

CHANAKYA NATIONAL LAW UNIVERSITY, PATNA

4th year, 8th Semester, 2024-25

Course Title: Drafting, Pleadings and Conveyancing

Course Overview

The Law Commission of India in its 184th report felt 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. 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.

OBJECTIVES OF THE COURSE:

The object of the paper is educating students in providing expert knowledge of drafting documentation and advocacy techniques thereby developing fundamental professional skills such as : organizing the factual information gathered, written communication and effective method of communication etc. to be successful in professional career.

COURSE OUTCOMES:

The course intends to provide students a foundation in professional skills involved in drafting of pleadings and conveyancing. Further, it intends to familiarize students with the working of courts in India, their legal requirements and categorization of particular procedural aspects involved for initiating legal proceeding before them.

- 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
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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 • Basic 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 • Plaint • Written Statement • Interlocutory Applications • Affidavit • Execution Petition 	36-46
Module IV:	<ul style="list-style-type: none"> • Complaint (FIR, Informatory Petition, Protest) • Bail Application • Anticipatory Bail Application • Petition U/s. 125 Cr.P.C 	47-53
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 U/A 226 before High Court • Drafting Writ Petitions U/A 32 before Supreme Court • PIL Petitions • Special Requirements in PIL Petitions 	60-65
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Evaluation Criteria

Components	Description	Weightage in %
Attendance	5 Marks	
Project Report	15 Marks	
Presentation	5 Marks	
Mid-Semester Examination	15 Marks	
End-Semester Examination	60Marks	

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

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Signature

Chanakya National Law University, Patna

Academic Session: 2023-24

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 Vishnoo, 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

Academic Session: 2023-24;

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 scene.
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

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Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I:	<p align="center">FUNDAMENTAL NOTIONS OF FORENSIC SCIENCE</p> <ol style="list-style-type: none"> 1. Introduction-Definition, History of Forensic Medicine, Nature & Scope 2. Types & Principles of Forensic Science 3. Ethics in Forensic Science 	5 Lectures
Module II:	<p align="center">FORENSIC SCIENCE AND LAW</p> <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 4. Use of Scientific Tools and technique in Criminal Investigation 	10 Lectures
Module III:	<p align="center">FORENSIC BIOLOGY AND FORENSIC IDENTIFICATION</p> <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 7. Sexual offences, its investigation & role of forensics 8. Forensic Psychiatry 	25 Lectures
Module IV:	<p align="center">FORENSIC CHEMISTRY</p> <ol style="list-style-type: none"> 1. Forensic Ballistics and vehicular accident reconstruction Chemical and Toxicological Analysis 	5 Lectures
Module V:	QUESTION DOCUMENTS AND DIGITAL FORENSICS	15 Lectures

	<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 	
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Evaluation Criteria

Components	Marks Allotted
Attendance	5
Project Report	20
Presentation	5
End-Semester Examination	70
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 ed., 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/jjfmt>

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

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

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Chanakya National Law University, Patna
B.B.A., LL.B. (H) 2022-23; 8th Semester

Course Title: Gender Justice and Feminist Jurisprudence

Course Overview

The Fundamental purpose of this course is to notice the hidden fault-lines in law and to realize that certain fundamental premises regarding law, for instance, its objectivity, equality, universality may not necessarily be real for all. This course aims to do so through the lenses of gender and seeks to bring forth these fault-lines, explain and understand them. In the process it visits the feminist legal theory and explanations therein and societal tendencies (eg. patriarchy) and its reflections in law, legal processes, stakeholders and institutions. It seeks to equip students with information, knowledge, skills to identify, critique, challenge, resolve, solve, provide alternatives to fill these fault-lines as reflected in law.

- Module **one** deals with different feminist legal theories and their understanding of woman's position in society.
- Module **two** discusses important themes of feminist legal theory.
- Module **three** deals with issues relating to Gender Equality in Indian Law
- Module **four** seeks to discern themes/biases in laws on violence against Women and examine the issue of morality and sexuality in laws
- Module **five** discusses gender based discrimination in India, the narrative of misuse of law and the issue of morality and sexuality in these laws.
- Module **six** examines economic empowerment through labour laws.
- Module **seven** deals with reproductive rights of Women- themes/biases therein.
- Module **eight** covers Feminist engagement with LGBTQ + community and their rights

Learning Outcomes

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

- to understand, analyse and apply the lens of feminist legal theories to issues/problems around them.
- to understand, appreciate and analyse gender based violence and discrimination and identify the biases and themes therein.
- to understand, identify and appreciate the gender biases in laws, institutions and policies

List of Topics/ Modules

Topic/ Module	Contents/ Concepts	Sessions / Lectures

Module I: Feminist Legal Theories – Meaning of terms and explanation of theories	<ul style="list-style-type: none"> • Liberal Feminism, • Radical Feminism, • Marxist, Socialist Feminism, • Post-colonial Feminism, • State Feminism, • Dalit Feminism, • Neo liberal feminism, Governance feminism, Carceral Feminism, Political Feminism, 	12 hours
Module II: Important themes of feminist legal theory	<ul style="list-style-type: none"> • Gender and Sex • Private Public Dichotomy • Patriarchy • Personal is political 	8 hours
Module III: Issues relating to Gender Equality in Indian Law	<ul style="list-style-type: none"> • Women in ancient, medieval, Modern India: An Overview • Status of Women in Indian Society: A Situational Analysis • Constitutional and International obligations with respect to gender equality: An Analysis 	10 hours
Module IV: Discerning themes/biases in laws on Violence against Women; the issue of morality and sexuality in law	<ul style="list-style-type: none"> • Good Woman, Bad Woman syndrome • Victimization, Agency and Empowerment • Consent • Intersectionalities • Sexuality and Morality in Law (examples -IPC- rape, marital rape, adultery; Immoral Trafficking, Indecent Representation child marriage, POCSO, Domestic Violence, Sexual harassment, SC/ST) 	10 hours
Module V: Gender Based Discrimination in India- themes/biases; the narrative of misuse of law; the issue of morality and sexuality in law	<ul style="list-style-type: none"> • Personal is Political • Public Private Dichotomy • UCC • Misuse of Law (examples from family succession, UCC, Sexual Harassment, domestic violence, dowry prohibition, marital rape) 	8 hours
Module VI: Economic Empowerment through labour laws	<ul style="list-style-type: none"> • Labour laws- protective, neutral, corrective laws & the equality narrative • Unpaid Labour of Women including caring and domestic labour (examples- sexual harassment, equal wages, maternity leave) 	6 hours
Module VII: Reproductive Rights of Women- Themes/biases	<ul style="list-style-type: none"> • Personal is political • choice and equality (examples- maternity benefit, medical termination) 	6 hours
Module VIII: LGBTQ + lesbian, gay, bisexual, transgender, queer (or	<ul style="list-style-type: none"> • LGBTQ+ interface with feminist legal theory • Queer Legal theory • Jurisprudential evolution of LGBTQ+ rights in India 	4 hours

sometimes questioning) Intersexual, asexual others		
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Evaluation Criteria

Components	Description	Weightage in %
Attendance		5
Project Report		16
Presentation		4
Mid-Semester Examination		15
End-Semester Examination		60

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 Illionis Press 2004
13. Brenda Cossman Ratna Kapur Subversive Sites: Feminist Engagement with Law in India, Sage Publications, 1996

Instructor Details

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Chanakya National Law University, Patna

Academic Session: 2023-24

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

Semester- VIII

Course Title: International Criminal Law

Credits :4

Course Overview

This course on International Criminal Law 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 exist 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 age, 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.

Module	Contents	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 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	1. International Crimes 2. Core International Crimes A. Genocide B. Crimes against Humanity C. War Crimes D. Aggression	8 Lectures
Module VII	Transnational Crimes A. Terrorism B. 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	6 Lectures

Evaluation Criteria

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

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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Signature

BANKING LAW

B.A., LL.B. (Hons.) 8th Semester Course

Faculty

Mr. Abhishek Kumar



Chanakya National Law University, Patna

Module I: Introduction

- Historical Aspects of Banking in India
- Essentials of Banking Company
- Different Kinds of Banks
- Functions of Banks
- Regulation of Banks

Module II: Social Control

- Nationalization of Banking Companies
- Objectives of Nationalization
- R.C Cooper v. Union of India (Bank Nationalization Case)
- Protection of Depositors

Module III: Banks and Customers Relation

- Who is a banker?
- Who is a Customer?
- Banking Services
- Relationship between Banker and Customer

Module IV: Computer Banking

- Core Banking Solutions
- Essential Requirement of CBS
- Banking Services through Information
- Real Time Gross Settlement System (RTGS)

Module V: Reserve Bank of India

- Evolution of R.B.I
- Power and Functions of R.B.I
- Control over Financial and Non-financial companies

Module VI: Legal Scenario

- Banking Regulation Act, 1949
- Information Technology Act, 2000
- The Consumer Protection Act, 1986
- The Reserve Bank of India Act, 1934
- The Negotiable Instruments Act, 1882

Module VII: Insolvency and Bankruptcy

- Introduction to Insolvency and Bankruptcy Code
- Corporate Insolvency Resolution Process
- Insolvency Resolution of Corporate Persons
- Debt Recovery and Securitization

○ **Reading Materials:**

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 Maigraw 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).

Chanakya National Law University, Patna

B.A.LL. B (H) / B.B.A., LL.B. (H) 2023-24

Corporate Law Honours Group

SEMESTER- VIII

Course Title: Mergers, Acquisitions & Competition Law

Course Overview

This course provides a comprehensive and in-depth exploration of the dynamic field of corporate restructuring. Spanning across various dimensions, the course begins with an insightful examination of the types of corporate restructuring, delving into the legal and regulatory intricacies governing M&A activities. Participants will navigate the financial aspects of restructuring, gaining proficiency in valuation methods and understanding critical concepts such as insider trading and ownership structures. The course further guides learners through the stages of the deal-making process, emphasizing due diligence, drafting M&A agreements, and securing regulatory approvals. In exploring the market for corporate control, participants will analyze hostile takeovers, defensive measures, and global trends. The institutional framework for M&A, including bodies like NCLT, NCLAT, SEBI, and stock exchanges, is thoroughly elucidated. Additionally, the course delves into competition law, intellectual property rights, tax considerations, and the intersection of M&A with the new data protection law and employment regulations. By the course's conclusion, participants will have acquired a multifaceted understanding of M&A, equipped with the knowledge to navigate its complexities with confidence.

Learning Outcomes

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

1. Understand the different types of corporate restructuring and their implications.
2. Navigate the legal and regulatory framework governing M&A activities.
3. Analyze the financial aspects of restructuring and apply valuation methods.
4. Comprehend important concepts like insider trading, corporate veil, and ownership structures.
5. Master the stages of the deal-making process, from due diligence to drafting agreements.
6. Evaluate the market for corporate control, including hostile takeovers and defensive measures.
7. Understand the institutional design for M&A, including the role of regulatory bodies.
8. Grasp the basics of competition law and economics, with a focus on horizontal and vertical agreements.
9. Identify the role of competition law in M&A and analyze specific provisions of the Competition Act.
10. Gain insights into intellectual property rights (IPR) and their significance in M&A transactions.
11. Navigate tax issues in both domestic and cross-border M&A, including the taxation of earn-out arrangements.
12. Understand the impact of the new data protection law on M&A activities in India.
13. Address employment law issues that may arise in the context of M&A transactions.

COURSE STRUCTURE

1. Introduction to M&A and corporate restructuring (7 hours)

- a. Types of corporate restructuring (1 hour)
- b. Legal and regulatory framework (2 hours)
- c. Financial aspects of restructuring (2 hours)
- d. Important concepts - Insider trading, corporate veil, registered owner and beneficiary owner (2 hours)

Suggested readings:

- I. Restructuring of Corporate India: The Emerging Scenario N Venkiteswaran, <https://journals.sagepub.com/doi/pdf/10.1177/0256090919970301>
- II. 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>
- III. 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)
- IV. 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>
- IV. *CMI Ltd* (CA No. 197/PB/2017)
- V. *Mega Corporation* (CA (AT) No. 04 of 2018)
- VI. 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

2. Stages of the process of deal making (5 hours)

- a. Valuation methods (1 hour)
- b. Method of payment (1 hour)
- c. Due diligence in deal structuring (1 hour)
- d. Drafting M&A agreements (1 hour)
- e. Regulatory approvals (1 hour)

Suggested readings:

- 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*. *HMS 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>

3. Market for corporate control (8 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:

Course Title: Mergers, Acquisitions & Competition Law

- 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. 110-120 <http://links.jstor.org/sici?sici=0022-3808%28196504%2973%3A2%3C110%3AMATMFC%3E2.0.CO%3B2-3>
- IV. Fred S. McChesney, <https://www.econlib.org/library/Enc1/Antitrust.html>
- V. Mathew, Shaun J., *Hostile Takeovers in India: New Prospects, Challenges and Regulatory Opportunities (November 12, 2007)*. Columbia Business Law Review, Vol. 2007, No. 3, 2007, Available at SSRN: <https://ssrn.com/abstract=1693821>
- VI. 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>

4. 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. Mibeer 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
- VI. September 2017, 3rd January 2018 and 19th January 2018
- VII. Star Cement (informal guidance re lock-in)
- VIII. Cadila (public announcement)

5. 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)

6. Introduction to competition law & economics (12 hours)

- a. Basics and introduction to core concepts (2 hours)
- b. Role of competition law in regulatory governance (2 hours)
- c. Horizontal agreements (2 hours)
- d. Vertical agreements (2 hours)
- e. Abuse of Dominance (2 hours)

Course Title: Mergers, Acquisitions & Competition Law

- f. Competition law and digital markets (2 hours)

Suggested Readings

- I. Patel, Dr.Rakesh and Patel, Dr.Rakesh, *Kautilya's Arthashastra (Economics): A Brief Historical Study* (January 3, 2020). Available at SSRN: <https://ssrn.com/abstract=3513319> or <http://dx.doi.org/10.2139/ssrn.3513319>
- II. *Brahmdutt vs. UOI* (2005)
- III. *CCI vs. Bharti Airtel* (2017); *Link to order:* https://main.sci.gov.in/supremecourt/2017/40072/40072_2017_Judgement_05-Dec2018.pdf
- IV. *Beer cartel case (Suo Motu Case No. 06 of 2017 at the CCI)*
- V. *Ramakant Kini case (Case No.39 of 2012 at the CCI)* V. *BCCI case (Case No.61 of 2010 at the CCI)*
- VI. *Makemytrip case (Case no. 14 of 2019 at the CCI)*

7. 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*

8. IPR and M&A (2 Hours)

- a. Trademarks & Domain Names
- b. Patent
- c. Trade Secret
- d. Copyright
- e. IP Asset Purchase Documentation

Suggested Readings

- 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/2023-april/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>
- III. *ROLE OF INTELLECTUAL PROPERTY IN MERGERS AND ACQUISITIONS* By Garishma Dongre From Maharashtra National Law University, Mumbai, <https://supremoamicus.org/wp-content/uploads/2022/07/Garishma-Dongre-1.pdf>

9. Tax Issues in M&A (2 Hours)

- a. Tax issues in Domestic M&A
- b. Tax issues in Cross Border M&A

Course Title: Mergers, Acquisitions & Competition Law

c. Taxation of Earn-Out Arrangements

Suggested Readings

- I. *Tax Landscape for Mergers & Acquisition in India*, *International Journal of Business and Management Invention* ISSN (Online): 2319 – 8028, ISSN (Print): 2319 – 801X www.ijbmi.org || Volume 6 Issue 7 || July. 2017 || PP—40-43
- II. *Global M&A Tax* <https://elplaw.in/wp-content/uploads/2022/07/Taxand-2022-MA-v-7-7-22-Low-res.pdf>
- III. *An insight into the most taxing M&A issues in India*, Uday Ved, N Krishna, Wrutuja Soni *March* 23, 2023 <https://www.internationaltaxreview.com/article/2bfub0yvkf07kklf5i1t6o/sponsored/an-insight-into-the-most-taxing-m-a-issues-in-india>
- IV. *Tax Implications Arising from Mergers and Acquisitions - An Investigation of Australian Firms* Shab, Amna Tariq and Ken Devos, 'Tax Implications Arising from Mergers and Acquisitions - An Investigation of Australian Firms' (2021) 23(1) *Journal of Australian Taxation* 103.

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

Suggested Readings

- I. Role of cybersecurity in M&A 2021 Secure 'now'. Agile 'next', <https://www2.deloitte.com/content/dam/Deloitte/in/Documents/risk/in-ra-cybersecurity-for-mergers-and-acquisitions-noexp.pdf>
- II. Okafor, Reuben Chinweolu, *Cybersecurity Due Diligence in Mergers & Acquisitions Transactions* (September 1, 2021). Available at SSRN: <https://ssrn.com/abstract=3915861>

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

Suggested Readings

- I. 63% Indian IT decision makers see cyber security as major M&A hurdle: study https://www.business-standard.com/article/economy-policy/63-indian-it-decision-makers-see-cyber-security-as-major-m-a-hurdle-study-119062501095_1.html
- II. *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>
- III. Soni, Amit & Chandra, Avinash & Varma, Sumati. (2020). *Impact of M&As on Employment in the Indian Information Technology (IT) Industry*. *The Indian Journal of Labour Economics*. 63. 10.1007/s41027-020-00232-7.
- IV. *Impact of Indian Labor & Employment Laws in M&A Transactions*, <https://www.aon.com/strategic-advisory/research/indian-labor-and-employment-law.jsp>

- V. *Human Resources Law (Employment & Labour) – India*,
<https://www.nishithdesai.com/Content/document/pdf/ResearchPapers/Human-Resources-Law-Employment-and-Labour-India.pdf>

12. Evaluation Criteria

Components	Description	Weightage in %
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 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.	16%
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. Dignam, A. and J. Lowry Company law. (Oxford: Oxford University Press, 2022) 12th edition [ISBN 9780192865359].
2. A. Ramaiya Guide to Companies Act, Lexis Nexis Butterworths, Wadhwa, Nagpur
3. Law Relating to Corporate Restructuring by Desikan Balaji Edition: 1st Edition, 2019
4. Mergers et al–Issues, Implications and Case Law in Corporate Restructuring Author : S Ramanujam ISBN : 9789388548533 EDITION : 4th NO. OF VOLUMES : 1
5. Pettet’s Company Law and Corporate Finance J. Lowry and A. Reisberg (Harlow, Longman, latest ed)
6. 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>

13. Instructor Details

Name of the Instructor:	Dr. Nandita S Jha
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Chanakya National Law University, Patna

B.A., LL.B. (Hons.) & B.B.A., LL.B. (Hons.) 2023-24; SEMESTER- VIII

Course Title: Right to Information Act (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.

Learning Outcomes

- Understand the historical development and significance of the Right to Information.
- Analyse the legal framework and constitutional basis for the Right to Information.
- Explore the principles and procedures governing the 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.

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	1-10 classes

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. - Case studies on landmark RTI judgments 	11-20 classes
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- 25 classes
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 	26- 32 classes
Module V: RTI and Special Areas of Interest	5.RTI and Special Areas of Interest <ul style="list-style-type: none"> - RTI and environmental information - RTI and public health-related information - RTI and personal data protection 	32-40 Classes
Module VI: Future Trends and Emerging Issues in RTI	6. 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 	40-50Classes

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 Text Books and Resources:**Text Books****Web Resources****Instructor Details**

Name of the Instructor:	Ms. Nidhi kumari
Email:	nidhi@cnlu.ac.in
Website:	www.cnlu.ac.in

Chanakya National Law University, Patna
2024; SEMESTER- Eighth, Year- Fourth Year

Course Title: Service Law

Course Overview

The curriculum is designed to focus on understanding the basics of Service Law. The Service Law revolves largely around the role of State as an employer. The State as an artificial juristic entity employs persons to discharge its functions. These multifarious functions includes- social, economic and developmental activities. To discharge these functions, it employs capable persons. This paper will cover the different types of employment under the State with special emphasis on the Civil Services- the constitutional and legal protection.

Module one deals with meaning ,scope and sources of service law, historical perspectives.

Module two focuses on constitutional protection to government employees, ambit of rules and administrative instructions.

Module three deals with administrative tribunal and its jurisdiction.

Module four covers conditions of service.

Module five deals with disciplinary proceedings and punishments.

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. Describe the meaning, nature, and scope of Service Law.
2. State 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.Enumerate the legality of service regulations, official actions and disciplinary proceedings.

List of Topics/ Modules

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I: Introduction	<ul style="list-style-type: none"> • Meaning and scope of service law • Scope of service law • Duty of State vis-à-vis employees • Employee – definition and meaning. • Different types of employment under the State • Historical Background • Different sources of Service Law • Hierarchy of these sources. • Statutory Rules and Regulations, Administrative instructions, etc. 	1-10
Module II: Constitutional Provisions	<ul style="list-style-type: none"> • Applicability of Part III & Part IV • Part XIV • Article 309 • The “occupied field” principle. • Article 310 • Tenure at pleasure • Security of tenure • Article 311 • Removal, dismissal and reduction in rank • Exception to Article 311 (2) of the Constitution. 	11-20
Module III: Administrative Tribunals	<ul style="list-style-type: none"> • Scope of Articles 323 A & 323 B • Administrative Tribunal Act, 1985 • Jurisdiction of Administrative Tribunals 	21-30

Module IV: Rules relating to the Conditions of Service	<ul style="list-style-type: none"> • Recruitment and Appointment • Process of Recruitment • Sources of Recruitment • Quota Rule • Process of Selection • The Selection Committee • Public Service Commission • Reservation, Probation, Regularization and Absorption • Seniority, Promotions, Transfer, Confidential Reports, Leave and its kinds. • End of relationship-termination by Dismissal/ Removal • Retirement (Compulsory, and Voluntary) • Resignation 	31-40
Module V: Disciplinary Proceedings	<ul style="list-style-type: none"> • Introductory Overview • Suspension • Disciplinary Proceedings • Natural Justice • Punishment 	41-50

Evaluation Criteria

Components	Weightage in (marks)
Attendance	5
Project Report	16
Presentation	4
Mid-Semester Examination	15
End-Semester Examination	60

Recommended/Reference Text Books and Resources:

Text Books

- 1.Samaraditya Pal, Law Relating to Public Service, 4th Ed.,LexisNexis, 2021
2. Dr. Narendra Kumar, Service Law (Law Relating to Government Servants & Management of Disciplinary Proceedings) ,5th Ed., Allahabad Law Agency 2023
- 3.R.K. Bag, Service Law of Government Employees, Eastern Law House, 2009
4. Mahendra Pal Singh, VN Shukla's Constitution of India, 14th Edition, 2023

References

- Central Civil Services (Classification, Control and Appeal) Rules, 1965
- The Administrative Tribunal Act, 1985
- All India Services Act, 1951

Instructor Details

Name of the Instructor:	Prof. (Dr.) S.S.Singh and Mrs. Pallavi Shankar
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