

MASTER OF LAW (LL.M)

**Curriculum & Evaluation Scheme
For
First & Second Year (Business Law)
(Choice Based Credit System)**



SESSION: 2024-2025

**CHHATRAPATI SHIVAJI MAHARAJ UNIVERSITY
PANVEL, NAVI MUMBAI**

About the Programme

The LL.M. Programme aims to cultivate advanced skills and knowledge in law to prepare graduates for professional and academic excellence.

Program Objectives :

- **Develop Research Skills:**

Equip students with advanced research methodologies and techniques to enhance their ability to conduct thorough and impactful legal research.

- **Ensure Specialized Knowledge:**

Provide in-depth knowledge in various specialized areas of law, enabling students to become experts in their chosen fields.

- **Encourage Further Research Education:**

Motivate students to pursue advanced research opportunities and further education in legal studies, fostering a culture of continuous learning and academic curiosity.

- **Maintain National and International Standards:**

Uphold high learning outcomes standards that meet national benchmarks and international comparability, ensuring the quality and relevance of the education provided.

- **Promote Global Academic Standards:**

Ensure that the program adheres to global academic standards, enhancing the international competitiveness of graduates.

- **Facilitate Mobility:**

Support the mobility of postgraduate learners, allowing them to integrate into global academic and professional environments seamlessly.

Programme Specific Outcomes:

1. **Advanced Disciplinary and Interdisciplinary Knowledge:**

Gain a comprehensive understanding of both disciplinary and interdisciplinary aspects of law, along with the development of generic skills and global competencies.

2. **Specialized Legal Expertise:**

Acquire specialized knowledge and skills in specific domains of legal studies and practice, making them experts in their respective fields.

3. **Proficient Legal Research Analysts:**

Develop the capability to conduct sophisticated legal research, analyzing complex legal issues and contributing valuable insights to the legal field.

4. **Accomplished Legal Professionals:**

Become distinguished legal practitioners, including roles such as legal luminaries, officers, and judges, demonstrating excellence in their professional responsibilities.

5. **Academic Contributors in Law:**

Join the esteemed profession of teaching, sharing their knowledge and expertise to educate and inspire the next generation of legal scholars and practitioners.

Ordinance

O1 Eligibility:

Passed with 55% and above LL.B or any degree integrated with LL.B.

O2 Duration:

The **LL.M.** programme will normally be of two academic years duration spanning over **four semesters.**

Teaching and Evaluation Scheme for Two Year LL.M LL.M SEM I, BUSINESS LAW

Course Code	Course Title	Hours/ Week			Theory Marks		Total Marks	Credit s
		L	T	P	ESE	IA		
LLTM1010	Research Methods & Legal Writing	3	1	0	70	30	100	4
LLTM1020	Comparative Public Law	3	1	0	70	30	100	4
LLTM1030	Law & Justice in a Globalizing World	3	1	0	70	30	100	4
LLTM1040	Review of landmark judgments of SC	3	1	0			100	4
	TOTAL	12	4	0	210	90	400	16

SEM II

Course Code	Course Title	Hours/ Week					Total Mark	Credit s
		L	T	P	ESE	IA		
LLTM2010	Judicial Process	3	1	0	70	30	100	4
LLTM2020	Law & Social Transformation of India	3	1	0	70	30	100	4
LLTM2030	Indian Constitutional Law: New Challenges	3	1	0	70	30	100	4
LLTM2040	Review Paper	3	1	0			100	4
	TOTAL	12	4	0	210	90	400	16

SEM III

Course Code	Course Title	Hours/ Week					Total Mark s	Credit s
		L	T	P	ESE	IA		
LLTM3310	Intellectual Property Law	3	1	0	70	30	100	4
LLTM3320	International Trade Law	3	1	0	70	30	100	4

LLTM3330	Company Law	3	1	0	70	30	100	4
LLTM3340	Elective I : Labour & Employment Law	3	1	0	70	30	100	4
LLTM3350	Elective I : Cyber Law	3	1	0	70	30	100	4
	TOTAL	12	4	0	280	120	400	16

SEM IV (FOR 2 YEAR LL.M)

Course Code	Course Title	Hours/ Week			ESE	IA	Total Marks	Credit s
		L	T	P				
LLTM4013	Dissertation	10	2	0			200	12
LLTM4310/ LLTM4320	Optional I- Commercial Arbitration/ Corporate Social Responsibility	3	1	0	70	30	100	4
LLTM4330/ LLTM4340	Optional II- Competition Law/Investment Law	3	1	0	70	30	100	4
	TOTAL	16	4	0	140	60	400	20

(LL.M SEM I)

RESEARCH METHODS AND LEGAL WRITING

Course Objectives:

To make the students familiarize with the concepts of Research Methods & Legal writing. This will enable the students to understand all aspects of legal research, its types as well as methods of data collection. Legal writing enhances the writing skill of students for doing research work.

Course Outcomes (COs): The students will be able to learn

CO1: Understanding the Significance of Legal Research

Explore and appreciate the importance of legal research in analyzing, interpreting, and applying laws effectively.

CO2: Exploring Diverse Sources and Types of Legal Research

Identify and evaluate various sources and types of legal research, including doctrinal, empirical, comparative, and interdisciplinary approaches.

CO3: Analyzing Judicial Decision-Making Processes

Investigate how courts arrive at decisions, examining the factors that influence judicial reasoning and outcomes within legal frameworks.

CO4: Developing Legal Writing Skills Using Research Methodologies

Acquire proficiency in legal writing techniques, integrating effective research methodologies to support arguments, analysis, and conclusions.

CO5: Developing Proficiency in Future Legal Research

Develop practical skills and strategies for conducting comprehensive and systematic legal research, preparing students for future professional and academic endeavors.

Course Contents

Unit- 1: Introduction

- Definition and Meaning of Research
- Objectives
- motivation Significance
- Interrelation between Research and Knowledge
- Levels and Types of Knowledge

Unit- 2 : Types of Research

- Descriptive vs. Analytical,
- Applied vs. Fundamental,
- Quantitative vs. Qualitative,
- Conceptual vs. Empirical,
- Historical
- ActionResearch

Unit- 3: Legal research

- Definition and Meaning of Legal Research- Objectives- Motivation- Significance
- Objectives & Research Process Types- Evaluative, Explicative, indemnification,
- Projective, Collative, Impact Analysis, Interactive, Interpretative
- Social Value and Research, Logic and Research, Scientific Method and Research

Unit- 4: Research Methods in Legal research

- Research Method and Research Methodology- Definition, Meaning, Significance
- Doctrinal Research Method and the various steps
- Non-Doctrinal Research Method and the various steps
- Socio –Legal research methods – need significance.
- Induction and deduction research methods.
- Qualities of a Good Researcher
- Criteria for a Good Research
- Obstacles to Good Research in India

Unit- 5: Legal Writing

- Legal Writing – Meaning and Significance
- Research Report Writing – Dissertation & Thesis
- Footnotes – BlueBook Citations - ILI Format – MLA Format
- Bibliography- E-Resources and Plagiarism

References:

Agrawal S.K., Legal Education in India, Tripathi Publishers, Bombay(1973)

1. Anderson J Durstan; B. H. Pooli, Thesis and Assignment Writing, Eastern Books Limited, New Delhi, (1977)
2. Brayne H., N. Duncan, R. Grimes, Clinical Legal Education Active Learning in Your Law School, Oxford, (1998)
3. Goode W. J., Hatt P.K., Methods of Social Research, McGraw Hill, New York, (1962)
4. Jain S.N., Legal Research & Methodology, Indian Law Institute Publication, (Ed) Tripathi Pvt. Ltd., Bombay (1983)
5. Prof. Tushar Kanti Saha, Textbook on Legal Methods, Legal Systems and Research, Universal Law Publishing Co., New Delhi (2010).
6. Tiwari H.N., Legal Research Methodology, Allahabad Law agency, Haryana, 1997, 2003
7. Kothari C.R., Research Methodology: Methods and Techniques, 2nd Edition, New Age International Publishers
8. Wilkinson & Bhandarkar, Methodology and Techniques of Social Research, Himalaya Publishing House
9. 2. Verma S.K., Wani Afzal M (Ed)., Legal Research and Methodology, 2nd Edition Indian Law Institute, New Delhi, 2001
10. Myneni S.R., Legal Research Methodology, Pioneer Books, Allahabad Law Agency, Haryana, 3rd Edition, 2006

COMPARATIVE PUBLIC LAW

Course Objectives:

This course aims to comprehend -

- To make the students familiarize with the basic concepts of Public Law of different countries & its comparative study.
- This will enable the students to understand all basic aspects of Constitutional law, Administrative law and Criminal law, as well as ~~various~~ forms of Government.
- To make the students familiarize with the basic concepts of Comparative Criminal Law- Common Law, Civil Law.
- This will enable the students to understand all basic aspects of Domestic Violations-International National Provisions relating to Rape Plea Bargaining-USA, India, White Collar Crimes, Juvenile Justice.

Course Outcomes (COs):

The students will be able to learn-

CO1: Remembering basic aspects of Constitutional law and comparison of Public Law of different countries.

CO2: Understanding Forms of Governments, Federal and Unitary Forms along with the significance of the concept of "Rule of Law"

CO3: Analyze French concept of Separation of Powers and Administrative Courts.

CO4: Comprehend the meaning of Globalization and Global Governance.

CO5: Analyze the difference between substantive law and procedural law.

Course Contents

Unit – 1: Public Law and its Role in Governance

Basic concepts of Public Law

Nature of Public Law

Scope of Public law – Constitutional law, Administrative law and Criminal law

Distinction between public and private law

Principles of Accountability and Public Law

Unit – 2: Basic Principles of Government

organization of government , Forms of Governments

Federal and Unitary Governments

Presidential and Parliamentary forms of Government

Federal and Unitary Forms

- (a) Features, Advantages, and Disadvantages
- (b) Model of Federalism and Concept of Quasi-Federalism
- (c) Role of Courts in Preserving Federalism

Unit – 3: Comparative Study of Constitutional Law, Administration & Global Administration

Relevance

Problems and Concerns in Using Comparison

Comparative Administrative Law

- a) French concept of Separation of Powers and Administrative Courts
- b) Droit Administratif
- c) Administrative courts in France
- d) Council d'Etat
- e) Scope of Judicial Review in UK
- f) Scope of Judicial Review in US
- g) Public Interest Litigation in India and US

Global Administrative Law

- a) Globalization and Global Governance
- b) Players in Global Governance – Public, Private, and Hybrid
- c) Emergence of Global Administrative Law: Bottom – up and Top – down approach
- d) Global Administrative Law: Perspectives of Developing Countries

Unit – 4: Comparative Study of Criminal Law and Common Law.

Domestic Violations-International & National (USA and India) perspective

Provisions relating to Rape

Plea Bargaining-USA, India

White Collar Crimes Juvenile Justice

Unit -5: Comparative Study of Substantive laws and procedural laws

Meaning and nature of substantive laws and procedural laws Limitations

of substantive laws and procedural laws

Differences between substantive laws and procedural laws

Books Recommended:

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

LAW AND JUSTICE IN A GLOBALIZED WORLD

Course Objectives:

- To make the students familiarize with the concept of legal perspective of Globalization issues related to it.
- To make the students familiarize with the concept of legal perspective of Economic, Social, Political issues related to it.
- This will enable the students to understand the relation of human rights with Globalization.
- This will enable the students to understand the relation of human rights with MNCs and CSRs.
- This will enable the students to understand the relation of human rights with Global Ombudsman.

Course Outcomes (COs): The students will be able to learn

CO1: Remembering The basic aspects of Globalization & Economic, Social, Political issues related to it.

CO2: Analyzing the Economic, Social, Political issues related to Globalization.

CO3: Analyze the Relation of human rights with Globalization.

CO4: Comprehend about MNCs and CSRs.

CO5: Understand about Global Ombudsman.

Course Contents

Unit-1: Justice in Globalising World: Existing Scenario

Globalization as Process

Existing Scenarios and Issues: Economic, Social, Political Rethinking the Idea of Just World Order

Unit-2: Mechanism of Justice under International Legal Regime

United Nations' Institutional Mechanism

Responsibility of Nation States Challenges and the Way Forward

Unit-3: Globalization and National Justice Delivery System

Avoidance of National Jurisdictions

Intervention of International Human Rights Regime

Third World's Perspectives to Globalization

Unit-4: Emerging Initiatives for Justice

MNCs and CSRs Other
New Initiatives

Unit-5: Global Ombudsman

Global Ombudsman
Protection of Faiths and Culture

Text Books:

1. Kai Ambos, Judith Large, Marieke Wierda, *Building a Future on Peace and Justice: Studies on Transitional Justice, Peace and Development The Nuremberg Declaration on Peace and Justice*, Springer Science & Business Media, 2008
2. Andrew Byrnes, Mika Hayashi, Christopher Michaelson, *International Law in the New Age of Globalization*, Martinus Nijhoff Publishers, 2013

References:

1. Joseph Stiglitz, *Making Globalization Work: The Next Step to Global Justice*, Penguin 2007
2. Antony Anghie (Editor), *The Third World and International Order: Law, Politics, and Globalization*, Kluwer Law International, 2003

Semester II

Judicial Process

Course Objectives:

The objective of this course is to study the nature of the judicial process and the role of the judges as policy makers and as participants in evolving political principles of governance. Another objective of this paper is to study the intricacies of judicial creativity and judicial law making and techniques employed in the judicial process.

Course Outcomes (COs): The students will be able to learn

CO1: Understand Judicial Process and Constitutional Adjudication

- Analyze the judicial process as a mechanism for social ordering and its role in interpreting and applying constitutional principles.
- Evaluate the common law model of legal reasoning and its impact on the growth, stability, and evolution of laws.

CO2: Explore Judicial Review and Creativity in Law

- Examine the tools and techniques of judicial review and their role in judicial creativity.
- Critically assess the doctrine of Stare Decisis in the Indian context, analyzing its application and implications for legal precedent.

CO3: Investigate Special Dimensions of Judicial Process

- Differentiate between judicial review and judicial activism, evaluating their similarities, differences, and implications for legal and societal norms.
- Analyze the balance between judicial activism and judicial self-restraint, considering their impact on legal innovation and stability.

CO4: Study Judicial Process in the Indian Context

- Debate the role of judges and the notion of judicial review within the Indian legal framework.
- Discuss the independence of the judiciary and its political dimensions, examining challenges and implications for judicial processes.

CO5: Examine Judicial Process and Constitutional Amendments

- Trace the evolution of the Basic Structure doctrine in Indian constitutional jurisprudence.
- Evaluate recent developments such as the "essence of rights" and "rights test" in determining

Basic Structure, and their significance for constitutionalism.

Course Contents

Unit - I: Nature of Judicial process and its role in constitutional adjudication 1. Judicial process as an instrument of social ordering. 2. Judicial process and creativity in law – common law model – legal reasoning and the growth of law – change and stability 3. The tools and techniques of judicial review and judicial creativity. 4. Analysis of the doctrine of Stare Decisis in India.

Unit - II: Special Dimensions of Judicial Process in Constitutional adjudication. 1. Notions of Judicial Review 2. Is Judicial Review the same as Judicial Activism? 3. Judicial Activism and Judicial Self Restraint. 4. Problem of Accountability in judicial law – making.

Unit - III: Judicial Process in India 1. The Indian Debate on the role of the Judges and on the notion of Judicial review 2. The “Independence” of Judiciary and „Political“ nature of Judicial Process. 3. Judicial Activism and Creativity of the Indian Supreme Court ; the new dimensions 4. Institutional liability of Courts and Judicial activism – Scope and Limits.

Unit - IV: Judicial Process and Constitutional Amendments 1. Evolution of the Concept of Basic Structure 2. Philosophy of the doctrine of Basic Structure 3. The Recent Developments: The “essence of rights” test and “rights test” to determine Basic structure 4. Basic Structure and Constitutionalism.

Unit V : The Concept of Justice and Relation between Law and Justice

1. Discuss the differences between distributive justice, procedural justice, and corrective justice. How do these concepts influence legal decision-making?
2. Analyze key historical legal texts or cases that have significantly influenced the understanding and application of justice.
3. How can legal frameworks address systemic inequalities and promote social justice?
4. Examine the relationship between justice and fundamental human rights. How do legal systems protect and enforce these rights, and what role does justice play in ensuring their realization?

Selected Bibliography:

Cordozo „The Nature of Judicial Process (1995). Universal Law Publishing Co., New Delhi

Julius Stone. The Province and Function of Law Ch.1, PP 8-16, (2000) Universal Law Publishing Co., New Delhi

J. Stone, Precedent and the Law: Dynamics of Common Law Growth (1985), Butterworths. (With effect from the Academic Session 2009- 2010) LL.M. Programme 15

J. Stone. Legal System and Lawyer’s Reasoning (1999), Universal Law Publishing Co., New Delhi

Upendra Baxi, *The Indian Supreme Court and Politics*. (1980), Eastern Book Co., Lucknow.

Rajeev Dhavan. *The Supreme Court of India – A Socio-Legal Critique of its Juristic Techniques* (1977), Tripathi – Bombay.

Virendra Kumar, *Basic Structure of the Indian Constitution: Doctrine of Constitutionally controlled Governance*, 49 *Journal of the Indian Law Institute*, PP 365-395, (2007).

A. S. Anand, *Judicial Review – Judicial Activism–Need for Caution*, 42 *Journal of Indian Law Institute* P. 149 (2000).

Upendra Baxi, “On how not to Judge the Judges” 25 *Journal of the Indian Law Institute*, P.211 (1983).

Henry J. Abraham, *The Judicial Process* (1998), Oxford. 11. S.P.Sathe, *Judicial Activism in India: Transgressing borders and Enforcing Limits*, Oxford New Delhi. (2002)

Law & Social Transformation of India

Course Objectives

- To acquaint the students about the inter-relationship of Law and social transformation.
- Explain the contribution made by Indians who initiated social change/legal change.
- Analyse the impact of tradition on Law.
- Convey the relevancy of sociological school of thoughts, Marxist and Weberian analysis of social development.
- Explain the interface of law and social transformation in extending protection to vulnerable and ethnic groups of society.
- Experience the role Law in resolving the contemporary social issues relating to equality, language and religion.

Course Outcomes (COs): The students will be able to learn

CO1: Explain the operation of Law in transforming the society.

CO2: Understanding Depict the examples of social transformation initiatives made in the past and be able to identify the social vition in the society by eradicating the divisive factor on the basis of religion, region, caste, creed etc.

CO4: Describe Non-discriminatory action on the ground of language, religion.

CO5: Identify and analyse the affirmative action taken which resulted in social legislation in India.& Explain the application of Law in transforming social behaviour and protecting vulnerable and ethnic groups

Course Contents

Unit I:

1. Law and Social Change:

- a. Relations between Law and Public Opinion
- b. Law as an instrument of social change
- c. Law as the product of Traditions and Culture, Criticism and evaluation in the light of

colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India, Sociological school and its applicability in India, Principles of Social Legislation.

2. Religion and the Law:

- a. Religion – its meaning and relationship with law
- b. Evaluation of Religion as a divisive factor
- c. Secularism as a solution to the problem
- d. Reform of the law on secular lines : Problems
- e. Freedom of religion and non-discrimination on the basis of religion
- f. religious minorities and the law

Unit II:

1. Language and the Law:
 - a. Multi-linguistic culture and its impact on policy on nation
 - b. Language as a divisive factor : formation of linguistic states
 - c. Constitutional guarantee to linguistic minorities
 - d. Language policy and the Constitution ; Official language; multi language system
 - e. Non-discrimination on the ground of language

2. Community and the Law:

- a. Caste as a socio-cultural reality and role of caste as a divisive and integrative factor
- b. Non-discrimination on the ground of caste
- c. Acceptance of Caste as a factor to undo past injustices
- d. Protective discrimination; Scheduled Castes, tribes and backward classes
- e. Reservation : Statutory Commissions, statutory provisions

Unit III:

1. Regionalism and the Law:

- a. Evaluation of Regionalism as a divisive and integrative factor
- b. Concept of India as one unit
- c. Right of Movement, Residence and Business; Impermissibility of State or Regional Barriers

- d. Equality in matters of employment; the slogan “Sons of the soil” and its practice
- e. Admission to Educational Institutions; Preference to Residents of a State.

2. Women and the Law:

- a. Position and the Role of women in Indian society
- b. Crimes against women – Codified laws
- c. Gender injustice and its various forms, causes and remedies
- d. Women’s Commission
- e. Empowerment of women; Constitutional and other legal provisions.

Unit IV:

1. Children and the Law:

- a. Child Labour
- b. Sexual Exploitation
- c. Adoption, Maintenance and Related Problems
- d. Children and Education – a Constitutional mandate

2. Modernization and the Law:

- a. Modernization as a value : Constitutional perspectives reflected in the fundamental duties
- b. Modernization of social institutions through law
- c. Reform of family law
- d. Agrarian reform – Industrialization of Agriculture
- e. Criminal Law : Plea bargaining; compounding and payment of compensation of victims
- f. Civil Law (ADR) Confrontation v., consensus; mediation and conciliation: Lok Adalats
- g. Democratic decentralization and Local Self-government

Unit V:

- a. The Jurisprudence of Sarvodaya-Gandhiji, Vinoba Bhave, Jayapraksh Narayanan
- b. Socialist Thought on Law and Justice-The Philosophy of M.N. Roy
- c. Naxalite and Anti Insurgent Movements-Causes and Cure
- d. Effectuation of Fundamental Duties
- e. Concept of Gram Nayalas

Suggested Books:

1. Marc Galanter (ed.), Law and Society in Modern India (1997) Oxford,
2. Robert Lingat, The Classical Law of India (1998), Oxford
3. U. Baxi, The Crisis of the Indian Legal System (1982). Vikas, New Delhi.
4. U. Baxi (ed.), Law and Poverty Critical Essays (1988
5. Duncan Derret, The State, Religion and Law in India (1999). Oxford University Press, NewDelhi. 6. H.M. Seervai, Constitutional Law of India (1996),
7. D.D. Basu, Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd., New Delhi.
8. Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (2000) Armol Publications,Delhi.
9. Savitri Gunasekhare, Children, Law and Justice (1997), Sage
10. Indian Law Institute, Law and Social Change : Indo-American Reflections
11. J.B. Kripalani, Gandhi: His Life and Thought, (1970)Ministry of Information and Broadcasting, Government of India
12. M.P.Jain, Outlines of Indian Legal History, (1993), 13. Agnes, Flavia, Law and GenderInequality: The Politics of Women's Rights in India (1999), Oxford

Indian Constitutional Law-The New Challenges

Course Objectives:

The objective of this course is

- To study the nature of Federalism, the Executive, Privatization and its impact on affirmative action and Implementation of International Obligation.
- The purpose of the course is to acquaint the students with the Basic Concept of Separation of Power, Judicial activism and judicial restraint, PIL, The rule of law.
- To study the Empowerment of Women, Freedom of Press and Challenges of new scientific development.
- To make the students understand The Implementation of Human Rights, Environmental Protection and International trade.

Course Outcomes (COs):

The students will be able to learn-

CO1: Understanding to The Federalism and Creation of new states

CO2: Analyse The Constitutional framework Judicial interpretation and practice

CO3: The Executive

CO4: Comprehend to the 'State'-Need for widening the definition in the wake of liberalization.

CO5: Gain to Emerging regime of new rights and remedies

Course Contents

Unit I :Federalism : Creation of new states, Allocation and share of resources-distribution of grants- in aid, The inter-state disputes on resources, Rehabilitation of internally displaced persons, Centre's responsibility and internal disturbance within states, Direction of the Centre to the State under Article 356 and 365, Federal Comity-Relationship of trust and faith between Centre and State, Special status of certain States, Tribal Areas, Scheduled Areas, Boundary disputes, Deployment of security forces etc. Separation of Power : Doctrine of Separation of Powers and checks and balances.

Unit II: Constitutional framework-Judicial interpretation and practice, Judicial activism and judicial restraint, PIL : Implementation, Judicial autonomy and independence, accountability of Executive, Legislature and Judiciary. Democratic Process : Election and Electoral reforms, Election Commission. The rule of law :The independence of judiciary as an aspect of separation of powers/Division of functions.

Unit III: The Executive : Constitutional status, Powers and functions of the President vis-a-vis the form of Government. The Legislature : Parliamentary/Legislative Privilege : Nature, Extent, Scope and Limitation on privileges. The Judiciary : Status, Power, functions and contemporary developments, Power of judicial review. Good Governance : Principle of good governance-Administrative responsibility and accountability-Liability of the state in Torts-Constitutional torts and compensatory Jurisprudence.

Unit IV: 1. 'State'-Need for widening the definition in the wake of liberalization. 2. Right to equality: Privatization and its impact on affirmative action. 3. Empowerment of Women. 4. Freedom of Press and Challenges of new scientific development.

Unit V: 1. Emerging regime of new rights and remedies. 2. Reading Directive Principles and Fundamental Duties into Fundamental Rights. 3. Secularism : Religious freedom and right of minorities to establish and administer educational institutions of their choice. 4. Implementation of International Obligation : Human Rights, Environmental protection and International trade.

Bibliography :

1. J. Stone. Legal System and Lawyer's Reasoning (1999), Universal Law Publishing Co., New Delhi.
2. Upendra Baxi, The Indian Supreme Court and Politics. (1980), Eastern Book Co., Lucknow.
3. Rajeev Dhavan. The Supreme Court of India – A Socio-Legal Critique of its Juristic Techniques (1977), Tripathi – Bombay.

4. Virendra Kumar, Basic Structure of the Indian Constitution: Doctrine of Constitutionally controlled Governance, 49 Journal of the Indian Law Institute, PP 365-395, (2007).
5. A. S. Anand, Judicial Review – Judicial Activism–Need for Caution, 42 Journal of Indian Law Institute P. 149 (2000).
6. Upendra Baxi, “On how not to Judge the Judges” 25 Journal of the Indian Law Institute, P. 211 (1983).
7. Henry J. Abraham, The Judicial Process (1998), Oxford. 11. S.P. Sathe, Judicial Activism in India: Transgressing borders and Enforcing Limits, Oxford New Delhi. (2002)

Intellectual Property Law (LL.M SEM III, BUSINESS LAW)

Course Objectives:

To make the students familiarize with the concepts of Intellectual Property Law. This will enable the students to understand all aspects of IPR and theories related to it. It also helps to understand the relation of Intellectual Property with Human Rights and Competition Law.

Course Outcomes (COs): The students will be able to learn

CO1 : Understanding Intellectual Property - Comprehend the concept, meaning, nature, and characteristics of intellectual property, including its origin, development, and various kinds.

CO2 : Theoretical Framework of Intellectual Property - Analyze the various theories justifying the protection of intellectual property rights, including Natural Theory, Hegelian Philosophy, Locke's Theory of Property, Social Contract Theory, Incentive Theory, Reward Theory, Prospect Theory, Schumpeterian Theory, and Economic Theory.

CO3 : International Framework and Conventions - Gain knowledge of key international institutions and conventions related to intellectual property, such as the Paris Convention, the Berne Convention, and the TRIPs Agreement, along with their significance and impact.

CO4 : Contemporary Issues in Intellectual Property Rights (IPR) - Explore the interface between IPR and other critical areas such as human rights, competition law, sustainable development, the internet, biotechnology, and commerce.

CO5 : Trade-Related Aspects of Intellectual Property Rights (TRIPs) - Understand the TRIPs Agreement, including its historical development, objectives, principles, the role of the WTO, and the specific challenges and flexibilities for developing countries, such as compulsory licensing and parallel imports.

Course Contents

UNIT – 1: Introduction to Intellectual Property

Concept & Meaning of Intellectual Property, Nature and Characteristics of Intellectual Property, Origin and Development of Intellectual Property, Kinds of Intellectual Property.

UNIT –2: Theories of Intellectual Property

Justification and Rationale for Protecting Intellectual Property. Balancing the Protection of IPR and Public Policy Objective

Theories of IPR:-

- i. Natural Theory
- ii. Hegelian Philosophy (Personality Theory)
- iii. Lockes' Theory of Property (Labour Theory)
- iv. Social Contract Theory v. Social Planning Theory
- vi. Incentive Theory
- vii. Reward Theory
- viii. Prospect Theory
- ix. Schumpeterian Theory
- x. Economic Theory

UNIT – 3: International Institutions and Basic International Conventions

Paris Convention for the Protection of Industrial property, 1883
The Berne Convention, 1886
TRIPS Agreement, 1994
International Institutions Concerned with Intellectual Property

UNIT – 4: Contemporary Issues in IPR

Interface between IPR and Human Rights
Interface between IPR and Competition Law
IPR and Sustainable Development
The Impact of Internet on IPR
IPR Issues in Biotechnology
Commerce and IPR issues

UNIT – 5 : Trade-Related Aspects of Intellectual Property Rights (TRIPs)

Overview of the TRIPs Agreement
Historical development and the role of the World Trade Organization (WTO)
Objectives and principles of TRIPs
Importance of intellectual property in international trade
Challenges faced by developing countries in implementing TRIPs
Flexibilities within TRIPs for developing countries

- Compulsory licensing
- Parallel imports

References:

1. David I. Bainbridge, Intellectual Property, Longman, 9th Edition, 2012
2. Peter Groves, Sourcebook on Intellectual Property Law, Routledge-

Cavendish, 1997.References:

1. Susan K Sell, Private Power, Public Law: The Globalization of Intellectual Property Rights, Cambridge University Press,2003
2. N.S. Gopalakrishnan & T.G. Ajitha, Principles of Intellectual Property,Eastern Book Company,2nd Edition ,2014
3. Jayashree Watal, Intellectual Property Rights in the WTO and Developing Countries, Oxford University Press,2001
4. Lionel Bently& Brad Sherman, Intellectual Property Law, Oxford University Press, 3rd Edition,2008
5. Peter Drahos, A Philosophy of Intellectual Property, Dartmouth Pub Co, 1996
6. Duggal Pavan, Legal Framework on Electronic Commerce & Intellectual Property Rights, Universal Publishing House,2014
7. Paul Torremans, Intellectual Property And Human Rights, Kluwer Law International,2008
8. Steven D Anderman, Interface Between Intellectual Property Rights and Competition Policy, Cambridge University Press,2007.
9. Philippe Cullet, Intellectual Property Protection and Sustainable Development, LexisNexis,2005

Company Law

Course Objectives:

To make the students familiarize with the concepts of company law in the light of Companies Act, 2013 and issues related to it. It also helps to understand the FDI and NRI investments National Regulation of MNC in India, U.N. Commission on Transactional Corporation – 1975, Regulation through Company Law- 1956. Regulation through FEMA-1999.

CO1: Types of Companies under the Companies Act, 2013

- Definition and classification of companies.
- Distinctions between private, public, and one-person companies.
- Overview of other types of companies such as producer companies, small companies, and dormant companies.

CO2: Capital Structure and Corporate Restructuring

- Methods of raising capital: equity, preference shares, debentures, and loans.
- Borrowing powers of companies and regulatory compliance.
- Amalgamation, takeover, and mergers: legal framework, procedures, and implications.

CO3: Directors, Officers, and Company Meetings

- Legal position and duties of directors under the Companies Act, 2013.
- Criminal liability of company officers for corporate offenses.
- Types of company meetings: AGM, EGM, and their conduct.

CO4: Corporate Governance Issues

- Oppression and Mismanagement: legal provisions and remedies.
- Winding Up of Companies: voluntary and compulsory winding up procedures.
- Role and constitution of the National Company Law Tribunal (NCLT) and National Company Law Appellate Tribunal (NCLAT).

CO5: Corporate Social Responsibility (CSR)

- Discussion on CSR: legal requirements, scope, and implementation.
- CSR initiatives and their impact on stakeholders and society.

Course Outcomes (COs): The students will be able to learn

CO1: Understanding Company Types - Grasp the definition and classification of companies under the Companies Act, 2013, distinguishing between private, public, and one-person companies, and gain an overview of producer, small, and dormant companies.

CO2: Capital Structure and Restructuring - Learn various methods of raising capital, understand the borrowing powers of companies, and navigate the legal framework, procedures, and implications of amalgamations, takeovers, and mergers.

CO3: Directors and Company Meetings - Comprehend the legal position and duties of directors, recognize the criminal liability of company officers, and familiarize with the conduct of different types of company meetings, including AGMs and EGMs.

CO4: Corporate Governance - Understand issues of oppression and mismanagement, explore the procedures for voluntary and compulsory winding up of companies, and grasp the roles of the National Company Law Tribunal (NCLT) and National Company Law Appellate Tribunal (NCLAT).

CO5: Corporate Social Responsibility - Discuss the legal requirements and scope of Corporate Social Responsibility (CSR), and evaluate the impact of CSR initiatives on stakeholders and society.

Course Content

Unit - 1: Introduction, Formation and Capital Including Financing

Development of modern company law, meaning & Kinds of companies, Formation formalities, characteristic features of a company, lifting the corporate veil, certificate of incorporation.

Promoter- Definition and his legal position, effects of pre-incorporation contracts.

Memorandum and articles of association, prospectus.

Unit-2: Business Management, Amalgamation, Take Over, Mergers

Shares, share capital, allotment, membership, borrowing powers, debenture-issue, floating and fixed charge, registration of mortgages and charges, inter corporate loans and investments, mutual funds, FDI and NRI investments.

Qualifications, appointment, remuneration and removal of directors, managing directors and managers.

Legal position of directors and criminal liability of the officers of the company.

Meetings of the company- . Types of meetings, procedure of calling meetings, company's resolutions and its kinds.

Company secretary- Qualification, appointments duties, and his legal position.

National company law tribunal and appellate tribunal. Investigations into the affairs of the company. Amalgamation, take over, mergers, corporate collapse.

Unit-3; Oppression & Mismanagement, Winding Up of Company and Law Relating To Multinational Corporation

Prevention of oppression and mismanagement, Meaning and kinds of winding up,

Appointment, Powers and Duties of Liquidator, Contributory. Meaning and Definition of Multinational Corporation National Regulation of MNC in India, U.N. Commission 1956.

On Transnational Corporation – 1975, Regulation through Company Law -Regulation through FEMA-1999

Unit-4: Winding Up:

- Definition and concept of winding up.
- Objectives and reasons for winding up a company.
- Modes of Winding Up:
- Preparation and Procedure:
- Role of Liquidator:
- Legal Framework and Compliance:
- Emerging Trends and Challenges:

Unit-5: Corporate Governance and Social Responsibility

Concept, Significance, dimensions, Legal framework, Impact of globalization. Importance of Corporate Governance. Impact of Legal Traditions and the Rule of Law on Corporate Governance. Legal Reforms of Corporate Governance in India. Reports of the various Committees on Corporate Governance. Corporate Social and Environmental Responsibility.

Reference books :

1. Smith And Keenan's, Company Law (2002)
2. Andrew Lidbetter, Company Investigations And Public Law (1999)
3. Saleem Sheikh & William Rees, Corporate Governance & Corporate Control (2002)
4. Avtar Singh, Company Law, 2007 Eastern Book Company, Lucknow.
5. Gower's Principles Of Company Law 8th Edition 2008, R. Cambray & Co. Pvt. Ltd.
6. Smith And Keenan's Company Law.
7. S. K. Verma & Suman Gupta, Corporate Governance And Corporate Law Reform In India. (2005).
8. Companies Act, 1956.

9. Suman Gupta: Shareholder's Democracy: Fact Or Fiction.(1992)
10. J.M. Thomson Palmer's Company Law
11. Gower-Principles Of Modern CompanyLaw.
12. Ramaiya guide To CompaniesAct.
13. Indian Law Institute Current Problems Of Corporate Law.

International Trade Law

Course Objectives:

To make the students familiarize with the concepts of History and development of international trade and Financial Institution along with IMF, IBRD, IFC, IDA & MIGA. It also helps to understand Multilateral Agreements on Trade in Goods, GATS, TRIPS Agreement. Further it gives ideas about Settlement of International Trade Disputes.

Course Outcomes (COs): The students will be able to learn

CO1: The Regulation of International Trade in India, Multilateral Agreements on Trade in Goods, GATS, TRIPS Agreement

CO2: Understand the Financial Institution System

CO3: United Nations Convention on Contracts for the International Sale of Goods, 1980

CO4: To Discuss the Bilateral Investment Treaties, Multilateral Investment along with Arbitration Compliance and enforcement.

CO5: To Understand Dispute Settlement Mechanism under WTO

Unit-1: The History and Development of International Trade

- History and development of international trade in India ,
- Characteristics of global trade, How it is differ from Domestic trade,
- Difference between Bilateral Trade and Multilateral Trade
- International Trade Theories

Unit-2: Financial Institution

- International Monetary Fund (IMF),
- International Bank For Reconstruction and Development (IBRD).
- International Finance Corporation (IFC),
- International Development Association (IDA),
- Multilateral Investment Guarantee Agency (MIGA).

Unit-3: WTO and International Trade Law

- International trade and World Trade Organisation (WTO)
- GATT and the formation of WTO : Brief history
- Key objectives & function of WTO
- Important principles of WTO with respect to the trading system

Unit-4: Dispute Settlement Mechanism under WTO

- Building trade capacity of developing countries by the WTO
- Analysis of the role of WTO in international trade

- Challenges of the WTO
- Dispute Settlement Mechanism under WTO
- India's Foreign Trade Policies

Unit-5: United Nations Convention on Contracts for the International Sale of Goods

- The United Nations Convention on Contracts for the International Sale of Goods (Vienna, 1980)

Text Books:

1. Raj Bhala, International Trade Law: An Interdisciplinary Non-Western Textbook (Vols 1 & LexisNexis (2015)
2. Schnitzer Simone, Understanding International Trade Law (2nd ed.) Universal (2010)
3. Autar Krishen Kaul, A Guide to the W.T.O. and GATT: Economics, Law, and Politics, Kluwer Law International (2006)
4. Dr. S.R. Myneni, International Trade Law (International Business Law) (3rd edn.) Allahabad Law Agency (2014)

LABOUR AND EMPLOYMENT LAW

Course Objectives:

To make the students familiarize with the challenges and Issues with reference to labour management. It also helps to understand Social Security Labor Legislations and Impact of globalization on the labour market. Further it also gives idea about Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

Course Outcomes (COs): The students will be able to learn

CO1: ILO norms: measures, standards and relevance

CO2: Important labour related legislations in India especially Mahatma Gandhi National Rural Employment Guarantee Act, 2006 (MNREGA).

CO3: Indian, US, European perspectives; ILO vis-à-vis WTO

CO4: Compensation, Insurance with respect to wrongful dismissal and employment hazards

CO5: Analyze National Rural Employment Guarantee Act, 2006 (MNREGA).

Course Contents

UNIT – 1: Introduction

Workers Rights as Human Rights-Constitutional scheme and reflections of International Labour Organization standards in the Indian legal System, Challenges and Issues with reference to labour management relations in 21st Century.

UNIT – 2: Social Security Labor Legislations

National and International Perspectives ILO norms: measures, standards and relevance; Employment contracts and labor management relations: trends, issues and challenges; Important labour related legislations in India especially Mahatma Gandhi

UNIT – 3: National Rural Employment Guarantee Act, 2006 (MNREGA). UNIT – 4:

Transnational Trade and Labor

Impact of globalization on labour market: Indian, US, European perspectives; ILO vis-à-vis WTO; Developing vis-à-vis developed States.

UNIT – 5: Law and Policies of Protective Discrimination in Employment Laws

Social security safety and welfare at workplace: Women, children, and differently-abled; Compensation, Insurance with respect to wrongful dismissal and employment hazards; Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

Act and Statutes (As Amended)

1. The Constitution of India
2. The Equal Remuneration Act, 1976
3. The Industrial Disputes Act, 1947
4. The Mahatma Gandhi National Rural Employment Guarantee Act, 2006
5. Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013
6. The Trade Union Act, 1926
7. The Workmen's Compensation Act, 1923
8. Relevant ILO Conventions
9. The Report of the National Labour Commission, 1967
10. The Report of the National Labour Commission, 2002

References:

1. Mishra, S.N.; Labour and Industrial Laws; Eastern Book Company
2. Mediratta, Surinder; Handbook of Law, Women and Employment: Policies, Issues, Legislation and Case law; Oxford University Press.

Reference Books:

1. Malik's, P.L.; Handbook of Industrial and Labour Law; Eastern Book Company
2. Baird, Marian, Keith Hancock and Joe Isaac; Work and Employment Relations: An Era of Change; Federation Press
3. Twomey, David P.; Labor and Employment Law: Texts and Cases; Cengage Learning.

OPTIONAL PAPER – II CYBER LAW

Course Objectives:

- To make the students familiarize with the Need for Cyber Law and Cyber Jurisprudence at International Level.
- To make the students familiarize with the Need for Cyber Law and Cyber Jurisprudence at Indian Level.
- The International Perspectives of cyber law along with Constitutional & Human Rights Issues in Cyberspace.
- Students will get knowledge about various types of cyber crimes.
- Students will get knowledge about various types of legal framework and dispute resolution under IT Act,2000.

Course Outcomes (COs): The students will be able to learn

CO1: Remembering Computer and Web Technology and the Need for Cyber Law in our present scenario.

CO2: Understanding the Various Conventions and International perspectives related to cyber law.

CO3: Analyzing Constitutional & Human Rights Issues in Cyberspace

CO4: Apply various cyber crimes and Legal Framework.

CO5: Understand about various Dispute Resolution and E-Commerce.

Course Contents

Unit 1: Introduction

- Computers and its Impact in Society
- Overview of Computer and Web Technology
- Need for Cyber Law
- Cyber Jurisprudence at International and Indian Level

Unit 2: Cyber Law - International Perspectives

- UN & International Telecommunication Union (ITU) Initiatives
- Council of Europe - Budapest Convention on Cybercrime
- Asia-Pacific Economic Cooperation (APEC)
- Organization for Economic Co-operation and Development (OECD)
- World Bank
- Commonwealth of Nations

Unit 3: Constitutional & Human Rights Issues in Cyberspace

- Freedom of Speech and Expression in Cyberspace
- Right to Access Cyberspace – Access to Internet
- Right to Privacy
- Right to Data Protection
- Cyber Torts

Unit 4: Cyber Crimes & Legal Framework

- Cyber Crimes against Individuals, Institution and State
- Hacking
- Digital Forgery
- Cyber Stalking/Harassment
- Cyber Pornography
- Identity Theft & Fraud
- Cyber terrorism
- Cyber Defamation
- Different offences under IT Act, 2000

Unit 5: Dispute Resolution & E Commerce

- Concept of Jurisdiction & Indian Context of Jurisdiction and IT Act, 2000.
- International Law and Jurisdictional Issues in Cyberspace.
- Dispute Resolutions & E Commerce

References

- Chris Reed & John Angel, *Computer Law*, OUP, New York, (2007).
- Justice Yatindra Singh, *Cyber Laws*, Universal Law Publishing Co, New Delhi, (2012).
- Verma S, K, Mittal Raman, *Legal Dimensions of Cyber Space*, Indian Law Institute, New Delhi, (2004)
- Jonthan Rosenoer, *Cyber Law*, Springer, New York, (1997).
- Sudhir Naib, *The Information Technology Act, 2005: A Handbook*, OUP, New York, (2011)
- S. R. Bhansali, *Information Technology Act, 2000*, University Book House Pvt. Ltd., Jaipur (2003).
- Vasu Deva, *Cyber Crimes and Law Enforcement*, Commonwealth Publishers, New Delhi, (2003)

SEM IV

Commercial Arbitration (LL.M SEM IV, BUSINESS LAW)

Course Objectives:

To make the students familiarize with the laws related to International Commercial Arbitration, Dispute Resolution in International Trade and comparison between institutional versus ad-hoc rules of arbitration. It also gives ideas on UNCITRAL Model law on International Commercial Arbitration and Recognition or enforcement of foreign arbitral awards.

Course Outcomes (COs): The students will be able to learn

CO1: Dispute Resolution in International Trade and comparison between institutional versus ad-hoc rules of arbitration.

CO2: Choice of law (Seat Theory), Choice of national law and Conflict Rules.

CO3: Judicial intervention to Arbitration, Reference to arbitration

CO4: International Conventions and Indian law for recognition and enforcement of arbitral awards

CO5: Need of Arbitration in International and Indian Law,

Course Contents

UNIT – I: Introduction to Arbitration

Concept and Essential features, Need of Arbitration in International and Indian Law, Nature and Emergence of International Commercial Arbitration,

UNIT – II: International Trade

Dispute Resolution in International Trade, Important terms used in International Commercial Arbitration, International Arbitration Institutions. A comparison between institutional versus ad-hoc rules of arbitration.

UNIT-III: Applicability of Laws

Types of laws applicable in international commercial arbitration, Governing law of arbitration, Law applicable to the substantive and procedural issues, Enforcing the choice of law clause, Party Autonomy: Choice of law (Seat Theory), Choice of national law, Conflict Rules.

UNIT-IV: Regulating International Commercial Arbitration

An introduction to UNCITRAL Model law on International Commercial Arbitration, Judicial intervention to Arbitration, Reference to arbitration, Interim Measures, General policy for enforcement, review and refusal of foreign award in India.

UNIT-V: Recognition or enforcement of foreign arbitral awards

Foreign Award- meaning, The International Conventions for recognition and enforcement of arbitral awards, Reciprocity and Commercial Reservation, Indian law- Scope and Applicability, Recognition and enforcement of annulled awards.

Text Books:

1. Commercial Arbitration by Nagpur Lexis Nexis Butterworth Wadhwa & Co
2. The Principles and Practice of International Commercial Arbitration by Margaret.L.Moses³. Law Relating To Arbitration And Conciliation by P.C.Markanda

References:

1. Ashwinie Kumar Bansal, International Commercial Arbitration - Practice and Procedure (Enforcement of Foreign Awards - Covering more than 75 Countries), Universal Law Publication Co. Pvt. Ltd, 1st ed. (2014).
2. Justice R.S. Bachawat, Anirudh Wadhwa, Anirudh Krishnan, Law of Arbitration and Conciliation with Exhaustive Coverage of International Commercial Arbitration & ADR, Lexis Nexis Butterworth, 5th ed.(2013).

SEM IV

Corporate Social Responsibility (LL.M SEM IV, BUSINESS LAW) C.S.R.

Course Objectives:

- To make the students familiarize with the meaning of Corporate Social responsibility in the background of corporate environment.
- International framework for Corporate Social Responsibility.
- It also gives ideas about CSR under Companies Act 2013 and relation with CSR & MDGs.
- Further it gives ideas about key stakeholders of Corporate Social Responsibility.
- Their roles along with Current trends and opportunities in Corporate Social Responsibility.

Course Outcomes (COs): The students will be able to learn

CO1: Comprehend the Relation between CSR and Corporate governance and various models of CSR in India.

CO2: Apply United Nations (UN) Global Compact 2011 and OECD CSR policy tool.

CO3: Understanding the Role of Non profit & Local Self Governance in implementing CSR.

CO4: Analyze the Challenges of CSR. Case Studies of Major CSR Initiatives.

CO5: Evaluate the Current trends and opportunities in CSR.

Course Contents

UNIT I:- Introduction to CSR:

Meaning & Definition of CSR, History & evolution of CSR, Primaries of CSR, Concept of Charity, Corporate philanthropy, Corporate Citizenship, CSR-an overlapping concept. Concept of sustainability & Stakeholder Management. CSR through triple bottom line and Sustainable Business; relation between CSR and Corporate governance; environmental aspect of CSR; Chronological evolution of CSR in India; models of CSR in India, Carroll's model; drivers of CSR; major codes on CSR; Initiatives in India.

UNIT 2:-International framework for Corporate Social Responsibility:

Millennium Development goals, Sustainable development goals, Relationship between CSR and MDGs. United Nations (UN) Global Compact 2011. UN guiding principles on business and human rights. OECD CSR policy tool, ILO tri-partite declaration of principles on multinational enterprises and social policy.

UNIT 3:- CSR-Legislation In India & the world, The Drivers of CSR in India:

Section 135 of Companies Act 2013. Scope for CSR Activities under Schedule VII, Appointment of Independent Directors on the Board, and Computation of Net Profit's Implementing Process in India. Market based pressure and incentives, civil society pressure, the regulatory environment in India Counter trends. Performance in major business and programs. Voluntarism Judicial activism.

UNIT 4:- Identifying key stakeholders of CSR & their roles

Role of Public Sector in Corporate, government programs that encourage voluntary responsible action of corporations. Role of Non profit & Local Self Governance in implementing CSR; Contemporary issues in CSR & MDGs. Global Compact Self Assessment Tool, National Voluntary Guidelines by Govt. of India. Understanding roles and responsibilities of corporate foundations.

UNIT 5:- Current trends and opportunities in CSR

CSR as a Strategic Business tool for Sustainable development. Review of successful corporate initiatives & challenges of CSR. Case Studies of Major CSR Initiatives.

Reference Books:

1. Corporate Social Responsibility: An Ethical Approach - Mark S. Schwartz
2. The World Guide to CSR - Wayne Visser and Nick Tolhurst
3. Innovative CSR by Lelouche, Idowu and Filho
4. Corporate Social Responsibility in India - Sanjay K Agarwal
5. Handbook on Corporate Social Responsibility in India, CII.
6. Handbook of Corporate Sustainability: Frameworks, Strategies and Tools - M. A. Quaddus, Muhammed Abu B. Siddique
7. Growth, Sustainability, and India's Economic Reforms – Srinivasan
8. Corporate Social Responsibility: Concepts and Cases: The Indian - C. V. Baxi, Ajit Prasad 9.Mallin, Christine A., Corporate Governance (Indian Edition), Oxford University Press, New Delhi.
10. Blowfield, Michael, and Alan Murray, Corporate Responsibility, Oxford University Press.
11. Francesco Perrini, Stefano, and Antonio Tencati, Developing Corporate Social Responsibility-A European Perspective, Edward Elgar. University of Delhi.
12. Sharma, J.P., Corporate Governance, Business Ethics & CSR, Ane Books Pvt Ltd, New Delhi.
13. Sharma, J.P., Corporate Governance and Social Responsibility of Business, Ane Books Pvt. Ltd, New Delhi.

COMPETITION LAW (LL.M SEM IV, BUSINESS LAW)

Course Objectives:

To make the students familiarize with the meaning of law relating to Competition Act 2002 and Anti-Competitive Agreements under the same. It gives ideas about Regulation of Abuse of Dominant Position & Competition Advocacy and Emerging Trends in Competition along with Enforcement Mechanisms under the Competition Act, 2002.

Course Outcomes (COs): The students will be able to learn

CO1: Important Definitions under the Competition Act, 2002.

CO2: Prohibition of Anti-Competitive Agreements. Cartel- Predatory Pricing, bid rigging.

CO3: Appreciable Adverse Effect on Competition in the Market (AAEC) – Abusive Conducts under the Competition Act, 2002

CO4: Enforcement Mechanisms under the Competition Act, 2002 & Competition Commission of India.

CO5 : Competition Law (National and International)

Course Contents Unit – I History and Development of Competition Law

History and Development of Competition Law

Constitutional vision of Social Justice – Liberalization and Globalization- Raghavan Committee Report, Competition Act 2002; an Overview of Competition Law in India, Important Definitions under the Competition Act, 2002.

Unit – II Anti Competitive Agreements

Anti-Competitive Agreements under the Competition Act, 2002. Appreciable Adverse Effect on competition in the Market.

Determination of Relevant Market – Rule of Reason and Per se.

Illegal rule – Horizontal and Vertical restraints, Exemption, Penalties, Prohibition of Anti-Competitive Agreements. Cartel- Predatory Pricing, bid rigging.

Unit – III Regulation of Abuse of Dominant Position & Competition Advocacy and Emerging Trends in Competition

Introduction – Dominance in the Market – Relevant Market- Appreciable Adverse Effect on Competition in the Market (AAEC) – Abusive Conduct under the Competition Act 2002

– Penalties – Prevention of Abuse of Dominance.

Unit-IV Law (National and International)

Competition Advocacy in India and other foreign jurisdictions, Intellectual Property Rights and Competition

Law, International Trade Law and Competition Law.

Unit – V Regulation of Combinations: & Enforcement Mechanisms

Combinations: Merger, Acquisition, Amalgamation and Takeover- Horizontal, Vertical and Conglomerate

Mergers- Combinations covered under the Competition Act. 2002 – Regulations, Penalties.

Enforcement Mechanisms under the Competition Act. 2002 – Competition Commission of India–

Constitution of the CCI– Powers and Functions– Jurisdiction of the CCI adjudication and appeals- Director

General of Investigation (DGI) – Competition Appellate Tribunal (CAT) – Enforcement Mechanisms.

Prescribed Reading:

International Review of Competition Law

Journal of Competition Law and Economics (JCLE) Competition Policy International (CPI)

The Competition Law Review (Comp LRev)

References:

Competition Act, 2002 – Principles and Practices by Dr. V.K. Agarwal Competition Act, 2002 (Students Edition) by Dr. V.K. Agarwal

Suresh T. Vishwanathan, Law and Practice of Competition Act. Bharat Richard Whish, Competition Law, Oxford University press, 2008

Mark Furse, Competition Law at the EC and UK, 6th – 2008, Oxford University Press

M. Dugar, Commentary on MRTP Law, Competition Law & Consumer Protection Law, 4th. – 2006, Wadhwa Nagpur

Abir Roy & Jayant Kumar, Competition Law in India, Eastern Law House, New Delhi Satyanarayana Prasad, Competition Law and Cartels, Amicus Books, ICFAI University Press, 2007 Kristy Middleton,

Barry Rodger & Angus Mac Culloch, Cases and Materials on UK and EC Competition Law, Oxford University Press, 2003 Vinod Dhall (ed.), Competition Law Today, Oxford University Press, 2007

Philips E. Areeda & H. Hovenkoup, Fundamentals of Antitrust Law, ASPEN Publications, 2006 Ramappa, Competition Law in India: Policy, Issues and Developments, 3rd ed.- 2013, Oxford University Press, New Delhi.

INVESTMENT LAW

Course Objectives:

To make the students familiarize with the meaning of law relating to investment and capital market and various rules and regulations for the issue of shares, debentures ,Inter-Corporate loans and investments.It covers Basic Features of the Securities Contracts, Securities and Exchange Board & Depositories Act.

Course Outcomes (COs): The students will be able to learn

CO1: Understanding Investment and Market Dynamics

CO2: Analyze the process of issue and allotment of shares, and the procedures for transfer and transmission of shares.

CO3: Identify the basic features of securities contracts and the recognition of stock exchanges.

CO4: Analyze the need for renegotiation and adaptation in international investment treaties.

CO5: Learn about the constitution, powers, and functions of SEBI.

Course Contents

Unit-1: Introduction

Meaning of investment and market

Nature and risk associated with investment Evolution of Investment and bargaining norms

Unit-2: Shares

Definition and nature Shares and Shareholders Stock and Shares Certificate of shares Call on shares

Lien on shares Minimum subscription Share capital

Issue and allotment of shares Transfer and Transmission of shares Debentures, Charges and Deposits

Inter-Corporate loans and investments

Unit-3: Securities Contracts & Principles of International Investment Law

Basic Features of the Securities Contracts Recognition of stock Exchange

Derivatives Options and futures

Debt and Money Market Instruments

Mutual Funds, Venture Capital, Collective Investment Schemes Methods of Resource Mobilization in International Capital Markets Listing of securities

Penalties and procedure for adjudication

Unit-4 : International treaties for Investment

Types of Investment contracts Applicable law

Stabilization clauses Renegotiation and adaptation

Unit-5 : Securities and Exchange Board & Depositories Act

SEBI constitution

Powers and Functions of SEBI Securities Appellate Tribunal

SEBI (Disclosure & Investor Protection) Guidelines SEBI Salient features

Agreement between depository and participant Registration of transfer of securities with depository

Stamp duty on transfer

Non-Banking Financial Institutions

Text Books and Reference Books:

1. Chandratre, K.R, et. al. Bharat's SEBI Compendium. 2Vol, 4th Ed. New Delhi: Bharat Law House, 2010.
2. Ferran, Eilis. Principles of Corporate Finance Law. Oxford: Oxford University Press, 2008.
3. Khilnani, D.T. FEMA Ready Reckoner. 2Vol, 12th Ed. New Delhi: Snow White Publications Pvt., 2007.
4. Myneni, S.R. Law of Investment and Securities. Hyderabad: Asia Law House, 2006.
5. Puliani, Ravi, et al, eds. Bharat's Manual of SEBI Act, Rules, Regulations, Guidelines, Circulars, ETC. 2Vol, New Delhi : Bharat Law House Pvt, 2007.
6. Saxena, Ashok. Bharat's Foreign Exchange Management Manual. 3Vol, 5th Ed. New Delhi: Bharat Law House, 2008.
7. Singh, Avtar. Company Law. 14th ed. Lucknow: Eastern Book Company, 2004.
8. Taxman. Taxman's Foreign Exchange Management Manual: With Foreign Exchange Laws Ready Reckoner. 2Vol, 18th Ed. New Delhi: Taxmann Publications, 2011.
9. Taxman. Taxman's SEBI Manual. 2Vol, 15th Ed. New Delhi: Taxmann Publications, 2010.

Dissertation/Project work

Course Objectives:

This course aims to comprehend -

- To make the students familiarize with the pattern of doing research, how to collect materials, how to interpret and arrive at conclusions.
- It also gives ideas about an in-depth study of a particular topic along with a list of footnotes, references as well as Bibliography.

Course Outcomes (COs): The students will be able to learn

Course Outcomes (COs):

The students will be able to learn

CO1: Comprehend Meaning of research

CO2: Knowing How to write Dissertation

CO3: About Bibliography

CO4: Understanding How to conduct research on various topics

CO5: Analyse How to prepare conclusions and suggestions.

Course Contents

A student of each Cluster is expected to submit a dissertation/project work in the Respective Cluster in consultation with a guide allotted by the P.G. Department. The dissertation/project work should strictly be adhered to the standard legal research pattern. The Dissertation/project work should be hardbound not less than 100 pages and not exceeding 150 pages. The dissertation/project work will have double evaluation, one by the guide and other by the external examiner. In the credit pattern the writing part of the dissertation /project work will have 3 credits. The dissertation /project work needs to be commenced from the III semester onwards. In the III Semester before starting the dissertation/project work the students are expected to give an oral presentation before the submission of the dissertation /project work.



Chhatrapati Shivaji Maharaj University

LL.M

Academic Ordinances for
LL.M (CONSTITUTIONAL LAW)

(Programme Structure & Evaluation Scheme)

Programme Code: LLTM

Duration: 2 years



EFFECTIVE FROM SESSION: 2024-2025

Faculty of Law

**CHHATRAPATI SHIVAJI MAHARAJ
UNIVERSITY PANVEL, NAVI MUMBAI**
(STATE PRIVATE UNIVERSITY ESTABLISHED UNDER ACT XXXII OF GOVT. OF
MAHARASHTRA 2018 AND RECOGNIZED BY THE UGC)
Chhatrapati Shivaji Maharaj University



LL.M

About the Programme

The LL.M. Programme aims to cultivate advanced skills and knowledge in law to prepare graduates for professional and academic excellence.

Program Objectives :

- **Develop Research Skills:**

Equip students with advanced research methodologies and techniques to enhance their ability to conduct thorough and impactful legal research.

- **Ensure Specialized Knowledge:**

Provide in-depth knowledge in various specialized areas of law, enabling students to become experts in their chosen fields.

- **Encourage Further Research Education:**

Motivate students to pursue advanced research opportunities and further education in legal studies, fostering a culture of continuous learning and academic curiosity.

- **Maintain National and International Standards:**

Uphold high learning outcomes standards that meet national benchmarks and international comparability, ensuring the quality and relevance of the education provided.

- **Promote Global Academic Standards:**

Ensure that the program adheres to global academic standards, enhancing the international competitiveness of graduates.

- **Facilitate Mobility:**

Support the mobility of postgraduate learners, allowing them to integrate into global academic and professional environments seamlessly.

Programme Specific Outcomes:

1. **Advanced Disciplinary and Interdisciplinary Knowledge:**

Gain a comprehensive understanding of both disciplinary and interdisciplinary aspects of law, along with the development of generic skills and global competencies.

2. **Specialized Legal Expertise:**

Acquire specialized knowledge and skills in specific domains of legal studies and practice, making them experts in their respective fields.

3. **Proficient Legal Research Analysts:**



Develop the capability to conduct sophisticated legal research, analyzing complex legal issues and contributing valuable insights to the legal field.

4. Accomplished Legal Professionals:

Become distinguished legal practitioners, including roles such as legal luminaries, officers, and judges, demonstrating excellence in their professional responsibilities.

5. Academic Contributors in Law:

Join the esteemed profession of teaching, sharing their knowledge and expertise to educate and inspire the next generation of legal scholars and practitioners.

Ordinance

O1 Eligibility:

Passed with 55% and above LL.B or any degree integrated with LL.B.

O2 Duration:

The **LL.M.** programme will normally be of two academic years duration spanning over four semesters.

Semester-wise Teaching and Evaluation scheme:

LL.M SEM I, CONSTITUTIONAL LAW

Course Code	Course Title	Hours/ Week			UE	Total Marks	Credits
		L	T	P			
LLTM 1010	Research Methods & Legal Writing	3	1	0	100	100	4
LLTM 1020	Comparative Public Law	3	1	0	100	100	4
LLTM 1030	Law & Justice in a Globalizing World	3	1	0	100	100	4
LLTM 1040	Review of Landmark Judgements of Supreme Courts	0	0	4	100	100	4
	TOTAL	9	3	4	400	400	16



LL.M SEM II, CONSTITUTIONAL LAW

Course Code	Course Title	Hours/ Week			Total Marks	Credits
		L	T	P		
LLTM2010	Judicial Process	3	1	0	100	4
LLTM2020	Law & Social Transformation of India	3	1	0	100	4
LLTM2030	Indian Constitutional Law: New Challenges	3	1	0	100	4
LLTM2040	Review Paper	3	1	0	100	4
	TOTAL	12	4	0	400	16



LL.M SEM III, CONSTITUTIONAL LAW

Course Code	Course Title	Hours/ Week			ESE	IA	Total Marks	Credits
		L	T	P				
LLTM3510	Fundamental Rights & Directive Principles	3	1	0	70	30	100	4
LLTM3520	Local Self Government & Federal Government	3	1	0	70	30	100	4
LLTM 3530	Administrative Law	3	1	0	70	30	100	4
LLTM3540/ LLTM3550	Elective- Centre State Relations & Constitutional Governance / Police & Security Administration	3	1	0	70	30	100	4
	TOTAL	12	4	0	280	120	400	16



LL.M. SEM SEM IV

Course Code	Course Title	Hours/ Week			ESE	IA	Total Marks	Credits
		L	T	P				
LLTM4033	Dissertation	10	2	0			200	12
LLTM4510/ LLTM4520	Elective I- Administrative Process & Judicial Control/ Mass Media Law	3	1	0	70	30	100	4
LLTM4530/ LLTM4540	Elective II- Constitutionalism: Pluralism & Federalism/ Health Law	3	1	0	70	30	100	4
	TOTAL	16	4	0	140	60	400	20



(LL.M SEM I)

RESEARCH METHODS AND LEGAL WRITING

Course Objectives:

To make the students familiarize with the concepts of Research Methods & Legal writing. This will enable the students to understand all aspects of legal research, its types as well as methods of data collection. Legal writing enhances the writing skill of students for doing research work.

Course Outcomes (COs): The students will be able to learn

CO1: Understanding the Significance of Legal Research

Explore and appreciate the importance of legal research in analyzing, interpreting, and applying laws effectively.

CO2: Exploring Diverse Sources and Types of Legal Research

Identify and evaluate various sources and types of legal research, including doctrinal, empirical, comparative, and interdisciplinary approaches.

CO3: Analyzing Judicial Decision-Making Processes

Investigate how courts arrive at decisions, examining the factors that influence judicial reasoning and outcomes within legal frameworks.

CO4: Developing Legal Writing Skills Using Research Methodologies

Acquire proficiency in legal writing techniques, integrating effective research methodologies to support arguments, analysis, and conclusions.

CO5: Developing Proficiency in Future Legal Research

Develop practical skills and strategies for conducting comprehensive and systematic legal research, preparing students for future professional and academic endeavors.

Course Contents

Unit- 1: Introduction

- Definition and Meaning of Research
- Objectives
- motivation Significance
- Interrelation between Research and Knowledge
- Levels and Types of Knowledge

Unit- 2 : Types of Research

- Descriptive vs. Analytical,
- Applied vs. Fundamental,
- Quantitative vs. Qualitative,
- Conceptual vs. Empirical,
- Historical
- Action Research

Unit- 3: Legal research

- Definition and Meaning of Legal Research- Objectives-Motivation-Significance
- Objectives & Research Process Types- Evaluative, Explicative, indemnification,
- Projective, Collative, Impact Analysis, Interactive, Interpretative
- Social Value and Research, Logic and Research, Scientific Method and Research

Unit- 4: Research Methods in Legal research

- Research Method and Research Methodology- Definition, Meaning, Significance



- Doctrinal Research Method and the various steps
- Non-Doctrinal Research Method and the various steps
- Socio –Legal research methods – need significance.
- Induction and deduction research methods.
- Qualities of a Good Researcher
- Criteria for a Good Research
- Obstacles to Good Research in India

Unit- 5: Legal Writing

- Legal Writing – Meaning and Significance
- Research Report Writing – Dissertation & Thesis
- Footnotes – BlueBook Citations - ILI Format – MLA Format
- Bibliography- E-Resources and Plagiarism

References:

Agrawal S.K., Legal Education in India, Tripathi Publishers, Bombay (1973)

1. Anderson J Durstan; B. H. Pooli, Thesis and Assignment Writing, Eastern Books Limited, New Delhi, (1977)
2. Brayne H., N. Duncan, R. Grimes, Clinical Legal Education Active Learning in Your Law School, Oxford, (1998)
3. Goode W. J., Hatt P.K., Methods of Social Research, McGraw Hill, New York, (1962)
4. Jain S.N., Legal Research & Methodology, Indian Law Institute Publication, (Ed) Tripathi Pvt. Ltd., Bombay (1983)
5. Prof. Tushar Kanti Saha, Textbook on Legal Methods, Legal Systems and Research, Universal Law Publishing Co., New Delhi (2010).
6. Tiwari H.N., Legal Research Methodology, Allahabad Law agency, Haryana, 1997, 2003
7. Kothari C.R., Research Methodology: Methods and Techniques, 2nd Edition, New Age International Publishers
8. Wilkinson & Bhandarkar, Methodology and Techniques of Social Research, Himalaya Publishing House
9. 2. Verma S.K., Wani Afzal M (Ed)., Legal Research and Methodology, 2nd Edition Indian Law Institute, New Delhi, 2001
10. Myneni S.R., Legal Research Methodology, Pioneer Books, Allahabad Law Agency, Haryana, 3rd Edition, 2006



COMPARATIVE PUBLIC LAW

Course Objectives:

This course aims to comprehend –

- To make the students familiarize with the basic concepts of Public Law of different countries & its comparative study .
- This will enable the students to understand all basic aspects of Constitutional law, Administrative law and Criminal law, as well as various forms of Government.
- To make the students familiarize with the basic concepts of Comparative Criminal Law- Common Law, Civil Law.
- This will enable the students to understand all basic aspects of Domestic Violations- International National Provisions relating to Rape, Plea Bargaining-USA, India, White Collar Crimes, Juvenile Justice.

Course Outcomes (COs):

The students will be able to learn-

CO1: Remembering basic aspects of Constitutional law and comparison of Public Law of different countries.

CO2: Understanding Forms of Governments, Federal and Unitary Forms along with the significance of the concept of "Rule of Law"

CO3: Analyse French concept of Separation of Powers and Administrative Courts.

CO4: Comprehend the meaning of Globalization and Global Governance.

CO5: Analyse the difference between substantive law and procedural law.

Course Contents

Unit – 1: Public Law and its Role in Governance

Basic concepts of Public Law

Nature of Public Law

Scope of Public law – Constitutional law, Administrative law and Criminal law
Distinction between public and private law

Principles of Accountability and Public Law

Unit – 2: Basic Principles of Government

organization of government
Forms of Governments

Federal and Unitary Governments

Presidential and Parliamentary forms of Government

Federal and Unitary Forms

- (a) Features, Advantages, and Disadvantages
- (b) Model of Federalism and Concept of Quasi-Federalism
- (c) Role of Courts in Preserving Federalism

Unit – 3: Comparative Study of Constitutional Law, Administration & Global Administration

Relevance

Problems and Concerns in Using Comparison
Comparative Administrative Law

- a) French concept of Separation of Powers and Administrative Courts
- b) Droit Administratif



- c) Administrative courts in France
- d) Council d'etat
- e) Scope of Judicial Review in UK
- f) Scope of Judicial Review in US
- g) Public Interest Litigation in India and US

Global Administrative Law

- a) Globalization and Global Governance
- b) Players in Global Governance – Public, Private, and Hybrid
- c) Emergence of Global Administrative Law: Bottom – up and Top – down approach
- d) Global Administrative Law: Perspectives of Developing Countries

Unit – 4: Comparative Study of Criminal Law and Common Law.

Domestic Violations-International & National (USA and India) perspective Provisions relating to Rape
Plea Bargaining-USA, India White Collar Crimes Juvenile Justice

Unit -5: Comparative Study of Substantive laws and procedural laws

Meaning and nature of substantive laws and procedural laws Limitations of substantive laws and procedural laws

Differences between substantive laws and procedural laws

Books Recommended:

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



LAW AND JUSTICE IN A GLOBALIZED WORLD

Course Objectives:

- To make the students familiarize with the concept of legal perspective of Globalization issues related to it.
- To make the students familiarize with the concept of legal perspective of Economic, Social, Political issues related to it.
- This will enable the students to understand the relation of human rights with Globalization.
- This will enable the students to understand the relation of human rights with MNCs and CSRs.
- This will enable the students to understand the relation of human rights with Global Ombudsman.

Course Outcomes (COs): The students will be able to learn

CO1: Remembering The basic aspects of Globalization & Economic, Social, Political issues related to it.

CO2: Analysing the Economic, Social, Political issues related to Globalization.

CO3: Analyse the Relation of human rights with Globalization.

CO4: Comprehend about MNCs and CSRs.

CO5: Understand about Global Ombudsman.

Course Contents

Unit-1: Justice in Globalising World: Existing Scenario

Globalization as Process

Existing Scenarios and Issues: Economic, Social, Political Rethinking the Idea of Just World Order

Unit-2: Mechanism of Justice under International Legal Regime

United Nations' Institutional Mechanism Responsibility of Nation States Challenges and the Way Forward

Unit-3: Globalization and National Justice Delivery System

Avoidance of National Jurisdictions Intervention of International Human Rights Regime Third World's

Perspectives to Globalization

Unit-4: Emerging Initiatives for Justice

MNCs

and CSRs Other New Initiatives

Unit-5: Global Ombudsman

Global Ombudsman

Protection of Faiths and Culture



Text Books:

1. Kai Ambos, Judith Large, Marieke Wierda, *Building a Future on Peace and Justice: Studies on Transitional Justice, Peace and Development The Nuremberg Declaration on Peace and Justice*, Springer Science & BusinessMedia, 2008
2. Andrew Byrnes, Mika Hayashi, Christopher Michaelson, *International Law in the New Age of Globalization*, Martinus Nijhoff Publishers, 2013

References:

1. Joseph Stiglitz, *Making Globalization Work: The Next Step to Global Justice*, Penguin 2007
2. Antony Anghie (Editor), *The Third World and International Order: Law, Politics, and Globalization*, Kluwer Law International, 2003



Semester II

Judicial Process

Course Objectives:

The objective of this course is to study the nature of the judicial process and the role of the judges as policy makers and as participants in evolving political principles of governance. Another objective of this paper is to study the intricacies of judicial creativity and judicial law making and techniques employed in the judicial process.

Course Outcomes (COs): The students will be able to learn

CO1: Understand Judicial Process and Constitutional Adjudication

- Analyze the judicial process as a mechanism for social ordering and its role in interpreting and applying constitutional principles.
- Evaluate the common law model of legal reasoning and its impact on the growth, stability, and evolution of laws.

CO2: Explore Judicial Review and Creativity in Law

- Examine the tools and techniques of judicial review and their role in judicial creativity.
- Critically assess the doctrine of Stare Decisis in the Indian context, analyzing its application and implications for legal precedent.

CO3: Investigate Special Dimensions of Judicial Process

- Differentiate between judicial review and judicial activism, evaluating their similarities, differences, and implications for legal and societal norms.
- Analyze the balance between judicial activism and judicial self-restraint, considering their impact on legal innovation and stability.

CO4: Study Judicial Process in the Indian Context

- Debate the role of judges and the notion of judicial review within the Indian legal framework.
- Discuss the independence of the judiciary and its political dimensions, examining challenges and implications for judicial processes.

CO5: Examine Judicial Process and Constitutional Amendments

- Trace the evolution of the Basic Structure doctrine in Indian constitutional jurisprudence.
- Evaluate recent developments such as the "essence of rights" and "rights test" in determining Basic Structure, and their significance for constitutionalism.

Course Contents

Unit - I: Nature of Judicial process and its role in constitutional adjudication 1.

Judicial process as an instrument of social ordering. 2. Judicial process and creativity in law – common law model – legal reasoning and the growth of law – change and stability 3. The tools and techniques of judicial review and judicial creativity. 4. Analysis of the doctrine of Stare Decisis in India.



Unit - II: Special Dimensions of Judicial Process in Constitutional adjudication.

1. Notions of Judicial Review 2. Is Judicial Review the same as Judicial Activism? 3. Judicial Activism and Judicial Self Restraint. 4. Problem of Accountability in judicial law – making.

Unit - III: Judicial Process in India 1. The Indian Debate on the role of the Judges and on the notion of Judicial review 2. The “Independence” of Judiciary and „Political” nature of Judicial Process. 3. Judicial Activism and Creativity of the Indian Supreme Court ; the new dimensions 4. Institutional liability of Courts and Judicial activism – Scope and Limits.

Unit - IV: Judicial Process and Constitutional Amendments 1. Evolution of the Concept of Basic Structure 2. Philosophy of the doctrine of Basic Structure 3. The Recent Developments: The “essence of rights” test and “rights test” to determine Basic structure 4. Basic Structure and Constitutionalism.

Unit V : The Concept of Justice and Relation between Law and Justice

1. Discuss the differences between distributive justice, procedural justice, and corrective justice. How do these concepts influence legal decision-making?
2. Analyze key historical legal texts or cases that have significantly influenced the understanding and application of justice.
3. How can legal frameworks address systemic inequalities and promote social justice?
4. Examine the relationship between justice and fundamental human rights. How do legal systems protect and enforce these rights, and what role does justice play in ensuring their realization?

Selected Bibliography:

Cordozo „The Nature of Judicial Process (1995). Universal Law Publishing Co., New Delhi

Julius Stone. The Province and Function of Law Ch.1, PP 8-16, (2000) Universal Law Publishing Co., New Delhi

J. Stone, Precedent and the Law: Dynamics of Common Law Growth (1985), Butterworths. (With effect from the Academic Session 2009- 2010) LL.M. Programme 15

J. Stone. Legal System and Lawyer’s Reasoning (1999), Universal Law Publishing Co., New Delhi

Upendra Baxi, The Indian Supreme Court and Politics. (1980), Eastern Book Co., Lucknow.

Rajeev Dhavan. The Supreme Court of India – A Socio-Legal Critique of its



Juristic Techniques (1977), Tripathi – Bombay.

Virendra Kumar, Basic Structure of the Indian Constitution: Doctrine of Constitutionally controlled Governance, 49 Journal of the Indian Law Institute, PP 365-395, (2007).

A. S. Anand, Judicial Review – Judicial Activism–Need for Caution, 42 Journal of Indian Law Institute P. 149 (2000).

Upendra Baxi, “On how not to Judge the Judges” 25 Journal of the Indian Law Institute, P. 211 (1983).

Henry J. Abraham, The Judicial Process (1998), Oxford. 11. S.P.Sathe, Judicial Activism in India: Transgressing borders and Enforcing Limits, Oxford New Delhi. (2002)



Law & Social Transformation of India

Course Objectives

- To acquaint the students about the inter-relationship of Law and social transformation.
- Explain the contribution made by Indians who initiated social change/legal change.
- Analyse the impact of tradition on Law.
- Convey the relevancy of sociological school of thoughts, Marxist and Weberian analysis of social development.
- Explain the interface of law and social transformation in extending protection to vulnerable and ethnic groups of society.
- Experience the role Law in resolving the contemporary social issues relating to equality, language and religion.

Course Outcomes (COs): The students will be able to learn

CO1: Explain the operation of Law in transforming the society.

CO2: Understanding Depict the examples of social transformation initiatives made in the past and be able to identify the social vition in the society by eradicating the divisive factor on the basis of religion, region, caste, creed etc.

CO4: Describe Non-discriminatory action on the ground of language, religion.

CO5: Identify and analyse the affirmative action taken which resulted in social legislation in India. & Explain the application of Law in transforming social behaviour and protecting vulnerable and ethnic groups

Course Contents

Unit I:

1. Law and Social Change:

- a. Relations between Law and Public Opinion
- b. Law as an instrument of social change
- c. Law as the product of Traditions and Culture, Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India, Sociological school and its applicability in India, Principles of Social Legislation.

2. Religion and the Law:

- a. Religion – its meaning and relationship with law
- b. Evaluation of Religion as a divisive factor
- c. Secularism as a solution to the problem
- d. Reform of the law on secular lines : Problems
- e. Freedom of religion and non-discrimination on the basis of religion



- f. religious minorities and the law

Unit II:

1. Language and the Law:
 - a. Multi-linguistic culture and its impact on policy on nation
 - b. Language as a divisive factor : formation of linguistic states
 - c. Constitutional guarantee to linguistic minorities
 - d. Language policy and the Constitution ; Official language; multi language system
 - e. Non-discrimination on the ground of language

2. Community and the Law:

- a. Caste as a socio-cultural reality and role of caste as a divisive and integrative factor
- b. Non-discrimination on the ground of caste
- c. Acceptance of Caste as a factor to undo past injustices
- d. Protective discrimination; Scheduled Castes, tribes and backward classes
- e. Reservation : Statutory Commissions, statutory provisions

Unit III:

1. Regionalism and the Law:

- a. Evaluation of Regionalism as a divisive and integrative factor
- b. Concept of India as one unit
- c. Right of Movement, Residence and Business; Impermissibility of State or Regional Barriers
- d. Equality in matters of employment; the slogan “Sons of the soil” and its practice
- e. Admission to Educational Institutions; Preference to Residents of a State.

2. Women and the Law:

- a. Position and the Role of women in Indian society
- b. Crimes against women – Codified laws
- c. Gender injustice and its various forms, causes and remedies
- d. Women’s Commission
- e. Empowerment of women; Constitutional and other legal provisions.

Unit IV:



1. Children and the Law:

- a. Child Labour
- b. Sexual Exploitation
- c. Adoption, Maintenance and Related Problems
- d. Children and Education – a Constitutional mandate

2. Modernization and the Law:

- a. Modernization as a value : Constitutional perspectives reflected in the fundamental duties
- b. Modernization of social institutions through law
- c. Reform of family law
- d. Agrarian reform – Industrialization of Agriculture
- e. Criminal Law : Plea bargaining; compounding and payment of compensation of victims
- f. Civil Law (ADR) Confrontation v., consensus; mediation and conciliation: Lok Adalats
- g. Democratic decentralization and Local Self-government

Unit V:

- a. The Jurisprudence of Sarvodaya-Gandhiji, Vinoba Bhave, Jayapraksh Narayanan
- b. Socialist Thought on Law and Justice-The Philosophy of M.N. Roy
- c. Naxalite and Anti Insurgent Movements-Causes and Cure
- d. Effectuation of Fundamental Duties
- e. Concept of Gram Nayalas

Suggested Books:

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



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



Indian Constitutional Law-The New Challenges

Course Objectives:

The objective of this course is

- To study the nature of Federalism, the Executive, Privatization and its impact on affirmative action and Implementation of International Obligation.
- The purpose of the course is to acquaint the students with the Basic Concept of Separation of Power, Judicial activism and judicial restraint, PIL, The rule of law.
- To study the Empowerment of Women, Freedom of Press and Challenges of new scientific development.
- To make the students understand The Implementation of Human Rights, Environmental Protection and International trade.

Course Outcomes (COs):

The students will be able to learn-

CO1: Understanding to The Federalism and Creation of new states

CO2: Analyse The Constitutional framework Judicial interpretation and practice

CO3: The Executive

CO4: Comprehend to the 'State'-Need for widening the definition in the wake of liberalization.

CO5: Gain to Emerging regime of new rights and remedies

Course Contents

Unit I :Federalism : Creation of new states, Allocation and share of resources- distribution of grants- in aid, The inter-state disputes on resources, Rehabilitation of internally displaced persons, Centre's responsibility and internal disturbance within states, Direction of the Centre to the State under Article 356 and 365, Federal Comity- Relationship of trust and faith between Centre and State, Special status of certain States, Tribal Areas, Scheduled Areas, Boundary disputes, Deployment of security forces etc.

Separation of Power : Doctrine of Separation of Powers and checks and balances.



Unit II: Constitutional framework-Judicial interpretation and practice, Judicial activism and judicial restraint, PIL : Implementation, Judicial autonomy and independence, accountability of Executive, Legislature and Judiciary. Democratic Process : Election and Electoral reforms, Election Commission. The rule of law :The independence of judiciary as an aspect of separation of powers/Division of functions.

Unit III: The Executive : Constitutional status, Powers and functions of the President vis-a-vis the form of Government. The Legislature : Parliamentary/Legislative Privilege : Nature, Extent, Scope and Limitation on privileges. The Judiciary : Status, Power, functions and contemporary developments, Power of judicial review. Good Governance : Principle of good governance-Administrative responsibility and accountability- Liability of the state in Torts-Constitutional torts and compensatory Jurisprudence.

Unit IV: 1. 'State'-Need for widening the definition in the wake of liberalization. 2. Right to equality: Privatization and its impact on affirmative action. 3. Empowerment of Women. 4. Freedom of Press and Challenges of new scientific development.

Unit V: 1. Emerging regime of new rights and remedies. 2. Reading Directive Principles and Fundamental Duties into Fundamental Rights. 3. Secularism : Religious freedom and right of minorities to establish and administer educational institutions of their choice. 4. Implementation of International Obligation : Human Rights, Environmental protection and International trade.

Bibliography :

1. J. Stone. Legal System and Lawyer's Reasoning (1999), Universal Law Publishing Co., New Delhi.
2. Upendra Baxi, The Indian Supreme Court and Politics. (1980), Eastern Book Co., Lucknow.



3. Rajeev Dhavan. The Supreme Court of India – A Socio-Legal Critique of its Juristic Techniques (1977), Tripathi – Bombay.
4. Virendra Kumar, Basic Structure of the Indian Constitution: Doctrine of Constitutionally controlled Governance, 49 Journal of the Indian Law Institute, PP 365-395, (2007).
5. A. S. Anand, Judicial Review – Judicial Activism–Need for Caution, 42 Journal of Indian Law Institute P. 149 (2000).
6. Upendra Baxi, “On how not to Judge the Judges” 25 Journal of the Indian Law Institute, P. 211 (1983).
7. Henry J. Abraham, The Judicial Process (1998), Oxford. 11. S.P.Sathe, Judicial Activism in India: Transgressing borders and Enforcing Limits, Oxford New Delhi. (2002)



FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES

Course Objectives:

To make the students familiarize with the meaning of Concepts of Fundamental Rights, Directive Principles of State Policy and Fundamental Duties. It also deals with various doctrines under Fundamental Rights, Nature of Directive Principles of State Policy and evolution, relationship between Fundamental Rights and Duties.

Course Outcomes (COs): The students will be able to learn

CO1 : knowing to Fundamental Rights and origin of it

CO2: Analyse Art. 14 - Doctrine of Classification, Art. 15- Prohibited grounds for discrimination

(Art.15); Analyse special provisions relating to women, Art.16- Equality of Opportunity in the matters of public employment.

CO3: Understanding and Analyse Art.16- Equality of Opportunity in the matters of public employment, Art. 19-

Fundamental freedoms under Art.19 and reasonable restrictions Art 19 (2) to (6); Art. 20, 21, 22, 23, 24.

CO4: Comprehend to Art.25-30 Ambit of religious freedom, cultural and educational rights Art. 32 and 226.

CO5: Gain importance of Directive Principles of State Policy (DPSP) and Fundamental Rights.

Course Contents

UNIT- I : Introduction

1.1 Evolution of Fundamental Rights,

1.2 Impact of Universal Declaration of Human Rights and Constitutions of other countries

1.3 Magna Carta

UNIT- II : Concepts of Fundamental Rights

2.1 Concepts of Fundamental Rights, Definition of state under Art.12.

2.2 Inviolability of Fundamental Rights-Article 13,

2.3 Doctrine of Waiver,

2.4 Doctrine of Severability, Doctrine of Eclipse, scope of definition of law under art.13.

UNIT - III: Right to equality

3.1 Art. 14 - Doctrine of Classification, Doctrine of Arbitrariness, Doctrine of Legitimate Expectation,

3.2 Art. 15- Prohibited grounds for discrimination (Art.15); special provisions relating to women protective discrimination in favor of Backward Classes, Scheduled Castes and Scheduled Tribes



3.3 Art.16- Equality of Opportunity in the matters of public employment, reservations in public employment, residence as prerequisite for employment

UNIT-IV: Right to Freedom, Right against Exploitation

4.1 Art. 19- Fundamental freedoms under Art.19 and reasonable restrictions Art 19 (2) to (6);

4.2 Art. 20, 21, 22, 23, 24 - Rights of accused; Doctrine of ex-post -facto law; Doctrine of Double Jeopardy; privilege against self-incrimination. Protection of life and personal liberty; right to education; safeguards against ordinary arrest and preventive detention; right against exploitations.

4.3 Art.25-30 Ambit of religious freedom, cultural and educational rights

4.4 Art. 32 and 226- Right to constitutional remedies; Fundamental Rights and Emergency Provisions

UNIT-V : Directive Principles of State Policy and Fundamental Duties

5.1 Relative importance of Directive Principles of State Policy (DPSP) and Fundamental Rights

5.2 Nature of Directive Principles of State Policy, Justiciability of Directive Principles of State Policy, Social security and welfare provisions under Directive Principles of State Policy; economic rights

5.3 Directive Principles of State Policy that were read into Fundamental Rights

5.4 Fundamental Duties – evolution, relationship between Fundamental Rights and Duties

References:

1. H.M. Seervai, Constitutional Law of India – Vol. I &II
2. V.N.Shukla , Constitution of India
3. Subhash C Jain, The Constitution of India
4. D.D. Basu, Commentaries on Constitutional Law of India, Vol. A to E & M. Hidayatullah (Ed.), Constitution of India
5. M.P.Jain, Indian Constitutional Law.
6. Subba Rao G C V Indian constitutional law
7. Pande G S Constitutional law of India
8. Saharay H K Constitution of India
9. Pylee M.V Our constitution government & politics
10. Tope T K Constitutional law of India



Local Self Government & Federal Government

Course Objectives:

This course aims to comprehend

- To make the students familiarize with the meaning of Local Self-Government including the Gram Swaraj: the Gandhian concept Concept of Sarvodaya.
- Further it deals with the Constitutional Amendment of Local Self-Government Including Rural local self-government and Urban local self-government.

Course Outcomes (COs):

The students will be able to learn :

CO1: Understanding to Evolution of Local Self Government in India and Gram Swaraj: the Gandhian concept and the Concept of Sarvodaya.

CO2: Analyse The Balvant Rai Mehta committee report and The Sarkaria Commission report.

CO3: knowing the Powers and functions of Rural local self-government.

CO4: Knowing the Powers and functions of Urban local self-government.

CO5: Gain Introducing the concept of Federalism and its extent & scope under Indian Constitution.

Course Contents

Unit-1 Local Self-Government

- 1.1 Local Self Government
- 1.2 Evolution of Local Self Government in India
- 1.3 Gram Swaraj: the Gandhian concept
- 1.4 Concept of Sarvodaya

Unit -2 Local Self-Government and Constitutional Amendment

- 2.1 73rd and 74th Constitutional amendments
- 2.2 Subject matters of 11th and 12th Schedule of the Constitution of India
- 2.3 The Balvant Rai Mehta committee report
- 2.4 The Sarkaria Commission report

Unit-3 Rural local self government

- 3.1 Importance of Rural local self government
- 3.2 Rural local self government :Origination
- 3.3 Powers and functions of Rural local self government



3.4 Women's reservation in Panchayat and its effects

Unit-4 Urban local self government

- 4.1 Urban local self government: Meaning and significant
- 4.2 organization of Urban local self government
- 4.3 Urban local self government : powers and function
- 4.4 Finance and Local self Govt.

Unit- 5 Federalism and Democracy; Federalism and Decentralization; Federalism under Indian Constitution; Devolution of Administrative, Legislative, Financial powers to the Local Bodies.

Reference:

1. Friedman, The State and the Rule of Law in a Mixed Economy
2. Neville L. Brown and J.F. Garner, French Administrative Law
3. Dicey, Introduction to the Law of the Constitution,
4. Ivor Jennings, Law and the Constitution
5. Schwartz & Wade, Legal Control of Government
6. Davis, Discretionary Justice
7. Jain & Jain, Principles of Administrative Law
8. De Smith, Judicial Review of Administrative Action (1995)
9. Indian Law Institute, Government Regulation of Private
10. Radhakumud Mookerji, Local Government in Ancient India (1985), Daya Publishing Delhi



Administrative Law

Course Objectives:

- To make the students familiarize with the definition of Administrative Law and its Functions.
- It also deals with the classification of Administrative Functions
- The principles of Natural Justice.
- It also deals with the Growth and Development of Delegated Legislation.
- As well as Transparency and Accountability in delivering justice.

Course Outcomes (COs): The students will be able to learn

CO1: Understand the concepts of Rule of Law: changing dimensions, relation of administrative process

CO2: Gain knowledge about the administrative functions and discretion.

CO3: Analyze the principles of Natural Justice

CO4: Analyze the Importance, Need and Constitutionality of Delegated Legislation.

CO5: Comprehend the Functioning of Lokpal and Lokayukta and Vigilance Commission.

Course Contents

Unit-1 Scope and Development of Administrative Law

- 1.1 Administrative Law-Definition, Nature, Scope and Functions
- 1.2 Growth of Administrative Law in India
- 1.3 Basic Constitutional Principles: Indian Perspectives
 - a. Rule of Law: changing dimensions, relation of administrative process
 - b. Separation of Powers
- 1.4 Constitutional Torts

Unit-2 Administrative Functions and Discretion

- 2.1 Classification of Administrative Functions
- 2.2 Administrative Discretion

Unit-3 The Principles Of Natural Justice

- 3.1 The Principles of Natural Justice
- 3.2 Rule of Fairness
- 3.3 Rule against Bias
- 3.4 Fair Hearing

Unit-4 Growth and Development of Delegated Legislation

- 3.1 Delegated Legislation.
- 3.2 Importance, Need and Constitutionality of Delegated Legislation.
- 3.3 Conditional Legislation.
- 3.4 Controls on Delegated Legislation.
 - a) Parliamentary Control.
 - b) Judicial Control.

Unit-5 Transparency and Accountability



- 4.1 Lokpal and Lokayukta.
- 4.2 Right to Information.
- 4.3 Vigilance Commission.

References:

- 1) M. P. Jain & S. N. Jain -Principles of Administrative Law, Lexis Nexis Butterworth's Wadhwa Nagpur .
- 2) 2.P. Massey -Administrative Law, 7 Edition 2008. Publication-Eastern Book Company, Lucknow.
- 3) 3.H.W.R. Wade and C.F. Forsyth -Administrative Law, Publication- Oxford University Press, New York.
- 4) 4.Garner's – Administrative Law, Oxford University press
- 5) 5.De Smith -Judicial Review of Administrative Action, Sweet and Maxwell Publication.
- 6) 6.S. P. Sathe -Administrative Law, 7 Edition 2006. LexisNexis, Butterworth's Publication.
- 7) 7.Richard J Pierce & Kenneth Culp Davis Administrative law treatise



Optional 1- PoliceAdministration and Security

Course Objectives:

To make the students familiarize with the definition of National Security, Public Order and its Functions. It also deals with the legislation to curb economic offenders. Further it gives ideas about Martial Laws and Emergency provisions.

Course Outcomes (COs): The students will be able to learn

CO1: Comprehend National Security, Public Order and Rule of Law

CO2: Comprehend COFEPOSA and other legislation to curb economic offenders

CO3: Analyse Due process and special legislation

CO4: Knowing Article 359: ups and downs of judicial review

CO5: Understanding the concept of Cyber security and role of police.

Course Contents

Unit-1

National Security, Public Orders and Rule of Law

- 1.1 Emergency Detention in England -Civil Liberties
- 1.2 Subjective satisfaction or objective assessment?
- 1.3 Pre Independence law

Unit-2

Exceptional Legislation

- 2.1 COFEPOSA and other legislation to curb economic offenders
- 2.2 The draconian law and NHRC
- 2.3 Special courts and tribunals
- 2.4 Due process and special legislation

Unit-3

Martial Law

- 3.1 Provision in English Law
- 3.2 Provisions in the Constitution

Unit-4

Access to Courts and Emergency

- 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

Unit-5 Cyber security and role of police.

- 5.1 Introduction to Cyber security
- 5.2 Cyber crime and Cyber law
- 5.3 Social Media Overview and Security
- 5.4 E - Commerce- and Digital Payments
- 5.5 Digital Devices Security , Tools and Technologies for Cyber Security



Reference:-

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)
5. M.S. Parmar, (1992), Problems of Police Administration, Reliance Publishing House, New Delhi.



Optional Paper II -CENTRE - STATE RELATIONS AND CONSTITUTIONAL GOVERNANCE

Course Objectives:

To make the students familiarize with the nature of Indian Polity, legislative relations between the centre and the states. It also covers administrative relations between the union and states, financial relations between the union and the states, services under the union and the states as well as emergency provisions.

Course Outcomes (COs): The students will be able to learn

CO1: Comprehend Dominant features of the Union over the States

CO2: Understanding the Scheme of distribution of legislative powers between Union and States

CO3: Analyse Centre's directive to State & other Constitutional provisions

CO4: Knowing Functions of Public Service Commission

CO5: Gain Concept of emergency provisions.

Unit-1 NATURE OF INDIAN POLITY

- 1.1. Introduction to the Constitution of India
- 1.2. Constitutional law---Constitutionalism
- 1.3. Introduction to the concept of Federalism
- 1.4. Historical evolution of federal features in India
- 1.5. Different forms of Governments-Unitary, Federal and Confederation, their features, merits, de-merits and distinction between them
- 1.6. Nature of Indian Federalism –Dominant features of the Union over the States
- 1.7. Judicial Perspective over the Indian federalism

Unit -2 LEGISLATIVE RELATIONS BETWEEN THE CENTRE AND THE STATES.

- 2.1 Doctrine of Territorial Nexus.
- 2.2. Delegated Legislation-permissible limits of delegation
- 2.3. Scheme of distribution of legislative powers between Union and States
- 2.4. Principles of interpretation of lists- Doctrine of Pith and Substance; Doctrine of Colorable Legislation; Doctrine of harmonious construction; Ancillary legislation
- 2.5. Residuary Powers
- 2.6. Parliament's power to legislate on the State List
- 2.7. Inconsistency between laws passed by Parliament and State legislature

Unit-3 ADMINISTRATIVE & FINANCIAL RELATIONS BETWEEN THE UNION AND STATES

- 3.1 Distribution of executive powers
- 3.2 Inter-governmental delegation of powers
- 3.3 Centre's directive to State & other Constitutional provisions
- 3.4 All India services
- 3.5 Co-operative federalism; disputes relating to waters, Inter-State Council
- 3.6 Introduction to Allocation of taxing powers-Central taxes, State Taxes, Concurrent Taxes, No tax outside the tax entries
- 3.7. Funds-Consolidated and Contingency funds



- 3.8. Public Accounts
- 3.9. Tax and Fees
- 3.10. Restrictions on taxing powers
- 3.11. Inter - Government Tax immunities
- 3.12. Tax-sharing
- 3.13 Grants-Grants-in-lieu; Grants-in-aids; Specific Purpose Grants
- 3.13. Finance Commissions
- 3.14. Borrowing Powers

Unit-4 SERVICES UNDER THE UNION AND THE STATES

- 4.1 Recruitment and Regulations of Conditions of Services
- 4.2. Doctrine of Pleasure-Restrictions on Doctrine of Pleasure
- 4.3. Constitutional Safeguards to Civil Servants
- 4.4. Public Service commission-Appointment of Member of Public service commission
- 4.5. Functions of Public Service Commission

Unit-5 EMERGENCY PROVISIONS

- 5.1 National Emergency
- 5.2. State Emergency
- 5.3. Financial Emergency

Text Books And Reference Books:

- 1. A.G. Noorani, (ed.), Centre State Relations in India, Bombay: Lesley SaehneyProgrammeforTraining, 1972.
- 2. Ashok Chandra, Federalism in India.
- 3. De JatindraRanjan, Development of Federalism in India, Gauhati :Bani Prakashani,1974
- 4. Desai, Justice D.A. Prasad Anirudh, Centre And State Powers Under Indian Federalism
- 5. Dr. Subhash C. Kashyap, The Framing of India's Constitution- A study & Constitution making since 1950- An Overview
- 6. Dr. Subhash C. Kashyap, Constitution of India: Review and Reassessment
- 7. Dr. Subhash C. Kashyap, Indian Constitution-Conflicts and Controversies
- 8. Dr. Subhash C. Kashyap, Commentary on Constitution of India
- 9. Dr.Subhash C. Kashyap, Our Constitution-An Introduction to India's Constitution and Constitutional Law, 5th edition reprint 2014.
- 10 G.C.V Subbarao, Legislative powers in Indian Constitutional Law.
- 11. Glanville Austin, The Indian Constitution: Cornerstone of a nation, Delhi; Oxford University Press.
- 12. H.M. Seervai, Constitutional Law of India – Vol.I&II
- 13. K.C.Wheare, Federal Government
- 14. K.P. Krishna Shetty, the Law of Union-State Relations and Indian Federalism.
- 15. K.Subba Rao, the Indian Federation.
- 16. Kabbur, A.S. Centre-State Relations in India, New Delhi: Trust Books, 2004
- 17. Keith A.B., Constitutional History of India
- 18. L.M Singhvi, Union-State Relations in India
- 19. M.P Jain, Outlines of Indian Legal History.
- 20. M.P.Jain, Indian Constitutional Law



LL.M SEM III

CONSTITUTIONALISM: PLURALISM & FEDERALISM

Course Objectives:

To make the students familiarize with Constitutionalism, Authoritarianism-Dictatorship, Federalism, Pluralism and Equality in Plural Society. It also covers Plural aspects of Indian Federalism : Jammu & Kashmir, Punjab, Assam along with Dynamics of federalism Problem of a Uniform v. Personal laws - vertical federalism.

Course Outcomes (COs): The students will be able to learn

CO1: Concept limitations on governmental power

CO2: Understand Patterns of federal government and New trends in federalism

CO3: Explore the concept of legal pluralism and its implications for governance, justice systems, and societal harmony in diverse contexts.

CO4: Analyse to State intervention for protection of human rights, Right of self-determination.

CO5: Examine how different legal systems coexist and interact within a single geographical or social area, considering conflicts, harmonization efforts, and the impact of globalization.

Course Contents

Unit I : Constitutionalism Authoritarianism - Dictatorship, Democracy-Communism, Limited Government-concept limitations on governmental power, What is a Constitution? Development of a democratic government in England-Historical evolution of Constitutional government, Conventions of Constitutionalism-law and conventions, Written Constitutions : U.S.A., Canada, Australia, Sweden, South Africa and India, Separation of Powers : Montesquieu, Rule of Law : Concept and new horizons, Marxist concept of constitutionalism, Dictatorship of the proletariat, Communist State from Stalin to Gorbachov, Fundamental Rights : Human Rights, Judicial Review : European Court of Human Rights, Human Rights : International conventions, Limits & doctrine of domestic jurisdiction in international law.

Unit II : Federalism : What is a federal government? Difference between confederation and federation, Conditions requisite for federalism, Patterns of federal government-USA, Australia, Canada, India, Judicial review-for federal umpiring, New trends in federalism : Co-operative federalism, India-Central Control v. State Autonomy, Political factors influencing federalism.

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

Unit III : Pluralism : What is a pluralistic society? Ethnic, linguistic, cultural, political pluralism, Individual rights, right to dissent, Freedom of speech and expression, Freedom of the Press, Freedom of association, Rights to separateness, Rights of the religious and linguistic minorities, Compensatory discrimination for backward classes, Scheduled Tribes, Distinct identity-protection against exploitation, Uniform Civil Code-Non-State Law(NSLS) and State Law Systems - Problem of a Uniform v. Personal laws - vertical federalism.

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



Prohibition of discrimination on grounds of religion, caste, sex, language, Abolition of untouchability, Secularism-Constitutional principles, Tribal Groups and Equality. 2. Pluralism and International Concerns : International Declaration of Human Rights, Conventions against genocide, Protection of religious, ethnic and linguistic minorities, State intervention for protection of human rights, Right of self-determination.

Unit V : Pluralism and International Concerns : The coexistence of multiple legal systems within a single social or geographical area. It raises questions about how different legal systems interact, especially in an increasingly globalized world. Encompasses the body of rules that govern relations between states, international organizations.

Reference Books:

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



(LL.M SEM III)

ADMINISTRATIVE PROCESS & JUDICIAL CONTROL

Course Objectives:

This course aims to comprehend -

- To make the students familiarize with the role of administrative agencies, Constitutional Standards, Responsibility and accountability.
- It also covers Judicial Review of Administrative action in India, Limits of Judicial Review along with Tortious and contractual liability.

Course Outcomes (COs):

The students will be able to learn -

CO1: Understanding the Role of civil services,, Doctrine of Police Power, Doctrine of Eminent Domain, Taxing power.

CO2: Analyse Administrative action in India. power of S.C. And H.C.

CO3: Knowing the Ground of judicial review : Doctrine of Ultra vires, Unreasonable discretionary power

CO4: Analyse to Limits of Judicial Review: Locus standi and PIL, Laches, Res Judicata

CO5: Comprehend the Tortious and contractual liability: Promissory Estoppels : Legitimate expectation and Constitutional dimensions.

Course Contents

Unit I Administrative process :

Nature and Meaning,

The role of civil service, the role of administrative agencies, Constitutional standards : Doctrine of Police Power, Doctrine of Eminent Domain, Taxing power, Responsibility and accountability.

Unit II Administrative action in India :

Historical development

power of Supreme Court, Powers of High Courts, Role of Subordinate Courts. Jurisdiction : Finality Clause, Conclusive evidence Clauses, Law Fact distinction, Exclusionary Clause.

Unit III Judicial Review: Ground of Judicial Review : Doctrine of Ultra vires, Unreasonable discretionary power : From liversedge to padfield, discretion and Justifiability,

Violation of fundamental rights, Extraneous consideration and /or irrelevant ground, delegation acting under dictation, Malafides and Bias, Lack of rationality and proportionality, oppressing decision.

Unit IV Limits of Judicial Review :

Locus standi and PIL,

Laches, Res Judicata,

Alternative remedies, Remedies Writs,



Injunction and declaration.

Unit V Tortious and contractual liability :

Emerging liability-Personal accountability
Compensatory jurisprudence and right to live,
Accountability under consumer protection law,
Promissory Estoppels : Legitimate expectation and Constitutional dimensions.

Reference Books:

1. Pater H. Schunk, Foundation of Administrative Law, 1994
2. Friedman, The State and Rule of law in a mixed Economy.
3. Ivor Jennings, Law & the Constitution
4. Schwartz and Wade, Legal Control of Government
5. De Smith, Judicial Review of Administrative Action, 1998
6. D.D.Basu, Comparative Administrative Law, 1998
7. K.S.Shukla and S.S.Singh, Lok Ayukta : A Socio-Legal Study, 1988
8. Jain & Jain, Principles of Administrative Law



MEDIA LAW

Course Objectives:

Mass communication from the days of the printing press has played a very important role in the formation of public opinion. Advancement in science and technology has changed the scope and dimensions of mass communication. ICT has created a digital era for us. While there are definite benefits from these technologies, experience shows that these technologies can be abused to harm the interests of the society. The course aims to provide a basic understanding of the evolution of mass media and its regulation.

Course Outcomes (COs): The students will be able to learn

CO1. To Understanding the historical background to the freedom of Press in India.

CO2. Familiarization of the Constitutional framework in relation to freedom of speech and expression, freedom of Press, Right to Privacy.

CO3. To analyze and evaluate the latest developments and issues in the field of Media Law.

CO4. To Examine the legal, ethical and regulatory framework governing Media in India.

CO5. Knowledge of Right to Information (RTI):

1. Understand the legal framework and provisions of the Right to Information Act.
2. Explore the significance of RTI in promoting transparency and accountability in media and governance.

Course Contents

Unit-1 FREEDOM OF SPEECH AND EXPRESSION

- 1.1. Freedom of speech as a human right – Philosophical justification for the protection of Free speech right – Constitutional guarantee for Free Press – reasonable restrictions on Free speech
- 1.2. Media Freedom – boundaries of a free press - Mass media –press, films, radio, television – ownership patterns – legal issues; Freedom of Information v Free Speech
- 1.3. Origins of broadcasting – regulation of press and broadcasting – censorship of broadcasting media and press – leading cases – Evolution of television as a visual media
- 1.4. Impact of films as visual media – censorship of films – judicial view on film censorship – standards of censorship, Role of media in law making process.

Unit-2 PROTECTION OF REPUTATION

- 2.1 .Defamation – overview – general framework for defamation law- role of malice – IPC provisions – remedies and damages



- 2.2. Decent speech – indecent speech – hate speech – racial speech – obscenity on mass media – regulation and control
- 2.3. Libel in press – regulation and control – Slander through Broadcasting audio-video defamation

Unit-3 MEDIA AND PRIVACY

- 3.1. Obscenity and pornography – historical background - Hicklin Test – contemporary standards in Miller v California - Child pornography
- 3.2. Blasphemy – historical overview- censorship of stage productions – violence - legal regulation of blasphemy
- 3.3. Privacy – historical development of private and confidential information – media practices and human rights – photo- journalism in public places – child right to privacy
- 3.4. Information privacy and reputation - personal data protection – abuse of personal information – marketing of personal information- internet privacy
- 3.5. Press and Public access to the judicial processes , records, places and meetings – Right to Information Act

Unit-4 MEDIA, ETHICS AND ADJUDICATION

- 4.1. Copyright issues in mass media – protection for copyrighted work – plagiarism – pirated music - remedies for infringement
- 4.2. Media and Courts - Report of legal proceedings – trial by media – sensitive court reporting and human rights contempt of court – procedure and punishment
- 4.3. Corporate and commercial speech – development of commercial speech doctrine – commercial speech for professionals and corporations – Art.19(1)(a) protection for unsolicited mail advertising – regulation of commercial speech
- 4.4. Ethical dilemmas, issues and concerns in mass communication – foundation of ethics- different aspects of journalism’s ethical issues- Reporters privileges and protection of media sources
- 4.5. Extra- judicial regulation of media content – press complaints and editors’ code of practice – Broadcasting standards commission – codes for advertisement standards – Film censorship board – ICANN

Unit 5: Right to Information



- 5.1 Laws and the licence secrecy
- 5.2 Judicial recognition of the right to information
- 5.3 Salient features of The Right to Information Act, 2005

Text Books And Reference Books:

1. Ursula Smartt, Media and Entertainment Law, Routledge
2. Roy L Moore, Mass communication Law and Ethics
3. Perry Keller, European and International Media Law, Oxford
4. Sallie Spilsbury, Media Law, Cavendish
5. Frank Leishmann, Policing and the Media, Lawman
6. Roger L Sadler, Electronic Media Law, Sage
7. Sebastian Paul, Forbidden Zones; law and media
8. Jaya Patil, Mass media: support for rural development
9. Wayne Overbeck, Major principles of media law.



HEALTH LAW

Course Objectives:

To make the students familiarize with the concept of Concept of right to health and its enforcement, legal regime for health and medicine, drugs and cosmetics, reproductive health health of special categories of people, forensic medicine and legal effects to modern development

Course Outcomes (COs): The students will be able to learn

CO1: Comprehend to Health care administration in India

CO2: Understanding to Legal control of drugs and cosmetics

CO3: Analyse to Reproductive health, Termination of Pregnancy

CO4: Knowing to Therapeutic and non-therapeutic research, Stem cell research

CO5: Identify to INSANITY & SPECIAL CATEGORIES OF PEOPLE

Course Contents

Unit-1 INTRODUCTION TO LAW AND MEDICINE

Concept of right to health and its enforcement, WHO & international conventions on health laws

Healthcare administration in India, Globalization and the changing dimensions of health laws, Climate change and health, The relation between law and medicine, Medical ethics, Bio-ethics

Unit-2 LEGAL REGIME FOR HEALTH AND MEDICINE

Policy framework for the right to health, NRHM, Universal health insurance scheme, Indian Medical Council Act, 1956, Dentists Act, 1948, Medical Degrees Act, 1916, Clinical Establishments (Registration & Regulation) Act, 2010

Unit-3 DRUGS AND COSMETICS & FORENSIC MEDICINE

Legal control of drugs and cosmetics , Drugs and Cosmetics Act and Rules, Product liability for defective medicine, contractual liability, tortious liability, liabilities under the English and Indian Consumer Protection Acts, English Medicines Act.

Medico-legal concept of death, asphyxia death, legal consequences of death, injuries under medicine (abrasion, bruise (contused wound), laceration, incised wound and stab wound) and their medico-legal significance , *Post mortem* report , inquest – Aids and medico-legal



issues. Forensic medicine – the significance of forensic medicine and forensic evidence – Hippocrat’s oath

Unit-4 REPRODUCTIVE HEALTH

Reproductive health, Termination of Pregnancy , Legal issues, Medical Termination of Pregnancy Rules, 2003 , Medical Termination of Pregnancy Regulations 2003; Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994- Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Rules 1990.

Unit-5 INSANITY & SPECIAL CATEGORIES OF PEOPLE

A-Medical insanity , Types, medical and legal insanity, the watershed of medical and legal insanity, McNaughton’s case, Legal protection of mentally ill persons with special reference to Mental Health Act, Liability of professional doctors for negligence and ethics

B- Disabled people: Locomotor disability, hearing impaired, visually impaired, aged people, People suffering from infectious diseases e.g. HIV/ AIDS; Swine flu etc. People suffering from occupational diseases, People subjected to Clinical trial.222

C-LEGAL EFFECTS TO MODERN DEVELOPMENT

Therapeutic and non-therapeutic research, Stem cell research, Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994- Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Rules 1990, Transplantation of Human Organs and Tissues Act, 1994, Transplantation of Human Organs Rules, 1995

Text Books And Reference Books:

1. Cameron, Cecily, and Elizabeth-Anne Gumbel. *Clinical Negligence: A Practitioner's Handbook*. Oxford: Oxford University Press, 2007. Print.
2. Chaudhri, V. K. *Medical Jurisprudence and Toxicology*. Allahabad: Dwivedi Law Agency, 2007.
3. Dogra, T. D., and Rudra, Abhijit Lyons *Medical Jurisprudence and Toxicology*. New Delhi: Delhi Law House, 2005.
4. Herring, Jonathan. *Medical Law and Ethics*. Oxford; New York: Oxford University Press, 2006.



5. Jackson, Emily. *Medical Law*. 2nd ed. London: Oxford University, Press, 2010.
6. Kannan, Justice; Mathiharan. Dr. K. A. *Textbook of Medical Jurisprudence and Toxicology*. Nagpur: LexisNexis Butterworth Wadhwa, (1920).
7. Lewis, Charles. *Clinical Negligence: A Practical Guide*. 6th ed. Haywards Heath: Tottel, 2006.
8. Mason, J. K., et al. *Mason & Mccall Smith's Law and Medical Ethics*. 7th ed. Oxford: Oxford University Press, 2006.
9. McLean, Sheila. *Contemporary Issues in Law, Medicine and Ethics*. Aldershot: Dartmouth, 1996.
10. Miola, José. *Medical Ethics and Medical Law: A Symbiotic Relationship*. Oxford: Hart, 2007.
11. Morgan, Derek. *Issues in Medical Law and Ethics*. London: Cavendish, 2001.
12. Patnaik, Amrit K., and Mathiharan, K. (Eds). *Modi's Textbook of Medical Jurisprudence and Toxicology*. Nagpur: LexisNexis Butterworths., 2005.
13. Pattinson, Shaun D. *Medical Law and Ethics*. 2nd Ed. London: Sweet & Maxwell; Thomson Reuters, 2009.
14. Plomer, Aurora. *The Law and Ethics of Medical Research: International Bioethics and Human Rights*. London: Cavendish, 2004.
15. Powers, Michael J., and Nigel H. Harris. *Clinical Negligence*. 3rd ed. London: Edinburgh; Dublin: Butterworths, 2000.
16. Thomson. *Medical Law and Ethics (Law Library)*. Sweet & Maxwell, 2006.
17. Veitch, Kenneth. *The Jurisdiction of Medical Law*. Aldershot: Ashgate, 2007.



PUBLIC POLICY AND DEVELOPMENT

Course Objectives

Public policy and development acquaints students with the actors, institutions, and processes of public policy-making in India. It will also help students to develop the analytical tools necessary to think critically about matters associated with the making and implementation of Indian public policy.

Course Outcomes (COs): The students will be able to learn

CO1: understanding about the meaning and scope of public policy, its making process, its goals

CO2: acquaints the students with constitutional and statutory basis on health care its implications

CO3: environmental policy, its formulation and implementation

CO4: Comprehend to Deeper insight about the meaning and scope of right to education, adult education and general appraisal on The Right to Education Act.

CO5: Analyse to Globalization and economic policy

Unit-1 NATURE AND EXTENT OF PUBLIC POLICY

- 1.1. Significance of policy making & implications on society
- 1.2. Policy making process – formulation, adoption implementation and evaluation, Indicators for determining Issues (how widespread a problem, How troublesome, How long a problem, Costliness of the problem, What if the issue is kept off Public agenda) formulation, adoption implementation and evaluation- [Does the Policy make sense(Quantitative approach and qualitative approach)]
- 1.3. Policy Advocacy- Surveying Policy making Landscape(Public officials, Mass Media, Interest Groups, Political Parties, Bureaucracy, Citizens as Individuals and in Small groups, Agenda building In Perspective)
- 1.4. Goals underlying policy making - Equity, Efficiency, Welfare, Liberty and Security Means and methods of implementation-(Executive as Implementation Agents, Requirements for Implementation, Conditions for discouraging Implementation, Bureaucrats as Public Policy makers)
- 1.5. Domestic Policy v Foreign Policy

Unit-2 HEALTH CARE POLICY

- 2.1 Public Health Policy – Constitutional and statutory basis
- 2.2. Coverage of policy – Universal or selective
- 2.3. Medicare and Medicaid
- 2.4. Law and public health policy
- 2.5. Policy reform and evaluation

Unit-3 ENERGY AND ENVIRONMENTAL POLICY

- 3.1 .Energy Policy – formulation and implementation



- 3.2. Energy crisis and protection of Natural resources
- 3.3. Environmental Policy – Elements, Concept of Development Sustainable development, Brundtland Report on Sustainable Development, Policy Initiatives of the State for development-Urban/Rural Development-73 and 74 Constitutional Amendments.
- 3.4. Normative structure of environmental policy
- 3.5. Institutional functions of implementation of Environment policy

Unit-4 EDUCATION POLICY

- 4.1. Elements of Education Policy
- 4.2. Right to education – scope and content
- 4.3. Adult education and women's education
- 4.4. The Right to Education Act – An Appraisal
- 4.5. Commercialization of education: causes and consequences

Unit-5 ECONOMIC AND INDUSTRIAL POLICY

- 5.1. Globalization and economic policy
- 5.2. Globalization and industrial policy
- 5.3. International Trade Policies and their impact on domestic policies
- 5.4. Legislative response to economic and trade policy
- 5.5. Judicial role in evaluation of economic and industrial policies.
- 5.6. Foreign Direct Investment Policy
- 5.7. Information Technology Policy

Text Books And Reference Books:

- 1. Deborah Stone, Policy Paradox, The Art of Political Decision Making
- 2. J.E. Anderson, Public Policy Making, Boston Houghton Mifflin 1990
- 3. Michael E. Craft and Scott. R. Furlong., “ Public Policy – Politics analysis and alternatives”
- 4. P.H. Appleby, Policy & Administration, Alabama Univ.Press 1957
- 5. Pankaja P B, Industrial Policies in India, CLJ
- 6. R.K. Sapr, Public Policy, Delhi Sterling 1994
- 7. S.S. Nagel, Policy Theory and Policy Evaluation, Concepts Knowledge, Causes & Norms, Delhi, Greenwood Press 1990
- 8. T.D. Dror, Understanding Public Policy Englewood's Cliffs NJ Prentice hall, 1984
- 9. W. Dunn, Public Policy Analysis: An Introduction, Englewood's Cliffs NJ Prentice hall, 1984



Dissertation/Project work

Course Objectives:

This course aims to comprehend -

- To make the students familiarize with the pattern of doing research, how to collect materials, how to interpret and arrive at conclusions.
- It also gives ideas about an in-depth study of a particular topic along with a list of footnotes, references as well as Bibliography.

Course Outcomes (COs):

The students will be able to learn

CO1: Comprehend Meaning of research

CO2: Knowing How to write Dissertation

CO3: About Bibliography

CO4: Understanding How to conduct research on various topics

CO5: Analyse How to prepare conclusions and suggestions.

Course Contents

A student of each Cluster is expected to submit a dissertation/project work in the Respective Cluster in consultation with a guide allotted by the P.G. Department. The dissertation/project work should strictly be adhered to the standard legal research pattern. The Dissertation/project work should be hardbound not less than 100 pages and not exceeding 150 pages. The dissertation/project work will have double evaluation, one by the guide and other by the external examiner. In the credit pattern the writing part of the dissertation /project work will have 3 credits. The dissertation /project work needs to be commenced from the III semester onwards. In the III Semester before starting the dissertation/project work the students are expected to give an oral presentation before the submission of the dissertation /project work.





Chhatrapati Shivaji Maharaj University

LL.M

Academic Ordinances for

LL.M (CRIMINOLOGY)

(Programme Structure & Evaluation Scheme)

Programme Code: LLTM

Duration: 2 years



EFFECTIVE FROM SESSION: 2024-2025

Faculty of Law

**CHHATRAPATI SHIVAJI MAHARAJ
UNIVERSITY PANVEL, NAVI
MUMBAI**

**(STATE PRIVATE UNIVERSITY ESTABLISHED UNDER ACT XXXII OF GOVT. OF
MAHARASHTRA 2018 AND RECOGNIZED BY THE UGC)**



chhatrapati Shivaji Maharaj University

LL.M

About the Programme

The LL.M. Programme aims to cultivate advanced skills and knowledge in law to prepare graduates for professional and academic excellence.

Program Objectives :

- **Develop Research Skills:**

Equip students with advanced research methodologies and techniques to enhance their ability to conduct thorough and impactful legal research.

- **Ensure Specialized Knowledge:**

Provide in-depth knowledge in various specialized areas of law, enabling students to become experts in their chosen fields.

- **Encourage Further Research Education:**

Motivate students to pursue advanced research opportunities and further education in legal studies, fostering a culture of continuous learning and academic curiosity.

- **Maintain National and International Standards:**

Uphold high learning outcomes standards that meet national benchmarks and international comparability, ensuring the quality and relevance of the education provided.

- **Promote Global Academic Standards:**

Ensure that the program adheres to global academic standards, enhancing the international competitiveness of graduates.

- **Facilitate Mobility:**

Support the mobility of postgraduate learners, allowing them to integrate into global academic and professional environments seamlessly.

Programme Specific Outcomes:

1. **Advanced Disciplinary and Interdisciplinary Knowledge:**

Gain a comprehensive understanding of both disciplinary and interdisciplinary aspects of law, along with the development of generic skills and global competencies.

2. **Specialized Legal Expertise:**

Acquire specialized knowledge and skills in specific domains of legal studies and practice, making them experts in their respective fields.

3. **Proficient Legal Research Analysts:**

Develop the capability to conduct sophisticated legal research, analyzing complex legal issues and contributing valuable insights to the legal field.



4. Accomplished Legal Professionals:

Become distinguished legal practitioners, including roles such as legal luminaries, officers, and judges, demonstrating excellence in their professional responsibilities.

5. Academic Contributors in Law:

Join the esteemed profession of teaching, sharing their knowledge and expertise to educate and inspire the next generation of legal scholars and practitioners.

Ordinance

O1 Eligibility:

Passed with 55% and above LL.B or any degree integrated with LL.B.

O2 Duration:

The **LL.M.** programme will normally be of two academic years duration spanning over **four semesters.**

Semester-wise Teaching and Evaluation scheme

CRIMINOLOGY

LL.M SEM I

Course Code	Course Title	Hours/ Week			Theor y Mark s		Total Mark s	Credit s
		L	T	P	ES E	I A		
LLTM1010	Research Methods & Legal Writing	3	1	0	70	30	100	4
LLTM1020	Comparative Public Law	3	1	0	70	30	100	4
LLTM1030	Law & Justice in a Globalizing World	3	1	0	70	30	100	4
LLTM1040	Review of Landmark Judgements of Supreme Courts	0	0	4	100	0	100	4
	TOTAL	9	3	4	310	90	400	16



SEM II

Course Code	Course Title	Hours/ Week			ES E	IA	Total Mark s	Credit s
		L	T	P				
LLTM2010	Judicial Process	3	1	0	70	30	100	4
LLTM2020	Law & Social Transformation of India	3	1	0	70	30	100	4
LLTM2030	Indian Constitutional Law: New Challenges	3	1	0	70	30	100	4
LLTM2040	Review Paper	3	1	0	70	30	100	4
	TOTAL	12	4	0	280	120	400	16

SEM III

Course Code	Course Title	Hours/ Week			ES E	IA	Total Mark s	Credit s
		L	T	P				
LLTM3410	Criminal Justice & Human Rights	3	1	0	70	30	100	4
LLTM3420	Crime & Administration of Criminal Justice in India	3	1	0	70	30	100	4
LLTM3430	International Criminal Law	3	1	0	70	30	100	4
LLTM3440/ LLTM3450	Elective- Cyber law / Police Law & Administration	3	1	0	70	30	100	4
	TOTAL	12	4	0	280	120	400	16



SEM IV

Course Code	Course Title	Hours/ Week			ES E	I A	Total Marks	Credit s
		L	T	P				
LLTM4013	Dissertation	10	2	0			200	12
LLTM 4410/ LLTM 4420	Elective I- Criminology, Penology & Treatment of Offenders / Penal Laws	3	1	0	70	30	100	4
LLTM 4430/ LLTM 4440	Elective II- Collective Violence & Criminal Justice System / Organized Crime, Terrorism & International Crime	3	1	0	70	30	100	4
	TOTAL	16	4	0	140	60	400	20



(LL.M SEM I)

RESEARCH METHODS AND LEGAL WRITING

Course Objectives:

To make the students familiarize with the concepts of Research Methods & Legal writing. This will enable the students to understand all aspects of legal research, its types as well as methods of data collection. Legal writing enhances the writing skill of students for doing research work.

Course Outcomes (COs): The students will be able to learn

CO1: Understanding the Significance of Legal Research

Explore and appreciate the importance of legal research in analyzing, interpreting, and applying laws effectively.

CO2: Exploring Diverse Sources and Types of Legal Research

Identify and evaluate various sources and types of legal research, including doctrinal, empirical, comparative, and interdisciplinary approaches.

CO3: Analyzing Judicial Decision-Making Processes

Investigate how courts arrive at decisions, examining the factors that influence judicial reasoning and outcomes within legal frameworks.

CO4: Developing Legal Writing Skills Using Research Methodologies

Acquire proficiency in legal writing techniques, integrating effective research methodologies to support arguments, analysis, and conclusions.

CO5: Developing Proficiency in Future Legal Research

Develop practical skills and strategies for conducting comprehensive and systematic legal research, preparing students for future professional and academic endeavors.

Course Contents

Unit- 1: Introduction

- Definition and Meaning of Research
- Objectives
- motivation Significance
- Interrelation between Research and Knowledge
- Levels and Types of Knowledge

Unit- 2: Types of Research



- Descriptive vs. Analytical,
- Applied vs. Fundamental,
- Quantitative vs. Qualitative,
- Conceptual vs. Empirical,
- Historical
- ActionResearch

Unit- 3: Legal research

- Definition and Meaning of Legal Research- Objectives- Motivation-Significance
- Objectives & Research Process Types- Evaluative, Explicative, indemnification,
- Projective, Collative, Impact Analysis, Interactive, Interpretative
- Social Value and Research, Logic and Research, Scientific Method and Research

Unit- 4: Research Methods in Legal research

- Research Method and Research Methodology- Definition, Meaning, Significance
- Doctrinal Research Method and the various steps
- Non-Doctrinal Research Method and the various steps
- Socio –Legal research methods – need significance.
- Induction and deduction research methods.
- Qualities of a Good Researcher
- Criteria for a Good Research
- Obstacles to Good Research in India

Unit- 5: Legal Writing

- Legal Writing – Meaning and Significance
- Research Report Writing – Dissertation & Thesis
- Footnotes – BlueBook Citations - ILI Format – MLA Format
- Bibliography- E-Resources and Plagiarism

References:

Agrawal S.K., Legal Education in India, Tripathi Publishers, Bombay(1973)

1. Anderson J Durstan; B. H. Pooli, Thesis and Assignment Writing, Eastern Books Limited, New Delhi, (1977)
2. Brayne H., N. Duncan, R. Grimes, Clinical Legal Education Active Learning in Your Law School, Oxford, (1998)
3. Goode W. J., Hatt P.K., Methods of Social Research, McGraw Hill, New York, (1962)
4. Jain S.N., Legal Research & Methodology, Indian Law Institute Publication, (Ed) Tripathi Pvt. Ltd., Bombay (1983)
5. Prof. Tushar Kanti Saha, Textbook on Legal Methods, Legal Systems and Research, Universal Law Publishing Co., New Delhi (2010).
6. Tiwari H.N., Legal Research Methodology, Allahabad Law agency, Haryana, 1997, 2003
7. Kothari C.R., Research Methodology: Methods and Techniques, 2nd Edition, New Age



International Publishers

8. Wilkinson & Bhandarkar, Methodology and Techniques of Social Research, Himalaya Publishing House
9. 2. Verma S.K., Wani Afzal M (Ed)., Legal Research and Methodology, 2nd Edition Indian Law Institute, New Delhi, 2001
10. Myneni S.R., Legal Research Methodology, Pioneer Books, Allahabad Law Agency, Haryana, 3rd Edition, 2006



COMPARATIVE PUBLIC LAW

Course Objectives:

This course aims to comprehend -

- To make the students familiarize with the basic concepts of Public Law of different countries & its comparative study.
- This will enable the students to understand all basic aspects of Constitutional law, Administrative law and Criminal law, as well as various forms of Government.
- To make the students familiarize with the basic concepts of Comparative Criminal Law- Common Law, Civil Law.
- This will enable the students to understand all basic aspects of Domestic Violations-International National Provisions relating to RapePlea Bargaining-USA, India, White Collar Crimes, Juvenile Justice.

Course Outcomes (COs):

The students will be able to learn-

CO1: Remembering basic aspects of Constitutional law and comparison of Public Law of different countries.

CO2: Understanding Forms of Governments, Federal and Unitary Forms along with the significance of the concept of "Rule of Law"

CO3:Analyse French concept of Separation of Powers and Administrative Courts.

CO4:Comprehend the meaning of Globalization and Global Governance.

CO5:Analyse the difference between substantive law and procedural law.

Course Contents

Unit – 1: Public Law and its Role in Governance

Basic concepts of PublicLaw

Nature of PublicLaw

Scope of Public law – Constitutional law, Administrative law and Criminallaw

Distinction between public and private law

Principles of Accountability and PublicLaw

Unit – 2: Basic Principles of Government

organization of government

Forms ofGovernments

Federal and UnitaryGovernments

Presidential and Parliamentary forms ofGovernment



Federal and Unitary Forms

- (a) Features, Advantages, and Disadvantages
- (b) Model of Federalism and Concept of Quasi-Federalism
- (c) Role of Courts in Preserving Federalism

Unit – 3: Comparative Study of Constitutional Law, Administration & Global Administration

Relevance

Problems and Concerns in Using Comparison

Comparative Administrative Law

- a) French concept of Separation of Powers and Administrative Courts
- b) Droit Administratif
- c) Administrative courts in France
- d) Council d'état
- e) Scope of Judicial Review in UK
- f) Scope of Judicial Review in US
- g) Public Interest Litigation in India and US

Global Administrative Law

- a) Globalization and Global Governance
- b) Players in Global Governance – Public, Private, and Hybrid
- c) Emergence of Global Administrative Law: Bottom – up and Top – down approach
- d) Global Administrative Law: Perspectives of Developing Countries

Unit – 4: Comparative Study of Criminal Law and Common Law.

Domestic Violations-International & National (USA and India) perspective Provisions relating to Rape

Plea Bargaining-USA, India

White Collar Crimes

Juvenile Justice

Unit -5: Comparative Study of Substantive laws and procedural laws

Meaning and nature of substantive laws and procedural laws Limitations of

substantive laws and procedural laws

Differences between substantive laws and procedural laws



Books Recommended:

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



LAW AND JUSTICE IN A GLOBALIZED WORLD

Course Objectives:

- To make the students familiarize with the concept of legal perspective of Globalization issues related to it.
- To make the students familiarize with the concept of legal perspective of Economic, Social, Political issues related to it.
- This will enable the students to understand the relation of human rights with Globalization.
- This will enable the students to understand the relation of human rights with MNCs and CSRs.
- This will enable the students to understand the relation of human rights with Global Ombudsman.

Course Outcomes (COs): The students will be able to learn

CO1: Remembering The basic aspects of Globalization & Economic, Social, Political issues related to it.

CO2: Analyzing the Economic, Social, Political issues related to Globalization.

CO3: Analyze the Relation of human rights with Globalization.

CO4: Comprehend about MNCs and CSRs.

CO5: Understand about Global Ombudsman.

Course Contents

Unit-1: Justice in Globalising World: Existing Scenario

Globalization as Process

Existing Scenarios and Issues: Economic, Social, Political Rethinking the Idea of Just World Order

Unit-2: Mechanism of Justice under International Legal Regime

United Nations' Institutional

Mechanism Responsibility of Nation

States Challenges and the Way Forward

Unit-3: Globalization and National Justice Delivery System

Avoidance of National Jurisdictions

Intervention of International Human Rights

Regime Third World's Perspectives to Globalization

Unit-4: Emerging Initiatives for Justice

MNCs and CSRs



Other New
Initiatives

Unit-5: Global Ombudsman

Global
Ombudsman
Protection of Faiths and Culture

Text Books:

1. Kai Ambos, Judith Large, Marieke Wierda, *Building a Future on Peace and Justice: Studies on Transitional Justice, Peace and Development The Nuremberg Declaration on Peace and Justice*, Springer Science & Business Media, 2008
2. Andrew Byrnes, Mika Hayashi, Christopher Michaelson, *International Law in the New Age of Globalization*, Martinus Nijhoff Publishers, 2013

References:

1. Joseph Stiglitz, *Making Globalization Work: The Next Step to Global Justice*, Penguin 2007
2. Antony Anghie (Editor), *The Third World and International Order: Law, Politics, and Globalization*, Kluwer Law International, 2003

Review of landmark judgments of SC



Semester II

Judicial Process

Course Objectives:

The objective of this course is to study the nature of the judicial process and the role of the judges as policy makers and as participants in evolving political principles of governance. Another objective of this paper is to study the intricacies of judicial creativity and judicial law making and techniques employed in the judicial process.

Course Outcomes (COs): The students will be able to learn

CO1: Understand Judicial Process and Constitutional Adjudication

- Analyze the judicial process as a mechanism for social ordering and its role in interpreting and applying constitutional principles.
- Evaluate the common law model of legal reasoning and its impact on the growth, stability, and evolution of laws.

CO2: Explore Judicial Review and Creativity in Law

- Examine the tools and techniques of judicial review and their role in judicial creativity.
- Critically assess the doctrine of Stare Decisis in the Indian context, analyzing its application and implications for legal precedent.

CO3: Investigate Special Dimensions of Judicial Process

- Differentiate between judicial review and judicial activism, evaluating their similarities, differences, and implications for legal and societal norms.
- Analyze the balance between judicial activism and judicial self-restraint, considering their impact on legal innovation and stability.

CO4: Study Judicial Process in the Indian Context

- Debate the role of judges and the notion of judicial review within the Indian legal framework.
- Discuss the independence of the judiciary and its political dimensions, examining challenges and implications for judicial processes.

CO5: Examine Judicial Process and Constitutional Amendments

- Trace the evolution of the Basic Structure doctrine in Indian constitutional jurisprudence.
- Evaluate recent developments such as the "essence of rights" and "rights test" in determining Basic Structure, and their significance for constitutionalism.



Course Contents

Unit - I: Nature of Judicial process and its role in constitutional adjudication 1. Judicial process as an instrument of social ordering. 2. Judicial process and creativity in law –common law model – legal reasoning and the growth of law – change and stability 3. The tools and techniques of judicial review and judicial creativity. 4. Analysis of the doctrine of Stare Decisis in India.

Unit - II: Special Dimensions of Judicial Process in Constitutional adjudication. 1.

Notions of Judicial Review 2. Is Judicial Review the same as Judicial Activism? 3. Judicial Activism and Judicial Self Restraint. 4. Problem of Accountability in judicial law – making.

Unit - III: Judicial Process in India 1. The Indian Debate on the role of the Judges and on the notion of Judicial review 2. The “Independence” of Judiciary and „Political“ nature of Judicial Process. 3. Judicial Activism and Creativity of the Indian Supreme Court ; the new dimensions 4. Institutional liability of Courts and Judicial activism – Scope and Limits.

Unit - IV: Judicial Process and Constitutional Amendments 1. Evolution of the Concept of Basic Structure 2. Philosophy of the doctrine of Basic Structure 3. The Recent Developments: The “essence of rights” test and “rights test” to determine Basic structure 4. Basic Structure and Constitutionalism.

Unit V : The Concept of Justice and Relation between Law and Justice

1. Discuss the differences between distributive justice, procedural justice, and corrective justice. How do these concepts influence legal decision-making?
2. Analyze key historical legal texts or cases that have significantly influenced the understanding and application of justice.
3. How can legal frameworks address systemic inequalities and promote social justice?
4. Examine the relationship between justice and fundamental human rights. How do legal systems protect and enforce these rights, and what role does justice play in ensuring their realization?

Selected Bibliography:

Cordozo „The Nature of Judicial Process (1995). Universal Law Publishing Co., New Delhi

Julius Stone. The Province and Function of Law Ch.1, PP 8-16, (2000) Universal Law Publishing Co., New Delhi

J. Stone, Precedent and the Law: Dynamics of Common Law Growth (1985), Butterworths. (With effect from the Academic Session 2009- 2010) LL.M. Programme 15

J. Stone. Legal System and Lawyer’s Reasoning (1999), Universal Law Publishing Co., New Delhi

Upendra Baxi, The Indian Supreme Court and Politics. (1980), Eastern Book Co., Lucknow.



Rajeev Dhavan. The Supreme Court of India – A Socio-Legal Critique of its Juristic Techniques (1977), Tripathi – Bombay.

Virendra Kumar, Basic Structure of the Indian Constitution: Doctrine of Constitutionally controlled Governance, 49 Journal of the Indian Law Institute, PP 365-395, (2007).

A. S. Anand, Judicial Review – Judicial Activism–Need for Caution, 42 Journal of Indian Law Institute P. 149 (2000).

Upendra Baxi, “On how not to Judge the Judges” 25 Journal of the Indian Law Institute, P. 211 (1983).

Henry J. Abraham, The Judicial Process (1998), Oxford. 11. S.P.Sathe, Judicial Activism in India: Transgressing borders and Enforcing Limits, Oxford New Delhi. (2002)



SEM II

Law & Social Transformation of India

Course Objectives

- To acquaint the students about the inter-relationship of Law and social transformation.
- Explain the contribution made by Indians who initiated social change/legal change.
- Analyse the impact of tradition on Law.
- Convey the relevancy of sociological school of thoughts, Marxist and Weberian analysis of social development.
- Explain the interface of law and social transformation in extending protection to vulnerable and ethnic groups of society.
- Experience the role Law in resolving the contemporary social issues relating to equality, language and religion.

Course Outcomes (COs): The students will be able to learn

CO1: Explain the operation of Law in transforming the society.

CO2: Understanding Depict the examples of social transformation initiatives made in the past and be able to identify the social vices in present context.

CO3:Explain to Construct the harmonious relation in the society by eradicating the divisive factor on the basis of religion, region, caste, creed etc.

CO4:Describe Non-discriminatory action on the ground of language, religion.

CO5: Identify and analyse the affirmative action taken which resulted in social legislation in India.& Explain the application of Law in transforming social behaviour and protecting vulnerable and ethnic groups

Course Contents

Unit I:



1. Law and Social Change:

- a. Relations between Law and Public Opinion
- b. Law as an instrument of social change
- c. Law as the product of Traditions and Culture, Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India, Sociological school and its applicability in India, Principles of Social Legislation.

2. Religion and the Law:

- a. Religion – its meaning and relationship with law
- b. Evaluation of Religion as a divisive factor
- c. Secularism as a solution to the problem
- d. Reform of the law on secular lines : Problems
- e. Freedom of religion and non-discrimination on the basis of religion
- f. religious minorities and the law

Unit II:

1. Language and the Law:

- a. Multi-linguistic culture and its impact on policy on nation
- b. Language as a divisive factor : formation of linguistic states
- c. Constitutional guarantee to linguistic minorities
- d. Language policy and the Constitution ; Official language; multi language system
- e. Non-discrimination on the ground of language

2. Community and the Law:

- a. Caste as a socio-cultural reality and role of caste as a divisive and integrative factor



- b. Non-discrimination on the ground of caste
- c. Acceptance of Caste as a factor to undo past injustices
- d. Protective discrimination; Scheduled Castes, tribes and backward classes
- e. Reservation : Statutory Commissions, statutory provisions

Unit III:

1. Regionalism and the Law:

- a. Evaluation of Regionalism as a divisive and integrative factor
- b. Concept of India as one unit
- c. Right of Movement, Residence and Business; Impermissibility of State or Regional Barriers
- d. Equality in matters of employment; the slogan “Sons of the soil” and its practice
- e. Admission to Educational Institutions; Preference to Residents of a State.

2. Women and the Law:

- a. Position and the Role of women in Indian society
- b. Crimes against women – Codified laws
- c. Gender injustice and its various forms, causes and remedies
- d. Women’s Commission
- e. Empowerment of women; Constitutional and other legal provisions.

Unit IV:

1. Children and the Law:

- a. Child Labour
- b. Sexual Exploitation



- c. Adoption, Maintenance and Related Problems
- d. Children and Education – a Constitutional mandate

2. Modernization and the Law:

- a. Modernization as a value : Constitutional perspectives reflected in the fundamental duties
- b. Modernization of social institutions through law
- c. Reform of family law
- d. Agrarian reform – Industrialization of Agriculture
- e. Criminal Law : Plea bargaining; compounding and payment of compensation of victims
- f. Civil Law (ADR) Confrontation v., consensus; mediation and conciliation: Lok Adalats
- g. Democratic decentralization and Local Self-government

Unit V:

- a. The Jurisprudence of Sarvodaya-Gandhiji, Vinoba Bhave, Jayapraksh Narayanan
- b. Socialist Thought on Law and Justice-The Philosophy of M.N. Roy
- c. Naxalite and Anti Insurgent Movements-Causes and Cure
- d. Effectuation of Fundamental Duties
- e. Concept of Gram Nayalas

Suggested Books:

1. Marc Galanter (ed.), Law and Society in Modern India (1997) Oxford,
2. Robert Lingat, The Classical Law of India (1998), Oxford
3. U. Baxi, The Crisis of the Indian Legal System (1982). Vikas, New Delhi.
4. U. Baxi (ed.), Law and Poverty Critical Essays (1988
5. Duncan Derret, The State, Religion and Law in India (1999). Oxford University Press, New Delhi. 6.



H.M. Seervai, Constitutional Law of India (1996),

7. D.D. Basu, Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd., New Delhi.

8. Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (2000) Armol Publications, Delhi.

9. Savitri Gunasekhare, Children, Law and Justice (1997), Sage

10. Indian Law Institute, Law and Social Change : Indo-American Reflections

11. J.B. Kripalani, Gandhi: His Life and Thought, (1970) Ministry of Information and Broadcasting,
Government of India

12. M.P.Jain, Outlines of Indian Legal History, (1993), 13. Agnes, Flavia, Law and Gender Inequality: The
Politics of Women's Rights in India (1999), Oxford



Indian Constitutional Law-The New Challenges

Course Objectives:

The objective of this course is

- To study the nature of Federalism, the Executive, Privatization and its impact on affirmative

action and Implementation of International Obligation.

- The purpose of the course is to acquaint the students with the Basic Concept of Separation of Power, Judicial activism and judicial restraint, PIL, The rule of law.

- To study the Empowerment of Women, Freedom of Press and Challenges of new scientific development.

- To make the students understand The Implementation of Human Rights, Environmental Protection and International trade.

Course Outcomes (COs):

The students will be able to learn-

CO1: Understanding to The Federalism and Creation of new states **CO2:** Analyse The Constitutional framework Judicial interpretation and practice

CO3: The Executive

CO4: Comprehend to the 'State'-Need for widening the definition in the wake of liberalization.

CO5: Gain to Emerging regime of new rights and remedies

Course Contents

Unit I :Federalism : Creation of new states, Allocation and share of resources-distribution of grants- in aid, The inter-state disputes on resources, Rehabilitation of internally displaced persons, Centre's responsibility and internal disturbance within states, Direction of the Centre to the State under Article 356 and 365, Federal Comity-Relationship of trust and faith between Centre and State, Special status of certain States, Tribal Areas, Scheduled Areas, Boundary disputes, Deployment of security forces etc. Separation of Power : Doctrine of Separation of Powers and checks and balances.

Unit II: Constitutional framework-Judicial interpretation and practice, Judicial activism and



judicial restraint, PIL : Implementation, Judicial autonomy and independence, accountability of Executive, Legislature and Judiciary. Democratic Process : Election and Electoral reforms, Election Commission. The rule of law :The independence of judiciary as an aspect of separation of powers/Division of functions.

Unit III: The Executive : Constitutional status, Powers and functions of the President vis-a-vis the form of Government. The Legislature : Parliamentary/Legislative Privilege : Nature, Extent, Scope and Limitation on privileges. The Judiciary : Status, Power, functions and contemporary developments, Power of judicial review. Good Governance : Principle of good governance-

Administrative responsibility and accountability-Liability of the state in Torts-Constitutional torts and compensatory Jurisprudence.

Unit IV: 1. 'State'-Need for widening the definition in the wake of liberalization. 2. Right to equality: Privatization and its impact on affirmative action. 3. Empowerment of Women. 4. Freedom of Press and Challenges of new scientific development.

Unit V: 1. Emerging regime of new rights and remedies. 2. Reading Directive Principles and Fundamental Duties into Fundamental Rights. 3. Secularism : Religious freedom and right of minorities to establish and administer educational institutions of their choice. 4. Implementation of International Obligation : Human Rights, Environmental protection and International trade.

Bibliography :

1. J. Stone. Legal System and Lawyer's Reasoning (1999), Universal Law Publishing Co., New Delhi.
2. Upendra Baxi, The Indian Supreme Court and Politics. (1980), Eastern Book Co., Lucknow.
3. Rajeev Dhavan. The Supreme Court of India – A Socio-Legal Critique of its Juristic Techniques (1977), Tripathi – Bombay.



4. Virendra Kumar, Basic Structure of the Indian Constitution: Doctrine of Constitutionally controlled Governance, 49 Journal of the Indian Law Institute, PP 365-395, (2007).
5. A. S. Anand, Judicial Review – Judicial Activism–Need for Caution, 42 Journal of Indian Law Institute P. 149 (2000).
6. Upendra Baxi, “On how not to Judge the Judges” 25 Journal of the Indian Law Institute, P. 211 (1983).
7. Henry J. Abraham, The Judicial Process (1998), Oxford. 11. S.P.Sathe, Judicial Activism in India: Transgressing borders and Enforcing Limits, Oxford New Delhi. (2002)



Semester-III

CRIME AND ADMINISTRATION OF CRIMINAL JUSTICE IN INDIA

Course Objectives:

To make the students familiarize with the basic concepts of Criminal law and issues related to it. This will enable the students to understand how the criminal proceedings is conducted and the relation of human rights with Criminal Justice System.

Course Outcomes (COs): The students will be able to learn

CO 1 : Understanding Crime and Criminology: Grasp fundamental concepts of crime, including actus reus, mens rea, and strict liability. Explore the relationship between crime and society, and understand various schools of criminology and contemporary thoughts on crime and criminals.

CO 2 : Comprehending Criminal Proceedings in India: Understand the procedures of police investigation, including FIR, arrest, bail, and witness protection. Analyze the role of prosecutors, the legal perspective on police activities, and examine recommendations for criminal justice reforms, such as those by the Malimath Committee.

CO 3 : Analyzing the Criminal Judicial System and Social Defense: Study theories and types of punishment, the rights of the accused, and mechanisms like public interest litigation, bail, prison justice, victim compensation, and legal aid. Evaluate the effectiveness of these systems in delivering justice.

CO 4 : Exploring Human Rights within the Criminal Justice System: Investigate issues of communal and caste violence, the rule of law, due process, and the legal significance of international human rights instruments like UDHR, ICCPR, and ICESCR. Understand the safeguards against punitive and preventive detention.

CO 5 : Learn about International Criminal Court and Decriminalization: Learn about the historical development, structure, and functioning of the International Criminal Court, and future directions. Define and differentiate decriminalization from legalization, and assess the legal, social, and economic implications of decriminalizing certain behaviors or activities, along with emerging trends in decriminalization across different legal systems.

Course Contents

Unit -1- Introduction:

Crime: Concepts, principles- actus reus, mens rea, strict liability, absolute liability, exclusion of mens rea classification, trends and prevention, Relationship between Crime and society. Schools of Criminology-Neoclassical, Biological, Sociological, Psychological theories and concepts related to crime and criminals, Contemporary thoughts of criminology.

Unit-2- Criminal Proceedings in India:

Police Investigation: FIR, arrest, bail, confessions of the accused and statements of the witnesses, witness protection, search, seizures.

Prosecutors –role in the criminal proceedings, meaning purpose and need of an independent prosecution system.

Attitude of the law towards the police: police dilemma Criminal justice reform- Malimath



Committee Recommendations

Unit 3- Criminal Judicial System and Social Defence:

Theories and kinds of punishment Right

of Protection of the accused.

Public Interest Litigation Bail

Justice System Prison Justice

Compensation to victims of crime Legal

aid and legal services.

Unit -4- Human rights under criminal justice system:

Communal and caste violence

Rule of law and due process of law in criminal jurisprudence

Punitive and preventive detention –procedure and safeguards

UDHR, ICCPR, ICESCR –legal significance

Unit - 5 -

International Criminal Court.

- Historical Development and Jurisdiction:
- Structure and Functioning
- Future Directions

Concept of Decriminalisation.

- Define decriminalization and differentiate it from legalization.
- What are the primary reasons and justifications for decriminalizing certain behaviors or activities?
- What are the potential legal implications of decriminalizing specific offenses on the criminal justice system?
- Discuss the social and economic impacts of decriminalization on communities and individuals.
- What are the emerging trends in decriminalization across different legal systems?

Text Books:

1. Ratan Lal Law of Criminal Procedure
2. Sarkar, Law of Evidence References:
3. Tapas Kumar Banerjee Background to Indian Criminal Law [1990]
4. K N Chandrasekharan Pillai [ed.] R V Kelkar's Outline of Criminal Procedure [2000]
5. Eastern Book House 5. Law of Commission of India, forty-second Report Ch. 3 (1971)
5. Malimath Committee Report 2004
6. Patric Devlin The Criminal Prosecution in England
7. Sanders and Young Criminal Justice [1994]
8. P D Sharma Police and Criminal Justice System in India
9. Agarwal, H.O. Implementation of Human Rights Covenants with Special Reference



to India(New Delhi: D.K. Publishers, 1993) 11. Aroras, Nirman, "Custodial torture in Police Stations in India: A Radical Assessment", Journal of Indian Law Institute, vol.41,nos.3,and,1999,pp.513-29



CRIMINAL JUSTICE AND HUMAN RIGHT

Course Objectives:

- Understanding the interface between Criminal Justice and Human Rights nationally and internationally.
- Analytical and critical understanding on procedures under criminal justice systems in relation to human rights.
- Apply international criminal law in the promotion and protection of human rights.
- Constantly review the impact of offences on human rights.
- Facilitate the students in critically evaluating the role of criminal justice systems in the promotion and protection of human rights.

Course Outcomes (COs): The students will be able to learn

CO1: Explain the notion of crime and criminality in relation to human rights. & Analyse criminal justice system in India.

CO2: Exemplify offences involving human rights & Critically evaluate human rights norms in criminal procedure.

CO3: Analyse the rights of inmates of prison and custodial homes.

CO4: Evaluate crime under international law and its applicability nationally.

CO5: Understand about the Human Rights Commission at National level & international level.

Course Contents

Unit-1 Introduction to Criminal Justice System and Human Rights

- Evolution of Human Rights, Meaning of Human rights, Characteristics of human rights, Types of Human Rights, Sources of Human Rights Law
- Understand the human rights regime with special reference to criminal justice.
- Principal sectors of Human Rights Abuses in the Criminal Justice System

Unit-2 Human Rights of accused vis-s-vis Criminal Justice

- Constitutional SafeGuards and relevant provisions under Cr.P.C. - Double Jeopardy – Protection against Self- Incrimination – Production Before Magistrate - Legal Aid - Fair

Trial - Speedy Trial – Parole and Probation - Access to Justice and Speedy Justice.



Unit-3 Recognizing Human Rights of the Victims of Crime

- Rights of Victims in Indian Criminal Justice System

Unit-4 Role of Human rights institutions in criminal justice

- National Human Rights Commission,
- State Human Rights Commission and Criminal justice.
- Human rights courts,
- International Criminal Court,

References:

1. Vibhute, K. I.; Criminal Justice: A Human Rights Perspective of theCriminal Justice Process in India,Eastern Book Company
2. Singh, M. P.; V.N Shukla"s Constitution of India; Eastern Book Company
3. Journal of the Indian Law Institute; Indian Law Institute
4. Parekh, P.H.; Human Right Year Books; Universal Publication
5. Basu, D.D.; Human Rights in Constitutional Law; LexisNexis
6. Bava, Noor Jahan; Human Rights and Criminal Justice Administration in India; Uppal Publishing Vibhute,
7. K. I.; Criminal Justice:A Human Rights Perspective of the Criminal Justice Process inIndia; Eastern Book Company
8. Singh, M. P.; V.N Shukla"s Constitution of India; Eastern Book Company
9. Journal of the Indian Law Institute; Indian Law Institute
10. Parekh, P.H.; Human Right Year Books; Universal Publication
11. Basu, D.D.; Human Rights in Constitutional Law; LexisNexis



INTERNATIONAL CRIMINAL LAW

Course Objectives:

To make the students familiarized with the nature, meaning of international crimes and how it can be prevented and Punishment of International Crimes. The functions and scope of International, Regional and Mixed Tribunals and International Criminal Court.

Course Outcomes (COs): The students will be able to learn

CO1: The basic Major International Crimes including Terrorism

CO2: Various Enforcement agencies in the Prevention and Punishment of International Crime

CO3: Functions and scope of International Criminal Court

CO4: Understand about International, Regional and Mixed Tribunals

CO5: Analyze International, Regional and Mixed Tribunals and International Criminal

Course Contents

Unit 1: Origin and Development

- a) Nature of international crimes.
- b) Historical background.
- c) Causes and aggravating factors.

Unit 2: Major International Crimes

- a) Genocide.
- b) Aggression.
- c) Organized crimes and corruption.

Unit 3: International & National Crimes

- a) War crimes.
- b) Crimes humanity. Terrorism.
- c) Money laundering.

Unit 4: Prevention and Punishment of International Crimes

- a) Jurisdiction
- b) Enforcement agencies
- c) Interpol

Unit 5: International, Regional and Mixed Tribunals and International Criminal Court

International, Regional and Mixed Tribunals: functions and scope, International Criminal Court: organization, structure, Material and Temporal jurisdiction.



References:

1. Cryer, Robert, Friman, Hakan, Robinson, Darryl and Wilmshurst, Elizabeth; An Introduction to International Criminal Law and Procedure; Oxford University Press
2. William, A. Schabas; An Introduction to the International Criminal Court; Cambridge University Press
3. Cassese, Antonio, Acquaviva, Guido, Maria De Ming Fan and Whiting, Alex; International Criminal Law: Cases and Commentary; Oxford University Press
4. Gerhard, Werle; Principles of International Criminal Law; T.M.C. Asser Press



OPTIONAL PAPER – I

POLICE LAW ADMINISTRATION

Course Objectives:

To make the students familiarize with the History of Indian Police, Police Act of 1861 and Role of police in modern societies. It also helps the students to understand the Functioning and types of police organizations along with International Criminal Police Organizations and Contemporary Policing.

Course Outcomes (COs): The students will be able to learn

CO1: The History of Indian Police, The Police System Structural Organization of Police and Role of police in modern societies

CO2: Various Police Investigation Procedures and methods

CO3: Contemporary Policing, Modernization of police, Public perception of police

CO4: Understand about Police Reforms and role played by Supreme Court

CO5: Police Reforms and role played by Supreme Court

Course Contents

Unit 1 : Introduction

- a) History of Indian Police
- b) Policing in Ancient, Medieval and Modern India –
- c) Police Act of 1861
- d) National Police Commission Recommendations (NPC), 1979.
- e) The Police System Structural Organization of Police
- f) Role of police in modern societies

Unit 2: Organization and Structure of Indian Police

- a) The Police System Structure and hierarchy.
- b) Functioning of police organizations
- c) Types of police organizations.
- d) State Police.
- e) District Police,
- f) Central Police Organizations.
- g) International Criminal Police Organizations

Unit 3: Police Investigation Procedures

- a) Methods of Investigation - Information, Interrogation and
- b) Instrumentation. Recording of FIR, Case Diary and Station
- c) House Diary. Modus Operandi, Collection of Evidence,
- d) Examination of Witnesses and Suspects, Confession, Filing charge sheet



Unit 4: Contemporary Policing

- a) Modernization of police, Public perception of police,
- b) Police self image : measures to improve police image;
- c) Developing healthy police public relationships, zero tolerance policing.

Unit 5: Police Reforms

Police Reforms and role played by Supreme Court

Reference:-

1. Krishna Mohan Mathur (1994), Indian Police, Role and Challenges, Gyan Publishing House, New Delhi.
2. Parmar. M.S., (1992), Problems of Police Administration, Reliance Publishing House, New Delhi.
3. Sankar Sen (1986), Police Today, Ashish Publishing House, New Delhi.
4. Gautam, D.N. (1993), The Indian Police : A study in fundamentals, Mittal Publications.
5. Ramanujam .T (1992), Prevention and Detection of Crime, Madras Book Agency
6. 6.James, Vadackumchery, 1998, Crime, Police & Correction, APH Publishing Company, New Delhi
7. 7.Mayhill, Pamela D, 1985, Police-community relations and administration of justice, Prentice Hall Englewood Cliffs



OPTIONAL PAPER – II CYBER LAW

Course Objectives:

- To make the students familiarize with the Need for Cyber Law and Cyber Jurisprudence at International Level.
- To make the students familiarize with the Need for Cyber Law and Cyber Jurisprudence at Indian Level.
- The International Perspectives of cyber law along with Constitutional & Human Rights Issues in Cyberspace.
- Students will get knowledge about various types of cyber crimes.
- Students will get knowledge about various types of legal framework and dispute resolution under IT Act,2000.

Course Outcomes (COs): The students will be able to learn

CO1: Remembering Computer and Web Technology and the Need for Cyber Law in our present scenario.

CO2: Understanding the Various Conventions and International perspectives related to cyber law.

CO3: Analyzing Constitutional & Human Rights Issues in Cyberspace

CO4: Apply various cyber crimes and Legal Framework.

CO5: Understand about various Dispute Resolution and E-Commerce.

Course Contents

Unit 1: Introduction

- Computers and its Impact in Society
- Overview of Computer and Web Technology
- Need for Cyber Law
- Cyber Jurisprudence at International and Indian Level

Unit 2: Cyber Law - International Perspectives

- UN & International Telecommunication Union (ITU) Initiatives
- Council of Europe - Budapest Convention on Cybercrime
- Asia-Pacific Economic Cooperation (APEC)
- Organization for Economic Co-operation and Development (OECD)
- World Bank
- Commonwealth of Nations



Unit 3: Constitutional & Human Rights Issues in Cyberspace

- Freedom of Speech and Expression in Cyberspace
- Right to Access Cyberspace – Access to Internet
- Right to Privacy
- Right to Data Protection
- Cyber Torts

Unit 4: Cyber Crimes & Legal Framework

- Cyber Crimes against Individuals, Institution and State
- Hacking
- Digital Forgery
- Cyber Stalking/Harassment
- Cyber Pornography
- Identity Theft & Fraud
- Cyber terrorism
- Cyber Defamation
- Different offences under IT Act, 2000

Unit 5: Dispute Resolution & E Commerce

- Concept of Jurisdiction & Indian Context of Jurisdiction and IT Act, 2000.
- International Law and Jurisdictional Issues in Cyberspace.
- Dispute Resolutions & E Commerce

References

- Chris Reed & John Angel, *Computer Law*, OUP, New York, (2007).
- Justice Yatindra Singh, *Cyber Laws*, Universal Law Publishing Co, New Delhi, (2012).
- Verma S, K, Mittal Raman, *Legal Dimensions of Cyber Space*, Indian Law Institute, New Delhi, (2004)
- Jonthan Rosenoer, *Cyber Law*, Springer, New York, (1997).
- Sudhir Naib, *The Information Technology Act, 2005: A Handbook*, OUP, New York, (2011)
- S. R. Bhansali, *Information Technology Act, 2000*, University Book House Pvt. Ltd., Jaipur (2003).



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- Vasu Deva, *Cyber Crimes and Law Enforcement*, Commonwealth Publishers, New Delhi, (2003)



SEM – IV
PENAL LAWS

Course Objectives:

To make the students familiarize with the Offences under Nartiya Nyay Sanhita. The Prevention of Terrorism Act, 2002, Cyber Crimes under Information Technology Act. The Juvenile Justice (Care and Protection of Children) Act, 2000

Course Outcomes (COs): The students will be able to learn

CO1: Discuss Offences Against the State, Offences Relating to Elections, Religion

CO2: Analyze Offences Affecting the Public Health, Safety

CO3: Understand Cyber Crimes under Information Technology Act

CO4: Determining Factors of Juvenile Delinquency

CO5: Comprehend the Juvenile Justice (Care and Protection of Children) Act, 2000

Course Contents

Unit 1: Offences under BNS:

- 1.1. Offences Against the State
- 1.2. Offences Relating to Elections
- 1.3. Offences Relating to Religion
- 1.4. Offences Affecting the Public Health, Safety,

Unit 2: Convenience, Decency and Morals.

Unit 3: The Prevention of Terrorism Act, 2002

Unit 4: Cyber Crimes under Information Technology Act

Unit 5: The Juvenile Justice (Care and Protection of Children) Act, 2000:

- 5.1. The Basic Concepts
- 5.2. Determining Factors of Juvenile Delinquency
- 5.3. Legislative Approaches
- 5.4. Indian Context Juvenile Delinquency
- 5.5. Judicial Contribution
- 5.6. Implementation
- 5.7. Preventive Strategie



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Private University Estab. under act XXXI- 2018 of Govt. of Mah.

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References:

Bhartiya Nyay Sanhita,
2023 Ratanlal Dhirajlal –
Law of Crime Russell on
Crime

SmithHoganCriminalLaw



COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM

Course Objectives:

To make the students familiarize with the Approaches to Violence in India, Agrarian Violence and Repression, Violence against the Weaker Sections, Caste/Communal Violence.

Course Outcomes (COs): The students will be able to learn

CO1: Collective political violence” and legal order

CO2: Notion of legal and extra- legal repression

CO3: Discourse on political violence and terrorism during colonial struggle

CO4: Violence against Women and Children

CO5: Analyze the Caste/Communal Violence

Course Contents

Unit 1: Introduction :

- 1.1. Notions of “force”, “coercion”, “violence”
- 1.2. Distinctions: “symbolic” violence, “institutionalized” violence, “structural violence”
- 1.3. Legal order as a coercive normative order
- 1.4. Force-monopoly of modern law
- 1.5. Freedom of speech and incitement to violence
- 1.6. “Collective political violence” and legal order
- 1.7. Notion of legal and extra- legal repression”

Unit 2: Approaches to Violence in India :

- 2.1. Religiously sanctioned structural violence: Caste and gender based
- 2.2. Ahimsa in Hindu, Jain, Buddhist, Christian and Islamic traditions in India.
- 2.3. Gandhi's approach to non-violence
- 2.4. Discourse on political violence and terrorism during colonial struggle
- 2.5. Attitudes towards legal order as possessed of legitimate monopoly over violence during the colonial period.

Unit 3: Agrarian Violence and Repression :

- 3.1. The nature and scope of agrarian violence in the 18-19 Centuries in India
- 3.2. Colonial legal order as a causative factor of collective political (agrarian) violence
- 3.3. The Telangana struggle and the legal order



- 3.4. The Report of the Indian Human Rights Commission on Arwal Massacre

Unit 4: Violence against the Weaker Sections :

- 4.1. Notion of Atrocities
- 4.2. Incidence of Atrocities
- 4.3. Uses of Criminal Law to combat Atrocities or contain aftermath of Atrocities
- 4.4. Violence against Women and Children

Unit 5: Caste/Communal Violence:

- 5.1. Incidence and courses of “communal” violence
- 5.2. Findings of various commissions of enquiry
- 5.3. The role of police and paramilitary systems in dealing with communal violence
- 5.4. Operation of criminal justice system trying and in relation to, communal violence

● **Recommended Readings:**

- 1. Collective Violence And Criminal Justice System by Shyamlal Verma
- 2. Collective Violence And Criminal Justice System by Dr. Sheetal Kanwal & Dr. Farhat Khan



CRIMINOLOGY PENOLOGY AND TREATMENT OF OFFENDERS

Course Objectives:

To make the students familiarize with the detailed concept of Criminology, Penology and treatment of offenders along with the Causes of Criminal Behavior and Police and Criminal Justice. It also gives ideas about victimology, Correction of Offenders and Re-socialization processes.

Course Outcomes (COs): The students will be able to learn

CO1: Concept of Criminology, Penology and treatment of offenders

CO2: White collar crime and Crimes in the profession – medical, legal, engineering.

CO3: Powers and duties of police under the police Acts, Criminal Procedure Code and other laws

CO4: Parole, nature of parole, its authority and supervision.

CO5: Analyse Treatment or Correction of Offenders

Course Contents

□

Unit 1: Dimensions of Crime in India

1.1 Nature and orient of crime in India 1.2 General approaches to crime control
1.3. Crimes of the powerful 1.3.1. Organized the smuggling traffic in narcotics 1.3.2. White collar crime : corruption in public life 1.3.3. Socio-Economic crime adulteration of foods and drugs: fraudulent trade practice 1.3.4. Crimes in the profession – medical, legal, engineering. 1.3.5. Commonality by agencies of the state 1.4. Perpetrators of ordinary crime 1.4.1. The situations criminal 1.4.2. The chronic offender 1.4.3. Criminality of women 1.4.4. Young offenders 1.4.5. Criminal gangs 1.4.6. Cyber Crimes.

□ **Unit 2: Causes of Criminal Behavior** 2.1 Nature of the problem : some unscientific theories 2.2 The constitutional School of Criminology-Lombroso and others (heredity and mental retardation as causes of crime) 2.3 Sociological theories Anomalies 2.4 Modern sociological theories – Sutherland's differential association theory. Reckless social vulnerable theory 2.5 Economic theories and their relevance 2.6 Environment home and community influences, urban and rural crimes. 2.7 The ghetto, broken homes, the effect of motion picture T.V. and video, press narcotics and alcohol. 2.8 Caste and community tensions caste wars and communal riots – their causes demoralizing effects, atrocities against scheduled cadres. 2.9 Emotional disturbance and other psychological factors 2.10 Multiple causation approach to crime.

□ **Unit 3: Police and the Criminal Justice** 3.1 The police system 3.2 Structural organization of police at the center and the states 3.3 Mode of recruitment and training
3.4 Powers and duties of police under the police Acts, Criminal Procedure Code and other laws. 3.5 Arrest, search and seizure and constitutional imperatives 3.6 Methods of police investigation 3.7 Third degree methods 3.8 Corruption in police 3.9 Relationship between police and prosecution 3.10 Liability of police for custodial violence
3.11 Police public relations 3.12 Select aspects of National Police Commission report.



☐ **Unit 4: Punishment of Offenders** 4.1. Some discarded modes of punishment 4.1.1. Corporal punishment: whipping and flogging: mutilation and branding 4.1.2 Transportation 4.1.3 Public execution 4.2 Punishments under the Indian criminal law 4.2.1. Capital Punishment 4.2.2. Imprisonment 4.2.3. Fine 4.2.4 Cancellation or withdrawal of licenses 4.3 The prison system 4.3.1 Administrative organization of prisons 4.3.2 Mode of recruitment and training 4.3.3 The Jail Manual 4.3.4. Powers of prison officials 4.3.5 Prisoners classification – male female, juvenile and adult under trial and convicted prisoner's Open prisons 4.3.9 Prison labor 4.3.10 Violation of prison code and its consequences. 4.4. Appraisal of imprisonment as a mode of punishment.

☐ **Unit 5: A: Victimology** Demographic characteristics of the victims 5.2 Compensation to the victims 5.3 Rehabilitation.

B: Treatment or Correction of Offenders :5.4 The need for reformation and rehabilitation of offenders undergoing punishment/imprisonment. 5.5 Classification of offenders through modern diagnostic techniques 5.6 The role of psychoanalysts and social workers in the prison 5.7 Vocational and religious education and apprenticeship programs for the offenders. 5.8 Group counseling and re-socialization programs 6.6 Prisoners organizations for self-government. 5.9 Participation of inmates in community services, An appraisal of reformatory techniques 5.10 Efficacy of imprisonment as a measure to combat criminality and the search for substitutes.

C: Re-socialization processes Parole , Nature of parole ,. Authority for granting parole ,. Supervision of parolees, Parole and conditional release , Release of the offender Problems of the released offender , Attitudes of the community towards released offender ,Prisoner and societies and other voluntary organizations ,Governmental action Anappraisal

Recommended Readings:

- Katherine S. Williams. TextBook on Criminology (1997),
- Blackstone, London Loveland, The Frontiers of Criminality (1995)
- Sweet and Maxwell Martin Wasik, Emmins on Sentencing (1980),
- Blackstone, London Hall, J. Law, Social Science and Criminal Theory (1982)
- Manheim, H. Comparative Criminology: A TextBook (1965)
- Ross, H. (Lawrence Ed.) Law and Deviance (1981)



- Sutherland, E. and Cressy, Principles of Criminology (1978)
- Walker, N. Crime and Criminology: A Critical Introduction (1987)
- S. Rao, Crime in Our Society (1983)
- J.M.Sethna, Society and the Criminal (1980)
- A.Siddique, Criminology: Problems and Perspectives (1997)
- E.Sutherland, White Collar Crime (1949)
- S.Kaldate, Society, Delinquent and Juvenile Courts (1982)
- W.C. Reckless, The Prevention of Juvenile Delinquency (1972)
- D.C. Pandey, Habitual Offenders and the Law (1983)
- D. Abrahamsen, David: Crime and the Human Mind (1979)
- Conrad John P. Crime and its Correction: An international survey of Attitudes and Practices.
- Krishna Iyer Report on Female Prisoners (1986)
- Suen Titus Raid : Criminology Mulla Committee Report (1983)
- P. Rajgopal, Violence and Response: A Critique of Indian Criminal Justice System (1988)



ORGANIZED CRIME, TERRORISM & INTERNATIONAL CRIME

Course Objectives:

- To make the students familiarize with the detailed concept.
- Sources of International Criminal Law.
- Nature and forms of International Crimes.
- Universal instruments against terrorism.

Course Outcomes (COs): The students will be able to learn

CO1: Remembering Concept of International Criminal Law.

CO2: Gain knowledge about the Sources of International Criminal Law.

CO3: Analyse the crime of aggression, Genocide, War crimes, Terrorism as International crime.

CO4: Understanding the Emerging issues under International Criminal Jurisprudence.

CO5: Analyze International investigative agencies (Interpol etc), Adjudication authorities (including ad hoc and permanent criminal tribunals).

Course Contents

Unit-I: Development of International criminal law

- a. The concept and sources of International Criminal Law
- b. Evolution of the Concept of Individual Criminal Responsibility
- c. The objectives and policies of International Criminal Law; including issues of amnesty, truth and justice
- d. Principle of Liability and Participation in International Criminal Law
- e. International Military Tribunals (Nuremberg and Tokyo Tribunals).

Unit-II: Nature and forms of International Crimes

- a. The crime of aggression, Genocide, War crimes, Terrorism as International crime
- b. Mechanism in dealing cases related to International Crime
- c. Rights of Accused and Protection of Victims and Witnesses
- d. Obligation of State Parties and Non Party States to International Criminal Court
- e. Emerging issues under International Criminal Jurisprudence.

Unit-III: Strategies for Prevention, Control and Correctional Actions

- a. Extradition Act 1962 (Relevant Provisions) and Extradition Treaty
- b. International investigative agencies (Interpol etc), Adjudication authorities (including ad hoc and permanent criminal tribunals),
- c. Conflicting issues between International humanitarian law and International Crimes (Case Study).
- d. Sentencing policy, prosecution in International crime

Unit-IV: TERRORISM- Universal regime against terrorism and universal instruments against terrorism



Unit-V: Organized Crime in Transnational Jurisdiction

- a. Features of transnational organized crime
- b. Indian's perspective on transnational organized crime
- c. Naples Declaration and Global Action Plan 24 Dec. 1994
- d. Role of United Nations in preventing International crime

Text Books: -

1. Robert Cryer, Hakan Friman, Darryl Robinson, An Introduction to International Criminal Law and Procedure Paperback – June 28, 2010, Cambridge University Press, 2003.
2. Philippe Sands, From Nuremberg to The Hague: The Future of International Criminal Justice, Cambridge University Press, 200

References:

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



SEMESTER IV (FOR 2 YEAR LL.M)

Dissertation/Project work

Course Objectives:

This course aims to comprehend -

- To make the students familiarize with the pattern of doing research, how to collect materials, how to interpret and arrive at conclusions.
- It also gives ideas about an in-depth study of a particular topic along with a list of footnotes, references as well as Bibliography.

Course Outcomes (COs):

The students will be able to learn

CO1: Comprehend Meaning of research

CO2: Knowing How to write Dissertation

CO3: About Bibliography

CO4: Understanding How to conduct research on various topics

CO5: Analyze How to prepare conclusions and suggestions.

Course Contents

A student of each Cluster is expected to submit a dissertation/project work in the Respective Cluster in consultation with a guide allotted by the P.G. Department. The dissertation/project work should strictly be adhered to the standard legal research pattern. The Dissertation/project work should be hard bound not less than 100 pages and not exceeding 150 pages. The dissertation/project work will have double evaluation, one by the guide and other by the external examiner. In the credit pattern the writing part of the dissertation /project work will have 3 credits. The dissertation /project work needs to be commenced from the III semester onwards. In the III Semester before starting the dissertation/project work the students are expected to give an oral presentation before the submission of the dissertation /project work.



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