

## LL.M. Degree Programme (Choice Based Credit System)

### Syllabus

Details (Course /Name)	Internal Assessment (ISA) Max. Marks	Semester Exam. (SEA) Max. Marks	Total Marks	Hrs. Per week	No. of Credits
<b>Semester – I</b>					
Comparative Public Law	30	70	100	04	04
Research Methodology	30	70	100	04	04
Law, Society and Legal Thought	30	70	100	04	04
<b>Semester – II</b>					
Legal Education and Legal Pedagogy	50	50	100	04	04
Specialization Core Course – I	30	70	100	04	04
Specialization Core Course – II	30	70	100	04	04
<b>Semester – III</b>					
Specialization Core Course – III	30	70	100	04	04
Open Elective Course – I				04	04
<b>Semester – IV</b>					
Specialization Core Course – IV	30	70	100	04	04
Open Elective Course – II				04	04
Dissertation					08

## Course Names with Codes

<b>Code</b>	<b>(Course /Name)</b>
LLM 101	Comparative Public Law
LLM 102	Research Methodology
LLM 103	Law, Society and Legal Thought
LLM 201	Legal Education and Legal Pedagogy
LLM 202	Crime, Criminology and Crime Prevention
LLM 203	Contemporary forms of Crime
LLM 204	Patent Law - Creation and Registration
LLM 205	Copyright - Law and Practice
LLM 206	Corporate Law
LLM 207	International Trade Law
LLM 208	Constitutional Theory and Practice
LLM 209	General Principles of Administrative Law
LLM 210	Industrial Relations Law
LLM 211	Law Relating to Industrial Injuries and Social Security
LLM 301	Penology and Treatment of Offenders
LLM 302	Law on Designs, Trademarks and Geographical Indications
LLM 303	Banking and Insurance Law
LLM 304	Constitutional Framework of Governance
LLM 305	Law Relating to Labour Welfare
LLM 401	Victims and Criminal Justice System
LLM 402	Law on Traditional Knowledge, Bio diversity, and Plant Varieties – Promotion and Protection
LLM 403	Consumer and Competition – Law and Practice
LLM 404	Federalism and Intergovernmental Relations
LLM 405	Trade Unionism, Collective Bargaining and Industrial Adjudication
LLM 501	International Criminal Law
LLM 502	Human Rights and Criminal Justice
LLM 503	Juvenile offenders and the Law
LLM 504	Indian Constitution and Criminal Justice Administration
LLM 505	Information Technology and IPR– Law and Practice
LLM 506	Biotechnology and Intellectual Property Rights
LLM 507	International Trade Law

LLM 508	Economic Development and Intellectual Property Rights Law
LLM 509	Investment and Securities Law
LLM 510	Corporate Governance & Human Rights
LLM 511	Corporate Social Responsibility
LLM 512	Business and Trade Law (IPR)
LLM 513	Constitutional Review and Adjudication
LLM 514	Freedom of Expression, Religious pluralism and Minorities
LLM 515	Disadvantageous Groups and Constitutional Framework
LLM 516	Comparative and Global Administrative Law
LLM 517	Law Relating to Service Regulations
LLM 518	Agricultural Labour Law
LLM 519	Dispute Resolution in Labour Management Relations
LLM 520	Laws Relating to Wage Determination and other Benefits
LLM 521	Dissertation

## **Detailed Syllabus**

### **1. COMPARATIVE PUBLIC LAW**

#### **Unit I: Concept of Public Law**

1. Concept of Constitution
  - i. Meaning and Idea of Constitution, Nature and Goals
  - ii. Living Constitution
  - iii. Constitution as Supreme Law

#### **Unit II: Study of Comparative Constitutional Law**

1. Relevance
2. Problems and Concerns in Using Comparison
3. Globalization of Constitution

#### **Unit III: Constitutionalism**

1. Concept, Distinction between Constitution and Constitutionalism
2. Essential features of Constitutionalism -Written Constitution, Separation of Powers, Fundamental Rights, Independence of Judiciary and Judicial Review

#### **Unit IV: Constitutional foundations of powers**

1. Supremacy of Legislature in Law Making
2. Rule of law
3. Separation of powers

#### **Unit V: Concept of State and State Action**

1. Meaning of State
2. State Action and Enforcement of Constitutional Rights

#### **Unit VI: Forms of Governments**

1. Federal and Unitary Forms
2. Features, Advantages and Disadvantages
3. Models of Federalism and Concept of Quasi-federalism
4. Role of Courts in Preserving Federalism
5. Parliamentary and Presidential Forms of Government

#### **Unit VII: Constitutional Review**

1. Methods of Constitutional Review
  - i. Judicial and Political Review
  - ii. Concentrated and Diffused Review
  - iii. Anticipatory and Successive Review
2. Concept and Origin of Judicial Review

### 3. Limitations on Judicial Review

## Unit VIII: Amendment of Constitution

1. Various Methods of Amendment
2. Limitations on Amending Power: Comparative Perspective
3. Theory of Basic Structure: Origin and Development

### Suggested Readings

1. Vicki c. Jackson, *Comparative Constitutional Law*, Foundation Press, 2006
2. Christopher Forsyth, Mark Elliott, Swati Jhaveri, *Effective Judicial Review: A Cornerstone of Good Governance* (Oxford University Press, 2010).
3. D.D. Basu, *Comparative Constitutional Law* ( 2nd ed., Wadhwa Nagpur).
4. David Strauss, *The Living Constitution* (Oxford University Press, 2010)
5. Dr. Subhash C Kashyap, *Framing of Indian Constitution* (Universal Law, 2004)
6. Elizabeth Giussani, *Constitutional and Administrative Law* (Sweet and Maxwell, 2008).
7. Tom Ginsburg and Rosalind Dixon, eds., *Comparative Constitutional Law*, Edward Elgar Publishing, 2011.
8. M.V. Pylee, *Constitution of the World* (Universal, 2006)
9. Mahendra P. Singh, *Comparative Constitutional Law* (Eastern Book Company, 1989).
10. Neal Devins and Louis Fisher, *The Democratic Constitution* (Oxford University Press, 2010)
11. Sudhir Krishna Swamy, *Democracy and constitutionalism in India – A Study of the Basic Structure Doctrine* (Oxford University Press, 2009)
12. Sunil Khilnani, Vikram Raghavan, Arun Thiruvengadam, *Comparative Constitutionalism in South Asia* (Oxford University Press, 2013).
13. Vikram David Amar, Mark Tushnet, *Global Perspectives on Constitutional Law* (Oxford University Press, 2009).
14. Zachery Elkins, Tom Ginsburg, James Melton, *The Endurance of National Constitutions* (Cambridge University Press, 2009).

### ARTICLES

1. David Staruss, “Do we Have a Living Constitution” 59 (4) *Drake Law Review* 973-984 (2011 Summer)
2. Glen Staszewski, “Political Reasons, Deliberative Democracy and Administrative Law”, 97(3) *Iowa Law Review* 849-912 (2012 March):
3. Mark Tushnet, “Returning with Interest: Observations on Some Putative Benefits of Studying Comparative Constitutional Law” 1 U. Pa. J. Const. L. 325
4. Ursula Bentele, Mining for Gold: The Constitutional Court of South Africa's Experience with Comparative Constitutional Law <http://ssrn.com/abstract=1169642>
5. Mark Tushnet, “The Possibilities of Comparative Constitutional Law”, 108 *Yale.L.J.* 1225 (1999).
6. Axel Tschentscher, Comparing Constitutions and International Constitutional Law: A Primer <http://ssrn.com/abstract=1502125>
7. Anne Smith, “Internationalization and Constitutional Borrowing in Drafting Bills of Rights”, 60(4) *International and Comparative Law Quarterly* 867-894 (2011 October).
8. Michael J. Klarman, What's So Great About Constitutionalism? 93 *Nw. U.L. Rev.* 145

9. Aman Ullah and Uzair Samee, "Basic Structure of Constitution: Impact of *Kesavananda Bharati* on Constitutional Status of Fundamental Rights", Vol. 26 (2) *South Asian Studies* 299-309 (July-December 2011).
10. Chhavi Agarwal, "Rule of Law: Reflection upon we the People and Beyond" 252 (1) *Madras Law Journal* 8-16 (2010)
11. Jeremy Waldron The Concept and the Rule of Law Public Law & Legal Theory Research Paper Series New York University School of Law
12. Bruce Ackerman, "The New Separation of Powers" 113 (3) *Harv. L. Rev.* 634-729 (2000)
13. Bryan Clark and Amanda Leiter, "Regulatory hide and seek: What agencies can (and can't) do to limit judicial review" 52(5) *Boston College Law Review* 1687-1732 (2011 November)
14. Daniel B. Rodriguez, "Change that matters: Essay on State Constitutional Development", 115(4) *Penn State Law Review* 1073-1098 (Spring 2011).
15. Daryl Levinson and Richard H. Pildes "Separation of Parties, Not Powers" 119(8) *Harvard Law Review* 2311-2386 (2006).
16. David King, "Formalizing Local Constitutional Standards of Review and the Implications for Federalism" 97 (7) *Virginia Law Review* 1685-1726 (November 2011).
17. Devi Prasad Singh, "Sovereignty, Judicial Review and Separation of Power", 7(5) *Supreme Court Cases* 1-13 (2012 September)
18. Nathan Chapman, "Due Process as Separation of Powers", 121(7) *Yale Law Journal* 1672-1807 (2012 May).
19. K.K. Venugopal, "Separation of Power and the Supreme Court of India", Vol. 2 No. 2 *Journal of Law and Social Policy* 64-82 (July 2008).
20. Jonathan Siegel, "Institutional case for Judicial Review" 97(4) *Iowa Law Review* 1147-1200 (2012 May).
21. Ishwara Bhat, "Why and how Federalism matters in Elimination of Disparities and Promotion of Equal Opportunities for Positive Rights", 54(3) *Journal of the Indian Law Institute* 324-363 (July-Sept 2012).
22. Jessica Bulman, "Federalism as a safeguard of the Separation of Powers", 112(3) *Columbia Law Review* 459-506 (2012 April)
23. Linda Bosniak, "Persons and Citizens in Constitutional Thought" 8 (1) *International Journal of Constitutional Law* 9-29 (January 2010).
24. Quinn Rosenkranz, "Subjects of the Constitution" 62 (5) *Stanford Law Review* 1209-1292 (May 2010)
25. Tom Ginsburg, Eric Posner, "Sub Constitutionalism" 62 (6) *Stanford Law Review* 1583-1628 (June 2010).

## 2. RESEARCH METHODOLOGY

### Unit – 1: Introduction

1. Concept of Reflective Thinking
2. Objectivity in a Research and Importance of research
3. Legal Research, significance and its relevance in Indian society
  - a. Objectives and current trends in legal research
4. Methods of legal research
  - a. Doctrinal or traditional research
  - b. Non doctrinal or empirical research
  - c. Descriptive and analytical research

- d. Applied and fundamental research
  - e. Historical research, case study
5. Scientific Methods in a Research
  6. Relevance of Empirical Research
  7. Induction and Deduction

### **Unit – 2: Identification & formulation of Research Problem**

1. Research Problem
2. Necessary Conditions for the Formulation of Research Problem
3. Sources of a Research Problem
4. Criterion of a Good Research Problem
  - a. Survey of Available Literature and Bibliographical Research.
  - b. Legislative Materials Including Subordinate Legislation, Notification and Policy Statements
  - c. Doctrinal Materials Including Foreign Decisions
  - d. Juristic Writings
  - e. Compilation of List of Reports or Special Studies Conducted Relevant to the Problem

### **Unit – 3: Preparation of the Research Design**

1. Concept of Research Design
2. Need, Features of a Good Research Design
3. Components of an Ideal Research Design
4. Kinds of Research Designs

### **Unit – 4: Formulation of the Research Problem and Literature Review**

- a. Concept of Hypothesis
- b. Salient features and sources of hypothesis
- c. Types of Hypothesis
- d. Hypothesis Formulation
- e. Relation between Hypothesis and theory

### **Unit – 5: Devising Tools and Techniques for Data Collection**

1. Primary data – sources - Observation, Interview, Questionnaire, Schedule
2. Secondary data - Sources of secondary data
3. Methods for the Collection of Statutory and Case Materials and Juristic Literature
4. Use of Historical and Comparative Research Materials
5. Use of Case Studies

### **Unit – 6: Sampling**

- a. Sampling Procedures - Design of Sample, Importance and advantages
- b. Types of Sampling to be adopted

### **Unit – 7: Analysis and Interpretation of Data**

- a. Analysis of data, legal inputs in analysis –
- b. Tabulation of data, - Use of Cards for Data Collection – Rules for Tabulation, Explanation of Tabulated Data
- c. Use of graphs, statistics in research,
- d. Simple methods or Mean and Mode methods in interpretation of data
- e. Use of scaling techniques

- f. Jurimetrics

### **Unit – 8: Computerized Research**

- a. A study of Legal Research Programmes such as Lexis Nexis and West Law coding
- b. Internet material and its application in legal research
- c. Library and its use in legal research

### **Unit – 9: Research Report**

- a. Parts of a Report,
- b. Contents of report,
- c. Steps in preparing the report in general
- d. Rules of Citation

### **Suggested Readings**

1. Good & Hatt (1952) – Methods in Social Research, New York: McGraw Hill Book Co.
2. Young, Pauling, V (1973) – Scientific Social Surveys & Research, Delhi, Prince Hall of India Pvt., Ltd.
3. Jahoda - Research in Social Science: Theories of Research.
4. Upendra Baxi (1975) – Socio –Legal Research on India: A programs chirift, ICSSR 12, Occasional Monograph.
5. Black James, A. & Champion, Dean, J. (1976) – Methods and Issues in Social Research (John Wiley and Sons, Inc., N.Y.)
6. Ervin, H. Pollack (1967) – Fundamentals of Legal Research.
7. Goode William J. and Hatt Paul K., *Methods in Social Research*, McGraw-Hill Book Company, London (1981)
8. Harvard Law Review Association, *The Blue Book: A Uniform System of Citation*, 18<sup>th</sup> Edition (2008)
9. S.K.Verma and M. Afzal Wani (ed), *Legal Research and Methodology*, 2nd Edition, ILI Publication (2009)
10. Jonathan Anderson, Poole Millicent E., *Thesis and Assignment Writing*, John Wiley & Sons Inc. (2002)

### **Additional Readings:**

1. Whitney-The Elements of Research.
2. Sellitiz, Jahoda et al, (1965) - Research Methods in Social Relations (Great Britain, Methuen and Co.)
3. Festinger L. and Katz David (1970) – Research methods in the Behavioral Science (Delhi Amering Publishing)
4. Madge, John (1962)-Tools of social sciences (N.Y. Free Press).
5. Parten, M.B. (1950)- surveys polls and samples (N.Y. Harper) (1965)-Reprint.
6. Lazarsfeld, Paul F. (1967)-The Language of social research (N.Y. Free Press.)
7. Miller D. (1970)-Hand book of Research and Social Measurement (David McKay Co., Inc.)
8. Russel L.Ackoff (1953)- The Design of Social Research (University of Chicago Press).
9. Toofhil N.A.-Methods of Social Research (1966) – Popular Prakasam, Bombay.
10. Lin Nan (1976) – Foundations of Social Research (McGraw Hill Book Co., New York).



11. Blalock, Jr. Hubert M. and Blalock, B. Ed (1968) – Methodology in Social Research, (McGraw Hill Book Co., N.Y.)
12. Fox, David J. (1969) – The Research Process in Education, (Holt Rinehart and Winston Inc., N.Y.)

### **3. LAW, SOCIETY AND LEGAL THOUGHT**

#### **Unit 1: Concept of Law & Justice**

1. Meaning, Kinds and Role Law of justice in society
2. Relation between Law and Justice
3. Approaches of different schools
4. Concept of justice or dharma in Indian Thought and in the Indian Constitutional Scheme
5. The concept and various theories of justice in modern Western thought
  - i. Rawl's
  - ii. Nozick
  - iii. Dworkin

#### **Unit 2: Contemporary Legal Thought**

1. Feminist critique and gender bias in law
2. Radical critique of law and justice
3. Critical legal studies

#### **Unit 3: Judicial Process**

1. Nature of judicial process - independence of the judiciary
2. Methods of Judicial interpretation
3. Judicial activism and creativity of the Supreme Court - the tools and techniques of creativity.
4. Judicial process in pursuit of constitutional goals and values

#### **Unit 4: Judicial Law- Making**

1. Introduction to Precedent
2. Doctrine of Stare decisis in theory and practice
3. Ratio Decidendi and Tests to determine the ratio decidendi, obiter dicta
4. Overruling, Prospective Overruling, Distinguishing trends
5. Precedent in Common law vs. Precedent in Civil countries
6. Precedent in India

#### **Unit 5: Social Change**

1. Understanding Social Change

2. Meaning of Social Change
  - i. Change in Social Structure
  - ii. Change in Social Institutions
  - iii. Change in Social Behaviour
  - iv. Change in Social Relations
3. Cause of Social Change
  - i. Materialistic and Idealistic
4. Factors of Social Change
  - i. Physical Environment
  - ii. Population
  - iii. Isolation and Contact

#### **Unit 6: Theories of Social Change**

1. Western Theories
  - i. Evolutionary theory
  - ii. Revolutionary
  - iii. Conflict Theory
  - iv. Cyclical Theory
  - v. Functionalist/Equilibrium Theory
2. Indian Theories
  - i. Sanskritization
  - ii. Westernization/Modernization

#### **Unit 7: Correlation between Law and Social Change**

1. Law as an Instrument of Social Change
2. Institutionalization and Internalization of law

#### **Unit 8: Role of Legal Institutions, Law and Social Transformation**

1. The Role of Law Commission in transforming the Law
2. The Role of Judiciary in Expanding the horizons of Law-New Rights  
Philosophy-Public Interest Litigation
3. Role of Legislature and Executive in reforming the Law: Social Stratification  
and Agrarian Reforms

#### **Suggested reading:**

1. M.N. Srinivas, Social Change in Modern India, Orient Black Swan
2. Yogendra Sing, Social Change in India: Crisis and Resilience, Har Anand Pub

3. B. Kuppaswamy and B.V. Kumar, Social Change In India, Konark Publisher Pvt Ltd-delhi
4. Yogendra Singh, Social Stratification and Change in India, Manohar Pub.
5. Roscoe Pound, Introduction to Philosophy of Law, Transaction Publishers 1954) Chs.1,2 & 3
6. Roscoe Pound, Jurisprudence, The Law Books Exchange, New Jersey, (1959) Vol. 1 Part I & II
7. Bodenheimer, Jurisprudence, Harvard University Press, (1974) Part I
8. Friedmann, Legal Theory, Stevens & Sons Ltd., (1967)
9. Lon. L. Fuller, Anatomy of Law, Stanford University Press, California, (1984)
10. Lon. L. Fuller, The Morality of Law, The University of California, (1995) Reprint
11. H.L.A. Hart , The Concept of Law, Oxford University Press, (2012) Reprint
12. John Rawls, A theory of Justice, Oxford University Press (1972)
13. Amartya Sen, The idea of Justice, Harvard University Press & London: Allen Lane, (2009)
14. H.M. Seervai, Constitutional Law of India, N.M. Tripathi and Sweet and Maxwell

## **1. LEGAL EDUCATION AND LEGAL PEDAGOGY**

### **1. Legal Education in India: Trends**

#### **Unit I: Legal Education and its transformation**

1. Efforts by BCI
2. UGC
3. State

#### **2. Ideas of Justice and Justice Education**

#### **Unit II: Ideas of Justice**

1. Libertarianism
2. Utilitarianism
3. Egalitarianism and Distributive Justice
4. Capabilities Approach to Justice
5. Relationship between Law and Justice

#### **Unit III: Justice Education**

1. Legal Education in India: Focus and Emphasis
2. Need for a Shift from Legal Education to Justice Education

#### **Unit IV: Clinical Legal Education**

1. Rationale in Introducing the Clinical Curricula
2. Justice Oriented Approach in Clinical Methods
3. Issues in Implementing the Clinical Curricula

### **3. Methods of Teaching, Evaluation and Supervision**

#### **Unit V: Teaching Methods in Law**

1. Role of a Law Teacher
2. Teaching Methods
  - i. Lecture Method
  - ii. Case Method
  - iii. Problem Method

- iv. Discussion Method
- v. Simulation and Role Play
- vi. Collaborative Teaching
- vii. Seminar Method
- viii. Other methods

#### **Unit VI: Learning Objectives and Curriculum Planning**

1. Curriculum Planning
2. Developing Teaching Plans

#### **Unit VII: Teaching Professional Values and Skills**

1. Identifying Professional Values and Skills
2. Employing Clinical Methods in Law Teaching
3. Practical Training Courses and Skills Training
4. Client Counseling
5. Negotiation and Mediation

#### **Unit VIII: Evaluation of Student's Performance**

1. Examination System
2. Problems in Evaluation
3. Methods of Evaluation – Continuous Evaluation and End – term Exams and Assessment
4. Supervision
  - i. Research Supervision and Inculcation of Good Practices
  - ii. Extension Services – Legal Aid and Legal Awareness
  - iii. Internships
  - iv. Placements

#### **Suggested Readings**

1. Louise G. Trubek (Edt.), *Educating for Justice Around the World: Legal Education, Legal Practice and the Community*, (Ashgate Publishing Company, USA 1997)
2. Madhava Menon, *Legal Education for Professional Responsibility – An Appraisal of the New Pattern, Legal Education in India Status and Problems* (BCI Trust, New Delhi 1983).
3. P.L. Mehta, Sushma Gupta, *Legal Education and Profession in India* (2000).
4. N. R. Madhava Menon (ed.) *Clinical Legal Education: Concept and Concerns, A Handbook on Clinical Legal Education* (Eastern Book Co., 1998).
5. S. Agrawala, *Legal Education in India* (West Publishing Company, 1973).
6. S.P. Sathe, *Access to Legal Education and the Legal Profession in India*, (Rajeev Dhavan Ed., Butterworths, London, 1989).
7. S.K. Sharma, *Legal Profession in India, Sociology of Law and Legal Profession: A Study of Relations between Lawyers and their Clients* (Rawat Publications, Jaipur, 1984).
8. Gerald F. Hess and Steven Friedland, *Techniques for Teaching Law*

#### **ARTICLES**

1. Andrew Petter, A closet within the house: Learning Objectives and the Law School Curriculum, *Essays on Legal Education*, Butterworths (1982).
2. A.S. Anand, Legal Education in India - Past, Present and Future, 3 *S.C.C. (Jour.)* 1 (1998).

3. A.T. Markose, "A Brief History of the Steps taken in India for Reform of Legal Education", 68 *Journal of the All India Law Teachers Association* (1968).
4. Antoinette Sedillo Lopez, "Learning Through Service In A Clinical Setting: The Effect Of Specialization On Social Justice And Skills Training", 7 *Clinical Law Review* 307 (2000-2001).
5. D.A. Desai, "Role and Structure of Legal Profession", XXII *IBR* (1995).
6. D.C. Mukherjee, "Practical Side of Law Teaching", 2 *Journal of Bar Council of India*, (1973).
7. Frank J. Macchiarola, "Teaching in Law School: What are we doing and What More Has to be done?" 71 *U. Det. Mercy L. Rev.* (1994).
8. Frank S. Bloch and M. R. K. Prasad, "Institutionalizing A Social Justice Mission for Clinical Legal Education: Cross-National Currents from India and the United States", 13 *Clinical Law Review* 165 (2006-2007).
8. Frank S. Bloch, Iqbal S. Ishar, "Legal Aid, Public Service and Clinical Legal Education: Future Directions from India and the United State", *Mic. J. Int'l. L.* (1990).
9. Jagat Narain, "Legal Aid – Litigational or Educational: An Indian Experiment", 28 *J.I.L.I.* (1986).
10. Jennifer Howard, learning to "Think Like A Lawyer" Through Experience, 2 *Clinical Law Review* 167 (1995).
11. Jon C. Dubin, "Clinical design for Social Justice Imperatives", 51 *S.M.U. L. REV.* 1461 (1997-1998).
12. Justice Ranganath Misra, "Supreme Court Legal Aid Committee, New Delhi: Its Aims, Activities and Achievements", 5 *SCC Jour.* (1995).
13. Madhava Menon N.R., "Restructuring the Legal Profession for Strengthening Administration of Justice", XXII, *IBR* (1995).
14. Madhava Menon., "Legal Education for Professionals Responsibility – An Appraisal of the Five-Year LL.B. Course", XII, *Bar Council Review* (1986)
15. Mohammad Ghouse, "Legal Education in India: Problems and Perspective", (Book review) 19 *J.I.L.I.* (1977).
16. Upendra Baxi, "Notes Towards Socially Relevant Legal Education: A Working Paper for the UGC Regional Workshop in Law", 51 *Journal of the Bar Council of India* (1975-76).
17. Upendra Baxi, "The Pathology of the Indian Legal Professions", XXII *IBR*, (1995).

## REPORTS

1. American Bar Association, Section of Legal Education and Admissions to the Bar, Legal Education and Profession Development – An Educational Continuum, *Report of the Task Force on Law Schools and the Profession: Narrowing the Gap*, (ABA 1992).
2. Government of India, Ministry of Law, Justice and Company Affairs, Department of Legal Affairs, *Report of Expert Committee on Legal Aid: Processual Justice to the People* (1973).
3. Government of India, Ministry of Law, Justice and Company affairs, Department of Legal Affairs, *Report on National Juridicare: Equal Justice – Social Justice* (1977).
4. Law Commission of India, *14<sup>th</sup> Report on Reform of Judicial Administration* (1958).
5. Law Commission of India, *184<sup>th</sup> Report on The Legal Education and Professional Training and Proposal for Amendments to the Advocates Act 1961 and the University Grants Commission Act 1956*.
6. Report on Access to Justice for Marginalized People – A Study of Law School Based Legal Services Clinics UNDP (2011).

## **SPECIALIZATION: CRIMINAL LAW**

### **CORE COURSES**

1. Crime, Criminology and Crime Prevention
2. Contemporary Forms of Crime
3. Penology and Treatment of Offenders
4. Victims and Criminal Justice System

### **Elective Courses**

5. International Criminal Law
6. Human Rights and Criminal Justice
7. Juvenile offenders and the Law
8. Indian Constitution and Criminal Justice Administration

### **Scheme of Arrangement of Courses Semester wise**

<b>Semester No</b>	<b>Core Course</b>
Semester – II	Crime, Criminology and Crime Prevention
	Contemporary Forms of Crime
Semester – III	Penology and Treatment of Offenders
Semester – IV	Victims and Criminal Justice System

### **Electives**

International Criminal Law
Human Rights and Criminal Justice
Juvenile offenders and the Law
Indian Constitution and Criminal Justice Administration

## **Detailed Syllabus**

### **I- CRIME, CRIMINOLOGY AND CRIME PREVENTION**

#### **Unit -1 Fundamentals**

1. Definition and Nature of Crime
2. Theories relating to crime
3. Criminology-Nature, Origin, Scope
4. Criminology as a Social Science & Interrelations with other Sciences-
5. Relevance of criminology to contemporary society.

#### **Unit – 2 Schools of Criminology**

1. Pre-Classical school
2. Classical school
3. Neo–Classical school
4. Positive school
5. Biological school
6. Sociological Schools
7. Clinical Schools

#### **Unit –3 Crime, Criminal Typology**

1. Classification of Offenses
2. Classification of Offenders
  - a. Adult and Juvenile offenders
  - b. Habitual offenders
  - c. Professional Offenders
3. Violent offenders.
4. Victimless Criminals

#### **Unit- 4 Crime Prevention**

1. Police and Law enforcement
2. Functions of Police under Criminal laws including Indian Police Act, 1861
3. Role of Police Crime prevention strategies
4. Role of Police and Witness Protection
5. Police reforms

#### **Unit 5: Investigation and Emerging Scientific Techniques**

1. Modernization and Professionalism in Police system
2. Recording of Statements by Police
3. Evidentiary value of statements/articles seized/collected by the Police
4. Collection of evidence and use of Scientific Techniques
  - a. Lie detector
  - b. Narco Analysis

#### **Unit 6: Forensic Sciences in Criminal Cases**

1. The basic question in investigation- Qui Bono
2. The scene of crime;

3. Discovery of traces of physical evidence;
4. Classification and reference to classified record:
5. Systematization and classification of physical evidence and comparison with suspected material;
6. The principles of exchange;
7. The principles of heredity, Taxonomy etc.

### **Unit 7: Police Deviance**

1. Police atrocities
2. Custodial Violence
3. Encounter Killings
4. Corruption

### **Unit 8: Authorities to Control Deviance**

1. Vigilance Commission
2. Public Accounts Committee Ombudsman
3. Ombudsman
4. State Police Complaints Authority
5. Human Rights Commission – National and State
6. Commissions of Enquiry
7. Prevention of Corruption Act, 1947
8. Police Deviance and Supreme Court rulings

### **Suggested Readings**

1. Ahmed Siddique, (1993) Criminology, Problems and Perspectives, Eastern Book House, Lucknow.
2. Conklin, John. E., (2001) Criminology, Macmillan Publishing Company.
3. George Vold and Thomas J. Bernard (1986) New Horizons in Criminology, Prentice Hall, New Delhi.
4. Sandra W, Understanding Criminology: Current Theoretical Debates, Open University Press, 2007(3<sup>rd</sup>ed.)
5. Paranjape, N.V. (2002), Criminology and Penology, Central Law Publications, Allahabad.
6. N. Prabhu Unnithan, Crime & Justice in India, Sage Publications.
7. Crime in India, (2010, 2011) National Crime Record Bureau, Ministry of Home Affairs, New Delhi.
8. Rajendra Kumar Sharma, Criminology & Penology, Atlantic Publishers.
9. Ranevan Swaaningen, Critical Criminology visions from Europe, Sage Publications, New Delhi.
10. Justice V.R. KrishnaIyer, Criminology, Law and Social Change.
11. Ram Ahuja, Criminology, Rawat Publication New Delhi.
12. Girjesh Shukla, Criminology, Lexis Nexis, Gurgaon.
13. Govind Singh, Anatomy of Crime & Criminology, Cyber Tech Publication, New Delhi.
14. Eugene Mclaugulin and John Muncie, The Sage Dictionary of Criminology, Sage Publications.
15. Diaz, S.M., 1976, New Dimensions, of the Police Role and functions in India Published by the National Police Academy, Hyderabad.
16. Gupta, A., Police in British India -1886 to 1947 Concept Publishing Co., New Delhi.



17. Nehad Ashraf, 1992, Police and Policing in India, Common Wealth Publishers House, New Delhi.
18. Parmar, M.S., 1992, Problems of Police Administration, Reliance Publishing House, New Delhi.
19. Sethi, R.B., 1983, The Police Acts, Law Book Co., Allahabad.
20. Sharma B.R.: Forensic Science.
21. Forensic Science in criminal Investigation Dr. Jaishankar and Amin
22. Fundamentals of Forensic Science by Max M. Houck, Jay Siegel
23. Forensic Science In Criminal Investigation And Trials: Sharma

## 2. CONTEMPORARY FORMS OF CRIME

- Unit I            White Collar Crime**
1. Nature, meaning and characteristics
  2. Contributory factors and Impact
  3. Kinds of White-Collar Crime
  4. Difference between Traditional Crimes and White-Collar Crimes
  5. Preventing and Controlling white collar crime
- Unit II            Organized Crime**
1. Nature, meaning and characteristics
  2. Kinds of Organized crimes –Drug trafficking, immoral trafficking
  3. Regional and international linkages
  4. Problems and issues
  5. Prevention and control strategies.
- Unit III           Terrorism**
1. Nature, meaning
  2. Impact of terrorism
  3. Types of terrorism
  4. National and international roots of terrorism
  5. Prevention and Control mechanisms
- Unit IV           National Security and Terrorism**
1. Preventive Detention
  2. Unlawful Activities (Prevention) Act, 1967
  3. National Investigation Agency Act 2008 (NIAA)
  4. National Investigative Agency
  5. Armed Forces (Special Powers) Act,1958 and Crimes against Humanity
- Unit V            Cyber Crime**
1. Nature, meaning, definition and etiology
  2. Kinds of cyber crimes
  3. Prevention, detection and prosecution of cyber criminals
  4. Provisions to prevent and control Cyber Crimes under Information Technology Act, 2000
  5. Issues and concerns
- Unit VI            Environmental Crimes**
1. Nature, meaning and forms
  2. Crime against wild life: Fauna & Flora
  3. Crime against forest conservation.
  4. Industrial waste and pollution

5. River pollution
6. Social and legal measures for controlling crime.

**Unit VII Collective Violence**

1. Notion of 'force', 'coercion', 'violence',
2. Distinctions: Symbolic violence, Institutionalized violence structural violence,
3. Speech as an incitement to violence,
4. 'Collective political violence' and legal order.

**Unit VIII: Communal Violence**

1. Incidence and courses of communal violence,
2. Findings of various commissions of inquiry,
3. The Role of police and paramilitary systems in dealing with communal violence,
4. Criminal justice administration in relation to - communal violence

**Suggested Readings**

1. Gandhirajan, C K 2004, Organized crime, A P H Publishing Corporation
2. Nair, P M 2002, Combating Organized crime, Konark Publishers
3. Karan Raj, 2002, Dictionary of Terrorism and Bioterrorism, IVY Publishing House, Delhi.
4. V Grover, 2002, Encyclopedia of International Terrorism, Vol. 1,2 &3, Deep & Deep Publications, New Delhi.
5. Shah, Giriraj, 2002, Encyclopedia of International Terrorism, Anmol Publications, New Delhi.
6. Holmes, Ronald M, 2001, Murder in America, Sage Publications, New Delhi.
7. Cambridge University Press, 2001, White Collar Crime Explosion: How to protect yourself and your company from prosecution
8. Kelly, Robert J, 2000, Encyclopedia of Organized Crime in the United States from Capone's Chicago to the New Urban Underworld, Greenwood Press, Westport. London.
9. Viano, Emilio C 2000 Global Organized Crime and International Security, Ashgate Publishing Limited
10. Situ, Yingyi, 2000, Environmental Crime: The Criminal Justice System,s Role in Protecting the Environment, Sage Publications, New Delhi.
11. Viano, Emilo C, 1999, Global Organized Crime and International Security, Ashgate, Aldershot
12. Holmes, Ronald M, 1998, Contemporary Perspectives on Serial Murder, Sage Publications, New Delhi.
13. Holmes, Ronald M, 1998, Serial Murder, Sage Publications, New Delhi.
14. Mishra, Girish, 1998, White-collar Crimes, Gyan Publishing House, New Delhi
15. Lyman, Michael D, 1997, Organized Crime, Prentice Hall, Upper Saddle River
16. Lyman, Florentini & Peltzman, 1995, The Economics of Organised Crime, Cambridge University Press
17. Rakesh, M, 1994, Computer Crimes: Concept, Control and Prevention. Goyal Sysman Computers Pvt Ltd. Bombay.
18. Nash, Jay Robert, 1992, World Encyclopedias of Organized Crime, Paragon House, New York
19. Mc Graw Hills Inc New York, 1992, Combating Computer Crime: Prevention, Detection and Investigation.

20. Pace, Denny F, 1991, Concepts of Vice, Narcotics & Organized Crime, Prentice Hall Inc
21. Ghosh, S K, 1991, Indian Mafia, Ashish Publishing House
22. Sain, Bhim, 1991, Drug Addiction Alcoholism, Smoking Obscenity and its Impact on Crimes, Terrorism and Social Security, Mittal Publications, New Delhi.
23. Keith, W Barrington, 1990, World's greatest Crimes: Murder, Robbery and Mayhem from 1900 to the present day, Hamlyn, London.
24. Attar Chand, 1988, Terrorism: Political Violence and Security of Nations, Gian Publishing House, New Delhi.
25. Sachdeva, Updesh Singh, 1987, Frauds & Bankers, UDH Publishing House
26. Rosie, George, 1986, Directory of International Terrorism, Mainstream Publishing Co. Edinburgh.
27. Coleman, James W, 1985, Criminal Elite: The Sociology of White-Collar Crime, St. Martin's Press Inc. New York
28. Bologna, Jack, 1984, Corporate Fraud, Butterworth Publishers
29. Clinnard, Marshall B, 1983, Corporate Ethics & Crime, Sage Publications
30. Clinard B & Yeager C Peter, 1980, Corporate Crime, McMillan Publishing Co.,

### **3. PENOLOGY AND TREATMENT OF OFFENDERS**

#### **Unit- 1 Concept of Punishment and its Justification**

1. Concept of Penology
2. Nature, meaning and characteristics of punishment
3. Theories of punishment
4. Forms of Punishment in ancient, medieval and modern times.
5. Efficacy of punishment
6. Emerging trends

#### **Unit II Sentences and Principles of Sentencing**

1. Principal types of sentences in the Penal Code and special laws
2. Pre-sentence hearing
3. Rationales for sentencing
4. Judicial sentencing
5. Plea Bargaining

#### **Unit III Judicial Approach to Sentencing**

1. Capital Punishment
  - a. Abolition or retention of capital sentence
  - b. Role of judiciary and capital sentence
2. Life Imprisonment
3. Sentencing in white collar crime
4. Sentencing for habitual offenders
5. Sentencing for young offenders
6. Sentencing for first time offenders

**Unit IV Institutionalized Form of Treatment**

1. Meaning and purpose
2. Correctional institutions
  - a. Prison as correctional institute
  - b. Prison Administration
  - c. Prison Reforms
  - d. Open air Prisons
3. Correctional programs, counseling and psychological services.
4. Vocational training and work programmes
5. Remission, temporary release, pre-mature release and after care services.

**Unit V Non- Institutional Form of Treatment**

1. Meaning, purpose and types
2. Probation, meaning, scope -Probation of Offenders Act and other laws.
3. Parole, meaning scope and legal provisions
4. After care and rehabilitation services
5. Role of NGO's in supervision and rehabilitation.

**Suggested Readings**

1. Ahmed Siddique, (1993) Criminology, Problems and Perspectives, Eastern Book House, Lucknow.
2. Law Commission of India, Forty Second Report Ch.3 (1971)
3. N.V. Paranjape—Criminology and Penology, Central Law Publications, Allahabad.
4. Tapas Kumar Benerjee, Background to Indian Criminal Law (1990), R. Campray & Co., Calcutta.
5. Dr.S.S. Srivastava, 4th ed. 2012, Jain Book Agency, New Delhi.
6. Girish Kathapalia, Criminology & Prison Reforms, Lexis Nexis, New Delhi.
7. Dr. Krishna Palmalik, Penology, Victimology & Correctional Administration in India, Jain Book Agency, New Delhi.
8. N. Prabhu Unnithan, Crime & Justice in India, Sage Publications.

**4. VICTIM AND CRIMINAL JUSTICE SYSTEM****Unit I: Victim and Victimology:**

1. Definition, scope, historical development
2. Basic Concepts of Victimology -Demographic Characteristics
3. Scope and Objectives
4. International and National perspectives on role and responsibilities towards victims

**Unit II: Patterns of Crime Victimization**

1. Typologies of Victims
2. Victims of traditional crimes
3. Victim of abuse of power.
4. Women and crime victimization.
5. Children and crime victimization.
6. Organized victimization

**Unit III: Impact of Victimization**

1. Physical and financial impact of victimization.
2. Victimization: Impact on family.
3. Psychological stress and trauma.
4. Criminal, victimization, sense of security and socio-economic development

**Unit IV and V: Criminal Justice System and Victim**

1. CJS and victim relationship
2. Victim and Police: Lodging of FIR & recording of statement.
3. Deposition and cross-examination in courts.
4. Secondary victimization
5. Role of NGO: Victim-Witness Association, Victim Association

**Unit VI: Compensation and Assistance to Victim**

1. Concept, meaning & importance for society & criminal justice system.
2. Restitution, ex-gratia payment & insurance.
3. Victim Compensation in India: Provisions under Cr. P.C, SC ST Atrocities (Prevention) Act, etc.
4. Victim Assistance and Protection

**Unit VII: Victim Protection and Provisions lay down under the Indian Constitution****Unit VIII: Role of Judiciary in Victim Compensation****Suggested Readings**

1. Aloysius Irudayam and Jayashree P. Mangubhai (2004) Adivasis Speak Out, Books for change, Bangalore.
2. Bajpai, Asha (2004) Child Rights in India, Oxford University Press.
3. Human Rights Watch (1999) Broken People, New York.
4. National Campaign on Dalit Human Rights (2000) Dalit Human Rights Violation Vol. 1 Chennai.
5. Prakash Talwar, Victimology, Jain Book Agency, New Delhi.
6. Gurpeet Singh Randhwa, Victimology-Compensating Jurisprudence, Jain Book Agency, New Delhi
7. Gerry Johnstone, Restorative Justice – Ideas, Values, Debates, Jain Book Agency, New Delhi.
8. N.V. Paranjape, Crime and Punishment, Trends & Reflections, Lexis Nexis.

**5. INTERNATIONAL CRIMINAL LAW****Unit 1: Introduction**

1. International Criminal Law: Meaning, Nature and Scope
2. Legal Systems and Criminal justice Systems in the World
  - a. Adversarial Criminal Justice System
  - b. Inquisitorial Criminal Justice System

3. Sources of International Criminal Law
4. Individual Legal Personality
5. International Criminalization Process

### **Unit 2: International Criminal Tribunals and Prosecution**

1. *Ad Hoc* Tribunals
2. Nuremberg Tribunals
3. Tokyo Tribunal
4. ICTY
5. ICTR
6. Internationalized Domestic Criminal Tribunals
7. International Criminal Court
  - i. Rome Statute of the International Criminal Court
  - ii. Structure of ICC
  - iii. Scope of Jurisdiction & Principle of Complimentarily

### **Unit 3: International Crimes**

1. Terrorism
2. War Crimes
3. Crime against Peace and Humanity
4. Genocide
5. Crime of Aggression

### **Unit 4: Defenses under International Criminal Law**

1. Defenses under ICC statute
2. Superior Orders
3. Duress and Necessity
4. Self Defense
5. Intoxication
6. Mistake of Fact or Law
7. Mental incapacity

### **Unit 5: State jurisdiction and immunities**

1. Criminal Jurisdiction
  - a. Territorial Jurisdiction
  - b. Subjective Territoriality
  - c. Objective Territoriality
  - d. Extra Territorial Jurisdiction
  - e. Active Personality Principle
  - f. Passive Personality Jurisdiction
  - g. Protective Principle
  - h. Universal Jurisdiction
  - i. International Criminal Jurisdiction
2. Immunities
  - a. Immunity – Meaning under International Law
  - b. Act of State Doctrine
  - c. Immunity under Domestic Law and *Jus Cogens* norms

### **Unit 6: Crime Prevention, Prosecution and Criminal Justice**

1. Extradition

2. Extradition Process – General Principles
  - a. Double Criminality
  - b. Specialty
  - c. Re Extradition
  - d. Political Offence Exception
  - e. Capital Punishment
  - f. Fiscal Offences and Offences Under Military Law
  - g. Double Jeopardy
  - h. Surrender of Nationals
  - i. The Rule of Non-Inquiry
3. Extradition and International Human Rights Instruments
  - a. ICCPR
  - b. Convention against Torture, Cruel, Inhuman, Degrading Treatment and Punishment
  - c. The Soering principle and Deportation
  - d. Extradition and Domestic Fair Trial Safeguards
4. Abduction
  - a. The *male captus, bene detentus* rule
  - b. The Doctrine of Abuse of Process

#### **Unit 7: Mutual Assistance**

1. UN Model Treaty on Mutual Legal Assistance
2. European Convention on Mutual Assistance in Criminal Matters
3. Interpol & EU initiatives

#### **Suggested Readings**

1. Bantekas, Ilias. Nash, Susan, *International Criminal Law*, Routledge – Cavendish (2003)
2. Bassio M. Cherif, *Draft International Criminal Code & Draft Statute for International Criminal Tribunal*, Martinis Nishoff Pub. (1987)
3. Cassese, Antonio and Gaeta, Paola, *Cassese's International Criminal Law*, 3<sup>rd</sup> Ed., Oxford University Press, USA (2013)
4. Ebbe, Obi N. Ignatius, *Comparative and International Criminal Justice Systems: Policing, Judiciary and Correction*, Boston/Buttersworth Heinemann (1996)
5. Ferdinandusse Ward N., *Direct Application of International Criminal Law in National Courts*, The Hague, Netherlands/T.M.C. Asser Press (2006)
6. Grant John P. Barker J. Craig, *International Criminal Law*, Deskbook, (1st Edition). London/Cavendish Publishing Limited (2006)
7. Henham, Ralph. Findlay, Mark, *Transforming International Criminal Justice*, (1<sup>st</sup> Edition). USA/William Publishing (2006)
8. Kittichaisaree K., *International Criminal Law*, Oxford University Press/New York (2001)
9. Knut Dormann, *Elements of War Crimes Under the Rome Statute of the International Criminal Court*, New York/Cambridge University Press (2003)
10. Schaack, Beth Van, Slye Ronald C., *International Criminal Law and its Enforcement*, West Group, USA (2007)
11. Schaack, Beth Van, Slye Ronald C., *International Criminal Law: The Essentials*, Aspen Publishers (2008)

12. Van, Alebeek Rosanne, *Immunity of States and their Officials in International Criminal Law and International Human Rights Law*, (1st Edition), New York/Oxford University Press (2008)

## 6. HUMAN RIGHTS AND CRIMINAL JUSTICE

### Unit I: Human Rights in Criminal Justice Administration

1. Meaning, nature and scope of human rights
2. Historical development of human rights.
3. Human rights laws and State obligations
4. Human rights and the Indian criminal justice administration.

### Unit II: Human Rights and the Constitution of India

1. Incorporation of Specific Human Rights
  - a. Right to Life, Liberty and Equality
  - b. Right to fair hearing in the court
  - c. Right to freedom from torture and other cruel and inhuman degrading treatment.
  - d. Rights of the Accused
  - e. Prisoner's Rights
  - f. Victims' Rights
2. Relevant Provisions under Cr.P.C.
3. Relevant Provisions of Indian Evidence Act

### Unit III: Human Rights Violations in India

1. Police atrocities and Accountability
2. Violence against women and children
3. Communal Violence
4. Caste and Class conflicts
5. Terrorism and Insurgency
6. Under trials and Prison Inmates
7. Marginalized sections

### Unit IV: Institutional Mechanisms for Protection of Human Rights

1. Perpetrators and Victims of Human Rights
2. Judiciary
3. Specialized National agencies: Minorities Commission, SC/ST Commission
4. Human Right Organizations, Commissions and Committees
5. National human Rights Commission
6. State Human Rights Commission
7. Role of National and International NGOs
8. Emerging regime of New Human Rights in India
9. Guidance from Directive Principles of State Policy and Fundamental Duties: New Approach

### Unit V: Problems of Enforcement of Human Rights

1. Impediments in Access to Justice
2. Abuse of executive power



3. Lack of accountability and openness in government functioning
4. Role of civil society and social prejudices against caste, class, and marginalized sections.
5. Shortcomings in criminal justice delivery system
6. Lack of Human Rights education and sensitization

**Unit VI: Administration of criminal Justice**

1. Ordinary Courts Special Courts,
2. District & State Human Rights Courts,
3. International Criminal Court,
4. International norms on administration of criminal justice –
5. U.N. General Assembly Resolutions.

**Suggested Readings**

1. Awasthi, S K, 2004, Law relating to Protection of Human Rights, Orient Publishing Co., Allahabad
2. Mathur, Krishna Mohan, 2003, Challenges to Police, Human Rights and National Security, Kalpaz Publications, Delhi
3. Deshta, Sunil, 2003, Fundamental Human Rights, Deep & Deep Publications, New Delhi.
4. Gupta, D N, 2003, Human Rights, Kalpaz Publications, Delhi
5. Symonides, Janus, 2003, Human Rights, Rawat Publications, Jaipur
6. Neyroud, Peter, 2003, Policing Ethics and Human Rights, Lawman (Inc) Pvt Ltd, New Delhi.
7. Thakur, L K, 2002, Pota and other Human Rights, Authors Press, Delhi.
8. Giriraj Shah & K N Gupta, 2001, Human Rights Free and Equal, Anmol Publications, New Delhi.
9. Mathur, K M, 1996, Crime, Human Rights& National Security, Gyan Publishing House, New Delhi
10. Fundamental Rights and Doctrine of Sovereign Immunity: Reflections on the Indian Constitution for the Protection of Human Rights. (1995) Sheridan Book Co New Delhi.
11. Taylor & Francis, 1996, Encyclopedia of Human Rights Washington

## **7. JUVENILE OFFENDERS AND THE LAW**

**Unit 1: Basic Concepts**

1. Definition; nature, extent and forms of juvenile delinquency
2. The conception of child in Indian Constitution and Penal Code
3. Juveniles in conflict with law.
4. Children in need of Care and Protection
5. Patterns of delinquent behavior in India.
6. The profile of juveniles
7. Changing concepts of juvenile delinquency from past to present

**Unit 2: Etiology of Delinquency**

1. Delinquent/Gang subculture.
2. Peer Group
3. Psychological explanations
4. Commercialization, urbanization& industrialization
5. Anomie

6. Family structure: broken homes, immoral homes.
7. Mass communication.
8. Economic pressures and delinquency.
9. Differential Association

### **Unit 3: Apprehension of Juveniles.**

1. The role of police with reference to SJP.
2. Role of NGOs in handling juveniles.
3. Role of public including welfare authorities and communities.

### **Unit 4: Legislative measures its Implementation**

1. Salient features of JJ Act 2015.
2. Role of police (SJPU, Child Welfare Officers).
3. Organization and functioning of Juvenile Justice Board
4. Organization and functioning of Children Welfare Committees.
5. Procedural safeguards for juveniles
6. Role of citizens and NGOs in the implementation of the JJ Act.

### **Unit 5: Prevention and Control of Delinquency**

1. Universalization of primary education guaranteed under Article 21 A of the Constitution.
2. Eradication of child labour.
3. Provision of social security for destitute families.
4. Neighborhood level committees for the identification of children in difficult circumstances.
5. Public, police, partnership programmes

### **Unit 6: Legislative Approaches**

1. Legislative approaches during the late colonial era.
2. Children's Act – Goa Children's Act, 2003
3. Legislative position in various States
4. The Juvenile Justice Act, 2015
5. Constitutional aspects,
6. Distinction between “Juvenile in need of protection and “Juvenile who is in conflict with law”
7. Competent authorities
8. Procedural safeguards for juveniles
9. Powers given to government
10. Community participation as envisaged under the Act

### **Unit 7: Implementation and Preventive Strategies**

1. Preventive Strategies relating to juvenile justice
  - a. State welfare programmes: health, nutrition ICWS, grants in aid
  - b. Compulsory education
  - c. Role of community, family, voluntary, bodies, individuals
2. The role of Law enforcement Authority in protection of Juveniles

### **Unit 8: Judicial Contribution**

1. Social action litigation concerning juvenile justice and justice to women
2. Salient Judicial decision
3. Role of legal profession

## Suggested Readings

1. Rolf Loeber, David P Farrington, 2001, Child Delinquents (Development, intervention and service needs), Sage Publications, New Delhi.
2. Bhattacharya, Sunil K, 2000, Juvenile Justice – an Indian scenario, Regency Publications, New Delhi.
3. Bynum, Jack E & Thompson, William E, 1999, Juvenile Delinquency – a Sociological approach, 4<sup>th</sup> edition, Allyn and Bawn Publications,
4. Rolf Loeber, David P Farrington, 1998, Serious and Violent Juvenile Offenders – Risk Factors and Successful Interventions, Sage Publications, New Delhi.
5. Hawkins, David J, 1996, Delinquency and Crime- Current theories, Cambridge Univ. Press,
6. Rolf Loeber, David P Farrington, 1996, Preventing childhood disorders, substance abuse and delinquency, Sage Publications, New Delhi.
7. Kratcoski, Peter C & Kratcoshi, Dunn Lucilli, 1996, Juvenile Delinquency, 4<sup>th</sup> edition, Prentice Hall, New Jersey.
8. Champion, Dean J, 1992, The Juvenile Justice System-Delinquency, Processing and the Law, 2<sup>nd</sup> edition, Prentice Hall, New Jersey.
9. Mishra, B.N. Ashish, 1991, Juvenile Delinquency and Justice System, Publishing House, New Delhi
10. Sharma, Bharti, 1990, Juvenile Delinquency and their Social Culture, Uppal Publishing House, New Delhi
11. Sarkar, Chandana, 1987, Juvenile delinquency in India: An etiological analysis, Daya Publishing House, Delhi.

## 8. INDIAN CONSTITUTION AND CRIMINAL JUSTICE ADMINISTRATION

### Unit 1: Introduction

1. Constitution and Criminal Law
2. Constitutional Challenges under Criminal Law

### Unit 2: Art. 14 of the Constitution and Criminal Law

1. Death Penalty under Art. 14 of the Constitution
2. Role of Judiciary in dealing with Capital Sentence
3. Adultery and Constitutional aspects

### Unit 3: Constitutional Challenges and Concept of Speech and expression

1. Defamation under Criminal Law and Constitution
2. Sedition and Constitutional Challenge
3. Sec. 66A of IT Act, 2000 – Constitutional Perspective

### Unit 4: Art. 20 of the Constitution

1. Expost Facto Law
2. Protection from Double Jeopardy under the Constitution
3. Provisions under the Criminal law
4. Self-incrimination – Constitutional and Criminal Law provisions

**Unit 5: Art 21 of the Indian Constitution – Criminal Justice Administration**

1. Power of the President and Governor in granting pardon, suspend, remit, or commute sentences
2. Criminal Justice pre and Post Maneka Gandhi Regime
3. Role of Judiciary in Prison Reforms
4. Right to privacy
5. Fair Trial and Speedy Trial
6. Legal Aid – Constitutional and Cr PC Provisions

**Unit 6: Compensatory Jurisprudence and Art 21 of the Constitution**

1. Wrongful detention
2. Detention beyond the tenure
3. Illegal Arrest
4. Illegal killing by Defense or Police Personnel's
5. Rape Victims
6. Rehabilitation of Criminals and Indian Constitution

**Unit 7: Art. 22 of the Indian Constitution**

1. Rights of the Arrested Person and Accused Person
2. Preventive Detention law and Constitutional Safe Guards to Criminals

**Unit 8: Special Provisions**

1. Child Offenders and Indian Constitution
2. Women and Protection available under the Constitution
3. Protection of Women from Sexual Harassment

**Suggested Readings**

1. H.M. Sheervai, Indian Constitution of Law (three Volumes)
2. M.P. Jain, Constitution Law of India (2008), Tripathi, Bombay
3. D. D. Baus Commentaries of Indian Constitution
4. V.N. Shukla's Constitution of India
5. Paras Diwan, Human Rights and the Law, Deep and Deep, Delhi
6. Robert C. Davis, Ed., Victims of Crime, Sage, New Delhi
7. P.Iswara Bhat, Fundamental Rights and their Inter Relation Ship, Eastern Law House, Delhi
8. Justice V.R. Krishna Iyyer, The Dialectics and Dynamics of Human Rights in India, Eastern Law House, Delhi
9. Justice Palok Basu, Law Relating to Protection of Human Rights under Indian Constitution and Allied Laws, Modern Law House, Allahabad.

## **SPECIALIZATION: INTELLECTUAL PROPERTY RIGHTS**

### **Core Subjects**

1. Patent Law-Creation and Registration
2. Copyright - Law and Practice
3. Law on Designs, Trademarks and Geographical Indications
4. Law on Traditional Knowledge, Bio diversity, and Plant Varieties – Promotion and Protection

### **Elective Subjects**

1. Information Technology and IPR– Law and Practice
2. Biotechnology and Intellectual Property Rights
3. International Trade Law
4. Economic Development and Intellectual Property Rights Law

### **Scheme of Arrangement of Courses Semester wise**

<b>Semester No</b>	<b>Core Course</b>
Semester – II	Patent Law-Creation and Registration
	Copyright - Law and Practice
Semester – III	Law on Designs, Trademarks and Geographical Indications
Semester – IV	Law on Traditional Knowledge, Bio diversity, and Plant Varieties – Promotion and Protection

### **Electives**

Information Technology and IPR– Law and Practice
Biotechnology and Intellectual Property Rights
International Trade Law
Economic Development and Intellectual Property Rights Law

## **Detailed Syllabus**

### **1. PATENT LAW – CREATION AND REGISTRATION**

#### **Unit 1: Concept and Importance of Property and IP**

1. Concept of property, theories, kinds
2. Intellectual property and its subject matter
3. Nature of Intellectual Property
4. Need for Protection of intellectual property
5. Management of intellectual Property
6. IP risk management in Technological innovation
7. Changing dimensions of IPR

#### **Unit 2: Overview of the Patent Law**

1. Justification behind Patent System
2. Indian Patents Act 1970 with Patent Amendment Act 2005
3. International Treaties and Conventions Relating to Patents
  - i. Paris Convention on Protection of Industrial Property
  - ii. Patent Cooperation Treaty
  - iii. Budapest Treaty
4. WTO, TRIPS - Indian Legislation
5. European Patent Convention, 1973

#### **Unit 3: Need, development and essentials of patent system**

1. Development of Patent system in India
2. Essential pillars of patent
3. Non patentable inventions

#### **Unit 4: Patent Offices in India – Hierarchy, Powers and Functions of Officers**

#### **Unit 5: Patent Search**

1. Prior Art Searches
2. Patent Information and Databases
3. Search Methods/Tools
4. Patent Information Centers
5. Advantages of Patent Search

#### **Unit 6: Procedures for Grant of Patent Applications**

1. Types of Patent Applications
2. Contents of Patent Application
3. Provisional and Complete Specification
4. Patent Office Procedures
5. Various Forms and Fees
6. Utility Patent, Plant Patents, Design Patents in US
7. WIPO, PCT and Procedure

#### **Unit 7: Drafting of Patents Specification**

1. Patent Specifications - Provisions of Various Acts Particularly Indian, US, European and PCT
2. Physical requirements of Specification and their Function
3. Principles of Construction of Specification and Claims
4. Practical Workout — Drafting of Specification and Claims

#### **Unit 8: Other Important Facets of Patent Law**

1. Term of a Patent
2. Working of a Patent
3. Compulsory Licensing

4. Licenses of Right

### **Unit 9: Enforcement of Patents - Patent Infringement with Case Studies**

1. Rights and Obligations of the Patentee
2. Infringement & Remedies
  - i. Literal Infringement
  - ii. Infringement by Equivalents – Doctrine of Equivalents
  - iii. Defenses to Infringement
3. Jurisdiction of the Courts

### **Unit 10: Software Patents and Business Methods**

### **Unit 11: Trade secrets and know how**

#### **Books Recommended**

1. Ahuja V. K., *Intellectual Property Rights in India*, Lexis Nexis Butterworth's Wadhwa, Vol 1 & 2, 1<sup>st</sup> Ed. (2009)
2. Bainbridge, David, *Intellectual Property*, 6th Edition. Pearson Longsman (2006)
3. Barret Margreth, *Intellectual Property; Cases & Material*, West Group (2009)
4. Calstone Catherine and Middleton Kirsty, *Modern Intellectual Property Law*, 2<sup>nd</sup> Edition, Cavendish Publishing Pvt. Ltd. (2005)
5. Cornish W & Llewellyn D., *Intellectual Property: Patents, Copyright, Trademarks & Allied Rights*, Sweet & Maxwell (2010)
6. Cornish, *Intellectual Property*, Universal Publication (2001)
7. Faber Robert C., *Landis on Mechanics of Patent Claim Drafting*, 5th Edition, Practising Law Institute (2003)
8. Ganguli Prabuddha, *Intellectual Property Rights: Unleashing the Knowledge Economy*, TATA McGraw-Hill Publishing Company, new Delhi (2001)
9. Grubb Philip W, *Patents for Chemicals, Pharmaceuticals and Biotechnology*, 4<sup>th</sup> Ed. Oxford University Press, New Delhi (2004)
10. Kahrl Robert C., *Patent Claim Construction*, Wolters Kluwer-Aspen Publishers (2001)
11. Kankanala Kalyan C., Narasani Arun K. and Radhakrishnan Vinita, *Indian Patent Law and Practice*, Oxford University Press (2010)
12. Merges, Robert. Menell, Peter and Lemley, Mark, *Intellectual Property in the New Technological Age*, Aspen Publishers, Inc. (2008)
13. Narayanan P., *Patent Law*, Eastern Law House (2006)
14. Sarma Rama, *Commentary on Intellectual property Laws*, Edn. (2007)
15. Torremans, Paul, Holyoak and Torremans, *Intellectual Property Law*, 5th Edition. Oxford University Press (2008)
16. Vaver David & Bently Lionel (Ed)., *Intellectual Property in the New Millennium*, Cambridge (2004)
17. Wadhwa, B.L., *Law Relating to Patents, Trademarks Copyright Design & Geographical Indications*, Universal Publication (2004)
18. *WIPO Handbook of IPR*

## **2. COPYRIGHT - LAW AND PRACTICE**

### **Unit 1: Introduction to copyright law**

1. Purpose and Objective of Protection of Copyright
2. Origin and Historical Development of Copyright Law

### **Unit 2: The Norms of International Copyright**

1. Introduction to Various Copyright Treaties
2. Bilateral Copyright Treaties
3. Multilateral Copyright Treaties

### **Unit 3: The Norms of International Copyright**

1. The Berne Convention
  - i. From the 1886 Berne Act to the 1977 Stockholm Act
  - ii. The 1971 Paris Act of the Berne Convention
2. The Universal Copyright Convention
  - i. The 1952 Geneva Act
  - ii. The 1971 Paris Act of the Universal Copyright Convention

### **Unit 4: The Norms of International Copyright**

1. The WIPO Copyright Treaty (WCT)
2. International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention 1961)
3. Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms (Geneva Phonograms Convention)
4. WIPO Performances and Phonograms Treaty (WPPT)
5. Convention Relating to the Distribution of Programme - Carrying Signals Transmitted by Satellite (Brussels Satellite Convention)
6. TRIPs Agreement and Provisions dealing with Copyright Protection

### **Unit 5: Indian Copyright Act, 1957 and Rules**

1. Development of Copyright legislation in India
2. Nature and Subject Matter of Copyright
3. Term of Copyright
4. Author and Ownership of Copyright

### **Unit 6: Indian Copyright Act, 1957 and Rules**

1. Procedure of Registration of a Copyright
2. Rights Conferred by Copyright
3. Rights of Broadcasting Organizations and of Performers
4. Assignment, Transmission and Relinquishment of Copyright
5. Licensing and Compulsory Licensing in Copyright
6. Infringement of various types of Copyright with case laws
  - a. Essential Ingredients of Copyright Infringement
  - b. Propositions Relating to Infringement of Copyright
7. Acts not Constituting Infringement - Statutory Exceptions, Fair Use Doctrine

### **Unit 7: Indian Copyright Act, 1957 and Rules**

1. Remedies against Infringement of Copyright – Civil, Criminal and Administrative
2. International Copyright Order
3. Role of Copyright Societies and enforcement of copyrights
4. Copyright Office, Copyright Board and Appeals

### **Unit 8: The Semi Conductor Integrated Circuits Layout Design Act, 2000**

#### **Books Recommended**

1. Ahuja V. K., *Intellectual Property Rights in India*, Lexis Nexis Butterworths Wadhwa, Vol 1 & 2, 1<sup>st</sup> Ed. (2009)



2. Bainbridge David, *Software Copyright Law*, Lexis Nexis (2003)
3. Cornish W, Llewellyn D. & Aplin T., *Intellectual Property: Patents, Copyright, Trademarks & Allied Rights*, Sweet & Maxwell (2010)
4. Geller P. E & Nimmer M. B, *International Copyright Law & Practice*, Lexis Nexis (2004)
5. Goldstein Paul, *International Copyright: Principles, Law and Practice*, Oxford (2001)
6. Lewinski Silke Von, *International Copyright Law & Policy*, Oxford University Press, (2008)
7. Narayan P., *Copyright & Industrial Designs*, Eastern Law House (2002)
8. Narayana P.S., *Intellectual Property Law in India*, Gogia Law Agency (2008)

### **3. LAW ON DESIGNS, TRADEMARKS AND GEOGRAPHICAL INDICATIONS**

#### **Unit 1: Designs Act, 2000**

1. Objective and Purpose of Industrial Designs Act 2000
2. Interrelation between Copyright and Design
3. Essentials for Design Protection
  - a. Appeal to the Eye
  - b. Novelty and Originality
  - c. Designs must be applied on Articles
  - d. Designs Prohibited from Registration

#### **Unit 2: Designs Act, 2000**

1. Registration of Designs
2. Rights Conferred by Registration
3. Assignment, Transmission and Licensing of Registered Design
4. Infringement of Copyright in a Design – Piracy of Registered Design

#### **Unit 3: Designs Act, 2000**

1. Remedies against Piracy of Design
2. Register of Designs
3. Authorities under the Designs Act and their Powers and Functions
4. Minimum International Standards for Industrial Design Protection (TRIPS)
5. Locarno Agreement Dealing with Classification of Industrial Designs

### **Trademarks Law**

#### **Unit 4: Introduction to Trademark Law**

1. Purpose behind Protection of Trademarks
2. International Treaties and Conventions: Paris Convention, Madrid Agreement, TRIPS Agreement and Minimum International Standards for Trade Marks
3. Development of Trademarks legislations in India
4. Kinds of Marks: Trade Marks, Service Marks, Certification Marks, Collective Marks, Well known Marks, Common Law Marks, Internet Domain Name
5. Classification of Trademarks: Traditional and Non traditional

#### **Unit 5: The Trade Marks Act, 1999**

1. Origin and growth of Trademarks
2. Definitions
3. Essentials and functions of Trademarks
4. Registration of Trademarks various stages

5. Grounds for Refusal of Registration
  - a. Effects of Registration
  - b. Vested Rights and Concurrent Registration

#### **Unit 6: The Trade Marks Act, 1999**

6. Assignment, Transmission and Licensing of Trade Marks
  - a. Assignment and Transmission
  - b. Restrictions on Assignment and Transmission
  - c. Economic Justification of Trade Mark Licensing
  - d. Use of Trademarks by Registered Users
  - e. License Agreement and its Supremacy
7. Infringement of Rights and Remedies
  - a. Infringing and Non-Infringing Acts
  - b. Doctrine of Deceptive Similarity
  - c. Passing off action – Common law remedy
    - i. Evidentiary Problems in an Action of Passing Off
  - d. Remedies for Infringement
  - e. Authorities under the Trademarks legislation
8. Trademarks laws - Domain names

#### **Unit 8: Geographical Indications**

1. Provisions Relating to Geographical Indications in TRIPS
2. Lisbon Agreement for the Protection of Appellations of Origin and International Registration
3. Geographical Indications of Goods (Registration and Protection) Act
  - a. Concept and Definitions
  - b. Protection and Subject matter of GP
  - c. Procedure of Registration of GI
  - d. Infringement of GI
  - e. Importance of GI for India
4. GIs in Regional Perspective
  - a. Benefits of registration of Goan goods from the State of Goa
  - b. GI protection for Feni in Goa
  - c. Food Items and preparations which requires GI protection in Konkan region
  - d. Agricultural produce from Goa requiring GI Protection

#### **Books Recommended**

1. Ashwani Kumar Bansal, *Law of Trademarks in India*, 1<sup>st</sup> ed., Commercial Law Publishers Pvt. Ltd. (2003)
2. Cornish and Llewelyn, *Intellectual Property: Patents, Copyrights, Trademarks and Allied Rights*, 1<sup>st</sup> ed., Sweet and Maxwell (2007)
3. Correa M. Carlos, *Oxford Commentaries on the GATT/WTO agreements: Trade Related Aspect of Intellectual Property Rights*, 1<sup>st</sup> ed., Oxford Press (2007)
4. Dana Shilling, *Essentials of Trademarks and Unfair Competition*, 1<sup>st</sup> ed., Wiley (2006)
5. Deborah E. Bouchoux, *Intellectual Property*, 1<sup>st</sup> ed., Thomson Legal Studies (2005)
6. Draft Manual for Trademarks Practices and Procedures (Available in the Library in Study Material Section)
7. Jeremy Phillip, *Trademarks Law: A Practical Anatomy*, 1<sup>st</sup> ed., Oxford Press (2003)
8. K. C. Kailasam and Ramuvedaraman, *Law of Trade Marks and Geographical Indications: Law, Practice and Procedure*, Second Edition (Reprint), Wadhava Nagpur (2007)

9. Narayan P., *Copyright & Industrial Designs*, Eastern Law House (2002)
10. Narayanan P.S., *Law and Trademarks and Passing Off*, 5<sup>th</sup> Ed. Eastern Law House (2000)
11. Rodney D Ryder, *Trademarks Advertising and Brand Protection*, 1<sup>st</sup> ed., MACMILLAN India Ltd. (2006)
12. UNCTAD-ICTSD, *Resource book on TRIPS and Development*, Cambridge University Press (2005)
13. V. K. Ahuja, *Intellectual Property Rights in India*, 1<sup>st</sup> ed., Volume 1, LexisNexis Butterworth's Wadhva (2009)

#### **4. LAW ON TRADITIONAL KNOWLEDGE, BIO DIVERSITY, AND PLANT VARIETIES – PROMOTION AND PROTECTION**

##### **Unit 1: Traditional Knowledge**

1. Concept of Traditional Knowledge
2. Issues concerning Traditional Knowledge

##### **Unit 2: Traditional Knowledge**

1. Bio- Prospecting and Bio- Piracy
2. Need for A Sui Generis Regime

##### **Unit 3: Bio diversity Act, 2002**

1. Objectives and need for the legislation
2. Principles of biodiversity
3. India as Mega biodiversity nation

##### **Unit 4: Bio diversity Act, 2002**

1. Protection of biodiversity as Sovereign Rights
2. Mechanism monitoring biodiversity
3. Remedies for infringement

##### **Unit 5: Bio diversity Act, 2002**

1. Authorities – functions and powers
  - a. National Biodiversity Authority
  - b. State Biodiversity Board
  - c. Biodiversity Management Committees
2. Convention on Biodiversity, 1992

##### **Unit 6: Protection of Plant Varieties and Farmers Rights Act, 2001**

1. UPOV
2. Seeds policy and legislations
3. Objectives and need for the legislation

##### **Unit 7: Protection of Plant Varieties and Farmers Rights Act, 2001**

1. Conceptualization of Plant Varieties, Breeding, culture and Farmer's Rights
2. Essentials of plant varieties
3. Terms of protection
4. Procedure for registration

##### **Unit 8: Protection of Plant Varieties and Farmers Rights Act, 2001**

1. Infringement and Remedies
2. Rights of Famers and Breeders
3. Authorities dealing with Plant varieties

4. Protection available to plant varieties in USA and UK
5. Plant Varieties protection in regional perspectives with special reference to Goa

### **Books Recommended**

1. Bainbridge, David, *Intellectual Property*, 6th Edition. Pearson Longsman (2006)
2. Barret Margreth, *Intellectual Property; Cases & Material*, West Group (2009)
3. Cornish W & Llewellyn D., *Intellectual Property: Patents, Copyright, Trademarks & Allied Rights*, Sweet & Maxwell (2010)
4. Cornish, *Intellectual Property*, Universal Publication (2001)
5. Ganguli Prabuddha, *Intellectual Property Rights: Unleashing the Knowledge Economy*, TATA McGraw-Hill Publishing Company, new Delhi (2001)
6. Merges, Robert. Menell, Peter and Lemley, Mark, *Intellectual Property in the New Technological Age*, Aspen Publishers, Inc. (2008)
7. Narayanan P., *Patent Law*, Eastern Law House (2006)
8. Sarma Rama, *Commentary on Intellectual property Laws*, Edn. (2007)
9. Torremans, Paul, Holyoak and Torremans, *Intellectual Property Law*, 5th Edition. Oxford University Press (2008)
10. Vaver David & Bently Lionel (Ed)., *Intellectual Property in the New Millennium*, Cambridge (2004)
11. Wadhera, B.L., *Law Relating to Patents, Trademarks Copyright Design & Geographical Indications*, Universal Publication (2004)

## **5. INFORMATION TECHNOLOGY AND INTELLECTUAL PROPERTY RIGHTS– LAW AND PRACTICE**

### **Unit 1: Concept of Information Technology and Cyber Space:**

- 1 Interface of Technology and Law
- 2 Jurisdiction in Cyber Space and Jurisdiction in traditional sense
- 3 Internet Jurisdiction
- 4 Indian Context of Jurisdiction
- 5 Enforcement agencies
- 6 International position of Internet Jurisdiction
- 7 Cases in Cyber Jurisdiction

### **Unit 2 Information Technology Act, 2000:**

- 1 Aims and Objects
- 2 Overview of the Act
- 3 Jurisdiction
- 4 Electronic Governance
- 5 Legal Recognition of Electronic Records and Electronic Evidence
- 6 Digital Signature Certificates
- 7 Securing Electronic records and secure digital signatures
- 8 Duties of Subscribers

### **Unit 3: Information Technology Act, 2000:**

- 1 Role of Certifying Authorities
- 2 Regulators under the Act
- 3 The Cyber Regulations Appellate Tribunal
- 4 Internet Service Providers and their Liability
- 5 Powers of Police under the Act
- 6 Impact of the Act on other Laws.

**Unit 4: E-Commerce**

1. UNCITRAL Model
2. Legal aspects of E-Commerce
3. Digital Signatures
4. Technical and Legal issues
5. E-Commerce, Trends and Prospects
6. E-taxation, E-banking, online publishing and online credit card payment
7. Employment Contracts
8. Contractor Agreements, Sales, Re-Seller and Distributor Agreements, Non-Disclosure Agreements
9. Shrink Wrap Contract, Source Code, Escrow Agreements etc.

**Unit 5: Cyber Law and IPRs**

1. Understanding Copy Right in Information Technology
2. Software - Copyrights vs Patents debate
3. Authorship and Assignment Issues
4. Copyright in Internet
5. Multimedia and Copyright issues
6. Software Piracy

**Unit 6: Cyber Law and IPRs**

1. Computer related Patents
2. European Position on Computer related Patents
3. Legal position of U.S. on Computer related Patents
4. Indian Position on Computer related Patents
5. Trademarks in Internet
  - a. Domain name registration
  - b. Domain Name Disputes & WIPO
  - c. Databases in Information Technology
    - i. Protection of databases
    - ii. Position in USA,EU and India

**Unit 7: Cyber Crimes:**

1. Meaning of Cyber Crimes
2. Different Kinds of Cyber crimes
3. Cybercrimes under IPC, Cr.P. and Indian Evidence Law
4. Cyber crimes under the Information Technology Act,2000
5. Cyber crimes under International Law - Hacking Child Pornography, Cyber Stalking, Denial of service Attack, Virus Dissemination, Software Piracy, Internet Relay Chat (IRC) Crime, Credit Card Fraud, Net Extortion and Phishing

**Unit 8: Cyber Crimes:**

- 1 Cyber Terrorism
- 2 Violation of Privacy on Internet
- 3 Data Protection and Privacy

**Books Recommended:**

1. Kamlesh N. & Murali D.Tiwari(Ed), *IT and Indian Legal System*, Macmillan India Ltd, New Delhi
2. K.L.James, *The Internet: A User's Guide* (2003), Prentice Hall of India, New Delhi
3. Chris Reed, *Internet Law-Text and Materials*, 2nd Edition, 2005, Universal Law Publishing Co., New Delhi

4. Vakul Sharma, *Hand book of Cyber Laws*, Macmillan India Ltd, New Delhi
5. S.V.Joga Rao, *Computer Contract & IT Laws* (in 2 Volumes), 2005 Prolific Law Publications, New Delhi
6. T.Ramappa, *Legal Issues in Electronic Commerce*, Macmillan India Ltd, New Delhi
7. Indian Law Institute, *Legal Dimensions of Cyber Space*, New Delhi
8. Pankaj Jain & Sangeet Rai Pandey, *Copyright and Trademark Laws relating to Computers*, Eastern Book Co, New Delhi
9. Farouq Ahmed, *Cyber Law in India*
10. S.V.Joga Rao, *Law of Cyber Crimes and Information Technology Law*, 2000, Wadhwa & Co, Nagpur
11. Rodney D. Ryder, *Intellectual Property and the Internet*, Lexis Nexis Butterworth's wadhwa, Nagpur (2004)
12. Sharma Vakul, *Information Technology: Law and Practice (Law & Emerging Technology, Cyber Law & E-Commerce)*, 3<sup>rd</sup> Ed., Universal Law Publishing, New Delhi (2011)
13. Yatindra Singh, *Cyber Law*, Universal Law Publishing, New Delhi (2010)

## **6. BIOTECHNOLOGY AND INTELLECTUAL PROPERTY RIGHTS LAW**

### **Unit 1: Introduction to Biotechnology:**

- 1 Concept of biotechnology
- 2 Traditional and modern biotechnology through ages
- 3 Basic techniques in biotechnology, eg. fermentations, immobilization of cells and enzymes, recombinant DNA technology, protoplast fusion, cell fusion, cell and tissue culture, DNA finger printing & its applications,
- 4 Scope and importance of biotechnology.

### **Unit 2: Agricultural and Food Biotechnology:**

- 1 Transgenic plants
- 2 Synthetic seeds and terminator gene technology
- 3 Virus free seedlings for economically important crop
- 4 Applications of plant tissue and cell culture
- 5 Transgenic animals
- 6 Development and production artificial animal vaccines
- 7 Animal breeding and livestock production
- 1 Recombinant DNA technology
- 2 GLPs and GMPs
- 3 Genetically modified foods
- 4 Milk based products and probiotics
- 5 Lactic acid bacteria
- 6 Genetically modified foods and fermented foods
- 7 Application of biosensors in food
- 8 Single cell proteins

### **Unit 3: Industrial biotechnology:**

- 1 Biopharmaceuticals
- 2 Vitamins

- 3 Organic acids
- 4 Enzymes and amino acids
- 5 Specialty chemicals
- 6 Polysaccharides
- 7 Recombinant products

**Unit 4: Industrial biotechnology:**

- 1 Insulin, human growth hormone, interferon, erythropoietin, recombinant vaccines
- 2 Biopesticides and biofertilizers,
- 3 Biogas production
- 4 Microbial production of alcohol, bio fuels and bio diesel
- 5 Gene banks

**Unit 5: Legal control of Environmental Biotechnology:**

1. Waste management law
  - a) Use of biocatalysts in solid waste management
  - b) Municipal sewage treatment
  - c) Industrial waste treatment
  - d) Biomedical waste management
2. Bioremediation and Phytoremediation

**Unit 6: Legal control of Environmental Biotechnology:**

- 1 Water purification
- 2 Pollution control
- 3 Microbial fouling and corrosion
- 4 Use of genetically modified organisms (GMO) and release of GMO into environment
- 5 Biodiversity conservation impact of biological weapons.

**Unit 7: Bioethics, bio-safety and IPR concerns:**

- 1 Ethical and moral issues in biotechnological research (cloning, genetic testing and screening, stem cell research, human clinical trials and drug testing)
- 2 Human rights issues;
- 3 Biopiracy; bio weapons and bioterrorism
- 4 Biosafety practices; general guidelines for DNA research, NIH guidelines
- 5 Guidelines for recombinant DNA research in India
- 6 Norms for the release of GMOs,
- 7 Protection of biodiversity,
- 8 Convention on biodiversity and Indian Biodiversity Act
- 9 Patenting issues with special reference to biotech products and activities.

**Books Recommended:**

1. M.D. Trevan.S.Boffey, K.H.Goulding and P.Stanbury, Biotechnology: The Biological Principles, Tata Mc G Raw Hill (1987)
2. Keshav Tohan, Biotechnology, Wiley Eastern Ltd. (1990)
3. S.S.Purohit & S.K.Mathur, Biotechnology: Fundamentals and Applications, Aerobios Indian (2000)
4. Bodenhausen, Guide to the application of the Paris Convention for the Protection of Industrial Property, WIPO (1985)
5. Rajeev Dhavan et al, "Paris Convention Re -visited", J.I.L.I (1992)
6. Terence P. Stewart, GATT Uruguay Round: Negotiating History, Kluwar Law International, (1999).

7. Reichman, Jerome, Of Green Tulips and Legal Kudru: Repackaging Rights in Subpatentable Innovations, (2003).
8. Rajagopala Ayyangar, Report on the Revision of the Patent Law, Govt. of India (1959).
9. Rajeev Dhavan et.al., “Whose Interest? Independent India’s Patent Law and Policy”, 32 J.I.LI 429 (1990).
10. Graham Dutfield, Intellectual Property Rights, Trade and Biodiversity, Earthscan Publications Ltd, London (2000)

## **7. INTERNATIONAL TRADE LAW**

### **Unit 1: Introduction**

1. Trade history, Nature of International Trade (Origin, Evolution and Characteristics)
2. From GATT, ITO to WTO
3. Inter-Relation between Multilateral Rules, Regional Agreements and Domestic legislation
4. Economics of International Trade
5. Institutional overview of WTO
6. Free Trade Theory and Protection

### **Unit 2: Trade Policies and Regulation of International Trade**

- 1 Pillars of Multilateral Trading System (MFN, National Treatment, Tariff Bindings, Customs Law, Non-Tariff Barriers)
- 2 Quantitative Restrictions

### **Unit 3: Subsidies**

### **Unit 4: Safeguards**

1. Nature of Safeguard Measures
2. Preconditions and Procedures for Taking Safeguard Measures
3. Developing Countries and Safeguards
4. Limitations and General Disciplines
5. Grey Area Measures

### **Unit 5: Anti-dumping and Countervailing Duty Measures**

### **Unit 6: Sectoral Problems and their Resolutions**

1. Trade in Agriculture
2. Trade in Services
3. TRIPS
4. Trade in Investment

### **Unit 7: Trade Relations and Dispute Resolution**

- 1 Competing Interests of Trading Partners
- 2 Problems of Market Access
- 3 Institutions and Principles of Dispute Settlement
- 4 The First World – Third World Divide

### **Unit 8: Trade related Issues**

- 1 Trade and Labour
- 2 Trade and Environment
- 3 Trade and Human Rights issues
- 4 Trade in Genetic Material
- 5 TRIMS – Agreement on Trade Related Investment Measures
- 6 Competition Act, 2000 – Anti competitive practices and Trade

### **Books Recommended**



1. Bagchi Jayanta, *World Trade Organisation: An Indian Perspective*, Eastern Law House (2000)
2. Bhagwati Jagdish, *In Defence of Globalisation*, Oxford (2004)
3. Bossche Peter Van Dan, *The Law and Policy of the World Trade Organisation*, Cambridge (2005)
4. Chandiramani Nilima, *World Trade Organisation and Globalisation: An Indian Overview*, Shroff Publishers and Distributors (1999)
5. Gervais Daniel, *The TRIPS Agreement: Drafting, History and Analysis*, Sweet and Maxwell (1998)
6. Jackson John H., *The Jurisprudence of GATT and WTO*, Cambridge (2000)
7. Jackson John H., *The World Trading System: Law and Policy of International Economic Relations*, 2nd Edition, Cambridge: MIT Press (1997)
8. Kaul A K., *The General Agreement on Tariffs and Trade/World Trade Organisation- Law Economics and Politics*, Satyam Books (2005)
9. Mathur Vibha, *WTO and India: Development Agenda for the 21st Century*, New Century (2005)
10. Rao Narasimha C., *Globalisation, Justice and Development*, Serial Publications (2007)
11. Trebilcock Michael J and Howse Robert, *The Regulation of International Trade*, New York: Routledge (2005)

## **8. ECONOMIC DEVELOPMENT AND INTELLECTUAL PROPERTY RIGHTS LAW**

### **Unit 1: Concept and Importance of Property**

- 1 Concept of property, theories, kinds
- 2 Intellectual property and its subject matter
- 3 Changing dimensions of IPR

### **Unit 2: Introduction to Intellectual Property Rights**

- 1 Nature of Intellectual Property
- 2 Need for Protection of intellectual property
- 3 Management of intellectual Property
- 4 IP risk management in Technological innovation

### **Unit 3 and 4: Role of IP in Economic development of the Country**

- 1 Concept of IP and Historical Development of IPR
- 2 Basics of Intellectual Property Rights – Meaning and Nature
- 3 Scope of Intellectual Property: Patents, Trademarks, Industrial Designs, Copyrights, GI, Traditional knowledge, New Plant Varieties, Trade Secrets and Confidential Information
- 4 Importance of Protecting Intellectual Property and its Relevance Today
- 5 Business Objectives and IP
- 6 Global Dimensions of IPR in Science and Technology

### **Unit 5: Technological Innovation**

- 1 Introduction to Innovation
- 2 Inventions, Biotech and others
- 3 New technology development

#### 4 Technology portfolio management

### **Unit 6: Commercialization of Technology**

- 1 Freedom to practice assessment
- 2 Technology/IP Valuation
- 3 Technology transfer
- 4 Technology licensing
- 5 Compulsory licenses
- 6 Technology licensing agreement
- 7 Due diligence in technology acquisition

### **Unit 7: IP Enforcement**

- 1 Enforcement of IPR
- 2 Litigation Strategy
- 3 WIPO and dispute resolution methods
- 4 Remedies for infringement of IPR

### **Unit 8: Recent Challenges and IPR**

- 1 Human Rights and IP
- 2 Traditional Knowledge and IP

### **Books Recommended**

9. Avtar Singh, *Intellectual Property Law*, Eastern Book Company (2013)
10. Berman Bruce, *From Assets to Profits: Competing for IP Value and Return (Intellectual Property – General, Law, Accounting and Finance, Management, Licensing, Special Topics)*, Wiley, 2nd Edn. (2008)
11. Bouchoux Deborah E., *Protecting Your Company's Intellectual Property*, AMACON, American Management Association, (2001)
12. John E Ettl, *Managing Innovation*, Elsevier (2011)
13. Junghans Claas, Levy Adam, Sander Rolf, *Intellectual Property Management: A Guide for Scientists, Engineers, Financers and Managers*, Wiley, Germany (2006)
14. Llewelyn David, *Invisible Gold in Asia: Creating Wealth Through Intellectual Property*, Marshall Cavendish Corp, (2010)
15. Phelps Marshall and Kline David, *Burning the Ships: Transforming Your Company's Culture through Intellectual Property Strategy*, (case of Microsoft), Wiley, (2009)
16. Robert G. Cooper and Scott J. Edgett, *Product Innovation and Technology Strategy*, Product Development Institute (2009)
17. Robert G. Cooper, *Winning at New Products: Proven Roadmap for Success*, Basic Books (2011)
18. Ryder Rodney D., *Intellectual Property Law: Concept to Commercialisation*, Macmillan India Ltd., New Delhi, (2006)
19. Smith Gordan V. and Parr Russell L., *Intellectual Property Valuation, Exploitation and Infringement Damages*, Wiley, (2005)
20. Sreedharan Sunita K., *An Introduction to Intellectual Asset Management*, CCH India, Wolters Kluwer (India) Pvt. Ltd., (2008)

## **SPECIALIZATION: CORPORATE AND COMMERCIAL LAW**

### **CORE COURSES**

1. Corporate Law
2. International Trade Law
3. Banking and Insurance Law
4. Consumer and Competition – Law and Practice

### **Elective Courses**

5. Investment and Securities Law
6. Corporate Governance & Human Rights
7. Corporate Social Responsibility
8. Business and Trade Law (IPR)

### **Scheme of Arrangement of Courses Semester wise**

<b>Semester No</b>	<b>Core Course</b>
Semester – II	Corporate Law
	International Trade Law
Semester – III	Banking and Insurance Law
Semester – IV	Consumer and Competition – Law and Practice

### **Electives**

Investment and Securities Law
Corporate Governance & Human Rights
Corporate Social Responsibility
Business and Trade Law (IPR)

## Detailed Syllabus

### 1. CORPORATE LAW

#### Unit I: Incorporation of Company

- 1 Legal formalities for Incorporation of Companies under the Indian Companies Act, 2013.
- 2 Various kinds of Companies
- 3 Corporate personality
- 4 The binding force of Articles of Association and Memorandum of Association of the Company
- 5 Share Holders and Outsiders.

#### Unit II: Shares and Debentures

- 1 Issue of Shares
- 2 Types of Shares.
- 3 Various types of Share Holders and their Privileges
- 4 Forfeiture of Shares. Kinds of Share Capital
- 5 Debentures
- 6 Charges and Dividends.
- 7 Majority Powers and Minority Rights.

#### Unit III: Affairs of the Company

- 1 The Running of the Affairs of the Company - the Prevailing norms
- 2 The manner in which the Agents of the Company are appointed – their Duties, Powers and Accountability
- 3 Prevention of Oppression and Mismanagement
- 4 Winding up of the Companies under the Indian Legal Regime.

#### Unit IV: Formation of Capital

- 1 Promoters and Promotion of Companies
- 2 Ultra Vires Doctrines, Constructive Notice and Indoor Management
- 3 The consequences of Ultra Vires Actions
- 4 Provisions of law in India

#### Unit V: Corporate Democracy

- 1 Company Meetings and its Significance
- 2 Oppression and Mismanagement in Companies

#### Unit VI: Corporate Restructuring

1. Reduction of Share Capital
2. Buyback of Shares
3. Re-Organization through Arrangement

4. Mergers and Acquisitions and its Regulation (Domestic and International)
5. Competition Law in Regulating Mergers and Acquisitions

### **Unit VII: Winding Up**

1. Modes of Winding Up
2. Role and Powers of Liquidators in Winding Up
3. Conduct of Winding Up

### **Unit VIII: Dispute Settlement**

1. Litigation and ADR in Corporate Disputes
2. Company Law Board & National Company Law Tribunal

### **Suggested Readings:**

1. Gower L.G.B. “Principles of Modern Company Law”, (London), Sweet and Maxwell, 2002.
2. Palmer “Company Law” (London), Stevens.
3. Shah S.M. “Lectures on Company Law”, 19<sup>th</sup> Edition (Bombay) N.M. Tripathi, 1990.
4. Larry Cata Backer, “Comparative Corporate Law in United States, European Union, China and Japan – Cases and Materials” (North Carolina) Carolina Academic Press(2006)
5. Ramaiya A., *Guide to Companies Act*, 17th edition, Lexis Nexis Butterworths Wadhwa, Nagpur (2010)
6. Agarwal & Baby, *SEBI Act: A Legal Commentary on Securities & Exchange Board of India*, Taxmann (2011)
7. Bhandari, M.C., *Guide to Company Law Procedures*, 20th Edition, Wadhwa (2007)
8. Dutta C. R., *The Company Law*, Lexis Nexis Butterworths, 6th Edition, (2008)

## **2. INTERNATIONAL TRADE LAW**

### **Unit 1: Introduction**

1. Trade history, Nature of International Trade (Origin, Evolution and Characteristics)
2. From GATT, ITO to WTO
3. Inter-Relation between Multilateral Rules, Regional Agreements and Domestic legislation
4. Economics of International Trade
5. Institutional overview of WTO
6. Free Trade Theory and Protection

### **Unit 2: Trade Policies and Regulation of International Trade**

1. Pillars of Multilateral Trading System (MFN, National Treatment, Tariff Bindings, Customs Law, Non-Tariff Barriers)
2. Quantitative Restrictions

### **Unit 3: Subsidies**

### **Unit 4: Safeguards**

1. Nature of Safeguard Measures

2. Preconditions and Procedures for Taking Safeguard Measures
3. Developing Countries and Safeguards
4. Limitations and General Disciplines
5. Grey Area Measures

#### **Unit 5: Anti-dumping and Countervailing Duty Measures**

#### **Unit 6: Sectoral Problems and their Resolutions**

1. Trade in Agriculture
2. Trade in Services
3. TRIPS
4. Trade in Investment

#### **Unit 7: Trade Relations and Dispute Resolution**

1. Competing Interests of Trading Partners
2. Problems of Market Access
3. Institutions and Principles of Dispute Settlement
4. The First World – Third World Divide

#### **Unit 8: Issues related to Trade**

1. Trade and Labour
2. Trade and Environment
3. Trade and Human Rights issues
4. Trade in Genetic Material
5. TRIMS – Agreement on Trade Related Investment Measures

#### **Suggested Readings:**

1. Bagchi Jayanta, *World Trade Organisation: An Indian Perspective*, Eastern Law House (2000)
2. Bhagwati Jagdish, *In Defence of Globalisation*, Oxford (2004)
3. Bosssche Peter Van Dan, *The Law and Policy of the World Trade Organisation*, Cambridge (2005)
4. Chandiramani Nilima, *World Trade Organisation and Globalisation: An Indian Overview*, Shroff Publishers and Distributors (1999)
5. Gervais Daniel, *The TRIPS Agreement: Drafting, History and Analysis*, Sweet and Maxwell (1998)
6. Jackson John H., *The Jurisprudence of GATT and WTO*, Cambridge (2000)
7. Jackson John H., *The World Trading System: Law and Policy of International Economic Relations*, 2nd Edition, Cambridge: MIT Press (1997)
8. Kaul A K., *The General Agreement on Tariffs and Trade/World Trade Organisation- Law Economics and Politics*, Satyam Books (2005)
9. Mathur Vibha, *WTO and India: Development Agenda for the 21st Century*, New Century (2005)
10. Rao Narasimha C., *Globalisation, Justice and Development*, Serial Publications (2007)
11. Trebilcock Michael J and Howse Robert, *The Regulation of International Trade*, New York: Routledge (2005)

### **3. BANKING AND INSURANCE LAW**

### **Unit 1: Evolution, Characteristic, Economic and Social objectives**

1. Sale of Goods and Hire Purchase, Consumer credit and Consumer protection.
2. Evolution of Banking Institutions – Nationalization of Banks – Functions of Nationalized Banks – Dwindling importance of Private Banks.
3. Banking Law and Practice including Bankers letters of Credit, Traveller's Cheques.
4. Role of Bankers in Industrial Finance

### **Unit 2: Law relating to Negotiable Instruments**

1. Negotiable Instruments
2. Kinds
3. Parties to Negotiable instruments
4. Negotiation and Kinds of Negotiation

### **Unit 3: Indian Banking- Adopting Basic Norms**

1. Banker and Customer
2. Bankers Liability
3. Banking Services and Consumer Protection

### **Unit 4: Overview of Financial Sector Legislative Reforms Commission**

1. Role of Reserve Bank of India

### **Unit 5: Introduction to Insurance**

1. Meaning, Nature and Scope of Insurance contract
2. Risk and Types of Risk and Contractual basis of insurance
3. Types of Insurance Contracts

### **Unit 6: Principles under Insurance Law**

1. Indemnity, utmost good faith, proximate cause
2. Double Insurance and Re-insurance
3. Principles of Contribution and Subrogation
4. Concept of loss including salvage
5. Some problems of the administrative process and nationalized insurance
6. Insurance Regulatory Authority of India

### **Unit 7: General Insurance**

1. Life Insurance
2. Marine Insurance: Claims and Procedure
3. Fire Insurance: Claims and Procedure
4. Motor Vehicle Insurance: Third Party and No Fault Liability

### **Unit 8: Law relating to Carriage of Goods**

1. Carriage of goods by land, sea and air contracts of affreightment freight – ratio – Relevant International conventions

- a. Limitation of the carrier's liability-
- b. Protection of the rights of the consignor and consignee.

### **Suggested Readings:**

1. Ross Cranston, *Principles of Banking Law*, Oxford
2. L.C. Goyle, *The Law of Banking and Bankers*, Eastern
3. M.L. Tannan, *Banking Law and Practice in India*, Indian Law House,
4. K.C. Shekhar, *Banking Theory and Practice*
5. K. Subramanyan, *Banking Reforms in India* Tata McGraw
6. R.S. Narayana, *The Recovery of Debts due to Banks and Financial Institutions Act, 1993*, Asia Law House.
7. Avtar Singh, *Law of Insurance*, 2<sup>nd</sup> Edition, Eastern Book Company (2010)
8. M. N. Srinivasan, *Principles of Insurance*, Wadhwa Publications (2009)
9. M.L. Tannan, *Tannan's Banking Law and Practice in India*, 23<sup>rd</sup> Edition, LexisNexis (2012)
10. P.N. Varshney, *Banking Law and Practice*, 24<sup>th</sup> Edition, Jain Book Agency (2012)
11. R.K. Nagarjun, *Law of Insurance*, 2<sup>nd</sup> Edition, Allahabad Law Agency (2012)

## **4. CONSUMER AND COMPETITION – LAW AND PRACTICE**

### **Unit 1: Evolution/development of Consumer law**

1. Developments in U.S.A, U.K, and India
2. Profile of Indian Consumer, U.N. Guidelines on Consumer Protection.

### **Unit 2: Law of contract and consumer protection**

1. Sanctity of contracts and Doctrine of Caveat Emptor; conditions and warranties
2. Fraud and misrepresentation;
3. Remedies, Exclusion of liability.

### **Unit 3: Law of Torts and Consumer Protection**

1. Product Liability
2. Torts based remedies for defective Products,
3. Liability for deficient services.

### **Unit 4: The Consumer Protection Act, 1986**

1. The concept of consumer
2. Consumer disputes redressal agencies
3. Kinds of consumer disputes, Remedies available to consumer under the Act.
4. State monopoly and consumer interest
5. State agencies of consumer protection
6. Prevention of Food Adulteration
7. Drugs and Cosmetics
8. Weights and measures and Bureau of Indian Standards.



### **Unit 5: Introduction and Overview Competition Act, 2002**

1. Development of Competition Law- Socialism and Competition
2. Competition and economic rationale
3. Evolution and development of Competition Law
4. Objectives and importance of Competition Act, 2002

### **Unit 6: Important Definitions and its interpretation**

1. Anti competitive agreements
2. Misleading advertisements
3. Unfair trade practice
4. Restrictive trade practices
5. Abuse of dominant position

### **Unit 7: Authorities**

1. Competition commission of India
2. Powers and functions
3. Regulatory mechanism of CCI
4. Competition Appellate Tribunal
5. Remedies and Role of CCI - Competition Act, 2002

### **Unit 8: Competition Policy and IPR**

1. Intellectual Property Rights: Introduction to various IP Assets
2. Patent Policy and its Regulation under the Indian Laws.
3. Abuse of IPR and Regulation of Combinations
4. Conflict of Competition Policy and Patent Policy
5. TRIPS and its impact on Competition and Patent-Monopoly

### **Suggested Readings:**

1. Cranston, Ross, *Consumer and the Law*, London: Weidenfeld (1978).
2. Agarwal, V.K., *Consumer Protection Law and Practice*, New Delhi: BLH Publishers.
3. Saraf, D.N., *Law of Consumer Protection in Indian*, Bombay: Tripathi
4. AdiP.Talati and Nahar S. Mhala, *Competition Act, 2002- Law, Practice And Procedure*, Commercial Law Publishers (India)Pvt.Ltd. (2006)
5. Barry J Rodger and Angus MacCulloch, *Competition Law And Policy In The Ec AndUK* , 293-295, Cavendish Publishing Limited, 3<sup>rd</sup> ed. (2004)
6. Cedric Rynkert,*Ec Competition Law Giorgio Monti*, Cambridge University Press(2007)
7. Cedric Rynkert, *Jurisdiction over cross –border mergers: A US –EU perspective. Competition Law – Emerging Trends*,94-124, P.Satyanarayana Prasad ed., The ICFAI University Press, Amicus Books, 1<sup>ST</sup> ed. (2007)
8. Clifford A. Jones,*The Evolution Of European Competition Law- Whose Regulation, Which Competition?* 17-37, Edward Elgar Publishing Limited (2006)
9. Giorgio Monti, *Law in Context: EU Competition Law*245-247, Cambridge University Press, (2007)
10. Avtar Singh; *Competition Law*; Eastern Law House, 2012-11-27
11. *Competition Law in India*; Srinivasan Parthsarthy; Walter Kluwer, 2012

12. Gurbax Singh, Law of Consumer Protection.
13. Indian Competition Law: An International Perspective; Suzanne Rab; CCH - A Walters Kluwer Business, 2012
14. Narayanan, P., Intellectual Property Rights
15. Copinger and Skare James on Copyright; E.P. Skare James (London, 1991)
16. J. S. Sarkar, Trademarks- Law and Practice, 1997

## **5. INVESTMENT AND SECURITIES LAW**

### **Unit-I: Securities and Investment**

1. Introduction and overview of Securities Law in India
2. Historical Evolution of Capital Market and Capital issues Control in India
3. Concepts of Securities Law
  - a. Classification of Securities
4. Instruments of Capital Markets
5. Conventional and Modern instruments- players in the Capital Market
6. Issues, Underwriter, Dealer
7. Trader Market Maker, Investment
8. Banker, Issue Managers and Bankers,- Primary and secondary Markets
9. Overview of Securities Contract (Regulation) Act, 1956
10. Public Debt Act,
11. Securities and Exchange Board of India Act, 1992.

### **Unit-II: Capital Issues and Regulations**

1. Regulation of Capital Issue
2. Types of Public Issues - Rights, bonus and Preferential- Private Placement
3. Inter- Corporate Investment and credit Rating
4. Registration and Filing requirements under SEBI Guidelines
  - a. Pre-Issue Formalities
  - b. Disclosure standards, Pricing
5. Stock Invest Scheme- Allotment
  - a. Regulation of listing of Securities on Stock exchange
  - b. Regulation of under writing- Tender offer regulations.

### **Unit-III: Regulations on Securities**

1. Regulation of securities transaction
  - a. Purchase and Sale of securities
  - b. Securities Contracts
  - c. Legal requirements and Procedural Formalities
  - d. Organization and functioning for stock exchanges
2. Registration and regulation of dealers, brokers, etc, - Reporting requirements – operation of clearing, settlement and depository system in securities transactions

3. Move towards electronic settlement and scrip less trading- custodial services.
4. Cross border transactions in securities
5. Overview of foreign investment
6. Regulatory frame work for issue of capital to non-residents
7. Foreign institutional investors- internationalization of capital markets.

#### **Unit-IV: Government Securities**

1. Government Securities and PSU Bonds
  - a. Issue and Management of Government loans
  - b. Secondary Market in Government securities
  - c. Reforms in Government Securities and transactions, Delivery vs Payment System
2. Mutual funds and Venture capital
  - a. Organization and Management of mutual Funds
  - b. Legal and Procedural Requirements
  - c. SEBI guidelines for mutual funds- open ended schemes and close ended schemes
3. Asset Management Companies- Taxation of interest, dividends and capital gains.

#### **Unit-V: Foreign Exchange Management**

1. Foreign Exchange Management
  - a. Exchange Management Regime in India under the F.E.M. Act, 1999
  - b. Improvements over F.E.R.A.
  - c. Regulation and Management of Foreign Exchange
  - d. Dealing in Foreign exchanges, holding of Foreign exchange
  - e. Current account Transaction- Capital account transaction
  - f. Export of goods and services

#### **Unit- VI: Foreign Exchange Management**

1. Realization and Repatriation of Foreign Exchange and exemptions
2. Authorized person- contravention and penalties
3. Adjudication and Appeal- Enforcement

#### **Unit VII: Investment in Banking and Non-Banking Financial Institutions**

#### **Unit VIII: Investor Protection and Laws**

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

1. Dr.K.R. Chandratre, et.al. *Capital issues, SEBI and Listing*, Delhi; Bharat Publishing, 1995.
2. K.Sekhar, *Guide to SEBI*, Nagpur: Wadhwa & Col 1993.
3. Ramaiya, *Guide to Companies Act*, Nagpur: Wadhwa & C.
4. Government of India, *Government Securities Manual*, 1966.
5. Taxmann's New- *SEBI (Disclosure & Investor Protection) Guidelines*, 1999.
6. Sanjiv Agarwal- *Bharat's Guide to Indian Capital Market*, New Delhi: Bharat Law House, 2000.

7. Jayant M.Thakur- *Comparative Analysis of FEMA – The Foreign exchange Management Act, 1999 with FERA.*
8. Ramaiya, A., *Guide to the Companies Act*, 17<sup>th</sup> ed Wadhwa and Co., New Delhi (2010)
9. Sornarajah, *International law on Foreign Investment*, 3<sup>rd</sup> ed, Cambridge (2010)
10. Gupta, S.N., *The Banking Law in Theory and Practice*, Universal, New Delhi (1999)
11. Bhandari, M.C., *Guide to Company Law Procedures*, 22<sup>nd</sup> ed. Wadhwa and Co., New Delhi (2010)

## **6. CORPORATE GOVERNANCE & HUMAN RIGHTS**

### **Unit 1: Introduction**

1. Need for Corporate Governance
2. Corporate Frauds and need for regulation
3. Case studies on corporate collapses

### **Unit 2: Ethics in Business**

1. Good Governance and Ethics in Corporations
2. Need for Governance in Different Forms of Companies

### **Unit 3: International and National Perspective on Corporate Governance**

1. Corporate Governance Committees in UK
2. Corporate Governance Committees in US
3. Corporate Governance in India

### **Unit 4: Corporate Management and Corporate Governance**

1. Directors and governance
2. Evaluation of Independent director's role in good governance
3. Whistle Blower Policy

### **Unit 5: Financial Reporting and Accountability**

1. Ethics in Financial Reporting
2. Auditor's Independence and Accountability

### **Unit 6: Role of the Regulators in Achieving Corporate Integrity**

1. Ethical Framework by Regulators
2. Clause 49 Listing agreement and initiatives taking by SEBI

### **Unit 7: Human Rights and Business**

1. Concept of Human Rights Protection
2. Business and Protection from Human Rights Violations
3. Case Studies on Human Rights Violations by Corporations

### **Unit 8: Corporate Social Responsibility and Human Rights**

1. Importance of Implementation of CSR
2. Organizational Issues
3. CSR and protection of Human Rights
4. Corporate Social Responsibility: Theories and Justification
5. CSR and Multinational Corporations
6. Regulation of Multinational Corporations in India
7. Corporate Crimes
8. Cyber Crimes

### **Suggested Readings:**

1. Bansal, C.L., *Corporate Governance: Law Practice & Procedures with Case studies*, Taxman, (2005)
2. Baxi C.V. and Prasad Ajit, *Corporate Social Responsibility, Concepts and Cases: The Indian Experience*, Excel Books (2005)
3. Ferran Eillis, *Company law & Corporate Finance*, Oxford University Press, New Delhi (2011)
4. Mc Cahery Joseph A and Vermenlen, *Corporate Governance of Non-Listed Companies*, Oxford (2008)
5. Parkinson J.E., *Corporate Power and Responsibility: Issues in the Theory of Company Law*, Oxford (2002)
6. *Reports on Corporate Governance*, Academic Foundation (2004)
7. Sampath K .R., *Law of Corporate Governance: Principles of Perspective*, Snow White Publications Pvt. Ltd., Edition 1 (2006)
8. Vivek Xavier, *Corporate Governance - Theoretical and Empirical Perspective*, Cambridge University Press (2000)

## **7. CORPORATE SOCIAL RESPONSIBILITY**

### **Unit-1: Introduction**

1. Corporate Social Responsibility: meaning and definitions
2. History of CSR
3. Potential business benefits of CSR

### **Unit-2: Concept of Corporate social responsibilities**

1. CSR nature, types, principles and strategies,
2. Models of CSR, Best practices of CSR, Need of CSR,
3. Arguments for and against CSR, CSR
4. Indian perspective, Indian examples.

### **Unit 3: Government initiatives and CSR**

1. Government policies for CSR
2. Voluntary guidelines for CSR by Ministry of Corporate Affairs
3. Corporate social challenges-corporate accountability-
4. Business and ecology-case corporate social responsibility
5. Corporate crimes-company and society relations analysis.

### **Unit 4: Business Ethics**

1. Concept and importance of Business ethics
2. Fundamental principles of ethics
3. Ethics in international business

#### **Unit 4: Business Ethics**

- 1 Normative and relative ethics, concept and choice
- 2 Human dignity - Ethics and human rights Balanced global environment
  - a. Kyoto Protocol concern of global warming, judicious use of natural resources -maintenance of ecological balance
  - b. Sustainable development.

#### **Unit 5: Cost benefit analysis of CSR**

1. Good corporate citizenship
2. Meeting stake holders, expectations, competitiveness and fair trade practices
3. Employee wellness
4. International Importance of integrity.

#### **Unit 6: Cost benefit analysis of CSR**

1. Role of international trade and business organizations,
2. Corporate- range of involvement in CSR, understanding complexities of industry
3. Identifying gaps in corporate opportunities for CSR.

#### **Unit 7: Corporate Governance**

1. Issues, need of corporate governance code,
2. Code of Corporate Practices, Social Responsibility of Corporate, Corporate Social Reporting, Corporate Governance and
3. The Role of Board (BOD),

#### **Unit 8: Corporate Governance**

1. Corporate Governance System Worldwide,
2. Corporate Disclosure and Investor Protection in India
3. Legal compliances- home and host country's regulations and
4. Compulsions of international agencies
5. Corporate governance beyond legal compliance.

#### **Suggested Readings**

1. Business and Society-Lawrence and Weber, 12 ed, Tata McGraw- Hill 2010.
2. Business Ethics, Crane & Matten Oxford University Press(OUP)
3. Chrstensen, A.B. Business Policy (Company and its Requirements).
4. Corporate Social Responsibility – Philip Kotler and Nancy Lee
5. Corporate Social Responsibility Concepts and Cases – The Indian Experience - C.V Baxi, Ajit Prasad
6. Corporate Social Responsibility in India – Sanjay K Agarwal
7. Corporate Social Responsibility: A Study of CSR Practices in Indian Industry, Baxi C. V & Rupamanjari Sinha Ray, Vikas Publishing House, 2012.
8. Its only Business, Mitra, OUP

9. Keith Davis and Robert Blostrom, Business and its Environment
10. Mathur and Agrawal, Responsibilities of Business Community to Indian Society and Social Institution.
11. Mathur UC – Corporate Governance & Business Ethics (McMillan).
12. Perspectives in Business Ethics, Hartman, Chatterjee
13. Perspectives on Corporate Social Responsibility – David Crowther, Lez Rayman – Bacchus
14. Reed Darryl – Corporate Governance, Economic Reforms & Development (Oxford).
15. S.K. Bhatia - Business Ethics and Managerial Values (Deep & Deep Publications Pvt.Ltd,
16. The business case for supply chain sustainability- A brief for Business leaders, BSR.org. February 8, 2011.
17. The Management and ethics omnibus- Chakraborty, OUP
18. Values and Ethics for Organizations, Chakraborty, OUP
19. Velasquez – Business Ethics – Concepts and Cases (Prentice Hall)

## **8. BUSINESS AND TRADE LAW (IPR)**

### **Unit- I: Introduction**

1. The meaning of Intellectual Property
2. Subject matter of Intellectual property
3. Copyrights, Trade Marks, Patents, Industrial Design
4. International instruments concerning Intellectual Property Rights
5. TRIPS and its impact on India -World Intellectual Property Organization (WIPO).

### **Unit-II: Copyrights and business**

1. Meaning of Copyright – Its nature, scope, content and duration
2. Copyright in literary dramatic and musical works,
3. Ownership of copy right,
4. Assignment, Author's special rights
5. Infringement of copyright, Fair use doctrine
6. Authorities and Remedies.

### **Unit -III: Patent benefits in Business**

1. Need and importance of patent in business world
2. Procedure in Grant of Patents
3. Acquiring patent - Formalities and Procedures- Term of patent
4. Compulsory Licensing- Licensee's right-obligations of patentee
5. Patenting of Life forms and Plant varieties- Plant breeders rights
6. Patent Policy and its Regulation under the Indian Laws
7. Conflict of Competition Policy and Patent Policy
8. International convention on patents – Infringement & remedies.

### **Unit –IV: Trademarks in Business World**

1. Historical development of trademarks law
2. Basic principles of Trade mark functions
3. Definition, Kinds, classification and use of Trade Mark
4. Property in trademark
5. Procedure for Registration of Trade Marks - Effects of Registration

6. Authorities - Powers and functions
7. Concept of Deceptive Similarity
8. Infringement of Trade Mark – action for Infringement
9. Passing off Action – Remedies for Passing Off
10. Trademark – its advantages to consumer in business

#### **Unit –V: Challenges and IPR in Market Place**

1. Domain name – Cyber Squatting
  - a. Resolution of domain name disputes mechanism
  - b. Appellate board – powers and functions of the Boards

#### **Unit –VI: Challenges and IPR in Market Place**

1. Industrial Design – Registered and Un-Registered design
2. Geographical applications
3. Integrated Circuits

#### **Unit –VII: Challenges and IPR in Market Place**

1. Confidential Information
  - a. Historical development and conceptual basis
  - b. Concept and importance of confidential information
  - c. Obligation of confidence – Good faith-fiduciary duty, Unauthorized use
  - d. Remedies– Trade secret misuse – Misuse of Trade Secret
  - e. Contract law and confidential information

#### **Suggested Reading:**

1. W.R. Cornish – Intellectual property Rights, 4<sup>th</sup> ed. Sweet & Maxwell, 1999.
2. Paul Torremans and Jan Holyoak – Intellectual Property Law, 2<sup>nd</sup> ed., Butterworth's, 1998.
3. Catharine Colstone –Principles of Intellectual Property Law, Cavendish, London, 1999.
4. P. Narayanan – Intellectual Property Law, Eastern Law House, Calcutta.
5. P. Narayanan – Law of Trade Marks (Trade Marks Act 1999) and Passing off, Eastern Law House, House, Calcutta, 2000.
6. P. Narayanan – Trade Marks Trade Name and Passing of Cases, Easter Law House, Calcutta, 1977.
7. J.S. Sarkar – Trade Marks; Law and Practice, Kamal Law House, Calcutta, 2000.
8. S. Venkateshwaran – The Law of Trade Marks and Passing off, Reprint 1999.
9. R.G. Chaturvedi (ed.) Iyengar's The Copyright Act 1957, 6<sup>th</sup> ed, Butterworth's, India 2000.
10. A.S. Srivastava (ed.) Lal's Commentary on Law of Copyright, 3rd edn.1999. Delhi Law House.
11. Copinger & Skone James- Copyright, 13<sup>th</sup> ed, Sweet & Maxwell, London.
12. Donald S.Chishum, C.A. Nard. H.F. Schwartz et.al., Principles of Patent Law; Cases and Materials, foundation Press, New York, 1998.
13. P. Narayanan – Patent Law, 3<sup>rd</sup> ed, Eastern Law House.
14. K.V. Swaminathan – Guiding Principles in the Decisions on Patent Law, Bahari Brothers, Delhi, 2000.
15. N.R. Subbaram – Patent Law.
16. Bibek Debroy (ed). – Intellectual Property Rights.



## **SPECIALIZATION: CONSTITUTIONAL AND ADMINISTRATIVE LAW**

### **Core Courses:**

1. Constitutional Theory and Practice
2. General Principles of Administrative Law
3. Constitutional Framework of Governance
4. Federalism and Intergovernmental Relations

### **Elective Courses:**

5. Constitutional Review and Adjudication
6. Freedom of Expression, Religious pluralism and Minorities
7. Disadvantageous Groups and Constitutional Framework
8. Comparative and Global Administrative Law

### **Scheme of Arrangement of Courses Semester wise**

<b>Semester No</b>	<b>Core Course</b>
Semester – II	Constitutional Theory and Practice
	General Principles of Administrative Law
Semester – III	Constitutional Framework of Governance
Semester – IV	Federalism and Intergovernmental Relations

### **Electives**

Constitutional Review and Adjudication
Freedom of Expression, Religious pluralism and Minorities
Disadvantageous Groups and Constitutional Framework
Comparative and Global Administrative Law

## **Detailed Syllabus**

### **1. CONSTITUTIONAL THEORY AND PRACTICE**

#### **Unit I: Idea of Constitution**

1. Meaning of Constitution
2. Purpose
3. Requisites of ideal Constitution

#### **Unit II: Creation of Constitution**

1. Process and Institutions in creating Constitution
2. Constituent Assembly
3. Legislature
4. Multi party Negotiation
5. Constitutional Debates
6. Making of Constitution

#### **Unit III Constitutional Interpretation**

1. Originalism v. the Living Constitution
2. Interpreting the Constitution as a value document;
3. Purposive interpretation of Constitution,
4. Interpreting the Constitution as legal document
5. Specific Rules, Principles and Doctrines of Interpretation
  - a. Presumption of constitutionality,
  - b. Inter-relationship of Fundamental Rights

#### **Unit IV Constitutional Doctrines in Interpretation**

1. Ejus Dem Generis
2. Doctrine of Eclipse and severability,
3. Harmonious construction
4. Doctrine of inconsistency,
5. Doctrine of Pith and substance
6. Doctrine of Colourable Legislation

#### **Unit V: Constitutional Courts and their Independence**

1. Role of Constitutional Courts in Protecting the Integrity and Effectiveness of the (Written) Constitution
2. Constitutional Safeguards for Protecting Independence of Constitutional Courts
3. Striking balance between Independence and Accountability of Constitutional Courts

#### **Unit V: Constitutional Rights and Their Limits**

1. Concept of Rights and Liabilities
2. Methods of guarantee of basic rights –
  - a. Common Law method – Constitutional Bill of rights
3. Suspendability and Amendability of Constitutional Rights

#### **Unit VII: Enforcement of Fundamental Rights**

1. Definition of 'State' - Rights against state
2. Rights against non-state actors

**Unit VIII: Nature and limitations of Constituent power to amend the Constitution.**

1. Nature of Constituent Power
2. Procedural Limits on the Constituent Power
3. Substantive Limits on the Constituent Power - Basic structure theory.

**Suggested Readings:**

1. K.C.Wheare, Modern Constitutions
2. H.J. Laski, The State in Theory and Practice (Chapter-I)
3. P.K.Tripathi- Spotlights on Constitutional Interpretation.
4. B.A Masodkar, Society State and the Law.
5. R.M Mc Ivan, The Modern State
6. Kulgod, Waiver of Constitutional and Fundamental Rights: A Constitutional Discretion not an American Doctrine.
7. P.V Kane, History of Dhamashastra Vol.III
8. M.Rama Jois, Constitutional and legal History, Vol. I & II
9. B. Shiva Rao, The Framing of India's Constitution, Select Comments, 6 Parts, Universal Law Publishing Co. Pvt. Ltd. (Reprint 2004)
10. Granville Austin, working A Democratic Constitution: A History of the Indian Experience, Oxford University Press, New Delhi (2000)
11. Jain M. P., Indian Constitutional Law, 6<sup>th</sup> Edition, LexisNexis Butterworths Wadhwa, Nagpur (2008)
12. Khanna H. R., Making of India's Constitution, 2<sup>nd</sup> Edition, Eastern Book Company, Allahabad (2008)
13. Krishnaswamy Sudhir, Democracy and Constitutionalism in India: A Study of the Basic Structure Doctrine, Oxford University Press, New Delhi (2009)

## 2. GENERAL PRINCIPLES OF ADMINISTRATIVE LAW

### Unit I: Concept of Administrative Law

1. Definition, Nature, Scope and Functions
2. Growth of Administrative Law in India

### Unit II: Classification of Administrative Functions

1. Legislative
2. Executive
3. Judicial
4. Quasi-Judicial

### Unit III: Administrative Discretion

1. Failure to exercise
2. Excess or Abuse
3. Non-Application
4. Noncompliance of procedure
5. Malafied

### Unit IV: Delegated Legislation

1. Importance, Need and Constitutionality of Delegated Legislation
2. Conditional Legislation

### Unit V: Controls on Delegated Legislation

1. Parliamentary Control
2. Procedural Control
3. Judicial Control
4. Administrative Tribunals

### Unit VI: Rules of Fairness

1. Rule against Bias
2. Rule of Faire Hearing
3. Reasoned Decision

### Unit VII: Transparency and Accountability and Redressal of Grievances

1. *Lokpal* and *Lokayukt*
2. Right to Information
3. Central Vigilance Commission
4. Comptroller and Auditor - General of India
5. Commissions of Inquiry

### Unit VIII: Judicial Review of Administrative Actions

1. Forums
2. Grounds
3. Reliefs

### Suggested Readings:

1. Banerjee B. P., *Judicial Control of Administrative Action*, Lexis Nexis
2. Garner, J.F., *Administrative Law*, Butterworths
3. H. W. R. Wade & C. F Forsyth, *Administrative Law*, Oxford University Press

4. Jain M.P., and Jain S.N., *Principles of Administrative Law*, Wadhwa and Company, Nagpur (2013)
5. Jain M.P., and Jain S.N., *Principles of Administrative Law*, Wadhwa and Company, Nagpur
6. Massey I.P., *Administrative Law*, Eastern Book Company, Delhi
7. Sathe, S.P., *Administrative Law*, Lexis Nexis Butterworths, New Delhi
8. Wade William, *Administrative Law*, Oxford University Press
9. M.P. Jain, *Cases and Materials on Indian Administrative Law*, 3 volumes, Wadhwa, Nagpur
10. Paul Craig, *Administrative Law*, Sweet and Maxwell

### **3. CONSTITUTIONAL FRAMEWORK OF GOVERNANCE**

#### **Unit I: Basic Constitutional Principles of Governance**

1. Rule of Law
2. Separation of Powers
3. Judicial Review
4. Directive Principles of State Policy

#### **Unit II: Parliamentary System of Governance**

1. Union Parliament and State Legislatures: Structure and Composition
2. Functions
3. Parliamentary Committees
4. Council of Ministers and their collective responsibility

#### **Unit III: Powers, Privileges and Immunities of**

1. Houses of Parliament and State Legislatures
2. Members of Parliament and State Legislatures
3. Committees of Parliament and State Legislatures
4. Judicial Review of Exercise of Powers, Privileges and Immunities
5. Need for Codification of Powers, Privileges and Immunities

#### **Unit IV: Union and State Executive**

1. President and Vice – President
  - Election, Removal
  - Immunities, Powers and Functions
  - Aid and Advise of the Council of Ministers
2. Governor of State
  - Appointment and Removal
  - Immunities, Powers and Functions
  - Aid and Advise of the Council of Ministers

#### **Unit V: Local Self Governance: Constitutional Framework**

1. Panchayati Raj Institutions
2. Municipalities

#### **Unit VI: Free and Fair Elections**

1. Adult Suffrage
2. Election Commission
3. Power and Functions of Election Commission

#### **Unit VII: Public Services**

1. Doctrine of Pleasure
2. Exceptions
3. Public Service Commissions

**Unit VIII: Emergency Regime**

1. Impact of National Emergency on Governance
2. Impact of State Emergency on Governance
3. Impact of Financial Emergency on Governance

**Suggested Readings:**

1. Basu Durga Das, *Human Rights in Constitutional Law*, Third Edition, Lexis Nexis Butterworths Wadhwa Nagpur, New Delhi
2. Granville Austin, *working A Democratic Constitution: A History of the Indian Experience*, Oxford University Press, New Delhi
3. Jain M. P., *Indian Constitutional Law*, LexisNexis Butterworths Wadhwa, Nagpur
4. Khanna H. R., *Making of India's Constitution*, Eastern Book Company, Allahabad
5. Seervai H. M., *Constitutional Law of India* Volumes 1, 2 and 3, Universal Law Publishing Co. Pvt. Ltd.
6. Singh M. P., *V. N. Shukla's Constitution of India*, , Eastern Book Company Lucknow

**4. FEDERALISM AND INTERGOVERNMENTAL RELATIONS**

**Unit I: Formation of Union of India and Units**

1. Princely States and Provinces
2. The History of Integration of Princely States post-independence: Pre-constitutional development
3. Developments after the Adoption of the Constitution of India (Merger of Part – A and Part – B States, Abolition of Privy Purse etc.,)

**Unit II: Concept of Federalism**

1. Comparison of Federal Systems in India, United States, Germany and Australia

**Unit II: Federal Features of the Indian Constitution**

1. Federal Features
2. Unitary Features
3. Special Features

**Unit III: Legislative Relations between Centre and States**

1. Territorial Jurisdiction
2. Distribution of Legislative Powers

**Unit IV: Administrative Relations and Cooperative Federalism**

2. Distribution of Executive Power
3. Cooperative federalism
4. Common Civil Service and Impact on Autonomy of States

**Unit V: Financial Relations - Dependence of States on Centre**

1. Allocation of Taxing Power
2. Restriction on Taxing powers
3. Inter-governmental tax immunities

4. Finance Commission
5. Borrowing Power

#### **Unit VI: Inter-State Trade and Commerce**

1. Freedom of Inter-State trade and commerce
2. Restrictions on legislative power of the Union and States with regard to trade and commerce

#### **Unit VII: Emergency and Division of Powers**

1. National Emergency
2. Article 356 and the Role of Governor
3. Financial Emergency and its impact on federal structure

#### **Unit VIII: Special Status to States**

1. Special Status to J & K
2. Special Status to other states under Part XXI of Indian Constitution

#### **Suggested Readings:**

1. B. Shiva Rao, *The Framing of India's Constitution, Select Comments*, 6 Parts, Universal Law Publishing Co. Pvt. Ltd. (Reprint 2004)
2. Granville Austin, *working A Democratic Constitution: A History of the Indian Experience*, Oxford University Press, New Delhi (2000)
3. Jain M. P., *Indian Constitutional Law*, 6<sup>th</sup> Edition, LexisNexis ButterworthsWadhwa, Nagpur (2008)
4. Khanna H. R., *Making of India's Constitution*, 2<sup>nd</sup> Edition, Eastern Book Company, Allahabad (2008)
5. Noorani A. G., *Article 370: A Constitutional History of Jammu and Kashmir*, Second Impression, Oxford University Press, New Delhi (2011)
6. O. Chinnapa Reddy, *The Court and the Constitution of India: Summits and Shallows*, Oxford University Press, New Delhi (2008)
7. Panday J. N., *The Constitutional Law of India*, 49<sup>th</sup> Edition, Central Law Agency, Allahabad (2012)
8. Seervai H. M., *Constitutional Law of India* 4<sup>th</sup> edition, Volumes 1, 2 and 3, Universal Law Publishing Co. Pvt. Ltd. (1993)
9. Singh M. P., *V. N. Shukla's Constitution of India*, 11<sup>th</sup> Edition, Eastern Book Company Lucknow (2012)
10. VenkatIyer, *States of Emergency: The Indian Experience*, Butterworths India, New Delhi, 2000

## **5. CONSTITUTIONAL REVIEW AND ADJUDICATION**

### **Unit I: Judicial System in India**

1. Hierarchy of Courts in India

### **Unit II: Supreme Court and its Jurisdiction under the Constitution**

1. Court of Record
2. Original

3. Extraordinary Original
4. Appellate
5. Advisory
6. Review

**Unit III: Special Provisions for Supreme Court**

1. Enlargement of Jurisdiction
2. Ancillary powers
3. Biding nature of the law declared
4. Power to do Complete Justice
5. Enforcement of Decree

**Unit IV: High Courts and their Jurisdictions under the Constitution**

1. Court of Record
2. Writ Jurisdiction
3. Supervisory Jurisdiction

**Unit V: The Concept of Judicial Review – Democratic Legitimacy**

1. Judicial Review of Legislations
2. Judicial Review and Basic Structure Doctrine
3. Judicial Review of Administrative Actions
4. Judicial Review of Treaty Making and Implementation
5. Limits on Judicial Review: Doctrine of Political Question and Judicially Manageable Standards
6. Contempt of Court

**Unit VI: Constitutional Adjudication and Prerogative remedies – Writs**

1. Habeas Corpus
2. Mandamus
3. Prohibition
4. Certiorari
5. Quo warrento

**Unit VII: Tribunals – Their Powers to Adjudicate Constitutional Issues**

1. Constitutionality
2. Powers
3. Jurisdiction

**Unit VIII: Judicial Activism and Judicial Review**

1. Judicial Activism as an Extension of Power of Judicial Review
2. Statutory Exclusion of Judicial Review

**Suggested Readings**

1. O. Chinnapa Reddy, *The Court and the Constitution of India: Summits and Shallows*, Oxford University Press, New Delhi (2008)
2. A.V.Dicey – Introduction to the Study of Constitution
3. Jain M. P., *Indian Constitutional Law*, LexisNexis Butterworths Wadhwa, Nagpur.
4. M. P. Jain & S. N. Jain - Principles of Administrative Law, 6<sup>th</sup> Edition 2001, Publication-Lexis Nexis Butterworth's Wadawa Nagpur.
5. P. Massey - Administrative Law, 7<sup>th</sup> Edition 2008. Publication-Eastern Book Company, Lucknow.



6. Dr. CD Jha's Judicial Review of Legislative Acts Second Edition, 2009
7. Garner's – Administrative Law, 8<sup>th</sup> Edition 1996, Oxford University press
8. De Smith - Judicial Review of Administrative Action, 6<sup>th</sup> Revised Edition 2006, Sweet and Maxwell Publication.
9. Richard J Pierce & Kenneth Culp Davis Administrative law treatise
10. Seervai H. M., *Constitutional Law of India* 4<sup>th</sup> edition, Volumes 1, 2 and 3, Universal Law Publishing Co. Pvt. Ltd.
11. S.N.Ray, Judicial Review and Fundamental Rights, Eastern Law House.

## **6. FREEDOM OF EXPRESSION, RELIGIOUS PLURALISM AND MINORITIES**

### **1. Freedom of speech and Expression**

#### **Unit I: The Concept of Freedom of Thought,**

1. Meaning of Speech and Expression
2. Scope of freedom of Speech and Expression

#### **Unit II: Freedom of Press**

1. Beyond Print and Telecasting freedom
2. Net Neutrality

#### **Unit III: Limitations**

1. Freedom of Speech and National Interest
  - a. Public order
  - b. Security of the State
  - c. Friendly relationship with foreign country
  - d. Sovereignty and integrity of Nation
  - e. Sedition
2. Freedom of Speech and Cultural Regulation
  - a. Obscenity and Pornography
  - b. Hate speech
  - c. Film and Internet Censorship
3. Freedom of Speech and personal liberties
  - a. Defamation
  - b. Privacy
  - c. Surveillance
  - d. Copy right
4. Other Restrictions
  - a. Contempt of Court
  - b. Regulation on commercial speech
  - c. Time, Place and Manner of restrictions

### **2. Religious Pluralism**

#### **Unit IV: Secularism, Concept, Meaning and Scope**

1. Freedom of belief, Faith and worship
2. Secularism and personal laws

#### **Unit V: Limits on freedom**

### 3. Rights of the Minorities

#### Unit VI: Religious minorities and the law;

- 1 Right to preserve culture
- 2 Right to establish educational Institutions

#### Unit VII Linguistic Minorities

- 1 Language as a divisive factor –
- 2 Constitutional guarantee to linguistic minorities,
- 3 Language policy and the Constitution;

#### Unit VIII Common Rights

- 1 Right of movement, residence and business,
- 2 Equality in matters of employment,
- 3 Admission to educational institutions.

#### Suggested Readings:

1. Arun Shourie, Indian Controversies: Essays on Religion in Politics, Rupa and Company
2. Basil Mitchell, Law Morality and Religion in a secular Society, Oxford University Press
3. Boyd, Bruce Michael, *Film Censorship in India: A Reasonable Restriction on Freedom of Speech and Expression*, 14 J.I.L.I. (1972)
4. Carolyn Evans, Freedom of religion under the European Convention on Human Rights, Oxford University Press
5. D.L. Sheth Minority Identities and the Nation State, Oxford University Press
6. Dhavan, Rajiv, *On the Law of the Press in India*, 26 J.I.L.I. 288, (1984)
7. DiwanMadhavi, *Facets of Media Law*, Eastern Book Co., (2009)
8. Duncan Derret, *The State, Religion and Law in India*, OUP, New Delhi, 1999.
9. Duncan M. Derrett, *Religion, Law and the State*, Faber and Faber Ltd.
10. Gautham Bhatia, *Offend Shock or Disturb: Free Speech under Indian Constitution*, Oxford University Press, New Delhi
11. Gautham Bhatia, *Offend Shock, or Disturb: Free speech under the Indian Constitution*, Oxford University Press
12. H.M. Seervai, *Constitutional Law of India*, Tripathi, 1996.
13. Jaganmohan Reddy, *Minorities and the Constitution: Setalvad Law Lectures*, University of Bombay.
14. M.P. Jain, *Indian Constitutional Law*,
15. Mohammed Imam, *Minorities and the Law*, N.M. Tripathi Pvt. Ltd
16. Ronojoy Sen, *Articles of Faith Religion, Secularism and the Indian Supreme Court*, Oxford University Press
17. Sorabjee Soli, *Law of Press Censorship in India*, N.M TripathiPvt Ltd,
18. Tahir Mohmood, *Law of India on Religion and Religious Affairs*, Universal Law Pub. Co.

## 7. DISADVANTAGEOUS GROUPS & CONSTITUTIONAL FRAMEWORK

#### Unit I: Introduction

1. Inequalities in India – Social, Economic, Educational and Cultural
2. Constitutional Guarantee of Equality

3. Meaning of equality in an unequal society
4. Concept of Vulnerability
5. Meaning of Vulnerable and Disadvantaged Groups

#### **Unit II: Rights of Women**

1. Social and economic status of Women
2. Right Against Discrimination
3. Constitutional Protection of Women
4. Sexual Harassment at work place
5. National and International Perspective of Protection of Rights of Women
6. Sex Workers

#### **Unit IV: Rights of Children**

1. Violation of Rights of Children
2. Protection under Constitution for Children
3. Right to Education
4. Child Labour

#### **Unit V: Constitutional Rights of Socially and Educationally disadvantaged groups**

1. Rights of Indigenous people,
2. Scheduled Castes and Scheduled Tribes
3. Other Socially and Economically Backward castes

#### **Unit VI: Rights of Minorities**

1. Indian Perspective on rights of minorities
2. Economic rights of minorities in India
3. National Policy on Minorities

#### **Unit VI: Rights of Special Categories of Disadvantaged People: Labour and Employment**

1. Equal pay for equal work
2. Bonded Labour
3. Un organized Sector
4. Pavement dwellers

#### **Unit VIII: Rights of Special Categories of Disadvantaged people: Other Groups**

1. Refugees and Migrants
2. HIV and AIDS affected people
3. Rights of Aged and Disabled people
4. Rights of Transgender

#### **Unit VIII: Institutional Mechanism to Protect Disadvantaged groups**

1. National Commission for Women
2. National Commission for Protection of Child Rights
3. National Commission for Schedule Caste
4. National Commission for Schedule Tribes
5. National Commission for Backward Classes
6. National Commission for Minorities – India
7. Office of The Chief Commissioner for Persons with Disabilities

#### **Suggested Readings**

1. Gurusamy, S., *Human Rights and Gender Justice*, APH New Delhi

2. R H. Callaway and J. Harrelson-Stephens (eds.), *Explaining International Human Rights*, Viva, New Delhi
3. Upendra Baxi, *The Future of Human Rights*, Oxford University Press, New Delhi
4. V.V. Devasia, *Women, Social Justice and Human Rights*, APH, New Delhi
5. Surinder Khanna, *Dalit Women and Human Rights* Swastik Publications Delhi,
6. “REFUGEE LAWS AND UNHCR” by Indian Institute of Human Rights,
7. Manoranjan Mohanty, Etd, “People's Rights: Social Movements and the State in the Third World” Sage, New Delhi
8. Justice Iyer, Krishna, *Social Justice –Sunset or Dawn*, Eastern Book Company, Lucknow
9. Jayaram, N, *Vulnerability and Globalization Perspectives And Analyses From India* Rawat Publications

## **8. COMPARATIVE AND GLOBAL ADMINISTRATIVE LAW**

### **UNIT – I: Comparative Public Administration:**

1. History and Importance

### **UNIT – II: Administrative Law in France**

1. French concept of Separation of Powers and the Status of Judiciary
2. Rule of Law and *Droit Administratif*
3. Administrative courts (*Ordre Administratif*) – *Conseil d’Etat*, *Cour Administrative d’appel* and *Tribunal Administratif*
4. *Tribunal des conflits*

### **UNIT – III: Administrative Law in UK**

1. Separation of powers
2. Rule of Law
3. Judicial Review of Administrative Actions

### **UNIT – IV: Administrative Law in US**

1. Separation of Powers
2. Rule of Law
3. Judicial Review of Administrative Actions

### **UNIT – V: Public Interest Litigation and Judicial Control of Administrative Actions: India and US**

### **UNIT – VII: Processual Fairness**

1. Evolution and significance of Natural Justice
2. Doctrine of Fairness and legitimate Expectation in England
3. Concept of Due process of Law in USA
4. Concept of Just, Fair and Reasonableness in India

### **UNIT – VII: Global Administrative Law**

1. Globalization and Global Governance
2. Players in Global Governance – Public, Private and Hybrid
3. Global Administration – A Facet of Global Governance

4. Emergence of Global Administrative Law: Bottom - up and Top - down approach
5. Global Administrative Law: Perspectives of Developing Countries

**Suggested Readings**

1. Basu, D.D., *Comparative Administrative Law*, 6th Edition. Kamal Law house, Kolkata
2. Michael Allen and Brian Thompson, *Cases and Materials on Constitutional and Administrative law*, Oxford University Press
3. Michael T Molan (Editor), *150 leading cases – Constitutional and Administrative law*, Old Bailey Press
4. Peter Cane, *An Introduction to Administrative law*, Oxford
5. Wade, *Administrative law*, Universal, Delhi
6. B. Schwart, *An Introduction to American Administrative law*.
7. Peter H. Schuck, *Foundations of Administrative Law*, Oxford

## **SPECIALIZATION: LABOUR AND INDUSTRIAL LAWS**

### **Core Courses:**

1. Industrial Relations Law
2. Law Relating to Industrial Injuries and Social Security
3. Law Relating to Labour Welfare
4. Trade Unionism, Collective Bargaining and Industrial Adjudication

### **Elective Courses:**

- 5 Law Relating to Service Regulations
- 6 Agricultural Labour Law
- 7 Dispute Resolution in Labour Management Relations
- 8 Laws Relating to Wage Determination and other Benefits

### **Scheme of Arrangement of Courses Semester wise**

<b>Semester No</b>	<b>Core Course</b>
Semester – II	Industrial Relations Law
	Law Relating to Industrial Injuries and Social Security
Semester – III	Law Relating to Labour Welfare
Semester – IV	Trade Unionism, Collective Bargaining and Industrial Adjudication

### **Electives**

Law Relating to Service Regulations
Agricultural Labour Law
Dispute Resolution in Labour Management Relations
Laws Relating to Wage Determination and other Benefits

## **Detailed Syllabus**

### **1. INDUSTRIAL RELATIONS LAW**

#### **Unit - 1: Perspectives and Foundations**

1. Industrial Relations: Concept
2. Concept of Master and Servant Relationship
3. State Regulation Of Employer
4. Employee Relationship-
5. Concept of Industry-
6. Industrial Dispute- Juridical Formulation
7. Constitutional Goals Protecting Capital And Labour

#### **Unit - 2: Collective bargaining**

1. Process of Collective bargaining
2. Perquisites for collective bargaining
  - i. strikes/lockouts [pen-down, tool down, go slow, work to rule, stay in, sit in, picketing] - Gherao
  - ii. Law relating to collective bargaining.

#### **Unit - 3: Freedom of Association**

1. Constitutional and legal aspects

#### **Unit - 4: Industrial Disputes Act**

1. Definitions of appropriate government, industry, industrial dispute, workman, etc.
2. Settlement and award
3. Layoff
4. Retrenchment and closure
5. compulsory retirement
6. Voluntary retirement
7. Superannuation

#### **Unit - 5: Industrial Dispute Resolutions**

1. Methods
2. Conciliation Officer
3. Board of Conciliation
4. Legal status of Conciliation settlements
5. Voluntary Arbitration
6. Arbitration under the Industrial Disputes Act
7. Compulsory Adjudication
8. Power of reference
9. Reference by Government
10. Industrial Tribunals
11. National Tribunals
  - i. Status, powers, awards
12. Judicial review.
13. comparative overview of adjudicatory process in the UK, USA and India

#### **Suggested Reading:**





## 2. LAW RELATING TO INDUSTRIAL INJURIES AND SOCIAL SECURITY

### Unit -1: Social Security

- a) Meaning and Concept of Social Security.
- b) Labour Welfare and Social Security
- c) Modality: Social prescription, Social assistance and Social insurance.
- d) Distinction with Labour Welfare.

### Unit -2: Constitutional Perspectives

- a) Fundamental Rights: Realisation of the rights through meaningful social security measures: Right to life, the wider dimensions
- b) Directive Principles of State Policy: Right to adequate means of livelihood, Right to public assistance in cases of unemployment, old age, sickness and disablement, maternity relief.

### Unit -3: Origin and Development/ Comparative Perspectives of Social Security:

- a) The United Kingdom.
- b) The United States.
- c) International Norms of Social Security-ILO & Human Rights Perspectives.

### Unit -4: Legislations

- i) Workmen's Compensation
  - a. From Compensation to Insurance
  - b. Judicial Interpretation of the express 'arising out of and in the course of employment'
  - c. Employer's liability for compensation.
  - d. Types of Injuries covered.
  - e. Workmen-who can claim compensation.
  - f. Amount of compensation in case of various injuries.
  - g. Payment of Compensation.
  - h. Commissioner for Workmen's Compensation - his duties, powers and procedures.
- ii) Employee State Insurance Act 1948
  - a. Authorities under the Act -their powers and function.
  - b. Employees State Insurance Fund-Contributions to the fund by the Employer and
  - c. Employees, Grant by Central and State Government.
  - d. Purposes for which the fund may be expended.
  - e. Benefits available, conditions under which available, persons entitled.
  - f. Corporation's right to recover damages or other amounts from employer, or to be indemnified in certain cases.
  - g. Adjudication of disputes and claims.

### Unit -5: Legislations

- iii) Fatal Accidents Act, 1857
  - a. Motor Vehicle Compensation Law
  - b. Employer Liability Act 1935
- iv) Industrial safety
  - a. Factories Act
  - b. Environmental destruction, eg. Bhopal and Shriram gas leak

### Unit -6: Legislations

- v) Occupational Health and Industrial Injuries
  - a. Old age, sickness and disablement
  - b. Hazardous employment

- c. Employers Liability
  - d. Medical Insurance
  - e. Public Liability Insurance Act 1991
- vi) The Maternity Benefit Act 1961:  
 Applicability, Nature of benefits and privileges available under the Act  
 Procedure for claiming payment, Inspectors their powers and functions, Penalties.

### **Unit -7: Social Security**

- a. Five-year plan
- b. National Commission on Labour
- c. Provident Fund, Pension and Gratuity
- d. Mining workers
- e. Social Security for Unorganized Labour
- f. Employee stock option
- g. Workers cooperatives.

### **Suggested Readings:**

- |  |  |
|--|--|
| 1. Shrivastava S. C.   | Social security and labour law Eastern Book Company Lucknow, 1985  |
| 2. H K Saharay   | Industrial and Labour Laws of India 1987                           |
| 3. R W Rideout   | Principles of Labour Law 1988                                      |
| 4. Dr.Vivek Bhattacharya   | Social Security Measures in India.                                 |
| 5. Bakshi and Mitra-   | Workmen's Compensation Act and other Social Insurance Legislation. |
| 6. K.D. Shrivastava  | Commentaries on Employees State Insurance Act.                     |
| 7. Larson  | Workmen's Compensation Law   |
| 8. Dr. C. B. Mamoria   | Principles of Social Security.                                     |
| 9. V.R. Bhattacharya,  | Some Aspects of Social Security Measures in India (1970).          |
| 10. R.N. Choudhary,  | Commentary on the Workmen's Compensation Act 1923 (2000), Orient.  |
| 11. Harry Calvert,   | Social Security Laws (1978).                                       |
| 12. Reports of the National Commission on Labour (1&2) (Relevant Chapters) |  |
| 13. Ogn's and Berndt   | The Laws of Social Security – (1978) (Relevant chapters)           |

## **3. LAW RELATING TO LABOUR WELFARE**

### **Unit -1: Constitution and Labour Welfare**

- 1. Right to work
- 2. Bonded Labour child labour
- 3. special provision for women and children
- 4. Law relating to protection of Women in work place International conventions.

### **Unit -2: Minimum Wage-**

- 1. Types and kinds of wage Wage determination theories of wage
- 2. Payment of Wages
- 3. Bonus Dearness allowance
- 4. Basic wage Other wage [HRA, CCA, MA, LTC, Leave encashment, Overtime allowances, cash incentives, conveyance allowance] National Wage Policy Payment of Wages Act Denial of minimum wage as Forced Labour

**Unit -3: ILO standard for labour International Convention for Labour Welfare**

1. UDHR
2. ICCPR.

**Unit -4: Labour and Human Rights**

1. Equality of Opportunity in employment: Equal Pay for Equal Work Equal Remuneration Act
2. Maternity Benefit
3. Shops and Establishment

**Unit -5: Unorganized Sector and labour laws**

1. Agricultural labourers
  - i. Concept,
  - ii. exploitation,
  - iii. tribal labour in forest settlements.
2. Plantation Labour Act,
3. Political movement, agrarian reforms
  - i. Migrants
  - ii. Sale promotions
  - iii. small- scale industries
  - iv. Beedi and Cigar
  - v. Construction labour
  - vi. Ship wreckreaking
  - vii. Cracker Industry
  - viii. Employment Guarantee scheme.

**Suggested Readings:**

- |                     |   |
|---------------------|---|
| 1.Mishra S N        | Labour and Industrial laws Central law publication Allahabad 20th Edition 2004                              |
| 2.Shrivastava .K. D | Law relating to Trade Unions and Unfair Trade Practices in India. Eastern Book Company Delhi, 3fh Ed, 1993. |
| 3.Y B Singh         | Industrial Labour in India [Part-I] 1960  |
| 4.Report            | National Commission on Labor 1969   |
| 5.Shrivastava S. C. | Social security and labour law Eastern Book Company Lucknow, 1985   |
| 6.Pretal Joshi-     | ILO and its impact in India   |

**4. TRADE UNIONISM, COLLECTIVE BARGAINING AND INDUSTRIAL ADJUDICATION****Unit -1: Trade Union Concept and History****1. Freedom of Organization**

- i) Negative and positive features
- ii) Trade Union: Comparison and Position in India, Britain and America
- iii) Scope of Art 19(1)

**2. History of Trade Union Movement**

- i) Brief History of Trade Union movement in Britain
- ii) History of Indian Trade Union movement

- a. Trade Union Act, 1926
- b. Recognition of Trade Union
- c. Affiliation of Unions to political parties
- d. Multi-unionism
- e. Policies towards workers, participation in management
- f. Role of State
- g. Workers participation in Management
- h. Liberalization and Industrial relation in India.
- i. Evolution of Trade Union Movement Labour Legislation in India

### **Unit -2: Trade Union Registration and Recognition**

1. Registration of Trade Unions –  
Rights, Privileges and Immunities of Registered Trade Unions; Trade Union Problems In India- Trade Union Recognition, Multi- Unionism And Trade Unions Rivalry, Trade Union And Politics, Outsiders In Trade Unions, Trade Union Finance.
2. Trade Unions and Corporate Status
  - i) Definition of Trade Union
  - ii) Registration and Corporate Status
  - iii) Immunities of Trade Unions – India and Britain
3. Trade Union Recognition
  - i) Recognition of Trade Unions in Britain
  - ii) Recognition of Trade Unions in India – NCL Recommendations.

### **Unit -3: Trade Union Movement**

1. Problems facing the Indian Trade Union Movement
  - i) Multi – Unionism
  - ii) Outsiders in the Unions
  - iii) Political affiliation
  - iv) Inter-Union Rivalry and Intra-Union Rivalry
  - v) N.C.L. Recommendations
2. Unorganised Labour and Unionizations
  - i) Problems of unorganized labour

### **Unit -4: Collective Bargaining Concept**

1. Freedom of Association and Concept of Collective Bargaining
  - i. Comparative study of Freedom of Association
  - ii. ILO response to Freedom of Association.
  - iii. Relationship between Freedom of Association and Collective Bargaining.
  - iv. Judicial Response to Freedom of Association.
  - v. Legal Concept of Collective Bargaining.
  - vi. Historical Background of Collective Bargaining in India.
  - vii. Pre-requisites of Collective Bargaining.
  - viii. Advantages and Disadvantages of Collective Bargaining.
  - ix. Judicial Response to Collective Bargaining.
  - x. Collective Bargaining V/S Industrial Adjudication.
  - xi. Contribution of 1<sup>st</sup> and 2<sup>nd</sup> National Commission on Labour for Collective Bargaining.
  - xii. ILO response to Collective Bargaining.

### **Unit - 5: Legal Control and Process of Collective Bargaining**

- i. Concept of Strike.
- ii. Different kinds of Strike.
- iii. Legal response to the concept of Strike.
- iv. Strike as a legal control on the concept of Collective Bargaining.
- v. Subject matter of Collective Bargaining in changed economics scenario.
- vi. Negotiation and contract administration as a process of Collective Bargaining.
- vii. Different kinds of Collective Bargaining.
- viii. Levels of Collective Bargaining.
- ix. Content of Collective Bargaining Agreement.

### **Unit -6: Economic Implications and factors influencing Collective Bargaining**

- i. Relationship between income and wages with Collective Bargaining.
- ii. Influence of wage policy on Collective Bargaining.
- iii. Ethical codes in Industrial relations and Collective Bargaining.
- iv. Factors for success and failure of Collective Bargaining.
- v. Contribution of Indian Labour Conference, Standing Labour Committee and Planning
- vi. Unfair Labour Practice and Collective Bargaining.

### **Unit -7: Collective Bargaining in Public Sector- A Comparative Study**

- i. Position of Collective Bargaining in Public Sector.
- ii. An Empirical study of Collective Bargaining in Public and Private Sector.
- iii. Need for Collective Bargaining in Unorganized Sector.
- iv. Comparative study of Collective Bargaining between UK & USA.
- v. Collective Bargaining in other Countries.

### **Unit-8: Globalization and its Impact on Collective Bargaining**

- i. Meaning and development of Globalization.
- ii. Impact of globalization on Collective Bargaining in India.
- iii. Right of Public Sector employer to be consulted about changes in terms of employment.
- iv. Role of Trade Union for collective Bargaining in Global Era.
- v. Community Unionism and Trade Union renewal in the U.K.
- vi. Economic arguments for and against Workers Participation in Management.

### **Suggested Reading:**

- |  |  |
|--|--|
| 1.O.P. Malhotra,   | The Law of industrial Disputes. (Tripathi)   |
| 2.K.D. Srivastava -  | Law Relating to trade Unions and Unfair Labour Practices in India. (Eastern Book Company), |
| 3.V.V. Giri,   | Labour Problems in Indian industry (1972) (Asia Publishing House),                         |
| 4.Ganga Sahai Sharma -                                     | Trade Union Freedom in India. (Deep and Deep Publication),                                 |
| 5.S.N. Dhayani -   | Trade Union and the Right to strike. (S. Chand & Co.),                                     |
| 6.Relevant Chapters of National Commission on Labour 1969. |  |
| 7.Otto -   | Kahan Freund- Labour and the Law (1977) (Stevan &  |

- Sons)
8. Roger W. Ridout- Principles of Labour Law (1983) (Sweet & Maxwell). Gillian S. Morris and Timothy J. Archer, Collective Labour Law (2000), Oxford Nick Humphrey, Trade Union Law (1997), Blackstone, London
  9. John Bowers and Simon Hentyball, Text book on Labour Law (1998), Blackstone, London Stephen Dery and Richard Mitchell, Employment Relations Individualization and Union Exclusion (1999), Blackston, London.
  10. Roger Blanpain, Chris Engels (Eds.), Comparative Labour Law and Industrial Relations in Industrialised Market Economies (1999) Kluver
  11. Indian Law Institute, Labour Law and Labour Relations, (1987)
  12. ILO, Conventions and Recommendations.; ILO, Collective Bargaining; ILO, Collective Bargaining in Industrialised Market Economies
  13. Mary Sur, Collective Bargaining (1965)
  14. R.W. Rideout, Principles of Labour Law, Chs. 8,9 and 10 (1983) Otto Kahn-Freund, Labour and the Law, (1977)
  15. A.V. Rajagopalan, "Approaches to collective Bargaining - Intricacies" 1982 Vol. II Labour Law Notes P.J. 42
  16. B.R. Patil, Sectionalised Bargaining in Textile Industry in Coimbatore"
  17. Indian Journal of Industrial Relations 44. (1985)
  18. Elias T. Ramos, "Growth of Collective Bargaining in the Philippines, 1953-74", 14 Indian Journal of Industrial Relations 559 (1987)
  19. T.O. Ekeehukwu, "Collective Bargaining and Process of Settling Industrial Disputes in Nigeria"
  20. Indian Journal of Industrial Relations 607 (1983)
  21. Y.R.K. Reddy, "Determination of collective Bargaining Agency Search for a Procedure" 14
  22. Indian Journal of Industrial Relations 73 (1978)
  23. Sahab Dayat "Revival of Collective Bargaining in India: Some Recent Evidence" 17 Indian
  24. Journal 'of industrial Relations 329 (1982)
  25. Reports of National Commissions on Labour 1969 (relevant portions)
  26. A.B. Maily, "Forced Labour in India", 15 Indian Journal of Industrial Relations 77 (1979)
  27. Gillian S. Morris and Trimothy J. Archer, collective Labour Law (2000) Oxford. Nick Humphrey, Trade Union Law (1997), Blackstone, London
  28. John Bowers and Simon Hentyball, Text Book on Labour Law (1988), Blackstone, London
  29. Stephen Dery and Richard Mitchell, Employment Relations Individualization and Union Exclusion (1999) Blackstone, London
  30. Roger Blanpain, Chris Engels (Eds), Comparative Labour Law and Industrial Relations in Industrialised Market Economics (1999) Kluver
  31. Indian Law Institute, Labour Law and Labour Relations, (1987)

32. ILO, Collective Bargaining
33. Mary Sur, Collective Bargaining (1965)
34. R W Rideout, Principles of Labour Law, Chs. 8,9 and 10 (1983)
35. Ottkahnfreund, Labour and law, (1977)
36. A.V.Rajagopalan, "Approaches to Collective Bargaining- "Intricacies" 1982 Vol. II Labour Law Notes P.J 42
37. B.R. Patil Sectionalised Bargaining in Textile Industry in Ciombatore
38. Indian Journal of Industrial Relations 44 (1985)
39. Elias T. Ramos, "Growth of Collective Bargaining in the Philippines, 1953-74", 14 Indian
40. Journal of Industrial Relations 559 (1987)
41. T.O Ekeehukwu, "Collective bargaining and Process of Settling Industrial Disputes in Nigeria" 18, Indian Journal of Industrial relations 607 (1983)
42. Y.R.K.Reddy, "Determination of Collective Bargaining Agency Search for a Procedure" 14
43. Indian Journal of Industrial Relations 73 (1978)
44. ShabDayat "Revival of Collective Bargaining in India: Some Recent Evidence" 17 Indian
45. Journal of Industrial relations 329 (1982)
46. D'souza "Labour Law ". Joshi. "Labour Law"
47. Kumar "Understanding Labour Welfare Administration". Deakin "Labour Law".
48. Tiwari "Labour Law".
49. Lal " Modern Labour Economics".
50. Gillian S. Morris and Timothy J.Archer, Collective Labour Law (2000), Oxford
51. Nick Humphrey, Trade Union Law (1997), Blackstone, London
- 52.

## 5. LAW RELATING TO SERVICE REGULATIONS

### Unit -1: Civil Servants: Constitutional Dimensions

1. Civil Servants and Fundamental Rights: Historical and Comparative Perspective
2. Equity and Protective Discrimination: Principles and Practices – Service Regulations
3. The Constitutional Basis-Formulation of Service Rules

### Unit -2: Service Law

1. Recruitment Procedure
2. Rules Agencies
3. Employment Exchange

### Unit -3: Conditions of Service terms

1. Central Civil Service Rules
2. State Civil Service Rules
3. Pay Commission
4. Law Relating to Civil Servants/Rules
5. 'Doctrine of pleasure'
6. Fixation of pay and other allowances
7. Pay, Dearness Allowances and Bonus: Machinery for fixation and Revision of Pay Commission – Kinds of Leave and conditions of Eligibility - Social Security :

Provident Fund, Superannuation and Retrial Benefits, Medicare, Maternity Benefits, Employment of Children of those dying in Harness, Compulsory Insurance- Civil and Criminal Immunities for action in Good Faith- Comparative Evaluation with Private Sector, State Government Employees

#### **Unit -4: Contractual Employment**

1. Concept
2. Security of tenure
3. Employment Acts, eg. UK

#### **Unit -5: Special Category of Services**

1. Judicial Services:
  - i. Subordinate Judiciary
  - ii. Judicial Officers and Servants:
  - iii. Appointment and Conditions of Services –
  - iv. Officers and Servants of Supreme Court and High Court:
  - v. Recruitment, Promotion, Conditions of Service and Disciplinary Action

#### **Unit -6: Misconduct and discipline of the employees**

1. Major and minor misconduct and penalties
2. File noting
3. Confidentiality of Adverse remarks
4. Internal appeal mechanisms
5. Inquiry procedure and recommendation of punishment
6. Managerial prerogative transfer,
7. Types of leave entitlements in employment
8. Standing orders

#### **Unit -7: Judicial Review and Settlement of Disputes over Service matters**

1. Central Administrative Tribunal: powers and functions
2. State Administrative tribunal: powers and functions
3. Departmental remedies: representation, review, revision and appeal: role of service organizations
4. Remedy before the Administrative Tribunal: jurisdiction, scope and procedure-merit and demerits-exclusion of jurisdiction of courts
5. Judicial review of service matters-jurisdiction of the Supreme Court and High Courts, Writ remedies
6. Comparative position in England, United States and France.

#### **Suggested Reading:**

- |                                |  |
|--------------------------------|--|
| 1. Mallick                     | Service Law  |
| 2. Ezo's                       | Service Law in India                                     |
| 3. Chabra                      | Administrative Tribunal                                  |
| 4. O.P. Malhotra               | The Law of industrial disputes Vol I & Vol II            |
| 5. H.M. Seervai                | Constitutional Law of India – (Relevant chapters)        |
| 6. Report of                   | National Commission on Labour (1969) (Relevant chapters) |
| 7. G B Singh's                 | Commentary on The CCS & CCA Rules                        |
| 8. ILI (Justice M. Rama Jois ) | Service under the State (1987)                           |
| 9. K.K. Goyal,                 | Administrative Tribunals Act (1985)                      |
| 10. N. Narayanan Nair,         | The Civil Servant under the Law and Constitution         |



- (1973)
11. Arjun P.C Aggarwal, Freedom of Association in Public Employment, 14 JILI (1972)
  12. C.K.Kochukoshy, "All India Services- The role and the Future",1972. I.J.P.A. 67.
  13. Douglas Vass, "The Public Service in Modern Society",1983. I.J.P.A. 970
  14. Z.M.S. Siddiqi, "Sanction for the Breach of Contracts of Service", 1983. I.J.P.A. 359.
  15. O.P.Motilal, "Compulsory Retirement",1975. I.J.P.A. 247.
  16. D.S.Chopra, "Doctrine of Pleasure – it's some implication and Limitations", 1975, I.J.P.A.
  17. G.C.V.Subba Rao, "The ONGC Case and New Horizons in Public Services Law" S.C.J.29.
  18. Administration Training Tribunals Act
  19. Central and State Laws and Rules relating to Service Matters
  20. Central Social Service Rule

## 6. AGRICULTURAL LABOUR LAW

### Unit -1: Agricultural Labour Relations

1. Agricultural labourer - the concept
2. Early stages - the traditional ties between the landlord and the workers
  - i. Non-exploitative fair relation with the feudal hegemony - share in products as wages, wages in kind, benefits in addition to wages, participation in festive occasion grievance redressal at landlord's residence
3. Exploitation of labour by the landlord
  - i. Longer hours of work and lower wages: statutory regulation
  - ii. Bonded labour
  - iii. Indebtedness
4. Migrant agricultural labour

### Unit -2: Trade Unionism and Collective Bargaining among Agricultural Labour

1. Unorganised nature
2. Seasonal character
3. Political movements
4. State, regional and macro-regional disparities in collective bargaining, organization and remuneration

### Unit -3: Industrial "Hour Norms" in the Agricultural Labour Area

1. Problems: multi-employer - employment situation
2. Workmen's compensation
3. Minimum wages

### Unit -4: Labour Welfare

1. Need for state initiative and support
2. Assessment of existing measures: statutory and non-statutory
3. Agrarian reform as agricultural labour protection measure - land to the tiller doctrine
4. Environmental impact of distribution of forest land among agricultural labourers
5. Futuristic perspectives

### Unit -5: Dispute Settlement Mechanism

1. Practices: settlements 5.2. Statutory measures: conciliation, adjudication

## 2. Comparative study of state practices and laws

### **Suggested Readings:**

- 1.V.V. Giri, Labour Problems in Indian Industry (1972)
- 2.R.R. Singh, Labour Economics (1971) ILO, Conventions and Recommendations.
- 3.Reports of 1st and 2nd National Commissions on Labour (relevant portions)
- 4.State legislation and other welfare schemes relating to agricultural labour.
- 5.Abdul Aziz, "Unionizing Agricultural Labourers in India. A Strategy", 13 Indian Journal of industrial Relations 307 (1977)
- 6.Kalpana Bardhan, "Rural employment Wages and Labour Market in India: A Survey of. Research
- 7.Economic and Political Weekly 1 June 25, 1977, 11 July 2, 1977 and 11 July 9, (1977) Government of India, Agricultural Labour Enquiry (1954).
- 8.Government of India, Report on the Second Agricultural Labour Enquiry (1958).
- 9.Government of India, Report on III Agricultural Labour Enquiry
10. Bardhan & Rudra "Types of Labour Attachment in Agriculture", 15 Economic and Political Weekly August 30,1980
11. Report of the National Commission on Rural Labour (1991) New Delhi, Govt. of India, Ministry of labour; See especially Volume 11, Part 11 for the Study Group Report.

## **7. DISPUTE RESOLUTION IN LABOUR MANAGEMENT RELATIONS**

### **Unit -1: Governments Policy on Industrial Relations**

1. Indian Government policy of active intervention in industrial relations through conciliation and adjudication – Compulsory methods V. Voluntary methods of settlement of industrial disputes.

### **Unit -2: Industrial relations machinery and methods of settlement of industrial disputes**

1. Works Committees
2. Conciliation
3. Investigation – Court of Inquiry
4. Voluntary Arbitration
5. Compulsory Adjudication

### **Unit -3: Governments power to refer industrial disputes**

1. Nature and extent of governments power

### **Unit -4: Industrial adjudication**

1. Objectives of industrial adjudication
2. Labour courts, industrial tribunals and National Industrial Tribunals Constitution and Composition.
3. Jurisdiction, powers and functions of adjudicatory authorities

### **Unit -5: Awards**

1. Finality and Judicial review of awards
2. Commencement, enforceability and operation of awards.

### **Unit -6: Chapter V A and V B of Industrial Disputes Act**

1. Restrictions on and compensation for lay-off, retrenchment transfer and closure of undertakings
2. Exit policy

### **Unit -7: Unfair Labour Practices**

### **Unit -8: Change of conditions of service**

1. Section 9A & 9B and Schedule IV of Industrial Disputes Act
2. Section 33, 33A & 33B of Industrial Disputes Act

### **Unit -9: Recovery of money due from employer**

1. Section 33C(1) of Industrial Disputes Act
2. Jurisdiction of Labour Courts under Section 33C(2) of Industrial Disputes Act.

### **Suggested Reading:**

- |                 |   |
|-----------------|---|
| 1.O.P. Malhatra | The Law of Industrial Disputes Vol. I & Vol. II   |
| 2.Kahn - Freund | Labour and the Law                                |
| 3.Report of     | National Commission on Labour (Relevant chapters) |

## 8. LAWS RELATING TO WAGE DETERMINATION AND OTHER BENEFITS

### Unit -1: Constitutional Perspectives on Wages

1. Concept of Wage
2. Theories of wages
3. Kinds of Wage: Minimum Wage, Fair Wage and Living Wage and need based minimum wage.
4. The constitutional ideals: protection against exploitation, Denial of minimum wages as forced labour
5. Right to living wage
6. Right to equal pay for equal work

### Unit -2: Legislations on Wages

1. Minimum wage law in India
2. Minimum wage protection and responsibility of State
3. State as legal sovereign and as employer
4. Fixation and revision of Minimum wage and its enforcement
5. Principles of wage fixation – Industrial Adjudication
6. Wage boards and fixation of wages
7. Wage fixation under Minimum Wages Act.
8. Payment of wages
9. Delay and deduction
10. Statutory regulation
11. Concept and payment of bonus-
12. Concept of profit sharing and deferred wages
13. Full Bench Formula
14. Bonus under the Payment of Bonus Act
15. Theories of bonus
16. Computation of bonus
17. Disqualification – Set off and set on.

### Unit -3: Wage Differentials

1. Concept
2. Problems and Perspectives
3. Diminishing the differentia
4. Inter-industry, intra-industry and regional factors
5. Private sector - public sector difference in wages
6. government servants
7. Capacity of industry and wage fixation

### Unit -4: Dearness Allowance

1. Basic wage and Dearness Allowance
2. Fixation and Revision of Dearness Allowance

### Unit -5: National Wage Policy: Problem and Perspectives

1. National wage policy
2. Need for integrated approach: income, price and wage
3. Problems of mixed economy
4. Wages in Multi-national corporations: impact of globalisation

### Unit -6: International Standardization of wages

1. Role of ILO: conventions and recommendations relating to wages
2. Comparative overview of position in USA, UK and India

### Unit -7: Protection of Wages

1. Problems relating to payment of wages
2. Royal Commission and payment of wages
3. Deductions and the Payment of Wages Act

#### **Unit -8: Shops and Establishments**

1. Definition of 'Shop' and 'Establishment'
2. Health, safety and leaves
3. Wages and conditions of employment

#### **Suggested Reading:**

- 1.O.P. Malhotra, Law of industrial Disputes (1999)
- 2.R.R. Singh, Labour Economics Chs. 6, 7, 8 and 9 (1971)
- 3.G.L- Kothari, Wages, Dearness Allowances and Bonus (1968) Y.B. Singh, Industrial Labour in India Part I, (1960)
- 4.V.V. Giri, Labour Problem in Indian Industry Ch. 6 (1972)
- 5.Report of the National Commission 1<sup>st</sup> and 2<sup>nd</sup> on Labour 1969 (Relevant Portions)
- 6.International Labour Office, Wages (1968) International Labour Office, Wage Fixing (1981) International Labour Office, Minimum Wage Fixing (1981)
- 7.J.N. Malik, "The Payment of Wages Act"
- 8.D.S. Chopra, "Payment of Bonus Act" Menon, "Foundation of Wage Policy"
- 9.Suresh C. Srivastava, "Payment or Dearness Allowance to Industrial Workers in India" 15 J.I.L.I.444 (1973)
10. Suresh C. Srivastava, "Machinery for Fixation of Minimum Wage of Sweated Labour in India -Problems and Prospects" 23 J.I.L.I. 495 (1981)
11. R.D. Agarwal, Dynamics of Labour Relations in India (1972)
12. Sahab Dayal. "Wage, Income and Industrial Relations in Modern India: An Evaluation of selected Empirical Implications".
13. Indian Journal of Industrial Relations 295 (1977)
14. Madhuri G. Seth, "Bonus in Equity Perspective", 15 Indian Journal of Industrial Relations 119 (1979)
15. Deepak Lal, Theories of Industrial Wage Structures: A Review"
16. Indian Journal of Industrial Relations 167 (1979)
17. C. Mani Sastry, "Wage Structure and Regional Labour Market", 21
18. Indian Journal of Industrial Relations 344 (1985)
19. Suresh C. Srivastava, "Payment of Dearness Allowance to Industrial Workers in India: The Judicial Approach", 15 J.I.L.I 444 (1973).
20. R.L. Chawla, "Wage Policy and Industrial Relations. A Brazilian Case Study", 17 Indian Journal of Industrial Relations 27. (1981)
21. Report of the National Commission on Labour (1969). Chapters 10 to 13, 15 to 17, 19 and 27.
22. Deepak Bhatnagar, "Labour Welfare and Social Security Legislation in India" (1984)
23. School of Legal Studies , " Cochin University Law Review", pp. 1-36 and 125-150 CUSAT Volume (1989)
24. Victor George , " Social Security & Society" (1973)

25. ILO on Wages (1968)
26. ILO on Poverty and Minimum living standards (1970)
27. Roger W. Rideout, "Rideout's Principles of Labour Law", (1983) Chapters 12 and 13
28. G.L. Kothari, "Wages, Dearness Allowance and Bonus" (1968). Deepak Bhatnagar, "State and Labour Welfare in India" (1985)

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