

TUMKUR



UNIVERSITY

DEPARTMENT OF POST GRADUATE STUDIES AND RESEARCH IN LAW

Syllabi of LLM effective from 2023~2024

Under Choice Based Credit System (CBCS) and Outcome Based Education (OBE) Pattern as per UGC Guidelines



2023~24



Department of Post Graduate Studies and Research in Law

(LL.M) Syllabi 2023-2024

Choice Based Credit System (CBCS) and Outcome Based Education

Pattern as per UGC Guidelines

1. **Preamble:** The LL.M Curriculum 2023-2024 builds on the implementation of the Outcome Based Education along with the Choice Based Credit System (CBCS) and Grading System as per UGC Guidelines.

The syllabi of LL.M programmes of Tumkur University broadly meet the Model Curriculum norms for LL.M, prescribed by the UGC Model Curriculum. The syllabi aim to meet the objectives of requirement of Master Degree programme In Law, Critical Thinking, and legal Analysis, case studies and innovations, Global exposure and cross, cultural understanding (GECCU), Social Responsiveness and Ethics (SRE), Effective Communication (EC). Syllabi content have been finalized after several rounds of peer review meetings held at the departmental level, suggestions and opinion of the advisory committee and legal professionals were sought before finalization.

LL.M Programme Focus:

1.1 Programme Objectives (PEOs):

- To successfully integrate core, cross, functional and interdisciplinary aspects of legal theories, models and frameworks with the real-world practices and provide solutions to real world legal issues.
- To develop communication and Legal skills to excel in cross, functional, multidisciplinary, multicultural teams, to manage continuity, change, risk, ambiguity and complexity in the field of law.
- To make students behold the significance of Indian ethos and legal values in promoting decision making and exhibit value centered legal profession.
- To engage in successful career pursuits covering a broad spectrum of areas in society, nonprofit organizations, public policies, entrepreneurial ventures and engage in life, long, learning of law and legal acumen.

- To make students excel in their chosen fields for their legal competence, creativity and innovation, integrity and sensitivity to local and global issues of social relevance and earn the trust and respect of others as inspiring, effective and ethical leaders and social transformers in an inclusive society.

1.2 Programme Outcomes (POs):

At the end of the LL.M programme the learner will possess.

- **Gain expertise in specified field of law**, understand the law and the emerging concepts of law and reasoning. Applied to new situations to these principles of law and interpret them in the name of justice.
- **Understand and appreciate related modern case laws**, of both national and international level. Applied to local situation these principles of law in their search for justice.
- **Grasp the significance of law in society** and find appropriate interpretation and application.
- **Enable them in becoming policy makers in the field of law** by developing capacity to acquire and understand socio economic ethos of the country and world at large.
- **Generic and Domain Knowledge**, Ability to articulate, illustrate, analyze, synthesize and apply the knowledge of principles of legal works allied domains to real world complex legal issues.
- **Problem Solving and Innovation**, Ability to Identify, formulate and provide innovative solution frameworks to complex world and social problems by systematically applying legal tools and techniques.
- **Critical thinking**, Ability to conduct investigation of multidimensional legal problems using research-based knowledge and research methods to arrive at data driven decisions based on law.
- **Effective Communication**, Ability to effectively communicate in cross-cultural settings in technology mediated environments, especially in the area of dispute settlement.
- **Environment and Sustainability**, Ability to demonstrate legal knowledge of and need for sustainable development and assess the impact of legal decisions and problems on the societal, economic and environmental aspects.
- **Social Responsiveness and Ethics**, Ability to exhibit a broad appreciation of the ethical and value underpinnings of legal Social Responsiveness and Ethics, choices in a political, cross-cultural, globalized, digitized, socioeconomic environment and distinguish

between ethical and unethical behaviors and act with integrity.

- **Life Long Learning**, Ability to operate independently in new environment acquires modern legal knowledge and skills and assimilates them into the internalized knowledge and skills.

About LL.M (Professional) Programme

The LL.M . (Professional) Programme is a specialized educational offering designed to enhance the skills, knowledge, and leadership capabilities of senior-level professionals and executives in various fields. It is designed to cater to individuals who are already established in their careers and seek to stay ahead in a rapidly evolving economic and social landscape.

The LL.M. (Professional) Programme is designed to provide an immersive learning experience, combining theoretical concepts with real-world case studies and practical insights. Participants engage in interactive discussions, collaborate with peers from diverse backgrounds, and benefit from the expertise of experienced faculty members. By participating in this Programme, professionals can acquire new perspectives, deepen their knowledge base, broaden their networks, and gain skills necessary to drive organizational growth and success in today's dynamic and competitive world.

Eligibility:

A person who has completed his/her graduation in Law / LLB / B.L Degree from a recognized university.

1.3 Programme Specific Outcomes (PSOs):

It is expected that department of law define the PSOs for each specialization. PSOs shall also vary based upon the customized combination of Compulsory Paper Theory, Specific Paper Theory, Optional Elective Theory, Core Practical Project and Core Project Dissertation that they offer. Graduate Attributes (GAs), at the end of the LL.M programme the learner shall exhibit:

- GA1.** Competence in new and emerging Legal front and gain knowledge in recent development in law
- GA2.** Global Orientation
- GA3.** Proficiency in Communication, Collaboration, Teamwork and Leadership
- GA4.** Competence in Creativity and Innovation in the legal field.
- GA5.** Research and legal competitiveness

GA6. Inter-cultural competence/Communication skills

GA7. Case studies and Dispute Settlement

GA8. Professionalism, Ethical, Values Oriented and Socially responsible behavior.

PROGRAMME STRUCTURE

LLM programme shall have the following components, viz.,

- i) **Discipline Specific Core Courses (DSCC)** : DSCC are Compulsory Core Courses of the programme. A Discipline-Specific Course is a course that focuses on a specific subject or field of study. These courses are designed to provide students with a deep understanding of the theories, concepts, and practices within a particular discipline. This is the course which should compulsorily be studied by a candidate as a course requirement to complete their requirement of a degree in a said discipline of study. Therefore, Generic Core courses are mandatory and fundamental in nature. These courses cannot be substituted by any other courses.
- ii) **Discipline Specific Elective Courses (DSE)**: Elective courses offered under the core discipline of the study, Elective courses that are offered by the main discipline of study. A Core course may be a Subject Core if there is a choice or an option for the candidate to choose from a broad category (grouping) of subjects (specializations / electives).
- iii) **Open Elective Course (OEC)**: An elective course chosen from any other discipline/subject, with an intention to seek exposure beyond core course / discipline is called Open Elective Course. Open Elective will be a course the student will pursue beyond one's core discipline course.
- iv) **Dissertation/Research Project**: An elective course designed to acquire special /advanced knowledge; such as supplement study/ support study to a project work, and a candidate shall study such a course on his / her own, with an advisory support of a teacher / faculty member is called Dissertation / Research project. A dissertation allows students present

their findings in response to a question or proposition that they choose themselves.

v) **Massive Open Online Courses (MOOCs):** Massive Open Online Courses (MOOCs) are such online courses which are developed as per the pedagogy stated in the regulation (2018). Massive Open Online Courses (MOOCs) are free online courses available for anyone to enrol. MOOCs provide an affordable and flexible way to learn new skills, advance one's career and deliver quality educational experiences at scale.

1.4 Specializations Offered:

- BUSINESS LAW
- CRIMINAL LAW

Note:

- The University MAY NOT offer a specialization if a minimum of 30% of students are not registered for that specialization.

2.1 Dissertation/ Project Work:

Student in the second and fourth semester must take a discipline specific research project to understand the concepts of subject opted in specialization, and need to understand emerging trends in the judicial system, practical exposure and finding solutions to the socio-legal problem through proper research process. After successful completion of the project a student must submit the report to the department and have to undergo a Viva Voce before the panel of subject experts to acquire the degree in law.

The second semester Project Report shall be evaluated for 100 marks i.e 70 marks for report and 30 marks for Viva and consists of Doctrinal and Non-Doctrinal project. The fourth semester dissertation shall be evaluated for 200 marks i.e., 140 marks for project report evaluation by internal and external examiner and 60 marks for viva voce examination assessed by external examiners. The external viva voce shall be conducted after the theory exam of fourth Semester. Dissertation shall be submitted before the commencement of fourth semester theory examination.

Note: *In the interest of the environmental consideration students are encouraged to print their mini project/dissertation on both faces of the paper.*

3. Teaching pedagogy:

Students will be taught through a combination of lecture, readings, group discussions, case laws studies, audio video lectures, with a view to encourage them to develop their own legal reasoning and developing a path for success by improving the identified strengths and overcoming the limitations. Teaching shall include use of virtual mode whenever convenient.

- Practical/Field Work/Assignment are part of contact hours for the faculty and must be considered in the workload.
- Each course content shall have an indicative case studies which can be dealt in the class by the course instructor.
- The Department shall insist on submission and presentation of assignments by each student for internal assessment.
- Students and course instructor/s to involve either individually or in groups to interact together to enhance the learning and application skills.

Medium of Instruction:

The medium of Instruction and Evaluation shall be English only.

3.1 Workshops and Special Lecture:

The Department shall organize special lectures, workshops, Seminars, webinar, Academia Lecture series by inviting domain experts, judges, legal luminaries and jurists. The Department shall organize workshops on legal writing, other legal skills and career development/ motivational lectures/ classes, to improve the personality of students to improve their competitiveness and confidence level to face employment interviews.

3.2. Credit system of the programme:

Credit means the unit by which a course is measured.

- ✓ 1 hour lecture or 1 hour tutorial per week is equal to 1 credit and that of 2 hours practical is equal to 1 credit.
- ✓ Tutorial is not mandatory for all the courses. However, the concerned BoS shall decide the necessity for any Course.
- ✓ Courses with 3 to 6 credits shall be evaluated for 100 marks and courses with less than 3 credits, including practical, shall be evaluated for 50 marks

The following types of courses/activities constitute the programmes of study. Each of them will require a specific number of hours of teaching/guidance, field-based

learning/projects, internships, and community engagement and service.

Continuous Internal Evaluation (CIE):

- The course teacher shall prepare the scheme of Continuous Internal Evaluation before commencement of the term.
- The chairperson of the department shall approve the scheme of Internal Evaluation with or without modifications.
- For a 4 Credit Course there shall be a MINIMUM of TWO internal evaluations. The final scores shall be converted to 20 using an average of two formulas.
- For 2 Credit Course there shall be a MINIMUM of ONE CIE items. The final scores shall be converted to 10 marks
- CIE shall be spread through the duration of course and shall be conceptualized, executed, assessed and documented by the course teacher.

Continuous Internal Evaluation Methods: Course teachers shall opt for a Combination of one or more CIE methods listed below:

- Class Test
- Case Study
- Presentations
- Book Review
- Drafting a Policy Brief
- Drafting an Statutes/Acts Summary
- Literature Review
- Publishing a Research Paper

3.2.1 End Semester Evaluation (ESE):

The End Semester Evaluation (Summative Evaluation) for the Compulsory Paper Theory, Specific Paper Theory, Optional Elective Theory, Core Practical Project and Core Project Dissertation shall be conducted by Tumkur University, Tumkur.

I Year LL.M. Degree Programme Business Law/Criminal Law

(Choice Based Credit System)

Syllabus

Details (Course /Name)	Internal Assessment (ISA) Max. Marks	Semester Exam. (SEA) Max. Marks	Total Marks	Hrs. Per week	No. of Credits
I - SEMESTER					
Law And Social Transformation In India	30	70	100	05	05
Indian Constitutional Law: The New Challenges - I	30	70	100	05	05
Judicial Process	30	70	100	05	05
The Law Of Intellectual Property Rights - I	30	70	100	05	05
Environmental And Development: Policy And Law	30	70	100	05	05
II - SEMESTER					
Legal Education And Research Methodology	30	70	100	05	05
Indian Constitutional Law: The New Challenges - II	30	70	100	05	05
The Law of Intellectual Property Rights - II	30	70	100	05	05
Project Report	30	70	100	05	05
Elective - ADRS	30	70	100	05	05

Course Names with Codes:

Code	(Course /Name)
CPT – 1.1	LAW AND SOCIAL TRANSFORMATION IN INDIA
CPT – 1.2	INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES - I
CPT – 1.3	JUDICIAL PROCESS
SPT – 1.1	THE LAW OF INTELLECTUAL PROPERTY RIGHTS - I
SPT – 1.2	ENVIRONMENTAL AND DEVELOPMENT: POLICY AND LAW
CPT – 2.1	LEGAL EDUCATION AND RESEARCH METHODOLOGY
CPT – 2.2	INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES - II
SPT – 2.1	THE LAW OF INTELLECTUAL PROPERTY RIGHTS - II
CPP – 2.1	MINI PROJECT
OET – 2.1	ELECTIVE - ADRS

II Year LL.M. Degree Programme Business Law (Choice Based Credit System)

Syllabus

Details (Course /Name)	Internal Assessment (ISA) Max. Marks	Semester Exam. (SEA) Max. Marks	Total Marks	Hrs. Per week	No. of Credits
III - SEMESTER					
Banking Law	30	70	100	05	05
Legal Regulation Of Economic Enterprises	30	70	100	05	05
Information Technology Related Intellectual Property Rights	30	70	100	05	05
Law Of Export – Import Regulations	30	70	100	05	05
Elective - Human Rights Law	30	70	100	05	05
IV - SEMESTER					
Insurance Law	30	70	100	05	05
Corporate Finance	30	70	100	05	05
Investment Law	30	70	100	05	05
Dissertation	60	140	200	10	10

Course Names with Codes:

Code (Course /Name)

CPT – 3.1	BANKING LAW
CPT – 3.2	LEGAL REGULATION OF ECONOMIC ENTERPRISES
SPT – 3.1	INFORMATION TECHNOLOGY RELATED INTELLECTUAL PROPERTY RIGHTS
SPT – 3.2	LAW OF EXPORT – IMPORT REGULATIONS
OET – 3.1	ELECTIVE
CPT – 4.1	INSURANCE LAW
CPT – 4.2	CORPORATE FINANCE
SPT – 4.1	INVESTMENT LAW
CPD – 4.1	DISSERTATION

II Year LL.M. Degree Programme Criminal Law (Choice Based Credit System)

Syllabus

Details (Course /Name)	Internal Assessment (ISA) Max. Marks	Semester Exam. (SEA) Max. Marks	Total Marks	Hrs. Per week	No. of Credits
SEMESTER – III					
Criminology And Penology	30	70	100	05	05
Law Of Evidence	30	70	100	05	05
Juvenile Justice And Drug Addiction: Law And Policy	30	70	100	05	05
Forensic Science And Criminal Investigation Law	30	70	100	05	05
Elective – Cyber Law	30	70	100	05	05
SEMESTER – IV					
Human Rights And Criminal Justice System	30	70	100	05	05
International Criminal Law And Transnational Crime	30	70	100	05	05
Comparative Criminal Procedure	30	70	100	05	05
Dissertation	60	140	200	10	10

Course Names with Codes:

Code (Course /Name)

CPT – 3.1	CRIMINOLOGY AND PENOLOGY
CPT – 3.2	LAW OF EVIDENCE
SPT – 3.1	JUVENILE JUSTICE AND DRUG ADDICTION: LAW AND POLICY
SPT – 3.2	FORENSIC SCIENCE AND CRIMINAL INVESTIGATION LAW
OET – 3.1	ELECTIVE – CYBER LAW
CPT – 4.1	HUMAN RIGHTS AND CRIMINAL JUSTICE SYSTEM
CPT – 4.2	INTERNATIONAL CRIMINAL LAW AND TRANSNATIONAL CRIME
SPT – 4.1	COMPARATIVE CRIMINAL PROCEDURE
CPD – 4.1	DISSERTATION

Detailed Syllabus:

SEMESTER – I

1. LAW AND SOCIAL TRANSFORMATION IN INDIA

OBJECTIVES OF THE COURSE:

This course is designed to offer the teacher and the taught with – (a) awareness of Indian approaches to social and economic problems in the context of law as a means of social control and change; and (b) a spirit of inquiry to explore and exploit law and legal institutions as a means the students aware of the role the law has played and has to play in the contemporary Indian society. The following syllabus prepared with this perspective will be spread over a period of one semester.

CHAPTER-01: LAW AND SOCIAL CHANGE

1.1. Law as an instrument of social change.

1.1. 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.

CHAPTER-02: RELIGION, LANGUAGE, COMMUNITY, REGIONALISM AND THE LAW

2.1. Religion and the Law

2.1.1. Religion as a divisive factor.

2.1.2. Secularism as a solution to the problem.

2.1.3. Reform of the law on secular lines: Problems.

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

2.1.5. Religious minorities and the law

2.2. Language and the Law

2.2.1. Language as a divisive factor: formation of linguistic states.

2.2.2. Constitutional guarantees to linguistic minorities.

2.2.3. Language policy and the Constitution: Official language; Multi-language system.

2.2.4. Non-discrimination on the ground of language.

2.3. Community and the Law

2.3.1. Caste as a divisive factor.

2.3.2. Non-discrimination on the ground of caste.

2.3.3. Acceptance of caste as a factor to undo past injustices.

2.3.4. Protective discrimination: Scheduled castes, tribes and backward classes.

2.3.5. Reservation; Statutory Commissions., Statutory provisions.

2.4. Regionalism and the Law

2.4.1. Regionalism as a divisive factor.

2.4.2. Concept of India as one unit.

2.4.3. Right of movement, residence and business; impermissibility of state or

regional barriers.

2.4.4. Equality in matters of employment; the slogan “Sons of the soil” and its practice.

2.4.5. Admission to educational institutions; preference to residents of a state.

CHAPTER-03: WOMEN/CHILDREN AND THE LAW

3.1. Women and the Law

3.1.1. Crimes against women.

3.1.2. Gender injustice and its various forms.

3.1.3. Women’s Commission

3.1.4. Empowerment of women; Constitutional and other legal provisions.

3.2. Children and the Law

3.2.1. Child Labour

3.2.2. Sexual Exploitation

3.2.3. Adoption and related problems

3.2.4. Children and Education.

CHAPTER-04: MODERNISATION AND THE LAW

4.1. Modernization as a value: Constitutional perspectives reflected in the Fundamental Duties.

4.2. Modernization of social institutions through law.

4.2.1. Reform of family law

4.2.2. Agrarian reform – Industrialization of agriculture.

4.2.3. Industrial reform: Free enterprise v. State regulation – Industrialization v. Environmental protection.

4.3. Reform of court processes.

4.3.1. Criminal Law: Plea bargaining; compulsory and payment of compensation to victims

4.3.2. Civil Law (ADR) Confrontation v. consensus; mediation and conciliation; Lok Adalats.

4.3.3. Prison reforms.

4.4. Democratic decentralization and Local self-government.

CHAPTER-05: ALTERNATIVE APPROACHES TO LAW

5.1. The jurisprudence of Sarvodaya, Gandhiji, Vinoba Bhave; Jayaprakash Narayan - Surrender of dacoits; Concept of grama nyayalayas.

5.2. Socialist thought on law and justice; An enquiry through

5.3. Indian Marxist critique of law and justice.

5.4. Naxalite movement: causes and cure.

Suggested Readings:

1. Bhat Ishwar P., Law and Social Transformation (Lucknow: Eastern Books Company, 2009)
2. W. Friedman, Law is a Changing Society (Universal Law publishing Co. Ltd., 2008), ISBN-978-81-7534-237-8
3. Upendra Baxi, The crisis of Indian Legal System (Vikas Publications, 1982) ISB - 9780706913699
4. Marc Galanter Led, Law and society in Modern India (Oxford paperbacks) ISBN-978-0195632057
5. Robert Hengat, The Classical Law of India (Oxford University Press, 1998), ISBN 0195645359 Upendra Baxi, Law, Equity & Justice: Struggle for New Social Order (EBC Publishing (P) (Ltd) Steven Vago, Law & Society (2011), ISBN – 0205820387
6. M.P Jain , Outlines of Indian Legal and Constitutional History (2009), ISBN – 978 -91 - 8038 284 - 2
7. Robert F Magher (ed.) Law Society Change, India - American Reflections (198), N M Tripathi
8. D. R Saxsena Led., Law, Justice and Social Change, Deep & Deep Publications (1996), ISBN-8171008038
9. ISBN-8171008038
10. Flavia Agnes, Law and Gender inequality; The Politics of Women's Right in India, Oxford (1999), ISBN - 019564587
11. Dhacar Dernet, The State, Religion and Law in India (1999) Oxford University Press, ISBN-978-019564587.
12. Sunil Desha, Law and Menace of Child Labour (2000) Anmol Publications, ISBN - 812610693

2. INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES - I

OBJECTIVES OF THE COURSE:

The Constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes. The post graduate students in law who had the basic knowledge of Indian Constitutional Law at LL.B., level, should be exposed to the new challenges and perspectives of constitutional development while they are allowed to choose an area of law for specialization. Obviously, rubrics under this paper require modification and updating from time to time. The following syllabus prepared with this perspective will be spread over a period of one semester.

CHAPTER-01: 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. Rehabilitation of internally displaced persons.
- 1.4. Centre is responsibility and internal disturbance within States.
- 1.5. Directions of the Centre to the State under Article 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, Schedules Areas.

CHAPTER-02: "STATE": NEED FOR WIDENING THE DEFINITION IN THE WAKE OF LIBERALISATION.

CHAPTER-03: RIGHT TO EQUALITY: PRIVATISATION AND ITS IMPACT ON AFFIRMATIVE ACTION.

CHAPTER-04: EMPOWERMENT OF WOMEN

CHAPTER-05: 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.

Suggested Readings:

1. Constitutional Law of India
2. H.M. Seervai, Constitutional Law of India (1991), Tripathi, Bombay.
3. Sudha Bhatnagar, Union-State Financial Relations and Finance Commissions, (1979)
4. Ashok Chandra, Federalism in India, (1965)
5. V.D. Sebastian, Indian Federalism: The Legislative Conflicts Chs. 6,7 and 8 (1980).
6. Chandrapal, Centre-State Relations and Cooperative Federalism, Chs. 5 and 8 (1983)
7. G.C.V. Subba Rao, Legislative Powers in Indian Constitution Law, Chs. 37, 38, 39 (1982)
8. Daniel J. Elazar, American Federalism, Chs. 3 and 4 (1984)
9. K.P. Krishna Shetty, The Law of Union-State Relations and the Indian Federalism Ch.9 (1981)
10. Administrative Reforms Commission on Centre-State Relationship Ch. 3 (1969)
11. Constituent Assembly Debates Vol. 9, 203, 240 and 302-349; Vol. 10, 325-342.
12. D.T. Lakadwala, Union-State Financial Relations (1967)
13. M.P. Jain, Indian constitutional Law (1994), Wadhwa.
14. K. Subba Rao, The Indian Federation (1969)
15. K.C. Wheare, Federal Government (1963)

3. JUDICIAL PROCESS

OBJECTIVES OF THE COURSE:

A lawyer, whether academic or professional, is expected to be competent to analyse and evaluate the legal process from a broader juristic perspective. Hence, a compulsory paper on Judicial Process is essential in the LL.M., curriculum. The objective of this paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change. Since, the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This paper,

therefore, intends to familiarize the students with various theories, different aspects and alternative ways, of attaining justice. The following syllabus prepared with the above perspective will spread over a period of one semester.

CHAPTER-01: 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.

CHAPTER-02: SPECIAL DIMENSIONS OF JUDICIAL PROCESS IN CONSTITUTIONAL ADJUDICATIONS.

- 2.1. Notions of Judicial Review.
- 2.2. ‘Role’ in constitutional adjudication – various theories of judicial role.
- 2.3. The tools and techniques in policy-making and creativity in constitutional adjudication
- 2.4. Varieties of judicial and juristic activism
- 2.5. Problems of accountability and judicial law-making.

CHAPTER-03: 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 value – New dimensions of judicial activism and structural challenges.
- 3.5. Institutional liability of courts and judicial activism-scope and limits.

CHAPTER-04: THE CONCEPTS 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.

CHAPTER-05: 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.

Suggested Readings:

1. A. Lakshminath, *Precedent in Indian Law: Judicial Process* (2009).
2. Aharon Barak, *Purposive Interpretation in Law* (2005).
3. Aharon Barak, *The Judge in a Democracy* (Princeton University Press, 2008).
4. B.N. Cardozo, *The Nature of the Judicial Process* (1964).
5. Bernard C. Gavit, Ralph F. Fuchs, *Cases and Materials on an Introduction to Law and the Judicial Process* (1952).
6. Bodenheimer, *Jurisprudence: The Philosophy and Method of the Law* (2006).
7. Cass R. Sustein, *A Constitution of Many Minds: Why the Founding Documents Doesn't Mean What It Meant Before* (Princeton University Press, 2009).
8. Craig R. Ducat, *Constitutional Interpretation* (2004).
9. Duncan Kennedy, *A Critique of Adjudication* (Harvard University Press, 1998).
10. Duncan Kenney, *Legal Reasoning: Collected Essays* (2008).
11. Edward H. Levi, *Introduction to Legal Reasoning* (1972).
12. F.A.R. Bennion, *Statutory Interpretation* (1992).
13. F.S. Nariman, *Before Memory Fades: An Autobiography* (2010).
14. George H. Gadbois, Jr., *Judges of the Supreme Court of India: 1950 – 1989* (OUP, 2011).
15. Jeffrey Goldsworthy, *Interpreting Constitutions: A Comparative Study* (OUP, 2006).
16. Lloyd L. Weinreb, *Legal Reason: The Use of Analogy in Legal Argument* (Cambridge University Press, 2005).
17. Martin Philip Golding, *Legal Reasoning* (2001).
18. Mauro Cappellletti, *The Judicial Process in Comparative Perspective* (Clarendon Press: Oxford, 1989).
19. Morris R. Cohen and Felix S. Cohen, *Readings in Jurisprudence and Legal Philosophy* (Ninth Printing, Little Brown and Co.). P. St. J. Langan, *Maxwell on The Interpretation of Statutes* (2004).
20. Rajeev Dhavan and Alice Jacob, *Selection and Appointment of Supreme Court Judges: A Case Study* (1978).
21. Roscoe Pound, *Law Finding Through Experience and Reason* (University of Georgia Press, Athens, 1960).
22. Rupert Cross, J W Harris, *Precedent in English Law* (Clarendon Law Series, 1991).
23. S.P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (2003).
24. Shimon Shetreet and Christopher Forsyth, *The Culture of Judicial Independence: Conceptual Foundations and Practical Challenges* (Martinus Nijhoff Publishers, 2011).
25. Shimon Shetreet and Jules Deschenes (eds.), *Judicial Independence: The Contemporary Debate*, (Martinus Nijhoff Publishers, 1985).

26. Sudhanshu Ranjan, Justice, Judocracy and Democracy in India: Boundaries and Breaches (Routledge, 2012).
27. Upendra Baxi, Courage, Craft and Contention: The Indian Supreme Court in the Eighties (1985).

4. THE LAW OF INTELLECTUAL PROPERTY RIGHTS - I

OBJECTIVES OF THE COURSE:

The concept of intellectual property rights as developed in India cannot be divorced from the developments in the international arena as well as in the nation-to-nation relations. The impact of IPR regime on the economic front is emphasized in this paper. In particular, greater attention would be given here to the law relating to unfair and restrictive trade practices as affecting the regime of intellectual property rights. New areas of development, especially plant patenting and patenting of new forms of life (biotechnology) should receive special attention. Evidentiary aspects of infringement and human right dimensions of the regime of intellectual property law also being addressed.

CHAPTER - 01: NATURE AND VALUE OF INTELLECTUAL PROPERTY RIGHTS

- 1.1. Concept of Intellectual Property – Importance and kinds of Intellectual Property Rights (IPRs).
- 1.2. Evolution of Intellectual Property Rights and Justification of Legal Protection of IPRS.
- 1.3. Internationalization of IPRs.
- 1.4. Infringement and Remedies.

CHAPTER - 02: GROWTH AND PURPOSE OF PATENTS

- 2.1. Evolution of Patents – Justifying Patent System
- 2.2. International Patent System.
- 2.3. Grant of Patents: Formalities and Procedures in U.K. and U.S.
- 2.4. Grant of Patents under Indian Law.

CHAPTER - 03: VALIDITY OF PATENTS AND PATENTABLE SUBJECT MATTER

- 3.1. Patentable Subject Matters.
- 3.2. Patenting of Life Forms – Micro & Macro Organisms.
- 3.3. Plant Variety Protection and Formers Rights.
- 3.4. Traditional Knowledge.

CHAPTER - 04: RIGHTS OF PATENTEES

- 4.1. Rights of Owners and Assignees of Patents.
- 4.2. Licensing and Compulsory Licenses.
- 4.3. Infringement and Remedies.
- 4.4. Securing Evidence of Infringement.

CHAPTER - 05: INTERNATIONAL PROTECTION OF PATENTS

- 5.1. Trade Related Aspects of Intellectual Property Agreement.
- 5.2. Impact of TRIPS on Indian Patent Law.

5.3. Internationalization of Patent Protection and WIPO (World Intellectual Property Organization) and Patent Protection.

5.4. Patent Cooperative Treaty

5.5. TRIPS and Human Rights.

Suggested Readings:

1. W.R.Cornish – *Intellectual Property Rights*, Sweet and Maxwell, 2006.
2. Paul Torremenasced Jan Holyoak - *Intellectual Property Law* – (Butterworth 1998).
3. Catharine Colson - *Principles of Intellectual Property Law*
4. P. Narayanan - *Intellectual Property Law* – Calcutta (Eastern Law House).
5. P. Narayanan – *Patent Law*, 3rd ed., (Eastern Law House).
6. K.V.Swsaminathan – *Guiding Principles in the decisions on Patent Law* (Delhi: Bihari Brother, 2000)
7. N.R. Subbarman – Patent Law (Madras MLJ, 2000)
8. Donal S. Chishum, C.A., Nard, H.F.Schwartz, ed(ed.)_ *Principles of Patent Law: case and materials*, (New York: Foundations Press, 1998).
9. Copinger and Skone James – *Copy right* 13th ed., (Sweet and Maxwell – London.)
10. Bibek Debroy (ed.) - *Intellectual Property Rights*.

5. ENVIRONMENT & DEVELOPMENT: POLICY AND LAW

OBJECTIVES OF THE COURSE:

The concept of environment lay embedded in ancient ethos. Throughout the centuries there were invisible processes working for the maintenance and improvement of environment. Towards the close of the last millennium one finds widening dimensions of environment. Towards the close of the last millennium one finds widening dimensions of environmental protection strategies. There gained ground the environmental consciousness. How do these developments stand reflected in formulation of policies and in following constitutional values in India? This is the thrust of the paper. The following syllabus prepared with this perspective will be spread over a period of one semester.

CHAPTER-01: THE IDEA OF ENVIRONMENT

- 1.1. Ancient and medieval writings.
- 1.2. Traditions.
- 1.3. Natural and biological sciences: perspectives.
- 1.4. Modern concept: Conflicting dimension.

CHAPTER-02: DEVELOPMENT

- 2.1. Theories of development.
- 2.2. Right to development.
- 2.3. Sustainable development-national and international perspectives.
- 2.4. Developing economics.

CHAPTER-03: POLICY AND LAW

- 3.1. From Stockholm to Rio and after.
- 3.2. Post-Independence India.
- 3.3. Role of government.

- 3.3.1. Five Year Plans.
- 3.3.2. Forest Year Plans.
- 3.3.3. Forest Policy.
- 3.3.4. Conservation strategy.
- 3.3.5. Water Policy.

CHAPTER-04: POPULATION, ENVIRONMENT AND DEVELOPMENT

- 4.1. Population explosion and environmental impact.
- 4.2. Population and development.
- 4.3. Population and sustainable development.

CHAPTER -05: CONSTITUTIONAL PERSPECTIVES

- 5.1. Fundamental Rights.
 - 5.1.1. Right to environment.
 - 5.1.2. Enforcement of the right.
 - 5.1.3. Directive principles and fundamental duties.
 - 5.1.4. Legislative power.
- 5.2. Environmental: Emerging concepts and challenges.
 - 5.2.1. Polluter pay principles.
 - 5.2.2. Precautionary principles.
 - 5.2.3. Public Trust doctrine.

Suggested Readings:

1. Environmental Law & Policy in India – Shyam Diwan, Armin Rosencranz
2. Environmental Law in India – P. Leelakrishnan
3. PIL and Environmental Protection-Geetanjali Chandra
4. The Water (Prevention and Control of Pollution) Act, 1974
5. The Air (Prevention and Control of Pollution) Act, 1981
6. V.R. Krishna Iyer, Environment Pollution and Law
7. Richard L. Riversz, et al. (eds.) Environmental Law, the Economy
8. Sustainable Development (2000), Cambridge.
9. S.K.Nanda, Environmental Law, 2007
10. Relevant Bare Acts/Notifications.
11. Paras Diwan: Studies on Environmental Cases.
12. Lal's Commentaries on Water and Air Pollution and Environment Protection Laws

SEMESTER – II

1. LEGAL EDUCATION AND RESEARCH METHODOLOGY

OBJECTIVES OF THE COURSE:

A post-graduate student of law should get an insight into the objectives of legal education. He should have an exposure to programmes like organization of seminars, publication of law journals and holding of legal aid clinics.

Law is taught in different ways in different countries. The LL.M., course, being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarize himself with the different systems of legal education. The lecture method both at LL.B., level and LL.M., level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problem method, discussion method, seminar method and a combination of all these methods. The student has to be exposed to these methods so as to develop his skills.

Growth of legal science in India depends on the nature and career of legal research. The syllabus is designed to develop also skills in research and writing in a systematic manner.

CHAPTER-01: INTRODUCTION

- 1.1. Objectives of Legal Education.
- 1.2. Lecture Method of Teaching – Merits and Demerits.
- 1.3. The Problem Solving Method.
- 1.4. Discussion Method and its Suitability at Post - Graduate Level Teaching.
- 1.5. The Seminar Method of Teaching - Examination System And Problems in Evaluation - External and Internal Assessment - Student Participation in Law School Programmes - Organisation of Seminars, Publication of Journal and Assessment of Teachers.
- 1.6. Clinical Legal Education – Legal Aid, Legal Literacy, Legal Survey and Law Reform.

CHAPTER-02: RESEARCH METHODS

- 2.1. Socio Legal Research
- 2.2. Reflective thinking, Science and Research
- 2.3. Induction and Deduction
- 2.4. Doctrinal and Non-Doctrinal.
- 2.5. Relevance of Empirical Research.

CHAPTER-03: IDENTIFICATION OF PROBLEM OF RESEARCH

- 3.1. Research Problem.
- 3.2. Survey of available literature and bibliographical research.
 - 3.2.1. Legislative materials including subordinate legislation, notification and policy statements.
 - 3.2.2. 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-rules; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof.
 - 3.2.3. Juristic writings-a survey of juristic literature relevant to select problems in India and foreign periodicals.
 - 3.2.4. Compilation of list of reports or special studies conducted relevant to the problem.

CHAPTER-04: PREPARATION OF THE RESEARCH DESIGN

- 4.1. Formulation of the Research problem.
- 4.2. Devising tools and techniques for collection of data Methodology.

- 4.2.1 Methods for the collection of statutory and case materials and juristic literature.
- 4.2.2. Use of historical and comparative research materials.
- 4.2.3. Use of observation studies.
- 4.2.4. Use of questionnaires/interview.
- 4.2.5. Use of case studies.
- 4.2.6. Sampling procedures – design of sample, types of sampling to be adopted.
- 4.2.7. Use of scaling techniques.
- 4.3. Classification and tabulation of data – use of cards for data
Collection – Rules for tabulation, Explanation of tabulated data.
- 4.4. Analysis of data.

CHAPTER-05: JURIMETRICS

- 5.1. Quantitative Analysis of Legal System, Predictive Modeling.
- 5.2. Legal Analysis, Decision Making and Policy Development.
- 5.3. Computerized Research-A study of legal research Programs such as Lexis and West law coding.
- 5.4. Artificial Intelligence and Judicial process.

Suggested Readings:

1. Good & Hatt (1952) – Methods in Social Research, New York: McGraw Hill Book Co.
2. Young, Pauling, V (1973) – Scientific Social Surveys & Research, Delhi, Prince Hall of India Pvt., Ltd.
3. Jahoda - Research in Social Science: Theories of Research.
4. Upendra Baxi (1975) – Socio –Legal Research on India: A programs chirift, ICSSR 12, Occasional Monograph.
5. Black James, A. & Champion, Dean, J. (1976) – Methods and Issues in Social Research (John Wiley and Sons, Inc., N.Y.)
6. Ervin, H. Pollack (1967) – Fundamentals of Legal Research.
7. Goode William J. and Hatt Paul K., Methods in Social Research, McGraw-Hill Book Company, London (1981)
8. Harvard Law Review Association, The Blue Book: A Uniform System of Citation, 18th Edition (2008)
9. S.K.Verma and M. Afzal Wani (ed), Legal Research and Methodology, 2nd Edition, ILLI Publication (2009)
10. Jonathan Anderson, Poole Millicent E., Thesis and Assignment Writing, John Wiley & Sons Inc. (2002)

2. INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES - II

OBJECTIVES OF THE COURSE:

The Constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes. The post graduate students in law who had the basic knowledge of Indian Constitutional Law at LL.B., level, should be exposed to the new challenges and

perspectives of constitutional development while they are allowed to choose an area of law for specialization. Obviously, rubrics under this paper require modification and updating from time to time. The following syllabus prepared with this perspective will be spread over a period of one semester.

CHAPTER-01: EMERGING REGIME OF NEW RIGHTS AND REMEDIES

1.1 Reading Directive Principles and fundamental Duties into Fundamental Rights

1.1.1 Compensation jurisprudence.

1.1.2 Right to education.

1.1.2.1. Commercialization of education and its impact.

1.1.2.2. Brain drain by foreign education market.

CHAPTER-02: RIGHT OF MINORITIES TO ESTABLISH AND ADMINISTER EDUCATIONAL INSTITUTIONS AND STATE CONTROL.

CHAPTER -03: SECULARISM AND RELIGIOUS FANATICISM

CHAPTER-04: SEPARATION OF POWERS: STRESSES AND STRAIN

4.1 Judicial activism and judicial restraint.

4.2 PIL: Implementation.

4.3 Judicial Independence

4.3.1. Appointment, transfer and removal of judges.

4.4. Accountability: executive and judiciary.

4.5 Tribunals

CHAPTER-05: DEMOCRATIC PROCESS

5.1 Nexus of politics with criminal and the business.

5.2 Election.

5.3 Election commission: status.

5.4 Electoral Reforms

5.5 Coalition government, 'stability, durability, corrupt practice'

5.6 Grass root democracy.

Suggested Readings:

1. Constitutional Law of India
2. H.M. Seervai, Constitutional Law of India (1991), Tripathi, Bombay.
3. Sudha Bhatnagar, Union-State Financial Relations and Finance Commissions, (1979)
4. Ashok Chandra, Federalism in India, (1965)
5. V.D. Sebastian, Indian Federalism: The Legislative Conflicts Chs. 6,7 and 8 (1980).
6. Chandrapal, Centre-State Relations and Cooperative Federalism, Chs. 5 and 8 (1983)
7. G.C.V. Subba Rao, Legislative Powers in Indian Constitution Law, Chs. 37, 38, 39 (1982)
8. Daniel J. Elazar, American Federalism, Chs. 3 and 4 (1984)
9. K.P. Krishna Shetty, The Law of Union-State Relations and the Indian Federalism Ch.9 (1981)

10. Administrative Reforms Commission on Centre-State Relationship Ch. 3 (1969)
11. Constituent Assembly Debates Vol. 9, 203, 240 and 302-349; Vol. 10, 325-342.
12. D.T. Lakadwala, Union-State Financial Relations (1967)
13. M.P. Jain, Indian constitutional Law (1994), Wadhwa.
14. K. Subba Rao, The Indian Federation (1969)
15. K.C. Wheare, Federal Government (1963)

3. THE LAW OF INTELLECTUAL PROPERTY RIGHTS - II

OBJECTIVES OF THE COURSE:

The concept of intellectual property rights as developed in India cannot be divorced from the developments in the international arena as well as in the nation-to-nation relations. The impact of IPR regime on the economic front is emphasized in this paper. In particular, greater attention would be given here to the law relating to unfair and restrictive trade practices as affecting the regime of intellectual property rights. New areas of development, especially plant patenting and patenting of new forms of life (biotechnology) should receive special attention. Evidentiary aspects of infringement and human right dimensions of the regime of intellectual property law also being addressed.

CHAPTER -01: COPY RIGHTS LAW – I

- 1.1. Concept of Copyright, Evolution of Law Relating to Copyright in U.K., Europe, U.S.A. and India.
- 1.2. International Conventions on Copyright.
- 1.3. Works in which Copyright Subsists.
- 1.4. Neighboring Rights – Performers Rights and Broad Cast Rights.

CHAPTER - 02: COPY RIGHT LAW – II

- 2.1. Copyright in Computer Software, Video Films, Telecast Rights.
- 2.2. Authorship and moral Rights and Registration of Copyrights and Term of Copyright.
- 2.3. Infringement of Copyright and Exceptions.
- 2.4. Remedies against Infringement of Copyright.

CHAPTER - 03: LAW RELATING TO TRADE MARKS

- 3.1. Trade Marks and their functions in Modern Society.
- 3.2. Registration of Trade Marks and Rights of Owners.
- 3.3. Deceptively Similar Trade Marks and Passing off.
- 3.4. Infringement of Trade Marks and Remedies.
- 3.5. Challenges of Registering Non Conventional Trade Marks.

CHAPTER - 04: DOMAIN NAMES AND GEOGRAPHICAL INDICATIONS

- 4.1. Nature and Value of Domain Names- Registration of Domain Names.
- 4.2. Domain Name Dispute Resolution
- 4.3. Geographical Indications and International Law
- 4.4. Legal Protection of Geographical Indications in India.

CHAPTER ~ 05: LAW RELATING TO CONFIDENTIAL INFORMATION AND INTEGRATED CIRCUITS

5.1. Confidential Information: Historical & Conceptual Bases of Law Relating to Confidential Information.

5.2. Trade Secrets and Technical Know How.

5.3. Law Relating to Integrated Circuits.

5.4. Remedies against Misuse and Piracy of Integrated Circuits.

Suggested Readings:

1. W.R.Cornish – Intellectual Property,(London: Sweet and Maxwell, 1999, 4th ed.)
2. P. Narayanan - Intellectual Property Law.
3. P. Narayanan – Law of Trade Marks and Passing off.
4. Shavaksha – Trademarks Act 1998 ed. (M.N.Tripahty Bombay)

4. PRACTICALS: DOCTRINAL AND NON-DOCTRINAL RESEARCH

(i) DOCTRINAL RESEARCH

Each student is assigned in advance a separate topic and asked to collect materials. A period of 5-7 days can be, set apart for carrying out his assignment in the library. The materials indicated or collected during the assignment shall be evaluated by a group of faculty members.

(ii) NON-DOCTRINAL RESEARCH

Here the students are asked to go out of the class room and library and make an empirical study of a problem which has legal, social, economic, moral or political dimension. Field data can be collected through any modes. The results are to be assessed by a team of faculty members.

Students are expected to submit projects/dissertation at the end of second and forth semesters respectively. Paper 9 is for 100 marks with 5 credits, consists of two mini projects with 50 marks each. Each mini project shall not exceed more than hundred pages. Students are free to select the topic of their choices. The topic shall be of first or second semester subjects in connection with their specialisation areas or any topic with the contemporary legal relevances. The project must be prepared with at most care and sincerity. The project may be a forerunner for the students future Ph.D thesis.

Most research begins with a question. Think about which topics and theories you are interested in and what you would like to know more about. Think about the topics and theories you have studied in your program. Is there some question you feel the body of knowledge in the legal field does not answer adequately or requires changes. What are the challenge's to be met with?

Once you have a question in mind, begin looking for information relevant to the topic and its theoretical framework. Read everything you can-academic research, trade literature, case laws, law journals, and information in the popular press and on the Internet and relevant websites.

As you become well-informed about your topic and prior research on the topic, your knowledge should suggest a purpose for your thesis/dissertation. When you can articulate this purpose clearly, you are ready to write your prospectus/proposal. This document specifies the purpose of the study, significance of the study, a tentative review of the literature on the topic and its theoretical framework (a working bibliography must be prepared) your research questions and/or hypotheses, and how you will collect and analyze your data (work out the methodology and plan of action) Obviously, the next steps are collecting and analyzing data,

writing up the findings, and composing the final chapter. Each thesis or dissertation is unique but all share several common elements.

Dissertation must consist of Purpose and Significance of the Study, clearly state what the purpose of the study is and explain the study's significance. The significance is addressed by discussing how the study adds to the theoretical body of knowledge in the law field and the study's practical significance for professionals in the legal field being examined. Candidates also must explain how their research makes an original contribution to the body of knowledge in their discipline. They also should address the significance of the study first legal education and usefulness for the legal fraternity. Without a clearly defined purpose and strong theoretical grounding, the thesis or dissertation is fundamentally flawed from the outset.

The purpose of the study should suggest some theoretical framework to be explained. The literature review thus describes and analyzes previous research on the topic. However, should not merely string together what other researchers have found. Rather, you should discuss and analyze the body of knowledge with the ultimate goal of determining what is known and is not known about the topic. This determination leads to your research questions and/or hypotheses. In some cases, of course, you may determine that replicating previous research is needed.

Methodology describes and justifies the data gathering method used. The students are expected to outline how data are analysed. Begin by describing the method you chose and why this method was the most appropriate. In doing so, one should cite reference literature about the method.

Next, detail every step of the data gathering and analysis process. Although this section varies depending on method and analysis technique chosen, many of the following areas typically are addressed: description of research design internal validity external validity description of population and description of and justification for type of sample used or method for selecting units of observation development of instrument or method for making observations (e.g., question guide, categories for content analysis) pre-test reliability and validity of instrument or method administration of instrument or method for making observations (e.g., interviews, observation, content analysis), coding of data, description of data analysis, statistical analysis and tests performed, identification of themes/categories (qualitative or historical research)

Usually one begin by outlining any descriptive or exploratory/confirmatory analyses (e.g., reliability tests, factor analysis) that were conducted. The student next address the results of the tests of hypotheses. Try to discuss any ex post facto analysis. Tables and/or figures should be used to illustrate and summarize all numeric information. For qualitative and historical research, this chapter usually is organized by the themes or categories uncovered in your research. If one has conducted focus groups or interviews, it is often appropriate to provide a brief descriptive (e.g., demographic) profile of the participants first. Direct quotation and paraphrasing of data from focus groups, interviews, or historical artifacts then are used to support the generalizations made. In some cases, this analysis also includes information from field notes or other interpretative data (e.g., life history information). In conclusion findings are examined. In other words, what are the study's practical implications? Doctoral students also should discuss the pedagogical implications of the study. What does the study suggest for legal education? Students are expected to outline the limitations of the study. Areas for future research then are proposed. Obviously, the thesis or dissertation ends with a brief conclusion that provides closure. A strong final sentence should be written. Apart from the above the students are expected to concentrate on the paper research methodology.

TEN STEPS IN RESEARCH METHODOLOGY:

Research process contains a series of closely related activities which has to carry out by a researcher. Research process requires patients. There is no measure that shows your research is the best. It is an art rather than a science. Following are the main steps in socio legal research process.

1. Selection of Research Problem
2. Extensive Literature Survey
3. Making Hypothesis
4. Preparing the Research Design
5. Sampling
6. Data Collection
7. Data Analysis
8. Hypothesis Testing
9. Generalization and Interpretation
10. Preparation of Research Reports.

1. SELECTION OF RESEARCH PROBLEM

The selection of topic for research is a difficult job. When we select a title or research statement, then other activities would be easy to perform. So, for the understanding thoroughly the problem it must have to discuss with colleagues, friend, experts and teachers. The research topic or problem should be practical, relatively important, feasible, ethically and politically acceptable.

2. LITERATURE REVIEW OR EXTENSIVE LITERATURE SURVEY

After the selection of research problem, the second step is that of literature mostly connected with the topics. The availability of the literature may bring ease in the research. For this purpose academic journals, conference and govt. reports and library must be studied.

3. MAKING HYPOTHESIS

The development of hypothesis is a technical work depends on the researcher experience. The hypothesis is to draw the positive & negative cause and effect aspects of a problem. Hypothesis narrows down the area of a research and keep a researcher on the right path.

4. PREPARING THE RESEARCH DESIGN

After the formulation of the problem and creating hypothesis for it, research design is to prepare by the researcher. It may draw the conceptual structure of the problem. Any type of research design may be made, depend on the nature and purpose of the study. During preparation of research design the information about sources, skill, time and finance is taken into consideration.

5. SAMPLING

The researcher must design a sample. It is a plan for taking its respondents from a specific areas or universe. The sample may be of two types:

1. Probability Sampling
2. Non-probability Sampling

6. DATA COLLECTION

Data collection is the most important work, is researcher. The collection of information must be containing on facts which is from the following two types of researcher.

I. Primary Data Collection: Primary data may be from the following:

- a. Experiment

- b. Questionnaire
- c. Observation
- d. Interview

II. Secondary data collection: it has the following categories:

- a. Review of literature
- b. Official and non-official reports
- c. Library approach

7. DATA ANALYSIS

When data is collected, it is forwarded for analysis which is the most technical job. Data analysis may be divided into two main categories.

I. Data Processing: it is sub-divided into the following:

- a. Data editing,
- b. Data coding,
- c. Data classification,
- d. Data tabulation,
- e. Data presentation,
- f. Data measurement.

II. Data Exposition: Data Exposition has the following sub-categories:

- a. Description,
- b. Explanation,
- c. Narration,
- d. Conclusion/Findings,
- e. Recommendations/Suggestions.

8. HYPOTHESIS TESTING

Research data is then forwarded to test the hypothesis. Do the hypothesis are related to the facts or not? To find the answer the process of testing hypothesis is undertaken which may result in accepting or rejecting the hypothesis.

9. GENERALIZATION AND INTERPRETATION

The acceptable hypothesis is possible for researcher to arrival at the process of generalization or to make & theory. Some types of research has no hypothesis for which researcher depends upon on theory which is known as interpretation.

10. PREPARATION OF REPORT

A researcher should prepare a report for which he has done is his work. He must keep in his mind the following points:

I. Report Design in Primary Stages

The report should carry a title, brief introduction of the problem and background followed by acknowledgement. There should be a table of contents, grapes and charts.

II. Main Text of the Report

It should contain objectives, hypothesis, explanations and methodology of the research. It must be divided into chapters and every chapter explains separate title in which summary of the

findings should be enlisted. The last section would be clearly of conclusions to show the main theme of the R-study.

III. Closing the Report

After the preparation of report, the last step in business research process contains of bibliography, references, appendices, index and maps or charts for illustration. For this purpose the information should more clearer.

5. ELECTIVE - ADRS

SEMESTER – III - BUSINESS LAW

1. BANKING LAW

OBJECTIVES OF THE COURSE:

A vitally important economic institution the banking system is deeply influenced by socio-political and economic changes. The emerging changes in India, particularly after the initiation of the planning process as an instrument of rapid economic development had moulded and challenged the banking structure, policies, patterns and practices. A significant development in the banking system is diversification in banks financing. The commercial banks entered into the field of wide ranging financial assistance to industry, both large and small scale, requiring the need for social control of the banking system eventually leading to the nationalization of banks.

The conventional banking system, found to be deficient for planned developmental purposes, paved the way for developmental banking. The fag end of the last millennium witnessed influx of foreign banking companies into India and a shift in the banking policy as part of the global phenomenon of liberalization. The legal system is adopting itself into the new moves. The following syllabus prepared with this perspective will be spread over a period of one semester.

CHAPTER-01: INTRODUCTION TO BANKING COMPANIES IN INDIA

- 1.1. Nature and development of banking
- 1.2. History of banking in India –Indigenous Banking in India - Different kinds of banks and their functions.
- 1.3. Multi-functional banks and Micro financing banks – growth and legal issues.
- 1.4. Controls by government and its agencies – On management, accounts and audit, Lending, Credit Policy, Reconstruction and Reorganization, Suspension and Winding- up.

CHAPTER-02: SOCIAL CONTROL OVER BANKING SYSTEM

- 2.1. Nationalization
- 2.2. Evaluation: private ownership, nationalization and disinvestments
- 2.3. Protection of depositors
- 2.4. Priority lending
- 2.5. Promotion of under privileged classes
- 2.6. Deposit Insurance

- 2.6.1. The Deposit Insurance Corporation Act, 1961: objects and reasons.
- 2.6.2. Establishment of Capital of DIC
- 2.6.3. Registration of banking companies insured banks of DIC to depositors.
- 2.6.4. Relations between insured banks, DIC and Reserve Bank India.

CHAPTER-03: THE CENTRAL BANK

- 3.1. Evolution of Central Bank
- 3.2. Characteristics and functions
- 3.3. Economic and social objectives
- 3.4. The Central Bank and the State – as bankers' bank
- 3.5. The Reserve Bank of India as the Central Bank
 - 3.5.1. Organizational structure
- 3.6 Functions of the RBI
 - 3.6.1. Regulation of monetary mechanism of the economy
 - 3.6.1.1. Credit control
 - 3.6.1.2. Exchange control
 - 3.6.1.3. Monopoly of currency issue
 - 3.6.1.4. Bank rate policy formation
- 3.7. Control of RBI over non-banking companies
 - 3.7.1. Financial companies.
 - 3.7.2. Non-financial companies
- 3.8. Lending Banks
 - 3.8.1. Good lending principles
 - 3.8.1.1. Lending to poor masses
- 3.9. Securities for advances
 - 3.9.1. Kinds and their merits and demerits
- 3.10. Repayment of loans: rate of interest, protection against penalty
- 3.11. Default and recovery
 - 3.11.1. Debt recovery tribunal

CHAPTER-04: RELATIONSHIP OF BANKER AND CUSTOMER

- 4.1. Legal character
- 4.2. Control between banker and customer
- 4.3. Banker's lien
- 4.4. Protection of bankers
- 4.5. Customers
 - 4.5.1. Nature and type of accounts
 - 4.5.2. Special classes of customers – lunatics, minor, Corporations, local authorities,
- 4.6. Contract between banker and customer: their rights and duties.

4.7. Banking duty to customers

4.8. Consumer protection: banking as service

CHAPTER-05: RECENT TRENDS OF BANKING SYSTEM IN INDIA AND REFORMS IN INDIAN BANKING LAW

5.1. Negotiable Instruments - Meaning and kinds, Transfer and Negotiations, Holder and holder in due course, Presentment and payment, Liabilities of parties

5.2. New technology - Automation and legal aspects, Automatic teller machine and use of internet banking, Smart card, Use of expert system, Credit cards

5.3. Recommendations of committees: a review and challenges.

Suggested Readings:

1. M.L.Tanna, "Tanna's Banking Law and Practice in India", India Law House, New Delhi (1997)
2. S.N.Gupta, "The Banking Law in theory and Practice", Vol. I & II, Universal Law Publishing Co. (1999)
3. Ross Cranston, "Principles of Banking Law", Clarendon Press, Oxford (1997)
4. Chorley and Smart, "Leading cases in the Law of Banking", Sweet & Maxwell
5. M.S.Parthasarathy, "Banking Law-Leading Indian Cases", N.M.Tripathi, (1985)

2. LEGAL REGULATION OF ECONOMIC ENTERPRISES

OBJECTIVES OF THE COURSE:

After independence we have placed greater emphasis on the growth of our economy. The focus is on growth, both in public and private sectors, so as to cope up with the problems of population explosion. We have found that there is now almost a circle from laissez faire to welfare state and again back to laissez faire. Adoption of the concept of global economy in the presence of the socialistic perspectives in the Constitution presents a dilemma.

The trends of liberalization starting in the early nineties and continuing to this day bring a shift in focus of regulation in diverse fields of economic activities. This course is designed to acquaint the students of the eco-legal perspectives and implications of such developments. The following syllabus prepared with this perspective will be spread over a period of one semester.

CHAPTER-01: THE RATIONALE OF GOVERNMENT REGULATION

1.1. Constitutional perspectives.

1.2 The new economic policy-Industrial policy resolutions, Declarations and statements.

1.3. The place of public, small scale, co-operative, corporate, private and joint sectors in the changing context.

1.4 Regulation of economic activities.

1.4.1. Disclosure of information.

1.4.2. Fairness in competition.

1.4.3 Emphasis on consumerism.

CHAPTER-02: DEVELOPMENT AND REGULATION OF INDUSTRIES

- 2.1. Take-Over of Management and Control of Industrial Units
- 2.2. Sick Undertakings: Nationalisation or Winding Up?
- 2.3. Licensing Policy and Legal Process Growing Trends of Liberalisation.
- 2.4. Deregulation of Essential Commodities: Developmental Sign or A Social Mishap?
- 2.5. Financial Services: Changing Techniques of Regulation.

CHAPTER-03: CRITICAL ISSUES REGARDING THE CAPITAL ISSUES.

- 3.1. Equity and debt finance
- 3.2. Global depositories.
- 3.3. De-materialized securities.

CHAPTER-04: PROBLEMS OF CONTROL AND ACCOUNTABILITY: REGULATION OF HAZARDOUS ACTIVITY

- 4.1. Mass disaster and environmental degradation: legal liability and legal remedies.
- 4.2. Public Liability Insurance: adequacy.
- 4.3. Issues in zoning and location of industrial units.

CHAPTER-05: LEGAL REGULATION OF PUBLIC ENTERPRISES AND MULTI-NATIONALS ENTERPRISES

- 5.1. Regulatory Authorities – Telecom, Insurance, Broadcasting, Highway
- 5.2. Collaboration agreements for technology transfer.
- 5.3. Development and regulation of foreign investments.
 - 5.3.1. Investment in India: FDIs and NRIs
 - 5.3.2. Investment abroad.

Suggested Readings:

1. S.Aswani Kumar, The Law of Indian Trade Mark (2001),
2. Commercial Law House, Delhi. Dr. C.L Bansal,
3. Corporate Governance Law, Practice & Procedures with Case Studies, EBC, 2006
4. Dr. Sanjeev Kumar, Corporate Offences Director's Liability, Prosecution, Punishment, Remedies & Procedures, Bharat Law House Pvt Ltd, 2005
5. Dr. J.C.Verma and dr Sanjeev Kumar, Corporate merger, Amalgamation and Take Overs, Bookshop of India
6. Industrial Policy Resolutions of 1948,1956, 1991
7. Industrial Licensing Policy 1970,1975
8. Industrial Policy Statements 1973,1977, 1980
9. Reports of Committees on Public Undertakings of Parliament.
10. Industries (Development and Regulation) Act, 1951
11. U. Baxi (ed.), Inconvenient Forum and Convenient Catastrophe The Bhopal Case, (1986) U. Baxi & T. Paul (eds.), Mass Disasters and Multinational Liability (1986)
12. U. Baxi & A. Dhandba, Valiant Victims and Lethal Litigation: The Bhopal Case (1989)
13. Indian Law Institute, Law of international Trade Transactions, (1973)

3. INFORMATION TECHNOLOGY RELATED INTELLECTUAL PROPERTY RIGHTS

OBJECTIVES OF THE COURSE:

CHAPTER -01: INFORMATION TECHNOLOGY AND INTELLECTUAL PROPERTY RIGHTS

- 1.1. Emergence of Information Society: Technology, Piracy and Surveillance.
- 1.2. Evolution of Computer and Internet.
- 1.3. Data Protection: Principles and Protections.
- 1.4. Data protection in India.

CHAPTER -02: COMPUTER MISUSE

- 2.1. Offences Relating to Use of Computers – Computer Fraud, Theft of Information, Computer Pornography.
- 2.2. Specific Offences Relating to Computer Misuse.
- 2.3. Detecting and Prosecuting Computer Crimes.
- 2.4. Indian Law Relating to Computer Crimes.

CHAPTER -03: PROTECTION OF DATA BASE

- 3.1. Protection of Data base in U.K. and U.S.A.
- 3.2. Protection of Data Base in Europe
- 3.3. Protection of Data Base in India.
- 3.4. Liability for defective Software.

CHAPTER -04: THE GOVERNANCE OF INTERNET

- 4.1. Internet and Issue of Jurisdiction.
- 4.2. Internet and Protection of Copyright.
- 4.3. Internet Service Providers and Intermediaries- Liability for Defective Services
- 4.4. Cyber Defamation.

CHAPTER -05: ELECTRONIC CONTRACT AND EVIDENCE

- 5.1. Nature of Electronic Contract.
- 5.2. Encryption and Digital Signature.
- 5.3. UNCITRAL Model Law on E-Commerce.
- 5.4. Electronic Evidence.

Suggested Readings:

1. Iron Lloyd - Information Technology Law (Butterworths, 1997).
2. Iron Lloyd - Legal Aspects of the Information Society (Butterworths, 2000).
3. Chris Reed and John Angel, Computer Law (Blackstone Press Ltd., 2000).
4. Diana Rowland and Elizabeth Macdonald, Information Technology Law, (Cavendish Publications Limited, 1976).
5. Nandan Kamath, Law Relating to Computers, Internet and E-Commerce, (ed) (Universal Law Pub Co. 2000).

4. LAW OF EXPORT – IMPORT REGULATIONS

OBJECTIVES OF THE COURSE:

After independence, India has embarked upon all round efforts to modernize her economy through developmental ventures; Greater and greater emphasis is placed on increase of production in both industrial and agricultural sectors. Besides, there was the ever-pressing need for raising capital for investment in certain and key industries. All these required a considerably high rate of investment of capital. The process of modernization necessitated the adoption of newer technologies for industry modernization necessitated the adoption of newer technologies for industry and agriculture. These technologies had to be borrowed had to be borrowed from other developed countries. This in turn needed foreign exchange which could be earned by the increased exports of goods and raw materials from India.

The need for acceleration the export trade of India's developing economy can hardly be over emphasized. Export earnings enable developing imports and there by stimulate the process of its economic developments. In the words of Prov. V.K.R V.Rao, "Infact, expansion of exports may well be described as an integral part of the development process neglect of which can only be at the peril of development itself".

Increasing exports have been necessitated to meet the growing needs of defense. India is a country rich in natural resources. One of the approaches to combat its economic backwardness could be in large scale production and in a maximization of its exports.

Import and export of goods and raw materials is a complex, complicated and intricate activity. It involves elaborate economic, fiscal, budgetary and monetary policy considerations. Export and Import control policy is also closely connected with country's balance of payment position. The detailed procedures for imports and exports are provided in the Hand Book. The Union Government used to declare its import and export policy for a three year period. At present, they declare the policy for five years. The controls on exports and imports are closely connected with the Foreign Trade Regulation Act, 1991. This course is designed to acquaint the students about the parameters of legal controls on imports and exports. The following syllabus prepared with the above perspective will be spread over a period of one semester.

CHAPTER-01: INTRODUCTION – BASICS OF EXPORT AND IMPORT TRADE

- 1.1. State control over import and export of goods-form rigidity to liberalization.
- 1.2. Impact of regulation on economy.
- 1.3. Goods, Services, Transportation.

CHAPTER-02: GENERAL LAW ON CONTROL OF IMPORT AND EXPORTS

2.1 General scheme

2.2 Legislative Control

2.2.1 Power of Control: Central Government and RBI

2.2.2 Foreign Trade Development and Regulation Act, 1992

2.2.3 Restrictions under

2.2.3.1 Prohibitions under customs law

2.3 Export-Import formulation: guiding features

2.3.1 Control under FEMA

2.3.2 Foreign exchange and currency

2.3.2.1 Imports of goods

2.3.2.2 Export promotion councils

2.3.2.3 Export oriented units and export processing zones

2.4. Quality control

2.4.1. Regulation on goods

2.4.2. Conservation of foreign exchange

2.4.2.1. Foreign exchange management

2.4.2.2. Currency transfer

2.4.3.3. Investment in foreign countries

2.5. EXIM Policy: Changing Dimensions

2.5.1. Investments policy: NRIs, FIIs (foreign institutional investors).FDIs

2.5.2. Joint venture

2.5.3. Promotion of foreign trade

2.5.4. Agricultural products

2.5.5. Textile and cloths

2.5.6. Jewellery

2.5.7. Service sector

CHAPTER-03: INTERNATIONAL REGIME

3.1. WTO Agreement

3.2. WTO and Tariff Restrictions

3.3. WTO and Non-Tariff Restrictions

3.4. Investment and Transfer of Technology

3.5. Quota Restriction and Anti-Dumping

3.6. Permissible Regulations

3.7. Quarantine Regulation

3.8. Dumping of discarded technology and goods in international market.

3.9. Reduction of subsidies and counter measures.

CHAPTER-04: LAW RELATING TO CUSTOMS

4.1 Prohibition on importation and exportation of goods

4.2 Control of smuggling activities in export-import trade

4.3 Levy of and exemption from customs duties.

4.4 Clearance of imported goods and export goods

4.5 Conveyance and warehousing of goods

CHAPTER-05: REGULATION ON INVESTMENT

5.1. Borrowing and lending of money and foreign currency Securities abroad-issue of

5.2. Securities abroad-issue of

5.3. Immovable property-purchase abroad

5.4. Establishment of business outside

5.5. Issue of derivatives and foreign securities –GDR (Global Depositors Receipts), ADR

(American depository receipts) and Uro.

5.6. Repatriation and surrender of foreign securities

Suggested Readings:

1. Government of India, Handbook of Import Export Procedures, (Refer to the latest edition)
2. Government of India Import and Export Policy (1997 -2002)
3. The Students should consult the relevant volumes of the Annual Survey of Indian Law, published by the Indian law Institute, New Delhi.
4. Foreign Trade Development and Regulation Act 1992 and Rules
5. Foreign Exchange Management Act 1999
6. Marine Products Export Development Authority Act 1972
7. Customs Manual (Latest edition)
8. Final Treaty of GATT, 1994.
9. How to Export?- Nabhi Board of Exports , New Delhi Nabhi Publications.

5. ELECTIVE: HUMAN RIGHTS LAW

SEMESTER – IV – BUSINESS LAW

1. INSURANCE LAW

OBJECTIVES OF THE COURSE:

As early as in 1601 one finds an excellent exposition of the insurance ideas expressed in these words of an Act of British Parliament “the loss lighteth rather easily, upon many than heavily upon few”. The insured person transfers from his risk of loss receive a payment known as premium. The insurers rely on the probability that only soe of the losses, they insure against will in fact occur within any given period. They calculate, therefore, that they will be left with a profit. The insurer, on the other hand, is better able to risk his capital in trade since he knows that certain events which he cannot control, such as fire, shipwreck, will not cause him to lose his investment.

The insurance idea is an old-institution of transactional trade. The age old form of insurance was the marine insurance. There is nothing like disaster to set men’s minds to work. Consequently, in due course of time fire and life insurance, made their appearance. Within the last hundred years the insurance principle is being extended wider. Today one finds insurance cover for accidents, motor vehicles, glass, live stock, crop, burglary and various other disasters.

Insurance is a device not to avert risks, calamities and disasters; but to mitigate their rigours and financial losses. The function of insurance is to spread such loss arising from risks of life over a large number of persons.

The operational framework of insurance idea is provided by the general principles of contract. The insurance policy, being a contract, is subject to all the judicial interpretative techniques. Besides, the insurance idea has a compensatory justice component. This brings it in the arena

of the law of tort as well. It is even suggested that a fully grown and developed law of insurance may, if not totally displace, decrease the significance of the law of tort.

This course is designed to acquaint the students with the conceptual and operational parameters of insurance law in the context of the development of the general principles of laws and judicial interpretation to inform the students about the use of law for the establishment of “just” order in insurance and to develop the appreciative and evaluative faculties of the students. The following syllabus prepared with the above perspective will be spread over a period of one semester.

CHAPTER-01: INTRODUCTION

- 1.1. Nature of insurance contract, various kinds of insurance, proposal, policy, parties, consideration, need for utmost good faith, insurable interest, indemnity
- 1.2. Insurance policy, law of contract and law of torts- future of insurance: need, importance and place of insurance
- 1.3. Constitutional perspectives – the Entries 24, 25, 29, 30, 47 of List; 23, 24, of list III.
- 1.4. General Principles of Law of Insurance
 - 1.4.1. Definition, nature and history
 - 1.4.2. The risk – commencement, attachment and duration
 - 1.4.3. Assignment and alternation
 - 1.4.4. Settlement of claim and subrogation
 - 1.4.5. Effect of war upon policies

CHAPTER-02: INDIAN INSURANCE LAW: GENERAL

- 2.1. History and development
- 2.2. The Insurance act 1938 and the Insurance Regulatory Authority Act 2000.
- 2.3. Mutual insurance companies and cooperative life insurance societies.
- 2.4. Double Insurance and re-insurance

CHAPTER-03: TYPES OF INSURANCE

- 3.1. Life Insurance
 - 3.1.1. Nature and scope
 - 3.1.2. Event insured against life insurance contract
 - 3.1.3. Circumstances affecting the risk
 - 3.1.4. Amounts recoverable under life policy
 - 3.1.5. Persons entitled to payment
 - 3.1.6. Settlement of claim and payment of money
- 3.2. Marine Insurance
 - 3.2.1. Nature and Scope
 - 3.2.2. Classification of marine policies
 - 3.2.2.1. The Marine Insurance Act, 1963
 - 3.2.2.2. Marine Insurance
 - 3.2.2.3. Insurable interest, insurable value
 - 3.2.2.4. Marine insurance policy – condition – express warranties

Construction of terms of policy

3.2.2.5. Voyage-deviation

3.2.2.6. Perils of the sea

3.2.2.7. Assignment of policy

3.2.2.8. Partial laws of ship and of freight, salvage, general average,
Particular charges

3.2.2.9. Return of premium

3.3. Property Insurance

3.3.1. Fire insurance

3.3.2. The Emergency Risks (Factories) Insurance

3.3.3. The Emergency Risks (Goods) Insurance

3.3.4. Policies covering risk of explosion

3.3.5. Policies covering accidental loss, damage to property

3.3.6. Policies covering risk of storm and tempest

3.3.7. Glass-plate policies

3.3.8. Burglary and theft policies

3.3.9. Live stock policies

3.3.10. Goods in transit insurance

3.3.11. Agricultural insurance

CHAPTER-04: INSURANCE AGAINST ACCIDENTS/ THIRD PARTY RISKS

4.1. The Fatal Accidents Act, 1855 (with upto date Amendments)

4.1.1. Objects and reasons

4.1.2. Assessment of compensation

4.1.3. Contributory negligence

4.1.4. Apportionment of compensation and liability

4.2. The Personal Injuries (Compensation Insurance) Act, 1963 (with upto date Amendments)

4.2.1. Compensation payable under the Act

4.2.2. Compensation insurance scheme under the Act-Compulsory insurance

4.3. The Motor Vehicle Act, 1988 (with upto date Amendments/2023)

4.3.1. Nature and scope

4.3.2. Effect of insolvency or death on claims of insolvency and
Death of parties, certificate of insurance

4.3.3. Claims tribunal: constitution, function, application for
Compensation, procedure, powers and awards

4.4. Liability Insurance

4.4.1. Nature and kinds of such insurance

4.4.2. Public liability insurance

4.4.3. Professional negligence insurance

CHAPTER-05: MISCELLANEOUS INSURANCE SCHEMES: NEW DIMENSIONS

5.1. Group life insurance

5.2. Mediclaim, sickness insurance

5.3. Insurance for the risk of terrorism

Suggested Readings:

1. John Hanson and Christophals Henly, All Risks Property Insurance (1999), LLP Asia, Hongkong.
2. Peter Mac Donald Eggers and Patric Foss, Good Faith and Insurance Contracts (1998) LLP Asia, Hongkong
3. J.V.N.Jaiswal, Law of Insurance, EBC, 2008
4. John Lowry, Philip Rawlings, Robert Merkin, Insurance Law, Doctrines and Principles, Hart Publishing, 2011
5. Banerjee, Law of Insurance (1994), Asia Law House, Hyderabad.
6. Mitra B.C, Law Relating to Marine Insurance (1997) Asia Law House, Hyderabad
7. JCB Gilmar and Mustill, Arnold on the Law of Marine Insurance, (1981), Sweet & Maxwell
8. Birds, Modern Insurance Law (1997) Sweet & Maxwell
9. Colinvaux's Law of Insurance (1997), Sweet & Maxwell
10. O'Mary on Marine Insurance (1993), Sweet & Maxwell.
11. International Labour Office, Administration Practice of social Insurance (1985)
12. E.R. Hardy Ivamy, General Principles of insurance Law (1979)
13. Edwin W. Patterson, Cases and Materials on Law of insurance (1955)
14. M. N. Sreenivasan Law and the Life Insurance Contract (1914)

2. CORPORATE FINANCE

OBJECTIVES OF THE COURSE:

Industrialization has played, and has to play, a very vital role in the economic development of India. In the post independent era, industrial development is regarded, and hence employed, as principal means in the strategy for achieving the goal of economic and social justice envisioned in the Constitution. Corporations, both public and private, are viewed as a powerful instrument for development. In a developing society like India enormous varieties of consumer goods are manufactured or produced. Obviously, the situation raises the issues of procuring, utilizing and managing the finances. For this purpose a science of financial management techniques has been evolved.

The faculties of commerce, business and management studies have since last decades started to impart instruction so as to turn out sufficiently well equipped and adequately trained financial personnel. However, the legal and juristic aspects of corporate finance have been more or less not effectively taken care of.

In view of the above perspectives the broad objectives of this cause may be formulated as follows-

- (i) To understand the economic and legal dimensions of corporate finance in the process of industrial development in establishing social order in the context of constitutional values.
- (ii) To acquaint the students with the normative, philosophical and economic contours of various statutory rules relating to corporate finance.
- (iii) To acquaint the students with the organization, functions, lending, and recovery procedures, conditions of lending and accountability of international national and state financing institutions and also commercial banks; and
- (iv) To acquaint the student with the process of the flow and outflow of corporate finance.

The following syllabus prepared with the above perspective will be spread over a period of one semester.

CHAPTER-01: INTRODUCTION

- 1.1. Meaning, importance and scope of corporation finance
- 1.2. Capital needs – capitalization – working capital – securities Borrowings-deposits, debentures.
- 1.3. Objectives of corporation finance – profit maximization and wealth maximization.
- 1.4. Constitutional perspectives – the entries 37, 38, 43, 44, 45, 46, 47, 52, 82, 85 and 86 of List 1 – Union List; entry 24 of List 11 – State List

CHAPTER-02: EQUITY FINANCE AND DEBT FINANCE

- 2.1. Share Capital
 - 2.1.1. Prospectus – information disclosure
 - 2.1.2. Issue and allotment
 - 2.1.3. Shares without monetary consideration
 - 2.1.4. Non-opting equity shares
- 2.2. Debentures
 - 2.2.1. Nature, issue and class
 - 2.2.2. Deposits and acceptance
 - 2.2.3. Creation of charges
 - 2.2.3.1. Fixed and floating charges
 - 2.2.4. Mortgages
 - 2.2.5. Convertible debentures

CHAPTER-03: CONSERVATION OF CORPORATE FINANCE

- 3.1. Regulation by disclosure
- 3.2. Control on payment of dividends
- 3.3. Managerial remuneration
- 3.4. Payment of commissions and brokerage
- 3.5. Inter-corporate loans and investments
- 3.6. Pay-back of shares

3.7. Other corporate spending

CHAPTER-04: PROTECTION OF CREDITORS AND INVESTORS

4.1. Need for creditor protection

4.1.1. Preference in payment.

4.2. Rights in making company decisions affecting creditor interests

4.3. Creditor self-protection

4.3.1. Incorporation of favorable terms in lending contracts

4.3.2. Right to nominate directors

4.4. Control over corporate spending.

4.5. Protection of Investor

4.5.1. Individual share holder right

4.5.2. Corporate membership right

4.5.3. Derivative actions

4.5.4. Qualified membership right

4.5.5. Conversion, consolidation and re-organization of shares.

4.5.6. Transfer and transmission of securities

4.5.7. Dematerialization of securities.

CHAPTER-05: CORPORATE FUND RAISING AND ADMINISTRATIVE REGULATION

5.1. Depositories – IDR (Indian depository receipts),

ADR (American depository receipts), GDR (Global depository receipts)

5.2. Public financing institutions – IDBI, ICICI, IFC and SFC

5.3. Mutual fund other collective investment schemes

5.4. Institutional investments – LIC, UTI and banks

5.5. FDI and NRI investment – Foreign institutional investments (IMF and World Bank)

5.6. Inspection of accounts

5.7. SEBI

5.8. Central Government control

5.9. Control by register of companies

5.10. RBI control

Suggested Readings:

1. Taxman, Companies Act,2013
2. Singh Avtar, Company Law (Lacknow: Eastren Book Company, 2014)
3. Ramaiah A, Guide to Companies Act
4. Gower L.C.B., Principles of Modren Compnay Law (London: Sweet & Maxwell, 1997)

3. INVESTMENT LAW

CHAPTER -01: SECURITIES LAW IN INDIA

Introduction and overview of Securities law in India- Historical evolution in Capital Market and Basic concepts in Securities Law-Institutions and SROs –Investors-Instruments-Intermediaries indexes-Initial Public Offerings-Investors Associations, protection fund/grievance committee- Investment advice etc., by intermediaries-Invigilator (SEBI)-Information – Inter –exchange market surveillance – Information Technology - Securities Contract Regulation Act & Rules - Securities and Exchange Board of India Act & Regulations - Companies Act - Depositories Act - Securitization Act.

CHAPTER -02: FOREIGN COLLABORATION AND INVESTMENT POLICY

Government Policy- Economics reforms- Foreign collaboration and Investment policy – Foreign investment in Industries – Foreign Technology Agreement- Foreign Collaboration agreement – Foreign Companies – Investment by non-resident Indians and Foreign Corporate bodies – Statutory provisions and restrictions.

CHAPTER -03: REGULATIONS OF CAPITAL ISSUE

Regulations of Capital Issue –types of issue, rights, bonus issue, preferential – Private Placement inter corporate investments and credit rating- Registration and Filing requirements- SEBI guidelines pre-issue formalities-Disclosure standards. Allotments Regulation of Securities on Stock Exchange, regulation of securities transaction-Purchase and sale of Securities- Securities contract- Legal and Procedural requirements- Organization and Functioning of Stock Exchanges Registration and regulation of dealers, brokers-operation of clearing settlement and depository system in securities transaction.

CHAPTER - 04: FOREIGN EXCHANGE AND COLLABORATION

Legal framework of exchange control Basic concepts in Foreign exchange regulation-administration of exchange control- Regulation between resident and non-residents-Regulation of non-residents and foreign collaboration, within and outside India-enforcement machinery.

Growth of Foreign exchange markets-current account convertibility maintenance of non-resident accounts in India-holding foreign currency assets by residents IN & OUTSIDE India-NON-resident investors in shares and immovable properties in India- Repatriation benefits-foreign exchange facilities to exports. FERA to FEMA.

Cross border transactions in Securities- overview of Foreign Investment- Regulatory framework issue of Capital to non –residents foreign financial institutions- Regulatory guidelines-increasing internationalization of capital markets.

CHAPTER – 05: MUTUAL FUNDS AND GOVERNMENT SECURITIES

Mutual funds and venture capital-organization and management of mutual funds-Legal and procedural requirements- SEBI guidelines of mutual funds – open ended schemes and close ended schemes- Taxation of interest dividends and capital gains.

Issue and management of Government loans secondary market in Government Securities reforms in Government Securities and transactions – Delivery v/s payment system.

Suggested Readings:

1. Taxman, Companies Act,2013
2. Singh Avtar, Company Law (Lacknow: Eastren Book Company, 2014)
3. Ramaiah A, Guide to Companies Act
4. Gower L.C.B., Principles of Modren Compnay Law (London: Sweet & Maxwell, 1997)

4. DISSERTATION

Students are expected to submit dissertation at the end of the final semesters. Dissertation is for 200 marks with 10 credits and shall not exceed more than hundred pages. Students are free to select the topic of their choices. The topic shall be of the subjects in connection with their specialisation areas or any topic with the contemporary legal relevances. The project must be prepared with at most care and sincerity. The project may be a forerunner for the students future Ph.D thesis.

Most research begins with a question. Think about which topics and theories you are interested in and what you would like to know more about. Think about the topics and theories you have studied in your program. Is there some question you feel the body of knowledge in the legal field does not answer adequately or requires changes. What are the challenge's to be met with?

Once you have a question in mind, begin looking for information relevant to the topic and its theoretical framework. Read everything you can-academic research, trade literature, case laws, law journals, and information in the popular press and on the Internet and relevant websites.

As you become well-informed about your topic and prior research on the topic, your knowledge should suggest a purpose for your thesis/dissertation. When you can articulate this purpose clearly, you are ready to write your prospectus/proposal. This document specifies the purpose of the study, significance of the study, a tentative review of the literature on the topic and its theoretical framework (a working bibliography must be prepared) your research questions and/or hypotheses, and how you will collect and analyze your data (work out the methodology and plan of action) Obviously, the next steps are collecting and analyzing data, writing up the findings, and composing the final chapter. Each thesis or dissertation is unique but all share several common elements.

Dissertation must consist of Purpose and Significance of the Study, clearly state what the purpose of the study is and explain the study's significance. The significance is addressed by discussing how the study adds to the theoretical body of knowledge in the law field and the study's practical significance for professionals in the legal field being examined. Candidates also must explain how their research makes an original contribution to the body of knowledge in their discipline. They also should address the significance of the study first legal education and usefulness for the legal fraternity. Without a clearly defined purpose and strong theoretical grounding, the thesis or dissertation is fundamentally flawed from the outset.

The purpose of the study should suggest some theoretical framework to be explained .The literature review thus describes and analyzes previous research on the topic. However, should not merely string together what other researchers have found. Rather, you should discuss and analyze the body of knowledge with the ultimate goal of determining what is known and is not known about the topic. This determination leads to your research questions and/or hypotheses. In some cases, of course, you may determine that replicating previous research is needed.

Methodology describes and justifies the data gathering method used. The students are expected to outline how data are analysed. Begin by describing the method you chose and why this method was the most appropriate. In doing so, one should cite reference literature about the method.

Next, detail every step of the data gathering and analysis process. Although this section varies depending on method and analysis technique chosen, many of the following areas typically are addressed: description of research design internal validity external validity description of population and description of and justification for type of sample used or method for selecting units of observation development of instrument or method for making observations (e.g., question guide, categories for content analysis) pre-test reliability and validity of instrument or method administration of instrument or method for making observations (e.g., interviews, observation, content analysis), coding of data, description of data analysis, statistical analysis and tests performed, identification of themes/categories (qualitative or historical research)

Usually one begin by outlining any descriptive or exploratory/confirmatory analyses (e.g., reliability tests, factor analysis) that were conducted. The student next address the results of the tests of hypotheses. Try to discuss any ex post facto analysis. Tables and/or figures should be used to illustrate and summarize all numeric information. For qualitative and historical research, this chapter usually is organized by the themes or categories uncovered in your research. If one has conducted focus groups or interviews, it is often appropriate to provide a brief descriptive (e.g., demographic) profile of the participants first. Direct quotation and paraphrasing of data from focus groups, interviews, or historical artifacts then are used to support the generalizations made. In some cases, this analysis also includes information from field notes or other interpretative data (e.g., life history information). In conclusion findings are examined. In other words, what are the study's practical implications? Doctoral students also should discuss the pedagogical implications of the study. What does the study suggest for legal education? Students are expected to outline the limitations of the study. Areas for future research then are proposed. Obviously, the thesis or dissertation ends with a brief conclusion that provides closure. A strong final sentence should be written. Apart from the above the students are expected to concentrate on the paper research methodology.

TEN STEPS IN RESEARCH METHODOLOGY:

Research process contains a series of closely related activities which has to carry out by a researcher. Research process requires patients. There is no measure that shows your research is the best. It is an art rather than a science. Following are the main steps in socio legal research process.

1. Selection of Research Problem
2. Extensive Literature Survey
3. Making Hypothesis
4. Preparing the Research Design
5. Sampling
6. Data collection
7. Data Analysis
8. Hypothesis Testing
9. Generalization and Interpretation
10. Preparation of Research Reports.

1. SELECTION OF RESEARCH PROBLEM

The selection of topic for research is a difficult job. When we select a title or research statement, then other activities would be easy to perform. So, for the understanding thoroughly the problem it must have to discuss with colleagues, friend, experts and teachers. The research topic or problem should be practical, relatively important, feasible, ethically and politically acceptable.

2. LITERATURE REVIEW OR EXTENSIVE LITERATURE SURVEY

After the selection of research problem, the second step is that of literature mostly connected with the topics. The availability of the literature may bring ease in the research. For this purpose academic journals, conference and govt. reports and library must be studied.

3. MAKING HYPOTHESIS

The development of hypothesis is a technical work depends on the researcher experience. The hypothesis is to draw the positive & negative cause and effect aspects of a problem. Hypothesis narrows down the area of a research and keep a researcher on the right path.

4. PREPARING THE RESEARCH DESIGN

After the formulation of the problem and creating hypothesis for it, research design is to prepare by the researcher. It may draw the conceptual structure of the problem. Any type of research design may be made, depend on the nature and purpose of the study. During preparation of research design the information about sources, skill, time and finance is taken into consideration.

5. SAMPLING

The researcher must design a sample. It is a plan for taking its respondents from a specific areas or universe. The sample may be of two types:

1. Probability Sampling
2. Non-probability Sampling

6. DATA COLLECTION

Data collection is the most important work, is researcher. The collection of information must be containing on facts which is from the following two types of researcher.

I. Primary Data Collection: Primary data may be from the following:

- e. Experiment
- f. Questionnaire
- g. Observation
- h. Interview

II. Secondary data collection: it has the following categories:

- d. Review of literature
- e. Official and non-official reports
- f. Library approach

7. DATA ANALYSIS

When data is collected, it is forwarded for analysis which is the most technical job. Data analysis may be divided into two main categories.

I. Data Processing: it is sub-divided into the following:

- g. Data editing,
- h. Data coding,
- i. Data classification,
- j. Data tabulation,
- k. Data presentation,
- l. Data measurement.

II. Data Exposition: Date Exposition has the following sub-categories:

- f. Description,
- g. Explanation,
- h. Narration,

- i. Conclusion/Findings,
- j. Recommendations/Suggestions.

8. HYPOTHESIS TESTING

Research data is then forwarded to test the hypothesis. Do the hypothesis are related to the facts or not? To find the answer the process of testing hypothesis is undertaken which may result in accepting or rejecting the hypothesis.

9. GENERALIZATION AND INTERPRETATION

The acceptable hypothesis is possible for researcher to arrival at the process of generalization or to make & theory. Some types of research has no hypothesis for which researcher depends upon on theory which is known as interpretation.

10. PREPARATION OF REPORT

A researcher should prepare a report for which he has done is his work. He must keep in his mind the following points:

I. Report Design in Primary Stages

The report should carry a title, brief introduction of the problem and background followed by acknowledgement. There should be a table of contents, grapes and charts.

II. Main Text of the Report

It should contain objectives, hypothesis, explanations and methodology of the research. It must be divided into chapters and every chapter explains separate title in which summary of the findings should be enlisted. The last section would be clearly of conclusions to show the main theme of the R-study.

III. Closing the Report

After the preparation of report, the last step in business research process contains of bibliography, references, appendices, index and maps or charts for illustration. For this purpose the information should more clearer

Detailed Syllabus

SEMESTER – III CRIMINAL LAW

1. CRIMINOLOGY AND PENOLOGY

OBJECTIVE OF THE COURSE:

The objective of this paper is to provide depth of understanding of dimensions of crime, crime causation, prevention of crime, penalizing the crime, functioning of penal institutions along with rehabilitation and protection of crime victims.

CHAPTER-01: INTRODUCTION

Meaning and Significance of Crime - Concept of Crime and basis of Criminalization - Definition of Crime - Criminology - Criminological Reminiscence: Global Scenario - Renaissance - Modern Age - Focus on the need for Criminological Study - Ingredients of Crime - Distinction between criminality and non- criminality- Classification of Crimes - Development of Criminal Law - Sources and uses of Crime Data - Crime Reporting - Schools of Criminology.

CHAPTER-02: CRIME CAUSATION

Individual Centric Causes - Societal Centric Causes - Theories on Crime Causation - Juvenile Delinquency - Legislation - Juvenile Justice (Care and Protection of Children) Act, 2000 -2013 Amendment Act -Statutory Bodies and Procedure - Reformatory Institutions under the Act - Rehabilitation Process - Case Law.

CHAPTER-03: TYPES OF CRIME

White-Collar Crime and Blue-Collar Crime: Implications of White Collar Crimes - White Collar Crimes in India - Santhanam Committee Report – Wanchoo Committee Report - 47th Law Commission Report - Detection and Investigation - Trial of White-Collar Crimes - Case Law - Crimes and Women: Dowry Prohibition (Amendment) Act, 1986 - Crimes against Women- Crimes of Passion - New Legislation - Prostitution - Immoral Traffic Offender (Prevention) Act - Medical Termination of Pregnancy Act - Pre-Conception and Pre Natal diagnosis Techniques (Regulation) Act - Domestic Violence Act, 2005- Criminal Law Amendment Act, 2013- POSCO – Terrorism: Definition - Nature of Terrorism - Causative Factors - Funds for Terrorism - Kinds of terrorism - Terroristic Spectrum - Punishments and Measures for Coping with TADA-POTA-NSA, 2010-] - Criticism - Anti-Terrorist Measures - Communal Violence - Causes and Cures - Victims of Marginal Crimes - Social Deviance and Marginal Crimes - Kinds of Marginal Crimes - Victimless Crimes - Hidden Victims - Drug and Crime -Depiction of Offences and Punishments under NDPS Act - Modern Crimes and International Crimes: Computer Crime -Cyber crimes - definition -kinds - Information Technology Act, 2000 -Organ Trafficking - International Crimes - Environmental Crimes.

CHAPTER-04: THE POLICE AND CRIMINAL JUSTICE SYSTEM

Police: Organisational Structure of Indian Police - Police Bureaucracy - Police Setup - Custodial deaths - Modernization in Police - Crime Records Management - Traditional Vis-à-vis Modern Crime Records Management - Police Community Relations - Thana Level Committee - Police Advisory Committees - Media and Police - Discipline and Lawlessness - Interpol -Criminal Justice System: Objectives of Criminal Justice System - Rights of Accused and Arrested Person - Plea Bargaining - Human Rights and Administration of Criminal Justice.

CHAPTER-05: CORRECTIONAL INSTITUTION AND CRIME PREVENTION

Probation and Parole: Origin - Salient features of Probation of Offenders Act, 1958 - Parole - Parole Regulations - Parole Recommendations - Prison System in India: Problems of Prisoners - Organized Setup - Prison Discipline - Prison Labour - Prison Education - Open Prison - The Prison Community - Prison Reform in India -Dr. Wreckless Committee Report - International Perspective. Crime Prevention - Theories of Punishment - Kinds of Punishment - Recidivism - Various form of Recidivist -Prevention of Crime and Delinquency.

Suggested Readings:

1. Dr. Rajendra K. Sharma: Criminology and Penology; Atlantic Publishers and Distributers, 1st Edtition (1998).
2. Ahamed Siddique: Criminology Problems and Perspectives; Eastern Book Company, 1st Edition (1997)
3. Dr. J.P.S. Sirohi: Criminology and Penology; Allahabad Law Agency, Reprint 2014
4. N.V. Paranjape: Criminology Penology and Victimology; Central Law Publications, 2017 Edition (2017).
5. Harry Elmer Barnes: New Horizons of Criminology; Bames and Teeters, 3rd Edition (1959)

6. Mark S. Gaylord: The Criminology of Edwin Sutherland; Transaction Publishers, 1st edition (1988).
7. Taft and England: Criminology; Collier & Macmillan, 4th Edition (1964).

2. LAW OF EVIDENCE

OBJECTIVES OF THE COURSE:

The law of evidence is an indispensable part of both substantive and Procedural laws. It imparts credibility to the adjudicatory process by indicating the degree of veracity to be attributed to 'facts' before the forum. This paper enables the student to appreciate the concepts and principles underlying the law of evidence and identify the recognized forms of evidence and its sources. The subject seeks to impart to the student the skills of examination and appreciation of oral and documentary evidence in order to find out the both. The art of examination and cross-examination and the shifting nature of burden of proof are crucial topics. The concepts brought in by amendments to the law of evidence are significant parts of study in this course.

CHAPTER-01: CENTRAL CONCEPTIONS IN LAW OF EVIDENCE

- 1.1. Facts: Section 3 definition : distinction - relevant facts/facts in issue
- 1.2. Evidence : Oral and documentary
- 1.3. Circumstantial evidence and direct evidence
- 1.4. Presumption (Section 4)
- 1.5. "Proving" "Not providing" and "Disproving" Witness
- 1.6. Appreciation of evidence

CHAPTER-02: ADMISSIONS AND CONFESSIONS

- 2.1. General principles concerning admission (Section 17, 23)
- 2.2. Differences between "admission" and "confession"
- 2.3. The problems of non - admissibility of confessions caused by "any inducement, threat of promise" (Section 24)
- 2.4. Inadmissibility of confession made before a police officer (Section 25)
- 2.5. Admissibility of custodial confessions (Section 26)
- 2.6. Admissibility of "information" received from accused person in custody with special reference to the problem of discovery based on
- 2.7. "Joint statement" (Section 27)
- 2.8. Confession by co-accused (Section 30)
- 2.9. The problems with the judicial action based on a "retracted confession"

CHAPTER-03: ORAL AND DOCUMENTARY EVIDENCE & EXPERTS EVIDENCE

- 3.1. General principles concerning oral evidence (Section 59-60)
- 3.2. General Principles concerning Documentary Evidence (Section 67- 90)
- 3.3. General Principles Regarding Exclusion of Oral by Documentary Evidence Special problems re-hearing evidence
- 3.4. Types of expert evidence
- 3.5. Opinion on relationship especially proof of marriage (Section 50)
- 3.6. The problems of judicial defense to expert testimony

3.7. Dying Declaration

CHAPTER-04: WITNESSES, EXAMINATION AND CROSS EXAMINATION

4.1. Competency to testify (Section 118)

4.2. State privilege (Section 123)

4.3. Professional Privilege (Section 126,127,128) Approval testimony (Section 133)

4.4. General Principles of examination and cross examination (Section 135-166)

4.5. Leading questions (Section 141-143)

4.6. Lawful questions in cross - examination (Section - 146) Compulsion to answer questions put to witness

4.7. Hostile witness (Section 154)

4.8. Impeaching of the standing or credit of witness (Section 155)

CHAPTER-05: BURDEN OF PROOF

5.1. The general conception of onus probandi (Section 101)

5.2. General and special exceptions to onus probandi

5.3. The Justification of presumption and of the doctrine of judicial notice

5.4. Justification as to presumptions as to certain offences (Section 111A)

5.5. Presumption as to dowry death (Section 113-B)

5.6. The Scope of the doctrine of judicial notice (Section 114)

Suggested Reading:

1. Sarkar and manohar , Sarkar and Evidence (1999) Wadha & Co. Nagpur
2. Indian Evidence Act, (Amendment up to date)
3. Rattan Lal, Dhiraj Law Law of Evidence (1994) Wadhwa, Nagpur Pole in Murphy, Evidence (5th Edn. Reprint 2000) Universal Delhi. Albert S. Osborn, The Problem of Proof (First Indian Reprint 1998) Universal , Delhi.
4. Avtar Singh, Principles , of the law of Evidence (1992) , Central Law Agency , New Delhi.

3. JUVENILE JUSTICE AND DRUG ADDICTION: LAW AND POLICY

CHAPTER-01: RIGHTS OF CHILDREN AND JUVENILE DELINQUENCY

1.1. Definition of a “Child” - Concept of Children in Conflict with Law (CCIL)

1.2. Doctrine of Parens patriae and Protection of Children

1.3. Evolution of the Concept of Juvenile Justice & Law relating to Juveniles in India

1.4. Rights of Children in India: Constitutional Law and Human Rights Law Perspectives

1.5. Convention on the Rights of the Child (CRC), 1990.

1.6. Factors Influencing Juvenile Delinquency

1.6.1. Deprivation of Resources and Poverty as important factors.

1.6.2. Role of Differential Association Theory (DAT)

1.6.3. Peer Pressure and Juvenile Delinquency-Sub

1.6.4. Culture, Gang Involvement and Juvenile Delinquency.

1.6.5. Child labour and its effect upon juvenile delinquency.

CHAPTER-02: CHILDREN PROTECTION AND ROLE OF SOCIETY AND FAMILY

2.1. Children in Need of Care and Protection

2.1.1. Integrated Child Protection Scheme (ICPS)

2.1.2. Adoption of Children in Need of Care and Protection

2.1.3. Protection of Children from Sexual Offences (POCSO) Act, 2012

2.2. Role of Civil Society and family in controlling Juvenile Delinquency

2.2.1. Preventive strategies

2.2.1.1. Social welfare programs and compulsory education

2.2.1.2. Social Action Litigation (SAL) for influencing judicial decisions and Policy formulations.

2.3. Legislative framework of Juvenile Justice in India.

2.3.1. Juvenile Justice (Care and protection of children) Act, 2015.

2.3.2. Juvenile in conflict with law.

2.3.3. Juvenile in need of care and protection.

2.3.4. Competent Authorities.

2.3.5. Procedural safeguards.

2.3.6. Community participation in juvenile care.

CHAPTER-03: BASIC CONCEPTIONS OF DRUGS

3.1. Basic conceptions – Drugs, narcotics, psychotropic substance

3.1.1. Dependence, Addiction.

3.1.2. Crimes without victims.

3.1.3. Trafficking in drugs – Primary drug abuse.

3.2. Anagraphic and Social Characteristics of Drug

3.2.1. Users – Gender – Age – Religiousness – Single Individuals/Cohabitation

3.2.2. Socio-Economic Level of Family – Residence Patterns – Educational Levels – Occupation

3.2.3. Type of Drug use – Age at first use - Reasons given as cause of first use – Method of intake – Pattern of the use.

CHAPTER-04: NATIONAL AND INTERNATIONAL LEGAL REGIME

4.1. Indian Regulatory system

4.1.1. Approaches to narcotic trafficking during colonial India

4.1.2. Penal provisions IPC and Customs Act

4.1.3. India's role in the evolution of the International Conventions

4.1.4. The Narcotic and Psychotropic Substance Act, 1985.

4.1.5. Judicial approach to sentencing in drug trafficking and abuse

4.2. International Legal Regime

4.2.1. Analysis of the Single Convention on Narcotic Drug 1961 and 1972

4.2.2. Analysis of the Convention on Psychotropic Substance 1972

4.2.3. International collaboration in combating drug addiction – Role of SAARC.

CHAPTER-05: REHABILITATION OF DRUG ADDICTS

5.1. Treatment, after care and rehabilitation of drug addicts

5.2. Problem of juvenile drug use and legal approaches

5.3. Role of educational system, medical profession and mass media

5.4. Initiatives for compliance with regulatory system

5.5. Law reform initiatives.

Suggested Readings:

1. J.A. Incard – Drugs and Criminal Justice System.

2. P. R. Rajnat – Violence and Response: A Critical Study of Indian Criminal justice System.

3. United Nations – Economic & Social Reports of the Commission on Narcotic Drugs.

4. United Nations Social Defense Research Institute (UNSRDI) – Combating Drug Abuse and Related Crimes.

5. VedKumari, The Juvenile Justice System in India: From Welfare to Rights, Oxford University Press (2010).

6. AshaBajpai, Child Rights in India: Law, Policy and Practice, Oxford University Press (2003).

7. Joan Mcord, Cathy Spatz & Nancy A. Crowell (Eds.) Juvenile Crime, Juvenile Justice, National Academy Press (2001).

8. Geeta Chopra, Child Rights in India: Challenges and Social Action, Springer (2015).

9. Larry J. Siegal , Brandon C. Welsh, Encyclopedia of Juvenile Justice

10. Encyclopedia of Juvenile Justice –M.C. Shane Williams

11. Juvenile Delinquency, Theory, Practice and Law – Bhargava’s Child Laws

12. Juvenile delinquency: A Comparative Study-Attar, A.D

13. Children in India and their rights-Bhakhry, Savita

14. Juvenile Delinquency in India- A Psychological analysis –Desai, Arvindrai N

15. Juvenile Courts: Its Philosophy and Procedure-Kochavara, T.L.

16. Juvenile Delinquency-Kusum . K

17. Juvenile Court in a changing society- Reifen, David

18. A report on Juvenile Delinquency in India- Sabris M.S.

19. Law Commission of India 165th Report, 146th Report, 205th Report

4. FORENSIC SCIENCE AND CRIMINAL INVESTIGATION LAW

CHAPTER - 01: THE ROLE OF FORENSIC SCIENCES IN CRIMINAL CASES

1.1. The basic question in investigation-*Qui Bono*:

1.2. The scene of crime;

1.3. Discovery of traces of physical evidence;

- 1.4. Classification and reference to classified record:
- 1.5. Systematization and classification of physical evidence and comparison with suspected material;
- 1.6. The principles of exchange;
- 1.7. The principles of heredity, Taxonomy, etc.

CHAPTER – 02: THE ESTABLISHMENT OF IDENTITY

- 2.1. The Establishment of Identity of Individuals:- Footprints: hair, skin, blood grouping; physical peculiarities.
- 2.2. The Establishment of the Identity of Physical Objects by shape and size: Identifying marks and impressions made by physical objects; shoe prints: type and tread marks; die and tool marks; uptake of fracture marks.
- 2.3. The Establishment of the Identity of Physical Objects by Physical and Chemical Analysis: Paints; coloured objects: metal; alloys; chain and the earthen wares: cements: Plaster; bricks: dusts; soil minerals; plastics.

CHAPTER – 03: QUESTIONED DOCUMENTS AND THE IDENTIFICATION OF HANDWRITING

- 3.1. Paper, its types and identification;
- 3.2. Inks: pencils and writing tools;
- 3.3. Handwriting habit and flow; Disguised writing; comparison and points of identity;
- 3.4. Samples; various type of forgery and their detection; Additions; erasures alterations; seals; rubberstamps; type- writing; printing; blocks.

CHAPTER – 04: THE IDENTIFICATION OF FIRE-ARMS AND CARTRIDGES AND RELATED PROBLEMS

- 4.1. Type of fire-arms and their use; time and range of firing
- 4.2. Identification of a fire-arm with a cartridge case and bullet
- 4.3. Miscellaneous fire-arm problems like origin or direction of fire. Injuries to Persons
- 4.4. Evidentiary value of details of injuries
- 4.5. Traces left by the weapon used: its range and direction
- 4.6. Danger to clothing worn by the victim and related problems
- 4.7. The flow of blood from injuries
- 4.8. The shape and directions of blood drops and their evidentiary value, the discovery of blood and semen stains on various objects
- 4.9 Accidental deaths and suicides.

CHAPTER – 05: EVIDENTIARY VALUE OF PHYSICAL EVIDENCE AS EVALUATED A FORENSIC SCIENCES LABORATORY VIZ, EVIDENCE WITH SCIENTIFIC REPORT.

- 5.1. Fallibility of eye witnesses; The probative value of such evidence.
- 5.2. Findings of scientific methods of investigation; their probative value.
- 5.3. Assessment of value from actual cases. Value to be assigned to the different types of exhibit. Restoration of numbers;
- 5.4. Examination of the walking, picture of footprints; clothing; copper wire; pieces of wood

etc.

5.5. Modern Scientific Techniques:

5.5.1. Modern scientific Techniques of Narco-Analysis Tests, Polygraph test.

5.5.2. Brain Mapping Test, hypnotism, Lie Detector Test & others

Suggested Reading:

1. Sharma B.R.: Forensic Science.
2. Forensic Science in criminal Investigation Dr.Jaishankar And Amin
3. Fundamentals of Forensic Science by Max M. Houck, Jay Siegel
4. Forensic Science In Criminal Investigation And Trials : Sharma
5. Modern Criminal Investigation:Harry Soderman and john J.O.Conell (Published by Funk & Wangnalls Co.Inc.,New York)
6. Criminal Investigation:Paul L.Kirk,ph.D.(Published by inter science publishers,Inc., (NewYork).
7. Criminal Investigation:Cr.Aand Cross.(Published by sweet & Maxwell,Limited,London).
8. fire arms,Forensic ballistics,Forensic chemistry and criminal jurisprudence : Gour,A.N.:
9. Forensic chemistry and scientific criminal investigation.: Lucas A.
- 10.Methods of forensic science (Vol.I) : Lund quist.F.

SEMESTER ~ IV

1. HUMAN RIGHTS AND CRIMINAL JUSTICE SYSTEM

CHAPTER – 01: THE CONCEPT, HISTORY AND DEVELOPMENT OF HUMAN RIGHTS.

1.1. At International Level Human Rights and the United Nations Charter:

1.1.1. Normative and Institutional Framework of the UN

1.1.2. Role of the permanent organs of the UN

1.1.3. Human Rights Commissions

1.1.4. UN High Commissioner for Human Rights

1.2. Universal Declaration on Human Rights:

1.2.1. History of the Declaration

1.2.2. Structure of the Declaration

1.2.3. Legal Significance

1.3. International Covenants: ICCPR and ICESCR

1.3.1. Nature and Characteristic

1.3.2. Optional Protocols

1.4. Regional Instruments

1.4.1. European Convention on Human Rights

- 1.4.2. American Convention on Human Rights
- 1.4.3. African Charter on Human and People's Rights
- 1.4.4. Asia and Human Rights
- 1.5. History and Development of Human Rights in Indian Constitution.
 - 1.5.1. Constitutional Philosophy.
 - 1.5.2. Preamble
 - 1.5.3. Fundamental Rights.
 - 1.5.3.1. Right to Equality: Gender Justice and Empowerment of Women - Special provisions for Weaker Sections of society - Reservation Policy under the Constitution.
 - 1.5.3.2. Freedom of Speech and Expression: Freedom of Press – Limitations – Right to Information.
 - 1.5.3.3. Right to Life and Personal Liberty - New Dimension - Judicial approach.
 - 1.5.3.4. Right to Freedom of Religion – Secularism - Protection to Minorities under the Constitution.
 - 1.5.4. Implementation and Enforcement Mechanism of Human Rights in India – Remedies provided by the Judiciary and National Human Rights Commission.
 - 1.5.5. Fundamental Duties - Article 51-A of the Constitution concept and need – Enforcement and Effectuation of Fundamental Duties.

CHAPTER – 02: CONCEPT OF CRIME AND CRIMINAL LIABILITY AND HUMAN RIGHTS OF VULNERABLE GROUPS.

- 2.1. Concept of Crime and Criminal Liability;
- 2.2. Role of the courts in dispensing criminal justice;
- 2.3. Human Rights Problems requiring the need of criminal justice - namely police atrocities, violence against women & children,
- 2.4. Communal and caste violence,
- 2.5. Terrorism and insurgency.

CHAPTER – 03: PROTECTION OF HUMAN RIGHTS IN CRIMINAL JUSTICE ADMINISTRATION

- 3.1. Protection from double jeopardy
- 3.2. Self- incrimination
- 3.3. Production before magistrate from police custody, 3.4.fair trial
- 3.5. Speedy trial
- 3.6. Representation
- 3.7. Appeal
- 3.8. Protection from Expost facto laws
- 3.9. Legal aid
- 3.10. Compensation, rehabilitation.

CHAPTER – 04: ADMINISTRATION OF CRIMINAL JUSTICE

- 4.1. Ordinary Courts Special Courts
- 4.2. District & State Human Rights Courts
- 4.3. International Criminal Court
- 4.4. International norms on administration of criminal justice
- 4.5. U.N. General Assembly Resolutions.

CHAPTER – 05: ROLE OF VARIOUS PROTECTION AGENCIES/INSTITUTIONS

- 5.1. Perpetrators and Victims of Human Rights.
- 5.2. National Human Rights Commission
- 5.3. State Human Rights Commissions.
- 5.4. Human Rights Courts
- 5.5. Other Commissions.
- 5.6. Emerging regime of new human rights in India.
- 5.7. Taking guidance from Directive Principles of State Policy and Fundamental Duties - New Approach.

Suggested Readings:

1. Agarwal, H.O. Implementation of Human Rights Covenants with Special Reference to India (New Delhi: D.K. Publishers, 1993)
2. Aroras, Nirman, "Custodial torture in Police Stations in India: A Radical Assessment", Journal of Indian Law Institute, vol.41, nos.3, and 4, 1999, pp. 513-29
3. Bajwa, G.S. and D.K. Bajwa, Human Rights in India : Implementation and Violations (New Delhi: D.K. Publishers, 1996)
4. Baxi, Upendra, "Clemency, Extradition and death: the Judicial Discourse in Kehar Singh ", Journal of Indian Law Institute, vol.30, no.4, Oct- Dec. 1998, pp.501-86.
5. Bhargava, G.S., "National Human Rights Commission: An Assessment of Its Functioning", in K.P. Saksena, ed., Human Rights: Fifty Years of India's Independence (New Delhi: Gyan Publishing House, 1999), pp.106-118.
6. Amnesty International, "Campaign for the Abolition of Torture", Philosophy and Science Action, vol.5, nos. 3-4 1984, pp.205- 208.
7. Aroras, Nirman "Custodial Torture in Police Station in India :A Radical Assessment", Journal of Indian Law Institute, vol. 41, nos.3 and 4, 1999, pp.513-29
8. Bag, R.K., "Domestic Violence and Crime Against Women: Criminal Justice Response in India ", Journal of Indian Law Institute, vol. 39, nos.2- 4, 1997, pp.359-75.
9. Batra, Manjula, Protection of Human Rights in Criminal Justice Administration : A study of the right of Accused in Indian and Soviet Legal System (New Delhi: Deep and Deep, 1989)
10. Bava, Noorjahan, ed., Human Rights and Criminal Justice Administration in India (New Delhi : Uppal Publishing House, 2000)
11. Bhagwati, F.N., " Human Rights in the Criminal Justice System ", Journal of the Indian Law Institute, vol. 27, no.1, 1985, pp 1- 22.

12. Blackshield, A.R. "Capital Punishment in India " , Journal of Indian Law Institute vol. 21 no.2, 1979, pp 137-226.
13. Burgers, J.H., "The Fights against Torture " , International Commission of Jurists, no.32, 1984,pp.47-48
14. Jaswal, P.S. and N. Jaswal , "Right to Personal Liberty and Handcuffing: Some Observations", Journal of the Indian Law Institute, vol.33, no.2, April- June 1991, pp.246-53
15. Sharma, S.C., Police and Human Rights (1999).
16. Upadhyay, C.M., Human Rights in Pre-trial Detention (1999).

2. INTERNATIONAL CRIMINAL LAW AND TRANSNATIONAL CRIME

CHAPTER – 01: INTERNATIONAL CRIMINAL LAW DEVELOPMENT

- 1.1. The sources of international Criminal Law
- 1.2. Principles of State jurisdiction –
- 1.3. The role of the International Criminal Court and jurisdiction –
- 1.4. The Rome Statute – a. The crime of aggression b. Genocide c. Crimes against humanity d. War crimes e. Terrorism and transnational crimes.
- 1.5. Various International criminal tribunals

CHAPTER – 02: TRANSNATIONAL CRIMES

- 2.1. Meaning, Definition and Scope
- 2.2. Characteristics of Transnational crime
- 2.3. Types of Transnational crime
- 2.4. Causes of Transnational crime
 - 2.4.1. Criminal Intent and mens-rea in such crimes
 - 2.4.2. Modus operandi of Transnational crime
- 2.5. Classification of Transnational Crimes
 - 2.5.1. Drug Trafficking as Transnational Crime
 - 2.5.2. Trafficking of Weapons
 - 2.5.3. Counterfeit of Goods
 - 2.5.4. Trafficking of Persons and Smuggling of Migrants
 - 2.5.5. Money Laundering
 - 2.5.6. Terrorism
 - 2.5.7. Environmental Crimes

CHAPTER – 03: LAWS RELATING TO TRANSNATIONAL CRIME

- 3.1. Organised crime and United Nations,
- 3.2. The UN Convention on transnational and organised crime
- 3.3. Naples Declaration and Global Action Plan 24 Dec. 1994
- 3.4. United Nations Conventions Against Organized Crime, 2000

CHAPTER – 04: PREVENTION, CONTROL AND CORRECTIONAL STRATEGIES

- 4.1. Extradition Act 1962 (Relevant Provisions) and Extradition Treaty
- 4.2. International investigative agencies (Interpol etc), Adjudication authorities (including ad hoc and permanent criminal tribunals),
- 4.3. Role of Police in Investigation of organized crime
- 4.4. Role of Judiciary, Trial and Sentencing in organized crime

Suggested Readings:

1. The International Criminal Court: Challenges to Achieving Justice and Accountability in the 21st Century by Mark S. Ellis; Richard J. Goldstone. International Debate Education Association, 2008
2. An Introduction to International Criminal Law and Procedure Paperback – June 28, 2010 by Robert Cryer, Hakan Friman, Darryl Robinson
3. International Criminal Law: Cases and Commentary (Paperback) By (author) Antonio Cassese, By (author) Guido Acquaviva, By Mary De Ming Fan, Alex Whiting
4. An Introduction to Transnational Criminal Law (Paperback) by Neil Boister
5. The International Criminal Court: A Commentary on the Rome Statute (Oxford Commentaries on International Law) By William A. Schabas
6. An Introduction to the International Criminal Court By William A. Schabas
7. International and Transnational Criminal Law by David Luban , Julie R. O'Sullivan, David P. Stewart
8. From Nuremberg to the Hague: The Future of International Criminal Justice, Philippe Sands., Cambridge University Press, 2003
9. Transnational Organized Crime- An Overview from Six Continents by Jay Albanese, Philip Reichel
10. Transnational Organized Crime: A Commentary on the United Nations Convention and its Protocols (Oxford Commentaries on International Law) Hardcover – May 17, 2007 by David McClean, Oxford University Press (May 17, 2007)
11. Handbook of Transnational Crime and Justice by Jay Albanese, Philip Reichel, Sage Publications.

3. COMPARATIVE CRIMINAL PROCEDURE

OBJECTIVES OF THE COURSE:

Criminal Procedure is being taught as a compulsory paper at the level of LL.B. today. However, a jurisprudential thrust has to be given to this subject at the post-graduate level as this is a subject which has constitutional undertones and jurisprudential importance. A study of comparative criminal procedure helps students develop an ecumenical approach and broadens their vision. It inspires them renew and revise their laws to be in tune with developed systems. The paper is taught with reference to India, England, France and China

CHAPTER - 01: ORGANISATION OF COURTS AND PROSECUTING AGENCIES

- 1.1 Hierarchy of criminal courts and their jurisdiction
 - 1.1.1 Nyaya Panchayats in India

1.1.1.1 Panchayats in tribal areas

1.2 Organisation of prosecuting agencies for prosecuting criminals

1.2.1 Prosecutors and the police

1.3 Withdrawal of prosecution

CHAPTER - 02: PRE-TRIAL PROCEDURES

2.1 Arrest and questioning of the accused

2.2 The rights of the accused

2.3 The evidentiary value of statements /articles seized/collected by the police

2.4 Right to counsel

2.5 Roles of the prosecutor and the judicial officer in investigation

CHAPTER - 03: TRIAL PROCEDURES

3.1 The accusatory system of trial and the inquisitorial system

3.2 Role of the judge, the prosecutor and defence attorney in the trial.

3.3 Admissibility and inadmissibility of evidence

3.4 Expert Evidence

3.5 Appeal of the court in awarding appropriate punishment

3.6 Plea bargaining

CHAPTER - 04: CORRECTION AND ANERCARE OCIVIUCS.

4.1 institutional correction of the offenders

4.2 General comparison - Aftercare services in India and France

4.3 The role of the court in correctional programmes in India

CHAPTER - 05: PREVENTIVE MEASURES IN INDIA

5.1 Provisions in the Criminal Procedure Code

5.2 Special enactments

Suggested Readings:

1. Celia Hamptom, criminal Procedure. .
2. Wilkiris and Cross, Outline of the Law of Evidence
3. Archbold, Pleading, Evidence and Practice in Criminal Cases Sarkar,
4. Law of Evidence K.N.Chandrasekharan Pillai (ed.),
5. R.V.Kelkar's Outlines of Criminal Procedure (200), Eastern, Lucknow
6. Patric Devlin, The Criminal Prosecution in Englands
7. Americal Series of Foreign Penal Codes Criminal Procedure Code of People's Republic of China
8. John N. Ferdico, Criminal Procedure (1996), West Sanders & Young, Criminal Justice {1994}
9. Christina Van Den Wyngart, Criminal Procedure Systems in European Community,
10. Joel Sambha, Criminal Procedure(1997), West
11. Criminal Procedure Code, 1973

12. The French Code of Criminal Procedure
13. 14th and 41st Reports of Indian Law Commission
14. The Paper will be taught with reference, wherever necessary, to the procedures in India, England and France.