



**UTKAL UNIVERSITY**

**COURSES OF STUDIES  
FOR**

**MASTER OF LAWS (LL.M) EXAMINATION**

**CHOICE BASED CREDIT SYSTEM  
(SEMESTER SYSTEM)**

**(EFFECTIVE FROM ACADEMIC SESSION 2022-2023  
AND ONWARDS)**

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AND ONWARDS)**

**THE POST GRADUATE DEPARTMENT OF LAW  
UTKAL UNIVERSITY  
VANI VIHAR- BHUBANESWAR-751004**

**UTKAL UNIVERSITY**  
**COURSES OF STUDIES FOR THE MASTER OF LAWS**  
**(LL.M) EXAMINATION**  
**(Semester Course)**  
**CHOICE BASED CREDIT SYSTEM**  
***(Effective from the 1<sup>st</sup> Semester, LL.M Admission***  
***during the Academic Session 2022-23)***

This syllabus has been designed on Choice Based Credit System as per the guidelines provided by University Grant Commission and the Curriculum Development Centre of U.G.C. This LL.M Programme is projected to train future researchers and the students to enquire and also to explore about the legal frame work of the contemporary society. **This syllabus is only applicable to the P.G. Department of Law under the Chairman, P.G. Council, Utkal University, Vani Vihar, Bhubaneswar-4** and shall come into effect from the Academic Session 2022-2023.

This regular syllabus (on Choice Based Credit System) for Master of Laws (LL.M) examination consists of four semesters. The 1<sup>st</sup> Semester shall cover the period from June to December & 2<sup>nd</sup> Semester from January to May during the first academic session. The 3<sup>rd</sup> Semester shall commence from June to December and 4<sup>th</sup> Semester from January to May of the second academic session.

The credits specified for LL.M programme describe the weightages of various courses of the programme. The number of credits along with grade points that the student has satisfactorily completed, measures the performance of the student. Satisfactory progress of a student is subject to his/ her maintaining a minimum Cumulative Grade Point Average (CGPA), as well as minimum grades in different subjects of the programme. Description of credit distribution for the course has been given below:

- TOTAL NO OF SEMESTERS- **04**
- TOTAL PAPERS OF ALL SEMESTERS=**16**
- EACH PAPER CONSISTS OF **04** CREDITS
- TOTAL NO CREDIT= 16 x 04= **64** CREDITS
- NO OF CORE PAPERS = 1<sup>ST</sup> SEM **04** + 2<sup>ND</sup> SEM **04**= **08** Papers
- NO OF CORE ELECTIVE PAPERS = 3<sup>RD</sup> SEM **03** + 4<sup>TH</sup> SEM **03**=**06** Papers (Semester III & IV are meant for Specialization and students are to choose any one of the Specialization Subjects mentioned in the syllabus as Core Elective Papers.)
- NO OF ALLIED ELECTIVE PAPER: 3<sup>RD</sup> SEM **01** Paper
- NO OF FREE ELECTIVE PAPER: 4<sup>TH</sup> SEM **01** Paper

The following shall be the subjects and the Courses of Study for Master of Laws (LL.M.) Examination. 1<sup>st</sup> Semester & 2<sup>nd</sup> Semester are Core Subjects which are compulsory for students.

### **Core Subjects (CS) for 1<sup>st</sup> Semester**

CS-01	LLM-CS-01-P-I	Law & Social Transformation in India
CS-02	LLM-CS-02-P-II	New Dimensions in Indian Constitutional Law
CS-03	LLM-CS-03-P-III	Legal Education System in India
CS-04	LLM-CS-04-P-IV	Seminar Presentation

### **Core Subjects (CS) for 2<sup>nd</sup> Semester**

CS-06	LLM-CS-05-P-V	Judicial Process
CS-07	LLM-CS-06-P-VI	Research Methodology
CS-08	LLM-CS-07-P-VII	Human Rights and Law
CS-09	LLM-CS-08-P-VIII	Field Study

**3<sup>rd</sup> and 4<sup>th</sup> Semester** prescribes specialization subjects. Currently, the Department offers three CORE ELECTIVES as specialization subjects such as:

1. LL.M- CE-G01      Business Law (Group-1)
2. LL.M- CE-G02      Criminal Law (Group-2)
3. LL.M- CE-G01      Constitution and Legal Order (Group-3)

Students are to choose any one of the Specialization Subject. However, the DTC reserves the right to offer specializations, subject to availability of teaching and other logistic facilities. The HOD will notify the availability of specializations before the commencement of the 3<sup>rd</sup> Semester. Each student shall apply in writing to the HOD expressing his/her options for specialization subjects within the first week of the 3<sup>rd</sup> Semester of that academic session. The HOD shall notify the names of the students and their respective specializations in the Notice Board.

### **Core Elective Subjects (CE) for 3<sup>rd</sup> Semester**

#### **LL.M-CE-01- BUSINESS LAW (GROUP-1)**

LLM-CE-01-BL- P-IX	Commercial Contracts Law
LLM-CE-01-BL- P-X	Competition Law
LLM-CE-01-BL- P-XI	Laws on Securities and Financial Markets
LLM-AE-01- P-XII	Law of Industrial and Intellectual Property

#### **LL.M-CE-02- CRIMINAL LAW (GROUP-2)**

LLM-CE-02-CRL- P-IX	Procedural Criminal Justice System
LLM-CE-02-CRL- P-X	Penology: Correctional Administration
LLM-CE-02-CRL- P-XI	White Collar Crime and Privileged Class Deviance
LLM-AE-01- P-XII	Law of Industrial and Intellectual Property

#### **LL.M-CE-03- CONSTITUTION AND LEGAL ORDER (GROUP-3)**

LLM-CE-03-CLO- P-IX	Mass Media law
LLM-CE-03-CLO- P-X	Public Utilities law
LLM-CE-03-CLO- P-XI	Constitutionalism: Pluralism and Federalism

LLM-AE-01- P-XII                      Law of Industrial and Intellectual Property

**ALLIED ELECTIVE (AE) SUBJECT**

During 3<sup>rd</sup> Semester the following subject shall be the Allied Elective Paper for all the three Core Elective Subjects (specialization):

LLM-AE-01-P-XII      **Law of Industrial and Intellectual Property**

**Core Elective Subjects (CE) for 4<sup>TH</sup> Semester**

**LL.M-CE-01- BUSINESS LAW (GROUP-1)**

LLM-CE-01-BL- P-XIII      Banking Law  
LLM-CE-01-BL- P-XIV      Insurance Law  
LLM-CE-01-BL- P-XV      Dissertation and Viva (Practical)  
LLM-FE-01- P-XVI          Cyber Law

**LL.M-CE-02- CRIMINAL LAW (GROUP-2)**

LLM-CE-02-CRL- P-XIII      Legal Dimensions of Drug Abuse and Illicit Trafficking.  
LLM-CE-02-CRL- P-XIV      Organised Collective Violence in India  
LLM-CE-01-CRL- P-XV      Dissertation and Viva (Practical)  
LLM-FE-01- P-XVI          Cyber Law

**LL.M-CE-03- CONSTITUTION AND LEGAL ORDER (GROUP-3)**

LLM-CE-03- CLR- P-XIII      Union-state Financial Relations  
LLM-CE-03- CLR - P-XIV      National Security, Public Order and Rule of Law  
LLM-CE-01- CLR - P-XV      Dissertation and Viva (Practical)  
LLM-FE-01- P-XVI          Cyber Law

**FREE ELECTIVE (FE) SUBJECT**

During 4<sup>th</sup> Semester the following subject shall be the Free Elective Paper for all the three Core Elective Subjects (specialization):

LLM-FE-01-P-XV      **Cyber Law**

**AUDIT COURSE (AC)**

No credit awarded and students are to take any one of the following subjects over and above the minimum required courses. The subject is purely optional in nature:

LLM-AC-01      **Tribal Rights and Law**  
LLM-AC-02      **Local Self Government and Law**

**Duration of Examination:** The duration of Mid-Semester and End-Semester Examination for each paper shall be one and three hours respectively.

**Midterm Assessment                      :                      30 Marks**  
**University Examination                    :                      70 Marks**

**Programme Objectives:**

- To cultivate the ability to appreciate role of lawyers in justice education in globalizing world, sustainability, poverty and vulnerability.
- To improve the students in cognitive, problem-solving skills, analytical and independent critical thinking with research capabilities.
- To provide a platform of self-employability by developing professional skills in legal industry.

**Programme Outcomes:**

On completion of this programme the students shall be able to:

- Understand and identify the different laws with respect to their area of specialization.
- Effectively communicate by engaging in a persuasive style and demonstrate oral advocacy skills in a clear and objective manner.
- Successfully analyse a situation and collaborate effectively with others on a variety of legal issues.

## FIRST SEMESTER

<b>FIRST SEMESTER</b>					
CODE	PAPER	CORE SUBJECT	TOTAL MARKS	MINIMUM PASS MARKS	CREDIT POINTS
CS:001	LLM-CS-01-P -I	Law & Social Transformation in India	100	40 %	4
CS:002	LLM-CS-02-P -II	New Dimensions in Indian Constitutional Law	100	40 %	4
CS:003	LLM-CS-04-P-III	Legal Education System in India	100	40 %	4
CS:004	LLM-CS-05-P-IV	Seminar Presentation	100	40 %	4

### **LLM-CS-01-P-I LAW AND SOCIAL TRANSFORMATION IN INDIA**

#### **Learning Objectives**

This course is designed to create awareness in the students about the Indian approach to social and economic problems and to address the remedial measures through Law as an instrument of social control and change. Further, it aims to create awareness in the minds of the students and taught to explore and exploit the significance of law and legal institutions as a means of development within the framework of law.

#### **Learning Outcomes**

The course will help the students to gain an understanding about barriers of society and impact of law to mitigate these issues.

#### **UNIT- I Law and Social Change**

- 1.1 Concept and Theories of Social Change and the Role of law
- 1.2. Concept and jurisprudential theories of Social Engineering
- 1.3. Law as an instrument of social change and Development
- 1.4. Fundamental Rights and new social ordering. Directive Principles of State Policies and Social Transformation.

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

- 2.1. Religion as a divisive factor.
- 2.2. Secularism as a solution to the problem.
- 2.3. Reform of the law on secular lines: Problems.
- 2.4. Freedom of religion and Rights of Religious minorities

#### **UNIT-III Community and the Law**

- 3.1. Caste as a divisive factor
- 3.2. Non-discrimination on the ground of caste.
- 3.3. Protective discrimination: Scheduled castes, tribes and backward classes.
- 3.4. Reservation; Statutory Commissions., Statutory provisions.

#### **UNIT-IV Gender Mainstreaming and Law**

- 4.1. Gender injustice and feminist jurisprudence

- 4.2. Broader Concept of Gender Equality
- 4.3. Inclusion and Participation of Women in Governance and Decision-Making process
- 4.4. Women's Commission: Determination of Status of women, redressing unfair practices affecting women

### **Suggested Readings**

1. Basu, D.D. (2012) *Shorter Constitution of India*, Prentice - Hall of India (P) Ltd., New Delhi.
2. Baxi U., (1982). *The Crisis of the Indian Legal System*, Vikas, New Delhi.
3. Chowdhuri. J.P. (2012) *Caste System, Social Inequalities and Reservation Policy in India: Class, Caste, Social Policy and Governance through Social Justice*, LAP LAMBERT Academic Publishing
4. Derret, Duncan, *The State, Religion and Law in India*, Oxford University Press, New Delhi.
5. Flavia, Agnes, (1999), *Law and Gender Inequality: The Politics of Women's Rights in India*, Oxford University Press, New Delhi,
6. Friedmann W. (2010), *Law and Social Change*, EBC
7. Galanter, Marc (1997). *Law and Society in Modern India*, Oxford,
8. Gary Jeffrey Jacobsohn,(2005) *The Wheel of Law India's Secularism in Comparative Constitutional Context*. Princeton University.
9. ILI, (1988), *Law and Social Change: Indo-American Reflections*, Tripathi
10. Jain, M.P. (1993), *Outlines of Indian Legal History*, Tripathi, Bombay.
11. Judith A. Baer Page (2006) *The Constitutional and Legal Rights of Women: Cases in Law and Social Change*, Oxford University Press,
12. Kripalani, J.B. (1970), *Gandhi: His Life and Thought*, Ministry of Information and Broadcasting,
13. Lingat, Robert (1998), *The Classical Law of India*, Oxford
14. M.S. Gore, (2002) *Unity in Diversity: The Indian Experience in Nation-Building*, Rawat Publications
15. P. Ishwara Bhat (2012), *Law and Social Transformation*, EBC
16. Ronojoy Sen (2010), *Articles of Faith: Religion, Secularism, and the Indian Supreme Court* (Law in India), Oxford University Press,
17. Seervai, H.M. (1999). *Constitutional Law of India*, Tripathi.
18. Trevor Noble, (2009), *Social Theory and Social Change*, Palgrave Macmillan
19. William Gould (2011), *Religion and Conflict in Modern South Asia*, Cambridge University Press

### **LLM-CS-02-P -II NEW DIMENSIONS IN INDIAN CONSTITUTIONAL LAW**

#### **Learning Objectives:**

The Objective of this paper is to provide understanding of basic concept of Indian Constitution and various organs created by the constitution including their functions. In this course, Student will study different facets of constitutional law that are emerging day by day with special focus on case study.

#### **Learning Outcome:**

This course is designed to create among the students to demonstrate an advanced and integrated understanding of Constitutional Law.



## **UNIT-I Federalism**

- 1.1 "State": Need for widening the definition in the wake of liberalization
- 1.2 Laws inconsistent with Fundamental Rights
- 1.3 Constitutional Framework of Centre -State Relationship
- 1.4 Tax Sharing under the Constitution

## **UNIT-II Right to Equality: Legal Implications**

- 2.1 Right to Equality - Article 14 & 'Reasonable Classification': Supreme Court
- 2.2 Right to Equality and Protective Discrimination in India
- 2.3 The Concept of Equal Pay for Equal Work
- 2.4 Privatization and its impact on Affirmative Action

## **UNIT-III Separation of Powers: Stresses and Strain**

- 3.1. Judicial Activism and Judicial Restraint
- 3.2 Doctrine of *Locus Standi* & Public Interest Litigation
- 3.3 Judicial Review
- 3.4 Accountability: Executive and Judiciary

## **UNIT-IV Constitutional Rights and Remedies**

- 4.1 Doctrine of *Eminent Domain* and Rights of the Displaced
- 4.2 Right to Freedom of Religion: Scope and Ambit
- 4.3 Right to Life and Personal Liberty: Changing Dimensions
- 4.4 Constitutional Jurisprudence relating to Compensatory Justice

## **Suggested Readings**

1. Basu, D. D. (2008), *Comparative Constitutional Law*, LexisNexis Butterworths
2. Basu, D. D. (2008), *Introduction to the Constitution of India*
3. M.P. Singh, (2011) *Comparative Constitutional Law* (Festschrift in honour of Professor P.K. Tripathi), EBC
4. Mona Shukla (2010) *Indian Judiciary and Good Governance*, Regal Publications
5. Mool Chand Sharma, Raju Ramachandran, (2008) *Constitutionalism Human Rights & the Rule of Law - Essays in Honour of Soli J Sorabjee*, Universal Law Publishing Co Pvt Ltd.
6. P. Chakraborty (2012), *Indian Judiciary in Transition*, Global Publishing House
7. P. Ishwara Bhat, (2004) *Fundamental Rights*, EBC
8. Satyaranjan Purushottam Sathe (2002) *Judicial Activism in India*, Oxford University Press,
9. Seervai, H.M. (2012) *Constitutional Law of India* (3 Vols), Universal Law Publishing Co Pvt Ltd.
10. Shailja Chander, V. R. Krishna Iyer, (1992) *Justice V R Krishna Iyer on Fundamental Rights and Directive Principle*, Deep and Deep Publications, New Delhi
11. V.S Rama Devi and SK Mendiratta (2008) *How India Votes Election Laws, Practice and Procedure*, LexisNexis India
12. Subhash C. Kashyap, *Anti-Defection Law and Parliamentary Privileges*, Universal Law Publishing Co Pvt Ltd.

13. Sunil Deshta and Kiran Deshta. (2000). *Law and Menace of Child Labour*. Anmol Publications, New Delhi.
14. Savitri Gunasekhare(1997). *Children, Law and Justice* Sage Publications.
15. Ved Kumari, (2008) *Offences Against Women in Kamala Sankaran and Ujjwal Kumar Singh(ed) Towards Legal Literacy An Introduction to Law in India PP.78-94* Oxford, New Delhi.
16. Virendra Kumar (2007).: *Dynamics of Reservation Policy: Towards a More Inclusive Social Order* 50, Journal of the Indian Law Institute PP 478-517

## **LLM-CS-03-P-III LEGAL EDUCATION SYSTEM IN INDIA**

### **Learning Objectives:**

The Objective of this paper is to provide an understanding of status of legal education in India, issues and challenges.

### **Learning Outcomes:**

This course will provide the students an idea about position of legal education in India and its governing authority along with history of legal education in India.

### **UNIT-I Scope and Extent of Legal Education**

- 1.1 Professional Education and Status of legal Education in India
- 1.2 Growth and Objectives of Legal education in India
- 1.3 Continuing Legal Education
- 1.4 Globalization and Future of legal education

### **UNIT-II Law Curriculum**

- 2.1. Curriculum model for Law Studies
- 2.2 Curriculum contents
- 2.3 Evaluation of BCI and UGC Curricular Model
- 2.4 Defects of present Curriculum Model

### **UNIT-III Teaching Method**

- 3.1 Lecture Method
- 3.2 Case study method
- 3.3 Seminar method
- 3.4 Clinical Legal Education:

### **UNIT-IV Evaluation Process**

- 4.1 Objectives of Examinations
- 4.2 Internal and external Assessments
- 4.3 Practical / Oral Examination
- 4.4 Problems in law examination and solution

### **Suggested Readings**

1. 184TH REPORT ON LEGAL EDUCATION & PROFESSIONAL TRAINING AND PROPOSALS FOR AMENDMENTS TO THE ADVOCATES ACT, 1961 AND THE UNIVERSITY GRANTS COMMISSION ACT, 1956. Part - I. Part - II. Law Commission of India, New Delhi.
2. Agrawal.S.K. (Ed.) (1973), *Legal Education in India* Tripathi, Bombay.

3. Baxi, U, (1979) *Towards a socially relevant legal education: a consolidated report of the University Grants Commission's workshop[s] on modernization of legal education, India*. University Grants Commission
4. David M. Moss and Debra Moss Curtis (2012) *Reforming Legal Education: Law Schools at the Crossroads*, Information Age Publishing
5. Education Rules 2008, The Bar Council of India, [www.barcouncilofindia.org](http://www.barcouncilofindia.org) ,
6. Gang Fan, Chung-Ying Xin, Jeffrey Sachs, (1998) *The Role of Law and Legal Institutions in Asian Economic Development*:
7. Hemlata Talesra,(2005) *Scope & Trends of Research on Teaching*, p.17, Authors press
8. [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1728451](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1728451)
9. P. Massey, forward to Sushma Gupta, (2006) *History of Legal Education*, Deep & Deep Publications (p) Ltd.
10. John Varghese, *Global Legal Education and India - A Blueprint for Raising Indian Legal Education to Global Standards*
11. Margaret M. Barry, *Teaching Social Justice Lawyering: Systematically Including Community Legal Education in Law School Clinics*, 18 *Clinical L. Rev.* 401 (2012).
12. MSV Jayakaumar, *National Knowledge Commission and Legal Education*, [www.vpmthane.org/.../National\\_Knowledge\\_Commission\\_an\\_Legal...](http://www.vpmthane.org/.../National_Knowledge_Commission_an_Legal...)
13. N.R. Madhava Menon, ed., (1998). *A Handbook on Clinical Legal Education*
14. N.R. Madhava Menon, (2012) *The Transformation of Indian Legal Education: A Blue Paper*, Harvard Law School Program on the Legal Profession, Harvard Law School
15. NATIONAL KNOWLEDGE COMMISSION REPORTS. REPORT (2006-2009), INDIAN KNOWLEDGE COMMISSION,
16. Piarey Lal Mehta, Susma Gupta (2002), *Legal education and profession in India*, Deep & Deep Publications,

### **LLM-C-04-P-IV SEMINAR PRESENTATION**

**Instruction:** The Head of the Department will notify the Seminar Topic common for all the Examinees and the Examinees shall present it through Power Point Presentation before the Board of Examiners consisting of the Centre Superintendent of the Examination and External Examiner. The Examinees shall submit their soft and hard copies on the date of examination before the Board for evaluation.

## SECOND SEMESTER

<b>SECOND SEMESTER</b>					
CODE NO	PAPER	CORE SUBJECT	TOTAL MARKS	MINIMUM PASS MARKS	CREDIT POINTS
LLM- CS-05	LLM-CS-05-P- V	Judicial Process	100	40	4
LLM-CS-06	LLM-CS-06-P-VI	Research Methodology	100	40	4
LLM-CS-07	LLM-CS-07-P-VII	Human Rights and Law	100	40	4
LLM-CS-08	LLM-CS-08-P-VIII	Field Study	100	40	4

### **LLM-CS-05-P- V JUDICIAL PROCESS**

#### **Learning Objectives:**

This paper is designed to provide understanding of concept of justice in India along with relation between law and justice, nature of judicial process with special focus in Indian judicial system.

#### **Learning Outcomes:**

This course will provide the students an advance understanding of Judicial process in India and what and how judicial process in formulated.

#### **UNIT-I The Concepts of Justice**

- 1.1. The concept of Justice or Dharma in Indian thought
- 1.2. Dharma as the foundation of legal ordering in Indian thought.
- 1.3. The concept and various theories of justice in the western thought.
- 1.4. Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

#### **UNIT-II Relation between Law and Justice**

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

#### **UNIT-III Nature of Judicial Process**

- 3.1. Judicial process as an instrument of social ordering
- 3.2. Judicial process and creativity in law - common law model - Legal Reasoning and growth of law - change and stability.
- 3.3. The tools and techniques of judicial creativity and precedent.

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

#### **UNIT-IV Judicial Process in India**

- 4.1. Judicial Review: Approach of Indian Judiciary
- 4.2. Judicial Activism and Creativity of the Supreme Court - the tools and techniques of creativity.
- 4.3. Judicial process in pursuit of constitutional goals and values - new dimensions of judicial activism and structural challenges
- 4.4. Judicial Accountability

#### **Suggested Readings**

1. Anand, A. S (2000). Judicial Review – Judicial Activism–Need for Caution, 42 *Journal of Indian Law Institute* P. 149
2. Bodenheimer, (1997), *Jurisprudence - the Philosophy and Method of the Law*, Universal, Delhi
3. Cardozo, (1995) *The Nature of Judicial Process* Universal, New Delhi
4. Henry J. Abraham, (1998), *The Judicial Process*, Oxford.
5. J. Stone. (1999), *Legal System and Lawyer's Reasoning*. Universal Law Publishing Co., New Delhi
6. J.Stone, (1985) *Precedent and the Law: Dynamics of Common Law Growth*. Butterworth
7. John Rawls, (2000), *A Theory of Justice* Universal, Delhi
8. Rajeev Dhavan, (1977), *The Supreme Court of India - A Socio -Legal Critique of its Juristic Techniques*, Tripathi, Bombay.
9. S.P.Sathe, (2002). *Judicial Activism in India: Transgressing borders and Enforcing Limits*, Oxford New Delhi.
10. U.Baxi, (1980) *The Indian Supreme Court and Politics*), Eastern, Lucknow.
11. Upendra Baxi, "On how not to Judge the Judges" 25 *Journal of the Indian Law Institute*, P. 211 (1983).
12. Upendra Baxi,(1980), *The Indian Supreme Court and Politics*. Eastern Book Co., Lucknow.
13. Virendra Kumar, Basic Structure of the Indian Constitution: Doctrine of Constitutionally controlled Governance, 49 *Journal of the Indian Law Institute*, PP 365-395, (2007).
14. W.Friedmann, (1960), *Legal Theory* Stevens, London

#### **LLM-CS-06-P-VI RESEARCH METHODOLOGY**

##### **Learning Objectives:**

The main objective of this course is to acquaint the student of law with the basic concepts of research and its methodologies. This course is expected to provide knowledge and skill on reviewing of literature, and acquaint them with each stage of a research process starting from technique of selection of topic till analysis, interpretation of data and finally drawing up of a conclusion.

## **Learning Outcomes:**

After the end of the course students will be able to Learn the basic concept of legal research and various types of research. Understand the various tools and techniques to collect the data related to legal research. Differentiate between doctoral and non-doctoral research and skill the art of data collection and interpretation.

### **UNIT-I Legal Research: Introduction**

- 1.1. Nature and Scope of Research
- 1.2. Objectives Legal Research
- 1.3. Progress of Legal Research in India
- 1.4. Scope and Application of legal Research

### **UNIT-II Research Method**

- 2.1. Socio Legal Research, Qualitative and Quantitative Research
- 2.2. Use of observation studies, questionnaire, Interview, and Sampling
- 2.3. Induction and deduction through Case Study Analysis
- 2.4. Empirical research and Non-Empirical research

### **UNIT-III Content of Research**

- 3.1. Review of Literature and Setting of Questions and Issues of research
- 3.2. Formulation Problem and Research Hypothesis
- 3.3. Research Design and Tools of research
- 3.4. Data: Sources, methods, Collection and Processing

### **UNIT- IV Interpretation of Data and Report writing**

- 4.1. Data analysis and Data Interpretation
- 4.2. Types of Report, Steps and formatting in Drafting Report
- 4.3. Structure of a Research Report
- 4.4. Uniform citation system

## **Suggested Readings**

1. C.R.Kothari , *Research Methodology (Methods and Techniques)*, Vishwa Prakashan
2. Craig Simonsen, Christian Anderson. (2005) *Computer-Aided Legal Research on the Internet*, Prentice Hall,
3. Erwin C. Surrency, B. Field and J. Crea, (1959) *A Guide to Legal Research*.
4. H.M.Hyman, *Interviewing in Social Research* (1965)
5. H.N.Tawari *Legal Research Methodology* — Allahabad Law Agency.
6. High Brayal, Nigel Duncan and Richard, (1998) *Crimes, Clinical Legal Education: Active Learning in your School*, Blackstone P. Press Limited, London.
7. J. Myron Jacobstein and Roy M. Mersky, (2002) *Fundamentals of Legal Research*, 8th ed. Foundation Press,
8. *Legal Research and Methodology*, Indian Law Institute, New Delhi
9. M.O. Price, H. Bitner and Bysiewiez, (1978) *Effective Legal Research*
10. M. Tanulingam, *Research Methodology*, Himalaya Publishing
11. Monis L. Cohan, (1996), *Legal Research in Nutshell*, West Publishing Co.
12. P.Saravanavel, *Research Methodology*, Kitab Mahal
13. Pauline V.Young, (1962) *Scientific Social Survey and Research*

14. Stephanie Delaney, (2008) *Electronic Legal Research: An Integrated Approach*, Cengage Learning,
15. *Uniform System of Citations*. Harvard Law Review Association,
16. William, I Grade and Paul K Hatt, *Methods in Social Research*, Mc Graw-Hill Book Company, London.
17. Stephen Elias, (2009) *Legal research: How to find & understand the law*, Nolo, 2009

## **LLM-CS-07-P-VII HUMAN RIGHTS AND LAW**

### **Learning Objectives:**

To understand relationship between Human Rights, and apply democracy and development to the society. To analyse the national and international regime of Human Rights. To know, analyse and apply the American and European Convention on human rights and the right of refugees and asylum. To understand and examine the Indian laws relating to protection of human rights.

### **Learning Outcomes:**

On successful completion of the paper students will be able to demonstrate knowledge and understanding of the international human rights framework, its origins and justifying theories; Demonstrate capacity to assess how specific human rights may be asserted, enforced or violated; Critically evaluate the relationship between international and domestic law on human rights.

### **UNIT-I Theoretical Foundations and growth of Human Rights and International Law**

- 1.1 Concept and Theories of Human Rights
- 1.2. Growth of Human Rights (National & Western)
- 1.3 Constitution of India and Human Rights
- 1.4 Generations of Human Rights

### **UNIT-II UN and Human Rights: Implementation of Human Rights at International Level**

- 2.1 Universal Declaration on Human Rights, 1948- individual and group rights
- 2.2 International Covenant on Civil and Political Rights, 1966 ;. International Covenant on Economic, Social and Cultural Rights, 1966; Optional Protocol of International Covenant of Civil and Political Rights,
- 2.3 European Convention on Human Rights, 1950,, Protocol 9 of 1990 and Protocol 11 of 1994; Vienna Declaration and Programme of Action, 1993; The Protection of Human Rights Act, 1993 (India) I LO and other Conventions and Protocols –I and II dealing with human right
- 2.4 Role of Regional Organizations: European, American, African Convention on Human Rights, SAARC

### **UNIT-III Protection agencies and mechanisms**

- 3.3 International Commission of Human Rights
- 3.2 European Commission on Human Rights/Court of Human Rights

- 3.3 International Labour Organization
- 3.4 UNESCO, UNICEF, UNIFEM, Amnesty International

#### **UNIT-IV Impact and implementation of international human rights norms in India**

- 4.1 The Protection of Human Rights Act, 1993
- 4.2. Human rights norms reflected in fundamental rights and Directive Principles of State Policy
- 4.3 Role of courts: The Supreme Court, High Courts and other courts
- 4.4 National Human Rights Commission (NHRC), State Human Rights Commission (SHRC), Statutory commissions- human rights, women's, minority and backward class

#### **Leading Cases**

1. Vishaka v. State of Rajasthan, AIR 1997 SC 3011
2. CIT v. P.V.A.L. Kalandagan Chettiar (2004) 6 SCC 235
3. Chairman, Rly. Board v. Chandrima Das (2000) 2 SCC 465
4. Naga Peoples Movement for Human Rights Vs. Union of India, 1997(III) GLT(SC)50
5. Nilabati Behera v State of Orissa, AIR 1993 SC 1960
6. D.K. Basu, v West Bengal, AIR 1997 SC, 610
7. Potsangbam Ningom Thokchom v GOC, 1997(7) SCC 7250
8. Sebastain Hongray v Assam, 1995(3) SCC 743.

#### **Suggested Readings**

1. Nirmal.C.J. (ed.), Human Rights in India (2000), Oxford
2. E.S. Venkataramiah, Human Rights in the Changing World
3. P.R.Gandhi, International Human Rights Documents (1999) Universal, Delhi.
4. S.K.Varma, Public International Law (1998), Prentice-Hall, New Delhi
5. N. Sanajaoba , Human Rights, 1994
6. Peter J. Van Krieken (ed.), The Exclusion on Clause (1999), Kluwer
7. Human Rights Watch Women's Rights Project, The Human Rights Watch Global Report on Women's
8. Human Rights (2000), Oxford
9. Ermacora, Nowak and Tretter, International Human Rights (1993), Sweet & Maxwell.
10. Wallace, International Human Rights: Text & Materials (1996), Sweet & Maxwell
11. Muntarhorn, The Status of Refugees in Asia (1992), Oxford.
12. Human Rights and Global Diversity (2001), Frank Cass, London
13. Nirmal.B.C., The Right to Self-determination in International Law (1995), Deep & Deep.
14. J. G. Starke, Introduction to International Law
15. Hari Om Agarwal, International Law
16. Harris, Cases and Materials on International Law
17. Lauterpacht, International Law (2 Vols.)
18. International Committee of Red Cross, Geneva, Conventions, 1949 and Additional Protocols, 1977.



19. S. K. Avesti and R.P.Kataria, Law Relating to Human Rights, Ch. IV, V, VIII, XIV, XXIX and XXXIX, (2000) Orient, New Delhi

### **LLM-CS-08-P-VIII FIELD STUDY**

#### **Learning Objectives**

To create opportunities for first-hand experiences that encourage critical thinking, long-term retention, transfer potential, positive attitudes towards science, appreciation for nature, and increased scientific curiosity. Further to enhance the cognitive development and motivation due to active participation by the students in the planning of the field study and in the activity itself.

#### **Learning Outcomes**

This course is adopted to enable Field Study students a greater understanding of the intricacies and complexities of daily life. Such field study/research may also uncover elements of people's experiences or of group interactions of which the students were not previously aware.

#### **Instruction**

Each student shall be required to conduct a Field Study under the guidance of the teachers to be notified by the HOD on any contemporary socio-legal issue (subject based). After such Field Study each student shall present the Report in PPT format before the Board of Examiners consisting of the Centre Superintendent of the Examination and External Examiner. A hard copy of Report (Maximum 50 Pages in A4 Size Paper) is to be submitted by the students on the date of examination for evaluation. The student should follow proper Research Methodology while preparing the Report.

## THIRD SEMESTER

<b>THIRD SEMESTER LL.M-CE-01- BUSINESS LAW (GROUP-1)</b>					
CODE NO	PAPER	CORE SUBJECT	TOTAL MARKS	MINIMUM PASS MARKS	CREDIT POINTS
LLM-CE-G01	LLM-CE-01-BL-P-IX	Commercial Contract Law	100	40	4
LLM-CE-G01	LLM-CE-01-BL-P-X	Competition Law	100	40	4
LLM-CE-G01	LLM-CE-01-BL-P-XI	Law on Securities and Financial Markets	100	40	4
LLM-CE-G01	LLM-AE-01-P- XII	Law of Industrial and Intellectual Property	100	40	4

### **LLM-CE-01-BL-P- IX COMMERCIAL CONTRACT LAW**

#### **Learning Objectives:**

This course on commercial contracts aims to provide students with a comprehensive understanding of the legal framework governing commercial transactions, including the concept, role, and necessity of commercial contracts, general principles, and key provisions of relevant acts. Students will learn about different types of commercial contracts and their importance. The course covers execution, performance obligations, discharge, breaches, dispute resolution mechanisms.

#### **Learning Outcomes:**

After completing this course on commercial contracts, students will have a comprehensive understanding of general principles of contract, general principle of sale of goods, the legal framework governing commercial transactions. They will be able to identify different types of commercial contracts, understand their importance. Additionally, students will understand execution, performance obligations, and discharge of commercial contracts, types of breaches and effective dispute resolution mechanisms.

#### **UNIT I General Principles of Contract**

- 1.1. Introduction to Contract Law with a special focus on Special Contracts
- 1.2. Offer, Acceptance and Consideration
- 1.3. Capacity and Legality
- 1.4. Performance of Contract, Quasi-Contract and Breach of Contract

#### **UNIT II General Principles of Sale of Goods Act**

- 2.1. Introduction to Sale of Goods Act
- 2.2. Formation of a Contract of Sale
- 2.3. Transfer of Property and Transfer of Title
- 2.4. Performance of Contract

### **UNIT III Introduction to Commercial Contracts**

- 3.1. Concept, role, and necessity of commercial contracts in business transactions
- 3.2. Terms of a Commercial Contract
- 3.3. Different types of commercial contracts and their importance
- 3.4. Role of technology in Commercial Contracts: Smart Contracts and e-Contract.

### **UNIT IV Execution, Performance and Breach of Commercial Contracts**

- 4.1. Concept of execution and who can execute a commercial contract
- 4.2. Performance obligations and discharge of commercial contracts
- 4.3. Different types of breaches that can occur in a commercial contract
- 4.4. Dispute resolution mechanisms available for commercial contracts, including negotiation, mediation, and arbitration.

#### **Suggested Readings:**

1. Dr. Avtar Singh, Law of Contract and Specific Relief, Eastern Book Company
2. H.K. Saharay, Textbook on Law of Contract, Universal LexisNexis
3. Dr. Avtar Singh, Textbook on Law of Contract and Specific Relief, Eastern Book Company
4. Narayan, P, E-Commerce: Legal Compliance, Eastern Book Company
5. Dr. Avtar Singh, Law of Sale of Goods, Eastern Book Company.
6. Akshay Sapre, Pollock and Mulla The Sale of Goods Act, LexisNexis
7. Dr. Jyoti Rattan, Sale of Goods Act, Bharat Law House
8. Dr Richard Lawson, 'Commercial Contracts: A Practical Guide to Standard Terms.
9. Sachin Rastogi, 'Insights into E-Contracts in India', Lexis Nexis
10. R K Singh, 'Law relating to Electronic Contracts', Lexis Nexis
11. R Kumar, 'Commercial Contracts', Bharat Publication
12. Willam Fox, 'International Commercial Agreements and Electronic Commerce', Wolters Kluwer
13. Verma, B., Practical Guide to Drafting Commercial Contracts, Oak Bridge Publishing Pvt. Ltd.

### **LLM-CE-01-BL-P-X COMPETITION LAW**

#### **Learning Objectives:**

This course aims to apprise students about various aspects of Competition Law in India. The course aims to help students understand the historical development and scope of competition law, analyse anti-competitive practices, compare UK and USA competition laws, identify prohibited agreements and abuses of dominant positions, evaluate the role of the Competition Commission in India, analyse investigative procedures, understand penalties for non-compliance, and analyse the role and powers of the appellate tribunal.

#### **Learning outcomes:**

By the end of the course, students will be able to identify anti-competitive practices, evaluate regulations, understand the powers of the Competition Commission, and assess penalties and compensation. The course aims to equip students with the ability to analyse and evaluate complex legal issues in competition law.

## **UNIT I Introduction and Historical Background**

- 1.1 History, Development and growth of Competition Law
- 1.2 Nature & Scope of Competition Law
- 1.3 Restrictive Trade Practices & Unfair Trade Practices
- 1.4 Competition Laws in UK & USA

## **UNIT II Prohibition of Certain Agreements**

- 2.1 Prohibition of Anti-Competitive Agreements & Practices
- 2.2 Abuse of Dominant Position
- 2.3 Regulations of Combination
- 2.4 Remedies available in Competition Act.

## **UNIT III Competition Commission in India**

- 3.1 Establishment, Composition & Term of Office.
- 3.2 Duties of the Commission, Inquiry into Certain Agreements & Dominant position of Enterprise
- 3.3 Procedure for Investigation of Commission U/S 19, Inquiry into Combination
- 3.4 Duties of Director General

## **UNIT IV Penalties & Appellate Tribunal**

- 4.1 Contravention of Orders of Commission, Penalty and Compensation, Penalty for failure to comply with directions of Commission and Director General, Power to impose penalty for non-furnishing of information on combinations, contravention by companies
- 4.2 Finance, Accounts & Audit
- 4.3 Appellate Tribunal
- 4.4 Power of Central Government

### **Prescribed books**

1. Whish, R & Bailey, D, Competition Law, Oxford University Press.
2. Mitta, D.P, Competition Law & Practice, Taxmann.
3. Ramappa T, Competition Law in India, Oxford University Press.
4. Dr. V.K. Agarwal, Competition Act, 2002 (Principles and Practices), Bharat Law House
5. Dr. Avtar Singh, Competition Law, Eastern Book Company
6. Jayant Kumar, Abir Roy, Competition Law in India, Eastern Law House
7. H.K. Saharay, Textbook on Competition Law, Universal LexisNexis
8. Dr. S.C.Tripathi, Competition Law, Central Law Publications
9. Neha Vyas, Competition Law, Eastern Book Company

## **LLM-CE-02-BL- P-XIII LAW ON SECURITIES AND FINANCIAL MARKETS**

### **Learning Objectives**

The objective of the paper is to give comprehensive knowledge of Securities Laws and the regulatory framework concerning financial markets in India and its practical implementation in the society.

## Learning Outcomes

This course will provide the students a basic understanding and in-depth knowledge of equity finance, debt finance and their regulation.

### UNIT I: Introduction

- 1.1. Constituent of financial system, Significance, Development and growth of financial and capital markets in India.
- 1.2. Capital needs – Classification of Capital
- 1.3 Primary and Secondary markets
- 1.4 Prospectus – Content of Prospectus, Liability for Mis-statements in Prospectus

### UNIT II: Equity Finance

- 2.1. Shares - Meaning, Nature and Types
- 2.2. Rights of the Share Holder, Application and allotment of Shares
- 2.3. The Depository Act, 1996, Transfer and Transmission of Securities.
- 2.4. Sweat Equity Share, Buy Back of Shares, and issue of Bonus Shares

### UNIT III: Debt Finance

- 3.1 Debentures, Nature, issue and class
- 3.2 Deposits and acceptance
- 3.3. Creation of charges, Fixed and floating charges, Mortgages, Convertible debentures
- 3.4 Creditors' Protection- Preference in payments, Rights in making company decisions affecting creditor interest, creditors' self Protection

### UNIT IV: Regulatory Authorities governing financial markets

- 4.1. Control on payment of dividends
- 4.2. Insider Trading, Fraudulent & Unfair Trade Practices
- 4.3. Regulation by SEBI, Central Government,
- 4.4. Registrar of Companies, RBI Control

### Select Bibliography

1. Alastair Hudson, (1998), *The Law on Financial Derivatives*. Sweet& Maxwell
2. Eli's Ferran, (1999), *Company Law and Corporate Finance* Oxford
3. Raimaiya A, *Guide to the Companies Act* (2011)
4. H.A.L. Ford and A.P. Austen, (1999) *Fords' Principle of Corporate Law* Butterworths
5. E.Gordon & H.Natarajan : Capital Market in India. Himalaya Publishing House
6. H.R.Machiirmu: Indian Financial system: Vikash Publishing House Pvt.Ltd
7. Guide to Indian Capital Market: Sanjeev Agarwal: Bharat Law House
8. SEBI Manual: Taxman
9. M.Y.Khan: Indian Financial System: Tata McGraw Hill
10. J.H.Farrar and B.M. Hanniyan, (1998) *Farrar's Company Law*
11. G.K.Sahu : Law of Securities Market in India: Academic excellence Publisher
12. Austen R.P, (1986) *The Law of the Public Finance* LBC
13. Gilbert Harold, (1956) *Corporate Finance*,
14. R.C. Osbern, (1959) *Corporate Finance*,
15. Maryian M.Kristein, (1975) *Corporate Finance*,
16. S.C. Kutchal, (2011) *Corporate Finance: Principles and Problem*, 11<sup>th</sup> Edition,
17. V.G. Kulkarni, (1996) *Corporate Finance*

18. M.C. Bhandari, (2009) *Guide to Company Law Procedures (Set of 4 Vols.)*,
19. Avtar Singh, (2011) *Company Law*,
20. Statutory Materials- Companies Act and Laws relating to SEBI, Depositories, Industrial Financing and Information Technology

## **LLM-AE-01-P- XII LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY**

### **Learning Objectives:**

This course aims to provide a detailed understanding of Intellectual Property Rights by covering the basic concepts, theories, and types of IP. It also includes an in-depth study of the international regime of IP and its practical application in various fields. Additionally, the course teaches about the law of copyright, trademark, patents, designs, trade secrets, geographical indications, and access to biological resources under the Biological Diversity Act 2002. The NDUS test for plant variety registration and the protection of new plant varieties are also included in the course. By the end of the course, learners will have a thorough knowledge of Intellectual Property Rights and their practical applications.

### **Learning Outcomes:**

By the end of this course, students will be able to demonstrate a comprehensive understanding of Intellectual Property Rights, including their basic concepts, types, and international regime. They will also have the ability to apply the laws of copyright, trademark, patents, designs, and trade secrets to practical scenarios. Moreover, they will understand the protection of geographical indications and access to biological resources, as well as the NDUS test for plant variety registration.

### **Unit I: Protection of Intellectual Property: Introduction**

- 1.1. Introduction to Intellectual Property Rights
- 1.2. Concept and Theories
- 1.3. Kinds of Intellectual Property Rights
- 1.4. International Regime Relating to IPR

### **Unit II: Law of copyright and Trademark**

- 2.1. Copyright: Introduction, Originality, Idea-expression dichotomy, Authorship and Ownership of copyright,
- 2.2. Registration of Copyright, Infringement of Copyrights and Remedies thereof
- 2.3. Trademark: Introduction, Distinctiveness, Graphical Representation & Essential Elements of Trademark
- 2.4. Registration of Trademark, Infringement and Passing off of Trademarks, Remedies thereof.

### **Unit III: Law of patents, Designs, and Trade Secrets**

- 3.1. Patent: Introduction & Patentability Criteria and Biotechnology Patents
- 3.2. Patent Search, Patent Filing and Examination, Patent Grant, Patent term and enforcement and Infringement.
- 3.3. Protection of Designs
- 3.4. Protection of Trade Secrets

## **Unit IV: Geographical Indication, Law relating to biodiversity, Law of plant varieties and farmers rights**

- 4.1. Geographical Indication: Introduction, Procedure of registration Goods and Authorized Users, Infringement & Remedies thereof
- 4.2. Introduction to Protection to Biodiversity and Regulation of Access to Biological Resources under Biological Diversity Act 2002
- 4.3. Benefit Sharing Mechanism (provision of CBD & section 21 of the BD Act) with offences and penalties
- 4.4. Introduction to New Plant Variety: Rationale behind protection of New Plant Varieties, NDUS Test for Plant Variety Registration.

### **Case Law Study**

1. University of London Press Ltd. v. University Tutorial Press Ltd., (1916) 2 Ch. D 601.
2. Feist Publications, Inc. v. Rural telephone Service Co. 499 U.S. 340 (1991)
3. Eastern Book Company v. D.B. Modak (2008) 1 SCC 1
4. RG Anand Vs Deluxe Films (AIR 1978 SC 1613)
5. Donoghue v. Allied Newspapers Ltd., (1937) 3 ChD 503
6. Rameshwari Photocopy Services & Ors. [DU Photocopying Case]
7. YRF v Sri Sai Ganesh Productions CS (COMM) 1329/2016
8. Biswanath Prasad Radhey Shyam Vs Hindustan Metal Industries AIR 1982 SC 1444
9. Novartis v UOI (2013) 6 SCC 1
10. Diamond Vs Chakrabarty 447 U.S. 303 (1980)
11. F. Hoffmann-La Roche v. Cipla Ltd. 148 (2008) DLT 598
12. Abercrombie & Fitch V Hunting World, 537 F.2d 4 (2d Cir. 1976)
13. Ralf Sickman Vs. German Patent Office, Case No. C-273/00
14. Novartis AG & Anr. v. Natco Pharma Ltd. CS (COMM) 229/2019
15. Daimler Benz Vs. Hybo Hindustan, AIR 1994 Delhi 239
16. Yahoo Inc. Vs Akash Arora, 1999 IAD Delhi 229.
17. Tea Board, India Vs. ITC Limited, C.S. No. 250 of 2010
18. Basmati Rice Patent Case No. 5,663,484, USPTO, 1997. (Case pertaining to Bio-piracy)
19. Tirupati Laddoo Geographical Indication case study (GI granted to TTD in 2009)
20. Kani Tribe benefit sharing Case Analysis (2 Benefit Sharing cases of 1996 and 2006 between parties TBGRI & AVP - Agreement of 1996 and KANI tribe, TBGRI & AVP - Agreement of 2006 respectively)

### **Suggested Readings**

1. VK Ahuja, Law Relating to Intellectual Property Rights, Lexis Nexis, 3rd edition, July 2017.
2. Lionel Bently, Brad Sherman, Dev Gangjee, Phillip Johnson Intellectual Property Law, OUP Oxford.
3. Justin Pila, The Subject Matter of Intellectual Property, OUP Oxford.
4. P. Narayanan, Intellectual Property Law, Eastern Law House
5. Dr. B.L. Wadehra, Law Relating to Intellectual Property, Universal LexisNexis
6. P. Narayanan, Patent Law, Eastern Law House

7. Raj Ganesh, R.R. Hanchinal, Protection of Plant Varieties and Farmer's Rights (Law, Practice and Procedure), Eastern Law House
8. Vandana Singh, The Law of Geographical Indications, Eastern Law House

<b>THIRD SEMESTER LL.M-CE-02 CRIMINAL LAW (GROUP-2)</b>					
CODE NO	PAPER	CORE SUBJECT	TOTAL MARKS	MINIMUM PASS MARKS	CREDIT POINTS
LLM-CE-G02	LLM-CE-02-CRL-P- IX	Procedural Criminal Justice System	100	40	4
LLM-CE-G02	LLM-CE-02-CRL-P- X	Penology: Correctional Administration	100	40	4
LLM-CE-G02	LLM-CE-02-CRL-P- XI	White Collar Crime and Privileged Class Deviance	100	40	4
LLM-CE-G02	LLM-AE-01-P- XII	Law of Industrial and Intellectual Property	100	40	4

### **LLM-CE-03-CRL- P-XI PROCEDURAL CRIMINAL JUSTICE SYSTEM**

#### **Learning Objectives**

The course objective is to revisit the trial stages and acquaint the students how the pre-trial, trial and the subsequent process are geared up to make the administration of criminal justice effective. The course will acquaint the student with organization of the functionaries under the Code, their power and functions at various stages and the procedure according to which these powers and functions are to be exercised.

#### **Learning Outcomes**

The students should be able to understand the Administration of Criminal Justice System in India specially with respect to organization of courts and prosecuting agencies. Pre- trial and trial procedures and Institutional correction of the offenders. Demonstrate the preventive, correction and after care services in Criminal Law.

#### **UNIT-I Organization of Courts and Prosecuting Agencies**

- 1.1. Role of Criminal Courts in Indian Criminal Justice System
- 1.2. Jurisdictions of the Criminal Courts under Code of Criminal Procedure 1973
- 1.3. Appointment and Functions of Public Prosecution under Code of Criminal Procedure 1973.
- 1.4. Role of Prosecuting Agencies in Criminal Justice System

#### **UNIT-II Pre-trial Procedures**

- 2.1. FIR, Cognizance and Limitations
- 2.2. Search, Seizure and Recording of Statement
- 2.3. Bail, Bail bond and Security



## 2.4. Rights of Arrested Person

### **UNIT-III Trial Procedure**

- 3.1. Cognizance, Charge
- 3.2. Trial of Summons and warrant cases
- 3.3. Trial before Court of sessions and Sentence
- 3.4. Criminal Appeal, Review, Revision and Plea Bargaining

### **UNIT-IV Strategies for Crime Prevention**

- 4.1 Concept of Crime Prevention
- 4.2. Preventive Detention & Constitution
- 4.3. Preventive Strategies under Code of Criminal Procedure
- 4.4. Crime Prevention and Role of Police.

### **Suggested Readings**

1. Halsbury's Laws of India, Criminal Law I - Vol.10, Lexis Nexis
2. Ratanlal & Dhirajlals - The Indian Penal Code (Set Of 2 Vol) (2020) Lexis Nexis.
3. Ratanlal & Dhirajlals – Code of Criminal Procedure (Set Of 2 Vol) (2020) Lexis Nexis.
4. Psa Pillai's Criminal Law 14Th Edition Unknown Binding (2019) Lexis Nexsis.
5. Sarkar , H R Jhingta (Editor)The Code Of Criminal Procedure - An Encyclopaedic Commentary On The Code Of Criminal Procedure, 1973 (Set Of 2 Vol) , Lexi Nexis; Twelfth edition (10 April 2018)
6. Sithannan Veerappan, Police Investigation - Powers, Tactics and Techniques - Fourth Edition 2022, Jeywin Publication (2017)
7. Law Commission Reports No.14, 36, 41, 48, 69, 77, 80, 84, 185, 200
8. Malimath Committee Report on Criminal Justice System (2003)

## **LLM-CE-03-CRL- P-XII PENOLOGY: CORRECTIONAL ADMINISTRATION**

### **Learning Objectives**

The course is designed to acquaint students with advances made by sociology in understanding human behaviors particularly, deviant behavior and also with a view to develop among students a greater understanding of social costs of crime and the effective ways of lessening them. Penology offers a specialist understanding of various aspects of punishments and penal policies including theories of punishment. The various mechanisms of punishment to offenders, including theories of punishment, their supposed philosophical and sociological justifications are also studied under the course.

### **Learning Outcomes**

By the end of this course, the students will be able to understand the concept of crime and Punishment. Student Will be able to differentiate between Criminology, Penology and Criminal Law and discuss the caution against excessive reformation. The students will be able to compare different kinds of approach to penology and its applicability and sentencing policy and its disparities in India.

### **UNIT-I Conceptual Frame Work of Penology**

- 1.1. Concept of Penology and its significance
- 1.2. Nature and Scope of Victimology
- 1.3. Theories of Punishment and Sentencing Style
- 1.4. Sentencing Style and Apex Court

### **UNIT-II Legal Rationality of Capital Punishment**

- 2.1 Constitutional Validity of Capital Punishment in India
- 2.2 Execution of Death Sentence: Legal Guide lines
- 2.3. Capital Punishment: Aggravating and Mitigating Factors
- 2.4. International legal Instruments on Punishment

### **UNIT-III Judicial Approaches towards Victimology**

- 3.1. Concept and scope of Victimology
- 3.2. International Legal Instruments and Victimology
- 3.3. Rights of Victim
- 3.4. Victim Compensation in India

### **UNIT-IV Correctional Administration in India**

- 4.1 Concept of Crime Correction and approaches
- 4.2. Correctional Institutions in India and their functions
- 4.3. Plea bargaining, Parole, Furlough, Open Prison
- 4.4. After-care treatment of Released Prisoners

### **Suggested Readings**

1. Siddique, Criminology (1984) Eastern, Lucknow.
2. Alf Ross, On Guilt, Responsibility and Punishment (1975)
3. Anthropology 1969-179 (1986)
4. H.L.A. Hart, Punishment and Responsibility (1968)
5. Herbert L. Packer, The Limits of Criminal Sanction (1968)
6. K.S. Shukla, "Sociology of Deviant Behaviour" in 3 ICSSR Survey of Sociology and Social
7. Law Commission of India, Forty-Second Report Ch. 3 (1971)
8. S. Chhabbra, The Quantum of Punishment in Criminal Law (1970),
9. Tapas Kumar Banerjee, Background to Indian Criminal Law (1990), R. Campray & Co. Calcutta

### **LLM-CE-03-CRL- P-XIII WHITE COLLAR CRIME AND PRIVILEGED CLASS DEVIANCE**

#### **Learning Objectives:**

The course focuses on the criminal behaviour of the privileged classes that is those who hold all types of political, administrative, social and Money power and to bring out the relationship between privilege, power, and aberrant behaviour. The dimension of deviance associated with the bureaucracy, the new rich religious leaders and organizations, professional classes are to be addressed. The course will have special focus on recent trends in criminal behaviour that are depicted in the press, media, legal analyses, and governmental actions.

### **Learning Outcomes:**

After completion of the course students will be able to understand the concept of Privileged Class Deviance. Understand various Theories and kinds of Deviance and analyses the response of Indian legal order to the deviance of Privileged Classes.

### **UNIT-I Privileged Class Deviance**

- 1.1. Concept of Privileged Class Deviance and White-Collar Crime
- 1.2. Typology of White-Collar Crime
- 1.3. Prevention of White-Collar Crime
- 1.4. Judicial approaches towards White collar crime

### **UNIT-II Professional and Political Deviance**

- 2.1 Concept of Professional Deviance
- 2.2 Classification of Professional Deviance (Journalists, doctors, lawyers, Technocrats)
- 2.3 Political Deviance: Criminalization of Politics
- 2.4 Deviance on electoral process (rigging, booth capturing, impersonation, corrupt practices)

### **UNIT-III Deviance in Governance**

- 3.1. Conception of deviance in Governance
- 3.2 Corruption and Good Governance
- 3.3 Deviance by Civil and Public Servants.
- 4.4 Deviance by Judges

### **UNIT-IV Deviance of Privileged Classes: Control Mechanism**

- 4.1. Central Vigilance Commission, Central Bureau of Investigation (CBI); Prevention of Corruption Act, 1947.
- 4.2. Public Accounts Committee; Commissions of Enquiry
- 4.3. Ombudsman, Lokpal, Lokayukta
- 4.4. Whistle-blower Protection Law

### **Suggested Readings**

1. Ahmad Siddiqui "Criminology" 2001, Chapter -13,Pg.No.403
2. American sociology Review VOL.V No.1
3. Walter Reckless : The crime problem, p .3454. Goswami P : Criminology (1964 Ed).p 249
4. Gilbert Geis & Robert F. Meier, "White Collar Crimes" 1977,
5. Edwin Sutherland""White Collar Criminality
6. Santhanam Committee Report,
7. Government India Report of the commission on prevention of corruption (1964)
8. A.G. Noorani, Minister's Misconduct (1974)
9. A.R. Desai (ed.) Violation of democratic Rights in India (1986)
10. B.B. Pande, 'The Nature and Dimensions of Privileged Class Deviance" in The Other Side of Development 136 (1987; K.S. Shukla ed.).
11. Indira Rothermund, "Patterns of Trade Union Leadership in Dhanbad Coal fields" 23 J.I.L.I 522 (1981)

12. Surendranath Dwevedi and G.S. Bbargava, Political Corruption in India (1967)
13. Upendra Baxi (ed.), Law and Poverty: Essays (1988)
14. Upendra Baxi, Liberty and Corruption: The Antulay Case and Beyond (1989)
15. Upendra Baxi, The Crisis of the Indian Legal System (1982) Vikas Publishing House, New Delhi.

## **LLM-AE-01-P- XII LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY**

### **Learning Objectives**

This course aims to provide a detailed understanding of Intellectual Property Rights by covering the basic concepts, theories, and types of IP. It also includes an in-depth study of the international regime of IP and its practical application in various fields. Additionally, the course teaches about the law of copyright, trademark, patents, designs, trade secrets, geographical indications, and access to biological resources under the Biological Diversity Act 2002. The NDUS test for plant variety registration and the protection of new plant varieties are also included in the course. By the end of the course, learners will have a thorough knowledge of Intellectual Property Rights and their practical applications.

### **Learning Outcomes**

By the end of this course, students will be able to demonstrate a comprehensive understanding of Intellectual Property Rights, including their basic concepts, types, and international regime. They will also have the ability to apply the laws of copyright, trademark, patents, designs, and trade secrets to practical scenarios. Moreover, they will understand the protection of geographical indications and access to biological resources, as well as the NDUS test for plant variety registration.

### **Unit I: Protection of Intellectual Property: Introduction**

- 1.1. Introduction to Intellectual Property Rights
- 1.2. Concept and Theories
- 1.3. Kinds of Intellectual Property Rights
- 1.4. International Regime Relating to IPR

### **Unit II: Law of copyright and Trademark**

- 2.1. Copyright: Introduction, Originality, Idea-expression dichotomy, Authorship and Ownership of copyright,
- 2.2. Registration of Copyright, Infringement of Copyrights and Remedies thereof
- 2.3. Trademark: Introduction, Distinctiveness, Graphical Representation & Essential Elements of Trademark
- 2.4. Registration of Trademark, Infringement and Passing off of Trademarks, Remedies thereof.

### **Unit III: Law of patents, Designs, and Trade Secrets**

- 3.1. Patent: Introduction & Patentability Criteria and Biotechnology Patents
- 3.2. Patent Search, Patent Filing and Examination, Patent Grant, Patent term and enforcement and Infringement.
- 3.3. Protection of Designs
- 3.4. Protection of Trade Secrets

## **Unit IV: Geographical Indication, Law relating to biodiversity, Law of plant varieties and farmers rights**

- 4.1. Geographical Indication: Introduction, Procedure of registration Goods and Authorized Users, Infringement & Remedies thereof
- 4.2. Introduction to Protection to Biodiversity and Regulation of Access to Biological Resources under Biological Diversity Act 2002
- 4.3. Benefit Sharing Mechanism (provision of CBD & section 21 of the BD Act) with offences and penalties
- 4.4. Introduction to New Plant Variety: Rationale behind protection of New Plant Varieties, NDUS Test for Plant Variety Registration.

### **Case Law Study**

1. University of London Press Ltd. v. University Tutorial Press Ltd., (1916) 2 Ch. D 601.
2. Feist Publications, Inc. v. Rural telephone Service Co. 499 U.S. 340 (1991)
3. Eastern Book Company v. D.B. Modak (2008) 1 SCC 1
4. RG Anand Vs Deluxe Films (AIR 1978 SC 1613)
5. Donoghue v. Allied Newspapers Ltd., (1937) 3 ChD 503
6. Rameshwari Photocopy Services & Ors. [DU Photocopying Case]
7. YRF v Sri Sai Ganesh Productions CS (COMM) 1329/2016
8. Biswanath Prasad Radhey Shyam Vs Hindustan Metal Industries AIR 1982 SC 1444
9. Novartis v UOI (2013) 6 SCC 1
10. Diamond Vs Chakrabarty 447 U.S. 303 (1980)
11. F. Hoffmann-La Roche v. Cipla Ltd. 148 (2008) DLT 598
12. Abercrombie & Fitch V Hunting World, 537 F.2d 4 (2d Cir. 1976)
13. Ralf Sickman Vs. German Patent Office, Case No. C-273/00
14. Novartis AG & Anr. v. Natco Pharma Ltd. CS (COMM) 229/2019
15. Daimler Benz Vs. Hybo Hindustan, AIR 1994 Delhi 239
16. Yahoo Inc. Vs Akash Arora, 1999 IAD Delhi 229.
17. Tea Board, India Vs. ITC Limited, C.S. No. 250 of 2010
18. Basmati Rice Patent Case No. 5,663,484, USPTO, 1997. (Case pertaining to Bio-piracy)
19. Tirupati Laddoo Geographical Indication case study (GI granted to TTD in 2009)
20. Kani Tribe benefit sharing Case Analysis (2 Benefit Sharing cases of 1996 and 2006 between parties TBGRI & AVP - Agreement of 1996 and KANI tribe, TBGRI & AVP - Agreement of 2006 respectively)

### **Suggested Readings**

1. VK Ahuja, Law Relating to Intellectual Property Rights, Lexis Nexis, 3rd edition, July 2017.
2. Lionel Bently, Brad Sherman, Dev Gangjee, Phillip Johnson Intellectual Property Law, OUP Oxford.
3. Justin Pila, The Subject Matter of Intellectual Property, OUP Oxford.
4. P. Narayanan, Intellectual Property Law, Eastern Law House
5. Dr. B.L. Wadehra, Law Relating to Intellectual Property, Universal LexisNexis
6. P. Narayanan, Patent Law, Eastern Law House

7. Raj Ganesh, R.R. Hanchinal, Protection of Plant Varieties and Farmer's Rights (Law, Practice and Procedure), Eastern Law House
8. Vandana Singh, The Law of Geographical Indications, Eastern Law House

<b>THIRD SEMESTER</b>					
<b>LL.M-CE-03- CONSTITUTION AND LEGAL ORDER (GROUP – 3)</b>					
CODE NO	PAPER	CORE SUBJECT	TOTAL MARKS	MINIMUM PASS MARKS	CREDIT POINTS
LLM-CE-G03	LLM-CE-03-CLO-P- IX	Mass Media Law	100	40	4
LLM-CE-G03	LLM-CE-03-CLO-P- X	Public Utilities Law	100	40	4
LLM-CE-G03	LLM-CE-03-CLO-P- XI	Constitutionalism: Pluralism and Federalism	100	40	4
LLM-CE-G03	LLM-AE-01-P- XII	Law of Industrial and Intellectual Property	100	40	4

### **LLM-CE-03-CLO-P-XI MASS MEDIA LAW**

#### **Learning Objectives:**

The objectives of this course are to make students understand the role and types of mass media in social transformation, including press, films, radio, and television; to help students understand ownership patterns and the impact of visual and non-visual media. In addition, students will gain an understanding of freedom of press and employment conditions in print media, as well as laws, censorship, and government policies in film and electronic media. Lastly, roles of regulatory bodies in mass media will be explored.

#### **Learning Outcomes:**

Upon completion of this course, students will be able to describe the role and types of mass media in social transformation, and compare ownership patterns and the impact of visual and non-visual media. They will be able to explain freedom of press and employment conditions in print media, and apply laws, censorship, and government policies in film and electronic media. Furthermore, students will be able to analyse the roles of regulatory bodies in mass media.

#### **UNIT-I Classification of Mass Media**

- 1.1. Role of Mass Media in Social Transformation
- 1.2. Mass Media and Its Types: Press Films, Radio Television
- 1.3. Ownership Patterns: Print, Electronic, Film and Television
- 1.4. Difference between visual and non- Visual Media- impact on Peoples minds.

#### **UNIT-II Print Media and Law**

- 2.1. Freedom of Press and the Constitution of India
- 2.2. Laws of defamation, obscenity, blasphemy and sedition.

- 2.3. State and Control of Freedom of Press
- 2.4 Conditions of Employment: Journalist and other Employees

### **UNIT-III Film and Electronic Media and Law**

- 3.1. Censorship of films - constitutionality
- 3.2. Censorship, Pre-Censorship under the Cinematograph Act.
- 3.3. Government policy on Electronic media
- 3.4. State and Control of Electronic Media

### **UNIT- IV Mass Media Regulating Authorities**

- 4.1. Role of Press Council under the Press Council Act, 1978
- 4.2. Role of Board of Film Censors, under the Cinematograph Act, 1952
- 4.3. Role of Prasar Bharati Board under the Prasar Bharati (Broadcasting Corporation of India ) Act, 1990
- 4.4. Regulation under the Cable Television Networks (Regulation) Act, 1995

### **Suggested Reading**

1. Bruce Michael Boyd, "Film Censorship in India: A Reasonable Restriction on Freedom of Speech and Expression ". 14 *J.I.L.I.* 501 (1 972).
2. D D. Basu, (1980). *The Law of Press of India*
3. H.M. Seervai, (1991) *Constitutional Law of India* Vol.I Tripathi, Bombay
4. John B. Howard, (1980). "*The Social Accountability of Public Enterprises*" in *Law and Community Controls in New Development Strategies* (International Center for law in Development
5. Justice E.S. Venkaramiah, (1984). *Freedom of Press: Some Recent Trends*
6. M.P. Jain, (1994), *Constitutional Law of India*. Wadhwa.
7. Rajeev Dhavan "On the Law of the Press in India" 26 *J.I.L.I.* 288 (1984).
8. Rajeev Dhavan, "Legitimizing Government Rhetoric: Reflections on Some Aspects of the Second Press Commission" 26 *J.I.L.I.* 391 (1984).
9. Soli Sorabjee, (1976). *Law of Press Censorship in India*

## **LLM-CE-03-CLO-P -XII PUBLIC UTILITY SERVICES LAW**

### **Learning Objectives**

This course aims to teach students about public utilities in India, including their necessity, classification, services, legislative control, and relationship with fundamental rights. It covers consumer protection laws, liabilities, and special privileges of public utilities under contract, tort, and criminal law.

### **Learning Outcomes**

Upon completion of this course, students will be able to describe the necessity and classification of public utility services in India and explain the constitutional scheme and legislative control on public utilities. They will also be able to analyze the relationship between public utilities and fundamental rights, apply consumer protection laws related to public utilities, and understand the liabilities and special privileges of public utilities under contract, tort, and criminal law.

### **UNIT-I Nature of Public Utility Services**

- 1.1. Necessity and Rationality of Public Utility Services in India
- 1.2. Classification of Public Utilities
- 1.3. Public Utility Services: Railways, Road Transport Electricity, Gas, Telephone, Post and Telegraph service,
- 1.4. Public Utility Services: Police, Fire Brigade, Banking service, etc

### **UNIT-II Constitutional Scheme on Public Utilities**

- 2.1. Legislative Control on Public Utilities
- 2.2. Parliamentary Control on Public Utilities
- 2.3. Governmental Control on Public Utilities
- 2.4. Sub-ordinate Legislation on Public Utilities

### **UNIT-III Public Utilities and Fundamental Rights**

- 3.1. Are Public utilities "State" for the purpose of article 12 of the Constitution?
- 3.2. Extension of the concept of State
- 3.3. The right to equality: the Airhostess case.
- 3.4. The Essential Services Maintenance Act, 1968

### **UNIT-IV Public Utilities and Consumer Protection**

- 4.1. Exclusion from M.R.T.P. Act
- 4.2. Rights of consumers protected by the Consumer Protection Act
- 4.3. Rights Arising from law of Contract and law of Torts.
- 4.4. Liabilities and special privileges of public utilities under Contract, Tort and Criminal Law

### **Suggested Readings**

1. Arvind K. Sharna "Semi-Autonomous Enterprise: Conceptual Portrait - Further Evidence on the Theory of Autonomy" 33 *I.J.PA.* p. 99-113.
2. Bhaumik, *The Indian Railways Act*, (1981)
3. G. Ramesh, "Characteristic of Large Service Organization in a Developing Country Like India" 32 *I.J.PA.* 77 (1986)
4. Jagdish UI, (1978) *Handbook of Electricity Laws*,
5. Jain & Jain, (1986) *Principles of Administrative Law*,
6. Law Commission of India, (1968) 38th Report : Indian Post Office Act, 1898,
7. Nalini Paranjpe, "Planning for Welfare in the Indian Railways" 31 *I.J.PA.* 171-180 (1985)
8. P.M. Bakshi, (1986) *Television and the Law*,
9. S.P. Sathe, (1998) *Administrative Law*
10. Students should consult relevant volumes of Annual Survey of Indian Law published by the Indian Law Institute (Constitutional Law 1 & 11, Administrative Law, Consumers Protection Law and Labour law).
11. Vasant Kelkar, "Business of Postal Service" 33 *I.J.PA.* pp. 133-141 (1987)

### **LLM-CE-03-CLO-P –XIII CONSTITUTIONALISM: PLURALISM AND FEDERALISM**

**Learning Objectives:** This course aims to provide students with a comprehensive understanding of constitutionalism, democratic government, federalism, pluralistic



society, and individual rights. Students will learn to analyse the evolution of democratic government and the rule of law in England, evaluate due process of law, identify conditions required for federalism, understand pluralistic society, and analyse challenges associated with it. Additionally, students will learn about international conventions and frameworks for protecting minority rights and analyse the state's role in promoting human rights and self-determination.

**Learning Outcomes:** By the end of this course, students will understand constitutionalism, democratic government and the rule of law in England, Marxist constitutionalism and its implications for democracy, due process of law, federal government patterns and dynamics of federalism in India. Students will also be able to analyse pluralism, nature of equality in a pluralistic society, individual rights such as the right to dissent, international conventions for protecting minority rights, and the state's role in promoting self-determination and protecting human rights. This course equips students to critically evaluate constitutionalism and democratic governance in diverse contexts.

### **UNIT-I Concept of Constitutionalism**

- 1.1. Nature and Scope of constitutionalism
- 1.2. Development of a democratic government in England – Rule of Law
- 1.3 Marxist concept of constitutionalism
- 1.4 Due Process of law and Constitutionalism under US Constitution

### **UNIT-II Concept of Federalism**

- 2.1. Conditions requisite for federalism.
- 2.2. Patterns of federal government - U.S.A., Australia, Canada, India.
- 2.3. India - Central Control v. State Autonomy
- 2.4 Dynamics and Trend of federalism in India

### **UNIT-III Concept of Pluralism and Law**

- 3.1. Nature of Pluralistic Society
- 3.2. Religious, Ethnic, linguistic, cultural, political pluralism
- 3.3. Equality in Plural Society.
- 3.4. Individual rights - right to dissent or Determine

### **UNIT- IV Pluralism and International Concerns**

- 4.1. Conventions against genocide, Convention on the Protection and Promotion of the Diversity of Cultural Expressions,2005
- 4.2. Protection of religious, ethnic and linguistic minorities
- 4.3. State Intervention for protection of human rights
- 4.4. Right of self-determination

### **Suggested Readings**

1. H.M. Seervai, (1993), Constitutional Law of India Tripathi, Bomaby.
2. Jagat Narain "Judicial Law Making and the Place of the Directive Principles in the Indian Constitution," *J.I.L.I.* 198 (1985).
3. M.A. Fazal "Drafting A British Bill of Rights" 27 *J.I.L.I.* 423 (1985)
4. M.P. Jain (1994), Indian Constitutional Law Wadhwa.

5. Rajeev Dhavan, "The Press and the Constitutional Guarantee of Free Speech and Expression" 28 *J.I.L.I.* 299 (1986)
6. Rhett Ludwikowski, "Judicial Review in the socialist Legal Systems: Current Development" 37 *I.C.L.D.* 89-108 (1988)
7. S.P. Sathé, (1968) *Fundamental Rights and Amendment of the Indian Constitution*,
8. Upendra Baxi, "Law, Democracy and Human Rights"- 5 *Lokayan Bulletin* 4 (1987)
9. V.M. Dandekar "Unitary Elements in a Federal Constitution" 22 *E.P.W.* 1865 (1988)
10. Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute.

## **LLM-AE-01-P-XII LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY**

### **Learning Objectives**

This course aims to provide a detailed understanding of Intellectual Property Rights by covering the basic concepts, theories, and types of IP. It also includes an in-depth study of the international regime of IP and its practical application in various fields. Additionally, the course teaches about the law of copyright, trademark, patents, designs, trade secrets, geographical indications, and access to biological resources under the Biological Diversity Act 2002. The NDUS test for plant variety registration and the protection of new plant varieties are also included in the course. By the end of the course, learners will have a thorough knowledge of Intellectual Property Rights and their practical applications.

### **Learning Outcomes**

By the end of this course, students will be able to demonstrate a comprehensive understanding of Intellectual Property Rights, including their basic concepts, types, and international regime. They will also have the ability to apply the laws of copyright, trademark, patents, designs, and trade secrets to practical scenarios. Moreover, they will understand the protection of geographical indications and access to biological resources, as well as the NDUS test for plant variety registration.

### **Unit I: Protection of Intellectual Property: Introduction**

- 1.1. Introduction to Intellectual Property Rights
- 1.2. Concept and Theories
- 1.3. Kinds of Intellectual Property Rights
- 1.4. International Regime Relating to IPR

### **Unit II: Law of copyright and Trademark**

- 2.1. Copyright: Introduction, Originality, Idea-expression dichotomy, Authorship and Ownership of copyright,
- 2.2. Registration of Copyright, Infringement of Copyrights and Remedies thereof
- 2.3. Trademark: Introduction, Distinctiveness, Graphical Representation & Essential Elements of Trademark
- 2.4. Registration of Trademark, Infringement and Passing off of Trademarks, Remedies thereof.

### **Unit III: Law of patents, Designs, and Trade Secrets**

- 3.1. Patent: Introduction & Patentability Criteria and Biotechnology Patents
- 3.2. Patent Search, Patent Filing and Examination, Patent Grant, Patent term and enforcement and Infringement.
- 3.3. Protection of Designs
- 3.4. Protection of Trade Secrets

### **Unit IV: Geographical Indication, Law relating to biodiversity, Law of plant varieties and farmers rights**

- 4.1. Geographical Indication: Introduction, Procedure of registration Goods and Authorized Users, Infringement & Remedies thereof
- 4.2. Introduction to Protection to Biodiversity and Regulation of Access to Biological Resources under Biological Diversity Act 2002
- 4.3. Benefit Sharing Mechanism (provision of CBD & section 21 of the BD Act) with offences and penalties
- 4.4. Introduction to New Plant Variety: Rationale behind protection of New Plant Varieties, NDUS Test for Plant Variety Registration.

### **Case Law Study**

1. University of London Press Ltd. v. University Tutorial Press Ltd., (1916) 2 Ch. D 601.
2. Feist Publications, Inc. v. Rural telephone Service Co. 499 U.S. 340 (1991)
3. Eastern Book Company v. D.B. Modak (2008) 1 SCC 1
4. RG Anand Vs Deluxe Films (AIR 1978 SC 1613)
5. Donoghue v. Allied Newspapers Ltd., (1937) 3 ChD 503
6. Rameshwari Photocopy Services & Ors. [DU Photocopying Case]
7. YRF v Sri Sai Ganesh Productions CS (COMM) 1329/2016
8. Biswanath Prasad Radhey Shyam Vs Hindustan Metal Industries AIR 1982 SC 1444
9. Novartis v UOI (2013) 6 SCC 1
10. Diamond Vs Chakrabarty 447 U.S. 303 (1980)
11. F. Hoffmann-La Roche v. Cipla Ltd. 148 (2008) DLT 598
12. Abercrombie & Fitch V Hunting World, 537 F.2d 4 (2d Cir. 1976)
13. Ralf Sickman Vs. German Patent Office, Case No. C-273/00
14. Novartis AG & Anr. v. Natco Pharma Ltd. CS (COMM) 229/2019
15. Daimler Benz Vs. Hybo Hindustan, AIR 1994 Delhi 239
16. Yahoo Inc. Vs Akash Arora, 1999 IAD Delhi 229.
17. Tea Board, India Vs. ITC Limited, C.S. No. 250 of 2010
18. Basmati Rice Patent Case No. 5,663,484, USPTO, 1997. (Case pertaining to Bio-piracy)
19. Tirupati Laddoo Geographical Indication case study (GI granted to TTD in 2009)
20. Kani Tribe benefit sharing Case Analysis (2 Benefit Sharing cases of 1996 and 2006 between parties TBGRI & AVP - Agreement of 1996 and KANI tribe, TBGRI & AVP - Agreement of 2006 respectively)

## **Suggested Readings**

1. VK Ahuja, Law Relating to Intellectual Property Rights, Lexis Nexis, 3 rd edition, July 2017.
2. Lionel Bently, Brad Sherman, Dev Gangjee, Phillip Johnson Intellectual Property Law, , OUP Oxford.
3. Justin Pila, The Subject Matter of Intellectual Property, OUP Oxford.
4. P. Narayanan, Intellectual Property Law, Eastern Law House
5. Dr. B.L. Wadehra, Law Relating to Intellectual Property, Universal LexisNexis
6. P. Narayanan, Patent Law, Eastern Law House
7. Raj Ganesh, R.R. Hanchinal, Protection of Plant Varieties and Farmer's Rights (Law, Practice and Procedure), Eastern Law House
8. Vandana Singh, The Law of Geographical Indications, Eastern Law House

## FOURTH SEMESTER

<b>FOURTH SEMESTER</b>					
<b>LL.M-CE-01- BUSINESS LAW (GROUP-1)</b>					
CODE NO	PAPER	CORE SUBJECT	TOTAL MARKS	MINIMUM PASS MARKS	CREDIT POINTS
LLM-CE-G01	LLM-CE-01-BL-P-XIII	Banking Law	100	40	4
LLM-CE-G01	LLM-CE-01-BL-P-XIV	Insurance Law	100	40	4
LLM-CE-G01	LLM-CE-01-BL-P-XV	Dissertation and Viva (Practical)	100	40	4
LLM-FE-G01	LLM-FE-01-P-XVI	Cyber Law	100	40	4

### **LLM-CE-01-BL-P-XIII BANKING LAW**

#### **Learning Objectives**

This objective of the course is to apprise students about various aspects of banking in India and elsewhere. It includes the history and evolution of banking, legal issues, government controls, the relationship between bankers and customers, social control, recent trends in banking, reforms in Indian banking law, and lending by banks, including default and recovery. The role of RBI as the central bank, the Deposit Insurance Corporation Act, and the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act shall also be discussed.

#### **Learning Outcomes**

By the end of the course, students will have a comprehensive understanding of the banking system in India. By completing the course, students will gain knowledge about the history and evolution of banking, legal issues surrounding multi-functional banks, government and agency controls on banking companies, banker-customer relationships, social control over banks, and the role of the Reserve Bank of India (RBI) as the central bank. Students will be able to evaluate and recommended reforms in Indian banking law, and make through analysis of lending by banks, debt recovery, and the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act.

#### **UNIT I: Law Relating Banking Companies in India**

- 1.1 History of banking in India and elsewhere evolution
- 1.2. Multi-functional banks - growth and legal issues.
- 1.3. Controls by government and its agencies a) On management b) On accounts and audit c) Lending d) Credit policy e) Reconstruction and reorganization f) Suspension and winding up
- 1.4 Banker and Customer Relationship-Contract between banker and customer: their rights and duties; Banker's Lien; Special classes of Customers-Lunatic, Minor, Partnership, Corporation, Local authorities; Consumer Protection: Banking as service.

## **UNIT II: Social Control/ RBI/Recent Trends in Banking System in India**

- 2.1. Social Control over Banks in India
- 2.2. RBI as Central Bank: Organizational structure, Functions of the RBI, Credit control  
Exchange control, Monopoly of currency issue, Bank rate policy formulation, Control of RBI over non-banking companies, Financial Companies, Non-financial companies
- 2.3. Recent Trends of Banking System in India: New technology, Information technology, Automation and legal aspects of Automatic Teller Machine and use of internet, Smart card, Use of expert system, Credit cards
- 2.4. Recommendations of Committees for Reforms in Indian Banking Law- A Review

## **UNIT III: Deposit Insurance, Lending by Banks and SRFAESIA**

- 3.1 The Deposit Insurance Corporation Act, 1961- Objects and reasons, Establishment of Capital of DIC
- 3.2 Liability of DIC to Depositor, Relation between Insured Banks, DIC and Reserve Bank of India
- 3.3 Lending by Banks- Default and Recovery; Debt Recovery Tribunal-Constitution, Powers and Functions
- 3.4 The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002- Regulation of securitisation and reconstruction of financial assets of banks and financial institutions; Enforcement of security interest; Offences and penalties

## **UNIT IV: Negotiable Instruments**

- 4.1 Introduction, Meaning of Negotiable Instruments, Characteristics of a negotiable instrument, Types of negotiable Instrument, Holder and Holder in Due Course, Parties to negotiable instruments,
- 4.2 Liability of drawer and drawee, Liability of Endorser, Presumptions as to negotiable instrument, Transfer and Negotiation, Modes of negotiation, Assignment; Importance of delivery in negotiation, Instruments without Consideration,
- 4.3 Presentment, Liability of parties- Dishonour of a Negotiable instrument, Notice of Dishonour, Discharge from liability
- 4.4 Noting and protest, Rule of Evidence, Estoppel, Crossed Cheque, Ingredients of Offence under Sec. 138 of the Act, defense which may not be allowed in any prosecution under section 138, Offences by companies, Cognizance of offences

## **Suggested Readings**

1. Basu, A. (1998) *Review of Current Banking Theory and Practice*, Mac millan
2. M. Hapgood (ed.), (1989) *Pagets' Law of Banking* Butterworths, London
3. R. Goode, (1995) *Commercial Law*, Penguin, London.
4. Ross Cranston, (1997) *Principles of Banking Law*. Oxford.
5. L.C. Goyle, (1995) *The Law of Banking and Bankers*, EBC
6. M.L. Tannan, (1997) *Tannan's Banking Law and Practice in India*. India Law House, New Delhi, volumes

7. K.C. Shekhar, (1998) *Banking Theory and Practice*. UBS Publisher Distributors Ltd. New Delhi.
8. M. Dasse, S. Isaacs and G. Pen, E.C. (1994) *Banking Law*, Lloyds of London Press, London
9. V. Conti and Hamai (eds.) (1993), *Financial Markets' Liberalization and the Role of Banks'*, Cambridge University Press, Cambridge,
10. J. Dermine (ed.), (1993) *European Banking in the 1990s'* Blackwell, Oxford.
11. C. Goodhart, (1995), *The Central Bank and the Financial System* .Macmillan, London
12. S. Chapman, (1984) *The Rise of Merchant Banking*, Allen Unwin, London
13. K. Subrahmanyam(1997), *Banking Reforms in India*. Tata Maigraw Hill, New Delhi.
14. Subodh Markandeya and Chitra Markandeye, *Law Relating to Foreign Trade in India*
15. Commentary on the Foreign Trade, (Development and Regulation) Act 1992, Universal Law Publishing Co. Pvt. Ltd. Delhi.
16. R.S. Narayana, The Recovery of Debts due to Banks and Financial Institutions Act, 1993 (51 of 1993), Asia Law House, Hyderabad.
17. M.A. Mir, (1992), *The Law Relating to Bank Guarantee in India*, Metropolitan Book, New Delhi.
18. Anthony Pierce, (1993) *Demand Guarantees in International Trade* Sweet & Maxwell,
19. Ross Cranston (ed.) (1999) *European Banking Law: The Banker-Customer Relationship* LLP, London
20. Mitra, *The Law Relating to Bankers' Letters of Credit and Allied Laws*, University Book Agency, Allahabad.
21. R.K. Talwar, (1998) Report of Working Group on Customer Service in Banks
22. Janakiraman Committee Report on Securities Operation of Banks and Financial Institution (1993)
23. Narasimham Committee report on the Financial System (1991)- Second Report (1999)
24. Vinod Kothari, (2010) *Securitisaton ASSET reconstruction and Enforcement of Security Interests*, Lexis Nexis
25. M.R. Umarji, (2010) *Law & Practice Relating To Securitisaton & Reconstruction Of Financial Assets & Enforcement Of Security Interest*, Taxman

## **LLM-CE-01-BL-P-XIV INSURANCE LAW**

### **Learning Objectives:**

To provide basic idea of law of insurance to the student.

### **Learning Outcomes:**

This course will provide the students a basic understanding about law of insurance which also includes marine insurance, accidental insurance, property insurance and insurance against third party.

### **UNIT- I Introduction on Insurance Law and General Principle**

- 1.1 History and Development Insurance Law in India.
- 1.2 Nature of Insurance, Kinds of Insurance

- 1.3 The Insurance Regulatory and Development Authority of India Act, 2000
- 1.4 General Principles of Law of Insurance: Utmost Good Faith, Indemnity, Subrogation, Proximate Cause, Insurable Interest Contribution and Loss Minimization.

### **UNIT- II Laws Relating to Life Insurance and Marine Insurance**

- 2.1 Definition and Typology of Life Insurance
- 2.2 Event insured against life insurance contract, Circumstances affecting the risk, Persons entitled to payment and Settlement of claim and payment of money under Life Insurance Laws
- 2.3 Nature and scope of Marine Insurance, Classification of marine Insurance, Insurable Interest, Marine Insurance Policy- conditions
- 2.4 Voyage deviation, perils of the Sea, Assignment of policy, Partial laws of Ship and of freight, salvage, general average and particular charges

### **UNIT- III Laws Relating to Accidental Insurance and Property Insurance**

- 3.1 The Personal Injuries (Compensation Insurance) Act 1963, Compensation payable under the Act; Compensation insurance scheme under the Act- Compulsory Insurance.
- 3.2 Fire Insurance: Meaning of Fire and loss by Fire, Definition of Fire Insurance
- 3.3 Policies Covering Risk of Explosion, accidental Loss, Damage to Property.
- 3.4 Policies Covering Risk of storm and tempest; Glass-plate Policies; Burglary and theft Policies; Goods in Transit Insurance; Agricultural Insurance

### **UNIT-IV Insurance against Third Party**

- 4.1 The Motor Vehicles Act, 1988-Nature and Scope, Effect of Insolvency or death on claims of insolvency and death of parties, certificate of Insurance
- 4.2 Claim Tribunal- Constitution, Function, and Application for compensation, procedure, Powers and award.
- 4.3 Liability Insurance- Nature and Kinds of such Insurance; Public liability insurance Act, 1991; Professional Negligence Insurance
- 4.4 Insurance Scheme- New Dimensions: Group Life Insurance; Mediclaim and Sickness Insurance

### **Suggested Readings**

1. Banerjee, Law of Insurance(1994), Asia Law House, Hyderabad
2. Birds, Modern Insurance Law(1997) Sweet & Maxwell
3. Colinvaux's Law of Insurance(1997) Sweet & Maxwell
4. O'Mary on Marine Insurance, Sweet & Maxwell
5. E.R.Hardy Ivamy, General Principle of Insurance Law(1993)
6. Edwin W. Patterson, Cases and Materials on Law of Insurance
7. M.N. Sreenivasan, Law and the Life Insurance Contract
8. Kenneth S. Abraham, Insurance Law and Regulation, 5th (University Casebooks),2010
9. Tom Baker, Insurance Law and Policy: Cases and Materials, 2nd Edition, 2008
10. KSN Murthy & Dr KVS Sarma, Modern Law Of Insurance, Reprint 2010
11. Robert H. Jerry II, Understanding Insurance Law, Fifth Edition (2012)



## **LLM-CE-01-BL-P-XV DISSERTATION AND VIVA (PRACTICAL)**

**Instruction:** The Head of the Department will notify the Dissertation Title for each student. A candidate shall prepare the dissertation (Minimum 50 Pages, and Maximum 100 Pages in A4 Size Paper) and submit his/her soft and 02 hard copies of the Dissertation on the date of examination for evaluation. The student should follow proper Legal citation system and Dissertation Guideline while preparing the Dissertation.

## **LLM-FE-01-P-XV CYBER LAW**

### **Learning Objectives**

This course aims to provide students with a comprehensive understanding of laws and regulations governing cyberspace, including Indian laws and amendments to conventional laws. Students will learn about the Information Technology Act, 2000 and related provisions such as digital signatures, e-governance, and e-contracts. By the end of the course, students should be able to comprehend cyber contraventions, evaluate the appellate tribunal, understand cyber jurisdiction, and analyse the legal framework for e-commerce. Additionally, the course covers copyright, patent, trademark issues, and domain name disputes in digital media.

### **Learning Outcomes**

After completing this course, students will have a comprehensive understanding of cyber law and its framework in India. They'll be able to identify different components of cyber law, such as digital signatures, e-contracts, and e-governance. Additionally, they'll comprehend cyber contraventions and offenses, cyber jurisdiction, and the grey areas of the IT Act. Furthermore, students will analyse the legal framework for e-commerce and understand copyright, patent, trademark issues, and domain name disputes in digital media. This course aims to equip students with the skills to navigate the ever-changing legal landscape of cyberspace.

### **UNIT I Cyber Space & Cyber Law**

- 1.1 Concept of Cyberspace
- 1.2 Cyber Law & Components of Cyber Law
- 1.3 Cyber Law in India: An Overview of Information Technology Act, 2000
- 1.4 Consequential Amendments in Various Conventional Laws in India

### **UNIT II Information Technology Act - I**

- 2.1 Digital Signature and Electronic Signature, E-Governance
- 2.2 E-Record & E-Contract
- 2.3 Regulation of Certifying Authority
- 2.4 Electronic Signature Certificates, Duties of Subscribers

### **UNIT III Information Technology Act - II**

- 3.1 Appellate Tribunal
- 3.2 Cyber Contraventions
- 3.3 Cyber Offences
- 3.4 Cyber Jurisdiction, Grey Areas of Information Technology Act, 2000

## **UNIT IV E-commerce and IPR & Digital Medium**

4.1 E-Commerce

4.2 Copyright Issues and Digital Medium

4.3 Patent Issues in Digital Medium

4.4 Trademark Issues in Digital Medium, Domain Name Dispute

### **Suggested Readings**

1. Karnika Seth, Computers, Internet and New Technology Laws (A comprehensive reference work with special focus on developments in India), LexisNexis.
2. Pavan Duggal, Cyber Law (An Exhaustive Section Wise Commentary on The Information Technology Act along with Rules, Regulations, Polices, Notifications etc.), Universal LexisNexis
3. Anirudh Rastogi, Cyber Law (Law of Information Technology and Internet), LexisNexis
4. Justice Yatindra Singh, Cyber Laws, LexisNexis
5. Dr. Jyoti Rattan, Cyber Laws and Information Technology, Bharat Law House
6. Arun Baweja, Information Technology and Development, Kalpar Publication, Delhi
7. Vakul Sharma, Information Technology Law and Practice (Cyber Laws and Laws Relating to E-Commerce), Universal LexisNexis
8. Pavan Duggal, Legal Framework On Electronic Commerce And Intellectual Property Rights In Cyberspace, Universal LexisNexis
9. P.S. Yivek Shane, Banerjee, Science and Society, Himalaya Publishing House, Bombay
10. Ashok Korde, A. Sawant, Science and Scientific Method, Himalaya Pub. House, Bombay
11. B.B. Batra, Information Technology, Kalpar Publications, Delhi
12. Nandan Kamath, Law Relating to Computers Internet and E-Commerce, Universal LexisNexis
13. Pratima Narayan, E-Commerce - Legal Compliance, Eastern Book Company
14. Suresh T. Viswanathan, The Indian Cyber Laws, Bharat Law House
15. Farooq Ahmed, Cyber Law in India, Pioneer Books
16. P. Narayan, Intellectual Property Law, Eastern Law House
17. Law Relating to Intellectual Property Rights, VK Ahuja, Lexis Nexis
18. Intellectual Property Law, Lionel Bently, Brad Sherman, Dev Gangjee, Phillip Johnson, OUP Oxford

FOURTH SEMESTER LL.M-CE-03 CRIMINAL LAW (GROUP-2)					
CODE NO	PAPER	CORE SUBJECT	TOTAL MARKS	MINIMUM PASS MARKS	CREDIT POINTS
LLM-CE-G02	LLM-CE-02-CRL-P-XIII	Legal Dimensions of Drug Abuse and Illicit Trafficking.	100	40	4
LLM-CE-G02	LLM-CE-02-CRL-P-XIV	Organised and Collective Violence in India	100	40	4
LLM-CE-G02	LLM-CE-02-CRL-P-XV	Dissertation and Viva (Practical)	100	40	4
LLM-FE	LLM-FE-01-P-XVI	Cyber Law	100	40	4

### **LLM-CE-03-CRL-P -XIII LEGAL DIMENSIONS OF DRUG ABUSE AND ILLICIT TRAFFICKING**

#### **Learning Objectives:**

The course objectives are to discuss and examine the intersection between drug abuse and criminal behaviour of persons and evaluate the common factors which is contributing to both. Enable the students to identify the relevant penal policies which are most appropriate to prevent drug abuse and trafficking.

#### **Learning Outcomes:**

The students will be able to recognize the effect of drug dependence leading to several criminal activities and discuss to what extent the Indian Regulatory System is helping in preventing drug abuse and trafficking.

#### **UNIT-I Drug Addiction and Illicit Trafficking in India**

- 1.1 Basic Terminologies: Drugs: "narcotics" "psychotropic substances"; "Dependence," "addiction", "Drug Trafficking", "Primary drug abuse".
- 1.2 Anagraphic and Social Characteristics of Drug Users: Gender, Age, Sexual status, Socio economic status, educational level, Religion,
- 1.3 Type of drug use: First User, Addict, and Pattern of use, Small Quantity consumption.
- 1.4 Consequences on addict's health (physical/psychic)

#### **UNIT-II Narcotic Drug Trafficking: The International Legal Regime**

- 2.1. Analysis of the background, text and operation of the Single Convention on Narcotic Drugs, 1961, 1972
- 2.2. United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988
- 2.3. International collaboration in combating drug addiction
- 2.4. The SARC, and South-South Cooperation to counter Drug Trafficking.

#### **UNIT-III Narcotic Trafficking :The Indian Regulatory Mechanism**

- 3.1 Government Policy towards Drug Abuse and Illicit Trafficking

- 3.2 The Narcotic Drugs and Psychotropic Substances Act, 1985
- 3.3 Indian Penal Code 1860 and the Drugs And Cosmetic Act (1940)
- 3.4 Judicial approaches to sentencing in drug trafficking and abuse

#### **UNIT-IV Combating Drug Addiction & Role of Support System**

- 4.1 Legal strategies to Combat Drug Addiction and Illicit Trafficking in India
- 4.2 Role of Legal Support Agencies: Investigating Agency, Therapeutic treatment, Counsellor, Prosecuting Lawyer
- 4.3 NGO; Awareness, Treatment, Rehabilitation, and Reintegration.
- 4.4 Role of Print and Electronic Media.

#### **Suggested Readings**

1. Edwards Busch, (ed.) Drug Problems in Britain : A Review of Ten Years (1981)
2. H.S. Becker, Outsiders : The Studies in Sociology of Deviance (1966)
3. J.A. Incard, C.D. Chambers, (eds.), Drugs and the Criminal Justice System (1974)
4. Lok Sabha and Rajya Sabha Debates on 1986 Bill on Psychotropic Substances.
5. P. Kondanram and Y.N. Murthy, "Drug Abuse and Crime : A Preliminary Study" 7 Indian Journal of Criminology, 65-68 (1979) P.R. Rajgopat Violence and Response: A Critique of the Indian Criminal System (1988)
6. R. Cocken, Drug Abuse and personality in Young Offenders (1971)
7. Social Defence, Research Institute (UNSDRI) Combating Drug Abuse and Related Crimes (Rome, July 1984, Publication No. 21).
8. United Nations, Economic and Social Reports of the Commission on Narcotic Drugs, United Nations

### **LLM-CE-03-CRL-P –XIV ORGANISED AND COLLECTIVE VIOLENCE IN INDIA**

#### **Learning Objectives**

Organized and Collective violence are committed with different objectives having distinct *modus operandi*. The course objectives are to evaluate the broader social understanding of the political economy of law in India and understand different approaches to violence in India. Examine the specific form of violence.

#### **Learning Outcomes**

The students will be able to explain the concept of Organized and collective violence, its different forms, the legal mechanism to deal with the issue and the judicial approach to combat collective violence.

#### **UNIT-I Dimensions of Collective Violence**

- 1.1 Concept of collective Violence
- 1.2 Changing dimensions of collective Violence
- 1.3 Collective political violence" and legal order
- 1.4 Distinctions: "symbolic" violence, "institutionalised' violence, "structural violence"

## **UNIT-II Organized Crimes in India**

- 2.1 Concept of Organized Crimes.
- 2.2 Types of organized Crimes in India
- 2.3 Legal problems associated with organized crimes
- 2.4 Laws governing organized crimes in India

## **UNIT-III Agrarian Violence and Repression**

- 3.1. The nature and scope of agrarian violence in India
- 3.2. Causative factors of Agrarian Violence
- 3.3. Protest against Farmers Suicide.
- 3.4. Farmers Protest (2020-21)

## **UNIT-IV Violence against Minorities**

- 4.1 Concept of Minorities in India
- 4.2. Violence against Minorities: Causative Factors:
- 4.3. Communal violence and Role Police and District Administration
- 4.4 Judicial approach to combat Violence against Minorities

## **Suggested Readings**

1. A.R. Desai, *Agrarian Struggles in India: After Independence* (1986)
2. A.R. Desai, *Violation of democratic Rights in India* (1986)
3. A.R. Desai, (ed.) *Peasant Struggles in India*, (1979)
4. D.A. Dhangare, *Peasant Movement in India: 1920-1950* (1983)
5. G. Shah, *Ethnic Minorities and Nation Building: Indian Experience* (1984)
6. K.S. Shukla, "Sociology of Deviant Behaviour," in 3 ICSSR Survey of Sociology and Social Anthropology 1969-1979 (1986)
7. Mark Juergensmeyer, "The Logic of Religious Violence: The Case of Punjab" 22 Contributions to Indian Sociology 65 (1988)
8. Rajni Kothari, *State Against Democracy* (1987)
9. Ranjit Guha, *Elementary Aspects of Peasant Insurgency in Colonial India* (1983)
- Ranjit Guha, (ed.) *Subaltern Studies Vol. 1-6* (1983-1988)
10. T. Honderich, *Violence for Equality* (1980)
11. U. Baxi (ed.), *Law and Poverty: Critical Essays*, (1988)
12. U. Baxi, "Dissent, Development and Violence" in R. Meagher (ed.) *Law and Social Change: Indo-American Reflections* 92 (1988)

## **LLM-CE-03-CRL-P -XIX STATE LIABILITY AND COMPENSATORY JURISPRUDENCE**

### **Learning Objectives**

State is the ultimate protector of its Citizen. The idea behind providing compensation is legal as well as humanitarian. The inability to protect the person by the State makes it legally obligatory for the State to compensate him. The victim goes through such pain and many times permanent loss of income only makes it logical for him to be compensated.

## **Learning Outcomes**

Sometimes State officials commit both wrong and crime by extra judicial means. The students are expected to understand the legal dimensions of extra judicial acts of the public servant understand the remedial mechanism against such acts and omissions.

### **UNIT-I Conceptual Frame Work**

- 1.1 Concept of State Liability
- 1.2 Unlawful Act/Crime Committed by Public Servants
- 1.3 Victims of Crime,
- 1.4 Crime and Access to Justice and Fair Treatment

### **UNIT-II International Legal Instruments on Victims of Crime and State**

- 2.1 Universal Declaration of Human Rights, 1948,
- 2.2 International Covenant on Civil and Political Rights,1966; International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966
- 2.3 UN Declaration on Basic Principles of Justice for Victims of Crime and Abuse of Power,1985
- 2.4 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984

### **UNIT-III Rights of Victim**

- 3.1 Rights of Victim under the Constitution of India
- 3.2 Rights of Victim under the Criminal Law
- 3.3 Rights of Victim and Custodial Violence
- 3.4 Sexual Harassment: at Government work place

### **UNIT-IV Compensatory Jurisprudence**

- 4.1 Concept and development of Compensatory Jurisprudence
- 4.2 Compensation provisions under Constitution and other Laws
- 4.3 Procedure and parameters for Compensation
- 4.4 Judicial Trend on Compensatory Jurisprudence

## **Suggested Readings**

1. Joshua N. Aston Torture Behind Bars: Role of the Police Force in India · (2020)
2. R Chakraborty Lawmann's Law of Custodial Deaths & Torture (Edition 2022)
3. Barkas, J.L. Victims, 6 The Peel Press, London, 1979
4. Basu DD, Constitutional Law of India (2010)
5. Growing concern for victims interest in Criminological Theory, Criminal law
6. Human Rights Act
7. Human Rights of Victims' Justice D.M.Dharmadhikari (2007) 6 SCC J-11
8. Indian Evidence Act,1872
9. International Covenant of Civil and Political Rights.
10. International Debates of Victimology, WSV Publishing (1994),
11. Journal of Indian law Institute "victim and abuse of power „2002VOL -1
12. Justice for Victims of Crime'Dr. Subhash Singh , Cr.L.J.-
13. Malimath Committee on Reforms of Criminal Justice System. Volumes 1 India (March 2003)

14. K.D Gour Textbook on Indian Penal Code, 3rd Edition 2011 Universal Law Publishing Company Private Limited
15. K.I Vibhute "Criminal Justice Eastern Book Company, Lucknow
16. Kirchhoff, "Victimology – History and Basic Concepts" in Kirchhoff et al (eds.)
17. Law Commission of India, 152nd Report on Custodial Crimes, 1994
18. Miere D. The Responsibilities and the Rights of Victims of Crime'483, MLR,
19. Mohammad Farajih Ghazvini . "Police Protection to Victims of Crime", Deep and Deep publication Private limited, 2000
20. N.V Paranjape. Criminology and Penology -12th edition, 2005 Central Law Publishing
21. Norms and Field Level Practices: Implications for future Action'-a paper
22. Oct-2008-Journal Section, 294-301
23. Prakash Talwar "Victimology" ISHA publishing house ,New Dehli ,2006
24. Princep's : Commentary on the Code of Criminal Procedure, 1973 Delhi Law House,(2012)
25. R.Barry Ruback, Thomson Social and Psychological consequences of violent Victimization', Sage Publications , (2001)
26. UN Declaration on Basic Principles of Justice for Victims of Crime and Abuse of Power.'
27. Universal Declaration of Human Rights
28. V.N.Rajan, Victimology in India' Ashish Publications, 1995

### **LLM-CE-01-BL-P-XV DISSERTATION AND VIVA (PRACTICAL)**

**Instruction:** The Head of the Department will notify the Dissertation Title for each student. A candidate shall prepare the dissertation (Minimum 50 Pages, and Maximum 100 Pages in A4 Size Paper) and submit his/her soft and 02 hard copies of the Dissertation on the date of examination for evaluation. The student should follow proper Legal citation system and Dissertation Guideline while preparing the Dissertation.

### **LLM-FE-01-P-XV CYBER LAW**

#### **Learning Objectives**

This course aims to provide students with a comprehensive understanding of laws and regulations governing cyberspace, including Indian laws and amendments to conventional laws. Students will learn about the Information Technology Act, 2000 and related provisions such as digital signatures, e-governance, and e-contracts. By the end of the course, students should be able to comprehend cyber contraventions, evaluate the appellate tribunal, understand cyber jurisdiction, and analyze the legal framework for e-commerce. Additionally, the course covers copyright, patent, trademark issues, and domain name disputes in digital media.

#### **Learning Outcomes**

After completing this course, students will have a comprehensive understanding of cyber law and its framework in India. They'll be able to identify different components

of cyber law, such as digital signatures, e-contracts, and e-governance. Additionally, they'll comprehend cyber contraventions and offenses, cyber jurisdiction, and the grey areas of the IT Act. Furthermore, students will analyse the legal framework for e-commerce and understand copyright, patent, trademark issues, and domain name disputes in digital media. This course aims to equip students with the skills to navigate the ever-changing legal landscape of cyberspace.

### **UNIT I Cyber Space & Cyber Law**

- 1.1 Concept of Cyberspace
- 1.2 Cyber Law & Components of Cyber Law
- 1.3 Cyber Law in India: An Overview of Information Technology Act, 2000
- 1.4 Consequential Amendments in Various Conventional Laws in India

### **UNIT II Information Technology Act - I**

- 2.1 Digital Signature and Electronic Signature, E-Governance
- 2.2 E-Record & E-Contract
- 2.3 Regulation of Certifying Authority
- 2.4 Electronic Signature Certificates, Duties of Subscribers

### **UNIT III Information Technology Act - II**

- 3.1 Appellate Tribunal
- 3.2 Cyber Contraventions
- 3.3 Cyber Offences
- 3.4 Cyber Jurisdiction, Grey Areas of Information Technology Act, 2000

### **UNIT IV E-commerce and IPR & Digital Medium**

- 4.1 E-Commerce
- 4.2 Copyright Issues and Digital Medium
- 4.3 Patent Issues in Digital Medium
- 4.4 Trademark Issues in Digital Medium, Domain Name Dispute

### **Suggested Readings**

1. Karnika Seth, Computers, Internet and New Technology Laws (A comprehensive reference work with special focus on developments in India), LexisNexis.
2. Pavan Duggal, Cyber Law (An Exhaustive Section Wise Commentary on The Information Technology Act along with Rules, Regulations, Polices, Notifications etc.), Universal LexisNexis
3. Anirudh Rastogi, Cyber Law (Law of Information Technology and Internet), LexisNexis
4. Justice Yatindra Singh, Cyber Laws, LexisNexis
5. Dr. Jyoti Rattan, Cyber Laws and Information Technology, Bharat Law House
6. Arun Baweja, Information Technology and Development, Kalpar Publication, Delhi
7. Vakul Sharma, Information Technology Law and Practice (Cyber Laws and Laws Relating to E-Commerce), Universal LexisNexis
8. Pavan Duggal, Legal Framework On Electronic Commerce And Intellectual Property Rights In Cyberspace, Universal LexisNexis



9. P.S. Yivek Shane, Banerjee, Science and Society, Himalaya Publishing House, Bombay
10. Ashok Korde, A. Sawant, Science and Scientific Method, Himalaya Pub. House, Bombay
11. B.B. Batra, Information Technology, Kalpar Publications, Delhi
12. Nandan Kamath, Law Relating to Computers Internet and E-Commerce, Universal LexisNexis
13. Pratima Narayan, E-Commerce - Legal Compliance, Eastern Book Company
14. Suresh T. Viswanathan, The Indian Cyber Laws, Bharat Law House
15. Farooq Ahmed, Cyber Law in India, Pioneer Books
16. P. Narayan, Intellectual Property Law, Eastern Law House
17. Law Relating to Intellectual Property Rights, VK Ahuja, Lexis Nexis
18. Intellectual Property Law, Lionel Bently, Brad Sherman, Dev Gangjee, Phillip Johnson, OUP Oxford

<b>FOURTH SEMESTER</b>					
<b>LL.M-CE-03- CONSTITUTION AND LEGAL ORDER (GROUP – 3)</b>					
CODE NO	PAPER	CORE SUBJECT	TOTAL MARKS	MINIMUM PASS MARKS	CREDIT POINTS
LLM-CE-G03	LLM-CE-03-CLO-P- XIII	Union-State Financial Relation	100	40	4
LLM-CE-G03	LLM-CE-03-CLO-P- XIV	National Security, Public Order and Rule of Law	100	40	4
LLM-CE-G03	LLM-CE-03-CLO-P- XV	Dissertation and Viva (Practical)	100	40	4
LLM-CE-G03	LLM-FE-01-P- XVI	Cyber Law	100	40	4

### **LLM-CE-03-CLO-P-XIII-UNION-STATE FINANCIAL RELATIONS**

#### **Learning Objectives**

This course aims to provide students with a comprehensive understanding of Union-State Financial Relations as defined by the Indian Constitution. By the end of the course, students will be able to analyse the scope of Centre-State relations and evaluate the distribution of legislative and fiscal power. They will also comprehend the scheme of allocation of taxing power, analyse the extent of Union power of taxation and restrictions on fiscal power, and evaluate tax-sharing mechanisms under the Constitution.

#### **Learning Outcomes**

Students completing the course on Union-State Financial Relations should be able to understand how legislative and administrative power is distributed between the Centre and States under the Indian Constitution. They should be able to analyse the impact of Centre-State relations on fiscal powers and evaluate the distribution of legislative and fiscal power. Additionally, students should be able to assess the restrictions on fiscal power and evaluate tax-sharing mechanisms, including the role of the Finance

Commission and specific purpose grants. They should also be able to analyse borrowing powers and the role of planning and financial bodies in the Indian fiscal system, identifying necessary reforms.

#### **UNIT-I Distribution of Fiscal Powers under Federalism**

- 1.1. Indian Constitution and Distribution of Legislative Power/Administrative Power
- 1.2. Scope of Centre-State relations
- 1.3. Distribution of Legislative Power and Fiscal Power:
- 1.4. Scheme of Allocation of taxing power, Extent of Union power of taxation, Residuary power - inclusion of fiscal power

#### **UNIT-II Restrictions of Fiscal Power**

- 2.1. Fundamental Rights, Inter-Government Tax immunities
- 2.2. Tax-Sharing under the Constitution.
- 2.3. Finance Commission - Specific purpose grants (Article 282)
- 2.4. Borrowing by the Government of India, Borrowing by the States

#### **UNIT-III Inter-State Trade and Commerce**

- 3.1. Freedom of trade, Commerce and Intercourse:
- 3.2. Direct and Immediate Restrictions
- 3.3. Restrictions of trade, Commerce and Parliamentary Law commerce
- 3.4. Restrictions of trade, Commerce under state Law commerce

#### **UNIT- IV Planning and Financial Relations**

- 4.1. Planning Commission
- 4.2. National Development Council
- 4.3. Zonal Councils,
- 4.4. Sarkaria Commission Report, What Reforms are Necessary

#### **Suggested Readings**

1. Administrative Reforms Commission, Report of the Study Team on Central-State Relationship (1967) Vol. 1, Sections land 11, pp. IS- 168
2. Ashok Chandra, Federalism in India, (1965)
3. Chandrapal, Centre-State Relations and Cooperative Federalism, Chs. 5 and 8 (1983)
4. Constituent Assembly Debates Vol. 9, 203, 240 and 302-349; Vol. 10, 325-342.
5. D.T. Lakadwala, Union-State Financial Relations (1967)
6. Daniel J. Elazar, American Federalism, Chs. 3 and 4 (1984)
7. G.C.V. Subba Rao, Legislative Powers in Indian Constitution Law, Chs. 37, 38, 39 (1982)
8. Government of Tamilnadu, Report of the Centre-State Relations Inquiry Committee Ch.5 (1971)
9. H.M. Seervai, Constitutional Law of India (1991), Tripathi, Bombay.
10. K. Subba Rao, The Indian Federation (1969)
11. K.C. Wheare, Federal Government (1963)

12. K.P. Krishna Shetty, The Law of Union-State Relations and the Indian Federalism Ch.9 (1981)
13. L.M. Singhvi (ed.), Union-State Relations in India 124-154 (1969)
14. M.P. Jain, Indian constitutional Law (1994), Wadhwa.
15. Report of the Eighth Finance Commission. Administrative Reforms Commission on Centre-State Relationship Ch. 3 (1969)
16. Richard M. Pious, The American Presidency, 293-331, Ch. 9 (1979)
17. Sudha Bhatnagar, Union-State Financial Relations and Finance Commissions, (1979)
18. V.D. Sebastian, Indian Federalism: The Legislative Conflicts Chs. 6-7 and 8 (1980).
19. Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute (Constitutional Law II)

## **LLM-CE-03-CLO-P- XIV NATIONAL SECURITY, PUBLIC ORDER AND RULE OF LAW**

### **Learning Objectives**

The objectives of the course are to apprise the students about civil liberties and their balance with national security and individual rights; assess the legality of preventive and emergency detention in different countries; analyse exceptional legislation's effect on due process and justice, and examine constitutional provisions related to court access during emergency and martial law.

### **Learning Outcomes**

By the end of the course, students will have a comprehensive understanding of civil liberties, security of state, and public order; they will be able to compare emergency detention laws in England and civil liberties protection in the United States; analyse the effects of legislation on economic offenders, and examine the role of special courts and tribunals. They will also be able to analyse provisions related to access to courts under emergency and martial law, develop an opinion on balancing national security, public order, and individual rights, and suggest ways to achieve this balance.

### **UNIT-I National Security, Public Orders and Rule of Law**

- 1.1. Concept of Civil Liberties, Meaning of "Security of State and Public Order"
- 1.2. Emergency Detention in England - Civil Liberties
- 1.3. Protection of Civil Liberties in USA
- 1.4. International Conventions for Protection of Civil Rights

### **UNIT-II Preventive Detention and Indian Constitution**

- 2.1. Legality of Preventive Detention
- 2.2. Protection against Preventive Detention: Article 22 of the Constitution.
- 2.3. Declaration of Emergencies
- 2.4. 1962, 1965, 1970 and 1975 Emergencies

### **UNIT-III Exceptional Legislation**

- 3.1. COFEPOSA /NSA and other legislation to curb economic offenders
- 3.2. TADA: "the draconian law"-comments of NHRC
- 3.3. Special courts and tribunals
- 3.4. Due process and special legislation

#### **UNIT-IV Access to Courts under Emergency and Martial Law**

- 4.1. Article 359: ups and downs of judicial review
- 4.2. Constitution (Forty-fourth), Amendment Act, 1978.
- 4.3. Constitution (Fifty-ninth) Amendment Act, 1988.
- 4.4. Martial Law: Provisions in English Law, Provisions in the Constitution

#### **Suggested Reading**

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

#### **LLM-CE-03-CLO-P-XV DISSERTATION AND VIVA (PRACTICAL)**

**Instruction:** The Head of the Department will notify the Dissertation Title for each student. A candidate shall prepare the dissertation (Minimum 50 Pages, and Maximum 100 Pages in A4 Size Paper) and submit his/her soft and 02 hard copies of the Dissertation on the date of examination for evaluation. The student should follow proper Legal citation system and Dissertation Guideline while preparing the Dissertation.

#### **LLM-FE-01-P-XV CYBER LAW**

##### **Learning Objectives**

This course aims to provide students with a comprehensive understanding of laws and regulations governing cyberspace, including Indian laws and amendments to conventional laws. Students will learn about the Information Technology Act, 2000 and related provisions such as digital signatures, e-governance, and e-contracts. By the end of the course, students should be able to comprehend cyber contraventions, evaluate the appellate tribunal, understand cyber jurisdiction, and analyse the legal framework for e-commerce. Additionally, the course covers copyright, patent, trademark issues, and domain name disputes in digital media.

##### **Learning Outcomes**

After completing this course, students will have a comprehensive understanding of cyber law and its framework in India. They'll be able to identify different components of cyber law, such as digital signatures, e-contracts, and e-governance. Additionally, they'll comprehend cyber contraventions and offenses, cyber jurisdiction, and the grey areas of the IT Act. Furthermore, students will analyse the legal framework for e-commerce and understand copyright, patent, trademark issues, and domain name disputes in digital media. This course aims to equip students with the skills to navigate the ever-changing legal landscape of cyberspace.

## **UNIT I Cyber Space & Cyber Law**

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- 1.2 Cyber Law & Components of Cyber Law
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- 1.4 Consequential Amendments in Various Conventional Laws in India

## **UNIT II Information Technology Act - I**

- 2.1 Digital Signature and Electronic Signature, E-Governance
- 2.2 E-Record & E-Contract
- 2.3 Regulation of Certifying Authority
- 2.4 Electronic Signature Certificates, Duties of Subscribers

## **UNIT III Information Technology Act - II**

- 3.1 Appellate Tribunal
- 3.2 Cyber Contraventions
- 3.3 Cyber Offences
- 3.4 Cyber Jurisdiction, Grey Areas of Information Technology Act, 2000

## **UNIT IV E-commerce and IPR & Digital Medium**

- 4.1 E-Commerce
- 4.2 Copyright Issues and Digital Medium
- 4.3 Patent Issues in Digital Medium
- 4.4 Trademark Issues in Digital Medium, Domain Name Dispute

## **Suggested Readings**

1. Karnika Seth, Computers, Internet and New Technology Laws (A comprehensive reference work with special focus on developments in India), LexisNexis.
2. Pavan Duggal, Cyber Law (An Exhaustive Section Wise Commentary on The Information Technology Act along with Rules, Regulations, Polices, Notifications etc.), Universal LexisNexis
3. Anirudh Rastogi, Cyber Law (Law of Information Technology and Internet), LexisNexis
4. Justice Yatindra Singh, Cyber Laws, LexisNexis
5. Dr. Jyoti Rattan, Cyber Laws and Information Technology, Bharat Law House
6. Arun Baweja, Information Technology and Development, Kalpar Publication, Delhi
7. Vakul Sharma, Information Technology Law and Practice (Cyber Laws and Laws Relating to E-Commerce), Universal LexisNexis
8. Pavan Duggal, Legal Framework On Electronic Commerce And Intellectual Property Rights In Cyberspace, Universal LexisNexis
9. P.S. Yivek Shane, Banerjee, Science and Society, Himalaya Publishing House, Bombay
10. Ashok Korde, A. Sawant, Science and Scientific Method, Himalaya Pub. House, Bombay
11. B.B. Batra, Information Technology, Kalpar Publications, Delhi

12. Nandan Kamath, Law Relating to Computers Internet and E-Commerce, Universal LexisNexis
13. Pratima Narayan, E-Commerce - Legal Compliance, Eastern Book Company
14. Suresh T. Viswanathan, The Indian Cyber Laws, Bharat Law House
15. Farooq Ahmed, Cyber Law in India, Pioneer Books
16. P. Narayan, Intellectual Property Law, Eastern Law House
17. Law Relating to Intellectual Property Rights, VK Ahuja, Lexis Nexis
18. Intellectual Property Law, Lionel Bently, Brad Sherman, Dev Gangjee, Phillip Johnson, OUP Oxford

### **AUDIT COURSE (AC)**

No credit awarded and students are to take any one of the following subjects over and above the minimum required courses. The subject is purely optional in nature:

- LLM-AC-01 **Tribal Rights and Law**
- LLM-AC-02 **Local Self Government and Law**

### **LLM-AC-01 TRIBAL RIGHTS AND LAW**

#### **Learning Objectives**

The aim of this course is to provide students with an understanding of the socio-economic, political, and legal issues vis-a-vis Scheduled Tribes in India. Students will be introduced to various concepts, theories, and legal frameworks that are relevant to understanding the problems of Tribals. The course aims to enable students to critically evaluate the status and conditions of Tribals in India and develop an appreciation for the need for affirmative action and remedial measures.

#### **Learning Outcomes**

By the end of this course, students will be able to analyse the socio-economic problems faced by Scheduled Tribes and Indigenous people; evaluate Constitutional and legal provisions that ensure their rights and examine related legislation. They will also develop a critical understanding of the historical, political, and economic contexts that contribute to their marginalization, appreciate the need for affirmative action and remedial measures, and propose viable solutions to real-life situations.

#### **UNIT-I Demography**

- 1.1 Definition of Scheduled Tribes" Article 366 (25) and Article 342, Distribution of Tribal Population in India
- 1.2 Attributes of Scheduled Tribes
- 1.3 Definition of indigenous peoples and International Legal Instruments on Tribal/Indigenous People
- 1.4 Problems of Tribals: Poverty, Malnutrition, health, Mortality, Illiteracy and Unemployment; Displacement, Compensation, Rehabilitation, Sexual abuse and Human Trafficking

#### **UNIT-II Tribal Rights Constitution of India**

- 2.1 Fundamental Rights: Tribal Rights
- 2.2 Directive Principles of State Policy: Tribal Rights
- 2.3 Reservation Policy: Employment and Election

## 2.4 Schedules V and VI of the Constitution of India

### **UNIT-III Remedial Forums**

- 3.1 National Human Rights Commission, State Human Rights Commission,
- 3.2 Scheduled Caste and Scheduled Tribes Commission,
- 3.3 National Commission for Women
- 3.4 Minorities Commissions,

### **UNIT-IV Related Legislations**

- 4.1 Forest Rights Act 2006 and The Provisions of the Panchayats (Extension to the Scheduled Areas) Act 1996 (No 40 of 1996)
- 4.2 Protection of Civil Rights Act, 1955/1977 Rules
- 4.3 SC/ST (Prevention of Atrocities) Act, 1989/1995 Rules
- 4.4 The constitution (89th Amendment) Act, 2003

### **Suggested Readings**

- 1 Andre Betteille, "The idea of Indigenous People", Current Anthropology, Vol.39, Number 2, April 1998, pp. 187-191.
- 2 Basu, Durga Das Introduction to the Constitution of India . South Asia Books(2010).
- 3 Devi, K. Uma & Bharihoke, Neera, Tribal Rights in India, EBC (2006) pp 262
- 4 Mononita Kundu Das, Forestry and Tribal Rights in India: Symbiotic relationship between Forests and Tribals, Vdm Verlag (2010)
- 5 Devendra Thakur and D.N. Thakur (Ed) Tribal Life in India, Vol. 7. Tribal Law and Administration : by, Deep and Deep, 2009, Reprint. First published 1994, viii, 258 p
- 6 UN (2005) Economic and Social Council, E/CN.4/2005/89, 28 February 2005 Report of the Working Group established in accordance with Commission on Human Rights Resolution 1995/32 of 3 March 1995 at its eleventh session. The text is available at <http://daccessdds.un.org/doc/UNDOC/GEN/G05/113/65/PDF/G0511365.pdf?OpenElement>
- 7 UN (2006) Economic and Social Council, E/CN.4/2006/79, 22 March 2006, Commission on Human Rights: Human Rights and Indigenous Issues: Report of the Working Group established in accordance with Commission on Human Rights Resolution 1995/32 of 3 March 1995 at its eleventh session. The text is available at <http://daccessdds.un.org/doc/UNDOC/GEN/G06/119/46/PDF/G0611946.pdf?OpenElement>
- 8 Virginius Xaxa, "Tribes as Indigenous People of India", Economic and Political Weekly, December 18, 1999 pp.3589-3596.

## **LLM-AC-02 LOCAL SELF GOVERNMENT AND LAW**

### **Learning Objectives**

The aim of this course is to provide students with an understanding of the Panchayat System in India and Local Self Government, with a focus on the historical perspective, Constitutional scheme, quasi-legislative powers, and functioning of the Panchayati Raj System.

## **Learning Outcomes**

By the end of this course, students will be able to analyse the history and growth of the Panchayat System in India, evaluate the Constitutional provisions related to Local Self Government, assess the quasi-legislative powers of the State Government, and analyse the functioning of the Panchayati Raj System. Additionally, students will be able to apply their knowledge to real-life situations and propose viable solutions.

## **UNIT-I Historical Perspective**

- 1.1. History and Growth of Panchayat System in India
- 1.2. Gram Swaraj: the Gandhian concept
- 1.3. Types of Local Self Government
- 1.4. Balwant Rai Mehta Committee Report

## **UNIT-II Constitutional Scheme**

- 2.1. 73rd Amendment
- 2.2. Directive Principles
- 2.3. Direct democracy and grass root planning
- 2.4. Constitution and Local Self Government

## **UNIT-III Quasi-Legislative Powers**

- 3.1. Rule making power of the State Government
- 3.2. Regulations and Bye-laws
- 3.3. Financial Powers: Levying taxes, Licensing power, Financial resources and powers
- 3.4. Judicial and Quasi-judicial powers of the Local Bodies

## **UNIT-IV Functioning of Panchayati Raj System**

- 4.1 Constitution and Functions of Gram Sabha and Municipalities and corporation
- 4.2 Conduct of Meetings: Corporation, Municipal Council, Panchayat Committee and Gram Sabha
- 4.3 Election to Local Bodies
- 4.4 Gramanyalaya Act

## **Suggested Readings**

1. Anirban Kashyap : Panchaytiraj , Views of founding fathers and recommendation of different committees , New Delhi, Lancer Books, 1989 P 109
2. Anirban Kashyap : Panchaytiraj , Views of founding fathers and recommendation of different committees , New Delhi, Lancer Books, 1989 P 112
3. Ashok Mehta Committee : Government of India, Report of the Committee on Panchayati Raj Institutions, Ministry of Agriculture and Irrigation, Department of Rural Development, (New Delhi, 1978),
4. Bajpai and Verma, (1995), Panchayati Raj in India.
5. Davis, Discretionary Justice
6. De Smith, Judicial Review of Administrative Action (1995)
7. Decentralisation in India : Challenges and opportunities, UNDP, 2000 p 4



8. Dicey, Introduction to the Law of the Constitution,
9. Friedman, The State and the Rule of Law in a Mixed Economy
10. Government of India, Report of the Team for the Study of Community Projects and National Extension Service, (Chairperson: Balvantray Mehta), Committee on Plan Projects, National Development Council, (New Delhi, November 1957), Vol. I,
11. Indian Law Institute, Government Regulation of Private
12. Ivor Jennings, Law and the Constitution
13. Jain & Jain, Principles of Administrative Law (1986), Tripathi, Bombay
14. M. Venkatarangaiah & M. Pattabhiram, Local Government in India (1969) Allied, New Delhi
15. Mahoj Rai et al. :The state of Panchayats – A participatory perspective, New Delhi, Samskriti, 2001 P 9
16. Milestones in the Evolution of Local Government since Independence Neville L. Brown and J.F. Garner, French Administrative Law
17. Panchayat.nic.in Radhakumud Mookerji, Local Government in Ancient India (1985), Daya Publishing Delhi.
18. Schwartz & Wade, Legal Control of Government
19. Subrata K. Mitra. Making local government work: Local elites, panchayati raj and governance in India, in: Atul Kohli (Ed.). The Success of India's Democracy. Cambridge: Cambridge University Press. 2001.
20. T M Thomas Issac with Richard Franke : Local democracy and development – Peoples Campaign for decentralized planning in Kerala, New Delhi, Leftword Books, 2000 P 1
21. The Constitution (Seventy Third Amendment) Act, 1992, The Gazette of India, Ministry of Law, Justice and Company Affairs, New Delhi, 1993.
22. Venkatarangaiah, M. and M. Pattabhiram (1969), 'Local Government in India: Select Readings', Allied Publishers, New Delhi
23. W. Thornhill (ed.), The Growth and Reform of English Local Self-government (1971), Weidenfeld and Nicolson, London
24. World Bank, (2000), Overview of Rural Decentralisation in India, Volume III,