

UNIVERSITY COLLEGE OF LAW
KAKATIYA UNIVERSITY, WARANGAL, TELANGANA
LL.B. (3YDC) COURSE SYLLABUS (WITH EFFECT FROM 2020-2021)
LL.B (3YDC) II Year: Semester – IV

PAPER-I:

LABOUR AND INDUSTRIAL LAW – II

Theory

6 Hours/Per Week

Marks: 100 (External Exam)

Unit-I

The Remunerative Aspects – Wages – Concepts of wages - Minimum, Fair, Living Wages - Wage and Industrial Policies - Whitley Commission Recommendations -Provisions of Payment of Wages Act 1936 - Timely payment of wages - Authorised deductions – Claims - Minimum Wages Act 1948 - Definitions - Types of wages -Minimum rates of wages - Procedure for fixing and revising Minimum Wages – Claims -Remedy.

Unit-II

Bonus – concept - Right to claim Bonus – Full Bench formula - Bonus Commission - Payment of Bonus Act 1965 - Application – Computation of gross profit, available, allocable surplus - Eligibility of Bonus - Disqualification of Bonus - set on – set off of allocable surplus- Minimum and Maximum Bonus-Recovery of Bonus.

Unit-III

Employees Security and Welfare aspect - Social Security - Concept and meaning - Social Insurance - Social Assistance Schemes. Social Security Legislations - Law relating to workmen's compensation - The Workmen's Compensation Act 1923 – Definitions -Employer's liability for compensation - Nexus between injury and employment - payment of compensation - penalty for default - Employees State Insurance Act 1948 – Application - Benefits under the Act - Adjudication of disputes and claims – ESI Corporation.

Unit-IV

Employees Provident Fund and Miscellaneous Provisions Act 1952 – Contributions -Schemes under the Act - Benefits. The Maternity Benefit Act 1961 - Definitions-Application - Benefits. The Payment of Gratuity Act 1972 – Definitions – application - Payment of gratuity - eligibility – forfeiture – Nomination - Controlling authorities.

Unit-V

The Factories Act 1948 - Chapters dealing with Health, Safety and Welfare of Labour - Child Labour - Rights of child and the Indian Constitution - Salient features of the Child Labour (Prohibition and Regulation) Act 2016.

Suggested Readings

1. S.N.Misra, *Labour and Industrial Laws*, Central law publication, 2006.
2. N.G. Goswami, *Labour and Industrial Laws*, Central Law Agency.
3. Khan & Kahan, *Labour Law*-Asia Law house, Hyderabad
4. K.D. Srivastava, *Payment of Bonus Act*, Eastern Book Company
5. K.D. Srivastava, *Payment of Wages Act*
6. K.D. Srivastava, *Industrial Employment (Standing Orders) Act 1947*
7. S.C.Srivastava, *Treatise on Social Security*
8. Jidwitesukumar Singh, *Labour Economics*, Deep& Deep, New Delhi

PAPER-II:
LAW OF BANKING AND NEGOTIABLE INSTRUMENTS

Theory

6 Hours/Per Week

Marks:100 (External Exam)

Unit-I:

Evolution and History of Banking in India – Social Control and Nationalisation of Banks in India
Arguments in Favour and Against Nationalisation of Banks – Salient Features of Reserve Bank of India Act, 1935 – powers and Functions of RBI – Salient Features of Banking regulation Act, 1949 – Concepts of CRR and SLR – Types of Banks and Financial Institutions - Function of Commercial Banks – Social Banking – Amalgamation and Mergers of Public Sector Banks in India - Privatisation of Banking Sector in India – Modern Banking and Technology – Internet Banking and Mobile banking – Concepts of RTGS and NEFT.

Unit-II:

Definition of Banker and Customer - Banker Customer Relationship – Rights and Duties of the Parties springing out of such relationship – General Relationship Between Banker and Customer like Debtor and Creditor, Principal and Agent, Trustee and Beneficiary, Bailor and Baliee, Lessor and Lessee etc. - Special Relationship between banker and Customer like Banker's obligation to honour the cheques – Over draft – Banker's General Lien – Lien and Implied Pledge – Banker's Obligation to Maintain Secrecy of Customer's Accounts - Termination of Relationship – Special Types of Customers such as Corporations, Partnership Firms, Hindu Joint Families, Unincorporated Bodies, Joint Account Holders, Minors, Non-Resident Indians and Foreigners – Different Types of Accounts such as Current Accounts, Savings Accounts etc.

Unit-III:

Salient Features of Negotiable Instruments Act, 1881 – Definition and Characteristics of Negotiable Instruments – Deemed Negotiable Instruments – Holder, Holder in due course and Holder for Value – Types of Cheques – Crossing of Cheques – Information Technology Act, 2000 and Truncated Cheques – Endorsement and its kinds – Effect of Endorsement – Liability and Discharge of Endorser - Dishonour of Cheques by Banker and its consequences – Liability Under the Negotiable Instruments Act - Prosecution of Company and its Directors – Pecuniary and Territorial Jurisdiction.

Unit-IV:

Paying Banker – Obligations of Paying Banker – Limitations on Banker's Duty to Honour Customer's Cheques – Payment in Due Course and when Payment can be Refused - Statutory Protection to the Paying Banker – Collecting Banker – Obligations of Collecting Banker – general Duty of Collecting banker in Collection of Cheques - Conversion – Statutory Protection to the Collecting banker.

Unit-V:

Loans and Advances by Banks – Pledge of Stocks and Securities – Advances secured by other Collateral Securities – Advances against Gold, Life Policies and Documents of Titles to Goods - Recovery of Loans – Recovery through the Debt Recovery Tribunals – Recovery through Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (SARFAESI Act) – Bank as a Guarantor – Letter of Credit – Types of Letters of Credit - Appropriation of Payment by Banker – Clayton’s Rule.

Suggested Readings:

1. Tannan: *Banking Law & Practice in India*, Orient Law House, New Delhi.
2. Avtar Singh: *Negotiable Instruments*, Eastern Book Company, Lucknow, 1997.
3. P.N.Varshney: *Banking Law & Practice*, Sultan Chand & Sons, New Delhi.
4. Taxman: *Law of Banking*, India Law House
5. B.R. Sharma and Dr.R.P. Nainta: *Principles of Banking Law and Negotiable Instruments Act*, Allahabad Law Agency.
6. Mukherjee's *Banking Law and Practice*, Premier Publications Company.
7. Bashyam and Adiga: *Negotiable Instruments Act*, Bharat Law House.

PAPER-III:
INTERPRETATION OF STATUTES

Theory

6 Hours/Per Week

Marks: 100 (External Exam)

Unit-I:

Meaning and Definition of Statutes — Classification of Statutes — Meaning and Definition of Interpretation — General Principles of Interpretation — Rules of Construction under the General Clauses Act, 1897.

Unit-II:

Rules of Statutory Interpretation - Primary Rules - Literal or Grammatical Rule - Golden Rule - Mischief Rule (Rule in the Heydon's case) - Purposive Rule - Secondary Rules or Subsidiary Rules of Interpretation - *Noscitur a Sociis* - *Ejusdem Generis* - *Reddendo Singula Singulis*.

Unit-III:

Interpretation with reference to the subject matter of Statutes – Interpretation of Penal Statutes and Statutes of Taxation – Beneficial Construction – Doctrine of Harmonious Construction – Remedial and Beneficial Statutes – Interpretation of Constitution - The rule of Severability - Doctrine of Eclipse – Doctrine of waiver.

Unit-IV:

External Aids to Interpretation — Statement of objects of legislation, Legislative debates, identification of purpose sought to be achieved through legislation — Internal Aids to Interpretation — Preamble, title, interpretation clause, marginal notes, explanations etc. — Presumptions.

Unit-V:

Commencement of Statutes - Retrospective effect of Statutes - Repeals and Temporary Statutes – Effect of Repeal – Effect of Amendments to the Statutes – Conflict between Parent Legislation and Subordinate Legislation – Methods of Interpreting Substantive and Procedural Laws.

Suggested Readings:

1. Vepa P. Sarathi: *Interpretation of Statutes*, Eastern Book Co, 4th Edition, 1976.
2. Maxwell: *Interpretation of Statutes*, Butterworths Publications, 1976.
3. Crawford: *Interpretation of Statutes*, Universal Publishers.
4. Chatterjee: *Interpretation of Statutes*.
5. G.P. Singh: *Principles of Statutory Interpretation*, Wadhwa and Company, 2001.
6. Cross, *Statutory Interpretation*.

PAPER-IV:
LAND LAWS

Theory **6 Hours/Per Week**

Marks: 100 (External Exam)

Unit-I:

Classification of lands — Ownership of Land — Absolute and limited ownership (tenancy, lease etc.) — Doctrine of Eminent Domain — Doctrine of Escheat - Doctrine of Bona Vacantia — Maintenance of land records and issue of Pattas and Title Deeds – Presumptive titles to Title Guarantee - Records of Rights Act and Titling.

Unit-II :

Law Reforms before and after independence — Zamindari Settlement — Ryotwari Settlement — Mahalwari System — Intermediaries — Constitutional Provisions — Abolition of Zamindaries, Jagirs and Inams — Land Reforms and IX Schedule of the Indian Constitution – Interpretation of Directive Principles of State Policy - Tenancy Laws — Conferment of ownership on tenants/Ryots.

Unit-III:

Law relating to Acquisition of property and Compensation — The Right to Fair Compensation and Transparency in land Acquisition, Rehabilitation and Resettlement Act, 2013 – Salient Features – Public Purpose – Determination of Social Impact – Food Security – Procedure for Acquisition, Rehabilitation and Resettlement – Authorities under the Act.

Unit-IV:

Laws relating to Ceiling on Land Holdings — Telangana Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 — Effect of inclusion in the IX Schedule of the Constitution — Interpretation of Directive Principles of State Policy — New Tenancy Laws – NITI Ayog Model Law – Loan Eligibility under the Telangana Land Licensed Cultivators Act, 2011.

Unit-V:

Laws relating to alienation — Telangana Scheduled Areas Land Transfer Regulation, 1959 — Telangana Assigned Lands (Prohibition of Transfers) Act, 1977-Resumption of Lands to the Transferor/Government –Telangana Land Grabbing (Prohibition) Act – Land Rights of Women, Schedule Caste and Schedule Tribes. – Land Survey and Settlement

Suggested Readings:

1. P. Rama Reddi and P. Srinivasa Reddy : *Land Reform Laws in A.P.*, Asia Law House, Hyderabad.
2. P.S. Narayana: *Manual of Revenue Laws in A.P.*, Gogia Law Agency, Hyderabad.
3. *Land Grabbing Laws in A.P.*, Asia Law House, Hyderabad.
4. G.B. Reddy: *Land Laws in A.P.*, Gogia Law Agency, Hyderabad, 2001.

PAPER-V:

INTELLECTUAL PROPERTY LAW

Theory

6 Hours/Per Week

Marks:100 (External Exam)

Unit-I:

Meaning, Nature, Classification and significance of Intellectual Property — The main forms of Intellectual Property — Copyright, Trademarks, Patents, Designs (Industrial and Layout) - Geographical Indications - Plant Varieties Protection and Biotechnology. Introduction to the leading International instruments concerning Intellectual Property Rights — The Berne Convention — Universal Copyright Convention — The Paris Union — Patent Co-operation Treaty -- The World Intellectual Property Organization (WIPO) and the UNESCO, International Trade Agreements concerning IPR — WTO — TRIPS.

Unit-II:

Select aspects of the Law of Copyright in India — The Copy Right Act, 1957 - Historical evolution — Meaning of copyright — Copyright in literary, dramatic and musical works, computer programmes and cinematograph films — Neighbouring rights — Rights of performers and broadcasters, etc. — Ownership and Assignment of copyright — Licensing of Copyright - Author's special rights — Notion of infringement — Criteria of infringement — Infringement of copyright in films, literary and dramatic works — Authorities under the Act — Remedies for infringement of copyright.

Unit-III:

Intellectual Property in Trademarks and the rationale of their protection - The Trade Marks Act, 1999 — Definition of Trademarks — Distinction between Trademark and Property Mark - Registration — Passing off — Infringement of Trademark — Criteria of Infringement — Remedies. The Designs Act, 2000 — Definition and characteristics of Design — Law in India — Protection and rights of design holders — Copyright in design — Registration — Remedies for infringement.

Unit-IV:

Patents — Concept of Patent — Historical overview of the Patents Law in India — Patentable Inventions — Kinds of Patents — Procedure for obtaining patent — The Patents Act, 1970 — Rights and obligations of a patentee — Term of patent protection — Use and exercise of rights - Compulsory Licensing of Patents — Right to Secrecy — The notion of 'abuse' of patent rights — Infringement of patent rights and remedies available.

Unit-V:

Emerging Trends in IPR - Geographical indications - Protection of new varieties of plants - Protection of traditional knowledge - Patentability of Micro organisms - Budapest treaty.

Suggested Readings:

1. P. Narayanan: *Patent Law*, Eastern Law House, 1995.
2. Roy Chowdhary, S.K. & Other: *Law of Trademark, Copyrights, Patents and Designs*, Kamal Law House, 1999.
3. Dr. G.B. Reddy, *Intellectual Property Rights and the Law*, Gogia Law Agency. 2005.
4. John Holyoak and Paul Torremans: *Intellectual Property Law*.
5. B.L. Wadhwa: *Intellectual Property Law*, Universal Publishers, 2000.
6. W.R. Cornish: *Intellectual Property Law*, Universal Publishers, 2001.