

**CHANAKYA NATIONAL LAW UNIVERSITY,
CURRICULUM B.A., LL.B. (Hons.)
3rd SEMESTER**

3.1 Law of Contracts-II: -

3 Credits

The course will introduce the specific ways in which the law relating to contracts has evolved and the forms that it has taken. Contracts law has assumed special forms in the course of its evolution to suit changes in society. Some of these special contracts such as Indemnity, Guarantee, Bailment, Agency, Partnership, Sale of Goods and Hire Purchase and Product Liability etc. will receive detailed examination in the course.

3.2 Criminal Law-I (IPC etc.):-

4 Credits

The aim of the course is to introduce students to the basic principles of Criminal Law. Crime is a phenomenon studied by several disciplines from several perspectives and methodologies. The lawyer must have an acquaintance with such knowledge in order to make criminal justice serve the goals of social defence. The theories of crime causation and of punishment is another segment of the course. Finally, prison system, correctional administration and sentencing process are studied in the light of relevant provisions of the statute. Some special topics like Victimology, juvenile delinquency, drug abuse and drug trafficking are also subjects of study. Subsequently, a study of the basic concepts of Criminal Law is undertaken, followed by a study of specific offences under the Indian Penal Code. With theories of criminalisation and punishment as backdrop this course examines the definitions, general defences and selected offences in the Indian Penal Code. Sexual offences, domestic violence, the myths surrounding rape and victim blaming are specially focused upon. The course with an interdisciplinary approach examines the role of criminal law in social defence, human development and protection of human rights.

Statutory offences covered by the special statutes on subject of corruption, organized crime, essential commodities etc. will form a special segment.

3.3 Economics-I: -

3 Credits

This is an introductory course in Economics covering elements of Micro Economics – product and factor markets, market structures and monetary and fiscal policy. Each of these areas is covered by introducing the students to theory, contextualising the emergence of the theory and highlighting its relevance in globalizing world, with special emphasis on India. Students also analyse the efficacy of the theory in framing economic policy and related legislation. This course deals with basic principles of microeconomic theory and elementary theories of macroeconomics, public finance and international trade. The course aims to make the student aware of the approaches of mainstream economics and aids understanding of

theoretical and empirical aspects of the economy. Such an understanding is required to appreciate the manifold dimensions of liberalized economic policies in a globalising India.

3.4 Family Law-I: -

3 Credits

This course involves a critical and comparative study of the different personal laws governing family relations such as marriage, separation (divorce), maintenance, guardianship, custody and adoption, etc. At Chanakya National Law University the attempt will be made towards evolving a Uniform Civil Code at least in the academic study by identifying the core concepts in marriage laws of all communities and relating them to find the jurisprudential principles. Special care will be taken in the course to look at the status of women and children in family relations law with a view to ensure greater protection of constitutional rights of these groups in family law administration. Laws relating to marriage, Divorce, Custody and Guardianship and Adoption are rooted in various religious laws that operate in Indian society today. This course offers students an opportunity to understand the historical, social and constitutional bases of these laws, their commonalities and differences through an interdisciplinary approach. The course also introduces students to new ways of looking at family law, bringing issues of social justice, particularly as they relate to practices of infanticide, dowry, sati, wife battering and other customary practices within the context of an understanding of family law.

3.5 Property Law: -

3 Credits

The concept of 'property' and the nature of property right are basic to the understanding of law relating to property. This course will study the concept in particular, its contemporary emphasis on 'user', the evolution of the right to transfer property and the limitations operating thereon as laid down in the Transfer of Property Act. Necessary references will be made to the English law as well as to the doctrines of equity which have been responsible for the crystallization of the basic principles of property law. The general principles relating to transfer of property will be studied in the backdrop of the law of contract to which it owes considerable allegiance. The law of Trusts will also form a part of the course of study. The course also includes an exposure of the easementary rights appertaining to the property. The course includes the historical background of property law in the common law system. It expatiates upon the types of property, the basic property regimes and the justifications for them. Property regimes change through both involuntary and voluntary procedures. To that end a case based study of the Land Acquisition Act 1894, the Transfer of Property Act, the Easements Act and the Trusts Act shall be undertaken.

CHANAKYA NATIONAL LAW UNIVERSITY, PATNA
CURRICULUM B.A., LL.B. (HONS.)
5TH SEMESTER

5.01. Jurisprudence – 1

4 Credits

Study of epistemology of theories relating to law in the light of the role of law in social ordering and social engineering with post-modernist thrust is a major focus of this course. Law in relation to other social sciences and the relationship of law and justice are areas of special concern. Theories of justice and concepts of obligation and authority are discussed with reference to different models and patterns of ordering as well as different approaches and methodologies of study. Reference to ancient Indian legal thought and philosophy makes the course historically illuminating. This course introduces the students to a range of questions concerning law and encourages them to seek out answers through applied philosophy and human sciences. The course will impart analytical skills and critical analysis with interdisciplinary approach to the jurisprudence, familiarize students with basic types of problems concerning law and the types of solutions sought, so that the student is not only able to use this skill in practice but is also motivated to take up detailed historical studies on his own.

5.02. Constitutional Law – 1

4 Credits

This course focuses on Fundamental Rights and Directive Principles of State Policy. It introduces students to abstract and concrete meanings of the Constitution, kinds of constitution and concepts of constitutionalism. The course also covers the constitutional and legal history of India, including the Constituent Assembly debates. An in-depth discussion of the definition of State and judicial review is followed by a rigorous examination of the Supreme Court's exercise of judicial review since 1950. Leading decisions of the court concerning the relationship between fundamental rights and directive principles are examined. The course is devoted to a detailed analysis of fundamental liberties guaranteed by Part III and complemented by Directive principles of State policy adumbrated in Part IV and both these reinforced by Part IV-A of the Indian Constitution. Through incisive and comparative analysis of case law, the students are enabled to realize the status and importance of Fundamental Rights and Directive Principles and to examine the problems involved in their judicial enforcement. The chapter on Fundamental Duties is also studied in the course and an effort is made to articulate the basic values, essential or basic features and basic structure which the Indian Constitution has identified and is attempting to actualise for justice and governance.

An analysis of the steady expansion of fundamental rights by the court and novel procedural innovations that it introduced under the auspices of "Social Action Litigation" beginning in the late seventies is an integral part of the working of the National Human Rights Commission and its complementary role in protecting the citizen's fundamental rights.

5.03. International Law – 1

4 Credits

This course covers the general principles of public International Law. Students will receive a thorough grounding in topics including the nature, origin and basis of international law, its material sources, theories governing the relation between International law and municipal (State) [with special reference to India] and the concept of State 'Recognition' and its legal effects. The course will also focus on the

rights and duties of States, the Law and Practice of treaties, and important concepts including State Responsibility and international delinquencies and the Law and Practice of State succession. The course concludes with a critical overview of the structure and functions of International Institutions including the United Nations, the International Court of Justice and International Criminal Court. Third world concerns particularly in respect of security and development engage the attention in the context of the changing power balance and the role of United Nations, International Agencies in structuring the solutions. India's contribution to the development of Public International Law will also be assessed in the course.

5.04. Labour Law – II

3 Credits

This second paper will explore the state regulation of industrial relations and the restraints on managerial prerogatives, the remuneration for labour, provisions for health and safety and protection for weaker sections of the labour community. More than 300 million of India's Labour Force (constituting 92% of the total work force) works in the informal sector. While Labour Law – I dealt with the 8% in the Formal Sector, Labour law – II deals with issues pertaining to the remaining bulk. The course begins by examining theoretical issues relating to the informal / unorganized / disorganised sector. It then proceeds to look at those employed in textiles, fisheries, construction and agriculture. Each sector is examined from the prism of the political economy of that sector, including the impact of trade related measures (WTO), the policies of the Government of India on each of these sectors, legislative interventions, if any, judicial pronouncements and innovative alternate strategies. The course concludes by looking at the theoretical and practical issues related to 'Fundamental Principles and Rights at Work, 1998' as laid down in the ILO declaration.

5.05 Civil Procedure Code and Law of Limitation

3 Credits

After a short historical survey of the conceptions of civil procedure in India before the advent of the British, the course familiarizes the students with the provisions in the Code of Civil Procedure with regard to suits, their institution, pleadings, plaints, appearance and examination, judgment, decree and execution. This course will also pursue civil litigation through appellate courts, examining the corrective steps available in civil proceedings. Appellate litigation strategies and choice of grounds for appellate / revision petitions are studied in the context of provisions of the C.P.C. and rules of civil practice. Drafting exercises will form a major part of the course. This course also deals with the law of Limitation as applicable to civil proceedings. Continuing the study of civil procedure, the course also involves the study on execution of decrees and orders of court and the procedures laid down for it.

**CHANAKYA NATIONAL LAW UNIVERSITY,
CURRICULUM B.A., LL.B. (Hons.)
7th SEMESTER**

7.1 Intellectual Property Law 4 Credits

This course will cover within its ambit the law relating to copyright, patents and trademarks. The study will especially consider the ways in which the laws strike a balance between the interests and rights of intellectual labourers and organized industrial enterprises. The manner in which this regime of laws militates against or favours community property in national cultures is also examined. Besides, the course will examine the philosophical foundations of recognizing intellectual property rights, its relation with public interest and socio-economic development and the demands of equity and compulsions of international trade.

7.2 Environmental Law (including laws for the protection of the Wild Life and other Living Creatures including Animal Welfare): 4 Credits

This course will study national and international concerns, the bases for them and policy responses to them both within India and internationally. The Third World dilemma between environment and development with special reference to economic approaches and human rights concerns will be considered. The course will analyse the legislative and judicial responses to environmental problems and the administrative system to environment related laws such as air, water, land, forest and hazardous substances laws. Environment advocacy and approaches for using litigation in environment protection will receive special attention. From an inter-disciplinary perspective this course examines the meaning of environment, the environment laws relating to acquisition, production and planning, distribution and conservation. The function of environment laws and variant legal strategies for regulation in the realm of environment with reference to climate change and climate determinism will also be examined.

7.3 Corporate Law -I 3 Credits

Industrialization has played very vital role in the economic development of India. In the post independence era, Industrial regulation is employed as a principal means in the strategy for attaining constitutional values. Companies have always been an important player in the development. This course will study the structure and formation of companies, the powers of companies and its agents, company transactions, capital, rules governing the issue and transfer of securities, rights and liabilities of security holders, accounting aspects, principles of Corporate Finance and allied matters. The Company Act with all latest amendments and some of the major statutes are to be studied in this course. This includes modules on Corporate Governance, Share capital, Protection of Minority Rights, Protection

from oppression and mismanagement, National Company of Law Tribunal and winding of Company. The inter disciplinary approach will be adopted in discussing the topics with implications in the economic field. The economic and legal dimensions of corporations in the process of industrial development in establishing a just social order will also be examined. It will provide this understanding in the context of constitutional values and will acquaint the students with the normative, interpretative, philosophical and economic contours of various statutory rules relating to corporations. Finally it will evaluate the application and functioning of such statutory rules and assess their role in the establishment of a just and socialist order in India.

7.4 Principles of Taxation Law

3 Credits

This course will undertake a detailed study of tax policy and taxation system in India. The reasons for the complicated nature of our tax laws will be analysed. The course will also provide a comprehensive picture of direct taxation in India. Direct taxes and their administration is the focus of this course. The principles of taxation (income tax, corporation tax etc.), the system of tax assessment, recovery and administration, the incidence of tax in production, consumption saving and income distribution, Dispute Settlement Mechanism are discussed in the course with the help of case law and statutory provisions. A major concern in the course is to relate the economic policies and processes to tax and fiscal policies in different systems of economic administration keeping the constitutional goals in view.

7.5 Interpretation of Statutes and Principles of Legislation 3 Credits

General principles and meaning of interpretation, construction, intention of legislature, literal interpretation, Golden rule, the Mischief rule and all maxims of construction will be examined alongwith Internal aids External aids to construction. Students will also be required to be thorough with other principles of construction in respect of penal laws, Treatment of general words, beneficial construction, construction in Bona Partem, restrictive construction, harmonious construction, construction in Pari Materia, construction to prevent evasion or abuse of Tax laws, equitable construction, etc. Principles evolved by the Indian Supreme Court in the context of interpretation of the Constitution and the role of judicial process will be thrust area. For developing innovative skills application of Mimansa Rules of Interpretation in the modern context will also be focused.

CHANAKYA NATIONAL LAW UNIVERSITY,
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9th SEMESTER

9.1 CONFLICT OF LAWS/PRIVATE INTERNATIONAL LAW 4 Credits

Shrinking international boundaries have increased interaction between individuals and institutions belonging to different legal systems enhanced the importance of the subject conflict of Laws or Private International Law. This branch of international law evolved to regulate a private relationship which is based on principles common and comparable to different systems. Unified and standardized principles evolved in such transactions by courts and sometimes by legislation constitute the subject of this course. The Constitution and rules of equity help shape the system to serve the situations involving conflict of laws. The course would deal with issues of *renvoi*, choice of jurisdiction, choice of law, domicile Nationality, obligations and the private international law principles affecting family, contracts, property, succession, foreign judgments and arbitral awards, obligations etc.. The subject is of increasing interest in modern times.

9.2 LAW RELATING TO INVESTMENTS, SECURITIES AND COMPETITION 4 Credits

The process of industrial growth requires as one of its adjunct structural changes within an economy, the development of a financial mechanism capable of meeting the varied requirements of finance and credit of heterogeneous entrepreneurs. The industrial financing system is evolving in response to the emerging liberalized/de-regulated/globalised economic environment. The organization and functions of the securities market in general terms will be discussed in this course. The statutory/regulatory frame work of the Indian Securities Market in terms of the Companies Law Regulation, Securities and Ex-change Board of India (SEBI) and listing requirements and organizational development in primary and secondary development in India will form part of the curriculum. Development financial institutions/banks/Insurance Companies/ Unit Trust/Mutual funds etc. and the Markets comprising of the capital/securities Stock Exchange and New Issue Market, the Money Market and the Foreign Market, Financial instruments such as shares, debentures, units, derivatives, private equity, foreign direct investment, foreign institutional investments will be studied with their respective enactments numbering in all 27, which were enacted by the SEBI. For further details of the course contact the concerned Teacher and the Website and regulations within the ambit of competition law.

9.3 TELECOMMUNICATIONS LAW AND PRESS AND MEDIA LAW
(SEMINAR-I) **5 Credits**

1. Indian Telegraph Act.
2. Telegraph Rules, 1951.
3. Telephone Regulatory Authority of India.
4. Telecommunication Companies.
5. Telephone tower/Mobile Towers impact on public health and environment.
6. Default in payment of Telephone bill.
7. Adjudication of Telecommunication cases.
8. Editors and correspondence.
9. Telephone Tapping.
10. Camera Mobile and Misuse.
11. MMS/SMS
12. Press Act.
13. Freedom of Speech and Expression.
14. Reporting of Court proceedings and contempt of Court Act, 1971.
15. Media (Electronics) Code of conduct.
16. Media Trial.
17. Judicial Activism and Media.
18. Media and Advertisement.
19. Copy right and Media.

9.4 INFORMATION TECHNOLOGY LAW INCLUDING CYBER LAW
(SEMINAR-II) **6 Credits**

Cyber crimes are not in any way dissimilar to the traditional crimes, but they are different from traditional types of crime because computer is used in this crime. The phenomenal growth of Internet has provided new vistas for computer crimes. A new generation of crime has cropped up by the advent of internet, like computer hacking, software piracy, internet pedophilia, industrial espionage, password breaking, spoofing, telecommunication frauds, e-mail bombing, spamming, pornography. New problems are emerging on the scene including credit card fraud, cyber terrorism, cyber laundering and criminal use of internet communication. Software piracy is a boom business and Video pornography industries are sinking day by day globally. Information Technology and crime related to computers shall be the subject matter of the study in the light of the above.

EVALUATION OF SEMINAR I & SEMINAR II COURSES:

The scheme of evaluation for seminar I & II courses shall ordinarily be as follows :-

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| i. | Attendance | 5 marks |
| ii. | Class participation | 10 marks |
| iii. | Written report/paper by student | 50 marks |
| iv. | Oral presentation | 35 marks (Preliminary 10 marks and final Presentation 25 marks) |

9.5 PROFESSIONAL ETHICS & PROFESSIONAL ACCOUNTING SYSTEM 4 Credits

Outline of the course: Professional Ethics, Accountancy for Lawyers and Bar-Bench Relations

This course will be taught in association with practising lawyers on the basis of the following materials.

- (i) Mr. Krishnamurthy Iyer's book on "Advocacy"
- (ii) The Contempt Law and Practice
- (iii) The Bar Council Code of Ethics
- (iv) 50 selected opinions of the Disciplinary Committees of Bar Councils and 10 major judgments of the Supreme Court on the subject
- (v) Fundamental principles of Accountancy for Advocates
- (vi) Other reading materials as may be prescribed by the University

DISTRIBUTION OF MARKS:

PARTICULARS	MARKS
ATTENDANCE	5
SURPRISE TEST	10
MID-SEMESTER	10
END-SEMESTER	30
PROJECT WRITTEN	20
PROJECT PRESENTATION	5
VIVA BASED ON CASE STUDY + PERIODICAL PROBLEM SOLUTION	20