

LL.M Fourth Semester session 2021 and onwards

| FOURTH SEMESTER | | Paper Category | Hours per Week | | | Total Credits |
|-----------------|--|-----------------|----------------|-----------|------------|---------------|
| Course Code | Course Name | | Lectures | Tutorials | Practicals | |
| LM21401DCE | Comparative Criminal Procedure | Elective (DCE) | 4 | | | 4 |
| LM21402DCE | International Trade Law | Elective (DCE) | 4 | | | 4 |
| LM21403DCE | National Security, Public Order, and Rule of Law | Elective (DCE) | 4 | | | 4 |
| LM21404DCE | Family & Matrimonial Laws III | Elective (DCE) | 3 | | | 4 |
| LM21405DCE | Conflict of Laws – Marriage & Divorce | Elective (DCE) | 4 | | | 4 |
| LM21406DCE | Environmental Courts and Tribunals | Elective (DCE) | 3 | | 2 | 4 |
| LM21407GE | Service Law and Practice | Elective (GE) | 2 | | | 2 |
| LM21408DCE | Public Utilities Law | Elective (DCE) | 3 | 1 | | 4 |
| LM21409CR | Dissertation | Core paper | | | | 8 |
| LM21410CR | Teaching Practice | Core paper | | | | 4 |
| LM21411OE | The Whistle Blowers Act, 2011 | Elective (Open) | 1 | | 2 | 2 |
| LM21412OE | Right to Information Law | Elective (Open) | 1 | | 2 | 2 |
| LM21413GE | Tax Planning and Law | Elective (GE) | 2 | | | 2 |
| LM21414DCE | Project | Elective (DCE) | | | | 4 |
| LM21415DCE | Cyber Law; Emerging Trends and Challenges | Elective (DCE) | 4 | | | 4 |
| LM21416OE | Alternate Dispute Resolution | Elective Open | 1 | | 1 | 2 |

LLM 4TH Semester

Subject Code: - LM21401DCE

Lectures: 4 credits

Subject: Comparative Criminal Procedure

Objectives of the course

Criminal Procedure is being taught as a compulsory paper at the level of LL.B. today. However, a jurisprudential thrust has to be given to this subject at the post-graduate level as this is a subject which has constitutional undertones and jurisprudential importance. A study of comparative criminal procedure helps students develop an ecumenical approach and broadens their vision. It inspires them renew and revise their laws to be in tune with developed systems. The paper is taught with reference to India, England, France and China. The paper shall be of the pattern as provided in the annexure.

Unit 1 Organisation of Courts, Prosecuting Agencies and Pre-trial Procedures

- 1.1. Hierarchy of criminal courts and their jurisdiction
- 1.2. Organisation of prosecuting agencies for prosecuting criminals
- 1.3. Withdrawal of prosecution.
- 1.4. Arrest and questioning of the accused
- 1.5. The rights of the accused
- 1.6. The evidentiary value of statements / articles seized / collected by the police
- 1.7. Right to counsel
- 1.8. Roles of the prosecutor and the judicial officer in investigation.

Unit 2: . Trial Procedures

- 2.1. The accusatory system of trial and the
- 2.2. inquisitorial system
- 2.3. Role of the judge, the prosecutor and defence
- 2.4. attorney in the trial
- 2.5. Admissibility and inadmissibility of evidence
- 2.6. Expert evidence
- Appeal of the court in awarding appropriate punishment.
- Plea bargaining

Unit 3 Correction and Aftercare services

- 3.1. Institutional correction of the offenders
- 3.2. General comparison - After - care services in India and France
- 3.3. The role of the court in correctional programmes in India.

Unit 4 Preventive Measures in India and Public Interest Litigation

- 4.1. Provisions in the Criminal Procedure Code
- 4.2. Special enactments
- 4.3. Directions for criminal prosecution in Public Interest Litigation

Select bibliography

- 1. Celia Hamptom, Criminal Procedure
- 2. Wilkins and Cross, Outline of the Law of Evidence
- 3. Archbold, Pleading, Evidence and Practice in Criminal Cases
- 4. Sarkar, Law of Evidence
- 5. K.N.Chandrasekharan Pillai(ed.), R.V. Kelkar's Outlines of Criminal Procedure (2000), Eastern, Lucknow.
- 6. Patric Devlin, The Criminal Prosecution in England
- 7. American Series of Foreign Penal Codes Criminal Procedure Code of People's Republic of China.
- 8. John N. Ferdico, Criminal Procedure (1996), West
- 9. Sanders & Young, Criminal Justice (1994)
- 10. Christina Van Den Wyngart, Criminal Procedure Systems in European Community Joel Samaha, Criminal Procedure (1997), West Criminal Procedure Code, 1973
- 11. The French Code of Criminal Procedure,
- 12. 14th and 41st Reports of Indian Law Commission.
- 13. The Paper will be taught with reference, wherever necessary, to the procedures in India, England, US France, Russia and China

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Subject code: LM21402DCE

International Trade Law

Lectures:4

Credits

Objectives of the course:

The course aims at in-depth study and critical evaluation of the international trade law

Unit 1. International Sale of Goods

- 1.1. Definition and types of international commercial contracts
- 1.2. Formation and Enforcement of International contracts
- 1.3. Rights and liabilities of parties to the contract
- 1.4. Incoterms 1990
- 1.5. Payment in international trade
 - 1.5.1. Bills of Exchange
 - 1.5.2. Letters of Credit
- 1.6. Carriage of Goods in Export Trade
 - 1.6.1. Carriage of goods by sea
 - 1.6.2. Bills of Lading
 - 1.6.3. Rights and liabilities of parties to the contract of carriage

Unit 2. World Trade Organisation

- 2.1. Objectives, structure, principles and working
- 2.2. WTO and developing countries
- 2.3. Trade in services and IPRs
- 2.4. Dispute Settlement Mechanism

Unit 3. Trade and Environment

- 3.1. Stockholm to Rio
- 3.2. Right to development
- 3.3. UNCED
- 3.4. Principles
- 3.5. Rio Principles related to sustainable development

Selected Bibliography

1. Leo D' Arcy, Carole Murray and Barbara Cleave, Schmitthoff's Export Trade, The Law and Practice of International Trade, Sweet & Maxwell
2. Simon Lester and Bryan Mercurio, World Trade Law- Text, Materials and Commentary, Universal Law Publishing Company, 2010
3. Indira Carr, International Trade Law, Routledge, 4th Edition, 2010.
4. Jayanta Bagchi, World Trade Organisation- An Indian perspective, Eastern Law House, 2000

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Subject Code: LM21403DCE

Lectures:4 credits

Subject: National Security, Public Order, and Rule of Law

Objectives of the course

In every written constitution, provision is required to be made to equip the state to face grave threats to its existence arising from extra-ordinary circumstances created by war or external aggression or armed rebellion. Although "amidst the clash of arms, the laws are not silent" they do not speak the same language in war as in peace. Extra-ordinary circumstances warrant the invocation of extra-ordinary laws and such laws are known as emergency laws. They put greater fetters on individual liberty and also eclipse certain aspects of the due process. But in such circumstances, the democratic forces must assert that for survival of the State, the least possible liberty should be available. The students should be familiarized with different aspects of such emergency powers and scrutinizing intellectual attitude towards such powers.

Unit 1. Emergency Detention

- 1.1 Emergency Detention in England – Civil Liberties
- 1.2 Preventive Detention in India
- 1.3 Preventive Detention and Constitutional Safeguards.

Unit 2. National Security Legislations

- 2.1 National Security Act, 1980
- 2.2 Unlawful Activities (Prevention) Act, 1967
- 2.3 COFEPOSA, TADA and POTA
- 2.4 J&K Public Safety Act, 1978.
- 2.5 Armed Forces Special Powers Act

Unit 3. Martial Law and Emergency Powers

- 3.1 Martial Law- English Position
- 3.2 Martial Law under Indian Constitution
- 3.3 Emergency Powers under Indian Constitution
- 3.4 Access to the Courts & Emergency Powers- Indian Position.

Selected Bibliography:

- G.O. Koppell "The Emergency, The Courts and Indian Democracy" 8 J.I.L.I. 287 (1966)
- H.M. Seervai, The Emergency, Future Safeguards and the habeas Corpus: A Criticism (1978).
- International Commission of Jurists, Status of Emergency and Human Rights (1984)
- N.C. Chatterji and Parameshwar Rao, Emergency and the Law (1966).
- Altaf Ahmad Mir, Martial Law and Emergency Powers under the Indian, Srinagar: Knowledge Line Publishers (2002).
- Abhishek Singhvi and Khagesh Gautam, The Law of Emergency Powers- Comparative Common Law Perspectives, Singapore: Springer (2020).

Family and Matrimonial Law-III

Subject code: LM21404DCE

Credits : 4

Adoption is an important component of Hindu Family and accordingly the Hindu personal law provides for adoption. The aim of the course is to analyse the relevance of adoption in Hindu family and the role of the law in protecting this institution. Further the course aims at understanding the issues relating to Guardianship and Custody and the role played by the judiciary in this regard.

Unit I. Law relating to Adoption

- 1.1 Adoption-Concept and Evolution in Hindu System
- 1.2 Adoption under the Hindu Adoption and Maintenance Act, 1956

Unit II. Law relating to Guardianship and Custody

- 2.1 Custody and Guardianship under Hindu Law
- 2.2 Custody and Guardianship under Muslim Law
- 2.3 Guardianship under the Guardian and Wards Act, 1890.

Unit III. Judicial Approach

- 3.1 Welfare of the Child
- 3.2 Joint Responsibility
- 3.3 Parent alienation Syndrome

Selected Bibliography:

- Hammudah Abd al Ali, The Family structure in Islam, Illinois: American Trust Publications (1977)
- Ameer Ali, The Spirit of Islam, New Delhi: Kitab Bhawan (1922)
- N.J.Coulson, A History of Islamic Law, Edinburgh: Edinburgh University Press (1964).
- Ahmad A, Galwah, The religion of Islam, Cairo: Al-Ehemad Press (1945)
- Ruben Levy, The Social Structure of Islam, Cambridge: Cambridge University Press (1957)
- Abu Amenah Bilal Phillips, The Evolution of Fiqh, Riyaadh, Tawheed Publications (1990).
- Paras Diwan, Hindu Law, Allahabad: Wadhwa and Company (1995).
- P.V.Kane, History of Dharmasastra, Bhandarkar Research Institute (1976)
- Duncan Derrett, A critiques of Modern Hindu Family Law, Bombay: N.M.Tripathi Pvt. Ltd. (1970)
- John D Mayne, Treatise on Hindu Law and Usage, New Delhi: Bhanot Law House (1991)

Conflict of Laws- Marriage and Divorce

Subject code: LM21405DCE

Credits: 4

Private international law on the conflict of laws plays an important part in resolving the issues before domestic courts. The course aims at evaluating the application conflict of laws in matters relating to marriage and divorce.

Unit I. Concept of Conflict of Laws

- 1.1 Meaning and Nature of Conflict of Laws
- 1.2 Foundation of the rules of conflict of laws
- 1.3 Sources of Conflict of Laws

Unit II. Marriage

- 2.1 Hague Convention
- 2.1 Validity of Marriage under different systems of law.

Unit III. Divorce

- 3.1 Divorce under different systems of law.

Selected Bibliography

- Diwan, Paras, Indian & English Private International Law (1988)
- Dicey & Morris, Conflict of Laws
- Setalvad, Atul M, Conflict of Laws, New Delhi, Lexis Nexis (2007)

Subject Code LM21406DCE

Environmental Courts and Tribunals

credits

Lectures: 3

credits

Practicals: 1

Objectives of the course

Courts and other adjudication tribunals that specialise in environmental and developmental issues has become the subject of a global comparative study. The justification for the establishment of such special courts/tribunals is lack of requisite technical and scientific expertise to deal with complex environmental issues. The most motivating goals for the establishment of specialised tribunals are case-management and scope for an alternative jurisprudence. Special tribunals can improve the quality and quantity of case-handling over that provided by general courts and can move ahead from the traditional legalistic adjudications to much desirable problem solving or therapeutic or interdisciplinary approach. Amidst global debate over whether environmental cases shall be allowed to be handled by the traditional courts or that specialized courts/tribunals shall be created for the purpose, India has opted for the latter. The enactment of the National Green Tribunal Act, 2010 has ushered in new horizons of green justice in India. It is a good beginning for the quest of environmental courts in India and a trend setter for the global quest for such specialized environmental dispute settlement forums.

The question paper shall be of 80 marks spread over the whole syllabus comprising of three sections. Section A shall carry 16 marks with 8 questions of 2 marks each. Section B shall have 4 questions, one question of 8 marks each. Section C shall consist of 4 questions out of which any two questions have to be attempted each carrying 16 marks. 20 marks shall be allocated to continuous assessment.

Unit 1 Environmental Courts/ Tribunals Debate [Lectures:15]

- 1.1.Role of courts/tribunals in changing global environmental order
- 1.2.Advantages and disadvantages of courts/tribunals
- 1.3.Growing role of science and technical expertise in the environment
- 1.4.Convention on Access to Information – UNECE Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters (AARHUS Convention 1998)
- 1.5.International Tribunal for the Law of Sea
- 1.6.International Environmental Dispute Settlement and ICJ
- 1.7.Compliance procedure under Multilateral Environmental Agreements
- 1.8.Need for International Environmental Court

Unit 2: Environmental Courts/Tribunals Systems in Different Jurisdictions [Lectures:20]

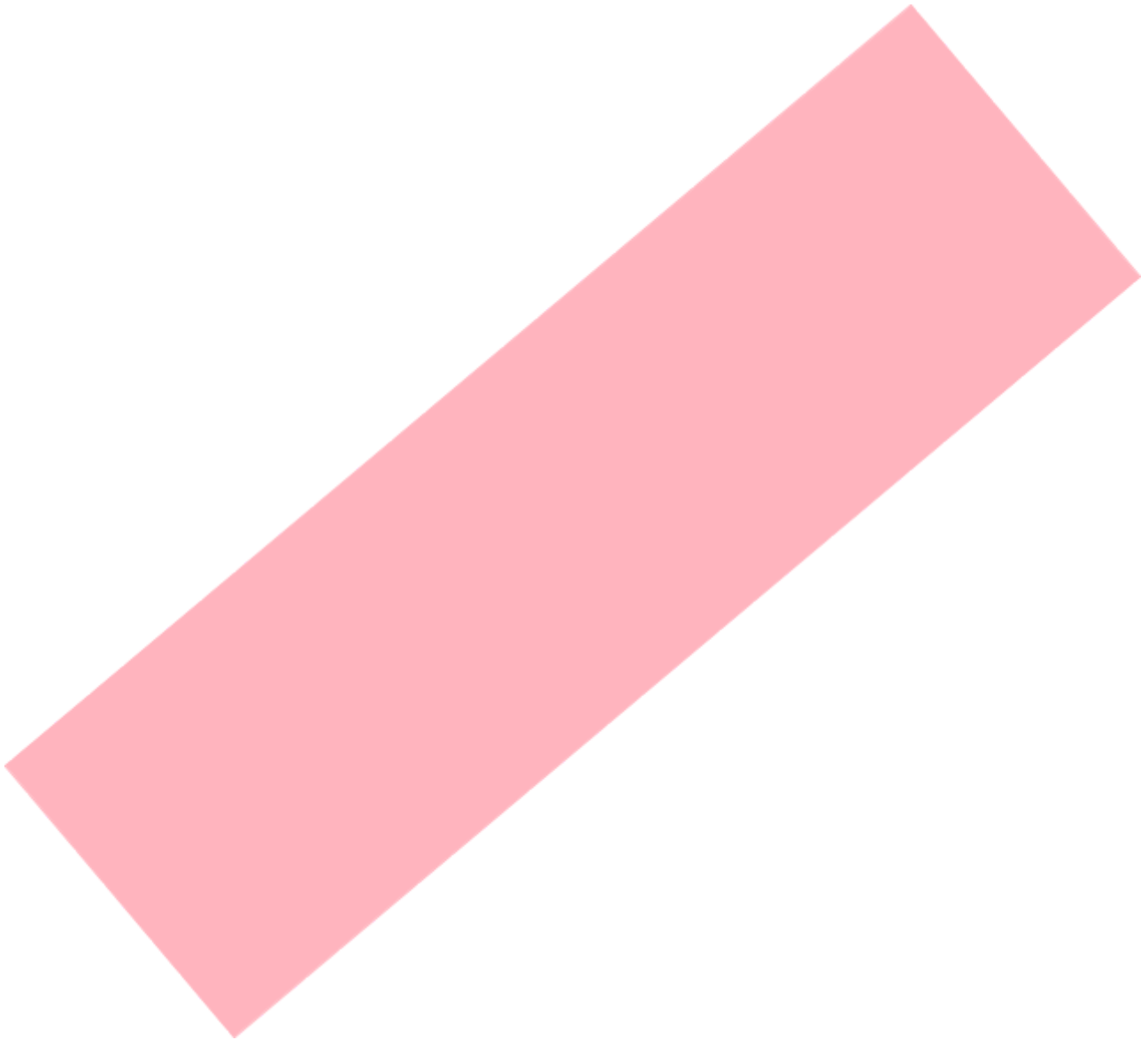
- 2.1. Environmental courts/tribunals system in:
 - USA
 - UK
 - Australia
 - New Zealand
 - South Wales

Unit 3: National Green Tribunal of India [Lectures:15]

- 2.1 Law Commission 186th Report

2.2
2.3.
2.3.1.
2.3.2

Supreme Court of India on specific
Environmental Courts/Tribunals
The National Green Tribunal Act, 2010
Constitution and composition of NGT
Jurisdiction, powers and procedure of NGT



- 2.3.3 Relief, compensation and restitution
- 2.3.4. Appellate Jurisdiction of Tribunal and the Supreme Court
- 2.3.5. Principles for application
- 2.3.6. Execution of award, order or decision of the Tribunal

Suggested Readings:

1. Sands, Philippe. "Litigating environmental disputes: Courts, tribunals and the progressive development of international environmental law." *Law of the Sea, Environmental Law and Settlement of Disputes*. Brill, 2007. 313-326.
2. Pring, George, and Catherine Pring. "Specialized Environmental Courts and Tribunals at the Confluence of Human Rights and the Environment." *Or. Rev. Int'l L.* 11 (2009): 301.
3. Leventhal, Harold. "Environmental Decisionmaking and the Role of the Courts." *University of Pennsylvania Law Review* 122.3 (1974): 509-555.
4. Amirante, Domenico. "Environmental Courts in comparative perspective: preliminary reflections on the National Green Tribunal of India." *Pace Env'tl. L. Rev.* 29 (2011): 441.
5. Carnwath, Robert. "Institutional Innovation for Environmental Justice." *Pace Env'tl. L. Rev.* 29 (2011): 555.
6. Holland, Kenneth M., Frederick Lee Morton, and Brian Galligan, eds. *Federalism and the environment: environmental policymaking in Australia, Canada, and the United States*. No. 368. Greenwood Publishing Group, 1996.
7. Stephens, Tim. *International courts and environmental protection*. Vol. 62. Cambridge University Press, 2009.
8. Preston, Brian J. "Characteristics of successful environmental courts and tribunals." *Journal of Environmental law* 26.3 (2014): 365-393.
9. Sunkin, Maurice. "Modernising Environmental Justice: Regulation and the Role of an Environmental Tribunal." (2004): 307-309.
10. Postiglione, Amedeo. "A more efficient international law on the environment and setting up an international court for the environment within the United Nations." *Environmental Law* (1990): 321-328.
11. Pring, George William, and Catherine Pring. *Greening justice: creating and improving environmental courts and tribunals*. Access Initiative, 2009.
12. Pring, George, and Catherine Pring. "Specialized Environmental Courts and Tribunals at the Confluence of Human Rights and the Environment." *Or. Rev. Int'l L.* 11 (2009): 301.
13. Nain Gill, Gitanjali. "A Green Tribunal for India." *Journal of Environmental Law* 22.3 (2010): 461-474.
14. Desai, Bharat H., and Balraj Sidhu. "On the Quest for Green Courts in India." *J. Ct. Innovation* 3 (2010): 79.
15. Desai, Bharat H., and Balraj K. Sidhu. "Making" Green" Justice Work-The Amritsar Dialogue." *Environmental Policy and Law* 44.3 (2014): 298.
16. Dar, Mohammad Ayub, "The New Horizons of Green Justice under National Green Tribunal Act, 2010: Does it Lock Environmental Class Actions to Civil Courts?," XVII KULR (2010), 69-94
17. Patra, Swapan Kumar, and V. V. Krishna. "National Green Tribunal and Environmental Justice in India." (2015).
18. Gill, Gitanjali Nain. "Access to Environmental Justice in India with Special Reference to National Green Tribunal: A Step in the Right Direction," Ontario International Development Agency International Journal of Sustainable Development (2013).

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19. Asian Development Bank. “Environmental Governance and the Courts in Asia” (June 2012).
20. The National Green Tribunal Act, 2010
21. The National Green Tribunal (Practice and Procedure) Rules, 2011

Subject Code: LM21407GE

Subject: Service Law and Practice

Lectures: 2 credits

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The paper shall introduce the learner to the basic concept of service laws. It shall give an overview of the provisions of the legislation.

The paper shall be of the pattern as provided in the annexure.

Unit – I Lectures: 16

- 1.1 Introduction to service law ,constitutional safeguards
- 1.2 Salient features of Civil Service Regulations in J&K
- 1.3 University calendar relating to service matters

Unit – II Lectures: 16

- 2.1 J&K civil service employees conduct rules 1979
- 2.2 J&K civil service (classification & control) rules 1956

Selected Bibliography

- 1. Imtiyaz Hussain, Service Laws in J&K
- 2. Aijaj Ahmad, Service Law Referencer
- 3. University Calendar vol 1 and II
- 4. J&K Financial Code
- 5. J&K Civil Service (classification and control) Rules 1956

Tutorials – application of service rules in different departments/institutions working in the state

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Subject Code: LM21408DCE

Lectures: 3 credits

Tutorial: 1 credit

Subject: Public Utilities Law

Objectives of the course

Public utilities are government monopolies, which are services rather than commercial enterprises.

The law of public utilities is contained in the statutes of incorporation and judicial decisions given by courts while resolving disputes between the utilities and their consumers or employees or traders or others entering into business relations with them. In this paper a student will study (a) government policy in regard to such utilities in general and to each utility in particular, (b) the growth and evolution of the public utilities; (c) patterns of the laws of incorporation and (d) powers, functions and liabilities of the public utilities vis-a-vis their employees, consumers and others.

The paper shall be of the pattern as provided in the annexure.

Unit 1 Public Utilities

- 1.1. Railways, Electricity, Gas, Road Transport, telephone, post and telegraph service, Police, Fire Brigade, Banking service, etc.
- 1.2. Growth and evolution of public utilities and their legislation
- 1.3. Public Utilities - Why Government Monopoly?
 - 1.3.1 Government and Parliamentary Control
 - 1.3.2 Constitutional division of power to legislate.

Unit 2 Public Utilities and Consumer Protection

- 2.1. Exclusion from M.R.T.P. Act
- 2.2. Rights of consumers protected by the Consumer Protection Act
- 2.3. Rights Arising from law of Contract and law of Torts.
- 2.4. Public Utilities And their Employees.

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- 2.4.1. Application of Articles 16 and 311?
- 2.4.2 Application of Industrial law- right to strike

Unit 3 Public Utilities and Fundamental Rights

- 3.1. The right to equality: the airhostess case.
- 3.2. Are Public utilities "State" for the purpose of article 12 of the Constitution?
- 3.3 Extension of the concept of State

Unit 4 Liabilities

- 4.1 Liabilities and special privileges of public utilities
 - 4.1.1 In contract
 - 4.1.2 In tort
 - 4.1.3 In criminal law

Selected Bibliography

1. M. Bakshi, Television and the Law, (1986)
2. VasantKelkar, "Business of Postal Service" 33 I.J.PA. pp. 133-141 (1987)
3. G. Ramesh, "Characteristic of Large Service Organisation in a Developing Country Like India" 32 I.J.PA. 77 (1986)
4. NaliniParanjpe, "Planning for Welfare in the Indian Railways" 31 I.J.PA. 171-180 (1985)
5. Arvind K. Sharna "Semi-Autonomous Enterprise: Conceptual Portrait - Further Evidence on the Theory of Autonomy" 33 I.J.PA. p. 99-113.
6. S.P. Sathe, Administrative Law (1998)
7. Jain & Jain, Principles of Administrative Law, (1986)
8. JagdishUl, Handbook of electricity Laws, (1978)
9. Bhaumik, The Indian Railways Act, (1981)
10. Law Commission of India, 38th Report : Indian Post Office Act, 1898, (1968)
11. Students should consult relevant volumes of Annual Survey of Indian Law published by the Indian Law Institute (Constitutional Law 1 & 11, Administrative Law, Consumers Protection Law and Labour law).

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Subject Code: LM21411OE

Lectures: 1 credit

Practical: 1 credit

The Whistle Blowers Act, 2011

The paper shall introduce the learner to the basic concept of the Whistle Blowers Act . It shall give an overview of the provisions of the legislation.

The paper shall be of the pattern as provided in the annexure

Unit 1:

- 1.1. Overview of Act
- 1.2. Public Interest Disclosure
- 1.3. Procedure on Receipts of Complaint

Unit 2:

- 2.1 Protection under Act
- 2.2. Offences and Penalties
- 2.3. Functions of Competent Authority

Select bibliography

1. The Whistle Blowers Protection Bill, 2011

Subject Code: LM21412OE

Lectures: 1 credit
Practical: 1 credit

Right to Information Law

The paper shall introduce the learner to the basic concept of Right to Information. It shall give an overview of the provisions of the legislation.

The paper shall be of the pattern as provided in the annexure.

Unit 1:

- 1.1. Right to Information and Good Governance
- 1.2. Overview of RTI Act, 2005
- 1.3. Definitions
- 1.4. Procedure for Applications and their Disposal
- 1.5. Exception under RTI Act, 2005

Unit 2:

- 2.1. Obligations of Public Authorities
- 2.2. Central Information Commission
- 2.3. State Information Commission
- 2.4. Appeals and Penalties
- 2.5. Important Judgements of the Supreme Court and J&K High Court

Select bibliography

1. Accounts and accountability: theoretical implications of the right-to-information movement in India
2. R Jenkins, AM Goetz - Third world quarterly, 1999 - Taylor & Francis
3. Winning the right to information in India: Is knowledge power
A Baviskar - In J Gaventa & R McGee (eds) Citizen Action and ..., 2010
4. Bhoomi, Gyan Ganga, e-governance and the right to information: ICTs and development in India P Thomas - Telematics and Informatics, 2009 - Elsevier
5. The genesis and evolution of the right to information regime in India
S Singh - Transparent Governance in South Asia, 2010 -
6. A great and revolutionary law? The first four years of India's Right to Information Act
A Roberts - Public Administration Review, 2010 - Wiley Online Library
7. Structural pluralism and the right to information
A Roberts - The University of Toronto Law Journal, 2001 - JSTOR

LL.M Fourth Semester session 2021 and onwards

Subject Code: LM21413GE

Subject: Tax planning and law

Lectures: 2 credits

The paper shall introduce the learner to the basic concept of Taxation Law. It shall provide an in depth and updated study of the developments in Taxation Law.

The paper shall be of the pattern as provided in the annexure.

Unit 1 Direct tax

- 1.1. Nature and scope of Tax Planning
- 1.2. Direct Tax Code : salient features
- 1.3. Heads of Income
- 1.4. Procedure for Assessment
- 1.5. Appeal, Revision and Review
- 1.6. Settlement of tax disputes

Unit 2 : Indirect tax

- 2.1. General principles of GST
- 2.2. Need for GST
- 2.3. Chargeability of tax under GST
- 2.4. Taxable person/event
- 2.5. Subsuming of existing taxes
- 2.6. Emerging issues

Selected Bibliography

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1. Ram Niwas and Lakhotia, Subhash Lakhotia : How to Save Income Tax through Tax Planning: Practical and Time-Tested Methods for Saving Income Tax , 29th ed(2015)
2. Rafi M : Indirect Taxes : Central Excise, Customs, Service Tax and VAT (English) 10th Edition (Paperback) Bharat Law House Pvt Ltd. 2013
3. Ravi Gupta , Girish Ahuja: Systematic Approach to Taxation Containing Income Tax & Indirect Taxes (English) 32nd Edition 2014
4. Kanga and Palkhivala: The Law and Practice of Income Tax 10th ed (2013)
5. B.C.Datta: Laymen's Guide to GST 1st Ed(2011)
6. Sumit Dutt Majumder: GST in India, first ed(2014)
7. Direct Tax Code 2014 [Bare Act]
8. Goods And Services Tax 2014 [Bare Act]

Tutorials [filing of return, e-return, assessment, preparation of VAT bills etc. visit to offices of chartered accountant / tax consultant/ income tax authorities/commercial tax authorities in the state of J&K] [16 days]

Subject Code: LM21415DCE

Emerging Trends and Challenges (credits)

(3

Objectives: The course aims at acquainting the students with cloud computing, data privacy and the issues relating to social media

Unit I. Cloud Computing and the Law

[Lectures: 10]

- 1.1. Introduction
- 1.2. Overview of basic technical features
- 1.3. Current legal regime related to cloud computing

Unit II. Data Protection and Privacy

[Lectures: 10]

- 2.1. International Perspective
- 2.2. Data Protection Laws in US and UK
- 2.3. Data protection Law in India and role of Judiciary

Unit III. Social Media and Legal Problems

[Lectures: 10]

- 3.1. Issues relating to social networking services

Selected Bibliography

- 1. Christopher Millard, Cloud Computing Law, Oxford University Press (2021)
- 2. San Murugesan, Irena Bojanova, Legal Aspects of Cloud Computing, Wiley-IEEE Press (2016)
- 3. Gwen Kennedy, Data Privacy Law: A Practical Guide to the GDPR (2019)

Alternate Dispute Resolution (ADR) Credit

Practical: 1

Objectives of the Course:

This course shall introduce the learner to the basic understanding of the backdrop, meaning, and advantages of ADR and the key differences between ADR mechanism and Judicial Adjudication.

Unit 1. Introduction

- 1.1. ADR- Background and Meaning
- 1.2. Advantages
- 1.3. Comparison- ADR V. Adversarial System, Positional V. Interest Based Bargaining

Unit 2. Arbitration, Mediation, Negotiation and Lok Adalats

- 2.1. Arbitration- Meaning, Appointment of Arbitrator, Procedure for restoration proceedings, award, enforcement of award, setting aside an award, section 89 CPC and introduction of ADR in pending civil disputes.
- 2.2. Mediation- Mediation, Mediation Rules, Mediation Centres.
- 2.3. Negotiation, use of good offices and conciliation
- 2.4. Legal Services Authorities Act, 1987 and concept of non-litigation legal aid
- 2.5. Legal Aid Clinics
- 2.6. Lok Adalats- Genesis, meaning, constitution, jurisdiction and powers

Selected Bibliography:-

1. Anirban Chakraborty, Law and Practice of Alternate Dispute Resolution in India- A Detailed Analysis, 2016 Edition, LexisNexis.
2. Anirudh Wadhwa (Editor), Justice RS Bachawat's Law of Arbitration and Conciliation, 5th Edition, 2010, LexisNexis.
3. Stephen B. Goldberg, Frank E.A. Sander, Nancy H. Rogers, Dispute Resolution- Negotiation, Mediation and Other Processes, 3rd Edition, 1999, Aspen Law & Business, New York.
4. The Legal Services Authorities Act, 1987.
5. Arbitration and Conciliation Act, 1996 as amended from time to time