

Chanakya National Law University, Patna

B.A., LL.B. (H) & B.B.A., LL.B. (H) 2022-23; SEMESTER- VI

Course Title: Intellectual Property Law

Course Overview

The curriculum is designed to focus on *foundational understanding of legal regime governing Intellectual Property in India. India's intellectual property regime includes Patents, Trademarks, Copyright, Geographical Indications and Semiconductor Integrated Circuits Layout Design. The course seeks to discuss international legal regime, Indian legislative provisions, landmark cases and latest developments relating to intellectual property.*

Module **One** discusses **the origin, evolution and international framework of Intellectual Property Law.**

Module **Two** deals with the **Copyright law** in India

Module **Three** covers the **Patent Law** in India

Module **Four** deals with **Trademark law** in India

Module **Five** deals with **Geographical Indications and Design** in India

Learning Outcomes

On completion of the course, students will be able to:

- Know and recognise **origin, evolution and international framework of Intellectual Property Law.**
- Know the International and Indian legal provisions and landmark cases relating to **Copyright** in India
- Know the International and Indian legal provisions and landmark cases relating to **Patents** in India
- Know the International and Indian legal provisions and landmark cases relating to **Trademark** in India
- Know the International and Indian legal provisions and landmark cases relating to other **Geographical Indications and Design** in India

List of Topics/ Modules

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I: Introduction	<ul style="list-style-type: none">• Need for Protecting Intellectual Property- Policy Consideration, Importance of Intellectual Property in the present era, Monopoly v. Public Interest• Definition, Nature and Kinds of Intellectual Property,	1- 10 classes

	<ul style="list-style-type: none"> • Development of Intellectual Property- Pre-TRIPS Scenario- International Conventions, Formulation of TRIPS, Basic Principles and Objectives of TRIPS, TRIPS and WIPO-WTO Cooperation, Transfer of Technology and TRIPS, The TRIPS Agenda, Critique of TRIPS; The Paris Convention for the Protection of Industrial Property, History, features and General Provisions; 	
Module II: Copyright Law	<ul style="list-style-type: none"> • Objectives of Copyright Protection, Nature of Copyright • Copyright Act of 1957- Subject matter of Copyright, Authorship and Ownership of Copyright; Authorities under the Copyright Act, 1957; Registration of Copyright; Term of Copyright, Provision for Appeals; Rights Conferred by Copyright, Limitations and Exceptions to Copyright Protection; Assignment, Transmission, Licenses and Relinquishment of Copyright; Piracy and Infringement of Copyright, Test of Copyright Protection, Remedies against Infringement; Related Rights - Rights of Performers and Broadcasting Organizations, Economic Rights and Moral Rights of Authors; Latest amendments 	11-25
Module III: Patent Law	<ul style="list-style-type: none"> • Objectives of Patent protection in India, Philosophy of Patent; • Patent Act, 1970 - Definitions, Patentability Criteria, Patentable Subject Matter, Non-Patentable Inventions; Procedure for obtaining a Patent, Opposition to the Patent Grant (Pre-grant and Post-grant opposition), Term of Patent; Convention Application, PCT International Application; Authorities under the Patent Act, 1970: Controller of Patents, IPAB, Patent Agents; Rights and Obligation of Patentee, Patent of Addition, Transfer of Patent Rights 8. Revocation and surrender of Patent; Compulsory Licenses, Governmental Use and Acquisition of inventions; Infringement of Patent and Remedies for Infringement 	26-50
Module IV: Trademark Law	<ul style="list-style-type: none"> • Object and Functions of Trademark, Commercial and Non-Commercial Role of Trade Marks • Trade Mark Act, 1999- Definition of Mark, Trademark, Essential Features and functions of Trademark, Kinds of Trademark, Registered Trade Mark and Unregistered Trade Mark; Conditions for Registration, Procedure of Registration, Grounds of Refusal for Registration; Protection of Trade Mark through International Registration under Madrid Protocol Duration, Renewal, Removal and Restoration of Trademark; Rights and liabilities of Trademark Holder, Limitations on rights, Honest and concurrent use; Effect of Registration of Trade Mark, Infringement and Passing off Remedies, Deceptive Similarity; Change of Ownership, Assignment and Transmission, Licenses; Contemporary Developments - Effects of Information Technology, Protection of Trade Names and Domain Names 	50-65

Module V: Design and Geographical Indications	<p>The Designs Act, 2000 - Definitions, Controller of designs, Registration of designs - Essential requirements, Non-registrable designs, Procedure of registration, Term of copyright in designs; Cancellation of registration, Restoration of lapsed designs; Rights of design holders, Assignment and Transmission; Piracy (Infringement) of registered designs and Remedies for Infringement</p> <p>The Geographical Indications of Goods (Registration and Protection) Act, 1999 - Meaning and Definition, Functions and Characteristics of Geographical Indication; Distinction between Geographical Indications and Trade Mark; The Register and Conditions for Registration of Geographical Indication; Procedure for Registration, Duration of Protection, Rights conferred by Registration, Infringement of Geographical Indications and Remedies; Powers of the Registrar of Geographical Indications</p>	66-75
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Recommended/Reference Text Books and Resources:

Text Books

P Narayanan Intellectual Property Law, Eastern Law House, 2018
Dr. B L Wadhwa Law Relating to Intellectual Property Universal Law Publishing, 2016
Ramakrishna B & Anil Kumar HS Fundamentals of IPR Notion Press, 2017
Dr. M K Bhandari Law relating to IPR Central Law Publications, 2017
Ashwin Madhavan & Rodney Ryder IP Law and Management Bloomsbury India 2018
KD Raju The Intellectual Property Rights & Competition Law: A Comparative Analysis Eastern Law House, 2015
<https://dst.gov.in/sites/default/files/E-BOOK%20IPR.pdf>

References

Adarsh Ramanujan Patent Law Cases and Materials: A Synthesis for India, Wolters Kluwer India Pvt Ltd, 2020
Dr. Betsy Vinolia Rajasingh Digital Copyright Law: A comparative Study of the Limitations and Exceptions Relating to Education, Thomson Reuters, 2020
Eashan Ghosh Imperfect Recollections: the Indian Supreme Court on Trademark Thomson Reuters 2020
H K Saharay Iyengar's Commentary on the Copyright Act Universal Law Publishing, 2016
Feroz Ali The Access Regime: Patent Law Reforms for Affordable Medicines OUP 2015
Anil Gupta Grassroots Innovation: Minds on the Margin are not Marginal Penguin Random House India, 2016
Prashant T Reddy & Sumathi Chandrashekharan Create, Copy, Disrupt: India's Intellectual Property Dilemmas OUP India, 2016

Web Resources

<https://www.youtube.com/watch?v=glD6eVeC1zs>
<https://spicyip.com/>
<https://www.ipindia.gov.in/>

https://www.wto.org/english/tratop_e/trips_e/trips_e.htm
<https://iprlawindia.org/blog/>
<https://www.iiprd.com/blogs-2/>
<https://dst.gov.in/sites/default/files/E-BOOK%20IPR.pdf>

Instructor Details

Name of the Instructor:	Dr. P P Rao, Dr. Vijay Kumar Vimal Ms. Sugandha Sinha
Email:	pprao@cnlu.ac.in vkvimal@cnlu.ac.in sugandhasinha@cnlu.ac.in

Chanakya National Law University, Patna
B.A., LL.B. (Hons.) / B.B.A., LL.B. (Hons.) 2022-23; SEMESTER - VI

Course Title: Jurisprudence - II

Course Overview

The objective of this one semester course in Jurisprudence-II is to create and develop in the students the ability of understanding the fundamental legal concepts like Rights, Ownership, Possession, Liability, Title, Property, Obligation etc. which are basic yet significant to the study of law. Without a proper understanding of these concepts neither the theoretical study nor the practical training of a law student can be a successful venture. It is a well-known fact that jurisprudence has the immense potential of orienting the law students towards the attainment of the objectives of administration of justice in society. Until and unless the law students are thorough with the fundamental concepts which act as the bedrock foundation of the legal institution and all substantive and procedural laws, they cannot appreciate the true nature and purpose of law. After successful completion of this one semester course the students will be able to use their understanding of the fundamental concepts of law in legal practice and will also be inspired to pursue further and detailed studies in the related field. A tentative overview of the syllabus of the Course of Jurisprudence - II along with the learning outcomes is given below.

Learning Outcomes

After completing the course of Jurisprudence - II, the students will be able to:

1. Understand the meaning, characteristics and significance of fundamental legal concepts;
2. Comprehend the divergent approaches towards explaining and developing these concepts;
3. Apply the knowledge acquired in making, applying and interpreting the laws which essential involve some or all of these legal concepts;
4. Identify the conflicts in the contemporary society pertaining to wide array of rights, and provide a workable solution; and
5. Analyse the judicial decisions more efficiently.

List of Topics/ Modules

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I: Rights and Duties	<ul style="list-style-type: none"> • Nature and Definition • Wrongs • Duties • Theories of Right • The Characteristics of a Legal Right • Narrower and Wider Concept of Rights • Hohfeld's Analysis of Wider Concept of Right • Various Kinds of Legal Rights 	1-12
Module II: Ownership	<ul style="list-style-type: none"> • Analysis of the Idea of Ownership • Chief Incidents of Ownership • The Subject-matter of Ownership • Acquisition of Ownership • Kinds of Ownership • Function of Ownership in Social Ordering Law 	13-20
Module III: Possession	<ul style="list-style-type: none"> • Nature and Concept of Possession • Possession in law and Possession in fact • Theories of Possession: Savigny's Theory, Ihering's Theory, Salmond's Theory, Holme's Theory and Pollock's Theory • Immediate and Mediate Possession • Acquisition and Continuance of Possession • Possessory Remedies 	21-28
Module IV: Persons	<ul style="list-style-type: none"> • Nature of Personality • Legal Status of the lower animals, dead men and unborn persons • Legal Persons 	29-36

	<ul style="list-style-type: none"> • Corporation Sole and Corporation Aggregate • Agents, Beneficiaries and Members of a Corporation • Acts and Liabilities of Corporation • Uses and Purposes of Incorporation • Unincorporated Associations • Theories of the Nature of Legal Persons <ul style="list-style-type: none"> ➤ Purpose Theory ➤ Theory of Enterprise Entity ➤ Symbolist or Bracket Theory ➤ Hohfeld's Theory ➤ Kelsen's Theory ➤ Fiction Theory ➤ Concession Theory ➤ Realist and Organism Theory 	
Module V: Liability	<ul style="list-style-type: none"> • Nature and Kinds of Liability • The Theory of Remedial and Penal Liability • The General Conditions of Penal Liability • <i>Actus Reus</i> and <i>Mens Rea</i> • Theory of Causation and its Significance in Liability • Intentional Wrongs, Wrongs of Negligence and Wrongs of Strict Liability • The Subjective and Objective Theory of Negligence • The Theory of Strict Liability • Vicarious Liability • The measure of Civil and Criminal Liability 	37-47
Module VI: Titles	<ul style="list-style-type: none"> • Vestitive facts • Acts in the Law and Agreements 	48-51

	<ul style="list-style-type: none"> • Classes of Agreements 	
Module VII: Property	<ul style="list-style-type: none"> • Meanings of the term Property • Kinds of Property • Modes of Acquisition of Property • The Ownership of Material Things • Movable and Immovable Property • Real and Personal Property • Rights <i>in re propria</i> in Immaterial Things 	52-56
Module VIII: The Law of Obligation	<ul style="list-style-type: none"> • The Nature and Sources of Obligation • Solidary Obligations • Kinds of Obligation 	57-60

Recommended/Reference Text Books and Resources:

Text Books

- Dias, Jurisprudence (LexisNexis, 5th Edition)
- Fitzgerald, P.J. (Ed.), Salmond on Jurisprudence (Sweet & Maxwell, 12th Edition)
- Jayakumar, NK, Lectures in Jurisprudence (LexisNexis, 3rd Edition)
- Paton, G.W., A Textbook of Jurisprudence (Oxford, 4th Edition)
- Pillai, P.S. Atchuthen, Jurisprudence and Legal Theory (Eastern Book Company, 3rd Edition)

Instructor Details

Name of the Instructor:	Dr. Manoranjan Kumar
Email:	manoranjankumar@cnlu.ac.in

Chanakya National Law University, Patna
B.A., LL.B. (H) 2022-23; SEMESTER- VI

Course Title: Money Banking and Public Finance

Course Overview

The curriculum is designed to expose and enrich knowledge of the students about the basic principles of economics related to money, banking and the subject area related to public finance. Money, Banking and Public Finance constitutes important components towards understanding of working of an economy. A clear understanding of the operations of money and banking and their interaction with the rest of the economy is essential to realize how monetary forces operate through a multitude of channels — market, non-market, institutions and, among others, the state. In modern times, the activities of State have considerably increased and the theoretical understanding of different State activities through the budgetary mechanism is essential. Accordingly, the Paper on ‘Money, Banking and Public Finance’ is an optimal integration of monetary theory, banking institutions and government which combines with itself a systematic discussion of the theory, institutions and policy with special reference to India. The course is designed with an objective to give the students with a clear understanding of the basic concepts, tools of analysis and terminologies used in this subject and also to explain, facilitate their understanding of various legal phenomena related to it.

Module one deals with the evolution and functions of money, barter system and invention of money. Furthermore, the course will also discuss the preliminary concepts associated with various functions of money and its theoretical and empirical definitions and classifications. The module will also include the demand for money which constitutes Keynesian theory of demand for money. Theories of Money supply, high powered money and theories for quantity theory of money (QTM).

Module two deals with Indian Banking System, the process of credit creation, evolution of commercial banks. The module will also encompass the role, structure and functions of Central Bank, its Monetary policy and monetary policy lags. Monetary Policy Committee (MPC), its requirement and policy target, the requirement of Monetary Stimulus during pandemic. Besides students will also learn about value of monetary policy and its relationship with inflation: Cash transaction and cash balance approach – monetary standards – inflation, deflation, reflation and stagflation, Keynesian approach – trade-off between inflation and unemployment

Module three discusses the general concepts associated with the Indian Financial System and Global Financial System including, money market, capital market, financial institutions, measures taken by SEBI and RBI to regulate the financial market. It will also cover major economic crisis like Asian crisis and Euro crisis, global financial system and their dealing during the pandemic.

Module four of the course trains the students about the basic meaning and scope of Public Finance various functions of Public Finance, its importance and objectives of modern public finance. Nature and scope of Public Finance. The principle of public finance like maximum social advantage. Besides, subject matter like Principles of taxation, direct and indirect, its types and methods, merits and demerits economics of taxation, canons of taxation, tax incentives. Division of tax burden, the benefit and ability-to-pay approaches; Impact and incidence of taxes; Taxable capacity; Effects of taxation; Characteristics of a good tax system; meaning of Incidence: Impact, Shifting of taxes. Tax Evasion, Tax Shifting and Tax Capitalization and trends in tax revenue of the central and state governments in India. The importance and objectives of Public Expenditure, burden of Public Debt and its relevance will also be discussed.

Module five is related the objectives of Fiscal Policy, its role in Developing Countries particularly India. Instruments of Fiscal Policy and present Fiscal policy, its significance during Pandemic Deficit Financing and its trend in Union Budget of India

Module six deals with Fiscal Federalism in India, Principle of Federal Finance. Fiscal Federalism, its distinguishing features. Existing Vertical Distribution and Horizontal Distribution and its impact on various states, Inter-Governmental Financial Relations in India and present economic downturn and reasons for the economic downturn – crisis, issues and need of measurement. NITI Aayog to strengthen Co-operative and Competitive Federalism in India

Learning Outcomes

On completion of the course, students will be able to:

1. Understand the basic concepts related to money, banking and public finance;
2. Analyse the real-world economic issues and problems associated to money, financial market, financial institutions;
3. Examine the existing interface between monetary policy and fiscal policy and the existing trade-off between different policy measures;
4. Understand the importance and desirability of sound public finance dealing with the collection of revenue and its utilization for various purposes;
5. Demonstrate their understanding regarding the problems related to public expenditure, public debt and various budgetary policy particularly in case of India;
6. Relate and apply the concept of the above subject on contemporary issues like crypto currencies, pandemic and market, monetary stimulus during covid-19 and behavioural changes in the capital market during pandemic.

List of Topics/ Modules

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I: Introduction to Money	<ul style="list-style-type: none">• evolution and functions of money, barter system and invention of money.• Definitions and classifications of money.• demand for money which Keynesian theory of demand for money.• Supply of Money• Theories of Money supply, high powered money and theories for quantity theory of money (QTM).	1-8
Module II: Indian Banking System	<ul style="list-style-type: none">• Introduction to Indian Banking System, the process of credit creation,• evolution of commercial banks.• role, structure and functions of Central Bank, its Monetary policy and monetary policy lags.• Monetary Policy Committee (MPC), its requirement and policy target, the requirement of Monetary• Stimulus during pandemic.• monetary policy and its relationship with inflation: Cash transaction and cash balance approach – monetary standards – inflation, deflation, reflation and stagflation,	9-15

	<ul style="list-style-type: none"> • Keynesian approach – trade-off between inflation and unemployment 	
Module III: Indian Financial System	<ul style="list-style-type: none"> • concepts associated with Indian Financial System • Global Financial System including, money market, capital market, financial institutions, • measures taken by SEBI and RBI to regulate the financial market. major economic crisis like Asian crisis and Euro crisis, global financial system and their dealing during the pandemic. 	16-22
Module IV: Introduction to Public Finance	<ul style="list-style-type: none"> • meaning and scope of Public Finance various functions of Public Finance, its importance and objectives of modern public finance. Nature and scope of Public Finance. • The principle of public finance like maximum social advantage. • Principles of taxation, direct and indirect, its types and methods, merits and demerits economics of taxation, cannons of taxation, tax incentives. Division of tax burden, the benefit and ability-to-pay approaches; • Impact and incidence of taxes; Taxable capacity; Effects of taxation; 	23-33

	<p>Characteristics of a good tax system;</p> <ul style="list-style-type: none"> • meaning of Incidence: Impact, Shifting of taxes. Tax Evasion, Tax Shifting and Tax Capitalization and trends in tax revenue of the central and state governments in India. • The importance and objectives of Public Expenditure, burden of Public Debt and its relevance will also be discussed. 	
Module V: Fiscal Policy	<ul style="list-style-type: none"> • objectives of Fiscal Policy, its role in Developing Countries particularly India. • Instruments of Fiscal Policy and present • Fiscal policy, its significance during Pandemic • Deficit Financing and its trend in Union Budget of India 	34-40
Module VI: Fiscal Federalism	<ul style="list-style-type: none"> • Fiscal Federalism in India, Principle of Federal Finance. Fiscal Federalism, its distinguishing features. Existing Vertical Distribution and Horizontal Distribution and its impact on various states, • Inter-Governmental Financial Relations in India and present economic downturn and reasons for the economic downturn – crisis, issues and need of measurement. NITI Aayog to strengthen Co-operative 	41-50

	and Competitive Federalism in India	
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Recommended/Reference Text Books and Resources:

Text Books

1. Musgrave Richard, Public Finance in Theory and Practice, Tata McGraw Hill Publishers, New Delhi, Fifth Edition, 2004.
2. Samuelson, Paul, Economics, Tata McGraw Hill Publishing Company Limited, New Delhi, 2007.
3. Dalton, Hugh, Principles of Public Finance, Routledge Publishers, London, 2008.
4. Lekhi, R.K., Public Finance, Kalyani Publishers, Ludhiana, 2006
5. Bhatia, H L, Public Finance (Vikas Publishing House Pvt Ltd 2005)
6. Ahuja, H.L, Macroeconomics: Theories and Policies (S. Chand 2009)
7. Jhingan M.L, Money, Banking, International Trade and Public Finance (Vrinda Publications (P) Ltd 2010)
8. Pathak B V., Indian Financial System (3rd edn, Pearson Education 2012)
9. Sundram, K.P.M., Money Banking and International Trade, Sultan Chand and Sons Educational Publishers, New Delhi Thirty Ninth Edition 2004, Reprint, 2005.
10. Vaish, M.C., Money Banking and International Trade, New Age International Private Limited Publishers, New Delhi, Eighth Updated Edition, 1997
11. Le Roy, Miller Roger and Van Hoose David D., Modern Money and Banking, McGraw Hill Book Company Limited, Singapore, 1993.
12. Paul R.R., Money Banking and International Trade, Kalyani Publishers, Ludhiana, Sixth Revised Edition, 2006.

Additional Readings

1. Day, A.C.L. (1960), Outline of Monetary Economics, Oxford University Press, Oxford.
2. De Kock, M.H. (1960), Central Banking, Staples Press, London. Due, J.F. (1963), Government Finance, Irwin, Homewood.
3. Government of India, Economic Survey (Annual), New Delhi.
4. Halm, G.N. Monetary Theory, Asia Publishing House, New Delhi.
5. Harris, C.L., Money and Banking, Allyn and Bacon, London.
6. Herber B.P., Modern Public Finance, Richard D. Irwin, Homewood.
7. Laliwala, J.I., The Theory of Inflation, Vani Educational Book, New Delhi.
8. Mishra, S.S., Money, Inflation and Economic Growth, Oxford & IBH Publishing Company, New Delhi.
9. Musgrave, R.A., The Theory of Public Finance, McGraw Hill, Kogakusha, Tokyo.
10. Reserve Bank of India, The Reserve Bank of India: Functions and Working, Bombay.
11. Reserve Bank of India, Report on Trend and Progress of Banking in India, (various years), Mumbai.
12. Reserve Bank of India, Report on Currency and Finance (Annual), Mumbai.

13. Sayers, R.S., Modern Banking, Oxford University Press, Delhi

Reports, Journals and News Papers

1. Economic and Political Weekly
2. RBI Currency and Finance Report
3. Economic survey
4. The Economics Times/ Business Standard

Instructor Details

Name of the Instructor:	Dr. Shivani Mohan
Email:	shivanimohan@cnlu.ac.in

Chanakya National Law University, Patna
B.B.A., LL.B. (H) 2022-23; SEMESTER - VI

Course Title: Strategic Management

Course Overview

The curriculum is designed to focus on the concepts of Business Strategy and is framed to help the students learn the concepts of Business Strategy, Formulating Policy Decision and Organizational Working.

Module one deals with **Principles of Strategy Implementation:**.

Module two focuses on **Operationalizing the Strategy**

Module three deals with **Management Tools in Strategy**

Module four covers **Corporate Restructuring**

Module five **Joint Ventures and Strategic Alliances**

Module six deals with **Mergers and Acquisitions**

Module seven covers **Divestitures and Spin Offs**

Module Eight focuses on **International Business Strategies**

Module Nine focuses on **Challenges for the 21st Century**

Module Ten focuses on **Competing for the Future**

If we know where we are and something about how we got there, we might see where we are trending – and if the outcomes which lie naturally in our course are unacceptable, to make timely change.

-Abraham Lincoln

Learning Outcomes

The course aims to providing basic theories and tools of analysis and develops an understanding of the strategies adapted by firms and the tools used to develop these strategies. The course also provides an appreciation and application of various models developed to analyze and implement the strategies, in different environmental situations.

On completion of the course, students will be able to:

1. Understand concepts of strategic management and the overarching game plans in various industries.
2. Analyze and scan environment to adapt the best strategic model.
3. Critically analyze the strategies used in different industries and practiced by corporates.
4. Conceive the basic tenets of management and law and how they are used in developing the strategies.
5. Apply the theories in practice for competing in the future.

List of Topics/ Modules

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I: Principles of Strategy Implementation	<ul style="list-style-type: none"> • Introduction to Strategic Management • Strategy and Structure: Role of Structure - Managing Strategic Change: Reengineering, Restructuring, Innovation – • Successful Change of Strategy: Judging the Extent of Change Required, Force Field Analysis, • Dealing with Momentum - Establishing Strategic Controls: Premise Control, Implementation Control, Strategic Surveillances, Special Alert Control – • Operational Control System: Budgets, Schedules, Key Success Factors – Reward Systems - Crisis Management: • Steps for Managing Crisis - Matching Structure and Control to Strategy: Manufacturing, Research and Development, Sales. 	1-4
Module II: Operationalizing the Strategy	<ul style="list-style-type: none"> • Identification of Annual Objectives: Qualities of Effective Annual Objectives, 	5-11

	<p>Linkage to Long-term Objectives</p> <ul style="list-style-type: none"> • Integrated and Coordinative Objectives, Consistency in Annual Objectives, Benefits of Annual Objectives – • Developing Functional Strategies: • Differences between Grand and Functional Strategies, Functional Strategies • Development of Policies: The Purpose of Business Policies. 	
Module III: Management Tools in Strategy	<ul style="list-style-type: none"> • Benchmarking: Definition of Benchmarking, Approaches to Benchmarking, Benchmarking Practices Worldwide • Competing Strategy Reengineering: Strategic Processes • Operational Processes • Enabling Processes Systematic Approaches, Clean Sheet Approach • Reverse Engineering • The Balanced Scorecard. 	12-19
Module IV: Corporate Restructuring	<ul style="list-style-type: none"> • Forms of Corporate Restructuring: • Expansion, • Sell-offs, • Corporate Control, • Changes in Ownership Structure • Theory of the Firm and Corporate Activity: • Rationale for the Existence of the Firm • Organizational Forms: Vertical Structure, Horizontal Structure - Numerator and Denominator Management • Turnaround Management: Stage1: Decline, Stage2: Response Initiation Stage, 	20-25

	Stage3: Transition, Stage4: Outcome.	
Module V: Joint Ventures and Strategic Alliance	<ul style="list-style-type: none"> • Joint Ventures: Rationale for Joint Ventures • Reasons for the Failure of Joint Ventures • International Joint Ventures • Strategic Alliances: Generic Motives for a Strategic Alliance, Types of Strategic Alliances - Making Alliances Work: Partner Selection, Alliance Structure • Managing the Alliance - Advantages and Disadvantages of Strategic Alliance. 	26-36
Module VI: Mergers & Acquisitions	<ul style="list-style-type: none"> • Historical Perspectives of Mergers - Rationale for Mergers and Acquisitions: Increased Market Power, • Overcoming Entry Barriers, • Cost of New Product Development, • Increased Speed of Market, Lower Risk Compared to Developing New Products, • Increased Diversification, Reshaping the Firm's Competitive Scope • Industry Lifecycle and Merger Types • Cross Boarder Mergers and Acquisitions: Reasons for Cross Border M & A – • Management Guide for Mergers and Acquisitions Activity: Diversification and Mergers in a Strategic Long Range Planning Framework: • The Managerial Capacity Perspectives, Diversification Planning, Mergers and the 	37-49

	<p>Carry-over of Managerial Capabilities</p> <ul style="list-style-type: none"> • Blueprint for Integrating Acquisitions • Strategic Reasons for Mergers and Acquisitions Value Creation. 	
Module VII: Divestitures and Spin Offs	<ul style="list-style-type: none"> • Voluntary Liquidation and Sell-Offs: Liquidating the Overall Firm • Partial Sell Offs • Motives for Divestiture: Efficiency Gains and Refocus, Information Effects, Wealth Transfers, Tax Reasons • Spin Offs: Disadvantages of Spin Offs • Equity Carve-Outs: Disadvantages of Carve-Outs – • Porter's Analysis of Divestiture/Acquisitions percentages: • The Porter Methodology, Measurement of Effects on Shareholder Values. 	50-55
Module VIII: International Business Strategies	<ul style="list-style-type: none"> • Measuring and Managing Political and Country Risk – Trade: Instruments of Trade Policy, • Establishment of GATT and WTO, Regional Economic Integration in North America and in Europe, • European Single Currency. • Strategic Planning: Benefits of Strategic Planning - Strategies for Production: • Country Factors, • Technology Factors, • Product Factors – • Strategies for Marketing: Product Distribution – • Strategies for Human Resource Management: Equality in Recruitment and Pay, Types of Staffing 	56-60

	<p>Policy, Employing Expatriates, Training and Development, Repatriation of Expatriates, Compensation, Performance Appraisal in Subsidiaries</p> <ul style="list-style-type: none"> • Domestic HR Strategies Pursued in Subsidiaries, Subsidiaries' Autonomy in Decision Making, Labor Relations, Developing a Culturally Synergistic • Approach to HRM – • Strategies for Financial Management: Foreign Exchange, Meaning of Currency Risk, Exposure – Meaning and Types, Currency Risk • Management Alternatives, Corporate Response to Exchange Rate Fluctuations. 	
Module IX: Challenges for the 21st Century	<ul style="list-style-type: none"> • Global Competitiveness in the New Millennium: • Competitive Strengths of Major Industrialized Countries, What Should be done to Meet the Global Competitive Challenges, What Should Corporations Do, What Should Government Do – Considerations for • Strategies in the 21st Century: Corporate Strategy, Ethics, Public Values and Social Responsibility, Global Challenges, Role of the Government Ecological Challenges, Quality and Productivity, Workforce Diversity, Change, Empowerment – • Emergence of a Knowledge Worker – Role of a Knowledge Worker – E- 	61-64

	commerce the Central Challenge <ul style="list-style-type: none"> • The CEO in the New Millennium: • Corporate Governance • Approach to Information. 	
Module X: Competing for the Future	<ul style="list-style-type: none"> • An Alternative View of Corporate Strategy – • Beyond Restructuring – • Beyond Reengineering – • Competitive Strategy as Stretch: • Strategic Intent, A Sense of Direction, A Sense of Destiny • Competitive Strategy as Leverage: Premises on Which Leveraging Operates, Concentrates • Concept of Core Competency – C K Prahalad and Gary Hamel's View: • Identifying Core competencies, • A Relook at Core Competency – Views of Krishna Palepu and Tarun Khanna. 	65-70

Recommended/Reference Text Books and Resources:

Text Books

1. Introduction to Business Strategy The ICAI University Press
2. Strategic Management Concepts and cases Fred R. David Pearson Education

References

- Competitive Strategy Michael E. Porter Free Press
- The Mind of the Strategists: Kenichi Ohmae Tata Macgraw hill
- Strategic Management Dr. P Subba Rao/ Himalaya
- Strategic Management – An Integrated Approach Charles Hill & Gareth Jones/ Biztantra
- Making Strategy Colin Eden & Ackermann / Sage Publications
- Competitive Advantage of Nations Michael Porte
- Strategic Management – Strategy Formulation and Implementation John Pearce & Richard Robinson / AITBS Publication
- Business Policy and Strategic Management Jauch, Gupta and Glueck/ Frank Bros and Co.

- Strategy Safari Mintzberg, Ahlstrand and Lampel/ Pearson
- Competing for the Future Prahalad and Hamel/ TMH

Web Resources

<http://www.mri.state.mo.us/SP/model.htm>

http://www.jnj.com/who_is_jnj/frame_work_index.html

<http://www.customs.treas.gov/about/strat/inex.html>

<http://www.csuchico.edu/mgmt/strategy/module1/sld047.htm>

Instructor Details

Name of the Instructor:	Dr. Manoj Mishra
Email:	manojmishra@cnlu.ac.in

Chanakya National Law University, Patna
B.A., LL.B. (H) / B.B.A., LL.B. (H) 2022-23; SEMESTER- VI

Course Title: Administrative Law

Course Overview

Administrative Law is the law relating to administration and is the most significant and outstanding development of the 20th century although it was in existence even during the reign of various kings in India. In the Welfare State, the role and the function of the State has undergone a radical change. The Government functions have been increased tremendously. Today, the State is not merely a Police State, to exercise sovereign function only. Due to the changing role of the State from *Laissez Faire* to a Welfare State, the expansion in the functions of the State and enormous powers of the administration have given tremendous capacity to the administration to affect the rights and liberties of the individual. Therefore, it has become important to control the administration in order to ensure that the governmental functions are exercised according to law and protection is provided to the individual against abuse of such power. Thus, there arises the need for adjusting the relationship between the government and the governed so that a proper balance may be evolved between the private interest and public interest. This course 'Administrative Law' is designed to give insights into the body of administrative law and particularly how it got developed in the Indian legal system.

Learning Outcomes

The course aims to give insights into the body of Administrative Law and particularly how it got developed in the Indian legal system. It also provides the modern trends of Administrative Law. The course provides ample opportunity to the students to explore the subject systematically and have a comparative study with other leading legal systems.

On completion of the course, students will be able to:

1. assimilate the concepts of administrative law.
2. explore the Indian legal system relating to administration.
3. develop the understanding and importance of the control mechanism over various administrative agencies.
4. understand the functioning of various legal system of the world.
5. update themselves the emerging trends of administrative law as a branch of law.

List of Topics/ Modules

Topic/ Module	Contents/ Concepts	Number of Lectures
Module I: INTRODUCTION	<ul style="list-style-type: none"> a. Meaning, Definition, Scope and Significance of Administrative Law b. Evolution and Development of Administrative Law in India, UK and France c. Rule of Law d. Doctrine of Separation of Powers its relevance in Contemporary Time e. Relationship between Constitutional Law and Administrative Law 	1-10
Module III- ADMINISTRATIVE ADJUDICATION	<ul style="list-style-type: none"> a. Meaning of Delegated Legislation and its Growth b. Delegated Legislation in USA, UK and in India: Pre and Post Constitutional Period c. Rules and Principles of Administrative Rule making/ Delegated Legislation d. Control Mechanisms of Delegated Legislation: Parliamentary, Procedural and Judicial e. Sub-delegation 	11-20
Module III: ADMINISTRATIVE ADJUDICATION	<ul style="list-style-type: none"> a. Reasons for the growth of Administrative Adjudication and its need b. Problems of Administrative Adjudication c. Mechanism for Administrative Adjudication – Statutory and Domestic Tribunals d. Administrative Tribunal – Definition – Constitutional Status-Rules and Principles 	21-30

Module IV: PRINCIPLES OF NATURAL JUSTICE	<ul style="list-style-type: none"> a. Concept, Evolution and Importance b. Natural Justice in India c. Natural Justice and Statutory Provisions d. Application of Natural Justice e. Principles of Natural Justice - Rule against Bias and Rule of Fair Hearing f. Exceptions to Natural Justice g. Violations of Natural Justice 	31-38
Module V: ADMINISTRATIVE DISCRETION AND REMEDIES	<ul style="list-style-type: none"> a. Meaning and Definition of Administrative Discretion b. Control of Administrative Discretion – At the stage of delegation of discretion and Control at the stage of the exercise of discretion c. Judicial and Other remedies : Judicial Review –Prerogative Remedies – Constitutional Remedies – Supervisory Jurisdiction of High Courts – Statutory Remedies – Equitable Remedies – Common Law Remedies – Ombudsman – Lok Pal and Lokayukta – Other miscellaneous Remedies 	39-50
Module VI: LIABILITY OF THE ADMINISTRATION	<ul style="list-style-type: none"> a. Contractual Liability of the Administration –Constitutional and other provisions b. Tortious Liability of the Administration –Constitutional and other provisions c. Crown Privileges d. Doctrine of Estoppel e. Liability of Public Corporations 	51-55

Module VII: EMERGING TRENDS IN ADMINISTRATIVE LAW	a. Administration and Good Governance - Corruption - Prevention of Corruption Act. b. Right to know: Right to Information Act, 2005 c. Non-State actors and Administrative Law d. International Administrative Law	56-60
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Recommended/Reference Text Books and Resources:

Suggested References:

1. MP Jain and SN Jain : *Principles of Administrative Law*
2. I P Massey: *Administrative Law*
3. C K Takwani: *Lectures on Administrative Law*
4. D D Basu: *Administrative Law*
5. M.C. Jain Kagzi: *The Indian Administrative Law*
6. Narender Kumar: *Nature and Concept of Administrative Law*

Further Readings:

1. S P Sathe: *Administrative Law*
2. O. Hood Philips and Jackson: *Administrative Law*
3. H.W.R. Wade and C.F. Forsyth: *Administrative Law*
5. Griffith and Street: *Principles of Administrative Law*
6. M.C. Jain Kagzi and Balbir Singh, *A Casebook of Administrative Law*

Instructor Details

Name of the Instructor:	Dr. Fr. Peter Ladis F
Email:	frpeterladis@cnlu.ac.in

CHANAKYA NATIONAL LAW UNIVERSITY

Nyaya Nagar, Mithapur, Patna-800001

B.A., LL.B. (H) / B.B.A., LL.B. (H) 2022-23

ALTERNATIVE DISPUTE RESOLUTION (ADR)

(6th Semester)

Course Outline

Objectives of the Course:

The resolution of dispute forms a large part of the justice delivery system. Every community, country and culture has a lengthy history of using various methods of informal dispute resolution. India also has a long tradition of resolving disputes through Alternative Dispute Resolution methods viz Nyaya Panchayat System. At present there are more than 40 million cases pending in the Indian courts. A major step to expedite judicial process in this direction was initiated by the Central Government by enactment of the Arbitration and Conciliation Act, 1996 which made significant changes in the law of Arbitration. Institutions such as LokAdalats have been given statutory recognition by the Legal Services Authorities Act, 1987. The Code of Civil Procedure, 1908 has been amended by incorporating Section 89 and Order X, Rules 1A, 1B, and 1C, making it obligatory on the courts to explore the settlement of disputes by ADR Methods in pending suits, which will create more demand for trained Arbitrators, Conciliators and Mediators. Court-Annexed Mediation and Conciliation Centres are now established at several courts in India and the courts have started referring cases to such centres.

Alternative Dispute Resolution mechanisms are now more relevant than ever at the local, national, and international levels. By their very nature, some disputes need to be resolved in a very particular manner. Each of these dispute resolution systems involves different style of planning and execution. The skills involved are also different as also preparation.

The course aims to give the students an insight into the processes of Arbitration, Conciliation Mediation and other Alternative Dispute Resolution methods. The course addresses differences between court procedure and its alternatives, and explains when one should prefer one or another way of dispute resolution. The teaching methods include lectures, use of multi-media, simulation exercises, group discussion, role plays and field visits.

Details of the Course Outline

Unit I:

Alternate Dispute Resolution

[6 Lectures]

Concept, Need, Development and Advantages

Different Methods of Dispute Resolution

Section 89 of the Code of Civil Procedure, 1908

Unit II: The Arbitration and Conciliation Act, 1996

[14 Lectures]

Historical Background and Objectives of the Act

Common Forms of Arbitration

Arbitration Agreement

Composition of Arbitral Tribunal

Jurisdiction of Arbitral Tribunal

Conduct of Arbitral Proceeding

Making of Arbitral Award

Termination of Proceedings

Recourse against Arbitral Award

Finality and Enforcement of Arbitral Awards

Appeals

The Arbitration and Conciliation (Amendment) Act, 2015

The Arbitration and Conciliation (Amendment) Act, 2019

The Arbitration and Conciliation (Amendment) Act, 2021

Unit III:

Enforcement of Certain Foreign Awards

[8 Lectures]

New York Convention Awards

Geneva Convention Awards

Unit IV:

Conciliation

[8 Lectures]

Application and Scope

Conciliators

Appointment of Conciliators

Relationship of Conciliators with the Parties

Settlement Agreement, Status and Effect of Settlement Agreement

Termination of Conciliation Proceedings
Resort to Arbitral or Judicial Proceedings
Costs and Deposits

Unit V:

Mediation

[8 Lectures]

Concept and Meaning
The Process of Mediation
Stages of Mediation
Role of Mediators
Communication in Mediation
Negotiation and Bargaining in Mediation
Role of Lawyers in Mediation
Role of Parties in Mediation

Unit VI:

Other Alternative Dispute Resolution Systems

[10 Lectures]

Negotiation
Settlement of Matrimonial Disputes under the Family Courts Act, 1984
Voluntary reference of Industrial Dispute to Arbitration
Conciliation of Industrial Disputes
Tribunals- Lokpal and Lokayukta
Gram Nyayalayas Act, 2008
LokAdalats
Legal Aid
Online Dispute Resolution
Alternative approaches in Criminal Justice System

SUGGESTED READINGS:

1. O.P.Malhotra & Indu Malhotra, *The Law and Practice of Arbitration and Conciliation*, Thomson Reuters

2. Susan Blake, Julie Browne & Stuart Sime, *A Practical Approach to Alternative Dispute Resolution*, Oxford
3. Nigel Blackaby, *Redfern and Hunter on International Arbitration*, Oxford University Press
4. P.C. Markanda, *Law Relating to Arbitration and Conciliation*, LexisNexis
5. Anupam Kurlwal, *An Introduction to Alternative Dispute Resolution System*, Central Law Publications, Allahabad
6. P.C. Rao & William Sheffield, *Alternative Dispute Resolution*, Universal, Delhi
7. Saurabh Bindal, *Avatar Singh's Arbitration and Conciliation*, Eastern Law Books House, Lucknow
8. N.V. Paranjape, *Law Relating to Arbitration and Conciliation in India*, Central Law Agency, Allahabad
9. Madabhushi Sridhar, *Alternative Dispute Resolution -Negotiation and Mediation*, LexisNexis
10. S.C. Tripathi, *Arbitration, Conciliation and ADR*, Central Law Agency, Allahabad
11. Sukumar Ray, *Alternative Dispute Resolution*, Eastern Law House, Kolkata
12. The Arbitration and Conciliation Act 1996
13. Legal Services Authorities Act, 1987
14. 222nd Report of the Law Commission of India on *Need for Justice-Dispensation through ADR* (2009)
15. 246th Report of the Law Commission of India on *Amendments to the Arbitration and Conciliation Act, 1996* (2014)
16. Mediation Training Manual of India by Mediation and Conciliation Project Committee of Supreme Court of India.

EVALUATION

i)	Attendance	: 05
ii)	Research Project	: 20
iii)	Mid Semester Examination	: 15
iv)	End Semester Examination	: 60

TOTAL : 100

Instructor Details

Name of the Instructor:	Hrishikesh Manu
Email:	hrishikeshmanu@cnlu.ac.in

Chanakya National Law University, Patna
B.A., LL.B. (Hons.) and B.B.A., LL.B. (H) A.Y. 2022-23; SEMESTER - VI

Course Title: Constitutional Law – II

Course Overview

Constitutional law as basic law of the country provides for good governance under our federal polity. For good governance of the country, it has separated the Legislature, Executive and Judicial power from each other entrusting these powers to Legislature, Executive and Judiciary both at the level of the Union and the States. In view of the vast and variegated Indian conditions it has adopted federal structure with parliamentary form of the government. The curriculum is designed to inspire the students to study about the choices of the founding fathers to provide structural shape with different organs and the actual functioning of the constitutional machineries with the help of practices and conventions while acting in accordance with the provisions of the Constitution. It will focus on the constitutional provisions, intendment to use the power by different organs and constitutional authorities to help the good governance objectively, judiciously, and fair way along with departure, if any and ways and means to check the abuse of power within the framework of the Constitution.

Module One is devoted to the critical study of Separation of Powers between the three organs of the government – Legislative, Executive and Judiciary and provisions relating to the Union and the State executive and its functioning.

Module Two deals with Union Parliament and State Legislature in light of their composition, qualifications, and disqualifications of the members along with legislative procedures and privileges.

Module Three focusses on Union and State Judiciary, their organization, independence, and jurisdiction of the Supreme Court of India.

Module Four covers the Judicial processj and certain issues – Judicial review, precedent, collegium, transfer of H.C. Judges, Suppression of the Supreme Court judges and post-retiral jobs.

Module Five deals with federalism and distribution of legislative powers between union and the states along with interpretative techniques.

Module Six is devoted to administrative relations and financial arrangements between the union and the states along with certain agencies and special tax like finance Commission Niti Ayog, G.S.T.

Module Seven deals with freedom of Trade and commerce throughout the territory of India and impact of emergency on federal structure and Judicial role in this respect.

Module Eight covers amendment of the Constitution and overall role of Judiciary in saving democracy, Constitution, and federal structure of the Indian Polity.

Learning Outcomes

1. Apprise and develop acquaintance with the Constitution on the paper and constitution in actual practice of the different organs of the government both at the centre and the state and centre and the states with respect to their relationship.
2. To critically examine the constitutional provisions and their relevance in ensuring the concept of limited government within its parameters.
3. To develop the argumentative faculty among the students to analyse parliamentary and judicial efforts to keep the different organs of the government within their bounds.
4. To critically evaluate the changing dimensions of judicial creativity and judicial review to save our democracy, Constitution, and the federal structures of the Indian Constitution.

List of Topics/ Modules

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module – I	Separation of Powers & Union and State Executive <ul style="list-style-type: none"> – Doctrine of Separation of Powers – President and Governor: Appointment, Tenure and Comparative Position 	1 - 8

	<ul style="list-style-type: none"> – Appointment and Dismissal of the Council of Ministers at the centre and in the states – Ministerial Responsibility • Relationship between President and Governor with their Council of Ministers 	
Module – II	Union and State Legislatures <ul style="list-style-type: none"> – Composition and Qualification and Disqualifications of the members of Parliament and state Legislature – Office of Profit – Anti-Defection Law – Legislative Procedure of Parliament and State Legislature Privileges and Immunities of Parliament and State Legislature	9 – 14
Module – III	Union and State judiciary <ul style="list-style-type: none"> – Organisation and Independence of Judiciary <ul style="list-style-type: none"> • Appointments, Tenure and Security of Job of the Apex Court, high Courts and Subordinate Courts – Removal of the Judges of the Supreme Court and the High Courts. – Jurisdictions of the Supreme Court of India <ul style="list-style-type: none"> • Original and Exclusive • Appellate Jurisdiction – Constitutional matter, Civil, Criminal and S.L.P. • Advisory Jurisdiction – Curative Petitions: Width and Limit 	15 – 20
Module – IV	Judicial Process and Arising Issues <ul style="list-style-type: none"> – Judicial Review: Legitimacy, Creativity and Credibility – Doctrine of Precedent and Bindingness of the Decisions of the Supreme Court and the High Courts – Arising Issues 	21 – 30

	<ul style="list-style-type: none"> • Working of Collegium • Transfer of the High Court Judges • Supersession of the Judges of the Supreme Court of India • Post-Retiral Appointments 	
Module – V	<p>Federalism and Distribution of Legislative Powers</p> <ul style="list-style-type: none"> – Federal Idea and Chief Characteristics of a Federal System – Nature of Indian Polity – Territorial Distribution of Legislative Powers between Union and the States and Principle of Territorial Nexus – Matters of Union and State Legislation and Residuary Powers – Interpretative Techniques <ul style="list-style-type: none"> • Pith and Substance • Colourable Legislation • Repugnancy 	31-36
Module – VI	<p>Administrative and Financial Relations between Centre and the States</p> <ul style="list-style-type: none"> – Administrative Relations between Union and States – Distribution of Financial Resources between Union and the States – Doctrine of Immunity of Instrumentality – Role of Finance Commission in Devolution of Finances from Union to States – Niti Ayog – Goods and Services Tax 	37 – 45
Module – VII	<p>Freedom of Trade, Commerce and Emergency Provisions</p> <ul style="list-style-type: none"> – Freedom of Trade, Commerce and Intercourse and its Regulations by the Union and the States – National Emergency and its Impact on Union and the States 	46–53

	<ul style="list-style-type: none"> – Financial Emergency and its Impact on Centre – State Relations – Breakdown of Constitutional Machinery in the States <ul style="list-style-type: none"> • Judicial Review of its Proclamation 	
Module – VIII	Amendment of the Constitution and Overall Role of Judiciary in Saving the Constitution and Federal Structure <ul style="list-style-type: none"> – Necessity, Method and Procedure for Amendment of the Constitution – Amendment of the Constitution and Fundamental Rights – Saving of Amendments by Prospective Overruling – Theory of Basic-Structure and Unamendability of the Constitution – Role of Judiciary in Saving the Constitution, Democracy and the Federal Structure 	54-60

Recommended Text Books and Resources:

Text Books

- M.P. Singh (ed.), V.N. Shukla's The Constitution of India
- M.P. Jain, Indian Constitutional Law

References

- D.D. Basu, Commentary on the Constitution of India
- Dr. U.R. Rai, Constitutional Law – I

Instructor Details

Name of the Instructor:	Prof. (Dr.) Anirudh Prasad
Email:	dr.anirudhlaw@gmail.com