

LABOUR LAW

Pass marks: 45 (36+9)

[For distribution of marks in question paper and other instructions see Rule No. 21 of the Regulation]

Detailed Syllabus

Detailed Syllabus		Marks
Unit 1:	The Industrial Disputes Act, 1947 (Contd.)	16
1.1	Investigation & Settlement of Industrial Disputes - General (Sections 3 to 15)	
1.2	Dispute Settlement Machinery: Conciliation and Adjudication	
1.2.1	Conciliation/Mediation as a Dispute Settlement Mechanism	
1.2.2	Adjudication: Voluntary Adjudication/Arbitration and Compulsory Adjudication.	
1.3	Reference of the Industrial Dispute	
1.3.1	Nature and Scope of the Power of the Appropriate Government under Section 10	
1.3.2	Jurisdiction of Adjudicatory Authorities.	
1.4	Awards and Settlements	
1.4.1	Settlement: Nature, Duration and Termination	
1.4.2	Awards: Nature and Duration	
1.4.3	Judicial Review of Industrial Awards	
Unit 2:	Managerial Prerogative	16
2.1	Domestic Enquiry and Disciplinary actions with special reference to the Industrial Employment (Standing Orders) Act, 1946	
2.2	Powers of the Adjudicatory Authorities	
2.2.1	Power in cases of Discharge/Dismissal (section 11A)	
2.3	Restraints on Managerial Prerogatives (section 33 and 33A)	
Unit 3:	Wage - Concept and Kinds of Wages	16
3.1	Concept - National Wage Policy	
3.1.1	Theories of wages: Marginal productivity, subsistence, wages fund, supply	
3.2	Kinds of wages - (a) Minimum Wage; (b) Fair Wage; (c) Living Wage	
3.3	Components of wages: dearness allowance, principle of fixation.	
3.4	The Minimum Wage Act, 1948	
3.5	Machinery under the Act for the Fixation of Minimum Wage	
3.6	The Payment of Wages Act, 1936: Salient Features	
3.6.1	Protection of wages: non-payment, delayed payment	
3.6.2	Unauthorized deductions - remedial measures.	
Unit 4:	Bonus	16
4.1	Concept of Bonus - computation of bonus	
4.2	Salient features of the Payment of Bonus Act, 1965	
Unit 5:	Health and Safety: Legislative Controls: Factory, Mines and plantations	16
5.1	The Workmen's Compensation Act, 1923	
5.1.1	Entitlement for Compensation	

- 5.1.2 Concept of injury : arising out of and in the course of employment
- 5.1.3 Disablement : Partial and Total, Temporary and Permanent
- 5.1.4 Quantum of Compensation – principles for determination
- 5.2 The Factories Act, 1948 : A General Study of the Act

Referred Cases :

1. *Karnal Leacher Karamchari Sanghatan v. Liberty Footwear Co.* AIR 1990 SC 247
2. *J.K. Synthetics Ltd. V. K.P. Agrawal* (2007) 2 SCC 433
3. *Delhi Cloth and General Mills Ltd. V. Kushai Bhan*, AIR 1960 SC 806
4. *Debotosh Pal Choudhary v. Punjab National Bank*, AIR 2002 SC 3276
5. *Neeta Kaplish v. Presiding Officer, Labour Court*, AIR 1999 SC 690
6. *Jalan Trading Co. (P.) Ltd. V. Mill Mazdoor Sabha*, AIR 1967 SC 69

Prescribed Legislations :

1. *The Industrial Disputes Act, 1947*
2. *The Industrial Employment (Standing Orders) Act, 1946*
3. *The Minimum Wages Act, 1948*
4. *The Payment of Wages Act, 1936*
5. *The Workmen's Compensation Act, 1936*
6. *The Payment of Bonus Act, 1965*
7. *The Factories Act, 1948*

Internal Assessment:

20

Recommended Books:

Books on Labour and Industrial law by

1. O.P. Agarwala
2. V.G. Goswami
3. A.G. Chatarvedi
4. S.C. Srivastava

LL.B. 6.2

Public International Law

Full Marks: 100 [80+20]

Pass marks: 45 [36+9]

[For distribution of marks in question paper and other instructions see Rule No. 21 of the Regulation]

(Credit : 5)

Time : 3 hours

②

Marks

Detailed Syllabus

PUBLIC INTERNATIONAL LAW - 6.2 ✓

Unit 1:	Nature and Development of International Law	16
1.1	Definition and concept of International law	
1.2	Sources of International law	
1.3	History, Development and Schools of International law	
1.4	Law of Nature and its influence on the development of International law	
1.5	Relationship of International law and Municipal law	
Unit 2:	The Law of Peace	16
2.1	States in General	
2.2	Recognition of states	
2.3	State succession	
2.4	Intervention	
2.5	Law of Sea and Air law	
2.6	Extradition	
2.7	Asylum	
2.8	Diplomatic Agents	
2.9	Laws of Treaties, including its formation, classification, ratification, termination and binding forces.	
Unit 3:	The Law of War	16
3.1	Settlement of International Dispute	
3.2	Laws of Armed conflicts and its effect including insurgency and belligerency, Four Geneva covenants of 1949 including its Additional Protocol of 1977,	
3.3	Enemy character	
3.4	Belligerent occupation	
3.4	Prize court	
3.6	War Crimes and Role of ICRC	
3.7	The Termination of war	
3.8	International Terrorism	
3.9	Concept of International Humanitarian Law	
Unit 4:	The law of Neutrality	16
4.1	Neutrality	
4.2	Blockade	
4.3	Contraband	
4.4	Disarmament	
Unit 5:	International Institution	16
5.1	Origin, Development role and functions	
5.2	The League of nations	
5.3	The United nations Organisations and its organs	
5.4	International Court of Justice	
5.5	International Criminal Court	

Referred cases

1. *Shri Krishna Sharma Vs. State of West Bengal, AIR(1954) Calcutta 591*

B.A. / B.B.A. / B. Com., LL.B. 9.4 OP,
Insurance Law
Optional 4 : Business Law Group
Full Marks: 100 [80+20]
Pass marks: 45 [36+9]

Approved
10/9/17

Principal
10/9/17

(Credit : 5)
Time : 3 hours

[For distribution of marks in question paper and other instructions see Rule No. 22 of the Regulation]
Detailed Syllabus

		Marks
Unit 1: Introduction		16
1.1	Nature of insurance contract	
1.1.1	Kinds of insurance, proposal, policy, parties.	
1.1.2	Consideration-need for utmost good faith	
1.1.3	Insurable interest, indemnity, insurance policy.	
1.2.	Law of contract and law of torts-	
1.2.1	Future of insurance, need, importance and place of insurance.	
1.3.	Constitutional perspectives -	
1.3.1	List-I : Union List - Entries 24,25,29, 30 and 47	
1.3.2	List III: Concurrent List - Entries 23 and 24.	16
Unit 2: General Principles of Law of insurance:		
2.1	Definition, nature and history,	
2.1.1	The risk - commencement, attachment and duration	
2.1.2	Assignment and alteration	
2.1.3	Settlement of claim and subrogation.	
2.1.4	Effect of war upon policies	
2.2	Indian Insurance Law: General, History and development,	
2.2.1	The Insurance Act 1938 and the Insurance Regulatory Authority Act 2000,	
2.2.2	Mutual insurance companies and cooperative life insurance societies,	
2.2.3	Double Insurance and re-insurance	16
Unit 3: Life Insurance :		
3.1	Nature and scope	
3.2	Event insured against life insurance contract	
3.3	Circumstances-affecting the risk	
3.4	Amounts recoverable under life policy	
3.4.1	Persons entitled to payment	
3.4.2	Settlement of claim and payment of money	16
Unit 4: Insurance against accidents:		
4.1	The Fatal Accidents Act, 1855- Objects and reasons.	
4.2	Assessment of compensation,	
4.2.1	Contributory negligence	
4.2.2	Apportionment of compensation and liability,	
4.3	The personal injuries (Compensation Insurance) Act 1963,	
4.3.1	Compensation payable under the Act.	
4.3.2	Compensation insurance scheme under the Act	
4.3.2.1	Compulsory insurance	16
Unit 5: Property insurance - Insurance against Third Party Risks		20
Internal assessment		

Concept of Marine Insurance

Recommended Books :

1. Banerjee, Law of Insurance (1994), Asia Law House, Hyderabad.
2. Birds, Modern Insurance Law (1997) Sweet & Maxwell.
3. Colinvaux's Law of Insurance (1997), Sweet & Maxwell.
4. John Hanson and C. Henly, All Risks Property Insurance, LLP Asia, Hongkong.
5. Peter M.D. Eggers and P.Foss; Good Faith and Insurance Contracts, LLP, Asia, Hongkong.
6. JCB Gilmar and Mustill, Arnold on the Law of Marine Insurance, (1981), Sweet & Maxwell.
7. Mitra B.C., Law Relating to Marine Insurance (1997) Asia Law House, Hyderabad.

2. *Civil Air Transport Inc. Vs. Central Air Transport Corporation*, (1953) AC70
3. *G.B Sing Vs. Government of India*, AIR 1973, S.C. P 2667
4. *Daya Sing Lahoria Vs. Union of India*, AIR, S.C.2001. P1716
5. *Vishakha Vs. State of Rajasthan*, A.I.R. 1997, S.C. P3011
6. *Re Castioni Case* (1981) 1QB 149
7. *Luther Vs. Sagor*, (1921) 3 KB, P 532

Internal Assessment:

20

Recommended Books:

1. J.G. Starke: Introduction to International Law
2. Dr. H.O. Agarwal: International law & Human Right
3. M.P. Tandon & Dr. V.K Anand : Introduction to International Law
4. Dr.S.K. Kapoor: International Law & Human Right

B. 6.3 OP₄
Insurance Law ✓

(Credit : 5)

3

Optional 4 : Business Law Group

Full Marks: 100 [80+20]

Time : 3 hours

Pass marks: 45 [36+9]

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Detailed Syllabus

Marks

Unit 1: Introduction	16
1.1 Nature of insurance contract	
1.1.1 Kinds of insurance, proposal, policy, parties.	
1.1.2 Consideration-need for utmost good faith	
1.1.3 Insurable interest, indemnity, insurance policy.	
1.2. Law of contract and law of torts-	
1.2.1 Future of insurance, need, importance and place of insurance,	
1.3. Constitutional perspectives -	
1.3.1 List-I : Union List - Entries 24,25,29, 30 and 47	
1.3.2 List III: Concurrent List - Entries 23 and 24.	
Unit 2: General Principles of Law of insurance:	16
2.1 Definition, nature and history,	
2.1.1 The risk - commencement, attachment and duration	
2.1.2 Assignment and alteration	
2.1.3 Settlement of claim and subrogation.	
2.1.4 Effect of war upon policies	
2.2 Indian Insurance Law: General, History and development,	
2.2.1 The Insurance Act 1938 and the Insurance Regulatory Authority Act 2000,	

Information Technology Law and Computer Application (6.4)

Marks: 100 [60+20+20]

Division of Marks

Theory: 60 Marks

Practical: 20 Marks

Internal Exam: 20 Marks

Review

1. Introduction to Computer

1.1 Computer system

1.1.1 Concepts, History of computer; Computer system characteristics, Types/ Classification of computers, Generations of computers, Basic components of computer system, memory; primary & secondary memory;

1.1.2 OS & Software
Its Need, Types of Software -- System Software, Application Software, System Software -- Operating system, Utility Programs, Programming languages)

1.1.3 Computer Network
Definition, architecture & requirement, Types of Networks- LAN, MAN, WAN etc., Internet-basics, browser, email, Intranet, Extranet, WWW.

1.2 Overview of web technology-HTML, E-Commerce, E-Business, E-Education, etc.

1.3 Cyber Crime & Security (Introduction & Classification)

1.4 Introduction to Cyber Crime Investigation

1.4.1 Digital Evidence

1.4.2 Cyber Forensics

1.5 Impact of computers and technology in the legal office.

2. Information Technology Act -2000

- 2.1 Object and Essence of the Act – its Salient Features
- 2.2 Legal Recognition of Electronic Documents
- 2.3 Legal Recognition of Digital Signatures
- 2.4 E-Governance
- 2.5 Regulation of Certifying Authorities
- 2.6 Duties of Subscribers
- 2.7 Offenses and Contraventions- Penalties and Adjudications
- 2.8 Justice Dispensation System for Cybercrimes
- 2.9 Making of Rules and Regulations etc.

3. Cyber Law :

- 3.1 Meaning of Cyber Law
 - 3.1.1 Cyber World and Cyber Law
 - 3.1.2 The internet and online resources
 - 3.1.2.1 Security of information
 - 3.1.2.2 Digital Signature
 - 3.1.3 Cyber Law and Cyber Crimes
 - 3.1.4 The Intellectual Property aspect in Cyber Law
- 3.2 Regulation of cyber space- introducing cyber law
 - 3.2.1 Scope of Cyber Laws- e-commerce-online contracts-IPRs (Copyright, trademarks and software patenting) -e-Taxation-e- Governance and cyber crimes

Prescribed Books:

1. Farooq Ahmed, *Cyber Law in India*, Pioneer Books, New Delhi-110009
2. Vakul Sharma, *Information Technology Law and Practice*, Universal, Delhi

Recommended Books:

1. Arun Saweja, *Information Technology and Development*, Kalpar Publication, Delhi.
2. P.S. Vivek Shane, Banerjee, *Science and Society*, Himalaya Publishing House, Bombay
3. Ashok Korde, A. Sawant, *Science and Scientific Method*, Himalaya Pub. House, Bombay
4. B.B. Satia, *Information Technology*, Kalpar Publications, Delhi
5. Narinder Kamamth, *Guide to Information Technology Act*, University Law Pub. Co. Delhi-33
6. Gurusami T. Viswanathan, *The Indian Cyber Laws* Charat Law House, New Delhi-33.
7. Ankit Fadia and Jaya Bhattacharjee, *Encryption: Protecting your Data*
8. P. Narayan, *Intellectual Property Law*, Eastern Law House, New Delhi

5. **Computer Application (Practical to be conducted & assessed by the respective colleges through competent teacher)**

5.1 Introduction to Computer Science

5.2 Computer Network

5.3 Computer and the Technology Law Practice

5.4 Special Topics

5.4.1 Access

5.4.2 Excel

5.4.3 PowerPoint

5.4.4 Word

5.4.5 E-moot-court

Prescribed Legislations:

1. *Information Technology Act, 2000*
2. *Information Technology Rules, 2000*
3. *Cyber Regulation Appellate Tribunal Rules, 2000*
4. *The Indian Penal Code, 1860*
5. *The Indian Evidence Act, 1872*
6. *Bankers Book Evidence Act, 1891*
7. *Reserve Bank of India Act, 1934*

Syllabus for LL.B.6th Semester.

P-6.5

Conflict of Laws

(The Private International Law)

Total Marks-80

Unit-1: Origin and History Of Private International Law. 16

- 1.1- The name of subject, Nature of subject, Meaning.
- 1.2- Future scope and Connotations of the subject, Relevance of the Subject.
- 1.3- Rules of Private International Law in India, Meaning of "Foreign Law", International variety of Private International Law rules, Reliance on Anglo-American Precedents to avoid Conflicts, other sources-comity of nations, International conventions.
- 1.4- Genesis of Private International Law; with Historical Evolution, Evolution in India, Significance and limitations of Historical perspective, Social Needs. Equal treatment.

Unit-2: Distinction between Public International Law and Private International Law. 16

- 2.1- Comparison between Municipal Law and Public International, Comparison between Public International and Private International Law Efforts for unification of Private International Law.
- 2.2-Choice Of Law and enforcement of Foreign Decrees in India, Choice of Jurisdiction in "Personam" and in "rem", Jurisdiction over Companies. Doctrine of Renvoi.
- 2.3- Theories and Modern developments.
- 2.4- Classification of Cause of actions, Classification of Rule of Law.

Unit-3: Domicile and Nationality.

16

- 3.1- Background of concepts of domicile and Nationality, Development of domicile Law.
- 3.2- Political and Civil status, Concept of Nationality.
- 3.3- Domicile by choice and illegal residence.
- 3.4- Indian Law on Domicile, Domicile provisions in Indian Constitution, Citizenship and state Domicile.

Unit-4: Matrimonial Causes and Disputes.

16

- 4.1- Concept of marriage.
- 4.2- Polygamous marriage and matrimonial relief.
- 4.3- Divorce, nullity and Judicial separation.
- 4.4- Financial relief after foreign divorce, annulment of Legal separation.

Unit-5: Contracts and International Arbitration.

16

- 5.1- Nature of problem, Rome Convention. The Principles of uniform Interpretation. Proper Law of arbitration, Proper Law of Contract.
 - 5.2- Contractual obligation, A choice between the Laws of different Countries, Freedom of choice, Arbitration agreements and agreements on the choice of Courts.
 - 5.3- Indian Perspective- Arbitration and Conciliation Act 1996. Article 2 (b) and 10 of UNCITRAL Model Law.
 - 5.4- Arbitration between Companies Registered in India & "Central Management & Control" from outside India.
- Enforcement of Foreign Arbitral awards under the Arbitration and Conciliation Act 1996.

tailored Syllabus

Marks

Unit 1: Introduction	16
1.1 Nature of Intellectual Property	
1.1.1 Introduction to Intellectual property - Concept - Theories of Protection, Types of Intellectual property under WTO-TRIPS - Trade Marks, Copyright, Patents, Designs, Geographical Indications (Geographical Indications Act, 1999), Integrated Circuits, Confidential information	
1.1.2 International Institutional mechanism including various conventions and WIPO	
1.1.3 Economic importance of Intellectual property	
Unit 2: Trade Marks Act, 1999	16
2.1 Meaning, Functions, Trade marks for goods or services	
2.2 Registration of trade mark for goods/services - Procedure (S.18-23), Grounds of Refusal (S.9 & 11), Prior/Vested Rights (s.34-36), Rectification of register (S.57)	
2.3 Section 9(2) - 'Mark of the nature as to deceive public or cause confusion' - 'Wide power - no mention of goods /services	
2.4 Infringement & Passing off Action of Trade mark (S. 29)	
2.4.1 Difference between passing off and infringement Passing off Injunction against registered trade marks	
2.4.2 Passing off for similar goods/ different goods/ based on trans-border reputation	
2.5 Protecting Domain Names as Trade Marks	
Unit 3: The Copyright Act, 1957	16
3.1 Classes of Works in which copyright subsists - S.13, Copyright only in expression No Copyright in Ideas,	
3.1.1 Definitions of various works: Artistic work s. 2(c), dramatic work s. 2(h), Literary work s.2(o), musical work s.2(p), computer programmes s.2(ffc), cinematograph films s.2(f), sound recordings s.2(xx)	
3.1.2 Meaning of 'Original' & - a prefix to s 13(1)(a)	
3.1.3 Literary work	
3.2 Meaning of Copyright - S.14 - Bundle of Rights	
3.2.1 Enumeration of rights in s 14 - reproduction , issue of copies, communication to public, translation, adaptation,	
3.2.2 Other important rights in, Computer programmes, cinematograph film, sound recordings; rental right:	
3.2.3 Abridgement of the work s 14(a)(vi), 2(a) adaptation, meaning of abridgement, Copyright in abridged work	
3.2.4 Author's Special (Moral) Rights - S.57	
3.2.5 Right to Assign and License - S. 18-19A, 30 to 32	

- 3.2.6 Rights of Broadcasting Organizations and Rights of Performers - S.37-38 Exceptions s 39
- 3.3 Ownership of copyright
- 3.3.1 The first owner - S.17
- 3.3.2 Who is an author - S. 2(d) and s 2 (g) (s), S.2(uu), authorship of computer generated works, 2(d) (vi), Proviso (c) to s 17; employment; joint authorship - tests for:
- 3.4 Infringement and Exceptions
- 3.4.1 Infringement - S. 51, Relationship with s 14,
- 3.4.2 Exceptions to Infringement - S.52 Rights of Public - Fair Dealing, News and current events, Teaching and Research, and others incl. Communication to the public of sound recording in religious ceremonies - S.52 (1) (a) & (b), S.52 (1) (h), S.52(1)(za)

Unit 4: The Patents Act, 1970

16

- 4.1 Object of Patent System - Encouraging Inventions and working of Inventions in country concerned. After TRIPS Imports suffice as working.
- 4.2 Patentable Inventions - S.2(1)(j), S.2(1)(ja)
- 4.3 Non Patentable Inventions - S.3 in particular clause (d)
- 4.4 Procedure for filing Patent Application with emphasis on specifications & claims, application for examination, rights of patentees
- 4.5 Anticipation - Prior public knowledge, prior public use
- 4.6 Grounds of Opposition & Revocation - S.25 - Pre-grant, post-grant

Unit 5: The Designs Act, 2000

16

- 5.1 What is design, S.2(d), new and original,
- 5.2 Copyright in Design (duration) - S.11
- 5.3 Registration of design for articles - Ss.3-9
- 5.4 Rights in registered design
- 5.4.1 Cancellation of Design - S.19
- 5.5 Piracy or Infringement of copyright in Design - S.22

Referred Cases:

1. *M/s Hindustan Dev. Corpn. v. The Depty Registrar of Trade Marks*, AIR 1955 Cal 319
2. *The Imperial Tobacco Co. of India v. The Registrar of Trade Marks*, AIR 1977 Cal 413
3. *Sony Kabushuki Kaisha v. Samrao Masker*, AIR 1985 Bom 327
4. *K. R. Krishna Chettiar v. Sri Ambal & Co*, AIR 1970 SC 146
5. *Cadila Health Care Ltd v. Cadila Pharmaceuticals Ltd*, 2001 PTC 541 (SC)
6. *Bharti Cellular Ltd and Anr v. Jai Distillers P. Ltd*, 2006 (33) PTC 220 (Bom.)
7. *Zee Entertainment Enterprises Ltd. v. Gajendra Singh*, 2008 (36) PTC 53(Bom)
8. *AmarNath Sehgal v Union of India*, (2005) 30 PTC 253

9. *Canadian General Electric Co. Ltd v. Fada Radio Ltd., AIR 1930 PC 1*

Prescribed Legislations:

1. Trade Marks Act, 1999
2. Copyright Act, 1957
3. Design Act, 2000
4. Patents Act, 1970

Internal Assessment :

20

Recommended Books:

1. Ashwani Kr. Bansal, *Law of Trade Marks in India* (2nd ed., 2006)
2. V.K. Ahuja, *Law Relating to Intellectual Property Rights* (2007)
3. P. Narayanan, *Copyright and Industrial Designs* (2007)
4. P. Narayanan, *Law of Trade Marks and Passing off* (6th ed., 2004)
5. P. Narayanan, *Patent Law* (4th ed., 2006)
6. Ashwani Kr. Bansal, *Materials on Copyright* (2004)
7. V.K. Ahuja, *Law of Copyright and Neighbouring Rights: National and International*
8. Alka Chawla, *Copyright and Related Rights: National and International Perspectives* (2007)

OR