

## **FACULTY OF LAW**

**DIRECTION NO. 5 of 2012.**

### **DIRECTION GOVERNING ADMISSIONS AND EXAMINATIONS LEADING TO THE AWARD OF DEGREE OF MASTER OF LAWS (LL.M.) [CREDIT BASED SEMESTER SYSTEM]**

**[Direction issued by the Hon'ble Vice-Chancellor under Section 14(8) of the M.U.Act, 1994]**

**WHERE AS**, the R.T.M Nagpur University has framed the Regulations governing admissions and examinations leading to the award of post graduate degree in various faculties under the semester and credit and grade system from the academic year 2012 -2013, on \_\_\_\_\_.

**AND**

**WHERE AS** the Board of Studies in Law in its meeting dated 10/02/2012 has approved the revised scheme providing for the degree of Master of Laws on the basis of "**Credit Based Semester System**" to be implemented from the academic year 2012-13.

**AND**

**WHERE AS** the Faculty of Law at its meeting held on 10/02/2012 approved the said revised scheme for award of the degree of Master of Laws, as approved and recommended by the Board of studies as aforesaid.

**AND**

**WHERE AS**, the Academic Council in its meeting held on 15/02/2012 has approved the revised Credit Based system for the LL.M Course as approved and recommended by the Faculty of law as aforesaid.

**AND**

***WHERE AS the Dean of the Faculty requested the Vice-Chancellor of R.T.M Nagpur University to approve the revised scheme based on Credit Based Semester System under Section 14(7) of Maharashtra Universities Act, 1994 to meet the exigency.***

**AND**

***WHERE AS the same necessitates to issue the present Direction***

**AND**

***WHERE AS the procedure of implementing the new syllabus is urgent and emergent.***

***Now, therefore, I, Dr. Vilas Sapkal, Vice-Chancellor, R.T.M. Nagpur University, Nagpur in exercise of the powers vested in me under Section 14 (8) of the Maharashtra Universities Act, 1994 do hereby issue the following Direction:***

- 1. Title of the Direction:** This direction shall be called “***DIRECTION GOVERNING ADMISSIONS AND EXAMINATIONS LEADING TO THE AWARD OF DEGREE OF MASTER OF LAWS (LL.M.) [CREDIT BASED SEMESTER SYSTEM]***” in the faculty of Law, R.T.M. Nagpur University, Nagpur
- 2. Commencement of the Direction:** It shall come into force from the academic year 2012-13.
- 3. Scope:** These Directions shall apply to LL.M Regular Course Students. As regards LL.M External Course is concerned, without prejudice to the generality of provisions contained in Ordinance No. 11 of 2007 governing LL.M External Course, these Directions shall apply to LL.M External course students in so far as evaluation on the basis of credit and grading system.
- 4. Duration of the Programme:** The duration of the LL.M programme shall be TWO academic years spread over FOUR semesters with the University Examinations at the end of each Semester. Each Academic Year shall consist of Two semesters. The academic Session for the Odd Semesters i.e. 1<sup>st</sup> & 3<sup>rd</sup> Semester, will commence as far as practicable from 1<sup>st</sup> of July every year and for the Even Semester i.e 2<sup>nd</sup> & 4<sup>th</sup> will commence, as far as practicable, from 1<sup>st</sup> of January every year.

An examination for each of the semester shall be held twice in a year at such places and on such dates as may be fixed by the University from time to time. The fees for the examination also shall be prescribed by the University from time to time.

- 5. Interpretation Clause :** Unless the context otherwise require, the following words shall have the meaning as assigned to them in this clause.
  - (a) ATKT:** means Allowed to Keep Term in Higher Semester as per the provisions of this direction.
  - (b) Course :** It is equivalent to a paper/subject in a semester. It is a complete unit of learning which will be taught and evaluated within a Semester.
  - (c) Credit :** Credit means the unit by which the course work is measured. It is measured in terms of weekly class hours assigned to a Course. In this Direction one Credit means one hour of teaching work or two hours of practical work per week for 15 weeks in a semester.
  - (d) Credit Point (CP):** It is the value obtained by multiplying the Grade Point by the Credit i.e No. of Credits assigned for the course x Grade Points secured for that course.
  - (e) Cumulative Grade Point Average (CGPA):** CGPA means the value obtained by dividing total number of credit points in all the semesters by the total number of credits in all the semesters.

- (f) **Grade Letter** : Grade Letter **means** an index to indicate the performance of a student in a particular course/ Paper. It is the transformation of actual marks secured by a student in a course/paper into a letter grade. i.e O, A,B, C, D, E and F. There shall be a range of marks for each Grade
- (g) **Grade Point** : Grade Point means weightage allotted to each grade letter.
- (h) **Programme:** It means the Two Year Post Graduate Programme of study and examination spread over four semesters, the successful completion of which would lead to the award of Master of Laws ( LL.M.) degree.
- (i) **Semester Grade Point Average (SGPA):** It means the value obtained by dividing the total credit points earned by a student in all the courses of a given semester by the total number of credits assigned to that semester.

**6. Eligibility Criteria for Admission:** Notwithstanding anything contained in any direction/ordinance for the time being in force; a student desiring to see admission to LL.M. Program, may either register himself/herself as an external student or a regular student in any of the institution established , conducted or affiliated to the Rashtrasant Tukdoji Maharaj Nagpur University, Nagpur, where LL.M course is administered.

An applicant for admission to LL.M programme should have obtained Bachelors Degree in Law (LL.B.) or any other equivalent qualification, called by any name, which is recognized by the Rashtrasant Tukdoji Maharaj Nagpur Univeristy, Nagpur.

**7. Medium of Instruction and examination :** Notwithstanding anything to the contrary in this direction or any other stature or ordinance for the time being in force; the medium of instruction and Examination for LL.M Course shall be English. An answer-book in the University examination written in any language other than English, shall not be eligible for valuation. It shall be deemed to be invalid for all practical purposes.

**8. ATKT Rules :-** Notwithstanding anything to the contrary in this direction or any other ordinance for the time being in force,

The admission of students to the LL.M course/program shall be on the yearly basis. Therefore, a student admitted to the FIRST semester and who undergoes the regular course of study of FIRST semester, certified by the head of the Institution where he/she is admitted, shall be allowed to be promoted to the SECOND semester without any condition. In order, however, to be eligible to be admitted to the THIRD semester, the student should have passed in atleast 50% (Fifty Percent) of the total number of Papers/subjects/courses of the First and the second semester taken together.

The student taking admission to the THIRD semester in terms of the above clause shall be entitled to be promoted to the FOURT semester without any condition. A student admitted

to the THIRD semester and who undergoes the regular course of study of third semester, certified by the head of the Institution where he/she is admitted, shall be allowed to be promoted to the FOURTH semester without any condition

**9. Evaluation System on the basis of Credit based Award Pattern:** The academic performance of a student during a semester shall be graded on a Seven-point scale. The grade awarded to a student shall depend on his/her performance in external and internal examinations. The academic performance of a student during a semester and at the end of the programme, shall be evaluated on the basis of:

- (i) **Grade Point (GP) obtained in each subject**
- (ii) **Semester Grade Point Average (SGPA),**
- (iii) **Cumulative Grade Point Average (CGPA)**

At the end of each semester examination, a student shall be awarded a Semester Grade Point Average (SGPA). A Cumulative Grade Point Average (CGPA) shall be awarded to each student at the end of Final Semester of the Programme. The details regarding method of calculating SGPA & CGPA is explained in para 10.

**10. Award of Grade Letter, Grade Points, Credit Points, SGPA, CGPA:**

**(a) Award of Grade Letter and Grade Points:**

Each course/paper shall be valued in Seven Grades. The letter grades and their equivalent grade points are listed below.

Range of % of Marks	Grade Letter	Grade Points
85 to 100	O	10
75 to 84	A	9
65 to 74	B	8
60 to 64	C	7
55 to 59	D	6
50 to 54	E	5
0 to 49	F	0

**(b) Calculation of Credit Points :-**

Credit Points for the course = (No. of Credits assigned for the course x Grade Point secured for that course.)

**(c) Semester Grade Point Average (SGPA) :-** SGPA indicates the performance of a student in a given Semester. SGPA is based on the **total credit points earned by the student in all the courses** and **the total number of credits assigned to the courses/papers in a Semester.**

$$\text{SGPA} = \frac{\text{Total Credit Points in the Semester}}{\text{Total Number of Credits for the Semester}}$$

Provided that SGPA is computed only if the candidate passes in all the courses (gets a minimum 'E' Grade in all Courses).

**(d) Cumulative Grade Point Average (CGPA) :** CGPA refers to the Cumulative Grade Point Average weighted across all the semesters.

$$\text{CGPA} = \frac{\text{Total Credit Points Obtained in all Semesters}}{\text{Total Credits of all Semesters}}$$

Provided that CGPA is calculated only when the candidate passes in all the courses of all the semesters. Provided further, that, the final Grade Sheet shall show the Grade and Grade Points only.

**10. Standard of Passing the Semester Examinations:** In order to qualify a particular examination, a candidate shall have secured at least 50% of marks in each and every theory/ Practical/Dissertation prescribed for a particular semester. Similarly a candidate shall have to secure at least 50% of the internal marks wherever applicable. However with respect to external students, the internal marks shall be awarded on the basis of their performance in the university examination of their theory papers.

Note : for further details reference may be made to Appendix I to this direction.

**11. Maximum Period for completion of the LL.M. Program :-** Students shall complete the LL.M Programme within 5 successive years from the date of his/her first admission into the programme. In the event of the students failure to do so, he/she shall be declared as Non fit for the course (NFC in specialization in which the student was registered ) and he/she will not be allowed to appear for any examination related to his/her chosen specialization. However the NFC certificate shall not disqualify him/her from seeking fresh admission in any other specialization.

**12. Betterment :** Notwithstanding anything contained in any other ordinance or statute for time being in force, a student may opt to repeat any two of the theory paper of each semester except dissertation/project work for betterment of marks and grade. The option of betterment will be exercised only if the candidate has secured less than 55% marks in

that paper. No betterment shall be allowed in the internal assessment and in practical papers/project work/Dissertation in any semester.

**13. Award of the Degree:** A student will be eligible for the award of the Degree of Master of Laws (LL.M) with his chosen specialization/s, after he has successfully completed all the four semesters. The degree shall specify the division and CGPA of successful candidates as per the following criterion :

- |  |                                 |
|--|---------------------------------|
| <b>i. First Division with Distinction:</b> | <b>CGPA from 7.00 and above</b> |
| <b>ii. First Division:</b>                 | <b>CGPA from 6.00 to 6.99</b>   |
| <b>iii. Second Division :</b>              | <b>CGPA from 5.00 to 5.99</b>   |

**14. ABSORPTION SCHEME :-** THE absorption of the students admitted to the old course shall be as per the scheme given in detail in the APPENDIX-F to this direction.

**Nagpur**  
**Dated:**

**Dr. Vilas Sapkal**  
**Vice-Chancellor**

## LL.M COURSE (CREDIT BASED SEMESTER SYSTEM)

In LL.M Course (Credit based semester system), there are Eight Courses as foundation courses, which are compulsory for all. There are Seven specialization groups, which are optional. They are:

- 1) Group A- International Law
- 2) Group B- Constitutional Law and Administrative Law
- 3) Group C- Intellectual Property Laws.
- 4) Group D- Business Law
- 5) Group E- Environment and Legal Order
- 6) Group F- Labour, Capital and Law
- 7) Group G – Criminal Law

Candidates have to select any one group of specialization which has six courses/papers. The candidates will have to prosecute regular full time course of study. For every paper the total marks will be out of 100 i.e. 20 marks for internal assessment and 80 marks for theory. In each of the group 25 students will be admitted on merit in the Department of Law.

### Appendix A

#### LL.M. FIRST SEMESTER EXAMINATION

##### Foundation Courses

Sr. No.	Course Code	Course	No. of Credits	Max. Marks	Min. Marks
1.	FC01	Law and Social Transformation in India	04	IA 20	10
				T 80	40
				Total 100	50
2.	FC02	Indian Constitutional Law: The New Challenges	04	IA 20	10
				T 80	40
				Total 100	50

Optional Courses  
Group A

International Law

Sr. No.	Course Code	Course	No. of Credits	Max. Marks	Min. Marks
3.	A01	Nature and Sources of International Law	04	IA 20	10
				T 80	40
				Total 100	50
4.	A02	Law of Armed Conflicts	04	IA 20	10
				T 80	40
				Total 100	50

Group B  
Constitutional Law and Administrative Law

Sr. No.	Course Code	Course	No. of Credits	Max. Marks	Min. Marks
3.	B01	Constitutionalism: Pluralism and Federalism	04	IA 20	10
				T 80	40
				Total 100	50
4.	B02	Union – State Relations	04	IA 20	10
				T 80	40
				Total 100	50



Group C  
Intellectual Property Laws.

Sr. No.	Course Code	Course	No. of Credits	Max. Marks	Min. Marks
3.	C01	Law of Industrial and Intellectual Property - I	04	IA 20	10
				T 80	40
				Total 100	50
4.	C02	Law of Industrial and Intellectual Property – II	04	IA 20	10
				T 80	40
				Total 100	50

Group D  
Business Law

Sr. No.	Course Code	Course	No. of Credits	Max. Marks	Min. Marks
3.	D01	Corporate Law	04	IA 20	10
				T 80	40
				Total 100	50
4.	D01	Company and Securities Law	04	IA 20	10
				T 80	40
				Total 100	50

Group E  
Environment and Legal Order

Sr. No.	Course Code	Course	No. of Credits	Max. Marks	Min. Marks
3.	E01	Environmentalism & Indian Society	04	IA 20	10
				T 80	40
				Total 100	50
4.	E02	Human Impact on Environment & Problems in India	04	IA 20	10
				T 80	40
				Total 100	50

Group F  
Labour, Capital and Law

Sr. No.	Course Code	Course	No. of Credits	Max. Marks	Min. Marks
3.	F01	Law relating to Industrial Adjudication - I	04	IA 20	10
				T 80	40
				Total 100	50
4.	F02	Law relating to Industrial Adjudication - II	04	IA 20	10
				T 80	40
				Total 100	50

Group G  
CRIMINAL LAW

Sr. No.	Course Code	Course	No. of Credits	Max. Marks	Min. Marks
3.	G01	Criminal Justice System	04	IA 20 T 80	10 40
				Total 100	50
4.	G02	Crime and Social Legislation	04	IA 20 T 80	10 40
				Total 100	50

*Appendix B*

LL.M SECOND SEMESTER EXAMINATION  
Foundation Courses

Sr. No.	Course Code	Course	No. of Credits	Max. Marks	Min. Marks
1.	FC03	Jurisprudence and Legal Theory	04	IA 20	10
				T 80	40
				Total 100	50
2.	FC04	Legal Education and Research Methodology -I	04	IA 20	10
				T 80	40
				Total 100	50

Optional Courses  
Group A

International Law

Sr. No.	Course Code	Course	No. of Credits	Max. Marks	Min. Marks
3.	A03	Law of International Organisation	04	IA 20	10
				T 80	40
				Total 100	50
4.	A04	International Humanitarian Law and Refugee Law.	04	IA 20	10
				T 80	40
				Total 100	50

Group B  
Constitutional Law and Administrative Law

Sr. No.	Course Code	Course	No. of Credits	Max. Marks	Min. Marks
3.	B03	National Security, Public Order and Rule of Law	04	IA 20	10
				T 80	40
				Total 100	50
4.	B04	Administrative Process	04	IA 20	10
				T 80	40
				Total 100	50

Group C  
Intellectual Property Laws.

Sr. No.	Course Code	Course	No. of Credits	Max. Marks	Min. Marks
3.	C03	Law of Taxation - I	04	IA 20	10
				T 80	40
				Total 100	50
4.	C04	Law of Taxation -II	04	IA 20	10
				T 80	40
				Total 100	50

Group D  
Business Law

Sr. No.	Course Code	Course	No. of Credits	Max. Marks	Min. Marks
3.	D03	Economic Legislation	04	IA 20	10
				T 80	40
				Total 100	50
4.	D04	Legal Regulation of Economic Enterprises	04	IA 20	10
				T 80	40
				Total 100	50

Group E  
Environment and Legal Order

Sr. No.	Course Code	Course	No. of Credits	Max. Marks	Min. Marks
3.	E03	Environment : Laws , Policy and Structures	04	IA 20	10
				T 80	40
				Total 100	50
4.	E04	International Environment Laws and Global Issues	04	IA 20	10
				T 80	40
				Total 100	50

Group F  
Labour, Capital and Law

Sr. No.	Course Code	Course	No. of Credits	Max. Marks	Min. Marks
3.	F03	Law relating to Wages and Monetary Benefits	04	IA 20	10
				T 80	40
				Total 100	50
4.	F04	Law relating to Collective Bargaining and Trade Union	04	IA 20	10
				T 80	40
				Total 100	50

Group G  
CRIMINAL LAW

Sr. No.	Course Code	Course	No. of Credits	Max. Marks	Min. Marks
3.	G03	Criminal Justice: Concepts and Procedure	04	IA 20	10
				T 80	40
				Total 100	50
4.	G04	Penology – Treatment of offenders	04	IA 20	10
				T 80	40
				Total 100	50

*Appendix C*  
LL.M. THIRD SEMESTER EXAMINATION  
**Foundation Course**

Sr. No.	Course Code	Course	No. of Credits	Max. Marks	Min. Marks
3.	<b>FC05</b>	Legal Education and Research Methodology -II:  (Submission of Project Work and Viva-voce and Law Teaching).  I) Project work Ext. Exam. II) Viva –voce Ext. Exam. III) Law Teaching Ext. Exam.	04	50 25 25	25 13 13
4.	<b>FC06</b>	Computer and Information Tech. Law.	04	Total 100 T - 80 IA. – 20	51 40 10
5.	<b>FC07</b>	Computer Practicals  I) Practical on Computer Ext. Exam.  II) Viva –Voce Ext. Exam  III) Group Discussion Ext. Exam	04	50 25 25 Total 100	25 13 13 51



## Optional Courses

Group A  
International Law

Sr. No.	Course Code	Course	No. of Credits	Max. Marks	Min. Marks
2.	A05	Private International Law – I  General Principles, Choice of Jurisdiction and Choice of Law	04	IA 20	10
				T 80	40
				Total 100	50
3.	A06	Private International Law – II  Specific Choice of Law Problems	04	IA 20	10
				T 80	40
				Total 100	50

Group B  
Constitutional Law and Administrative Law

Sr. No.	Course Code	Course	No. of Credits	Max. Marks	Min. Marks
2.	B05	Judicial Control of Administrative Powers	04	IA 20	10
				T 80	40
				Total 100	50
3.	B06	Public Authorities and Liability:  Controls on Maladministration	04	IA 20	10
				T 80	40
				Total 100	50

## Group C

## Intellectual Property Laws.

Sr. No.	Course Code	Course	No. of Credits	Max. Marks	Min. Marks
2.	C05	Banking Law	04	IA 20	10
				T 80	40
				Total 100	50
3.	C06	Insurance Law	04	IA 20	10
				T 80	40
				Total 100	50

Group D  
Business Law

Sr. No.	Course Code	Course	No. of Credits	Max. Marks	Min. Marks
2.	D05	International Economic Law	04	IA 20	10
				T 80	40
				Total 100	50
3.	D06	International Trade Law	04	IA 20	10
				T 80	40
				Total 100	50

Group E  
Environment and Legal Order

Sr. No.	Course Code	Course	No. of Credits	Max. Marks	Min. Marks
2.	E05	Biological Diversity and Legal Order	04	IA 20	10
				T 80	40
				Total 100	50
3.	E06	Conservation of Resources & Management of Environment	04	IA 20	10
				T 80	40
				Total 100	50

Group F  
Labour, Capital and Law

Sr. No.	Course Code	Course	No. of Credits	Max. Marks	Min. Marks
2.	F05	Social Security Legislation - I	04	IA 20	10
				T 80	40
				Total 100	50
3.	F06	Social Security Legislation - II	04	IA 20	10
				T 80	40
				Total 100	50

Group G  
CRIMINAL LAW

Sr. No.	Course Code	Course	No.of Credits	Max. Marks	Min. Marks
3.	G05	Organised Crime, Terrorism and International Crime, New Challenges.	04	IA 20 T 80	10 40
				Total 100	50
4.	G06	Offences Relating to Corporate Gains.	04	IA 20 T 80	10 40
				Total 100	50

**Appendix D**

## LL.M. FOURTH SEMESTER EXAMINATION

## Foundation Course

Sr. No.	Course Code	Course	No. of Credits	Max. Marks	Min. Marks
1.	FC08	Dissertation (External Examiner)	08	Written work 125	100
				Viva-voce 75	
				Total 200	100

## **Appendix-E**

### **SYLLABUS**

#### **LL.M-FIRST SEMESTER**

#### **FOUNDATION COURSE**

#### **COURSE CODE-FC-01**

### **LAW AND SOCIAL TRANSFORMATION IN INDIA**

Objective of the course:

This course is designed to offer the students with - (a) awareness of Indian approaches to social and economic problems in the context of law as a means of social control and change: and (b) a spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. The endeavour is to make the students aware of the role the law has played and has to play in the contemporary Indian society.

The following syllabus will be spread over a period of one semester.

Syllabus of the Course:

- 1 Law and social change
  - 1) Law as an instrument of social change.
  - 2) Law as the product of traditions and culture. Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

2. Reception of English Law in India:
  - 1) Development of judicial institutions and civil law in British India
  - 2) Role of Privy Council in India.
  - 3) Role of Justice, Equity and Good Conscience.
  
3. Community and the Law:
  - 1) Caste as a divisive factor
  - 2) Non - discrimination on the ground of caste.
  - 3) Acceptance of caste as a factor to undo past injustices.
  - 4) Protective discrimination: Scheduled castes, tribes and backward classes.
  - 5) Reservation: Statutory Commissions., Statutory provisions.
  
4. Modernisation and the Law:
  - 1) Modernisation as a value: Constitutional perspectives reflected in the fundamental duties.
  - 2) Industrial reform: Free enterprise V. State regulation - Industrialisation
  
5. Enforcement of Constitutional Values:
  - 1) Concept of India as one unit - Regionalism as a divisive factor
  - 2) Secularism .
  - 3) Directive Principles of State Policy - judicial response.
  - 4) Problems of Uniform Civil Code.
  - 5) Gender injustice ( Constitutional perspective )
  - 6) Children and Law . " "
  
6. Approaches to Law and Justice during the Nationalist Struggle:

Gandhi's Theory of State, Political and Legal Obligation.

Sources of Liberalism – The ideas of Phule, Ambedkar and Tilak.

Political and Legal thoughts of Nehru,

*Books Suggested for reading:*

- 1) A. V. Dicey – Law and Public Opinion in England, (1996) Universal Book Traders
- 2) Upendra Baxi – Towards a Sociology of Indian Law (Delhi, 1966).
- 3) M. C. Setalwad – The Common Law in India.
- 4) Vasudha Dhagamwar - Law, Power and Justice (1992).
- 5) M. P. Jain - Outlines of Indian Legal History, 5th Edn. 1999, Wadhwa & Co.
- 6) Legal & Constitutional History of India - Rama Jois, Vol -I & II, 1990, N.M.Tripathi Pvt. Ltd. Bombay.
- 7) Rajeev Bhargava, Edited: Secularism & Its Critics, Oxford India, 1999.
- 8) S.P. Shaw- Laws of the Child, ( 2000) Alia Law Agency , Allahabad.
- 9) B.R. Ghatak -. Ambedkar Thought ( 1997) APH Publishing Corporation , N. Delhi.
- 10) Verinder Gorver- Jawaharlal Nehru (1995) Deep and Deep Publication, N. Delhi.
- 11) S.R. Bakshi - Bal Gangadhar Tilak ( 1994) Annot Publications, N. Delhi.
- 12) Shyam S. Agarwalla - Religion and Caste Politics, (1998 ) Rawat Publications  
Jaipur and New Delhi.
- 13) A.S. Anand - Justice for Women concerns and expressions, ( 2002) Universal  
Law Publishing Co.Pvt. Ltd.

Internal Assessment: 20 marks.

Theory : 80 marks



**COURSE CODE – FC 02****INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES.**

Objective of the Course.

The Constitution, a living document, is said to be always in the making. The Judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes.

The following syllabus will be spread over a period of one semester.

Syllabus of the Course:

1) Nature and Scope of Rights:

- 1) Historical Background of Fundamental Rights in India.
- 2) Scope and Definition of Human Rights and Fundamental Rights.
- 3) Role of NHRC and Human Rights Courts.
- 4) Scope of Art.12 and Definition of 'State'.
- 5) Art. 13 and Rules of Interpretation with regard to Fundamental Rights-  
Doctrines.

2. Equality and Social Justice (Art 14 -17).

3. Scope of Art. 19:

- 1) Scope of the freedom under Art. 19(1) (a) - New Dimensions

- 2) Scope of other freedoms as guaranteed in Art. 19(1)(b) to (g). & Reasonable Restrictions .
  
4. 1) Safeguards to persons accused of crime under Arts 20
  - 2) Right to life and personal liberty - Nature, Scope and Expanding horizons of Art. 21.
  - 3) Preventive Detention - Art . 22
  
5. 1) Right to Freedom of Religion and Secularism - Arts. 25-28.
  - 2) Cultural and Educational Rights of Minority Communities - Arts. 29 and 30.
  
6. New Rights and Emerging Regime of Remedies:
  - 1) Nature and Scope of Art.32.
  - 2) Locus Standi - Public Interest Litigation.
  - 3) Implementation of International Conventions of Human Rights.
  - 4) Compensatory Justice.
  
7. Fundamental Duties and Directive Principles of State Policy - New Challenges
  - 1) Legal status, underlying object, nature and character of directives, classification and categories of directives.
  - 2) Interaction and Relationship between Fundamental Rights and Directive Principles and Duties.
  
8. Fundamental Rights and Emergency

*Books Suggested for Reading:*

- 1) H. M. Seervai – Constitutional Law of India. (1996) Tripathi.
- 2) M. Galanter – Competing Equalities: Law and the Backward Classes in India (1984).
- 3) Dr. Thrity Patel – Personal Liberty under The Constitution of India (B. Jain Publishers Delhi, 1993).
- 4) D. D. Basu – Constitution of India. (1996).
- 5) M. P. Jain – Constitutional Law of India.
- 6) V. N. Shukla – Constitution of India 9th Ed. 1994.
- 7) Ravi Prakash - Constitution, Fundamental Rights & Judicial Activism in India, 1997.
- 8) Justice Palok Basu - Law Relating to Protection of Human Rights Under the Indian Constitution and Allied Laws, (2002)

Internal Assessment: 20 marks.

Theory : 80 marks.

## **OPTIONAL COURSES**

### **GROUP-A**

#### **International Law**

#### **Course Code –A01**

### **Nature and Sources of International Law.**

1. Historical Background and Theoretical Foundation of International Law :
  - 1) Definition and Character of International Law
  - 2) Historical Evolution and Development of International Law
  - 3) Basis of International Obligation
2. Concept of Source of Law and Methods of Law Formulation.
  - 1) Meaning of Source of Law
  - 2) Sources of International Law
  - 3) Hierarchy of the Sources
  - 4) Codification and Progressive Development of International Law and Role of International Law Commission and International Agencies
  - 5) Jus Cogens
3. Relationship between International Law and Municipal Law :
  - 1) Theories of Relationship
  - 2) Merits and Demerits of the Theories with regard to the Relationship between International Law and Municipal Law

- 3) American, English and French Approaches towards the Relationship  
between Municipal Law and International Law
- 4) Indian Practice and role of Indian Judiciary
4. Subjects of International Law:
  - 1) States
  - 2) Non - State Entities
  - 3) Individuals.
5. State :
  - 1) Nature and Functions of State under International Law
  - 2) Different kinds of states and Non – State Entities
  - 3) Associations or groups of States
  - 4) State territory, acquisition & loss of territory
  - 5) State jurisdiction , Territorial and Extra-territorial jurisdiction, Criminal  
jurisdiction and Universal jurisdiction in International Law
6. Recognition:
  - 1) Recognition of State and Government in General
  - 2) Recognition De jure and De Facto
  - 3) Legal effects of Recognition
7. State Responsibility:
  - 1) Nature and Kind of State Responsibility
  - 2) Responsibility for breach of treaty, contractual obligation and  
expropriation of foreign property
  - 3) Responsibility for International delinquencies
  - 4) Claims
8. State Succession:
  - 1) Definition of state succession

- 2) Kinds and Theories of State Succession
- 3) Rights and obligations arising out of State Succession

Books Suggested for Reading:

- 1) O, Connel, D. P. – International Law Vol. I & II.
- 2) S. K. Agrawal (Ed.) – Essays on the Law of Treaties (1972).
- 3) Roselyn Higgins – The Development of International Law through the Political Organs of the UN (1963).
- 4) D. J. Harris – Cases and Materials on International Law (Third Ed. 1983).
- 5) Francis M. Sekandi (ed.) – New Horizons in International Law (Second Revised Edition).
- 6) George Schwarzenberger – International Law.
- 7) Brownlie – Principles of Public International Law, 4<sup>th</sup> Edn. 1990.
- 8) Rebecca M, Wallace: International Law.
- 9) Melcolm N. Shaw: International Law.
- 10) Martin Dixon and Robert: Cases and Material on international law Mc. Corquodale.
- 11) Shabled Rosemat – Developments in the law of Treaties.

Internal Assessment ; 20

Theory : 80

## Course Code –A02

# Law of Armed Conflicts

1. Settlement of International Disputes:
  - 1) Peaceful and coercive methods of settlement of international disputes
  - 2) Role of United Nations in settlement of international disputes
  
2. Concept of Disarmament:
  - 1) Disarmament and world security, military alliances, Arms Trade
  - 2) Test Ban treaties
    - i) The Partial test ban treaty
    - ii) Non Proliferation Treaty
    - iii) The Comprehensive Test Ban Treaty
  - 3) Legality of use of Nuclear Weapons
  
3. War in General:
  - 1) Conception of war, total war and economic warfare
  - 2) Proxy War
  - 3) Star War
  - 4) Legal Position of war under
    - i) Pact of Paris
    - ii) League of Nations
    - iii) United Nations
  - 5) Methods of Termination of war

4. Laws of War:
  - 1) Historical Development
  - 2) Hague Convention 1899 & 1907
  - 3) Air Warfare, Martens Clause, Military necessity and limitations on the rights of the belligerents to injure the enemy.
  
5. Effects of the outbreak of war:

Effect of war on :

  - i) Diplomatic Relations
  - ii) Consular Relations
  - iii) Treaty
  - iv) Enemy Property: Public & Private
  - v) Contracts
  - vi) Belligerent subjects on enemy territory
  
6. War Crime, Crimes against Peace and Humanity:
  - 1) Enforcement of International Criminal Law, recent trends
  - 2) Trials for war crimes
  - 3) Statute of the International Criminal Court.
  
7. Law of Neutrality:
  - 1) Meaning of Neutrality
  - 2) Development of Law of Neutrality
    - i) Neutrality Prior to League of Nations



- ii) Neutrality under the Covenant of League of Nations
- iii) Neutrality under the Pact of Paris
- iv) Neutrality under the United Nations Charter
- 3) Rights and Duties of Neutral and Belligerent States
- 4) Unneutral Services
- 5) Contraband and Blockade

8. Right to self-determination:

Declaration on the grant of independence to colonial countries

and peoples, humanitarian treatment of people living under colonial rule and trusteeships.

Books Suggested for Reading:

- 1) H. Lauterpacht (Ed.) Oppenheim: International Law, Vol. II, 7<sup>th</sup> Edn. (1952).
- 2) Schwarzenberger – The Law of Armed Conflicts – Vol. II.
- 3) D. Schlinder and J. Toman – The Law of Armed Conflicts 2<sup>nd</sup> Edn. 1981.
- 4) D. Fleck – The Handbook of Humanitarian Law in Armed Conflicts – 1995.
- 5) Yoram Dinstain War, Aggression and Self-Defence: 1988 Grotius Publishers.
- 6) Theodor Menon – Human Rights and Humanitarian Norms as Customary Law Oxford, Clarendon Press, 1989.
- 7) Balchandran & Rose Vergese (Ed.) Introduction to Humanitarian Law.

Internal Assessment ; 20

Theory : 80

## **Group - B**

### **CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW**

#### **Course Code – B01**

### **CONSTITUTIONALISM : PLURALISM AND FEDERALISM .**

N.B. Students are expected to be familiar with relevant provisions of other constitutions of the World - USA, UK, Canada and Australia.

1. Constitutionalism:

- 1) Meaning and nature of the concept of Constitutionalism - Historical Background of the concept- Liberal View, and Constitutionalism in Developing Societies.
- 2) What is Constitution? Meaning, Nature and Importance of Constitution ; Sources of strain in the Modern Constitutional Practice.
- 3) Globalization and its impact on Constitutionalism
- 4) Definition of 'State' with Reference to Public Undertakings and Control Mechanism

2. Indian Federalism :

- 1) Essential features and requisites of federal government-Differences

between Confederation and federation.

- 2) Pattern of Federal Government - USA, Australia, Canada, India.
- 3) Historical background of the federal structure of Government in India.
- 4) Why Federal government was chosen by the Constituent Assembly?
- 5) Recent trend from competitive to Co-operative Federalism - from two - to three-tier government, from National to World Federalism.
- 6) Panchayat Raj, Decentralisation of power and federal structure.

### 3. Parliamentary Form of Government :

- 1) Choice of West Minister Model - Presidential Vs. Parliamentary form of Government.
- 2) President of India and his constitutional status.
- 3) The Cabinet and the Doctrine of collective responsibility.
- 4) Governor and his role in Indian Federalism.
- 5) Party system and Anti-Defection Law.
- 6) Parliamentary Privileges.

### 4. Judicial Review :

- 1) Meaning, Basis and Constitutional significance.
- 2) American Supreme Court on Judicial Review-Marbury V. Madison.
- 3) Limits of Judicial review - Justifiability, Doctrine of Ripeness and Mootness.
- 4) Supreme Court as an umpire in the federal system.
- 5) Jurisdiction of the Supreme Court to adjudicate the disputes between Centre and States and States inter se (Art.131).

## 5. Pluralism :

- 1) Meaning, Nature and Characteristics of pluralistic society and Right to Self - Determination
- 2) Religious, Ethnic, linguistic, cultural and political pluralism.
- 3) Right to dissent in plural society.
- 4) Role of Law in Pluralistic society .

## Books Suggested for Reading :

- 1) Jain, Kashyap and Srinivasan (Ed.) - The Cases and Materials on the Union and State Relations.
- 2) M.P. Jain - Indian Constitutional Law.
- 3) D.D. Basu - Comparative Constitutional Law.
- 4) D.D. Basu- Legal Control of limited Government ( Tagore Lectures).
- 5) H.M. Seervai - Constitutional Law of India (1993)
- 6) K.C. Wheare - Federal Government (1963)
- 7) Granville Austin - the Indian Constitution; Cornerstone of a Nation (Oxford University 1972)
- 8) Justice E.S. Venkataramaiah and P.N. Bakshi- Indian Federalism – A Comparative Study (1992)
- 9) Subash C. Jain - The Constituion of India, Select Issues and Perceptions (Taxmann-2000).
- 10) D. J. De, - The Constitution of India, Vol I & II, Asia Law House ( Hyderabad) , (2003).

Internal Assessment : 20 marks.

Theory : 80 marks

## Course Code – B02

### UNION - STATE RELATIONS

N.B. : Students are expected to be familiar with relevant provisions of the Constitution of the world - USA, Australia and Canada.

1. Scheme of Distribution of Legislative and Administrative Powers:
  - 1) General Scheme of Distribution of Legislative Powers and Art. 245 to 254.
  - 2) Factors responsible for according paramountcy to the Centre.
  - 3) Administrative Relations Art. 256-263.
  
2. Distribution of Fiscal Powers :
  - 1) Scheme of allocation of Taxing Powers.
  - 2) Extent of Union Power of Taxation.
  - 3) Residuary Power.

Restrictions on Fiscal Powers :

  - 1) Fundamental Rights.
  - 2) Restrictions on the State's Power.
  - 3) Inter- Governmental Tax Immunities - Doctrine- its origin and application  
in USA, Canada , Australia and India.
  
3. Distribution of Tax, Revenue and Financial Equilibrium:
  - 1) Tax- Sharing under the Constitution.
  - 2) Grants - in - aid. (Art. 275) and Specific Purpose Grants (282).
  - 3) Borrowing power of the Government of India and the States.
  - 4) Financial Emergency and its impact on the Federal Structure.

4. Planning Commission and Finance Commission.
  - 1) Finance Commission - Constitution, Function, Role and Work of the Commission.
  - 2) Planning Commission and its Role.
  - 3) Formulation and Implementation of the Plan- the Role of Centre and the States - coordination between Planning Commission and Finance Commission.
  
5. Freedom of Trade and Commerce : Art. 301-307 :
  - 1) Freedom of Trade and Commerce.
  - 2) Limitations on the Powers of the Union and States with respect to freedom of Trade and Commerce.
  
6. Co-operative Federalism :
  - 1) Development from Competitive to Co-operative Federalism -Emerging Trends .
  - 2) Full Faith and Credit Clause.
  - 3) Inter-State Council.
  - 4) Zonal Councils.
  - 5) Inter-State Water Disputes.
  - 6) National Integration Council.

Books Suggested for Reading :

- 1) K.C. Wheare - Federal Government (4th Ed. 1963)
- 2) D.T. Lakadawala \_ Union State Financial Relations (1967).

3) M.P. Jain - Indian Constitutional Law (1987)

4) H.M. Seervai - Constitutional law of India Vol.2,chap.-22.

5) Daniel J. Elazer- American Federalism Chap. 3&4. (1984)

6) Chandrapal, Centre - State Relations and Co-operative Federalism, Chap.  
5 & 8 (1983)

Internal Assessment : 20 marks.

Theory : 80 marks

## **Group - C**

### **INTELLECTUAL PROPERTY LAW**

#### **Course Code –C01**

#### **LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY- I**

1. Introduction.
  - 1) Historical evolution of the concept of intellectual property.
  - 2) Meaning and main forms of Intellectual property.
  - 3) Competing rationale of the legal regimes for the protection of intellectual property.
  - 4) Intellectual property Rights and Criminal Law : Emerging trends
2. Law of Patent (The Patents Act, 1970)
  - 1) Basic concepts of patent, meaning, nature and kinds of patent.
  - 2) Procedure for registration of patents, patent agents, patent of addition, international patents.
  - 3) Rights and obligations of a patentee, assignment and surrender, notion of abuse of patent rights.
  - 4) Enforcement of patent, government use of invention, compulsory licences , licences of right and revocation for non-working, grounds of revocation of a patent.
  - 5) Infringement of patent, remedies for infringement, threat of infringement
  - 6) Patents Amendments in 1999 and 2002
  - 7) Patent and Computer Programmes , Patent and Micro - Organism



3. International Protection Of Patents.

- 1) International conventions and agreements for the protection of patents.
- 2) WTO/TRIPS obligation.
- 3) Biopiracy, Biotechnology patents
- 4) Sui generis Protection of plant varieties and farmers rights
- 5) Convention on Biological Diversity , Protection of traditional knowledge, rights of Indigenous People, transfer of technology, Multinational Ownership
- 6) Salient features of the Geographical Indications of Goods Act, 1999.

Books Suggested for Reading :

- 1) Cornish, W.R.- Intellectual Property (1981) , Second Indian Reprint, 1993, Universal Book Traders, Delhi.
- 2) Vashishtha - Law and Practice of Intellectual Property in India, 1999.
- 3) P. Narayanan- Intellectual Property (2nd Edn.) 1999.
- 4) Sangal P.S. and Kishore Singh - Indian Patent System and Paris Convention : Legal Perspectives (1987).
- 5) Pearson and Miller- Commercial Exploitation of Intellectual Property 1<sup>st</sup> Edition, 1990.
- 6) Gopalkrishnan, N.S.- Intellectual Property and Criminal Law , 1st Edn, 1994, National Law School of India University, Bangalore.
- 7) T.A. Blanco white - Patents for Inventions, 5th Edn, 1983. Stevens and Sons.
- 8) P. Ganguli - Clearing up for Patents - Indian Scenario, Universal Press.

Internal Assessment : 20 marks

Theory : 80 marks

## Course Code –C02

### LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY-II

1. Law Of Copyright ( Copyright Act, 1957)
  - 1) Meaning, nature and items of copyright.
  - 2) Subject matter of copyright.
  - 3) Ownership, assignment, registration and licensing of copyright.
  - 4) Rights of copyright owner and licensee.
  - 5) Infringement of copyright and remedies.
  - 6) International Conventions and Agreements for the Protection of Copyright-  
WTO/TRIPS Agreement, The Berne Convention, Universal Copyright  
Convention, The Rome Convention, WIPO's Copyright Convention and  
Phonogram Treaty, 1996.
  - 7) Neighbouring Rights : right of performing artists, broadcasting  
organisations, broadcasting rights including satellite and cable distribution.
  
2. Law of Trade And Merchandise Marks (Trade Marks Act, 2000)
  - 1) Meaning and nature of trade mark.
  - 2) Registration of Trade Marks : procedure and effect of registration, limitation,  
prohibition against registration. Certification of trade marks, foreign trade mark
  - 3) Licensing and Assignment.:  
Passing of and infringement, rights of owner, rights of licensee, remedies of  
infringement of trade mark
  - 4) International Conventions and Agreements for Protection of Trademark :  
Paris Convention, Madrid Agreement, Nise Agreement and TRIPS Agreement.  
Trademark and Cnsumer Protection (Study of UNCTAD Report ).

3. Law Of Trade Designs (The Designs Act, 2000) :
- 1) Definitions, basic concepts, functional designs, inventor of designs and the rights.
  - 2) Registration : procedure and benefits, registration authorities, their powers and functions.
  - 3) Design Copyright, term of design, compulsory license, license of right, assignment.
  - 4) Protection of Design : infringement of design, remedies against infringement.
  - 5) International Conventions and Agreements for Protection of Trade Design.

Books Suggested for Reading:

- 1) Melville B. Nimmer - Copyright and other Aspects of literary , musical and Artistic Works, 2nd Edn.
- 2) Baxi, U. The Law of Intellectual Property : Copyright law in India (1989)
- 3) P. Narayanan - Copyright and Industrial Design, 2nd Edn. 1995.
- 2) P. Narayanan - Trademark, Trade name and Passing off Cases 2nd Edn. Vol. I & II, 1997.
- 5) Thairani, K- Copyright : The Indian Experience (1987).
- 6) Lal's Copyright Act, 3rd Edn. 1995 Law Publications .

Internal Assessment : 20 marks

Theory : 80 marks

**GROUP D**  
**BUSINESS LAW- II**  
**Course Code- D01**  
**CORPORATE LAW .**

I. Introduction :

- a) Nature, purposes and types of business enterprises.
- b) Economic themes in the development of modern company law.
- c) Classification of companies.
- d) Concept and theories of corporate personality .
- e) Doctrine of Lifting the Corporate Veil
- f) Administration of Company Law- Authorities, their composition, powers and jurisdiction .

II. Formation of company .

- 1) Promotion and pre-incorporation contracts.
  - a) Concept of Promotion
  - b) Rights and Duties of Promoters
  - c) Pre-incorporation contracts.
  
- 2) The Mechanics of Company Formation .
  - a) Formation formalities.

b) Memorandum of Association :

- i) Meaning, nature and content ( Requirements under company and other legislations )
- ii) Doctrine of ultra vires - Scope, Effect, Remedies and Reform of the doctrine .
- iii) Amendment of MOA.

c) Articles of Association :

- i) Meaning and nature.
- ii) Doctrine of indoor management - Scope, Effect and Exceptions.
- iii) Amendment of AOA.

III Concept of Capital and Financing of Companies:

- a) Economic and legal concept of capital
- b) Sources of capital Depositories, Public Financial Institutions, Mutual Funds, FDI and NRI investments.
- c) Kinds of Capital, Alteration, Reduction and Issue of Capital
- d) Share - Definition, Kinds, Classes of Shares, Allotment, Transfer, Transmission of Shares and Buy back of Shares.
- e) Debenture - Definition, Kinds and Rights of Debenture Holders, Charges, New Developments in Corporate Debt Financing.
- f) Inter- corporate Loans and Investments .

Bibliography

- a) Gover's Principles of Company Law, 5th Edn. 1992, Sweet and Maxwell.
- b) Iyengar,T.R. Srinivasa : Company Promotion, Management & Incorporation , 2nd Edn. The Law Book co (P) Ltd.
- c) Dr.K.R. Chandratre : Transfer and Transimission of Shares and Debentures 3rd Edn. 1996 - Bharat Law House Publication.
- d) Badjatya : Model object Clause of Memorandum of Asociation of a company, 1995 Edn. Orient Publishing co.
- e) Ramaiya : Guide to the companies Act- (1998 )
- f) Boyle and Birds - Company Law 3rd Edn. 1997 Universal Law Publishing Co.Pvt. Ltd.
- g) J.H. Farrar and B.M. Hanniyan, Farrar's Company Law (1998) Butterworths
- h) Altman and subrahmanyam - Recent Advances in corporate Finance(1985) LBC.
- i) Y.D. Kulshreshta, Government Regulation of Financial Management of private Corporate sector in india (1986)

Journals - Journal of Indian Law Institute , Corporate Law Cases,

Chartered Secretary, Law and Contemporary Problems.

Statutory Materials - Companies Act

Internal Assessment : 20 marks.

Theory : 80 marks.

## Course Code –D02

### COMPANY AND SECURITIES LAWS.

- I. Management of Company .
  - 1) Concept of corporate Governance
    - a) Directors and other Managerial Personnel - Qualification, Disqualification, Appointment and Removal, Powers, Position, Duties , Liabilities and Remuneration of Directors.
    - b) Managing Director
    - c) Manager and sole selling agents .
    - d) Meetings of company
    - e) Supremacy of majority and protection of minority : exceptions to Rule in Foss V. Harbottle.
    - f) Oppression and Mismanagement: Meaning of and Relief against Oppression and Mismanagement.
- II. Regulation of companies by disclosure of information .
  - a) Themes underlying disclosure of information.
  - b) Auditors - Appointment , Qualification, Disqualification and Removal of .
  - c) Audit committee.
  - d) Investigation of affairs of companies - inspectors and their powers, inspectors' report .
- III. Amalgamation, take over and mergers
- IV. Corporate collapse - Winding up of company
  - a) Meaning and kinds of
  - b) Grounds for compulsory winding up
  - c) Appointment , Powers and Duties of Liquidator.

- d) Contributory.
- V. International Dimensions of company law.
  - a) Multinational and Transnational companies - Meaning , Growth and Regulation of
  - b) Cross- frontier mergers international competition and international co-operation.
- VI. Securities Laws in India.
  - a) Security Contract (Regulation ) Act . Control of capital market - listing of Securities etc.
  - b) National Stock Exchange /Recognised stock Exchange / OTC .Exchange
  - c) Contracts and options in securities, Derives, listing of securities
  - d) SEBI ACT and guidelines .
  - e) Depositories Act - Demiting of Shares etc.



## Bibliography

- a) Prof. I.C.B. Gover's Modern Principles of company law 5th Edn 1992, Sweet and Maxwell .
- b) Boyle and Birds- Company Law
- c) V.H. Farrar and B. M. Hanniyan, Farrar's Company Law ( 1998 ) Butter worth
- d) Ramaiya : Guide to the companies Act, ( 1998 )
- e) Thayil Philip and Iyengar, T.R. Srinivasa - companies Director  
(their Rights, Duties, Power, obligations, Appoint ments,  
Classifications, Removal, Resignation etc. ) 2nd Edn - Law Book Co:(p) Ltd.
- f) Iyengar, T.R. Srinivasa : Company Promotion, Management and incorporation, 2nd edn.  
The law Book co (p) Ltd.
- g) Dr. K.R. Chandratre, Bipin S. Acharya, Dr. S.D. Israni , K. Sethuraman: compendium on  
SEBI- Capital Issues and listing - 3rd Edn. 1996 Bharat law House publication.
- h) Bharats Manual of SEBI, 2000, Bharat Law Journals :- Same as under Paper IV.

Internal Assessment : 20 marks

Theory : 80 marks

## Group E

### Environment and Legal Order

### Course Code –E01

## Environmentalism and Indian Society

#### **Chap 1. Concept of "Environment"**

1. Definition, Meaning and Scope of the term 'Environment' and 'Pollution'.
2. Meaning of the term 'Population ', 'Biome', 'Biosphere'
3. Meaning of the term 'Ecosystem: Macro-Ecosystem and Micro- Ecosystem',
4. Natural and Biological Sciences Interactions: Biogeochemical Cycles
5. Ecological Efficiencies and Eltonian Pyramid

#### **Chap.2 Relationship between Population, Environment and Development**

1. Population –Vs- Development
2. Development –Vs- Environment
3. Concept of 'Common Property' and 'State Property'
4. Notion of Doctrine of Public Trust

#### **Chap. 3 Environment and Indian Cultural Tradition**

1. Ancient Beliefs
2. Medieval Writings
3. Religious Texts and Environment.

#### **Chap. 4.Early Legislations dealing with Environment before 1947**

(Relevant Sections only)

- a) Shore Nuisance (Bombay and Colaba) Act, 1853
- b) Indian Penal Code, 1860
- c) The Police Act, 1861

- d) The Sarais Act, 1867
- e) Northern India Canal and Drainage Act, 1873
- f) Obstruction in Fairways Act, 1881
- g) Easement Act, 1882
- h) Orient Gas Company Act, 1887
- i) The Indian Fisheries Act, 1897
- j) Indian Ports Act, 1908
- k) Forest Act, 1927
- l) Motor Vehicles Act, 1958
- m) Merchant Shipping Act, 1958

Internal Assessment :20

Theory :80

## **Course Code - E02**

### **Human Impact on Environment and Problems in India**

#### **Chap 1. Pollution of Water**

1. Definition and Utilization of Water
2. Sources of Water Pollution
3. Surface and Ground Water Pollution
4. Biological, Chemical and Physical Parameters of Water
5. Water Purification and Pollution Prevention Strategies

#### **Chap 2. Pollution of Air**

1. Definition and Structure of Atmosphere
2. Sources of Air Pollution
3. Types of Air Pollutants: Primary and Secondary Pollutants
4. Air Pollutants and its Measurement and Standards
5. Effect of Air Pollutant on Health, Vegetation and Material
6. Air Purification and Pollution Prevention Strategies

#### **Chap 3. Pollution of Noise**

1. Definition, Meaning and Scope
2. Causes of Noise Pollution
3. Sources of Noise Pollution
4. Effect of Noise Pollution
5. Noise Pollution Prevention Strategies
6. Noise Pollution (Regulation and Control) Rules, 2000

**Chap 4. Solid Waste and Its Management**

1. Solid Waste: Definition and its Characteristics
2. Classification of Solid Waste
3. Sources of Solid Waste
4. Effect of Solid Waste on Health, Vegetation and Material
5. Solid Waste Pollution Prevention and Disposal Strategies
6. General Discussion: Land Pollution

**Chap 5. Hazardous Waste and Its Management**

1. Hazardous Waste: Definition and its Characteristics
2. Classification of Hazardous Waste
3. Effect of Hazardous Waste on Health, Vegetation and Material
4. Hazardous Waste Pollution Prevention and Disposal Strategies

Internal Assessment :20

Theory :80

## GROUP - F

### LABOUR, CAPITAL AND LAW

#### COURSE CODE: F01

#### LAW RELATING TO INDUSTRIAL ADJUDICATION--I

1. Constitutional Perspectives and Industrial Relations:
  - i) Constitutional Framework for Industrial policy and Legislation-  
Legislative entries and Art.323.
  - ii) Constitutional goals protecting labour and capital enshrined in part –  
III,IV and IV A of The Constitution, Art.300-A.
  - iii) Jurisprudence of Industrial Adjudication - Constitutional Remedies and Appeal
  
2. Access to Industrial Justice:
  - i) Threshold control by government ; Reference.
  - ii) Extent of governmental discretion : time, expediency and matters for  
adjudication.
  - iii) Limitations on discretion.
  - iv) Political overtones and pressure tactics
  - v) Judicial restraint or liberalism, the ideal juristic approach.
  - vi) Direct access to adjudicatory authority by employer and employee;  
problems and perspectives.
  - vii) International norms.
  - viii) Comparative overview of access to adjudicatory process in U.K  
and Australia.

3. History of Industrial Adjudication
4. Adjudicatory Process and Modalities:
  - i) Industrial adjudication as a modality of harmonising interests of capital and labour.
  - ii) Employer's prerogative and employee's rights.
  - iii) Guiding principles of industrial adjudication-equity and justice.
  - iv) Resolution of Industrial Disputes by Collective Bargaining, Works Committee, Conciliation and Arbitration.
5. Exclusion of Jurisdiction of Civil Courts and machinery under special statutes

Books Suggested for Reading:

1. ILL-Labour Law and Labour Relations.
2. O.P.Malhotra-Law of Industrial Disputes,Vol-1 & 2
3. Kothari-Industrial Law, Vol-1& 2.
4. Report of National Commission on Labour (Relevant Provisions).
5. Rideout-Principles of Labour Law (1983).
6. Arya-Strikes, Lockouts and Gheraos.
7. Russel A Smith,et al-Collective Bargaining and Labour Arbitration,(1970) Part-2.
8. Justice D.D. Seth- Industrial Disputes Act, 1947 (1994)

Internal Assessment : 20 marks.

Theory : 80 marks.

**COURSE CODE- F02**

## Law Relating To Industrial Adjudication - II

1. Adjudicatory Machinery- Appointments, Power, Duties, Jurisdiction & Role of :
  - i.) Arbitration Proceedings.
  - ii.) Labour Courts.
  - iii.) Industrial Tribunals.
  - iv.) National Tribunal under IDA.
  
2. Agreements, Settlements and Awards:
 

Commencement ,Operation, Duration, Persons on whom it is binding.
  
3. Judicial Review of the Adjudicatory Process :
  - i.) Principles of Interpretation of Social Welfare Legislation.
  - ii.) Finality of decision making in adjudicatory process.
  - iii) Jurisdiction of the adjudicatory authority in respect of dismissal of workmen.
  
4. Juridical Formulation of the following Concepts and Changing Dimensions:
  - i. Industry.
  - ii. .Retrenchment-the widening dimension.
  - iii. Lay-Off.
  - iv. Closure.
  - v. Transfer of undertaking.
  - vi. Workmen.
  - vii. Industrial Dispute.



5. Compensation under IDA :Chap VA &VB:

1. Change of Service Conditions under IDA: 33, 33-A, 33-B & 33- C.

Books Suggested For Reading:

1. ILL-Labour Law and Labour Relations.
2. O.P.Malhotra-Law of Industrial Disputes,Vol-1 & 2
3. Kothari-Industrial Law, Vol-1& 2.
4. Report of National Commission on Labour (Relevant Provisions).
5. Rideout-Principles of Labour Law (1983).
6. Arya-Strikes, Lockouts and Gheraos.
7. Justice D.D.Seth-Industrial Disputes Act. 1947 (1994).
8. Russel A Smith,et al-Collective Bargaining and Labour Arbitration,(1970) Part

Internal Assessment : 20 marks.

Theory : 80 marks.

**Group – G.**

## **CRIMINAL LAW**

### **Course Code –G01**

### **Criminal Justice System**

#### I A) Crime

- 1) Concept, Nature, Definition and Characteristics of Crime.
- 2) Development of Criminal Law and Criminal Justice System during British period and post independent period.
- 3) Theories of Crime
- 4) Sociology of Crimes.

#### B) Criminology

- 1) Definition of Criminology - Social, Psychological and Legal approaches
- 2) Nature and scope of Criminology

#### C) Principles of Criminal Jurisprudence

- 1) Adversarial (Accusatorial) and Inquisitorial System
- 2) Recommendations of Malimath Committee Report-  
Shift from Co-ordination in Criminal Justice system,  
from 'justice model' to crime control model'.  
  
How the burden of proof shifts as per the nature of crime?

#### II Crime trends and Crime Prevention

- 1) Social Change, Deviance and Disorganization
- 2) Who is a Criminal
- 3) Crimes against person
- 4) Crimes against property
- 5) Crime, Social Control and Crime Prevention
- 6) Community and Crime Prevention

- 7) Crimes under Special Law and its jurisdictional aspect (Dowry Prohibition Act, Prevention of Atrocities Act, Electricity Act, 2003)

### III Criminal Liability: Precepts and Principles

- 1) Evolution of civil and criminal Liability from common liability for 'Wrongs'
- 2) Elements of Criminal Liability of the crime, contemplation, preparations, attempt and commission.
- 3) Mensrea - (intention) recklessness, negligence, malice, inchoate offences.
- 4) Mensrea under the IPC
- 5) Exemptions from criminal liability
- 6) Strict Liability.
- 7) Principles of Group or Joint Liability:
- 8) Vicarious and Corporate Liability

Note: - For Units II and III

- a) Criminal Conspiracy: Section 120-A, 120-B IPC
- b) Criminal intent : Common Intention Sec. 34, 35 IPC
- c) Abetment Chap V IPC,
- d) Chap IV IPC Section 35 CRPC
- e) Homicide – Sections 302 & 304, part I II 304 A & 304 B
- f) Sexual offences ( Relevant provision under IPC )
- g) offences Against Property (Relevant provision under IPC )

### IV Victimology

1. The concept of victimology
2. Rights of Victims. Protection to Victims under Criminal

## Law

3. Victim- offender Relationship
4. Victim Perception
5. Withdrawal of Prosecution Role of Victim  
Compensation under various Laws:
  - a) Section 357. CRPC
  - b) Motor Vehicles Act
  - c) sexual harassment and assaults.
  - d) medical negligence
  - e) State liability to pay compensation for police

## Atrocities

6. Compensation and Restitution to the victim- Justice To Victims, (Principle of compensatory jurisprudence)

## V. Procedural Mechanism in the Criminal Justice System

( viz. Police, Prosecutor and Judicial system)

- a) Role of police in modern societies
- b) Police Reforms and role played by Supreme Court
- c) Meaning, purpose and need of independent prosecution system
- d) Relationship of Police and Prosecution
- e) Effective Judicial Control on Criminal Justice system

## Books of Reference

1. Dutta K.K., Some Aspects of Criminal Law, Law Research Institute, Edition 1997, APH, Publishing House, Darya Ganj, New Delhi -02.
2. Dr. Mrinmaya Chaudhari, Languishing for Justice, A Critical Survey of the Criminal Justice System, DATTSONS, J. Nehru Marg, Sadar, Nagpur.
3. Malik P.L., Criminal Court Hand Book, 18<sup>th</sup> Edition, Eastern Book Company, 32, Lalbagh, Lucknow -01.
4. Manjula Batra, Protection of Human Rights in Criminal Justice Administration, Deep and Deep Publication, New Delhi.
5. Parvesh K Atri, Readings in Criminal and Criminology, 1<sup>st</sup> edition 1998, Anmol Publication Pvt. Limited, New Delhi -2
6. Ahmed Siddiqui, Criminology, Problems and Perspectives, 4<sup>th</sup> edition 1997, Eastern Book Company, Lucknow -01
7. Clive Coleman and Clive Norris , Introducing Criminology, Edition 2000, Lawman (India) Pvt Limited, Lajpat Nagar, New Delhi-24
8. Bharat B Das, Victims in the Criminal Justice System, 1<sup>st</sup> Edition 1997, APH Publication Corporation, New Delhi 2.

Internal Assessment : 20 marks.

Theory : 80 marks.

**Course Code –G02**

## **CRIME AND SOCIAL LEGISLATIONS**

### **I Meaning and Purpose of Social Legislation**

- a) Concept of Social Justice
- b) Historical Evolution of the concept of Social Justice from British Rule onwards
- c) Social Legislations interpreted by Courts in India
- d) Impact of social legislation on the Criminal Law in India
- e) Need for Reform in Social Legislations in the Indian context.

### **II Protection of rights in Criminal Justice System**

- a) Protection of Civil Right Act 1995.
- b) Meaning, Nature and scope of the Act.
- c) Need for reforms in the existing Civil Right Act,
- d) Nature of Offences.

### **III. Dowry Prohibitions Act 1961**

- a) Meaning and Purpose
- b) Merits and Demerits
- c) Negative Impact of the Act in certain exceptional cases
- d) Need for modification in the existing provisions
- e) Complementary provisions  
Sec 498A, Sec 304A & B of I P C
- f) Powers of Police Officers
- g) Nature of Offences.

- IV
  - A) The Immoral Traffic (Prevention) Act, 1956
    - a) Definition and objectives of Act
    - b) Regulatory Framework
    - c) Scope of the Act and its applicability
  - B) Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1995
    - a) Purpose and Object of the act
    - b) Merits and Demerits
  
- V Prevention of Corruption Act, 1988 : Its impact on Society
  - a) Nature, Meaning and Scope
  - b) Social reasons for the increase in the crimes of Corruptions
  - c) Prosecution - Sanctions and Regulations under the Act
  - d) Investigation Procedure and Powers under the Act.
  
- VI Prevention of Atrocities Act 1989
  - a) Meaning, Nature and Scope of the Act
  - b) Relevance of the Act in the present day scenario
  - c) Merits and Demerits

### **Books of Reference**

- 1) Krishnamurthy S. 1987, Impact of Social Legislations, on the Criminal Law in India, R.R. Publishers, Bangalore

- 2) Bare Acts
- \* I.T. Act, 2003
  - \* Evidence Act, 2003 and 2005
  - \* CR.P.C. 1999, 2003 & 2004
  - \* I.P.C. 1999, 2003 & 2004
  - \* Dowry Prohibition Act (1961), Dowry Prohibition (Amendment) Act (1961)
  - \* The Immoral Traffic (Prevention) Act, 1956
  - \* Prevention of Corruption Act, 1988.
- 3) Roger Glenn Lamphear, Freedom from Crime. Ed, 1979, Nellen Publishing Company, New York, 100016.
- 4) P.S. Narayana, The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act 1989 and Protection of Civil Rights Act 1955.) Gogra Law Agency, Hyderabad, AP-2.
- 5) Chakrabharti N.K. Social Defense, in the administration of Criminal justice Ed 1999, Deep and Deep Publications Pvt. Ltd, New Delhi-
- 6) Dewan V K, Law Relating to Offences against Women, 1<sup>st</sup> Edition 1996, Oriental Law House, New Delhi-24.

Internal Assessment : 20 marks.

Theory : 80 marks.



## **SYLLABUS**

### **LL.M-SECOND SEMESTER**

### **FOUNDATION COURSE**

### **COURSE CODE FC03**

## **Jurisprudence and Legal Theory**

1. Law and Justice:
  - a) Scope of Jurisprudence: The concept of Law.
  - b) The Relation of Justice to Law and Ethics, Ethical and Legal Theory
  - c) Law and Morals - Mills, Hart Devlin Debate.
  
2. Natural Law Theories:
  - a) Historical Development in Ancient, Medieval and Renaissance Period
  - b) Twentieth Century Natural Law Revival.
  - c) Hart on Natural Law.
  - d) Fuller and Morality of Law.
  - e) Finnis and Restatement of Natural Law
  
3. Positivism and Analytical Theories of Law:
  - a) Jeremy Bentham's Utilitarianism and Analytical Positivism.
  - b) Austin's Theory of Law
  - c) The Pure Science of Law: Kelson's Theory.
  - d) Positivism-Meaning by Prof. Hart and Dworkin.
  - e) Analytical Positivism and the Indian Legal System.

4. Sociological Jurisprudence:
  - a) Roscoe Pound's Theory of Social Engineering and Theory of Interest.  
Laswell and Mcdaugal, Parsons, Selznick.
  - b) Jhering, Max Weber, Durkheim, Ehrlich.
  - c) Unger and the Development of Modern Law.
  
5. Historical and Anthropological Theories:
  - a) The German Historical School-Savigny and Volkgeist.
  - b) The English Historical School - Sir Henry Maine.
  
6. Concept of Rights:
  - a) Classification and Categorisation of Rights, Constitutional Rights,  
Unenumerated Rights Co-Relation of Rights with Duties, Hohfeld's Analysis.
  - b) Human Rights: Generation of Rights, French Revolution and Declaration of  
the Rights of Man, Debate on British Bill of Rights, American bill of Right,  
Declaration of Human Rights,
  
7. The Judicial Process and Theories of Adjudication:
  - a) The nature of judicial process and the institution of adjudication.
  - b) Doctrine of Precedent-Stare Decisis, Ratio Decidendi and Obiter  
Dicta- Precedent as a Source of Law.
  - c) Nature of Contemporary Judicial Process- Rule of Law, Doctrine of  
Independence of Judiciary as an aspect of Separation of Powers.

## 8. Legal Concepts:

- a) Concept of Liability, moral, political and legal – Theories of liability Fault Liability, No-Fault Liability and Tstrict Liability.
- b) Concept of Property – Ownership and Possession.
- c) Corporate Personality / Legal Person.

## 9. Feminist Jurisprudence:

- a) Origin – Main Enquires Equality and Defference, Feminist Legal Method
- b) The Critical Legal Studies Movement, Post-Modernist Jurisprudence.

## Book Suggested for Reading:

- 1) Friedman W. -Legal Theory. (Fifth Edition), Universal Law Publishing Co-Pvt. Ltd.
- 2) Wayne Morrison - Jurisprudence from the Greek to Post - Modernism (1997).
- 3) Holand Sir R.W.M. - Thomas Erskine Holland The Elements of Jurisprudence 2001, Universal law Publishing Co Pvt. Ltd.
- 4) Freeman M.D.A. Lloyd's, Introduction to Swet and Maxwell Jurisprudence (7<sup>th</sup> Edition).
- 5) Dias Jurisprudence (Fifth Edition), Aditya Books, Butterworths.
- 6) P.J. Fitzgerald, Salmond on Jurisprudence (12<sup>th</sup> Edition) Universal Law Publishers
- 7) Rajeev Dhawan and Alice Jocab, Selection and Appointment of Superme Court

Judges – a Case Study (1978

8) Bodenheimer, Edgar Jurisprudence The Philosophy and Method of the Law,  
(Revised Edition ) 1996 Universal Book Traders, New Delhi.

Internal Assessment: 20

Theory : 80

## COURSE CODE -FC04

### Legal Education and Research Methodology

The paper on Legal Education and Research Methodology will carry 100 marks.

The candidates will appear for theory paper at University Examination and it will carry 80 marks . The Internal Assessment will be out of 20. Marks .

Legal Education & Research Methodology

Theory paper	80 Marks
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Internal Assessment : (Participation in workshops, Seminars, presentations and tutorials /Attendance)	<u>20 Marks</u>
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Total= 100 Marks

#### Legal Education and Research Methodology -I

1. Basic Concepts:

- 1) Meaning and characteristics of research.
- 2) Meaning and characteristic of legal research.

3) Concepts and meaning of social science research.

4) Law and social science.

5) Law and science.

6) Characteristics of the scientific methods.

## 2. Legal Research:

1) Indian background of legal research.

2) Legal Impact Analysis.

3) Methods/tools of legal research for practicing lawyers.

4) Doctrinal and Non-doctrinal research.

## 3. Developing Research Design:

1) The nature and type of legal research:

i) Exploratory/ Formulative

ii) Explanatory

iii) Descriptive

iv) Historical

v) Experimental

vi) Diagnostic

vii) Analytical

2) Deriving objectives of legal research.

3) Major concepts and variables of the study.

4) Developing hypotheses and research questions.

4. The Nature of Data in Legal Research:

1) The universe of the study.

2) The sampling design.

i) The adequacy of the sample size.

ii) Representatives of the sample.

3) Source of data, primary and secondary.

5. Data Collection and Data Processing in Legal Research:

1) The Research Tools:

i) Interview schedule

ii) Questionnaire

iii) Observational schedule

2) The methods of data collection

i) Interviewing

ii) Entering the data on the questionnaire

iii) Observation

3) Editing, coding, preparation of master chart and tabulation.

## 6. Report writing in Legal Research:

- 1) The form, the content and style of the report.
- 2) Reliability of the report in the context of objectivity.
- 3) Analysis of the report.
- 4) Interpretation of data.
- 5) Correct usage of citation, references and bibliography.
- 6) Chapterization.

## 7. Legal Education:

- 1) Objectives of Legal Education
- 2) Method of Teaching
  - i) Lecture method -merits and demerits.
  - ii) The Problem method
  - iii) Discussion method and its suitability at postgraduate level  
teaching
- 3) The Seminar Method of teaching
- 4) Examination system and problems in evaluation - external and  
internal assessment.
- 5) Clinical Legal Education, legal aid & legal literacy.
- 6) Finding the Law :



i) Citation : what is a citation, case citation

ii) Law Report

iii) Computer information system : Software Packages, practical exercises

*Books Suggested for Reading:*

- 1) Anderson, J. Durstan, B. H. Pooli, M.(1977) Thesis and Assignment Writing,  
Eastern Books Limited. New Delhi.
- 2) Bhandarkar and Wilkinson (1990) Methodology and Techniques of Social  
Research, Himalaya Publishing House, Bombay.
- 3) Goode, W. J. & Hatt, P. K. (1962) Methods of Social Research,  
McGraw Hill, New York.
- 4) Young, P.V. (1975) Scientific Social Surveys and Research Prentice Hall, New  
Delhi.
- 5) Jain S. N. Legal Research & Methodology I.LI.(1983) Publication, Ed:, Tripathi  
Pvt. Ltd., Bombay.
- 6) Adem Stott,: Legal Research Series Editor julie Macfarlane 1996.
- 7) S.K. Agrawal (edn) , Legal Education in India (1973). Tripathi , Bombay.
- 8) N.R. Madhava Menon , (Edn) A Handbook of Clinical Legal Education, 1998  
Eastern Book Co. Lucknow.
- 9) H. Brayne, N. Duncan & R.Grimes - Clinical Legal Education Active Learning  
in your Law School.. Oxford. 1998.

## **OPTIONAL COURSES**

### **GROUP-A**

#### **International Law**

#### **Course Code –A03**

### **Law of International Organisations**

1. Evolution and growth of International Organisations
  
2. Nature and Scope of International Organization:
  - 1) Nature and Legal personality: Public & Private
  - 2) Types of International Organisations: Private International Organisations (NGOs)
  
3. Universal International Organisation:
  - 1) League of Nations
  - 2) United Nations:
    - i) Principles and Purposes of United Nations
    - ii) Structure Composition and functions of organs of United Nations
    - iii) Law making process in the United Nations Resolutions
    - iv) UN Peace Keeping Function
    - v) Need for structural changes in United Nations Organisation

4. Executive Powers and Functions of the Secretary General of the UN
  
5. Specialised Agencies of the United Nations and their functions
  
6. Regional International Organisations :  
Council of Europe, OAS., OAU., NATO., SAARC., Arab League
  
7. Judicial Institutions:
  - 1) Historical Evolution
  - 2) Permanent Court of Arbitration
  - 3) Permanent Court of International Justice
  - 4) International Court of Justice – Composition, jurisdiction and functions
  
8. India and the United Nations

Books Suggested for Reading.

- 1) S. S. Goodspeed – The Nature and Function of International Organization.
- 2) Edward Yewin – Legislative Powers in the UN and Specialized Agencies (1969).
- 3) Ingrid Detter – Law Making by International Organization.
- 4) Higgins – The Development of International Law through the Political Organs of the United Nations (1963).
- 5) D. W. Rowett – The Law International Institution.
- 6) Buth Russell – A History of UN Charter.

- 7) A Cassess (Ed.) United Nations Peace Keeping Legal Essay (1978).
- 8) Meurice Rertrend – The Third General World Organisation (1989).
- 9) M. Moskowitz – The Roots and Readhes of United Nations – Action and Decisions (1980).
- 10) Dr. J. N. Saxena (Ed.) – United Nations for a Better World, Lancens Book,P. B. 4236 New Delhi – 110 048.
- 11) Dr. Rahmatullah Khan – Implied Powers of the United Nations.
- 12) Sir Gerald Fitz Maurice – The Law and Procedure of the International Court of Justice, 1986.
- 13) Sabltai Rosenne – The World Court, What it is and how it works? 1995.
- 14) Felice Morgen Stern – Legal Problems of International Organisation, 1986.
- 15) Dr. S. K. Kapoor - International Law and Human Rights, Fourteenth edition ( 2002. )

Internal Assessment ; 20

Theory : 80

## Course Code –A04

# International Humanitarian Law & Refugee Law

### Part - A

#### International Humanitarian Law

1. Historical Development of IHL:
  - a) The origin and growth of IHL
  - b) Definition of IHL.
  
2. Sources of IHL :
  - a) The Four Geneva Conventions, 1949
  - b) Additional Protocols
  
3. International Humanitarian Law and Human Rights
  
4. ICRC
  - a) Growth and Development of ICRC
  - b) Additional Protocols
  
5. a) International Measures for Implementation of IHL:  
International Criminal Court, War Crime Trials.  
b) National Measures for the Implementation of IHL. ( The Geneva Convention Act,1960)

### Part B

#### International Refugee Law

1. Historical Development of Refugee Law:
  - 1) Definition of Refugee
  - 2) Right to seek Asylum

- 3) Principle of non- refoulement
- 4) Rights and responsibilities of refugees
2. International Instruments and Regional Mechanism:
  - 1) Statute of the UNHCR
  - 2) 1951 Convention Relating to the Status of Refugees
  - 3) 1967 Protocol Relating to the Status of Refugees
  - 4) OAU Convention
  - 5) Cartagena Declaration
3. Link between Human Rights Instruments and Rights of Refugees
4. International Strategies for Refugee Protection:
  - 1) Early warning
  - 2) Burden sharing
  - 3) Safety Zones
  - 4) Right to remain and right to return
  - 5) Temporary asylum
  - 6) Refugees " surplace "
5. Internally Displaced Persons
6. Protection of Refugees in India:
  - 1) Protection without legislation
  - 2) Indian Critique of UNHCR and the Refugee Convention
  - 3) Status of Refugees in India under UNHCR
  - 4) Model National Law for Refugees

Books Suggested for Reading:

- 1) Balchandran - Varghese- Introduction to IHL.
- 2) Goodwin Gill, The Refugee in International Law, 1983.
- 3) B.S. Chimni, International Refugee Law: A Reader, 2000.

- 4) Bulletin on IHL and Refugee Law.
- 5) Indian Society of International Law - Year book on IHL and Refugee Law.

Internal Assessment ; 20

Theory: 80

## Group - B

### CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW

#### Course Code – B03

#### NATIONAL SECURITY , PUBLIC ORDER AND RULE OF LAW.

N.B. : Students are expected to be familiar with relevant provisions of the Constitution of the world - USA, Australia and Canada.

1. National Security , Public Order and Rule of Law.
  - 1) Concept and horizon of Rule of Law.
  - 2) National Emergency and its impact on federal structure of India.
  - 3) Failure of Constitutional Machinery under Art. 356.
  - 4) Scope of Art. 355.
  
2. Exceptional Legislation.
  - 1) COFEPOSA, FEMA and Customs Act (relevant provisions )
  - 2) TADA & POTA- the draconian law.
  - 3) Special courts and tribunals - Due process and special legislation -  
 Protection of Human Rights Act, 1993, the National Security Act , 1980  
 Narcotic Drugs and Psychotropic Substances Act , 1985
  
3. Civil Liberties and Emergency :
  - 1) Preventive Detention and Safeguards
  - 2) Suspension of fundamental Article 19 on declaration of emergency
  - 3) President's Right to suspend right to move any court
  - 4) Article 21- special importance - its non-suspendability.



4. Martial Law
  - 1) Provision in English Law
  - 2) Provision in India Constitutions
5. Amendment
  - 1) Amendment of the Constitution and Basic Structure Doctrine.
  - 2) Effects of unconstitutionality and Doctrine of Prospective Overruling.
  - 3) 44th Amendment and Art.300- A of the Constitution of India.
6. Election Commission.
  - 1) Superintendence, direction and control of elections (Art. 324)
  - 2) Electoral roll - Adult suffrage.
  - 3) Power of the Parliament /Power of the legislature of a state to make provision with respect to election.
  - 4) Bar to interference by Court in Electoral matters.

**Books Suggested for Reading:**

- 1) M.P.Jain - Indian Constitutional Law.
- 2) D.D. Basu - Comparative Constitutional Law.
- 3) H.M. Seervai , The Emergence, Future Safeguards and the Habeas Corpus :A Criticism (1978)
- 4) N.C. Chatterji and Parameshwar Rao, Emergency and the Law (1966).
- 5) Dr. M.C. Mehanathan , Law of Control on Narcotic Drugs and Psychotropic Substances in India
- 6) R.K. Agrawal and Alka Agrawal , The National Security Act, 1983.

Internal Assessment : 20 marks.

Theory : 80 marks

## Course Code –B04

### ADMINISTRATIVE PROCESS

N.B. Students are expected to be familiar with relevant principles of Administrative Law of - UK, USA and France.

1. Nature, Scope and Necessity of Administrative Law :
  - 1) Nature, scope and approaches to the Administrative Law.
  - 2) Power, Accountability and Law.
  - 3) Emerging Trends - Positive Duties of Administration under the Modern Social Welfare Legislation and Compulsion of planning.
2. Rule of Law :
  - 1) Rule of law in England as propounded by Dicey.
  - 2) Rule of law in Modern Context.
  - 3) Notion of Rule of law under the Indian Constitution.
3. Separation of Powers :
  - 1) Doctrine of Separation of Powers as propounded by Montesque .
  - 2) Separation of Powers under the US Constitution.
  - 3) Spirit and basic purpose of Separation of Powers-Modern Context- Separation of powers under the Indian Constitution.
4. Classification of Powers and Functions of Administration :
  - 1) Administrative, Executive, Legislative, Quasi - Judicial Powers.
  - 2) Distinction between Administrative and Judicial and Quasi-Judicial Powers.
  - 3) Kraipak's Decision and obliteration of distinction.
  - 4) Administrative Instructions.
5. Legislative Powers of Administration :
  - 1) Meaning of Legislative Powers and Function.

- 2) Essential Legislative Function.
  - 3) Necessity of Delegation of Legislative Powers.
  - 4) Constitutionality of Delegated Legislation.
  - 5) Excessive Delegation of Legislative Power.
  - 6) Legislative Control of Delegated Legislation.
  - 7) Judicial Control of Delegated Legislation- Doctrine of Ultra Vires - Substantive and procedural aspects.
  - 8) Sub- delegation.
6. Administrative Directions :
- 1) Meaning , nature and Identification of Directions.
  - 2) Distinction between Direction and Rules.
  - 3) Need for Directions.
  - 4) Enforceability of Directions.
  - 5) Directions to Quasi- Judicial and Statutory Bodies.
7. Administrative Discretion :
- 1) Nature of Executive power under the Constitution.
  - 2) Formulation and Execution of Policy without law.
  - 3) Discretionary Power-Nature and Necessity.
  - 4) Conferment of Administrative Powers by Law.

Books Suggested for Reading :

- 1) M.P. Jain and S.N. Jain - Principles of Administrative Law (1987)
- 2) D.D. Basu - Comparative Administrative Law (1969)
- 3) De'Smith - Judicial Review of Administrative Action.
- 4) H.W.R. Wade- Administrative Law.
- 5) D.D. Basu - Administrative Law (1996)
- 6) M.P. Jain - Treatises in Administrative Law Vol. I (1996).
- 7) D.J. De - The Constitution of India, Vol. I & II (2002)
- 8) M.C. Jain Kagzi - The Indian Administrative Law, Sixth Edition, (2002)
- 9) P.P. Craig - Administrative Law, Third Edition, (1994)

Internal Assessment : 20 marks.

Theory : 80 marks

**Group - C****INTELLECTUAL PROPERTY LAW****Course Code –C03****LAW OF TAXATION- I.**

1. Basic Concepts of income, Importance of income Tax and Annual Finance  
Act, exempted income, person, Non-Resident Indian, previous year ,Assessment year.
2. Income Tax Act - 1
  - 1) Scope of total income, basis of charge, agricultural income, capital and Revenue
  - 2) Computation of income under:
    - a) Income from salary
    - b) Income from business or profession.
    - c) Income from house property.
    - d) Capital gains.
    - e) Income from other sources.
3. Income Tax Act - II :
  - a) Deductions admissible in computing income.
  - b) Taxation and assessment of firms, companies and HUF
  - c) Income Tax Authorities, their powers and jurisdiction, collection and recovery of tax
  - d) Assessment : procedure and kinds of assessment.
  - e) Powers of central Govt. to compulsory purchase immovable property, search, seizure and settlement.
  - f) Appeals and Revisions.

## 4. Corporate Tax :

- a) Features, importance, economic and legal aspects of companies and corporations, special features affecting incidence of taxation
- b) Assessment procedure, features and problems.
- c) Minimum Alternative Tax.

## 5. Wealth Tax :

- a) Definition.
- b) Chargeability
- c) Exemptions.

## Books Suggested for Reading :

1. Dr. V.K. Singhania, Guide to Income Tax
2. Dr. Bhagwati Prasad, Direct Taxes Law and Practice with Tax Planning and Management.
3. Tax and Corporate Reference Monthly Journal by Bharat Law House Pvt. Ltd.
4. Mr. Sampat Iyengar, Law of Income Tax.
5. Dr. Mukherjee : Concise Income Tax Law and Practice 2nd Edn. 1997. Eastern Law House
6. Bharat's Concise Commentary on Income Tax . 2001 Edn .
7. Bharat's Professional Approach to Direct Taxes. 2001 - 2002.

Internal Assessment : 20

Theory : 80

**Course Code –C04**  
**LAW OF TAXATION - I I**

1. Sales Tax :

- 1) Evolution and basic principles of Sales Tax Laws and VAT Laws.
- 2) Constitutional Provisions relating to Indirect Taxes.
- 3) Maharashtra Value Added Tax. 2002- Registration, Taxability, Returns. Set-off, Assessment, Interest, Penalties, Audit ,Survey and Search, etc under MVAT.
- 4) The Central Sales Tax Act, Definitions, Inter State Sales, Import, Export, Sales on High Seas, Various Forms under the Act Registration, etc.

2. Central Excise Act :

- 1) Basic of Charging Excise Duty
- 2) Definition and Registration under Central Excise.
- 3) Cenvat
- 4) Duty Draw Back Rule

3. Customs Act :

- 1) Definition
- 2) Kinds of Duties.

4. Service Tax Act :

Definitions. Registration. Salient Features, Exempted Services, Books of Assessment. Filing of Service Tax Returns, Service Tax, Credit Scheme and Rules, Assessment and Recovery of Service Tax.

Books Suggested for Reading :

- 1) Mr. V.S. Datey, Indirect Taxes - Law and Practice.
- 2) Mr. S.D. Singh, Central Sales Tax Act.
- 3) Mr. S.N. Dokania, Central Sales Tax Act.
- 4) P.L. Malik, Commentaries on Customs Act, 1962 ( 1982) 3rd, Edn. Eastern Book Co.
- 5) Mr. C. Parthasanthi Sanjiv Agarwal, Handbook of Service Tax. Practice and Procedure.
- 6) Mr. M.M.L. Anand. Maharashtra Value Added Tax Act, 2002 with Rules and Forms.

Internal Assessment : 20

Theory : 80



## GROUP D

### BUSINESS LAW- II

#### Course Code- D03

### ECONOMIC LEGISLATION

1. Law of Contract - General Principles of Contract ( Sections. 1 to 75 of Indian Contract Act, )  
  
Theories of Contract- Government Contracts - Meaning, Nature, and special problems relating to Govt. Contract.
2. Consumer Protection:
  - a) Consumer Protection Act, 1986.
    - i) Consumerism and Constitutional Philosophy of Freedom of Trade and Consumer Protection .
    - ii) Concept of Consumer Service, Deficiency in Service, Unfair Trade Practice and Restrictive Trade Practice
    - iii) Rights of Consumer, Mechanism for promotion and protection of rights.
    - iv) Remedy against Violation of their rights -  
  
Consumer Disputes Redressal Agencies - Composition, Jurisdiction, Powers, Procedure and Performance.
    - v) New Developments and Emerging trends- specially globalisation and privatisation and its impact on consumerism
3. Law of Arbitration and Conciliation - Arbitration Act, 1996.
  - A. Arbitration :
    - a) Nature and scope of Arbitration .
    - b) Arbitration Agreement - Meaning .
    - c) Appointment of Arbitrator
    - d) Legal framework of arbitration proceedings
    - e) Award -- Remission, Setting aside, Modification and filing .

f) Foreign Award - Recognition's, Enforcement and setting aside.

B. Conciliation :

- a) Meaning and Nature
- b) Appointment of Conciliators
- c) Role of Conciliator and conduct
- d) Conciliation proceedings
- e) Termination of conciliation proceedings.

Bibliography:

- a) Anson- Law of contract (25th Edn.) 1979 .
- b) R.K. Abhichandani (Edn.) Pollock and Mulla on Contracts and specific Relief Acts (1999) Tripathi Publication.
- c) P.S. Atiya, Introduction to the Law of Contract, 1992 Reprint ( Claredon Law series)
- d) Dutt on contract (2000) Universal Publishers.
- e) Saraf D.N. Law of Consumer Protection in India (1995) Tripathi Publishers, Bombay.
- f) J.N. Barowalia Commentary on Consumer Protection Act, 1986 (2000) Universal Publishers, Delhi.
- g) P.K. Majumdar, The law of Consumer Protection in India (1998). Orient Publishing co, New Delhi.
- h) B.P. Saraf and M. Jhunjhunwala, law of Arbitration and Conciliation (2000), Snow White, Mumbai.
- i) G.K. Kwatra , The Arbitration and conciliation Law of India (2000) Universal, Delhi.
- j) A.K. Bansal Law of International Commercial Arbitration (1999), Universal, Delhi.

Internal Assessment - 20 Marks

Theory - 80 Marks

**Course Code –D04****LEGAL REGULATION OF ECONOMIC ENTERPRISES.**

- 1 Rationale of Government Regulation of Economic Activities by Government :-
  - i) Constitutional Perspective.
  - ii) Historical Background and Contemporary Issues.
  - iii) Judicial Review of Economic Regulation.
  - iv) Basic principles of World Trade Organization.
- 2 Economic Policy Resolutions;
  - i) Industrial Policy Resolutions,
  - ii) Price Policy Resolutions,
  - iii) Foreign Trade Policy Resolutions,
  - iv) Disinvestment and Legal Issues.
- 3 Development, Regulation and Control of Industrial and Trading Activities;
  - i) Industries (Development and Regulation) Act.
  - ii) Competition and Fairness in Competition; Competition Act. & its Philosophical basis.
  - iii) Foreign Trade Development and Regulation Act.
- 4 Control and Regulation of Capital and Finance;
  - i) Foreign Exchange Management Act including FDI and FII regulations.
  - ii) Money Laundering Act, 2005.
  - iii) COFEPOSA.
- 5 Selected Regulatory Authorities and their Composition Role, Power, Functions, etc.
  - i) Telecom Regulatory Authority,
  - ii) Broadcasting Regulatory Authority,
  - iii) Electricity Regulatory Authority.
  - iv) Insurance Regulatory Authority.

**Books Suggested for Reading:**

1. Industrial Policy Resolutions of 1948, 1956, 1991.
2. Industrial Licensing Policy of 1970, 1975.
3. Industrial Policy Statement 1973, 1977, 1980.
4. Report of Commission on Competition, 2001.
5. Taxmann's FEMA Manual.
6. Taxmann's Corporate Laws, 2003 Edition.
7. K. K. Ramani's Exchange Control Manual 1998, Snowwhite.
8. Bharat's FEMA Rules, Regulations, RBI Circular with allied Acts and Rules, 2000.
9. V. S. Datey – Economic Laws and Practices (2005), Taxmann Publication.
10. K. K. Dewette on Economics, S. Chand Publication.
11. Rudra Dutt, Himalaya Publication.

**Journals:**

1. Annual Survey of Indian Law, Published by Indian Law Institute New Delhi.
2. Corporate Law Cases.
3. Company Law Journal.
4. Political and Economic Weekly.

**Statutory Material:**

1. Competition Act, 2002.
2. Industries Development and Regulation Act, 1951.
3. Foreign Exchange Management Act, 1999.
4. Money Laundering Act, 2005.
5. Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974.
6. Foreign Trade Development and Regulation Act, 1992.

Theory: 80.

Internal Assessment: 20.

**Group E**  
**Environment and Legal Order**  
**Course Code –E03**  
**Environment: Laws, Policies and Structures**

**Chap 1. Environmental Legislation**

1. The Air (Prevention and Control of Pollution) Act of 1981
  - a) Framework of the Act
  - b) Scope of the Act
  - c) Machinery, Powers, Functions, Offences and Penalties under  
Air (Prevention and Control of Pollution) Act, 1981
2. The Water (Prevention and Control of Pollution) Act of 1974
  - a) Framework of the Act
  - b) Scope of the Act
  - c) Machinery, Powers, Functions, Offences and Penalties under  
Water (Prevention and Control of Pollution) Act, 1974
3. The Forest (Conservation) Act of 1980
  - a) Framework and scope of the Act
4. The Wild Life (Protection) Act, 1972
  - a) Framework and scope of the Act
5. The Environment (Protection) Act of 1986
  - a) Framework of the Act
  - b) Scope of the Act

- c) Importance of Section 3 and 5 of the EPA
- d) Violations and Penalties under the Act

## **Chap 2. Constitutional Mandates and Environment**

1. Fundamental Rights and Environment
  - a) Right to Equality .....Article 14
  - b) Right to Information .....Article 19
  - c) Right to Life .....Article 21
  - d) Freedom of Trade vis-à-vis Environment Protection
2. The Forty-Second Amendment Act
3. Directive Principles of State Policy
4. Fundamental Duties
5. The Writ Jurisdiction
  - a) Public Interest Litigation : Preview
  - b) Locus Standi : Scope and Restriction

## **Chap 3. Other Remedies and Legislations**

(Relevant Portion only)

1. Criminal Procedure Code 1973
2. Code of Civil Procedure 1908
3. Indian Penal Code 1860
4. Law of Torts : Vicarious Liability
5. Human Rights and Environment
6. Class Action : Order 1 Rule 8 of C. P. C. 1908.
7. Green Courts
8. Public Liability Insurance Act, 1991

9. Legislations under Local Municipal Laws

**Chap 4. Role of Government and Legislative Policies**

1. National Environmental Policy
2. National Forest Policy
3. National Water Policy and Conservation Strategy
4. Five Years Plans
5. Role of Ministry of Environment and Forests.

Internal Assessment :20

Theory :80

## Course Code –E04

### International Environment Law and Global Issues

#### Chap 1. International Environmental Campaigns

1. The United Nations Conference on Human Environment, 1972  
(Stockholm Conference)
  - a) Framework of the Conference
  - b) Aims and Objectives
  - c) Concept of Sustainable Development
    - 1) Polluters Pay's Principle
    - 2) Precautionary Principle
    - 3) Concept of Equity
      - a) Inter-Generational Equity
      - b) Intra-Generational Equity
  
2. The United Nations Conference on Environment and Development, (UNCED) (Earth Summit 1992)
  - a) Framework of the Conference
  - b) Aims and Objectives
  - c) Earth Charter or Rio Declaration
  - d) Agenda 21 : Blue Print for action in 21<sup>st</sup> Century
  - e) Earth Summit Plus Five
  
3. The Johannesburg Declaration on Sustainable Development, 2002



- a) Framework of the Declaration
  - b) Aims and Objectives
  - c) From *Stockholm* to *Rio De Janeiro* to *Johannesburg*
4. World Charter for Nature 1982

## **Chap 2. Other Major International Environmental Arrangements**

1. Kyoto Conference and Pact on Global Warming, 1997, and onwards
2. Noordwijk Declaration on Climate change, 1989
3. Helsinki Declaration on the Protection of Ozone Layer, 1989
4. Basel Convention, 1989
5. Nairobi Declaration, 1982

## **Chap 3. Environmental Obligations**

1. International Financing Policy
  - a) Global Environment Facility
  - b) World Environment Fund
2. United Nations Organisation and Environment
3. Millennium Development Goals 2000

## **Chap 4. Global Environmental Issues and their Impacts**

1. Global Warming
2. Oil Pollution
3. Ozone Layer Depletion
4. Green House Effect
5. Acid Rain

**Chap 5. Costal Zone and Marine Environment**

1. CRZ Notifications
2. Classification of Zones
3. Costal Zone Management Plans and Implementation
4. Marine Resources – Conservation and Exploitation
5. Marine Pollutants : Sources and Impacts

Internal Assessment :20

Theory :80

**GROUP - F****LABOUR, CAPITAL AND LAW****COURSE CODE: F03****LAW RELATING TO WAGES AND MONETARY BENEFITS.**

1. Theories and Facets of Wages:
  - i. Definition of Wages.
  - ii. Theories of Wages.
  - iii. Facets of Wages.
  - iv. Minimum, Fair and Living Wages.
  - v. Basic Wage.
  - vi. Bonus as Deferred Wage or share of profit.
  - vii. Allowances and Concessions.
2. A National Wage Policy, Problems and Perspective:
 

Wage Board and Pay Commission:

B. International Standardization: Role of ILO Convention and recommendations relating to Wages:

C Constitutional perspective on Wages:

  - i. Constitutional Ideals.
  - ii. Denial of Minimum Wage as Forced Labour.
  - iii. Right to Work.
  - iv. Living Wages.
  - v. Equal Pay for equal Work

3. A Wage Differentials:
  - i. Factors of Differential Wages.
  - ii. Capacity of Industry and Wage Fixation
  - iii. Private Sector and Public Sector –Difference in Wages.

B Wages, Price and Tax :

  - i. Increase of Wages-Impact on Price.
  - ii. Increase in Price -Impact on Wages.
  - iii. Impact of Tax on Wages and Price.
  - iv. .Wages and Consumer.
  
4. Minimum Wage:
  - i. Basis under the Minimum Wages Act, 1947 and Minimum Wages(Maharashtra Amendment) Act, 1992.
  - ii. Power of State Government to fix different rates for certain employments.
  - iii. Procedure for fixation and work.
  - iv. Fixation of hours of work.
  - v. Overtime.
  - vi. Procedure for disposal of claims.
  - vii. Offences and penalties and Exemptions.
  - viii. Concepts of Dearness Allowance and Principles for determination of D.A.
  
5. Payment of Wages under the Payment of Wages Act.1936:
  - i. Responsibility for payment of wages.
  - ii. Wage Periods-Time for payment, deduction ,fines.
  - iii. Claims arising out of deductions and delay in payment.

- iv. Procedure for filing and disposal of appeals.
  - v. Offences, their trial procedure and penalties.
  - vi. Enforcement machinery under the Act- their powers and functions.
6. Profit sharing and Bonus:
- i. Concept of Profit Sharing- Desirability.
  - ii. Difficulties in Implementation.
  - iii. Concept of Bonus.
  - iv. Interpretation by Indian Courts and Tribunals.
  - v. Basis for the calculation of Bonus under the Payment of Bonus Act,1965.
  - vi. Eligibility for Bonus, minimum and maximum bonus.
  - vii. Set on and Set off of allocable.

Books Suggested for Reading:

1. Raghuraj Singh- Movement of Industrial Wages in India (1995).
2. J.C. Sandersara & LL.Deshpande, Wage Policy and Wage Determination in India.
3. R.B.Sethi- Payment of Wages Act and Minimum Wages Act
4. G.L.Kothari-Wages, Dearness Allowance and Bonus.
5. S.B.L.Nigam-State Regulation of Minimum Wages (1955).
6. Menon- Foundations of Wage Policy.
7. R.D. Agarwal- Dynamics of Labour Relation in India. (1972)
8. O.P.Malhotra-Law of Industrial Disputes Vol.1 & 2 (5th Edn.).

Internal Assessment : 20 marks.

Theory : 80 marks.

## Course Code –F04

### Law Relating to Collective Bargaining and Trade Unions

- I. Freedom of Association :
  - a. International norms : right to form association of industrial and unorganized labour.
  - b. Constitutional and legal aspects of right to form association in India.
- II. Concept and Process of Collective Bargaining :
  - a. Nature, Definition and Theories of collective Bargaining.
  - b. Advantages, Disadvantages and Comparative appraisal.
  - c. Types of bargaining at different levels-plant level, industry level and national level.
- III. Legal Control of Collective Bargaining Endeavours :
  - a. Strikes and Lockouts under IDA and BIR. ( Case Laws )
  - b. Gherao.
- IV. Factors Affecting Collective Bargaining :
  - a. Multi-unionism. ( Case Laws )
  - b. Other factors.
  - c. Conditions for successful functioning comparative analysis.
  - d. Policies towards worker's participation in Management-Role of State.
- V. History of Trade Unionism :
  - a. History of the Trade Union Movement with reference to India.
  - b. Need, objectives and functions.
  - c. The character of present trade unions.

- VI. Trade Unions under the Law :
- a. Registration of Trade Unions under the Trade Unions Act 1927.
  - b. Bombay Industrial Relation Act, 1956.( Relevant Sections )
  - c. MRTU & PULP Act 1971. ( Case Laws )
- VII. Rights and Liabilities of Registered Trade Unions under the T. U. Act. And MRTU and PULP Act.
- a. Rights and Liabilities of registered Trade Union under the Trade Union Act.
  - b. Recognition of trade union as a bargaining agent.
  - c. Rights, Privileges and Duties of Recognised Unions.
  - d. Unfair Labour Practices and victimization.

Books Suggested For Reading :

1. ILO-Collective Bargaining.
2. Otto Kahn Freund-Labour and the Law (1977).
3. ILL-Labour Law and Labour Relations (1987).
4. V. P. Arya-Strikes, Lockouts and Gherao.
5. Kothari - Industrial law, Vol. I & II.
6. Mary Sur-Collective Bargaining.
7. Russel A., Smith et. al-Collective Bargaining and Labour Arbitration (1970).
8. Rideont-Principles of Labour Law, Chap. 8,9 & 10 (1983).
9. Shrivastava S. C. –Industrial and Labour Relations.
10. R. Dayal, MRTU and PULP Act, 1971 (Act and Rules).
11. Abdul Majid – Legal Protection to unorganized labour 2000, Deep & Deep Publications Pvt.

Internal Assessment : 20 marks.

Theory : 80 marks.

**Group – G.**

**CRIMINAL LAW**

**Course Code –G03**

**Criminal Justice : Concepts and Procedure**

**I Classification of Offences**

- a) Cognizable and Non-cognizable offences.
- b) Bailable and Non-Bailable offences.
- c) Compoundable and Non-Compoundable offences
- d) Investigation, Prosecution and Trial
- e) Warrant cases and Summons cases
- f) Summary Trials

**II Constitutional Provisions**

- a) Art. 20 Protection against Ex-Post Facto Laws, Protection against Double Jeopardy and Protection against Self Incrimination
  
- b) Art. 21 Impact of expansive interpretation on criminal jurisprudence  
Meaning of terms :  
  
Life and Personal liberty  
  
Fair Procedure  
  
Due Process of Law



- c) Right of Accused
  - Arrest, Hand Cuffing Bail,
  - Speedy Trial
  - Torture Custodial Violence
  - Compensation
  - Public Interest Litigation : Direct access to Courts in case of violation of Fundamental Right and other implicit rights
- d) Death Penalty in Light of Art. 21
- e) Art. 22 Protection to Accused in case of punitive detention
  - Protection against Preventive Detention

### III (A) Procedural Criminal Law – Initiation of Proceeding

- 1) FIR – rights of complainant,
- 2) Duties of Police Officers under Sec 154
- 3) Delay in lodging FIR.
- 4) Complaint Proceedings
- 5) Jurisdiction of Courts.
- 6) Quashing of Proceedings Sec. 482 CrPC & Article 227 of Constitution
- 7) Extent and Nature of interference by Superior Courts

### (B) Procedural Criminal Law (Trial Procedures).

- 1) Arrest and questioning of accused (Sec. 41,42,46, 65, 57 . CRPC
- 2) Guidelines of Supreme Court in
  - i) D.K Basu v Union of India

- ii) Joginder's
- 3) Rights of the Accused
  - i) Pre arrest and Post arrest Bail, Remand
  - ii) Right to Legal Aid
  - iii) Search and Seizure, Surveillance  
(Sec- 91,94, 97, 103, 165. CRPC )
  - iv) Charge Sheet- powers and duties of Police at the time of investigation
  - v) Extent of interference by court in investigation

#### IV Admissibility of Evidence.

- 1) Relevancy and admissibility, of facts
- 2) Relevancy of confessions and dying declarations
- 3) Appreciating expert evidence in court
- 4) Relevancy and Admissibility of evidence collected through Forensic and other modern tools and techniques
- 5) Admissibility of evidence in Cyber Crime
- 6) Role of the Court in drawing inference from evidence
- 7) Protection of Witnesses
- 8) Hostile witnesses.

### **Books of Reference**

- 1. Dutta K.K., Some Aspects of Criminal Law, Law Research Institute, Edition 1997, APH, Publishing House, Darya Ganj, New Delhi -02.
- 2. Malik P.L., Criminal Court Hand Book, 18<sup>th</sup> Edition, Eastern Book Company, 32, Lalbagh, Lucknow -01.
- 3. Justice Chandrachud Y V and Manohar V R, Ratanlal and Dhirajlal's The Indian Penal Code. 28<sup>th</sup> Edition 199, Wadhwa and Company New Delhi.

4. Manjari Rajendra, First Information Report, Edition 2001, Asia Law House, Hyderabad-2
5. Mahendra Kumar Sharma, minimum Sentencing for Offences in India, Law and Policy, Edition 1996, Deep and Deep publications, Rajori Garden, New Delhi-64
6. Handbook of Criminal Procedure Code
7. Jadhav N.K. Is Capital Punishment Necessary, 1<sup>st</sup> Edition 1973, Anmol Publications, Bombay-52

Internal Assessment : 20 marks.

Theory : 80 marks.

## **Course Code – G04**

### **Penology – Treatment of Offenders**

#### **I Nature of Punishment**

- 1) Nature, meaning, Concept of Punishment
- 2) Forms of Punishment- in ancient, medieval and modern times
- 3) Alternative punishments
- 4) Theories of Punishment

#### **II Capital Punishment**

- 1) Issues and prospective
- 2) Constitutional validity of capital punishment
- 3) Statutory Provisions
- 4) Judicial response to capital punishment

#### **III Sentencing**

- A)
  - 1) Process and Policy of sentencing
  - 2) White Collar Crime
  - 3) Organized crime
  - 4) Sexual Offenses, Rape and Abortion
  - 5) Alcoholism and Drug Abuse
  - 6) Violence
  
- B) Principal types of Sentencing

- 1) Pre Sentence Hearing
- 2) Sentencing of Habitual Offender
- 3) Summary Punishment
- 4) Plea bargaining

C) Alternative to Imprisonment

- 1) Probation
- 2) Corrective labour
- 3) Fines, collective fines
- 4) Compounding of offences
- 5) Parole philosophy and practice
- 6) Furlough

IV Prison System

- 1) Prison System in the Post Independent Period
- 2) Prison Administration Achievements and policies
- 3) Judicial Control over prison Administration
- 4) Prison reforms

V Juvenile Delinquency

- A)
- 1) Definition Nature and Form of Juvenile Delinquency
  - 2) Causes – Hereditary and Circumstantial
  - 3) Juvenile Justice Act and problem of implementation
  - 4) Critical appraisal of Institutional services for Juveniles.

- B) 1) Prevention and Control of Delinquency  
2) Role of Public, Police and NGOS  
3) Role of Judiciary in protection of Juveniles.

### **Books of Reference**

1. Saxena R.N. The Immoral Traffic (Prevention) Act, 1956, 5<sup>th</sup> Edition 1996, The Law Book Pvt. Ltd, Allahabad-01
2. Dr. Mehanathan M C, Law of Control on NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES in India, Edition 2002, Capital Law House, Delhi-32
3. Ramchandran S. Commentaries on The prevention of Food Adulteration Act 1954, 6<sup>th</sup> Edition 1997, S. Gogia and Company, Hyderabad
4. Peter Barrie, Compensation for Personal Injuries, Edition 2000, Oxford University Press, New Delhi.

Internal Assessment : 20 marks.

Theory : 80 marks.

**SYLLABUS****LL.M-THIRD SEMESTER****FOUNDATION COURSE****COURSE CODE FC 05****Legal Education and Research Methodology –II**

The Students are expected to be familiar with social science research methods and techniques and the basic research skills for conducting empirical research and preparation of research designs. The students will be required to process and interpret the research data based upon such empirical research surveys in select areas of law as might be assigned to them by the Supervisor in consultation with the Head of the Department. The projects/research work will be assigned to the students in the Second Semester. Students are expected to write a project report incorporating the data gathered on the basis of field studies and interviews. Students will be examined at viva-voce on the basis of written material or project report by external examiner in consultation with the Head of the Deptt. and/or Internal Examiner. The project work carries 50 marks and viva-voce will carry 25marks. Guidelines for Socio-Legal Research is enclosed with the Syllabus.

Law Teaching will carry 25 marks . For Law Teaching, topics will be assigned to students in advance and they will be required to take a Lecture (class) for 30 minutes for LL.B or LL.M. Courses. They can select any one of the methods of teaching.

Third Semester Marks Distribution :

Project Work (External Examiner ) 50 Marks

Viva –Voce (External Examiner ) 25 Marks

Law Teaching(External Examiner ) 25 Marks

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Total = 100 Marks

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The scope of the paper on Legal Education and Research Methodology is indicated as follows:

**GUIDELINES FOR SOCIO-LEGAL RESEARCH .**

A student will be required to submit two copies of the research project to the Head of the Department one month before the examination of Third Semester. Viva examination will be held before or after Third Semester Examination.

**A. Research scholars are required to follow the steps given below for preparation of Socio-Legal Research**

Research Methodology:

1. Title of the Study
2. Problem of the study
3. Rationale of the study
4. Objectives of the study
5. Hypothesis
6. Review of Literature



7. Operational concepts & Variables of the study
8. Research Design
  - i) Nature/ Type of the study
  - ii) Universe
    - \* Population
    - \* Sample and Sample size.
    - \* Sampling Method
  - iii) Method of Data Collection
  - iv) Sources of Data Collection
  - v) Tools of Data collection
9. Limitations of Study
10. Time Schedule
11. Possible contribution of the study
12. Chapterisation

**B. Socio-Legal Research shall have the following structure :**

- Cover
- Cover page
- Certificate
- Acknowledgement
- List of Case Laws.
- List of Tables
- List of Maps
- Abbreviations
- Contents
- Chapter I Theoretical Background
- Chapter II Research Methodology ( As given in A )

Chapter III Analysis and Interpretation of Data

Chapter IV Major Findings, Conclusions and Suggestion.

Bibliography

Annexures:

Interview Schedules / Questionnaires

Master Charts

Acts, Bills, Maps, etc.

**C. Step by step procedure to be followed for Socio-Legal Research:**

- 1) Approval of the title
- 2) Collection of material
- 3) Review of literature
- 4) Problem
- 5) Objectives
- 6) Rationale
- 7) Hypothesis
- 8) Chapterization
- 9) Detuning the Universe of the study
- 10) Sampling Design
- 11) Research Questions/Interview Schedule
- 12) Collection of Data
- 13) Data Processing
- 14) Analysis and Interpretation of data
- 15) Report Writing
- 16) Preparation of Bibliography
- 17) Preparation of List of cases
- 18) Abbreviation

## **COURSE CODE –FC06**

### **Computer and Information Technology Law**

#### **THEORY:-**

- 1) BASIC CONCEPTS IN COMPUTERS:-
  - a) Hardware and Software:-
    - 1) Meaning of Hardware and Software
    - 2) Computer and its assembly.
    - 3) Meaning and types of computer programmes.
  - b) Memory and Storage:-
    - 1) Types of memory and speed (RAM, ROM etc).
    - 2) Kinds, advantages and disadvantages of computer storage devices.
  - c) Fundamentals of Internet:-
    1. History of the Internet.
    2. Meaning and concept of WWW and Internet.
    3. Working and managing of internet.
    4. Types of network.
    5. Protocols and their use.
    6. Cyberspace.
  - d) Meaning and working of Viruses, Trojans and Worms etc.
  - e) Internet security: Firewalls, Biometrics.
  
- 2) ELECTRONIC DATA INTERCHANGE (EDI) :-
  1. Meaning and benefits of EDI.
  2. Formation of contract by EDI.
  3. Admissibility in evidence of EDI messages.
  4. Security of EDI messages.
  5. Confidentiality and protection of data.
  6. E-commerce:
    - 1) Meaning, Types and Benefits.
    - 2) E-commerce and Indian Economy, barriers to adoption. (Infrastructure, legal and jurisdictional issue).
    - 3) Electronic payments (Digital Cash).
  
- 3) INFORMATION TECHNOLOGY ACT:-

- a) Digital Signatures:-
  - 1. Technical issue: symmetric and asymmetric cryptography, keys and man-in-the-middle attack.
  - 2. Legal issue: Definition, Recognition and Authentication of digital signature under IT Act.
  - 3. Benefits.
- b) Damage to computers and penalties under section 43.

- c) Cyber Crimes:-
  - 1. Tampering with the computer source documents (section 65).
  - 2. Hacking ((section 66).
  - 3. Publishing obscene information in electronic form (section 67 and section 79).
  - 4. Cyber Frauds and Cyber Thefts.
  - 5. Cyber Stalking and Cyber Terrorism.

- d) Cyber Crime Investigation:-

- 1. Technical Aspect: Information in the computer, confiscation, protection and packing, computer examination.
- 2. Legal Aspect: power to investigate and procedure for investigation.

Theory: 80 marks.

Internal assessment: 20 marks.

## **COURSE CODE –FC07**

### **Computer Practicals**

#### **PRACTICAL:-**

##### 1) INTRODUCTION TO WINDOWS:-

- a) What is Windows.
- b) Start button and Task bar, hiding and showing task bars.
- c) Windows appearance.
- d) Basic mouse and key board techniques, keyboard shortcuts.
- e) Starting programmes, finding documents, opening recently used files in Windows.
- f) Customizing menus.
- g) Customizing mouse.
- h) Opening and closing Windows.

##### 2) INTRODUCTION TO MS-WORD:-

- a) Start a new document.
- b) Page view and page setup.
- c) Undoing problems.
- d) Saving work.
- e) Previewing and printing work.
- f) Printing an envelop for work.
- g) Closing / cleaning work from the screen.
- h) Switching between multiple open documents.
- i) Paragraph based formatting.
- j) Tabs-Styles-Tables.
- k) Borders and shading.
- l) Inserting objects.
- m) Headers and footers.
- n) Drawing tools.
- o) Spell check.
- p) Mail merge.

##### 3) INTRODUCTION TO MS-EXCEL:-

- a) Excel basics.
- b) Workbooks.
- c) Worksheets.
- d) Cell manipulation.
- e) Data entry and manipulation.
- f) Undo and repeat option.
- g) Protect and unprotect cells.

- h) Formulas.
- i) Auto format.
- j) Page setup.
- k) Function and wizard.
- l) Charts.
- m) Macros.
- n) Printing.

4) INTRODUCTION TO POWER POINT:-

- a) Presentation.
- b) Slides.
- c) Handouts.
- d) Notes and outlines.
- e) Slide layouts.
- f) Slide sorter.
- g) Wizards.
- h) Slide master.
- i) Organization charts.
- j) Templates.

5) NETWORK CONCEPTS:-

- a) Information superhighway.
- b) Network and internet.
- c) Internet addressing.
- d) E-mail sending and receiving.
- e) Sending attachments.
- f) IP address, domain names.
- g) Internet surfing and searching techniques.
- h) Taking or saving the net material on CDs or Floppy Disks.

**Marks Distribution:**

Practical on computer:	50 marks.	} External Examiner
Viva-voce:	25 marks.	
Group discussion:	25 marks.	
Total:	100 marks.	

## **OPTIONAL COURSES**

### **GROUP-A**

#### **International Law**

#### **Course Code –A05**

### **Private International Law – I**

#### **General Principles, Choice of Jurisdiction and Choice of Law.**

1. Scope and Nature of Private International Law
2. Theories of Private International Law
3. Consecutive stages in conflicts, law proceedings, characterization, Renvoi and Choice of Law
4. Jurisdiction:
  - 1) Jurisdiction of Courts
  - 2) Domicile and Nationality
  - 3) Stay of suits and forum convenience clauses
5. Exclusion of Foreign Law and Sovereign Immunity
6. Recognition and Enforcement of Foreign Judgment and Foreign Arbitral Awards

Books Suggested for Reading.

- 1) Dicey: Conflict of Laws.
- 2) Cheshire: Private International Law.
- 3) Paras Diwan : Private International Law, Indian & English.

Internal Assessment ; 20

Theory : 80



**Course Code –A06**

**Private International Law - II**

**Specific Choice of Law Problems**

1. Family Law:
  - 1) Marriages
  - 2) Matrimonial Causes
  - 3) Legitimacy and Legitimation
  - 4) Adoption
  - 5) Guardianship and Custody
2. Law of Property:
  - 1) Movable and Immovable Property
  - 2) Transfer of Tangible Movables
  - 3) Assignment of Intangible Movables
  - 4) Insolvency
  - 5) Succession
3. Law of Obligations:
  - 1) Contracts
  - 2) Torts

Books Suggested for Reading:

- 1) Dicey : Conflict of Laws.
- 2) Cheshire : Private International Law.
- 3) Paras Diwan : Private International Law, Indian & English.

Internal Assessment ; 20

Theory : 80

**Group - B****CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW****Course Code – B05****JUDICIAL CONTROL OF ADMINISTRATIVE POWERS.**

N.B. : Students are expected to be familiar with relevant principles of Administrative Law of - UK, USA and France.

1. Judicial Control of Administrative Powers through Writs :
  - 1) Court as the Primary instrument of control of administrative action.
  - 2) Writ Jurisdiction of the High Courts and the Supreme Court.
  - 3) Conditions necessary for the exercise of writ jurisdiction - writ of Habeas Corpus, Mandamus, Certiorari, Quo-warranto and Prohibition.
  - 4) Public policy restraints on the exercise of power of judicial review under Arts 32 and 226-, exhaustion of remedies, Laches.
  - 5) Public Interest Litigation , Doctrine of Locus Standi and Compensatory Justice.
  - 6) Special Leave to Appeal to the Supreme Court and High Court's Power of Superintendence.
  
2. Procedural Impropriety as a ground of Judicial Review of Administrative Action :
  - 1) Historical Development of the Concept of Natural Justice.
  - 2) Principles of Natural Justice.
  - 3) Essentials of Fair Hearing
  - 4) Bias and Personal Interest

- 5) Failure of Natural Justice.
  - 6) Exceptions to the Rule of Natural Justice .
  - 7) Legitimate Expectation - Good Faith doctrine etc.
3. Ordinary Remedies.
- 1) Distinction between ordinary remedies and remedies under Arts 226 and 32.
  - 2) Declaratory Judgements and Injunctions.
  - 3) Specific Performance and Civil Suits for Compensation against government and public authorities.
4. Exclusion of Judicial Review and Ouster Clause :
- 1) Formula of Exclusion clause or ouster clause.
  - 2) Scope of outer clause.
  - 3) Non-compliance with statutory provisions.
5. Judicial Control of Discretionary Powers :
- 1) Scope and Extent of Judicial Review in Discretionary Powers.
  - 2) Duty to give reasons.
  - 3) Surrender or abdication of discretionary power.
  - 4) Non-compliance with Procedural Requirements.
  - 5) Administrative Discrimination.
  - 6) Limiting and Structuring Discretion.

Books Suggested for Reading :

- 1) M.P. Jain and S.M. Jain - Principles of Administrative Law (1987)
- 2) M.P. Jain - Cases and Material on Administrative Law in India  
( Wadhwa,1994).
- 3) H.W.R. Wade - Administrative Law.

- 4) S.P. Sathe - Administrative Law in India. (5th Edn.)
- 5) I.P. Massey - Administrative Law (2001).
- 6) B.L. Hansaria - Writ Jurisdiction under the Constitution.
- 7) S.P. Sathe - Right to Know (1991) Tripathi.
- 8) Basu D.D. - Administrative Law (1996)
- 9) Harra- Public Interest Litigation (1996)
- 10) M.P. Jain - Treatise on Administrative law (1996).

Internal Assessment : 20 marks.

Theory : 80 marks.

## Course Code - B06

### **PUBLIC AUTHORITIES AND LIABILITY : CONTROLS ON MALADMINISTRATION**

1. Liability of Government.
  - 1) Liability of Government and Public Authorities in Torts and Contract; Promissory Estoppel.
  - 2) Government Privileges in Legal Proceedings.
2. Right to Know and Information :
  - 1) Jurisprudential and Constitutional Perspectives.
  - 2) American Freedom of Information Act, 1966 and English Official Secrets Act and Right to Know.
  - 3) Indian Official Secrets Act, 1923, Right to Information Act, 2002 and Right to know.
  - 4) Judicial Decisions.
3. Ombudsman :
  - 1) The concept.
  - 2) Comparative perspectives
  - 3) Evolving Indian models - Lokpal, Lokayukta Institutions.
4. Fact Finding Commission and Inquiry :
  - 1) Commission of Inquiry
  - 2) Vigilance Commission
  - 3) Investigation Agencies : the CBI
  - 4) Inquiries by Legislative Committees.
  - 5) Legislative Control
  - 6) Financial Control - Comptroller and Auditor General
  - 7) Judicial Inquiries.

5. Judicial Powers of Administration :

- 1) Need for devolution of Adjudicatory power on Administration.
- 2) Administrative Tribunals and other Adjudicatory Authorities - Growth, Evolution and present Status.
- 3) Nature and Character of Tribunals - CAT and SAT

6. Public Undertaking and Corporation :

- 1) Reasons for Autonomous Bodies.
- 2) Government Control, Parliamentary Control, Judicial Control.

Books Suggested for Reading :

- 1) M.P. Jain and S.N. Jain - Principles of Administrative Law (1987)
- 2) D.D. Basu - Comparative Administrative Law (1969)
- 3) H.W.R. Wade - Administrative Law.
- 4) De'Smith - Judicial Review of Administrative Action.
- 5) D.D. Basu \_ Administrative Law (1996)
- 6) M.P. Jain - Treaties in Administrative Law Vol. I (1996).

Internal Assessment : 20 marks.

Theory : 80 marks.

**Group - C****INTELLECTUAL PROPERTY LAW****Course Code –C05****BANKING LAW**

## 1. Introduction

- 1) Evolution of banking and it's history in India. Role of banking institutions in the socio-economic development of the country.
- 2) Structure and functions of different banking institutions- viz. Central Bank, Commercial Banks, Merchant Banks, Co-operative Bank, Specialised Banks, Financial Institutions.
- 3) Banker and Customer- nature and relationship, rights and duties, banker's lien, banking instruments, consumer protection: banking as service.

## 2. Law of Banking Regulations - Banking Regulation Act,1949

- 1) Social control over banking institutions, National Credit Council, loan melas.
- 2) Control by RBI and central government over business activities of banking institutions.
- 3) Control over accounts and audit.
- 4) Reconstruction and reorganisation
- 5) Suspension and winding up.
- 6) Control over non-banking financial institutions.
- 7) Nationalisation of banks, critical analysis of banks before and after

nationalisation. Liberalisation policy and its impact on banking sector, disinvestment.

### 3. Reserve Bank Of India Act, 1934

- 1) Evolution of Central Bank- constitutional background.
- 2) Characteristics and functions of RBI.
- 3) Legal status and organisational structure of RBI.
- 4) Regulating mechanism of RBI over other Banks

### 4. Recovery of Loans

- 1) Default in Repayment of Loans
- 2) Recovery of Debts Due to Banks and Financial Institution Act, 1993
- 3) The Securitisation Act 2002

### 5. Current Trends and use of latest Technology in Banking

- 1) Internet Banking
- 2) ATM
- 3) Credit Cards, Debit Cards and Smart -Cards

### 6. Negotiable Instruments

- 1) Negotiable Instruments- meaning, characteristics and kinds, promissory notes, bills of exchange, Hundis and Cheques.
- 2) Discharge of parties from liability, discharge of instruments and consequences.
- 3) Dishonour of cheques and forgery of cheques.



Books Suggested for Reading :

- 1) Tannan's Banking Law and Practice in India 19th Edn. Vol. I & II ( 1999).
- 2) S.N. Gupta - The Banking Law in Theory and Practice 3rd Edn. Vol I & II (1999).
- 3) J. Milnes Holdens- The Law and Practice of Banking Vol. I & II 8th Edn. Univerial Law Publishing Co.Prt.Ltd.
- 4) L.C. Goyle - Law of Banking and Bankers, 1995, Eastern Law House, New Delhi.
- 5) B.R. Sharma - Bank Frauds - Prevention and Detection 2nd Edn. Universal.
- 6) P.S. Narayana's Law of Negotiable Instruments and Dishonour of Cheques , 1997, Asia Law House.
- 7) Richardson - A Guide to Negotiable Instruments 7th Edn. 1983 Butterworth
- 8) Tripathi ,Digest of Dishonour of Cheques 2000 Edn, Singh and Co, Allah.
- 9) Dr. R.G. Chaturvedi , Madhusudan Chaturvedi - Law of State Financial Corporations , 1998, Bharat Law Publications.

Internal Assessment : 20

Theory : 80

## Course Code – C06

### Insurance Law

1. Nature of Insurance:  
History and essential elements, proposal, policy, parties, consideration, need for utmost good faith, insurable interest, indemnity, law of contract.
2. General principles of Law of Insurance:  
The risk, commencement, attachment and duration, assignment and alteration, settlement of claim and subrogation, Insurance Act, 1938, and Insurance Regulatory Development Authority Act, 2000, double Insurance and reinsurance.
3. Life Insurance:  
Nature and scope, insurable interest, accident and disability benefit, event insured against, life insurance contract, circumstances affecting the risk, persons entitled to payment, assignment and nomination.
4. General Insurance:
  - A. Marine Insurance:  
Nature and scope, classification of marine policies, Marine Insurance Act, 1963, Insurable interest, insurable value, conditions, express warranties, interpretation of terms of policies, voyage-deviation, perils of sea, assignment of policy, partial loss of ship, freight, salvage particular charges.
  - B. Property Insurance: -  
Fire Insurance, burglary and theft policies, goods in transit, livestock and agriculture insurance.
  - C. Third Party Risk Insurance: -  
Motor Vehicles Act, 1988, nature and scope, contributory negligence,

effect of Insolvency or death claims Tribunal, constitution, functions, procedure, powers and award, public liability Insurance.

5. Miscellaneous Insurance Schemes: New Dimensions: -  
Group Life Insurance, Medical claim and Sickness Insurance.

#### Books Suggested for Reading

- 1) ER Hardy Ivamy - General Principles of Insurance law , 5th Edn. 1986, Butterworths, London.
- 2) Bharat's Manual of Insurance Laws - 2000.
- 3) Brijnandan Singh - Insurance Law, 4th Edn. 2000 , The University Book Agency, Allahabad.
- 4) Yodhishtira and Shrivastava - Banerjee's Law of Insurance, Vol. I & II 4th Edn. 1994, The Law Book Co.(P) Ltd., Allahabad.
- 5) Murthy and Sarma - Modern Law of Insurance in India, 2nd Edn., 1991, N.M.Tripathi (P) Ltd., Bombay.
- 6) Ivamy - Case Book on Insurance Law, 4th Edn., 1984, Butterworths.
- 7) Srinivasa - Cases on Insurance, Vol. I and II.
- 8) Taxmann's Regulations Framed under Insurance Regulatory and Development Authority Act., 2000.
- 9) B.N. Banerjee - Law of Insurance, 4th Edn., 1994, Vol I & II, Law Book Co (P) Ltd.
- 10)E.R.H. Ivamy, Marine Insurance 2nd Edn. 1974, Butterworths.
- 11)B.C. Mitra - The Law Relating to Marine Insurance , 2nd Edn., 1993, The University Book Agency, Allahabad..

Internal Assessment : 20

Theory 80

**GROUP D**  
**BUSINESS LAW- II**  
**Course Code- D05**  
**INTERNATIONAL ECONOMIC LAW**

1. Introduction:

- i) Meaning and Nature of International Economic Law .
- ii) Sources of International Economic Law.
- iii) Development and evolution of IEL in pre and post World war periods.
- iv) Changing Dimensions of International Economic Law .
- v) Doctrine of sovereignty over wealth and natural resources.

2. International Economic Agencies .

- i) International Monetary fund (IMF):
  - a) Role and objectives .
  - b) Structure.
  - c) Resources .
  - d) Special Drawing Rights.
  - e) Conditionality Clause.
- ii) International Bank for Reconstruction and Development (IBRD) :
  - a) Role and objectives .
  - b) Structure.

- c) Resources.
- d) Appraisal of Performance.

3. International Economic Institutions :

- i) United Nations and its specialised agencies - Functions and role played in development of International Economic Law.
- ii) United Nations conference on trade and Development (UNCTAD) :
  - a) Institutional framework
  - b) Objectives and functions
  - c) Role and achievements
- iii) United Nations Commission for International Trade Law ( UNCITRAL):
  - a) Structure and functions
  - b) Role and Achievements

4. World Trade Organisation :

- a) Historical background
- b) Objectives.
- c) Structure, function and jurisdiction.
- d) Principles
- e) Dispute Settlement
- f) Select agreements of WTO.on following topics
  - i. Rules of origin
  - ii. Subsidiary on agriculture
  - iii. Anti Dumping
  - iv. E - commerce

- v. Transfer of technology
- vi. General Agreement on Trade in Service
- g) Problem areas of WTO
  - i. Social clause
  - ii. Protection of environment

#### Bibliography.

1. Bandar Surendra, World Trade Organization and Developing Countries (1995) , Universal, Delhi.
2. Arun Goyal (ed.) WTO in the New Millenium (2000) , Academy of Business Studies, New Delhi
3. Jayanta Bagchi, World Trade Organization: An Indian Perspective (2000) Eastern Law House, Calcutta.
4. A. K. Kaul, - UNCED, Our Common Feature (1986) Oxford.
5. Legal Framework of UNCTAD in World Trade 1977, N.M. Tripathi, Bombay.
6. Report of Peoples Commission on GATT, 1996, Centre for Study of Global Trade System and Development, New Delhi.
7. GATT Accord and India - Edited by K.R. Gupta , Atlantic Publishers and Distributors.

#### JOURNALS / NEWSPAPERS.

1. Corporate Law Cases
2. Company Law Journal.
3. Annual Reports of World Bank
4. Political and Economic Weekly
5. Economic Times
6. Financial Times.

Internal Assessment : 20

Theory : 80

## Course Code- D06

### INTERNATIONAL TRADE LAW.

- I International Sale of Goods :
1. Special trade terms in export sales - Definitions, kinds, Differences between Rights and duties of buyers and sellers.
  2. Standardisation of terms in International Sales : Uniform Conditions of Export Sales - Role of UNCITRAL, International Chamber of Commerce Publications, Standard contract forms applied to specified international transactions .
  3. Offer and acceptance .
  4. Performance of contract.
  5. Rights of unpaid seller
  6. Countertrade.
  7. Frustration of contract
  8. Conflict of laws
  9. Unification of the Law of International Sales.
- II. Financing and Payment in International Trade.
1. Meaning, types and control of foreign investment
  2. Bill of Exchange - Meaning
  3. Letters of Credit - Characteristics and kinds.
  4. Bank guarantees and other contract guarantees.
- III. Transportation of Exports.
1. Carriage of Goods by Sea- Unimodal and Multimodal Transport, Contract of Carriage by Sea, Bills of Lading, Charterparty Liability of shipowner for loss or damage to goods.

2. Container transport - Course of business in container Transport, Legal problems of container transport.

3. Carriage of Goods by Air

4. Carriage of Goods by Land.

IV. Insurance of Exports - Marine and Aviation Insurance.

V. Dispute Settlement Non-judicial dispute settlement : Arbitration and Conciliation .

Bibliography.

1. Carr and Kidner - Statutes and Conventions on International Trade Law, 1993.
2. Jason Chuah - International Trade Law, Cavendish Publishing Ltd, London, 1995.
3. Motiwal and Awasthi International Trade, 1st edn, 1995. Bhowmik and co; New Delhi.
4. Clive M. Schmitthoff, Schmitthoff's, Export Trade, 8th Edn, 1986, Stevens and Sons, London.
5. Law of International Trade Transactions - ed. Rahmatullah Khan, Tripathi Pvt, Ltd, Bombay, 1973.
6. UNCITRAL Year Book, 1970-1995, United Nations, New York .
7. Dicey, Conflict of Laws.
8. Justice Kochu Thomen.- Bill of Lading.
9. Payne and Ivamy - Carriage of goods , 12th Edn., Butterworth.
10. M.C. Vaish, Sudama Singh : International Economic Law , 4th Edn., Oxford and IBH Publishing Co.
11. New Directions in International Trade Law , Vol I & II, Oceana Publications Inc.
12. B.C. Mitra - Law Relating to Bills of Lading and Charter party ( Air , Land and Sea) 1998.



13. Avtar Singh Law of Carriage ( Road , Rail , Air and Sea) 3rd Edn., Eastern Book Co.

Internal Assessment :20

Theory :80

**Group E**  
**Environment and Legal Order**  
**Course Code –E05**  
**Biological Diversity and Legal Order**

**Chap 1. Biodiversity and its necessity**

1. Definitions
2. Meaning and Importance
3. Role of Flora and Fauna in maintaining Biodiversity
4. Threats to Biodiversity
5. Need for protection of Biodiversity
6. Biodiversity and Economic Valuation

**Chap 2. Laws, Policies and Measures for Biodiversity**

1. Convention on Biological Diversity, 1992
2. The Biological Diversity Act, 2002
3. Protection of Plant Varieties and Farmers Right Act, 2001  
(relevant portion only )
4. The Geographical Indications (Regulation and Protection) Act, 1999  
(relevant portion only )

**Chap 3. Biodiversity and Ethical Issues**

1. Utilization of flora for Bio-Medical purposes
  - a) Cosmetic Plants
  - b) Medicinal Plants

2. Utilization of fauna/animals for Bio-Medical purposes
3. Genetic Mutation of Seeds
4. Experimentation on Animals
5. Genetically Modified Organisms
6. Genetic Engineering
7. Biodiversity and Intellectual Property Rights

**Chap 4. Biodiversity and Priority Sectors**

1. Sanctuaries
2. Zoo and Parks
3. Biosphere Reserves
4. Protected Forest and Reserved Forests
5. Conservation of Biodiversity
  1. Role of NGO
  2. Role of Indigenous People
  3. Role of Media and Publications

Internal Assessment :20

Theory :80

## **Course Code –E06**

# **Conservation of Resources and Management of Environment**

### **Chap 1. Natural Resources Management**

1. Definition
2. Classification of Natural Resources
  - a) Inexhaustible
  - b) Exhaustible
3. Concept of Resource Conservation
4. Factors affecting resources
5. Conservation of Important Natural Resources
  - a) Methods of Forest Conservation
  - b) Methods of Soil Conservation
  - c) Methods of Water Conservation
  - d) Methods of Wildlife Conservation
6. Natural Resource Accounting and its Necessity

### **Chap 2. Environment Impact Assessment and Auditing**

1. Definition, Nature and Importance
2. Guidelines of Environment Impact Assessment
3. Economic Assessment of Resources
4. Environmental Status Evaluation
5. Cost – Benefit Analysis
6. Concept of Capacity Building

### **Chap 3. Environment and Emerging Concepts**

1. Eco-Mark
2. Eco-Audit

- a) Pre-Audit Activities
  - b) Post-Audit Activities
  - c) Benefits of Environmental Audits
- 3. Risk Assessment and Disaster Management Plan
  - 4. Management System Certification: IS / ISO 14001: 1996

**Chap 4. Utilization of Renewable Energy Sources**

- 1) Solar Energy
- 2) Hydro-Power Energy
- 3) Ocean Energy
- 4) Geo-Thermal Energy
- 5) Bio-Energy

**Chap 5. Environment and Future Perspectives**

- 1) Development of Eco-Friendly Techniques
- 2) Public Participation and Decision Making
- 3) Globalization and its impact on Environment
- 4) Role of NGO in protection of Environment
- 5) Role of Media in protection of Environment

Internal Assessment :20

Theory :80

**GROUP –F**  
**LABOUR, CAPITAL & LAW**  
**COURSE CODE- F05**  
**SOCIAL SECURITY LEGISLATION-I**

- I) Introduction:
1. Meaning and Concept of Social Security.
  2. Modality: Social prescription, Social assistance and Social insurance.
  3. Distinction with Labour Welfare.
- II) Constitutional Perspectives:
1. Fundamental Rights: Realization of the rights through meaningful social security measures :right to life , the wider dimensions.
  2. Right to adequate means of livelihood, free legal aid, public assistance in cases of unemployment, old age, sickness and disablement, maternity relief benefits
  3. Directive Principles of State Policy.
- III) Origin and Development/ Comparative Perspectives of Social Security:
1. The United Kingdom.
  2. The United States.
  3. Nternational Norms of Social Security-ILO & Human Rights Perspectives.
- IV) The Workmen’s Compensation Act –1923:
1. Employer’s liability for compensation.
  2. Types of Injuries covered.
  3. Workmen-who can claim compensation.
  4. Amount of compensation in case of various injuries.
  5. Payment of Compensation.

6. Commissioner for Workmen's Compensation – his duties, powers and procedures.

V) Employees State Insurance Act 1948:

1. Authorities under the Act –their powers and function.
2. Employees State Insurance Fund-Contributions to the fund by the Employer and Employees, Grant by Central and State Government.
3. Purposes for which the fund may be expended.
4. Benefits available, conditions under which available, persons entitled.
5. Corporation's right to recover damages or other amounts from employer, or to be indemnified in certain cases.
6. Adjudication of disputes and claims.

VI). The Maternity Benefit Act 1961:

1. Applicability.
2. Nature of benefits and privileges available under the Act
3. Procedure for claiming payment
4. Inspectors – their powers and functions.
5. Penalties.

Books Suggested For Reading:

1. Dr.Vivek Bhattacharya- Social Security Measures in India.
2. Bakshi and Mitra- Workmen's Compensation Act and other Social Insurance Legislation.
3. K.D. Shrivastava- Commentaries on Employees State Insurance Act.
4. Larson- Workmen's Compensation Law.
5. Dr. C. B. Mamoria- Principles of Social Security.
6. V.R. Bhattacharya, Some Aspects of Social Security Measures in India( 1970).
7. S.C.Shrivastava, Social Security and Labour Laws ( 1985).
8. R.N. Choudhary, Commentary on the Workmen's Compensation Act 1923

(2000), Orient.

9. Munkman, Employer's Liability (1985), Chs. 1, 2, 3, 22 and 23.

10. Harry Calvert, Social Security Laws (1978).

Internal Assessment : 20 marks.

Theory : 80 marks.



**COURSE CODE- F06**  
**SOCIAL SECURITY LEGISLATION –II**

- I). Employee's Provident Fund Act 1952:
1. Applicability of the Act.
  2. Authorities, their powers and functions.
  3. Contributions of the fund.
  4. Recovery of money due.
  5. Penalties and Damages Recoverable.
  6. Offence by Companies.
  7. Exemptions.
- II). Payment of Gratuity Act 1972 :
1. Concept of Gratuity.
  2. Gratuity under the Payment of Gratuity Act,1972, Eligibility for Gratuity and amount payable ,Nomination by the employees.
  3. Duties of the employer.
  4. Procedure for settlement of disputes as to amount etc.
  5. Exemptions and penalties.
  6. Enforcement Machinery under the Act ,its powers and functions.
- III). The Factories Act, 1948 :
1. Applicability of the Act.
  2. Powers of the Inspectors.
  3. Health, Safety and Welfare Measures.
  4. Responsibility of the occupier in relation to hazardous processes.
  5. Working hours of adults.
  6. Employment of young children, prohibition of employment of children.

7. Special provisions regarding the applicability of the Act to certain premises.
  8. Offences by workers.
  9. Penalties, Procedure and Exemption.
- IV) Unorganised Labour and Social Security:
- A) Causes and Problems of Unorganised Labour – Emerging Trends.
  - B) Unorganised Labour and Constitutional Perspectives.
  - C) Agricultural Labour –
    1. Difficulty in deciding Social Security Schemes to Agricultural Labour.
    2. Need for State initiative and support.
  - D) Protection of the Weaker Sections of Labour – Evolving Trends:
    1. Tribal Labour
    2. Domestic Servants. ( the Domestic Worker conditions of Service Bill, 1994)
    3. Bonded Labour.
    4. Contract Labour.
  - E) Protection of Women Labour and Right to Employment:
    1. Equal Remuneration Act, 1976.
    2. The Plantation Labour Act, 1951 – Provisions relating to Women
    3. The Mines Act, 1952 – Provisions relating to Women
  - F) Child Labour –
    1. Human rights and child labour in Indian Insustries.
    2. Child Labour Prohibition and Regulation Act, 1946.
- V) Towards an Ideal Social Security Scheme—the Futuristic:
1. Comprehensive and integrated Social Security : an utopian concept or a pragmatic approach?
  2. Funding.

3. Benefits and beneficiaries.
4. Role of Trade unions.
5. Social Security clauses in collective agreements.
6. Trade union schemes with its own fund.

Books Suggested For Reading:

1. State Legislations and other Welfare Schemes relating to Agricultural Labour.
2. Government of India, Agricultural Labour Enquiry.
3. Government of India , Report on the second Agricultural Labour Enquiry.
4. Government of India, Third Agricultural Enquiry.
5. Report of the National Commission on rural Labour (1991) New Delhi, Govt. of India, Ministry of Labour- Vol. II.
6. Encyclopedia of human rights and women's development – Vol. V Vijay Kaushik and Bela Rani Sharma.
7. Lengthening Shadows Status of Women in India, Poonam and Chauhan.
8. Women in India- Legal and Human Rights Sadiq Ahamad Jilane Syed
9. Human Right and Child Labour in Indian Industries, Anu Saksena.
10. Symposium on Women's Rights at the workplace: Emerging Challenges and Legal Interventions, Asha Bajpai.

Internal Assessment : 20 marks.

Theory : 80 marks.

**GROUP-G**

**CRIMINAL LAW**

**COURSE CODE-G05**

**ORGANISED CRIME, TERRORISM AND INTERNATIONAL CRIME:  
NEW CHALLENGES**

**I Organized Crime**

- 1) Definition and Scope
- 2) Characteristics of organized crime
- 3) Types of organized crime
- 4) Causes of organized crime

**II Classification of Organized Crimes**

**A) International Perspective**

- 1) Transnational organized crime
- 2) Illicit Firearms trafficking
- 3) Drug trafficking
- 4) Money laundering scams and frauds

**B) Indian Perspective**

- 1) Smuggling, Money Laundering and Hawala
- 2) Terrorism
- 3) Counterfeiting of Currency
- 4) Drug trafficking: NDPS Act penal provisions

- 5) Cyber Crimes and penal provisions in IT Act, 2000 (Sec.65, 66 & 67)
- 6) Trafficking of women and children
- 7) Trafficking of Human Organs (penal provisions)

### III Profiles of Criminal Gang / Investigation and Prosecution

- 1) Criminal Intent and mensrea in such crimes
- 2) Modus operandi of organized crime
- 3) Role of Police in Investigation of organized crime
- 4) Role of Judiciary, Trial and Sentencing in organized crime

### IV Legislative Provisions in India

- 1) Maharashtra Control of Organized Crime Act, 1999
- 2) Relevant Provisions under IPC and Indian Evidence Act
- 3) Prevention, control and correctional strategies

### V Laws relating to Transnational Organised Crime

- 1) Organised crime and United Nations
- 2) Naples Declaration and Global Action Plan 24 Dec. 1994 (Salient features)
- 3) United Nations Conventions Against Organized Crime 15<sup>th</sup> Dec. 2000 ( Salient features)
- 4) Extradition Treaty: Extradition Act 1962 (Relevant Provisions)

VI International Crimes

- 1) Emerging Crimes of International Nature
- 2) Objectives of International Criminal Law
- 3) Salient features of International Criminal Court.

**Books of Reference**

Bare Acts

1. Narcotic Drugs and Psychotropic Substances Amendment (Act) 2001
2. Immoral Traffic (Prevention) Act, 1956
3. Maharashtra Control of Organised Crimes Act 1999
4. Naples Declaration and Global Action Plan, 1994
5. Extradition Treaty & Extradition Act, 1962

Books:

1. Mathur K.M., Crime, Human Rights and National Securities, Gian Publishing House, New Delhi -02
2. Nadan Kamat, Computer and Information Technology Law
3. Attra Chand, Terrorism Political Violence Security of Nation, Gian Publishing House, New Delhi -02.
4. William A Schabas, International Criminal Court, 1<sup>st</sup> Edition 2001, Cambridge University Press.

Internal Assessment : 20 marks.

Theory : 80 marks.

**COURSE CODE-G06****OFFENCES RELATING TO CORPORATE GAINS****I Economic offences. I (Relevant Penal Provisions)**

- 1) Definition
- 2) Companies Act.
- 3) Standards of Weights and Measures Act.
- 4) Essential Commodities Act.
- 5) Food Adulteration Act.
- 6) Consumer Protection Act.

**II Economic offences II (Relevant Penal Provisions)**

- 1) Public Liability Insurance Act.
- 2) Insurance Fraud
- 3) Banking Crimes/Frauds
- 4) Criminal impact in Maharashtra Protection of Investors Depository Act.
- 5) Tax Evasion
- 6) Offences pertaining to Negotiable Instrument Act.

**III Corporate Crimes**

- 1) Definition. Nature and Forms of Corporate Crime
- 2) Offences Relating to Statutory Noncompliance under Companies Act
- 3) Vicarious Liability of Corporation
- 4) Breach of Foreign Exchange Regulations (FEMA)

#### IV Labour Legislation (Relevant Penal Provisions)

- 1) Factories Act
- 2) Payment of Wages
- 3) Minimum Wages
- 4) Provident Fund Act
- 5) Standing order
- 6) Child Labour: Child Labour Prohibition and Regulation Act, 1986.

#### **Books of Reference**

1. Goodwin Robert, Corporation, Crime and Accoutability, Cambridge University Press.
2. Henry Glasback, Wealth By Stealth, Corporate Law, CorporateCrimes and Prevention of Democracy, Langman, 1999.
3. Rajsingh Niranjan, Electricity Law in India, Edition 2004, Universal Law Publishing Co. Pvt. Limited, New Delhi-33.
4. Bhashyam & Adigas, Negotiable Instruments Act 1881, 16<sup>th</sup> Edition, 1997, Bharat Law House, New Delhi-34.
5. Dr. V. K .Agrawal, Consumer Protection Law and Practise, 3<sup>rd</sup> Edition 1997, B.L.H., Publishers, Distributors Pvt. Limited, New Delhi -34.
6. Bare Act of “Child Labour Prohibition and Regulation Act, 1986”
7. Asha Bajpai, Child Rights In India, Law policy and Practise, 2<sup>nd</sup> Edition 2006, Oxford India Paperbacks.

Internal Assessment : 20 marks.

Theory : 80 marks.



**LL.M.- FOURTH SEMESTER****FOUNDATION COURSE****COURSE CODE – FC08****Dissertation**

Candidates are required to submit a dissertation of about 150-200 pages on a topic from the optional group offered by them. The dissertation is expected to be an indepth and critical analysis of a legal problem of contemporary significance in the field chosen by the candidate and must incorporate copious reference to judicial decisions, law review articles, books, monographs relevant to the topic in the form of footnotes and bibliographical references.

The candidates will be examined at an oral examination (viva) on the strength of the dissertation (written work.) The dissertation will carry 200 marks and it should be submitted (two copies) to Head of the Department one month before the Semester ends i.e. the Fourth Semester. The viva exam will be held in the month of May - June every year. The supervisor for dissertation shall be the teaching member of the Deptt. of Law., and affiliated colleges where LL.M. courses are taught. The students will be assigned the topic for dissertation by their supervisor in consultation with the Head of the Department within a month after the Semester has started.

After the dissertations have been submitted they shall be evaluated by the external examiner along with the Head of the Department and/or internal examiner. The examiner will evaluate the dissertation taking into account the following points:

- a) Coverage of subject matter.
- b) Arrangement and presentation.
- c) Research Methodology
- d) Nature of references and materials used.
- e) Critical appreciation and *original contribution* of the candidate.

Written Work -125 Marks

Viva Voce - 75 Marks

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Total= 200 Marks

*Note : The students have to write their dissertations as per the guidelines of Research Methodology given below.*

### **GUIDELINES FOR DOCTRINAL RESEARCH.**

**A. Research scholars are required to follow the steps given below for preparation of Doctrinal Research**

Research Methodology:

1. Title of the Study
2. Problem of the study

3. Rationale of the study
4. Objectives of the study
5. Hypothesis
6. Review of Literature
7. Operational concepts & Variables of the study
8. Research Design
  - i) Nature/ Type of the study
  - ii) Method of Data Collection
  - iii) Sources of Data Collection
9. Limitations of Study
10. Time Schedule
11. Possible contribution of the study
12. Chapterisation

**B. Doctrinal Research shall have the following structure :**

Cover

Cover page

Certificate

Acknowledgement

List of Case Laws.

List of Tables

Abbreviations

Contents

Introduction

A. Theoretical Background

B. Research Methodology ( As given in A. )

Chapter I

Chapter II

Chapter III

Chapter IV

Major Findings, Conclusions and Suggestion.

## Bibliography

Annexures:

Acts, Bills, Maps, etc.

### **C. Step by step procedure to be followed for Doctrinal Research :**

- 1) Approval of the title
- 2) Collection of material
- 3) Review of literature
- 4) Problem
- 5) Objectives
- 6) Rationale
- 7) Hypothesis
- 8) Chapterization
- 9) Collection of Data
- 10) Analysis and Interpretation of data
- 11) Report Writing
- 12) Preparation of Bibliography
- 13) Preparation of List of cases
- 14) Abbreviation

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