

## **REGULATIONS AND SCHEME OF EXAMINATION FOR THE**

### **L.L.M P.G.COURSE , 2021 Admission onwards**

#### **(SEMESTER SYSTEM)**

1. **Objectives:** The LLM P.G. Course offered by the University intends
  - (i) to train law students to critically analyse and evaluate the laws of different legal systems(ii) to produce experts specialised in various legal spheres and (iii) to produce efficient academicians, lawyers and to manage specialised legal domain.
2. **Duration:** The LLM P.G. Course shall be of two years duration, consisting of four semesters. A semester shall consist of not less than 90 working days.
3. **Nature of the Course:** The Course is offered on a full-time regular basis and hence the students have to dedicate the course period exclusively for prosecuting their studies during the course period.
4. **Branches of Law :** The options for branches of law offered for the LLM Course shall be as follows:
  - (i) Branch I – Commercial Law
  - (ii) Branch II – Criminal Law
  - (iii) Any other branch that may be added by the University in future.
5. **Admission Strength in the Course:** The number of students to be admitted to the course shall be as per the norms of the University and Government adopted from time to time. A branch of law will be offered subject to the availability of at least 30% student strength in that branch. If the total strength of the students admitted is less than the 30% of the total number sanctioned by the government, it will be the discretion of the institution concerned as to whether or not to opt one branch of Law offered for LLM Course in terms of optimum strength. However, if an institution offers only one branch of law, the student strength mentioned above will not be applicable.
6. **Qualification for Admission:** A candidate who has passed the LLB Examination in the regular mode of the Mahatma Gandhi University, or any other University recognized as equivalent thereto and also approved by the Bar Council of India shall be eligible to be considered for admission.
7. **Admission procedure and fee structure:** The prospectus issued by the University/Government periodically will be prescribing the procedure for admission and the fee structure.
8. **Curriculum of LLM Course :**
  - (i) The first semester will consist of 4 compulsory papers including Teaching practice and Project Work and applicable to all branches of law.
  - (ii) The second semester will consist of 4 papers of the concerned branch.
  - (iii) The third semester will consist of 3 papers of the concerned branch.
  - (iv) The fourth semester will consist of two papers of the concerned branch besides dissertation and viva voce.
9. **Conduct of the Course at the institutional Level:** A Senior Law Teacher having not less than 10 years PG Teaching experience and considerable research experience, assigned by

the Principal of the institution shall head a Panel along with two other Senior Teachers who are having like qualifications, to supervise the conduct of the PG Course in the institution. If faculty member(s) of the above description is not available in an institution, the Principal shall entrust the same with senior law teachers having substantial teaching experience and capable to accomplish the task.

**10. Teaching Assignment in under-graduate classes:** Every Student has to necessarily engage six Teaching Assignment Sessions for the students of under-graduate classes in law in the respective institutions in every course/subject in every Semester. The respective teacher evaluator should be mindful of the feed- back from the learner students collected using appropriate methods and also the peer -evaluation while awarding marks in the respective Internal Assessment component.

## 11. Evaluation

### 11.1. Continuous Internal Evaluation

#### Internal Assessment- Break-up:

The Internal Assessment component of 30 marks is to be awarded in the Four components for each course as reflected in the tabular format below.

Srl No.	Component	Max Marks
(i)	Attendance	5
(ii)	Assignment and Presentation in the class room	5 +5 = 10
(iii)	Test paper	10
(iv)	Participation in academic activities	5
	Total	30

#### (i) Distribution of Marks for component (i) - Attendance

A minimum of 75 % of attendance has to be secured to appear for University Examination in each Semester. Attendance based marks as part of the internal assessment shall be awarded by the respective course teacher as per the following table:

Attendance Based Distribution of Marks					
Attendance Range in %	75%(Min)- 79%	80%- 84%	85%- 89%	90%-94%	95% -100%
Marks	One mark	Two Marks	Three Marks	Four Marks	Five Marks

**(ii) Requirement to Fulfil internal assessment component (ii) for the Course in Research Methodology in the first semester:** The students who are to fulfil the requirement of the component (ii) of the Internal Assessment viz., Assignment and Presentation in Course 4 – Research Methodology, the students are expected to write and present a proper Research Proposal for a topic of their choice which has to be presented to fulfil the requirement.

#### (iii) Distribution of Marks for internal assessment component (iv) – Participation in Academic Activities.

After evaluating the performance of the student based on objective records the marks shall be distributed according to the format in the Table below.

Srl No.	Participation in Academic Activities	Max Marks
(i)	Paper presentations in International /National/State level Seminars/ Workshops etc. or Publication of articles in law in the UGC approved/ peer reviewed research/student	2

	journals/Journal section of Law Reports/case comments in journal section of Law Reports;	
(ii)	Performance in teaching assignments	2
(iii)	participation in Seminars/Workshops in law/Inter disciplinary studies, pro-bono/ Advocacy Initiatives etc	1
	Total	5

### **End Semester External Examination**

There shall be an end semester external examination in each semester for all courses (papers) other than practical courses (papers). The Aggregate Marks for such external examination of each paper will be 70.

#### **Practical Examinations:**

#### **(i) Teaching Practice**

##### **(a) Assignment of the Topic**

A Panel of Law Teachers of the institution constituted by the Principal having considerable PG teaching Experience including the teacher panel in charge of the PG Course, shall be entrusted with the task of selecting topics for the teaching practice session of the Students. It is preferable to have a topic bank for the same at the institutional level revised at regular intervals keeping in view the contemporary developments in the sphere of law. Every student has to be given a choice of two topics through lots of which one topic shall be selected by the student based on respective preference for the teaching practice session. The topics have to be assigned to the students, a minimum of 7 days prior to the day of teaching practice. A student has to deliver a Lecture, on a topic assigned, before the Board of Examiners constituted by the University with or without teaching aids. The duration of the teaching practice shall be 20 minutes and 5 minutes question/answer session, which may be extended with the approval of the Chairman of the Practical Examination Board.

##### **(b) Evaluation**

The Board of Examiners for first semester to evaluate Teaching Practice shall consist of Chairman and two members of which one shall be an external expert member. The Chairman and members shall be senior law teachers, having more than 10 years of teaching experience and research experience and preferably having a doctoral degree in law who are to be appointed by the University. The Chairman of the Board and one member of the Board shall be from Government Law College affiliated to the M.G. University and the Expert Member shall be from the Department of Law, M.G University or a Senior Law Faculty Member from any Department of Law from other Universities in the State or from other Government Law Colleges in the State.

#### **(ii) Practical Examination II (Project)**

##### **(a) Assignment of the Topic**

Every student has to prepare a project on a topic duly finalized from among the choices of the student and submit within four months from the date of commencement of the first semester. The general Guidelines for the accomplishment of the component shall be as per the Guidelines provided in **Annexure I**.

### **(b) Evaluation**

The evaluation of the Project will be wholly external. The Project carries an aggregate of 50 marks which is apportioned as 40 and 10 respectively for evaluation of the Project and viva voce examination respectively. The students shall submit Two copies of the Project to the Principal who in turn shall forward one copy to the University for getting the same evaluated. The Projects shall be evaluated by a Panel of Law Teachers prescribed by the University having considerable PG Teaching Experience and Research Experience from the Department of Law, M.G. University/ Law Departments from other Universities in the state/Government Law Colleges in the State. The viva voce examination for the Project may be conducted by the same Board of Examiners constituted for evaluating Teaching Practice.

**Dissertation:** The Students promoted to the final semester shall register their topic of dissertation in the first month of the commencement of the Third semester itself in consonance with the Guidelines reflected in **Annexure II**. Three bound copies of the completed Dissertation shall be submitted FIFTEEN DAYS prior to the completion of the final semester. The students shall submit Three Copies of the Dissertation to the Principal which shall be forwarded to the University for evaluation. The Dissertation shall be evaluated by external evaluators from among the Panel of external evaluators prepared by the University which may include faculty members of the Department of Law, M.G. University/ Law Departments of other Universities in the state/ Government Law Colleges in the state having substantial PG teaching and Research Experience.

### **Course viva voce:**

The Course viva voce will cover all subjects of the course of study as well as the dissertation work. The Board of Examiners for conducting course viva voce examination for both the Specialisations shall be the same. The Chairman and members shall be senior law teachers, having more than 10 years of teaching experience and research experience and preferably having a doctoral degree in law who are to be appointed by the University. The Chairman and one member of the Board shall be from Government Law College affiliated to the M.G. University and the Expert Member shall be from the Department of Law, M.G. University or a Senior Law Faculty Member from Law Department of any other Universities in the State or from other Government Law Colleges in the State.

**12. No redoing of internal assessment** – Marks once awarded in the internal assessment shall be final and no application for redoing of internal assessment shall be entertained on any ground after the end of the semester.

**13. Weekly Seminar:** The College shall arrange weekly seminars on any working day in every week. Day and time shall be fixed by the college and continued till the end of the semester. All Post Graduate students shall attend the seminar. The object of the weekly seminar is to provide healthy discussion/interpretation of judicial decisions, statutes, rules and other legal principles.

**14. Promotion:** Only students who secure the minimum attendance of 75 per cent and above in a semester shall be allowed to appear for the external examinations of that semester. A student who has satisfactorily completed the course of one semester and has registered for the examination of that semester shall be promoted to the next semester.

**15. Classification of Merit:** The classification of the Merit is reflected in the tabular form below.

Marks Secured	Classification
75 or more percent of marks for the written examinations of all semesters, practical papers, dissertation and viva voce in the aggregate.	First Class with Distinction
60 or more percentage of marks for the written examinations of all semesters, practical papers, dissertation and viva voce in the aggregate.	First Class
50 or more percentage of aggregate marks with not less than 40 per cent marks in each individual paper and also a separate minimum of 50 per cent in each practical paper, dissertation and viva voce	Pass with Second class

The students who have successfully passed the courses including the practical components in their first appearance alone will be reckoned for rankings in all branches of law. There shall be separate rankings in all branches of law.

**16. Completion of Arrear Backlog:** The students who are unsuccessful in passing the external examination shall secure a pass in those courses and clear the backlog of arrears within a period of 3 years from the date of completion of the course utilizing the chances available within the said period. No further chance to clear the backlog of arrears if any will be granted.

**17. Transfer between Institutions:** There will be no inter-university transfer. Intra-University transfer will be limited to transfer from Government Law College to Self Financing Law Colleges and between Self- Financing Law Colleges provided the Principals of the both the institutions consent to the same.

**18. Scheme of LLM Examination:**

**1<sup>ST</sup> SEMESTER (Common to all branches of Law)**

Course Code	Name of the Course	Duration of External examination	Marks		Total
			External Exam.	Internal Evaluation	
LW1&20101	Legal Education	3 hrs	70	30	100
LW1&20102	Judicial Process	3 hrs	70	30	100
LW1&20103	Law and Social Transformation	3 hrs	70	30	100
LW1&20104	Research Methodology	3 hours	70	30	100
LW1&20105	Practical Examination I Teaching Practice (External Evaluation)		50	-	50
LW1&20106	Practical Examination II Project Work (External Evaluation)		50	-	50 (Agg.) (40 marks for External Evaluation and 10 Marks- Viva voce)
Total					500

**2<sup>ND</sup> SEMESTER**

**Branch I – Commercial Law**

Course Code.	Name of the Course	Duration of External examination	Marks		Total
			External Exam.	Internal Exam.	
LW010201	Foundation of Contractual Liability	3 hrs	70	30	100
LW010202	Law of Corporate Governance	3 hrs	70	30	100
LW010203	Law of Corporate Finance	3 hrs	70	30	100
LW010204	International Trade Law	3 hrs	70	30	100
Total					400

### Branch II – Criminal Law

Course Code.	Name of the Course	Duration of External examination	Marks		Total
			External Exam.	Internal Exam.	
LW020201	General Principles of Criminal Law	3 hrs	70	30	100
LW020202	Comparative Criminal Justice Administration	3 hrs	70	30	100
LW020203	Human Rights and Criminal Justice System	3 hrs	70	30	100
LW020204	Juvenile Justice System	3 hrs	70	30	100
Total					400

### 3<sup>rd</sup> SEMESTER

#### Branch I – Commercial Law

Course Code.	Name of the Course	Duration of External examination	Marks		Total
			External Exam.	Internal Exam.	
LW010301	Banking Law	3 hrs	70	30	100
LW010302	Insurance Law	3 hrs	70	30	100
LW010303	Intellectual Property Laws	3 hrs	70	30	100
Total					300

#### Branch II – Criminal Law

Course Code	Name of the Course	Duration of External examination	Marks		Total
			External Exam.	Internal Exam.	
LW020301	Criminology	3 hrs	70	30	100
LW020302	Penology	3 hrs	70	30	100
LW020303	Socio-Economic Offences	3 hrs	70	30	100
Total					300

#### 4<sup>TH</sup> SEMESTER

##### Branch I – Commercial Law

Course Code.	Name of the Course	Duration of External examination	Marks		Total
			External Exam.	Internal Exam.	
LW010401	Information Technology Law	3 hrs	70	30	100
LW010402	Regulation of Foreign Trade and Investment	3 hrs	70	30	100
LW010403	Dissertation (External Evaluation)		150		150
LW010404	Course Viva Voce (External )		50		50
			Total		400

##### Branch II – Criminal Law

Course Code.	Name of the Course	Duration of External examination	Marks		Total
			External Exam.	Internal Exam.	
LW020401	Medical Jurisprudence and Forensic Science	3 hrs	70	30	100
LW020402	International Criminal Law	3 hrs	70	30	100
LW020403	Dissertation (External Evaluation)		150		150
LW020404	Course Viva Voce (External)		50		50
			Total		400

#### ANNEXURE-I

### GUIDELINES FOR PREPARATION OF PROJECT WORK FOR FIRST SEMESTER LL.M.

1. Project based learning is meant to be accomplished as a Curricular Requirement for post-graduate students in Law in their first semester.
2. The requirement of PROJECT is earmarked to acquaint the students with different learning strategies and to integrate the same with the component of Legal Education and Research Methodology employing Social Science Research Tools.
3. Each student shall select TWO topics and shall present the same before a Panel of Teachers nominated by the Principal to finalize the Topics, out of which one of the Topics may be finalized after ascertaining the feasibility-viability standards. The respective intending Guide may also be present in the Panel Discussion for Finalization of Topics. The minutes of the Proceedings shall be recorded.
4. The topics selected for the proposed projects shall possess the scope for APPLICATION of intended knowledge acquisition (Applied Knowledge). Hence pure doctrinal study is not intended in this component.
5. Once the SYNOPSIS is finalised the Project undertaken has to be done within THREE MONTHS. The Project shall be submitted to the Principal not later than completion of four months of the commencement of the first semester.
6. The project shall not exceed 60 pages. The 60 pages will be confined to the study and the rest will be outside the page limit which is to be numbered in Roman Numbers.

7. The evaluation of the Project will be wholly external. The Maximum mark for which a Project will be evaluated is 50 which includes viva voce for 10 marks (40+10)
8. The Research Methodology to be adopted is to be clearly specified at the outset itself and the mode of citation should be in consonance with **Indian Law Institute modelled citation/latest edition of Harvard Blue Book of Citations.**
9. The typing shall be done in A4 size paper in Times New Roman Font having size 12 with spacing of 1.5 for Body of the Project and font size 10 with spacing of 1 for foot notes.



## **ANNEXURE -II**

### **GUIDELINES FOR PREPARATION OF DISSERTATION IN THE FOURTH SEMESTER LL.M.**

1. The curriculum of the fourth and final Semester LL.M. Course requires the students to fulfil the component of Dissertation which is to be assessed for an aggregate of 150 marks.
2. The requirement of DISSERTATION in the final semester of the PG Course in Law is aimed to inculcate application of research skills and foster multi layered legal research and legal writing and to translate the same to demonstrable and tangible findings on the chosen respective topics employing Research Methodology with or without employing Social Science Research Tools.
3. At the **commencement of the third semester** itself each student shall select TWO or more topics and shall present the same before a Panel of Teachers in charge of over viewing the PG Course studies or even before a larger Panel in the institution as shaped. The topic has to be finalized and the Synopsis has to be got approved by the designated Supervising Teacher before the commencement of Fourth Semester.
4. The students shall submit monthly progress Report to the Supervising Teacher and the same shall be countersigned by the Head of the Panel of Teachers in charge of PG Course and properly documented.
5. Three bound copies of the completed Dissertation shall be submitted FIFTEEN DAYS prior to the completion of the final semester. Along with the hard copies, a soft copy of the Dissertation in a CD also needs to be necessarily submitted for enabling plagiarism checking.
6. The Dissertation shall be a minimum of 100 pages.
7. The evaluation of the Dissertation will be wholly external. The Aggregate Maximum mark for which a Dissertation will be evaluated is 150.
8. The Research Methodology to be adopted is to be clearly specified at the outset itself and the mode of citation should be in consonance with **Indian Law Institute modelled citation/latest edition of Harvard Blue Book of Citations.**
9. The typing shall be done in A4 size paper in Times New Roman Font having size 12 with spacing of 1.5 for Body of the Project and font size 10 with spacing of 1 for foot notes.

#### **FIRST SEMESTER (Common to all Branches of LL. M Course)**

##### **SEMESTER I-COURSE 1 LW1&20101-LEGAL EDUCATION**

###### **Objective**

The learning straits of a PG Course in Law need to develop a perspective on imparting instructions in the realm of legal education. This assumes importance as one of the intended outcome is to shape academicians in law, which requires shaping a forensic approach in the pedagogical approach to be adopted in the sphere of legal education.

This can be achieved only if the Curriculum reflects the material to develop critical and profound insights at the PG level to mould generations of learners in law.

#### **UNIT – 1**

General Principles of Education- Curriculum Development- Preparation of Syllabus- Pedagogy- Committee Reports- Legal education in post globalised world

#### **UNIT – 2**

Objectives of Legal Education-Role of the Government, Universities and Bar Council- Legal Education for Professional Degree and other Degrees, Diplomas - Comparative perspectives, U.K, U.S.A and Japan - Distance Education- - Continuing Legal Education- SWAYAM Massive Open On-line Courses (MOOCS).

#### **UNIT – 3**

Methods of Teaching-Lecture method, Case method, Problem method-Tutorial Method- Discussion Method- Seminal method-Clinical Legal Education – Skill based learning in law - Law Library utilization - Learning Management System for legal education.

#### **UNIT – 4**

Student Work Assessment- Continuous evaluation – Accomplishments of practical components and evaluation- Accomplishment of Projects and its evaluation- Conduct of written Examinations- Modalities, Scope and Means of accomplishment. Participation in Para legal services, undergoing internships and grading and evaluation.

#### **UNIT – 5**

Post Graduate Legal Education-Objectives-Curriculum Development- Method of Teaching- Student Work Assessment – Evaluation – Research Oriented writing.

#### **Suggested Readings:**

1. M.P.Jain, *Outlines of Indian Legal History*, Ch.31.
2. Law Commission of India, XIV Report Vol.I, Ch.25. (1958)
3. U.G.C. Report of the Curriculum Development Centre in Law (1989).
4. S.K.Agarwala (ed.), *Legal Education in India*, (1973)
5. Glanville Williams, *Learning the Law* (Excluding Chapters (VII, XVI and XXIII)
6. Packer and Enrlich, *New Directions in Legal Education*, (1973)
7. *Journal of Legal Education*, Vols.4, 5, 10, 26, 27, 30, 32, 34 and 35.
8. *Journal of Bar Council of India*, Vols. 4, 7 and 9.
9. Markose A.T, *Relation of Teaching methods to Democracy*, JILI 43 (1968)
10. Russel B Sunshine and *Basic Legal Education in India*, JILI 39 (1970)  
Arthjir L Berney
11. Barry, Margaret Martin, *et.al*, *Clinical Education for This Millennium: The Third Wave*, 7 *Clinical. L. Rev.* 1
12. N.R. Madhava Menon, (Ed) *A Handbook of Clinical Legal Education*. Eastern Book Company, (1998).
13. Rao, "Law Students, Lawyers and Judges in the New Millennium", (2000) 8 SCC (Jour) 1
14. Robert W. *The Geological Strata of the Law School Curriculum*, 60 *Vand. L. Rev* 339,(2007)
15. Sands, C. Dallas, *Thoughts About Legal Education (After Teaching Law In India)*, 21 *Ala. L. Rev.* 501 (1968)

16. Strong, Frank. The Pedagogic Training of a Law Faculty, 25 J. Legal. Educ. 226 . (1972)
17. Law Commission of India 184th Report on "The Legal Education & Professional Training and Proposals for Amendments to the Advocates Act, (1961) and the University Grants Commission Act (1956, 2002)
18. Report of the Working Group on Legal Education of National Knowledge Commission (2005)
19. Bar Council of India Rules of Legal Education , 2008.
20. Report of The Task Force on Law Schools and the Profession: Narrowing the Gap, American Bar Association, (1992)
21. Bar Council of India Legal Education (Post Graduate, Doctoral, Executive, Vocational, Clinical and other Continuing Education) Rules 2020.

## **SEMESTER I-COURSE 2**

### **LW1&20102 -JUDICIAL PROCESS**

#### **Objective**

Learning judicial process is seminal for a PG student as a student has to get acquainted with the road undertaken and the milestones covered in the matter of arriving at a judgment by the courts of law while adjudicating disputes. Reading, learning and understanding judgments and applicability of the principles of law expounded by the Courts in varied factual matrix and the methodologies adopted for the same is an essential matter of learning. Hence a forensic approach is called for and the same has to be tempered with analytical frame of mind.

#### **UNIT - 1**

Judicial Process as an instrument for resolving disputes – Judicial process in trial courts- Role of Doctrine of Precedent, *Ratio decidendi* and *Obiter dicta* – Doctrine of *Stare decisis* in different legal systems (common law and civil law) – Reconciling change with stability. Prospective overruling-Dissent - Structure of judicial opinion- Seriatim opinions.

#### **UNIT - 2**

Logic and growth in law (Civil law and Common law system) – Leeways for judicial reasoning – Categories of illusory references – Uses and abuses of logic – Rhetorics – Role of judicial discretion in judicial reasoning.- Judicial Recusal and accountability.

#### **UNIT - 3**

Nature of Judicial Process – Search for the legislative intention – Methods of judicial interpretation – Role of philosophy , logic , history , tradition and sociology – Judge as legislator – Judicial creativity and its limitations- judicially manageable standards-Judicial discipline.

#### **UNIT - 4**

Judicial process in Indian legal system – Operation of precedent in India – Judicial activism and creativity of the Supreme Court – Tools and techniques of creativity – judicial overreach-significance of judicial restraint.

#### **UNIT - 5**

Judicial process in pursuit of Constitutional values – New dimensions in judicial activism and structural challenges – Dynamic interpretations of constitutional values and features.

#### **Suggested Readings**

1. B.N.Cardozo, The nature of Judicial Process, (1921)
2. Roscoe Pound, Jurisprudence , (1959), Parts 3, 5, 6.
3. Edward H Levi, An Introduction To Legal Reasoning, (1962).

4. Julius Stone, Legal system and Lawyer's Reasoning, (1964), (Ch. 6,7&8) .
5. Julius Stone, Social Dimension of Law and Justice, (1966), ( Ch. 14 (Part 1&2)).
6. Neil MacCormick, Legal Reasoning and Legal Theory, (1980)
7. Rupert Cross & J.W Harris, Precedent in English Law (1991).
8. Neil MacCormick, Rhetoric and The Rule of Law: A Theory of Legal Reasoning, (2005).
9. Richard A. Posner, How Judges Think, (2010)
10. Alan Tarr, Judicial Process and Judicial Policymaking (2019)
11. E.W.Thomas, Realism, Pragmatism, Practical Reasoning and Principles, (2009)
12. C.K Allen, Law in The Making, (1966), (Ch.3, 4).
13. Upendra Baxi, The Indian Supreme Court and Politics, (1980).
14. Upendra Baxi, Courage, Craft And Contention : The Indian Supreme Court in The Eighties (1985)
15. N.K. Jayakumar, Judicial Process in India: Limitations and Leeways, (1997)
16. Rajiv Dhawan, The Supreme Court of India – A socio – Legal Critique of Its Juristic Techniques (1997).
17. A. Lakshminath, Judicial Process: Precedent in Indian Law, (2016)
18. Dr. G.P. Tripathi, Judicial Process, (2018)

**SEMESTER I-COURSE 3**  
**LW1&20103-LAW AND SOCIAL TRANSFORMATION**

**Objective**

One of the fundamental properties of law and legal system is its ability to transform the society to the desired levels as time passes. Sometimes the legal system has to respond to the call from a dynamic society craving for a system change to meet the rapid strides towards transformation. A PG student has to address the functional mission of a legal system and be critical of its abilities to respond affirmatively from a transformative capability lens.

**UNIT - I**

Concept of law and legal system—Relationship between law and society—Law as an instrument of social change. Law and Morality- Public Morality and Constitutional Morality - Determinants of Social Transformation – Human Rights tempering Rights Discourse.

**UNIT - 2**

Historical and evolutionary theories - Sociological jurisprudence—Realistic jurisprudence— Law and social change—Utilitarianism, liberalism in law—Marxian and post Marxian approaches to law—Democratisation of law making and social transformation- participatory governance.

**UNIT - 3**

Gender based social conflict and law- Significance of recognising Gender Identity - Role of law and gender based violence-Law and its enforcement - Social and economic status of women – women and personal laws- Empowerment of women political, economic and social- -Feminist critique of Indian jurisprudence.

**UNIT - 4**

Land and poverty- Agrarian reforms – Social Dialogue on Sustainable development- Addressing the cause of vulnerable sections of society- Backward Classes- tribals- migrant labourers- elder

rights – Social exclusion and Untouchability- Knowledge Economy and social divide - Development Discourse and Social transformation. Human Development and Capabilities Approach.

## **UNIT - 5**

Access to justice-Legal aid to the poor and indigent- Impact of the legal architecture-Objectives and programmes-Legal literacy and law reform - Judicial activism - Transformative constitutionalism - Dynamic interpretations of the Constitution in changing social settings – Public Interest Litigation and participatory justice initiatives – Influence of neo liberal policies in judicial interpretations – rights discourses and welfare state ideals.

### **Suggested Reading:**

1. Roscoe Pound, Introduction to Philosophy of Law, (1922) Chs.1, 2, & 3
2. W.Friedmann, Legal Theory, (1953)
3. W. Freidmann, Law in Changing Society, (1960)
4. H.L.A.Hart, The Concept of Law, (1961)
5. Roscoe Pound, Jurisprudence, (1965) Vol.1, Part I & II
6. Edgar Bodenheimer, Jurisprudence : The Philosophy and Method of the Law(1967) Part I
7. Julius Stone, Social Dimensions of Law and Justice,(1967) Ch.1
8. John Rawls, A Theory of Justice, (1971)
9. Lon L.Fuller, The Morality of Law, (1977)
10. Joseph Raz, The Authority of Law: Essays on Law and Morality, (1979)
11. Finnis J.M., Natural Law and Natural Rights, (1980)
12. Marc Galanter, Competing Equalities: Law and the Backward Classes, (1985)
13. *Robert F. Meagher*, Law and Social Change—Indo-American Reflections (1988)
14. Martha C. Nussbam, Women and Human Development: The Capabilities Approach, (2001)
15. Martha C. Nussbam, Creating Capabilities, (2011)
16. Marc Galanter, Why the Haves Come Out Ahead: The Classic Essay and New Observations, (2014)
17. Roberto Mangabeira Unger, The Knowledge Economy, (2019)
18. M.N. Sreenivas, Social Change in Modern India, (1966)
19. B. Kuppaswamy, Social Change in India, (1975)
20. Upendra Baxi, The Crisis of Indian Legal System, (1982), Chs.1,2,3,8 &10
21. P.K.Gandhi(Ed.), Social Action through Law, Department of Law—Special issue(1984) CULR,433-546.
22. Upendra Baxi, Law and Poverty,(1988), Chs.1, 2, 3, 5, 19, 20 & 21
23. B.Sivaramayya , Inequalities and the Law, (1988)
24. Amartya Sen, Development As Freedom, (1999)
25. Amartya Sen, Identity and Violence – The Illusion of Destiny (Issues of Our Time), (2007)
26. Malik and Rawal, Law and Social Transformation in India (2011)
27. P.Iswhara Bhat, Law and Social Transformation (2012)

## **SEMESTER I-COURSE 4 LW1&20104-RESEARCH METHODOLOGY**

### **Objective**

The PG students in Law have to be purposively acquainted to the methods of legal research, its nuances and application in higher level learning in law. As they are intended to be engaged in exercises of legal research, writing and publishing articles, bring tangible changes through law reforms as well as to throw light on the fundamentals as well as functional aspects of law, a structured content learning assumes utmost relevance.

#### **UNIT - 1**

Definition and purpose of Research-Type of Research-The relative value-Significance of Legal Research-Doctrinal Legal Research-Social Science Research and Methods in Legal Process-Legislative Process-Judicial process-Administrative policy making -Law Reforms

#### **UNIT - 2**

Scientific method-Science-Theory and facts-Concepts- Variables and definitions- Objectivity value-Neutrality and Empiricism.

#### **UNIT - 3**

Research Problem-Formation of the Problem-Hypothesis-Sampling and its Role-Criteria of Good Hypothesis-Research Design, Forms and Techniques, Sampling techniques, Random sampling, Simple Random, Stratified Random, Systematic Random-Non-Random Sampling

#### **UNIT - 4**

Data Collection-Study of case law-Observations, Questionnaire, Schedules etc.. - Interviews, Surveys, Statistical methods in Legal Research, Processing of Data-Elements of Statistics, Averages, Co-relation and test of significance-Sealing, Projective techniques-Role of Computer and Internet in Legal Research

#### **UNIT - 5**

Research writing- Writing of Reports, Articles, Book Reviews and Case Comments- References and Citations- Techniques of presenting ideas-Drafting and synopsis, Foot notes, Bibliography, Case Lists etc...-Case analysis-Evaluation of Research studies and findings- Research and Publishing Ethics - Best Practices - Measures to check malpractices- plagiarism scrutiny.

#### **Suggested Readings**

1. William J.Goode and Paul K. Hatt, Methods in Social Research (1952)
2. John A.Yogis and I.M. Christie, Legal writing and Research Manual (1988)
3. Peter Clinch, Using a Law Library: A Student's Guide to Legal Research Skills (2001)
4. Verma, S.K., and Wani, M. Afzal, ILI, Legal Research and Methodology (2001)
5. Pauline V. Young, Scientific Social Survey and Research (Prentice Hall, 1966)
6. William J, Grade & Paul K. Hatt, Methods in Social Research, (McGraw hill Book Co. 1952)
7. The Blue Book: A Uniform Mode of Citation, Harvard Law Review Association, (2000)
8. Peter W.Martin, Introduction to Basic Legal Citation, (2010) online edition.
9. Philip W.Whitehead *et.al.* Legal Writing and Research Manual, (Lexis Nexis Butterworths, 2004)

### **SEMESTER I-COURSE 5**

#### **LW1&20105-PRACTICAL EXAMINATION 1 - Teaching Practice (External Evaluation)**

##### **(a) Assignment of the Topic**

A Panel of Law Teachers of the institution constituted by the Principal having considerable PG teaching Experience including the teacher panel in charge of the PG Course, shall be entrusted with the task of selecting topics for the teaching practice session of the Students. It is preferable to have a topic bank for the same at the institutional level revised at regular intervals keeping in view the contemporary developments in the sphere of law. Every student has to be given a choice of two topics through lots of which one topic shall be selected by the student based on

respective preference for the teaching practice session. The topics have to be assigned to the students, a minimum of 7 days prior to the day of teaching practice. A student has to deliver a Lecture, on a topic assigned, before the Board of Examiners constituted by the University with or without teaching aids. The duration of the teaching practice shall be 20 minutes and 5 minutes question/answer session, which may be extended with the approval of the Chairman of the Practical Examination Board.

**(b) Evaluation**

The Board of Examiners for first semester to evaluate Teaching Practice shall consist of Chairman and two members of which one shall be an external expert member. The Chairman and members shall be senior law teachers, having more than 10 years of teaching experience and research experience and preferably having a doctoral degree in law who are to be appointed by the University. The Chairman of the Board and one member of the Board shall be from Government Law College affiliated to the M.G. University and the Expert Member shall be from the Department of Law, M.G. University or a Senior Law Faculty Member from any Department of Law from other Universities in the State or from other Government Law Colleges in the State.

**SEMESTER I-COURSE 6**

**LW1&20106-Practical Examination II – Project Work (External Evaluation)**

**(c) Assignment of the Topic**

Every student has to prepare a project on a topic duly finalized from among the choices of the student and submit within four months from the date of commencement of the first semester. The general Guidelines for the accomplishment of the component shall be as per the Guidelines provided in Annexure I (See Regulation and Scheme of Examination for the LL.M (P.G) Course.

**(d) Evaluation**

The evaluation of the Project will be wholly external. The Project carries an aggregate of 50 marks which is apportioned as 40 and 10 respectively for evaluation of the Project and viva voce examination respectively. The students shall submit Two copies of the Project to the Principal who in turn shall forward one copy to the University for getting the same evaluated. The Projects shall be evaluated by a Panel of Law Teachers prescribed by the University having considerable PG Teaching Experience and Research Experience from the Department of Law, M.G. University/ Law Departments from other Universities in the state/Government Law Colleges in the State. The viva voce examination for the Project may be conducted by the same Board of Examiners constituted for evaluating Teaching Practice.

**SECOND SEMESTER  
BRANCH 1 - COMMERCIAL LAW**

**SEMESTER II-COURSE I**  
**LW010201-FOUNDATION OF CONTRACTUAL LIABILITY**

**Objective**

The ability to create legal relationships through agreements and its enforceability through the process of law has been the central to the creation of mutual trust and harmony between people world over. The width and span of such legal relationships and its logical progression towards the desired end as well as the remedies for its breaches and the accompanied nuances are factored in the scheme of study. The evolving contexts in which contracts entered in the cyber world are breached and its other attendant challenges as well as challenges in the unprecedented situations like pandemic situations etc. are also to be comprehended. A PG student in Commercial Law has to essentially comprehend, learn and apply the emerging situations for a purposive learning.

**Unit 1**

Basis of Contractual Obligation- Jurisprudence- Historical Evolution—Theories of Contractual Liabilities—Modern Developments - E-contracts and Enforcement of Liabilities - Jurisdictional Issues -Contract by Public Authorities.

**Unit 2**

Contractual terms - Conditions, Warranties, Representations

**Unit 3**

Exemption and Exclusion Clauses - Common Law Controls, Judicial and Statutory Controls.

**Unit 4**

Specific relief-Recovery of Possession- Specific Performance of Contract- Recession of Contract- Rectification of Instrument-Declaratory Decree- Preventive Relief - Contract Liability Insurance

**Unit 5**

Restitution, Compensation and Damages - Kinds, Remoteness – Ascertainment of Damages,

**Books Suggested**

1. James Edelman, Gain Based Damages, (2002).
2. Hugh Collins, Regulating Contracts, (2003).
3. Rick Bigwood, Exploitative Contracts, (2003).
4. Saidov & Cunnington, Contract Damages- Domestic and International Perspectives, (2008).
5. P C Markanda, The Law of Contract, (2013)
6. Nilima Bhadbhade, Specific Performance of Contracts, (2014).
7. Richard Stone, The Modern Law of Contract, (2015).
8. Jill Poole, Text book on Contract Law, (2016)
9. Adam Kramer, Law of Contract Damages, (2017)



10. Avtar Singh, Law of Contract and Specific Relief, (2017)
11. Pollock & Mulla, Indian Contract Act, 1872., (2018)
12. Ewan Mc Kendrick, Contract Law, (2019)
13. S.K.Pathak, Goyle's Law of Specific Performance, (2020).

**SEMESTER II-COURSE 2**  
**LW010202-LAW OF CORPORATE GOVERNANCE**

**Objective**

The concept of corporate governance has progressively changed the contours of running corporates from multi stakeholder point of view. The tectonic shift from strangulating regulation to governance is indeed a matter to be effectively comprehended by a PG student of law while engage in commercial law centric learning. The Course content designed espouses the need to learn, apply and advocate ever changing terrains of best practices of corporate governance and application of the same subsequent to a higher level learning in commercial law.

**Unit 1.**

Corporate Governance – Concept, Evolution and Scope - Various Committees - good corporate governance practices - Systems of Corporate Governance- Internal & External Controls over Corporate Governance -Clause 49 of the SEBI Listing Agreement - Business Ethics.

**Unit 2**

Division and distribution of Corporate Power among Corporate organs—General meetings, Board of Directors, Key Managerial Personnel. – Shareholder democracy – Effective Risk Management – Anti-fraud perceptions.

**Unit 3**

Duties and responsibilities of Corporate Directors- fiduciary and statutory duties -Corporate Social responsibility- Role of Independent Directors - Insolvency and Bankruptcy Code, distress management and corporate governance.

**Unit 4**

Investor protection measures- Rights of shareholders-Individual rights- Minority shareholder rights-enforcement - Related Party Transactions - National Company Law Tribunal and National Company Law Appellate Tribunal- Judicial overview by Supreme Court and High Courts.

## Unit 5

Intersection of corporate governance and competition law - Control over anti-competitive Practices by corporate - market abuse-market dominance –Combinations -Controls over mergers amalgamation and takeovers- investor protection during takeovers.

### Suggested Readings

1. Ross Grantham , Corporate Personality in 20<sup>th</sup> Century, (1998)
2. Gower & Davies: Principles of Modern Company Law, (2003)
3. Richard Smerdon, A Practical Guide to Corporate Governance, (2004)
4. Jeffrey Gorden, Convergence and Persistence in Corporate Governance, (2004)
5. Stephen Bainbridge, The New Corporate Governance in Theory and Practice, (2008)
6. Marco Botta, Merger Control Regimes in Emerging Economies, (2011)
7. Robert Brown, Corporate Governance; Cases and Materials, (2012)
8. Dr Christopher Kummer, Mergers and Acquisitions, , (2013)
9. Mark Cardale, A Practical Guide to Corporate Governance, (2014)
10. T. Ramappa , Competition Law in India: Policy, Issues, and Developments (2016)
11. Sarah Worthington, Sealy & Worthington's Text, Cases, and Materials in Company Law (2016)
12. Sridharan and Pandian, Guide to Takeovers and Mergers, (2017)
13. Richard Whish and David Bailey, Competition Law, (2018)
14. Ashish Makhija, Insolvency and Bankruptcy Code of India, (2018)
15. Avtar Singh , Company Law , (2019)
16. Akaant Kumar Mittal, Insolvency and Bankruptcy: Law and Practice, (2020)
17. Arvind P Datar, S. Balasubramanian, A. Ramaiyya's A Guide to Companies Act , 2013, (2020)
18. Reinier Kraakman, John Armour, Paul Davies *et.al.* The Anatomy of Corporate Law :A Comparative and Functional Approach (2017)
19. Corporate Governance Committee Reports

**SEMESTER II-COURSE 3**  
**LW010203-LAW OF CORPORATE FINANCE**

**Objective**

The laws relating to raising funds for corporates have paramount significance in generating an understanding of the topic as well in its scope for application at a higher level learning and professional endeavour. A student of commercial law need to comprehend the various methods of corporate fund raising and its implications to the organization as well as the multiple stakeholders at various levels and even to the entire society. The rapid changes in the legal architecture also need to be addressed in a timely manner so that the purpose of learning and its application could be better served.

**Unit- 1**

Corporate Finance - meaning - scope and importance – Objectives of corporate finance- capitalization- Sources of working capital – Profit maximization – Wealth maximization- Constitutional Provisions.

**Unit –2**

Equity Finance- Share capital – nature and different kinds- importance of Prospectus – Allotment of shares – payment by non-cash consideration- forfeiture of share – Alteration of share capital – reduction of share capital- Further issue of share capital- Purchase by company of its own shares- Buy Back of share- Dividend-statutory provision dealing dividend- capitalization of profits- Acceptance of deposits

**Unit-3**

Debt Finance- Borrowing power of a company-Loans and advances Mortgages and Charges-fixed and floating charges – constructive notice of charges- Debentures- kinds of debentures- Remedies to debenture holders- debenture trustees- Inter corporate loans , advances and Investments- Managerial remuneration- Commission and Brokerages – Corporate spending

**Unit-4**

Protection of interest of creditors and Investors- Disclosure of information- Role of creditors in corporate finance-Payment to creditors and its preference- Right to nominate directors by creditors- rights of share holders- Individual rights – Majority powers and minority rights- corporate membership rights- transfer of shares and transmission of shares-derivative actions- dematerialization- Compromises- arrangements - amalgamation- reconstruction- takeover- Merger- Demerger- approval and sanction- Role and duties of NCLAT

**Unit-5**

Corporate fund raising – Depositories- IDR-ADR-GDR- Banks and Financial Institutions- IDBI- ICICI- IFC- SFC- Mutual funds and its role- its features-foreign Direct Investments-NRI investments- IMF and World Bank- Control by SEBI ,Central Government- Reserve Bank of India- Registrar of Companies- Inspection of accounts – Implications of Insolvency and Bankruptcy Code, 2016.

**Suggested Readings:-**

1. Gibert Harold, Corporation Finance, (1965)

2. V.G. Kulkarni- Corporate Finance (1963)
3. Aswath Damodaran, Corporate Finance, Theory and Practice, (2001)
4. Ellis Ferran , Company Law and Corporate finance, (2003)
5. Pratap Subramanyam, Strategic Corporate Finance, (2011)
6. Dan Prentice, Corporate Finance Law in the UK and EU, (2011)
7. Stijn Claessens, International Corporate Finance, the World Bank, (2016)
8. C A Kamal Garg, Bharat's Handbook on Internal Auditing, (2016)
9. David Eiteman *et.al*, Multinational Business Finance, (2017)
10. Sridharan and Pandian, Guide to Takeovers and Mergers, (2017)
11. Ashish Makhija, Insolvency and Bankruptcy Code of India, (2018)
12. Avtar Singh , Company Law , Eastern Book Company, (2019)
13. Dr. K. R. Chandratre , Compendium of Key Issues under Corporate Law, (2020)
14. Louise Gullifer and Jennifer Payne, Corporate Finance Law, (2020)
15. Jonathan Berk & Peter DeMarzo, Corporate Finance, (2020)
16. Arvind P Datar, S. Balasubramanian, A. Ramaiyya's A Guide to Companies Act , 2013, (2020)
17. Akaant Kumar Mittal, *Insolvency and Bankruptcy: Law and Practice*, (2020)

**SEMESTER II-COURSE 4**  
**LW010204-INTERNATIONAL TRADE LAW**

**Objective**

The post globalized world has thrown light to the need to maintain varied approaches to the regulation of the transactions under the label of international trade including dispute resolution. The divergence between the municipal laws and the international laws is progressively being replaced with the convergence factor and even internationalization of municipal laws has become the order of the day. The course content is designed for PG students of commercial law to essentially develop a perspective towards not only learning but its application also in the evolving contexts.

**Unit 1**

Meaning of International Trade law, the principles and concept. Historical background of the General Agreement on Tariffs and Trade . WTO, UNCTAD , UNICITRAL , IMO. Sources of the law of the sea - Customary law, Treaties, Practice of Maritime Countries, Doctrine of freedom of Sea - decisions of International Court and Tribunals- International Straits.

## **Unit 2**

Meaning of international trade—Overview of the principles. Contracts of Affreightment – Public and Private Carriers – Duties of common carriers– Charter parties and Bills of lading – Types of Voyage Charter Parties – Owner’s obligations, condition, warranties, in nominate terms, representations, charterer’s obligations.

## **Unit 3**

Overview of International Sale of Goods , Types of International sale of contracts –Essentials of sales contracts – Document of title- Bill of lading –Letters of Credit-Payment arrangements .Contract for carriage of goods—Carriage of goods by Sea.

## **Unit 4**

Marine insurance and development of Marine Insurance Law- Insurable interest & subject matter of Marine insurance - General principles of insurance law applicable to marine insurance contracts- Recovery of losses and return of premium – abandonment – subrogation - double insurance reinsurance –Risk covered under mutual insurance associations – policy – UNCTAD Standard Clauses.

## **Unit 5**

Regulation of International Trade in India , Foreign Trade (Development and Regulation) Act, 1992 , Foreign Trade Policy. The Special Economic Zones Act, 2005. Methods of Settlement of Disputes, Arbitration, Disputes Resolution through International Arbitration. WTO Multilateral Agreements, Dispute Settlement Body in WTO and UNICITRAL , Model of Settlement of Disputes, ICC Arbitration Rules , ICSID

## **Suggested Readings**

1. Ivamy, .R.Hardy, Payne and Ivamy’s Carriage of Goods by Sea, (1989)
2. Charles, D, Sale of Goods Carried by Sea, (1990)
3. CliveM.Schmithoff’s Select Essays on International Trade Law, (1991)
4. CharleyJanetle, International Trade Law, (1999)
5. Ademuni Odeke, The Law of International Trade, (1999)
6. Justice R.S. Bachawat , Law of Arbitration and Conciliation, (2017)
7. Indra Carr and Peter Stone, International Trade Law, (2017)
8. Yoshifumi Tanaka, The International Law of Sea, (2019)

## SECOND SEMESTER

### BRANCH II – CRIMINAL LAW

#### SEMESTER II-COURSE I LW020201-GENERAL PRINCIPLES OF CRIMINAL LAW

##### Objectives of the Course

This course is conceived as a foundational basis for PG students to accomplish a jurisprudential analysis and in depth learning of the general principles of criminal law. The comparative study of Indian and English legal systems with the aid of relevant case laws will give critical insights to the basic understanding of the nuances of general principles of criminal law. The expected outcome is to possess strong fundamental knowledge about the subject and to scale up their output in the professional and other application levels.

##### Unit I

The Nature and Scope of Criminal Law – Scope for Comparative learning of Indian and English systems - Theoretical Perspectives – Elements of Crime – Actus Reus & Mens Rea – Criminal Act and Omission – Elements of Actus Reus – Causation – proximity test and foresight of consequence-creation of new offences.

##### Unit II

Mens Rea – Negligence – Recklessness - Transferred Malice – Principles of Criminal Liability – Strict Liability – Vicarious Liability – Joint Liability – Corporate criminal liability– De-criminalisation of economic Offences.

##### Unit III

Stages in Commission of a Crime – Intention or Contemplation – Preparation – Attempt – Essentials of Attempt – Impossible Attempt- Attempt and Preparation, Distinguish – Accomplishment – Inchoate Offences – Abetment- Conspiracy – Principles and Accessories- common intention.

##### Unit IV

General Exceptions of Criminal Liability – Excuses – Mistake of Fact – Mistake of Law –Duress – Coercion – Infancy – Insanity – Exceptions as to Insanity – The Right & Wrong Test, The Irresistible Impulse Test - The Durham Test - The Substantial Capacity Test – Diminished Liability Test – Future of Insanity Defence – Intoxication.

##### Unit V

Justifications – Private Defense – Components of Self-Defense –Reasonable Belief- Imminence – proportionality-Excessive Force – Retreat- Superior Order Defense – Executive and Judicial Acts – Necessity – Consent - Good faith.

##### Suggested Readings:

- 1 Edwards, Mens Rea in Statutory Offences, (1955)

- 2 Jerome Hall, General Principles of Criminal Law, (1960)
- 3 Collin, Howard., Strict Responsibility, (1964)
- 4 John Lewis Gillin, Criminology and Penology,( 1971)
- 5 Cross & Jones, An Introduction to Criminal Law, (1972)
- 6 Cross & Jones, Cases on Criminal Law, (1973)
- 7 P.R.Glazebrook (ed)., Reshaping the Criminal Law, (1978).
- 8 Glanville Williams, Textbook of Criminal Law, (1983)
- 9 Smith and Hogan, Cases and Materials on Criminal Law, (1990)
- 10 John Smith, Criminal Law, (1999)
- 11 J W Cecil Turner, Kenney's Outlines of Criminal Law, (2013)
- 12 Glanville Williams, Text Book of Criminal Law, (2015)
- 13 Russell Heaton, Criminal Law, (2013)
- 14 Jeremy Horder, Andrew Ashworth's Principles of Criminal Law,(2019)
- 15 K N Chandrashekar Pillai, General Principles of Criminal Law (2nd edn. Reprint, 2020)
- 16 Law Commission, 14th Report Vol 2 and 42nd Report.

**SEMESTER II-COURSE 2**  
**LW020202-COMPARATIVE CRIMINAL JUSTICE ADMINISTRATION**

**Objectives of the Course**

This Course intends to make a comparative analysis of criminal justice system in various countries which follow either the common law system or the continental system. The same is attempted to equip the PG students to learn and identify appropriate strategies to augment the efficiency of various facets of existing criminal justice system in India. Besides the understanding of the inter-relationship of the multi-layered institutions and systems accomplishing criminal justice administration would provide a profound and comprehensive view to an avid learner and to orient actions at the application levels.

**Unit I**

Principles of Legality – Introduction to Common Law System – Continental System – Socialist System – Object of Criminal Justice System – Due Process Model – Crime Control Model.

**Unit II**

Agencies of Criminal Justice Administration – Police System – Prosecution System – Judicial System- Appointment of judges and Prosecutors- – Hierarchy of Courts –Role of judiciary in assuring fair and proper investigation and fair trial – Appellate Courts- role - Prison System.

### **Unit III**

Pre Trial Procedure – Arrest and Questioning of the Accused – Role of Police, Prosecutor, Defence Counsel – Judicial Officer – Rights of Arrested Person – Presumption of Innocence and Protection against Self-incrimination – Miranda Warning – Doctrine of Fruits of Poisonous Tree – Exclusionary Rule – Evidentiary Value of Statements or Confession Recorded and Article Seized by Investigating Agencies –Special legislations.

### **Unit IV**

Trial Procedure – Adversarial System and Inquisitorial System – Role of Judge and Role of Prosecutor in Trial – Role of Defence Counsel in the Trial – Legal Aid – Plea Bargaining – Witness Protection Scheme and Programmes.

### **Unit V**

Admissibility of Evidence – Confession – Dying Declaration - Expert Evidence – Burden of Proof – Relevancy and Admissibility of Evidence Collected through Forensic and other Modern Tools and Techniques – Admissibility of Evidence in Cyber Crime – Protection of Witnesses – Hostile Witnesses - Sentencing Process and Guidelines – Concept of Proportionality – Individualised punishment- Just deserts.

### **Suggested Readings:**

1. Constitutions of India, US, UK and France.
2. Criminal Procedure laws and Laws relating to Evidence of India, US, UK and France
3. Jerome Hall, Cases and Readings on Criminal Law and Procedure, (1960)
4. Celia Hampton, Criminal Procedure and Evidence (1973)
5. Roscoe Pound, Criminal Justice in America, New York, (1972)
6. Dalbir Bharati, Constitution and Criminal Justice Administration, (2002).
7. Andrew Ashworth, Human Rights, Serious Crime and Criminal Procedure, (2002)
8. Dean Champion, Administration of Criminal Justice: Structure, Function and Process, (2003)
9. Andrew Ashworth , sentencing and Criminal Justice (Law in context), (5<sup>th</sup> edn.,2010),
10. Dr. Justice V.S. Malimath, Committee on Reforms of Criminal Justice Systems, Government of India, Ministry of Home Affairs, (2003).
11. Hodge M Malek, Jonathan Auburn, Roderick Bagshaw, Phipson on Evidence, (16<sup>th</sup> edn., 2005).



12. Prof. Dr N. R. Madava Menon, Report of the Committee on Draft National Policy of Criminal Justice, Ministry of Home Affairs, Government of India, July (2007).
13. Saarah J Summers, Fair Trials the European Criminal Procedural Tradition and the European Court of Human Rights, (2007)
14. Dennis I, The Law of Evidence, (3rd edn., 2007).
15. Sudipto Sarkar & V.R. Manohar, Sarkar Law of Evidence, Vol.1, (17th edn. 2010).
16. Michael Dumper and Esther D Reed, Civil Liberties and National Security, (2012).
17. James. R Acker and JoAnne M. Malatesta, Introduction to Law and Criminal Justice, (2014).
18. Richard Stone, Civil Liberties and Human Rights, (10th edn., 2014).
19. V.S.R. Avadhani and V. Soubhagya Valli, Criminal Investigation: Law, Practice and Procedure, (1st edn., 2015).
20. Isrel & Kamisar, Criminal Procedure and Constitution, (2018)
21. Liz Campbell, Andrew Ashworth, and Mike Redmayne, The Criminal Process, (2019)
22. Dr Ivneet Walia, Crime, Punishment and Sentencing in India (2019)
23. K N Chandrasekaran Pillai, R V Kelker's Criminal Procedure Code, (6<sup>th</sup> edn. 2014, reprinted 2020)
24. Sanders & Young, Criminal Justice(5<sup>th</sup> edn. 2021)

**SEMESTER II-COURSE 3**  
**LW020203-HUMAN RIGHTS AND CRIMINAL JUSTICE SYSTEM**

**Objectives of the Course**

This course aims to make a comparative analysis of implications of Human Rights Conventions and Legislations for protection of human rights of various stake holders of Criminal Justice System in USA, UK and India. The content is conceived for a PG student to understand and critically evaluate how Criminal justice systems in these countries integrate human rights principles while dealing with their respective stake holders. The understanding and evaluation of the nuances could equip the learners to suggest and devise appropriate strategies and institutional methods to enhance the efficiency of existing criminal Justice system in India.

**Unit I**

International Human Rights Norms regarding Criminal Justice – Domestic Incorporation – Role of Legislature – Executive – Judiciary – Protection of Human Rights in Criminal Justice Administration – The Protection of Human Rights Act, 1993 - Role of Various National and International Agencies.

## **Unit II**

Constitutional protections for accused persons - Rights of arrested Persons - Rights during Arrest – Search – Seizure – Right to privacy in the use of evolving scientific techniques in crime investigation – Ballistics, DNA, Narco-analysis, Brain Mapping etc.

## **Unit III**

Rights of Accused – Rights during Trial – Ex Post Facto Law – Double Jeopardy – Protection against Self-incrimination – Right to Judicial Scrutiny of Arrest and Custody – Right to Bail – Right to Speedy Trial. – Technological advancement and production of Accused- –Witness Protection Program.

## **Unit IV**

Rights of Convicted Persons – Right to Appeal – Rights of Prisoners – Right to Life – Right against Torture – Right to Qualified Rights like Family Life – Right to Expression – Voting Rights-Parole and furlough- Remission, commutation, clemency, amnesty, execution of pardoning power

## **Unit V**

Rights of Victims of Crime – Right to Participate in Prosecution – Right to Compensation or Reparation – State Liability - Right to Protection as a Victim, Victim's family -Prevention of Crime as Protection of Human Rights.

### **Suggested Readings:**

1. John Lewis Gillin, *Criminology and Penology*, (1971).
2. Vijay Chitinis, *et.al.* (ed.), *Human Rights and the Law – National and Global Perspectives* (1997)
3. Andrew Ashworth, *Human Rights, Serious Crime and Criminal Procedure*, (2002)
4. Dalbir Bharati, *Constitution and Criminal Justice Administration*, (2002).
5. Dr. K.I. Vibhute, *Criminal Justice: A Human Rights Perspective of the Criminal Justice Process in India*, (2004)
6. B.R. Sharma, *Forensic Science in Criminal Investigation and Trials*, (4th edn., 2005).
7. Chockalingam, K. *Victimology and Victim Justice - Human Rights Perspectives* in C. Raj Kumar & K. Chokalingam, *Human Rights Justice and Constitutional Empowerment* , (2007)
8. Saaraha J Summers, *Fair trials the European Criminal Procedural Tradition and The European Court of Human Rights*, (2007)
9. D D Basu's *Human Rights in Constitutional Law*, (2008).
10. Dr. Ashutosh, *Rights of Accused*, (2009).

11. Susan Easton, Prisoners' Rights: Principles and Practice, (2011).
12. Michael Dumper and Esther D Reed, Civil Liberties and National Security, (2012).
13. Nigel S Rodley and Matt Pollard, The Treatment of Prisoners under International Law (2015).
14. Singh Seghal B P., Human Rights in India- Problems and Perspectives, (2016)
15. Liz Campbell, Andrew Ashworth, and Mike Redmayne, The Criminal Process, (5<sup>th</sup> edn., 2019)
16. Kerstin Braun,Victim Participation Rights: Variation Across Criminal Justice Systems (Palgrave Studies in Victims and Victimology) ( 2019).
17. N V Paranjape, Criminology, Penology and Victimology,( 18<sup>th</sup> edn. 2019)
18. K N Chandrasekaran Pillai, R V Kelker's Criminal Procedure Code,( 6<sup>th</sup> edn 2014, reprinted 2020)

## **SEMESTER II-COURSE 4 LW020204-JUVENILE JUSTICE SYSTEM**

### **Objectives of the Course**

This course aims to analyse and evaluate the concept and philosophy of juvenile justice system and also the mechanism for implementation of juvenile justice in Indian, UK and US legal systems. An avid learner of the Juvenile Justice System and its mechanisms which are gradually coming of age in Indian settings can profitably engage in a dialogue with the comparable systems for enhancing their knowledge framework. Besides this content would persuade a PG student in law to identify areas for an animated and purposive involvement in juvenile justice advocacy also.

### **Unit I**

History and Evolution of Juvenile Justice - Jurisprudential Foundation and Theories of Juvenile Justice – International initiatives- Beijing Rules, 1985- UN Convention on Rights of the Child, 1989 and Relevant International Conventions and other instruments. Comparative legal architecture in UK and US . Legislations on juvenile justice and amendments.

### **Unit II**

Definition of Child - Two Distinct Categories - Child in Conflict with Law - Child in Need of Care and Protection - Concept –Determination Of Age- Causative Factors - Anomie, Economic Presence - Peer Group Influence - Illiteracy and Lack of Proper Discipline - Class Differentials, Pre-delinquent Stage - Differential Association.

### **Unit III**

Legislative Approaches - Constitutional Aspects - Children's Act - Juvenile Justice Act with Latest Amendments - Competent Authorities – Constitution, Powers and Procedure in dealing with a Deviant Child- Intersection with Protection of Children from Sexual Offences Act 2012 and related legislations – Juveniles as victims of human trafficking.

#### **Unit IV**

Preventive Strategies - Role of Family, NGOs, Community, Individual - Role of Police as Agency of Juvenile Justice Administration - Protection of Juvenile Interest - Role of NGOs - Role of Courts - Media Exposure - Privacy of Children and Families - Judicial Intervention – Impact study on the implementation by various agencies.

#### **Unit V**

Rehabilitation and Corrective Treatment and Techniques - Probation - After Care - Rehabilitation – Role of State -Welfare Programs-Health, Nutrition, Grants in Aid, Compulsory Education- Role of Statutory Authorities, NGOs and Courts–Vocational Training – Employment Package- Juvenile Justice Advocacy

#### **Suggested Readings:**

1. Sethna, Society and the Criminal, (1989).
2. Barry Krishery James F. Austin, Reinventing Juvenile Justice, (1993)
3. Bhattacharya S K., Juvenile Justice: An Indian Scenario, (2000)
4. N.K. Chakrabarti, Juvenile Justice in the Administration of Criminal Justice, (2002)
5. Ved Kumari, The Juvenile Justice (Care and Protection of Children) Act, 2015 - Critical Analysis, (2017)
6. Ved Kumari, The Juvenile Justice System in India: From Welfare to Rights, 2010
7. Asha Bajpai, Child Rights in India, Oxford India, (2017)
8. N V Paranjape, Criminology, penology and Victimology,( 18<sup>th</sup> edn. 2019).
9. P.N. Choudhry, Law relating to Juvenile Justice in India, (2019)
10. S.M.A. Qadri, Ahmad Siddique's Criminology, Penology and Victimology, 7<sup>th</sup> edn., 2016, Reprinted (2019)
11. United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985
12. Convention on Rights of the Child, 1989
13. Various Relevant International Conventions, Guidelines etc.

**THIRD SEMESTER**  
**BRANCH - I COMMERCIAL LAW**

**SEMESTER III-COURSE 1**  
**LW010301- BANKING LAW**

Objective of the Course

A perceptible understanding of law relating to banking is essential to identify the nuances of the relationship between banker and customer at different plains. The legitimate interests of both the stakeholders need to be identified and protected by the legal system as it has a very heavy stake in the wellbeing of the society. The negotiability of the instruments in banking, the recent trends in the organisational restructuring of banks, redeeming of bad debts etc., the new generations of banking methods as well as the challenges are all part of a deeper and purposive learning at the PG level.

Unit 1

Introduction—Different kinds of banks and their functions, Multifunctional banks—Growth and Legal issues.- Bank nationalisation and privatisation- Legal and Functional Aspects- Co-operative Banks- Rural Banking, NABARD.- Mergers and Takeover in Banking sector- Regulations.

Unit 2

Law relating to Banking Companies in India—Controls by Govt. and its agencies—the RBI as the Central Bank—Suspension and winding up—NBFCs and its Regulation – Legal Architecture.

Unit 3

Relationship of banker and customer—Legal character—Contract between banker and customer—Banking duty to customers-Consumer protection and banking as service- Different types of accounts and its operation – Lending policies- Best Practices. Law and legal mechanisms for recovering NPA - Banking Ombudsman

Unit 4

Negotiable Instruments—Meaning and Kinds—Transfer and Negotiations- Endorsements and Delivery - Holder and holder in due course- Crossing of Cheques, Protection to Collecting Banker and Paying Banker- Presentment and payment -Civil and Criminal Liabilities of Parties

Unit 5

Recent Trends of Banking System in India—Automatic teller machine and use of internet-Traveller cheque—Smart cards—Credit cards.- NEFT, E Banking, RTGS- Banking Frauds

Suggested Readings:

1. Bani, A., Review of Current Banking Theory And Practice, (1974)
2. .Pagets Law of Banking, (2018)
3. M.L.Tannan, Tannan's Banking Law and Practice in India(2017)
4. L.C.Goyle, The Law of Banking Bankers, (1996)
5. K.P.M. Sundaram and P.N.Varshney, —Banking Law and Practice”, (2014).
6. Amallesh Banerjee and S.K.Singh (eds), Banking and Financial Sector Reforms in India, (1996)
7. Raj Kapila and Uma Kapila (eds.) Banking and Financial Sector Reforms in India, (1998)
8. Good Hart, The Central Bank and the Financial System, (1995)
9. K.Subramanyam, Banking Reforms in India
10. Janaki Raman, Committee report on Securities Operation of Banks and Financial Institutions(1993)
11. Narasimham Committee Report on the Financial System(1991), Second Report(1999)

**SEMESTER III-COURSE 2**

**LW010302-INSURANCE LAW**

Objective of the Course

Insurance at a time offers protection to individuals and organizations to tide over the instances of vulnerabilities as well as a commercial product. The legal system has to ensure that the commercial element in this contract has to adequately address the predominant attribute of indemnification in a range of contexts spanning from commercial to personal levels. A PG student not only need to learn and understand the nuances but also need to be equipped with the knowledge level in the terrains of applications also.

Unit 1

Introduction—Nature of insurance contract—Various kinds of insurance, proposal, policy, parties, consideration, need for utmost good faith insurable interest, indemnity.

Unit 2

General Principles of Law of Insurance—The Risk—Commencement, Attachment and duration, settlement of claim and subrogation—Effect of war upon policies

### Unit 3

Nationalisation- Privatisation Cycle in Insurance- Effect of new economic policies- Indian Insurance Law-General Insurance Act, 1938 -and Insurance Regulatory Development Authority Act, 2000, Relevant Rules and Regulations under IRDA Act.- Different categories of Insurance- Fire Insurance- Life Insurance- Motor Accident Insurance- Employees Insurance- Legal framework and mechanisms

### Unit 4

Marine Insurance policies- Types —Term of insurance contract—Express and implied conditions in the marine insurance policy—Risk covered by the policy and expected perils—Proximate cause of loss—Avoidance of policy – Application of proper law in the instances of international contract.

### Unit 5

Concept of average in insurance contract—Settlement of insurance claims – Abandonment.

#### Suggested Readings:

1. Edwen W.Patterson, Cases and Materials of Insurance, (1961)
2. Arnould Law of Marine Insurance and Average, Vol.I & II
3. E.R. Hardy Ivamy, Case Book on Insurance Law, (1961)
4. Peter Mac Donald, Eggers and Patric Foss, Good Faith and Insurance Contracts, (2010)
5. Mitra, B.C., Law Relating to Marine Insurance, (2012)
6. Banerjee, Law of Insurance, (2016)
7. Birds, Modern Insurance Law, (2019)
8. John Hanson and Christopals Henby, All Risks Property Insurance, (2021)

## **SEMESTER III-COURSE 3**

### **LW010303-INTELLECTUAL PROPERTY LAWS**

#### Objective of the Course

The law relating to intellectual property is registering rapid growth to meet the emerging challenges and also to ensure the rights holders as well as the society their due. A nuanced understanding is an imperative in learning the subject in the PG level as it has a substantial plain at the application levels too. The globalization and the convergence of laws also has a significant bearing in the learning. A learner at the PG level is being provided with the span, width and depth of the subject as well as its wide ranging applications in the rapidly evolving scenarios.

### Unit 1

Theoretical justification of Intellectual Property - Concept of Intellectual Property- Interface between Intellectual property law and competition law-International protection of Intellectual Property - TRIPS Agreement, Madrid Convention, Berne Convention, WIPO Treaties, Paris Convention

#### Unit 2

Copyright – concept - test of originality, Idea-expression dichotomy - problems created by digitalization in determining the standards- Assignment, Rights - Economic, Moral, Performers Rights and Neighbouring Rights – Different statutory agencies under the Copy Right Act and their roles- Infringement of Copy Right - Fair use – Digital Rights Management and remedies for Infringement

#### Unit 3

Concept of Patent – Test of –novelty, Inventive step and utility- Non-Patentable Invention- Procedure for Patenting - Standards of Patentability in the changing technological context – Patentability of biotechnological invention – Pharmaceutical, computer software - –Balancing of interests - Compulsory Licensing – Transfer of Patent Right - Infringement of Patent Right and Remedies

#### Unit 4

Concept of Trademark – functions of Trade Mark – Concept of distinctiveness – Consumer deception – well known marks and New Marks -Procedure for registration Rights-Infringement of Trade Mark and Remedies - the changing scenario of marketing and the changing demands for Trademark Protection- Intellectual Property Appellate Board.

#### Unit 5

Industrial Designs - Objectives of design protection –criteria for protection, grounds of refusal – element of functionality –rights –ownership and assignment of right- overlap between copyright and design.

#### Suggested Readings

1. G.W.F Hegel, The Elements of Philosophy of Rights,(1821)
2. R.S Bhalla, The Institution of Property: Legally, Historically& Philosophically Regarded, (1984)
3. Elizebeth Verkey, Law of Patents , (2005)
4. Catherine Kirsty, Modern Intellectual Property Law, (2005)
5. Carvalho, The TRIPS Regime of Trademarks and Designs, (2006)
6. Adeney Elizabeth, The moral Rights of Authors and Performers : International Comparative Analysis (2006)



7. Holger Hestermryer, Human Rights and The WTO: The Case of Patents and Access to Medicine, (2007)
8. Prabuddha Ganguli, Geographical Indications, Its Evolving Contours, MVIRDC, World trade Centre, Mumbai(2009)
9. Joseph Straus, *et.al.*, Patents And Technological Progress in a Globalized World, (2009)
10. Lionel Bentley *et.al.*, (ed.), Copyright and Piracy : An Interdisciplinary Critique, (2010)
11. Andrew Griffiths, An Economic Perspective on Trademark Law, (2011)
12. Copinger and Skone James on Copy right( Intellectual Property), (2016)
13. W.R Cornish, *et.al.*, Intellectual Property: Patents, Copy Rights, Trademarks & Allied Rights, (2019)
14. B.L Wadhera – Law Relating to Intellectual Property, (2011 Reprint, 2016)
15. James Mellor, David Llewelyn *et .al.*, Kerly’s Law of Trademarks and Trade Names, (2017)
16. Andrew Waugh QC *et.al.*, Terrel on The Law of Patents, (2020)
17. David Keeling *et.al.* Kerly’s Law of Trademark and Trade Names, (2020)

#### STATUTES AND AGREEMENTS

1. TRIPS Agreement, 1994
2. GATT, 1994
3. The Patent Act,1970 with latest amendments
4. The Trade Mark Act,1999 with latest amendments
5. The Copy Right Act,1957 with latest amendments
6. Designs Act 2000 with latest amendments

#### **THIRD SEMESTER**

#### **BRANCH II – CRIMINAL LAW**

#### **SEMESTER III-COURSE 1**

#### **LW020301-CRIMINOLOGY**

#### Objectives of the Course

This Course is intended to develop an advanced knowledge about criminal behaviour of persons and their responses and reactions towards crime causation. It focuses on an in-depth theoretical understanding on the concepts of crime, factors leading to commission of crime, causation of crime,

classification of crime and criminals as well as on prevention of crime to provide a macro and micro vision. The course is to be imparted with an objective to respond to the new challenges that may arise in the world of crimes and its timely reflections in the dispensation of criminal justice.

#### Unit 1

Criminology: Definition, Nature & Relevance – Scope & Area of Study of Criminology – Criminology and other Social Sciences – Relationship between Criminology, Criminal Law and Criminal Justice Administration – Legal, Social and Psychological Aspects of Crime – Psychology of Crime – factors affecting Crime: Biological, Environmental, Socio-economic and Psychological – Schools of Criminology – Classical – Neoclassical – Positive – Psychiatric and Psychological – Sociological – Cartographic or Ecological – Social Structural & Social Process – Radical Approach

#### Unit 2

Etiology of Crime/Crime Causation – Theories – Biological Theories – Psychological Theories – Political Theories – Economic Theories – Ecological theory – Sociological Theories: Social Learning Theory – Social Disorganisation Theory – Anomie Theory – Social Structural/Strain Theories – Differential Association Theory – Neutralisation Theory – labelling theory – Conflict theory – and Social Process Theory – Sub-cultural Theory – Social Control Theory – Rational Choice Theory – Routine Activity Theory – Relative Deprivation Theory – Feminist Perspective

#### Unit 3

Theories on Classification of Crimes – Classification of Crimes – Scientific and Functional Classification – Economic Crimes – Political Crimes – Organised Crimes – Cyber Crimes – Terrorism – Environmental Crimes – Sexual Crimes – Crimes of Violence – Property Crimes – Crimes against Private Persons – Crimes against State – Crimes against Society – Conventional Crimes – White Collar Crimes – Consensual or Victimless Crimes – Recidivism – Alcoholism – Drug Addiction – Beggary – Family Centred Crimes: Dowry, Domestic Violence, Elder Abuse, Child Abuse – Honour Crimes – Female Criminality

#### Unit 4

Theories on Classification of Criminals – Lombroso's Classification – Garofalo's Classification – Ferri's Classification – Havelock Elli's Classification – Types of Criminals – Violent Criminals, Property Offenders, Offenders of Public Morality, Career, Occupational or Professional Offenders – Conventional Offenders – Habitual Offenders – Juveniles in Conflict with Law

#### Unit 5

Crime Prevention – Conceptual Understanding of Crime Prevention – Methods of Crime Prevention - Fear of Crime and Sense of Security – Social Control and Crime Prevention – Community Approach in Crime Prevention – Contemporary Crime Prevention Strategies.

### Suggested Readings:

1. Reckless W.C, *The Crime Problem*, (1961)
2. [Negley K. Barnes, Harry Elmer and Teeters](#), *New Horizons in Criminology* 3rd edn., (1963)
3. [Robert Graham Caldwell](#), *Criminology*, 2<sup>nd</sup> edn., Reprint, (1965)
4. [Edwin Hardin Sutherland](#), *Criminology* by Edwin H. Sutherland and Donald R. Cressey, 8<sup>th</sup> edn., (1970)
5. [Vernon Fox](#), *Introduction to Criminology*, 2nd Revised edition, (1984)
6. Jehangir M. J. Sethna (ed.), *Sethna's Society and the Criminal*, 5<sup>th</sup> edn., (1989)
7. Atri Parvesh K., *Dynamics of Crime Prevention and Criminology*, (1998)
8. Hughes Gordon, *Understanding Crime Prevention*, Open University (1998)
9. Hughes Gordon *et al*, *Crime Prevention and Community Safety*, (2002)
10. Chris Hale, et al., (Eds.), *Criminology*, Third Edition, Oxford, (2013)
11. SMA Qadri, Ahmad Siddique's *Criminology and Penology*, 7<sup>th</sup> edn. Reprint, Eastern Book Co. (2019)
12. [Hennessey Hayes](#), [Tim Prenzler](#), *An Introduction to Crime and Criminology*, 5th edition, (2019)
13. [Stephen Schneider](#), *Crime Prevention, Theory and Practice*, 2<sup>nd</sup> edn., (2020)
14. Report of the Dr.N.R.Madhava Menon Committee on Draft National Policy On Criminal Justice , Ministry of Home Affairs Government of India, (2007)
15. America Law Institute's Model Penal Code: Sentencing, (2007)

## SEMESTER III-COURSE 2

### LW020302- PENOLOGY

#### Objectives of the Course:

This course offers the PG students in Law a specialist understanding on the concepts of penology and will acquaint them with the relevant policies and approaches in penology. The philosophical and sociological justifications of the theories of punishment, sentencing policies, discretion in sentencing, prison systems and reforms, restorative justice etc. command utmost relevance in developing a perspective on the topic. The orientation towards rights of victims and the relevant legal architecture is also to be dealt with due importance to understand the comprehension of victimology along with penology.

#### Unit 1

Penology: Meaning, Objective and Philosophy – Development of Penology: Changing Concepts and Attitudes towards Crime and Criminals – Indian Approaches to Penology (Ancient and Modern) – Theories of Punishment – Bentham’s Utilitarian Theory on Punishment, Retributive, Deterrent, Preventive, Reformatory and Incapacitation theories – Compensatory Theory

#### Unit 2

Sentencing Process – Types of Sentences – Approaches to Sentencing – Sentencing Policy – Fundamentals of Sentencing – Importance of Judicial Discretion in Sentencing – Individualisation of Sentencing – Determinate and Indeterminate Sentencing – Sentencing in White-collar Crimes – Sentencing for Habitual Offenders – Sentencing in Privileged Class Deviance and in Marginalised Deviance – Pleading Guilty and Plea Bargaining – Sentencing Process in India – Issues, Concerns and Need for a New Sentencing Policy – Modern Reforms in sentencing

#### Unit 3

Punishment – Methods of Punishment – Corporal and Non-corporal Punishments – Kinds of Punishment (Ancient and Contemporary) – Capital Punishment: Constitutionality, Contemporary Issues, Judicial Attitude – Movement towards Worldwide Abolition of Capital Punishment – Commutation of sentences – Legal and constitutional perspectives- Alternatives to Punishment – Probation – Parole – Community Corrections – Restoration – Compensation – Restitution - Theory of Restorative Justice

#### Unit 4

Correctional and Rehabilitative Techniques – Correctional Institutions – Prison System – History and Development – Prison Administration – Prison Reforms – Adult Institutions: Central, District and Sub Jails – Juvenile Institutions – Observation Homes, Special Homes – Women Institutions – Women’s Prisons, Rescue Homes, Vigilance Homes, Protective Homes – Open Prisons – Objectives of Establishing Open Prisons – Characteristics and Advantages of Open Prisons – After Care services

#### Unit 5

Victimology – International Concerns for Victims of Crime – Definition, Scope and Development of Victimology in India – Victimological Theories: Victim Precipitation Theory, Life Style Theory, Deviant Place Theory, Routine Activity Theory – Victims and Criminal Justice Administration — Rights of Victims – Remedial Measures to Victims’ Empowerment: Legislative, Administrative and Judicial – Victim Assistance – Legal Aid to Victims of Crimes.

#### Suggested Readings:

1. P.J. Fitz Gerald, Criminal Law and Punishment, (1962)
2. Edwin Schur, Crimes without Victims, (1965)
3. Rupert Cross, The English Sentencing System, 2<sup>nd</sup> edn., (1975)
4. V.N. Rajan, Victimology in India: An Introductory Study, (1982)
5. Ahammed Siddique, Criminology, (1984)
6. Amarendra Mohanty, Narayan Hazary, Indian Prison Systems, (1990)
7. Makkar Singh, Global Perspectives in Victimology, (1993)

8. Shlomo Giora Shoham, *et al.*, (eds.), *International Handbook of Penology and Criminal Justice*, (2007)
9. David Scott, *Penology*, (2008)
10. Sullivan Dennis & Tiff Larry, *Handbook of Restorative Justice*, (2008)
11. Ann Burgess (*et al.*), *Victimology, Theories & Applications*, 2<sup>nd</sup> edn., (2010)
12. NV Paranjape, *Criminology, Penology and Victimology*, (2012)
13. David Scott and Nick Flynn, *Prison & Punishment: The Essentials*, (2014)
14. K. Jaishankar, *et al.*, (eds.), *Indian Prisons: Towards Reformation, Rehabilitation and Resocialisation*, (2014)
15. Harvey Wallace & Cliff Roberson, *Victimology, Legal, Psychological and Social Perspectives*, (2015)
16. A. Lakshminath and K.S. Murty, *Sentencing Jurisprudence in India: Policies, Procedures and Practices*, (2017)
17. Dr. Ivneet Walia, *Crime, Punishment and Sentencing in India*, (2019)

### **SEMESTER III-COURSE 3**

#### **LW020303- SOCIO-ECONOMIC OFFENCES**

#### Objectives of the Course

The offences which affect the health or material welfare of the community as a whole, as well as those which affect the country's economy and not merely of the individual victim cuts a distinct road from those of the traditional crimes. The concept, the legal framework and the mechanisms created under need to be informed by this distinctiveness in the causative factors, commission as well as its aftermath. The evolving categories of these species of offences need to be understood in the right perspective so that a PG student can will acquire an idea of its evolving nature as well as the readiness of the system to combat the same.

#### Unit 1

Concept of Socio-Economic offences – Nature and Scope of socio-economic offences–Socio-Economic offence as a genus and white collar crime as a species – Concept of White Collar Crimes and Traditional Crimes–Origin and development in the Indian context – Effect on globalization in white collar crimes- Poverty, inequality and crimes- The Santhanam Committee Report, 1964, 29th Report of the Law Commission of India, 1966 and the 47<sup>th</sup> Report of the Law Commission of India, 1972.

#### Unit 2

Distinction from other offences– Manifold crimes of Trafficking -Financing Terrorism- Drug abuse- Corporate Crimes- Serious Fraud Investigation Office- Environmental crimes- Tax evasions- Banking

Frauds- Money pooling frauds- Corporate frauds- Cyber Crimes committed in cyberspace – Trading in human organs - Laws combating Socio Economic Offences- Socio economic crimes affecting moral fibre of society- Dowry related crimes – destabilizing the economy of the country.

#### Unit 3

Corruption within Government, Politicians and Public services – Causes & Consequences of corruption– methods & types of corruption– corruption and economic growth– machinery designed to prevent corruption– Enforcement Agencies - Anti-corruption methods – Challenges in regulatory Enforcement.

#### Unit 4

Corruption in Professions – Types – Causes and Consequences – Laws combating the unethical and illegal practices – impact of professional corruption in society. Gender and socio- economic crimes.

#### Unit 5

Trial and Punishment of Socio-Economic offences - Nature of Liability, Burden of Proof and Sentencing Policy- Special provisions– Mens Rea in Socio-Economic Offences–Deviation from the general rules of procedure – Fugitive offenders - Remedies to victims.

#### **Suggested Readings**

1. Sutherland, White-collar Crime, (1949)
2. Brian Forst, The Socio-economics of Crime and Justice, (1994)
3. S.K. Ray, Polity and Economy of the Underworld, (2004)
4. Hans Sjögren, (ed.), New Perspectives on Economic Crime, (2004)
5. John Minkes and Leonard Minkes (eds.), Corporate and White Collar Crime, (2008)
6. Nicholas Ryder, Financial Crime in the 21st Century ; Law and Policy, (2012)
7. S. Subramaniam , Economic Offences ; A Compendium in Prose and Verse, (2014)
8. Nuzhat Parveen Khan, Law Relating to Socio-Economic Offences,(2018)
9. Universal’s Socio-Economic Offences Laws, (2018)
10. Panta T.K., Poverty Social Crimes and Terrorism of South Asia, (2019)
11. Arya A. Kumar, Socio Economic Crimes In India: A Nutshell, (2019)
12. Frank J. DiMarino, Cliff Roberson , Introduction to Corporate and White-Collar Crime, (2019)
13. Sibichen K. Mathew, You Just Got Cheated: Understanding White-Collar Crime, (2020)

#### **Statutes**

1. The Indian Penal Code,1860
2. The Income-tax Act, 1961,
3. The Customs Act, 1962
4. The Unlawful Activities(Prevention) Act, 1967

5. The Foreign Exchange Regulations Act, 1973
6. The Narcotic Drugs and Psychotropic Substances Act, 1985
7. The Prevention of Corruption Act, 1988
8. The Prohibition of Benami Property (Benami Transactions Act) 1988
9. The Foreign Exchange Management Act, 1999
10. , The Information Technology Act, 2000
11. The Prevention of Money-Laundering Act, 2002
12. The Right to Information Act 2005
13. The Food Safety and Standards Act, 2006
14. The Whistle Blowers Protection Act, 2011
15. The Lokpal and Lokayuktha Act 2013
16. The Companies Act, 2013
17. The Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015,
18. The Fugitive Economic Offenders Act, 2018; Respective Rules and Amendments to the Acts.

#### **FOURTH SEMESTER**

#### **BRANCH 1 - COMMERCIAL LAW**

#### **SEMESTER IV-COURSE 1**

#### **LW010401 -INFORMATION TECHNOLOGY LAW**

#### **Objective of the Course**

The law relating to information technology which is constantly evolving has relevance and application in various branches of learning not limited to the discipline of law. The legal architecture relating to cyberspace is constantly revisited by the legal system as its application level is growing by leaps and bounds especially in commercial law. The course content designed is aimed at equipping PG students to facilitate not only an in depth learning but also its ramifications at the application levels.

#### **Unit 1**

Origin and development of Information Technology Law - Object and scope of Information Technology Act - E governance and Information Technology Act, 2000 - Net neutrality – Stake holders- cyber security – concept and issues – Regulators of Cyber Space.

## Unit 2

E-Commerce - Electronic contracts - Conclusion of Electronic contracts – Transnational online civil disputes - Issue of jurisdiction in cyber space - Principles under international Law-Electronic signature – Issuing Authorities – Certifying Authorities – Grant – Revocation and withdrawal of electronic signature -Duties of subscribers – Generating key pairs – Acceptance of digital signature certificate – Control of private key – Penalties and adjudication.

## Unit 3

Cyber crimes – Definition and nature– Elements – Different kinds of cyber crime – Prevention of Cyber Crimes -2 Issues relating to Criminal Liability - Collection – Investigation and examination of electronic evidence – Admissibility – Authenticity – Liability of the online intermediaries-

## Unit 4

Intellectual property and Information Technology – Patent and software – Copyright protection – Trademark issues - 2 Freedom of speech and expression on the internet – Constitutional implications - Protecting privacy and data on the internet – Challenges of right to privacy in India - Cyber ethics.- Emerging issues on the Internet – Blogging – Cloud computing – Unique Identification Number.

## Unit 5

Online dispute resolutions – Origin of Alternate Dispute Resolution and Online Dispute Resolution – Legal Framework –Different methods of Online Dispute Resolution – Major Challenges in Online Dispute Resolution.

## Suggested Readings

1. Varma, S.K. and Raman Mittal , Legal Dimensions of Cyber Space , (2004)
2. S.V Joga Rao, Law of Cyber Crimes and Information Technology Laws, (2004)
3. Rodney D. Ryder, Guide To Cyber Laws (Information Technology Act, 2000e- Commerce, Data Protection & The Internet), (2007)
4. Gupta & Agarwal, Information Technology- Law and Practice, (2010)
5. Nina Godbole & Sunita Belapore, Cyber Security- Understanding Cyber Crimes, Computer Forensics and Legal Perspectives, (2012)
6. Gunther Handi, *et.al.*, Beyond Territoriality:Transnational Legal Authority in An Age of Globalization, (2012)
7. Swaroop Singh, Right to Freedom of Speech and Expression Under The Indian Constitution, (2015)
8. Kamath, Nandan - Law relating to Computers Internet and E- Commerce; A guide to cyber Laws and the Information Technology Act 2000, (2016)



9. Karnika Seth - Computers, Internet and New Technology Laws-A comprehensive reference work with special focus on developments in India, (2016)
10. Talat Fathima , Cyber Crimes, (2016)
11. Diane Rowland Uta Kohl and Andrews Charlesworth , Information Technology law, (2016)
12. Rodney D Ryder, Ashwin Madhavan, Internet Law, (2018)
13. Ian J. Lloyd, Information Technology Law, (2020)
14. Rodney D.Ryder & Nikhil Naren, Internet Law Regulating Cyber Space and Emerging Technologies (2020)
15. Richard A. Spinello, Cyber Ethics- Morality And Law in Cyber Space, (2020)

## **SEMESTER IV-COURSE 2**

### **LW010402- REGULATION OF FOREIGN TRADE AND INVESTMENT**

#### **Objective of the Course**

The regulatory scenario of export and import has underwent a paradigm shift and has been entirely replaced with new legislations and new mechanisms. The globalization has brought the convergence element in the regulatory architecture across the globe and India also had joined the bandwagon. The frequent shift in the trade policies and the responses of the legal system towards it makes it equally challenging for a PG student in learning as well as its application. The Course content is aimed at to acquaint and equip the students of advanced learning on the topic and to gear them for application levels.

#### **Unit I:**

State Control over Import and Export of Goods – Transition to Liberalization and post globalized regime –Impact of Regulation on Economy WTO Agreement, - Periodical Foreign Trade Policies - Tariff and Non-Tariff Restrictions Investment and Transfer of Technology - Quota Restriction and Anti-Dumping Permissible Regulations. Quarantine Regulation Dumping of Discarded Technology and Goods in International Market Reduction of Subsidies and Counter Measures

#### **Unit 2:**

General Law on Control of Foreign Trade – Import, export and re-export- Legislative Control - Powers of Control - Central Government and RBI, other authorities– Director General of Foreign Trade- Perspectives of Regulation in Foreign Trade Development and Regulation Act, 1992- Restrictions under Customs Law Prohibition and Penalties Export-Import Formulation: Guiding Features, Control

Under FEMA - Foreign Exchange and Currency, Import of Goods- Export Promotion Councils: Special Economic Zones- Export Oriented Units and Export Processing Zone.

### **Unit 3:**

Control of Exports Regulation on Goods - Conservation of Foreign Exchange - Foreign Exchange Management Currency - Transfer Investment in Foreign Countries – Scope of arbitration in disputes.

### **Unit 4:**

Investment Policies-Changing Dimensions – Kinds of foreign investments- NRIs, FIIs (Foreign Institutional Investors), FDIs Joint Venture Promotion of Foreign Trade- Foreign Investment Facilitation Portal- Role of SEBI- Law Relating to Customs Regulation on Investment Borrowing and Lending of Money and Foreign Currency Securities abroad Immovable Property - Purchase Abroad Establishment of Business outside- Issue of Derivatives and Foreign Securities - Dispute settlement.

### **Unit 5**

Different kinds of foreign investments instruments- Debt instruments, Non- debt instruments and other instruments - GDR (Global Depositories Receipts), ADR (American Depository Receipts) and Euro Investment in Indian Banks Repatriation and Surrender of Foreign Securities.

### **Suggested Readings**

1. V. S. Datey , Taxmann's Customs Law & Foreign Trade Policy (FTP), (2020)
2. Kalirajan D., LexisNexis's Practical Guide on Foreign Trade Policy, ( 2015)
3. R. K. Jain's Customs Law Manual 2021-22 [2 Vols], (2021)
4. Peter Van Den Bossche , The Law and Policy of the World Trade Organization: Text, Cases and Materials, (2017)
5. Abhishek A. Rastogi , Handbook on Foreign Trade Policy 2015-2020, (2020)
6. Shahid Ahmed , (ed.), Foreign Direct Investment, Trade and Economic Growth : Challenges and Opportunities, (2015)
7. Peter Van den Bossche & Denise Prévost, Essentials of WTO Law (2016)
8. Rafael Leal-arcas , International Trade and Investment Law: Multilateral, Regional and Bilateral Governance ,(2010)
9. Aniruddha Rajput, Protection of Foreign Investment in India and Investment Treaty Arbitration, (2017)
10. Simon Lester, Bryan Mercurio, Arwel Davies , World Trade Law : Text, Materials and Commentary, ((2018)
11. R.K. Jain, Foreign Trade Policy and Handbook of Procedures [with Notifications, Circulars, Public Notices, Forms] 2015-20 (Volume 1), (2020)

12. Julien Chaisse, Debashis Chakraborty, India's Foreign Economic Policy : Deciphering the Law, Economics and Politics, (2021)
13. Subodh Markandeya and Chitra Markandeya , Law relating to foreign trade in India : being a commentary on the Foreign Trade (Development & Regulation) Act, 1992, (1997)

### **SEMESTER IV-COURSE 3**

#### **LW010403 – DISSERTATION(EXTERNAL EVALUATION)**

See the regulations and scheme of Examination for the LL.M Course, 2021 admission onwards

### **SEMESTER IV-COURSE 4**

#### **LW010404 – COURSE VIVA VOCE (EXTERNAL)**

See the regulations and scheme of Examination for the LL.M Course, 2021 admission onwards

## **FOURTH SEMESTER**

### **BRANCH 2 – CRIMINAL LAW**

#### **SEMESTER IV-COURSE 1**

#### **LW020401 - MEDICAL JURISPRUDENCE AND FORENSIC SCIENCE**

##### **Objective of the Course**

The Course intends to provide a fundamental knowledge of the significance of medical jurisprudence and forensic science in the fact finding process of a criminal case in order to develop a critical perspective at a higher level of learning. The learning of the nuances as well as the taxonomy of the evidences sourced from both the streams, the role of the expert witness within the scheme of the Indian Evidence Act, 1872 and its appreciation by the judiciary are critical in evolving an understanding of the seminal role of expert evidence in the criminal trial process.

##### **Unit 1**

Medical Jurisprudence- Evolution - Transition to forensic medicine- Employment of advanced science and technology measures - Medical jurisprudence scenario in international and national contexts - Areas of Application - Medico legal application in crimes- Medical Negligence cases- Facilitation of collection of Medical Evidence – Reporting of medico legal cases to the law enforcement agencies- Facilitating legal recourses- Application of Code of Criminal Procedure, 1973 and other relevant laws

- Policies and Procedures while attending medico-legal cases - Assuring right to medical treatment- Institutional, Professional and Ethical responsibilities- Deviances and Legal consequences and remedies.

#### Unit 2

The dynamics of medical evidence- Forensic Pathology- Fluids, viscera including postmortem reports - – Toxicology examination - Medico legal reports including Drunkenness Examination, Age Certification and Wound certificate –Examination of Survivor of Sexual Offences and Examination of Accused in Sexual Offences.- Miscellaneous applications.

#### Unit 3

Forensic Science-Origin and development— Basic Principles and Significance – Prominent Theories – Synergy of recent advances in Forensic Science and its application in legal domain – Implications of Constitutional Law - Importance and application of Forensic Science in Criminal Investigation- role of investigator – scientific collection of evidence – Basics of Forensic Science and Crime Scene Management including defining the scene of crime – collection, packing, labelling and forwarding of exhibits to forensic laboratories – preservation of evidence- health and safety protocols- Institutions - Institutional, Professional and Ethical responsibilities- Deviances and Legal consequences.

#### Unit 4

Mechanics and Dynamics of various streams of forensic evidence- Forensic Tests - Accident Scenes- Fire and Arson incidents – Accident scenes- Examination of Documents - Handwriting- Finger print- foot print- Forensic Ballistics - DNA Fingerprinting, Narco Analysis, Brain Mapping - Polygraph– Trace evidence –Voice identification – Cyber forensics- Cell phone forensics- Miscellaneous electronic evidences – Bio- medical and Bio-technological tests.

#### Unit 5

The Science Behind Scientific opinions - Deciphering medical and other forensic evidence opinions – objectivity and cognitive biases - Scope of expert opinion under Indian Evidence Act, 1872 – Role and Positioning of Expert Witness – Ethical Responsibilities –Ascertaining the skill and expertise of expert witness- Judicial discretion in admissibility of expert opinion – Professional Skills of a lawyer to facilitate and confront expert opinion - Standard of proof in appreciation of different streams of expert evidence - Legal requirements in tendering scientific evidences - Judicial appreciation of forensic evidence in the appellate proceedings- Judicial expositions regarding scientific evidences and expert opinions.

#### Suggested Readings:

1. Walsh H.J., Forensic Science: An Introduction to Scientific Crime Detection, (1974)
2. Jhala & Raju's Medical Jurisprudence (Eastern Book Company, (6<sup>th</sup> edn., 1997).
3. Hodge M Malek, Jonathan Auburn, Roderick Bagshaw, Phipson On Evidence, (16<sup>th</sup> edn., 2005).
4. I B Lyon, T D Dogra, Abhijit Rudra; Lyon's Medical Jurisprudence & Toxicology, (2005)

5. V.R. Dinakar, Justice in Genes: Evidential Facets of Forensic DNA Fingerprinting, (1st edn., 2008).
6. Satyendra. K. Kaul and Mbohd.H. Zaidi, Narco Analysis, Brain Mapping, Hypnosis and Lie Detector Tests in Interrogation of Suspect, (2009).
7. Y.R. Rao, Rao and Rao Expert Evidence: Medical and Non-Medical, ( 4th edn., 2010).
8. Sudipto Sarkar &V.R. Manohar, Sarkar Law of Evidence, Vol.1&2, (17th edn., 2010).
9. Alfred Swaine Taylor, The Principles and Practice of Medical Jurisprudence, (2013)
10. V. R. Dinakar ,Scientific Expert Evidence: Determining Probative Value and Admissibility in Court Room, (2013).
11. T.D. Dogra & Abhijit Rudra, Lyon's Medical Jurisprudence and Toxicology (2015).
12. Kaushalendra Kumar, Forensic Ballistics in Criminal Justice (2015).
13. Justice K.Kannan (ed.) Dr. Jaising P. Modi , A Textbook of Medical Jurisprudence and Toxicology, (2017)
14. B.S. Nabar, Forensic Science in Crime Investigation (2018).
15. Woodroffe and Amir Ali, Law of Evidence, vols. 1-4 (2019)
16. B.R. Sharma, Forensic Science in Criminal Investigation and Trials (6<sup>th</sup> edn., 2020).
17. K N Chandrasekaran Pillai, R V Kelker's Criminal Procedure Code, (6<sup>th</sup> edn. 2014, reprinted 2020)

## **SEMESTER IV-COURSE 2**

### **LW020402 - INTERNATIONAL CRIMINAL LAW**

#### **Objective of the Course**

International Criminal Law penalises horrendous criminal acts capable of producing wide-scale harm to humanity and also encompass those crimes that can be considered as 'international' in that they involve actions on persons across the borders. The domestic prosecutions of international crimes have always been a debatable issue and PG students are being provided a window to learn, understand and apply the organic system of international criminal law and criminal justice system in this structured content.

#### **Unit 1**

Introduction to International Criminal Law- Reasons, Scope and significance of International Criminal Law- Identifying Customary Rules in international Criminal Law and state practice- Evolution of an International Criminal Law Regime- Interface between International Criminal Law and Domestic Criminal Law - Need for International Criminal Law – Sources - Time Line and Mile Stones-Transition

from sovereignty centric approach to human being centric approach – From Nuremburg to Rome - The future of International Criminal Law.- Interface with International Humanitarian Law.

## **Unit 2**

International Criminal Law Treaties - International Criminal Tribunals- History -Nuremberg and Tokyo International Military Tribunals and Charters- The establishment of the ICTY- The Security Council involvement in the creation of the Ad Hoc International tribunal-assessment of the work- and the ICTR- International Residual Mechanism for Criminal Tribunals (IRMCT) -Other International Criminal Tribunals established by the United Nations and their Effectiveness- Application of General Principles of International Criminal Law - Principle of legality.

## **Unit 3**

Core International Crimes – Preceding Rome Statute - Rome Statute as a comprehensive catalogue of international crimes- Genocide- Crimes against Humanity- War crimes- The Crime of Aggression - Crimes against Peace - Determinants of ‘core’ international crimes- Crimes associated with drug control – Detering crimes.

## **Unit 4**

International Criminal Court (ICC)- Rome statute and its subscription- Establishment – Relationship between ICC and UN Security Council – Referral Mechanisms- Jurisdiction of International Criminal Court – Related Issues- different types of jurisdiction on national level - Primacy and complementarity of jurisdiction on the international level- Universal jurisdiction-implementation- Jurisdiction of non- party nationals- Practices of States-UN handling the issue of the universal jurisdiction

## **Unit 5**

International Criminal Court (ICC) - Investigation, Trial and Prosecution in ICC - Relevance of identification of customary rules in international criminal law in prosecution of international crimes- Witness Protection – Challenges in trying sexual, gender based violence – Other contemporary issues - Enforcement of decisions- Appeal and Revision - –Victim Reparation and remedies and scale – Compensation for excesses. International Criminal Justice System- Challenges.

## **Suggested Readings**

1. David Steward, International Criminal Law in a Nutshell, (2013)
2. [Roberto Bellelli](#), International Criminal Justice Law and Practice from the Rome Statute to Its Review, Routledge, (2016)
3. [William A. Schabas](#), The Cambridge Companion to International Criminal Law, (2016)
4. [William A. Schabas](#), An Introduction to International Criminal Court, (2017)

5. Roger O'Keefe, International Criminal Law, (2017)
6. Carsten Stahn, A critical introduction to International Criminal Law, (2018)
7. [Robert Cryer](#), [Darryl Robinson](#) and [Sergey Vasiliev](#), An Introduction to International Criminal Law and Procedure, (2019)
8. Robert Cryer, International Criminal law Documents, (2019)
9. Reth Van Schaack & Ronald C Slye, International Criminal Law and Its Enforcement: Cases and Materials, (2020)

**SEMESTER IV-COURSE 3**

**LW020403 - DISSERTATION (EXTERNAL EVALUATION)**

See the regulations and scheme of Examination for the LL.M Course, 2021 admission onwards.

**SEMESTER IV-COURSE 4**

**LW020404 - COURSE VIVA VOCE (EXTERNAL)**

See the regulations and scheme of Examination for the LL.M Course, 2021 admission onwards

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