

**LL.M 1<sup>st</sup> Semester**  
**LAW AND SOCIAL TRANSFORMATION**

|                           |                                      |                   |                  |
|---------------------------|--------------------------------------|-------------------|------------------|
| <b>Paper Code: ML-101</b> | <b>Law and Social Transformation</b> | <b>Core Paper</b> | <b>Credits:5</b> |
|---------------------------|--------------------------------------|-------------------|------------------|

**Course Objectives:** This course is designed to offer the teacher and the taught with –

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

(b) A spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. The endeavor is to make the students aware of the role the law has played and has to play in the contemporary Indian society

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

**Methods of teaching-learning:** Case studies and case analysis or actual social issues based problems analysis is one of the sure methods of discovering law in books to support the law in action. Similarly problem oriented studies and enquiry is ideal for generating interest among the student community. In view of the teaching-learning system it is good to set the evaluation system as well. Case-studies and presentation; problem research and analysis, drafting problem solutions, sending students to the area prone to related problem to learn the procedure and interrogative questions on that procedure would be a good form of assessment. Terminal Test should also have more reliance on problem-solution.

**Course outcome:** A true understanding of the student over the subject will help them to work in a diverse field of law. They may be able have a better understanding of the law and society and may understand the impact of law on society and vice versa.

**UNIT-I Law and Social change and Alternative approaches to Law**

**5 Hours**

1. Law as an instrument of Social Change
2. Law as the product of Traditions and Culture and its Criticism and Evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.
3. The Jurisprudence of Sarvodaya: Gandhiji, Vinoba Bhave, Jayaprakash Narayan — Surrender of dacoits, Concept of Grama Nyayalayas.
4. Socialist thought on Law and Justice: An enquiry through constitutional debates on the right to property
5. Indian Marxist critique of Law and Justice
6. Naxalite Movement: Causes and Cure

**UNIT-II Religion and Community and the Law**

**15 Hours**

1. **Religion:**
  - a. Religion as a divisive factor
  - b. Secularism as a solution to the problem
  - c. Reform of the law on secular lines: Problems
  - d. Freedom of religion and non-discrimination on the basis of religion
  - e. Religious minorities and the law
2. **Caste:**
  - a. Caste as a divisive factor
  - b. Non-discrimination on the ground of caste.
  - c. Acceptance of caste as a factor to undo past injustices
  - d. Protective discrimination: Scheduled castes, tribes and backward classes.
  - e. Reservation; Statutory Commissions, Statutory provisions.

### **UNIT-III Regionalism and Language and the law**

**15 Hours**

1. **Language:**
  - a. Language as a divisive factor
  - b. Formation of linguistic states
  - c. Constitutional guarantees to linguistic minorities
  - d. Language policy and the Constitution: Official language; multi-language system
  - e. Non-discrimination on the ground of language.
2. **Regionalism:**
  - a. Regionalism as a divisive factor
  - b. Concept of India as one unit
  - c. Right of movement, residence and business; impermissibility of state or regional barriers.
  - d. Equality in matters of employment: the slogan “Sons of the soil” and its practice.

### **UNIT-IV Women and Children and the law**

**15 Hours**

1. **Women:**
  - a. Crimes against women
  - b. Gender injustice and its various forms
  - c. Women’s Commission
  - d. Empowerment of women: Constitutional and other legal provisions
2. **Child:**
  - a. Child labor
  - b. Sexual exploitation
  - c. Adoption and related problems
  - d. Children and education

### **UNIT-V Modernization and the Law**

**15 Hours**

1. Modernization as a value: Constitutional perspectives reflected in the fundamental duties
2. Modernization of social institutions through law
3. Reform of family law
4. Agrarian reform-Industrialization of agriculture
5. Industrial reform: Free enterprise v. State regulation-Industrialization v. environmental protection
6. Criminal law: Plea bargaining; Compounding and payment of Compensation to victims
7. Civil law (ADR) Confrontation v. consensus; mediation and conciliation; Lok Adalats
8. Prison reforms
9. Democratic decentralization and local self –government

#### ***Suggested Books:***

1. Marc Galanter (ed.), Law and Society in Modern India (1997 ) Oxford,
2. Robert Lingat, The Classical Law of India (1998), Oxford
3. U. Baxi, The Crisis of the Indian Legal System (1982). Vikas, New Delhi.
4. U. Baxi (ed.), Law and Poverty Critical Essays (1988
5. Duncan Derret, The State, Religion and Law in India (1999). Oxford University Press, New Delhi.
6. H.M. Seervai, Constitutional Law of India (1996),
7. D.D. Basu, Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd., New Delhi.
8. Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (2000) Armol Publications, Delhi.
9. Savitri Gunasekhare, Children, Law and Justice (1997), Sage

10. Indian Law Institute, Law and Social Change : Indo-American Reflections
11. J.B. Kripalani, Gandhi: His Life and Thought, (1970)Ministry of Information and Broadcasting, Government of India
12. M.P.Jain, Outlines of Indian Legal History, (1993),
13. Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford

## LL.M 1<sup>st</sup> Semester

### CONSTITUTIONAL LAW – NEW CHALLENGES

|                           |   |                   |                  |
|---------------------------|---|-------------------|------------------|
| <b>Paper Code: ML-102</b> | <b>Indian Constitutional Law – New Challenges</b> | <b>Core Paper</b> | <b>Credits:5</b> |
|---------------------------|---|-------------------|------------------|

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

**Teaching Methodology:** Lecture Method with PPT, Discussion Method, Tutorials, Assignments, Audio-video clips, Seminars/Workshops.

**Course Outcome:** At the completion of the course students will be able-

1. Analyze the historical background, Nature, Preamble in the light of challenges
2. Define the state, fundamental rights and DPSP with related challenges in present Scenario
3. Describe the separation of power, Judicial activism and other perspective of Constitutional development

#### **UNIT- I: Introduction**

1. Historical Background (Government of India Act, 1935 and Parliamentary debates).
2. Nature & Salient features of the Constitution
3. Preamble
4. Creation of new states (Constitutional Interest vs. Political Interest)
5. Centre State Relations
6. Special status of certain states
7. Tribal Areas, Scheduled Areas.

#### **UNIT- II: State**

1. Definition, Meaning and duties and functions of the state
2. Need for widening the definition in the wake of liberalization and globalization.
3. Law inconsistent with or in derogation of the fundamental rights.
4. Right to Equality in context of Privatization & Globalization and its impact on affirmation action.
5. Empowerment of Weaker Section of the Society

#### **UNIT- III: Challenges regarding Fundamental Rights and Directive Principles**

1. Emerging regime of new rights and remedies fundamental Rights, Directive Principle and fundamental Duties.
2. Right to Education, Right to Information, Freedom of Press.
3. Trial by Media
4. Right to Strike
5. Compensatory jurisprudence

#### **UNIT- IV: Challenges before Judiciary**

1. Separation of Powers: Stress and strain
2. Judicial Activism and Judicial Restraint
  - a. PIL Implementation
3. Judicial Independence: Appointment and Removal of judges
  - a. Accountability of Judges,
  - b. Disclosure of Assets by the executive and judiciary
4. Tribunals
5. Check and Balance

#### **UNIT-V: Other Challenges**

1. Criminalization of Politics
2. Democratic Process in India
3. Election commission: Status, Functions and Electoral Reforms
4. Coalition government
5. Grass-root Democracy
6. Secularism and Religious Fanaticism

#### ***Suggested Books:***

- |                 |   |                               |
|-----------------|---|-------------------------------|
| 1. H.M. Seerwai | : | Constitutional Law of India   |
| 2. V.N. Shukla  | : | The Constitution Law of India |
| 3. D.D. Basu    | : | Constitution Law of India     |
| 4. J.N. Pandey  | : | Constitution Law of India     |
| 5. M.P. Jain    | : | Constitution Law of India     |

## LL.M 1<sup>st</sup> Semester

### SOFT SKILLS, ENGLISH COMMUNICATION AND PERSONALITY DEVELOPMENT

|                           |   |                    |                  |
|---------------------------|---|--------------------|------------------|
| <b>Paper Code: ML-100</b> | <b>Soft Skills, English Communication and Personality Development</b> | <b>Value Added</b> | <b>Credits:3</b> |
|---------------------------|---|--------------------|------------------|

**Course Objectives:** The course aims to cause an enhanced awareness about the significance of soft skills in professional and inter-personal communications and facilitate an all-round development of personality. Most people underestimate the importance of having a pleasing personality. Majority think it just means being born good-looking, that there isn't anything much to do about it. But this is not true. The scope of personality development is quite broad. Personality is considered as one of the integral part of an individual's existence. Where a student is concerned paying close attention to Personality which is extremely important. To enhance holistic development of students and improve their employability skills. Objective of the course is to develop inter personal skills and be an effective goal oriented team player, professionals with idealistic, practical and moral values, communication and problem solving skills. attitude and understand its influence on behavior. It also includes knowing how to dress well, social graces, grooming, speech and interpersonal skills. These are very important skills that will promote the objectives of the profession.

**Method of Teaching Learning:** Presentation, Tutorial, Group Discussion form of learning are the best method. Through exercise Paper writing and presentation may be gainfully employed to maximize the teaching learning devise. There are a lot of scope of innovation and new interpretation

**Course Outcome:** On completion of the course, learner will be able to

1. Explain what are soft skills and its importance in legal profession.
2. Use effective English communication.
3. Enhanced holistic development of students and improve their employability skills

#### **UNIT- I: Soft Skills**

**(10 hours)**

1. What are soft skills?
2. Types of soft skill
3. Importance of soft skill
4. Soft skills in legal profession

#### **UNIT- II: English Communication**

**(20 hours)**

1. Development of Proficiency in English:
  - a. Practice of Oral and Spoken communication skill & testing – voice & accent, voice clarity, voice modulation & intonation, word stress etc.
  - b. Feedback and Questioning Technique
  - c. Objectiveness in Argument
  - d. Development of Etiquettes and Manners
  - e. Study of different pictorial expression of non-verbal communication and its analysis
  - f. Film presentation (Hollywood movies or English Serials)
2. Concepts of effective communication:
  - a. Components of effective communication

- b. Communication process and handling them
  - c. Keep it short and sweet in communication – Composing effective messages.
  - d. Non –Verbal Communication: its importance and nuances: Facial Expression, Posture, Gesture, Eye contact, appearance (dress code).
3. Written Communication Skill Practice:
    - a. Correction of errors, Making of Sentences, Paragraph Writing, Leave Application
    - b. Simple Grammatical use – Punctuation, Meaning, Opposites, Real Life conversations, Vocabulary building
  6. Concept of 4 methods for Presentation:  
Preparation & Introduction, Presentation Evaluation / Feedback Summarization /Conclusion, Delivery of presentation
  7. Team Building /Coordination Skills:  
Team Building Practices through group exercises, Team task / Role play, Ability to mix & Accommodation Ability to work together, Concept of Group, Group Dynamics, Team building
  8. Organizational Skills:
    - a. Time Management– Definition, Need, Principles, Advantages and Disadvantages, Time Management techniques.
    - b. Goal Setting- Concept of goal-setting, Importance of goals, SMART (Specific, Measurable, Achievable, Realistic, Time-bound) goals, Do's and Don'ts about goals.

### **UNIT III: Personality Development**

**(15 hours)**

1. Introduction to Personality and working towards developing it:  
Definition & Basics of personality, Analyzing strength & weaknesses, Corporate theories on personality Development, Increasing Vocabulary, Body Language, Preparation of Self Introduction
2. Communication skill and handling attitude:  
Communication Skills, Listening, Communication Barriers, Overcoming these Barriers, Building Self Esteem and Self Confidence, Working on attitudes .i.e. aggressive, assertive, and submissive
3. Leadership Techniques in Personality development:  
Introduction to Leadership, Leadership Styles, Group Dynamics, Team Building
4. Stress and time management skills:  
Interpersonal Relationships, Analysis of Ego States, Transactions, & Life positions, Stress Management, Causes, Impact & Managing Stress, Introduction to conflict management, Time Management, Concept of time management, Steps towards better time management

#### ***Suggested Books:***

1. SOFT SKILLS, Career Development Centre, Green Pearl Publications
2. Covey Sea, Seven Habits of Highly Effective Teens, New York, Fireside Publishers,
3. 1998, ISBN: 9781476764665
4. Carnegie Dale, How to win Friends and Influence People, New York: Simon & Schuster, 1998, ISBN: 1439167346
5. Thomas A Harris, I am ok, You are ok , New York Harper and Row, 1972, ISBN 13: 9780060724276
6. Daniel Coleman, Emotional Intelligence, Bantam Book, 2006, ISBN: 055380491X
7. Shiv Khera, —You Can Win, A&C Black, ISBN:9780230331198.

**LL.M 1<sup>st</sup> Semester**  
**CRIMINOLOGY PENOLOGY AND SENTENCING PATTERN**

|                           |  |                             |                  |
|---------------------------|--|-----------------------------|------------------|
| <b>Paper Code: ML-103</b> | <b>Criminology Penology and Sentencing Pattern</b> | <b>Choice Based Group A</b> | <b>Credits:5</b> |
|---------------------------|--|-----------------------------|------------------|

**Objective of the Course:** This course offers a deeper understanding of criminal policies including theories of punishment, their supposed philosophical and sociological justifications and the problematic of discretion in the sentencing experience of the; developing' societies, a focus, normally absent in law curricula so far.

The expert work of the U.N. Committee on Crime Prevention and Treatment of Offenders will be availed of in this course. Especially, at each stage, the three 'D's will be explored as offering a range of alternatives: decriminalization, dependence, deinstitutionalization. Broadly, the course will concern itself with:

1. Theories of Punishment
2. Approaches to Sentencing
3. Alternatives of Imprisonment
4. The State of Institutional Incarceration in India: Jails and other custodial Institutions.
5. The problems of Capital Punishment
6. Penology in relation to privileged class deviance
7. Penology in relation to marginalized deviance of criminality
8. The distinctive Indian (historical and contemporary) approaches to penology

**Methodology of teaching learning:** Case study method shall be the main method of learning to be followed. The information sharing and flow of information among the teacher and taught has to work as bonding of the entire course. Case comments, specialist's lecture and book review can also be a method of research writing in this paper.

**Learning Outcome:** On completion of this UNIT students will be able to:

1. Understand the nature and extent of crime.
2. Compare the schools and theories of criminology.
3. Explain the will be able to explain the concept of penology.
4. Describe the theories of punishment related to capital punishment, the statues where death penalty is prescribed and the important cases whereby the apex court have given the guidelines for imposing death penalty.
5. Analyze the sentencing pattern..

**UNIT-I: The Concept of Crime**

**15hours**

1. Definition of Crime,
2. Characteristics of Crime- Sin and Crime, Crime and Morality
3. Classification of Crimes under Criminology
4. Classification of offences under I.P.C
5. Crime without Victim

**UNIT-II: Theories of Criminology**

**15hours**

1. Inter-relation between Criminology, Penology and Criminal Law,
2. School of Criminology,
3. Causation of Crime,

4. Theories of Crime,
  - a. Sociological Theory of Crime.
  - b. Tentative Theory of Crime.
  - c. Crime and Economic Conditions.
5. Administration of justice.

**UNIT-III: Penology**

**15hours**

1. Definition, Concept
2. Theories of Punishment. – Retributive, Preventive, Deterrent, Utilitarian, Expiatory, Reformative
3. Classical Hindu and Islamic approaches to Punishment,
4. Compensatory Jurisprudence.

**UNIT-IV: Capital Punishment**

**15hours**

1. Capital Punishment: Retributive, Deterrent
2. Constitutionality of capital Punishment Article 20 and 21,
3. Judicial attitudes towards Capital Punishment in India,
4. Delaying execution of death sentence,
5. Mode of Executions of Death Sentence

**UNIT-V: Sentencing Pattern**

**15hours**

1. Sentencing in the Penal Code and Special Laws,
2. Pre sentence hearing,
3. Sentencing for habitual offender,
4. Plea Bargaining
5. Alternatives to Imprisonment,
  - a. Probation,
  - b. Corrective labor fines,
  - c. Collective fine,
  - d. Reparation by the offender/by court

***Suggested Books:***

1. Katherine S Williams, Textbook on Criminology, 1999
2. Loveland, Frontiers of Criminality, 1995
3. Manheim H, comparative Criminology, 1965
4. Walker, N. Crime and Criminology, 1987

**LL.M 1<sup>st</sup> Semester**  
**CORPORATE GOVERNANCE AND FINANCE**

|                           |   |                             |                  |
|---------------------------|---|-----------------------------|------------------|
| <b>Paper Code: ML-104</b> | <b>Corporate Governance And Finance</b> | <b>Choice Based Group B</b> | <b>Credits:5</b> |
|---------------------------|---|-----------------------------|------------------|

**Course Objective:** Corporate governance is a multi-faceted subject. An important theme of corporate governance deals with issues of accountability and fiduciary duty, essentially advocating the implementation of guidelines and mechanisms to ensure good behavior and protect shareholders. Another key focus is the economic efficiency view, through which the corporate governance system should aim to optimize economic results, with a strong emphasis on shareholders welfare. There are yet other aspects to the corporate governance subject, such as the stakeholder view, which calls for more attention and accountability to players other than the shareholders (e.g.: the employees or the environment). Hence the course is designed to provide in-depth knowledge in the context to students.

**Teaching Methodology:** Lecture Method with PPT, Discussion Method, Tutorials, Assignments, Audio-video clips, Seminars/Workshops

**Course Outcome:** After completion of the course the student will be able to:

1. Trace the development of Corporate Governance & Analyze the role, principles and importance of corporate Governance in a Corporation and Society.
2. Assess the Regulatory framework related to corporate governance.
3. Discuss all related concept of corporate restructuring.
4. Generate the Post Merger reorganization pathway for the corporations.
5. Discuss corporate restructuring & finance and make them confident to participate in ongoing public and political debates on corporate governance and corporate social responsibility.

**UNIT 1- Introduction**

**(10 HOURS)**

1. Evolution of Corporate Governance – Ancient and Modern Concept.
2. Importance of Corporate Governance,
3. Principles of Corporate Governance in global scenario,
4. National scenario of Corporate Governance- Reports of the various Committees on Corporate Governance, Business Ethics vis-à-vis Corporate Governance
  - a. Kumar Mangalam Birla Committee
  - b. Naresh Chandra Committee
  - c. N.R. Narayan Murthy Committee
  - d. Irani Committee
5. Corporate Social and Environmental Responsibility

**UNIT-2- Regulatory Framework**

**(10 HOURS)**

1. The Securities and Exchange Board of India Act, 1992
  - a. Establishment and Jurisdiction
  - b. Role of SEBI in Capital Market
  - c. Powers and Functions
  - d. Securities Appellate Tribunal-Establishment, Scope of Jurisdiction and Penalties
2. The Competition Act, 2002 and its role in Corporate Governance
3. The Insolvency and Bankruptcy Code, 2016
4. Insolvency and Bankruptcy Code(Amendment) Ordinance, 2018

### **UNIT-3- Corporate Reconstruction and Organizational Restructuring**

**(25 HOURS)**

1. Meaning, need, scope and modes of corporate restructuring.
2. Difference between corporate restructuring and corporate reorganization
3. Mergers and Amalgamations
4. Takeovers
5. Corporate Demergers / Splits and Divisions
6. Revival and Restructuring of Sick Companies

#### ***Cases:***

1. Hindustan Lever Employees' Union v. Hindustan Lever Ltd. AIR 1995 SC 470
2. Miheer H. Mafatlal v. Mafatlal Inds. Ltd. AIR 1997 SC 506
3. Maharashtra Apex Corp. Ltd., In re. 2005 (124) Comp. Cases 637
4. Swedish Match AB v. SEBI, India AIR 2004 SC 4219
5. Clariant International Ltd. v. SEBI AIR 2004 SC 4236
6. B.S.E. Brokers Forum, Bombay v. SEBI AIR 2001 SC 1010
7. Bombay Stock Exchange v. Jaya I. Shah AIR 2004 SC 55
8. Navnit R. Kamani and Ors. v. R.R. Kamani AIR 1989 SC 9

### **UNIT 4- Post Merger Integration and Reorganization**

**(10 HOURS)**

1. Accomplishment of objectives
2. Criteria of success, profitability
3. Gains to shareholders
4. Post merger valuation
5. Measuring Post Merger Efficiency
6. Factors in Post Merger Reorganization

### **UNIT 5- Financial Restructuring and Corporate Finance**

**(20 HOURS)**

1. Financial Restructuring in corporate restructuring
2. General Introduction to Corporate Finance
  - a. Meaning, Importance and Scope of Corporation Finance
  - b. Capital Needs - Capitalization - Working Capital - Securities-Borrowings  
Deposits Debentures
  - c. Objectives of Corporation Finance - Profit Maximization and Wealth Maximization
  - d. Constitutional Perspectives - The Entries 37, 38, 43, 44, 45, 46, 47, 52, 82, 85, and 86 of List 1 - Union List; Entry 24 of List 11 - State List.
3. Equity and Debt Finance
  - a. Share Capital
  - b. Prospectus - Information Disclosure
  - c. Issue and Allotment
  - d. Shares without Monetary Consideration
  - e. Non-Opting Equity Shares Debentures
  - f. Nature, Issue and Class
  - g. Deposits and Acceptance
  - h. Creation of Charges
  - i. Fixed and Floating Charges
  - j. Mortgages
  - K. Convertible Debentures
4. Conservation of Corporate Finance and Corporate Fund Raising

***Suggested Books:***

1. YD. Kulshresgha, Government Regulation Financial Management of Private corporate Sector in India 1986.
2. Ramaiya A, Guide to the Companies Act 1998 Vol I, II, III.
3. Statutory Materials: Companies Act and law gloating SEBI depositions , industrial finance and information technology.
4. Aytar Singh Indian Company law
5. CL Bansal Corporate governance law practice k. N. Gopa swamy, corporate governance.

**LL.M 1<sup>st</sup> Semester**  
**PERSPECTIVE IN FEDERALISM**

|                           |                                  |                               |                  |
|---------------------------|----------------------------------|-------------------------------|------------------|
| <b>Paper Code: ML-105</b> | <b>Perspective in Federalism</b> | <b>Choice Based Group (C)</b> | <b>Credits:5</b> |
|---------------------------|----------------------------------|-------------------------------|------------------|

**Objectives of the course:** Constitutionalism essentially means a limited government. Where government functions according to certain principles, it is said to be abiding by constitutionalism. Must it be a democracy or can it be an autocracy also. In ancient India, the king was supposed to act according to dharma. Constitutionalism does not merely imply majority rule, it has to be a consensual rule.

In this paper, there will be extensive study on centre and state relationship along with emerging trends in this area. The paper attempts to cover theoretical and practice of federal principles. In order to make it intensive study, the comparative study of other countries is also brought within its fold. There is a value-addition in traditional sphere of federalism by adding fiscal relationship module. The emerging challenges in financial relationship between centre and state will help student to work with different research agencies and institutions.

**Method of Teaching-Learning:** Lecture Method with PPT, Discussion Method, Tutorials, Assignments, Audio-video clips, Seminars/Workshops

**Course Outcome:** After the completion of the course the student will be in a position to-

1. Explain the origin and development of the U.S. Constitution and constitutional democracy.
2. Demonstrate knowledge of the origins and evolution of the federal system, with a focus on growth of political institutions in the federal counties.
3. Understand and analyze the various federal system and explain the ways in which different political systems divide and share power between their central and state governments.

**UNIT 1: Constitutionalism**

**(Lecture-13)**

1. What is Constitution?
2. What is Constitutionalism?
3. Limited Government
4. Constitutionalism in USA, Great Britain, France, Germany and India
5. Modern Constitutionalism

***References***

1. Mcllwain, Charles Howard, Constitutionalism Ancient and Modern
2. Andrews, William G, Constitutions and Constitutionalism
3. Friedrich, Carl J, Constitutional Government and Democracy, Ch VII, Ch VIII, Ch IX, Ch X, Ch XIII
4. Wheare, K.C., Modern Constitutions

**UNIT -2: Federalism**

**(Lecture-16)**

1. What is a federal government? Salient features of federalism.
2. Difference between confederation and Federation
3. Cooperative Federalism
4. Conditions requisite for federalism

5. Patterns of Federal Government – USA, Australia, Canada, India and Switzerland

### ***References***

1. Wheare, K.C., Federal Government
2. Seervai, H.M., Constitutional Law of India
3. Jain, M.P. Indian Constitutional Law

### **UNIT 3: Legislative Relations**

**(Lecture-16)**

1. Territorial Jurisdictions
2. Distribution of Legislative powers
3. Principles of Interpretation
4. Repugnancy
5. Residuary Power
6. Parliamentary Legislation in the State field
7. Distributions of power in other Federations -Canada, USA, Australia

### ***References***

1. Seervai, H. M., Constitutional Law of India
2. Jain, M.P., Indian Constitutional Law
3. Friedrich, Carl J, Constitutional Government and Democracy, Ch IX,
4. Laskin, Bora, Canadian Constitutional Law Att. Gen for Canada v. Att. Gen for Ontario, 1937 A.C. 326
5. Russel v The Queen 7 AC 829
6. Att. Gen for British Columbia v Att. Gen for Canada 1937 A.C. 377
7. Corwin, The Constitution: What it means today
8. Looper, Limitations on the Treaty Power in Federal States, 34 NYULR, 1045
9. Ramaswamy, M, The Commerce Clause in the Constitutions of the Indian States
10. Sawyer, Australian Constitution
11. Howard, Colin, Australian Federal Constitutional Law
12. Bailey, Studies in the Australian Constitution

### **UNIT 4: Union – State Financial Relations**

**(Lecture-16)**

1. Centre- State relations
2. Factors responsible for sub-ordination of States
3. Distribution of Fiscal Power
  - a. Scheme of Allocation of taxing
  - b. Extent of Union Power of Taxation
  - c. Residuary Power- inclusion of fiscal power
4. Restriction of Fiscal Power
  - a. Fundamental Rights
  - b. Inter-Government tax immunities
  - c. Difference between tax and Fee
5. Distribution of Tax Revenue
6. Borrowing power of the State
7. Planning and Financial Relations

### ***References***

1. Seervai, H.M., Constitutional Law of India
2. Jain, M.P., Indian Constitutional Law
3. Report of the Eight Finance Commission
4. Constituent Assembly Debates, Vol. 9& Vol. 10
5. Administrative Reforms commission (1967) Vol. 1
6. Lakadvala, D.T., Union State Financial Relations

### **UNIT 5: Administrative Relations**

**(Lecture-14)**

1. Distribution of Executive Power
2. Central- State Administrative Co-ordination
3. Power to carry on Trade
4. States not to impede the Centre
5. Center's Directives to the States

### ***References***

1. Seervai, H.M. Constitutional Law of India
2. Jain, M.P., Indian Constitutional Law
3. Constituent Assembly Debates, Vol. IX
4. States Reorganisation Commission Report

### ***Additional References***

1. Turpin, Colin, British Government and the Constitution
2. Oliver, Dawn, Drevery, Gavin, The Law & Parliament
3. Molan, Michael T, Constitutional Law: The Machinery of Government
4. May, Erskine, Parliamentary Practice
5. Keir, D.L., Lawson, F.H. Cases in Constitutional Law
6. Hall, K.L., The Oxford Companion to American Law
7. Jackson, Paul & Leopold, Patrica, Constitutional and Administrative Law
8. Tribe, L.H., American Constitutional Law

**LL.M 1<sup>st</sup> Semester**  
**HUMAN RIGHTS IN INTERNATIONAL ORDER**

|                           |  |                               |                  |
|---------------------------|--|-------------------------------|------------------|
| <b>Paper Code: ML-106</b> | <b>Human Rights in International Order</b> | <b>Choice Based Group (D)</b> | <b>Credits:5</b> |
|---------------------------|--|-------------------------------|------------------|

**Course Objective:** Human Rights [HR] are the basis of human existence. The universality and significance of Human Rights can hardly be underestimated, however it gathered importance only at the far end of Second World War when United Nation come up in 1948 with **the** Universal Declaration of Human Rights[UDHR]. Since then, the scope of HR has been widening through conferences, conventions, covenants and declaration at International Level, and inculcate into national legislation at domestic level. The supporters of HR have kept this movement vibrant, inspired through International Organizations, NGOs, and Individual movements and even by State legislations. The transformation in the attitude of world community in general and domestic community in particular can significantly evident the growing strength and respect for HR. However, the ultimate goal of HR free from any bondages still far, though not beyond our reach. The international philosophy of HR is not yet inculcated and utterly failed to percolate in most of the domestic system, which is prominently reflected on close scrutiny of Indian system.

Despite the last six decade's indomitable perseverance, much of the HR is yet not achievable. This might be due to the difference between the approach towards HR at international level and at domestic forefront. In addition, the lack of awareness by individual, apathy by State, deliberate neglect by authorities has made issues more critical and crucial. Specifically, on the world map, the African continent is remarkably lagging behind to fulfill the objectives of HR on all index of HR. This made the study of "International Human Rights Law" more vital, incidental and one of the deserving subjects in the curriculum for this region.

Thus, the course is developed with the prime objectives to enhance theoretical understanding and practical appreciation by students on the core issues of "International Human Rights Law". The focus and the objectives of the course are –

- To develop understanding of HR philosophy at International Level
- To analyze the role of various organizations and their implementation mechanism for HR at various level
- To develop a mechanism for scrutinizing domestic hurdles in implantation, and enforcement of HR and their interactive interdependency
- To visualize the upcoming issues at International level and their effect on domestic system

**Method of Teaching-Learning:** Class room Lecture – This will include the various classroom inputs in the form of lectures, classroom teaching, PowerPoint Presentation – including audiovisual aids, Home assignments, Class room discussion, Class room presentation

**Course Outcome:** After the course the student will be in a position to

1. Replicate on the content of the modern system of International Human Rights Law.
2. Explain the role of international organizations in promoting awareness of human Rights.
3. Demonstrate the role of International agencies while enforcement of Human right Law.
4. Connect the domestic laws with international instrument on the points.
5. Visualize the upcoming issues at International level and their effect on domestic system

## **UNIT-1: Introduction**

**15 Hrs**

1. Understanding of Human Rights
2. History and philosophy of Human Rights
3. Emergence of International Human Rights Law
4. Emergence of Domestic Human Rights

## **UNIT-2: Nature of Human Rights:**

**15 Hrs**

1. Characteristics of Human Rights – Various approaches
2. Human Dignity and Human Rights
3. Human Rights – its importance for survival of various social, political and economical institutions , Democracy & Civil Society
4. Universalism verses Relativism

## **UNIT-3: Internationalization of Human Rights**

**15 Hrs**

1. Transformation of ‘Value’ to ‘Norm’ or Human Rights as Normative standard
2. Progressive development and codification of Human Rights

## **UNIT-4: Development of International Human Rights Law**

**15 Hrs**

1. Human Rights – Under various conferences and covenants including UDHR, ICCPR, ICESCR
2. Civil and political Rights under International Human Rights Law
3. Economic and social Rights under International Human Rights Law
4. Other international regional and international Human rights Convention

## **UNIT-5: Implementation of Human Rights**

**15 Hrs**

1. At international Level
2. At regional Level
3. Influence of HR on Domestic Laws
4. International Human Rights Law –Some current problems and Challenges
5. Protection of Human Rights at Regional level
  - a. European
  - b. American
  - c. African
  - d. Asian

### ***Suggested Books:***

1. Almqvist, Jessica ;Human Rights, Culture and the Rule of Law, 2005 JC599.A45
2. Alston, Philip ;Labour Rights as Human Rights, 2005 ;HD6971.8.L32
3. Bagshaw, Simon ;Developing a Normative Framework for the Protection of Internally Displaced, 2005 ;K3230.R45B34
4. Beiter, Klaus ;The protection of the Rights to education by international law, 2006 ;K3259.5.B45
5. Brownlie, Ian ;Principles of Public International Law, 2003 KZ3225.B76A37 2003
6. Carwasaw, Ralph ;Essential Cases on Human Rights for the police: reviews and summaries of volume 4, 2006 ;K5401.C73
7. Cynthia Price Cohen ;Jurisprudence on the Rights of the Child, 2005 K639.A52

8. Eide, Asbjorn ;Article 27: the Rights to an adequate standard of Living, 2006 ;K639.E33
9. Gearty, Conor ;Can Human Rights Survive?, 2006 ;JC571.G38
10. Joseph, Sarah ;Corporations and Transnational Human Rights Litigation, 2004;K3240.J67
11. Lindblom, Anna-Karin ;Non-Governmental Organisations in International Law, 2005 ;KZ4850.L56
12. Manfred, Nowak ;Introduction to the International Human Rights Regime, 2003 ;K3238.N6913
13. Martin, Francisco Forrest ;International Human Rights and Humanitarian Law, 2006 ;K3240.I5788
14. Meredith, Paul Merry, Sally Engle ;Human Rights and Gender Violence, 2006 HQ1237.M47
15. Mohamed, Abadir ;The Human Rights provisions of The FDRE Constitution in The Light of The theoretical Foundation of human Rights; Edited by Eshete, Dr. Mandefro.
16. Murray, Rachel ;Human Rights in Africa From the OAU to the African Union, 2004 ;KQC572.M87
17. Nowak, Manfred ;The Rights to Life, Survival and Development, 2005 K639.N69
18. Paulsson, Jan ;Denial of Justice in International Law, 2005 ;K967.P38
19. Ramcharan, B. G. ;A Un High Commissioner in Defence of Human Rights: No License to Kill or Torture, 2005 ;JC599.R35
20. Ramcharan, Bertrand G. ;The Protection Role of National Human Rights Institutions:, 2005 ;KF4741.P76
21. Rowe, Peter ;Impact of Human Rights Law on Armed Forces, 2006 JC571.R776
22. Schulte, Constanze ;Compliance with Decisions of the International Court of Justice, 2004 ;KZ6275.S38
23. Shelton, Dinah ;Remedies in International Human Rights Law (2nd Rev ed.), 2005 ;K3240.S53 2005
24. Skogly, Sigrun ;Beyond National Borders: States Human Rights Obligations in International Co-operation, 2006 ;K240.S547
25. Trechsel, Stefan ;Human Rights in Criminal Proceedings, 2006 KJE9485.T74
26. Vandenhoe, Wouter ;Non-discrimination and equality in the view of the UN human Rights treaty bodies, ;K3242.V36
27. Human Rights and refugees, internally displaced persons and migrant workers, 2006 ;HV640.H856
28. Global Responsibilities Who Must Deliver on Human Rights?, 2005 JC571.G5825
29. Understanding human Rights, manual on human Rights education, 2006 JC571.U52
30. Human Rights and Development Towards Mutual Reinforcement,2005 JC599.D44H82
31. Expanding the Horizons of Human Rights Law: New Authors, New Themes, 2005 ;K3239.23.E96
32. Human Rights Law: From the Dissemination to application, 2006 K3240.H8577
33. Justiciability of economic and social Rights, 2006 ;K3240.J87
34. Non-State Actors and Human Rights, 2005 ;K3240.N66
35. Customary International Humanitarian Law Boxed Set of 3 Hardback Books, 2005 ;KZ6471.C875
36. Further the students are required to visit web pages related to HR.

**LL.M II<sup>nd</sup> Semester**  
**LEGAL EDUCATION AND ADVANCE RESEARCH METHODOLOGY**

|                           |   |                   |                  |
|---------------------------|---|-------------------|------------------|
| <b>Paper Code: ML-201</b> | <b>Legal Education and Research Methodology</b> | <b>Core Paper</b> | <b>Credits:5</b> |
|---------------------------|---|-------------------|------------------|

**Course Objective:** Research has pervaded every field of knowledge and law is not an exception. It has undergone drastic changes in last few decades. The main objectives of introducing such a subject at Master level is to provide the basic concepts and application of research in the field of law. Other objective is to inculcate and develop research and teaching aptitude among the students to make a career in teaching or pursue research in future.

**Methods of teaching-learning:** BCI and other guidelines and the development of law and legal education should be centric while first component of the course. Actual social issues based problems analysis is one of the sure methods of discovering law in books to support the law in action. Similarly problem oriented studies and enquiry is ideal for generating interest among the student community. Case-studies and presentation; problem research and analysis, drafting problem solutions, sending students to the area prone to related problem to learn the procedure and interrogative questions on that procedure would be a good form of assessment. A post-graduate student of law should get an insight into the objectives of legal education. He should have an exposure to programs like organization of seminars, publication of law journals and holding of legal aid clinics.

**Course Outcome:** Teaching of this paper will enhance the teaching and research aptitude of the students which would be helpful to them in further research and teaching skills and aptitude. Growth of legal science in India depends on the nature and career of legal research. The syllabus is designed to develop also skills in research and writing in a systematic manner.

**UNIT-I: Origin and development of Legal Education and Models of Teaching Law 15 Hrs**

1. Objective of legal education
2. Role of BCI, Role of UGC
3. Legal education and Constitution of India
4. Lecture method of teaching- Merits and Demerits
5. Problem method – Merits and Demerits
6. Discussion method and its suitability at Post Graduate legal teaching
7. Seminar method of Teaching – Kinds, Merits and Demerits

**UNIT-II: Evaluation And Assessment: Issues And Challenges 15 Hrs**

1. Examination System and Problems in Evaluation
2. Kinds of Assessment – External, Internal assessment etc.
3. Students' participation in Law School programs and Clinical legal education.

**UNIT-III: Law, Society And Research 15 Hrs**

1. Meaning, Scope and Objectives of Research, Scientific Method and Research
2. Various categories of Research
3. Methods of Research and Research Methodology
4. Meaning, Scope, Purpose etc. of Legal Research
5. Doctrinal and Non Doctrinal Legal Research

6. Different Models of Legal Research
7. Sources of Information
8. Induction and Deduction Techniques
9. Current trends in Legal Research

#### **UNIT-IV: Research Design**

**15 Hrs**

##### A. Contents of Research Design:

1. The Planning Stage –
  - a. Identification of Research Problem
  - b. Survey of available Literature and Bibliographical Research, Legislative materials including Subordinate Legislation, Notification and Policy Statement, Juristic Writings
  - c. Hypothesis of a research problem
2. The Design stage –
  - a. Design of experiment or inquiry
  - b. Definition and Measurement of Variables
  - c. Identification of the ‘Suitable Population’ for the study and of ‘Sampling’ procedures
  - d. Tools and techniques for gathering data
3. The Operational Stage –
  - a. Drawing of the Finances and Budgeting
  - b. Recruitment and Training of the staff
4. The Completion Stage –
  - a. Analysis and;
  - b. Interpretation of Data

##### B. Kinds of Research Models

#### **UNIT-V: Stages of Research and Report Writing**

**15 Hrs**

1. Identification and Formulation of a research problem
2. Review of literature
3. Formulation of a hypothesis
4. Research design
5. Collection of data - use of Historical and Comparative research materials, use of Observation studies, use of Questionnaires and Interviews, use of Case studies, Jurimetrics
6. Analysis of data
7. Interpretation of data
8. Research Report Writing

#### ***Suggested books:***

1. Methodology and Techniques- By T.S. Bhandarkars & T.S. Milkinson
2. Methods in Social Research – By William J. Goode & Paul K. Hatt.
3. Development of Research Tools- By N.C. Gautam.
4. Designs of social Research- By D.K. Lal Das.
5. Doing quantitative Research in the Social Sciences-By Thomas R. Black.
6. Research Methods in behavioral sciences-By S.M. Mosil.
7. Legal Research Methodology-By Dr. H.N. Tiwari.
8. Legal Research – William P. Satisfsky.
9. Legal Research Methodology- By Shilpa Agarwal

10. Legal Reason- The use of Analogy in legal Argument- By Lloyed L. Weioered
11. Learning the Law- By Granville Williams.
12. Legal Education & Profession in India- By T.L. Mehta & Shusma Gupta
13. Social Mission of Law- By V.R. Krishnaayyar.
14. Legal Education in a Changing world-By International Legal Centre, New York.
15. A Guide to Legal Research – By Ewinc surrency.
16. Legal Research Methodology – Dr. S.R. Myneli.
17. An Introduction to Legal Argument – By Adward Lewi.

**LL.M II<sup>nd</sup> Semester**  
**JUDICIAL PROCESS**

|                           |                         |                   |                  |
|---------------------------|-------------------------|-------------------|------------------|
| <b>Paper Code: ML-202</b> | <b>Judicial Process</b> | <b>Core Paper</b> | <b>Credits:5</b> |
|---------------------------|-------------------------|-------------------|------------------|

**Objectives of the course:** A lawyer, whether academic or professional, is expected to be competent to analyze and evaluate the legal process from a broader juristic perspective. Hence a compulsory paper on Judicial Process is essential in the LL.M curriculum. The objective of this paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change. This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process. Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This paper, therefore, intends to familiarize the students with various theories, different aspects and alternative ways, of attaining justice. The following syllabus prepared with the above perspective will spread over a period of one semester.

**Teaching Learning Method:** Seminar, Discussion and Lecture Method through PPT and Video Clips.

**Course Outcome:** At the completion of the course students will be able to -

1. Identify the meaning and nature judicial process and also the development and creativity
2. Explain the special dimensions of Judicial process and various concept of justice or Dharma
3. Analyze the theory of justice and selected cases of Supreme Court various Principles of interpretation used in judicial process

**UNIT-I- Judicial Process in India**

**15 Hrs**

1. Meaning and nature of Judicial Process
2. Judicial process as an instrument of Social Ordering
3. Judicial process and Creativity:
  - a. Judicial process and Creativity in Common law
  - b. The tools and techniques of Judicial Creativity
  - c. Judicial Creativity and Precedent
  - d. Legal development and Creativity through legal reasoning under statutory and codified systems.
4. Judicial Activism and Judicial Creativity of the Supreme Court - Distinction
5. Role of Judiciary:
  - a. Indian debate on the Role of Judges
  - b. The “independence” of judiciary and the “political” nature of judicial process
  - c. Institutional liability of Courts and Judicial Activism – Scope and Limits.
6. Judicial process in pursuit of constitutional goals and values

**UNIT-II- Special Dimensions of Judicial Process in Constitutional Adjudications**

**15 Hrs**

1. Notions of Judicial Review
2. ‘Role’ of Judiciary in Constitutional Adjudication - various theories of judicial role
3. Tools and Techniques in Policy Making and Creativity in Constitutional Adjudication.

4. Problems of Accountability in Judicial law-making

### **UNIT-III- The Concepts of Justice and Dharma**

**15 Hrs**

1. The concept of Justice or Dharma in Indian thought
2. Dharma as the foundation of legal ordering in Indian thought
3. The Concept and various Theories of Justice in the Western Thought
4. Various theoretical bases of Justice: the Liberal Contractual Tradition, the Liberal Utilitarian Tradition and the Liberal Moral Tradition

### **UNIT-IV- Relation between law and Justice**

**15 Hrs**

1. Equivalence Theories- Justice as nothing more than the positive law of the stronger class
2. Dependency Theories –For its realization, justice depends on law, but justice is not the same as law
3. The Independence of Justice Theories- means to end relationship of law and justice –The relationship in the context of the Indian constitutional ordering.
4. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice

### **UNIT-V- Principles of Interpretation –English and Mimansa Rules**

**15 Hrs**

1. Interpretation and Construction
2. Principles of Interpretation
3. Aids to Interpretation
4. Special Statutes and their Interpretation- Constitution, Taxing, Penal Statutes
5. Mimansa Rules of Interpretation

### ***Suggested Books:***

1. Julius Store, The Province and Function of Law, Part II, Chs. 1. 8-16 (2000), Universal, New Delhi.
2. Cardozo, The Nature of Judicial Process (1995) Universal, New Delhi
3. Henry J.Abraham , The Judicial Process (1998), Oxford.
4. J.Stone, Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworths
5. W.Friedmann, Legal Theory (1960), Stevens, London
6. Bodenheimer, Jurisprudence - the Philosophy and Method of the Law (1997), Universal, Delhi
7. J..Stone, Legal System and Lawyers' Reasonings (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. John Rawls, A Theory of Justice (2000), Universal, Delhi
11. Edward H.Levi, An Introduction to Legal Reasoning (1970), University of Chicago.

## LL.M.-II<sup>nd</sup> Semester

### COMPARATIVE CRIMINAL PROCEDURE; COMMON LAW AND CIVIL LAW SYSTEM

|                                |   |                                   |                  |
|--------------------------------|---|-----------------------------------|------------------|
| <b>Paper Code: ML-<br/>203</b> | <b>Comparative Criminal<br/>Procedure</b> | <b>Choice Based Group<br/>(A)</b> | <b>Credits:5</b> |
|--------------------------------|---|-----------------------------------|------------------|

**Course Objective:** To impart knowledge of enforcement system in a comparative framework and to acquaint students with different systems of criminal law and criminal procedure. A much wider perspective is being given through this paper as it is a subject which has constitutional undertones and jurisprudential importance. A study of comparative criminal procedure helps students develop an ecumenical approach and broadens their vision. It inspires them renew and revise their laws to be in tune with developed systems. This paper mainly focuses on Comparative study of Criminal Procedure of India, Britain, USA, France, China and Law relating to Evidence.

**Method of teaching-learning:** The course will be delivered through a combination of theoretical and case study approach. Each student is assigned in advance a separate topic and asked to collect materials. A period of 5-7 days can be set apart for carrying out this assignment in the library. The materials indicated or collected during the assignment shall be evaluated by a group of faculty members.

**Outcome of the course:** After the completion of the course the student will be able to:

1. Compare the criminal procedures of different countries with basic knowledge of hierarchy of courts, organization of different agencies involved in criminal administration of justice.
2. Understand the pre-trial procedures in different common law and civil law countries
3. Compare the Accusatory System Of Trial And The Inquisitorial System Of Trial.
4. Distinguish the correctional institutions working in India and France.
5. Analyze the preventive measures to prevent crime provided under the Criminal Procedure Code

**NOTE: IT IS EXPECTED FROM THE INSTRUCTOR TO DISCUSS THE COURSE WITH RELEVANT PROVISIONS OF CRIMINAL PROCEDURE OF INDIA, BRITAIN, USA, FRANCE AND CHINA**

#### **UNIT-1: Introduction**

**20 Hours**

##### **Part- A: Criminal Justice Process Models:**

1. Crime Control Model and Due Process Model: History and characteristic features
2. Adversary Model and Inquisitorial Model: History and characteristic features
3. Comparison of Crime Control Model, Due Process Model, Adversary Model, and Inquisitorial Model
4. Concept of Fair Trial in Criminal Procedure and its Essential Elements.

##### **Part-B: Organization of Courts and Prosecuting Agencies**

1. A Comparative Study Of The Court Structures: Hierarchy Of Criminal Courts
2. Powers And Jurisdictions Of Criminal Courts In India, Britain, USA, France And China
3. Organization Of Prosecuting Agencies For Prosecuting Criminals : Prosecutors And The Police, *Monsieur* And The *Procure De La Republique*, Police And People's Procuratorates

**UNIT-2: Pre-Trial Procedures (comparative study in different countries)      15 Hours**

1. Bringing Information About Crime Incident Before The Formal System (Police Or Magistrate): Investigation Of Crime-Bail And Remand
2. Arrest And Questioning Of The Accused,
3. The Rights Of The Accused And Victim
4. The Evidentiary Value Of Statements / Articles Seized / Collected By The Police.
5. Right To Counsel And Legal Aid
6. Roles Of The Prosecutor And The Judicial Officer In Investigation.
7. Withdrawal Of Prosecution, Withdrawal From Prosecution, Termination Of Proceeding, Discontinuation Of Proceedings, *Nolli Prosequi*; Threshold Test, Full Code Test; and Principle Of Legality.

**UNIT-3: Comparative Trial Procedures And Evidentiary Provisions      20 Hours**

1. The Accusatory System Of Trial And The Inquisitorial System Of Trial
2. Role of the Judges, the Prosecutor and Defense Attorney in The Trial.
3. Relevancy, Admissibility and Inadmissibility of Evidence.
4. Relevancy Of Expert Evidence In Different Countries
5. Examination Of Witness Under Criminal Trials In Different Countries
6. Comparative Study Of Plea Bargaining
7. Appeal of the Court in Awarding Appropriate Punishment.

**UNIT-4: Correctional And After-Care Service      15 Hours**

1. Institutional Correction Of The Offenders
2. General Comparison-After-Care Services In India And France
3. The Role Of The Court In Correctional Programmes In India- Furlough, Parole, Probation, Open Prison.
4. International Scenario Related To Correctional Programme Of Prisoners
  - a. The Basic Principal For Prevention Of Crime And Treatment Of Prisoners, 1990
  - b. The Asian Pacific Conference On Correctional Administration, 1950
  - c. The Amnesty International, 1961

**UNIT-5: Preventive Measures in India      5 Hours**

1. Provisions In The Criminal Procedure Code
2. Special Enactments: UAPA,1967, TADA,1987, POTA, 2000, MCOCA,1999, FERA,1973, COFEPOSA,1974, SAFEMA, 1976.
3. Public Interest Litigation: Directions For Criminal Prosecution.

**The Paper will be taught with reference, wherever necessary, to the procedures in England, USA, France, and China.**

***Suggested books:***

1. Celia Hamptom, Criminal Procedure
2. Wilkins and Cross, Outline of the Law of Evidence
3. Archbold, Pleading, Evidence and Practice in Criminal Cases
4. Sarkar, Law of Evidence

5. K.N. Chandrasekharan Pillai (ed.), R.V. Kelkar's Outlines of Criminal Procedure (2000), Eastern, Law, Lucknow.
6. Patric Devlin, The Criminal prosecution in England
7. American Series Foreign Penal Codes Criminal Procedure Code of People's Republic of China.
8. John N. Ferdico, Criminal Procedure (1996), West
9. Sanders & Young. Criminal Justice (1994)
10. Christing Van Den Wyngart, Criminal Procedure Systems in European Community Joel Samaha, Criminal Procedure (1997), West.
11. Criminal Procedure Code, 1973
12. The French Code of Criminal Procedure.
13. 14<sup>th</sup> and 41<sup>st</sup> Reports of Indian Law Commission

***WebPages required to be visited-***

1. <http://www.worldlii.org/countries.html>
2. <http://www.worldlii.org/catalog/2036.html>
3. <http://www.Irx.com/features/uk.htm#Primary%20Legislation> : UK
4. [http://www.novexc.cn/criminal\\_law\\_main.html](http://www.novexc.cn/criminal_law_main.html)
5. <http://www.worldlii.org/catalog/51779.html>
6. <http://www.worldlii.org/ft/> : France
7. <http://www.worldlii.org/us/> : USA
8. <http://www.worldlii.org/catalog/52520.html> : China
9. <http://www.worldlii.org/in/> : India

***The Malimath Committee Report is to be referred for teaching this paper.***

**LL.M.-II<sup>nd</sup> Semester**  
**LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY**

|                           |  |                               |                  |
|---------------------------|--|-------------------------------|------------------|
| <b>Paper Code: ML-204</b> | <b>Law of Industrial and Intellectual Property</b> | <b>Choice Based Group (B)</b> | <b>Credits:5</b> |
|---------------------------|--|-------------------------------|------------------|

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

**Teaching Learning Methodology:** The course will be conducted using lectures, project reports, PPT presentations and IPR obtaining procedure through conducting activity related to filling application.

**Course Outcome:** After the completion of this course students will be able to:

1. Evaluate emerging dimensions of IPR and be able analysis industrial property and related aspects. Further will understand international perspective of such properties and their impact of domestic life.
2. Deduce the concept of Copyright (especially computer software), industrial property Patent, Trademark, Geographical Indication, Trade Secret, Industrial Designs and Integrated Circuits.
3. Analyze IPR Issues In Biotechnology ,Technology Transfer And Know How Contracts
4. Understand provisions related to IPR protection of traditional knowledge and CBD.
5. Correlate other contemporary issues of IPR viz. sustainable development, Human Rights, safeguard of intangible cultural heritage, healthcare and food security.

**UNIT 1: Genesis of IPR**

**15 Hours**

1. Introduction of Intellectual/ Intangible properties
2. IPR and International Perspectives
3. IPR subject matter and procedure: Indian perspective
4. The Legal Regime of Unfair Trade Practices and of Intellectual Industrial property
5. Interface between IPR and Competition Law
6. United Nations approaches (UNCTAD, UNCITRAL)
7. EEC approaches

**UNIT- 2: Specific Issues Related to IPR in Industrial World**

**20 Hours**

1. Status of Computer Software in Copyright and Patent Law: A Comparative Study
2. E-Commerce and IPR issues
3. WIPO : Global Innovation Index 2017, Electronic Copyright Management System (ECMS), Soft Proprietary Works
4. Industrial Property Trademark, Geographical Indication and Trade Secrets
5. Industrial Property Patents, Industrial Designs and Integrated Circuits

### **UNIT- 3: IPR Issues In Biotechnology, Technology Transfer And Know How Contracts**

**15 Hours**

1. Nature and types of biotechnology patents
2. Patent over new forms of life : TRIPS obligations
3. Plant patenting, Sui generis protection for plant varieties: Indian and International position
4. Steps involved in Technology transfer, Technology Evaluation, comprehensive Know How documentation

### **UNIT-4: Protection of Traditional Knowledge and Convention on Bio Diversity**

**10 Hours**

1. Current International Developments in protection of Traditional Knowledge
2. Doha ministerial conference, CBD and Indian Biological Diversity Act, 2003
3. Global Biodiversity Forum
4. Global issues in implementation of Traditional Knowledge protection

### **UNIT 5: Other Contemporary Issues in IPR**

**15 Hours**

1. IPR and sustainable development
2. Interface between IPR and Human Rights
3. Freedom of speech and expression as the basis of the regime of intellectual property rights
4. Human rights of the impoverished masses, Intellectual property protection of new products for Healthcare and Food security
5. IPR in Expression of Culture: UNESCO Convention on safeguard of intangible cultural heritage

#### ***Suggested Books:***

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

**LL.M.-II<sup>nd</sup> Semester**  
**PUBLIC UTILITIES LAW, NATIONAL SECURITY AND RULE OF LAW**

|                           |                              |                               |                   |
|---------------------------|------------------------------|-------------------------------|-------------------|
| <b>Paper Code: ML-205</b> | <b>Public Utilities Laws</b> | <b>Choice Based Group (C)</b> | <b>Credits: 5</b> |
|---------------------------|------------------------------|-------------------------------|-------------------|

**Course Objectives:** Public utilities are Government monopolies, which are services than Commercial enterprises. The law of public utilities is contained in the statutes of incorporation and judicial decisions given by courts while resolving disputes Business relations with them. In this paper a student will study (a) Government Policy in regard to such utilities : (b) patterns of the laws of incorporation and powers, functions and liabilities of the public utilities vis-à-vis employees, Consumers and others.(c) provision that are made to equip the state to face grave threats to its existence arising from extra-ordinary circumstances created by war or external aggression or armed rebellion.

**Methods of teaching-learning:** PPT/Books/Lectures.

**Course Learning Outcomes:** On successful completion of this course, students will be able to:

1. Describe public utility services and generalize its impact.
2. Analyse the laws related to some essential public utility services.
3. Assess how emergency provisions under constitutional scheme affects civil liberties.
4. Recognise preventive detention provisions under Indian Constitution..
5. Analyse exceptional legislation on national security .

**UNIT –I: Introduction- Public Utility and its impact**

**12 Hours**

1. Pre-Independence Laws
2. Public Utility and Social Security
3. Public Utility and State Obligation
4. Government Machinery and Functioning
5. Impact of the failure of the Public Utility Services

**UNIT –II: Public Utility Laws**

**20 Hours**

1. Railway
2. Electricity
3. Gas and Petroleum
4. Fire Services
5. Public Health
6. Police
7. Road and Transport
8. Post and Telecommunication
9. Other issues

**UNIT-III: National Security and Civil Liberties**

**14 Hours**

**Part A: National Security, Public order and Rule of Law**

1. Meaning of National Security, Public order and Rule of Law.
2. Pre-Independence Laws regarding National Security
3. Contemporary Issues Related to National Security

**Part B: Civil Liberties and Emergency**

1. Article-19 of Indian Constitution
2. State Security, Public Welfare and Interest

**UNIT –IV: Preventive Detention and Indian Constitution****12 Hours**

1. Article 22 of the Constitution.
2. Preventive Detention and Safeguards.
3. Various Preventive Detention Legislations (Pre and Post Independence)
4. Declaration of National Emergencies.- National Emergencies of 1962, 1965, 1971 and 1975

**UNIT –VA: Exceptional Legislation****17 Hours**

1. COFEPOSA and like legislations to curb economic offences.
2. History of National Security Legislations and TADA, POTA, UAPA, NSA
3. Special Courts and Tribunals.
4. National Intelligence Agencies
5. Due process and special legislation.

**UNIT –VB: Access to courts and Emergency**

1. Civil Liberties and Emergency - Article 359 and Article 358
2. Emergency and Supreme Court - Ups and down of judicial review.

***Suggested books***

1. G.O. Koppel “The Emergency, The Courts and Indian Democracy ”
2. H.M. servai, The Emergency, Future safeguards and the habeas corpeas: A Criticism (1978).
3. International commission of Jurists, status of emergency & human Rights (1984).
4. N.C. Chatterjee & Parameshwar Rao, Emergency and the Law (1966).
5. Basant Kelker- Business of postal Services
6. Nalni Panjapay- Planning for welfare in the Indian Railways
7. S.P. Sathe- Administrative Law
8. Constitution of India.

**LL.M.-II<sup>nd</sup> Semester**  
**PROTECTION AND ENFORCEMENT OF HUMAN RIGHTS IN INDIA**

|                           |  |                               |                   |
|---------------------------|--|-------------------------------|-------------------|
| <b>Paper Code: ML-206</b> | <b>Protection and Enforcement of Human Rights in India</b> | <b>Choice Based Group (D)</b> | <b>Credits: 5</b> |
|---------------------------|--|-------------------------------|-------------------|

**Objective of the course:** The understanding of human rights is the foundation for the development of a good citizen and a responsible legal professional. The main objective of this course is to provide an insight into the meaning and significance of various human rights in the contemporary era and the mechanisms developed at the international and national level for protection and promotion of such rights. This course attempts to increase the knowledge of law students with respect to human rights; to focus their attention on the underlying values of human rights and to explore various international and national legal frameworks which embody human rights and promote them in practice.

**Course Outcome:** After the completion of the course the student will be in position to-

1. Describe the evolution of the Human Rights Law in India
2. Illustrate the significance of various commissions for the protection of Human Rights of group of persons.
3. Analyze the role of various enactments for the protection of Human Rights of various classes.
4. Examine the challenges for the Human Rights Protection.
5. Apply Human Right Protection mechanism at various levels.

**UNIT-I: Development of Human Rights Law in India**

**15 Hours**

1. Human Right: concept scope and Historical background
2. Human Right and Indian Constitution
3. Human Right Act 1993 detailed study
  - a. National Human Right Commission
  - b. Function and Power of Commission
  - c. Procedure to inquiry into complaint
  - d. State Human Right Commission
  - e. Human Right Courts

**UNIT-II: Establishment of various Commissions for Human Rights Protection 15 Hours**

1. The Nation Commission for Women Act 1990
2. The National Commission for Minorities Act 1992
3. The National Commission of Backward classes Act 1993
4. Others

**UNIT-III: Legislative initiative in India for the Protection of Human Rights 15 Hours**

1. The Protection of Civil Right Act, 1955
2. The Person with Disabilities (equal opportunities, Protection of Rights and full Participation) Act 1995
3. The Rights of Persons With Disabilities Act, 2016
4. The Dowry Prohibition Act 1961
5. The S.C. & S.T. (Prevention of Atrocities) Act 1989
6. The Prohibition of Employment as Manual Scavengers and their Rehabilitation, 2013

7. The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex-Selection) Act 1994.
8. National Trust for Welfare of Persons with Autism, Cerebral palsy, Mental Retardation and Multiple Disabilities Act 1999
9. Protection of Women from Domestic Violence Act 2005

**UNIT-IV: Human Right: New Challenges**

**15 Hours**

1. Human Rights and Terrorism
2. Human Rights and Technology
3. Human Rights and I.P.R. reg.
4. Human Rights and Awareness
5. Human Rights and Globalization
6. Human Rights and Police

**UNIT-V: Enforcement of Human Rights**

**15 Hours**

1. Formal enforcement mechanism
2. Role of Supreme Court
3. Role of High Courts
4. Role of Civil and Criminal Courts
5. Statutory Tribunals
6. Special Court
7. Role of I.C.C.

***Suggested Books***

1. Alston, Phillip, The United Nations and Human Rights, Clarendon Press, London (1995).
2. Bajwa, G.S. and D.K. Bajwa, Human Rights in India: Implementation and Violations, D.K. Publishers, New Delhi (1996).
3. Basu, D.D., Human Rights in Constitutional Law, Prentice Hall, New Delhi (1994).
4. Sehgal, B.P. Singh, ed., Human Rights in India: Problems and Perspectives, Deep and Deep Publications, New Delhi (1999).
5. S.K. Avesti and R.P. Kataria, Law Relating to Human Rights, Orient Publications, New Delhi (2000).
7. SK Kapoor, Human Rights under International and Indian Law, Central Law Agency, Allahabad, (1999)
8. HO Agarwal, Human Rights, Central Law Publications, Allahabad, (12Edn. 2012)
9. Justice Palok Basu, Law Relating to Protection of Human Rights, Modern Law Publications, Allahabad (2002).
10. Sircar, V.K., Protection of Human Right in India, Asia Law House, Hyderabad (2004-05.).
11. Symmonides, J., Human Right: International Protection, Monitoring and Enforcement, Rawat publications, New Delhi (2005)
12. Mamata Rao, Law Relating to Woman and Children, Eastern Book Co., Lucknow (2008).
13. G B Reddy, Woman and the Law, Gogia Law Agency, Hyderabad (2001).
14. SC Tripathi, Law Relating to Woman and Children, Central Law Publishers, Allahabad, (2001).

**LL.M III<sup>rd</sup> Semester**  
**APPLICATION OF THEORIES OF JURISPRUDENCE**

|                           |   |                   |                  |
|---------------------------|---|-------------------|------------------|
| <b>Paper Code: ML-301</b> | <b>Application of theories of Jurisprudence</b> | <b>Core Paper</b> | <b>Credits:4</b> |
|---------------------------|---|-------------------|------------------|

**Objectives of the course:** It is amazing, but true, that despite close affinities with the socialist world, no major curricular offering or research specialization (sort of) in socialist jurisprudence has emerged in legal education for the last sixty years. The objective of this and the companion courses is to remedy the lack. India has been, since 1976, proclaimed as a "socialist" democratic republic. Understanding of accomplishment of the socialist character of the Constitution the fundamental duty to develop excellence, individual and collective, and scientific temper also require full advertence to various schools and legal thought and legal processes and practices under the actually existing socialist societies.

**Methods of teaching-learning:** Case studies and case analysis or actual social issues based problem analysis with various theories of jurisprudence is one of the sure methods of discovering law in books to support the law in action. Similarly problem oriented studies and enquiry is ideal for generating interest among the student community.

**Course Outcome:** In this course we focus on the application of the various fundamental principles of the jurisprudence in practical development of law and after the course student will be in position to connect society with legal advancement in a scientific manner. This will further help the student to analyze the gap.

**UNIT-I: Introduction to Jurisprudence, law and justice**

**15Hours**

1. Meaning of Jurisprudence/Legal Theory, Nature, Need and Scope
2. Notions of Law, Justice and Morality.
3. Hart Fuller Controversy
4. Hart Fuller Controversy-Indian Perspective
5. Law and Morality in present time
6. Law and Justice- In courts and in Tribunals
7. Theories of Justice –General Introduction and Present Implications

**UNIT-II: Growth of law, Traditions and Jurisprudence**

**15 Hours**

**Natural Law School**

1. Divine and Prophetic Theories of law - Law of Manu and the Islamic Law
2. Natural Law theories:
  - a. Natural Law as Virtue (dharma) - Hindu
  - b. Natural Law as justice by nature - Aristotle
  - c. Natural Law as-Right reason - Cicero
  - d. Natural law as Law of God - St. Thomas Aquinas

**Historical School: (Conflict among Rationalism, Power of human will and Traditions)**

1. Law as a manifestation of the spirit of the people in History - Von Savigny
2. Development of Law in history from status to Contract – Sir Henry Maine
3. Law as an auxiliary in a stage of economic determinism - Karl Marx

**UNIT-III: Analytical Jurisprudence and the law**

**15 Hours**

**Analytical School**

1. Empiricist Epistemology (Knowledge of Law in society)
2. Kautilya (4th Century B.C)

3. Later Positivist Theories
  - a. Command theory of law: John Austin
  - b. Utilitarianism: Bentham
  - c. Normative theory of law: Hans Kelsen (Pure Theory of Law)
  - d. Hart's Positivism

**UNIT-IV: Social Interest, State Interest, Law and Jurisprudence**

**15 Hours**

1. Sociological Theory:
  - a. Function of Law - Law as a means of social control
  - b. Jurisprudence of Interests: Roscoe Pound (Along with Duguit)
2. American Realist theory: Law as prophecy of what the courts will do - Justice O.W. Holmes (Jr)
3. Scandinavian Realism: These Realists reject Natural law as well as positivism and introduce their own theories of law.
4. Realist Movement
5. Human Right Jurisprudence
6. Feminine Jurisprudence
7. Compensatory Jurisprudence

***Suggested Books:***

1. Dias R.W.N Jurisprudence
2. Mani & Tripathi Jurisprudence
3. Fitzgerold P.J. Salmand on Jurisprudence
4. Friedman Jurisprudence
5. S.N. Dhyani Jurisprudence
6. G.W. Paton A Text Book of Jurisprudence

**LL.M III<sup>rd</sup> Semester**  
**SEMINAR ON THE CONTEMPORARY ISSUE OF THE GROUPS**

|                           |  |                   |                  |
|---------------------------|--|-------------------|------------------|
| <b>Paper Code: ML-302</b> | <b>Seminar on the contemporary Issue of the Groups</b> | <b>Core Paper</b> | <b>Credit: 6</b> |
|---------------------------|--|-------------------|------------------|

**Course objective:** The objective of this paper is check and enhances the research ability and writing skill of the postgraduate students.

**Methods of teaching-learning:** This paper will be in two parts based on the article and research writing of the students on the two topics according to their elective groups having equal weight of marks. Topic has to be finalized by the course teacher after the consultation with the head/dean of the college.

**Course Outcome:** In this course we focus on the application of the various fundamental principles of research methodology while writing research paper and further to equip student with the seminar skill with the help of their skill enhancement through writing research articles.

**NOTE:** There shall be no written examination in the paper.

**PROTOCOLS:**

**Protocol on participation in the Class:**

A Student is required to attend the classes and also other Programs according to the Protocol prescribed by the Subject Faculty concerned and shall also participate in the manner prescribed by the protocol concerned.

**Protocol on Project Writing:**

**1. Object of Writing a Project:**

The following are the guidelines:

- a. In I<sup>st</sup> month of the semester, students are expected to collect, compile, assimilate and understand the project topic. Emphasis will be to ensure that students follow the proper methodology and the structure of a project work.
- b. In the II<sup>nd</sup> month of the semester students are expected, in addition to the above requirements, to collect the data and to analyze the same.
- c. The Main objective of expecting students is to improve their learning skills through writing. A study on a specific issue will give immense confidence to the students regarding the subject.
- d. The projects /seminar can be sent to Journals for publication. Even otherwise, these projects / articles will remain as unpublished research work and will help the prospect of higher research and placement opportunities.

**2. Role of Teacher after giving the project/seminar topic**

Teachers must help the students in designing the project work of the students. In the first two months of the semester the emphasis should be on research skills and therefore, as per the nuances of research, students must be advised to have clarity on the following:

- a. Objective of the Project
- b. Scope of the Project

- c. Research Questions
- d. Methodology
- e. Methods
- f. Sources
- g. Chapterization / Section
- h. Foot noting style must be uniform.

### 3. Structure of the Project

The footnoting style must be of blue book, which is as follows:

- I. Cover page:
    - a) Title of the project topic
    - b) To Whom the project is submitted
    - c) Name of the Student, Roll No. and name of the Programme
    - d) Date of Submission
    - e) Name of the university and place
  - II. Table of Contents
  - III. List of Abbreviation
  - IV. Table of Cases/ diagrams/ graphs/ photographs etc., if any
  - V. Chapter – 1 Introduction
  - VI. Chapter- 2 Methodology (Methodology can be part of the Chapter 1 as well)
    - a) Objective of the Project
    - b) Scope of the Project
    - c) Research Questions
    - d) Methodology – Methods, Sources, Chapterization, Foot noting style.
  - VII. Chapter 3... and so on
  - VIII. Last Chapter – Conclusion
    - a) Bibliography – Articles, Books, Convention, Statutes, Websites etc.
    - b) Annexure, if any
    - c) Undertaking by the students
- a. Distribution of marks can be revised.
  - b. More marks in viva to evaluate gently as it is conducted in the presence of other faculty.
  - c. Marks should be allotted after the viva.
  - d. All the faculty members are required to sign the award list.
  - e. Page limitation (seminar course) – 30 Pages
  - f. Teachers are requested to follow the academic calendar.

#### **4. Formalities of a Project**

- a. The Project is to be typed on A-4 size paper with one and half or two line spacing, 12 font size, in Times New Roman or Arial font style. Font size for foot note is 10.
- b. The maximum page limit of main content (Introduction to conclusion) of project is 10.
- c. Table of cases, list of abbreviations, bibliography etc. must be arranged in alphabetical order.
- d. Project work must contain the bibliography and foot-noting style as prescribed in “Blue Book: Uniform form citation”.

#### **5. Project Submission**

- a. Date of Submission: The projects must be submitted to the Examination Department on or before the date mentioned in respect of the subjects concerned.
- b. Negative Marking: Half a mark will be deducted everyday for late submission after the last date of submission.

**Copy right and violation of copy right:** Any Copy from a project report submitted earlier or from any journal or any other materials downloaded from websites without acknowledgement is strictly prohibited. With acknowledgement, there may be a negative mark given for unnecessary coping without application of mind. The author of the project shall have the copyright and shall have the right to publish.

**Project Presentation or Viva:** The Course Faculty shall notify the method of project presentation or viva and the examination department shall prepare date, time and place schedule for the with the course design or subsequently provided that adequate notice is given to the participations.

**LL.M III<sup>rd</sup> Semester**  
**TEACHING LEARNING EVALUATION**

|                           |                                     |                    |                  |
|---------------------------|-------------------------------------|--------------------|------------------|
| <b>Paper Code: ML-300</b> | <b>Teaching Learning Evaluation</b> | <b>Value Added</b> | <b>Credit: 2</b> |
|---------------------------|-------------------------------------|--------------------|------------------|

**Course Objective:** The subject is introduced to examine the overall development of verbal, analytical and responsive skill of the PG student while actual classroom teaching. The Micro - teaching demonstrations are intended to brief all participants on a variety of active learning strategies (repertoire) and to foster in them the ability to give good feedback to help classmates develop as teachers. The core objective of the paper is to develop qualitative teaching skill in PG students besides research ability.

**Course Outcome:** After the completion of the course student will be in a position to-

1. Demonstrate his/her teaching ability in class room.
2. Shows case his/her capability to respond to the question in the class.

**Modality of the paper:** The paper will be totally one practical /practice oriented paper where student is expected to take UG classes on pre assigned topic by the academic coordinator of the college in consultations with Dean faculty of Law. The examination will be on the basis of the teaching skills, by the board of examiner including one external subject expert.

**LL.M III<sup>rd</sup> Semester**  
**DRUG ADDICTION, CRIMINAL JUSTICE AND HUMAN RIGHTS**

|                           |                       |                              |                  |
|---------------------------|-----------------------|------------------------------|------------------|
| <b>Paper Code: ML-303</b> | <b>Drug Addiction</b> | <b>Choice Base Group (A)</b> | <b>Credit: 5</b> |
|---------------------------|-----------------------|------------------------------|------------------|

**Course Objectives:** Almost all the major dilemmas of criminal policy surface, rather acutely in combating drug addiction and trafficking through the legal order. The issue of interaction between drug abuse and criminality is quite complex. At least three important questions have been recently identified as crucial for comparative research. First, to what extent drug dependence contributes to criminal behavior? Second, in what do criminal behavior patterns determine drug abuse? Third, are there any common factors which contribute to the determination of both drug abuse and criminal behavior?

Apart from these causal issues, there is the broad question of the social costs-benefits of criminalization of addictive behavior. Should drug-taking remain in the category of "crime without victims"? Or should it be viewed as posing an ever-growing threat to human resource development and be subjected to state control, over individual choices as to survival and life-styles?

The problems here are not merely ideological or theoretical. User of drugs for personal, non-therapeutic purposes may well be linked with international trafficking in psychotropic substance. It has even been suggested that encouragement of drug-dependency may have, in addition to motivation of high profits, politically subversive aspects.

Assuming that both addiction and trafficking have to be regulated, what penal policies should be appropriate? What human rights costs in the administration of criminal justice should be considered acceptable? The international response to these questions is indicated by the Single Convention on Narcotic Drugs, 1954, adopted in New York, 30 March 1954 and as amended by 1972 Protocol in Geneva, 25 March, 1972 and the Convention on Psychotropic substances, adopted in Vienna, 21 February 1971. India has recently adopted the basic principles of these conventions in the Narcotic Drugs and Psychotropic Substances Act, 1986.

Broadly, penal policy dilemmas here relate to; (a) management of sanctions relating to production distribution and illicit commerce a Narcotic Substance and (b) ways of prevention of abuse of drugs, including speedy diagnosis treatment, correction, aftercare, rehabilitation, and realization of persons affected.

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

**Methodology of teaching learning:** Lecture, Tutorial, Case study method shall be the main method of learning to be followed. The information sharing and flow of information among the teacher and taught has to work as bonding of the entire course. Survey, specialists' lecture and book review can also be a method of research writing in this paper.

**Learning Outcome:** On completion of this UNIT students will be able to-

1. Understand basic concept related to drug abuse, crime without victim, consequences of Drug Abuse and Drug Addiction.
2. Explain anagraphic and social characteristics of Drug User
3. Describe the International Legal Regime to deal with the problem.
4. Analyze the India's role in the evolution of the two international conventions, legal provision and judicial approaches to control the problem.
5. Correlate the Human Rights aspect with related issues.

**UNIT-I: Introductory****15 Hours**

1. What is Drug
2. Definition of drugs
3. Classification of drugs Use
4. Drug Abuse, Drug Addiction and Drug Dependence
5. Crimes without Victims
6. Major Drug Categories
7. Indicators of Drug Abuse
8. Effect of Drug Abuse and Drug Addiction
9. Causes of Drug abuse
10. Consequences of Drug Abuse and Drug Addiction
11. Trafficking in drugs

**UNIT-II: Ana graphic and Social Characteristics of Drug User****15 Hours**

1. Gender
2. Age
3. Religiousness
4. Single individuals / cohabitations
5. Social-economic level of family
6. Residence Patterns (Urban / Rural )
7. Educational Levels
8. Occupation

**UNIT-III: International Legal Regime****15 Hours**

1. Analysis of the background, and operation of the single convention of Narcotic Drugs 1961, 1972.
2. Analysis of the Convention on Psychotropic substance 1972.
3. International collaboration in combating drug addiction.
4. The SAARC and south Cooperation.
5. Profit of International market for Psychotropic Substances.

**UNIT- IV: The Indian Regulatory System****15 Hours**

1. Approaches to Narcotic trafficking during colonial India
2. Nationalist thoughts towards regulation of drug trafficking and usage.
3. The Penal Provisions under the IPC and the Custom Act.
4. India's role in the evolution of the two international conventions.
5. Judicial approaches to Searching in drug trafficking and abuse.
6. The Narcotic Drugs and Psychotropic Substance Act 1985.
7. Patterns of resource investment in India Policing adjudication, treatment, after care and rehabilitation.

**UNIT-V: Human Rights Aspects:****15 Hours**

1. Development of marginalized people as carrier of narcotics.
2. The Problem of Juvenile drug use- Legal approaches.
3. Possibilities of misuse and abuse of investigative Prosecuting Power.
4. The Role of Community (NGOs & Civil Societies) in Combating Drug Addiction.
  - a. Profile of community initiatives in inhibition of dependence and addiction

- b. The role of Educational System.
- c. The role of Judicial Profession.
- d. The role of Mass Media.
- e. Initiatives for compliance with regulatory system
- f. Law reform initiatives.

***Suggested Books:***

1. Katherine S Williams, Textbook on Criminology, 1999
2. Loveland, Frontiers of Criminality, 1995
3. Manheim H, comparative Criminology, 1965
4. Walker, N. Crime and Criminology, 1987
5. Ahmed Siddiqui's Criminology
6. J.P.S. Sirohi Criminology and Penology
7. V.N. Pranjhpee Criminology

**LL.M III<sup>rd</sup> Semester**  
**WTO & LAW OF INTERNATIONAL CONTRACT**

|                           |  |                              |                  |
|---------------------------|--|------------------------------|------------------|
| <b>Paper Code: ML-304</b> | <b>WTO &amp; Law Of International Contract</b> | <b>Choice Base Group (B)</b> | <b>Credit: 5</b> |
|---------------------------|--|------------------------------|------------------|

**Course Objectives:** The main objective of this course is to provide basics of the working of WTO and International contract. As we are aware that WTO is a governing body of international trade than it is essential to know about its objectives, functions and role in international trade. International trade contracts are also a complex field of international trade, after studying this subject a student will be able to know the pros and cons of the international trade agreements.

**Course Outcome:** At the end of the course students will be able to:

1. Know policies related to international trade law, WTO and its impact on international trade.
2. Understand International trade contract.
3. Explain jurisdiction for International dispute resolution.
4. Know the methods of payment used in International trading

**UNIT I: Introduction to World Trade Law**

**15 Hours**

1. The history and the institutions of the Multilateral Trading System
2. Free trade vs. Protectionism
3. World Trade and International Organizations
4. Growth of world trade law.

**UNIT II: World Trade Organization**

**15 Hours**

1. Introduction (Roots from Havana to Marrakesh)
2. The GATT and Uruguay Round
3. WTO agreements
4. Tariffs Measures
5. Agricultural Products and Intellectual Properties and WTO agreements
6. Anti dumping actions
7. Subsidies and Countervailing Measures
8. Settlement of disputes

**UNIT III - International Sale Contract**

**15 Hours**

1. Introduction to sale of goods
2. International sale of goods and International trade terms (of delivered duty paid, cost, Insurance and freight, free on board)
3. Standard term contracts and common contractual clauses
4. Consequences of breach of contractual obligations
5. Remedies of the Buyer and seller
6. United Nations conventions on Contracts for the International Sale of goods 1980

**UNIT-III- Payment Methods in International Trade**

**15 Hours**

1. General
2. Bills of exchange International trade
3. Collection agreements
4. Documentary credits

5. Standby credits and guarantees
6. Forfeiting and factoring

**UNIT-IV- Contracts of Affreightment**

**15 Hours**

1. Introduction
2. Carriage of goods by sea
3. Hamburg rules
4. UNCITRAL draft
5. Aspects of carriage of goods by air and land
6. Multimodal transport

**UNIT-V: International Dispute Resolution**

**15 Hours**

1. Introduction
2. Jurisdiction and enforcement of judgments ( European rules, Jurisdiction under Economic Council Regulation , Jurisdiction under traditional rules)
3. Arbitration as a form of alternative dispute resolution.
4. International Arbitration
5. Enforcement of New York Convention awards
6. Rome conventions
7. Common law rules on contractual obligations.

***Suggested Books:***

1. Aman Goyal- WTO in the new millennium 4<sup>th</sup> edition , 2000
2. Bhagirath Lal Das ; The World Trade Organisation
3. Clive M. Schmitthoft – The Law and Practice of International Trade Law
4. M. L. Jhingan, International trade . an introduction
5. Lester, Simon - Bryan: World trade law
6. Simon Schnitzer : Understanding International Trade Law
7. Mishra and Puri : international trade
8. World Trade Law (Text, Materials and Commentary), Universal Law Publishing Co.

**LL.M III<sup>rd</sup> Semester**  
**SELECTED CONSTITUTION OF THE WORLD**  
**(Sources, Meaning, Nature, Scope and Utility of Constitution)**

|                           |   |                              |                  |
|---------------------------|---|------------------------------|------------------|
| <b>Paper Code: ML-305</b> | <b>Selected Constitution Of the World</b> | <b>Choice Base Group (C)</b> | <b>Credit: 5</b> |
|---------------------------|---|------------------------------|------------------|

**Course Objective:** To impart knowledge and understanding about the Constitution and its relationship with statehood, powers and chambers, and compare Indian Government with other similar Governments like in England, USA, Canada, France, Switzerland and Australia.

**Methods of teaching-learning:** PPT/Books/Lectures.

**Course Outcomes:** On successful completion of this course, students will be able to:

1. Analyze different forms and system of governance in various countries.
2. Describe the concepts like cabinet, collective and individual responsibility.
3. Assess how legislature is significant and how chief executive executes his functions.
4. Compare set up of Judiciary in different countries.
5. Deduce Constitution and Diplomatic Relationship, Emergency power and other concepts.

**NOTE:** The study has to be with reference to the Constitutions of India, UK, USA, Canada, France, Switzerland and Australia.

**UNIT I: System of Governance:**

1. Concept of Representative and Responsible Government
2. Collective and Individual Responsibility
3. Constitutional Conventions
4. Presidential System
5. Parliamentary System
6. Collegiate System
7. Modes of Appointment of Head/ Secretary of the State

**UNIT II: The Legislature and Executive:**

1. Concept of Cabinet in government
2. Nature and Significance of Legislative power
3. Composition of Legislature - First and Second Chambers
4. Powers and Immunities of Legislatures
5. Chief Executive - His powers and functions.

**UNIT III: The Judiciary:**

1. Organization and Jurisdiction of the Higher Judiciary
2. Independence of judiciary
3. Judicial Review and Accountability.

## **UNIT IV: The Foreign Relations and Emergency:**

1. Constitution and Diplomatic Relationships
2. Treaty making power and Power to implement treaties
3. Martial Laws
4. Powers of Emergency and Wars

### ***Suggested Readings:***

1. Relevant Provisions of the Constitutions
2. Peter W.Hogg - Canadian Constitutional Law.
3. Ivor Jennings - The Cabinet Government.
4. AH. Birch - Representative and Responsible Government.
5. Colin Howard - Australian Federal Constitutional Law.
6. Wade and Phillips - Constitutional Law and Administrative Law.
7. Tressolini - American Constitutional Law.
8. Mason & Beaney - American Constitutional Law.
9. Nowak, Rotunda and Young - Constitutional Law of US (Student Ed.)
10. W.A. Wynes - Legislative, Executive and Judicial Powers in Australia.
11. Hughes, Christopher - Swiss Constitution.
12. Godfrey & Blondel - The French Constitution and Government.
13. Rodney Brazier - Constitutional Practice.

**HUMAN RIGHTS OF DISADVANTAGED GROUPS: PROBLEMS AND ISSUES IN THE PROTECTION AND ENFORCEMENT**

|                           |   |                              |                  |
|---------------------------|---|------------------------------|------------------|
| <b>Paper Code: ML-306</b> | <b>Human Rights of Disadvantaged Groups</b> | <b>Choice Base Group (D)</b> | <b>Credit: 5</b> |
|---------------------------|---|------------------------------|------------------|

**Objective of the course:** Human rights are the rights of all human beings Violation of these rights in human rights violations. Due to frequent violations to particular groups in disadvantageous positions new categories of human Rights have emerged. These groups are of people such as women, children, prisons and dalits. Violation of human rights of these groups is of great concern of every nation today.

**Course Outcome:** On completion of this course, the students will be able to:

1. Understand and illustrate various categories of disadvantaged person.
2. To analyse the needs and demand of different disadvantaged group of people.
3. Understand the emerging nature of Human Rights in general and its difference with human rights for disadvantaged group of people.
4. Understand the problems of Human Rights protection for disadvantaged group of people.
5. Apply the Human Rights law for the protection of such disadvantaged group of people.

**UNIT I: Concept of Disadvantaged and Vulnerable Group**

**15 Hours**

1. Meaning and Concept of Vulnerable and Disadvantaged
2. Human Value, Dignity, Liberty - Socially and economically disadvantages groups
3. Groups and Culture – Cultural Problems of disadvantaged and vulnerable.

**UNIT II: Women and Children as Vulnerable Groups**

**15 Hours**

1. Human rights and women rights
2. Rights of Children
3. Social status of women and children
4. National and International scenario on protection of human rights of women and children
5. Role of UN

**UNIT III: Socially and Economically Disadvantaged Groups**

**15 Hours**

1. Rights of Sex workers and Transgender
2. Rights of the Aged and The Mentally ill
3. Rights of Prisoners
4. Rights of Minorities group
5. Rights of Dalits, The tribal and other Indigenous people
6. The Stateless persons
7. The Unorganized labor
8. Aids Victims
9. Acid Attack victims

**UNIT IV: Human Rights: Enforcement Mechanism and Protective Laws: National And International Perspective** **15 Hours**

1. Human rights legislations
2. Human Rights Judicial organs, Supreme Court and High Courts
3. Human Rights Commissions
4. Commission for women and children
5. UN and Human rights:
  - a. UN Charter and its significance
  - b. UN and rights of persons with disability
  - c. UN Declaration on the Rights of Indigenous People, 2007
8. Conventions and Covenants on human rights of disadvantaged.

**UNIT V: Development Of Human Rights: Future Goals** **15 Hours**

1. National policies
2. Role of International Organizations
3. Implementation of International Instruments- Indian Scenario
4. Constitutional safeguard
5. Role of Media, Press, Advocates, Educational Institutions, Community and NGOs.

***Suggested Books***

1. G.S.Bhargava and R.M.Pal, Human Rights of Dait Societal Violation (1999)
2. Geradine Van Bueren, The International law on the rights of the child (1998)
3. Prabhat Chandra Tripathi, Crime against working women (1998)
4. Philip Alston (et,al) Children, Rights and the Law
5. Janaki nair, women and law in colonial india (1996)
6. Simon creighton, Vicky king, Prisons (1996)
7. Mamta Rao, Law Relating to Women and Children EBC publications(2012)
8. Geraldine van Buoren, The International Law of the Rights of the Child, (1998)
9. Probhat Chandra Tripathi, Crime against working women (1998)
10. Paras Diwan and Piyush Diwan, women and legal protection.

### LL.M. IV Semester

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|---------------------------|--|-----------|
| <b>Paper Code: ML-401</b> | <b>Dissertation</b>                        | <b>10</b> |
| <b>Paper Code: ML-402</b> | <b>Open Viva-Voce by External Examiner</b> | <b>10</b> |

The dissertation is the final stage of the Masters degree and provides you with the opportunity to show that you have gained the necessary skills and knowledge in order to organize and conduct a research project. It should demonstrate that you are skilled in identifying an area, or areas, suitable for research: setting research objectives; locating, organizing and critically analyzing the relevant secondary data and authoritative literature; devising an appropriate research methodology; analyzing the primary data selected and drawing on the literature in the field; drawing conclusions; and if appropriate making relevant recommendations and indications of areas for further research. A dissertation is a 'formal' document and there are 'rules' that govern the way in which it is presented. It must have chapters that provide an introduction, a literature review, a justification of the data selected for analysis and research methodology, analysis of the data and, finally, conclusions and recommendations. Where the subject is based around a business or an applied situation recommendations for action may also be required. Advice on the range of suitable topics which relate to the subject area of your Masters degree will be approved by the dissertation committee formed by the Dean faculty of Law for the purpose.

Normally all the students are expected to work as per the guidelines of the dissertation committee and they have to do their research under the guide allotted to them by the committee.