales Management and the Business Enterprise
8 & 9	Formulating Personal-Selling Strategy	How Strategic is your Sales Strategy? Strategic Sales Management
10 & 11	The Effective Sales Executive	Personal Selling and Sales Management
12 & 13	The Sales Organization	Sales Management and the Business Enterprise

14 & 15	Sales Department Relations	
16 & 17	The Sales Budget	
18 & 19	Targets and Sales Management	
20 & 21	Sales Territories	
22 & 23	Sales Control and Cost Analysis	
24 & 25	Marketing Channels	Customer-Driven Distribution Systems
26	Managing the Channel Partners	
27	Channel Information Systems & Logistics and Supply Chain Management	
28	Wrap - up	

Evaluation:

S.No	Nature of Evaluation	Marks
1	Multiple Choice Questions – Quiz 1	15 Marks
2	Multiple Choice Questions – Quiz 2 & 3 (2 Best Quizzes Out of 3)	15 Marks
3	Project	15 + 5 Marks
4	End Term Examinations	50 Marks

Advanced Financial Management & Analysis

Advanced Financial Management & Analysis

Credits **4**

Faculty Name	CA Praveen M
E-mail	m.praveen@nalsar.ac.in
Academic Year and Semester	2021-22, Term-IV

Course Description:

The Course structure of FM is designed to provide an insight into the theory and practical application areas of decision making in the areas of Sources of Financing; Capital Structures, Return offered to capital sources etc., Components of Working Capital and Working Capital Management.

The Primary Course Pedagogy adopted for the course shall be **case based in-class discussion**

READINGS

Text book (s):

“Financial Management – 11th Edition” by I M Pandey, Vikas Publications

Reference Book / Additional Readings:

S.No	Sessions	Name of the Case	Learning Outcomes
1	Session 1	<u>Amtek Auto debacle: financial statement analysis</u>	- To develop an understanding of financial statement analysis among students - To enable students to calculate various ratios, understand their meanings, and interpret them to take a financial decision; and - To explore the relationship between financial leverage and risk.
	Session 2		
2	Session 3	<u>Sunshine Fastech Pvt Ltd: working capital financing decision</u>	- Understand different working capital finances offered by a bank and their need in business considering the case situation; - Comprehend application by the company requesting additional finance and obtain a comprehensive understanding of the content

	Session 4		of loan proposal and procedure followed by the bank for sanctioning a loan proposal for additional finance; • Compute, analyze and interpret financial statements of companies both audited and projected concerning working capital; • Compute, analyze and interpret financial statements of the company's peers to evaluate a company concerning working capital; and • Assess various factors to be considered while taking loan sanctioning decisions.
	Session 5		
3	Session 6	An investment decision dilemma	• Understand the application of breakeven analysis; prepare an income statement, balance sheet, cash flow statement and forecast cash flows; • Evaluate financing and investing decision by using various techniques; and • Discuss and debate the different alternatives available to the organization.
	Session 7		
4	Session 8	Cash Flow Planning & Forecasting: A Case of Matching and Managing Cash in Retail Business	
	Session 9		
	Session 10		
5	Session 11	Soliton Technologies – financing growth in uncertain times	• To discuss and understand the nuances between different sources of early stage funding: personal wealth, family, and angels. • To compare and contrast the differences between family funding and venture funding. • To highlight the benefits and limitations of family funding
	Session 12		
	Session 13		
6	Session 14	Bhushan Steel: a creditworthy company turned insolvent	• to understand the credit and investment decision-making processes; • to understand the impact of financial and non-financial factors • to appreciate the importance of corporate governance and management capability of the subject company across business cycles and financial risks;
	Session 15		

			• to evaluate the investment and capital structure decisions of a company; and • to appreciate the importance of synchronization of incentives of the individual employees with organizational goals
7	Session 16	<u>Arvind Mills Limited: Financial Restructuring</u>	• Opportunity to discuss the emergence of corporate financial distress and subsequent financial restructuring
	Session 17		
8	Session 18	<u>Mission K-54: turning around the US\$3bn Indian auto major — Ashok Leyland</u>	• Eliminating usual options for a turnaround; • Understanding how organizations can respond to adverse industry/market changes through cost and productivity management; • Managing strategically cost controlled turnaround deployed across a company; • Turning a huge threat into an opportunity and the role of leadership in driving strategic cost management; and • Importance of Internal communication and buy-in for a successful implementation.
	Session 19		
	Session 20		
9	Session 21	<u>Fixed assets management of Larsen & Toubro: stability Vs stagnancy</u>	• To learn and apply the concept of fixed assets management in a business organization; • To evaluate the impact of fixed assets management on the profitability of the company; • To appreciate the importance of fixed assets management efficiency in a business organization; and • To illustrate the impact of financial crisis on the growth prospects of a business.
	Session 22		
10	Session 23	<u>General equity Vs DVR share of Tata Motors: investors' dilemma</u>	• The readers will be able to recall „how do finance managers use a diverse type of equity for providing new sources of finance?“ • The readers will be able to describe the characteristics of DVR shares. • The participants will be able to present various reasons for the price difference between DVR shares and general equity shares. • The readers will be in a position to analyze the
	Session 24		

			price pattern of TML's DVR together with global experience. • The participants will be able to justify the trade-off between extra dividend and loss of voting rights in the case of DVR shares

Evaluation:

1. MCQ Quiz – 40 Questions	(1 X 10 = 10 Marks)
2. Descriptive Assignments	(2 X 10 = 20 Marks).
3. Term Project	(1 X 20 = 20 Marks)
4. End Term Exam	(1 X 50 = 50 Marks)

Assignment & Project Submission requirements:

- Minimum 1000 words for Assignment and minimum 10,000 words for project.
- Submissions on turnitin anti-plaigiarism software shall be post submission and priorto evaluation.
- The due date for these assignments shall be as specified in the time table.
- The Topics for Assignment shall be provided during the class discussions

**DEPARTMENT OF MANAGEMENT STUDIES
NALSAR UNIVERSITY OF LAW, HYDERABAD**

Course Name: Data Science: R & Python (R & P)

(Course Code:)

Credits	4
Faculty Name	Dr Rajkumar Pillay
E-mail	deenpillayster@gmail.com
Academic Year and Semester	2021-22 Trimester – IV

Course Description:

This course is an introductory course in Data Science. Business decisions are rarely based on experience, expertise, judgment or intuitions alone. This course is formulated to ensure that the student is exposed to extensive use of data, statistical and quantitative analysis, explanatory and predictive models, and fact-based management to drive decisions and actions. It will be helpful in developing analytical thinking approach among students so that they may take objective decisions in their personal and professional life thereby reducing the risk of making wrong decisions. The emphasis throughout the course is on the reasoning, analysis and interpretations rather than on technical details alone. The core concepts covered in the course include basics of Data Science, data pre-processing and representation, and predictive analysis, using automated programming tools like R Studio and Python. This course is designed to cater to the job requirements of all experience levels and specializations, which suits roles aligned with the industry standards.

Learning Outcomes:

1. **CLO1:** Identify, model and solve decision problems in different settings.
2. **CLO2:** Interpret the data findings effectively.
3. **CLO3:** Analyze and interpret data using an ethically responsible approach Readings:

Text Book(s) :
1. A Ohri (2012), “R for Business Analytics”, ISBN 978-1-4614-4342-1(eBook), DOI 10.1007/978-1-4614-4343-8, Springer New York-Heidelberg Dordrecht London, Springer Science, New York. 2. Arnab K.Laha (2015), “How to Make The Right Decision”, Random House Publishers India Pvt. Ltd., Gurgaon, Haryana, India. 3. Bhasker Gupta, “Interview Questions in Business Analytics”, Apress, ISBN-13 (pbk): 978-1-4842-0600-3 ISBN-13 (electronic): 978-1-4842-0599-0, DOI 10.1007/978-1-4842-0599-0. 4. Dr.Umesh R. Hodeghatta and UmeshaNayak, “Business Analytics Using R - A Practical Approach”, ISBN-13 (pbk): 978-1-4842-2513-4 ISBN-13 (electronic): 978-1-4842-2514-1, DOI 10.1007/978-1-4842-2514-1, Bangalore, Karnataka, India. 5. Glyn Davis and BrankoPecar (2013), “Business Statistics using Excel”, Oxford University Press, New Delhi.
Relevant videos/handouts to be circulated

Additional Readings:

To be shared based on relevance and requirement

Detailed Plan of Lectures:			
Week Number	Lecture Number	Lecture Topic	Pedagogical tool: Demonstration/ Case study / Activity etc.
1	Lecture-1	Introduction to Data Science: Types of Digital Data	Online class room delivery
2	Lecture-2	Overview of Data Science and Business Analytics: Descriptive Analytics, Diagnostic Analytics, Predictive Analytics, Prescriptive Analytics, and Cognitive Analytics	Online class room delivery
3	Lecture-3	Applications of Business Analytics in Management; Widely used Analytical Tools.	Online class room delivery
4	Lecture-4	R Navigation	Lab session
5	Lecture-5	Introduction to Artificial Intelligence & wprlong R	Lab session
6	Lecture-6	Data Science using R: Data Structures: Vectors, Dataframes, Lists	Lab session
7	Lecture-7	Matrices and Array	Lab session
8	Lecture-8	Data Transformation: Filtering, Dropping, Merging, Sorting, Reshaping of Data, Detecting Missing Values in the Data, Imputation	Lab session
9	Lecture-9	Data Transformation: Filtering, Dropping, Merging, Sorting, Reshaping of Data, Detecting Missing Values in the Data, Imputation	Lab session
10	Lecture-10	Statements: Conditional and Control Statements	Lab session
11	Lecture-11	Data Visualization: Histogram, Bar Chart, Scatter Plot, Box Plot, Corrgram, Corrplot, ggplot2, Kernel density plots.	Lab session
12	Lecture-12	Data Visualization: Histogram, Bar Chart, Scatter Plot, Box Plot, Corrgram, Corrplot, ggplot2, Kernel density plots.	Lab session
13	Lecture-13	Data Visualization: Histogram, Bar Chart, Scatter Plot, Box Plot, Corrgram, Corrplot, ggplot2, Kernel density plots.	Lab session
14	Lecture-14	Descriptive Statistics; Correlation Analysis;	Lab session
15	Lecture-15	Simple and Multiple Linear Regression, Assessing Linear Regression Models.	Lab session
16	Lecture-16	Data Science using Python: Python Introduction	Lab session
17	Lecture-17	Data Structures in python	Lab session

18	Lecture-18	Data Structures in python	Lab session
19	Lecture-19	Functions in Python	Lab session
20	Lecture-20	Functions in Python	Lab session
21	Lecture-21	Data Visualization: Matplotlib and Seaborn libraries	Lab session
22	Lecture-22	Data Analysis: Numpy, Pandas and Sklearn Libraries; Model building for Simple and Multiple Linear Regression.	Lab session
23	Lecture-23	Correlation and Regression in Jupyter	Lab session
24	Lecture-24	Correlation and Regression in Jupyter	Lab session

Details of Internal Evaluation Components:

Evaluation No	Nature of Evaluation & Marks
Evaluation-1	Project + Report-15 + 5 Marks
Evaluation-2	Assignments- 20 marks (2 @ 10 marks each)
Evaluation-3	Quiz-10 Marks (1 @ 10 marks each)
Evaluation-4	End Sem-50 Marks

Project guidelines

Each student should choose a data set with respect to the specialization, that has minimum of two categorical and two numeric variables and explore relations by using the techniques delt in the class room.

Structure of the Project report

- 1). Title of the report
- 2). Need of the data set exploration
- 3). Define the variables
- 4). Methodology of data collection with references
- 5). Data analysis and interpretations
- 6). Headcount of members in the project (Restricted to two members)
- 7). Conclusions and findings
- 8). your learning from this project

If you don't get enough data make suitable assumptions which are logical.

Quiz Concepts

Concepts taught/to be taught till Lecture-15

Deadline for Project Submission – 11:59 p.m. , On a day of 21st session

Date of presentation – 23rd and 24th session day

Academic Integrity

Malpractice in any form will be dealt with as per manual of policies of Centre for Management Studies, NALSAR University of Law, Hyderabad.

Digital MARKETING

Class of: 2022-23

Academic Year: MBA II

Prerequisites: Understanding Digital Marketing - Ryan and Jones

Objective:

Digital channels are the only means of marketing innovation at the moment. The importance of integrating digital principles across the marketing function in any firm is demonstrated in this inaugural presentation. You'll discover how to use digital marketing as the main engine of a company's marketing plan.

1. Describe digital customer behaviors and ways to reach customer segments
2. Enhance engagement by using digital marketing funnel
3. Describe strategies to launch, measure, optimize digital marketing campaigns using measuring and analytical tools
4. Analyze the matrix to measure and evaluate the success of digital marketing campaigns
5. Plan and implement search engine and social media campaigns using digital marketing approaches in simulated environments
6. Explain ways to create superior value, increase ROI, customer lifetime value and profitability
7. Describe various steps of the framework for successful planning and execution of digital marketing strategy.
8. Evaluate a customer centric digital marketing strategy aligned with the organizational marketing goals
9. Describe the impact of new technologies and new developments on digital marketing strategy.

Text Books:

Digital Marketing, Seema Gupta

Digital Marketing, Ian Dodson

Detailed Syllabus:

Digital Marketing – Changing face of digital advertising, the technology behind digital marketing

Marketing in the Digital World – How digital is transforming the business world, digital marketing channels – push v/s pull marketing.

Display Advertising – Concept of display advertising, types of display ads, Programmatic digital advertising.

Positioning challenges in Digital world – Segmenting, targeting and positioning in digital set up. Positioning challenges and solutions.

Search Engine Advertising – Why pay for search advertising, Understanding Ad Placement, Creating and enhancing your ad campaign

Facebook, Twitter and LinkedIn Marketing through application learning of key concepts, Facebook and LinkedIn for Business, Sales leads generation, Useful design tools

SEO and Web Analytics: Search Engine, One page optimization, Data collection, Making web analytics actionable, multi-channel attribution

Session Plan:

Topic	Description	No of Sessions
Introduction to Digital Marketing	Origin of Digital Marketing, Internet usage in India	1
Understanding the differences between traditional and digital marketing	Traditional Marketing, Consumer decision journey, the P-O-E-M Framework	2
Digital Marketing Strategy	Segmenting and customising messages	4-5
Digital Marketing Market in India		6
Digital Marketing Skill requirement	Think, Feel, Act	7
Digital Marketing Plan	Objectives, Buyer Personas	8
Social Media Marketing	Social Media Platforms, Consumer behaviour on social media platforms	9-10
Building Successful marketing strategy	Building a successful digital marketing strategy	11
Making Digital Work: Strategies for Paid Ad Campaigns	Goal Setting, strategy, implementation, measure, Improve	12-13
Email Marketing Strategies	Lead generation, email ad campaign, email campaign analysis	14-15

Mobile Marketing	Mobile penetration worldwide, mobile advertising models, toolkit, campaign development process	16-17
Facebook Marketing	Facebook for business, Adverts	18-19
LinkedIn Marketing	LinkedIn Strategy, Leveraging Paid Ads and Sponsored Updates	20-21
Twitter Marketing	Building a content strategy, twitter ad campaigns	22-23
SEO Analysis & Web Analytics & Understanding effectiveness of Campaigns	Search Marketing, Search Engines and Ranking on SERP, SEO Strategy: On-Page Optimisation	24-27
Final Presentations		28
Total		28

**DEPARTMENT OF MANAGEMENT STUDIES
NALSAR UNIVERSITY OF LAW, HYDERABAD**

**Course Name: Artificial Intelligence and Machine Learning
(Course Code: AI/ML)**

Credits	4
Faculty Name	Prof. Tanveer Kajla
E-mail	tanveer.kajla@nalsar.ac.in
Academic Year and Semester	Year V and Term XV

Course Description:

The course of AI and ML introduces students to the exciting, high-demand field of Machine Learning. Through a series of practical case studies, students will gain applied experience in major areas of Machine Learning including Prediction, Classification, and Clustering. You will learn to analyze large and complex datasets, create systems that adapt and improve over time, and build intelligent applications that can make predictions from data. The student will also learn to handle the unstructured data and develop machine learning models for the text data.

Course Outcomes:

CO1: How to spot opportunities to apply AI to problems in organizations

CO2: Apply predictive, classification, clustering, and information retrieval machine learning algorithms to real datasets.

CO3: Explain different approaches for creating predictive models

CO4: Create and evaluate unstructured data with python

UNIT-I

Concept of AI, Machine Learning, Importance of Machine Learning, Types of Machine Learning, Framework for developing machine learning models, python, concept of variables, data structures in python, conditional statements, control flow statements.

UNIT-II

Numpy, numpy arrays, Array Indexing, Numpy operations, dataframes in python, summarizing the dataframe, slicing and indexing, grouping and aggregating, data visualizations with Matplotlib and Seaborn, Simple Linear regression, Building a regression model, model diagnostics, multiple linear regression.

UNIT-III

logistic regression, credit classification using logistic regression, finding classification cut-off, Gain chart and lift chart, decision trees, understanding the Gini impurity, building decision trees using entropy criteria, benefits of decision trees, random forest, drawing the confusion matrix for the random forest, Support vector machines, k-means clustering, principal component analysis, recommender systems, ensemble methods and boosting,

UNIT-IV

NLP/Text analytics, text processing in python, Naïve Bayes Model for sentiment classification, TF-IDF vectorizer and challenges of text analytics, deep learning, TensorFlow, keras

Readings:

Text Book(s):
Machine Learning using Python by U Dinesh Kumar
Data Analytics using Python by Bharti Motwani
Business Analytics, 2ed: The Science of Data-Driven Decision Making by Dinesh Kumar

Additional Readings:

To be shared based on relevance and requirement

Detailed Plan of Lectures:		
Lecture Number	Lecture Topic	Pedagogical tool: Demonstration/ Case study / Activity etc.
1	Zero lecture: Introduction to the course	
2	Introduction to Artificial Intelligence and Machine Learning Framework for developing Machine Learning Models	
3	Python crash course	
4	Numpy	
5	Data analytics with Pandas	Dataset: IPL Dataset
6 and 7	Visualization with Matplotlib and Seaborn	Dataset: IPL Dataset
8 and 9	Linear Regression	Dataset: MBA Salary
10 and 11	Logistic Regression	Dataset: German Credit Dataset
12 and 13	Decision Trees and Random Forest	Dataset: German Credit Dataset
14	Spill-Over	

15 and 16	Support Vector Machines	Dataset: Beer dataset
17	K-Means Clustering	Dataset: Income data
18	Principal Component Analysis	
19	Recommender Systems	Dataset: Groceries data
20	Ensemble Methods and Boosting	
21	NLP/Text Analytics	
22	Text Processing in Python	Dataset: Kaggle
23	Naïve Bayes Model for Sentiment classification	
24	TF-IDF Vectorizer and challenges of Text Analytics	
25	Deep Learning	
26	Tenserflow	
27	Keras	
28	Spill-over	

Details of Internal Evaluation Components:

Evaluation No	Nature of Evaluation & Marks
Evaluation-1	Assignments- 20 marks (1 @ 20 marks each)
Evaluation-2	3 Quiz-15 Marks each (Best of 2 @ 15 marks each)
Evaluation-3	End Sem-50 Marks

Assignment-1

Academic Task	Objectives	Details of Academic Tasks	Nature of Academic Tasks	Academic Tasks Mode	Marks

Assignment	Students learn to use open data and make machine learning models using the data made available.	Students will create an account on data.gov.in/ Kaggle/UCI Machine Learning and access the free data sets available. Students will select any data set of their choice from Kaggle and perform the appropriate machine learning techniques based on the nature of the data. The report (in PDF or Word format) will contain the details of the model used along with the script and output. The report will not be accepted without these crucial components. 1. Students will be evaluated on the following parameters: 1) Creativity - 5 Marks. The description of the dataset and the need of taking that particular data set. 2) Accuracy – 10 Marks. The selection of appropriate models used for the selected dataset. 3) Interpretation - 5 Marks. Interpretation in the best possible way to find important patterns in the data.	Individual	Offline	20

Academic Integrity

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MBA: 2021-2023 MANAGERIAL

ANALYSIS AND DECISIONS

Credits	2
Faculty Name	Asish Kumar Panda
E-mail	asish@nalsar.ac.in
Academic Year and Term	2021-22: Term- I

COURSE DESCRIPTION

Decision making is one of the major roles of any manager. The decisions may relate to some routine matters, or it can be a strategic decision; but decision-making is invariably required. This course will initiate these skills into the students. It will develop an ability to think critically about various decision situations and logically evaluate the emergent alternative scenarios. It is a method-oriented course seeking to inculcate a managerial approach or a manager-like orientation among participants. There will be a reference to theories/principles/practices, or substance/content in short, as they impinge on different case situations; however, understanding them will not be central to this course's objectives. Participants will have ample opportunity of learning such substantive contents in other courses, where they form the primary object and focus.

One universally accepted fact is that managers/administrators make decisions without the luxury of full information. Some suggest that this fact separates the apprentice from the master when it comes to managerial efficacy. What is worse, what is information and how much one has at one's disposal also depend upon how you view the situation and how prepared you have been to pick up the cues. Unless otherwise engaged in specialized positions, managers are more like data users, marshaling as much as they have at their disposal, processing them to assess and structure their situations, and making decisions. Rarely, if ever, does an average manager resemble the profile of a fastidious academic who goes to great lengths with ever refined tools to gather and torture data to get at the 'truth' of things. Fortunately for us, the cases that we will discuss already have been structured in some fashion by the case writers. Out there, you would have the double responsibility: making sense or structuring the situation through aggregation and classification of a range of factors and information and making decisions to move on with the tasks at hand.

Lastly, cases are the best bet for us to gather vicarious learning. It is the next best thing to be actually there, in the middle of things. While analysis requires knowledge, the action is always predicated upon wisdom. One may ask, 'what is wisdom?'. Whatever be one's definition, it would be something that would take the form 'knowledge+'; and it is said 'wisdom cannot be told/taught'; it grows surreptitiously/ serendipitously through reflection on experiences. However, for such learning to occur, we have to stay involved. We have to be reflexive. We do that by transporting ourselves to the midst of the case situation, getting into the decision-maker's shoes, and feeling where the shoe pinches!

Without such involvement, a case class would be like discussing items from yesterday's newspaper! A complete waste of time, something that none of us could afford or want to do! The cases chosen for classroom discussions, straddle a wide canvas from pure business situations to pure remote locational situations.

COURSE OBJECTIVES

Upon completion of this course, the students shall be able to

1. To introduce participants to the managerial arena.
2. To get them on board with managerial orientation.
3. To facilitate the inculcation of such an orientation through formal discussions and preparation of written reports.
4. To nurture managerial thinking, decision-making, and analytical abilities.

LEARNING OUTCOME

- The students should be able to understand the nature of managerial decision-making.
- The students should critically analyze the decision objectives, criteria, constraints, and alternatives facing a complex managerial decision situation.
- The students should be able to write and present the analysis to the audience succinctly

PEDAGOGY

This course is case-based and discussion-oriented. It uses various participant-centric pedagogical tools and techniques. In addition, various aspects of decision-making will be explored through in-class exercises.

SESSION PLAN

Topic	Readings	Session
Introduction to case method	A framework for student case preparation (Lundberg)	1
Effective Decision	The Effective Decision (Drucker) Janta Bank Case	2
Case Discussion	Bhavnath Temple	3
Case Discussion	Assistant Professor Graham and Ms. Macomber	4
Case Discussion	Bayer AG: Anthrax and Cipro	5
Case Discussion	Samant Kala Declares War	6
Case Discussion	Rajat Gupta	7
Decision Exercise	Classroom Exercise	8
Case Discussion	Cipla	9
Case Discussion	Kalakriti	10
Case Discussion	Narmada Group Cooperative Fruits and Vegetables	11
Review, Reiterations, and Conclusion	-	12

(The session plan is tentative and may change as the course progresses)

EVALUATION

- a. Individual Assignments – 2 Nos (10 mark each)
- b. Quiz – 1 No (10 mark)
- c. Case Analysis Project (Group)- 20 Marks
 - i. Report – 15 Marks
 - ii. Presentation – 5 Marks
- d. End-Term Examination – 50 Marks

ACADEMIC INTEGRITY

Malpractice in any form will be dealt with as per manual of policies of Centre for Management Studies, NALSAR University of Law, Hyderabad.

**DEPARTMENT OF MANAGEMENT STUDIES
NALSAR UNIVERSITY OF LAW, HYDERABAD**

**Course Name: Game Theory
(Course Code:)**

Credits	2
Faculty Name	Bishakha Ghosh
E-mail	bishakha.ghosh@nalsar.ac.in
Academic Year and Semester	2021-22 Trimester – III

Course Description:

The objective of the study of game theory is to analyze strategic interaction, response and counter response against the rival's decision in business. It is well accepted that students of business and economics acknowledge learning strategic behaviour given that strategic interaction between and among rivals is the essence of competition in the marketplace. Specific applications in this regard are to understand how rivals will react to changes in product pricing, the introduction of a new product line, an increase in advertising expenditures, expanding into overseas markets etc. The objective of this course is to appreciate the benefits of strategic thinking in a simple manner and to be able to apply strategic decisions in the field of business.

Learning Outcomes:

- To understand the ways of business decisions that can be modelled and analyzed using game theory.
- To understand nature of game theory.
- To explore application of game theory across sectors.

Readings:

Text Book(s) :
1) Game Theory and Business Applications-Second Edition, International Series in Operations Research & Management Science edited by Kalyan Chatterjee William Samuelson
2) Game Theory -A Very Short Introduction by Ken Binmore
3) Game Theory -A Multi-Leveled Approach-Second Edition
<i>Other than these books students should follow the class lectures and reading material of the course</i>

Additional Readings: *Other than these books students should follow the class lectures and reading material of the course*

LECTURE PLAN		
Week Number	Lecture Number	Lecture Topic
1	Lecture -1 Lecture -2	BASICS OF GAME THEORY A. Basic of game theory: Pay off matrix, Dominant strategy, Maximin criteria. B. Other Strategies: Nash Equilibrium, Prisoner's Dilemma, Zero-Sum game, Repeated games
2 , 3	Lecture- 3 Lecture- 4 Lecture-5	SIMULTANEOUS MOVE GAMES AND DOMINANCE A. Cournot and Bertrand Competition B. Stackelberg Game, sequential equilibrium C. Signaling and sorting, breaking strategy
3, 4, 5	Lecture-6 Lecture-7 Lecture-8 Lecture 9	GAME THEORY IN MARKET STRATEGY A. Introduction B. Perfect competition C. Monopoly D. Oligopoly
5,6	Lecture-10 Lecture 11 Lecture 12	FEW MORE APPLICATIONS OF GAME THEORY A. Tort B. Contract C. Auction

Details of Internal Evaluation Components:

Evaluation No	Nature Of Evaluation & Marks
Evaluation-1	Quiz 10 Marks
Evaluation-2	Assignment 1 20 Marks
Evaluation-3	Assignment 2 20 Marks
Evaluation-4	Class Test 50marks (Students will be given cases to solve and have to present it) (30 marks to solve and 20 marks for presentation)

Quiz- (based on lecture 1 and 2)

Assignment-1 (based on lecture 3,4, 5, 6, 7)

Assignment -2(based on lecture 8,9,10,11,12)

Class test- whole syllabus

Academic Integrity

Malpractice in any form will be dealt with as per manual of policies of Centre for Management Studies, NALSAR University of Law, Hyderabad.

B2B MARKETING

Class of: 2022-23

Academic Year: Second

Prerequisites: Principles of Marketing (Philip Kotler)

Objective:

To enhance students' understanding and ability to make decisions in the following areas:

1. Market Opportunity Identification – Analysis & Evaluation
2. Customer Buying Behaviour
3. Market Segmentation & Targeting
4. Strategic Issues in B2B Marketing
5. Managing Major Accounts
6. B2B Communication with Specific Reference to Personal Selling, Customer Relationship Management, use of Social Media.

Text Books:

Business to Business Marketing Management, Alan Zimmerman & Jim Blythe, Routledge

Business Marketing Management – B2B, Michael Hutt & Thomas Speh

Reference Books:

1. Business Marketing by Anderson and Narus

Detailed Syllabus:

B2B Marketing - Difference between B2B and B2C, Challenges faced by B2B marketer, concept of Derived Demand, Joint Demand, Product /Market Classification, Generic Business Marketing Strategies across Products and services.

Organisational Buying Behaviour - Building blocks of Customer Analysis, Buying situations, Buying Process, Identifying the Participants.

Influencing the B2B Customer - Personal Selling, Sales Process, Concept of Sales Cycle, Sales Strategies and its formulation, Sales Funnel Design, Negotiating with Customers, Sales management - The Skills required, Territory Design, Forms of Organising Sales Force,

Building and Retaining the Sales Team, Evaluating the Performance - Sales Analysis, Cost Analysis, Productivity and Profitability Analysis.

Segmenting Business Markets - Introduction to Macro and Micro Segmentation Bases, Selecting Target Markets and Assembling the Marketing Mix.

Managing Key Accounts and Customer Relationship Management - The meaning of Key Account, Selecting Key Accounts, Types of Account Relationships and Building Win-Win Relationships with the Key Accounts.

Business Marketing Strategies through application learning of key concepts, role of Pricing in the B2Bspace, Channel Designs and Managing Channels, Insights into E-commerce and Social media.

Session Plan:

Topic	No of Sessions	Textbook	Additional Reading
Introduction to B2B Marketing	1	Business to Business Marketing Management, Zimmerman & Blythe, Chapter 1	4 B2B Stories We Can Learn From (customer.gauge.com)
Organisation Buying and Usage Behaviour	2-3	Business to Business Marketing Management, Zimmerman & Blythe, Chapter 2	Microsoft Case Study
Strategic Issues in B2B	4-5	Business to Business Marketing Management, Zimmerman & Blythe, Chapter 3	
Ethical Considerations for business Marketers	6	Business to Business Marketing Management, Zimmerman & Blythe, Chapter 4	CASE STUDY: How Starbucks leveraged the power of social media in their marketing strategy and increased User Base?
Environmental Changes Impacting Changes in Supply Chain Power	7-8	Business to Business Marketing Management, Zimmerman & Blythe, Chapter 4	RIM's Blackberry and Apple's iPhone: The face off in the business market
Business Market Segmentation	9-10	Business to Business Marketing Management, Zimmerman & Blythe, Chapter 6	
Market Identification and Evaluation	11	Business to Business Marketing Management, Zimmerman & Blythe, Chapter 4	
Customer Value Propositions/Key Account Management	12-13	Business to Business Marketing Management, Zimmerman & Blythe, Chapter 9	
Channel Management	14-15	Business to Business Marketing Management, Zimmerman & Blythe, Chapter 12	
Managing the Personal Selling Function	16-17	Business to Business Marketing Management, Zimmerman & Blythe, Chapter 13	

Managing the Price Function	18	Business to Business Marketing Management, Zimmerman & Blythe, Chapter 10	Case - Columbia Industrial Inc.

Use of Social Media	19-20	Business to Business Marketing Management, Zimmerman & Blythe, Chapter 14	CASE STUDY: How Starbucks leveraged the power of social media in their marketing strategy and increased User Base?
Role of E-Commerce in B2B	21	Business to Business Marketing Management, Zimmerman & Blythe, Chapter 9 & 18	
Marketing Planning, implementation and control	22-23	Business to Business Marketing Management, Zimmerman & Blythe, Chapter 17	
Closing Perspectives – future of business Marketing	24		
Total	24		

**DEPARTMENT OF MANAGEMENT STUDIES
NALSAR UNIVERSITY OF LAW, HYDERABAD**

Course Name: Retail Management

(Course Code:)

Credits	4
Faculty Name	Prof. Rahul Gandhi Burra
E-mail	rahulgb@nalsar.ac.in
Academic Year and Semester	2022-23 Trimester – IV

Course Description:

The objective of this course is to introduce to the concepts and techniques related to the world of retailing management for better management of distribution of products and services. This course helps in developing a balance between the theory and practice with an emphasis on financial considerations and implementation through merchandise and store management.

Learning Outcomes:

- To develop an understanding of the Indian Retail scape.
- To explore and analyze the concepts of mall management, store design and layout and the growing penetration of internet in retailing
- To understand the growing importance of technology and e-tailing .
- To develop an understanding of analytical methods for decision making in retail context

Readings:

Text Book(s) :
Retailing Management by Michael Levy, Barton Weitz and Ajay Pandit
Retailing Management-Text and cases by Swapna Pradhan
Relevant videos/handouts to be circulated

Additional Readings:

Detailed Plan of Lectures:			
Week Number	Lecture Number	Lecture Topic	Pedagogical tool: Demonstration/ Case study / Activity etc.
1	Lecture-1	Introduction to world of retailing	
2	Lecture-2	Types of Retailers	
3	Lecture-3	Multichannel Retailing	
4	Lecture-4	Customer Buying Behaviour	
5	Lecture-5	Retail Market Strategy	
6	Lecture-6	Financial Strategy	
7	Lecture-7	Financial Strategy	

8	Lecture-8	Retail Locations	
9	Lecture-9	Retail Site Location	
10	Lecture-10	Human Resource Management	
11	Lecture-11	Information Systems in Retail	
12	Lecture-12	Supply chain Management in Retail	
13	Lecture-13	Customer Relationship Management	
14	Lecture-14	Merchandise planning process	
15	Lecture-15	Merchandise planning process	
16	Lecture-16	Merchandise Buying Process	
17	Lecture-17	Merchandise Buying Process	
18	Lecture-18	Retail Pricing	
19	Lecture-19	Retail Pricing	
20	Lecture-20	Retail Communication Mix	
21	Lecture-21	Store Management	
22	Lecture-22	Store Layout and Design Management	
23	Lecture-23	Visual Merchandising	
24	Lecture-24	Customer Service	

Details of Internal Evaluation Components:

Evaluation No	Nature of Evaluation & Marks
Evaluation-1	Project + Report-15 + 5 Marks
Evaluation-2	Quiz-30 Marks (2 @ 15 marks each)
Evaluation-3	End Sem-50 Marks

Quiz Concepts

Concepts taught/to be taught till the day before the quiz is scheduled.

Faculty's Project (Should be started after Lecture 4)

Each student should choose a different company and get the prior approval of the Instructor .

Select any physical retail outlet and then analyze their category management strategies of any one segment/category by

- Detailing the list of products they display under a particular category
- List of brands under each product category
- List of pack sizes of each product and brand
- Price Promotions offered on each product/brand during weekdays and Weekends/Wednesday
- What are the problems you see in terms of their category management strategies?

- Your recommended solutions for these problems and justification for the same

Academic Integrity

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MBA: 2021-2023
Marketing Analytics & Decision Making

Credits	4
Faculty Name	Mahendra Kumar Shukla
E-mail	mahendra@nalsar.ac.in
Academic Year and Semester	2021-22: Term- IV

Course Description

Marketing Analytics has been in the centre of focus of marketing area from last two decades. However, the certain factors, including the emergence of service-based economies, technological advances in communications, logistics and computing, increased global competition; and demanding customer have attracted the expanded attention of marketing scholars as well as marketing practitioners towards Marketing Analytics. Marketers must take the decisions at every stage of the life cycle of the product. The problems for each and all stages use to be different from one another. Based on available data which can be accessible in huge amount in this digital era and knowledge economy, marketing managers must suggest the proper strategy to address the challenges in these stages and must take actions based on the recommendations supported by the thorough data analysis. Therefore, this course aims to impart analytical skills in you so that you can make better use of data in decision making.

Learning Outcomes

At the end of the course, you should be able to:

- Present and interpret data in each context or situation.
- Understand and apply statistical measures to marketing problems.
- Use sophisticated statistical software to analyze the data for decision making.
- Understand, apply, and identify appropriate statistical inference techniques (including various Multivariate Data analysis Techniques) in a particular business situation.

Readings

Textbooks

- 1) Marketing Research: An Applied approach, by Malhotra, N., Birks, D. F., & Wills, P. F., Pearson India, Fourth Edition, 2012.
- 2) Marketing Analytics, by Winston, W. L, Wiley India Pvt Ltd. (2017).

Additional Readings

- 1) Multivariate Data analysis by Hair, J.F., Black, W. C., Babin, B. J., Anderson, R. E., & Tatham, R. L., Pearson Prentice Hall, India, Sixth Edition, 2011.
- 2) Basic Econometrics by Gujarati, D. N., Porter, D. C., & Gunasekar, S., TMH India, Fifth Edition, 2012.

Evaluation

- Quizzes (best 2 out of 3) of 30% weight.
- Group Exercise and Presentation of 20% weight.
- End-term of 50% weight.

Group Exercises

Group Exercise-1 (7.5 Marks)				
Conjoint analysis (New Product Development)				
Selection of Product and its Attributes	Orthogonal Design	Development of Conjoint Model	Data Analysis	Results and Discussions
1 Mark	1 Mark	1 Mark	1 Mark	1 Mark

Group Exercise-2 (7.5 Marks)				
Perceptual Mapping using Multidimensional Scaling				
Selection of Brands	Identification of important attributes	Data Collection	Data analysis using MDS	Results and Discussion
1 Mark	1 Mark	1 Mark	1 Mark	1 Mark

Group Exercise-3 (5 Marks)				
Structural Equation Modeling				

Selection of Pricing Model	Specification of Model & Formulation of Hypotheses	Evaluation of Measurement Model	Evaluation of Structural Model	Results and Discussion
1 Mark	1 Mark	1 Mark	1 Mark	1 Mark

Session Plan

SN	Topic	Subtopic/Activity	Session
1	Introduction to Marketing Decision Models	Lecture	1
2	Conjoint Analysis (Text book1/Ch-21)	Lecture	2-3
		Case Discussion (RM/Case-1))	4
		Group Exercise Presentation-1	5
3	Multiple Discriminant Analysis (Text book1/Ch-18)	Lecture	6
		Case Discussion (RM/Case-2))	7
4	Multidimensional Scaling (Text book1/Ch-21)	Lecture & Case Discussion (RM/Case-3)	8-9
		Group Exercise Presentation-2	10
5	Jaccard Analysis	Lecture	11-12
		Case discussion (RM/Case-4))	13
6	Gap analysis	Lecture & Case Discussion (RM/Case-5)	14
7	Neural Network Analysis to Forecast Sales (Text book2/Ch-15)	Lecture	15-16
		Case Discussion (RM/Case-6)	17
8	Classification Trees for Segmentation (Text book2/Ch-25)	Lecture	18
		Case Discussion (RM/Case-7)	19
9	Structural Equation Modeling (Text book1/Ch-22)	Lecture	20-21
		Lecture	22-23
		Case Discussion (RM/Case-8)	24
		Group Exercise Presentation-3	25
10	Pricing Research	Lecture	26-27
		Case Discussion (RM/Case-9)	28

Academic Integrity

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Introduction to Financial Management

Credits	4
Faculty Name	CA Praveen M
E-mail	m.praveen@nalsar.ac.in
Academic Year and Semester	2021-22, Term-III

Course Description:

The Course structure of FM is designed to provide an insight into the theory and practical application areas of decision making in the areas of Sources of Financing; Capital Structures, Return offered to capital sources etc., Components of Working Capital and Working Capital Management.

The Primary Course Pedagogy adopted for the course shall be **case based in-class discussion**

READINGS

Text book (s):

“Financial Management – 11th Edition” by I M Pandey, Vikas Publications

Reference Book / Additional Readings:

Evaluation:

1. MCQ Quiz	(1 X 10 = 10 Marks)
2. Two Assignments	(2 X 10 = 20 Marks).
3. End Term Project	(1 X 20 = 20 Marks)
4. End Term Exam	(1 X 50 = 50 Marks)

Assignment & Project Submission requirements:

- Details of Assignment are **given below the session plan**.
- Submissions on turnitin anti-plagiarism software shall be post submission and prior to evaluation.
- The due date for these assignments shall be as specified in the time table.

Sessions	Name of the Case/Topic	Learning Outcomes
Session 1	Role Play — Financial Decision Making	- The Scope of Financial Management/Decision Making as a cross functional Area - The need to identify all of the risks and costs associated with a decision & also the implications
Session 2	Introduction to the cost structure	- Conceptual understanding of cost structure of a business - To develop an understanding on the concepts of various Classifications of „Cost“
Session 3		
Session 4	Case Study Expansion plan of Central Tiffin Room	- To enable students to understand various measures used to evaluate the financial performance of the company. - Understanding incremental analysis, Break-even Point, Margin of Safety and interpret the implication on decision making.
Session 5		
Session 6	Introduction to the Concept of Leverages	- Conceptual understanding on Leverages - Types of Leverages - Solving structured problems to understand the application of Leverage Effect
Session 7		
Session 8	Case Study Hero cycles operating breakevens	- Introduction to the concepts of SWOT analysis, Porter's five forces model etc. and implication in financial decision making. - Understanding cost structure of the firm, and its influence on company performance - Understanding Break-even Analysis and its relationship with operating leverage - Understanding the application and analyses of the DuPont equation on decision making.
Session 9		
Session 10	Case Study_Investment Decision Making	- Introduction to the Concept of Capital Investment - Understanding various types of Investment Decisions - Understanding techniques of Investment Decision Making - Discussion on applicability and appropriate use of decision making techniques - Understanding Ranking conflict resolution
Session 11	(Case in Reading Material)	
Session 12	Introduction to Financing Decisions	Class Discussion on conceptual understanding on Financing Decisions

		• Introduction to the concept of capital structure • Introduction to the concept of „Cost of Funds“
Session 13	Soliton Technologies – financing growth in uncertain times	• To discuss and understand the nuances between different sources of early stage funding: personal wealth, family, and angels. • To compare and contrast the differences between family funding and venture funding. • To highlight the benefits and limitations of family funding
Session 14		
Session 15		
Session 16	Introduction to Working Capital <i>(Student Presentation Model)</i>	• Understanding the Concept of Current Assets, Current Liabilities and Working Capital • Understanding Approaches to Working Capital Computation • Understanding the concept of Working Capital Management
Session 17		
Session 18	Sunshine Fastech Pvt Ltd: working capital financing decision	• Understand different working capital finances offered by a bank and their need in business; • Compute, analyze and interpret financial statements of companies concerning working capital; • Compute, analyze and interpret financial statements of the company's peers to evaluate a company concerning working capital; and
Session 19		
Session 20		
Session 21	Introduction to Dividend Decisions	• Understanding dividend decisions • Alternative Investor return strategies • Approaches to Dividend Decisions • Dividend Strategies
Session 22		
Session 23	Project Presentations	Project Presentations and Viva scheduled for Teams
Session 24		

Assignments and Project Details

Assignment 1	Each student shall be assigned a listed company from NSE 500.The student is tasked to undertake the following — 1. Prepare a „Cost Sheet“ of the company for a period of 5 years to determine the cost structure of the company (<i>Variable & Fixed Costs</i>) 2. Determine the Operating, Financial and Combined Leverages foreach of the Financial Year 3. Write a note on the Interpretation of the Leverages and their impact on the financial performance of the company 4. Based on your interpretation, suggest/recommendation measures that the company may adopt to improve financial performance.
Assignment 2	<u>The Listed company allotted in Assignment 1 shall be used for Assignment 2.</u> The student is tasked to undertake the following – 1. Prepare a Historical Working Capital Assessment of the company for a period of 5 years 2. Determine the „Incremental Working Capital Gap“ for each year and identify the Source of Finance used to fund the working capital gap 3. Prepare a note on your analysis of the Working Capital Assessment as determined by you. 4. Prepare a note on the probable approach followed by the company management for „working capital management“
Project	<u>Project shall be a Team Project. Each Team will be allotted a set of Two companies and the team shall, for each of the company allotted -</u> 1. Prepare a statement indicating the Incremental capital Investments made by the company in a block period of 5 years 2. Prepare a Capital Structure Statement of the company for a period of 5 years 3. Prepare a Note on the sources of finance adopted by the company and the quality of capital structure of the company 4. Prepare a statement of the Dividend Payouts made by the company 5. Write a Note on the dividend policy adopted by the company and give your views on the probable rationale for such policy adoption. 6. Do a comparative analysis of the companies allotted based on the points 1 to 5

MBA 2020-21
BEHAVIOURAL FINANCE & FINANCIAL PLANNING
(COURSE CODE)

Credits	4
Faculty Name	Dr.Vaishali P
E-mail	
Academic Year and Semester	2020-21 SEMESTER-IV

Course Description:

This is a personal finance and completely applied course. This course requires complete understanding of various investment avenues available to individual investors. In this course, the students will be trained on quantification of personal financial planning objectives. The course contains investment planning, insurance planning, tax planning and estate planning. Students must be familiar scientific calculator and MS-EXCEL

Learning Outcomes:

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

- Quantify the personal financial planning goals of individuals
- Able to match investment product to the quantified goals of individuals and design and execute the investment plans
- Design & Execute the insurance and retirement planning of individuals
- Design & execute tax and estate planning of individuals

Readings:

Text book (s) : No specific text book

Additional Readings

ET Money & Personal Finance on Economic Times.

Websites:

Sebi.gov.in

Amfi.com

Rbi.gov.in

Irda.gov.in

Session Plan:

Session No	Topics	Readings
1	Introduction to Behavioural Finance	Material provided by the instructor

2	Quantification of Personal Financial Planning Objectives	Material provided by the instructor
3	Quantification of Personal Financial Planning Objectives	Material provided by the instructor
4	Investment Planning: Mutual Funds	Material provided by the instructor
5	Mutual Funds Continuation	Material provided by the instructor
6	Risk Management Techniques in Mutual Funds	Material provided by the instructor
7	Other investment Avenues	Material provided by the instructor
8	Practical Issues in Investment Management	Material provided by the instructor
9	Insurance Planning: Different Types of Life Insurance Products	Material provided by the instructor
10	Choosing correct life insurance product	Material provided by the instructor
11	Health Insurance Products	Material provided by the instructor
12	Health Insurance Products for senior citizens	Material provided by the instructor
13	Practical Issues in Insurance Planning	Material provided by the instructor
14	Computation of Loan Repayment Schedule	Material provided by the instructor
15	Retirement Planning: Quantification of objectives	Material provided by the instructor
16	Retirement Planning: Annuities	Material provided by the instructor
17	Retirement Planning: Reverse Mortgage	Material provided by the instructor
18	Practical issues in retirement planning	Material provided by the instructor
19	Tax Planning- residential status	Material provided by the instructor
20	Tax Planning- Income from Salary	Material provided by the instructor
21	Tax Planning-Capital Gains & Indexation	Material provided by the instructor
22	Tax Planning-Income from head of house property	Material provided by the instructor
23	Tax Planning- Income from other heads	Material provided by the instructor
24	Income tax computation and practical issues	Material provided by the instructor
25	Income tax computation and practical issues	Material provided by the instructor
26	Estate Planning-Hindu Male Intestate	Material provided by the instructor
27	Estate Planning-Hindu Female Intestate, Estate Planning as per Islam	Material provided by the instructor

Evaluation:**Scheme of Evaluation:**

Quiz I & II : 2 X 15 Marks = 30 Marks

Project Evaluation (15 Marks for Project and 5 Marks for Viva-Voce) = 20 Marks

Term End Examination = 50 Marks

Project Evaluation:

Each Student must collect documents related to Investments, Insurance and Income Tax and Analyze them and suggest measures of improvement and the also ascertain the possible benefits.

MBA – 2020-22, TERM – V
STRATEGIC COMPENSATION & PERFORMANCE
MANAGEMENT

Credits	4
Faculty Name	Dr. A. KISHORE KUMAR
E-Mail	kishore.kumar@nalsar.ac.in
Academic Year and Term	2021- 22; Term - V

COURSE OVERVIEW:

Compensation Management is one of the pivotal functions of Human Resource Management; it plays a key role in satisfying existing employees by way of fulfilling their basic and livelihood needs and to lead comfortable life in return to their services to the organization. Compensating employees represents a critical human resource management practice, without Strategic Compensation System companies cannot attract and retains best talent in the long run to the organization. Spending more than is necessary to attract and retain talent is also add costs unnecessarily to companies in search of competitive advantage. There is relationship between Strategic Compensation and Performance Management. The appropriate compensation company offers to employee the optimum performance employee exhibits on the job.

The fundamental need of organizations is agility, responsiveness, innovation, efficiency and execution for sustainable competitive advantage. It is here that Performance Management can help organizations to develop to their fullest capacity. It is an integrated system and is a vital link between the performance of an individual employee and the attainment of the strategic goals of an organization. Performance Management is a dynamic process that articulates organizational vision and objectives, set up the performance criteria in the light of these objectives and continuously reviews internal procedures to integrate them with organizational philosophy and culture. This course focuses on the concepts of Strategic Compensation and its linkage, relationship with Performance Management.

COURSE OBJECTIVE:

The primary objective of this course is to impart knowledge on Strategic Compensation, its importance, Contextual Influences on Compensation Practice, Bases of Pay, Building Internally Competitive and Market Competitive Pay, Employee Benefits and Contemporary Strategic Compensation Challenges for firms and also another objective is to disseminate information on Performance management Concepts, Performance Management Process, Performance Planning, Choosing Performance Measurement Methods, Performance Evaluation, Implementing Performance Management and Performance Development Programmes. By completing this course, you would be able to:

- Understand the Concept of Strategic Compensation, its importance, Influences on Compensation System, Building Strategic Compensation System, Employee Discretionary and Legal Benefits and the challenges of strategic Compensation System.

- Gain insight over Performance Management concepts, the relationship between Compensation and Performance Management, Performance Management Process, Performance Planning, Performance Measurement, Performance Implementation and Performance Development.

PEDAGOGY:

The course is designed with an intention to promote self-learning and group learning. Here teacher role is more of a facilitator in the learning process besides regular teaching. The pedagogic mix includes two way interactive lectures, case studies, exercises, assignments and presentations. More emphasis will be on discussion on concept and sharing your understanding with teacher.

READINGS:

Text Book:

1. Martocchio, Joseph J (2019). Strategic Compensation – A Human Resource Management Approach (9e): Pearson India Education, Noida
2. Aguinis, Herman (2014). Performance Management(3e): Pearson Education, Noida

Additional Readings:

E-Books available for online reading at NALSAR E-RESOURCES on the following link:

<https://enalsar.informaticsglobal.com:2264/lib/nalsarlawuniv/reader.action?docID=361539&query=compensation+management>

EVALUATION:

Assignments	: 2*10= 20 Marks
Quiz	: 1*10 = 10
Group Project/Assignment/Presentation	: 20 Marks
End Term Examinations	: 50 Marks

ACADEMIC INTEGRITY:

Malpractice in any form will be dealt with as per Manual of Policies of Department of Management Studies, NALSAR University of Law, Hyderabad.

SESSION PLAN:

SESSION NO	TOPICS	READINGS
1-2	Compensation - Introduction, Importance and Objectives. Strategic Compensation - Introduction, Meaning and Importance. Strategic Compensation –Relationships between Compensation and HR functions.	Text Book1 :Chapter – 1 Reading Material: Compensation – Introduction , Meaning and Objectives Article: Strategic Compensation Management: An Essence of Organization Development

3	Contextual Influences on Compensation Practice	Text Book1 :Chapter – 2 Reading Material: Factors Influencing Compensation. Case: Exempt or Non Exempt?
4	Traditional Bases for Pay – Seniority and Merit	Text Book1 :Chapter – 3 Reading Material: Seniority and Merit Pay Article: A Comparative Examination of Traditional and Skill Based Pay Plans
5	Incentive and Person- Focused Pay	Text Book1 : Chapter – 4 & 5 Reading Material: Incentive Pay
6-7	Building Internally Consistent Compensation Systems	Text Book1 :Chapter – 6 & 7 Reading Material: Building Internally Consistent and Market Competitive Compensation System Case: Wage Consistency in the Context of Job Evaluation: An Analytical View
8	Building Market Competitive Compensation System.	
9	Employee Benefits – Discretionary Benefits	Text Book1 :Chapter – 9 & 10
10 -11	Employee Benefits - Legally Required Benefits	Reading Material: Employee Benefits
12	Contemporary Strategic Compensation Challenges – Compensating Executives	Text Book1 :Chapter – 12 Reading Material: Executive Compensation Article: Trends and Patterns in Top Executive Compensation: Evidence from India
13-14	Performance Management – Meaning, Importance, Objectives and Advantages & Disadvantages	Text Book2 :Chapter – 1 Reading Material: Performance Management Meaning, Objectives, Characteristics and Components. Case: Empxtrack Streamlines Performance Management for IFFCO Tokyo General Insurance
15	Performance Management Process	Text Book2 :Chapter – 2 Reading Material: Performance Planning Case: A Study of Performance Management System in Wipro
16	Performance Management and Strategic Planning	Text Book2 :Chapter –3 Reading Material: Performance Planning Case: Reinventing Performance Management – Deloitte Case Study

17-18	Choosing Performance Measurement Approach	Text Book2 :Chapter –4, 5 & 6 Reading Material: Choosing Performance Measurement Approach, Measuring Results & Measuring Results and Behaviours and Gathering Information
19	Measuring the Results and Behaviors	
20	Gathering Performance Information	
21	Implementing Performance Management System	Text Book2 :Chapter –7 Reading Material: Implementing Performance Management System.
22	Performance Management and Employee Development	Text Book2 :Chapter –8 Reading Material: Performance Management and Employee Development Article: Need for Employee Development in Employee Performance: A Present Scenario
23	Project Presentation	
24	Project Presentation	

ASSIGNMENTS:

All the students have to submit two assignments compulsory during VI trimester. The submission requirements: The Assignment should be of your own work, neatly typed in Times New Roman font with 1 line spacing, minimum of 1000 words for each assignment. Submissions should be made on Turnitin prior to faculty evaluation. The acceptable similarity index is not more than 10 %.

Assignment No.	Assignment Description	Submission Date
I	Imagine you are running an organization, how do you design a competitive compensation structure to attract and retain best talent in your organization.	As per the time table
II	Design a Performance Appraisal format to evaluate/rate the performance of Human Resource Manager of a service organization.	As per the time table
III	Quiz	By end of Session 20

MBA – 2020-22, TERM – V

PERFORMANCE MANAGEMENT & COUNSELLING

Credits	4
Faculty Name	Dr. A. KISHORE KUMAR
E-Mail	kishore.kumar@nalsar.ac.in
Academic Year and Term	2021- 22; Term - V

Course Description:

Performance Management is one of the most important functions under Human Resource Management of a company. Performance Management not only contributes towards the direct growth of the individual but also the company.

A thorough understanding of performance management system enables a manager to develop, design and maintain performance and potential of human resources in the company.

Learning Outcomes:

The course is designed broadly to:

- a) Familiarize the course participants/subscribers with the role of performance management in the human resource management of a firm;
- b) develop the ability to build systems for effective performance management and evaluation suited to the needs and pressures of the organization and the environment.

Text Book(s):

Performance Management; Herman Aguinis; Tata McGraw Hill; 2/E, Pearson

Singh, Kavita; Counselling skills for managers; PHI

Reference Book(s) :

Performance Management and Appraisal Systems: HR Tools for Global Competitiveness; T V Rao; South Western; 5th Edition

Performance Management: It's About Performing – Not Just Appraising; PremChadha; Macmillan

The Basic Essentials of Counselling; Dave, Indu; Sterling Pub. Pvt. Ltd., New Delhi

Articles / Case Study / Hand-outs etc. as Compulsory Readings:

Case 1: Dovernet

Case 2: Kenexa

Case 3: First federal savings (A)

Case 4: Performance Management at Vitality Health enterprises, Inc.

Case 5: Performance Appraisal at Telespazio: Aligning Strategic Goals to People Development

Case 6: Great wall golf & country club

Case 7: IONS Consulting: The MP2 training program

Case 8: Jones Schilling employee coaching workshop IONS Consulting

Case 9: Southfield Packaging

Case 10: Shinsei Bank: Developing an integrated firm Southfield Packaging

Lecture Number	Lecture Topic	Chapters/ Sections of Text Book/Other reference	Pedagogical tool: Demonstration/ Case study / Activity etc.
Lecture-1	Introduction to the course content: PMC. Briefing on course requirements	Text Book- 1/Chapter-1	
Lecture-2	Definition of PM, Appraisal Vs performance management, Processes for managing performance,	Text Book- 1/Chapter-1	Reading : Meyer, Kay & French: Split roles in performance appraisal
Lecture-3	Essence and Implications of Performance Management, Defining Performance, Determinants of Performance	Text Book- 1/Chapter-1 & 4	
Lecture-4	Approaches to measuring Performance Metrics	Text Book- 1/Chapter-4	
Lecture-5	Choosing a measurement approach		Case 1
Lecture-6	Accountabilities, Objectives, Standards,	Text Book- 1/Chapter-5	
Lecture-7	Methods of appraisal	Text Book- 1/Chapter-5	
Lecture-8	Methods of appraisal, Errors in rating	Text Book- 1/Chapter-5	
Lecture-9	People Management		Case 2
Lecture-10	Right Appraisal Method		Case 3
Lecture-11	Appraisal Forms, Appraisal Period, Who should appraise	Text Book- 1/Chapter-6	
Lecture-12	Right Appraisal Method		Case 4
Lecture-13	<i>Student Presentations and Discussions</i>		Articles
Lecture-14	Communication, appeals, training programs, Evaluation	Text Book- 1/Chapter-7	
Lecture-15	PM implementation		Case 5
Lecture-16	Setting objectives, Organizational and individual performance plans, Contents of developmental plan	Text Book- 1/Chapter-8	

Lecture-17	Developmental plan		Case 6
Lecture-18	Monitoring, Mentoring, Coaching	Text Book-1/Chapter-9	
Lecture-19	Mentoring Program		Case 7
Lecture-20	Coaching		Case 8
Lecture-21	Performance Feedback, Purpose, Process & Methods	Text Book-1/Chapter-9	
Lecture-22	Performance review meetings, Delivering efficient feedback, 360 Degree Feedback	Text Book-1/Chapter-9	
Lecture-22	Performance review		Case 9
Lecture-23	360 degree feedback		Case 10
Lecture-24	Meaning, Need of Counselling; Approches to counselling	Text Book-2/Chapter-1 & 2	
Lecture-25	Counselling Process; Counselling Variables; Prerequisites of Effective Counselling; Skills of an Effective Counsellor	Text Book-1/Chapter-4 & 6	
Lecture-27	<i>Student Presentations and Discussions</i>		
Lecture-28	<i>Student Project Presentations and Discussions</i>		

Details of Internal Evaluation Components:

Academic Integrity EVALUATION:

Quiz	: 2x15= 30 Marks
Group Project/Assignment & Presentation	: 20 Marks
End Term Examinations	: 50 Marks

Malpractice in any form will be dealt with as per manual of policies of Centre for Management Studies, NALSAR University of Law, Hyderabad.

Procedural Matters:

The core course will observe the following procedural guidelines.

1. This is a course in which, as indicated earlier, an important part of the learning takes place in class and where each class builds upon previously discussed materials. Because of this, attendance in class is very important. Please schedule other activities (for example, projects,

- presentation preparations) at times other than my class. If, for some unavoidable reason, you have to miss a class during the semester, I expect you to let me know in advance of that class.
2. I will be prepared for each class and expect you to do the same. Since I will call on individuals whose hands are not raised, you should let me know before the start of class if some emergency has made it impossible for you to be adequately prepared for that class.
 3. I will be happy to discuss the course, your progress, your contributions in the class, or any other matters of interest to you, on an individual basis. Please come by during office hours or email me or call me. I am open for any discussion at all times to discuss matters that are academic in nature.

DEPARTMENT OF MANAGEMENT STUDIES
NALSAR UNIVERSITY OF LAW, HYDERABAD
Course Name: TRAINING AND DEVELOPMENT (TD)

Credits	4
Faculty Name	Dr. A. KISHORE KUMAR
E-mail	kishore.kumar@nalsar.ac.in
Academic Year and Trimester	2022-23, Trimester – VI

Course Description:

Earlier, Training and Development was not viewed as an activity that could help companies create *Value* and successfully deal with competitive challenges. Today, that view has been changed. Companies that use innovative training and development practices are likely to report better financial performance than their competitors that do not. Training and Development also helps a company to meet competitive challenges. Companies need to continue to rely efficient and effective training practices to help employees strengthen or increase their skills in order to improve or make new products, generate new and innovative ideas and provide high quality customer service. Also, development activities and career management are needed to prepare employees for managerial and leadership positions and to attract, motivate and retain talented employees at all levels and in all jobs. Training, Development and Career Management are no longer in the category of *nice to do* – they are a *must do* in order for companies to gain a competitive advantage and meet employees' expectations.

The role of training has broadened beyond training program design. Effective instructional design remains important but training managers, human resource experts and trainers are increasingly being asked to create systems to motivate employees to learn, create knowledge, and share that knowledge with other employees in the company. Training has moved from an emphasis on a one-time event to the creation of conditions for learning that can occur through collaboration, online

learning, traditional classroom training, or a combination of methods. There is increased recognition that learning occurs outside the boundaries of a formal training course.

Course Outcomes:

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

- CO1:** Understand the Concept of Training and Development, Differentiate between Training and Strategic Training.
- CO2:** Get acquainted with Training Need Analysis, understand how learning happens through training and development programs
- CO3:** Learn how to transfer of training onto the jobs, will get to know how to evaluate effectiveness of Training, understand different types of training methods
- CO4:** Familiar with the use of technology in training programs, come across the issues and challenges in training and development, understanding the relationship between training and career development.
- CO5:** Understand the future landscape of training and development.

Unit I: Introduction to Training and Development

- Training and Development – Meaning, Importance and Benefits.
- Macro and Micro perspectives of Training and Development.
- Current Trends in T&D
- Strategic aspect of Training and Development, Strategic Training Process and Models of Strategic Training.

Unit II: Designing Training Programme

- Training Need Assessment – Introduction, Causes and Outcomes, Types and Techniques, Process.
- Learning - Introduction, Principles, Process, Styles, Theories.
- Transferring of Training – Introduction, Theories, Model and Problems in transfer.
- Evaluation of Training – Introduction, Principles, Types of evaluation, Training Evaluation Process, Training Evaluation Models.

Unit III: Methods of Training and Development

- Methods of Training – On-the-Job and Off-the-Job Training Methods.
- Use of technology in Training – Introduction, Advantages, Technologies such as VILT, e-Learning, Augmented Reality, Virtual Reality, Gamification etc.
- Employee Development – Introduction, Approaches, Strategies for Employee Development.
- Issues in Training and Development.

Unit IV: Training and Career Development

- Career Management – Introduction, importance, Career Anchors, Types of Career Paths, Elements of Career Management, Stages of Career Development.
- Challenges in Career Management.

Unit V: The Future of Training and Development

- Training for sustainability
- Increased use of new technologies for Training delivery
- Increased demand for Training for Virtual Work Arrangements.

Readings:

Text Book(s):

3. Noe, Raymond A & Kodwani, Amitabh Deo. (2017). *Employee Training and Development (7e)*: Mc Graw Hill Education (India) Private Limited, New Delhi.
4. Blanchard, P. Nick, Thacker, James W., Anand Ram, V. (2017). *Effective Training (5e)*, Pearson India Education Services, Chennai.

Additional Readings:

1. Lynton, Rolf and Pareek, Udai. (2012). *Training for Development (3e)*, Sage Publications India Pvt. Ltd., New Delhi.
2. Battacharya, Dipak Kumar. (2015). *Training and Development – Theories and Applications*, Sage Publications India Pvt. Ltd, New Delhi.

Detailed Plan of Lectures:		
Lecture Number	Lecture Topic	Pedagogical tool: Demonstration/ Case study / Activity etc.
Introduction to Training and Development		
Lecture-1-2	Introduction to Employee Training and Development – Macro and Micro perspectives	Case: Training & Development at RVA
Lecture-3-4	Strategic Training	Case: Axis Bank's Learning and Development
Designing of Training Programs		
Lecture-5-6	Training Need Assessment/Analysis	
Lecture-7	Training Need Analysis Activity	Activity
Lecture-8-9	Learning Theories	Case: Learning to Lead at Toyota
Lecture-10-11	Transfer of Training	
Lecture-12-13	Training Evaluation	
Methods of Training and Development		
Lecture-14-15	Training Methods – On-the-Job and Off-the-Job	

Lecture-16	Use of Technology in Training	Article: How Companies are using VR to Develop Employees' Soft Skills
Lecture-17-18	Employee Development	Case: Betting Big on Employee Development
Lecture-19	Issues in Training and Development	Case: Why leadership Training Fails – and What to do about it.
Training and Career Development:		
Lecture-20-21	Career and Career Management	Case: Developing your Leadership Pipe Line
Lecture-22	Presentation on Career Planning	Presentations
Lecture-23	Challenges in Career Management	Case: Career challenges at Media Inc.
The Future of Training and Development		
Lecture-24-25	Training for sustainability Increased use of new technologies for Training delivery Increased demand for Training for virtual work arrangements.	
Lecture 26-28	Project Presentations	

Details of Internal Evaluation Components:

Evaluation No	Nature of Evaluation & Marks
Evaluation-1	Assignment - Group Project Report Submission + Presentation – 15+5 = 20 Marks
Evaluation-2	3 Quizzes -15 Marks each (Best 2 out of 3@ 15 marks each)
Evaluation-3	End Sem-50 Marks

Assignment

Academic Task	Objectives	Details of Academic Tasks	Nature of Academic Tasks	Academic Tasks Mode	Marks

Group Project	Developing a case by understanding the actual T&D practices of select organization.	Students have to prepare a case study on “Training and Development practices of a reputed company of their choice”.	Project Work	Secondary Research by accessing to the company website and through other web sources.	20 M (Project Report 15 M + Presentations 5 M)

Academic Integrity:

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DEPARTMENT OF MANAGEMENT STUDIES
NALSAR UNIVERSITY OF LAW, HYDERABAD

Course Title	INTEGRATED MARKETING COMMUNICATIONS
Course Code	
Credits	4
Academic Year	2019-21
Course Description	A brief introduction to the course: Introduction to IMC, Marketing Communication, Evolution, Integration, Marketing Strategy& Communication, STDP, Mix & Promotion, Consumer Behaviour & Communication, Consumer Decision making, Consumer response hierarchies, Consumer involvement, Models, Advertising Agencies, Evolution, Types, Functions, Agency Evaluation, Advertising Research-Process, Creative Ideas-Execution, Developing Media Plan, DAGMAR Approach, Budget Setting, Measuring IMC Performance.
Course Goals & Learning Outcomes	To equip the students with the basic knowledge and necessary skill set for Integrated Marketing Communications. 1.To recapitulate the basic concepts of the marketing communications 2.To understand the creative media planning & execution 3.To measure the IMC Performance & Legal & Ethical Environment of Promotions
Module Outline and Topics	
Module 1 Name of the Module	Introduction to IMC 1.1 Introduction to IMC, Marketing Communication, Evolution, Importance, and Integration 1.2 Integral part of marketing, Marketing Strategy 1.3. Communication, STDP, Mix& Promotion 1.4 Consumer Behavior & Communication 1.5 Consumer Decision making 1.6 Communication Process, Consumer response hierarchies 1.7 Consumer involvement, Models
Module 2 Name of the Module	Advertising 2.1 Advertising, Advertising Agencies 2.2 Evolution, Types, Functions 2.3 Agency Evaluation 2.4 Advertising Research- Process 2.5 Big Idea- Case Study 2.6 Creative Ideas-Execution, Platforms for creative presentation, Case Study 2.7 Creative Execution-Print Media, Broadcast
Module 3 Name of the Module	Sales Promotion 3.1 Sales Promotion, Objectives, Consumer Promotion Tools 3.2 Direct Marketing, Characteristics, Elements 3.3 Public Relations & Publicity, Meaning,

	Importance, Strengths & Weaknesses, Types, Tools 3.4 New age Communication-Online & Mobile Marketing, Traditional Tools of Online 3.5 Print & Support Media-Role and Dynamics 3.6 Broadcast-Dynamics
Module 4	Media Plan
Name of the Module	4.1 Developing Media Plan-Meaning, Importance, Process 4.2 Promotion Objectives, Importance, Budgetary Planning 4.3 DAGMAR Approach, Budget Setting 4.5 Measuring IMC Performance, Techniques
Module 5	Regulations: Legal & Ethical Environment
Name of the Module	5.1 Regulation of Advertising & Promotion 5.2 Legal & Ethical Environment of Promotions 5.3 Case Study 5.4 Case Study
Mandatory Text	1. Krutishah, Alan D'Souza, Advertising & Promotions, An IMC Perspective, 13th Edition, 2014, McGraw Hill. 2. George E Belch, Michael A Belch, Keyoor Puravi, Advertising and Promotion: An Integrated Marketing Communications Perspective, 9th Edition (2013), McGraw Hill.
Reference Text	1. Philip J. Kitchen; Patrick De Pelsmacker, Integrated Marketing Communications: A Primer, Routledge, 2010 2. Larry Percy, Strategic Integrated Marketing Communication, Butterworth-Heinemann, 2008

MBA 2019-21
INTEGRATED MARKETING COMMUNICATIONS

Credits	4
Faculty Name:	Vidyadhar Reddy
E-mail:	directorcms@nalsar.ac.in
Academic Year and Semester	2020-21, Trimester-V

Course Description: A brief introduction to the course: Introduction to IMC, Marketing Communication, Evolution, Integration, Marketing Strategy & Communication, STDP, Mix & Promotion, Consumer Behavior & Communication, Consumer Decision making, Consumer response hierarchies, Consumer involvement, Models, Advertising Agencies, Evolution, Types, Functions, Agency Evaluation, Advertising Research-Process, Creative Ideas-Execution, Developing Media Plan, DAGMAR Approach, Budget Setting, Measuring IMC Performance.

Learning Outcomes:

1. Skill set for Integrated Marketing Communications
2. Understanding the creative media planning & execution
3. Measuring the IMC Performance
4. Understanding Legal & Ethical Environment

READINGS

Text book (s):

1. George E Belch, Michael A Belch, Keyoor puravi, Advertising and Promotion: An Integrated Marketing Communications Perspective, 9th Edition (2013), McGraw Hill.

2. Krutishah, Alan D'Souza, Advertising and Promotions An IMC Perspective, 13th Edition, 2014, McGraw Hill.

Reference Book / Additional Readings:

1. Philip J. Kitchen; Patrick De Pelsmacker, Integrated Marketing Communications: A Primer, Routledge, 2010
2. Larry Percy, Strategic Integrated Marketing Communication, Butterworth-Heinemann, 2008.

Session Plan:

Session No.	Topics	Readings*
Session 1	Introduction to IMC, Marketing Communication, Evolution, Importance, and Integration	George E Belch, Michael A Belch, Krutisha, Hand Book of Readings.
Session 2	IMC-An Integral part of marketing, Marketing Strategy& Communication, STDP, Mix& Promotion	George E Belch, Michael A Belch, Krutisha, Hand Book of Readings.
Session 3	Consumer Behaviour & Communication, Consumer Decision making	George E Belch, Michael A Belch, Krutisha, Hand Book of Readings.
Session 4	Communication Process, Consumer response hierarchies, Consumer involvement, Models	George E Belch, Michael A Belch, Krutisha, Hand Book of Readings.
Session 5	Advertising Agencies, Evolution, Types, Functions, Agency Evaluation	George E Belch, Michael A Belch, Krutisha,
Session 6	Advertising Research- Process	George E Belch, Michael A Belch, Krutisha, Hand Book of Readings.
Session 7	Big Idea- Case Study	Handout
Session 8	Media Planning & Strategy	George E Belch, Michael A Belch, Keyoor puravi, Hand Book of Readings.
Session 9	Creative Ideas-Execution, Platforms for creative presentation-Case Study	Krutishah, George E Belch, Michael A Belch, Hand Book of Readings.
Session 10	Creative Execution-Print Media, Broadcast	Krutishah, George E Belch, Michael A Belch, Hand Book of Readings.
Session 11	Sales Promotion, Objectives, Consumer Promotion Tools	Krutishah, George E Belch, Michael A Belch, Hand Book of Readings.
Session 12	Direct Marketing, Characteristics, Elements	George E Belch, Michael A Belch, Krutisha, Hand Book of Readings.
Session 13	Public Relations & Publicity, Meaning, Importance, Strengths & Weaknesses, Types, Tools	George E Belch, Michael A Belch, Krutisha, Hand Book of Readings.
Session 14	Print & Support Media-Role and Dynamics.	George E Belch, Michael A Belch, Krutisha, Hand Book of Readings.
Session 15	Broadcast-Dynamics	George E Belch, Michael A Belch, Krutisha, Hand Book of Readings.
Session 16	Developing Media Plan-Meaning, Importance, Process	Krutishah, George E Belch, Michael A Belch, Hand Book of Readings.

Session 17	Promotion Objectives, Budgetary Planning, Importance, DAGMAR Approach, Budget Setting	Krutishah, George E Belch, Michael A Belch, Hand Book of Readings.
Session 18	Measuring IMC Performance, Role & Importance, Techniques	George E Belch, Michael A Belch, Krutisha,
Session 19&20	Regulation of Advertising & Promotion	George E Belch, Michael A Belch, Hand Book of Readings.
Session 21 &22	Legal & Ethical Environment of Promotions	Krutishah, George E Belch, Michael A Belch, Hand Book of Readings.
Session 23&24	Case Studies	Handout.

Evaluation:

1) Assignments (4 X 7.5 Marks): 30 Marks

Submission requirements: Minimum 1000 words and in gaps of 2 weeks. Submissions on turn it in prior to faculty evaluation. Acceptable similarity index – 15 %

Submission Name	Submission Description
Assignment-1	Choose a specific company and discuss how this firm can use the concept of integrated marketing communications in developing a promotional program for one of its products or services. You should analyze all of the company's promotional mix elements including advertising, direct marketing, interactive media, sales promotion, publicity/public relations and personal selling and discuss how each one is used in the marketing communications program.
Assignment-2	What are the types of consumer involvement? Discuss with examples.
Assignment-3	Developing an Ad Copy for a new Brand/ an existing one.
Assignment-4	Develop a Media plan for any a small company of your choice.
Assignment-5	Explain how the Principal Statutes of regulating authorities of India checking the Advertising industry.

2) Project: 20 Marks

- **Report – 15 Marks**
- **Presentation – 5 Marks**

3) End Semester Examination: 50 Marks

Academic Integrity:

Malpractice in any form will be dealt with as per manual of policies of DoMS, NALSAR University of Law, Hyderabad.

3) End Semester Examination: 50 Marks

Academic Integrity:

Malpractice in any form will be dealt with as per manual of policies of Centre for Management Studies, NALSAR University of Law, Hyderabad.

Projects:

1. Big Idea
2. Creative Presentation of an Ad for New Product/ Me too
3. Creative Execution of an Ad for new Product/ Me too
4. Ad testing
5. Analysis of Ads by types, nature, etc. (Electronics, FMCG, Automobiles, etc.)
6. Developing an Ad Copy for a new product/ Me too
7. Message analysis of different Ads
8. Developing a Story Board for a product
9. Media plan
10. Ad Audit

Sales and Distribution Management

Credits	4
Faculty Name	Dr. Vivek Pani Gumparthi
E-mail	vivekpani@nalsar.ac.in
Academic Year and Trimester	2022-23 and Term VI - MBA

Course Description:

Sales continues to be one of the crucial functions of any organization. This course aims at providing a comprehensive understanding of sales as a function and the efforts that are required in delivering the product to the last mile. This course requires a basic understanding of marketing, communications and product.

Course Outcomes:

5. Develop an understanding of the areas in which sales managers make decisions.
6. Understanding sales management and achieving the objectives of the organization
7. Understanding and developing the significance of customer relationships (both B2B & B2C) and
8. To develop an understanding of market penetration and product dissemination.

Text Book:

Primary Text Book – Sales and Distribution Management by Richard R. Still, Edward W. Cundiff, Norman A. P. Govoni and Sandeep Puri.

Secondary Text Book – Sales and Distribution Management by Krishna K Havaladar and Vasant M Cavale

Unit 1: Personal Selling and Marketing Strategy

- Sales Management and the Business Enterprise
- Sales Management, Personal Selling and Salesmanship
- Setting Personal-Selling Objectives
- Determining Sales-Related Marketing Policies
- Formulating Personal-Selling Strategy

Unit 2: Organizing the Sales Effort

- The Effective Sales Executive
- The Sales Organization
- Sales Department Relations

Unit 3: Controlling the Sales Effort

- The Sales Budget
- Targets and Sales Management
- Sales Territories
- Sales Control and Cost Analysis

Unit 4: Distribution Management

- Marketing Channels
- Managing the Channel Partners
- Channel Information Systems
- Logistics and Supply Chain Management
- International Sales and Channel Management

Instruction Plan

Lecture Number	Lecture Topic	Pedagogical Tool
1 & 2	Sales Management and the Business Enterprise	Sales Force Design and Management
3 & 4	Sales Management, Personal Selling and Salesmanship	Aspects of Sales Management
4 & 5	Setting Personal-Selling Objectives	Laurs & Bridz Case Study
6 & 7	Determining Sales-Related Marketing Policies	Sales Management and the Business Enterprise
8 & 9	Formulating Personal-Selling Strategy	How Strategic is your Sales Strategy? Strategic Sales Management
10 & 11	The Effective Sales Executive	Personal Selling and Sales Management
12 & 13	The Sales Organization	Sales Management and the Business Enterprise
14 & 15	Sales Department Relations	
16 & 17	The Sales Budget	
18 & 19	Targets and Sales Management	
20 & 21	Sales Territories	

22 & 23	Sales Control and Cost Analysis	
24 & 25	Marketing Channels	Customer-Driven Distribution Systems
26	Managing the Channel Partners	
27	Channel Information Systems & Logistics and Supply Chain Management	
28	Wrap - up	

Evaluation:

S.No	Nature of Evaluation	Marks
1	Multiple Choice Questions – Quiz 1	15 Marks
2	Multiple Choice Questions – Quiz 2 & 3 (2 Best Quizzes Out of 3)	15 Marks
3	Project	15 + 5 Marks
4	End Term Examinations	50 Marks

MBA: 2021-2023 STRATEGIC MANAGEMENT

Credits	4
Faculty Name	Asish Kumar Panda
E-mail	asish@nalsar.ac.in
Academic Year and Semester	2011-22: Term- III

Course Objectives

Strategic Management, a core course aims to provide a broad understanding of the strategy process in a business/industrial/social organization. It will seek to build students' competence in appreciating and understanding the context in terms of an organizing internal capabilities and external conditions, learn to analyze the alternative pathways for long term development in an organizational context.

The **specific objectives** of the course include:

- Orient the students to the long term perspectives of organizations,
- Understand the significance of internal and external context to strategy making,
- Learn the basic frameworks, tools and techniques of strategic analysis, planning, and execution in an organization,
- Provide a platform to the students to integrate the various functional areas. The Group Term Case Study is an integral part of the learning process, where the participants will have the chance to weave and integrate all functional perspectives to understand the larger picture of strategy in an organization in a given context of internal capabilities and external conditions

READINGS

Reading materials (compiled) shall be provided to each student

Reference:

- Strategic Management –Formulation Implementation and Control, Pearce, J.A, Robison, R.B and Mittal A, 12th Edition, McGraw Hill
- Small Giants: Companies that choose to be great instead of big, B. Burlingham, Penguin

EVALUATION

- Assignments (2 Nos) – 10% weight each
- Quiz (40 MCQ from chapters till 15th session; of 0.25 weightage each) - 10% weight.
- Group Project

- Report – 15% weight
- Presentation – 5% weight
- End-term of 50% weight.

SESSION PLAN

Module	Topic	Readings / Pedagogy	Session
Introduction to Strategy	The need of Strategic Management in the context of an Organization	Introduction to Strategic Analysis	1
	Strategic Intent & Strategy Framework: Vision-Mission-Strategy / Purpose-Values-- Strategy Landscape of Strategic Management and Boundaries of Strategic Thinking	Developing the strategy – Vision, Value Gaps, and Analysis by <i>Robert S. Kaplan and David P. Norton with Edward A. Barrows Jr</i>	2
Understanding Organization and Context	Difference between Organization & institution MNCs & Small Giants Competence & Governance Perspective of an Organization	Competence Governance Perspective in Strategy, <i>Oliver Williamson</i>	3
Typologies of Strategy Development	Crafting Strategy and Mintzberg's 5P	Crafting Strategy by Henry Mintzberg Mintzberg - 5P	4
	Deliberate and Emergent Strategies	Of Strategies, Deliberate and Emergent by <i>Henry Mintzberg and James A. Waters</i>	5
Frameworks and Tools for External Context Analysis	Stakeholders Analysis	Salience Model	6
	Five Forces Analysis	The 5 Competitive Forces that shape Strategy - Porter	7
	PESTLE analysis Force Field Analysis SWOT Analysis SWNC Analysis	Competitor Analysis Environment Analysis Force Field Analysis SWOT Analysis – A theoretical review	8
Internal Analysis of Organization	Generic Competitive Strategy & Value creating activities	Five Generic Strategies by Michel Porter	9

for Strategy	From Product Analysis (BCG) to Resource Based Competence Analysis	A Resource-Based View of the Firm by <i>Birger Wernerfelt</i>	10
	Core Competence Analysis	The Core Competence of the Corporation by C.K Prahalad and Gary Hamel	11
	Focused Strategy & Trends in Developing country Context	Why focused strategies do not work in the developing country context, Tarun Khanna & Kishna Palepu	12
	Dynamic Capabilities under technological disruptions	Dynamic Capabilities and Strategic Management by David J Teece; Gary Pisano; Amy Shuen	13
	Horizontal & Vertical Integration ; Organic and inorganic growth	Case Discussion: Reliance Industries	14
	Strategic Maneuvering	Case Discussion: Setting Global Standards	15
	Global Expansion & Investment Strategy	Case Discussion: British American Tobacco	16
	External forces	Case Discussion: Singapore Airlines	17
	Strategy Formulation	Case Discussion: Balaji Wafers	18
	Competitive advantage through Competence	Case Discussion: Wil's Grill	19
	Blue Ocean Strategy	Case Discussion: Marvel	20
Inter-generational Performance and Sustainability	Strategy Architecture Balance Score Card & Sustainability Indices	The Balanced Scorecard: Measures That Drive Performance by <i>Robert S. Kaplan and David P. Norton</i>	21
	Sustainability through organization design	Case Discussion: (a) Amalsad (b) Bandhan Bank	22
Group Presentation	Presentation of group project and report submission	Team presentation	23 & 24

(The session plan is tentative and may change as the course progresses)

* Students to come in business formal on the days of presentation.

Assignment-1

- Each student shall pick up an organization of their choice within the industry individually assigned.
- Introduce the organization
- Find out Mission, Vision, Core Values, Purpose etc as formulated by the company
- Analyze in terms of the organization's actual activities and performance with respect to the ones formulated above.

Assignment-2

- Chose a time period when there occurred major changes in the industry individually assigned.
- Make an industry structure analysis with explanation on all forces and factors, that shaped the change during that period and also current status.

Term Case Study (Project)

The objective of the case study (group project) is to understand and explain the organizational strategy in the context of the internal capabilities and the external conditions of the firm. The essence of the case analysis will be to look into how the various functional perspectives are woven together in the organizational strategy that deals to greater performance of the firm. The list of firms to be studied shall be provided by the faculty.

1. Each Group shall consist of 4 members.
2. The organization for project shall be selected by the group in consultation with the faculty.

Schedule of Term Project:

Sl No	Task to be completed	Deadline (by midnight of the day mentioned)
A	Submission of Group List & Organization Name	3 rd Session
B	Preliminary Data, Broad Plan & First Meeting with Faculty	5 th Session
C	Submission of the analysis of one article	8 th Session
D	Draft outline and preliminary analysis	12 th Session
E	Draft Project Report	20 th Session
F	Final Presentation and Project Report Submission	23 rd & 24 th Session

Failing to meet the above deadlines will attract penalty up to 2 marks at each stage. All reports must be submitted in soft copy except the final report. Absence for

presentation and non-submission of the final report will lead to loss of full marks for the respective components

ACADEMIC INTEGRITY

Malpractice in any form will be dealt with as per manual of policies of Centre for Management Studies, NALSAR University of Law, Hyderabad.

DEPARTMENT OF MANAGEMENT STUDIES
NALSAR UNIVERSITY OF LAW, HYDERABAD



Course Title	Supply Chain Management & Analytics
Course Code	Course Code Here
Credits	4
Academic Year	2020-21

Course Description	This course will expose students to topics related to design and management of supply chains, from the phase of sourcing and procuring raw materials to delivering final product. Course topics, as detailed below, will enable students to understand the challenges involved in managing a successful supply chain.
Course Goals & Learning Outcomes	- To understand the strategic importance of good supply chain design, planning, operation and maintenance in an organization, thereby developing a competitive edge in the industry. - To get exposed to demand forecasting techniques through EXCEL - To realize the importance of inventory management and underlying techniques - To experience the importance of coordination of IT and logistics in Supply chain management
Expectation from Students	- Pre-reading the given material is not mandatory for the sessions but there should be active participation and interactive engagement in the class to understand the concepts - Post-reading the given material is a mandatory, immediately after the sessions, to sustain the connect in understanding the concepts taught thereafter. - Students should apply the concepts taught in the project and assignments that are given by the faculty and in the end-term exam.
Mandatory Text	- Supply chain management: Strategy, planning and operation by Sunil Chopra, Peter Meindl and D.V.Kalra - Reading material shared by the Instructor/Faculty
Reference Text	- Supply Chains: A Manager's Guide by David A. Taylor - Logistics and Supply Chain Management by Martin Christopher

Session Plan:

Session No	Topics	Readings*

1	Introduction to Logistics and Supply Chain Management	Chapter-1, Chopra & Meindl
2	Understanding the supply chain	Chapter-1, Chopra & Meindl
3	Supply chain performance: Achieving strategic fit and scope	Chapter-2, Chopra & Meindl
4	Supply chain performance: Achieving strategic fit and scope	Chapter-2, Chopra & Meindl
5	Supply chain Drivers and metrics	Chapter-3, Chopra & Meindl
6	Supply chain Drivers and metrics	Chapter-3, Chopra & Meindl
7	Supply chain Drivers and metrics	Chapter-3, Chopra & Meindl
8	Designing distribution networks and applications to e-Business	Chapter-4, Chopra & Meindl
9	Designing distribution networks and applications to e-Business	Chapter-4, Chopra & Meindl
10	Designing distribution networks and applications to e-Business	Chapter-4, Chopra & Meindl
11	Demand forecasting in a supply chain	Reading material
12	Demand forecasting in a supply chain	Reading material
13	Demand forecasting in a supply chain	Reading material
14	Inventory Management in a Supply Chain	Reading material
15	Inventory Management in a Supply Chain	Reading material
16	Inventory Management in a Supply Chain	Reading material
17	Transportation and Logistics in a supply Chain	Chapter-13, Chopra & Meindl
18	Transportation and Logistics in a supply Chain	Chapter-13, Chopra & Meindl
19	Sourcing decisions in a supply chain	Chapter-14, Chopra & Meindl
20	Sourcing decisions in a supply chain	Chapter-14, Chopra & Meindl
21	Pricing and revenue management in a Supply chain management	Chapter-15, Chopra & Meindl
22	Pricing and revenue management in a Supply chain management	Chapter-15, Chopra & Meindl
23	Coordination in a Supply Chain	Chapter-17, Chopra & Meindl
24	Coordination in a Supply Chain	Chapter-17, Chopra & Meindl

EVALUATION

1) Internal (5 X 6 Marks): 30 Marks

Submission requirements: Minimum 1000 words and in gaps of 2 weeks. Submissions should be made on Turnitin prior to faculty evaluation. Acceptable similarity index – <= 10 %

Submission Name	Submission Description
Assignment 1	Performance review of an Efficient/Responsive Supply Chain (company to be chosen by the student after approval from the instructor)
Assignment 2	Review of a Supply chain driver and the underlying metrics of a company (to be chosen by the student after approval from the instructor)
Assignment 3	Choose a product of a company (as per table 4-8 in page 110 of Chopra & Meindl) and then rate and analyze the rating for given each of the 6 distribution networks
Assignment 4	Demand forecasting for a company (to be chosen by the student after approval from the instructor) and the calculation of all measures of forecasting accuracy and then explaining the interpretation of results
Assignment 5	Identifying the inventory management practices of a company (to be chosen by the student after approval from the instructor) and then explaining the rationale behind the choice of the inventory management practice.

2) Project: 20 Marks

Project to be given by the Instructor/Faculty of this course

- **Report – 15 Marks**
- **Presentation – 5 Marks**

3) End Semester Examination: 50 Marks

Academic Integrity:

Malpractice in any form will be dealt with as per manual of policies of Department of Management Studies, NALSAR University of Law, Hyderabad.

SECURITY ANALYSIS AND PORTFOLIO MANAGEMENT

Course Objectives:

1. To understand how different financial securities work in terms of trade-off between return and risk
2. To assess the value of various equity and debt securities
3. To be able to construct a portfolio comprising various securities
4. To be able to review and evaluate the performance of the portfolio

Course Requirements:

1. Basic knowledge of MS-Excel
2. Continuous Observation of: a. World and Indian Economy: b. Indian Equity and Debt Markets.

Suggested Certification Courses:

1. NCFM Equity Research Module
2. Securities Markets (Advanced) Module
3. Fundamental Analysis Module
4. Technical Analysis Module

Number of Hours required per week for self-study: 30 Hours

Course Instructor: Dr.Y.V.Ramana Murthy

Availability of Instructor over Mobile- Monday to Friday between 8 pm to 9 pm on 9640192227 and also on yvrmurthy@nalsar.ac.in

SESSION PLAN

Session Number	Session
1	Introduction to Security Analysis and Portfolio Management
2	Calculation of Average, Geometric Returns and holding period yield
3	Calculation of Portfolio return and risk comprising of two securities

4	Past & Expected Return & Risk of portfolio comprising two securities and proportion of investments to minimize the risk
5	Calculation of Portfolio Return and risk comprising three securities
6	Past and Expected Return & Risk of a portfolio comprising 3 securities
7	Security Alpha, Beta and Expected Return (CAPM) Model
8	Calculation of Systematic and Unsystematic Risk
9	Alternative methods to calculate Beta
10	Sharpe Single Index Portfolio Construction
11	Identification of Under-priced, Overpriced and Fairly Priced Securities
12	Portfolio Evaluation
13	Valuation of Debt & Preference Shares
14	Calculation of Yield to Call and Yield to Maturity
15	Valuation of Non-Dividend Paying Equity Shares
16	Valuation of Dividend Paying Equity Shares
17	Economy Analysis-International Economy
18	Economy Analysis-Domestic Economy
19	Industry Analysis
20	Company Analysis
21	Technical Analysis-Chart Patterns
22	Technical Analysis-RSI and other statistical measures
23	Efficient Market Hypothesis and Arbitrage Pricing Theory
24	Bear Market Strategies & Contrarian Investment Strategy

DEPARTMENT OF MANAGEMENT STUDIES
NALSAR UNIVERSITY OF LAW, HYDERABAD



Course Title	BUSINESS ANALYSIS & VALUATIONS
Course Code	Course Code Here
Credits	4
Academic Year	2021-22

Course Description	The Course “Business Analysis & Valuations” is a comprehensive program that aims to explain and elaborate on Business Analysis based on financial statements of the business on one hand and also the need and approaches to valuation on the other. It elaborates on understanding and interpreting the cross linkages of functional systems of the business from the context of the financial function, investigating them for process improvement scope and implementing solutions for optimal business performance. Also, the course covers the concept of valuing an enterprise, various approaches to valuation of business enterprises, tangible and intangible assets and their suitability to different business. The course also includes discussion on various business contexts like synergy, majority control, liquidity, distress etc. and the impact on valuation.
Course Goals & Learning Outcomes	The course is designed to provide - • Business Analysis from financial statements. • Investigating business challenges and undertakes strategy analysis. • Introduction to Valuation Concepts • Practical approach to valuation of business and assets • Working knowledge in using various valuation models
Expectation from Students	• Pre-reading the given material is a prerequisite for the sessions • Participative and interactive engagement in the sessions • Clarification of concepts and their application is the responsibility of the students
Mandatory Text	• Business Analysis & Valuation Using Financial Statements – Krishna Palepu (5th Edition) • Damodaran on Valuation – Aswath Damodaran (2nd Edition) [Wiley Publishers]
Reference Text	• Valuation Techniques Discounted Cash Flow, Earnings Quality, Measures of Value Added, and Real Options • Aswath Damodaran - The Little Book of Valuation

Session Plan:

Session No	Topics	Readings*
1	Introduction to Valuation	Chapter 1, Book 2

2	DIY Valuation of Zomato by Ashwath Damodaran	Reading Material
3	HFCL: valuing a high growth company – A case study – A case study DCF Valuation _Estimating Discount Rates	Reading Material Chapter 2, Book 2
4	HFCL: valuing a high growth company – A case study – A case study DCF Valuation _Estimating Discount Rates	Reading Material Chapter 2, Book 2
5	Equity research and valuation Jet Airways – A Case Study DCF Valuation _Measuring & Forecasting Cash Flows	Chapter 3,4, Book 2
6	Equity research and valuation Jet Airways – A Case Study DCF Valuation _Measuring & Forecasting Cash Flows	Chapter 3,4, Book 2
7	DCF Valuation _ Equity Discounted Models & Firm Discount Models	Chapter 6, Book 2
8	Framework for Business Analysis using Financial Statements	Chapter 1, Book 1
9	Baromeeter: the funding conundrum – A case on using Business Model Canvas for Business Analysis	Reading Material Chapter 2 , Book 1
10	Baromeeter: the funding conundrum – A case on using Business Model Canvas for Business Analysis	Reading Material Chapter 2 , Book 1
11	Prospective Analysis _Financial Forecasting	Chapter 6 , Book 1
12	Introduction to Relative Valuation	Chapter 7, Book 2
13	Relative Valuation_ Equity Multiples	Chapter 8, Book 2
14	Relative Valuation_ Value Multiples	Chapter 9, Book 2
15	Intricacies in Valuation Approaches	Chapter 10, Book 2
16	Valuation Reports	Reading Material
17	Application of Business Analysis _ Equity Security Analysis and Credit Analysis	Chapter 9 & 10, Book 1
18	Application of Business Analysis _ M&A and Communication and Governance	Chapter 11 & 12, Book 1
19	Accounting Framework & the Need for Accounting Analysis	Chapter 3 , Book 1
20	Steps in Performing Accounting Analysis	Chapter 3 , Book 1
21	Implementing Accounting Analysis	Chapter 4 , Book 1
22	Summary and Discussion on Financial Analysis	Chapter 5 , Book 1
23	Valuation of ESOPs & Compensation	Chapter 11, Book 2
24	Valuation of Intangibles and Real Options and Valuation under special Circumstances	Multiple Chapters _Book 2

MBA – 2020-22, TERM – IV
RECRUITMENT & SELECTION

Credits	4
Faculty Name	Dr. A. KISHORE KUMAR
E-Mail	kishore.kumar@nalsar.ac.in
Academic Year and Term	2020- 22; Term - IV

COURSE OVERVIEW:

Human Resources are most important assets of the organizations. The success of organizations depends upon its human resources abilities, competencies and creativity. Recruitment and Selection is one of the primary functions of human resource management to acquire competent and suitable people into the organizations.

This course will focus on the best practices of strategic HR planning, recruitment, selection programs and methods that can be adapted to any organization. This course will provide a conceptual and operational understanding of the key aspects of human resources staffing functions, including job analysis, recruitment, selection, induction and career planning. At the completion of the course, students should be able to design and implement an effective and legally defensible staffing system tailored to organizational requirements.

COURSE OBJECTIVE:

The student after completing the course will be familiar with

- Understanding the concept of recruitment and nature of recruitment as a source for acquiring employees
- Understanding staffing strategies and making good recruitment policy for getting suitable employees
- Analyze various sources of recruitment with a view to acquire the best possible candidates
- Evaluate various tools and techniques
- Identify appropriate recruitment sources
- Analyze role and techniques of selection
- Know the advantages and disadvantages of various types of psychological tests that may be used in the selection of human resources.
- Know the limitations of traditional employment interviewing methods and the advantages of structured employment interviews
- Critically evaluate the recruitment and selection practices being used by organization

PEDAGOGY:

The course is designed with an objective to promote self-learning and group learning. Here teacher role is more of a facilitator in the learning process besides regular teaching. The pedagogic mix includes two way

interactive lectures, case studies, exercises, assignments and presentations. More emphasis will be on discussion on concept and sharing your understanding with teacher.

READINGS:

Text Book:

1. Bhattacharyya, Dipak Kumar (2019). Recruitment and Selection - Theory and Practices: Cengage Learning India Pvt. Ltd, Delhi.

ADDITIONAL READINGS:

E-Books available for online reading at NALSAR E-RESOURCES on the following link:

<https://enalsar.informaticsglobal.com:2264/lib/nalsarlawuniv/search.action?query=recruitment+selection>

5. Taylor, Elearn & Group, Francis (2009). Recruitment & Selection: Pergamon Flexible Learning (Imprint of Elsevier), UK.
6. O'Meara, Bernard & Petzall, Stanley (2013). A Handbook of Strategic Recruitment and Selection – A Systems Approach: Emerald Publishing Company Ltd., UK.

EVALUATION:

Assignments	: 2*10= 20 Marks
Quiz	: 1*10 = 10
Group Project/Assignment & Presentation	: 20 Marks
End Term Examinations	: 50 Marks

ACADEMIC INTEGRITY:

Malpractice in any form will be dealt with as per Manual of Policies of Department of Management Studies, NALSAR University of Law, Hyderabad.

SESSION PLAN:

SESSION NO	TOPICS	READINGS
1	Introduction , Overview of the Concepts of Recruitment and Selection, Definitions, Meaning, Objectives, Scope	Text Book : Chapter – 1 Reading Material: Recruitment and Selection Case Study : Recruitment & Selection at TESCO
2-3	Human Resource Planning for Recruitment and Selection	Text Book : Chapter – 2 Reading Material: Human Resource Planning Concepts Case Study : Staffing WAL-MART Store Inc.
4	Job Analysis and Profile Matching	Text Book : Chapter – 3 Reading Material: Job Analysis
5	Activity on Job Analysis	Text Book: Chapter – 3 Job Analysis Template

6-7	Policies and Procedures for Recruitment and Selection	Text Book : Chapter – 4 Case Study : HR Strategies at Starbucks
8	Strategic Recruitment and Selection	Text Book : Chapter – 5 Article: You Need a Skills Based Approach to Hiring and Developing Talent.
9-10	Recruitment – Sources: Internal and External	Text Book : Chapter - 6 Article: Recruiting in the Brave New Online Social World
11-12	Recruitment Techniques – Modern and Traditional	Text Book : Chapter - 6 Reading Material: Recruitment Metrics Case Study: LinkedIn and Modern Recruiting
13	Activity on Recruitment	Preparation of Recruitment Advertisement by taking organization of student choice
14-15	Selection – Meaning, Process, Methods of Selection	Text Book : Chapter - 6 Case Study: The Selection Process in JC Premium Cars: No More Candidates?
16	Latest Trends in Selection Process	Text Book : Chapter - 6 Article: Attracting Talent During Worker Shortage
17	Activity on Mock Interviews	Participation in Mock Interviews
18	Legal Issues in Recruitment and Selections	Text Book: Chapter – 7 Reading Material: Indian Laws for Recruitment and Selection
19	Ethical Issues in Recruitment and Selection	Text Book : Chapter – 8 Reading Material: Legal and Ethical Issues in Recruitment and Selection
20	International Recruitment and Selection	Text Book : Chapter – 9
21	Employee Onboarding	Text Book : Chapter –10 Article: Reinventing Employee Onboarding
22	Career Planning, Development and Succession Planning	Text Book : Chapter –1 1 Article: Colgate-Palmolive: Managing International Careers
23	Project Presentation	
24	Project Presentation	

ASSIGNMENTS:

All the students have to submit two assignments compulsory during IV trimester.

The submission requirements:

The Assignment should be of your own work, neatly typed in Times New Roman font with 1 line spacing, minimum of 1000 words for each assignment. Submissions should be made on Turnitin prior to faculty evaluation. The acceptable similarity index is not more than 10 %.

Assignment No.	Assignment Description	Submission Date

I	Prepare Recruitment Policies and Procedures for a hypothetical firm including latest 10% reservations in Jobs for Economically Weaker Sections (EWS) as per the Constitution (103 Amendment) Act, 2019.	By end of session 8
II	Prepare a Comprehensive Selection Process Plan to appoint Store Managers for Grocery Stores across India.	By end of session 19
III	Quiz	By end of Session 21
IV	Project Presentations	By end of Session 22

Product and Brand Management

Credits	4
Faculty Name	Vivek Pani Gumparthi
E-mail	Vivek.pani@nalsar.ac.in
Academic Year and Semester	2020-21: Trimester IV

Product and Brand Management is a fundamental course, aimed at developing an understanding of product management and brand management. By the end of the course the student is expected to develop a cogent understanding of value-offerings and brand communications. The overarching objective is to understand how deft product management can help in generating shareholder value and stakeholder value.

Learning Outcomes

The course is expected to deliver the below outcomes:

- Understanding customer value proposition
- Product management dexterity
- Brand management dexterity

Readings:

Textbooks

Baker, M. J., & Hart, S. J. (2007). *Product strategy and management*. Pearson Education.

Singh, G. (2021). *Product Management and Strategy: The Ultimate Guide That Creates Real Value*. Notion Press.

Keller, K. L., Swaminathan, V., Parameswaran, M. G., & Jacob, I. (2020). *Strategic brand management: Building, measuring, and managing brand equity*. Pearson Education India.

Oliver, R. L. (2014). *Satisfaction: A behavioral perspective on the consumer: A behavioral perspective on the consumer*. Routledge.

Session	Module and Case Study	Textbook
1	The Theoretical Foundations of Product Strategy and Management	Baker, M. J., & Hart, S. J. (2007). <i>Product strategy and management</i> . Pearson Education
2	The Theoretical Foundations of Product Strategy and Management Case: Apple's Future: Apple Watch, Apple TV, and/or Apple Car?	Baker, M. J., & Hart, S. J. (2007). <i>Product strategy and management</i> . Pearson Education
3	New Product Development	Baker, M. J., & Hart, S. J. (2007). <i>Product strategy and management</i> . Pearson Education
4	New Product Development Case: An Entrepreneur's New Product Development Journey	Baker, M. J., & Hart, S. J. (2007). <i>Product strategy and management</i> . Pearson Education
5	Product Management	Baker, M. J., & Hart, S. J. (2007). <i>Product strategy and management</i> . Pearson Education
6	Product Management Case: Kindle Fire: Amazon's Heated Battle for the Tablet Market	Baker, M. J., & Hart, S. J. (2007). <i>Product strategy and management</i> . Pearson Education
7	Product Elimination	Baker, M. J., & Hart, S. J. (2007). <i>Product strategy and management</i> . Pearson Education
8	Product Elimination Case: Tenalpina Tools: Product Line Expansion	Baker, M. J., & Hart, S. J. (2007). <i>Product strategy and management</i> . Pearson Education
9	Product Management and Strategy – A Revisit (Revision of all the Chapters)	Baker, M. J., & Hart, S. J. (2007). <i>Product strategy and management</i> . Pearson Education
10	Product Management and Strategy – A Macro Level Perspective	Singh, G. (2021). <i>Product Management and Strategy: The Ultimate Guide That Creates Real Value</i> . Notion Press.
11	Product Management and Strategy – A Macro Level Perspective	Singh, G. (2021). <i>Product Management and Strategy: The Ultimate Guide That Creates Real Value</i> . Notion Press.
12	Brands and Brand Management	Keller, K. L., Swaminathan, V., Parameswaran, M. G., & Jacob, I. (2020). <i>Strategic brand management: Building, measuring, and managing brand equity</i> . Pearson Education India.
13	Developing a Brand Strategy	Keller, K. L., Swaminathan, V., Parameswaran, M. G., & Jacob, I. (2020). <i>Strategic brand</i>

		<i>management: Building, measuring, and managing brand equity.</i> Pearson Education India.
14	Developing a Brand Strategy Case: Chase Sapphire: Creating a Millennial Cult Brand	Keller, K. L., Swaminathan,V., Parameswaran, M. G., & Jacob, I. (2020). <i>Strategic brand management: Building, measuring, and managing brand equity.</i> Pearson Education India.
15	Designing and Implementing Brand Marketing Programs	Keller, K. L., Swaminathan,V., Parameswaran, M. G., & Jacob, I. (2020). <i>Strategic brand management: Building, measuring, and managing brand equity.</i> Pearson Education India.
16	Designing and Implementing Brand Marketing Programs Case: Does Mattel's Iconic Barbie Doll Need a Makeover?	Keller, K. L., Swaminathan,V., Parameswaran, M. G., & Jacob, I. (2020). <i>Strategic brand management: Building, measuring, and managing brand equity.</i> Pearson Education India.
17	Measuring and Interpreting Brand Performance	Keller, K. L., Swaminathan,V., Parameswaran, M. G., & Jacob, I. (2020). <i>Strategic brand management: Building, measuring, and managing brand equity.</i> Pearson Education India.
18	Measuring and Interpreting Brand Performance Case: Behavioral Drivers of Brand Equity - Head & Shoulders in India	Keller, K. L., Swaminathan,V., Parameswaran, M. G., & Jacob, I. (2020). <i>Strategic brand management: Building, measuring, and managing brand equity.</i> Pearson Education India.
19	Growing and Sustaining Brand Equity	Keller, K. L., Swaminathan,V., Parameswaran, M. G., & Jacob, I. (2020). <i>Strategic brand management: Building, measuring, and managing brand equity.</i> Pearson Education India.
20	Growing and Sustaining Brand Equity	Keller, K. L., Swaminathan,V., Parameswaran, M. G., & Jacob, I. (2020). <i>Strategic brand management: Building, measuring, and managing brand equity.</i> Pearson Education India.
21	Growing and Sustaining Brand Equity Case: Longchamp	Keller, K. L., Swaminathan,V., Parameswaran, M. G., & Jacob, I. (2020). <i>Strategic brand management: Building, measuring, and managing brand equity.</i> Pearson Education India.

22	Understanding Satisfaction	Oliver, R. L. (2014). <i>Satisfaction: A behavioral perspective on the consumer: A behavioral perspective on the consumer.</i> Routledge.
23	Understanding Satisfaction	Oliver, R. L. (2014). <i>Satisfaction: A behavioral perspective on the consumer: A behavioral perspective on the consumer.</i> Routledge.
24	Understanding Satisfaction – Closing Thoughts	Oliver, R. L. (2014). <i>Satisfaction: A behavioral perspective on the consumer: A behavioral perspective on the consumer.</i> Routledge.

Academic Integrity

Malpractice in any form will be dealt with as per manual of policies of Centre for Management Studies, NALSAR University of Law, Hyderabad.

Consumer Behavior

Credits	4
Faculty Name	Deepti Jog
E-mail	Deepti.jog@nalsar.ac.in
Academic Year and Semester	2022-23 Trimester – IV

Course Description:

With a focus on consumers in the marketplace, consumers as individuals, consumers as decision-makers, and consumers as influenced by society and subculture, this course on consumer behavior gives students in-depth knowledge of the principles of consumer behavior. It places a strong emphasis on the method of customer decision-making and the effects of marketing initiatives on enterprises. Organizations are continuously working to accurately assess the needs of their customers in order to make wise choices about the markets they should focus on and the range of goods and services they should provide. As a result, in this continuously evolving industry, this course will help future marketing managers to effectively comprehend both the present and future needs of the market as well as the corresponding behavioral elements impacting them.

Course Outcomes:

CO1: To understand the fundamentals of consumer behavior, with emphasis on consumer in the role of an individual, group and organization.

CO2: To enhance understanding of the process involved in and the influence on consumer behavior

CO3: To understand a coherent framework for interpreting consumer reactions to marketing stimuli

CO4: To develop an appreciation for the value of knowledge of consumer behavior in developing a successful marketing strategy.

Unit 1: Consumers in the Marketplace

- Consumer Behavior and Marketing Strategy
- Assael's Model of Consumer Behavior: Complex Decision Making, Variety Seeking Behavior, Brand Loyalty, and inertial orientations.
- Learning Theories: Theories of Low involvement decision making and situational decision making.

Unit 2: Consumers as individuals

- Perception, learning and memory

- Motivation and Global Values
- The self-concept
- McKinsey model of the new decision journey, Co-creation.

- Personality and psychographics

Unit 3: Consumers as decision makers

- Attitude and persuasion
- Decision Making
- Buying and disposing
- Organizational and Household Decision Making
- Consumer Perceptions, stimuli selection, organization and interpretation.
- Personality and the theory (Psycho-analytic, self-concept, Trait, Freudian theories relevant to consumers)

Unit 4: Consumers and sub-cultures

- Groups and social media
- VALS framework, Group and Cultural Influences
- Social class and lifestyles
- Subcultures and culture

Readings:

Text Book(s):

Michael Solomon (2013), Consumer Behavior, Buying, Having and Being

Schiffman, L. G., Wisenblit, J., & Kumar, S. R. (2011). *Consumer Behavior* | By Pearson. Pearson Education India.

Vanhuele, M., Wright, M., Singh, J., & East, R. (2021). Consumer behaviour: Applications in marketing. *Consumer Behaviour*, 1-100.

Additional Readings:

Mothersbaugh, D. L., Hawkins, D. I., Kleiser, S. B., Mothersbaugh, L. L., & Watson, C. F. (2020). *Consumer behavior: Building marketing strategy*. New York, NY, USA: McGraw-Hill Education.

Instruction Plan

Lecture Number	Lecture Topic	Pedagogical tool: Demonstration/ Case study / Activity etc.
Lecture-1	Introduction, Consumers in the Market Place, Buying, Having and Being	Role Play based worksheet on understanding how consumer behavior is driven by perceived value.

Lecture-2	Consumer perception as a three-stage process, role of product design in success or failure of a brand, Subliminal advertising	The Saffola Journey By: Srinivas Prakhya, Rochna Poddar
Lecture-3	The Process of Consumer Socialization, The concept of a sensory threshold, Marketing to Children	Power Point Presentation, Class Discussion
Lecture-4	Process of consumers learning about products and services	Power Point Presentation, Class Discussion
Lecture-5	Case Study on Consumer Perceptions	Analyzing consumer perceptions - by Robert Dolan
Lecture-6	Learning and Memory: Understanding how consumers learn about products and services	Power Point Presentation, Class Discussion
Lecture-7	Conditioning results in learning: Difference between classical and instrumental conditioning	Power Point Presentation, Class Discussion
Lecture-8	Memory, the memory process, memory systems, types of memories, Associative networks	
Lecture-9	Spreading activation: Brand-specific, Ad-specific, Brand identification, Product category, Evaluative reactions	Case study: Hedonomics in Consumer Behaviour By: Claire Tsai; Christopher Hsee
Lecture-10	The Marketing Power of Nostalgia	<i>Paper Boat Beverage: Branding Delightful Nostalgia</i> By: Saju B, Harikrishnan K, Joseph Jeya Anand S
Lecture-11	Motivation and Global Values, Consumer needs and wants, Maslow's Need Hierarchy	Maslow's Hierarchy of food and food waste behaviors
Lecture-12	Consumer Involvement, Consumer Values and their relation to consumer behavior, Hofstede's cultural framework, The Rokeach Value Survey	
Lecture-13	Consumer Culture, Diffusion of consumer culture	Shoes of Prey: Value Co-creation Strategy By: The Rokeach Value Survey
Lecture-14	SPILL-OVER	
Lecture-15	The Self Concept, Real and Ideal Self, Self Esteem, Virtual Identity, Gender Differentiation in socialization, Gender based ideals of beauty, Working on the body types	
Lecture-16	Personality and Psychographics: Freudian Theory and Neo-Freudian Theories	
Lecture-17	Personality and Psychographics: Trait Theory, Brand Personalities	

Lecture -18	Psychographics, Psychographic segmentation typologies, VALS Framework, Geodemography	
Lecture – 19	Behavioral Targeting, Dark side of consumer behavior, consumer terrorism, addictive consumption, compulsive consumption, consumed consumers, Consumer theft and fraud, anti-consumption	
Lecture -20	Attitudes and Persuasion, Hierarchies of attitude formation, Self-perception theory, social judgement theory, the elaboration likelihood model of persuasion	
Lecture – 21	Consumer Decision Making, Stages, a continuum of buying decision behavior, buying as problem solving (limited and extended problem solving), Sunk Cost Fallacy	Harvard Article: How Susceptible Are You to the SunkCost Fallacy? By: David Ronayne , Daniel Sgroi , Anthony Tuckwell
Lecture – 22	Buying and disposing, consumer's decision making pre and post purchase, Temporal Factors – Economic time, psychological time; dimensions of emotional states, retail theming and consumer choice, store atmosphere, image	Marketing Reading: Consumer Behavior and the Buying Process By: John T. Gourville , Michael I. Norton
Lecture -23	Organizational and Household Decision Making, buy-class theory of purchasing, prediction markets, crowdsourcing; family structures and buying, nonhuman family members, family life cycle, family purchase decision	
Lecture – 24	Consumers and Sub-cultures, groups and social media, reference groups, types of reference groups, group conformity, opinion leadership, market maven, surrogate consumers, WOM and E-WOM	
Lecture -25	Social Class and Lifestyles, consumer spending and economic behavior, social class structures, social class and consumer behavior around the world, a typology of status signaling	
Lecture – 26	Subcultures, religious subcultures, generational subcultures, culture, cultural myths and ceremonies	
Lecture – 27	Adopting innovations, adoption of fads, fashion and classics	Harvard Article: Overcoming consumer resistance to innovation, By: Rosanna Garcia , Fleura Bardhi , Colette Friedrich
Lecture – 28	Spill-over / Revision	

Details of Internal Evaluation Components:

Evaluation No	Nature of Evaluation & Marks
Evaluation-1	Individual Quiz – 15 Marks – After session 7
Evaluation-2	Individual Quiz – 15 Marks – After session 15
Evaluation-3	Individual Quiz – 15 Marks – After Session 21 (Optional)
Evaluation-4	Group Project – 20 Marks – Report Submission by the end of Session – 25
End Term Examination	Individual – 50 Marks

Evaluation 1, 2 and 3 (Individual Quiz)

MCQ + Definitions + Application Based Questions

Plagiarism is strictly prohibited in this course and any cases identified will be subject to disciplinary action

FINANCIAL DERIVATIVES

Course Objectives:

1. To understand how different financial derivatives were emerged
2. To assess the value of various financial derivatives
3. To be able to hedge investments by using financial derivatives
4. To understand and use different option trading strategies

Course Requirements:

1. Basic knowledge of MS-Excel and usage of scientific calculator
2. Continuous Observation of: a. World and Indian Economy: b. Indian Equity and Debt Markets.

Course Prerequisites:

Understanding of the Course “Security Analysis and Portfolio Management”

Suggested Certification Courses:

1. NCFM Derivatives Module
2. NCFM Option Trading Strategies Module
3. NCFM Commodities Derivative Module
4. NCFM Currency and Interest Rate Derivatives

Number of Hours required per week for self-study: 30 Hours

Course Instructor: Dr.Y.V.Ramana Murthy

Availability of Instructor over Mobile- Monday to Friday between 8 pm to 9 pm on 9640192227 and also on yvrmurthy@nalsar.ac.in

SESSION PLAN

Session Number	Session
1	Introduction to Financial Derivatives: Evolution and Types
2	Valuation of Futures
3	Binomial Option valuation of American Put and European Put
4	Payoffs of Long Call, Long Put, Short Call and Short Put
5	Black
6	Valuation of Call - Black&Scholes model
7	Valuation of Put - Black&Scholes model
8	Black&Scholes Model-Effect of expected dividend
9	Option Greeks-Introduction
10	Option Greeks Calculations
11	Corporate actions and Impact on Derivatives
12	Trading mechanism of F&O
13	Option Trading Strategies by Using Single Options
14	Option Trading Strategies-Spreads
15	Option Trading Strategies-Straddles & Strangles
16	Option Trading Strategies- Collor & Condor
17	Interest Rate Swaps
18	Currency Swaps
19	Credit Derivatives-Credit Default Swaps
20	Hedging of Portfolio using derivatives
21	Accounting Treatment and Taxation of Derivatives
22	Commodity Derivatives
23	Interest Rate Derivatives & Currency Derivatives
24	Energy Derivatives and Exotic Options

Suggested Text Book:

1. Futures, Options and Other Derivatives: John C Hull, Pearson Publications-10th Edition

TERM – I

SUPPLEMENTARY READING MATERIAL ON BUSINESS COMMUNICATION

COMPILED BY

Dr Uma Maheshwari Chimirala



DEPARTMENT OF MANAGEMENT STUDIES

NALSAR UNIVERSITY OF LAW, HYDERABAD

National Academy of Legal Studies and Research (NALSAR), Hyderabad

Department of Management Studies

Business Communication

Course Outline

Course Instructor	Dr. Uma Maheshwari Chimirala
Office	Room no 28
Mail id	chimiralaumamaheshwari@gmail.com
Contact no	9490187028 (meetings by appointment)
Course Offered to	Trimester 2, MBA (July to September)
Credits	3 credits

COURSE DESCRIPTION:

This course aims at enhancing communication skills of students in the business scenarios. **Business contexts are** often wrought with competing interests, cultural variations and conflicts. Striking a balance between conflicting business interests and dealing with cultural variations can be a daunting task. Strategic Communication and cultural awareness are increasing considered as mantra to mitigate conflicts. Therefore knowing all *about* communicating is as important as choosing *how to* go about communicating in specific contexts. Therefore in this course certain specific areas of communication to be covered include interpersonal communication, intercultural communication, conflict management and negotiation, written communication, and oral communication. The course materials are based upon authentic examples of business communication from companies. In order to better prepare students to meet the communication requirements of today's business world, students will undertake the following: understanding intentions in communication, analyzing gaps and fallacies in communication, reading and analyzing texts, acquiring and incorporating relevant vocabulary from case texts, developing accuracy and logic in writing, and presenting their research in terms of business development and growth strategies.

Teaching and learning tools used to achieve better learning outcomes include short stories, readings, case studies, videos which will serve as triggers for discussions, role plays, simulations, presentations, as well as lectures.

Learning Outcomes

1. Understand the fundamentals of Communication and be aware of aspects that trigger misinterpretation of communication, communication break-down and communication back-fire.
2. Handle business communication situations requiring such qualities as recognition of fallacies, appeal, tactfulness, firmness, persuasiveness, and ethical behavior.
3. Differentiate different kinds of conflict situations with *critical coping strategies* for conflict and negotiations.
4. Communicate in a concise, clear, intelligent manner.
5. Demonstrate knowledge of the purpose, content, organization, and format of proposals and business recommendation reports.
6. Give oral presentations that appear well organized, clear, and understandable and that use effective visuals. Create written documents that are focused, coherent, easy to read and that are professional looking.

TEACHING METHODOLOGY

The purpose of building communication skills will be taken up through documentaries, advertisements, plays and cartoons and movies in addition to selected sections of readings from the books identified below.

Assessment (as per DOMS schedule)

S.no	Description of the assignment	Submission deadline
1	Quiz 1: Team Project 1: Analyze an advertisement (teams of 2; 5 marks)	Feb 1 st week (midnight 12:00)
	Quiz 2: Team Project 2: Presentation of a conflict and its resolution (teams of 2; 5 marks)	Feb 3 week (group presentation)
	Quiz 3: Project 3: Written Case analysis of a conflict/cross-cultural issue in Indian business context (teams of 4; 5marks)	March 2 nd week (dates will be announced)
2	Mid exam (25)	March 1 st week (dates will be announced)
3	End semester exam (50)	April (dates will be announced)
4	Surprise quizzes based on class discussions and readings	Anytime in the class

Course Plan

MODULE	TITLE	HOURS ALLOTTED (18 sessions)
MODULE 1	Foundations Of Communication Skills	3 hours
MODULE 2	Critical Thinking As A Precursor For Communication Skills	5 hours
MODULE 3	Conflict and Communication Skills: Language and Tact	5 hours

MODULE 4	Modes of Communication and Skill of Communication: Writing and Speaking	5 hours

READINGS:

COURSE DELIVERY SCHEDULE

Module 1: Foundations of Communication Skills

4. Houssenni, A. (2012). The Sapir-Whorf Hypothesis today. *Theory and Practice in language Studies*, 2(3), 642-647.(5 sheets)
5. Del Hymes (1978). Ethnography of Communication: SPEAKING- the basis of Communication. Downloaded from <https://tiemcenter.org/resources/wp-content/uploads/sites/2/2020/12/Dell-Hymes-SPEAKING.pdf>

Module 2: Critical Thinking As A Precursor For Communication Skills

6. M. Neil Browne & Stuart M. Keeley. (2014). Chapter 7, Chapter 9 and Chapter 10. In *Asking the right questions – A Guide to Critical Thinking*. Pearson Education: New Delhi.
7. Radu Atanusua (2021). Critical Thinking for Managers. Springer. Selected Chapters.

Module 3: Conflict and Communication Skills: Language and Tact

8. Ho-Won Jeong (2008). Understanding conflict and conflict analysis. Sage Publications. London. (Chapter 1, 3 and 10)
9. Galtung, J. (1990). Cultural Violence, *Journal of Peace Research*, Vol. 27, No. 3. (Aug., 1990), pp. 291-305.
10. Selected readings from <https://turnerconflict.com/theories-i-core-theories/>

Module 4: Modes of Communication and Skill of Communication: Writing and Speaking

11. Guffey, M E. (2007). *Essentials of Business Communication*. Thomson-Western. Philadelphia. (selected chapters on writing and speaking for business communication)
12. Short Stories (for commentaries and writing exercises)
 - a. Issac Asimov, The fun they had
 - b. Ferre Rossario, The youngest Doll

Reference Material

6. Locker, K. O., & Kienzler, D. S. (2008). *Business and administrative communication*. McGrawHill Irwin.
7. Bovée and Thill.(2017). *Business Communication Essentials*. 5th edition. McGill Ltd.

**CENTRE FOR MANAGEMENT STUDIES
NALSAR UNIVERSITY OF LAW, HYDERABAD
INSTRUCTION PLAN MBA - I Term – I**

Course Name: Managerial Computing

Credits	3
Faculty Name	Dr. Rahul Gandhi Burra
E-mail	rahulgb@nalsar.ac.in
Academic Year and Trimester	2020-21 Term – I

Course Description:

This course provides students with the concepts of basic but essential computational tools and techniques which aid them in executing their day-to-day managerial responsibilities using MS-Excel, once he/she joins the corporate world.

Learning Outcomes:

- To extract meaningful as well needful outcomes out of datasets
- To know how to present data using dashboards
- To know data summarization using pivot tables.
- To understand the usage of critical functions.

Readings:

Text Book(s) :
Microsoft Official Academic Course, MICROSOFT EXCEL 2016 by Wiley

Additional Readings

Articles / Case Study / Handouts etc. as Compulsory Readings:

http://chandoo.org/wp/excel-basics/

Excel-Time saving Techniques for Dummies by Greg Harvey

Detailed Plan of Lectures:			

Serial Number	Lecture Number	Lecture Topic	Pedagogical tool: Demonstration/ Case study / Activity etc.
1	Lecture-1	Introduction to MS Excel	
2	Lecture-2	Arithmetic Functions in Ms Excel	
3	Lecture-3	Arithmetic Functions in Ms Excel	
4	Lecture-4	Logical Functions in Ms Excel	
5	Lecture-5	Logical Functions in Ms Excel	
6	Lecture-6	Lookup Functions in Ms Excel	
7	Lecture-7	Index & Match Functions in MS Excel	
8	Lecture-8	Date & Time Functions in Ms Excel	
9	Lecture-9	Formatting & Conditional Formatting	
10	Lecture-10	Data Tools- Data Validation and Consolidation	
11	Lecture-11	Grouping and Ungrouping of Data	
12	Lecture-12	What-If Analysis	
13	Lecture-13	What-If Analysis	
14	Lecture-14	Intro to excel tables- data filters, sort options.	
15	Lecture-15	Intro to excel tables- pivot tables	
16	Lecture-16	Intro to excel tables- pivot tables	
17	Lecture-17	Charting in MS Excel	
18	Lecture-18	Dynamic Charting in MS Excel	

Evaluation No	Nature of Evaluation & Marks
	As per Manual of Policies

Academic Integrity

Malpractice in any form will be dealt with as per manual of policies of Centre for Management Studies, NALSAR University of Law, Hyderabad.

MBA: 2020-2022

Marketing Analytics

Credits	4
Faculty Name	Mahendra Kumar Shukla
E-mail	mahendra@nalsar.ac.in
Academic Year and Semester	2021-22: Term- IV

Course Description

Marketing Analytics has been in the centre of focus of marketing area from last two decades. However, the certain factors, including the emergence of service-based economies, technological advances in communications, logistics and computing, increased global competition; and demanding customer have attracted the expanded attention of marketing scholars as well as marketing practitioners towards Marketing Analytics. Marketers must take the decisions at every stage of the life cycle of the product. The problems for each stage used to be different from one another. Based on available data which can be accessible in huge amount in this digital era and knowledge economy, marketing managers must suggest the proper strategy to address the challenges in these stages and must take actions based on the recommendations supported by the thorough data analysis. Therefore, this course aims to impart analytical skills in you so that you can make better use of data in decision making.

Learning Outcomes

At the end of the course, you should be able to:

1. Present and interpret data in each context or situation.
2. Understand and apply statistical measures to marketing problems.
3. Use sophisticated statistical software to analyze the data for decision making.
4. Understand, apply, and identify appropriate statistical inference techniques (including various Multivariate Data analysis Techniques) in a particular business situation.

Expectations from Students

Students are expected to:

5. Study specified readings and cases before coming to the class.
6. Engage and participate in the meaningful discussions during the class.
7. Produce their original works as assignments.
8. Install and be ready to use software specified for the course.

Readings

Textbooks

- ✦ Marketing Research: An Applied approach, by Malhotra, N., Birks, D. F., & Wills, P.F., Pearson India, Fourth Edition, 2012.
- ✦ Marketing Analytics, by Winston, W. L, Wiley India Pvt Ltd. (2017)

Additional Readings

- ✦ Multivariate Data analysis by Hair, J.F., Black, W. C., Babin, B. J., Anderson, R. E., & Tatham, R. L., Pearson Prentice Hall, India, Sixth Edition, 2011.
- ✦ Basic Econometrics by Gujarati, D. N., Porter, D. C., & Gunasekar, S., TMH India, Fifth Edition, 2012.

Evaluation

- ✦ Two assignments: 2X10=20 Marks
- ✦ One Quiz: 10 Marks
- ✦ End Term Examination: 50 Marks.
- ✦ Project report and presentation: 15+5 = 20 Marks
- ✦ No Makeup Exams.

Structure of Assignments (to be done by student individually)

Assignment 1: Conjoint analysis (New Product Development)				
Selection of Product and its Attributes	Orthogonal Design	Development of Conjoint Model	Data Analysis	Results and Discussions
1 Mark	1 Mark	1 Mark	2 Marks	1 Mark

Assignment 2: Perceptual Mapping using Multiple Discriminant Analysis & MDS				
Selection of Brands	Identification of important attributes	Data Collection	Data analysis using MDA	Results and Discussion
1 Mark	1 Mark	1 Mark	2 Marks	1 Mark

Session Plan

SN	Topic & Readings	Subtopic/Activity	Session
1	Introduction to Marketing Decision Models	Lecture	1
2	Conjoint Analysis (Text book1/Ch-21)	Lecture	2
		Lecture	3
		Case Discussion (RM/Case-1))	4
3	Multiple Discriminant Analysis (Text book1/Ch-18)	Lecture	5
		Case Discussion (RM/Case-2))	6
4	Multidimensional Scaling (Text book1/Ch-21)	Lecture	7
		Case Discussion (RM/Case-3)	8
5	Jaccard Analysis	Lecture	9
		Case discussion (RM/Case-4))	10
6	Gap analysis	Lecture & Case Discussion (RM/Case-5)	11
7	Neural Network Analysis to Forecast Sales (Text book2/Ch-15)	Lecture	12
		Case Discussion (RM/Case-6)	13
8	Classification Trees for Segmentation (Text book2/Ch-25)	Lecture	14
		Case Discussion (RM/Case-7)	15
9	Structural Equation Modeling (Text book1/Ch-22)	Lecture	16
		Lecture	17
		Lecture	18
		Case Discussion (RM/Case-8)	19
10	Pricing Research	Lecture	20
		Case Discussion (RM/Case-9)	21
11	Project Evaluation	Presentation	22
		Presentation	23
		Presentation	24

Academic Integrity

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DEPARTMENT OF MANAGEMENT STUDIES
NALSAR UNIVERSITY OF LAW, HYDERABAD

Course Name: Business Environment

(Course Code:)

Credits	3
Faculty Name	Prof. Ameesh Samalopanan
E-mail	ameeshsamalopanan@nalsar.ac.in
Academic Year and Semester	2021-22 Trimester – II

Course Description:

A business firm is very much dependent on the environment irrespective of its nature- small or medium, manufacturing or service- is concerned. Business decisions, in general and strategies in particular are framed in accordance with the business environment. External environmental components like nature of the economy, economic system, political and legal factors and internal elements like organizational structure, human resource, cost structure etc are playing a decisive role in forming the destiny of a business organization. The course intends to explore the macro business environment Indian business firms operate.

Learning Outcomes:

1. Understand various internal and external environmental factors affecting business firms
2. Understand various concepts of macro-economics in which a Business organization operates.
3. Understand various policies of the government and assess their impact on business.

Readings:

1. M. Adhikari. Economic Environment of Business, Sulthan Chand and Sons, New Delhi.
2. Ian Worthington, Chris Britton: Business Environment.
3. Francis Cherunilam: Business Environment, Himalaya Publishing House, Mumbai.
4. Claire Capon: Understanding the Business Environment.
5. Panday G.N: Environmental Management, Vikas Publishing House.
6. Raj Agarwal: Business Environment, Excel Publications, New Delhi.
- 7.

Session Plan.

Detailed session wise reading materials are attached.

Lecture Number	Lecture Topic
Lecture-1	Introduction to Business Environment
Lecture-2	External Environment of Business
Lecture-3	Trade Unions and Quality Circles
Lecture-4	Overview of Indian Economy
Lecture-5	Public Sector in India
Lecture-6	Fiscal and Monetary Policy
Lecture-7	Drivers and Challenges to Indian Economy
Lecture-8	Industrial Policy of India
Lecture-9	Unemployment
Lecture-10	Black Money in India
Lecture-11	India and the Knowledge Economy
Lecture-12	Foreign Direct Investment and Foreign Portfolio Investment
Lecture-13	FDI Policy in Indian retail Sector
Lecture-14	WTO
Lecture-15	Other International Forums for Trade Facilitations
Lecture-16	Intellectual Property Rights
Lecture-17	Foreign trade policy of India
Lecture-18	Project Presentation

Evaluation

Given below are detailed evaluation components and their contribution to the overall course grade.

Assignments (two)	<i>Based on current issues/ challenges the current business firms face (10 mark each)</i>	20%
Quiz	<i>Based on Classroom teaching and application of classroom learnings</i>	10%

Project	<i>Based on business firms that need in-depth analysis and application of classroom concepts. Students will be divided into multiple groups.</i>	Project submission (One per group)- 10% (Same for everyone in the group); Group Presentation- 5%. (Same for everyone in the group) Individual presentation marks- 5%. (Awarded individually). Total- 20%
End Term	<i>A comprehensive evaluation of learning</i>	50%

Academic Integrity

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MBA: 2019-2021 ADVANCED OPERATIONS

RESEARCH

Credits	4
Faculty Name	Asish Kumar Panda
E-mail	asish@nalsar.ac.in
Academic Year and Term	2020-21: Term- IV (Elective)

COURSE DESCRIPTION

Operations Research (also called Management Science) is the study of scientific approaches to decision-making. Through mathematical modeling, it seeks to design, improve and operate complex systems in the best possible way. The mathematical tools used for the solution of such models are either deterministic or stochastic, depending on the nature of the system modeled. In this class, we focus on advanced deterministic models and methods in Operations Research as well as stochastic models. Here, we extend our initial learning in ORM to more advanced form to understand conceptual backgrounds.

COURSE OBJECTIVES

Upon completion of this course, the students shall be able to

1. Formulate a real-world problem as a mathematical programming model
2. Implement and solve the model in EXCEL
3. Understand the theoretical workings of the simplex method for linear programming and perform iterations of it by hand
4. Understand the relationship between a linear program and its dual, including strong duality and complementary slackness
5. Perform sensitivity analysis to determine the direction and magnitude of change of a model's optimal solution as the data change
6. Solve specialized linear programming problems like the transportation and assignment problems
7. Solve network models like the shortest path, minimum spanning tree, and maximum flow problems
8. Understand the applications of dynamic programming problems
9. Understand Queuing theory
10. Understand Game Theory
11. Understand how to simulate real life situation using simple computer applications
12. Understand few stochastic processes

EXPECTATION FROM STUDENTS

13. Pre-reading of chapters from book
14. Solving problems at the end of each chapter in the book, once a module is complete
15. Ask for clarification as and when required

TEXTBOOK

1. Introduction to Operations research by Frederick S. Hillier and Gerald J. Lieberman

REFERENCE

1. Operations Research - Ramamurthy, P. New Age International Ltd
2. Markov Chain Monte Carlo : Innovations and Applications - Kendall, W. S.; Liang, Faming; and more World Scientific Publishing Co Pte Ltd 2005

SESSION PLAN

Module	Topic	Readings	Session
Linear Programming	Recap of linear programming	Chapter-3	1
	Simplex method of solving problem manually. Using excel to solve the problems.	Chapter-4	2
Duality & Sensitivity Analysis	Duality & sensitivity analysis	Chapter-6	3
Transportation & Assignment	Transportation concepts, mathematical modeling, NW Corner Rule, Stepping Stone and other methods	Chapter-8	4
	Assignment concepts, mathematical modeling, Hungarian method	Chapter-8	5
Network Optimization	The concept of networks	Chapter-9	6
	The shortest path problem	Chapter-9	7
	Solving shortest path problem using excel	Chapter-9	8
	The maximum flow problem	Chapter-9	9
	The minimum cost flow problem	Chapter-9	10
Dynamic Programming	Stagecoach problem	Chapter-10	11
	Medical team distribution problem	Chapter-10	12
	Distribution of scientists to research teams problem	Chapter-10	13
Game Theory	Formulating and solving simple games	Chapter-14	14
	Variations on initial games	Chapter-14	15
	Mixed strategies	Chapter-14	16
	Graphical procedure of solving games	Chapter-14	17
Queuing Theory	Concepts of queuing	Chapter-17	18
	The birth and death process	Chapter-17	19
	M/M/s model	Chapter-17	20
Simulation	Basic simulation model with example in excel	Chapter-20	21
Stochastic Processes	Introduction to Markov Chain	Chapter-16	22
	Properties of Markov Chain	Chapter-16	23
	Markov Decision Process	Chapter-19	24

(The session plan is tentative and may change as the course progresses)

EVALUATION

1. Internal **individual** assignments 5 Nos of 6 marks each = **30 Marks**. The assignments shall be in the gap of 2 weeks.
 - a. To solve a problem on Simplex Methods / Transportation / Assignment
 - b. To solve a problem on Network Optimizations
 - c. To solve a problem on Dynamic Programming
 - d. To solve a problem on Queuing Theory / Game Theory
 - e. To solve a problem on Markov Chain
2. Project - **20 Marks**

A Project identified from the 'MENTORMIND' live project to be assigned to the students, and the break-up of evaluation shall be as given below.

 - a. Report – 15 Marks
 - b. Presentation – 5 Marks
3. End-Term Examination – **50 Marks**

ACADEMIC INTEGRITY

Malpractice in any form will be dealt with as per manual of policies of Centre for Management Studies, NALSAR University of Law, Hyderabad.

**DEPARTMENT OF MANAGEMENT STUDIES
NALSAR UNIVERSITY OF LAW, HYDERABAD**

Course Name: Retail Management

(Course Code:)

Credits	4
Faculty Name	Prof. Rahul Gandhi Burra
E-mail	rahulg@nalsar.ac.in
Academic Year and Semester	2022-23 Trimester – IV

Course Description:

The objective of this course is to introduce to the concepts and techniques related to the world of retailing management for better management of distribution of products and services. This course helps in developing a balance between the theory and practice with an emphasis on financial considerations and implementation through merchandise and store management.

Learning Outcomes:

- To develop an understanding of the Indian Retail scape.
- To explore and analyze the concepts of mall management, store design and layout and the growing penetration of internet in retailing
- To understand the growing importance of technology and e-tailing .
- To develop an understanding of analytical methods for decision making in retail context

Readings:

Text Book(s) :
Retailing Management by Michael Levy, Barton Weitz and Ajay Pandit
Retailing Management-Text and cases by Swapna Pradhan
Relevant videos/handouts to be circulated

Additional Readings:

Detailed Plan of Lectures:			
Week Number	Lecture Number	Lecture Topic	Pedagogical tool: Demonstration/ Case study / Activity etc.
1	Lecture-1	Introduction to world of retailing	
2	Lecture-2	Types of Retailers	
3	Lecture-3	Multichannel Retailing	
4	Lecture-4	Customer Buying Behaviour	
5	Lecture-5	Retail Market Strategy	
6	Lecture-6	Financial Strategy	
7	Lecture-7	Financial Strategy	

8	Lecture-8	Retail Locations	
9	Lecture-9	Retail Site Location	
10	Lecture-10	Human Resource Management	
11	Lecture-11	Information Systems in Retail	
12	Lecture-12	Supply chain Management in Retail	
13	Lecture-13	Customer Relationship Management	
14	Lecture-14	Merchandise planning process	
15	Lecture-15	Merchandise planning process	
16	Lecture-16	Merchandise Buying Process	
17	Lecture-17	Merchandise Buying Process	
18	Lecture-18	Retail Pricing	
19	Lecture-19	Retail Pricing	
20	Lecture-20	Retail Communication Mix	
21	Lecture-21	Store Management	
22	Lecture-22	Store Layout and Design Management	
23	Lecture-23	Visual Merchandising	
24	Lecture-24	Customer Service	

Details of Internal Evaluation Components:

Evaluation No	Nature of Evaluation & Marks
Evaluation-1	Project + Report-15 + 5 Marks
Evaluation-2	Quiz-30 Marks (2 @ 15 marks each)
Evaluation-3	End Sem-50 Marks

Quiz Concepts

Concepts taught/to be taught till the day before the quiz is scheduled.

Faculty's Project (Should be started after Lecture 4)

Each student should choose a different company and get the prior approval of the Instructor .

Select any physical retail outlet and then analyze their category management strategies of any one segment/category by

- Detailing the list of products they display under a particular category
- List of brands under each product category
- List of pack sizes of each product and brand
- Price Promotions offered on each product/brand during weekdays and Weekends/Wednesday
- What are the problems you see in terms of their category management strategies?
- Your recommended solutions for these problems and justification for the same

Academic Integrity

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**DEPARTMENT OF MANAGEMENT STUDIES
NALSAR UNIVERSITY OF LAW, HYDERABAD**

Course Name: Project Management

(Course Code:)

Credits	4
Faculty Name	Prof. Rahul Gandhi Burra
E-mail	rahulgb@nalsar.ac.in
Academic Year and Semester	2022-23 Trimester – VI

Course Description:

The objective of this course is to introduce to the concepts and techniques related to the Project management for better selection, planning, execution and control of the projects. This course helps in developing an understanding with respect to Project scope identification, requirements, stakeholders, budgeting, communication and conflict management, Resource management, trade-off analysis and risk management. This course requires a basic understanding of operations management and account concepts, which were covered in the first year of the MBA

Learning Outcomes:

- To develop an understanding of the Project Management concepts in terms of project characteristics and project life-cycle.
- To select the appropriate planning technique based on the type of the project
- To develop an understanding about the project organization and feasibility analysis .
- To understand and apply the techniques related to Project planning, execution and Control
- To learn, identify and leverage the metrics of Project management.
- To build knowledge about project trade-off analysis and Project risk management

Readings:

Text Book(s) :
1). Project Management – A system approach to Planning, Scheduling and Controlling by Harold Kerzner
2). Project Management- Case Studies by Harold Kerzner
3). Project Management in Practice – by Samuel J. Mantel, Jr., Jack R. Meredith, Scott M. Shafer, Margaret M. Sutton
Relevant videos/handouts to be circulated

Additional Readings:

To be shared based on relevance and requirement

Detailed Plan of Lectures:			
Week Number	Lecture Number	Lecture Topic	Pedagogical tool: Demonstration/ Case study / Activity etc.

1	Lecture-1	Introduction to Project Management	
2	Lecture-2	Project Management Overview	Case Study- Creating a Methodology
3	Lecture-3	Project Management Growth-Concepts and Definitions	
4	Lecture-4	Project Management Growth-Concepts and Definitions	
5	Lecture-5	Project Management-Organizational Structures	
6	Lecture-6	Project Management-Organizational Structures	
7	Lecture-7	Organizing and staffing the Project Office and Team	
8	Lecture-8	Organizing and staffing the Project Office and Team	
9	Lecture-9	Management Functions in Project Management	Case study- The Trophy Project
10	Lecture-10	Management Functions in Project Management	
11	Lecture-11	Communication in Project Management	Case Study- Communication Failures
12	Lecture-12	Conflict Management	Case Study- Telestar International
13	Lecture-13	Variables for Success	Case Study- Radiance International
14	Lecture-14	Working With Executives	Case Study- The prioritization of Projects
15	Lecture-15	Planning process in Project Management	
16	Lecture-16	Planning process in Project Management	
17	Lecture-17	Network Scheduling Techniques	
18	Lecture-18	Network Scheduling Techniques	Case Study- The invisible Sponsor
19	Lecture-19	Pricing and Estimating in Project Management	
20	Lecture-20	Pricing and Estimating in Project Management	
21	Lecture-21	Cost Control in Project Management	Case Study- The bathtub period
22	Lecture-22	Project Management Metrics	
23	Lecture-23	Trade-off Analysis in a Project Environment	
24	Lecture-24	Risk Management	

The other 4 classes will be for Quiz-1-, Quiz-2, Quiz-3 and Presentation of Project.

Total number of classes = 28

Details of Internal Evaluation Components:

Evaluation No	Nature of Evaluation & Marks

Evaluation-1	Assignment- 20 marks
Evaluation-2	Quiz-30 Marks (Best 2 out of 3 @ 15 marks each)
Evaluation-3	End Sem-50 Marks

Quiz Concepts

Concepts taught/to be taught till the last class before the scheduled date of each quiz

Faculty's Project (Should be started after Lecture 4)

Each student should choose a different company and get the prior approval of the Instructor .

1. Take any completed real estate project/venture.
 - a. It can be apartment based or Villa/Independent house based project
 - b. The developer should be in the business for atleast 10 years and completed a minimum of three projects during this period, apart from the one you are going to consider for your study
 - c. You have to name other three projects as well
 - d. Each project should have atleast 10 apartments/villas/independent houses
2. When did the builder start the project?
 - a. What was the expected start date and what was the actual start date?
 - b. If delayed, why?
3. When did he complete the project?
 - a. What was the expected completion date and what was the actual completion date?
 - b. If delayed, why?
4. When did he finish the sale of the units (Flats/Villas)?
 - a. Date of sale of first Unit
 - b. Date of sale of last unit
 - c. Were the units sold before the completion of project?
5. How did he market the project?
 - a. OLX/99 acres/Housing etc
 - b. Newspapers
 - c. Youtube
 - d. FB, Twitter and other social media channels
 - e. Brochures

- f. Property Fairs
 - g. Direct marketing by sales executives
 - h. Others
 - i. What has been the best medium to get more sales and how much does it cost for each medium?
6. How did the pricing evolve?
- a. Prelaunch price
 - b. No of times price changed and the subsequent prices
 - c. Final sale price
7. Amenities Offered and price charged
8. Tie-up for Financing
- a. Customers (Cash, LICHF, HDFC, ICICI, etc)
 - b. Self (own sources, Bank, private lending)

By using the above data points, present a detailed analysis of the project you have chosen (atleast 1000 words) and finally come out with your understanding and recommendations (atleast 500 words)

The above word count doesn't include Introduction about the company and project, references, graphs, tables, charts and other infographics you use. The above word count is for Analysis (1000 words) and Recommendations (500 words)

Deadline for Project Submission – one week before the end of teaching days in Term-VI

Date of presentation – Last week of the teaching days in Term-VI

Academic Integrity

Malpractice in any form will be dealt with as per manual of policies of Centre for Management Studies, NALSAR University of Law, Hyderabad.

TOTAL QUALITY MANAGEMENT

Credits	4
Faculty Name	Asish Kumar Panda
E-mail	asish@nalsar.ac.in
Academic Year and Semester	2021-22: Term- V (Elective)

Course Objectives

Total quality management (TQM) is a philosophy, methodology and system of tools aimed to create and maintain mechanism of organization's continuous improvement. It involves all departments and employees into improvement of processes and products. It helps to reduce costs and to meet and exceed needs and expectations of customers and other stakeholders of an organization. TQM encompasses the concepts of business and social excellence that is sustainable approach to organization's competition, efficiency improvement, leadership and partnership. The objectives of this course is to introduce the main principles of business and social excellence, to generate knowledge and skills of students to use models and quality management methodology for the implementation of total quality management in any sphere of business.

The **specific objectives** of the course for the students to be able to do include:

1. To know business excellence models and be able assess organization's performance making reference to their criteria
2. To evaluate the principles of quality management and to explain how these principles can be applied within quality management systems.
3. Identify the key aspects of the quality improvement cycle and to select and use appropriate tools and techniques for controlling, improving and measuring quality.
4. To know the principles of total quality management and peculiarities of their implementation
5. To be able to use quality management methods analyzing and solving problems of organization
6. To know prerequisites of evolution of total quality management and significance of quality gurus' works to the management of modern organizations.
7. Critically appraise the organizational, communication and teamwork requirements for effective quality management
8. Critically analyse the strategic issues in quality management, including current issues and developments, and to devise and evaluate quality implementation plans

READINGS

Reading materials (compiled) shall be provided to each student

Reference:

9. Dale H. Besterfield, Pearson, Total quality Management, Pearson Education
10. Evans's. James, Lindsay M. William, The Management and Control of Quality, Cengage Learning

EVALUATION

11. Assignments (2) – 20% weight
12. Quiz (MCQ) – 10% weight
13. Project (Faculty Assigned) – 20% weight.
14. End-term of 50% weight.

SESSION PLAN

Module	Topic	Session
Introduction	Introduction to TQM	1
	Contribution of Quality Gurus	2
Six Sigma	Introduction and benefits	3
	Implementation	4
Seven Tools of Quality	Check Sheets, Histogram, Pareto Analysis, Fishbone Diagram, Scatter Diagram, Flow Chart, Control Chart	5
Quality Circles, 5S, Kaizen and Poka Yoke	Quality Circles and Introduction to 5S	6
	5S Implementation	7
	Kaizen	8
	Poka Yoke & KanBan	9
Lean Manufacturing	Identification of wastes	10
	5 Steps for implementation	11
Cost of Quality	Cost of Quality	12
Process Control Charts	Introduction to control charts	13
	Run Charts, X-bar Charts	14
	R Charts, examples of charts	15
Business Process Reengineering	Introduction & concept	16
	BPR, DSS & TQM, Implementation of BPR	17
Case-1	Akshaya Patra Case	18
Case-2	Gati Cargo Case	19
Case-3	Samsung Case	20
Case-4	Apollo case	21
Case-5	Eurasia Case	22
Case-6	BP Case	23
Case-7	Alliant Health Case	24

(The session plan is tentative and may change as the course progresses)

ASSIGNMENTS

Students shall receive 2 assignments in form of problem or articles and they have to submit the same within stipulated time.

CASE DISCUSSION

Students shall receive the cases at least one week before discussion schedule and they have to come prepared with all analysis for a meaningful class discussion.

ACADEMIC INTEGRITY

Malpractice in any form will be dealt with as per manual of policies of Department of Management Studies, NALSAR University of Law, Hyderabad.

Emotional Intelligence and Leadership

Supplementary Reading Material

Compiled

by

Bignya Patnaik



Department of Management Studies NALSAR University of Law, Hyderabad

MBA 2021 - 2023

Emotional Intelligence and Leadership

Course Code

Credits	2
Faculty Name	Bignya Patnaik
E-mail	patnaikb@nalsar.ac.in
Academic Year and Semester	2021-23, Term-III

Course Description

Over the years the general interest in leadership has grown exponentially. Top companies are increasingly investing in leadership development programs. For the overall growth of the organization, it is now valued as the highly valued commodity as it shows path and direction to the business and its management. An effective leader understands the team dynamics, stimulates the morale of the followers and always aims at creating a participative workforce by enhancing team work. The course is focused on individual, group and organization factors associated with leadership. Students will be introduced to the concept of leadership, theories, models and tools of effective leadership and various leadership styles. Personal characteristics that support effective leadership, the linkage between leader and values and the significance of self-knowledge for the role of leader (identity and integrity of leader) will also be discussed. The course will explore the strategies and actions that enable participants to be more effective leaders in organizations as well as being a more effective member of a focused team.

Emotional Intelligence (also known as EI and EQ) refers to an individual's ability to recognize and regulate their own emotions and the emotions of others for the fulfilment of their goals. This course will discuss the role, components, importance and models of EI at the workplace. By learning about EQ, students can better determine whether or not your business or company would benefit from EQ training. This course will explore the connection between EI and personality and personal relationships and also tips to strengthen your own Emotional Intelligence. Focus will be given to handling emotions and stress and managing work-life flexibility. There is a strong connection between EI and leadership because the technical skills and knowledge will definitely help the employees to progress in their career but to sustain in a higher position, leadership skills are required. And to be a good leader, one needs to consider the emotional element. It helps the employees to successfully coach teams, manage stress, deliver feedback, and collaborate with others.

Learning Outcomes

The course shall enable the students to:

20. Understand group dynamics and importance of team work
21. Analyze the effectiveness of different leadership styles in different contexts from an instrumental, political and ethical perspective
22. Adjust your leadership styles to the requirements of the team and the situation

23. Apply leadership theories to the real business scenario
24. relate the appropriate leadership style to their personality
25. Use strategies and actions to be an effective organizational leader.
26. Develop strategies and actions to be an effective team member.
27. Understand emotional intelligence and its role at the workplace
28. Know personality traits and emotional intelligence
29. Identify different models of emotional intelligence
30. Know the connection between EI and personal relationship at the workplace
31. Find ways to handle emotions and stress and manage work-life flexibility
32. understand the role and importance of leadership in creating an organizational environment that is psychologically safe

Expectations from Students

Students are expected to;

33. be present and focused throughout the sessions.
34. participate in the class and share their ideas and perspectives.
35. reflect critically their own leadership style in order to enhance your effectiveness as a leader
36. create effective teams by understanding group dynamics and conflict resolution
37. work collaboratively to complete a task
38. Identify ways to improve their emotional intelligence
39. be able to justify their emotional intelligence in decision making.

Readings

Text book

40. Leadership: Enhancing the Lessons of Experience by Richard L. Hughes.
41. Emotional intelligence: why it can matter more than IQ by Daniel Goleman

Additional Readings

The following reading materials are available on Google scholar

42. Leadership: The Power of Emotional Intelligence by Daniel Goleman
43. The Brain and Emotional Intelligence: New Insights by Daniel Goleman
44. What Leaders Really Do by Kotter, (1990)
45. Does Leadership Matter? CEO leadership attributes and profitability under conditions of perceived environmental uncertainty by Waldman, Ramirez, House, and Puranam (2001)
46. Strategic leadership and organizational learning Vera & Crossan

Tentative Session Plan

Session	Topic	Activity
1	Leadership: concept and Role, what is successful leadership, why leadership is important?	Lecture/ class activity
2	Basic approaches to leadership, leadership theories	Lecture/ class activity
3	Leadership styles	Lecture/ class activity
4	Evaluation of Leadership Style	Action learning and self-discovery
5	Understanding EQ, Personality and EQ, Ability, Trait and mixed model of EI	Lecture/ class activity
6	EI at workplace, EI and personal relationship and Improving EI, emotion and stress handling and managing work-life flexibility	Lecture/ class activity
7	Emotional Intelligence and leadership	Lecture/ class activity
8	Evaluation of EI and Happiness	Action learning and self-discovery/ Movie review
9	Emotional Quotient (EQ), How to Develop EQ? obstacles to the improvement of EQ.	Lecture/ class activity/ Article Discussion
10	Presentation	Evaluation of Group Project
11	Presentation	Evaluation of Group Project
12	Presentation	Evaluation of Group Project

Evaluation

47. Write an essay on a leadership style and its connection with emotional intelligence in 1500-1800 words. Students are required to select the leadership style which best suits to their personality and also they have to justify it by giving a real-life example- 50 Marks. Acceptable similarity index – 10 %
48. Group-wise act on role of leadership and emotional intelligence at workplace- 50 Marks (40 marks for the theme and presentation 10 marks for individual performance)

(Students are required to present an act where both leadership and EQ must be playing an important role in handling a situation related to the workplace or the employees. As this act is going to be online, having great coordination among team members will be the basic requirement. Each and every member is expected to deliver their dialogues clearly. Each team will be given 40 minutes for the play).

Academic Integrity

Malpractice in any form will be dealt with as per manual of policies of DoMS, NALSAR University of Law, Hyderabad.

TERM – II

SUPPLEMENTARY READING MATERIAL ON HUMAN RESOURCE MANAGEMENT

COMPILED BY
Dr. A. KISHORE KUMAR



DEPARTMENT OF MANAGEMENT STUDIES
**NALSAR UNIVERSITY OF LAW,
HYDERABAD**

**MBA – 2021-23, TERM – II
HUMAN RESOURCE MANAGEMENT**

Credits	3
Faculty Name	Dr. A. KISHORE KUMAR
E-Mail	kishore.kumar@nalsar.ac.in

COURSE OVERVIEW:

During past three to four decades the Personnel Function has witnessed dramatic changes. Widespread usage of term “Human Resource Management” (HRM) in place of Personnel Function is itself symbolic of this change. In the days gone by, line organizations used to be happy with having middle level managers’ head the Personnel Department, whereas today most organizations have General Managers, Vice-Presidents and Directors taking care of this activity. The personnel function has acquired a unique status and reputation in almost all service sectors including banking, finance, insurance, telecom apart from traditional manufacturing and engineering fields. The HR function has enriched itself over the years by including within it a development dimension and thus moved itself from a “reactive” and “maintenance oriented” function to a “proactive” path breaking development oriented function. Today HR people talk linkages with corporate planning, HRD approach, development oriented appraisal systems, multiple reward mechanisms, reengineering work cultures and industrial relations. Those handling HR functions are being increasingly viewed as “Change Agents”.

The role of Human Resource Management in organizations has been evolving dramatically in recent times. Taking strategic approach to human resource management involves making the function of managing human assets the most important priority in the organizations and integrating all human resource policies and programs with the framework of a company’s strategy.

The purpose of this course is to help you learn the importance of HRM, the scope and objectives. It also makes you to understand how Human Resource functions have been changed over a period of time and to familiar new trends. This course will attempt to develop knowledge on conducting job analysis, manpower planning and recruitment and selection process in organization’s view point. This course enables you to learn how Training and Development process takes place and how to measure effectiveness of Training and Development. Then you will move on to learn how Performance Appraisal will be carried out, how best compensation can be devised to attract and retain talent and you will also learn the importance of employee and employer relations.

COURSE OBJECTIVES:

After completing this course the students will be able to:

1. Understand the importance, scope, functions of Human Resource Management.
2. Differentiate between HRM and Strategic HRM
3. Learn how Human Resource Planning will be done in organizations.
4. Learn how Job Analysis will be conducted and its purposes
5. Understand the Recruitment and Selection process
6. Familiar with Training and Development process and methods
7. Acquainted with Performance Management and Appraisal Process
8. Learn Compensation and its components.
9. Understand the importance of Employee Relations in organizations

PEDAGOGY:

The course is designed with an objective to promote self-learning and group learning. Here teacher role is more of a facilitator in the learning process besides regular teaching. The pedagogic mix includes two way interactive lectures, case studies, exercises, assignments and presentations. More emphasis will be on discussion on concept and sharing your understanding with teacher.

READINGS:

Text Book:

2. Dessler, Gary & Varkkey, Biju (2009). Human Resource Management (11th ed): Pearson Education, New Delhi, India.

ADDITIONAL READINGS:

E-Books available for online reading at NALSAR E-RESOURCES on the following link:

<https://enalsar.informaticsglobal.com:2264/lib/nalsarlawuniv/reader.action?docID=1160189&ppg=1>

EVALUATION:

Assignments	: 2*10= 20 Marks
Quiz	: 1*10 = 10
Group Project/Assignment & Presentation	: 20 Marks
End Term Examinations	: 50 Marks

ACADEMIC INTEGRITY:

Malpractice in any form will be dealt with as per Manual of Policies of Department of Management Studies, NALSAR University of Law, Hyderabad.

SESSION PLAN:

SESSION NO	TOPICS	READINGS
1-2	Introduction to HRM – Meaning, Objectives, Functions, Changing Role of HRM	Text Book : Chapter – 1 Reading Material : Introduction to HRM
3	Strategic Human Resource Management	Text Book : Chapter – 3 Case : Infosys: Strategic Human Resource Management
4 -5	Human Resource Planning	Text Book : Chapter – 5 Reading Material : Human Resource Planning
6	Job Analysis	Text Book : Chapter – 4 Reading Material : Job Analysis, Job Analysis Worksheet
7	Activity on Job Analysis	
8	Recruitment – Meaning, Process and Sources and Methods of Recruitment	Text Book : Chapter – 5

9	Activity on Recruitment	Article: Reengineering the Recruitment Process Case Study : Recruitment and Selection at Tesco
10	Selection – Meaning, Process and Methods of Selection	Text Book : Chapter – 6 Case Study : LinkedIn and Modern Recruitment
11	Training and Development – Meaning, Objectives and Process	Text Book : Chapter – 8 Case Study: Developing the talent you have: Strategies for Training and Development
12	Methods of Training	
13-14	Performance Management and Appraisal	Text Book : Chapter – 9 Case Study : Performance Appraisal: Improving results through feedback
15	Compensation – Meaning, Factors affecting compensation, components of compensation	Text Book : Chapter – 11 Case Study : Marshall & Gordon: Designing and Effective Compensation System
16	Employee Relations – Importance Collective Bargaining.	Text Book : Chapter – 14 Case Study: Industrial Relations (Union) issues at Asian paints Ltd.
17	Project Presentations	
18	Project Presentations	

ASSIGNMENTS:

All the students have to submit two assignments compulsory during I trimester.

THE SUBMISSION REQUIREMENTS:

The Assignment should be of your own work, neatly typed in Times New Roman font with 1 line spacing, minimum of 1000 words for each assignment. Submissions should be made on Turnitin prior to faculty evaluation. The acceptable similarity index is not more than 10 %.

Assignment No.	Assignment Description	Submission Date
I	Prepare an assignment on Human Resource Policies by taking organization of your choice.	As per the due date mentioned in Term-II Time Table
II	Imagine you are HR executive of an organization, it is facing performance issues, and wrong selection could be one of the reasons for such an issue. Now as HR executive of the company, design an appropriate selection process to acquire best talent to your organization to avoid performance lags.	As per the due date mentioned in Term-II Time Table
III	Quiz	As per the due date mentioned in Term- II Time Table
IV	Project Presentations	Date will be intimated in due course.

**CENTRE FOR MANAGEMENT STUDIES
NALSAR UNIVERSITY OF LAW, HYDERABAD**

Course Name: Operations Research

(Course Code: 1.2.6)

Credits	4
Faculty Name	Prof. Rahul Gandhi Burra
E-mail	rahulgb@nalsar.ac.in
Academic Year and Semester	2021-22 Trimester - III

Course Description:

The objective of this course is to introduce to the concepts and techniques related to the world of operations research and their application for solving business problems. This course helps in developing problem modeling and solving skills, thereby facilitating to make intelligent business decisions from the perspective of optimization.

Learning Outcomes:

- To know how to make intelligent decisions to develop and manage business processes
- To understand the techniques of modeling and optimization of real-world problems.
- To develop an understanding of effective management of firm under a set of constraints

Readings:

Text Book(s) :
Operations research by S.D.Sharma
Operations-research-8th-edition-Hamdy-A-Taha (e-book to be circulated)
Relevant videos to be circulated

Additional Readings:

Detailed Plan of Lectures:			
Week Number	Lecture Number	Lecture Topic	Pedagogical tool: Demonstration/ Case study / Activity etc.
1	Lecture-1	Decision Tree Analysis	
2	Lecture-2	Decision Tree Analysis	
3	Lecture-3	Decision Making-Simon's model	
4	Lecture-4	Simulation- Monte-Carlo Technique	
5	Lecture-5	Simulation- Monte-Carlo Technique	
6	Lecture-6	Queuing Theory	
7	Lecture-7	Queuing Theory	
8	Lecture-8	Queuing Theory	

9	Lecture-9	Transportation Problem- Finding Initial basic Feasible Solution- Least cost and North-west Corner methods	
10	Lecture-10	Transportation Problem- Finding Initial basic Feasible Solution- Vogel approximation method and understanding Degenracy	
11	Lecture-11	Transportation Problem-Solving degeneracy using MODI Method	
12	Lecture-12	Assignment Problem- Hungarian Method – Introduction-Minimization	
13	Lecture-13	Assignment Problem- Hungarian Method – Maximization	
14	Lecture-14	Linear Programming Problem-Maximization	
15	Lecture-15	Linear Programming Problem-Maximization	
16	Lecture-16	Linear Programming Problem-Minimization	
17	Lecture-17	Duality and Sensitivity Analysis in Linear Programming	
18	Lecture-18	Integer Programming	
19	Lecture-19	Integer Programming	
20	Lecture-20	Goal Programming	
21	Lecture-21	Goal Programming	
22	Lecture-22	Markov Analysis	
23	Lecture-23	Markov Analysis	
24	Lecture-24	Markov Analysis	

Details of Internal Evaluation Components:

Evaluation No	Nature of Evaluation & Marks
Evaluation-1	Project + Report-15 + 5 Marks
Evaluation-2	Assignments- 20 marks (2 @ 10 marks each)
Evaluation-3	Quiz-10 Marks (1 @ 10 marks each)
Evaluation-4	End Sem-50 Marks

Assignment-1

Do you think Simon's model of decision making is still relevant in the present age of analytics driven by Huge data? Support your stance with detailed analysis by using atleast two examples.

Examples you choose should be unique. Please check for uniqueness of examples before you proceed with respect to this assignment by consulting the instructor

Assignment-2

Each student should choose a different company and get the prior approval of the Instructor

Select any outlet or a situation and then analyze the queue management system by

1. Explaining the current process

2. Problems faced
3. Reasons behind those problems
4. Solutions possible to mitigate the queuing related problems
5. Your recommended solution and justification for the same

Group Project

There will be a total of 7 groups. Group allocation will be done on a random basis during first class. Topics will be allocated to the groups after 10th class is over

Quiz Concepts

Queuing, Transportation Problem, Monte-Carlo Simulation, Decision tree Analysis and Simon's model of decision Making

Academic Integrity

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COURSE NAME	Marketing Management – II (3 credits)		
FACULTY	Dr. Pinaki Nandan Pattnaik		
No. OF SESSIONS	18		
SESSION DURATION	90 minutes		
REFERENCE TEXT	1. Principles of Marketing – A South Asian Perspective, Kotler, Armstrong, Agnihotri & Haque, 14th Edition, Pearson Publication 2. Services Marketing: People, Technology, Strategy, 7 th Edition, Christopher Lovelock, Jochen Wirtz & Jayanta Chatterjee		
S. No.	Topics	Readings	
1	Marketers are humans	1. Chapter 2 (a) 2. Marketing Myopia	
2	Pricing your proposed Value	3. Chapter 8, 10, 11 (a) 4. Pricing strategies 5. How Do You Know When the Price Is Right?	
3	Delivering and Communicating Value	1. Chapter 12, 14 (a) 2. Promotion as Instrument of Marketing Mix 3. Selecting a Distribution Channel Checklist	
4	Its life After all: THE PLC	4. Chapter 9 (a) 5. Product Life Cycle Management 6. Exploit the Product Life Cycle	
5	Marketing Mix: In a fluid State	Case: Analysis of Product Life Cycle and Management Strategies: A Case Study on Patanjali Products	
6	All is not lost	Case: Vespa's Re-Entry Strategies for the Indian Market	
7 & 8	Presentation on PLC Analysis (in groups)	Nokia 5110	Kinetic Luna TFR
		Topaz blades	Phantom Cigarette
		Dabur Lal dant manjan	Nintendo
9	Moving towards a Service Economy	6. Chapter 1 & 4 (b) 7. Evolving to a New Dominant Logic for Marketing	
10	Designing and Managing the Service Process	8. Chapter 8 (b) 9. Designing Customer Service Processes 10. Creating a Service Blueprint: Levels of Digital and Human Interactions	
11	Servicescape and the challenge of quality in services	11. Chapter 10 & 14 (b) 12. Service quality - Concepts and models 13. SERVQUAL and Model of Service Quality Gaps: A Framework for Determining and Prioritizing Critical Factors in Delivering Quality Services Case: Determinants of Customer Satisfaction on Service Quality: A Study of Railway Platforms in India	
12	It's all about Relationships and loyalty	14. Chapter 12 (b) 15. Managing Customer Relationships and Building Loyalty	
13	Marketing Strategies	16. Strategic Marketing. A literature review on definitions, concepts and boundaries	
14	Marketing Strategies	Case: Sherazi Automation, Australia: Strategic B2b Relationship for Survival and Growth	
15	A tete-e-tete on What next?	17. Experience Marketing The future of Business 18. 20/20 in 2020: Toward a New Vision in Marketing 19. What Will Marketing Be In 2025?	
16 – 18	Project Presentation	5 Marks	

Evaluation:

- Internal Evaluation: 50 Marks

- Assignments (2 X 10 Marks = 20 Marks)

Submission Requirements: Minimum 2500 words. All submissions shall be subject to plagiarism check on turnitin software. Only such submissions that have a similarity index of less than 10 % shall be evaluated. All submission due dates are as per the time table.

1: Choose a specific promotion campaign. It must have presence in the print, electronic as well as digital platforms. Discuss the campaign. Identify 1 wrong choice of platform and give an explanation as to why you think it is a wrong choice of platform for that particular product. Suggest what would be a better choice than the one discussed above.

2: In your opinion, what would marketing be like in 2025? Identify at least 5 suggestive articles from newspapers/magazines/blogs etc. that indicate the scenario in 2025 and discuss them in detail along with proper APA style referencing. Evaluate your skillset to meet the requirements in 2025. Identify at least 3 certification courses that can help you be 2025 ready and discuss their relevance.

- Project: 20 Marks

In groups of not more than 7 members (5 teams of 6 members each and 1 team of 7 members)

- 1) Set up a digital service of your choice
- 2) Launch it (Actual 7 P analysis) – Mandatory to consult Tariq for hosting it on DoMS domain. Google analytics will be recorded for item no IV at out end.
- 3) Create traction in the market
- 4) Show proof of subscriptions

90 – 100 subscriptions – 15 marks
80 – 90 subscriptions – 12.5 marks
70 – 80 subscriptions – 10 marks
60 – 70 subscriptions – 7.5 marks
50 – 60 subscriptions – 5 marks
40 – 50 subscriptions – 2.5 marks
Less than 40 subscriptions – 0 marks

Individual Presentations (evaluated by faculty) – 5 Marks

Rationale for choice of service
Description of the service
Marketing strategy adopted by you
Results
Future plans

- Quiz: 10 marks

2. End Terms Exam: 50 Marks

Academic Integrity:

Malpractice of any kind shall be dealt with as per the manual of policies of DoMS, NALSAR University of Law, Hyderabad.

MBA – 2021-23, TERM – I
ORGANIZATIONAL BEHAVIOUR

Credits	4
Faculty Name	Dr. A. KISHORE KUMAR
E-Mail	kishore.kumar@nalsar.ac.in
Academic Year and Term	2021- 23; Term - I

COURSE OVERVIEW:

In this challenging era of work and organizations, the body of knowledge we call “organizational behavior” offers many insights of great value. Organizational Behavior is the study of human behavior in organizations. It is an academic discipline devoted to understanding individual and group behavior, interpersonal processes, and organizational dynamics with the goal of improving the performance of organizations and the people in them. Learning about OB can help you develop a better work-related understanding of yourself and others; it is a knowledge platform that can expand your potential for career success in the dynamic, shifting, and complex new workplaces of today and tomorrow.

Organizational behavior is an interdisciplinary body of knowledge with strong ties to the behavioral sciences such as Psychology, Sociology, and Anthropology as well as to allied social sciences like economics and political science. OB is unique, however, in its goals of integrating the diverse insights of these other disciplines and applying them to real-world problems and opportunities. The ultimate goal of OB is to improve the performance of people, groups, and organizations and to improve the quality of work life overall.

The purpose of this course is to help you understand some key principles about how people behave in life as well as in organizations and make you a more effective co-worker, team member, and more importantly a responsible member of the society. This course will attempt to develop certain ways of thinking in you to enable you to recognise the importance of, and difficulty in, understanding another person's point of view. In the process of doing so, the need for identifying one's own feelings, perceptions, and assumptions that intervene in one's interaction with others will be made evident and attended to.

This course has been organized into three levels viz., individual, interpersonal, and group. You will learn topics such as personality, interpersonal perception, attribution, attitudes, values, ethics, motivation, and stress and wellbeing at the individual level. Then you will move on to learn how individuals associate with groups and teams, in which your focus would be on interpersonal behaviour. Finally, you will learn development of effective work teams and groups, decision making by individuals and groups, leadership behaviour, and conflict and negotiation in groups.

COURSE OBJECTIVE:

After completing this course you will be able to familiar with:

10. The concept of organizational behaviour and contribution of other disciplines to OB.
11. Diversity and its role in organizations

12. The concepts of attitudes, personality, emotions, perceptions and motivation and how that shape behaviour to effectively motivate self, other individuals, and groups for effective performance.
13. Factors affecting group dynamics in team situations to lead effective result oriented teams.
14. The effect of Power and politics on organizational functioning and the consequences of conflict and negotiation for management of conflicts.
15. How organizational culture is important for organizational effectiveness
16. Change management concepts, process of implementing change.
17. The negative and positive sides of stress and stress management techniques.

PEDAGOGY:

The course is designed with an objective to promote self-learning and group learning. Here teacher role is more of a facilitator in the learning process besides regular teaching. The pedagogic mix includes two way interactive lectures, case studies, exercises, assignments and presentations. More emphasis will be on discussion on concept and sharing your understanding with teacher.

READINGS:

Text Book:

3. Robbins, Stephen P & Judge, Timothy A (2017). Organizational Behaviour (17th ed): Pearson Education, England.

ADDITIONAL READINGS:

E-Books available for online reading at NALSAR E-RESOURCES on the following link:

<https://enalsar.informaticsglobal.com:2264/lib/nalsarlawuniv/search.action?query=organizational+behavior>

7. Hariyappa, B (2009). Organizational Behavior: New Age International (P) Limited Publishers, New Delhi.
8. Sims, Ronald R (2002). Managing Organizational Behaviour: Quorum Books, USA

EVALUATION:

Assignments	: 2*10= 20 Marks
Quiz	: 1*10 = 10
Group Project/Assignment & Presentation	: 20 Marks
End Term Examinations	: 50 Marks

ACADEMIC INTEGRITY:

Malpractice in any form will be dealt with as per Manual of Policies of Department of Management Studies, NALSAR University of Law, Hyderabad.

SESSION PLAN:

SESSION NO	TOPICS	READINGS
1-2	Introduction to the concepts of Organizational Behaviour – Meaning, Nature and Fields Contribute to OB	Text Book : Chapter – 1 Case Study : Vasudha's Dismay
3	Challenges and Opportunities for OB and Developing OB Model	Text Book :Chapter – 1 Reading Material : Challenges and Opportunities of OB
4	Diversity in Organization	Text Book :Chapter – 2 Case Study :Managing Diversity at Cityside Financial Services
5-6	Attitudes and Job Satisfaction	Text Book : Chapter – 3 Case Study : Meera Nair at Phoenixway: Which Way to Go?
7-8	Personality and Values	Text Book :Chapter – 5 Case Study : Ramesh and Gargi
9-10	Emotions and Moods	Text Book : Chapter – 4 Article : Employees' Mood and Emotion as Imperative for Perceived Job Satisfaction
11	Perception and Individual Decision Making	Text Book :Chapter - 6 Case Study : Dilemma Due to Perceptions
12-13	Motivation – Early Theories and Contemporary Theories of Motivation	Text Book :Chapter - 7 Article : Theories of Motivation and Their Application in Organizations: A Risk Analysis
14	Motivation - Applications	Text Book :Chapter - 8 Case Study : Employee Motivation a Powerful New Model
15	Foundations of Group Behaviour	Text Book :Chapter - 9
16	Understanding Work Teams	Text Book : Chapter - 10 Case Study : Team Dynamics at Suvasi Textiles
17	Power and Politics	Text Book : Chapter - 13 Article : The Four Types of Organizational Politics
18	Conflict and Negotiation	Text Book : Chapter - 14 Article : Conflict Management at TKC Consulting
19	Organizational Culture	Text Book : Chapter - 16 Case Study : Cultural Challenges of Integration : Value Creation and Daiichi Sankyo's Indian Acquisition
20-21	Organizational Change	Text Book : Chapter - 18 Case Study : Employee Resistance to Change: Is It The Message or The Messenger?

22	Stress Management	Text Book: Chapter - 18 Article: When Managers Take Their Stress Out On Their Employees
23	Project Presentations	
24	Project Presentations	

ASSIGNMENTS:

All the students have to submit two assignments compulsory during I trimester.

THE SUBMISSION REQUIREMENTS:

The Assignment should be of your own work, neatly typed in Times New Roman font with 1 line spacing, minimum of 1000 words for each assignment. Submissions should be made on Turnitin prior to faculty evaluation. The acceptable similarity index is not more than 10 %.

Assignment No.	Assignment Description	Submission Date
I	Explain the importance and benefits of Diversity and Inclusion in organizations and Assess the Diversity and Inclusion Practices by taking a reputed company of your choice.	By end of session 6/ As per the due date mentioned in Term-I Schedule
II	Define Motivation. List out and rank the factors that motivate you to perform better as an employee in the organization.	By end of session 15/ As per the due date mentioned in Term-I Schedule
III	Quiz	As per the due date mentioned in Term-I Schedule
IV	Project Presentations	As per the due date mentioned in Term-I Schedule

Accounting For Managers

Credits	4
Faculty Name	CA Praveen M
E-mail	m.praveen@nalsar.ac.in
Academic Year and Semester	2021-22, Term-I

Course Description

The Course “Accounting for Managers” is a comprehensive program covering reporting and decision making areas in the finance function of the business. The scope includes discussion about interpretation of financial statements and tools in Financial Analysis. Further, a discussion on the concepts of costing and forensic accounting required for managers is also covered.

Course Goals & Learning Outcomes

Primary objective of the course is to help scholars to engage in understanding and interpretation of finance function in general and financial statements in particular for effective decision-making concerning the company's objectives and overall strategies.

Text book (s):

1. Accounting for Management – Dhanesh K Khatri – McGraw Hill Publications

Reference Book / Additional Readings:

- Financial Management – Shashi K Gupta & R.K Sharma (6th Revised Edition) [Kalyan Publications]
- Financial Accounting - SP Jain & KI Narang [Kalyan Publications]
- Compendium of IND-AS as issued by ICAI

Sessions	Session Topic	Learning Outcomes
Session 1	Introduction to Accounting Concepts	1) Introduction Topics of concept of accounting 2) Accounting Structure and process of accounting
Session 2	Case Study: Bright Soluble Private Limited: a case study on accounting process	3) Analyze, record and classify financial transactions; 4) Prepare unadjusted trial balance; 5) Record the adjustment and closing entries and prepare post-closing trial balance; 6) Prepare financial statements
Session 3		
Session 4	Case Study: The strategic corporate social responsibility (CSR) quandary: an instructional case	7) Recognize the interest groups of the business as stakeholders and shareholders. 8) Understand the role of strategic CSR in attaining competitive advantage for the firm. 9) Apply the techniques of financial statement analysis such as common-sized financial statements and ratio analysis. 10) Create a suitable CSR policy draft incorporating the critical elements of a CSR policy that enables the firm to operationalize it and fulfill disclosure norms
Session 5		
Session 6	Accounting, Accountability & Financial Reporting under Companies Act, 2013	11) Concept of Accounting & Accountability 12) Various Reporting Framework for Companies 13) Understanding the flow of accounting through Reporting
Session 7	Case Study: Impact of IFRS Adoption on Financial Decisions: Case Study of Indian Information Technology Industry Wipro Ltd.	14) Understand the impact of this voluntary adoption of IFRS on the financial decision makers 15) Comparison of the major financial parameters under IFRS and Indian GAAP as reported by Wipro. 16) Indication that the adoption of fair value accounting and strict requirement in adhering to accounting standards have strengthened the financial indicators and provided the decision makers a transparent, true and fair accounting highlighters.
Session 8		
Session 9	Introduction to Indian Financial System	17) An Overview of Financial System 18) The Components and Sub-systems in Indian Financial System 19) Financial Markets and Market Instruments
Session 10		
Session 11	Funds Flow Statement	20) Introduction to Funds Flow Statement 21) Preparation and Presentation of Funds Flow Statement 22) Interpretations of Funds Flow Statement
Session 12		
Session 13		
Session 14	Case Study: Analysis of Cash Flow Statement of	To be discussed in class
Session 15		

Session 16	Avenue SuperMarts Limited (D-Mart)	
Session 17	Case Study: Kwaliti Ltd.: The banker's dilemma	23)To know how to interpret financial ratios to draw inferences regarding the creditworthiness of a company.
Session 18		24)To analyse cash flow adequacy and build stress scenarios to evaluate whether a company will be in a position to meet its debt-servicing commitments.
Session 19		25)To understand the concept of financial flexibility and the importance of analysing financial flexibility in a credit decision.
Session 20	Case Study: Expansion plan of Central Tiffin Room: a case on accounting	26)To appreciate the decision process of lenders and the considerations involved while taking a lending decision
Session 21		27)Understand the relevant factors to be considered in the decision to expand
Session 22		28)List out the industry and macro-environment factors affecting the expansion decision
Session 23	Paper Discussion: The Role of Ethics in Finance & Accounting	29)Understand the various measures used to evaluate the financial performance of the company 30)To understand the practical implication of incremental analysis to estimate the profit 31)Assess the operating profit and margin of safety of Shri Sagar with and without expansion 32)Critically evaluate the impact of uncertainty on projected sales using the sensitivity model
Session 24	Project Presentations	

Evaluation:

- **MCQ Quiz – 40 Questions** (1 X 10 = 10 Marks)
- **Descriptive Assignments** (2 X 10 = 20 Marks).
- **Term Project** (1 X 20 = 20 Marks)
- **End Term Exam** (1 X 50 = 50 Marks)

Assignment & Project Submission requirements:

1. **Minimum 1000 words for Assignment and minimum 10,000 words for project.**
2. **Submissions on turnitin anti-plagiarism software shall be post submission and prior to evaluation.**

3. **The due date for these assignments shall be as specified in the time table.**
4. **The Topics for Assignment shall be provided during the class discussions**

MBA 2021-23

Business Research Methods(1.1.10)

Credits	4
Faculty Name	Dr. Mahendra Kumar Shukla
E-mail	mahendra@nalsar.ac.in
Academic Year and Term	2021-22, Term-II

Course Description

The course provides an opportunity to the participants to expose themselves to various theoretical, methodological and empirical aspects of business research. A course like this draws its content from several disciplines. It describes various characteristics of social sciences and deals with various concepts, tools and techniques used in management research particularly empirical research. Moreover, the course helps in developing skills amongst the participants to identify research topics, formulate research proposal/design, and use suitable tools and techniques in business research. It focuses on developing skill to conduct independent research and enable the participants to appreciate articles published in research journals.

Learning Outcomes

After going through this course, the students will be able:

- To critically appreciate various characteristics of social sciences.
- To understand various concepts, tools and techniques of business research.
- To acquire skills to independently identify research problems and research topics and formulate a scientific research design to conduct research on the related topic.
- To identify statistical tools and understand the logic/rationale of using the tools to test their hypotheses in empirical studies.
- To use packages like Excel and SPSS for data analysis and to interpret the output/statistics related to the various statistical tools used in business research.

Readings

Text book (s)

1. Business Research Methods by Prahlad Mishra
2. Statistics for Management by Levin & Rubin

Additional Readings

- Foundations of Behavioral Research by F.N. Kerlinger
- The Practice of Social Research by E.R. Babbie
- Business Research Methodology by W.G. Zikmund
- Social Research Methods by C.R. Kothari
- Basic Econometrics by D.N. Gujarati
- Introduction to Econometrics by Christopher Dougherty
- Business Statistics by Ken Black
- Scientific Social Surveys and Research by P.V. Young
- Applying Regressions and Correlation by J Miles & M Shevlin
- Multivariate Data Analysis by Hair et al.
- Analyzing Multivariate Data by James Lattin et. al.

Session Plan

The course is visualized in three parts. The first part relates to ‘Conceptualization’ with emphasis on some theoretical concepts like science and scientific approach to research, unique features of social science and management research, types of research, measurement of variables etc.

The second part, ‘Operationalization’ has been divided into two sub-parts. In the first part, research problem identification, research design, instrument designing etc will be discussed. Application of a few Univariate, Bivariate and multivariate statistical tools and techniques used in social science research will be discussed in the second part. Emphasis will be given to the application, interpretation of the findings of the statistical tools and their rationale. The data analysis will be with the use of software packages like Excel and SPSS.

The third part constitutes a project with field study (group work) and writing a research report in which various tools will be used for data analysis. The participants, in a group, are required to identify a research topic relating to the society/economy and conduct a study on the selected topic. The group will collect secondary and primary data and use several tools to

analyses those. They will take the help of the course instructor for identifying a research topic and formulating a questionnaire for primary data collection and will present the report in the assigned classes for discussion. After the presentation and feedback, final reports have to be submitted by the groups.

Part	Sessions	Topics/Activities	Readings (Authors name has been given. Refer to the list for the name of the book)
Conceptualization	1	Scientific approach to research and social scientific enquiry	F.N. Kelinger, E.R. Babbie & Prahlad Mishra
	2	Types of research, concept, construct and variables	Prahlad Mishra, C. R. Kothari
	3	Research process, research design and methods	F. N. Kerlinger, Prahlad Mishra
	4	Project Presentation-1(5 Marks)	(Selection of research topic, identification of research objective and questions)
Operationalization Part-I	5-6	Scale of measurement-some basic concepts, reliability & validity	E.R. Babbie, Prahlad Mishra
	7-8	Sampling techniques and their uses in business research	C.R. Kothari, Prahlad Mishra
	9-10	Types and sources of data & methods for collection of data.	Prahlad Mishra
	11	Questionnaire construction and operationalization of variables	E. R. Babbie & Prahlad Mishra
	12	Project Presentation-2 (5 Marks)	Development of Questionnaire
Operationalization Part-II (Tools for Data Analysis)	13-14	Estimation	Levin & Rubin
	15-17	Hypotheses Testing	Levin & Rubin
	18-20	Chi-Square & ANOVA	Levin & Rubin, & Prahlad Mishra
	21-23	Correlation & Regression Analysis	Levin & Rubin, & Prahlad Mishra
	24	Report Writing & Presentation of Project Report (10 Marks)	Data Analysis, results and Discussions & submission of final project

Evaluation

1. Assignments: Two assignments of 20% weight.
2. Quiz: One quiz of 10% weight.
3. Group project (presentation and report) of 20% weight.
4. End-term of 50% weight.

Academic Integrity

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MBA – 2021-23, TERM – I
ORGANIZATIONAL BEHAVIOUR

Credits	4
Faculty Name	Dr. A. KISHORE KUMAR
E-Mail	kishore.kumar@nalsar.ac.in
Academic Year and Term	2021- 23; Term - I

COURSE OVERVIEW:

In this challenging era of work and organizations, the body of knowledge we call “organizational behavior” offers many insights of great value. Organizational Behavior is the study of human behavior in organizations. It is an academic discipline devoted to understanding individual and group behavior, interpersonal processes, and organizational dynamics with the goal of improving the performance of organizations and the people in them. Learning about OB can help you develop a better work-related understanding of yourself and others; it is a knowledge platform that can expand your potential for career success in the dynamic, shifting, and complex new workplaces of today and tomorrow.

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COURSE OBJECTIVE:

After completing this course you will be able to familiar with:

18. The concept of organizational behaviour and contribution of other disciplines to OB.
19. Diversity and its role in organizations

20. The concepts of attitudes, personality, emotions, perceptions and motivation and how that shape behaviour to effectively motivate self, other individuals, and groups for effective performance.
21. Factors affecting group dynamics in team situations to lead effective result oriented teams.
22. The effect of Power and politics on organizational functioning and the consequences of conflict and negotiation for management of conflicts.
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EVALUATION:

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9-10	Emotions and Moods	Text Book : Chapter – 4 Article: Employees’ Mood and Emotion as Imperative for Perceived Job Satisfaction
11	Perception and Individual Decision Making	Text Book : Chapter - 6 Case Study: Dilemma Due to Perceptions
12-13	Motivation – Early Theories and Contemporary Theories of Motivation	Text Book : Chapter - 7 Article: Theories of Motivation and Their Application in Organizations: A Risk Analysis
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15	Foundations of Group Behaviour	Text Book : Chapter - 9
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18	Conflict and Negotiation	Text Book: Chapter - 14 Article: Conflict Management at TKC Consulting
19	Organizational Culture	Text Book: Chapter - 16 Case Study : Cultural Challenges of Integration : Value Creation and Daiichi Sankyo’s Indian Acquisition
20-21	Organizational Change	Text Book: Chapter - 18 Case Study: Employee Resistance to Change: Is It The Message or The Messenger?
22	Stress Management	Text Book: Chapter - 18

		Article: When Managers Take Their Stress Out On Their Employees
23	Project Presentations	
24	Project Presentations	

ASSIGNMENTS:

All the students have to submit two assignments compulsory during I trimester.

THE SUBMISSION REQUIREMENTS:

The Assignment should be of your own work, neatly typed in Times New Roman font with 1 line spacing, minimum of 1000 words for each assignment. Submissions should be made on Turnitin prior to faculty evaluation. The acceptable similarity index is not more than 10 %.

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II	Define Motivation. List out and rank the factors that motivate you to perform better as an employee in the organization.	By end of session 15/ As per the due date mentioned in Term-I Schedule
III	Quiz	As per the due date mentioned in Term-I Schedule
IV	Project Presentations	As per the due date mentioned in Term-I Schedule

COURSE TITLE: MANAGERIAL ECONOMICS - I

COURSE INSTRUCTOR: Ms. Bishakha Ghosh

NATURE OF COURSE AND CREDITS: Mandatory Credits-3

OFFERED TO: MBA 1st year

COURSE DURATION: July 2022 – OCTOBER 2022

LECTURE PLAN

MODULES	TITLE	NUMBER OF REQUIRED LECTURES
MODULE ONE	Meaning and Importance of Managerial Economics	1
MODULE TWO	Demand Analysis	2
MODULE THREE	Supply & Market Equilibrium	2
MODULE FOUR	Consumer Behaviour	2
MODULE FIVE	Production Analysis	2
MODULE SIX	Cost Analysis	2
MODULE SEVEN	Objectives of Firm	1
MODULE EIGHT	Revenue Analysis and Pricing Policies	1
MODULE NINE	Price Determination under Perfect Competition	2
MODULE TEN	Pricing Under Imperfect Competition-	2
MODULE ELEVEN	Strategic Interactions under game theory	2

Class Hours: As per schedule

EVALUATION SCHEME

Assignment I-10 Marks, **Assignment II**- 10 marks, **Quiz**- 10 marks, **Project** - 20 Marks (Report -15 marks + Viva- 5 marks **End term exam** – 50 marks

COURSE PORTRAYAL: Economics is the study of the human behavior in producing, distributing and consuming material goods and services given constraint of scarce resources available in the society. On the other hand, management is the discipline of organizing and allocating a firm's scarce resources to achieve its desired objectives. These two objectives help in understanding the relationship between economics and managerial decision making. Hence, managerial economics deals with application of economic analysis to make business decisions involving the best use of an organization's scarce resources.

OBJECTIVE OF THE COURSE:

To understand and apply principles of Microeconomics in managerial decision making

- To understand strategic behaviour in the context of scarcity.
- To enable the students handle tools related to business strategies.

TEACHING METHODOLOGY: Teaching will be mainly done through lectures. One is expected to follow lectures regularly and to be familiar with solving empirical problems provided in the course of teaching. All concepts will be explained through examples.

COURSE CONTENT

MODULE 1: MEANING AND IMPORTANCE OF MANAGERIAL ECONOMICS

1. Introduction, Meaning,
2. Scope of Managerial Economics
3. Importance of the study of Managerial Economics

MODULE 2: DEMAND ANALYSIS

A. Variables affecting demand

- Individual demand—own price, prices of other products, income, tastes and preferences
- Individual demand and market demand
- Elasticity (price, income, cross, arc)

B. Demand Curve and Supply Curve

- Effect of variables on demand
- Movement along the curve
- Shifts of the curve

MODULE 3: SUPPLY & MARKET EQUILIBRIUM

A. Variables affecting supply

- I. Individual supply—Prices of inputs, prices of products and related products, state of technology
- II. Effect of variables on supply
- III. Movement along the curve
- IV. Shifts of the curve

C. Market Equilibrium

- Laws of demand and supply
- Shifts in Supply/Demand curves and nature of changes in market equilibrium
- Exceptions to the laws

D. Government Intervention: Subsidy, Tax and Price Ceiling

1. Subsidy
2. Price Ceiling
3. Price floor
4. Tax

References: Module 1 and 2

- a. William J. Baumol, Alan S. Blinder -Economics: Principles and Policy, 11th Edition
- b. Managerial Economics -Vanita Agarwal

MODULE 4: PRODUCTION ANALYSIS

- Introduction
- Meaning of Production and Production Function
- Cost of Production

References:

William J. Baumol, Alan S. Blinder -Economics: Principles and Policy, 11th Edition
Managerial Economics -Vanita Agarwal

MODULE 5: COST ANALYSIS

1. Introduction,

2. Types of Costs
3. Cost-Output Relationships in the Short Run, and Cost-Output Relationships in the Long Run.

MODULE 6: OBJECTIVES OF FIRM

1. Introduction
2. Profit Maximization Model,
3. Economist Theory of the Firm, Marris' Growth Maximization Model

MODULE 7: REVENUE ANALYSIS AND PRICING POLICIES

- Introduction,
- Revenue: Meaning and Types,
- Relationship between Revenues and Price Elasticity of Demand,
- Objectives of Pricing Policies

References: Module 6, 7 and 8

- c. Christopher T.S. Ragan, Richard G. Lipsey -Microeconomics, 14th Canadian Edition
- d. William J. Baumol, Alan S. Blinder -Economics: Principles and Policy, 11th Edition
- e. Managerial Economics -Vanita Agarwal

MODULE 8: PRICE DETERMINATION UNDER PERFECT COMPETITION

1. Assumptions of perfect competition related to the firm--with special focus on the one on price-taker
2. Concepts related to the competitive firm--demand curve, output, profit and loss
3. Short-run Equilibrium--break even and shut down
4. Short run supply curve and relationship with marginal cost curve

References:

- f. William J. Baumol, Alan S. Blinder -Economics: Principles and Policy, 11th Edition

B. The industry in Perfect Competition

1. From the firm's supply curve to industry supply curve
2. Entry, exit and supply curve of the industry
3. Zero Economic Profit and Long run equilibrium
4. Economic efficiency and perfect competition

References:

- g. Christopher T.S. Ragan, Richard G. Lipsey -Microeconomics, 14th Canadian Edition
- h. Charles E. Ferguson; John P. Gould -Microeconomic Theory [4 ed.]
- i. William J. Baumol, Alan S. Blinder -Economics: Principles and Policy, 11th Edition

MODULE 9: PRICING UNDER IMPERFECT COMPETITION

A. Monopoly

1. Sources of monopoly--special focus on natural monopoly
2. Basic concepts: Average Revenue, Marginal Revenue and their relationship--monopolist as price maker--profit maximizing output
3. Price-discrimination--with special focus on perfect price discrimination
4. Basic concepts related to Bilateral monopoly

B. Monopolistic Competition and Oligopoly

1. Assumptions and important characteristics--Price and output determination--Excess Capacity
2. Oligopoly--interdependence of decisions by firms--sales maximization and price leadership

C. Monopsony

- Concepts--Equilibrium with single factor input
- Bilateral monopoly--equilibrium

- Application: Competitive buyer firm vs. Monopoly Union

References:

- j. Christopher T.S. Ragan, Richard G. Lipsey -Microeconomics, 14th Canadian Edition
- k. Managerial Economics -Vanita Agarwal
- l. William J. Baumol, Alan S. Blinder -Economics: Principles and Policy, 11th Edition

MODULE 10: BASICS OF GAME THEORY

- **Basic of game theory**
 - a. Pay off matrix
 - b. Dominant strategy
 - c. Maximin criteria
- **Other Strategies**
 - i) Nash Equilibrium
 - ii) Prisoner's Dilemma
 - iii) Zero-Sum game
 - iv) Repeated games

References:

- m. William J. Baumol, Alan S. Blinder -Economics: Principles and Policy, 11th Edition
- n. Joseph E. Stiglitz, Carl E. Walsh -Economics [fourth ed.]

CONCLUDING REMARKS

Study Tips

- Try to attend every lecture (follow the recordings for online classes).
- Keep up with the readings (follow the reference and study material provided for every module)
- Take and maintain careful notes (follow the diagrammatic explanations and try to take a note of relevant explanations)



NALSAR University of Law Hyderabad



Department of
Management Studies
NALSAR University of Law

COURSE OUTLINES – BBA MBA

English

Credits	2
Faculty Name	Akansha Singh
E-mail	akansha.singh@nalsar.ac.in
Academic Year and Term	2021-22, Term- I

Course Description

A course dedicated specifically to writing becomes quintessential in the professional legal studies. The Academic Writing Clinic will cater to the requirements of students, helping them strike the correct balance between the professional and academic dimensions while writing. The course has been designed with the intent of preparing the students for academic writing and learning. Following this, collaborative learning will be an important component of the pedagogy adopted. It will be ensured that the course equally touches upon the aspects of understanding, reading, writing and learning, thereby acting as a contact zone.

The approach of the instructor would be geared towards providing students with newer options and possibilities to study. I use the word “study” here as its flexibility accommodates forms of studying other than reading the prescribed literature. If a student is provided with the correct and flexible set of tools, fine writing is already taken care of. Owing to this, the course is more aligned with the idea of equipping students rather than enabling them. This involves a preliminary stage of decoding (through the act of reading/ archiving/ understanding) and a subsequent (re)coding (through the act of writing/ dispersion/ channelizing). Making the above- mentioned components essential, the course adopts metacognition as its pedagogy.

The readings have been carefully shortlisted so as to ensure they either discuss writing or have been written by people who teach writing courses. Most of the assignments will take place during the classes in the form of workshops. However, there are a few major assignments that students will be required to work on during the course. Personal Essay, Justificatory Paper, Argumentative Paper and Explanatory paper are a few of the genres of assignments students will be familiarized with. The course will also lay emphasis on the idea of working with drafts. Writing strategies such as summary, paraphrase, peer-review, outline, literature- review and post- outline will be demonstrated and practiced through in- class assignments. Further, few classes have been allocated to work- sheets on plagiarism, proofreading (at the level of paper, paragraph, sentence and word), style (structure, syntax, diction, punctuation) and editing.

Learning Outcomes

At the end of the course, you should be able to:

- Identify language structure in sentences
 - Parts of speech
 - Recognize sentence elements, patterns, and types
 - Utilize the correct parts of speech form in a sentence
 - Rules of capitalization and expression of numbers
- Writing clear and Complete sentences
 - Composing sentences that are grammatically correct and punctuated correctly
 - Composing sentences that express a clear thought
 - Avoiding fragments, run- on sentences, comma splices, and period faults
 - Proofread sentences for errors

Readings

Textbook

- *The Little, Brown Handbook* by H. Ramsey Fowler. Pages: 246- 337.

Evaluation

- Each class has been set in the framework of part- lecture and part- workshop. First half of the class will be dedicated to the discussion of mentioned topic. Whereas, during the second half, students will be required to work on the given in- class assignments. Each assignment must be strictly submitted immediately after the class ends, and not later.
 - There will be assignments for each class, except for the first and the last classes.
 - Weightage of each assignment = 10 marks (10*10= 100 marks)

Session Plan

Session No	Topics/Activities
1	Introduction
2	Sentence Grammar
3	Case of Nouns and Pronouns
4	Verbs
5	Agreement
6	Adjectives and Adverbs
7	Summarizing
8	Paraphrasing
9	Proof Reading
10	Peer Reviewing
11	Response Writing
12	Concluding Remarks/ Doubts Session

Academic Integrity

Malpractice in any form will be dealt with as per manual of policies of Department of Management Studies, NALSAR University of Law, Hyderabad.

CONSTITUTION AND BUSINESS (2 credits)

Trimester I, Integrated Programme in Management (September-December 2021)

Department of Management Studies (DoMS), NALSAR University of Law, Hyderabad

Instructor: Sidharth Chauhan, Assistant Professor (Law).

Official email: sidharth.chauhan@nalsar.ac.in, Personal email: sidharth.chauhan1983@gmail.com.

Course description and objectives:

Business studies have traditionally placed a lot of emphasis on how managerial decisions are shaped with respect to the interests of those who are closely connected with businesses. To take the representative case of publicly held corporations, the quality of decisions is usually assessed in terms of how they relate to the interests of internal stakeholders such as the board of directors, the shareholders and employees as well as those of proximate ones such as collaborators, competitors and customers. In this course, we will move away from this emphasis on internal and proximate stakeholders to appreciate how there are several other external stakeholders whose interests have to be accounted for as part of the overall business environment. Prominent among these external stakeholders are the state and the numerous interest groups that exist in society.

A meaningful understanding of the business environment is only possible if we examine how the different arms of the government (legislature, executive and judiciary) seek to regulate economic affairs. Modern business forms such as proprietary concerns, partnership firms and joint stock companies rely on recognition from the state as an essential condition for their existence. This element of recognition bears a correlation with the state's regulatory role in laying down rules that govern how business entities raise capital, pursue profit-making activities and eventually close down. These rules are framed to ensure that the pursuit of productive activities also maintains a balance between the rights and responsibilities of different stakeholders within a firm. While subsequent courses on corporate and commercial laws will delve deeper on these topics, the scope of the present course is to gain an understanding of how the state apparatus interacts with business forms in numerous other ways as well. As the title of the course suggests, many of the examples that we will discuss in class require a three-pronged analysis. Therefore in Sessions 1-2, we will begin by sketching out a framework for exploring issues that are at the intersection of (i) how law operates as a tool of social control, (ii) what motivations shape the behavior of those who run businesses and (iii) the interaction between various interest groups in society. We will also examine the scenarios where legal interventions become necessary, often in response to structural market failures.

In democratic regimes, we presume that the government is likely to act on collective preferences shaped by the continuous competition among several interest groups in society. These interest groups can bear different characteristics and vary in their levels of organization. Some interest groups such as political parties are fairly well-organized and attempt to articulate their point of view through the formal channels of electoral politics. Other interest groups such as those based on common language, religion, caste, kinship and ethnicity may command a large membership but may be less organised and hence unable to pursue their agenda without the assistance of political parties. Similarly, formal as well as informal associations may represent the interests of particular industrial sectors, professions, other service providers and workers. Hence, the patterns of conflict, negotiation or cooperation among these interest groups can be understood through a multi-layered analysis. At the preliminary level, we have to understand how these formations (namely political parties, professional bodies, industrial chambers and other civil society groups) interact with each other and then examine how they shape decision-making by public officials.

Therefore, in Sessions 3-4 we will examine the prevailing forms of electoral finance, since that is a prominent way in which organised businesses try to influence the creation of rules and policies. This raises several questions about business ethics as well as probity in public life. Should there be limits placed on the extent of financial contributions that businesses can make to political parties? Should political parties be required to disclose their sources of finance, so that voters have a fair understanding of whose interests are likely to be addressed through governance? Is the act of making a financial contribution to a political party comparable to the exercise of political speech which should not be hindered or is it closer to commercial speech such as advertising that needs tight regulation? Should 'lobbying' on behalf of organised businesses be recognised as a legitimate professional activity?

Another significant area of inquiry is the role that businesses play in shaping the flow of information in society. In Session 5-6, we will unpack the conceptual links between the 'freedom of speech' and economic freedoms, so that we have a coherent picture of the role played by the press, be it through the print, broadcasting or digital medium. We will examine the controversies surrounding the harmful consequences of the concentration of ownership of news outlets, the recurring problem of 'paid news', unethical advertising and the proverbial pandemic of disinformation in our lives. The central issue is that despite the rapid growth of Information and Communication Technology (ICT) over the last two decades, we now appear to be far less informed about public affairs than our previous generations. From the standpoint of the mainstream media establishments, it seems that the professional duty to report the truths in our society has been replaced by the incentive to maximise profits through sensationalism, voyeurism and fake news.

In the latter half of the course, we will examine some provisions of the Indian Constitution and how they shape the business environment. In Sessions 7-8, we will focus on the judicial interpretation of the 'right to property' [currently located in Article 300A], while in Sessions 9-11 we will closely examine the scope of the 'freedom to pursue a profession, occupation, trade or business' which is mentioned in Article 19(1)(g). Discussing the content and interpretation of these provisions will help students to holistically understand the different possibilities of state intervention in economic activity. We will look at specific case-studies to understand how these rights have been understood and articulated by private parties in the past, often in response to excessive state interventions. For example, 'the right to property' which was earlier a fundamental right under Article 19(1)(f), was invoked to oppose agrarian land reforms, acquisition of property for industrial development and the nationalisation of poorly-performing businesses. In comparison, the rights flowing from Article 19(1)(g) are the main pillar of economic freedoms under the Indian Constitution, though they are subjected to state interventions on multiple grounds, which can range from economic to socio-political reasons. Economic reasons for governmental intervention can range from supply-shortages and excessive prices to the breach of contractual obligations in the chain of production, distribution and sale of goods and services. Social as well as political reasons can be far broader, with restrictions justified in the name of public order, public health and even morality apart from apprehensions about harmful consequences of some forms or business activities. We must be aware of the state's regulatory powers when it comes to restricting trade and commerce in specific sectors as well as the powers to act against monopolies.

In Session 12, we will look at the arguments for extending affirmative action policies to the private sector. While the Indian Constitution has provisions that mandate the representation of historically disadvantaged communities when it comes to higher education [Article 15(4), 15(5)], public employment [Article 16(4)] and elected bodies [Articles 330, 332, 243D, 243 T], there is no explicit requirement for the same when it comes to privately owned businesses. Should there be tangible policy interventions made to ensure that the private sector ensures proper representation of social diversity, especially when it comes to positions of responsibility inside corporate forms?

Sequence of coverage:

Theme for class coverage	Reading Material
Sessions 1-2: The Role of the State in Economic Regulation	Joseph E. Stiglitz, 'Government Failure v. Market Failure: Principles of Regulation', pp. 13-51 in Edward J. Balleisen & David A. Moss (eds.), <i>Government and Markets: Toward a New Theory of Regulation</i> (Cambridge University Press, 2009).
Sessions 3-4: Electoral Finance and Interest-Group Analysis	M.V. Rajeev Gowda & E. Sridharan, 'Reforming India's Party Financing and Election Expenditure Laws', 11(2) <i>Election Law Journal</i> 226-240 (2012). Milan Vaishnav, 'Electoral Bonds: The Safeguards of Indian Democracy are Crumbling', <i>Carnegie Endowment for International Peace</i> (Nov. 25, 2019).
Sessions 5-6: Business, Media and Public Discourse	C.P. Chandrasekhar, 'The Business of News in the Age of the Internet', <i>Frontline Magazine</i> (May 3, 2013). 'Consultation Paper on Issues Related to Media Ownership', <i>Telecom Regulatory Authority of India</i> (Nov. 15, 2013); focus on pp. 43-73
Sessions 7-8: Right to Property in the Indian Constitution	A.K. Ganguli, 'Right to Property: Its Evolution and Constitutional Development in India', 48(4) <i>Journal of the Indian Law Institute</i> 489-526 (2006). Jaivir Singh, '(Un)Constituting Property: The Deconstruction of the Right to Property in India', <i>Centre for the Study of Law and Governance (CSLG), JNU Working Paper Series</i> (2005).
Sessions 9-11: Economic Freedoms under the Indian Constitution	Rohit De, <i>A People's Constitution: The Everyday Life of Law in the Indian Republic</i> (Princeton University Press, 2018); focus on Chapter 2, pp. 77-121. Law Commission of India (276 th Report), <i>Legal Framework: Gambling and Sports Betting including in Cricket in India</i> (Ministry of Law and Justice, July 2018); focus on pp. 6-47.
Session 12: Social Exclusion in the Private Sector	Sukhadeo Thorat & Paul Atewell, 'The Legacy of Social Exclusion: A Correspondence Study of Job Discrimination in India', 42(41) <i>Economic and Political Weekly</i> 4141-4145 (October 13, 2007). Sukhadeo Thorat & Nidhi Sadana, 'Caste and Ownership of Private Enterprises', 44(23) <i>Economic and Political Weekly</i> 13-16 (June 6, 2009).

Class & Evaluation Pattern:

This course carries 2 credits, which implies that there will be a minimum of 18 hours devoted to classroom instruction. There will be 12 sessions of 90 minutes each. Students will be required to attend a few guest lectures

on topics related to the course-content. The methods of teaching will include a combination of lecturing and interactions. Reading assignments will be circulated in advance for each class. The discussions during the classes will be meaningful if students are well prepared to ask incisive questions and explore issues with analytical depth. The evaluation will be based on the following components:

- Mid-Term Assignment (40 marks): This will be in the nature of a issue-spotting exercise. The instructor will circulate a hypothetical situation based on the ideas and examples discussed between Sessions 1-6. The students will be given a 3 hour window to prepare their written answers (800-1,000 words) where they would be expected to identify and analyse the relevant ethical and legal issues raised in the hypothetical situation.
- End-Term Assignment (40 marks): The assignment will be based on the class coverage between Sessions 7-12. The format will be the same as the Mid-Term Assignment.
- Attendance & Class Participation (20 marks): Weightage will be based on attendance (automatically recorded in Webex Meetings) and the quality of class participation throughout the course. The instructor may require students to make separate presentations as part of smaller groups in the after-class hours.

Reference Books:

1. Ian Worthington & Chris Britton (eds.), *The Business Environment*, 5th edn. (Pearson Education Limited, 2006)
2. Paranjy Guha Thakurta, *Media Ethics: Truth, Fairness and Objectivity*, 2nd edn. (Oxford University Press, 2011).
3. Robert E. Goodin, Phillip Pettit & Thomas Pogge (eds.), *A Companion to Contemporary Political Philosophy*, 2nd edn. (Blackwell Publishing Ltd., 2007)
4. Rohit De, *A People's Constitution: The Everyday Life of Law in the Indian Republic* (Princeton University Press, 2018).
5. Sujit Choudhry, Pratap Bhanu Mehta & Madhav Khosla (eds.), *Oxford Handbook of the Indian Constitution* (Oxford University Press, 2016).

Department of Management Studies
NALSAR University of Law
Hyderabad

IPM 2021-2026

Basics of Economics

Credits	5
Faculty Name	Bignya Patnaik
E-mail	patnaikb@nalsar.ac.in
Academic Year and Term	2021-22, Term- I

Course Description

The course 'Basics of Economics' is an introduction to fundamental economics concepts and theories designed for undergraduate management students. This course mainly focuses on exposing students to the basic principles and practices of microeconomics. And these concepts will allow you to think strategically and relate them to the real-life situations. This course aims at giving you an opportunity to use the concepts for rational decision making. The idea is to introduce students to the role of economics in their day to day life. Learning the basic economic tools will guide them in understanding the behaviour of the individual, household and the firm. This course will provide them a brief understanding of the key components of microeconomics.

Learning Outcomes

The course shall enable the students:

- To know the basic economic problems.
- To understand the perspective of individual decision making as consumers and producers.
- To understand the changing behaviour of individuals, households and firms with the change in the market.
- To prioritize between consumption, investment and savings.
- To understand the structure and functions of various market forms.
- To provide the students a conceptual framework for effective decision-making.

- To enable the students to apply quantitative skills such as constrained and unconstrained optimization and estimation techniques
- To inculcate the analytical skills, thereby enhance the ability to apply the concepts in solving economic problems faced by the firms.

Expectations from Students

Students are expected to;

- be present and focused throughout the sessions.
- participate in the class and share their ideas and perspectives.
- create effective teams by understanding group dynamics and conflict resolution
- work collaboratively to complete a task
- manage time properly and submit assignments on time

Readings

Textbook

1. Pindyck, R. & Rubinfeld, D. 2012. *Microeconomics* ((eighth edition). Pearson
2. Samuelson, P. A., & Nordhaus, W. D. (2010). *Economics*. McGraw-Hill.

Tentative Session Plan

Session Number	Topics	Reading/Activity
1	Why economics? Scope, method and problems of economics. Three basic questions of economics	Text Book 1 (Chapter: 1)
2	The concept of allocation of resources, opportunity cost and production possibility frontier	Text Book 2 (Chapter: 1)
3	Consumer's choice, Indifference curve and efficiency	Text Book 1 (Chapter: 3)
4	Factors of Productions and Market Mechanism	Text Book 1 (Chapter: 1)
5	The demand schedule	Text Book 1 (Chapter: 2)
6	The supply schedule	Text Book 1 (Chapter: 2)
7	The demand-supply framework and the concept of a market and price equilibrium	Text Book 2 (Chapter: 3)
8	Price elasticity of demand and supply	Text Book 1 (Chapter: 2)
9	Elasticity; price elasticity; cross elasticity; income elasticity.	Text Book 1 (Chapter: 2)
10	Relationship among price elasticity, total revenue, average revenue and marginal revenue	Text Book 2 (Chapter: 4)
11	Consumer and Producer Surplus	Text Book 1 (Chapter: 4)
12	Utility theory, marginal utility and law of diminishing marginal utility	Text Book 2 (Chapter: 5)
13	Budget line; Consumer's equilibrium, budget constraint	Text Book 1 (Chapter: 3)

14	Production process and function , total, marginal, and average product	Text Book 1 (Chapter: 6)
15	Input combinations choice; Returns to scale	Text Book 2 (Chapter: 6)

16	Concept of cost; Cost-output relation in the short run and long-run. Long-run costs	Text Book 1 (Chapter: 7)
17	Economies of scale and diseconomies of scale. Profit maximization and cost minimization	Text Book 1 (Chapter: 8)
18	The concept of rent, wage, interest and profit	Text Book 2 (Chapter: 15)
19-20	Perfect market structure	Text Book 2 (Chapter: 8)
21-22	Imperfect market structure	Text Book 2 (Chapters: 9)
23	Presentation of group project	Group activity
24	Presentation of group project	Group activity

Tutorials

Session	Topic
Tutorial 1	Let's know each other
Tutorial 2	Let's know the course
Tutorial 3	Problems on Law of demand
Tutorial 4	Problems on law of supply
Tutorial 5	Problems on elasticity
Tutorial 6	Revision class

Evaluation

1. Assignments (two) of 20% weight (10 marks each).
2. Quiz: One of 10% weight (10 marks) (40 MCQs, Correct answer: +0.25; Wrong Answer: -0.125)
3. Final group project report and presentation of 20% weight (written report- 15 marks and presentation 05 marks).
4. End Semester Examination of 50 % weight (50 marks)

Assignment

Submission requirements: Minimum 1000 words and maximum 1200 words. All submissions will be subject to plagiarism check on Turnitin software. Only submissions that have a similarity index of less than 20% shall be evaluated. All submission due dates are as per the time table.

The assignment will not be accepted upon exceeding 20% similarity index. Students will be given a second chance and they have to rewrite the assignment and submit within next 7 days. However, in case of resubmission the total marks for evaluation would be out of 7.5. The resubmitted assignment will again be checked on Turnitin and only be evaluated if the similarity index remains below 20 %. There is no scope of further submission. The details of assignments are tabulated below:

Description of Assignments (10 Marks each)

A1: Considering your pocket money as finite, elaborate the phenomenon “limited resources and unlimited wants” using examples from your personal experience.

A2: “The prices and availability of related goods influence the demand for a commodity” Provide 3 arguments to justify and 3 more to negate the above statement. Give real life examples to support your argument.

Group Project

- Students shall form 12 groups of 5-6 students each.
- Written report- minimum 1000 words (15 marks) and presentation- 10 slides (5marks)
- Individual scores will be given for presentation.

The details of group project are given below:

“Assessing the impact of change in income on consumption behaviour (with respect to consumer need, choice, and lifestyle)”.

Students in each group need to prepare a questionnaire and take a small survey of 10 to 15 households on the change in consumption pattern as a result of change in income in last 5 years. Detailed information about the requirements and specifications of the project report will be shared in the class.

*Both assignments and project report should be written in Times new roman, font size 12(Justify), 1.5 spacing, and normal margin.

Academic Integrity

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**Department of Management
Studies NALSAR University of
Law, Hyderabad**

IPM Batch 2021

Business Studies

Credits	4
Faculty Name	Prof Ameesh Samalopanan
E-mail	ameeshsamalopanan@nalsar.ac.in
Academic Year and Term	2021-22, Term- I

Course Description

The course 'Business Studies' is an introduction to the principles and practices bearing in business. To understand various dimensions and frameworks related to business, it is essential to understand the meaning and scope of critical concepts related to business and business.

Learning Outcomes

At the end of the course, you should be able to:

- Understand key concepts and jargon associated with business among students, enabling them to pursue advanced business courses.
- Understand the processes of business and its environment.
- Familiarize yourself with the theoretical foundations of the process of organizing and managing the operation of a business firm.
- Act more effectively and responsibly as consumers, employers, employees and citizens.

Recommended readings

- An Introduction to Business by [Karen Collins](#), published by Pearson/Prentice Hall, 2008. ISBN0132063166, 9780132063166
- Fundamentals of Business Organization and Management by Y.K. Bhushan. Published by Sultan Chand.
- Complete A-Z Business Studies Handbook (2003) fourth/Ed by David Lines. Published by Hodder Stoughton Educational.
- NCERT Textbook for Class XI and XII
- A Business History of India (South Asia Edition) by Tirthankar Roy. Published by All India Book House.

Evaluation

Given below are detailed evaluation components and their contribution to the overall course grade.

Assignments (two)	<i>Based on relevant Industry issues/questions (10 mark each)</i>	20%
Quiz	<i>Based on Classroom teaching and application of classroom learnings</i>	10%
Project	<i>Based on Industry cases that need in-depth analysis and application of classroom concepts. Students will be divided into multiple groups.</i>	Project submission (One per group)- 10% (Same for everyone in the group) Group Presentation- 5%. (Same for everyone in the group) Individual presentation marks- 5%. (Awarded individually). Total- 20%

End Term	<i>A comprehensive evaluation of learning</i>	50%

Session Plan

Session No	Topics/Activities
1	Introduction to Business Studies.
2	Lab1-Understanding the competitive market. Burger King vs McDonald's, Flipkart vs Amazon, Airtel vs Jio
3 & 4	Fundamentals of Business
5	Lab 2- Exploring Indian Business Models- CRED, Lijjat Papad, Zerodha
6-8	Forms of Business Organizations
9	Lab 3- Genius Strategies- Malboro Cigarettes, Gillette, Nike, Redbull.
10-11	Company formation & choice of form of organization
12	Lab 4- Making Crisis an Opportunity- Amul, Airbnb Quiz 1
13-16	Public, Private and Multinational Company
17	Lab 5- Social Media Business Models- Facebook, Netflix
18-21	Business Services
22	Lab 6 FMCG business models- Walmart, Chik Shampoo, Reliance
23-24	Project Presentation days

Academic Integrity

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Department of Management Studies
NALSAR University of Law, Hyderabad

IPM 2021-26

Mathematics for Managers-I

Credits	5
Faculty Name	Dr. Mahendra Kumar Shukla
E-mail	mahendra@nalsar.ac.in
Academic Year and Term	2021-22, Term- I

Course Description

The course 'Mathematics for Managers-I' aims to provide the student deep foundations on differential calculus as it has applications across specializations of management and related fields say, finance, operations, marketing research, business analytics, and economics. This course deals with several basic concepts of calculus of one variable such as graphs, functions, limits, continuity, derivatives, and differentiation. The interesting applications of calculus in business setting will also be discussed in this course.

Learning Outcomes

- At the end of the course, the student should be able
- To understand the concepts of functions, limits, continuity, and differentiation.
- To acquire the ability to think logically and precisely.
- To develop problem solving skills and reasoning abilities.
- To apply differential calculus techniques in diverse business situations

Readings

Textbook

- Hass, J., Heil, C, & Weir, M. D. 2021.THOMAS' CALCULUS (14th Edition). Pearson Education Inc.

Additional Readings

- Stewart, J. 2017. Calculus: Early Transcendentals with course mate (7th Edition). Cengage India Private Limited.

Evaluation

1. Assignments (two) of 20% weight.

2. Quiz: One of 10% weight (40 MCQs, Correct answer: +0.25; Wrong Answer: -0.125)
3. Group project (written report and presentation) of 20% weight.
4. End Semester Examination of 50% weight.

Assignment

Submission requirements: Minimum 1000 words and maximum 1200 words. All submissions will be subject to plagiarism check on Turnitin software. Only submissions that have a similarity index of less than 20% shall be evaluated. All submission due dates are as per the timetable.

The assignment will not be accepted upon exceeding 20% similarity index. Students will be given a second chance and they must rewrite the assignment and submit within next 7 days. However, in case of resubmission the total marks for evaluation would be out of 7.5. The resubmitted assignment will again be checked on Turnitin and only be evaluated if the similarity index remains below 20 %.

There is no scope of further submission.

The details of assignments are tabulated below:

SN	Description of Assignments (10 Marks each)
A1	Problems based on functions and graphs
A2	Problems based on limits and differentiation

Group Project

- Students shall form 12 groups of 5-6 students each.
- Written report- minimum 1000 words (15 marks) and presentation- 10 slides (5 marks)
- Individual scores will be given for presentation.
- The group project will be based on the applications of differential calculus. The students must solve a given business problem by using the concepts of differential calculus taught during the course.

* Both assignments and project report should be written in times new roman, font size 12 (justified), 1.5 spacing, and normal margin.

Session Plan

Module	Session No	Topics	Readings from Textbook
Functions and Graphs	1-4	• Numbers Systems • Set theory and its rules • Mathematical functions and their types • Graphical representation of functions	Chapter 1
Limits, Continuity, and Derivatives	5-10	• Concept of Limits • Slope of Curves • Rates of change and derivatives • Velocity and marginal analysis	Chapter 2
Differentiation and its Rules	11-15	• Basic rules: Constants, sums, and power • The Product and Quotient Rules • The Chain Rule • Higher order derivatives	Chapter 3
Applications of Differentiation	16-20	• Local and absolute maxima and minima • Increasing and decreasing functions; the First Derivative Test • Concavity: The Second Derivative Test • Asymptotes and Graphing • Applications of maxima and minima	Chapter 4

Calculus of Exponential and Algorithm functions	21-24	• Introduction to Exponential and algorithm functions • Exponential functions and their derivatives • Logarithmic functions and their derivatives • Exponential growth and decay	Handouts and Class Slides

Tutorials

Session	Topics
T1	Let's know each other
T2	Introduction to the course
T3	Problems on Functions and Graph
T4	Problems on Limits, Continuity, and Derivatives
T5	Problems on Differentiation and its Rules, Applications of Differentiation
T6	Revision of the course

Academic Integrity

Malpractice in any form will be dealt with as per manual of policies of Department of Management Studies, NALSAR University of Law, Hyderabad.

**Department of Management Studies NALSAR
University of Law, Hyderabad**

Language and Literature

Credits	2
Faculty Name	Akansha Singh
E-mail	akansha.singh@nalsar.ac.in
Academic Year and Term	2021-22, Term- II

Course Description

COURSE PORTRAYAL:

The course takes the work of reading as the point of initiation, arriving thereby at the work of writing. Here, the task of reading can be viewed as an equivalent of the act of archiving, whereas the task of writing as an act of dispersion. The idea is to help students develop the ability to locate a text while reading it. The basic premise here is to understand that no text can be read or looked at in isolation from the larger society. It is this larger peripheral contextualization that helps a reader to understand a text better. To facilitate the task of locating, the parameters of space, time, memory, history and past will be used as medium. It is in accordance with this that the syllabus has been drafted.

Learning Outcomes

At the end of the course, you should be able to do:

- Textual Analysis
 - Understand the context of the text
 - Understand the larger themes connected with it
 - Locate text in specific spatiality and temporality
- Comprehensive Writing
 - Book and article review
 - Response papers
 - Argumentative essays

Readings

Textbook

- Time, Work Discipline, and Industrial Capitalism by E.P. Thompson
- Work of Art in the Age of Mechanical Reproduction by Walter Benjamin
- *Book III, Gulliver's Travels* by Jonathan Swift
- The Chimney Sweeper by William Blake

Evaluation

- A project towards the end of the term which would weigh 100 marks. Students would be asked to write a detailed analysis of any one text from the syllabus.

Session Plan

Session No	Topics/Activities
1	Introduction
2	Time, Work Discipline, and Industrial Capitalism
3	-do-
4	-do-
5	Work of Art in the Age of Mechanical Reproduction
6	-do-
7	-do-
8	<i>Book III, Gulliver's Travels</i>
9	-do-
10	-do-
11	The Chimney Sweeper

12	Make- up/ Wrap- up Lecture

Academic Integrity

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**DEPARTMENT OF MANAGEMENT STUDIES
NALSAR UNIVERSITY OF LAW, HYDERABAD**

Course Name: Mathematic for Managers-II

(Course Code:)

Credits	5
Faculty Name	Prof. Rahul Gandhi Burra
E-mail	rahulg@nalsar.ac.in
Academic Year and Semester	2021-22 Trimester – II

Course Description:

The primary objective in this course is to introduce students to basics of calculus and its applications to business, economics, and social sciences. In this course students will develop a thorough understanding of basics calculus of differentiation and integration and their applications in business, economics, and social sciences;

The broad topics covered are: Derivatives and their many applications; Infinite sequence and Series, Exponential and Logarithmic functions. Using definite integrals to find future value, consumer and producer's surplus, areas and volumes

Learning Outcomes:

As the course progresses students can

- Logically formulate mathematical variables and equations to quantitatively create mathematical models representing problems in everyday life, as well as business, so that calculus can be applied to achieve an optimal solution.
- Justify whether a function is continuous or not using the mathematical definition of continuity.
- Understand the derivative as a rate of change in order to quantitatively apply it to everyday life as well as business applications such as marginal analysis and elasticity of demand.

- Investigate the relationship between a function and its first and second derivatives, and use the information obtained from its derivatives to identify pertinent information about the function.
- Apply the definite integral to quantitatively determine solutions to problems in everyday life and business such as area between curves, average value of a function, and producers' and consumers' surplus.
- Recognize and appreciate the relationship between the derivative (rate of change) and the definite integral (accumulation of change), and utilize the Fundamental Theorem of Calculus as the bridge between the two.
- Generalize and extend the pattern of various calculus techniques to functions of two variables in order to find solutions to both everyday and business problems such as marginal productivity of labor and capital.

Readings:

Text Book(s) :	
1).	Marvin L. Bittinger, David J. Ellenbogen & Scott A. Sargent.2012 Calculus and its applications (10 th Edition). Pearson Education Inc.
2).	Laurence D. Hoffmann & Gerald L. Bradley.2010. Calculus For Business, Economics, and the Social and Life Sciences (10 th Edition). McGraw Hill Higher Education
3).	Soo T. Tan. 2015. Applied Calculus for the Managerial, Life and social sciences: A brief approach (10 th Edition). Cengage Learning

Additional Readings:

To be shared based on relevance and requirement

Detailed Plan of Lectures:			
Week Number	Lecture Number	Module	Concepts

1	Lecture-1	Module 1: Applications of Differentiation	- Local and absolute maxima and minima - Increasing and decreasing functions; the First Derivative Test - Concavity: The Second Derivative Test - Asymptotes and Graphing - Applications of maxima and minima
2	Lecture-2		
3	Lecture-3		
4	Lecture-4		
5	Tutorial-1	Module 1: Applications of Differentiation	
6	Lecture-5	Module 2: Exponential and Logarithmic Functions	- Exponential Functions - Logarithmic Functions - The derivatives of a^x and $\log_a x$ - Applications of Exponential and Logarithmic Functions
7	Lecture-6		
8	Lecture-7		
9	Lecture-8		
10	Tutorial-2	Module 2: Exponential and Logarithmic Functions	
11	Lecture-9	Module 3: Sequences and Series	- Arithmetic, harmonic and geometric progressions - Infinite sequences - Infinite series - The ratio test and the Power Series - Taylor series and Taylor Polynomials
12	Lecture-10		
13	Lecture-11		
14	Lecture-12		
15	Tutorial-3	Module 3: Exponential and Logarithmic Functions	
16	Lecture-13	Module 4: Anti- derivatives and Definite Integration	- Antiderivatives: Basic rules - Antiderivatives for exponentials and logarithms - Definite integrals - The Fundamental Theorem
17	Lecture-14		
18	Lecture-15		
19	Lecture-16		
20	Tutorial-4	Module 4: Anti-derivatives and Definite Integration	

21	Lecture-17	Module 5: Applications of Integral calculus	• The area between curves • Integration by substitution • Integration by parts • Applications of integration in management
22	Lecture-18		
23	Lecture-19		
24	Lecture-20		
25	Tutorial-5	Module 5: Applications of Integral calculus	
26	Lecture-21	Module 6: Improper Integrals and functions	• Concept of improper integrals • Applications of improper integrals • Beta function and its applications • Gama function and its applications
27	Lecture-22		
28	Lecture-23		
29	Lecture-24		
30	Tutorial-6	Module 6: Improper Integrals and functions	

Pedagogical Tool: All Lectures and tutorials to be delivered through demonstration of the concept and problem solving exercises

Details of Internal Evaluation Components:

Evaluation No	Nature of Evaluation & Marks
Evaluation-1	Project + Report-15 + 5 Marks
Evaluation-2	Assignments- 20 marks (2 @ 10 marks each)
Evaluation-3	Quiz-10 Marks (1 @ 10 marks each)
Evaluation-4	End Sem-50 Marks

Assignment-1

A live problem solving activity of 30 minutes duration, scheduled on 5- Jan-2022 from 6:00 p.m. to 6:30 p.m.. The syllabus is "Applications of Differentiation". Please refer to pages from 218/729 to 327/729 in the reference book Calculus and its applications (10th Edition).

Assignment-2

A live problem solving activity of 30 minutes duration, scheduled on 27- Jan-2022 from 6:00 p.m. to 6:30 p.m. The syllabus is " Sequences and Series ". Please refer to pages from 328/729 to 409/729 in the reference book Calculus and its applications (10th Edition)

Quiz Concepts

A live problem solving activity of 30 minutes duration, scheduled on 21- Jan-2022 from 6:00 p.m. to 6:30 p.m. The syllabus is " Exponential and Logarithmic Functions ". Please refer to the complete supplementary chapter “Sequences and Series” in the reference book Calculus and its applications (10th Edition)

Faculty’s Project (Should be started after Lecture 4)

A group project to be assigned by the faculty after completion of the Module “Anti-derivatives and Definite Integration”.

Deadline for Project Submission – 11:59 p.m. , 6 February -2022

Date of presentation - 7th February 2021, 4:00 p.m. onwards

Academic Integrity

Malpractice in any form will be dealt with as per manual of policies of Centre for Management Studies, NALSAR University of Law, Hyderabad.

IPM 2021 - 2026

Principles and Practices of Management - 1

Credits	4
Faculty Name	Somdutta Banerjee
E-mail	somdutta.banerjee@nalsar.ac.in
Academic Year and Semester	2021-2022, Trimester-II

Course Description:

This course introduces the basic functions of management: Planning, Organizing, Leading and Controlling.

Learning Outcomes:

Upon successful completion of this course, the student is expected to learn:

1. the fundamentals of the four major management functions: planning, organizing, leading and controlling.
2. decision-making and teamwork.
3. major developments in management thought.
4. recognize social-responsibility initiatives.
5. nature of business strategy.
6. demonstrate the use of operating plans, policies, procedures and rules.
7. analyze global business and how diversity impacts operations.

READINGS

Textbook

1. Chuck Williams. **Principles of Management**. 6th edition. Cengage Learning, 2018
ISBN-13: 978-1-285-41970-1
2. Chuck Williams and Manas Ranjan Tripathy. **Management: A South-Asian Perspective**. 1st edition. Cengage India, 2016
ISBN-13: 978-1-133-19090-5
3. **Principles of Management**. [University of Minnesota Libraries Publishing](#). 2015
ISBN-13: 978-1-946-13518-6

Reference Book / Additional Readings:

1. James A. F. Stoner, R. Edward Freeman and Daniel R. Gilbert, Jr. **Management**. 6th edition, Pearson Education Inc., 2009
ISBN 978-0-13-17-0704-3
2. Thomas N. Duening and John M. Ivancevich. **Management: Principles and Guidelines**.

Biztantra, 2005

3. Prof H. N. Verma, Prof. M. K. Ghagoliya and Dr. Rajendra Takale. **Principles of Management**

Session Plan:

No.	Topics	Readings
1	Introduction to Management	Chapters 1 & 2
2	Organizational Environments	Chapters 3 & 4
3	Case Study 1 – The Unresolved Dilemma (Ch 4)	Handout
4	Planning: Decision Making	Chapter 5
5	Planning: Organizational Strategy	Chapter 6
6	Planning: Innovation and Change	Chapter 7
7	Case Study 2 – Shine Life Insurance (Ch 5)	Handout
8	Case Study 3 – Catch them Young (Ch 6)	Handout
9	Organizing: Designing Adaptive Organizations	Chapter 9
10	Organizing: Managing Teams	Chapter 10
11	Organizing: Managing Human Resource Systems	Chapter 11
12	Case Study 4 – Strobe Chemicals (Ch 9)	Handout
13	Case Study 5 – Toe the Line or Else (Ch 10)	Handout
14	Leading: Motivation	Chapter 13
15	Leading: Leadership	Chapter 14
16	Leading: Managing Communication	Chapter 15
17	Case Study 6 – Nuts and Bolts (Ch 13)	Handout
18	Case Study 7 – Oriental Public School (Ch 14)	Handout
19	Controlling: Effective Control	Chapter 16
20	Controlling: Managing Information	Chapter 17
21	Controlling: Managing Service & Manufacturing Operations	Chapter 18
22	Case Study 8 – Nissan Plant is JIT Poster Child (Ch 18)	Handout
23	Project Presentation	5 Marks
24	Project Presentation	5 Marks

Evaluation:

1. Internal Evaluation: 50 Marks

A. Assignments (2 X 10 Marks = 20 Marks)

Submission Requirements: All submissions shall be subject to plagiarism check on turnitin software. Only such submissions that have a similarity index of less than 10 % shall be evaluated. All submission due dates are as per the timetable.

1: Assignment 1

Microsoft is one of the most discussed, analysed, critiqued, and reviewed companies in the world. Using only the Internet find statements that represent the firms strategic, operational, and tactical planning approaches. You should prepare three brief statements of 500 words each that indicate what Microsoft is doing in these three different planning areas.

Try www.microsoft.com and www.prnewswire.com

2: Assignment 2

At Penske Automotive Group, which has hundreds of car dealerships worldwide, 8% of CEO Roger Penske's bonus is tied to keeping employee turnover below 31%.

- Do you think it is a good idea to link pay to employee turnover?
- What are the various components of pay structures in India?
- Give an example of a typical salary slip of an IT firm (in tabular format) with fixed and variable components.

B. Project: 20 Marks (2500 words)

Conduct a POLC analysis for your local grocery store like Ratnadeep / Spencers/ Tipand Toe /your local kirana store and report the following.

- Nature and kind of planning for smooth conducting of day to day business
- How do they organize their resources for smooth conducting of day to day business
- How do the top admin of the store lead the manpower and technology for the smooth conducting of day to day business
- What kind of control Mechanisms are in place to ensure effective and efficient usage of available resources for the smooth conducting of day to day business

Mechanism

- Prepare a questionnaire with not more than 20 questions.
- Interviewees must include owner/ manager and employees for

holistic understanding of the functioning of the organization.

3. Each question above, needs to be submitted in the form of a 500 word report by the 5th, 10th, 15th and 20th session.
4. Marks shall only be awarded upon sufficient usage and linkage of taught in-class concepts to the project.

Requirements

The project report (15 marks) should be minimum of 5 typed pages of text, using one and a half spaced, 12-point Times New Roman font. In addition, diagrams and charts are encouraged.

You will be allocated in groups comprising of at least 6 members. This is a hybrid team/individual project. Each student should work independently to contribute to the final project. Each team member should document his/her contributions to the paper. You will also be grading each member of the team.

Teams will be presenting a 15-minute Presentation (5 marks) of your paper focusing on a summary of the company, its management success (or failure) and your individual, well thought out conclusions.

C. Quiz: 10 marks

2. End Terms Exam: 50 Marks

Academic Integrity:

Malpractice of any kind shall be dealt with as per the manual of policies of DoMS, NALSAR University of Law, Hyderabad.

Department of Management Studies
NALSAR University of Law, Hyderabad

IPM Batch 2021

Psychology I

Credits	5
Faculty Name	Prof Ameesh Samalopanan
E-mail	ameeshsamalopanan@nalsar.ac.in
Academic Year and Term	2021-22, Term- II

Course Description

The course 'Psychology I' introduces basic concepts of Psychology. The course is designed so that business students will be aware of crucial psychology concepts relevant in the workplace. The course has theoretical components and self/other assessment components and will help students explore and appreciate individual differences.

Learning Outcomes

At the end of the course, you should be able to:

- Understand how basic cognitive processes such as memory, intelligence, and emotions operate.
- Understand how people differ in terms of personality, motivation, and emotions, and appreciate the individual differences.
- Familiarize yourself with the administration of various psychological tests
- Understand yourself better as an individual.

Recommended readings

- Morgan, C.T., King, R.A., Weisz, J.R., & Schopler, J. (1993). *Introduction to psychology*, (7th ed.). New Delhi: Tata McGraw Hill.

- Mishra, B. K. (2008). *Psychology: The study of human behavior*. New Delhi: Prentice-Hall.
- Baron, R.A. (2004). *Psychology*, (5th ed.). New Delhi: Pearson Education.
- Coon, D. & Mitterer, J.O. (2007). *Introduction to psychology: Gateways to mind and behavior*, (11th ed.). (Indian Edition). New Delhi: Thomson Wadsworth.

Evaluation

Below are detailed evaluation components and their contribution to the overall course grade.

Assignments (two)	<i>Assignment 1: Conduct a memory test on any subject and submit a report</i> <i>Assignment 2: Conduct a personality test on any subject and submit a report</i>	10*2= 20%
Quiz	<i>Based on Classroom teaching and application of classroom learnings</i>	10%
Project	<i>Conduct psychological profiling of a group and assign job roles in your company.</i>	Project submission (One per group)- 10% (Same for everyone in the group) Group Presentation- 5%. (Same for everyone in the group) Individual presentation marks- 5%. (Awarded individually). Total- 20%
18		

End Term	<i>A comprehensive evaluation of learning</i>	50%

Modules

Module 1: Introduction to Psychology

Psychology: A working definition. Nature of psychological knowledge: Scientific method and critical thinking.

Goals of psychology. Origins of psychology.

Philosophical origins: Early Indian thoughts- the three Gunas, mind control

Greek Thoughts- Major ideas of Descartes, Locke. Biological origins: Darwin, Genetics.

A brief history of modern scientific psychology in the timeline format: Structuralism, Functionalism, Behaviorism, Gestalt psychology, Piaget, Psychoanalysis, Humanistic approach, Cognitive approach.

Different areas (branches) of Psychology.

Module 2: Memory

Encoding, storage, and retrieval processes.

Sensory, short term and long-term memories.

Working memory. Rehearsing information. Levels of processing.

Memory organization: Network model. Procedural memory. Declarative memory: Semantic and episodic.

Measuring memory: Recall, recognition, relearning. Explicit and implicit memories. Memory construction.

Forgetting: Curve of forgetting. Theories of forgetting, Types of forgetting. Strategies for improving memory.

Mnemonics.

Module 3: Personality

Concept of personality.

Psychodynamic approaches. Major ideas of Freud's theory: Levels of consciousness, Structure of personality, Defense mechanisms with descriptions and examples, Early childhood experience, Psychosexual stages of development.

Neo-Freudians: Jung- Collective unconscious, archetypes, model of personality. Adler- Striving for superiority, power motivation.

Trait theories: General approach. Allport: Cardinal, central and secondary traits. Cattell: Source and surface traits, 16 PF.

Eysenck: dimensions of personality. Big five factors. Learned Helplessness.

Module 4: Intelligence

Definition.

Spearman, Thurstone, Cattell, Sternberg. Multiple intelligences. Concept of IQ. Evolution of intelligence testing: Stanford-Binet, Wechsler scales. Culture fair tests. Determiners of intelligence.

Module 5: Motivation and Emotion

Need, drive, incentive. Primary and secondary motives.

Levels of arousal. Yerke's-Dodson law.

Learned motives: affiliation, achievement and power motive.

Hierarchy of motives. Extrinsic and intrinsic motivation. Maslow's Hierarchy.

Definitions of emotion. Elements of emotional experience. Theories of emotion (briefly): James-Lange theory, Cannon-Bard theory, Schachter- Singer theory. Emotional intelligence.

Session Plan

Session No	Topics/Activities
1	Introduction to psychology
2	Goals and Origins of Psychology
3	Philosophical origins
4 & 5	Modern Scientific Schools of Psychology
6	Branches and application of Psychology
7 & 8	Process and types of memories
9 & 10	Measuring Memory
11 & 12	Forgetting & Mnemonics
13	Quiz 1
14& 15	Concept of Personality & Psychodynamic approach
16	Neo Freudians
17 & 18	Trait Theorists
19	Personality Assessment tests
20-22	Definition, Intelligence theories
23	Tests to measure intelligence
24	Needs & Arousal
25	Learned and Hierarchy of Motives
26	Theories of Emotions
27	Emotional Intelligence
29-30	Project Presentation

Academic Integrity

Malpractice in any form will be dealt with as per the manual of policies of the Centre for Management Studies, NALSAR University of Law, Hyderabad.

FUNDAMENTALS OF COMMUNICATION

Seminar course (FEB - APRIL 2022)

Course Instructor	Dr. Uma Maheshwari Chimirala
Office	Room no 28
Mail id	chimiralauma@nalsar.ac.in
Contact no	9490187028 (meetings by appointment)
Course Offered to	Trimester 3, IBM (Feb 2022)
Credits	3 credits

COURSE DESCRIPTION

This course aims at engaging with the Fundamentals of Communication in general but with case instances coming from business scenarios. **Business contexts are** often wrought with competing interests, cultural variations and conflicts. Striking a balance between conflicting business interests and dealing with cultural variations can be a daunting task and hence strategic communication and cultural awareness are increasingly considered as mantras to mitigate conflicts. Therefore knowing all *about* communicating is as important as choosing *how to* go about communicating in specific contexts. Therefore, in this course certain specific areas of communication to be covered include interpersonal communication, intercultural communication, conflict management and negotiation, written communication, and oral communication. The course materials are based upon authentic examples of business communication from companies. In order to better prepare students to meet the communication requirements of today's business world, students will undertake the following: understanding intentions in communication, analyzing gaps and fallacies in communication, reading and analyzing texts, acquiring and incorporating relevant vocabulary from case texts, developing accuracy and logic in writing, and presenting their research in terms of business development and growth strategies.

Teaching and learning tools used to achieve better learning outcomes include short stories, readings, case studies, videos which will serve as triggers for discussions, role plays, simulations, presentations, as well as lectures.

Learning Outcomes

1. Understand the fundamentals of Communication and be aware of aspects that trigger misinterpretation of communication, communication break-down and communication back-fire.

- Engage in critical thinking in situations requiring such qualities as recognition of fallacies, appeal, tactfulness, firmness, persuasiveness, and ethical behavior.
- Differentiate different kinds of conflict situations with *critical coping strategies* for conflict and negotiations.
- Communicate (written) in a concise, clear, intelligent manner.
- Demonstrate knowledge of the purpose, content, organization, and format of proposals and business recommendation reports.

TEACHING METHODOLOGY

The purpose of building communication skills will be taken up through documentaries, advertisements, plays and cartoons and movies in addition to selected sections of readings from the books identified below.

Assessment (as per DOMS schedule)

S.no	Description of the assignment	Submission deadline
1	Quiz 1: Team Project 1: Analyze an advertisement (teams of 2; 5 marks)	As per schedule (midnight 12:00)
	Quiz 2: Team Project 2: Presentation of a conflict and its resolution (teams of 2; 5 marks)	As per schedule (group presentation)
	Quiz 3: Project 3: Written Case analysis of a conflict/cross-cultural issue in Indian business context (teams of 4; 5marks)	As per schedule (dates will be announced)
2	Mid exam (25)	As per schedule (dates will be announced)
3	End semester exam (50)	April (dates will be announced)
4	Surprise quizzes based on class discussions and readings	Anytime in the class

Course Plan

MODULE	TITLE	HOURS ALLOTTED (18 sessions)
MODULE 1	The Language and Thought Relationship	3 hours
MODULE 2	Critical Thinking as A Precursor For Communication Skills	5 hours
MODULE 3	Conflict in Communication: Language, Tact and 'non-sum zero' equation	5 hours
26		
MODULE 4	Skill Building: Doing some basics	5 hours

READINGS:

COURSE DELIVERY SCHEDULE

Module 1: The Language and Thought relationship

1. Houssenni, A. (2012). The Sapir-Whorf Hypothesis today. *Theory and Practice in language Studies*, 2(3), 642-647.(5 sheets)
2. Del Hymes (1978). Ethnography of Communication: SPEAKING- the basis of Communication. Downloaded from <https://tiemcenter.org/resources/wp-content/uploads/sites/2/2020/12/Dell-Hymes-SPEAKING.pdf>

Module 2: Critical Thinking As A Precursor For Communication Skills

3. M. Neil Browne & Stuart M. Keeley. (2014). Chapter 7, Chapter 9 and Chapter 10. In *Asking the right questions – A Guide to Critical Thinking*. Pearson Education: New Delhi.
4. Radu Atanusua (2021). Critical Thinking for Managers. Springer. Selected Chapters.

Module 3: Conflict and Communication Skills: Language and Tact

5. Ho-Won Jeong (2008). Understanding conflict and conflict analysis. Sage Publications. London. (Chapter 1, 3 and 10)
6. Galtung, J. (1990). Cultural Violence, *Journal of Peace Research*, Vol. 27, No. 3. (Aug., 1990), pp. 291-305.
7. Selected readings from <https://turnerconflict.com/theories-i-core-theories/>

Module 4: Modes of Communication and Skill of Communication: Writing and Speaking

8. Guffey, M E. (2007). *Essentials of Business Communication*. Thomson-Western. Philadelphia. (selected chapters on writing and speaking for business communication)
9. For practice (for commentaries and writing exercises)
 - a. Conceptual writing (to select texts)
 - b. Reflective writing (attempt after Reactive writing sessions)
 - c. Reactive writing: Short Stories
 - i. Issac Asimov, The fun they had
 - ii. The Adivasi Will not Dance
 - iii. Ferre Rossario, The youngest Doll

Additional Reference Material

1. Locker, K. O., & Kienzler, D. S. (2008). *Business and administrative communication*. McGrawHill Irwin.
2. Bovée and Thill.(2017). *Business Communication Essentials*. 5th edition. McGill Ltd.

**Department of Management
Studies NALSAR University of
Law, Hyderabad**

IPM 2021-26

**Mathematics for
Managers-III**

Credits	5
Faculty Name	Dr. Asish Kumar Panda
E-mail	asish@nalsar.ac.in
Academic Year and Term	2021-22, Term- III

Course Description

The course 'Mathematics for Managers-III' aims to provide the student deep foundations on matrices, vectors and linear transformation as it has applications across specializations of management and related fields say, finance, operations, marketing research, business analytics, and economics. This course deals with several basic concepts of matrices and linear algebra, vectors and vector spaces, Eigen Values etc, and applications thereof in business management.

Learning Outcomes

At the end of the course, the students should be able

- To understand matrix arithmetic, vectors and spaces, linear algebra and linear transformation.
- To acquire the ability to think logically and precisely.
- To develop problem solving skills and reasoning abilities.
- To apply linear algebra and matrices techniques in diverse business situations

Readings

Textbook

Yadav, A.C., Matrices and Linear Algebra.

Additional Readings

Hartman, G. N., *Fundamentals of Matrix Algebra*. APEX Calculus. (3rd Edition)

28 | Evaluation

1. Assignments (two) of 20% weight.
2. Quiz: One of 10% weight (40 MCQs, Correct answer: +0.25; Wrong Answer: -0.125)
3. Group project (written report and presentation) of 20% weight.

4. End Semester Examination of 50% weight.

Assignment

Submission requirements: Minimum 1000 words and maximum 1200 words. All submissions will be subject to plagiarism check on Turnitin application. Submissions having similarity index of less than 20% shall be accepted and evaluated. In case of rejection for this reason, students shall get an additional chance to submit the assignment within 7 days, while the evaluation of the same shall be done out of 7.50 marks. In case of failure to pass through plagiarism check even on resubmission, the score for the assignment shall be zero.

There is no scope of further submission.

The details of assignments are tabulated below:

SN	Description of Assignments (10 Marks each)
A1	Problems based on matrix algebra
A2	Problems based on vector space

Group Project

- Students shall form 12 groups of 5 students each. Some groups might have 6 students to accommodate few students to limit the group number to 12. However, no group shall have less than 5 members.
- Written report- minimum 1000 words (15 marks) and presentation- 10 slides (5 marks)
- Individual scores will be given for presentation.
- The group project will be based on the applications of linear algebra and matrix applications. The students must solve a given business problem by using the concepts of matrix applications taught during the course.

* Both assignments and project report should be written in times new roman, font size 12(justified), 1.5 spacing, and normal margin.

Session Plan

Module	Session No	Topics	Readings from Textbook
Matrices	1-6	• Introduction to Matrix • Matrix Arithmetic • Determinant of Matrix • Adjoint of Matrix • Inverse of Matrix • LU Factorization	Chapter 1 & 2
Application of Matrices	7-10	• System of Linear Equations • Gaussian Elimination • Vector arithmetic • Matrix Algebra	Chapter 2 & 3
Vectors and Vector Spaces	11-15	• Euclidean space • General Vector Space • Inner Product Spaces • Orthogonal Matrices	Chapter 5
Linear Transformation	16-20	• Introduction to a linear transformation • Inverse linear transformation • The matrix of a linear transformation • Composition and inverse linear transformation	Chapter 6

Eigenvalues and Eigenvectors	21-24	• Properties of Eigenvalues and Eigenvectors • Diagonalization • Diagonalization of Symmetric Matrices • Singular Value Decomposition	Chapter 4

Tutorials

Session	Topics
T1	Let's know each other
T2	Introduction to the course
T3	Problems on Matrix Algebra
T4	Problems on Vector and Vector Spaces
T5	Problems on Linear Transformation, Eigenvectors
T6	Revision of the course

Academic Integrity

Malpractice in any form will be dealt with as per manual of policies of Department of Management Studies, NALSAR University of Law, Hyderabad.

IPM 2021 - 2026

Principles and Practices of Management - 2

Credits	4
Faculty Name	Somdutta Banerjee
E-mail	somdutta.banerjee@nalsar.ac.in
Academic Year and Semester	2021-2022, Trimester-III

Course Description:

This course focuses on the practices of the basic functions of management: Planning, Organizing, Leading and Controlling.

Learning Outcomes:

Upon successful completion of this course, the student is expected to learn:

1. the applications of the fundamentals of the four major management functions: planning, organizing, leading and controlling.
2. decision-making and teamwork.
3. major developments in management thought.
4. recognize social-responsibility initiatives.
5. nature of business strategy.
6. demonstrate the use of operating plans, policies, procedures and rules.
7. analyze global business and how diversity impacts operations.

READINGS

Textbook

Principles of Management: OpenStax, ©2019 Rice University

Contributing Authors

- David S. Bright, Wright State University
- Anastasia H. Cortes, Virginia Tech University
- Eva Hartmann, University of Richmond et al

Reference Book / Additional Readings:

1. Principles of Management – Pravin Durai
2. Principles of Management – Prof H. N. Verma, Prof. M. K. Ghagoliya and Dr. Rajendra Takale
3. Principles and Practice of Management – L M Prasad
4. The Practice of Management – Peter F. Drucker

Session Plan:

No.	Topics	Readings
1	Managerial Decision-Making	Chapter 2
2	Corporate Culture	Chapter 4
3	Case Study 1	Handout
4	Ethics, Corporate Responsibility, and Sustainability	Chapter 5
5	International Management	Chapter 6
6	Case Study 2	Handout
7	Entrepreneurship	Chapter 7
8	Case Study 3	Handout
9	Understanding a Firm's Competitive Environment	Chapter 8
10	Achieving and Sustaining Competitive Advantage	Chapter 9
11	Case Study 4	Handout
12	Organizational Structure and Change	Chapter 10
13	Case Study 5	Handout
14	Diversity in Organizations	Chapter 12
15	Leadership	Chapter 13
16	Case Study 6	Handout
17	Managing Teams	Chapter 15
18	Case Study 7	Handout
19	Managerial Communication	Chapter 16
20	Organizational Planning and Controlling	Chapter 17
21	Management of Technology and Innovation	Chapter 18
22	Case Study 8	Handout
23	Project Presentation	5 Marks
24	Project Presentation	5 Marks

Evaluation:

1. Internal Evaluation: 50 Marks

34 | A. Assignments (2 X 10 Marks = 20 Marks)

Submission Requirements: All submissions shall be subject to plagiarism check on turnitin software. Only such submissions that have a similarity index of less than 10 % shall be evaluated. All submission due dates are as per the timetable.

Please do not copy and paste from the textbook or the internet (or from each other), write in your own words.

1: Assignment 1 (based on Chapter 2)

Members of the top management team regularly make decisions that affect the future of the organization and all its stakeholders, such as deciding whether to pursue a new technology or product line. A good decision can enable the organization to thrive and survive long-term, while a poor decision can lead a business into bankruptcy. Managers at lower levels of the organization generally have a smaller impact on the organization's survival, but can still have a tremendous impact on their department and its workers.

- a) What are some negative outcomes of poor decision making? Give an example.
- b) Managers frequently make decisions without complete information. In this regard, what ability must an effective manager develop? Give an example.
- c) Does every managerial decision have a single correct answer? Conversely, does every managerial decision have a single incorrect answer? Give an example.

2: Assignment 2 (based on Chapter 7)

Entrepreneurs are innovators who take the risk of starting and managing a business to make a profit. Most want to develop a company that will grow into a major corporation. People become entrepreneurs for four main reasons: the opportunity for profit, independence, personal satisfaction, and lifestyle.

- a) How can you gauge if you are ready to be an entrepreneur? What questions should you ask yourself? Write 3 questions of your own that are not covered by the textbook
- b) What is the difference between a small business owner and an entrepreneur? Give an example of your own.
- c) What are the first steps to take if you are starting your own business? Think of a business of your own and explain what first steps you would take.

B. Project: 20 Marks (2500 words)

Select a publicly traded Indian company (eg. Reliance, HDFC Bank, Sun Pharma). Research the top management and analyze the selected company to include

1. Mission and Vision
2. Values and Ethics
3. Organization structure and culture
4. Leadership style and motivational style (you may use some significant incident covered in the news for example, a merger and how the leadership dealt with it)
5. Overall measurements of success (or failure) for this company
6. Use any two concepts of Principles of Management (POLC) and apply that to the company.

You should mandatorily document all sources.

Copy and paste the complete url from the page with your source.

Requirements

The project report (15 marks) should be a minimum of 5 typed pages of text, using one and a half spaced, 12-point Times New Roman font. In addition, diagrams and charts are encouraged.

I will allocate you in groups comprising of at least 6 members. This is a hybrid team/individual project. Each student should work independently to contribute to the final project. Each team member should document his/her contributions to the paper. You will also be grading each member of the team.

Teams will be presenting a 15-minute Presentation (5 marks) of your paper focusing on a summary of the company, its management success (or failure), and your individual, well-thought-out conclusions.

C. Quiz: 10 marks

2. End Terms Exam: 50 Marks

Academic Integrity:

Malpractice of any kind shall be dealt with as per the manual of policies of DoMS, NALSAR University of Law, Hyderabad.

Department of Management Studies
NALSAR University of Law, Hyderabad

IPM Batch 2021-2022

Psychology II

Credits	5
Faculty Name	Prof Ameesh Samalopanan
E-mail	ameeshsamalopanan@nalsar.ac.in
Academic Year and Term	2021-22, Term- III

Course Description

The course 'Psychology II' introduces basic concepts of Psychology. The course is designed so that business students will be aware of crucial psychology concepts relevant in the workplace. The course has theoretical components and self/other assessment components and will help students explore and appreciate individual differences.

Learning Outcomes

At the end of the course, you should be able to:

- Understand the processes behind sensation and perception
- Understand how learning happens, various learning theories, and application of such theories
- Understand multiple stages of human development, as well as familiarize with various mental disorders.
- Understand how social behavior happens
- Familiarize yourself with the administration of various psychological tests

Recommended readings

- Baron, R.A. and Misra, G. (2016). Psychology (5th ed.). Pearson Education. New Delhi
- Morgan, C.T., King, R.A., Weisz, J.R., & Schopler, J. (1993). *Introduction to psychology*, (7th ed.). New Delhi: Tata McGraw Hill.

- Mishra, B. K. (2008). *Psychology: The study of human behavior*. New Delhi: Prentice-Hall.
- Coon, D. & Mitterer, J.O. (2007). *Introduction to psychology: Gateways to mind and behavior*, (11th ed.). (Indian Edition). New Delhi: Thomson Wadsworth.

Evaluation

Below are detailed evaluation components and their contribution to the overall course grade.

Assignments (two)	<i>Assignment 1: Conduct a learning test on any subject and submit a report</i> <i>Assignment 2: Write up on various mental disorders.</i> 1500 words/ 3 pages. <i>Entries will be plagiarism tested</i>	10*2= 20%
Quiz	<i>Based on Classroom teaching and application of classroom learnings</i>	10%
Project	<i>Presentation on how prejudices, biases, and social influences are used in advertisement space.</i>	Project submission (One per group)- 15% (Same for everyone in the group) Individual presentation marks- 5%. (Awarded individually).
38		Total- 20%

End Term	<i>A comprehensive evaluation of learning</i>	50%

Modules

Module 1: Sensation and Perception

Sensation: Sensory Thresholds, Sensory Adaptation

Perception: Its organization principles, consistencies and illusions, time perception

Module 2: Learning

Learning theories: Classical conditioning, Operant conditioning.

Observational learning, Skill learning

Module 3: Human Development

Physical development, Perceptual development

Cognitive development, Moral development

Social and Emotional Development

Adolescents, Adult years, Ageing & death

Module 4: Mental Disorders

Models of Abnormality, Assessment of Mental disorders.

Disorders of infancy, childhood and adolescence

Mood disorders, Anxiety disorders

Dissociative and Somatoform disorders

Sexual and Gender Identity Disorders

Personality disorders, Schizophrenia, Substance-related disorders

Basic counseling skills for managers

Module 5: Social Behavior

Attribution, Social Cognition, Bias and Attitudes

Prejudice, Social influence, Attraction and love

Leadership, Leadership styles

Session Plan

Session No	Topics/Activities
1	Introduction to applied psychology; Sensation
2	Sensory adaptation
3 & 4	Perception Sessions
5 & 6	Learning & learning theories

7 &8	Observational and skill learning
9	Physical development
10 & 11	Cognitive & Moral development
12	Perceptual development, Social and Emotional Development
13	Quiz 1
14	Adolescents, adult years aging.
15	Models of Abnormality, Assessment of abnormality
16	Disorders of infancy, childhood and adolescence
17-19	Mood, Anxiety, Dissociative disorders
20	Sexual, gender identity disorders
21	Personality, Schizophrenia, substance disorders
23-24	Attribution, social cognition, Bias & attitudes
24-25	Social Influence, Attraction & Love
26	Leadership & leadership theories
27	Introduction to Organizational Behavior
28-30	Project Presentation

Academic Integrity

Malpractice in any form will be dealt with as per the manual of policies of the Centre for Management Studies, NALSAR University of Law, Hyderabad.

COURSE TITLE: POLITICAL SCIENCE-1

COURSE INSTRUCTOR: MURALI KARNAM, PHD

NATURE OF COURSE AND CREDITS: MANDATORY: 3 Credits

OFFERED TO: IPM (Integrated Program for Management)- SEMESTER IV

COURSE DURATION: JULY TO SEPTEMBER

POLITICAL SCIENCE-1

COURSE PORTRAYAL:

INTRODUCTION: The course outline is a kind of common ground between students and teacher and therefore all the students must read it very carefully so that the course runs to the satisfaction of everyone. **This is primarily a learning driven and student centric but not exam centric or teaching centric course.** Naturally, therefore participation of the students in the debates and discussions on the themes throughout the course is strongly encouraged to achieve positive learning outcomes and incidentally will also be rewarded.

DIRECTION OF THE COURSE: The course introduces to begin with the history of conceptualization of terms in political science. It introduces key concepts and their trajectory as a tool to understand the discipline. Understanding the philosophical foundations of political thought are necessary to take a critical look at the formation of ideas and ideologies. They the primary purpose of politics as they originated and deal with the idea of human nature and moral purposes of political associations. Examining the political functions of these institutions in the light of political theories will be attempted. In this, ideas from East and West are taught and their nature and significances are discussed. Ideas of origins of political order, the theories of State, their relationship with different constituent elements of state and society will be discussed. In the process most significant political ideas for formation of political order, state, political thought and institutions; political process and citizens' participation and public policy will be introduced. Students will also be introduced to the history of political concepts such as political power, liberty, equality and justice, rights, obligations and citizenship.

OBJECTIVE OF THE COURSE

The Course essentially intends to provide an understanding of political ideas, their formations as system of thinking that form bedrock of beliefs of human beings, citizens and political actors in India and the modern world. It attempts to elaborate the thought process that determines the actions of individuals, systems and governance of multitudes and territories. Many perspectives are provided to understand the

political thought process and how they are contested by adherents of various political ideological leanings.

THE GOALS OF THE COURSES: The students are expected to have the following set of skills and level of knowledge in the course at the end of the course.

- Expository writing skills (projects)
- Oral presentation skills (debates and discussions)
- Critical thinking capacity (presentations and tests)
- Appropriate level of knowledge of the course material (spot quizzes)
- Ability to read and analyze the novel texts (reading summaries)
- Deep learning of the subject
- Application of the knowledge learnt in completely different contexts.
- clarity, accuracy, relevance, depth, breadth, logic and significance

TEACHING METHODOLOGY:

Apart from lecture mode by the teacher, students will be encouraged to discuss the ideas and raise questions in order to test their contradictions, exceptions and applications in practice. The students will be supplied both soft and hard copies of material in advance and they are expected to come prepared for class room discussions.

- The fundamental themes and objectives of every module will be primarily proposed by the teacher and the class is open for discussion. They will be explained with examples.
- The tutor will elaborate and give examples to understand the themes. The role of the tutor will be of clarifying in nature and bringing the concerns and difficulties of the students to the attention of teacher.
- The order of the themes will be strictly followed as they are designed in the order of priority and each theme feeds into the next. Hence there shall not be any confusion on which topics are taught in the next week. Hence students are expected to read the weekly material before attending the classes.

- Students are encouraged to interrupt the teacher to get clarification on their doubts about any theme that is being discussed immediately as far as possible.
- The students can write to the teacher about their doubts which will be answered during lectures.
- Those intends to discuss elaborately may seek appointment of a convenient time to the teacher.

LECTURE PLAN

Modules	Title	Number of required lectures
Module 1	Introduction to the Key Political Ideas and Their Conceptualization	6 (9 hours)
Module 2	Introduction to classical political Ideas: Plato, Social Contract Theories, Ambedkar's challenge to liberal politics and Gandhi's challenge to Modernity	8 (12 hours)
Module 3	Understanding Indian Constitution and Political Process	4 (6 hours)
Total		(18) 27 hours

Class Hours: 27

EVALUATION SCHEME

Quizzes (2): 30 Marks (15 marks each)

Term paper (20 marks)

End-Term Examination (50 marks)

Students are provided 5 themes for projects:

- Analysis of profile of political philosophers/theoreticians/statesmen/Political leaders and analysis of their life and ideas;
- Constitutional Assembly debates on evaluation of political institutions;
- Legislative debates on important laws;
- Analysis of Contemporary Political problems and
- Review of latest books on Politics/ Political Philosophy/Theory. The students are provided two-page guidelines about how to choose their themes; search for material and take approval before embarking on it.

Method Evaluation: Generally, a closed book method is adopted. Deep learning of the subject, their application different contexts; clarity of thinking, accuracy and relevance, depth, breadth, logic and significance of facts and analysis are assessed.

MBA 2021 - 2023

Corporate Social Responsibility

Credits	2
Faculty Name	Somdutta Banerjee
E-mail	somdutta.banerjee@nalsar.ac.in
Academic Year and Semester	2022-2023, Term -IV

Course Description:

Corporate Social Responsibility (CSR) has gained prominence in recent years due to growing attention in the arenas of business, civil society, and government across the globe. This course is to help focus on the 'what' and 'how' of strategizing, planning, executing, and monitoring the CSR activities of companies.

Learning Outcomes:

Upon successful completion of this course, the student is expected to learn:

1. What is CSR?
2. The Business Case for CSR
3. Actors and Drivers for CSR
4. CSR in Global Context

READINGS

Textbook

1. Philip Kotler and Nancy R. Lee. **Corporate Social Responsibility: Doing the Most Good for Your Company and Your Cause**. 1st edition. Wiley, 2005
ISBN-13: 978-0471476115
2. Nayan Mitra and René Schmidpeter. **Corporate Social Responsibility in India: Cases and Developments After the Legal Mandate (CSR, Sustainability, Ethics & Governance)**. 1st edition. Springer, 2017
ISBN-13: 978-3319824277

Reference Book / Additional Readings:

1. Jitendra K. Das, Shallini Taneja & Hitesh Arora. **Corporate Social**

Responsibility and Sustainable Development: Strategies, Practices and Business Models. 1st edition. Routledge India. 2021
ISBN-13: 978- 0367273057

Session Plan:

No.	Day	Date	Time	Topics	Readings
1	Thursday	7 th July	2:00 to 3:30 pm	The Case for Doing at Least Some Good	Kolter Ch 1
2	Friday	8 th July	2:00 to 3:30 pm	Corporate Social Initiatives: Six Options for Doing Good	Kolter Ch 2
3	Thursday	14 th July	2:00 to 3:30 pm	Corporate Cause Promotions: Increasing Awareness and Concern for Social Causes	Kolter Ch 3
4	Friday	15 th July	2:00 to 3:30 pm	Quiz 1 (10 marks) Submission of Assignment 1	
5	Thursday	21 st July	2:00 to 3:30 pm	Cause-Related Marketing: Making Contributions to Causes Based on Product Sales	Kolter Ch 4
6	Friday	22 nd July	2:00 to 3:30 pm	Corporate Social Marketing: Supporting Behavior Change Campaigns	Kolter Ch 5
7	Thursday	28 th July	2:00 to 3:30 pm	Corporate Philanthropy: Making a Direct Contribution to a Cause	Kolter Ch 6
8	Friday	29 th July	2:00 to 3:30 pm	Case Study: Tata ClassEdge: A Social Enterprise	Handout
9	Thursday	4 th Aug	2:00 to 3:30 pm	Class Test 1 (25 marks) Submission of Assignment 2	
10	Friday	5 th Aug	2:00 to 3:30 pm	Community Volunteering: Employees Donating Their Time and Talents	Kolter Ch 7
11	Thursday	11 th Aug	2:00 to 3:30 pm	Socially Responsible Business Practices: Discretionary Business Practices and Investments to Support Causes	Kolter Ch 8
12	Friday	12 th Aug	2:00 to 3:30 pm	Quiz 2 (10 marks)	
13	Thursday	18 th Aug	2:00 to 3:30 pm	Twenty-five Best Practices for Doing the Most Good for the Company and the Cause	Kolter Ch 9
14	Friday	19 th Aug	2:00 to 3:30 pm	A Marketing Approach to Winning Corporate Funding and Support for Social Initiatives: Ten Recommendations	Kolter Ch 10
15	Thursday	25 th Aug	2:00 to 3:30 pm	Case Study: SRF Foundation	Handout
16	Friday	26 th Aug	2:00 to 3:30 pm	Class Test 2 (25 marks)	

Evaluation:

A. Assignments (2 X 15 Marks = 30 Marks)

Submission Requirements: All submissions shall be subject to plagiarism check on turnitin software. Only such submissions that have a similarity index of less than 10

% shall be evaluated. All submission due dates are as per the timetable.1: Assignment 1

Corporate Social Responsibility (CSR) in India has come a long way from Mahatma Gandhi's 'Trusteeship model' of CSR to being mandated for certain companies through a statute in the Companies Act, 2013. This is discussed in "The Why, What and How of the CSR Mandate: The India Story" by Nayan Mitra and Rene' Schmidpeter.

Submit a write up of 1000 words on the CSR mandate in India especially the in the present day.

2: Assignment 2

Critically analyze the case of "Educating Minds to empower the Future: Capgemini" by Kashika Madan and Suruchi Pawar. Submit a write up of 1000 words with your analysis.

B. Quiz (2 X 10 Marks = 20 Marks)

C. Class Test (2 X 25 Marks = 50 Marks)

BUSINESS ETHICS

AND

VALUES



Department of
Management Studies

NALSAR University of Law

Supplementary Reading Material

Compiled by:
Somdutta Banerjee

CHAPTERS

Key Terms

Summary of Learning Outcomes



1

Why Ethics Matter



Key Terms

business ethics the conduct by which companies and their agents abide by the law and respect the rights of their stakeholders, particularly their customers, clients, employees, and the surrounding community and environment

compliance the extent to which a company conducts its business operations in accordance with applicable regulation and statutes

corporate culture the shared beliefs, values, and behaviors that create the organizational context within which employees and managers interact

corporate social responsibility (CSR) the practice in which a business views itself within a broader context, as a member of society with certain implicit social obligations and responsibility for its own effects on environmental and social well-being

deontology a normative ethical theory suggesting that an ethical decision requires us to observe only the rights and duties we owe to others, and, in the context of business, act on the basis of a primary motive to do what is right by all stakeholders

ethical relativism a view that ethics depends entirely upon context

ethics the standards of behavior to which we hold ourselves in our personal and professional lives

goodwill the value of a business beyond its tangible assets, usually including its reputation, the value of its brand, the attitude of its workforce, and customer relations

integrity the adherence to a code of moral values implying trustworthiness and incorruptibility because there is unity between what we say and what we do

long-term perspective a broad view of profit maximization that recognizes the fact that the impact of a business decision may not manifest for a long time

normative ethical theories a group of philosophical theories that describe how people ought to behave on the basis of reason

shareholder an individual or institution that owns stock or shares in a corporation, by definition a type of stakeholder; also called stockholder

short-term perspective a focus on the goal of maximizing periodic (i.e., quarterly and annual) profits

social contract an implicit agreement among societal members to cooperate for social benefit; when applied specifically to a business, it suggests a company that responsibly gives back to the society that permits it to incorporate, benefiting the community at the same time that it enriches itself

stakeholders individuals and entities affected by a business's decisions, including customers, suppliers, investors, employees, the community, and the environment, among others

stockholder an individual or institution that owns stock or shares in a corporation, by definition a type of stakeholder; also called shareholder

utilitarianism a normative theory of ethics suggesting that an ethical act is the one whose consequences create the greatest good for the greatest number of people

virtue theory a normative theory that focuses on proper conduct guided by the training we received growing up

Summary

1.1 Being a Professional of Integrity

Ethics sets the standards that govern our personal and professional behavior. To conduct business ethically, we must choose to be a professional of integrity. The first steps are to ask ourselves how we define success and to understand that integrity calls on us to act in a way that is consistent with our words. There is a distinct difference between legal compliance and ethical responsibility, and the law does not fully address all ethical dilemmas that businesses face. Sound ethical practice meets the company's culture, mission, or policies above and beyond legal responsibilities. The three normative theories of ethical behavior allow us to apply reason to business decisions as we examine the result (utilitarianism), the means of achieving it (deontology), and whether our choice will help us develop a virtuous character (virtue ethics).

1.2 Ethics and Profitability

A long-term view of business success is critical for accurately measuring profitability. All the company's stakeholders benefit from managers' ethical conduct, which also increases a business's goodwill and, in turn, supports profitability. Customers and clients tend to trust a business that gives evidence of its commitment to a positive long-term impact. By exercising corporate social responsibility, or CSR, a business views itself within a broader context, as a member of society with certain implicit social obligations and responsibility for its own effectson environmental and social well-being.

1.3 Multiple versus Single Ethical Standards

The adoption of a single ethical code is the mark of a professional of integrity and is supportedby the reasoned approach of each of the normative theories of business ethics. When we consistently maintain the same values regardless of the context, we are more likely to engender trust among those with whom we interact.

Assessment Questions

1. Which of these concepts relates to utilitarianism?
 - A. consequences
 - B. actions
 - C. character
 - D. duty
2. True or false? According to the Greek system of logic introduced by Socrates, normative ethical theories ultimately are grounded in reason.
3. Explain why ethical responsibilities go beyond legal compliance.
4. Describe the difference between normative and descriptive ethical theories.
5. Which of the following is not a stakeholder?
 - A. the media
 - B. corporate culture
 - C. the environment
 - D. customers
6. True or false? According to Milton Friedman, a company's social responsibility consists solely of bettering the welfare of society.

7. What is corporate social responsibility (CSR)?
8. Describe a practical way to prioritize the claims of stakeholders.
9. Describe how a company's ethical business practices affect its goodwill.
10. True or false? Family is generally a strong influence on our ethical standards.
11. Which normative ethical theory supports the idea of holding multiple ethical standards?
 - A. deontology
 - B. utilitarianism
 - C. virtue ethics
 - D. none of the above
12. Describe the benefits of having a single ethical standard.



Key Terms

categorical imperative Kant's unconditional precept that we must "act only according to that maxim whereby you can, at the same time, will that it should become a universal law"; to act on the basis of good will rather than purely self-interested motives and never treat others as means toward an end without consideration of them as ends in themselves

consequentialism an ethical theory in which actions are judged solely by their consequences without regard to character, motivation, or absolute principles of good and evil and separate from their capacity to produce happiness and pleasure

eudaimonia the happiness or human flourishing that results from virtuous activity; it is more than contentment or satisfaction

golden mean in Aristotelian virtue ethics, the aim of ethical behavior, a value between excess and deficiency **harm principle** the idea that the only purpose for which the power of the state can rightly be used is to prevent harm to others

junzi a person who is gracious, magnanimous, and cultured; a flourishing human being

justice as fairness Rawls's summary of the essence of his theory of justice

justice theory the idea of fairness applied beyond the individual to include the community as well as analysis of social injustice with remedies to correct it

li the proper order of the universe and the customs and rituals that support order and harmony on Earth **managerial ethics** a way of relating to self, employees, and the organization that balances individual and collective responsibility

original position in Rawls's justice theory, a hypothetical situation in which rational people can arrive at a contractual agreement about how resources are to be distributed in accordance with the principles of justice as fairness

phronēsis prudence or practical wisdom; the intellectual virtue Aristotle considered most important **quan** expediency; a practical consideration of the relative rightness of options when considering a moral dilemma

social contract theory a theory that holds the natural state of human beings is freedom, but that human beings will rationally submit to some restrictions on their freedom to secure their mutual safety and benefit

unanimity of acceptance in Rawls's theory, the requirement that all agree to the contract before it goes into effect

utility function a measure, in "utils," of the value of a good, service, or proposed action relative to the utilitarian principle of the greater good, that is, increasing happiness or decreasing pain

veil of ignorance in Rawls's theory, a condition in which people arrive at the original position imagining they have no identity regarding age, sex, ethnicity, education, income, physical attractiveness, or other characteristics; in this way, they reduce their bias and self-interest

virtue ethics an ethical system based on the exercise of certain virtues (loyalty, honor, courage) emphasizing the formation of character

Summary



2.1 The Concept of Ethical Business in Ancient Athens

The role of ethics in Athens during Greece's Golden Age (fifth century BCE) was substantial. Aristotle focused on the role of virtue in developing individual character and social stability. He believed a person's actions determined whether he or she was virtuous, and the point of the virtuous life was happiness, or *eudaimonia*.

Aristotle identified two types of virtues: intellectual and moral. Intellectual virtues were acquired through learning and served as guides to behavior by helping the individual discover truth. Moral virtues were acquired through habit and built character by helping someone pursue what is beneficial and avoid what is harmful in daily life. Aristotle considered *phronēsis*, or prudence, the most important virtue, because of its practical application.

The thirteenth-century philosopher and theologian Thomas Aquinas agreed with Aristotle that to act dishonorably casts disrepute on all concerned. Ends and means had to be aligned, particularly in business, which provided people's livelihoods and secured the economic health of the city-state.

2.2 Ethical Advice for Nobles and Civil Servants in Ancient China

Confucius (551–479 BCE) attempted to revise ancient Chinese traditions and mores to counter the social chaos of his times. His system of virtue ethics emphasized relationships and, when followed faithfully, led to the *dao* of humanity, that is, true harmonious living. There were three ways to achieve *dao*: “whole-hearted sincerity and truthfulness,” the “constant mean,” and “expediency” (*quan*). Someone who lived virtuously became more humane, which resulted in a flourishing individual and an ordered nation.

In Confucian virtue ethics, business was viewed as a network of relationships dependent on trust and righteousness. Righteousness was a form of justice that compelled everyone to act in good faith. Considered in this way, justice allows for wealth creation, investment, and strategic planning as long as everyone fulfills his or her role and acts in accordance with the basic pattern of relationships Confucius identified.

2.3 Comparing the Virtue Ethics of East and West

Aristotle and Confucius each constructed an ethical system based on virtue, with Aristotle's anticipated result being happiness and Confucius's being harmony. For Aristotle, happiness consisted of the search for truth. Confucius looked to create a system that put an end to civil chaos. Although both systems relied on reason and control to achieve their ends, Aristotle placed the locus of ethical behavior on individuals, but he held that a moral upbringing and good political governance also contributed to the formation of moral character. Confucius saw this locus in the family, which provided the basic pattern of relationships for personal and professional life. Reason prevailed throughout, as in the cultivation of a more just and humane person.

In a business context, reason and control bear directly on management, leadership, and corporate culture.

They constitute a way of cultivating individual virtue and corporate ethos such that the two go hand in hand. The environment or culture of an organization needs individuals of character who can follow their conscience and experience moral conversion. We might envision the emergence of universal values like reason and control that nurture both the individual and the organization.

2.4 Utilitarianism: The Greatest Good for the Greatest Number

Jeremy Bentham developed a quantifiable method for determining what was beneficial and what was detrimental. He called this method utilitarianism, because its basic unit, the “util,” acted like a monetary unit. Bentham’s protégé, John Stuart Mill, refined this system to include human rights. His “harm principle” is an outstanding element in his version of utilitarianism.

Utilitarianism in business can lead to a bottom-line mentality in which decisions are based on achieving the greatest good for the organization as it pertains to the greatest number of stakeholders, including shareholders and all others affected by the actions of the organization. The outcome is the determining factor, not the intent of the actors or whether people are treated humanely.

2.5 Deontology: Ethics as Duty

Rejecting dogmatic thinking of all kinds, Kant believed people were not the sum total of reactions to stimuli but complex beings with innate structures of understanding and inborn moral sensitivity. In his view, everyone had a duty to obey a categorical imperative to do the just and moral thing, regardless of the consequences. The outcome of an act was not as important as the intent of the actor and whether the act treated others as ends or means.

Here, Kant reflected Aristotelian virtue ethics in seeing people as ends in themselves and not as “living tools” or human resources.

This view does not typically govern most management decisions in business; arguably, utilitarianism is the efficient, go-to theory on which corporate leaders often rely. Yet a Kantian understanding of business ethics remains viable even today and sometimes displays itself in the most compassionate and humane actions that evolving commercial organizations take.

2.6 A Theory of Justice

Rawls developed a theory of justice based on social contract theory, holding that the natural state of human beings is freedom, not subjugation to a monarch, no matter how benign or wellintentioned. Rawls’s theory views human beings as inherently good and, echoing Kant, inclined toward moral rectitude and action. In his theory, Rawls included the “veil of ignorance,” which ensures objectivity in our choices and the avoidance of bias. Criticism of Rawls’s theory focuses primarily on the issue of distribution, because decisions made in ignorance can neither reward innovation and enterprise nor encourage risk.

Assessment Questions

1. Which of the following is not an intellectual virtue according to Aristotle?
 - A. the basic order of life
 - B. knowledge
 - C. wisdom
 - D. prudence
2. Deliberative prudence does all the following except _____.
 - A. align ends and means
 - B. encourage prodigality C. avoid conflict
 - D. prevent rash behavior
3. True or false? According to Aristotle, happiness is a virtuous activity of the soul.
4. True or false? It is possible to act deliberately and shrewdly in a good way or toward a good end.
5. How might virtue ethics apply to contemporary business?
6. *Quan* means which of the following?
 - A. adherence to the past
 - B. philosophic tradition
 - C. practicality
 - D. insistence on protocol
7. *The Analects of Confucius* _____.
 - A. are similar to Aristotle's *Nicomachean Ethics*
 - B. represent an oral tradition
 - C. reflect Buddhist ideals
 - D. codify a system of virtue ethics
8. True or false? Confucian virtue ethics is similar to the Aristotelian version in that both are very practical.
9. True or false? According to Confucius, the hope for reform of Chinese society was a centralized planning system.
10. How can wholeheartedness and sincerity serve as models of risk assessment?
11. "Control" as used in this section does not refer to which of the following?
 - A. reverence
 - B. *phrónēsis*

- C. temperance
 - D. Confucian self-regulation
12. Managerial ethics is related to which of the following?
- A. shareholder wealth
 - B. righteousness
 - C. bureaucracy
 - D. honor
13. True or false? In both East and West, the means used to achieve a certain end are often more important than the end.
14. True or false? Individualism was the greatest value in Confucian ethics.
15. Utilitarianism is a system that_____.
- A. considers historical conditions
 - B. approaches Aristotelian deliberation
 - C. builds on natural law theory
 - D. attempts to quantify the good
16. In *On Liberty*, John Stuart Mill_____.
- A. proposes a harm principle
 - B. exalts libertarianism
 - C. prescribes a consequentialist answer to ethical crises
 - D. rejects rights
17. True or false? John Stuart Mill's emphasis on human rights distinguishes him from Jeremy Bentham.
18. How does utilitarianism affect contemporary business practice?
19. Does the value that John Stuart Mill placed on the deliberative process and individual expression as the main ways of arriving at truth have any relevance for political debate today?
20. Immanuel Kant objected to dogmatism in_____.
- A. religion
 - B. science
 - C. both A and B
 - D. neither A nor B
21. True or false? Immanuel Kant contended that people often interpret reason subjectively.

22. True or false? A criticism of Immanuel Kant's categorical imperative is that its refusal ever to permit exceptions in acting ethically is impossible to observe in life.
23. What are the essential differences between John Stuart Mill's version of utilitarianism and Immanuel Kant's deontology?
24. How does Kantian ethics work in a business setting?
25. John Rawls's theory of justice is based on which of the following?
 - A. cognitive structures
 - B. moral duty
 - C. social contract theory
 - D. survival of the fittest
26. The "veil of ignorance" ensures which of the following?
 - A. mass delusion
 - B. objectivity
 - C. self-reliance
 - D. Enlightenment reason
27. True or false? John Rawls's theory of justice is mainly non-Utilitarian.
28. A distinguishing characteristic of justice theory is that it emphasizes method over content.
29. What challenges does Rawlsian justice theory present when it comes to the redistribution of goods and services in society?



Defining and Prioritizing Stakeholders

3

Figure 3.1 Starbucks, based in Seattle, Washington, is a company with more than 250,000 employees and locations across the globe. It directly affects countless stakeholders beyond its institutional investors and millions of customers, from coffee growers and milk producers, to urban and suburban communities and developers, to local, state, and national governments. (credit: modification of “StarbucksVaughanMills” by “Raysonho”/Wikimedia Commons, CC0)

Chapter Outline

- 3.1** Adopting a Stakeholder Orientation
- 3.2** Weighing Stakeholder Claims
- 3.3** Ethical Decision-Making and Prioritizing Stakeholders
- 3.4** Corporate Social Responsibility (CSR)



Key Terms

amenities resources made available to employees in addition to wages, salary, and other standard benefits **descriptive approach** a theory that views the company as composed of various stakeholders, each with its own interests

diffused stakeholder a stakeholder with an interest in a company's decisions and whose impacts on a firm can be large even if the relationship is generally weaker than other types

enabling stakeholder a stakeholder who permits an organization to function within the economic and legal system

ethical maximum the strongest action a company can choose to behave ethically in a given situation
ethical minimum the least a company might do to claim it holds an ethically positive position
exigency the level of urgency of a stakeholder claim

functional stakeholder a stakeholder whose relationships influence or govern an organization's inputs and outputs

greenwashing carrying out superficial CSR efforts that merely cover up systemic ethics problems for the sake of public relations

instrumental approach a theory proposing that good management of stakeholders is important because it can help the bottom line

normative approach a theory that considers stakeholders as ends unto themselves rather than means to achieve a better bottom line

normative stakeholder a stakeholder in the organization's industry who influences its norms or informal rules

social responsibility of business the view that stakeholders are not the means to the end (profit) but are ends in and of themselves as human beings

stakeholder claim a particular stakeholder's interest in a business decision

stakeholder management the process of accurately assessing stakeholder claims so an organization can manage them effectively

stakeholder prioritization the process of deciding which stakeholders to focus on and in what sequence
triple bottom line (TBL) a measure that accounts for an organization's results in terms of its effects on people, planet, and profits

Summary

3.1 Adopting a Stakeholder Orientation

An organization has duties and responsibilities with regard to each stakeholder; however, the implicit social contract between business and society means that meeting legal requirements might support only minimal ethical standards. Society on the whole and in the long run requires that business consider a broader range of duties in its relationships with key stakeholders.

3.2 Weighing Stakeholder Claims

There are three approaches to stakeholder theory: the descriptive approach, the instrumental approach, and the normative approach. The normative approach takes the most

comprehensive view of the organization and its stakeholders and is the fundamental basis of stakeholder theory. Organizations can analyze stakeholder claims by classifying them on the basis of their intensity and impact on the firm, as well as on the basis of their relationship to the firm. Such classifications may include enabling stakeholders, normative stakeholders, functional stakeholders, and diffused stakeholders. Using the lens of the four “publics” (the nonpublic, the latent, the aware, and the active), we can also understand a stakeholder claim on the basis of the public’s degree of awareness of a problem and ability to do something about it.

3.3 Ethical Decision-Making and Prioritizing Stakeholders

Business leaders prioritize those stakeholders who have immediate needs or high urgency or great significance to the organization, and the identity of these groups may shift over time. Stakeholders can also be prioritized on the basis of their relationship to the organization using a matrix of their power and interest. Steps in the MITRE stakeholder management process are to establish trust, identify stakeholders, gather and analyze appropriate data, present information to management, and let stakeholders know they matter. Because customers are often considered high-priority stakeholders, it can be essential for corporations and nonprofit organizations to manage any expectations that customers (or donors) may have.

3.4 Corporate Social Responsibility (CSR)

Most organizations must practice genuine corporate social responsibility to be successful in the modern marketplace. The triple bottom line places people and the planet on equal standing with profit in the mission of an organization. The genuine practice of CSR, unlike greenwashing, requires a commitment to an additional stakeholder, the planet, whose continued healthy existence is essential for any organization to operate.

Assessment Questions

1. Maintaining trust between stakeholders and organizations is _____.
 - A. the stakeholder’s responsibility
 - B. an ethical minimum
 - C. an ethical maximum
 - D. a social contract
2. True or false? Companies are required to provide amenities to their employees to fulfill the social contract between management and employees as stakeholders.
3. Choose your favorite brand. List at least five of its key stakeholder groups.
4. A shareholder is a stakeholder who _____.

A. holds stock for investment

- B. has a general interest in the fate of all publicly traded companies
 - C. focuses on the means by which firms get their products to market
 - D. always purchases the product or service of a particular company
5. A stakeholder claim_____.
- A. is usually a complaint
 - B. is always financial
 - C. is any matter of concern for the corporation or company
 - D. is the same as a lawsuit
6. Explain how the normative approach to stakeholder theory informs the instrumental aspect and the descriptive approach.
7. What is the most important quadrant in the influence/interest matrix, and why?
8. In correct order, the stakeholder management steps adapted from the approach of the MITRE consulting firm are to_____.
- A. build trust, identify stakeholders, prioritize claims, visualize changes, and perform triage
 - B. build trust, identify stakeholders, gather and analyze data, present results, make changes, and prepare a communication strategy
 - C. build trust, identify stakeholders, gather and analyze data, present findings to management, and communicate key messages to stakeholders conveying the company's appreciation of them
 - D. identify stakeholders, gather and analyze data, make changes, and present results
9. True or false? Stakeholder management practice ultimately is about valuing stakeholder contributions to a firm, no matter how significant, inspired, or influential that contribution might not be.
10. Name the three components of the triple bottom line.
11. What does the California Transparency in Supply Chains Act require of businesses that operate in California?
12. True or false? Corporate social responsibility is a voluntary action for companies.
13. The Dow Jones Sustainability Indices provides information for_____.
- A. investors who seek quick profit
 - B. investors who seek long-term returns
 - C. investors who value CSR in companies
 - D. marketing promotions of each of its members



Three Special Stakeholders: Society, the Environment, and Government

4

Figure 4.1 The Japanese concept of *nemawashi* broadly means “laying the groundwork” or “building strong roots.” In a business ethics context, *nemawashi* means building a strong foundation for an action or project by reaching out to all stakeholders and seeking their input, demonstrating how much the organization values their opinion as it builds support from the ground up. (attribution: Copyright Rice University, OpenStax, under CC BY 4.0 license)

Chapter Outline

- 4.1 Corporate Law and Corporate Responsibility
- 4.2 Sustainability: Business and the Environment
- 4.3 Government and the Private Sector

4.1 Key Terms

business judgment rule the principle that officers, directors, and managers of a corporation are not liable for losses incurred when the evidence demonstrates that decisions were reasonable and made in good faith

cap and trade a system that limits greenhouse gas emissions by companies while allowing them to buy and sell pollution allowances

carbon footprint the amount of carbon dioxide and other carbon compounds released by the consumption of fossil fuels

carbon tax a pay-to-pollute system in which those who discharge carbon into the air pay a fee or tax

Citizens United a 2010 Supreme Court ruling in favor of unlimited spending by individuals and corporations on political campaigns

Commerce Clause an enumerated power listed in the Constitution giving the federal government the right to regulate commerce between states

corporate personhood the legal doctrine holding that a corporation, separate and apart from the people who are its owners and managers, has some of the same legal rights and responsibilities enjoyed by natural persons

fiduciary duty a very high level of legal responsibility owed by those who manage someone else's money, which includes the duties of care and loyalty

limited liability a business owner's protection against loss of personal assets, granted with corporate status **moral minimum** the minimal actions or practices a business must undertake to satisfy the base threshold for acting ethically

quid pro quo the tradeoff someone makes in return for getting something of value; from the Latin meaning *this for that*

Sarbanes-Oxley legislation passed in 2002 that mandates reporting transparency by businesses in areas ranging from finance to accounting to supply chain activities

shareholder primacy a company's duty to maximize profits for stockholders

states' rights a view that states should have more governing authority than the federal government, based on the Tenth Amendment, which reserves to the states any right not specifically delegated to the federal government

sustainability a long-term approach to the interaction between business activity and societal impact on the environment and other stakeholders

tragedy of the commons an economy theory highlighting the human tendency to use as much of a free natural resource as wanted without regard for others' needs or for long-term environmental effects or issues

Summary



4.1 Corporate Law and Corporate Responsibility

While some argue that corporations have a primary duty to maximize profits for the benefit of shareholders, others assert that businesses have a duty to the society in which they operate, a

duty that serves as the basis of the CSR philosophy. Many court cases have addressed the issue, but it has not been conclusively resolved.

Despite the ongoing ethical debate, being a good corporate citizen is a goal toward which most contemporary corporations strive. An effective CSR policy usually means that companies have to commit to both an internal and external approach to ethics. Corporate social responsibility and good corporate governance are in reality just two sides of the very same coin. Social responsibility does not mean lower profitability.

4.2 Sustainability: Business and the Environment

Adopting sustainability as a strategy means protecting the environment. Society has an interest in the long-term survival, indeed the flourishing, of ecological habitats and natural resources, and we ask and expect companies to respect this societal goal in their business activities.

When analyzing what a business owes society in return for the freedom to extract our natural resources, we must balance development and preservation. It may be easy to say from afar that a business should cut back on how much it pollutes the air, but what happens when that means cutting back on fossil fuel use and transitioning to electric vehicles, a choice that affects everyone on a personal level?

4.3 Government and the Private Sector

One challenge in a free enterprise system is balancing the need for government regulation and private-sector corporate managers' need for independence in running their businesses. The Sarbanes-Oxley Act tries to strike this balance by mandating transparency in corporate governance. This debate also includes the question whether businesses operating in the private sector ought to do public good on their own, regardless of whether the government mandates it. For example, many companies make a commitment to keep the environment clean, and to do so by going above and beyond what the law requires.

Assessment Questions

1. True or false? Corporations that embrace CSR policies consistently produce a lower rate of return on investment for shareholders.
2. True or false? Milton Friedman's economic philosophy advocates increased government regulation to ensure that corporations are socially responsible.

3. Which of the following is *not* true?

- A. Shareholder primacy is the clear legal precedent in the United States.
 - B. Maximizing shareholder profits is a legitimate goal of management.
 - C. Dividends are paid out of corporate profits.
 - D. Companies that pursue CSR policies can also be profitable.
4. Industries like to be in control of their own destiny and as a result prefer self-regulation to laws imposed by governments. Self-regulation is often_____.
- A. based on external codes of conduct
 - B. enforced by the courts
 - C. in conflict with common law
 - D. less costly for firms than government regulation
5. Identify two benefits for a company following a policy of corporate social responsibility (CSR).
6. What is earth jurisprudence?
7. Which of the following best describes the tragedy of the commons? A. People are always willing to sacrifice for the good of society.
- B. People are likely to use all the natural resources they want without regard to others.
 - C. The common good of the people is a popular corporate goal.
 - D. Tragedies occur when there is too much government regulation.
8. ISOs are sustainability standards for businesses_____.
- A. promulgated by the state government
 - B. promulgated by the federal government
 - C. promulgated by the World Trade Organization
 - D. none of the above
9. True or false? If environmental harm is discovered, the business entity causing it is frequently held liable by both the government and the victims of the harm in separate proceedings.
10. Which of the following is a potentially effective way to reduce global warming?
- A. build more coal-burning power plants
 - B. build more diesel-burning cars
 - C. implement a carbon tax
 - D. implement tax-free gasoline
11. True or false? The law prohibits all executives from serving in senior government posts and then leaving to go back to work for the same company in the private sector.

12. True or false? Air pollution is regulated by three levels of government: local, state, and federal.
13. Which of the following is true?
- A. Very few business executives have ever left private jobs to go into government service.
 - B. Most government regulatory agencies are funded by donations.
 - C. Numerous executives have left Goldman Sachs to go to work for the government.
 - D. Few people leave government service to go into the private sector.
14. Which of the following constitutional provisions gives regulatory power to the federal government?
- A. First Amendment
 - B. Tenth Amendment
 - C. Commerce Clause
 - D. Supremacy Clause
15. The *Citizens United* case_____.
- A. upheld existing law limiting spending on behalf of political candidates
 - B. overturned existing law
 - C. sent the case back to the lower court to be re-tried
 - D. created more restrictive limits on political spending
16. What Amendment was at the center of the *Citizens United* case? Explain.

Figure 5.1 Business ethics do not exist in a vacuum. They are a reflection of the underlying values of a society and the way society lives out those values over time. This experience is captured in language, culture, religious traditions, and modes of thinking, all of which have varied throughout history and influence the conduct of business in a range of ways. (credit:

modification of “atlas close up dark dirty” by Aaditya Arora/Pexels, CC0)

Chapter Outline

5.1 The Relationship between Business Ethics and Culture

5.2 Business Ethics over Time

5.3 The Influence of Geography and Religion

5.4 Are the Values Central to Business Ethics Universal?



Key Terms

acculturation the cultural transmission and socialization process that stems from cultural exchange

consumerism a lifestyle characterized by the acquisition of goods and services **enculturation** the process by which humans learn the rules, customs, skills, and values to

participate in a society

humanistic business model a business model for balancing profitability and responsibility fairly, especially with regard to stakeholders

localization the process of adapting a product for non-native environments and languages, especially in other nations and cultures

mercantilism the economic theory that global wealth is static and prosperity comes from the accumulation of wealth through extraction of resources or trade

moral agency the self-awareness, freedom, and ability to make choices based on one's perception of right and wrong

universal values ethical principles that apply everywhere despite differences in time, geography, and culture

Summary



5.1 The Relationship between Business Ethics and Culture

Culture has a tremendous influence on ethics and its application in a business setting. In fact, we can argue that culture and ethics cannot be separated, because ethical norms have been established over time by and make sense to people who share the same background, language, and customs. For its part, business operates within at least two cultures: its organizational culture and the wider culture in which it was founded. When a business attempts to establish itself in a new environment, a third culture comes into play. With increasingly diverse domestic and global markets and the spread of consumerism, companies must consider the ethical implications of outsourcing production and resist the temptation to look the other way when their values are challenged by the reality of overseas supply or distribution chains.

5.2 Business Ethics over Time

As a function of culture, ethics is not static but changes in each new era. Technology is a driving force in ethical shifts, as we can see in tracing changes from the age of mercantilism to the Industrial Revolution to the postindustrial era and the Information Age. Some of the most successful recent efforts to advance ethical practices have come from influences outside industry, including government regulation and consumer pressure.

5.3 The Influence of Geography and Religion

Business is primarily about relationships—with employees, business partners, and customers and clients. Ethical standards and practices governing these relationships depend on the environment they exist in, an environment that, in turn, depends on additional factors such as geography and religion. Religion's role in business is less certain today; we are perhaps more likely to see a universal, secular

code of ethics develop than to see religion serve as common ground for different cultures to come together.

5.4 Are the Values Central to Business Ethics Universal?

Any system of business ethics must consider the processes of enculturation and acculturation as well as the fact that ethical standards may shift depending on geography or time, even if certain underlying ethical values (e.g., prohibitions against lying, fraud, or murder) may remain constant. It is usually in a business's best interest to promote human flourishing within the organization, providing comprehensive training along a humanistic business model, which applies the social sciences to ensure profitability and responsibility in an organization as well as happy, productive employees.

Assessment Questions

1. The fact that a McDonald's in Indonesia might provide *sambal* chili sauce to its customers rather than ketchup is as an example of _____.
 - A. acculturation
 - B. consumerism
 - C. enculturation
 - D. globalization
2. What is the major difference between enculturation and acculturation?
3. How might consumerism be at odds with the growing concern for business ethics?
4. True or False? Globalization is evidence that business is culturally neutral.
5. Protecting owners' interests was a common feature of _____.
 - A. the Industrial Revolution
 - B. the Information Age
 - C. the Dodd-Frank Act
 - D. muckraking
6. True or false? All ethical standards are relative and should be treated as such.
7. True or false? The United Nations Global Compact is a set of standards that is binding worldwide.
8. What did the decision in *Shlensky v. Wrigley* (1968) establish in ethical terms? How does it compare to the decision in *Dodge v. Ford Motor Company* (1919)?
9. Values of Protestant Christianity were often used to justify _____.
 - A. mercantilism

- B. Standard Oil's overseas investments
 - C. business success during the Industrial Revolution
 - D. secular humanism
10. True or false? Religion continues to be a forceful influence on ethical systems.
11. Define localization and name at least three items that might be included as part of a localization effort.
12. How would you reconcile cultural differences between so-called contact and noncontact cultures in the context of business negotiations?
13. Businesses today are concerned with balancing profitability with responsibility. Therefore, they should_____.
- A. pay attention to culture
 - B. go beyond compliance
 - C. hire moral people
 - D. hire outside consultants to monitor their supply chain.
14. What are the levels upon which business ethics exists?
- A. compliance and governance
 - B. federal, state, and local
 - C. normative and descriptive
 - D. individual, organizational, and societal
15. Why is conscience the locus or center of ethical behavior in business?
16. Describe the challenge of identifying a universal set of ethics.
17. How does humanities in ethics differ from a humanistic business model?



6

What Employers Owe Employees

Figure 6.1 Fifty years ago, corporate and regulatory boardrooms were almost exclusively male and white, as this meeting of the Federal Open Market Committee, an executive committee of the Federal Reserve banking system, demonstrates. How much has this changed today? (credit: modification of “FOMC meeting, 1970s” by Harris & Ewing/Wikimedia Commons, Public Domain)

Chapter Outline

- 6.1** The Workplace Environment and Working Conditions
- 6.2** What Constitutes a Fair Wage?
- 6.3** An Organized Workforce
- 6.4** Privacy in the Workplace



Key Terms

business purpose exception an exception to the Electronic Communications Privacy Act of 1986 that permits employers to monitor all oral and electronic communications, assuming they can show a legitimate business purpose for doing so

closed shop a union environment that requires new hires to be automatically enrolled in the labor union and union dues to be automatically deducted from their pay

codetermination a concept popular in Europe that gives workers the right to participate on the board of directors of their company

collective bargaining union negotiations with an employer on behalf of employees

comparable worth the idea that pay should be based upon a job holder's worth to the organization rather than on salary history

consent exception an exception to the Electronic Communications Privacy Act of 1986 that allows employers to monitor employee communications provided employees have given their consent

EEOC the Equal Employment Opportunity Commission, created by the U.S. Civil Rights Act of 1964 and which attempts to eliminate discrimination in the workplace based on race, gender, or creed

employment at will a legal philosophy that holds that either the employee or the employer may dissolve the employment arrangement at will (i.e., without cause and at any time unless an employment contract is in effect that stipulates differently)

OSHA the Occupational Safety and Health Act, which governs workplace safety, and the Occupational Safety and Health Administration, which administers the act at the federal level

pay ratio the number of times greater the average executive's salary is than the average worker's

right-to-work law a state law that says a worker cannot be forced to join a union

sexual harassment unwelcome touching, requests for sexual favors, and other verbal or physical harassment of a sexual nature from a supervisor, coworker, client, or customer

Summary

6.1 The Workplace Environment and Working Conditions

A company and its managers need to provide a workplace at which employees want to work, free of safety hazards and all types of harassment. Perks and benefits also make the company an attractive place to work. Yet another factor is managers who make employees feel valued and respected. A company can use all these tools to attract and retain top talent, helping to reach the goals of having a well-run company with a satisfied workforce. Philosophers Aristotle and Immanuel Kant said taking ethical action is the right thing to do. The decision to create an environment in which employees want to come to work each day is, in large part, an ethical choice, because it creates a healthy environment for all to encounter. However, the bonus comes when a satisfied workforce fosters increased quality and productivity, which leads to appreciative customers or clients and increased profitability. There is a financial payoff in that a well-treated workforce is also a productive one.

6.2 What Constitutes a Fair Wage?

The concept of paying people fairly can become complicated. It includes trying to allocate and compensate workers in the most effective manner for the company, but it takes judgement, wisdom, and a moral imperative to do it fairly. Managers must balance issues of compensation equity, employee morale, motivation, and profits—all of which may have legal, ethical, and business elements. The issue of a fair wage is particularly salient for those earning the minimum wage, which, in real terms, has declined by 23 percent since 1960, and for women, who continue to experience a significant pay gap as compared with their male counterparts.

6.3 An Organized Workforce

Employees seek fair treatment in the workplace and sometimes gain a negotiating advantage with management by choosing to be represented by a labor union. Union membership in the United States has fallen in recent years as federal and state law have expanded to include worker protections unions fought for, and as the nation has shifted from a manufacturing to a service economy. Public-sector employee groups such as teachers, professors, first responders, and nurses are unionized in some cities and states. U.S. workers have contributed to a long rise in productivity over the last forty years but have not generally shared in wage gains.

6.4 Privacy in the Workplace

Monitoring of employees, whether electronically or through drug testing, is a complex area of workforce management. Numerous state and federal legal restrictions apply, and employers must decide not only what they are legally allowed to do but also what they should do ethically, keeping in mind the individual privacy concerns of their employees.

Assessment Questions

1. How often should managers in a workplace anticipate an inspection from the Occupational Safety and Health Administration?
 - A. every day
 - B. once a month
 - C. upon request or complaint
 - D. never
2. True or false? Sexual harassment is unethical but not illegal.
3. What are examples of benefits or perks that women usually value more than men?

4. What can a company do to try to reduce sexual harassment?

5. According to data presented in the chapter, about how much do women earn in comparison with men doing the same job?
 - A. a lot less (about 40%–50%)
 - B. somewhat less (about 70%–80%)
 - C. almost the same (95%)
 - D. about the same (100%)
6. True or false? Minimum wages are established by federal law only.
7. True or false? Minimum wages have at least kept pace with the cost of living, because of the automatic cost-of-living adjustment clause in the law.
8. Why have some states raised minimum wages above the federal minimum?
9. What are some of the reasons that have contributed to women making less than men in similar jobs?
10. In the United States, CEO pay is on average _____ times as high as the pay of the average worker in the same company.
 - A. 30
 - B. 50
 - C. 100
 - D. 300
11. True or false: U.S. union membership today is at the lowest level since the 1950s.
12. True or false: The right to work without joining a union is controlled by federal law.
13. Why is union membership at an all-time low?
14. How does executive pay in the United States compare to that in other countries?
15. True or false? Advance permission from employees is required before they can be electronically monitored under federal law.
16. True or false? Workplace drug testing is completely prohibited in some states.
17. Why would a company want to monitor Internet use at work?
18. What are the two major exceptions to the Electronic Communications Privacy Act that weaken its protections of employee privacy rights?
19. Should drug testing of employees be allowed?



7

What Employees Owe Employers

Figure 7.1 What responsibilities do employees have to coworkers and to the company, as well as to themselves, when they are on the job? (credit, clockwise from top left): modification of “Call Centre 2006” by “AaronY”/Wikimedia Commons, CC BY 2.0; credit: modification of “los bolleros” by Agustín Ruiz/Flickr, CC BY 2.0; credit: modification of “Training” by Cory

Zanker/Flickr, CC BY 4.0; credit: modification of “Afghan women at a textile factory in Kabul” by Andrea Salazar/Wikimedia Commons, Public Domain; credit: modification of “GenoPheno” by Cory Zanker/Flickr, CC BY 4.0; credit: modification of “Group” by CoryZanker/Flickr, CC BY 4.0; credit: modification of “doin’ work” by Nick Allen/Flickr, CC BY 2.0)

Chapter Outline

- 7.1 Loyalty to the Company
- 7.2 Loyalty to the Brand and to Customers
- 7.3 Contributing to a Positive Work Atmosphere
- 7.4 Financial Integrity
- 7.5 Criticism of the Company and Whistleblowing



Key Terms

brand a type of product or service marketed by a particular company under a particular name

branding the process of creating, differentiating, and maintaining a particular image and/or reputation for a company, product, or service

bribe a payment in some form (cash or noncash) for an act that runs counter to the legal and ethical culture of the work environment

duty of confidentiality a common-law rule giving an employee responsibility to protect the secrecy of the employer's proprietary information, such as trade secrets, material covered by patents and copyrights, employee records and salary information, and customer data

duty of loyalty a common-law rule that requires an employee to refrain from acting in a manner contrary to the employer's interest

Foreign Corrupt Practices Act an amendment to the Securities and Exchange Act of 1934; its main purpose is to make it illegal for companies and their managers to influence or bribe foreign officials with monetary payments or rewards of any kind in an attempt to get or keep business opportunities outside the United States

insider trading the buying or selling of stocks, bonds, or other investments based on nonpublic information that is likely to favorably affect the price of the security being traded

intellectual property the manifestation of original ideas, protected by legal means such as patent, copyright, or trademark

internal marketing the process of getting employees to believe in the company's product and even to buy it
non-compete agreement a contract clause ensuring that employees will not compete with the company during or after employment there

nondisclosure agreement an agreement to prevent the theft of trade secrets, most of which are protected only by a duty of secrecy and not by federal intellectual property law

nonsolicitation clause an agreement that protects a business from an employee who leaves for another job and then attempts to lure customers or former colleagues away

pay secrecy a policy of some companies to prevent employees from discussing their salary with other workers

qui tam provision the section of the False Claims Act of 1863 that allows private persons to file lawsuits for violations of the act on behalf of the government as well as for themselves and so receive part of any penalty imposed

trade secret a company's technical or design information, advertising and marketing plans, and research and development data that would be useful to competitors

whistleblowing the act of reporting an employer to a governmental entity for violating the law

work style the way and order in which we are most comfortable accomplishing our tasks at work

workplace personality the manner in which we think and act on the job

Summary

7.1 Loyalty to the Company

Although employees' and employers' concepts of loyalty have changed, it is reasonable to expect workers to have a basic sense of responsibility to their company and willingness to protect a variety of important assets such as intellectual property and trade secrets. Current employees should not compete with their employer in a way that would violate conflict-of-interest rules, and former employees should not solicit previous customers or employees upon leaving employment.

7.2 Loyalty to the Brand and to Customers

Employees have a duty to be loyal to the brand and treat customers well. Internal marketing is one process by which a company instills employee commitment to the brand and builds loyalty in its workforce. This loyalty should be a two-way street, however. If the company wants its employees to treat customers with respect, it must treat them with respect as well.

7.3 Contributing to a Positive Work Atmosphere

Ethical employees accept their role in creating a workplace that is respectful, safe, and welcoming by getting along with coworkers and doing what is best for the company. They also comply with corporate codes of conduct, which cover a wide range of behaviors, from financial dealings and bribery to sexual harassment. In addition, they are alert to any situation in the workplace that could escalate into violence. In short, the employee has a duty to be a responsible person in the job.

7.4 Financial Integrity

Legal and cultural differences may allow bribes in other countries, but bribery and insider trading (which allows someone with private information about securities to profit from that knowledge at the public's expense) are illegal in the United States, as well as unethical. A clear gift policy should be in place to help employees understand when it is acceptable to accept a gift from another employee or an outsider (such as a vendor), and to distinguish gifts from bribes.

7.5 Criticism of the Company and Whistleblowing

Employees should understand that there are limits to what can be posted about their employer online, just as there are limits to what they can say in the workplace, and that the First Amendment generally does not protect such speech. Whistleblowers are protected, and

sometimes rewarded, for their willingness to come forward, but they can still face a hostile environment in some situations. Employees should not use whistleblowing as an attempt to get back at a boss or employer they do not like; rather, they should use it as a means to stop serious wrongdoing.

Assessment Questions

1. The common law concept that requires an employee to render loyal and faithful service to the employer is_____.
 - A. the duty of confidentiality
 - B. a non-compete agreement
 - C. the duty of loyalty
 - D. trade secret protection
2. An employee who works in the graphic design department of a large advertising agency most likely cannot moonlight after business hours for a friend's_____.
 - A. bakery business
 - B. web design business
 - C. construction business
 - D. landscaping design business
3. True or false? All fifty states require that an employee refrain from acting in a manner contrary to the employer's interest.
4. Based on a non-compete agreement, what should the employee avoid creating with the employer?
5. What duty requires an employee to maintain the secrecy of proprietary material, such as trade secrets, intellectual property, and customer data?
6. Which of the following is especially important for developing and maintaining employee loyalty to the brand?
 - A. empowerment
 - B. engagement
 - C. commitment
 - D. dedication
7. Efforts to get employees to believe in the product, to commit to the idea that the company is selling something worth buying, and even to think about buying it are part of_____.

- A. brand loyalty
 - B. internal marketing
 - C. employee engagement
 - D. company identity
8. True or false? Employees are more likely to develop some degree of brand loyalty when they have a common sense of purpose and identity with the company.
9. Why should employees care about the way they treat customers?
10. A patient becomes violent on hospital premises after being turned down for the clinical trial of a new drug therapy. This scenario fits which of the following workplace violence categories?
- A. traditional criminal intent
 - B. violence by one worker against another
 - C. violence stemming from a personal relationship
 - D. violence by a customer
11. Understanding the various personalities at work can be a complex task, but it is an important one for developing which of the following?
- A. collegiality
 - B. emotional intelligence
 - C. empathy
 - D. personality harmony
12. True or false? Emotional intelligence is a willingness to step into someone else's shoes.
13. Regardless of their working style, preferences, or quirks, what do employees owe one another?
14. What are the four categories of violence at work, according to the National Institute for Occupational Safety and Health (NIOSH)?
15. The buying or selling of stocks, bonds, or other investments based on nonpublic information that is likely to favorably affect the price of the security being traded is which of the following?
- A. insider trading
 - B. bribery
 - C. illegal transaction
 - D. manipulation

16. A payment in some form (cash or noncash) for an act that runs counter to the legal or ethical culture of the work environment is called_____.
- A. insider trading
 - B. bribery
 - C. illegal transaction
 - D. manipulation
17. True or false? Because legal and cultural differences allow bribes in some other countries, U.S. firms and their employees are permitted to pay them.
18. Bribery generally injures individuals and which other entities?
19. List the factors that help establish the ethics (and legality) of gift giving and receiving.
20. Going to an official government agency and disclosing an employer's violation of the law is _____. A. insider trading
- B. whistleblowing
 - C. free speech expression
 - D. tattletelling
21. True or false? Most U.S. companies prohibit employees from disclosing or discussing salaries among themselves.
22. True or false? The First Amendment does not protect employees at work who criticize their boss or their company.
23. What kind of information can employees post online under the protection of federal statute?
24. What is typically not an appropriate motive for reporting the employer to authorities, unless the company is breaking the law?
25. What should the employees usually try first before going public with an accusation that their company may be breaking the law?



8

Recognizing and Respecting the Rights of All

Figure 8.1 The globalization of the economy highlights one of the advantages of a diverse workforce that can interact effectively with customers all over the world. (credit outside,

clockwise from top left: modification of “GenoPheno” by Cory Zanker/Flickr, CC BY 4.0; credit: modification of “Look at that!” by Gabriel Rocha/Flickr, CC BY 2.0; credit: modification of “Eyes” by “Dboybaker”/Flickr, CC BY 2.0; credit: modification of “doin’ work” by Nick Allen/Flickr, CC BY2.0; credit: modification of “Man Young Face” by “gentlebeatz”/Pixabay, CC 0; credit:

modification of “Training” by Cory Zanker/Flickr, CC BY 4.0; credit: modification of “los bolleros” by Agustín Ruiz/Flickr, CC BY 2.0; credit: modification of “Pithorgarh to Dharchulha on Nepal Border in Uttarakhand India

(158)” by “rajkumar1220”/Flickr, CC BY 2.0; credit: modification of “mother and child” by Peter Shanks/Flickr,

CC BY 2.0; credit: modification of “Afghan women at a textile factory in Kabul” by Andrea Salazar/Wikimedia Commons, Public Domain; credit: modification of “Open kitchen” by Dennis Wong/Flickr, CC BY 2.0; credit middle left: modification of “Begging for the photographer” by Pedro Ribeiro Simões/Flickr, CC BY 2.0; credit middle right: modification of “Calling it a day” by Staffan Scherz/Flickr, CC BY 2.0)

Chapter Outline

- 8.1** Diversity and Inclusion in the Workforce
- 8.2** Accommodating Different Abilities and Faiths
- 8.3** Sexual Identification and Orientation

8.4 Income Inequalities

8.5 Animal Rights and the Implications for Business



Key Terms

animal rights the entitlement of nonhuman animals to ethical treatment

diversity dividend the financial benefit of improved performance resulting from a diverse workforce **inclusion** the engagement of all employees in the corporate culture

income inequality the unequal distribution of income among the participants of an economy

reasonable accommodation a change or adjustment to a job or other aspect of the work environment that permits an employee with a disability or other need to perform that job **undue**

hardship a difficulty or expense to the firm significant enough that reasonable

accommodation may not be required



Summary

8.1 Diversity and Inclusion in the Workforce

A diverse workforce yields many positive outcomes for a company. Access to a deep pool of talent, positive customer experiences, and strong performance are all documented positives. Diversity may also bring some initial challenges, and some employees can be reluctant to see its advantages, but committed managers can deal with these obstacles effectively and make diversity a success through inclusion.

8.2 Accommodating Different Abilities and Faiths

To accommodate religious beliefs, the absence of formal religious faith, or disabilities, businesses should make every reasonable accommodation they can to allow workers to contribute to the company. This may require scheduling flexibility, the use of special devices, or simply an understanding manager.

8.3 Sexual Identification and Orientation

Although about half the states prohibit sexual orientation discrimination in private and public workplaces and a few do so in public workplaces only, federal law does not. Successful companies will not only follow the applicable law but also develop ethical policies to send a clear message that they are interested in job skills and abilities, not sexual orientation or personal life choices.

8.4 Income Inequalities

Income inequality has grown sharply while the U.S. middle class, though vital to economic growth, has continued to shrink. Currently, the federal minimum wage is \$7.25 per hour, and many states simply follow the federal lead in establishing their own minimums. Though some economists dispute the existence of a simple, direct link between a shrinking middle class and governmental failure to raise the minimum wage at a sufficiently rapid pace, no one denies that businesses themselves could take the lead here by paying a higher minimum wage. Companies also can commit to hire workers as employees rather than as independent contractors and pay the cost of their benefits, and to pay women the same as men for similar work.

8.5 Animal Rights and the Implications for Business

Mainstream businesses from pharmaceutical and medical companies to grocers and restaurants must all consider the growing public awareness of the ethical treatment of nonhuman animals. This evolving concern has particular consequences for agribusiness in terms of what creatures we consider appropriate to cultivate and eat. Cosmetic companies are increasingly subject to legislative mandates in the global marketplace and to consumer pressure at home to adopt ethical policies with regard to animal testing. An aware consuming public can continue to force improvements in our treatment of animals.

Assessment Questions

1. Diversity and inclusion at all levels of a private-sector company is _____.
 - A. mandated by federal law
 - B. the approach preferred by many companies
 - C. required by state law in thirty states
 - D. contrary to the company's fiduciary duty to stockholders
2. Google _____.
 - A. has the most diverse workforce of any major U.S. company
 - B. uses a strict quota system in its hiring practices
 - C. is similar to other technology companies, most of which lag on diversity
 - D. promotes women at higher rates than men
3. True or false? Diversity programs may fail due to resistance from employees within a company.

4. Studies have been conducted on the financial performance of companies with high levels of diversity. Briefly discuss the results of such studies.
5. Since the passage of federal laws such as the Civil Rights Act of 1964, the percentage of women in leadership positions has improved but not reached parity with that of men. Briefly discuss the percentage of women in leadership positions in different industries and what might be some of the benefits of improving the representation of women.
6. The primary law prohibiting religious discrimination in the private sector workplace is _____.
 - A. the First Amendment of the Constitution
 - B. state law
 - C. Title VII of the Civil Rights Act
 - D. the Declaration of Independence
7. If an ADA accommodation is significantly expensive, _____.
 - A. the courts may rule that it is not reasonable
 - B. the courts may rule that it must be provided anyway
 - C. the EEOC guidelines do not apply
 - D. the federal government must subsidize the expense
8. True or false? There are no similarities between legal protections in the workplace for religion and disability.
9. The primary law prohibiting discrimination against disabled workers is the ADA. What is its main requirement?
10. Religious apparel and/or appearance are protected under Title VII's umbrella of religious nondiscrimination. Give an example.
11. Are individual states allowed to have laws protecting LGBTQ applicant or employee rights?
 - A. Yes, but it is not really necessary because federal law already protects them.
 - B. No, because it would violate federal law, which prohibits it.
 - C. Yes, some states extend this protection because there is no law at the federal level.
 - D. No, because the Supreme Court ruling in *Obergefell v. Hodges* now protects these rights.
12. True or false? Title VII of the Civil Rights Act prohibits discrimination based on sexual orientation.
13. Federal law does not currently protect LGBTQ applicants from discrimination in hiring. Are there any applicable state laws that do so?

14. Though federal law does not mandate it, do some companies nevertheless allow LGBTQ employees to extend insurance coverage to partners?
15. As of 2018, the current federal minimum wage is _____.
 - A. \$7.25 per hour
 - B. \$10 per hour
 - C. \$12.50 per hour
 - D. \$15 per hour
16. The middle class in the United States _____.
 - A. has steadily increased every year since World War II
 - B. has steadily declined every year since 1990
 - C. shows a significant decline since 2000
 - D. has grown since the recession of 2008
17. True or false? The percentage of income earned by the top 1 percent of households in the United States has more than doubled since the early 1980s.
18. Hiring a worker as an independent contractor saves an employer about 30 percent of the cost of an employee in benefits. Identify one or two of these benefits.
19. Do some states have laws mandating a higher wage than the federal minimum?
20. Laws protecting animal rights in cosmetic testing are _____.
 - A. more advanced in the United States than in the European Union
 - B. more advanced in the European Union than in the United States
 - C. more advanced in Asia than in the United States
 - D. more advanced in Asia than in the European Union
21. Alternatives to animal testing for cancer drugs _____.
 - A. do not exist
 - B. exist but are prohibitively expensive
 - C. exist and are not any more expensive than animal testing
 - D. exist and are far cheaper than animal testing
22. True or false? Cosmetics manufacturing is an area where testing with synthetic human skin is an acceptable substitute for animal testing.
23. True or false? There are not yet viable alternatives to animal testing in medical research.
24. Generally, Europe has more restrictions on animal testing than does the United States. How does this affect U.S. companies?



Professions under the Microscope

9

Figure 9.1 What are the ethical challenges in entrepreneurship? In social media and advertising? In insurance and health care? This chapter examines these industries through an ethical lens. (credit: modification of “Health Care Medicine Healthy” by “ar130405”/Pixabay, CC0)

Chapter Outline

- 9.1** Entrepreneurship and Start-Up Culture
- 9.2** The Influence of Advertising
- 9.3** The Insurance Industry
- 9.4** Ethical Issues in the Provision of Health Care



Key Terms

advertising commercial messages urging the purchase of new or improved products or services that reach us in every medium: print, online, digital, television, radio, and outdoor

Affordable Care Act (ACA) the Patient Protection and Affordable Care Act of 2010, often known as the

Affordable Care Act or simply “Obamacare,” a comprehensive federal health care management system **claim** a request to an insurance carrier for monetary compensation for a loss sustained by a customer **copayment** a partial charge for covered care negotiated by the provider and the employer and paid by the employee

deductible the annual portion of health care costs the patient must assume before full insurance coverage applies

entrepreneur a business leader willing to take on the risk of starting a new company and offering a product or service in the hope of a profit

entrepreneurial culture the combination of personality and management style with which entrepreneurs shape the initial business practices and ethical environment of their firm

multipayer health care system a means of providing health care in which the patient and others such as an employer and a private health insurance company all pay for the patient's care

premiums the fees customers pay for different forms of coverage

psychological appeal advertising intended to bolster consumers' self-esteem if certain products or services are purchased

redlining a discriminatory (and usually illegal) insurance practice of denying certain coverages in specific neighborhoods or selling them there at a higher price

single-payer health care system a means of providing health care in which state or national tax revenues would pay for citizens' medical care, with the government being the sole payer

subliminal advertising appeals including words and images that reach us at a level below our consciousness

universal health care system a means of providing health care to all, funded through taxes and overseen by the central or federal government

wellness programs employer initiatives that stress healthy eating, exercise, weight management, smoking cessation, and other efforts, to sustain employees' health and reduce health care costs

Summary

9.1 Entrepreneurship and Start-Up Culture

The atmosphere surrounding entrepreneurs and their start-ups can provide a dizzying rush. The opportunities to create a company, be your own boss, make a dramatic impact on business, establish an entrepreneurial culture that will be adopted by others, and possibly become rich in the process certainly all appeal to our human nature. Still, the entrepreneurial lifestyle is challenging, and the success rate for start-ups is exceptionally low. Interpersonal conflicts are prevalent in start-up environments, and entrepreneurs who seek to stay true to their vision and ethical values face a difficult road. At many

points, start-up founders have to choose how they most wish to be remembered: for the sake of their business success alone or also for the ethical

fashion in which they attained that success and the humane culture they have embedded in their new firm. Sometimes these are mutually exclusive goals, but the most ethical entrepreneurs do their best to ensure that both objectives mesh for themselves and their firms. This lies at the heart of any definition of ethical leadership.

9.2 The Influence of Advertising

The Internet and social media present new canvasses for marketing that possess great power and for which rules and ethical norms are being developed. Psychological appeals and subliminal messaging present their own ethical issues. Discerning consumers currently must rely on their own sensibility to ferret out factual claims for advertised products and bear the burden of shielding those under their charge from the worst manipulative effects of marketing.

9.3 The Insurance Industry

Business owners and individuals are willing to pay insurance premiums in the hope that they will never have to file a claim for reimbursement on their policy. Because the insurance industry profits only when claims are few and small, there may be a bigger role for government to play in managing disaster insurance through a private/public partnership, such as FEMA currently does to provide flood insurance and the California Earthquake Authority does where potentially disastrous earthquakes may occur. Ethical issues such as whether to expand the use of public tax revenues to subsidize these partnerships need to be resolved.

9.4 Ethical Issues in the Provision of Health Care

The United States, unlike countries in Europe, has little tradition of merging the efforts of the state or federal government with that of private employers in the provision of health care.

Although the quality of U.S. health care has rarely been challenged, its limited accessibility has posed ethical quandaries for business because many employees necessarily look to their employers for this benefit. The 2010 Affordable Care Act is an ambitious effort to meet the need for health care for all. Individual states have considered, and sometimes enacted, programs of their own to supply universal health care.

Assessment Questions

1. What characteristic is common to most entrepreneurs?
 - A. an advanced degree
 - B. deep management experience

- c. a driven, highly competitive nature

- D. a large network of business contacts
2. True or false? Entrepreneurs are usually motivated by the teamwork spirit.
 3. Corporate culture comes from_____.
 - A. the commitment of the company's employees
 - B. the founder's idea of what the work environment should be like
 - C. government regulations about labor relations
 - D. the nature of the company's product or service
 4. One danger a growing start-up can face is_____.
 - A. encroaching bureaucracy
 - B. lack of good employees
 - C. legal issues
 - D. venture capitalists
 5. True or false? The phrase caveat emptor means the seller is principally responsible for purchase decisions, not the buyer.
 6. True or false? Children are discerning viewers of television advertising.
 7. Psychological appeals succeed when they_____.
 - A. make consumers feel better about themselves
 - B. let consumers compare themselves to their peers
 - C. show consumers how to save money
 - D. introduce new products
 8. True or false? Even rational adults often fail to cast a suspicious eye to sophisticated ad pitches and end up making frivolous purchases.
 9. Should insurance coverage be mandatory for in some U.S. areas, such as hurricane coverage in the Southeast, tornado coverage in the Midwest, earthquake coverage on the Pacific Coast? Why or why not? Should government subsidies help underwrite the cost of this coverage? Why or why not?
 10. How prevalent has redlining been in the United States?
 11. Premium rates for insurance coverage are based on statistical calculations of the historical rate of incidence of certain kinds of accidents, disasters, and theft, among other calamities against which we insure ourselves. Is this the most equitable way to assign these rates? Why or why not?

12. True or false? Business insurance is a relatively recent offering.

13. True or false? Insurance coverage offers a benefit we hope never to claim.
14. True or false? Employer-sponsored wellness programs have no downsides for employees.
15. True or false? Most European countries have multipayer health care systems like the United States.
16. In the European tradition, the main responsibility for supplying workers with health care lies with which of these groups?
 - A. the government and labor unions
 - B. labor unions
 - C. nonprofit agencies and private companies
 - D. individual workers
17. A job setting in which an employee gym and a snack bar featuring healthy foods and beverages were perks would benefit which of these groups?
 - A. the owners/managers
 - B. the customers or clients of the firm
 - C. the employees
 - D. all the above
18. Could an ethical case be made for managers dictating that employees adopt or avoid certain lifestyle practices (e.g., legally consuming cannabis) even when they are off the job? What would that argument be? What ethical counterarguments could be made?

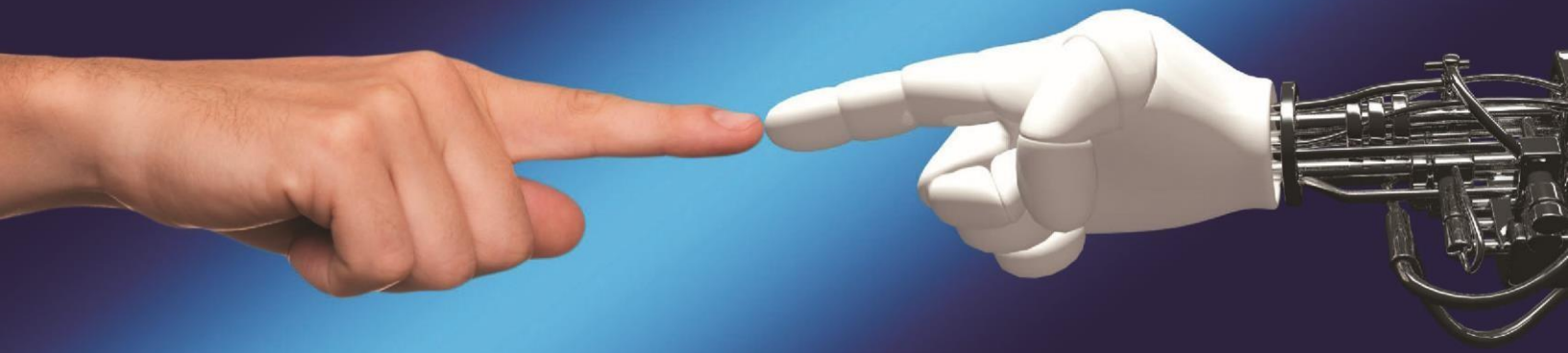


Figure 10.1 Ethical managers will understand new business models and the new economies being driven by technological advances and the rise of robotics and artificial intelligence in the workplace. (credit: modification of “hand robot human divine spark” by “geralt”/Pixabay, CC0)

Chapter Outline

- 10.1** More Telecommuting or Less?
- 10.2** Workplace Campuses
- 10.3** Alternatives to Traditional Patterns of Work
- 10.4** Robotics, Artificial Intelligence, and the Workplace of the Future



Key Terms

access economy a nontraditional business model in which consumers participate on both sides of a transaction, sometimes facilitated by a third party

artificial intelligence (AI) the branch of science that uses computer algorithms to replicate human intelligent behavior by machines with minimal human intervention

flextime a work schedule in which employees can select their own start and finish time

gig economy an environment in which individuals and businesses contract with independent workers for the completion of short-term assignments, engagements, or projects, offering few or no benefits beyond compensation

job sharing the use of two or more employees to perform the work of one full-time position
robotics a field of research that includes computer science, mechanical and electronics engineering, and science process with the objective to produce robots, or related forms of automation, to replicate human tasks

telecommuting working from a remote location (home or other space) by means of electronic connections

Summary



10.1 More Telecommuting or Less?

Remote workers save themselves the time and cost of a commute and are better able to balance work and home life. Companies often benefit from the higher productivity and lower turnover of telecommuting employees, and they can also provide a social benefit by permitting employees to avoid commuting, reducing traffic congestion and pollution. Some challenges of telecommuting for the manager are maintaining the privacy of the firm's data, transmitting corporate culture, defining performance objectives, and encouraging collaboration. Employees have the challenge of remaining focused on work when they are working elsewhere. Ethical companies support their remote workers by developing and encouraging trust and guarding against abuse. They also set clear and equitable expectations and rewards to ensure fairness and keep open the lines of communication.

10.2 Workplace Campuses

Traditional office buildings with separate workspaces for each worker are giving way to multifunctional worksites where employees are encouraged to actively collaborate. Some companies have expanded the workplace to include restaurants, recreation facilities, and convenient amenities to attract and retain employees. Other companies are building villages around their campuses to assist employees seeking to balance work and home life. These all-encompassing work environments have some potential downsides for employees, however, including a risk of tethering them to their workplaces. Their effects on local communities are being questioned as well.

10.3 Alternatives to Traditional Patterns of Work

When undertaken with equity and fairness, job sharing and flextime can create flexibility for workers who need or want to limit their hours. These practices allow employers to recruit more diverse employees, help them meet employees' need for work-life balance, and, in the case of

job sharing, bring more than one person's perspective to problem solving. However, employers must clearly spell out expectations and procedures for each employee to ensure success.

Given flexible hours and job-sharing arrangements, the traditional employment-based U.S. economy appears to be in transition toward new business models that offer many opportunities but also serious challenges. Ethical issues in the access economy include the responsibilities of each of the parties in a sharing transaction and the character of any regulation, including taxes, that may be passed. In the gig economy, they include workers'

insecure positions and lack of benefits, employers' responsibility for paying their fair share of social insurance (payroll) taxes, and the fair treatment of interns.

10.4 Robotics, Artificial Intelligence, and the Workplace of the Future

Initially, robots and AI inspire both intrigue and fear in most of us. Fear of losing jobs is a reality, but so too is intrigue about what the future holds. A key for companies is to help workers retrain to become part of that future.

Assessment Questions

1. Which of the following is not a prospective benefit to the firm of implementing a telecommuting program?
 - A. higher productivity of telecommuting workers
 - B. greater connectivity and collaboration among employees
 - C. lower operating costs
 - D. more satisfied workers
2. A successful telecommuting program would include which of the following?
 - A. a written policy that spells out expectations
 - B. an oral policy the manager can change at will
 - C. subjective criteria for each individual worker
 - D. preference for some people to telecommute over others
3. True or false? Telecommuting presents some difficulties for on-site technology departments providing security and technical assistance.
4. True or false? Some telecommuters may be penalized by a perception that they are lazy.
5. How can an employer develop trust in a telecommuting employee?

6. In what ways does telecommuting help companies recruit and retain employees?

7. When considering the issue of work-life balance, which of the following points does not apply?
 - A. Each employee probably assesses this differently.
 - B. Managers and workers as cohorts often have different perspectives on it.
 - C. Workers with families at home should be entitled to a “better” balance.
 - D. All employees have a right to pursue this.
8. Which of the following is not a potential downside of a corporate campus?
 - A. Impaired productivity
 - B. Reduced ability of labor markets to adjust to changing conditions
 - C. Adverse impact on local businesses
 - D. Increased fiscal burden on local government
9. True or false? The design of corporate campuses is meant to enhance opportunities for employees to collaborate.
10. Why do some companies provide free or inexpensive meals for their employees? Are they behaving ethically by doing so?
11. If you were designing an office building for a mid-size advertising firm, what ideas could you incorporate from this section to enhance collaboration?
12. Some employers allow workers a compressed work week as long as _____.
 - A. the work can be put off until the next week
 - B. the workplace is a store
 - C. it is a week in which a holiday falls on Monday
 - D. the employee can completely finish the work in a shorter time
13. The primary reason small-business entrepreneurs might want to hire mostly contract labor is that _____.
 - A. the cost of fringe benefits is reduced
 - B. only contract workers can be part-time but employees must be full-time
 - C. only employees can file workers compensation claims
 - D. it improves the company’s stock price
14. True or false? One drawback to job sharing is that employees may become competitive with one another, which could cause communication difficulties.
15. True or false? The terms “sharing economy” and “access economy” both refer to a marketplace that differs from the traditional, more capital-intensive, shareholder-owned corporations.
16. How could offering a shared job help an employer recruit more employees?

17. Participating in the gig economy often means working for a company as a part-time worker with no guarantee the job will last. Why would someone do it?
18. What advantages does a company gain from hiring gig workers?
19. Robots have usually been operated by a human at the controls but now are becoming more independent. How?
20. Artificial intelligence and robotics in the United States are thus far largely unregulated. Do you see more regulations coming? Why or why not?
21. The use of robots at work_____.
 - A. can reduce the exposure of humans to dangerous working conditions
 - B. costs more than human labor
 - C. must first be approved by the Occupational Safety and Health Administration
 - D. is unlikely to affect the number of people in the overall workforce
22. True or false? Worker displacement is a problem that companies have a legal duty to address when implementing the use of robots.
23. Worker retraining programs for employees who lose their jobs to robots_____.
 - A. are a “Band-Aid” solution most of the time
 - B. will be needed only for a small minority of the workers who lose their jobs
 - C. are offered and funded by the employers only if a sufficient number of workers are displaced
 - D. are an obligation taken on by ethical companies



Epilogue: Why Ethics Still Matter

11

Figure 11.1 Business ethics starts right where you are and leads you down the road of life with a set of standards and rules to follow. (credit: modification of “We're on the Road to Nowhere” by Marc Dalmulder/ Flickr, CC BY 2.0)

Chapter Outline

- 11.1** Business Ethics in an Evolving Environment
- 11.2** Committing to an Ethical View
- 11.3** Becoming an Ethical Professional
- 11.4** Making a Difference in the Business World

Introduction

Even though they are business decisions, the choices we make at work can be personal in that they begin with our use of conscience. Just as the human body requires nourishment and care, so the conscience needs attention. Developmental psychologists have long understood that the

formation of conscience, and the emergence of an individual in whom being and doing are comfortably aligned, take place over time. There are no shortcuts. Imperfection, self-doubt, and mistakes are part of the process. But what counts in life—including our choice of profession as well as the way we live our personal lives—is the manner in which we apply wisdom, education, and experience in forming the decisions we make and in becoming the person we wish to be.

Facing the right direction may be difficult at first, but with each decision toward wholeness, the path becomes a little easier to tread. The reverse is also true. When we

neglect or ignore our conscience, it becomes more difficult for us to turn around. This final chapter explores the process of becoming a professional with an unshakeable ethical stance in a changing world. Where do you stand on your own path in life, and more important, which direction are you facing ([Figure 11.1](#))? In which direction will your choices regarding your work and career take you?

11.1

Business Ethics in an Evolving Environment

Not only does the world seem to have shrunk, but the twenty-first century pace of change seems to have sped up time itself. As the world becomes smaller and faster and companies adapt their practices to fit new conditions, the core of business ethics that guides corporate behavior remains the same, directed, as always, by shared values and morals as well as legal restraints. What happens when these are ignored? An example follows:

Rajat Gupta grew up in India, earned an MBA from Harvard, and prospered for years as managing director of McKinsey & Company, a preeminent management consulting firm. A respected business leader and cofounder of the Indian School of Business and the American Indian Foundation, Gupta served on many corporate and philanthropic boards. “Gupta was commended by people who knew him as a person who helped others. He was very active in providing medical and humanitarian relief to the developing countries. Born to humble circumstances, he became a pillar of the consulting community and a trusted advisor to the world’s leading companies and organizations.”¹ According to the Securities Exchange Commission, however, in 2009, Gupta provided hedge-fund manager and long time friend Raj Rajaratnam with insider information about investor Warren Buffet’s agreement to purchase shares in Goldman Sachs, an investment bank for which Gupta served as a corporate director. Gupta was convicted of felony securities fraud relating to insider trading (three counts) and conspiracy (one count) and sentenced to two years in jail plus \$5 million in fines.² He had chosen to violate both business ethics and the law, as well as breaching his fiduciary duty as a corporate director.

When corporate managers follow codes of conduct in a virtuous fashion, the outcome is positive but tends not to make the news. That is not a bad thing. We should value ethical behavior for its own sake, not because it will draw media attention. Unethical behavior, on the other hand, is often considered newsworthy, as were the crimes of Rajat Gupta. In discussing his case, the Seven Pillars Institute for Global Finance and Ethics (an independent, non-profit think tank based in Kansas City, Missouri, that helps raise public awareness about financial ethics) said, “As a true professional, the good manager strives

to achieve a moral excellence that includes honesty, fairness, prudence, and courage.”³

These are some of the virtues ethical players in the corporate world display.

CASES FROM THE REAL WORLD

General Motors’ Failure to Consider Stakeholders

General Motors (GM) has struggled with its brands and its image. Over the years, it has jettisoned some of its once-popular brands, including Oldsmobile and Pontiac, sold many others, and climbed back from a 2009 bankruptcy and reorganization. The automaker was hiding an even bigger problem, however: The ignition switch in many

switches caused 124 deaths and 273 injuries, and GM was finally brought to federal court. In 2014, the company reached a settlement for \$900 million and recalled 2.6 million cars.

The case exemplifies the tension between the concept that “the only goal of business is to profit, so the only obligation that the business person has is to maximize profit for the owner or the stockholders” on one hand, and the ethical obligations a company owes to its other stakeholders on the other.⁴ GM’s failure to consider its stakeholders and consumers when choosing not to report the potential for malfunction of the ignition switches led to an ethical breakdown in its operations and cost the company and its customers dearly. In addition, by treating customers as only a means toward an end, the company turned its back on a generation of loyal buyers.

Critical Thinking

- What virtues and values shared by its long-time customers did General Motors betray by failing to disclose an inherent danger built into its cars?
- How do you think that betrayal affected the company’s brand and the way car buyers felt about the firm? How might it have affected its shareholders’ views of GM?

Answer Key

Chapter 1

1. A
2. True
3. Behaving ethically requires that we meet the mandatory standards of the law and then go above and beyond them to recognize that an action may be legal but we personally may consider it unacceptable. Ethical reasoning often is more topical than law and reflects the changes in consciousness that individuals and society undergo. Often, ethical thought precedes and sets the stage for changes in the law.
4. Normative ethical theories are philosophical theories based on reason that tell individuals how they ought to behave. Descriptive ethical theories are based on scientific evidence describing how people tend to behave in a particular context. The theories discussed in this book are normative. 5. B
6. False. In Friedman's view, a company's social responsibility consists of enhancing stockholder value.
7. CSR is the practice of viewing a business within a broader context, as a member of society with certain implicit social obligations, rather than considering the maximization of shareholder wealth as a company's sole purpose and objective.
8. In three columns, list stakeholders in order of perceived priority, their perceived interests, and the likely impact of the business decision on them. This will aid comprehension of the decision's impacts as well as provide justification for the course of conduct ultimately chosen.
9. The ethical behavior of managers has a positive influence on the value of a variety of components affecting the company's overall goodwill, including its brand, its workforce, and its customer relationships. Positive goodwill generated by ethical business practices, in turn, generates long-term business success.
10. True
11. D
12. Having a single ethical standard maximizes ethical behavior no matter who the other party is and supports an internally consistent rule of behavior toward all family, friends, customers, clients, and others with whom we interact.

Chapter 2

1. A
2. B
3. True
4. True
5. Because virtue ethics emphasizes individual character and conscience, it can have a tremendous influence on organizational culture by encouraging individuals to stand up for sound, ethical, and responsible business practices.
6. C
7. D
8. True
9. False. Confucius's hope for reform was the five great relationships that support Chinese society: parent/child, husband/wife, elder/junior sibling, master/apprentice, and ruler/subject.
10. Wholeheartedness and sincerity require not just competence but compassion when dealing with stakeholders and making executive decisions. Reflecting the overall Confucian concern for balance, they temper initiative and boldness with self-regulation.
11. A
12. B
13. True
14. False. In Confucian ethics, the locus of ethics and moral decision making was the family rather than the individual. The most important value was the development of humanity and putting an end to anarchy, and this was done best in the context of the family.
15. D
16. A
17. True
18. Utilitarianism is pervasive in contemporary business practice, management theory, and decision-making through cost-benefit analysis. Decisions are often made based on the "bottom line" of profit, numbers of stakeholders affected, or overall utility to the organization. Utilitarianism is reflected in this abiding emphasis on efficiency, often to the neglect of other factors.
19. Certainly there exists a need today to engage in political debate that includes all sides of an issue in respectful ways. Mill's teaching on the role of free speech in society can be a starting point and a reminder of the importance of civil debate and freedom.
20. C
21. True
22. True
23. Utilitarianism is a consequentialist philosophy dependent solely on outcomes. Although focused on rights, Mill's utilitarianism also depends on results. Deontology is concerned with motive, duty, and one's obligation to act regardless of circumstances or outcomes.
24. Because Kantian ethics is about treating people not as means but as ends, this philosophy can influence nearly every aspect of business, from research and development to production, manufacturing, marketing, and consumption. It may be difficult to implement, however, because many businesses are focused on efficiency and production to the near-exclusion of other factors.
25. C

- 26. B
- 27. True
- 28. True
- 29. Rawls's theory has been called radical because it redistributes goods and services without regard for extenuating circumstances or historical context. It also has been accused of stifling enterprise, innovation, and investment.

Chapter 3

- 1. D
- 2. False. Amenities are additional resources made available to employees above and beyond wages, salary, or other standard benefits or obligations.
- 3. Regardless of the company or brand selected, responses should include some of the following: customers, clients, employees, shareholders, communities, government, media, and possibly the environment and other abstract concepts that represent resources or concerns of many people.
- 4. A
- 5. C
- 6. The normative approach is the fundamental basis of stakeholder theory and argues that stakeholders are ends unto themselves rather than means to an end. Thus, they have inherent value and cannot be looked at merely as instruments or as functional parts in an economic engine intended solely to generate profit for stockowners. That said, the instrumental and descriptive approaches also have their role in helping us to understand stakeholders and are mutually supportive of the normative approach.
- 7. The high-power, high-interest quadrant is most important because it represents stakeholders who both are highly interested in their relationship with the firm and have a high level of power or influence in the relationship.
- 8. C
- 9. True
- 10. The three components are people, profit, and planet.
- 11. The California Act requires businesses that operate in California to describe for consumers all components and activities of their supply chains.
- 12. True
- 13. C

Chapter 4

1. False. Social responsibility does not mean lower profitability, as the returns on social index funds have shown.
2. False. Milton Friedman argued that shareholders should be able decide for themselves what social initiatives to donate to or to take part in, rather than having a business executive or government decide for them.
3. A
4. D
5. One benefit is that consumers may prefer to purchase products from a socially responsible company. A second benefit is that CSR may attract more investors, or shareholders, who are interested in investing in the company.
6. Earth jurisprudence is an interpretation of law and governance based on the belief that society will be sustainable only if we recognize the legal rights of Earth as if it were a person.
7. B
8. D
9. True
10. C
11. False. Legal restrictions exist to limit the revolving door effect, but most relate only to direct government contracting and/or lobbying.
12. True
13. C
14. C
15. B
16. The First Amendment and free speech: The case was a challenge to the federal elections law limiting the amount of money a person or business can spend in support of a political candidate.

Chapter 5

1. A
2. Enculturation is the process by which humans learn the characteristics, values, and rules to participate in a society more generally, whereas acculturation is the introduction of the values, worldview, philosophy, or practice of one culture into another.
3. As an extreme preoccupation with buying and owning, consumerism runs counter to the new sensitivity to ethics and human flourishing in business, because it defines people not by their humanity but by their purchasing power.
4. False. Cultures often adapt to business rather than the other way around. As an example, U.S.-style jeans and baseball caps can now be found globally. 5. A
6. False. Certain core ethics exist throughout cultures and time, although they may manifest in different ways. 7. False. The UN Global Compact is a voluntary set of standards; it is not legally binding on countries or corporations.
8. *Shlensky v. Wrigley* gave boards of directors and management more latitude in determining how to balance the interests of stakeholders. This was in contrast to *Dodge v. Ford Motor Company*, which validated the rule of shareholder primacy.
9. C
10. True
11. Localization is the process of adapting a product for use or sale in other nations and cultures. This might include language translation, adapting content to the tastes and consumption habits of the local market, and converting measurements.
12. This can be a matter of managing expectations. Managers must do the work required for any business deal but deliver it in a way that is culturally sensitive, even if that means negotiating details like project deadlines and the conduct of meetings and agreeing to have different expectations of those in a different cultural context.
13. A
14. D
15. Conscience is the locus of ethical behavior in business because individuals acting in free association make up the business or organization. They are motivated by their inner voice to act responsibly toward each other and their stakeholders—or not.
16. Although many agree on the importance of goals like acting with honesty and fairness and treating people as ends rather than means, their implementation is extremely complex, because people have different understandings of what is honest, fair, or an end in itself. The result may be a series of diverse rules rather than one set.
17. A humanistic business model focuses on leadership development and the data of social science about how to motivate people. Humanities in ethics looks to case methods, novels, short stories, and plays to gain insight into human behavior.

Chapter 6

1. C
2. False. Sexual harassment is both unethical and illegal.
3. Surveys show that women value benefits related to childcare and health care more highly than do men, although the benefit mix any employee values most is an individual one.
4. Managers can model ethical behavior by example, and the company can offer training and communicate and strictly enforce a written policy. **5. B**
6. False. Minimum wage can be set by city (municipal), state, or federal governments.
7. False. Minimum wages have not kept up with inflation; in fact, they have fallen far behind.
8. Cost of living variations and concern about a shrinking middle class are possible motives for a state to enact its own above-federal minimum wage.
9. Among the factors are discrimination, historical wage rates, and artificially manipulated job titles.
10. D
11. True
12. False. Right-to-work laws are state laws.
13. Union membership is low due to two primary reasons: the United States has switched from a manufacturing economy to a service economy, and the law now affords workers many of the protections they once got only through a collective bargaining agreement.
14. Most studies indicate that U.S. executives are paid much more highly than executives in other countries, including those that are very competitive with the United States. The pay ratio is approximately three hundred in the United States as compared with twenty-two in the United Kingdom and twelve in Germany.
15. False. If an employer is monitoring any device owned by the company, such as a telephone or computer, no advance notice is required.
16. False. No state completely bans drug testing. Some regulate it to make sure it is fair and accurate.
17. There are at least two reasons a company might want to monitor Internet use at work: productivity and electronic security. Managers do not want employees wasting time or exposing the company to breaches of data security, identity theft, or the legal ramifications of inappropriate or offensive behavior.
18. The two exceptions to the ECPA that weaken its protection are the business purpose exception, which allows monitoring if an employer can demonstrate a legitimate business purpose for doing so, and the consent exception, which allows employers to monitor employee communications provided employees have given their consent.
19. The answer is yes, as long as a company is responsible for what its employees do. Then businesses need to check for drugs due to reasons such as workplace safety and protection of property.

Chapter 7

1. C
2. B
3. True
4. Conflict of interest: The employee must not act in a way that would result in a conflict of interest with the employer.
5. Duty of confidentiality: Employers are well within their rights to expect employees to honor their duty of confidentiality and maintain the secrecy of such proprietary material as trade secrets, intellectual property, and customer data.
6. A. Employers can encourage positive behavior toward customers by empowering employees to use their best judgment when working with them.
7. B
8. True
9. Customers' perceptions are formed by the employees with whom they have contact, and these perceptions affect not only the company but all the employees who depend on its success for their livelihood.
10. D. Violence by a customer occurs when the violent person has a legitimate relationship with the business, perhaps as a customer or patient.
11. A
12. True
13. Employees owe each other courtesy and respect.
14. NIOSH indicates that violence at work usually fits into one of four categories: traditional criminal intent, violence by one worker against another, violence stemming from a personal relationship, and violence by a customer. **15. A**
16. B
17. False. Despite legal and cultural differences that may allow bribes in other countries, U.S. firms and their employees are prohibited from paying them.
18. In addition to individuals, bribery injures competitors, the government, and the free-market system as a whole.
19. Factors that help establish the ethics and legality of gift giving include the value of the gift, its purpose, the circumstances under which it is given, the position of the person receiving it, company policy, and the law.
20. B
21. False. Generally speaking, labor law gives workers the right to discuss among themselves the specifics of their individual employment agreements, including matters of salary.
22. True
23. Employees can post information online about wages, hours, and working conditions, and that speech is protected by federal statute.
24. Employees should not seek revenge on a boss with whom they are angry. Of course, even if an employee has a personal revenge motive, if the company is actively breaking the law, it is still important that the wrongdoing be reported.
25. The employee should usually try internal reporting channels first, to disclose the problem to management before going public.

Chapter 8

1. B
2. C
3. True
4. Studies indicate that the financial performance of companies with a diverse workforce is above average for their industries. The McKinsey and Company study noted in the chapter found that companies featuring great diversity in their workforces typically enjoyed earnings between 15 and 35 percent greater than their respective US industry medians.
5. The percentage of women in leadership positions remains much lower than for men, generally less than 20 percent of positions. The benefits of greater gender diversity in the workforce include improved internal relationships and employee morale and more effective internal and external communication. Studies have also shown that companies in the top 25 percent for executive and/or board diversity had returns on equity more than 50 percent higher than those companies that ranked in the lowest 25 percent.
6. C
7. A
8. False. In both cases, employers must be willing to make a reasonable accommodation for the employee.
9. The ADA's main requirement is that employers make reasonable accommodations for applicants and workers with disabilities to allow them to perform the essential functions of the job.
10. One example of religious apparel that is protected under Title VII is Muslim women's head scarves, which, in most situations, they may wear.
11. C
12. False. Title VII of the Civil Rights Act does not address sexual orientation and federal law does not prohibit discrimination based on this characteristic.
13. Yes. Approximately half of U.S. states have local laws that provide protection even though federal law does not; however, some of those states prohibit sexual orientation discrimination only in public workplaces, not private ones.
14. Yes. The law does not mandate or prohibit extending benefits to LGBTQ partners; it is up to the company.
15. A
16. C
17. True
18. Independent contractors are not covered by workers' compensation or unemployment insurance or health insurance coverage.
19. Yes. A state can set its own minimum wage higher than the federal level. Currently, twenty-nine states do so.
20. B
21. C
22. True.
23. False. Alternatives include the use of patient-drug databases, virtual drug trials, computer models and simulations, non-invasive imaging techniques, and micro dosing.
24. U.S. companies lose sales abroad because they cannot sell products that were tested on animals in the European Union markets.

Chapter 9

1. C
2. False. Entrepreneurs are usually motivated by the hope of profit.
3. B
4. A
5. False. Caveat emptor means the buyer is principally responsible for purchase decisions, not the seller.
6. False. Research studies indicate that children are the least-discerning audience for much advertising content.
7. A
8. True
9. Arguably, yes. Residences and businesses in these catastrophe-prone areas certainly would benefit from coverage. The difficulty comes in paying for it; it can be very expensive given the potential for cataclysmic loss. So an apparatus that would combine payment on the part of the insured but supplemented with tax subsidies might be most fair.
10. Very. Though it is essentially illegal everywhere, traces of it remain.
11. Statistically, this makes sense, but it often plays out unfairly for those insured individuals who absolutely do not contribute to the higher incidence of claims in certain areas. For example, suppose you are a very safe driver in a neighborhood of dangerous drivers. Your premiums for auto insurance will reflect not so much your own safety record as the overall rate of claims in your community.
12. False. British merchant shippers began insuring themselves against loss of their cargos in the seventeenth century.
13. True
14. False. Employer-sponsored wellness programs carry some risk of invasion of worker privacy.
15. False. Most European countries have single-payer health care systems.
16. A
17. D
18. Yes, such a case could be made, particularly if the company is providing health coverage for its employees, because the cost of this coverage to the employer is driven by the number of health claims made against it by workers. Furthermore, absenteeism reflects the health of employees, and their actions off the job help determine this. Conversely, permitting employers to stipulate worker behavior when not on the clock places great oversight in the hands of management and reduces individual autonomy significantly.

Chapter 10

1. B
2. A
3. True
4. True
5. An employer can communicate clear expectations and then regularly check the employee's successful completion of tasks according to specifications.
6. Companies can use telecommuting to recruit and retain employees who wish to facilitate work-life balance, or employees from locations that are not within daily travel distance to the facility.
7. C
8. A
9. True
10. Making free or inexpensive food available in the workplace is a recruiting and retention tool. The employer may also hope that if food is available on the premises, employees will spend less time getting meals and more time working. It might be considered unethical to try to control employees' time and limit social interactions away from work.
11. Any new office building could incorporate shared and flexible work space to allow for greater collaboration among employees. Less space would be dedicated to individual offices. A manager would also want to include collaborative technology that allows employees to easily contact customers, vendors, and other suppliers.
12. D
13. A
14. True
15. True
16. Applicants who are interested in working fewer hours will be encouraged to apply for a job they would have to pass up if it were full-time.
17. Gig work allows flexible scheduling, the ability to work for more than one company at a time, and the ability to work more or fewer hours each week, as desired.
18. Advantages include reduced payroll taxes, reduced cost of benefits, and the ability to use and, hence, pay for workers only when they are needed.
19. The development of artificial intelligence allows robots to act on their own much more often, meaning humans do not always control them.
20. Likely yes, for example in the area of self-driving cars, where we have already (in 2018) experienced a pedestrian's death caused by a self-driving car.
21. A
22. False. Companies have no such duty.
23. D

**Department of Management
Studies NALSAR
University of Law,
Hyderabad IPM 2021-26
Business Statistics-II**

Credits	5
Faculty Name	Dr. Mahendra Kumar Shukla
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Academic Year and Term	2022-23, Term- V

Course Description

The course 'Business Statistics-II' is an introduction to probability and probability distributions for management students. In the rapidly changing business environment, it is imperative to have an appreciation of probabilistic decision models, its presentation, analysis, and interpretation. This course aims at imparting these skills so that you can make better use of probabilistic models in decision making.

Learning Outcomes

At the end of the course, you should be able to:

- Understand and apply probability distributions to model different types of business processes.
- Understand and apply statistical inference techniques (including statistical estimation) in business situations.

Readings (Textbook)

- Statistics for Management, by Levin R.I, and Rubin D.S. Prentice Hall India, Seventh Edition, 2000.
- Morin, D. J. (2016). Probability: For the Enthusiastic Beginner. Create space Independent Publishing Platform.

Evaluation

- Two quizzes of 30% weight.
- End Semester Examination of 50% weight.

- Final project report and presentation of 20% weight.

Session Plan

Module	Session	Topics/Activities	Readings from Supplementary Material (SM)/Textbook
	1-2	Recap of descriptive statistics, Introduction of Course	
Module-I: Combinatorics	3-11	- Factorials - Permutations - Ordered sets, repetitions allowed - Ordered sets, repetitions not allowed - Unordered sets, repetitions not allowed - Unordered sets, repetitions allowed - Binomial coefficients - Coins and Pascal's triangle $(a + b)^n$ and Pascal's triangle - Properties of Pascal's triangle	SM/Chapter-1
Module-II Probability Concept	12-26	- Definition of probability - The rules of probability (In)dependence and (non)exclusiveness - Conditional probability - Four classic problems - The Birthday Problem - The Game-Show Problem - The Prosecutor's Fallacy - The Boy/Girl Problem - Law of Total Probability - Baye's Theorem - Sterling's Formula	SM/Chapter-2 Textbook/Chapter 4
Module-III Probability Distribution	27-36	- Discrete Probability Distribution - Binomial Distribution - Poisson Distribution - Continuous Probability Distribution - Gaussian or Normal Probability Distribution	SM/Chapter-3,4 Textbook/Chapter 5
Module-IV Sampling and Sampling Distribution	37-43	- Sampling - Random Sampling Techniques - Non-random Sampling Techniques - Sampling Distribution - Central Limit Theorem - Sample Size Calculation	SM/Chapter-5 Textbook/Chapter 6
Module V Estimates	44-50	- Point and Interval Estimates - Confidence Level and Interval - Interval Estimates of Population Mean - Interval Estimates of Population Proportion	SM/Chapter-6 Textbook/Chapter 7

Academic Integrity

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