FACULTY OF LAW

CHOISE BASED CREDIT SYSTEM
FOR
LL.M. PROGRAM

FINAL DRAFT OF THE SYLLABUS
Objective of the course:

This course is designed to offer the students with - (a) awareness of Indian approaches to social and economic problems in the context of law as a means of social control and change; and (b) a spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. The endeavour is to make the students aware of the role the law has played and has to play in the contemporary Indian society.

The following syllabus will be spread over a period of one semester.

Syllabus of the Course:

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

2. Reception of English Law in India:
   1) Development of judicial institutions and civil law in British India
   2) Role of Privy Council in India.
   3) Role of Justice, Equity and Good Conscience.

3. Community and the Law:
   1) Caste as a divisive factor
   2) Non - discrimination on the ground of caste.
   3) Acceptance of caste as a factor to undo past injustices.
   4) Protective discrimination: Scheduled castes, tribes and backward classes.

4. Modernisation and the Law:
   1) Modernisation as a value: Constitutional perspectives reflected in the fundamental duties.
   2) Industrial reform: Free enterprise V. State regulation - Industrialisation
5. Enforcement of Constitutional Values:
   1) Concept of India as one unit - Regionalism as a divisive factor
   2) Secularism.
   4) Problems of Uniform Civil Code.
   5) Gender injustice (Constitutional perspective)
   6) Children and Law.

6. Approaches to Law and Justice during the Nationalist Struggle:
   Gandhi’s Theory of State, Political and Legal Obligation.
   Sources of Liberalism – The ideas of Phule, Ambedkar and Tilak.
   Political and Legal thoughts of Nehru.

Books Suggested for reading:
   Universal Book Traders
2) Upendra Baxi – Towards a Sociology of Indian Law (Delhi, 1966).
3) M. C. Setalwad – The Common Law in India.
5) M. P. Jain - Outlines of Indian Legal History, 5th Edn. 1999,
   Wadhw & Co.
6) Legal & Constitutional History of India - Rama Jois, Vol-I & II,
7) Rajeev Bhargava, Edited: Secularism & Its Critics, Oxford India,
   1999.
   Delhi.
    N. Delhi.
    Jaipur and New Delhi.
    Law Publishing Co.Pvt. Ltd.
COMPULSORY COURSE  :-  CC - 02

INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES.

Objective of the Course.

The Constitution, a living document, is said to be always in the making. The Judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes.

The following syllabus will be spread over a period of one semester.

Syllabus of the Course:

1) Nature and Scope of Rights:
   1) Historical Background of Fundamental Rights in India.
   2) Scope and Definition of Human Rights and Fundamental Rights.
   3) Role of NHRC and Human Rights Courts.
   4) Scope of Art.12 and Definition of 'State'.
   5) Art. 13 and Rules of Interpretation with regard to Fundamental Rights-Doctrines.

2. Equality and Social Justice (Art 14 -17).

3. Scope of Art. 19:
   1) Scope of the freedom under Art. 19(1) (a) - New Dimensions
   2) Scope of other freedoms as guaranteed in Art. 19(1)(b) to (g). & Reasonable Restrictions .

4. 1) Safeguards to persons accused of crime under Arts 20
   3) Preventive Detention - Art . 22

    2) Cultural and Educational Rights of Minority Communities - Arts. 29 and 30.

6. New Rights and Emerging Regime of Remedies:
   1) Nature and Scope of Art.32.
   2) Locus Standi - Public Interest Litigation.
   4) Compensatory Justice.
7. Fundamental Duties and Directive Principles of State Policy - New Challenges
   1) Legal status, underlying object, nature and character of directives, classification and categories of directives.
   2) Interaction and Relationship between Fundamental Rights and Directive Principles and Duties.

8. Fundamental Rights and Emergency

**Books Suggested for Reading:**

3) Dr. Thrity Patel – Personal Liberty under The Constitution of India (B. Jain Publishers Delhi, 1993).
5) M. P. Jain – Constitutional Law of India.
International Law

OPTIONAL CORE COURSE   ( OCC –A 01)

Nature and Sources of International Law

1. Historical Background and Theoretical Foundation of International Law :
   1) Definition and Character of International Law
   2) Historical Evolution and Development of International Law
   3) Basis of International Obligation

2. Concept of Source of Law and Methods of Law Formulation.
   1) Meaning of Source of Law
   2) Sources of International Law
   3) Hierarchy of the Sources
   4) Codification and Progressive Development of International Law and Role of International Law Commission and International Agencies
   5) Jus Cogens

3. Relationship between International Law and Municipal Law :
   1) Theories of Relationship
   2) Merits and Demerits of the Theories with regard to the Relationship between International Law and Municipal Law
   3) American, English and French Approaches towards the Relationship between Municipal Law and International Law
   4) Indian Practice and role of Indian Judiciary

4. Subjects of International Law:
   1) States
   2) Non - State Entities
   3) Individuals.

5. State :
   1) Nature and Functions of State under International Law
   2) Different kinds of states and Non – State Entities
   3) Associations or groups of States
   4) State territory, acquisition & loss of territory
   5) State jurisdiction , Territorial and Extra-territorial jurisdiction, Criminal jurisdiction and Universal jurisdiction in International Law

6. Recognition:
   1) Recognition of State and Government in General
   2) Recognition De jure and De Facto
   3) Legal effects of Recognition
7. State Responsibility:
   1) Nature and Kind of State Responsibility
   2) Responsibility for breach of treaty, contractual obligation and expropriation of foreign property
   3) Responsibility for International delinquencies
   4) Claims

8. State Succession:
   1) Definition of state succession
   2) Kinds and Theories of State Succession
   3) Rights and obligations arising out of State Succession

Books Suggested for Reading:

   1) O. Connel, D. P. – International Law Vol. I & II.
   3) Roselyn Higgins – The Development of International Law through the Political Organs of the UN (1963).
   4) D. J. Harris – Cases and Materials on International Law (Third Ed. 1983).
   6) George Schwarzenberger – International Law.
   8) Rebecca M, Wallace: International Law.
   9) Melcolm N. Shaw: International Law.
   11) Shabled Rosemat – Developments in the law of Treaties.
OPTIONAL CORE COURSE (OCC –A 02)

Law of International Organizations

1. Evolution and growth of International Organisations

2. Nature and Scope of International Organization:
   1) Nature and Legal personality: Public & Private
   2) Types of International Organisations: Private International Organisations
      (NGOs)

3. Universal International Organisation:
   1) League of Nations
   2) United Nations:
      i) Principles and Purposes of United Nations
      ii) Structure Composition and functions of organs of United Nations
      iii) Law making process in the United Nations Resolutions
      iv) UN Peace Keeping Function
      v) Need for structural changes in United Nations Organisation

4. Executive Powers and Functions of the Secretary General of the UN

5. Specialised Agencies of the United Nations and their functions

6. Regional International Organisations:
   Council of Europe, OAS., OAU., NATO., SAARC., Arab League

7. Judicial Institutions:
   1) Historical Evolution
   2) Permanent Court of Arbitration
   3) Permanent Court of International Justice
   4) International Court of Justice – Composition, jurisdiction and functions

8. India and the United Nations
Books Suggested for Reading.

6) Buth Russell – A History of UN Charter.
N.B. Students are expected to be familiar with relevant provisions of other constitutions of the World - USA, UK, Canada and Australia.

1. Constitutionalism:

   1) Meaning and nature of the concept of Constitutionalism - Historical Background of the concept- Liberal View, and Constitutionalism in Developing Societies.
   2) What is Constitution? Meaning, Nature and Importance of Constitution ; Sources of strain in the Modern Constitutional Practice.
   3) Locus of sovereignty and globle concept of justice
      a. emergence of supra national institutions for the protection and enforcement of rights
      b. concept of globle justice debate
   4) Definition of 'State' with Reference to Public Undertakings and Control Mechanism

3. Parliamentary Form of Government :
   1) Choice of West Minister Model - Presidential Vs. Parliamentary form of Government.
   2) President of India and his constitutional status.
   3) The Cabinet and the Doctrine of collective responsibility.
   4) Governor and his role in Indian Federalism.
   5) Party system and Anti-Defection Law.
   6) Parliamentary Privileges.

4. Judicial Review :
   1) Meaning, Basis and Constitutional significance.
   2) American Supreme Court on Judicial Review-Marbury V. Madison.
   3) Limits of Judicial review - Justiciability, Doctrine of Ripeness and Mootness.
5. Pluralism:
   1) Meaning, Nature and Characteristics of pluralistic society and Right to Self - Determination
   2) Religious, Ethnic, linguistic, cultural and political pluralism.
   3) Right to dissent in plural society.
   4) Role of Law in Pluralistic society.

5. Amendment
   1) Amendment of the Constitution and Basic Structure Doctrine.
   2) Effects of unconstitutionality and Doctrine of Prospective Overruling.
   3) 44th Amendment and Art.300- A of the Constitution of India.

   1) Superintendence, direction and control of elections (Art. 324)
   2) Electoral roll - Adult suffrage.
   3) Power of the Parliament /Power of the legislature of a state to make provision with respect to election.
   4) Bar to interference by Court in Electoral matters.

Books Suggested for Reading:

1) Jain, Kashyap and Srinivasan (Ed.) - The Cases and Materials on the Union and State Relations.
2) M.P. Jain - Indian Constitutional Law.
3) D.D. Basu - Comparative Constitutional Law.
4) D.D. Basu- Legal Control of limited Government ( Tagore Lectures).
6) K.C. Wheare - Federal Government (1963)
7) Granville Austin - the Indian Constitution; Cornerstone of a Nation (Oxford University 1972)
8) Justice E.S. Venkataramaiah and P.N. Bakshi- Indian Federalism - A Comparative Study (1992)
OPTIONAL CORE COURSE (OCC-B 02)

FEDERALISM AND UNION - STATE RELATIONS

N.B. : Students are expected to be familiar with relevant provisions of the Constitution of the world - USA, Australia and Canada.

2. Indian Federalism :
   1) Essential features and requisites of federal government-Differences between Confederation and federation.
   2) Pattern of Federal Government - USA, Australia, Canada, India.
   3) Historical background of the federal structure of Government in India.
   4) Why Federal government was chosen by the Constituent Assembly?
   5) Recent trend from competitive to Co-operative Federalism - from two - to three-tier government, from National to World Federalism.
   6) Decentralisation of power and federal structure.
   7) role of supreme court as a impartial umpire
   8) Jurisdiction of the Supreme Court to adjudicate the disputes between Centre and States and States inter se (Art.131).

1. Scheme of Distribution of Legislative and Administrative Powers:
   1) General Scheme of Distribution of Legislative Powers and Art. 245 to 254.
   2) Factors responsible for according paramountcy to the Centre.
   3) Administrative Relations Art. 256-263.

2. Distribution of Fiscal Powers :
   1) Scheme of allocation of Taxing Powers.
   2) Extent of Union Power of Taxation.
   3) Residuary Power.

   Restrictions on Fiscal Powers :
   1) Fundamental Rights.
   2) Restrictions on the State's Power.
   3) Inter- Governmental Tax Immunities - Doctrine- its origin and application in USA, Canada, Australia and India.

3. Distribution of Tax, Revenue and Financial Equilibrium:
   1) Tax- Sharing under the Constitution.
   2) Grants - in - aid. (Art. 275) and Specific Purpose Grants (282).
   2) Planning Commission/ Niti aayoga and its Role.
   3) Formulation and Implementation of the Plan - the Role of Centre and the States - coordination between Planning Commission and Finance Commission.

5. Freedom of Trade and Commerce : Art. 301-307:
   1) Freedom of Trade and Commerce.
   2) Limitations on the Powers of the Union and States with respect to freedom of Trade and Commerce.

6. Co-operative Federalism:
   1) Development from Competitive to Co-operative Federalism - Emerging Trends.
   2) Full Faith and Credit Clause.
   3) Inter-State Council.
   4) Zonal Councils.
   5) Inter-State Water Disputes.
   6) National Integration Council.

Books

Suggested for Reading:

2) D.T. Lakadawala _ Union State Financial Relations (1967).
6) Chandrapal, Centre - State Relations and Co-operative Federalism, Chap. 5 & 8 (1983)
GROUP – C

INTELLECTUAL PROPERTY LAWS

OPTIONAL CORE COURSE (OCC – C 01)

Concepts and Theories related to Intellectual Property Rights (Credits 4)

Unit I: Introduction
   a. Origin and Historical Background of IPR
   b. Meaning and Definition of IPR
   c. Significance and Characteristics of IPR

Unit II: Theories of Intellectual Property Rights: International Perspective
   a. Locke’s Theory on IPR.
   b. Hegel’s Theory on IPR.
   c. Marxian Theory on IPR.

Unit III: Concepts related to IPR
   b. Patents – Meaning, Nature, Scope and Definition
   c. Trademarks – Meaning, Nature, Scope and Definition
   d. Trade Secrets – Meaning, Nature, Scope and Definition
   e. Trade Designs – Meaning, Nature, Scope and Definition
   f. Geographical Indications – Meaning, Nature, Scope and Definition

Unit IV: Development of IPR:
   a. International Law and Intellectual Property Rights - Significance of Legal Protection
   b. Historical Perspective of IPR in India
   c. Ethical, moral and human rights perspectives of IPR: An overview
Suggestive Readings:

OPTIONAL CORE COURSE (OCC –C 02)

LAW OF COPYRIGHT (Credits 4)

Unit I: Foundation of Copyright
1. Historical background and Development of Copyright Law.
2. Idea/Expression Dichotomy.
3. Terms of Copyright.
4. Subject matter of Copyright.
5. Copyright in Literary, Dramatic and Musical Works, Sound Recording, Cinematograph Films, Copyright in Computer Programme, Author Special Rights.

Unit II: Registration and Rights
1. Copyright Registration and Registrar.
2. Copyright Board - Power and Procedure.
3. Copyright Societies.
4. Ownership of Copyright and the Rights of the Owner.

Unit III: Assignments and License
1. Assignment.
2. License, Translation of Copyright, Compulsory Licenses.

Unit IV: Infringement, Offences and Remedies
1. Infringement - Criteria of Infringement, Infringement of Copyright-Films, Literary and Dramatic works, Importation and Infringement.
2. Fair use provisions.
3. Remedies for infringement of copyright.
4. Offence of infringement of copyright.

Books Suggested for Reading:
GROUP D
BUSINESS LAW
OPTIONAL CORE COURSE (OCC- D 01)
CORPORATE LAW - I

I. Introduction:
   a) Nature, purposes and types of business enterprises.
   b) Economic themes in the development of modern company law.
   c) Classification of companies and theories of corporate personality.
   e) Doctrine of Lifting the Corporate Veil.
   f) Concepts under company law
   d) Administration of Company Law- Authorities, their composition, powers and jurisdiction.

II. Formation of company.
   1) Promotion and pre-incorporation contracts.
      a) Concept of Promotion
      b) Rights and Duties of Promoters
      c) Pre-incorporation contracts.
      a) Formation formalities.
      b) Memorandum of Association.
         i) Meaning, nature and content (Requirements under 
            Old and new company law and other legislations)
         ii) Doctrine of ultra vires - Scope, Effect, Remedies and Reforms of the doctrine.
         iii) Amendment of MOA.
      c) Articles of Association:
         i) Meaning and nature.
         ii) Doctrine of indoor management - Scope, Effect and Exceptions.
         iii) Amendment of AOA.

III Concept of Capital and Financing of Companies:
   c) Kinds of Capital, Alteration, Reduction and Issue of Capital
   d) Share - Definition, Kinds, Classes of Shares, Allotment, Transfer,
      Transmission of Shares and Buy back of Shares.
   e) Debenture - Definition, Kinds and Rights of Debenture Holders,
      Charges, New Developments in Corporate Debt Financing.
   f) Inter-corporate Loans and Investments.
Bibliography

b) Iyengar, T.R. Srinivasa : Company Promotion, Management & Incorporation, 2nd Edn. The Law Book co (P) Ltd.
h) Altman and subrahmanyan - Recent Advances in corporate Finance(1985) LBC.
i) Y.D. Kulshreshta, Government Regulation of Financial Management of private Corporate sector in India (1986)

Journals - Journal of Indian Law Institute, Corporate Law Cases, Chartered Secretary, Law and Contemporary Problems.
Statutory Materials - Companies Act
OPTIONAL CORE COURSE (OCC- D 02)
COMPANY AND SECURITIES LAWS.

I. Management of Company.
1) Concept of corporate Governance
b) Managing Director
c) Manager and sole selling agents.
d) Meetings of company
e) Supremacy of majority and protection of minority: exceptions to Rule in Foss V. Harbottle.
f) Oppression and Mismanagement: Meaning of and Relief against Oppression and Mismanagement.
g) Corporate Civil and Criminal Liability.

II. Regulation of companies by disclosure of information.
a) Themes underlying disclosure of information.
b) Auditors - Appointment, Qualification, Disqualification and Removal.
c) Audit committee.
d) Investigation of affairs of companies - inspectors and their Powers, inspectors’ report.

III. Amalgamation, take over and mergers

IV. Corporate collapse - Winding up of company
a) Meaning and kinds of
b) Grounds for compulsory winding up
c) Appointment, Powers and Duties of Liquidator.
d) Contributory.

VI. Securities Laws in India.
a) Security Contract (Regulation) Act. Control of capital market - listing of Securities etc.
b) National Stock Exchange /Recognized stock Exchange / OTC. Exchange
c) Contracts and options in securities, Derives, listing of securities
d) SEBI ACT and guidelines.
e) Depositories Act - Demiting of Shares etc.
f) Sources of capital raising in company:
   a. Venture Capital, Institutional Financing
   b. IDR, ADR, GDR
   c. Public Financing Institutions
   d. Mutual Fund and Other Collective Investment Schemes
   e. Institutional Investments- LIC, UTI, banks
   f. FDI, NRI investments
Bibliography

b) Boyle and Birds- Company Law
e) Thayil Philip and lyengar, T.R. Srinivasa - companies Director (their Rights, Duties, Power, obligalions, Appoint ments, Classifications, Removal, Resignation etc. ) 2nd Edn - Law Book Co:(p) ltd.
g) Dr. K.R. Chandatre, Bipin S. Acharya, Dr. S.D. Israni , K. Sethuraman: compendium on SEBI- Capital Issues and listing - 3rd Edn. 1996 Bharat law House publication.
h) Bharats Manual of SEBI, 2000, Bharat Law Journals :- Same as under Paper IV.
Environmentalism and Indian Society

Chap 1. Concept of "Environment"
1. Definition, Meaning and Scope of the term 'Environment' and 'Pollution'.
2. Meaning of the term 'Population', 'Biome', 'Biosphere'
3. Meaning of the term 'Ecosystem: Macro-Ecosystem and Micro-....Ecosystem',
4. Natural and Biological Sciences Interactions: Biogeochemical Cycles
5. Ecological Efficiencies and Eltonian Pyramid

Chap.2 Relationship between Population, Environment and Development
1. Population –Vs- Development
2. Development –Vs- Environment
3. Concept of 'Common Property' and 'State Property'
4. Notion of Doctrine of Public Trust

Chap. 3 Environment and Indian Cultural Tradition
1. Ancient Beliefs
2. Medieval Writings

Chap. 4.Early Legislations dealing with Environment before 1947
(Relevant Sections only)
a) Shore Nuisance (Bombay and Colaba) Act, 1853
b) Indian Penal Code, 1860
c) The Police Act, 1861
d) The Sarais Act, 1867
e) Northern India Canal and Drainage Act, 1873
f) Obstruction in Fairways Act, 1881
g) Easement Act, 1882
h) Orient Gas Company Act, 1887
i) The Indian Fisheries Act, 1897
j) Indian Ports Act, 1908
k) Forest Act, 1927
l) Motor Vehicles Act, 1958
m) Merchant Shipping Act, 1958
OPTIONAL CORE COURSE (OCC-E 02)

Human Impact on Environment and Problems in India

Chap 1. Pollution of Water
1. Definition and Utilization of Water
2. Sources of Water Pollution
3. Surface and Ground Water Pollution
4. Biological, Chemical and Physical Parameters of Water
5. Water Purification and Pollution Prevention Strategies

Chap 2. Pollution of Air
1. Definition and Structure of Atmosphere
2. Sources of Air Pollution
3. Types of Air Pollutants: Primary and Secondary Pollutants
4. Air Pollutants and its Measurement and Standards
5. Effect of Air Pollutant on Health, Vegetation and Material
6. Air Purification and Pollution Prevention Strategies

Chap 3. Pollution of Noise
1. Definition, Meaning and Scope
2. Causes of Noise Pollution
3. Sources of Noise Pollution
4. Effect of Noise Pollution
5. Noise Pollution Prevention Strategies
6. Noise Pollution (Regulation and Control) Rules, 2000

Chap 4. Solid Waste and Its Management
1. Solid Waste: Definition and its Characteristics
2. Classification of Solid Waste
3. Sources of Solid Waste
4. Effect of Solid Waste on Health, Vegetation and Material
5. Solid Waste Pollution Prevention and Disposal Strategies
6. General Discussion: Land Pollution

Chap 5. Hazardous Waste and Its Management
1. Hazardous Waste: Definition and its Characteristics
2. Classification of Hazardous Waste
3. Effect of Hazardous Waste on Health, Vegetation and Material
4. Hazardous Waste Pollution Prevention and Disposal Strategies
GROUP - F

LABOUR, CAPITAL AND LAW

OPTIONAL CORE COURSE (OCC-F 01)

LAW RELATING TO INDUSTRIAL ADJUDICATION--I

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<td>Art. 300A and Art. 323A and B.</td>
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<td>Constitution framework for industrial policy and</td>
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| Unit II | History of Industrial Adjudication from 1819 onwards |

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| Unit IV | |
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| 1.       | Labour courts                             |
| 2.       | Industrial Courts                         |
| 3.       | National Tribunal                          |

| Unit V  | |
|---------||
| 1.       | Reference of Disputes to Boards Courts and |
|          | Tribunals                                 |
| 2.       | Notice of change                          |
| 3.       | Condition of service etc. to remain        |
|          | unchanged under certain circumstances     |
|          | during pendency of proceedings.            |

| Unit VI | The industrial employment (Standing Orders) Act 1946. |
Books Suggested for Reading:

1. ILI-Labour Law and Labour Relations.
## OPTIONAL CORE COURSE (OCC- F 02)

### Law Relating to Industrial Adjudication – II

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<td>3. Persons on whom settlements and awards are binding</td>
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<td>3. Punishment for illegal strikes.</td>
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<td>2. Layoff</td>
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<tr>
<td>i. Prohibition of unfair labour practices</td>
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<td>ii. Penalties for committing unfair labour practices.</td>
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<td>b. Penalties</td>
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<td>i. Penalties for illegal strikes and lockouts</td>
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<td>ii. Penalty for instigation</td>
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<td>iii. Penalty for giving financial aid to illegal strikes and lockouts</td>
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</tbody>
</table>
Books Suggested For Reading:
1. ILI-Labour Law and Labour Relations.
2. O.P.Malhotra-Law of Industrial Disputes, Vol-1 & 2
CRIMINAL LAW (GROUP G)

OPTIONAL CORE COURSE (OCC- G 01)

PRINCIPLES OF CRIMINAL LAW

1. Historical Development
   1.1 criminal Jurisprudence in Primitive Ages
   1.2 Criminal Law of the Hindu System
   1.3 Mohammadan Criminal Law
   1.4 Development of Criminal Law in India under the British Rule

2. Nature and Concept of Crime
   2.1 Definition of Crime
   2.2 Are Crimes and Torts Complementary
   2.3 Criminal Law and Morality
   2.4 Extend and Operation of IPC

3. Fundamental Elements of Crime
   3.1 Elements of Crime
   3.2 Mental Element in Crime
   3.3 Modern Trends of Mens Rea
   3.4 Mens Rea under the Penal Code

4. Stages in Commission of a Crime
   4.1 Intention or Contemplation
   4.2 Preparation
   4.3 Attempt
   4.4 Attempt and preparation distinguished
   4.5 Accomplishment

5. Group Liability and Criminal Liability
   5.1 Common Intention
   5.2 Common Object
   5.3 Vicarious Liability
   5.4 Strict Liability
   5.5 Criminal Liability of Corporation
6. Abetment and Criminal Conspiracy

6.1 Abetment by instigation
6.2 Abetment by conspiracy
6.3 Abetment by intentional aiding
6.4 Abetment in General
6.5 Punishment for Abetment
6.6 Criminal Conspiracy
6.7 Punishment for Criminal Conspiracy
6.8 Proof of Conspiracy

7. General Exceptions

7.1 Excusable Defence
7.2 Justifiable Defence

SUGGESTED READINGS:-

2. Bentham : Principles of Penal Law
4. Friedmann : Law in the Changing Society
8. Smith and Hogan, Criminal Law, Oxford, 13th
17. Siddique, Ahmad : Criminology, 4th Edn., 1997
OPTIONAL CORE COURSE (OCC-G 02)
PENOLOGY: TREATMENT OF OFFENDERS

1. INTRODUCTORY
1.1 Definition of Penology
1.2 Modern or New penology

2. THEORIES OF PUNISHMENT
2.1 Theory of Retribution
2.2 Deterrent Theory
2.3 Reformative Theory
2.4 Efficacy of Punishment

3. Forms of Punishment and Sentencing
3.1 Principal types of sentences in the Penal Code
3.2 Sentencing in white collar crime
3.3 Sentencing for habitual offender
3.7 Constitutionality of Capital Punishment
3.8 Judicial Attitudes towards Capital Punishment in India

4. The Prison Administration
4.1 Classification of Prisoners
4.2 Rights of Prisoners and Duties of Custodial Staff
4.3 Open Prison
4.4 The Problem of Undertrial Prisoners
4.5 Prison Reforms

5. Parole
5.1 The Concept and Definition of Parole
5.2 The object of Parole
5.3 Judicial Trend in India
5.4 Essentials of an Ideal Parole System

6. Probation of Offenders
6.1 Concept and Definition of Probation
6.2 The Probation of Offenders Act, 1958
6.3 Scope of Probation under section 360 of Cr.P.C.
6.4 Judicial Trend.

Suggested Readings:-

3. Herbert L, Packer, The Limits of Criminal Sanction (1968), Indiana University, Maurer School of Law;
4. A.Siddique, Criminology (1984), Eastern Book Company, Lucknow,
6. Tapas Kumar Banerjee, Background to Indian Criminal Law (1990), R.Campray & Co., Calcutta;
7. Prof. n.V.Paranjape, Criminology and Penology with Victimology, Central Law Publications;
8. Arie Freiberg (Ed.), Penal Populism, Sentencing Councils and Sentencing Policy, (2007);
SECOND SEMESTER

COMPULSORY COURSE :- (CC – 03)

JURISPRUDENCE AND LEGAL THEORY

1. Law and Justice:
   a) Scope of Jurisprudence: The concept of Law.
   b) The Relation of Justice to Law and Ethics, Ethical and Legal Theory
   c) Law and Morals - Mills, Hart Devlin Debate.

2. Natural Law Theories:
   a) Historical Development in Ancient, Medieval and Renaissance Period
   b) Twentieth Century Natural Law Revival.
   c) Hart on Natural Law.
   d) Fuller and Morality of Law.
   e) Finnis and Restatement of Natural Law

3. Positivism and Analytical Theories of Law:
   a) Jeremy Bentham’s Utilitarianism and Analytical Positivism.
   b) Austin’s Theory of Law
   d) Positivism-Meaning by Prof. Hart and Dworkin.
   e) Analytical Positivism and the Indian Legal System.

4. Sociological Jurisprudence:
   a) Roscoe Pound’s Theory of Social Engineering and Theory of Interest.
      Laswell and Mcdaugal, Parsons, Selznick.
   b) Jhering, Max Weber, Durkheim, Ehrlich.
   c) Unger and the Development of Modern Law.

5. Historical and Anthropological Theories:
   a) The German Historical School-Savigny and Volkgeist.
   b) The English Historical School - Sir Henry Maine.

6. Concept of Rights:
   a) Classification and Categorisation of Rights, Constitutional Rights,
      Unenumerated Rights Co-Relation of Rights with Duties, Hohfeld’s Analysis.
   b) Human Rights: Generation of Rights, French Revolution and Declaration of
      the Rights of Man, Debate on British Bill of Rights, American bill of Right,
      Declaration of Human Rights,
7. The Judicial Process and Theories of Adjudication:
   a) The nature of judicial process and the institution of adjudication.
   b) Doctrine of Precedent-Stare Decisis, Ratio Decidendi and Obiter
      Dicta- Precedent as a Source of Law.
   c) Nature of Contemporary Judicial Process- Rule of Law, Doctrine of
      Independence of Judiciary as an aspect of Separation of Powers.

8. Legal Concepts:
   a) Concept of Liability, moral, political and legal – Theories of
      liability Fault Liability, No-Fault Liability and Ttrict Liability.
   b) Concept of Property – Ownership and Possession.
   c) Corporate Personality / Legal Person.

9. Feminist Jurisprudence:
   a) Origin – Main Enquires Equality and Defference, Feminist Legal Method

Book Suggested for Reading:

3) Holand Sir R.W.M. - Thomas Erskine Holland The Elements of Jurisprudence
4) Freeman M.D.A. Lloyd’s, Introduction to Swet and Maxwell Jurisprudence
   (7th Edition).
   Publishers
7) Rajeev Dhawan and Alice Jocab, Selection and Appointment of Superme Court
   Judges – a Case Study (1978
8) Bodenheimer, Edgar Jurisprudence The Philosophy and Method of the Law,
COMPULSORY COURSE   :-  (CC- 04)

Legal Education and Research Methodology - I

1. Basic Concepts:
   1) Meaning and characteristics of research.
   2) Meaning and characteristic of legal research.
   3) Law and social science.

2. Legal Research:
   1) Legal Impact Analysis.
   2) Doctrinal and Non-doctrinal research.
   3) Qualitative and Quantitative Research

3. Developing Research Design:
   1) The nature and type of legal research:
      i) Exploratory/ Formulative
      ii) Explanatory
      iii) Descriptive
      iv) Historical
      v) Experimental
      vi) Diagnostic
      vii) Analytical
   2) Deriving objectives of legal research.
   3) Major concepts and variables of the study.
   4) Developing hypotheses and research questions.
4. The Nature of Data in Legal Research:
   1) The universe of the study.
   2) The sampling design.
      i) The adequacy of the sample size.
      ii) Representatives of the sample.
   3) Source of data, primary and secondary.

5. Data Collection and Data Processing in Legal Research:
   1) The Research Tools:
      i) Interview schedule
      ii) Questionnaire
      iii) Observational schedule
   2) The methods of data collection
      i) Interviewing
      ii) Entering the data on the questionnaire
      iii) Observation
   3) Editing, coding, preparation of master chart and tabulation.

6. Report writing in Legal Research:
   1) The form, the content and style of the report.
   2) Analysis of the report.
   3) Interpretation of data.
   4) Chapterization.

7. Legal Education:
   1) Objectives of Legal Education
   2) Method of Teaching
      i) Lecture method - merits and demerits.
      ii) The Problem method
iii) Discussion method and its suitability at postgraduate level teaching

3) The Seminar Method of teaching

4) Clinical Legal Education, legal aid & legal literacy.

6) Finding the Law:
   i) Citation: what is a citation, case citation
   ii) Law Report
   iii) Computer information system: Software Packages, practical exercises

Books Suggested for Reading:

7) S.K. Agrawal (edn), Legal Education in India (1973). Tripathi, Bombay.
INTERNATIONAL LAW (GROUP A)

OPTIONAL CORE COURSE (OCC-A 03)

International Humanitarian Law & Refugee Law

Part – A
International Humanitarian Law

I. Historical Development of IHL:
   1. History and Evolution.
   2. The Origin and Growth of IHL.
   3. Definition of IHL.
   4. Character of IHL.

II. Sources of IHL: The Four Geneva Conventions of 1949
   1. Geneva Convention I.
   2. Geneva Convention II.
   3. Geneva Convention III.
   4. Geneva Convention IV.
   5. 1977 Additional Protocols.

III. International Humanitarian Law and Human Rights.

IV. International Committee of Red Cross:
   1. Growth and Development of ICRC.

V. International Measures for Implementation of IHL:
   1. Serious Breaches of IHL.
   2. International Criminal Court.
   3. War Crimes Trials.
PART – B
International Refugee Law

I. Historical Development of Refugee Law:
   1. Definition of Refugee.
   2. Right to Seek Asylum.
   4. Rights and responsibilities of Refugees.

II. International Instruments and Regional Mechanism:
   1. Statute of the UNHCR.
   2. 1951 Convention Relating to the Status of Refugees.
   4. OAU Convention.
   5. Cartegena Declaration.

III. Link between Human Rights Instruments and Rights of Refugees:
   1. Rights of Women Refugees.
   2. Rights of Refugee Children.

IV. International Strategies for Refugee Protection:
   1. Early Warning.
   2. Burden Sharing.
   5. Temporary Asylum.
   6. Refugees “surplice”.

V. Internally Displaced Persons

VI. Protection of Refugees in India:
   1. Protection without Legislation.
   2. Indian Critique of UNHCR and the Refugee Convention.
   3. Status of Refugees in India under UNHCR.

Books Suggested for Reading:
1. Balchandran – Varghese – Introduction to IHL.
5. Indian Society of International Law- Yearbook on IHL and Refugee Law.
OPTIONAL CORE COURSE  (OCC- A 04)

International Criminal Law

I. Introduction:
   1. Definition and Meaning of International Criminal Law.
   2. Historical Development of the Concept of International Criminal Law.

II. Fundamentals of International Criminal Law:
   1. Notion of International Crimes.
   2. Individual Criminal Responsibility and Sources of International Criminal Law.

III. Enforcement of International Criminal Law:
   1. Nuremberg and Tokyo Trials.

IV. ICC:
   1. Evolution of International Criminal Court.
   4. Indian Perspective on ICC.

V. War Crimes:
   1. Nature of War Crimes, Link between the Offence and Armed conflict.
   2. War Crimes in Internal Armed Conflicts.

VI. Crimes against Humanity:
   1. Evolutionary Growth of the Concept of Crimes against Humanity.
   2. Constitutive Elements of the Crime against Humanity.

VII. Genocide:
   1. Notion of Genocide.
   2. The 1948 Convention on Genocide.

VIII. Crime against Peace/ Crime of Aggression:
   1. Evolution of the Concept of Crime against Peace.
IX. Other International Crimes:
   1. Meaning of the Concept of Other International Crimes such as Torture,
      Transnational Organised Crimes and Terrorism.
   2. Status of other International Crimes in the changing scenario and State
      Responsibility towards them.

X. Modes of Criminal Liability:
   1. Different Modes of Criminal Liability.
   2. Defences available against such criminal responsibility.

XI. Jurisdiction:
   1. Universal Jurisdiction.
   2. International Jurisdiction.

XII. State Co-operation, Enforcement of Sentences:
   1. Role of State Co-operation in enforcement of International Criminal Law.

Books Suggested for Reading:
GROUP B – CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW

OPTIONAL CORE COURSE :- (OCC- B 03)

NATIONAL SECURITY AND RULE OF LAW

N.B. : Students are expected to be familiar with relevant provisions of the Constitution of the world - USA, Australia and Canada.

   1) Concept and horizon of Rule of Law.
   2) National Emergency and its impact on federal structure of India.
   3) Failure of Constitutional Machinery under Art. 356.
   4) Scope of Art. 355.

2. Exceptional Legislation.
   1. unlawful activities prevention act 1967
   2. Salient feature, compositions, powers and functions of authorities
   3. Offences and penalties and appeals.
   4. concept of terrorism and problems of definitions.
   5. UN efforts to combat terrorism
   6. Marshal law, provisions in Briton and indian constitution

3. Civil Liberties and Emergency :
   1) Preventive Detention and Safeguards
   2) Suspension of fundamental Article 19 on declaration of emergency
   3) President's Right to suspend right to move any court
   4) Article 21- special importance - its non-suspendability.

Books Suggested for Reading:

1) M.P.Jain - Indian Constitutional Law.
2) D.D. Basu - Comparative Constitutional Law.
5) Dr. M.C. Mehanathan, Law of Control on Narcotic Drugs and Psychotropic Substances in India
OPTIONAL CORE COURSE  :-  (OCC- B 04)
ADMINISTRATIVE PROCESS

N.B. Students are expected to be familiar with relevant principles of Administrative Law of -
UK, USA and France.

1. Nature, Scope and Necessity of Administrative Law :
   1) Nature, scope and approaches to the Administrative Law.
   2) Power, Accountability and Law.
   3) Emerging Trends - Positive Duties of Administration under the Modern

2. Rule of Law :
   1) Rule of law in England as propounded by Dicey.
   2) Rule of law in Modern Context.
   3) Notion of Rule of law under the Indian Constitution.

3. Separation of Powers :
   1) Doctrine of Separation of Powers as propounded by Montesque .
   2 ) Separation of Powers under the US Constitution.
   3) Spirit and basic purpose of Separation of Powers-Modern Context-
      Separation of powers under the Indian Constitution.

4. Classification of Powers and Functions of Administration :
   1) Administrative, Executive, Legislative, Quasi - Judicial Powers.
   2) Distinction between Administrative and Judicial and Quasi-Judicial
      Powers.
   3) Kraipak's Decision and obliteration of distinction.
   4) Administrative Instructions.

5. Legislative Powers of Administration :
   1) Meaning of Legislative Powers and Function.
   2) Essential Legislative Function.
   4) Constitutionality of Delegated Legislation.
   5) Excessive Delegation of Legislative Power.
   6) Legislative Control of Delegated Legislation.
   7) Judicial Control of Delegated Legislation- Doctrine of Ultra Vires -
      Substantive and procedural aspects.
   8) Sub- delegation.

6. Administrative Directions :
   1) Meaning, nature and Identification of Directions.
   2) Distinction between Direction and Rules.
   3) Need for Directions.
   4) Enforceability of Directions.
5) Directions to Quasi-Judicial and Statutory Bodies.

7. Administrative Discretion:
   1) Nature of Executive power under the Constitution.
   2) Formulation and Execution of Policy without law.
   4) Conferment of Administrative Powers by Law.

Books Suggested for Reading:

4) H.W.R. Wade - Administrative Law.
INTELLECTUAL PROPERTY LAW

OPTIONAL CORE COURSE    (OCC –C  03)

LAW OF PATENTS (Credits 4)

Unit I: Understanding Patents
1. History of Patent Protection
2. Rationale behind Patent System
3. Kinds of Patents, Subject matter of Patentability
4. Product and process patent
5. Method and procedure of acquiring patent

Unit II: Enforcement of Patents
1. Term of Patent
2. Compulsory Licensing, rights of License holder
3. Rights and Obligations of the patentee

Unit III: Exploitation of Patentee
1. Infringement of Patents
2. Literal Infringement
3. Remedies for Infringement of Patents
4. Doctrine of Equivalents
5. Defences to Infringement

Unit IV: General Provisions
1. Revocation of Patents
2. Patent Search
3. Patent claims

Books Suggested for Reading :
OPTIONAL CORE COURSE  (OCC –C 04)

LAW ON TRADEMARK, TRADE DESIGNS AND GEOGRAPHICAL INDICATIONS
(Credit 4)

Unit I: Law of Trade And Merchandise Marks (Trade Marks Act, 2000)
1. Development of trade mark Law in India
2. Registration of Trade Marks : procedure and effect of registration, limitation, Prohibition against registration.
3. Certification of trademarks, foreign trade mark
4. Licensing and Assignment.
5. Goodwill, Passing off and infringement, rights of owner, rights of licensee,
6. remedies for infringement of trade mark

Unit II: Law Of Trade Designs (The Designs Act, 2000) :
1. Definitions, basic concepts, functional designs, inventor of designs and the rights.
2. Registration: procedure and benefits, registration authorities, their powers and functions.
3. Design Copyright, term of design, compulsory license, and right of licensee, assignment.
4. Protection of Design : infringement of design,
5. Remedies against infringement of Trade Designs.

Unit III: THE GEOGRAPHICAL INDICATIONS OF GOODS (REGISTRATION AND PROTECTION) ACT, 1999
1. Registration and conditions for Registration of Geographical Indication.
2. Procedure for Registration of Geographical Indication.
3. Protection to trademarks and prior users.
4. Appeals for GI
5. Offences, penalties and procedure.

Books Suggested for Reading:
5. Wadhera
GROUP D - BUSINESS

OPTIONAL CORE COURSE (OCC- D 03)

ECONOMIC LEGISLATION

Unit I: Contract Law
- Law of Contract - General Principles of Contract
- Relevant Provision under Indian Contract Act.
- Government Contracts - Meaning, Nature, and special
- Problems relating to Govt. Contract.
- Rules and regulations of e-contract.

Unit II: Consumer Protection Act 1986
- Consumer dispute redressal agencies
- Concept of unfair and restrictive trade practice.
- Consumerism and impact of LPG on Indian consumer services.
- Constitutional aspect of consumerism.

Unit III: Indian Sale of Goods Act

Unit IV: Indian Partnership Act.

Unit V: Negotiable Instrument Act.

Bibliography:
c) P.S. Atiya, Introduction to the Law of Contract, 1992 Reprint (Claredon Law series)
h) B.P. Saraf and M. Jhunjhunwala, law of Arbitration and Conciliation (2000), Snow White, Mumbai.
OPTIONAL CORE COURSE (OCC- D 04)

LEGAL REGULATION OF ECONOMIC ENTERPRISES.

1 Rationale of Government Regulation of Economic Activities by Government
   i) Constitutional Perspective.
   ii) Historical Background and Contemporary Issues.
   iii) Judicial Review of Economic Regulation.

2 Economic Policy Resolutions;
   i) Industrial Policies -old and new.
      a) Its legal framework.
      b) Public Sector, Private Sector, Joint Sector
      c) Globalisation, Liberalisation: Meaning, dimensions, implications and impact of globalization.
   ii) Price Policy Resolutions,
   iii) Foreign Trade Policy Resolutions.
   iv) Disinvestment and Legal Issues.

3 Development, Regulation and Control of Industrial and Trading Activities;
   i) Industries (Development and Regulation) Act.
   ii) Competition and Fairness in Competition; Competition Act. And its Philosophical basis.
   iii) Foreign Trade Development and Regulation Act.

4 Control and Regulation of Capital and Finance;
   i) Foreign Exchange Management Act including FDI and FII regulations.
   iii) COFEPOSA.

5 Selected Regulatory Authorities and their Composition Role, Power, Functions, etc.
   i) Telecom Regulatory Authority,
   ii) Broadcasting Regulatory Authority,
   iii) Electricity Regulatory Authority.
   iv) Insurance Regulatory Authority.

Books Suggested for Reading:

5. Taxmann’s FEMA Manual.
11. Rudra Dutt, Himalaya Publication.

Journals:
1. Annual Survey of Indian Law, Published by Indian Law Institute New Delhi.
2. Corporate Law Cases.

Statutory Material:
2. Industries Development and Regulation Act, 1951.

Theory: 80.
Internal Assessment: 20.
ENVIROMENTAL AND LEGAL ORDER

OPTIONAL CORE COURSE (OCC-E 03)

Environment: Laws, Policies and Structures

Chap 1. Environmental Legislation

1. The Air (Prevention and Control of Pollution) Act of 1981
   a) Framework of the Act
   b) Scope of the Act
   c) Machinery, Powers, Functions, Offences and Penalties under Air (Prevention and Control of Pollution) Act, 1981

2. The Water (Prevention and Control of Pollution) Act of 1974
   a) Framework of the Act
   b) Scope of the Act
   c) Machinery, Powers, Functions, Offences and Penalties under Water (Prevention and Control of Pollution) Act, 1974

3. The Forest (Conservation) Act of 1980
   a) Framework and scope of the Act

4. The Wild Life (Protection) Act, 1972
   a) Framework and scope of the Act

5. The Environment (Protection) Act of 1986
   a) Framework of the Act
   b) Scope of the Act
   c) Importance of Section 3 and 5 of the EPA
   d) Violations and Penalties under the Act

Chap 2. Constitutional Mandates and Environment

1. Fundamental Rights and Environment
   a) Right to Equality ............Article 14
   b) Right to Information ......Article 19
   c) Right to Life .................Article 21
   d) Freedom of Trade vis-à-vis Environment Protection

2. The Forty-Second Amendment Act

3. Directive Principles of State Policy

4. Fundamental Duties

5. The Writ Jurisdiction
   a) Public Interest Litigation: Preview
   b) Locus Standi: Scope and Restriction
Chap 3. Other Remedies and Legislations

1. Criminal Procedure Code 1973
2. Code of Civil Procedure 1908
3. Indian Penal Code 1860
4. Law of Torts : Vicarious Liability
5. Human Rights and Environment
7. Green Courts
9. Legislations under Local Municipal Laws

Chap 4. Role of Government and Legislative Policies

1. National Environmental Policy
2. National Forest Policy
4. Five Years Plans
5. Role of Ministry of Environment and Forests.
OPTIONAL CORE COURSE (OCC- E 04)

Paper IV

International Environment Law and Global Issues

Chap 1. International Environmental Campaigns

   a) Framework of the Conference
   b) Aims and Objectives
   c) Concept of Sustainable Development
      1) Polluters Pay's Principle
      2) Precautionary Principle
      3) Concept of Equity
         a) Inter-Generational Equity
         b) Intra-Generational Equity

   a) Framework of the Conference
   b) Aims and Objectives
   c) Earth Charter or Rio Declaration
   d) Agenda 21 : Blue Print for action in 21st Century
   e) Earth Summit Plus Five

3. The Johannesburg Declaration on Sustainable Development, 2002
   a) Framework of the Declaration
   b) Aims and Objectives
   c) From Stockholm to Rio De Janeiro to Johannesburg


Chap 2. Other Major International Environmental Arrangements

1. Kyoto Conference and Pact on Global Warming, 1997, and onwards
2. Noordwijk Declaration on Climate change, 1989
5. Nairobi Declaration, 1982

Chap 3. Environmental Obligations

1. International Financing Policy
   a) Global Environment Facility
   b) World Environment Fund
2. United Nations Organisation and Environment
3. Millennium Development Goals 2000

Chap 4. Global Environmental Issues and their Impacts

1. Global Warming
2. Oil Pollution
3. Ozone Layer Depletion
4. Green House Effect
5. Acid Rain
Chap 5. Costal Zone and Marine Environment

1. CRZ Notifications
2. Classification of Zones
3. Costal Zone Management Plans and Implementation
4. Marine Resources – Conservation and Exploitation
5. Marine Pollutants: Sources and Impacts
### LABOUR LAW - GROUP F
OPTIONAL CORE COURSE (OCC- F 03)

#### Law Relating to Collective Bargaining and Trade Unions

| 1. | Unit I: Freedom of Association  
a. Constitutional and Legal aspects of right to form association and union of India.  
b. International norms: Right to form association of industrial and unorganized Labour |
| 2. | Unit II:  
a. Historical development of Trade Union movement in India  
b. Registration of Trade unions under Trade Union Act 1926  
c. Bombay Industrial Relation Act, 1946  
d. MRTU and PULP Act 1971 |
a. Rights of Trade Union under the Trade Union Act.  
b. Recognition of Trade Union as bargaining agent.  
c. Rights privileges and duties of recognized unions.  
d. Unfair labour practices and victimization. |
| 4. | Unit IV: Concept and process of collective bargaining  
b. Advantages, Disadvantages, comparative appraisal.  
c. Types of bargaining at different levels – plant level, industry level and national level. |
| 5. | Unit V: Factors affecting collective bargaining  
a. Multi Unionism.  
b. Other factors  
c. Conditions for successful functioning of collective bargaining  
d. Constitutional provision towards workers participation in management – State Role. |
| 6. | Unit VI: Trade Union and Collective Bargaining  
a. Need objectives and functions of TU.  
b. Character of present Trade Union.  
c. Role of Trade Unions in the changing atmosphere of Globalization, Privatisation and Liberalisation.  
d. Collective bargaining getting a back seat today – a cause of concern. |

Books Suggested For Reading:
1. ILO-Collective Bargaining.
4. V. P. Arya-Strikes, Lockouts and Gherao.
# LABOUR LAW (GROUP F)
## OPTIONAL CORE COURSE (OCC –F 04)
## LAW RELATING TO WAGES AND MONETARY BENEFITS

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<tr>
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<th>Theories and Facets of Wages</th>
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<tr>
<td>1</td>
<td>Definition of wages</td>
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<td>Theories of wages</td>
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<td>Minimum fair and living wages</td>
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<td>Bonus as deferred wage or share of profit</td>
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<td>Allowances and concessions</td>
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|   | National wage policy, problems and perspective wage board and pay commission. |
|   | Constitutional perspective on wages.   |
|   | Constitutional ideals                  |
|   | Denial of minimum wage as forced labour |
|   | Right to Work.                         |
|   | Equal pay for equal work.              |

|   | Wage Differentials                     |
|   | Private sector and public sector difference in wages |
|   | Factors of differential wages          |
|   | Increase of wages – impact on price    |
|   | Increase in price – impact on wages    |
|   | Impact of tax on wage and price        |
|   | Wages and consumer                     |
|   | Capacity of industry and wage fixation |

|   | Payment of wages under the payment of Wages Act 1936 |
|   | Responsibility for payment of wages          |
|   | Wage periods – time for payment deductions fines |
|   | Claims arising out of deductions and delay of payments |
|   | Procedure for filing and disposal of appeals |
|   | Enforcement machinery under the Act. Their power and functions |

|   | Minimum wages                          |
|   | Power of State Govt. to fix different rates for certain employment. |
|   | Procedure for fixation of wages.        |
|   | Procedure for disposal of claims.       |
|   | Concepts of Dearness allowance and principles for determination of DA. |

|   | Profit sharing and bonus                |
|   | Concept of profit sharing – desirability |
|   | Concept of bonus                        |
|   | Bonus formula and bonus under payment of Bonus Act, 1965 |
|   | Set on and set off                      |
|   | Available and allocable surplus.        |

Books Suggested for Reading:
2. J.C. Sandersara & LL.Deshpande, Wage Policy and Wage Determination in India.
3. R.B.Sethi- Payment of Wages Act and Minimum Wages Act
4. G.L.Kothari-Wages, Dearness Allowance and Bonus.
7. R.D. Agarwal- Dynamics of Labour Relation in India. (1972)
CRIMINAL LAW
OPTIONAL CORE COURSE (OCC- G 03)
COMPARATIVE CRIMINAL PROCEDURE

1. ORGANISATION OF COURTS AND PROSECUTING AGENCIES
   1.1 Hierarchy of criminal courts and their jurisdiction
      1.1.1 Nyaya Panchayats in India
      1.1.1.1 Panchayats in tribal areas
      1.2 Prosecutors and the police
      1.3 Withdrawal of prosecution

2. PRE-TRIAL PROCEDURES
   2.1 Arrest and questioning of the accused
   2.2 The rights of the accused
   2.3 The evidentiary value of statements/articles seized/coll ected by the police
   2.4 Right to counsel
   2.5 Roles of the prosecutor and the judicial officer in investigation

3. TRIAL PROCEDURES
   3.1 The accusatory system of trial and the inquisitorial system
   3.2 Role of the judge, the prosecutor and defence attorney in the trial.
   3.3 Admissibility and inadmissibility of evidence
   3.4 Expert Evidence
   3.5 Appeal of the court in awarding appropriate punishment
   3.6 Plea bargaining

4. PROVISIONS IN THE CRIMINAL PROCEDURE CODE
   4.1 Information to the Police and Their powers to Investigate
   4.2 Conditions Requisite for Initiation of Proceedings
   4.3 Complaints to Magistrate
   4.4 Commencement of Proceedings before Magistrate
   4.5 Appeals
   4.6 Provisions as to Bail and Bonds

Suggested Readings :-
1. Wilkiris and Cross, Outline of the Law of Evidence
2. Archbold, Pleading, Evidence and Practice in Criminal Cases
3. R.V.Kelkar’s Outlines of Criminal Procedure, Eastern Book Co, Lucknow;
7. Sir John Woodroffe, Commentries on Code of Criminal Procedure (2 volume);
11. 14 th and 41st Reports of Indian Law Commission.
OPTIONAL CORE COURSE (OCC- G 04)

CRIMINOLOGY

1. Criminology- Definition, Nature, Scope and utility
   1.1. Definition of Criminology
   1.2. Nature, Scope of Criminology
   1.3. Utility of Criminology
   1.4. Relation between Crime and Society

2. Schools of Criminology
   2.1. Pre-classical School of Criminology
   2.2. The Classical School of Criminology
   2.3. The Neo-Classical School of Criminology
   - Cesare Lombroso
   - Enrico Ferri
   - Raffaele Garofalo
   - Gabriel Tarde
   2.4. Clinical School of Criminology
   2.5. Sociological School of Criminology
   2.6. The New Criminology

   3.1. Heredity and Crime
   3.2. M' Naghten's Rule of Criminal Responsibility
   3.3. Physical Factors and Genetics on Criminality
   3.4. Freud's theory of Criminal behaviour
   3.5. Psychological concept of crime
   3.6. Conflict Theory
   3.7. Group Therapy

4. Prevention of Crime
   4.1. Prevention Policies
   4.2. Crime Prevention
   4.3. Kinds of Programmes
   4.3.1. General Programme
4.3.2 Local Community Organization
4.3.3 Group Work
4.3.4 Institutional Modification

5. Developing Trends in Criminology

5.1. Female Criminality
5.2 Terrorism and State Violence
5.3. Victimology
5.4 White Collar Crime

SUGGESTED READINGS :

4. K.S. Pillai, Principles of Criminology( Tagore Law lectures) (1924);
5. Pillai K.S., Theories of Criminology;
7. Lombroso, Casare, Crime, its cause and remedies.
8. Different Reports published by government of India form time to time.
10. New Horizons in Criminology by Barnes and Tetters.
12. Ahmad Siddique, Criminology- Problems and Perspectives
13. Prof N.V. Paranjape, Criminology and Penology with Victimology, Central Law Publications;
15. Dr. N. Maheshwara Swamy, Criminology and Criminal Justice System, Adia Law House;

THIRD SEMESTER

COMPULSORY COURSE V (CC-05)

HUMAN RIGHTS

1) Concept of Human Rights:
   a) Meaning and nature of human rights.
   b) Criteria to determine a particular right as human rights - what are human rights
   c) Sources of human rights.
   d) Cultural relativism and universalization of Human Rights.

2) Global and Regional Development of Human Rights and Duties.
   A. Global:
      1) Human Rights prior to 1945
      2) UN Charter and Human Rights
      3) International Bill of Rights
   B. Regional:

   a) The UN Commission on Human Rights.
   b) The UN High Commission for Human Rights.
   c) The UN Human Rights Committee (UNHRC) - Composition and Organization, Powers and Procedures, State Communications, Individual Communication, and Supervision

4. The Constitution and Human Rights and Duties:
   a) Indian Declaration to the International Covenant (1979).
   b) Inter-relationship between Fundamental Rights and Directive Principles of State Policy.
   d) Judicial Activism and Human Rights Jurisprudence:
      - Poverty and inaccessibility of legal redress.
      - Role of judiciary in protecting human rights in India, Legal Aid
      - Judicial activism in the field of protection of: women in private, and public domain, children, bonded labour and prisoners, in the light of leading cases.

5. National Commission of Human Rights in India:
   a) Background of the Protection of Human Rights Act, 1993
   b) National Human Rights Commission - Powers, Functions, Structure and Composition
   c) Human Rights Courts
   d) Evaluation of the working of the Commission.
COMPULSORY COURSE :- CC-06

LEGAL EDUCATION AND RESEARCH METHODOLOGY – PART II

It includes submission of SOCIOL LEGAL RESEARCH PROJECT, Viva Voce and law teaching.

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<th>Sr. No.</th>
<th>ACTIVITY</th>
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<td>VIVA VOCE EXTERNAL EXAM</td>
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<td>3.</td>
<td>LAW TEACHING EXTERNAL EXAM</td>
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GUIDELINES FOR SOCIO-LEGAL RESEARCH .

A. Research scholars are required to follow the steps given below for preparation of Socio-Legal Research

Research Methodology:

1. Title of the Study
2. Problem of the study
3. Rationale of the study
4. Objectives of the study
5. Hypothesis
6. Review of Literature
7. Operational concepts & Variables of the study
8. Research Design
   i) Nature/ Type of the study
   ii) Universe
      * Population
      * Sample and Sample size.
      * Sampling Method
Method of Data Collection  
Sources of Data Collection  
Tools of Data collection

9. Limitations of Study  
10. Time Schedule  
11. Possible contribution of the study  
12. Chapterisation

B. Socio-Legal Research shall have the following structure:

- Cover  
- Cover page  
- Certificate  
- Acknowledgement  
- List of Case Laws.  
- List of Tables  
- List of Maps  
- Abbreviations  
- Contents

Chapter I  Theoretical Background

Chapter II  Research Methodology (As given in A)

Chapter III  Analysis and Interpretation of Data

Chapter IV  Major Findings, Conclusions and Suggestion.

Bibliography

Annexures:
- Interview Schedules / Questionnaires  
- Master Charts  
- Acts, Bills, Maps, etc.

C. Step by step procedure to be followed for Socio-Legal Research:

1) Approval of the title  
2) Collection of material  
3) Review of literature
4) Problem
5) Objectives
6) Rationale
7) Hypothesis
8) Chapterization
9) Detuning the Universe of the study
10) Sampling Design
11) Research Questions/Interview Schedule
12) Collection of Data
13) Data Processing
14) Analysis and Interpretation of data
15) Report Writing
16) Preparation of Bibliography
17) Preparation of List of cases
18) Abbreviation

LAW TEACHING

For Law Teaching, topics will be assigned to students in advance and they will be required to take a Lecture (class) for 30 minutes for LL.B or LL.M. Courses. They can select any one of the methods of teaching and the practical examination will be held in the Third Semester.
GROUP – A

International Law

OPTIONAL CORE COURSE (OCC- A- 05)

Private International Law – I

General Principles, Choice of Jurisdiction and Choice of Law.

1. Scope and Nature of Private International Law

2. Theories of Private International Law

3. Consecutive stages in conflicts, law proceedings, characterization, Renvoi and Choice of Law

4. Jurisdiction:
   1) Jurisdiction of Courts
   2) Domicile and Nationality
   3) Stay of suits and forum convenience clauses

5. Exclusion of Foreign Law and Sovereign Immunity

6. Recognition and Enforcement of Foreign Judgment and Foreign Arbitral Awards

Books Suggested for Reading.
   1) Dicey: Conflict of Laws.
   2) Cheshire: Private International Law.
   3) Paras Diwan : Private International Law, Indian & English.
N.B. : Students are expected to be familiar with relevant principles of Administrative Law of UK, USA and France.

1. Judicial Control of Administrative Powers through Writs:
   1) Court as the primary instrument of control of administrative action.
   2) Writ Jurisdiction of the High Courts and the Supreme Court.
   3) Conditions necessary for the exercise of writ jurisdiction - writ of Habeas Corpus, Mandamus, Certiorari, Quo-warranto and Prohibition.
   4) Public policy restraints on the exercise of power of judicial review under Arts 32 and 226-, exhaustion of remedies, Laches.
   5) Public Interest Litigation, Doctrine of Locus Standi and Compensatory Justice.
   6) Special Leave to Appeal to the Supreme Court and High Court's Power of Superintendence.

2. Natural Justice
   1) Historical Development of the Concept of Natural Justice.
   2) Principles of Natural Justice.
   3) Essentials of Fair Hearing
   4) Bias and Personal Interest
   5) Failure of Natural Justice.
   6) Exceptions to the Rule of Natural Justice.
   7) Legitimate Expectation - Good Faith doctrine etc.

3. Ordinary Remedies.
   1) Distinction between ordinary remedies and remedies under Arts 226 and 32.
   2) Declaratory Judgments and Injunctions.
   3) Specific Performance and Civil Suits for Compensation against Government and public authorities.

4. Exclusion of Judicial Review and Ouster Clause:
   1) Formula of Exclusion clause or ouster clause.
   2) Scope of outer clause.
   3) Non-compliance with statutory provisions.
5. Judicial Control of Discretionary Powers:
   1) Scope and Extent of Judicial Review in Discretionary Powers.
   2) grounds for control of administrative discretion illegality, irrationality and procedural impropriety
      Duty to give reasons.
   3) Surrender or abdication of discretionary power.
   4) Non-compliance with Procedural Requirements.
   5) Administrative Discrimination.
   6) Limiting and Structuring Discretion.

Books Suggested for Reading:

   2) M.P. Jain - Cases and Material on Administrative Law in India
      (Wadhwa, 1994).
   3) H.W.R. Wade - Administrative Law.
   4) S.P. Sathe - Administrative Law in India. (5th Edn.)
   6) B.L. Hansaria - Writ Jurisdiction under the Constitution.
   9) Harra- Public Interest Litigation (1996)
GROUP – C

INTELLECTUAL PROPERTY LAWS

OPTIONAL CORE COURSE (OCC -C- 05)

INTELLECTUAL PROPERTY RIGHTS – CONTEMPORARY TRENDS IN INDIA (CREDITS 4)

IPR and Technology:

1. Software Patents
2. Software Licensing
3. Biotechnology and IPR
4. Plagiarism and copyright Issues
5. Domain Name Protection
6. Open Source Technologies and IPR

IPR and Environment:

1. Biological Diversity and IPR
2. Protection of Plant varieties and Farmers Rights
3. IPR and Indian Agricultural Issues
4. GMO and IPR

IPR and Corporate Aspect:

1. Undisclosed Information and Trade Secrets
2. Corporation’s Right to Privacy
3. IPR and electronic Commerce

IPR and Cultural Rights:

1. IPR and Socio, Economic and Cultural Rights – Conflicts and Convergences
2. IPR and Cultural Relativism with reference to Traditional Knowledge
3. Right to Privacy and Confidentiality

Books suggested for Reading:

1. International Trade Agreements:
   a) Regional Trade Agreements
   b) Bi-lateral Trade Agreements
   c) Multi-Lateral trade Agreements
   d) WTO Agreements – GATT, GATS, TRIPS

2. Introduction to WTO:
   a) Origin of WTO
   b) Functions of WTO
   c) Principles of WTO- MFN and National Treatment
   d) Structure of WTO
   e) Trade Rules and Trade Barriers of WTO

3. WTO and Special Agreements:
   a) Rules of origin
   b) Agreement on agriculture
   c) Anti-Dumping
   d) E-commerce
   e) Transfer of technology
   f) Dispute Settlement Mechanism
   g) GMO and WTO

4. Problem areas of WTO
   a) Social clause
   b) Protection of environment
   c) Developing and Underdeveloped Countries- Role played of WTO

Bibliography.

of Business Studies, New Delhi
7. GATT Accord and India - Edited by K.R. Gupta, Atlantic Publishers and Distributors.

JOURNALS / NEWSPAPERS.

1. Corporate Law Cases
3. Annual Reports of World Bank
4. Political and Economic Weekly
5. Economic Times
Group E

ENVIRONMENT AND LEGAL ORDER

OPTIONAL CORE COURSE (OCC- E 05)

Biological Diversity and Legal Order

Chap 1. Biodiversity and its necessity
1. Definitions
2. Meaning and Importance
3. Role of Flora and Fauna in maintaining Biodiversity
4. Threats to Biodiversity
5. Need for protection of Biodiversity
6. Biodiversity and Economic Valuation

Chap 2. Laws, Policies and Measures for Biodiversity
1. Convention on Biological Diversity, 1992
2. The Biological Diversity Act, 2002
   (relevant portion only)
4. The Geographical Indications (Regulation and Protection) Act, 1999
   (relevant portion only)

Chap 3. Biodiversity and Ethical Issues
1. Utilization of flora for Bio-Medical purposes
   a) Cosmetic Plants
   b) Medicinal Plants
2. Utilization of fauna/animals for Bio-Medical purposes
3. Genetic Mutation of Seeds
4. Experimentation on Animals
5. Genetically Modified Organisms
6. Genetic Engineering
7. Biodiversity and Intellectual Property Rights

Chap 4. Biodiversity and Priority Sectors
1. Sanctuaries
2. Zoo and Parks
3. Biosphere Reserves
4. Protected Forest and Reserved Forests
5. Conservation of Biodiversity
   1. Role of NGO
   2. Role of Indigenous People
   3. Role of Media and Publications
## Social security Legislation - I

### Unit I: Introduction
1. Meaning and concept of social security
2. Modality – social prescription, social assistance and social insurance
3. Distinction with labour welfare.

### Unit II: Constitutional perspectives
1. Fundamental rights – realization of rights through meaningful social security measures right to life the wider dimensions.
2. Right to adequate means of livelihood, free legal aid, public assistance in cases of unemployment, old age, sickness and disablement, maternity relief benefits.
3. Directive principles of state policy instrumental in achieving social security

### Unit III: The employees compensation Act 1923
a. Employers liability for compensation.
b. Types of injuries covered.
c. Amount of compensation in case of various injuries
d. Payment of compensation
e. Commissioner of workmens compensation his duties powers and procedure.

### Unit IV: The maternity Benefit Act 1961
a. Applicability
b. Nature of benefits and privileges available under the act.
c. Procedure for claiming payment.
d. Inspectors, their powers and functions penalties.

### Unit V: Employees state Insurance Act, 1948
a. Authorities under the Act – their powers and functions.
b. Employees state insurance fund contribution to the fund by employer and employees. Grant by central and state governments
c. Purposes for which fund may be expended
d. Benefits available, conditions under which available, person entitled.
e. Adjudication of dispute and claim.

### Unit VI: Comparison
1. Comparative analysis of provisions of ESIC regarding compensation with that of Employees Compensation Act, 1923.
Books Suggested For Reading:

1. Dr. Vivek Bhattacharya- Social Security Measures in India.
5. Dr. C. B. Mamoria- Principles of Social Security.
CRIMINAL LAW
GROUP - G
OPTIONAL CORE COURSE (OCC- G 05)
CRIMINAL JUSTICE SYSTEM AND HUMAN RIGHTS

CONTENTS
1. Introductory
   1.1 Meaning and Nature of Human Rights
   1.2 Human Rights and the United Nations Charter
   1.3 Primary Aims of Criminal Justice System
   1.4 Objects of Criminal Trial
   1.5 Cardinal Principle in Administration of Criminal Justice
   1.6 Human Rights in the Criminal Justice System
   1.7 Human Rights and Administration of Criminal Justice
2. Human Rights and Role of Criminal Courts
   2.1 Role of Courts in Dispensing Criminal Justice
   2.2 Delay in Trial of Criminal Cases- Remedial Measures
   2.3 Stay of Criminal case pending Civil Case
   2.4 High Courts Jurisdiction to direct impleadment of a person as accused
   2.5 Victim and Criminal Justice System
   2.6 Award of Compensation by Criminal Courts
3. Criminal Liability and Human Rights of Vulnerable Group
   3.1 Violence against Women and Human Rights
   3.2 Violence against Children: Criminal Justice Norms and Strategies
   3.3 Police atrocities and Human Rights
   3.4 Custodial Torture and Human Rights
4. Contemporary Issues and Criminal Justice System
   4.1 Dispensation of Justice and rights of persons with Disabilities
   4.2 Corruption in Public life and Its Criminological Implications
   4.3 Role of Criminal Law in Protecting the Environment
5. Protection of Human Rights in Criminal Justice
5.1. Protection from double jeopardy
5.2. self-incrimination
5.3. production before magistrate from police custody,
5.4. fair trial
5.5. speedy trial
5.6. representation
5.7. appeal
5.8. protection from ex post facto laws
5.9. legal aid
5.10. compensation and Rehabilitation.

6. Administration of criminal Justice System
6.1. Ordinary Courts, Special Courts,
6.2. District & State Human Rights Courts,
6.3. International Criminal Court,

7. Role of various Protection Agencies/Institutions
7.2. National Human Rights Commission
7.3. State Human Rights Commissions.
7.4. Human Rights Courts
7.5. Other Commissions.

Suggested Readings:-
1. K.D. Gaur, Criminal Law and Criminology, Deep and Deep Publications,


9. Aroras, Nirman "Custodial Torture in Police Station in India: A Radical Assessment", Journal of Indian Law Institute, vol. 41, nos.3 and 4, 1999,


15. Blackshield, A.R."Capital Punishment in India ", Journal of Indian Law Institute vol. 21 no.2, 1979,


ELECTIVE SUBJECTS FOR THIRD SEMESTER

ELECTIVE CORE COURSE (ECC - 01)

Law of the Sea

I. Introduction to the Law of the Sea:

II. Maritime Zones:
2. Zones of Functional Jurisdiction – Contiguous Zone, Exclusive Economic Zone (EEZ), Continental Shelf.

III. The Deep Sea-bed Area:
2. The Legal Status and Definition.
3. The Area as the Common Heritage of Mankind.

IV. The Legal Regime of the High Seas:
1. Definition and Development of Law.
2. The notion of Freedom of High Seas.
3. Rights and Duties of States relating to Shipping, Right of Hot Pursuit.

V. Protection and Preservation of Marine Environment:
1. General Obligations, Pollution from Land-based Sources, Pollution from Ships.
3. Conservation and Management of Living Resources – Maximum Sustainable Yield, Fish Stocks Agreement, Regional Fisheries Organisations.

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VI. Settlement of Disputes:
1. Non-judicial Means to Settle Disputes.
3. Study of the Cases.

Books Suggested for Reading:
1. ELECTIVE CORE COURSE (ECC – 02)

LAW RELATED TO ALTERNATE DISPUTE REDRESSAL (CREDIT 4)

UNIT-I General:
1. Different methods of dispute resolution; Inquisitorial method; Adversarial method;
2. Other methods- both formal and informal- like Arbitration, Conciliation, Negotiation, Mediation, etc.;
3. Advantages and disadvantages of above methods; Need for ADRs; International commitments; Domestic needs;
4. Suitability of ADRs to particular types of disputes; Civil Procedure Code and ADRs

UNIT-II Arbitration:
1. Meaning of arbitration; Attributes of arbitration; General principles of arbitration;
2. Different kinds of arbitration; Qualities and qualifications of an arbitrator;
3. Arbitration agreement and its drafting; Appointment of arbitrator; Principal steps in arbitration; Arbitral award;

UNIT-III Conciliation:
1. Meaning; Different kinds of conciliation- facilitative, evaluative, court annexed, voluntary and compulsory;
2. Qualities of a conciliator; Duties of a conciliator; Role of a conciliator; Stages of conciliation; Procedure;

UNIT-IV Negotiation:
1. Meaning; Different styles of negotiation; Different approaches to negotiation;
2. Phases of negotiation; Qualities of a negotiator; Power to negotiate.

UNIT-V Mediation:
1. Meaning; Qualities of mediator; Role of mediator;
2. Essential characteristics of the mediation process – voluntary, collaborative, controlled, confidential, informal, impartial & neutral, self-responsible;
3. Different models of mediation; Code of conduct for mediators.

BOOKS SUGGESTED:

2. Avatar Singh, Arbitration and Conciliation Act
3. Reports on International Commercial Arbitration
### ELECTIVE CORE COURSE (ECC-03)

**WOMEN AND CHILD LABOUR**

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<td>a. Right of payment of Maternity benefits</td>
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<td>d. Powers and duties of inspectors.</td>
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<td>b. Provisions for welfare of women under Factories Act, 1948</td>
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<td>c. Relevant provisions of Mines Act, 1952</td>
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<td>d. Relevant provisions of the Beedi and Cigar Workers (Conditions of Employment) Act 1966</td>
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<td>e. Retirement Provisions of Plantation Act 1951</td>
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<td>a. International Scenario</td>
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<td>b. Declaration on the rights of the child 1959 – Preamble</td>
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<td>d. The world summit for children 1990.</td>
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<td>e. International Labour organization ILO</td>
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<td>d. Children's Courts</td>
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<tr>
<td>e. Legislative measures {Child Labour (Prohibition and Regulation Act) 1986}</td>
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<td>f. Child trafficking and abuse</td>
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<tr>
<td>g. Protection of children from sexual offences act.</td>
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</tbody>
</table>
SUGGESTED READING

2. Lengthening Shadows Status of Women in India, Poonam and Chauhan.
3. Women in India- Legal and Human Rights Sadiq Ahamad Jilane Syed
ELECTIVE CORE COURSE (ECC -04)

INTERNATIONAL ECONOMIC LAW

1. Introduction:
   
i) Meaning and Nature of International Economic Law .
ii) Sources of International Economic Law.
iii) Development and evolution of IEL in pre and post World war periods.
v) Doctrine of Sovereignty over Wealth and Natural Resources

i) International Monetary fund (IMF):
   a) Role and objectives .
   b) Structure.
   c) Resources .
   d) Special Drawing Rights.
   e) Conditionality Clause.
ii) International Bank for Reconstruction and Development (IBRD) :
   a) Role and objectives .
   b) Structure.
   c) Resources.
   d) Appraisal of Performance.
iii) World Bank
   a) Role and objectives .
   b) Structure.
   c) Resources.

3. International Economic Institutions :
   i) United Nations and its specialised agencies - Functions and role played in development of International Economic Law.
   ii) United Nations conference on trade and Development (UNCTAD) :
      a) Institutional framework
      b) Objectives and functions
      c) Role and achievements
      a) Structure and functions
      b) Role and Achievements

4. World Trade Organisation:
   a) Historical background
   b) Objectives.
   c) Structure, function and jurisdiction.
Bibliography.

7. GATT Accord and India - Edited by K.R. Gupta, Atlantic Publishers and Distributors.

JOURNALS / NEWSPAPERS.

1. Corporate Law Cases
3. Annual Reports of World Bank
4. Political and Economic Weekly
5. Economic Times
ELECTIVE CORE COURSE  (ECC -05)

LAW OF PERSONS WITH DISABILITIES

UNIT I
Meaning and nature of disability
Medical model of disability, social model of disability and Human Rights model of disability

UNIT II
History of law engagement with disability
Salient features of Persons with disability (equal opportunity, protection of Rights and Full participation) Act 1995
Power and functions of Central Coordination Committee and State Coordination Committee
Rights of persons with disability in employment, education
Reservation of persons with disability in employment and education

UNIT III
Social security of persons with disability
Special provisions for persons with severe disability

UNIT IV
International Law relating to persons with disability
The UN convention on rights of Persons with Disability
The UN standard Rules for equal opportunities for Persons with Disability

UNIT IV
Role of NGOs in advocacy, protection and enforcement of human rights of Persons with Disability

SUGGESTED READING :-

FOUNDATION COURSE

LAW – I (CONSTITUTIONAL LAW)

UNIT NO- I :- FUNDAMENTAL RIGHTS

a) Right to Equality (Article 14 to 18)
b) Fundamental Freedoms (Article 19 to Article 24)
c) Secularism and Right to Religion (Article 25 to 28)
d) Cultural and Minority Rights (Article 25 to 28)
e) Right to Judicial Remedies (Article 226 and 32)

UNIT NO- II :- DIRECTIVE PRINCIPLES OF STATE POLICY AND FUNDAMENTAL DUTIES

b) Protection of Interests of Women and Children.
c) Protection of interests of workers.
d) Protection of Environment.
e) Local Self Government.
f) Fundamental Duties

UNIT NO- III :- PARLIAMENTARY FORM OF GOVERNMENT

a) Characteristic of Parliamentary Form of Government
b) Distinction between Parliamentary and Presidential Form of Government
c) Doctrine of Collective Responsibility.

UNIT NO- IV :- EMERGENCY PROVISIONS

a) National Emergency
b) Imposition of Presidents rule in the state.
c) Financial Emergency.

UNIT NO- V :- AMENDMENT OF THE CONSTITUTION

a) Meaning of Constituent Power.
b) Procedure for Amendment of the Constitution.
c) Limitation on Powers of Constitutional Amendment.
BOOKS PRESCRIBED :-

4) D. D. Basu – Constitution of India.
5) M. P. Jain – Constitutional Law of India.
6) V. N. Shukla – Constitution of India
LL.M FOURTH SEMESTER

COMPULSORY PAPER V (CC-06)

JUDICIAL PROCESS AND RULE OF LAW

1. THE INSTITUTION OF THE JUDICIARY

a. Origins of the institution of the judiciary
b. Judiciary as guardian of Fundamental Rights and of Constitutional values
c. Doctrine of separation of powers and concept of independence of the judiciary; Concept of Judicial accountability
d. Appointment of judges: Constitutional Provisions – Aspect of procedural fairness in the selection and appointment of judges

2. JUDICIAL REVIEW

a. Origins of the concept of Judicial Review: Marbury vs Madison
b. Nature and Scope of the power of judicial review – Constitutional Provisions: Part III and Part IV; Original and Appellate jurisdictions of the Supreme Court and High Court; Similarities and differences between Articles 32 & 226/227
c. Doctrines of Mootness and Ripeness and Political Question

3. DOCTRINE OF PRECEDENT:

a. Nature of Precedent – Staire decisis, Ratio Decidendi and Obiter dicta – binding nature of obiter dicta of the Supreme Court on the High Court
b. Nature and scope of judicial law making – Prudential and Democratic objections
c. The Concept of Complete Justice under Article 142 of the Constitution as an exception to the doctrine of Precedent
d. Law declaratory role vs law constitutive role of the judiciary
4. RULE OF LAW

   a. Nature, meaning and scope
   b. Dicean Concept of Rule of law
   c. Modern concept of Rule of law
   d. Rule of law as a political and legal ideal

Books Suggested

3. HWR Wade: Administrative Law
4. Jain and Jain: Principles of Administrative Law
5. S P Sathe: Judicial Activism in India
7. Lloyd’s Introduction to Jurisprudence, edited by MDA Freeman
8. Benjamin Cardozo: The Nature of Judicial Process
9. D D Basu: Constitutional Law
10. M P Jain: Indian Constitution

   V N Shukla: Constitutional Law, M P Singh edition
Candidates are required to submit a dissertation of ATLEAST in the Range of 100-150 pages on a topic from the optional group offered by them. The dissertation is expected to be an in depth and critical analysis of a legal problem of contemporary significance in the field chosen by the candidate and must incorporate copious reference to judicial decisions, law review articles, books, monographs relevant to the topic in the form of footnotes and bibliographical references.

The candidates will be examined at an oral examination (viva) on the strength of the dissertation (written work.) The dissertation will carry 100 marks and it should be submitted (two copies) to Head of the Department one month before the Semester ends i.e. the Fourth Semester. The viva exam will be held in the month of May - June every year. The supervisor for dissertation shall be the teaching member of the Deptt. of Law., and affiliated colleges where LL.M. courses are taught. The students will be assigned the topic for dissertation by their supervisor in consultation with the Head of the Department within a month after the Semester has started.

After the dissertations have been submitted they shall be evaluated by the external examiner along with the Head of the Department and/or internal examiner. The examiner will evaluate the dissertation taking into account the following points:

a) Coverage of subject matter.
b) Arrangement and presentation.
c) Research Methodology
d) Nature of references and materials used.
e) Critical appreciation and original contribution of the candidate.

Written Work – 75 Marks
Viva Voce - 25 Marks

Total= 100 Marks

The students have to write their dissertations as per the guidelines of Research Methodology given below.
GUIDELINES FOR DOCTRINAL RESEARCH

A. Research scholars are required to follow the steps given below for preparation of Doctrinal Research

Research Methodology:

1. Title of the Study
2. Problem of the study
3. Rationale of the study
4. Objectives of the study
5. Hypothesis
6. Review of Literature
7. Operational concepts & Variables of the study
8. Research Design
   i) Nature/Type of the study
   ii) Method of Data Collection
   iii) Sources of Data Collection
9. Limitations of Study
10. Time Schedule
11. Possible contribution of the study
12. Chapterisation

B. Doctrinal Research shall have the following structure:

- Cover
- Cover page
- Certificate
- Acknowledgement
- List of Case Laws
- List of Tables
- Abbreviations
- Contents
INTRODUCTION

A. Theoretical Background
B. Research Methodology (As given in A.)

Chapter I

Chapter II

Chapter III

Chapter IV

Major Findings, Conclusions and Suggestion.

Bibliography
(Books, Journals (Articles) News papers, Websits, Research Reports, Magazines. etc.)
Annexures:
Acts, Bills, Maps, etc.

C. Step by step procedure to be followed for Doctrinal Research:

1) Approval of the title
2) Collection of material
3) Review of literature
4) Problem
5) Objectives
6) Rationale
7) Hypothesis
8) Chapterization
9) Collection of Data
10) Analysis and Interpretation of data
11) Report Writing
12) Preparation of Bibliography
13) Preparation of List of cases
14) Abbreviation
INTERNATIONAL LAW

OPTIONAL CORE COURSE (OCC- A- 06)

Private International Law - II

Specific Choice of Law Problems

1. Family Law:
   1) Marriages
   2) Matrimonial Causes
   3) Legitimacy and Legitimisation
   4) Adoption
   5) Guardianship and Custody

2. Law of Property:
   1) Movable and Immovable Property
   2) Transfer of Tangible Movables
   3) Assignment of Intangible Movables
   4) Insolvency
   5) Succession

3. Law of Obligations:
   1) Contracts
   2) Torts

Books Suggested for Reading:
   1) Dicey : Conflict of Laws.
   2) Cheshire : Private International Law.
   3) Paras Diwan : Private International Law, Indian & English.
1. Liability of Government.
   2) Government Privileges in Legal Proceedings.

2. Right to Know and Information:
   1) Jurisprudential and Constitutional Perspectives.
   3) Indian Official Secrets Act, 1923, Right to Information Act, 2002 and Right to know.
   4) Judicial Decisions.

3. Ombudsman:
   1) The concept.
   2) Comparative perspectives
   3) Evolving Indian models - Lokpal, Lokayukta Institutions.

4. Fact Finding Commission and Inquiry:
   1) Commission of Inquiry
   2) Vigilance Commission
   3) Investigation Agencies : the CBI
   4) Inquiries by Legislative Committees.
   5) Legislative Control
   6) Financial Control - Comptroller and Auditor General
   7) Judicial Inquiries.

5. Administrative adjudication:
   1) Need for devolution of Adjudicatory power on Administration.
   2) Administrative Tribunals and other Adjudicatory Authorities - Growth, Evolution and present Status.
   3) Nature and Character of Tribunals - CAT and SAT

6. Public Undertaking and Corporation:
   1) Reasons for Autonomous Bodies.
   2) Government Control, Parliamentary Control, Judicial Control.
Books Suggested for Reading:

3) H.W.R. Wade - Administrative Law.
INTELLECTUAL PROPERTY LAW

OPTIONAL CORE COURSE (OCC –C 06)

GLOBAL LAW ON INTELLECTUAL PROPERTY RIGHTS (CREDITS 4)

Unit I: Introduction
   a. International Law and Intellectual Property Rights - Significance of Legal Protection towards performers and broadcasting organization.
   b. IPR and International Institutions – WIPO, WTO, TRIPS, UNESCO

Unit II: International Protection of Copyright-
   a. WTO/TRIPS Agreement, The Berne Convention,
   b. Universal Copyright Convention, The Rome Convention,
   c. WIPO’s Copyright Convention and Phonogram Treaty, 1996.

Unit III: International Protection of Patents.
   a. Patent Cooperation Treaty
   b. Paris Convention,
   c. WTO/TRIPS obligation.
   d. European Patent Convention

Unit IV: International Protection of Trademark :
   a. Paris Convention, Madrid Agreement,
   b. Nise Agreement and TRIPS Agreement.
   d. International Conventions and Agreements for Protection of Trade Design

Books suggested for Reading:
6. Indian Law Destitution publication, New Delhi.
BUSINESS LAW

OPTIONAL CORE COURSE (OCC- D 06)

INTERNATIONAL TRADE LAW AND AGREEMENT (II)

I

International Sale of Goods:

1. Special trade terms in export sales - Definitions, kinds, Differences between Rights and duties of buyers and sellers.


3. Offer and acceptance.
5. Rights of unpaid seller
6. Countertrade.
7. Frustration of contract
8. Conflict of laws

II. Financing and Payment in International Trade.

1. Meaning, types and control of foreign investment
2. Bill of Exchange - Meaning
3. Letters of Credit - Characteristics and kinds.
4. Bank guarantees and other contract guarantees.

III. Transportation of Exports.


2. Container transport - Course of business in container Transport, Legal problems of container transport.

3. Carriage of Goods by Air
IV. Insurance of Exports - Marine and Aviation Insurance.

V. Dispute Settlement Non-judicial dispute settlement : Arbitration and Conciliation.

Bibliography.

7. Dicey, Conflict of Laws.
13. Avtar Singh Law of Carriage (Road, Rail, Air and Sea) 3rd Edn., Eastern Book Co.
ENVIRONMENT AND LEGAL ORDER

OPTIONAL CORE COURSE- (OCC-E 06)

Conservation of Resources and Management of Environment

Chap 1. Natural Resources Management
1. Definition
2. Classification of Natural Resources
   a) Inexhaustible
   b) Exhaustible
3. Concept of Resource Conservation
4. Factors affecting resources
5. Conservation of Important Natural Resources
   a) Methods of Forest Conservation
   b) Methods of Soil Conservation
   c) Methods of Water Conservation
   d) Methods of Wildlife Conservation
6. Natural Resource Accounting and its Necessity

Chap 2. Environment Impact Assessment and Auditing
1. Definition, Nature and Importance
2. Guidelines of Environment Impact Assessment
3. Economic Assessment of Resources
4. Environmental Status Evaluation
5. Cost – Benefit Analysis
6. Concept of Capacity Building

Chap 3. Environment and Emerging Concepts
1. Eco-Mark
2. Eco-Audit
   a) Pre-Audit Activities
   b) Post-Audit Activities
   c) Benefits of Environmental Audits
3. Risk Assessment and Disaster Management Plan

Chap 4. Utilization of Renewable Energy Sources
1) Solar Energy
2) Hydro-Power Energy
3) Ocean Energy
4) Geo-Thermal Energy
5) Bio-Energy

Chap 5. Environment and Future Perspectives
1) Development of Eco-Friendly Techniques
2) Public Participation and Decision Making
3) Globalization and its impact on Environment
4) Role of NGO in protection of Environment
5) Role of Media in protection of Environment
LABOUR, CAPITAL AND LAW

OPTIONAL CORE COURSE (OCC-F 06)
Social security Legislation - II

Unit I: The Factories Act 1948
1. Applicability of the Act
2. Powers of inspectors
3. Health, safety and welfare measures
4. Responsibility of the occupier in relation to hazardous processes
5. Prohibition of employment of children
6. Offences by workers
7. Penalties procedure and exemptions

Unit II: Employees Provident Fund Act 1952
2. Authorities their powers and functions
3. Contribution to the fund
4. Insurance scheme
5. Pension scheme

Unit III: Payment of gratuity Act, 1972
1. Concept of gratuity
2. Eligibility for gratuity and amount payable under the act.
3. Nomination facility
4. Duties of employer
5. Procedure for settlement of disputes as to amounts
6. Exemptions and penalties
7. Enforcement machinery under this Act its powers and functions

Unit IV: Unorganised labour and social security
2. Unorganised labour and constitutional perspective.
3. Agricultural labour: Need for State initiative and support in providing social security to Agri. Labour.
4. Protection to the weaker sections of the labour – evolving trends.
a. Tribal labour
b. Domestic servants
c. Bonded labour
d. Contract labour
Unit V: Legislative measures

1. Equal remuneration Act 1976
2. The Plantation Labour Act 1951 (Provisions relating to women)

Unit VI: Towards an ideal social security scheme: The futuristic

1. Comprehensive and integrated social security scheme – an utopian concept or a pragmatic approach?
2. Benefits and beneficiaries
3. Role of trade unions
4. Social security clause in collective bargaining agreements
5. Social security scheme by trade unions
6. Funding

Books Suggested For Reading:

1. State Legislations and other Welfare Schemes relating to Agricultural Labour.
7. Lengthening Shadows Status of Women in India, Poonam and Chauhan.
8. Women in Indian Legal and Human Rights Sadiq Ahamad Jilane Syed
CRIMINAL LAW

OPTIONAL CORE COURSE (OCC-G 06)

ORGANISED CRIME, TERRORISM AND INTERNATIONAL CRIME: NEW CHALLENGES

I Organized Crime
1) Definition and Scope
2) Characteristics of organized crime
3) Types of organized crime
4) Causes of organized crime

II Classification of Organized Crimes
A) International Perspective
1) Transnational organized crime
2) Illicit Firearms trafficking
3) Drug trafficking
4) Money laundering scams and frauds

B) Indian Perspective
1) Smuggling, Money Laundering and Hawala
2) Terrorism
3) Counterfeiting of Currency
4) Drug trafficking: NDPS Act penal provisions
5) Cyber Crimes and penal provisions in IT Act, 2000 (Sec.65, 66 & 67)
6) Trafficking of women and children
7) Trafficking of Human Organs (penal provisions)

III Profiles of Criminal Gang / Investigation and Prosecution
1) Criminal Intent and mensrea in such crimes
2) Modus operandi of organized crime
3) Role of Police in Investigation of organized crime
4) Role of Judiciary, Trial and Sentencing in organized crime
IV Legislative Provisions in India
1) Maharashtra Control of Organized Crime Act, 1999
2) Relevant Provisions under IPC and Indian Evidence Act
3) Prevention, control and correctional strategies

V Laws relating to Transnational Organised Crime
1) Organised crime and United Nations

VI International Crimes
1) Emerging Crimes of International Nature
2) Objectives of International Criminal Law
3) Salient features of International Criminal Court.

Books of Reference

Bare Acts
1. Narcotic Drugs and Psychotropic Substances Amendment (Act) 2001
2. Immoral Traffic (Prevention) Act, 1956
3. Maharashtra Control of Organised Crimes Act 1999

Books:
2. Nadan Kamat, Computer and Information Technology Law
ELECTIVE SUBJECTS FOR FOURTH SEMESTER

ELECTIVE CORE COURSE (ECC-06)

BANKING LAW (CREDIT 4)

Unit I: Introduction:
1) Evolution of banking and its history in India. Role of banking institutions in the socio-economic development of the country.
3) Banker and Customer- nature and relationship, rights and duties, banker’s lien, banking instruments, consumer protection: banking as service.

Unit II: Law of Banking Regulations - Banking Regulation Act, 1949

1. Social control over banking institutions, National Credit Council, loan melas.
2. Control by RBI and central government over business activities of banking institutions.
3. Control over accounts and audit.
4. Reconstruction and reorganisation
5. Suspension and winding up.
6. Control over non-banking financial institutions.

Unit III: Reserve Bank Of India Act, 1934
1) Evolution of Central Bank- constitutional background.
2) Characteristics and functions of RBI.
3) Legal status and organisational structure of RBI.
4) Regulating mechanism of RBI over other Banks

Unit IV: Recovery of Loans
1) Default in Repayment of Loans
2) Recovery of Debts Due to Banks and Financial Institution Act, 1993
3) The Securitisation Act 2002

Unit V: Current Trends and use of latest Technology in Banking
1) Internet Banking
2) ATM
3) Credit Cards, Debit Cards and Smart Cards

Unit VI: Negotiable Instruments
1) Negotiable Instruments- meaning, characteristics and kinds, promissory notes, bills of exchange, Hundis and Cheques.
2) Discharge of parties from liability, discharge of instruments and consequences.
3) Dishonour of cheques and forgery of cheques.

Books Suggested for Reading:
ELECTIVE CORE COURSE (ECC-07)

INSURANCE LAW

1. Nature of Insurance:
   History and essential elements, proposal, policy, parties, consideration, need for utmost good faith, insurable interest, indemnity, law of contract.

2. General principles of Law of Insurance:
   The risk, commencement, attachment and duration, assignment and alteration, settlement of claim and subrogation, Insurance Act, 1938, and Insurance Regulatory Development Authority Act, 2000, double Insurance and reinsurance.

3. Life Insurance:
   Nature and scope, insurable interest, accident and disability benefit, event insured against, life insurance contract, circumstances affecting the risk, persons entitled to payment, assignment and nomination.

4. General Insurance:
   A. Marine Insurance:

   B. Property Insurance:
      Fire Insurance, burglary and theft policies, goods in transit, livestock and agriculture insurance.

   C. Third Party Risk Insurance:
      Motor Vehicles Act, 1988, nature and scope, contributory negligence, effect of Insolvency or death claims Tribunal, constitution, functions, procedure, powers and award, public liability Insurance.

5. Miscellaneous Insurance Schemes: New Dimensions:
   Group Life Insurance, Medical claim and Sickness Insurance.
Books Suggested for Reading
7) Srinivasa - Cases on Insurance, Vol. I and II.
ELECTIVE CORE COURSE :- (ECC-08)

CYBER CRIMES

CHAPTERS

1. Introduction to Cyber Laws, Cyber Crimes.
   1.1. Meaning, Definition, Nature of Cyber crimes
   1.2. Historical Genesis and Evolution of Cyber Crimes
   1.3. International & Indian Laws on Cyber Crimes.
   1.4. Computer and Internet basics

Computer Hardware & Networks:

2. Cyber Crimes
   2.1. Definition of Cyber crime,
   2.2. Malicious Code - Computer Viruses, Computer Worms, Computer Trojans,
   2.3. Web Hacking Foot printing, Port Scanning, E-Shoplifting Web Defacement, Denial of Service Attacks, Manipulating Cookies
   2.4. Email Hacking: Email Hacking using Packet Sniffers, Email Hacking & Phishing, Email Frauds & Phishing, Email Bombing
   2.5. Email Hijacking - Social Engineering.
   2.6. Cyber Stalking,
   2.7. Cyber Terrorism,
   2.8. Pornography,
   2.9. Cyber Bullying, Piracy.
3. Statutory Laws pertaining to Cyber Crimes in India:

3.1. Information Technology Act, 2000,
3.2. Penalties & Offences under the Information Technology Act,
3.3. Offences under the Indian Penal Code, 1860,
3.4. Issues relating to investigation and adjudication of cyber crimes in India Digital evidence

4. Cyber Crime Investigation

4.1. Introduction to Cyber Crime Investigation:
4.2. Basic Investigation Techniques
   - First Information Report
   - Initialising a Search and Seizure Operation, Tracking & Tracing Emails,
   - Final Form/ Report
   - Computer evidence assessment checklist
   - Computer evidence analysis checklist
   - Computer evidence analysis report
   - Cyber forensics analysis report Recovery of Digital Evidence,

5. Cyber Law Prevention measures and Data Safety.

5.1. Cyber Law Prevention measures
5.2. Data Safety
5.3. Future Challenges
Suggested Reading:-

1. Dr.R.K.Chaubay, An Introduction to Cyber Crime and Cyber Law;
2. Dr.M.Dasgupta, Cyber crime in India;
3. Barkha & U.Ramamohan, Cyber laws and crimes;
4. Information Technology Act, 2000 (The Information Technology (Amendment) Act, 2008);
5. Susan W. Brenner, Cyber Crime: Criminal Threats from Cyberspace, Greenwood Publishing Group, Praeger, California (Also E-Book);
ELECTIVE CORE COURSE (ECC- 09)
LAW, SCIENCE AND TECHNOLOGY (CREDIT 4)

Unit I: Introduction
2. Nexus between Law, Science and Technology
3. Role and Functions of Law towards the protection and growth of technology

Unit II: Information Technology and Law
1. Concept and meaning of cyber Law, Cyber Space, Cyber Matrix
2. Development of Cyber Law in India
3. Information Technology Act, 2000
4. Allied Legislations related to Information Technology
5. Future Challenges

Unit III: Law related to Medical Technology
1. Assisted Reproductive Technology and Issues related to Surrogacy
2. Cyber Forensic and Law
3. Technology and Health Issues (Human Rights Issues and Intellectual Property Rights)

Unit IV: Law related to Nuclear Technology
1. Concept and meaning of Nuclear Technology
2. Liability Issues and Nuclear Technology
3. Regulation of International Trade in Nuclear material
4. Legal Regime on Nuclear Technology in India
ELECTIVE CORE COURSE (ECC-10)

CORPORATE SOCIAL RESPONSIBILITY

A. Unit I - Concept of CSR.
   • Evolution of CSR
   • Principles of CSR.
   • Definition of CSR.

B. Indian approach to CSR.
   • Policies reports.
   • Company Act 2013.

C. Roles and responsibilities of corporate.
   • Responsibilities towards society.
   • Responsibilities towards environment.
   • Civil and criminal liability.

D. Comparative study of approaches of CSR.
   • US
   • UK
   • India.

Books Referred:


b) Iyengar, T.R. Srinivasa: Company Promotion, Management & Incorporation, 2nd Edn. The Law Book co (P) Ltd.


FOUNDATION COURSE

LAW – II

(GENERAL PRINCIPLES OF LAW)

UNIT NO- I :-

a) Nature And Meaning of Law
b) Sources of Law
c) Relation between law, morality and justice.
d) Meaning and scope of rights
e) Correlativity of Rights and Duties.

UNIT NO- II :- GENERAL PRINCIPLES OF LAW OF TORTS

a) Meaning and nature of Torts
b) Trespass
c) Negligence
d) Nuisance
e) Remedies for Torts.

UNIT NO- III :- GENERAL PRINCIPLES OF CONTRACT

a) Meaning and functions of Contract.
b) Essential elements of contract.
c) Breach of Contract.
d) Remedies for breach of contract.

UNIT NO- IV :- GENERAL PRINCIPLES OF LAW OF CRIME.

a) Meaning and Nature of Crime.
b) Offences against persons.
c) Offences against property.
d) Exceptions to Criminal Liability.
e) Various types of Punishment.
UNIT NO- V :-   HUMAN RIGHTS

a) Nature and meaning of Human Rights
b) Classification of Human Rights.
c) International Bill of Rights
   UDHR, ICCPR, ICESCR
d) Institutional Mechanism for investigation of Human Rights
   NHRC, SHRC, HC, SC

BOOKS PRESCRIBED :-

1) Law of Torts by Ratanlal and Dhirajlal
2) Law of Crimes by K.D.Gour
3) Principles of Contract Law by Avtar Singh
4) Justice Palok Basu - Law Relating to Protection of Human Rights Under