

## **VIII SEMESTER LL.B**

### **COURSE-I: PUBLIC INTERNATIONAL LAW**

#### **Objectives:**

The course includes the study of general principles of international law including law of peace. Third world concerns in respect of security and development and the role of U.N. and International Agencies in structuring solutions in the context of changing balance of power are also to be appreciated.

#### **Course contents:**

##### **UNIT-I**

Nature, definition, origin and basis of International Law; Sources of International Law; Relationship between Municipal and International Law; Subjects of International Law.

##### **UNIT- II**

States as subjects of International Law: States in general; Recognition; State territorial sovereignty.

##### **UNIT –III**

State Jurisdiction: Law of the sea; State Responsibility; Succession to rights and obligations.

##### **UNIT – IV**

State and Individual - Extradition, Asylum and Nationality; the agents of international business; diplomatic envoys, consuls and other representatives; the law and practice as to treaties.

##### **UNIT – V**

The United Nations Organisation - Principal organs and their functions; World Trade Organisation- Main features; International Labour Organisation.

#### **Prescribed Books:**

J. G. Starke- An Introduction to International Law.  
P.W. Bowett- International Institutions.

#### **Reference Books:**

J. B. Brierly - The Law of Nations.  
D. H. Harris - International Law (Cases and Materials).  
Oppenheim - International Law( Volume I, Peace)  
S. K. Kapoor - International Law.  
Bhagirathlal Das – World Trade Organization .

## **COURSE-II OPTIONAL-I: HUMAN RIGHTS LAW AND PRACTICE / RIGHT TO INFORMATION**

### **Objectives:**

The objectives of the course are to prepare for responsible citizenship with awareness of the relationship between Human Rights, democracy and development; to foster respect for international obligations for peace and development; to impart education on national and international regime of Human Rights; to sensitize students to human suffering and promotion of human life with dignity; to develop skills on human rights advocacy and to appreciate the relationship between rights and duties and to foster respect for tolerance and compassion for all living creatures.

### **Course contents:**

#### **UNIT – I**

Jurisprudence of Human Rights; Nature, definition, origin and theories of human rights.

#### **UNIT – II**

Universal protection of human rights- United Nations and Human Rights- *Universal Declaration of Human Rights, 1948; International Covenant on Civil and Political Rights, 1966; International Covenant Economic, Social and Cultural Rights, 1966.*

#### **UNIT - III**

Regional Protection of Human rights- European system- Inter American System- African System

#### **UNIT – IV**

Protection of Human Rights at national level; Human rights and the Constitution; The Protection of Human rights Act, 1993.

#### **UNIT - V**

Human Rights and Vulnerable Groups: Rights of Women, Children, Disabled, Tribals, Aged and Minorities - National and International Legal Developments.

### **Prescribed Books:**

Meron Theodor- Human Rights and International Law: Legal and Policy Issues, 2 Vols.  
S.K.Kapoor- Human rights Under International Law and Indian Law.

### **Reference Books:**

Henkin Luis- Rights of Man Today.  
Singh Nagendra- Enforcement of Human Rights in Peace and War and the future of humanity.  
Relevant International Instruments.  
*United Nations Charter, 1945.*  
*Universal Declaration of Human Rights, 1948.*

*International Convention on the Elimination of All Forms of Racial Discrimination, 1948.*

*International covenant on civil and Political Rights, 1966.*

*International covenant on Economic and Cultural Rights, 1966.*

*Convention on Elimination of All forms of Discrimination against Women, 1979.*

*Convention on the Rights of the Child, 1989.*

## **OPTIONAL-I : RIGHT TO INFORMATION**

### **Objectives:**

Free exchange of ideas is a basic pillar of a democratic society. Corruption thrives in sacred places, therefore it is stated that sunlight is the best disinfectant. There should be governance in sunshine. The course is designed to convince the students how the right to information infuses transparency and accountability in governance, preventing abuse of power.

### **Course contents:**

#### **UNIT-I**

Right to Information before Right to Information Act, 2005; Significance in democracy; Constitutional basis; Supreme Court on right to information.

#### **UNIT-II**

RTI Act- definitions; Right to information and obligations of public authorities.

#### **UNIT-III**

Central information commission; State information commission; Powers and functions of information commissions; Appeals and penalties.

#### **UNIT-IV**

Other related laws - The Official Secrets Act, 1923; The Public Records Act, 1993; The Public Records Rules, 1997; The Freedom of Information Act, 2002; The Commission of Inquiry Act, 1952; The Commission of Inquiry (Central) Rules, 1972.

#### **UNIT-V**

Best practices- A study of decisions rendered by state commissions and central Commission in the following areas of – Police, Revenue, PWD, Irrigation, Secretariat, BSNL, Posts and Telegraphs, Scheduled Banks, CPWD, Income Tax Department, Central Excise Department, Local Authorities.

### **Prescribed Books:**

J.H.Barowalia- Commentary on the right to Information Act.

### **Reference Books:**

J.N.Barowalia- Commentary on the Right to Information Act.  
S.V.Joga Rao- Law Relating to Right to Information, vol.1.

### **COURSE-III            OPTIONAL-II: BANKING LAW / INSURANCE LAW**

#### **Objectives:**

Banking Institutions have become important players in the present day economy. They play pivotal role in the growth of trade, commerce and industry. Several policy initiatives and legislative amendments have changed the role of Banks from being mere economic institutions in to agents of social change. Appreciating the importance, the Government has enacted several enactments to direct, regulate and control the banks and banking operations, through Reserve Bank of India and Ministry of Finance.

The course is designed to primarily acquaint the students with operational parameters of banking law, and to teach the general principles of banking law and to develop appreciative faculties of the students in statutory as well as case – law in this area.

#### **Course contents:**

##### **UNIT – I**

Indian Banking Structure - Origin – Evolution of Banking Institutions – Types and functions of banks - Commercial banks – Functions – Banking Companies in India – RBI - Constitution, Management and Functions - Banking Regulation Act, 1949 – State Bank of India- UTI, IDBI, RRBs’-Local banks

##### **UNIT - II**

Employment of funds - Loans and Advances- Guarantees- Advances secured by Collateral securities- Agency Services- Financing of Exports- Special Banking Services – Advances to Priority Sectors and Credit Guarantee schemes- Securitisation Act, 2002.

##### **UNIT - III**

Law relating to Negotiable Instruments, 1881 Act (Read with the amended Act of 2002) - Negotiable Instruments - Kinds - Holder and holder in due course – Parties – Negotiation- Assignment – Presentment – Endorsement – Liability of parties – Payment in due course – Special rules of evidence - Material alteration – Noting and protest – Paying banker and collecting banker – Bills in sets – Penal provisions under NI Act - Banker’s book evidence Act.

##### **UNIT – IV**

Banker and customer Relationship - Definition of banker and customer – General relationship – Special relationship - Banker’s duty of secrecy, banker’s duty to honour cheques, banker’s lien, and banker’s right to set off - Appropriation of payments - Garnishee order - Customer’s duties towards his banker.

Opening of New Accounts – Special types of customers - Minor's A/C, Joint A/C, Partnership A/C, Company's A/C, Married women's A/C, Trust A/C, Joint Hindu family A/C - Illiterate persons, lunatics, executors - Precautions required in case of administrators, clubs, societies and charitable institutions to open an account

## **UNIT – V**

Ancillary Services and E- Banking: Remittances - General, DD, MT, TT, Traveler's cheques, bank orders, credit card, debit/smart cards, safe deposit vaults, gift cheques, stock invest.

E-Banking - Definition – E-Banking includes - Internet banking, mobile banking, ATM banking, computerized banking –E- banking services – retail services – wholesale services – E- Cheque-authentication-Cyber Evidence-Banking Ombudsman.

### **Prescribed Books:**

M. L. Tannan- Law of Banking.

M. S. Parthasarathy (Ed.), Khergamvala - Negotiable Instruments Act.

Justice Bhaghabati Prasad Banerjee- Guide to Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

### **Reference Books:**

Avtar Singh – Negotiable Instruments Act.

Basu - Review of Current Banking: Theory and Practice.

Paget- Law of Banking.

L. C. Goyle- The Law of Banking and Bankers.

Relevant provisions of Information Technology Act, 2000

## **OPTIONAL-II : INSURANCE LAW**

### **Objectives:**

The insurance idea is an old-institution of transactional trade. Even from olden days merchants who made great adventures gave money by way of consideration, to other persons who made assurance, against loss of their goods, merchandise ships and things adventured. The rates of money consideration were mutually agreed upon. Such an arrangement enabled other merchants more willingly and more freely to embark upon further trading adventures. The operational framework of insurance idea is provided by the general principles of contract. The insurance policy, being a contract, is subject to all the judicial interpretative techniques of rules of interpretation as propounded by the judiciary. Besides, the insurance idea has a compensatory justice component. This course is designed to acquaint the students with the conceptual and operational parameters, of insurance law.

### **Course contents:**

## **UNIT – I**

Introduction: Nature- Definition- History of Insurance- History and development of Insurance in India- Insurance Act, 1938- (main sections) Insurance Regulatory Authority Act, 1999: Its role and functions.

## **UNIT – II**

Contract of Insurance: Classification of contract of Insurance- Nature of various Insurance Contracts- Parties there to- Principles of good faith – non disclosure – Misrepresentation in Insurance Contract- Insurable Interest- Premium: Definition- method of payment, days of grace, forfeiture, return of premium, Mortality; The risk – Meaning and scope of risk, Causa Proxima, Assignment of the subject matter.

## **UNIT – III**

Life Insurance: Nature and scope of Life Insurance- Kinds of Life Insurance.

The policy and formation of a life insurance contract- Event insured against Life Insurance contract- Circumstance affecting the risk- Amount recoverable under the Life Policy- Persons entitles to payment- Settlement of claim and payment of money- Life Insurance Act, 1956- Insurance against third party rights- General Insurance Act, 1972- The Motor Vehicles Act, 1988 – Sec. (140-176), Nature and scope- Absolute or no fault liabilities, Third party or compulsory insurance of motors vehicles- Claims Tribunal- Public Liability Insurance –Legal aspects of Motor Insurance –Claims – Own Damages Claims – Third Party Liability Claims.

## **UNIT – IV**

Fire Insurance: Nature and scope of Fire Insurance –Basic Principles – Conditions & Warranties – Right & Duties of Parties – Claims – Some Legal Aspects. Introduction to Agriculture Insurance – History of Crop Insurance in India – Crop Insurance Underwriting, Claims, Problems associated with Crop Insurance – Cattle Insurance in India.

## **UNIT – V**

Marine Insurance: Nature and Scope- Classification of Marine policies- Insurable interest- Insurable values- Marine insurance and policy- Conditions and express warranties- Voyage deviation- Perils of sea- Loss- Kinds of Loss- The Marine Insurance Act, 1963 (Sections 1 to 91).

### **Prescribed Books:**

K. S. N. Murthy and K. V. S. Sharma - Modern Law of Insurance in India.  
M. H. Srinivasan - Principles of Insurance Law.

### **Reference Books:**

E. R. Hardy Ivamy - General Principles of Insurance Law, relevant Chapters.  
*Insurance Act, 1938.*

*The Marine Insurance Act, 1963.*  
*General Insurance (Business) (Nationalization) Act, 1972.*  
*The Life Insurance Corporation Act, 1956.*  
*Motor Vehicle Act, 1988.*

## **COURSE-IV: CLINICAL COURSE-II: ALTERNATIVE DISPUTE RESOLUTION SYSTEMS**

### **Objectives:**

Today alternative disputes resolution systems have become more relevant than before both at local, national and international levels. Certain of the disputes, by nature are fit to be resolved through specific method of resolution. Each of these dispute resolution systems involves different style of planning and execution. The skills involved are also different as also preparation. This course trains the students in ADRs. The course teacher shall administer simulation exercises for each of the methods.

### **Course contents:**

#### **UNIT-I**

General; Different methods of dispute resolution; Inquisitorial method; Adversarial method; Other methods- both formal and informal- like Arbitration, Conciliation, Negotiation, Mediation, etc.; Advantages and disadvantages of above methods; Need for ADRs; International commitments; Domestic needs; Suitability of ADRs to particular types of disputes; Civil Procedure Code and ADRs

#### **UNIT-II**

Arbitration: Meaning of arbitration; Attributes of arbitration; General principles of arbitration; Different kinds of arbitration; Qualities and qualifications of an arbitrator; Arbitration agreement and its drafting; Appointment of arbitrator; Principal steps in arbitration; Arbitral award; Arbitration under Arbitration and Conciliation Act, 1996.

#### **UNIT-III**

Conciliation: Meaning; Different kinds of conciliation- facilitative, evaluative, court-annexed, voluntary and compulsory; Qualities of a conciliator; Duties of a conciliator; Role of a conciliator; Stages of conciliation; Procedure; Conciliation under statutes- Industrial Disputes Act, 1947; Family Courts Act, 1984; Hindu Marriage Act, 1955; Arbitration and Conciliation Act, 1996.

#### **UNIT-IV**

Negotiation: Meaning; Different styles of negotiation; Different approaches to negotiation; Phases of negotiation; Qualities of a negotiator; Power to negotiate.

## **UNIT-V**

Mediation: Meaning; Qualities of mediator; Role of mediator; Essential characteristics of the mediation process – voluntary, collaborative, controlled, confidential, informal, impartial & neutral, self-responsible; Different models of mediation; Code of conduct for mediators.

### **Prescribed Books:**

Sridhar Madabhushi- Alternative Dispute Resolution.

Rajan R.D. - A Primer on Alternative Dispute Resolution.

### **Reference Books:**

Sampath D.K. - Mediation.

Gold Neil, et.al. - Learning Lawyers Skills (Chapter-7).

Michael Noone- Mediation, (Chapters-1, 2&3).

**Mode of Assessment: There will be an end of the semester examination for 60 marks and 40 marks to be awarded by the course teacher for four exercises at the rate of 10 marks for each of the exercise**

