



FACULTY OF LAW, UNIVERSITY OF LUCKNOW
MASTER OF LAWS LL.M.
(TWO YEARS POST GRADUATE DEGREE PROGRAMME)
(Effective from Academic Year 2020)

PROGRAMME BROCHURE & SYLLABUS



1. Introduction to CBCS System :

The CBCS provides an opportunity for the students to choose courses from the prescribed courses comprising **Generic Core**, **Elective Groups** (FIVE fixed specialisation) and **Choice Based Disciplinary Courses (CBDC)**, **Choice Based Interdisciplinary Courses (CBIC)** and **Half Credit/Minor Courses /MOOCS/ Value Added Courses**. The courses can be evaluated following the grading system. Grading system provides uniformity in the evaluation and computation of Cumulative Grade Point Average (CGPA) based on student's performance in examinations which enables the student to move across institutions of higher learning. The uniformity in evaluation system also enable the potential employers in assessing the performance of the candidates.

2. Programme Objectives (POs):

The LL.M. Programme is aimed at:

- Familiarising students with laws and judicial interpretations at the national and international level and provide a comparative study of the contemporary and traditional laws and judicial interpretations.
- Apprising students of the legal system, rule of law, and administration of justice, while promoting specialised branch of study and research in diverse fields of law
- Imparting interdisciplinary approaches to law and legal development by involving philosophy, economics and scientific approach towards law study and research.
- Imparting professionally and socially relevant legal education.
- Sensitising students towards the issues of access to justice of the deprived, marginalised and weaker sections of society.
- Producing internationally competent litigating lawyers, corporate lawyers, judges, judicial officers, legal officers, researchers, law reformers, law teachers, etc.
- Imparting skills of legal reasoning, problem solving, research, legal writing, oral and written communication, persuasion, leadership and teamwork.
- Promoting ethical practices in the profession of law.
- Promoting inter-disciplinary approach to legal profession.

4. Programme Specific Outcomes (PSOs):

At the end of the LL.M. course, the students will be able to:

- Study and explore law in an interdisciplinary and comparative manner.
- Do legal research and explore origin, development and prospect of law/laws both in national and international Law
- Understand, interpret, and apply law.

- Evaluate and compare domestic and international laws.
- Design, and formulate case theory and strategy.
- Analyze and differentiate facts and law.
- Solve problems by employing legal reasoning, research. Choose ethical practices in the profession of law and discharge their social responsibility

5. LL.M. Programme Details Programme Structure :

a) **Programme Structure** :The LL.M. Programme is a two years course divided into four semesters. A student has to complete 96 credits for the completion of the course and award of the degree. The scheme is as follows:

		<i>Semester</i>		<i>Semester</i>	
Part – I	First Year	Semester I (28 credit)		Semester II (24 credit)	
Part – II	Second Year	Semester III (24 credit)		Semester IV (20 credit)	
Semesters	Generic Core Papers 4 Credits Each Dissertation 8 Credits	Elective Group Papers or MOOCS 4 Credits Each	Value Added or Interdisciplinary or Skill Based Papers 4 Credits Each	Internship or Project Work 4 Credits Each	Total Credits
I	3	3	1	-	28
II	3	2	1	-	24
III	2	2	1	1	24
IV	1 (Dissertation)	2	1		20

Total 96 Credits

Semesters	Core	Elective/MOOCs /Interdisciplinary	Value Added/ Skill Based	Internship / Project Work	Total Credits
I	3 Core Papers 3*4 (12)	2 Electives +1 Elective / MOOCs 3*4 (12)	1 Credit 1*4 (4)	-	28
II	3 Core Papers 3*4 (12)	1 Electives +1 Elective / MOOCs 2*4 (8)	1 Credit 1*4 (4)	-	24
III	2 Core Papers 2*4 (8)	1 Electives +1 Elective / MOOCs 2*4 (8)	1 Credit 1*4 (4)	1 Credit 1*4 (4)	24
IV	1 Dissertation 1*8 (8)	1 Electives +1 Elective / Interdisciplinary 2*4 (8)	1 Credited 1*4 (4)	-	20

6. Assessment of Students' Performance and Scheme of Examination Pass Percentage & Promotional Criteria :

1. English shall be the medium of instruction and examination.
2. Assessment of students' performance shall consist of: 70 marks (End Semester Written Examination) and 30 marks (Internal Assessment).
3. The duration of the End Semester Written Examination in Core Courses and Elective Courses shall be three hours for 70 marks.
4. For internal assessment of 30 marks, one internal Test+Assignment/Presentation/Viva shall be in the class in each course in each term.
5. Dissertation will carry 200 Marks. 150 For written Work and 50 for Viva.

7. Grade Points:

O (Outstanding)	10
A+(Excellent)	9
A (Very Good)	8
B+(Good)	7
B (Above Average)	6
C (Average)	5
P (Pass)	4
F (Fail)	0

8. CGPA Calculations :**Grading Pattern and illustration of Grading Pattern**

Illustration:

Course	Credit	Grade	Grade Point	Credit Grade	SGPA
Semester I					
Core I	04	B+	7	28	
Core II	04	B+	7	28	
Core III	04	B+	7	28	
Elective I	04	A	8	32	
Elective II	04	B	6	24	
Elective III/Moocs	04	B+	7	28	
Value Added	04	B+	7	28	
Total	28				196/28=7
Semester II					
Core II	04	B+	7	28	
Core III	04	B+	7	28	
Core IV	04	B+	7	28	
Elective IV	04	A	8	32	
Elective V/MOOCs	04	B	6	24	
Value Added	04	B	6	24	
Total	24				164/24=6.8
Semester III					
Core V	04	B+	7	28	
Core VI	04	B+	7	28	
Elective VI	04	A	8	32	
Elective VII/Moocs	04	B	6	24	
Value Added	04	B+	7	28	
Internship	04	B+	7	28	158/24=6.58
Total	24				
Semester IV					
Core VII(Dissertation)	8	B+	7	56	
Elective VIII	04	A	8	32	
Elective IX/Moocs	04	B	6	24	
Value Added	04	B+	7	28	
					140/20=7
Total	20				

Thus:

Semester I	Credits	SGPA
Semester I	28	7.00
Semester II	24	6.80
Semester III	24	6.58
Semester IV	20	7.00

Total 96
 CGPA=(28x7+24x6.58+24x6.58+20x7)/96= 6.84

Core Papers :**a. Semester I**

- i. Law & Social Transformation
- ii. Constitutional Law : New Challenges
- iii. Mass Media Law
- iv. Judicial Process
- v. Legal Philosophy –I
- vi. Value Added Course (Credited)

b. Semester II

- i. Legal Philosophy-II
- ii. Law and Justice in Globalised World
- iii. Family Jurisprudence
- iv. Research Methodology
- v. Alternative Dispute Resolution
- vi. Criminal Justice System & H.R.
- vii. Value Added (non-Credited)

c. Semester III

- i. Human Rights
- ii. Labour Jurisprudence (Core paper/MOOC)
- iii. Summer Internship
- iv. Inter Departmental Course

d. Semester IV

- i. Special Contract & E-Contract
- ii. Dissertation
- iii. Intra Departmental

Elective Papers- I : Semester III

- i. Constitutionalism, Pluralism and Good Governance
- ii. Treatment of Offender and Victimology
- iii. Corporate Finance
- iv. Marriage under different Personal Laws
- v. Social Security Laws in India

Elective Papers- II : Semester III

- i. Federalism and Comparative Power Sharing
- ii. Forensic Science & Its Evidentiary Value
- iii. Competition Law and Policy
- iv. Matrimonial Remedies
- v. Law relating to Industry

Elective Papers- I : Semester IV

- i. Comparative Constitutional Law

- ii. International Criminal Law and Transnational Crime
- iii. Intellectual Property Law-I
- iv. Principal of Inheritance & Succession
- v. Safeguards of Women and Child in Labour Laws

Elective Papers- II : Semester IV

- i. Administrative Process and Judicial Control
- ii. Offences & Law related to Juvenile
- iii. Intellectual Property Laws-II
- iv. Law of Adoption and Guardianship
- v. Labour Welfare Laws and Employee Insurance

Value Added/ Skill Based

In Each Semester a candidate shall take one paper.

1. Practice of Yoga Department Social Work
2. Environmental & Population Education, MA EDUCATION IV SEM Optional
3. Introduction to Linguistics and Phonetics: MA English I
4. Media Laws MJAMC II Semester
5. Labour Welfare, Social Security, Industrial Social Work MBA HR-034, III Sem, IMS
6. Industrial Jurisprudence MBA-HR-032, III Sem IMS
7. Social Work Profession: Concept, Philosophy and Development, MSW, Sem.I, Department of Social Work.
8. Ethical Legal and Regulatory Aspect in Tourism, ITS.
9. Right to Information & Good Governance
10. Security Law
11. Cyber Law
12. Labour Jurisprudence

CORE PAPERS
LL.M. I SEMESTER
PAPER I
LAW AND SOCIAL TRANSFORMATION IN INDIA

1. Introduction:

Law is considered a social phenomenon. It removes the hindrances that hinder human growth. The legal phenomenon in spite of having a unique, objective identity is inherently tied to the social realities. The modern anthropocentric world considers individual as the center of the universe and law along with society must serve this individual. A tectonic shift in the society is bound to change the legal culture of a country. A Kelsenian/ normative approach necessitates that Constitution changes the society whereas the sociological approach is of the view that it is the society that transforms the legal structure. Indian has adopted the latter approach. The purpose of the course is to familiarize the students with the changing dynamics of the Indian Legal system from post-independence to the current era of globalization.

2 . Course Outcomes:

- C.O. 1 :** To assess the concept of social transformation and its impact on the legal culture.
- C.O. 2 :** To evaluate the social problems affecting the Indian nation state and its legal solutions.
- C.O. 3 :** To critically evaluate the existing legal structure and its efficacy in solving the current social evils of the nation state .
- C.O. 4 :** To assess the legal culture of India in a post globalized era

3 . Program Outcomes

- P.O.1:** To foster an inter disciplinary approach in order to assess the social reality of law in India
- P.O.2:** To assess the changing nature of law in India in the era of ‘Right Based jurisprudence’.
- P.O.3:** To encourage a Critical method of thinking among the students to assess the legal situation
- P.O.4:** To assess the social impact and outcome of law.

4 .Assessment Plan

- End Term Assessment : 70 Marks .
- Internal Test :15 Marks
- Assignment +Viva+ Presentation :15 Marks.

UNIT I : Law and Social Change

(8 Lectures)

- 1.1 Meaning of Social Change and Social Transformation .
- 1.2 Relation between Law and Society : The Consensus and Conflict model
- 1.3 Social, Economic and Educational Corollary
- 1.4 Law and Morality.

UNIT II: Constitution and Social Change

(8 Lectures)

- 2.1 The normative method and sociological mode of change .
- 2.2 Constitutional Amendments and Social change
- 2.3 Basic Structure theory as a balancing factor

2.4 Women Empowerment and Social Dichotomy

2.5 Liberty and Social Acceptance

UNIT III: Globalization and Constitution of India

(8 Lectures)

3.1 Impact of Globalization on the vision of Article 38 and Article 39 (b), (c) of the Constitution.

3.2 Impact of Globalization on the legal aspects of Industries and Agriculture in India .

3.3 Impact of Human Rights on Indian Legal Culture.

3.4 Status of Welfare state in a Globalized Economy.

UNIT IV: Social Transformation & Modern India

(8 Lectures)

4.1 Regionalism and Law : Right to Movement, Residence and Business

4.2 Language Policy and Indian Constitution : Official, State and Court Language

4.3 Freedom of Religion and Religious Minorities

4.4 Reservation Policy in India : Schedule Caste, Schedule Tribe and Backward Class

UNIT V: Contemporary Issues in Indian Legal Culture

(8 Lectures)

5.1 Citizenship Law of India and Identification Documents in India .

5.2 Right to Privacy and Supreme Court of India.

5.3 Alternate Dispute Resolution Mechanism and Social Upliftment

5.4 Good governance and RTI

Resources:

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

2. Robert Lingat, The Classical Law of India,

3. U. Baxi, The Crisis of the Indian Legal System,

4. Duncan Derret, The State, Religion and Law in India,

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

6. Tarngini Sriraman, *In Pursuit of Proof: A History of identification Documents in India* , Oxford publications

7. Chris Thornhill, *A Sociology of Constitutions: Constitution and State legitimacy in Historical – Sociological Perspective* , Cambridge Publications .

8. Anupama Roy, *Mapping Citizenship in India*, Oxford Publication.

9. Gautam Bhatia, *The Transformative Constitution : A Radical Biography in Nine Acts* , Harper Collins India

LL.M. I SEMESTER**PAPER II****INDIAN CONSTITUTIONAL LAW-THE NEW CHALLENGES**

1. **Introduction:** Indian Constitutional Law has been an outcome of labour of constitutional framers. Constitutional Governance always faces new challenges and ameliorating aspirations of such a plural democracy based on rule of law and judicial review is very challenging itself.
2. **Course Outcome:**
 - C.O. 1: The objective of this paper is to study the nature of constitutional governance.
 - C.O. 2: It is intended to highlight the role of constitution to face new challenges of society.
 - C.O. 3: This paper further intends to expose the intricacies of challenges of constitutional governance.
 - C.O. 4: To Understand the concept of Constitutional Morality.
3. **Programme Outcome:**
 - P.O. 1: To understand and distinguish the role of Constitution to tackle the problems of society
 - P.O.2 : To understand the impact of Constitution in making public opinion.
 - P.O.3: To Inculcate the value of legal research
4. **Assessment Plan**
 - End Term Assessment : 70 Marks .
 - Internal Test :15 Marks
 - Assignment +Viva+ Presentation : 15 Marks

Unit I:Indian Federal Structure**(8 Lectures)**

- 1.1 Federalism : Creation of New States, Special status of certain States & Article 370,
- 1.2 Federal Comity-Relationship of trust and faith between Centre and State,
- 1.3 Tribal Areas, Scheduled Areas, Boundary disputes, Deployment of security forces etc.
- 1.4 Separation of Power : Doctrine of Separation of Powers and checks and balances,

Unit II: Judicial Framework & Constitutional Governance**(8 Lectures)**

- 2.1 Constitutional framework-Judicial interpretation and practice, Judicial activism and judicial restraining, PIL : Implementation, Judicial autonomy and independence,
- 2.2 Accountability of Executive, Legislature and Judiciary.
- 2.3 Democratic Process : Election and Electoral reforms, Election Commission.
- 2.4 The Rule Of Law :The independence of judiciary as an aspect of separation of powers/Division of functions.
- 2.5 Constitutional Morality, Right to Dissent, Doctrine of Legitimate Expectation, Inclusive and Egalitarian Governance.

Unit III :State & Constitutional Governance**(8 Lectures)**

- 3.1 The Executive : Constitutional status, Powers and functions of the President vis-a vis form of Government.
- 3.2 The Legislature : Parliamentary/Legislative Privilege : Nature, Extent, Scope and Limitation On Privileges.
- 3.3 The Judiciary : Status, Power, functions and contemporary developments, Power of Judicial Review.
- 3.4 Constitutional torts and compensatory Jurisprudence, Contractual Liability of State Fundamental Duties & Citizenship

Unit IV: Equality, Liberty & Constitutional Governance**(8 Lectures)**

- 4.1 Liberalization & Social Justice
- 4.2 Right to Equality: Privatization and its Impact On Affirmative Action.
- 4.3 Empowerment of Women.
- 4.4 Freedom of Press and Challenges of New Scientific Development,
- 4.5 Data Protection & Privacy

Unit V: Constitutional Governance & Emerging Trends**(8 Lectures)**

- 5.1 Emerging regime of new rights and remedies.
- 5.2 Reading Directive Principles and Fundamental Duties into Fundamental Rights.
- 5.3 Secularism: Religious freedom and right of minorities to establish and administer educational institutions of their choice.
- 5.4 Implementation of International Obligation : Human Rights, Environmental protection and International trade.

Books:

1. D.D. Basu, Shorter Constitution of India
2. M.P. Jain, Constitution of India
3. M.P. Singh, Comparative Constitutional Law
4. T.K. Tope, Constitution of India

LL.M. I SEMESTER
CORE PAPER
PAPER III
MASS MEDIA LAW

1. Introduction

To introduce the media and constitutional governance.

2 .Course Outcomes:

- C.O. 1 :To develop media awareness.
- C.O. 2 : to apprise the students about media.
- C.O. 3 :to apprise the incumbents about digital rights.

3 .Program Outcomes

To make students understand the role of media in constitutional governance.

4 .Assessment Plan

- End Term Assessment : 70 Marks .
- Internal Test:15 Marks
- Viva + Assignment: 15 Marks.

Unit I : Mass media-Types of-Press Films, Radio and Television (8 Lectures)

- 1.1 Ownership pattern-Press-Private-Public, Ownership pattern-Films-Private, Ownership patterns Radio & Television, Public,
- 1.2 Difference between Visual and non-Visual Media-impact on Peoples minds.
- 1.3 Press-Freedom of Speech and Expression-Article 19 (1) (a)
- 1.4 Includes Freedom of the Press, Laws of defamation, obscenity, blasphemy and sedition.

Unit II (8 Lectures)

- 2.1 The law relating to employees wages and service conditions,
- 2.2 Price and Page Schedule Regulation,
- 2.3 Newsprint Control Order,
- 2.4 Advertisement-is it included within freedom of speech and expression?
- 2.5 Press and the Monopolies and Restrictive Trade Practices Act.

Unit III : Films-How far included in freedom of speech and expression? (8 Lectures)

- 3.1 Censorship of films-Constitutionality,
- 3.2 The Abbas Case,
- 3.3 Difference between films and Press-why pre-censorship valid for films but not for the press?
- 3.4 Censorship under the Cinematograph Act.

Unit IV : Radio and Television-Government Monopoly (8 Lectures)

- 4.1 Why Government department? Should there be an autonomous corporation?
- 4.2 Effect of television on people,

- 4.3 Report of the Chanda Committee,
- 4.4 Government policy,
- 4.5 Commercial advertisement, Internal Scrutiny of serials etc. Judicial Review of Doordarshan decisions : Freedom to telecast.

Unit V : Constitutional Restrictions**(8 Lectures)**

- 5.1 Radio and Television subject to law of defamation and obscenity,
- 5.2 Power to legislate-Article 246 read with the Seventh Schedule.
- 5.3 Power to impose tax-licensing and licensing fee.

Select Bibliography

1. H.M.Seervai, Constitutional Law of India,
2. M.P.Jain, Constitutional Law of India,
3. John B.Howard, The Social Accountability of Public Enterprises,
4. Rajeev Dhavan, On the Law of the Press in India, 26 JILI 288 (1984)
5. Soli Sorabjee, Law of Press Censorship in India,
6. Justice E.S.Venkaramiah, Freedom of Press : Some Recent Trends, 1984
7. D.D.Basu, The Law of Press of India,
8. Rajeev Dhavan, Legitimizing Government Rhetoric : Reflections on Some Aspects of the Second Press Commission, 26 JILI 391, 1984
13. tionalism” 62 (6) *Stanford Law Review* 1583-1628(June 2010).

**LL.M. I SEMESTER
CORE PAPER IV
JUDICIAL PROCESS**

1. Introduction:

Judicial Process is the most important phenomenon of social order. Legal and judicial process contributes in the evolution, interpretation and enforcement of law. Judicial process through courts and judiciary has shaped the society and law ever.

2. Course Outcome:

C.O. 1: The objective of this paper is to study the nature of judicial process as an instrument of social ordering.

C.O. 2: It is intended to highlight the role of court as policy maker participant in the power process and as an instrument of social change.

C.O. 3: This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques.

C.O. 4: 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.

C.O.5: This paper, therefore, intends to familiarise the students with various theories different aspects and alternative ways of attaining justice.

3. Programme Outcome:

P.O. 1: To understand and distinguish the law making process.

P.O.2 : To understand the impact of judiciary in law making.

P.O.3: To understand the role of judicial process in social order.

4. Assessment Plan

- End Term Assessment : 70 Marks .
- Internal Test :15 Marks
- Assignment +Viva+ Presentation : 15 Marks.

Unit I: Nature of Judicial Process

(8 Lectures)

- 1.1 Judicial process as an instrument of social change.
- 1.2 Judicial process and creativity in law-common law model,
- 1.3 Legal Reasoning and growth of law change and stability.
- 1.4 The tools and techniques of judicial creativity precedent.

Unit II: Legal Development And Creativity Through Legal Reasoning

(8 Lectures)

- 2.1 Legal development and creativity through statutory and codified systems.

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

2.3 Judicial Behaviour and constitutional adjudication.

Unit III: Judicial Process in India :

(8 Lectures)

3.1 Judicial accountability-Problems and Prospects.

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

3.3 The “Independence” of Judiciary “Political” nature of judicial process.

Unit IV: Judicial Activism And Creativity Of the Supreme Court:

(8 Lectures)

4.1 The tools and techniques of creativity.

4.2 Judicial process in pursuit of constitutional goals and values.

4.3 Judicial Delay, Docket Explosion, Court Management& Litigation Management, and Performance of the Judges.

Unit V: Development of Human Rights Jurisprudence By Judiciary:

(8 Lectures)

5.1 New dimensions of judicial activism and structural challenges.

5.2 Institutional liability of courts scope and limits.

5.3 The expansion of Human Rights jurisprudence by Interpretational tools.

Resources

1. Julius Stone, The Province and Function of Law, Part II, Chs. 1-8-16 ,Universal, New Delhi.
2. Cardozo : The Nature of Judicial Process, Universal, New Delhi 21.
3. Henry J. Abraham : The Judicial Process , Oxford.
4. J.Stone : Precedent and the Law : Dynamics of Common Law Growth .
5. Butterworths W. Friedmann : Legal Theory , Stevens, London.
6. Bodenheimer : Jurisprudence - The Philosophy and Method of the Law , Universal.
7. Delhi J. Stone : Legal System and Lawyer's Reasoning (1999), Universal, Delhi.
8. U. Baxi : The Indian Supreme Court and Politics (1980), Eastern, Lucknow.
9. Rajeev Dhavan : The Supreme Court of India - A Socio-Legal Critique of its Juristic Techniques .
10. Tripathi, Bombay John Rawls : A Theory of Justice , Universal, Delhi Edward.
11. H. Levi : An Introduction to Legal Reasoning , University of Chicago.

LL.M. I SEMESTER
CORE PAPER V
LEGAL PHILOSOPHY I

1. Introduction:

Legal philosophy is backbone of legal discourse. Philosophical investigation of different ideas and theories is core of the legal study. This paper aims to introduce to the students the different schools and theories of legal philosophy so as to develop their analytical, critical and comparative approach to legal study. Scientific investigation of an idea is fulfilling and enriching experience and this paper inculcates the value of inquisitiveness, inquiry and inclusivity of ideas.

2 .Course Outcomes :

- C.O. 1:** Grasp the fundamentals of different schools and their dominant ideas.
- C.O.2:** Understand the concept of law and legal order in the backdrop of the theories of different schools.
- C.O.3:** Apply their understanding of law in different legal systems;
- C.O.4:** Identify and analyze problems of legal order and their analysis with multiple perspectives.
- C.O.5:** To appreciate establishment of an egalitarian legal order.

3.Program Outcomes

- P.O.1:** Demonstrate the ability to extract rules and policy from cases, statutes, and administrative regulations and analyzing, interpreting and arguing differing interpretations of rules and statutes;
- P.O.2:** Demonstrate the ability scientific, critical and comparative inquiry of the theory and ideas;
- P.O.3:** Identify legal issues and application of legal ideas thereto;
- P.O.4:** Inculcating the value of research;
- P.O.5:** Demonstrate the ability to solve problems with an holistic approach;

4 .Assessment Plan

- End Term Assessment : 70 Marks .
- Internal Test :15 Marks
- Assignment +Viva+ Presentation : 15 Marks.

UNIT I Legal Philosophy & Natural Law Schoo

(8 Lectures)

- 1.1 Legal Philosophy & Jurisprudence
- 1.2 Jurisprudence: Distinct Study & Synthetic Jurisprudence
- 1.3 Jurisprudence: A Priori & A Posteriori, Deductive & Inductive Method
- 1.4 Natural Law School: Roman & Greek School, Thomist& Sophist, Social Contract, Dark Ages, Stammler &Kohler

UNIT II: Historical School & Analytical School

(8 Lectures)

- 2.1 Maine & Status to Contract, Anthropology & Law
- 2.2 Kelsen: Pure Theory of Law: Normative Character of Law
- 2.3 Hart: Minimum Content of Morality, Morality & Law Discourse in Contemporary World

UNIT III: Philosophical School& Sociological School**(8 Lectures)**

- 3.1 Kant &Hegel: Idealism, Metaphysical and Materialism, Dialectical Materialism
- 3.2 Sociology of Law and Sociological Jurisprudence
- 3.3 Inhering: Interest Theory
- 3.4 Roscoe Pound: Theory of Interests & Social Engineering

UNIT IV: Realist, Critical Studies & Feminism**(8 Lectures)**

- 4.1 Badman Theory, Jurimetrics & Skepticism& Scandinavian School
- 4.2 Critical Legal Studies
- 4.3 Feminism: Liberal & Radical Approach

UNIT V: Modernism and Post-Feminism and Post Modernism School**(8 Lectures)**

- 5.1 Modernism & Deconstructionism
- 5.2 Post-feminism and Post Modernism Discourse
- 5.3 Contemporary Discourse

Books:

1. Bodenehimer, Jurisprudence-The Philosophy & Method of Law, Universal, Delhi
2. R.W.M. Dias, Jurisprudence, Indian Reprint-Adithya Books, Delhi
3. Fitzgerald, Salmond on Jurisprudence, Tripathi, Bombay
4. Dhyani S N, Jurisprudence-A Study of Indian Legal Theory.
5. Wayne Morrison, Jurisprudence, Cavendish Publication.
6. Llyod, Introduction to Jurisprudence, Sweet and Maxwell.
7. N.E. Simmonds, Central Issues in Jurisprudence, Justice, Law and Rights, Second Edition (Sweet & Maxwell) .
8. Brian Bix, Jurisprudence: Theory and Context, Carolina Academic Press, 1999.
9. Roger Cotterrell, Politics of Jurisprudence.

LL.M. II SEMESTER**CORE PAPER I****LEGAL PHILOSOPHY II****1. Introduction:**

The nature of law has changed drastically in the 21st century. We are living in the age of post modernism where Skepticism is in vogue. The contemporary era does not ask as to ‘what is the law?’ or what is the nature of legal enterprise? What is required now is a moment of reflexivity. One must question whether law is truly an independent, objective phenomenon or a range of different phenomena which are loosely grouped under the heading of law? In addition to the Liberal – Positivist approach to law, various other Schools have made their inroads into the ontology of law. The paper is an attempt to incorporate these new approaches and to develop a sense of reflection among the students. International social movements are affecting legal cultures all across the world and academics have opened new epicenters of knowledge. Third World Scholars have challenged the hegemony of Western intelligentsia and the Bretton Woods system has been challenged by the South Block ever since the outbreak of the sub-prime mortgage crisis. The issue of justice and human rights has gained momentum. The paper tends to investigate the new wave in the understanding of law in a Gridlock world.

2. Course Outcome

C.O. 1: To analyze the changing nature of Law in the 21st century.

C.O. 2 : To analyze and interpret the impact of international social movements on law .

C.O. 3 : To understand and interpret the new approaches to law.

C.O. 4 : To analyze the concepts of justice and rights as applicable in the 21st century .

3 . Program Outcomes

- To inculcate an inter disciplinary approach in order to understand the nature of law .
- To assess the changing nature of law.
- To assess the changing nature of Law , State , Sovereignty and Justice.

4 . Assessment Plan

- End Term Assessment: 70 Marks .
- Internal Test :15 Marks
- Assignment +Viva+ Presentation : 15 Marks.

UNIT I : Law in a Post Modern World .**(8 Lectures)**

1.1 Law and Post modernism : Critical Legal School , Ideas of Roberto Unger , Duncan Kennedy , Michel Foucault, Jacques Derrida .

1.2 Queer Jurisprudence.

1.3 Feminist Jurisprudence .

1.4 Law and Ideology .

UNIT II : Law , State and Sovereignty in a Contemporary world . (8 Lectures)

- 2.1 Challenges to Sovereignty in the 21st century :Subsidiarity , Sovereignty as Responsibility ,
- 2.2 Chunk theory of Sovereignty , Globalization , The concept of Fail / Weak State.
- 2.3 Post 9/11 world and State : Philosophy of Carl Schmitt , Giorgio Agamben , The concept of Bio Politics .
- 2.4 Cosmopolitanism and Globalization as an alternate to the State system .
- 2.5 The concept of Demosprudence .

UNIT III : Changing notion of Justice in a contemporary world (8 Lectures)

- 3.1 Rawlsian Difference Principle and the ideas of Nozick and Sen
- 3.2 Global Distributive Justice : Views of Peter Singer , Thomas Pogge , KokChor Tan , Martha Nussbaum, Refugee justice ,
- 3.3 Anti Globalization Movement : Meaning , Nature and Scope .

UNIT IV : Minorities & Governance (8 Lectures)

- 4.1 Right of Self-determination and the Minorities.
- 4.2 Ethnic Minorities and Governance
- 4.3 Sustainable Development, Inclusive Governance

UNIT V: Recent Global Trends (8 Lectures)

- 5.1 TWAIL scholarship.
- 5.2 Importance of Legal monism in establishing international peace.
- 5.3 Global Administrative Law : Meaning , Nature and Scope .
- 5.4 Global Governance, Post Secularism and Public Reason
- 5.5 Linguistic Philosophy, Wittgenstein, Interpretation of Law,

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1. Encyclopedia of Global Justice ,Deen Chatterjee (ed) , Springer.
2. Global Governance by Thomas Weiss , Polity .
3. Global justice : The basics by Huw . L. Williams and Carl Death ,Routledge .
4. Jurisprudence : from the Greeks to Post Modernism by Wayne morrsion , Lawman (India) , Private Limited .
5. Globalization and After by Dasgupta and Kelly ,Routledge.
6. Legality and legitimacy by David Dyzenhaus , Cambridge publication.
7. Sovereignty as Responsibility by Luke Glanville , Chicago university press.
8. International Law from Below by BalakrishnaRajagopal , Cambridge .

LL.M. II SEMESTER**CORE PAPER II****LAW & JUSTICE IN GLOBALISED WORLD****1 . Introduction:**

Global world is known for its pervasiveness. Justice governed by rule of law has been epicenter of modern global world. Rights and duties and its interplay with people and corresponding role of state has been very changing in the modern world. The business and its interplay with rule of law and democratic constitutional governance is very important dynamics of modern world.

2 .Course Outcomes :

C.O. 1: Grasp the fundamentals of philosophical and analytical skills including close reading, logical analysis and exemplary modes of problem solving;

C.O.2: Understand the concept of justice as a political and legal ideal and appreciate the different motivations and assumptions behind key conceptions of justice;

C.O.3: Apply their understanding of justice in adopting a critical perspective on the nature of the law and legal systems;

C.O.4: Identify and analyze problems of justice within and beyond national communities with a special emphasis on the distinction between national, international, global and cosmopolitan justice; and

C.O.5: To appreciate the institutional and practical dimensions of securing a just and equitable society.

3 . Program Outcomes

P.O.1: Demonstrate the ability to extract rules and policy from cases, statutes, and administrative regulations and analyzing, interpreting and arguing differing interpretations of rules and statutes;

P.O.2: Demonstrate the ability to conduct investigation of facts and to construct a coherent narrative based on that investigation;

P.O.3: Identify legal issues in facts and applying rules and policy to facts;

P.O.4: Perform comprehensive legal research;

P.O.5: Demonstrate the ability to solve problems in light of a client's objectives: anticipating consequences and assessing risks;

4 .Assessment Plan

- End Term Assessment : 70 Marks .
- Internal Test :15 Marks
- Assignment +Viva+ Presentation : 15 Marks.

Unit I : Legal Philosophy & Utilitarianism**(8 Lectures)**

1.1 Legal and Philosophical Analysis

1.2 Utilitarian Justice

1.3 Non-Utilitarian Theories of Justice

- Unit II: Law & Justice** (8 Lectures)
- 2.1 Law and Justice
 - 2.2 Rawls & Nozick, Sen and Justice
 - 2.3 The Separation of Law and Morals
 - 2.4 The Unity of Law and Morals
- Unit III: Economic Justice & Rights & Governance** (8 Lectures)
- 3.1 Rights Based Theory of Justice
 - 3.2 Economic Analysis of Law and Justice
 - 3.3 Justice in Critical Legal Studies
- Unit IV: Socialism & Communism** (8 Lectures)
- 4.1 Marx, Law and Justice
 - 4.2 Communitarian Justice
 - 4.3 Economic State & Laissez
 - 4.4 Faire State
- Unit V: Feminism & Global Justice** (8 Lectures)
- 5.1 Feminist Theories of Justice
 - 5.2 Cosmopolitan Justice
 - 5.3 Global Justice

Resources:

1. Aristotle. *Nicomachean Ethics*, OUP Oxford, 2009. (Excerpts)
2. Simmonds, N.E. *Central Issues in Jurisprudence, Justice, Law and Rights*, Second Edition (Sweet & Maxwell) pp. 1-15.
3. Bix, Brian. *Jurisprudence: Theory and Context*, Carolina Academic Press, 1999, Chapter 1.
4. Williams, Bernard. *Philosophy as a Humanistic Discipline*, Princeton University Press, 2006.
5. Mill, JS. *Utilitarianism*, Chapters 1 & 2
6. Smart, J.J.C and Williams, Bernard. *Utilitarianism: For and Against*, Cambridge University Press, 1973.
7. Kymlicka, Will. *Contemporary Political Philosophy: An Introduction*, Oxford University Press, 2002, pp. 23-52.
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12. Cohen, G.A. *Rescuing Justice and Equality*, Harvard University Press, 2008.
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18. Dworkin, Ronald, *Law’s Empire*, Belknap Press, 1986, Chapter 2.
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27. Cohen, G.A. *Self-Ownership, Freedom and Equality*, Cambridge University Press, 1995.
28. Cohen, G.A. *If You're An Egalitarian How Come You're So Rich?*, Harvard University Press, 2001 (Revised edition).
29. Okin, Susan Moller. "Justice and Gender", *Philosophy and Public Affairs*, 16(1), 1987.
30. Putnam, Ruth Anna. "Why not a Feminist Theory of Justice?" in M Nussbaum and J Glover (ed.) *Women, Culture and Development: A Study of Human Capabilities*, Oxford University Press, 1995.
31. Walzer, M. *Spheres of Justice*, Basic Books New York, 1983.
32. Sandel, Michael. *Liberalism and the Limits of Justice*, Cambridge University Press, 1982.
33. Rawls, John. *The Law of Peoples*, Harvard University Press, 2001.
34. Pogge, Thomas W. "An egalitarian law of peoples", *Philosophy & Public Affairs* 23(3), 1994.
35. Pogge, Thomas, "What is global justice?" (2003).
36. Nagel, Thomas, "The problem of global justice", *Philosophy & Public Affairs* 33 (2), 2005.
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LL.M. II SEMESTER
CORE PAPER III
FAMILY JURISPRUDENCE

1. Introduction:

Family is a smallest unit of the society. Its origin and development is relevant for the Post graduation course of Law. Family Jurisprudence includes a comprehensive, interdisciplinary, distinctive and critical approach to introduce, explore, discuss and analyze, the family system of the country, including both of its version i.e. ancient (origin) and modern (present and prospective).

2. Course Outcomes

- C.O.1:** It develops basic understanding about the origin and development of the family system. **C.O.2:** It helps to the student to develop a comprehensive knowledge about the plural society of India. **C.O.3:** It provides an opportunity to understand the sociological and psychological aspect of the family. **C.O.4:** To access the distinctive family system of the each religion of the country.

3. Programme Outcomes

- P.O.1:** This Course develops an understanding about the problems and prospects of the family system. **P.O.2:** An objective of the course is to provide a comprehensive understanding of the Family system. **P.O.3:** To understand the dynamics of family in the Society and its application in the modern context.

4. Assessment Plan

End Term Assessment: 70

Marks. Internal Test :15

Marks

Assignment +Viva+ Presentation: 15 Marks.

Unit 1: Sociology of Family**(8 Lectures)**

- 1.1 Concept of Family, Family as An Institution Essential For The Social Life,
- 1.2 Development of Family System, Features Of Family, Relatives In Family,
- 1.3 Status of Relatives In Family, Status Of Women In The Indian Family,
- 1.4 Family of The Individuals Of Different Religion,
- 1.5 Family System Of The Other Cultures, Changing Scenario Of Family In Modern World

Unit II: Hindu Jurisprudence**(8 Lectures)**

- 2.1 Concept of Hindu Jurisprudence,
- 2.2 Development of Hindu Jurisprudence, Features of Hindu Jurisprudence,
- 2.3 Schools of Hindu Jurisprudence, Sources of Hindu Jurisprudence, Legal Literature,
- 2.4 Development of Law in Post Smiriti Period,
- 2.5 History of the Codification of the Hindu Law, Relevancy of the Hindu Jurisprudence in

modern world

Unit III: Muslim Jurisprudence (8 Lectures)

- 3.1 Concept of Muslim Jurisprudence, Origin of Muslim Jurisprudence,
- 3.2 Development of Muslim Jurisprudence, Concept of Islam, features of the Islam
- 3.3 Sources of Islam, Quran as a Source of Muslim Jurisprudence,
- 3.4 Other sources of the Islam,
- 3.5 Comparative study of the Islamic Jurisprudence in India and other Islamic Countries.

Unit IV: Christian and Parsi Jurisprudence (8 Lectures)

- 4.1 Concept and origin of the Christian and Parsi jurisprudence,
- 4.2 Development of the Christian and Parsi Jurisprudence,
- 4.3 Features of the Christian and Parsi Jurisprudence,
- 4.5 Sources of Cristian and Parsi Jurisprudence,
- 4.6 Comparative study of the Christian jurisprudence in India and other European countries.

Unit V: Modern Family Law (8 Lectures)

- 5.1 Family Law Reforms in India
- 5.2 Live-in-relationship; Surrogacy in India
- 5.3 Pre-Nuptial Agreement; Civil Partnerships
- 5.4 Rights of Transgender, Lisbian and Gay
- 5.5 Concept of Matrimonial Property

References

1. David G. Mandelbaum, 'Society in India' Sage Publication 2019
2. Ram Ahuja, Society in India, Concepts Theory and Recent trends, Rawat Publications 1999
3. Yogendra Singh, Modernization of Indian Tradition (A systematic study of social change), Thomson Press India Ltd.
4. K.M. Kapadia: Marriage & Family in India, Oxford University Press, 1966
5. J. Rama Jois, Legal and Constitutional History of India, Ancient, Legal, Judicial and Constitutional System, Universal Law Publishing Co., New Delhi 1984
6. JDM Derrett, Hindu Law

LL.M. II SEMESTER
CORE PAPER IV
RESEARCH METHODOLOGY

1 . Introduction:

Research is the most important aspect of higher learning. This paper aims to introduce the research foundation, types, tools, techniques and methods for doctrinal and non-doctrinal method. It also makes the students aware about the research universe, research design, research tools and method. Research plan and its execution is the most important aspect of this paper.

2 .Course Outcomes :

C.O. 1 : To understand the dimensions of legal research.

C.O. 2 : To be able to find out research problem and hypothesize the research universe and tool techniques for the same .

C.O. 3 : To apply various tools and techniques in doctrinaire and non-doctrinaire researches.

C.O. 4 : To be able to understand the use of ICT in researches.

3.Program Outcomes

- To inculcate the value of inter disciplinary research attitude.
- To assess the importance of investigation and exploration of facts in law & policy making and in its enforcement.
- To encourage to find out legal issues in a comparative way of social problems and its solutions via legal researches.
- To train in comprehensive comparative legal research.

4 .Assessment Plan

- End Term Assessment : 70 Marks .
- Internal Test :15 Marks
- Assignment +Viva+ Presentation : 15 Marks.

Unit I : Research Methods

(8 Lectures)

- 1.1 Research, Meaning & Significance
- 1.2 Legal Research, Socio-Legal Research
- 1.3 Doctrinal and Non-Doctrinal
- 1.4 Relevance of Empirical Research

- 1.5 Induction and Deduction
- Unit II: Identification of Problem of Research (8 Lectures)**
- 2.1 Research Problem
- 2.2 Formation of Research Problem
- 2.3 Sampling Technique, Meaning, Type & Scaling
- 2.3 Questionnaire / Interview, Observation
- 2.4 Compilation of List of Reports or Special Studies Conducted Relevant To The Problem
- Unit III Research Design & Tools (8 Lectures)**
- 3.1 Steps in Preparation of Research
- 3.2 Devising tools and techniques for collection of Data : Methodology
- 3.3 Methods for the collection of statutory and case materials and juristic literature, Use of case studies,
- 3.4 Literature Review, Jurimetrics, Case Study & Case Law Analysis
- 3.5 Hypothesis, Nature, Type, Formulation, Testing & Variables
- Unit IV Classification and Tabulation of Data (8 Lectures)**
- 4.1 Rules for Tabulation
- 4.2 Explanation of tabulated data
- 4.3 Analysis of Data, Report Writing & Interpretation
- 4.4 Plagiarism & Research Ethics, Copyright Violations, Fair Use, Citation & Bibliography
- Unit V Computerized Research (8 Lectures)**
- 5.1 Legal Research & Computer
- 5.2 Use of software for legal research SPSS
- 5.3 Use of Computer, Mobiles and Camera in Data Collection
- 5.4 Use of Power Point Presentation and Explanation, Audio Visual

References:

1. M. O. Price, H. Bitner and Bysiewiez, *Effective Legal Research*
2. Pauline V. Young, *Scientific Social Survey and Research*
3. William J. Grade and Paul K. Hatt, *Methods in Social Research*, McGraw - Hill Book Company, London.
4. H. M. Hyman, *Interviewing in Social Research*
5. Payne, *The Art of Asking Questions*
6. Erwin C. Surrency, B. Fielf and J. Crea, *A Guide to Research*
7. Morris L. Cohan, *Legal Research in Nutshell*, West Publishing Co.
8. Harvard Law Review Association, *Uniform System of Citations*
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10. S.K. Verma and M. Afzal Wani (Eds.) *Legal Research and Methodology*, Indian Law Institute (2001) 2nd Edition.

11. Goode and Hatt, „*Methods in Social Research*“, Singapore, Mc. Graw Hill Book Co., 1985 (reprint).

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3. Ghosh, B.N., “*Scientific Method and Social Research*”, New Delhi, Sterling Publishers Pvt. Ltd., 1984.
4. Johari J.C. (ed), “*Introduction to the Method of Social Sciences*”, New Delhi, Sterling Publishers Pvt. Ltd. 1988.
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LL.M. II SEMESTER
CORE PAPER V
ALTERNATIVE DISPUTE RESOLUTION

1. Introduction:

Business and Constitutional Governance supported by Rule of law are inextricably interlinked. Dispute settlement in a cost-effective and speedy way is important for businesses to flourish. Alternative dispute settlement in national and international order is in great demand. Mediation and conciliation as ADR has not be utilized up to optimum level.

2 .Course Outcomes:

C.O. 1 : To analyse the efficaciousness of ADR.

C.O. 2 : To evaluate ADR its types, tools and techniques.

C.O. 3 : To critically evaluate the existing legal structure of ADR in the backdrop of emerging trends.

C.O. 4 : To evaluate the ADR legal order in India.

C.O. 5 : To understand the critical legal issues in International Commercial Arbitration.

3 .Program Outcomes

- To foster an alternative approach in order to resolve legal disputes.
- To assess the Mediation and Conciliation as an ADR Technique.
- To encourage a Critical assessment of Dispute Resolution Processes.
- To assess the social impact of dispute resolution.

4 .Assessment Plan

- End Term Assessment : 70 Marks .
- Internal Test :15 Marks
- Assignment +Viva+ Presentation : 15 Marks.

Unit I: Alternative Dispute Resolution

(8 Lectures)

- 1.1 Historical Development of ADR
- 1.2 Arbitration and Conciliation Act, 1996: Object, Development and Salient features
- 1.3 Arbitration: Definition, Sources, Kinds, Scope and Differences to Court
- 1.4 Arbitration Agreement, Composition of Arbitral Tribunal
- 1.5 Jurisdiction of Arbitral Tribunal,

Unit II Arbitral Tribunal & Procedure**(8 Lectures)**

- 2.1 Conduct of Arbitral Proceeding,
- 2.2 Fast Track Arbitration, Regime for Cost
- 2.3 Making of Arbitral Award
- 2.4 Termination of Proceedings
- 2.5 Recourse against Arbitral Award, finality and Enforcement of Arbitral Award, Appeal

Unit III Institutional Arbitration**(8 Lectures)**

- 3.1 Deposit & Lien on Arbitral Award & Deposit of Costs
- 3.2 Insolvency & Arbitration
- 3.3 Institutional Arbitration vis-à-vis Ad Hoc Arbitration
- 3.4 Arbitration Council of India

Unit IV International Arbitration**(8 Lectures)**

- 4.1 International Commercial Arbitration
- 4.2 Enforcement of Certain Foreign Awards,
- 4.3 New-York and Geneva Convention
- 4.4 UNCITRAL: International Arbitration, LCA, ICC, SIAC, MCI
- 4.5 Investment Arbitration

Unit V Conciliation & Mediation**(8 Lectures)**

- 5.1 Conciliation, Lok-Adalat & Permanent Lok-Adalat, Negotiation, Med Arb.
- 5.2 Media, Summary trials, Family Court, Gram Nyayalaya, Commercial Courts
- 5.3 Negotiation Theories, Development and its types, Collective Bargaining, Plea Bargaining
- 5.4 Qualities of Negotiator and Process for Negotiation, International Negotiation
- 5.5 Mediation & Good Offices
- 5.6 Commercial Mediation & Indian Scenario

Acts:

1. Arbitration and Conciliation Act, 1996
2. Legal Service Authority Act, 1987
3. Code of Civil Procedure, 1908
4. Family Courts Act, 1984
5. Gram Nyayalaya Act, 2008
6. Commercial Courts Act, 2015

Books

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2. Gerald R. William (ed.), The New Arbitration & Conciliation Law of India
3. P.C.Rao & William Sheffield, Alternative Disputes Resolutions, Universal, Delhi
4. Johari, Commentary on Arbitration and Conciliation Act. Universal, Delhi

5. G.K.Kwatra, The Arbitration & Conciliation Law of India, Universal, Delhi
6. BanshiDhar Singh, ADR System, CLP, Allahabad
7. J. G. Merrills, International Dispute Settlement. U.K : Cambridge University Press.
8. Robert J. Niemic, Donna Stienstra and Randall E. Ravitz, Guide to Judicial Management of Cases in ADR, Federal Judicial Centre, 2001
9. J. Auerbach, Justice Without Law? Oxford University Press, 1983
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**LL.M. II SEMESTER
PAPER VI**

CRIMINAL JUSTICE SYSTEM & H.R.

Introduction:

Criminal justice is one of the critical areas of human rights where the legal system is tested on a continuous basis for preservation of peace and security in society on the one hand and the prevention of human dignity of both the victims of crime and accused of crime.

Objectives:

1. To give a detailed understanding of the concept, history and development of human rights.
2. To understand various theories of rights.
3. To understand international treaties and documents on human rights.
4. To understand the various dimensions of Article 21 of the Constitution of India.

Outcomes:

1. Students will get a better understanding of the concept of human rights.
2. Students will be able to understand the various international instruments and agencies for ensuring human rights.
3. Students will develop interest in becoming peace ambassadors.

UNIT-I: The Concept, History and Development of human Rights (8 Lectures)

- i. History of human rights civilization ii. Magna Cart, iii. British Bill of Rights iv. Declaration of Rights of Man and Citizen vi. International Bill of Rights
- ii. Are Human Rights a universal concept?
- iii. Treaty Law as the main source of Human Rights
- iv. Legal nature of human rights obligations
- v. Scope of application

Theories of Rights

- i. Natural Rights Theory ii. Legal/Positivist Theory iii. Marxist Theory iv. Cultural Theory v. Sociological theory

UNIT-II: International Bills and Criminal Justice System (8 Lectures)

- i. Universal Declaration on Human Rights: a. History of the Declaration b. Structure of the Declaration c. Legal Significance
- ii. Rights under Criminal Justice System and International Covenants: ICCPR and ICESCR a. Nature and Characteristic b. Optional Protocols
- ii. Rights under Criminal Justice System and Regional Instruments a. European Convention on Human Rights b. American Convention on Human Rights

UNIT-III**(8 Lectures)**

In India a. History and Development of Human Rights in Indian Constitution. b. Constitutional Philosophy. c. Preamble d. Human Rights Problems requiring the need of criminal justice - namely police atrocities, e. Protection of Human Rights in Criminal Justice Administration i. Compensation jurisprudence ii. Art. 20 Protection against Ex-Post Facto Laws, Protection against Double Jeopardy and Protection against Self Incrimination

UNIT-IV**(8 Lectures)**

Art. 21 Impact of expansive interpretation on criminal jurisprudence, Meaning of terms: Life and Personal liberty Fair Procedure Due Process of Law iv. Right of Accused Arrest, Hand Cuffing Bail, Speedy Trial Torture Custodial v. Violence Compensation Public Interest Litigation: Direct access to Courts in case of violation of Fundamental Right and other implicit rights vi. Death Penalty in Light of Art. 21 vii. Art. 22 Protection to Accused in case of punitive detention Protection against Preventive Detention

UNIT-V**(8 Lectures)**

Role of various Agencies in Protection of Human Rights under CJS i. At International Level i. Human Rights and the United Nations Charter: ii. Normative and Institutional Framework of the UN iii. Role of the permanent organs of the UN, Human Rights iv. Commissions, UN High Commissioner for Human Rights iii. At National Level i. The Protection of Human Rights Act, 1993 and amendments. ii. National Human Rights Commission iii. State Human Rights Commissions. iv. Human Rights Courts v. Other Commissions.vi. Emerging regime of new human rights under CJS in India.

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LL.M. SEMESTER III

HUMAN RIGHTS

1. Introduction

The paper aims to introduce human rights in national and international Legal Order.

2 .Course Outcomes:

C.O. 1 : Human Rights

C.O. 2 : human rights protection scheme

C.O. 3 : Human Rights Protection in International Order

3 .Program Outcomes

To inculcate the value of protection of Human Rights.

4 .Assessment Plan

- End Term Assessment : 70 Marks .
- Internal Test:15 Marks
- Viva + Assignment: 15 Marks.

Unit I : Panoramic View of Human Rights

(8 Lectures)

- 1.1 Human Rights in Non-Western Thought, Awareness of Human Rights during the nationalist movement, Universal Declaration of Human Rights, Constituent Assembly and Part III, drafting process,
- 1.2 Subsequent developments in International Law and the Position in India (e.g., Convention of Social Discrimination, Torture, Gender discrimination, Environment and the Two human right covenants.)
- 1.3 Fundamental Rights Jurisprudence as Incorporating Directive Principles The dichotomy of Fundamental Rights and Directive Principles, The interaction between Fundamental Right and Directive Principles, Resultant expansion of basic needs oriented human rights in India.

Unit II : Right not be Subject to Torture, Inhuman or Cruel Treatment

(8 Lectures)

- 2.1 Conceptions of torture, third-degree methods, 'Justification' for it, Outlay of torture at international and constitutional law level, Incidence of torture in India, Judicial attitudes, Law Reform-proposed and pending. Minority Rights : Conception of minorities, Scope of protection, The position of minority 'Woman' and their basic rights, Communal Riots as involving violation of

rights.

Unit III

(8 Lectures)

Rights to Development of Individuals and Nations : The U.N.Declaration on right to Development, 1987, The need for constitutional and legal changes in India from human rights standpoint. People's Participation in Protection and Promotion of Human Rights : Role of International NGOS, Amnesty International, Minority Rights Groups, International Bars Association, Law Asia, Contribution of these groups to protection and promotion of human rights in India.

Unit I

(8 Lectures)

- 4.1 Development Agencies and Human Rights : Major International funding agencies and their operations in India,
- 4.2 World Bank lending and resultant violation/promotion of human rights,
- 4.3 Should development assistance be tied to observance of human rights (as embodied in various UN declarations)
- 4.4 Comparative Sources of Learning : EEC Jurisprudence,
- 4.5 The Green Movement in Germany,
- 4.6 The International Peace Movement,
- 4.7 Models of Protection of the rights of indigenous peoples : New Zealand (Maoris), Australia, Aborigines and Canada (Indians).
- 4.8 Freedom : Free Press-its role in protecting human rights,
- 4.9 Right of association, Right to due process of law,
- 4.10 Access and Distributive justice.

Unit V

(8 Lectures)

- 4.1 Independence of Judiciary : Role of the Legal Profession,
- 4.2 Judicial appointments-tenure of judges,
- 4.3 Qualifications of judges,
- 4.4 Separation of judiciary from executive.
- 4.5 European Convention of Human Rights : European Commission/Court of Human Rights,
- 4.6 Amnesty International, PUCL, PUDR,
- 4.7 Citizens for Democracy,
- 4.8 Minorities Commission, Human Rights Commission,
- 4.9 Remedies Against Violation of Human Rights.

Select Bibliography

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- 2.U. Baxi (ed.) The right to be Human, 1986
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- 4.F. Kazmi, Human Rights, 1987
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- 6.H. Beddard, Human Rights and Europe, 1980
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- 9.Moskowitz, Human Rights and World Order, 1958
10. J.A. Andrews, Human Rights in International Law, 1986

LL.M. SEMESTER III
LABOUR JURISPRUDENCE

1 . Introduction:

The Paper introduces the labour jurisprudence.

2 .Course Outcomes :

C.O. 1 : To understand the dimensions of labour jurisprudence

C.O. 2 : To be able to understand the legal issues in labour disputes.

C.O. 3 : To understand the various social issues.

3 .Program Outcomes

- To inculcate the value of inter-disciplinary study with reference to society and law.
- To assess the importance of investigation and adjudication.
- To encourage to find out legal issues electronic governance and regulation.
- To train in comprehensive comparative legal research.

4 .Assessment Plan

End Term Assessment - 70 Marks.

Test (Internal Assessment) - 15 Marks.

Assignment+PaperPresentation+viva – 15 Marks

Unit-I Concept of Labour Jurisprudence**(8 Lectures)**

- 1.1 Concept of Labour Jurisprudence: Gandhi, Carl Marx and Hegel
- 1.2 Industrial Jurisprudence and Labour Policy in India; Place of Labour in amended Code ,
- 1.3 Changing Dimensions in Labour Jurisprudence; Constitutional and Judicial Approach
- 1.4 ILO: Labour Welfare Conventions and Place of Labour in Foreign Countries.

Unit-II Scope of Industry Trade Union and Forums**(8 Lectures)**

- 2.1 Trade Union; History and Development of Trade Union Movement. Registration of Trade Union,
- 2.2 Rights and Liabilities of Registered Trade Union, Penalties and procedure, Collective Bargaining Process and its Merit and Demerit
- 2.3 Scope of Industry, Workmen, Employers, Industrial Disputes etc.
- 2.4 Bi-Partite Forums
- 2.5 Reference to Forums and Mechanism for Resolution of Industrial Disputes.

Unit-III Industrial Relations**(8 Lectures)**

- 3.1 Strike and Lock Out, Prohibition of Strikes and Lock-outs, Illegal Strikes and Lock-outs
- 3.2 Lay-Off, Retrenchment and Closure, Special provisions relating to Lay-off, Retrenchment, closure in certain establishment.
- 3.3 Conditions precedent to Lay-Off, Retrenchment and Closure; Compensation for Lay-off, Retrenchment and Closure
- 3.4 Offences Unfair Practices, Penalties and procedure, Offences by Companies etc.

Unit-IV Standing Orders**(8 Lectures)**

- 4.1 Standing Orders; Submission of Draft Standing Orders and Model Standing Order
- 4.2 Conditions for Certification and Certificate of Standing Orders & Certification, Appeals, Duration and Modification of Standing Orders, Register of standing orders
- 4.3 Payment of Subsistence Allowance, Penalties and Procedure, Oral evidence in contradiction of standing orders not admissible
- 4.4 Notice of change.

Unit V: Labour Welfare**(8 Lectures)**

- 5.1 Philosophy of Labour Welfare, Historical Development of Labour Welfare,
- 5.2 Interpretation competent person, Hazardous process, manufacturing process, Worker, Factory, Occupier, industrial premises
- 5.3 Occupational Safety and Health, Welfare facilities in the establishment, daily and weekly Working Hours, Leave, etc. Employment of young persons,
- 5.4 Inspectors-Appointment and Powers.

Legislations

1. Trade Union Act, 1926
2. Industrial Dispute Act, 1947
3. Factories Act, 1948
4. Workmen Compensation Act, 1923
5. Minimum Wages Act, 1948
6. The Code on Wages, 2019
7. The Occupational Safety, Health and Working Conditions Code, 2020
8. The Industrial Relations Code, 2020
9. The Code on Social Security, 2020

Books

1. John Bowers & Simon Honey Ball, Text Book on Labour Law, Blackstone, London
2. K.M.Pillai, Labour and Industrial Laws
3. V.G.Goswami, Labour and Industrial Laws,
4. Dr. S.K.Puri, Labour and Industrial Laws (New Ed.)
5. D.D.Seth, Commentaries on Industrial Disputes Act,
6. O.P. Malhotra : the Law of Industrial Disputes two vols. Publication-Lexis Nexis
7. H.L. Kumar: Labour Problems and Remedies 12th Ed. Publication-Universal Law Publishing Co.
8. SN Mishra: Labour and Industrial Laws, Publisher: Central law Publications, Allahabad.
9. KD Srivastava: Labour Laws.

**LL.M. SEMESTER IV
SPECIAL CONTRACT & E-COMMERCE**

1.Introduction:

Agreement and Contract mobilize the resources in the form of goods and services. Applied contracts like indemnity, guarantee and agency are the best to manage the risks. Sale of Goods mobilizes the movables for fulfilling human wants and desires. The partnerships are the earliest mode of doing business. In E-commerce era validation of transaction has been ensured by UNCITRAL regime.

2 .Course Outcomes:

C.O. 1 : To assess the conceptual order of Applied Contracts.

C.O. 2 : To evaluate the Sale of Goods and its role in Commercial Transactions.

C.O. 3 : To critically evaluate the existing legal structure and change in it owing to E-Commerce Platform.

C.O. 4 : To assess the legal regime of Information Technology.

C.O.5: To evaluate the cyber forensic and cyber adjudication process.

3 .Program Outcomes

- To encourage commercial transaction in Indian social order to fulfill various needs of society.
- To assess the role of Commercial Transaction and informal business associations.
- To encourage a Critical method of thinking among the students to assess the legal situation.
- To assess the use of ICT in Commercial Transaction and Governance.

4 .Assessment Plan

- End Term Assessment : 70 Marks .
- Internal Test :15 Marks
- Assignment +Viva+ Presentation : 15 Marks.

Unit I : Special Contract

(8 Lectures)

- 1.1 Contract of Indemnity
- 1.2 Contract of Guarantee
- 1.3 Extent of Surety's Liability
- 1.4 Discharge of Surety

Unit II : Law of Agency (8 Lectures)

- 2.1 Meaning of Contract of Agency
- 2.2 Creation of Agency
- 2.3 Extent of Agents Authority
- 2.4 Delegation of Authority of Agent
- 2.5 Termination of Agency

Unit III : Sale of Goods Act and Partnership (8 Lectures)

- 3.1 Meaning and Essential Element of Contract of Sale
- 3.2 Condition and warranties
- 3.3 Right of Unpaid Seller
- 3.4 Meaning and Essential of Partnership
- 3.5 Mutual Rights and Duties of partners
- 3.6 Dissolution of Partnership Firm & Limited Liability Partnership

Unit IV : E – Commerce (8 Lectures)

- 4.1 Meaning, Scope, Advantages and related legislations
- 4.2 E – Commerce Contracts
- 4.3 E-Commerce, Emerging significance
- 4.4 Transactions and Technology of E – Commerce

Unit V : Information Technology and Commercial Law (8 Lectures)

- 5.1 I T Act, 2000 and commercial law
- 5.2 Jurisdiction in E-commerce Dispute
- 5.3 Cyber Forensic & Cyber Adjudication
- 5.4 UNCITRAL mechanism & Dispute Resolution

References :

1. Beatson (Ed), Anson's Law of Contract
2. P. S. Atiyya, Introduction to the Law of Contract (Clarendon Law Series)
3. Avatar Singh, Law of Contract, Eastern Lucknow
4. G. C. Cheshire, and H. S. Fifoot Law Contract ELBS with Butterworths.
5. Pollock and Mulla on the Indian contract and the Specific Relief Act, Butterworths Publication
6. S. C. Benerjee. Law of Specific Relief, Universal
7. Anson, Law of Contract, Universal
8. Dutt on Contract, Universal
9. Nandan Kamath Computers Internets & Ecommerce, Universal Law Publication

ELECTIVE PAPERS-1
SEMESTER III
(I.) CONSTITUTIONALISM, PLURALISM AND GOOD GOVERNANCE

1. Introduction

The paper introduces the constitution and constitutionalism & Good Governance in Indian Perspective.

2 .Course Outcomes:

- C.O. 1** :To Understand the concept of Constitution.
- C.O. 2** :Understand the concept of Constitutionalism
- C.O. 3** :Understand the concept of Constitution and Good governance
- C.O. 4** :Understand the concept of Constitution with relation to Federalism

3 .Program Outcomes

The Student will learn a critical and collaborative approach to constitution.

4 .Assessment Plan

- End Term Assessment : 70 Marks .
- Internal Test:15 Marks
- Viva + Assignment: 15 Marks.

Unit I : Constitutionalism

(8 Lectures)

- 1.1 Authoritarianism-Dictatorship,
- 1.2 Democracy-Communism,
- 1.3 Limited Government-concept, Limitations on Governmental Power,
- 1.4 What is a Constitution? Development of a democratic government in England-Historical evolution of Constitutional government,
- 1.5 Conventions of Constitutionalism-law and conventions,
- 1.6 Written Constitutions : U.S.A., Canada, Australia, Sweden, South Africa and India,

UNIT II: Separation of Powers & Rule of Law

(8 Lectures)

- 2.1 Separation of Powers : Montesquieu,
- 2.2 Rule of Law : Concept and new horizons,
- 2.3 Marxist concept of constitutionalism,
- 2.4 Dictatorship of the proletariat,
- 2.5 Communist State from Stalin to Gorbachov,
- 2.6 Fundamental Rights : Human Rights,
- 2.7 Judicial Review : European Court of Human Rights,
- 2.8 Human Rights : International conventions,

2.9 Limits & doctrine of domestic jurisdiction in international law.

Unit III : Federalism

(8 Lectures)

3.1 What is a federal government? Difference between confederation and federation

3.2 Conditions requisite for federalism,

3.3 Patterns of federal government-USA, Australia, Canada, India, Judicial review-for federal umpiring,

3.4 New trends in federalism : Co-operative federalism,

3.5 India-Central Control v. State Autonomy,

3.6 Political factors influencing federalism,

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

Unit IV : Pluralism

(8 Lectures)

4.1 What is a pluralistic society? Ethnic, linguistic, cultural, political pluralism,

4.2 Individual rights, Right to dissent, Freedom of speech and expression, Freedom of the Press,

4.3 Freedom of association, Rights to separateness, Rights of the religious and linguistic minorities,

4.4 Compensatory discrimination for backward classes,

4.5 Scheduled Tribes,

4.6 Distinct identity-protection against exploitation,

4.7 Uniform Civil Code-Non-State Law(NSLS) and State Law Systems - Problem of a Uniform

v. 4.8 Personal laws - vertical federalism.

Unit V :

(8 Lectures)

5.1 Equality in Plural Society : Right to equality and reasonable classification,

5.2 Prohibition of discrimination on ground of religion, caste, sex, language, Abolition of untouchability, Secularism-Constitutional principles, Tribal Groups and Equality.

5.3 Pluralism and International Concerns : International Declaration of Human Rights,

5.4 Conventions against genocide, Protection of religious, ethnic and linguistic minorities, State intervention for protection of human rights, Right of self-determination.

Select Bibliography :

1. UpendraBaxi, Law, Democracy and Human Right , 5 Lokayan Bulletin 4 (1987).
2. V.M.Dandekar. Unitary Elements in a Federal Constitution, 22 E.P.W 1865, 1988
- 3.Rajeev Dhavan, The Press and the Constitutional Guarantee of Free Speech and Expression, 28 JILI 299 (1986)
4. M.A.Fazal, Drafting a British Bill of Rights, 27 JILI 423, 1985
5. M.P.Jain, Indian Constitutional Law (1994), Wadhwa
6. H.M.Seervai, Constitutional Law of India, (1993)

ELECTIVE PAPER-1: SEMESTER III
(II.) TREATMENT OF OFFENDER AND VICTIMOLOGY

1. Introduction

This course offers a specialised understanding of criminal policies including theories of punishment, their supposed philosophical and sociological justifications. It advocates modern penology system and neo victimology in contemporary aspects. The emphasis of course will be on fashioning overall democratic understanding and responses to meet this problem.

2. Objectives:

1. To give a detailed study about the various theories of punishment and schools of criminology.
2. To provide an insight about the issues associated with sentencing in India.
3. To give a detailed study about latest issues like victim and witness protection.

3. Outcomes:

1. It will help the students in understanding the basic concepts like sentencing, theories of punishment etc.
2. It will help them to develop understanding of latest issues like victim and witness protection.

4 . Assessment Plan

End Term Assessment : 70
 Marks . Internal Test:15 Marks
 Viva + Assignment: 15 Marks.

Unit I: Introductory: Definition of Criminology and Penology (8 Lectures)

Theories of Punishment: Retribution, Utilitarian prevention: Deterrence; Utilitarian: Intimidation; Behavioral prevention: Incapacitation, Behavioral prevention: Rehabilitation- Expiation, Classical Hindu and Islamic approaches to punishment. School of Criminology: The Constitutional School of Criminology, Lombroso and others, Hereditary and mental retardation as causes of Crime, Sociological theories Anomies, Modern Sociological Theories: Sutherland's differential Association theory, Reckless' social vulnerable theory. Multiple Causation Theories.

Unit II: Approaches to Sentencing

Alternatives to Imprisonment, Probation, Corrective labour, Fines, Collective Fines, Reparation by the offender/by the court, Constitutionality of Capital Punishment, Judicial Attitudes towards Capital Punishment in India-An inquiry through the status law and case law, Law Reform Proposal.

Unit III: Imprisonment (8 Lectures)

The State of India's jails today, The disciplinary regime of Indian prisons, Classification of prisoners, Right of prisoner and duties of custodial staff, Deviance by custodial staff, Open prisons, Judicial Surveillance-basis- development reforms, rights of women prisoners

Unit IV: Victimology (8 Lectures)

Status of victim in Criminal Justice System, Rights of Victim, Compensation to victims of crime, UN Declaration on Rights of victim of crime and abuse of power, recommendations of Malimath

Committee and Law Commission of India, Neo victimology, rights of tourist victim, victimization, victimological theories, concept in victimology, victim psychology.

Unit-V: Victim and Witness Protection

(8 Lectures)

Witness protection, witness protection scheme, 2018, approach of International criminal court, Victim assistance and service: types, victim assistance and service of criminal justice system. Criminal justice system and victim relationship: Collaborator or evidence-Victim and police

Bibliography

1. Schur, Edwin, M, 1965, Crimes without victims, Prentice hall. Inc.
2. Mc Donald, William F, 1976, Criminal Justice and the Victim, Sage Publications, London
3. Singh Makkar, S.P, 1993, Global perspectives in Victimology, ABC Publications, Jalandar.
4. Rajan, V.N, 1981, Victimology in India: An Introductory Study, Allied Publishers, New Delhi
5. Ahmad Siddique, Criminology: Problem & Perspectives, Eastern Book Company
6. William Doerner, Victimology
7. Mike Maguire, Rod Morgan and Robert Reiner, The Oxford Handbook of Criminology (5th edn, 2012)
8. Sutherland, Edwin Hardin (1974), Criminology, (9th edn), Philadelphia, Lippincott.

**ELECTIVE PAPERS-1: SEMESTER III
(III.) CORPORATE FINANCE**

1.Introduction:

Corporation were founded for profit maximization and to fulfill human wants and desires by providing quality goods and services. Floating and financing a company is a herculean task. This paper aims to apprise the incumbents about financing of corporations in modern world and regulation thereof.

2 .Course Outcomes:

C.O. 1 : To assess the concept of corporate finance in modern world.

C.O. 2 : To evaluate the problems in multiple financing modes.

C.O. 3 : To critically evaluate the existing legal structure and its efficacy regarding financing the corporations.

C.O. 4 : To assess the legal regime of corporate financing .

3 .Program Outcomes

- To foster an inter disciplinary approach in order to assess the corporate finance
- To assess the corporate finance and its interrelationship with corporate scams.
- To encourage a Critical method of thinking among the students to assess the legal situation of financing the corporation.
- To assess the social impact and outcome of corporate law.

4 .Assessment Plan

- End Term Assessment : 70 Marks .
- Internal Test :15 Marks
- Assignment +Viva+ Presentation : 15 Marks.

Unit I Corporate Finance: Introduction

(8 Lectures)

1.1 Meaning, importance and scope of Corporation Finance

1.2 Own/Loan Capital

1.3 Capital needs - capitalisation - working capital

1.4 Objectives of corporation finance - profit maximisation and wealth maximisation

1.5 Dematerialization, de-mat account, Fungibility of Shares

Unit II Equity Finance

(8 Lectures)

2.1 Share capital

2.2 Prospectus - information disclosure, Types of Prospectus

- 2.3 Issue and allotment
- 2.4 Shares without monetary consideration
- 2.5 Non-opting equity shares

Unit III Debt Finance **(8 Lectures)**

- 3.1 Debentures
- 3.2 Nature, issue and class
- 3.3 Deposits and acceptance
- 3.4 Creation of charges, Fixed and floating charges
- 3.5 Convertible debentures/Non-convertible, ECB, Securitization

Unit IV Regulation of Corporate Finance **(8 Lectures)**

- 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 Investments, Foreign Investment & RBI, FEMA Dimensions
- 4.6 Buy-back of shares

Unit V Protection of Creditors/Shareholders **(8 Lectures)**

- 5.1 Need for creditor protection
- 5.2 Rights in making company decisions affecting creditor interests
- 5.3 Creditor self-protection, Nominee Directors, Control over corporate spending
- 5.4 Shareholders' Protection, IEPF and SEBI, Independent Directors
- 5.5 Control of Corporate Scams & Audit of Corporation

References :

1. Alastair Hundson, The Law on Financial Derivatives, Sweet & Maxwell
2. Eil'sFerran, Company Law and Corporate Finance
3. Oxford. Jonathan Charkham, Fair shares: the Future of Shareholder Power and Responsibility Oxford.
4. Ramaiya A, Guide to the Companies Act
5. H.A.J. Ford and A.P. Austen, Fords' principle of Corporations Law, Butterworths.
6. J.H. Farrar and B.M. Hanniyan, Farrar's company Law, Butterworths
7. Austen R.P., The Law of Public Company Finance
8. LBC R.M. Goode, Legal Problems of Credit and Security, Sweet and Maxwell
9. Altman and Subrahmanyam, Recent Advances in Corporate Finance
10. LBC Gilbert Harold, Corporation Finance
11. Henry E. Hoagland, Corporation Finance
12. MaryinM. Kristein, Corporate Finance
13. R.C. Osborn, Corporation Finance
- 14 S.C. Kuchhal Corporation finance : Principles and Problems

**ELECTIVE PAPER-I: SEMESTER III
(IV) MARRIAGE UNDER DIFFERENT PERSONAL LAWS**

1. Introduction

Marriage is an essential institution of the society. Law is an instrument to regulate the society. Therefore, its legal aspect and effects are relevant to discuss as part of the post graduate course in Law. This paper is concerned with the all legal aspects and effects of the marriage under personal Laws. It's provides a comprehensive knowledge about the ceremonies, essentials, validity, and consequences of the marriage of all religion and interreligious marriages.

2. Course Outcome:

C.O.1: It provides an opportunity to understands the Legal concept of the institution of Marriage

C.O.2: It comprehensively deals with the statutory provisions related to Marriage of all personal laws.

C.O.3: It equipped the students to apply their critical thinking to solve the factual situations concerned with the family.

C.O.4: It provides an access to deal with contemporary issues of marriage.

C.O.5: Write research papers/notes and case comments On Matrimonial Relief.

3. Programme Objective

P.O.1: This Course develops an understanding about the legal aspect of the institution of marriage under all personal Laws

P.O.2: An objective of the course is to provide a comprehensive information about the essentials, ceremonies, etc of the religious and interreligious marriages.

P.O.3: A comparative study of the nature and concept of marriage under all personal laws.

4. Assessment Plan

End Term Assessment: 70

Marks. Internal Test :15

Marks

Assignment +Viva+ Presentation: 15 Marks.

Unit I: Hindu Marriage

(8 Lectures)

1.1 Marriage as an institution for Hindus,

1.2 Justifiability of marriage for the Hindus,

1.3 Marriage under Classical Hindu Law,

1.4 Marriage under Hindu Marriage Act 1955, (Ceremonies, Essentials, Kinds, Validity of The Marriage), Arya Samaj marriages,

1.5 Case study of leading judgments on the issues related to Hindu marriage, Registration of Hindu Marriage

Unit II: Muslim Marriage

(8 Lectures)

2.1 Marriage as an Institution for the Muslims (marriage under Islam),

2.2 Essentials and Ceremonies of Marriage under Muslim Personal Law,

2.3 Legal Impediments of the Muslim Marriage, Mutual Obligations of The Marital Couples,

2.4 Dower, Case Study of the Leading judgments on the issues related to Muslim Marriage,

2.5 Contemporary issues related to Muslim Marriage,

Unit III: Christian and Parsi Marriage**(8 Lectures)**

- 3.1 Marriage as an Institution for the Christians,
- 3.2 Essentials and Ceremonies of the Christian marriage,
- 3.3 The Indian Christian Marriage Act 1872, Marriage As An Institution For The Paris, Essentials And Ceremonies Of The Parsi Marriages,
- 3.4 The Parsi Marriage and Divorce Act 1936,
- 3.5 Case study of leading judgments on the issues related to Christian and Parsi marriages,

Unit IV: Child Marriage**(8 Lectures)**

- 4.1 Status of child marriages in India,
- 4.2 The Prohibition of Child Marriage Act 2006,
- 4.3 Child Labour and Child Abuse
- 4.4 Case study of Leading Judgments on the Issues Related to Child marriages/Abuse

Unit V: Inter Religious Marriages**(8 Lectures)**

- 5.1 Special Marriage Act 1954
- 5.2 Essentials and Conditions of a valid marriage
- 5.3 Registration of Inter Religious Marriages.
- 5.3 Case Study of Leading Judgments On The Issues Related To Inter Religious Marriages.

References

1. Hindu Marriage Act, 1955
2. Special Marriage Act, 1954
3. The Indian Christian Marriage Act, 1872
4. The Parsi Marriage and Divorce Act, 1934
5. The Prohibition of Child Marriage Act, 2006

Books

1. Mayne, Hindu Law and Usage, Bharat Law House, New Delhi, 2001
2. Mulla, D.F: Principles of Mohammedan Law, N.M.Tripathi Pvt. Ltd., Bombay, 2001
3. Mulla, D.F: Principles of Hindu law. 18th Edn. New Delhi: LexisNexis Butterworths, 2001
4. Paras Diwan, Modern Hindu Law, Universal Law Publishing Co., N.Delhi, 2002.
5. Archana Prasad,A.Dhanda: Redefining Family Law in India, 2007
6. B.R.Verma, Commentaries on Mohammedan Law, Law Publishers India (Pvt.) Ltd., Allahabad, 2002.
7. Dr.R.C.Nagpal, Mordern Hindu Law, Eastern Book Company
8. Dr. Paras Diwan, Family law by Marriage and divorce
9. Family Law lectures by Kusum
10. Studies of Hindu Law by Tahir Mahmood
11. Mohammadan Law by Fazee

ELECTIVE PAPERS-I : PAPER-III
(v.) SOCIAL SECURITY LEGISLATION IN INDIA

1. Introduction:

This paper consisted is consisted with various types of social security legislation. The main objectives of the same legislation to access the benefits and compensation to labour employed in any industrial establishment.

2 .Course Outcomes:

C.O. 1 : To introduce Social Security.

C.O. 2 : To introduce the factories Act.

C.O. 3 : To introduce the beneficial arrangements of social security.

3 .Program Outcomes

The paper aims to apprise the value of social security in social order.

4 .Assessment Plan

- End Term Assessment : 70 Marks .
- Internal Test:15 Marks
- Viva + Assignment: 15 Marks.

UNIT-I Employees' Compensation and Payment of Wages (8 Lectures)

- 1.1 Definitions, Employees' Compensation: Employer's Liabilities for compensation and Notional extension theory
- 1.2 Compensation in case of death of or injury in plantation, Amount of compensation.
- 1.3 Responsibility for payment of wages, Deductions and Maintenance of Register and Records
- 1.4 Claims, Appeal, Penalties and Procedure, Contracting out and payment of undisbursed wages

UNIT-II The Minimum Wages and payment Bonus (8 Lectures)

- 2.1 Interpretations; Fixing of Wages, Advisory Board and Committees; Correction of Errors, Rates of Wages, Overtime and Maintenance of Register and Records
- 2.2 Inspectors Claims, penalties, offences by companies, bar of suits, Contracting out and Exemption & Exceptions .
- iii. Definitions; Establishment, Computation, Eligibility, Min. & Max. Payment of Bonus and Calculation of Bonus.
- iv. Computation of working day, set on & set off of allocable surplus, deduction of certain Amount from bonus, Time limit for payment of Bonus, recovery of Bonus from employer and Penalty .

UNIT-III The Payment of Gratuity**(8 Lectures)**

- i. Payment of Gratuity,: Definitions; continuous service, Controlling Authority, Payment of Gratuity, Compulsory Insurance, nomination and determination of the amount of gratuity
- ii. Inspectors, recovery of Gratuity, Penalties, exemption, Protection of Gratuity
- iii. The Buildings and other Construction Workers (Regulation of Employment and Condition of Service) Act, 1996: Definitions; Advisory Committees and Expert Committees.
- iv. Registration of Building Workers as Beneficiaries (Section11-17).

UNIT-IV Employees' Provident Funds**(8 Lectures)**

- i. The Employees' Provident Funds and Miscellaneous Provisions Act, 1952: Definitions; Employees Provident Fund Schemes, Central Board, executive Committee, State Board, Appointment of Officer, delegation.
- ii. Contributions, Employees' Pension Scheme, Employees' Deposit-Linked Scheme, Modification of Scheme, Determination of Money due from Employers and determination of Escaped Amount.
- iii. Employees' Provident Funds Appellate Tribunal.
- iv. Interest payable by Employer, Recovery Provisions, Inspectors and Penalties Procedure

UNIT-V Employment Exchanges and Dock Workers**(8 Lectures)**

- i. The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959: Definitions; Act not to apply in relation to certain vacancies, Notifications of Vacancies, Employers to furnish Information and right to access to records and documents.
- ii. Penalties and Procedure and making rules.
- iii. The Dock Workers (Regulation of Employment) Act, 1948: Definitions: Scheme for ensuring regular employment.
- iv. Advisory Committee and Dock Labour Board.

Legislations

1. The Dock Workers (Regulation of Employment) Act, 1948
2. The Employment Exchanges (Compulsory, Notification of Vacancies) Act, 1959
3. The Employees' Provident Funds and Miscellaneous Provisions Act, 1952
4. The Payment of Gratuity Act, 1972
5. The Minimum Wages Act, 1948
6. Employees' Compensation Act, 1923
7. The Payment of Wages Act, 1936
8. The Payment of Bonus Act, 1965
9. The Code on Wages, 2019
10. The Occupational Safety, Health and Working Conditions Code, 2020
11. The Industrial Relations Code, 2020
12. The Code on Social Security, 2020

References:

1. OP Malhotra : the Law of Industrial Disputes two vols. Publication- Lexis Nexis
2. HL Kumar: Labour Problems and Remedies 12th Ed. Publication-Universal Law Publishing Co.
3. VSP Rao: Human Resource Management, Publisher: Excel Books, New Delhi-28
4. SC Srivastava: Industrial Relation and Labour Laws, Publisher: Vikash Publishing House Pvt Ltd. Noida U P.

5. SN Mishra: Labour and Industrial Laws, Publisher: Central Law Publications, Allahabad.
6. HL Kumar: Practice and Procedure of Labour Laws with Model Forms, Publisher: Universal Law Publishing Co. New Delhi
7. EM Rao: Industrial Jurisprudence, Publisher: Lexis Nexis Butterworth's, New Delhi -1
8. Government of India, Report of the first National Commission on Labour (1969).
9. Government of India, Report of the Second National Commission on Labour (2002).
10. GB Pai: Labour Law in India, in two Vols. Publication- Butterworth's.
11. VG. Goswami: Labour and Industrial Laws, Publication-Central Law Agency.
12. HG Abhyankar: Industrial Disputes Act, 1947, Publication-
13. KD Srivastava: Labour Laws
14. BD Singh: Industrial Laws
15. VB Coutinho: Lectures on Labour Laws, EBC
16. P. L. Malik: Industrial Law, Publication- EBC

ELECTIVE PAPER-II : SEMESTER III
(I.) FEDERALISM AND COMPARATIVE POWER SHARING

1. Introduction

The paper introduces the federal structure.

2 .Course Outcomes:

C.O. 1 : to introduce federal structure.

C.O. 2 : To Introduce the comparative federal structure.

C.O. 3 : Different Federal Structure.

3 .Program Outcomes

To understand and develop a comparative and collaborative federal structure.

4 .Assessment Plan

- End Term Assessment : 70 Marks .
- Internal Test:15 Marks
- Viva + Assignment: 15 Marks.

UNIT I:

(8 Lectures)

- 1.1 Conceptual position of federation and confederation.
- 1.2 Rights and Duties of the states in confederal union.
- 1.3 Nature and scope of cooperative federalism.
- 1.4 Is India quasi-federal?
- 1.5 Relationship of trust and faith between centre and state in federalism.

UNIT II:

(8 Lectures)

- 2.1 Federalism in USA, Canada, Australia and Switzerland.
- 2.2 Views of Thomas Jafferson about federalism.
- 2.3 Comparative analysis of federalism of Government of India Act 1935 and Constitution of India.
- 2.4 Role of concurrent list in federal structure of India and Australia.
- 2.5 Lujan v. Defenders of wildlife, 504 U.S. 555 (1992).
- 2.6 Analysis of United States v. Munoz-Flores, 495 U.S. 385, 394 (1990) with search light case.

UNIT III:

(8 Lectures)

- 3.1 Concept of Checks and balances in India, USA, Canada and Australia.
- 3.2 Separation of powers is a corner-stone of federalism or not?

UNIT IV

(8 Lectures)

- 4.1 Administrative relations of centre and state/cantons in India and Switzerland.
- 4.2 Allocation of Taxing powers in India, USA and Canada.
- 4.3 Concept of Grants-in-Aid.

(8 Lectures)

UNIT V:

- 5.1 The Official Languages Act, 1963 and the concern amendments.
- 5.2 Concept of Legislative relation between centre and state in South Asia.
- 5.3 Distribution of powers in USA, Canada, Australia and Switzerland.
- 5.4 Article 352 v. Article 356 (Indian Constitution).

BOOKS

- 1.UpendraBaxi, Law, Democracy and Human Right , 5 Lokayan Bulletin 4 (1987).
- 2.V.M.Dandekar. Unitary Elements in a Federal Constitution, 22 E.P.W 1865, 1988
- 3.Rajeev Dhavan, The Press and the Constitutional Guarantee of Free Speech and Expression, 28 JILI 299 (1986)
- 4.M.A.Fazal, Drafting a British Bill of Rights, 27 JILI 423, 1985
- 5.M.P.Jain, Indian Constitutional Law (1994), Wadhwa
- 6.H.M.Seervai, Constitutional Law of India, (1993)

ELECTIVE PAPER-II : SEMESTER III**(II.) FORENSIC SCIENCE AND ITS EVIDENTIARY VALUE****Introduction**

Forensic science is in a unique position amongst other fields because of its social impact and legal implication in civil and criminal cases. It will provide a correlation between the scientific- technical and legal aspect. The purpose of forensic science is to serve the unique need of student who desire quality education in the field of forensic science.

Objectives

1. The objective is to give a fair idea of forensic science and its application in law.
2. It is introduced with an idea to help the student in better understanding of the crime scene, the accused and the victim.
3. It will help the students in better understanding and application of the procedure prescribed under Evidence Act, Criminal procedure code and civil procedure code.
4. It can help the students in understanding the various medical terms used under different criminal laws.

Outcome

1. It will promote inter-disciplinary learning.
2. It will help students in better understanding of the criminal law as a whole.
3. It will help in understanding the various complicated issues associated with the crime scene and will help better understanding of the Evidence law.
4. It will demonstrate the competency in the collection, processing, analyzing and evaluation of evidence.
5. It will identify the role of forensic scientist and physical evidence with the criminal justice system.

UNIT-I : Crucial Role of Evidence in Criminal Trials**(8 Lectures)**

Need for investigating agencies to appreciate the special value of use of modern technology in collection and presentation of evidence

The role of Forensic Sciences in Criminal Cases

- 1.1 Kinds of Forensic Evidence
- 1.2 The basic question in investigation-*Qui Bono*;
- 1.3 The scene of crime;
- 1.4 Discovery of traces of physical evidence;
- 1.5 Classification and reference to classified record: Systematization and classification of physical evidence and comparison with suspected material;
- 1.6 The principles of exchange;
- 1.7 The principles of heredity, Taxonomy, etc.
- 1.8 Probative Value of Forensic Evidence
- 1.9 Processes Involved in Collecting Forensic Evidence

UNIT-II**(8 Lectures)**

The Establishment of Identity

The Establishment of Identity of Individuals: Footprints, hair, skin, blood grouping; physical peculiarities.

The Establishment of the Identity of Physical Objects by shape and size: Identifying marks and impressions made by physical objects; shoe prints: type and tread marks; die and tool marks;

rupture of fracture marks.

UNIT-III

(8 Lectures)

Questioned Documents and the Identification of Handwriting:

Paper, its types and identification;

Inks: pencils and writing tools;

Handwriting habit and flow; Disguised writing; comparison and points of identity;

Samples; various type of forgery and their detection;

Additions; erasures alterations; seals; rubberstamps; typewriting; printing; blocks.

The Identification of Fire-Arms and Cartidges and Related Problems:

Type of fire-arms and their use; time and range of firing; ii. Identification of a fire-arm with a cartridge case and bullet; iii. Miscellaneous fire-arm problems like origin or direction of fire.

UNIT-IV

(8 Lectures)

Injuries to Persons

i. Evidentiary value of details of injuries; ii. Traces left by the weapon used: its range and direction; iii. Danger to clothing worn by the victim and related problems; iv. The flow of blood from injuries; v. The shape and directions of blood drops and their evidentiary value, the discovery of blood and semen stains on various objects; vi. Accidental deaths and suicides.

Evidentiary value of Physical Evidence as Evaluated a Forensic sciences laboratory viz, Evidence with scientific report.

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

Modern scientific Techniques

Narco-Analysis ii. Tests, Polygraph test, Brain Mapping Test, hypnotism, iii. Lie Detector Test & others

UNIT-V: Victimology and Forensic Science

(8 Lectures)

i. Meaning of Victimology and forensic psychology

ii. Insanity in its medico legal aspect

iii. Mental ill-health, feigned mental ill health and criminal responsibility

Bibliography

1. Max M. Houck, Jay Siegel: Fundamentals of Forensic

Science 2. Sharma: Forensic Science in Criminal

Investigation and Trials

3. Modern Criminal Investigation: Harry Soderman and John J.O. Conell (Published by Funk & Wagnalls Co. Inc., New York)

4. Indian Evidence Act, (Amendment up to date)

5. Rattan Lal, Dhiraj Law of Evidence (1994) Wadhwa, Nagpur

6. Pole in Murphy, Evidence (5th Edn. Reprint 2000) Universal Delhi

7. Albert S. Osborn, The Problem of Proof (First Indian Reprint 1998) Universal,

Delhi 8. Sarita Jhand, Forensic Science and Law,

9. Ishita Chatterjee, Law on Forensic Science.

10. Cross: Crime investigation, Sweet and Maxwell Ltd., London

11. Parekh, Medical Jurisprudence

ELECTIVE PAPER-II : SEMESTER III (III) COMPETITION LAW AND POLICY

1. Introduction

A free and fair market based on demand supply is must for a robust economy. The Competition law in India post WTO regime was an obvious choice before the Indian Government to secure an efficient market based on market and competitive forces. This paper aims to expose the students the competition law of India with a comparative overview of other jurisdictions as well. Competition law is a rapidly growing area of law which reflects the free market economy and increasing world globalization. The huge economic movements which have taken place in recent years increased the attractiveness of this subject, and competition lawyers are now prominent in the biggest law firms and institutions advising in complex transactions. The course aims to give an overview on the basics of Competition Law in India through a overview study of the main jurisdictions in brief (especially U.S. and EU) and thus provide a solid background for further studies of this subject.

2. COURSE OUTCOMES

1. Relate the history and evolution of Competition law
2. The laws relating Anti – Competitive activities and its Practical applicability
3. The student shall be able to comment on current controversies and criticisms
4. The student shall be able to Analyze the law for better applications
5. The student shall further be researching in the area.

3. Program Outcomes

P.O. 1: Demonstrate the ability to extract rules and policy from cases, statutes, and administrative regulations and analyzing, interpreting and arguing differing interpretations of rules and statutes

P.O. 2: Demonstrate the ability to conduct investigation of facts and to construct a coherent narrative based on that investigation;

PO. 3: Identify legal issues in facts and applying rules and policy to facts

PO. 4: Perform comprehensive legal research

PO. 5: Demonstrate the ability to solve problems in light of a client’s objectives: anticipating consequences and assessing risks;

4 .Assessment Plan

- End Term Assessment : 70 Marks .
- Internal Test :15 Marks
- Assignment +Viva+ Presentation : 15 Marks.

Unit I: Competition Law**(Lectures 8)**

- 1.1 Evolution of Competition Law, Constitutional aspect of Elimination of Concentration of Wealth and Distribution of Resources Article 39 (b) (c) Relation between Competition Policy and
- 1.2 Competition Law –Objectives of Competition Law
- 1.3 Monopoly & Restrictive Trade Practices Act, 1969,
- 1.4 Raghavan Committee Recommendations
- 1.5 Competition Act, 2002, Objectives and Overview,
- 1.6 Appreciable Adverse Effect Over the Competition, Unfair Trade Practices.

Unit II: Anti-Competitive Agreements**(Lectures 8)**

- 2.1 Horizontal Agreements: Price Fixing, Output Limitation, Market Sharing, Bid Rigging, Collusive Bidding, Cartel
- 2.2 Vertical Agreements: Tie In Agreement, Exclusive Supply, Exclusive Distribution, Refusal To Deal & Resale Price Maintenance.
- 2.3 Rule of Reason & Rule Per Se
- 2.4 Competition & Intellectual property Rights; Inter-linkage

Unit III: Abuse of Dominant Position & Regulation of Combination**(Lectures 8)**

- 3.1 Abuse of Dominant Position: Dominant Position and Its Abuse,
- 3.2 Predatory Pricing, Trade Barriers & Denial of Market Access.
- 3.3 Regulation of Combination: Threshold Limits,
- 3.4 Procedure and Role of Commission

Unit IV: Competition Authorities & Investigation, Enforcement**(Lectures 8)**

- 4.1 Competition Commission of India: Composition, Appointment, Power, Function and Duties
- 4.2 Director General, Power & Functions
- 4.3 Competition Appellate Tribunal: Composition Power, Function
- 4.4 Investigation: General Procedure and Remedies,
- 4.5 Extra-territorial Operation of Commission.

Unit V: Enforcement & Competition Policy**(Lectures 8)**

- 5.1 Competition Advocacy,
- 5.2 Leniency Programme, Contemporary Issues in Competition
- 5.3 Relation between International Trade Law and Competition Law
- 5.4 International Competition Law

Books & References:

1. T, Ramappa, Competition Law in India, Oxford University Press, 2013
2. VinodDhall, Competition Law Today: Concept, Issues and Law in Practice, Oxford University Press, 2007
3. Richard Wish, David Bailey, Competition Law, Oxford University Press, 2012.

Cases

1. FTC v Indiana Federation of Dentists
2. United States v Socony Vacuum Oil Co.
3. United States v. Trenton Potteries Co.
4. The Lombard Club Case; Standard Oil Co. of California v United States.
5. BrahmDuttv. Union of India, AIR 2005 SC 730
6. CCI v. Steel Authority of India Ltd. &Anr, (2010)10SCC 744
7. Excel Crop Care Ltd v Competition Commission of India &Ors (2017) 8 SCC 47
8. Aamir Khan Productions Private Limited v. Union of India, (2010) 4CompLJ580(Bom)
9. Builders Association of India v. Cement Manufacturers', Case No. 29/2010, CCI.
10. All India Tyres Dealers Federation v. Tyres Manufacturers, 2013 COMP LR 92 (CCI)
11. ShamsherKataria v. Honda Siel Cars India Ltd., 2014 Comp LR 1 (CCI)

ELECTIVE PAPER-II : SEMESTER III

MATRIMONIAL REMEDIES

1. Introduction

Marriages are made in heaven and are lived on earth. Therefore, it is very possible that there is trouble in marriages. In legal parlance amicable modes of sorting that troubles are determined are and known as matrimonial remedies, such as divorce, judicial separation, restitution of Conjugal rights, maintenance and others. This paper deals with the comprehensive study of the matrimonial remedies under all personal laws.

2. Course Objective

C.O.1: It provides a comprehensive understanding of the Matrimonial Remedies.

C.O.2: It provides a statutory knowledge about the Matrimonial Remedies under all personal laws.

C.O.3: It provides an opportunity to examine the specific case laws on the subject and support the logical arguments in need.

C.O.4: It provides an opportunity to the students able to deal with the matrimonial issues in the Court of Law, effectively.

3. Programme Objective

P.O.1: This Course develops an understanding about the legal concept of the institution of matrimonial remedies under all personal Laws

P.O.2: An objective of the course is to provide a comprehensive information about the matrimonial remedies.

P.O.3: A comparative study of the nature and concept of marriage under all personal laws.

4. Assessment Plan

End Term Assessment: 70

Marks. Internal Test :15

Marks Assignment +Viva+ Presentation: 15 Marks.

Unit I: Matrimonial Remedies Under Hindu Law

(8 Lectures)

1.1 Hindu Jurisprudence, Theories of Divorce, Grounds of Divorce under Hindu Marriage Act 1955,

1.2 Divorce by Mutual Consent, Case Study Of Leading Judgments On The Issues Related To Divorce,

1.3 Judicial Separation and Restitution of Conjugal Rights under Hindu Law

1.4 Effect of Divorce on The Family System Of The Hindus. Case Study Of Leading Judgments On The Issues Related To Divorce, Judicial Separation And Restitution Of Conjugal Rights And Others Issues Under Hindu Law.

1.5 Bars to Matrimonial Remedies.

Unit II: Matrimonial Remedies Under Muslim Law

(8 Lectures)

2.1 Talaq under Muslim Personal Law,

2.2 Kinds of Talaq Under Muslim Personal Law,

2.3 Comparative Study of The Mode of Talaq In India And Other Islamic Countries,

2.4 Dissolution of Muslim Marriage Act 1939, Journey of Talaq In India Up To Sharya Bano Judgment Restitution Of Conjugal Rights Under Muslim Law, Case Study Of Leading Judgments On The Issues Related To Talaq And Others Issue

2.5 Muslim Law, Bars to Matrimonial Remedies under Muslim Personal Laws.

Unit III: Matrimonial Remedies Under Christians and Parsi laws (8 Lectures)

- 3.1 Remedy of Divorce Judicial Separation and Restitution of Conjugal Rights Under Christian Laws,
- 3.2 Remedy of Divorce Judicial Separation and Restitution of Conjugal Rights Under Parsi Laws
- 3.3 Case Study of Leading Judgments on The Issues Related To Matrimonial Remedies Under
- 3.4 The Christian Law
- 3.5 Case Study Of Leading Judgments On The Issues Related To Matrimonial Remedies Under
- 3.6 The Parsi Law
- 3.7 Bars to Matrimonial Remedies.

Unit IV: Divorce of Inter Religious Marriages (8 Lectures)

- 4.1 Marriage and Religion
- 4.2 Conflicts of Inter-Religious Marriages,
- 4.3 Provisions of Divorce Under Special Marriage Act 1956,
- 4.5 Grounds of Divorce and Other Matrimonial Remedies Under Special Marriage Act 1956,
- 4.6 Problems of Foreign Divorce

Unit V: Matrimonial Remedy of Maintenance Under Personal laws (8 Lectures)

- 5.1 Maintenance under Hindu Jurisprudence,
- 5.2 Maintenance under Muslim personal Law & Cr.PC
- 5.3 Maintenance under Christian and Parsi Laws,
- 5.4 Maintenance under Special Marriage Act, 1954
- 5.5 Case Study of Leading Judgments on the Issues Related To Matrimonial Remedies of Maintenance Under different Personal Laws

References/Statutes

1. Hindu Marriage Act, 1955
2. Special Marriage Act, 1954
3. The Indian Christian Marriage Act, 1872
4. The Parsi Marriage and Divorce Act, 1934
5. The Prohibition of Child Marriage Act, 2006
6. Indian Divorce Act, 1869
7. The Muslim dissolution of Marriage Act, 1939
8. The Foreign Marriage Act, 1969

Books

1. Mulla Hindu Law By Satyajit A. Desai
2. R.C.Nagpal, Mordern Hindu Law, Eastern Book Publication
3. Dr. Paras Diwan, Family law on Marriage and divorce
4. Family Law lectures by Kusum
5. Studies of Hindu Law by Tahir Mahmood
6. Mohammadan Law by Fazee

**LECTIVE PAPER-II : SEMESTER III
(V.) LAW RELATING TO INDUSTRY**

1. Introduction

This paper assured to the workers to get benefits of following Act of 1948. The certain provisions are incorporated of the participation of workers in the management i.e., half ratio of the representative of workers in work committee etc. The status of the apprentice workers are also stated in the Act of 1961. Provisions relating to development of industry will invoked to know the real conditions of particular industry. Inter-state migrant labours' conditions are revealed in this paper. And have to study about those workers who are employed in plantation.

2 .Course Outcomes:

- C.O. 1 :** To introduce the Labour problems.
- C.O. 2 :** To introduce the management issues.
- C.O. 3 :** To introduce the idea of collective bargaining.

3. Program Outcomes

The programme aims to achieve the participative management.

4 .Assessment Plan

- End Term Assessment : 70 Marks .
- Internal Test:15 Marks
- Viva + Assignment: 15 Marks.

UNIT-I The Employees' State Insurance

(8 Lectures)

- 1.1 The Employees' State Insurance Act, 1948: definitions, Corporation(Sec. 3)
- 1.2 Standing Committee, And Medical Benefit Council (sections 4-25).
- 1.3 Finance and Audit (Sections 26, 28-30, and 32-37).
- 1.4 Contributions (Sections 38-45I) Benefits (Sections 46, 49- 59A) Adjudication of Claims (Sections 74-83) and Penalties (Sections 84 -86A).

UNIT-II The Apprentice Act

(8 Lectures)

- 2.1 The Apprentice Act, 1961: Definitions.
- 2.2 Apprentices and their training (Sections 3-22).
- 2.3 Authorities (Sections 23-36).
- 2.4 Power to Make Rules.

UNIT-III The Industries (Development and Regulation) Act, 1951:

(8 Lectures)

- 3.1 The Industries (Development and Regulation) Act, 1951: Definitions, the Central Advisory Council and Development Council (Sections 5-9).

3.2 Regulation of Scheduled Industries (Sections 10-16 and 18).

3.3 Direct Management or control of Industrial Undertakings by Central Government in certain cases (Sections 18A-18F), Management or control of Industrial Undertakings owned by Companies in Liquidation (Section 18FA)

3.4 Control of Supply, Distribution, Price, etc., of certain articles (Section 18G) and Penalties and Procedure (Sections 24 -29C).

UNIT-IV Migrant Workmen

(8 Lectures)

4.1 The Inter-State Migrant Workmen Regulation of Employment and Conditions of Service) Act, 1979: Definitions, Registration of Establishment employing Inter-State Migrant Workmen (Sections 3- 6).

4.2 Licence of Contractors (Sections 7-11).

4.3 Duties and Obligations of Contractors (Section 12), Wages Welfare and other facilities to be provided to Inter-State Migrant Workmen (Sections 3-19).

4.4 Inspectors (Section 20), Penalties and Procedure (Sections 23 -29).

UNIT-V The Plantation Labour

(8 Lectures)

5.1 The Plantation Labour Act, 1951: Definitions, Reference to time of day (Section 3).

5.2 Inspecting Staff (Sections 4-7), Provisions as to Health (Sections 8-9).

5.3 Welfare (Sections 11-18), Hour and Limitation of Employment (Sections 19-28).

5.4 Leave and Wages (Sections 29-32) and Penalties and Procedure (33-40).

References:

1. OP Malhotra : the Law of Industrial Disputes two vols. Publication- Lexis Nexis
2. HL Kumar: Labour Problems and Remedies 12th Ed. Publication-Universal Law Publishing Co.
3. VSP Rao: Human Resource Management, Publisher: Excel Books, New Delhi-28
4. SC Srivastava: Industrial Relation and Labour Laws, Publisher: Vikash Publishing House Pvt Ltd. Noida U P.
5. SN Mishra: Labour and Industrial Laws, Publisher: Central Law Publications, Allahabad.
6. HL Kumar: Practice and Procedure of Labour Laws with Model Forms, Publisher: Universal Law Publishing Co. New Delhi
7. EM Rao: Industrial Jurisprudence, Publisher: Lexis Nexis Butterworth's, New Delhi -1
8. Government of India, Report of the first National Commission on Labour (1969).
9. Government of India, Report of the Second National Commission on Labour (2002).
10. GB Pai: Labour Law in India, in two Vols. Publication- Butterworth's.
11. VG. Goswami: Labour and Industrial Laws, Publication-Central Law Agency.
12. HG Abhyankar: Industrial Disputes Act, 1947, Publication-
13. KD Srivastava: Labour Laws
14. BD Singh: Industrial Laws
15. VB Coutinho: Lectures on Labour Laws, EBC
16. P. L. Malik: Industrial Law, Publication- EBC

ELECTIVE PAPERS-1: SEMESTER IV
(I.) COMPARATIVE CONSTITUTIONAL LAW

1. Introduction

The paper introduces the comparative constitutional study and approach.

2 .Course Outcomes:

C.O. 1 : Comparative study of constitutions

C.O. 2 : Constitutional Borrowings.

C.O. 3 : Constitutional Interlinkage.

3 .Program Outcomes The paper introduces the understanding about Comparative Constitutions.

4 .Assessment Plan

- End Term Assessment : 70 Marks .
- Internal Test:15 Marks
- Viva + Assignment: 15 Marks.

UNIT I: Constitutional Governance

(8 Lectures)

1.1 Federal & Unitary Governance

1.2 Constitution, Constitutionalism & Governance

1.3 Features of Constitutionalism

1.4 Comparison of Federal Governance in Indian, UK & USA

UNIT II: Rule of Law

(8 Lectures)

2.1 Rule of Law & Constitutional Governance

2.2 Equality & Rule of Law

2.3 Equality & Affirmative Action

2.4 Discrimination & Equality

UNIT III: Judicial Review

(8 Lectures)

3.1 Judicial Review & Constitutional Governance

3.2 Judicial Review & Interpretation of Constitution

3.3 Writs & Remedies

3.4 Judicial Accountability

UNIT IV: Separation of Power & Division of Power

(8 Lectures)

4.1 Separation of powers

4.2 The Doctrine of Checks and Balances

4.3 Rule of Law and Separation of Powers in the Indian Constitution

4.4 Division of Powers & Judiciary

UNIT V: Contemporary Constitutional Governance

(8 Lectures)

5.1 Privacy & Digital Rights

5.2 LGTBQ Rights

5.3 Indigenous People & Minority Rights

5.4 Displaced Persons & Refugee, Vulnerables & Migrant

BOOKS

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

2. M.P.Jain, Constitutional Law of India,

3. John B.Howard, The Social Accountability of Public Enterprises,

4. Rajeev Dhavan, On the Law of the Press in India, 26 JILI 288 (1984)

5. Soli Sorabjee, Law of Press Censorship in India

6. Justice E.S.Venkaramiah, Freedom of Press : Some Recent Trends,

7. D.D.Basu, The Law of Press of India

8. Rajeev Dhavan, Legitimizing Government Rhetoric : Reflections on Some Aspects of the Second Press Commission, 26 JILI 391, 1984

ELECTIVE PAPERS-1: SEMESTER IV
(II) INTERNATIONAL CRIMINAL LAW AND TRANSNATIONAL LAW

Introduction

Transnational crime is a crime which takes place in more than one country or jurisdiction but their consequences significantly affect other countries. Since transnational organized crimes include variety of other criminal activities like conveying drugs, conveying arms, trafficking for sex etc, it becomes relevant to have in-depth study of the subject.

Objectives:

1. To get a detailed understanding of international criminal law and transnational crime.
2. To get an understanding of working of international criminal justice system.
3. To understand about the prevention, control and correctional strategies.

Outcomes:

1. It will help students in understanding the transnational crimes.
2. It will further enhance student's understanding in role of police and judiciary in handling organized crimes.

Assessment Plan

- End Term Assessment : 70 Marks .
- Internal Test:15 Marks
- Viva + Assignment: 15 Marks.

Unit-I: International criminal law Development**(8 Lectures)**

- 1.1 The substantive international law
- 1.2 The concept of an international crime
- 1.3 Crimes under general international law (i): general
- 1.4 Crimes under general international law (ii): imposing responsibility
- 1.5 Crimes under general international law (iii): excluding responsibility
- 1.6 Treaty crimes (i): general
- 1.7 Treaty crimes (ii): focus on treaty-based responses to terrorism
- 1.8 The role of the International Criminal Court and jurisdiction – The Rome Statute
- 1.9 The crime of aggression b. Genocide c. Crimes against humanity d. War crimes e.
- 1.10 Terrorism and transnational crimes
- 1.11 The objectives and policies of international criminal law; including issues of amnesty, truth and justice
- 1.12 Various International criminal tribunals
- 1.13 Emerging issues in international criminal law

UNIT-II:Transnational crimes**(8 Lectures)**

- 2.1 Definition and Scope
- 2.2 Characteristics of Transnational crime
- 2.3 Types of Transnational crime

- 2.4 Causes of Transnational crime
- 2.5 Criminal Intent and mens-rea in such crimes
- 2.6 Modus operandi of Transnational crime

UNIT-III: Classification of Transnational Crimes (8 Lectures)

- 3.1 International Perspective
- 3.2 Drug Trafficking as Transnational Crime
- 3.3 Trafficking of Weapons
- 3.4 Counterfeit of Goods
- 3.5 Trafficking of Persons and Smuggling of Migrants
- 3.6 Money Launderin
- 3.7 Terrorism
- 3.8 Environmental Crimes

UNIT-IV: Laws relating to Transnational Crime (8 Lectures)

- 4.1 Organized crime and United Nations,
- 4.2 The UN Convention on transnational and organized crime
- 4.3 United Nations Conventions Against Organized Crime, 2000

UNIT-V (8 Lectures)

- Prevention, control and correctional strategies
- 5.1 Extradition Act 1962 (Relevant Provisions) and Extradition Treaty
- 5.2 International investigative agencies (Interpol etc), Adjudication authorities(including ad hoc and permanent criminal tribunals),
- 5.3 Role of Police in Investigation of organized crime
- 5.4 Role of Judiciary, Trial and Sentencing in organized crime
- 5.5 Profiles of Criminal Gang / Investigation and Prosecution

BIBLIOGRAPHY

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

**ELECTIVE PAPERS-1: SEMESTER IV
(III) INTELLECTUAL PROPERTY LAW-1**

1.Introduction:

Intellectual property law basically classified in copyright and industrial property establishes a whole new order run on knowledge. Copyright introduces the incoming students about protection and exploitation of work. Trademark and GI are protection of industrial property and community property. Design promotes aesthetics.

2 .Course Outcomes:

- C.O. 1 :** To assess the conceptual framework of Intellectual Pr
C.O. 2 : To understand the philosophy of intellectual property protection and commercial and non-commercial uses.
C.O. 3 : To critically evaluate the existing legal structure its comparison to international intellectual property regime.
C.O. 4 : To assess the intellectual property culture of India in a post globalized era .

3 .Program Outcomes

To foster an inter disciplinary approach in order to assess the ground reality of intellectual property law in India .

To assess the changing nature of intellectual property law in India with reference to TRIPS

To encourage a Critical method of thinking among the students to assess the legal situation.

To assess the social impact and outcome of intellectual property law.

To train incumbents to present and resolve Intellectual property disputes effectively.

4 .Assessment Plan

- End Term Assessment : 70 Marks .
- Internal Test :15 Marks
- Assignment +Viva+ Presentation : 15 Marks.

Unit I: Intellectual Property Law An Overview

(8 Lectures)

1.1 Intellectual Property History & Modern Development: International & National

1.2 Intellectual Property Order

1.3 Intellectual Property Rights Meaning and Nature

1.4 Intellectual Property Rights in India

1.5 Forms of Protection of Intellectual Property

1.6 Object, Role, Advantages , Recent Development

Unit II: Copyright

(8 Lectures)

- 2.1 Copyrights Subject matters, Originality in Copyrights
- 2.2 Fixation of work, Economic rights
- 2.3 Ownership, Authorship, License, Terms (modes of assignment)
- 2.4 Infringement of copyrights
- 2.5 Performers/Broadcasters and their rights

Unit III: Design**(8 Lectures)**

- 3.1 Design, Industrial design, Layout
- 3.2 Procedure of application for registration
- 3.3 Opposition to registration
- 3.4 Copyrights in registration
- 3.5 Deception and Similarities

Unit IV: Trademark**(8 Lectures)**

- 4.1 Principles of Trademarks, concept, Emergence, justification
- 4.2 Registration of Trademark, Grant and Refusal
- 4.3 Distinctiveness, Deceptive Similarities
- 4.4 Misuse of Trademarks
- 4.5 Cancellation

Unit V: Geographical Indication**(8 Lectures)**

- 5.1 Concept of Geographical Indication (G I), Objective, Justification, International Imitative
- 5.2 Registration of Geographical Indication/ Appellation of Origin
- 5.3 Effect of Registration/ G I Protection in India
- 5.4 Passing off/ Remedies
- 5.5 Case Studies

BOOKS:

1. N.S. Gopalakrishnan & T.G. Ajitha, Principles of Intellectual Property, Eastern Book Company.
2. B.L. Wadhera, Law Relating to Intellectual Property, Universal Law Publishing.
3. S. Narayan, Intellectual Property Law in India, Gogia Law Agency, Hyderabad.
4. A. K. Bansal, Law of Trademark In India, Thomson & Reuter.
5. V.K. Ahuja, Law Relating to Intellectual Property Law, Lexis Nexis.
6. Elizabeth Veghese, Law of Patents, Eastern India Company.
6. Jayashree Watal, Intellectual Property Rights in the WTO and Developing Countries, Oxford University Press.
7. P. Narayanan, Law of Trademarks (The Trademarks Act 1999) and Passing Off, Eastern Law, Calcutta.
8. W.R. Cornish, Intellectual Property: Patents, Copyright, Trademark and Allied Rights, Universal Law Publishing.
9. Dr. C.P. Singh, Baudhduik Sampada Vidhi, Allahabad Law Agency, Allahabad.

ELECTIVE PAPERS-1: SEMESTER IV
(IV) PRINCIPLES OF INHERITANCE AND SUCCESSION

1. Introduction

Inheritance and Succession is one of the essential consequences of the Family System in all personal laws. This Paper deals with a comprehensive study of laws concerning with the inheritance and succession under Hindu, Muslim, Christian and Parsi Jurisprudence and the Statutory Law.

2. Course Objective

C.O.1: It provides comprehensive understanding of the law on succession, inheritance, gift and will

C.O.2: It provides the legal knowledge of the succession, inheritance, gift and will.

C.O.3: It provides the cases of adoption and guardianship in the Court of Law, effectively.

C.O.4: A comparative study of the nature and concept of the adoption and guardianship.

3. Programme Objective

P.O.1: This Course develops an understanding about the legal concept of the inheritance and succession.

P.O.2: An objective of the course is to provide a comprehensive information about the wills and gift.

P.O.3: A comparative study of the law succession and inheritance under all personal laws .

4. Assessment Plan

End Term Assessment: 70

Marks. Internal Test :15

Marks

Assignment +Viva+ Presentation: 15 Marks

Unit I: Hindu law of Inheritance and Succession

(8 Lectures)

1.1 Principles Of Inheritance And Succession Under Classical Hindu Law,

1.2 Features Of Mitakshara And Dayabhaga Inheritance, Hindu Joint Family, Categories Of Properties, Features Of Hindu Succession Act 1956, Features Of Hindu Succession (Amendment) Act 2005,

1.3 Devolution Of Property Of Hindu Male And Female, Daughters As Coparceners,

1.4 General Principles Of Inheritance, Disqualifications, Effect Of Hindu Succession (Amendment) Act 2005,

1.5 Partition, Case Study Of The Leading Judgments Concerned With The Issues Of Succession And Inheritance Among Hindus.

Unit II: Muslim Law of Inheritance and Succession

(8 Lectures)

2.1 Distinct rules of Inheritance under Muslim Law,

2.2 Concept of Heritage Property, Vested interest upon Inheritance, Disqualifications,

2.3 Laws of Inheritance under Sunni Law, Laws of Inheritance under Shia laws,

2.4 Right of inheritance of the Muslim women as wife and daughters,

2.5 Case study of the Leading Judgements concerned with the issues of succession and inheritance among Muslim.

Unit III: Inheritance and Succession of Christians, Parsis & Inter-religious Marriages (8 Lectures)

- 3.1 Mode of Inheritance and Succession in Christians and Parsis Jurisprudence,
- 3.2 Indian Succession Act 1925, application of Indian Succession Act 1925,
- 3.3 Case study of the Leading Judgements concerned with the issues of succession and inheritance among Christians, Parsis and Interreligious marriages.

Unit IV: Laws of Gift and Will under Personal Laws (8 Lectures)

- 4.1 Gift and Will under Hindu, Muslim, Christian and Parsi Laws,
- 4.2 Provisions of the Indian Succession Act 1925 related to Gift and wills,
- 4.3 Case study of the Leading Judgements concerned with the issues of Gift and will among Christians, Parsis and Interreligious marriages.

Unit V: Religious and Charitable Endowments and Waqf (8 Lectures)

- 5.1 Public and Private endowments, Mahants and Shebeit,
- 5.2 Essentials of Waqf, Legal Incidents of Waqf, Kinds of waqf,
- 5.3 Management of Waqf Property,
- 5.4 Doctrine of Cyprus.

Statutes

2. Hindu Succession Act, 1956
3. Indian Succession Act, 1925

Books

1. Kusum & P.P.Sexena, Lecture on Hindu Law, Butterworths Publication
2. Sanjiva Row: The Indian Succession Act, 1925, Law Book Co., Allahabad
3. Ramesh Chandra Nagpal, Mordern Hindu Law, Eastern Book Publication
4. Paras Diwan Family law on Marriage and divorce, Universal Law Publicaion
5. Family Law lectures by Kusum, LexisNexis Butterworths
6. B.K.Mukherjea: Hindu Law of Religious and Charitable Trust, Eastern Law House
7. Mayne, Hindu Law and Usage, Bharat Law House, New Delhi
8. G.C.Venkata Subbarao: Family Law in India, Law Publishers
9. Mulla, D.F: Principles of Mohammedan Law, N.M.Tripathi Pvt. Ltd., Bombay
10. Mulla, D.F: Principles of Hindu law. 18th Edn. New Delhi: LexisNexis Butterworths
11. Sanjiva Row: The Indian Succession Act, 1925, Law Book Co., Allahabad
12. Archana Prasad, A.Dhanda: Redefining Family Law in India
13. B.R.Verma: Commentaries on Mohammedan Law, Law Publishers India (Pvt.) Ltd., Allahabad

ELECTIVE PAPERS-1: SEMESTER IV
(V) SAFEGUARDS OF WOMEN AND CHILD IN LABOUR LAWS

1. Introduction:

This paper is incorporated in the same course with view of provide the safeguard for children and women workers. It will have to study the provisions of equal remuneration and equal opportunity in recruitment of women who seeking to get employment in industrial establishment..

2 .Course Outcomes:

- C.O. 1 :** To Introduce the idea of safeguards of women.
- C.O. 2 :** To Introduce the idea of safeguards of Children.
- C.O. 3 :** To Introduce the concept of protective discrimination.

3 .Program Outcomes

Safety and security at workplace of women workers and the crèche houses related provisions aware to such workers.

4 .Assessment Plan

- End Term Assessment : 70 Marks .
- Internal Test:15 Marks
- Viva + Assignment: 15 Marks.

UNIT-I The Child Labour

(8 Lectures)

- 1.1 The Child Labour (Prohibition and Regulation) Act, 1986:
- 1.2 Definitions; Prohibition of Employment of Children in Certain occupation and Processes (Sections 3-5). (2 Lect.)
- 1.3 Regulation of Conditions of Work of Children (Sections 6-13).
- 1.4 Penalties and procedure (Sections 14-16).
- 1.5 Appointment of Inspectors, Power to make Rules and Remove Difficulties (Sections 17-18 and 21).

UNIT-II The Maternity Benefit

(8 Lectures)

- 2.1 The Maternity Benefit Act, 1961: Definitions; Employment of or work by women prohibited during certain periods, right to payment of maternity benefit and payment of Maternity benefit in certain cases (secs. 4-5B).
- 2.2 Notice and Leave (sections 6-11).
- 2.3 Dismissal, Appointment of Inspectors and Forfeiture of Maternity benefit (Sections12-18).
- 2.4 Penalties and Procedure (Sections 21-23).

UNIT-III The Equal Remuneration

(8 Lectures)

- 3.1 The Equal Remuneration Act, 1976: Definitions; Payment of Remuneration at Equal Rates to Men and women workers and other matters (Secs. 4-7)
- 3.2 Duty of Employers to maintain register, Inspectors and Penalties and Procedure (Secs. 8-12)

3.3 The Equal Remuneration Rules, 1976: Definitions; Complaint and Claims under the Act (Sections 3-5).

3.4 The Various Forms for Applications.

UNIT-IV Equal Remuneration Rules (8 Lectures)

4.1 The Central Advisory Committee on Equal Remuneration Rules, 1991: Whole Act.

4.2 Constitutional as well as Judicial Pronouncement Regarding to safety of women at workplace.

UNIT-V Beedi and Cigar Workers (8 Lectures)

5.1 The Beedi and Cigar Workers (Conditions of Employment) Act, 1966:

5.2 Definitions; Industrial premises to be Licensed, Licenses and Appeal (Sections 3-5).

5.3 Inspectors, first Aid, Crèches and Canteens (Sections 6-16).

5.4 Working Hours and Holidays (Sections 17-23).

5.5 Prohibition of employment of Children and women (Sections 24-25) and Penalties & procedure (Sections 32-34, and 36).

References:

1. OP Malhotra : the Law of Industrial Disputes two vols. Publication- Lexis Nexis
2. HL Kumar: Labour Problems and Remedies 12th Ed. Publication-Universal Law Publishing Co.
3. VSP Rao: Human Resource Management, Publisher: Excel Books, New Delhi-28
4. SC Srivastava: Industrial Relation and Labour Laws, Publisher: Vikash Publishing House Pvt Ltd. Noida U P.
5. SN Mishra: Labour and Industrial Laws, Publisher: Central Law Publications, Allahabad.
6. HL Kumar: Practice and Procedure of Labour Laws with Model Forms, Publisher: Universal Law Publishing Co. New Delhi
7. EM Rao: Industrial Jurisprudence, Publisher: Lexis Nexis Butterworth's, New Delhi -1
8. Government of India, Report of the first National Commission on Labour (1969).
9. Government of India, Report of the Second National Commission on Labour (2002).
10. GB Pai: Labour Law in India, in two Vols. Publication- Butterworth's.
11. VG. Goswami: Labour and Industrial Laws, Publication-Central Law Agency.
12. HG Abhyankar: Industrial Disputes Act, 1947, Publication-
13. KD Srivastava: Labour Laws
14. BD Singh: Industrial Laws
15. VB Coutinho: Lectures on Labour Laws, EBC
16. P. L. Malik: Industrial Law, Publication- EBC

ELECTIVE PAPERS-II: SEMESTER IV
(I) ADMINISTRATIVE PROCESS AND JUDICIAL CONTROL

1. Introduction

This paper introduces the administrative process and control over it.

2. Course Outcomes:

C.O. 1 : To Inculcate the value of administrative process.

C.O. 2 : To introduce the judicial control over administrative process.

C.O. 3 : To differentiate the role of Judicial Processes.

3. Program Outcomes

This paper inculcates a collaborative and critical approach to study of law.

4 .Assessment Plan

- End Term Assessment : 70 Marks .
- Internal Test:15 Marks
- Viva + Assignment: 15 Marks.

Unit I :

(8 Lectures)

- 1.1 Administrative process : Nature and Meaning,
- 1.2 The role of civil service,
- 1.3 The role of administrative agencies,

Unit II :

(8 Lectures)

- 2.1 Constitutional standards : Doctrine of Police Power, Doctrine of Eminent Domain,
- 2.2 Taxing power,
- 2.3 Responsibility and accountability.

Unit III :

(8 Lectures)

- 3.1 Judicial Review of Administrative action in India : Historical development,
- 3.2 Power of Supreme Court, Powers of High Courts, Role of Subordinate Courts.
- 3.3 Jurisdiction : Finality Clause,
- 3.4 Conclusive evidence Clauses,
- 3.5 Law Fact distinction,Exclusionary Clause.

- 3.6 Ground of Judicial Review : Doctrine of Ultra vires,
- 3.7 Unreasonable discretionary power : From liver sidge to padfield, discretion and Justifiability, violation of fundamental rights,
- 3.8 Extraneous consideration and /or irrelevant ground, delegation acting under dictation, Malafides and Bias,
- 3.9 Lack of rationality and proportionality, oppressing decision.

Unit IV :**(8 Lectures)**

- 4.1 Limits of Judicial Review : Locus standi and PIL,
- 4.2 Laches,
- 4.3 Resjudicata,
- 4.4 Alternative remedies,
- 5.5 Remedies Writs,
- 6.6 Injunction and declaration.

Unit V :**(8 Lectures)**

- 5.1 Tortuous and contractual liability,
- 5.2 Emerging liability-Personal accountability,
- 5.3 Compensatory jurisprudence and right to live,
- 5.4 Accountability under consumer protection law,
- 5.5 Promissory Estoppels : Legitimate expectation and Constitutional dimensions.

BOOKS

1. Peter H. Schuck, Foundations of Administrative Law (1994), Oxford, New York.
2. Neville L. Brown and J.F. Garner, French Administrative Law
3. Davis, Discretionary Justice
4. De Smith, Judicial Review of Administrative Action (1995)
5. Jennings Ivor, Law and the Constitution.
6. Schwartz & Wade, Legal Control of Government.
7. Friedman, The State and the Rule of Law in a Mixed Economy
8. Dicey, Introduction to the Law of the Constitution,
9. M.P. Jain, Cases and Materials on Administrative Law (1996), Vol.I, Wadha, Nagpur.
10. S.P. Sathe, Administrative Law (1998), Butterworths, India.
11. De Smith, Judicial Review of Administrative Action (1995), Sweet and Maxwell.
12. I.P. Massey, Administrative Law (1995), Eastern, Lucknow.
13. BagawatiProsad Banerjee, Writ Remedies, (1999), Wadhwa, Nagpur.
14. B.Schwartz, An Introduction to American Administrative Law.
- 15.K.S. Shukla and S.S.Singh, Lokayukta: a Social Legal Study (1988), Indian Institute of Public Administration, N.Delhi.
16. Neil Hawke and Neil Papworth, Introduction to Administrative Law (1996), Lawman, New Delhi.
17. D.D.Basu, Comparative Administrative Law,
18. Donald C. Rowat, The Ombudsman (1966), George Allan and Unwin Ltd., Toronto

**ELECTIVE PAPERS-II: SEMESTER IV
(II) OFFENCES AND LAW RELATED TO JUVENILE**

Introduction

To increase knowledge about programs and policies that address juvenile crimes. To improve dissemination of knowledge pertaining to human behavior. Assessing the extent of juvenile law breaking behavior in contemporary society and trace its development (and the popular perception of its development).

Objectives:

1. To give an exhaustive study of juvenile delinquency and laws in India.
2. To give an insight into international approach on juvenile delinquency.
3. To provide a detailed study about the judicial approach on the issue and give a comparative study with other countries.

Outcomes:

1. Students will develop a better understanding of the laws on juvenile delinquency.
2. It will develop a better understanding of the approach prevalent in other countries.

4 .Assessment Plan

- End Term Assessment : 70 Marks .
- Internal Test:15 Marks
- Viva + Assignment: 15 Marks.

Unit I :

(8 Lectures)

- 1.1 The conception of 'child' in Indian Constitution and Penal Code,
- 1.2 Delinquent Juvenile, 'Neglected Juvenile', the Overall situation of children/young persons in India, also with reference to crime statistics (of crime by and against children),
- 1.3 Differential Association, Anomie, Gang-sub-culture.

Unit II: Legislative Approaches

(8 Lectures)

- 2.1 Legislative approaches during the late colonial era, Juvenile Justice Act, 2015,
- 2.2 Constitutional Aspects, Competent Authorities, Powers given to government, Community Participation as envisaged,
- 2.3 United Nation Conventions on the Right of Child, 1989

Unit III: Offences Against Juveniles

(8 Lectures)

- 3.1 The child population percentage to total sex ratio, urban/rural/rural-urban, laborers, In organized industries like Zari, Carpet, Bidi, Glass. In unorganized section like domestic servant, shops and establishments,
 3.2 Drug Addicts, Victims of violence-sexual abuses, battered, killed by parents.

Unit IV: Judicial Contribution and Preventive Strategies (8 Lectures)

- 4.1 Social Action Litigation concerning Juvenile Justice, Judicial decisions,
 4.2 Role of legal profession in Juvenile Justice System,
 4.3 State Welfare Programme health, Nutrition, Role of community, family, voluntary, bodies, industrials, individual.

Unit-V: Comparative Study on Juvenile Delinquency (8 Lectures)

- 5.1 Analyzing and comparing legal position on juvenile delinquency between developed and developing countries

BIBLIOGRAPHY

- 1.K.S. Shukla, Adolescent Offender (1985)
- 2.United Nations, Beijing Rules on Treatment of Young Offenders (1985)
- 3.Myron weiner, The Child and State in India (1990)
- 4.The United Nations Declaration on the Rights of Children UNICEF periodic materials.
- 5.Singh Makkar, S.P, 1993, Global perspectives in Victimology, ABC Publications, Jalandar.
- 6.Rajan, V.N, 1981, Victimology in India: An Introductory Study, Allied Publishers, New Delhi
- 7.Devasia, V.V, 192, Criminology, Victim logy and Corrections, Ashish Publishing House, New Delhi
- 8.Law Commission of India, 42nd report, Ch. 3 (1971).

**ELECTIVE PAPERS-II: SEMESTER IV
(III) INTELLECTUAL PROPERTY LAWS-II**

1. Introduction:

Patent fosters inventions and innovation. Prior art and state of the art runs the industrial wheel of any society. Patentability of an invention is dependent on morality of nation. Flora and fauna and its diversity and protection of plant varieties is must in modern world. Intellectual property found in traditional knowledge and traditional cultural expressions is on the verge of extinction due to non-availability of protection.

2 .Course Outcomes:

C.O. 1 : To assess various dimensions of patents.

C.O. 2 : To evaluate the commercial exploitation of patents and resolving the infringement of patents.

C.O. 3 : To critically evaluate the existing legal order and its comparison with international order.

C.O. 4 : To critically understand the Indian Intellectual property and its protection through law.

C.O.5: To train for dispute resolution of Intellectual property.

3 .Program Outcomes

To foster an inter disciplinary approach to understand the intellectual property protection regime.

To assess the changing nature of protection and commercial exploitation of property.

To encourage a Critical method of thinking among the students to assess the legal situation.

To assess the social impact and outcome of intellectual property law.

4 .Assessment Plan

- End Term Assessment : 70 Marks .
- Internal Test :15 Marks
- Assignment +Viva+ Presentation : 15 Marks.

UNIT I : Patent

(8 Lectures)

1.1 Patent,Introduction, Subject matter of Patent, Conditions of Patentabilities,

1.2 Patentable and Non Patentable

1.3 Object, Nature, Scope, Role, Advantage

1.4 Specification, Kinds of Specification, Contents of Specification, Priority provisions

1.5 Working of Patents, Compulsory Licences, Revocation and Non working of Patens,

1.6 Purpose of Gravity ,CompulsoryLicences, Termination of Compulsory Licence

1.7 Opposition to grant of patent, Anticipation, Infringement and Remedies, Surrender and revocation of patents.

UNIT II: Patent & TRIPS**(8 Lectures)**

- 2.1 Paris Convention- Major Provisions
- 2.2 TRIPS Agreement, Obligations and Indian Position, Public Interest Issues
- 2.3 Intellectual Property and Human Rights, Intellectual property Health Care and Food Security
- 2.4 Prospective
- 2.5 WTO, Obligations, Dispute settlements, Issues and Controversies WIPO

UNIT III: Biodiversity**(8 Lectures)**

- 3.1 Intellectual Property and Biological Diversity, Convention on Bio Diversity (CBD)
- 3.2 Regulation and Access to Biological Diversity and Biopiracy
- 3.3 Biodiversity Management Committee/Boards
- 3.4 Biodiversity Funds
- 3.5 Biodiversity Authorities

UNIT IV: Plant Variety Protection**(8 Lectures)**

- 4.1 Intellectual Property and Farmers Rights, Proactable plant Varieties
- 4.2 Farmers Rights
- 4.3 Essentially Derived varieties
- 4.4 Registration of Plant varieties
- 4.5 Duration and Effect of Registration and Benefits

UNIT V: Traditional Knowledge**(8 Lectures)**

- 5.1 Intellectual Property and Traditional Knowledge Concept/Significance Nature
- 5.2 Rights of Indigenous People, Forms of Protection
- 5.3 Intellectual Property Exploitation, Dispute Resolution & Its Management & Valuation

Book:

1. N.S. Gopalakrishnan & T.G. Ajitha, Principles of Intellectual Property, Eastern Book Company.
2. B.L. Wadhwa, Law Relating to Intellectual Property, Universal Law Publishing.
3. S. Narayan, Intellectual Property Law in India, Gogia Law Agency, Hyderabad.
4. A. K. Bansal, Law of Trademark In India, Thomson & Reuter.
5. V.K. Ahuja, Law Relating to Intellectual Property Law, Lexis Nexis.
- 6 Elizabeth Veghese, Law of Patents, Eastern India Company.
7. Jayashree Watal, Intellectual Property Rights in the WTO and Developing Countries, Oxford University Press.
8. P. Narayanan, Law of Trademarks (The Trademarks Act 1999) and Passing Off, Eastern Law, Calcutta.
9. W.R. Cornish, Intellectual Property: Patents, Copyright, Trademark and Allied Rights, Universal Law Publishing.
10. Dr. C.P. Singh, Baudhduik Sampada Vidhi, Allahabad Law Agency, Allahabad.

**ELECTIVE PAPERS-II: SEMESTER IV
(IV) LAW OF ADOPTION AND GUARDIANSHIP**

1. Introduction

Family does not complete without Children. Those who are unfortunate to procreate or otherwise don't have children can adopt child. Adoption and Guardianship of a Child is a legal phenomenon, under all personal laws. Therefore, this paper includes the process of adoption and guardian ship under all personal laws with its legal requirements and consequences, and concerning statutory law on the subject.

2. Course Objective

C.O.1: It provides a comprehensive understanding of the law on adoption and guardianship.

C.O.2: It provides an opportunity to deal with the issues related to adoption and guardianship.

C.O.3: It makes students able to deal with the cases of adoption and guardianship in the Court of Law, effectively.

C.O.4: Make students able to write paper/ article/case comment

3. Programme Objective

P.O.1: This Course develops an understanding about the legal concept of the institution of adoption and guardianship under all personal Laws

P.O.2: An objective of the course is to provide a comprehensive information about the adoption and guardianship.

P.O.3: A comparative study of the nature and concept of the adoption and guardianship.

4. Assessment Plan

End Term Assessment: 70

Marks. Internal Test :15

Marks

Assignment +Viva+ Presentation: 15 Marks.

Unit I: Adoption under Hindu Law

(8 Lectures)

1.1 Adoption under Classical Hindu Law,

1.2 Adoption under Hindu Adoption and Maintenance Act 1956

1.3 Doctrine of Relation back and effect of Adoption

1.4 Case Study of the Leading Judgments on the Issues Relating to Adoption Among Hindus

Unit II: Guardianship under Hindu Law

(8 Lectures)

2.1 Guardian of a Minor and welfare of the Children

2.2 Hindu Minority and Guardianship Act 1956,

2.3 Natural Guardian and Legal Guardian, Powers and Position of The Guardian.

2.4 Case Study of The Leading Judgments on The Issues Relating to Guardianship Among Hindus.

Unit III: Acknowledgement and Guardianship under Muslim personal Law

(8 Lectures)

- 3.1 Concept of Acknowledgment and Adoption under Muslim Personal Law,
- 3.2 Legitimacy of the Children Under Muslim Law,
- 3.3 Concept and Appointment/Types of Guardian
- 3.4 Position and Power of Guardian
- 3.5 Case Study of the Leading Judgments on the Issues Relating to Acknowledgement Guardianship

Unit IV: Adoption and Guardianship in Christian, Parsi and Interreligious cases (8 Lectures)

- 4.1 Adoption and Guardianship in Christian, Parsi,
- 4.2 Interreligious Adoptions, International Adoptions,
- 4.3 Guardian of an Orphan,
- 4.4 Adoption and Guardianship of the Children Living In Children Homes

Unit V: Parental Privileges and Obligation (8 Lectures)

- 5.1 The Maintenance and Welfare of Parents and Senior Citizen Act, 2007
- 5.2 Adoption of or by the Foreigners
- 5.3 Recognition and Effects of Foreigner Adoption
- 5.4 Single Parenthood
- 5.5 Issues of Conflicts of Laws with Special reference to Indian Scenario.

References/Statutes

1. The Hindu Adoption and Maintenance Act, 1956
2. The Hindu Minority and Guardianship Act, 1956
3. The Personal Law Amendment Act, 2010
4. The Guardian and Wards Act, 1890
5. The Indian Majority Act, 1875
6. International Treaty
7. Hague Convention on Protection of Children and Cooperation in respect of intercountry Adoption
8. Adoption regulation as Framed by central adoption resource authority, 2017

Books

1. Mulla Hindu Law By Satyajit A. Desai
2. R.C.Nagpal, Modern Hindu Law, Eastern Book Publication
3. Paras Diwan, Family law on Marriage and Divorce
4. Family Law lectures by Kusum
5. Studies of Hindu Law by Tahir Mahmood
6. Mohammadan Law by Fazee

ELECTIVE PAPERS-II: SEMESTER IV
(V) LABOUR WELFARE LAWS AND EMPLOYEE INSURANCE

1. Introduction

There are certain provisions relating to prohibition of bonded labour, regulations for contract labour. The conditions of services of working journalist and news papers employees are also part of study in this paper. And it is also comprised with provisions of fatal accident and rules of the workers engaged mines.

2 . Course Outcomes:

- C.O. 1 :** To introduce labour welfare
- C.O. 2 :** To introduce labour welfare legal order.
- C.O. 3 :** To introduce labourers' rights

3. Program Outcomes

The paper aims to achieve the value of inclusive governance and egalitarian order.

4. Assessment Plan

- End Term Assessment : 70 Marks .
- Internal Test:15 Marks
- Viva + Assignment: 15 Marks.

UNIT-I :The Bonded Labour (8 Lectures)

- 1.1-The Bonded Labour System (Abolition) Act, 1976: Definitions; Abolition of Bonded labour System (Sections 4-5).
- 1.2-Extinguishment of Liability to Repay Bonded Debt and Implementing Authority (Section 6-12).
- 1.3-Vigilance Committee (13-15).
- 1.4-Offences and Procedure for Trial (Sections 16-23).

UNIT-II: The Contract Labour (8 Lectures)

- 2.1 The Contract Labour (Regulation and Abolition) Act, 1970: Definitions; the Advisory Boards (Sections 3-5).
- 2.2 Registration of Establishment Employing Contract Labour (6-10).
- 2.3 Licensing of Contractors (Sections 11-15).
- 2.4 Welfare and Health of Contract Labour (Sections 16-21).

UNIT-III Newspaper Employees (8 Lectures)

- 3.1 The Working Journalists and other Newspaper Employees (Condition of Service) and Miscellaneous Provisions Act, 1955: Definitions; Working Journalists (sections 3-7).
- 3.2 Fixation or Revision of rates of Wages, Boards etc., (Secs.8-13AA.)
- 3.3 Non-Journalists Newspaper Employees (Sections 13B-13DD).
- 3.4 Recovery of Money due from an Employer, Inspectors, Penalty and Indemnity (sections 17-19).

UNIT-IV Fatal Accident Act**(8 Lectures)**

- 4.1 The Fatal Accident Act, 1855. Whole Provisions.
- 4.2 The Mines Act, 1952: Definitions; Inspectors and Certifying Surgeon (Sections 5-11).
- 4.3 Committees (Sections 12-15).
- 4.4 Provisions to Health and Safety (Sections 19-27).

UNIT-V The Mines Act**(8 Lectures)**

- 5.1 The Mines Act, 1952: Hours and Limitations of Employment (Sections 28-36).(2 Lect.)
- 5.2 Employment of persons below 18 years (sec. 40), Power to require Medical Examination (Sec. 43), Prohibition of presence of persons below 18 years in a mine (Sec. 45) and Employment of women (Sec. 46).
- 5.3 Leave with wages (sections 49-56).
- 5.4 Penalty and Procedure (sections 63-68, 74 and 79-80).

References:

1. OP Malhotra : the Law of Industrial Disputes two vols. Publication- Lexis Nexis
2. HL Kumar: Labour Problems and Remedies 12th Ed. Publication-Universal Law Publishing Co.
3. VSP Rao: Human Resource Management, Publisher: Excel Books, New Delhi-28
4. SC Srivastava: Industrial Relation and Labour Laws, Publisher: Vikash Publishing House Pvt Ltd. Noida U P.
5. SN Mishra: Labour and Industrial Laws, Publisher: Central Law Publications, Allahabad.
6. HL Kumar: Practice and Procedure of Labour Laws with Model Forms, Publisher: Universal Law Publishing Co. New Delhi
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9. Government of India, Report of the Second National Commission on Labour (2002).
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