



**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, legalofficers, 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>	
<b>Part – I</b>	First Year	Semester I (28 credit)		Semester II (24 credit)	
	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 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
<b>I</b>	3 Core Papers 3*4 (12)	2 Electives +1 Elective / MOOCs 3*4 (12)	1 Credit 1*4 (4)	-	28
<b>II</b>	3 Core Papers 3*4 (12)	1 Electives +1 Elective / MOOCs 2*4 (8)	1 Credit 1*4 (4)	-	24
<b>III</b>	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
<b>IV</b>	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	
Total	20				140/20=7

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

1. Core Papers :
  - a. Semester I
    - i. Law & Social Transformation
    - ii. Constitutional Law : New Challenges
    - iii. Comparative Public Law
  - b. Semester II
    - i. Judicial Process
    - ii. Research Methodology
    - iii. LegalPhilosophyI
  - c. Semester III
    - i. Law and Justice in Globalised World
    - ii. Legal Philosophy II
  - d. Semester IV
    - i. Dissertation
2. Elective Papers : Constitutional Law Group
  - a. Semester I
    - i. Constitutionalism, Pluralism and Good Governance
    - ii. Federalism and Comparative Power Sharing
    - iii. National Security, Public Order and Rule of Law
  - b. Semester II
    - i. Mass Media Law
    - ii. Comparative Constitutional Law
  - c. Semester III
    - i. Administrative Law
    - ii. Administrative Process and Judicial Control
  - d. Semester IV
    - i. Comparative Administrative Law
    - ii. Human Rights
3. Elective Papers : Business Law Group
  - a. Semester I
    - i. Corporate Finance
    - ii. Intellectual Property Law I
    - iii. Special Contracts and E Contracts
  - b. Semester II
    - i. Corporate Governance
    - ii. Intellectual Property Law II
  - c. Semester III

- i. Competition Law and Policy
    - ii. Alternative Dispute Resolution
  - d. Semester III
    - i. International Trade Law
    - ii. Merger and Acquisitions
- 4. Elective Papers : Criminal Law Group
  - a. Semester I
    - i. Comparative Criminal Procedure
    - ii. Treatment of Offenders and Victimology
    - iii. Offences & Laws Related to Juveniles
  - b. Semester II
    - i. Collective Violence and Criminal Justice System
    - ii. Forensic Science & Its Evidentiary Value
  - c. Semester III
    - i. Criminal Justice System and Human Rights
    - ii. Privileged Class Deviance
  - d. Semester IV
    - i. Cyber Crimes
    - ii. International Criminal Law and Transnational Crimes
- 5. Elective Papers :Labour Law Group
  - a. Semester I
    - i. Law relating to Industry
    - ii. Laws of Labour Management
    - iii. Social Security Laws in India
  - b. Semester II
    - i. History and Principles of International Labour Movements and Organisations
    - ii. Labour Welfare Laws and Employee Insurance
  - c. Semester III
    - i. Safeguards of Women and Child in Labour Laws
    - ii. Misconduct :Labour Problems
  - d. Semester IV
    - i. Charge Sheet and Domestic Inquiry
    - ii. Labour and Human Resource Management Relations
- 6. Elective Group : Family Law
  - a. Semester I
    - i. Family Jurisprudence
    - ii. Marriage under different Personal Laws



- iii. Matrimonial Remedies
- b. Semester II
  - i. Law of Adoption Maintenance and Guardianship
  - ii. Modern Family Law
- c. Semester III
  - i. Family Law and Procedure
  - ii. Child and Parents Right in Family
- d. Semester IV
  - i. Principles of Inheritance and Succession
  - ii. Conflict of Laws and Family

#### **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**

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

**UNIT II: Constitution and Social Change**

- 2.1 The normative method and sociological mode of change .
- 2.2 Constitutional amendments and Social change
- 2.3 Legal Monism , International Law and the Constitution of India.

2.4 Marxist critique of Law and the Indian situation .

### **UNIT III: Globalization and Constitution of India**

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**

4.1 Internationalization of Constitutional

4.2 Law, Language & Power

4.3 The concept of Post Secularism

4.4 Right Based Jurisprudence in India

### **UNIT V: Contemporary Issues in Indian Legal Culture**

5.1 Citizenship Law of India and Identification Documents in India .

5.2 Right to Privacy and Supreme Court of India.

5.3 Queer Jurisprudence and the Indian Legal Culture .

5.4 Good governance .

### **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**

- 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**

- 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**

- 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

3.5 Fundamental Duties & Citizenship

#### **Unit IV: Equality, Liberty & Constitutional Governance**

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**

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**  
**PAPER III**  
**COMPARATIVE PUBLIC LAW**

**1 .Introduction :** Constitutional governance based on rule of law and judicial review. Fundamental rights & duties and its interplay in the context of state is gaining new context in modern world. Social justice and its enforcement via writ remedies has been phenomenal. Rule of Law and judicial review has been established as the two most important tools of constitutional governance. South Asian order is very diverse in terms of public law and governance and its comparative and analytical study is sine quo non. Striking dissimilarities in south Asian countries compels one to understand the public law and its role play.

**2 .Course Outcomes :**

- C.O. 1 : To understand the holistic concept of constitutionalism.
- C.O. 2 : To be able to make distinction between Public Law and Private Law.
- C.O. 3 : To critically evaluate the role of rule of law, writs in Constitutional Governance
- C.O. 4 : To evaluate the judicial review and its role in Public law .

**3 .Program Outcomes**

- P.O. 1: To inculcate the value of an inter disciplinary approach in order to understand the public policy and public law making and its enforcement.
- P.O. 2: To assess the importance of investigation and exploration of facts in law & policy making and in its enforcement.
- P.O. 3: To encourage to find out legal issues in a comparative way of social problems and its solutions.
- P.O. 4: 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: Comparative Constitutional Law**

- 1.1 Concept of preamble in India and its reciprocating territory.
- 1.2 Comparative analysis of fundamental rights among federal countries.
- 1.3 Comparative study of Judiciary in India, USA, UK, Canada and Switzerland.
- 1.4 Condition of Fundamental Duties between western countries and India.

**UNIT II: Social Justice & Legal Remedies**

- 2.1 Concept of social justice in south Asia.
- 2.3 Constitutional and Prerogative Remedies in India and Pakistan.

- 2.4 Concept of writs and citizenship in India and UK.
- 2.5 Election of members of upper house in India, USA and South Africa.
- 2.6 Comparison of emergency in Indian and Weimar Constitution.

### **UNIT III: Rule of Law & Judicial Review**

- 3.1 Concept of Rule of Law and separation of powers in Asia.
- 3.2 Judicial and quasi-judicial functions of state in south Asia and Middle East.
- 3.3 Concept of Natural Justice in India and rest of the world.
- 3.4 Nature and scope of judicial review in Asia and Europe.
- 3.5 Fundamental Rights of Public corporations in India, USA and Switzerland.

### **UNIT IV: Global Public Law & South Asian Legal Order**

- 4.1 Comparative analysis between EU and UN.
- 4.2 Comparison between PCIJ and ICJ.
- 4.3 Extra-territorial jurisdiction in International law and Municipal law.
- 4.4 Condition of Landlocked states in laws of Seas.
- 4.5 India and organs of the UN.
- 4.6 Validity of India's action in Kashmir, Goa, Bangladesh and Sri-Lanka.

### **Unit V: Contemporary Realms of Public Law**

- 5.1 Basic Structure Doctrine: Comparative Overview
- 5.2 Privacy in Digital Era & Public Law
- 5.3 Corruption & Constitutional Governance
- 5.4 Transnational Organized Crimes & Public Law
- 5.5. Financial Crimes & Public Law

### **Resources:**

#### **BOOKS**

1. Christopher Forsyth, Mark Elliott, Swati Jhaveri, *Effective Judicial Review: A Cornerstone of Good Governance* (Oxford University Press, 2010).
2. D.D. Basu, *Comparative Constitutional Law* ( 2nd ed., Wadhwa Nagpur).
3. David Strauss, *The Living Constitution* (Oxford University Press, 2010)
4. Dr. Subhash C Kashyap, *Framing of Indian Constitution* (Universal Law, 2004)
5. Elizabeth Giussani, *Constitutional and Administrative Law* (Sweet and Maxwell, 2008).
6. Erwin Chemerinsky, *Constitutional Law, Principles and Policies* (3rd ed., Aspen, 2006)
7. M.V. Pylee, *Constitution of the World* (Universal, 2006)
8. Mahendra P. Singh, *Comparative Constitutional Law* (Eastern Book Company, 1989).
9. Neal Devins and Louis Fisher, *The Democratic Constitution* (Oxford University Press, 2010)
10. S.N Ray, *Judicial Review and Fundamental Rights* (Eastern Law House, 1974).
11. Sudhir Krishna Swamy, *Democracy and constitutionalism in India – A Study of the Basic Structure Doctrine* (Oxford University Press, 2009)
12. Sunil Khilnani, Vikram Raghavan, Arun Thiruvengadam, *Comparative Constitutionalism in South Asia* (Oxford University Press, 2013).
13. Vikram David Amar, Mark Tushnet, *Global Perspectives on Constitutional Law* (Oxford University Press, 2009).
14. Zachery Elkins, Tom Ginsburg, James Melton, *The Endurance of National Constitutions* (Cambridge University Press, 2009).

## ARTICLES

1. AmanUllah and UzairSamee, "Basic Structure of Constitution: Impact of *KesavanandaBharation* Constitutional Status of Fundamental Rights", Vol. 26 (2) *South Asian Studies* 299-309 (July-December 2011).
2. Anne Smith, "Internationalization and Constitutional Borrowing in Drafting Bills of Rights", 60(4) *International and Comparative Law Quarterly* 867-894 (2011October).
3. Bruce Ackerman, "The New Separation of Powers" 113 (3) *Harv. L. Rev.* 634-729 (2000)
4. Bryan Clark and Amanda Leiter, "Regulatory hide and seek: What agencies can (and can't) do to limit judicial review" 52(5) *Boston College Law Review* 1687-1732 (2011 November)
5. Chhavi Agarwal, " Rule of Law: Reflection upon we the People and Beyond" 252 (1) *Madras Law Journal* 8-16 (2010)
6. Daniel B. Rodriguez, "Change that matters: Essay on State Constitutional Development", 115(4) *Penn State Law Review* 1073-1098 (Spring 2011).
7. Daryl Levinson and Richard H. Pildes "Separation of Parties, Not Powers" 119(8) *Harvard Law Review* 2311-2386 (2006).
8. David King, "Formalizing Local Constitutional Standards of Review and the Implications for Federalism" 97 (7) *Virginia Law Review* 1685-1726 (November 2011).
9. DavidStaruss, "Do we Have a Living Constitution" 59 (4) *Drake Law Review* 973-984 (2011 Summer)
10. Devi Prasad Singh, "Sovereignty, Judicial Review and Separation of Power", 7(5) *Supreme Court Cases* 1-13 (2012 September)
11. Glen Staszewski, "Political Reasons, Deliberative Democracy and Administrative Law", 97(3) *Iowa Law Review* 849-912 (2012 March):12. IshwaraBhat, "Why and how Federalism matters in Elimination of Disparities and Promotion of Equal Opportunities for Positive Rights", 54(3) *Journal of the Indian Law Institute* 324-363 (July-Sept 2012).
13. Jessica Bulman, "Federalism as a safeguard of the Separation of Powers", 112(3) *Columbia Law Review* 459-506 (2012 April)
14. Jonathan Siegel, "Institutional case for Judicial Review" 97(4) *Iowa Law Review* 1147-1200 (2012 May).
15. K.K. Venugopal, "Separation of Power and the Supreme Court of India", Vol. 2 No. 2 *Journal of Law and Social Policy* 64-82 (July 2008).
16. Linda Bosniak, "Persons and Citizens in Constitutional Thought" 8 (1) *International Journal of Constitutional Law* 9-29 (January 2010).
17. Mark Tushnet, "The Possibilities of Comparative Constitutional Law", 108 *Yale.L.J.* 1225 (1999).
18. Nathan Chapman, "Due Process as Separation of Powers", 121(7) *Yale Law Journal* 1672-1807(2012 May).
19. Quinn Rosenkranz, "Subjects of the Constitution" 62 (5) *Stanford Law Review* 1209-1292 (May 2010)
20. Rajvir Sharma, "Judiciary as Change Agent: Some insights into the Changing role of Judiciary in India", 58(2) *Indian Journal of Public Administration* 264-286 (2012 April-June).
21. Rebecca Brown, "Assisted Living for the Constitution" 59 (4) *Drake Law Review* 985-1000(2011 Summer).
22. Schapiro., "Judicial Federalism and the Challenges of State Constitutional Contestation", 115(4)*Penn State Law Review* 983-1006 (2011 Spring).
23. Tom Ginsburg, Eric Posner, "Sub Constitutionalism" 62 (6) *Stanford Law Review* 1583-1628(June 2010).



**LL.M. II SEMESTER****CORE PAPER****PAPER I****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**

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**

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 :**

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:**

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:**

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. II SEMESTER**  
**PAPER II**  
**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**

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**

2.1 Research Problem

2.2 Formation of Research Problem

2.3 Sampling Technique, Meaning, Type & Scaling

2.4 Questionnaire / Interview, Observation

## 2.5 Compilation of List of Reports or Special Studies Conducted Relevant To The Problem

### Unit III Research Design&Tools

#### 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, Literature Review, Jurimetrics, Case Study & Case Law Analysis

#### 3.4 Hypothesis, Nature, Type, Formulation, Testing & Variables

### Unit IV Classification and Tabulation of Data

#### 4.1 Rules for Tabulation

#### 4.2 Explanation of tabulated data

#### 4.3 Analysis of Data, Report Writing &Interpretaion

#### 4.4 Plagiarism & Research Ethics, Copyright Violations, Fair Use, Citation & Bibliography

### Unit V Computerized Research

#### 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 Bysiewicz, 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
9. ILI Publication, Legal Research and Methodology
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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1. Baxi, Upendra, “*Socio-Legal Research in India – A Program Schriff*”, ICSSR, Occasional Monograph, 1975.
2. Cohen, Morris L., “*Legal Research*”, Minnesota, West Publishing Co. 1985.
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.
5. Kothari C.K., “*Research Methodology: Method and Techniques*”, New Delhi, Wiley Eastern Ltd., 1980.
6. Stone, Julius, “*Legal System and Lawyer’s Reasoning*”, Sydney, Maitland Publications, 1968.

**LL.M. II SEMESTER**  
**PAPER III**  
**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 School**

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**

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**

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**

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**

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. Dhyan 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. III SEMESTER

### PAPER I

#### 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

1.1 Legal and Philosophical Analysis

1.2 Utilitarian Justice

1.3 Non-Utilitarian Theories of Justice

#### Unit II: Law & Justice

- 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**

- 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**

- 4.1 Marx, Law and Justice
- 4.2 Communitarian Justice
- 4.3 Economic State & Laissez Faire State

### **Unit V: Feminism & Global Justice**

- 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.
8. Sandel, Michael. *Liberalism and the Limits of Justice*, Cambridge: Cambridge University Press, 1982, Chapter 1.
9. Rawls, John. *A Theory of Justice*, Harvard University Press, 2009, Chapter 1.
10. Kymlicka, Will. *Contemporary Political Philosophy: An Introduction*, Oxford University Press, 2002, Chapter 3.
11. Sen, Amartya. *The idea of justice*. Harvard University Press, 2011. Chapter 1, 2, 10
12. Cohen, G.A. *Rescuing Justice and Equality*, Harvard University Press, 2008.
13. Hart, Herbert Lionel Adolphus. *The Concept of Law*. OUP Oxford, 2012, Chapter 6
14. Coleman, Jules. „Beyond Inclusive Legal Positivism“, *Ratio Juris*, 22(3) 2009.
15. Hart, Herbert Lionel Adolphus. *The Concept of Law*, OUP Oxford, 2012, Chapters 1, 5, 8 & 9.



16. Fuller, Lon. "Positivism and Fidelity to Law", *Harvard Law Review*, 71(4), 1958.
17. Dworkin, Ronald. *Taking rights seriously*. Harvard University Press, 1978, Chapters 2 & 3, 6, 10
18. Dworkin, Ronald, *Law's Empire*, Belknap Press, 1986, Chapter 2.
19. Guest, S. "Integrity, equality and justice", *Revue Internationale de Philosophie*, 59(3), 2005
20. Posner, Richard A. *The Economics of Justice*, Harvard University Press, 1981, Chapter 3.
21. Dworkin, Ronald. *A Matter of Principle*, OUP Oxford, 2001, Chapter 12.
22. *Marilyn Baskin, et. al, v. Penny Bogan, et. Al*, 766 F.3d 648
23. Kennedy, Duncan. "Form and substance in private law adjudication", *Harvard Law Review*, 89(8), 1976.
24. Unger, Roberto Mangabeira. *The Critical Legal Studies Movement: Another Time, a Greater Task*. Verso Books, 2015.
25. Waldron, Jeremy. "Did Dworkin Ever Answer the Critics?" in Scott Hershovitz (ed), *Exploring Law's Empire: The Jurisprudence of Ronald Dworkin* OUP Oxford, 2006.
26. Sydnovich, Christine, *The Concept of Socialist Law*, Oxford: Clarendon, 1990.
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.
37. Miller, David. *National Responsibility and Global Justice*, Oxford University Press, 2007.

**LL.M. III SEMESTER**  
**PAPER II**  
**LEGAL PHILOSOPHY II**

**1. Introduction:** The nature of law has changed drastically in the 21<sup>st</sup> 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 21<sup>st</sup> 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 21<sup>st</sup> 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 .**

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 .**

2.1 Challenges to Sovereignty in the 21<sup>st</sup> century : Subsidiarity , Sovereignty as Responsibility , Chunk theory of Sovereignty , Globalization , The concept of Fail / Weak State.

2.2 Post 9/11 world and State : Philosophy of Carl Schmitt , Giorgio Agamben , The concept of Bio Politics .

2.3. Cosmopolitanism and Globalization as an alternate to the State system .

2.4 The concept of Demosprudence .

**UNIT III Changing notion of Justice in a contemporary world**

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**

4.1 Right of Self-determination and the Minorities.

4.1 Ethnic Minorities and Governance

4.2 Sustainable Development, Inclusive Governance

**UNIT V: Recent Global Trends**

4.1 TWAIL scholarship.

4.2 Importance of Legal monism in establishing international peace.

4.3 Global Administrative Law : Meaning , Nature and Scope .

4.4. Global Governance, Post Secularism and Public Reason

4.5 Linguistic Philosophy, Wittgenstein, Interpretation of Law,

**Bibliography**

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. IV SEMESTER**

### **Dissertation:**

The evaluation of the Dissertation and Viva Voce will be conducted by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

## CONSTITUTIONAL LAW GROUP

### PAPER I

#### CONSTITUTIONALISM, PLURALISM & 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

- 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

- 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**

- 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**

- 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, Freedom of association, Rights to separateness, Rights of the religious and linguistic minorities,
- 4.3 Compensatory discrimination for backward classes,
- 4.4 Scheduled Tribes,
- 4.5 Distinct identity-protection against exploitation,
- 4.6 Uniform Civil Code-Non-State Law(NSLS) and State Law Systems - Problem of a Uniform v. Personal laws - vertical federalism.

**Unit V :**

- 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)

## PAPER II

### 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:

- 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:

- 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:

- 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

- 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.

#### 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)



## PAPER-III

### NATIONAL SECURITY, PUBLIC ORDER AND RULE OF LAW

#### 1. Introduction

This paper interlinks the importance of National Security and Constitutional Governance.

#### 2 .Course Outcomes:

- C.O. 1 :To introduce the concept of National Security
- C.O. 2 : Interlink age of Rule of Law & National Security
- C.O. 3 : To Understand the order of Public Order

#### 3 .Program Outcomes

To apprise the student about collaborative and critical study to legal order.

#### 4 .Assessment Plan

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

#### Unit I

- 1.1 National Security,
- 1.2 Public Orders and Rule of Law
- 1.3 Emergency Detention in England-Civil Liberties,
- 1.4 Subjective satisfaction or objective assessment?
- 1.5 Pre-Independence law.

#### Unit II

- 2.1 Article 22 of the Constitution,
- 2.2 Preventive Detention and Safeguards,
- 2.3 Declaration of Emergency, 1962, 1965 and 1970 Emergencies, 1975 Emergency

#### Unit III

- 3.1 Exceptional Legislations : COFEPOSA and other legislation to curb economic offenders,
- 3.2 TADA -The Draconian Law, Comments of NHRC,
- 3.3 Special courts and Tribunals,

#### Unit IV

- 4.1 Due process and special legislation,
- 4.2 Martial law,
- 4.3 Provisions in English, Provisions in the Constitution.

#### Unit V

- 5.1 Civil Liberties and Emergency : Article 19,
- 5.2 Meaning of 'Security of State',
- 5.3 Meaning of 'Public Order',
- 5.4 Suspension of Article 19 Rights on Declaration of Emergency,
- 5.5 President's Right to suspend right to move any court,
- 5.6 Article 21-Special importance-its non-suspendability,
- 5.7 Suspendability-44th Amendment.
- 5.8 Access to Courts and Emergency : Article 359-ups and downs of judicial review,
- 5.9 Constitution (44th) Amendment Act, 1978, Constitution (59th) Amendment Act, 1988

**Select Bibliography :**

1. G.O.Koppell, The Emergency, The Courts and Indian Democracy 8 JILI 287 (1966).
2. H.M.Seervai, The Emergency, Future Safeguards and the Habeas Corpus, 1978.
3. International Commission of Jurists, Status of Emergency and Human Rights , 1984
4. N.C.Chatterji and Parameshwar Rao, Emergency and the Law, 1966

**PAPER IV**  
**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**

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

**Unit II**

- 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?**

- 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**

- 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 Doordarshandecisions :  
Freedom to telecast.

#### **Unit V : Constitutional Restrictions**

4.1 Radio and Television subject to law of defamation and obscenity,

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

4.3 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

**PAPER V**  
**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**

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**

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**

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**

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**

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

**PAPER VI**  
**Administrative Law**

**1. Introduction**

The paper introduces Administrative Law.

**2 .Course Outcomes:**

C.O. 1 :To introduce Administrative Law.

C.O. 2 :To introduce rule of law.

C.O. 3 :To introduce judicial review.

**3 .Program Outcomes**

To inculcate the value of Administrative Law and Good Governance.

**4 .Assessment Plan**

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

**Unit I**

1.1 Evolution and significance of Administrative Law in various systems of governance-from ancient to modern.

1.2 England and USA

1.3 France

1.4 Other systems

**UNIT II**

2.1 Doctrine of Separation of Powers:

2.2 Comparative survey-Common Law and Continental System :

2.3 England, USA, France and India from Rigidity to Flexibility.

2.4 Rule of Law : Changing dimensions, Regulation of administrative process.

**Unit III**

3.1 Delegated Legislation : Problems,

3.2 Process and Control,

3.3 Judicial Review of delegated legislation.

**Unit IV**

4.1 Procedural Fairness : Evolution and Significance of Natural Justice,

4.2 England : Judicial Process,

4.3 Doctrine of fairness and doctrine of legitimate expectation.

4.4 U.S. : Due process and judicial decision,

4.5 India : Through judicial decision-Doctrine of Fairness (Art.14, 19, 21)-Doctrine of Legitimate

Expectation,

4.6 Privilege against disclosure, official secrecy, Access to information and Right to Information Act.

### **Unit V**

5.1 Control on Maladministration : Ombudsman,

5.2 Commissions of Inquiry,

5.3 Vigilance Commissions,

5.4 Investigative Agencies : The CBI,

5.5 Inquiries by Legislative Committee,

5.6 Legislative control, Judicial Inquiries.

### **Select Bibliography**

1. Pater H. Schunk, Foundation of Administrative Law
2. Friedman, The State and Rule of law in a mixed Economy.
3. Ivor Jennings, Law & the Constitution
4. Schwartz and Wade, Legal Control of Government
5. De Smith, Judicial Review of Administrative Action,
6. D.D.Basu, Comparative Administrative Law,
7. K.S.Shukla and S.S.Singh, LokAyukta : A Socio-Legal Study,
8. Jain & Jain, Principles of Administrative Law



## Paper VII

### 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.

#### 2 .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

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

#### UNIT II

- Constitutional standards : Doctrine of Police Power, Doctrine of Eminent Domain,
- 1.4 Taxing power,
  - 1.5 Responsibility and accountability.

#### Unit III

- 2.1 Judicial Review of Administrative action in India : Historical development,
- 2.2 Power of Supreme Court, Powers of High Courts, Role of Subordinate Courts.
- 2.3 Jurisdiction : Finality Clause,
- 2.4 Conclusive evidence Clauses,
- 2.5 Law Fact distinction,
- 2.6 Exclusionary Clause.
- 2.7 Ground of Judicial Review : Doctrine of Ultra vires,
- 2.8 Unreasonable discretionary power : From liver sidge to padfield, discretion and Justifiability, violation of fundamental rights,
- 2.9 Extraneous consideration and /or irrelevant ground, delegation acting under dictation, Malafides and Bias,

2.10 Lack of rationality and proportionality, oppressing decision.

#### **Unit IV**

3.1 Limits of Judicial Review : Locus standi and PIL,

3.2 Laches,

3.3 Resjudicata,

3.4 Alternative remedies,

3.5 Remedies Writs,

3.6 Injunction and declaration.

#### **Unit V**

4.1 Tortuous and contractual liability,

4.2 Emerging liability-Personal accountability,

4.3 Compensatory jurisprudence and right to live,

4.4 Accountability under consumer protection law,

4.5 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

## PAPER VIII Comparative Administrative Law

### 1. Introduction

The paper introduces Comparative Administrative Law.

### 2 .Course Outcomes:

C.O. 1 :To introduce Comparative Administrative Law.

C.O. 2 :To introduce rule of law.

C.O. 3 :To introduce judicial review.

### 3 .Program Outcomes

To inculcate the value of Administrative Law and Good Governance in comparative and collaborative study.

### 4 .Assessment Plan

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

### Unit-I

Evolution and significance of Administrative Law in various systems of governance from ancient to modern- England, U.S.A., France, and India. Concept of State- *laissez faire* and welfare state – as a services provider. Other functions of modern state: relief welfare, Relationship between Constitutional Law and Administrative Law, Droit Administrative;

### UNIT II

Constitutional and Institutional framework of administrative law, rule-making, judicial review (standing, grounds of review, remedies etc.) and non-judicial review; Administrative Justice and Accountability, Public Accountability: Designs, Dilemmas and Experiences; ‘Common Law and Statute Law in US Federal Administrative Law’,

### Unit-III

Separation of Powers- Comparative study of English. U.S.A. France and India. Rule of Law changing dimensions, Classification of Administrative Actions. Natural Justice in Administrative Actions; The Institutions of Administrative Justice: Courts, Agencies and Tribunals; Administrative Tribunals and Adjudication

### Unit-IV

Rule Making Powers of the Administration , Delegated legislation- problems, process and control, comparative approaches, Constitutionality of delegated legislation., Requirement for the validity of delegated legislation. Conditional legislation., Sub delegation of legislative power.; Constitutional Theory and Administrative Law: Legislative Supremacy, Separation of Powers and Rule of Law; Administrative Process: Rule/Policy-Making; ‘Democratic Legitimation of Delegated Legislation – A Comparative View on the American, British and German Law

### UnitV

Control Mechanism of administrative rule making power-Procedural Control; Consultation of affected interest, public participation in rule making procedure, and publication. Parliamentary control- laying procedures and their effect, committees on delegated legislation judicial control recommended; Judicial Review: Access, Scope and Remedies; Judicial Review and Bureaucratic Impact: International and Interdisciplinary Perspectives; ‘Politics, Policy and Outsourcing; ‘Judicial Review of Agency Interpretation of Statutes: Deference Doctrines in Comparative Perspective’; Non-Judicial Review & Non-Adjudicative Control; Tort Liability of Public Authorities; Suing Government: Citizen Remedies for Official Wrongs

### Readings:

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

## **PaperIX**

### **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**

- 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**

- 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**

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 IV**

- 3.1 Development Agencies and Human Rights : Major International funding agencies and their operations in India,
- 3.2 World Bank lending and resultant violation/promotion of human rights,
- 3.3 Should development assistance be tied to observance of human rights (as embodied in various UN declarations)
- 3.4 Comparative Sources of Learning : EEC Jurisprudence,
- 3.5 The Green Movement in Germany,
- 3.6 The International Peace Movement,
- 3.7 Models of Protection of the rights of indigenous peoples : New Zealand (Maoris), Australia, Aborigines and Canada (Indians).
- 3.8 Freedom : Free Press-its role in protecting human rights,
- 3.9 Right of association, Right to due process of law,
- 3.10 Access and Distributive justice.

#### **Unit V**

- 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**

1. M.J. Akbar, Riots after Riots, 1988
2. U. Baxi (ed.) The right to be Human, 1986
3. U.Baxi, The Crisis of the Indian Legal System, 1982
4. F. Kazmi, Human Rights, 1987
5. L. Levin, Human Rights, 1982
6. H. Beddard, Human Rights and Europe, 1980
7. Nagendra Singh, Human Rights and International Co-operation, 1969
8. S.C.Kashyap, Human Rights and Parliament, 1978
9. Moskowitz, Human Rights and World Order, 1958
10. J.A. Andrews, Human Rights in International Law, 1986

**BUSINESS LAW GROUP**  
**LLM I SEMESTER**  
**PAPER I**  
**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

1.5Dematerlization, 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's Ferran, 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
- S.C. Kuchhal Corporation finance : Principles and Problems



**LLM I SEMESTER**  
**PAPER II**  
**INTELLECTUAL PROPERTY LAW I**

**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 Property.

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 Intellectual Property Order
- 1.2 Intellectual Property Rights Meaning and Nature
- 1.3 Intellectual Property Rights in India
- 1.4 Forms of Protection of Intellectual Property
- 1.5 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. 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, BaudhduikSampadaVidhi, Allahabad Law Agency, Allahabad.

**LLM I SEMESTER**  
**PAPER III**  
**SPECIAL CONTRACT AND 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**

- P.O. 1: To encourage commercial transaction in Indian social order to fulfill various needs of society.
- P.O. 2 :To assess the role of Commercial Transaction and informal business associations.
- P.O. 3 :To encourage a Critical method of thinking among the students to assess the legal situation.
- P.O. 4: 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 IT 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. Atiya, Introduction to the Law of Contract ( Claredon Law Series)
3. Avatar Singh, Law of Contract, Eastern Lucknow
4. G. C. Cheshire, and H. S. Fifoot Law Contract ELBS with Butterworths.
5. PollockandMulla on the Indian contract and the Specific Relief Act, Butterworths Publication
6. S.CBenerjee. 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

**LLM II SEMESTER**  
**PAPER IV**  
**CORPORATE GOVERNANCE**

**1. Introduction:** Corporate Governance is the most important aspect of incorporation. Scams and profit maximization are antithetical to each other. Oppression and Mismanagement by majority shareholder is very common and remedying the wrong is purpose of corporate governance. Egalitarian governance for protection of interests of various stakeholders is need of the hour.

**2 .Course Outcomes:**

- C.O. 1 : To assess the concept of corporate governance in India.
- C.O. 2 : To understand the value of transparency and accountability in Governance.
- C.O. 3 : To critically evaluate the corporate governance & Corporate Social Responsibility
- C.O. 4 : To assess the legal regime of corporate governance in a global era .

**3 .Program Outcomes**

- To foster an inter disciplinary approach to inculcate the best practices of governance .
- To assess the value of inclusive and egalitarian governance.
- To encourage a Critical, analytical and comparative thinking .
- To assess the social responsibility of corporations.

**4 .Assessment Plan**

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

**Unit I Protection of Investors**

**(8 Lectures)**

- 1.1 Individual shareholder right, Corporate membership right
- 1.2 Majoritarian Governance: Derivative Actions, Protection of Minority
- 1.3 Depositories: IDR(Indian depository receipts), ADR(American depository receipts), GDR(Global depository receipts)
- 1.4 Mutual fund and other collective investment schemes, Institutional investments - LIC, UTI and banks
- 1.5 FDI and NRI investment - Foreign institutional investments

**Unit IICorporate Governance and Corporate Social Responsibility**

**(8 Lectures)**

- 2.1 Corporate Governance Conceptual Framework of Corporate Governance, E-Governance
- 2.2 Introduction, Need Scope and Importance: Evolution of Corporate Governance, Development in India; Components of Good Corporate Governance.
- 2.3 Legislative Framework Corporate Governance in India- Under Listing Agreement, SEBI Guidelines and Companies Act, 2013; Role of Institutional Investors& Independent Directors in Corporate Governance
- 2.4 Corporate Social Responsibility: Concept and Meaning of Corporate Social Responsibility : Good Corporate Citizenship and Its Advantages; CSR Voluntary Guidelines; National Voluntary Guidelines on

Social Economic and Environmental Responsibility of Business;

2.5 CSR under Companies Act 2013 International CSR Practices.

**Unit III Administrative Regulation/control on Corporate Finance (8 Lectures)**

3.2 SEBI, SFIO & ED

3.3 Central Government Control, MCA, ROC

3.4 Control by registrar of companies

3.5 RBI control & Regulation of FDI & FII

3.6 Liquidator& NCLT

3.7 Corporate Governance, E-Governance

**Unit IV Corporate Winding up (8 Lectures)**

4.1 Types of Winding up

4.2 Winding up under the order of the NCLT

4.3 Voluntary Winding UP

4.4 Winding Up and Interests of Various Stakeholders

**Unit V Corporate Insolvency (8 Lectures)**

5.1 Corporate Insolvency

5.2 Corporate Insolvency & Insolvency & Bankruptcy Code 2016

5.3 Corporate Insolvency Resolution Plan

5.4 Corporate Insolvency Legal Issues

5.5 Insolvency and Bankruptcy Code, 2016: Insolvency of Banking & Financial Companies

**References :**

1. Alastair Hundson, The Law on Financial Derivatives (1998), Sweet & Maxwell
2. Eil'sFerran, Company Law and Corporate Finance (1999), Oxford.
3. Jonathan Charkham, Fair shares: the Future of Shareholder Power and Responsibility (1999), Oxford.
4. Ramaiya A, Guide to the Companies Act (1998), Vol. I, II and III.
5. H.A.J. Ford and A.P. Austen, Fords' principle of Corporations Law (1999) Butterworths.
6. J.H. Farrar and B.M. Hanniyan, Farrar's company Law (1998) Butterworths
7. Austen R.P., The Law of Public Company Finance (1986) LBC R.M. Goode, Legal Problems of Credit and Security (1988) Sweet and Maxwell
8. Altman and Subrahmanyam, Recent Advnces in Corporate Finance (1985)
9. LBC Gilbert Harold, Corporation Finance (1956)
10. Henry E. Hoagland, Corporation Finance (1947)
11. Maryin M. Kristein, Corporate Finance (1975)
12. R.C. Osborn, Corporation Finance (1959)
13. S.C. Kuchhal Corporation finance : Principles and Problems (6th ed. 1966)
14. V.G. Kulkami, Corporate Finance (1961)

**LLM II SEMESTER**  
**PAPER V**  
**INTELLECTUAL PROPERTY LAW 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, Patentable and Non Patentable
- 1.2 Object, Nature, Scope, Role, Advantage
- 1.3 Specification, Kinds of Specification, Contents of Specification, Priority provisions
- 1.4 Working of Patents, Compulsory Licences, Revocation and Non working of Patens, Purpose of Gravity ,CompulsoryLicences, Termination of Compulsory Licence
- 1.5 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

Prospective

2.4 WTO, Obligations, Dispute settlements, Issues and Controversies

2.5 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

5.2 Nature

5.3 Rights of Indigenous People, Forms of Protection

5.5 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.



**LLM III SEMESTER**  
**PAPER VI**  
**COMPETITION LAW & 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 Competition Law –Objectives of Competition Law
- 1.2 Monopoly & Restrictive Trade Practices Act, 1969,
- 1.3 Raghavan Committee Recommendations
- 1.4 Competition Act, 2002, Objectives and Overview,
- 1.5 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. ShamsheerKataria v. Honda Sael Cars India Ltd., 2014 Comp LR 1 (CCI)

**LLM III SEMESTER****PAPER VII****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. Media, Summary trials, Family Court, Gram Nyayalaya, Commercial Courts

1.2 Negotiation Theories, Development and its types, Collective Bargaining, Plea Bargaining

1.3 Qualities of Negotiator and Process for Negotiation, International Negotiation

1.4 Mediation & Good Offices

5.5 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**

1. B.P.Saraf & M.Jhunjhunwala, Law of Arbitration & Conciliation, Snow White, Mumbai
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. Banshi Dhar 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
10. Abraham P. Ordoover and Andrea Doneff, Alternatives to Litigation : Mediation, Arbitration, and the Art of Dispute Resolution, Notre Dame: National Institute for Trial Advocacy, 2002

**LLM IV SEMESTER**  
**PAPER VIII**  
**INTERNATIONAL TRADE LAW**

**1. Introduction:** Trade interweaves the world. GATT to WTO has transformed the world trade. The multilateral agreements about trade and tariff has made the world a global village. National treatment, most favoured nation treatment, antidumping and countervailing duties has become very important in international trade. Agreement like TRIPS has shaped the modern world. International commercial transaction is gaining new momentum now.

**2 .Course Outcomes:**

C.O. 1 : To assess the conceptual framework of international trade law.

C.O. 2 : To evaluate the journey from GATT to WTO.

C.O. 3 : To critically evaluate the existing international trade law structure and various important doctrines attached to it.

C.O. 4 : To assess Indian interests in international trade.

**3 .Program Outcomes**

P.O. 1: To foster an interdisciplinary and critical understanding of trade and its dynamics in social order.

P.O. 2 :To assess the changing nature of law in India reciprocating the WTO order.

P.O. 3 :To encourage a Critical method of thinking among the students to assess the legal situation of Indian interests.

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 : WTO & GATT**

**(8 Lectures)**

1.1 Historical background of WTO

1.2 WTO Agreement and other Uruguay Round Agreements

1.3 Organizational Structure of the WTO

1.4 Difference between GATT 1947 and GATT 1994

1.5 Role of the WTO in International Trade, Dispute Settlement Mechanism within the WTO, Relationship of WTO with the other two Bretton Woods institutions i.e. IMF and World Bank

**Unit II: Regulation of International Trade**

**(8 Lectures)**

2.1 GATT & Quantitative Restrictions, Trade & Tariff

2.2 General Elimination of quantitative restrictions under Article XI of GATT 1994

2.3 Exceptions to the rule in Article XI, Exception for Balance of Payment Purposes, Tariff bindings under Article II of GATT 1994

2.4 Non-discrimination & National Treatment: Concept of “Like products”, Difference in treatment of like products and directly competitive and substitutable products, Exceptions to the rule

2.5 Most Favored Nation Treatment:

Advantages of the MFN rule, Exceptions to the rule, Regional Trade Agreements, Free Trade Areas, etc., Growing phenomenon of RTAs and FTAs whether a threat to multilateralism?

### **Unit III: International Trade & Indian Interests (8 Lectures)**

3.1 Antidumping Measures under Article VI of GATT 1994 and the Antidumping Agreement

3.2 Subsidies and Countervailing Duties under Article VI and XVI of GATT 1994 and Agreement on Subsidies and Countervailing Measures

3.3 Safeguard Measures under Article XIX of GATT 1994 and the Safeguards Agreement

3.4 Regulation Of Non-Tariff Barriers

3.5 Trade In Services

### **Unit IV: Trade Related Aspects Of Intellectual Property Rights (TRIPS) (8 Lectures)**

4.1 TRIPS

4.2 TRIPS & Trade

4.3 Trade Barrier As A Tool For Disciplining States

4.4 Trade and Environment, Trade and Labour Rights,

4.5 Trade and Human Rights

### **Unit V: International Trade & Sale of Goods (8 Lectures)**

5.1 Most Common Terms of Sale derived from Common law

5.2 International Trade Terms: Cost, Insurance and Freight

5.3 International Trade Terms: Free on Board

5.4 Letter of credit

5.5 Overview of United Nations Convention on Contracts for the International Sale of Goods 1980

### **GENERAL REFERENCES:**

1. Bhala, Raj *Modern GATT Law: A Treatise on the General Agreement on Tariffs and Trade* (Thompson, Sweet and Maxwell)
2. Macrory, Patrick F.J. et al *The World Trade Organization: Legal, Economic and Political Analysis* (Springer)
3. Matsushita, Mitsuo et al *The World Trade Organization: Law Practice and Policy* (OUP)
4. Mavroidis, Petros C. *The General Agreement on Tariffs and Trade* (OUP)
5. Schnitzer, Simone *Understanding International Trade Law* (Law Matters Publishing)

**LLM IV SEMESTER**  
**PAPER IX**  
**MERGERS AND ACQUISITIONS**

**1. Introduction:** Merger and Acquisitions (M&A) are aimed to achieve synergy. Acquiring an enterprise by another is tough task. Risk management, tapping the market and calibrating are some of the receivables of M&A. In this paper the student will know about the M&A regime in India and he will also be able to understand the M&A the global trend and Indian scenario.

**2 .Course Outcomes:**

C.O. 1 : To assess the concept of Mergers & Acquisitions.

C.O. 2 : To evaluate the problems in M&A Deals.

C.O. 3 : To critically evaluate the existing legal structure and its efficacy regarding M&A

C.O. 4 : To assess the M&A In a globalized era .

**3 .Program Outcomes**

To foster an inter disciplinary approach in order to assess market and M &A .

To assess the changing nature of M&A legal structure.

To encourage a critical and conscientious approach towards M&A Deals .

To assess the social impact and outcome of M&A law.

**4 .Assessment Plan**

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

**UNIT I – INTRODUCTION**

**(8 Lectures)**

1.1Corporate Restructuring: Brief Overview

1.2Economics of Corporate Restructuring- Creating value for the organization and shareholders

5.1 Meaning & Definition of Merger, Acquisition and Amalgamation

1.4Mergers and Acquisitions: A strategic Perspective,Merger Activism

1.5Reorganization and Restructuring and their types, Types of Mergers

**UNIT II - LEGAL PROVISIONS: THE COMPANIES ACT, 2013**

**(8 Lectures)**

2.1Scheme of Mergers and Acquisitions

2.2 Analysis of legal provisions under the Companies Act 2013

2.3 Corporate restructuring in Public Interest, Role of Judiciary

2.4 Cross Border Mergers and Amalgamations in India

2.5 Corporate Governance in M&A

**UNIT III – TAKEOVER**

**(8 Lectures)**

2.6 Meaning and kinds of takeover

2.7 Hostile Takeover and Takeover Defenses



- 2.8 The SEBI Takeover code
- 2.9 Takeover triggers and Disclosure Requirements
- 3.5 Substantial Acquisition of Shares, Competitive Bid

#### **UNIT IV – OTHER RELATED LAWS**

**(8 Lectures)**

- 4.1 FEMA
- 4.2 Tax Aspects of amalgamation
- 4.3 Stamp Act provisions
- 4.4 Competition Act
- 4.5 Secretarial Aspects

#### **UNIT V STRUCTURING THE DEAL & VALUATION OF SHARES & GOODWILL (8 Lectures)**

- 5.1 Business Judgment Rule, Due Diligence
- 5.2 Formulating an offer
- 5.3 Case Studies
- 5.4 Necessity of valuation, Share Valuation, Various Methods of Valuation
- 5.5 Meaning of goodwill & Its Valuation

#### **Recommended Readings**

1. Weston, Chung, Hoag; Mergers, Restructuring and Corporate Control; Prentice Hall of India, 2006, pg 1-8, 82- 104, 393-417
2. Sampath K R; Law and Procedure for Mergers, Amalgamations, Takeovers and Corporate Restructuring; Snow white, 2<sup>nd</sup> edition, 1996, pg 81-85, 577-579, 604- 612
3. Weston Fred J., Weaver Samuel C.; Mergers and Acquisitions; Tata McGraw-Hill Executive MBA Series, edition 2002; pg 221- 233
4. Peter A Hunt; Structuring Mergers & Acquisitions- A Guide to Creating Shareholder Value; Wolters Kluwer, 5<sup>th</sup> Edition
5. S Ramanujam, Mergers et al- Issues, Implications and Case Law in Corporate Restructuring, 4<sup>th</sup> Edition, Lexis Nexis
6. Sridharan and Pandian; Guide to Takeovers and Mergers; Lexis Nexis Butterworths Wadhwa Nagpur; third edition 2010; pg 99-103, 178-364
7. The Takeover Regulations 2011
8. Sridharan and Pandian; Guide to Takeovers and Mergers; Lexis Nexis Butterworths Wadhwa Nagpur; third edition 2010; pg 603- 624, 655-734
9. Weston Fred J., Weaver Samuel C.; Mergers and Acquisitions; Tata McGraw-Hill Executive MBA Series, edition 2002; pg 225-252

#### **Case Laws**

1. AVM Capital Services (P.) Ltd., In re (2012) 115 SCL 81/23
2. Essar Telecommunications holding, In Re, (2012) 111 SCL
3. Larson & Tourbro Ltd. v. Grasim Industries Ltd. (2008) 82 SCL 172 (Bom)

4. Reliance Natural Resources Ltd v. Reliance Industries Ltd. (2007) 79 SCL 21
5. National Organic Chemical Industries Ltd. v. Miheer H. Mafatlal (2004) 121 Comp cases 519
6. Moschip Semiconductor Technology Ltd (2004) 59 CLA 354
7. SEBI v. Sterilite Industries (India) Ltd. (2003) 113 Com Cases 273; (2003) 45 SCL 475 (Bom-DB)
8. Arvind Mills Ltd. In re (2002) 37 SCL Guj 660
9. Miheer H. Mafatlal v. Mafatlal industries Ltd. (1996) 4 Comp LJ 124
10. Hindustan Lever Employees Union v. Hindustan Lever Ltd. (1994) 4 Com LJ 267
11. Chairman, SEBI v. Shriram Mutual Fund and Another AIR 2006 SC 2287
12. Technip S. A. v. SMS Holding (Pvt) Ltd. and Ors. AIR 2005 SC 0385
13. AIG (Mauritius) LLC v. Tata Televentures Ltd, (53 CLA 353; 43 SCL 22)
14. Banarsi Das Saraf and Others v. DalmiaDadri Cement Ltd and Another (28 Com Cas 435)
15. Reliance Communications Infrastructures Ltd., (2009) 151 Com Cases 538 (Bom)
16. Bank of Madura Shareholders Welfare Association v Governor, RBI, (2001) 3 Comp LJ 212 Mad
17. Saraswati Industrial Syndicate Ltd. V. CIT, 70 com cases 184
18. Union of India v. Ambalal Sarabhai Enterprises Ltd. (1984) 55 Comp Cases 623
19. Hindustan Lever Employees Union v. Hindustan Lever Ltd and Others (1995) 83 Comp Cas 30 SC

**LL.M. GROUP  
CRIMINAL LAW  
PAPER I:  
COMPARATIVE CRIMINAL PROCEDURE**

**1. Introduction**

This subject is taught as a compulsory subject at LL.B. level. It will help the students to develop an ecumenical approach and broaden their vision. It inspires them to renew and revise their laws to be in tune with developed systems.

**2. Objectives:**

- 1.To provide an overview of the hierarchy of the courts and prosecuting agencies in India.
- 2.To help the students understand the procedure to be followed before and after trial.
- 3.To provide a detailed study of the rehabilitation and correctional programs run by the State and understand its effectivity.
- 4.To give a comparative analysis of trial procedure as prevalent in other major countries like USA, UK etc.

**3.Outcomes:**

- 1.It will help the students in understanding the prosecution system existing in India.
- 2.It will help them in their career in litigation.
- 3.Providing a comparative analysis will help students in developing a critical approach and encourage them to improve India Criminal justice system.

**4. Assessment Plan**

End Term Assessment : 70 Marks .

Internal Test:15 Marks

Viva + Assignment: 15 Marks.

**Unit I:Organization of Courts and Prosecuting Agencies**

- 1.1 Hierarchy Of Criminal Courts And Their Jurisdiction,
- 1.2 Nayaya Panchayats InIndia, Panchayats In Tribal Areas,
- 1.3 Organization Of Prosecuting Agencies For Prosecuting Criminals, Prosecutors And The Police,
- 1.4 Withdrawal OfProsecution, Constitutionality Of Khap Panchayats.

**Unit II: Pre-Trial Procedure**

- 2.1 Arrest And Questioning Of The Accused,
- 2.2 The Rights Of The Accused, The Evidentiary Value Of Statements/Articles Seized/Collected By The Police,
- 2.3 Right To Counsel,
- 2.4 Roles Of The Prosecutor And The Judicial Officer In Investigation.

**Unit III: Trial Procedure**

- 3.1 The Accusatory System Of Trial And The Inquisitorial System,
- 3.2 Role Of The Judge, The Prosecutor And Defense Attorney In The Trial,
- 3.3 Admissibility And Inadmissibility Of Evidence,
- 3.4 Expert Evidence,
- 3.5 Plea Bargaining.

**Unit IV:Correction and Aftercare service**

- 4.1 The role of the court in correctional programs in India, State rehabilitation program,
- 4.2 Preventive Measures in India: Provisions in the Criminal Procedure Code Special enactments
- 4.3 Public Interest Litigation: Directions for criminal prosecution.

**Unit V: Comparative Study**

- 5.1 Comparative study of judicial system in US, UK, France and India.

**BIBLIOGRAPHY**

1. K.N. ChandrasekhanPillai : R.V. Kelkar's Criminal Procedure (2008) Eastern.
2. K.N.S. Pillai : Lectures on Criminal Procedure
3. K.I. Vibhute : Criminal Justice (2004) Eastern
4. R.V. Kelkar's : Criminal Procedure (4th Edn.) Eastern
5. Justice Malimath Committee Report on Reforms of Criminal Justice System (2003)
6. Government of India, Ministry of Home Affairs

7. Law Commission of India Reports
8. Woodroffe: Commentaries on Code of Criminal Procedure, Vol. I & II (2000) Universal.
8. Patric Devlin, The Criminal prosecution in England.
9. Celia hamptom, Criminal Procedure.
10. Woodroff: Commentaries on Code of Criminal Procedure, Vol. 1 & 2 (Universal).

## PAPER II TREATMENT OF OFFENDERS 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

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

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

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

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

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**PAPER III**  
**COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM**

**Introduction**

This paper focuses on specific forms of violence with a view to identify its evolution, the State –law response policies of management of sanctions. Collective political violence is the order of the day, whether it is agrarian or feudal violence, atrocities against untouchables, gender-based violence, communal violence. Closer scientific investigation of these phenomenon is crucial, which should help us understand both the etiology and the prognosis of collective political violence.

**Objectives:**

1. To help the student understand the concept of force and different kinds of violence.
2. To give an insight of the concept of non-violence as described under different religions.
3. Provide an in-depth understanding of sensitive issues like caste-based violence and communal violence.
4. To provide an overall idea about different forms of violence prevalent in the society and what is the legislative framework to deal with that.

**Outcome:**

1. Student will get a better understanding of concept of force in general.
2. At the end of the course student will be able to differentiate between various kinds of violence.
3. It will encourage students to come up with better legal framework for tackling such sensitive issues.

**Unit I**

Notion of ‘force’, ‘coercion’, ‘violence’, Distinctions: Symbolic violence, Institutionalized violence structural violence, Speech as an incitement to violence, ‘Collective political violence’ and legal order.

**Unit II**

Religiously sanctioned structural violence caste and gender based, Ahimsa in Hindu, Jain, Buddhist and Islamic traditions in India, Gandhiji’s approach to non-violence, Nature and scope of agrarian violence in the 18th, 19th century in India

**Unit-III: Violence against the Schedule Caste**

Notion of Atrocities, Incident of Atrocities, Uses of Criminal Law to combat atrocities as certain aftermath of atrocities, Violence against women.

**Unit-IV**

Incidence and courses of communal violence, Findings of various commissions of inquiry, the Role of police and paramilitary systems in dealing with communal violence, operation of criminal justice system firing and in relation to, communal violence. Mob lynching.

**UNIT-V: Ethno-nationalist movement**

Sikh separatist movement

Failed political compromises and re-marginalization

Naxal movement and conflicts

Insurgency

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- 3.Herbert L. Packer, The Limits of Criminal Sanction (1968)
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- 8.Tapas Kumar Banerjee, Background to Indian Criminal Law (1990),
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## PAPER IV 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

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

i. Kinds of Forensic Evidence

ii. The basic question in investigation-*Qui Bono*;

iii. The scene of crime;

iv. Discovery of traces of physical evidence;

v. Classification and reference to classified record: Systematization and classification of physical evidence and comparison with suspected material;

vi. The principles of exchange;

vii. The principles of heredity, Taxonomy, etc.

viii. Probative Value of Forensic Evidence

ix. Processes Involved in Collecting Forensic Evidence

### UNIT-II

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

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 Cartridges 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



### 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**

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

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**PAPER V**  
**CRIMINAL JUSTICE SYSTEM AND HUMAN RIGHTS**

**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**

- 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**

- 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 iii. Rights under Criminal Justice System and Regional Instruments a. European Convention on Human Rights b. American Convention on Human Rights

**UNIT-III**

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**

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**

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 Right ii. 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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## PAPER VI PRIVILEGED CLASS DEVIANCE

### Introduction

The paper focusses on the relation between privileged, power and their deviant behaviour. It will help in understanding the reality of middle and upper-middle class deviance criminality in India.

### Objectives:

- 1.To provide detailed study on white-collar crimes and other type of offences committed by a class specific.
- 2.To provide an understanding of controversial issues associated with elections.
- 3.To address issues and dilemmas in penal and sentencing policies.

### Outcomes:

- 1.Students will be able to increase their knowledge base by expanding the area of study.
- 2.It will create lawyers excelling in specific field of crimes committed by privileged class and crimes committed in association to elections.
- 3.It will help in the critical analysis of legal system responses.
- 4.it will result in the dispelling of the commonly held belief that the deviance crime is usually associated with impoverished or improvident.

### Unit I: Introduction

Conception of white-collar crimes, Indian approaches to Socio-economic offences, Notions of privileged class deviance as providing a wider categorization of understand Indian development. Gender-based aggression by socially, economically and politically powerful, political grafting.

### Unit II: Police Deviance

Police Atrocities: Encounter killing and the plea of superior's orders, Structure of legal restraint on police power in India, Unconstitutionality of 'Third Degree' method and use of fatal force by Police.

### Unit III: Professional Deviance

Unethical practices by the Lawyers, Unethical practices by the Doctors, Unethical practices by the Media Persons.

### Unit IV: Response of Indian Legal order to the Deviance of Privileged Classes

Prevention of Corruption Act, 1947, Vigilance Commission, Commission of Enquiry

### Unit-V: Deviance on electoral process

Rigging, booth capturing, impersonation, corrupt practices, electoral bonds.

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4. Surendranath Dwivedi and G.S.Bhargava, .Political Corruption in India
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## PAPER VII OFFENCES & LAWS RELATED TO JUVENILES

### 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

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

### Unit II: Legislative Approaches

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

### Unit III: Offences Against Juveniles

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, Drug Addicts, Victims of violence-sexual abuses, battered, killed by parents.

### Unit IV: Judicial Contribution and Preventive Strategies

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

### Unit-V: Comparative Study on Juvenile Delinquency

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

### BIBLIOGRAPHY

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- 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).

## PAPER VIII CYBER CRIMES

### Introduction

The objective of the paper is to disseminate knowledge, create awareness about different forms of cyber-crimes in 21st century and understanding of the cyber laws, issues and challenges of cyber-crimes.

### Objectives:

1. To give a detailed understanding of the nature and evolution of cyber-crimes.
2. To apprise students of the legislative framework dealing with cyber-crimes.
3. To give an analysis of the international perspective on cyber-crime.
4. To give an understanding of the connection between fundamental rights and cyberspace.

### Outcomes:

1. Students will get a better understanding of concepts like cyber stalking, cyber terrorism, cyber fraud etc.
2. It will create lawyers specialization in cyber law.
3. It will promote in learning about the legal rights and restrictions associated with the use of technology.

### 4 .Assessment Plan

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

### UNIT-I

1. Meaning, Definition, Nature of Cyber crimes
2. Historical Genesis and Evolution of Cyber Crimes

### UNIT-II

Statutory Laws pertaining to Cyber Crimes in India:

Indian Penal Code

Indian Evidence Act

Information Technology Act, 2000 and Amendments Act, 2008

Specific Cybercrimes:

Cyber Stalking, Cyber Terrorism/communal violence and internet, cyber fraud, cyber-crime against women, Child Pornography, Computer viruses.

### UNIT-III

Nature and Definition of Cyber Crime:

Offence and Penalties under the IT Act, 2007

Cyber Policing in India: Legal Status

Cyber Crime Investigation

Technical Aspect:

Information in the computer, confiscation, protection and packing, computer examination

Legal Aspect: power to investigate and procedure for investigation

Jurisdiction over Cyber-crimes.

### UNIT-IV

Cyber Law: International Perspectives

- i. Budapest Convention on Cybercrime
- ii. The domain names disputes

Cyber Law – Contemporary Trends

- i. Impact of cyber warfare on privacy, identity theft
- ii. International law governing Censorship, online privacy, copyright regulations,

iii Social Networking Sites vis-à-vis Human Rights.

**UNIT-V: Fundamental Right and cyberspace**

- i Freedom of speech and expression in cyberspace
- ii Right to internet access
- iii Right to privacy: Right to data protection

**Bibliography**

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2. Giddens, A (1990) The Consequences of Modernity, Polity Press: Oxford.
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**PAPER IX**  
**INTERNATIONAL CRIMINAL LAW AND TRANSNATIONAL CRIME**

**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.

**4 .Assessment Plan**

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

**Unit-I: International criminal law Development**

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

**UNIT-II:Transnational crimes**

- i Definition and Scope
- ii Characteristics of Transnational crime
- iii Types of Transnational crime
- iv Causes of Transnational crime
- v Criminal Intent and mens-rea in such crimes
- vi Modus operandi of Transnational crime

**UNIT-III: Classification of Transnational Crimes**

International Perspective

- i Drug Trafficking as Transnational Crime
- ii Trafficking of Weapons



- iii Counterfeit of Goods
- iv Trafficking of Persons and Smuggling of Migrants
- v Money Laundering
- vi Terrorism
- vii Environmental Crimes

#### **UNIT-IV: Laws relating to Transnational Crime**

- i Organized crime and United Nations,
- ii The UN Convention on transnational and organized crime
- iii United Nations Conventions Against Organized Crime, 2000

#### **UNIT-V**

Prevention, control and correctional strategies

- i Extradition Act 1962 (Relevant Provisions) and Extradition Treaty
- ii International investigative agencies (Interpol etc), Adjudication authorities(including ad hoc and permanent criminal tribunals),
- iii Role of Police in Investigation of organized crime
- iv Role of Judiciary, Trial and Sentencing in organized crime
- v Profiles of Criminal Gang / Investigation and Prosecution

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## LL.M. FAMILY LAW GROUP

### Objective of the course

Family is not only the oldest and basic but is essential unit of the society. Similarly, Family is the oldest discipline for the academics either in the sociology, psychology or in the Law. Family Law is concerned with the every aspect of the establishment, continuation, enjoyment, regulation or suspension of the Family and is in the statutory books from the initial days. This Course offers a holistic and systematic overview of the Family Law in both National and International perspective. As globalization effect every aspect of life in the every corner of the world and so the family too affected. Day to day new aspects of the marriage, divorce, maintenance, parenthood, adoption and property issues are arises and creates field for the legal battles. In India, scope of the Family law is wide. This Course provides an opportunity to the students of post graduate to get the specialization in the Family Laws of India. The Course offers details of all personal laws of India. International family laws aspect is also included in the syllabus and covers global knowledge and understanding on the subject, which is important in the contemporary scenario. One of the distinctive feature of the Course is that it includes both sociological and psychological aspect of the family. The emphasis is given on the case study. Thus this course prepare legal experts on the family law who can serve as mediators, negotiators and also as legal councilors.

### Outcome of the Course

The learning objectives and expected outcome of the Course is

- (a) To provide comprehensive and specific legal knowledge of the substantive law on the subject to prepare legal experts.
- (b) To develop correlation of the legal discipline with other discipline specially sociology and psychology and prepare students to deal with the family law issue in holistic manner.
- (c) To enhance the role of mediation and conciliation and prepare legal experts to use the other amicable settlements for the family issues.
- (d) To trained the law students who opted this course in such manner as they serve and facilitate those who are in pain or hurt emotionally in companionate manner.
- (e) To promote legal research in this discipline and communicate such analysis and reasoning which is problem solving and leads towards the happy life to all those who are suffering due to conflict of relations.

## PAPER I 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)

4.1 Concept of Muslim Jurisprudence, Origin of Muslim Jurisprudence,

4.2 Development of Muslim Jurisprudence, Concept of Islam, features of the Islam,

4.3 Sources of Islam, Quran as a Source of Muslim Jurisprudence,

4.4 Other sources of the Islam,

4.5 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,

4.4 Sources of Cristian and Parsi Jurisprudence,

4.5 Comparative study of the Christian jurisprudence in India and other European countries.

### Unit V: Psychology of Family

(8 Lectures)

5.1 Need of family, Family Counselling,

- 5.2 Methods of Family Counselling on Marriage, Divorce, Abuse,
- 5.3 Bereavement, Parenting of Children,
- 5.4 Taking Care of Old Parents And Infirm Members Of The Family,
- 5.5 Marital Happiness

**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

## PAPER II MARRIAGE AND 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 Punishment for Child Marriage,

4.4 Case study of Leading Judgments on the Issues Related to Child marriages.

**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.

5.4 Case Study of Leading Judgments On The Issues Related To Inter Religious Marriages.

**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

**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 Butterworths2001
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. Mulla Hindu Law By Satyajit A. Desai
8. Mordern Hindu Law,by Ramesh Chandra Nagpal, Eastern Book Company
9. Family law by Marriage and divorce by Paras Diwan
10. Family Law lectures by Kusum
11. Studies of Hindu Law by Tahir Mahmood
12. Mohammadan Law by Fazee

### **PAPER 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 SharyaBano Judgment Restitution Of Conjugal Rights Under Muslim Law, Case Study Of Leading Judgments On The Issues Related To Talaq And Others Issues Under Muslim Law,

2.5 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 The Christian Law

3.4 Case Study Of Leading Judgments On The Issues Related To Matrimonial Remedies Under The Parsi Law

3.5 Bars to Matrimonial Remedies.

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

- 4.1 Conflicts of Inter-Religious Marriages,
- 4.2 Provisions of Divorce Under Special Marriage Act 1956,
- 4.3 Grounds of Divorce and Other Matrimonial Remedies Under Special Marriage Act 1956,
- 4.4 Bars to Matrimonial Remedies.

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

- 5.1 Maintenance under Hindu Jurisprudence, maintenance under Hindu Marriage Act, 1955
- 5.2 Maintenance under Muslim personal Law, Maintenance on Dissolution of Muslim Marriage
- 5.3 Maintenance under Muslim Women (protection of Rights on Divorce) Act , 1986,
- 5.4 Maintenance under Christian and Parsi Laws, maintenance under Criminal Procedure Code
- 5.5 Maintenance under Special Marriage Act, 1954

**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. Mordern Hindu Law,by Ramesh Chandra Nagpal
3. Family law by Marriage and divorce by Paras Diwan
4. Family Law lectures by Kusum
5. Studies of Hindu Law by Tahir Mahmood
6. Mohammadan Law by Fazee



**PAPER IV**  
**LAW ON 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 Hindu Adoption and Maintenance Act 1956,

1.3 Conditions Of Valid 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 Under Hindu Law,

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 under Muslim personal Law (8 Lectures)**

3.1 Concept of Acknowledgment Under Muslim Personal Law,

3.2 Legitimacy of The Children Under Muslim Law,

3.3 Case Study of The Leading Judgments on The Issues Relating to Acknowledgement Among Muslim,

3.4 Distinction Between Acknowledgement and Adoption.

**Unit IV: Guardianship under Muslim Law (8 Lectures)**

4.1 Concept of Guardian Under Muslim Law,

4.2 Appointment of Guardian,

4.3 Types of Guardian, Natural Guardian, Legal Guardian, Removal of Guardian,

4.4 Powers and Position of Guardian,

4.5 Case Study of The Leading Judgments on The Issues Relating to Guardianship Among Muslims,

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

- 5.1 Adoption and Guardianship in Christian, Parsi,
- 5.2 Interreligious Adoptions, International Adoptions,
- 5.3 Guardian of An Orphan,
- 5.4 Adoption and Guardianship of The Children Living In Children Homes

**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. Mordern Hindu Law, by Ramesh Chandra Nagpal, Eastern Book Publication
3. Family law by Marriage and divorce by Paras Diwan
4. Family Law lectures by Kusum
5. Studies of Hindu Law by Tahir Mahmood
6. Mohammadan Law by Fazee

## PAPER V

### Modern Family Law

#### 1. Introduction

Society is dynamic and progressive. It developed, changed and reformed with the changing needs of the human beings. People accept and reject the social norms in accordance with their convenience. Though Personal relations are governed by the orthodox customary traditions under the personal laws. But with the effect of globalization all such things are under the effect of development and modernization and produced a mixed culture. Family Law is obviously not untouched by such effects. Therefore, this paper covers all contemporary issues concerned with the Family Law in national and International perspective.

#### 2. Course Objective

C.O.1: To provide a comprehensive understanding of the modern issues related to family system

C.O.2: To provide the specific case laws on the subject and support the logical arguments in need.

C.O.3: To equipped the students to deal with the cases concerned with issues related to modern family law.

C.O.4: To equipped the students to write paper/ article/case comment

#### 3. Programme Objective

P.O.1: This Course develops an understanding about the contemporary family law issues.

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

P.O.3: Both national and international perspective provided.

#### 4. Assessment Plan

End Term Assessment: 70 Marks.

Internal Test :15 Marks

Assignment +Viva+ Presentation: 15 Marks

#### Unit I: Alternatives of Marriage

(8 Lectures)

1.1 Nature of Marriage Status of Marital Couple,

1.2 Live In Relationships,

1.3 Pre-Nuptial Agreements, Civil Partnerships,

1.4 Polygamy In Islam,

1.5 Case Study Of The Leading Judgements Concerned With Such Issues.

#### Unit II: Conflicts of Parenthood

(8 Lectures)

2.1 Conflicts of parenthood in case of Assisted Reproductive Technology,

2.2 Single Parenthood and Custody of Child in case of unknown parents,

#### Unit III: Transgender, Lesbian, and Gay Marriages

(8 Lectures)

3.1 Status of Transgenders, Lesbians and Gays in the Society of India,

3.2 Rights of Transgender, Lesbian and Gay to marry and adopt a child,

3.3 Status and validity of Their Marriages In India,

3.4 Marriage Of Transgender, Lesbians And Gays In Other Countries, Case Study Of The Leading Judgements Concerned With The Such Issues

#### Unit IV: Reform of the Family Law

(8 Lectures)

4.1 Initiative Taken by The Legislature To Reform Personal Laws,

4.2 Protection Of Women From Domestic Violence Act 2005,

4.3 Draft Proposal Of The Uniform Civil Code, Comparative Study Of The Uniform Civil Codes Of The Other Democratic Countries, Problems And Prospect Of The Uniform Civil Code In India.

4.4 Concept Of Matrimonial Property,

4.5 Case Study Of The Leading Judgements Concerned With Such Issues.

#### Unit V: International Family Law

(8 Lectures)

5.1 Introduction and Concepts of International Family Law,

5.2 Private International Conventions

5.3 Issues of Conflicts of Laws with special reference to Indian scenario.

**References:**

1. Dr. A. Saibaba, 'A uniform civil code in India, Implication need and impediments, Raj Publications (Dist) 2016
2. Chodosh Sheetret, M.K. Nambyar, Trust 'Uniform Civil Code for India: proposed blue print for scholarly discourse' Oxford Publication, 2015
3. N.K. Acharya, 'Protection of Women from Domestic Violence Act' Asia Law House.
4. Pinki Virani 'Politics of the Womb' The perils of IVF, Surrogacy and modified babies' Penguin random House India, 2016,
5. 'Sarojini N and Vinda Marwah' Reconfiguring Reproduction, Feminist health Perspective on Assisted Reproductive Technologies (2014), Zubaan Publishers Pvt Ltd
6. Parke, R.D, Parenting in the new Millennium: Prospects, promises and pitfalls. In J.P. McHale & W.S. Grolic (Eds) Retrospect and prospect, promises in the Psychological study of families (p.65-93), Lawrence Erlbaum associates publishers.
7. John A. Roberston 'Children of Choice' Freedom and New Reproductive Technology, Princeton University Press, 1996

## Paper VI Family Law & Procedure

### 1. Introduction

This paper is compulsory to study with the substantive family laws. Procedural law is concerned with the substantive rules of the procedure of the litigation. It is important to understand the requirements of the procedural rules to get the remedy and also the consequences of not following them. The content of the paper provides a complete insight over the procedural requirements of the family disputes in the Court of law.

### 2. Course Objective

C.O.1 : It develops a practical approach to deal with the issues of the family law.

C.O.2: It develops an expertise in procedural requirements of the family matters in the Court of Law.

C.O.3: The course includes the other methods for the settlement of family issues such as arbitration and mediation.

C.O.4: It develops an expertise in procedural law read with substantive family law

### 3. Programme Objective

P.O.1: This Course develops an understanding about the procedural aspect of the family Law.

P.O.2: It provides a complete understanding on the family law matters.

P.O.3: A case law study develops an overall expertise on the subject.

### 4. Assessment Plan

End Term Assessment: 70 Marks.

Internal Test :15 Marks

Assignment +Viva+ Presentation: 15 Marks

### Unit I: Formalities and Procedure of Marriage under Statutory and Personal laws (8 Lectures)

1.1 Registration Of Marriage,

1.2 Requirement Of Registration And Effect Of Non- Registration Of Marriage,

1.3 Registration Of Marriage Under Personal Laws,

1.4 Registration Of Foreign Marriage,

1.5 Case Study Of The Leading Judgements Concerned With The Issues Of Registration Of Marriage.

### Unit II: Procedure to get matrimonial remedies under Statutory and Personal Laws (8 Lectures)

2.1 The Courts, Jurisdiction Of Court,

2.2 Skill Of Writing Petition,

2.3 Procedure To File Suit For The Matrimonial Remedies,

2.4 Relevant Provisions Of The Code Of Civil Procedure 1909

### Unit III: Procedure For The Criminal Proceeding Under Family Law (8 Lectures)

3.1 Provisions Of The Indian Penal Code 1860, And Criminal Procedure Code,

3.2 Case Study Of The Leading Judgements Concerned With Such Issues

### Unit IV: Alternative of the Court Procedure (8 Lectures)

4.1 Alternative Dispute Resolution Mechanism,

4.2 Legal Aid,

4.3 The Family Court Act 1984

### Unit V: Statutory Procedure For Other Family Issues (8 Lectures)

5.1 Procedure Of Adoption, Acknowledgement,

5.2 Legitimation Under Personal Laws

5.3 Procedure Of Making, Registration And Execution Of Will

5.4 Procedure Of Valid Gift Under Personal Law,

5.5 Registration Of Gift Deed, Legal Requirement And Procedure Of Formation Of Waqf

### References

1. Civil Procedure Code, 1909
2. Criminal Procedure Code, 1978
3. The Family Court Act, 1984

**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. Mulla Hindu Law By Satyajit A. Desai
4. Modern Hindu Law, by Ramesh Chandra Nagpal
5. Family law by Marriage and divorce by Paras Diwan
6. Family Law lectures by Kusum
7. Gaur's Commentaries on Hindu Law, Dwivedi & Co, Allahabad,
8. B.K. Mukherjea: Hindu Law of Religious and Charitable Trust, Eastern Law House, Cal,
9. Mayne, Hindu Law and Usage, Bharat Law House, New Delhi,
10. G.C. Venkata Subbarao: Family Law in India, Law Publishers,
11. Mulla, D.F: Principles of Mohammedan Law, N.M. Tripathi Pvt. Ltd., Bombay,
12. Mulla, D.F: principles of Hindu law. 18th Edn. New Delhi: LexisNexis Butterworths
13. Paras Diwan, Modern Hindu Law, Universal Law Publishing Co., N. Delhi,
14. Sanjiva Row: The Indian Succession Act, 1925, Law Book Co., Allahabad,
15. Archana Prasad, A. Dhanda: Redefining Family Law in India,
16. B.R. Verma: Commentaries on Mohammedan Law, Law Publishers India (Pvt.) Ltd., Allahabad,

**Paper VII**  
**Child and Parents Right under Family Law**

**1. Introduction**

As the Children and grandparents/parents are the essential component of the family. They both are vulnerable; hence it is essential that the legal rights of the children and grandparents/ parents must be added to the course of the Family law. This paper is an initiative and concerned with the legal rights of Children and Grandparents/Parents in the family.

**2. Course Objective**

- C.O.1: It develops a comprehensive understanding of the child and parents' rights in the family.
- C.O.2: It develops an expertise to deal with cases related to Child and parent rights, effectively.
- C.O.3: This course deals with specific legal issues of the child and parents.
- C.O.4: It completes all aspects of the family.

**3. Programme Objective**

- P.O.1: A comprehensive family law study is provided under this course.
- P.O.2: TO inculcate a value regarding vulnerable production
- P.O.3: To understand the importance of protection for aged person and children
- P.O.4: To understand the dimension of commercial and sexual exploitation in social order.

**4. Assessment Plan**

End Term Assessment: 70 Marks.

Internal Test :15 Marks

Assignment +Viva+ Presentation: 15 Marks

**Unit I: Rights of Children**

**(8 Lectures)**

- 1.1 International Convention On Rights Of Child,
- 1.2 Human Rights Of Children, Status Of Child In The Family,
- 1.3 Rights Of Unborn Child, National Child Policy,
- 1.4 Right Of Children To Have Family, Rights Of Children To Know Their Origin, Right Of Children To Education, Right Of Disabled Children.
- 1.5 Rights Of Children Born From ART.

**Unit II: Protection of Children from Violence, Exploitation and Abuse**

**(8 Lectures)**

- 1.1 International Instruments To Prohibit Trafficking Of Children,
- 1.2 Child Labor and Child Abuse.
- 1.3 Protection Of Children From Domestic Violence,
- 1.4 Sexual Abuse In The Family

**Unit III: Parental Privileges and Obligations**

**(8 Lectures)**

- 3.1 Parental Liabilities, Termination of Parental rights,
- 3.2 Parental Civil and Criminal Liability,
- 3.3 Parents Rights of The Custody Of Child,
- 3.4 Rights and Liabilities of Working Parents (Maternity Leave To The Mother And Paternity Leave Of Father, Child Care Leave To The Mother)

**Unit IV :Old Parents Child Conflicts**

**(8 Lectures)**

- 4.1 Rights Of Old Parents, Constitutional Provisions,
- 4.2 The Maintenance And Welfare Of Parents And Senior Citizen Act 2007,
- 4.3 Medical Care Of The Infirm Parents,
- 4.4 Aged Parents Whose Children Are Out Of State,
- 4.5 Right Of Parents To Meet Their children. Right of Parents to get last rituals from their siblings.

**Unit V : Social Community Rights of Children and Parents****(8 Lectures)**

- 5.1 Children Homes,
- 5.2 Old age Home,
- 5.3 Special Schools for the special children,
- 5.4 Streets Children

**References****Statutes**

1. The Juvenile Justice (care and protection of Children) Act, 2015
2. The Commission of protection of Child rights Act, 2005
3. The right of Children to free and compulsory Education Act, 2009
4. The Maintenance and Welfare of Parents and Senior Citizen Act, 2007

**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. Mulla Hindu Law By Satyajit A. Desai
4. Modern Hindu Law, by Ramesh Chandra Nagpal
5. Family law by Marriage and divorce by Paras Diwan
6. Family Law lectures by Kusum
7. Gaur's Commentaries on Hindu Law, Dwivedi & Co, Allahabad
8. B.K. Mukherjea: Hindu Law of Religious and Charitable Trust, Eastern Law House,
9. Mayne, Hindu Law and Usage, Bharat Law House, New Delhi
10. G.C. Venkata Subbarao: Family Law in India, Law Publishers,
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12. Mulla, D.F: principles of Hindu law. 18th Edn. New Delhi: LexisNexis Butterworths
13. Paras Diwan, Modern Hindu Law, Universal Law Publishing Co., N. Delhi,
14. Sanjiva Row: The Indian Succession Act, 1925, Law Book Co., Allahabad
15. Archana Prasad, A. Dhanda: Redefining Family Law in India, 2007
16. B.R. Verma: Commentaries on Mohammedan Law, Law Publishers India (Pvt.) Ltd., Allahabad



## PAPER VIII

### PRINCIPLES OF INHERITANCE, SUCCESSION, GIFT AND WILL

#### 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 & Interreligious 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. Mulla Hindu Law By satyajit A. Desai
- 4. Modern Hindu Law, by Ramesh Chandra Nagpal
- 5. Family law by Marriage and divorce by Paras Diwan
- 6. Family Law lectures by Kusum
- 7. Gaur's Commentaries on Hindu Law, Dwivedi & Co, Allahabad
- 8. B.K. Mukherjea: Hindu Law of Religious and Charitable Trust, Eastern Law House
- 9. Mayne, Hindu Law and Usage, Bharat Law House, New Delhi
- 10. G.C. Venkata Subbarao: Family Law in India, Law Publishers
- 11. Mulla, D.F: Principles of Mohammedan Law, N.M. Tripathi Pvt. Ltd., Bombay
- 12. Mulla, D.F: principles of Hindu law. 18th Edn. New Delhi: LexisNexis Butterworths
- 13. Paras Diwan, Modern Hindu Law, Universal Law Publishing Co., N. Delhi
- 14. Sanjiva Row: The Indian Succession Act, 1925, Law Book Co., Allahabad
- 15. Archana Prasad, A. Dhanda: Redefining Family Law in India
- 16. B.R. Verma: Commentaries on Mohammedan Law, Law Publishers India (Pvt.) Ltd., Allahabad

## Paper IX Conflicts of Laws and Family

### 1. Introduction

This paper is branch of Private International Law deals with the issues of personal laws such as marriage, divorce and succession in those matters where laws of two or more countries has to apply on the problem. By the effect of the globalization it is common for the every country that people are going out of the state for work and other reasons. When they settle family there or make property and disputes arises. Conflicts of family laws would apply.

### 1. Course Objective

- C.O.1: To provide a comprehensive understanding of the Conflicts of Laws and Family.
- C.O.2: This course deals with the family law issues of intercountry marriages
- C.O.3: This course deals with specific legal issues of the intercountry marriages.
- C.O.4: It provides the comparative study of the family laws of the different countries.

### 2. Programme Objective

- P.O.1: This Course develops an understanding about the changing dimensions of the family system.
- P.O.2: This course deals with the legal aspects of intercountry marriages.
- P.O.3: It covers the international perspective of the family law issue.

### 3. Assessment Plan

End Term Assessment: 70 Marks.

Internal Test :15 Marks

Assignment +Viva+ Presentation: 15 Marks

### **Unit I: Introduction, Application and Scope of the Conflicts of Family Laws (8 Lectures)**

- 1.1 International Historical Perspectives,
- 1.2 Modern Treaties,
- 1.3 Bilateral Treaties,
- 1.4 Other Instruments of deals with Conflicts of family law.

### **Unit II: Personal laws of Individuals (8 Lectures)**

- 2.1 Definition Of Personal Laws,
- 2.2 Scope Of Personal Laws,
- 2.3 Legal Problems
- 2.4 Contacts Determining Personal Laws (Domicile, Nationality, Mixed System),
- 2.5 Supplementary Rules

### **Unit III: Marriage (8 Lectures)**

- 3.1 Concept of Marriage In The Conflicts Of Laws,
- 3.2 Formal Requirement Of Marriage,
- 3.3 Foreign Consular Marriage,
- 3.4 Effects Of Marriage,
- 3.5 Effects Of Marriage On Property

### **Unit IV: Divorce and Annulment of Marriage (8 Lectures)**

- 4.1 The Problems Of Foreign Divorce,
- 4.2 Jurisdiction And Procedure Of Divorce,
- 4.3 Recognition Of Foreign Divorce,
- 4.4 Effects Of Divorce,
- 4.5 Annulment Of Marriage Of Foreigners, Recognition And Effects Of Annulment.

**Unit V : Parental Relations**

**(8 Lectures)**

- 5.1 Legitimate Birth, Illegitimate Children,
- 5.2 Recognition Of A Child,
- 5.3 Legitimation By Subsequent Marriage,
- 5.4 Adoption Of Or By The Foreigners,
- 5.5 Recognition Of Foreign Adoption, Effects Of Foreign Adoption

**References**

1. Atul M. Sheetalvad, Conflicts of Law
2. V.C. Govindraj, Conflicts of Laws in India
3. Paras Diwan, Private International Law
4. Cheshire and North's Private International Law

**GROUP: LABOUR LAW**

PAPER-I: Law Relating To Industry

PAPER-II: Law of Labour Management Relations

PAPER-III: Social Security Legislation InIndia

PAPER-IV: History And Principles Of International Labour Movement And Organizations

PAPER-V: LabourWelfare Laws And Employees Insurance

PAPER-VI: Safeguards To Women And Children Labour

PAPER-VII: Misconduct: Labour Problems

PAPER-VIII: Charge-Sheet AndDomestic Enquiry

PAPER-IX: LabourAndHuman Resource Management

**GROUP: LABOUR LAW**  
**LL. M. 1<sup>st</sup> Semester**  
**PAPER-I**  
**LAW RELATING TO INDUSTRY**

**1. Introduction**

This paper has encompassed the settlement of industrial disputes through the proper adjudication systems. Besides it the labor jurisprudence will be observed. Stuck between employer and employees on the issues of lock-out and strike is the subject of study. Lay-off, retrenchment, transfer of industry and closure are the causes of workmen menace. State intervention is needed to resolve such problems. There are penalty and procedure incorporated for combating to the same situations. In some cases the payment of compensation made mandatory. Some norms set up to conditions of service.

**2 .Course Outcomes:**

- C.O. 1 : The paper aims to expose Industry
- C.O. 2 : Introduces the industrial disputes.
- C.O. 3 : Introduce the dispute resolution.

**3 .Program Outcomes**

The paper deals with industrial interface and labour issues.

**4 .Assessment Plan**

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

**UNIT-I**

- 1.1 Concept of labour legislation, Industrial Jurisprudence,
- 1.2 Concept of labour and Labour policy.
- 1.3 Definitions Clause of I. D. Act, 1947: Appropriate Government, Closure, Controlled Industry, Industry, Industrial Dispute, Industrial Establishment or Undertaking, Labour Court.
- 1.4 Definitions Clause of I. D. Act, 1947: Lay-Off, Lock-out, Retrenchment, Strike and Workman.

**UNIT-II**

- 2.1 Industrial disputes resolution system (sections 3 to 7C under I. D. Act, 1947).
- 2.2 Reference to disputes to Boards, Courts or Tribunals Section 10).
- 2.3 Voluntary reference of Disputes to Arbitration (Sections 10A to 10K).
- 2.4 Procedure powers and Duties of Authorities (Sections 11 to 21),

**UNIT-III**

- 3.1 Strikes and Lock-outs (sections 22- 25).
- 3.2 Penalties and procedure (Sections 26-30 and 34) of I. D. Act, 1947.
- 3.3 Lay-off and Retrenchment (Sections 25A -25J)
- 3.4 Special provisions relating to Lay-off, Retrenchment, closure in certain establishment (Sections 25K - 25S)

**UNIT-IV**

- 4.1 Penalty for closure without notice (section 30A), Unfair Labour Practices (Sections 25T-25U),

- 4.2 Penalty for other offences (Section 31), offences companies, etc., (section 32)
- 4.3 Conditions of service, etc., to remain unchanged and changed under certain circumstances during pendency of proceedings (section 33-33A).
- 4.4 Power to transfer certain proceedings (section 33B), recovery of money due from an employer.

#### **UNIT-V**

- 5.1 The Industrial Employment (Standing Order) Act, 1946:** Interpretations; Submission of Draft Standing Orders, Conditions for Certification and Certificate of Standing Orders (Secs. 3-35)
- 5.2 Appeals, Date of Operation of Standing Orders, Register of Standing Orders, Posting of Standing Orders (secs. 6-9)**
- 5.3 Duration and Modification and Penalty etc., (Secs. 10-13B)**
- 5.4 Delegation of Powers and Power to make Rules (Secs. 14-15) and Schedule.**

#### **References:**

1. OP Malhotra : the Law of Industrial Disputes two vols. Publication- Lexis Nexis
2. HL Kumar: Labour Problems and Remedies 12<sup>th</sup> 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

**GROUP: LABOUR LAW**  
**LL. M. 1<sup>st</sup> Semester**  
**PAPER-II**  
**LAW LABOUR MANAGEMENT RELATIONS**

**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**

- 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**

- 2.1 The Employers' Liability Act, 1938:** Whole Provisions.
- 2.2 The Apprentice Act, 1961:** Definitions.
- 2.3** Apprentices and their training (Sections 3-22).
- 2.4** Authorities (Sections 23-36).

**UNIT-III**

- 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

- 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

- 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 12<sup>th</sup> 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

**GROUP: LABOUR LAW**  
**LL. M. II<sup>nd</sup> Semester**  
**PAPER-III**  
**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

- 1.1 Employees' Compensation Act, 1923:** Definitions, Employees' Compensation: Employer's Liabilities for compensation and Notional extension theory (Sections 3-18A)
- 1.2 Commissioners** (Sections 19 -31).
- 1.3 The Payment of Wages Act, 1936:** Definitions; responsibility for payment of wages, Deductions and Maintenance of Register and Records (Sections 3-13A);
- 1.4 Inspectors** (Sections 14-14A); Claims, Appeal, Penalties and Procedure, Contracting out and payment of undisbursed wages (Sections 15-25A).

### UNIT-II

- 2.1 The Minimum Wages Act, 1948:** Interpretations; Fixing of Wages (Sections 3-5), Advisory Board and Committees (Sections 7-9); Correction of Errors, Rates of Wages, Overtime and Maintenance of Register and Records (Sections 10-18).
- 2.2 Inspectors** (Section 19); Claims, penalties, offences by companies, bar of suits, Contracting out and Exemption & Exceptions (Sections 20-26).
- 2.3 The Payment of Bonus Act, 1965:** Definitions; Establishment, Computation, Eligibility, Min. & Max. Payment of Bonus and Calculation of Bonus (Secs.3-12).
- 2.4 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** (Secs.14, 15, 18, 19, 21, 28 and 30).

### UNIT-III

- 3.1 The Payment of Gratuity Act, 1972:** Definitions; continuous service, Controlling Authority, Payment of Gratuity, Compulsory Insurance, nomination and determination of the amount of gratuity (Secs. 2A-7)
- 3.2 Inspectors, recovery of Gratuity, Penalties, exemption, Protection of Gratuity (Secs. 7A-13)
- 3.3 The Buildings and other Construction Workers (Regulation of Employment and Condition of Service) Act, 1996:** Definitions; Advisory Committees and Expert Committees (Sections 3-5).
- 3.4** Registration of Building Workers as Beneficiaries (Section 11-17).

#### UNIT-IV

- 4.1 The Employees' Provident Funds and Miscellaneous Provisions Act, 1952:** Definitions; Employees Provident Fund Schemes, Central Board, executive Committee, State Board, Appointment of Officer, delegation (Secs. 5-5E)
- 4.2 Contributions, Employees' Pension Scheme, Employees' Deposit-Linked Scheme, Modification of Scheme, Determination of Money due from Employers and determination of Escaped Amount (Secs. 6-6C and 7-7C)
- 4.3 Employees' Provident Funds Appellate Tribunal (Secs. 7D -7L)
- 4.4 Interest payable by Employer (Sec. 7Q), Recovery Provisions (Sec. 8-8F), Inspectors and Penalties Procedure (13-14AC)

#### UNIT-V

- 5.1 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 (Sections 3-6)
- 5.2 Penalties and Procedure and making rules (Sections 7-10).
- 5.3 The Dock Workers (Regulation of Employment) Act, 1948:** Definitions: Scheme for ensuring regular employment (Sections 3-4).
- 5.4 Advisory Committee and Dock Labour Board (sections 5-5B).

#### References:

1. OP Malhotra : the Law of Industrial Disputes two vols. Publication- Lexis Nexis
2. HL Kumar: Labour Problems and Remedies 12<sup>th</sup> 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

**PAPER –IV**  
**HISTORY AND PRINCIPLES OF INTERNATIONAL LABOUR MOVEMENT AND ORGANISATIONS**

**1. Introduction**

this paper includes the labour revolution and labour movement and concerning Trade Unions. This paper is especially oriented to the provisions and regulations of those workers who are employed in cinema and theatres, motor transport and in factories.

**2 .Course Outcomes:**

- C.O. 1 : To introduce the history of labour law.
- C.O. 2 :To introduce the various cannons of labour law.
- C.O. 3 : To introduce the idea of collective bargaining.

**3 .Program Outcomes**

The paper aims to introduce the issue of participative management.

**4 .Assessment Plan**

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

**UNIT-I**

- 1.1 Labour revolution:** Russia, Germany and France; ILO; Trade Union Movement in India.
- 1.2 The Trade Union Act, 1926:** Definitions; Registration of Trade Union (Sections 3-14)
- 1.3 Rights and Liability of Registered Trade Unions (sections 15-28).
- 1.4 Penalties and Procedure (Sections 31-33).

**UNIT-II**

- 2.1 The Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981:** Definitions; Prohibition of employment of cine-worker without agreement (Section-3)
- 2.2 Constitution, Powers and duties of Tribunals (Sections 7-15).
- 2.3 Penalties and Procedure (Sections 17-20)
- 2.4 Conciliation Officers, Duties and Settlement (Sections 4-6); Regulation of Employment of Cinema Theatre Workers (Sections 24-25)

**UNIT-III**

- 3.1 The Motor Transport Workers Act, 1961:** Definitions; Registration of Motor Transport Undertaking and Inspecting Staff (sections 3-7).
- 3.2 Welfare and Health (Sections 8-12)
- 3.3 Hours and Limitations of Employment (Sections 12-20)
- 3.4 Employment of Young Persons and Wages and Leave (secs. 21-28)

**UNIT-IV**

- 4.1 The Factories Act, 1948:** Interpretations; Reference to time of day (Sections 3-7B).
- 4.2** The Inspecting Staff and Health (Sections 8-20).
- 4.3** Safety (Sections 21-33).
- 4.4** Safety (Sections 34-41).

**UNIT-V**

- 5.1 The Factories Act, 1948:** Provisions Relating to Hazardous Processes (sections 41A-41H).
- 5.2** Welfare (Sections 42-50).
- 5.3** Working Hours of Adults (sections 51-62).
- 5.4** Employment of Young Persons (Sections 67-77).

## References:

1. OP Malhotra : the Law of Industrial Disputes two vols. Publication- Lexis Nexis
2. HL Kumar: Labour Problems and Remedies 12<sup>th</sup> 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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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).
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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

**PAPER-V**  
**LABOUR WELFARE LAWS AND PROTECTION OF LABOURS' RIGHTS**

**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**

- 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**

- 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**

- 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**

- 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**

- 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 12<sup>th</sup> 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.
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8. Government of India, Report of the first National Commission on Labour (1969).
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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-
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14. BD Singh: Industrial Laws
15. VB Coutinho: Lectures on Labour Laws, EBC
16. P. L. Malik: Industrial Law, Publication- EBC

**PAPER-VI**  
**SAFEGUARDS TO WOMEN AND CHILDREN LABOUR**

**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**

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

**UNIT-II**

- 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**

- 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

**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

**5.1 The Beedi and Cigar Workers (Conditions of Employment) Act, 1966:** Definitions; Industrial premises to be Licensed, Licenses and Appeal (Sections 3-5).

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

**5.3** Working Hours and Holidays (Sections 17-23).

**5.4** 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 12<sup>th</sup> 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).
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10. GB Pai: Labour Law in India, in two Vols. Publication- Butterworth's.
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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

**PAPER-VII**  
**Misconduct: Labour Problems**

**1. Introduction**

The misconduct is the causes of dismissal, discharge and termination of services. Concerning person must be aware to mention various points of misconduct. What step will be taken on occurrence of misconduct of workers? It will be discussed in study.

**2 .Course Outcomes:**

- C.O. 1 :To Introduce the idea of Misconduct
- C.O. 2 :To Introduce the idea of various types of misconduct .
- C.O. 3 : To Introduce the ideas of labour problems.

**3 .Program Outcomes**

The paper aims to introduce the value of investigation and inquiry.

**4 .Assessment Plan**

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

**UNIT-I**

- 1.1 **Misconduct (a):** habitual absence and doing personal work and financial irregularity.
- 1.2 **Misconduct (b):** drunkenness and gross negligence, false allegations against employer and.
- 1.3 **Misconduct (c):** late attendance at the place of work and misrepresentation for employment.
- 1.4 **Misconduct (d):** habitual negligence and obstruction the officers' movement.

**UNIT-II**

- 2.1 **Misconduct (e):** dissuading customers and persistent refusal to perform duties.
- 2.2 **Misconduct (f):** refusal to leave factory premises after closing hours, refusal to work beyond duty hours.
- 2.3 **Misconduct (g):** refusal to vacate quarters, riotous and disorderly behavior.
- 2.4 **Misconduct (h):** Shouting slogan in the factory and sleeping during duty hours.

**UNIT-III**

- 3.1 **Misconduct (i):** theft by an employee and vulgarity on the part of an employee.
- 3.2 **Misconduct (j):** false travelling bill-claiming of and temporary misappropriation by an employee.
- 3.3 **Misconduct (k):** dismissal for loss of confidence-when proper and holding meeting at a place of work.
- 3.4 **Misconduct (l):** abusive language- serious misconduct and misappropriation- amount immaterial.

**UNIT-IV**

- 4.1 **Misconduct (m):** dishonesty and fraud, misuse of loan and hunger strike.

- 4.2 **Misconduct (n):** obstruction by Strikers and disobedience and insubordination.
- 4.3 **Misconduct (o):** refusal to accept letters and seriousness of go-slow tactics.
- 4.4 **Misconduct (p):** strike in public utility service and threatening a superior

#### UNIT-V

- 5.1 **Misconduct (q):** sexual harassment at the work place.
- 5.2 **Misconduct (r):** failure to appear before medical board- is a misconduct and unlawful instructions- denial not misconduct.
- 5.3 **Misconduct (s):** Traveling without ticket and strike pen-down and tools-down.
- 5.4 **Misconduct (t):** disobey of general instructions and instigate to workmen to take part in illegal strike.

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1. OP Malhotra : the Law of Industrial Disputes two vols. Publication- Lexis Nexis
2. HL Kumar: Labour Problems and Remedies 12<sup>th</sup> Ed. Publication-Universal Law Publishing Co.
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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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11. VG. Goswami: Labour and Industrial Laws, Publication-Central Law Agency.
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14. BD Singh: Industrial Laws
15. VB Coutinho: Lectures on Labour Laws, EBC
16. P. L. Malik: Industrial Law, Publication- EBC

## **PAPER-VIII**

### **Charge-sheet and Domestic Enquiry**

#### **1. Introduction**

The whole proceeding of charge-sheet and domestic enquiry will properly educate to the person who seeks to study.

#### **2 .Course Outcomes:**

- C.O. 1 :To Introduce the idea of chargesheet.
- C.O. 2 : To Introduce the idea of Domestic Inquiry
- C.O. 3 : To introduce the idea chargesheet and its pros and cons.

#### **3 .Program Outcomes**

The paper aims to inculcate the value of rule of law.

#### **4 .Assessment Plan**

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

#### **UNIT-I**

- 1.1 Charge-sheet (a):** essentials, drafting of a charge-sheet, charge-sheet and Enquiry and effect of mentioning of proposed punishment in the charge-sheet.
- 1.2 Charge-sheet (b): language of** Charge-sheet, mode of communication and purpose of a charge-sheet.
- 1.3 Charge-sheet (c):** when an employee refuses to accept Charge-sheet, time for explanation of Charge-sheet and who can issue the Charge-sheet.
- 1.4 Charge-sheet (d):** when a Charge-sheet vague, when it is not vague Charge-sheet, consequences of delayed issuing of Charge-sheet and quashing of Charge-sheet when not enquiry has not been held for considerable period.

#### **UNIT-II**

- 2.1** Admission of charges & Holding of enquiry, appointment of an Enquiry officer and advocate aid as Enquiry Officer.
- 2.2** Enquiry by an officer of establishment attending enquiry during leave period, denial of copies of reports and domestic enquiry and a criminal trial.
- 2.3** Domestic enquiry and acquittal of employees by the court, when is an enquiry essential and enquiry on holidays.
- 2.4** Ex-parte enquiry, ingredients of enquiry report, intimation of enquiry mandatory, list of witnesses and domestic enquiry and necessity of enquiry.

#### **UNIT-III**

- 3.1** Questions by enquiry officer, qualifications and duties of an enquiry officer punishment sans enquiry.
- 3.2** Purpose of preliminary enquiry, reasonable opportunities and recording of evidence.

- 3.3 Refusal to adjourn the enquiry, refusal to allow an employee to be represented by person of his choice.
- 3.4 Representation in the enquiry, representation through the lawyer setting aside of enquiry by court and enquiry-staying of.

#### UNIT-IV

- 4.1 Summoning of witnesses, time for participation in enquiry, Venue of holding enquiry and enquiry *vis-à-vis* criminal trial.
- 4.2 Acquittal in criminal trial and holding of enquiry- permissibility, presenting officer- as a witness and witness in domestic enquiry.
- 4.3 Enquiry report- when to be provided to a delinquent employee, distinction between preliminary and regular enquiries and dispensation of enquiry.
- 4.4 Principles of natural justice, evidence in enquiry proceedings- starting of, time limit for enquiry and representation by Union leader.

#### UNIT-V

- 5.1 Language of enquiry proceedings, enquiry report-furnishing of, termination without enquiry and validity of standing orders.
- 5.2 Objection by an employee about appointment of enquiry officer, enquiry officer-neither witness nor complainant, appointment of enquiry officers in charge –sheet it self- illegal.
- 5.3 Enquiry- vitiation of, non-supply of documents- effect of, enquiry-its continuation after superannuation and representation by Union leader in enquiry.
- 5.4 Presenting officer- when not necessary, enquiry not to be stayed, strict rules of evidence not applicable in enquires and list of witnesses and documents- enquiry to be vitiated.

#### References:

1. OP Malhotra : the Law of Industrial Disputes two vols. Publication- Lexis Nexis
2. HL Kumar: Labour Problems and Remedies 12<sup>th</sup> Ed. Publication-Universal Law Publishing Co.
3. VSP Rao: Human Resource Management, Publisher: Excel Books, New Delhi-28
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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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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
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16. P. L. Malik: Industrial Law, Publication- EBC

**PAPERIX**  
**Labour and Human Resource Management**

**1. Introduction**

This paper incorporated in syllabus with the view to manage the labour and other human resource for working in the industry. It is only the part of management not of any legislation.

**2 .Course Outcomes:**

- C.O. 1 :to Introduce the idea of Human Resource.
- C.O. 2 : to Introduce the idea of Human Resource Management.
- C.O. 3 : to Introduce the idea labour management.

**3 .Program Outcomes**

The paper aims to achieve the ideas of Human Resource Mangement.

**4 .Assessment Plan**

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

**UNIT-I**

- 1.1**-Evolution of concept of HRM in India, Nature and scope of HRM, objective and importance of HRM.
- 1.2**-Evolution of the concept of Human Resource Development, principles in its designing and the contribution of sub-system to HRD goals.
- 1.3**-Administration of payment of compensation to labour, nature compensation, wage and salary administration and payment of bonus.
- 1.4**-Employee's welfare: theory of labour welfare, agencies for welfare work, types of welfare facilities and statutory provisions.

**UNIT-II**

- 2.1** Participation and empowerment: government policy and participation, forms of Participation, empowerment and happy employees are valuable assets.
- 2.2** Collective bargaining: Bargainable issues, types of bargaining, collective bargaining in India, conditions essential for effective bargaining and recommendations of NCL
- 2.3** Incentive and employee benefits: incentive plans, individual incentives, method of wage payment, pay for performance system and success and failure of incentive plans.
- 2.4** Trade Unions and Employers' Associations: current trend of unionism, Trade Union movement and membership, All India Trade Union Congress and employers' associations.

**UNIT-III**

- 3.1 Transfer of an Employee under Labour Laws:** objective for transfer of employee, transfer of an employee is the prerogative of an employer, transfer an employee- only by competent authority,

frequent transfer of an employee-hardship cannot be inferred and Termination of service on non-compliance of transfer order.

- 3.2 **Transfer of an Employee under Labour Laws:** Reasons for transfer- not necessarily to be given, transfer as a punishment- not sustainable, transfer of workmen- not enforceable when based on model standing orders, transfer an employee – when challenged and transfer of an employee- when liable to be quashed.
- 3.3 **Transfer of an Employee under Labour Laws:** transfer an employee after reinstatement at a different place- not permissible, transfer when it does it violate conditions of service and transfer in the absence of service conditions- whether permissible.
- 3.4 **Transfer of an Employee under Labour Laws:** Trade Union Leader- no immunity from transfer, territorial jurisdiction for challenging transfer, stalling transfer due to personal difficulties and transfer- interference by the court only when it is malafide.

#### UNIT-IV

- 4.1 **Wages and Allowances:** suspension allowance and its extent, conveyance allowance, adjustment of loan form wages, fixation of DA/wage scale and Minimum wages for Contractor's worker and imposition of fine on employees.
- 4.2 **Wages and Allowances:** Minimum wages for employees of a society, capacity to wages, cost of living index and wages to piece rated workers.
- 4.3 **Wages and Allowances:** Penal deduction of wages – necessity of notice, special allowance and deduction of wages for slowing down- permissible.
- 4.4 **Wages and Allowances:** liability of director to pay wages, payment of wages during strike- not liability, reduction of wages – not permissible and obligations of employer.

#### UNIT-V

- 5.1 **Leave and Holidays:** leave and holidays distinction of, competent authority to grant leave, sick leave supported by medical certificate- effect, employer's obligation to grant leave and casual leave- claim for
- 5.2 **Leave and Holidays:** encashment of earned leave by temporary workers on termination, leave on false ground and mass casual leave, leave medical certificate, over - stay of leave and prior sanction of leave.
- 5.3 **Leave and Holidays:** refusal to grant casual leave, right to worker to avail leave, necessity for submission of application for leave, exclusion of holidays from leave, National Holidays, weekly holiday and calculation of leave.
- 5.4 **Leave and Holidays:** Clubbing of leave, compensatory leave while working on Sunday, sanction of leave during notice period and leave –encashment of Back-wages.

#### References:

1. OP Malhotra : the Law of Industrial Disputes two vols. Publication- Lexis Nexis
2. HL Kumar: Labour Problems and Remedies 12<sup>th</sup> 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
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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

**Value Added/ Skill Based**

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



## **RTI AND GOOD GOVERNANCE**

### **Objective of the Course**

A Common man or an Activist or an Academician requires knowledge of access to justice and this paper in LL.M course is an endeavor in this direction. Hence an Elective paper on this theme is a very instrumental and learning attempt. The objective of this paper is to understand that Right to Information is an effective tool of Good Governance. Right to information (RTI) Act 2005 have been implemented for subtle change in the administration of the governmental process. Across the world, there are many initiatives which are implemented for realizing the need of Good Governance. Right to information (RTI) is being recognized as potential tool of empowerment. Right to information Act 2005 has been enacted with a view to promote openness, transparency and accountability in public administration. To achieve these objectives, this paper in LL.M is a right step in this direction. This paper highlights the importance of right to information as a tool to achieve good governance. It also discusses that a government which operates in greater secrecy is more prone to corruption as compared to a government which operates in greater openness. This paper tries to explain the conception of Right to Information and its utility in good governance.

### **UNIT- 1**

#### **Right to Information Act,2005**

- Definitions.
- Right to information and obligations of public authorities.
- How can a person obtain information under the Act?.
- What information may not be given?.
- The Central Information Commission.
- The State Information Commission.
- Powers and functions of Information Commissions, Appeal and Penalties.

### **UNIT-2**

#### **Drafting RTI**

- RTI application drafting, drafting of right questions, filling and submitting of application.
- Role of judiciary and Central information Commission in implementation of the Act.
- Public Authority.

### **UNIT-3**

#### **Good Governance and Challenges.**

- Right to Information as an instrument of change.
- Role of RTI in reducing corruption in India.
- Challenges in attaining good governance by way of RTI

### **UNIT-4**

#### **RTI and Activism**

- Challenges and obstacles faced by RTI activists.
- Policy framework for their protection.
- Right to Information Amendment Act, 2019.

### **UNIT-5**

#### **Misuse of RTI**

- RTI not a means of Grievance redressal.
- RTI and File Notings.
- Misuse of Right to Information.

### **Bibliography:**

1. **Brooks, Heather.**, “*Your Right to Know: A citizen Guide to the Freedom of Information Act*”, Pluto Press (U.K.) 2006.
2. **Brady Ronan and Smithpatrik.**, “*Democracy Blindfolded: The Case of a Freedom of Information Act*”, Cork University Press,1994.
3. **Carey,Peter and Turle, Marcus.**, “*Freedom of Information Handbook*”, The Law Society;2<sup>nd</sup> Revised Edn.,2008.
4. **Dhaka,R.S.**, “*Right to Information and Good Governance*”,2010.
5. **Martin, Shanon E.**, “*Freedom of Information: The News the Media Use*”, Peter Lang Inc.,2008.
6. **Mishra, S.S.**, “*Right to Information(RTI) and Rural Development in India*”, New Century Publications,2009.
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14. **Wadia,Angela.**, “*Global Sourcebook on Right to Information*”, Kanishka Publishers and Distributers,2006.
15. **Chhachhar.Varun**, “*Right to Information and Administration of Justice*”, Published by ACUMEN Publishers, The Netherlands, First Edition(2019), ISBN:978-9-83024-21-9.
16. **Chhachhar.Varun**, “*Central Information Commission- A means to Administration of Justice in India*”, Published in Campus Law Journal, Faculty of Law, University of Delhi. ISSN: 2321-4716. P.131-143.
17. **Chhachhar.Varun**, “*Misuse of Right to Information in India*” , Published in the Journal of the Campus Law Centre, University of Delhi, Vol IV & V of 2017, ISSN : 2321-4716. P. 86-99.

End Term Assessment - 70 Marks.

Test (Internal Assessment) - 15 Marks.

Assignment+PaperPresentation+viva – 15 Marks

**CREDIT : 4 credit for the whole subject (Right to Information and Good Governance)**

**Lecture Plan:**

- |  |                                 |
|--|---------------------------------|
| <b>1. Right to Information Act, 2005</b> | <b>Tutorial.</b>                |
| <b>2. Drafting RTI</b>                   | <b>Tutorial and Discussion.</b> |
| <b>3. Good Governance and Challenges</b> | <b>Tutorial and Discussion.</b> |
| <b>4. RTI and Activism</b>               | <b>Tutorial and Discussion.</b> |
| <b>5. Misuse of RTI</b>                  | <b>Tutorial and Discussion.</b> |

## SECURITY LAW

**1 . Introduction:** Capital market in India runs on securities. Securities are interplayed amongst issuer, investor and intermediary. This paper aims to apprise the students about Indian Capital Market. This paper also exposes the incumbents about dematerialization, insider trading, foreign trade etc.

### 2 .Course Outcomes :

C.O. 1 : To understand the dimensions of Indian Capital market.

C.O. 2 : To be able to understand the legal issues in securities and debt market of India.

C.O. 3 : To understand the various ill practices in capital market of India.

C.O. 4 : To be able to understand the role of market regulators.

### 3 .Program Outcomes

To inculcate the value of inter-disciplinary study.

To assess the importance of inquiry in to study.

To encourage to find out legal issues in a comparative way of financial problems.

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: Security Market**

1.1 Overview of Capital Market

1.2 Indian Capital Market

1.3 Authorities Governing Capital Markets in India

1.4 Concept of Securities

1.5 Arena of Securities: Equity, Debentures, Preference Shares, Sweat Equity, Non-Voting Shares, Share Warrants

#### **UNIT II: Listing of Securities**

2.1 Issue and Listing of Securities

2.2 Listing of Securities, Delisting of Securities

2.3 Issue of Capital and Disclosure Requirements (ICDR)

2.4 Procedure for Issue of Various Types of Shares and Debentures,

2.5 Employee Stock Option Scheme and Employee Stock Purchase Scheme

#### **UNIT III: Intermediaries & Foreign Trade**

3.1 Securities Market Intermediaries

3.2 Primary Market and Secondary Market Intermediaries

3.3 Role and Functions, Merchant Bankers

3.4 Foreign Trade Development Regulation Act, 1992

3.5 Foreign Contribution Regulation Act,

#### **UNIT IV: Regulation of Capital Market**

4.1 Securities Contracts (Regulation) Act, 1956

- 4.2 SEBI Act, 1992
- 4.3 Objective, Power and Functions of SEBI, Securities Appellate Tribunal, Appeals,
- 4.4 Depositories Act, 1996
- 4.5 FEMA & RBI

#### **UNIT V: Audit & Insider Trading**

- 5.1 Inspection and Penalties
- 5.2 Internal Audit and Concurrent Audit of Depository Participants, etc.
- 5.3 Various Types of Shares and Debentures
- 5.4 SEBI (Substantial Acquisition of Shares and Takeover Regulations), 2011
- 5.5 SEBI (Prohibition of Insider Trading Regulations), 2015

#### **SUGGESTED READINGS:**

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2. Abhinav Chandrachud, The Emerging Market for Corporate Control in India: Assessing (and Devising) Shark Repellents for India's Regulatory Environment, 10 WASH. U. GLOBAL STUD. L. REV. 187, 238 (2011).
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18. M. Y. Khan: Indian Financial Systems; Tata McGraw Hill, 4/12, Asaf Ali Road, New Delhi – 110 002.
19. Mamta Bhargava: Compliances and Procedures under SEBI Law; Shreeji Publishers, 8/ 294, Sunder Vihar, New Delhi – 110 087
20. Pandiyani, Punithavathy, Security Analysis and Portfolio Management, Vikas Publications.
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22. Sanjeev Aggarwal: Guide to Indian Capital Market; Bharat Law House, 22, Tarun Enclave, Pitampura, New Delhi – 110 034.
23. Taxmann: SEBI Manual
24. V.L. Iyer: SEBI Practice Manual; Taxman Allied Service (P) Ltd., 59/32, New Rohtak Road, New Delhi-110005

## **CYBER LAW**

**1 . Introduction:** Cyber Law in the recent time has gained huge importance in common parlance. This paper exposes the students to different dimensions of cyber law, cyber authorities, cyber adjudication, cyber forensic etc. This paper also deals with cybercrimes, cyber pornography, cyber warfare and its interface with intellectual property rights.

### **2 .Course Outcomes :**

C.O. 1 : To understand the dimensions of cyber space and its legal regulation.

C.O. 2 : To be able to understand the legal issues in jurisdiction of cyber disputes.

C.O. 3 : To understand the various cybercrimes.

C.O. 4 : To be able to understand the role of intellectual property in cyber space.

### **3 .Program Outcomes**

To inculcate the value of inter-disciplinary study with reference to technology and law.

To assess the importance of forensic 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: Cyber Space & Cyber Law**

1.1 Cyber Space & Legal Regulation

1.2 Cyber Law & UNCITRAL-Information Technology Act,

1.3 Definition: Electronic Data Interchange, computer, computer network, computer system, communication device, addressee, originator

1.4 Cyber Authorities & E-Commerce- E-Governance

1.5 Electronic Signature & Digital Signature

### **UNIT II: Cyber Adjudication**

2.1 Cyber Adjudication; Traditional Rule & Problems

2.2 Jurisdiction: Rule of International Law and private international law,

2.3 Party autonomy - Hague convention on Choice of court agreements, 2005;

2.4 Cyber Forensic

2.5 Cyber Adjudication

### **UNIT III: Electronic Contracts**

3.1 Concept of E-Contract

3.2 E-Contract: International Perspective

3.3 Formation of E-Contract

3.4 Enforcement of E-contract

3.5 Standard Form Contracts & Cryptanalysis

**UNIT IV: IPR & Cyber Law**

4.1 Copyright & Cyber Law

4.2 Trademark and Domain Name

4.3 Cyber Crimes

4.4 Obscenity and Pornography, Voyeurism & Stalking

**UNIT V: Cyber War**

5.1 Freedom of Expression in Internet;

5.2 Privacy Issues – Information Privacy; interception, monitoring; Data Protection

5.3 Computer emergency response team (CERT)

5.4 Cyber Terrorism

5.4 Cyber War

BOOKS:

## 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 Industrial Relation & Trade Union**

**(Lectures 10)**

- i. Industrial Relation, Labour Problem and Labour Policy in India
- ii. Trade Union Act, 1926 (Labour Management Relation); History and Development of Trade Union Movement ,
- iii. Registration of Trade Union, Rights and Liabilities of Registered Trade Union, Penalties and procedure, Collective Bargaining-Process, Merit and Demerit

**Unit-II Industrial Dispute Act, 1947**

**(Lectures 10)**

- i. Scope of Industry, Workmen, Employers, Industrial Disputes, Authorities under the Industrial Dispute Act, 1947;
- ii. Procedure, Power and Duties of Authorities,
- iii. Reference of Disputes to Boards, Courts or Tribunals

**Unit-III Collective Bargaining Process**

**(Lectures 10)**

- i. Strike, Lock Out, Lay Off, Retrenchment and Closure
- ii. Unfair Labour Practices, Penalties, Offences by Companies etc.
- iii. Industrial Employment (Standing Order) Act, 1946

**Unit-IV Labour Welfare**

**(Lectures 10)**

- i. Philosophy of Labour Welfare, Historical Development of Labour Welfare,



- ii. The Factories Act, 1948: Interpretation-competent person, Hazardous process, manufacturing process, Worker, Factory, Occupier, Health, Safety and Welfare, Working House of Adults, Employment of young persons, Inspectors-Appointment and Powers.
- iii. Workmen's Compensation Act, 1923**
- iv. Workmen's Compensation Act, 1923: Definitions, Aims & Object, Liability of Employer,
- v. Notional Extension & Defences, Determination of Amount of Compensation, Compensation when due-Penalty for default, Contracting Out (Sec.17), Appointment & Powers of Commissioner (Sec.19-31)
- vi. Employers' Liability Act, 1938: Definitions, Defence of Common Employment, Contracting Out and risks not to be deemed to have been assumed without full knowledge.

#### **Unit V: Labour Reform**

- i. Labour Reform
- ii. Social Security
- iii. Minimum Wages
- iv. Equal Remuneration

#### **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

#### **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,