

# **Career Point University, Kota**

**School of Legal Studies and Governance**

**PROSPECTUS OF STUDIES  
IN  
LL.M. TWO YEAR PROGRAM**

## LL.M. Two Years Program Scheme:

- 1. Duration of the program:** The duration of the LL.M. Program shall be TWO academic years spreading over four semesters with the university examination at the end of the each semester. Each academic year shall consist of two semesters. The fees for the examination also shall be prescribed by the university from time to time.
- 2. Eligibility Criteria for Admission:** An applicant for admission to LL.M program should have obtained Bachelor's degree in law (LL.B) with aggregate 48% from a recognised university.
- 3. Medium of Instructions and Examination:** The medium of instructions and examination shall be English as well as Hindi.
- 4. Evaluation in Exams:** Evaluation system will be according to Credit Based Award Pattern.
- 5. Exam Pattern:** In LL.M course there are 5 specialization groups namely:
  1. Corporate Law.
  2. Torts and Crime.
  3. Personal Law.
  4. Intellectual Property Law.
  5. Labour Law.

Each student taking admission to the LL.M course has to study 5 papers in each, I and II semester, which are common for all irrespective of their specialisation. Out of 6 prescribed papers, three are compulsory papers and the rest are optional. The student has to elect any two papers from the optional papers. Further in each group of specialisation, there will be 5 papers in each, III and IV semester. Out of 6 prescribed papers, three are compulsory papers and rest are optional. A Student has to elect any two papers from the optional papers. Students will be allotted one branch from available branches in semester III. In each group of specialisation there will be a Dissertation and Viva Voce which will be conducted in III Semester.
- 6. Examination System:** Each course shall be of 100 marks. For evaluation, the overall structure of the distribution of marks in a theory based course shall be such that 30 marks are allotted to the various assessments during the semester, while 70 marks shall be allotted for the end semester examination.
- 7. Attendance:** No candidate shall be considered to have pursued a regular course or study unless he/she have attended 75% of the total number of lectures-tutorials and seminars and case discussion in each year during the course of study.

	<b>LL.M. Semester-I (Common)</b>					
<b>Course code</b>	<b>Subject Name</b>		<b>L</b>	<b>T</b>	<b>P</b>	<b>C</b>
<b>LMU711</b>	Legal theory-I	Compulsory	5	1	0	6
<b>LMU712</b>	Constitutional law of India New Challenges-I	Compulsory	5	1	0	6
<b>LMU713</b>	Legal education & Research Methodology-I	Compulsory	5	1	0	6
<b>LMUE 714</b>	Law and social transformation in India-I	Elective	5	1	0	6
<b>LMUE 715</b>	Interpretation of statutes & Legal process	Elective	5	1	0	6
<b>LMUE 716</b>	Principles of Law of Nations (International law)	Elective	5	1	0	6

### **LMU711 LEGAL THEORY-I**

**UNIT 1:** Definition, Scope, Importance and nature of Jurisprudence.

**UNIT 2:** Relation between law and Morality

**UNIT 3:** Purpose and value of Jurisprudence.

**UNIT 4:** Various Schools of Jurisprudence, like:

- i. Natural Law School
- ii. Imperative School
- iii. Sociological School
- iv. Historical School
- v. Realistic School, etc

**UNIT 5:** Sources of Law : Custom, Legislation, Judicial Precedents etc.  
(Chief exponents of these schools, background, basic tenets, contribution and Indian context or relevance.)

#### **Suggested Readings:**

1. Austin : Lecture on Jurisprudence
2. Salmond : Jurisprudence
3. Julius Stone : The Province and Function of Law
4. Pound : An Introduction to the Philosophy of Law
5. HLA Hart : The Concept of Law
6. Freundmann : Legal Theory
7. Dias : Jurisprudence
8. S. N. Dhyani : Law, Morality and Justice Indian Development
9. Anirudha Prasad : Vidhi Sastra Ke Mool Shidhant (Hindi)
10. V.D. Mahajan : Jurisprudence
11. Dr. N.V. Paranjpe : Jurisprudence (Hindi/English)
12. Various relevant Articles, cases and law Journals

## **LMU711 CONSTITUTIONAL LAW OF INDIA : NEW CHALLENGES - I**

- UNIT 1:** Historical Background of Indian Constitution, its development and changing system established over decades ago.
- UNIT 2:** Characteristics of Indian Constitution, Nature and salient feature of Indian Constitution with changing social order and its adaptability.
- UNIT 3:** Concept of Federalism
- UNIT 4:** Preamble of Indian Constitution and its nature.
- UNIT 5:** Fundamental Rights, its development and their Judicial Interpretations.
- UNIT 6:** Directive Principles, its Judicial Interpretations and their relation with Fundamental Rights.
- UNIT 7:** Fundamental Duties.

### **Suggested Readings:**

1. H.M. Seervai : Constitutional Law of India.
2. M.P. Jain : Constitutional Law.
3. M.C.J. Kagzi : The Constitution of India.
4. VSN Sukla : Commentary on the Constitution of India.
5. D.D. Basu : Commentaries on the Constitution of India.(Hindi/English)
6. Granville Austin : Indian Constitution.
7. B.K. Sharma : An Introduction to the Constitution of India.
8. Landmark and Recent Articles on relevant topics published in Standard Law Journals like Journal of Indian Law Institute, Indian Bar Review, All India Reporter and Supreme Court Cases & landmark judgments of Indian Higher Judiciary on the given topics

## **LMU713 LEGAL EDUCATION & RESEARCH METHODOLOGY-I**

- UNIT 1:** Objective of Legal Education, Methods of teaching, (the problem method, lecture method, discussion method and seminar methods).
- UNIT 2:** Student participation in law school/college programmes, organization of seminar.
- UNIT 3:** Various research methods.
- UNIT 4:** Identification of problems, formulation of the research problem and techniques of sampling for research.

**UNIT 5:** Collection of relevant historical & comparative materials.

**UNIT 6:** Techniques of Data Collection

- i. Types
- ii. Sources
- iii. Techniques of data collection observation, interview, questionnaire
- iv. Interview schedule
- v. Case study method

**Suggested Readings:**

1. High Brayal, Nigam, Dunean, and Richard Crimes : Clinical Legal Education : Active Learning in your Law School (1998) Blackstine Press Limited, London.
2. S.K. Agrawal (Ed.) : Legal Education in India (1973) Tripathi Pub., Bombay.
3. N.R. Madhava Menaon (Ed.) A Handbook of Clinical Legal Education (1998) Eastern Book Company, Lucknow.
4. M.O. Price : Elective Legal Research (1978)
5. C.R. Kothari : Research Methodology, Methods and Techniques.
6. Jaya Prakash : Research Methodology.
7. Pauling vs Yong : Scientific Social Survey and Research.
8. Erwin C. Surrency : A Guide to Legal Research.
9. ILI Publication, Legal Research and Methodology.
10. R.M. Deepak Kumar : Social Research Methodology. Etc

**LMU714 LAW AND SOCIAL TRANSFORMATION IN INDIA-I**

**UNIT 1: Law and social change:**

Law as an instrument of social change; Relation of law with social change; Impact of social movements on social changes

**UNIT 2: Law as the product of traditions and culture:**

Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

**UNIT 3: Reception of English Law in India:**

Development of judicial institutions and civil law in British India; Role of Privy Council in India; Role of Justice, Equity and Good Conscience.

**UNIT 4: Religion and the Law:**

Religion: meaning and relationship with law; Religion as an integrative or divisive factor; Secularism: meaning and its contribution to Indian society; Freedom of Religion and rights of minorities; Concept of National Integrity and Brotherhood; Reform of the Law on secular lines and judicial approach.

**UNIT 5: Language and the Law:**

Language as an integrative or divisive factor; Formation of linguistic states and its impact on policy in governance; Constitutional guarantee to linguistic minorities; Language policy and the Constitution: official language; Non-discrimination on the ground of language; Constitutional protection to the linguistic minorities.

**UNIT 6: Community system and the Law:**

Caste system in Indian society; Caste as an integrative or divisive factor; Caste as a social-cultural reality; Role and effect of caste on the Law; Acceptance of Caste as a factor to undo past injustice; Protection discrimination: Scheduled Castes; tribes and backward classes; Reservation: Statutory Commissions, statutory provisions.

**Suggested Readings:**

1. Dicey : Law and Public Opinion in England.
2. Ilbert : Mechanism of Law making.
3. Upendra Baxi : The Crisis of the Indian Legal System (1982).
4. Upendra Baxi (ed.) : Law and poverty Critical essays.
5. Marc Galanter (ed.) : Law and Society in Modern India (1997)
6. M.P. Jain : Outlines of Indian Legal History (1993)
7. J.B. Kriolani : Gandhi- His, life and thought (19700
8. Jawaher Lal Neharu : Discovery of India.'
9. Agnes Flavia : Law and Gender Inequality.
10. Aruna Goel, Kaur and Sultan : Violence against Women (2006).
11. H.M. Seervai : Constitutional Law of India.
12. D.D. Basu : Commentaries on the Constitution of India.
13. Shyam S. Agarwal: Religion and Caste Politics (1998)
14. P. Ishwar Bhatt: Law and Social Transformation, EBC (2009)
15. Savitri Gunasekhare: Children, Law and Justice (1997)
16. Various relevant Articles, Cases and Law Journals

**LMU715 INTERPRETATION OF STATUTES & LEGAL PROCESS****UNIT 1: General Principal of Interpretation:**

- i. Literal or Grammatical Rule
- ii. Harmonious Construction Rule
- iii. Golden Rule
- iv. Beneficial Rule
- v. Mischief Rule
- vi. Statues should be read as a whole
- vii. Statutes in Pari-meteria

**UNIT 2: Latin Doctrines:**

- i. Eiusdem Genenris
- ii. Noscitur a Sociis
- iii. Ut res magis valeat quam pereat
- iv. Expressio unius est exclusio alterius
- v. Stare decisis
- vi. Contemporane expositio
- vii. Interpretation of penal, fiscal and remedial statutes

**UNIT 3: Internal Aids to interpretation:**

Short title, Long title, Preamble, Marginal note, Definition, Proviso, Illustration, Explanations, Schedules, Punctuations, Presumption, Non-obstante clause, Henery VIII clause.

**UNIT 4: External Aids to interpretation:**

External Aids to Interpretation, Dictionaries, Text Books, Historical Background, Legislative History.

**UNIT 5: Restrictive and Beneficial construction:**

Interpretation of Penal Statutes – Interpretation of Welfare Legislations – Interpretation of Taxing Statutes – Interpretation of Statutes conferring powers – Interpretation of codifying and consolidating statutes – Interpretation of directory and mandatory provisions – Interpretation of substantive and procedural statutes. Presumptions in Statutory Interpretations; principles of Constitutional Interpretation – Harmonious Construction – Doctrine of Pith and substance – Colourable legislation – Ancillary powers – occupied field – Residuary power – Doctrine of Repugnancy – Doctrine of Eclipse – Doctrine of Severability

**Suggested Readings:**

1. Bentham : Theory of Legislation.
2. Maxwell : The Interpretation of Statutes.
3. Ilbert : Mechanism of Law Making.
4. Dicey : Law and Public Opinion in England.
5. Baid : Rule of Interpretation.
6. Odges : Interpretation of Statutes.
7. P.M. Bakshi : Legislative Drafting.
8. G.P. Singh : Interpretation of Statutes.
9. V.P. Sarathi : Interpretation of Statutes.
10. T. Bhattacharya : Interpretation of Statutes.
11. S.L. Shakdhar : Parliamentary Procedure.
12. Grawford : Statutory Constitution.

## **LMU716 PRINCIPLES OF LAW OF NATIONS (INTERNATIONAL LAW)**

- UNIT 1:** Historical Background, Theoretical Foundation and evolution of International Law and its development; Definition, nature and Character of International Law; Sources of International Law and its subjects: states, non-state entities and individuals;
- UNIT 2:** U.N.O: General assembly, Security Council, International Court of Justice; Relationship between International Law and Municipal Law
- UNIT 3:** State : Nature and Functions of State under International Law; Different kinds of states and Non – State Entities ; Associations or groups of States ; State territory, acquisition & loss of territory; State jurisdiction , Territorial and Extra-territorial jurisdiction, Criminal jurisdiction and Universal jurisdiction in International Law
- UNIT 4:** Recognition: Recognition of State and Government in General; Recognition De jure and De Facto; Legal effects of Recognition
- UNIT 5:** State Responsibility: Nature and Kind of State Responsibility; Responsibility for breach of treaty, contractual obligation and expropriation of foreign property; Responsibility for International delinquencies; Claims; State Succession: Definition; Kinds and Theories ; Rights and obligations arising out of State Succession
- UNIT 6:** Law of Treatise; The law of the sea, air and space; Settlements of disputes by peaceful means: Diplomatic methods, Negotiation, good offices, mediation, inquiry, conciliation, related cases; Intervention, extradition, asylum and nationality; War crimes and war trials; Belligerent Occupation, Neutrality, Blockade and Occupation;

### **Suggested Readings:**

1. O, Connel, D. P. – International Law Vol. I & II.
2. S. K. Agrawal (Ed.) – Essays on the Law of Treaties (1972).
3. Roselyn Higgins –The Development of International Law through the Political Organs of the UN (1963).
4. D. J. Harris – Cases and Materials on International Law (Third Ed. 1983).
5. Francis M. Sekandi (ed.) – New Horizons in International Law (Second Revised Edition).
6. George Schwarzenberger – International Law.
7. Brownlie – Principles of Public International Law, 4th Edn. 1990.
8. Rebecca M, Wallace: International Law.
9. Melcolm N. Shaw: International Law.
10. Martin Dixon and Robert: Cases and Material on international law Mc. Corquodale.
11. Shabled Rosemat – Developments in the law of Treaties.



	<b>LL.M. Semester-II (Common)</b>					
<b>Course code</b>	<b>Subject Name</b>		<b>L</b>	<b>T</b>	<b>P</b>	<b>C</b>
<b>LMU 721</b>	Legal theory-II	Compulsory	5	1	0	6
<b>LMU 722</b>	Constitutional law of India New Challenges-II	Compulsory	5	1	0	6
<b>LMU 723</b>	Legal Education & Research Methodology-II	Compulsory	5	1	0	6
<b>LMUE 724</b>	Law and social transformation in India-II	Elective	5	1	0	6
<b>LMUE 725</b>	Principles of human rights	Elective	5	1	0	6
<b>LMUE 726</b>	Judicial process	Elective	5	1	0	6

### **LMU 721 LEGAL THEORY-II**

1. Administration of Justice : Civil & Criminal;
2. Legal Concept, State, Sovereignty, Law etc.
3. Legal Rights;
4. Legal Duties;
5. Possession;
6. Ownership;
7. Legal Person;
8. Liability.
9. Obligation.
10. Property
11. Negligence

### **Suggested Readings:**

1. Holmes : The Common Law
2. Austin : Lecture on Jurisprudence
3. Allen : Law in Making
4. Salmond : Jurisprudence
5. Paton : A Text Book of Jurisprudence
6. Julius Stone : The Province and Function of Law
7. Pound : An Introduction to the Philosophy of Law
8. HLA Hart : The Concept of Law
9. Freundmann : Legal Theory
10. Dias : Jurisprudence
11. S. N. Dhyani : Law, Morality and Justice Indian Development
12. Anirudha Prasad : Vidhi Sastra Ke Mool Shidhant (Hindi)
13. John Rawls : Theory of Justice

### **LMU 722 Indian Constitutional Law : New Challenges- II**

1. Parliament and Government of Union and States. President of India and Governors in States; Legislative Process and Privileges.
2. The Judiciary: Supreme Court of India and High Courts.
3. Center-State Relations.
4. Emergency and President Rule.
5. Constitutional power: Amendment
6. Contractual and Tortious Liability.
7. Freedom of Trade and Commerce.
8. Services under Centre and State.
9. Special Provisions.

#### **Suggested Readings:**

1. H.M. Seervai : Constitutional Law of India.
2. M.P. Jain : Constitutional Law.
3. M.C.J. Kagzi : The Constitution of India.
4. V.N Sukla : Commentary on the Constitution of India.
5. D.D. Basu : Commentares on the Constitution of India.
6. G Austin : Indian Constitution.
7. Various Relevant Articles, Cases and Law Journals.
8. B.K. Sharma : An Introduction to the Constitution of India.
9. J.N. Pandey : The constitution of India (English & Hindi)
10. Various relevant Articles, cases and law Journals

### **LMU 723 Legal Education & Research Methodology – II**

1. Content analysis
2. Data analysis, Processing of data, Classification, tabulation, graphic representation
3. Interpretation of data-Necessity of interpretation-Methods of interpretation
4. Preparation of the research design.
5. Research report, Legal thesis writing, Steps in thesis writing, Layout of thesis-chapter arrangement.
6. Jurimetrics.
7. Presentation
8. Clinical legal education, legal aid, legal literacy, legal survey and law reforms
9. Examination system and problems in evaluation - external and internal assessment.
10. Finding the Law: Citation- what is a citation, case citation and Law Report

#### **Suggested Readings:**

1. S.K.Agarwal,Legal Education in India (1973)
2. N.P.Madhava Menon, A hand book of clinical legal education
3. ILI Publication, Legal research and methodology
4. R.M.Deepak kumar, Social Research Methodology
5. Jaya Prakash, Research Methodology
6. H.N.Tiwari, Legal Research Methodology
7. C.R.Kothari, Research Methodology, Methods and Techniques

## **LMUE 724 Law of Social Transformations- II**

1. Modernisation and the Law:  
Modernisation as a value: Constitutional perspectives reflected in the fundamental duties;  
Industrial reform: Free enterprise V. State regulation - Industrialisation
2. Enforcement of Constitutional Values:  
Concept of India as one unit - Regionalism as a divisive factor; Secularism; Directive Principles of State Policy - judicial response; Problems of Uniform Civil Code; Gender injustice ( Constitutional perspective )
3. Nationalism, Regionalism and the law:  
Concept of nationalism, regionalism and nationality; Regionalism as an integrative and decisive factor; Concept of India as one unit; Concept of citizenship: way to gain and lose citizenship.
4. Children, women and the law:  
Status of children and women in the society; Crime against children and women; Gender justice: forms, causes and remedies, Constitutional provisions for children and women; sexual exploitation of children and women.
5. Approaches to Law and Justice during the Nationalist Struggle:  
Gandhi's Theory of State, Political and Legal Obligation: Sources of Liberalism – The ideas of Phule, Ambedkar and Tilak: Political and Legal thoughts of Nehru; Naxalite movement: Causes and cure.

## **LMUE 725 Principles of human rights**

- UNIT 1: Jurisprudence of Human Rights;** Nature, Definition, Origin and Theories of Human Rights.
- UNIT 2: Universal protection of Human Rights;** United Nations and Human Rights, Universal Declaration of Human Rights. 1948; International Covenant on Civil and Political Rights, 1966; International Covenant Economic, Social and Cultural Rights, 1966.
- UNIT 3: Protection of Human Rights Laws in India;** National Human Right Commission (NHRC); State Human Right Commission (SHRC) and Human Right Courts.
- UNIT 4: Protection of Human Rights at National level;** Human Rights and the Constitution, The Protection of Human Rights Act, 1993.
- UNIT 5: Human Rights and Vulnerable Groups;** Rights of Women, dalits, Prisoners Children, Disabled, Tribal's, Aged, People below poverty line and Minorities – National and International Developments.

**UNIT 6: Human Rights and the Indian Legal System**

1. Human Rights and the Indian Constitution - Part III and Part IV of the Constitution
2. Human Rights of disadvantaged groups of people like women, children, minorities etc., and the Indian statute law, in historical perspective.
3. Human Rights and Enforcement Agencies like the Police and Excise - Prevention of abuse of rights.
4. Human Rights and the Judiciary
5. Human Rights and preventive laws like TADA and NSA and POTA Act
6. The binding force of international conventions under the constitution and the approach of the Supreme Court of India

**Suggested Readings:**

1. Henkin Luis : Rights of Man Today.
2. Nagendra Singh : Enforcement of Human Rights in Peace and War and the future of the Humanity.
3. Related Conventions and Act.
4. S.K. Kapoor : International Law and Human Rights.
5. H.O. Agrawal : International Law and Human Rights. Etc.
6. Lalit Parmer, Human Rights, (1998)
7. R.K.Sinha, Human Rights of the World,(1997)
8. R.S.Sharma and R.K.Sinha, Perspectives in Human Rights Development, (1997).
9. D.D.Basu, Human Rights in Indian Constitutional Law, (1994).
10. G.S Bhargava and R.M.PaI, Human Rights of Dalit Societal Violation, (1999).
11. Geraldine Van Bueren, The International Law on the Rights of the Child, (1998).
12. Prabhat Chandra Tripathi, Crime Against Working Women, (1998).
13. Paras Diwan and Piyush Diwan, Women and Legal Protection
14. Philip Aiston (et.al.), Children, Rights and the Law.
15. Kelly D. Askin, Dorean M. Koenig, Women and International Human
16. Rights Law, (1999).
17. N.K.Chadrabarti, Juvenile Justice in the Administration of Criminal Justice, (1999).
18. Simon Creighton, Vicky King, Prisons and the Law, (1996).

**LMUE 726 Judicial Process****UNIT 1: Nature of Judicial Process**

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

**UNIT 2: Special dimensions of judicial process in Constitutional adjudication**

1. Notion of Judicial Review
2. Role in constitutional adjudication, various theories of judicial role
3. Tools and techniques in policy making and creativity in constitutional adjudication.
4. Varieties of judicial and juristic activism.
5. Problems of accountability & Judicial Law making.

**UNIT 3: Judicial Process in India**

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

**UNIT 4: The Concept of Justice**

1. The concept of justice and Dharma in Indian thought
2. Dharma as the foundation of legal ordering in Indian thought
3. The concept and various theories of justice in the western thought
4. Various theoretical bases of justice: The liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

**UNIT 5: Relation between law and Justice**

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

**UNIT 6:** Decision making in the Supreme Court of India: Nature of participation- Dissent, concurrence, unanimity and voted with majority etc.

**Suggested Readings:**

1. Julius Store : The Province and Function of Law, Part II, Chs. 1-8-16 (2000), Universal, New Delhi
2. Cardozo : The Nature of Judicial Process (1995), Universal, New Delhi
3. Henry J. Abraham : The Judicial Process (1998), Oxford *Syllabus/LL.M. / 11*

4. J.Stone : Precedent and the Law : Dynamics of Common Law Growth (1985), Butterworths
5. Friedmann : Legal Theory (1960), Stevens, London
6. Bodenheimer : Jurisprudence - The Philosophy and Method of the Law (1997), Universal, Delhi 10
7. J. Stone : Legal System and Lawyer's Reasoning (1999), Universal, Delhi
8. U. Baxi : The Indian Supreme Court and Politics (1980), Eastern, Lucknow
9. Rajeev Dhavan : The Supreme Court of India - A Socio-Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay
10. John Rawls : A Theory of Justice (2000), Universal, Delhi
11. Edward, H. Levi : An Introduction to Legal Reasoning (1970), University of Chicago

		LL.M. Semester-III(Corporate Law)				
Course code	Subject Name		L	T	P	C
LMC 811	General Principle of Contract & Specific Relief	Compulsory	5	1	0	6
LMC 812	Principles of Company law and management	Compulsory	5	1	0	6
LMD 727	Dissertation (viva- voce)	Compulsory	6	0	0	6
LMCE 813	Competition & Consumer Protection Laws	Elective	5	1	0	6
LMCE 814	Commercial Arbitration and conciliation	Elective	5	1	0	6
LMCE 815	Law of Corporate Finance	Elective	5	1	0	6

### **LMC 811 General Principle of Contract & Specific Relief**

1. Contract: Definition, purpose, scope and its evaluation;
2. Formation of a contract and its essential conditions.
3. Offer and Acceptance: its communication and revocation.
4. Capacity to contract: Nature of minor's agreements and the doctrine of restitution; Persons of unsound mind.
5. Consent: Meaning, importance and the factors vitiating free consent with special reference to Fraud and Misrepresentation.
6. Lawful consideration and legality of object.
7. Standard form Contracts; Contingent Contracts
8. Void Agreements: With special reference to agreements relating to restraint of trade and wagering agreements and their exceptions.
9. Performance of contract.
10. Discharge of contracts with special reference to the doctrine of frustration.
11. Relations resembling those created by contract.
12. Remedies in case of breach of contract.
13. The Specific Relief Act, 1963.

**Suggested Readings:**

1. Atiyah, P.S. : An introduction to the law of contract.
2. Pollock: Principles of the law of contract.
3. Pollock & Mulla: Indian Contract & Specific Relief Act.
4. V.O. Ramobandra: The law of contract and Specific Relief Act.
5. T.R. Desai: Principles of law of contract.
6. Avtar Singh : Law of contract.
7. Avtar Singh : Contract Law
8. I.C. Saxena & R.I. Nawalakha: Contract Law

**LMC 812 Principles of Company law and management**

1. Meaning and Concept of Company Law : its past, present and future.
2. History of Company Legislation in India.
3. Concept of Corporate Personality and Limited Liability.
4. Kinds of Companies and other Business Organization.
5. Promoters: Position, duties and Liabilities.
6. Registration and incorporation.
7. Prospectus.
8. Articles and Memorandum of Association; Doctrine of indoor management and constructive notice and their exceptions.
9. Capital Formation: Prospectus: Issues, contents, Kinds; Share Capital and Debentures; Acceptance of Deposits by Companies
10. Meeting of share holders and various controls over the management of company.
11. Directors and managerial body of Company and their remuneration.
12. Dividends, Accounts and Audit.
13. Arrangements and Amalgamation.
14. Winding up of the company.
15. Role of National Companies Law Tribunal (NCLAT).

**Suggested Readings:**

1. Thomson and Palmer : Company Law.
2. Eillies Ferran : Company Law and Corporate Finance.
3. S.C. Kuchhal : Corporate Finance : Principal and Finance.
4. S.M. Shah : Lectures on Company Law.
5. L.C.B. Gower : Principal of Modern Company Law.
6. Avtar Singh : Company Law.
7. Avtar Singh : Principal of Mercantile Law.
8. S.C. Sen : The New Frontier of Company Law.
9. Arya : Company Directors.
10. Dutta and Kaushik : Corporate Governance.
11. P.S. Sagal : National and Multinational Companies.



### **LMD 727 Dissertation (viva- voce)**

Candidates are required to submit a dissertation of about 150-200 pages on a topic from the optional group offered by them. The dissertation is expected to be an in depth and critical analysis of a legal problem of contemporary significance in the field chosen by the candidate and must incorporate copious reference to judicial decisions, law review articles, books, monographs relevant to the topic in the form of footnotes and bibliographical references.

The candidates will be examined at an oral examination (viva) on the strength of the dissertation (written work.) The dissertation should be submitted (three copies) to Head of the Department one month before the Semester ends i.e. the Third Semester. The viva exam will be conducted afterward. The supervisor for dissertation shall be the teaching member of the Deptt. of Law., or other colleges where LL.M. courses are taught. The students will finalise the topic for dissertation in consultation with their supervisor and the Head of the Department.

After the dissertations have been submitted they shall be evaluated by the external examiner along with the Head of the Department and/or internal examiner. The examiner will evaluate the dissertation taking into account the following points:

1. Coverage of subject matter.
2. Arrangement and presentation.
3. Research Methodology
4. Nature of references and materials used.
5. Critical appreciation and original contribution of the candidate.

### **LMCE 813 Competition and consumer protection Laws**

**UNIT 1: Introduction-** Definitions, Basic economic and legal principles, Relevant provisions of Sherman's Act, aims and objects of the Competition act 2002 and its relationship with the Monopolies and Restraint of Trade Practices Act 1969, Raghavan committee Report, under Indian Contract Act.

**UNIT 2: Development of law from MRTP to Competition Act 2002-** Aims, Objects and Salient features, Comparison between MRTP Act and Competition Act, Anti-Competitive Agreement, Abuse of Dominant Position, Combination, Protection of consumers

**UNIT 3: Competition Commission of India-** Structure, Duties, powers and function of CCI, Regulatory role

**UNIT 4: Competition Appellate Tribunal-** Composition, Functions, Duties, Powers and Procedure, Award Compensation, Power to punish for contempt, Execution of orders, Penalties.

**UNIT 5: Consumer protection act 1986 and its Applicability to competition Laws.**



**Suggested Reading:**

1. K.S. Anantaranan : Lectures on Company Law and MRTP
2. Dr. R.K. Singh: Restriction Trade Practices and Public Interest
3. Suzan Rab- Indian Competition Law- An International Perspective
4. S.M. Dugar's MRTP Law, Competition Law and Consumer Protection
5. Report of the Monopolies Inquiries Commission, Govt. of India 1965 (Dr. Hazari Report)
6. Sachar Committee Report, High Powered Committee on MRTP Act & Company Act, 1980 and other related work
7. A.E. Rodrigues, Ashok Menon- The limits of Competition Policy, the shortcomings of Economics
8. Taxmann's competition Law and Practice. Aggrawal V.K. consumer protection; Law and Practice; Bharat Law House

**LMCE 814 Commercial Arbitration and conciliation**

**UNIT1: Historical background of the Arbitration:** Existing justice deliver system in India: Effectiveness and weakness, reforms in legal system for achieving effective and speedy resolution of disputes, historical background of the arbitration and arbitration agreements.

**UNIT 2: Introduction-** Importance of ADR, concept and nature of arbitration , dispute resolution international trade, Important terms used in commercial arbitration, Aribtrability and types of arbitration, Overview of Arbitration & Conciliation Act 1996

**UNIT 3: Arbitration Agreement-** Significance of arbitration agreement, Forms of arbitration agreement & definitions and validity; Foreign arbitration agreements

**UNIT4: Arbitration Proceedings:** Appointment of arbitrators, Composition and jurisdiction of arbitral tribunal, Conduct of arbitral proceedings, making of arbitral award and termination of proceedings.

**UNIT 5: Arbitral awards and their appeal-** Finality and enforceability of arbitral awards; Grounds for setting aside arbitral award; Appealable orders and miscellaneous provisions; provisions regarding foreign awards and their enforcement.

**UNIT 6: International Commercial Arbitration-** Meaning and development, types of law applicable in ICA, Autonomy of Arbitration Agreement; Recognition and enforcement; UNCITRAL model law on arbitration

**Suggested Readings:**

1. Bansal A K, Law of International Commercial Arbitration
2. Avatar Singh, Arbitration and Conciliation Act

3. Reports on International Commercial Arbitration
4. Saraf, B.P. and M. Jhunjhunwala; Law of Arbitration and conciliation; Snow white Publications
5. Malik, S.B.; Commentary on Arbitration and Conciliation Act; Universal Publications
6. Mustill, Michael J; Comercial Arbitration; Lexis Nexis
7. Dr. N.V. Paranjpee; Law relating to Arbitration and Conciliation Law in India; CLA

### **LMCE 815 Law of Corporate Finance**

**UNIT 1: Introduction:** Meaning, importance and scope of corporate fiancé. Capital needs-capitalization- working capital- securities-borrowings-deposits debentures,. Objectives of corporate finance- profit maximization and wealth maximization, Constitutional perspectives-the entries 37,38,43,44,45,46,47,52,82,85 and 86 of List I- Union List, entry 24 of List II-State List.

**UNIT 2: Equity Finance:** Share capital, Prospectus- information disclosure, Issue and allotment, Shares without monetary consideration, Non-opting equity shares

**UNIT 3: Debt Finance:** Debenture, Nature, issue and class, Deposits and acceptance, Creation charges, Fixed and floating charges, Mortgages, Convertible debentures.

**UNIT 4: Conservation of Corporate Finance:** Regulation by disclosure, Control on payment of dividends, Managerial remuneration, Payment of commissions and brokerage, Inter corporate loans and investment, Payback of shares, Other corporate spending.

**UNIT 5: Protection of creditors:** Need for creditor protection, Preference in payment, Rights in making company decisions affecting creditor interests, Creditor self-protection, Incorporation of favourable terms in lending contracts, Right to nominate directors, Control over corporate spending.

**UNIT 6: Protection of Investors:** Individual share holder right, corporate membership right, Derivative actions, Qualified membership right, Conversion, consolidation and re-organization of shares, Transfer and transmission of securities. Dematerialization of securities.

#### **Suggested Readings:**

1. V.G. Kulkarni, Corporate Finance (1961)
2. Y.D. Kulshreshta, Government Regulation of Financial management of Private Corporate Sector in India (1986)
3. Journals - Journal of Indian Law Institute, Journal of Business Law, Chartered Secretary, Company Law Journal, Law and Contemporary Problems.
4. Statutory Materials - Companies Act and laws relating SEBI, depositories, industrial financing and information technology
5. Gilbert Harold, Corporation Finance (1956)

6. Henry E. Hoagland, Corporation Finance (1947)
7. Maryin M. Kristein, Corporate Finance (1975)
8. R.C. Osborn, Corporation Finance (1959)
9. S.C. Kuchhal Corporation finance: Principles and Problems (6th ed.1966)
10. Gower's Principles of Company Law, Sweet & Maxwell Thomson, 2006
11. Smith and Keenon's Company Law, Pearson Education Ltd., 2009 20 Companies Act, 1956
12. Verma J.C., Corporate Merger

Course code	Subject Name		L	T	P	C
<b>LMC821</b>	Law of Special Contracts & E- Contract	Compulsory	5	1	0	6
<b>LMC822</b>	Law of Industrial & Intellectual Property	Compulsory	5	1	0	6
<b>LMC823</b>	Law of Contractual Transactions	Compulsory	5	1	0	6
<b>LMCE824</b>	Law relating to Banking regulations	Elective	5	1	0	6
<b>LMCE825</b>	Law of Export and Import Regulations	Elective	5	1	0	6
<b>LMCE826</b>	Law relating to Insurance	Elective	5	1	0	6

### **LMC821 Law of Special Contracts & E- Contract**

**UNIT 1: Contract of Indemnity:** Definition and nature of contract of indemnity; Extent and commencement of liability of indemnifier; rights of the indemnity holder;

**UNIT 2: Contract of Guarantee:** Meaning and Essentials of Contract of Guarantee; Extent of Surety's Liability; Discharge of Surety's Liability; Rights of Surety; Rights against co- sureties; Subrogation

**UNIT 3: Contract of Bailment & Pledge:** Meaning and Essentials of Contract of Bailment; Duties of Bailer and Bailee; Rights of Bailee and bailer; Position of the finder of goods Meaning and Essentials of Pledge and persons entitled to pledge; Rights of Pawnor or Pawnee.

**UNIT 4: Contract of Agency:** Nature and Essentials of Contract of Agency; Creation of Agency: Implied Agency and Agency of Necessity; Agency by Ratification; Rights and Duties of Agents; Duties of Principal; Relation of Principal and Agent with Third Persons; Termination of Agency.

**UNIT 5: E-Contracts:** Meaning and Definition of electronic contracts, Law relating to electronic contracts and e-commerce; Formation of electronic contracts; Legality of electronic contracts.

**Suggested Readings:**

1. Atiyah, P.S. : An introduction to the law of contract.
2. Pollock: Principles of the law of contract.
3. Pollock & Mulla: Indian Contract & Specific Relief Act.
4. V.O. Ramobandra: The law of contract and Specific Relief Act.
5. T. R. Desai: Principles of law of contract.
6. Avtar Singh : Law of contract.
7. Avtar Singh : lafonk fof/k
8. Simon Blount : Electronic Contracts
9. I.C. Saxena & R.I. Nawalakha: lafonk fof/k
10. Desai, T.R. : Law Relating to Tenders and Government Contracts : Universal Law Pub.
11. Nilima Bhadabhade: Contract Law in India.

**LMC822 Law of Industrial & Intellectual Property**

**UNIT 1: IPR and International Perspectives :** Trademarks and Consumers Protection (Study of UNCTAD report on the subject) the Legal Regime of Unfair Trade Practices and of Intellectual Industrial Property, United National approaches (UNCTAD, UNCITRAL) EEC approaches, Position in U.S., The Indian situation, Special Problems of the Status of Computer Software in Copyright and Patent Law : A Comparative Study.

**UNIT 2: Biotechnology Patents :** Nature and types of biotechnology patents, Patent over new forms of life : TRIPS obligations, Plant Patenting, Sui generis protection for plant varieties, Multinational Ownership, Regulation of environment and health hazards in biotechnology patents: Indian policy and position, Patent Search, Examination and Records : International and global patent information retrieval systems (European Patent Treaty), Patent Cooperation Treaty (PCT), Differences in resources for patent examination between developed and developing societies, The Indian situation.

**UNIT 3: Special Problems of Proof Infringement:** Status of intellectual property in transit – TRIPS obligation – Indian position, The evidentiary problems inaction of passing off, The proof of non-anticipation, novelty of inventions protected by patent law, Evidentiary problems in piracy : TRIPS obligation – reversal of burden of proof in process patent, Need and Scope of Law Reforms.

**UNIT 4: Intellectual Property and Human Right :** Freedom of Speech and expression as the basis of the regime of intellectual property right-copyright protection of internet – WCT (WIPO Copyright Treaty, 1996), Legal status of hazardous research protected by the regime of intellectual property law, Human right of the impoverished masses intellectual property protection of new product for healthcare and food security, Traditional knowledge – protection-biodiversity convention right of indigenous people.

**UNIT 5: Law of geographical indication and traditional knowledge:** Introduction and overview of geographical indications; meaning scope, features of geographical indication; Registration of geographical indications, misleading use of geographical indication, prohibition of dilution of geographical origins; Types of goods offered protection: Agriculture goods, manufactured goods, and natural goods. Conflict between trade mark & Geographical indications & traditional indications; Confidential information: Historical development and conceptual basis-What makes confidential information confidential-obligation of confidence-good faith fiduciary duty; Trade secrets and employment contract: non-disclosure agreements, on-compete agreements. Misappropriation of trade secrets-Remedies, protection of trade secrets under law of contract.

**Suggested Readings:**

1. Special attention should be given to literature of the U.N. System, WIPO and the UNESCO.
2. Terenee P.Stewart (ed.) : The GATT Uruguay Round : A Negotiating History (1986-1994) the End Game (Part-I)(1999), Kluwer.
3. Iver P.Cooper : Biotechnology and Law (1998), Clerk Boardman Callaghan, New York.
4. David Bainbridge : Software Copyright Law (1999), Butterworths
5. Sookman : Computer Law (1998),Carswell
6. Carlos M.Correa (ed.) : Intellectual Property and International Trade (1998),Kluwer
7. Patent Cooperation treaty Hand Book (1998), Sweet and Maxwell
8. Christopher Wadlow : The Law of Passing Off (1998), Sweet and Maxwell
9. W.R.Cornish : Intellectual Property Law (1999), Sweet and Maxwell
10. Paul Torremans and Jan Holyoak - Intellectual Property Law. 2nd edn. Butterworths. 1998.
11. Catharine Colstone -Principles of Intellectual Property Law. Cavendish. London. 1999.
12. P.Narayanan - Intellectual Property Law, Eastern Law House. Calcutta.
13. P.Narayanan - Law of Trade Marks (Trade Marks Act 1999) and Passing off. Eastern Law House. Calcutta. 2000.
14. P. Narayanan - Trade Marks Trade Name and Passing of Cases. Eastern Law House, Calcutta. 1977.
15. J.S. Sarkar - Trade Marks; Law and Practice. Kamal Law House. Calcutta. 2000.
16. S. Venkateshwaran - The Law of Trade Marks and Passing - off. Reprint 1999.

**LMC823 Law of Contractual Transactions**

1. Sale of Goods Act, 1930
2. Partnership Act, 1932
3. Limited Liability Partnership Act, 2008
4. Negotiable Instrument Act, 1881

**Suggested Readings:**

1. Atiyah P.S. : An introduction to the law of contract.
2. Pollock : Principles of the Law of contract.
3. Pollock & Mulla: Indian Contract and Specific Relief Acts.
4. V.G. Ramchandran : The law of Contract in India.
5. V.G. Ramchandran : Law of Agency.
6. Desai S.T. : The law of partnership in India and Pakistan.
7. Avtar Singh: Law of contract (English & Hindi) 17
8. Avtar Singh: Law of partnership (English & Hindi) 9.
9. Kapoor N. D. : Mercantile Law.
10. Tulsian, P.C. (2011), Business Laws, Tata McGraw Hill Education, 2nd Edition.
11. Kuchhal, M.C., (2010), Business Laws, Vikas Publishing House, Noida, 2nd Edition.
12. Sulphery, Bashe (2011), Business Laws, PHI Learning Pvt. Ltd., New Delhi.
13. Kuchhal, M.C, Kuchhal, Vivek, (2012), Business Law, 6th edition, Vikas Publishing House.
14. Sharma, J.P. (2011), Easy Approach to Business Laws, Ane Books Pvt. Ltd.
15. Maheshwari, S.N.(2008), Business Laws, Himalaya Publication House

**LMCE824 Law relating to Banking regulations**

**UNIT 1: Historical background of Banking system** - Evolution of Banks, Classification, Banks and other Financial institutions, Functions of Banks, Recent trends in Banking system, e-Banking system; Reforms in Indian Banking Law, Recommendations of committees, A review.

**UNIT 2: Law relating to Banking Companies in India:** Controls by government and its agencies: On management, accounts and audit, Lending Credit policy, Reconstruction and reorganization, Suspension and winding up, Social Control over Banking: Nationalization Evaluation : private ownership, nationalization and disinvestments, Protection of depositors, Priority lending, Promotion of under privileged classes.

**UNIT 3: Recent Trends of Banking System in India**

1. New technology
2. Information technology
3. Automation and legal aspects
4. Automatic teller machine and use of internet
5. Smart Card
6. Use of expert system
7. Credit Cards

**UNIT 4: Relationship of Banker and Customer:** Legal character; Contract between banker and customer; Banker's lien; Protection of bankers, Customers, Nature and type of account, Special classes of customers – lunatics, minor, partnership, corporations, local authorities, Banking duty to customers, Consumer protection, banking as service.



**UNIT 5: The Central Bank:** Evolution of Central Bank; Characteristics and functions; Economic and social objectives; The Central Bank and the State – as bankers bank; The Reserve Bank of India as the Central Bank : Organizational structure, Function of the RBI Regulation of monetary mechanism of the economy, Credit Control, Exchange control, Monopoly of currency issue, Bank rate policy formulation, Control of RBI over non banking companies, financial companies, Non financial companies

**UNIT 6: Lending by Bank:** Good lending principles; Lending to poor masses; Securities for advances; Kinds and their merits and demerits; Repayment of loans : rate of interest, protection against penalty; Default and recovery; Debt recovery tribunal

**UNIT 7: Negotiable Instruments:** Meaning and kind, Transfer and negotiations, Holder and holder in due course, Presentment and payment, Liabilities of parties.

**Suggested Readings:**

1. Basu, A. : Review of Current Banking Theory and Practice (1998) Mac Millan
2. M. Hapgood (ed.) : Paget's law of Banking (1989) Butterworths, London
3. R. Goode : Commercial Law, (1995) Penguin, London
4. Ross Cranston : Principles of Banking Law (1997) Oxford 24
5. L.C. Goyle : The Law of Banking and Bankers (1995) Eastern
6. M.L. Tannan : Tannan's Banking Law and Practice in India (1997), India Law House. New Delhi, 2 Volumes
7. K.C. Shekhar : Banking Theory and Practice (1998), UBS Publisher Distributors Ltd. New Delhi
8. M. Dasse, S. Isaacs and G. Pen ; E.G. Banking Law..(1994), Lloyds of London Press, 5 London
9. V. conti and Hamaui (eds.) : Financial Markets Liberalization and the Role of Banks' Cambridge University Press, Cambridge (1993)
10. J. Dermine (ed.) : European Banking in the 1990's (1993) Blackwell, Oxford
11. K. Subrahmanyam Banking Reforms in India (1997), Tata McGraw Hill, New Delhi
12. R.S. Narayanna : The Recovery of Debts due to Banks and Financial Institution Act, 1993 (51 of 1993), Asia Law House, Hyderabad
13. M.A. Mir : The Law Relating to Bank Guarantee in India (1992) Metropolitan Book, New Delhi
14. Mitra : The Law Relating to Bankers' Letters of Credit and Allied Laws (1998), University Book Agency, Allahabad

**LMCE825 Law of Export and Import Regulations**

**UNIT 1: Introduction :** State Control over import and export of goods from rigidity to liberalization; Impact of regulation on economy; The Basic needs of Export and Import Trade: Goods, Services, Transportation; International Regime: WTO agreement, WTO and tariff restrictions, WTO and non-tariff restrictions; Quota restriction and anti dumping; Permissible regulations; Quarantine regulation; Dumping of discarded technology and goods in international market; Reduction of subsidies and counter measures.

- UNIT 2: General Law on Control of Imports and Exports :** General scheme; Legislative control; Power of control : Central government and RBI; Foreign Trade Development and Regulation Act 1992; Restrictions under customs law; Prohibition and penalties; Export- Import formulation : Guiding features, Control Under FEMA; Foreign Exchange and currency; Import of goods; Export promotion councils; Export oriented units and export processing zones.
- UNIT 3: EXIM Policy:** Changing Dimensions : Investment Policy : NRIs, FIIs (Foreign institutional investors), FDIs, Joint venture, Promotion on foreign trade, Agricultural products, Textile and cloths, Jewellery, Service Sector; Law relating to Customs : Prohibition on importation and exportation of goods, Control of smuggling activities in export import trade, Levy of, and exemption from, customs duties, Clearance of imported goods and export goods, Conveyance and warehousing of goods.
- UNIT 4: Regulation on Investment:** Borrowing and lending of money and foreign currency; Securities abroad-issue of, Immovable property- purchase abroad; Establishment of business outside, Issue of derivatives and foreign securities-GDR (Global depositories receipts), ADR (American depository receipts and Euro, Investment in Indian banks, Repatriation and surrender of foreign securities, Technology transfer: Restrictive terms in technology transfer agreements, Automatic approval schemes
- UNIT 5: Control of Exports:** Quality control; Regulation on goods; Conservation of foreign exchange; Foreign exchange management; Currency transfer; Investment in foreign countries.
- UNIT 6: Technology Transfer:** Restrictive terms in technology transfer agreements; Automatic approval schemes

**Suggested Readings:**

1. Government of India, Handbook of Import Export Procedures
2. Government of India Import and Export Policy (1997-2002)
3. Foreign Trade Development and Regulation Act 1992 and Rules Foreign
4. Exchange Management Act 1999
5. Customs Manual (Latest edition) Final Treaty of GATT, 1994
6. Marine Products Export Development Authority Act 1972
7. Foreign Exchange Hard Book – H. P. Bhandari
8. Annual Report (Recent Years) Ministry of Commerce, Government of India
9. India Balance of Payments, RBI Bombay
10. Economic Survey Ministry of Finance Government of India
11. H.P. Bhardwaj- Foreign Exchange Management -
12. P. G. Apte- International Financial Management
13. V. K. Bhalla- International Financial Management
14. K. C. Bulter- Multinational Finance
15. A. K. Seth- International Financial Management -
16. The Students should consult the relevant volumes of the Annual Survey of Indian Law, Published by the Indian law Institute, New Delhi.



## **LMCE826 Law relating to Insurance**

- UNIT 1: Introduction:** Definition, Nature of Insurance contract, various kinds of insurance, proposal, Policy, parties consideration, need for utmost good faith, insurable interest, indemnity, Contract of Wager. Insurance policy, law of contract and law of torts - future of insurance :need, importance and place of insurance, Constitutional perspectives-the Entries 24,25, 29, 30, 47 of List I Union List: 23,24 of List III, General Principles of Law of Insurance: Definition, nature and history, The risk-commencement, attachment and duration, Assignment and alteration, Settlement of claim and subrogation, Effect of war upon policies
- UNIT 2: Indian Insurance Law:** General History and development, The Insurance Act 1938 and the Insurance Regulatory and Development Authority Act 2000, Mutual Insurance companies and cooperative life insurance societies, Double insurance and re-insurance, life Insurance: Nature and scope, Event insured against life insurance contract, Circumstances affecting the risk, Amounts recoverable under life policy, Persons entitled to payment, Settlement of claim and payment of money.
- UNIT 3: Marine Insurance:** Nature and Scope, Classification of marine policies, The Marine Insurance Act, 1963, Marine Insurance, Insurable interest, insurable value, Marine insurance policy-condition-express warranties construction of terms of policy, Voyage deviation, Perils of the sea, Assignment of Policy, Partial laws of ship and of freight, salvage, general average, particular charges, Return of premium.
- UNIT 4: Insurance against Accidents:** The Fatal Accidents Act, 1855, Objects and reasons, Assessment of compensation, Contributory negligence, Apportionment of compensation and liability, The Personal Injuries (Compensation insurance) Act 1963, Compensation payable under the Act, Compensation insurance scheme under the Act-Compulsory insurance, Property Insurance: Fire Insurance, The Emergency Risks (Factories) Insurance, The Emergency Risks (Goods) Insurance, Policies covering risk of explosion, Policies covering accidental loss, damage to property, Policies covering risk of storm and tempest, Glass-plate policies, Burglary and theft policies, Live stock policies, Goods in transit insurance, Agricultural insurance.
- UNIT 5 : Insurance against Third Party Risks:** The Motor Vehicles Act, 1988, Nature and Scope, Effect of Insolvency or death on claims of insolvency and death of parties, certificate of insurance, Claims tribunal: Constitution, functions, application for compensation, procedure powers and award, Liability Insurance : Nature and kinds of such insurance, Public liability insurance, Professional negligence insurance, Miscellaneous Insurance Schemes: New Dimensions: Group life insurance, Mediclaim sickness insurance.

### Suggested Readings:

1. John Hanson and Christopals Henly : All Risks Property Insurance (1999), LLP Asia Hongkong
2. Peter Mac Donald Eggers and Patric Foss : Good faith and Insurance Contracts LLP Asia, Hongkong
3. Banjeree : Law of Insurance (1994), Asia Law House, Hyderabad
4. Mitra, B.C. : Law Relating to Marine Insurance (1997) Asia Law House, Hyderabad
5. Birds : Modern Insurance (1997)
6. Sweet & Maxwell International Labour Office, Administration Practice of Social Insurance (1985)
7. E.R. Hardy Ivamy : General Principles of Insurance Law (1979)
8. Edwin, W. Patterson, cases and Materials on Law of Insurance (1955)
9. M.N. Sreenivasan : Law and the Life Insurance Contract (1914)
10. JOB Gilmar and Mustifl, Arnold on the Law of Marine Insurance, (1981), Sweet & Maxwell
11. Surendra Yadav : Beema Vidhi (Hindi)
12. Mamata Sharma : Beema Vudhi (Hindi).
13. Srivastava, Baichand: Elements of Insurance.
14. Dravid & Joshi: Bima Siddhant Evam Vyavahar.
15. Life Insurance Act. 1956.
16. General Insurance Business (Nationalisation)Act. 1972.
17. Marine Insurance Act. 1963

Course code	Subject Name		L	T	P	C
<b>LMT811</b>	General Principles of Tort	Compulsory	5	1	0	6
<b>LMT812</b>	Specific Wrongs	Compulsory	5	1	0	6
<b>LMD727</b>	Dissertation(viva-voce)	Compulsory	6	0	0	6
<b>LMTE813</b>	General Principles of Crime and offences relating to state and public tranquillity & Cyber Crimes	Elective	5	1	0	6
<b>LMTE814</b>	Laws relating to specific offence under the IPC	Elective	5	1	0	6
<b>LMTE815</b>	Crime and Social Legislation	Elective	5	1	0	6

### **LMT811 General Principles of Tort**

**UNIT 1: Origin and Development of Law of Torts and its importance:** Definition and nature of tort, Difference between torts and other forms of obligations, Remoteness of damage, Equitable obligations and crimes, Foundation of tortious liability, General Characteristics of tortious liability, Mental element in tort, Felonious Torts, Foreign Torts

**UNIT 2: Capacity of the Parties to sue and be sued:** Immunities, Trade Unions, Married women, children, companies, insane persons, foreign state ambassadors etc. Joint Tortfeasors - Nature and scope of liability Rule in Merry Weather v. Nixon - Applicability in India, General Defences or justification of torts.

**UNIT 3:** Vicarious liability, State liability, Act of State, Sovereign Immunity, Recent Trends, Strict liability, Absolute liability, Defences, Nervous Shock.

**UNIT 4: Remedies:** Judicial and Extra Judicial Remedies, Modes of discharge of liability in Tort, Death in relation to Tort.

**Suggested Readings:**

1. R.F. Henston and R.A. Buckley: Salmond and Henston on the Law of Torts, Sweet and Maxwell, London, Universal Book Traders, Delhi.
2. Clark and Windset: Law of Torts, Sweet and Maxwell, London.
3. Friedman: Law in Changing Society, Universal Book Traders, Delhi.
4. Winfield: Provinces of the Law of Torts.
5. Winfield: On the Law of Torts.
6. Salmond: On the Law of Torts.
7. Harvard Law Review: Selected Essays on the Law of Torts.
8. Atiyah : Vicarious Liability.
9. Rameswami Iyer - The Law of Torts
10. Street M - Foundation of Law of Tort
11. Basu D.D. - The Law of Torts
12. Ratan Lal Dhirej Lal - The Law of Torts
13. B.M. Gandhi: Torts
14. Dr. J.N. Pandey: Law of Torts, Central Law Publications
15. Dr.S.K.Kapoor : The law of torts

**LMT812 Specific Wrongs**

**UNIT 1:** Trespass to the person, Trespass to land, Trespass to goods, Nuisance, Injury to servitudes, Tort of malicious abuse of legal process, Tort relating to movable and immovable property

**UNIT 2:** Negligence, Liability for animals, Liability for land and structures, Liability for defective products, Contributory Negligence, Strict and absolute liability, Wrongs Relating to Domestic and other rights : Parental, Marital etc.

**UNIT 3:** Defamation, Abuse of legal process, Deceit and Negligent Misstatement, Assault, Battery, False imprisonment, wrongful restraint and confinement, Conversion, Detention Public Liability and Torts.

**UNIT 4:** Injuries affecting family, service and Relationships, Interference with contract or business relations, Intimidation, Conspiracy, Unlawful competition, Tort affecting contractual and business relations, tort of injurious falsehood

**Suggested Readings:**

1. W.V.H: Rogers: Winfield and Jolowich on Tort, Sweet and Maxwell, London.
2. R.F. Henston and R.A. Buckley: Salmond and Henston on the Law of Torts, Sweet and Maxwell, London, Universal Book Traders, Delhi.
3. B.M. Gandhi: Law of Tort, Eastern Book Company, Lucknow.
4. Clark and Winsel: Law of Talis, Sweet and Maxwell, London.
5. Gregory and Kalven: Law of Torts (Cases and Materials).
6. Chapman: Statutes on the Law of Torts.
7. Glanville Williams: Joint Torts and Contributory Negligence.
8. Dr. J.N. Pandey: Law of Torts, Central Law Publications

**LMD 727 Dissertation (viva- voce)**

Candidates are required to submit a dissertation of about 150-200 pages on a topic from the optional group offered by them. The dissertation is expected to be an in depth and critical analysis of a legal problem of contemporary significance in the field chosen by the candidate and must incorporate copious reference to judicial decisions, law review articles, books, monographs relevant to the topic in the form of footnotes and bibliographical references.

The candidates will be examined at an oral examination (viva) on the strength of the dissertation (written work.) The dissertation should be submitted (three copies) to Head of the Department one month before the Semester ends i.e. the Fourth Semester. The viva exam will be conducted afterward. The supervisor for dissertation shall be the teaching member of the Deptt. of Law., or other colleges where LL.M. courses are taught. The students will finalise the topic for dissertation in consultation with their supervisor and the Head of the Department.

After the dissertations have been submitted they shall be evaluated by the external examiner along with the Head of the Department and/or internal examiner. The examiner will evaluate the dissertation taking into account the following points:

1. Coverage of subject matter.
2. Arrangement and presentation.
3. Research Methodology.
4. Nature of references and materials used.
5. Critical appreciation and original contribution of the candidate.

**LMTE813 General Principles of Crime and offences relating to state and public tranquillity & Cyber Crimes**

**UNIT 1: Elements of Crime:** Mens rea; Actus reus

**UNIT 2: Stages of Crime:** Mental and Physical

**UNIT 3: General Explanations:** Sec 6 to 52 A

**UNIT 4: Punishments:** Sec 53 to 75

**UNIT 5: General Exceptions:** Sec 76 to 106

**UNIT 6: Abetment:** Sec 107 to 120

**UNIT 7: Criminal Conspiracy:** 120 A and 120 B

**UNIT 8: Offences against State:** Sec 121 to 124 A IPC

**UNIT 9: Offence against public tranquillity and joint liability:** Sec 34 to 38, 141, 142, 143 and 149, 146, 147, 156, 159

**UNIT 10. Counterfeiting of coins and currency**

**UNIT 11. Cyber crime:** computer hacking, cyber terrorism, cyber pornography, cyber offenses control mechanism under IT. Act 2000.

**Suggested Readings:**

1. T.B. Bhattacharya: Indian Penal Code
2. Harris: Principles and Practice of the criminal law
3. Ratan Lal and Dheeraj Lal: Law of Crimes
4. Ejaz Ahmed: The law of Crimes
5. Raghvan: Law of Crimes
6. N.D. Basu: Indian Penal Code
7. Gaur: Penal law of India
8. K.D. Gaur: Criminal Law Cases and Material
9. Related Case laws on above mentioned sections
10. Bare Acts: Indian Penal Code 1860, Information Technology Act 2000

**LMTE814 Laws relating to specific offence under the IPC**

**UNIT 1: Crime and Criminal Law:** Elements of Crime, External and Internal Intention, Recklessness, Negligence, Relevance of Motive, Strict Liability, Joint and Constructive Liability.

**UNIT 2: Defenses :**

- i. Mistake
- ii. Necessity
- iii. Intoxication
- iv. Unsoundness of mind
- v. Consent Compulsion of mind
- vi. Private Defense.

**UNIT 3: Offence against Human Body**

**UNIT 4: Offences against Property**

**UNIT 5: Offences against Marriage**

**UNIT 6: Offence against morality**

**Suggested Readings:**

1. Glanville Williams : Criminal Law (General Part)
2. J.W.C. Turner (ed) : Kenny's Outlines of Criminal Law
3. J.W.C. Turner (ed) : Russel on Crime, Vol. I-II.
4. Nigam R.C. : Law of Crime in India, Vol – I (Principles of Criminal Law)
5. Hari Singh Gour : Penal Law of India, Vol. I – IV.
6. K.D. Gaur : Criminal Law : Cases and Materials.
7. K.N.C. Pillai : General Principles of Criminals Law.
8. T.B. Bhattacharya: Indian Penal Code
9. Ratan Lal and Dheeraj Lal: Law of Crimes
10. Raghvan: Law of Crimes

**LMTE815 Crime and Social Legislation**

**UNIT 1: Meaning and Purpose of Social Legislation:** Concept of Social Justice; Historical Evolution of the concept of Social Justice from British Rule onwards; Social Legislations interpreted by Courts in India; Impact of social legislation on the Criminal Law in India; Need for Reform in Social Legislations in the Indian context;

**UNIT 2: Protection of rights in Criminal Justice System:** Protection of Civil Right Act 1995; Meaning, Nature and scope of the Act; Need for reforms in the existing Civil Right Act; Nature of Offences.

**UNIT 3: The Immoral Traffic (Prevention) Act, 1956:** Definition and objectives of Act; Regulatory Framework; Scope of the Act and its applicability

**UNIT 4:** Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1995 Purpose and Object of the act; Merits and Demerits

**UNIT 5: Prevention of Corruption Act, 1988:** Its impact on Society ; Nature, Meaning and Scope; Indian approach to socioeconomic offences - Regulation and control of socioeconomic offences – Special provisions as to arrest, prosecution, proof and punishment; Social reasons for the increase in the crimes of Corruptions; Prosecution - Sanctions and Regulations under the Act; Investigation Procedure and Powers under the Act.

**UNIT 6: Prevention of Atrocities Act 1989:** Meaning, Nature and Scope of the Act, Relevance of the Act in the present day scenario; Merits and Demerits

**UNIT 7: Protection of children from sexual offences 2013:** Meaning, Nature and Scope of the Act, Relevance of the Act in the present day scenario; Merits and Demerits

**UNIT 8:** Bonded Labour System (Abolition) Act 1976, Prevention of Food Adulteration Act 1954, Latest law relating to food safety and standards--Essential Commodities Act 1955, Law Relating to Food Safety and Standards.

**UNIT 9:** Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974, Narcotic Drugs and Psychotropic Substances Act, 1986.

**Suggested Readings :**

1. Krishnamurthy S. 1987, Impact of Social Legislations, on the Criminal Law in India, R.R. Publishers, Bangalore
2. Bare Acts
  - i. I.T. Act, 2003
  - ii. Evidence Act, 2003 and 2005
  - iii. CR.P.C. 1999, 2003 & 2004
  - iv. I.P.C. 1999, 2003 & 2004
  - v. POCSO, ACT 2013
  - vi. The Immoral Traffic (Prevention) Act, 1956
  - vii. Prevention of Corruption Act, 1988.
3. Roger Glenn Lamphear, Freedom from Crime. Ed, 1979, Nellen Publishing Company, New York, 100016.
4. P.S. Narayana, The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act 1989 and Protection of Civil Rights Act 1955.,)Gogra Law Agency, Hyderabad, AP-2.
5. Chakrabharti N.K. Social Defense, in the administration of Criminal justice Ed 1999, Deep and Deep Publications Pvt. Ltd, New Delhi-
6. Dewan V K, Law Relating to Offences against Women, 1st Edition 1996, Oriental Law House, New Delhi-24.



Course code	Subject Name		L	T	P	C
<b>LMT821</b>	Principles of Criminology	Compulsory	5	1	0	6
<b>LMT822</b>	Principles of Penology and Victimology	Compulsory	5	1	0	6
<b>LMT823</b>	Criminal Justice System	Compulsory	5	1	0	6
<b>LMTE824</b>	Special Penal Legislations relating to women	Elective	5	1	0	6
<b>LMTE825</b>	Laws relating to Rehabilitation and Treatment of offenders	Elective	5	1	0	6
<b>LMTE826</b>	Comparative criminal procedure	Elective	5	1	0	6

### **LMT821 Principles of Criminology**

**UNIT 1: Introduction:** The definition, nature, scope and importance of the study of Criminology – Classification of Crimes-Relation between Criminology, Criminal Policy and Criminal Law - Concept of crime -Legal and criminological concept of crime; Causation of crime - Crime and social process: Economic Motivation. Socio cultural Motivations, home and community influence.

#### **UNIT 2: Schools of Criminological Thought:**

1. Ancient School -Demonological Theory
2. Classical School- Free Will Theory
3. Neo-Classical School.
4. Typological School -Italian or Positive School -Mental Testers School- Psychiatrists School.
5. Sociological School
6. Geographical, Topographical or Cartographical School.
7. Socialistic School- Economic Theory- Karl Marx, Engels and Bonger
8. Clinical School

**UNIT 3: Various forms of crime:** Organized Crime ,white collar crime, Female offender, juvenile Delinquency, Alcoholisms and Drugs, Professional crime, Female criminality, Sex offences and offences against women, The effect of media, motion pictures, television and video, press - Caste and community tensions- communal riots -Emotional disturbance and other psychological factors, A brief discussion on Modern Trends in Criminology: Phenomenology, Postmodernism and Feminism Crime and Feminism.

**UNIT 4: Control of Crime:** Police and Law courts, Prison system, Re-socialization of the offender, Rehabilitation of discharged prisoners in the administration of Criminal justice, prevention of crime delinquency.



**UNIT 5: Constitutional Guarantees** - Principles of natural Justice as applicable to procedural law, Protection to arrested persons, Under-trials, detenue and convicted persons. Double jeopardy and self-incrimination, rights to life and legal aid.

**UNIT 6: Juvenile delinquency:** Causes and the prevention of juvenile delinquency, Legal protection of children, Law of juvenile justice, The Juvenile Justice (Care & Protection of Children) Act 2015, treatment of juvenile offenders, Juvenile courts, juvenile boards, Borstal schools –Reformatory schools.

**UNIT 7: The Probation of offenders Act, 1958:** Definitions, Power of court to require released offenders after admonition on probation of good conduct, power of Court to require released offenders to pay compensation under twenty one years of age. Variations of conditions of probation. Probation in case of Offender failing to observe conditions of bond, provision as to sureties, Probation Officers, Duties of Probation Officer.

#### **Suggested Readings:**

1. Barnes, H.B. - Tecters - New Horizons in Criminology.
2. Vold, G.S. - Theoretical Criminology.
3. Pillai, K.S. - Criminology.
4. R. Taft,Donald - Criminology.
5. Edwin, H. Sutherland and Donald R. Grussey - Principles of Criminology.
6. Horman mannheim - Pioneers in Criminology.
7. Hon. Barren, Mays - Crime and the Social Structure.
8. Ahmed Siddiqui - Criminology - Problems & Perspective.
9. Lord Pakenham - Causes of Crime.
10. Beccaria : Crime and Punishment
11. Cillin : Criminology and Penology
12. Parmelu : Criminology
13. Prof. N.V. PARANJAPE : Criminology, Penology and Victimology, Central Law Publications
14. Dr. S.S. Srivastava: Criminology, Penology and Victimology, Central Law Agency

#### **LMT822 Principles of Penology and Victimology**

**UNIT 1: Penology and Theories of Punishment:** Definition, origin and evolution of Penology; nature and scope of punishment; General Principles/ Rules of punishment; Theories of Punishment : Retribution, Utilitarian Prevention-Deference, Utilitarian: Intimidation, Behavioral Prevention: Incapacitation, Rehabilitation, Expiation; Classical Hindu and Islamic approaches to Punishment;

**UNIT 2: Approaches to sentencing:** Alternatives to Imprisonment, parole, pardon and Probation; Corrective labour; Fine: Collective fines; Reparation by the offender/by the court, Furlough and compounding of offence

**UNIT 3: Sentencing:** Types of sentences – Indian Penal code and Special Laws; Sentencing in white collar crimes; Pre-sentence hearing ; Summary punishment; Sentencing for habitual offender; Plea Bargaining

**UNIT 4: The Prison System:** Rights of prisoners and duties of custodial staff, deviance by custodial staff State of Jails in India today; Disciplinary regime of Indian Prisons; Classification of Prisoners; Open Prisons; Judicial Surveillance, basis, development, reforms, maintenance of prisons

**UNIT 5: Capital Punishment:** Its Constitutionality, Problems related to capital punishment, Judicial attitude in India towards Capital punishment- An enquiry through the statute Law and case law; Law Reforms Proposals

**UNIT 6: Victimology:** Definition Origin, Development, nature and scope, Need to Study Victims, Victim Typology, Role of Victim in Criminal Phenomenon – Victim Precipitation ; Impact or effects or consequences of victimization; Theories of victimology; redressal to victims; Indian experience with victimization; U.N. Declaration on the Basic Principles of Justice for Victims of Crime and Abuse of Power; Human Rights – Protection of Human Rights Act.

**UNIT 7: Victims:** Victims of Crime and their rights; Protection to victims under criminal procedure code and other statutes; Victim- offender Relationship; Victim Perception; Withdrawal of Prosecution Role of Victim ; Compensation under various Laws: Section 357. criminal procedure code Motor Vehicles Act; sexual harassment and assaults; medical negligence; State liability to pay compensation for police atrocities; Compensation and Restitution to the victim- Justice to Victims, (Principle of compensatory jurisprudence)

### **Suggested Readings:**

1. Sanders and Young - Criminal Justice (1994)
2. S. Chhabra - The question of Punishment in Criminal law (1970)
3. H.L.A Hart - Punishment & Responsibility (1968)
4. Herbert L. packer - The Limits of Criminal Sanction (1968)
5. Alf Ron - On Guilt , Responsibility and Punishment (1975)
6. T.K Banerjee - Background to Indian Criminal Law (1990)
7. 1997 Cri. L.J. - "Special Reasons clog on Death Sentence"
8. Indian Penal Code - Chapter on Punishment (sec. 53 to 71)
9. Cr. P.C. - Provision of Relation to Punishment Probation , Parole , Bail, Probation of Offenders Act.
10. Jurisprudence - Chapter on criminal Justice.
11. Saxena R.N. The Immoral Traffic (Prevention) Act, 1956, 5th Edition 1996, The Law Book Pvt. Ltd, Allahabad-01

12. Dr. Mehanathan M C, Law of Control on NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES in India, Edition 2002, Capital Law House, Delhi-32
13. Ramchandran S. Commentaries on The prevention of Food Adulteration Act 1954, 6th Edition 1997, S. Gogia and Company, Hyderabad
14. Peter Barrie, Compensation for Personal Injuries, Edition 2000, Oxford University Press, New Delhi.
15. A. Siddique, Criminology(1984) Eastern, Lucknow.
16. Law Commission of India, Forty-Second Report Ch. 3 (1971)
17. K.S. Shukia, "Sociology of Deviant Behaviour" in 3 ICSSR Survey of Sociology and Social Anthropology 1969-179 (1986)
18. Tapas Kumar Banerjee, Background to Indian Criminal Law (1990), R.Campray & Co., Calcutta.

### **LMT823 Criminal Justice System**

**UNIT1: Introduction:** Study of comparative criminal justice systems India, U.K, U.S.A. Historical background; Crime: Concept, Nature, Definition and Characteristics of Crime; Development of Criminal Law and Criminal Justice System during British period and post independent period; Theories of Crime; Sociology of Crimes.

**UNIT 2: Principles of Criminal Jurisprudence:** Adversarial (Accusatorial) and Inquisitorial System; Recommendations of Malimath Committee Report- Shift from Co-ordination in Criminal Justice system, from 'justice model' to crime control model'. How the burden of proof shifts as per the nature of crime?

**UNIT 3: Crime trends and Crime Prevention:** Social Change and Disorganization; Who is a Criminal; rights of an accused; Crimes against person; Crimes against property; Crime, Social Control and Crime Prevention; Community and Crime Prevention; Crimes under Special Law and its jurisdictional aspect (Dowry Prohibition Act, Prevention of Atrocities Act, Electricity Act, 2003)

**UNIT 4: Typical forms of deviance :** Official deviance (by legislators, judges/bureaucrats); Professional deviance (journalists, doctors, teachers, lawyers, engineers, architects, publishers); Trade Union deviance (including lawyers, urban property owners); Landlord deviance (class/caste based deviance); Police deviance; Deviance on electoral process (rigging, booth capturing, impersonation, corrupt practices). Gender-based aggression by socially, economically and politically powerful

**UNIT 5: Criminal Liability:** Precepts and Principles: Evolution of civil and criminal Liability from common liability for 'Wrongs'; Elements of Criminal Liability of the crime, contemplation, preparations, attempt and commission; Mensrea - (intention) recklessness, negligence, malice, inchoate offences; Mensrea under the IPC; Exemptions from criminal liability; Strict Liability; Principles of Group or Joint Liability; Vicarious and Corporate Liability

**UNIT 6: Relevant Sections of IPC:**

1. Criminal Conspiracy: Section 120A, 120B IPC
2. Criminal intention: Common Intention and object
3. Abetment Chap V IPC,
4. Chap IV IPC
5. Homicide – Sections 302 & 304, part I 304 A & 304 B
6. Sexual offences (Relevant provision under IPC)
7. Offences against property (Relevant provision under IPC)

**UNIT 7: Procedural Mechanism in the Criminal Justice System:**

(viz. Police, Prosecutor and Judicial system) :Role of police in modern societies; Police Reforms and role played by Supreme Court; Meaning, purpose and need of independent prosecution system; Relationship of Police and Prosecution; Effective Judicial Control on Criminal Justice system

**Suggested Readings:**

1. Dutta K.K., Some Aspects of Criminal Law, Law Research Institute, Edition 1997, APH, Publishing House, Darya Ganj, New Delhi -02
2. Dr. Mrinmaya Chaudhari, Languishing for Justice, A Critical Survey of the Criminal Justice System, DATTSONS, J. Nehru Marg, Sadar, Nagpur.
3. Malik P.L., Criminal Court Hand Book, 18th Edition, Eastern Book Company, 32, Lalbagh, Lucknow -01.
4. Manjula Batra, Protection of Human Rights in Criminal Justice Administration, Deep and Deep Publication, New Delhi.
5. Parvesh K Atri, Readings in Criminal and Criminology, 1st edition 1998, Anmol Publication Pvt. Limited, New Delhi -2
6. Ahmed Siddiqui, Criminology, Problems and Perspectives, 4th edition 1997, Eastern Book Company, Lucknow -01
7. Clive Coleman and Clive Norris , Introducing Criminology, Edition 2000, Lawman (India) Pvt Limited, Lajpat Nagar, New Delhi-24
8. Bharat B Das, Victims in the Criminal Justice System, 1st Edition 1997, APH Publication Corporation, New Delhi 2.

**LMTE824 Special Penal Legislations relating to women**

**UNIT 1:** DOWERY PROHIBITION ACT, 1961.

**UNIT 2:** SATI (PREVENTION) ACT, 1987.

**UNIT 3:** THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005

**UNIT 4:** SEXUAL HARRASEMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013

**UNIT 5:** INDECENT REPRESENTATION OF WOMEN (PREVENTION) ACT, 1986

**UNIT 6:** IMMORAL TRAFFIC (PREVENTION) ACT, 1956

**UNIT 7:** MEDICAL TERMINATION OF PREGNANCY ACT, 1971

**UNIT 8:** PROHIBITION OF CHILD MARRIAGE ACT, 2006

**UNIT 9:** NATIONAL COMMISSION FOR WOMEN ACT, 1990

**UNIT 10:** ARTICLES RELATED TO WOMEN'S RIGHTS UNDER INDIAN CONSTITUTION.

**UNIT 11:** OFFENCES AGAINST WOMEN PUNISHABLE UNDER IPC.

**UNIT 12:** WOMEN EMPOWERMENT: Role of enforcement machineries; reforms through judicial interventions; Role of NGOs and reforms within the society.

**Suggested Readings:**

1. M.P.Jain: Constitutional law
2. D.D. Basu : Commentaries on the Constitution of India.(Hindi/English)
3. Granville Austin : Indian Constitution.
4. T.B. Bhattacharya: Indian Penal Code
5. Ratan Lal and Dheeraj Lal: Law of Crimes
6. Bare acts of above mentioned acts.

**LMTE825 Laws relating to Rehabilitation and Treatment of offenders**

**UNIT 1:** Constitutional imperatives and prisoners rights; need for reformation and rehabilitation of offenders undergoing punishment of imprisonment; classification of offenders through modern diagnostic techniques.

**UNIT 2:** Prison Administration.

**UNIT 3:** Jail Reforms: Committee report, probation, parole, open air prisons, programmes for offenders in prisons for rehabilitation and reformation.

**UNIT 4:** Treatment and correction of offenders; role of psychiatrists, psychoanalysts and social workers in the prison; group counseling and resocialisation programmes; probation as a resocialisation process.

**UNIT 5:** Probation of Offenders Act, 1958.

**UNIT 6:** Human rights and Criminal justice.

**UNIT 7:** Release of offenders: Problems and challenges of released or returned prisoners; employment and housing challenges; mental and physical health; Recidivism; Comparative study of Prisoner's Aid Societies viz. U.S., U.K., New Zealand and India. After care programmes and reasons for its failure in India.

### **Suggested Readings:**

1. Penology & Victimology-Dr. S.R. Myneni, Allahabad Publications
2. Criminology, Penology & Victimology- Prof. N.V. Paranjape, Central Law Publications.
3. Criminology, Penology & Victimology- Dr. S.S. Shrivastava
4. Constitutional Law of India- M.P. Jain.
5. The Quantum of Punishment in Criminal (1970) – Chabra
6. Punishment & Responsibilities (1968) – H.L.A. Hart
7. Criminology(1984), Eastern, Lucknow- A. Siddique
8. Law Commission of India, 42<sup>nd</sup> report, Chapter 3 (1971)
9. Back-round of Indian Criminal Law (1990) – Tapas Kumar Banarjee

### **LMTE826 Comparative criminal procedure**

**UNIT 1: Introduction:** Organization of Courts and Prosecuting Agencies; Criminal Courts – Hierarchy and their Jurisdiction; Nyaya Panchayats in India including Panchayats in Tribal Areas; Organization of prosecuting agencies for prosecuting Criminals: Prosecutors and the Police. Withdrawal of Prosecution.

**UNIT 2: Pre Trial Procedures:** Rights of the accused; Arrest and questioning of the accused; Evidentiary value of statements/articles seized/collected by the police; Right to counsel; Role of Prosecutor and judicial officer in investigation.

**UNIT 3: Trial Procedures:** Trial, Accusatory and inquisitorial systems; Role of the Prosecutor, Defense attorney and the Judge in the trial; Evidence: Admissibility, Inadmissibility; Expert Evidence; Appropriate punishment; plea Bargaining

**UNIT 4: Correction and after care services:** Institutional correction of offenders; After-care services in India and France General Comparison; Role of court in correctional programs in India; Preventive measures in India: Provisions in the Criminal Procedure Code; special enactments.

**UNIT 5: Public Interest Litigation:** Directions for Criminal Prosecution; Preferably the Paper should be taught with reference to India, England, US, France, China and Russia wherever necessary. The Malimath Committee Commission Report is to be referred for teaching this paper;

### **Suggested Readings:**

1. Patric Devlin, The Criminal Prosecution in England,
2. American Series of Foreign Penal Codes Criminal Procedure Code of People s Republic of China;
3. John N. Ferdico, Criminal Procedure (1996), West
4. Sanders & Young, Criminal Justice (1994)
5. Christina Van Den Wyngart, Criminal Procedure Systems in European Community Joel Samaha, Criminal Procedure (1997), West
6. Criminal Procedure Code, 1973, The French Code of Criminal Procedure, 14th and 41st Reports of Indian Law Commission.
7. Sankar: Law of Evidence
8. K.N. Chandrashekharan Pillai (ed): R.V. Kelkar's: Outlines of Criminal Procedure Code

	<b>LL.M.Semester- III (Labour Law)</b>					
<b>Course code</b>	<b>Subject Name</b>		<b>L</b>	<b>T</b>	<b>P</b>	<b>C</b>
<b>LML811</b>	Labour Welfare	Compulsory	5	1	0	6
<b>LML812</b>	Industrial Injuries & Social Security	Compulsory	5	1	0	6
<b>LMD727</b>	Dissertation(viva-voce)	Compulsory	6	0	0	6
<b>LMLE813</b>	Human Resource Management & laws relating to Employment	Elective	5	1	0	6
<b>LMLE814</b>	Labour Jurisprudence in India & the ILO	Elective	5	1	0	6
<b>LMLE815</b>	Laws Relating to Members of Civil Service	Elective	5	1	0	6

### **LML811 Labour Welfare**

**UNIT 1: Constitution and Labour Welfare** – Right to work, Bonded Labour, child labour, Special provision for women and children, Law relating to protection of Women in work place International conventions.

**UNIT 2: Minimum Wage** - Types and kinds of wage, Wage determination theories, Payment of Wages, Basic concept of Dearness allowance, basic wage, Other wage [HRA, CCA, MA, LTC, Leave encashment, Overtime allowances, cash incentives, conveyance allowance] National wage policy, Payment of wages Act 1936, Provisions relating to denial of minimum wage as forced labour.

**UNIT 3:** ILO standard for labour, International convention for labour Welfare UDHR –ICCPR.

**UNIT 4:** Labour and Human Rights, Equality of Opportunity in employment ; theory of equal pay for equal work, Equal Remuneration Act 1976, Maternity Benefit 1961, Rajasthan shops and establishment 1958.

**UNIT 5:** Unorganised Sector and labour laws, Agricultural labourer Plantation labour Act 1951, Bidi and Cigar worker's act 1966, Dock workers act 1986. .

### **Suggested Readings:**

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



## **LML812 Industrial Injuries & Social Security**

- UNIT 1: Workmen's Compensation:** From Compensation to Insurance Judicial Interpretation of the expression 'arising out of and in the course of employment'. Employee state insurance act 1948
- UNIT 2:** Fatal Accidents Act 1857, Motor accidents compensation act 1999, Employer liability act 1938
- UNIT 3: Industrial safety:** Factories Act 1948, Environmental destruction, Bhopal gas leak case, Shriram gas leak case
- UNIT 4: Occupational health and industrial injuries:** Old age, sickness and disablement - Hazardous employment, Medical Insurance, Public liability insurance act 1991
- UNIT 5: Social Security:** Five year plans in the context of social security, National commission on labour, EPF & MP act 1952, The mines act 1952, Social Security for Unorganized Labour, Employee stock option, workers cooperatives.

### **Suggested Readings:**

1. Shrivastava S. C. Social security and labour law Eastern Book Company Lucknow, 1985
2. RN Choudhiy Commentary on the Workmen's Compensation Act 1923
3. H K Saharay Industrial and Labour Laws of India 1987
4. R W Rideout Principles of Labour Law 1988

## **LMD 727 Dissertation (viva- voce)**

Candidates are required to submit a dissertation of about 150-200 pages on a topic from the optional group offered by them. The dissertation is expected to be an in depth and critical analysis of a legal problem of contemporary significance in the field chosen by the candidate and must incorporate copious reference to judicial decisions, law review articles, books, monographs relevant to the topic in the form of footnotes and bibliographical references.

The candidates will be examined at an oral examination (viva) on the strength of the dissertation (written work.) The dissertation should be submitted (three copies) to Head of the Department one month before the Semester ends i.e. the Fourth Semester. The viva exam will be conducted afterward. The supervisor for dissertation shall be the teaching member of the Deptt. of Law., or other colleges where LL.M. courses are taught. The students will finalise the topic for dissertation in consultation with their supervisor and the Head of the Department.

After the dissertations have been submitted they shall be evaluated by the external examiner along with the Head of the Department and/or internal examiner. The examiner will evaluate the dissertation taking into account the following points:

1. Coverage of subject matter.
2. Arrangement and presentation.
3. Research Methodology
4. Nature of references and materials used.
5. Critical appreciation and original contribution of the candidate.



### **LMLE813 Human Resource Management & laws relating to Employment**

- UNIT 1:** Workers Rights as Human Rights, Constitutional edifice and reflections of ILO standards in the Indian legal System., Concept of employment, non-employment, terms of employment and conditions of labour, Challenges and issues with reference labour management relations in 21st Century
- UNIT 2: Social Security Labour Legislations :** National (Constitutional and Statutory) and International Perspectives, ILO ; norms, measures and standards, relevance in Indian legal system, Employment Contracts and labour management relations; Trends, Issues and Challenges, A critique of comparative contract labour laws (India, US & Europe)
- UNIT 3: Transnational Trade and Labour :** Impact of globalization on labour market, Indian, US, European & Japanese perspectives, ILO & WTO ; Developing vis-à-vis developed States, Resolution of Labour Management Disputes-Means and Mechanisms
- UNIT 4: Law and Policies of Protective Discrimination in Employment Laws:** Social security safety and welfare at workplace-women, children, and differently-abled.
- UNIT 5: Compensation:** Insurance with respect to wrongful dismissal and employment hazards.

#### **Suggested readings**

1. Ravi Singhania-Employment Law in India, CCH Wolters Kluwer
2. Guide to Employment Law-CCH Wolters Kluwer Business
3. Marian Baird, Keith Hancock, Joe Isaac- Work and Employment Relations An Era of Change, Routledge Taylor and Francis group
4. Key Cases: Employment Law By Chris Turner Routledge Taylor and Francis group
5. New Governance and the European Employment Strategy, By Samantha Velluti, Series: Routledge Research in European Union Law
6. At Work in the Informal Economy of India: A Perspective from the Bottom Up Author(s): Jan Breman Oxford University Press
7. Shrivastava-labour laws.
8. OP Malhotra -Labour Management Relations

### **LMLE814 Labour Jurisprudence in India & the ILO**

- UNIT 1:** Concept and Growth of Labour Jurisprudence, Concept of social justice, Natural justice and the Labour.
- UNIT 2:** Constitution of India and the Labour, Labour and Judicial Process, Public Interest legislation.
- UNIT 3: Tripartism:** Voluntarism in Labour Relations & Code of Discipline in Industry I.L.O. Genesis, Aims, Objectives and Constitution. I.L.O. Conventions and Recommendations, Procedure to rectify, Problems in their Rectification.

**UNIT 4: I.L.O. & Regional Conferences:** International Labour, Standards and Labour Legislations in India. I.L.O. Problems and Prospects. I.L.O. and Human Rights in Indian perspective.

**UNIT 5: Leading Cases**

- i. Som Prakash vs Union of India A.I.R.1981 S.C. 212.
- ii. Bandhua Mukti Morcha : Union of India A.I.R. 1984 S.C. 802
- iii. People Union for Democratic Rights & Others vs Union of India, 1982 II L.L.J. 454 (S.C.)
- iv. National Textiles Workers Union vs Ram Krishna A.I.R. 1983 S.C. 759.
- v. Excel Wear vs Union of India 1978, L.C.J. 527 (S.C.)
- vi. The Delhi Cloth & general Mills Ltdd. vs Sambhunath Mukerjee. 1935 I.L.J. 36 (S.C.)

**Suggested Reading**

1. I.L.O. : International Labour Codes Vol. I & II.
2. S.N. Dhyani : I.L.O.and India : In pursuit of social Justice.
3. G.A. Johnston : The I.L.O.
4. David Miller : Social Justice.
5. Kamal Miller : Social Justice.
6. India Labour Yearbook.
7. S.K. Agrawal : K.N. Mushi Lectureers on Public Interest Legislation in India.
8. Govt. of India : Report of National commission on Labour.
9. G.K. Johri : Indian Tripartite system.
10. S.R. Samant : Industrial Jurisprudence.
11. Indian Constitution : Relevant Portions.
12. Govt. of India : Tripartite Consultations.
13. R.G. Charturvedi : Natural and Social Justice.
14. Mahesh Chandra : Industrial Jurisprudence.
15. Ridoout : Principles of Labour Law.
16. N. Vaidyanathan : International Labour Standards.

**LMLE815 Laws Relating to Members of Civil Service**

**UNIT 1: Civil Servants: Constitutional Dimensions**

- i. Civil servants and the fundamental rights – Historical and comparative perspectives.
- ii. Equality and protective discrimination : principles and practices
- iii. Services Regulations: the constitutional bases – formulation of services rules – doctrine of pleasure.
- iv. Limitations on doctrine of pleasure
  - a. Action only by an authority not subordinate to the appointing authority.
  - b. Opportunity of being heard and its exceptions.

## **UNIT 2: Recruitment and Promotion**

- i. Central and state agencies for recruitment
- ii. Methods, qualification

## **UNIT 3: Conditions of Services**

- i. Pay, dearness allowance and bonus: machinery for fixation and revision, Pay Commission.
- ii. Kinds of leave and conditions of eligibility
- iii. Social security: provident fund, superannuation and retiral benefits, Medicare, maternity benefits, employment of children of those dying in harness, compulsory insurance.
- iv. Civil and criminal immunities for action in good faith
- v. Comparative evaluation with private sector
- vi. Comparative evaluation between the state government employees and the central government employees
- vii. Consultation with Public Service Commission

## **UNIT 4: Civil Service: Amalgam of Principles, Compromises and Conflicts**

- i. Neutrality - commitment dilemma, permanency, expertise and institutional decision making
- ii. Relaxation of age and qualification in recruitment, spoils system, seniority cum merit recruitment and promotion.
- iii. Frequent transfers, education, of children, housing and accommodation
- iv. Civil service and politics, politicisation of government servants organization and inter-union rivalry

## **UNIT 5: Special Categories of Services**

- i. Judicial services: subordinate judiciary - judicial officers and servants: appointment and conditions of service
- ii. Officers and servants of the Supreme Court and the High Courts: recruitment, promotion, condition of service and disciplinary action
- iii. All India services, objects regulation of recruitment and conditions of service disciplinary proceedings

## **UNIT 6: Settlement of Disputes over Service Matters**

- i. Departmental remedies: representation, review, revision and appeal: role of service organizations
- ii. Remedy before the Administrative Tribunal: jurisdiction, scope and procedure - merits and demerits - exclusion of jurisdiction of courts
- iii. Judicial review of service matters - jurisdiction, of the Supreme Court and High Courts

**Suggested Reading:**

1. Marc Galanter (Ed.) Law and Society in Modern India (1997) Oxford.
2. Robert Lingat. The Classical Law of India (1998). Oxford.
3. Upendra Baxi, The Crisis of the Indian Legal System (1982), Vikas, New Delhi.
4. Upendra Baxi (Ed.) Law and Poverty Critical Essays (1988). Tripathi, Bombay
5. Munshi, A journal About Women and Society.
6. Duncan Derret, The State, Religion and Law in India (1999), Oxford University Press, N. Delhi
7. H.M. Seervai, Constitutional Law of India (2004) Universal Law Publishing Co., (P) Ltd. Vol 1-3
8. D.D. Basu, Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd., N. Delhi.
9. Sunil Deshta and Kiran Deshta, Law and menace of Child Labour (2000) Anmol Publications, Delhi.
10. Savitri Gunasekhare, Children, Law and Justice (1997), Sage Publication Indian Law Institute, Law and Social Change: Indo-American Reflections, Tripathi (1988).
11. J. B. Kriplani, Gandhi: His Life and Thought, (1970), Ministry of Information and Broadcasting, Government of India
12. M. P. Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay.
13. Agnes Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999) Oxford.

	<b>LL.M.Semester- IV (Labour Law)</b>					
<b>Course code</b>	<b>Subject Name</b>		<b>L</b>	<b>T</b>	<b>P</b>	<b>C</b>
<b>LML821</b>	Industrial Adjudication-I	Compulsory	5	1	0	6
<b>LML822</b>	Industrial Adjudication-II	Compulsory	5	1	0	6
<b>LML823</b>	Personnel Management & Industrial Psychology	Compulsory	5	1	0	6
<b>LMLE824</b>	Law of wages & monetary benefits	Elective	5	1	0	6
<b>LMLE825</b>	Unorganised labour & Social Security	Elective	5	1	0	6
<b>LMLE826</b>	Industrial Relations	Elective	5	1	0	6

**LML821 Industrial Adjudication-I**

**1. Constitutional Perspectives and Industrial Relations:**

- i. Constitutional Framework for Industrial policy and Legislation- Legislative entries and Art.323.
- ii. Constitutional goals protecting labour and capital enshrined in part
- iii. IV and IV A of The Constitution, Art.300A.
- iv. Jurisprudence of Industrial Adjudication ; Constitutional Remedies and Appeal

**2. Access to Industrial Justice:**

- i. Threshold control by government ; Reference.
- ii. Extent of governmental discretion : time, expediency and matters for adjudication.

- iii. Limitations on discretion.
- iv. Political overtones and pressure tactics
- v. Judicial restraint or liberalism, the ideal juristic approach.
- vi. Direct access to adjudicatory authority by employer and employee; problems and perspectives.
- vii. International norms.
- viii. Comparative overview of access to adjudicatory process in U.K and Australia.

### **3. History of Industrial Adjudication**

#### **4. Adjudicatory Process and Modalities:**

- i. Industrial adjudication as a modality of harmonising interests of capital and labour.
- ii. Employer's prerogative and employee's rights.
- iii. Guiding principles of industrial adjudication-equity and justice.
- iv. Resolution of Industrial Disputes by Collective Bargaining, Works Committee, Conciliation and Arbitration.
- v. Exclusion of Jurisdiction of Civil Courts and machinery under special statutes

#### **Suggested Reading**

- 1. ILI-Labour Law and Labour Relations.
- 2. O.P.Malhotra-Law of Industrial Disputes, Vol-1 & 2
- 3. Kothari-Industrial Law, Vol-1& 2.
- 4. Report of National Commission on Labour (Relevant Provisions).
- 5. Rideout-Principles of Labour Law (1983).
- 6. Arya-Strikes, Lockouts and Gheraos.
- 7. Russel A Smith, et al-Collective Bargaining and Labour Arbitration,(1970)

### **LML822 Industrial Adjudication-II**

#### **1. Adjudicatory Machinery- Appointments, Power, Duties, Jurisdiction & Role:**

- i. Arbitration Proceedings.
- ii. Labour Courts.
- iii. Industrial Tribunals.
- iv. National Tribunal under IDA.

#### **2. Agreements, Settlements and Awards:**

Commencement ,Operation, Duration, Persons on whom it is binding.

#### **3. Judicial Review of the Adjudicatory Process :**

- i. Principles of Interpretation of Social Welfare Legislation.
- ii. Finality of decision making in adjudicatory process.
- iii. Jurisdiction of the adjudicatory authority in respect of dismissal of workmen.

**4. Juridical Formulation of the following Concepts and Changing Dimensions:**

- i. Industry.
- ii. Retrenchment-the widening dimension.
- iii. Lay-Off.
- iv. Closure.
- v. Transfer of undertaking.
- vi Workmen.
- vii Industrial Dispute.

**5. Compensation under IDA :Chap VA &VB:**

Change of Service Conditions under IDA: 33, 33-A, 33-B & 33- C.

**Suggested Reading:**

1. ILI-Labour Law and Labour Relations.
2. O.P.Malhotra-Law of Industrial Disputes,Vol-1 & 2
3. Kothari-Industrial Law, Vol-1& 2.
4. Report of National Commission on Labour (Relevant Provisions).
5. Rideout-Principles of Labour Law (1983).
6. Arya-Strikes, Lockouts and Gheraos.
7. Justice D.D.Seth-Industrial Disputes Act. 1947 (1994).
8. Russel A Smith,et al-Collective Bargaining and Labour Arbitration,(1970)

**LML823 Personnel Management & Industrial Psychology**

**UNIT 1: Personnel Management:** Concept of Personnel Management and Personnel policies. Man Power planning, Recuritment, selection and Training, Induction, Job placement including Worker's Education, Job Analysis and Evaluation and Performance Appraisal. Management of discipline, Domestic Enquiry and Grievance Procedure, Role and functions of Personnel Manager, Scientific and Technical Advance Vis-a Vis Personnel Management

**UNIT 2: Industrial Psychology:** Industrial Psychology- Definition, meaning, Nature, Scope, role and Functions; Organizational attitudes, Motivation and Moral, Leadership Styles & Dynamics; stress management, Psychology of Attitudes. Hawthorne Experiment and their relevance in India, Individual Behaviour in formal Groups, Interpersonal and Inter group relationship in organization and their Impact on Organization, Implications of Industrial Psychology on modern industries.

**UNIT 3: Organizational design and structure:** key organizational design process;

1. Structural differentiation
2. Forces reshaping organization
3. Job satisfaction

**UNIT 4: Work environment and engineering psychology:** Fatigue-Monotony-Boredom, Accidents and safety, Job Analysis, Recruitment, selection and Interview- Reliability and validity of recruitment tests.

**UNIT 5: Leading Cases :** (1) North Brook Jute Co. Ltd vs Their Workmen A.I.R. 1960. (2) Monogram Mills Ltd. vs State of Gujarat 1976 II L.L.J. 174. (S.C.) (3) Workmen of williamson magor & co. Ltd. vs Williamson Magor & Co. Ltd. 1982. L.L.J. 83 (S.C.). (4) State of Orissa vs Ram Prashad. 1985 II L.L.J. 204 (S.C.) (5) N.M. Rubber Co. Ltd. Madras vs I.S. Natrajan, 1985. II L.L.J. 364 (Madras H.C.) (6) Union of India vs Tulsi Ram Patel A.I.R. 1958 S.C. 1416. NN.B. : Students will be imparted teaching of latest cass-Laws of the Supreme Court of India and various High Courts alongwith the Legislative changes and amendments from time to time.

**Suggested Readings:**

1. Archana Deshpande: Industrial Psychology, New Delhi: Tata McGraw Hill
2. Bisen Vikram & Priya: Industrial Psychology ( third edition), New Age International Publishers, New Delhi, (2008)
3. Blum & Naylor: Industrial Psychology, Its theoretical and social foundations. CBS Publication (1982)
4. J.B. Miner: Industrial/Organisational Psychology, N Y: McGraw Hill (1992)
5. K. Ashwathappa: Human Resource Management, New Delhi: Tata McGraw Hill (1992)
6. M.G. Aamodt: Industrial/ Organisational Psychology: An applied approach; Wadsworth/ Thompson: Belmont, C.A.,(2007)
7. S.K. Shrivastava: Industrial Psychology
8. S.N. Dhyani: Industrial Relations
9. Udai Pareek: Understanding Organisational Behaviour, Oxford University Press.

**LMLE824 Law of wages & monetary benefits**

**UNIT 1: Theories and Facets of Wages:**

- i. Definition of Wages.
- ii. Theories of Wages.
- iii. Facets of Wages.
- iii. Minimum, Fair and Living Wages.
- iv. Basic Wage.
- v. Bonus as Deferred Wage or share of profit.
- vi. Allowances and Concessions.

**UNIT 2: National Wage Policy, Problems and Perspective:**

- A. Wage Board and Pay Commission:
- B. International Standardization: Role of ILO Convention and recommendations relating to Wages:
- C. Constitutional perspective on Wages:
  - i. Constitutional Ideals.
  - ii. Denial of Minimum Wage as Forced Labour.
  - iii. Right to Work.
  - iv. Living Wages.
  - v. Equal Pay for equal Work



**UNIT 3: A. Wage Differentials:**

- i. Factors of Differential Wages.
- ii. Capacity of Industry and Wage Fixation
- iii. Private Sector and Public Sector –Difference in Wages.

**B. Wages, Price and Tax :**

- i. Increase of Wages-Impact on Price.
- ii. Increase in Price -Impact on Wages.
- iii. Impact of Tax on Wages and Price.
- iv. Wages and Consumer.

**UNIT 4: Minimum Wage:**

- i. Basis under the Minimum Wages Act, 1947 and Minimum Wages(Maharashtra Amendment) Act, 1992.
- ii. Power of State Government to fix different rates for certain employments.
- iii. Procedure for fixation and work.
- iv. Fixation of hours of work.
- v. Overtime.
- vi. Procedure for disposal of claims.
- vii. Offences and penalties and Exemptions.
- viii. Concepts of Dearness Allowance and Principles for determination of D.A.

**UNIT 5: Payment of Wages under the Payment of Wages Act.1936:**

- i. Responsibility for payment of wages.
- ii. Wage Periods-Time for payment, deduction ,fines.
- iii. Claims arising out of deductions and delay in payment.
- iv. Procedure for filing and disposal of appeals.
- v. Offences, their trial procedure and penalties.
- vi. Enforcement machinery under the Act- their powers and functions.

**UNIT 6: Profit sharing and Bonus:**

- i. Concept of Profit Sharing- Desirability.
- ii. Difficulties in Implementation.
- iii. Concept of Bonus.
- iv. Interpretation by Indian Courts and Tribunals.
- v. Basis for the calculation of Bonus under the Payment of Bonus Act,1965.
- vi. Eligibility for Bonus, minimum and maximum bonus. vii. Set on and Set off of allocable.

**Suggested Reading:**

1. Raghuraj Singh- Movement of Industrial Wages in India (1995).
2. J.C. Sandersara & LL.Deshpande, Wage Policy and Wage Determination in India.
3. R.B.Sethi- Payment of Wages Act and Minimum Wages Act
4. G.L.Kothari-Wages, Dearness Allowance and Bonus.
5. S.B.L.Nigam-State Regulation of Minimum Wages (1955).
6. Menon- Foundations of Wage Policy.
7. R.D. Agarwal- Dynamics of Labour Relation in India. (1972)
8. O.P.Malhotra-Law of Industrial Disputes Vol.1 & 2 (5th Edn.).

**LMLE825 Unorganised labour & Social Security**

**UNIT 1: Causes and Problems of Unorganised Labour** – Emerging Trends. Unorganised Labour and Constitutional Perspectives.

**UNIT 2: Agricultural Labour** –

- i. Difficulty in deciding Social Security Schemes to Agricultural Labour.
- ii. Need for State initiative and support.

**UNIT 3: Protection of the Weaker Sections of Labour** – Evolving Trends:

- i. Tribal Labour
- ii. Domestic Servants. (the Domestic Worker conditions of Service Bill, 1994)
- iii. Bonded Labour.
- iv. Contract Labour.

**UNIT 4: Protection of Women Labour and Right to Employment:**

- i. Equal Remuneration Act, 1976.
- ii. The Plantation Labour Act, 1951 – Provisions relating to Women
- iii. The Mines Act, 1952 – Provisions relating to Women

**UNIT 5: Child Labour** –

- i. Human rights and child labour in Indian Industries.
- ii. Child Labour Prohibition and Regulation Act, 1946.

**UNIT 6: Towards an Ideal Social Security Scheme – the Futuristic:**

- i. Comprehensive and integrated Social Security : an utopian concept or a pragmatic approach?
- ii. Funding.
- iii. Benefits and beneficiaries.
- iv. Role of Trade unions.
- v. Social Security clauses in collective agreements.
- vi. Trade union schemes with its own fund.

**UNIT 7: Employee's Provident Fund Act 1952; Payment of Gratuity Act 1972**

**Suggested Reading:**

1. State Legislations and other Welfare Schemes relating to Agricultural Labour.
2. Government of India, Agricultural Labour Enquiry.
3. Government of India , Report on the second Agricultural Labour Enquiry.
4. Government of India, Third Agricultural Enquiry.
5. Report of the National Commission on rural Labour (1991) New Delhi, Govt. of India, Ministry of Labour- Vol. II.
6. Encyclopedia of human rights and women's development – Vol. V Vijay Kaushik and Bela Rani Sharma.
7. Lengthening Shadows Status of Women in India, Poonam and Chauhan.
8. Women in India- Legal and Human Rights Sadiq Ahamad Jilane Syed
9. Human Right and Child Labour in Indian Industries, Anu Saksena.

**LMLE826 Industrial Relations**

**UNIT 1: History of Trade Union** - Trade Union Act, 1926, Recognition of Trade Union, Affiliation of Unions to political parties, Multi-unionism, Policies towards workers, participation in management, role of State, Workers participation in Management, Liberalization and Industrial relation in India.

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

**UNIT 3: Freedom of Association** - Constitutional and legal aspects

**UNIT 4: Industrial Disputes Act** – Layoff, retrenchment, compulsory retirement, Voluntary retirement, superannuation

**UNIT 5: Industrial Dispute Resolutions** – Methods, Conciliation Officer, Board of Conciliation, Legal status of Conciliation settlements, Voluntary Arbitration, Arbitration under the Industrial Disputes Act, Compulsory Adjudication, Power of reference, Reference by Government, Industrial Tribunals, National Tribunals, Status, powers, awards, Judicial review.

**Suggested Reading:**

1. Indian Law Institute Labour Law and Labour Relations [ 1987]
2. Dr. V G Goswami Labour and Industrial Laws [2004]
3. Ramaswami and Uma R Industry and Labour
4. Giri V V Labour Problems in Indian Industry
5. Raman M P Political Involvement of Indian Trade Union
6. O P Malhotra The Law of Industrial Disputes, Vol I [1988]
7. Chetty Narayan Y Dynamics of Trade Unionism in India – Anmol Publications Pvt. Ltd., New Delhi - [2004].

	<b>LL.M.Semester- III(Intellectual Property Law)</b>					
<b>Course code</b>	<b>Subject Name</b>		<b>L</b>	<b>T</b>	<b>P</b>	<b>C</b>
<b>LMI811</b>	Nature, Emergence and Development of IPR	Compulsory	5	1	0	6
<b>LMI812</b>	Law of Patents	Compulsory	5	1	0	6
<b>LMD727</b>	Dissertation(viva-voce)	Compulsory	6	0	0	6
<b>LMIE813</b>	Protection of plant varieties & Traditional Knowledge	Elective	5	1	0	6
<b>LMIE814</b>	Law of Designs, Layout Designs and Geographical Indications	Elective	5	1	0	6
<b>LMIE815</b>	Enforcement of Intellectual Property Rights	Elective	5	1	0	6

### **LMI811 Nature, Emergence and Development of IPR**

#### **UNIT 1: Introduction to Intellectual Property**

- i. Concept & Meaning of Intellectual Property
- ii. Nature and Characteristics of Intellectual Property
- iii. Origin and Development of Intellectual Property
- iv. Kinds of Intellectual Property

#### **UNIT 2: Theories of Intellectual Property**

1. Justification and Rationale for Protecting Intellectual Property
2. Balancing the Protection of IPR and Public Policy Objective
3. Theories of IPR:-
  - i. Natural Theory
  - ii. Hegelian Philosophy (Personality Theory)
  - iii. Lockes' Theory of Property (Labour Theory)
  - iv. Social Contract Theory
  - v. Social Planning Theory
  - vi. Incentive Theory
  - vii. Reward Theory
  - viii. Prospect Theory
  - ix. Schumpeterian Theory
  - x. Economic Theory

#### **UNIT 3: Contemporary Issues in IPR**

- i. Interface between IPR and Human Rights
- ii. Interface between IPR and Competition Law
- iii. IPR and sustainable development
- iv. The Impact of Internet on IPR
- v. IPR Issues in Biotechnology
- vi. E-Commerce and IPR issues

**Suggested Readings:**

1. David I. Bainbridge, Intellectual Property, Longman, 9<sup>th</sup> Edition, 2012
2. Peter Groves, Sourcebook on Intellectual Property Law, Routledge-Cavendish, 1997.
3. Susan K Sell, Private Power, Public Law: The Globalization of Intellectual Property Rights, Cambridge University Press, 2003
4. N.S. Gopalakrishnan & T.G. Ajitha, Principles of Intellectual Property, Eastern Book Company, 2<sup>nd</sup> Edition, 2014
5. Jayashree Watal, Intellectual Property Rights in the WTO and Developing Countries, Oxford University Press, 2001
6. Lionel Bently & Brad Sherman, Intellectual Property Law, Oxford University Press, 3<sup>rd</sup> Edition, 2008
7. Peter Drahos, A Philosophy of Intellectual Property, Dartmouth Pub Co, 1996
8. Duggal Pavan, Legal Framework on Electronic Commerce & Intellectual Property Rights, Universal Publishing House, 2014
9. Paul Torremans, Intellectual Property And Human Rights, Kluwer Law International, 2008
10. Steven D Anderman, Interface Between Intellectual Property Rights and Competition Policy, Cambridge University Press, 2007.
11. Philippe Cullet, Intellectual Property Protection and Sustainable Development, Lexis Nexis, 2005

**LMI812 Law of Patents****UNIT 1: Introduction**

1. Evolution of Patents in India
2. International Treaties on Patents
  - i. Paris Convention
  - ii. TRIPS
  - iii. Budapest Treaty
  - iv. PCT

**UNIT 2: Patentability and Procedures for Grant of Patents**

- i. Patentable and Non Patentable Inventions
- ii. Pre-requisites – Novelty, Inventive Step, Industrial Application
- iii. Prior Art, Anticipation, & Person Skilled in the Art
- iv. Procedures for Filing Application
- v. Specifications – Provisional and Complete Specifications
- vi. Priority dates
- vii. Pre-Grant and Post Grant Opposition
- viii. Grant and sealing of Patents
- ix. Rights of Patentee
- x. Term of Patent
- xi. Surrender and Revocation of patents
- xii. Restoration

**UNIT 3 Limitations, Exceptions & Infringements**

- i. Licencing : Voluntary & Non –Voluntary
- ii. Assignment
- iii. Fair Use
- iv. Use and acquisition of inventions by Central Government
- v. Parallel Imports
- vi. Claim Interpretations and Constructions
- vii. Infringements & Remedies

**UNIT 4: Patent Authorities, Patent Agents & Emerging Issues**

1. Controller General of Patents
2. Patent Examiners
3. Patent Agents
4. IPAB
5. Emerging Issues
  - i. Patents & Computer Programs
  - ii. Business Methods & Utility Patents
  - iii. Bio-Informatics Patents
  - iv. Patent and Human Right Issues

**Suggested Readings:**

1. Feroz Ali Khader, The Law of Patents-With a Special Focus on Pharmaceuticals in India, LexisNexis, 2<sup>nd</sup> Edition, 2011
2. Elizabeth Verkey, Law of Patents, Eastern Book Company, 2<sup>nd</sup> Edition, 2012
3. Richard Miller, Guy Burkill, Hon Judge Birss, Douglas Campbell, Terrell on the Law of Patents, Sweet and Maxwell, 2010
4. Feroz Ali Khader, The Touchstone Effect:The Impact Of Pre-Grant Opposition On Patents, Lexis Nexis, 2009
5. Donald S Chisum, Chisum on Patents (17 Volumes), Lexis Nexis, 2012
6. Janice M. Mueller, Patent Law, Wolters Kluwer, 2013
7. Martin J. Adelman et al., Patent Law in a Nutshell, West, 2013
8. Amy L. Landers, Understanding Patent Law, Lexis Nexis, 2012.
9. Ananth Padmanabhan, Intellectual Property Rights Infringement and Remedies, Lexis Nexis, 2012

**LMD 727 Dissertation (viva- voce)**

Candidates are required to submit a dissertation of about 150-200 pages on a topic from the optional group offered by them. The dissertation is expected to be an in depth and critical analysis of a legal problem of contemporary significance in the field chosen by the candidate and must incorporate copious reference to judicial decisions, law review articles, books, monographs relevant to the topic in the form of footnotes and bibliographical references.

The candidates will be examined at an oral examination (viva) on the strength of the dissertation (written work.) The dissertation should be submitted (three copies) to Head of the Department one month before the Semester ends i.e. the Fourth Semester. The viva exam will be conducted afterward. The supervisor for dissertation shall be the teaching member of the Deptt. of Law., or other colleges where LL.M. courses are taught. The students will finalise the topic for dissertation in consultation with their supervisor and the Head of the Department.

After the dissertations have been submitted they shall be evaluated by the external examiner along with the Head of the Department and/or internal examiner. The examiner will evaluate the dissertation taking into account the following points:

1. Coverage of subject matter.
2. Arrangement and presentation.
3. Research Methodology
4. Nature of references and materials used.
5. Critical appreciation and original contribution of the candidate.

### **LMIE813 Protection of plant varieties & Traditional Knowledge**

#### **UNIT 1: Introduction**

- i. Introduction to Plant Varieties – Law& Science
- ii. Evolution of Plant Patents & Plant Varieties Protection
- iii. Justification for IP Protection
- iv. UPOV
- v. Essential Requirements- NDUS
- vi. Kinds of Varieties
- vii. Registration of Varieties

#### **UNIT 2: Rights, Limitations & Infringement**

- i. Exclusive Rights
- ii. Breeders' Rights v. Farmers' Rights
- iii. Researcher's Rights; Farmers' rights and Rights of Communities
- iv. Compulsory Licence
- v. Benefit Sharing
- vi. Infringement & Remedies

#### **UNIT 3: Traditional Knowledge (TK)**

1. Meaning, Nature and Characteristics
2. Need for protection of TK
  - i. Equity Considerations
  - ii. Conservation Motive
  - iii. Preservation of Traditional Practices and Cultures
  - iv. For Indigenous Peoples' Participation in Development Process
  - v. To Facilitate Access
  - vi. For the Conservation of Environment and Management of Bio Diversity



3. International Initiatives on TK Protection
  - i. Rio Declaration on Environment and Development (1992)
  - ii. The Convention on Biological Diversity, 1992
  - iii. Bonn Guidelines on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising out of their Utilization, 2002
  - iv. International Treaty on Plant Genetic Resources for Food and Agriculture, 2001
  - v. The FAO International Code of Conduct for Plant Germplasm Collecting and Transfer, 1993
  - vi. Convention Concerning Indigenous Peoples in Independent Countries, 1986
  - vii. Declaration of Principles of the World Council of Indigenous Peoples, 1984
  - viii. Kari-Oca Declaration and the Indigenous Peoples' Earth Charter, 1992
  - ix. The Mataatua Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples, 1993
  - x. Doha Ministerial Declaration, 2001
  - xi. UN Declaration on the Rights of Indigenous Peoples, 2007
  - xii. The Nagoya Protocol, 2010
  - xiii. Other TRIPS Plus initiatives
4. International bodies and Institutions responsible for the Protection of TK

#### **UNIT 4: Traditional Knowledge and IPR**

1. Interface between IPR & TK
  - i. Protection of Traditional Knowledge under the Existing Modes of Intellectual Property and Issues thereof
  - ii. Concepts of Prior Informed Consent (PIC) and Agreement to benefit sharing (ABS)
2. National Initiatives
  - i. Defensive protection of TK through legislative efforts: Constitutional Provisions, The Biological Diversity Act, 2002; Protection of Plant Varieties and Farmers' Rights Act, 2001; The Patent Amendment Acts 2002 and 2005; The Geographical Indications of Goods (Registration and Protection) Act, 1999; The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 etc.
  - ii. TKDL
  - iii. Need for a *sui generis* protection

#### **Suggested Readings:**

1. Elizabeth Verkey, Law of Plant Varieties Protection, Eastern Book Company, 2007
2. Anthony J. Stenson and Tim S. Gray, The Politics of Genetic Resource Control, Macmillan Press Ltd., London, 1999
3. Brush S.B & D. Stabinsky (ed.), Valuing Local Knowledge- Indigenous people and Intellectual Property Rights, Island Press, Covelo, California, 1996
4. Carlos M Correa, Traditional knowledge and Intellectual Property, Issues and Options Surrounding the Protection of Traditional Knowledge, Quaker United Nations Office, Geneva, 2001

5. David Downes, Using Intellectual Property as a Tool to Protect Traditional Knowledge: Recommendations for Next Steps, Center for International Environmental Law, Washington, DC, 1997
6. P. Drahos and M. Blakeney (ed.), Perspectives on Intellectual Property: IP in Biodiversity and Agriculture, Sweet and Maxwell, London, 2001
7. Vandana Shiva, Biopiracy: The Plunder of Nature and Knowledge, South Press, 1997
8. Vandana Shiva, Protect or Plunder: Understanding Intellectual Property Rights, Zed Books Ltd., London, 2001
9. S. K. Verma & Raman Mittal (ed.), Intellectual Property Rights a Global Vision, Indian Law Institute, New Delhi, 2004

### **LMIE814 Law of Designs, Layout Designs and Geographical Indications**

#### **UNIT 1: Industrial Designs**

1. Introduction
2. Evolution
3. Justification
4. International Treaties
  - i. Paris Convention
  - ii. Hague Agreement
  - iii. Locarno Agreement
  - iv. TRIPS
5. Industrial Design Act, 2000
6. Interface Between Design, Copyrights and Trademarks

#### **UNIT 2: Semiconductor and Layout Designs**

1. Introduction
2. Evolution
3. Justification
4. International Treaties:
  - i. Washington Treaty
  - ii. TRIPS
5. The Semiconductor Integrated Circuits Layout-Designs Act, 2000

#### **UNIT 3: Geographical Indications-I**

1. Introduction
2. Evolution
3. Justification
4. International Treaties:
  - i. Paris Convention
  - ii. Madrid Agreement
  - iii. Lisbon Agreement
  - iv. TRIPS Agreement

#### **UNIT 4: Geographical Indications-II**

- i. Protection of GI at National Level
- ii. Geographical Indication of Goods (Protection & Registration) Act, 1999
- iii. Higher Level of Protection of GIs and TRIPS, Article 23 Controversy
- iv. Genericides of Geographical Indications

#### **Suggested Readings:**

1. Ashwani Kumar Bansal, Design Law, Universal Law Publishing Company, 2012.
2. Latha R Nair & Rajendra Kumar, Geographical Indications: A Search For Identity, Lexis Nexis, 2005
3. Tapan Kumar (Ed.), WTO, TRIPS and GIs, New Century Publications, 2014
4. Dev Gangjee, Relocating the Law of GI, Cambridge University Press, 2012
5. K.C Kailasam and Ramu Vedaraman, Law of Trademarks including International Registration under Madrid Protocol and Geographical Indications, Lexis Nexis, 2013

#### **LMIE815 Enforcement of Intellectual Property Rights**

##### **UNIT 1: Enforcement of Industrial Property in General**

1. Civil Court Procedures
2. Criminal Actions: Counterfeiting

##### **UNIT 2: Enforcement of Patent Rights**

1. Assessing the Scope of Patent Rights
2. Evaluating Validity and Infringement of a Patent
3. The Cost of Patent Litigation

##### **UNIT 3: Enforcement of Copyright and related Rights**

1. Introduction
2. Provisions on Enforcement of Rights in International Copyright and Related Rights Conventions
3. Evolution of International Standards for the Enforcement of Rights
4. National Legislation Concerning Enforcement of Rights
5. Border Measures
6. Anti-Piracy Measures for Phonograms, Audiovisual Works and Computer Programs
7. Reasons for Taking Action against Piracy
8. Anti-piracy Measures

##### **UNIT 4: Activities within WIPO concerning enforcement and enforcement provisions of the TRIPS Agreement**

##### **UNIT 5: Intellectual Property Litigation**

1. Introduction
2. Review of Industrial Property Office Decisions
3. Pre-Grant Appeals
4. Post-Grant Appeals
5. Infringement Actions

### Suggested Readings:

1. Butterworths Patent Litigation: Enforcing a Global Patent Portfolio, 1995.
2. Ownership and Enforcement of Intellectual Property Rights (2003), CIPRA, NLSIU, Bangalore
3. Alfredo Ilardi and Michael Blakeney (Edited), International Encyclopedia of Intellectual Property Treaties (2004), Oxford University Press.
4. Christopher Heath and Laurence Petit (eds.), Patent Enforcement Worldwide, A Survey of 15 Countries, Hart Publishing, Oxford and Portland, Oregon.
5. N.S. Gopalakrishnan & T.G. Agitha, Principles of Intellectual Property (2009), Eastern Book Company, Lucknow

	<b>LL.M.Semester- IV(Intellectual Property Law)</b>						
<b>Course code</b>	<b>Subject Name</b>		<b>L</b>	<b>T</b>	<b>P</b>	<b>C</b>	
<b>LMI821</b>	law of Trademark	Compulsory	5	1	0	6	
<b>LMI822</b>	Law of copyrights	Compulsory	5	1	0	6	
<b>LMI823</b>	International Treaties on IPR	Compulsory	5	1	0	6	
<b>LMIE824</b>	Emerging Area of IPR	Elective	5	1	0	6	
<b>LMIE825</b>	Intellectual Property and WTO	Elective	5	1	0	6	
<b>LMIE826</b>	Information Technology and IPR	Elective	5	1	0	6	

### **LMI821 law of Trademark**

#### **UNIT 1: Introduction**

1. Evolution of Trademark in India
2. Justification
3. International Treaties:
  - i. Paris Convention
  - ii. Madrid Agreement and Protocol
  - iii. NICE Agreement
  - iv. Trademark Law Treaty
  - v. Singapore Law Treaty
  - vi. TRIPS
4. Kinds of Trademarks: Registered and Unregistered Trademarks, Conventional & Non-Conventional Trademarks, Service Mark, Collective Marks, Certification Marks, Well Known Trademarks

#### **UNIT 2: Registration of Trademarks**

- i. Pre-requisites
- ii. Absolute and Relative Grounds for Refusal of Registration
- iii. Concept of Deceptive Similarity and its Applicability in Registration
- iv. Procedure for Registration
- vi. National and International Registration

### **UNIT 3: Commercial Exploitation of Trademarks and IPAB**

- i. Rights of Proprietor
- ii. Assignment, Licensing and Transmission of Trademark
- iii. IPAB

### **UNIT 4: Infringement and Passing off**

- i. Infringement
- ii. Goodwill and Passing off
- iii. Remedies
- iv. Trademark Issues in Cyberspace

#### **Suggested Readings :**

1. K.C. Kailasam and Ramu Vedaraman, Law of Trademarks including International Registration under Madrid Protocol and Geographical Indications, Lexis Nexis, 2013
2. A. K. Bansal, Law of Trademark in India, Thomson & Reuter, 2014
3. David T Keeling, David Llewelyn, Kerley's law of Trade Marks and Trade Names, Sweet and Maxwell, 15<sup>th</sup> Edition , 2014.
4. Narayanan, Trade Marks and Passing Off, Eastern Law House, 2004
5. Ananth Padmanabhan, Intellectual Property Rights Infringement and Remedies, Lexis Nexis, 2012
6. Christopher Wadlow, The Law of Passing Off: Unfair Competition by Misrepresentation, Sweet and Maxwell, 2011.
7. David Lindsay, International Domain Name Laws, Hart Publishing, 2007.

### **LMI822 Law of copyrights**

#### **UNIT 1: Introduction to Copyright**

1. **Introduction**
  - i. Evolution of Copyright Law in India
  - ii. Nature and Scope of Copyright
  - iii. Pre-requisites for Copyright
  - iv. Copyright and its relationship with other IPRs
2. **International Conventions and Treaties**
  - i. Berne Convention for the Protection of Literary and Artistic Works, 1883
  - ii. Universal Copyright Convention, 1952
  - iii. TRIPS Agreement, 1994
  - iv. WIPO Copyright Treaty, 1996
  - v. International Copyright Order, 1999

#### **UNIT 2: Subject Matters of Copyright**

- i. Work in which Copyright Subsists
- ii. Authorship *vis- a vis* Ownership
- iii. Copyrights: Economic and Moral Rights
- iv. Duration of Copyright
- v. Copyright Issues in Digital Environment
- vi. Assignment and Licensing

### **UNIT 3: Limitations, Infringement & Enforcement of Copyright**

- i. Limitation and Exceptions of Copyright
- ii. Infringement
- iii. Remedies
- iv. Enforcement of Copyright at National and International Level

### **UNIT 4: Neighboring Rights**

1. Origin and Development
2. Rationale for Protection
3. Copyright vis-a vis Neighboring rights
4. International Treaties:
  - i. Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations 1961
  - ii. Geneva Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms Phonograms Convention, 1971
  - iii. Brussels Satellites Convention, 1974
  - iv. TRIPS Agreement, 1994
  - v. WIPO Performances and Phonograms Treaty, 1996
  - vi. Beijing Treaty on Audiovisual Performances, 2012
5. Performers Rights
6. Broadcasting organizations rights
7. Rights of the Producers of Phonograms
8. Economic and Moral Rights
9. Exceptions
10. Infringement and Remedies

### **Suggested Readings:**

1. Kevin Garnett, Jonathan Rayner James, Gillian, Copinger and Skone James on Copyright, Sweet & Maxwell, London, 2013
2. P. Narayanan, Copyright and Industrial Designs, Third Edition, Eastern Law House, New Delhi, 2007
3. David Nimmer, Nimmer on Copyright, Lexis Nexis, 2010
4. W R Cornish, Intellectual Property: Patents Copyright Trademarks and allied rights, Sweet & Maxwell, London, 2010.
5. S. Sivakumar & Lisa P. Lukose, Broadcasting Reproduction Right in India: Copyright and Neighbouring Right Issues, ILI, New Delhi, 2013
6. A.K. Kaul & V.K.Ahuja, Law of Copyright: From Gutenberg's Invention to Internet, University of Delhi, Delhi, 2001.
7. Ananth Padmanabhan, Intellectual Property Rights Infringement and Remedies, Lexis Nexis, 2012
8. Mira Sundara Rajan, Moral Rights: Principles, Practice, and New Technology, Oxford University Press, 2011
9. Neil Weinstock Netanel, Copyright's Paradox, Oxford University Press, 2008.
10. Robert A Gorman, Jane C. Ginsburg, Copyright Cases and Materials, Foundation Press, 2011
11. Paul Goldstein, International Copyright: Principles, Law, and Practice, Oxford University Press, 2012

## **LMI823 International Treaties on IPR**

### **UNIT 1: International Treaties on Patent**

1. Paris Convention
2. Patent Co-operation Treaty
3. Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure

### **UNIT 2: International Treaties on Trademark**

1. Paris Convention
2. Madrid Agreement Concerning the International Registration of Marks & Protocol.

### **UNIT 3: International Treaties on Copyright and Related Rights**

1. Berne Convention
2. Universal Copyright Convention
3. WIPO Copyright Treaty
4. Rome Convention
5. WIPO Performance and Producers of Phonogram Treaty

### **UNIT 4: Industrial Design and Integrated Circuit**

1. Paris Convention
2. Hague Agreement
3. Locarno Agreement

### **UNIT 5: Treaty on World Intellectual Property Organization**

1. History
2. Mission and Activities
3. Structure
4. Administration

### **Suggested Readings :**

1. Alfredo Ilardi and Michael Blakeney (Edited), International Encyclopedia of Intellectual Property Treaties (2004), Oxford University Press.
2. International Legal Instruments of Intellectual Property Rights Law (1998), (Vol. I & II) NLSIU, Bangalore.
3. WIPO, Reading Materials on Intellectual Property

## **LMIE824 Emerging Area of IPR**

### **UNIT 1: Intellectual Property Rights and Human Rights**

1. Right to Health as Basic Human Rights and IPR
2. Right to Food as Basic Human Rights and IPR



**UNIT 2: Protection of Traditional Knowledge and IPR**

1. Concept of Traditional Knowledge
2. Issues Concerning Traditional Knowledge
3. Bio-Prospecting & Bio-Piracy
4. Need for A Sui Generis Regime
5. Traditional Knowledge Digital Library

**UNIT 3: Biodiversity and IPR**

1. Biodiversity and Sustainable Development
2. Genetic Resources and Biotechnology
3. Benefit Sharing
4. Bonn Guidelines

**UNIT 4: IPR and Transfer of Technology**

1. Transfer of Technology and Economic Development
2. Issues and Concerns of Developing Countries

**UNIT 5: Biotechnology and Bioethical Implication of IPR**

1. Moral Issues in Patenting Biotechnological Inventions
2. Human Genomes

**Suggested Readings :**

1. Silke von Lewinski (Edited), Indigenous Heritage and Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore, 2nd Edition, (2008), Wolters Kluwer.
2. Paul L.C. Torremans (edited), Intellectual Property and Human Rights, Enhanced edition of Copyright and Human Rights, (2008), Wolters Kluwer

**LMIE825 Intellectual Property and WTO**

**UNIT 1: GATT and WTO**

1. Rounds of GATT
2. Dunkel Proposal
3. Formation of WTO
4. Structure of WTO
5. Agreements in WTO

**UNIT 2: WTO and Economic Development**

**UNIT 3: TRIPs Agreement and Its relation with other International IPR Treaties**

1. Paris Convention
2. Berne Convention
3. Rome Convention

**UNIT 4: TRIPs Agreement**

1. General Provisions and Basic Principles
2. Minimum Standard
3. Enforcement of IPR
4. Dispute Prevention and Settlement

**UNIT 5: TRIPs and Environment**

1. TRIPs and Biodiversity
2. TRIPs and Protection of Plants Varieties
3. TRIPs and Biotechnology

**Suggested Readings:**

1. Daniel Gervais (edited), Intellectual Property, Trade and Development (2007), Oxford University Press.
2. Peter – Tobias Stoll, Jan Busche and Katrin Arend (Edited), WTO-Trade related Aspects of Intellectual Property Rights (2009) (Vol. 7), Martinus Nijhoff Publishers.
3. A.H. Qureshi, Interpreting WTO Agreements, Cambridge.
4. Carlos M. Correa, Oxford Commentaries on The GATT.WTO Agreements (2007), Oxford University Press.

**LMIE826 Information Technology and IPR****UNIT 1: Information and Technology Act, 2000**

1. Introduction
2. Digital Signature
3. Regulation of Certifying Authority
4. Digital Signature Certificates
5. Cyber Regulations Appellate Tribunal
6. Offences

**UNIT 2: Internet and the Protection of Software Copyright**

1. Open Source
2. Reverse Engineering

**UNIT 3: Trademark Issues in Cyber Space**

1. Domain Name
2. The ICANN Uniform Domain Name Dispute Resolution Policy

**UNIT 4: Regulation of Converging Technologies**

1. What is Converging?
2. Internet Policy Direction
3. The Problem of Regulation Convergence Technology
4. Options for Regulatory Development

## **UNIT 5: Cyber Crimes and Intellectual Property Rights**

1. Introduction
2. Essential Ingredients of Crime
3. Types of Internet Crimes
4. Cyber Crime and IPR

### **Suggested Readings :**

1. Nandan Kamath, Law Relating to Computers Internet & E-Commerce, 2nd Edition, Universal Law Publishing Co.Pvt.Ltd.
2. David Lindsay, International Domain Name Law ICANN at the UDRP, (2007) Hart Publishing, Oxford and Portland, Oregon. E:\Semester\Detailed Syllabus of all schools and depts\03.School of Law\Syllabus.doc 18