

~~2~~

**SEMESTER - X**  
**(FROM 2013-14 SESSION ONWARDS)**

✓  
**B.A. / B.B.A. / B. Com., LL.B. 10.1**

**Labour and Industrial Law - II**

Full Marks: 100 [80+20]

Pass marks: 45 [36+9]

**(Credit : 7)**

Time : 3 hours

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

**Detailed Syllabus**

**Marks**

<b>Unit 1</b>	<b>The Industrial Disputes Act, 1947 (Contd.)</b>	<b>16</b>
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**

- 2.1 Domestic Enquiry and Disciplinary actions with special reference to the Industrial Employment (Standing Orders) Act, 1946 16
- 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**

- 3.1 Concept – National Wage Policy 16
  - 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**

- 4.1 Concept of Bonus – computation of bonus 16
- 4.2 Salient features of the Payment of Bonus Act, 1965

**Unit 5: Health and Safety: Legislative Controls : Factory, Mines and plantations**

- 5.1 The Workmen's Compensation Act, 1923 16
  - 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 Leather 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. Kushal Bhan*, AIR 1960 SC 806
4. *Debotosh Pal Choudhary v. Punjab National Bank*, AIR 2002 SC 3276

✓  
B.A. / B.B.A. / B. Com., LL.B. 10.2

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. 22 of the Regulation]

\*\*\*\*\*

(Credit : 7)  
Time : 3 hours

**Detailed Syllabus** **Marks**

---

<b>Unit 1: Nature and Development of International Law</b>	<b>16</b>
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	
<b>Unit 2: The Law of Peace</b>	<b>16</b>
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**

- 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

16

**Unit 4: The law of Neutrality**

- 4.1 Neutrality
- 4.2 Blockade
- 4.3 Contraband
- 4.4 Disarmament

16

**Unit 5: International Institution**

- 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*
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.C2001. P1716*
5. *Vishakha Vs. State of Rajasthan, A.I.R. 1997, S.C. P3011*
6. *Re Castioni Case (1981) IQB 149*
7. *Luther Vs., Sagor, (1921) 3 KB, P 532*

20

**Internal Assessment:****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

# 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

*Rushie*

## 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 Forensic

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

## 4. The Evidence Aspect in Cyber Law

Applicability of the Indian Evidence Act on Electronic Record

**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*

(The Private International Law)

Total Marks-80

16

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

- 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.

✓  
B.A. / B.B.A. / B. Com., LL.B. 10.5 P<sub>4</sub> ✓

**Moot Court & Internship**

**Practical - 4**

Full Marks: 100

Pass marks: 45

(Credit : 5)

*[This paper will have three components of 30 marks each, and the fourth component will be a viva-voce examination for 10 marks.]*

**Detailed Syllabus** **Marks**

**Unit 1: Moot Court** **30**

Every student will do at least 3 (three) moot courts with 10 marks each. Each moot court work will be on assigned problem and it will be evaluated as follows :

- |     |                    |   |         |
|-----|--------------------|---|---------|
| 1.1 | Written submission | : | 5 marks |
| 1.2 | Oral advocacy      | : | 5 marks |

**Unit 2: Observance of Trial in two cases :**

**30**

- 2.1 One Civil case : 15 marks  
 2.2 One Criminal case : 15 marks
- Students in a group of not more than 10 (ten) students will attend two trials in the course of the last two or three years of law course. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment.

**Unit 3: Interviewing techniques and Pre-trial preparations** **30**

- 3.1 Two interviewing sessions of clients : 15 marks  
 3.2 Observation of the preparation of documents and court papers : 15 marks

Each student will observe 2 (two) interviewing sessions of clients at the Lawyers' Office/ Legal Aid Office and record the proceedings in the diary which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition. This will be recorded in the diary which will carry 15 marks.

**Viva Voce examination [on all the above three aspects]** **10**

**Note 1:** Written submissions on Moot Courts, Written Records of Observance of Trials in Courts and Written Diaries regarding Interviewing Techniques and Pre-trial preparations must be submitted to the teacher of this paper regularly and the teacher will evaluate those continuously throughout the semester and award marks.

**Note 2:** All the evaluated works along with the list of marks awarded would be placed before the external examiner at the time of viva-voce examination. The teacher of this paper would be internal examiner who along with external examiner would jointly award final marks on the above works and viva-voce.

\*\*\*\*\*

**B.A. / B.B.A. / B. Com., LL.B. (Hons) 10.6 H<sub>8</sub>**  
**Citizenship and Emigration Law**  
**Honours - 8 : Constitutional Law Group**

**(Credit : 6)**

Full Marks: 100 [80+20]

Pass marks: 45 [36+9]

Time : 3 hours

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

**Detailed Syllabus**

	<b>Marks</b>
<b>Unit 1: Introduction</b>	
1.1 Meaning and Definition of Citizenship	<b>16</b>
1.2 Citizenship under the Indian Constitutional provisions and Citizenship Act, 1955	
<b>Unit 2: Citizenship</b>	
2.1 Acquisition of Citizenship	<b>16</b>
2.2 Termination of Citizenship	

- 2.3 Overseas Citizenship  
2.4 Commonwealth Citizenship **16**

**Unit 3: Kinds of Citizenship**

- 3.1 Single Citizenship  
3.2 Dual Citizenship **16**

**Unit 4: Meaning of Immigration**

**16**

**Unit 5: Migration**

**16**

- 5.1 Fundamental Right for movement  
5.2 Migration, Growth of informal sector and quality of life:  
Problems for the Indian Population  
5.3 Illegal Migrations  
5.3.1 Migration into Assam-Historical Background  
5.3.2 Contributory factors of Illegal Migration

**Internal Assessment :**

**20**

**Recommended Books:**

1. Mazhar Hussain, *The Law relating to Foreigners, Passport and Citizenship in India*
2. Seth, *Citizenship and Foreigner Act*
3. *Immigration Reform & Control Act, 1986*
4. M.P. Jain, *Indian Constitutional Law*
5. D. D. Basu, *Shorter Constitution of India*
6. V.N. Shukla, *Constitution of India*

\*\*\*\*\*