Regulations relating to

LL.B Integrated Double Degree Course leading to B.A. LL. B
(Five-Year LL.B Double Degree Integrated Programme)
(Semester System- 10 semesters)

(Effective from the Academic Year 2018-19)

Admission into 5 Year LL.B Integrated Double Degree Course is subject to Bar Council of India / MH-CET (Law) / University Rules and Regulations. Admissions are made by MH-CET (Law) Convener in accordance with the Rules prescribed by Government of Maharashtra G. R. No. CET-2015/C No. 379/MSHI-2/ & Gr. No. CET 2016/F No. 84 / MSHI -2/ of Higher Education Dt. 4/12/2015 & Dt. 7/4/2016.

For the award of 5 Year B.A. LL.B Degree, the candidate shall be required to have

i) received instruction and training for the prescribed course of study as full-time students for five academic years, and

ii) passed all the examinations prescribed for the award of 5 Year B.A. LL.B Integrated Double Degree Course.

Duration: 5 Year Double Degree LL.B Integrated Course has to be pursued in ten semesters stretching over five academic years. Each academic year comprises of two Semesters.

Medium of Instruction will be in English language

Attendance: In order to be eligible to take the examination in any subject, candidate is required to put in 75% of attendance in each subject which includes lectures, tutorials and practical training.

Provided that if a student for any exceptional reasons fails to attend 75% of the classes held in any subject, subject to the payment of the fee prescribed by the University from time to time he/she may be condoned for the shortage of attendance if the student concerned attended at least 66% of the classes held in the subject concerned.

Prohibition against lateral entry and exit

There shall be no lateral entry on the plea of graduation in any subject or exit by way of awarding a degree splitting the integrated double degree course, at any intermediary stage of integrated double degree course.

Credits: All papers carry six credits each except the Paper on Seminar and Clinical Legal Education which carries only two credits. Total credits of the B.A LL.B are 300.

➢ **Question Paper Pattern**

For papers other than Practical Papers, the question paper consists of three parts.

- **Question No. 1 is Compulsory Question** which consist of 06 short answer questions. The candidates have to answer any 5 (five) questions. Each question carries 4 marks with a total for 20 marks (4 x 5 = 20).
- **Question No. 2 to 8 are optional Questions** consists of **8 (eight) Essay questions**. The Candidate has to answer **any 5 (five) questions**. Each question carries 12 marks with a total of 60 marks. (5 x 12 = 60).

➢ **Allotment of Marks:**

All papers carry **100** *Marks* each.

Except for the ***Practical papers***, 80 Marks are allotted to Semester End written examination. 20 Marks are allotted for internal marks, the split up of which is as follows:

- Test – 10 Marks (Two midterm tests will be conducted out of which one test will be in objective mode consisting of not less than 10 questions.)
- Assignment -5 Marks (One Assignment to be given)
- Semester End Viva- 5 Marks

For all practical papers ***50 Marks*** *are allotted to internal component and* ***50 marks*** *are allotted to external component Practical Papers are:*

(i) Professional Ethics - Semester VII

(ii) ADR (Clinical Legal Edn.) - Semester VIII

(iii) Drafting, Pleading and Conveyance - Semester IX

(iv) Moot Court (Clinical Legal Edn.) - Semester X

Breakup for : ***For Practical Training Papers in VII, VIII, IX & X Semesters***

The Semester end paper carrying 50 Marks consists of **8 essay questions** out of which the candidate has to answer **any 5 (five)** questions i.e., 5 x 10 = 50 Marks.

The remaining 50 marks is practical record on the subject.

Project Report **50 marks** on Clinical Legal Education Exercise prescribed for the concerned semester:

- 35 Marks
- Viva-15 Marks

Practical papers in B.A. LL.B (5YDC): Paper on Local Language / foreign language in Second semester and Practical Training Papers VII, VIII, IX & X of the semester.

Note: ***Paper Local Language (Introduction to Marathi) in Second Semester will be 20:80 pattern i.e. 16 projects i.e. 2 projects from 8 subjects (16 x 5 = 80 Marks) for Practical internal marks and 20 marks by external viva examination***

Examination:

- Candidate shall take examination in each of the subjects prescribed for the study at the end of the semester by registering for that semester examination and obtaining hall ticket for the same. Duration of the examination is three hours.
- The semester end examination shall be based on the question paper set by an external paper setter.
- For qualifying in the examination the candidate has to secure a minimum of 40% in the practical papers including internals at the institutional level.
- Grafting/Grace is permitted. Grafting allows a candidate an opportunity to utilize the excess marks he earned in a paper for filling up the shortage of marks in the paper in which the candidate failed. Eg. A candidate who secured only 35 Marks, would fail having fallen short by 5 Marks of the required minimum pass mark which is 40 Marks. However, If such candidate happened to secure 45 marks in another paper, the extra five marks which is in excess of what is required for a pass could be notionally added to fill the deficit of 5 marks of the paper in which the candidate actually failed and thereby declare the candidate to have been passed in such paper.

  Note: Grafting can be availed only when the candidate will be able to pass in the whole examination due to grafting. Grafting to the extent of one mark per hundred marks of each semester can be added to a maximum of two papers only.

The pattern of grade and CGPA & SGPA as followed in PG in Law & Dip. In Taxation Law

Note: Only those candidates who appear and pass the examination in all the papers of the First semester, all the papers of the Second semester, all the papers of the Third semester, and similarly all the papers of the Fourth semester, in first appearance are eligible to be placed in O grade.

Awards: No candidate who has not passed all the papers relating to any semester at the first appearance shall be eligible for the Award of Medals or Prizes by the University and to receive certificates of rank obtained by them in the examination.

Explanation:

Credits, Grade Letter Grade Points, Credit Points

Credit means the unit by which the course work is measured. One credit means one hour of teaching work or one hour of practical work per week.

Grade Letter is an index to indicate the performance of a student in a particular course (Paper).

It is the transformation of actual marks secured by a student in a course/paper. It is

Grade letter O, A, B, C, D, E. There is a range of marks for each Grade Letter.

Grade Point is Weightage allotted to each grade letter depending on the marks awarded in a
course/paper

CGPA: CGPA means Cumulative Grade Point Average. It will be calculated from 2nd semester onwards.

SGPA means Semester Grade Point Average. This is calculated for each semester of the programme

CGPA x 10 will be the overall percentage of the marks obtained by the candidate

The performance of the candidate extinguishes in case of non completion of the course within 8 yrs. from the date of joining i.e. the 5 years student should complete his course within 8 yrs. from the date of joining ***(Example: 2018-19 academic year admitted student has to complete his / her LL.B. 3 yrs. course by 2025-26 academic year)***

Course Pattern B.A.LL.B (Double Degree Integrated Course)

FIRST YEAR

FIRST SEMESTER

Sl. No	Paper No	Subject	Hours per week			Max Marks		Credits
			L	T	P	E	I	
1	1	1.1 General English	5	1	-	80	20	6
2	2	1.2 Principles of Political Science	5	1	-	80	20	6
3	3	1.3 Micro Economics I	5	1	-	80	20	6
4	4	1.4 Principles of Sociology I	5	1	-	80	20	6
5	5	1.5 Legal Development	5	1	-	80	20	6
TOTAL								30

SECOND SEMESTER

Sl. No	Paper No	Subject	Hours per week			Max Marks		Credits
			L	T	P	E	I	
1	1	2.1 Local Language / Foreign Language	5	1	-	20*	80	6
2	2	2.2 Political Theory	5	1	-	80	20	6
3	3	2.3 Macro Economics II	5	1	-	80	20	6
4	4	2.4 Theories of Sociology II	5	1	-	80	20	6
5	5	2.5 Constitutional Development	5	1	-	80	20	6
TOTAL								30

Viva External examiner along with faculty.

L = Lectures; T= Tutorials; P = Practical; E= Examination; I=Internal

Course Pattern B.A.LL.B (Double Degree Integrated Course)

SECOND YEAR

THIRD SEMESTER

Sl. No	Paper No	Subject	Hours per week			Max Marks		Credits
			L	T	P	E	I	
1	1	3.1 Law and Literature	5	1	-	80	20	6
2	2	3.2 Foundations of Political Obligations	5	1	-	80	20	6
3	3	3.3 Indian Economy III	5	1	-	80	20	6
4	4	3.4 Urban, Rural & Tribal Sociology of India III	5	1	-	80	20	6
5	5	3.5 Constitutional Law I	5	1	-	80	20	6
TOTAL								30

FOURTH SEMESTER

Sl. No	Paper No	Subject	Hours per week			Max Marks		Credits
			L	T	P	E	I	
1	1	4.1 Legal Language and Legal Writing	5	1	-	80	20	6
2	2	4.2 International relations and obligations	5	1	-	80	20	6
3	3	4.3 Economic Policies IV	5	1	-	80	20	6
4	4	4.4 Contemporary issues of Sociology IV	5	1	-	80	20	6
5	5	4.5 Constitutional Law II	5	1	-	80	20	6
TOTAL								30

L = Lectures; T= Tutorials; P = Practical; E= Examination; I=Internal

Course Pattern B.A.LL.B (Double Degree Integrated Course)

THIRD YEAR

FIFTH SEMESTER

Sl. No	Paper No	Subject	Hours per week			Max Marks		Credits
			L	T	P	E	I	
1	1	5.1 Local Self Government	5	1	-	80	20	6
2	2	5.2 Jurisprudence	5	1	-	80	20	6
3	3	5.3 Family Law I (Family Relations)	5	1	-	80	20	6
4	4	5.4 Contract I	5	1		80	20	6
5	5	5.5 Banking Law	5	1	-	80	20	6
TOTAL								30

SIXTH SEMESTER

Sl. No	Paper No	Subject	Hours per week			Max Marks		Credits
			L	T	P	E	I	
1	1	6.1 Principles of Public Administration	5		-	80	20	6
2	2	6.2 Torts, Motor Vehicles Act and Consumer Protection Act	5		-	80	20	6
3	3	6.3 Family Law II (Succession)	5		-	80	20	6
4	4	6.4 Contract II (Optional Legal)	5			80	20	6
5	5	6.5 Social Research Methods (Research methodology)	5			20	80	6
TOTAL								30

L = Lectures; T= Tutorials; P = Practical; E= Examination; I=Internal

Course Pattern B.A.LL.B (Double Degree Integrated Course)

FOURTH YEAR

SEVENTH SEMESTER

Sl. No	Paper No	Subject	Hours per week			Max Marks		Credits
			L	T	P	E	I	
1	1	7.1 Law of Crimes	5	1	-	80	20	6
2	2	7.2 Property Law and Easement Act	5	1	-	80	20	6
3	3	7.3 Labour Law I	5	1	-	80	20	6
4	4	7.4 Administrative Law	5	1	-	80	20	6
5	5	7.5 Professional Ethics	5	1	6	50	50	6
TOTAL								30

EIGHTH SEMESTER

Sl. No	Paper No	Subject	Hours per week			Max Marks		Credits
			L	T	P	E	I	
1	1	8.1 Criminal Procedure Code	5	1	-	80	20	6
2	2	8.2 Company Law	5	1	-	80	20	6
3	3	8.3 Labour Law II	5	1	-	80	20	6
4	4	8.4 Interpretation of Statutes (Optional Legal)	5	1	-	80	20	6
5	5	8.5 ADR (Clinical Legal Edn.)	5	1	6	50	50	6
TOTAL								30

L = Lectures; T= Tutorials; P = Practical; E= Examination; I=Internal

Course Pattern B.A.LL.B (Double Degree Integrated Course)

FIFTH YEAR

NINTH SEMESTER

Sl. No	Paper No	Subject	Hours per week			Max Marks		Credits
			L	T	P	E	I	
1	1	9.1 Law of Evidence	5	1	-	80	20	6
2	2	9.2 Principles of Taxation	5	1	-	80	20	6
3	3	9.3 Environmental Law	5	1	-	80	20	6
4	4	9.4 Land Laws including Tenure and Tenancy Law	5	1	-	80	20	6
5	5	9.5 Drafting, Pleading and Conveyance	5	1	6	50	50	6
TOTAL								30

TENTH SEMESTER

Sl. No	Paper No	Subject	Hours per week			Max Marks		Credits
			L	T	P	E	I	
1	1	10.1 Civil Procedure Code and Limitation Act	5	1	-	80	20	6
2	2	10.2 Public International Law	5	1	-	80	20	6
3	3	10.3 Intellectual Property Law	5	1	-	80	20	6
4	4	10.4 Insurance Law (Optional Legal)	5	1	-	80	20	6
5	5	10.5 Moot Court (Clinical Legal Edn.)	5	1	6	50	50	6
TOTAL								30

L = Lectures; T= Tutorials; P = Practical; E= Examination; I=Internal

Structure of Subject of 5 yrs. B. A. LL.B. under CBCS Pattern w.e.f. 2018-'19

	Semester-I	Credits	Semester-II	Credits
Minor Subjects	1.1 General English	6	2.1 Local Language / Foreign Language	6
Core Major subjects	1.2 Principles of Political Science	6	2.2 Political Theory	6
Minor Subjects	1.3 Micro Economics I	6	2.3 Macro Economics II	6
Minor Subjects	1.4 Principles of Sociology I	6	2.4 Theories of Sociology II	6
Minor Subjects	1.5 Legal Development	6	2.5 Constitutional Development	6

Structure of Subject of 5 yrs. B. A. LL.B. under CBCS Pattern w.e.f. 2018-'19

Semester II

	Semester-II	Credits
Optional	2.1 Local Language / Foreign Language	6
Core Subject	2.2 Political Theory II	6
Minor Subject	2.3 Macro Economics II	6
Minor Subject	2.4 Theories of Sociology II	6
Minor Subject	2.5 Constitutional Development	6

B. A. LL.B. 5 yrs. Integrated CBCS Pattern w.e.f.2018-'19

Semester II

Local Language / Foreign Language- Paper I

2.1. Local Language Paper (Introduction of Law in Marathi)

Classroom instruction of five select topics in each of the following subjects shall be given in Marathi)

1. Constitutional law of India-I
2. Constitutional law of India-II
3. Law of Crimes
4. Law of Contracts-I
5. Law of Contracts-II
6. Family Law-I
7. Law of Torts and Consumer Law
8. Environmental Law

Examination for 80 Marks shall be on the basis of written record on 16 topics (two topics from each subject). Each topic carries 5 marks. *The record shall be evaluated by the teacher of the subject and external examiner nominated by the University for conducting Viva.*

***Viva will be for 20 marks.**

Note: **1.** The foreign language paper **syllabus & 80/20 pattern** of examination in the subject has to be set by the concern faculty of foreign language in **German / French / Russian / Japanese / Chinese etc.**

2. *Incase of students other than Marathi Mother tongue may choose foreign language / English as Medium for the concern topics.*

Details of Topics Subject wise

Constitutional Law I	
[illegible]	History of Making of Indian Constitution.
[illegible]	The State
[illegible]	Fundamental Rights
[illegible]	Directive Principles of State Policy
[illegible]	Indian Judiciary

Constitutional Law II	
[illegible]	Parliamentary form of Government
[illegible]	Concept of Federalism
[illegible]	Emergency
[illegible]	Constitutional Amendment
[illegible]	Services under Constitution

Law of Crimes	
[illegible]	General Exceptions
[illegible]	Offence Relating to Public tranquillity
[illegible]	Abetment
[illegible]	Offences against Property
[illegible]	Offences against Human Body

Contract - I	
U 7?7?000 ¾UU »?¾	Concept of Contract
U 7?7 U 7¾00000 ¾ 000	Capacity to Contract
¾0¾ ¾U 0¾	Free Consent
I ¾¾00 ¾00000	Performance of Contract
I ¾¾ ¾¾	Breach of Contract

Contract - II	
¾0¾?0¾ ¾ C ¾ ¾00 ¾UU »?¾	Concept of Indemnity & Guarantee
¾¾0-¾¾ U ¾¾¾ ¾¾ U ?¾ ¾ 0?¾¾00¾ ¾00 ¾UU ¾¾ »?¾	Concept of Bailment & Pledge
†×?¾ 00000 ¾UU »?¾	Concept of Agency
¾¾ ¾¾ I ¾UU ?¾	Concept of Sale of Goods
¾¾?0¾?¾ ¾ C ¾?×¾?¾ ¾?¾ 00000 ¾UU »?¾	Concept of Partnership & Hire purchase

Family Law I	
¾ ¾?¾ ¾UU »?¾	Concept of Family
¾¾¾C ¾U »?¾	Institution of Marriage Concept
¾¾0?¾ Ü ¾¾»00000 ¾UU »?¾ ¾ ¾0? 0¾	Concept and Scope of Personal Laws
¾¾ ¾?¾ ?¾?¾?¾ U ¾¾ †Ü×¾ ¾U »?¾ ¾¾ ¾?¾ ¾¾ ¾¾ ¾

POLITICAL THEORY II

I. The Sphere of State
- a. Idealism and Individualism, Marxism
- b. Democratic Socialism and Liberalism-concept of J. S. Mill
- c. Political Philosophy of Dr. B. R Ambedkar

II. Liberty, Equality and Fraternity
- a. Meaning, definitions and features of Liberty and Equality
- b. Kinds of equality and liberty
- c. The Relationship between liberty and equality
- d. Fraternity and Justice

III. The Theories of State with special reference to Social Contract
- a. Patriarchal Theory and Matriarchal Theory
- b. Social Contract Theory - Hobbes, John Locke and J.J. Rosseau
- c. Criticism of Social Contract Theory

IV. Utilitarianism and Pluralism
- a. Pluralism
- b. Utilitarianism - Meaning and its aims
- c. Principles of Utilitarianism and approach to political obligation
- d. Criticism of Utilitarianism

V. Gandhian Thought / Gandhism
- a. Civil disobedience - problems of civil disobedience
- b. Political Philosophy of Gandhi
- c. Neo - Gandhian Thought

Recommended Books:

1. Ray and Bhattacharya - Political Theory, The World Press, Calcutta.
2. Asirvatham, Eddy - Political Theory, Upper India Publishing House, Luckhnow
3. Wayper, C.L. - Political Thought, B.I. Publications, Bombay.
4. Ganer, J.W. - Political Science and Government, The World Press, Calcutta
5. Ball, Alan R. - Modern Politics and Government, Macmillon
6. Murthy, B.S. - International Relations and Orgnization, Pre Law Education Series, EBC.
7. Verson Van Dyke - International Politics

MACRO ECONOMICS II

UNIT 1: What is Macroeconomics? Definitions of Macroeconomics, Origin and Growth of Macroeconomics, Distinction Between Microeconomics and Macroeconomics,Nature and Scope ofMacroeconomics, Limitations of Macro Economics

UNIT 2: Measurement of National Income, Concepts related to National Income, Measuring Methods of National Income, Importance of National Income Data, Difficulties in Estimating the National Income, relationship between Economic Welfare and National Income.

UNIT 3: Classical Theory of Employment, JB Say's Law of Markets, Keynesian theory of Effective Demand, Consumption Function, Saving Function, InvestmentFunction,The Principle of Accelerator and the concept of Multiplier

UNIT 4: Definition of Money, Kinds of Money, Functions of Money, Demand and Supply of Money, Inflation, Types of Inflation, Causes of Inflation, Phillips Curve, Impact of Inflation, Measuring of Inflation

UNIT 5: Business Cycles, Phases of Business Cycles, Theories of Business Cycles, the Role of Monetary and Fiscal Measures to controlthe Business Cycles

UNIT 6: Population and the related issues, Poverty,Unemployment, Types of Unemployment, Reasons for Unemployment and Measures to Solve it, Problems of Economic Growth and Economic Development, Closed economy and Open economy, Balance of Payments, Disequilibrium and Correcting Methods

References:

D.N.Dwivedi ,Macroeconomics-Theory and Policy, McGraw Hill, New Delhi

Paul A.Samuelson ,William D. Nordhaus ,Macroeconomics, Adapted By Sudip Chaudhuri,19thEdition,Tata McGraw Hill Education Private Limited, New Delhi

G.S. Guptha, Macroeconomics, Theory and Applications, Tata McGraw Hill Education Private Limited, New Delhi

M.L.Jhingan, Macroeconomic Theory,Vrinda Publications(P)Ltd

THEORIES OF SOCIOLOGY II

Unit 1: Social Thought Theories- Max Weber, Durkheim- Karl Marx

Unit 2: The Concept of State: Different theories. Social Contract theory, Separation of Powers theory, Historical theory.

Unit 3: Structural-Functionalism - Talcott parsons, Robert Merton,

Unit 4: Conflict theory – Ralf Dahrendorf, Lewis coser , Randal Collins

Unit 5: Social Change in Modern India and the concepts of Sanskritisation, Westernization, and Secularization.

Unit 6: Effects and consequences of Globalisation on Indian Society.

Unit 7: Theories of Social Change: Factors of Social Change, Results of Social Change, Technology as an agent of social change, literacy as a means to social change.

Unit 8: Social thinkers in India: Mahatma Gandhi,- Dr. B.R. Amebedkar and Amartya Sen. Fundamentalism-Secularism- Socialism – Feminism, Consumerism, Social Integration, Nationalism.

References:

Abraham, M Francis 1992 . Modern Sociological Theory – An Introduction. Bombay Oxford University Press.

Ritzer, George and Goodman D.2004.Sociological Theory. New York, McGraw Hill

T.B. Botomse: Sociology, A Guide to Problems and Literature, London, Allen and Erwin, 1982

Harvy Johnson: Sociology - Systematic Instruction Sharma : Sociology

Mao-Iwer and Page - Sociology

Kingslary Davis : Human Society

Peter Worsley et al, Introducing Sociology, Hamondsworth, Penguin Books 1970;

M. Haralambos: Sociology - Themes and Persectives, Delhi, Oxford University Press, 1981

N.K. Bose: The Structure of Hindu Society, New Delhi, Orient Longman, 1975

David G., Mandelrsum: Society in India, Bombay, Popular Prakashan, 1972

Romesh Thappar (ed): Tribe, Caste and Religion in India, New Delhi, Macmillan, 1977

Andre Betelle: Inequality and Social Change, Delhi, Oxford University Press, 1972

Andre Betalle: The Backward Classes and New Social Order, Delhi, Oxford University Press, 1981

A.R Desai, Rural Sociology

M.N. Srinivas, Caste in Modern India

Mac. Iver and Page, Sociology

Constitutional Development
(1861 to 1950 Legal & Legislative Aspects)

Unit 1: Establishment of the High Courts.

a. The Indian High Courts Act of 1861 and Act of 1911.
b. The Government of India Act 1915: other High Courts
c. The Government of India Act 1935: more high Courts created.
d. High Courts established during 1947-1950: and post constitutional development.

Unit 2: Privy Council and Federal Court.

a. Privy Council: Origin, jurisdiction.
b. Appeals to the Privy Council from India.
c. A unique Institution.
d. The Federal Court of India: Foundation of the court, powers and functions of federal court; jurisdiction; Authority of Law; Abolition of the federal court and its assessment.

Unit 3: Development of Legislature authorities in India.

a. Indian Council Act, 1861: provisions of the Act, 1861;
Indian Council Act, 1892: portions of the Act, 1892.
b. Indian Councils Act, 1909: The Minto – Morley Reforms and the Indian Council Act, 1919: Main provisions of the Act.
c. Government of India Act, 1935: Main Provisions of the Act and Indian Independence Act, 1947.
d. Constitutional Development between 1937 to 1947.

Unit 4: Influence of English Law in India.

a. Growth of Criminal Law: Ancient Hindu Criminal Law; Early Muslim Criminal Law; Criminal Law in other parts of the country.
b. Growth of personal law of Hindus and Muslims.
c. Influence of English Law; Principles of Justice, Equality and Good Consciences; Influence of English notions on Hindu Law importance of English Law and codification.
d. Modification of Criminal Law by English notions.

Unit 5: The Supreme Court of India

a. Origin, Composition and Structure of the Supreme Court.
b. Jurisdiction, powers and functions of the Supreme Court.
c. Doctrine of precedents and the Supreme Court.
d. Recent Changes.

Unit 6: Indian Constitution

a. The framework of the Constitution - Constituent Assembly.
b. Salient features of the Constitution.
c. Judicial Review;
d. Prerogative writs in India.

Reference Books:

1. Rama Jois, M. Legal and Constitutional History of India, (Ancient Legal, Judicial and Constitutional System) Vol., N. M. Tripathi Prt. Ltd., 1984.
2. KailashRai, History of Courts, Legislature and Legal Profession in India, Allahabad Law Agency, 2014.
3. Ram Lal Bhatia, Constitutional History of India and National Movement, Atma Ram and Sons Pub., Delhi, 1964.
4. V. D. Kulshreshtha 'Landmarks in Indian Legal and Constitutional History', Revised by B. M. Gandhi, Easter Book Company, Lucknow, 2005.
5. Bhatia, H. S. (Ed.), Origin and Development of Legal and Political Systems in India, Vol. I & Vol. II, Deep & Deep, Pub., 1976.

7. Mohan Rao, G. (Ed.), Constitutional Development, through Judicial Process, Asia LawHouse, Hyderabad, 2006.
8. SubbaRao, G. C. V., Indian Constitutional Law, S. Gogia& Company, Hyderabad, 1998.
9. Sahary, H. K., Constitutional Law and History of Government of India, Universal LawPublishing Co. Pvt. Ltd., Delhi, 2008.
10. Kesari, U.P.D., 'Modern Hindu Law', Central Law Publication, Allahabad, 2004.
11. Jain, M. P., Outlines of Indian Legal History, Wadhwa and Company Law Publisher,New Delhi, 2005.
12. NilakshiJatar&LaxmiParanjpe, 'Legal History, Evolution of the Indian Legal System',Eastern Book Company, Lucknow, 2012.
13. Mahendra Kumar Talware, History of National Movement and ConstitutionalDevelopment in India, Mangalam Publications, Delhi, 2015.
14. Nanda, S. P., Freedom Movement & Constitutional Development, Dominant Publishersand Distributors, New Delhi, 2004.

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Regulations relating to

LL.B. 3 YEAR DEGREE COURSE CBCS PATTERN SEMESTER WISE

(effective from the Academic Year 2018-'19)

The following regulations for 3 year LL.B Course shall come into force with effect from the Academic Year 2018-'19.

- **Admission** into 3 Year LL.B. Degree Course is subject to MH-CET (LAW) and University Rules and Regulations. Admissions are made by MH-CET (LAW) in accordance with the Rules prescribed by Government of Maharashtra vide Gr. No. CET -2015/C.R.243/MASHI-2 of Higher Education dt. 2/4/2016
- **For the award of 3 year** LL.B. **Degree,** a candidate shall be required to have
  i) received instruction and training for the prescribed course of study as full-time students for three academic years, and
  ii) passed all the examinations prescribed for the award of 3 Year LL.B. Degree.
- **Duration:** 3 Year LL.B Degree Course has to be pursued in six semesters stretching over three academic years. Each academic year comprises of two Semesters.
- **Medium of Instruction** will be in English language
- **Class Room Instruction:** Class room instruction for each semester will be for 16 weeks excluding the period for conducting the examinations.
- **Attendance:** In order to be eligible to take the examination in any subject, candidate is required to put in 75% of attendance in each subject which includes lectures, tutorials and practical training.
  If a student for any exceptional reason fails to attend 75% of the classes held in any subject, he/she may be condoned for the shortage of attendance if the student concerned attended at least 66% of the classes held in the subject concerned subject to the payment of the fine prescribed from time to time by the University
- **Credits:**
  All papers carry six credits each. Total credits of the LL.B (3Year) Course are 180.
- **Question Paper Pattern**
  For papers other than Practical Papers, the question paper consists of three parts.

- **Question No. 1 is Compulsory Question** which consist of 06 short answer questions. The candidates have to answer any 5 (five) questions. Each question carries 4 marks with a total for 20 marks (4 x 5 = 20).
- **Question No. 2 to 8 are optional Questions** consists of **8 (eight) Essay questions**. The Candidate has to answer **any 5 (five) questions**. Each question carries 12 marks with a total of 60 marks. (5 x 12 = 60).

➢ **Allotment of Marks:**

All papers carry **100** *Marks* each.

Except for the ***Practical papers***, 80 Marks are allotted to Semester End written examination.

20 Marks are allotted for internal marks, the split up of which is as follows;

- Test - 10 Marks (Two midterm tests will be conducted out of which one test will be in objective mode consisting of not less than 10 questions.)
- Assignment -5 Marks (One Assignment to be given)
- Semester End Viva- 5 Marks

*For all practical papers **50 Marks** are allotted to Internal component and **50 marks** are allotted to external component Practical Papers are:*

(i) Professional Ethics - Semester III
(ii) ADR (Clinical Legal Edn.) - Semester IV
(iii) Drafting, Pleading and Conveyance - Semester V
(iv) Moot Court (Clinical Legal Edn.) - Semester VI

Breakup for : For Practical Training Papers in III, IV, V & VI Semesters

The Semester end paper carrying 50 Marks consists of **8 essay questions** out of which the candidate has to answer **any 5 (five)** questions i.e., 5 x 10 = 50 Marks.

The remaining 50 marks is practical record on the subject.

Project Report **50 marks** on Clinical Legal Education Exercise prescribed for the concerned semester.-

- 35 Marks
- Viva-15 Marks

➢ **Examination:**

- Candidate shall take examination in each of the subjects prescribed for study at the end of the semester by registering for that semester examination and obtaining hall ticket for the same. Duration of the examination is three hours.
- The semester end examination shall be based on the question paper set by an external paper setter.
- For qualifying in the examination the candidate has to secure a minimum of **40%** in the theory papers including internals marks i.e. **20 marks** at the institutional level.

and the Practical Training Papers III, IV, V, & VI semesters the candidate has to secure **40%** in external & internal i.e. Project Record together.

- Grafting/Grace is permitted. Eg. A candidate, who secured only 35%, would fail having fallen short of the required minimum pass percentage (40%) by five marks. Permission for grafting allows such candidate an opportunity to utilize the excess marks if any he might have earned in some other paper for filling up the said deficit. Thus, if the concerned candidate happened to secure 45 marks in another paper, the extra five marks which is in excess of what is required for a pass could be notionally added to fill the deficit of 5 marks of the paper in which the candidate actually failed, and thereby declare the candidate to have been passed in each paper.

The pattern of grade and CGPA & SGPA as followed in PG in Law & Dip. in Taxation Law

Note: *Only those candidates who appear and pass the examination in all the papers of the First semester, all the papers of the Second semester, all the papers of the Third semester, and similarly all the papers of the Fourth semester and so on, at first appearance are eligible to be placed in O grade.*

- **Awards:**

  No candidate who has not passed all the papers relating to any semester at the first appearance shall be eligible for the Award of Medals or Prizes by the University and to receive certificates of rank obtained by them in the examination.

Explanation: Credits, Grade Letter Grade Points, Credit Points.

Credit means the unit by which the course work is measured. One credit means one hour of teaching work or one hour of practical work per week.

Grade Letter is an index to indicate the performance of a student in a particular course (Paper). It is the transformation of actual marks secured by a student in a course/paper. It is indicated by a Grade letter O, A, B, C, D, E. There is a range of marks for each Grade Letter.

Grade Point is Weightage allotted to each grade letter depending on the marks awarded in a course/paper.

CGPA: CGPA means Cumulative Grade Point Average. It will be calculated from 2nd semester onwards.

SGPA: means Semester Grade Point Average. This is calculated for each semester of the programme.

CGPA x 10 will be the overall percentage of the marks obtained by the candidate.

The performance of the candidate extinguishes in case of non completion of the course within 6 yrs. from the date of joining i.e. the 3 years student should complete his course within 6 yrs. from the date of joining ***(Example: 2015-19 academic year admitted student has to complete his / her LL.B. 3 yrs. course by 2021-24 academic year)***

LL.B. (Three Year) Degree Course Pattern

FIRST YEAR

FIRST SEMESTER:

Sl. No	Paper No		per week			Marks		Credits
			L	T	P	E	I	
1	1	1.1 Constitutional Law I	5	1	-	80	20	6
2	2	1.2 Jurisprudence	5	1	-	80	20	6
3	3	1.3 Family Law I (Family Relations)	5	1	-	80	20	6
4	4	1.4 Contract I	5	1	-	80	20	6
5	5	1.5 Banking Law	5	1	-	80	20	6
TOTAL								30

SECOND SEMESTER

Sl. No	Paper No	Subject	Hours per week			Max Marks		Credits
			L	T	P	E	I	
1.	1	2.1 Constitutional Law II	5	1	-	80	20	6
2.	2	2.2 Torts, Motor Vehicle Act and Consumer Protection Act	5	1	-	80	20	6
3.	3	2.3 Family Law II (Succession)	5	1	-	80	20	6
4.	4	2.4 Contract II (Optional Legal)	5	1	-	80	20	6
5.	5	2.5 Social Research Methods (Research methodology)	5	1	-	80	20	6
TOTAL								30

L = Lectures; T= Tutorials; P = Practical; E= Examination; I=Internal

LL.B. (Three Year) Degree Course Pattern

SECOND YEAR

THIRD SEMESTER

Sl. No	Paper No	Subject	Hours per week			Max Marks		Credits
			L	T	P	E	I	
1.	1	3.1 Law of Crimes	5	1	-	80	20	6
2.	2	3.2 Property Law and Easement Act	5	1	-	80	20	6
3.	3	3.3 Labour Law I	5	1	-	80	20	6
4.	4	3.4 Administrative Law	5	1	-	80	20	6
5.	5	3.5 Professional Ethics	5	1	6	50	50	6
TOTAL								30

FOURTH SEMESTER

Sl. No	Paper No	Subject	Hours per week			Max Marks		Credits
			L	T	P	E	I	
1	1	4.1 Criminal Procedure Code	5	1	-	80	20	6
2	2	4.2 Company Law	5	1	-	80	20	6
3	3	4.3 Labour Law II	5	1	-	80	20	6
4	4	4.4 Interpretation of Statutes (Optional Legal)	5	1	-	80	20	6
5	5	4.5 ADR (Clinical Legal Edn.)	5	1	6	50	50	6
TOTAL								30

LL.B. (Three Year) Degree Course Pattern

THIRD YEAR

FIFTH SEMESTER

Sl. No	Paper No	Subject	Hours per week			Max Marks		Credits
			L	T	P	E	I	
1	1	5.1 Law of Evidence	5	1	-	80	20	6
2	2	5.2 Principles of Taxation	5	1	-	80	20	6
3	3	5.3 Environmental Law	5	1	-	80	20	6
4	4	5.4 Land Laws including Tenure and Tenancy Law	5	1	-	80	20	6
5	5	5.5 Drafting, Pleading and Conveyance	5	1	6	50	50	6
		TOTAL						30

SIXTH SEMESTER

Sl. No	Paper No	Subject	Hours per week			Max Marks		Credits
			L	T	P	I	E	
1	1	6.1 Civil Procedure Code and Limitation Act	5	1	-	80	20	6
2	2	6.2 Public International Law	5	1	-	80	20	6
3	3	6.3 Intellectual Property Law	5	1	-	80	20	6
4	4	6.4 Insurance Law (Optional Legal)	5	1	-	80	20	6
5	5	6.5 Moot Court (Clinical Legal Edn.)	5	1	6	50	50	6
TOTAL								30
GRAND TOTAL								**180**

L = Lectures; T= Tutorials; P = Practical; E= Examination; I=Internal

Structure of Subject of 3 yrs. LL.B. under CBCS Pattern w.e.f. 2018-'19

	Semester-I		**Semester-II**	
Compulsory Legal	1.1 Constitutional Law I	6	2.1 Constitutional Law II	6
Compulsory Legal	1.2 Jurisprudence	6	2.2 Torts, MV Act and Consumer Protection Act	6
Compulsory Legal	1.3 Family Law I (Family Relations)	6	2.3 Family Law II (Succession)	6
Compulsory Legal	1.4 Contract I	6	2.4 Contract II (Optional Legal)	6
Optional Legal	1.5 Banking Law	6	2.5 Social Research Methods (Research methodology)	6

Structure of Subject of 3 yrs. LL.B. under CBCS Pattern w.e.f. 2018-'19

Semester II

	Semester-II	Credits
Compulsory Legal	2.1 Constitutional Law II	6
Compulsory Legal	2.2 Torts, Motor Vehicles Act and Consumer Protection Act	6
Compulsory Legal	2.3 Family Law II (Succession)	6
Compulsory Legal	2.4 Contract II (Optional Legal)	6
Optional Legal	2.5 Social Research Methods (Research methodology)	6

CONSTITUTIONAL LAW- II

Unit 1: Parliamentary Government: Westminster Model-Indian experience before Independence-choice of Parliamentary Government, President of India-Election Qualifications, Impeachment, Salary, etc., Council of Ministers-President's Constitutional position, Governor and State Government-President's constitutional relationship, Legislative Process Privileges, Freedom of Speech. Practice of law-making, etc., Legislative Privileges-vs. Fundamental Rights, In re. Art 143 of the constitution of India, Prime Minister - Cabinet system - collective responsibility -Individual responsibility President P.M. Relationship. Party System- Anti-defections Law. Freedom of an M.P./M.L.A. to dissent

Unit 2: Federalism: Federalism-principles-Comparative study of other Federations. Why India has a federal Government. Indian Federalism-President of India-Council of State Process of Constitutional amendment. Identification of Federal Features, Legislative Relations between the Centre and the States Administrative relations-Centre-States, Financial Relations-Centre States, Governor's position from the perspective of Federalism, Centre's Powers over the States-Art. 356, J & K - Special Status. Critical problems of India Federalism Sarkaria Commission-Greater autonomy vs Central Control one party domination. Emergence of Political Federalism, Growth of Regional parties.

Unit 3: Governor under the constitution: Powers and functions

Unit 4: Independency of the Judiciary and Judicial process: Judicial process under the Constitution: Judicial Review - Art. 32, 226, 227, Nature of Judicial Review, Court system in India: Backlogs, Arrears, alternatives. Lok Adalats etc. Judges: Appointments, Conditions of service, etc. Subordinate Judiciary, Jurisdiction of Supreme Court and High Court, Advisory Jurisdiction of the Supreme Court, Public Interest Litigation.

Unit 5 Freedom of Trade and Commerce:

Unit 6: Services under the Constitution: Doctrine of pleasure (Art. 310), Protection against Arbitrary Dismissal, Removal, or Reduction in Rank (Art. 311), Tulsiram Patel case- Exceptions to Art. 311.

Unit 7: Election Commission of India: Powers and functions

Unit 8: Emergency Provisions under the constitution: Emergency. Need for such a provision. Types of Emergencies. Experience in other democracies , Proclamation of Emergency:conditions-Art. 352-Effect of Emergency on Centre-State relations, Emergency and suspension of fundamental rights. Arts. 358, 359 - Makhan Singh Tarsikha to A.D.M. Jabalpore. Financial Emergency.

Unit 9: Amendment to the Constitution: Constitutional Processes of Adaptation & Alteration: Methods of constitutional Amendment-Written-Unwritten-Rigid-Flexible Constitutions, Provi- sions which can be amended by ordinary procedure. Special procedure, review of Constitutional

Amendments, Limitations upon constitutional amendments Shankari Prasad, Sajjan Singh, Golak Nath vs. Punjab - Why should Fundamental Rights be immune from the process of constitutional Amendment, Basic Structure Doctrine as a limitation-Kesavananda Bharati. Development of the Basic Structure Doctrine Constituent power of the Supreme Court. Waman Rao, Minerva Mills, etc., Indira Gandhi Vs Raj Narain; Judicial consensus on Basic Structure, Legislative and Judicial Attempts to bury the Basic Structure Doctrine; Legitimation of the Basic Structure Doctrine, Special Bench to reconsider the Basic Structure Issue. FortySecond Constitutional Amendment. Forty- Fourth constitutional Amendment. Minerva Mills and subsequent developments of the Basic Structure Doctrine. Responsibility of the court; Activism vs. Restrain.

References:

1. Shukla V.N.: Constitution of India, Eastern Books Company, Lucknow.
2. Pandey J.N.: Constitutional Law of India, Central Law Agency, Allahabad.
3. Austin, Granwille: The Indian Constitution - Corner Stone of a Nation, 1966, Oxford University, Press, New Delhi.
4. Basu D.D.: Constitutional Law of India, Prentice Hall of India, New Delhi.
5. Jain, M.P.: Indian Constitutional Law, Wadhwa & Co., Nagpur.
6. Subba Rao, GCV.: Indian Constitutional Law, Eastern Books Company, Lucknow.
7. Tope T.K.: Constitutional Law of India, Eastern Book Company, Lucknow.
8. Shiva Rao B.: The Framing of India's Constitution (in 5 volumes), Indian Institute of Public Admn., New Delhi.
9. Seervai, H.M.: Constitutional Law of India (in 3 volumes), M.M. Tripathi, Bombay.
10. Constituent Assembly Debates (5 books) - Official report, Lok Sabha Secretariat, New Delhi.

TORTS INCLUDING MOTOR VEHICLES ACCIDENT AND CONSUMER PROTECTION LAW

Unit 1: Evolution of Law of Torts:, Its development by courts in England, Forms of Action, Emergence of specific remedies from case to case, Reception of Law of Torts in India, Principles of Equity, Justice and Good Conscience, Uncodified character-advantages and disadvantages.

Unit 2: Definition, Nature, Scope and Objects: A Wrongful act--violation of a duty (in rem) imp-osed by law, duty which is owed to people generally, Legal damage-Damnum sine injuria and Injuria sine damnum., Tort distinguished from Crime, Breach of Contract etc., The concept of unliquidated damages, Changing scope of Law of Torts: Expanding character of duties owed to people generally due to complexities of modern society-scientific and technological progress, industrialisation, urbanisation, specialization, occupational hazards, Objects-Prescribing stan-dards of human conduct, redressal of wrongs by payment of compensation, proscribing unlawful conduct by injunctions.

Unit 3: Principles of Liability in Torts: Fault, Wrongful intent, Negligence, Liability without fault, Violation of Ethical codes, Statutory liability, Fatal Accidents Act, Railway Act, Work men's Compensation Act, Motor Vehicles Act, Carrier Act, Insurance Laws, Place of motive in Torts.

Unit 4: Justification in Torts: Volenti non fit injuria - What is free consent?: Informed consent, mere knowledge and knowledge coupled with assumption of risk, Necessity, Private and Public, Plaintiff's default, . Act of God and Inevitable Accident, Private defense, Statutory authori-zation, Judicial and Quasi-judicial Acts, Parental and quasi parental authority.

Unit 5: Extinguishment of Liability in Certain situations: Death, actio personalis moritur cum persona Exceptions, Law Reform (Miscellaneous Provision) Act, 1934, Waiver and acquies- cence, Release, Accord and satisfaction, Limitation.

Unit 6: Standing: Who may sue in torts, Aggrieved individuals, Class Action, Social Action Groups,Statutes granting standing to certain persons groups, Who may not be sued Ambassadors, Lunatics, Infants.

Unit 7: Doctrine of Sovereign immunity and its Relevance in India: Liability of States Sovereign and non-sovereign functions, Crown Proceedings Act of U.K., Federal Tort Claims Act of U.S. A. Constitution of India, Arts 299 and 300, Act of State.,

Unit 8: Vicarious Liability: Bases, scope and justification, Express authorization, Ratification, Abetment, Special Relationship, Master and servant-arising out of and in the course of employment

who is master? - Control test who is servant? Borrowed servant Independent Contractor, Principal and Agent, Corporation and Principal Officer.,

Unit 9: Torts Against Persons and Personal Relations: Assault, Battery, Mayhem, False Imprisonment, Defamation-Libel, slander including law relating to privileges, MaritalRelations, domestic Relations, parental Relations Master and Servant relations, Maliciousprosecution, Shortened Expectation of life, Nervous shock, Defences.

Unit 10: Wrongs Affecting Property: Trespass to land, Trespass ab initio, Dispossession, Movable Property-Trespass to goods, Detinue, conversion, Torts against Business interests Injurious falsehood, misstatements, passing off, Defences.

Unit 11: Negligence: Basic concepts, Theories of Negligence, . Standards of care, Duty to take care carelessness inadvertence, Doctrine of contributive negligence, Res ipsa loquitor and its importance in contemporary, . Professional liability due to Negligence with special reference to consumer Protection Law.

Unit 12: Absolute/Strict Liability: The Rule in Ryland vs. Fletcher. Principle for application of these rules, Storing of dangerous things, Escape of dangerous things - application of principles in concrete cases of damage arising out of industrial activity, (The Bhopal Disaster, Oleum Gas Escape, Machua Dam Burst, M.C. Mehta Case, Nuclear Installations and their hazards), Defences, . Liability under Motor Vehicle Act, Railway Act etc.

Unit 13: Nuisance: Definition, Essentials, Types, Acts which constitute nuisance-obstructions of highways, pollution of air, water, noise, interference with light and air.

Unit 14: Legal Remedies: Legal Remedies, Award of damages-simple, special, punitive, Remoteness of Damages-Foreseability and directness tests, Injunction, Specific Restitution of Property, Extra-Legal Remedies-self help, Re-entry in land, Recapture of goods, distress damage feasant abetment to nuisance.,

Unit 15: Judicial Process in Tort: Dilatoriness, Complicated rules of procedures and evidence, Experts in trial process, Reports of Testing labs, Court fees, Problems of access.

Unit 16: Tort and Consumer Protection Law: Duty to take care and liability for negligence: Manufacturers and traders and providers of services such as lawyers, doctors and other professional, Caveat emptor and caveat venditor, Deceit and false advertisement, Liability for hazardous and inherently dangerous industrial activity, Product liability - EEC directives, Right to common property resources-right to pass and repass on pathways, Consumer Protection Act, 1986.

Unit 17: Motor Vehicles Act, 1988.

References:

1. Winfield & Jolowicz: Tort, XII Edition, Sweet and Maxwell, London - 1994
2. Salmond and Heuston: Law of Torts, India reprint Universal Books Traders, New Delhi - 1994.
3. Ramaswamy Iyer: The Law Torts
4. Achutan Pillai: The Law of Torts, Eastern Book Co., Lucknow.
5. Durga Das Basu: The Law of Torts, X Edition Prentice Hall of India, New Delhi
6. Ratna Lal & Dhiraaj Lal: The Law of Torts, Wadhwa & Company, Nagpur, 1992
7. R.K. Bangia: The Law of Torts, Allahabad Law Agency, Allahabad, 1999
8. J.N. Panday: The Law of Torts, Central Law Publications, Allahabad, 1999
9. Vivienne Harpwood: The Law of Torts, Cavandish Publishing Ltd., London, 1993
10. Hepple & Mathews: Tort - cases and materials, Butterworth, London, 1980.
11. D.N. Saraf, Law of Consumer Protection in India, MN Tripathi, Bombay.

FAMILY LAW - II

(Testamentary and Intestate Succession)

Unit 1: Concept of property: property concept, scope and evolution. New Property concepts, Such As Skill, Job, etc. as new forms of property.

Unit 2: Inheritance: Hindus, historical perspective of traditional Hindu law as a background to the study of Hindu succession Act, 1956. Succession to property of a Hindu male dying intestate under the provisions of Hindu Succession Act, 1956.

Unit 3: Devolution of interest in Mitakshara coparcenary with reference to the provisions of Hindu Succession Act, 1956.

Unit 4: Succession to property of Hindu female dying intestate under the Hindu succession Act, 1956. Disqualifications relating to succession, General Rules of Succession, Hindu Succession amendment Act, 2005

Unit 5: Disqualifications, general principles.

Unit 6: Muslim Law of Inheritance and Succession , Rules governing Sunni and Shia lawof inheritance, Differences between Shia and Sunni Law, Administration of Estates, Wills under Muslim Law.

Unit 7: Indian Succession Act: Domicile, Intestate Succession, Will-Codicil, Interpretation - Revocation of Will, Bequests-conditional - contingent or void bequests, Legacies, Probate and letters of administration, Executor-administrators, Succession certificate.

References:

1. Tahir Mahmood: The Muslim Law of India, Law Book Company, Allahabad:2
Aquil Ahmed: Text Book of Mohammadan
3. Prof. G.C.V. Subba Rao: Family Law in India, S. Gogia & Company, Hyderabad.
4. Asaf A.A. Fyzee: Outlines of Mohammadan Law, Oxford University Press Delhi.
6. Paras Divan: Family Law (Hindu, Muslim, Christian, Parsi and others) Allahabad Law Agency, Allahabad.
7. M.A. Qureshi: Text Book on Muslim Law, , Central Law Publications, Allahabad.
8. Hidayatullah : Mulla Principles of Mohammadan Law, (4th reprint), N.M. Tripathi Private Limited, Bombay.
9. Tondon M.P.: Muslim law in India, Allahabad Law Agency, Allahabad.
10. Prasad V.: The Indian Succession Act, 1982, Allahabad Law Agency, Allahabad.

CONTRACT II (SPECIAL CONTRACTS)

Optional Legal

Unit-1 Indemnity and Guarantee: Indian Contract Act, 1872, Contract of Indemnity and guarantee (Secs. 134, 127); Definition, Rights to Indemnity holder, Liability of the Indemnifier, Contract of Guarantee, Definition of Guarantee, Essential characteristics of contract of Guarantee, Distinction between contract of indemnity and contract of Guarantee, Kinds of guarantee, Rights and liabilities of surety, Discharge of surety, Contract of Bailment (Secs. 148-181 of Indian Contract Act, 1872).

Unit-2: Bailment: Definition, Essential requisites of Bailment, Kinds of Bailment, Rightsand Duties of Bailor and Bailee, Termination of Bailment, Pledge, Definition, Rights and duties of Pawn or and Pawnee, Pledge by Non Owners.

Unit-3: Contract of Agency: (Secs. 182-238 of the Indian Contract Act 1872), Definition of Agent, Creation of Agency, Rights and duties of Agent, Delegation of authority, Personal liability of Agent, Relations of Principal with Third parties, Termination of Agency.

Unit-4: Contact of Sale of Goods: (The Indian Sale of Goods Act, 1934), Formation of Contract, Subject-matter of Contract of Sale, Conditions and Warranties, Express and implied conditionsand warranties, Caveat Emptor, Property, Possession and risk, Passing of Property, Sale of non-owners, Delivery of goods, Rights and duties of Seller and buyer before and after sale, Rights of unpaid seller.

Unit-5: Contracts of Partnership: (The Indian Partnership Act, 1932), Definition and nature of Partnership, Formation of Partnership, Test of Partnership, Partnership and other associations, Registration of Firm, Effect of non registration, Relation of Partners, Rights and duties of Partners, Properties of the Firm, Relation of Partners to third parties, Implied authority of a partner, Kinds of partners, Minor as partner, Reconstitution of a firm, Dissolution of firm.

Unit-6: Hire purchase

Unit-7: Negotiable Instruments Act, 1881: Definition of negotiable instrument, essential features of promissory note, bill of exchange and cheque, holder, holder in due course, payment in due course, dishonor of cheque.

References:

1. Anson's Law of Contract, Oxford University Press, London
2. Venkatesh Iyer: The Law of Contracts and Tenders. Gogia & Co., Hyderabad
3. Cheshire & Fifoot: Law of Contract, Buttersworth, London.
4. Mulla: The Indian Contract Act, N.M. Tripathi (P) Ltd. Bombay

5. G.C.V. Subba Rao: Law of Contract, S. Gogia & Co., Hyderabad

6. K. Krishnan Nair: Law of Contract, S. Gogia & Company, Hyderabad

7. Avtar Singh: Law of Contract, Eastern Book Company, Lucknow,

8. A. Ramaiah's Sale of Goods Act, 4th Edition 1998, The Law Book Co. Allahabad

9. Benjamins Sale of Goods, 1st Edition. 1978, Sweet & Maxwell, London

10. P.S. Atiyah: Sale of Goods Act 1997, Universal Book Traders, Delhi

11. Chales D. Drale: Law of Partnership, Sweet & Maxwell, London

SOCIAL RESEARCH METHODS

Optional Legal

Unit 1: Introduction to Social Research - Philosophy of Social Research : Social research - meaning and significance Types of social research - pure and applied research Values and ethics in social research.

Unit 2: Research Methods

a) Socio Legal Research

b) Doctrinal and non-doctrinal

c) Relevance of empirical research

d) Induction and deduction

Unit 3: Identification of Problem of research

a) What is a research problem?

b) Survey of available literature and bibliographical research.

i) Legislative materials including subordinate legislation, notification and policy statements

ii) 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.

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

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

Unit 4: Preparation of the Research Design

a) Formulation of the Research problem

b) Devising tools and techniques for collection of data : Methodology

i) Methods for the collection of statutory and case materials and juristic literature

ii) Use of historical and comparative research materials

iii) Use of observation studies

iv)Use of questionnaires/interview

v) Use of case studies

vi) Sampling procedures - design of sample, types of sampling to be adopted.

vii) Use of scaling techniques Law

viii) Jurimetrics

c) Computerized Research - A study of legal research programmes such as Lexis and West lawcoding

Unit 5: Classification and tabulation of data - use of cards for data collection - Rules for tabulation. Explanation of tabulated data & Analysis of data

Unit 6: Report Writing: Importance of report writing Writing qualitative and quantitative research - presentation and interpretation Qualities of good research report

References:

1) Ahuja, Ram. 2007, Research Methods. Rawat Publication. Jaipur.

2)Bhandarkar, P. L. and Wilkinson. 2007, Methodology and Techniques of Social Research, Himalaya Publishing House. New Delhi.

3)Bryman, Alan. 2008, Social Research Methods. Oxford University Press.

4)Goode and Hatt. 2006, Methods in Social Research. Surjeet Publication, New Delhi.

5)Haralambos, and Holborn 2007, Sociology: Themes and Perspectives, London: Collins.

6)Newman, Lawrence.2011. Social Research Methods: Qualitative and Quantitative Approaches, Pearson Education.

7)Beteille A and T.N. Madan 1975 Encounter and Experience Personal Accounts of Fieldwork, New Delhi:Vikas Publishing House.

8)Garrett Henry 1981 Statistics in Psychology and Education David Mckay Indian Publication.9)Mrs. A.F. Sheikh for Vakils, Bombay, Tenth Reprint.

10) Jayaram, N. 1989, Sociology Methods and Theory, Madras : MacMillian.

11) Kothari C.R.1989, Research Methodology : Methods and Techniques, Bangalore, Wiley Eastern.

12) Punch, Keith 1996. Introduction to Social Research, London: Sage.

13) Shipman Martin 1988. The Limitations of Social Research, London: Sage.

14) Srinivas, M.N. and A.M. Shah, 1979, Fieldworker and The Field, Delhi : Oxford.

15) Young, P.V. 1988. Scientific Social Surveys and Research. New Delhi: Prentice Hall.

16) M.G.Price, H.Bitner and Bysiewier, Effective Legal Research (1978)

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

18) William J. Crade and Paul K. Hatt, Methods in Social Research, Mc Graw-Hill Book Company, London

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

20) Payne, The Art of Asking Questions (1965)

21) Erwin C. Surrency, B.Fielf and J. Cruz, A Guide to Legal Research (1959)22)Morris L. Cohen, Legal Research in Nutshell, (1996),

22) West Publishing Co. Havard Law Review Association, Uniform System of Citations.24)ILI Publication, Legal Research and Methodology.

Dr. Ambedkar College of Law

DR. BABASAHEB AMBEDKAR MARATHWADA UNIVERSITY

CIRCULAR NO. SU/ LL.M. 80:20 Course Structure/35/2016

It is hereby inform to all concerned that, on the recommendation of the Head, Department of Law, the Hon'ble Vice-Chancellor has accepted the **Revised Course Structure of 80:20 Pattern instead of 50:50 for the LL.M. Course** as per the guidelines of Choice Based Credit and Grading System for the Faculty of Law in his emergency powers under Section-14[7] of the Maharashtra Universities Act, 1994 on behalf of the Academic Council as appended herewith.

This is applicable to the University Department and all affiliated Law Colleges from the Academic Year 2016-2017 and onwards.

This course structure along-with syllabus is also available on the University Website www.bamu.ac.in

All concerned are requested to note the contents of the circular and bring notice to the students, teachers and staff for their information and necessary action.

University Campus,
Aurangabad-431 004.
Ref.No.SU/LL.M.80:20 Pattern/
2016/ 6516-31

Date:- 03-10-2016.

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Director
Board of College and
University Development.

Copy forwarded with compliments to :-

1] The Head, Department of Law,
Dr. Babasaheb Ambedkar Marathwada University.
2] The Principals, affiliated concerned Colleges,
Dr. Babasaheb Ambedkar Marathwada University.

Copy to :-

1] The Controller of Examinations,
2] The Section Officer, [Professional Unit],
3] The Programmer [Computer Unit-1] Examinations,
4] The Programmer [Computer Unit-2] Examinations,
5] The In-Charge, E-Suvidha Kendra, [Professional Unit], Rajarshi Shahu Maharaj Pariksha Bhuvan, Dr. Babasaheb Ambedkar Marathwada University,
6] The Record Keeper,
Dr. Babasaheb Ambedkar Marathwada University.

DR. BABASAHEB AMBEDKAR MARATHWADA UNIVERSITY

CIRCULAR NO. SU/Law/LL.M. Syllabus/103/2016

It is hereby notified for information to all concerned that, on the recommendation of the Head, Department of Law, the **Academic Council at its meeting held on 01 & 02 June, 2016** has accepted the Curriculum of **"LL.M. Part-I and Part-II in the Choice Based Credit and Grading System under the Faculty of Law"** as appended herewith.

This is **applicable to the University Department and all affiliated Law Colleges** from the **Academic Year 2016-2017** and onwards. The Ordinances and Regulations be applicable for Choice Based Credit and Grading System as circulated herewith vide **ORDER NO.ACAD/ SU / CBCGS/ College P.G. level/14/2015 dated 20-06-2015.**

This **curriculum is also available on the University Website www.bamu.ac.in**

All concerned are requested to note the contents of this circular and bring the notice to the students, teachers and staff for their information and necessary action.

University Campus,
Aurangabad-431 004.
Ref.No.SU/LL.M. Syllabus/2016/
2347-88
A.C.M.A.I.No.11

Date:- 13-06-2016.

Director,
Board of College and
University Development.

Copy forwarded with compliments to :-

1] **The Head, Department of Law,**
Dr. Babasaheb Ambedkar Marathwada University.
2] **The Principals, affiliated concerned Colleges,**
Dr. Babasaheb Ambedkar Marathwada University.

Copy to :-

1] The Controller of Examinations,
2] **The Section Officer, [Professional Unit],**
3] The Programmer [Computer Unit-1] Examinations,
4] The Programmer [Computer Unit-2] Examinations,
5] The In-Charge, E-Suvidha Kendra, [Professional Unit], Rajarshi Shahu Maharaj Pariksha Bhavan, Dr. Babasaheb Ambedkar Marathwada University,
6] The Record Keeper,
Dr. Babasaheb Ambedkar Marathwada University.

S/130616/*

DR. BABASAHEB AMBEDKAR MARATHWADA UNIVERSITY, AURANGABAD.

SYLLABUS OF LL.M. [U.G.C.]

PART-I

AND

PART-II

[EFFECTIVE FROM JUNE – 2016-2017]

Prof. Dr. (Ms.) Sadhana P. Pande
Head
Department of P.G. Studies in Law
Dr. Babasaheb Ambedkar
Marathwada University,
Aurangabad

DR. BABASAHEB AMBEDKAR MARATHWADA UNIVERSITY
DEPARTMENT OF POST-GRADUATE STUDIES IN LAW

SYLLABUS FOR CHOICE BASED CREDIT SYSTEM (CBCS) PATTERN

Revised Course Structure

LL.M. First (one year)

Sr. No	Title of the Paper	Total Credits per Paper	Hours					Marks			To...
			Teaching	Home Assignment	Seminar	Test	Total Hours	Internal Assessment	Theory Examination	Total Marks	
1	Foundation Course-I LAW 001 - LAW AND SOCIAL TRANSFORMATION IN INDIA	06	03	06	12	02	90	20	80	100	1...
2	Foundation Course-II LAW 002 - INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES	06	03	06	12	02	90	20	80	100	1...
3	Core Courses Paper-I LAW 012 - COMPARATIVE CRIMINAL PROCEDURE LAW 018 - LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY LAW 024 - COLLECTIVE BARGAINING LAW 042 - MASS MEDIA LAW	06	15	06	05	02	90	20	80	100	1...
4	Core Courses Paper –II LAW 013 - PENOLOGY: TREATMENT OF OFFENDERS LAW 019 - LEGAL REGULATION OF ECONOMIC ENTERPRISES LAW 025 - INDUSTRIAL ADJUDICATION LAW 043 - PUBLIC UTILITIES LAW	06	15	06	06	02	90	20	80	100	1...

Note:- a. The detail division of 90 periods spread for the entire academic semester has been provided subject wise on separate sheets.

b. Internal assessment marks are based on student's performance in seminar paper submission & presentation, home assignments, periodic tests and other related activities.

DR. BABASAHEB AMBEDKAR MARATHWADA UNIVERSITY
DEPARTMENT OF POST-GRADUATE STUDIES IN LAW

SYLLABUS FOR CHOICE BASED CREDIT SYSTEM (CBCS) PATTERN

(LL. M. Second Semester)

Sr. No	Title of the Paper	Total Credits per Paper	Hours					Marks			Total Weeks
			Teaching	Home Assignment	Seminar	Test	Total Hours	Internal Assessment	Theory Examination	Total Marks	
1	Foundation Course III LAW 003 – JUDICIAL PROCESS	06	70	26	12	02	90	20	80	100	15
2	Foundation Course IV LAW 004 – LEGAL EDUCATION AND RESEARCH METHODOLOGY	06	70	26	12	02	90	20	80	100	15
3	Core Courses Paper –III LAW 014 – PRIVILEGED CLASS DEVIANCE LAW 020 – LAW OF EXPORT-IMPORT REGULATION LAW 026 – LAW RELATING TO CIVIL SERVANTS LAW 044 – UNION-STATE FINANCIAL RELATIONS	05	70	26	08	02	90	20	80	100	15
4	Generic Elective Paper-I LAW 005 DOCTRINAL RESEARCH PROJECT AND LAW TEACHING ASSIGNMENTS PART-A (A) (LAW TEACHING ASSIGNMENTS (Teaching) (02 Credits) (25 marks) 1. DOCTRINAL RESEARCH PROJECT (Dissertation Part -A / Term Paper) (04 Credits) (75 Marks)	06	70	26	12	02	90	—	—	100	15

Note:- a. The detail division of 90 periods spread for the entire academic semester has been provided subject wise on separate sheets.

b. Internal assessment marks are based on student's performance in seminar paper submission & presentation, home assignments, periodic tests and other related activities.

DR. BABASAHEB AMBEDKAR MARATHWADA UNIVERSITY
DEPARTMENT OF POST-GRADUATE STUDIES IN LAW
SYLLABUS FOR CHOICE BASED CREDIT SYSTEM (CBCS) PATTERN
(LL.M. Third Semester)

Sr. No	Title of the Paper	Total Credits per Paper	Hours				Marks			Tuition Fees
			Teaching	Home Assignment	Seminar	Test	Total Hours	Internal Assessment	Theory Examination	Total Marks
1	Core Courses Paper – IV LAW 015 - DRUG ADDICTION, CRIMINAL JUSTICE AND HUMAN RIGHTS LAW 031- BANKING LAW LAW 037- AGRICULTURAL LABOUR LAW 049 –CONSTITUTIONALISM,FEDERALISM AND FEDERAL UNI	06	75	05	12	03	90	20	80	100	15
2	Core Courses Paper – V LAW 004 - JUVENILE DELINQUENCY LAW 022 – INSURANCE LAW LAW 038 – WAGES LAW 046 – HUMAN RIGHTS	06	75	06	12	02	90	20	80	100	15
3	Core Courses Paper – VI LAW 017 – COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM LAW 029 – CORPORATE FINANCE LAW 039 – SOCIAL SECURITIES LAW LAW 047 -NATIONAL SECURITY,PUBLIC ORDER &AUI ORLAW	06	75	06	06	03	90	20	80	100	15
4	Generic Elective Paper-I LAW 008 NON-DOCTRINAL RESEARCH PROJECT AND LEGAL LITERACY/AWARENESS PART – I (B) I. NON- DOCTRINAL RESEARCH PROJECT (Dissertation Part I &Field Work) (04 Credits) (75 Marks) II. LEGAL LITERACY AND AWARENESS (Outreach Activities) (02 Credits) (25 Marks)	06	0	07	07	–	80	—	—	100	15
–	SERVICE COURSE LSC 001 INDIAN TAXATION LAWS	04	0	–	08	02	90	20	80	100	15

Note: a. The detail division of 80 marks spread for theoretical academic semester has been provided below in the respective sheets.
b. Internal assessment marks are based on student's performance in seminar paper presentation/ presentation, home assignment, periodic tests and other related activities.
c. Dissertation and Non-Doctrinal Research Projects will be evaluated both by Internal and External Examiners and marks will be allocated which shall be the Marks obtained by the Students.

DR. BABASAHEB AMBEDKAR MARATHWADA UNIVERSITY
DEPARTMENT OF POST-GRADUATE STUDIES IN LAW

SYLLABUS FOR CHOICE BASED CREDIT SYSTEM (CBCS) PATTERN

(LL.M. Fourth Semester)

Sr. No	Title of the Paper	Total Credits per Paper	Hours					Marks			Total Weeks
			Teaching/ Guidance	Home Assignment	Seminar	Test	Total Hours	Internal Assessment	Theory Examination	Total Marks	
3	Discipline Centric Elective Paper – I LAW 007 DISSERTATION PART – II Dissertation Part – II (12 Credits) (200 Marks) Research Project Review Writing (2 Credits) (50 Marks)	14	210	-	-	-	210	-	-	150 50 Viva +50 =250	15
*	LSC 002 Intellectual Property Laws	04	50		08	02	60	20	80	100	15

Note:- a. The detail division of 90 periods spread for the entire academic semester has been provided subject wise on separate sheets.
b. Internal assessment marks are based on student's performance in seminar paper presentation/ presentation, home assignment, periodic tests and other related activities.
c. Dissertation will be evaluated both by Internal and External examiners and mean will be taken out which shall be added to the marks obtained by the examiner in the viva voce shall exam.

DR. BABASAHEB AMBEDKAR MARATHWADA UNIVERSITY
DEPARTMENT OF POST-GRADUATE STUDIES IN LAW

COMPONENTS IN INTERNAL CONTINUOUS ASSESSMENT

- 1 Seminar (Oral Presentation & Written Submission) - 05 Marks
- 1 Home Assignment - 05 Marks
- 2 Internal Tests (05 Marks Each) - 10 Marks

Dr. (Ms.) Sadhana P. Pande
Professor & Head
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Dr. Babasaheb Ambedkar
Marathwada University, Aurangabad

I/C Principal
Dr. Ambedkar College of Law
Aurangabad

Dr. Ambedkar College of Law Aurangabad

LL.M. SYLLABUS

PART-I

COMPULSORY COURSE (PAPER – I)

TOTAL CREDITS ALLOTTED: 6

01 *LAW AND SOCIAL TRANSFORMATION IN INDIA*

Objectives of the course

This course is designed to offer the teacher and the taught with-

a. Awareness of Indian approaches to social and economic problems in the context of law as a means of social control and change; and

b. A spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. The endeavor 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 these perspectives will be spread overa period of one Semester.

Syllabus :-

1. Law and social change: (8 Hours)
   - 1.1 Law as an instrument of social change with reference to Sociological school of Jurisprudence.
   - 1.2 Law as the product of tradition and culture with reference to Historical School of Jurisprudence: Impact of Colonialism on Indian Laws and its criticism with special reference to justice delivery system.
2. Religion and the law: (7 Hours)
   - 2.1 Religion as a divisive factor.
   - 2.2 Secularism as a solution to the problem.
   - 2.3 Reform of the law on secular lines: Problems under following

personal laws.

2.3.1 Hindu law, Muslim law, Parsi law and Christian law.

2.3.2 Uniform Civil Code: It's feasibility.

2.4 Freedom of religion and non-discrimination on the basis of religion under Indian Constitution.(Interrelationship of Arts 15,16, 25, 28 *et., al.)*

2.5 Religious minorities and the law: Constitutional perspectives (Arts 29,30 *et. al.)*

3. Language and the Law: (6 Hours)

3.1 Language as a divisive factor.

3.2 Constitutional Recognition of Linguistic Pluralism: formation of linguistic states. Constitutional Recognition of Linguistic Pluralism: formation of linguistic states.

3.3 Constitutional guarantees to linguistic minorities.

3.4 Language policy and the Constitution: Official languages (Arts 343-351 *et. al.,)*

3.5 Non-discrimination on the ground of language.

4. Community and the law (8 Hours)

4.1 Caste as a divisive factor.

4.2 Non-discrimination on the ground of caste.

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

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

4.5 Affirmative Action: Reservation; Statutory Commission, Statutory provisions.

5. Regionalism and the law: (8 Hours)

5.1 Regionalism as a divisive factor.

5.2 Concept of India as one unit: Impact of Multiculturalism and ethnicity

5.3 Constitutional safeguards against regional barriers

5.3.1 Right of movement, residence and business: Impermissibility of state regional barriers.

5.3.2 Concept of permissibility in the context of Jammu & Kashmir under Indian Constitution/Constitution of Jammu and Kashmir.

5.4 Equality in matters of employment: "Sons of Soil" Movement and Preferential Discrimination: The Legal Response.

5.5 Admission to educational institutions: preference to residents of a state (Arts 15, 29 read along with Relevant Directive Principles of State Policy).

6. Women and the Law: (8 Hours)

6.1 Crimes against women: Constitutional & Criminal law fusion, Present judicial trend.

6.2 Jurisprudential dimensions of Gender injustice and its various forms.

6.3 Women's Commission: Some Legal aspects

6.4 Empowerment of women:

6.4.1 International Ramifications.

6.4.2 Indian Constitution and other legal provisions.

7. Children and the Law: (8 Hours)

7.1 International Norms governing Rights of Children
7.2 Child labour.
7.3 Sexual exploitation.
7.4 Adoption and related problems.
7.5 Children and education.

8. Modernisation and the Law: (8 Hours)

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

8.2 Modernisation of social institutions through law.

8.2.1 Agrarian reform: Industrialization of agriculture.

8.2.2 Industrial reform: Free enterprise v. State regulation

8.2.3 Industrialization v. environmental protection.

8.3 Criminal law: Inquisitorial System; Plea bargaining; Compounding and Payment of Compensation to victims: Witness Protection schemes: Prison Reforms:

8.4 Civil Law: Confrontation v. Consensus.

8.4.1 ADRS - Mediation and Conciliation; *Lok adalats.*

8.5 Democratic decentralization and local self-government.

9. Alternative approaches to Law: (9 Hours)

9.1 The jurisprudence of *Sarvodaya - Gandhiji, Vinoba Bhave; Jayaprakash Narayan,* Surrender of dacoits; concept of *grama nayalayas.*

9.2 Ideologial Perceptions and Programmes of National Political Parties in relation to the Indian Legal Order - Coalition Era.

9.3 Indian Marxist critique of law and justice.

NOTE:

Hours reserved for Seminars:	12
Hours reserved for Home Assignments:	6
Hours reserved for Internal Tests:	2

Select Bibliography

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

Robert Lingat. *The Classical Law of India* Oxford.

Upendra Baxi, *The Crisis of the Indian Legal System* Vikas, New Delhi.

Upendra Baxi (Ed.) *Law and Poverty Critical Essays* Tripathi, Bombay.

Munshi, *A journal About Women and Society.*

Duncan Derret, *The State, Religion and Law in India,* Oxford University Press, N. Delhi

H.M. Seervai, *Constitutional Law of India*

D.D. Basu, *Shorter Constitution of India.*

Sunil Deshta and Kiran Deshta, *Law and menace of Child Labour*

Savitri Gunasekhare, *Children, Law and Justice*

Indian Law Institute, *Law and Social Change: Indo-American Reflections,* Tripathi

J. B. Kriplani, *Gandhi: His Life and Thought,* Ministry of Information and Broadcasting, Government of India

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

Agnes Flavia, *Law and Gender Inequality: The Politics of Women 's Rights in India* Oxford.

Austin Granville - The Constitution of India, Cornerstone of the Nation Oxford

Constitutional Assembly Debates

M.P. Jain, *Indian Constitutional Law,* Latest Edn.

M.Y. Pylee, *Constitutional Amendments in India*

Note:- All latest volumes of above mentioned books must be preferred. The above list of books is not an exhaustive one.

LL.M. SYLLABUS
PART-I

COMPULSORY COURSE (PAPER -II)
TOTAL CREDITS ALLOTTED: 6

02. *INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES*

Objectives of the course

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

The following syllabus prepared with these perspectives will be spread overa period of one Semester.

Syllabus:

1. Federalism: (11 Hours)
   - 1.1 Creation of new states.
   - 1.2 Allocation and share of resources - distribution of grants-in-aid.
     - 1.2.1 The inter-state disputes on resources.
   - 1.3 Centre's responsibility and internal disturbance within States.
   - 1.4 Directions of the Centre to the State under Article 356 and 365.

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

1.6 Special status of certain States.

1.6.1 Tribal Areas, Scheduled Areas.

2. "State": Need for widening the definition in the wake of liberalization, globalization and privatization: (8 Hours)

3. Right to Equality: (8 Hours)

3.1 Privatization and its impact on affirmative action.

3.2 Critical analysis of Moves of Government of Maharashtra.

4. Freedom of Press and challenges of new scientific development: (8 Hours)

4.1 Freedom of speech and expression

4.1.1 Right to broadcast and telecast.

4.1.2 Convergent Media: Prasar Bharti

4.1.3 Impact of Information Technology Act, 2000

4.2 Right to strikes, *hartal* and *bandh*

5. Emerging regime of new rights and remedies: (8 Hours)

5.1 Reading Directive Principles and Fundamental Duties into Fundamental rights.

5.1.1 Compensation jurisprudence.

5.1.2 Right to education.

5.1.3 Commercialisation of Education and its impact.

6. Right of minorities to establish and administer educational institutions and state control: Critical Analysis of Pai Foundation & its aftermath. (8 Hours)

7. Separation of powers: stresses and strains: (9 Hours)

7.1 Judicial activism and judicial restraint.

7.2 PIL : implementation.

7.3 Judicial independence.

7.3.1 Appointment, transfer and removal of judges.

7.4 Accountability: Executive and judiciary.

7.5 Tribunals: Pre - *Chandrakumar* and Post - *Chandrakumar* scenario.

8. Democratic process: (10 Hours)

8.1 Nexus of politics with criminals and the business.

8.2 Election: Jurisprudence of Representation; Role of Election Commission.

8.3 Electoral Reforms: Contribution of Judiciary.

8.4 Coalition government, 'sability, durability, corrupt practice'

NOTE:

Hours reserved for Seminars:	12
Hours reserved for Home Assignments:	6
Hours reserved for Internal Tests:	2

Select Bibliography

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.

LL.M. SYLLABUS

PART-I

COMPULSORY COURSE (PAPER -III)
TOTAL CREDITS ALLOTTED: 6

03 *JUDICIAL PROCESS*

Objectives of the course

A lawyer, whether academic or professional, is expected to be competent to analyse and evaluate the legal process from a broader juristic perspective. Hence a compulsory paper on Judicial Process is essential in the LL.M. curriculum. The objective of this paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change. 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.

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

Syllabus :

1. Nature of judicial process: (12 Hours)

   1.1 Judicial process as an instrument of social ordering.

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

1.3 The tools and techniques of judicial creativity and precedent.

1.4 Legal development and creativity through legal reasoning under statutory and codified systems.

2. Special Dimensions of Judicial Process in Constitutional Adjudications : (14 Hours)

2.1 Notions of Judicial review.

2.2 'Role' in constitutional adjudication - various theories of judicial role.

2.3 Tools and techniques in policy-making and creativity in constitutional adjudication.

2.4 Varieties of judicial and juristic activism.

2.5 Problems of accountability and judicial law-making.

3. Judicial Process in India: (15 Hours)

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

3.2 The "independence" of judiciary and the "political" nature of judicial process.

3.3 Judicial activism and creativity of the Supreme Court - the tools and techniques of creativity.

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

3.5 Institutional liability of courts and judicial activism - scope and limits.

4. The Concept of Justice: (15 Hours)

4.1 The concept of justice or Dharma in Indian thought

4.2 Dharma as the foundation of legal ordering in Indian thought.

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

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

5. Relation between Law and Justice: (14 Hours)

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

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

5.3 The independence of justice theories - means to end relationship of law and justice - The relationship in the context of the Indian constitutional ordering.

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

NOTE:

Hours reserved for Seminars:	12
Hours reserved for Home Assignments:	6
Hours reserved for Internal Tests:	2

Select Bibliography

Julius Stone, *The Province and Function of Law, Part II*, Chs. I, 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.

M.D.A. Freeman, *Lloyd's Introduction To Jurisprudence*

Bodenheimer, *Jurisprudence - the philosophy and Method of the Law* (1997), Universal, Delhi.

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

Rajeev Dhavan, *The Supreme Court of India - A Social-Legal Critique of its JuristicTechniques* (1977), Tripathi, Bombay.

John Rawls, *A Theory of Justice (2000)*, Universal, New Delhi.

Edward H. Levi, An Introduction to Legal Reasoning (1970), University ofChicago.

Note:- All latest volumes of above mentioned books must be preferred. The above list of books is not an exhaustive one.

LL.M. SYLLABUS
PART-I

COMPULSORY COURSE (PAPER-IV)
TOTAL CREDITS ALLOTTED: 6

04 *LEGAL EDUCATION AND RESEARCH METHODOLOGY*

Objectives of the course

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

Law is taught in different ways in different countries. The LL.M. course, being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarise 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 ina systematic manner.

The following syllabus prepared with this perspective will be spread over a period of one Semester.

Syllabus :

PART - I

A. Theory

1. Objectives of Legal Education (3 Hours)
2. Lecture Method of Teaching - Merits and Demerits (4 Hours)
3. The Problem Method (5 Hours)
4. Discussion method and its suitability at postgraduate level teaching (5 Hours)
5. The Seminar Method of teaching (5 Hours)
6. Examination system and problems in evaluation - external and internal assessment. (7 Hours)
7. Clinical legal education - legal aid, legal literacy, legal survey and law reform. (7 Hours)

B. Practical

The following portion should be covered under the head of Internal Assessment

8. Student participation in law school programmes - Organisation of Seminars, publication of journal and assessment of teachers. (8 Hours)

PART-II

A. Theory

9. Research Methods: (8 Hours)
   - 9.1 Socio Legal Research
   - 9.2 Doctrinal and non-doctrinal
   - 9.3 Relevance of empirical research
   - 9.4 Induction and deduction

10. Identification of Problem of Research (7 Hours)

10.1 What is a research problem?

10.2 Formulation of the Research problem

11. Preparation of the Research Design (7 Hours)

11.1 Devising tools and techniques for collection of data: Methodology

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

11.1.2 Use of Historical and Comparative research materials.

11.1.3 Use of Observation studies.

11.1.4 Use of Questionnaires / Interviews.

11.1.5 Use of Case Studies

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

11.1.7 Use of Scaling techniques.

11.1.8 Jurimetrics.

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

11.3 Classification and tabulation of data - use of cards for data collection - Rules for tabulation. Explanation of tabulated data.

11.4 Analysis of data.

B. Practical (Home Assignment)

The following portion should be covered under the head of Internal Assessment

12. *Survey of available literature and bibliographical research*: (4 Hours)

12.1 Legislative materials including subordinate legislation, notification and policy-statement.

12.2 Decisional materials including foreign decisions: methods of discovering the "rule of the case" trading the history of important cases and ensuring that these have not been over-ruled; discovering judicial conflict in the are pertaining to the research problem and the reasons thereof.

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

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

NOTE:

Hours reserved for Seminars:	12
Hours reserved for Home Assignments:	6
Hours reserved for Internal Tests:	2

Select Bibliography

High Brayal, Nigel Dunean and Richard Crimes, *Clinical Legal Education: Active Learning in your Law School*, (1998) Blackstone Press Limited, London.

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

N.R. Madhava Menon, (ed) *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*, Mc Graw-Hill Book Company, London.

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

Payne, *The Act 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*.

Note:- All latest volumes of above mentioned books must be preferred. The above list of books is not an exhaustive one.

LL.M. Syllabus

Group A: Constitution and Legal Order

[LL. M. Part-I]

Optional Paper-I

Total Credits Allotted: 6

01 MASS MEDIA LAW

Objectives of the course

Mass media such as press, radio and television, films, internet play a vital role in indoctrination, socialization, culturalisation, modernization and commoditization of a society. The visual media are bound to have a much greater impact on conditioning of human mind and-brain. 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, anti-cultural, immoral and selfish escapist tendencies. In this IT age in transnational world, information play critical role in ordering the ideology and conceptual reconstruction.

While their positive potential as mass educators has to be harnessed for developmental purposes, their negative, harmful potential has to be curbed inpublic interest. Law plays a dual role vis-a-vis such media. On the one hand, it protect the creative freedom involved in them, on the other, it has to regulate them so as to avoid their possible abose. In post-gulf war era, the issues of information imbalance are also the emerging threat for third world countries especially after advent of WTO, where role of media is very crucial from futuristic point of view. 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 on one Semester.

Syllabus :

1. Role of Mass Media - Democratic Aspiration and Social Ordering: (12 Hours)

1.1 Role of Mass media in ordering, conditioning and socialization of community

1.1.1 Role of Mass Media for developing notion of 'Nation as a Unit' in multicultural, multilingual, ethnic and heterogeneoussociety.

1.1.2 Mass Media Sustainable development and development communication

1.1.3 Mass Media - National security; Terrorism

1.2 Role of Mass Media as 'Watchdog' of democracy

1.3 Development communication & Sustainable development

1.4 Various communication models of instruction: Authoritarian, Liberal, Dictatorship, Comparative Study- International and National communication.

1.5 Convergent media: Issues and Emerging trends, Political Ownership of Media

1.6 Mass Media - Objectives in Democracy

2. Mass Media-Types of – Press, films, Radio Television: (10 Hours)

2.1 Ownership patterns - Press - Private- Public

2.2. Ownership patterns - Film - Private

2.3 Ownership patterns - Radio & Television, Public

2.4 E-Media – Free Flow of Information beyond boundaries and barriers.

3. Laws relating to Mass Media: Media Autonomy v Government Control: (12 Hours)

3.1 Protecting Civil Rights and Liberties – Right to Privacy, Laws of defamation, obscenity, blasphemy and sedition.

3.1.1 Investigative Journalism & Sting operation – Harmonizing the Social Interest and promoting transparency.

3.2 The press Council- Maintaining the autonomy of Media; The Press Council Act, 1978.

3.3. The Press and Registration of Books Act, 1867, The Indian Official Secrets Act, 1923; Right to Know Emerging issues in Scientific and Technological era.

3.4 The law relating to Mass Media employees: Wages and Service conditions; Working Journalistic Act, 1858.

3.5 Price and Page Schedule Regulation – The Prize Competitions Act, 1955.

4. Press – Freedom of Speech and Expression– Article 19(1)(a) (10 Hours)

4.1 Whether includes freedom of the Press?

4.2 Laws of defamation, obscenity, blasphemy, yellow journalism and sedition.

4.3 Newsprint Control Order

4.4 Advertisement – is included with freedom of speech and expression?

4.4.1 Misleading Advertisement vis-à-vis Consumers rights

4.5 Press and the Monopolies and Restrictive Trade Practices Act.

5. Films – How far included in freedom of Speech and Expression? (10 Hours)

5.1 Censorship of films – constitutionality; The Abbas case

5.2 Difference between films and Press – why pre-censorship valid for films but not for the press?

5.3 Censorship under the Cinematography Act, 1952.

6. Radio and Television – Government monopoly (12 Hours)

6.1 Why Government department ?

6.2 Should there be an autonomous corporation?

6.3 Effect of television of people.

6.4 Report of the Chanda Committee.

6.5 Prasar Bharti - Government policy under Liberal and Private economy

6.6 Commercial advertisement

6.6.1 Internal Scrutiny of serials, etc

6.6.2 Judicial Review of Doordarshan decision: Freedom to telecast

7. Constitutional Restrictions (10 Hours)

7.1 Restrictions impose on Freedoms

7.2 Radio and television - subject to law of defamation and obscenity.

7.3 Government Power to legislate - Article 246 read with the Seventh Schedule.

7.4 Power to impost Tax -licensing and licence fee.

NOTE:

Hours reserved for Seminars:	6
Hours reserved for Home Assignments:	6
Hours reserved for Internal Tests:	2

Select Bibliography

M.P. Jain, *Constitutional Law of India* (1994) Wadawa, Nagpur

H.M. Seervai, *Constitutional Law of India 2002 Vol.* 1 *Universal*

John B. Howard, *"The Social Accountability of Public Enterprises" in Law and Community Controls in New Development Strategies (International Center for law in Development 1980)*

Bruce Michael Boys, *"Film Censorship in India: A Reasonable Restriction on Freedom of Speech and Expression"* 14 J.I.L.I. 501 (1972).

Rajeev Dhavan, *"On the Law of the Press in India"* 26 J.I.L.I. 288 (1984).

Rajeev Dhavan, *"Legitimating Government Rhetoric: Reflections on Some Aspects of the Second Press Commission"* 26 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 (1980)*

Note:- *[1] Student 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).*

[2] All latest volumes of above mentioned books must be preferred. The above list of books is not an exhaustive one.

LL.M. Syllabus

Group A: Constitution and Legal Order

[LL.M.-Part-I]

Optional Paper-II

Total Credits Allotted: 6

02 *Public Utilities Law*

Objectives of the course

Public utilities are government monopolies, which are services rather than commercial enterprises. The law of public utilities is contained in the statutes of incorporation 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.

Syllabus:

1. Public Utilities and its impact (10 Hours)

Government machineries and functioning - Impact of failure ofPublic Utility Service.

1.2 Railways, Electricity, Gas, Road Transport, telephone, post and telegraph services, Police, Fire Brigade, Hospital etc.

1.3 Growth and evolution of public utilities and their legislation- Concept Essential services.

2. Public Utilities - Why Government Monopoly? (8 Hours)
   - 2.1 Government and Parliamentary Control - Strategies to deal with dispute in Public Utility Services.
   - 2.2 Constitutional Division of power to legislate.

3. Utilities Legislation - Patterns of: (8 Hours)
   - 3.1 Administrative Authorities - Structure of the Administrative Authorities.
   - 3.2 Subordinate legislation.

4. Public Utilities and Fair Rearing (10 Hours)
   - 4.1 Quasi-Judicial Decision - Administrative Discretion.
   - 4.2 Judicial approach.

5. Public Utilities and Consumer Protection (10 Hours)
   - 5.1 Exclusion from M.R.T.P. Act.
   - 5.2 Rights of consumers protected by the Consumer Protection Act, 1986.
   - 5.3 Rights Arising from law of Contract and law of Torts.

6. Public Utilities And their Employees. (10 Hour)
   - 6.1 Application of articles 16, Art 19 and 311?
   - 6.2 Application of Industrial law.
     - 6.2.1 Public Interest vis-a-vis Right to Strike - Emerging trends.

7. Public Utilities and Fundamental Rights (10 Hours)
   - 7.1 The right to equality: the Airhostess case.
   - 7.2 Are Public utilities "State" for the purpose of article 12 of the Constitution?
   - 7.3 Extension of concept of State
   - 7.4 Public Utilities under changing market strategies-Liberalization & Privatization.

8. Liabilities and special privileges of public utilities

(9 Hours)

8.1 In contract.
8.2 In tort.
8.3 In Criminal law.

NOTE:

Hours reserved for Seminars:	6
Hours reserved for Home Assignments:	6
Hours reserved for Internal Tests:	2

Select Bibliography

P.M. Bakshi, *Television and the Law*, (1986)

Vasant Kelkar, *"Business of Postal Service"* 33 I.J.P.A. pp. 133-141 (1987)

G. Ramesh, *"Characteristic of Large Service Organization in a Developing Country like India"*, 32 I.J. Pa. 77 (1986).

Nalini Paranjpe, *"Planning for Welfare in the Indian Railways"* 31 I.J.P.A. 171-180 (1985)

Arvind K. Sharma, *"Semi-Qutonomous Enterprise: Conceptual Portrait - Further Evidence on the Theory of Autonomy"* 33 I.J.P.A. 99-113.

S.P. Sathe, *Administrative Law*, (1998)

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

Jagdish UI, *Handbook of Electricity Laws*, (1978)

Bhaumik, *The Indian Railways Act*, (1981)

Law Commission of India, *(38th Report) : Indian Post Office Act*, 1898, (1968)

Note:- [1] 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).

[2] All latest volumes of above mentioned books must be preferred. The above list of books is not an exhaustive one.

LL.M. SYLLABUS

GROUP A : CONSTITUTION AND LEGAL ORDER

[LL.M. PART-I]

OPTIONAL PAPER-III

TOTAL CREDITS ALLOTTED: 6

03 *UNION-STATE FINANCIAL RELATIONS*

Objectives of the course

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 center 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 :

1. Federalism – Essentials (7 Hours)

1.1 Models of Federal Government - U.S.A., Australia, Canada

1.2 Difference, between federation and confederation.

1.3 Evolution of federal government in India-

1.3.1 Colonial Impact on distribution of power.

1.3.2 Indian Federalism - Model for Indigenous suitability, requisite and stability.

2. Distribution of Legislative Power/Administrative Power: (7 Hours)

2.1 Indian Constitution - Priority of Central rule over State.

2.2 Centre-State relations.

2.3 Factors responsible for subordination of States.

2.4 Role of Government - Constitutional provision and political practice.

2.5 Administrative relations - Instruction from Centre, All India Services.

2.6 Recommendations of various commissions and committees on Centre-State relations.

3. Distribution of Fiscal Power (7 Hours)

3.1 Scheme of Allocation of taxing power.

3.2 Extent of Union power of taxation.

3.3 Residuary power - inclusion of fiscal power

3.4 Tax reforms.

4. Restrictions of Fiscal Power (7 Hours)

4.1 Fundamental Rights.

4.2 Inter-Government tax immunities.

4.3 Difference between tax and fee.

5. Difference between tax and fee (7 Hours)

5.1 Distribution of Tax Revenues.

5.2 Tax-sharing under the Constitution.

5.3 Finance Commission - Specific purpose grants (Article-282).

5.4 Role of Extra-constitutional Agencies - Planning Commission.

6. Borrowing Power of the State (7 Hours)

6.1 Source of borrowing - National and International.

6.2 Borrowing by the Government of India.

6.3 Borrowing by the States – Limitation.

7. Inter-State Trade and Commerce (7 Hours)

7.1 Freedom of Inter-State trade and Commerce.

7.2 Restrictions on legislative power of the Union and States will trade and commerce.

7.3 State Monopoly v. barriers free trade, commerce and occupation Constitutional provisions.

8. Planning Commission (6 Hours)

8.1 Planning Commission.

8.2 National Development Council.

8.3 Plan grants.

9. Co-operative Federalism (7 Hours)

9.1 Full faith and credit.
9.2 Inter-State Council.
9.3 Zonal Councils.
9.4 Inter-State disputes.

10. Federal Government in India (7 Hours)

10.1 Model of Jammu and Kashmir.

10.2 Sarkaria Commission Report.

10.3 What Reforms are Necessary?

10.4 Federalism under chaining political scene in India.

10.5 Federalism under chaining political scene in India.

11. Federalism and changing political scene in India:

(7 Hours)

11.1 Under Single Party dominating era - till 1977.

11.2 During the period of political turmoil.

11.3 Under coalition form of government.

1104 Federal form of Government: Effect of multi-party system andregionalist.

NOTE:

Hours reserved for Seminars:	6
Hours reserved for Home Assignments:	6
Hours reserved for Internal Tests:	2

Select Bibliography

H. M. Seervai, *Constitutional Law of India (2002), Universal*

Sudha Bhatnagar, *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 (1980) Chandrapal, *Centre-State Relations and Cooperative Federalism,* Chs 5 and 8 (1983)

G.C.V. Subba Rao, *Legislative Powers in Indian Constitution Law,* Chs. 37, 38, 39 (1982)

Richard M. Pious, *The American Federalism*, 293-331 Chs. 9 (1979)

Danial J. Elazar, *American Federalion*, Chs. 3 and 4 (1984)

K.P. Krishna Shetty, *The Law of Union-State Relations and the Indian Federalism*

Report of the Eighth Finance Commission Administrative Reforms Commissionon Centre-State Relations Chs. 3 (1969)

Constitutional Assembly Debates Vol. 10, 325-342

Administrative Reforms Commission, *Report of the Study Team on Central-State Relationship*(1967) Vol. I, Sections land 11, pp. IS -168

L.M. Singhavi (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* Nagpur

K. Subba Rao, *The Indian Federation* (1969)

K.C. Wheare, *Federal Government* (1963)

Note:- [1] Students should consult relevant volumes of the Annual Survey of Indian Law Institute published by the Indian Law Institute (Constitutional Law II);

[2] All latest volumes of above mentioned books must be preferred. The above list of books is not an exhaustive one.

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LL.M. SYLLABUS

CONSTITUTION AND LEGAL ORDER

(LL.M.- PART-II)

OPTIONAL PAPER-IV

TOTAL CREDITS ALLOTTED: 6

04 *CONSTITUTIONALISM: PLURALISM AND* FEDERALISM

Objectives of the course

Constitutionalism essentially means a limited government, where government functiol according to certain principles. It is said to be abiding by constitutionalism. Must it be 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 sovereign Constitutionalism may therefore be determined by a written constitution or by religion or traditio or by mere practice or convention as in England. In a plural society, where different religious a 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 subnations/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 aperiod of one Semester.

Syllabus

1. Constitutionalism (20 Hours)

1.1 Authoritarianism – Dictatorship.

1.2 Democracy – Communism.

1.3 Limited Government - concept - Limitations on government power.

1.4 What is a Constitution?

1.5 Development of a democratic government in England - Historical evolution of constitutional government.

1.6 Conventions of constitutionalism - law and conventions.

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

1.8 Separation of powers: Montesquieu.

1.9 Rule of Law: Concept and new horizons.

1.10 Marxist concept of constitutionalism.

1.11 Dictatorship of the proletariat.

1.12 Communist State from Stalin to Gorbachov and Post Gorbachov era.

1.13 Fundamental rights: Human Rights.

1.14 Judicial Review: European Court of Human Rights.

1.15 Human Rights: International Conventions.

1.16 Limits & doctrine of domestic jurisdiction in international Law

2. Federalism (15 Hours)

2.1 What is a federal government?

2.2 Difference, between confederation and federation

2.3 Conditions requisite for federalism

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

2.5 Judicial review - for federal umpiring.

2.6 New trends in federalism: Co-operative federalism.

2.7 India - Central Control V. State Autonomy.

2.8 Political factors influencing federalism.

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

2.10 Dynamic of federalism.

3. Pluralism (15 Hours)

3.1 What is a pluralistic society?

3.2 Ethnic, linguistic, cultural, political pluralism.

3.3 Individual rights - right to dissent.

3.4 Freedom of speech and expression.

3.5 Freedom of the Press.

3.6 Freedom of Association

3.7 Rights to Separateness.

3.8 Freedom of Religion

3.9 Rights of the religious and linguistic minorities.

3.10 Compensatory discrimination for backward classes.

3.11 Women - rights to equality and right to special protection.

3.12 Scheduled tribes, Distinct identity - protection against exploitation Exclusion from Hindu Law.

4. Uniform Civil Code (6 Hours)

4.1 Non-State Law (NSLS) and State Law System – Problem of a Uniform Code v. Personal Laws-vertical federalism.

5. Equality in Plural Society (10 Hours)

5.1 The concept of "Equality" in heterogeneous society".

5.2 Effect of concept like Multiculturalism, ethnicity and its consideration pluralistic society.

5.3 Right to equality and reasonable classification.

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

5.5 Abolition of untouchability.

5.6 Secularism - constitutional principles.

5.7 Tribal groups and Equality.

6. Pluralism and International Concerns (10 Hours)

6.1 International Declaration of Human Rights.

6.2 Conventions against genocide.

6.3 Protection of religious, ethnic and linguistic minorities.

6.4 State Intervention for protection of human rights.

6.5 Right of self-determination.

NOTE:

Hours reserved for Seminars:	6
Hours reserved for Home Assignments:	6
Hours reserved for Internal Tests:	2

Select Bibliography

Upendra Baxi, *"Law, Democracy and Human Rights"* - 5 Lokayan Bulletin 4 (1987)

V.M. Dandekar, *"Unitary Elements in a Federal Constitution"* 22 E.P.W. 1865 (1988)

Rajeev Dhavan, *"The Press and the Constitutional Guarantee of Free Speech andExpression"* rJ.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 2004*

Jagat Narain, *"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.eL.D. 89-108 (1988)

S.P. Sathe, *Fundamental Rights and Amendment of the Indian Constitution,* (1968)

H.M. Seervai, *Constitutional Law of India 2002,* Universal Publication

Note:- *[1] Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute.*

[2] All latest volumes of above mentioned books must be preferred. The above list of books is not an exhaustive one.

LL.M. SYLLABUS

CONSTITUTION AND LEGAL ORDER

(LL.M.- PART-II)

OPTIONAL PAPER-V

TOTAL CREDITS ALLOTTED: 6

05 *HUMAN RIGHTS*

Objectives of the course

Lately, the Universities in India have started showing greater concern for teaching a course on Human Rights. Human right is doubtless the major concern ofall societies, developed as well as developing. Formerly, rights were conceived rather narrowly as mere freedom from arbitrary government and classical constitutions provided guarantees of individual liberty or minority Protection against the state in their constitutional bill of rights. It was realized later, and much more so during last forty 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. Their assertionof sovereignty challenged many premises of international law which had beentaken as established by the developed nations. 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 value. 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. If law was to be a real instrument of social engineering, the lawyers, judges as well as law teachers had to be informed by human rights at the LL.M. level would essentially seek to conscienciti*ze* the future law teachers, researchers and activists abouthuman rights.

The focus of a course on human rights must be on the national problems with an international or global perspective. Thoughts and ideas cannot be parochialor national. They are universal. But their articulation becomes meaningful only when they are seen in the context of local experience. The course content must be informed by transformational dimension. The study methodology must be macro atthe thought level and micro at the experience level. While we must therefore focus on the local problems we must not let the global perspective go out of our sight. The world community's concerns about human rights have been expressed through various conventions and poverty, ignorance and exploitation. 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 acquired 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 is an important parameter or a just society and future lawyers must be able to assess any programme of social transformation with reference to them.

1. Panoramic View of Human Rights (7 Hours)

1.1 Human Rights in Non-western Thought.

1.2 Awareness of Human rights during the nationalist movement.

1.3 Universal Declaration of Human Rights, Constituent assembly and Part III, Part drafting Process.

1.4 Subsequent development in International Law and the Position in India (e.g. Convention of Social discrimination, torture, gender discrimination, environment, and the human rights covenants).

2. Fundamental Rights Jurisprudence as Incorporating Directive Principles (7 Hours)

2.1 The dichotomy of Fundamental Rights and Directive Principles

2.2 The interaction between Fundamental Right and Directive Principles

2.3 Resultant expansion of Basic Needs oriented Human Rights in India

3. Right not be Subject to Torture, inhuman or cruel treatment (6 Hours)

3.1 Conceptions of torture, third-degree methods -

3.2 "Justifications" for it.

3.3 Outlawry of torture of international and constitutional law level.

3.4 Incidence of torture in India.

3.5 Judicial attitudes.

3.6 Law Reform - Proposed and pending.

4. Minority Rights (6 Hours)

4.1 Conception of minorities Scope of protection.

4.2 The position of Minority "Woman" and their basic rights.

4.3 Communal Riots as Involving violation of Rights.

4.4 Communal Riots as Involving violation of Rights

5. Rights to development of Individuals and Nations

(6 Hours)

5.1 The UN Declaration on Right to Development, 1987.

5.2 The need for constitutional and legal changes in India from human rights standpoint.

6. People's Participation in Protection and Promotion of Human Rights (10 Hours)

6.1 People's Union for Civil Liberty

6.1.1 People's Union for Democratic Rights-

6.1.2 Mahila Dakshata Samiti.

6.1.3 Lawyers Collective.

6.1.4 Other's Group: Issue-related like Chipko Bhoomi Sena, Groups against power Dams etc.

6.1.5 Legal Profession.

6.2 Role of International NGOs.

6.2.1 Amnesty International

6.2.2 Minority Rights Groups.

6.2.3 International Bars Association, Law Asia.

6.3 Contribution of these groups to protection and promotion of human rights in India.

7. Development Agencies and Human Rights (6 Hours)

7.1 Major International funding agencies and their operations in India

7.2 World Bank lending and resultant violation/promotion of human rights.

7.3 Should development assistance be tied to observance of human rights. (as embodied in various UN declarations).

8. Comparative Sources of Learning (6 Hours)

8.1 EEC Jurisprudence.

8.2 The Green Movement in Germany.

8.3 The International Peace Movement.

8.4 Models of Protection of the rights of indigenous people: New Zealand (Maoris) Australia, Aborigines and Canada(Indians).

9. Freedoms (6 Hours)

9.1 Free Press - Its role in protecting human rights.

9.2 Right of association.

9.3 Right to due process of law.

9.4 Access and Distributive Justice.

10. Independence of the Judiciary (6 Hours)

10.1 Role of the Legal Profession.

10.2 Judicial appointments - Tenure of Judges.

10.3 Qualifications of judges.

10.4 Separation of Judiciary from executive.

11. European Convention on Human Rights (10 Hours)

11.1 European Commission / Court of Human Rights.

11.2 Amnesty International.

11.3 PUCL , PUDR, Citizens for Democracy.

11.4 Minorities Commission.

11.5 Human Rights Commission.

11.6 Remedies Against Violation of Human Rights.

NOTE:

Hours reserved for Seminars:	6
Hours reserved for Home Assignments:	6
Hours reserved for Internal Tests:	2

Select Bibliography

M.J. Akbar, *Riots After Riots*
U. Baxi, *(ed). The Right to be Human*
U. Baxi, *The Crisis of the Indian Legal System*
F. Kazmi, *Human Rights*
L. Levin, *Human Rights*
Madhavtirtha, *Human Rights*
W.P. Gromley, *Rights and Environment*
H. Beddard, *Human Rights and Europe*
J. Svarup, *Human Rights and Fundamental Freedoms*
Nagendra Singh, *Human Rights and International Co-operation* S.C. Kashyap, *Human Rights and Parliament*
S.C. Khare, *Human Rights and United Nations* Moskowitz, *Human Rights and World Order*
Drost, *Human Rights as Legal Rights*
M. Garling, *Human Rights Handbook*
J.A. Andrews, *Human Rights in Criminal Procedure*
A.B. Kalaiah, *Human Rights in International Law*
I Menon *(ed), Human Rights in International Law*
A.B. Robertson *(ed), Human Rights in National and International Law*
E. Lauterpacht, *International Law and Human Rights*
E. Robertson, *Human Rights in the World*
E. Robertson, *Introduction to the Study of Human Rights*
John, Louis & Burgenthal, *International Protection of Human Rights*
Upendra Baxi, *"Human Rights, Accountability and Development"* Indian Journal of International Law 279 (1978)
Upendra Baxi, *Human Rights in the Administration of Criminal Justice (Mimeo)*

Note:- All latest volumes of above mentioned books must be preferred. The above list of books is not an exhaustive one.

LL.M. Syllabus

Constitution and Legal Order

(LL.M.- PART-II)

Optional Paper-VI

Total Credits Allotted: 6

06 *NATIONAL SECURITY, PUBLIC ORDER, AND RULE OF LAW*

Objectives of the course

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 invocationof 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 even in such circumstance, the democratic forces must assert that even for survival of the State, the least possible liberty should sustain. The Students should analyze different aspects of such emergency powers and scrutinizing intellectual attitude towards such powers.

The following syllabus prepared with this perspective will be spread over a period of one Semester.

Syllabus

1. National Security, Public Orders and Rule of Law

(12 Hours)

1.1 Emergency Detention in England - Civil Liberties

Liveridge v. Anderson

Korematsu v. U.S.

Estugbargi v. Govt. of Nigeria

Pre-independence law - Keshav Talpadi's case

2. Preventive Detention and Indian Constitution

(16 Hours)

2.1 Article 22 of the Constitution

2.2 A. K. Gopalan V. State of Madras

2.3 Preventive Detention and Safeguards

2.4 Declaration of Emergencies

2.5 1962, 1965 and 1970 Emergencies

2.6 1975 Emergency

2.7 Makhan Singh v. Punjab

2.8 A.D.M. Jabalpur v. Shiv Kant Shukla

3. Exceptional Legislation (12 Hours)

3.1 COFEPOSA, MISA and Other Legislation to curb economics offenders

3.2 Anti Terrorist legislation e.g. TADA, POTA

3.3 Special Courts and Tribunals under Anti Terrorist Act

3.4 Due Process and Special Legislation

4. Civil Liberties and Emergency (16 Hours)

4.1 Article 19: various dimensions and limitation impose of utilization of such liberties

4.2 Meaning of "Security of State"

4.3 Meaning of "Public Orders"

4.4 Suspension of Article 19 rights on declaration of Emergency

4.5 President's Right to Suspend Right to move any court

4.6 Article 21 - special importance - its non-suspend ability

4.7 Suspend ability - 44th Amendment.

5. Access to Courts and Emergency (12 Hours)

5.1 Article 359

5.2 Makhan Singh v. State of Punjab

5.3 A.D.M. Jabalpur v. Shiv Kant Shukla

5.4 Constitution (Forty-forth), Amendments Act, 1978.

5.5 Constitution (Fifty-ninth), Amendments Act, 1988.

6. Martial Law (8 Hours)

6.1 Provisions in English Law

6.2 Provisions in the Constitution

NOTE:

Hours reserved for Seminars:	6
Hours reserved for Home Assignments:	6
Hours reserved for Internal Tests:	2

Select Bibliography

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* International Commission of Jurists - *Status of Emergency and Human Rights*

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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. Fuzal, *"Drafting A British Bill of Rights "* 27 J.I.L.I. 423 (1985)

M.P Jain, *Indian Constitutional Law 2004*

Jagat Narain, *"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 2002,* Universal Publication.

Note:- *[1] Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute.*

[2] All latest volumes of above mentioned books must be preferred. The above list of books is not an exhaustive one.

LL.M. SYLLABUS
GROUP – B LABOUR, CAPITAL & LAW
[LL.M.- PART-I]
OPTIONAL PAPER-I
TOTAL CREDITS ALLOTTED: 6

01 *COLLECTIVE BARGAINING*

Objectives of the course

In a rapidly industrializing country like India, balancing the conflicting interests in the industrial sector is necessary for the sustainable growth of economy. It is conspicuous that the social, economic and political forces influence the process of collective bargaining in more ways than one. Conversely, the process makes a great impact upon many factors of our socio-economic system. Necessarily, norms and standards are to be evolved in order to bring our industrial peace. The limits, the scope and the conceptual dimensions of collective bargaining have to be learned in a detailed manner and with comparative emphasis wherever possible.

The following syllabus prepared with these perspectives will be spread overa period of one Semester.

Syllabus:

1. Freedom of Organization And Certain Key Concepts

(08 Hours)

1.1 Definitions: "Trade Union", "Trade Dispute" - Kinds of Trade Disputes *T.U. Act*, 1926 and "Industry", "Industrial Dispute" *I.D. Act*, 1947-Comparison in the light of relevant case law

1.2 "Trade Unionism" - Essence of - Reference to the Preamble of the Indian Constitution and the relevant Directive Principles of State Policy.

1.3. Trade Union Objects - Methods adopted by Trade Unions foraccomplishing their objects.

1.4 International norms: Right to Association of industrial and unorganized labour. Right to Association Indian Perspectives: Constitutional and legal aspects - Art. 19 (1) (c), case law discussing whether the Right to form a Union carries with it the concomitant rights to Recognition, Collective Bargaining and strike.

2. Trade Unions: Historical Perspectives (07 Hours)

2.1 A brief history of the British Trade Union Movement to highlight the travails of Trade Unions in the *Laissez faire era*, with reference to landmark decisions of the English courts

2.2 History of the Indian Trade Union Movement - Major Trade Union federations in India, their objects and political affiliations - Political fund of Trade Unions

2.3 Registration of Trade Unions - Cancellation/Withdrawal of Registration certificate - Relevant case law

2.4 Rule Book of Trade Unions: Importance of and judicial interpretations bearing upon Rule Book

3. Advantages of Registered Trade Unions (10 Hours)

3.1 Trade Union Immunities - case law/ a critical evaluation under The Trade Unions Act, 1926.

4. Collective Bargaining: Conceptual and Procedural Issues.

(14 Hours)

4.1 Collective Bargaining Concept - Meaning, methodological aspects and a comparative appraisal.

4.2 Collective Bargaining *vis-a-vis* Compulsory Adjudication.

4.3 Bargaining Power - Tactics/Methods employed by Trade Unions/ Employees to increase their Bargaining Power.

4.4 Factors that promote Collective Bargaining and that hinder Collective Bargaining.

4.5 Subject matter of Collective Bargaining - Levels of Bargaining (Plants, Industry & National)

4.6 Enforceability of Collective Bargaining Agreements - Indian, English and American Position.

5. Legal Control of Collective Bargaining Endeavours.

(13 Hours)

5.1 Strike (pen-down, tool down, go slow, work to rule, stay in, sit in, picketing).

5.2 Gherao.

5.3 Lock out.

6. Factors Affecting on Collective Bargaining (12 Hours)

6.1 Problems of Trade Unions - Union Finance - Outsider problem - Union Privileges (Inter Union & Intra Union Rivalries) - Trade Unions & Politics - Recognition of Trade Unions (Maharashtra Laws) Economic Implications of Collective Bargaining.

7. Economics Implications of Collective Bargaining

(12 Hours)

7.1 Impact of New Economic Policy on Trade Union Activities - Wage policy, work discipline, National income and profit.

NOTE:

Hours reserved for Seminars:	6
Hours reserved for Home Assignments:	6
Hours reserved for Internal Tests:	2

Select Bibliography

Gillian S. Morris and Timothy J. Archer, *Collective Labour Law* Latest Edn.
ILO, *Collective Bargaining in Industrial Market Economics* Latest Edn.
Russel A. Smith, *et.,al., Collective Bargaining and Labour Arbitration* Latest Edn
K.D. Srivastava's, *Law Relating to Trade Unions and Unfair Labour* Latest Edn
RR Singh, *Labour Economics*, (1971)
Stephen Dery & Richard Mitchell, *Employment Relations Individualization & Union Exclusion* (1999), *Blackstone Landon*
Mery Suri, *Collective Bargaining*
R.D. Agrawal, *Dynamics of Labour Relations in India* Latest Edn.
Neil W. Chamberlain, James W. Kuhn, *Collective Bargaining.*
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Lord Wedderburn, *The Worker And the Law* Latest Edn.
Memoria and Memoria, *Dynamics of Industrial Relations*, Latest Edn. Malhotra, D.P., *The Law of Industrial Disputes* (Vol 1-2) Latest Edn.
Michael, V.P. *Industrial Relations in India And Workders'*
Herold Crouch, *Trade Unions and Politics in India* Latest Edn.
Vidyanathan, N., I.L.O., *Standards For Social Justice And Development of Labour*, Latest Edn.
Charles Gregory, *Labour and the Law Latest Edn.*
Citrine's, *Trade Union Law* Edited by (M.A. Hicklin

Ramanujam G., *The Honey Bee: Towards a New culture in Industrial Relations,* Latest Edn.

Victor Feather, *Essence of Trade Unionism* Latest Edn.

International Labour Conventions and Recommendations 1919-1981

(Geneva: International Labour Office, 1985) (Till date - Latest Editions)

I.L.O. *Conciliation and Arbitration of Industrial Disputes in English Speaking Countries of Africa,* (Record of Proceedings of, and Contribution submitted to an African Regional Seminar,

Labour Management Relations Series No. 37) (Geneva: International LabourOffice, 1993)

Industrial Democracy Some Issues And Experiences, (Thakur, P.c. & Sethi, K.C., Edn)

(New Delhi: Shri Ram Centre For Industrial Relations & Human Resources, 1973)

Conciliation In Industrial Disputes a practical guide, ILO Geneva 5th edn.

Government of India, *Agricultural Labour Enquiry* (1954)

ILO, *Conventions and Recommendations*

ILO, *Collective Bargaining*

ILO, *Collective Bargaining in Industrialization Market Economics*

Relevant portions of the Report of the National Commission on Labour (1968) Relevant portions of the Second Report of the National Commission on Labour (2002)

Various Five Years Reports (Relevant chapters)

Note: Latest Case Laws and Journal Articles should be updated regularly and included in the curriculum. The above list of books is not an exhaustive one.

LL.M. SYLLABUS

GROUP – B LABOUR, CAPITAL & LAW

[LL.M.- PART-I]

OPTIONAL PAPER-II

TOTAL CREDITS ALLOTTED: 6

02 INDUSTRIAL ADJUDICATION

Objectives of the course

The appropriate governments hold the reins of industrial adjudication. The scope and extent of discretion in referring a dispute as well as in implementing a decision present complex questions and are areas of interesting study. What are theinternational norms relating to industrial adjudication? Are they followed in India? Is the statutory silence on the criteria for adjudication conducive to bringing industrial peace? How did the process of judicial review help evolving significant formulations on certain core areas of industrial relations despite the statutory prescription of finality of industrial adjudication? These problems are to be studied from a critical angle and with a comparative thrust on development in other common law countries.

The following syllabus prepared with these perspectives will be spread overa period of one Semester.

Syllabus

1. Industrial Adjudication: Some Key concepts under Industrial Disputes Act, 1947 (14 Hours)
   - 1.1 Industry
   - 1.2 Industrial Dispute
   - 1.3 Workmen
   - 1.4 Appropriate Government

2. Constitutional Perspectives and Foundations

(12 Hours)

2.1 Constitutional authorization for institutional framework (legislative entries, Article 323B).

2.2 Constitutional goals protecting capital and labour enshrined in the fundamental rights and duties and the directive principles.

3. Access to adjudicatory Justice (12 Hours)

3.1 Composition, Powers, Duties, Functions and Jurisdiction of Labour Courts, Industrial Tribunals and National Tribunals.

3.2 Extent of governmental discretion: time, expediency and matters for adjudication.

3.4 Limitations on discretion.

3.5 Political overtones and pressure tactics.

3.6 Judicial restraint or liberalism, the ideal juristic approach.

3.7 Direct access to adjudicatory authority by employer and employee: Problem and perspectives.

International norms.

3.9 Comparative overview of access to adjudicatory process in the U.K. and Australia.

4. Adjudicatory Process (12 Hours)

4.1 Industrial adjudication as a modality of harmonizing interests of capital and labour.

Impact on employer's prerogatives and employee's rights.Silence of the statute on criteria for adjudication.

4.4 Equity and justice as guiding principle.

4.5 Industrial conflicts and the vistas of decisional process: a comparative probe.

4.6 Post-natal control by government over adjudication.

5. Judicial Review of the Adjudicatory Process: (13 Hours)

5.1 Definition of "Award" case law.

5.2 Finality of decision making in adjudicatory process: a myth.

5.3 Jurisprudence of industrial adjudication: formulations through constitutional remedies of writs and appeal.

5.4 Jurisdiction of the adjudicatory authority in respect of dismissal of workmen.

6. Alternatives to Industrial Adjudication Under the Industrial Disputes Act, 1994. (13 Hours)

6.1 Collective Bargaining

6.2 Works Committee

6.3 Conciliation/ Mediation

6.4 Voluntary Arbitration

NOTE:

Hours reserved for Seminars:	6
Hours reserved for Home Assignments:	6
Hours reserved for Internal Tests:	2

Select Bibliography

Malhotra O.P., *The law of Industrial Disputes, (Vol 1-2) Latest Edi.*

ILI, *Labour laws and Labour relations,* Parts II, IV, VI, VII, IX and XI

R.W.Rideout, *Principles of Labour Law (1983), Ch. 4,5 and 6*

Robert A. Gorman, *Basic Text of Labour Law, Ch. 23, 24 and 25 (1976)*

Giri V.V., *Industrial Relation*

Giri V.V., *Labour Problems in Indian Industries* Latest Edn.

Memoria and Memoria, *Dynamics of Industrial Relations* Latest Edi.

Bhagoliwal T.N, *Economics of Labour and Social Welfare* Latest Edi.

Kahn-Freund Otto, *Labour and the Law* Latest Edn.

Lord Wedderburn, *Worker and the Law* Latest Edi.

Charles Gregory, *Labour and the Law* Latest Edn.

Citrine's, *Trade Union Law* (Edited by) M.A. Hicklin

Gillian S. Morris and Timothy J. Archer, *Collective Labour Law* Latest Edn.

John Bowers & Simon Hentyball, *Text Book on Labour Laws* Latest Edn.

Roger Blanpain, Chris Engels (ed), *Comparative Labour Law and Industrial Relations in Industrialized Market Economies* Latest Edn.

Alan L. Goldman, *Labour Law And Industrial Relations In The United States of America*, (II nd edn., Kluwer Law and Taxation Publishers, 1984).

Carby-Hall, J.R., *Principles of Industrial Laws*, Latest Edn.

Raman Rao, A.V., *Mediation Conciliation And Arbitration U.S.A. And India A Comparative Study*, Latest Edn.

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Subramanian, K.N., *Labour Management Relations In India*, Latest Edn.

William E. Simkin, *Mediation And The Dynamics of Collective Bargaining*, Washington D.C., The Bureau of National Affairs, Inc., 1971)

Labour Adjudication in India - Edited by Z.M.S. Siddiqui & M. Afzal Wani

Relevant portions of the *Report of the National Commission on Labour* (1968)

Relevant portions of the *Second Report of the National Commission on Labour* (2002)

Various Five Years plan Reports (Relevant chapters)

ILO *Conventions and Recommendations*

Government of India., *Report on the Second Agricultural Labour Enquiry* (1958)

Government of India., *Report on the Third Agricultural Labour Enquiry*

Report of the National Commission on Rural Labour (1991) New Delhi, Government of India Ministry of Labour

Note: Latest Case Laws and Journal Articles should be

updated regularly and included in the curriculum.
The above list of books is not an exhaustive one.

LL.M. SYLLABUS

GROUP – B LABOUR, CAPITAL AND LAW

OPTIONAL PAPER-III

TOTAL CREDITS ALLOTTED: 6

03 LAW RELATING TO CIVIL SERVANTS

Objectives of the course

Civil servants constitute a separate species of the labour force in India and are given rights as well as liabilities under the Constitution. Inevitably, the constitutional dimensions of these rights and obligations are to be studies in this course. The laws and regulations relating to their recruitment and promotion, conditions of service and the dispute settlement mechanisms form an important component of the study. The problems that civil servants are facing in service are to be highlighted and critically assessed. Examination of special category services such as judicial services, the Supreme Court, High Court personnel and All IndiaServices should also form part of the course.

The following syllabus prepared with these perspectives will be spread overa period of one Semester.

Syllabus:

1. Civil Servants: Constitutional Dimensions (12 Hours)
   - 1.1 Civil servants and the fundamental rights – Historical and comparative perspectives.
   - 1.2 Equality and protective discrimination : principles and practices

1.3 Services Regulations: the constitutional bases – formulation of services rules – doctrine of pleasure.

1.4 Limitations on doctrine of pleasure

1.4.1 Action only by an authority not subordinate to the appointing authority.

1.4.2 Opportunity of being heard and its exceptions.

2. Recruitment and Promotion (12 Hours)

Central and state agencies for recruitment

Methods, qualification

3. Conditions of Services (13 Hours)

3.1 Pay, dearness allowance and bonus: machinery for fixation and revision, Pay Commission.

3.2 Kinds of leave and conditions of eligibility

3.3 Social security: provident fund, superannuation and retiral benefits, Medicare, maternity benefits, employment of children of those dying in harness, compulsory insurance.

3.4 Civil and criminal immunities for action in good faith

3.5 Comparative evaluation with private sector

3.6 Comparative evaluation between the state government employees and the central government employees

3.7 Consultation with Public Service Commission

4. Civil Service: Amalgam of Principles, Compromises and Conflicts (13 Hours)

4.1 Neutrality - commitment dilemma, permanency, expertise and institutional decision making

Relaxation of age and qualification in recruitment, spoils

system, seniority cum merit recruitment and promotion.

Frequent transfers, education, of children, housing andaccommodation

Civil service and politics, politicisation of government servants organizationsand inter-union rivalry

5. Special Categories of Services (13 Hours)

5.1 Judicial services: subordinate judiciary - judicial officers and servants: appointment and conditions of service

5.2 Officers and servants of the Supreme Court and the High Courts: recruitment, promotion, condition of service and disciplinary action

5.3 All India services, objects regulation of recruitment and conditions of service disciplinary proceedings

6. Settlement of Disputes over Service Matters (13 Hours)

6.1 Departmental remedies: representation, review, revision and appeal: role of service organizations

6.2 Remedy before the Administrative Tribunal: jurisdiction, scope an procedure - merits and demerits - exclusion of jurisdiction of courts

6.3 Judicial review of service matters - jurisdiction, of the Supreme Court and High Courts

NOTE:

Hours reserved for Seminars: 6

Hours reserved for Home Assignments: 6

Hours reserved for Internal Tests: 2

Select Bibliography

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

Robert Lingat. *The Classical Law of India* (1998). Oxford.

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

Upendra Baxi (Ed.) *Law and Poverty Critical Essays* (1988). Tripathi, Bombay

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

H.M. Seervai, *Constitutional Law of India (2004)* Universal Law Publishing Co., (P) Ltd. Vol 1-3

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

Sunil Deshta and Kiran Deshta, *Law and menace of Child Labour (2000)* Anmol Publications, Delhi.

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

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

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

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.

Note: Latest Case Laws and Journal Articles should be updated regularly and included in the curriculum. The above list of books is not an exhaustive one.

LL.M. SYLLABUS

GROUP–B LABOUR, CAPITAL AND LAW

OPTIONAL PAPER-IV

TOTAL CREDITS ALLOTTED: 6

04 AGRICULTURAL LABOUR

Objectives of the course

Agricultural laborers are the weaker sections of the labour force. They are neither organized nor are they enlightened and aware of their rights. This is true of agricultural labour in different regions. Their problems are different from those other enlightened sections of labour. The traditional hurdles and ties standing in the way towards organization of agricultural labour, the extent of application of the concept of collective bargaining in the field and the nature of welfare measures and dispute settlement systems available are to be examined in this paper. Naturally the laws and the practices where the state initiative has gone ahead are useful areas of study for enabling the students to suggest law reforms.

The following syllabus prepared with these perspectives will be spread over a period of one Semester.

Syllabus :

1. Agricultural Labour Relations (16 Hours)
   - 1.1 Agricultural labourer - the concept
   - 1.2 Early stages - the traditional ties between the landlord and the workers
     - 1.2.1 Non-exploitative fair relation: the feudal hegemony,

       share in products as wages, wages in kind, benefits in addition to wages, participation in festive occasion, grievance redressal at landlord's residence
   - 1.3 Exploitation of labour by the landlord

1.3.1 Longer hours of work and lower wages: statutory regulation

1.3.2 Bonded labour

1.3.3 Indebtedness

1.4 Tribal labour in forest settlements

1.5 Migrant agricultural labour

2. Trade Unionism and Collective Bargaining among Agricultural Labour (16 Hours)

2.1 Unorganized nature

2.2 Seasonal character

2.3 Political movements

2.4 State, regional and macro-regional disparities in collective bargaining, organization and remuneration

3. Industrial Labour Norms in the Agricultural Labour Area (16 Hours)

3.1 Problem: multi employer - employment situation

3.2 Workmen's compensation

3.3 Minimum wages

4. Labour Welfare (14 Hours)

4.1 Need for state initiative and support

4.2 Assessment of existing measures: statutory and non-statutory

4.3 Agrarian reform as agricultural labour protection measure: land to the tiller doctrine

4.4 Environmental impact of distribution of forest land among agricultural labourers

4.5 Futuristic perspectives

5. Dispute Settlement Mechanism (14 Hours)

5.1 Practices: settlements

5.2 Statutory measures: conciliation, adjudication

5.3 Comparative study of state practices and laws

NOTE:

Hours reserved for Seminars:	6
Hours reserved for Home Assignments:	6
Hours reserved for Internal Tests:	2

Select Bibliography

V.V. Giri, *Labour Problems in Indian Industry* Latest Edn.

R.R. Singh, *Labour Economics* Latest Edn.

ILO, *Conventions and Recommendations*

Report of the National Commission on Labour (Relevant Portions) 1969 State Legislation and other welfare schemes relating to agricultural labour.

Abdul Aziz, *"Unionizing Agricultural Labourers in India: A Strategy"*, 13 *Indian Journal Industrial Relations 307* (1977)

A.B. Maily, *"Forced Labour in India"*, 15 Indian Journal of Industrial Relations 77 (1979)

L.C. Sharma, "Forestry Sector Generate More Employment", 15 Indian Journal ofIndustrial Relations 77 (1979).

P.K. Bardhan, *Land Labour and Rural Poverty* (1984)

Kalpana Bardhan, *"Rural Employment Wages and Labour Market in India: A*

Survey of Research", 12 Economic and Political Weekly 1 June 25, 1977, II July 2, 1977 and III July 9, (1977)".

Government of India, *Agricultural Labour Enquiry* (1954)

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Bardhan & Rudra, *"Types of Labour Attachment in Agriculture"*, 15 Economic and Political Weekly August 30, 1980

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Report of the National Commission on Rural Labour (1991; New Delhi, Government of India, *Ministry of Labour; See especially Volume II, Part II for the Legal Study Group Report.*

Report of the Second National Commission on Labour 2002

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LL.M. SYLLABUS GROUP–
B LABOUR, CAPITAL & LAW
OPTIONAL PAPER-V
TOTAL CREDITS ALLOTTED: 6

05 WAGES

Objectives of the course

In this course constitutional ideals for decent wages and the judicial interpretations of these ideals are significant areas of study. More often than notthe workers' demand for more wages leads to acute controversy. How have the statutory and decisional laws kept up the balance in the interest of industrial peace?Necessarily, the different facets of wages, the rationale of wage policy perspectivesconstitute important components of the study. All these problems are to be assessed in the light of the international norms laid down by the ILO.

The following syllabus prepared with these perspectives will be spread overa period of one Semester.

Syllabus

1. Constitutional Perspectives on Wages (10 Hours)
   - 1.1 The constitutional ideals: Right to work; Right to living wage; Right to equal pay for equal work
   - 1.2 History of Wage legislation in India: Findings of Royal Commission on Wages 1931
   - 1.3 Wage - Concept of Minimum Wage, Living Wage, Fair Wage. Principles governing fixation of these Wages.
   - 1.4 Committee on Fair Wages 1949 (Recommendations)

2. Theories and Facets of Wages (14 Hours)

2.1 Theories of wages: Wage differentials

2.2 Regulations of Payment of Wages: Safeguards against unlawful deductions and delay in payment of wages - *Payment of Wages Act*, 1936. Jurisdictions, Powers of Presiding Officer, Wages Authority.

3. Facets of Wages. (14 Hours)

3.1 Methods for wage fixation - The Minimum Wages Act, 1923, Wage Fixation through Adjudication - Principles evolved by Judiciary; Wage Fixation by Wage Boards – Principals & Practices – Functionary & Wage Boards Critical Appraisal

3.1.1 Dearness Allowance – Concept, meaning, Evolution; D.A. & Consumer Price Index – Controversies involved. Imposition of ceiling limit on the Extent of neutralization.

3.1.2 Bonus concept - as "deferred wage", "Profit sharing" Facets Attendance bonus, incentive bonus, Incentive Bonus, etc. Critical Study of *Payment of Bonus Act*, 1965

3.1.3 Other Allowances and concessions :House rent allowance, City compensatory allowance, Educational allowance, Conveyance allowance, Cash incentives: percentage on turn-over, Medical allowance, Leave travel concessions, Free and subsidized food and products, Leave encashment, Overtime allowances, Low wages and high perks as a camouflaging stratagem of defeating ceiling on wages.

4. Wages, Price and Tax – Correlations (14 Hours)

4.1 Increase of wages - impact on price

4.2 Increase of price - impact on wages

4.3 Tax - impact on price and wages

4.3.1 Taxation on goods and increase of prices

4.3.2 Taxation on wage income - a cut on real wages

4.4 Wages and the consumer

5. National Wage Policy: Problem and Perspectives (12 Hours)

5.1 National wage policy

5.2 Need for integrated approach: income, price and wage

5.3 Problems of mixed economy

5.3.1 Capital intensive sector

5.3.2 Labour intensive sector

5.4 Wages in Multi-national corporations

6. International Standardization (12 Hours)

6.1 Role of ILO: Conventions and Recommendations relating to Wages

NOTE:

Hours reserved for Seminars:	6
Hours reserved for Home Assignments:	6
Hours reserved for Internal Tests:	2

Select Bibliography

O.P. Malhotra, *Law of Industrial Disputes* Latest Edn.
R.R. Singh, *Labour Economics* Latest Edn.
G.L. Kothari, *Wages, Dearness Allowances and Bonus* Latest Edn.
Y. B. Singh, *Industrial Labour in India Part I* Latest Edn.
V.V. Giri, *Labour Problem in Indian Industry*
K.D. Srivastva, *Payment of Wages Act*, 1936 Latest Edn.
K.D. Srivastva, *Payment of Bonus Act*, 1936 Latest Edn.
Report of the National Commission on Labour 1969 (Relevant Portions)
International Labour Office, *Wages* (1968)
International Labour Office, *Wage Fixing* (1981)
International Labour Office, *Minimum Wage Fixing* (1981)
Suresh C. Srivastava, *"Payment of Dearness Allowance to Industrial Worker in India,* 15 J.I.L.L. 444 (1973)
Suresh C. Srivastava, *"Machinery for Fixation of Minimum Wage of Sweated Labour in India Problems and Prospects"* 23 J.I.L.L 495 (1981)
R.D. Agrawal, *Dynamics of Labour Relations in India* (1972)
Sahab Dayal, *"Wage, Income and Industrial Relations in Modern India: An Evaluation of selected Empirical Implications"*, 15 Indian Journal of Industrial Relations 295 (1977)
Madhuri G. Seth, *"Bonus in Equity Perspective"*, 15 Indian Journal of Industrial Relations 119 (1979)
Deepak Lal, *Theories of Industrial Wage Structures: A Review"* 15 Indian Journal of Industrial Relations 167 (1979)
C. Mani Sastry, *Wage Structure and Regional Labour Market*, 21 Indian Journal of Industrial Relations 344 (1985)
Suresh C. Srivastava, *"Payment of Dearness Allowance to Industrial Workers in India: The Judicial Approach"*, 15 J.I.L.L 444 (1973)
R.L. Chawala, "Wage Policy and Industrial Relations, *A Brazilian Case Study*, 17 *Indian Journal of Industrial Relations* 27 (1981)

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LL.M. SYLLABUS
[PART-II]
GROUP – B LABOUR, CAPITAL & LAW
OPTIONAL PAPER-VI
TOTAL CREDITS ALLOTTED: 6

06 *SOCIAL SECURITIES LAW*

Objectives of the course

Social security is a necessary phenomenon of a welfare stage. The ideal of social security contained in the constitution, the concept embodying the ideals in the various statutes and the plethora of administrative measures of the state are indicative of the recognition of social security as an important objective to be achieved in our democratic process. This course shall examine the various diminutions of labour security measures and explore the possibility whether or notlabour security is part of the comprehensive and integrated social security.

The following syllabus prepared with these perspectives will be spread overa period of one Semester.

Syllabus :

1. Social Security: Some key concepts (10 Hours)

1.1 "Social Security", "Social Welfare", "Social Assistance", "Social Insurance"

2. Origin and Development (12 Hours)

2.1 Western countries - charitable institutions - professional guilds - philanthropic organizations - workmen's compensation law in England

2.1Eastern societies - India: joint family system, statutory schemes

2.3 International norms on social security for labour: the ILO measures.

3. Constitutional Perspectives (06 Hours)

3.1 Fundamental Right: realization of the rights through meaningful Social security measurers: right to life, the wider dimensions

3.2 Right to adequate means of livelihood, free legal aid, public assistance cases of unemployment, old age, sickness and disablement, maternity relief.

4. Social Security: Law and Practices, the comparative Perspectives (10 Hours)

4.1 International norms on Social Security

4.2 Social Security laws - Comparison with U.K., U.S.A. etc.,

5. From Compensation to Insurance – Some Social Security Laws (26 Hours)

5.1 Employers Liability Act, 1938

5.2 Workmen's Compensation Act, 1923

5.3 Employees State Insurance Act, 1948

5.4 Factories Act, 1948

5.5 Equal Remuneration Act,

5.6 Gratuity Act, 1972

5.7 Employees' Provident Fund And Miscellaneous Provisions Act, 1952

5.8 Pension Act,

5.9 Maternity Benefits Act,

5.10 Industrial Disputes Act, 1947 - Provisions relation to Retrenchment,Layoff, Transfer, Closure Compensation.

6. Towards an Ideal Social Security Scheme: the Futuristic

(12 Hours)

6.1 Comprehensive and integrated social security: a utopian concept or a pragmatic approach?

6.2 Role of trade unions as Social Security, Welfare Agencies - Whether feasible in India?

NOTE:

Hours reserved for Seminars:	6
Hours reserved for Home Assignments:	6
Hours reserved for Internal Tests:	2

Select Bibliography

R.N. Chaudhary, *Commentary on the Workmen's Compensation Act*, 1923, Latest Edn.

S.C.Srivastta, *Social Security and Labour Laws*, Latest Edn.
R.W. Rideout, *Principles of Labour Law* Latest Edn.
H.K. Saharay, *Industrial and Labour Laws of India* Latest Edn.
Munkman, *Employers' Liability* Latest Edn.
Harry Calvert, *Social Security Laws* Latest Edn.

Report. of the National Commission on Labour 1969 (Relevant portions) ..
Neeru Sehgal, *"Employment of Women and Reproductive Hazards in Workplace"*, 29 I.J.L.I. 201 (1987)
Prakash Sinha, *"Quality of Working Life and Quality of Life"*, (1982) Indian Journal of Industrial Relations, p. 373
Mallik Jyotsana Nath, *Workmen's Compensation Act and some Problems of Procedure"*, 3 J.I.L.I 131 (1961)
V.R. Bhattacharya, *Some Aspects of Social Security Measures in India (1970)*

Note: Latest Case Laws and Journal Articles should be updated regularly and included in the curriculum. The above list of books is not an exhaustive one.

LL.M. SYLLABUS GROUP–
C CRIMINAL LAW
OPTIONAL PAPER-I
TOTAL CREDITS ALLOTTED: 6

01 COMPARATIVE CRIMINAL PROCEDURE

Objectives of the course

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

The following syllabus prepared with this perspective will be spread over a period of one Semester.

Syllabus :

1. Organization of Courts and Prosecuting Agencies (16 Hours)
   - 1.1 Hierarchy of criminal courts and their jurisdiction
     - 1.1.1 Nyaya Panchayats in India: As prosecuting agencies at local level
       - 1.1.1.1 Panchayats in tribal areas
   - 1.2 Organisation of prosecuting agencies for prosecuting criminals
     - 1.2.1 Prosecutors and the police
   - 1.3 Withdrawal of prosecution

2. Pre-trial Procedures (16 Hours)

2.1 Arrest and questioning of the accused

2.2 The rights of the accused

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

2.4 Right to counsel

2.5 Roles of the prosecutor and the judicial officer in investigation

3. Trial Procedures (18 Hours)

3.1 The Adversarial system of trial and the Inquisitorial system

3.2 Role of the judges, the prosecutors and defence attorney in the trial

3.3 Referring the matter to Lok Adalats under Legal Services Authorities Act, 1987

3.4 Admissibility and inadmissibility of evidence

3.4.1 Special reference to Information Technology Act, 2000

3.4.2 Expert evidence

3.5 Appeal to the court in awarding appropriate punishment

3.6 Plea – bargaining

4. Correction and aftercare services (14 Hours)

4.1 Institutional Correction of the offenders

4.2 General comparison - After care services in India and France

4.3 The role of the court in correctional programmes in India

5. Preventive Measures in India (6 Hours)

5.1 Preventive measure under Cr.P.C (1973)

5.2 Special Enactments

6. Public interest Litigation: Directions for criminal prosecution. (6hours)

NOTE:

Hours reserved for Seminars:	6
Hours reserved for Home Assignments:	6
Hours reserved for Internal Tests:	2

Select Bibliography

Celia Hamptom, *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.), *KV. Kelkar's Outlines of Criminal Procedure (2000)*, Eastern Lukhnow
Ratanlal & Dhirajlal, *Criminal Procedure Code.*
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 India Law Commission of India.
Hon'ble Justice V.S. Malimath Committee Report on Reformation of Criminal Justice System in India.

The Paper will be taught with reference, where necessary, to the procedures in India, England, US, France, Russia & China.

Note: *Latest Case Laws and Journal Articles should be updated regularly and included in the curriculum. The above list of books is not an exhaustive one.*

LL.M. SYLLABUS GROUP–C CRIMINAL LAW OPTIONAL PAPER-II

LL.M. SYLLABUS

GROUP–C CRIMINAL LAW

TOTAL CREDITS ALLOTTED: 6

02 *PENOLOGY: TREATMENT OF OFFENDERS*

Objectives of the course

This course officers 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: decriminalization, dependization, 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 India (historical and contemporary) approaches to penology

The following syllabus prepared with this perspective will be spread over aperiod of one Semester.

Syllabus

1. Introductory (10 Hours)
   - 1.1 Penology: A "Correctional" Science?
   - 1.2 Notion of "Punishment" in Law
   - 1.3 Distinction between Crime "Prevention" and "Control"

2. Theories of Punishment (10 Hours)
   - 2.1 Retribution
   - 2.2 Utilitarian Prevention: Deterrence
   - 2.3 Utilitarian: Intimidation
   - 2.4 Behavioral Prevention: Incapacitation
   - 2.5 Behavioral Prevention: Rehabilitation
   - 2.6 Classical Hindu and Islamic Approaches to Punishment

3. The Problematic of Capital Punishment (15 Hours)
   - 3.1 Constitutionality of Capital Punishment
   - 3.2 Judicial Attitudes Towards Capital Punishment in India - an inquiry through the statue law and case law.
   - 3.3 Law reform Proposals

4. Approaches to Sentencing (10 Hours)
   - 4.1 Alternatives to Sentencing
     - 4.1.1 Probation & Parole
     - 4.1.2 Corrective Labour
     - 4.1.3 Fine

4.1.4 Compensation to Victims of crime

5. Sentencing (16 Hours)

5.1 Principal types of Sentences in Penal Code and Special Laws

5.2 The Problems of Default Sentence (Imprisonment for non-payment of fine)

5.3 Pre-Sentence Hearing

5.4 Sentencing for habitual offender

5.5 Summary punishment

5.6 Sentencing Process and Marginalized Accused

6. Imprisonment (15 Hours)

6.1 The State of India's Jails today

6.2 The Disciplinary Regime of Indian Prisons

6.3 Classification of Prisoners

6.4 Rights of Prisoner and Duties of Custodial Staff

6.5 Deviance by Custodial Staff

6.6 Open prisons

6.7 Judicial surveillance - Basis - Development reforms

NOTE:

Hours reserved for Seminars:	6
Hours reserved for Home Assignments:	6
Hours reserved for Internal Tests:	2

Select Bibliography

S Chhabra, *The Quantum of Punishment in Criminal Law*

H.L.A. Hart, *Punishment and Responsibility*

Herbert L. Packer, *The Limits of Criminal Sanction*

Alf Ross, *On Guilt, Responsibility and Punishment* Latest Edn. See also U. Baxi Review of this work in 21 J.I.L.I. 407 (1979)

A. Siddique, *Criminology,* Latest Edn.

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 1969-1979

Tapas Kumar Banerjee, *Background to Indian Criminal Law*

Note: ***Latest Case Laws and Journal Articles should be updated regularly and included in the curriculum. The above list of books is not an exhaustive one.***

LL.M. SYLLABUS

GROUP – C CRIMINAL LAW

OPTIONAL PAPER-III

TOTAL CREDITS ALLOTTED: 6

03 PRIVILEGED CLASS DEVIANCE

Objectives of the course

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 "Crime 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 newspaper/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 spreadover a period of one semester.

Syllabus

1. Introduction (20 Hours)

1.1 Conceptions of While Collar Crimes

1.2 Indian approaches to socio-economic offences

1.3 Notions of privileged class deviance as providing a wider categorization of understanding Indian development.

1.4 Typical forms of such deviance

1.4.1 Official deviance (deviance by legislature, judges, bureaucrats)

1.4.2 Professional deviance; journalists, teachers, doctors, lawyers, engineers, architects and publishers

1.4.3 Trade union deviance (including teachers, lawyers/urban property owners)

1.4.4 Landlord deviance (class/caste based deviance)

1.4.5 Police deviance

1.4.6 Deviance electoral booth capturing, (rigging, on process impersonation, corrupt practices)

1.4.7 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.

2. Official Deviance (10 Hours)

2.1 Conception of official deviance - permissible limit of discretionary powers

2.2 The Chambal Valley Dacoit; Vinoba Mission and J ai Prakash Mission for surrender of Dacoits - in 1959 and 1971

2.3 The Das Commission Report on Pratap Singh Kairon

2.4 The Grover Commission Report on Dev Raj Urs

2.5 The Maruti Commission Report

2.6 The Thakkar-Natarajan Commission Report on Fairfax

2.7 Shah Commission Report

3. Police Deviance (16 Hours)

3.1 Structures of Legal restraint on police powers in India

3.2 Unconstitutionality of "third-degree" methods and use of fatal force by police

3.3 "Encounter" Killings

3.4 Police atrocities

3.5 The plea of superior orders

3.6 Rape and related forms of gender based aggression by police and paramilitary forces

3.7 Reform suggestions especially by the National Police Commissions

4. Professional Deviance (10 Hours)

4.1 Unethical practices at the Indian bar

4.2 The Lentin Commission Report

4.3 The Press Council on unprofessional and unethical journalism, yellow journalism

4.4 Medical malpractices

5. Responses of Indian Legal Order to the deviance of Privilleged Classes (10 Hours)

5.1 Vigilance Commission: CVC
5.2 Public Accounts Committee
5.3 Ombudsman
5.4 Commission of Enquiry
5.5 Prevention of Corruption Act, 1947
5.6 The Antulay Case

NOTE:

Hours reserved for Seminars:	6
Hours reserved for Home Assignments:	6
Hours reserved for Internal Tests:	2

Select Bibliography

Upendra Baxi, *'The Crisis of the Indian Legal System*
Upendra Baxi, *Law and Poverty; Essays*
Upendra Baxi, *Liberty and Corruption: The Antulay Case and Beyond*
Surendranath Dwevedi and G.S. Bhargava, *Political Corruption in India*
A.R. Desai (ed.), *Violation of democratic Rights in India*
A.G. Noorani, *Minister's Misconduct*
B.B. Pande, *The Nature and Dimensions of Privileged Class Deviance in The Other Side of Development* 136 (187; *K.S. Shukla ed)*
Indra Rothermund, *Patterns of Trade Union Leadership in Dhanbad Coal Fields"* 23 J.I.L.I. 522

Note: Latest Case Laws and Journal Articles should be updated regularly and included in the curriculum. The above list of books is not an exhaustive one.

LL.M. SYLLABUS
GROUP – C CRIMINAL LAW
OPTIONAL PAPER-IV
TOTAL CREDITS ALLOTTED: 6

04 *DRUG ADDICTION, CRIMINAL JUSTICE AND HUMAN RIGHTS*

Objectives of the course

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 of 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 behviour? Secondly, in what ways do criminal behaviour patterns determine drug abuse? Third, are there any common factors which ontribute to the determination of both drug abuse and criminal behviour?

Apart from these causal issues, there is the board 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 subjected to state control over individual choices as to survival and life-styles?

The problems here are not merely ideological or theoretical. User to drugsfor personal, non-therapeutic 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 adopted the basic principles of these conventions in the Narcotic Drugsan 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) way of prevention of abuse of drugs, including speedy diagnosis, treatment, correction, aftercare, rehabilitation, and realization of persons affected.

Important problems of method in studying the impact of regulation need evaluated at every stage.

The following syllabus prepared with this perspective will be spread over a period of one Semester.

Syllabus

1. Introductory (8 Hours)

1.1 Basic Conceptions

"drugs", "narcotics", 'Psychotropic substances"

1.1.2 "dependence", "addiction"

1.1.3 "crime without victims"

1.1.4 "trafficking" in "drugs"

1.1.5 "primary drug abuse"

2. How Does One Study the Incidence of Drug Addiction and Abuse? (8 Hours)

2.1 Self-Reporting

2.2 Victim-studies

2.3 Problems of Comparative Studies

3. Anagraphic and Social Characteristics of Drug Users (12 Hours)

3.1 Gender

3.2 Age

3.3 Religiousness

3.4 Single Individuals Cohabitation

3.5 Socio-economic level of family

3.6 Residence Patterns (urban/rural/urban)

3.7 Educational levels

3.8 Occupation

3.9 Age at first use

3.10 Type of Drug use

3.11 Reasons given as cause of first use

3.12 Method of Intake

3.13 Pattern of the Use

3.14 Average Quantity and Cost

3.15 Consequences on addict's health (physical/psychic)

Note: Since no detailed empirical studies exist in India, the class should be in this topic sensitized by comparative studies. The principle objective of this discussion is to orient the class to a whole variety of factors which interact in the 'making' of a drug addict.

4. The International Legal Regime (12 Hours)

4.1 Analysis of the background, text and operation of the Single Convention on Narcotic Drugs, 1961, 1972

4.2 Analysis of Convention on Psychotropic Substances, 1972

4.3 International collaboration in combating drug addiction

4.4 The SAARC, and South-South Cooperation

4.5 Profile of international market for Psychotropic Substances

5. The Indian Regulatory System (12 Hours)

5.1 Approaches to Narcotic Trafficking during Colonial India

5.2 Nationalist Thought towards Regulation of Drug Trafficking and Usage

5.3 The Penal Provisions (under the IPe, See Customs Act)

5.4 India's Role in the Evolution of the two international Conventions

5.5 Judicial Approaches to Sentencing in Drug Trafficking and Abuse

5.6 The Narcotic Drugs and Psychotropic Substances Act, 1985

5.7 Patterns of Resource Investment in India: Policing adjudication, treatment, aftercare, and rehabilitation

6. Human Rights Aspects (12 Hours)

6.1 Deployment of Marginalized People as Carrier of Narcotics

6.2 The Problem of Juvenile drug use and legal approaches

6.3 Possibilities of Misuse and Abuse of Investigative Prosecutory Powers

6.4 Bail

6.5 The Problem of Differential Application of the Legal Regimes, especially in relation to the resourceless.

7. The Role of Community in Combating Drug Addiction (12 Hours)

7.1 Profile of Community initiatives in Inhibition of Dependence and Addiction (*e.g.*, deaddiction aftercare)

7.2 The Role of Educational System

7.3 The Role of Medical Profession

7.4 The Role of Mass Media

7.5 Initiatives for compliance with Regulatory Systems

7.6 Law Reform Initiatives

NOTE:

Hours reserved for Seminars:	6
Hours reserved for Home Assignments:	6
Hours reserved for Internal Tests:	2

Select Bibliography

H.S. Becker, *Outsiders: The Studies in Sociology of Deviance*

I.A. Incard, C.D. Chambers, *(Eds) Drugs and the Criminal Justice System*

R. Cockell, *Drug Abuse and Personality in Young Offenders*

T. Duster, *The Legislation of Morality: Law, Drugs and Moral and Judgement*

G. Edwards Busch, (ed) *Drug Problems in Britain: A Review ofTen Years*

P. Kondanram and V.N. Murthy, *"Drug Abuse and Crime: A Preliminary Study"* 7 Indian Journal of Criminology 65-68 (1979)

P.R. Rajgopal, *Violence and Response: A Critique of the Indian Criminal System*

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)

Journals of Drug Issues (Tallehesse Florida)

International Journal of Criminology

British Journal of Criminology

Journal of Criminal Law, Criminology and Police Science (Baltimore, Md)

Journal of Criminal Law and Criminology (Chicago, III)

International Journal of Offender Therapy and Comparative Criminology (Landon)

Bulletin on Narcotics (United Nations)

LL.M. SYLLABUS
GROUP – C CRIMINAL LAW
OPTIONAL PAPER-V
TOTAL CREDITS ALLOTTED: 6

05 *JUVENILE DELINQUENCY*

Objectives of the course

Juvenile delinquency is considered and important branch of criminology. Young offenders have provided a lot of materials for theory building to adult sociologists and criminologists. The impact of juvenile delinquency upon the formation of Indian criminology tradition dies not seem to be noticeable. But often careers in crime are learnt, even if involuntarily in adolescence. 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 senator of criminal justice system and should not be treated in the same way as the adult of offenders. Juvenile Justice System, although a part of the criminal justice system has not its own autonomous characteristics.

In addition, the state and the law also have to deal with juveniles in certain situations, as a parens patriae. The category of 'neglected children' define 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; this, too, needs to be examined.

The institutional care of children poses its own distinctive dilemmas. These, too, should be discussed; especially, the level of resource investment compared with the extent of need.

The following syllabus prepared with this perspective will be spread over aperiod of one Semester.

Syllabus

1. The Basic Concepts (10 Hours)
   - 1.1 The Conception of 'child' in Indian Constitution and Penal Code
   - 1.2 Delinquent Juvenile
   - 1.3 "Neglected" Juvenile
   - 1.4 the overall situation of Children Young Persons in India, also with? reference to Crime Statistics (of crimes by and against Children) Determining Factors of Juvenile Delinquency

2. Determining Factors of Juvenile Delinquency(10 Hours)
   - 2.1 Differential Association
   - 2.2 Anomie
   - 2.3 Economic Pressure
   - 2.4 Peer Group Influence
   - 2.5 Gang Sub-Culture
   - 2.6 Class Differentials

3. Legislative Approaches (16 Hours)
   - 3.1 Legislative Approaches during the late colonial era
   - 3.2 Children's Act
   - 3.3 Legislative Position in Various States
   - 3.4 The Juvenile Justice Act
   - 3.5 Constitutional Aspects
   - 3.6 Distinction between "Neglected" and Delinquent" Juveniles
   - 3.7 Competent Authorities
   - 3.8 Professional Safe guards for juveniles
   - 3.9 Powers given to Government
   - 3.10 Community Participation as envisaged under the Act

4. Indian Context of Juvenile Delinquency (10 Hours)

4.1 The child Population Percentage to Total, Sex-Ratio, Urbanl Rurall Rural Urban

4.2 Neglected - Below Poverty line, physically and mentally disabled, orphans, destitute, vagrants

4.3 Labourers

4.3.1 In organized industries like zari, carpet, bidi, glass

4.3.2 In unorganized sector like domestic servant, shops and establishments, ragpickers, family trade

4.4 Delinquent - number, sex-ratio, ratio to adult crime, types of offences committed, recidivism, rate of increase background

4.4 Drug addicts

2.2Victims

4.6.1 Of violence - sexual abuse, battered, killed by parents

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

5. Judicial Contribution (10 Hours)

5.1 Social Action Litigation concerning Juvenile Justice

5.2 Salient Judicial Decisions

5.3 Role of Legal Profession in Juvenile Justice System

6. Implementation (10 Hours)

6.1 Institutions, bodies, personnel

6.2 Recruiting and funding agencies

6.3 Recruitment qualifications and salaries or fund

6.4 Other responsibilities of each agency/person

6.5 Coordination among related agencies

6.6 Accountability-annual reports and accessibility of public to juvenile

justice institution.

7. Preventive Strategies (10 Hours)

7.1 State Welfare Programmes

7.2 Health, Nutrition, ICWS, Grants-in aid Compulsory Education

7.3 Role of community, family, voluntary bodies, individuals.

NOTE:

Hours reserved for Seminars:	6
Hours reserved for Home Assignments:	6
Hours reserved for Internal Tests:	2

Select Bibliography

National Institute of Social Defence, *Model Rules Under the Juvenile Justice Act, 2000*

K.S. Shukla, *Adolescent Offender*

United Nations, *Beijing Rules on Treatment of Young Offenders*

Myron Weiner, *The child and State in India*

The United Nation Declaration on the Rights of Children

UNICEF *Periodic Materials.*

Note: Latest Case Laws and Journal Articles should be updated regularly and included in the curriculum. The above list of books is not an exhaustive one.

LL.M. SYLLABUS
GROUP – C CRIMINAL LAW
OPTIONAL PAPER-VI

TOTAL CREDITS ALLOTTED: 6

06 *COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM*

Objectives of the course

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 etiology 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 aperiod of one Semester.

Syllabus

1. Introductory (16 Hours)

1.1 Notions of "force", "coercion", "Violence"
1.2 Distinctions: "Symbolic" violence, "institutionalized" violence, "Structural violence"
1.3 Legal order as a coercive normative order
1.4 Force-monopoly of modern law
1.5 "Constitutional" and "Criminal" Speech: Speech as incitement to violence
1.6 "Collective political violence" and legal order
1.7 Nation of legal and extra-legal 'repression'

2. Approaches to Violence in India (15 Hours)

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

3. Agrarian Violence and Repression (15 Hours)

3.1 The nature and Scope of Agrarian Violence in the 18-19 Century in India
3.2 Colonial Legal Order as a Causative Factor of Collective Political (agrarian Violence)
3.3 The Telangana Struggle and the Legal Order
3.4 The Report of the Indian Human Rights Commission on Arwal Massacre

4. Violence against the Scheduled Castes (15 Hours)

4.1 Notion of atrocities

4.2 Incidence of Atrocities

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

4.4 Violence Against Women

5. Communal Violence (15 Hours)

5.1 Incidence and courses of "Communal" Violence

5.2 Finding of various Commission of Enquiry

5.3 The Role of Police and Para- Military Systems in Dealing with Communal Violence

5.4 Operation of Criminal Justice system during, and in relation to, communal violence

NOTE-: Choice of further areas will have to be made by the teacher and the taught. The areas may be chosen from: electoral, campus, industrial, police violence).

NOTE:

Hours reserved for Seminars:	6
Hours reserved for Home Assignments:	6
Hours reserved for Internal Tests:	2

Select Bibliography

U. Baxi, *"Dissent, Development and Violence" in* R. *Meagher (ed). Law and Social Change Indo-American Reflections* Latest Edn.
U. Baxi, *Law and Poverty: Critical Essays,* Latest Edn.

A.R. Desai, *Agrarian Struggles in India: After Independence* Latest Edn.

D.A. Dhangare, *Peasant Movement in India: 1920-1950* Latest Edn.

Ranjit Guha, *Elementary Aspects of Peasant Insurgency in Colonial India* Latest Edn.

Ranjit Guha, *(ed) Subaltern Studies Viol.* 1-6 Latest Edn.

T. Honderich, *Violence for Equality* Latest Edn.

Mark Juergensmeyer, *"The Logic of Religious Violence: The Case of Punjab"* 22 Contributions to Indian Sociology Latest Edn.

Rajni Kothari, *State against Democracy* Latest Edn.

G. Shah, *Ethnic Minorities and Nation Building: Indian Experience* Latest Edn.

K.S. Shukla, *"Sociology of Deviant Behaviour"* in 3 ICSSR Survey of Sociology and Social Anthropology 1969-1979 Latest Edn.

Note: Latest Case Laws and Journal Articles should be updated regularly and included in the curriculum. The above list of books is not an exhaustive one.

LL.M. Syllabus GROUP - C:

BUSINESS LAW

[LL.M.- PART-I]

OPTIONAL PAPER-I

TOTAL CREDITS ALLOTTED: 6

C 018 LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY

Objectives of the course

The concept of intellectual property rights as developed in India cannot be divorced from the developments in the international arena as well as in the nation-to-nation relations. The impact of IPR regime on the economic front is 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 right 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 :

1. IPR and International Perspectives (3 Hours)

2. Trademarks and Consumer Protection (Study of UNCTAD report on the subject) (3 Hours)

3. The Legal Regime of Unfair Trade Practices and of Intellectual Industrial Property (10 Hours)

   3.1. United Nations approaches (UNCTAD, UNCITRAL)

   3.2. EEC approaches

   3.3. Position in U.S.

   3.4. The Indian situation.

4. Special Problems of the Status of Computer Software in Copyright and Patent Law: A Comparative Study. (6 Hours)

5. Biotechnology Patents: (20 Hours)

   5.1. Nature and types of biotechnology patents

   5.2. Patent over new forms of life: TRIPS obligations

   5.3. Plant patenting

   5.4. Sui generis protection for plant varieties

   5.5. Multinational ownership

   5.6. Regulation of environment and health hazards in biotechnology patents

   5.7. Indian policy and position.

6. Patent Search, Examination and Records: (14 Hours)

   6.1. International and global patent information retrieval systems (European Patent Treaty).

   6.2. Patent Co-operation Treaty (PCT)

   6.3. Differences in resources for patent examination between developed and developing societies

   6.4. The Indian situation

7. Special Problems of Proof of Infringement: (14 Hours)

7.1. Status of intellectual property in transit - TRIPS obligation - Indian position.

7.2. The evidentiary problems in action of passing off.

7.3. The proof of non-anticipation, novelty of inventions protected by patent law

7.4. Evidentiary problems in piracy : TRIPS obligation - reversal of burden of proof in process patent

7.5. Need and Scope of Law Reforms.

8. Intellectual Property and Human Right (6 Hours)

8.1. Freedom of speech and expression as the basis of the regime of intellectual property right - copyright protection on internet - WCT (WIPO Copyright Treaty, 1996).

8.2. Legal status of hazardous research protected by the regime of intellectual property law.

8.3. Human right of the impoverished masses intellectual property protection of new products for healthcare and food security

8.4. Traditional knowledge - protection- biodiversity convention- right of indigenous people.

NOTE:

Hours reserved for Seminars:	6
Hours reserved for Home Assignments:	6
Hours reserved for Internal Tests:	2

Select bibliography

Special attention should be given to literature of the U.N. System,WIPO and the UNESCO.

Terenee P. Stewart (ed.), The GATT Uruguay Round: A NegotiatingHistory (1986-1994) the End

Game (Part - 1)(1999), Kluwer

Iver P. Cooper, Biotechnology and Law (1998), Clerk BoardmanCallaghan, New York.

David Bainbridge, Software Copyright Law (1999), ButterworthsSookman, 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 Christopher Wadlow, The Law Of Passing-Off (1998), Sweet andMaxwell

W.R.Cornish, Intellectual Property Law (1999), Sweet and Maxwell

LL.M. SYLLABUS

GROUP – C BUSINESS LAW

[LL.M.- PART-I]

OPTIONAL PAPER-II

TOTAL CREDITS ALLOTTED: 6

C 019 LEGAL REGULATION OF ECONOMIC ENTERPRISES

Objectives of the course

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

1. The Rationale of Government Regulation (10 Hours)
   - 1.1. Constitutional perspectives
   - 1.2. The new economic policy - Industrial policy resolutions,

declarations and statements

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

1.4. Regulation of economic activities

1.4.1. Disclosure of information

1.4.2. Fairness in competition

1.4.3. Emphasis on consumerism

2. Development and Regulation of Industries (3 Hours)

3. Take-over of Management and Control of Industrial Units (3 Hours)

4. Sick Undertakings: Nationalisation or Winding Up? (4 Hours)

5. Licensing Policy and Legal Process - Growing Trends of Liberalisation (2 Hours)

6. Deregulation of essential commodities: developmental sign or a social mishap? (2 Hours)

7. Financial Services : Changing Techniques of Regulation (4 Hours)

8. Critical Issues Regarding the Capital Issues (15 Hours)

8.1. Equity and debt finance

8.2. Global depositories

8.3. De-materialised securities

9. Problems of Control and Accountability: Regulation of Hazardous Activity (8 Hours)

9.1. Mass disaster and environmental degradation : legal liability and legal remedies

9.2. Public Liability Insurance : adequacy

9.3. Issues in zoning and location of industrial units

10. Special Aspects of Legal Regulation of Select Public Enterprises (10 Hours)

10.1. Telecom Regulatory Authority

10.2. Insurance Regulatory Authority

10.3. Broadcasting Regulatory Authority

11. Legal Regulation of Multi-Nationals (15 Hours)

11.1. Collaboration agreements for technology transfer

11.2. Development and regulation of foreign investments

11.2.1. Investment in India : FDIs and NRIs

11.2.2. Investment abroad

NOTE:

Hours reserved for Seminars:	6
Hours reserved for Home Assignments:	6
Hours reserved for Internal Tests:	2

Select bibliography

S. Aswani Kumar, The Law of Indian Trade Mark (2001), Commercial LawHouse, Delhi.

Industrial Policy Resolutions of 1948,1956, 1991

Industrial Licensing Policy 1970,1975

Industrial Policy Statements 1973,1977, 1980

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)

LL.M. SYLLABUS

GROUP – C BUSINESS LAW

[LL.M.- PART-I]

OPTIONAL PAPER-III

TOTAL CREDITS ALLOTTED: 6

C 020 LAW OF EXPORT IMPORT REGULATION

Objectives of the course

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 necessitatedthe 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 ofits 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. Oneof 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 andImport 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.

The following syllabus prepared with these objectives will comprise about 42 units of one-hour duration each spread over a period ofone semester.

Syllabus

1. Introduction (5 Hours)

1.1. State control over import and export of goods - from rigidity to liberalisation.

1.2. Impact of regulation on economy.

2. The Basic Needs of Export and Import Trade (8 Hours)

2.1. Goods

2.2. Services

2.3. Transportation

3. International Regime (10 Hours)

3.1. WTO agreement

3.2. WTO and tariff restrictions

3.3. WTO and non-tariff restrictions

3.4. Investment and transfer of technology

3.5. Quota restriction and anti-dumping

3.6. Permissible regulations

3.7. Quarantine regulation

3.8. Dumping of discarded technology and goods in international market

3.9. Reduction of subsidies and counter measures.

4. General Law on Control of Imports and Exports(12 Hours)

4.1. General scheme

4.2. Legislative control

4.2.1. Power of control : Central government and RBI

4.2.2. Foreign Trade Development and Regulation Act 1992

4.2.3. Restrictions under customs law

4.2.3.1. Prohibition and penalties

4.3. Export-Import formulation : guiding features

4.3.1. Control under FEMA

4.3.2. Foreign exchange and currency

4.3.2.1. Import of goods

4.3.2.2. Export promotion councils

4.3.2.3. Export oriented units and export processing zones

5. Control of Exports (6 Hours)

5.1. Quality control

5.2. Regulation on goods

5.3. Conservation of foreign exchange

5.3.1. Foreign exchange management

5.3.2. Currency transfer

5.3.3. Investment in foreign countries

6. Exim Policy: Changing Dimensions (10 Hours)

6.1. Investment policy : NRIs, FIIs (foreign institutional investors), FDIs

6.2. Joint venture

6.3. Promotion of foreign trade

6.4. Agricultural products

6.5. Textile and cloths

6.6. Jewellery

6.7. Service sector

7. Law Relating to Customs (10 Hours)

7.1. Prohibition on importation and exportation of goods

7.2. Control of smuggling activities in export-import trade

7.3. Levy of, and exemption from, customs duties

7.4. Clearance of imported goods and export goods

7.5. Conveyance and warehousing of goods

8. Regulation on Investment (10 Hours)

8.1. Borrowing and lending of money and foreign currency

8.2. Securities abroad - issue of

8.3. Immovable property - purchase abroad

8.4. Establishment of business outside

8.5. Issue of derivatives and foreign securities-GDR(global depositories receipts), ADR (American depository receipts) and Uro

8.6. Investment in Indian banks

8.7. Repatriation and surrender of foreign securities

9. Technology transfer (5 Hours)

9.1. Restrictive terms in technology transfer agreements

9.2. Automatic approval schemes

NOTE:

Hours reserved for Seminars:	6
Hours reserved for Home Assignments:	6
Hours reserved for Internal Tests:	2

Select bibliography

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

Final Treaty of GATT, 1994.

LL.M. SYLLABUS
GROUP – C BUSINESS LAW
[LL.M.- PART-II]
OPTIONAL PAPER-IV
TOTAL CREDITS ALLOTTED: 6

C 021 BANKING LAW

Objectives of the course

A vitally important economic institution the banking system is deeply influenced by socio-political and economic changes. The emerging changes in India, particularly after the initiation of the planning process as an instrument of rapid economic development had moulded and 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.

This course is designed to acquaint the students with the conceptual and operational parameters of banking law, the judicial interpretation and the new and emerging dimensions of the banking

system.

The course will comprise of about 42 units of one-hour durationeach spread over a period of one semester.

Syllabus

1. Introduction (6 Hours)

1.1. Nature and development of banking

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

1.3. Multi-functional banks - growth and legal issues.

2. Law Relating to Banking Companies in India (10 Hours)

2.1. Controls by government and its agencies.

2.1.1. On management

2.1.2. On accounts and audit

2.1.3. Lending

2.1.4. Credit policy

2.1.5. Reconstruction and reorganisation

2.1.6. Suspension and winding up

2.2. Contract between banker and customer: their rights and duties

3. Social Control over Banking (5 Hours)

3.1. Nationalization

3.2. Evaluation: private ownership, nationalisation and disinvestment

3.3. Protection of depositors

3.4. Priority lending

3.5. Promotion of under privileged classes

4. Deposit Insurance (5 Hours)

4.1 The Deposit Insurance Corporation Act 1961: objects andreasons

4.1.2 Establishment of Capital of DIC

4.1.3 Registration of banking companies insured banks, liability of DIC to depositors

4.1.4 Relations between insured banks, DIC and Reserve Bank of India

5. The Central Bank (10 Hours)

5.1. Evolution of Central Bank

5.2. Characteristics and functions

5.3. Economic and social objectives

5.4. The Central Bank and the State - as bankers' bank

5.5. The Reserve Bank of India as the Central Bank

5.5.1. Organisational structure

5.6. Functions of the RBI

5.6.1. Regulation of monitory mechanism of the economy

5.6.1.1. Credit control

5.6.1.2. Exchange control

5.6.1.3. Monopoly of currency issue

5.6.1.4. Bank rate policy formulation

5.7. Control of RBI over non-banking companies

5.7.1. Financial companies

5.7.2. Non-financial companies

6. Relationship of Banker and Customer (10 Hours)

6.1. Legal character

6.2. Contract between banker and customer

6.3. Banker's lien

6.4. Protection of bankers

6.5. Customers

6.5.1. Nature and type of accounts

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

6.6. Banking duty to customers

6.7. Consumer protection: banking as service

7. Negotiable Instruments (7 Hours)

7.1. Meaning and kinds

7.2. Transfer and negotiations

7.3. Holder and holder in due course

7.4. Presentment and payment

7.5. Liabilities of parties

8. Lending by Banks (8 Hours)

8.1. Good lending principles

8.1.1. Lending to poor masses

8.2. Securities for advances

8.2.1. Kinds and their merits and demerits

8.3. Repayment of loans : rate of interest, protection against penalty

8.4. Default and recovery

8.4.1. Debt recovery tribunal

9. Recent Trends of Banking System in India (10 Hours)

9.1. New technology

9.2. Information technology

9.3. Automation and legal aspects

9.4. Automatic teller machine and use of internet

9.5. Smart card

9.6. Use of expert system

9.7. Credit cards

10. Reforms in Indian Banking Law (5 Hours)

10.1. Recommendations of committees: a review

NOTE:

Hours reserved for Seminars:	6
Hours reserved for Home Assignments:	6
Hours reserved for Internal Tests:	2

Select bibliography

Basu, A. Review of Current Banking Theory and Practise (1998) Macmillan

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 PublisherDistributors Ltd. New Delhi.

M. Dassesse, S. Isaacs and G. Pen, E.C. Banking Law, (1994) Lloydsof London Press, London

V. Conti and Hamani (eds.), Financial Markets' Liberalization andthe 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. Subrahmanyan, Banking Reforms ain India (1997) Tata MaigrawHill, New Delhi.

Subodh Markandeya and Chitra Markandeye, 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.

Anthony Pierce, Demand Guarantees in International Trade (1993)Sweet & Maxwell,

Ross Cranston (ed.) European Banking Law: The Banker-Customer Relationship (1999) LLP, London

Mitra, The Law Relating to Bankers' Letters of Credit and AlliedLaws, (1998) University Book Agency, Allahabad.

R.K. Talwar, Report of Working Group on Customer Service in Banks Janakiraman Committee Report on Securities Operation of Banks and Financial Institution (1993)

Narasimham Committee report on the Financial System (1991)-

Second Report (1999)

LL.M. SYLLABUS
GROUP – C BUSINESS LAW
[LL.M.- PART-II]
OPTIONAL PAPER-V
TOTAL CREDITS ALLOTTED: 6

C 022 INSURANCE LAW

Objectives of the course

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 riskof 1oss 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, live stock, crop, burglary and various other disasters.

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

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

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

Syllabus

1. Introduction (10 Hours)

1.1. Nature of insurance contract, various kinds of insurance,

proposal, policy, parties, consideration, need for utmost goodfaith, insurable interest, indemnity

1.2. Insurance policy, law of contract and law of torts-future of insurance : need, importance and place of insurance

1.3. Constitutional perspectives- the Entries 24,25,29,30,47 of List 1 Union List; 23, 24, of List III

2. General Principles of Law of Insurance (10 Hours)

2.1. Definition, nature and history

2.2. The risk - commencement, attachment and duration

2.3. Assignment and alteration

2.4. Settlement of claim and subrogation

2.5. Effect of war upon policies

3. Indian Insurance Law: General (8 Hours)

3.1. History and development

3.2. The Insurance Act 1938 and the Insurance Regulatory Authority Act 2000

3.3. Mutual insurance companies and cooperative life insurance societies

3.4. Double Insurance and re-insurance

4. Life Insurance (12 Hours)

4.1. Nature and scope

4.2. Event insured against life insurance contract

4.3. Circumstances affecting the risk

Law 261

4.4. Amounts recoverable under life policy

4.5. Persons entitled to payment

4.6. Settlement of claim and payment of money

5. Marine Insurance (8 Hours)

5.1. Nature and Scope

5.2. Classification of marine policies

5.2.1. The Marine Insurance Act, 1963

5.2.2. Marine insurance

5.2.3. Insurable interest, insurable value

5.2.4. Marine insurance policy - condition. - express warranties construction of terms of policy

5.2.5. Voyage-deviation

5.2.6. Perils of the sea

5.2.7. Assignment of policy

5.2.8. Partial laws of ship and of freight, salvage, general average, particular charges

5.2.9. Return of premium

6. Insurance Against Accidents (8 Hours)

6.1. The Fatal Accidents Act, 1855

6.1.1. Objects and reasons

6.1.2. Assessment of compensation

6.1.3. Contributory negligence,

6.1.4 Apportionment of compensation and liability

6.2. The Personal Injuries (Compensation insurance) Act 1963

6.2.1. Compensation payable under the Act

6.2.2. Compensation insurance scheme under the Act-Compulsory insurance

7. Property Insurance (8 Hours)

7.1. Fire insurance

7.2. The Emergency Risks (Factories) Insurance

7.3. The Emergency Risks (Goods) Insurance

7.4. Policies covering risk of explosion

7.5. Policies covering accidental loss, damage to property

7.6. Policies covering risk of storm and tempest

7.7. Glass-plate policies

7.8. Burglary and theft policies

7.9. Live stock policies

7.10. Goods in transit insurance

7.11. Agricultural insurance

8. Insurance Against Third Party Risks (8 Hours)

8.1 The Motor Vehicles Act, 1988

8.1.1 Nature and scope

8.1.2 Effect of insolvency or death on claims of insolvency and death of parties, certificate of insurance

8.1.3 Claims tribunal: constitution, functions, application for compensation, procedure, powers and award

8 2 Liability Insurance

8.2.1 Nature and kinds of such insurance

8.2.2 Public liability insurance

8.2.3 Professional negligence insurance

9. Miscellaneous Insurance Schemes: New Dimensions (4 Hours)

9.1 Group life insurance

9.2 Mediclaim, sickness insurance

NOTE:

Hours reserved for Seminars:	6
Hours reserved for Home Assignments:	6

Hours reserved for Internal Tests: 2

Select bibliography

John Hanson and Christopals Henly, 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 LawHouse, Hyderabad

JCB Gilmar and Mustill, Arnold on the Law of Marine Insurance,(1981), Sweet & Maxwell

Birds, Modern Insurance Law (1997) Sweet & Maxwell

Colinvaux's Law of Insurance (1997), Sweet & Maxwell O'Mary

on Marine Insurance (1993), Sweet & Maxwell.

International Labour Office, Administration Practice of social Insurance (1985)

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)

LL.M. SYLLABUS

GROUP – C BUSINESS LAW

[LL.M.- PART-II]

OPTIONAL PAPER-VI

TOTAL CREDITS ALLOTTED: 6

C 023 CORPORATE FINANCE

Objectives of the course

Industrialisation 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, utilising 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 lastdecades started to impart instruction so as to turn out sufficiently well equipped and adequately trained financial personnel. However, the legal and juristic aspects of corporate finance have been more or less not effectively taken care of.

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

(i) To understand the economic and legal dimensions of corporate finance in the process of industrial development in establishing social order in the context of constitutional values

(ii) To acquaint the students with the normative, philosophical and economic contours of various statutory rules relating to corporate finance

(iii) To acquaint the students with the organisation, 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.

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

Syllabus

1. Introduction (7 Hours)

1.1. Meaning, importance and scope of corporation finance

1.4. Capital needs - capitalisation - working capital - securities-borrowings-deposits debentures

1.5. Objectives of corporation finance - profit maximisation and wealth maximisation

1.6. 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.

2. Equity Finance (15 Hours)

2.1. Share capital

2.1.1. Prospectus - information disclosure

2.1.2. Issue and allotment

2.1.3. Shares without monetary consideration

2.1.4. Non-opting equity shares

3. Debt Finance (10 Hours)

3.1. Debentures

3.1.2. Nature, issue and class

3.1.3. Deposits and acceptance

3.1.4. Creation of charges

3.1.4.5. Fixed and floating charges

3.1.5. Mortgages

3.1.6. Convertible debentures

4. Conservation of Corporate Finance (10 Hours)

4.1. Regulation by disclosure

4.2. Control on payment of dividends

4.3. Managerial remuneration

4.4. Payment of commissions and brokerage

4.5. Inter-corporate loans and investments

4.6. Pay-back of shares

4.7. Other corporate spending

5. Protection of creditors (8 Hours)

5.1. Need for creditor protection

5.1.1. Preference in payment

5.2. Rights in making company decisions affecting creditor interests

5.3. Creditor self-protection

5.3.1. Incorporation of favourable terms in lending contracts

5.3.2. Right to nominate directors

5.4. Control over corporate spending

6. Protection of Investors (8 Hours)

6.1. Individual share holder right

6.2. Corporate membership right

6.3. Derivative actions

6.4. Qualified membership right

6.5. Conversion, consolidation and re-organisation of shares

6.6. Transfer and transmission of securities

6.7. Dematerialisation of securities

7. Corporate Fund Raising (10 Hours)

7.1. Depositories- IDR(Indian depository receipts), ADR(American depository receipts), GDR(Global depository receipts)

7.2. Public financing institutions - IDBI, ICICI, IFC and SFC

7.3. Mutual fund and other collective investment schemes

7.4. Institutional investments - LIC, UTI and banks

7.5. FDI and NRI investment - Foreign institutional investments (IMF and World bank

8. Administrative Regulation on Corporate Finance (8 Hours)

8.1. Inspection of accounts

8.2. SEBI

8.3. Central government control

8.4. Control by registrar of companies

8.5. RBI control

NOTE:

Hours reserved for Seminars:	6
Hours reserved for Home Assignments:	6
Hours reserved for Internal Tests:	2

Select bibliography

Alastair Hundson, The Law on Financial Derivatives (1998), Sweet & MaxwellEil's Ferran, 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) ButterworthsAusten R.P.,

The Law of Public Company Finance (1986) LBC

R.M. Goode, Legal Problems of Credit and Security (1988) Sweet and MaxwellAltman and Subrahmanyan, 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 PrivateCorporate Sector in India (1986)

Journals - Journal of Indian Law Institute, Journal of Business Law, CharteredSecretary, Company Law Journal, Law and Contemporary Problems.

Statutory Materials - Companies Act and laws relating SEBI, depositories,industrial financing and information technology.

LL.M. SYLLABUS

PART-II

COMPULSORY COURSE (PAPER – V)

GENERIC ELECTIVE PAPER-I

TOTAL CREDITS ALLOTTED: 6

LAW 005 DOCTRINAL RESEARCH PROJECT AND LAW TEACHING ASSIGNMENTS PART –I (A)

This comprises of 6 Credits having weightage of 100 marks.

i) Law Teaching Assignments (Training)

Out of 6 credits, 2 credits are allotted to law teaching Assignments(training) having weightage of 25 marks. Each student has to take up 5 teaching assignments to either LL.B or LL.M First year class. The performance of the student trainee will be supervised, observed, and evaluated by the course teacher. Students are at liberty to choose any methods of teaching.

ii) Doctrinal Research Project (Dissertation Part 1-A/Term Paper)

Out of 6 Credits, 4 Credits are allotted to Doctrinal Research Project having weightage of 75 Marks. Each student has to select a topic preferably from his specialization and collect material from the library. Based on collected material the student has to prepare Doctrinal Research Project Report which will be supervised and evaluated by the Supervisor

/ Guide so as to allot marks based on the performance of the concerned student.

NOTE:

Hours reserved for Seminars:	5
Hours reserved for Home Assignments:	2

LL.M. SYLLABUS
PART-II
COMPULSORY COURSE (PAPER – VI)
GENERIC ELECTIVE PAPER-II
TOTAL CREDITS ALLOTTED: 6

LAW006 NON- DOCTRINAL RESEARCH PROJECT AND LEGAL LITERARY / AWARENESS PART I (B)

This comprises of 6 credits having weightage of 100 marks.

i) Non- Doctrinal Research Project –

Out of 6 Credits, 4 credits are allotted to Non Doctrinal Research Project, having weightage of 75 marks. Each student has to select a topic from his / her specialization. For data collection students have to rely upon tools and teachings of Non Doctrinal Research method and using the tools of their choice the students have to collect the data from the society. Based on the collected material every student has to prepare a Non-Doctrinal Research Project Report which will be supervised and evaluated by the Supervisor/ Guide. Asocial marks based on the performance of the concerned student.

ii) Legal Literacy and Awareness (Outreach Activities)

Out of 6 Credits, 02 Credits are allotted to Legal Literacy and Awareness having weightage of 25 marks.

Law theme based on current developments need to be adopted by the law Department / Institutions and each student shall be directed to study the laws in detail pertaining to the theme and visit at least 25 families each

and spread the awareness. Every family need to certify, to the effect, that the student has enlightened to their satisfaction about the concerned laws. A summary write –up need to be prepare by the student on the Laws pertaining to the adopted theme and along with certificate of 25 families need to be Submitted to the Supervisor / Guide.

The student's performance need to be evaluated by the Supervisor /Guide on the basis of observation, evaluation and allotment of marks.

NOTE:

Hours reserved for Seminars:	5
Hours reserved for Home Assignments:	2

LL.M. SYLLABUS

PART-II

COMPULSORY COURSE (PAPER – VI)

DISCIPLINE CENTRIC ELECTIVE PAPER -I

TOTAL CREDITS ALLOTTED: 14

LAW 007 DISSERTATION PART– II

Dissertation: (170 hours)

The research problem for writing dissertation shall be selected from the area of Specialization opted by the student from the LL.M Course in consultation with the concerned Guide. Dissertation carrying 200 marks shall be prepared by the student with the research assistance and guidance by research Supervisor/ Guide. This Course comprises of 14 Credits.

It shall be evaluated externally and internally with 150 marks for the written work and 50 marks for presentation and *Viva –Voce*.

- Research Project Review Writing : (20 hours)

Research Project Review Writing comprises of 2 credits having weightage of 50marks. After submission of LL.M Dissertation / Research Project Report, every LL.M Final Year Student, who has completed the process of writing Dissertation shall also involve in Research Project Review Writing and make presentation on it. Department Head or P.G. Director along with research Guide of the concerned student will evaluate the performance by subjecting the student for presentation on review writing of his own Research Project already submitted.

NOTE:

Hours reserved for *viva voce*: 20

S*/-140616/-

DR. BABASAHEB AMBEDKAR MARATHWADA UNIVERSITY

ORDER NO. ACAD/SU/CBCGS/College P.G. level/14/2015

WHEREAS the **Academic Council** at its meeting held on **30-05-2015** has accepted to adopt the **Curriculum of "Choice Based Credit and Grading System" which are already run in University Campus, the same should be implement to the affiliated colleges at Post Graduate level from the Academic Year 2015-2016.**

AND

WHEREAS the Ordinances and Regulations are prepared for only to the University Departments who have given academic flexibility. The said ordinances and regulations can not apply as it is to the colleges & recognized institutions.

AND

WHEREAS the Academic Council in the above meeting has accepted the amendments to the Ordinances-885, 886, 887, 888 & 889 and revised Regulations-1927, 1928, 1929,1930,1931 & 1932 so as to feasible to implement for the said system to the affiliated colleges and recognized institutions.

AND

WHEREAS the said Ordinances and Regulations are yet to be considered by the Management Council, it will take quite some times and there after the Ordinances to be assented by the Hon'ble Chancellor.

AND

THEREFORE, I, PROFESSOR B.A. CHOPADE, VICE-CHANCELLOR of Dr. Babasaheb Ambedkar Marathwada University, in exercise of the powers conferred on me under Section-14[8] of the Maharashtra Universities Act, 1994, in order to regulate the matter urgently hereby direct that the said Ordinances and Regulations shall be effective from the Academic Year 2015-2016 are enclosed as per **Appendix 'A'**.

THESE directives **shall have immediate effect** and shall be operative till such time as Ordinances & Regulations are to be accepted by the Management Council and Ordinances are to be assented by the Hon'ble Chancellor.

University Campus,
Aurangabad-431 004.
Ref. No. Acad /SU/ CBCS /PG
COLLEGE LEVEL/2015/4992-5441
Date:- 30-05-2015.

Professor B.A. Chopade,
Vice-Chancellor.

*****

PTO

:: [2] ::

Copy forwarded with compliments for information and necessary action to :-

1] The Principals/Director, affiliated colleges & recognized institutions, Dr. Babasaheb Ambedkar Marathwada University

Copy to :-

1] The Controller of Examinations,
2] The Deputy Registrar, [Post Graduate],
3] The Deputy Registrar, [Examinations],
4] The Superintendent, [M.A. Unit],
5] The Superintendent, [M.Sc. Unit],
6] The Superintendent, [M.Com. Unit],
7] The Superintendent, [Management Unit],
8] The Superintendent, [Professional Unit],
9] The Superintendent, [Engineering Unit],
10] The Superintendent, [Convocation Unit],
11] The Superintendent, [Co-ordination Unit],
12] The Programmer [Computer Unit] Examinations,
13] The Superintendent, [Eligibility Unit],
14] The Director, University Network & Information Centre, with a request to upload the Ordinances & Regulations on University Website.
15] The Director, [E-Suvidha Kendra], in-front of Registrar's Quarter, Dr. Babasaheb Ambedkar Marathwada University.
16] The Public Relation Officer,
17] The Record Keeper,
Dr. Babasaheb Ambedkar Marathwada University.

SY/-200613/-

APPENDIX-'A'

DR. BABASAHEB AMBEDKAR MARATHWADA UNIVERSITY,
AURANGABAD.

Choice Based Credit Grading System

for Affiliated Colleges at

Post Graduate level

from the

ACADEMIC YEAR, 2015-2016

The detailed Scheme for Choice Based Credit System (CBCS) and Awarding Grades to the Post Graduate students.

The CBCS System

The affiliated colleges are going to adopt a credit-based system from the academic year 2015-16. This provides more responsive to the changing needs of our students, the professionals and society. It gives greater freedom to students to determine their own pace of study. The credit-based system also facilitates the transfer of credits.

O.885 : Admission / Promotion

Admission to the course in the concern college will be done on the performance of CET score and / or on their performance in the qualifying graduate level examination.

The student will apply on the application form of the college provided with the prospectus. ***Once the student is admitted to the concern college / course, he/she will be promoted to next semester with full carryon; subject to the registration of student in every consecutive semester.*** Dropout student will be allowed to register for respective semester as and when the concerned courses are offered by the college, subject to the condition that his/her tenure should not exceed more than twice the duration of course from the date of first registration at parent college. The admission of concern student will be automatically get cancelled if he/she fails to complete the course in maximum period (Four years/Eight semesters).

O.886 : Credits and Degrees

i) A candidate who has successfully completed all the core courses , Elective/ Specialized courses and, seminars and project prescribed and or optional service courses approved by the College for the programme with prescribed CGPA shall be eligible to receive the degree.

ii) One Credit shall mean one teaching period of one hour per week for one semester (of 15 weeks) for theory courses and two practical/laboratory/field/ demonstration hours / week for one semester.

iii) Every student will have to complete at least 100 credits to obtain the masters degree (Post graduate degree) in the subjects having practicals/laboratory/field /demonstration work out of which 96 credits should be from their respective subject and four credits from service courses, however the **affiliated college of Committee appointment by the University** can design the curriculum of more credits and it will be compulsory for the students from the respective college or University Department to complete the credits accordingly.

Iv. Every student will have to complete at least 64 credits to obtain the masters degree (Post graduate degree) in the subjects without practicals/laboratory/field /demonstration work out of which 64 credits should be from their respective subject and four credits from service courses, however the **affiliated college or committee appointed by the University** can design the curriculum of more credits and it will be compulsory for the students from respective **college or University Department** to complete the credits accordingly.

R.1927 : Courses

(i) Core Course :- A core course is a course that a student admitted to a particular P.G.programme must successfully complete to receive the degree. Normally no theory course shall have more than 4 credits.

(ii) Elective Course : Means an optional course from the basic subject or specialization.

(iii) Service course (SC) : The service courses will be offered in third and fourth semesters in different departments of the colleges or respective University Departments. Student should complete at least one service course in any semester.

(iv) Each Course shall include lectures / tutorials / laboratory or field work / Seminar / Practical training / Assignments / midterm and term end examinations/ paper / Report writing or review of literature and any other innovative practice etc., to meet effective teaching and learning needs.

(v) Attendance :- Students must have 75% of attendance in each Core and Elective course for appearing the examination. However student having 65% attendance with medical certificate may apply to the Principal for condonation of attendance.

R.1928 Registration for Service Course :-

i) The student will register the service course of his interest after the start of semester in the college department on official registration form. The teacher in-charge of the respective course will keep the record of the students registered. Maximum fifteen days period will be given from the date of admission for completion of registration procedure. The admission committee of the college shall follow a selection procedure after counselling to the students etc. to avoid overcrowding to particular course(s) at the expense of some other courses.

ii) No student shall be permitted to register for more than one service course in a semester.

iii) The University shall decide the maximum number of students in each service course taking into account the teachers and Physical facilities available in the college.

iv) The college may make available to all students a listing of all the courses offered in every semester specifying the credits, the prerequisites, a brief description or list of topics the course intends to cover, the instructor who is giving the courses, the time and place of the classes for the course. This information shall be made available on the college website.

v) Normally no service course shall be offered unless a minimum of 10 students are registered.

vi) The student shall have to pay the prescribed fee of Rs.100/- only per course per semester/year for the registration as decided by the University.

R.1929 Monitoring Committee of Post Graduate Programme :-

Every P.G. programme of the College shall be monitored by a committee constituted for this purpose by the college. The Committee shall consist of Principal as a Chairman and all P.G. Teachers of the college as its members.

R.1930 Grievances Redressal Results Committee of the college :-

The college shall form a Grievance Redressal Committee for each course in each department of college with the Course teacher and the Principal. This Committee shall solve all grievances relating to the assessment of the students.

O.887 : Grade Awards :-

(i) A ten point rating scale shall be used for the evaluation of the performance of the student to provide letter grade for each course and overall grade for the Master's Programme. Grade points are based on the total number of marks obtained by him/her in all the heads of examination of the course. These grade points and their equivalent range of marks are shown separately in Table-I.

Table I: Ten point grades and grade description

Sr. No.	Equivalent percentage	Grade points	Grade	Grade description
1.	90.00-100	9.00-10	O	Outstanding
2.	80.00-89.99	8.00-8.99	A^{++}	Excellent
3.	70.00-79.99	7.00-7.99	A^{+}	Exceptional
4.	60.00-69.99	6.00-6.99	A	Very good
5.	55.00-59.99	5.50-5.99	B^{+}	Good
6.	50.00-54.99	5.00-5.49	B	Fair
7.	45.00-49.99	4.50-4.99	C+	Average
8.	40.01-44.99	4.01-4.49	C	Below average
9.	40	4.00	D	Pass
10.	< 40	0.00	F	Fail

ii.) Non appearance in any examination/ assessment shall be treated as the student has secured zero mark in that subject examination/assessment.

iii.) Minimum D grade (4.00 grade points) shall be the limit to clear /pass the exam/subject. A student with F grade will be considered as 'failed' in the concerned course and he/she has to clear the course by reappearing in the next successive semester examinations. There will be no revaluation or recounting under this system.

iv.) Every student shall be awarded Grade points out of maximum 10 points in each subject (based on 10 Point Scale). Based on the Grade points obtained in each subject, Semester Grade Point Average (SGPA) and then Cumulative Grade Point Average (CGPA) shall be computed. Results will be announced at the end of each semester and cumulative Grade card with CGPA will be given on completion of the course.

O.888 : Computation of SGPA (Semester grade point average) & CGPA (Cumulative grade point average)

The computation of SGPA & CGPA, will be as below:

a. Semester Grade Point Average (SGPA) is the weighted average of points obtained by a student in a semester and will be computed as follows:

$$SGPA = \frac{Sum(Course\ Credit * Number\ of\ Points\ in\ concern\ course\ gained\ by\ the\ student)}{Sum(Course\ Credit)}$$

b. ***The Cumulative Grade Point Average (CGPA) will be used to describe the overall performance of a student in all semesters of the course and will be computed as under :-***

$$CGPA = \frac{Sum\ of\ Grade\ points\ earned\ of\ all\ Semesters}{Total\ no\ of\ Credits\ in\ all\ Semesters.}$$

Equivalent Percentage of CGPA should be shown on Grade Sheet as Equivalent Percentage = CGPA (10).

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Dr. Ambedkar College of Law Aurangabad

I/C Principal
Dr. Ambedkar College of Law
Aurangabad

III] DIPLOMA IN MEDICAL JURISPRUDENCE AND FORENSIC SCIENCE

Paper-I ORIGIN AND DEVELOPMENT OF MEDICAL JURISPRUDENCE AND FORENSIC SCIENCE.

i) Concept and Development of Medical Jurisprudence and Forensi Science

ii) Human Anatomy and Medical Terminology.

iii) Human Physiology

iv) Infertility, Impotency, Sterility, AIDS and other sexually Transmitte Disease

v) Sexual Offence

vi) Anesthesia and Surgery

Paper-II LAW AND MEDICAL PRACTICE

i) Ethical Standards and Legal Requirements Governing Medica Practice ii) Medical Negligence and Liability

a) Privileged communication

b) Malpractices and negligence inmedical practice

c) Liability arising out of medical negligence, torts, accidents, sale and service etc.

iii) Consent: Implied and informed.

iv) Mental Disorders including Legal and Medical Insanity and Its Medico Legal Aspects.

v) Injuries : Medico Legal Aspect

vi) Computer Crimes in Medical Practice and related Laws in India.

Paper-III MEDICAL EVIDENCE

i) Medical [illegible]

Identity

a) Age, race, religion, sex.

b) Superime position techniques / dead body, age and its medico legal importance, finger prints.

e) Disputed paternity, DNA its importance and legality

d) Various inquest, questioned documents and the Identification of handwriting

Asphyxia Deaths and its causes

Infanticide: Medico Legal Aspects

Specimen Hafitffing: Gentrar Principles of Collection, Packaging, Transmission and Evidential value of Medico Legal Specimens,

Intoxication: Medico Legal issues.

Paper IV TOXICOLOGY

Introduction and Law relating to Poison

Role of Forensic Odontology in Medico Legal Incidents

Hospital Waste Management

Documents Required

a) Certified true copies of Marks Memo original + two true copies.

b) College Transfer Certificte in original (T.C.)

c) An Eligibility Certificate in the case of students coming from ot University. The eligibility certificate shall be obtained from Dr. Babasa Ambedkar Marathwada University. Students must obtain provisional. F Eligibility Certificate before taking admission in the college.

6) Other Important commissions dealing with Human Rights.
   i) The National Commission for Women.
   ii) The National Commission for Minorities.
   iii) The National Commission for Safai Karmachari.
   iv) The National Commission for Backward Classes.
   v) The National Commission for persons with disabilities.
7) Role of N.G.O. in protection of Human Rights in India.

[3] DIPLOMA IN INTELLECTUAL PROPERTY LAW

COURSE CONTENTS

Paper -I

Total Marks 100

1) Introduction to Intellectual Property Laws and Designs Act. Nature Scope and Historical Development of IPR
2) International Regime of Intellectual Property Rights
   a. International Instrument
   b. International Trade Agreements
   c. International Organizations relating to IPR

Paper-II

COPY RIGHTS LAW **Total Marks 10**

1) Concept, nature, scope and development of Copy rights.
2) Copy right in India With reference to Copy right Act 1975 alon with Rules 1958.

Paper - III

Total Marks 10

1) Concept, nature, scope and development of Trademarks.
2) Law relating to Trade mark in India