

**(FROM 2024.25 SESSION ONWARDS) GAUHATI
UNIVERSITY**

SEMESTER–VI

Paper I Labour and Industrial Law – II

(Credit : 5)

Code: 6.1

Full Marks: 100 [80+20]

Time : 3 hours

Pass marks: 45 [36+9]

Detailed Syllabus

Marks

Unit 1: The Industrial Disputes Act, 1947 (Contd.)	16
1.1 Investigation & Settlement of Industrial Disputes – General (Sections 3 to 15)	
1.2 Dispute Settlement Machinery : Conciliation and Adjudication	
1.2.1 Conciliation/Mediation as a Dispute Settlement Mechanism	
1.2.2 Adjudication : Voluntary	
1.2.2 Adjudication/Arbitration and Compulsory Adjudication.	
1.3 Reference of the Industrial Dispute	
1.3.1 Nature and Scope of the Power of the Appropriate Government under Section 10	
1.3.2 Jurisdiction of Adjudicatory Authorities.	
1.4 Awards and Settlements	
1.4.1 Settlement : Nature, Duration and Termination	
1.4.2 Awards : Nature and Duration	
1.4.3 Judicial Review of Industrial Awards	
Unit 2: Managerial Prerogative	16
2.1 Domestic Enquiry and Disciplinary actions with special reference to the Industrial Employment (Standing Orders) Act, 1946	
2.2 Powers of the Adjudicatory Authorities	
2.2.1 Power in cases of Discharge/Dismissal (section 11A)	
2.3 Restraints on Managerial Prerogatives (section 33 and 33A)	
Unit 3: Wage – Concept and Kinds of Wages	16
3.1 Concept – National Wage Policy	
3.1.1 Theories of wages : Marginal productivity, subsistence, wages fund, supply	
3.2 Kinds of wages – (a) Minimum Wage; (b) Fair Wage ; (c) Living Wage	3.3
Components of wages : dearness allowance, principle of fixation.	
3.4 The Minimum Wage Act, 1948	
3.5 Machinery under the Act for the Fixation of Minimum Wage	
3.6 The Payment of Wages Act, 1936 : Salient Features	
3.6.1 Protection of wages : non-payment, delayed payment	3.6.2
deductions – remedial measures.	Unauthorized
Unit 4: Bonus	16
4.1 Concept of Bonus – computation of bonus	
4.2 Salient features of the Payment of Bonus Act, 1965	

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

16

- 5.1 The Workmen's Compensation Act, 1923
- 5.1.1 Entitlement for Compensation
 - 5.1.2 Concept of injury : arising out of and in the course of employment
 - 5.1.3 Disablement : Partial and Total, Temporary and Permanent
 - 5.1.4 Quantum of Compensation – principles for determination
- 5.2 The Factories Act, 1948 : A General Study of the Act

Referred Cases :

Karnal Leather Karamchari Sanghatan v. Liberty Footwear Co. AIR 1990 SC 247
J.K. Synthetics Ltd. V. K.P. Agrawal (2007) 2 SCC 433
Delhi Cloth and General Mills Ltd. V. Kushal Bhan, AIR 1960 SC 806
Debotosh Pal Choudhary v. Punjab National Bank, AIR 2002 SC 3276
Neeta Kaplish v. Presiding Officer, Labour Court, AIR 1999 SC 698
Jalan Trading Co. (P.) Ltd. V. Mill Mazdoor Sabha, AIR 1967 SC 69

Prescribed Legislations :

The Industrial Disputes Act, 1947
The Industrial Employment (Standing Orders) Act, 1946
The Minimum Wages Act, 1948
The Payment of Wages Act, 1936
The Workmen's Compensation Act, 1936
The Payment of Bonus Act, 1965
The Factories Act, 1948

Internal Assessment:

20

Recommended Books:

Books on Labour and Industrial law by
 O.P. Agarwala
 V.G. Goswami
 A.G. Chatarvedi
 S.C. Srivastava

Paper II LL.B./LL.B.(H)- 6.2**Public International Law**

Full Marks: 100 [80+20]

Pass marks: 45 [36+9]

(Credit : 5)

Time : 3 hours

Detailed Syllabus**Marks**

Unit 1:	Nature and Development of International Law	16
	1.1 Definition and concept of International law	
	1.2 Sources of International law	
1.3	History, Development and Schools of International law	
	1.4 Law of Nature and its influence on the development of International law	
	1.5 Relationship of International law and Municipal law	
Unit 2:	The Law of Peace	16
	2.1 States in General	
	2.2 Recognition of states	
	2.3 State succession	
	2.4 Intervention	
	2.5 Law of Sea and Air law	
	2.6 Extradition	
	2.7 Asylum	
	2.8 Diplomatic Agents	
	2.9 Laws of Treaties, including its formation, classification, ratification, termination and binding forces.	
Unit 3:	The Law of War	16
	3.1 Settlement of International Dispute	
	3.2 Laws of Armed conflicts and its effect including insurgency and belligerency, Four Geneva covenants of 1949 including its Additional Protocol of 1977,	
	3.3 Enemy character	
	3.4 Belligerent occupation	
	3.5 Prize court	
	3.6 War Crimes and Role of ICRC	
	3.7 The Termination of war	
	3.8 International Terrorism	
	3.9 Concept of International Humanitarian Law	
Unit 4:	The law of Neutrality	16
	4.1 Neutrality	
	4.2 Blockade	
	4.3 Contraband	
	4.4 Disarmament	

Unit 5: International Institution

16

5.1 Origin, Development role and functions

5.2 The League of nations

5.3 The United nations Organisations and its organs

5.4 International Court of justice

5.5 International Criminal Court

Referred cases*Shri Krishna Sharma Vs, State of West Bengal., AIR(1954) Calcutta 591**Civil Air Transport Inc. Vs. Central Air Transport Corporation, (1953) AC70 G.B**Sing Vs. Government of India, AIR 1973, S.CP 2667**Daya Sing Lahoria Vs. Union of India, AIR, S.C2001. P1716**Vishakha Vs. State of Rajasthan, A.I.R. 1997, S.C. P3011**Re Castioni Case (1981) IQB 149**Luther Vs., Sagor, (1921) 3 KB, P 532***Internal Assessment:**

20

Recommended Books:

J.G. Starke: Introduction to International Law

Dr. H.O.Agarwal: International law & Human Right

M.P.Tandon & Dr. V.K Anand : Introduction to International Law

Dr.S.K . Kapoor: International Law & Human Rights

LL.B./LL.B.(H)- 6.3 OP4**Insurance Law
Optional 4 : Business Law Group**

Full Marks: 100 [80+20] Pass
marks: 45 [36+9]

(Credit : 5)

Time : 3 hours

Detailed Syllabus**Marks****Unit 1: Introduction****16**

- 1.1 Definition, Nature and history of Insurance in India, brief outline of Insurance in England, Contract of Insurance, General Principles of Law of Insurance common to all: Insurable Interest, need of Utmost Good Faith, Indemnity, Consideration, Subrogation, Insurance policy.
- 1.2 Constitutional Perspective
 - 1.2.1. List-I – Entries 24, 25, 29, 30 and 47.
 - 1.2.2. List-III Concurrent List- Entries 23 and 24.
- 1.3 Premium, Commencement of policy, assignment and construction.
- 1.4 Insurance and Wager

Referred Cases

1. Prudential Insurance Co. V. Inland Revenue Commissioner (1904) 2 KB658.
2. Carlill v. Carbolic Smoke Ball Co. (1893) 1 QB 256.
3. Wier v. Bell (1878) 3 Ex. Ch. D 238.
4. Derry v. Peek 1889 UKHL-1 LR 14 App. Cas. 337 (1889)

Unit 2: General Principles of Law and Insurance**16**

- 2.1 Insurance Act-1938, Insurance Regulatory Authority Act-2000, Salient features, duties, powers, functions and constitution of IRDA.
- 2.2 Public Liability Insurance Act-1991 - Section 2 to 21.
- 2.3 Assignment and alteration
- 2.4 The General Insurance Act-1972
- 2.5 Regulation of Insurance business

Referred Cases

1. Harris v. Poland (1941) All ER 204: KBD 204.
2. Simmonds v. Cockell (1920) All ER 162.
3. VikramGreentech (I) Ltd. v. New India Assurance Co. Ltd. AIR 2009 SC 2493.

Unit 3: Life Insurance**16**

- 3.1 Nature and scope, event insured against life insurance contract, kinds of insurance policy.
- 3.2 LIC Act-1956, LIC role and functions, object, nature and scope of life insurance
- 3.3 Formation of life insurance contract, circumstances affecting the risk, amount recoverable under life insurance policy, persons entitled to payment from settlement of claims, payment of money, Effect of war upon policy.
- 3.4 Mutual insurance companies and co-operative life insurance societies, Double insurance, Reinsurance.
- 3.5 Nomination, assignment and alteration of life policies.

Referred Cases

1. Bresford v. Royal Assurance Co. (1938) AC 586.
2. Bernarasi Devi v. New India Assurance Co. Ltd. AIR 1959 PAT 540 AIR 1959.
3. Kulta Ammal v. Oriental Government Security Life Assurance Co. Ltd. AIR 1954 Mad. 636.

4. Life Insurance Corporation of India v. Asha Goel AIR 2001 SC 549.
5. Mithoolal Nayak v. Life Insurance Corporation of India AIR 1962SC 814.
6. Kasim Ali Bulbul v. New India Assurance Co. AIR 1968 J&K 39.
7. Smt. Krishna Wanti Puri v. Life Insurance Corporation of India AIR 1975 Del. 19.

Unit 4: Insurance against Accident

16

- 4.1 Insurance and M.V Act-1988, Necessity of Insurance against IIIrd Party.
- 4.2 Risk, Requirement of policies and limits of liability, Rights of IIIrd party against assurance as to insured, effect of death, cause of action.
- 4.3 Claims Tribunal Procedure, Process of Tribunal, Applications.
- 4.4 Assessment of Compensation, contributory negligence, Apportionment of compensation and liability

Referred Cases

1. New Sholme Bros. V. Road Transport & General Insurance Co. (1929) 34 Ll. L. Rep. 247
2. Moore v. Evans (1917) UKHL 533, 55SLR 533.
3. Hobbs v. Morlowe (1977) UKHL –JO 33H.

Unit 5 Marine Insurance and Property Insurance

16

- 5.1 The Marine insurance act-1963, Nature and scope of marine insurance, Insurable value, voyage deviation, Perils of the sea, proximate cause, notice of abandonment, total valuation of liability.
- 5.2 Fire insurance, definition, nature and scope of fire insurance, rights after loss, amount recoverable
- 5.3 Important of social insurance and need, commercial insurance and social insurance, workmen compensation, risk covered, industrial accidents, occupational diseases, cash benefits, incapacity, dependents.
- 5.4 Property Insurance. Burglary Insurance, Crop Insurance, Livestock insurance, Aviation insurance, Train accident insurance.

Referred Cases

1. Pink v. Fleming (1890) 25 QBD 396.
2. Bresford v. Royal Assurance Co. (1938) ac 586.

Books:

1. M.N. Srinivasan & K. Kanan, *Principles of Insurance Law (In Two Volume)*, Lexis Nexis, New Delhi, Eleventh Edition, 2023.
2. K.S.N. Murthy & K.V.S Sarma, *Modern Law of Insurance in India*, Lexis Nexis, New Delhi, Sixth Edition, 2019.
3. Avtar Singh, *Law of Insurance*, Eastern Book Company, Allahabad 3rd Edition, 2023.
4. R.N. Chaudhury, *General Principles of Law of Insurance*, Central Law Publications, New Delhi, 1st Edition, 2022.
5. Sachin Rastogi, *Principles of Insurance law*, Lexis Nexis, 1st Edition, 2023.

LL.B./LL.B.(H)-6.4 OP5 Any one from following:

Information Technology Law and Computer Application

(Credit : 5)

Full Marks: 100 [60+20+20]

Time : 2 hours

Pass marks: 45 [27+9+9]

Detailed Syllabus

Marks

Unit 1: Introduction to Computer

1.1 Computer system

- 1.1.1 Concepts, History of computer; Computer system characteristics, Types/ Classification of computers, Generations of computers, Basic components of computer system, memory primary & secondary memory;
- 1.1.2 OS & Software Its Need, Types of Software – System Software, Application Software, System Software – Operating system, Utility Programs, Programming languages.
- 1.1.3 Computer Network Definition, architecture & requirement, Types of Networks-LAN, MAN, WAN etc., Internet-basics, browser, email, Intranet, Extranet, WWW.

1.2 Overview of web technology-HTML, E-Commerce, E-Business, E-Education, etc.

1.3 Cyber Crime & Security (Introduction & Classification)

1.4 Introduction to Cyber Crime Investigation

- 1.4.1 Digital Evidence
- 1.4.2 Cyber Forensic
- 1.4.3 Impact of computers and technology in the legal office.

Unit 2: Information technology Act – 2000

- 2.1 Object and Essence of the Act – Its Salient Features
- 2.2 Legal Recognition of Digital Signatures
- 2.3 Legal Recognition of Digital Signatures
- 2.4 E-Governance
- 2.5 Regulation of Certifying Authorities
- 2.6 Duties of Subscribers
- 2.7 Offenses and Contraventions-Penalties and Adjudications 2.8
- Justice Dispensation System for Cybercrimes
- 2.9 Making of Rules and Regulations etc.

Unit 3: Cyber Law

3.1 Meaning of Cyber Law

- 3.1.1 Cyber World and Cyber Law
- 3.1.2 The international and online resources
 - 3.1.2.1 Security of Information
 - 3.1.2.2 Digital Signature
- 3.1.3 Cyber Law and Cyber Crimes
- 3.1.4 The intellectual Property aspect in Cyber Law
- 3.2 Regulation of cyber space-introducing cyber law

- 3.2.1 Scope of Cyber Laws-e-commerce-online contracts- IPRs (Copyright, trademarks and software patenting) -e-Taxation-e-Governance and cyber crimes)

Unit 4: The Evidence Aspect in Cyber Law

Applicability of the Indian Evidence Act on Electronic Record

Unit 5: Computer Application (Practical to be conducted & assessed by the respective colleges through competent teacher)

- 5.1 Introduction to Computer Science
- 5.2 Computer Network
- 5.3 Computer and the technology Law Practice
- 5.4 Special Topics
 - 5.4.1. Access
 - 5.4.2 Excel
 - 5.4.3 PowerPoint
 - 5.4.4 Word
 - 5.4.5 E-moot-court

Prescribed Legislations:

1. Information technology Act, 2000
2. Information technology Rules, 2000
3. Cyber Regulation Appellate Tribunal Rules, 2000
4. Bankers Book Evidence Act, 1891
5. Reserve Bank of India Act, 1934

Prescribed Books:

1. Farooq Ahmed, Cyber Law in India, Pioneer Books, New Delhi-110009
2. Vakul Sharma, Information technology Law and Practice, Universal, Delhi

Recommended Books:

1. Arun Baweja, Information technology and Development, KalparPublication, Delhi.
2. P.S. Yivek Shane, Banerjee, Science and Society, Himalaya Publishing House, Bombay.
3. Ashok Korde, A. Sawant, Science and Scientific Method, Himalaya Pub. House. Bombay.
4. B.B. Batra, Information Technology, Kalpar Publications, Delhi.
5. Nandan Kamamth, Guide to Information Technology Act, University Law Pub.Co. Delhi 33
6. Suresh T. Viswanathan, The Indian Cyber Laws, Bharat Law House, New Delhi-83
7. Ankit Fadia and Jaya Bhattacharjee, Encryption -Protecting your Data
8. P. Narayan, Intellectual Property Law, Eastern Law House, New Delhi.

LL.B./LL.B.(H)-6.4 OP5**International Environmental Law**

Full Marks: 100 [80+20]

Pass marks: 45 [36+9]

(Credit : 5)

Time : 3 hours

Detailed Syllabus	Marks
Unit-1 : International Environmental Law – Origin, Concepts And Discussions.	16
1.1 Origin of International Environmental Law.	
1.2 Environmental Ecosystem and Nature.	
1.3 Right to Environment as a Human Right.	
1.4 Pollution Hazards -	
1.4.1 Global Warming	
1.4.2 Acid Rain.	
1.4.3 Green House Effects.	
1.4.4 Radioactive Waste.	
1.4.5 Global Environment Facility.	
1.5 Animal Rights as a part of the Rights of Nature	
Unit-2 : Fundamental Principles And Mechanism Of International Environmental Law	16
2.1 Bruntland Commission Report	
2.2 Stockholm Declaration	
2.3 Earth Summit (Rio Conference)	
2.4 Kyoto Protocol	
2.5 Copenhagen Summit	
2.6 Treaty on Antarctic and Polar region-1961	
2.7 Corporate Environment Regulation at International Level	
Unit-3 : Role Of International Organization And Sustainable Development	16
3.1 Sustainable Development Goals	
3.2 Role of United Nations	
3.3 Role of NGOS-	
3.3.1 WWF	
3.3.2 GREENPEACE	
3.3.3 FRIENDS OF THE EARTH	
Unit- 4: Trade And Environment	16
4.1 Paris Agreement.	
4.2 Minamata Convention.	
4.3 Convention on International Trade in Endangered Species.	
4.4 Basal Convention on Hazardous Waste.	
4.5 Ramsar Sites /Convention.	
Unit-5 : Environment And Climate Change	16
5.1 Climate Justice Programme CPJ, 2002- its establishment, aims and functions..	
5.2 UNFCCC- Objectives and Achievements.	
5.3 Impact and Mitigation Measures on Climate Change.	
5.4 The United Nations Environment Assembly (UNEA).	

Referred cases –

A.P. Pollution control board v. M.V. Naydu
Narmada Bachao Andolan v. Union of India
Ridhima Pandey v. Union Of India
Animal Welfare Board of India v. Nagaraja and Ors

Recommended Books:-

Dr. H.N. Tiwari Environmental Law
Dr. S.S. Tripathi , Environmental Law
Dr. J.J. Upadhayay , Environmental Law
A.Usha (ed) , Environmental Pollution , International Perspective
S.S.Shastri , Environmental Law

(OP 6) Any one from the following:

Paper V Equity and Trust

(Credit : 5)

Code: 6.5

Full Marks: 100 [80+20]

Time : 3 hours

Pass marks: 45 [36+9]

Detailed Syllabus	Marks
Unit 1: Concept and Definition of Equity: Origin and Development	16
1.1 Introduction, Historical Background, Equity as a branch of Law	
1.2 Description of Equity, Definition of Equity, Nature and Scope of Equity	
1.3 Equity under the legal system, distinction between Common Law and Equity	
Unit II: Maxims of Equity-I	16
2.1 Equity will not suffer a wrong to be without a remedy	
2.2 Equity follows the law	
2.3 He, who seeks Equity, must do Equity	
2.4 He who comes to Equity, must come with clean hands	
2.5 Delay defeats equities	
2.6 Equality is Equity	
Unit III: Maxims of Equity-II	16
3.1 Equity looks to the intent rather than the form	
3.2 Equity looks on that as done which ought to have been done	
3.3 Equity imputes an intention to fulfill an obligation	
3.4 Equity acts in <i>personam</i>	
3.5 Where equities are equal first in time shall prevail	
3.6 Where there is equal equity, the law shall prevail.	
Unit IV: Trust	16
4.1 Origin and development of Trust, Definition of Trust, Rights of Trustees and Beneficiaries	
4.2 Classification of Trusts	
According to the nature of duties of Trustees – Simple Trust and Special Trust	
According to their objects – Private Trust, Public or Charitable Trust	
According to the mode of their education – Express or Declared Trusts, Executed and Executory Trusts, Implied or Presumed Trusts, Constructive Trusts.	
4.3 Creation of Trust	
Essentials of a Trust, Express Trusts, Rule of Three Certainties, Creation of Trusts, Purpose of Trusts, Constructive Trusts	
Unit V: Duties, Liabilities and Rights of Trustees	16
5.1 Introduction, Duties of Trustees	
5.2 Liabilities, Non-Liability	
5.3 Rights of Trustees, Powers of Trustees, General Powers of Trustees, Statutory Powers of Trustees,.	
Internal Assessment:	20
Recommended books	
B.M. Gandhi, Equity, Trusts and Specific Relief , EBC	
G P Singh, Principles of Equity with special reference to Trusts & Specific Relief M	
P Tandon , Principles of Equity with Trusts and Specific Relief	

Paper V Customary Laws of North Eastern Region**(Credit:5)****Code: 6.5**

Full Marks: 100 [80+20]

Time : 3 hours

Pass marks: 45 [36+9]

Detailed Syllabus**Marks****Unit –I: Introduction to Tribal Communities****16**

Concept of Custom- Customary Law-Tradition

Various approaches of Culture of Indian Tribal Communities

Unit II: Some Tribal Communities in North Eastern Region

Matrilineal- Khasi and Garo

Patrilineal- Naga and Karbi

Unit III: Social Institutions in Tribal Society

Family- Marriage- Divorce- Custody of Children- Maintenance

Unit IV: Tribal Customary Laws and Women's Status

Khasi and Garo

Naga and Karbi

Unit V: Tribal Culture in North-East

Art-Dance- Festival- Textile-Architecture

Recommended Books: (list is not exhaustive)

Jeuti Barooah, Customary Laws of the Naga of Nagaland, Law Research Institute, Gauhati High Court, 2007

Jeuti Barooah, Customary Laws of the Khasis of Meghalaya, Law Research Institute, Gauhati High Court, 2007

Jeuti Barooah, Customary Laws of the Garos of Meghalaya, Law Research Institute, Gauhati High Court, 2007

Jeuti Barooah, Customary Laws of the Karbi of Assam, Law Research Institute, Gauhati High Court, 2007

P4**Paper VI Moot Court & Internship****(Credit : 5)****Code: 6.6****Practical – 4**

Full Marks: 100

Pass marks: 45

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

Detailed Syllabus**Marks****Unit 1: Moot Court****30**

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

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

Unit 2: Observance of Trial in two cases :**30**

- 2.1 One Civil case : 15 marks 2.2 One Criminal case : 15 marks

Students in a group of not more than 10 (ten) students will **attend two trials in the course of the last two or three years of law course**. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment.

3: Interviewing techniques and Pre.trial preparations**30**

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

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

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

Note 1: Written submissions on Moot Courts, Written Records of Observance of Trials in Courts and Written Diaries regarding Interviewing Techniques and Pre.trial preparations must

be submitted to the teacher of this paper regularly and the teacher will evaluate those continuously throughout the semester and award marks.

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