

**PROGRAM: 3 Yr/5 yr Professional Law**

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

**Semester: VI/X**

**Course Title-: LAW OF EVIDENCE**

**Course Code:**

**Credits: 4**

## **COURSE OUTLINE**

### **COURSE OBJECTIVES:**

The Course is designed to provide the students with a conceptual and practical understanding of meaning, purpose and application of rules of evidence in relation to relevancy of facts and proof in the court of law during the trial. It will help the students think about the process of adducing evidence, principles of admissibility and exclusion of evidences in a trial. The course will prepare the students to understand the relevancy and admissibility of the evidence produced in the court in a suit or proceeding and understand how the facts need to be proved in the courts it will assist students in analysing the process of adducing evidence through witness examination and argument for or against admissibility of their evidence. The course will effectively impart learning on the kinds of evidences, modes of proof and burden of proof. It will also examine the law as a Lex Fori and the role of a judge while hearing and appreciating the evidences on record in a suit or a proceeding.

### **COURSE OUTCOMES:**

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

1. Analyse the concept and nature of different types of evidence;
2. Identify and apply the rules relating to relevance and admissibility of evidence in courts;
3. Understand the standard of burden of proof followed in civil and criminal cases;
4. Analyse the role played by the witnesses and evidentiary value attached to ocular evidence vis-à-vis scientific evidence;
5. Understand the procedure of examination of witnesses and different categories of witnesses involved in a suit or proceeding;
6. Explain the role and presumption powers endowed upon the judges during the trials;
7. Examine the applicability and admissibility of forensic science in civil and criminal cases along with the admissibility of expert's opinion.

### **MODULE 1:**

#### **General introduction and Relevancy of Facts (ss. 1-55) and relevant definitions under Information Technology (Amendment) Act 2008**

1. Introduction and applicability of Indian Evidence Act, 1872
1. Important terminologies under Indian Evidence Act, 1872
1. Doctrine of Res Gestae
1. Motive, Preparation and Conduct

### 1. Conspiracy when relevant

1. When facts not otherwise relevant become relevant
1. State of mind and body
1. Admissions and Confessions
1. Statements by persons who cannot be called as witness
1. Judgements when relevant
1. Relevancy of opinions of third parties
1. Character when relevant
1. Definitions under Information Technology (Amendment) Act, 2008- S.2

### **MODULE 2: Proofs and Burden of Proof (ss. 56-117)**

1. Facts which need not be proved
2. Oral and documentary evidence
3. Proof of electronic evidences
4. Public and private documents
5. Law relating to presumptions
6. Exclusion of oral by documentary evidence
7. Rules relating to burden of proof
8. Doctrine of estoppel

### **MODULE 3: Witnesses (ss. 118-167)**

1. Who may testify?
2. Procedure for examination of witnesses
3. Questions to be put up to the witnesses
4. Credibility of witnesses
5. Judges power to put questions
6. Improper admission and rejection of evidence

### **MODULE 4: Forensic Evidence Use and applicability of Forensic Evidence in the courts**

1. Introduction and branches of forensic science
2. Forensic evidence and types of forensic evidences
3. Application of forensic evidence in civil and criminal cases
4. Relevance and use of forensic evidence under Indian Evidence Act, 1872
5. Expert Witness and Admissibility of expert's opinion in the courts

### **Suggested Reading:**

1. The Law of Evidence by Ratanlal & Dhirajlal
2. Law of Evidence by Vepa P Sarathi
3. The Law of Evidence by Justice Y V Chandrachud & V R Manohar
4. Textbook on Law of Evidence by Justice Monir
- 5.
6. Principles of Law of Evidence by Avtar Singh

7. Supreme Court on Evidence by Chakraborty
8. Expert Evidence by Choudhary
9. Sarkar on Evidence
10. Law of Evidence by Dr. V Krishnamachari
11. Law of Evidence by S D Basu
12. The Law of Evidence by Dr. S R Myneni
13. Evidence Act by P R Reddy
14. Evidence Act by Nandi
15. Criminal evidence by Arshad, Subzwari
16. Phipson on Evidence
17. Nayan Joshi, Medical Jurisprudence and Toxicology, Kamal Publishers

**PROGRAM: 3 Yr/5 yr Professional Law**

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

**Semester: VI/X**

**Course Title-: LAW OF TAXATION**

**Course Code:**

**Credits: 4**

**COURSE OBJECTIVES:**

This course aims to help students to comprehend the basic principles of the laws governing Direct and Indirect taxes. It also helps to understand the basic principles underlying the Income Tax Act and Compute the taxable income of an assessee. It will also analyse the assessment procedure and explain about the representation before appropriate authorities under the law. The direct taxation is a powerful incentive or disincentive to economic growth, a lever which can rise or depress savings and capital formation, and instrument of reducing income disparities. The following course content has been designed to provide a comprehensive picture of taxation in India.

**COURSE OUTCOMES:**

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

1. Understand and appreciate the history of taxation in India and the Indian Constitutional principles and provisions relating to Taxation
2. Understand and apply the Income Tax Act, 1961 provisions
3. Grasp the significant provisions of Central Goods and Services Act, 2017
4. Understand the Integrated Goods and Services Act, 2017
5. Understand the Maharashtra Goods and Services Act, 2017
6. Know the Maharashtra law on state tax on professions

**MODULE 1:**

- 1.1 History of Tax Law in India,
- 1.2 Constitutional provisions relating to Taxation
- 1.3 Nature and Scope of Tax
- 1.4 Definition: Persons, Assessee, Previous year, Assessment year, Financial year, Income, Gross Taxable Income, Taxable Income, Agricultural Income, Tax Evasion and Tax Avoidance

**MODULE 2:**

- 2.1 Income Tax, Residential Status: Rules (Sec.6),
- 2.2 Tax Liability Exemption, Deduction, related to individual, Expenses & Income, Rebate, Deemed income and clubbing of income,
- 2.3 Carried forward and Set off losses
- 2.4 Heads of Income: Income from Salary, House property, Business and Profession, Capital Gain and other sources
- 2.5 Calculation of Gross Total and Taxable income, Tax rebate and Computation of Tax Liability
- 2.6 Taxation in cases of Mergers & Acquisitions
- 2.7 Tax Collection/Deduction at source and Advance Tax

**MODULE 3:**

- 3.1 Assessment Procedure,
- 3.2 Types of Assessment Income Tax Authority: Their function, Duties and Powers, Appeal, Offences, Fines and Penalties, Settlement of grievances and Prosecution, Income Tax Act, 1961, Income Tax Rules,
- 3.3 Advance Rulings, faceless assessment/e-assessment

**MODULE 4:**

- 4.1 Goods and Service Tax: - law, procedure, applicability, assessment, advance ruling  
Central GST Act, 2017 Chapters 1 to 6  
Integrated GST Act, 2017  
Maharashtra GST Act, 2017 Chapters 1 to 6
- 4.2 Maharashtra State Tax on Professions, Trade, Callings and Employments Act, 1975

**Suggested Reading**

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

**PROGRAM: 3 yr/5 yr Professional Law**

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

**Semester: VI/X**

**Course Title:- INTELLECTUAL PROPERTY LAWS**

**Course Code:**

**Credits: 4**

### **COURSE OBJECTIVES**

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

### **COURSE OUTCOME**

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

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

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

## **MODULE 1: General Principles of Intellectual Property**

1.1 Concept and meaning of Intellectual Property

1.2 Nature and characteristics of Intellectual Property Rights

1.3 Origin and development of Intellectual Property Rights

1.4 Kinds of Intellectual Property.

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

1.5 Economic analysis of Intellectual Property Rights.

1.6 Advantages and disadvantages of Intellectual Property Rights.

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

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

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

2.1 Evolution of Patent law in India

2.2 Patentable and Non-Patentable inventions

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

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

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

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

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

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

4.6 Authorship and Ownership of Copyright

4.7 Copyrights: Economic and Moral Rights

4.8 Assignment and Licensing

4.9 Fair Use Provisions

4.10 Infringement of Copyrights and Remedies

4.11 Copyright Societies

4.12 Powers of the Copyright Board

4.13 Copyright issues in Digital Environment

### **SUGGESTED READING:**

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

### **WEBSITES:**

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

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

**PROGRAM: 3 yr/5 yr Professional Law**

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

**Semester: VI/X**

**Course Title-: LAW OF BANKING and Negotiable Instruments**

**Course Code:**

**Credits: 4**

**COURSE OBJECTIVES:**

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

**COURSE OUTCOMES:**

After completing this course the students will be able to:

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

**MODULE 1:**

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

**MODULE 2:**

Laws Governing Financial Institutions in India

- 2.1 Banking Regulation Act, 1949
- 2.2 Reserve Bank of India (RBI) Act 1934
- 2.3 RBI rules & Notifications (Banking) 1949
- 2.4 Cash Reserve Ratio (**CRR**) and Statutory Liquidity Ratio (**SLR**)
- 2.5 Basel II & III Capital Requirements

**MODULE 3:**

- 3.1 SEBI – formation of SEBI Board, role of SEBI (Banking Companies and NBFC's)
- 3.2 The Foreign Exchange Management Act, 1999 (FEMA)
- 3.3 Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (SARFAESI)
- 3.4 Bankers Book of Evidence Act, 1891

**MODULE 4:**

4.1 Negotiable Instruments Act, 1881

Kinds of Negotiable Instruments and their features and presentment

Holder and holder in due course

Dishonour and liability

Discharge

Special presumptions and rules of evidence

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

**Reference books**

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

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

**PROGRAM: 3 Yr/5 yr Law**

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

**Semester: VI/X**

**Course Title:- LAW AND MEDICINE**

**Course Code:**

**Credits: 4**

### **COURSE OBJECTIVES**

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

### **COURSE OUTCOMES**

After completing this course the students will be able to-

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

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

#### **1.1 Health care Delivery System in India-**

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

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

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

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

**1.2.1.** National Medical Commission Act, 2019

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

**1.2.3** The Indian Medicine Central Council Act, 1970

**1.2.4** Homeopathy Central Council Act. 1973

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

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

**1.3 Varieties of Medical Profession**

**1.3.1** Ayush Ministry, Purpose

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

Yoga and Naturopathy

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

**MODULE 2: Doctor Patient Relationship**

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

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

**2.3** Confidentiality and Privileged Communication between Doctor and Patient

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

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

**2.6** Professional Obligations of Medical Professionals

**MODULE 3: Medical Negligence and Different remedies**

3.1 Negligence in Medical Practice, Contributory Negligence and Different Remedies

3.2. Errors in Medical Practice, Medical Accidents

3.3. Consumer Protection Act, 2019 and Medical Profession

3.4 Violence Against doctors and Medical Establishments (Legal provisions)

**3.5. Criminal Law Remedies**

**MODULE 4: Medico –Legal Issues**

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

4.2 Road accidents, sexual assaults

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

4.4 Transplantation of Human Organs Act, 1994

4.5 Pre Conception and Pre Natal Diagnostic Techniques Act, 1994

4.6 Disaster Management Act, 2005 - Mass Disasters

4.7 Medical Insurance

**Text Books and Reference Books:**

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

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

**PROGRAM: 3 yr/5 yr Professional Law**

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

**Semester: VI/X**

**Course Title:- LAW RELATING TO WOMEN AND CHILDREN**

**Course Code:**

**Credits: 4**

### **COURSE OBJECTIVES**

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

### **COURSE OUTCOME**

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

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

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

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

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

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

**1.4.** Criminal Laws and Women:

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

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

## **MODULE 2:- Women Welfare Laws**

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

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

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

**2.4.** Dowry Prohibition Act, 1961

2.5 Protection of Women from Domestic Violence Act, 2005

**2.6**Immoral Traffic (Prevention) Act, 1956

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

2.8 National Commission for Women Act, 1990

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

### **3.1- Socio Legal Issues**

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

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

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

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

Minimum Age Convention, 1973

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

Role of UNESCO, UNICEF and ILO

UN Convention on Rights of a Child, 1989

## **MODULE 4: Special Legislation for the Protection of Children**

4.1 Prohibition of Child Marriage Act, 2006

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

4.3 National Food Security Act, 2013

4.4, Child Labour (Prohibition and Regulation) Act 1986

4.5 Commissions for the Protection of Child Rights Act, 2005

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

### Recommended Readings:

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

### PROGRAM: 3 Yr/5 yr Professional Law

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

### Semester: VI/X

### Course Title:- LAW OF INSURANCE

### Course Code:

**Credits : 4**

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

### COURSE OUTCOMES

After completing this course, students will be able to:

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

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

### **MODULE 1: Introduction**

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

### **MODULE 2: Insurance Regulatory Framework in India**

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

### **MODULE 3: Non-Life General Insurance**

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

#### **MODULE 4: Social Insurance in India**

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

#### **Relevant Statutes**

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

#### **Suggested Reading**

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

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

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

**PROGRAM: 3 Yr/5 yr Professional Law**

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

**Semester: VI/X**

**Course Title:- CONFLICT Of LAWS**

**Course Code:**

**Credits: 4**

**COURSE OBJECTIVES:**

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

**COURSE OUTCOMES**

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

1. Define the principles of conflict of laws and its application in cases involving foreign elements
2. Explain the concept of recognition and enforcement of foreign judgments;
3. Apply the principles of conflict of laws in relation to the Indian legal mechanism and its practices.
4. Analyse the issue of jurisdiction and application of foreign laws in a case where foreign element is involved;

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

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

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

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

- 2.1 General Issues relating to jurisdiction
  - 2.1.1 Jurisdiction and its implications in private International Law
  - 2.1.2 Action in personam and action in rem in private international law
  - 2.1.3 Action in personam: actor sequitur forum rei principle and its implications
- 2.2 In Personam Jurisdiction – The English Common Law and Indian Position
- 2.3 Action in Rem: Admiralty Jurisdiction in India
- 2.4 EC Regulation on Jurisdiction and the Recognition and Enforcement of Judgment (Brussels Regulation I and Recast Regulation)
  - 2.5 The Mareva and Worldwide Mareva Injunctions – International Dimensions
  - 2.6 Effects of Jurisdiction Clauses in India and under the Common Law
  - 2.7 Enforcement of foreign Judgments
    - 2.7.1 Need recognizing foreign judgments 8.2 Limitations in recognizing and enforcement
      - 2.7.2 Section 13, 14 and 44 of C.P.C. and S. 41 of the Indian Evidence Act
    - 2.7.3 Brussels Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters, 1968

## **MODULE 3: Applicable Law – Family Matters**

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

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

#### **MODULE 4: Applicable Law: Contracts and Commercial Matters**

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

#### **Suggested Reading**

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

#### **Drafting , Pleading and Conveyancing III**

#### **LL B Semester VI/ BLS LL B Semester X**

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

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

#### **Course outcomes**

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

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

#### **Module I-**

1. Drafting of the Plaint in Suit and Summary suit, Notice of motion and Affidavit in support ,
2. Drafting of Written Statement and affidavit in support
3. Interlocutory Applications
4. Chamber Summons and affidavit in support thereof
5. Purshis /, Praecipe
6. Execution Petition

### **Module II -**

1. Criminal Complaints
2. Complaints of dishonour of cheque (S. 138, N I Act)
3. Miscellaneous applications
4. Bail Applications
5. Anticipatory Bail Applications
6. Memorandum of Appeal and Revision
7. Transit Bail Application
8. Applications under S. 482, Cr P C

### **Module III -**

1. Civil – Memorandum of Appeal and Memorandum of revision
2. Criminal – Memorandum of Appeal and Memorandum of revision
3. Review Petitions- civil, criminal and constitutional
4. Petition under Article 226 and 32 of the Constitution of India.
5. Applications for correction of typographical or other errors in the judgment/order
6. Speaking 2 (Two) Minutes Application
7. Appeal and revision under CPA, 2019

### **Module IV -**

1. Drafting of Bills and Amendment Bills
2. Drafting of Judgments and Orders

### Recommended Readings

1. Kumar H.L., Legal Drafting - Do it yourself, Universal Law House, 2016
2. Universal Law Publishing Co Pvt. Ltd., 2018 Justice P.S.Narayana, Pleadings and Practice (Civil & Criminal), Asia Law House, 2017
3. Dr. Amit Sen, Legal Language, Legal Writing and Legal Drafting, Kamal Law House, Kolkata, 2008.
4. SR Myneni, Legal Language and Legal Writing, Asia Law House, Hyderabad, 2019

5. Medha Kolhatkar, Drafting, Pleading and Conveyancing, LexisNexis, 2015.
6. S P Aggarwal, Pleadings, an Essential Guide, 2nd ed, LexisNexis, 2013.
7. S P Aggarwal, Drafting and Conveyancing, LexisNexis 2015.
8. S D Singhs, Judgments and how to write them, EBC
9. Robinjeet Singh, An insight into Judgment Writing, AMALTAAS Publication, 2020 Edition.
10. Y. V. Bhagat, Art of Judgment Writing, Lawmann's.

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