

LL.M. TWO YEARS COURSE
(ANNUAL SCHEME)

SYLLABUS AND COURSE COMPONENT

FIRST YEAR

SESSION 2023–24

SECOND YEAR

SESSION 2024–25



[ALL SUBJECTS]

PART - B

2. I. LL.M. TWO YEAR POSTGRADUATE DEGREE COURSE (ANNUAL SCHEME)

ELIGIBILITY FOR ADMISSION TO LL.M. COURSE:

1. The Degree of Master of Laws shall consist of two Parts- Part I and II and there will be an examination at the end of each academic year viz. LL.M. Part I Examination at the end of the First Year and LL.M. Part II Examination at the end of the Second Year.
2. A candidate who has passed the B.A.LL.B. Five Years or LL.B. Three Years Course or any other law degree examination of the State Universities of Rajasthan or an examination of some other University recognized by the Board of Management of the University as equivalent thereto securing a minimum of 55% marks in the aggregate or a candidate who holds B.A.LL.B. Five Years or LL.B. Three Years Degree or who has passed any of the Post Graduate Diploma courses of University in the Faculty of Law with 55% of marks in the aggregate at the Diploma Examination and pursued a regular course of study in an affiliated college for one academic year shall be eligible for admission to the LL.M. Part I Course.
3. A candidate passing the B.A.LL.B. Five Years or LL.B. Three Year Course with a minimum of 55 % marks shall be eligible to apply for admission to LL.M. Part I Course. There shall be a relaxation of 5% marks in case of Scheduled Caste and Scheduled Tribe, 5% for Other Backward Class candidates and 5% for E.W.S. Candidates.

LL.M. FIRST YEAR: [COURSE CODE 126]
[TOTAL FIVE COMMON PAPERS FOR ALL ELECTIVE BRANCHES]

PAPER CODE 1261.:	LAW AND SOCIAL TRANSFORMATION IN INDIA
PAPER CODE 1262. :	CONSTITUTIONAL LAW OF INDIA AND NEW CHALLENGES
PAPER CODE 1263. :	JUDICIAL PROCESS
PAPER CODE 1264. :	LEGAL THEORY AND HUMAN RIGHTS PHILOSOPHY
PAPER CODE 1265. :	LEGAL EDUCATION AND RESEARCH METHODOLOGY

LL.M. SECOND YEAR: [COURSE CODE 127]

ELECTIVE BRANCHES: [FOUR SPECIALIZATION CLUSTERS]
[TOTAL FIVE PAPERS FOR EACH BRANCH]

BRANCH - 1

CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW

PAPER CODE 1271-B-1.:	CENTER-STATE RELATIONS AND CONSTITUTIONAL GOVERNANCE
PAPER CODE 1272-B-1.:	ADMINISTRATIVE LAW AND ADMINISTRATIVE PROCESS
PAPER CODE 1273-B-1.:	MASS MEDIA
PAPER CODE 1274-B-1.:	COMPARATIVE CONSTITUTIONAL LAWS
PAPER CODE 1275-B-1.:	(A) DISSERTATION OR (B) LOCAL SELF-GOVERNMENT & FEDERAL GOVERNANCE

BRANCH - 2

INTERNATIONAL LAW AND HUMAN RIGHTS

PAPER CODE 1271-B-2.:	INTERNATIONAL LAW
PAPER CODE 1272-B-2.:	INTERNATIONAL ORGANIZATIONS
PAPER CODE 1273-B-2.:	HUMAN RIGHTS AND INTERNATIONAL LAW
PAPER CODE 1274-B-2.:	INTERNATIONAL HUMANITARIAN LAW

PAPER CODE 1275-B-2.:

(A) DISSERTATION

OR

(B) INTERNATIONAL CRIMINAL LAW

BRANCH - 3

CORPORATE AND COMMERCIAL LAWS

PAPER CODE 1271-B-3.:

BANKING LAWS

PAPER CODE 1272-B-3.:

LAW OF CONTRACTUAL OBLIGATIONS

PAPER CODE 1273-B-3.:

INSURANCE LAWS

PAPER CODE 1274-B-3.:

INTELLECTUAL PROPERTY LAWS

PAPER CODE 1275-B-3.:

(A) DISSERTATION

OR

(B) CORPORATE GOVERNANCE AND LAW

BRANCH - 4

CRIMINAL LAWS

PAPER CODE 1271-B-4.:

CRIMINOLOGY AND CRIMINAL JUSTICE
ADMINISTRATION

PAPER CODE 1272-B-4.:

PENOLOGY AND VICTIMOLOGY

PAPER CODE 1273-B-4.:

PRIVILEGED CLASS DEVIANCE AND
JUVENILE DELINQUENCY

PAPER CODE 1274-B-4.:

CYBER CRIMES

PAPER CODE 1275-B-4.:

(A) DISSERTATION

OR

(B) CRIMINAL JUSTICE AND HUMAN RIGHTS

COURSE CREDIT

LL.M. FIRST YEAR (ANNUAL SCHEME)

S.NO.	PAPER CODE	PAPER NAME	COURSE CODE 126				DURATION OF ANNUAL EXAM IN HOURS
			L	T	C	MAXIMUM MARKS IN EXAMINATION	
1.	1261	LAW AND SOCIAL TRANSFORMATION IN INDIA	3	1	4	100	3
2.	1262	CONSTITUTIONAL LAW OF INDIA AND NEW CHALLENGES	3	1	4	100	3
3.	1263	JUDICIAL PROCESS	3	1	4	100	3
4.	1264	LEGAL THEORY AND HUMAN RIGHTS PHILOSOPHY	3	1	4	100	3
5.	1265	LEGAL EDUCATION AND RESEARCH METHODOLOGY	3	1	4	100 [80 + 20]	3
TOTAL=			15	5	20		

TOTAL CONTACT HOURS PER WEEK = 15 + 5 = 20

TOTAL COURSE CREDIT = 20

*** L = LECTURES**

*** T = TUTORIAL**

***C = CREDITS**

COURSE CREDIT

LL.M. SECOND YEAR (ANNUAL SCHEME)

BRANCH - 1

CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW

S.NO.	PAPER CODE	PAPER NAME	COURSE CODE 127				Duration of Annual Exam in Hours
			L	T	C	Maximum Marks in Examination	
1.	1271	CENTER-STATE RELATIONS AND CONSTITUTIONAL GOVERNANCE	3	1	4	100	3
2.	1272	ADMINISTRATIVE LAW AND ADMINISTRATIVE PROCESS	3	1	4	100	3
3.	1273	MASS MEDIA	3	1	4	100	3
4.	1274	COMPARATIVE CONSTITUTIONAL LAWS	3	1	4	100	3
5.	*1275 (A)	DISSERTATION OR	1*	*3	4	100 [70 + 30]	---
	OR 1275 (B)	LOCAL SELF GOVERNMENT AND FEDERAL GOVERNANCE	3	1	4	100	3
TOTAL=			*13/15	*7/5	20		

TOTAL CONTACT HOURS PER WEEK = [13+7] or [15+5]=20

TOTAL COURSE CREDIT = 20

* L = LECTURES

* T = TUTORIAL

*C = CREDITS

COURSE CREDIT

LL.M. SECOND YEAR (ANNUAL SCHEME)

BRANCH - 2

INTERNATIONAL LAW AND HUMAN RIGHTS

S.NO.	PAPER CODE	PAPER NAME	COURSE CODE 127				Duration of Annual Exam in Hours
			L	T	C	Maximum Marks in Examination	
1.	1271	INTERNATIONAL LAW	3	1	4	100	3
2.	1272	INTERNATIONAL ORGANIZATIONS	3	1	4	100	3
3.	1273	HUMAN RIGHTS AND INTERNATIONAL LAW	3	1	4	100	3
4.	1274	INTERNATIONAL HUMANITARIAN LAW	3	1	4	100	3
5.	*1275 (A)	DISSERTATION	*1	*3	4	100 [70 + 30]	---
	OR 1275 (B)	OR INTERNATIONAL CRIMINAL LAW	3	1	4	100	3
TOTAL=			*13/15	*7/5	20		

TOTAL CONTACT HOURS PER WEEK = [13+7] or [15+5]=20

TOTAL COURSE CREDIT = 20

* L = LECTURES

* T = TUTORIAL

*C = CREDITS

COURSE CREDIT

LL.M. SECOND YEAR (ANNUAL SCHEME)

BRANCH - 3

CORPORATE AND COMMERCIAL LAWS

S.NO.	PAPER CODE	PAPER NAME	COURSE CODE 127				Duration of Annual Exam in Hours
			L	T	C	Maximum Marks in Examination	
1.	1271	BANKING LAWS	3	1	4	100	3
2.	1272	LAW OF CONTRACTUAL OBLIGATIONS	3	1	4	100	3
3.	1273	INSURANCE LAWS	3	1	4	100	3
4.	1274	INTELLECTUAL PROPERTY LAWS	3	1	4	100	3
5.	*1275 (A)	DISSERTATION	*1	*3	4	100 [70 + 30]	---
	OR 1275 (B)	CORPORATE GOVERNANCE AND LAW	3	1	4	100	3
TOTAL=			*13/15	*7/5	20		

TOTAL CONTACT HOURS PER WEEK = [13+7] or [15+5]=20

TOTAL COURSE CREDIT = 20

* L = LECTURES

* T = TUTORIAL

*C = CREDITS

COURSE CREDIT

LL.M. SECOND YEAR (ANNUAL SCHEME)

BRANCH - 4 CRIMINAL LAWS

S.NO.	PAPER CODE	PAPER NAME	COURSE CODE 127				Duration of Annual Exam in Hours
			L	T	C	Maximum Marks in Examination	
1.	1271	CRIMINOLOGY AND CRIMINAL JUSTICE ADMINISTRATION	3	1	4	100	3
2.	1272	PENOLOGY AND VICTIMOLOGY	3	1	4	100	3
3.	1273	PRIVILEGED CLASS DEVIANCE AND JUVENILE DELINQUENCY	3	1	4	100	3
4.	1274	CYBER CRIMES	3	1	4	100	3
5.	*1275 (A)	DISSERTATION OR	*1	*3	4	100 [70 + 30]	---
	OR 1275 (B)	CRIMINAL JUSTICE AND HUMAN RIGHTS	3	1	4	100	3
TOTAL=			*13/15	*7/5	20		

TOTAL CONTACT HOURS PER WEEK = [13+7] or [15+5]=20

TOTAL COURSE CREDIT = 20

* L = LECTURES

* T = TUTORIAL

*C = CREDITS

[DETAILED SYLLABUS]

FIRST YEAR

SESSION 2023–24

PAPER CODE 1261.:

LAW AND SOCIAL TRANSFORMATION IN INDIA

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 40

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The syllabus includes latest amendments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

This course is designed to offer the teacher and the taught with (a) awareness of Indian approaches to social and economic problems in the context of law as a means of social control and change; and (b) a spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. The endeavour is to make the students aware of the role the law has played and has to play in the contemporary Indian Society.

UNIT - I

Law and Social Change: A Theoretical Perspective:

Relationship of Law with social change; Law as an instrument of social change; Law as the product of traditions & culture: Evaluation in the light of colonization & common law system; Impact of Social movements on social change.

Religion and the Law:

Religion: Meaning, relationship with law; Religion as an integrative or divisive factor; Secularism: meaning and its contribution in Indian society, Freedom of religion and non-discrimination on the basis of religion; Religious minorities and the law;

UNIT - II

Languages and the Law:

Formation of linguistic States and its impact on policy in governance; Constitutional guarantees to linguistic minorities; Language policy and the Constitution: Official languages, multi language system; Non-discrimination on the ground of language.

Community and the Law:

Caste System in Indian Society; Caste: Socio-Cultural reality as a divisive and integrative factor; Non-discrimination on the ground of caste; Acceptance of caste as a factor to undo past injustices: An Analysis; Protective discrimination: Scheduled Castes, Tribes and Backward Classes; Reservation Policy: Statutory Commission Statutory Provision;

UNIT - III

Regionalism and the Law:

Regionalism: A Divisive or an integrative factor; Concept of India as one Unit; Freedom of movement, residence and business, impermissibility of state or regional barriers; Equality in

matters of employment: the slogan 'son of the soil' and its practice; Admission to educational institutions: preference to residents of a State;

UNIT - IV

Modernization and the Law:

Modernization as a value: Constitutional perspective reflected in Fundamental Duties; Modernization of Social Institution through Law; Reform of Family Law; Agrarian Reform; Industrial Reforms: Free Enterprise v. State Regulation, industrialization v environmental protection; Reform of Court Processes: i. Criminal Law : Plea Bargaining, Compounding & Payment of Compensation to Victim ii. Civil Law:(ADR)Confrontation iii. Consensus, Mediation & Conciliation, Lok Adalats

Women, Children and the Law:

Status of Women in Indian Society; Crimes against Women; Gender injustice: forms, causes and remedies; Women's Commission; Empowerment of Women: Constitutional and other legal provisions; Child Labour; Sexual Exploitation; Adoption, maintenance and related problems; Child and Education;

UNIT - V

Alternative approaches to Law:

Jurisprudence of Sarvodaya, Gandhiji, Vinoba Bhave, Jai Prakash Narain; Socialist thought on Law & Justice: An enquiry through Constitutional debates on the right to property; Indian Marxist Critique of Law & Justice; Naxalite movement: Causes & Cure;

SUGGESTED READINGS:

- Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford.
- D.D. Basu, Shorter Constitution of India (1996), Prentice – Hall of India(P) Ltd., New Delhi.
- H.M. Seervai, Constitutional Law of India (1996), Tripathi.
- India Law Institute, Law and Social Change: Indo-American Reflections, Tripathi (1988)
- J.B. Kripalani, Gandhi: His life and Thought, (1970) Ministry of Information and Broadcasting,
- M.P. Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay
- Manushi, A Journal about Women and Society.
- Marc Galanter (ed.), Law and Society in Modern India (1997) Oxford.
- Robert Lingat, The Classical Law of India (1988), Oxford.
- Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (1997),Sage.
- U. Baxi (ed.), Law and Poverty Critical Essays (1988), Tripathi, Bombay.
- U. Baxi, The Crisis of the Indian Legal System (1982), New Delhi.

PAPER CODE 1262.:

CONSTITUTIONAL LAW OF INDIA AND NEW CHALLENGES

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 40

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The syllabus includes latest amendments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

The Constitution of India is the supreme law of the country. This course provides the description of the necessary fundamental concepts and doctrines of Constitutional Law. This Course is designed to acquaint students with the basic principles of Constitution and Constitutionalism. The Course also has the objective to familiarize the students with the Federal principles of Indian Constitution and the powers, functions and structures of various Constitutional bodies. The course is to be studied in the social, economic and political context in which the constitution operates together with the in-depth study of the latest reorganization of the Article 370 and 35-A and the Reorganization of the Jammu and Kashmir state.

UNIT - I

Making of the Constitution :Demand for a Constitution framed by a Constituent Assembly; The Cripps' offer of 1942; The Wavell Plan of 1945; The Cabinet Mission Plan, 1946; The Mountbatten Plan, 1947; The Indian Independence Act, 1947; Constituent Assembly in India and framing of the Constitution; Formation of the Constituent Assembly of India; The issues before the Constituent Assembly; Passing of the Constitution; Dr. B. R. Ambedkar's contribution in the making of the Constitution; Date of Commencement of the Indian Constitution; Concepts of Constitutional Law and Constitutionalism; Forms and characters of various models of Constitution; Salient features of the Constitution of India;

UNIT - II

Preamble - Meaning of the Preamble; Object, Purpose and Scope of the Preamble; Contents of the Preamble; Utility of Preamble in interpretation of the Constitution; Whether Preamble is part of the Constitution?

Citizenship (Articles 5-11) including relevant provisions of Citizenship Act, 1955(Sections 3 – 10); Union & State Executive (Articles 52-78 & 152-167); Union Judiciary, State Judiciary & Subordinate Judiciary (Articles 124-147 & 214-237); Writs (Article 32); Union and its Territory (Articles 1-4); Union & State Legislature (Article 79-123 & 168-213);

UNIT - III

Legislative Relations between Union and States (Articles 245-255); State: Creation and Demand of new states; Need for widening the definition of State in the wake of liberalization; Accountability of State: Joint Parliamentary Committee & Public Account Committee;

Emergency Provisions (Articles 352-360); Amendment of the Constitution (Article 368) with special reference to the Basic Structure Theory.

Temporary provision (Article 370): Reorganization of Articles 370 and 35-A and Re-Organization of Jammu and Kashmir through The Jammu And Kashmir Reorganization Act, 2019. (Basic Concepts and Future Effects);

UNIT - IV

Fundamental Rights; General (Articles 12 &13); Right to Equality (Articles 14-18); Right to Freedom (Article 19); Fundamental Duties (Article 51A); Right to Freedoms (Articles 20-22) Right against Exploitation (Articles 23 & 24); Freedom of Religion (Articles 25-28);

Democratic Process-Grass Root Democracy: Democratic Decentralization and Local Self Government; Election: Mechanism and Procedure; Election Commission: Constitution and Status; Electoral Reforms: Transparency, Free, fair and fearless election; Coalition Government, Stability, Durability; Corrupt Practice; Nexus of politics with criminals and the business;

UNIT - V

Cultural and Educational Rights (Articles 29 & 30); Right to property as constitutional right (Articles 31A-31D & 300A); Right to Constitutional Remedies (Articles 32- 35A); Directive Principles of State Policy (Articles 36-51); Trade, Commerce and Intercourse within the Territory of India (Articles 301-307); Safeguards to Civil Servants (Articles 309-311); Public Service Commission's (Article 315-323); Election Commission (Articles 324-329);

SUGGESTED READINGS :

- Bakshi, P.M. : Constitution of India- 8th Edition, Universal Law Pub., 2017.
- Basu, D.D. : Introduction to the Constitution of India (English & Hindi)
- Basu, Durga Das : Shorter Constitution of India, 13th Edition, Wadhwa, 2012.
- Constitution of India as amended up to-date
- Constitution (Application To Jammu And Kashmir) Order 2019
- Granville Austin, Working of a Democratic Constitution- The Indian Experience, Oxford University Press.
- H. M. Seervi, Constitutional Law of India, N.M. Tripathi.
- H.R. Khanna, Making of India's Constitution, Eastern Book Co., Lucknow Harper Collins Publication, India. 2019.
- Jain, M.P. : Indian Constitutional Law- 5th Edition, Wadhwa, 2015.
- Kashyap Subhash C., Constitutional Law of India, Universal Law Publishing Co. Pvt. Ltd., 2015
- M.P. Singh, V.N. Shukla's Constitution of India, Eastern Book Company, (2013).
- Seervai, H. M.: Constitutional Law of India- 4th Edition, Universal Law Publishing Co. Pvt. Ltd., 2012.
- The Jammu and Kashmir Reorganisation Act, 2019
- Various Amendments made to the Constitution of India

PAPER CODE 1263.:

JUDICIAL PROCESS

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 40

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The syllabus includes latest amendments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

A Lawyer, whether academic or professional, is expected to be competent to analyze and evaluate the legal process from a broader juristic perspective. Hence a compulsory paper on judicial process is essential in the LL.M. curriculum. The objective of this paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker participant in the power process and as an instrument of social change. This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques. Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This paper, therefore, intends to familiarize the students with various theories different aspects and alternative ways of attaining justice.

UNIT - I

Nature of Judicial Process:

Judicial process as an instrument of social ordering; Judicial process and creativity in Law: Common law model, legal Reasoning and growth of law, change and stability; The tools and techniques of judicial creativity and precedent; Legal development and creativity through legal reasoning under statutory and codified system.

UNIT - II

Special dimensions of Judicial Process in Constitutional Adjudication:

Notion of Judicial Review; Role in constitutional adjudication: various theories of judicial role; Tools and techniques in policy making and creativity in constitutional adjudication; Varieties of judicial and juristic activism; Problems of accountability & Judicial Law making.

UNIT - III

Judicial Process in India:

Indian debate on the role of judges and on the notion of judicial review; The “independence” of judiciary and the “political” nature of judicial process; Judicial activism and creativity of the Supreme Court: the tools and techniques of creativity- Judicial process in pursuit of constitutional goals and values: New dimensions of judicial activism and structural challenges; Institutional liability of courts its scope and limits.

UNIT - IV

The Concept of Justice:

The concept of Justice and Dharma in Indian thought; Dharma as the foundation of legal ordering in Indian thought; The concept and various Theories of Justice in the western thought; Various theoretical bases of Justice: The Liberal Contractual Tradition, the Liberal Utilitarian Tradition and the Liberal Moral Tradition.

UNIT - V

Relation between Law and Justice:

Equivalence Theories: Justice as nothing more than the positive law of the stronger class; Dependence theories: for its realization, Justice depends on law, but justice is not the same as law; The independence theories of justice as a means to an end, the relationship in the context of the Indian Constitutional ordering; Analysis of selected cases of Supreme Court where the Judicial Process can be seen as influenced by theories of Justice.

SUGGESTED READINGS:

- A. S. Anand, Judicial Review – Judicial Activism–Need for Caution, Journal of Indian Law Institute P. 149 (2000).
- Amartya Sen, ‘Idea of Justice’, Allen Lane & Harvard University Press, 2009
- Cordozo ‘The Nature of Judicial Process (1995). Universal Law Publishing Co., New Delhi
- Henry J. Abraham, The Judicial Process (1998), Oxford University Press
- J. Stone. Legal System and Lawyer’s Reasoning (1999), Universal Law Publishing Co., New Delhi
- J. Stone, Precedent and the Law: Dynamics of Common Law Growth(1985), Butterworths.
- Julius Stone. The Province and Function of LawCh.1, PP 8-16, (2000) Universal Law Publishing Co., New Delhi
- Rajeev Dhavan. The Supreme Court of India – A Socio-Legal Critique of its Juristic Techniques (1977), Tripathi – Bombay.
- S. P. Sathe, Judicial Activism in India: Transgressing borders and Enforcing Limits, Oxford New Delhi. (2002
- Upendra Baxi, “On how not to Judge the Judges” 25 Journal of the Indian Law Institute, P. 211 (1983).
- Upendra Baxi, The Indian Supreme Court and Politics. (1980) , Eastern Book Co., Lucknow.
- Virendra Kumar, Basic Structure of the Indian Constitution: Doctrine of Constitutionally controlled Governance, Journal of the Indian Law Institute, PP 365-395, (2007).

PAPER CODE 1264.:

LEGAL THEORY AND HUMAN RIGHTS PHILOSOPHY

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 40

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The syllabus includes latest amendments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

The course aims at developing an analytical approach to understand the nature of law and the development of legal system. Legal theory seeks to answer fundamental questions about law. The concerns of Legal theory are an inescapable feature of the law and legal system. Legal theory has generous frontiers. It accommodates copious subjects of intellectual enquiry. This course identifies and elucidates several of the major preoccupations of legal theory. The following syllabus prepared with this perspective will be spread over a period of one year.

UNIT - I

Positivism - Relation between Law and Morality, Analytical Positivism, Imperative Theory of Law, Pure theory of Law, the concept of Law.

UNIT - II

Historical and Sociological approach to Law: Theory of Volkgeist, Anthropological approach to law, purpose theory, living law theory, social engineering;

UNIT - III

Post sociological approach realism, Justice Cardozo: Judicial process, Justice Holmes, critical legal studies, Feminist Philosophy;

UNIT - IV

Justificatory theories in shaping the concept of Human Rights, Theology, Natural law and natural rights, Utilitarianism - Right based theory and collective rights;

UNIT - V

Modern theories of Human Rights, Rawls Theory of Justice: Nozick - Ronald Dworkin, Right to Solidarity, Global Justice: meaning and application;

SUGGESTED READINGS:

- Bodenheimer – Jurisprudence : The Philosophy and Method of Law
- Dennis Lloyd - Jurisprudence
- Dias – Jurisprudence

- Friedman – Legal Theory
- G.W. Paton – Jurisprudence
- Rawls: Theory of Justice
- Robert Nozick – Anarchy, State and Utopia
- Ronald Dworkin – Taking Rights Seriously
- S.C. Kashyap, Human Rights and Parliament (1978)
- Salmond – Jurisprudence
- U. Baxi, The Crisis of the Indian Legal System (1982), Vikas Publishing House, New Delhi.
- Upendra Baxi, "Law, Democracy and Human Rights": 5 Lokayan Bulletin 4 (1987)
- V.D. Mahajan – Jurisprudence

PAPER CODE 1265.:(A)

**LEGAL EDUCATION AND
RESEARCH METHODOLOGY**

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 40

This paper shall consist of following Two Parts:

(a) Written Paper	—	80 marks
(b) Non-Doctrinal Research and Viva-voce examination (Practical)	—	20 marks [10 + 10]

The candidate must pass in Part (A) and (B) separately. For passing, he shall be required to obtain 40 percent marks in each part, i.e. 32 marks out of 80 and 8 marks out of 20 marks.

- (1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- (2) The syllabus includes latest amendments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

A Post-graduate student of Law should get an insight into the objectives of legal education. He should have an exposure to programmes like organizations of seminars, publication of Law Journals and holding of legal aid clinics.

Law is taught in different ways in different countries. The LL.M. course, being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarize himself along with the different systems of legal education. The lecture method both at LL.B. level and LL.M. level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, discussion method, problem seminar method and combination of all methods.

The student has to be exposed to those methods so as to develop his skills. Growth of legal science in India depends on the nature and career of legal research. The syllabus is also designed to develop skills in research and writing in a systematic manner.

UNIT - I

Legal Education: Methods & Objective:

Lecture Method of Teaching: Merits and Demerits; The problem method; Discussion Method and its suitability at postgraduate level teaching; The Seminar Method of teaching; Examination system and problems in evaluation external and internal assessment; Student participation in law school programmes, organizations of seminars, publication of journal and assessment of teachers; Clinical legal education – Legal Aid, Legal Literacy, Legal Survey and Law Reform;

Research:

What is Research? Meaning and Objectives; Research methods vis-a-vis Research Methodology; Legal Research: Meaning, scope and purpose. Relation between Law and Society; Types/kinds: Doctrinal and Non-Doctrinal (empirical); Applied, Fundamental; Library Research, Field Research, Analytical, Descriptive, Conceptual; Participatory and

Non-Participatory; Comparative, Historical, Statistical, Critical, Socio-Legal; Mono disciplinary and Trans Disciplinary; Quasi-Disciplinary, Inter-Disciplinary (multi-disciplinary) Research; Quantitative and Qualitative, One Time and Longitudinal, Clinical or Diagnostic Research; Research for Legal Reform;

UNIT - II

Research Methods and Research Methodology:

Definition, Meaning, Significance; Qualities of a Good Researcher; Criteria for a Good Research; Obstacles to Good Research in India; Research Design;

Various Steps in Research: Research Process; Research Problem: Identification and Formulation; Hypothesis Formulation in Project/Dissertation/Thesis etc., Use of Null Hypothesis in Legal Research; Use of Library; Use of Modern Technology/ Computer Assisted Research;

Ethical and Legal Issues: Plagiarism and Copyright Violation; Paraphrasing: Good or Bad for Legal Research? Basic Overview on *“U.G.C. (Promotion of Academic Integrity and Prevention of Plagiarism in Higher Educational Institutions) Regulations, 2018.”*

UNIT - III

Tools and Techniques for Collection of Data:

Primary and Secondary Sources, Literature Review, Observation Method, Questionnaire, Interview, Case Study, Sampling, Jurimetrics, Analysis and Interpretation of Data: Use of Deductive and Inductive Methods in Research; Preparation of Research Report and Writing of Research Report; Budgeting of Research;

Survey of available literature and preparation of bibliography; Legislative materials including subordinate legislation, notification and policy statements;

UNIT - IV

Data Collection:

Computerized Research: A study of legal research programmes such as Lexis Nexis, Hein Online and West Law coding; Classification and Tabulation of Data: Analysis of Data: Qualitative and Quantitative; Searching for a relevant case/ relevant other data etc. on Internet;

Legal Writing:

Framing of Write Up: Research Question, Title, Identifying Relevant Areas of Law, Identifying Literature and Case Laws, Analysis, Discussion, Recommendations and Conclusion; Sources of Authority; Issues and challenges faced by researchers in completing entire research?

UNIT - V

Exercises on kinds of Legal Writing:

Informative, Persuasive; Writing for Individual Purposes; Writing for Academic Purpose; Writing for Court Purposes: Briefs, Plaints etc.; Writing for Publication: reviews, articles, books etc.; Judicial Writing; Blue Book Citation, ILI Citation, Reference and Footnoting; Editing and Proof Reading; Writing of Research Proposal; Dissertation/ Thesis/ Project

Writing, Things to Consider; Case Analysis, Impact of Decisions of the Court; Exercises based on How to write a good article, Case comment etc., Drafting good Synopsis for Project, Dissertation/PhD Thesis etc.

PAPER CODE 1265.:(B):

VIVA—VOCE EXAMINATION

**20 Marks
(10 + 10)**

(10 – Project and 10 -- Viva Voce)

NON-DOCTRINAL RESEARCH AND VIVA-VOCE EXAMINATION (PRACTICAL)

Candidates shall prepare a project of 20-30 pages (Case Comment) on any Leading/Landmark Case Law allotted by the subject teacher following the I.L.I. footnoting available at: <https://ili.ac.in/footnoting12.pdf>

Viva-voce examination shall be conducted and evaluated on the basis of the project submitted by the candidate and his/her performance at the viva-voce examination by a Committee of three persons in which, there shall be Two Internal Examiners and One External Examiner. In case of discrepancy in the awards, the awards given by External Examiner shall be final and binding.

SUGGESTED READINGS:

- High Brayal, Nigel Dunne and Richard Crimes, Clinical Legal Education: Active Learning in your Law School, (1998) Blackstone Press Limited, London.
- S. K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
- M.O. Price, H. Bitner and Bysiewicz, Effective Legal Research (1978)
- William J. Grade and Paul K. Hatt, Methods in Social Research, Mc Graw-Hill Book Company, London
- H. M. Hyman, Interviewing in Social Research (1965)
- Payne, The Art of Asking Questions (1965)
- Erwin C. Surrency, B. Fielf and J. Crea, A Guide to Legal Research (1959)
- Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.
- Harvard Law Review Association, Uniform System of Citations.
- I.L.I. Publication, Legal Research and Methodology.

SECOND YEAR

SESSION 2024–25

BRANCH – 1

CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW

PAPER CODE 1271-B-1.:

CENTER-STATE RELATIONS AND CONSTITUTIONAL GOVERNANCE

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 40

- 1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- 2) The syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

The Constitution of India is the supreme law of the country. This course aims at making the students familiar with the historical background of and the nature of federalism in India. It also gives an understanding of the different forms of Constitutions. Further, it enables the students to understand the judicial perspective and the Indian federalism. The course also aims at enabling the student to understand the legislative, administrative and financial relations between the Union and the States. It shall help the students to understand the principles of interpretation of various lists and the doctrines in relation thereto. Further, the students will be familiarised with the Services under the Union and the States and also the emergency provisions under the Constitution of India. The course may be studied in the social, economic and political context in which the constitution operates together with the in-depth study of the latest reshaping of the Article 370 and 35-A and the Reorganization of the Jammu and Kashmir state.

UNIT - I

Concept of Federalism:

Constitutional Law: Constitutionalism; Meaning and Nature of Federalism, Features of a Federal Polity, Mode of Formation of Federation, Forms of Governments: Unitary, Federal and Confederation, Their Features, Merits, De-Merits and Distinction between them; Historical Evolution of Federal Features in India; Nature of Indian Federalism: Dominant Features of the Union over the States; Judicial Perspective over the Indian Federalism
Citizenship and State: Citizenship in a Federation, Citizenship in India: Relevant Provisions of Citizenship Act, 1955 including the Amendment Act, 2019: Basic Features and Effects;

UNIT – II

Legislative Relations:

Scheme of Distribution of Legislative Powers between Union and States; Principles of Interpretation of Lists: Doctrine of Territorial Nexus; Doctrine of Pith and Substance; Doctrine of Colourable Legislation; Doctrine of Harmonious Construction; Ancillary Legislation; Residuary Powers; Parliament's Power to Legislate on the State List; Repugnancy between Laws passed by Parliament and State Legislature;

UNIT - III

Administrative and Financial Relations:

Directives by the Union to the State Governments: Power of President's Rule; Take-over Functions of State Government and the Power Vested in Governor; Delegation of Union Functions to the States: Power of Parliament to use the State Machinery; Inter-State Council: Inter-state River Water Dispute: Duties on the Centre to Protect Every State Against External Aggression and Internal Disturbances; Financial Relations: Allocation of Taxing Powers, Tax Sharing between Centre and States, Grant-In-Aid, Specific Purpose Grants, Fiscal Federalism and G.S.T.; Co-operative Federalism: Meaning of Cooperative and Competitive Federalism, Agencies of Co-Operation and Coordination: Inter-state Council, Inter-state Commerce Commission, Inter-state River Board and Tribunals;

UNIT - IV

Amendments and Emergency Provisions in the Constitution:

Power of Parliament to Amend the Constitution; Emergency Provisions: Centre-State Relations: National Emergency; State Emergency; Financial Emergency; Judicial Responses; Temporary Provision (Article 370): Re-organization of Articles 370 and 35-A through The Jammu and Kashmir Reorganization Act, 2019: Need, Importance, Objectives; Definitions, Concept, Key features and future effect of the Act:

UNIT - V

Doctrine of Pleasure and Procedural Safeguards:

Creation of All India Services: Constitution of Joint Public Service Commission for Two or more States: Recruitment and Regulations of Conditions of Services; Doctrine of Pleasure; Restrictions on Doctrine of Pleasure; Constitutional Safeguards to Civil Servants; Public Service Commission; Appointment of Member of Public Service Commission; Functions of Public Service Commission;

SUGGESTED READINGS*:

- A.G. Noorani, (ed.), Centre State Relations in India, Bombay: Lesley Saehney Programme for Training, 1972.
- De Jatindra Ranjan, Development of Federalism in India, Gauhati: Bani Prakashani, 1974.
- Dr. Subhash C. Kashyap, Our Constitution-An Introduction to India's Constitution and Constitutional Law, 5th edition reprint 2014..
- Kabbur, A.S. Centre-State Relations in India, New Delhi: Trust Books, 2004.

- Monica David, Indian Legal and Constitutional History, 1600-1949, Vimala Publications, 1968. New Delhi: Deep & Deep Publications, 1981.
- Pal, Chandra Centre-State Relations and Cooperative Federalism, New Delhi: Deep & Deep Publication, 1983.
- Samaraditya Pal, India's Constitution—origins and evolution (Constituent Assembly debates, Lok Sabha debates on constitutional amendments and Supreme Court Judgments, 2014
- Latest Amendments as applicable to the Acts.

PAPER CODE 1272-B-1.:

**ADMINISTRATIVE LAW AND
ADMINISTRATIVE PROCESS**

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 40

- 1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- 2) The syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

This course will deal with the nature, scope and functions of Administrative Law, the nature and control of delegated legislative power, regulation of discretionary powers and general principles of Administrative adjudication. It further deals with the role played by courts in the development of Administrative Law. The rapid growth of this law in the 21st century is regarded as the most significant development in the field of law. It deals with legal framework governing public administration and the principles to control executive power to avoid arbitrariness and promote equity, justice and good conscience.

UNIT - I

Nature and Scope of Administrative Law:

Concept and Basic Objectives of Administrative Law; Conceptual Relationship between Administrative Law and Constitutional Law; Basic Tenets of Administrative Law: Rule of Law: Dicey's Principle of Rule of Law: Theory of Separation of Powers; Classification of Administrative Functions: Delegated Legislation: Meaning, Nature, Scope, Forms, Necessity for Delegation of Legislative Power and Control; Parliamentary Control, Procedural Control, Sub-Delegation of Legislative Powers; Quasi-judicial, Administrative and Ministerial Functions;

UNIT - II

Power of Judicial Review and Administrative Action:

Principles of Natural Justice; Administrative Discretion and its Control; Writ Jurisdiction of High Court's and Supreme Court: Habeas Corpus, Mandamus, Certiorari, Prohibition and Quo-warranto Writs; Grounds and Scope of Judicial Review:: Jurisdictional Error/Ultra Vires, Abuse and Non-Exercise Jurisdiction, Error Apparent on the Face of the Record; Violation of Principles of Natural Justice: *Rule against Bias (Nemo Judex In Causa Sua)*; *Audi Alteram Partem* (or *Audiatur Et Altera Pars*) Right to Consult a Lawyer, Reasoned and Speaking Decision; Judicial Responses;

UNIT - III

Judicial Redressal of Citizens Grievances:

Liability of the State in Torts, Contracts and Constitutional Mandate; Doctrine of Promissory Estoppels; Government and Public Corporations; Administrative Adjudication: Reasons for growth, Structure and Procedure of Administrative Bodies: Tribunals; Finality of the Tribunal's Decisions; The Administrative Tribunals Act, 1985 including the Amendment Act, 2006: Need, Importance, Objectives; Definitions, Concept, Key Features of the Act and Amendment; (Forty Second Constitutional Amendment Act 1976); Judicial Responses;

UNIT - IV

Ombudsman: Meaning, Nature, Jurisdiction of Ombudsman in India; Role and Relevance of Ombudsman in Administration and Democracy; Objectives of the Institution of Ombudsman; Characteristics of Ombudsman; Banking Ombudsman Scheme 2006 including the Amendment Act, 2017: Basic Concepts and Future Effects; The Lokpal and Lokayuktas Act, 2013 including the Amendment Act, 2016: Need, Importance, Objectives; Definitions, Concept, Key Features of the Act and Amendment; Judicial Responses; Appointment of First Lokpal (Anti-Corruption) in India and Future Effects; Rajasthan Lokayukta and Up-Lokayuktas Act, 1973: Need, Importance, Objectives; Definitions, Concept, Key Features of the Act; Judicial Responses; History, Appointment, Qualification, Term, Removal, Positions of Persons Excluded From Jurisdiction of Lokayukt, Powers and Duties of Lokayukt;

UNIT - V

The Commissions of Inquiry Act, 1952: Need, Importance, Objectives; Definitions, Concept, Key Features of the Act; Judicial Responses; The Central Vigilance Commission Act, 2003: Need, Importance, Objectives; Definitions, Concept, Key Features of the Act; Judicial Responses; Right to Information Act, 2005, including the Amendment Act, 2019: Need, Importance, Objectives; Definitions, Concept, Key Features of the Act and Amendment; Transparency and Right to Information: Constitutional Imperative; Right to Information and Obligations of Public Authorities, Central Information Commission, State Information Commission, Powers and Functions of the Information Commissions, Appeal and Penalties; Hurdles in the Implementation of the Act; Judicial Responses;

SUGGESTED READINGS:

- C. K. Takwani, Administrative Law, Eastern Book Company, 2016
- I. P. Massey, Administrative Law, 8th Ed Eastern Book Company, 2017
- J. J. R. Upadhyaya, Administrative Law, Central Law Agency, 2016
- M. P. Jain, Administrative Law, Lexis Nexis, 2017
- S.P. Sathe, Administrative Law, Lexis Nexis, 2010
- V. D. Sebastian, An Introduction to Administrative Law, Asia Law House, 2016
- Wade, Administrative Law (1977) p. 40S.
- S A. de Smith, Judicial Review of Administrative Action, Vol.8, No.4 pp, 775, Oct., 1959
- Kailash Rai, Administrative Law, pp.395, 5th edition 2006
- <http://lokayukta.rajasthan.gov.in/Default.aspx> (Lokayukt in Rajasthan)
- <https://m.rbi.org.in/Scripts/FAQView.aspx?Id=24#:~:text=The%20Banking%20Omb>

[udsman%20is%20a,upto%20July%201%2C%202017\).](#)

(For Banking Ombudsman Scheme, 2006) Also see: RBI amends Banking Ombudsman Scheme: Includes Complaints relating to Mis-selling and Mobile/ Electronic Banking: https://www.rbi.org.in/Scripts/bs_viewcontent.aspx?Id=159

PAPER CODE 1273-B-1.:

MASS MEDIA

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 40

- 1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- 2) The syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

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

UNIT - I

Freedom of Speech as a Human Right:

Philosophical Justification For The Protection of Free Speech Right; Constitutional Guarantee for Free Press; Reasonable Restrictions on Free Speech Media Freedom Public Interest, Public order and free Speech; Boundaries of a Free Press; Mass Media: Press, Films, Radio, Television; Ownership Patterns; Origins of Broadcasting; Regulation of Press and Broadcasting; Censorship of Broadcasting Media and Press; Evolution of Television and Impact of Films as Visual Media; Censorship of Films; Judicial View on Film Censorship: Standards of Censorship, Role of Media in Law Making Process;

UNIT - II

Protection of Reputation:

Defamation: Overview; General Framework for Defamation Law; Role of Malice; IPC Provisions; Remedies and Damages; Decent Speech; Indecent Speech; Hate Speech; Racial Speech; Obscenity on Mass Media; Regulation and Control; Libel in Press: Regulation and Control; Slander through Broadcasting Audio-Video Defamation; Internet as a Platform of Free Speech; Regulation of Content on Internet Self-Regulation v. Government Regulation; Libel and Slander in Cyberspace; Cross Border Libel/Slander Jurisdictional Problems; Gutnick v. John Doe; Media: Judiciary and Legislature;

UNIT - III

Media and Privacy:

Obscenity and Pornography; Historical Background; Hicklin Test; Contemporary Standards in Miller Case California; Child Pornography Blasphemy; Historical Overview; Censorship of Stage Productions; Violence; Legal Regulation of Blasphemy; Privacy: Historical

Development of Private and Confidential Information: Media Practices and Human Rights; Photo Journalism in Public Places; Child Right to Privacy; Information Privacy and Reputation; Personal Data Protection; Abuse of Personal Information; Marketing of Personal Information; Internet Privacy;

UNIT - IV

Media, Ethics and Adjudication:

Copyright issues in mass media: protection for Copyrighted Work; Plagiarism; Pirated Music; Remedies for Infringement Media and Courts; Report of legal proceedings – Trial By Media – Sensitive Court Reporting and Human Rights Contempt of Court – Procedure And Punishment Corporate and Commercial Speech – Development of Commercial Speech Doctrine – Commercial Speech for Professionals and Corporations – Art.19(1)(A) Protection for Unsolicited Mail Advertising; Regulation of Commercial Speech Ethical Dilemmas, Issues and Concerns in Mass Communication; Foundation of Ethics; Different Aspects of Journalism's Ethical Issues; Reporters Privileges and Protection of Media Sources Trial by Media: Influence on Adjudicators;

UNIT - V

Regulation of Broadcasting Media:

Censorship over the Broadcasting Media; Press Censorship During Emergency; Censorship Over Broadcasting Media (Audio & Visual); C.B.F.C.: Cinematograph Act, 1952; Cable Television Network (Regulation) Act, 1995; TRAI Act, 1997; Communications Convergence Bill, 2001 & Broadcasting Services Regulation Bill, 2007; Media Ownership Patterns: Legal Issues; Media and Journalists: Working Journalists Act and Press Council & Human Rights; Extra-judicial Regulation of Media Content; Press Complaints and Editors Code of Practice; Broadcasting Standards Commission; Codes for Advertisement Standards; Film Censorship Board; Internet Corporation for Assigned Names and Numbers (ICANN);

SUGGESTED READINGS:

- Singh, Arun and Kumar, Anil, Media Trials in India, December 1, 2014, available at SSRN: <https://ssrn.com/abstract=2552426> or <http://dx.doi.org/10.2139/ssrn.2552426>
- Melville B Nimmer "Introduction-Is Freedom of the Press A Redundancy: What Does it Add To Freedom of Speech?" 26 *Hastings Law Journal* 639 (1975).
- Joseph Raz "Free Expression and Personal Identification" 11 *Oxford Journal of Legal Studies* 301 (1991).
- Edwin C. Baker, "Scope of First Amendment Freedom of Speech", 25 *U.C.L.A. Law Review* 964 (1978).
- Harry H. Wellington "On Freedom of Expression" 88 *the Yale Law Journal* 1105 (1979).
- John Stuart Mill, *On Liberty*, Penguin publishing, Harmondsworth, 1986, First published in 1859
- Vishwanath Iyer, *The Indian press* 45 (Padma Publications, Bombay, 1945).

- Shefali Bedi “Responsibility of media in a democracy”, 7 *International Research Journal* 235 (2009).
- Shafqat Munir, “Features of Print and Electronic Media” *Law Resource of India*, Dec, 17, 2010.
- A Fog, “The supposed and the real role of mass media in modern democracy” 35 *Duke Law Journal* 63
- M. Ethan Katsh, *The Electronic Media and the Transformation of Law*, Oxford University Press, New York, 1991.
- S Siva Kumar, “Fourth Estate: A Shield or Sword of Human Rights?” 1 *Lanka Vigil* 34 (2005).
- Maitrayee Chaudhuri, “Feminism in Print Media” 7 *Indian Journal of Gender Studies* 264 (2002).
- S Sivakumar, *Press Law and Journalists: Watchdog to Guidedog*, Universal Law Publications, New Delhi, 2015.
- Tilak Jha “Critique on Press Council of India” 92 *Bar Council of India Review* 38 (2012).

PAPER CODE 1274-B-1.:

COMPARATIVE CONSTITUTIONAL LAWS

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 40

- 1) There shall be ten questions in the examination paper, two questions from each unit.
The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- 2) The syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

The main objective of this course is to acquaint the students of law with various jural postulates as enshrined in the Constitution of India with a comparative approach. This course is expected to throw light over various Constitutional developments of contemporary world.

UNIT - I

Modern Constitutions; Growth and Evolution; Nature and Classification; Unitary and Federal; Theory of Separation of Powers; Rule of Law; Independent Judiciary; Liberty Compatible to Equality; Political Policies of Government;

UNIT - II

British Constitution:

Salient Features; Rule of Law; Executive, Legislature and Judiciary under the Constitution; Supreme Court of England and House of Lords; Appointment of Judges; Doctrine of Judicial Precedent; Conventions; Parliamentary Sovereignty; Emergency Powers; Bill of Rights;

UNIT - III

U.S. Constitution: Evolution; Salient and Federal Features; Structure and Powers of Federal Executive, Legislature and Judiciary; Powers of Judicial Review; Amendment of Constitution; Distribution of Legislative Powers Swiss Constitution: Salient Features; Executive, Legislature and Judiciary under the Constitution; Direct Democracy; Amendments;

UNIT - IV

Australian Constitution: Evolution; Salient features; Structure and powers of Commonwealth Legislature, Executive and Judiciary; Amendment of Constitution; Distribution of Legislature Powers; Canadian Constitution: Evolution and Partition of Constitution; Salient Features; Structure and powers of Dominion Legislature, Executive and Judiciary; Charter of Rights and Freedoms; Distribution of Legislative Powers; Amendment of Constitution;

UNIT - V

Comparative Analysis with the Constitution of India:

Unitary and Federal; Legal Values of Democracy; Rule of Law; Liberty Compatible to Equality; Theory of Separation of Powers; Distribution of Powers between Union and State; Emergency Powers; Independent Judiciary; Appointments and Powers; Doctrine of Judicial Precedent; Powers of Judicial Review; Political Policies of Government; Right Based Theory; Duty Based Theory; Goal Based Theory;

SUGGESTED READINGS:

- D.D. Basu, Comparative Constitutional Law, 2nd ed., Wadhwa Nagpur, 2008
- Emergency powers in Asia: exploring the limits of legality. Responsibility: edited by Victor V. Ramraj, Arun K. Thiruvengadam, Cambridge University Press, 2010.
- Hirschl R. Comparative Matters. The Renaissance of Comparative Constitutional Law. OUP 2014.
- Jan M Smits (ed), Elgar Encyclopedia of Comparative Law, Edward Elgar, Cheltenham, U.K., 2006, pp. 57-65, 187-199.
- M.P. Singh, V.N. Shukla's Constitutional Law, (11th ed.) Eastern Book Company, pp. A 52 – A 56, 482-536, 614-677.
- Michael Burgess, Comparative Federalism, Theory and Practice, Routledge, New York, 2006, pp 9-49.
- Sujit Choudhry, Globalisation in Search of Justification: Toward a Theory of Comparative Constitutional Interpretation (1999) 74 Ind. L. J. 819.
- U. Baxi, Rule of Law in India: Theory and Practice in Randall Peerenboom (ed.), Asian Discourses of Rule of Law, Routledge, London, 2004, pp 324-345.

PAPER CODE 1275-B-1.:

DISSERTATION
OR
LOCAL SELF-GOVERNMENT & FEDERAL GOVERNANCE

PAPER CODE 1275-B-1.: (A)

DISSERTATION

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 40

This paper will have two Components:

- a) Dissertation (Written Part) 70 Marks (To be evaluated by three different experts)
- b) Viva – Voce (External) 30 Marks (To be conducted by the University)

The candidate must pass in Parts A and B separately. For passing, he/she shall be required to obtain 40 percent marks in each part, i.e. 28 marks out of 70 and 12 marks out of 30.

OBJECTIVES OF THE COURSE:

This course consists of the Dissertation which will comprise of writing a short thesis on a leading / recent topic **in the elective branch** which will test the research capabilities, aptitude and skills of the candidate followed by Viva-Voce in the subject to test the overall presentation skills of the candidate.

A) Dissertation (Written Part)

70 Marks

Sequence of Pages: Cover Page/ Certificate/ Declaration/ Acknowledgment/ Preface/ Abbreviations/Table of Cases/ Contents/ Main Text/ Bibliography/ Appendixes

Note: The Students are advised to refer to the samples but in no case it should limit the creativity in writing.

B) Viva – Voce (External)

30 Marks

Dissertation shall be evaluated by one Internal and one External Examiner and the decision of External Examiner shall be final and binding.

GENERAL GUIDELINES RELATING TO DISSERTATION:

- ⊗ The dissertation should be minimum of 100 (one hundred) pages in total, shall be hard bound and top cover page shall be BLACK with SILVER embossing of letters.

- ⊗ The Viva-Voce for the Dissertation shall be conducted by One Internal and One External Examiner.
- ⊗ For the Viva-Voce, the candidate shall prepare a 10-15 Minutes PPT or Oral Presentation of the research work in consultation with his/her supervisor which he/she shall be required to present before the External Examiner on a date fixed by the University in each Academic Session as per rules.
- ⊗ To pass this paper, it is mandatory for the candidate to appear in the Viva-Voce personally, in the same academic session, on the date notified by the University.
- ⊗ No Grace Marks shall be awarded for Viva-Voce Examination.
- ⊗ Four (04) Copies of Dissertation shall be submitted by the candidate to the University on or before the last date mentioned in the notice issued by the University [Three for External Examiners and One for Supervisor].
- ⊗ THERE SHALL BE NO REVALUATION OF THE DISSERTATION.
- ⊗ EACH SUPERVISOR SHALL ENSURE THAT THE DISSERTATION SUBMITTED BY THE CANDIDATE QUALIFIES THE RESEARCH ETHICS.

PAPER CODE 1275-B-1.: (B)

LOCAL SELF-GOVERNMENT & FEDERAL GOVERNANCE

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 40

- 1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- 2) The syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

This course will deal with an insight into the introductory aspects, the historical and philosophical background of the Local Self-Government for the students. It will familiarise about the Constitutional scheme for the Local Self-Government and aims about the structure, powers and functions of the rural Local Self-Government. It further deal with the structure, powers and functions of the Urban Local Self-Government and aims at addressing the issues of decentralization and grass root planning of the Local Self Government This unit will give an insight into the modern dimensions of Local Self Government.

UNIT-I

Historical Perspectives, Early period Gram Swaraj-the Gandhian concept, History, Growth and Development of Panchayati Raj in India- Lord Rippon's resolution, Royal Commission, Balwant Rai Mehta Committee Report Gram Swaraj: Gandhian concept Community Development Programme Administrative framework;

UNIT- II

Federalism in India and Local Self Government Constitutional Scheme; Directive Principles of State Policy - Article 40; 73rd and 74th Constitutional Amendments Schedules XI and XII of the Constitution Second Administrative Reforms Commission Sarkaria Commission, Punchi Commission and Local Governments;

UNIT- III

Legislative Powers Direct democracy and grass root planning, Quasi-legislative Powers. Rulemaking power of the State Government Regulations and Bye-laws Municipalities and corporation, Gram Sabha Gram Sabha: Meaning, importance,

functions, meetings, Social Audit, Nyaya Panchayat Gram Panchayat- Introduction, Composition, functions, Sarpanch, Powers and functions of Sarpanch Taluk/Block Panchayat- Introduction, Composition, functions, Chairman- Powers and functions Zilla Panchayat-Introduction, Composition, Functions;

UNIT- IV

Financial Powers; Levying taxes; Licensing power; Financial resources and powers: Miscellanies; Judicial and Quasi-judicial powers of the Local Bodies; Election to Local Bodies; Conduct of Meetings - Corporation, Municipal Council, Panchayat Committee and Gram Sabha; Institutional and Judicial Control;

UNIT- V

Municipal Corporation-Organization and functions; Municipal Council; Chairman-functions and powers; committee-wards committees, district planning committee, Metropolitan planning committee; Municipal Commissioner- appointment, tenure, powers and functions. Cantonment Boards Special purpose urban development agencies Municipal Finance. State control and supervision Financial administration-devolution of financial powers, composition of State Finance Commission State Control over PRI's.

SUGGESTED READINGS:

- Jain & Jain, Principles of Administrative Law (1986), Tripathi, Bombay
- Joshi, R.P., Narwani, G.S., Panchayat Raj in India: Emerging Trends across the States (Rawat Publications), Hyderabad, 2011
- Khanna, B.S: Panchayati Raj in India- National Perspectives and State Studies (Deep and Deep Publications), New Delhi, 1994.
- M. Venketarangaia & M. Pattabhiram, Local Government in India (1969) Allied Publishers, New Delhi
- Radhakumud Mookerji, Local Government in Ancient India (1985), Daya Publishing Delhi.
- Schwartz & Wade, Legal Control of Government
- Sivaramakrishnan, K.C., Courts, Panchayats and Nagapalikas (Academic Foundation), 2009.
- W. Thornhill (ed.), the Growth and Reform of English Local Self-government (1971), Weidenfeld and Nierlson, London.
- M. Venketarangaia & M. Pattabhiram, Local Government in India (1969) Allied Publishers, New Delhi
- Joshi, R.P., Narwani, G.S., Panchayat Raj in India: Emerging Trends across the States (Rawat Publications), Hyderabad, 2011

BRANCH – 2

INTERNATIONAL LAW AND HUMAN RIGHTS

PAPER CODE 1271-B-2.:

INTERNATIONAL LAW

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 40

- 1) There shall be ten questions in the examination paper, two questions from each unit.
The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- 2) The syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

This course is designed in such a way that it covers both theoretical and practical aspects of International Law. It provides an insight into Public International Law and its significance in the economically globalised world. It enables the students to understand the interdependence of the countries and how they are constantly addressing the global issues through peaceful measures. This course would help the students to understand both the theoretical framework and the working of international law. Understanding of these basic principles is a pre-requisite for those students who seek to explore their career or academic interest in specific fields of international law.

UNIT - I

Introduction:

Definitions; Development and Nature of International Law; Difference between Public and Private International Law; Legality of International Law: Positive Morality; Theories as to the basis of International Law: Naturalist Theory, Positivist Theory, Grotius Theory and Consent Theory; Main Functions of International Law; Sources and Subjects of International Law; Customs; Treaties and Conventions; General Principles of Law; Judicial Decisions; Other Sources; Subjects of International Law: Various Theories: Realistic Theory, Fictional Theory, Functional Theory;

UNIT - II

International Law and Municipal Law:

Monistic Theory; Dualistic Theory; Specific Adoption Theory; Transformation Theory; Delegation Theory States: Concept of State; Essential Ingredients of State; Different Kinds of States; Territory of State: Land, Water and Air Space; War, its Legal Character and Effects; The Law of Neutrality: Basis of Neutrality, Role, Rights and Duties of Neutral States; Settlement of International Disputes: Legal and Political Disputes; Pacific Means: Arbitration; Negotiation; Mediation; Good Offices; Conciliation; Settlement under United

Nations Organization; Compulsive Means: Retorsion, Reprisals, Embargo, Pacific Blockade, Intervention;

UNIT - III

States Recognition and Succession:

Recognition of States: *De Facto* and *De Jure*; Theories of Recognition: Recognition of Government, Recognition of Belligerency and Recognition of Insurgency; Collective Recognition; State Jurisdiction; Territorial Sovereignty; State Responsibility and State Succession: Responsibility of States: Original and Vicarious; State Responsibility for various Acts: Individual Acts, Mob Violence, Insurgency, etc. State Succession: Theories of State Succession; Rights and Duties arising out of State Succession; Law of Treaties: Concept of Treaty; Kinds of Treaties; Binding Force of Treaties; *Pacta Sunt Servanda*; *Jus Cogens*; *Clausula Rebus Sic Stantibus*; Parties of a Treaty; Formation of a Treaty; Reservations; Invalidity and Termination of Treaties; Vienna Convention on the Law of Treaties;

UNIT - IV

Individuals under International Law:

Position of Individuals; Nationality: Acquisition and Loss of Nationality, Statelessness; Difference between Nationality and Domicile; Domicile and Citizenship; Nationality and Citizenship; Citizenship and State; Basic Concepts and Future Effects relating to the provisions of the Indian Constitution and the Citizenship Act, 1955 as amended by The Citizenship (Amendment) Act, 2019; Diplomatic Agents: Powers and Functions; Theories as to Diplomatic Immunities and what immunities are available to Diplomatic Agents; Asylum: Meaning, Definition, Types; Territorial and Extra-territorial Asylum; Extradition: Meaning, Definition and Basic Principle; Rules relating to Extradition; Relationship and difference between Extradition and Asylum;

UNIT - V

Law of the Sea:

Concepts of *Mare Liberum* and *Mare Clausum*; The Anglo Norwegian Fisheries Case and Its After Math; The Technological Revolution and the Utilization of the new resources of the sea; Population Explosion and Its Impact; Changing Concepts of Maritime Frontiers: Territorial Sea, Contiguous Zone, Continental Shelf & Exclusive Economic Zone, High Seas; Territorial Waters and Contiguous Zone; Principles for Determination of Maritime Frontiers And Maritime Boundaries under the Customary and Conventional Law; Exploitation of Deep Sea: Bed Resources: International Sea Bed Authority; United Nations Conference on the Law of the Sea (UNCLOS) I – 1958; Convention on Continental Shelf 1982 (Convention (UNCLOS) III);

SUGGESTED READINGS:

- A. Boyle & C. Chinkin, The Making of International Law, Foundations of Public International Law, Oxford University Press, 2007
- H.O. Agarwal, International Law & Human Rights, Central Law Agency 1st Ed. (Rep) 2014

- James Crawford Brownlie, Principles of International Law, Oxford University Press, 2013
- Landmark Cases in Public International Law, Editor(s): Eirik Bjorge, Cameron Miles, 1st ed., Bloomsbury Publishers, 2017
- L. F. L. Oppenheim's International Law (9th Edition): Volume 1 Peace; Edited by Robert Jennings, Arthur Watts KCMG QC, Oxford University Press, 2008.
- Mark Villiger, "The Factual Framework: Codification in Past and Present", in Customary International Law and Treaties, Mark Villiger, pp.63-113, The Netherlands: Martinus Nijhoff, 1985.
- R. P. Dhokalia, The Codification of Public International Law, United Kingdom: Manchester University Press, 1970
- Sharma Satyendra Kumar, Law of Sea and Exclusive Economic Zone, Taxmann New Delhi, Publications, 2017
- S.K. Kapoor, International Law, Human Rights, Central Law Agency, 2009
- Shaw, International Law, Cambridge University Press, 6th ed., 2008
- Starke, Introduction to International Law, Oxford University Press, 2013

PAPER CODE 1272-B-2.:

INTERNATIONAL ORGANIZATIONS

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 40

- 1) There shall be ten questions in the examination paper, two questions from each unit.
The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- 2) The syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

An international organization (intergovernmental organization) is an organization established by a treaty or other instrument governed by international law and possessing its own international legal personality, such as the United Nations, the World Health Organization etc. For the overall development of the students in this field this paper is being introduced to train the students of law to have a basic and extensive knowledge about international organizations which is indispensable at the National and International level for its importance.

UNIT - I

League of Nations: Origin and Objectives; Organs: Role of League of Nations in the maintenance of International Peace: Causes for the League's Failure: United Nations Organization: Genesis: San Francisco Conference: Adoption and Ratification of the Charter: Purposes and Principles of United Nations Organization;

UNIT - II

United Nations:

Organs of United Nations: General Assembly, Security Council, International Court of Justice, Economic & Social Council, Secretariat, Trusteeship Council; Powers and Functions; Jurisdiction and Contribution towards Development of International Law;

UNIT - III

Specialized Agencies:

International Labour Organization (ILO); International Monetary Fund (IMF); World Health Organization (WHO); United Nations Educational, Scientific and Cultural Organization (UNESCO); World Intellectual Property Organization (WIPO); International Criminal Court (ICC);

UNIT - IV

Food and Agriculture Organization of the United Nations (FAO); International Monetary Fund (IMF); Organization for Economic Cooperation and Development (OECD); United

Nations Office on Drugs and Crime (UNODC); World Bank (WB); North Atlantic Treaty Organization (NATO), G20;

UNIT - V

The World Trade Organization (WTO):

Introduction to International trade and the law of the WTO, Sources of WTO Law, Basic rules and principles of WTO Law; Historical background of WTO: Evolution of GATT as a trading institution and transition of GATT to WTO; Marrakesh Agreement; Negotiating history of the WTO, the Dunkel Draft and the Agreement establishing the WTO, 1994; WTO as an International Institution;

SUGGESTED READINGS:

- D.W. Bowett, Law of International Institutions, (1982) 4th Ed. London: Stevens & Sons, 1982
- Ingrid Detter, Law Making by the International Organisation, (1965) P. A. Norstedt & Söner, Stockholm, 1965
- Stephen S. Goodspeed, Nature and Function of International Organisation, Oxford University Press, 1967
- Wilfred Jenks, The Proper Law of International Organizations, Stevens And Sons Limited; New York: Oceana Publications, 1962
- Leland M. Goodrich, United Nations in a Changing World, New York Columbia University (1974)
- Rosalyn Higgins, Development of International Law through Political Organs of the United Nations New York Columbia University (1963)
- B. S. Brown, IMF Governance, the Asian Financial Crisis, and the New International Financial Architecture, Chapter in International Law in the Post-Cold War World: Essays in Memory of Li Haopei, pp. 295-302, 564-575, 2001.
- Dinah Shelton, Analysis of African Commission for Human Rights Decision Regarding Communication 155/96, 96 A.J.I.L. 937, 2002.
- Frederic L. Kirgis, Jr., Enforcing International Law, The American Society of International Law Newsletter, January 1996.
- Herman Nys, Towards an International Treaty on Human Rights and Biomedicine? Some Reflections Inspired by UNESCO's Universal Declaration on Bioethics and Human Rights, 13 European Journal of Health Law 5-8, 2005.
- Jose E. Alvarez, Centennial Essay: In Honor of The 100th Anniversary of the AJIL and the ASIL: International Organizations: Then And Now, 100 A.J.I.L. 324, 2006
- Refer to original websites of all International Organizations.

PAPER CODE 1273-B-2.:

HUMAN RIGHTS AND INTERNATIONAL LAW

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 40

- 1) There shall be ten questions in the examination paper, two questions from each unit.
The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- 2) The syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

The changes in the global scenario bring new concept of Human Rights (HR) protection against violation which are not mere privileges given to the subjects by the legal system but are liberties permitted to the 'citizens' in a democracy. Only when a society is aware of this right-duty relationship can there be any meaning to human rights. This course is intended to highlight the concept of human rights, their evolution and their importance in our society now particularly in the era of privatisation, globalisation and liberalisation together with study of International Law and Human Right relations.

UNIT - I

Human Rights:

Concept and Theories of Rights; Natural Law and Natural Rights; Human Rights Meaning, Concept and Classification; Historical Evolution and Theories; Human Rights of First Generation: Meaning, Scope, Relevant Provisions in Universal Declaration of Human Rights, 1948, International Covenant on Civil and Political Rights, 1966 and its Optional Protocol, Convention on the Prevention and Punishment of Genocide, 1948, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984 and ILO Convention concerning the Abolition of Forced Labour, 1957; Enforcement and Challenges;

UNIT - II

Human Rights of Second Generation:

Meaning, Scope, Relevant Provisions in Universal Declaration of Human Rights, 1948, International Covenant on Economic, Social and Cultural Rights, 1966 and ILO Convention No. 87, 98, 100 and 102; Role of UNESCO, Enforcement and Challenges;

UNIT - III

Human Rights of Third Generation:

Concept of Collective Rights and Solidarity Rights, Relevant Provisions in Stockholm Declaration, 1972, Rio Declaration, 1992, Declaration on the Right to Development, 1986 and Millennium Development Goals; U.N.E.P., U.N.D.P., Enforcement and Challenges;

UNIT - IV

Human Rights and the UNO:

Regional Protection of Human Rights: European Convention on Human Rights, 1950: Rights and Implementation Mechanism under European Court of Human Rights; Inter-American Convention on Human Rights, 1969: Rights and Implementation Mechanism under Inter-American Commission of Human Rights and Inter American Court of Human Rights;

UNIT - V

Human Rights of Disadvantaged Groups:

Women: CEDAW, 1979: Rights of Woman, Obligation of States and the Committee on Elimination of Discrimination against Women; Children: Convention on the Rights of the Child, 1989: Rights of the Child, Obligation of States and the Committee on the Rights of the Child; Refugees: Statute of the Office of the UN High Commissioner for Refugees, 1950-Scope (Article 6A) and Role of UNHCR; Convention on the Status of Refugees, 1951-Definition of Refugee and Obligation of the States; Definition of Refugees under the Protocol Relating to the Status of Refugees, 1967; Principle of Non-Refoulement; Climate Refugees and Internally Displaced Persons; Indigenous People: ILO Convention No. 107 and 169 and Recommendation No. 104 and United Nations Declaration on the Rights of Indigenous Peoples, 2007;

SUGGESTED READINGS:

- Daniel Moeckli, Sangeeta Shah, Sandesh Sivakumaran, and David Harris (eds), International Human Rights Law, (OUP 2013).
- Dinah Shelton, Analysis of African Commission for Human Rights Decision Regarding Communication 155/96, 96 A.J.I.L. 937 (2002).
- Ian Brownlie and Guy Goodwin-Gill, Brownlie's Documents on Human Rights, (5th ed., OUP 2006).
- Nsongurua J. Udombana, CRITICAL ESSAY: Can the Leopard Change Its Spots? The African Union Treaty and Human Rights, 17 Am. U. Int'l L. Rev. 1177, (2002).
- Patrick Hayden, "The Philosophy of Human Rights (Paragon Issues in Philosophy)", 2001.
- Philip Alston (Author), Ryan Goodman (Author), Harry J. Steiner (ed), International Human Rights in Context: Law, Politics, Morals, (3rd ed, OUP 2007).
- Rhona K.M. Smith, Textbook on International Human Rights, (6th ed, OUP 2014).
- Yannaras Christos, Human Rights and the Orthodox Church, Greek Orthodox Archdiocese of America, 2003.

PAPER CODE 1274-B-2.:

INTERNATIONAL HUMANITARIAN LAW

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 40

- 1) There shall be ten questions in the examination paper, two questions from each unit.
The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- 2) The syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

International Law has traditionally been a law which regulates relations among states. Individuals have been objects and not subjects of International Law. A logical extension of these principles led to the theory that international law could not confer rights nor impose duties on individuals. The total character of modern war and threat of annihilation due to use of nuclear weapons have been responsible for a new concern for survival of humanity. To meet this challenge the United Nations and other voluntary international agencies have been actively involved in prescribing standards of treatment based upon dictates of humanity and overseeing their implementation in difficult situations. The following syllabus prepared with this perspective will be spread over a period of one year.

UNIT - I

Introduction:

Humanitarian Law and Public International Law; *Jus In Bello* and *Jus Ad Bellum*; Definition and Concept of International Humanitarian Law (IHL); Fundamental Principles of IHL; Sources of IHL; Ancient Indian and Oriental Philosophies on the Law of War; Eastern and Western Philosophies on the Law of War; History of International Legal Instruments on the Laws of War; Application of IHL

UNIT - II

Definition of War (Traditionally viewed as an International Conflict); The Concepts of International and Internal Armed Conflicts; Applicability of IHL in Various Conflict Situations & Common Article 3 of the Geneva Conventions: Its Applicability and the question of threshold; IHL and Human Rights; Origin, Development and Scope of Human Rights Law; A Comparative Study of the Two Bodies of Law: Similarities, Differences and Areas of Overlap

UNIT - III

Application of Human Rights Provisions in Conflict Situations; Conditions and Provisions for Derogation; Applicability of Human Rights Norms to Internal Disturbances and Tensions; Treatment of Detainees and others Deprived of Liberty; Applicable Norms; Developments concerning a Declaration of Minimum Humanitarian Standards

UNIT - IV

Implementation of International Humanitarian Law: National Implementation of IHL; Role of National Legislations; Other National Measures for IHL Implementation; International Implementation of International Humanitarian Law; Role of the United Nations; System of Protecting Powers; Role of the ICRC; International Fact-finding Commission; International Criminal Law Mechanisms for Implementation of IHL

UNIT - V

Introduction to the General Concept of War Crime Trials; Early War Crimes Trials: Nuremberg and Tokyo Trials; The Ad Hoc War Crimes Tribunals for the former Yugoslavia and Rwanda; Developments Concerning Creation of a Permanent International Criminal Court; Special Issues Concerning Implementation of IHL in Times of Internal Armed Conflicts

SUGGESTED READINGS:

- Alexander, Amanda, (2015) “A Short History of International Humanitarian Law”, European Journal of International Law, vol. 26 no. 1, pp. 109-138.
- Crawford, Emily, “Unequal Before the Law: The Case for the Elimination of the Distinction between International and Non-International Armed Conflicts”, Leiden Journal of International Law, vol. 20, no. 2, pp. 441-465, 2007.
- Doswald Beck, Louise, And Vite, Sylvain, “International Humanitarian Law and Human Rights Law”, International Review of the Red Cross, No. 293, pp. 94, March 1993.
- Fleck, Dieter (ed), The Handbook of International Humanitarian Law, 2nd Ed., OUP, 2009.
- Mccoubrey, Hilaire, International Humanitarian Law: Modern Developments in the Limitation of Warfare, 2nd Ed., (Aldershot, UK: Ashgate), 1998.
- Sassòli, Marco, Bouvier, Antoine A. and Quinti, Anne, How does Law Protect in War? Cases, Documents and Teaching Materials on Contemporary Practice in International Humanitarian Law, 3rd ed., ICRC, Geneva, 2011.

PAPER CODE 1275-B-2.:

DISSERTATION
OR
INTERNATIONAL CRIMINAL LAW

PAPER CODE 1275-B-2.: (A)

DISSERTATION

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 40

This paper will have two Components:

- a) Dissertation (Written Part) 70 Marks (To be evaluated by three different experts)
- b) Viva – Voce (External) 30 Marks (To be conducted by the University)

The candidate must pass in Parts A and B separately. For passing, he/she shall be required to obtain 40 percent marks in each part, i.e. 28 marks out of 70 and 12 marks out of 30.

OBJECTIVES OF THE COURSE:

This course consists of the Dissertation which will comprise of writing a short thesis on a leading / recent topic **in the elective branch** which will test the research capabilities, aptitude and skills of the candidate followed by Viva-Voce in the subject to test the overall presentation skills of the candidate.

A) Dissertation (Written Part)

70 Marks

Sequence of Pages: Cover Page/ Certificate/ Declaration/ Acknowledgment/ Preface/ Abbreviations/Table of Cases/ Contents/ Main Text/ Bibliography/ Appendixes

Note: The Students are advised to refer to the samples but in no case it should limit the creativity in writing.

B) Viva – Voce (External)

30 Marks

Dissertation shall be evaluated by one Internal and one External Examiner and the decision of External Examiner shall be final and binding.

GENERAL GUIDELINES RELATING TO DISSERTATION:

- ⊗ The dissertation should be minimum of 100 (one hundred) pages in total, shall be hard bound and top cover page shall be BLACK with SILVER embossing of letters.
- ⊗ The Viva-Voce for the Dissertation shall be conducted by One Internal and One External Examiner.

- ⊗ For the Viva-Voce, the candidate shall prepare a 10-15 Minutes PPT or Oral Presentation of the research work in consultation with his/her supervisor which he/she shall be required to present before the External Examiner on a date fixed by the University in each academic session as per rules.
- ⊗ To pass this paper, it is mandatory for the candidate to appear in the Viva-Voce personally, in the same Academic Session, on the date notified by the University.
- ⊗ No Grace Marks shall be awarded for Viva-Voce Examination.
- ⊗ Four (04) Copies of Dissertation shall be submitted by the candidate to the University on or before the last date mentioned in the notice issued by the University [Three for External Examiners and One for Supervisor].
- ⊗ THERE SHALL BE NO REVALUATION OF THE DISSERTATION.
- ⊗ EACH SUPERVISOR SHALL ENSURE THAT THE DISSERTATION SUBMITTED BY THE CANDIDATE QUALIFIES THE RESEARCH ETHICS.

PAPER CODE 1275-B-2.: (B)

INTERNATIONAL CRIMINAL LAW

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 40

- 1) There shall be ten questions in the examination paper, two questions from each unit.
The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- 2) The syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

The subject focuses on the institutional developments in international criminal law as well as the definition and application of the crimes of genocide, crimes against humanity, war crimes. The objective is to develop students' analytical skills in relation of the function, scope and operation of the international criminal justice system and its likely future development, as well as to enable students to apply the law to the various situations.

UNIT - I

International Criminal Law: Development of the Substantive International Law; The objectives and policies of International Criminal Law; Crimes under International Law: General Crimes and imposition of responsibility: Excluding responsibility; Treaty crimes: General Treaty crimes: Focus on treaty-based responses to terrorism;

UNIT - II

The International Criminal Court (ICC) Facts and Figures; The Rome Statute; The Crime of Aggression; Genocide; Crimes against Humanity; War Crimes; Terrorism and transnational crimes; The role of the International Criminal Court and Jurisdiction – Issues of Amnesty, Truth and Justice;

UNIT - III

Transnational Crimes: Definition, Scope and Characteristics of Transnational crime; Types of Transnational crime; Causes of Transnational crime; Criminal Intent and mens-rea in such crimes; Modus operandi of Transnational crime, Classification of Transnational Crimes; International Perspective;

UNIT - IV

Drug Trafficking; Trafficking of Weapons; Counterfeit of Goods; Trafficking of Persons and Smuggling of Migrants; Money Laundering; Terrorism; Environmental Crimes; Laws relating to Transnational Crime: Organised crime and United Nations.

UNIT - V

The U.N. Convention on transnational and organised crime; Naples Declaration and Global Action Plan 24 December 1994; United Nations Conventions against Organized Crime, 2000; [Limited to History, Importance, Objectives; Structure, Key Features];

SUGGESTED READINGS:

- An Introduction to International Criminal Law and Procedure Paperback – June 28, 2010 by Robert Cryer, Hakan Friman, Darryl Robinson.
- An Introduction to Transnational Criminal Law (Paperback) by Neil Boister.
- From Nuremberg to the Hague: The Future of International Criminal Justice, Philippe Sands., Cambridge University Press, 2003.
- The International Criminal Court: A Commentary on the Rome Statute (Oxford Commentaries on International Law) By William A. Schabas
- The International Criminal Court: Challenges to Achieving Justice and Accountability in the 21st Century by Mark S. Ellis; Richard J. Goldstone. International Debate Education Association, 2008.
- Transnational Organized Crime: A Commentary on the United Nations Convention and its Protocols (Oxford Commentaries on International Law) Hardcover – May 17, 2007 by David McClean, Oxford University Press (May 17, 2007).
- International Criminal Court <https://www.icc-cpi.int/>
- Rome Statute <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>

BRANCH - 3

CORPORATE AND COMMERCIAL LAWS

PAPER CODE 1271-B-3.:

BANKING LAWS

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 40

- 3) There shall be ten questions in the examination paper, two questions from each unit.
The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- 4) The syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

A vitally important economic institution the banking system is deeply influenced by socio-political and economic changes. This course is designed to acquaint the students with the conceptual and operational parameters of banking law, the judicial interpretation and the new and emerging dimensions of the banking system. Also The Negotiable Instruments Act, 1881 is being included with the objective to acquaint the students undergoing law course in Rajasthan who desire to serve the Country by being a part of the Judicial Services of the State of Rajasthan.

UNIT - I

The Banking Regulation Act, 1949, including the Amendment Act(s), 2017 and 2020; Objectives; Definition, Concept, Key Features of the Act and Amendments; Preliminary; Business of Banking Companies; Control Over Management; Supersession of Board of Directors of Banking Company; Prohibition of Certain Activities In Relation To Banking Companies; Acquisition of The Undertakings of Banking Companies In Certain Cases; Suspension of Business And Winding-Up of Banking Companies ; Special Provisions For Speedy Disposal of Winding Up Proceedings; Provisions Relating To Certain Operations of Banking Companies; Miscellaneous and Judicial Responses;

UNIT - II

Reserve Bank of India Act, 1934, (as amended by the latest Finance Act, currently 2023 and onwards):

Need, Importance, Objectives; Definition, Concept, Key Features of the Act and Amendments; Preliminary Incorporation, Capital, Management And Business; Central Banking Functions, Collection And Furnishing of Credit Information; Provisions relating to Non-Banking Institutions Receiving; Deposits and Financial Institutions; Prohibition of Acceptance of Deposits by Unincorporated Bodies; Regulation of Transactions in

Derivatives, Money Market Instruments, Securities, etc.; Joint Mechanism; Monetary Policy; General Provisions; Penalties and Judicial Responses;

UNIT - III

The Deposit Insurance And Credit Guarantee Corporation Act, 1961:

Need, Importance, Objectives; Definition, Concept, Key Features of the Act; Preliminary; Establishment and Management of the Deposit Insurance and Credit Guarantee Corporation; Registration of Banking Companies and Co-Operative Banks as Insured Banks and Liability of Corporation to Depositors; Credit Guarantee Functions; Funds, Accounts and Audit; Miscellaneous and Judicial Responses;

UNIT - IV

The State Bank of India Act, 1955:

Need, Importance, Objectives; Definition, Concept, Key Features of the Act; Preliminary; Incorporation and Share Capital of State Bank; Transfer of Undertaking of The Imperial Bank To State Bank; Shares; Management; Business of The State Bank Funds, Accounts And Audit; Miscellaneous and Judicial Responses;

UNIT - V

Negotiable Instruments Act, 1881 including the Amendment Act(s), 2015 and 2018:

Need, Importance, Objectives; Definition, Concept, Key Features of the Act and Amendments and Judicial Responses;

SUGGESTED READINGS:

- M.L. Tannan, Tannan's Banking Law and Practice in India (1997) India Law House, New Delhi, 2 Volumes.
- ICSI, Banking and Insurance Law and Practice, Institute of Company Secretaries of India, Taxmann Publishers, 2010.
- K.C. Shekhar, & Lekshmi Shekhar, Banking Theory and Practice, Vikas Publishing House, 19th edition, 2005.
- Jyotsana Sethi & Nishwar Bhatia, Elements of Banking and Insurance, PHI Publishers, 2nd edition, 2013.
- Shriniwas Gupta Bhashyam & Adiga, The Negotiable Instruments Act (with Case-law on Dishonour of Cheques, Specimen Notices & Complaints), Bharat Law House, Delhi, 2018.
- Refer to Government original websites for downloading and reading all Acts.

PAPER CODE 1272-B-3.:

LAW OF CONTRACTUAL OBLIGATIONS

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 40

- 1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- 2) The syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

The students would be expected to be well conversant with the general principles of contract and the law relating to specific contracts in India. They should also be well familiar with the evolution of law, leading judicial decisions (English and Indian) with important comparative developments elsewhere.

UNIT - I

Genesis, Philosophy and Importance of Contracts in a Commercial Developing Society; Subjective and Objective Theories; Role of Intention and Consent; *Lassize-Faire* Theory and its Dilution; Doctrine of Natural Justice and Contractual Obligations; Doctrine of Estoppel, Doctrine of Restitution, Doctrine of Unjust Enrichment; Formation of Contract: Agreement: Proposal and Acceptance; Essential Elements, Communication and Revocation, Proposal and Invitation to Proposal, Standing Proposals, Tenders and Auction Sale; Contract, Role of Intention to Create Legal Relations, Standards Forms of Contract; Judicial Interpretations; Position in India; Consideration: *Nudum Pactum*; Its Need, Meaning and Essential; Adequacy of Consideration, Privity of Contract, its Exceptions and Consideration; Past, Executed and Executory Consideration, Consideration and Promissory Estoppel;

UNIT - II

Essentials of Valid Contract; Competent Parties; Position of Minor in Creating Contractual Obligation, Consequences of Minor's Agreement and Ratification; Contract by a Person of Unsound Mind – Legal Effects; Other Legal Disabilities; Free Consent; Meaning and Scope; Vitiating Elements; Coercion, Fraud, Misrepresentation, Undue Influence and Mistake, Distinction between Fraud and Innocent Misrepresentation, Coercion and Duress, Mistake of Law and Mistake of Fact, Common, Mutual and Unilateral Mistake, Remedies Available When Agreement Is Vitiating By Mistake; Essentiality of Consideration with Exceptions; Legality of Objects and Consideration;

UNIT - III

Unlawful Consideration and Objects; Concept of Immoral and Public Policy, Heads against Public Policy; Unlawful Agreements and their Effects; Void Agreements, Agreement in Restraint of Marriage, Agreement in Restraint of Trade, Agreement in Restraint of Legal

Proceedings, Uncertain Agreement and Wagering Agreements; Void and voidable contracts: their Effects Contingent Contract: Meaning and Scope, Reciprocal Promises; Discharge of Contract: Meaning and Modes of Discharge; Performance and Tender; Place and Time of Performance, Time as Essence of Contract, Performance of Joint Promises; Discharge by Agreement; Novation, Remission of Performance, Accord and Satisfaction; Discharge by Impossibility of Performance and Frustration: Nature and Scope of the Doctrine of Impossibility, Specific Grounds of Impossibility;

UNIT - IV

Restitution; Quasi – Contracts or Certain Relation Resembling Those Created by Contract; Breach of Contract and Remedies; Meaning of Breach and Anticipatory Breach; Damages; Meaning and Nature, Kinds, Rule in *Hadley v. Baxendale*; Remoteness of Damages; Contract of Indemnity: Definition and Nature, Distinction between Indemnity and Guarantee, Rights of the Indemnity Holder; Contract of Guarantee– Definition and Scope, Specific and Continuing Guarantee, Creditors Right against Principal Debtor and Surety, Discharge of Surety, Surety's Rights against the Principal Debtor and Co-surety. Principal of Contribution by Co-Surety

UNIT - V

Bailment: Definition and Essential Features, Bailment for Regard and Gratuitous Bailment, Right and Duties of Bailor and Bailee; Finder of Lost Goods; Rights and Duties of Finder; Rights and Liabilities of Owner; Pledge: Definition, Nature and Scope; Who can Pledge, Rights and Duties of Pawnor and Pawnee; Kinds of Agents: Factory, Brokers, Auctioneers, *Del-Credere* Agents, etc.; Agency: Nature, Distinction from Other Transactions; Contractual Basis of Agency; Modes of Creation of Agency – Express, Implied, Ratification by Operation of Law; Scope of Agent's Authority, Rights and Liabilities of the Agent as Against Principal and Third Party; Rights and Liabilities of Principal and Third Party as against each other and as against Agent; Delegation by Agent; Sub Agent and Substituted Agent; Distinction and Legal Effects; Termination of Agency, Modes of Termination, Agency Coupled with Interest;

SUGGESTED READINGS:

- Anson, Law of Contract, Oxford University Press, New York, 2016
- Atiyah P.S.: An Introduction to the Law of Contract, Clarendon Law Series, OUP, 2006
- Avtar Singh, Law of Contract, 12th ed., Eastern Book Company, Lucknow, 2019 (Reprint)
- Avtar Singh, Law of Contract,(Hindi) 12th ed., Eastern Book Company, Lucknow, 2019 (Reprint)
- Jill Poole, Textbook on Contract Law, Oxford University Press, New York, 14th ed.2019
- Mulla, Indian Contract Act, Lexis Nexis, New Delhi, 15th Ed. 2015
- Neil Andrews, Contract Law, Cambridge University Press, 2011
- Pollock & Mulla: Indian Contract and Specific Relief Act, Lexis Nexis, 2019

PAPER CODE 1273-B-3.:

INSURANCE LAWS

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 40

- 1) There shall be ten questions in the examination paper, two questions from each unit.
The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- 2) The syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

Insurance law is a subject of key import to individuals & the business sector. The aspiration of insurance is to compensate the aggrieved party, as far as money can, against loss arising from a variety of risks. The objectives of this course is to provide the students an understanding of the Legal dimensions of the law relating to the formation of insurance contracts, an insight into the laws, which buttress the operations of insurance, to comprehend & appreciate the significance of various types of insurances & the consequences of the happening of the peril/s insured against, to familiarize with the organizational set-up of the redressal mechanisms, functions & powers of the same, claim settlement procedural aspects, under the various statutes pertaining to insurance.

UNIT - I

Historical Development of Insurance Law:

Origin & History of Insurance in India, Definition & Working of Insurance, The Insurance Act, 1938, including the Amendment Act, 2015: Need, Importance, Objectives; Definition, Concept, Key Features of the Act and Amendments Preliminary; Provisions Applicable To Insurers; Insurance Association of India, Council of the Association and Committees Thereof; Tariff Advisory Committee and Control of Tariff Rates; Solvency Margin, Advance Payment Of Premium And Restrictions on The opening of A New Place of Business; Provident Societies; Insurance Co-Operative Societies; Mutual Insurance Companies and Co-Operative Life Insurance Societies; Re-Insurance; Miscellaneous and Judicial Responses;

UNIT - II

Insurance Regulatory and Development Authority of India Act, 1999:

Need, Importance, Objectives; Definition, Concept, Key Features of the Act; Preliminary; Insurance Regulatory and Development Authority of India; Transfer of Assets, Liabilities, Etc., of Interim Insurance Regulatory Authority; Duties, Powers and Functions of Authority; Finance, Accounts and Audit; Miscellaneous and Judicial Responses;

UNIT - III

The Life Insurance Corporation Act, 1956 including the Amendment Act, 2011: Need, Importance, Objectives; Definition, Concept, Key features of the Act/Amendment, Preliminary; Establishment of Life Insurance Corporation of India; Functions of the

Corporation; Transfer of Existing Life Insurance Business to The Corporation; Management; Finance, Accounts and Audit; Miscellaneous and Judicial Responses;

UNIT - IV

The Public Liability Insurance Act, 1991:

Need, Importance, Objectives; Definition, Concept, Key Features of the Act and Judicial Responses; The Marine Insurance Act, 1963: Marine Insurance; Insurable Interest; Insurable Value; Disclosure And Representations; The Policy; Double Insurance; Warranties, Etc.; The Voyage; Assignment of Policy; The Premium; Loss and Abandonment; Partial Losses (Including Salvage and General Average and Particular Charges); Measure of Indemnity; Rights of Insurer on Payments; Return of Premium; Supplemental Provisions and Judicial Responses;

UNIT - V

Motor Vehicles Act 1988, including the Amendment Act, 2019:

Need, Importance, Objectives; Definition, Concept, Key Features of the Act/Amendment, Fault and No-Fault Liability of Driver and Owner; Concepts regarding Third Party; Driving Licenses; National and State Register of Driving Licenses; National Transportation Policy; Offences and Penalties, Powers and Jurisdiction of a Motor Accidents Claims Tribunal and Judicial Responses;

SUGGESTED READINGS:

- I.C.S.I., Banking and Insurance Law and Practice, Institute of Company Secretaries of India, Taxmann Publishers, 2010.
- Jain, J.N., and R.N. Jain, Modern Banking and Insurance Principles and Techniques, Jain Book Depot., 2015.
- Jyotsana Sethi & Nishwar Bhatia, Elements of Banking and Insurance, PHI Publishers, 2nd edition, 2013.
- Murthy, K.S.N. and V. S. Sarma, Modern Law of Insurance in India, Lexis Nexis, 2013.
- Rejda, G., Principles of risk management and insurance. (12th edition.), Pearson, 2014.
- Singh, Bridge Anand, New Insurance Law, Union Book Publishers, Allahabad, 2000.
- Sreenivasan M.N., Principles of Insurance Law, Ramaniya Publishers, Bangalore, 2007.

PAPER CODE 1274-B-3.:

INTELLECTUAL PROPERTY LAWS

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 40

- 1) There shall be ten questions in the examination paper, two questions from each unit.
The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- 2) The syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

Intellectual property is a 'Product of Skill and Mind'. With the view to create awareness on the significance of IPR's to the students who are being imparted law education and in order to cater to the needs of the stakeholders of knowledge economy the course is hereby proposed for those interested in pursuing a career in IPR's, which opens opportunities in the fields of IP Analysts, IP Attorneys, IP Consultants, IP Managers and the like together with appraising the students with other relevant amendments in the law forming the significant part of this course.

UNIT - I

Introduction to Intellectual Property:

Theories of Intellectual Property (Basic Concepts), Justifications for the Protection of Intellectual Property; Kinds of Intellectual Property Rights: (Basic Overview)

Copyright and Related Rights, Patents, Trademarks, Design, Plant Varieties, Farmer's Rights, Traditional Knowledge, Traditional Knowledge Digital Library, Convention on Biological Diversity, Trade Secrets, The Semiconductor Integrated Circuits Layout-Design;

UNIT - II

International Institutions and Basic International Conventions related to Intellectual Property:

(Basic Overview) International Copyright Protection: Berne Convention for the Protection of Literary and Artistic Works 1886; Rome Convention for the Protection Procedures of Phonograms and Broadcasting Organizations 1961; International Protection of Industrial Property Rights: Paris Convention for the Protection of Industrial Property, 1883; International Agencies and Intellectual Property: (Basic Overview) World Intellectual Property Organization (WIPO); WIPO Copyright Treaty (WCT), WIPO Performances and Phonograms Treaty (WPPT);

UNIT - III

The World Trade Organization (WTO):

Introduction to International trade and the law of the WTO, Sources of WTO Law, Basic rules and principles of WTO Law; Historical Background; Membership; Institutional

Structure; WTO Dispute Settlement; TRIPS Agreement: IPR's covered by TRIP's; Indian response to the TRIP's

The Patents Act, 1970: Need, Importance, Objectives; Definitions, Concept, Key features of the Act; Inventions Not Patentable; Applications for Patents; Publication and Examination of Applications; Opposition and Anticipation; Grant of Patents and Rights Conferred Thereby; Restoration, Surrender and Revocation of Patents; Register of Patents; Patent office and Its Establishment; Working of Patents, Compulsory Licenses and Revocation; Suits Concerning Infringement of Patents; Penalties; Patent Agents; Appellate Jurisdiction (As amended); Landmark Cases; Recent Developments in the Law (with Amendments, if any);

UNIT - IV

The Trademarks Act, 1999:

Introduction; History, Enactment and Implementation etc.; Interpretation Clause; Kinds of Trademarks; The Register and Conditions for Registration; Procedure for and Duration of Registration; Effect of Registration; Use of Trademarks and Registered Users; Collective Marks and Certification Trademarks; Appellate Jurisdiction (As amended); Offences, Penalties and Procedures; Landmark Cases (Domestic and International); Recent Developments in the Law (with Amendments, if any);

The Geographical Indication of Goods (Registration and Protection) Act, 1999:

Need, Importance, Objectives; Definitions, Concept, Key features of the Act; The Register and Conditions for Registration; Procedure for and Duration of Registration; Effect of Registration; Special Provisions relating to Trademarks; Appellate Jurisdiction (As amended); Landmark Cases; Recent Developments in the Law (with Amendments, if any); Offences, Penalties and Procedures;

UNIT - V

The Copyright Act, 1957:

Introduction; History, Enactment and Implementation etc.; Interpretation Clause; Copyright Office and Copyright Board; Commercial Courts; What is Copyright; Ownership of Copyright and the Rights of the Owner; Term of Copyright; Licences; Rights of Broadcasting Organization and of Performers; Registration of Copyright; Infringement of Copyright; Remedies (Civil and Criminal); Offences; Appellate Jurisdiction (As amended);

The Designs Act, 2000: Need, Importance, Objectives; Definitions, Concept, Key features of the Act; Registration of Designs; Copyright in Registered Designs; Legal Proceedings; Powers and Duties of Controller; The Hague System for the International Registration of Industrial Designs, 1925 (Basic Overview);

SUGGESTED READINGS:

- Indigenous Heritage and Intellectual Property: Genetic Resources, Traditional Knowledge and Folklore, Kluwer Law International, (2008)
- Prof. (Dr.) V.K. Ahuja and Dr. Archa Vashishtha, Intellectual Property Rights: Contemporary Developments, 1st Ed., Thomson Reuters, 2020
- Prof. A.K. Koul, The General Agreement on Tariffs and Trade (GATT)/World Trade

Organisation (WTO) –Law, Economics and Politics, Satyam Books, 2010

- Prof. Raj Bhalla, Modern GATT Law, A Treatise on the General Agreement on Tariffs and Trade, Sweet & Maxwell Publication, 2013
- V. K. Ahuja, Law relating to Intellectual Property rights, 2nd Edition, (2013) LexisNexis.
- Vandana Shiva, Biopiracy: The Plunder of Nature and Knowledge, South Press, 1997
- W. R. Cornish, Intellectual Property: Patents Copyright Trademarks and allied rights, Sweet & Maxwell, London, 2010.
- Official website of Intellectual Property India <https://ipindia.gov.in/>
- Semiconductor Integrated Circuits Layout-Design Registry (SICLDR) <https://sicldr.gov.in/>
- Berne Convention for the Protection of Literacy and Artistic Works, 1886 <https://www.wipo.int/treaties/en/ip/berne/>
- Rome Convention for the Protection Procedures of Phonograms and Broadcasting Organizations, 1961 <https://www.wipo.int/treaties/en/ip/rome/>
- World Intellectual Property Organization (WIPO) <https://www.wipo.int/portal/en/index.html>
- World Trade Organization <https://www.wto.org/>
- GATT https://www.wto.org/english/tratop_e/gatt_e/gatt_e.htm#:~:text=The%20General%20Agreement%20on%20Tariffs,from%20all%20WTO%20member%20countries.
- WIPO Copyright Treaty (WCT) <https://www.wipo.int/treaties/en/ip/wct/>
- WIPO Performances and Phonograms Treaty (WPPT) <https://www.wipo.int/treaties/en/ip/wppt/>

PAPER CODE 1275-B-3.:

DISSERTATION
OR
CORPORATE GOVERNANCE AND LAW

PAPER CODE 1275-B-3.: (A)

DISSERTATION

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 40

This paper will have two Components:

- a) Dissertation (Written Part) 70 Marks (To be evaluated by three different experts)
- b) Viva – Voce (External) 30 Marks (To be conducted by the University)

The candidate must pass in Parts A and B separately. For passing, he/she shall be required to obtain 40 percent marks in each part, i.e. 28 marks out of 70 and 12 marks out of 30.

OBJECTIVES OF THE COURSE:

This course consists of the Dissertation which will comprise of writing a short thesis on a leading / recent topic **in the elective branch** which will test the research capabilities, aptitude and skills of the candidate followed by Viva-Voce in the subject to test the overall presentation skills of the candidate.

A) Dissertation (Written Part)

70 Marks

Sequence of Pages: Cover Page/ Certificate/ Declaration/ Acknowledgment/ Preface/ Abbreviations/Table of Cases/ Contents/ Main Text/ Bibliography/ Appendixes

Note: The Students are advised to refer to the samples but in no case it should limit the creativity in writing.

B) Viva – Voce (External)

30 Marks

Dissertation shall be evaluated by one Internal and one External Examiner and the decision of External Examiner shall be final and binding.

GENERAL GUIDELINES RELATING TO DISSERTATION:

- ⊗ The dissertation should be minimum of 100 (one hundred) pages in total, shall be hard bound and top cover page shall be BLACK with SILVER embossing of letters.
- ⊗ The Viva-Voce for the Dissertation shall be conducted by One Internal and One External Examiner.
- ⊗ For the Viva-Voce, the candidate shall prepare a 10-15 Minutes PPT or Oral Presentation of the research work in consultation with his/her supervisor which he/she shall be required to present before the External Examiner on a date fixed by the University in each Academic Session as per rules.
- ⊗ To pass this paper, it is mandatory for the candidate to appear in the Viva-Voce personally, in the same academic session, on the date notified by the University.
- ⊗ No Grace Marks shall be awarded for Viva-Voce Examination.
- ⊗ Four (04) Copies of Dissertation shall be submitted by the candidate to the University on or before the last date mentioned in the notice issued by the University [Three for External Examiners and One for Supervisor].
- ⊗ THERE SHALL BE NO REVALUATION OF THE DISSERTATION.
- ⊗ EACH SUPERVISOR SHALL ENSURE THAT THE DISSERTATION SUBMITTED BY THE CANDIDATE QUALIFIES THE RESEARCH ETHICS.

CORPORATE GOVERNANCE AND LAW

OBJECTIVES OF THE COURSE:

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 economy both nationally and internationally. Taking this into consideration, the paper aims to introduce to the students the nuances of corporate law and the obligations of it towards society in discharging its trading relations and to be a good corporate citizen.

UNIT - I

Corporate Incorporation:

Concept of Company, Registration and Incorporation of Company, Types of Company, MOA (Memorandum of Association), AOA (Article of Association), Alteration in MOA & AOA, Promoters, Pre-incorporation Contracts

Other Important Concepts:

Doctrine of Corporate Veil, Doctrine of Indoor Management, Doctrine of Constructive Notice, Doctrine of Ultra-Vires, Role of Corporations, Concept of Start-up;

UNIT - II

Capital:

Types of Capital, Prospectus, Shares, Stock Options, Debentures, Charge, Crystallization of Floating Charge, Borrowing Powers.

Corporate Management and Administration:

Appointment, Qualifications and Removal of Directors, Types of Directors; Role, Duties, Rights and Powers of the Directors, Board Structure, other managerial personnel, Meetings, Audit and Accounting System;

UNIT - III

Shareholders and Ownership:

Rule in *Foss v. Harbottle (1843)* and its exceptions, Prevention of Oppression and Mismanagement

Corporate Liquidation:

Business Rescue Proceedings, Role and Powers of Adjudicatory Authorities (NCLT & NCALT), Winding Up, Liquidation Process, Corporate Insolvency;

UNIT - IV

Corporate Governance:

Introduction to Corporate Governance, Principles of Corporate Governance, Significance of Corporate Governance, Shareholders Activism, Role of BOD (Board of Directors) & Management in Corporate Governance, Impact of Takeovers, Mergers and Acquisitions on Corporate Governance, Concept of Insider trading and Various Ethical Issues,; Corporate

Criminal Liability, International Corporate Governance: O.E.C.D. Principles of Corporate Governance, Corporate Governance Practices in U.K, Germany and U.S.A.

UNIT - V

National Company Law Tribunal (NCLT), National Company Law Appellate Tribunal (NCLAT) and Special Courts: Constitution of National Company Law Tribunal; Appellate Tribunal; Selection of Members, Terms of Office, Salary; Removal of Members; Orders of Tribunal; Powers of Tribunal; Appeal from orders of Tribunal; Establishment of Special Courts; Offences-Trial by Special Courts; Mediation and Conciliation Panel; Corporate Social Responsibility; The Companies (Amendment) Act, 2020;

LEADING CASES:

- 1) Foss v. Harbottle (1845) Ch 319.
- 2) Hindustan Lever Employees' Union v. Hindustan Lever Ltd. AIR 1995 SC 470
- 3) Miheer H. Mafatlal v. Mafatlal Inds. Ltd. AIR 1997 SC 506
- 4) Sunil Bharti Mittal v. Central Bureau of Investigation (2015) 4 SCC 609
- 5) Sharad Kumar Sanghi v. Sangita Rane (2015) 12 SCC 78
- 6) Dhulabhai v. State of Madhya Pradesh and others AIR 1969 SC 78
- 7) Union of India v R. Gandhi 2010 11 SCC 1
- 8) SAS Hospitality Pvt Ltd. v Surya Constructions Pvt Ltd. MANU/DE/3791/2018
- 9) Jai Kumar Arya & Ors. v. Chhaya Devi &Anr. Delhi H.C. (2018) 142 CLA; 365FAO (OS) 253/2017 & CM No. 33724/2017
- 10) Usha Ananthasubramanian v. Union of India, SC: Civil Appellate Jurisdiction Civil Appeal No. 7604 of 2019 [Decided on 12/02/2020]

SUGGESTED READINGS:

- A. Ramaiya, Company Law (Latest Ed.)
- Compendium on S.E.B.I., Capital Issues and Listing – by Chandratre, Acharya, Israni, Sethuraman
- Corporate Finance- Ashwath Damodaran
- Dimple Grover, Amulya Khurana, Ravi Shankar, The Regulatory Norms of Corporate Governance in India.
- Enterprise and International Comparisons
- Frederick Lipman & Keith Lipman, Corporate Governance Best Practices, Strategies for
- Gower- Principles of Modern Company Law
- Indian Governance System
- Indian Law Institute- Current Problems of Corporate Law
- J.M. Thomson- Palmer's Company Law
- Kevin Keasey, Steve Thompson, Michael Wright, Corporate Governance, Accountability,
- Ministry of Corporate Affairs, Voluntary Guidelines on Corporate Governance, 2009

- Public, Private and NGOs
- Sadhalaxmi Vivek Rao, Legal Framework and corporate Governance: An Analysis of
- Sami Pathasarathy, Corporate Governance, Principles, Mechanisms and Practice
- Sanjay Anand, Essentials of Corporate Governance
- The Institute of Directors, Handbook of International Corporate Governance

BRANCH – 4

CRIMINAL LAWS

PAPER CODE 1271-B-4.:

CRIMINOLOGY AND CRIMINAL JUSTICE ADMINISTRATION

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 40

- 1) There shall be ten questions in the examination paper, two questions from each unit.
The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- 2) The syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

The main objective of this course is to provide in depth and advance knowledge regarding criminology, victimology and penology to the student and to acquaint students with the penal policies including theories of punishment, their supposed philosophical and sociological justifications. The objective of the course is also to provide in-depth understanding of crime causation and its prevention. Advancement in the science of psychiatry and sociology has changed the understanding of criminology as a science. At the end of the course, students would be able to understand the causation of crime in a better scientific and rational manner.

UNIT - I

Criminology:

Definition, Nature and Scope, Methods of Studying, Importance and Classification of Crime
Criminal Behaviour: Explanations; Psychological Theories: Alcoholisms and Drugs; Crime and Social Processes: Economic Motivation, Socio-cultural Movements, Crime and Community, Female Offender, Influence of Mass-Media;

UNIT - II

Schools of Criminological Thought (Factors in Causation of Criminal Behaviour):

Schools of Criminology: The Pre-Classical School; The Classical School; Neo-Classical School; Positivist Approach; Radical Positivism and Liberal Positivism: Cesare Lombroso; Enrico Ferri; Raffaele Garofalo; Gabriel Tarde;

UNIT - III

Criminal Justice System (CJS):

Meaning, Purpose and Social Relevance; Legislative Process and CJS; Functionaries of CJS: Police, Prosecution, Judiciary, Prison; Control of Crime: Police and Law Courts: Prison System-Re-socialisation of the Offender, Rehabilitation of Discharged Prisoners in the Administration of Criminal Justice, Prevention of Crime Delinquency;

UNIT - IV

Administration of Criminal Justice System (CJS):

Police: Fundamentals of Police Administration; Organization and Structure of Police; Police Act of 1861 – Recent State Enactment (The Rajasthan Police Act, 2007); Police Reforms in Independent India and Judicial Intervention; Policing in Modern Society- Different Approaches Including Community Policing etc.;

UNIT - V

Role of various Agencies in Protection of Human Rights under Criminal Justice System (CJS):

International Level: Human Rights and the United Nations Charter; Normative and Institutional Framework of the UN; Role of the Permanent Organs of the UN, Human Rights; Commissions, UN High Commissioner for Human Rights;

National Level: The Protection of Human Rights Act, 1993; National Human Rights Commission; State Human Rights Commissions; Human Rights Courts; Other Commissions; Emerging regime of New Human Rights under CJS in India;

SUGGESTED READINGS:

- Qadri, and Ahmed Siddique, Criminology - Problems and Perspectives, Eastern Book Co., 6th Ed., 2009, Reprinted 2014.
- Pananjpe, N.V. Criminology and Penology, Central Law Publications, 2005.
- K.D.Gour, Criminal Law and Criminology, Deep & Deep Publications, India, 2003.
- Katherine S Williams: Textbook of Criminology, Universal Publication, (2001-Indian reprint)
- K.N. Pillai, Chandrasekharan, General Principles of Criminal Law, Eastern Book Co., 2005.
- Shukla Girjesh, Criminology, Lexis Nexis, New Delhi, 2013.

PAPER CODE 1272-B-4.:

PENOLOGY AND VICTIMOLOGY

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 40

- 1) There shall be ten questions in the examination paper, two questions from each unit.
The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- 2) The syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

Crime and the threat of victimization are inescapable realities of contemporary society. Crime is so common place that prevention and security measures are viewed as natural and necessary precautions in both public and private life. A considerable and growing percentage of public resources are allocated for juvenile delinquency prevention initiatives, law enforcement training and technology, corrections, substance abuse treatment and numerous other aspects of criminal justice. The main objective of this course is to provide in depth and advance knowledge regarding victimology and penology to the student.

UNIT - I

Penology:

Definition, Nature and Scope of Penology: Crime Control Mechanism: Police; Court; Public Prosecutor; Jail Administration; Open Prison; Theories of Crime Causation; Differential Association; Theory of Crime: Biological, Environmental, Socio-Economic and Psychological Factors affecting Crime;

UNIT - II

Probation of Offenders Act, 1958: Need, Importance, Objectives; Definition, Concept, Key Features of the Act and Judicial Responses; The Scheduled Castes And The Scheduled Tribes (Prevention of Atrocities) Act, 1989, including the Amendment Act, 2018: Need, Importance, Objectives; Definition, Concept, Key Features of the Act and Judicial Responses;

UNIT - III

Different Kinds of Criminals: Different types of Crimes – Impact of Religion, Political Parties, Media, Family etc. on Crime; Recidivism; Capital Punishment: Constitutionality, Problems related to Capital Punishment, Judicial attitude in India towards Capital punishment; Relevant Case Laws and Law Reforms Proposals; The Criminal Procedure (Identification) Act, 2022;

UNIT - IV

Victimology:

Definition, Nature and Scope; Victim: Meaning and Kinds; Impact of Victimization: Physical, Economic and Psychological; Double / Secondary Victimization; Concept; Constituent Elements of Crime and Victimology; Nature and Scope of Victimology; Development of Victimology, Status of Victim in Criminal Justice System: Rights of Victim: Compensation to Victim of Crime; Statutory Provisions; Role of Judiciary; Rehabilitation of Victims of Crime;

UNIT - V

Punishment and Sentencing:

Types of Punishment; Theories of Punishment: Retribution; Deterrence; Preventive; Prohibitory; Reformatory; Expiatory; Utilitarian; Alternatives to Punishment Sentencing Policy; Remission; Commutation; Pardoning;

Access to Justice: Compensation to Victims of Crime; Rights of Victims during Trial; Legal Assistance to the Victims; Role of Victim at time of Granting Bail; Right of Victim to Appeal Malimath Committee Recommendations; Justice J.S. Verma Committee Report; Criminal Law Amendment Act, 2013 (Key Highlights); Victim Assistance Program;

SUGGESTED READINGS:

- Daigle, E. Leah, Victimology, Safe Publication, 1sted. 2013.
- Gaur, K.D., Criminal Law and Criminology, Deep & Deep Publications, India, 2003.
- Katherine S Williams: Textbook of Criminology, Universal Publication, (2001-Indian reprint)
- Paranjape, N.V. Criminology and Penology, Central Law Publications, 2005.
- Paranjape, Criminology, Penology with Victimology, Central Law Publication, 16th Ed. 2014.
- Pillai, K.N. Chandrasekharan, General Principles of Criminal Law, Eastern Book Co., 2005.
- Qadri, S.M.A., and Ahmed Siddique, Criminology - Problems and Perspectives, Eastern Book Co., 6th Ed., 2009, Reprinted 2014.
- Randhawa: Victimology & Compensatory Jurisprudence, Central Law Publication. I ed. 2011.
- Siddique: Criminology & Penology, Eastern Book Co. 6th ed. 2014.

PAPER CODE 1273-B-4.:

**PRIVILEGED CLASS DEVIANCE
AND JUVENILE DELINQUENCY**

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 40

- 1) There shall be ten questions in the examination paper, two questions from each unit.
The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- 2) The syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

This course focuses on the “Criminality of the “Privileged classes”. The definition of “privileged classes” in a society like India should not pose major problem at all; the expression nearly includes wielders of all forms of state and social (including religious) power. Accordingly, the course focuses on the relation between privilege power and deviant behaviour. For the overall development of the students in this field, this paper will also include the area of Juvenile Delinquency for imparting extensive knowledge about the major existing legislations on Children in India.

UNIT - I

Introduction:

Concepts of White Collar; Sutherland’s Definition; Critical analysis of the definition; Indian Approaches to Socio-Economic Offences; Notions of Privileged Class Deviance as providing a Wider Categorization of Understanding Indian Development; Typical Forms of Such Deviance; Official Deviance (deviance by Legislators, Judges, Bureaucrats);

Conception of Official Deviance: Permissible Limit of Discretionary Powers; The Chambal Valley Dacoit Vinoba Mission and Jai Prakash Narain Mission in 1959 and 1971; The Chagla Commission Report on LIC-Mundhra Affair; The Das Commission Report on Pratap Singh Kairon; The Grover Commission Report on Dev Raj Urs; The Maruti Commission Report; The Ibakkar-Natarajan Commission Report on Fairfax; Various reports on Black Money;

UNIT - II

Police Deviance and Professional Deviance: Journalists, Teachers, Doctors, Lawyers, Engineers, Architects And Publishers; Structures of Legal Restraint on Police Powers in India; Unconstitutionality of Third Degree Methods and use of Fatal Force by Police; Police Atrocities; Encounter Killings; Plea Of Superior Order; Rape and Related Forms of Gender Based Aggression by Police and Para Military Forces; Reform Suggestions Especially by National Police Commission; Unethical Practices at the Indian Bar; Medical Malpractice; Justice Lentin Commission Report; the Press Council on Unprofessional and Unethical Journalism;

UNIT - III

Juvenile Delinquency: Concepts and Determining Factors: Child in Indian Constitution and Penal Code; Delinquent Juvenile; Neglected Juvenile; Overall situation of children/young persons in India; Differential Association; Anomie; Economic Pressure; Peer Group Influence; Gang Sub culture; class differentials; Indian Context of Juvenile delinquency: Neglected Below Poverty Line, Physically and Mentally Disabled Orphans, Destitutes, Vagrants; Labourers: In organized industries (e.g. Zari, Carpet, Bidi, Glass) and Unorganized Sectors (e.g. Domestic Servant, Shops and Establishment, Rag Pickers, Family Trade etc.); Legislative Approaches and Judicial Responses;

UNIT - IV

Juvenile Justice (Care and Protection of Children) Act, 2015, including the Amendment Act, 2021: Need, Importance, Objectives; Definition, Concept, Key Features of the Act and Judicial Responses;

UNIT - V

The Prohibition of Child Marriage Act, 2006, including the Amendment Bill of 2021; The Protection of Children from Sexual Offences Act, 2012, including the Amendment Act, 2019: Need, Importance, Objectives; Definition, Concept, Key Features of the Act and Amendments and Judicial Responses;

SUGGESTED READINGS:

- Kaplan, Howard B “Patterns of Juvenile Delinquency” (Sage Pub., Beverly Hills, 1984).
- United Nations Beijing Rules on Treatment of Young Offenders, 1985.
- H S Becker Outsiders: The Studies in Sociology of Deviance, 1966.
- B.B. Pande, "The Nature and Dimensions of Privileged Class Deviance" in The Other Side of Development 136 (K.S. Shukla ed.) 1987;
- Upendra Baxi, The Crisis of the Indian Legal System, Vikas Publishing House, New Delhi, (1982)
- Upendra Baxi (ed.), Law and Poverty: Essays, 1988.
- Upendra Baxi, Liberty and Corruption: The Antulay Case and Beyond, 1989.
- K.S. Shukla, Sociology of Deviant Behaviour" in 3 ICSSR Survey' of Sociology and Social Anthropology 1969-179, 1986.
- Dwevedi and G S Bhargava Political Corruption in India, 1967.
- A. R. Desai ed. Violation of Democratic Rights in India, 1986.
- A. G. Noorani Minister's Misconduct, 1974.
- H. S. Becker Outsiders: The Studies in Sociology of Deviance, 1966.
- P. R. Rajgopal Violence and Response: A Critique of the Indian Criminal System. 1988.

PAPER CODE 1274-B-4.:

CYBER CRIMES

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 40

- 1) There shall be ten questions in the examination paper, two questions from each unit.
The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- 2) The syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

The primary focus of this course will be on studying the information technology law. In addition there will be an insight into the applicability of other laws in the digital environment. The learning outcome of the course will be understanding the provisions of Information Technology laws provided to facilitate electronic commerce - electronic signatures, data protection, cyber security; penalties & offences under the IT Act, dispute resolution, and other contemporary issues.

UNIT - I

Introduction to Cyberspace, Cybercrime and Cyber Law: Regulatory Framework of Information and Technology Act 2000; Offences and Penalties; The World Wide Web; Web Centric Business; e-Business Architecture, Models of E-Business, E-Commerce, Threats to Virtual World; Cyber Crimes: Difference between Traditional Crime and Cyber Crimes; Classification of Cyber Crimes: Against Person, Property and Government; Reasons for growth of Cyber Crimes;

UNIT - II

Kinds of Cyber Crimes: Cyber Squatting, Cyber Espionage, Cyber Warfare, Cyber Terrorism, Online Safety for Women and Children, Misuse of Private Information; Hacking; Digital Forgery; Cyber Stalking/Harassment; Cyber Pornography; Identity Theft & Fraud; Cyber Defamation Viruses (File Infectors, Boot Record Infectors, Boot and File Viruses); Web Jacking; Denial of Service Attack;

UNIT - III

Cyber Crime: Overview, Internal and External Attacks, Attack Vectors; Cyber Crimes Against Individuals; E-mail Spoofing and Online Frauds, Phishing and its Forms, Spamming, Cyber Bullying, Computer Sabotage, Pornographic offenses, Password Sniffing; Keyloggers and Screen-loggers; Cyber Crimes against Women and Children;

UNIT - IV

Cyber Crimes against Organization: Unauthorized Access of Computer, Denial-of-service (DOS) attack, Backdoors and Malwares and its types, E-mail Bombing, Salami Attack,

Software Piracy, Industrial Espionage, Intruder attacks; Security Policies Violations, Crimes related to Social Media, A.T.M., Online and Banking Frauds. Intellectual Property Frauds;

UNIT - V

Cyber Crime and Cloud Computing: Different Types of Tools Used in Cybercrime, Password Cracking; Online attacks, Offline attacks, Remote attacks, Random Passwords, Strong and weak passwords. Viruses and Its Types; Ransom-ware and Crypto-currencies; DoS and DDoS attacks and their types; Cyber Criminal Syndicates and Nation State Groups;

SUGGESTED READINGS:

- Nina Godbole and Sunit Belapore; “Cyber Security: Understanding Cyber Crimes, Computer Forensics and Legal Perspectives”, Wiley Publications, 2011.
- Shon Harris, “All in One CISSP, Exam Guide Sixth Edition”, McGraw Hill, 2013.
- Bill Nelson, Amelia Phillips and Christopher Steuart; “Guide to Computer Forensics and Investigations”, 3rd Edition, Cengage, 2010 BBS.
- Atul Jain; “Cyber Crime: Issues, Threats and Management”, 2004.
- Majid Yar; “Cybercrime and Society”, Sage Publications, 2006.
- Michael E Whiteman and Herbert J Mattord; “Principles of Information Security”, Vikas Publishing House, New Delhi, 2003.
- Matt Bishop, “Computer Security Art and Science”, Pearson/PHI, 2002.
- Karnika Seth; “Computers, Internet and New Technology Laws”, Lexis Nexis Buttersworth Wadhwa, 2012.
- Pavan Duggal; “Cyber Law – The Indian Perspective”, Saakshar Law Publications, 3rd ed., 2009
- William Stallings; “Cryptography and Network Security: Principles and Practices”, Fifth Edition, Prentice Hall Publication Inc., 2007.

PAPER CODE 1275-B-4.:

DISSERTATION
OR
CRIMINAL JUSTICE AND HUMAN RIGHTS

PAPER CODE 1275-B-4.: (A)

DISSERTATION

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 40

This paper will have two Components:

- a) Dissertation (Written Part) 70 Marks (To be evaluated by three different experts)
- b) Viva – Voce (External) 30 Marks (To be conducted by the University)

The candidate must pass in Parts A and B separately. For passing, he/she shall be required to obtain 40 percent marks in each part, i.e. 28 marks out of 70 and 12 marks out of 30.

OBJECTIVES OF THE COURSE:

This course consists of the Dissertation which will comprise of writing a short thesis on a leading / recent topic **in the elective branch** which will test the research capabilities, aptitude and skills of the candidate followed by Viva-Voce in the subject to test the overall presentation skills of the candidate.

A) Dissertation (Written Part)

70 Marks

Sequence of Pages: Cover Page/ Certificate/ Declaration/ Acknowledgment/ Preface/ Abbreviations/Table of Cases/ Contents/ Main Text/ Bibliography/ Appendixes

Note: The Students are advised to refer to the samples but in no case it should limit the creativity in writing.

B) Viva – Voce (External)

30 Marks

Dissertation shall be evaluated by one Internal and one External Examiner and the decision of External Examiner shall be final and binding.

GENERAL GUIDELINES RELATING TO DISSERTATION:

- ⊗ The dissertation should be minimum of 100 (one hundred) pages in total, shall be hard bound and top cover page shall be BLACK with SILVER embossing of letters.

- ⊗ The Viva-Voce for the Dissertation shall be conducted by One Internal and One External Examiner.
- ⊗ For the Viva-Voce, the candidate shall prepare a 10-15 Minutes PPT or Oral Presentation of the research work in consultation with his/her supervisor which he/she shall be required to present before the External Examiner on a date fixed by the University in each Academic Session as per rules.
- ⊗ To pass this paper, it is mandatory for the candidate to appear in the Viva-Voce personally, in the same academic session, on the date notified by the University.
- ⊗ No Grace Marks shall be awarded for Viva-Voce Examination.
- ⊗ Four (04) Copies of Dissertation shall be submitted by the candidate to the University on or before the last date mentioned in the notice issued by the University [Three for External Examiners and One for Supervisor].
- ⊗ THERE SHALL BE NO REVALUATION OF THE DISSERTATION.
- ⊗ EACH SUPERVISOR SHALL ENSURE THAT THE DISSERTATION SUBMITTED BY THE CANDIDATE QUALIFIES THE RESEARCH ETHICS.

PAPER CODE 1275-B-4.: (B)

CRIMINAL JUSTICE AND HUMAN RIGHTS

SCHEME OF PAPER:

MAX. MARKS: 100

MIN. PASS MARKS: 40

- 1) There shall be ten questions in the examination paper, two questions from each unit. The candidate is required to attempt five questions, one question from each unit is compulsory. All questions carry equal marks.
- 2) The syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

OBJECTIVES OF THE COURSE:

This Course will deal with the Concept of crime and criminal liability; Role of Criminal Justice System in protection of Human Rights; This course will deal with the nature of Crimes and Human values and Rights. It further deals with the developments in international criminal law as well as the definition and application of the crimes of genocide, crimes against humanity, war crimes. The objective is to develop students' analytical skills in relation of the function, scope and operation of the international criminal justice system and its likely future development, as well as to enable students to apply the law to the various situations.

UNIT-I

Concept of crime and criminal liability; Role of Criminal Justice System in protection of Human Rights; Objectives and Theories of Punishment; Capital Punishment; Sentencing Process and Policies; Role of Judiciary and Human Rights;

UNIT-II

Human Rights Problems; Police Atrocities and Accountability; Violence against Women and Children; Terrorism and Insurgency Rights to Accused; Ex post facto law Double Jeopardy Protection against Self Incrimination; Fair Trial Punishment and Human Rights;

UNIT-III

Police-Development, Function, Custodial Violence and Reforms in Police System Violence-Terrorism and Human Rights, Atrocities against SC and ST and other vulnerable Groups Compensation to victims of crime;
International Perspectives: International Crimes and International Cooperation in combating of Transnational organized crimes; International Norms on Administrative of Criminal Justice;

UNIT-IV:

The International Criminal Court (ICC) Facts and Figures; The Rome Statute; The Crime of Aggression; Genocide; Crimes against Humanity; War Crimes; Terrorism and

transnational crimes; The role of the International Criminal Court and Jurisdiction – Issues of Amnesty, Truth and Justice; [Limited to History, Importance, Objectives; Structure, Key Features];

UNIT - V

Drug Trafficking; Trafficking of Weapons; Counterfeit of Goods; Trafficking of Persons and Smuggling of Migrants; Money Laundering; Terrorism; Environmental Crimes; Laws relating to Transnational Crime: Organised crime and United Nations; The U.N.

Convention on transnational and organised crime; Naples Declaration and Global Action Plan 24 December 1994; United Nations Conventions against Organized Crime, 2000; [Limited to History, Importance, Objectives; Structure, Key Features];

SUGGESTED READINGS:

- Cross and Jones: An Introduction to Criminal Law (1972) Butterworths
- Harri's : Criminal Law (2000-Indian reprint) Universal.
- K.I. Vibhute: P.S.A. Pillai's Criminal Law (2008) Lexis Nexis.
- K.N. Chandrasekharan Pillai : General Principles of Criminal Law (2005) Eastern.
- Kenny's: Outlines of Criminal Law (19th edn.) Universal.
- L. Radzinowicz : A History of English Criminal Law, Vol. I & II (1969) Stevens.
- P.S. Atchuthen Pillai: Criminal Law (1996) M.N. Tripathi
- Smith and Hogan: Criminal Law Cases and Materials (1975), Butterworths
- T.S. Batra : Criminal Law Principles of Liability (1978) Metropolitan