

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

Course Title: Drafting, Pleadings and Conveyancing

Course Overview

Legal drafting skills are of utmost importance to all lawyers but are often difficult to master. Despite the challenges of mastering the art, the most effective lawyers are those who actively implement strategies to improve their drafting skills. Drafting requires a host of skills to be effective. This course will help the students to enhance legal drafting skills. It not only focuses on the theory of effective drafting guidelines but also provides relevant formats to assist in understanding practical application of concepts and develop necessary skills for drafting legal documents. The course is intended to improve the ability to draft quality legal documents. This course is to provide students with an introduction to the art of Conveyancing and pleadings in both civil and criminal proceedings. It will also provide background knowledge to enable sound and prudent decisions when dealing with the art of Conveyancing and pleadings.

Module one deals with General Principles of Drafting

Module two focuses on Conveyancing

Module three deals with Deeds

Module four covers Agreements and Notices

Module five covers Drafting of Various Deeds

Module six deals with Pleadings

Module seven deals with Drafting of Various forms of Civil Pleadings

Module seven deals with Drafting of Various forms Criminal Pleadings

Learning Outcomes

The course aims to help the students to

- Analyze and apply general principles of drafting and conveyancing.
- Use effective writing techniques to draft different types of legal documents.

List of Topics/ Modules

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I:	<ul style="list-style-type: none">• Meaning and Definition of Drafting• Distinction between Drafting and Conveyancing• General principles of Drafting all sorts of Deeds and Conveyancing and other Writings• Interpretation of Deeds and Documents	1-10

Module II:	<ul style="list-style-type: none"> • Meaning of Conveyancing • Basic fundamentals of Conveyancing • Requirements/parts of conveyance • Division of instruments of Conveyancing 	11-18
Module III:	<ul style="list-style-type: none"> • Meaning of Deed • Basic Components of Deeds • Types of Deeds and inter-se Difference between various deeds • Requisites of Deed 	18-25
Module IV:	<ul style="list-style-type: none"> • Agreements • General principles of Valid Agreement • Guiding principles for drafting of Agreement Deed • Drafting of various Agreements – sale Agreements, Arbitration Agreements, Lease Agreement Notices • Guiding principles for drafting of Notice • Drafting of various model Notices 	26-38
Module V:	<ul style="list-style-type: none"> • Sale Deed, • Mortgage Deed • Lease Deed • Gift Deed • Promissory Note • Power of Attorney • Will • Partnership Deed 	39-52
Module VI:	<ul style="list-style-type: none"> • Meaning and object of Pleadings in General • General principles of Pleadings • Functions of Pleadings • Oral pleadings • Particulars of pleadings • Alterative and inconsistent pleadings • Amendment of pleadings 	53-65

Module VII:	<ul style="list-style-type: none"> • Complaint • Written Statement • Interlocutory Applications • Affidavit • Execution Petition • Memorandum of Appeal • Revision Application 	66-75
Module VIII	<ul style="list-style-type: none"> • Complaint (FIR, Informatory Petition, Protest) • Criminal Miscellaneous Petitions • Bail Applications • Memorandum of Appeal • Revision Application 	75-80

Recommended/Reference Text Books and Resources:

1. Pleading & Drafting By N.S. Bindra
2. Desouza's Conveyancing – Eastern Law House
3. Mogha's Law of Pleading in India – Eastern Law House
4. Mogha's Indian Conveyance - Eastern Law House
5. Law & Practice of Conveyancing – Snow White
6. Drafting & Conveyancing – S.P. Agarwal – Butter Worth
7. Textbook on pleading, drafting and Conveyancing - Kafaltiya, AB
8. Art of Conveyancing and pleading – Murli Manohar
9. Pleadings, Drafting and Conveyancing – R.N.Chaturvedi
10. Conveyancing Precedents and Forms – Shiv Gopal
11. Indian Draftsman, Guide to Legal Drafting - Hargopal

Instructor Details

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IPR LITIGATIONS.

SEM VIII, 2022-23

Program and course outcome:

Intellectual property is the creation of human mind. It encompasses Patents, copyrights trademarks, design, biodiversity, lay out design and integrated circuit, Traditional knowledge, plant varieties and farmers rights. The Intellectual property is the essential components of industrial and agricultural development, for making the human life easy and comfortable. But the growing necessities of ipr has great threats also. It emerges into litigations. Hence the IPR LITIGATION subject has been introduced in B.A.LL.B and B.B.A.LL.B. (Hons) course .it has objectives to prepare our law students well acquainted with legal issues and ready remedies. This is the reason that the participatory mode of teaching pedagogy has been adopted. Here, the students prepare the cases and present in the class and moot over with fellow friends in the class. The students debate over legal issues and sharpen their mind. This course and program has been formulated to prepare the students for IPR advocacy.

A.INTRODUCTION:	No. of Lectures
1. Understanding IP Litigations.	01
2. Growth of IP Litigation.: TRIPS Agreement	02
B.IP DISPUTES IN INDIA:	
i. The Copyright Act, 1957.	10
ii. The Patent Act, 1970.	10
iii. The Trademarks Act, 1999.	10
iv. The Designs Act 2000 .	06
v. The Semiconductor Integrated Circuits Layout Designs Act, 2000.	03
vi. Geographical Indications of Goods (Registration and Protection) Act 1999.	03
Vii.Plant Varieties and Farmer's Rights Act 2001.	03
C.WTO DISPUTE REDRESSAL MECHANISM:	03
1. Civil Litigation	02
2. Criminal Litigation	02

3. Arbitration	02
D. FOREIGN CASES:	07
1. Copyrights:	
2. Patents	
3. Trade Marks	
4. Design	
5. Semi-conductor	
6. GI	
7. PVFRA	
F. Intellectual Property Appellate Board.	05
G. The Commercial Courts Act 2015 and IP Disputes.	02
H. IP DISPUTES in Information technology Regime.	02
I. WTO disputes in IP.	05

--Prof.S.C.Roy

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

Course Title: Law of Banking and Finance

Course Overview

Banks and the banking system evolved into a vital socio-economical institution in the modern age. This has been largely influenced by the socio-political and economic changes that have been witnessed at large.

As a developing State India has been influenced by these developments leading to the evolutionary effect on banking structure, policies, patterns and practice. A study of these developments reveals the development from banking as a generic entity to specialized one. One could quote commercial banks, cooperative banks, development banks as a paradigm.

The evolutionary process still continues with the global phenomenon of liberalization. This has witnessed the entry of foreign banking companies in the Indian market leading to a deviation in the banking policy. Moreover new means such as e-banking and e-commerce has made it essential that the Indian legal system adopt new *modus operandi* to cope with the modern scenario.

Learning Outcomes

The course aims to acquaint the LL.B. students with the conceptual and operational parameters of banking law.

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

1. Understand the basics of the insurance laws.
2. Analyse the crucial provisions of various enactments concerning insurance laws.
3. Critically analyse the landmark cases of the insurance laws.

List of Topics/ Modules

Topic/ Module	Contents/ Concepts	Sessions / Lectures
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Module I:	<ul style="list-style-type: none"> • Historical Aspects of Banking in India • Essentials of Banking Company • Different Kinds of Banks • Functions of Banks • Regulation of Banks 	1-10
Module II:	<ul style="list-style-type: none"> • Nationalization of Banking Companies • Objectives of Nationalization • R.C Cooper v. Union of India (Bank Nationalization Case) • Protection of Depositors 	10-20
Module III:	<ul style="list-style-type: none"> • Who is a banker? • Who is a Customer? • Banking Services • Relationship between Banker and Customer 	20-30
Module IV:	<ul style="list-style-type: none"> • Core Banking Solutions • Essential Requirement of CBS • Banking Services through Information • Real Time Gross Settlement System (RTGS) 	30-40
Module V:	<ul style="list-style-type: none"> • Evolution of R.B.I • Power and Functions of R.B.I • Control over Financial and Non-financial companies 	40-50
Module VI:	<ul style="list-style-type: none"> • Banking Regulation Act, 1949 • Information Technology Act, 2000 	50-70

	<ul style="list-style-type: none"> • The Consumer Protection Act, 1986 • The Reserve Bank of India Act, 1934 • The Negotiable Instruments Act, 1882 	
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Recommended/Reference Text Books and Resources:

Text Books

1. Basu, A. *Review of Current Banking Theory and Practice* (1998) Mac millan.
2. M.L. Tannan, *Tannan's Banking Law and Practice in India* (1997) India Law House, New Delhi, 2 volumes.
3. K. Subrahmanyam, *Banking Reforms in India* (1997) Tata McGraw Hill, New Delhi.
4. R.S. Narayana, *The Recovery of Debts due to Banks and Financial Institutions Act, 1993 (51 of 1993)*, Asia Law House, Hyderabad.
5. Mitra, *The Law Relating to Bankers' Letters of Credit and Allied Laws* (1998) University Book Agency, Allahabad.
6. Narasimham Committee *Report on the Financial System* (1991)- Second Report (1999).

Web Resources

<http://www.rbi.org.in>

<http://www.Finmin.nic.in>

Instructor Details

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

Course Title: Law of Insurance

Course Overview

This course is designed to introduce students to the basic principles governing the creation, sale and enforcement of the most common forms of insurance. Students will be introduced to the following insurance lines: personal liability, professional liability, commercial general liability, homeowners, automobile, life and casualty, and health. The peculiarities of each line will be discussed as well as the problems common to all lines: moral hazard, adverse selection and outright fraud. The social function of insurance as well as historical anomalies are covered in order to give the student the broadest possible exposure to the issues lawyers confront regularly in this area of practice.

Learning Outcomes

The course aims to provide knowledge and understanding of the laws which form the background to the operation of insurance, the system within which these laws operate and the ability to apply knowledge and skills to simple situations.

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

1. Read, analyze, and discuss Insurance Law cases representing all major lines of coverage.
2. Recognize and discuss how to address the moral hazard and adverse selection problems endemic to each line.
3. Apply the conventional rules of insurance contract interpretation, including specifically the doctrine of contra proferentem, the doctrine of reasonable expectations, and equitable estoppel.
4. Explain the underwriting process and the role of price discrimination, risk spreading, risk pooling, and risk allocation.

List of Modules

Topic/ Module	Contents/ Concepts	Sessions / Lectures	Critical Thinking	Drafting Skill
Module I:	INTRODUCTION: a) Definition, Nature and History of insurance	1-5	Understanding	Fact and Opinion

	<ul style="list-style-type: none"> b) Concept, Nature and Theories of Insurance c) Role of Insurance in globalized economy 			
Module II:	<p>GENERAL PRINCIPLES OF LAW OF INSURANCE:</p> <ul style="list-style-type: none"> a) Essential elements of insurance contracts. b) Formation of insurance contracts. c) Nature of insurance contracts <ul style="list-style-type: none"> a. Contract of Aleatory b. Contract of <i>Uberrima fides</i> c. Contract of Indemnity d. Contract of Wager d) Insurable interest e) Assignment of Insurance policies f) Warranties & disclosures g) Double insurance & re-insurance h) Doctrine of Contribution and Subrogation i) Indian Accounting Standard (Ind AS) 104 and the corresponding International Financial Reporting Standard (IFRS) 4, Insurance Contracts, issued by the International Accounting Standards Board. 	6-12	Analyzing	Contract Clauses
Module III:	<ul style="list-style-type: none"> a) PRINCIPLES AND PRACTICES OF INSURANCE 	13-16	Understanding	Proposal Cover Notes Renewal

	<ul style="list-style-type: none"> b) Insurance Legislation – General Insurance Business (Nationalization) Act 1972 – The Insurance Act 1938 (as amended) – Other statutes have a bearing on General Insurance – Consumer Protection Act 1986 and implications – The structure of the Insurance market in India – Insurance marketing network and customer service. c) Insurance Forms – Proposals – Cover Notes – Certificates of Insurances – Policies – Endorsements – Renewal Receipts. 			
Module-IV	LIFE INSURANCE: <ul style="list-style-type: none"> a) Nature & scope of life insurance b) Kinds of life insurance contracts c) Life Insurance Products and Documents d) Underwriting, Pricing and Servicing e) Events insured against in life insurance f) Factors affecting risk in life insurance g) Persons entitled to payment under life insurance h) Settlement of claims 	17-24	Evaluating	Plaints
Module IV:	FIRE INSURANCE <ul style="list-style-type: none"> a) Origin and Object of Fire Insurance b) Basic principles of Fire Insurance contracts. 	25-31	Evaluating	Plaints

	c) Nature, Meaning, significance of fire insurance.			
Module V:	MARINE INSURANCE: <ul style="list-style-type: none"> a) Nature and scope b) Classification of marine policies c) The Marine Insurance Act 1963 d) Insurable interest, insurable value e) Marine insurance policy- condition- express warranties- construction of terms policy f) Voyage – deviation f) Perils of the sea g) Partial loss of ship and of freight, salvage, general average, particular charges 	32-43	Evaluating	Plaints
Module VI:	INSURANCE AGAINST THIRD PARTY RISKS: <ul style="list-style-type: none"> a) The Motor Vehicles Act, 1988 (Chapter XI) and Recent Amendments b) Necessity for insurance against third party risk c) Duty to give information as to insurance d) limitations on third party's rights 	44-53	Evaluating	Plaints
Module VII:	INSURANCE REGULATION AUTHORITY (IRDAI) – ROLE AND FUNCTIONS	54-60	Understanding /Analyzing	Amendments

Recommended/Reference Text Books and Resources:**Text Books**

Murthy & K V S Sarma, Modern Law of Insurance, (Butterworth's Wadhwa Publications, Nagpur).
SV Joga Rao, MN Srinivasan's Principles of Insurance Law, Lexis Nexis Butterworths Wadhwa, Nagpur
Robert Merkin, COLINVAUX'S Law of Insurance, Sweet & Maxwell, South Asian Edition.
M. N. Sreenivasan, Law and the Life Insurance Contract, (Butterworth's Wadhwa Nagpur)
Mishra, M.N., Law of Insurance Principles and Practice, Radhakrishnan Prakashan
Birds, John, Modern Insurance Law, Universal Publishing Co. (Latest Edition)
B.C. Mitra, Law Relating to Marine Insurance. Asia Law House, Hyderabad.

Instructor Details

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

Course Title: Taxation Laws

Course Overview

The taxation laws syllabus is designed in such a way so as to expose the students to general principles of laws applicable to different circumstances. The basic idea is to equip the students with necessary knowledge and tools to understand the concepts and application of those concepts through leading case laws. The importance of taxation laws cannot be overemphasized. Suffice is to say that the knowledge of taxation laws is a must for any student of law. This helps them understanding the constitutional principles and relate them to the State's power to levy tax on residents and non-residents within the powers provided under the Constitution. With this objective in mind, the syllabus has been designed so that at the end of the course, the students will be able to understand the nuances of tax laws and have a better perspective about the relation of tax laws and Constitution.

Module 1 deals with Constitutional and Legislative Provisions

Module 2 deals with Basic concepts of income.

Module 3 deals with Agricultural Income

Module 4 deals with Residence and Scope of Total Income

Module 5 deals with Heads of Income while

Module 6 deals with Capital Gains

Module 7 is about concepts related to Clubbing of income while

Module 8 deals with Income Assessment .

The last module i.e Module 9 deals Taxation of international transactions:

Learning Outcomes

Though the emphasis of this course would be on understanding the basic principles related to taxation laws but the syllabus and course would broadly cover the Constitutional aspects too.

On completion of the course, students will be able

1. To understand in a better way the State's power to impose taxation and the Constitutional limitations on such powers.
2. To be in a position to analyse crucial aspects relating to taxation and the principles related to taxation.
3. To Critically analyse various aspects of taxation laws and its relation with other laws.

List of Topics/ Modules

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I:	<u>Introduction .</u> <u>Constitutional</u> <u>and Legislative</u> <u>Provisions:</u> (a) Distribution of Legislative Powers with special reference to Taxing Powers. (b) Lists under VIIth Schedule.	1-5
Module 2:	<u>Module 2: Basic</u> <u>concepts of</u> <u>income.</u> (a) General Scheme of Income Tax Act, 1961	6-10

	(b) Definition of Income [Section 2(24)] (c) Application of Income or diversion by overriding title (d) Capital Receipt v. Revenue Receipt .	
Module 3:	<u>Module-3 :</u> <u>Agricultural Income</u> – Concept and definition of agriculture income, persons who are entitled to claim exemption , rationale for exemption from tax etc. will be discussed.	11-16
Module 4:	<u>Module-4 :</u> <u>Residence and Scope of Total Income</u> (a) Tests for the determination of residential status of Assessee (section 6); (b) Total income of assessee (sections 4 and 5);	12-25

	<p>(c) Income deemed to accrue or arise in India (section 9);</p> <p>Provisions relating to concept and scope of total income, residence in India in context of HUF, Individuals and Companies and concept of notional income deemed to accrue or arise in India under provisions of Section 9 will be discussed.</p>	
Module 5:	<p><u>Module5 :</u> <u>Heads of Income</u> <u>(Sections 14-59)</u></p> <p>I. (b) Salaries – Chargeability . (c) Meaning of Salary; (d) Perquisites; II : Income from House Property (Sections 22 to 27) – (a)Ingredients of section 22 - (b)Annual Value how to be determined – (c) Deductions under section 24 – (d) Deemed owner (section</p>	26 -35

	<p>III : Profits and Gains of Business and Profession (Sections 28 to 44)</p> <p>–</p> <p>(a) Applicability (b) Deductions (c) Business Expenditure – Allowability (d) - Tests of distinctions between Business expenditure and Capital expenditure [section 37(1)] .</p> <p>15 Lectures.</p> <p>Heads of income will be discussed in detail. Income pertaining to salary, income from house property, income from profession, business income and income from other sources will be broad topics of discussion.</p> <p>Allowable deduction from various heads of income and particularly concept of revenue expenditure and capital expenditure will be discussed in detail .</p>	
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Module 6:	<u>Module 6:</u> <u>Capital Gains</u> <u>(Sections 45 to 55) .</u> (a) Definition of capital assets [section 2(14)]; (b) Short term capital assets [section 2(42A)]; (c) Short term capital gains [section 2(42B)]; (d)Long term capital assets and Long term capital gain [section 2(29A) and 2(29B)]; (e) Meaning of 'Transfer'[section 2(47)]; (f) Computati on (section 45); (g) Transactio ns not amountin g to transfer (sections 46 and 47); (h) Mode of computati on (section 48);	36-40
Module 7:	<u>Module 7.</u> <u>Clubbing of income .</u>	41-46

	<p>Concept of clubbing of income, what are the circumstances under which income can be clubbed for assessment so as to claim exemption , persons who are entitled for benefits will be broad topics of discussion.</p>	
Module 8:	<p><u>Module 10 :</u> <u>Assessment .</u> <u>(Sections</u> <u>139, 142, 143,</u> <u>144, 145(2), 147,</u> <u>148, 149, 150,</u> <u>151 and 153)</u></p> <p>(a) Best Judgment Assessment; (b) Income escaping assessment .</p> <p>Provisions relating to assessment, income escaping assessment, provision for re assessment and other related issues will be discussed.</p>	46-50

Module 9.	<p><u>Module11.</u> <u>Taxation of international transactions:</u> (a)Non resident and foreign companies. (b) Transfer Pricing Provisions relating to taxation of foreign companies will be broad topic of discussion. Double taxation , Tax Residency Certificate , General Anti Avoidance Rules, Judicial Anti Avoidance Rules , Transfer Pricing and other issues related to taxation of Trans National Companies operating in India will be discussed. Issues related to tax evasion by MNC's and Indian Legal response along with latest developments will be discussed in detail.</p>	51-60

Recommended/Reference Text Books and Resources:**Text Books .**

1. Income Tax. Palkiwala and Kanga. Matthew Lippman. Sage Publication.
2. The Income Tax Act. Taxmann Publications..

References

- Constitution of India. Readings on Tx Laws

Web Resources

www.itat.org

Instructor Details

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