

PROGRAMME GUIDE

MASTER OF LAWS (LL.M.)

- ❖ Scheme of Examination (CBCS/ELECTIVE/BASED)
- ❖ Detailed Syllabus

Venue:

Main Campus:- Vill-

Jonhiya (Tarba-Kharba) po – Maheshra, Ps – Daru, Dist – Hazaribag (Jharkhand) – 825301

City Campus:-

Matwari Chowk Infront of Gandhi Maidan, Hazaribag (Jharkhand) – 825301

PROGRAMME OBJECTIVE

The Highlight of this programme is its emphasis on an Interdisciplinary approach in the study of law and research orientation by underlining the relevance of research methodology with utmost technical precision and scientific sophistication. The student has option of a cafeteria approach in terms of specialization, cross specialization COURSE combining innovation, cutting edge legal acumen and theoretical insights.

PROGRAMME OUTCOMES

1. Students will be acquainted with National/ International corporate laws.
2. Students will be able to develop a broader and comprehensive approach which could help the students to have a deep understanding of intertwined relationship between law, Society and the rising culture

INTRODUCTION

LL.M. (Master of Laws) program at the Department of Law is a Two-year degree program with specialization in four areas of Law. The highlight of this program is the curriculum which is innovative, dynamic and benefitting the needs of the profession, industry and academia. The master programme emphasizes the enhancement of practical skills and experiential in law professionals.

- Criminal Law
- Business Law
- Constitutional Law
- Human Rights

VISION

To empower every individual with legal knowledge and inculcate the legal value in tribal area.

MISSION

- To prepare competent experts who can work with strong feeling of devotion for the establishment of legal values.
- Enforcement of legal at global scenario by providing service.
- To prepare Professional in the field of law, justice and administration.

- Students will be to use advanced techniques and methods in legal research and training.
- Students will be able to develop skills in Legal profession to enhance employability and entrepreneurial ventures.

PROGRAMME SPECIFIC OUTCOMES

- Criminal Law
- Business Law
- Constitutional Law
- Human Rights

After learning this programme they have scope in pursuing doctoral research such as M. Phil, Ph.D.

Students also join teaching profession by qualifying National Eligibility Test and State Level Eligibility Test conducted by University Grant Commission. They can also Work in various field like legal process outsource, Self-practice in High Court, District Court in Civil Criminal field and Legal associate or advisor in MNC, Consumer cases. They can also join the subordinate judicial service and Public Prosecutors through public service examination.

MASTER OF LAWS (LL. M.)
Duration: 24 Months (2 Years), Eligibility: Law Graduate

COURSE STRUCTURE OF LLM (SEMESTER - I)													
COURSE Details				External Assessment		Internal Assessment				Credit Distribution			Allotted Credit
COURSE Code	COURSE Type	COURSE Title	Total Marks	Major		Minor		Sessional		L	T	P	COURSE Wise Distribution
				Max Marks	Min Marks	Max Marks	Min Marks	Max Marks	Min Marks				
Theory Group													
6LMLL101	Core COURSE - I	Law and Social Transformation in India(Compulsory)	100	50	20	20	08	30	12	3	1		4
6 LMLL102	Core COURSE - I	Indian Constitutional Law: the New Challenges(Compulsory)	100	50	20	20	08	30	12	3	1		4
6 LMLL103	ELECTIVE -I	Group-(A) Comparative Criminal Procedure	100	50	20	20	08	30	12	3	1		4
6 LMLL104		Group-(B) Law of Industrial and Intellectual Property											
6 LMLL105		Group-(C) Mass Media Law											
6 LMLL106		Group-(D) Concept and Development of Human Rights											
6 LMLL107	ELECTIVE -II	Group-(A) Penology: Treatment of offenders	100	50	20	20	08	30	12	3	1		4
6 LMLL108		Group-(B) Legal Regulation of Economic Enterprises											
6 LMLL109		Group-(C) Public Utilities Law											
6 LMLL110		Group-(D) Human Rights and International Order											
	Total		400										16

Minimum Passing Marks are equivalent to Grade D

L- Lectures T- Tutorials P- Practical

Major- Term End Theory Exam

Minor- Pre University Test

Sessional weight age – Attendance 50%, Three Class Tests/Assignments 50

GROUP SPECIFICATION

Group-(A) –CRIMINAL LAW; Group-(B) – BUSINESS LAW

Group-(C) – CONSTITUTIONAL AND LEGAL ORDER; Group-(D) – HUMAN RIGHT

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COURSE STRUCTURE OF LLM (SEMESTER -II)													
COURSE Details				External Assessment		Internal Assessment				Credit Distribution			Allotted Credit
COURSE Code	COURSE Type	COURSE Title	Total Marks	Major		Minor		Sessional		L	T	P	COURSE Wise Distribution
				Max Marks	Min Marks	Max Marks	Min Marks	Max Marks	Min Marks				
Theory Group													
6LMLL201	Core COURSE - I	Judicial Process (Compulsory)	100	50	20	20	08	30	12	3	1		4
6LMLL202	ELECTIVE -I	Group-(A) Privileged Class Deviance	100	50	20	20	08	30	12	3	1		4
6LMLL203		Group-(B) Law of Export - Import Regulation											
6LMLL204		Group-(C) Union - State Financial Relations											
6LMLL205		Group-(D) Protection and Enforcement of Human Rights in India											
6LMLL206	ELECTIVE -II	Group-(A) Drug Addiction, Criminal Justice & Human Rights	100	50	20	20	08	30	12	3	1		4
6LMLL207		Group-(B) Banking Law											
6LMLL208		Group-(C) Constitutionalism: Pluralism Federalism											
6LMLL209		Group-(D) Human Rights of Disadvantage Groups: Problems and Issues International Order											
Practical Group				Project				Viva-Voce					
6LMLL201	CORE COURSE - I	Judicial Process (Compulsory)	100	50	20			50	20			4	4
Total			400										16

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COURSE STRUCTURE OF LLM (SEMESTER- III)

COURSE STRUCTURE OF LLM (SEMESTER- III)													
COURSE Details				External Assessment		Internal Assessment				Credit Distribution			Allotted Credit
COURSE Code	COURSE Type	COURSE Title	Total Marks	Major		Minor		Sessional		L	T	P	COURSE Wise Distribution
				Max Marks	Min Marks	Max Marks	Min Marks	Max Marks	Min Marks				
Theory Group													
6LMLL301	Core COURSE - I	Legal Education & Legal Research Methodology (Compulsory)	100	50	20	20	08	30	12	3	1		4
6 LMLL302	ELECTIVE -I	Group-(A) Juvenile delinquency	100	50	20	20	08	30	12	3	1		4
6 LMLL303		Group-(B) Insurance Law											
6 LMLL304		Group-(C) Human Rights											
6 LMLL305		Group-(D) International Humanitarian Law and Refugee Law											
6 LMLL306	ELECTIVE -II	Group-(A) Collective Violence	100	50	20	20	08	30	12	3	1		4
6 LMLL307		Group-(B) Corporate Finance											
6 LMLL308		Group-(C) National Security, Public order & Rule of Law											
6 LMLL309		Group-(D) Science Technology and Human Rights											
Total			300										12

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Duration: 24 Months (2 Years), Eligibility: Law Graduate

COURSE STRUCTURE OF LLM (SEMESTER -IV)

COURSE Details				External Assessment		Internal Assessment				Credit Distribution			Allocated Credit
COURSE Code	COURSE Type	COURSE Title	Total Marks	Major		Minor		Sessional		L	T	P	COURSE Wise Distribution
				Max Marks	Min Marks	Max Marks	Min Marks	Max Marks	Min Marks				
Theory Group													
6 LMLL401	Core COURSE - I	Dissertation Compulsory	150	-			60						4
6 LMLL402		Viva-Voce*	50		20								2
	Total		200										6

LAW & SOCIAL TRANSFORMATION IN INDIA

COURSE OBJECTIVE: - 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 to achieve development within the framework of law. The Endeavour is to make the students aware of the role the law has played and has to play in the contemporary Indian society The following syllabus prepared with this perspectives will be spread over a period of one semester .

SYLLABUS:-

UNIT –I **1. Law and social change**, Law as an instrument of social change. Law as the product of traditions and culture. Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

UNIT –II **2. Religion and the law**, Religion as a divisive factor. Secularism as a solution to the problem, Reform of the law on secular lines: Problems, Freedom of religion and non-discrimination on the basis of religion, Religious minorities and the law.

UNIT –III **3. Language and the law**, Language as a divisive factor: formation of linguistic states, Language as a divisive factor: formation of linguistic states, Language as a divisive factor: formation of linguistic states, Language policy and the Constitution: Official language; multi-language system. Non-discrimination on the ground of language.

4. Community and the law, Caste as a divisive factor, Non-discrimination on the ground of caste, Acceptance of caste as a factor to undo past injustice, Protective discrimination: Scheduled castes, tribes and backward classes, Reservation; Statutory Commissions., Statutory provisions.

5. Regionalism and the law Regionalism as a divisive factor, Regionalism as a divisive factor, Right of movement, residence and business; impermissibility of state or regional barriers, Equality in matters of employment: the slogan "Sons of the soil" and its practice. Admission to educational institutions: preference to residents of a state.

6. Women and the law, Crimes against women. Gender injustice and its various forms, Women's Commission. Empowerment of women: Constitutional and other legal provisions.

UNIT –IV 7. Children and the law, Child labour, Sexual exploitation, Adoption and related problems, Children and education.

8. Modernisation and the law, Modernisation as a value: Constitutional perspectives reflected in the fundamental duties., Modernisation of social institutions through law., Reform of family law, Agrarian reform - Industrialisation of agriculture., Industrial reform: Free enterprise v. State regulation - Industrialisation v. environmental protection., Reform of court processes., Criminal law: Plea bargaining; compounding and payment of compensation to victims., Civil law: (ADR) Confrontation v. consensus; mediation and conciliation; Lokadalats., Prison reforms., Democratic decentralisation and local self-government.

UNIT –V 9. Alternative approaches to law,The jurisprudence of Sarvodaya- Gandhiji, VinobaBhave; ,Jayaprakash Narayan-Surrender of dacoits; concept of gramanyayalayas.,Socialist thought on law and justice: An enquiry through constitutional debates on the right to property.,Indian Marxist critique of law and justice.,Naxalite movement: causes and cure.

COURSE OUTCOME- Students will get familiar with how law which emerged as a product of traditions and culture became an instrument of social change. A thorough analysis of the COURSE will help students understand the way law and society had interacted with each other during the colonial and post-colonial times. By the end of the study the students will get acquainted with Legal development and creativity through legal reasoning under statutory and codified systems.

REFERENCE BOOKS

- Marc Galanter (ed.), Law and Society in Modern India (1997) Oxford,
- Robert Lingat, The Classical Law of India (1998), Oxford
- U. Baxi, The Crisis of the Indian Legal System (1982). Vikas, New Delhi.
- Manushi, A Journal About Women and Society.
- Duncan Derret, The State, Religion and Law in India (1999). OxfordUniversity Press, New Delhi.
- H.M. Seervai, Constitutional Law of India (1996), Tripathi.
- D.D. Basu, Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd., New Delhi.
- Sunil Deshta and KiranDeshta, Law and Menace of Child Labour (2000) Armol Publications, Delhi.
- SavitriGunasekhare, Children, Law and Justice (1997), Sage
- Indian Law Institute, Law and Social Change : Indo-American Reflections, Tripathi (1988)
- M.P.Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay.
- Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford

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INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES

COURSE OBJECTIVE: - 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. Constitutional 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.

SYLLABUS: -

- UNIT-I** **1. Federalism,** Creation of new states, Allocation and share of resources – distribution of grants in aid, The inter – state disputes on resources, Rehabilitation of internally displaced persons, Centre’s responsibility and internal disturbance within States, Directions of the Centre to the State under Article 356 and 365, Federal Comity: Relationship of trust and faith between Centre and State, Special status of certain States, Tribal Areas and Scheduled Areas
- UNIT-II** **2. “State”:** Need for widening the definition in the wake of liberalization.
- 3. Right to equality: privatisation and its impact on affirmative action.**
- 4. Empowerment of women.**
- 5. Freedom of press and challenges of new scientific development,** freedom of speech and right to broadcast and telecast, Right to strikes, hartal and bandh.
- UNIT-III** **6. Emerging regime of new rights and remedies,** Reading Directive Principles and Fundamental Duties into Fundamental Rights, Compensation jurisprudence, Right to education, Commercialisation of education and its impact, Brain drain by foreign education market.
- UNIT-IV** **7. Right of minorities to establish and administer educational institutions and state control.**
- 8. Secularism and religious fanaticism.**
- UNIT-V** **9. Separation of powers: stresses and strain,** Judicial activism and judicial restraint, PIL: implementation, Judicial independence, Appointment, transfer and removal of judges, Accountability: executive and judiciary, Tribunals.

10. Democratic process, Nexus of politics with criminals and the business, Election, Election commission: status, Electoral Reforms, Coalition government, ‘stability, durability, corrupt practice’, Grass root democracy.

COURSE OUTCOME:- The need for studying and being well aware of the emerging challenges has become inevitable in any study of human culture, achievements and institutions. Enlightenment and in depth study of this subject will enlarge the vision of students as the course is designed not only to give knowledge of different political system of our country but also give comprehensive jurisprudential knowledge to them.

REFERENCE BOOKS

No specific bibliography is suggested for this course since the course materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values.

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COMPARATIVE CRIMINAL PROCEDURE

COURSE OBJECTIVE: - 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 COURSE at the post-graduate level as this is a COURSE 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.

SYLLABUS: -

- UNIT-I** **1. Organization of Courts and Prosecuting Agencies,** Hierarchy of criminal courts and their jurisdiction, Nyaya Panchayats in India, Panchayats in tribal areas, Organization of prosecuting agencies for prosecuting criminals, Prosecutors and the police, Withdrawal of prosecution.
- UNIT-II** **2. Pre-trial Procedures,** Arrest and questioning of the accused, The rights of the accused, The evidentiary value of statements / articles seized / collected by the police, Right to counsel, Roles of the prosecutor and the judicial officer in investigation.
- UNIT-III** **3. Trial Procedures,** The accusatory system of trial and the inquisitorial system, Role of the judge, the prosecutor and defence attorney in the trial, Admissibility and inadmissibility of evidence, Expert evidence, Appeal of the court in awarding appropriate punishment, Plea bargaining
- UNIT-IV** **4. Correction and Aftercare services,**Institutional correction of the offenders, General comparison - After - care services in India and France,The role of the court in correctional programmes in India.
- UNIT-V** **5. Preventive Measures in India,** Provisions in the Criminal Procedure Code, Special enactments
- 6. Public Interest Litigation,** Directions for criminal prosecution.

COURSE OUTCOME:- Students will develop a comprehensive analysis of the process of judging at every stage starting from panchayats, trial courts till the apex court in India along with an awareness regarding the court systems, the nature and scope of the investigation and the nature of the trial in India in comparison to U.S., U.K. and France.

REFERENCE BOOKS

- Celia Hampton, Criminal Procedure
- Wilkins and Cross, Outline of the Law of Evidence
- Archbold, Pleading, Evidence and Practice in Criminal Cases
- Sarkar, Law of Evidence
- K.N.Chandrasekharan Pillai(ed.), R.V. Kelkar's Outlines of Criminal Procedure (2000), Eastern, Lucknow.
- Patric Devlin, The Criminal Prosecution in England
- American Series of Foreign Penal Codes Criminal Procedure Code of People's Republic of China.
- John N. Ferdico, Criminal Procedure (1996), West
- Sanders & Young, Criminal Justice (1994)
- Christina Van Den Wyngart, Criminal Procedure Systems in European Community Joel Samaha,
- Criminal Procedure (1997), West
- Criminal Procedure Code, 1973
- The French Code of Criminal Procedure,
- 14th and 41st Reports of Indian Law Commission.
- The Paper will be taught with reference, wherever necessary, to the procedures in India, England, US France, Russia and China.

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LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY

COURSE OBJECTIVE:- 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 emphasised 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 rights dimensions of the regime of intellectual property law will also be addressed. The following syllabus prepared with this perspective will be spread over a period of one semester.

SYLLABUS:-

UNIT-I 1. IPR and International Perspectives

2. Trademarks and Consumer Protection (Study of UNCTAD report on the subject)

3. The Legal Regime of Unfair Trade Practices and of Intellectual Industrial Property, United Nations approaches (UNCTAD, UNCITRAL), EEC approaches, Position in U.S., the Indian situation.

UNIT-II 4. Special Problems of the Status of Computer Software in Copyright and Patent Law: A Comparative Study.

5. Biotechnology Patents, Nature and types of biotechnology patents, patent over new forms of life: TRIPS obligations, plant patenting, sui generis protection for plant varieties, multinational ownership, and regulation of environment and health hazards in biotechnology patents, Indian policy and position.

UNIT-III 6. Patent Search, Examination and Records, International and global patent information retrieval systems (European Patent Treaty), Patent Co – operation Treaty (PCT), Differences in resources for patent examination between developed and developing societies, the Indian situation.

UNIT-IV 7. Special Problems of Proof of Infringement, status of intellectual property in transit – TRIPS obligation – Indian position, The evidentiary problems in action of passing off, the proof of non – anticipation, novelty of inventions protected by patent law, Evidentiary problems in piracy: TRIPS obligation – reversal of burden of proof in process patent, Need and Scope of Law Reforms.

UNIT-V **8. Intellectual Property and Human Right**, Freedom of speech and expression as the basis of the regime of intellectual property right – copyright protection on internet – WCT (WIPO Copyright Treaty, 1996), Legal status of hazardous research protected by the regime of intellectual property law, Human right of the impoverished masses intellectual property protection of new products for healthcare and food security, Traditional knowledge – protection – biodiversity convention – right of indigenous people.

COURSE OUTCOME- After a detailed study of these paper students will be able to demonstrate a basic understanding of the legal system involved specially in respect to Industries and Intellectual Property. Students will develop good hold on the core doctrines of intellectual property law and industrial laws.

REFERENCE BOOKS

- Special attention should be given to literature of the U.N. System, WIPO and the UNESCO.
- Terence P. Stewart (ed.), The GATT Uruguay Round: A Negotiating History (1986 – 1994) the End Game (Part – 1) (1999), Kluwer Iver P. Cooper, Biotechnology and Law (1998), Clerk Boardman Callaghan, New York.
- David Bainbridge, Software Copyright Law (1999), Butterworths
- Sookman, Computer Law (1998), Carswell.
- Carlos M. Correa (ed.), Intellectual Property and International Trade (1998), Kluwer
- Patent Co – operation Treaty Hand Book (1998), Sweet and Maxwell
- W.R.Cornish, Intellectual Property Law (1999), Sweet and Maxwell

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MASS MEDIA LAW

COURSE OBJECTIVE :- Mass media such as press, radio and television, films, play a vital role in socialisation, culturalisation and modernisation of a society. The visual media are bound to have a much greater impact on human mind. But while these media have such a potential value as man educators, they are also susceptible to destructive and harmful uses for promoting criminal anti-social and selfish escapist tendencies. While their positive potential as mass educators has to be harnessed for developmental purposes, their negative, harmful potential has to be curbed in public interest. Law plays a dual role vis-a-vis such media. On the one hand, it protects the creative freedom involved in them, on the other, it has to regulate them so as to avoid their possible abuse. This paper will deal with such interaction between law and mass media. The following syllabus prepared with this perspective will be spread over a period of one semester.

SYLLABUS: -

UNIT-I 1. Mass media - Types of - Press Films, Radio Television, Ownership patterns - Press - Private – Public., Ownership patterns - Films – Private, Ownership patterns - Radio & Television, Public, Difference between visual and non- Visual Media- impact on People’s minds.

UNIT-II 2. Press - Freedom of Speech and Expression - Article 19 (1) (a),Includes Freedom of the Press, Laws of defamation, obscenity, blasphemy and sedition, The relating to employees’ wages and service conditions, Price and Page Schedule Regulation, Newsprint Control Order, Advertisement - is it included within freedom of speech and expression? Press and the Monopolies and Restrictive Trade Practices Act.

UNIT-III 3. Films - How far included in freedom in of speech and expression? Censorship of films – constitutionality,The Abbas Case.,Difference between films and Press - why pre-censorship valid for films but not for the press?,Censorship under the Cinematograph Act.

UNIT-IV 4. Radio and Television - Government monopoly.,Why Government department?,Should there be an autonomous corporation?,Effect of television on people.,Report of the Chanda Committee.,Government policy.,Commercial advertisement.,Internal Scrutiny of serials, etc.,Judicial Review of Doordarshan decisions: Freedom to telecast.

UNIT-V 5. Constitutional Restrictions,Radio and television COURSE to law of defamation and obscenity.,Power to legislate - Article 246 read with the Seventh Schedule.,Power to impose tax - licensing and licence fee.

COURSE OUTCOME- This paper will make students aware of the different important legislations affecting the various branches of Media Communication, making them aware of people's rights and facilitating them to exercise those rights within the framework of law existing in India. In the end furthering with its practical aspects this paper will build up an understanding of the cause and application of "Freedom of Speech and Expression" in the field of entertainment media.

REFERENCE BOOKS

- Media Law, Dr. Rajiv Jain
- Media under Indian Legal System, Dr. Namita Jain
- M.P. Jain, Constitutional Law of India (1994) Wadhwa.
- H.M. Seervai, Constitutional Law of India Vol.I (1991) Tripathi, Bombay.
- John B. Howard, "The Social Accountability of Public Enterprises" in Law and Community Controls in New Development Strategies (International Center for law in Development 1950).
- Bruce Michael Boyd, "Film Censorship in India: A Reasonable Restriction on Freedom of Speech and Expression ". 14 J.I.L.I. 501 (1 972).
- Rajeev Dhavan "On the Law of the Press in India" 20 J.I.L.I. 288 (1984).
- Rajeev Dhavan, "Legitimizing Government Rhetoric: Reflections on Some Aspects of the Second Press Commission" 20 J.I.L.I. 391 (1984).
- Soli Sorabjee, Law of Press Censorship in India (1976).
- Justice E.S. Venkaramiah, Freedom of Press: Some Recent Trends (1984).
- D D. Basu, The Law of Press of India (1950).
- Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute. (Constitutional Law 1 & 11, Administrative Law and Public Interest litigation).

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CONCEPT AND DEVELOPMENT OF HUMAN RIGHT

COURSE OBJECTIVE:- Protection of Human Rights (HR) became an important issue after the Second World War and after the acceptance of Universal Declaration of Human Rights. The growth of HR Law and jurisprudence thereafter was spontaneous and continuous. The changes in the global scenario bring new concept of HR protection against violation. In one sense, HR can be said as the rights which the nature has endowed with human beings. However, they are not mere privileges given to the COURSEs by the ruler but are liberties permitted to the 'citizens' in a democracy. Manifestly a law that violates human rights is no law at all. Probably this perspective may give an impression that human rights are not different from natural rights envisaged by the natural law school. Although Indian polity waited for more than one score and five years for adoption of Fundamental Duties in the Constitution, it is beyond doubt that every human being has responsibilities and obligation not only towards the other fellow beings, but also towards the society at large. Only when a society is aware of this right-duty relationship can there be any meaning to human rights.

SYLLABUS: -

- UNIT-I** 1. Human Rights: Concept. Human rights in Indian tradition: ancient, medieval and modern, Human rights in western tradition, Development of natural rights, Human rights in international law and national law
- UNIT-II** 2. Classification of Human Rights - First, Second, and Third Generations: Historical Development
- UNIT-III** 3. Human Rights: Politics and Society, Colonisation, imperialism and human rights, Power, practices, accountability and transparency, Liberalization, privatization and globalization, Human duties: responsibilities and obligations
- UNIT-IV** 4. Human Rights and Judicial Process, Judicial activism
5. Human Rights Protection Agencies

COURSE OUTCOME: - On completion of these paper students will gain thorough knowledge in the field of Human Rights. This paper will further sensitize students about the violation of Human Rights and will acquaint the students with core concepts of international human rights along with regional and national organization structure on human rights.

REFERENCE BOOKS

- Human Rights Issues & Challenges, Dr. M. Tariq
- Angela Hegarty, Siobhan Leonard, Human Rights an Agenda for the 21st Century (1999)
- Lalit Parmer, Human Rights, (1998).
- Rama Jois, Human Rights: Bharatiya Values, (1998).
- David P. Forsythe, Human Rights in International Relations.
- Lon L. Fuller, The Morality of Law
- John Finnis, Natural Law and Natural Rights, (1950).
- Julius Stone, Human Law and Human Justice, (2000), Universal, New Delhi.
- M.G.Chitkara, Human Rights: Commitment and Betrayal, (1996).
- V.D. Kulshreshtra, Landmarks in the Indian Legal and Constitutional History, (1995)
- Robert Lewngat, The Classical Law of India (1998), Oxford.

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PENOLOGY: TREATMENT OF OFFENDERS

COURSE OBJECTIVE:-This COURSE offers a specialist understanding of criminal policies including theories of punishment, their supposed philosophical and sociological justifications and the problematic of discretion in the sentencing experience of the 'developing' societies, a focus normally absent in law curricula so far. The expert work of the U.N. Committee on Crime Prevention and Treatment of Offenders will be availed of in this COURSE. Especially, at each stage, the three 'D's will be explored as offering a range of alternatives: decriminalisation, dependization, and deinstitutionalization. Broadly, the COURSE will concern itself with:

- (a) Theories of Punishment
- (b) Approaches to Sentencing
- (c) Alternatives to Imprisonment
- (d) The State of Institutional Incarceration in India: Jails and other custodial institutions
- (e) The problematic of Capital Punishment
- (f) Penology in relation to privileged class deviance
- (g) Penology in relation to marginalized deviance or criminality
- (h) The distinctive Indian (historical and contemporary) approaches to penology

SYLLABUS: -

- UNIT-I** **1. Introductory**, Definition of Penology
- UNIT-II** **2. Theories of Punishment**, Retribution, Utilitarian prevention: Deterrence, Utilitarian: Intimidation, Behavioural prevention: Incapacitation, Behavioural prevention: Rehabilitation – Expiation, Classical Hindu and Islamic approaches to punishment.
- UNIT- III** **3. The Problematic of Capital Punishment**, Constitutionality of Capital Punishment, Judicial Attitudes towards Capital Punishment in India - An inquiry through the statute law and case law., Law Reform Proposals
- UNIT- IV** **4. Approaches to Sentencing**, Alternatives to Imprisonment, Probation, Corrective labour, Fines. Collective fines, Reparation by the offender/by the court
- UNIT-V** **5. Sentencing**, Principal types of sentences in the Penal Code and special laws, Sentencing in white collar crime, Pre-sentence hearing, Sentencing for habitual offender, Summary punishment, Plea-bargaining
- 6. Imprisonment**, The state of India's jails today, The disciplinary regime of Indian prisons, Classification of prisoners, Rights of prisoner and duties of custodial staff, Deviance by custodial staff, Open prisons, Judicial surveillance - basis - development reforms

COURSE OUTCOME- After studying this paper, students will be able to appreciate the significance of Penology, the types of Punishment Theories, the features of Traditional and modern contemporary correctional approaches including its administration and prison reforms in India.

REFERENCE BOOKS

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

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LEGAL REGULATION OF ECONOMIC ENTERPRISES

COURSE OBJECTIVE:- 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 liberalisation 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. It will comprise of about 42 units of one-hour duration each spread over a period of one semester.

SYLLABUS: -

- UNIT-I** **1. The Rationale of Government Regulation,** Constitutional perspectives, The new economic policy - Industrial policy resolutions, declarations and statements, The place of public, small scale, co-operative, corporate, private and joint sectors - in the changing context, Regulation of economic activities, Disclosure of information, Fairness in competition, Emphasis on consumerism
- 2. Development and Regulation of Industries**
- 3. Take-over of Management and Control of Industrial Units**
- 4. Sick Undertakings: Nationalisation or Winding Up?**
- UNIT-II** **5. Licensing Policy and Legal Process - Growing Trends of Liberalisation**
- 6. Deregulation of essential commodities: developmental sign or a social mishap?**
- UNIT-III** **7. Financial Services: Changing Techniques of Regulation**
- UNIT-IV** **8. Critical Issues Regarding the Capital Issues,**Equity and debt finance, Global depositories, De-materialised securities,
- UNIT-V** **9. Problems of Control and Accountability: Regulation of Hazardous Activity,** Mass disaster and environmental degradation: legal liability and legal remedies, Public Liability Insurance: adequacy, Issues in zoning and location of industrial units

10. Special Aspects of Legal Regulation of Select Public Enterprises (Universities may select some such representative public enterprises for transport, mining and energy).. Telecom Regulatory Authority, Insurance Regulatory Authority, Broadcasting Regulatory Authority

11. Legal Regulation of Multi-Nationals, Collaboration agreements for technology transfer, Development and regulation of foreign investments,. Investment in India: FDIs and NRIs, Investment abroad

COURSE OUTCOME- By the end of this paper students will be acquainted with the eco-legal perspectives and implications of developments that have taken place in business laws especially in our country. This paper would enable the students to understand how e-commerce and online expansion of companies prompted India to create regulations to cover other laws like cyber law and security compliances, such as the techno legal regulatory provisions in the Companies Act of 2013 and take a progressive step forward in the global economy.

REFERENCE BOOKS

- S.Aswni Kumar, The Law of Indian Trade Mark (2001), Commercial Law House, Delhi.
- Industrial Policy Resolutions of 1948, 1956, 1991
- Industrial Licensing Policy 1970, 1975
- Industrial Policy Statements 1973, 1977, 1950
- Reports of Committees on Public Undertakings of Parliament.
- Industries (Development and Regulation) Act, 1951
- U. Baxi (ed.), Inconvenient Forum and Convenient Catastrophe The Bhopal Case, (1986) U. Baxi& T. Paul (eds.), Mass Disasters and Multinational Liability (1986)
- U. Baxi& A. Dhandba, Valiant Victims and Lethal Litigation: The Bhopal Case (1989)
- Indian Law Institute, Law of international Trade Transactions, (1973)

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PUBLIC UTILITIES LAW

COURSE OBJECTIVE: - Public utilities are government monopolies, which are services rather than commercial enterprises. The law of public utilities is contained in the statutes of incorporation and judicial decisions given by courts while resolving disputes between the utilities and their consumers or employees or traders or others entering into business relations with them. In this paper a student will study (a) government policy in regard to such utilities in general and to each utility in particular, (b) the growth and evolution of the public utilities; (c) patterns of the laws of incorporation and (d) powers, functions and liabilities of the public utilities vis-a-vis their employees, consumers and others. The following syllabus prepared with this perspective will be spread over a period of one semester.

SYLLABUS:-

- UNIT-I** **1. Public Utilities,** Railways, Electricity, Gas, Road Transport, telephone, post and telegraph service, Police, Fire Brigade, Banking service, etc, Growth and evolution of public utilities and their legislation
- UNIT-II** **2. Public Utilities - Why Government Monopoly?** Government and Parliamentary Control, Constitutional division of power to legislate.
- UNIT-III** **3. Utilities Legislation - Patterns of** - Administrative Authorities - Structure of the Administrative Authorities, Subordinate legislation
- UNIT-IV** **4. Public Utilities and Fair Rearing,** Quasi-Judicial Decision - Administrative Discretion.
- 5. Public Utilities and Consumer Protection,** Exclusion from M.R.T.P. Act, Rights of consumers protected by the Consumer Protection Act, Rights Arising from law of Contract and law of Torts.
- 6. Public Utilities and their Employees.** , Application of Articles 16 and 311? , Application of Industrial law- right to strike.
- UNIT-V** **7. Public Utilities and Fundamental Rights,** The right to equality: the airhostess case. , Are Public utilities "State" for the purpose of article 12 of the Constitution? , Extension of the concept of State
- 8. Liabilities and special privileges of public utilities,** in contract, in tort, in criminal law

COURSE OUTCOME- This paper will enable to establish a clear understanding on the role and scope of regulatory institutions, and their relationship with the legislative and executive wings of government, as well as the people who are the main consumers of the utilities (water, electricity and gas). The paper will portray essential services that play a vital role in economic and social development and how quality utilities are a prerequisite for effective poverty eradication. It will help students understand the rationale of governments being ultimately responsible for ensuring reliable universal access of service under accountable regulatory frameworks.

REFERENCE BOOKS

- P.M. Bakshi, Television and the Law, (1986)
- VasantKelkar, "Business of Postal Service" 33 I.J.PA. pp. 133-141 (1987)
- G. Ramesh, "Characteristic of Large Service Organisation in a Developing Country LikeIndia" 20 I.J.PA. 77 (1986)
- NaliniParanjpe, "Planning for Welfare in the Indian Railways" 31 I.J.PA. 171-150 (1985)
- Arvind K. Sharma "Semi-Autonomous Enterprise: Conceptual Portrait - Further Evidence on the Theory of Autonomy" 33 I.J.PA. p. 99-113.
- S.P. Sathe, Administrative Law (1998)
- Jain & Jain, Principles of Administrative Law, (1986)
- JagdishUl, Handbook of electricity Laws, (1978)
- Bhaumik, The Indian Railways Act, (1981)
- Law Commission of India, 38th Report: Indian Post Office Act, 1898, (1968)
- Students should consult relevant volumes of Annual Survey of Indian Law published by the Indian
- Law Institute (Constitutional Law 1 & 11, Administrative Law, Consumers Protection Law and Labour law).

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HUMAN RIGHTS AND INTERNATIONAL ORDER

COURSE OBJECTIVE: - Human rights have universal application. They gathered importance when the United Nations adopted the 4 Universal Declaration of Human Rights in 1948. The role of international organisations in promoting awareness of human rights is very significant. The international conventions, though not binding, have persuasive force since the violations will be decried by the international community. International Non-Governmental Organisations watch and monitor human rights violations in every country. However, in the absence of national legislation, the enforcement of the rights will be difficult. With the above perspectives in view this COURSE will comprise of 42 units of one hour duration to be spread out during one semester.

SYLLABUS: -

- UNIT-I** **1. Development of the Concept of Human Rights under International Law,** Role of International Organization and Human Rights,. Universal Declaration of Human Rights (1948), Covenant on Political and Civil Rights (1966), Covenant on Economic, Social and Cultural Rights (1966), I L O and other Conventions and Protocols dealing with human rights
- UNIT-II** **2. Role of Regional Organizations,** European Convention on Human Rights, European Commission on Human Rights/Court of Human Rights., American Convention on Human Rights, African Convention on Human Rights, Other regional Conventions.
- UNIT-III** **3. Protection agencies and mechanisms,** International Commission of Human Rights, Amnesty International, Non-Governmental Organizations (NGOs), U.N. Division of Human Rights, International Labour Organization, UNESCO, UNICEF, Voluntary organizations, National and State Human Rights Commissions
- UNIT-IV** **4. International enforcement of Human Rights,** Role of ICJ and regional institutions

COURSE OUTCOME- This paper will develop an understanding of the principles and institutions of international human rights law, including their historic origins, assumptions, contents especially of the Human Rights Act 1998, limits and potential in the students. It will further build an improved ability in students to think analytically about the implementation and development of international human rights law and to apply this body of law in your own professional and national setting.

REFERENCE BOOKS

- Human Rights Issues & Challenges, Dr. M. Tariq
- Benedetto Conforti and Francesco Francioni, Enforcing International Human Rights in Domestic Courts, (1997).
- Francisco Forrest Martin, International Human Rights Law and Practice, (1997).
- Luck Clements, European Human Rights Taking a Case under the Convention, (1994).
- Evelyn A. Ankumah, The African Commission on Human Rights and People's Rights, (1996).
- R.K.Sinha, Human Rights of the World,(1997).
- Philip Alston, The United Nations and Human Rights A Critical Appraisal, (1992).
- R.S.Sharma and R.K.Sinha, Perspectives in Human Rights Development, (1997).
- The Human Rights Watch Global Report on Women's Human Rights, (2000), Oxford.
- B.P.SinghSeghal, Human Rights in India, (1996).
- ChandanBala, International Court of Justice: Its Functioning and Settlement of International Disputes, (1997).

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SEMESTER

II

JUDICIAL PROCESS

COURSE OBJECTIVE: - 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. This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process. 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 familiarise the students with various theories, different aspects and alternative ways, of attaining justice.

SYLLABUS: -

UNIT-I **1. Nature of judicial process,** Judicial process as an instrument of social ordering., Judicial process and creativity in law - common law model - Legal Reasoning and growth of law - change and stability. , The tools and techniques of judicial creativity and precedent. , Legal development and creativity through legal reasoning under statutory and codified systems.

UNIT- II **2. Special Dimensions of Judicial Process in Constitutional Adjudications.,** Notions of judicial review, ' Role' in constitutional adjudication - various theories of judicial role.,. Tools and techniques in policy-making and creativity in constitutional adjudication, Varieties of judicial and juristic activism, Problems of accountability and judicial law-making.

3. Judicial Process in India, Indian debate on the role of judges and on the notion of judicial review. The "independence" of judiciary and the "political" nature of judicial process, judicial activism and creativity of the Supreme Court - the tools and techniques of creativity. , Judicial process in pursuit of constitutional goals and values - new dimensions of judicial activism and structural challenges, Institutional liability of courts and judicial activism - scope and limits.

UNIT-III **4. The Concepts of Justice,** The concept of justice or Dharma in Indian thought, Dharma as the foundation of legal ordering in Indian thought. , The concept and various theories of justice in the western thought. Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

UNIT-IV **5.Relation between Law and Justice**, Equivalence Theories - Justice as nothing more than the positive law of the stronger class, Dependency theories - For its realisation justice depends on law, but justice is not the same as law., The independence of justice theories - means to end relationship of law and justice - The relationship in the context of the Indian constitutional ordering. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

COURSE OUTCOME: -Study of this paper will familiarise the student's judicial process to attend justice through alternative judicial process and it will be instrumental to social change.

REFERENCE BOOKS

- The Judicial Process, Pankej Kumar
- Julius Store, The Province and Function of Law, Part II, Chs. 1. 8-16 (2000), Universal, New Delhi.
- Cardozo, The Nature of Judicial Process (1995) Universal, New Delhi
- Henry J.Abraham , The Judicial Process (1998), Oxford.
- J.Stone, Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworths
- W.Friedmann, Legal Theory (1960), Stevens, London
- Bodenheimer, Jurisprudence - the Philosophy and Method of the Law (1997), Universal, Delhi
- J..Stone, Legal System and Lawyers' Reasonings (1999), Universal, Delhi
- U.Baxi, The Indian Supreme Court and Politics (1950), Eastern,Lucknow.
- Rajeev Dhavan, The Supreme Court of India - A Socio -Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay.
- John Rawls, A Theory of Justice (2000), Universal, Delhi
- Edward H.Levi, An Introduction to Legal Reasoning (1970), University of Chicago.

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PROJECT WORK

COURSE OBJECTIVE:-The Project of this COURSE is to provide basic knowledge of research methodology law teaching and project work.

SYLLABUS: -

UNIT –I COURSE includes a project, presentation and viva voce as well. Students need to prepare a project work and presentation on the COURSE that they have selected for specialization. The topic for this project presentation on the relevant Course will be allotted by the teacher. The presentation has to meet the standards and the student needs to make sure that values have to be impacted by the same.

COURSE OUTCOME- The students understand the research and project work in legal field.

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PRIVILEGED CLASS DEVIANCE

COURSE OBJECTIVE:- This COURSE focuses on the "Criminality of the "Privileged classes". The definition of "privileged classes" in a society like India should not pose major problem at all; the expression nearly includes wielders of all forms of state and social (including religious) power. Accordingly, the COURSE focuses on the relation between privilege power and deviant behaviour. The traditional approaches which highlight "white-collar offences", "socio-economic offences" or "crimes of the powerful" deal mainly with the deviance of the economically resourceful. The dimension of deviance associated with bureaucracy, the new rich (nouveau riche), religious leaders and organizations, professional classes and the higher bourgeoisie are not fully captured here. In designing teaching materials for this COURSE, current developments in deviance, as reflected in newspapers/journals, law reports, and legislative proceedings should be highlighted. It should be stressed that the objectives of the COURSE include:

- (a) Dispelling of the commonly held belief that deviance crime is usually associated with the impoverished or improvident;
- (b) Construction of model so understanding the reality of middle and upper; middle class deviance criminality in India;
- (c) Critical analyses of legal system responses and
- (d) Issues and dilemmas in penal and sentencing policies.

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

SYLLABUS: -

UNIT-I **1. Introduction,** Conceptions of white collar crimes, Indian approaches to socio-economic offences, Notions of privileged class deviance as providing a wider categorization of understanding Indian development, Typical forms of such deviance, Official deviance (deviance by legislators, judges, bureaucrats), Professional deviance: journalists, teachers, doctors, lawyers, engineers, architects and publishers, Trade union deviance (including teachers, lawyers/urban property owners), Landlord deviance (class/caste based deviance), Police deviance, Deviance on electoral process (rigging, booth capturing, impersonation, corrupt practices), Gender-based aggression by socially, economically and politically powerful

NOTE: Depending on specialist interest by the teacher and the taught any three areas of deviance of privileged class may be explored. What follows is only illustrative of one model of doing the COURSE.

UNIT-II **2. Official Deviance,** Conception of official deviance - permissible limit of discretionary powers., The Chambal valley dacoit Vinoba Mission and Jai PrakashNarain Mission – in 1959 and 1971, The Chagla Commission Report on LIC-Mundhra Affair, The Das Commission Report on Pratap Singh Kairon,The Grover Commission Report on Dev Raj Urs, The Maruti Commission Report,The Ibakkar-Natarajan Commission Report on Fairfax.

UNIT-III **3. Police Deviance,** Structures of legal restraint on police powers in India, Unconstitutionality of "third-degree" methods and use of fatal force by police, "Encounter" killings, Police atrocities, The plea of superior orders, Rape and related forms of gender-based aggression by police and para-military forces, Reform suggestions especially by the National Police Commissions

UNIT-IV **4. Professional Deviance,** Unethical practices at the Indian bar, The Lentin Commission Report, The Press Council on unprofessional and unethical journalism, Medical malpractice

5. Response of Indian Legal Order to the Deviance of Privileged Classes, Vigilance Commission, Public Accounts Committee, Ombudsman, Commissions of Enquiry, Prevention of Corruption Act, 1947, The Antulay Case

COURSE OUTCOME: - This COURSE will create the understanding among the students the socio economics offence by social & economically resourceful persons and dispelling the offences through constructing the new model to check such offences.

REFERENCE BOOKS

- UpendraBaxi, The Crisis of the Indian Legal System (1982) Vikas Publishing House, New Delhi.
- UpendraBaxi (ed.), Law and Poverty: Essays (1988)
- UpendraBaxi, Liberty and Corruption: The Antulay Case and Beyond (1989)
- SurendranathDwevedi and G.S. Bbargava, Political Corruption in India (1967)
- A.R. Desai (ed.) Violation of democratic Rights in India (1986)
- A.G. Noorani, Minister's Misconduct (1974)
- B.B. Pande, "The Nature and Dimensions of Privileged Class Deviance" in The Other Side of Development 136 (1987; K.S. Shukla ed.).
- Indira Rothermund, "Patterns of Trade Union Leadership in Dhanbad Coal fields" 23 J.I.L.I 522 (1981)

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LAW OF EXPORT – IMPORT REGULATION

COURSE OBJECTIVE:- After independence India has embarked upon all round efforts to modernise 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 basic and key industries. All these required a considerably high rate of investment of capital. The process of modernisation necessitated the adoption of newer technologies for industry and agriculture. These technologies 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 accelerating the export trade of India's developing economy can hardly be over emphasised. Export earnings enable a developing country to finance its massive requirements of growth, to maintain its essential imports and thereby stimulate the process of its economic developments. In the words of Prof. V.K. R.V. Rao: "In fact, 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 defence. 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 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 1992. This COURSE is designed to acquaint the students about the parameters of legal controls on imports and exports.

SYLLABUS :-

- UNIT-I** **1. Introduction**, State control over import and export of goods - from rigidity to liberalisation., Impact of regulation on economy.
- 2. The Basic Needs of Export and Import Trade.**, Goods, Services, Transportation
- UNIT-II** **3. International Regime**, WTO agreement, WTO and tariff restrictions, WTO and non-tariff restrictions, Investment and transfer of technology, Quota restriction and anti-dumping, Permissible regulations, Quarantine regulation, Dumping of discarded technology and goods in international market, Reduction of subsidies and counter measures.
- UNIT-III** **4. General Law on Control of Imports and Exports**, General scheme, Legislative control, Power of control: Central government and RBI, Foreign Trade Development and Regulation Act 1992, Restrictions under customs law, Prohibition and penalties, Export-Import formulation: guiding features, Control under FEMA, Foreign exchange and currency, Import of goods, Export promotion councils, Export oriented units and export processing zones

UNIT-IV **5. Control of Exports,**Quality control, Regulation on goods,Conservation of foreign exchange,Foreign exchange management,Currency transfer, Investment in foreign countries

6. Exim Policy: Changing Dimensions,Investment policy: NRIs, FIIs (foreign institutional investors), FDIs, Joint venture, Promotion of foreign trade, Agricultural products, Textile and cloths,Jewellery,Service sector

UNIT-V **7. Law Relating to Customs,** Prohibition on importation and exportation of goods, Control of smuggling activities in export-import trade, Levy of, and exemption from, customs duties,Clearance of imported goods and export goods, Conveyance and warehousing of goods,

8. Regulation on Investment,Borrowing and lending of money and foreign currency, Securities abroad - issue of, Immovable property - purchase abroad, Establishment of business outside,Issue of derivatives and foreign securities - GDR (global depositories receipts), ADR (American depository receipts) and Uro, Investment in Indian banks, Repatriation and surrender of foreign securities

9. Technology transfer, Restrictive terms in technology transfer agreements,Automatic approval schemes

COURSE OUTCOME: - This COURSE will acquaint the students about the parameters of legal control on import and export and detail procedure of International trade.

REFERENCE BOOKS

- Government of India, Handbook of Import Export Procedures, (Refer to the latest edition)
- Government of India Import and Export Policy (1997 -2002) The Students should consult the relevant volumes of the Annual Survey of Indian Law, Published by the Indian law Institute, and New Delhi.
- Foreign Trade Development and Regulation Act 1992 and Rules
- Foreign Exchange Management Act 1999
- Marine Products Export Development Authority Act 1972
- Customs Manual (Latest edition)
- Final Treaty of GATT, 1994.

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UNION- STATE FINANCIAL RELATION

COURSE OBJECTIVE: - The Indian Constitution adopts federal government for various reasons. Power is divided between the Union and the States in such a way that matters of national importance are entrusted to the Centre and matters of local importance are left to the States. The Constitution departs from the model of classical federalism in many ways. This departure was made to suit the peculiar Indian circumstances. However, the constitutional provisions were in practice further distorted so as to make the states totally subservient to the Centre. Distribution of fiscal power is the nerve centre of the federal system. In this paper a student will be made conscious of various aspects of federal principle, and their working in the Indian context with a view to ultimately assessing the Indian experience critically. He must clearly understand various emerging forces such as regionalism, sub-national loyalties and nationalism. He should be able to see the working of the constitutional process as a vital element of the political economy. The following syllabus prepared with this perspective will be spread over a period of one semester.

SYLLABUS: -

- UNIT-I**
1. **Federalism – Essentials**, Models of Federal Government - U.S.A., Australia, Canada , Difference, Between Federation and confederation, Evolution of federal government in India
 2. **Distribution of Legislative Power/Administrative Power**, Indian Constitution, Centre-State relations, Factors responsible for subordination of States, Administrative relations
 3. **Distribution of Fiscal Power**, Scheme of Allocation of taxing power, Extent of Union power of taxation, Residuary power - inclusion of fiscal power
- UNIT-II**
4. **Restrictions of Fiscal Power**, Fundamental Rights, Inter-Government tax immunities, Difference between tax and fee
 5. **Distribution of Tax Revenues**, Tax-Sharing under the Constitution, Finance Commission - Specific purpose grants (Article 282)
 6. **Borrowing Power of the State**, Borrowing by the Government of India, Borrowing by the States
- UNIT-III**
7. **Inter-State Trade and Commerce**, Freedom of Inter-State trade and commerce, Restrictions on legislative power of the Union and States with regard to trade and commerce
 8. **Planning and Financial Relations**, Planning Commission, National Development Council, Plan grants
- UNIT-IV**
9. **Co-operative Federalism**, Full faith and credit, Inter-State Council, Zonal Councils, Inter-State disputes

UNIT-V 10. Federal Government in India, Model of Jammu and Kashmir, Sarkaria Commission Report, What Reforms are Necessary?

COURSE OUTCOME: - This will make the student to understand various emerging forces such as regionalism sub national loyalties and nationalism in present federal Government system adopted in Indian constitution.

REFERENCE BOOKS

- H.M. Seervai, Constitutional Law of India (1991), Tripathi, Bombay.
- SudhaBhatnagar, Union-State Financial Relations and Finance Commissions, (1979)
- Ashok Chandra, Federalism in India, (1965)
- V.D. Sebastian, Indian Federalism: The Legislative Conflicts Chs. 6-7 and 8 (1950).
- Chandrapal, Centre-State Relations and Cooperative Federalism, Chs. 5 and 8 (1983)
- G.C.V. SubbaRao, Legislative Powers in Indian Constitution Law, Chs. 37, 38, 39 (1982)
- Richard M. Pious, The American Presidency, 293-331, Ch. 9 (1979)
- Daniel J. Elazar, American Federalism, Chs. 3 and 4 (1984)
- K.P. Krishna Shetty, The Law of Union-State Relations and the Indian Federalism Ch.9 (1981)
- Report of the Eighth Finance Commission.
- Administrative Reforms Commission on Centre-State Relationship Ch. 3 (1969)
- Constituent Assembly Debates Vol. 9, 203, 220 and 302-349; Vol. 10, 205-342.
- Administrative Reforms Commission, Report of the Study Team on Central-State Relationship (1967) Vol. 1, Sections and 11, pp. IS- 168
- L.M. Singhvi (ed.), Union-State Relations in India 124-154 (1969)
- Government of Tamilnadu, Report of the Centre-State Relations Inquiry Committee Ch.5 (1971)
- D.T. Lakadwala, Union-State Financial Relations (1967)
- M.P. Jain, Indian constitutional Law (1994), Wadhwa.
- K. SubbaRao, The Indian Federation (1969)
- K.C. Wheare, Federal Government (1963)
- Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute (Constitutional Law II)

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PROTECTION AND ENFORCEMENT OF HUMAN RIGHTS IN INDIA

COURSE OBJECTIVE:- A reading of fundamental rights and duties in the Constitution of India reveals that they constitute the human rights charter in India. The judiciary, the major protective and enforcement machinery, is very active in protecting human rights. Judicial activism in this field has added new dimensions to human rights jurisprudence. There are a number of cases where courts apply the provisions of the international conventions to fill the gaps in legislation. The apex court has also ventured to apply international convention even where there was no legislation in the area. Thus the judiciary has been directly implementing international conventions at the national level. This COURSE aims at familiarising students with the judicial activism in protecting human rights and enables them to evaluate the adequacy of the methods of enforcement. The COURSE comprises of about 42 units of one-hour duration spread over a period of one semester.

SYLLABUS: -

- UNIT-I** **1. History and Development of Human Rights in Indian Constitution,** Constitutional Philosophy – Preamble, Fundamental Rights, Directive Principles of State Policy, Fundamental Duties
- UNIT-II** **2. Judicial Activism and Development of Human Rights Jurisprudence**
- UNIT-III** **3. Enforcement of Human Rights,** Formal enforcement mechanisms, Role of Supreme Court, Role of High Courts Role of Civil and Criminal Courts, Statutory Tribunals, Special Courts
- UNIT-IV** **4. Role of India in implementing international norms and standards**

COURSE OUTCOME: - This COURSE will familiar the students with the judicial activism in protecting Human Right and enables the adequacy of methods of enforcement.

REFERENCE BOOKS

- D.D.Basu, Human Rights in Indian Constitutional Law, (1994).
- Vijay Chitnis,(et.al.). Human Rights and the Law: National and Global Perspectives, (1997).
- B.P.SinghSeghal, Law, Judiciary and Justice in India, (1993).
- James Vadakkumchery, Human Rights and the Politics in India, (1996).
- D.R.Saxena, Tribals and the Law, (1997).
- PoornimaAdvani, Indian Judiciary: A Tribute, (1997).
- Justice Venkataramiah, Human Rights in the Changing World, (1998).
- ParamjitS.Jaiswal and NeshthaJaiswal, Human Rights and the Law, (1996).

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DRUG ADDICTION, CRIMINAL JUSTICE & HUMAN RIGHTS

COURSE OBJECTIVE: - Almost all the major dilemmas of criminal policy surface rather acutely in combating drug addiction and trafficking through the legal order. The issue of interaction between drug abuse and criminality is quite complex. At least three important questions have been recently identified as crucial for comparative research. First, to what extent drug dependence contributes to criminal behaviour? Second, in what ways do criminal behaviour patterns determine drug abuse?

Third, are there any common factors which contribute to the determination of both drug abuse and criminal behaviour? Apart from these causal issues, there is the broad questions of the social costs-benefits of criminalization of addictive behaviour. Should drug-taking remain in the category of "crime without victims?" Or should it be viewed as posing an ever-growing threat to human resource development and be COURSEed to state control, over individual choices as to survival and life-styles? The problems here are not merely ideological or theoretical. User of drugs for personal, nontherapeutic purposes may well be linked with international trafficking in psychotropic substance. It has even been suggested that encouragement of drug-dependency may have, in addition to motivation of high profits, politically subversive aspects. Assuming that both addiction and trafficking have to be regulated, what penal policies should be appropriate? What human rights costs in the administration of criminal justice should be considered acceptable? The international response to these questions is indicated by the Single Convention on Narcotic Drugs, 1961, adopted in New York, 30 March 1961 and as amended by 1972 Protocol in Geneva, 25 March, 1972 and the Convention on Psychotropic substances, adopted in Vienna, 21 February 1971. India has recently adopted the basic principles of these conventions in the Narcotic Drugs and Psychotropic Substances Act, 1986 Broadly, penal policy dilemmas here relate to: (a) management of sanctions relating to production, distribution and illicit commerce in Narcotic Substances and, (b) ways of prevention of abuse of drugs, including speedy diagnosis, treatment, correction, aftercare, rehabilitation, and realization of persons affected.

SYLLABUS: -

- UNIT-I** **1. Introductory**, Basic conceptions, Drugs 'narcotics', "psychotropic substances". 'Dependence,' "addiction", "Crimes without victims, "Trafficking" in "drugs", "Primary drug abuse"
- UNIT-II** **2. How Does One Study the Incidence of Drug Addiction and Abuse?** Self-reporting, Victim-studies, Problems of comparative studies
- 3. Anagraphic and Social Characteristics of Drug Users**, Gender ,Age, ,Religiousness ,Single individuals/cohabitation ,Socio-economic level of family ,Residence patterns (urban/rural/urban), Educational levels ,Occupation ,Age at first use ,Type of drug use ,Reasons given as cause of first use ,Method of Intake., Pattern of the -Use ,Average Quantity and Cost ,Consequences on addict's health (physical/psychic)
- NOTE:** Since no detailed empirical studies exist in India, the class should be in this topic sensitised by comparative studies. The principal objective of this discussion is to orient the class to a whole variety of factors which interact in the 'making' of a drug addict.
- UNIT-III** **4. The International Legal Regime**, Analysis of the background, text and operation of the Single Convention on Narcotic Drugs, 1961, 1972 ,Analysis of the Convention on Psychotropic Substances, 1972, International collaboration in combating drug addiction ,The SARC, and South-South Cooperation ,Profile of international market for psychotropic substances
- 5. The Indian Regulatory System** ,Approaches to narcotic trafficking during colonial India ,Nationalist thought towards regulation of drug trafficking and usage ,The penal provisions (under the IPC and the Customs Act) ,India's role in the evolution of the two international conventions, Judicial approaches to sentencing in drug trafficking and abuse ,The Narcotic Drugs and Psychotropic Substances Act, 1985 ,Patterns of resource investment in India: policing adjudication, treatment, aftercare and rehabilitation
- UNIT-IV** **6. Human Rights Aspects**, Deployment of marginalized people as carrier of narcotics ,The problem of juvenile drug use and legal approaches, Possibilities of misuse and abuse of investigative prosecutory powers , Bail, The Problem of differential application of the Ugal Regimes, especially in relation to the resource less
- UNIT-V** **7. The Role of Community in Combating Drug Addiction**, Profile of Community initiatives in inhibition of dependence and addiction (e.g. de addiction and aftercare) The role of educational systems ,The role of medical profession ,The role of mass media ,Initiatives for compliance with regulatory systems ,Law reform initiatives

COURSE OUTCOME: - The Study of this paper will created and understanding among student the Correlation with drug abuse and criminal behaviour.

REFERENCE BOOKS

- Drug Testing Law, Technology and Practice, David G. Evans J.D
- H.S. Becker, Outsiders: The Studies in Sociology of Deviance (1966)
- J.A. Incard, C.D. Chambers, (eds.), Drugs and the Criminal Justice System (1974)
- R. Cocken, Drug Abuse and personality in Young Offenders (1971)
- G. Edwards Busch, (ed.) Drug Problems in Britain: A Review of Ten Years (1981)
- P. Kondanram and Y.N. Murthy, "Drug Abuse and Crime: A Preliminary Study" 7 Indian Journal of Criminology, 65-68 (1979)
- P.R. Rajgopat Violence and Response: A Critique of the Indian Criminal System (1988)
- United Nations, Economic and Social Reports of the Commission on Narcotic Drugs, United Nations
- Social Defence, Research Institute (UNSDRI) Combating Drug Abuse and Related Crimes (Rome, July 1984, Publication No. 21).
- Lok Sabha and Rajya Sabha Debates on 1986 Bill on Psychotropic Substances. Useful Journals in this area are:
- The Law and Society Review (USA)
- Journal of Drug Issues (Tallahassee Florida)

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BANKING LAW

COURSE OBJECTIVE: - 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 affected 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 nationalisation 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 witnesses influx of foreign banking companies into India and a shift in the banking policy as part of the global phenomenon of liberalisation. The legal system is adopting itself into the new mores.

SYLLABUS:-

- UNIT-I**
- 1. Introduction**, Nature and development of banking, History of banking in India and elsewhere -indigenous banking-evolution of banking in India - different kinds of banks and their functions., Multi-functional banks - growth and legal issues.
 - 2. Law Relating to Banking Companies in India**, Controls by government and its agencies, On management, On accounts and audit, Lending, Credit policy, Reconstruction and reorganisation, Suspension and winding up, Contract between banker and customer: their rights and duties
 - 3. Social Control over Banking** ,Nationalization ,Evaluation: private ownership, nationalisation and disinvestment, Protection of depositors, Priority lending, Promotion of under privileged classes
- UNIT-II**
- 4. Deposit Insurance**, The Deposit Insurance Corporation Act 1961: objects and reasons, Establishment of Capital of DIC, Registration of banking companies insured banks, liability of DIC to depositors, Relations between insured banks, DIC and Reserve Bank of India
 - 5. The Central Bank**, Evolution of Central Bank, Characteristics and functions, Economic and social objectives, The Central Bank and the State - as bankers' bank, The Reserve Bank of India as the Central Bank, Organisational structure, Functions of the RBI, Regulation of monetary mechanism of the economy, Credit control, Exchange control, Monopoly of currency issue ,Bank rate policy formulation, Control of RBI over non-banking companies, Financial companies ,Non-financial companies

UNIT-III 6. Relationship of Banker and Customer, Legal character, Contract between banker and customer, Banker's lien ,Protection of bankers, Customers, Nature and type of accounts ,Special classes of customers - lunatics, minor, partnership, corporations, local authorities ,Banking duty to customers, Consumer protection: banking as service

7. Negotiable Instruments, Meaning and kinds, Transfer and negotiations, Holder and holder in due COURSE, Presentment and payment, Liabilities of parties

UNIT-IV 8. Lending by Banks, Good lending principles, Lending to poor masses, Securities for advances, Kinds and their merits and demerits, Repayment of loans: rate of interest, protection against penalty, Default and recovery, Debt recovery tribunal

UNIT-V 9. Recent Trends of Banking System in India, New technology, Information technology, Automation and legal aspects, Automatic teller machine and use of internet, Smart card, Use of expert system, Credit cards

10. Reforms in Indian Banking Law, Recommendations of committees: a review

COURSE OUTCOME: - This COURSE will apprise the students the conceptual and operational parameters of banking law, the judicial interpretation and immerging dimension of the banking system.

REFERENCE BOOKS

Banking Laws, Kuldeep Kaur

A. Review of Current Banking Theory and Practise (1998) Mac millan

- M. Hapgood (ed.), Pagets' Law of Banking (1989) Butterworths, London
- R. Goode, Commercial Law, (1995) Penguin, London.
- Ross Cranston, Principles of Banking Law (1997) Oxford.
- L.C. Goyle, The Law of Banking and Bankers (1995) Eastern
- M.L. Tannan, Tannan's Banking Law and Practice in India (1997) India Law House, New Delhi, 2 volumes
- K.C. Shekhar, Banking Theory and Practice (1998) UBS Publisher Distributors Ltd. New Delhi.
- M. Dassel, S. Isaacs and G. Pen, E.C. Banking Law, (1994) Lloyds of London Press, London
- V. Conti and Hamaui (eds.), Financial Markets' Liberalization and the Role of Banks', Cambridge University Press, Cambridge, (1993).
- J. Dermine (ed.), European Banking in the 1990s' (1993) Blackwell, Oxford.

- C. Goodhart, The Central Bank and the Financial System (1995), Macmillan, London
- S. Chapman, The Rise of Merchant Banking (1984) Allen Unwin, London

- K. Subrahmanyam, Banking Reforms in India (1997) Tata McGraw Hill, New Delhi.
- Subodh Markandeya and Chitra Markandeya, Law Relating to Foreign Trade in India: Being a
- Commentary on the Foreign Trade, (Development and Regulation) Act 1992, Universal Law Publishing Co. Pvt. Ltd. Delhi.
- R.S. Narayana, The Recovery of Debts due to Banks and Financial Institutions Act, 1993 (51 of 1993), Asia Law House, Hyderabad.
- M.A. Mir, The Law Relating to Bank Guarantee in India (1992), Metropolitan Book, New Delhi.

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19

CONSTITUTIONALISM: PLURALISM FEDERALISM

COURSE OBJECTIVE:-Constitutionalism essentially means a limited government. Where government functions according to certain principles, it is said to be abiding by constitutionalism. Must it be a democracy or can it be an autocracy also. In ancient India, the king was supposed to act according to dharma. He was not absolute in the sense in which John Austin defined sovereignty. Constitutionalism may therefore be determined by a written constitution or by religion or tradition or by mere practice or convention as in England. In a plural society, where different religious as well as linguistic groups have to live together, various rules of accommodation and mutual recognition are incorporated in the Constitution. Usually these are contained in the bills of rights which contain guarantees of individual liberty and equality against majoritarian rule. Constitutionalism does not merely imply majoritarian rule, it has to be a consensual rule. However, where there is not only such vertical pluralism but also horizontal pluralism reflected by sub nations/regional loyalties, power is not only required to be restrained but it has to be shared. This calls for a federal government. The purpose of this paper is to provide exposure to the students to various models of pluralism and forms of constitutional governments and federal structures. The following syllabus prepared with this perspective will be spread over a period of one semester.

SYLLABUS:-

UNIT-I 1. Constitutionalism, Authoritarianism – Dictatorship, Democracy - Communism. , Limited Government - concept - Limitations on government power. What is a Constitution? Development of a democratic government in England - Historical evolution of constitutional government. Conventions of constitutionalism - law and conventions, Written Constitutions: U.S.A. Canada Australia Sweden South Africa and India. Separation of powers: Montesquieu, Rule of Law: Concept and new horizons

UNIT – II Marxist concept of constitutionalism, Dictatorship of the proletariat. , Communist State from Stalin to Gorbachov. , Fundamental Rights: Human rights, Judicial Review: European Court of Human Rights, Human Rights: International conventions, Limits & doctrine of domestic jurisdiction in international law.

2. Federalism, What is a federal government? , Difference, between confederation and federation, Conditions requisite for federalism. , Patterns of federal government - U.S.A., Australia, Canada, India. , Judicial review - for federal umpiring, New trends in federalism: Co-operative federalism, India - Central Control v. State Autonomy, Political factors influencing federalism, Plural aspects of Indian Federalism: Jammu & Kashmir, Punjab, Assam, Dynamic of federalism.

UNIT-III 3. Pluralism, what is a pluralistic society? , Ethnic, linguistic, cultural, political pluralism , Individual rights - right to dissent , Freedom of speech and expression , Freedom of the press , Freedom of association , Rights to separateness , Freedom of religion , Rights of the religious and linguistic minorities , Compensatory discrimination for backward classes ,

Women - rights to equality and right to special protection , Scheduled Tribes, Distinct Identity - protection against exploitation - NSIS – Exclusion from Hindu Law.

UNIT-IV 4. Uniform Civil Code, Non-State law (NSLS) and State Law Systems - Problem of a Uniform Code v personal laws vertical federalism

5. Equality in Plural Society. , Right to equality and reasonable classification, Prohibition of discrimination on ground of religion, caste, sex, language. , Abolition of untouchability, Secularism - constitutional principles, Tribal Groups and Equality

UNIT –V 6. Pluralism and International Concerns, International Declaration of Human Rights ,Conventions against genocide ,Protection of religious, ethnic and linguistic minorities , State Intervention for protection of human rights, Right of self-determination

COURSE OUTCOME- This COURSE will apprise the students to various models of pluralism and forms of constitutional government in federal structure protection and enforcement of human right in India

REFERENCE BOOKS

UpendraBaxi, "Law, Democracy and Human Rights"- 5 Lokayan Bulletin 4 (1987)

- V.M. Dandekar "Unitary Elements in a Federal Constitution" 22 E.P.W. 1865 (1988)
- Rajeev Dhavan, "The Press and the Constitutional Guarantee of Free Speech and Expression" 28 J.I.L.I. 299 (1986)
- M.A. Fazal "Drafting A British Bill of Rights" 27 J.I.L.I. 423 (1985)
- M.P. Jain Indian Constitutional Law (1994), Wadhwa.
- JagatNarain "Judicial Law Making and the Place of the Directive Principles in the Indian Constitution," J.I.L.I. 198 (1985).
- Rhett Ludwikowski, "Judicial Review in the socialist Legal Systems: Current Development" 37 I.C.L.D. 89-108 (1988)
- S.P. Sathe, Fundamental Rights and Amendment of the Indian Constitution, (1968)
- H.M. Seervai, Constitutional Law of India (1993), Tripathi, Bomaby.
- Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute.

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HUMAN RIGHTS OF DISADVANTAGE GROUPS: PROBLEM AND ISSUES INTERNATIONAL ORDER

COURSE OBJECTIVE: -Human rights are the rights of all human beings. Violation of these rights is human rights violations. Due to frequent violations to particular groups in disadvantageous positions, new categories of human rights have emerged. These groups are of people such as women, children, prisoners and dalits. Violation of human rights of these groups is of great concern of every nation today. The officials of the state like the police force commit such violations. This is only an illustration. There are several other categories of violations. This COURSE with the above mentioned perspective comprises of about 42 units of one hour duration to be spread out during one semester.

SYLLABUS:-

UNIT-I1. Concept of Disadvantaged Groups

UNIT-II 2. Emerging Human Rights Jurisprudence and the Role of the Judiciary

Rights of women, Rights of the child, Rights of prisoners, Rights of dalits, The tribal and other indigenous people , The mentally ill , The stateless persons, The unorganized labour, 'Aids' victims, Rights of minorities

UNIT-III 3. Enforcement of Human Rights, Protection Laws of the Disadvantaged Groups: Problems and Issues

UNIT-IV 4. Future Perspectives of the Human Rights of the Disadvantaged

COURSE OUTCOME- After study of this COURSE the students will be able to understand the categories of groups who safer from violation of human right such as woman, children prisoners, dalit and other disadvantage groups.

REFERENCE BOOKS

- G.S Bhargava and R.M.Pal, Human Rights of Dalit Societal Violation, (1999).
- Geraldine Van Bueren, The International Law on the Rights of the Child, (1998).
- Prabhat Chandra Tripathi, Crime Against Working Women, (1998).
- ParasDiwan and PiyushDiwan, Women and Legal Protection
- Philip Alston (et.al.), Children, Rights and the Law.
- Kelly D. Askin, Dorean M. Koenig, Women and International Human Rights Law, (1999).
- N.K.Chadrabarti, Juvenile Justice in the Administration of Criminal Justice, (1999).
- Rebecca Wallace, International Human Rights, Text and Materials, (1997).
- Janaki Nair, Women and Law in Colonial India, (1996).
- Simon Creighton, Vicky King, Prisons and the Law, (1996).

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SEMESTER

III

LEGAL EDUCATION & LEGAL RESEARCH MEHODOLOGY

COURSE OBJECTIVE:-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.

SYLLABUS:-

UNIT –I 1. Objectives of Legal Education

2. Lecture Method of Teaching - Merits and demerits

3. The Problem Method

UNIT-II 4. Discussion method and its suitability at postgraduate level teaching

5. The Seminar Method of teaching

UNIT-III 6. Examination system and problems in evaluation - external and internal assessment.

7. Student participation in law school programmes - Organization of Seminars, publication of journal and assessment of teachers

8. Clinical legal education - legal aid, legal literacy, legal survey and law reform

9. Research Methods, Socio Legal Research, Doctrinal and non-doctrinal, Relevance of empirical research, Induction and deduction

UNIT-IV 10. Identification of Problem of research, what is a research problem? , Survey of available literature and bibliographical research. , Legislative materials including subordinate legislation, notification and policy statements , Decisional materials including foreign decisions; methods of discovering the "rule of the case" tracing the history of important cases and ensuring that these have not been over-ruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof. , Juristic writings - a survey of juristic literature relevant to select problems in India and foreign periodicals. , Compilation of list of reports or special studies conducted relevant to the problem.

UNIT-V 11. Preparation of the Research Design , Formulation of the Research problem , Devising tools and techniques for collection of data: Methodology , Methods for the collection of statutory and case materials and juristic literature , Use of historical and comparative research materials , Use of observation studies ,Use of questionnaires/interview , Use of case studies , Sampling procedures - design of sample, types of sampling to be adopted. , Use of scaling techniques, Jurimetrics, Computerized Research - A study of legal research programmes such as Lexis and West law coding, Classification and tabulation of data - use of cards for data collection - Rules for tabulation. Explanation of tabulated data. , Analysis of data

COURSE OUTCOME- The Student will be exposed to different system of legal education and other methods of learning such as case method. Problem method, Discussion method and seminar method. This will develop their legal skills.

REFERENCE BOOKS

- High Brayal, Nigel Dunean and Richard Crimes, Clinical Legal Education: Active Learning in your Law School, (1998) Blackstone Press Limited, London
- S.K.Agrawal (Edn.), Legal Education in India (1973), Tripathi, Bombay.
- N.R. MadhavaMenon, (Edn.) A Handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow.
- M.O.Price, H.Bitner and Bysiewiez, Effective Legal Research (1978)
- Pauline V. Young, Scientific Social Survey and Research, (1962)
- William J. Grade and Paul K. Hatt, Methods in Social Research, McGraw-Hill Book Company, London
- H.M.Hyman, Interviewing in Social Research (1965)
- Payne, The Art of Asking Questions (1965)
- Erwin C. Surrency, B.Fielf and J. Crea, A Guide to Legal Research (1959)
- Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.
- Havard Law Review Association, Uniform System of Citations.
- ILI Publication, Legal Research and Methodology.

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JUVENILE DELINQUENCY

COURSE OBJECTIVE: -Juvenile delinquency is considered an important branch of criminology. The impact of juvenile delinquency upon the formation of Indian criminology tradition does not seem to be noticeable. No understanding of crimes and treatment of offenders can be complete without a sure grasp of causes, carrots, and cures of juvenile delinquency.

Increasingly, it is being also realized that young offenders require a wholly different centre of criminal justice system and should not be treated in the same way as the adult offenders. Juvenile Justice System, although a part of the criminal justice system has now its own autonomous characteristics. In addition, the state and the law have to deal with juveniles in certain situations, as *parens patriae*. The category of 'neglected children' defines the burdens of care which state and society have to assume for neglected children. Most categories of neglected children are also themselves the victims of crime. The institutional care of children poses its own distinctive dilemmas. These, too, should be discussed, especially, at the level of resource investment compared with the extent of need. The following syllabus prepared with this perspective will extend to a period of one semester

UNIT-I

1. The Basic Concepts, The conception of 'child' in Indian Constitution and Penal Code. ,. Delinquent juvenile, "Neglected" juvenile, the overall situation of children/young persons in India, also with reference to crime statistics (of crimes by and against children)

2. Determining Factors of Juvenile Delinquency, Differential association, Anomie, Economic pressure, Peer group influence, Gang sub-culture, Class differentials

UNIT-II

3. Legislative Approaches, Legislative approaches during the late colonial era. , Children's Act, Legislative position in various States, The Juvenile Justice Act, Constitutional aspects. , Distinction between "Neglected" and "delinquent" juveniles. , Competent authorities, Processual safeguards for juveniles, Powers given to government, Community participation as envisaged under the Act

4. Indian Context of Juvenile Delinquency, The child population percentage to total sex-ratio, urban/rural/rural-urban, Neglected - below poverty line, physically and mentally disabled, orphans, destitute, vagrants. , Labourers, In organized industries like zari, carpet, bidi, glass, 2. In unorganized sector like domestic servant, shops and establishments, rag-pickers family trade. , Delinquent - number, sex-ratio, ratio to adult crime, types of offences committed, recidivism, rate of increase background, Drug addicts, Victims, Of violence - sexual abuse, battered, killed by

parents , Of criminal activities like bootlegging, drug pollution as a response of protective approach

UNIT-III **5. Judicial Contribution**, Social action litigation concerning juvenile justice, Salient judicial decisions, Role of legal profession in juvenile justice system.

UNIT-IV **6. Implementation** ,Institutions, bodies, personnel, Recruiting and funding agencies, Recruitment qualifications and salaries or fund ,Other responsibilities of each agency/person., Coordination among related agencies., Accountability-annual reports and accessibility of public to juvenile justice institution.

UNIT-V **7. Preventive Strategies** ,State Welfare programmers health, nutrition, ICWS, grants-in-aid, Compulsory education ,Role of community, family, voluntary, bodies, individuals

COURSE OUTCOME: -this will bring out juvenile justice system and to deal with differently form criminal justice system.

REFERENCE BOOKS

- National institute of Social Defence, Model Rules under the Juvenile Justice Act, 1986, (1986)
- K.S. Shukla, Adolescent Offender (1985)
- United Nations, Beijing Rules on Treatment of Young Offenders (1985)
- Myron Weiner, The Child and State in India (1990)
- The United Nations Declaration on the Rights of Children
- UNICEF periodic materials

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INSURANCE LAW

COURSE OBJECTIVE:-As early as in 1601 one finds an excellent exposition of the insurance idea 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 own shoulders to the insurers, who, in return for agreeing to assume a potential risk of loss receive a payment known as premium. The insurers rely on the probability that only some 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, livestock, crop, burglary and various other disasters. Insurance is a device not to avert risks, calamities and disasters; but to mitigate their rigorous 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 COURSE 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 law 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.

SYLLABUS:-

UNIT-I **1. Introduction** ,Nature of insurance contract, various kinds of insurance, proposal, policy, parties, consideration, need for utmost good faith, insurable interest, and indemnity ,Insurance policy, law of contract and law of torts-future of insurance: need, importance and place of insurance ,Constitutional perspectives- the Entries 24,25,29,30,47 of List 1 Union List; 23, 24, of List III

2. General Principles of Law of Insurance , Definition, nature and history ,The risk - commencement, attachment and duration ,Assignment and alteration ,Settlement of claim and subrogation ,Effect of war upon policies

UNIT-II 3. Indian Insurance Law: General ,History and development ,The Insurance Act 1938 and the Insurance Regulatory Authority Act 2000 ,Mutual insurance companies and cooperative life insurance societies ,Double Insurance and re-insurance

4. Life Insurance, Nature and scope, Event insured against life insurance contract, Circumstances affecting the risk, Amounts recoverable under life policy, Persons entitled to payment, Settlement of claim and payment of money

5. Marine Insurance, Nature and Scope, Classification of marine policies, The Marine Insurance Act, 1963, Marine insurance, Insurable interest, insurable value

UNIT-III Marine insurance policy - condition. - express warranties construction of terms of policy ,Voyage-deviation ,Perils of the sea ,Assignment of policy ,Partial laws of ship and of freight, salvage, general average, particular charges ,Return of premium

6. Insurance against Accidents ,The Fatal Accidents Act, 1855 ,Objects and reasons ,Assessment of compensation, Contributory negligence, Apportionment of compensation and liability ,The Personal Injuries (Compensation insurance) Act 1963 ,Compensation payable under the Act ,Compensation insurance scheme under the Act-Compulsory insurance

UNIT-IV 7. Property Insurance ,Fire insurance ,The Emergency Risks (Factories) Insurance ,The Emergency Risks (Goods) Insurance ,Policies covering risk of explosion ,Policies covering accidental loss, damage to property ,Policies covering risk of storm and tempest ,Glass-plate policies ,Burglary and theft policies , Livestock policies ,Goods in transit insurance ,Agricultural insurance

UNIT-V 8. Insurance against Third Party Risks, The Motor Vehicles Act, 1988 ,Nature and scope ,Effect of insolvency or death on claims of insolvency and death of parties, certificate of insurance ,Claims tribunal: constitution, functions, application for compensation, procedure, powers and award ,Liability Insurance ,Nature and kinds of such insurance, Public liability insurance ,Professional negligence insurance

9. Miscellaneous Insurance Schemes: New Dimensions, Group life insurance, Mediclaim, sickness insurance

COURSE OUTCOME- This COURSE will acquaint the students will conceptual and operational parameters of insurance law in the context of the development of general principles of law and judicial interpretation of related laws.

REFERENCE BOOKS

- John Hanson and ChristopalsHenly, All Risks Property Insurance (1999), LLP Asia, Hongkong.
- Peter Mac Donald Eggers and Patric Foss, Good Faith and Insurance Contracts (1998) LLP Asia, Hongkong
- Banerjee, Law of Insurance (1994), Asia Law House, Hyderabad.
- Mitra B.C, Law Relating to Marine Insurance (1997) Asia Law House, Hyderabad
- JCB Gilmar and Mustill, Arnold on the Law of Marine Insurance, (1981), Sweet & Maxwell
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- E.R. Hardy Ivamy, General Principles of insurance Law (1979)
- Edwin W. Patterson, Cases and Materials on Law of insurance (1955)
- M. N. Sreenivasan Law and the Life Insurance Contract (1914)

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HUMAN RIGHTS

COURSE OBJECTIVE:-Human rights were conceived rather narrowly as mere freedom from arbitrary government in the past. It was realized later and much more so during last fifty years since the end of the Second World War that the threats to liberty, equality and justice did not emanate from the state alone. Many nations of Asia and Africa came to nationhood during this period. These nations had to bring about their development and they needed capital. Foreign aid and foreign investments were invited but these could very well lead to their second subjugation. Poverty, ignorance, exploitation had to be fought at the global level. Development had to come without the sacrifice of human values. A greater awareness of human rights, not only as negative restrictions on the state but as positive obligations for creating an environment in which man could live with dignity was necessary. The focus of a COURSE on human rights must be on the national problems with an international or global perspective. The world community's concerns about human rights have been expressed through various conventions. On the national levels, they are contained in constitutional provisions such as directive principles of state policy, fundamental rights, fundamental duties and judicial, legislative as well as administrative strategies of reconstruction. Human rights acquire much more comprehensive and wider meaning. It requires us to take up cudgels against poverty discriminations based on caste, colour or sex, make provisions for drinking water, population control, conservation and preservation of natural resources, ecological balance, protection of consumers against ruthless and profit seeking, traders or manufacturers, provisions against hazardous industries and so on and so forth. Human rights are an important parameter for a just society and future lawyers must be able to assess any programme of social transformation with reference to them. The following syllabus prepared with this perspective will be spread over a period of one semester.

SYLLABUS:-

UNIT-I

1. Panoramic View of Human Rights, Human Rights in Non-western Thought, Awareness of Human rights during the nationalist movement, Universal Declaration of Human Rights, Constituent Assembly and Part III, drafting process, Subsequent developments in International Law and the Position in India (e.g. Convention of Social discrimination, torture, gender discrimination, environment and the two human rights covenants.)

2. Fundamental Rights Jurisprudence as Incorporating Directive Principles, The dichotomy of Fundamental Rights (F.R.) and Directive Principles (D.P.) The interaction between F.R. and D.P., Resultant expansion of basic needs oriented human rights in India

- UNIT-II** **3. Right not be COURSE to Torture, Inhuman or Cruel Treatment** ,
Conceptions of torture, third-degree methods , "Justifications" for it , Outlawry of
torture at international and constitutional law level , Incidence of torture in India ,
Judicial attitudes , Law Reform - proposed and pending
- UNIT-III** **4. Minority Rights**, Conception of minorities, Scope of protection, the position of
minority "Woman" and their basic rights, Communal Riots as Involving violation of
Rights.
- UNIT-IV** **5. Rights to development of Individuals and Nations**, The UN Declaration on
Right to Development, 1987, the need for constitutional and legal changes in India
from human rights standpoint.
- UNIT-V** **6. People's Participation in Protection and Promotion of Human Rights**, Role of
International NGOS, Amnesty International, Minority Rights Groups, International
Bars Association, Law Asia, Contribution of these groups to protection and
promotion of human rights in India. ,
- 7. Development Agencies and Human Rights**, Major international funding agencies
and their operations in India, World Bank lending and resultant violation/promotion
of human rights, Should development assistance be tied to observance of human
rights (as embodied in various UN declarations)
- 8. Comparative Sources of Learning**, EEC Jurisprudence, The Green Movement in
Germany, The International Peace Movement, and Models of Protection of the rights
of indigenous peoples: New Zealand (Maoris) Australia, Aborigines and Canada
(Indians)
- 9. Freedoms M**, Free Press - Its role in protecting human rights , Right of association
, Right to due process of law , Access and Distributive Justice
- 10. Independence of the Judiciary**, Role of the Legal Profession, Judicial
appointments - tenure of judges, Qualifications of judges, Separation of judiciary
from executive

11. European Convention of Human Rights , European Commission/Court of Human Rights , Amnesty International , PUCL, PUDR, Citizens for Democracy , Minorities Commission , Human Rights Commission , Remedies against Violation of Human Rights

COURSE OUTCOME- Human Rights being an important parameter for a just society, the students will be able to assess programme of social transformation with reference to Human Rights.

REFERENCE BOOKS

- M.J. Akbar, Riots After Riots (1988)
- U.Baxi (ed.), The Right to be Human (1986)
- U.Baxi, The Crisis of the Indian Legal System (1982), Vikas Publishing House, New Delhi.
- F.Kazmi, Human Rights (1987)
- L.Levin, Human Rights (1982)
- Madhavtirtha, Human Rights (1953)
- W.P. Gromley, Human Rights and Environment (1976)
- H. Beddard, Human Rights and Europe (1950)
- Nagendra Singh, Human Rights and International Co-operation (1969)
- S.C. Kashyap, Human Rights and Parliament (1978)
- S.C. Khare, Human Rights and United Nations (1977)
- Moskowitz, Human Rights and World Order (1958)
- J.A. Andrews, Human Rights in International Law (1986)
- Menon (ed.), Human Rights in International Law (1985)
- A.B. Robertson (ed), Human Rights in National and International Law (1970)
- UpendraBaxi, "Human Rights, Accountability and Development" Indian Journal of international law (1978)

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INTERNATIONAL HUMANITARIAN LAW AND REFUGEE LAW

COURSE OBJECTIVE: - The two world wars had had enough of lessons to teach. But the present scenario shows that the nations have not learnt any lesson: wars continue to be there. The International Humanitarian Law aims at humanising war though war itself is inhuman. Human rights do have value only in peace time. War is the negation of all human rights. Though the United Nations Charter does not permit war, it has shown the wisdom to regulate the war if one occurs. War is one of the factors which create the problem of refugees. There have been some endeavours on the part of the international community to protect the interests of refugees. But due to political interference, the formulation of the definition of the term 'refugee' in the 'Convention relating to the status of refugees' has been such that it helps the developed countries to shirk the responsibility towards the refugees leaving the burden to the developing countries.

SYLLABUS:-

- UNIT-I** **1. Humanization of Warfare.**, Amelioration of the wounded and sick, Armed forces in the field, Armed forces at sea ,The shipwrecked ,Protection and facilities ,Prisoners of war., Civilians in times of War ,Cultural properties
- UNIT-II** **2. Control of weapons**, Conventional, Chemical, Biological, Nuclear
- UNIT-III** **3. Humanitarian law: Implementation**, Red Cross - role, National legislation
- UNIT-IV** **4. The Concept of refugees**, Definition of refugees and displaced persons - their problems, The UN Relief and Rehabilitation Administration and other International Refugee organizations: international protection., Protection under national laws
- UNIT-V** **5. Strategies to combat refugee problem, Repatriation**, resettlement local integration and rehabilitation. UNHCR - role, UNHCR and India

COURSE OUTCOME- The study will equip the students with the awareness of the various problem of refugees and to evaluate the international conventions and national legislations.

REFERENCE BOOKS

- B.S.Chimni, International Refugee Law, (2000).
- Jean Yves Calier, Who is a Refugee A Comparative Case Law Study, (1997)
- Kelly Dawn Askin, War Crimes Against Women, (1997).
- M.K.Balachandran, Rose Varghese, Introduction to International Humanitarian Law, (1997).
- Guy S. Goodwin-Gill, The Refugee in International Law, (1996).
- VeralGowlland- Debbas, The Problem of Refugees in the Light of Contemporary International Law Issues, (1996).
- Anti-personnel Landmines Friend or Foe? International Committee of Red Cross, (1996).
- Resettlement Handbook, The United Nations High Commissioner for Refugees.
- James C. Hathaway, Hohn A. Dent, Refugee Rights: Report on a Comparative Survey, (1995)

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COLLECTIVE VIOLENCE

COURSE OBJECTIVE: -This is a crucial area of Indian development with which traditional, western, criminology is not overly preoccupied. Collective political violence (CPV) is the order of the day, whether it is agrarian (feudal) violence, or it is atrocities against untouchables, communal riots, electoral violence, police violence (encounters), political violence by militant and extremist groups, gender-based violence or violence involved in mercenary terrorism and its containment. It is not very helpful in such contexts, to mouth the generalities such as "criminalization" or "lumpenization" of Indian politics. Closer scientific investigation of these phenomena is crucial, which should help us understand both the aetiology and the prognosis of CPV. Instead of political analysis the COURSE should focus on a broader social understanding of the political economy of law in India. Each specific form of violence will be examined with a view to identifying the COURSE of its evolution, the state-law response policies of management of sanctions, compensation and rehabilitation of victims of violence, social and political costs. The growth of police and paramilitary forces will also, in this context, be an object of study. Primary materials here will be governmental and citizen investigative reports. The emphasis of the COURSE will be on fashioning overall democratic understanding and responses to meet this problem. The following syllabus prepared with this perspective will be spread over a period of one semester.

SYLLABUS:-

- UNIT-I** **1. Introductory** , Notions of "force", "coercion", "violence" , Distinctions: "symbolic" violence, "institutionalized" violence, "structural violence" , Legal order as a coercive normative order , Force-monopoly of modern law , "Constitutional" and "criminal" speech: Speech as incitement to violence , "Collective political violence" and legal order , Notion of legal and extra-legal "repression"
- UNIT-II** **2. Approaches to Violence in India**, Religiously sanctioned structural violence: Caste and gender based, Ahimsa in Hindu, Jain, Buddhist, Christian, and Islamic traditions in India, Gandhiji's approach to non-violence, Discourse on political violence and terrorism during colonial struggle ,Attitudes towards legal order as possessed of legitimate monopoly over violence during the colonial period
- UNIT-III** **3. Agrarian Violence and Repression** ,The nature and scope of agrarian violence in the 18-19 centuries India ,Colonial legal order as a causative factor of collective political (agrarian) violence ,The Telangana struggle and the legal order ,The Report of the Indian Human Rights Commission on Arwal Massacre
- UNIT-IV** **4. Violence against the Scheduled Castes** ,Notion of Atrocities ,Incidence of Atrocities ,Uses of Criminal Law to combat Atrocities or contain aftermath of Atrocities ,Violence against Women

UNIT-IV **5. Communal Violence** ,Incidence and COURSEs of "communal" violence ,Findings of various commissions of enquiry ,The role of police and Para-military systems in dealing with communal violence ,Operation of criminal justice system tiring, and in relation to, communal violence

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

COURSE OUTCOME: - The student will develop the democratic understanding and responses to meet the problem of collection violence.

REFERENCE BOOKS

- U. Baxi, "Dissent, Development and Violence" in R. Meagher (ed.) Law and Social Change: Indo-American Reflections 92 (1988)
- U. Baxi (ed.), Law and Poverty: Critical Essays, (1988)
- A.R. Desal, (ed.) Peasant Struggles in India, (1979)
- A.R. Desai, Agrarian Struggles in India: After Independence (1986) A.R. Desai, Violation of democratic Rights in India (1986)
- D.A. Dhangare, Peasant Movement in India: 1920-1950 (1983)
- RanjitGuha, Element any Aspects of Peasant Insurgency in Colonial India (1983) RanjitGuba, (Ed,) Subaltern Studies Vol. 1-6 (1983-1988)
- T. Honderich, Violence for Equality (1950)
- Mark Juergensmeyer, "The Logic of Religious Violence: The Case of Punjab" 22 Contributions to Indian Sociology 65 (1988)
- Rajni Kothari, State Against Democracy (1987)
- G. Shah, Ethnic Minorities and NationBuilding: Indian Experience (1984)
- K.S. Shukla, "Sociology of Deviant Behaviour," in 3 ICSSR Survey of Sociology and Social Anthropology 1969-1979 (1986)

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CORPORATE FINANCE

COURSE OBJECTIVE: -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 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 of commercial banks; and
- (iv) To acquaint the students with the process of the flow and outflow of corporate finance.

SYLLABUS:-

Unit-II **1. Introduction**, Meaning, importance and scope of corporation finance, Capital needs - capitalization - working capital - securities-borrowings-deposits debentures, Objectives of corporation finance - profit maximization and wealth maximization, 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.

UNIT- III **2. Equity Finance**, Share capital, Prospectus - information disclosure, 2. Issue and allotment, Shares without monetary consideration, Non-opting equity shares

3. Debt Finance, Debentures, Nature, issue and class, Deposits and acceptance Creation of charges , Fixed and floating charges ,Mortgages ,Convertible debentures

UNIT-IV

4. Conservation of Corporate Finance , Regulation by disclosure ,Control on payment of dividends , Managerial remuneration ,Payment of commissions and brokerage , Inter-corporate loans and investments , Pay-back of shares , Other corporate spending

5. Protection of creditors ,Need for creditor protection , Preference in payment , Rights in making company decisions affecting creditor interests ,Creditor self-protection , Incorporation of favorable terms in lending contracts ,Right to nominate directors ,Control over corporate spending

6. Protection of Investors, Individual shareholder right , Corporate membership right , Derivative actions , Qualified membership right , Conversion, consolidation and re-organization of shares ,Transfer and transmission of securities , Dematerialization of securities

UNIT-V

7. Corporate Fund Raising , Depositories - IDR(Indian depository receipts), ADR(American depository receipts), GDR(Global depository receipts) , Public financing institutions - IDBI, ICICI, IFC and SFC , Mutual fund and other collective investment schemes , Institutional investments - LIC, UTI and banks, FDI and NRI investment - Foreign institutional investments (IMF and World Bank

8. Administrative Regulation on Corporate Finance, Inspection of accounts, SEBI, Central government control , Control by registrar of companies , RBI control

COURSE OUTCOME- This will acquaint the student the legal and justice aspects of corporate finance.

REFRENCE BOOKS

- Alastair Hundson, The Law on Financial Derivatives (1998), Sweet & Maxwell
- Eil'sFerran, Company Law and Corporate Finance (1999), Oxford.
- Jonathan Charkham, Fair shares: the Future of Shareholder Power and Responsibility (1999),Oxford.
- Ramaiya A, Guide to the Companies Act (1998), Vol. I, II and III.
- H.A.J. Ford and A.P. Austen, Fords' principle of Corporations Law (1999) Butterworths.
- J.H. Farrar and B.M. Hanniyan, Farrar's company Law (1998) Butterworths
- Austen R.P., The Law of Public Company Finance (1986) LBC
- R.M. Goode, Legal Problems of Credit and Security (1988) Sweet and Maxwell
- Altman and Subrahmanyam, Recent Advnces in Corporate Finance (1985) LBC
- Gilbert Harold, Corporation Finance (1956)
- Henry E. Hoagland, Corporation Finance (1947)
- Maryin M. Kristein, Corporate Finance (1975)
- R.C. Osborn, Corporation Finance (1959)
- S.C. Kuchhal Corporation finance: Principles and Problems (6th ed. 1966)
- V.G. Kulkami, Corporate Finance (1961)
- Y.D. Kulshreshta, Government Regulation of Financial management of Private Corporate Sector in India (1986)
- Journals - Journal of Indian Law Institute, Journal of Business Law, Chartered Secretary, Company
- Law Journal, Law and Contemporary Problems.
- Statutory Materials - Companies Act and laws relating SEBI, depositories, industrial financing and information technology.

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NATIONAL SECURITY, PUBLIC ORDER & RULE OF LAW

COURSE OBJECTIVE:-In every written constitution, provision is required to be made to equip the state to face grave threats to its existence arising from extra-ordinary circumstances created by war or external aggression or armed rebellion. Although "amidst the clash of arms, the laws are not silent" they do not speak the same language in war as in peace. Extra-ordinary circumstances warrant the invocation of extra-ordinary laws and such laws are known as emergency laws. They put greater fetters on individual liberty and also eclipse certain aspects of the due process. But in such circumstances, the democratic forces must assert that for survival of the State, the least possible liberty should be available. The students should be familiarized with different aspects of such emergency powers and scrutinizing intellectual attitude towards such powers. The following syllabus prepared with this perspective will comprise 42 units of one hour duration each to be covered over a period of one semester.

SYLLABUS:-

- UNIT-I 1. National Security, Public Orders and Rule of Law, Emergency Detention in England - Civil Liberties, COURSE satisfaction or objective assessment? Pre-Independence law.**
- UNIT- II 2. Preventive Detention and Indian Constitution, Article 22 of the Constitution , Preventive Detention and Safeguards , Declaration of Emergencies,1962, 1965 and 1970 Emergencies , 1975 Emergency**
- UNIT-III 3. Exceptional Legislation, COFEPOSA and other legislation to curb economic offenders, TADA: "the draconian law"-comments of NHRC, Special courts and tribunals, Due process and special legislation**
- UNIT-IV 4. Civil Liberties and Emergency , Article 19 , Meaning of "Security of State" , Meaning of "Public Order" , Suspension of Article 19 rights on declaration of emergency , President's Right to suspend right to move any court , Article 21 - special importance - its non-suspendability, Suspendability - 44th amendment**
- UNIT-V 5. Access to Courts and Emergency, Article 359: ups and downs of judicial review, Constitution (Forty-fourth), Amendment Act, 1978. , Constitution (Fifty-ninth) Amendment Act, 1988.**
- 6. Martial Law, Provisions in English Law, Provisions in the Constitution**

COURSE OUTCOME- Students will be familiarized with different aspects of emerging powers and intellectual attitude towards such powers

REFERENCE BOOKS

- G.O. Koppell "The Emergency, The Courts and Indian Democracy" 8 J.I.L.I. 287 (1966)
- H.M. Seervai, The Emergency, Future Safeguards and the habeas Corpus: A Criticism (1978)
- International Commission of Jurists, Status of Emergency and Human Rights (1984)
- N.C. Chatterji and ParameshwarRao, Emergency and the Law (1966).

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SCIENCE TECHNOLOGY AND HUMAN RIGHTS

COURSE OBJECTIVE :- We live in an era of scientific development. The alarming rate of development in biotechnology calls for drastic change in the law. Many concepts and terms have to be re-defined. The development in information technology poses serious problems and challenges. The rapid changes made by science and technology will have to be reflected in law to make it meaningful and realistic in the modern era. This COURSE is intended to make students conscious of various legal problems arising due to developments in such areas as biotechnology and information technology and to identify the changes needed in the law.

SYLLABUS:-

UNIT-I 1. Interrelationship of Science, Technology and Human Rights

2. Implication of Development of Science and Technology on Human Rights, Right to environment in the development of science and technology, Right to development in the advancement of science and technology, Right to human health and impact of developments in medical sciences

3. Medicine and the Law, Organ transplantation, Experimentation on human beings, Euthanasia (mercy killing), Gene therapy,

UNIT-II 4. Issue of Human Rights Ethics in Scientific and Technological Development, Sex determination test, Induced abortion, Reproductive technology, Cloning

UNIT –III 4.5. In vitro fertilization, Artificial insemination, Surrogate motherhood

UNIT-IV 5. Development in Information Technology and Human Rights

UNIT-V 6. Impact of Scientific and Technological Progress on Human Rights: Normative,

Response of the International Community, Right to life, Right to privacy, Right to physical integrity, Right to information, Right to benefit from scientific and technological progress, Right to adequate standard of living

COURSE OUTCOME- This study will make the students conscious of various legal problem arising due to development in science and technology.

REFERENCE BOOKS

- Diane Rowland, Elizabeth Macdonald, Information Technology Law, (1997).
- Suresh T. Viswanathan, The Indian Cyber Law, (2000).
- The International Dimensions of Cyberspace Law (2000), UNESCO Publication.
- D.P.Mittal, Law of Information Technology (Cyber Law), (2000).
- Michael Chissick, Alistair Kelman, Electronic Commerce, Law and Practice, (1999).
- Adwin W. Patterson, Law in a Scientific Age, (1963)
- Steve Jones, Borin Van Leon, Genetics for Beginners, (1993).
- Weeramantry, C.G., Human Rights and Scientific and Technology Development, 1990
- Kamenka, E., Ideas and Ideologies Human Rights (1978)
- Galtung, Human Rights in Another Key, (1994)
- Akbar, M.J., Roits After Riots, (1988)
- Baxi, U. (ed.), Rights to be Human, (1986)
- Kazmi, F., Human Rights, (1987)
- Levin L., Human Rights, (1982)
- Gromley W.P., Human Rights and Environment, (1976)
- Madhavtirtha, Human Rights, (1953)
- Beddard H., Human Rights and Europe, (1950)
- Swarup J., Human Rights and Fundamental Freedoms, (1975)
- Nagendra Singh, Human Rights and International Cooperation, (1969)
- Kashyap, S.C., Human Rights and Parliament, (1978)
- Khare S.C., Human Rights and United Nations, (1977)
- Moskowitz, Human Rights and World Order, (1958)
- Drost, Human Rights as Legal Rights, (1965)
- Garling M., Human Rights Handbook, (1979)
- Andrews J.A., Human Rights in Criminal Procedure, (1982)
- Kalaiah A.B., Human Rights in International Law, (1986)
- Menon, I. (ed.), Human Rights in International Law, (1985)
- Robertson, A.B. (ed.), Human Rights in National and International Law, (1970)
- Lauterpacht, E., International Law and Human Rights, (1968)
- Robertson, E., Human Rights in the World, (1972)
- Sohn, Lonis&Burgenthal, International Protection of Human Rights, (1973)
- Baxi, U., "Human Rights, Accountability and Development", Indian Journal of International Law, 279, (1978)
- Basu, D.D., Human Rights in Constitutional Law, (1994)
- Macfarlane, L.J., The Theory and Practice of Human Rights, (1985)
- KrishnaIyer, V.R., Human Rights - A Judge's Miscellany, (1995)

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SEMESTER

IV

DISSERTATION & VIVA VOCE

COURSE OBJECTIVE:- The COURSE in fourth semester includes a Dissertation and viva voce as well. Students need to prepare a thesis on the COURSE that they have selected for specialization. The topic for their Thesis on the relevant COURSE will be allotted by the guide. The thesis work has to meet the standards and the student needs to make sure that values have to be impacted by the same.

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