

Chembur Karnataka college of Law

Syllabus Copy

LL.M (2 yrs.)

Curriculum Summary
(Group – Wise)

Group I - Constitutional and Administrative Law.

SEM I

1. Foundation Paper I: Law and Social Transformation in India
2. Foundation Paper II: Indian Constitutional Law: New Challenges.
3. Paper I: Constitutionalism: Pluralism and Federalism
4. Paper II: National Security Public Order and Rule of Law

SEM II

1. Foundation Paper III: Judicial Process
2. Foundation Paper IV: Legal Education and Research Methodology
3. Paper III: Comparative Constitutional Law
4. Paper IV: Administrative Process : Nature and Scope

SEM III

1. Paper V: Administrative Process and Judicial Control
2. Paper VI: Public Authorities and Power Holders : Controls on Maladministration
3. Classroom Teaching & Seminar
4. Choice of Practical Component:
 - a. Legal Aid
 - b. Loopholes / Lacunae in existing laws and reports
 - c. Comparative study and its utility in context of India
 - d. Debate on any contemporary legal issue
 - e. Book Review / Group Discussion on current Legal Affairs
 - f. Surprise Written Test
 - g. Case Comments.

SEM IV

1. Dissertation
2. Components of Choice Based Credit System

Curriculum Summary
(Group – Wise)

Group II – Business Law.

SEM I

1. Foundation Paper I: Law and Social Transformation in India
2. Foundation Paper II: Indian Constitutional Law: New Challenges.
3. Paper I: Fundamental Principles of Law of Contract and Allied Laws
4. Paper II: Global Trade under World Trade Organisation

SEM II

1. Foundation Paper III: Judicial Process
2. Foundation Paper IV: Legal Education and Research Methodology
3. Paper III: Corporate Law
4. Paper IV: Law Relating to Customs and Foreign Exchange

SEM III

1. Paper V: Law of Insurance
2. Paper VI: Banking Law
3. Classroom Teaching & Seminar
4. Choice of Practical Component:
 - h. Legal Aid
 - i. Loopholes / Lacunae in existing laws and reports
 - j. Comparative study and its utility in context of India
 - k. Debate on any contemporary legal issue
 - l. Book Review / Group Discussion on current Legal Affairs
 - m. Surprise Written Test
 - n. Case Comments.

SEM IV

1. Dissertation
2. Components of Choice Based Credit System

Curriculum Summery
(Group – Wise)

Group III - Law of Intellectual Property and Information Technology

SEM I

1. Foundation Paper I: Law and Social Transformation in India
2. Foundation Paper II: Indian Constitutional Law: New Challenges.
3. Paper I: Intellectual Property and International Organizations and Agreements
4. Paper II: Patent Law

SEM II

1. Foundation Paper III: Judicial Process
2. Foundation Paper IV: Legal Education and Research Methodology
3. Paper III: Trademarks
4. Paper IV: Copyrights and other Related Rights

SEM III

1. Paper V: Law of Industrial Designs, Geographical Indications, Layout Designs Etc.
2. Paper VI: Information Technology / Cyber Law
3. Classroom Teaching & Seminar
4. Choice of Practical Component:
 - a. Legal Aid
 - b. Loopholes / Lacunae in existing laws and reports
 - c. Comparative study and its utility in context of India
 - d. Debate on any contemporary legal issue
 - e. Book Review / Group Discussion on current Legal Affairs
 - f. Surprise Written Test
 - g. Case Comments.

SEM IV

1. Dissertation
2. Components of Choice Based Credit System

Curriculum Summary
(Group – Wise)

Group V - Criminal Law and Criminal Administration.

SEM I

1. Foundation Paper I: Law and Social Transformation in India
2. Foundation Paper II: Indian Constitutional Law: New Challenges.
3. Paper I: Criminal Jurisprudence
4. Paper II: Penal Law

SEM II

1. Foundation Paper III: Judicial Process
2. Foundation Paper IV: Legal Education and Research Methodology
3. Paper III: Criminology
4. Paper IV: Collective Violence and Criminal Justice System

SEM III

1. Paper V: Penology : Treatment of Offenders
2. Paper VI: Forensic Science and Scientific Investigation of Crime
3. Classroom Teaching & Seminar
4. Choice of Practical Component:
 - a. Legal Aid
 - b. Loopholes / Lacunae in existing laws and reports
 - c. Comparative study and its utility in context of India
 - d. Debate on any contemporary legal issue
 - e. Book Review / Group Discussion on current Legal Affairs
 - f. Surprise Written Test
 - g. Case Comments.

SEM IV

1. Dissertation
2. Components of Choice Based Credit System

LL.M. SYLLABUS

LL.M. PROGRAMME - OBJECTIVE

- To develop research skill among students
- To ensure specialized knowledge in the field of Law
- To encourage students to pursue further research education in the field of Law
- To motivate students to pursue their career in teaching profession

LL.M. PROGRAMME – OUTCOME

This programme enables students,

- To acquire specialized knowledge in the respective domains of Legal studies and practice
- To pursue their further education from across the globe.
- To become Legal luminaries, practitioners, officers and Judges.
- To join the noble profession of teaching in Law

a. Foundation Papers

1. Law and Social Transformation in India
2. Indian Constitutional Law: New Challenges.
3. Judicial Process
4. Legal Education and Research Methodology

b. Optional Groups

1. **Group I:** Constitutional and Administrative Law.
2. **Group II :** Business Law
3. **Group III:** Intellectual Property and Information Technology
4. **Group V:** Criminal Law and Criminal Administration

c. Dissertation and Choice Based Project work:

FOUNDATION PAPER - I
LAW AND SOCIAL TRANSFORMATION IN INDIA (4 CREDITS)

OBJECTIVE

- Optimal utilization of knowledge of Jurisprudence towards the society.
- To study the social problems of society and find their solution.
- To have a legally tenable approach towards social problems.

OUTCOME

This course enables students:

- To raise legal and social awareness.
- To make suggestions to the law makers for enacting the law accordingly.
- To make suggestions regarding Implementation of the laws through appropriate mechanism.

Module – I (1 Credit)

1. Law and Social Change :

- 1.1. Law as an instrument of social change.
- 1.2. 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. Religion and the Law:

- 2.1. Religion as a divisive factor.
- 2.2. Secularism as a solution to the problem.
- 2.3. Reform of the law on secular lines: Problems.
- 2.4. Freedom of religion and non-discrimination on the basis of religion.
- 2.5. Religious minorities and the law.

Module – II (1 Credit)

3. Language and the Law :

- 3.1. Language as a divisive factor: Formation of linguistic states.
- 3.2. Constitutional guarantees to linguistic minorities.
- 3.3. Language policy and the Constitution Official language; multi-language system.
- 3.4. Non-discrimination on the ground of language.

4. Community and the law:

- 4.1. Caste as a divisive factor
- 4.2. Non-discrimination on the ground of caste.
- 4.3. Acceptance of caste as a factor to undo past injustices.
- 4.4. Protective discrimination; Scheduled castes, tribes and backward classes.
- 4.5. Reservation; Statutory Commissions, Statutory provisions.

Module – III (1 Credit)

5. Women and the Law :

- 5.1. Crimes against women.
- 5.2. Gender injustice and its various forms.
- 5.3. Women's Commission.
- 5.4. Empowerment of women : Constitutional and other legal provisions

6. Children and the Law:

- 6.1. Child labour
- 6.2. Sexual exploitation.
- 6.3. Adoption and related problems.
- 6.4. Children and education.

Module – IV (1 Credit)

7. Modernization and the Law :

- 7.1. Modernisation as a value: Constitutional perspectives reflected in the fundamental duties.
- 7.2. Modernisation of social institutions through law.
 - 7.2.1. Reform of family law
 - 7.2.2. Agrarian reform – Industrialisation of agriculture.
 - 7.2.3. Industrial reform : Free enterprise v. State regulation – Industrialisation v. environmental protection.
- 7.3. Reform of court processes.
 - 7.3.1. Criminal law: Plea bargaining; compounding and payment of compensation to victims.
 - 7.3.2. Civil Law; (ADR) Confrontation v. consensus; mediation and conciliation; Lokadalats.
 - 7.3.3. Prison reforms
- 7.4. Democratic decentralization and local self-government.

8. Alternative approaches to law:

- 8.1. Naxalite movement: causes and cure

References

1. Marc Galanter (ed.), *Law and Society in Modern India* (1997) Oxford. Robert Lingat, *The Classical Law of India* (1998), Oxford.
2. U. Baxi, *The Crisis of the Indian Legal System* (1982), Vikas, New Delhi.
3. U. Baxi (ed.), *Law and Poverty Critical Essays* (1988). Tripathi, Bombay.
4. *Manushi, A Journal About Women and Society*.
5. Duncan Derret, *The State, Religion and Law in India* (1999), Oxford University Press, New Delhi.
6. H.M. Seervai, *Constitutional Law of India* (1996), Tripathi.
7. D.D. Basu, *Shorter Constitution of India* (1996), Prentice Hall of India (P) Ltd., New Delhi.
8. Sunil Deshta and KiranDeshta, *Law and Menace of Child Labour* (2000) Armol Publications, Delhi.
9. SavitriGunasekhare, *Children, Law and Justice* (1997), Sage Indian Law Institute, *Law and Social Change : IndoAmerican Reflections*, Tripathi (1988)
10. J.B. Kripalani, *Gandhi: His Life and Thought*, (1970) Ministry of Information and Broadcasting, Government of India.
11. M.P. Jain, *Outlines of Indian Legal History*, (1993), Tripathi, Bombay. Agnes, Flavia, *Law and Gender Inequality: The Politics of Women's Rights in India* (1999), Oxford

FOUNDATION PAPER II
INDIAN CONSTITUTIONAL LAW: NEW CHALLENGES
(4 Credits)

OBJECTIVES

- To give an insight of the Constitutional Law.
- To have an astute understanding about the comparative study of Constitutional Law.
- To provide rights and remedies under the Constitution.

OUTCOME

This course enables students:

- To analyze the new challenges faced under Constitutional law.
- To Implement the constitutional laws through measures available with the judiciary.
- To bring about Constitutional reforms.

Module – I (1 Credit)

1. Federalism :

- 1.1. Creation of new states
- 1.2. Allocation and share of resources – distribution of grants in aid
 - 1.2.1. The inter-state disputes on resources
- 1.3. Centre’s responsibility and internal disturbance within State.
 - 1.5. Directions of the Centre to the State under Airticle 356 and 365.
- 1.6. Federal Comity: Relationship of trust and faith between Centre and State
- 1.7. Special status of certain States.
 - 1.7.1. Tribal Areas, Scheduled Areas

2. “State”: Need for widening the definition in the wake of Liberalization.

Module – II (1 Credit)

3. Right to equality: privatization and its impact on affirmative action.

4. Empowerment of Women.

5. Freedom of press and challenges of new scientific development :

- 5.1. Freedom of speech and right to broadcast and telecast.
- 5.2. Right to strikes, hartal and bandh

Module – III (1 Credit)

6. Emerging regime of new rights and remedies :

- 6.1. Fundamental Rights Directive Principles and Fundamental Duties.

- 6.1.1. Compensation jurisprudence.
 - 6.1.2. Right to education.
 - 6.12.1. Commercialisation of education and its impact.
 - 6.12.2. Brain drain by foreign education market.
- 7. Rights of minorities to establish and administer educational institutions and state control.**
- 8. Secularism and religious fanaticism.**

Module – IV (1 Credit)

9. Separation of powers: stresses and strain :

- 9.1. Judicial Activism and judicial Restraint
- 9.2. PIL : implementation
- 9.3. Judicial independence.
- 9.3.1. Appointment, transfer and removal of judges.
- 9.4. Accountability: executive and judiciary.
- 9.5. Tribunals

10. Democratic process:

- 10.1. Nexus of politics with criminals and the business.
- 10.2. Election commission: status.
- 10.3. Electoral Reforms
- 10.4. Coalition government, ‘stability, durability corrupt practice’
- 10.5. Grass root democracy.

References

1. Indian Constitutional Law: New Challenges (Paperback, Shyam Lal Verma), India Publishing Company, 2018.
2. Constitutional Law- New Challenges (English, Paperback, G P Tripathi), Publisher: Central Law Publications ISBN: 9789386456793, 9386456796, Edition: 2, 2018.
3. Universal's Landmark Judgments Covering More than 100 Leading Cases of India, 12th Edition 2017 – Including .Prescribed Cases for Supreme Court Advocate-On-Records Examination (English, Paperback, Universal's), Publisher: Universal Law Publishing, ISBN: 9788131252529, 8131252523, Edition: Twelfth Edition, 2017

FOUNDATION PAPER - III JUDICIAL PROCESS (4 Credits)

OBJECTIVE

- To impart knowledge about significance of law and justice in the society
- To educate students about judicial activism and bring about creativity.
- To provide Guidelines to legislature to adopt significant legislative changes.

OUTCOME

This course enables students:

- To develop acquaintance with various theories of justice.
- To acquire skill of judgment writing.
- To efficiently use of various rules of Interpretation of statutes in dealing with the cases.

Module – I (1 Credit)

1. Nature of judicial process :

- 1.1. Judicial process as an instrument of social ordering
- 1.2. Judicial process and creativity in law –common law model – Legal Reasoning and growth of law – change and stability.
- 1.3. The tools and techniques of judicial creativity and precedent.
- 1.4. Legal development and creativity through legal reasoning under statutory and codified systems.

Module – II (1 Credit)

2. Special Dimensions of Judicial Process in Constitutional Adjudications :

- 2.1. Notions of judicial review
- 2.2. ‘Role’ in constitutional adjudication – various theories of review.
- 2.3. Tools and techniques in policy-making and creativity in constitutional adjudication,
- 2.4. Varieties of judicial activism
- 2.5. Problems of accountability and judicial law making.

Module – III (1 Credit)

3. Judicial Process in India :

- 3.1. Indian debate on the role of judges and on the notion of judicial review.
- 3.2. The ‘independence’ of judiciary and the ‘political’ nature of judicial process.
- 3.3. Judicial activism and creativity of the Supreme Court – the tools and

techniques of creativity.

- 3.4. Judicial process in pursuit of constitutional goals and values – new dimensions of judicial activism and structural challenges
- 3.5. Institutional liability of courts and judicial activism—scope and limits.

Module – IV (1 Credit)

4 The Concept of Justice :

- 4.1. The Concept of justice or Dharma in Indian thought
- 4.2. Dharma as the foundation of legal ordering in Indian thought.
- 4.3. The concept and various theories of justice in the western thought.
- 4.4. Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

Module – IV (1 Credit)

5 Relation between Law and Justice :

- 5.1. Equivalence Theories – Justice as nothing more than the positive law of the stronger class
- 5.2. Dependency theories – For its realization justice depends on law, but justice is not the same as law.
- 5.3. The independence of justice theories – means to end relationship of law and justice – The relationship in the context of the Indian constitutional ordering.
- 5.4. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

References

1. Julius Stone, *The Province and Function of Law. Part II, Chs. 1.8- 16*(2000), Universal, New Delhi.
2. Cardozo, *The Nature of Judicial Process* (1995) Universal, New Delhi.
Henry J. Abraham, *The Judicial Process* (1998), Oxford.
3. J. Stone, *Precedent and the Law: Dynamics of Common Law Growth* (1985) Butterworth
4. W. Freidmann, *Legal Theory* (1960), Stevens, London.
5. Bodenheimer, *Jurisprudence – the Philosophy and Method of the Law* (1997), Universal, Delhi.
6. J. Stone, *Legal System and Lawyers' Reasonings* (1999), Universal, Delhi.
7. U. Baxi, *The Indian Supreme Court and Politics* (1980), Eastern, Lucknow.
Rajeev Dhavan, *The Supreme Court of India – A SocioLegal Critique of its Juristic Techniques* (1977), Tripathi, Bombay.
8. John Rawls, *A Theory of Justice* (2000), Universal, Delhi.
9. Edward H. Levi, *An introduction to Legal Reasoning* (1970), University of Chicago.

FOUNDATION PAPER - IV
LEGAL EDUCATION AND RESEARCH METHODOLOGY (4 Credits)

OBJECTIVE

- To inculcate values of Research and Ethical Research in the domain of Legal studies
- To motivate students to pursue research in the field of Law.
- To encourage students to undertake Socio-legal research projects.

OUTCOME

This course enables students

- To pursue further research either from India or abroad in the fields of Law.
- To use of ICT techniques in pursuing research in Law.
- To develop Interdisciplinary approach of pursuing research in Law.

Module – I (1 Credit)

1. **Objective of Legal Education.**
2. **Methods of Teaching – Merits and demerits.**
3. **Examination reforms.**

Module – II (1 Credit)

4. **Clinical Legal Education – Legal aid, Legal Literacy, Legal survey and Law reform.**

Module – III (1 Credit)

5. **Research Methods :**
 - 5.1. Socio Legal Research
 - 5.2. Doctrinal and non-doctrinal
 - 5.3. Induction and deduction.
6. **Identification of Research Problem and formulation of Hypothesis:**
 - 6.1. Research problem
 - 6.2. Survey of available literature and bibliographical research
 - 6.2.1. Legislative materials including subordinate legislation, notification and policy statements.
 - 6.2.2. Decisional materials including foreign decisions; methods of discovering the “rule of the case” tracing the history of important cases and ensuring that these have not been over-ruled; discovering judicial conflict in the area pertaining to the research problem and the reasons

thereof.

- 6.2.3. Juristic writings - a survey of juristic literature relevant to select problems in India and foreign periodicals.
- 6.2.4. Compilation of list of reports or special studies conducted relevant to the problem.

Module – IV (1 Credit)

7. Preparation of the Research Design :

- 7.1. Devising tools and techniques for collection of data: Methodology.
 - 7.1.1. Methods for the collection of statutory and case materials and juristic literature.
 - 7.1.2. Use of historical and comparative research materials
 - 7.1.3. Use of observation studies
 - 7.1.4. Use of questionnaires/interview
 - 7.1.5. Use of case studies
 - 7.1.6. Sampling procedures – design of sample, types of sampling to be adopted.
 - 7.1.7. Use of scaling techniques
- 7.2. Computerized Research – A study of legal research programmes such as Lexis and West law coding etc.
- 7.3. Classification and tabulation of data – use of cards for data collection – Rules for tabulation, Explanation of tabulated data.
- 7.4. Analysis of data.

References

1. High Brayal, NigelDunean and Richard Crimes, Clinicallegal Education: Active learning in your law school,(1998)Blackstone Press Limited, London.
2. S.K. Agrawal (Ed.), Legal Education in India (1973),Tripathi,Bombay
3. N.R. MadhavaMenon,(ed) A handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow.
4. M.O. Price, H. Bitner and Bysiewiez, Effective LegalResearch, (1978).
Pauline V. Young, Scientific Social Survey and Research,(1962)
5. William J. Grade and Paul K. Hatt, Methods in SocialResearch, McGraw-Hill Book Company, London.
6. H.M. Hyman, Interviewing in Social Research (1965)Payne, The Art of Asking Questions (1965)
7. Erwin C. Surrency, B. Fieff and J. Crea, A Guide to Legal Research (1959) Morris L. Cohan, Legal Research in Nutshell, (1996), WestPublishing Co. Havard Law Review Association, Uniform System of Citations.
8. ILI Publication, Legal Research and Methodology.

[OPTIONAL GROUPS]

GROUP-I CONSTITUTIONAL AND ADMINISTRATIVE LAW

PAPER - I CONSTITUTIONALISM: PLURALISM AND FEDERALISM (4 Credits)

OBJECTIVE

- To impart legal knowledge about the philosophical growth and development of Constitution of India.
- In depth analysis of Federal Governance in India
- Comparative analysis of Pluralism and Constitution Jurisprudence

OUTCOME

- After completion of this paper students will be in position to know Constitution Philosophy and Practice in India
- Analytical analysis of Constitutional basic Structure
- Comparative studies of Constitutional Provision in U.S.A& Australia, Canada

Module – I (1 Credit)

1. Constitutionalism :

- 1.1. Authoritarianism – Dictatorship
- 1.2. Democracy – Communism.
- 1.3. Limited Government – Concept – Limitations on government power.
- 1.4. What is a Constitution ?
- 1.5. Development of a democratic government England – Historical evolution of constitutional government.
- 1.6. Conventions of constitutionalism – law and conventions
- 1.7. Written Constitutions: U.S.A., Canada, Australia, Sweden, South Africa and India.
- 1.8. Separation of powers: Montesquieu.
- 1.9. Rule of Law: Concept and new horizons
- 1.10. Marxist concept of Constitutionalism
- 1.11. Dictatorship of the proletariat.
- 1.12. Communist State from Stalin to Gorbachov.
- 1.13. Fundamental Rights: Human rights
- 1.14. Judicial Review : European Court of Human Rights.
- 1.15. Human Rights: International conventions.
- 1.16. Limits & doctrine of domestic jurisdiction in International Law.

2. Federalism :

- 2.1. What is a federal government ?
- 2.2. Difference between confederation and federation.
- 2.3. Conditions requisite for federalism.
- 2.4. Patterns of federal government – U.S.A., Australia, Canada, India.
- 2.5. Judicial review – for federal umpiring
- 2.6. New trends in federalism : Co-Operative federalism
- 2.7. India – Central Control v. State Autonomy
- 2.8. Political factors influencing federalism
- 2.9. Plural aspects of Indian Federalism : Jammu & Kashmir, Punjab, Assam.
- 2.10. Dynamic of federalism.

Module – II (1 Credit)

3. Pluralism :

- 3.1. What is a pluralistic society ?
- 3.2. Ethnic. Linguistic, cultural, political pluralism
- 3.3. Individual rights – right to dissent
 - 3.3.1. Freedom of speech and expression
 - 3.3.2. Freedom of the press
 - 3.3.3. Freedom of association
- 3.4. Rights to separateness
 - 3.1.1. Freedom of religion
 - 3.1.2. Rights of the religious and linguistic minorities
 - 3.1.3. Compensatory discrimination for backward classes
 - 3.1.4. Women – right to equality and right to special protection
 - 3.1.5. Scheduled Tribes, Distinct Identity – protection against exploitation – NSIS – Exclusion from Hindu Law

Module – III (1 Credit)

4. Uniform Civil Code :

Non-State law (NSLS) and State Law Systems – Problems of Uniform Code v personal laws – vertical federalism.

5. Equality in Plural Society :

- 5.1. Right to equality and reasonable classification
- 5.2. Prohibition of discrimination on ground of religion, caste, sex, language.
- 5.3. Abolition of untouchability
- 5.4. Secularism – constitutional principles
- 5.5. Tribal Groups and Equality

Module – IV (1 Credit)

6. Pluralism and International Concerns :

- 6.1. Universal Declaration of Human Rights
- 6.2. Conventions against genocide
- 6.3. Protection of religious, ethnic and linguistic minorities
- 6.4. State intervention for protection of human rights
- 6.5. Right of self-determination

References

1. Upendra Baxi, “ Law, Democracy and Human Rights” - 5, Lokayan Bulletin 4 (1987)
2. V.M. Dandekar “ Unitary Elements in a Federal Constitution” 22 E.P.W. 1865 (1988)
3. Rajeev Dhavan, “ The Press and the Constitutional Guarantee of Free Speech and Expression” 28 J.I.L.I. 299 (1986)
4. M.A. Fazal “Drafting A British Bill of Rights” 27 J.I.L.I. 423 (1985)
5. M.P. Jain Indian Constitutional Law (1994), Wadhwa Jagat Narain “ Judicial Law Making and the Place of the Directive Principles in the Indian Constitution,” J.I.L.I. 198 (1985)
6. Rhett Ludwi kowski, “Judicial Review in the socialist Legal Systems : Current Development” 37 I.C.L.D.89-108 (1988)
7. S.P. Sathe, Fundamental Rights and Amendment of the Indian Constitution (1968)
8. H.M. Seervai, Constitutional Law of India (1993), Tripathi,

Bombay Students should consult relevant volumes of the Annual Survey of Indian Law Published by the Indian Law Institute.

PAPER- II
NATIONAL SECURITY, PUBLIC ORDER, AND RULE OF LAW
(4 Credits)

OBJECTIVE

- In depth understanding about Rule of Law in the context of the Indian Constitution
- Analysis of Preventive Detention Laws in the light of Constitutional Jurisprudence
- Critical Appraisal of National Security of Public order in India

OUTCOME

- After completion of this paper students will be in position to know various detention laws such as COFEPOSA and laws relating to economics offences
- Critical analysis of Human Rights issues of detainees in the light of Constitutional Provisions
- In depth analysis of Judicial Review about detention Laws

Module – I (1 Credit)

1. National Security, Public Orders and Rule of Law :

- 1.1. Emergency Detention in England – Civil Liberties
- 1.1.1. Subjective satisfaction or objective assessment?
- 1.2. Pre-Independence law

2. Preventive Detention and Indian Constitution:

- 2.1. Article 22 of the Constitution
- 2.2. Preventive Detention and Safeguards
- 2.3. Declaration of Emergencies
- 2.4. 1962, 1965 and 1970 Emergencies
- 2.5. 1975 Emergency

Module – II (1 Credit)

3. Exceptional Legislation :

- 3.1. COFEPOSA and other legislation to curb economic offenders
- 3.2. TADA : “The draconian Law”- comments of NHRC
- 3.3. Special courts and tribunals
- 3.4. Due process and special legislation

4. Civil Liberties and Emergency:

- 4.1. Article 19
- 4.2. Meaning of “Security of State”
- 4.3. Meaning of “Public Order”
- 4.4. Suspension of Article 19 rights on declaration of emergency
- 4.5. President’s Right to suspend right to move any court
- 4.6. Article 21 – special importance- its non-suspendability
- 4.7. Suspendability – 44th amendment

Module – II (1 Credit)

5. Access to Courts and Emergency :

- 5.1. Article 359 : Ups and downs of judicial review
- 5.2. Constitution (Forty-fourth), Amendment Act, 1978
- 5.3. Constitution (Fifty-ninth) Amendment Act, 1988

6. Martial Law :

- 6.1. Provisions in English Law
- 6.2. Provisions in the Constitution

Module – IV (1 Credit)

7. Human Rights in India :

- 7.1. Constitutional Philosophy
- 7.2. Human Rights of Disadvantaged Groups – Women, Children, Dalits, Unorganised Labour and Minorities.
- 7.3. Police, Prison and Human Rights
- 7.4. Judicial Activism.

References

1. G.O. Koppell “The Emergency, The Courts and Indian Democracy” 8 J.I.L.I. 287 (1966)
2. H.M. Seervai, The Emergency, Future Safeguards and the habeas Corpus
3. : A Criticism (1978)
4. International Commission of Jurists, Status of Emergency and Human Rights (1984)
5. N.C. Chatterji and Parameshwar Rao, Emergency and the Law (1966)

PAPER- III
COMPARATIVE CONSTITUTIONAL LAW (4 Credit)

OBJECTIVE

- To impart knowledge about comparative constitution Provisions of selected Countries like, UK, USA, Switzerland, Ireland, with regard to the form of Governance
- Comparative studies of Constitutional Amendments of Countries like UK, USA and India
- In depth study of Affirmative Actions in India and United States
- In depth studies of some landmark judgments of foreign countries.

OUTCOME

This course enables students

- To develop global competence amongst students with regard to constitutional jurisprudence
- To gain knowledge and In depth understanding about civil rights and liberties in India, USA and Canada
- To pursue further research with other foreign countries with regard to constitutional philosophy
- To understand and know the judicial interpretation and procedures of judiciary of different countries.

Module – I (1 Credit)

1. Constitutionalism, Classification of Constitutions
2. Conventions in Constitutional Law.
3. Parliamentary and Presidential Democracy.

Module – II (1 Credit)

4. Comparative Study of the fundamentals of the Constitutions of India, USA, UK, Switzerland, Ireland, Germany and Canada.
5. Comparative Study of Federalism in India, USA, Switzerland, Ireland, Germany, Canada.

Module – III (1 Credit)

6. Comparative Study of Amending Processes of the Constitutions in the USA, India and Switzerland.
7. Comparative Study of Judiciary in India, UK, USA and Switzerland.

Module – IV (1 Credit)

8. Civil Liberties in India, UK, USA
9. Affirmative Actions in India and United States.

References

1. Wheare K.C., “Federal Government”, Oxford, 1963.
2. Sawyer, “Modern Federalism”.1969.
3. Basu D.D., “Comparative Federalism”, PHI. 1987.
4. Walter Begchot, “English Constitution,” Oxford.
5. Wade, “Public Law in Britain and India,” N.M. Tripathi, 1992.
6. Hood Philips, “Constitutional and Administrative Law”, Sweet & Maxwell, London, 1987.
7. Hughes, “Federal Constitution of Switzerland”, Oxford.
8. Basu D.D., “Select Constitutions of the World,” Sarkar, Calcutta, 1990
Raman Sunder, “Amending Power under the Constitution of India, Eastern, 1990.
9. Jeffery Jowell and Dawn Oliver, “The Changing Constitution”.
10. Wheare K.C., “Modern Constitutions”, Oxford, 1966. Finer, Comparative Governments, Penguin, 1970.
11. Dicey A.V., “Law of the Constitution”,
12. Jennings Ivor, “Law and the Constitution”, 1971.
13. Friedrich Karl, “Constitutional Government and Democracy”, Oxford, 1966.
14. Wade & Bradley, “Constitutional Law”, Longman, 1985.
15. Cooley, “Constitution of the U.S.A.”1973.
16. Franke, “Comparative Constitutional Process.”
17. Bryce James, “Modern Democracies.” McMillan & Co., 1923.

PAPER - IV
ADMINISTRATIVE PROCESS: NATURE AND SCOPE (4 Credits)

OBJECTIVE

- To impart the knowledge of Administrative Laws jurisprudence in context to Indian Constitution
- In depth analysis about administrative procedure such as ordinance making process in India
- In depth studies about Doctrine of separation of power, delegated legislation, check and balance, over administrative action.

OUTCOME

This course enables students:

- To pursue comparative exams like UPSC, MPSC
- To develop an understanding Comparative Administrative Law – India, USA, UK, France, and Germany

Module – I (1 Credit)

1. Administrative Process :

- 1.1. Nature and meaning
- 1.2. The role of civil service
- 1.3. The role of administrative agencies

2. Administrative Process: Regulation to De-regulation and Control to Decontrol-Globalization and Liberalization:

- 2.1. Constitutional standards
- 2.2. Comparative aspects

Module – II (1 Credit)

3. Rule of Law :

- 3.1. Changing dimensions
- 3.2. Regulation of administrative process

4. Separation of Powers: From Rigidity to Flexibility.

Module – III (1 Credit)

5. Delegated Legislation: Problems, Process and Control.

6. Power and duty :

- 6.1. Doctrine of police power
- 6.2. Doctrine of eminent power
- 6.3. Taxing power
- 6.4. Responsibility and accountability

Module – IV (1 Credit)

7. Administrative Discretion :

- 7.1. Structuring and limiting
- 7.2. Impact of technological development

8. Comparative Administrative Law – India, U.S.A., U.K., France, Germany.

References

1. Friedman, The State and the Rule of Law in a Mixed Economy
2. Dicey, Introduction to the Law of the Constitution Davis, Discretionary Justice
3. Jain & Jain. Principles of Administrative Law (1986)Tripathi DeSmith, Judicial Review of Administrative Action (1995)
4. M.P. Jain, Cases and Materials on Administrative Law (1996), Vol.I, Wadha, Nagpur

PAPER - V
ADMINISTRATIVE PROCESS AND JUDICIAL CONTROL (4 Credits)

OBJECTIVE

- Analysis about Administrative process and judicial control
- Detailed study on Judicial review against administrative action
- To know about emergency rights and remedy of citizens against administrative action

OUTCOME

This course enables students:

- To understand Doctrine of locus standi and relevance of public interest litigation against administrative action
- To understand about the alternative remedies by way of filing appropriate processing before tribunals
- To get knowledge about limitation of doctrine of judicial review

Module – I (1 Credit)

1. Concepts and Agencies :

- 1.1. Common law countries
- 1.2. French system

2. Judicial Review in India:

- 2.1. Historical development
- 2.2. Powers of the Supreme Court
- 2.3. Powers of the High Court
- 2.4. Role of subordinate judiciary

Module – II (1 Credit)

3. Jurisdiction :

- 3.1. Finality clauses
- 3.2. Conclusive evidence clauses
- 3.3. Law and fact distinction
- 3.4. Exclusionary clause

4. Grounds of Review:

- 4.1. Doctrine of ultra vires
- 4.2. Unreviewable discretionary powers : from Liversidge to Padfield
- 4.3. Discretion and Justifiability
- 4.4. Violation of fundamental rights
- 4.5. Extraneous consideration and/or irrelevant grounds
- 4.6. Delegation

- 4.7. Acting under dictation
- 4.8. Malafides and bias
- 4.9. Lack of rationality and proportionality
- 4.10. Oppressing decision
- 4.11. Absence of proportionality

Module – III (1 Credit)

5. Procedural fairness :

- 5.1. Legitimate Expectation
- 5.2. Natural justice and duty to act fairly
- 5.3. Bias and personal interest
- 5.4. Fair hearing

6. Remedies:

- 6.1. Writs
- 6.2. Injunction and declaration

Module – IV (1 Credit)

7. Limits of judicial review :

- 7.1. Locus standi and public interest litigation
- 7.2. Latches
- 7.3. Res Judicata
- 7.4. Alternative remedies

8. Judicial Review of Delegated Legislation.

References

1. S.P. Sathe, Administrative Law (1998), Butterworths, India.
2. De Smith, Judicial Review of Administrative Action (1995), Sweetand Maxwell
3. I.P. Massey, Administrative Law (1995), Eastern, Lucknow Bagawati Prosad Banerjee, Writ Remedies, (1999), Wadhwa, Nagpur
4. M.P. Jain, The Evolving Indian Administrative Law (1983), Tripathi, Bombay
5. Jain & Jain, Principles of Administrative Law (1986) Tripathi
6. M.P. Jain, Cases and Materials on Administrative Law (1996), Vol. Wadha, Nagpur.

**PAPER VI –
PUBLIC AUTHORITIES AND POWER HOLDERS:
CONTROLS ON MAL ADMINISTRATION (4 Credits)**

OBJECTIVE

- In depth studies about public authorities in India such as ombudsman, CBI, vigilance commission
- Historical study about Ombudsman mechanism in India
- Analytical studies about financial control in India

OUTCOME

- It will help the students to acquire special knowledge about role play by investigating agencies in India
- To acquire expertise practice before special courts like CBI court, Lokayutas etc.
- To pursue further research in the field of Public authorities and power Holders with control on maladministration.

Module – I (1 Credit)

1. Ombudsman :

- 1.1. The concept
- 1.2. Comparative perspective
- 1.3. Evolving Indian models-Lokpal, Lokayukta Institutions.

2. Commission of Inquiry.

Module – II (1 Credit)

3. Vigilance Commissions.

4. Investigation Agencies: the CBI

Module – III (1 Credit)

5. Inquiries by Legislative Committees.

6. Legislative Control.

Module – IV (1 Credit)

7. Financial Control – Comptroller and Auditor General.

8. Judicial Inquiries.

References

1. K.S. Shukla and S.S. Singh, Lokayukta : a Social Legal Study (1988), Indian Institute of Public Administration, N. Delhi.
2. Jain & Jain, Principles of Administrative Law (1986) Tripathi
3. Donald C. Rowat, The Ombudsman (1966), George Allan and Unwin Ltd., Toronto.
4. Donald C. Rowat. The Ombudsman (1966) George Allan and Unwin Ltd., Toronto

GROUP- II
BUSINESS LAW

PAPER - I
FUNDAMENTAL PRINCIPLES OF LAW OF CONTRACT
AND ALLIED LAWS [4 Credits]

OBJECTIVE

- To enhance the student's knowledge regarding the foundation theory of contract
- To analyse and study Fundamental Principles in formulation of Contract Law
- To analyse the principle of International Contracts.
- To analyse Law relating to Electronic Contracts.

OUTCOME

- Acquired special knowledge in the field of Contract Law with special emphasis on Contracts National and International
- Develop drafting skills in the field of augmentation.
- Practice in the field of insurance sector and banking sector.

Module – I (1 Credit)

- 1.1. Nature, Object and Multi-dimensional Scope.
- 1.2. Foundation Theories of Law of Contract
- 1.3. Individualism:
- 1.4. Freedom of Contract.
- 1.5. Sanctity of Contract.
- 1.6. Encroachment on Freedom of Contract:

Module – II (1 Credit)

- 2.1. Legislative Intervention.
- 2.2. Socio-economic Factors.
- 2.3. Limitations on Sanctity of Contract.
- 2.4. Conceptual Analysis: Contract
- 2.5. Essentials of Contract.
- 2.6. Specific Contracts.
- 2.7. Standard-form contract, Exemption Clauses, Protective Measures.
- 2.8. Quasi- Contract :
Doctrines of Unjust Enrichment, Law of Restitution.
- 2.9. Doctrine of Frustration: Grounds and Effects of Frustration.
- 2.10. Breach of Contract and Remedies.
U.N. Convention on Sales.

Module – III
Alternative Disputes Resolution (1 Credit)

31. Historical background of the Arbitration and Conciliation Act, 1996.
32. Distinction between the Arbitration Act, 1940, and the Arbitration and Conciliation Act, 1996.
33. Definition and Meaning of Arbitration
34. Arbitration Agreement and Arbitration Clause in Agreement
35. Alternative Disputes Resolution (ADR) Process

Module – IV (1 Credit)

41. Composition of the Arbitral Tribunal
42. Number / Appointment of Arbitrators
43. Disqualification / Removal of Arbitrators
44. Termination of Authority of Arbitrator
45. Jurisdiction of Arbitral Tribunal
46. Conduct of Arbitral Proceedings
47. Making of Arbitral Award.
48. Finality and Enforcement of Arbitral Awards.
49. Recourse against Arbitral Award
- 4.10. Other Internationally Accepted modes of Alternative Disputes Resolution.- (ADR)
- 4.11. Commercial Arbitration
- 4.12. Conciliation.

References

1. Fundamental Principles of Law of Contract:

1. Anson – Law of Contract
2. Cheshire, Fifoot and Furmston-Law of Contract
3. Pollock & Mulla – Indian Contract Act and Specific Relief Act
4. Chitty's Mercantile Contracts (1st Indian Reprint)-2001
5. Dutt – Indian Contract Act,
6. Cheshire and Fifoot – Cases on Law of Contract
7. Schelsinger – Formation of Contract
8. Law of Contract – Dr. Avtar Singh
9. Dr. Meena Rao – Fundamental Concepts in Law of Contract
10. Dr. Meena Rao – Consent in Law of Contract.
11. The Law of Contracts : An Outline (2nd Ed.) – Dr. Nilima Chandiramani.
12. United Nations Convention on Sales by the United Nations Commission.
13. Sale of Goods and Partnership (For U.N. Convention on Sales) – Dr. Nilima Chandiramani

2. Alternative Disputes Resolution — (ADR)

14. Justice Bachawat's Law of Arbitration and Conciliation.
15. O. P. Malhotra - Arbitration and Conciliation Act
16. Rao P.C. and William Sheffield - Alternative Disputes Resolution—What it is and How it works.
17. Kwatra G.K. —The Arbitration and Conciliation Law of India with case Law on UNCITRAL Model Law on ARbitration.
18. Bansal A.K. — Law of International Commercial Arbitration.
19. Law of Arbitration and Conciliation—Dr. Avtar Singh

PAPER - II
GLOBAL TRADE UNDER WORLD TRADE ORGANISATION (4 Credits)

OBJECTIVE

- To introduce students towards the development of international trade laws.
- World Trade Organization-Establishment, Scope, Functions, Secretariat Decision making.
- Assist students and enable them to understand various perspectives of General Agreement on Trade in Services.
- Anti-Dumping laws and Counterfeiting.
- Dispute Settlement Mechanisms.

OUTCOME

On successful completion of this course, students will be able to:

- Understand the development and growth of international trade laws
- Highlight the functions effectiveness of world trade organization.
- Enable the students to understand the limitations of international legislative mechanisms on international trade laws.
- Assist them in drawing research projects and for forwarding suggestions on appropriate implementation on international trade laws.

Module – I (1 Credit)

1. World Trade Organization (WTO) Agreement :

- 1.1. Introduction to World Trade Organisation
- 1.2. Bretton woods Conference
- 1.3. General Agreement on Tariffs and Trade (GATT)
- 1.4. World Trade Organisation (WTO)—Establishment, Scope, Functions, Structure, Secretariat, Status, Decision-making, Withdrawal, etc.

Module – II (1 Credit)

2. Trade in Goods :

- 2.1. General Agreement on Tariffs and Trade (GATT) Rules.
- 2.2. Most Favoured Nation (MFN)
- 2.3. National Treatment
- 2.4. QRs, tariff bindings
- 2.5. Textile and Clothing
- 2.6. Investment Measures
- 2.7. Anti dumping, Safeguard and Countervailing measures
- 2.8. Customs valuation, pre-shipment inspection
- 2.9. Rules of origin, import licensing

- 2.10. Agreement on Agriculture
- 2.11. Sanitary and Phyto-sanitary norms.

Module – III (1 Credit)

3. Trade in Services :

- 3.1. General Agreement on Trade in Services (GATS) Agreement
- 3.2. Financial Services
- 3.3. Maritime Transport
- 3.4. Professional services

Module – IV (1 Credit)

4. Trade Related Aspects of Intellectual Property (TRIPS) :

- 4.1. Patents
- 4.2. Copyright
- 4.3. Industrial Designs
- 4.4. Trademarks
- 4.5. Geographical Indications
- 4.6. Integrated Circuits
- 4.7. Undisclosed Information

5. Dispute Settlement Process.

References

1. GATT Agreements – World Trade Center Publication
2. WTO in the New Millennium – MVIRDC World Trade Centre – Arun Goyal
3. Trade, Development and WTO (Handbook) – IMF
Publication ed. Bernard Hoekman, Aaditya Mattoo + Philip English
4. WTO and Globalisation – Nilima Chandiramani.

PAPER - III
CORPORATE LAW (4 Credits)

OBJECTIVE

- Forward deliberations to the students regarding incorporation of companies acquainting them to understand the concept of corporate personality, procedure for registration and incorporation of Companies
- Relevance of Memorandum of Association and Articles of Association.
- Specific Sections relating to Management of Companies.
- Provisions regarding Protection of Investors and Creditors.
- Provisions regarding Prevention of Oppression and Mismanagement of Companies.

OUTCOME

On successful completion of this course, students will be able to:

- Enhancing students understanding of the need for registration of Company, procedure for registration and advantages on incorporation of Companies
- Highlighting important features in the memorandum of association and articles of association
- Provisions governing corporate finance, Role of Promoters, Directors in the Company and their accountability and liability.
- Enabling students to understand the limitations in laws relating to winding up of Companies.

Module – I (1 Credit)

1. Formation of Company :

- 1.1. Concept of Corporate Personality
- 1.2. Registration and Incorporation
- 1.3. Memorandum of Association
- 1.4. Articles of Association
- 1.5. Kinds of Companies

2. Organisation and Management:

- 2.1. Managerial Personnel
- 2.2. Meetings
- 2.3. Corporate Governance
- 2.4. Professional Management
- 2.5. Legal Regulation of Multi-nationals. – Collaboration Agreements
- 2.6. Amalgamation of Companies

Module – II (1 Credit)

3. Corporate Finance :

- 3.1. Meaning, importance and scope of Corporate Finance

- 3.2. Capital requirements
- 3.3. Prospectus
- 3.4. Share Capital, Kinds of Shares, Shareholders, allotment of Shares.

4. Audit, Accounts and Dividends:

- 4.1. Auditors
- 4.2. Audit of Accounts
- 4.3. Dividends

5. Securities, Borrowing, Debentures:

- 5.1. Debentures – Nature, issue, Class
- 5.2. Mortgages and Charges
- 5.3. Transfer and transmission of securities
- 5.4. Dematerialisation of securities.

Module – III (1 Credit)

6. Protection of Investors and Creditors :

- 6.1. Need for Protection
- 6.2. Protection and Rights of Creditors
- 6.3. Protection of Investors
- 6.4. Rights of Shareholders and Members
- 6.5. Majority Powers and Minority Rights

7. Administrative Regulation on Corporate Finance:

- 7.1. Security Exchange Board of India - (SEBI).
- 7.2. Central Government Control
- 7.3. Control by Registrar of Companies
- 7.4. Control by company Law Board

Module – IV (1 Credit)

8. Prevention of Oppression and Mismanagement :

- 8.1. Oppression
- 8.2. Mismanagement
- 8.3. Preventive measures
- 8.4. Powers of Company Law Board
- 8.5. Powers of Central Government.

9 Winding Up:

- 9.1. Winding up and Dissolution of Company. Types of Winding up.
- 9.2. Winding up by Court.
- 9.3. Voluntary Winding up
- 9.4. Process of Winding up
- 9.5. Winding up of Defunct Companies, Sick undertakings, Unregistered Companies and Foreign Companies.

References

1. Gower – The Principles of Modern Company Law
2. Sethna – Indian Company Law.
3. Mayson, French & Ryan, Company Law. (15th ed.) 2000 (1st Indian Reprint)
4. Palmer – Company Law
5. Pennington – Formation of Companies
6. Madon – Management of Corporations.
7. Mazumdar D.L. – Towards a Philosophy of the Modern Corporation.
8. Sen S.C. – The New Frontiers of Company Law.
9. Ramaiya A, - Guide to the Companies Act 3 Vols.
10. Taxmann's Corporate Laws.
11. Taxmann's Company Law and Practice.
12. Company Law – Dr. Avtar Singh
13. Companies Act and Laws relating to SEBI, depositories, Industrial Financing

PAPER - IV
LAW RELATING TO CUSTOMS AND FOREIGN EXCHANGE
(4 Credits)

OBJECTIVES

- To ensure and enable students to understand the laws relating to customs and foreign exchange.
- Expanding knowledge with regard to tariffs, custom duties, Foreign Exchange and Currency.
- New Concepts under (FEMA), Foreign Exchange Management Act
- Functions of Customs Officers.
- Specific Provisions relating to Foreign Direct Investment in India.
- Issues and Challenges with regard to Foreign Trade, Development and Foreign Exchange Regulation Act

OUTCOME

On successful completion of this course, students will be able to understand:

- Students are aware of Customs regulations in India in an effective manner.
- To understand and evaluate the shortcomings of Customs regulations.
- Further to promote consumer education to students with regard to Export and Import of Goods and Services.
- To assist students in developing research topics with reference to Customs and Foreign Exchange laws and conduct research for providing assistance with reference to reforms under FEMA.

Module – I (1 Credit)

1 Law Relating to Customs :

- 1.1. Custom of charging customs duties
- 1.2. Rules relating to interpretation of customs law
- 1.3. Prohibition on Importation and Exportation of Goods
- 1.4. Chargeability and Levy of Customs duty

Module – II (1 Credit)

- 1.5. Exemption from Customs duties
- 1.6. Refund of Customs duty
- 1.7. Clearance of Imported Goods and Export Goods
- 1.8. Warehousing of Goods
- 1.9. Powers of Customs Officers.
- 1.10. Adjudicatory Proceedings
- 1.11. Appeals
- 1.12. Criminal Prosecution

Module – III (1 Credit)

2 Law Relating to Foreign Exchange :

- 2.1. Historical background to Foreign Exchange Regulation Act (FERA) and Foreign Exchange Management Act (FEMA).
- 2.2. Foreign exchange and currency
- 2.3. Foreign exchange management and noteworthy features of Foreign Exchange Management Act (FEMA).

Module – IV (1 Credit)

- 2.4. New Concepts under Foreign Exchange Management Act (FEMA).
 - Resident
 - Capital Account Transactions
 - Current Account Transactions
 - Export
 - Person
 - Service
 - Transfer
- 2.5. Export of Goods and Services
- 2.6. Adjudication, Appeals and Penalties
- 2.7. Foreign Direct Investment in India
- 2.8. Foreign Trade, Development & Regulation Act, 1992

References

1. Customs Law, Practice and Procedure – T.P. Mukerjee
2. Customs Law, Practice and Procedure – Justice Roy
3. A Guide to Customs Act. – Nilima Chandiramani.
4. Foreign Exchange Management Act — Dilip Sheth
5. Foreign Exchange Management Manual – Taxmann.

PAPER -V
LAW OF INSURANCE (4 Credits)

OBJECTIVE

- To enable students to understand the growth, development of insurance laws globally
- Nationalization of Insurance in India
- Legislations relating to Insurance Companies in India
- Characteristics and Functions of insurance Companies, Types of insurance
- Specific Provisions relating to regulatory mechanisms for regulating the insurance sector.
- Issues and Challenges with recent Developments in Insurance Sector.

OUTCOME

On successful completion of this course, students will be able to:

- Students are aware of insurance regulations in India.
- To understand and evaluate the shortcomings of insurance regulations.
- Further to promote consumer education to students in the insurance sector
- To assist students in developing research topics on insurance laws and conduct research for providing assistance in reforms regarding insurance legislations.

Module – I (1 Credit)

1. Introduction :

- 1.1. The nature of risk and insurance.
- 1.2. Risk management – Principles and Practices.
- 1.3. Need and importance of Insurance, Future of Insurance
- 1.4. Kinds of Insurance , Types of Insurance Policies, Law of Contract, Proposal, Consideration
- 1.5. Re-insurance and Double Insurance

2. General Principles of Law of Insurance:

- 2.1. Need for utmost Good Faith.
- 2.2. Insurable interest
- 2.3. The risk – Commencement, attachment and duration.
- 2.4. Indemnity
- 2.5. The law of proximate cause
- 2.6. Subrogation
- 2.7. Assignment and nomination ,

3. Indian Insurance Law – General:

- 3.1. Nationalisation, Privatisation and Globalisation of Insurance Sector.
- 3.2. Principles of General Insurance.
- 3.3. The Insurance Regulatory Development Authority Act, 2000.

Module – II (1 Credit)

4. Insurance pertaining to Life and Personal Accidents/ Hospitalisation :

- 4.1. Life Insurance – Nature, Principles and Scope
- 4.2. Events insured against life insurance contract.
- 4.3. Factors affecting risk
- 5.4. Mediclaim, Sickness Insurance, Personal Accidents

5. Marine Insurance :

- 5.1. Marine Insurance – Nature, Principles and Scope
- 5.2. Marine Insurance Policy – Conditions – Warranties
- 5.3. Seaworthiness
- 5.4. Perils of the Sea and other Insured Perils in Marine Policies
- 5.5. Hull and Cargo Insurance

Module – III (1 Credit)

6. Property Insurance :

- 6.1. Fire Insurance
- 6.2. Risks Insurance
- 6.3. Policies covering risk of explosion, earthquake, and flood.
- 6.4. Policies covering accidental loss, damage to property, construction risks
- 6.5. Burglary, Theft, Civil Commotion and Strikes, other Endorsements.

Module – IV (1 Credit)

7. Insurance Against Accidents arising under Tort, Contract and Statute :

- 7.1. Accident Policies
- 7.2. Assessment of compensation and Liability
- 7.3. Contributory Negligence
- 7.4. The Personal Injuries (Compensation Insurance) Act, 1963.
- 7.5. Compulsory Insurance.
- 7.6. Professional Negligence Insurance

8. Insurance against Third Party Risks under Statute:

- 8.1. Relevant Provisions of Motor Vehicles Act, 1988.
- 8.2. Claims Tribunal: constitution, functions, procedures, powers and award.
- 8.3. Liability Insurance : Contractual and Legal Liabilities
- 8.4. Public Liability Insurance

References

1. Brijnandan Singh – Law of Insurance – (1997)
2. Banerjee, Law of Insurance (1994)
3. Birds, Modern Insurance Law – (1997)
4. Charters Marine Insurance Act 1906
5. E.R. Hardy Ivamy – Principles of Insurance (1979)
6. Gow Colinvaux – Law of Insurance (1977)
7. The Insurance Act – 1938
8. John Hanson and Christopals Henly – All Risks Property Insurance (1999)
9. K.S.N. Murthy and Dr. K. V.S. Sarma – Modern Law Insurance. The
10. Life Insurance Corporation Act, 1956.
11. Marine Insurance – Hardy Ivamy
12. Mitra B.C. – Law of Marine Insurance (1997)
13. M.N. Srinivasan – Insurance Law

PAPER - VI
BANKING LAWS (4 Credits)

OBJECTIVE

- To enable students to understand the need for banking systems and banking in India
- Nationalization of Banks
- Legislations relating to banking Companies in India
- Characteristics and Functions of Central Banks in India
- Specific Provisions relating to Negotiable Instrument ACT
- Issues, Challenges and recent Developments in Banking Sector.

OUTCOME

On successful completion of this course, students will be able to:

- Students are aware of banking regulations in India in an effective manner.
- To understand and evaluate the shortcomings of banking regulations.
- To promote consumer education to students
- To assist students in developing research topics in banking laws and conduct research for providing assistance with reforms in banking legislations.

Module – I (1 Credit)

1. Introduction :

- 1.1. Nature and Development of banking
- 1.2. History of Banking in India and elsewhere-indigenous banking-evolution of banking in India – different kinds of banks and their functions.
- 1.3. Multi-functional banks – growth and legal issues.

2. Law Relating to Banking Companies in India:

- 2.1. Controls by government and its agencies.
 - 2.1.1. On management
 - 2.1.2. On accounts and audit
 - 2.1.3. Lending
 - 2.1.4. Credit policy
 - 2.1.5. Reconstruction and reorganization
 - 2.1.6. Suspension and winding up
- 2.2. Contract between banker and customer : their rights and duties

Module – II (1 Credit)

3. Social Control over Banking :

- 3.1. Nationalization
- 3.2. Evaluation : private ownership, nationalization and disinvestments
- 3.3. Protection of depositors
- 3.4. Priority lending

3.5. Promotion of under privileged classes

4. The Central Bank:

- 4.1. Evolution of Central Bank
- 4.2. Characteristics and functions
- 4.3. Economic and social objectives
- 4.4. The Central Bank and the State – as bankers’ bank
- 4.5. The Reserve Bank of India as the Central Bank
 - 4.5.1. Organisational structure
- 4.6. Functions of the RBI
 - 4.6.1. Regulation of monetary mechanism of the economy
 - 4.6.1.1. Credit control
 - 4.6.1.2. Exchange control
 - 4.6.1.3. Monopoly of currency issue
 - 4.6.1.4. Bank rate policy formulation
 - 4.7. Control of RBI over non-banking companies
 - 4.7.1. Financial companies
 - 4.7.2. Non-financial companies

Module – III (1 Credit)

5. Relationship of Banker and Customer :

- 5.1. Legal character
- 5.2. Contract between banker and customer
- 5.3. Banker’s lien
- 5.4. Protection of bankers
- 5.5. Customers
 - 5.5.1. Nature and type of accounts
 - 5.5.2. Special classes of customers – lunatics, minor, partnership, corporations, local authorities.
- 5.6. Banking duty to customers
- 5.7. Consumer protection: banking as service

6. Negotiable Instruments:

- 6.1. Meaning and kinds of instruments
- 6.2. Transfer and negotiations
- 6.3. Holder and holder in due course
- 6.4. Presentment and payment
- 6.5. Liabilities of parties

Module – IV (1 Credit)

7. Lending by Banks :

- 7.1. Good lending principles
- 7.2. Lending to poor masses
- 7.3. Securities for advances
- 7.4. Kinds and their merits and demerits
- 7.5. Repayment of loans : rate of interest, protection against penalty
- 7.6. Default and recovery
- 7.7. Debt recovery tribunal

8. Recent Trends of Banking System in India:

- 8.1. New technology
- 8.2. Information technology
- 8.3. Automation and legal aspects
- 8.4. Automatic teller machine and use of internet
- 8.5. Smart card
- 8.6. Credit cards

References

1. Negotiable Instruments Act- Bhashyam and Adiga
2. Law of Negotiable Instruments Nilima Chandiramani
3. Banking Law and Practice in India -M.L. Tannan
4. The Law of Banking and Bankers - L.C. Goyle
5. Banking Theory and Practice - K.C. Shekar
6. Banking Theory and Practice -Varshney
7. Review of current Banking theory and Practice – Basu A.
8. Pagets Law of Banking - M. Hapgood (ed)
9. Banking Reforms in India - K. Subrahmanyam
10. Report of working Group on Customer Services in Banks - R.K. Talwar
11. Law of Negotiable Instruments - Dr. P.W. Rege.

GROUP – III
**LAW OF INTELLECTUAL PROPERTY AND INFORMATION
TECHNOLOGY**

Paper- I
Intellectual Property and International Organizations' and Agreements
(4 Credits)

OBJECTIVE

- Forward deliberation to the students regarding General Agreement on Trade and Tariffs Treaty with specific reference to Intellectual Property Rights
- Acquainting to with the concept of Various Trade related treaties for effective trade negotiations and deliberations between member nations.
- Relevance of WORLD Trade Organization and its functioning.
- Relevance of various other treaties
- Provisions regarding Dispute Settlement Mechanisms.
- Provisions regarding World Intellectual Organization and its Effective functioning

OUTCOME

On successful completion of this course, students will be able to:

- Assisting students to understand the Scope, functioning need for various treaties and organizations,
- Highlighting relevance of distinctive aspects of intellectual property rights.
- Enabling students to understand the provisions & limitations in international and national laws with regard to effective implementation of treaties.

Module – I (1 Credit)

1. Introduction to Intellectual Property Rights (IPRs) :

- 1.1. What is Intellectual Property
- 1.2. Basic concepts of Intellectual Property
- 1.3. Nature of Intellectual Property
- 1.4. Commercial exploitation of Intellectual Property
- 1.5. Enforcement of rights and remedies against infringement
- 1.6. International character of Intellectual Property.

Module – II (1 Credit)

2. International Organisation and Conventions :

21. International Agreements/Conventions relating to Intellectual Property.
22. World Intellectual Property Organisation (WIPO)
23. World Trade Organisation (WTO)

Module – III (1 Credit)

3. Trade Related Aspects of Intellectual Property Agreement (TRIPs) :

31. General Provisions and Basic Principles
32. Standards concerning the availability, scope and use of Intellectual Property Rights.
33. Enforcement of Intellectual Property Rights
34. Acquisition and Maintenance of Intellectual Property Rights
35. Dispute Prevention and Settlement
36. Transitional Arrangements
37. Institutional Arrangements.

Module – IV (1 Credit)

4. Human Rights and Intellectual Property Rights (IPRs) :

41. Anti-competitive Practices / Abuse of Intellectual Property Rights (IPRs)
42. Government Use and Public Interest

References

1. Intellectual Property (1999) edition) by W.R. Cornish (Sweet & Maxwell)
2. WTO in the New Millenium – MVIRDC – by Arun Goyal
3. Intellectual Property Rights - WADHERA
4. WTO and Globalisation : An Indian Overview – Dr. Nilima Chandiramani
5. Intellectual Property Rights under the TRIPs Text – Dr. Nilima Chandiramani
6. Intellectual Property Rights – P. Narayan
7. Intellectual Property Rights Law – Dr. Ashok Soni.

PAPER - II
Law of patents (4 credits)

OBJECTIVE

- To acquire special knowledge in the field of Patent Law.
- To do further research education in the field of Patent Law
- To know various national & international provisions relating to Patent Law

OUTCOME

This course enables students:

- To acquire legal knowledge in the field of Patent Law
- To Practice in the field of Patent Law.
- To File patent application with patent office or to become patent agent.

Module – I (1 Credit)

- 1.1. Introduction, definition, scope and objectives of Law of Patents
- 1.2. Subject Matter of Patents.
- 1.3. International Conventions and treaties regarding patents.
- 1.4. History of Indian Patent System

Module – II (1 Credit)

- 2.1. Procedure for Obtaining Patents.
- 2.2. Patentability and Patentable Subject – Matter
- 2.3. Process and Product Patent
- 2.4. Specification
- 2.5. Opposition to grant of Patents

Module – III (1 Credit)

- 3.1. Register of Patents and Patent Office
- 3.2. Rights and Obligations of Patentee
- 3.3. Transfer of Patent Rights
- 3.4. Voluntary Licences, Compulsory Licences,
- 3.5. Licence of Right and Revocation for non working patents.
- 3.6. Assignment and Licensing of Patents.
- 3.7. Patenting of Traditional Knowledge. Issues related to Biopiracy and BioProspecting

Module – IV (1 Credit)

- 4.1. Powers of Central Government to acquire and use patents for public purpose.
- 4.2. Revocation and Surrender of Patents.
- 4.3. Infringement of Patents. Threat of Infringement Proceedings
- 4.4. Offences and Penalties.
- 4.5. Appellate Tribunal Proceedings
- 4.6. Ever Greening of Patents.

References

1. Intellectual Property (1999 edition) by W.R. Cornish (Sweet & Maxwell)
2. Trrell on Law of Patents, 15th Edition (2000) by Simon Thorley,
3. Richard Miller, Guy Burkill and Colin Birss (Sweet & Maxwell)
4. Patent Law by P. Narayanan, 3rd Edition (1998),
5. Patent Co-Operation Treaty Handbook by Chartered Institute of Patent, Agents (Sweet & Maxwell) 1999n edition
6. Wadhera – Intellectual Property Rights
7. Intellectual Property Rights – P. Narayan

Paper –III
Law of Trademarks (4 credits)

OBJECTIVE

- To provide awareness of trademark law and its importance to all Stakeholders.
- To impart legal knowledge about protection of trade mark – national and international.
- To highlight the significance of morality through the study of trademark law.

OUTCOME

This course enables students:

- To carry out In-depth study of trademark law
- To gain Expertise in the trade mark law
- To acquire Global competency regarding the trademark law

Module – I (1 Credit)

- 1.1. General Principles of Trademarks.
- 1.2. International and National Laws relating to trademarks
- 1.3. Property in Trademarks – how acquired?
- 1.4. Conditions and Procedure for Registration of Trademarks.

Module – II (1 Credit)

Opposition of Registration of Trademark.

- 2.1. Effect of Registration
- 2.3. Registerable and Non Registerable Trademarks.
- 2.4. Similar, Nearly Resembling and Deceptively Similar Trademarks.
- 2.5. Trademark Registry and Register of Trademarks
- 2.6. Assignment, Transmission and Abandonment

Module – III (1 Credit)

- 3.1. Licensing of Trademarks and Registered Users
- 3.2. Collective Marks Service Marks and Textile Trademarks
- 3.3. Infringement and Passing Off.
- 3.4. Action for Infringement
- 3.5. Passing off Action.
- 3.6. Certification of Trademark

Module – IV (1 Credit)

- 4.1. Offences and Penalties.
- 4.2. Threat of Legal Proceedings.
- 4.3. Appellate Tribunals
- 4.4. Emerging New Trends in Trademarks.

References

1. Kerly's Law of Trade Marks and Trade Names Thomas A> Balano White and Robin Jacob (Sweet & Maxwell)
2. The Modern Law of Trade Marks by Christopher Morcom, Ashley Roughton and James Graham, 1st edition, 1999 edition (Butterworths)
3. K.S. Shavaksha on Trade and Merchandise Marks Act 1958 3rd Edition (1999 edition) Butterworths, India.
4. Mc. Carthy on Trade Marks and Unfair Competition (1999 edition) (West Group. U.S.A.
5. Intellectual Property (1999 edition) by W.R. Cornish (Sweet & Maxwell)
6. Narayanan on Trade Marks and Passing Off – Fourth Edition.
7. Wadhera – Intellectual Property Rights
8. Intellectual Property Rights-P.Narayan

Paper - IV
Copyrights Law and other related rights (4 credits)

OBJECTIVE

- To spread awareness about Rights and obligations of the Author Or Owners of Copyright
- To impart knowledge on jurisprudence –Civil & Criminal ‘and protection of original work under current laws
- To impart knowledge and comparative study of National & International Laws on Copyright

OUTCOME

This course enables students:

- To gain specific knowledge on the subject of copyright
- To acquire Expertise in the field of copyright laws
- To suggest to law makers to adopt suitable changes in the copyright laws.

1. Module – I (1 Credit)

- 1.1. Introduction to Copyrights
- 1.2. International Conventions relating to Copyrights
- 1.3. Indian Laws relating to Copyright
- 1.4. Nature of Copyrights
- 1.5. Subject Matter of Copyrights.
- 1.6. Term of Copyright

2. Module – II (1 Credit)

- 2.1. Authorship and Ownership.
- 2.2. Rights Conferred by Copyright
- 2.3. Rights of Broadcasting Organizations, Producers of Phonograms and Performers.
- 2.4. Assignment, Transmission and Relinquishment.
- 2.5. Registration of Copyrights

3. Module – III (1 Credit)

- 3.1. Licences
- 3.2. Publication
- 3.3. Copyright Societies
- 3.4. Copyright office and Boards.
- 3.5. Infringement of Copyright

4. Module – IV (1 Credit)

- 4.1. Emerging New Trends in copyrights.
- 4.2. International Copyrights.
- 4.3. Registration of Copyrights
- 4.4. Appeals.

References

1. Intellectual Property (1999 edition) by W. R. Cornish (Sweet & Maxwell)
2. Copinger and Skone James on Copyright, 14th Edition by Kevin Garnett; Jonathan Rayner James and Gillian Davis – 1999 edition(Sweet & Maxwell)
3. The Modern Law of Copyright and Designs; 2nd edition 1995 by Hugh Laddie, Peter Prescott and Mary Vitoria (Butterworths)
4. Nimmer on Copyright in 10 volumes (edition 2000) Mathew Bender)
5. Copyright and Industrial Designs - P. Narayanan
6. The Copyright Act – Iyenger.

Paper -V

Law of Industrial Designs, Geographical Indication, Layout Designs Data Protection and Trade secrets (4 credits).

OBJECTIVE

- Forward deliberations to the students on the need and importance of Industrial Designs, Geographical Indications, Layout Designs, Data Protection and Trade Secrets
- Acquainting students to understand the concept of Various Trade related treaties for effective trade negotiations and deliberations between member nations.
- Relevance of various laws for protecting the interests of intellectual property rightholders.
- Relevance of various other treaties.
- Provisions regarding to Dispute Settlement Mechanisms.
- Provisions regarding counterfeiting, piracy infringements and remedies available to aggrieved parties.

OUTCOME

On successful completion of this course, students will be able to:

- Assisting students to understand scope, functioning and the need for various treaties.
- Highlighting relevance of the distinct aspects of intellectual property rights.
- Provisions governing the process of registration of geographical indications, layout designs and integrated circuits etc.

Module – I (1 Credit)

- 1.1. Laws Relating to Industrial Designs :
- 1.2. Introduction, Novelty and Originality
- 1.3. Publication
- 1.4. Registration of Designs
- 1.5. Rights conferred by registration
- 1.6. Infringement of Copyright in Design
- 1.7. Remedies.

Module – II (1 Credit)

- 2.1. Law Relating to Geographical Indication :
- 2.2. Definition, need scope of Geographical Indications.
- 2.3. Register and Conditions for registration of Geographical Indications.
- 2.4. Procedure for and Duration of Registration
- 2.5. Effect of Registration
- 2.6. Special Provisions related to Trademark and Prior use.
- 2.7. Rectification and Correction of Register
- 2.8. Offences / Penalties / Appeals
- 2.9. Remedies.

Module – III (1 Credit)

Layout- Designs (Topographies) of Integrated circuits:

- 3.1. Meaning of Integrated Designs
- 3.2. Need and Mechanisms for Protection of Integrated Circuit & Layout Designs
- 3.3. International conventions and National Legislations
- 3.4. Procedure for Registration of Integrated Circuits.
- 3.5. Duration of Registration
- 3.6. Change in the Identity of Proprietor; Assignment; Surrender, Amendment; Corrections and other Changes, Cancellation
- 3.7. Compulsory Licensing
- 3.8. Infringement and Appeals

Module – IV

Protection of Undisclosed Information/Trade Secrets. (1 Credit)

- 4.1. Law relating to Data Protection and Trade Secrets.
- 4.2. Protection of trade secrets – Confidential Information
- 4.3. How to protect trade secrets
- 4.4. The relationship between patents and confidential information
- 4.5. The relationship between copyright and confidential information
- 4.6. The Data Protection Act (DPA) 1998
- 4.8. Protection of Undisclosed Information
- 4.9. Introduction: terminology, definition and scope
- 4.10. International and National Legislation for protection of Undisclosed Information.

References

1. Intellectual Property (1999 edition) by W.R. Cornish (Sweet & Maxwell)
2. The Designs Act.
3. Russell – Clarke on Industrial Designs (6th Edition) 1998 by Martin Howe (Sweet & Maxwell)
4. Design – The Modern Law and Practice; by Lan Morris and Barry Quest (1987 edition) (Butterworths)
5. Patent for Inventions and the Protection of Industrial Designs by Thomas A. Balanco White, 1974 Edition (Stevens & Sons)
6. Taxmann's Trade Marks Act & Geographical Indications of Goods & Copyright Act.
7. Intellectual Property (fifth ed.) Daoul Bainbridge First Indian Reprint 2003 Pearson Education (Singapore) Pte.Ltd., Indian Branch, Delhi

Paper VI - .
Information Technology/ Cyber Laws (4 Credits)

OBJECTIVE

- To inculcate the importance of techno-legal advances amongst the students
- To underline in the students' minds, the process of law making in the concerned field of cyber laws.
- To develop the attribute in society to identify and eliminate cybercrime in modern civilization.

OUTCOME

This course enables students:

- To co-relate information technology and legal education .
- To develop tools and techniques to curb cyber – crime
- To anticipate modern techno-legal threats to national security

Module – I (1 Credit)

- 1.1. Introduction to Information Technology
- 1.2. UNCITRAL Model Law
- 1.3. An Overview of the Information Technology Act
- 1.4. Information Security
- 1.5. Application

Module – II (1 Credit)

- 2.1. Digital Signatures and Certificates
- 2.2. Electronic Governance
- 2.3. Certifying authority
- 2.4. Software Protection

Module – III (1 Credit)

- 3.1. Comparative Study Relating to Cyber Laws
- 3.2. United nations, India, U.S.A, Europe and China.
- 3.3. Cyber Security
- 3.4. Jurisdictional Issues in Transnational Crimes.

Module – IV (1 Credit)

- 4.1. Formation of E – **Contracts**. Validity and Enforcement
- 4.2. Emerging New Legal Issues.
- 4.3. Cyber Crimes, Penalties and Adjudication
- 4.4. Appellate Tribunal

45. Offences and Prosecution
46. Cyber Terrorism.
47. Social Media and Emerging Crimes.

References

1. Taxmanns Law of Information Technology (Cyber Law)-D.P. Mital.
2. Cyber and E-Commerce, IT Act 2000 – Diwan Kapoor, Bharat Publishers.
3. Law relating to Computers and Internet – Rahul Matthan
Butterworth.
4. Computer Crime – Nitant P. Trilokekar – Snowwhite
5. Law of Internet – F. Lawrence Street Mark P. Grant 2000 Edition, Lexis
Publication

GROUP - V
CRIMINAL LAW AND CRIMINAL ADMINISTRATION

OBJECTIVE

- To analyze the general principles of the Criminal law.
- In-depth study of theories of punishment.
- Analyzing judicial trends on the rights of the accused.

OUTCOME

- Expert knowledge in Criminal Jurisprudence.
- Help the students to evaluate the criminal justice system.
- Deep understanding regarding the enforcing agencies of the criminal justice system.

PAPER - I
CRIMINAL JURISPRUDENCE (TOTAL 4 CREDITS)

OBJECTIVE

- Deliberation of the students on various aspects of crime, criminal laws and criminal justice.
- Acquainting them to understand the issues relating to the notion of group liability in a crime.
- Acquainting students with the notions of private defense
- Acquainting students with the constitution and functioning of International Criminal Court.
- To inculcate amongst students to evaluate critically the contemporary criminal justice system and Concept of Decriminalization.

OUTCOME

On successful completion of this course, students will be able to:

- The program provides great opportunity and gives in depth knowledge to students who intend to pursue practice in criminal law. Assisting them to understand the nature and various issues regarding criminal administration.
- The program inculcates research oriented aptitude in students with regard to various topics under criminal legal system in India.
- Sensitizing students with specific issues and challenges relating to effective implementation of laws under criminal jurisprudence...

Module-I (1 Credit)

- 1. Crime, Criminal Law and Criminal Justice.**
- 2. Administration of Criminal Justice – Meaning, Necessity and Growth.**
- 3. Doctrine of Mens Rea and Exceptions :**
 - 3.1. Negligence
 - 3.2. Physical Element in Crime- Actus Reus.
- 4. Stages in Commission of Crime:**
 - 4.1. Inchoate Crimes.
 - 4.2. Abetment and Criminal Conspiracy.

Module- II (1 Credit)

- 5. Principle of Group Liability in Crime.**
- 6. Fundamental Principles of Criminal Jurisprudence :**
 - 6.1. Test of Criminality /Legality
 - 6.2. Presumption of Innocence
 - 6.3. Double Jeopardy
 - 6.4. De Minimus Non Curat Lex.
 - 6.5. Mistake of Law and Mistake of Fact
 - 6.6. Jus Necessitatis.
- 7. General Exceptions.**
- 8. Right of Private Defense**

Module – III (1 Credit)

- 9. Theories and kinds of punishment.**
- 10. Right of Protection of the accused.**
- 11. Strict Liability**

Module – IV (1 Credit)

- 12. International Criminal Court.**
- 13. Concept of Decriminalisation.**

References

1. Glanville Williams : Criminal Law (The general part) Jarome Hall, General Principles of Criminal Law Fitz Gerald, Criminal Law and punishment
2. Moberly, Ethics of Punishment
3. Nigam, Criminal Law
4. Tapas Kumar Banerjee : Back ground to Indian Criminal Law Commission of India, Forty Second Report Chapter 3 (1971) Criminal Procedure Code, 1973 14th and 41st Report of Indian Law Commission.

PAPER - II
PENAL LAWS (TOTAL 4 CREDITS)

OBJECTIVES

- To have in-depth knowledge of Penal laws in India.
- An comparative study of Indian and International Penal laws.
- Legal awareness about Cybercrime and Information Technology, Act.

OUTCOME

This course enables students

- To suggest reforms in the Penal laws in India.
- To suggest reforms in Juvenile law.

Module-I (1 Credit)

1. Offences under Indian Penal Code :

- 1.1. Offences Against the State
- 1.2. Offences Relating to Elections
- 1.3. Offences Relating to Religion
- 1.4. Offences Affecting the Public Health, Safety, Convenience, Decency and Morals.
- 1.5. Reforms in I.P.C.

Module-II (1 Credit)

2. The Maharashtra Control of Organised Crime Act, 1999.

3. The Prevention of Terrorism Act, 2002

Module-III (1 Credit)

4. Cyber Crimes under Information Technology Act

Module-IV (1 Credit)

5. The Juvenile Justice (Care and Protection of Children) Act, 2000 :

- 5.1. The Basic Concepts
- 5.2. Determining Factors of Juvenile Delinquency
- 5.3. Legislative Approaches
- 5.4. Indian Context Juvenile Delinquency
- 5.5. Judicial Contribution
- 5.6. Implementation
- 5.7. Preventive Strategies

References

1. The Indian Penal Code, 1860
2. Ratanlal & Dhirajlal – Law of Crime Russel on Crime
3. Smith & Hogen – Criminal Law

PAPER III
CRIMINOLOGY (TOTAL 4 CREDITS)

OBJECTIVE

- To understand criminology as a science.
- To avail deep knowledge of various theories of criminology.
- To gain in depth study of victimology.

OUTCOME

- Students get the comparative study of ancient and modern criminology.
- Help in critical study of causes of crimes.
- It helps to study the socio economic rehabilitation of criminals.

Module-I (1 Credit)

- 1. Concept of Crime. Criminal Law, Criminology as a Science :**
 - 1.2. Development and Crime

- 2. Criminology From – Ancient to Modern thought:**
 - 2.1. Pre-classical – classical – Neo classical
 - 2.2. Cartographic School
 - 2.3. Socialist School
 - 2.4. Dr. Lombrozo theory
 - 2.5. Approach of Radical Criminologist

Module-II (1 Credit)

- 3. Multiple Factor theory.**
- 4. Causes of Crimes :**
 - 4.1. Socio –Cultural
 - 4.2. Physical
 - 4.3. Economic
 - 4.4. Psychological
 - 4.5. Mass Media & Crime

Module-III (1 Credit)

- 5. Privileged Class Deviance and Indian Legal order :**
 - 5.1. Notion of Privileged Class Deviance
 - 5.2. White Collar Crimes
 - 5.3. Official Deviance
 - 5.4. Police Deviance

6. Professional Deviance of Lawyers, Teachers, Judges, Journalists, Doctors, Technocrats, etc.:

- 6.1. Unethical Practices at the Indian bar
- 6.2. The Lentin Commisison Report
- 6.3. The Press Council on unprofessoional and unethical Journalism
- 6.4. Medical Malpractice

Module-IV (1 Credit)

7. Response of Indian Legal Order :

- 7.1. Vigilance Commission
- 7.2. Public Accounts Committee
- 7.3. Ombudsman
- 7.4. Commission of Enquiry
- 7.5. Prevention of Corruption Act ,1988

References

1. A.S. Siddique - Criminology (1984) Eastern, Lucknow
2. Tapaskumar Banerjee - Background to Indian Criminal Law (1990) R. Company & Co., Calcutta.
3. Tapan - Crimes, Justice and Correction
4. Dr. Sethana - Society and the Criminal, Southern and Cresscy - Principles of Criminology Law Commission of India 42 Report Chap.3 (1971)
5. Sutherland & Cresey - Principles of Criminology Barness & Teeters
 - 5.1. New Horizons in Criminology
6. Dr. Suresh Mane - Crime, Criminal Law & Criminology, 2007.

PAPER – IV
COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM–
(TOTAL 4 CREDITS)

OBJECTIVES

- Forward deliberation to the students regarding notions of force, coercion and violence.
- Acquainting them to understand the concept of Force Monopoly of modern laws.
- Acquainting students with the notions of Collective political violence and legal order.
- Acquainting students with the nature scope of agrarian violence in 18th& 19thcenturies in INDIA.
- To inculcate students to evaluate critically the contemporary criminal justice system in India with specific reference to collective violence.

OUTCOME

On successful completion of this course, students will be able to:

- The program provide great opportunity and gives in depth knowledge to students who intend to pursue practice in criminal law
- The program inculcates research oriented aptitude in students with regard to various topics under criminal law system in India.
- Sensitizing students specifically issues and challenges relating to law and crime in Global arena.

Module- I: - (1 Credit)

1. Introductory :

- 1.1. Notions of “force”, “coercion”, “violence”
- 1.2. Distinctions: “symbolic” violence, “institutionalized” violence, “structural violence”
- 1.3. Legal order as a coercive normative order
- 1.4. Force-monopoly of modern law
- 1.5. Freedom of speech and incitement to violence
- 1.6. “Collective political violence” and legal order
- 1.7. Notion of legal and extra- legal repression”

2. Approaches to Violence in India:

- 2.1. Religiously sanctioned structural violence: Caste and gender based
- 2.2. Ahimsa in Hindu, Jain, Buddhist, Christian and Islamic traditions in India.
- 2.3. Gandhiji’s approach to non-violence
- 2.4. Discourse on political violence and terrorism during colonial struggle
- 2.5. Attitudes towards legal order as possessed of legitimate monopoly over violence during the colonial period.

Module- II: - (1 Credit)

3. Agrarian Violence and Repression :

- 3.1. The nature and scope of agrarian violence in the 18-19 Centuries in India
- 3.2. Colonial legal order as a causative factor of collective political (agrarian) violence
- 3.3. The Telangana struggle and the legal order
- 3.4. The Report of the Indian Human Rights Commission on Arwal Massacre

Module- III:- (1 Credit)

4. Violence against the Weaker Sections :

- 4.1. Notion of Atrocities
- 4.2. Incidence of Atrocities
- 4.3. Uses of Criminal Law to combat Atrocities or contain aftermath of Atrocities
- 4.4. Violence Against Women and Children

Module- IV: - (1 Credit)

5. Caste/Communal Violence :

- 5.1. Incidence and courses of “communal’ violence
- 5.2. Findings of various commissions of enquiry
- 5.3. The role of police and para-military systems in dealing with communal violence
- 5.4. Operation of criminal justice system trying and in relation to, communal violence

NOTE: Choice of further areas will have to be made by the teacher and taught.

References

1. U. Baxi - “Dissent, Development and Violence” in R, Meagher(ed) Law and Social Change: Indo-American Reflections 92(1988).
2. U. Baxi - (ed) Law and Poverty: Critical Essays, (1988)
3. A.R. Desai,(ed)- Peasant Struggles in India, (1979)
4. A.R. Desai - Agrarian Struggles in India: after Independence 1986)
5. A.R. Desai, Violation of democratic Rights in India (1986).
6. D.A. Dhangare - Peasant Movement in India: 1920-1950(1983)
7. Ranjit Guha - Element any Aspects of Peasant Insurgency in Colonial India (1983) Ranjit Guba(ed) Subaltern Studies Vol. 1-6(1983-1988)
8. T. Honderich - Violence for Equality (1980)
9. Mark Juergensmeyer - “The Logic of Religious Violence: The Case of Punjab” 22 Contributions to Indian Sociology 65 (1988)
10. Rajni Kothari - State Against Democracy (1987)
11. G. Shah - Ethnic Minorities and Nation Building: Indian Experience (1984)
12. K.S. Shukla - “Sociology of Deviant Behaviour,” in 3 ICSSR Survey of Sociology and Special Anthropology 1969- 1979(1986).

PAPER - V
PENOLOGY: TREATMENT OF OFFENDERS (TOTAL 4 CREDITS)

OBJECTIVE

- Forward deliberation to the students on definitions pertaining to penology, various theories of punishment.
- Acquainting them to understand the issues relating to capital punishment.
- Acquainting students with the notions and approaches of sentencing.
- Acquainting students with nature of offenders.
- To inculcate students to evaluate critically the contemporary criminal justice system in India with specific reference to imprisonment.

OUTCOME

On successful completion of this course, students will be able to:

- The program provides great opportunity and gives in depth knowledge to students who intend to pursue practice in criminal law. Assisting them to understand the nature and theories of punishment
- The program enunciates research oriented aptitude in students with regard to various topics under criminal legal system in India.

Module- I :- (1 Credit)

1. Introductory :

1.1. Definition of Penology

2. Theories of Punishment:

2. Theories of Punishment

2.1. Retribution

2.2. Utilitarian prevention: Deterrence

2.3. Utilitarian: Intimidation

2.4. Behavioural prevention : Incapacitation

2.5. Behavioural prevention: Rehabilitation - Expiation

2.6. Classical Hindu and Islamic Approaches

Module- II: - (1 Credit)

3. The Problems of Capital Punishment :

3.1. Constitutionality of Capital Punishment

3.2. Judicial Attitudes Towards Capital Punishment in India
– An inquiry through the statute law.

3.3. Law Reform Proposals

Module –III: - (1Credit)

4. Approaches to Sentencing :

- 4.1. Alternatives to Imprisonment
- 4.2. Probation
- 4.3. Corrective labour
- 4.4. Fines
- 4.5. Collective fines
- 4.6. Juvenile Institutions
- 4.7. Rehabilitative Programmes.

5. Sentencing:

- 5.1. Principal types of sentences in the Penal Code and special laws
- 5.2. Sentencing in white collar crime
- 5.3. Pre-sentence hearing
- 5.4. Sentencing for habitual offender
- 5.5. Summary punishment
- 5.6. Plea-bargaining

Module- IV: - (1 Credit)

6. Imprisonment :

- 6.1. The State of India's jails today
- 6.2. Prison Reforms in India
- 6.3. The disciplinary regime of Indian prisons
- 6.4. Classification of prisoners
- 6.5. Rights of prisoner and duties of custodial staff.
- 6.6. Deviance by custodial staff
- 6.7. Open prisons
- 6.8. Judicial surveillance – basis – development reforms

References :—

1. S. Chhabra - The Quantum of Punishment in Criminal Law (1970).
2. H.L.A. Hart - Punishment and Responsibility (1968) Herbert L. Packer- The Limits of Criminal Sanction (1968) Alf Ross - On Guilt, Responsibility and Punishment (1975) Siddique A.S.- Criminology (1984) Eastern, Lucknow
3. Law Commission of India, Forty-Second Report Ch.3(1971)
4. S.K. Shukla - "Sociology of Deviant Behaviour" in 3 ICSSR Survey of Sociology and Social Anthropology 1969-179 (1986)
5. Tapas Kumar Banerjee - Background to Indian Criminal Law (1990),
6. R. Campray & Co., Calcutta.

PAPER - VI
FORENSIC SCIENCE AND SCIENTIFIC INVESTIGATION OF CRIME.
(4 CREDITS)

OBJECTIVE

- To gain an in-depth analysis of forensic science and criminal justice system.
- To study the modern scientific methods of crime control.
- To study the problems related to International crime.

OUTCOME

This course enables students:

- To help the students to understand the role of forensic science in the criminal justice system.
- To motivate the students to do research in field of forensic science and law.
- To give the students an exposure about forensic science and criminal law from across the globe.

Module –I: - (1 Credit)

1. **Forensic Science – An Integral component of Criminal Justice system – scope.**
2. **Development of Forensic Science in India.**

Module –II: - (1 Credit)

3. **An Introduction to :**
 - 3.1. Forensic Laboratories
 - 3.2. Forensic Biology
 - 3.3. Forensic Toxicology
 - 3.4. Forensic Anthropology
 - 3.5. Forensic Ballistics
 - 3.6. Forensic Documents
 - 3.7. Forensic Medicine

Module –III:- (1 Credit)

4. Modern Scientific Methods of Crime Control and Prevention :

- 4.1. Electrical Traps to catch thieves, burglars
- 4.2. Truth Telling Drugs.
- 4.3. Lie Detector.
- 4.4. Atomat
- 4.5. Breathalyser
- 4.6. Traffipax Camera
- 4.7. Magnetic Gun
- 4.8. Night Vision Binoculars.
- 4.9. Portable Bomb Sniffer
- 4.10. Detection of Note Forgery by use of ultra violet ways

Module- IV: - (1 Credit)

5. Interstate crimes and Criminals :

- 5.1. The problem of International Crime
- 5.2. International Co-operation –
- 5.3. International Criminal Police Organisation (Interpol)

References

1. Dr. Hans Gross - Criminal Investigation
2. R. Deb. - Criminology, Criminal and Investigation.
3. Soderman And O’Connell - Modern Criminal Investigation
4. Dr. J.P. Modi - A Text Book of Medica Jurisprudence and Toxicology.
5. Nigel Morland -Science in Crime Detection.
6. The Indian Police Journal
7. International Criminal Police Review Journal.

SEM - IV

Revised; The Fourth Semester shall be of Dissertation of 80 marks and Viva presentation of 20 marks (4 credits).

For the balance 100 marks the students would have choice to select the topic for project from the topics listed below (Group-wise) which will have interdisciplinary approach. Out of 100 marks (4 credits), 50 marks (2 Credits) would be for project and 50 marks (2 credits) for viva –presentation.

GROUP-I CONSTITUTIONAL & ADMINISTRATIVE LAW

COMPONENTS OF CHOICE BASED CREDIT SYSTEM (4 credits)

1. Constitutional law and Access to Justice. Law and Justice in Globalizing world
2. Role of Civil Society in Governance in the Economic and Social Development of a Country.
3. Changing Dimensions of Judicial Interpretation of Constitution : Judicial Trend & Approach
4. System of Governance – Comparative Constitutionalism
5. Right to Health – A Constitutional Perspectives
6. Judicial Review of Administrative Action – Scope & Limitations
7. Right to Livelihood & Social Entrepreneurship and Right to Development under the Constitution
8. Right of Indigenous Persons & Sustainable Development – Constitutional Perspective

REFERENCE

1. Seervai H.M: Constitutional Law of India – A Critical Commentary; Pub. N.M. Tripathi
2. M.P. Jain : Indian Constitutional law; LexisNexis
3. D.D. Basu: Comparative Constitutional law; Wadhwa& Co.
4. Cambridge University Press: Comparative Constitutional Law & Policy.
5. Dr. SubhashKashyap: Framing of Indian Constitution; Universal law Pub. Delhi
6. Mahendra Singh: Comparative Constitutional Law; Eastern Book Co.
7. Vikram David Amar : Global Perspective on Constitutional Law ; Oxford University Press
8. John Hatchard, MunaNdulo, Peter Slinn: Comparative Constitutionalism & Good Governance; Cambridge University Press

GROUP-II BUSINESS LAW

COMPONENTS OF CHOICE BASED CREDIT SYSTEM (4 credits)

1. Understanding and Assessment of Industrial Psychology
2. C S R and Human Rights Education
3. Right to Information Under Mercantile Legislations – Constitutional Perspective
4. Securities Laws and Criminal Jurisprudence
5. Growth and Development of A D R Under Environmental Legislations
6. Property Laws and Rights of Consumers
7. W T O and Indian Politics
8. Information Technology and e-commerce –Emerging Legal Issues and Concern
9. Corporate Law and Accounting Standards

References

1. Indian Constitutional Law; Dr. Durga Das Basu revised by S.R.Roy and SP.Gupta.3rd edition, 2011.
2. Right to information Law in India N.V.Paranjape 2014
3. The Political Economy of the World Trading System Amitabh Kundu,Michel M Kostecki edition 3rd 2009
4. Law and Practice of Alternative Dispute Resolution In India- A Detailed Analysis AnirbanChakraborty edition 2016
5. Role of Environmental Green Tribunal in Protection Environment M J Khandare 2016
6. International Law and Human Rights S K Kapoor 2016
7. Consumer, Consumerism and Consumer Protection – Indian Context Dr. K.N.Bhatt, Prof. Suresh Mishra and Sapna Chadah2015
8. Information Technology Law and Practice Vakul Sharma 2014
9. Cyber and E-Commerce Laws (Diwan and KapoorBharat Publishers
10. SEBI Manual Code

GROUP – III

INTELLECTUAL PROPERTY AND INFORMATION TECHNOLOGY

COMPONENTS OF CHOICE BASED CREDIT SYSTEM (4 credits)

1. Issues relating to Biopiracy and Bio- prospecting
2. Resources for Food and Agriculture – issues on patent policy and farmers' **rights- CBD, Nagoya Protocol and Indian law •**
3. UNESCO – protection of folklore/cultural expressions. Developments in WIPO on traditional knowledge and traditional cultural expressions
4. Intellectual Property rights and Information Technology. Copyright and Media Laws.
5. Trade Related Aspects of Intellectual Property Rights: A Viable Tool for the Enforcement of Benefit Sharing.
6. WTO Negotiations on Geographical Indications and Their Potential Implications
7. Human Right Perspective of Intellectual Property Rights.
8. Dispute Settlement Mechanism.

Suggestive Readings

1. Intellectual Property (1999) edition) by W.R. Cornish, (Sweet & Maxwell)
2. WTO in the New Millennium – MVIRDC – by ArunGoyal
3. Intellectual Property (fifth ed.) Daoul Bainbridge First Indian Reprint 2003, Pearson Education (Singapore) Pvt. Ltd., Indian Branch, Delhi.
4. Peter Drahos: A Philosophy of Intellectual Property, 1996 Commons J.R.: International Economics,1934
5. Narayan : Intellectual Property rights, 2007
5. Gopalakrishnan.N.S, Cases And Materials On Intellectual Property Law: Along With Objectives, Methodology, And Course Outline Bangalore: National Law School of India University, 1992.
6. International Legal Instruments, D.K. Agencies 1998. Intellectual Property Rights CSIR Journal. International Legal Materials.
7. Journal of the Indian Law Institute Journal of the Indian Society of International Law; American Journal of International Law;
8. Ram Jethmalani D S Chopra, Cases and Materials on Media Law: A Book on Indian Perspective, published by Thomas Reuters, published on 2012, ISBN NO 938108236
9. Monroe E. Price (Editor), Stefaan G. Verhulst (Editor), Broadcasting Reform in India: Media Law from a Global Perspective (Law in India Series) Publisher : Oxford University Press (April 15, 1999), ISBN-10:0195645642 , ISBN-13: 978-0195645644

GROUP –V
CRIMINAL LAW AND CRIMINAL ADMINISTRATION

COMPONENTS OF CHOICE BASED CREDIT SYSTEM (4 credits)

1. Law of defamation & Freedom of speech.
2. Study of Criminal behavior vis-à-vis increasing criminality.
3. White Collar Criminality & Corporate Crimes.
4. Tackling Collective Violence vis-à-vis Innovative Policing Techniques.
5. Ethical Issues & Medical Profession.
6. Cyber Crimes & Remedies.
7. Juvenile Justice System in India & Juvenile Psychology.
8. Corruption Laws & Elections in India.

References

1. Moberly : Ethics of Punishment
2. Dr. Sethna: Society & The Criminal.
3. U. Baxi: Dissent, Development & Violence
4. S K Shukla: Sociology of Deviant Behaviour.
5. Dr. J P Modi: A Text book of Medical Jurisprudence & Toxicology