PROCEDURE FOR ADMISSION TO PG (LLM)

Minimum 50% marks in law degree. For SC and ST category there shall be 5% relaxation. Admission on the basis of all India entrance examination at par with other PG courses of this University.

The course will be taught in semester system. The university is offering two optional groups i.e. Corporate and commercial law group and Criminal and security law. The student can opt any one of these groups. The evaluation will be as per the credit system followed by the PG department of this University. The dissertation will be evaluated by an internal examiner and an external examiner appointed by the university.

Each core subject will have three credits each. And each optional sub papers will have two credits each. The course will have two semesters of 18 weeks each. Accordingly each core subject is to be taught in approximately 65 credit hours. Each optional subject is to be taught in approximately 45 credit hours. One semester will have total 12 credits. The total course credits will be 24.

PAPERS FOR FIRST SEMESTER

Paper One – RESEARCH METHODS AND LEGAL WRITING

Paper two – COMPARATIVE PUBLIC LAW

Paper three- PRINCIPLES OF CORPORATE LAW / GENERAL PRINCIPLES OF CRIMINAL LAW

Paper four – INTELLECTUAL PROPERTY LAW / CRIMINAL JUSTICE AND HUMAN RIGHTS

Paper five – CONTRACT LAW / CORPORATE AND WHITE COLLAR CRIMES

SEMESTER TWO

Paper six – LAW AND JUSTICE IN GLOBALISING WORLD

Paper seven – DISSERTATION

Paper eight – CYBER LAW / CRIMINOLOGY AND CRIMINAL JUSTICE ADMINISTRATION

Paper nine – COMPETITION LAW / VICTIMOLOGY
Examination –

Each paper shall be for 100 marks; 80 for theory and 20 for internal examination. Theory paper shall contain 7 questions and candidate has to attempt any four out of this. Internal examination shall be for two examinations of 5 marks each, seminar of 5 marks and for overall performance 5 marks. In case a candidate is absent for internal examination he/she is allowed to appear for the same in the subsequent examination.

**LL.M. (Core Papers)**

Paper one - Research Methods and Legal Writing (3 credits)

Paper two - Comparative Public Law (3 credits)

Paper six - Law and Justice in a Globalising world. (3 credits)

Paper seven - Dissertation (3 credits)

**LL.M. (Corporate and Commercial Law)**

Paper three - Principles of Corporate Law (2 credits)

Paper four - Intellectual Property Rights (2 credits)

Paper five - Contract Law (2 credits)

Paper eight - Cyber Law (2 credits)

Paper nine - Competition Law (2 credits)

Paper ten - Banking and Insurance Law (2 Credits)

**LL.M. (Criminal and Security Law)**

Paper three - General Principles of Criminal Law (2 credits)

Paper four - Criminal Justice and Human Rights (2 credits)

Paper five - Corporate and White Collar Crimes (2 credits)

Paper eight - Criminology and Criminal Justice Administration (2 credits)

Paper nine – Victimology (2 credits)

Paper ten - Human Rights International and National Sphere (2 credits)
## FIRST SEMESTER

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## SEMESTER TWO

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<td>Paper Ten</td>
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P1-Research Methodology and Writing Skills (3 Credits)

I. Introduction
   a) The science of research and scientific methodology
   b) Interrelation between speculation, fact and theory building-some fallacies of scientific methodology with reference to socio legal research
   c) Inter-disciplinary research and legal research models
   d) Arm chair research vis-a-vis empirical research
   e) Legal research-common law and civil law legal systems

II. Research Design
   a) Workable Hypothesis-formulation and evaluation
   b) Major steps in research design

III. Research Techniques
   a) Sampling
   b) Survey and Case Study method
   c) Scaling and Content Analysis

IV. Research Tools and Data Processing
   a) Observation
   b) Interview and schedule
   c) Questionnaire
   d) Socio-metrics and jurimetrics
   e) Data processing (deductions and Inductions) analysis and interpretation of data

V. Legal writing
   a) Report/article writing in legal research
   b) Use of definitions, maxims, concepts, principles, doctrines in legal research
   c) Citation methodology
   d) Book review and case comments

Suggested Reading Materials for Reference

1. Robert Watt- Concise book on Legal Research
2. Ram Ahuja-Research Method
3. Good and Hatt- Research Methodology
4. Pauline Young- Research Methodology
5. Earl Babbie- Research Methodology
6. Anwarul Yaqin-Legal Research Methodology
P-2 COMPARATIVE PUBLIC LAW (3 Credits)

1) Public law-meaning, as a distinctive category of law- its difference from private law and other categories- comparative law - particularly as applied to public law.

2) The concept of a Constitution and its relationship with statehood, territoriality, and citizenship-Constitutions and the building of new constitutional regimes: new constitutional values- Constitutions and the international community.

3) Legislatures: parliaments, their 'sovereignty' (confined to British tradition) and electoral accountability. The UK, USA, Australia and France, India.

4) Executives: privileges, accountabilities and democracy. The UK, the USA, France, India.

5) Courts: protecting public interests through litigation. Locus standi and the nature of the judicial power. Constitutional review on the basis of allocation of power and rights; independence and accountability. Focus on the USA, Australia, the EU, and India.

Protecting constitutional rights - types of rights, and the sources and forms of protection of constitutional rights. Codification and status of rights- kinds of protection-judicial, political, and dialogic- issues of legitimacy relating to judicial interpretation and application of rights. The legitimacy of cross-fertilisation between jurisdictions in the interpretation of rights- protecting rights through the political process in Australia and the UK, and the impact of international law-dialogue between institutions-Canada and the UK.

6) Amending constitutions; flexibility and continuity as aspects of constitutionalism. Focus on the UK, Canada, India, Germany, and Australia.
Select Bibliography

Barendt, An Introduction to Constitutional Law (1998)
Finer, Comparative Government (1970)
Marks, The Riddle of All Constitutions: International Law, Democracy and Critique of Ideology (2000)
Wheare, Modern Constitutions (2nd Ed 1966)
Jackson and Tushnet, Comparative Constitutional Law (1999)
de Smith and Brazier, Constitutional and Administrative Law (8th Ed 1998)
Turpin, British Government and the Constitution (4th Ed 1999)
Bradley and Ewing, Constitutional and Administrative Law (13th Ed 2003)
Feldman, Civil Liberties and Human Rights in England and Wales (2nd Ed 2002)
Wade and Philips - Constitutional Law
Dicey - Introduction to Law of the Constitution.
O Hood Philips - Constitutional Law and Administrative Law.
Ivor Jennings - Law and the Constitution.
K. C. Davis - Discretionary Justice.
Peter H. Schuck - Foundations of Administrative Law.
P. P. Craig - Administrative Law.
Alex Carol - Constitution and Administrative Law.
Neil Hawke and Neil Papworth - Introduction to Administrative Law.
Jaffe - Judicial Control of Administrative Law.
K.D.Gaur – A Textbook on The Indian Penal Code.
Videh Upadhyay - Public Interest Litigation In India: Concepts, Cases Concerns, 1stEdition
S. K Agrawala - Public interest litigation in India: A critique (K.M. Munshi memorial lectures)
P-6 LAW AND JUSTICE IN A GLOBALISED WORLD (3 Credits)

I. Introduction
(a) Meaning and significance of Globalization
(b) concept of Global Justice
(c) Global Justice and Right to Development

II. Theoretical Prepositions of Global Justice
(a) Realism
(b) Particularism
(c) Nationalism
(d) Cosmopolitanism

III. Historical and Central Challenges to Global Justice
(a) Global Poverty - Role of International Mechanism
(b) Armed Conflict
(c) Nationalist practices
(d) Crimes against Humanity
(e) Environment and Health
(f) Oppressive Policies - Threat of Terrorism, Global Politics

IV. Role and Reformation of Global Institutions
(a) States, sovereignty and Transnational Law
(b) Economic and Trade Institutions-MNC’s
(c) structural reforms of United Nations-Security Council
(d) International Judicial Institutions

V. Models To Achieve Global Justice
(a) Social Contract and Social Justice
(b) Sarvodaya Model of Justice
(c) Multi Culturalism and Cosmopolitanism
(d) Significance of Human Rights Education
(e) Global Justice and Global Rule of Law

Recommended Readings
Amartya Sen: Development as Freedom, Oxford
Amartya Sen: Human and Public Action Oxford
Global Justice Net work: www.theglobaljusticenetwork.org/journal
R Pierik : Cosmopolitanism Global Justice and International Law Cambridge Proceedings of American Society of International Law, 2005

P-3 Principles of Corporate Law(2 credits)
I. Introduction
a. Corporate personality
b. Advantages and Disadvantages of Incorporation
c. Concept of lifting of Corporate Veil.
d. Convergence of Corporate Legal System in the Present Time – LLP as a type of Corporate vehicle

**II. Corporate Finance**

b. Offer Documents
c. Public Issues
d. Under writing of Issues
e. Corporate Loans
f. Venture Capital, Institutional Financing
g. Role of SEBI and stock exchanges

**III. Amalgamation, Reconstruction, Mergers and takeovers etc.**

a. Meaning of the terms
b. Statutory provisions
c. Powers of the court/tribunal

**IV. Corporate Governance**

a. Concept, Significance
b. Dimensions
c. Legal framework, Basic Principles and OECD principles of Corporate Governance
d. Impact of globalization

**Suggested Readings**

1. J.M. Thomson- Palmer’s Company Law
2. Gower- Principles of Modern Company Law
3. Ramaiya- Guide to Companies Act
4. Indian Law Institute- Current Problems of Corporate Law
5. Chandratre, Acharya, Israni,Sethuraman-Compendium on SEBI, Capital Issues and Listing
6. Ashwath Damodaran- Corporate Finance
P-4 INTELLECTUAL PROPERTY RIGHTS (2 Credits)

1. Introduction
Origin and Genesis of IPR
Theories of IPR – Locke’s, Hegel and Marxian
Ethical, moral and human rights perspectives of IPR

2. Intellectual Property Rights: International Relevance
Internationalization of IP protection – Paris Convention, Berne Convention, TRIPS Agreement – basic principles and minimum standards – limits of one-size-fit for all – flexibilities under TRIPS

Copyright protection with reference to performer’s rights and Artist rights,
Global governance towards Patents
Legal recognition of Trade Marks and Trade secrets- Comparative analysis in India, EU and USA

Benefit sharing and contractual agreements – International Treaty on Plant Genetic Resources for Food and Agriculture – issues on patent policy and farmers’ rights- CBD, Nagoya Protocol and Indian law
UNESCO – protection of folklore/cultural expressions
Developments in WIPO on traditional knowledge and traditional cultural expressions

Suggestive Readings:
N S Gopalakrishnan&T G Ajitha-Principles of Intellectual Property”, Eastern Book Co
Avtar Singh- Principles of Intellectual Property Law
P.S. Narayana – Intellectual property law in India
CONTRACTS LAW (2 Credits)


2. Standard Form Contracts
Nature, advantages and unilateral character
Principles of protection against the possibility of exploitation
Exemption clauses
Law Commission of India’s views

3. Government Contracts
Constitutional Provisions
Performance of Government contracts
Tender procedure in public contracts
Statutory Contracts

4. Electronic Contracts
Formation of E-Contracts
Advantages and disadvantages of E-Contracts
Relevant Laws
Legality of E-Contracts

5. Quasi Contracts
Principle of unjust enrichment
Contract for Necessaries
Provisions of Indian Contracts Act
Quasi Contracts in English Law


SUGGESTED READINGS
1) A.G. Guest (Ed): Anson’s Law of Contract..
2) P.S. Atiyah, Introduction to the Law of Contract.
6) Pollock and Mulla on the Indian Contract and Specific Relief Acts.
10) David M. Sarron - CIF and FOB contracts
11) Clive M Schmithoff - International Trade, Law
12) Charles D. - Sale of Goods carried by Sea
13) Ademuni Odeke - Law of International Trade
14) P. S. Atiyah - The Rise and fall of Freedom of Contract

**P-8-Cyber Law (2 Credits)**

**Fundamentals of Cyber Law**

A) Conceptual and theoretical perspective of cyber law.
B) Computer and Web Technology
C) Development of Cyber Law – National and International Perspective

**Cyber Law: Legal Issues and Challenges in India, USA and EU**

A) Data Protection, Cyber Security,
B) Legal recognition of Digital Evidence
C) Recognition of liability in the digital world
D) Jurisdiction Issues in Transnational Crimes

**Cyber Law: International Perspectives**

A) Budapest Convention on Cybercrime
B) ICANN’s core principles and the domain names disputes
C) Net neutrality and the EU electronic communications regulatory framework
D) Web Content Accessibility Guidelines (WCAG) 2.0

**Cyber Law – Contemporary Trends**

A) Impact of cyber warfare on privacy, identity theft.
B) International law governing Censorship, online privacy, copyright regulations,
C) Online Intermediaries in the governance of Internet
D) Social Networking Sites vis-à-vis Human Rights.

**Suggestive Readings:**

Yatindra Singh : Cyber Laws.
Ajit Narayanan and Bennum (ed.) : Law, Computer Science and Artificial Intelligence.
Linda Brennan and Victoria Johnson : Social, ethical and policy implication of Information Technology.
Arvind Singhal and Everett Rogers : India's Communication Revolution : From Bullock Carts to Cyber Marts.
Lawrence Lessing : Code and other Laws of cyberspace.
Mike Godwin : Cyber Rights Defencing free speech in the Digital Age.
Kamath, Nandan (Ed) - Law relating to computers, internet, and Ecommerce, A guide to Cyber Laws and the Information technology Act, 2000
Varma S.K. and Raman Mittal (Eds) - Legal Dimensions of Cyber Space
Ian Lloyd - Information Technology Law.

P-9 Competition Law (2 credits)
I. Introduction
a. Basic economic and legal principles
b. Restraint of Trade under Indian Contract Act
c. Monopolistic Trade Practices
d. Restrictive Trade Practices
II. Development of law from MRTP to Competition Act 2002
a. Aims, Objects and Salient features
b. Comparison between MRTP Act and Competition Act
c. Anti-Competitive Agreement
d. Abuse of Dominant Position
e. Combination
f. Protection of consumers
III. Competition Commission Of India
a. Structure and function of CCI
b. Regulatory role
IV. Competition Appellate Tribunal.
a. Composition, Functions, Powers and Procedure
b. Award Compensation
c. Power to punish for contempt
d. Execution of orders

Suggested Reading:
K.S. Anantaranan : Lectures on Company Law and MRTP
P-10 Banking and Insurance Law(2 credits)

1. Introduction- Different kinds of banks and their functions, Multifunctional banks-Growth and Legal issues. Law relating to. Banking Companies in India- Controls by Govt. and its agencies-the RBI as the Central Bank-suspension and winding up-contract between banker and customer –their rights and duties.

2. Relationship of Banker and customer - Legal character-Contract between banker and customer - Banking duty to customers-consumer protection and banking as service. Recent Trends of Banking system in India- /automatic teller machine and use of internet-Travellers cheque- smart cards-credit cards.


6. Concept of average, in Insurance contract- Settlement of-insurance claims.
Suggested Readings

Bani A - Review of current Banking theory and practice
Pagets - Law of Banking
M.L.Tannan - Tannan's Banking Law and Practice in India 1997
Two volumes
L.C.Goyle - The-Law of Banking and Bankers.
K.C.Shekar - Banking Theory and Practice in India.
Amalesh Banerjee & S.K.Singh (Eds.) - Banking and Financial Sector Reforms in India, 7 volumes.
Raj Kapila & Uma Kapila (eds.- Banking and Financial Sector Reforms in India, 7 volumes.
Good Hart - The Central Bank and the Financial System
K.Subramanyan - Banking Reforms in India.
Janaki Raman Committee Report on securities operation of Banks and Financial institutions (1993)
John Hanson and Christopals, Henby - All risks property Insurance
Peter Mac Donald - Eggers and Patric Poss, Good Faith and Insurance Contracts.
Banerjee - Law of Insurance
Birds - Modern Insurance Law;
Edwen. W.Patterson - Cases and Materials on Law; of Insurance
Arnold - The Law of Marine Insurance and Average, Vol. I & II
P-3 GENERAL PRINCIPLES OF CRIMINAL LAW (2 credits)

1. Introduction - Concept of a Crime - Criminal law in India before IPC - effect of codification
4. Inchoate crimes - conspiracy, abetment, Attempt - incitement - Indian and English law.
5. General Defences - Excusable - Justifiable.
6. Substantive Criminal Law - moral foundations and human right aspects - Retroactivity of criminal law, Narrow construction of criminal law, rule against judicial creation of offences and vagueness of criminal statutes, etc.

Suggested Readings
1. Glaniville Williams - Text Book of Criminal Law
2. Jerome Hall - General Principles of Criminal Law
4. Kenny - Outlines of criminal law
5. Edwards - Mens Rea in Statutory offences
6. P.R.Glazebrook (Ed.) - Reshaping the criminal law
7. Collin, Howard - Strict Responsibility
9. Smith & Hogen - Criminal Law
10. Cross, Johns and Card - Criminal Law
11. KNC Pillai, General Principles of Criminal Law, Eastern Book Co.
13. Stephen: History of English Law Vol. III (Last chapter on Indian Penal Code);
14. W.H. Morley: Administration of Justice in British India;
15. Setelvad: Common Law in India (Chapter III, Criminal Law, p. 124-176);
16. J.D. Mayne: Indian Penal Code (Ed. II 1901, p. 242-249);
17. Dharkar: Lord Macaulay legislative minutes (p. 59, 66, 137, 140, 214, 239);
P-4 CRIMINAL JUSTICE ADMINISTRATION AND HUMAN RIGHTS (2 credits)

2. Pre-trial procedures and human rights-arrest and questioning of the accused, the rights of the accused, the evidentiary value of statements/articles seized/colllected by the Police, right to counsel, role of the prosecutor and the judicial officer in Investigation.
3. Trial Procedures- the Accusatory system of trial and the inquisitorial system of trial-role of the Judge, the prosecutor and defence attorney in the trial-impact of emerging human right jurisprudence
5. Right to review-Review, revision, appeal as constitutional and statutory right-Application of Art.32, Art.226, Art.227, Art.136

Suggested Readings
1. Celia Hampton - Criminal Procedure
2. Wilkins and Cross - Outlines of the law of Evidence
3. Archhold - Pleading, Evidence and Practice
4. Sarkar - Law of Evidence
5. K.N. Chandrasekharan Pillai (Ed.) - R.V. Kelkar’s of Criminal Procedure
7. Andrew Ashworth-Serious Crime, Human Rights and Criminal Procedure (Hamlyn Lectures)
P-5 Corporate and White Collar Crimes (2 credits)
1) The concept of white collar crime—meaning—nature-causes-types
3) Individual liability in an organisational setting—Promoters-Directors-Other Managerial Members—Vicarious Liabilities of Corporation—Theory of vicarious liability—Concept of Mens-rea—Attribution of Mens-rea to the company—Case laws.
4) Corporate Fraud—meaning-types—Serious Fraud Investigation Office, insider trading—meaning—Insider & Insider Trading Defined—"price sensitive information"—"misappropriation theory"—Insider Trading in USA—The European Community Directive on Insider Trading—Insider trading in India—tax evasion
5) Perjury—false statements—obstruction of justice—Contempt—corruption—meaning-types—black marketing—legislative framework in India
6) Intellectual property offences—Cyber Crimes—offences affecting health—Food adulteration—offences relating to medicine-intoxicating substances

SUGGESTED READING
Pankaj Singh, Insider Trading In India
http://works.bepress.com/cgi/viewcontent.cgi?article=1001&context=pankaj_singh
Bharadwaj—White Collar Crimes and Corporate Crimes
Lawrence M Salinger—Encyclopaedia of White Collar and Corporate Crimes, Sage Publication
Michel Cromer—Investigating Corporate Fraud
Jack Bologna-Corporate Fraud: The Basics of Prevention and Detection, Butterworth
Julia Penny- Corporate Fraud: Prevention and Detection
The Drugs and Cosmetics Act, 1940.
The Drugs Control Act
The Essential Commodities Act
The Food Adulteration Act, 1954.
The Food Safety and Standards Act, 2006
The Indian Penal Code
The Information Technology Act, 2000
The Insecticides Act, 1968
The Narcotic Drugs and Psychotropic Substances Act, 1985
The Prevention of Corruption Act, 1947
The Prevention of Corruption Act, 1988
The Standards of Weights and Measures Act, 1976

P-8 Criminology and Criminal Justice Administration (2 credits)
II) Criminology Meaning Definition and Scope-Relationship with Other Sciences, Legal, Social and Psychological Aspects of Crime, Development of Criminological Thought- Schools of Criminology - Criminological Thought in Ancient India
III) Psychological motivations for Crime; Distinction between normal and abnormal behaviour, Neurosis and Psychosis. Constitutional Theories. Body Types, Hereditary Traits Endocrine glands, Trait theories. Theories of personality - Concept and importance. Defense Mechanisms as a means of


V) Penology - Meaning, Definition and Scope, Development of Penological Thought - Schools of Penology, Punishment - Concept and Definition; Theories of Punishment - Types of Punishment - objectives and trends of Punishment; Death Penalty: Rationale and Current Debate on it Sentencing Procedures: Mandatory Sentence, Indeterminate and Determinate Sentence. Standardization of Sentence


VI) Main features of Criminal Justice System in India; problems and latest interventions. Components of Criminal Justice System: Police, Prosecution, Judiciary and Correctional administration - their interlinkages and coordination. The Organizational setup of Police; Administration of Police; Police Training - its necessity, Problems of Police and Policing; Police - Public relationship - Female Police; Perspectives on Police in Democratic Society.

**Suggested Readings**

W.C. Reeklers - Crime problem

Caldwell - Criminology

Barners & Teeters - New Horizons in Criminology

Sethna - Society and the Criminal

Chris Hale, et.al - Criminology

Ahmad Siddique – Criminology
P9-VICTIMOLOGY (2 credits)

Unit I  Victims: Concept and Importance.

Unit II  Patterns of Criminal Victimizations.

Unit III  Impact of Victimization - Physical and Financial.

Unit IV  Criminal Justice System & Victim.

Unit V  Compensation to True Victim.
Suggested Readings
Singh Makkar, S.P. Global perspectives in Victimology, ABC Publications, Jalandhar, 1993,
Rajan, V.N., Victimology in India : An Introductory Study, Allied Publishers, New Delhi,1981,
Devasia,V.V, Criminology, Victimology and Corrections.  Ashish Publishing House, New Delhi, 1992
Jan J.M. van Dijk, "Introducing Victimology", http://arno.uvt.nl/show.cgi?fid=77963

P-10 Human Rights International And National Sphere(2 credits)
I. Introduction
(a) Scope and Significance of Human Rights
(b) Globalisation Vis-à-vis Human Rights
(c) Human rights with special reference to Right to Development
II. Human rights in the International Scenario
(a) Impact of the Human Rights Instruments on Domestic Law
(b) Rights of disadvantaged and Vulnerable Groups- Critical Analysis
(c) Cultural Relativism and Human Rights

III. Human Rights in the National Sphere
(a) Human Rights in the Indian Sphere- An Over View
(b) Constitution and the analysis of Preamble
(c) Social Action Litigation and the Role of Indian Judiciary

IV. Enforcement Mechanism : International and National Sphere
(a) Critical Examination of the Human rights Council and Human rights Commission
(b) Treaty Mechanism with respect to Covenants ICESCR and ICCPR; Convention on the Elimination of Discrimination against Women and Child Rights Convention.
(c) Critical Analysis of the NHRC and the National Women’s Commission and National Child Rights Commission.

Suggested Readings:
Jeffery F. etc (Eds) Globalization International Law and Human Rights, Oxford;2012
Ian Brownlie: Basic Documents on International Law, Oxford, 2012
Lone Lindholt etc. Human Rights in Development 2003 Martinus Nijhoff pp 1-110
Rhona K.M. Smith International Human Rights, Oxford (5th Edn) 2012 chapters 1,2,5,10,22 and 23.
TSN Sastry: India and Human Rights: Reflections Concept publishers 2005 Chapters 1-7,8,9,14,15, & 17