

TENTH SEMESTER

PRACTICAL PAPER – III

ALTERNATIVE DISPUTE RESOLUTION

Public Interest Lawyering, Legal Aid and Para Legal Services.

This course carrying 100 marks will have to be designed and evaluated according to local conditions by the College in consultation with the Universities and State bar Councils. It can be taught partly through classroom instruction including simulation exercises and partly through extension programs like LokAdalat, Legal Aid Camp, Legal Literacy and Para Legal training. The course should also contain lessons on negotiations and counseling, use of Computer in legal work, legal research in support of Public Interest Litigation, writing of case comments, editing of Law journals and law office Management. The marks may be appropriately divided to the different programs that each University might evolve for introduction in the Colleges under its control.

Note

In order to give the students adequate training, the teaching programme for the practical papers will be carried out simultaneously along with the teaching program for the theory papers. Students are expected to maintain a journal for each of the practical paper separately and keep a proper record of their activities, attendance at courts, office of the lawyer, legal aid cells, public interest work undertaken in the respective journals. These journals have to be certified and endorsed from time to time by the faculty member in charge as notified by the College. These journals have to be submitted for assessment and viva before the end of the last semester as per the time schedule notified by the College/University.

PRACTICAL PAPER – IV

Moot Court, Pre-trial Preparations and participation in pre trial proceedings, detailed as below:

This paper will have three components of 30 marks each and a viva for 10 marks.

a. Moot Court (30 marks)

Every student will do at least 3 moot courts in a year with 10 marks for each. The moot court work will be on assigned problems and it will be evaluated for 5 marks for written submissions and 5 marks for oral advocacy.

b. Observance of trial in two cases, one civil and one criminal (30 marks)

Students will attend two trials in the course of the last 2 or 3 years of L.L.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the Court assignment. This scheme will carry 30 marks.

c. Interviewing techniques and Pre trial preparations (30 marks)

Each student will observe two interviewing sessions of clients at the Lawyer's Office / Legal aid Office and record the proceedings in a diary which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit / petition. This will be recorded in the diary, which will carry 15 marks.

d. The fourth component of this paper will be Viva Voce examination on all the above 3 aspects. This will carry 10 marks.

THE COPYRIGHT ACT, 1957 (AS AMENDED) (Optional)

1. Development of copyright in UK, USA and India UNITS: 03
Classes of Works in which copyright subsists S.13, Copyright only in expression No Copyright in ideas
2. Definitions of various works: Artistic work S.2 (c), dramatic work S. 2(h), Literary work S.2 (o), musical work S.2 (p), computer programmes, S. 2(ffc) Cinematographic film, S.2(f), Sound recording S.2(xx) UNITS: 05
3. Meaning of 'Original' & – a prefix to s 13(1) (a) Literary work UNITS: 04
4. Meaning of Copyright – S.14 – Rights provided under copyright legislation UNITS: 03
5. Enumeration of rights in S14 – reproduction, issue of copies, communication to public, translation, Adaptation UNITS: 03
6. Other important rights in, Computer programmes, cinematograph film, sound recordings; rental rights UNITS: 04
7. Abridgement of the work s 14(a)(vi), 2(a) adaptation, meaning of abridgement, copyright in abridged work UNITS: 04
8. Author's Special (Moral) Rights – S.57 UNITS: 04
9. Transfer of Copyrights - Right to Assign and License – S. 18-19A, 30 to 32 and Operation of law UNITS: 04
10. Rights of Broadcasting Organizations and Rights of Performers -S.37-38 Exceptions S. 39 UNITS: 04
11. Ownership of copyright UNITS: 03
12. The first owner – S.17 - An author – S. 2(d) and s 2 (g) (s), S.2(uu), authorship of computer generated works, 2(d) (vi), Proviso (c) to s 17; employment; Joint authorship - tests UNITS: 04
13. Terms of copyrights- Publication and public UNITS: 04
14. Infringement and Exceptions UNITS: 06
15. Infringement – S. 51, Relationship with s 14, Exceptions to Infringement – S.52 Rights of Public – Fair Dealing, News and current events, Teaching and Research, and others incl. Communication to public of sound recording in religious ceremonies –S.52 (1) (a) & (b), S.52 (1) (h), S.52(1)(za) UNITS: 06
16. Authorities – copyright office and copyright board UNITS: 04
17. Copyright societies and their role UNITS: 03
18. Remedies for infringement of copyright UNITS: 04
19. Brief idea relating to various international conventions dealing with copyright UNITS: 03

Note: The units mentioned above include internal assessment hours.

Recommended Books:

1. Ashwani Kr. Bansal, :Copyright Law
2. V.K. Ahuja ,: Law Relating to Intellectual Property Rights (2007)
3. P. Narayanan ,: Copyright and Industrial Designs (2007)
4. Ashwani Kr. Bansal, :Materials on Copyright (2004)
5. V.K. Ahuja ,: Law of Copyright and Neighbouring Rights: National and International
6. Alka Chawla, Copyright and Related Rights: National and International Perspectives (2007) 34 7.

7. GB Reddy, : Intellectual Property Rights
8. Cornish : Intellectual Property Rights
9. Narayanan. P : Intellectual property law
10. Wadhera : Intellectual property law
11. Cornish : Intellectual property law
12. GB Reddy : Intellectual Property rights and law

MEDIA AND LAW (Optional)

1. Freedom of Press and Media – Concept – Democracy and Free Press – Constitutional basis – USA - First Amendment to the US Constitution; India - Article 19 (1) (a) – Commercial Speech – Compelled Speech – Telecasting (Air Waves) – Film Censorship – Pre - Censorship - Difference between print Media and Visual Media –
- Media and Privacy Concerns UNITS: 15
2. Reasonable Restrictions under Article 19 (2) UNITS: 15
 - Criminal Law and Freedom of Press
 - Law of Defamation
 - Decency and Morality – Indecent Representation of Women (Prohibition) Act, 1986
 - Freedom of Press and Contempt of Court – Art. 129, Art 215 – Trial by Media – Contempt of Courts Act, 1971
 - Official Secrets Act, Emblems and Names (Prevention of Improper Use) Act, 1950
 - Sedition and Freedom of Media
3. Freedom of Press and Parliamentary Privileges - Art 105, Art. 194, Art 361 A – The Parliamentary Proceedings (Protection of Publication) Act, 1977 UNITS: 12
4. Press Council of India – Press Council Act, 1978 – Norms of Journalistic Conduct issued by PCI UNITS: 13
5. Government Regulation over Media UNITS: 15
 - PrasarBharati (Broadcasting Corporation of India) Act, 1990
 - The Sports Broadcasting Signals (Mandatory Sharing with PrasarBharati) Act, 1993
 - Cable Television Networks (Regulation) Ordinance Act, 1995
 - The Press and Registration of Books Act, 1867
 - Newspaper (Price and Page) Act, 1956
 - Working Journalists and Other Newspaper Employees (Conditions of Services) and Miscellaneous Act, 1955
 - Cinematograph Act, 1952
6. Broadcasting Rights - Relevant Provisions of Copy Rights Act, 1957 UNITS: 05

Note: The units mentioned above include internal assessment hours.

Suggested Readings

1. V.N.Shukla, Constitution of India
2. M.P.Jain, Constitution of India

3. Durga Das Basu, Law of the Press (Lexis NexisButterworths)
4. Eastern Book Company – Media , Press and Telecommunication Laws
5. Justice K. Shanmugham, Law of Defamation and Malicious Prosecution
6. Samaraditya Pal, The Law of Contempt (Contempt of Courts and Legislatures)

INTERNATIONAL COMMERCIAL DISPUTE RESOLUTION (Optional)

Module –I UNITS: 08

Introduction – origin and growth of International Commercial Dispute Resolution-importance of International Commercial Dispute Resolution - various modes of dispute resolution – negotiation – mediation-Conciliation

Module – II UNITS: 06

Definition of International Commercial Arbitration

Module –III UNITS: 10

Arbitration Agreement – Arbitration Clause – Capacity of parties – Multi party Arbitration – Arbitrability— Impact of Arbitration agreement — Interim measures

Module –IV UNITS: 15

Appointment and Challenge of Arbitral Tribunal –Appointment by parties –by institutions ,– by arbitrators – by Court - powers and duties of arbitrator- Challenge procedure- termination and substitution-

Module –V UNITS: 16

Laws governing International Commercial Arbitration- Procedural law –Substantive law- Theories of choice of law – principles governing – separability – Kompetenz-Kompetenz-

Module – VI UNITS: 10

Award – definition - foreign award– types – form and

Module- VII UNITS: 10

Recognition and Enforcement -Challenges to an arbitral award- grounds for challenge – appeal

Note: The units mentioned above include internal assessment hours.

References:

1. Harsh Sethi Arpan Kr Gupta , International Commercial Arbitration and its Indian Perspective, Universal Law Publishing Co. Pvt. Ltd New Delhi.
2. A.K. Bansal, law of International Commercial Arbitration, Universal Law Publishing Co. Pvt. Ltd New Delhi.
3. Redfern and Hunter , International Arbitration , Oxford University press, Oxford.
4. Gary B. Born, International Commercial Arbitration, Vol. 1 &2, Wolters Kluwer, India, New Delhi.
5. Jullian D M Lew, Loukas A Mistelis, Stefan M Kroll, Comparative International Commercial Arbitration Wolters Kluwer, India, New Delhi.
6. Sir Michael J. Mustill and Stewart C. Boyd, Commercial Arbitration, Butterworths, London, Edinburgh
7. Mauro Rubino Sammartano, International Arbitration law and practice, Wolters Kluwer, India, New Delhi.
8. A.K. Bansal, Arbitration Agreements and Awards, Universal Law Publishing Co. Pvt. Ltd New Delhi.

LAW AND EDUCATION (Optional)

1. Education: Constitutional Allocation of Power UNITS: 15
 - Articles 246 read with the Seventh Schedule
 - Concurrent List Entry 25
 - Union List Entries 63, 64, 65, and 66.
 - Reasons for transferring education from the State List to the Concurrent List
 - Judicial Interpretation

2. Constitutional Goals UNITS: 15
 - Right to Education
 - Free and compulsory education for children below 14 years
 - Equality of opportunity in education
 - Articles 14, 15, 16, 21, 29(2), 41 and 45
 - Reasonable classification
 - Affirmative action and the deprived

3. Minority and Education UNITS: 15
 - Minority Rights - Right to conserve distinct script and culture
 - Right to establish and administer educational institutions of their choice
 - Minority Institutions - right to compensation
 - No discrimination in grant-in-aid

4. Statutory Control of Educational Institutions UNITS:12
 - UGC Act
 - Goa University Act, 1984 – Authorities - Composition, Functions and Powers _ Dispute Settlement Mechanism
 - Right of Children to Free and Compulsory Education Act, 2009

5. Law relating to Anti Ragging UNITS: 06

6. Fair Hearing in Educational Matters UNITS: 12
 - Students - Discipline and Action, Mass copying, etc.
 - Staff v. Management
 - Grievances
 - Rules of Natural Justice
 - Judicial Review

Note: The units mentioned above include internal assessment hours.

Suggested readings

1. B.M. Sankhdher, Encyclopaedia of Education System in India 1999, Deep Publications.
2. P.L.Mehta, R.Poonga, Free and Compulsory Education, (1997), Deep & Deep Publications.
3. R.D.Agarwal, Law of Education and Educational Institutions (Higher, Secondary and Basic
4. Institutions - Govt., aided, Public Private institutions and Universities), 1999, The Law Book Company
5. D. Thakur &D.N.Thakur, Studies in Educational development, (1993), Asia Law House
6. R.D.Agarwal, Law of Education and Educational Institutions in India, (1983)
7. UpendraBaxi, "Mass copying: should Courts Act as Controllers of Examination?" 6& 7 Delhi Law Review 144-153 (1978-79)
8. Indian Law Institute, Minorities and the Law (1972)
9. S.P. Sathe, "Fundamental Rights and Directive Principles of State Policy" in Constitutional Developments since Independence (Indian Law Institute) (1974)
10. G.S.Sharma, (ed.), Educational Planning: Its Legal and Constitutional Implications in India, (1967)
11. SreenivasRao "Writs Against Educational Institutions' 26 Journal of the Indian Law Institute 40 (1984).
12. Cases reported in Education and Educational Institutions Cases, Malhotra and Company.
13. Students should consult relevant volumes of the Annual survey of India Law Published by the Indian Law Institute (Constitutional Law, I, II, Administrative Law and Education).

INVESTMENT LAW (Optional)

Module: I. UNITS: 05

Historical Background of securities and investment laws.

- 1.1. Securities : the concept
- 1.2. England: Banking corporate finance and private financial services
- 1.3. India: from usury laws to the modern system.

Module: II. UNITS: 07

Securities Kinds of Securities.

- 2.1. Government Securities
- 2.2. Securities issued by banks
- 2.3. Securities issued by corporations
- 2.4. Securities in mutual fund and collective investment scheme
- 2.5. Depository receipts.

Module: III. UNITS: 10

Government Securities.

- 1.1. Bonds issued by government and semi government institutions
- 3.1. Role of Central Bank (the RBI in India)
- 3.2. Impact of issuance of bonds on economy
- 3.3. Government loan from the general public
- 3.4. External borrowing
- 3.5.1. World Bank
- 3.5.2. I.M.F.
- 3.5.3. Asian Development Bank
- 3.5.4. Direct from foreign government.
- 3.5. Government loan: the constitutional dilemma and limitations
- 3.6. Can a state go for external loans?
- 3.7. Impact on economic sovereignty
- 3.8. Dilution of power of the Central Bank (RBI)
- 3.9. Treasury deposits.

Module: IV. UNITS: 08

Securities Issued by Banks.

- 4.1. Bank notes: is it the exclusive privilege of the central bank in the issue
- 4.2. Changing functions of banks from direct lending and borrowing to modern System
- 4.3. Bank draft, travellers' cheques, cheque cards, credit cards, cast cards
- 4.4. Deposits' nature: current, saving and fixed deposits, interest warrants.

Module: V. UNITS: 10

Corporate Securities.

- 5.1. Shares
- 5.2. Debentures
- 5.3. Company deposits

- 5.4. Control over corporate securities
 - 5.4.1. Central government: Company Law Board
 - 5.4.2. SEBI : guide lines on capital issues
 - 5.4.3. RBI
- 5.5. Protection of investor
 - 5.5.1. Administrative regulation
 - 5.5.2. Disclosure regulation
 - 5.5.3. Protection by criminal sanction.

Module: VI.

UNITS: 10

Collective Investment.

- 6.1. Unit Trust of India
- 6.2. Venture capital
- 6.3. Mutual fund
- 6.4. Control over issue and management of UTI, venture capital and mutual funds
- 6.5. Plantations and horti-culture farms, AFCL(Agricultural Finance Corporation Ltd.)
 - 6.5.1. General control
 - 6.5.2. Control by rating
 - 6.5.3. Regulation on rating.

Module : VII.

UNITS: 10

Depositories.

- 7.1. Denationalized securities
- 7.2. Recognition of securities
- 7.3. Types of depository receipts: IDR, ADR, GDR and Euro receipts
- 7.4. SEBI guideline on depositories.

Module : VIII.

UNITS: 10

Investment in non-banking financial institutions.

- 8.1. Control by usury laws
- 8.2. Control by RBI-directions, circulars and orders
- 8.3. Regulation on non-banking financial and non-financial companies
 - 8.3.1. Private-financial companies: registration and regulation
 - 8.3.2. Chit funds.

Module: IX

UNITS: 05

Foreign Exchange Control Regime in India

- 9.1. Foreign Exchange Management Act, 1999- Rules, Regulations, Guidelines issued by RBI,
- 9.2. Concept of foreign exchange regulation- Investments by NRI, FDI, FII
- 9.3. Administration of exchange control

Note: The units mentioned above include internal assessment hours.

Select bibliography

1. Farrar, John, H. and Hanniyan, Brenda, Farrr'sComopany Law, (1998) Butterworths, London
2. Gupta, S.N., The Banking Law in Theory and Practice, (1999) Universal, New Delhi.
3. Tannan, M.L., Tannan's Banking Law and Practice in India, (2000) India Law House, New Delhi
4. Ramaiya, A., Guide to the Companies Act, (1998) Wadhwa and Co., New Delhi.
5. Bhandari, M.C., Guide to Company Law Procedures, (1996) Wadhwa and Co., New Delhi.
6. Ford, Haj A.M., et. al. Ford's Principles of Corporations Law, (1999) Butterworths, London.

HUMANITARIAN AND REFUGEE LAW (Optional)

Module -I Introduction to International Humanitarian Law UNITS: 12

Nature, Definition and of International Humanitarian Law – Origin of IHL – Sources of IHL – Basic Principles of IHL – Relation between IHL & International Human Rights Law

Module –II Humanization of warfare UNITS: 16

International Amelioration of the wounded and sick -Armed forces in the field -Armed forces at sea-The shipwrecked-Protection and facilities-Prisoners of war -Civilians in times of war-Cultural properties

Module –III Limitation on means and methods of warfare UNITS: 15

International Armed Conflict – Internal Armed Conflict – position of insurgents and belligerents - General limitations on conduct of hostilities- Limits on choice of means and methods of warfare-Specific weapons and their impact- Conventional -Chemical -Biological -Nuclear

Module –IV Humanitarian law: Implementation UNITS: 12

Red Cross movement –Origin, development and purpose of Red Cross –ICRC and its role in protection of human rights – National legislation -position in India

Module –V The Concept of Refugees UNITS: 10

Definition of refugees and displaced persons – their problems –protection of human rights of refugees - The UN Relief and Rehabilitation Administration - International protection – Position in India

Module –VI Strategies to combat refugee problem UNITS: 10

Repatriation, resettlement, local integration and rehabilitation - United Nations High Commissioner for Refugees (UNHCR) and its role - United Nations High Commissioner for Refugees (UNHCR) and India

Note: The units mentioned above include internal assessment hours.

References :

1. M. K. Balachandran, Rose Varghese, Introduction to international Humanitarian Law
2. Larry Maybe, International Humanitarian Law – A reader for South Asia, Editors
3. G. Schwarzenberger, The Law of Armed Conflicts (Vol. II)
4. ISIL year book of International Humanitarian and Refugee Law
5. B.S. Chimni, International Refugee Law
6. Guy S. Goodwin-Gill, The Refugee in International Law

7. Kelly Dawn Askin, War Crimes Against Women
8. Geneva Conventions of 1949 and Additional Protocols
9. Geneva Convention relating to the Status of Refugees, 1951

RIGHT TO INFORMATION & LAW (OPTIONAL)

- | | |
|---|-----------|
| 1. Constitutional aspects and right to information | UNITS: 10 |
| a. Art. 19, 21, Preamble, other relevant area | |
| 2. Role of judiciary and right to information | UNITS: 10 |
| 3. Historical perspective of RTI in India | UNITS: 11 |
| a. Official Secrets Act | |
| b. Development of RTI in India | |
| c. Development at State level | |
| 4. Right to Information Act, 2005 | UNITS: 11 |
| a. Objectives, Definitions | |
| b. Public authority and his role under RTI | |
| c. Public information Officers and his responsibilities | |
| d. Appellate authorities under RTI | |
| e. Critical review of RTI | |
| 5. Democratization of Mass Media and Right to Information | UNITS: 11 |
| 6. Various laws and right to information | UNITS: 11 |
| 7. Overview, implementation and administration under RTI | UNITS: 11 |

Note: The units mentioned above include internal assessment hours.

Reference Books:

1. Barowalia JN, Commentary on The Right to Information Act
2. Niraj Kumar, Hand Book on Right to Information
3. AR Parulekar, Right to Information
4. RD Ryder, Right to Information Law, Policy and Practice
5. S Madhav, right to Information
6. Sudhir Nain, Right to Information Act, 2005
7. P K Das, The Right to Information Act

WOMEN AND LAW – (OPTIONAL)

Chapter —I

UNITS: 15

The Constitution of India and women

The Preamble, Fundamental Rights, Women Reservations, Women Reservations in elections to Local Bodies, Right against exploitation, Directive Principles — Women, Right of Women to economic development, Sexual Harassment of Women

Chapter —II

UNITS: 15

Personal Laws and Women

A. Marriage

- a. Hindu Women and Marriage
- b. Muslim Women and Marriage
- c. Christian Women and Marriage
- d. Matrimonial Causes -Rights of Women

B. Dissolution of Marriage (Divorce)

- a. Muslim Women -Dissolution of Marriage
- b. Christian women and Divorce

C. Succession

- a. Hindu Women and Succession
- b. Muslim women and Succession
- c. Succession among Christian women 54

D. Maintenance

- a. Hindu Women and Maintenance
- b. Maintenance of Muslim Women
- c. Maintenance under Criminal Procedure Code. 62

Chapter—III

UNITS: 06

Uniform Civil Code and Gender Justice

- a. Introduction
- b. Personal Laws and Discrimination against women
- c. Uniform Civil Code and Indian Constitution
- d. Judicial behaviour and Uniform Civil Code

Chapter—IV	UNITS: 06
Women and Criminal Law	
a. Introduction	
b. Offences affecting human body	
c. Offences relating to Marriage	
d. Cruelty by husband or his relatives for dowry	
e. Insulting the modesty of women	
Chapter-V	UNITS: 05
Law Relating to Dowry Prohibition	
a. The Dowry Prohibition Act, 1961	
b. Dowry Death and Dowry Suicide	
c. Cruelty by :Husband or Relatives for Dowry	
Chapter-VI	UNITS: 06
Industrial Law	
a. Employment of Women	
b. Equal remuneration for Men and Women	
c. Maternity Benefit	
d. Other provisions for welfare and safety of women in Industrial laws	
Chapter-VII	UNITS: 04
a. Sex Determination Tests and Female Foeticide	
b. Sex Determination Tests	
c. Termination of Pregnancy	
Chapter-VIII	UNITS: 06
Prevention of Immoral Traffic and Women	
a. Introduction	
b. Indian Legislation on Immoral Traffic	
c. Scheme of Legislation	
d. Purpose of Legislation	
e. Important Definitions	
f. Salient features	
g. Rehabilitative and Remedial Provisions	
h. Suggested measures	
i. Rescue and Rehabilitation of Prostitutes and their children	

1. Relevant Provisions of The Indian Evidence Act, 1872
2. The Indecent Representation of Women {Prohibition} Act, 1986
3. The Family Courts Act, 1984
4. The National Commission for Women Act, 1990.
5. The Human Rights Act, 1993.
6. The Hindu Women's Rights To Property Act, 1937

Note: The units mentioned above include internal assessment hours.

BOOKS RECOMMENDED

Reddy G.B. : Women and The Law

Jain M.P. : Constitutional Law

ParasDiwan : Hindu Law

ParasDiwan : Muslim Law

Mishra : Labour Law

Ratanlal : Indian Penal Code

Avtar Singh : Law of Evidence