

Chanakya National Law University, Patna

Academic Session: 2024-25

B.A., LL.B. (Hons.) & B.B.A., LL.B. (Hons.)

COMPARATIVE CONSTITUTION

Honours – III

Credit - 4

Course Overview

The paper is intending to provide comparative analysis about the structure of the Government, legislative process and the role of the judiciary to have better understanding of the Indian polity.

COURSE OUTCOME: At the end of the course students will be able to –

1. Identify the shortfalls in the system of rights protection in India.
2. List out. The pattern of judicial process in the four concerned countries.
3. Apply the constitutional law relating to distribution of powers between the Centre and States in each of the designated states as well as the ambit of executive powers particularly the exercise of emergency powers and safeguards therein.
4. Analyse the pros and cons of the system of judicial redressal in the concerned four jurisdictions.
5. Evaluate as against other the constitutional systems and law in the selected four jurisdictions.
6. Propose a solution to the issues related to the systems of judicial redress in the mentioned four jurisdictions.

UNIT –1 FORMS OF GOVERNMENT

Presidential and parliamentary form - Government under USA constitution - Government under French Constitution - Nature of government in U.K - Comparison with the government in India.

UNIT – 2 THE EVOLUTION AND DEVELOPMENT OF CIVIL RIGHTS

Evolution of Rights of in U.K, USA and France - Status of the rights in U.K -Status of the rights in USA - : Status of the rights in France - Comparison with the status of Rights in India.

UNIT- 3 JUDICIAL PROCESS AND REVIEW

Organization of the Judiciary in U.K, USA and France - Judicial review – evolution and implementation - Evolution of Tribunals - Separation of Judiciary from the executive and legislature - Comparison with the Indian System.

UNIT– 4 ORGANIZATION OF LEGISLATIVE AND EXECUTIVE POWERS

Distribution of legislative powers - Extent of Executive power -: emergency powers - Resolution of Conflicts - Law making process in U.K, USA and France in comparison with India.

SUGGESTED READINGS

1. D.D.Basu, Comparative Constitutional Law
2. K.C.Wheare, Modern Constitutions.
3. Dauglus W.O, Studies in Indian and American Constitutional Law.
4. A.V.Dicey, Introduction to the Study of Constitution.
5. Rotunda and Nowak, Treatise on American Constitution.
6. Bernad Schwartz Commentary on American Constitution
7. E.S.Venkataramaiah, Federalism Comparative Study
8. Mason and Beany, American Constitutional law 8. Rodney Brazier, Constitutional Practice.
9. Godfrey and Blondel, The French Constitution and Government.
10. Tom Ginsburg, Rosalind Dixon, Comparative Constitutional Law
11. Vicki C. Jackson, Mark V. Tushnet, Comparative Constitutional Law
12. Bhagwan Vishnool, BhushanVidya, World Constitutions

Note: This syllabus is subject to changes. Appropriate cases and acts will be discussed during the lectures. If necessary additional information on reading and reference sourcing will be provided as the course proceeds.

CHANAKYA NATIONAL LAW UNIVERSITY, PATNA

B.A., LL.B. (Hons.)/ B.B.A., LL.B. (Hons.) 2024-2025; Semester- VIII

Course Title: Drafting, Pleadings and Conveyancing

Course Overview

The Law Commission of India in its 184th report expressed that legal education is fundamental to very foundation of the judicial system and Suo motu recommended reformation of legal education in India. It is suggested in its report that Clinical Legal Education shall be made compulsory. It is with the pronounced objective of the Clinical Legal Education and to improve the skills of the law students, the Bar Council of India has introduced various practical training papers. One of them is Drafting, Pleadings and Conveyancing.

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. This course 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.

OBJECTIVES OF THE COURSE:

This course covers essential skills required of an Advocate: the skill of drafting conveyances and pleadings. Developing the ability to draft effectively requires development of skills of writing purposefully, articulation, legal research and qualities of language, its clarity and precision. All of these develop by practice. The objective of the course is –

- (a) To provide a foundational understanding of the principles and techniques for drafting legal documents.
- (b) To develop the ability to draft clear, precise and legally sound documents such as pleadings, agreements and conveyance deeds independently and effectively.
- (c) To instill the ability to analyze and prepare legal documents in compliance with procedural and substantive Laws;
- (d) To improve the ability to use appropriate legal language, terminology and structure and critical in Legal documents.
- (e) To instill a sense of professional ethics and responsibility in drafting of legal documents
- (f) To develop critical thinking skills required for analyzing legal scenarios and drafting appropriate legal solutions

COURSE OUTCOMES:

By the end of the course, the students will be equipped with the necessary skills and knowledge to draft legal documents and pleadings effectively and to meet the practical demands of the legal profession.

Module 1 General Principles of Drafting and Conveyancing
 Module 2 Drafting and Conveyancing relating to various Agreements and Deeds
 Module 3 Drafting of Pleadings in Original Civil Proceedings
 Module 4 Drafting of pleadings in Original Criminal Proceedings
 Module 5 Drafting of pleadings in Appellate proceedings
 Module 6 Drafting of pleadings in Writ Proceedings

List of Topics/ Modules

Module	Contents	Sessions
Module I:	<ul style="list-style-type: none"> • Meaning and Definition of Drafting • General principles of Drafting all sorts of Deeds and Conveyancing and other Writings • Meaning of Conveyancing • Distinction between Drafting and Conveyancing • Fundamentals of Conveyancing • Requirements/parts of conveyance • Division of instruments of Conveyancing • Interpretation of Deeds and Documents • Meaning of Deed • Basic Components of Deeds • Types of Deeds and inter-se Difference between various deeds 	1-20
Module II:	<ul style="list-style-type: none"> • Guiding principles for drafting of Agreement Deed • Particulars of Agreement Deed • Drafting of various Agreements – sale Agreements, Arbitration Agreements, Lease Agreement • Drafting of Various Deeds - Sale Deed, Mortgage Deed, Lease Deed Gift Deed, Promissory Note, Deed of Power of Attorney, Deed of Will and Partnership Deed. • Guiding principles for drafting of Notice • Drafting of various model Notices 	21-35
Module III:	<ul style="list-style-type: none"> • General principles of Pleadings • Alternative and inconsistent pleadings • Amendment of pleadings • Complaint • Written Statement • Interlocutory Applications • Affidavit • Execution Petition 	36-46
Module IV:	<ul style="list-style-type: none"> • Complaint (FIR, Informatory Petition, Protest) • Bail Application 	47-53

	<ul style="list-style-type: none"> • Anticipatory Bail Application • Petition U/s. 125 Cr.P.C 	
Module V:	<ul style="list-style-type: none"> • Appeal in civil and Criminal Proceedings • Revision Application in civil and Criminal Proceedings 	54-60
Module VI:	<ul style="list-style-type: none"> • Drafting Writ Petitions before High Court • Drafting Writ Petitions before Supreme Court • PIL Petitions 	60-65

Reference Books

1. Pleading & practice By N.S. Bindra, 13th Ed., Universal/ LexisNexis India
2. Desouza's Forms & Precedents of Conveyancing by C.R. Datta, 13th Ed., 2023, Eastern Law House
- Mogha's Law of Pleading in India, P.C. Mogha (18th Ed. S.N Dhingra and G.C Mogha), Eastern Law House, 2023 (Reprint)
3. Mogha's Indian Conveyance - (15th Ed., S.N. Dhingra, Eastern Law House, 2023(Reprint)
4. Law & Practice of Conveyancing (Deeds and Documents) by M T Tijoriwala & Sandip Vimadalal – 8th Edition, Snow White
5. Drafting & Conveyancing – S.P. Agarwal – 2nd Ed., LexisNexis
6. Lawmann's Pleadings, Drafting and conveyancing, 2019 Ed.(Latest), Kamal Publishers
7. Shiv Gopal's Conveyancing Precedents and Forms by G.C. Mathur, 6th Ed., Eastern Book co.
8. Lexis Nexis's Legal Draftsman by Hargopal, 15th Ed., - LexisNexis (Two Volumes)

Instructor Details

Name of the Instructor:	Dr. B. R. N. SARMA
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Chanakya National Law University, Patna

Academic Year: 2024-25;

B.A., LL.B. (Hons.) & B.B.A., LL.B. (Hons.) Course

Semester- VIII

Course Title: Forensic Science

Honours – III

Group : Criminal Law

Credits :4

Course Overview

Forensic science embraces all branches of science and applies them to purposes of law. Specifically it plays pivotal role to strengthen the criminal justice system. In recent years aiming to curb crime and criminals, the Central Government has taken multiple measures, due to which the conviction rate has continuously gone up and forensic science plays a significant part in that. Use scientific tools and techniques in criminal investigation have strengthened the police. Now government is emphasizing more use forensic science in cracking the cases. To strengthen the criminal justice system we need huge number of forensic expert who can contribute in resolving complicated cases. This Course emphasizes on the knowledge of Forensic Science the procedural implementation of laws especially in the area of Criminal investigation.

Module one deals with introduction to forensic science and its principles.

Module two focuses on relationship of forensic science and the law.

Module three deals with the forensic biology and forensic identification.

Module four covers forensic chemistry .

Module five covers question documents and digital forensics.

Learning Outcomes

The course aims to emphasize on the knowledge of Forensic Science aiding the procedural implementation of laws especially in the area of Criminal investigation.

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

1. Understand fundamentals of forensics
2. Analyse characteristics of forensic investigations and analysis of crime science.
3. Critically analyse of chain of custody
4. Understand stages and characteristics of digital forensics.

5. Analyse the role of forensics in criminal justice system

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I:	FUNDAMENTAL NOTIONS OF FORENSIC SCIENCE <ol style="list-style-type: none"> 1. Introduction-Definition, History of Forensic Medicine, Types, Nature & Scope 2. Principles of Forensic Science 3. Ethics in Forensic Science 	5 Lectures
Module II:	FORENSIC SCIENCE AND LAW <ol style="list-style-type: none"> 1. Crime Scene & Crime Investigation 2. Evidence on crime scene and its types 3. Admissibility of scientific or technical evidence in court 4. Use of Scientific Tools and technique in Criminal Investigation 	10 Lectures
Module III:	FORENSIC BIOLOGY AND FORENSIC IDENTIFICATION <ol style="list-style-type: none"> 1. Medico legal aspect of Death 2. Types of violent death 3. Asphyxia Deaths-hanging, strangulation, suffocation & drowning 4. Medico legal aspect of Inquest and Post Mortem Report 5. Injuries: classification, forms and medico legal aspects 6. Forensic Identification and its types- Fingerprint analysis, DNA analysis & Trace evidence 7. Sexual offences, its investigation & role of forensics 8. Forensic Psychiatry 	25 Lectures
Module IV:	FORENSIC CHEMISTRY <ol style="list-style-type: none"> 1. Forensic Ballistics - Firearms & Ammunition, Types of Forensic Ballistics & Evidentiary Aspects of Ballistics 	10 Lectures

	2. Toxicology	
Module V:	QUESTION DOCUMENTS AND DIGITAL FORENSICS <ol style="list-style-type: none"> 1. Question documents 2. Cyberspace and its characteristics 3. Cyber Crime and its investigation 4. Digital Forensic 5. Digital Evidence and its admissibility in the court of law 	10 Lectures

Evaluation Criteria

Components	Marks Allotted
Attendance	5
Project Report	16
Presentation	4
Mid- Semester Examination	15
End-Semester Examination	60
Total Marks	100

Recommended/Reference Text Books and Resources:

Text Books /References

1. Sharma, B.R., Forensic Science in Criminal Investigation and Trial, (Universal LexisNexis, 6th edn. 2020)
2. Kannan, K , Medical Jurisprudence and Toxicology (Modi), (LexisNexis, 26th ed.,2021)
3. Kannan ,K, Medicine and Law (Oxford Publication.2014).
4. Reddy ,KSN and Murty , OP ,The Essentials of Forensic Medicine and Toxicology (Jaypee Brothers Medical Publishers, 34th Edition ,2017)
5. Saferstein, Richard ,Criminalistics: An Introduction to Forensic Science, (Pearson Education Limited, 11th ed.,2014)
6. Dogra TD, Rudra A. Identification. In: Lyon's Medical Jurisprudence & Toxicology. (Delhi: Delhi Law House; 11th ed,2004).
7. Turvey , Brent E. Criminal Profiling: An Introduction To Behavioral Evidence Analysis (Academic Press Inc, 5th Edition ,2022)
8. Julian ,Roberta, Howes, Loene and White ,Rob ,Critical Forensic Studies, (Routledge First

published, 2022)

9. Lawless , Christopher, Forensic Science, A Sociological Introduction ,(Routledge, Second edition , 2022)
10. Landström ,Sara, Pär ,Granhag and Koppen, Peter J. van The Future of Forensic Psychology, Core Topics and Emerging Trends, (Routledge, First published, 2023)
11. Siegel, Jay A, Mirkovits, Kathy, Forensic Science, The Basics (CRC Press, 2nd Edition,2010)
12. G Rao, Nageshkumar Textbook of Forensic Medicine and Toxicology, (Jaypee Brothers Medical Publishers (P) Ltd ,Second Edition,2010,)
13. Deje, Murugan, S, Cyber Forensics , (Oxford University Press, First Published in 2018)

Web Resources

<https://medicopublication.com/index.php/ijfmt>

<https://epgp.inflibnet.ac.in/Home/ViewSubject?catid=eCJfy23Kjy3c0vICLa6VYg==>

<https://www.forensicsciencesimplified.org/>

<https://forensicresources.org/view-resources/websites/>

<https://ncfs.ucf.edu/resources/links/>

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Signature

Chanakya National Law University, Patna
B.A., LL.B. (Hons.) / B.B.A., LL.B. (H) 2024-25; 8th Semester

Course Title: Gender Justice and Feminist Jurisprudence

Course Overview:

This course aims to critically examine the intersection of law and gender, investigating the notion that law is universal and equally protective for all, highlighting how legal systems often perpetuate discrimination against women and non-heterosexual individuals and has adverse implications on men. The course seeks to analyze in this regard, statutory laws, judicial decisions and feminist theories and explore the possibility of indifference and ignorance of law, lawyers, and judges towards the unique challenges faced by marginalized groups. In order to effectively engage with the above issues, the course will seek to equip students with necessary theoretical alternatives and tools to critically assess the functioning of legal provisions and judicial responses from the perspectives of deprived and powerless groups in society. It will emphasize that achieving gender justice is not solely a women's issue; it requires the active participation of all genders to dismantle harmful stereotypes and promote equity.

Learning Outcomes:

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

1. Know the basic concepts related to the subject and how it is relevant for all genders.
2. Understand discrimination based on sex and non-heterosexuality and its effect on women and men.
3. Apply feminist legal theories to analyze specific legal cases involving gender issues, recognizing how these issues impact all individuals.
4. Analyze the effectiveness of current legal frameworks in addressing gender-based violence and discrimination against women and LGBTQ+ individuals while considering how these frameworks may also reinforce restrictive norms for men.
5. Create proposals for legal reforms aimed at enhancing gender equity within the Indian legal framework, emphasizing collaborative efforts among all genders.

List of Topics/ Modules

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I: Introduction: Feminist Legal Theories and its important themes	Theories of Feminism to be discussed - Liberal Feminism, Radical Feminism, Marxist Feminism, Socialist Feminism, Dalit Feminism, Neo liberal feminism, Governance feminism, Post modern feminism, ecofeminism etc. Gender and Sex; Private Public Dichotomy; Patriarchy; Personal is political; Reasonable 'Man' 'Woman' 'other'; Consent	14

Module II: Overview on situation of women in Indian Society and Constitutional Provisions	Status of Women in Indian Society: A Situational Analysis; An overview of women's movement in India Articles 14, 15, 16, 39 A, 39(a), 39(d), 41, 51(A) (e), Article 24-D (3), d (4), T (3), T (4)	10
Module III: Issue of morality and sexuality in law	Indian Penal Code 1860/BNS, 2023- Rape Laws; Immoral Traffic Prevention Act 1956; Indecent Representation of Women (Prohibition) Act, 1986	10
Module IV: Violence against women at home and at workplace	Protection of Women against Domestic Violence Act 2005 Dowry Prohibition Act 1961; Commission of Sati (Prevention) Act 1987; The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013	10
Module V: Economic Rights and Reproductive Rights of Women	Labour Laws; Indian Penal Code, 1860/BNS; Medical Termination of Pregnancy Act, 1971 and amendments; Maternity Benefits Act, 1964 and amendments; PC & PNDT Act 1994	10

Recommended/Reference Text Books and Resources:

Text Books

1. Kalpana Kannabiran ed., Women And Law: Critical Feminist Perspectives (Sage Publications 2014).
2. Amita Dhanda and Archana Parashar eds., Engendering Law: Essays in Honour of Lotika Sarkar (Eastern Book Company 1999).
3. Flavia Agnes, Law and Gender Inequality: The Politics of Women's Rights in India (Oxford University Press 2004).
4. Usha Tandon (ed), Gender Justice: A Reality or Fragile Myth (2015)
5. Rajesh Talwar, The Third Sex and Human Rights (2016)
6. Nancy levit Feminist Legal theory (Second Edition): A Primer, NYU Press, 2016
7. Martha Chamallas Introduction to Feminist Legal Theory, 3rd edition, Aspen, 2012

References

8. RADHA KUMAR, THE HISTORY OF DOING: AN ILLUSTRATED ACCOUNT OF MOVEMENTS FOR WOMEN'S RIGHTS AND FEMINISM IN INDIA, 1800-1990 (Zubaan 1993)
9. VIBHUTI PATEL & RADHIKA KAJURIA, POLITICAL FEMINISM IN INDIA: AN ANALYSIS OF ACTORS, DEBATES AND STRATEGIES (Frederich Ebert Stiftung 2016)
10. Flavia Agnes, *Law, Justice and Gender: Family Law and Constitutional Provisions in India*, (Oxford University Press 2011)
11. Rosemary hunter, Clare McGlynn and Erika Rackley (eds) Feminist Judgments" From Theory to Practice, 2014 Hart
12. Nivedita Menon Recovering Subversion, University of Illinois Press 2004
13. Brenda Cossman Ratna Kapur Subversive Sites: Feminist Engagement with Law in India, Sage Publications, 1996

Note: Reading material will be shared topic wise in soft copy. The reading materials are required readings and compulsory for the course.

Instructor Details

Name of the Instructor:	Sugandha Sinha
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Course Overview

This course is aimed at introducing the students to the main important principles and concepts of international criminal law (ICL) as it stands at the present time. Given the ongoing active and dynamic developments in this relatively recent but rich branch of International Law as well as the ever-increasing rate of referring to its material provisions within the modern interactions among States, there exists a number of views and approaches to describing ICL by different legal theoretical schools of thought. This particular course provides the systematic description of ICL as it is presently understood by the majority of international criminal lawyers. It explains the historical development of ICL, general principles, main provisions concerning its material part which consists of four core crimes under international law: genocide, crimes against humanity, war crimes and the crime of aggression, its procedural principles and aspects, issues related to domestic implementation and enforcement of ICL, and prosecution of crimes under international law by domestic courts.

The main aspects underpinning the work of the most significant legal mechanism of today's international criminal justice, the International Criminal Court, will be addressed. Students will thus be offered a general comprehensive picture of how, at the present stage, ICL fits into contemporary international legal order as an important tool in order to ensure justice and respond to impunity that often characterizes the commission of crimes under international law.

Learning Outcomes

After completion of the course, students are expected to be able to:

1. Understand the evolution of the international criminal justice project along with the function of international criminal law and public international law.
2. Realise and explain the history and the role of international prosecution along with national prosecution of international crimes and states' cooperation with respect to the national proceeding.

3. Distinguish between core international crimes and transnational crimes.
4. Explain and discuss the general principles of liability and distinguish between individual and collective responsibility.
5. Demonstrate ability to present arguments (orally and written) for defences and excuses both for conviction and sentencing reasons.

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I	Nature, Scope and Concept of International Criminal Law	6 Lectures
Module II	Foundations of International Criminal Law 1.Back Ground 2.Theories International crimes 3.Structure of a an International Crime	6 Lectures
Module III	Historical Development of International Criminal Law 1.Failed Attempts 2. Post World War II Phase 3.Nuremberg Trials 4. Tokyo Trials	6 Lectures
Module IV	Post- Cold War Re-Emergence of International Criminal Law 1. ICTY 2. ICTR 3. Codification of International Criminal Law 4. Establishment of ICC 5. Mixed Tribunals (SCSL,STL)	6 Lectures
Module V	Sources of International Criminal Law and Principles of Jurisdiction	6 Lectures
Module VI	International Crimes Core International Crimes 1.Genocide 2.Crimes against Humanity 3.War Crimes 4.Aggression	8 Lectures
Module VII	Transnational Crimes 1.Terrorism 2.Transnational Drug-Trafficking	6 Lectures

Module VIII	Rome Statute of ICC 1.Jurisdiction, admissibility and the law applicable to ICC 2.General Principles of Criminal Law 3.Grounds for excluding Criminal Responsibility 4.ICC's Structure and Administration	10 lectures
Module IX	Investigations and Prosecutions 1.Trails 2.Penalties 3.Appeals and Revision	6 Lectures
Module X	International Co-operation and Judicial Assistance 1.Assembly of State Parties 2..Reservations, Amendments, Review and Withdrawals from the statute	

Recommended/Reference Text Books and Resources:

- 1.R. Cryer et al., *An Introduction to International Criminal Law and Procedure*, 2nd ed. (Cambridge University Press, 2010)
2. C. Stahn, *A Critical Introduction to International Criminal Law* (Cambridge University Press, 2019)
3. G. Werle, F. Jessberger, *Principles of International Criminal Law*, 3rd ed. (Oxford University Press, 2014)
4. International Criminal Law: Nature, Origins and a Few Key Issues Bartram Brown
5. *international criminal law fall, 2021 harvard law school ioannis kalpouzou*
6. *International Criminal Law: Prospects Of The Pursuit To Achieve Its Goals rabi mathew*
7. *A Concise History of International Criminal Law: Chapter 1 of Understanding International Criminal Law Ronald Slye*
8. *International Criminal Law (2008) Frederic J M S Megret*
9. *An Assessment Of The Legal Foundation On The Concept Of Crimes Against Humanity In International Law A T Hub*

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Chanakya National Law University, Patna

B.A., LL.B. (H) & B.B.A., LL.B. (H) 2024-25; SEMESTER- 8th

Name of the Faculty: _____ Parth Upadhyay _____

COURSE TITLE:	Law of Banking and Insolvency & Bankruptcy
COURSE OFFERED TO	4th Year B.A. LL.B., B.B.A. LL.B.
INSTRUCTOR:	Parth Upadhyay
NUMBER OF CREDITS:	4
DURATION	January to April 2025
BRIEF DESCRIPTION	<p>The problem of rising NPAs in the Indian market environment and the resultant effects on the credit and banking system of the country was a major reason for the need of an overhaul of the earlier system of debt restructuring and recovery. Another reason was the need for creating robust systems of recovery, rationalization of bad debt and insolvency resolution so that credit availability in the market remains strong which would in turn result in better 'ease of doing business' stature for the country. Considering this, the law and practice of Insolvency and Bankruptcy has become a very significant area of inquiry for the Corporate Law discipline. To position this discussion correctly beyond the black letter of insolvency law, a look into Banking law is also necessary.</p> <p>Thus, the course shall be conducted along two broad heads, firstly, the law of Insolvency and Bankruptcy and secondly, the law of Banking and Finance which will also have some interconnectedness amongst them.</p>
COURSE OBJECTIVE	<p>This course aims to offer an understanding of the law, policy and practice of the current Insolvency and Bankruptcy regime and Banking system in the country. The course will acquaint students to the basic concepts and processes under the relevant laws as well as trace the history and development of the current system.</p>
COURSE OUTCOME	<p>On completion of this course the students will,</p> <ol style="list-style-type: none">Be able to analyze the law and functioning of the current Insolvency and Bankruptcy regime of the countryBe able to evaluate the principles and concepts which are important to the insolvency and bankruptcy lawsHave a thorough idea of the legal regime relating to the banking system of the country and its developmentAppraise the various judicial developments and the rationale behind them, relating to Insolvency & bankruptcy and the Banking system in India

<p>Course Structure</p>	<p>Module I The Law of Insolvency and Bankruptcy</p> <ul style="list-style-type: none"> • Unit 1- Introduction, objectives, and key principles of insolvency • Unit 2- The IBC 2016 – key concepts, definitions, financial and operational creditors, home buyers • Unit 3- Insolvency Resolution- CIRP Process, Committee of Creditors, Moratorium, resolution plan, distribution waterfall, liquidation, Fast-track CIRP, Pre-packaged CIRP • Unit 4- Personal insolvency resolution and bankruptcy • Unit 5- Cross Border Insolvency <p>Module II Banking Law</p> <ul style="list-style-type: none"> • Unit 1- Introduction- history and development, establishment of RBI and other banks, nationalization • Unit 2- Regulation of banks- Banking Regulation Act, RBI Act, Functions of RBI • Unit 3- Cheques- Negotiable Instruments Act • Unit 4- Recovery of Debts and Securitization/Restructuring- RDB Act, SARFAESI Act <p>Reading List:</p> <ul style="list-style-type: none"> • Narender Kumar, <i>Key to Insolvency and Bankruptcy Code: Practice and Procedures</i>, 2024 LexisNexis • Ashish Makhija, <i>Insolvency and Bankruptcy Code of India</i>, LexisNexis • <i>Insolvency and Bankruptcy Code: Law and Practice</i> by Taxmann Publications • Roy Goode, <i>Principles of Corporate Insolvency Law</i>, Sweet and Maxwell • ML TANNAN, <i>Banking law and practice in India</i>, LexisNexis • Key NLCT/NCLAT orders and landmark case laws as used during the course
<p>Scheme of Evaluation</p>	<p>Attendance: 5 marks Mid-semester examination: 15 marks End-semester examination: 60 marks Project: 16 marks (students are free to choose topics of their own interests subject to consultation with the instructor) Presentation: 4 marks</p>

Chanakya National Law University, Patna
B.A.LL. B (H) / B.B.A., LL.B. (H) 2024-25
Corporate Law Honours Group

SEMESTER- VIII

Course Title: Mergers, Acquisitions & Competition Law

Course Overview

The Mergers, Acquisitions & Competition Law course introduces undergraduate students to the principles and practices of corporate restructuring, focusing on the legal aspects of M&A and the regulatory frameworks governing competition in both domestic and international markets. The course covers foundational concepts of M&A and competition law, including corporate restructuring, market dynamics, competition policy, and economic analysis in legal contexts. It explores the legal frameworks that govern M&A transactions, the role of competition law in shaping market behavior, and the strategic, financial, and legal implications of M&A deals. Students will gain an in-depth understanding of anti-competitive practices, such as monopoly prevention, abuse of dominant market positions, and merger control regulations. Through case studies and real-world examples from Indian and US and Western European markets, students will develop critical thinking and analytical skills to assess the complexities of M&A transactions, competition law cases, and regulatory interventions.

Learning Outcomes

By the end of this course, students should be able to:

By the end of the course, students will:

1. Understand the fundamental principles of M&A and competition law and their importance in global markets.
2. Be able to analyze the legal frameworks that govern M&A, focusing on merger control processes and competition policy.
3. Critically evaluate the strategic, financial, and regulatory implications of M&A deals and understand the role of competition law in maintaining market competition.
4. Apply legal principles to real-world M&A cases and assess the regulatory concerns in both India and Europe.
5. Develop the analytical and practical skills necessary to engage with complex legal and economic issues in M&A and competition law.

COURSE STRUCTURE

Module I: Introduction to M&A and Corporate Restructuring (10 hours)

1.1 Business Acquisitions

- General overview of course, expectations, and learning objectives
- Business reasons for acquisition
- Overview of M&A legal practice and transaction timeline

Case Study :

- The Story of AT&T's Acquisition of DirecTV*
- The Story of Google's Acquisition of Nest Labs*

1.2 Deal-Making Process

- Inquiry of potential acquisitive transaction
- Identification of target and advisors
- Types of purchasers

1.3 Structuring Acquisitions

- Asset Purchase
- Stock Purchase
- Mergers

Suggested readings:

- Restructuring of Corporate India: The Emerging Scenario N Venkiteswaran <https://journals.sagepub.com/doi/pdf/10.1177/0256090919970301>
- Yadav, Kanchan and Guha, Sanjay, The Regulatory Framework of Corporate Restructuring in India: Implications and Emerging Issues (January 4, 2019). DOI: <http://dx.doi.org/10.2139/ssrn.3310189>*
- Alfred Rappaport and Mark L. Sirower, 'Stock or Cash?: The Trade-Offs for Buyers and Sellers in Mergers and Acquisitions' (1999) 77(6) Harvard Business Review 217* III. *Heritage Foods (CP (CAA) No. 48/230/HDB/2017)*
- Singha Roy, Sourabh, Kautilya's 'Arthashastra' and Modern Economics (March 1, 2018). Available at SSRN: <https://ssrn.com/abstract=3132202> or <http://dx.doi.org/10.2139/ssrn.3132202>*
- CMI Ltd (CA No. 197/PB/2017)*
- Mega Corporation (CA (AT) No. 04 of 2018)*
- Varottil, Umakanth, Due Diligence in Share Acquisitions: Navigating the Insider Trading Regime (April 6, 2016). Journal of Business Law, 2017, Issue 3, 237-259, NUS Law Working Paper No. 2016/004, NUS - Centre for Law & Business Working Paper No. 16/01, DOI: <http://dx.doi.org/10.2139/ssrn.2759771> VII. SEBI (insider trading) regulations, 2015*

Module- II Overview of Major Structure Issues (8 hours)

II.1 Successor Liability

- Stock v. Asset Acquisitions
- Third Party Approvals
- Intellectual Property Licensing Agreements
- Tort Liability

II. 2 Representations and Warranties

- Due Diligence
- Reps and Warranties of Seller
 - Organization
 - Operations
 - Due Diligence
 - Materiality Qualifiers

Suggested readings:

Course Title: Mergers, Acquisitions & Competition Law (2024-2025)

- i* Eleanor Fox & Byron Fox, *Corporate Acquisitions and Mergers, vol 1* (Mathew Bender 2011) ch 2B
- ii* Leepsa, N. M., & Mishra, C. S. (2016). *Theory and practice of mergers and acquisitions: Empirical evidence from Indian cases*. *IIMS Journal of management science*, 7(2), 179-194.
- iii* Pandit, Sangeeta and Srivastava, Rajesh Kumar, *Valuation in Merger Process* (June 24, 2016). *Journal of Teaching and Education*, 05(01):361–370 (2016), Available at SSRN: <https://ssrn.com/abstract=2800105>
- iv* Kashyap, Dr. Chetan, *Merger and Acquisition in Indian Banking Sector: A Case Study of Bank of Baroda* (December 8, 2021). Available at SSRN: <https://ssrn.com/abstract=3980653> or <http://dx.doi.org/10.2139/ssrn.3980653>

Module-III Market for corporate control (11 hours)

- A. Hostile takeover & defensive measures (2 hours)
- B. Role of shareholders (2 hours)
- C. Takeovers (2 hours)
- D. Global trends (2 hours)

Suggested Readings:

- i* Ramanathan, Swathy, *A Controversial Case of Ajay Singh – Spice Jet takeover* (January 3, 2018). Available at SSRN: <https://ssrn.com/abstract=3841061> or <http://dx.doi.org/10.2139/ssrn.3841061>
- ii* Varottil, U. (2015). *Comparative takeover regulation and the concept of “control.”* *SINGAPORE JOURNAL OF LEGAL STUDIES*, 208–231. <https://search.informit.org/doi/10.3316/agispt.20180720000101>
- iii* Mergers and the Market for Corporate Control Henry G. Manne *The Journal of Political Economy*, Vol. 73, No. 2. (Apr., 1965), pp. 11 <http://links.jstor.org/sici?sici=00223808%28196504%2973%3A2%3C110%3AMATMFC%3E2.0.CO%3B2-3>
- iv* Chandrachud, Abhinav, *The Emerging Market for Corporate Control in India: Assessing (and Devising) Shark Repellants for India's Regulatory Environment* (February 16, 2010). *Washington University Global Studies Law Review*, 2011, Available at SSRN: <https://ssrn.com/abstract=1743599> or <http://dx.doi.org/10.2139/ssrn.1743599>

Module-IV Institutional design for M&A (8 hours)

- A. NCLT and NCLAT (jurisdiction/ standard of review/ benchmarking) (2 hours)
- B. SEBI disclosures (LODR Regulations) (2 hours)
- C. Stock exchange (BSE and NSE) (2 hours)
- D. Central government RoC and other statutory bodies (2 hours)

Suggested Readings

- i* Miheer Mafatlala (1997) 1 SCC 579
- ii* Information Mosaic (CA (CAA)-132(ND)/2017)
- iii* Landmark Infonet (CA (CAA)-114(ND)/2017)
- iv* SEBI (LODR) Regulations, 2015
- v* SEBI circulars dated 10th March 2017, 23rd March 2017, 26th May 2017, 21st September 2017, 3rd January 2018 and 19th January 2018

Module V. Cross border dimensions (6 hours)

- A. Regulatory challenges and tax implications (2 hours)
- B. Rule 25A of Companies (CAA) Amendment Rules, 2017 (2 hours)
- C. Foreign Exchange Management (Cross Border Merger) Regulations, 2018 (2 hours)

Suggested readings

- i* Asian Paints (2017 SCC OnLine NCLT 12136)

- ii DFL Holdings (2017 SCC OnLine NCLT 12346)

Module-VI Competition law aspects in M&A (8 hours)

- A. De minimis standard (2 hours)
B. Section 5 & 6 of the Competition Act, 2002 (2 hours)
C. Green channel & Deal value threshold (2 hours)
D. Definition of 'control' - Similarities and differences in various laws *Suggested Readings*

- i *Amazon FRL case; Link to order:*
<https://cci.gov.in/images/caseorders/en/1652794603.pdf>
ii *Combination Registration No. C-2022/04/923 (Zee-Sony merger)*
iii *Ind AS - 103 : Business Combinations*

Module-VII : Contemporary Issues and M&A (3 Hours)

- A. IPR and M&A (1Hour)

Suggested Readings (Self)

- i Intellectual Property Due Diligence in Mergers & Acquisitions, Sajai Singh and Sarah Ann Gatti
https://www.americanbar.org/groups/business_law/resources/business-law-today/2023april/intellectual-property-due-diligence-mergers-acquisitions/
ii Beena, P. L. (2021). IPR Regime and Antitrust Implications of Mergers and Acquisitions: With a Focus on Software and Pharmaceutical Sector. The Antitrust Bulletin, 66(2), 203-213.
<https://doi.org/10.1177/0003603X21997021>

- B. M&A and New Data Protection Law of India (1 Hour)

Suggested Readings (Self)

Okafor, Reuben Chimveolu, *Cybersecurity Due Diligence in Mergers & Acquisitions Transactions* (September 1, 2021). Available at SSRN: <https://ssrn.com/abstract=3915861>

- C. Employment Law issues in M&A (1 Hour)

Suggested Readings (Self)

- i *The Legal & People Side of Indian M&A Deals*, <https://www.peoplesmatters.in/article/strategic-br/the-legal-side-of-indian-m-and-a-1056> (Mandatory)
ii *Impact of Indian Labor & Employment Laws in M&A Transactions*, <https://www.aon.com/strategic-advisory/research/indian-labor-and-employment-law.jsp> (Optional)
iii *Human Resources Law (Employment & Labour) – India*, <https://www.nishithdesai.com/Content/document/pdf/ResearchPapers/Human-Resources-LawEmployment-and-Labour-India.pdf> (Mandatory)

Module VIII: The “How Not”: Risks, Pitfalls, and Failures in M&A (6 Hours)

Common Pitfalls in M&A Transactions

- A. Overvaluation, unrealistic synergies, integration challenges, cultural clashes, failure to capture value
Case Study: The Vodafone Idea Merger (2018-2022)
B. Regulatory obstacles and legal challenges
Case Study: The Aon-Willis Towers Watson Merger (2020-2021)
C. Risk Mitigation Strategies: Due diligence best practices: financial, operational, and legal checks.
Case Study: The Reliance Communications and Aircel Merger Failure/ The ThyssenKrupp and Tata Steel Merger

D. Effective integration management: aligning goals, corporate cultures, and leadership.
Case Study: The Merger of AB InBev and SABMiller (2016-2020)/ AOL and Time Warner Merger (2000)

Evaluation Criteria

Components	Description	Weightage in %
Change of Syllabus	In this academic session, the course syllabus has been updated to include three new modules that were not part of the syllabus in the previous academic year. These additions aim to enhance the depth and relevance of the course content, providing students with a more comprehensive understanding of the subject matter. Additionally, new readings and case studies have been incorporated to further support the updated modules, ensuring that students are exposed to current legal frameworks, recent case law, and practical applications of the concepts covered. These changes reflect the evolving nature of the field, offering students an enriched learning experience with up-to-date material and relevant case studies.	40%
Attendance	Maximum of Five (5) marks, in each course, shall be assigned to regularity in attendance.	5%
Project Report	Maximum of Twenty (20) marks shall be assigned for Project Work in Each Course, out of which a maximum of Sixteen (16) marks for	16%
	written project The assignment on a problem shall be allotted by the teacher concerned at the beginning of the Semester and students are expected to write the same within the prescribed time frame. The modalities of the assignment including evaluation shall be decided by the teacher. The project assignment is intended to develop skills of inquiry, analysis, interpretation, legal writing and critiquing.	
Presentation	Four (4) marks, in each course, will be allotted to oral presentation.	4%
Mid-Semester Examination	Fifteen (15) marks shall be assigned for the Mid Semester Examination. No repeat Mid Semester Examination will be conducted.	15%
End-Semester Examination	Sixty (60) marks shall be assigned for the End Semester Examination of a comprehensive nature conducted by the end of the Semester	60%

Recommended/Reference Text Books and Resources:

Text Books

One or any of the following books:

- ¹ Maynard's Mergers and Acquisitions: Cases, Materials, and Problems, Fifth Edition ISBN: 9781543819731.
- ² Applied mergers and acquisitions, by Robert F. Bruner; Robert F. Bruner, c2004
- ³ Creating value from mergers and acquisitions: the challenges, by P. S. Sudarsanam, 2010

- ⁴ Dignam, A. and J. Lowry Company law. (Oxford: Oxford University Press, 2022) 12th edition [ISBN 9780192865359].
- ⁵ A. Ramaiya Guide to Companies Act, Lexis Nexis Butterworths, Wadhwa, Nagpur
- ⁶ Law Relating to Corporate Restructuring by Desikan Balaji Edition: 1st Edition, 2019
- ⁷ Mergers et al–Issues, Implications and Case Law in Corporate Restructuring Author : S Ramanujam ISBN : 9789388548533 EDITION : 4th NO. OF VOLUMES : 1
- ⁸ Pettet’s Company Law and Corporate Finance J. Lowry and A. Reisberg (Harlow, Longman, latest ed)
- ⁹ L.S. Sealy and S. Worthington Cases and Materials in Company Law (Oxford, OUP latest edition)

Web Resources

<https://www.mca.gov.in/content/mca/global/en/acts-rules/ebooks.html>
<https://www.bseindia.com>
<https://www.indiainfoline.com>
<https://info.mergermarket.com>
<https://economictimes.indiatimes.com/?from=mdr>
<https://www.reuters.com/?edition-redirect=in>
<https://savart.com>
<https://www.themiddlemarket.com>

13. Instructor Details

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Chanakya National Law University, Patna
B.A. LL.B. (H) & B.B.A., LL.B. (H) 2024-25, SEMESTER- VIII

Course Title: Right to Information (Optional II)

Course Overview

This course provides an in-depth analysis of the Right to Information (RTI) laws and regulations, exploring the legal framework, principles, and practices related to the access and disclosure of public information. Students will examine the theoretical foundations of the RTI and its practical implications in various legal contexts. A study of the course will most certainly pave the way for constant brainstorming, debate, discussion, deliberations and arguments, not only on the contents of judgments, statutes and other tools of law, but also on processes that shape and influence law, and the functioning of legal systems and institutions. Overall, the present curriculum should primarily induct the students into a realm of questions concerning law so that they are able to live with their perplexity or complexity and are driven to seek out answers for themselves.

Learning Outcomes –

- Understand the historical development and significance of the Right to Information.
- Analyze the legal framework and constitutional basis for the Right to Information.
- Explore the principles and procedures governing access to public information.
- Examine the role of transparency and accountability in promoting good governance.
- Evaluate the impact of RTI laws on democracy, human rights, and development.
- Critically assess the challenges and limitations of implementing the Right to Information.

List of Topics / Modules

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I: Introduction: Definition, Nature and Scope	1. Introduction to Right to Information – <ul style="list-style-type: none">✓ Definition, scope, and significance of the Right to Information✓ Historical background and international development of the RTI✓ Relationship between transparency, accountability, and the right to information	1-8
Module II: Legal Framework for RTI	2. Legal Framework for RTI – <ul style="list-style-type: none">✓ National laws and constitutional provisions governing the RTI✓ Comparative analysis of international RTI laws and models.	9-20

	<ul style="list-style-type: none"> ✓ Case studies on landmark RTI judgments 	
Module III: Principles and Key Concepts of RTI	3.Principles and Key Concepts of RTI – <ul style="list-style-type: none"> ✓ Principles underlying the right to information ✓ Categories of information covered by the RTI laws ✓ Exceptions and limitations to the right to information 	21-27
Module IV: Access to Public Information	4. Access to Public Information <ul style="list-style-type: none"> ✓ Procedures for making information requests ✓ Obligations and responsibilities of public authorities ✓ Mechanisms for appealing denials and addressing grievances 	28-33
Module V: Misuse of RTI	<ul style="list-style-type: none"> ✓ Guidelines framed by various courts through Judicial Decisions ✓ Under RTI ACT, 2005 	34-40
Module V: Future Trends and Emerging Issues in RTI	Future Trends and Emerging Issues in RTI <ul style="list-style-type: none"> ✓ Role of technology and digital platforms in enhancing access to information ✓ Global trends in proactive disclosure and open government ✓ Expanding the scope of RTI to include private entities 	41-50

NOTE :- This syllabus provides a comprehensive overview of the key topics and themes commonly covered in a course on Right to Information in Law. However, please note that the specific structure and content may vary depending on the situations.

Recommended/Reference Textbooks and Resources

Text Books

1. J.N.Barowalia- Commentary on the Right to Information Act.
2. S.V. Joga Rao- Law Relating to Right to Information, vol.1.
3. S P Sathe -Right to Information
4. Sarbjit Sharma- Right to Information

Instructor Details

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CHANAKYA NATIONAL LAW UNIVERSITY, PATNA
B.A., LL.B. (Hons.)/ B.B.A., LL.B. (Hons.) 2024-2025; Semester- VIII

Course Title: Service Law (Optional-II)

Course Overview

Public Service Law is a specialised branch of Administrative Law. It involves understanding of the core issues and application of various processes of employment, under the State. It precisely defines the relationship between State as an employer and its workforce. The Course Curriculum has been designed to provide a comprehensive overview of the legal framework governing employment relationships between the government and its employees. familiarize the students with the nuances of employment under the State right from the formation of the relationship to the termination of such relationship. The students will be able to understand the different aspects and views of Courts relating to all the possible matters related to service, namely- recruitment, appointment, suspension, promotion, disciplinary proceedings, etc.

Module one deals with the Introduction part

Module two focuses on Constitutional Aspects

Module three deals with Creation of relationship between State and its employees

Module four covers Incidents of such relationship

Module five End of the relationship

Module six deals with disciplinary proceedings and punishment

Module seven covers Administrative Tribunals.

Learning Outcomes

The course aims to familiarize the students with the different aspects related to employment under the State.

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

1. Understand the nature, scope, and historical evolution of Service Law, in India.
2. Analyse the constitutional protection available to the government employees, ambit of Service rules and the administrative instructions.
3. Elaborate the procedural and substantive nuances of service matters in disciplinary proceedings.
4. Draft legal opinions on Service Law matters.

List of Topics/ Modules

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I: Introduction	<ul style="list-style-type: none">• Definition of State and its servants.• Importance of Services for the proper functioning of State.• Historical background of Service Law.• Meaning and scope of service law.• Different types of employment under the State.• Sources of Service Law	10
Module II: Constitutional Aspects	<ul style="list-style-type: none">• Constitutional provisions related to Service matter• Equality in matters related to public servant.• Applicability of Part- III, Part- IV, and Part- XV• Doctrine of Pleasure	10

	<ul style="list-style-type: none"> • Constitutional protections to Civil Servants • Reservation in services <ul style="list-style-type: none"> - Objective, - Principles - Mandal commission and its aftermath - Post Indra Sawhney era including globalization and privatization - EWS 	
Module III: Creation of Relationship	<ul style="list-style-type: none"> • Recruitment • Process of selection • Public Service Commission • Appointment • Probation 	10
Module IV: Incidents of Relationship	<ul style="list-style-type: none"> • Remuneration- Pay and Salary (fixations & revisions) • Confidentiality Report • Lien • Transfer • Promotion • Leave 	10
Module V: End of Relationship	<ul style="list-style-type: none"> • Dismissal and Removal of person holding civil posts under the Union and the States. • Termination of permanent employee for reasons other than misconduct • Termination of service of probationers, Temporary 	8

	<p>Employees and tenure employees</p> <ul style="list-style-type: none"> • Termination by way of Punishment for misconduct. • Compulsory/Premature Retirement • Superannuation • Voluntary Retirement • Resignation • Abolition of post • Abandonment of service. 	
Module VI: Disciplinary Proceedings and Punishment	<ul style="list-style-type: none"> • Disciplinary Matters, Disciplinary Control and Disciplinary Action. • Suspension • Disciplinary Proceedings • Natural Justice • Punishments. 	8
Module VII: Administrative Tribunals	<ul style="list-style-type: none"> • Scope of Articles 323 A and 323 B • Administrative Tribunal Act, 1985 • Jurisdiction of Administrative Tribunals 	4

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

1. Jois M Rama (Justice), Service under the State (The Indian Law Institute 2007).
2. Pal Samaraditya, Law Relating to Public Services (LexisNexis 2023).
3. Bag RK, Service Law of Government Employees (Eastern Law House 2009).
4. De Randhir Kumar, Service Disputes (Eastern Law House 2012).
5. Chakravarthy KP, All India Service Law Digest (1950-2012)
6. Mandal KM, Laws on Public Service (Eastern Law House 2003)
7. Jain MP, Indian Constitutional Law (LexisNexis, 2015)
8. Doabia TS (Justice), The Law of Services and Dismissals (LexisNexis 2015).

Instructor Details

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