

**Model to be adopted under the credit system.**

	Category	No. of Credit
<b>Semester - I</b>		
1) Introduction to Legal Theory	Compulsory	04
2) Constitution of India.	Compulsory	04
3) Research Methodology	Compulsory	04
4) Specialization of the Branch Paper-I	Compulsory	04
<b>Semester - II</b>		
1) Practical Research Methodology	Compulsory	04
2) Comparative Constitutional Law	Compulsory	04
3) Law Making in Indian Polity & Statutory Interpretation	Compulsory	04
4) Specialization of the Branch Paper-II	Compulsory	04
<b>Semester-III</b>		
1) Law and Social Transformation in India.	Compulsory	04
2) Law, Science and Technology	Compulsory	04
3) Specialization of the Branch Paper-III	Compulsory	04
4) Optional Paper to be chosen by the student	Optional	04
<b>Semester - IV</b>		
1) Specialization of the Branch paper-IV	Compulsory	04
2) Optional Paper to be chosen by the student	Compulsory	04
3) Seminar Paper	Compulsory	02
4) Dissertation	Compulsory	06

At present as there is constraints of space the above structure is adopted. In case if the new building is ready, the department may be permitted to shuffle the courses in three semesters i.e. (Five in each semester than four and the final semester students will concentrate only on dissertation and seminar paper).

As the students are going to be admitted on the basis of branch specialization at the time of application itself, the students should necessarily finalize the dissertation topic in the end of the first semester and finalize the synopsis with tentative chapterization in the first month of the second semester. If any student fails to adhere to the rules such cases may be decided by the departmental committee whether such student may be permitted whether submit the dissertation in the fourth semester or in the subsequent semester. This rule has to be used only in exceptional circumstances not as a general norm. The decision of the departmental committee shall be final and no further appeal is entertain.

The Department will display the attendance of each student two weeks before the final examination. If any student secures less than the prescribed attendance by the University such students are not eligible to take the examination in that semester. They have to redo such course in which they have shortage of attendance only when the semester repeats. Only in exceptional cases the departmental committee may permit such genuine students if they have more than 70% of attendance in such subject. The department may be permitted to make minor modifications wherever it is necessary in the syllabi without affecting the broad framework that is approved by the Board of Studies in each paper.

**Semester-I****Compulsory Paper****Credits : 4****Introduction to Legal Theory****Objectives:**

The course aims at developing and insight into the juristic foundations of a legal system- an understanding of the law as it exists and functions in society. Further, this course gives a clear understanding about the nuances of law and its nature and function. It gives a clear understanding about the impact of law on various other branches and its functioning and its relationship to ethics and justice.

**I. Introduction**

- (a) Meaning and concept of Jurisprudence
- (b) Relevance of Jurisprudence in the contemporary era
- (c) Meaning and definition of Law
- (d) Law and Morals, Value of Judgments

**II Relevance of Natural Law : theoretical Perceptions**

- (a ) The Origin and Significance of Natural Law
- (b) Theoretical Perceptive of Natural Law
- (C ) ST Thomas Aquinas; Grotius;Hobbes;Locke;Rosseau
- (D) German Transcendental Idealism-Immanuel Kant
- (E) Revival of Natural Law-Stammler; Fuller; John.Finnis
- (F) Semi-sociological Natural Law-H.L.A. Hart
- (G) Liberty and Civil disobedience

**III. Legal positivism :**

- (a) Austin's analytical theory of Law.
- (b) Pure Theory of Law-Hans Kelson

**IV. Post Modern Theories:**

- (a) Hart's concept of Law**
- (b) Rawls theory of Justice**
- (c) Amartya Sen's theory of Justice**

V ***Sociological Jurisprudence :***

- a) Prof. Pound-Social Engineering Theory.
- b) Prof. Patterson.
- c) Prof. Selznick.

5. ***American legal Realism:***

- a) Jerome Frank.
- b) Karl Lewellyn.
- c) Indian Judicial process & relevance to American legal realism.

**Suggested Readings:**

1. W. Friedmann – Legal Theory
2. Julius Stone – Social Dimension of Law & Justice.
3. C. K. Allen – Law In the Making.
4. Lloyd – Introduction to Jurisprudence.
5. Dias – Text on Jurisprudence.
6. H.L.A. Hart – Law, Liberty and Morality.
7. Lord Devlin – The Enforcement of moral.
8. Basi Mitchell – Law morality and religion in a secular society.
9. Prof. Julius Stone – Human Law and Human Justice.
10. Prof. Julius Stone – Province & functions of Law.
11. Prof. Roscoe Pound – Jurisprudence Vol. I to IV.
12. R. Warrenton – Post modern Jurisprudence.
13. J. M. Balkin – The Legal Subject and the Problem of Legal Coherence.
14. Ronald Dworkin – Laws Empire.
15. Ronald Dworkin – Morality principle.
16. Patton – Text on Jurisprudence.
17. Hohfeld – Fundamental Legal Conceptions.
18. John Rawls – Theory of Justice.
19. John Rawls – Political Liberalism.
20. Catherine Mackinnon – Difference & Dominance on sex discrimination.
21. Catherine Mackinnon – Towards a Feminist Theory of State.
22. K. Barlett & Kennedy Feminist Legal Theory.
23. K. Weis Berg – Feminist Legal Theory Foundation.
24. Precedent in Indian Legal System - Prof. A. Lakshminath.

**PAPER II****Compulsory Paper****Credits :4****Constitutional Law of India****Objectives :**

According to keelson, constitution is the Grundnorm and all other norms flow from it constitution is the Supreme law of the land. Constitution being the fundamental law of any country, the objective of this paper is to introduce the fundamental concepts of the constitution of India and to make them aware some of the important aspects of the contemporary issues of the polity. This will enable the students to integrate the perspectives of the constitution in various other disciplines and branches that they study in their LL.M. programe.

**I). Constitutional developments since 1858 – 1947**

- Making of Indian constitution
- Debates of constituent Assembly relating to drafting of constitution.
- Constitutionalism
- Supremacy of constitution

**II) Preamble – Reflection of constitution**

- Significance of Preamble
- Source, aim and objective of Preamble.
- Amendments relating to preamble.

**III) Fundamental rights and directive Principles**

- Right to equality
- Equality and Social Justice
- Equality and rule of law
- Protective discrimination
- Special protection to sc/st and backward classes, women

**4. Freedoms and Social control**

- Speech and expression
- Freedom of assembly, association, movement, to reside and settle profession and business.
- Constraints on these freedoms

**5. Personal Liberty.**

- Rights of an accused – double jeopardy – self- incrimination
- Right to life and personal liberty
- Due process of law
- Art 21 – ocean of rights.

## 6. Judiciary under the constitution.

- Judicial Process
- Separation of Powers
- Independence of Judiciary
- Judicial Activism
- Judicial Accountability

## 7. Jammu and Kashmir

- Special statutes under the constitution
- Legislative history of Art. 370.
- Special privileges of Permanent residents.
- Measures to combat terrorism in Jammu Kashmir.

## 8. Secularism

- Freedom of Religion in India
- Uniform Civil code, Personal laws and Minority Rights.

## 7. Emerging regime of new rights and remedies

- Compensatory jurisprudence
- Right to education.
- Reservation for Women.

### *Books Suggested*

- Constituent Assembly Debates vol. 1 to 12 (1989)
- H M Seervai, constitution of India vol. 1-3 (1992), Tripathi, Bombay
- G. Austin, History of Democratic constitution, the Indian Expenditure (2000), Oxford.
- G. Austin, Indian constitution: cornerstone of a Nation (1972)
- M. Galanter, competing equalities – law and the backward classes in India (1984), Oxford.
- D.D. Basu, Shorted constitution of India (1996), Prentice Hall of India, Delhi.
- M.P. Singh (ed.) V.N. Shukla, constitutional Law India (2000), Oxford.

## PAPER III

**Compulsory paper**

**Credits: 4**

### Legal Research Methodology

#### Objectives

The main objective of this course is to acquaint the student of law with the scientific method of social science research. This course is expected to provide the knowledge of the technique of selection, collection and interpretation of primary and secondary data in socio-legal research. Emphasis would be laid on practical training in conducting research in this course.

#### I) Introduction

- a) Significance of Research
- b) Meaning and concept of research

#### II) Scientific Methods & Legal Research.

- a) The science of research and scientific methodology (Theory, facts, definition and concepts, variables etc. i.e. characteristics of scientific methodology)
- b) Socio-legal research and legal research models.
- c) Doctrinal and non-doctrinal research.
- d) What is a research problem? Formulation of research problem.

#### III) Research Design and its components :

- a) Hypothesis: Its role, definition, criteria of a workable hypothesis and its sources.
- b) Major steps of preparation of research design.

#### IV) Research tools:

- a) Observation, Interview, Questionnaire (Utility and limitations and methods of using these tools)

#### V) Research Techniques:

- a) Use of case studies and surveys.
- b) Sampling techniques:
  - i. Design of sample
  - ii. Its uses and advantages in research.
  - iii. Random sampling, simple random, stratified random, systematic random.
  - iv. Non-random sampling, haphazard, availability and purposive etc.
- c) Scaling Techniques – Types, utility, modus operandi (a) Elementary Statistics, design & stages in statistical investigation and interpretation and Preparing Diagrams & graphs.
- d) Content analysis.

#### VI) Data Processing:

- a) Data Collection, Data processing and analysis and interpretation of data.
- b) Socio-metrics and Jurimetrics.
- c) Inductions and deductions.

#### VII) Computerized research:

- a) A study of legal research programmes such as Lexis and west law coding
- b) Online & offline sources and techniques of e-legal research.

**VIII) Report writing:**

- a) Research report & techniques of writing research work.
- b) Citation rules and modes of legal writing.

## Suggested reading:

- 1) Wilkinson – Bhandarkar – Research Methodology.
- 2) Young, Pauline V. – Scientific Social Survey and Research.
- 3) Berelson B : Content Analysis in Communication Research.
- 4) Jain S. N. : Legal Research and Methodology.
- 5) Earl Babi – Research Methodology.
- 6) Good & Halt : Research Methodology (*And relevant Websites*)

**Compulsory Paper**

**Credits 4**

**PAPER IV**

**Paper-I of International Law for the International Branch**

**Introduction to International Law**

**Paper-I of the Business Law for Business Law Branch**

**Corporate Law**

**For the Syllabi see the Branch**

## Semester – II

### Paper-V

**Compulsory paper**

**Credits : 4**

#### Practical Research Methodology

The Practical Examination shall be held at the end of the second semester on Research methodology, Law Teaching and Clinical work. There shall be 25 marks each for doctrinal research and non-doctrinal research and 25 marks each for law teaching and clinical work. How the component practical shall be evaluated is left to individual faculties of law. They can formulate their models of assessment. However, for making the practical examination objective and meaningful, the following guidelines shall be adhere to.

#### 1. Research Methodology

##### (i) Doctrinal Research ( 25 marks )

Each student is assigned in advance a separate topic and asked to collect materials. A period of 5-7 days can be set apart for carrying out this assignment in the library. The materials indicated or collected during the assignment shall be evaluated a group of faculty members.

##### (ii) Non-doctrinal Research (25 marks)

Here the students are asked to go out the class room and library and make empirical study of a problem which has social, economic, moral or political dimension field data can be collected through any model of data collection. The results are to assessed by a team of faculty members.

#### 2. Clinical Work (25 marks)

The modalities can be evolved by the law school. One method is that the legal ----- clinic of the law school can involve itself with other legal id programmers in the are Students are encouraged not only to work with the clinic but also to acquaint themselves with court proceedings, working of a business organization, tackling of labour dispute drafting of business or other deeds and public interest litigation. The initiative is potential of the student and the actual work out by him shall be assessed by the faculty.

#### 3. Law Teaching, Legal drafting, Commercial Legal drafting, Legal aid with the help of ADR mechanism ( 25 marks )

In the above areas the departmental committee will decide to allot the work in various areas in the interest of the students each time whatever is important. In case if the departmental committee decides one or two areas in which the students are suppose to work the marks will be allotted accordingly.

**Paper-VI****Compulsory Paper****Credits: 4****Comparative Constitutional Law**

A Constitution is being the supreme Law of the Land; it derives its directives from various aspects. Hence, it is obligatory on the part of a constituent assembly to refer the various customs and precedents that are in existence within and outside the country. Hence an inquiry in the basic structural aspects and the differences that exist between the various constitutional perspectives need to be studied to give an understanding of the significance of the dictums of a constitution. This being the prime aim of the paper, it introduces to the student the differences that exist in the basic structural patterns in the constitutional perspective in the world.

**1. Introduction**

- (a) The significance and importance of Study of Constitution
- (b) Types of Constitutions
- (c) Forms of government-Parliamentary-Presidential-Monarchical forms

**II Federalism – Comparative Study**

- (a) Principles of federalism
- (b) Legal features of federalism.
- (c) Co-operative federalism
- (d) Transition from competitive federalism to co-operative federalism.
- (e) Distribution of legislative and financial power in a federal system.

**III Judicial Review**

- (a) Evolution and Concept of Judicial Review
- (b) Meaning of Judicial Review
- (c) Characteristics of Modern Constitutions and their impact on Judicial Review
- (d) Constitutional growth in India under judicial Review and its impact.

**4. Impact of emergency under different constitutions**

- (a) Express emergency provisions under constitutions
- (b) Justiciability of the proclamation of emergency.
- (c) Impact of Emergency on the rights

**5. Parliamentary Privileges and judicial review.**

- (a) Parliamentary privileges-comparative study with different countries
- (b) Parliamentary privileges and anti-defection Law
- (c) Need for Legislation on Parliamentary privileges in India

## **6. Amendability of Constitution – amendment under different constitutions**

- Process of amendment
- Types of Amendment
- Judicial scrutiny of Amendments to the constitution.

### **Book suggested**

1. Dr. Durga Das Basu – Comparative constitutional law , second edition Revised 2008 Wadhwa Nagpur.
2. Dr. Durga Das Basu – Comparative federalism, second edition revised 2008, Wadhwa Nagpur.
3. Dr. CD Jha's - Judicial review of Legislative Aots, second edition revised 2009 Lexis Nexis, butterworth, Wadhwa Nagpur.

## Paper-VII

**Compulsory Paper**

**Credits: 4**

### LAW MAKING IN INDIAN POLITY & STATUTORY INTERPRETATION

**Objectives :**

The students shall learn the skills and techniques of understanding the intention and objective of the law and the factors that contribute towards making of the law. Statutory interpretation is intended to imbibe in the students the ability to understand the philosophy behind the law for proper application of the law in the given society.

**I) Introduction:**

- a) Significance, utility, scope and objective of the course, its theoretical and practical relevance.

**II) Law Making Processes:**

- a) Constitutional Law making
- b) Statutory Law making & general scheme of legislative drafting.
- c) Objectives of civil, criminal, commercial and international law.
- d) Sub-ordinate Law making.
- e) Judicial Law making.

(Its interrelation and significance in delivery of justice and social mobilization)

**III) Anticipated Goals and Obstacles in implementation of law:**

- a) Law and morals.
- b) Law and Public Opinion.
- c) Law and Politico-Economic structure.
- d) Law and administrative machineries.

**IV) General Principles of Statutory Interpretation:**

- a) Primary rules, literal rule Golden rule, Mischief rule, rule of harmonious construction, Secondary Rules – Noscitur a sociis, Ejusdem generis, Reddeno singular singulis.

**V) External sources and Internal aids**

- a) Dictionaries, statutes in para materia, contemporanea exposition, debates, inquiry commission reports and law commission reports.
- b) Title, Preamble, Headings, Marginal notes, section and subsections, punctuation marks, illustrations exceptions, provisos, savings clauses, schedules and non obstante clause.

**VI) Classification of Statutes and Subject wise Interpretation**

- a) Interpretation of Constitutional Law, International Law, as incorporated in municipal Law, Penal statutes and Tax Laws.

**VII) Other Rules of Interpretation**

- a) Presumption in statutory interpretation, Maxims and statutory interpretation.
- b) Leading cases relating to interpretation of Statute

**Suggested Readings:**

- 1) W. Friedmann, Law in a changing Society
- 2) C. K. Allen: Law in Making
- 3) J. Bentham, Principles of Legislation Upendra Baxi (ed)
- 4) Law ,Liberty, and Morality by Basil Mitchell
- 5) Law and Public opinion in England: A. V. Dicey
- 6) Interpretation of Statutes: Bindra N.S.

**Paper-VIII**

**Compulsory Paper**

**Credit 4**

**For International Law Branch:**

**International Institutions (Paper-II of the branch)**

**For Business Law Branch:**

**Law of Contract – General Principles (Paper-II of the Branch)**

**Semester-III****Paper-IX****Compulsory Paper****Credits: 4****LAW AND SOCIAL TRANSFORMATION IN INDIA****Objectives of the Course:**

This course is designed to create awareness in the students who are the future generations of India about the Indian approaches to social and economic problems and to address the remedial measures through Law as a n instrument of social control and change. Further, it aims to create awareness in the minds of the students and taught to explore and exploit the significance of law and legal institutions as a means of development within the framework of law. Such an approach certainly creates not only an in depth understanding about the mechanism of law but also able to appreciate the nuances of the constitution of India and the philosophy with which the Constitutional Framers made a Sovereign, Democratic and, Republic.

**I Introduction**

- (a) Meaning and concept of Social Transformation
- (b) Law as an Instrument of Social Change
- (c) Law as the product of traditions and culture

**II Tools of Social Transformation**

- (a) Religion as a divisive factor – Secularism as a solution
- (b) Language Policy of India
- (c) Linguistic States-Problems and Perspectives
- (d) Regionalism-Problems and perceptions-Constitutional Philosophy

**III Constitution and Protective Groups**

- (a) Concessions to Women and Children
- (b) Reservations to Scheduled Castes and Tribes
- (c) Status of Physically Challenged People
- (d) Religious Minorities
- (e) Legislative Measures to uplift the Protective Groups

#### **IV Social Transformation and Democratic Process**

- (a) Political Parties -Constitutional and Legal Position
- (b) Trends in the Growth and Functioning of Political Parties
- (c) Problems in the Functioning of Political Parties \_Corruption-Nexus with anti-social elements-Inner Party Democracy
- (d) Role of the Election Commission
- (e) Democratic Decentralization and Role of Local Self Government

#### **V Role of Legal Institutions, Law and Social Transformation**

- (a) The Role of Law Commission in Transforming the Law
- (b) The Role of Judiciary in Expanding the horizons of Law-New Rights Philosophy-Public Interest Litigation
- (c) Role of Legislature and Executive in reforming the Law-Agrarian Reforms-Industrial Reforms-Prison Reforms-Plea Bargaining
- (f) Lok Adalats and Legal Aid Cells
- (g) Right to Information-Problems and Perspectives

#### **VI Alternative Approaches to Law**

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

#### **Suggested Readings:**

- Marc Glanter: Law and Society in Modern India,1977
- Indian Law Institute ; Law and Social Change
- Ishwar Bhat: Land Social Transformation , 2009
- University of Madras: Sarvodaya, 1972
- Reports of the National Commission to Review the functioning of the Consitution Volu-II, Book-I 2002
- Duncan Derret: The State, Religion and Law in India ,1999
- Granville Austin: Working a Democratic Constitution: The Indian Experience,2000

## Paper-X

**Compulsory Paper**

**Credits: 4**

### LAW, SCIENCE AND TECHNOLOGY

**Objectives:**

The aim of the course is to introduce in brief to the student about the developments in the field of Science and Technology and the relationship between Law and Science and Technology. The paper further seeks to explore some specific aspects to test the possible interactions, controversies and their interrelationships between both the aspects. Further, it focuses on the relationship between Human Rights and Science and Technology and the need to regulate science and technology in order to preserve the basic concept of sustainable development.

**I) Introduction:**

- a) Developments in Science and Technology
- b) Science & Technology Vis a Vis Sustainable and equitable development.
- c) Impact of Human Rights on Science & Technology
- d) Human Rights and preservation of human health

**II Science -Technology and Relationship with Law**

- a) Nexus between science technology and law
- b) Problems and Perspectives between Law and Science
- d) The need for legal control of Science and Technology.
- e) Clinical Trials and the Need Professional responsibility and ethical principles.

**III) Privacy, Law and technology:**

- a) Origin and Development of Law of Privacy
- b) Concept and Nature and Law of Privacy
- c) Law of Privacy Vis-a Vis Science and Technology

**V) Use of Science and Technology in Judicial Investigations:**

- (a) The Significance of Science and Technology in the Legal Proceedings.
- (b) The Significance of Forensic science in the Criminal Matters
- C) The Indian Judiciary on the Use of Science and Technology

**VI) Biotechnology & Law:**

- a) Origin and Development of Bio Technology
- b) Debatable issues in biotechnological innovations
- c) Ethical and Moral implications on the use of Genetic Engineering

**VII) Nuclear Technology and Law:**

- a) Uses & misuses.
- b) Legal control- national and international scenario.
- c) Human Rights Vis-avis Nuclear Technology

**Suggested bibliography**

The material for the course shall be traces on relevant websites of the universities and research institutes at the national and international levels.

**Books:**

- 1) Markandey Katju, Law in scientific Era (2000) Universal, New Delhi
- 2) Cees J.Hamelink, the ethics of cyber space(2001)sage.
- 3) Jonh Zinian et.al(ed) World of Science and Rule of Law (1986) Oxford
- 4) U.Baxi,Biotechnology and Legal Order: Dilemmas of the future of Law and Human nature.(1993)

Journal of national and international repute on the subject. (Print and electronic)

**Compulsory Paper**

**Paper-XI**

**Credit 4**

**For the International Law Branch :**

**Private International Law (Paper-III of the Branch)**

**For Business Law Branch :**

**Law of Specific Contracts (Paper-III of the Branch)**

**Paper-XII****Optional Paper-I****Credits: 4**

The students of both branches can choose a paper from the optional offered by the Department or can choose an optional paper from any other Department i.e. relevant to the subject of their study with approval of Departmental committee.

**Semester-IV****Paper-XIII****Compulsory Paper****Credits: 4**

In this semester the students will take one compulsory paper from their respective branch i.e. International Law and Business Law (i.e. Paper-IV of the respective Branches).

**Title of the paper for International Law:****International Economic Laws****Title of the paper for the Business Law:****Banking and Negotiable Instruments.**

**Paper-XIV****Optional Paper****Credits: 4**

The students of both branches can choose a paper from the optional offered by the Department or can choose an optional paper from any other Department i.e. relevant to the subject of their study with approval of Departmental committee.

**Paper-XV****Seminar Paper****Credits: 2**

As per the regulations of the credit system each student has to do a seminar work in consultation with the respective teachers as decided by the Departmental Committee. This can be in the respective branches.

**Paper-XVI****Compulsory Paper****Credits : 6****Dissertation/Project work**

A student of each branch is expected to submit a dissertation/project work in the respective branch in consultation with a guide allotted by the Department. The dissertation/project work should strictly adhere to the standard legal research pattern. Dissertation/project work should be hard bond not less than 100 pages and not exceeding 150 pages. The dissertation/project work will have double evaluation, one by the guide and other by the external examiner. In the credit pattern the written part of the dissertation /project work will have 5 credits and the viva-voce will have 1 credit.

The dissertation /project work need to be commenced from the III semester onwards. In the IV semester before starting the dissertation/project work the students are expected to give an oral presentation and an oral presentation before the submission of the dissertation /project work.

**Papers of the International Branch :****PAPER I****INTRODUCTION TO PUBLIC INTERNATIONAL LAW****Objectives of the Course:**

International law commonly is defined as the rules, principles, and norms which govern the interaction among states. Many scholars of international relations view international law as a meaningful tool for providing order to world politics and for minimizing global conflict. Other scholars of international relations dismiss international law as insignificant. According to these scholars, state interests-- not internationally agreed-upon rules, principles, and norms--guide interaction among states. This course, will investigate the basic question underlying this debate over the utility of international law: does international law act as a constraint on state autonomy, or is it merely used by states when it is in their self-interest? In an effort to address this question, the main focus of the paper is on the fundamental principles of international law, sovereignty and non-intervention, and will consider whether these principles have been eroded in recent decades as a result of growing support for new international legal norms, including human rights.

**I Introduction**

- (a) Origin and Development
- (b) Scope and basis of International Law
- (c) Theories of International Law
- (d) Sources of International Law-Treaties, Custom, General Principles of International Law, Judicial Decisions and Writings of Publicists; UN General Assembly Resolutions

**II Relationship between International Law and Municipal Law**

- (a) Theoretical Perspectives
- (b) The role of Municipal rules in International Law
- (c) International Law before Municipal Courts
- (d) Practices of the few States: U.K., USA and India with respect to Treaties and Customary Norms

**III Subjects of International Law**

- (a) States and different types of States
- (b) International Organisations
- (c) Individuals
- (d) MNC's and other Private Entities

#### **IV Recognition of States and Governments and State Succession**

- (a) States and their Territory in general
- (b) Theories and Types of Recognition
- (c) Meaning and concept of State Succession

#### **V. Jurisdiction of States**

- (a) Civil and Criminal Jurisdiction (b) Basic Principles (c) Diplomatic Immunities and Privileges
- (d) Law of the Sea- General Introduction (e) Law of Air and Outer Space-General Perspective
- (F) Sovereign Immunity and Act of State

#### **VI. State Responsibility**

- (a) Permanent Sovereignty over Natural Resources
- (b) Draft Articles of the ILC
- (c) Protection of Individuals and Groups
- (d) Human rights-Calvo Clause
- (e) Protection of Environment

#### **VII. The Settlement of Disputes by States : Peaceful Means**

- (a) Diplomatic methods of Dispute Settlement: Negotiation, Good Offices and Mediation, Inquiry and conciliation
- (b) International Institutions and Settlement of Disputes
- (c) Judicial Settlement: Arbitration, Judicial Settlement

#### **VIII. The Settlement of Disputes by States: Use of Force**

- (a) Law of Force in Just war and Provisions of UN Charter
- (b) Intervention and Self Determination
- (c) International law and Terrorism
- (d) Armed conflict and Disarmament

#### **Suggested Readings:**

- Oppenheim: International Law (9<sup>th</sup> Edn) 1992, Vol.1
- Malcolm Shaw: International Law (5<sup>th</sup> Edn) 2005
- Ian Brownlie: Principles of International Law, 5<sup>th</sup> Edn 2009
- J.G. Strake Introduction to International Law, 12<sup>th</sup> Edn. 2008

American Journal of International Law, International Law and Comparative Law Quarterly; Indian Journal of International Law; International Legal Materials.

## **International Law**

### **Paper II**

#### **INTRODUCTION TO INTERNATIONAL INSTITUTIONS**

##### **Objectives of the Course**

This course explores the institutional structures, political processes, and impact of international organizations within the larger context of world politics. International organizations, Play an important role in the contemporary international scenario in addressing the contemporary international Problems. This course covers the UN system and the other regional organizations and the contemporary issue of their handling with the contemporary problems.

##### **I Introduction**

- (a) Global Governance significance of International Organizations
- (b) Organizational Culture, Organizational Adaptation and Learning
- (c) Inter-organizational Relations
- (d) League of the Nations an Over View

##### **II The United Nations System**

- (a) The UN System\_ Brief over view of the charter
- (b) The Security Council ; the General Assembly; The Economic and Social Council; The Trusteeship System; The Secretariat
- (c) Important Specialized Agencies-ILO;WHO;UNESCO;FAO
- (d) Peace Keeping and Peace Making role of the UN
- (e) The collective Security System

##### **III International Institutions**

- (a) North Atlantic Treaty Organization
- (b) The Western European Union
- (c) The European Union
- (d) The Orgnization of American States
- (e) The Arab League and the OPEC
- (f) Common Wealth of Independent States
- (g) ASEAN and SAARC

#### **IV International Judicial Organisations**

- (a) The International Court of Arbitration
- (b) The International Court of Justice—Jurisdictional aspects
- (c) The International Criminal Court
- (d) The International Tribunal for the Law of the Sea

#### **V Legal Status of International Organizations**

- (a) Legal Personality of International Organizations in International Law
- (b) Powers and functions and the constituent instruments
- (c) Privileges and Immunities
- (d) Liability of Member States
- (e) Dissolution and Succession

#### **Suggested Readings:**

- D.W. Bowett: International Institutions; 1982
- Good Rich and Hambro: Interpreting the Charter of UN, 1960
- L.B. Sohn: Cases on United Nations Law 1967
- Malcom Shaw: International Law (5<sup>th</sup> edn) chapters on UN and International Institutions
- Journal of International Organizations
- Foreign Affairs
- American Journal of International Law
- Indian Journal of International Law

**Compulsory Paper****Credits : 4****Paper-III****Private International Law****Objectives of the Course:**

Private international Law or otherwise popularly referred to as conflict of Laws is an auxiliary component part of Public International Law. In this area, the Laws and regulations deal with private aspects in which Public International Law is not able to deal with them individually. In the era of the fourth phase of globalization and the expanding horizons of science and technology, it is almost certain that nation-states and their individuals cannot live in isolation.

Every state is interested to compete in the international arena especially in the economic and commercial front. In such case, mostly the states and their individuals try to expand their trading relations across the World. When such individualist and corporate and states join together to compete in the promotion of their economic might through commerce, it is inevitable that disputes may arise on many issues. With that objective keeping in mind and the futuristic trading perspectives of the world especially that of India, the syllabi in this paper is concentrating only on the commercial front and the problems connected to it.

Though traditionally Private International Law deals all aspects including the family and personal relations of the individuals, the syllabi is restricted to give a touch to the student with the commercial aspects in tune with the policy of department to offer only International Law and Business Law Branches.

**I Introduction:**

- (a) Significance of Private International Law
- (b) Connecting aspects Between Private and Public International Law
- (c) Definition and Name of Private International Law
- (d) Historical development of Private International Law
- (e) Concept and Sources of Private International Law

**II Classification and Characterization and Incidental Issues**

- (a) Meaning and Process of Characterisation
- (b) Position in English and Indian Laws
- (c) Classification and cause of action
- (d) Incidental questions and the theory of Renvoi
- (e) Proof of foreign Law and Exclusion of Foreign Law
- (f) Domicile, Nationality and Residence

### **III The Law of Obligations**

- (a) Trusts-Corporations
- (b) Contracts-Rome convention
- (c) Torts-common Law rules-Choice of Law Rules
- (d) Mixed issues of Tort and Contracts
- (e) Property- Choice of Law rules
- (f) Insolvency
- (g) Restitution

### **IV Jurisdiction of Courts**

- (a) Jurisdiction of Courts traditional Rules
- (b) Jurisdiction under the Brussels-Lugano Convention
- (c) Immunity from suits-Position in England; Commonwealth and India
- (d) Jurisdiction in Personam and in Rem
- (e) Stay of suits –forum of Selection and Arbitration
- (f) Limitation on Jurisdiction

### **V Recognition and Enforcement of Foreign Judgments**

- (a) Traditional Rules—Position under International Law and Conventions
- (b) Recognition and Enforcement Under common Law
- (c) Recognition and Enforcement of foreign Judgments-Position in England and India

### **VI Recognition and Enforcement of Arbitral Foreign Awards**

- (a) Traditional rules—Position in International Law
- (b) Position in Common Law and England
- (c) Position in India in General
- (d) Enforcement of Foreign Awards in suits
- (e) Enforcement of Awards Under Arbitration (Protocol and convention Act, 1937)
- (f) Enforcement of Awards Under the Foreign Awards (Recognition and Enforcement) Act1961
- (g) Enforcement of Awards under the Arbitration and Conciliation Act 1996)

### **Suggested Readings:**

- Diecy, Morris & Collins : Conflict of Laws (14<sup>th</sup> edn) 2005
- Cheshire and North: Private International Law 2006
- A.M.Setalvad: Conflict of Laws, 2<sup>nd</sup> Edn(2006)
- Ruth Hayward: Conflict of Laws (4<sup>th</sup> edn) 1999

- International Law and Comparative Law Quarterly
- Netherlands Year Book of International Law
- Journal of the Indian Law Institute
- Sir H. Lauterpacht: Private Analogies of Public International Law 1965

## **Paper IV**

### **PRINCIPLES OF INTERNATIONAL ECONOMIC LAW**

#### **Objectives of the Course:**

. In this fourth phase of globalization, the significance of International Economic Law is increasingly directly concerned with the individual, the trader and the investor and the international financiers. Hence in order to equip the student with the policy perspectives and political nuances of the international regime the object of the course is to introduce the student to know the fundamental implications Economics and its impact on Law and the functioning of the International Economic Institutions, policy perspectives.

#### **I Introduction**

- (a) Inter relationship between law and Economics
- (b) Historical back ground of International Economic Order
- (c) The Significance of International Monetary Relations

#### **II Nature and Scope of International Economic Law**

- (a) Definition and Concept of International Economic Law
- (b) Sources of International Economic Law
- (c) Economic Sovereignty and the significance of Permanent Sovereignty over natural Resources
- (d) Relationships between National and International Economic Law

#### **III International Monetary System**

- (a) The Bretton Woods System
- (b) The International Monetary Fund-SDR and Balance of Payments
- (c) The World Bank
- (d) Asian Development Bank

#### **IV New International Economic Order and International Monetary System**

- (a) Origin and Development of NIEO
- (b) Impact of NIEO on the Economic Relations
- (c) Common Heritage of Mankind and Economic Relations

## **V Significance of International Investment**

- (a) International Investment Law Treatment and Protection
- (b) Bilateral Investment Treaties
- (c) The World Bank Guidelines
- (d) Attempts for a Multilateral Investment Agreement
- (e) Role of ICSID

## **VI International Trade Law**

- (a) Origin and Development of International Trade
- (b) GATT and Trading System
- (c) WTO and the Trading system
- (d) The Significance of GATS
- (e) Dispute settlement system under GATT/WTO

## **VII Impact of International Economic Law on Labour Relations**

- (a) International Movement of Labour and Labour Standards
- (b) Trade Investment and Labour Movements
- (c) MNC and Labour Relations in Developing Nations
- (d) The role of UN and Human Rights in regulating the Labour Standards.

### **Suggested Readings:**

- Asif. H. Qureshi :International Economic Law, 2007
- M.J. Trebilcock and R. Howse, *The Regulation of International Trade*, 3<sup>rd</sup> ed., Routledge, 2005
- C.Raja Gopal: International Law from below, 2008
- R.A. Cases Economic Perspective in International Economic Law 2002
- Journal of International Economic Law

Compulsory Paper

Credits : 4

**Papers of Business Law**  
**Paper 1**  
**Principles of Corporate Law**

**Objectives:**

In view of the changing niceties of global governance especially from the point of view of good governance, corporate governance plays a vital role in the development of an economy both nationally and internationally. Taking this into consideration, the paper aims to introduce to the students the nuance of corporate law and the obligations of it towards society in discharging its trading relations and to be a good corporate citizen.

**I. Introduction**

- a) Origin and Development of Corporate Law
- b) Essential ingredients in establishment of Corporation

**II. Shares and share capital**

- a) Concept of shares, share capital
- b) Kinds of shares
- c) Debentures,
- d) Issue , Allotment , transfer and forfeiture of shares

**III. Legal Aspects governing corporate management-**

- a) Meetings, Majority Rule and minority protection
- b) Prevention of oppression, mismanagement
- c) Role of central government, Company Registrar, Company Law Board/ Tribunal,

**IV. Amalgamation, Reconstruction, Mergers, take-over of Companies**

- a) Meaning of the terms
- b) Statutory provisions
- c) Powers of court/ tribunal
- d) Reconstruction/ amalgamation by sale of shares/sale of undertakings
- e) Procedures of Winding up a Company

**V. Corporate Governance**

- a) Concept,
- b) Significance,
- c) Dimensions,
- d) Legal framework
- e) Impact of globalization

**VI. Corporate Social Responsibility**

- a) Evolution of the concept,
- b) Dimensions of CSR
- c) Legislations and CSR

**Suggested Readings-**

1. J.M. Thomson- Palmer's Company Law
2. Gower- Principles of Modern Company Law
3. Ramaiya- Guide to Companies Act
4. Indian Law Institute- Current problems of Corporate Law
5. Datta- Company Directors
6. Compendium on SEBI, Capital Issues and Listing by Chandratre, Acharya, Israni, Sethuraman

**Paper-II****Compulsory Paper****Credits:4****LAW OF CONTRACTS****Objectives :**

To study the general principles of Law of Contracts and Special Contracts in India in context of their judicial development and interpretation.

To give an appreciation of the emerging trends necessitated by modern trade and commerce, change in nature and functions of the State and planned economy taking into account the recent developments like globalization.

To develop the capacity to evaluate the law and judicial decisions in the light of changing needs of industrialized planned and welfare society.

**Topics for Study:**

1. INTRODUCTION
  - a) Proposal
  - b) Acceptance
  - c) Agreement & Contract
  - d) Tenders
  - e) Standard form contracts
  - f) E-contracts
  - g) Government contracts
2. CONSIDERATION
  - a) Definition
  - b) Privity of contract and of consideration
  - c) Exceptions to consideration
3. FREE CONSENT
  - a) Vitiating factors and their effect
  - b) Coercion
  - c) Undue influence
  - d) Misrepresentation
  - e) Fraud
  - f) Mistake
4. PERFORMANCE & DISCHARGE OF CONTRACT
  - a) Modes of discharge
  - b) Discharge by performance
  - c) Discharge by agreement
  - d) Discharge by frustration
  - e) Discharge by breach

## 5. REMEDIES FOR BREACH OF CONTRACT

- a) Damages
- b) Specific performance & Injunction
- c) Limitation of actions
- d) Restitution

## 6. SALE OF GOODS

- a) Sale and agreement to sell
- b) Conditions and warranties
- c) Effects of the contract of sale
- d) Performance of contract
- e) Rights of an unpaid seller
- f) Suits for breach of contract
- g) Auction Sales

## 7. PARTNERSHIP

- a) Nature of Partnership
- b) Relations of partners to one another
- c) Relations of partners to third parties
- d) Incoming and outgoing partners
- e) Dissolution of firms
- f) Registration of firms

### **Suggested Readings:**

- 1) A.G. Guest (ed): Anson's Law of Contract.
- 2) A.G. Guest : Law of Contract.
- 3) P.S. Atiya, Introduction to the Law of Contract.
- 4) Avtar Singh : Law of Contract.
- 5) G.C. Cheshire, H. S. Fifoot : Cases on the law of Contract.
- 6) Chitty : Chitty on Contracts, Vol. I General Principles Vol. 2 Specific Contracts.
- 7) Pollock and Mulla on the Indian Contract and Specific Relief Acts.
- 8) Cheshire and Fifoot, The Law of Contract.
- 9) Bowstead on Agency.
- 10) Lindley on Partnership.
- 11) Mull on Partnership Act and Sale of Goods Act.
- 12) K. Poonuswami & K. K. Puri, Cases and Materials on Contract.
- 13) G. M. Treitel : Law of Contract.
- 14) S. Venkataraman and K. Ramanamurthy, T. S. Venkatesa Iyer's Law of Contract.
- 15) R. S. Sim and S. V. Powell : Case book on Contract.

## Paper-III

Compulsory Paper

Credits : 4

**CONSUMER LAW**

**Objective:** To obtain an insight into the provisions and working of the Consumer Protection law.

**Topics for Study:**

1. INTRODUCTION
  - a) Historical perspective of consumer protection in India
  - b) United Nations & consumer Protection
  - c) Laws dealing with consumer complaints
  - d) Caveat Emptor
2. CONSUMER PROTECTION ACT
  - a) Aims & Objects of the Act
  - b) Consumers
  - c) Consumer Dispute
  - d) Defect in Goods and Services
  - e) Unfair Trade Practices
3. DEFICIENCY IN SERVICES
  - a) Meaning & Instances
  - b) Negligence
  - c) Deficiency in service in various professions: Insurance services, Banking and Financial services, Housing etc.
4. PROCEDURAL PROVISIONS
  - a) National Commission
  - b) State Commission
5. CONSUMER PROTECTION ACT & CONFLICT WITH OTHER ENACTMENTS
6. CONSUMER PROTECTION COUNCILS
7. CONSUMER DISPUTES REDRESSAL AGENCIES

**Suggested Readings:**

1. Saraf, D.N., Law of Consumer Protection in India.
2. Avtar Singh, The Law of Consumer Protection: Principles and Practice.
3. J.N.Barowalia, Commentary on Consumer Protection Act 1986.
4. P.K.Majundar, The Law of Consumer Protection In India
5. D.P.Wadhwa & W.L.Rajah, The Law of Consumer Protection
6. R.N.P.Choudhary, Consumer Protection Law
7. V.Balakrishna Eradi, Consumer Protection Jurisprudence
8. Gupta S.N., Banks & Consumer Protection Law
9. Kaushal Anoop, Medical Negligence & Legal remedies
10. S.K.Verma & M.Afzal Wani, A Tretise on Consumer Protection Law
11. Landmark Judgement on Insurance & Consumer Protection Act, NCDRC
12. Landmark Judgement on Consumer Protection, NCDRC.

## Paper-IV

Compulsory paper

Credits: 4

**Banking and Negotiable Instruments Act****Objectives**

In any economy, banks play a vital role. The developmental aspects and the objects of the State to a greater extent are discharged by the banking companies through various services. In the contemporary era of the fourth phase of globalisation, the significance and role of the banking companies is increased in various ways and means. Taking into consideration of the significant role played by banks and the need to their regulation and the services offered by them need to study in detail. Hence this paper introduces to the student the various aspects relating to banking especially their social obligations and the legal regulation and the control of the state.

**I. Introduction**

- a) Nature and development of Banking
- b) Evolution of Banking in India
- c) Different kinds of banks, their functions

**II. Social Control over Banking**

- a) Nationalization--Liberalization
- b) Social Control Measure—Banking Regulation Act

**III. Law Relating to Banking Companies in India**

- a) Control by government and its agencies on Various aspects of Banking Management
- b) Reconstruction and reorganization
- c) Suspension and winding up

**IV. Reserve Bank of India**

- a) Origin and development of RBI as a Central Bank
- b) Powers-functions and objectives
- c) Regulation of monetary mechanism-Credit control
- d) Bank rate policy formulation

**V. Relationship between Banker and customer**

- a) Contract between banker and customer
- b) Banker's lien
- c) Protection of bankers
- d) Nature and type of accounts

- e) Special classes of customer- lunatics, minor, partnership, corporations, local authorities
- f) Consumer protection- banking as a service

#### **VI. Negotiable instruments**

- a) Meaning and kinds of Negotiable Instruments
- b) Holder and holder in due course
- c) Negotiation and its significance
- d) Presentment and payment of an Instrument
- e) Liabilities of parties- Dishonor of cheques-Recent Trends

#### **VII. Recent Trends in Banking System in India**

- a) Impact of Science and Technology on Banking
- b) Automation and Legal Aspects
- c) Information Technology

#### **Suggested Readings:**

Basu A.- Review of Current Banking Theory and Practice

L.C. Goyle- The Law of Banking and Bankers

M.L.Tannan- Tannan's Banking Law and Practice in India

K.C. Shekhar- Banking Theory and Practice

K. Subrahmanyam- Banking Reforms in India

Ross Cranston- Principles of Banking law

R. Goode- Commercial Law

M. Hapgood (ed), Pagets' Law of Banking

OP.Faizi and Ashish Aggarwal- Khergamwala on 'The Negotiable Instruments Act'

Datta on Negotiable Instruments Act

Bhashyam and Adiga- Negotiable Instruments Act

**All Optional Papers will have 4 credits each**

Paper-I

**INTRODUCTION TO ALTERNATIVE DISPUTES RESOLUTION**

**Objectives:**

In the era of globalization where time and resources are precious, the main aim and objective of the course is to equip a candidate in the alternative disputes system that exists both nationally and internationally. The significant aspect of the course is that it vastly covers all the potential issues relating to ADR and helps a candidate in whatever profession or filed works to help the organization in resolving the disputes with in the organization in an amicable manner in a judicious way in the possible shortest time than awaiting long time for a judicial settlement.

**I Evolution and concept of Disputes**

- (a) Historical Perspectives of ADR in the International Perspective
- (b) Meaning and Conceptual Perspectives of a Dispute
- (c) Types of disputes-Justiciable and Non-justiciable disputes
- (d) Players involved in Disputes-Individuals-Organizations-States-Inter-state-Multilateral and Legal Disputes
- (e) Impact of Disputes on Socio-Economic –Political-Legal and Cultural Issues

**II Methods adopted in Dispute Resolution**

- (a) Traditional methods of dispute resolution
- (b) Methods adopted in dispute resolution-Judicial and Non-Judicial methods
- (c) Role of Law in Settling Disputes—National and International Legal aspects
- (d) Disputes settlement at the Gross roots and local level

**III Meaning and philosophy of ADR**

- (a) The significance of ADR-Current Trends
- (b) Over view of the Process of ADR
- (c) Planning and Strategies of ADR
- (d) Legal Recognition to ADR
- (e) Comparative perspective of ADR-USA-UK-India-EEC

#### **IV Process and Procedures of ADR**

- (a) Procedural Aspects of ADR
- (b) Types of ADR-Negotiation-Mediation-Conciliation-Arbitration
- (c) Theoretical perspectives of ADR
- (d) Significance of Private International Law –Choice of Law Rules

#### **V ADR and Contemporary Issues**

- (a) Information Technology and ADR
- (b) Dispute Resolution in Cyber space
- (c) ADR and Online Dispute Resolution
- (d) ADR and Scientific Issues-IPR and Bio-Technology

#### **Suggested Readings:**

Shiv Sahai Singh, *The Law of Intellectual Property Rights*,. 2004.

Phillippe Culet, *Intellectual Property Protection and Sustainable: Development*, 2004

W R Cornish, *Intellectual Property: Patents, copyright, Trademarks and allied rights* , 1996

Jayanti Bagachi , *World Trade organization; an Indian Perspective*(2000).

Narayanan, P., *Intellectual Property Rights*

#### **Further readings**

\_ UNCTAD-ICTSD, *Resource book on TRIPs and Development*, Cambridge University Press, 2005

\_ Surendra Bhandari , *World Trade organisation and Developing Countries*, 1998

\_ Bleir, F.K., Crespi, R.S. and Straus, J. , *Niotechnology and Patent Protection- an international review*, OECD

\_ Jayashree Watal, *Intellectual Proparty right s in the WTO and Developing Countries* ,2003

## **Paper-II**

### **Introduction to Human Rights**

#### **Objectives:**

The main objective of the course is to introduce to the students the significance of Human Rights in the contemporary era with a theoretical perspective and the problematic groups who needs special protection. Another important objective is that rights are only there to realize the duties that are casted with them and to signify the importance of the Human Rights Education not in the enjoyment of these rights but to find out the ways and means to help the vulnerable groups of the world.

#### **I Nature and Concept of Human Rights:**

- (a) Historical Perspective of Human Rights
- (b) Important Declarations on Human Rights-Magna Carta-British Bill of Rights-French Declaration of Rights of Man and Citizen-American Bill of Rights-Indian Bill of Rights
- (c) Impact of Human Rights on International Law
- (d) Sources of Human Rights-International Law and Indian Perspective

#### **II Concept and Theories of Human Rights**

- (a) Meaning-nature and Scope
- (b) Classification of Rights
- (c) Theories of Rights and Duties-Natural Rights Theory-Liberal Theory-Marxist Theory-Sociological and Cultural Theories
- (d) Classification of Rights under the Indian Constitution

#### **III Human Duties –Responsibilities**

- (a) Moral, Ethical, Social, Economic , Political and Cultural
- (b) Inter-Relationship between Rights and duties
- (c) Rights and Duties-Areas of Harmony –conflict

#### **IV Human Rights and Vulnerable Groups**

- (a) Definition and Concept of Vulnerable Groups
- (b) Women and Children's Rights
- (c) Aged and Disabled rights
- (d) Minorities and Unorganized Labour
- (e) Tribal and Indigenous Population
- (f) HIV and AIDS Victims
- (g) Refugees

## **V Problems and Perspectives of Human Rights and Duties**

- (a) Poverty and Population
- (b) Illiteracy and Corruption
- (c) Sovereignty-State Jurisdiction-MNCs-Terrorism
- (d) Sustainable development-Need for Human Rights Education

### **Suggested Readings:**

- V.T. Patil and T.S.N.Sastry: Studies in Human Rights, 2000
- T.S.N.Sastry: Human Rights in India, 2006
- O.P. Agrawal: Introduction to Human Rights 2007
- Sinha S.P.: Conflict and Tension in Tribal Society, 1993
- Kouwsha Rachana: Women and Human Rights in India, 2000
- Blue Book Series of Oxford on Human Rights 2009
- Indian Journal of International Law
- American Journal of International Law
- Human Rights Quarterly

## **Optional Paper-III**

### **Law of Insurance**

#### **Objectives-**

Insurance is one of the sectors both financially and socially. It acts as cover to the individual investors and as a money spinning organization for the State. In India, in the beginning it was confined only to public sector. However, after the expanding tenets of globalization, prompted the government of India too, to open the insurance regime to the private sector. This necessitated structural changes in the insurance sector and brought competition in the sector and emerged an important organization to play its role. Taking into consideration, an attempt will be made in this paper to introduce the importance of insurance and the various socio-legislative aspects of it in the contemporary era.

#### **I. Introduction**

- a) Origin and Development of the Concept of Insurance
- b) Theoretical Perspectives of Insurance
- c) Types of Insurance—Parties to Insurance
- d) Rights and liabilities of Insurer and Insured
- e) Insurance policy- law of contract and law of torts
- f) Need and importance of insurance

#### **II. General Principles of Law of Insurance**

- a) Contract of insurance- definition, nature of contract
- b) The Insurable interest
- c) Premium
- d) The risk- commencement, attachment, duration
- e) Assignment and alteration
- f) Warranties and disclosures
- g) Insurance intermediaries

#### **III. Life Insurance**

- a) Nature and scope
- b) Event insured against in Life Insurance
- c) Circumstances affecting the risk
- d) Amount recoverable under life policy
- e) Persons entitled to payment
- f) Settlement of claim and payment of money

**IV. Marine Insurance**

- a) Nature and scope
- b) Classification of marine policies
- c) Insurable interest, insurable value
- d) Voyage- deviation
- e) Perils at sea
- f) Warranties in marine insurance
- g) Loss

**V. Insurance against Third Party Risk**

- a) Motor Vehicle Act 1988
- b) Nature and scope
- c) Effect of insolvency or death on claims
- d) Claims Tribunal- constitution, functions, application for compensation, procedure, powers and award

**Suggested Readings-**

M. N. Sreenivasan- Law and the Life Insurance Contract  
JCB Gilmar and Mustill, Arnold- Law of Marine Insurance  
Birds- Modern Insurance Law  
Colinvaux's Law of Insurance  
KSN Murthy and Dr. KVS Sarma- Modern Law of Insurance  
Avtar Singh- Law of Insurance  
Mitra B.C.- Law relating to Marine Insurance

## **Optional Paper-IV**

### **Law and Medicine**

#### **Objectives-**

This course seeks to explore the areas of medicine and paramedical branches of science where the law plays its role to regulate them.

The course design aims to give comprehensive and practical approach to the students to make them aware of the developments in medical sciences, to explore various issues and to enable them to be equipped to face the recent challenges raised by the modern issues in the contemporary era.

#### **I. Introduction**

- (a) Origin and Development of Medical Profession
- (b) Various kinds of Medicinal Practices
- (c) Ethical and Moral Values of Medical Profession

#### **II. The Physician- Patient Relationship**

- a) Nature and concept of Physician-Patient relationship of relationship
- b) Rights and obligations of doctors and Patients to each other
- c) Legal regulations governing the relations between doctor and patient
- d) Role of Judiciary in regulating the relationship

#### **III. Legal Aspects of Medical Law**

- (a) International Provisions-role of WHO
- (b) Constitutional Provisions-Regulation of Public health
- (c) Medical Council of India-Structure-Powers and Functions
- (d) Important Legislations dealing with Law and Medicine

#### **IV. Pharmaceutical industries**

- a) Brief overview – Drugs (control) Act, Pharmacy Act
- b) Drugs and Magic Remedies Act, Drugs and Cosmetic Act
- c) Impact of patent laws on Indian pharmaceutical industries
- d) Dumping of unsafe drugs

#### **V. Bio-ethics- Issues and Regulations**

- a) Prenatal diagnostic techniques
- b) Medical termination of pregnancy
- c) Artificial insemination- surrogate motherhood
- d) Euthanasia, physician assisted suicide
- e) Organ transplantation

**Suggested Readings---**

1. Freeman- law and Medicine
2. Michael Davies- Textbook on Medical Law
3. Lyon's Medical Jurisprudence for India
4. Anoop Kaushal- Medical Negligence and Legal Remedies
5. Modi's Medical Jurisprudence
6. S.V. Jogarao- Current Issues in Criminal Justice and Medical Law
7. R.K. Bag- Medical Negligence and Compensation
8. Mason and Mc Call Smith- Law and Medical Ethics

## Optional Paper-V

### Criminology and Penology

#### Objectives:

The concept of crime is a changing dimension in any society or polity according to the changes in the social, political and economic and legal and cultural dimensions. Apart from this the development of science and technology also has a wider impact on the pattern of crimes that are committed by individuals depending upon socio-psychological factors. Hence it is important to impart the concepts and perspectives of crime and the remedial measures. This will equip the students with criminal etiology and sentencing policy in the given legal system.

#### 1. Dimensions of Crime

##### Definition of Crime

- Nature and extent of crime in India
- Concept and causes of crime
- Theories relating to crime
- Criminology as a part of criminal justice system
- Schools of criminology

#### 2. White collar crime

- Types of white collar crime
- Causes and growth of white collar in India
- Susufferland's theory relating to white collar criminality.

#### 3. Punishment and its kinds

- Ancient and discarded modes of punishment
- Capital punishments
- Imprisonment
- Rehabilitation and Reformation as a correction method.

#### 4. Re- socialization processes

- Principles of parole
- Parole laws and procedure

##### **-Concept and principles of probations**

- Selection of offenders for parole and probation
- Judicial attitude towards Probation and parole
- Probation of offenders Act, 1958
- Evaluation of probation and parole

## 5. Victimology

- Declaration of United Nation General Assembly in 1985.
- Nature and Development
- Types of Victims
- Victim and criminal justice system in India
- Police and judicial attitude towards victims
- Legislation relating to victims.

## 6. Terrorism – Devastation of peace in the world

- Definition of Terrorism
- Contributory factor for the growth of terrorism
- Conventions and legislations enacted on terrorism
- Terrorism and cyber crimes
- Measure required to combat terrorism .

### **Book Suggested**

1. Walker, N. Crime and criminology: A Critical introduction (1987)
2. S. Rao, Crime in Our Society, (1983)
3. A. Siddique, Criminology: Problem and perspectives (1997)
4. E. Sutherland, White Collar Crime (1949)
5. Mulla Committee Report (1983)
6. J.P.S.Sirohi, Criminology and Penology (2004)

## **Optional Paper-VII**

### **Mass Media Laws**

#### **Objectives:**

Mass Media is divided into print and electronic such as Press, radio, television, films, internet etc. Media plays a vital role in this new era of Globalization, Privatization and liberation. Communication through media has given access to literacy and development in the society. This will enable the students to understand the nuances of the fourth estate and its significance in the contemporary era.

#### **1. Media Law**

- Historical evolution of media
- Types of Media and its role in the society and Democracy in India
- Theories of freedom of speech
- Why liberty/
- Press as the fourth pillar of Democracy

#### **2. Constitutional and other legal Provisions relating to Media**

- Constitutional restraints U/Art 19
- Legal Provisions
- Defamations, obscenity, blasphemy and sedition under criminal law
- Censorship relating to electronic Media
- Restrictions during election on electronic Media
- Other legislations relating to print and electronic Media

#### **3. Investigatory Journalism – Checks and Balances.**

- Media Trials
- Media vis a vis right to privacy
- Information and technology Act
- Cyber crimes
- Tapping and law of Interception
- Interception of communication and privacy
- Telecommunication and Privacy laws
- Freedom of Press and challenges of new scientific development

#### **4. Right to Information and Media**

- official secrets Act 1923
- Struggle for right to information
- How far right to information aided in transparency of Govt administration

**Books Suggested**

1. Soli sorabjee, law of Press censorship in India (1976)
2. D. D. Basu, the Law of Press of India (1980)]
3. Rajeev Dhavan, "On the law of the Press in India" 26 J.I.L.I 288 (1984)
4. Justice E. S. Venkaramiah, Freedom of Press: some Recent Trends (1984)

## **Optional Paper-VIII**

### **ADMINISTRATIVE LAW**

#### **Objectives:**

With the emergence of a State as a welfare institution its administration and administrative law have become all pervading feature across the world. The aim of this course is to study the structure, governance, organization, powers and functions of public authorities in India. The expansion of the powers of the state necessitates to undertake a scrutiny of its various functions vi. Legislative, executive, as well as judiciary. Indian Administrative law is essentially a judge made law and therefore students are expected to be familiar and acquainted with the development of the subject.

#### **Topics for Study:**

1. INTRODUCTION
  - Definition of Administrative Law
  - Nature and scope of Administrative Law
  - Historical growth & development of Administrative Law- England, USA, France&India.
2. PRINCIPLES OF NATURAL JUSTICE
  - Doctrine of Bias
  - Audi Alteram Partem
  - Reasoned Decisions
3. ADMINISTRATIVE TRIBUNALS
  - Administrative Tribunal Act
  - National Environment Tribunal
  - Telecom Disputes Settlement and Appellate Tribunal
  - Appellate Tribunal for Electricity
4. COMMISSIONS
  - Election Commission
  - Commissions of Inquiry
  - National Commission on Human Rights
5. REGULATORY AUTHORITIES
  - Competition Commission
  - Electricity Regulatory Commission
  - Telecom Regulatory Authority of India
  - Insurance Regulatory and Development Authority
6. JUDICIAL REVIEW OF ADMINISTRATIVE DISCRETION
  - Failure to exercise discretion
  - Abuse of discretion
  - Doctrine of Legitimate expectation

## 7. LIABILITY OF GOVERNMENT

Contractual Liability

Tortious Liability

Doctrine of Estoppel

## 8. RIGHT TO INFORMATION

Historical Perspective

Public Authority

Public Information Officer

Appellate Authority and Information Commission

### **Suggested Readings:**

- 1) H.W. Wade-Administrative Law.
- 2) DeSmith-Judicial Review of Administrative Action.
- 3) Garner – Administrative Law.
- 4) D.D. Basu – Comparative Administrative Law.
- 5) Wade & Philips – Constitutional Law.
- 6) Dicey – Introduction to Law of the Constitution.
- 7) O Hood Philips – Constitutional Law & Administrative Law.
- 8) M. P. Jain, S. N. Jain – Principles of Administrative Law.
- 9) M. P. Jain – The Evolving Indian Administrative Law.
- 10) B. Schwartz – An Introduction to American Administrative Law.
- 11) M. P. Jain – Cases and materials on Administrative Law.
- 12) K. S. Shulka & S. S. Singh – Lokayukta – A Socio legal study.
- 13) Ivor Jennings – Law and the Constitution.
- 14) K. C. Davis – Discretionary Justice.
- 15) Neville L. Brown & J. F. Garner French Administrative Law.
- 16) Peter H. Schuck – Foundations of Administrative Law.
- 17) P. P. Craig – Administrative Law.
- 18) Alex Carol – Constitution & Administrative Law.
- 19) Neil Hawke & Neil Papworth – Introduction to Administrative Law.
- 20) Jaffe – Judicial Control of Administrative Law.

## **Optional Paper-IX**

### **CRIMINAL LAW**

#### **Objectives :**

To study the general principles of criminal law and their development to acquaint the students with modern trends in criminal law in Indian and England.

To explain the principles as applied in India and as elaborated through judicial pronouncement.

The application of the general principles would be illustrated with reference to specific offences in extensor. The emphasis in the course would be on an understanding of the modern trends and developments in criminal law and the need for changes in Indian criminal law in the present socio-economic context.

#### **Topics for study:**

1. INTRODUCTION
  - (a) Nature and Scope of Criminal Law
  - (b) Theoretical Perspectives of Criminal Law
  - (c) Types of Crimes
  - (d) Principles of criminal liability
    - Common Intention & Object
    - Stages of commission of crime
    - Criminal liability of corporation
2. PRELIMINARY CRIMES
  - Abetment
  - Criminal conspiracy
  - Attempt
3. GENERAL EXCEPTIONS
  - Introduction
  - Mistake
  - Necessity
  - Insanity
  - Intoxication
  - Consent
  - Duress
4. PRIVATE DEFENCE
  - Right of private defence of body
  - Right of private defence of property

## 5. OFFENCES AGAINST WOMEN

Rape

Prevention of Immoral Traffic

Prohibition of Indecent representation of women

Dowry deaths

Sexual Harassment

## 6. ECONOMIC OFFENCES

Tax Evasion

Money Laundering

Trade in Human Body parts

Illicit Drug Trafficking

Fraudulent Bankruptcy

Corruption & Bribery of public servants

Illegal Foreign Trade

Terrorist Activities

Computer crime/ Software piracy/Cyber crime

Company frauds

### **Suggested Readings:**

- 1) Glanville Williams : Criminal Law (General Part)
- 2) J.W.C. Turner (ed) : Kenny's Outlines of Criminal Law.
- 3) J.W.C. Turner (ed) : Russel on Crime, Vol. I-II.
- 4) Nigam R.C.: Law of Crimes in India, Vol – I (Principles of Criminal Law)
- 5) Hari Singh Gour : Penal Law of India, Vol. I-IV.
- 6) K.D. Gaur: Criminal Law : Cases and Materials.
- 7) K.N.C. Pillai: General Principles of Criminal Law.
- 8) Sarkar : Sarkar on Evidence.
- 9) Chandrasekharan Pillai (ed) : Kellar's Outlines of Criminal Procedure.
- 10) Shumshul Huda : Principles of Law of Crimes.
- 11) J. Hall : General Principles of Criminal Law.
- 12) ILI : Essays on the I.P.C.
- 13) Law Commission of India : 14<sup>th</sup> , 42<sup>nd</sup> Reports.
- 14) Bhatt: Essays on Criminal Law.
- 15) Cross and Jones: Criminal Law.
- 16) Smith and Hogen: Criminal Law.
- 17) George Fletcher: Rethinking of Criminal Law.
- 18) Fitzgerald P.J.: Criminal Law and Punishment.
- 19) A. Ashworth: Principles of Criminal Law.
- 20) J. Dressler: Understanding Criminal Law

## Optional Paper X

### INTRODUCTION TO INTELLECTUAL PROPERTY RIGHTS

Objectives: The main objective of the paper is to introduce to the students the basic concepts of IPR and their relationship with other subjects especially, economic law, and other technological aspects. Apart from the above, the paper covers the approaches of International Institutions and introduces the various aspects that are form part of the province of IPR

#### I INTRODUCTION:

- (a) **Origin and Genesis of IPR**
- (b) **The Ways and Means of Creation of IPR**
- (c) **Sources of IPR-Custom, Treaties, Judicial Decision, Juristic Writings, General Principles of Law, Resolutions of International Organizations**

#### II Concept and Theoretical Perspectives

- a) Meaning and Definition or IPR
- b) Theories – Marxist – Western – Indian
- c) International Trade and IPR – GATT and UNCTAD – IMF – World Bank – WTO

#### III Economic and Technological Approaches

- a) International Economic Law and IPR
- b) Information and Technological perspectives
- c) Computers and Cyber Crimes – WIPO and Perspectives
- d) Bio-technology and IPR

#### IV Approaches of International Institutions and IPR

- a) UN and IPR
- b) ECOSOC – UNESCO – WHO – FAO – ILO – WIPO – Human Rights Council

#### V SUBJECT PROVINCE OF IPR

- a) Patents – Basic aspects
- b) Trade Marks – Basic principles
- c) Copy Right – Basic Issues
- d) Industrial Designs and Geographical Indications

#### Suggested Readings:

Peter Drahos: A Philosophy of Intellectual Property, 1996

Commons J.R.: International Economics, 1934

Narayan: Intellectual Property rights, 2007

Gopalakrishnan.N.S, Cases And Materials On Intellectual Property Law : Along With Objectives, Methodology, And Course Outline Bangalore : National Law School of India University, 1992

- International Legal Instruments, D.K. Agencies 1998
- Intellectual Property Rights CSIR Journal
- International Legal Materials.; Journal of the Indian Law Institute

Journal of the Indian Society of International Law ; American Journal of International Law ;

Apart from the above, the students may be informed about the other materials by the concerned teacher.

## OPTIONAL PAPER XI

### Legal Theory & Feminist Jurisprudence -II

#### **Objectives:**

The Objective of this study is to give a clear understanding of the nature, scope and function of Law. The study of any legal system at postgraduate level necessitates its basic foundations to enable students to acquaint with the nature of legal system and its role in the development of society.

An analysis of legal concepts in the context of society development and changing socio-economic and politics attitude and an appreciation of the purpose of Law and its relationship to ethics and Justice. This course aims at developing a insight into the jurist foundation of a legal system and understanding of Law as it exists in a given contemporary society.

The nature and foundation of Law has undergone changes in the recent past, the current trends and developments are essentially to be studied in the context of justice viz. gender, social and economic along with new challenges and its responses.

#### **1. Doctrine of precedent:**

- Nature and scope.
- Authority of precedent.
- Bindingness of precedent.
- Precedent in British legal system.
- Ratio decidendi-obiterdicta.
- Theories of ratio decidendi..
- Art 141 of the Indian Constitution.
- Doctrine of Prospective overruling.
- Advisory Jurisdiction and precedent.

#### **2. Concept of Legal Right :**

- Nature and definitions.
- Theories of Rights.
- Fundamental legal conceptions of Right (Hohfeldian Analysis).
- Kind of Rights.

### **3. Feminist Jurisprudence :**

- Nature and Types of Feminism.
- Gender justice and feminism.
- Indian Constitution of Feminist Jurisprudence.

### **4. Rawls Theory of Justice :**

- Notion of Justice.
- Distributive Justice.
- Applicability of Rawls Theory to Indian Legal system.

### **5. Law and Enforcement of Morals :**

- Basis and nature of morality.
- Role of morality.
- Morality and Indian Legal system.

### **Suggested Readings:**

1. W. Friedmann – Legal Theory
2. Julius Stone – Social Dimension of Law & Justice.
3. C. K. Allen – Law In the Making.
4. Lloyd – Introduction to Jurisprudence.
5. Dias – Text on Jurisprudence.
6. H.L.A. Hart – Law, Liberty and Morality.
7. Lord Devlin – The Enforcement of moral.
8. Basi Mitchell – Law morality and religion in a secular society.
9. Prof. Julius Stone – Human Law and Human Justice.
10. Prof. Julius Stone – Province & functions of Law.
11. Prof. Roscoe Pound – Jurisprudence Vol. I to IV.
12. R. Warrenton – Post modern Jurisprudence.
13. J. M. Balkin – The Legal Subject and the Problem of Legal Coherence.
14. Ronald Dworkin – Laws Empire.
15. Ronald Dworkin – Morality principle.
16. Patton – Text on Jurisprudence.
17. Hohfeld – Fundamental Legal Conceptions.
18. John Rawls – Theory of Justice.
19. John Rawls – Political Liberalism.
20. Catherine Mackinnon – Difference & Dominance on sex discrimination.
21. Catherine Mackinnon – Towards a Feminist Theory of State.
22. K. Barlett & Kennedy Feminist Legal Theory.
23. K. Weis Berg – Feminist Legal Theory Foundation.
24. Precedent in Indian Legal System - Prof. A. Lakshminath.

## **Optional Paper-XII Corporate Finance**

### **Objectives-**

In view of globalization and liberalization, there is a compelling pressure on the nation states to raise their economies substantially. However, since many of the developing nations are not able to meet the requirements of the old economy, they started opening their economies in order to encourage the corporate sector to bail the economies. Hence it became an important aspect that corporate finance plays a very vital role in various aspects of the development of a nation. Hence, this paper introduces to the student the various nuances of corporate finance and the legal implications.

#### **1. Introduction**

Meaning, Importance, scope of corporate finance  
Objectives of corporate finance

#### **2. Types of Finance**

Equity Finance- share capital, prospectus- information disclosure, issue and allotment  
Debt finance – debentures, deposits, charges, mortgages

#### **3. Protection of creditors**

Need for creditor protection  
Preference in payment  
Creditor self protection  
Control over corporate spending

#### **4. Protection of Investors**

Individual shareholder's rights  
Corporate membership's rights  
Derivative actions  
Conversion, Consolidation, reorganization of shares  
Dematerialization of securities

#### **5. Corporate Fund Raising**

Depositories- IDR, ADR, GDR  
Public Financing Institutions- IDBI, ICICI, IFC, SFC  
Mutual Fund and Other Collective Investment Schemes  
Institutional Investments- LIC, UTI, banks  
FDI, NRI investments

6. Administrative Regulation of Corporate Finance  
Inspection of accounts  
SEBI, RBI, Registrar of companies, Central Government

**Bibliography-**

Ramaiya A – Guide to the Companies Act  
S.C. Kuchhal- Corporate Finance- Principles and problems  
Y.D. Kulshreshta, Government Regulation of Financial Management of private sector in India