

**SYLLABUS OF
LL.M.
PROGRAMME
as PRESCRIBED
BY THE
UNIVERSITY
OF MUMBAI**

NOTE: Subject to change

(In case of doubt, refer University of Mumbai
Department of Law Handbook of Information
LL.M.2023-2024)

Rules of Admission:

O.5231. There shall be Entrance Examination for all students seeking LL.M. admission in the Department. The minimum qualification for a candidate of general category making an application for admission to the LL.M degree course is a LL.B. degree of this University or a degree recognized as equivalent thereto. Candidates belonging to reserved category may make an application to the LL.M degree course with a pass class.

N.B.: —

The students who have passed LL.B. degree from other than Mumbai University are required to obtain Provisional Statement of Eligibility Certificate from Eligibility Section, Dr. Babasaheb Ambedkar Bhavan, Santacruz (E.), Vidyanagari, Mumbai-400098. They are further required to pay the amount in the Department of Law as a fee for procedural Document Verification as prescribed by this University from time to time for confirmation of the validity of their certificates of their previous University and confirmation of Eligibility to their LL.M. Course.

O.5232. An application for admission to the LL.M degree course must be made in the prescribed form and be submitted to the Department of Law within the prescribed time, immediately after the declaration of the results of the LL.B. degree examination of this University held in first half of every year.

O.5233. Admission forms for the LL.M. degree course shall be referred to the Admission Committee comprising of the Head, University Department of Law and the recognized Post-graduate teachers of the University to fix the criteria of admission.

O.5234. The students selected for admission to LL.M. degree course shall register themselves with University of Mumbai as the Post-graduate

students.

O.5235. Students will not be permitted to pursue the LL.M. degree course simultaneously with any other course of this or any other recognized University.

O.5236. Admission of the students shall be made in accordance with the merits at the LL.M Entrance exam and marks secured at LL. B degree.

O.5237. Admission to the LL.M. degree course shall be made for the entire academic year, i.e. for both the First and Second Semesters at the beginning of the academic year at one time.

O.5238. A Candidate for being eligible for the Second Semester must have successfully kept terms for the First Semester, irrespective of the result of the First Semester Examination.

O.5239. A candidate for being eligible for admission to the Third and Fourth Semester must have either passed in the First and Second Semesters or must have got exemption in atleast six papers of the First and Second Semesters. Student who remains absent or fail in the Third Semester Practical Examination is required to pay only examination fees to become eligible to appear for Practical Examination.

O.5240. Unless students pass all the Theory papers and Practical paper of third Semester examinations and dissertation of the Fourth Semester, their final result shall not be declared.

O.5241 Admission for the students of Backward Classes shall be in accordance with the Government Policy. Students applying for admission under the reserved category other than SC/ST are required to submit non creamy layer certificate along with their application form. Students applying for admission for other reservation will be admitted as per the government policy from time to time.

N.B.: —Students are required to submit all the documents required for Scholarship / Freeship within one month of their admission to the course failing which their application for Scholarship / Freeship will be rejected

without any intimation.

R.4356.The LL.M. course shall consist of Foundation course of 4 papers and any one optional Group of 6 papers from Six Groups.

R.4357. The First Semester shall be of two Foundation Papers and two Papers of an Optional Group. Each Paper shall be of 100 Marks. (4credits)

R.4358. The Second Semester shall be of two Foundation Papers and the next two Papers of Optional Group opted by the student in the First Semester. Each Paper shall be of 100 Marks(4credits)

R.4359.The third semester shall be last two papers of optional group. Each paper shall be of 100 Marks. (4 credits each).

In addition there shall be practical examination of 100 marks (Four Credits) as under:

1. Classroom Teaching & Seminar – 40 marks (20 marks each)
2. Choice of Practical Components comprising of 50 marks to the students from the following Component.
3. 10 marks attendance

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.

R.4360. 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 in the syllabus of the group opted which will have

interdisciplinary approach. Out of 100marks (4credits), 50 marks (2 Credits) would be for project and 50 marks (2 credits) for viva – presentation.

R.4361.

- (a) Passing Standards:
 - 1. 50% to 59% Second Class
 - 2. 60% and above First Class
- (b) No LL.M. student shall be allowed to appear for the examination unless he/she has attended 75% of the total number of lectures and seminars conducted in each Semester
- (c) No Class will be awarded to the students in the First, Second and Third Semester examination.
- (d) The Class will be awarded on the basis of the total performance of the student in all the four Semesters. However, a student claiming exemption will be titled to pass class only
- (e) To pass LL.M. examination, a student must obtain a minimum of 45 percent of the marks in each paper and 50 percent in aggregate in each of the Semester.
- (f) Dissertation shall be evaluated by a team of teacher of the concerned group and external expert nominated by the Head of the Department. The awarded after joint consultation by both the evaluators.
- (g) A student may be exempted at his choice from appearing in any of the papers, if he has secured at least 50% of the total marks in that paper.
- (h) Students failing in Dissertation/Project and Viva Examination in the Fourth shall Semester shall undergo again the Dissertation and Viva as the case may be. The final approved dissertation be submitted on CD in addition to two hard copies. The same procedure shall apply to failure in Choice based credits.
- (i) The medium of course is English only.

Note 1: All research projects, dissertations & other research assignments are required to be in accordance with the circular of the University of Mumbai dated 15th June 2018, no. Exam./Thesis/Uni/VCD/947 of 2018 and University Grants Commission (Promotion of Academic Integrity & Prevention of Plagiarism in Higher Educational Institutions) Regulation 2018.

LL.M. PROGRAMME -OBJECTIVE

- To develop research skills 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 across the globe.
- To become Legal luminaries, practitioners, officers and Judges.
- To join the noble profession of teaching in Law

SYLLABUS

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 (any one)

1. Constitutional and Administrative law
2. Business Law
3. Intellectual Property and Information Technology
4. 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

Law as an instrument of social change.

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

Religion as a divisive factor.

Secularism as a solution to the problem.

Reform of the law on secular lines: Problems.

Freedom of religion and non-discrimination on the basis of religion.

Religious minorities and the law.

Module – II (1 Credit)

3. Language and the Law

Language as a divisive factor: Formation of linguistic states.

Constitutional guarantees to linguistic minorities.

Language policy and the Constitution Official language; multi-language system.

Non-discrimination on the ground of language

4. Community and the law

Caste as a divisive factor.

Non-discrimination on the ground of caste.

Acceptance of caste as a factor to undo past injustices.

Protective discrimination; Scheduled castes, tribes and backward classes.

Reservation; Statutory Commissions, Statutory provisions.

Module – III (1 Credit)

5. Women and the Law

Crimes against women.

Gender injustice and its various forms.

Women's Commission.

Empowerment of women: Constitutional and other legal provisions.

6. Children and the Law

Child labour.

Sexual exploitation.

Adoption and related problems.

Children and education

Module – IV (1 Credit)

7. Modernization and the Law

Modernisation as a value: Constitutional perspectives reflected in the fundamental duties.

Modernisation of social institutions through law.

Reform of family law.

Agrarian reform – Industrialisation of agriculture.

Industrial reform: Free enterprise v. State regulation – Industrialisation v. environmental protection.

Reform of court processes.

Criminal law: Plea bargaining; compounding and payment of compensation to victims

Civil Law; (ADR) Confrontation v. consensus; mediation and conciliation; Lokadalats.

Prison reforms.

Democratic decentralization and local self-government.

8. Alternative approaches to law

Naxalite movement causes and cures.

References

Agnes Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999),

Oxford

Duncan Derret, *The State, Religion and Law in India* (1999), Oxford University Press, New Delhi.

D.D. Basu, *Shorter Constitution of India* (1996), Prentice Hall of India (P) Ltd., New Delhi.

H.M. Seervai, *Constitutional Law of India* (1996), Tripathi.

J.B. Kripalani, *Gandhi: His Life and Thought*, (1970) Ministry of Information and Broadcasting, Government of India.

Law Institute, *Law and Social Change : Indo-American Reflections*, Tripathi (1988)

M.P. Jain, *Outlines of Indian Legal History*, (1993), Tripathi, Bombay.

Marc Galanter (ed.), *Law and Society in Modern India* (1997) Oxford.

Robert Lingat, *The Classical Law of India* (1998), Oxford. Manushi, A Journal About Women and Society.

Sunil Deshta and KiranDeshta, *Law and Menace of Child Labour* (2000) Armol Publications, Delhi.

Savitri Gunasekhare, *Children, Law and Justice* (1997), Sage Indian

U. Baxi, *The Crisis of the Indian Legal System* (1982), Vikas, New Delhi.

U. Baxi (ed.), *Law and Poverty Critical Essays* (1988). Tripathi, Bombay

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

Creation of new states.

Allocation and share of resources – distribution of grants in aid.

The inter-state disputes on resources

Centre's responsibility and internal disturbance within State.

Directions of the Centre to the State under Article 356 and 36.5

Federal Comity: Relationship of trust and faith between Centre and State.

Special status of certain States.

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.

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

Module – III (1 Credit)

6. Emerging regime of new rights and remedies

Fundamental Rights Directive Principles and Fundamental Duties.

Compensation jurisprudence.

Right to education.

Commercialization of education and its impact.

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.**

Judicial Activism and judicial Restraint.

PIL: implementation.

Judicial independence.

Appointment, transfer and removal of judges.

Accountability: executive and judiciary.

Tribunals

10. **Democratic process**

Nexus of politics with criminals and the business.

Election commission: status.

Electoral Reforms.

Coalition government, 'stability, durability corrupt practice'.

Grass root democracy.

References

- Indian Constitutional Law: New Challenges (Paperback, Shyamlal Verma), India Publishing Company, 2018.
- Constitutional Law- New Challenges (English, Paperback, GP Tripathi), Publisher: Central Law Publications ISBN: 9789386456793, 9386456796, Edition: 2, 2018.
- 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

Judicial process as an instrument of social ordering.

Judicial process and creativity in law –common law model – Legal Reasoning and growth of law – change and stability.

The tools and techniques of judicial creativity and precedent.

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

Notions of judicial review.

‘Role’ in constitutional adjudication – various theories of review.

Tools and techniques in policymaking and creativity in constitutional adjudication.

Varieties of judicial activism.

Problems of accountability and judicial law making.

Module – III (1 Credit)

3. Judicial Process in India

Indian debate on the role of judges and on the notion of judicial review.

The ‘independence’ of judiciary and the ‘political’ nature of judicial process.

Judicial activism and creativity of the Supreme Court – the tools and techniques

of creativity.

Judicial process in pursuit of constitutional goals and values – new dimensions of judicial activism and structural challenges.

Institutional liability of courts and judicial activism–scope and limits.

Module – IV (1 Credit)

4. The Concept of Justice

The Concept of justice or Dharma in Indian thought.

Dharma as the foundation of legal ordering in.

Indian thought.

The concept and various theories of justice in the western thought.

Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

5. Relation between Law and Justice

Equivalence Theories – Justice as nothing more than the positive law of the stronger class.

Dependency theories – For its realization justice depends on law, but justice is not the same as law.

The independence of justice theories – means to end relationship of law and justice –

The relationship in the context of the Indian constitutional ordering.

Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

References

Bodenheimer, Jurisprudence – the Philosophy and Method of the Law (1997), Universal, Delhi.

Cardozo, The Nature of Judicial Process (1995) Universal, New Delhi.

Henry J. Abraham, The Judicial Process (1998), Oxford.

Edward H. Levi, An introduction to Legal Reasoning (1970), University of Chicago.

Julius Stone, The Province and Function of Law. Part II, Chs. 1.8-16 (2000), Universal, New Delhi.

J. Stone, Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworth

J. Stone, Legal System and Lawyers' Reasonings (1999), Universal, Delhi. John Rawls, A Theory of Justice (2000), Universal, Delhi.

Rajeev Dhavan, The Supreme Court of India – A SocioLegal Critique of its Juristic Techniques (1977), Tripathi, Bombay.

U. Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow.

W. Freidmann, Legal Theory (1960), Stevens, London.

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 and 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**

Socio Legal Research.

Doctrinal and non-doctrinal.

Induction and deduction.

6. **Identification of Research Problem and formulation of Hypothesis**

Research problem.

Survey of available literature and bibliographical research.

Legislative materials including subordinate legislation, notification and policy statements.

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.

Juristic writings - a survey of juristic literature relevant to select problems in India and foreign periodicals.

Compilation of list of reports or special studies conducted relevant to the problem.

Module – IV (1 Credit)

7. **Preparation of the Research Design**

Devising tools and techniques for collection of data: Methodology.

Methods for the collection of statutory and case materials and juristic literature.

Use of historical and comparative research materials.

Use of observation studies.

Use of questionnaires/interview.

Use of case studies

Sampling procedures – design of sample, types of sampling to be adopted.

Use of scaling techniques.

Computerized Research – A study of legal research programmes such as Lexis and West law coding etc.

Classification and tabulation of data – use of cards for data collection – Rules for tabulation,

Explanation of tabulated data.

Analysis of data.

References

Erwin C. Surrency, B. Fieff and J. Crea, A Guide to Legal Research (1959)

H.M. Hyman, Interviewing in Social Research (1965)

Payne, The Art of Asking Questions (1965)

High Brayal, Nigel Dunean and Richard Crimes, Clinical legal Education: Active learning in your law school, (1998) Blackstone Press Limited, London.

M.O. Price, H. Bitner and Bysiewiez, Effective Legal Research, (1978).

Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.

Havard Law Review Association, Uniform System of Citations. ILI Publication, Legal Research and Methodology.

N.R. Madhava Menon, (ed) A handbook of Clinical Legal Education, (1998)

Eastern Book Company, Lucknow.

Pauline V. Young, Scientific Social Survey and Research, (1962)

S.K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay

William J. Grade and Paul K. Hatt, Method sin Social Research, McGraw- Hill Book Company, London.

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
- Analyse Constitutional basic Structure
- Carry out comparative studies of Constitutional Provisions in U.S.A & Australia, Canada

Module – I (1 Credit)

1. Constitutionalism:

Authoritarianism – Dictatorship Democracy – Communism.

Limited Government – Concept – Limitations on government power.

What is a Constitution?

Development of a democratic government England – Historical evolution of constitutional government.

Conventions of constitutionalism

Written Constitutions: U.S.A., Canada, Australia, Sweden, South Africa and India.

Separation of powers: Montesquieu. Rule of Law: Concept and new horizons Marxist concept of Constitutionalism Dictatorship of the proletariat.

Communist State from Stalin to Gorbachov. Fundamental Rights:

Human rights

Judicial Review: European Court of Human Rights. Human

Rights: International conventions.

Limits & doctrine of domestic jurisdiction in International Law.

2. Federalism:

What is a federal government?

Difference between confederation and federation. Conditions requisite for federalism.

Patterns of federal government – U.S.A., Australia, Canada, India.

Judicial review – for federal umpiring

New trends in federalism: Co-Operative federalism India –

Central Control v. State Autonomy

Political factors influencing federalism

Plural aspects of Indian Federalism: Jammu & Kashmir, Punjab, Assam.

Dynamic of federalism.

Module – II (1 Credit)

3. Pluralism:

What is a pluralistic society?

Ethnic. Linguistic, cultural, political pluralism

Individual rights – right to dissent

Freedom of speech and expression

Freedom of the press

Freedom of association

Rights to separateness

Freedom of religion

Rights of the religious and linguistic minorities

Compensatory discrimination for backward classes

Women – right to equality and right to special protection

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:

Right to equality and reasonable classification

Prohibition of discrimination on ground of religion, caste, sex, language.

Abolition of untouchability

Secularism–constitutional principles

Tribal Groups and Equality

Module – IV (1 Credit)

6. Pluralism and International Concerns:

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

References: —

- 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.
Judicial Law Making and the Place of the Directive Principles in the Indian
Constitution,|| J.I.L.I. 198 (1985)
M.A. Fazal —Drafting A British Bill of Rights|| 27 J.I.L.I. 423 (1985)
M.P. Jain Indian Constitutional Law (1994), Wadhwa Jagat Narain— Rhett
Ludwikowski, —Judicial Review in the socialist Legal Systems : Current
Development|| 37 I.C.L.D.89-108 (1988)
Upendra Baxi, —Law, Democracy and Human Rights|| - 5, Lokayan
Bulletin 4 (1987)
V.M. Dandekar —Unitary Elements in a Federal Constitution|| 22
E.P.W. 1865 (1988)

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
- Carry out critical analysis of Human Rights issues of detainees in the light of Constitutional

Provisions

- Perform in depth analysis of detention Laws

Module – I (1 Credit)

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

Emergency Detention in England

Civil Liberties Subjective satisfaction or objective assessment?

Pre-Independence law

2. Preventive Detention and Indian Constitution:

Article 22 of the Constitution

Preventive Detention and Safeguards

Declaration of Emergencies 1962, 1965 and 1970 Emergencies, 1975 Emergency

Module – II (1 Credit)

3. Exceptional Legislation:

COFEPOSA and other legislation to curb economic offenders

TADA: —The draconian Law- comments of NHRC Special courts and tribunals

Due process and special legislation

4. Civil Liberties and Emergency:

Article 19

Meaning of —Security of State

Meaning of —Public Order

Suspension of Article 19: rights on declaration of emergency

President's Right to suspend right to move any court

Article 21 – special importance- its non-suspendability -44th Amendment

Module – III (1 Credit)

5. Access to Courts and Emergency:

Article 359: Ups and downs of judicial review

Constitution (Forty-fourth), Amendment Act, 1978

Constitution (Fifty-ninth) Amendment Act, 1988

6. Martial Law:

Provisions in English Law

Provisions in the Constitution

Module – IV (1 Credit)

7. Human Rights in India:

Constitutional Philosophy

Human Rights of Disadvantaged Groups – Women, Children, Dalits, Unorganized Labour and Minorities.

Police, Prison and Human Rights

Judicial Activism.

References: —

G.O. Koppell —The Emergency, The Courts and Indian Democracy 8 J.I.L.I. 287(1966)

H.M. Seervai, The Emergency, Future Safeguards and the habeas Corpus : A Criticism (1978)

International Commission of Jurists, Status of Emergency and Human Rights (1984)

N.C. Chatterji and Parameshwar Rao, Emergency and the Law (1966)

PAPER III—COMPARATIVE CONSTITUTIONAL LAW (4 Credits)

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 judgement 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: —

- Bryce James, || Modern Democracies. || McMillan & Co., 1923.
Basu D.D., —Select Constitutions of the World, || Sarkar, Calcutta, 1990.
Basu D.D., —Comparative Federalism ||, PHI. 1987.
Cooley, —Constitution of the U.S.A. || 1973.
Dicey A.V., —Law of the Constitution ||
Friedrick Karl, —Constitutional Government and Democracy ||, Oxford, 1966.
Franle, —Comparative Constitutional Process. ||
Finer, Comparative Governments, Penguin, 1970.
Hood Philips, —Constitutional and Administrative Law ||, Sweet & Maxwell, London, 1987.
Hughes, —Federal Constitution of Switzerland ||, Oxford.
Jeferry Jowell and Dawn Oliver, —The Changing Constitution ||.
Jenning Ivor, —Law and the Constitution ||, 1971.
Raman Sunder, —Amending Power under the Constitution of India, Eastern, 1990.
Sawer, —Modern Federalism ||. 1969.
Wheare K.C., —Federal Government ||, Oxford, 1963
Walter Begchot, —English Constitution, || Oxford.
Wade, —Public Law in Britain and India, || N.M. Tripathi, 1992.
Wheare K.C., —Modern Constitutions ||, Oxford, 1966.
Wade & Bradley, —Constitutional Law ||, Longman, 1985.

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, checks and balances over administrative action

OUTCOME

This course enables students:

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

Module – I (1 Credit)

1. Administrative Process:

Nature and meaning
The role of civil service
The role of administrative agencies

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

Constitutional standards
Comparative aspects

Module – II (1 Credit)

3. Rule of Law:

Changing dimensions
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:

Doctrine of police power
Doctrine of eminent power
Taxing power
Responsibility and accountability

Module – IV (1 Credit)

7. Administrative Discretion:

Structuring and limiting
Impact of technological development

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

References: —

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

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

OBJECTIVE

- Analysis of administrative process and judicial control
- Detailed study of Judicial review against administrative action
- To know about emergency rights and remedies for 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:

Common law countries
French system

2. Judicial Review in India

Historical development
Powers of the Supreme Court
Powers of the High Court
Role of subordinate judiciary

Module – II (1 Credit)

3. Jurisdiction:

Finality clause
Conclusive evidence clause
Law and fact-distinction
Exclusionary clause

4. Grounds of Review:

Doctrine of ultra vires
Unreviewable discretionary powers: from Liversidge to Padfield
Discretion and Justifiability
Violation of fundamental rights
Extraneous consideration and/or irrelevant grounds
Delegation
Acting under dictation
Malafide and bias
Lack of rationality and proportionality Oppressing decision
Absence of proportionality

Module – III (1 Credit)

5. Procedural fairness:

Legitimate Expectation
Natural justice and duty to act fairly
Bias and personal interest
Fair hearing

6. Remedies:

Writs
Injunction and declaration

Module – IV (1 Credit)

7. Limits of judicial review:

Locus standi and public interest litigation
Laches

Res Judicata
Alternative remedies

8. Judicial Review of Delegated Legislation.

References: —

Bagawati Prasad Banerjee, Writ Remedies, (1999), Wadhwa, Nagpur
De Smith, Judicial Review of Administrative Action (1995), Sweet and Maxwell

I.P. Massey, Administrative Law (1995), Eastern, Lucknow Jain & Jain, Principles of Administrative Law (1986) Tripathi

M.P. Jain, The Evolving Indian Administrative Law (1983), Tripathi, Bombay

M.P. Jain, Cases and Materials on Administrative Law (1996), Vol. Wadha, Nagpur.

S.P. Sathe, Administrative Law (1998), Butterworths, India.

PAPER VI – PUBLIC AUTHORITIES AND POWER HOLDERS: CONTROLS ON MALADMINISTRATION (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 played 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:

The concept

Comparative perspective
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: —

Donald C. Rowat, The Ombudsman (1966), George Allan and Unwin Ltd., Toronto.

Donald C. Rowat. The Ombudsman (1966) George Allan and Unwin Ltd., Toronto

Jain & Jain, Principles of Administrative Law (1986) Tripathi

K.S. Shukla and S.S. Singh, Lokayukta : a Social Legal Study (1988), Indian Institute of Public Administration, N. Delhi.

SEM IV – COMPONENTS OF CHOICE BASED CREDIT SYSTEM (4 credits)

The Fourth Semester shall be of :

- Dissertation of 80 marks and Viva-voce of 20 marks (4 credits).

- For the balance 100 marks, the students would have the choice to select the topic for their project from the topics listed in the syllabus of the group opted, which will have interdisciplinary approach. Out of 100 marks (4 credits), 50 marks (2 Credits) would be for the project and 50 marks (2 credits) for Viva-voce.

GROUP-I: CONSTITUTIONAL & ADMINISTRATIVE LAW

1. Constitutional law and Access to Justice: Law and Justice in a 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 Trends & Approach
4. System of Governance – Comparative Constitutionalism
5. Right to Health – A Constitutional Perspective
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 BOOKS: —

Cambridge University Press: Comparative Constitutional Law & Policy.

John Hatchard, Muna Ndulo, Peter Slinn: Comparative

Constitutionalism & Good Governance; Cambridge University Press

Mahendra Singh: Comparative Constitutional Law; Eastern Book Co.

M.P. Jain : Indian Constitutional law; Lexis Nexis

Dr. Subhash Kashyap: Framing of Indian Constitution; Universal law

Pub. Delhi

D.D. Basu: Comparative Constitutional law; Wadhwa & Co.

Seervai H.M: Constitutional Law of India – A Critical Commentary; Pub.

N.M. Tripathi

Vikram David Amar: Global Perspective on Constitutional Law;

Oxford University Press

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

This course enables students to:

- Acquire 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)

Nature, Object and Multi-dimensional Scope

Foundation Theories of Law of Contract.

Individualism.

Freedom of Contract.

Sanctity of Contract.

Encroachment on Freedom of Contract.

Module – II (1 Credit)

Legislative Intervention.

Socio-economic Factors.

Limitations on Sanctity of Contract.

Conceptual Analysis: Contract.

Essentials of Contract.

Specific Contracts.

Standard-form contract, Exemption Clauses, Protective Measures.

Quasi- Contract, Doctrine of Unjust Enrichment, Law of Restitution.

Doctrine of Frustration: Grounds and Effects of Frustration.

Breach of Contract and Remedies.

Module – III Alternative Disputes Resolution (1 Credit)

Historical background of the Arbitration and Conciliation Act, 1996.

Distinction between the Arbitration Act, 1940, and the Arbitration and Conciliation Act, 1996.

Definition and Meaning of Arbitration.

Arbitration Agreement and Arbitration Clause in Agreement.

Alternative Disputes Resolution (ADR) Process.

Module – IV (1 Credit)

Composition of the Arbitral Tribunal. Number / Appointment of Arbitrators.

Disqualification / Removal of Arbitrators.

Termination of Authority of Arbitrator.

Jurisdiction of Arbitral Tribunal.

Conduct of Arbitral Proceedings. Making of Arbitral Award.

Finality and Enforcement of Arbitral Awards, Recourse against Arbitral Award.

Other Internationally Accepted modes of Alternative Disputes Resolution. - (ADR).

Commercial Arbitration.

Conciliation.

References:

Fundamental Principles of Law of Contract

Anson – Law of Contract

Cheshire, Fifoot and Furmston-Law of Contract Cheshire and Fifoot– Cases on Law of Contract

Chitty’s Mercantile Contracts (1st Indian Reprint)-2001

Dutt – Indian Contract Act,

Dr. Meena Rao – Fundamental Concepts in Law of Contract Dr. Meena Rao – Consent in Law of Contract.

Law of Contract – Dr. Avtar Singh

The Law of Contracts: An Outline (2ndEd.) – Dr. Nilima Chandiramani.

Pollock & Mulla – Indian Contract Act and Specific Relief Act Schelsinger –

Formation of Contract

Sale of Goods and Partnership (For U.N. Convention on Sales)

– Dr. Nilima Chandiramani

United Nations Convention on Sales by the United Nations Commission.

Alternative Disputes Resolution — (ADR):

Bansal A.K. — Law of International Commercial Arbitration. Justice

Bachawat's Law of Arbitration and Conciliation.

Kwatra G.K. —The Arbitration and Conciliation Law of India with case Law on UNCITRAL Model Law on Arbitration.

Law of Arbitration and Conciliation—Dr. Avtar Singh

O. P. Malhotra - Arbitration and Conciliation Act

Rao P. C. and William Sheffield - Alternative Disputes Resolution— What it is and How it works.

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:

Introduction to World Trade Organisation

Bretton Woods Conference

General Agreement on Tariffs and Trade (GATT)

World Trade Organisation (WTO)—Establishment, Scope, Functions, Structure, Secretariat, Status, Decision-making, Withdrawal, etc.

Module – II (1 Credit)

2. Trade in Goods:

General Agreement on Tariffs and Trade (GATT) Rules.

Most Favoured Nation (MFN)

National Treatment QRs, tariff bindings Textile and Clothing

Investment Measures

Anti dumping, Safeguard and Countervailing Measures

Customs valuation, pre-shipment inspection

Rules of origin, import licensing Agreement on Agriculture

Sanitary and Phyto-sanitary norms.

Module – III (1 Credit)

3. Trade in Services:

General Agreement on Trade in Services (GATS) Agreement

Financial Services

Maritime Transport

Professional services

Module – IV (1 Credit)

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

Patents

Copyright
Industrial Designs
Trademarks
Geographical Indications
Integrated Circuits
Undisclosed Information

5. Dispute Settlement Process.

References:—

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

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:

- Understand of the need for registration of Company, procedure for registration and advantages on incorporation of Companies
- Highlight important features in the memorandum of association and articles of association
- Understand provisions governing corporate finance, Role of Promoters, Directors in the Company and their accountability and liability.

- Understand the limitations in laws relating to winding up of Companies.

Module – I (1 Credit)

1. Formation of Company:

Concept of Corporate Personality

Registration and Incorporation

Memorandum of Association

Articles of Association

Kinds of Companies

2. Organization and Management:

Managerial Personnel

Meetings

Corporate Governance

Professional Management

Legal Regulation of Multi-nationals

Collaboration Agreements

Amalgamation of Companies

Module – II (1 Credit)

3. Corporate Finance:

Meaning, importance and scope of Corporate Finance

Capital requirements

Prospectus

Share Capital, Kinds of Shares, Shareholders, allotment of Shares.

4. Audit, Accounts and Dividends:

Auditors

Audit of Accounts

Dividends

5. Securities, Borrowing, Debentures:

Debentures – Nature, issue, Classes

Mortgages and Charges

Transfer and transmission of securities

Dematerialization of securities.

Module – III (1 Credit)

6. Protection of Investors and Creditors:

Need for Protection

Protection and Rights of Creditors

Protection of Investors

Rights of Shareholders and Members

Majority Powers and Minority Rights

7. Administrative Regulation on Corporate Finance:

Security Exchange Board of India - (SEBI).

Central Government Control

Control by Registrar of Companies

Control by Company Law Board

Module – IV (1 Credit)

8. Prevention of Oppression and Mismanagement:

Oppression

Mismanagement

Preventive measures

Powers of Company Law Board

Powers of Central Government.

9. Winding Up:

Winding up and Dissolution of Company.

Types of Winding up.

Winding up by Court.

Voluntary Winding up

Process of Winding up

Winding up of Defunct Companies, Sick undertakings,

Unregistered Companies and Foreign Companies.

References: —

Company Law – Dr. Avtar Singh

Companies Act and Laws relating to SEBI, depositories, Industrial Financing

Gower – The Principles of Modern Company Law

Mayson, French & Ryan – Company Law.

Madon – Management of Corporations.

Mazumdar D.L. – Towards a Philosophy of the Modern Corporation.

Palmer – Company Law

Pennington – Formation of Companies

Ramaiya A, - Guide to the Companies Act

Sen S.C. – The New Frontiers of Company Law

Sethna – Indian Company Law

Taxmann's Corporate Laws

Taxmann's Company Law and Practice.

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:

- Customs regulations in India in an effective manner.
- The shortcomings of Customs regulations.
- And promote consumer education to students with regard to Export and Import of Goods and Services.
- And 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:

Custom of charging customs duties

Rules relating to interpretation of customs law

Prohibition on Importation and Exportation of Goods

Chargeability and Levy of Customs duty

Module – II (1 Credit)

Exemption from Customs Duties

Refund of Customs duty

Clearance of Imported Goods and Export Goods

Warehousing of Goods

Powers of Customs Officers.

Adjudicatory Proceedings

Appeals

Criminal Prosecution

Module – III (1 Credit)

2. Law Relating to Foreign Exchange:

Historical background to Foreign Exchange Regulation Act

(FERA) and Foreign Exchange Management Act (FEMA).

Foreign exchange and currency

Foreign exchange management and noteworthy features of
Foreign Exchange Management Act (FEMA).

Module – IV (1 Credit)

New Concepts under Foreign Exchange Management Act
(FEMA).

- Resident
- Capital Account Transactions
- Current Account Transactions
- Export
- Person
- Service
- Transfer

Export of Goods and Services

Adjudication, Appeals and Penalties

Foreign Direct Investment in India

Foreign Trade, Development & Regulation Act, 1992

References: —

A Guide to Customs Act. – Nilima Chandiramani.

Customs Law, Practice and Procedure – T.P. Mukerjee

Foreign Exchange Management Act — Dilip Sheth

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

Module – I (1 Credit)

1. Introduction:

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

2. General Principles of Law of Insurance:

Need for utmost Good Faith.
 Insurable interest
 The risk – Commencement, attachment and duration.
 Indemnity
 The law of proximate cause
 Subrogation
 Assignment and nomination,

3. Indian Insurance Law – General:

Nationalization, Privatization and Globalization of Insurance Sector.

Principles of General Insurance.

The Insurance Regulatory Development Authority Act, 2000.

Module – II (1 Credit)

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

Life Insurance – Nature, Principles and Scope

Events insured against life insurance contract.

Factors affecting risk

Medicclaim, Sickness Insurance, Personal Accidents

5. Marine Insurance:

Marine Insurance – Nature, Principles and Scope

Marine Insurance Policy – Conditions and Warranties

Seaworthiness

Perils of the Sea and other Insured Perils in Marine Policies

Hull and Cargo Insurance

Module – III (1 Credit)

6. Property Insurance:

Fire Insurance

Risks Insurance

Policies covering risk of explosion, earthquake, flood.

Policies covering accidental loss, damage to property, construction risks

Burglary, Theft, Civil Commotion and Strikes, other Endorsements.

Module – IV (1 Credit)

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

Accident Policies

Assessment of compensation and Liability

Contributory Negligence

The Personal Injuries (Compensation Insurance) Act, 1963.

Compulsory Insurance.

Professional Negligence Insurance

8. Insurance Against Third Party Risks under Statute:

Relevant Provisions of Motor Vehicles Act, 1988.

Claims Tribunal: constitution, functions, procedures, powers and award.

Liability Insurance: Contractual and Legal Liabilities Public Liability Insurance

References: —

Brijnandan Singh – Law of Insurance – (1997)

Banerjee, Law of Insurance (1994)

Birds, Modern Insurance Law – (1997)

Charmers Marine Insurance Act 1906

E.R. Hardy Ivamy – Principles of Insurance (1979)

Gow Colinvaux – Law of Insurance (1977)

The Insurance Act – 1938

John Hanson and Christophals Henly – All Risks Property Insurance (1999)

K.S.N. Murthy and Dr. K. V.S. Sarma – Modern Law of Insurance.

The Life Insurance Corporation Act, 1956.

Hardy Ivamy - Marine Insurance

Mitra B.C. – Law of Marine Insurance (1997)

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

Module – I (1 Credit)

1. Introduction:

Nature and Development of banking

History of Banking in India and elsewhere-indigenous banking evolution of banking in India–different kinds of banks and their functions.

Multi-functional banks – growth and legal issues.

2. Law Relating to Banking Companies in India:

Controls by government and its agencies on management, on accounts and audit

Lending

Credit policy

Reconstruction and reorganization

Suspension and winding up

Contract between banker and customer: their rights and duties

Module – II (1 Credit)

3. Social Control over Banking:

Nationalization

Evaluation: private ownership, nationalization and disinvestments

Protection of depositors

Priority lending

Promotion of under privileged classes

4. The Central Bank:

Evolution of Central Bank

Characteristics and functions

Economic and social objectives

The Central Bank and the State

The Reserve Bank of India as the Central Bank, as bankers' bank

Organizational structure

Functions of the RBI

Regulation of monetary mechanism of the economy

Credit control

Exchange control - Monopoly of currency issue

Bank rate, policy formulation

Control of RBI over non-banking companies, Financial companies, Non-financial companies

Module – III (1 Credit)

5. Relationship of Banker and Customer:

Legal character

Contract between banker and customer

Banker's lien

Protection of bankers, customers

Nature and type of accounts

Special classes of customers – lunatics, minor, partnership, corporations, local authorities.

Banking duty to customers

Consumer protection: banking as a service

6. Negotiable Instruments:

Meaning and kinds of instruments

Transfer and negotiations

Holder and holder in due course

Presentment and payment

Liabilities of parties

Module – IV (1 Credit)

7. Lending by Banks:

Good lending principles

Lending to poor masses

Securities for advances

Kinds: their merits and demerits

Repayment of loans: rate of interest, protection against penalty

Default and recovery

Debt Recovery Tribunal

8. Recent Trends of Banking System in India:

New technology

Information technology

Automation and legal aspects

Automatic Teller Machine and use of internet

Smart card

Credit cards

References: —

Banking Law and Practice in India -M.L. Tannan

Banking Theory and Practice - K.C. Shekar Banking

Theory and Practice -Varshney

Banking Reforms in India - K. Subrahmanyam

Law of Negotiable Instruments Nilima Chandiramani

Law of Negotiable Instruments - Dr. P.W. Rege.

The Law of Banking and Bankers - L.C. Goyle

Negotiable Instruments Act- Bhashyam and Adiga

Paget's Law of Banking - M. Hapgood (ed)

Review of current Banking theory and Practice – Basu

A Report of Working Group on Customer Services in Banks R.K. Talwar

SEMESTER – IV (4 CREDITS)

The Fourth Semester shall be of :

- Dissertation of 80 marks and Viva-voce of 20 marks (4 credits).
- For the balance 100 marks, the students would have the choice to select the topic for their project from the topics listed in the syllabus of the group opted, which will have interdisciplinary approach. Out of 100 marks (4 credits), 50 marks (2 Credits) would be for the project and 50 marks (2 credits) for Viva-voce.

TOPICS FOR CHOICE BASED 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: —

Cyber and E-Commerce Laws, Diwan and Kapoor, Bharat Publishers

Consumer, Consumerism and Consumer Protection – Indian Context,

Dr. K.N.Bhatt, Prof. Suresh Mishra and Sapna Chadah, 2015

Law and Practice of Alternative Dispute Resolution In India- A Detailed

Analysis Anirban Chakraborty, 2016

Indian Constitutional Law; Dr. Durga Das Basu, revised by S.R. Roy and

SP.Gupta.3rd edition, 2011.

International Law and Human Rights, S K Kapoor, 2016

Information Technology Law and Practice, Vakul Sharma, 2014

The Political Economy of the World Trading System, Amitabh Kundu, Michel

M Kostecki, 3rd edition, 2009

Right to Information Law in India, N.V. Paranjape, 2014

Role of Environmental Green Tribunal in Protection of Environment,
M. J. Khandare, 2016
SEBI Manual

GROUP III - LAW OF INTELLECTUAL PROPERTY AND INFORMATION TECHNOLOGY

PAPER I - INTELLECTUAL PROPERTY AND INTERNATIONAL ORGANISATIONS 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:

- Understand the Scope, functioning need for various treaties and organizations,
- Highlight relevance of distinctive aspects of intellectual property rights.
- 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):

What is Intellectual Property
Basic concepts of Intellectual Property
Nature of Intellectual Property
Commercial exploitation of Intellectual Property
Enforcement of rights and remedies against infringement
International character of Intellectual Property.

Module – II (1 Credit)

2. International Organisation and Conventions: International

Agreements/Conventions relating to Intellectual Property.

World Intellectual Property Organisation (WIPO)

World Trade Organisation (WTO)

Module – III (1 Credit)

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

General Provisions and Basic Principles

Standards concerning the availability, scope and use of
Intellectual Property Rights.

Enforcement of Intellectual Property Rights

Acquisition and Maintenance of Intellectual Property Rights

Dispute Prevention and Settlement

Transitional Arrangements

Institutional Arrangements.

Module – IV (1 Credit)

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

Anti-competitive Practices / Abuse of Intellectual Property Rights

Government Use and Public Interest

References: —

Intellectual Property – W.R. Cornish (Sweet & Maxwell)

Intellectual Property Rights – Wadhera

Intellectual Property Rights – P. Narayan

Intellectual Property Rights Law – Dr. Ashok Soni

WTO in the New Millenium – MVIRDC – Arun Goyal

WTO and Globalisation: An Indian Overview – Dr. Nilima Chandiramani

Intellectual Property Rights under the TRIPs Text – Dr. Nilima Chandiramani

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)

Introduction, definition, scope and objectives of Law of Patents

Subject Matter of Patents

International Conventions and treaties regarding patents.

History of Indian Patent System

Module – II (1 Credit)

Procedure for Obtaining Patents.

Patentability and Patentable Subject Matter

Process Patent and Product Patent

Patent Specification

Opposition to grant of Patents

Module – III (1 Credit)

Register of Patents and Patent Office

Rights and Obligations of Patentee
Transfer of Patent Rights
Voluntary Licenses, Compulsory Licenses
Assignment and Licensing of Patents
Revocation for non working of patents
Patenting of Traditional Knowledge
Issues related to Bio - piracy and Bioprospecting

Module – IV (1 Credit)

Powers of Central Government to acquire and use patents for public purpose
Revocation and Surrender of Patents
Infringement of Patents
Threat of Infringement Proceedings
Offences and Penalties
Appellate Tribunal Proceedings
Ever-greening of Patents

References: —

Intellectual Property (1999 edition) by W.R. Cornish (Sweet & Maxwell)
Intellectual Property Rights – P. Narayanan
Patent Law by P. Narayanan, 3rd Edition (1998),
Patent Co-Operation Treaty Handbook by Chartered Institute of
Patent Agents (Sweet & Maxwell) 1999 edition
Trell on Law of Patents, 15th Edition (2000) by Simon Thorley,
Richard Miller, Guy Burkill and Colin Birss (Sweet & Maxwell)
Law relating to Intellectual Property by Wadhwa

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.

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 trademark law

Module – I (1 Credit)

General Principles of Trademarks

International and National Laws relating to trademarks

Property in Trademarks – how acquired?

Conditions and Procedure for Registration of Trademarks

Module – II (1 Credit)

Opposition to Registration of Trademark

Effect of Registration

Registerable and Non Registerable Trademarks

Similar, Nearly Resembling and Deceptively Similar Trademarks

Trademark Registry and Register of Trademarks

Assignment, Transmission and Abandonment

Module – III (1 Credit)

Licensing of Trademarks and Registered Users

Collective Marks, Service Marks and Textile Trademarks

Infringement and Passing Off

Action for Infringement

Passing off Action

Certification of Trademark

Module – IV (1 Credit)

Offences and Penalties

Threat of Legal Proceedings

Appellate Tribunals

Emerging New Trends in Trademarks

References: —

Intellectual Property (1999 edition) by W.R. Cornish (Sweet & Maxwell)

Intellectual Property Rights by P. Narayanan

Narayanan on Trade Marks and Passing Off – Fourth Edition.

Law relating to Intellectual Property by Wadhera

Kerly's Law of Trade Marks and Trade Names by Thomas Balano, White and Robin Jacob (Sweet & Maxwell)

K.S. Shavaksha on Trade and Merchandise Marks Act 1958 3rd Edition (1999 edition) Butterworths, India.

McCarthy on Trade Marks and Unfair Competition (1999 edition) (West Group. U.S.A.)

The Modern Law of Trade Marks by Christopher Morcom, Ashley

Roughton and James Graham, 1st edition, 1999 edition (Butterworths)

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 about protection of original work under current laws
- To impart knowledge and carry out 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 law makers to adopt suitable changes in the copyright laws.

Module – I (1Credit)

Introduction to Copyrights

International Conventions relating to Copyrights

Indian Laws relating to Copyright

Nature of Copyrights

Subject Matter of Copyrights

Term of Copyright

Module – II (1Credit)

Authorship and Ownership Rights Conferred by Copyright

Rights of Broadcasting Organizations, Producers of Phonograms and Performers

Assignment, Transmission and Relinquishment

Registration of Copyrights

Module – III (1 Credit)

Licences

Publication

Copyright Societies

Copyright office and Boards

Infringement of Copyright

Module – IV (1Credit)

Emerging New Trends in Copyrights

International Copyrights

Registration of Copyrights

Appeals

References: —

Copinger and Skone James on Copyright, 14th edition by Kevin Garnett;

Jonathan Rayner James and Gillian Davis – 1999 edition (Sweet & Maxwell)

Copyright and Industrial Designs - P. Narayanan

Intellectual Property (1999 edition) by W. R. Cornish (Sweet & Maxwell)

The Modern Law of Copyright and Designs by Hugh Laddie, Peter Prescott and Mary Vitoria 2nd edition 1995 (Butterworths)

Nimmer on Copyright by Melville Nimmer (edition 2000) Mathew Bender

The Copyright Act, 1957 by T.R. Srinivasa Iyengar.

PAPER V - LAW OF INDUSTRIAL DESIGNS, GEOGRAPHICAL INDICATIONS, LAYOUT DESIGNS, DATA PROTECTION AND TRADE SECRETS (4 CREDITS)

OBJECTIVE

- Forward deliberations among the students on the need and importance of Industrial Designs, Geographical Indications, Layout Designs, Data Protection and Trade Secrets
- Acquainting students with the concept of various Trade related treaties for effective trade negotiations and deliberations between member nations.
- Teaching students the relevance of various laws for protecting the interests of intellectual property right holders.
- Acquainting students with provisions regarding to Dispute Settlement Mechanisms.
- Acquainting students with provisions regarding counterfeiting, piracy infringements and remedies available to aggrieved parties.

OUTCOME

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

- Understand scope, functioning and the need for various treaties.
- Understand relevance of the distinct aspects of intellectual property rights.
- Apply provisions governing the process of registration of geographical indications, layout designs and integrated circuits etc.

Module – I (1 Credit)

Laws Relating to Industrial Designs:

Introduction

Novelty and Originality

Publication

Registration of Designs

Rights conferred by registration

Infringement of Copyright in Design

Remedies

Module – II (1 Credit)

Law Relating to Geographical Indication
Definition, need and scope of Geographical Indications
Register and Conditions for registration of Geographical Indications.
Procedure for and Duration of Registration
Effect of Registration
Special Provisions related to Trademark and Prior Use
Rectification and Correction of Register
Offences & Penalties
Appeals & Remedies

Module – III (1 Credit)

Layout- Designs (Topographies) of Integrated circuits:

Meaning of Integrated Circuit Layout Design
Need and Mechanisms for Protection of Integrated Circuit & Layout Designs
International conventions and National Legislations
Procedure for Registration of Integrated Circuits
Duration of Registration
Change in the Identity of Proprietor; Assignment; Surrender,
Amendment; Corrections and other Changes
Cancellation
Compulsory Licensing
Infringement and Appeals

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

Law relating to Data Protection and Trade Secrets.
Protection of trade secrets – Confidential Information
How to protect trade secrets
The relationship between patents and confidential information
The relationship between copyright and confidential information
The Data Protection Act (DPA) 2018 (United Kingdom)
Protection of Undisclosed Information
Introduction: terminology, definition and scope

International and National Legislation for protection of Undisclosed Information.

References: —

Intellectual Property (1999 edition) by W.R. Cornish (Sweet & Maxwell)

Intellectual Property (fifth ed.) by Daoul Bainbridge First Indian Reprint 2003
Pearson Education (Singapore) Pte. Ltd., Indian Branch, Delhi.

Design – The Modern Law and Practice by Lan Morris and Barry Quest (1987
edition) (Butterworths)

Patent for Inventions and the Protection of Industrial Designs by Thomas A.
Balanco White, 1974 Edition (Stevens & Sons)

Russell – Clarke on Industrial Designs (6th Edition) 1998 by Martin Howe
(Sweet & Maxwell)

Taxmann's Trade Marks, Passing Off & Geographical Indications of Goods –
Law & Procedure by D.P. Mittal (Taxmann Allied Services)

Copyright Act, 1957

The Designs Act, 2000

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 field of cyber laws.
- To develop the attribute in society to identify and eliminate cybercrime.

OUTCOME

This course enables students:

- To correlate 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)

Introduction to Information Technology
UNCITRAL Model Law
An Overview of the Information Technology Act
Information Security
Application

Module – II (1 Credit)

Digital Signatures and Certificates
Electronic Governance
Certifying authority
Software Protection

Module – III (1 Credit)

Comparative Study Relating to Cyber Laws - United Nations, India, U.S.A, Europe and
China
Cyber Security
Jurisdictional Issues in Transnational Crimes

Module – IV (1 Credit)

Formation of E – Contracts - Validity and Enforcement
Emerging New Legal Issues
Cyber Crimes - Penalties and Adjudication
Appellate Tribunal
Offences and Prosecution
Cyber Terrorism.
Social Media and Emerging Crimes

References: —

Cyber and E-Commerce, IT Act 2000 – Diwan Kapoor, (Bharat Publishers).

Law relating to Computers and Internet – Rahul Matthan (Butterworths).

Computer Crime – Nitant P. Trilokekar (Snow White)

Law of Internet – F. Lawrence Street Mark P. Grant, 2000
Edition, (Lexis Publication)

Taxmanns Law of Information Technology (Cyber Law)-D.P. Mittal.

SEMESTER – IV (FOUR CREDITS)

The Fourth Semester shall be of :

- Dissertation of 80 marks and Viva-voce of 20 marks (4 credits).
- For the balance 100 marks, the students would have the choice to select the topic for their project from the topics listed in the syllabus of the group opted, which will have interdisciplinary approach. Out of 100 marks (4 credits), 50 marks (2 Credits) would be for the project and 50 marks (2 credits) for Viva-voce.

TOPICS FOR CHOICE BASED CREDITS

1. Issues relating to Bio-piracy 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.
5. Copyright and Media Laws.
6. Trade Related Aspects of Intellectual Property Rights: A Viable Tool for the Enforcement of Benefit Sharing
7. WTO Negotiations on Geographical Indications and Their Potential Implications
8. Human Rights Perspective of Intellectual Property Rights.
9. Dispute Settlement Mechanism.

SUGGESTED READINGS:

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.

Intellectual Property (1999) edition) by W.R. Cornish, (Sweet & Maxwell)
International Legal Instruments, D.K. Agencies 1998. Intellectual Property
Rights CSIR Journal. International Legal Materials.

Intellectual Property (fifth ed.) Daoul Bainbridge First Indian Reprint 2003,
Pearson Education (Singapore) Pvt. Ltd., Indian Branch, Delhi.
Journal of the Indian Law Institute Journal of the Indian Society of
International Law; American Journal of International Law;
Monroe E. Price (Editor), Stefaan G. Verhulst (Editor), Broadcasting Reform
in India: Media Law from a Global Perspective (Law in India Series)
Peter Drahos: A Philosophy of Intellectual Property, 1996 Commons J.R.:
International Economics, 1934 5. Narayan: Intellectual Property rights, 2007
Ram Jethmalani D S Chopra, Cases and Materials on Media Law: A Book
on Indian Perspective, published by Thomas Reuters, published on 2012,
ISBN NO9381082367
WTO in the New Millennium – MVIRDC – by Arun Goyal

GROUP V – CRIMINAL LAW AND CRIMINAL ADMINISTRATION

OBJECTIVE

- To analyze the general principles of the Criminal law.
- In-depth study of theories of punishment.
- To analyze 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 the students 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 the ability to evaluate critically the contemporary criminal justice system and Concept of Decriminalization.

OUTCOME

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

- Gain in-depth knowledge and gain the ability to practice in criminal law and also Assist them to understand the nature and various issues regarding criminal administration.
- Acquire research oriented aptitude with regard to various topics under criminal legal system in India.
- Deal sensitively 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:**
 - Negligence
 - Physical Element in Crime- Actus Reus
- 4. Stages in Commission of Crime:**
 - Inchoate Crimes
 - Abetment and Criminal Conspiracy

Module- II (1 Credit)

- 5. Principle of Group Liability in Crime.**

6. Fundamental Principles of Criminal Jurisprudence:

Test of Criminality /Legality
Presumption of Innocence
Double Jeopardy
De Minimus Non Curat Lex
Mistake of Law and Mistake of Fact
Jus Necessitas

7. General Exceptions.

8. Right of Private Defense

Module – III (1 Credit)

9. Theories and kinds of punishment

10. Right to Protection of the accused

11. Strict Liability

Module – IV (1 Credit)

12. International Criminal Court

13. Concept of Decriminalisation

References :—

Glanville Williams : Criminal Law (The general part)
Jarome Hall : General Principles of Criminal Law
FitzGerald : Criminal Law and punishment
Moberly : Ethics of Punishment
Ram Chandra Nigam : Criminal Law
Tapas Kumar Banerjee : Back ground to Indian Criminal Law
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.
- To carry out a comparative study of Indian and International Penal laws.
- To gain legal awareness about Cyber crime and Information Technology Act, 2000

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 :

Offences Against the State
Offences Relating to Elections
Offences Relating to Religion
Offences Affecting the Public Health, Safety, Convenience,
Decency and Morals
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:

The Basic Concepts

Determining Factors of Juvenile Delinquency
Legislative Approaches - Indian Context
Juvenile Delinquency
Judicial Contribution
Implementation
Preventive Strategies

References :—

The Indian Penal Code, 1860
Ratanlal & Dhirajlal – Law of Crimes
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.
- The students acquire the ability to carry out a critical study of causes of crimes.
- The students gain the ability 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:

Pre-classical – classical – Neo classical
Cartographic School
Socialist School
Dr. Lombroso theory
Approach of Radical Criminologists

Module-II (1 Credit)

3. Multiple Factor theory.

4. Causes of Crimes:

Socio – Cultural
Physical
Economic
Psychological
Mass Media & Crime

Module-III (1 Credit)

5. Privileged Class Deviance and Indian Legal order:

Notion of Privileged Class Deviance
White Collar Crimes
Official Deviance
Police Deviance

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

Unethical Practices at the Indian bar
The Lentin Commission Report
The Press Council on unprofessional and unethical Journalism
Medical Malpractice

Module-IV (1 Credit)

7. Response of Indian Legal Order:

Vigilance Commission
Public Accounts Committee
Ombudsman
Commission of Enquiry
Prevention of Corruption Act, 1988

References :—

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

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

OBJECTIVES

- To forward deliberations among the students regarding notions of force, coercion and violence.
- Acquainting the students 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 & 19th centuries in India.
- To inculcate among students the ability 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:

Notions of ‘force’, ‘coercion’, ‘violence’

Distinctions: ‘symbolic’ violence, ‘institutionalized’, ‘violence’, ‘structural violence’

Legal order as a coercive normative order

Force-monopoly of modern law

Freedom of speech and incitement to violence

‘Collective political violence’ and legal order

Notion of ‘legal and extra- legal repression’

2. Approaches to Violence in India:

Religiously sanctioned structural violence: Caste and gender based

Ahimsa in Hindu, Jain, Buddhist, Christian and Islamic traditions in India.

Gandhiji’s approach to non-violence

Discourse on political violence and terrorism during colonial struggle

Attitudes towards legal order as possessed of legitimate monopoly over violence during the colonial period

Module - II (1 Credit)

3. Agrarian Violence and Repression:

The nature and scope of agrarian violence in the 18th-19th Centuries in India

Colonial legal order as a causative factor of collective political (agrarian) violence

The Telangana struggle and the legal order

The Report of the Indian Human Rights Commission on Arwal Massacre

Module - III (1 Credit)

4. Violence against the Weaker Sections:

Notion of Atrocities

Incidence of Atrocities

Uses of Criminal Law to combat Atrocities or contain aftermath of Atrocities

Violence Against Women and Children

Module - IV (1 Credit)

5. Caste/Communal Violence:

Incidence and courses of ‘communal’ violence

Findings of various commissions of enquiry

The role of police and para-military systems in dealing with communal violence

Operation of criminal justice system - trial in relation to communal violence

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

References :—

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

PAPER V - PENOLOGY: TREATMENT OF OFFENDERS (4 Credits)**OBJECTIVE**

- To forward deliberation among the students on definitions pertaining to penology, various theories of punishment.
- Acquainting the students with the issues relating to capital punishment.
- Acquainting students with the notions and approaches of sentencing.
- Acquainting students with nature of offenders.
- To inculcate among students the ability 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:

- Gain in-depth knowledge, pursue practice in criminal law and also assist them to understand the nature and theories of punishment

- Acquire research oriented aptitude with regard to various topics under criminal legal system in India.
- Deal sensitively with specific issues and challenges relating to effective implementation of laws and criminal jurisprudence.

Module - I (1 Credit)

1. Introductory:

Definition of Penology

2. Theories of Punishment:

Theories of Punishment

Retribution

Utilitarian prevention: Deterrence

Utilitarian: Intimidation

Behavioural prevention: Incapacitation

Behavioural prevention: Rehabilitation - Expiation

Classical Hindu and Islamic Approaches

Module - II (1 Credit)

3. The Problems of Capital Punishment:

Constitutionality of Capital Punishment

Judicial Attitudes towards Capital Punishment in India

An inquiry through the statute law

Law Reform Proposals

Module – III (1 Credit)

4. Approaches to Sentencing:

Alternatives to Imprisonment

Probation

Corrective labour

Fines

Collective fines

Juvenile Institutions

Rehabilitative Programmes

5. Sentencing:

Principal types of sentences in the Penal Code and special laws

Sentencing in white collar crime

Pre-sentence hearing

Sentencing for habitual offender

Summary punishment

Plea-bargaining

Module - IV (1 Credit)

6. Imprisonment:

The State of India's jails today

Prison Reforms in India

The disciplinary regime of Indian prisons

Classification of prisoners

Rights of prisoner and duties of custodial staff

Deviance by custodial staff

Open prisons

Judicial surveillance – basis – development reforms

References :—

Law Commission of India, Forty-Second Report Ch.3 (1971)

Responsibility and Punishment (1975)

Siddique A.S.- Criminology (1984) Eastern, Lucknow

S. Chhabbra - The Quantum of Punishment in Criminal Law (1970).

S.K. Shukla - —Sociology of Deviant Behaviour in 3 ICSSR

Survey of Sociology and Social Anthropology 1969-1979 (1986)

Tapas Kumar Banerjee - Background to Indian Criminal Law (1990),

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 understand the role of forensic science in the criminal justice system.
- To carry out research in field of forensic science and law.
- To gain exposure to 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:

Forensic Laboratories
 Forensic Biology
 Forensic Toxicology
 Forensic Anthropology
 Forensic Ballistics
 Forensic Documents
 Forensic Medicine

Module – III (1 Credit)

4. Modern Scientific Methods of Crime Control and Prevention:

Electrical Traps to catch thieves, burglars
 Truth Telling Drugs
 Lie Detector
 Atomat Breatha
 lyser Traffipax
 Camera
 Magnetic Gun
 Night Vision Binoculars
 Portable Bomb Sniffer

Detection of Note Forgery by use of ultra-violet rays

Module - IV (1 Credit)

5. Inter-state crimes and Criminals:

The problem of International Crime

International Co-operation

International Criminal Police Organisation (Interpol)

References :—

R. Deb.- Criminology, Criminal and Investigation.

Soderman And O'Connell-Modern Criminal Investigation

Dr. J. P. Modi -A Text Book of Medical Jurisprudence and Toxicology.

Nigel Morland -Science in Crime Detection.

The Indian Police Journal

International Criminal Police Review Journal

SEMESTER – IV (FOUR CREDITS)

The Fourth Semester shall be of :

- Dissertation of 80 marks and Viva-voce of 20 marks (4 credits).

- For the balance 100 marks, the students would have the choice to select the topic for their project from the topics listed in the syllabus of the group opted, which will have interdisciplinary approach. Out of 100 marks (4 credits), 50 marks (2 Credits) would be for the project and 50 marks (2 credits) for Viva voce.

TOPICS FOR CHOICE BASED CREDITS

Law of defamation & Freedom of speech

Study of Criminal behavior vis-à-vis increasing criminality

Tackling Collective Violence vis-à-vis Innovative Policing Techniques.

Ethical Issues & Medical Profession.

Cyber Crimes & Remedies.

Juvenile Justice System in India & Juvenile Psychology.

Corruption Laws & Elections in India.

White Collar Criminality & Corporate Crimes.

REFERENCES :—

Dr. Sethna: Society & The Criminal.

Dr. J P Modi: A Text book of Medical Jurisprudence & Toxicology

Moberly : Ethics of Punishment

S K Shukla: Sociology of Deviant Behaviour.

U. Baxi: Dissent, Development & Violence