

IILM UNIVERSITY GURUGRAM

SCHOOL OF LAW

LAW ON COPYRIGHT

LL.M.

Term: 2

Credits: 2

Course Code: SLL-LLM-IP 203

BRIEF MODULE DESCRIPTION

One of the most important rights enshrined on the author of a novel work is the Copyright. It is an acknowledgment of the hard work he has put. This right protects the unauthorized copy or attempt to copy of his original work. An author gets entitled to sell, lease his copyrighted work. India came up with the Copyright Act in 1957, after which the authors became entitled to apply for Copyright. Copyright is given only for original literary, artistic work, sound recording and so on. This right is only available for the expression and not the Idea.

MODULE LEARNING GOALS

After successful completion of this module students will be able to:

1. Understand the concept and importance of Copyright and a brief on other Intellectual property rights.
2. Understanding the application of Copyright in the practical scenario.
3. Applying the concept of performers and broadcasters rights with reference to Indian Laws and International treaties.

PROGRAMME LEARNING GOALS

- 1) Introducing the concept of Copyright.
- 2) Evaluating the legislative provisions relating to copyright and its relevance in present scenario.
- 3) Application of the concept in practical scenario.
- 4) Understanding the application of various case laws to the case situation in hand.
- 5) Understanding various copyright conventions and its relevance.

MODULE 1:- INTRODUCTION

- Introduction to Copyrights: Meaning, nature, Justification of Copyright

- Definitions
- Idea-expression dichotomy
- Subject Matter of Copyright, i.e., works in which copyright subsists (Section 13)

MODULE 2- OWNERSHIP OF COPYRIGHT

- Ownership of literary, dramatic, artistic and computer generated works etc.
- Economic and moral rights of copyright owners
- Duration and Assignment of Copyright

MODULE 3:- PERFORMERS RIGHT

- Performers rights under the Indian Copyright Law and under International Conventions
- Broadcast Reproduction Rights and Public Interest
- Infringement of copyright, Remedies of infringement of copyright

MODULE 4:- CONVENTIONS

- TRIPS agreement
- Berne Convention for the Protection of Literary and Artistic Works
- WIPO Copyright treaty

TEXT BOOKS

- Iyengar's Commentary On The Copyright Act, H.K. Sahara
- *Intellectual Property Law*, P. Narayanan;
- *Intellectual Property Rights (IPRs): TRIPS Agreement & Indian Laws*, New Century Publication.
- *Intellectual Property Protection and Sustainable development* (Lexis Nexis Butterworth, 2004), Phillippe Culet,

READINGS

- <https://jolt.law.harvard.edu/assets/articlePDFs/v31/31HarvJLTech305.pdf>
- <https://copyright.gov.in/documents/copyrightrules1957.pdf>
- <https://copyright.gov.in/documents/handbook.html>

- <https://liu.cwp.libguides.com/c.php?g=45823&p=291971>
- <https://www.copyright.gov/circs/circ21.pdf>
- <https://fairuse.stanford.edu/>

CASE LAWS

- University of Oxford v. Rameshwari Photocopy Service(2016)
- Eastern Book Company & Ors vs D.B. Modak & Anr . (2008) 1 SCC 1)
- R.G.Anand v. Deluxe Films [AIR (1978) SC 1613]
- Pine Labs Pvt Ltd. V. Gemalto Terminals India (P) Ltd, & Ors. 2011(48) Ptc248 (Del)
- Super Cassette Industries Ltd. V. Entertainment Network India Ltd., (AIR 2004 Del 326)
- Super Cassettes Industries Ltd. V Yahoo Inc. & Anr, Cs(Os) 1124/2008

**IILM UNIVERSITY GURUGRAM
SCHOOL OF LAW**

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Corporate Crime

LL.M

Term: 2

Credits:2

Module Name: Corporate Crime

Course Code: SLL-LLM-CCL-202

Brief Module Description:

The Program on Corporate Crime focuses on the theoretical and practical knowledge needed to handle its different types in India. The program explores different concepts such as Corporate Crimes like Insider Trading, Corporate Frauds, Corporate Tax Evasion. The emphasis is made to understand various Indian laws which governs crimes in this regime. It highlights on the vital role played by Companies Act, SEBI, Income Tax Act, Money Laundering Act, IT Act etc. in order to fight against Corporate Crimes in India.

Module Learning Outcomes

1. Understanding the concept of Corporate Crimes, White-Collar Crimes, Blue-Collar Crimes
2. Understanding the legal framework governing Corporate Crimes in India
3. Strategies to succeed in tackling Corporate Crimes and White-Collar Crimes
4. Understanding the new dimensions of Corporate Crimes

Program Learning Outcomes:

1. Introduction to the structure, components and functioning of the various institutions of the Indian legal system.
2. Evaluating the knowledge and understanding of dictates of substantive law and the procedural law for its enforcement.
3. Ability to analyze the solutions to legal problems, including that of global nature, by ascertaining relevant facts and applying relevant legal principles.
4. Apply ethical principles and commit to legal professional ethics, responsibilities and norms of

the established legal practices.

5. Understanding skills including team building and leadership skills, communication, creative and critical thinking skills, and problem-solving skills suitable for a variety of fields of employment.

MODULE I - INTRODUCTION TO CORPORATE CRIME

- History, Nature and Concept of Corporate Crime
- Regulatory Framework to govern Corporate Crime in India (S.17- Indian Contract Act, S.25- Indian Penal Code, S. 447, Clause 49- The Companies Act, Ss. 43 and 44 - Information a Technologies Act)

MODULE II – CORPORATE CRIME AND WHITE-COLLAR CRIME

- Corporate Crime: Braithwaite viewpoint
- Corporate Frauds: Fraudulent Financial Statement, Employee Fraud, Vendor Fraud, Customer Fraud, Bankruptcy Fraud, Misappropriation of Assets, Corruption
- Insider Trading (S. 15G – SEBI Act, Reg. 3 and 4- SEBI (Prohibition of Insider Trading) Regulations, S. 195 – Companies Act)
- White-Collar Crime: Sutherland viewpoint, Types of White-Collar Crime and its Regulatory Framework (S. 17- Indian Contract Act, Ss. 25, 171B, 463,489A,489B,489C,489D,489E, 463- Indian Penal Code)
- Blue-Collar Crime

MODULE III – CORPORATE CRIMINAL LIABILITY

- Concept of Corporate Criminal Liability
- Doctrines governing Corporate Criminal Liability: Vicarious Liability, Identification, Collective Blindness, Willful Blindness, Attribution, Alter Ego
- Indian Practice

MODULE IV – PENALISATION & NEW DIMENSION OF CORPORATE CRIME

- Anti-money Laundering in United Kingdom, United States and India
- Companies Act, 2013: Regulatory Framework (Ss.212, 447,448,449,450,451)
- Corporate Tax Evasion and its Penalisation under Income Tax Act, 1961
- New Dimension of Corporate Crime: E-commerce Fraud, Cloud Computing Fraud, Social Media Fraud, Crypto-Currency Fraud

Textbooks

1. Avtar Singh, *Company Law*, 17th Edition, EBC Publication, 2022.
2. *Companies Act with Rules*, 17th Edition, Taxmann Publication, 2022.

3.Dr. H. C. Mehrotra and Dr. S. P. Goyal, *Income Tax*, 61st Edition, Sahitya Bhawan Publications, 2020-21

LIST OF CASE LAWS

- *Rakesh Agrawal v. SEB* (2004) 1 CompLJ 193 SAT
- *Hindustan Lever Ltd. v. SEBI* (1998) 18 SCL 311 MOF
- *Whats App Leak case*
- *Martha Stewart case*
- *Standard Chartered Bank v. Directorate of Enforcement* AIR 2005 SC 2622
- *Aneeta Hada v. Godfather Travels and Tours Pvt. Ltd.* (2012) 5 SCC 661
- *Iridium India Telecom Ltd. v. Motorola* (2011) 1 SCC 74
- *Mundhra Scam*
- *Enron Scam*
- *Satyam Scam 2009*
- *Harshad Mehta Scam*
- *Sahara v. SEBI* (2012) 10 SCC 603
- *2G Spectrum case*
- *State of Gujarat v. Mohanlal Jitamalji Porwal and Anr.* AIR 1987 SC 1321
- *Ketan Parekh Security Scam*
- *Saradha Chit Fund*
- *Punjab National Bank Fraud*
- *Sunil Bharti Mittal v. Central Bureau of Investigation* AIR 2015 SC 923

IILM UNIVERSITY GURUGRAM

SCHOOL OF LAW

CORPORATE GOVERNANCE

LLM (2021-2022)

Trimester: II

Credits: 2

Module Name: CORPORATE GOVERNANCE

Course Code: SLL-LLM-CCL-204

Brief Module Description:

The objective of this course is to give a thorough insight to students about the concept of corporate governance, its development across jurisdictions and its importance in maintaining the good health of the corporate world. Students will learn about the role and responsibilities of various corporate actors towards having a robust corporate governance mechanism. The course also focuses on making the students familiar with various crucial issues such as board independence, audit committee, managerial remuneration, whistle blower policies and regulation of related party transactions, among others. The enforcement of corporate governance norms by regulators will also form the subject-matter of the study. There will be an equal emphasis on the theoretical components of corporate governance as well as their application in practice. The course will include various case studies not only from India but also from other major jurisdictions.

Learning Outcomes

Module Learning Outcomes:

1. Understanding the concept, evolution and need of corporate governance.
2. Understanding the laws relating to corporate governance in India along with a comparative study of the same with other jurisdictions.

3. Understanding the role of various corporate participants in creating a robust corporate governance mechanism.
4. Identifying and addressing the contemporary issues relating to corporate governance in India.

Program Learning Outcomes:

1. Introduction to the structure, components and functioning of the various institutions of the Indian legal system.
2. Evaluating the knowledge and understanding of dictates of substantive law and the procedural law for its enforcement.
3. Ability to analyze the solutions to legal problems, including that of global nature, by ascertaining relevant facts and applying relevant legal principles.
4. Apply ethical principles and commit to legal professional ethics, responsibilities and norms of the established legal practices.
5. Understanding skills including team building and leadership skills, communication, creative and critical thinking skills, and problem-solving skills suitable for a variety of fields of employment.

MODULE I - INTRODUCTION TO CORPORATE GOVERNANCE

- Good Governance: Concept & Features
- Meaning, need and scope of Corporate Governance
- Theories and Models of Corporate Governance

MODULE II- EVOLUTION OF CORPORATE GOVERNANCE IN INDIA

- History of Corporate Governance in India
- The Confederation of Indian Industry (CII) Code
- Role of various committees in development of Corporate Governance in India
- Case Study: Satyam

MODULE III- CORPORATE GOVERNANCE: INTERNATIONAL SCENARIO

- OECD Principles of Corporate Governance
- Cadbury Committee Report
- The Sarbanes-Oxley Act, 2002
- Case Studies: Enron, Xerox

MODULE IV- LEGAL FRAMEWORK FOR CORPORATE GOVERNANCE IN INDIA

- SEBI Listing Obligations and Disclosure Requirements (LODR) Regulations, 2015
- SEBI Insider Trading Regulations, 2015
- Clause 49 of the Listing Agreement
- Relevant provisions of Companies Act, 2013 in relation to corporate governance

MODULE V- DIRECTORS' RESPONSIBILITIES AND STAKEHOLDERS' RIGHTS

- Duties and responsibilities of board
- Role of Independent Directors in relation to corporate governance
- Rights of shareholders and other stakeholders

MODULE VI- FINANCIAL REPORTING, VIGIL MECHANISM AND ROLE OF AUDITORS

- Role of Audit Committee in relation to corporate governance
- Financial Reporting and Legal Compliances
- Vigil mechanism and protection of Whistle Blowers

MODULE VII- CORPORATE SOCIAL RESPONSIBILITY

- Meaning and concept of Corporate Social Responsibility (CSR)
- CSR and Corporate Governance
- Legislative Framework of CSR in India

TEXTBOOKS

- G.N. Bajpai, The Essential Book of Corporate Governance, Sage Publications, 2016
- Taxmann's Corporate Governance by Indian Institute of Corporate Affairs (IICA), Taxmann Publications, 2015

REFERENCE BOOKS

- Asish K. Bhattacharyya, Corporate Governance in India: Change and Continuity, Oxford University Press
- Jayati Sarkar and Subrata Sarkar, Corporate Governance in India, SAGE Publications India

Pvt. Ltd.

IILM UNIVERSITY GURUGRAM

SCHOOL OF LAW

Module Name: Comparative Public Law (Blended Format)

Course Code: SLL-LLM-CC-102

Term: 1

Credit: 2

Academic Year: 2020-2022

Brief Course Description: Constitutional Law and administrative Law together make Public Law. Public Law was first defined by Romans as “res publica” which meant Public Good. Public Law regulates the relationship between individual and the State. However, with changing dimensions of the State the ambit of Public Law needs to be revisited. This course highlights the various aspects of Public Law which has become significant due to the concept of “Welfare State”. It enlightens the students about the various systems of governance which have evolved worldwide. The course further provides a comparative approach which enables the students to make a critical analysis of the various systems.

Introduction to Module and Module Objective: This module intends to provide law students with the necessary intellectual equipment allowing them to approach any foreign law in a meaningful way. In particular, the module will heighten students' sensitization to the specificity of foreign legal cultures and encourage them to reflect in depth upon the possibilities and limits of cross-border interaction in the law. Another feature of this module will be a critical introduction to hermeneutics, deconstruction and translation studies with specific reference being made to law as these lines of thought are most relevant for comparatists. Throughout the course, concrete examples will be developed from a range of different national laws.

Module Learning Goals

After successful completion of this unit students will be able to:

4. Understand the concept of Public law and its various branches. Further the students will be provided with information as to how public law differs from private law and how principles of accountability are important in public law.
5. Distinguish between presidential and parliamentary forms of government including federal and unitary government.
6. Learn as to how the fundamental rights have evolved overhead a period of time as economic, socio and political necessity in order that people in given state will lead a peaceful and prosperous life with others free from discrimination and exploitation.
7. Locate and understand the various legislative powers that are vested with the central and state governments under the India Constitution including the subjects that are listed under schedule 7 as union, state and concurrent list and how the laws can be enacted within their sphere of competence.

8. To have a comprehensive view of the nature and organization of the higher judiciary with their roles and limitations under the constitution and also how important the judiciary is in governance perspective.

Programme Learning Outcomes

PLG1: Introduction to the structure, components and functioning of the various institutions of the Indian legal system.

PLG2: Evaluating the knowledge and understanding of dictates of substantive law and the procedural law for its enforcement.

PLG3: Ability to analyse the solutions to legal problems, including that of global nature, by ascertaining relevant facts and applying relevant legal principles.

PLG4: Apply ethical principles and commit to legal professional ethics, responsibilities and norms of the established legal practices.

PLG5: Understanding skills including team building and leadership skills, communication, creative and critical thinking skills, and problem-solving skills suitable for a variety of fields of employment.

Module 1

Nature of Public law, Distinction between Public and Private Law, Basic concepts of Public law
Scope of Public Law- Constitutional law, Administrative Law and Criminal Law Principles of Accountability and Public Law Study of comparative constitutional law, Relevance, Problems and Concerns in using comparison Constitutionalism, Concept, Distinction between Constitution and Constitutionalism.

Module 2)

Nature and Role of Fundamental Rights in Public law, Scope of Fundamental Rights in U.S.A, Role of Fundamental Rights in UK, Nature and scope of Rights in France, Public Interest Litigation, significance of human rights commissions, Organization of Legislature and distribution of legislative powers & Executive Powers

Module 3)

Emergency Powers, Relation between Legislative and Executive powers, Organization of the judiciary, Judicial Review and its implementation, Basic Principles of Judicial Process, Precedents,

Stare decisis, Evolution and functioning of Tribunals; droit administrative

Module 4)

Presidential and Preliminary forms of Government, Federal and Unitary Governments, Government under the U.S. Constitution, Basic Principles underlying Government in France, Nature of Government in UK, Comparative and differentiating features of governance in India, UK, USA. And France

Suggested Readings

1. Christopher Forsyth, Mark Elliott, Swati Jhaveri, Effective Judicial Review: A Cornerstone of Good Governance (Oxford University Press, 2010).
2. D.D. Basu, Comparative Constitutional Law (2nd ed., Wadhwa Nagpur).
3. David Strauss, The Living Constitution (Oxford University Press, 2010)
4. Dr. Subhash C Kashyap, Framing of Indian Constitution (Universal Law, 2004)
5. Elizabeth Giussani, Constitutional and Administrative Law (Sweet and Maxwell, 2008).
6. Erwin Chemerinsky, Constitutional Law, Principles and Policies (3rd ed., Aspen, 2006)
7. M.V. Pylee, Constitution of the World (Universal, 2006)
8. Mahendra P. Singh, Comparative Constitutional Law (Eastern Book Company, 1989).
9. Neal Devins and Louis Fisher, The Democratic Constitution (Oxford University Press, 2010)
10. S.N Ray, Judicial Review and Fundamental Rights (Eastern Law House, 1974).
11. Sudhir Krishna Swamy, Democracy and constitutionalism in India – A Study of the Basic Structure Doctrine (Oxford University Press, 2009)
12. Sunil Khilnani, Vikram Raghavan, Arun Thiruvengadam, Comparative Constitutionalism in South Asia (Oxford University Press, 2013).
13. Vikram David Amar, Mark Tushnet, Global Perspectives on Constitutional Law (Oxford University Press, 2009).
14. Zachery Elkins, Tom Ginsburg, James Melton, The Endurance of National Constitutions (Cambridge University Press, 2009).

IILM UNIVERSITY GURUGRAM

SCHOOL OF LAW

Module Name: Criminology (Blended Format)

LLM

Course Code: SLL-LLM-CC-301

Term: III

Credit: 2

BRIEF COURSE DESCRIPTION:

The course in Criminology explains the origin, extent and nature of crime in society and it recognizes the causes and consequences of crime at the micro and macro levels and matches these with prominent criminological perspectives. The course includes perspectives on making laws, breaking laws, and societal reactions to laws being broken. It describes the interrelated institutions and processes of the criminal justice system. The course teaches the theories of crime and criminal justice to explain actual and hypothetical scenarios, behaviors, and trends. It explains the various social science methods of inquiry and uses these to test specific criminological research questions. The course recognizes and explains macro-social inequities in crime and criminal justice processes by race, social class, gender, region and age.

MODULE LEARNING GOALS

After successful completion of this course students will be able to:

1. Develop a critical understanding of the main aims and significance of criminology.
2. Identify and evaluate the main theories in criminology.
3. Define how critical criminology differs from mainstream criminology?
4. Critically assess the ways in which images and notions of crime are constructed and represented.
5. Demonstrate a basic understanding of the criminal justice system and an awareness of the principle therein.
6. Critically examine the available evidence on the effectiveness of alternatives to imprisonment.

PROGRAMME LEARNING GOALS

1. Introduction to the structure, components and functioning of the various institutions of the Indian legal system.
2. Evaluating the knowledge and understanding of dictates of substantive law and the procedural law for its enforcement.
3. Ability to analyze the solutions to legal problems, including that of global nature, by ascertaining relevant facts and applying relevant legal principles.
4. Apply ethical principles and commit to legal professional ethics, responsibilities and norms of the established legal practices.

5. Understanding skills including team building and leadership skills, communication, creative and critical thinking skills, and problem-solving skills suitable for a variety of fields of employment.

MODULE 1:- INTRODUCTION

Definition and Scope, Criminology and other Social Sciences; Legal, Social and Psychological Aspects of Crime; Traditional Crimes – Crimes against Property and Person; Modern Crimes: Organized Crimes, Socio – Economic Crimes, Corruption, Cyber Crimes, Environmental Crimes, Terrorism and Insurgency; Crime and Politics

MODULE 2:- CONSTITUTIONAL THEORIES

Body Types, Hereditary Traits, Endocrine Glands; Behaviourist Theories: Drives, Motives, Attitudes, Frustrations; Psycho-analytical Theories; Psychopathic Personality; Mental Health and Criminal Liability; Application of Psychology in Police, Courts and Corrections.

MODULE 3:- SOCIAL CHANGE, SOCIAL DISORGANIZATION AND SOCIAL PROBLEMS

Victimless Crimes: Alcoholism, Drug Addiction, Beggary, Commercial Sex, Suicide; Family centred Crimes: Dowry, Domestic Violence, Child Abuse; Community Problems: Inter – religion and Inter – caste tensions and conflicts.

MODULE 4:- PRISON SYSTEM IN INDIA:

Correctional Programs in Jails; Aftercare Services for Adult and Juvenile Offenders, Probation, Parole – Concept and Historical Development, Probation under Different Laws.

SUGGESTED BOOKS

- Psychology and Crime: A Trans-disciplinary Perspective, 2nd Edition, Craig Webber (Oct 2019).
- Cybercrime and Society, 3rd Edition, Majid Yar, Kevin F. Steinmetz (March 2019).
- Doing Criminological Research, 3rd Edition, Pamela Davies, Peter Francis (September 2018).
- An Introduction to Criminal Justice, 1st Edition, Jamie Harding, Pamela Davies, George Mair (January 2017).
- The SAGE Dictionary of Criminology, 4th Edition, Eugene McLaughlin, John Muncie (May 2019).
- NV Paranjape, Criminology and Penology with Victimology, Central Law Publications.
- KD Gaur, Criminal Law, Criminology and Administration of Justice, Central Law Publications.
- MK Sahu, Criminology and Penology with Victimology, Satyam Publications.
- KD Gaur, Criminal Law and Criminology, Deep and Deep Publications.

- George B. Vold, Thomas J. Bernard, Jeffrey B. Snipes, Theoretical Criminology (5th ed. 2002).
- Ahmad Siddique, Criminology Problems & Perspective (5th ed., 2007).
- S. S. Srivastava, Criminology and Criminal Administration (3rd ed., 2007).
- J.P.S. Sirohi, Criminology and Penology (6th ed., 2007).
- Mike Maguire, Rod Morgan and Robert Reiner, The Oxford Handbook of Criminology (5th ed, 2012).
- S. S. Srivastava, Criminology, Penology & Victimology (4th ed., 2012).
- 47th Law Commission Report on "The Trial and Punishment of Social and Economic Offences" (1972).

CASES:

- Raghbir v. State of Haryana, AIR 1981 SC 2037.
- Pratap Singh v. State of Jharkhand 2005 (1) SCALE 763.
- Sudesh Kumar v. State of Uttarakhand (2008) 3 SCC 111.
- Union of India (UOI) and Ors. vs. Ex-GNR Ajeet Singh (2013) 4 SCC 186.
- Bishnu Deo Shaw v. State of West Bengal, AIR 1979 SC 964 135.
- Bachan Singh v. State of Punjab, AIR 1980 SC 898 145.
- Macchi Singh v. State of Punjab, AIR 1983 SC 957 170.
- Mohd. Chaman v. State (2001) 2 SCC 28
- Lehna v. State of Harayana (2002) 3 SCC 76 181
- Dhananjay Chaterjee v. State of West Bengal, JT 2004 (4) SC 242
- Sharaddhananda v. State of Karnataka, AIR 2008 SC 3040
- Essa @ Anjum Abdul Razak Memon v. The State of Maharashtra (2013)3 SCALE 1..
- Mukesh v. State (NCT of Delhi) (2017) 6 SCC 1.
- Dr. Jacob George v. State of Kerala (1994) 3 SCC 430 226.

**IILM UNIVERSITY GURUGRAM
SCHOOL OF LAW**

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Evolution and Concept of ADR

LL.M

Term: 2

Credits:2

Module Name: Evolution and Concept of ADR

Course Code: SLL-LLM-ADR-201

Brief Module Description:

The Program on evolution and concept of Arbitration focuses on the theoretical and practical knowledge needed to handle Alternative Dispute Resolution (ADR) modes in India. The program explores different concepts such historical background of ADR, necessity, and its types. The emphasis is made to understanding about the objective set behind introducing ADR modes under Indian parameters. It highlights on the vital role played by Lok Adalat, Legal Aid in order to provide speedy resolving of the disputes. It encourages the practice of settling down of the disputes such as family, matrimonial, labour etc.

Module Learning Outcomes

1. Understanding the necessity of ADR Mechanism in India.
2. Understanding the value of International Recognition provided to ADR process worldwide.
3. Strategies to succeed in ADR process under Indian legal framework.
4. Comparative legal approach to the recognition of ADR mechanism in India.

Program Learning Outcomes:

1. Introduction to the structure, components and functioning of the various institutions of the Indian legal system.
2. Evaluating the knowledge and understanding of dictates of substantive law and the procedural law for its enforcement.
3. Ability to analyze the solutions to legal problems, including that of global nature, by ascertaining relevant facts and applying relevant legal principles.
4. Apply ethical principles and commit to legal professional ethics, responsibilities and norms of the established legal practices.

5. Understanding skills including team building and leadership skills, communication, creative and critical thinking skills, and problem-solving skills suitable for a variety of fields of employment.

MODULE I - INTRODUCTION TO ALTERNATIVE DISPUTE RESOLUTION (ADR)

- History, Nature and Concept of ADR
- Types of Arbitration
- International Recognition to Commercial Arbitration: UNCITRAL Model Law

MODULE II – ADR: AN INDIAN PERSPECTIVE

- Legislative History of ADR in India
- Statutory Recognition to ADR in India
- Silent Features of ADR
- Different Forms of ADR
- Merits of ADR Modes
- Challenges
- Overview of Arbitration and Conciliation Act, 1996

MODULE III – LOK ADALATS, NYAYA PANCHAYATS, LEGAL AID

- Lok Adalat: Establishment, Organization, Cognizance, Award, Power, Types
- Establishment of Permanent Lok Adalat (S.22B- Legal Services Authorities Act, 1987)
- Gram Nyayalayas and Government's role
- Nyaya Panchayats, Causes for its failure
- Legal Aid

MODULE IV - APPLICATION & TRENDS OF ADR

- Matrimonial & Family Disputes
- Real Estate Industry Disputes
- Partnership Disputes
- Labour Disputes
- ODR

Textbooks

1. Dr. Avtar Singh, *Law of Arbitration and Conciliation*, EBC Publishing, 11th Edition, 2021.
2. *Alternative Dispute Resolution Prospects and Challenges*, Bharti Publications, 1st Edition, 2020.
3. Dr. Anupam Kurlwal, *An Introduction to Alternative Dispute Resolution System*, Central Law Publications, 3rd Edition, 2017.
4. Dr. N. V. Paranjape, *Law relating to Arbitration and Conciliation in India*, Central Law Agency, 6th Edition, 2016.

5. Nakul Dewan, *Enforcing Arbitral Awards in India*, LexisNexis, 1st Edition, 2017.

LIST OF CASE LAWS

- *Wali Mohd. Kar v. Habibullah Kar* (1984) Srinagar LJ 56 (J&K)
- *R.M. Investment and Trading Co. Pvt. Ltd. v. Boeing Company* AIR 1994 SC 1136
- *Renusagar Power Co. Ltd. v. General Electric Co.* AIR 1985 SC 1156
- *Food Corporation of India v. Indian Council of Arbitration* AIR 2003 SC 3011
- *Furest Day Lawson Ltd. v. Jindal Exports Ltd.* (2001) 6 SCC 356
- *Guru Nanak Foundation v. Rattan Singh & Sons* AIR 1981 SC 2073 (2006)
- *Raipur Development Authority v. Chokhamal Contractors* AIR 1990 SC 1426
- *State of Maharashtra v. Manu Bhai Bagaji Vashi* (1995) 5 SCC 730
- *Centre of Legal Research v. State of Kerala* AIR 1986 SC 1322
- *Ellanath Sahu v. State* 1990 CLT 358 (Ori)
- *Abdul Hasan & National Legal Services Authority v. Delhi Electricity Board* AIR 1999 DEL 88
- *Union of India v. Angom Ongbi* 2005 (36) AIC 721 (Gau)
- *Afcons Infrastructure Ltd. v. Cherian Varkey* (2010) 8 SCC 24
- *Mohit Ram v. Ashok Kumar* (2011) 1 SCC 466
- *Salem Advocate v. Union of India* AIR 2003 SC 189

IILM UNIVERSITY GURUGRAM

SCHOOL OF LAW

Fundamental Rights

Academic Session: 2021-2022

Term: II

Credits: 2

Course Code: SLL-LLM-CL-201

Brief Module Description:

This course will help students to understand the importance of Fundamental rights which have been enshrined in the Constitution of India. The objective of this course is to provide students with an exhaustive understanding of fundamental rights which thereby enables the student to formulate the idea of negative commands given to the state by the drafting committee. Upon completion of the course, the students will possess an understanding of the fundamental rights, the concept of state, basic structure doctrine and the underlying principles of reasonable restrictions.

Learning Outcomes

Module Learning Outcomes

1. MLG 1 Demonstrate an advanced understanding of the underlying legal principles, laws and institutions which regulate Adjective criminal laws in India.
2. MLG 2 Increase the intellectual understanding of students regarding evidence, witness, Admissions and examinations in the court room.
3. MLG 3 Know the judicial rationale behind various judgments around Fundamental Rights and understanding the Admissibility of evidences.

Program Learning Outcomes:

1. Develop critical and analytical thinking skills
2. Enhance verbal and written communication skills.
3. Ability to make clear and ethical judgments.
4. Inculcate the ability to seek innovative solutions to real-world problems.
5. Foster the ability to collaborate and work effectively in a team.
6. Develop an interdisciplinary approach to address socio- economic and organizational issues.
7. Knowledge of the structure, components and functioning of the various institutions of the Indian legal system.
8. Understanding of the dictates of substantive and procedural law for their enforcement.
9. Ability to find solutions to legal problems by ascertaining facts and legal principles in national and global context.

MODULE I -

- Concept of state
- Concept of law

MODULE II

- Concept of equality
- The notion of freedom

MODULE III

- Right to Life
- Substantive due process
- Procedural due process

MODULE IV

- Right against exploitation
- Right to religion
- Minority rights

MODULE V

- Writs

Textbooks

- G. Austin (2004) Working of a Democratic Constitution of India, New Delhi: Oxford University Press.

- Basu, D.D (2005), An Introduction to the Constitution of India, New Delhi, Prentice Hall.
- N. Chandhoke & Priyadarshini (eds) (2009) Contemporary India: Economy, Society, Politics, New Delhi: Oxford University Press.
- N.G Jayal and P.B. Maheta, (eds) (2010) Oxford Companion to Indian Politics, New Delhi: Oxford University Press.
- A. Vanaik and R. Bhargava (eds) (2010) Understanding Contemporary India: Critical Perspectives, New Delhi: Orient Blackswan
- V.N. Shukla, Constitution of India, Eastern Book Company, 10th Edition, 2006

LIST OF CASE LAWS

- His Holiness Kesavananda Bharati vs State of Kerala (Kesavananda Bharati Case) - Landmark Judgement by Supreme Court 13 Judges Bench which propounded the Basic Structure Doctrine or Essential Feature Theory. In this case Golak Nath Case was overruled and Bench in majority said that Parliament can amend any part of Indian Constitution but it cannot destroy the basic structure. SC said the parliament has limited amending power.
- Maneka Gandhi vs Union of India - Article 21 Case / Era of Right to life started expanding from this case.
- Justice K S Puttaswamy vs Union of India - Right to Privacy Case
- Shankari Prasad vs Union of India - Power of (Provisional) Parliament to Amend Constitution and specially Fundamental Rights
- Sajjan Singh vs State of Rajasthan - Power of Parliament to Amend the Constitution
- A K Gopalan vs State of Madras - Preventive Detention Act 1950
- Romesh Thappar vs State of Madras - Freedom of Speech - Post publication prevention of circulation of crossroad weekly magazine resulted in violation of freedom of speech [This judgment resulted into amendment in Article 19 of Indian Constitution]
- Brij Bhushan Sharma vs Delhi - Freedom of Speech - Pre Publication Censorship of Organizer weekly resulted into violation of Freedom of Speech as per Supreme Court [This judgment resulted into amendment in Article 19 of Indian Constitution]

- State of Madras vs Champakam Dorairajan - Caste based reservation in admission to the educational institution [This judgment resulted into amendment in Article 15 of Indian Constitution]
- M P Sharma vs Satish Chandra Case - Right to Privacy Issue
- Kharak Singh vs State of Uttar Pradesh - Whether privacy is a part of fundamental right in our constitution
- In Re Beruberi Case - Cession of a part of the territory of India, Exchange of enclave with Pakistan
- Commissioner Hindu Religious Endowments Madras vs Sri Lakhmindra Thirtha Swamiar of Shirur Mutt - Essential Religious Practice Test
- K M Nanavati vs State of Maharashtra - Jury Trial and Pardoning Power of Governor
- I C Golaknath vs State of Punjab Case - Power of Parliament to Amend the Constitution. In 11 Judges case Supreme Court held that Part 3 of Indian Constitution is fundamental in nature and parliament can not amend Fundamental rights given in Indian Constitution. Court also held that Article 368 provides procedure for the constitutional amendments and Amendment to the constitution is law as per article 13 of Indian Constitution. Court also applied the principle of Prospective overruling in Golaknath case.
- His Highness Maharajadhiraja Madhav Rao Jiawaji Rao Scindia vs Union of India - In this case abolition of privy purse of erstwhile rulers were abolished through presidential order so the rulers challenged that decision of government. A constitution bench restored the privy purse of rulers and held the Presidential order as unconstitutional.
- Indira Nehru Gandhi vs Raj Narain Case - Election of Indira Gandhi was challenged due to election malpractice
- ADM Jabalpur vs Shivkant Shukla Case - One of the most contentious decision of Supreme Court of India. This case is also known as habeus corpus case. During emergency many opposition leaders were detained. They challenged the govt action through writ petitions in various High Courts. Decisions of High Courts were challenged in Supreme Court and SC held that Fundamental Rights Can be suspended during emergency. Right to move to High Courts under Article 226 during emergency was in issue in this case.

- S.P. Gupta vs President of India Case - Those high Court judges, who have issued habeus corpus petition [those which were challenged through ADM Jabalpur vs Shivkant Shukla Case] during emergency were transferred to different High Courts. This action of Government was challenged in SP Gupta Case. Major issue in this case was appointment of Judges of High Courts & Supreme Court. As the petition was filed by an Advocate and not by any aggrieved judges so issue of locus standi also settled in this case for public interest litigation. Supreme Court held that Bar / Advocates are integral part of judicial system and they can challenge the issues related to Judiciary.
- Bachan Singh vs State of Punjab - It was death penalty case. The court expounded the principle of Rarest of Rare case in Bachan Singh Case. Court said life imprisonment is the rule and Death Penalty / Capital Punishment is exception. Only in rarest of rare cases capital punishment can be awarded to convict of murder.
- Hussainara Khatoon vs Home Secretary, State of Bihar - Rights of Undertrial Prisoners, Right to Speedy Trial under Article 21 of Indian Constitution
- Minerva Mills Ltd vs Union of India - Harmony and Balance between Fundamental Rights and Directive Principle of State Policy. Basic Structure Doctrine was applied in this case.
- Bandhua Mukti Morcha vs Union of India - PIL for those who can not reach Supreme Court or High Courts for their breach of fundamental rights. Whether a person whom legal injury is caused by reason of violation of a fundamental right is unable to approach the court, any member of the public acting bona fide can move the court for relief under Article 32 or Article 226
- Indian Express Newspaper vs Union of India Case - Freedom of Press under freedom of speech and expression given in Article 19(1)a of Indian Constitution
- Bijoe Emmanuel vs State of Kerala Case - Whether forcing the children to sing the national anthem violated their fundamental right to religion. Right to silence is part of fundamental right under Article 19 in Freedom of Speech and Expression
- Mohamad Ahmad Khan vs Shah Bano Begum Case - Providing Maintenance to a divorced Muslim Woman

- M C Mehta vs Union of India Case - Responsibility of industries in an accident, compensation, scope and ambit of the jurisdiction of the Supreme Court of India under Article 32
- Dr. D C Wadhwa vs State of Bihar Case - Re Promulgation of Ordinances in the Bihar to bypass the state legislature.
- Kehar Singh vs Union of India Case - Pardoning power of the President of India under Indian Constitution
- Mohini Jain vs State of Karnataka Case - Right to Education related judgment
- Indira Sawhney vs Union of India Case - Also known as Mandal Commission Case. Landmark Case on Reservation of other backward classes.
- Kihoto Hollohan vs Zachillu Case - When anti defection provisions were added in the Indian Constitution these were challenged through this case. A Leading Case on Anti Defection Law.
- Unni Krishnan vs State of Andhra Pradesh - This case is also related to Right to Education
- Supreme Court Advocate on Record Association vs Union of India Case - This case was about appointment of judges to Supreme Court of India and in High Courts in India. Also famous as Second Judges Case.
- S R Bommai vs Union of India - Proclamation of Emergency under Article 356 of Indian Constitution, Secularism.
- Union of India vs Association for Democratic Reforms - Right to know about public functionaries and candidates for office. Article 19 of Indian Constitution under fundamental right of freedom of speech and expression also include right to know about the candidates contesting for the public offices.
- T M A Pai Foundation vs State of Karnataka - Rights of Minority Educational Institutions
- Samantha vs State of Andhra Pradesh - Granting of mining licenses in the scheduled area to non tribals
- Vineet Narain vs Union of India - Curbing political influence in the functioning of CBI / Central Bureau of Investigation
- Bodhisattwa Gautam vs Subhra Chakraborty - Whether rape is violative of Right to Life under Article 21 of Indian Constitution

- Sarla Mudgal vs Union of India - Principles against the practice of solemnizing second marriage by conversion to islam, with first marriage not being dissolved
- People's Union for Civil Liberties vs Union of India - Right to Food
- R Rajagopal vs State of Tamil Nadu - Freedom of Speech and expression - Right to publish autobiography
- In Re Special Reference Case of 1998 - Also known as Third Judges Case - Appointment of Judges of Supreme Court and High Courts in India
- T N Godavarman Thirumulkpad vs Union of India - Forest Conservation. A leading case on Environmental law and about writ of continuous mandamus.
- L Chandra Kumar vs Union of India - Power of High Courts and Supreme Court to review the legislative action
- Vishaka vs State of Rajasthan - Sexual Harassment at the workplace, In this case Supreme Court of India laid down guidelines known as Vishaka Guidelines for protection of women against sexual harassment at workplaces for the time being there is no such law enacted by legislature.
- Ashok Kumar Thakur vs Union of India - Reservations to OBC in central educational institutions
- Kuldip Nayar vs Union of India - Requirement of domicile in the state concerned for getting elected to the council of states / Rajya Sabha ; Principle of Federalism is basic structure of the Indian Constitution
- M Nagaraj vs Union of India - Reservation in Promotions for Scheduled Caste and Scheduled Tribe employees
- People's Union of Civil Liberties vs Union of India - Right of the Voters to know about the candidates contesting the election
- I R Coelho vs State of Tamil Nadu - Interpretation of the doctrine of basic structure of the Constitution of India. 9th Schedule is not immune from the judicial review.
- John Vallamattom vs Union of India - Section 118 of the Indian Succession Act, Advocated a common civil code / uniform civil code for the cause of national integration
- Jaya Bachchan vs Union of India - Disqualification on the ground of Office of Profit
- P A Inamdar vs State of Maharashtra - Reservation policy on minority and non minority unaided private colleges including professional colleges

- Prakash Singh vs Union of India - This case is about the Police Reforms in India
- Aruna Ramchandra Shaunbaug vs Union of India - Recognition of passive euthanasia by Supreme Court. Permitted withdrawal of life sustaining treatment from patients not in position to make an informed decision, only after the report of medical board constituted by High Courts in respective jurisdiction.
- Pramati Educational and Cultural Trust vs Union of India - Constitutional Validity of Right to Education Act
- Gian Singh vs State of Punjab - Settlements and Quashing of Criminal Proceedings under Section 482 of CrPC
- Subramaniam Swamy vs Union of India - Constitutionality of the criminal offence of defamation under Indian Penal Code
- Medha Patkar vs Union of India - Court repeated the Vishaka Guidelines and stressed additional measures for their enforcement
- Shabnam Hasmi vs Union of India - Whether the right to adopt and to be adopted is a fundamental right under part 3 of Indian Constitution
- Lily Thomas vs Union of India - Disqualifications for membership of parliament and state legislatures of convicted of any offence and sentenced to imprisonment for not less than two years. Decriminalization of Politics in India Case
- Suresh Kumar Koushal vs Naz Foundation - Constitutional Validity of Section 377 of Indian Penal Code which criminalized the homosexuality
- Government of NCT of Delhi vs Union of India - Power tussle between Delhi Government and Lt. Governor i.e. Central Government
- T.S. Prasad vs Union of India - Professionalizing the bureaucracy, promoting efficiency and good governance
- Shreya Singhal vs Union of India - Freedom of Speech and Expression Case in digital or internet age. Constitutionality of Section 66A of IT Act 2008 was challenged and Supreme Court in its judgment held it unconstitutional
- Tehseen S Poonawalla vs Union of India - Guidelines against mob lynching
- Supreme Court Advocates on Record Association vs Union of India - Fourth Judges Case - In this case constitutional validity of 99th Constitutional amendment and National Judicial Appointment Commission Act / NJAC Act was challenged. Supreme Court in its

verdict held it unconstitutional as it violated the basic structure of Indian Constitution i.e. Independence of Judiciary.

- Common Cause (A Registered Society) vs Union of India - Whether the right to die with dignity is a fundamental right
- Rajbala vs State of Haryana - Right to Vote and Contest Election Case
- Rajesh Sharama vs State of Uttar Pradesh - Directions to prevent misuse of Section 498A of the IPC / Indian Penal Code
- Shayara Bano vs Union of India -Triple Talaq / Triple Talak or Talaq a bidat was held unconstitutional
- Independent Thought vs Union of India -The exception to the marital rape; Whether sex with minor wife is rape.... guidelines laid down
- Abhiram Singh vs C D Commachen - Whether asking for votes in elections in the name of religion, caste or community will amount to corrupt practice?
- Justice K S Puttaswamy (Retd) vs Union of India -Whether the right to privacy is a fundamental right? In this case a 9 judge constitution bench of Supreme court unanimously held Right to Privacy as a Fundamental rights as per part 3 of Constitution of India
- Krishna Kumar Singh vs State of Bihar - Re Promulgation of ordinances against the spirit of the constitutionalism/ Fraud on constitution
- Wildlife First vs Union of India - Implementation of Forest Rights Act of 2006
- Dr. Subhash Kashinath Majahan vs State of Maharashtra - Directions to prevent misuse of SC / ST Act
- B K Pavitra vs Union of India - Reservations in Promotions for SC / ST and issue of seniority
- Shafin Jahan vs Asokan KM - Love Jihad Case - Right of a girl to marry a person of her own choice

IILM UNIVERSITY GURUGRAM

SCHOOL OF LAW

International Commercial Arbitration and ADR Mechanism

LL.M

Term: 2

Credits:2

Module Name: International Commercial Arbitration and ADR Mechanism

Course Code: SLL-LLM-CCL-203/SLL-LLM-ADR-202

Brief Module Description:

The Program on International Commercial Arbitration and ADR Mechanism focuses on the theoretical and practical knowledge needed to handle international commercial arbitral cases either as counsel or arbitrator, both from the substantive and procedural law standpoint. The program explores different issues arising in the conduct of international arbitrations and the making and enforcement of arbitral awards by focusing on arbitration awards, court decisions in arbitration, the interaction between national courts and international arbitral tribunals, national arbitration statutes, international arbitration treaties and the arbitral rules of leading international arbitration institutions.

Module Learning Outcomes

After successful completion of this course students will be able to:

1. Negotiation skills for agreeing on efficient arbitration clauses.
2. Legal writing skills for successful claims, responses, and other relevant pleadings.
3. Strategies to succeed in arbitration proceedings, including hearings.
4. Comparative legal approach to the recognition and enforcement of arbitral awards.

Program Learning Outcomes:

1. Introduction to the structure, components and functioning of the various institutions of the Indian legal system.
2. Evaluating the knowledge and understanding of dictates of substantive law and the procedural law for its enforcement.
3. Ability to analyze the solutions to legal problems, including that of global nature, by ascertaining relevant facts and applying relevant legal principles.
4. Apply ethical principles and commit to legal professional ethics, responsibilities and norms

of the established legal practices.

5. Understanding skills including team building and leadership skills, communication, creative and critical thinking skills, and problem-solving skills suitable for a variety of fields of employment.

MODULE I - INTRODUCTION TO INTERNATIONAL COMMERCIAL ARBITRATION

- Origin and Concept of International Commercial Arbitration
- Salient Features of International Commercial Arbitration
- Types of Various Arbitration: Ad Hoc Arbitration and Institution Arbitration
- Singapore Convention on Mediation

MODULE II – Construction of International Commercial Arbitration Agreements and its Constituents

- Arbitration Agreement
- Seat & Venue of arbitration
- Principle of Lex Mercatoria
- Party Autonomy
- Application of the UNIDROIT Principles in commercial arbitration agreements
- Principle of Competence-Competence
- Powers & Duties of Arbitral Tribunal
- Duties of Arbitrator
- Meaning and Nature of an arbitral award and Types of awards
- Statutory Essentials of an award

MODULE III - Recognition and Enforcement of Arbitral Award

- Significance of New York Convention and Geneva Convention
- Concept of Recognition of an award
- Concept of Enforcement of an award
- Law Commission Report (Report No.246) & Arbitration and Conciliation Act, 1996 (Ss. 34, 36,37)
- Role of Arbitral Institutions in India such as New Delhi International Arbitration Centre, Mumbai International Arbitration Centre, Construction Industry Arbitration Council, ICC Council of Arbitration, Kolkata, International Centre for Alternative Dispute Resolution, New Delhi, LCIA India, New Delhi, Indian Council of Arbitration, New Delhi

MODULE IV- Institutional Arbitration Centers and Institutions

- Permanent Court of Arbitration
- ICC International Court of Arbitration
- Hong Kong International Arbitration Centre

- Singapore International Arbitration Centre
- London Court of International Arbitration

Textbooks

1. Rohith M. Subramoniam and Navya Jain, *International Commercial Arbitration – An Introduction*, EBC Publishing, 1st Edition, 2019
2. Nakul Dewan, *Enforcing Arbitral Awards in India*, LexisNexis, 1st Edition, 2017
3. Ashwinie Kumar Bansal, *International Commercial Arbitration - Practice and Procedure (Enforcement of Foreign Awards - Covering more than 75 Countries)*, Universal Law Publication Co. Pvt. Ltd, 1st Edition, 2014
4. Jay E. Grenig, *International Commercial Arbitration*, West Thomson Reuters, 1st Edition, 2014
5. Julian D M Lew, Loukas A Mistelis, Stefan M Kroll, *Comparative International Commercial Arbitration*, Wolters Kluwer, 1st Edition, 2003

LIST OF CASE LAWS

- *Bulk Trading S. A. v. Dalmia Cements* 2005 SCC OnLine Del 1389
- *Venture Global Engg. v. Satyam Computer Services Ltd.*, (2008) 4 SCC 190
- *Booz Allen & Hamilton Inc. v. SBI Home Finance Ltd.* (2011) 5 SCC 532
- *Bharat Aluminum Company v. Kaiser Aluminum Technical Service Inc.* (2012) 9SCC 552
- *Reliance Industries Ltd. v. Union of India* (2014) 7SCC 603
- *ONGC Ltd. v. Western Geco International Ltd.* (2014) 9 SCC 263
- *Associate Builders v. DDA* (2015) 3 SCC 49

IILM UNIVERSITY GURUGRAM

SCHOOL OF LAW

Judicial System

LL.M

Term: 2

Credits:2

Module Name: Judicial System

Course Code:

Brief Module Description:

India is the only country where the judiciary has the power to review even constitutional amendments. The application of basic structure objective in the evaluation of executive actions is an interesting development of Indian constitutional law. India is a democracy and her Constitution embodies the main principles of the democratic government- how it comes into being, what are its powers, functions, responsibilities and obligations- how power is limited and distributed. This Module will reflect on the judicial structure and working process of the Indian courts.

Module Learning Outcomes

- 1.To understand the Indian judicial structure.
- 2.To understand the establishment, appointment, powers of the Supreme Court, High Courts and Subordinate Courts.
3. To understand the method of appointing of Judges in India.
- 4.Focusing on the significance of Judicial Activism and Public Interest Litigation.

Program Learning Outcomes:

1. Introduction to the structure, components and functioning of the various institutions of the Indian legal system.
2. Evaluating the knowledge and understanding of dictates of substantive law and the procedural law for its enforcement.
3. Ability to analyze the solutions to legal problems, including that of global nature, by ascertaining relevant facts and applying relevant legal principles.
4. Apply ethical principles and commit to legal professional ethics, responsibilities and norms of the established legal practices.

5. Understanding skills including team building and leadership skills, communication, creative and critical thinking skills, and problem-solving skills suitable for a variety of fields of employment.

MODULE I- JUDICIAL STRUCTURE

- Hierarchy of Courts
- Civil Courts and Criminal Courts
- Administrative and other Tribunal

MODULE II – POWERS OF COURTS

- Supreme Court (Arts. 124-147)
- High Courts (Arts. 214-231)
- Subordinate Courts (Arts. 233-237)

MODULE III- APPOINTMENT OF JUDGES

- Cases on Judges appointment in India
- National Judicial Appointments Commission
- Bill on Judges Appointment

MODULE IV- JUDICIAL PROCESS IN INDIA

- Judicial Activism and creativity of Supreme Court - tools and techniques of creativity
- Public Interest Litigation

Textbooks

1. Durga Das Basu, *Introduction to The Constitution of India*, LexisNexis, 25th Edition, 2021
2. P M Bakshi, *The Constitution of India*, LexisNexis, 18th Edition, 2021
3. Prof. (Dr.) Mahendra Pal Singh, *V N Shukla's Constitution of India*, 13th Edition, 2021
4. M P Jain, *Indian Constitutional Law*, LexisNexis, 8th Edition, 2018

LIST OF CASE LAWS

- *C. Golaknath & Ors v. State of Punjab & Anrs.* 1967 SCR (2) 762
- *Kesavananda Bharati v. State of Kerala* AIR 1973 SC 1461
- *Hussainara Khatoon v. State of Bihar* 1979 AIR 1369
- *Sunil Batra v. Delhi Administration* 1980 AIR 1579
- *S.P. Gupta v. Union of India* AIR 1982 SC 149
- *Anil Yadav v. State of Bihar* 1982 (1982) 2 SCC 195
- *Sheela Barse v. State of Maharashtra* AIR 1983 SC 378
- *Subhash Kumar v. State of Bihar* AIR 1991 SC 420
- *Record Association v. Union of India* AIR 1994 SC 268

- *Citizen for Democracy v. State of Assam* 1995 ACC 543 SC

IILM UNIVERSITY GURUGRAM

SCHOOL OF LAW

LLM- 1 Year Course

LLM- Constitutional Law

Trimester: 2

Credits: 2

Module Name: Evolution & Basic Provisions

Course Code: SLL-LLM-CL-202

Brief Module Description:

The purpose of this course is to provide the basic information about the Constitution – its history and formation, the philosophy behind it to the students. This course introduces students to the Constitution of India. It begins by providing an overview of the history of the making of Indian Constitution. The students will gain an insight into new trends of Constitutional Law which are essential for a meaningful understanding of the legal system and processes. The course also intends to inculcate analytical and research skills under the domain of Constitutional Law.

Learning Outcomes

Module Learning Goals:

On successful completion of this course, students will have the following learning outcomes:

MLG1: The students will be able to understand the art of reading and interpreting the Constitution.

MLG2: The students will be able to equip in comprehending historical evolution of constitutional doctrines, standards, and tests.

MLG3: The students will be able to explore the various functional theories, doctrine and Constitutional principles working in the backdrop and its interplay with the emerging issues.

MLG4: The students will be able to examine the boundaries, limitations, of Constitution from different perspectives and explore the possible approaches of interpretation and understanding from the perspective of Law and Justice.

Programme Learning Goals

PLG1: Introduction to the structure, components and functioning of the various institutions of the Indian legal system.

PLG2: Evaluating the knowledge and understanding of dictates of substantive law and the procedural law for its enforcement.

PLG3: Ability to analyze the solutions to legal problems, including that of global nature, by ascertaining relevant facts and applying relevant legal principles.

PLG4: Apply ethical principles and commit to legal professional ethics, responsibilities and norms of the established legal practices.

PLG5: Understanding skills including team building and leadership skills, communication, creative and critical thinking skills, and problem-solving skills suitable for a variety of fields of employment.

MODULE I - Module I Preliminaries

Introduction, Constitutional History of India, Government of India Act 1919

Concepts of responsible government & diarchy, Government of India Act 1935

Indian Independence Act 1947

Constituent Assembly, adoption & promulgation of Constitution

MODULE II- Salient features and Basic Structure

Preamble & its 1976 amendment

Salient features, Federalism, Secularism, strong centre, Single judiciary

Basic Structure Doctrine

Amendment of Constitution (Article 368)

Major amendments & their impact; Basic structure not to be amended;

Leading cases Golaknath, Keshwananda Bharti, SR Bommai etc

MODULE III- Union of India and Its Territories

A, B & C States

State Reorganization Act 1956

Change of names of several states

Newly created States, bifurcation of UP, Bihar, MP & Andhra Pradesh

Elevation of Goa as a State; Special provisions for some States (Articles 371 to 371-I)

Self-governing Union Territories (Delhi & Puducherry)

MODULE IV- Nationality and Citizenship

Original & Acquired Citizenship,

Citizenship Act 1955 and its amendments

NRC controversy in Assam & Supreme Court directives on it

Citizenship (Amendment) Act 2019 and its opposition in Assam & Meghalaya

Textbooks

1. Pandey J.N, The Constitutional Law of India, Central Law Agency, Allahabad
2. Jain M.P, Indian Constitutional Law, Lexis Nexis, Haryana
3. Basu D.D, Introduction to Constitution of India, Lexis Nexis, Haryana
4. Rai Kailash, Constitutional Law of India, Central Law Publications, Allahabad
5. Bakshi P.M, Constitution of India, Universal Law Publications, Delhi
6. Shukla V.N, Constitution of India, Eastern Book Company, Lucknow

7. Tripathi G.P., Constitutional Law- New Challenges, Central Law Publications, Allahabad
8. Joshi K.C., Constitutional Law of India, Central Law Publications, Allahabad
9. Seervai, H.M., Constitutional Law of India: A Critical Commentary, [Bombay, 1991]

LIST OF CASE LAWS

- Kesavananda Bharati vs State of Kerala
- Maneka Gandhi vs Union of India
- Justice K S Puttaswamy vs Union of India
- Shankari Prasad vs Union of India
- Sajjan Singh vs State of Rajasthan
- A K Gopalan vs State of Madras
- Romesh Thappar vs State of Madras
- Brij Bhushan Sharma vs Delhi
- State of Madras vs Champakam Dorairajan
- M P Sharma vs Satish Chandra
- Kharak Singh vs State of Uttar Pradesh
- In Re Beruberi
- Commissioner Hindu Religious Endowments Madras vs Sri Lakhmindra Thirtha Swamiar of Shirur Mutt
- K M Nanavati vs State of Maharashtra
- I C Golaknath vs State of Punjab Case
- Maharajadhiraja Madhav Rao Jiwaji Rao Scindia vs Union of India
- Indira Nehru Gandhi vs Raj Narain
- ADM Jabalpur vs Shivkant Shukla
- S.P. Gupta vs President of India
- Bachan Singh vs State of Punjab
- Hussainara Khaton vs Home Secretary, State of Bihar
- Minerva Mills Ltd vs Union of India
- Bandhua Mukti Morcha vs Union of India
- Indian Express Newspaper vs Union of India
- Bijoe Emmanuel vs State of Kerala
- Mohamad Ahmad Khan vs Shah Bano Begum
- M C Mehta vs Union of India
- Dr. D C Wadhwa vs State of Bihar
- Kehar Singh vs Union of India
- Mohini Jain vs State of Karnataka
- Indira Sawhney vs Union of India
- Kihoto Hollohan vs Zachillu

- Unni Krishnan vs State of Andhra Pradesh
- Supreme Court Advocate on Record Association vs Union of India
- S R Bommai vs Union of India
- Union of India vs Association for Democratic Reforms
- T M A Pai Foundation vs State of Karnataka
- Samantha vs State of Andhra Pradesh
- Vineet Narain vs Union of India
- Bodhisattwa Gautam vs Subhra Chakraborty
- Sarla Mudgal vs Union of India
- People's Union for Civil Liberties vs Union of India
- R Rajagopal vs State of Tamil Nadu
- In Re Special Reference Case of 1998
- T N Godavarman Thirumulkpad vs Union of India
- L Chandra Kumar vs Union of India
- Vishaka vs State of Rajasthan
- Ashok Kumar Thakur vs Union of India
- Kuldip Nayar vs Union of India
- M Nagaraj vs Union of India
- People's Union of Civil Liberties vs Union of India
- I R Coelho vs State of Tamil Nadu
- John Vallamattom vs Union of India
- Jaya Bachchan vs Union of India
- P A Inamdar vs State of Maharashtra
- Prakash Singh vs Union of India
- Aruna Ramchandra Shaunbaug vs Union of India
- Pramati Educational and Cultural Trust vs Union of India
- Gian Sing vs State of Punjab
- Subramaniam Swamy vs Union of India
- Medha Kotwal Lele vs Union of India
- Shabnam Hasmi vs Union of India
- Lily Thomas vs Union of India
- Suresh Kumar Koushal vs Naz Foundation
- Government of NCT of Delhi vs Union of India
- TSR Subramanian vs Union of India
- Shreya Singhal vs Union of India
- Tehseen S Poonawalla vs Union of India
- Supreme Court Advocate on Record Association vs Union of India
- Common Cause (A Registered Society) vs Union of India

- Rajbala vs State of Haryana
- Rajesh Sharama vs State of Uttar Pradesh
- Shayara Bano vs Union of India
- Independent Thought vs Union of India
- Abhiram Singh vs C D Commachen
- Justice K S Puttaswamy (Retd) vs Union of India
- Krishna Kumar Singh vs State of Bihar
- Wildlife First vs Union of India
- Dr. Subhash Kashinath Majahan vs State of Maharashtra
- B K Pavitra vs Union of India
- Shafin Jahan vs Asokan KM
- Swapnil Tripathi vs Supreme Court of India
- Indian Young Lawyers Association vs State of Kerala
- Ashwini Kumar Upadhyay vs Union of India
- Joseph Shine vs Union of India
- Shakti Vahini vs Union of India
- Navtej Singh Johar vs Union of India
- Justice K S Puttaswamy Retd vs Union of India II
- Jarnail Singh vs Lachhmi Narain Gupta
- M Ismail Faruqui vs Union of India

IILM UNIVERSITY GURUGRAM

SCHOOL OF LAW

LLM- 1 Year Course

LLM- Constitutional Law

Trimester: 3

Credits: 2

Module Name: Residuary Provisions

Course Code: SLL-LLM-CL- 302

Brief Module Description:

The framers of the Constitution had placed matters of national concern in the Union List and those of purely State or local significance in the State List. Matters that are of common interest to the States and the Union were placed in the Concurrent List, in order to ensure uniformity in legislation with due regard to the country's diversity. Parliament and the State legislatures have exclusive powers to legislate on items in the Union List and the State List respectively. Both can legislate on items in the Concurrent List. However, foreseeing the possibility of a situation in which legislation might be required on matters that are not mentioned in any of the three Lists, the Founding Fathers made residuary provisions in Article 248 of the Constitution and Entry 97 of the Union List. The rationale behind the course is to study the various concepts of residual power which enables the parliament to legislate on any subject, who has escaped the scrutiny of the house, and the subject which is not recognizable at present.

Learning Outcomes

Module Learning Goals:

On successful completion of this course, students will have the following learning outcomes:

MLG1: The students will be able to understand that the Constitution serves the purpose of providing a proper perspective for the study of administrative law.

MLG2: The students will be able to understand that Parliament has exclusive power to make any law with respect to any matter not enumerated in the Concurrent List or State List.

MLG3: The students will be able to explore the various powers of the Election Commission of India with respect to the elections.

MLG4: The students will be able to examine that an official language is a language given a special status in a particular country, State, or other jurisdiction.

Programme Learning Goals

PLG1: Introduction to the structure, components and functioning of the various institutions of the Indian legal system.

PLG2: Evaluating the knowledge and understanding of dictates of substantive law and the procedural law for its enforcement.

PLG3: Ability to analyze the solutions to legal problems, including that of global nature, by ascertaining relevant facts and applying relevant legal principles.

PLG4: Apply ethical principles and commit to legal professional ethics, responsibilities and norms of the established legal practices.

PLG5: Understanding skills including team building and leadership skills, communication, creative and critical thinking skills, and problem-solving skills suitable for a variety of fields of employment.

Module I: Property, Contracts and Trade

Constitution of India, Articles 294 to 307: succession to property, power to carry trade; contracts; right to property (deletion from Article 19 & its impact); trade & commerce.

Module II : Union and State Services

Constitution of India, Articles 308 to 323B: kinds & classification of services, Public Service Commissions; Central & State Service Rules; CAT & its benches

Module III: Election Laws

Constitution, Articles 324 to 329; Representation of the People Acts 1950 & 1951 : their major provisions; Union & State Election Commissions; leading cases; secularity of elections & prohibition of use of religion for electoral gains; leading cases

Module IV : Official Languages

Constitution of India, Articles 343 to 351; Status of Hindi language; regional & State languages (one and more); official languages of various States & of Delhi NCR; language of higher courts; use of mother tongue; three-language formula; Linguistic Minorities Commissioner; system of language academies, NCPUL

Textbooks

1. Pandey J.N, The Constitutional Law of India, Central Law Agency, Allahabad
2. Jain M.P, Indian Constitutional Law, Lexis Nexis, Haryana
3. Basu D.D, Introduction to Constitution of India, Lexis Nexis, Haryana
4. Rai Kailash, Constitutional Law of India, Central Law Publications, Allahabad
5. Bakshi P.M, Constitution of India, Universal Law Publications, Delhi
6. Shukla V.N, Constitution of India, Eastern Book Company, Lucknow
7. Tripathi G.P., Constitutional Law- New Challenges, Central Law Publications, Allahabad
8. Joshi K.C, Constitutional Law of India, Central Law Publications, Allahabad

10. Seervai, H.M., Constitutional Law of India: A Critical Commentary, [Bombay, 1991]

LIST OF CASE LAWS

- Atiabari Tea Co. vs the State of Assam (1961)
- Automobile Transport Ltd. vs State of Rajasthan (1963)
- The State of Mysore vs Sanjeeviah (1967)
- G.K.Krishna vs State of Tamil Nadu (1975)
- Ratnamala Vilas More And Anr vs Tanaji Machindra Pawar And Ors (2018)
- I.T.C. Limited vs State Of U.P. & Others, (2011)
- Prabhudayal Ramanand vs State Of Andhra Pradesh, (1990)
- Javed @ Imam Hussain vs The State of Karnataka, (2017)
- Divyagnakumari Harisinh Parmar vs Union of India, (2016)
- Chandrakant Sakharam Karkhanis vs State Of Maharashtra And Ors. (1976)
- State of Bihar & Anr vs Bal Mukund Sah & Ors, (2000)
- State of U.P. Through Principal ... vs Rajendra Singh And Another, (2015)
- B.Manjula vs The State Of Telangana, (2018)
- Union Of India And Another vs Tulsiram Patel And Others, (1985)
- Moti Ram Deka Etc vs General Manager, N.E.F. , (1963)
- Jai Nath Wanchoo vs The Union of India And Ors., (1969)
- Parshotam Lal Dhingra vs Union of India, (1957)
- Ex. Major N.R. Ajwani & Ors. vs Union of India & Ors., (1994)
- Dr. Partap Singh vs The State of Punjab, (1962)
- Vijay Shankar Mishra vs State of U.P. And Ors., (1998)
- Vijay Singh And Ors. vs State of Uttar Pradesh And Ors., (2004)
- A. Sambandhan vs Regional Traffic Superintendent, (1957)
- State of U.P. Through Principal ... vs Rajendra Singh And Another, (2015)
- A.C.Shanmugam vs Union of India, (2019)
- Mohinder Singh Gill & Anr vs The Chiief Election, (1977)
- Pon Paramaguru vs State Of Tamil Nadu, (2006)
- Election Commission of India vs The State of Karnataka, (2013)
- P. Kunhiraman vs V.R. Krishna Iyer, (1961)
- Kanailal Bhattacharjee vs Nikhil Das And Anr., (1967)
- Addigiri Vengamumi vs Chukkalooru Narayanappa And Anr., (1969)
- Roop Lal Mehta vs Dhan Singh And Ors., (1967)
- S.V. Viswanathan vs G.P. Rangaswamy And Ors., (1966)

IILM UNIVERSITY GURUGRAM

SCHOOL OF LAW

LLM- 1 Year Course

LLM- Criminal Law

Trimester: 2

Credits: 2

Module Name: Criminal Law-I [Indian Penal Code: General Provisions]

Course Code: SLL-LLM-CSL-201

Brief Module Description:

The Course is divided into ten major modules that manifest the crucial chapters through which we have tried to deliver a better understanding of the substantial criminal law in India. The Course envelops an in-depth knowledge about the structure of Indian Penal Code which includes contents on criminal liability, abetment, offences against State, body, sexual offences and many more. The interactive structure of the course will make the subject interesting and the course is designed in such a way that it deliberates every diverse concept of the substantial criminal law to its crux. The concepts, definitions and explanations have been simplified to provide a better understanding of the topics covered under the Indian Penal Code. The major objective of providing this course is to give thorough knowledge about the subject to every student in a systematic manner which will be helpful in competitive exams.

Learning Outcomes

Module Learning Goals:

On successful completion of this course, students will have the following learning outcomes:

MLG1: Understanding of general provisions of IPC

MLG2: Ability to implement these Provisions to criminal law conflicts

MLG3: Ability to identify the ingredients of various offences

MLG4: Ability to understand the quantum of punishment

Programme Learning Goals

PLG1: Introduction to the structure, components and functioning of the various institutions of the Indian legal system.

PLG2: Evaluating the knowledge and understanding of dictates of substantive law and the procedural law for its enforcement.

PLG3: Ability to analyze the solutions to legal problems, including that of global nature, by ascertaining relevant facts and applying relevant legal principles.

PLG4: Apply ethical principles and commit to legal professional ethics, responsibilities and norms of the established legal practices.

PLG5: Understanding skills including team building and leadership skills, communication, creative and critical thinking skills, and problem-solving skills suitable for a variety of fields of employment.

Module I: Preliminaries

IPC, Sections 1 to 75 : history & scope of IPC; basic principles of criminology & penology; concepts of crime and punishment; elements of criminal liability, intention mens rea; actus reus; intention & motive; Indian Penal Code, history & nature; theories of punishment; kinds of punishment; statutory illustrations & leading cases.

Module II: Exceptions to Criminal Liability

IPC, Sections 76 to 106 : acts done as duty or by mistake; principle of 'ignorance of law is no excuse'; actions of childhood & insanity; lack of intention acts; acts done in good faith; right of private defence; statutory illustrations & leading cases.

Module III : Abetment, Conspiracy and Attempt

IPC, Sections 107 to 120B & 511 : abetment of offences; criminal conspiracy; attempt to commit offences; statutory illustrations & leading cases.

Module IV: Offences of General Nature

IPC Sections 121 to 130, 141-160; 292-94: offences against State; controversy on the offence of sedition; offences against public tranquility; obscenity; statutory illustrations & leading cases.

Textbooks

1. Glanville Williams, Text Book of Criminal Law, Universal Law Publishing Co., New Delhi, 2012
2. Ratanlal Dhiraj Lal, The Indian Penal Code, Lexis Nexis, Butterworths Wadhwa, Nagpur, 2012
3. K.D. Gaur, Textbook on Indian Penal Code, Universal Law Publishing Co., New Delhi, 2012
4. J.W. Cecil Turner, Russel on Crime , Vol I &2, Universal Law Publishing Co., New Delhi, 2012
5. K.I. Vibhuti, PSA Pillai's Criminal Law, Lexis Nexis, Butterworths Wadhwa, Nagpur, 2012
6. Dr. H.S. Gaur, Penal Law of India, Law Publishers , Allahabad, 2013
7. John Dawson Mayne, Mayne's Criminal law of India, Gale, Making of Modern Law, 2013

LIST OF CASE LAWS

- QUEEN Vs.TOLSON
- STATE OF MAHARASTRA Vs.M.N.GEORGE.1965
- Nathu Lal Vs State of M.P.1966 .
- Kartar Singh v.state of Punjab1994.
- Assistant commissioner Vs M/S.vellippa Textiles2004
- Guljog industries Vs CTO Commercial Tax Officer2007
- Suresh v. State of U.P. (2001) 3 SCC 673
- Mizaji v. State of U.P., AIR 1959 SC 572
- Maina Singh v. State of Rajasthan (1976) 2 SCC 827: AIR 1976
- Sanju v. State of M.P (2002)
- Noor Mohammad Momin v. State of Maharashtra AIR 1971 SC 885
- Kartar Singh v. State of Punjab (for definition of abetment)
 - Param Hans Yadav Vs State of Bihar 1987 AIR 955, 1987 SCR (2) 405
 - Hiralal harilal Bhagwati vs CBI, New Delhi 2003 Cri. L.J. 3041 (S.C.)
 - State of Tamil Nadu vs Nalini 1999 Cr. L.J. 3124 (S.C.)

IILM UNIVERSITY GURUGRAM

SCHOOL OF LAW

LLM- 1 Year Course

LLM- Criminal Law

Trimester: 2

Credits: 2

Module Name: Criminal Law-II [Indian Penal Code : Specific Provisions]

Course Code: SLL-LLM-CSL-202

Brief Module Description:

The Course is divided into ten major modules that manifest the crucial chapters through which we have tried to deliver a better understanding of the substantial criminal law in India. The Course envelops an in-depth knowledge about the structure of Indian Penal Code which includes contents on criminal liability, abetment, offences against State, body, sexual offences and many more. The interactive structure of the course will make the subject interesting and the course is designed in such a way that it deliberates every diverse concept of the substantial criminal law to its crux. The concepts, definitions and explanations have been simplified to provide a better understanding of the topics covered under the Indian Penal Code. The major objective of providing this course is to give thorough knowledge about the subject to every student in a systematic manner which will be helpful in competitive exams.

Learning Outcomes

Module Learning Goals:

On successful completion of this course, students will have the following learning outcomes:

MLG1: The ability to understand criminality

MLG2: The ability to understand the reasoning behind awarding punishment

MLG3: The ability to comprehend criminology

MLG4: The ability to distinguish form from content in terms of criminal law

Programme Learning Goals

PLG1: Introduction to the structure, components and functioning of the various institutions of the Indian legal system.

PLG2: Evaluating the knowledge and understanding of dictates of substantive law and the procedural law for its enforcement.

PLG3: Ability to analyze the solutions to legal problems, including that of global nature, by ascertaining relevant facts and applying relevant legal principles.

PLG4: Apply ethical principles and commit to legal professional ethics, responsibilities and norms of the established legal practices.

PLG5: Understanding skills including team building and leadership skills, communication, creative and critical thinking skills, and problem-solving skills suitable for a variety of fields of employment.

Module I: Homicide, Hurt and Wrongful Confinement

IPC, Sections 299 to 348: homicide, murder, miscarriage; simple & grievous hurt; wrongful restraint & confinement; statutory illustrations & leading cases.

Module II: Sexual Offences

IPC, Sections 349 to 377 : criminal force & assault; sexual offences; marital rape; Criminal Laws Amendment) Act 2013: history, objects & additions; homosexuality; judicial trends on its decriminalization; statutory illustrations & leading cases.

Module III: Offences against Property

IPC, Sections 378 to 402, 415 to 424, 441 to 462 : theft; extortion; robbery, dacoity; cheating; trespass & house-breaking; statutory illustrations & leading cases.

Module IV: Religion, Defamation and Intimidation

IPC Sections 295 to 298 & Sections 499 to 510: ; offences against religion;; defamation; criminal intimidation, insult & annoyance, statutory illustrations & leading cases.

Textbooks

- Glanville Williams, Text Book of Criminal Law, Universal Law Publishing Co., New Delhi, 2012
- Ratanlal Dhiraj Lal, The Indian Penal Code, Lexis Nexis, Butterworths Wadhwa, Nagpur, 2012
- K.D. Gaur, Textbook on Indian Penal Code, Universal Law Publishing Co., New Delhi, 2012
- J.W. Cecil Turner, Russel on Crime ,Vol I &2, Universal Law Publishing Co., New Delhi, 2012
- K.I. Vibhuti, PSA Pillai's Criminal Law, Lexis Nexis, Butterworths Wadhwa, Nagpur, 2012
- Dr. H.S. Gaur, Penal Law of India, Law Publishers , Allahabad, 2013
- John Dawson Mayne, Mayne's Criminal law of India, Gale, Making of Modern Law, 2013

LIST OF CASE LAWS

- Queen Vs. Tolson
 - State Of Maharastra Vs. M.N.George.1965
 - Nathu Lal Vs State of M.P.1966 .
 - Kartar Singh v.state of Punjab1994.
 - Assistant commissioner Vs M/S.vellippa Textiles2004
 - Guljog industries Vs CTO Commercial Tax Officer2007
 - Suresh v. State of U.P. (2001) 3 SCC 673
 - Mizaji v. State of U.P., AIR 1959 SC 572
 - Maina Singh v. State of Rajasthan (1976) 2 SCC 827: AIR 1976
 - Sanju v. State of M.P (2002)
 - Noor Mohammad Momin v. State of Maharashtra AIR 1971 SC 885
 - Kartar Singh v. State of Punjab (for definition of abetment)
- Param Hans Yadav Vs State of Bihar 1987 AIR 955, 1987 SCR (2) 405
- Hiralal harilal Bhagwati vs CBI, New Delhi 2003 Cri. L.J. 3041 (S.C.)
- State of Tamil Nadu vs Nalini 1999 Cr. L.J. 3124 (S.C.)

**IILM UNIVERSITY GURUGRAM
SCHOOL OF LAW**

LLM- 1 Year Course

LLM- Criminal Law

Trimester: 2

Credits: 2

Module Name: Criminal Law-III [Criminal Procedure Code : General Provisions]

Course Code: SLL-LLM-CSL-203

Brief Module Description:

The Code of Criminal Procedure provides the machinery for the detection of crime, apprehension of suspected criminals, collection of evidence, determination of the guilt or innocence of the suspected person, and the imposition of suitable punishment on the guilty. It is further aimed at trying to provide a balance between the needs of the investigating and adjudicatory bodies to detect crime, maintain law and order and the rights of the accused. With the increasing complaints regarding abuse of powers of arrest by the police, custodial torture and death, denial of bail, etc., the course particularly focuses on investigation, arrest, bail and principles of fair trial. The provision relating to plea bargaining has been included to critically examine its operation under the criminal law which may be oppressive unless all the stakeholders are equally positioned.

Learning Outcomes

Module Learning Goals:

On successful completion of this course, students will have the following learning outcomes:

MLG1: Identify the stages in investigation and procedure of trial in criminal cases

MLG2: Explain the powers, functions, and duties of police and criminal courts

MLG3: Critically analyze the recent amendments in the Cr PC

MLG4: Employ and promote adoption of humane and just practices in administration of criminal justice

Programme Learning Goals

PLG1: Introduction to the structure, components and functioning of the various institutions of

the Indian legal system.

PLG2: Evaluating the knowledge and understanding of dictates of substantive law and the procedural law for its enforcement.

PLG3: Ability to analyze the solutions to legal problems, including that of global nature, by ascertaining relevant facts and applying relevant legal principles.

PLG4: Apply ethical principles and commit to legal professional ethics, responsibilities and norms of the established legal practices.

PLG5: Understanding skills including team building and leadership skills, communication, creative and critical thinking skills, and problem-solving skills suitable for a variety of fields of employment.

Module I: Criminal Courts and Offices

CrPC Sections 1 to 40 : history -- old CrPC of 1898; new CrPC 1973 & its amendments till date; nature & scope of the code; terminology & definitions – Section 2, Clauses (a) to (o); sessions courts & their jurisdiction; magistrates & their categories – judicial, executive, special, metropolitan – theirs powers & jurisdiction; powers of courts, jurisdiction on juveniles; public prosecutors; sentences; superior police officers; public aid to magistrates & police; leading cases..

Module II: Maintenance of Public Order and Tranquility

CrPC, Sections 95-96 (banning of books, etc.); Sections 129 to 153 -- unlawful assemblies; public nuisance; apprehended danger; property disputes; preventive action by police; leading cases.

Module III: Police Reporting and Investigation

CrPC, Sections 154 to 176: complaints & FIR; information in cognizable & non-cognizable offences; police procedures & powers; medical examination; search; investigation reports; sending cases to magistrates; inquiries & trials by courts

Module IV: Inquiries and Trials by Courts

CrPC, Sections 177 to 210: places of inquiry; cognizance by various courts; prosecution of offences relating to marriage & Section 198A of IPC; complaints to magistrates; commencement of proceedings. Textbooks

SUGGESTED READINGS

K.N.Chandrsekharan Pillai (Rev.), R. V. Kelkar's Lectures on Criminal Procedure, (5th ed., 2013)
P S A Pillai's Criminal Law Commentary

LIST OF CASE LAWS

- Lalita Kumari v. Govt. of Uttar Pradesh, CrI.M.P. no.5029 of 2014 in Writ Petition (CrI.) No.68 of 2008
- Youth Bar Association of India v. Union of India and Others WRIT PETITION (CRL.) NO.68 OF 2016
- State of Orissa v. Sharat Chandra Sahu, (1996) 6 SCC 435
- Madhu Bala v. Suresh Kumar, (1997) 8 SCC 476
- Sakiri Vasu v. State of Uttar Pradesh, (2008) 2 SCC 409
- State v. Captain Jagjit Singh, (1962) 3 SCR 622 46
- Moti Ram v. State of M.P., (1978) 4 SCC 47 49
- Gurcharan Singh v. State (Delhi Admn.), (1978) 1 SCC 118
- Sanjay Chandra v. Central Bureau of Investigation, (2012)1 SCC 40 57 67
- Shri Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565 84
- State (Delhi Administration) v. Sanjay Gandhi, (1978) 2 SCC 411
- Zahira Habibulla H. Shiekh v. State of Gujarat,(2004) 4 SCC 158 133
- Mohammed Hussain v. State (Govt. of NCT Delhi),(2012) 9 SCC 408 170
- Mohd. Ajmal Amir Kasab v. State of Maharashtra,(2012) 9 SCC 1 172 Hardeep Singh v. State of Punjab,(2014) 3 SCC 92 178 Mehmood Nayyar Azam v. State of Chhattisgarh, (2012) 8 SCC 1 (2012) 9 SCC 1 190 Mrs. Neelam Katara v. Union of India, ILR (2003) II Del 377

IILM UNIVERSITY GURUGRAM

SCHOOL OF LAW

LLM- 1 Year Course

LLM- Criminal Law

Trimester: 2

Credits: 2

Module Name: Criminal Law-IV [Criminal Procedure Code : Specific Provisions]

Brief Module Description: SLL-LLM-CSL-204

Learning Outcomes

Module Learning Goals:

On successful completion of this course, students will have the following learning outcomes:

MLG1: To familiarize the students with the crucial aspects relating to investigation and trial of offences.

MLG2: Information regarding initiation of criminal cases, powers and duties of police during investigation of offences, stages of criminal trial, functions, duties, and powers of criminal courts.

MLG3: Informing students about critical issues in administration of criminal justice

MLG4: Employ and promote adoption of humane and just practices in administration of criminal justice

Programme Learning Goals

PLG1: Introduction to the structure, components and functioning of the various institutions of the Indian legal system.

PLG2: Evaluating the knowledge and understanding of dictates of substantive law and the procedural law for its enforcement.

PLG3: Ability to analyze the solutions to legal problems, including that of global nature, by ascertaining relevant facts and applying relevant legal principles.

PLG4: Apply ethical principles and commit to legal professional ethics, responsibilities and norms of the established legal practices.

PLG5: Understanding skills including team building and leadership skills, communication, creative and critical thinking skills, and problem-solving skills suitable for a variety of fields of employment.

Module I: Charges, Conviction and Acquittal

CrPC, Sections 211 to 237 : form of charges; joinder of charges; trial before sessions court; Public Prosecutor's role; conviction & acquittal;

Module II: Warrant and Summons Case Trials

CrPC, Sections 238 to 285L : trial of warrant cases and summons cases by magistrates; summary trial; plea bargaining.

Module III: Disposal and Decision of Cases

CrPC, Sections 353 to 412: judgments – language & contents; order for costs; release on probation; confirmation of death sentence; appeals, reference & revision, transfer of cases

Module IV: Bail, Bonds and Sureties

CrPC, Sections 436 to 459: bailable cases; bonds by accused & sureties; order for discharge from custody; disposal of property

SUGGESTED READINGS

K.N.Chandrsekharan Pillai (Rev.), R. V. Kelkar's Lectures on Criminal Procedure, (5th ed., 2013)
P S A Pillai's Criminal Law Commentary

LIST OF CASE LAWS

- Lalita Kumari v. Govt. of Uttar Pradesh, CrI.M.P. no.5029 of 2014 in Writ Petition (CrI.) No.68 of 2008
- Youth Bar Association of India v. Union of India and Others WRIT PETITION (CRL.) NO.68 OF 2016
- State of Orissa v. Sharat Chandra Sahu, (1996) 6 SCC 435
- Madhu Bala v. Suresh Kumar, (1997) 8 SCC 476
- Sakiri Vasu v. State of Uttar Pradesh, (2008) 2 SCC 409
- State v. Captain Jagjit Singh, (1962) 3 SCR 622 46
- Moti Ram v. State of M.P., (1978) 4 SCC 47 49

- Gurcharan Singh v. State (Delhi Admn.), (1978) 1 SCC 118
- Sanjay Chandra v. Central Bureau of Investigation, (2012)1 SCC 40 57 67
- Shri Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565 84
- State (Delhi Administration) v. Sanjay Gandhi, (1978) 2 SCC 411
- Zahira Habibulla H. Shiekh v. State of Gujarat,(2004) 4 SCC 158 133
- Mohammed Hussain v. State (Govt. of NCT Delhi),(2012) 9 SCC 408 170
- Mohd. Ajmal Amir Kasab v. State of Maharashtra,(2012) 9 SCC 1 172
- Hardeep Singh v. State of Punjab,(2014) 3 SCC 92 178
- Mehmood Nayyar Azam v. State of Chhattisgarh, (2012) 8 SCC 1 (2012) 9 SCC 1 190
- Mrs. Neelam Katara v. Union of India, ILR (2003) II Del 377

IILM UNIVERSITY GURUGRAM

SCHOOL OF LAW

– Remedies, Directives and Duties

LLM

Semester: 2

Credits:2

Module Name: Remedies, Directives and Duties

Course Code: SLL-LLM-CL-203

Brief Module Description:

Constitutional Law and administrative Law together make Public Law. Public Law was first defined by Romans as “res publica” which meant Public Good. Public Law regulates the relationship between individual and the State. However, with changing dimensions of the State the ambit of Public Law needs to be revisited. This course highlights the various aspects of Public Law which has become significant due to the concept of “Welfare State”. It enlightens the students about the various systems of governance which have evolved worldwide. The course further provides a comparative approach which enables the students to make a critical analysis of the various systems.

Learning Outcomes

Module Learning Outcomes

After successful completion of this unit students will be able to:

9. Understand the concept of directive principle and its various branches.
10. Distinguish between power of Supreme court and High Court.
11. Locate and understand the various legislative powers that are vested with the central and state governments under the Indian Constitution.
12. To have a comprehensive view of the nature and organization of the higher judiciary with their roles and limitations in governance perspective.

Program Learning Outcomes:

1. Develop critical and analytical thinking skills
2. Enhance verbal and written communication skills.
3. Ability to make clear and ethical judgments.
4. Inculcate the ability to seek innovative solutions to real-world problems.
5. Foster the ability to collaborate and work effectively in a team.
6. Develop an interdisciplinary approach to address socio- economic and organizational issues.
7. Knowledge of the structure, components and functioning of the various institutions of the Indian legal system.
8. Understanding of the dictates of substantive and procedural law for their enforcement.
9. Ability to find solutions to legal problems by ascertaining facts and legal principles in national and global context.

MODULE I – Writ Jurisdiction of High Court and Supreme Court

Writ- Meaning, Kinds, Habeas Corpus, Mandamus, Quo-Warranto, Certiorari, case law

MODULE II- Judicial review and Judicial Activism

Judicial Review in India

Meaning, Features, Limitations, Decisions, Critical evaluation, why is 9th Schedule excluded from Judicial Review.

Judicial Activism in India- Meaning, Methods, Significance, Examples, Pros and cons, Criticism, judicial activism vs judicial restraint, why is judicial activism needed, way forward to judicial activism

MODULE III Directive Principles of State Policy

Directive principles of State Policy – meaning, nature, DPSP Vs Fundamental Rights. Classification- socialistic. Gandhian directive principle of state policy, Liberal Intellectual, General Directives, Article 40-article 45, Article 46,47, 48, Article 49

Case laws

MODULE IV Fundamental Duties

Citizens Fundamental Duties

- a. Historical evolution
- b. Importance
- c. Non justiciability
- d. Provision and requirement of Fundamental duties
- e. National anthem in cinema hall
- f. Supreme Courts directives on National Anthem

Text Books

- Textbook of constitution of India: [coi-4March2016.pdf \(iitk.ac.in\)](#)
- H.M. Seervai, Constitutional Law of India (4 th ed., Vol 1 (1991), Vol. 2 (1993), Vol. 3 (2019 Rep.)
- D.D. Basu, Shorter Constitution of India (15th ed., 2018)
- H.M. Seervai, Constitutional Law of India (4 th ed., Vol 1 (1991), Vol. 2 (1993), Vol. 3 (2019 Rep.)
- M.P. Jain, Indian Constitutional Law (8th ed., 2018)
- M. P. Singh, V. N. Shukla's Constitution of India (13th ed., 2019)
- S. Choudhary, M Khosla and PB Mehta, The Oxford Handbook of the Indian Constitution (1st ed. , 2016)
- Udai Raj Rai, Fundamental Rights and their Enforcement (2011)

Case laws

- 1 Som Prakash v. Union of India (1981) 1 SCC449 2
- 2 Pradeep Kumar Biswas v. Indian Institute of Chemical Biology (2002) 5 SCC 111 17
- 3 G. Basi Reddy v. International Crops Research (2003) 4 SCC225 32 Institute
- 4 Zee Telefilms Ltd. v. Union of India (2005) 4 SCC 649 35
- 5 State of U.P. v. RadheyShyam Rai (2009) 5 SCC577 46
- 6 Jatya Pal Singh v. Union of India (2013) 6SCC 452
- 7 BCCI v. Cricket Association of Bihar (2015)3 SCC 251

- 8 Dr. Janet Jeyapaul v. SRM University (2015) 16 SCC530
- 9 Keshavan Madhava Menon v. State of Bombay AIR 1951 SC 128 52
- 10 Bhikaji Narain Dhakras v. State of M. P. AIR 1955 SC 781 73
- 11 State of Gujarat v. Sri Ambica Mills (1974) 4 SCC656 55
- 12 Basheshher Nath v. CIT AIR 1959 SC 149
- 13 State of Bombay v. F.N. Balsara AIR 1951 SC 318
- 14 RMD v. Union of India AIR 1957 SC 628
- 15 Shayara Bano v. Union of India (2017) 9 SCC 1
- 16 State of W. B. v. Anwar Ali Sarkar AIR 1952 SC 75
- 17 Kathi Raning Rawat v. State of Saurashtra AIR 1952 SC 123 79
- 18 Indra Sawhney v. Union of India AIR 1993 SC 477; 1992 Supp (3) SCC 217 88
- 19 M. Nagaraj v. Union of India (2006) 8 SCC 212 196
- 20 Ashoka Kumar Thakur v. Union of India (2008) 6 SCC 1 138
- 21 Gulshan Prakash v. State of Haryana (2010) 1 SCC477 188
- 22 Rohtas Bhankar v. Union of India (2014) 8 SCC 872
- 23 Jarnail Singh v. Lachhmi Narain Gupta (2018) 10 SCC 396 220
- 24 BK Pavitra v. Union of India (2017) 4 SCC 620
- 25 Mukesh Kumar v. State of Uttarakhand (2020) 3 SCC 1
- 26 Pramati Educational & Cultural Trust v. Union of India (2014)8 SCC 1
- 27 Modern Dental College & Research Centre v. State of Madhya Pradesh (2016) 7 SC 353
- 28 Joseph Shine v. Union of India (2019) 3 SCC 39
- 29 State of Karnataka v. Appa Balu Ingale AIR 1993 SCC1126; 1995 Supp (4) SCC 469
- 30 Safai Karmachari Andolan v. Union of India (2014) 11 SCC 224
- 31 Prathvi Raj Chauhan v. Union of India (2020) 4 SCC 727
- 32 Balaji Raghavan v. Union of India (1996) 1 SC 361
- 33 Bennett Coleman & Co. v. Union of India (1972) 2 SCC788 234
- 34 Secretary, Ministry of I & B, Govt. of India VS cricket Association of Bengal (1995) 2 SCC 161 249
- 35 Shreya Singhal v. Union of India (2015) 5 SCC 1

- 36 People’s Union for Civil Liberties (PUCL) v. Union of India (1997) 1 SCC 301
- 37 Anuradha Bhasin v. Union of India (2020) 3 SCC 637
- 38 Foundation for Media Professionals v. Union Territory of Jammu and Kashmir & Another (2020) 5 SCC 746
- 39 Communist Party of India (M) v. Bharat Kumar (1998) 1 SCC201
- 40 AIADMK v. Chief Secretary, Government of Tamil Nadu (2009) 5 SCC 452
- 41 Chintaman Rao v. State of M.P. AIR 1951 SC 118
- 42 Narendra Kumar v. Union of India AIR 1960 SC 430
- 43 State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat (2005) 8 SCC 534
- 44 Tehseen S Poonawala v. Union of India (2018) 9 SCC 501
- 45 Selvi v. State of Karnataka (2010) 7 SCC 263
- 46 Maneka Gandhi v. Union of India (1978) 1 SCC 248 266
- 47 AK Roy v. Union of India (1982) 1 SCC 271
- 48 National Legal Services Authority v. Union of India (2014) 5 SCC 438
- 49 Animal Welfare Board v. A. Nagaraja (2014) 7 SCC 547
- 50 Justice KS Puttaswamy v. Union of India (2017) 10 SCC 1 283
- 51 Navtej Singh Johar v. Union of India (2018) 1 SCC 791
- 52 Pramati Educational and Cultural Trusts v. Union of India (2014) 8 SCC 1
- 53 DK Basu v. State of West Bengal (1997) 1 SCC 416 303
- 54 People’s Union for Civil Rights v. Union of India (2004) 9 SCC 580
- 55 People’s Union for Democratic Rights v. Union of India (1982) 3 SCC 235
- 56 Seshammal v. State of Tamil Nadu (1972) 2 SCC 11 314
- 57 N. Adithayan v. Travancore Devaswom Board (2002) 8 SCC 106 328
- 58 Commissioner of Police v. Acharya Jagadishwarananda Avadhuta (2004) 12 SCC
- 59 Adi Saiva Sivachariyargal Nala Sangam v. The Government of Tamil Nadu (2016)
- 60 Rev. Stainislaus v. State of M.P. (1977) 1 SCC 677
- 61 Bijoe Emmanuel v. State of Kerala (1986) 3 SCC 615 349
- 62 Indian Young Lawyers Association v. State of Kerala (2019) 11 SCC 1
- 63 Kantaru Rajeevaru v. Indian Young Lawyers Association (2020) 9 SCC 121

- 64 Islamic Academy of Education v. State of Karnataka 2003 (6)SCC 697 355
- 65 T.M.A. Pai Foundation V. State of Karnataka (2002) 8 SCC481
- 66 P.A. Inamdar v. State of Maharashtra (2005) 6 SCC537
- 67 Sindhi Education Society v. Chief Secretary, Government of NCT of Delhi (2010)
- 68 State of Uttaranchal v. Balwant Singh Chauhal (2010) 3 SCC 402
- 69 Guidelines for Public Interest Litigation issued by the Supreme Court of India
- 70 Hon'ble Shri Rangnath Mishra v. Union of India 2003 (7) SCC 206
- 71 Union of India v. Tulsiram Patel (1985) 3 SCC 398 365
- 72 J.P. Bansal v. State of Rajasthan (2003) 5SCC 134
- 73 Managing Director, ECIL v. B. Karunakar (1993) 4 SCC727
- 74 T.K. Rangarajan v. Govt. of Tamil Nadu (2003) 6 SCC 581
- 75 Kesavananda Bharati v. State of Kerala (1973) 4 SCC225
- 76 KihotoHollohon v.Zachillhu 1992 Supp (2) SCC 651
- 77 I.R. Coelho v. State of Tamil Nadu, (2007) 2 SCC 1 385
- 78 L. Chandra Kumar v. Union of India (1997) 3 SCC 261
- 79 Madras Bar Association v. Union of India (2014) 10 SCC 1

IILM UNIVERSITY GURUGRAM

SCHOOL OF LAW

–Banking Law

LLM

Semester: 3

Credits: 2

Module Name: Banking Law

Course Code : SLL-LLM-CC-301

Brief Module Description:

Any student intending to specialize in the area of commercial laws, the study of (i) emerging 'regulatory regime' in general; and (ii) the changing facets of banking institutions; has become imperative. According to the Bar Council's regulations every student is taught the basics of banking law during their tenure at bachelor's course. In the light of these facts, the present course intends to introduce the students (at their post graduate level) the regulatory aspects of banking institutions.

However, it must be noted that, the present course is not sans the traditional aspects of introducing the students (to some extent) to the elements of finance sector, the players in finance sector, understanding the working of finance sector vis-à-vis the banking sector and of course the newly emerging 'regulatory sector' sector in India.

Learning Outcomes

Module Learning Outcomes

After successful completion of this course students will be able to:

- a. Understand role and importance of Reserve Bank of India (RBI);
- b. Read RBI circulars;
- c. Legal writing skills for successful claims, responses, and other relevant application;
- d. Comprehend the loan market and connected concept;
- e. Comparative legal approach to the recognition and enforcement of banking regulations

Program Learning Outcomes:

Pre readings for each class are essential. This will also allow the course to move more smoothly. The level of preparedness for the class will be checked through cold calls/surprise quizzes. Class participation is very essential both for your own and peer learning and to a very large extent would drive the overall learning from the course. The sessions are so planned that each session is built upon the discussions in the prior class. It is therefore necessary that you attend all sessions and come prepared to the class. Students are also expected to read (daily) one Newspaper (The Hindu/Indian Express) of the previous day, so that you are able to relate what is being discussed in the class to real world events.

MODULE I – Indian Banking System, Regulatory Framework of Banks

In the inaugural module the student is introduced to the overall environment of Indian “finance sector” and the role of “banks” as one of the major players therein. The minor details of the market structure, money and capital market etc. are done in the “basic Economics” course during the first year, and here the module quickly attempts to brush-up the memory of the student. As stated briefly above in the introduction, the traditional banking law in India heavily leaned upon examining the legal relationship between banker and his customer. But after the entry of private banking companies the entire complexion of the banking sector has changed; and the rules of the game as well. It is absolute imperative to regulate the banking institutions more than ever. The Central Bank (viz. The Reserve Bank of India) is the major institution responsible for the regulating the banking institutions and maintain stability of the Indian economy. In this module the student is given deeper understanding about – (i) the enhanced need for regulating banks in any given economy; and (ii) the various strategies adopted for the same along with the enabling legal environment for the same. There is an elaborate framework for regulation and supervision of the business of banking in India. This is in addition to exclusive deliberation of law as to the things which a banking company can do or not. The regulatory powers are vested in the Reserve Bank of India (as underlined in the module two) and the Central Government under both the Reserve Bank of India Act, 1934 and the Banking Regulation Act, 1949. The dynamics of regulating the banking business in India is the focal point of this module.

MODULE II- : Bank and Customer

The banker and customer relation has developed jurisprudence based upon litigations having a long-standing history. In the classical concept of banking, a banker is the custodian of the deposits made by the customers. The Common Law courts describe the relation as a debtor-creditor one. Of course in the nineteenth century with the development of equity to be fused with law the role of a banker as a trustee of the customer’s fund has also been emphasized in certain situations. However, once the customer deposits the money into the bank account

the banker becomes the owner of that money, which lays down the foundation for the entire banking activities afterwards. The essence, in short, of banker customer relation is based on mutual trust and faith but the relation begins with trust and in many cases ends up with litigations. This module dissects the ever-fascinating relationship of banker and customer from the legal perspective.

MODULE III Banking Ombudsman Scheme, 2002

Purpose, Extent, Definitions, Establishment and Powers; Procedure for Redressal of Grievance; Arbitration and Conciliation Procedure.

MODULE IV Other Banking Related Laws

To protect the interest of banker (especially from endless litigation, as it happens many times) there are certain dedicated statutes passed. This module scans the Indian scene for such important legislation and exposes the student to various vital details of the same.

Recovery of Debts due to Banks and Financial Institutions Act, 1993 [DRT ACT]

1. Preliminary;
2. Establishment of Tribunal and Appellate Tribunal;
3. Jurisdiction, Powers and Authority of Tribunals;
4. Procedure of Tribunals;
5. Recovery of Debts Determined by Tribunal and Miscellaneous Provisions.

The Banker's Book Evidence Act, 1891

Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [SARFAESI ACT]

a. Introduction to SARFAESI Act, 2002; b. Definitions at SARFAESI Act, 2002; c. Regulation of Securitization and Reconstruction of Financial Assets of Banks and Financial Institutions; Enforcement of Security Interest; Central Registry; Offences and Penalties.

Textbooks

- a. Tannan's Banking Law and Practice in India
- b. Paget's law of Banking - Mark Hapgood QC., 13th Reprint Edition, 2012
- c. Sheldon on Practice & Law of Banking, 11th revised edition
- d. Ross Cranston on The Legal Implications of Banking, 1989 edition

IILM UNIVERSITY GURUGRAM

SCHOOL OF LAW

Socio-Economic Offences (Blended Format)

Course Code: SLL-LLM-CC-201

Term: II

Credit: 2

LLM: 2021-2022

Academic Year: 2021-2022

Course Code: SLL-LLM-CC-201

Brief Course Description: Economic Offences not only victimize individuals with pecuniary loss but can also have serious repercussions on the national economy. Economic offences, such as counterfeiting of currency, financial scams, fraud, money laundering, etc. are crimes which evoke serious concern and impact on the Nation's security and governance. This paper seeks to present a perspective on the trend of economic crimes and legislative measures to deal with such crimes in India..

Module Learning Goals

On completion of the class students will be able to:

1. Critically assess the impact of developing case law on current legal practices.
2. Analyze the impact of relevant Socio Economic Laws statutes on current legal practices in a succinct manner.
3. Demonstrate effective communication, providing persuasive arguments to justify realistic solutions to socio economic issues.
4. Be able to effectively apply the knowledge to built cohesive and logical arguments and solve practical problems.

Programme Learning Outcomes

PLG1: Introduction to the structure, components and functioning of the various institutions of the Indian legal system.

PLG2: Evaluating the knowledge and understanding of dictates of substantive law and the procedural law for its enforcement.

PLG3: Ability to analyze the solutions to legal problems, including that of global nature, by ascertaining relevant facts and applying relevant legal principles.

PLG4: Apply ethical principles and commit to legal professional ethics, responsibilities and norms of the established legal practices.

PLG5: Understanding skills including team building and leadership skills, communication, creative and critical thinking skills, and problem-solving skills suitable for a variety of fields of employment.

Module 1:- Concept and Evolution of 'Socio-Economic Offences.'

Nature and Extent of Socio-Economic Offences.

Mens Rea, Nature of Liability, Burden of Proof and Sentencing Policy.
Concept of White Collar Crimes - Sutherland's theory of 'Differential Association.'
Distinction among Socio-Economic Offences, White Collar Crimes and Traditional Crimes. Socio-Economic Offences in India: The Santhanam Committee Report, 1964 and the 47th Report of the Law Commission of India, 1972

Module 2:-

The Immoral Traffic (Prevention) Act, 1956 (A)History, Development and Magnitude of Human Trafficking Constitutional
(B) Provisions and Sections 370-373 of the Indian Penal Code, 1860
©The 64th report of the Law Commission of India, 1975
(D)The Immoral Traffic (Prevention) Act, 1956
The Narcotic Drugs and Psychotropic Substances Act, 1985 (A)Definition of Narcotic Drugs and Psychotropic Substances
(B)Authorities and officers section 4,6 (C)National Fund for Control of Drugs Abuse Section 7A
(D)Prohibition Control and Regulation, Section8, 9, 9A (E)Offences and Penalties, Section 18, 19, 21, 22, 25A, 27, 27A, 30, 31, 31A, 32, 32A, 33, 35, 36, 36A, 37, 39.
(F) Procedure Section, 41, 42, 43, 50, 52A, 54, 58, 60, 64.
The Food Safety and Standards Act, 2006: (A)Definitions of 'food', 'Adulterant', 'contaminant', 'food business', 'misbranded food'
(B)Food Safety and Standards Authorities of India & State Food Safety and Standards Authorities: Establishment and functions
© Food Safety Officer- Power, Function and liabilities
(D) Food Analyst (E)General Principles to be followed for food safety under the Act (Section 18)
(F) Licensing and Registration of food business (Section 31) (G)Purchaser may have food analyzed (Section 40)
(H)Provisions related to offence and penalties (Sections 48 to 67)
(I) Adjudication and Appeal procedures (Sections 68 & 76)

Module 3) The Prevention of Corruption Act, 1988

(A)Need of the Act (read with Santhanam Committee Report)
(B)The Prevention of Corruption Act, 1988 (C) Definitions of 'public servant,' Section 2 (c) and 'gratification,' Section 7.
(D)Offence committed by public servant and bribe giver and their Penalties (Section 7 to 14)
(E) Punishment for attempts (Section 15) (F)Sanction for prosecution (Section 19 r/w Section 197 of the Code of Criminal Procedure, 1973)
(G) Presumption where public servant accepts gratification (Section 20)

Module 4) The Prevention of Money-Laundering Act, 2002

(A) Need for combating Money-Laundering
(B) Magnitude of Money-Laundering, its steps and various methods
(C) The Prevention of Money-Laundering Act, 2002

- (D) Definition of 'Money Laundering', Section 3 & 2(1)(p)
- (E) Punishment for Money Laundering (Section 4)
- (F) Enforcement: Attachment (Section 5) Survey, Search, & Seizure (Sections 16, 17 & 18) 5 Power to arrest (Section 19)
- (G) Adjudication under the Act: Adjudication by Adjudicating Authorities (Section 8) Special courts (Sections 43 to 47) Vesting of Property in Central Government (Section 9)
- (H) Preventive Mechanisms under the Act: Obligation of banking companies, financial institutions and Intermediaries (Sections 12 & 12A) Reciprocal Arrangements with other countries (Overview of Chapter IX i.e. Sections 55 to 61)

Suggested Readings

1. Mahesh Chandra, Socio- Economic Offences (1979)
2. J.S.P. Singh, Socio- Economic Offences (1st Ed., 2005, Reprint 2015)
3. Ahmed Siddiqui, Criminology: Problems and Perspectives (4th Ed., 1997)
4. B.R. Boetra, The Immoral Traffic (Prevention) Act 1956 (with state rules) (4th Ed., 1988)
5. P.S. Narayan, Commentary on Immoral Traffic Prevention Act, 1956 (2nd Ed., 2013)
6. T.V. Nawal, Legally Combating Atrocities against SC and ST, (2004)
7. Lawyers Collective (Ed. by Indira Jaising), Handbook on Law of Domestic Violence, (1st Ed., 2009)
8. Kumar (Revised by Justice A.B. Srivastava and C.S. Lal), Commentaries on Prevention of Food Adulteration Act, 1954 with Central and States Rules alongwith Food Safety and Standards Act, 2006 (3rd Ed., 2009)
9. Seth and Capoor, Prevention of Corruption Act with a treatise on Anti-Corruption Laws (3rd Ed., 2000)
10. M. C. Mehanathan, Law on Prevention of Money Laundering in India (2014)

IILM UNIVERSITY GURUGRAM

SCHOOL OF LAW

Research Methods and Legal Writing

LLM- 1 Year Course

Trimester- 1

Credits: 2

Course Code: SLL-LLM-CC101

Brief Module Description:

This course will help students to understand the importance of research as an empirical aid towards the legal study. The objective of this course is to provide students with an exhaustive understanding of research and the research process which thereby enables the student to formulate research problem, facilitating research work and enable them to prepare research report. The following topics will be emphasized: the role of scientific inquiry, research questions, ethics in research, research design's reliability, validity and testing. Upon completion of the course, the students will possess an understanding of the fundamental principles and procedures of legal research and writing.

Learning Outcomes

Module Learning Outcomes

On successful completion of this course, students will have the following learning outcomes:

MLG1: Knowledge & Understanding of legal research and scientific thinking process.

MLG2: Develop a good foundation of understanding various principles of doing research and the ethical aspects.

MLG3: Develop understanding on various kinds of research, objectives of doing research, formulate research problem, research process,

MLG4: Develop an understanding on what is sampling technique and differentiate between probability and non-probability designs.

MLG5: Identify the various types of data collection methods with real life examples and how to conduct scientific test to analyse the data.

MLG6: To acquire a range of research skills and methods for investigating experience and

responses, culminating in an ability to conduct research independently.

Programme Learning Goals

PLG1: Introduction to the structure, components and functioning of the various institutions of the Indian legal system.

PLG2: Evaluating the knowledge and understanding of dictates of substantive law and the procedural law for its enforcement.

PLG3: Ability to analyze the solutions to legal problems, including that of global nature, by ascertaining relevant facts and applying relevant legal principles.

PLG4: Apply ethical principles and commit to legal professional ethics, responsibilities and norms of the established legal practices.

PLG5: Understanding skills including team building and leadership skills, communication, creative and critical thinking skills, and problem-solving skills suitable for a variety of fields of employment.

Module I Introduction

Basics and ethics of Research, types of Research, Steps in Research, Quantitative and Qualitative orientations towards research and their steps

Module II Research Traditions

Formulating a research problem, Importance, Sources of research problems, steps in the formulation of the research problem, the formulation of objectives

Module III Sampling

sampling in qualitative research, Principles of sampling, Random Sampling, Research Designs, Parametric and nonparametric test

Module IV Methods of Data Collection

Collecting data using primary sources, Case studies, Observation, Questionnaire, interview

Module V Legal Writing

Challenges to Legal Writing, Use of Appropriate Formats for Letters, Memos, Reports, Proposals, etc. Basic Approaches for Developing Advanced Critical Writings

Textbooks

1. Tiwari H.N., Legal Research Methodology, Allahabad Law Agency, Haryana, 1997, 2003

2. Kothari C.R., Research Methodology: Methods and Techniques, 2nd Edition, New Age International Publishers
3. Wilkinson & Bhandarkar, Methodology and Techniques of Social Research, Himalaya Publishing House
4. Verma S.K., Wani Afzal M (Ed)., Legal Research and Methodology, 2nd Edition Indian Law Institute, New Delhi, 2001
5. Myneni S.R., Legal Research Methodology, Pioneer Books, Allahabad Law Agency, Haryana, 3rd Edition, 2006
6. Prof. Tushar Kanti Saha, Textbook on Legal Methods, Legal Systems and Research, Universal Law Publishing Co., New Delhi (2010). Brayne H., N. Duncan, R. Grimes, Clinical Legal Education Active Learning in Your Law School, Oxford, (1998)
7. Jain S.N., Legal Research & Methodology, Indian Law Institute Publication, (Ed) Tripathi Pvt. Ltd., Bombay

IILM UNIVERSITY GURUGRAM
SCHOOL OF LAW
MEDIATION LAW
Academic Year 2021-2022

Term: 2

Credits: 2

Module Name: Mediation Law

Course Code: SLL-LLM-ADR 203

Brief Course Description:

When a civil dispute is brought before the court to be resolved, the opposing parties will present their positions to the court in a hearing. A judge will decide the case on the evidence before him and by determining how the law is to apply. It can be a lengthy and expensive process to prepare and present a case for hearing and to have it determined by the court. An alternative to resolving a dispute through the court system is mediation. The Judiciary has encouraged parties to use mediation in various aspects like family disputes, contractual disputes, etc. Mediation is an interactive process where a neutral third party assists disputing parties in resolving conflict through the use of specialized communication and negotiation techniques. Mediation is focused upon the needs, rights, and interests of the parties. Mediation is voluntary and non-binding.

Module Learning Goals

After successful completion of this module students will be able to:

13. Understand the concept of mediation as an alternate dispute resolution mode.
14. Understand the role of lawyers in the process of mediation.
15. Locate and understand the various legislative provisions giving statutory authority to the mediation process.

Text Books

1. Dr. Anupam Kurlwal, An introduction to alternative dispute resolution system, Central Law Publication, 3rd ed. (2017)

2. Sriram Panchu, Mediation Practices & Law, Lexis Nexis Butterworth, 1st ed. (2011).
3. Mediation Training Manual of India
<https://main.sci.gov.in/pdf/mediation/MT%20MANUAL%20OF%20INDIA.pdf>

Desired Readings

1. Charles Chatterjee and Anna Lefkovitch, Alternative Dispute Resolution: A Practical Guide, Routledge (2008)
2. Henry Brown and Arthur Marriot, ADR Principles and Practice, Sweet and Maxwell (2013)
3. Madabhushi Sridhar, Alternative Dispute Resolution Negotiation and Mediation, Lexis Nexis and Butterworths (2006)
4. Roy Lwicky, Bruce Barry and David Saunders, Essentials of Negotiation, MacGraw-Hill Education, (2010)
5. Sriram Panchu, Mediation Practice and Law, Lexis Nexis and Butterworths (2015)

Module I: Introduction and Meaning

1. Introduction and Meaning of Mediation
2. Difference between Mediation, arbitration, conciliation and judicial process
3. Elements of Mediation
4. Stages of Mediation

Module II: Mediator and Advantages

1. Role of Mediator, their qualities and qualifications
2. Advantages of Mediation
3. Communication in Mediation
4. Role of parties in Mediation
5. Role of lawyers in Mediation

Module III: Types of Mediation

1. Models of Mediation
2. Family mediation
3. Indian Position on Mediation
4. Global Relevance of Mediation
5. Future of Mediation as an online dispute resolution mode

Case Law (by way of illustration):

- Afcons Infrastructure Ltd v. Cherian Varkey Construction Co. (P) Ltd
- B.S. Krishnamurthy v. B.S. Nagaraj
- Brahmani River Pellets Limited v. Kamachi Industries Limited
- Hindustan Construction Company Limited & Anr. v. Union of India & Ors
- M/s Icomm Tele Ltc. v. Punjab State Water Supply & Sewage Board
- Mahanagar Telephone Nigam Limited v. Canara Bank & Ors
- National Highways Authority of India v. Sayedabad Tea Estate
- Rashid Raza v. Sadaf Akhtar
- The Oriental Insurance Co. Ltd. and Ors. v. Dicitex Furnishing Ltd
- Tulsi Narayan Garg v. The M.P. Road Development Authority, Bhopal and Ors
- Uttarakhand Purv Sainik Kalyan Nigam Ltd. v. Northern Coal Field Ltd
- Vinod Bhaiyalal Jain v. Wadhvani Parmeshwari Cold Storage Pvt. Ltd

IILM UNIVERSITY GURUGRAM

SCHOOL OF LAW

PRACTICAL TRAINING IN ADR SKILLS

LLM (2021-2022)

Trimester: III

Credits: 2

Module Name: PRACTICAL TRAINING IN ADR SKILLS

Course Code: SLL-LLM-ADR-302

Brief Module Description:

This course will help the students in understanding the practical aspects and usage of Alternative Dispute Resolution (ADR) mechanism. The main focus of this course is to equip the students with necessary skills required to effectively participate in the ADR processes relating to commercial disputes (domestic and international), disputes between citizens and government, family and matrimonial disputes. With the help of case studies, students will learn the crucial procedures involved in arbitration, negotiation, mediation and conciliation. Students will also get hands on experience in drafting and negotiating the agreements/clauses relating to dispute resolution through ADR mechanism. As part of this course, students will learn communication skills; dispute analysis and strategy; distinguishing interests from rights; persuasion; skills of mediators; negotiation skills.

Learning Outcomes

Module Learning Outcomes:

5. Understanding the practical aspects and usage of ADR mechanism
6. Understanding the procedures involved in international and domestic arbitration
7. Learning negotiation skills for conflict management
8. Learning mediation skills for effective resolution of disputes
9. Understanding the importance of correct drafting of documents/clauses relating to ADR mechanism.

Program Learning Outcomes:

6. Introduction to the structure, components and functioning of the various institutions of the Indian legal system.
7. Evaluating the knowledge and understanding of dictates of substantive law and the procedural law for its enforcement.
8. Ability to analyze the solutions to legal problems, including that of global nature, by ascertaining relevant facts and applying relevant legal principles.
9. Apply ethical principles and commit to legal professional ethics, responsibilities and norms of the established legal practices.
10. Understanding skills including team building and leadership skills, communication, creative and critical thinking skills, and problem-solving skills suitable for a variety of fields of employment.

MODULE I - INTRODUCTION TO ALTERNATE DISPUTE RESOLUTION (ADR)

- Meaning, need and scope of Arbitration, Conciliation, Mediation and Negotiation
- Key differences between different ADR mechanisms

MODULE II- CONFLICT MANAGEMENT THROUGH ADR

- Understanding Conflict- meaning, types, nature
- Importance of resolution of Conflict
- Effective resolution of Conflicts using ADR mechanism

MODULE III- NEGOTIATION

- Effective Communication for Negotiation
- Negotiation Strategy and Techniques
- Avoiding critical mistakes while negotiating

MODULE IV- ARBITRATION

- Procedures involved in Ad-hoc Arbitration & Institutional Arbitration
- Drafting of arbitration agreements and clauses
- Framing of issues
- Making of awards

MODULE V- MEDIATION AND CONCILIATION

- Mediation and Conciliation: Core differences and Applicability
- Mediator's Skills and Roles
- Pre-mediation, Mediation and Post-mediation processes
- Ethical Dilemmas in Mediation
- Closure strategy and techniques

TEXT BOOKS

- P.C. Markanda, Law Relating to Arbitration and Conciliation, 10th Edn. 2020, LexisNexis
- Sriram Panchu, Mediation Practice Law - The Path to Successful Dispute Resolution, 3rd Edn. 2021, LexisNexis

FIELD VISIT

- Delhi Mediation Centre/ Lok Adalat/ Arbitration Centre

IILM UNIVERSITY GURUGRAM
SCHOOL OF LAW

–

Law on Geographical Indications

Trimester- 3

Credits:

Module Name: Law on Geographical Indications

Course Code:

Brief Module Description:

This module will focus on the law of geographical indications in India providing a comparative analysis with the rest of the world. The role of international treaties, conventions will also be considered in analyzing the evolution of this law. Historical, philosophical, legal views will be taken into account focusing on practical topic.

Learning Outcomes

Module Learning Outcomes

1. To study the evolution of protection of geographical indications in India.
2. To understand the implications of International Conventions in relation to geographical indications.
3. To acquaint with the understanding of the concepts of appellations of origin, indication of source and Geographical Indications focusing on the enforcement.

Program Learning Outcomes:

1. Develop critical and analytical thinking skills
2. Enhance verbal and written communication skills.
3. Ability to make clear and ethical judgments.
4. Inculcate the ability to seek innovative solutions to real-world problems.
5. Foster the ability to collaborate and work effectively in a team.
6. Develop an interdisciplinary approach to address socio- economic and organizational issues.
7. Knowledge of the structure, components and functioning of the various institutions of the Indian legal system.
8. Understanding of the dictates of substantive and procedural law for their enforcement.
9. Ability to find solutions to legal problems by ascertaining facts and legal principles in national and global context.

MODULE I - HISTORICAL BACKGROUND

- Introduction

- International Evolution of Geographical Indication
- Indication of Source
- Appellations of Origin
- Paris Convention
- Madrid Agreement
- Lisbon Agreement
- NAFTA
- TRIPS

MODULE II CONCEPTUAL UNDERSTANDING

- Nature of GIs v. other IPs
- Concept of appellations of origin, indication of source and Geographical Indications

MODULE III REGISTRATION

- Procedure for registration, duration of protection and renewal

MODULE IV INFRINGEMENT

MODULE V REMEDIES AND PENALTIES

MODULE VI Comparative Analysis

- Comparative Analysis of Geographical Indication Law in India & Rest of the world

Textbooks

1. The Protection of Geographical Indications in India: A New Perspective on the French and European Experience (SAGE Law) by Delphine Marie-Vivien
2. The Law of Geographical Indications – Rising above the horizon (First Edition, 2017) by Dr. Vandana Singh
3. WTO, TRIPS & Geographical Indications (GIs) Hardcover – 1 January 2014 by Tapan Kumar Rout

IILM UNIVERSITY GURUGRAM

SCHOOL OF LAW

–

Protection of Plant Varieties and Traditional Knowledge

Trimester:3

Credits:

Module Name: Protection of Plant Varieties and Traditional Knowledge

Course Code:

Brief Module Description:

This Module deals with the origin and history including a brief introduction to UPOV for protection of plant varieties, Protection of plant varieties under UPOV and PPV&FR Act of India, Plant breeder's rights, Registration of plant varieties under PPV&FR Act 2001, breeders, researcher and farmers rights. Special focus is also made on the protection of traditional knowledge.

Learning Outcomes

Module Learning Outcomes

1. To trace the evolution of Plant Varieties Protection nationally and internationally.
2. To understand various rights of breeders, farmers and the community.
3. To understand the protection of traditional knowledge under various regimes

Program Learning Outcomes:

1. Develop critical and analytical thinking skills
2. Enhance verbal and written communication skills.
3. Ability to make clear and ethical judgments.
4. Inculcate the ability to seek innovative solutions to real-world problems.
5. Foster the ability to collaborate and work effectively in a team.
6. Develop an interdisciplinary approach to address socio- economic and organizational issues.
7. Knowledge of the structure, components and functioning of the various institutions of the Indian legal system.
8. Understanding of the dictates of substantive and procedural law for their enforcement.
9. Ability to find solutions to legal problems by ascertaining facts and legal principles in national and global context.

MODULE I - INTRODUCTION

- Introduction to Plant Varieties
- Tracing the evolution of Plant Varieties Protection
- Justification for IP Protection
- UPOV.
- Kinds of Varieties and Registration of Varieties

MODULE II -RIGHTS, LIMITATIONS & INFRINGEMENT

- Breeders' Rights v. Farmers' Rights
- Community Rights
- Compulsory Licence
- Benefit Sharing
- Infringement & Remedies

MODULE III INTRODUCTION TRADITIONAL KNOWLEDGE (TK)

- Meaning, Nature and Characteristics
- Need for protection of TK

MODULE IV INTERNATIONAL INITIATIVES ON TK PROTECTION

MODULE V IPR AND TRADITIONAL KNOWLEDGE

- Protection of Traditional Knowledge under the Existing Modes of Intellectual Property and Issues thereof
- Concepts of Prior Informed Consent (PIC) and Agreement to benefit sharing (ABS)
- TKDL
- Need for a sui generis protection

Textbooks

1. Elizabeth Verkey, Law of Plant Varieties Protection, Eastern Book Company, 2007
2. Ahuja, V K. (2017). Law relating to Intellectual Property Rights. India, IN: Lexis Nexis.
3. Christoph Antons (ed.) Traditional Knowledge, Traditional Cultural Expressions and

IILM UNIVERSITY GURUGRAM

SCHOOL OF LAW

TRENDS IN COMPANY LAW

LLM (2021-2022)

Trimester: III

Credits: 2

Module Name: TRENDS IN COMPANY LAW

Course Code: SLL-LLM-CCL-302

Brief Module Description:

In view of the major developments that have taken place in the corporate sector, this course is designed to make students familiar with the formation, management, administration, conduct of affairs and winding up of the companies. This course will help the students in understanding all the latest and important aspects of the Companies Act, 2013. Through various case studies, the students will acquire comprehensive understanding of concepts of company law with a flavor of practical perspective.

Learning Outcomes

Module Learning Outcomes:

10. Understanding the important concepts of company law
11. Understanding of lifecycle of a company, from incorporation to dissolution
12. Understanding the latest and crucial aspects covered under the Companies Act, 2013 (including recent amendments)
13. Identifying and addressing the contemporary issues relating to company law in India

Program Learning Outcomes:

11. Introduction to the structure, components and functioning of the various institutions of the Indian legal system.
12. Evaluating the knowledge and understanding of dictates of substantive law and the procedural law for its enforcement.
13. Ability to analyze the solutions to legal problems, including that of global nature, by ascertaining relevant facts and applying relevant legal principles.
14. Apply ethical principles and commit to legal professional ethics, responsibilities and norms of the established legal practices.
15. Understanding skills including team building and leadership skills, communication, creative and critical thinking skills, and problem-solving skills suitable for a variety of fields of employment.

MODULE I - NATURE AND KINDS OF COMPANIES

- Company – Definition, Meaning, Nature and its Characteristics
- Concept of Corporate Personality
- Kinds of Companies

MODULE II- FORMATION OF COMPANIES

- Promoter- Meaning, Powers, Duties
- Formation of Companies – Procedural Aspects

MODULE III- COMPANY'S CONSTITUTIONAL DOCUMENTS

- Memorandum of Association & Articles of Association
- Doctrine of Ultra vires
- Doctrine of Indoor Management

MODULE IV- CORPORATE FINANCE

- Raising of Capital & Prospectus
- Equity Finance
- Debt Finance

MODULE V- MANAGEMENT AND CONTROL OF COMPANIES

- Role and types of directors

- Duties and civil/criminal liabilities of directors
- Prevention of Oppression and Mismanagement

MODULE VI- RESTRUCTURING AND WINDING UP OF COMPANY

- Restructuring & Re-Organization
- Mergers & Amalgamation
- Acquisition & Take-Over
- Winding Up of Companies
- The Insolvency and Bankruptcy Code, 2016

TEXTBOOKS

- Avtar Singh, Company Law, Eastern Book Company (17th Edn. 2018)
- A Ramaiya, Guide to the Companies Act, Lexis Nexis (19th Edn. 2020)

CASE LAWS

- *Salomon v. Salomon & Co. Ltd.* (1897) A.C. 22
- *State Trading Corporation v. CTO*, AIR 1963 SC 811
- *TELCO v. State of Bihar*, AIR 1965 SC 40
- *Daimler Co., Ltd. v. Continental Tyre and Rubber Co. (GB), Ltd.*, 1916 2 AC 307
- *Lee v. Lee's Air Farming, Ltd.* (1960) 3 All E.R. 420
- *Workmen v. Associated Rubber Industries Ltd.* (1985) 4 SCC 114
- *Gilford Motor Co., Ltd. v. Horne* (1933) 1 Ch. 935
- *Subhra Mukherjee v. Bharat Coking Coal Ltd.* (2000) 3 SCC 312
- *Kapila Hingorani v. State of Bihar* (2003) 6 SCC 1
- *Ashbury Railway Carriage and Iron Co. Ltd. v. Riche* (1875) L.R.7 H.L.653
- *Cotman v. Brougham*, (1918-19) All ER Rep. 265 (HL)
- *Bell Houses, Ltd. v. City Wall Properties, Ltd.* (1966) 2 All E.R.674
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- *Bharat Commerce & Ind. Ltd. v. Registrar of Companies* (1973) 43 Comp. Cas.275 (Cal)
- *Royal British Bank v. Turquand* (1856) 119 ER 886: (1843-60) All ER Rep. 435
- *Freeman & Lockyer v. Buckhurst Park Properties (Mangal) Ltd.* (1964) 1 All ER 630
- *Erlanger v. New Sombrero Phosphate Co.* (1878) 3 AC 1218: (1874-80) All ER Rep.
- *Percival v. Wright* (1902) 2 Ch. 421
- *Regal (Hastings) Ltd. v. Gulliver* (1967) 2 A.C. 134 (HL)

- *Industrial Development Consultants Ltd. v. Cooley* (1972) 1 WLR 443
- *Standard Chartered Bank v. Pakistan National Shipping Copn.* (2003) 1 All ER 173 (HL)
- *Foss v. Harbottle* (1843) 67 ER 189
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- *Scottish Co-operative Wholesale Society, Ltd. v. Meyer* 1959 AC 324
- *Shanti Prasad Jain v. Kalinga Tubes Ltd.*, AIR 1965 SC 1535
- *Rajahmundry Electric Supply Corp Ltd. v. A. Nageshwara Rao*, AIR 1956 SC 213
- *M.S.D.C. Radharamanan v. M.S.D. Chandrasekara Raaja* (2008) 6 SCC 750
- *Seth Mohan Lal v. Grain Chambers Ltd.*, AIR 1968 SC 772
- *Aluminum Corporation of India Ltd. v. M/s. Lakshmi Rattan Cotton Mills Co. Ltd.*, AIR 1970 All. 452

IILM UNIVERSITY GURUGRAM
SCHOOL OF LAW

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Arbitration Law in India

LL.M

Term: 2

Credits:2

Module Name: Arbitration Law in India

Course Code:

Brief Module Description:

The study of ADR is highly significant in moulding the students to act as soldiers of justice in the ever-changing socio-economic scenario. The course aims to give the students an insight into the processes of arbitration in India. This Module would provide students the insight of the recent changes that been brought under the Arbitration Law.

Module Learning Outcomes

- 1.To understand the limitations of courts.
- 2.To understand effective resolution of disputes.
- 3.To know about various legal and regulatory framework governing arbitration.
- 4.To learn the latest development in the field of arbitration.

Program Learning Outcomes:

1. Introduction to the structure, components and functioning of the various institutions of the Indian legal system.
2. Evaluating the knowledge and understanding of dictates of substantive law and the procedural law for its enforcement.
3. Ability to analyze the solutions to legal problems, including that of global nature, by ascertaining relevant facts and applying relevant legal principles.
4. Apply ethical principles and commit to legal professional ethics, responsibilities and norms of the established legal practices.
5. Understanding skills including team building and leadership skills, communication, creative and critical thinking skills, and problem-solving skills suitable for a variety of fields of employment.

MODULE I – INTRODUCTION TO ARBITRATION

- Concept and Essential Features of Arbitration
- Necessity of Arbitration
- Arbitration Law before 1996 and after 1996
- Recent Amendments

MODULE II – ARBITRATION LAW IN INDIA- I

- Arbitration Agreement
- Appointment of an Arbitrator
- Arbitration Proceedings
- Power of Courts
- Place of Arbitration
- Law Applicable

MODULE III – ARBITRATION LAW IN INDIA - II

- Interim Measures
- Jurisdictional Issues
- Arbitral Awards
- Setting Aside the Arbitral Award
- Enforcement of Arbitral Award
- Online Dispute Resolution

MODULE IV – INTERNATIONAL DISPUTE RESOLUTION

- Foreign Award
- New York Convention
- Geneva Convention
- Enforcement of Foreign Award
- Singapore Convention on Mediation

Textbooks

5. Dushyant Dave, Fali Nariman, Marike Paulsson, Martin Hunter, *Arbitration in India*, Kluwer Law International, 2021
6. Avtar Singh, *Law of Arbitration and Conciliation*, Eastern Book Company, 11th Edition, 2021
7. Surabh Bindal, R V Prabhat, *Arbitration and Conciliation, A Commentary*, EBC, 1st Edition, 2021
8. Nakul Dewan, *Enforcing Arbitral Awards in India*, LexisNexis, 1st Edition, 2017

9. Rohith M. Subramoniam and Navya Jain, *International Commercial Arbitration – An Introduction*, EBC Publishing, 1st Edition, 2019
10. David St. John, Judith Gill, Mathew Gearing, *Russell on Arbitration*, Sweet & Maxwell, 23rd Edition, 2013

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- *ONGC v. Saw Pipes Ltd.*, AIR 2003 SC 2629
- *Afcons Infrastructure Ltd. v. Cherian Varkey Construction Company Pvt. Ltd.*, (2010) 8 SCC 24
- *Booz Allen and Hamilton Inc v. SBI Home Finance Ltd. and Ors.*, AIR 2011 SC 2507
- *Bharat Aluminium Company v. Kaiser Aluminium Technical Services Ltd.*, (2012) 9 SCC 552.
- *Associate Builders v. Delhi Development Authority*, 2015 3 SCC 49
- *Sasan Power Limited v. North American Coal Corporation (India) Pvt. Ltd.*, 2015 SCC OnLine MP 7417.
- *A.Ayysamy v. A. Paramasivam*, AIR 2016 SC 4675
- *Ssangyong Engineering and Construction Company Limited v. National Highways Authority of India (NHAI)*, 2019 15 SCC 131
- *Delhi Airport Metro Express Pvt. Ltd. v. Delhi Metro Rail Corporation Ltd.*, 2021 SCC Online SC 695
- *Vidya Drolia and Others v. Durga Trading Corporation*, 2021 2 SCC 1