

# **Syllabus – 10<sup>th</sup> Sem. CNLU, Patna**

## **Moot Court Exercise and**

### **Internship**

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# Macroscopic Structure

- 1. Moot Presentation of Cases ----- 30 Marks.
- 2. Observance of Trial →
- One Civil and One Criminal ---- 30 marks:
- 3. Interviewing techniques ,  
Pre-trial preparations and  
Internship Diary via interaction  
with clients in Legal Aid Clinic ---- 30 marks
- 4. The Viva Voce examination ----- 5 marks
- 5. Attendance ----- 5 marks.

# Microscopic Structure

- **It is actually Moot, Observance & Interview**

**MOOT :-> 30 Marks**

- **Moot :- For Actual Litigation**

- **It is of three types.**

- 1. Where problem has been provided to the students to prepare arguments from both side.
- 2. Where problem and issues are raised and students are asked to write judgment.
- 3. Where problem has given and students are asked to conduct trail, witness are also available.

# Microscopic Structure

- **Moot :- For working in the Corporate Sector/ other than actual litigation.**
- Identification of legal requirements, problems & its solution during the work in Human Resources Department of a corporate.
- Preparation of Project Plan for establishment of a Partnership Firm, Corporate as per the demand of the market.
- Preparation of defence & research for litigation to assist the advocate for argument.
- Moot idea about how to plan so that there be less litigation and if any how to interact with the legal problem

# Microscopic Structure

- **Moot :- Experience of litigation based on Arbitration / other than actual litigation.**

# Microscopic Structure

- **Moot :- Experience of litigation based on Conciliation/ other than actual litigation.**
  1. Pre-Litigation Conciliation
  2. Post Litigation Conciliation
  3. Experience of Lok Adalat/ Permanent Lok Adalats

# Microscopic Structure

- **Moot :- Experience of litigation based on Mediation/ other than actual litigation.**
- 1. Pre-Litigation Mediation
- 2. Post Litigation Mediation
- 3. Experience of Lok Adalat/ Permanent Lok Adalats

# **Observance :- 30 marks**

- **1. Observance of a Criminal Trial**
- **2. Observance of a Civil Trial**
- **3. Observance of a Writ Case/PIL**
- **4. Observance of a case before Quashi Judicial Authority**



# **For observance of a Civil Trial**

- **Study of Plaintiff, W.S., Issues, Evidences [examination, Cross-examination & Suggestions of Plaintiff's witnesses & Defendant's Witnesses], Exhibits, Hearing, Judgment, Memo of Appeal, Cross appeal, Judgment of Appellate Court, memo of Second Appeal. Substantial question of Law, Judgment of 2<sup>nd</sup> Appellate Court.**
- **Study of entire order sheet of Trial Court, 1<sup>st</sup> Appellate Court & Second Appellate Court.**
- **How to appreciate evidence in Civil Cases.**

# **Observance of a Criminal Trial**

- Study of FIR/ Complaint, Case Diary, Charge – Sheet & attached papers, paper of Charge Framing, Evidences [examination, cross-examination & Suggestions of Prosecution witnesses & defence witnesses], Exhibits, Hearing, Judgment, Memo of Appeal, Judgment of Appellate Court, Memo of Revision. Judgment of Revisional Court.**
- Study of entire order sheet of Trial Court, Appellate Court & Revisional Court.**
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- How to appreciate evidence in Criminal Cases.**

# Observance of a Writ Case/PIL

- Study of Writ petition, its Counter Affidavit, Supplementary affidavit and its rejoinder.
- Relevant portion of High Court Rules

# Observance of a case before Quashi Judicial Authority :→

- Study of case file & to be filed before Central Administrative Tribunal, Debt Recovery Tribunal, Board Of Revenue, Central Labour Tribunal, Presiding Officer. Labour Court, Company Law Board, Before Regulatory Bodies, Consumer Forums, officials under Co-operative Act, Income Tax Act, Sales Tax Act, Service Tax Act, Excise Tax, Entertainment Tax, ESI Act, EPF Act, Various state Labour laws , Union Labour laws, Forums of SEBI
- Collection of specific provisions which put laws in motion.

# **Interviewing techniques → 30 marks**

Each student shall submit report on 3 clients

- Collection of Fast Asked Questions for Interview on various subjects of law →
- For one interviewing technique → 10 marks
  - For collecting facts → 3 marks
  - For framing question → 3 marks
  - For opinion/ solution → 3 marks
  - For submission on time → 1 mark

# **Pre-trial preparations → 10 marks**

- What are the important question to be put from the litigant or from the client to prepare the case.

# Internship Diary → 10 marks

- How to write Court's Diary and its importance in advocates' carrier?

# **Interviewing techniques → 10 marks**

- Name , Place, address, , age, contact number, occupation, father's name, gender,
- General grievances, nature of problem, centre point of dispute, what does he/ she want from the lawyer,



# **Interviewing techniques → 10 marks**

- Collection of Fast Asked Questions for Interview on various subjects of law →

# Marking Patterns

- Moot Court (30 Marks).
- Every student shall do moot for 20 marks by
- Written Submissions – 5 marks
- Oral Advocacy – 5 marks
- Moot shall be taken place in the law subjects discussed with them during earlier semesters.

# Marking Patters

- Observance of Trial in 2 cases, one Civil and one Criminal --- (30marks):
- Every Students may be required to complete and submits the entire records of a civil and a criminal case & further to place in the class room.
- Student will maintain a record and enter the various steps observed during trial in the court as per the physical verification of records.
- Record preparation - 10 marks each
- Record presentation – 5 marks each

# Marking Patterns

- Interviewing techniques and Pre-trial preparations and Internship diary (30 marks):
- Each student will observe interviewing sessions of clients at the Lawyer's Office/Legal Aid Office and record the proceedings in a diary, which will carry 15 marks.
- Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition. This will be recorded in the diary, which will carry 15 marks.
- The fourth component will be Viva Voce examination on all the above three aspects. This will carry 10 marks.

# Marking Patterns

- Moot Court (30 Marks).
- Every student shall do 3 moots each for 10 marks.
- Written Submissions – 5 marks
- Oral Advocacy – 5 marks
- Moot shall be taken place in the cases provided to them during class session
- (b) Observance of Trial in 2 cases, one Civil and one Criminal --- (30marks):
- Every Students may be required to complete and submits the entire records of a civil and a criminal case & further to place in the class room.
- Student will maintain a record and enter the various steps observed during trial in the court as per the physical verification of records.
- Record preparation - 10 marks each
- Record presentation – 5 marks each
- Interviewing techniques and Pre-trial preparations and Internship diary (30 marks):
- Each student will observe 3 interviewing sessions of clients at the Lawyer's Office/Legal Aid Office and record the proceedings in a diary, which will carry 15 marks.
- Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition. This will be recorded in the diary, which will carry 15 marks.
- The fourth component will be Viva Voce examination on all the above three aspects. This will carry 10 marks.

# **HUMAN RIGHTS**

## **X SEMESTER**

1. Understanding Human Rights
2. Evolution and development of human rights
3. Theories of Human Rights
4. Generations of Human Rights
5. Indian Constitution and Human Rights
3. UDHR, ICCPR, ICESCR
7. Human rights of migrants, Refugees, Internally displaced people, stateless persons
8. Human Rights of Vulnerable groups
9. DHDR (Declaration on Human Duties and Responsibility)
10. Protection of Human Rights Act 1993.
11. European convention on Human Rights 1950
12. European Social Charter 1961
13. American convention on Human Rights 1969
14. African Charter on Human and people's Rights 1981.
15. ILO and Human Rights
16. SAARC and Human Rights.

--- **Prof. Dr. S.C. Roy**

--- **Dr. V.K. Vimal**

# CHANAKYA NATIONAL LAW UNIVERSITY, PATNA

## International Humanitarian Law and Refugee Law

### Tenth Semester---Session 2017-2022

**Objective:** The objective of this paper is to make students aware of the principles of International Humanitarian Law and Refugee Law, making them aware of the protection regime for individuals in situations of conflict and in situations of persecution, means and methods of war and weapons, contemporary challenges, and, the implementation of mechanisms, subsequently which will enable them to specialize in the field of Human Rights Law and Humanitarian Law, and, specializing in human rights to be acquainted with laws governing the refugees.

#### **Syllabus: International Humanitarian Law**

##### **Unit – I: Introduction**

(Lectures – 08)

###### a. History, Evolution and Growth

- Historical evolution of IHL including in India
- Relationship of IHL with Human Rights Law
- The distinction between *Jus ad Bellum* and *Jus in Bello* (contemporary challenges)
- Principles of IHL- Marten’s Clause, Humanity, Proportionality, Necessity, Distinction.

##### **Unit – II: Geneva Conventions Systems**

(Lectures – 09)

- a. Geneva Convention I
- b. Geneva Convention II
- c. Geneva Convention III
- d. Geneva Convention IV

##### **Unit – II: Armed Conflicts**

(Lectures – 08)

- a. Internal armed conflict
- b. International armed conflicts
- c. Non-international armed conflicts

##### **Unit – IV: Enforcement Machinery**

(Lectures – 07)

- a. International Criminal Court
- b. ICRC

#### International Refugee Law

## **Unit – V: Introduction**

(Lectures – 06)

- a. Position of refugees under Universal Declaration of Human Rights

## **Unit – VI: Rights, obligations and privileges of refugees under the Refugee Convention 1951**

(Lectures – 8)

- a. Who is a refugee?
- b. Judicial Status
- c. Administrative Measures
- d. The 1967 Protocol

## **Unit – VII: Implementation & Monitoring**

(Lectures – 9)

- a. Statute of the UNHCR 1950
- b. Cartagena Declaration 1984

## **Unit-VIII: Indian approach to refugee protection**

(Lectures – 05)

- Refugees' Rights vis-a-vis *ROHINGYAS* in India

### **Text books:**

1. Guy S. Goodwin – The Refugee in International Law (Oxford, 2000)
2. A. Vibeke Eggli, Mass Refugee Influx and the Limits of Public International Law (The Hague: Nijhoff, 2002)
3. Jean Pictet 'Development and Principles of International Humanitarian Law' Martinus Nihoff Publishers
4. H McCoubrey 'International Humanitarian Law: modern developments in the limitation of warfare', Ashgate, Dartmouth, 1998
5. Geoffrey Best 'War and Law since 1945', Clarendon press, Ingrid Detter, The Law of War, (Cambridge, 2000)
6. A. Roberts and R. Guelff, eds. , Documents on the Laws of War (Oxford, 2000)
7. Legality of the Threat or Use of nuclear weapons, Advisory Opinion, ICJ Reports(1996)
8. M.K. Balachandran and Rose Verghese (eds.) – International Humanitarian Law ICRC (1997)
9. Ravindra Pratap, "India's Attitude towards IHL", in Mani (ed.) International Humanitarian Law in South Asia (Geneva: ICRC, 2003)

**Faculty Name:**

**Ms. Sadaf Fahim**

**Teacher Associate-CNLU, Patna**



# **Chanakya National Law University, Patna**

## **Seminar Paper– III “Health Law” (10<sup>th</sup> Semester) Course Module Academic Session (January 2021–May 2022)**

**Name of the Faculty: Mr. Kumar Gaurav**

### **Objectives**

Health care industry and law are subjects with an inherent dynamism. There expanding dimensions with enduring research and advancements in technology increases its complexity because it touches socio, legal and ethical contours of human civilization. To understand the intricacies of this nascent field of law needs a comprehensive study with a detailed module comprising all possible health concerns of human being. Taking into consideration of the above said issues, module of this Seminar paper is developed.

The objective of seminar paper is to train a student to write a comprehensive project work. It helps the student to sharpen the writing and research skill with detailed references and resources consulted. Apart from this module is prepared with an objective to develop student’s legal acumen in health law regime. It will help them to understand the role of governments and law in promoting and protecting health, including the functions of courts, legislatures, and administrative agencies in relation to health care law and policy; understand the relationship between the legal system, health care providers, and patients; be able to identify and analyze legal issues in health care; and be able to effectively communicate, both orally and in writing, the interpretive understanding of a case, statute, and complex regulatory scheme.

### **Module I Health: Meaning and Concept, International Instruments and Constitutional Safeguards for Health.**

#### **1. Introduction:**

- Meaning and Concept of health;
- Factors affecting health;
- National Health Policies.

### **3. International Instruments to improve Health:**

- Right to health- International Perspectives:
- Role of WHO;
- Nuremberg code;
- Helsinki Declaration;
- ALMATA Declaration;
- Health Scenario under TRIPS;
- And other important International Instruments for health.

### **2. Constitutional Provisions relating to Health:**

- Entries relating to health under Schedule VII;
- Provisions under Directive Principles;
- Health as a part of Right to life;
- Fundamental duties;
- Power of State to regulate Trade and Commerce for securing health of people.

## **Module II Health Law and related Legislations**

### **4. Health Law: Legislative Perspective**

- Legislations relating to public health- Object, salient features of the acts regarding health
- Drugs and Cosmetic Act, 1940.
- Environment Protection Act-1986.
- Maternity Benefits Act, 1961.
- Medical Termination of Pregnancy Act, 1971.
- Mental Health Care Act, 2017.
- Narcotic Drugs and Psychotropic substance, Act, 1985.
- Pre-Natal Diagnostic Techniques (Regulation and prevention of misuse) Act, 1994.
- Prevention of Food adulteration Act, 1954.
- The Disaster Management Act, 2005
- The Epidemic Diseases Act, 1897 & The Epidemic Diseases (Amendment) Ordinance, 2020

### **5. Medical Profession and Patient Rights**

- Doctor and Patient relationship
- Medical Negligence (Sec-304 A of I.P.C.) and medical malpractices.
- Patient Rights: Consent and Informed Consent.
- Confidentiality
- Duty to take care and duty to treat
- Indian enactments on ethical obligation
- Medical Council Act,1956 and code of medical ethics 1972
- The Indian Nursing Council Act. 1947.

#### **6. Hospital Administration and their liability in the cases of Negligence.**

- Legal Regulation of Medical establishment – Registration.
- Management of Hospital and legal Regulations
- Professional liability of Hospitals
- Civil liability –Tort
- Criminal liability-Indian Penal Code.
- Contractual liability
- Statutory liability -consumer protection Act, 1986
- Medical waste disposal
- Bio Medical waste (Management and handling) rules 1998
- Health Insurance and Law.

### **Module III Emerging Scientific Developments and their Legal and Ethical Implications on Health**

#### **7. Bioethics- Issues and challenges**

- Organ Transplantation
- Medical Termination of Pregnancy
- Reproductive technology – Surrogate Motherhood
- Euthanasia
- Sex-determination Techniques.

#### **8. Law and Biotechnology**

- Bio-technology and Human Health
- Genetic engineering.

- Gene Patenting and legal issues.
- Genetic screening: Uses and abuses of amniocentesis
- Cloning of human beings.
- Other related issues.

### **Suggested Readings**

1. Barnard Knight, American Medical Practice,[1992], Churchill Livingstone, London
2. Bridgit Diamond, Legal Aspect of Care in the Community, (1997), Macmillan Press Ltd., London
3. Diane Longley, Health Care Constitution, [1996],Cavendish Publishing Ltd., London  
Freemain- Law and Medicine
4. Micheal Davies- Textbook on Medical law
5. Jonathan Herring- Medical Law and Ethics
6. R.K. Bag- Medical Negligence and Compensation
7. S. V. Jogarao- Current Issues in Criminal Justice and Medical Law
8. Modi's Medical Jurisprudence
9. Mason and Mc Call Smith- Law and Medical Ethics
10. Dr. Lily Srivastava – Law and Medicine, Universal Law Publishing Co.
11. K. Kannan-Medicine and Law, Oxford University Press.
12. Dr. Jyoti Bhakare -An Introduction to Health Law
13. P. M. Bakshi -Law and Medicine

**(Mr. Kumar Gaurav)**

# **Chanakya National Law University, Patna**

**Seminar Paper for X Semester**

## **Laws Relating to Women and Children**

### **Marking Scheme (Total Marks-100):-**

- a) 1<sup>st</sup> Presentation- 7.5 Marks**
- b) 2<sup>nd</sup> Presentation- 7.5 Marks**
- c) 3<sup>rd</sup> Presentation- 10 Marks**
- d) Final Presentation- 15 Marks**
- e) Final Draft of Project- 55 Marks**
- f) Attendance- 5 Marks**

**Total:- 100 Marks**

### **I. Laws Relating to Women**

1. The legal, policy and theoretical framework for women rights
2. Constitutional & Human Rights of Women
3. Matrimonial Rights & Remedies of Women
4. Maintenance Rights & Remedies for Women under:-
  - a. Hindu Marriage Act, 1955
  - b. Hindu Adoption & Maintenance Act, 1956
  - c. Muslim Law
  - d. Code of Criminal Procedure
5. Property & Succession Rights of Women
6. Women's Protection Rights & Remedies under Criminal Laws of India (Latest Amendments)
  - a. Indian Penal Code 1860
  - b. Indecent Representation of Women (Prohibitions) Act, 1986
  - c. Pre-Natal Diagnostics Techniques (Regulation & Prevention of Misuse) Act, 1994.
  - d. Medical Termination of Pregnancy Act, 1971 (and recent amendments )
  - e. Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013
  - f. Role of National Commission for Women

7. Women's Protection Rights & Remedies under Industrial Laws of India:-
  - a. Equal Remuneration Act, 1976
  - b. Maternity Benefit Act, 1925 (Latest Amendments)
  - c. Factories Act, 1948
  - d. Employee's State Insurance Act, 1948

## **II. Laws Relating to Children:-**

- 1) The Legal and Policy framework for Children
- 2) The Protection of Children from Sexual Offence Act (POCSO), 2012 and rules
- 3) The Child Labour (Prohibition and Regulation) Act, 1986, amendment and rules (2017)
- 4) Prevention of Child Marriage Act, 2006 and rule
- 5) Juvenile Justice (Care and Protection of Children) Act, 2015 and JJ Model Rules, 2016
- 6) Role of National Commission for protection of Child rights
- 7) Right of Children to free & compulsory Education Act, 2009 (RTE Act, 2009)
- 8) The Pre Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 2002
- 9) The IT Act, 2000
- 10) Persons with Disabilities (Equal Protection of Rights and Full participation) Act 1996
- 11) SC ST (Prevention of Atrocities) Act 1989
- 12) Orphanages and other Charitable Homes (Supervision and Control) Act 1960
- 13) The Probation of Offenders Act 1956
- 14) The Immoral Traffic Prevention Act 1956 and amendment bill
- 15) The Factories Act 1948 (amended in 1949, 1950, 1954)
- 16) The Guardians and Wards Act, 1890
- 17) Prevention off Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1987

### **Note:-**

- i) All the presentation (PPT Optional) will be taken in Classroom.

- ii)** Marking Scheme of the Seminar Paper is as per the Rules & Regulations of Examination Department, CNLU, Patna.
- iii)** It is mandatory for each student to give all presentations as per the schedule given by the concerned faculty.
- iv)** 1<sup>st</sup> Presentation will focus the Chapterisation of the allotted topic.
- v)** 2<sup>nd</sup> Presentation will be based on the elaborated part of the Chapterisation of the allotted topic.
- vi)** 3<sup>rd</sup> Presentation will be focused on the changes/amendments as suggested by the concerned faculty member during the course.
- vii)** 4<sup>th</sup> Presentation will be final & PPT is optional during the final presentation.
- viii)** Apart from that during all presentations questions can also be asked from the classroom discussions (above topics). So, presentation will not solely be based on the project topic.