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 <b>SGT UNIVERSITY, GURGAON</b> <b>FACULTY OF LAW</b> <b>SYLLABUS</b>			
PROGRAMME	SEMESTER	SUBJECT	COURSE CODE
LL.M	I	RESEARCH METHODS & LEGAL WRITING	

### RESEARCH METHODS & LEGAL WRITING

The main objective of this course is to acquaint the student of law with the scientific method of social science research. This course is expected to provide the knowledge of the technique of selection, collection and interpretation of primary and secondary data in socio legal research.

Emphasis would be laid on practical training in conducting research in this course. By the end of the course the students are expected to develop a scientific approach to socio legal problems. They should be able to design and execute small scale research problems. The practical skill in conducting research will be evaluated on their performance in field research and workshops/seminars.

#### UNIT I. RESEARCH — PERCEPTS

- 1.1 Definition, Meaning and Objectives of Research
- 1.2 Research methods vis-à-vis Research Methodology
- 1.3 Legal Research:
  - a) Meaning, scope and purpose of Legal Research
  - b) Relation between law and society
- 1.4 Types of Research- Descriptive, Analytical, Applied, Fundamental, Quantitative, Qualitative, Conceptual, and Empirical.
- 1.5 Qualities of a Good Researcher
- 1.6 Obstacles to a good Research in India

#### UNIT II. RESEARCH DESIGN & TECHNIQUES

- 2.1 Major steps in research design
- 2.2 Identifications and Formulation of Research Problem
- 2.3 Hypothesis and Research Design
- 2.4 Scaling and Content Analysis
- 2.5 Technique for Collections of data- collection of case materials and juristic literature, use of historical and comparative research material from Statutes, Judicial Decisions, Juristic Writings

#### UNIT III. RESEARCH TOOLS AND DATA PROCESSING

- 3.1 Observation
- 3.2 Interview, schedule and Questionnaire,
- 3.3 Sampling, Survey and Case Study method
- 3.4 Socio-metrics and jurimetrics

  
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- 3.5 Data processing (deductions and Inductions) analysis and interpretation of data

#### UNIT IV. LEGAL WRITING

- 4.1 Legal Writings: Meaning & Significance
- 4.2 Report/Article writing & legal research; use of definitions, maxims, concepts, principles, doctrines in legal research
- 4.3 Guidelines for researchers
  - a. Research Ethics
  - b. Plagiarism & its consequences.
- 4.4 Citation methodology


#### Suggested Reading

1. Robert Watt- Concise book on Legal Research
2. Good and Hatt- Research Methodology
3. Pauline Young- Research Methodology
4. Earl Babbie- Research Methodology
5. Stott D.-Legal Research
6. Robert Watt and Francis Johns- Concise Legal Research
7. S.K.Verma & Afzal Wani- Legal Research Methodology
8. C R Kothari, : Research Methodology

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<b>PROGRAMME</b>	<b>SEMESTER</b>	<b>SUBJECT</b>	<b>COURSE CODE</b>
LL.M	I	COMPARATIVE PUBLIC LAW	

**Objectives:** The paper intends to provide a comparative analysis about the structure of government, legislative process and the role of the judiciary to have better understanding of the Indian polity. It also aims at providing a Comparative study of the systems of polity in UK, US and India.

**UNIT I. Public Law and It's Role in Governance**

- 1.1 Nature & Role of Public Law
- 1.2 Distinction between public and private law
- 1.3 Scope of Public law – Constitutional law, Administrative law and Criminal law
- 1.4 Basic concepts of Public Law – Constitution vis-à-vis Constitutionalism
- 1.5 Principles of Accountability and Public Law

**UNIT II Basic Principles of organization of Government and Forms of Government**

- 2.1 Presidential and Parliamentary forms of Government
- 2.2 Forms of Governments  
Federal and Unitary Forms  
(a) Features, Advantages, and Disadvantages  
(b) Model of Federalism and Concept of Quasi-Federalism  
(c) Role of Courts in Preserving Federalism
- 2.3 (a) System of Governance under the U.S. Constitution  
(b) Basic principles underlying Government in U.K.

**UNIT III. Study of Comparative Constitutional Law**

- 3.1 Nature and Role of Fundamental Rights in Public Law
- 3.2 Evolution of Fundamental Rights in U.K., U.S.A., and India
- 3.3 Scope of Fundamental Rights in U.S.A.
- 3.4 Role of Fundamental Rights in U.K.
- 3.5 Limits to Fundamental Rights
- 3.6 Relevance and Problems in Using Comparison

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#### UNIT IV.

#### Constitutional Foundations of Powers

- 4.1 Rule of Law
  - (a) Dicey's Concept of Rule of Law
  - (b) Modern Concept of Rule of Law
  - (c) Social and Economic Rights as Part of Rule of Law
- 4.2 Separation of Powers
  - (a) Concept of Separation of Powers
  - (b) Checks and Balances
  - (c) Separation of Powers or Separation of Functions
- 4.3 Judicial Review: Comparative analysis of scope of Judicial Review in UK, US and India

#### Books Recommended:

1. Christopher Forsyth, Mark Elliott, Swati Jhaveri, *Effective Judicial Review: A Cornerstone of Good Governance* (Oxford University Press, 2010).
2. D.D. Basu, *Comparative Constitutional Law* (2nd ed., Wadhwa Nagpur).
3. David Strauss, *The Living Constitution* (Oxford University Press, 2010)
4. Dr. Subhash C Kashyap, *Framing of Indian Constitution* (Universal Law, 2004)
5. Elizabeth Giussani, *Constitutional and Administrative Law* (Sweet and Maxwell, 2008).
6. Erwin Chemerinsky, *Constitutional Law, Principles and Policies* (3rd ed., Aspen, 2006)
7. M.V. Pylee, *Constitution of the World* (Universal, 2006)
8. Mahendra P. Singh, *Comparative Constitutional Law* (Eastern Book Company, 1989).
9. Neal Devins and Louis Fisher, *The Democratic Constitution* (Oxford University Press, 2010)
10. S.N Ray, *Judicial Review and Fundamental Rights* (Eastern Law House, 1974).

#### Articles:

1. AmanUllah and UzairSamee, "Basic Structure of Constitution: Impact of KesavanandaBharati on Constitutional Status of Fundamental Rights", Vol. 26 (2) South Asian Studies 299-309 (JulyDecember 2011).
2. Anne Smith, "Internationalization and Constitutional Borrowing in Drafting Bills of Rights", 60(4) International and Comparative Law Quarterly 867-894 (2011October).
3. Bruce Ackerman, "The New Separation of Powers" 113 (3) Harv. L. Rev. 634-729 (2000)
4. Bryan Clark and Amanda Leiter, "Regulatory hide and seek: What agencies can (and can't) do to limit judicial review" 52(5) Boston College Law Review 1687-1732 (2011 November)
5. Rodriguez, "Change that matters: Essay on State Constitutional Development", 115(4) Penn State Law Review 1073-1098 (Spring 2011).

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7. Daryl Levinson and Richard H. Pildes "Separation of Parties, Not Powers" 119(8) Harvard Law Review 2311-2386 (2006).
8. David King, "Formalizing Local Constitutional Standards of Review and the Implications for Federalism" 97 (7) Virginia Law Review 1685-1726 (November 2011). \* Suggested Readings are not exhaustive. Need to be supplemented with additional readings.
9. David Staruss, "Do we Have a Living Constitution" 59 (4) Drake Law Review 973-984 (2011 Summer)
10. Devi Prasad Singh, "Sovereignty, Judicial Review and Separation of Power", 7(5) Supreme Court Cases 1-13 (2012 September)

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PROGRAMME	SEMESTER	SUBJECT	COURSE CODE
LL.M	I	LAW & JUSTICE IN GLOBALIZING WORLD	

**OBJECTIVES:** The students should understand the process of globalization in all its dimensions and perspectives; they should particularly appreciate the role of Law and Justice in the context of globalization

#### UNIT I. Globalisation and Legal Theory

- 1.1 Relationship of Law and Justice: Justice as Function and Purpose of Law.
- 1.2 Jeremy Bentham's Utilitarian Theory of Justice
- 1.3 John Rawls Theory of Justice.
- 1.4 Welfare State and Sociological Jurisprudence
- 1.5 Amartya Sen's Idea of Justice: Its Relevance in the light of Justice and World


#### UNIT II. GLOBALIZATION: MEANING, REACH AND FORM

- 2.1 Social, Political, and Economic Dimensions of Globalization
- 2.2 Emergence of Transnational Law in a Globalizing World
- 2.3 Impact of Globalization on Sovereignty of States
- 2.4 Impact of Globalization on Federalism and Democratic Law Making
- 2.5 Impact of globalization on
  - a. Human Rights
  - b. Trade Law

#### UNIT III. CONCEPT OF JUSTICE IN A GLOBALIZING WORLD

- 3.1 Globalization and Universal Values
- 3.2 Concept of Global Justice
- 3.3 Cosmopolitanism
- 3.4 Globalization and Social Justice/ Global Distributive Justice
- 3.5 Impact of Globalization on Judicial Process and Administration of Justice

#### UNIT IV. Emerging Initiatives for Justice

  
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- 4.1 Role of Mediation and Arbitration in Globalized world
- 4.2 Third World's Perspectives to Globalisation.
- 4.3 Cosmopolitanism and Global Justice
- 4.4 Roles and Responsibilities of
  - a) Multinational Companies
  - b) Corporate Social Responsibilities
  - c) Other New Initiatives
- 4.5 United Nations' Institutional Mechanism of Justice under International Legal Regime


**Books Recommended:**

1. Andrew Kuper, Democracy Beyond Borders: Justice and Representations in Global Institutions (OUP, 2006).
2. Anthony McGrew, David Held (eds.), Governing Globalization: Power, Authority and Global Governance (Polity Press, 2002).
3. Boaventura de Sousa Santos, Cesar A. Rodriguez-Garavito (eds.), Law and Globalization from Below (Cambridge University Press, 2005).
4. David B. Goldman, Globalization and the Western Legal Tradition: Recurring Patterns of Law and Authority (Cambridge University Press, 2008).
5. David Held, A Globalizing World? Culture, Economics, Politics (2004).
6. Amartya Sen : The idea of justice

**Articles:**

1. Ajit Pal Singh, "Globalization and its Impact on National Policies with Reference to India: An Overview of Different Dimensions" 42 (1-2) Journal of Constitutional and Parliamentary Studies 62-78 (2008).
2. Amit Kumar Sinha, "Human Rights in the Era of Globalization" 245 (6) Madras Law Journal 124-136 (2010).
3. Anupam Hazra, Indians in Need of Rehabilitation, 8 (3) Indian Journal of Public Administration 29-35 (2009).
5. B. S. Chimni, "A Just World Under Law: A View From South" 22 (2) Am. U. Int. Law. Rev. 199- 220 (2007).
6. B.S. Chimni, "International Institutions Today: An Imperial Global State in the Making" 15 E.J.I.L. 1 (2004).
7. Benedict Kingsbury, Nico Krisch, et al., "The Emergence of Global Administrative Law" 68 Law and Contemporary Problems (2005).
8. Boutros and Branislav, "Global Leadership and Global Systematic Issues: South, North and UNITED Nations in a 21st Century World II 46 (44&45) Economic and Political Weekly 23-35 (April 2011).
9. Cameron and Gunningham, "Natural Resources, New Governance and Legal Regulation: When Does Collaboration Work" 24 (3) New Zealand Universities Law Review 309-336 (June 2011).
10. Hiren Gohain, "Livelihood Losses and National Gains" 45 (51) Economic and Political Weekly 79-80 (2010).

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PROGRAMME	SEMESTER	SPECIALIZATION	SUBJECT	COURSE CODE
LL.M	I	HUMAN RIGHTS	Constitutional Governance of Human Rights	

**Objective:** To study in detail the International Regime for protection of Human Rights and the incorporation of Human Rights in the Constitution of India. To understand the enforcement mechanism of the basic Human Rights

### UNIT I International Regime for Protection of Human Rights

- 1.1 International Human Rights Law
- 1.2 Human Rights under the UN Charter
- 1.3 Promotion and Protection of Human Rights by the UN
- 1.4 Human Rights Bodies under the UN system
  - a. Human Rights Council
  - b. Office of the United Nations High Commissioner for Human Rights (OHCHR)
- 1.5 International Conventions on Human Rights  
Adoption and Implementation of:
  - a. Covenant on Civil and Political Rights
  - b. Covenant on Economic Social and Cultural Rights

### UNIT II Constitution and Human Rights

- 2.1 Constituent Assembly debates on the Fundamental Rights, Directive Principles and Fundamental Duties,
- 2.2 Problems of choosing "Fundamental Rights" and defining reasonable restrictions on fundamental rights
- 2.3. International human rights and the Indian Constitution
- 2.4 Fundamental Duties of State and Citizen : problems of implementing Duties
- 2.5 Directive Principles of State Policy

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### UNIT III Implementation and Enforcement Mechanisms of Human Rights in India

- 3.1 Role of Judiciary in the implementation of Human Rights
- 3.2 Protection of Human Rights Act 1993
- 3.3 Human Rights Commissions: National Commission of Human Rights, State Commission of Human Rights,
- 3.4 National Action Plan for Human Rights
- 3.5 Professional Councils and other bodies: Press Council of India, Medical Council of India, Bar Council of India, NGOs, Social movements and pressure groups working through democratic

### UNIT IV Women and Human Rights

- 4.1 Constitution of India and status of Women
- 4.2 National Commission for Women
- 4.3 Changing dimensions of Laws for protection of Women
- 4.4 Documents of the Four World Conferences on Women- Mexico 1975, Copenhagen 1980, Nairobi 1985, Beijing 1995

#### Suggested Readings:

1. Andrews J.A., Human Rights in Criminal Procedure, (1982)
2. Walsh, Cecil, Crime and Punishment in Indian Society (Delhi: Shubhi Publications, 1999).
3. Fitz Gerald : Criminal Law and punishment
4. Nirmal, C.J., Human Rights in India (New Delhi: Oxford, 1999).
5. Alam, Aftab, ed., Human Rights in India: Issues and Challenges (New Delhi: Raj Publications, 1999).
6. U. Baxi : The Crisis of Indian Legal System (1982) Vikas
7. S.C. Kashyap : Human Rights and Parliament (1978)
8. V.D. Kulshreshtha : Landmarks in the Indian Legal and Constitutional History (1995)
9. D.D. Basu: Human Rights in Indian Constitutional Law (1994)

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PROGRAMME	SEMESTER	SPECIALIZATION	SUBJECT	COURSE CODE
LL.M	I	HUMAN RIGHTS	Concept and Classification of Human Rights	

**Objective:** To study the concept and evolution of Human Rights and related theories from a broader perspective. This paper also aims to enable the students to understand the relationship of rights and duties.

### UNIT I

#### Concept and Evolution of Human Rights

- 1.1 Definition, meaning, nature of Classification of human rights
- 1.2 Philosophical foundations of Human Rights
- 1.3 Evolution of the Concept of Human Rights
  - a. Ancient period: 5<sup>th</sup> Century B.C. Ancient Greece
  - b. Medieval period – 12<sup>th</sup> Century to 19<sup>th</sup> Century
  - c. New Concept of Human Rights

### UNIT II

#### Theories & Co-relationship of Human Rights and Duties

- 2.1 Theories of rights and duties
  - a. Natural rights theory
  - b. Liberal theory of rights
  - c. Legal/positive theory of rights
  - d. Marxist theory of rights
  - e. Sociological theory of rights
  - f. Cultural theory of rights
- 2.2 Concept of Human Duties and Responsibilities
  - a. Moral, ethical, social, economic, political and cultural
  - b. Universal
  - c. Traditional/modern
  - d. Classification of Human Duties and Responsibilities
- 2.3 Co-relationship of rights and duties
  - a. Relationship between rights and duties
  - b. Relationship between obligations and responsibilities in relation to the State and Society.

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**UNIT III****Global and Indian Perspectives on Human Rights**

- 3.1 Global Perspectives
- 3.2 'Third World' Perspectives
- 3.3 Rule of Law:
  - a. Concept, origin and importance
  - b. Patterns of rule of law in society
  - c. Relation of human rights and good governance

**UNIT IV****Universal Declaration of Human Rights, 1948**

- 4.1 Historical Background
- 4.2 Rights enumerated in the Declaration
- 4.3 Influence of UDHR on National Constitutions, Municipal Laws and Court decisions
- 4.4 Legal significance of the Universal Declaration of Human Rights

**Suggested Readings:**

1. Farid Kazmi : Human Rights (1987), Intellectual Publishers, Oxford, New Delhi
2. Angela Hegarty, Siobhan Leonard : Human Rights An Agenda for the 21st Century (1999)
3. Rama Jois : Human Rights : Bhartiya Values (1988)
4. John Finnis : Natural Law and Natural Rights (1980)
5. Julius Stone : Human Law and Human Justice (2000) Universal
6. M.G. Chitkara : Human Rights : Commitment and Betrayal (1996)
7. Kamenka E. : Ideas and Ideologies Human Rights (1978)
8. N.K. Jayakumar : International Law and Human Rights (Reprint 2011), Lexis Nexis,
9. Wadhwa.
10. Verma Justice J.S. : The New Universal of Human Rights (2006) Universal.
11. Anand A.S. : "Human Rights at the Threshold of the New Millennium", Journal of Indian Law Institute, Vol. 40, Nos.1-4, 1998, pp.1-5.
12. Baxi, Upendra : Mambrino's Helmet? Human Rights in Changing World, 1994
13. Waldron J.J. (ed.) : Theories of Rights, 1984, Oxford
14. Winston, Morton E. : The Philosophy of Human Rights, 1989, Wadworth
15. U.N. High Commissioner for Human Rights : An Introduction : Making Human Rights a Reality (New York : UN Publication Division, 1996)
16. UNESCO : Philosophical Foundations of Human Rights (Paris : UNESCO, 1986)
17. UNESCO : Taking Action for Human Rights in Twenty-First Century (Paris : UNESCO, 1998)

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PROGRAMME	SEMESTER	COURSE NAME	COURSE CODE
LLM	II	Human Rights Protection in India	12020209

**Course Objectives:** The main objective of this course is to acquaint the student of law with the knowledge of Human Rights and its various aspects with special reference to the legislation available in India, under the constitution and other laws.

**Unit -I: History and Development of Human Rights in Indian Constitution.**

- 1.1 Constitutional Philosophy – Preamble.
- 1.2 Fundamental Rights.
- 1.3 Directive Principles of State Policy.
- 1.4 Fundamental Duties.

**Unit 2: Enforcement of Human Rights in India**

- 2.1 Judicial Activism and Development of Human Rights Jurisprudence in India.
- 2.2 Role of SC and HC for protection of Human Rights in India
- 2.3 Role of Non-governmental organization for protection of Human Rights in India.
- 2.4 Protection of Human Rights versus preventive detention laws in India.

**Unit 3: protection of Human Rights in India**

- 3.1 Protection of Human rights for accused person
- 3.2 Protection of Human rights for women and children
- 3.3 Protection of Human Rights for minorities and disabled persons
- 3.4 Human Rights and environment protection

**Unit 4: Protection of Human Rights Act 1993**

- 4.1 Historical background of Protection of Human Rights Act 1993
- 4.2 National Human Rights Commission- composition and appointment; inquiry into complaints and its procedure, functions and powers of human rights commission

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- 4.3 State Human Rights commission- composition and appointment: power and functions.  
4.4 Composition of Human Right Courts.

### Suggestive Readings

1. Nagendra Singh, Human Rights and International Cooperation
2. H.O. Aggrawal, International Law and Human Rights
3. S.K. Kapoor, Human Rights under International Law and Indian Law
4. Paras Diwan, Human Rights and Law
5. Paramjit S. Jaswal and Nishtha Jaswal, Human Rights and the Law



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PROGRAMME	SEMESTER	COURSE NAME	COURSE CODE
LLM	II	Minorities and Weaker Groups in India	12020210

**Course Objectives:** The main objective of this course is to acquaint the student of law with the knowledge of socio-political structure of the country with special reference to the minorities and weaker group in India. The paper is objected to give the information about the issues of minorities and weaker groups in India and legislative efforts of the government for the issues of minorities and weaker groups.

**Unit 1: Concepts and classification of minorities in India**

- 1.1 Identification of minorities in India and their issues
- 1.2 Scheduled Castes: Concept, Criteria, Classification and Disabilities
- 1.3 Scheduled Tribes: Concept, Criteria, Classification and Disabilities
- 1.4 Other Backward Classes: Concept, Criteria, Classification and Disabilities

**Unit 2: Untouchability and tribal development in India**

- 2.1 Historical Analysis of Untouchability
- 2.2 Sociological and Psychological perspectives of Untouchability
- 2.3 Tribal Rehabilitation
- 2.4 Constitutional Provisions for Schedule Caste and Scheduled Tribes
- 2.5 Socio-political impact of the recognition of rights for Schedule caste and Schedule Tribe in Independent India

**Unit 3: Problem and issues of weaker sections in India**

- 3.1 Problems and issues related to women in India
- 3.2 Problems and issues related to children
- 3.3 Problems and issues related to persons with disabilities
- 3.4 Problems and issues related to elderly persons

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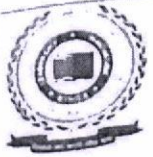


Unit 4: legislative provisions for minorities and weaker groups in India

- 4.1. National Commission for Women Act 1990
- 4.2. National Commission for Minorities Act 1992
- 4.3. National Commission for Backward Classes Act 1993
- 4.4. Commission for Protection of Child Rights Act 2005
- 4.5. Commission for Schedule Caste and Schedule Tribes; composition, power and functions

**Suggestive Readings**

- 1. Bose, N.K. 1967, Culture and Society in India. Bombay : Asia Publishing House.
- 2. Bose, N.K. 1975,. Structure of Hindu Society. New Delhi. :: Dube. S.C. 1990, Society in India.(New Delhi: National Book Trust.)
- 3. Dube, S.C. 1995, Indian Village (London : Routledge)
- 4. Dube, S.C. 1958: India's changing Villages (London: Routledge and Kegan Paul).
- 5. Karve, Irawati, 1961 : Hindu Society : An Interpretation(Poona : Deccan-College)
- 6. Lannoy, Richard, 1971: The Speaking Tree : A study of Indian Society and Culture (Delhi: Oxford University Press).Mandelbaum, D.G. 1970 : Society in India (Bombay: Popular Prakashan)

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PROGRAMME	SEMESTER	COURSE NAME	COURSE CODE
LLM	II	Gender and Juvenile Justice in India	12020211

**Course Objectives:** The main objective of this course is to acquaint the student of law with the knowledge of gender justice and juvenile justice their issues and remedial measures taken by legislature and judiciary for identification and protection of their rights.

#### Unit 1: concepts of juvenile justice

- 1.1 Definition Nature and forms of juvenile delinquency
- 1.2 Beijing Rules-Riyadh Guidelines
- 1.3 National Policy for Children
- 1.4 History of Juvenile Legislations in India

#### Unit 2: Juvenile Justice System

- 2.1 Salient features of Juvenile Justice (Care and Protection of Children) Act, 2015.
- 2.2 Role of Child welfare committees and juvenile justice Board
- 2.3 Institutions for Juveniles/children
- 2.4 The role of police with reference to children – SJPU, Child Welfare Officer and Role of NGOs in handling juveniles.

#### Unit 3: Constitutional provisions for protection and promotion of gender rights in India

- 3.1 Protection of rights of women under fundamental rights (Article 14, 15(i), 15(3), 16)
- 3.2 Protection of rights of women under directive principles (Article 39(a), 39(d), 42, 46, 47)
- 3.3 Rights related to the participation of women in public offices ( Article 243 D(3). 243 D(4), 243 T(3), 243T(4))
- 3.4 Recognition of rights of transgender in India.

#### Unit 4: legislative provisions for protection of rights of women.

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- 4.1 Laws relating to women (Commission of Sati (Prevention) Act, 1987, Criminal Law (Amendment) Act, 1983, Dowry Prohibition Act, 1961, Immoral Traffic (Prevention) Act, 1956, Indecent Representation of Women (Prohibition) Act, 1986, National Commission for Women Act, 1990, Protection of Women from Domestic Violence Act, 2005)
- 4.2 Laws relating to working women (Prohibition of Sexual Harassment of Women at the Workplace Bill, Contract Labour (Regulation and Abolition) Act, 1976, Equal Remuneration Act, 1976, Maternity Benefit Act, 1961)
- 4.3 Laws relating to marriage and divorce (Hindu Marriage Act, 1955, The Muslim Women (Protection of Rights on Marriage) Act, 2019, Foreign Marriage Act 1969, Family Courts Act 1984, Prohibition of Child Marriage Act, 2006, Special Marriages Act, 1954)
- 4.4 Laws relating to abortion (Medical Termination of Pregnancy Act, 1971, Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Act, 1994, Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Amendment Act, 2001, Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Amendment Act, 2002)

#### Suggestive Readings

1. Manish Dwivedi, *Juvenile Justice System in India*.
2. Ved Kumari, *The Juvenile Justice System in India: From Welfare to Rights*
3. Sarkar Chandana, *Juvenile delinquency in India*.
4. Indira Jaising, *Hand book on law of Domestic Violence*.
5. Lawyers collective, *Law relating to sexual harassment at work place- Universal Delhi*.

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PROGRAMME	SEMESTER	COURSE NAME	COURSE CODE
LLM	II	Religion and Religious Liberty in India	12020212

**Course Objectives:** The main objective of this course is to acquaint the students of law to connect the modern law with ancient concept which comes from religion and dharma. The paper also objected to give the information about the correlation of law and religion in modern Indian society.

**UNIT 1: Historical background of law and religion in India**

- 1.2 Concept of Dharma and religion in Ancient India.
- 1.3 Co-relation between law and dharma.
- 1.3 Concept of dharma as a tool to regulated the conduct of society in ancient India.
- 1.4 Concept of law and religion in ancient India.

**UNIT 2: Religion and law in medieval India**

- 2.1 Use of religion as a substitute of law in medieval India.
- 2.2 Status of kingship and law in medieval India.
- 2.3 Law made by religious institutions in medieval Indi; a comparative analysis with law of church in Europe.
- 2.4 Effects of codification of law during British India.

**Unit 3: Religion and religious liberties in Indian Constitution**

- 3.1 Concept of secularism in Indian constitution.
- 3.2 Provisions of religious liberties under Indian constitution.
- 3.3 Concept of reservation versus right to equality in Indian constitution.
- 3.4 Concept of caste based reservation versus economic reservation in Indian constitution

**Unit 4: Law and religion in Modern India**

- 4.1 Effects of religion on Indian polity and governance in modern India.

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4.2 Law as an instrument of change in religious practises in modern India; with special reference to the empowerment of women and children.

4.3 Recent cases related to the conflict between law and religion.

### Suggestive Readings

1. Dhirendra K. Srivastava, Religious Freedom in India
2. A.S. Altekar, State and Government in Ancient India
3. Ramajois, Human Rights in Ancient India
4. Nagendra Singh, Enforcement of Human Rights
5. JaytilakGuha Roy, Human Rights Movement in Modern India
6. Martin Ennals, The Struggle for Human Rights

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<b>PROGRAMME</b>	<b>SEMESTER</b>	<b>SUBJECT</b>	<b>COURSE CODE</b>
LL.M	I	RESEARCH METHODS & LEGAL WRITING	

### RESEARCH METHODS & LEGAL WRITING

The main objective of this course is to acquaint the student of law with the scientific method of social science research. This course is expected to provide the knowledge of the technique of selection, collection and interpretation of primary and secondary data in socio legal research.

Emphasis would be laid on practical training in conducting research in this course. By the end of the course the students are expected to develop a scientific approach to socio legal problems. They should be able to design and execute small scale research problems. The practical skill in conducting research will be evaluated on their performance in field research and workshops/seminars.

#### **UNIT I. RESEARCH — PERCEPTS**

- 1.1 Definition, Meaning and Objectives of Research
- 1.2 Research methods vis-à-vis Research Methodology
- 1.3 Legal Research:
  - a) Meaning, scope and purpose of Legal Research
  - b) Relation between law and society
- 1.4 Types of Research- Descriptive, Analytical, Applied, Fundamental, Quantitative, Qualitative, Conceptual, and Empirical.
- 1.5 Qualities of a Good Researcher
- 1.6 Obstacles to a good Research in India

#### **UNIT II. RESEARCH DESIGN & TECHNIQUES**

- 2.1 Major steps in research design
- 2.2 Identifications and Formulation of Research Problem
- 2.3 Hypothesis and Research Design
- 2.4 Scaling and Content Analysis
- 2.5 Technique for Collections of data- collection of case materials and juristic literature, use of historical and comparative research material from Statutes, Judicial Decisions, Juristic Writings

#### **UNIT III. RESEARCH TOOLS AND DATA PROCESSING**

- 3.1 Observation
- 3.2 Interview, schedule and Questionnaire ,
- 3.3 Sampling, Survey and Case Study method
- 3.4 Socio-metrics and jurimetrics

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- 3.5 Data processing (deductions and Inductions) analysis and interpretation of data

#### UNIT IV. LEGAL WRITING


- 4.1 Legal Writings: Meaning & Significance
- 4.2 Report/Article writing & legal research; use of definitions, maxims, concepts, principles, doctrines in legal research
- 4.3 Guidelines for researchers
  - a. Research Ethics
  - b. Plagiarism & its consequences.
- 4.4 Citation methodology

#### Suggested Reading

1. Robert Watt- Concise book on Legal Research
2. Good and Hatt- Research Methodology
3. Pauline Young- Research Methodology
4. Earl Babbie- Research Methodology
5. Stott D.-Legal Research
6. Robert Watt and Francis Johns- Concise Legal Research
7. S.K.Verma & Afzal Wani- Legal Research Methodology
8. C R Kothari, : Research Methodology

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PROGRAMME	SEMESTER	SUBJECT	COURSE CODE
LL.M	I	COMPARATIVE PUBLIC LAW	

**Objectives:** The paper intends to provide a comparative analysis about the structure of government, legislative process and the role of the judiciary to have better understanding of the Indian polity. It also aims at providing a Comparative study of the systems of polity in UK, US and India.

**UNIT I. Public Law and It's Role in Governance**

- 1.1 Nature & Role of Public Law
- 1.2 Distinction between public and private law
- 1.3 Scope of Public law – Constitutional law, Administrative law and Criminal law
- 1.4 Basic concepts of Public Law – Constitution vis-à-vis Constitutionalism
- 1.5 Principles of Accountability and Public Law

**UNIT II Basic Principles of organization of Government and Forms of Government**

- 2.1 Presidential and Parliamentary forms of Government
- 2.2 Forms of Governments  
Federal and Unitary Forms
  - (a) Features, Advantages, and Disadvantages
  - (b) Model of Federalism and Concept of Quasi-Federalism
  - (c) Role of Courts in Preserving Federalism
- 2.3 (a) System of Governance under the U.S. Constitution  
(b) Basic principles underlying Government in U.K.

**UNIT III. Study of Comparative Constitutional Law**

- 3.1 Nature and Role of Fundamental Rights in Public Law
- 3.2 Evolution of Fundamental Rights in U.K., U.S.A., and India
- 3.3 Scope of Fundamental Rights in U.S.A.
- 3.4 Role of Fundamental Rights in U.K.
- 3.5 Limits to Fundamental Rights
- 3.6 Relevance and Problems in Using Comparison

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#### UNIT IV.

#### Constitutional Foundations of Powers

- 4.1 Rule of Law
  - (a) Dicey's Concept of Rule of Law
  - (b) Modern Concept of Rule of Law
  - (c) Social and Economic Rights as Part of Rule of Law
- 4.2 Separation of Powers
  - (a) Concept of Separation of Powers
  - (b) Checks and Balances
  - (c) Separation of Powers or Separation of Functions
- 4.3 Judicial Review: Comparative analysis of scope of Judicial Review in UK, US and India

#### Books Recommended:

1. Christopher Forsyth, Mark Elliott, Swati Jhaveri, Effective Judicial Review: A Cornerstone of Good Governance (Oxford University Press, 2010).
2. D.D. Basu, Comparative Constitutional Law (2nd ed., Wadhwa Nagpur).
3. David Strauss, The Living Constitution (Oxford University Press, 2010)
4. Dr. Subhash C Kashyap, Framing of Indian Constitution (Universal Law, 2004)
5. Elizabeth Giussani, Constitutional and Administrative Law (Sweet and Maxwell, 2008).
6. Erwin Chemerinsky, Constitutional Law, Principles and Policies (3rd ed., Aspen, 2006)
7. M.V. Pylee, Constitution of the World (Universal, 2006)
8. Mahendra P. Singh, Comparative Constitutional Law (Eastern Book Company, 1989).
9. Neal Devins and Louis Fisher, The Democratic Constitution (Oxford University Press, 2010)
10. S.N Ray, Judicial Review and Fundamental Rights (Eastern Law House, 1974).

#### Articles:

1. AmanUllah and UzairSamee, "Basic Structure of Constitution: Impact of KesavanandaBharati on Constitutional Status of Fundamental Rights", Vol. 26 (2) South Asian Studies 299-309 (JulyDecember 2011).
2. Anne Smith, "Internationalization and Constitutional Borrowing in Drafting Bills of Rights", 60(4) International and Comparative Law Quarterly 867-894 (2011October).
3. Bruce Ackerman, "The New Separation of Powers" 113 (3) Harv. L. Rev. 634-729 (2000)
4. Bryan Clark and Amanda Leiter, "Regulatory hide and seek: What agencies can (and can't) do to limit judicial review" 52(5) Boston College Law Review 1687-1732 (2011 November)
5. Rodriguez, "Change that matters: Essay on State Constitutional Development", 115(4) Penn State Law Review 1073-1098 (Spring 2011).


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7. Daryl Levinson and Richard H. Pildes "Separation of Parties, Not Powers" 119(8) Harvard Law Review 2311-2386 (2006).
8. David King, "Formalizing Local Constitutional Standards of Review and the Implications for Federalism" 97 (7) Virginia Law Review 1685-1726 (November 2011). \* Suggested Readings are not exhaustive. Need to be supplemented with additional readings.
9. David Staruss, "Do we Have a Living Constitution" 59 (4) Drake Law Review 973-984 (2011 Summer)
10. Devi Prasad Singh, "Sovereignty, Judicial Review and Separation of Power", 7(5) Supreme Court Cases 1-13 (2012 September)

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PROGRAMME	SEMESTER	SUBJECT	COURSE CODE
LL.M	I	LAW & JUSTICE IN GLOBALIZING WORLD	

**OBJECTIVES:** The students should understand the process of globalization in all its dimensions and perspectives; they should particularly appreciate the role of Law and Justice in the context of globalization

**UNIT I. Globalisation and Legal Theory**

- 1.1 Relationship of Law and Justice: Justice as Function and Purpose of Law.
- 1.2 Jeremy Bentham's Utilitarian Theory of Justice
- 1.3 John Rawls Theory of Justice.
- 1.4 Welfare State and Sociological Jurisprudence
- 1.5 Amartya Sen's Idea of Justice: Its Relevance in the light of Justice and World

**UNIT II. GLOBALIZATION: MEANING, REACH AND FORM**

- 2.1 Social, Political, and Economic Dimensions of Globalization
- 2.2 Emergence of Transnational Law in a Globalizing World
- 2.3 Impact of Globalization on Sovereignty of States
- 2.4 Impact of Globalization on Federalism and Democratic Law Making
- 2.5 Impact of globalization on
  - a. Human Rights
  - b. Trade Law

**UNIT III. CONCEPT OF JUSTICE IN A GLOBALIZING WORLD**

- 3.1 Globalization and Universal Values
- 3.2 Concept of Global Justice
- 3.3 Cosmopolitanism
- 3.4 Globalization and Social Justice/ Global Distributive Justice
- 3.5 Impact of Globalization on Judicial Process and Administration of Justice

**UNIT IV. Emerging Initiatives for Justice**



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- 4.1 Role of Mediation and Arbitration in Globalized world
- 4.2 Third World's Perspectives to Globalisation.
- 4.3 Cosmopolitanism and Global Justice
- 4.4 Roles and Responsibilities of
  - a) Multinational Companies
  - b) Corporate Social Responsibilities
  - c) Other New Initiatives
- 4.5 United Nations' Institutional Mechanism of Justice under International Legal Regime

#### Books Recommended:


1. Andrew Kuper, Democracy Beyond Borders: Justice and Representations in Global Institutions (OUP, 2006).
2. Anthony McGrew, David Held (eds.), Governing Globalization: Power, Authority and Global Governance (Polity Press, 2002).
3. Boaventura de Sousa Santos, Cesar A. Rodriguez-Garavito (eds.), Law and Globalization from Below (Cambridge University Press, 2005).
4. David B. Goldman, Globalization and the Western Legal Tradition: Recurring Patterns of Law and Authority (Cambridge University Press, 2008).
5. David Held, A Globalizing World? Culture, Economics, Politics (2004).
6. Amartya Sen : The idea of justice

#### Articles:

1. Ajit Pal Singh, "Globalization and its Impact on National Policies with Reference to India: An Overview of Different Dimensions" 42 (1-2) Journal of Constitutional and Parliamentary Studies 62-78 (2008).
2. Amit Kumar Sinha, "Human Rights in the Era of Globalization" 245 (6) Madras Law Journal 124-136 (2010).
3. Anupam Hazra, Indians in Need of Rehabilitation, 8 (3) Indian Journal of Public Administration 29-35 (2009).
5. B. S. Chimni, "A Just World Under Law: A View From South" 22 (2) Am. U. Int. Law. Rev. 199- 220 (2007).
6. B.S. Chimni, "International Institutions Today: An Imperial Global State in the Making" 15 E.J.I.L. 1 (2004).
7. Benedict Kingsbury, Nico Krisch, et al., "The Emergence of Global Administrative Law" 68 Law and Contemporary Problems (2005).
8. Boutros and Branislav, "Global Leadership and Global Systematic Issues: South, North and UNITED Nations in a 21st Century World II 46 (44&45) Economic and Political Weekly 23-35 (April 2011).
9. Cameron and Gunningham, "Natural Resources, New Governance and Legal Regulation: When Does Collaboration Work" 24 (3) New Zealand Universities Law Review 309-336 (June 2011).
10. Hiren Gohain, "Livelihood Losses and National Gains" 45 (51) Economic and Political Weekly 79-80 (2010).

  
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PROGRAMME	SEMESTER	SPECIALIZATION	SUBJECT	COURSE CODE
LL.M	I	CORPORATE LAW	Competition Law	

**Objective:** This subject is intended to provide an understanding regarding the Competition Law and the provisions pertaining to Competition Policy

### UNIT I Introduction to Competition Law

- 1.1 History and Evolution of Competition Law In India
- 1.2 Competition: Introduction & Objectives of Competition Law
- 1.3 History of Competition Law (USA, UK, Europe) Relevant provisions of Sherman's Act
- 1.4 Indian scenario with an overview of MRTP Act, 1969 - Raghavan Committee Report
- 1.5 International co-operation for competition - WTO agreements and the Act

### UNIT II Malpractices in Competition

- 2.1 Anti-competitive Agreement - Appreciable adverse effect - Horizontal and Vertical agreements - Effects doctrine
- 2.2 Prohibition of anti-competitive agreements - Concerted practices and parallel behavior
- 2.3 Cartel and Cartelisation - Bid rigging and collusive bidding
- 2.4 Tie-in-arrangements - Exclusive supply agreement - Resale price maintenance agreement

### UNIT III Abuse of Dominant Position

- 3.1 Abuse of Dominant Position

  
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- 3.2 Relevant market
- 3.3 Predatory behaviour - Predatory pricing
- 3.4 Discriminatory practices - Relevant market

#### UNIT IV

#### Competition Policy

- 4.1 Combination - Value of Assets - Turnover - Acquisition - Conglomeration - Joint Venture
- 4.2 Merger and Amalgamation - Notification
- 4.3 Competition Commission of India - Establishment and composition - Duties - Procedure for inquiry - Powers - Competition fund
- 4.4 Competition Advocacy - Competition Policy

#### Suggested Readings:

1. Dhall, Vinod, Competition Law Today: Concept Issues and Law in Practice, Oxford University Press, 2007
2. Mittal D.P., Taxmann's Competition Law and Practice, 3rd Edition, 2007.
3. Universal Guide to Competition Law in India, Universal Law Publishing Company, New Delhi. 2003
4. Ramappa. T., Competition Law in India- Policy, Issues and Development Oxford University Press, 3rd Edition, 2013
5. Aditi P Talati, Nihar. S. Mahala, Competition Act, 2002: Law, Practice and Procedure, Commercial Law Publishers, 2006


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PROGRAMME	SEMESTER	SPECIALIZATION	SUBJECT	COURSE CODE
LL.M	I	CORPORATE LAW	COMPANY LAW	

**Objective:** This subject is intended to provide an insight into the fundamentals of corporate law and its basic principles. This subject aims at an understanding of the basic principles of corporate law and gives an insight into the application of this important area.

## UNIT I Incorporation and Formation of Company

- 1.1 Meaning of Corporation: Various theories of Corporate personality
- 1.2 Company and Other Forms of Business Organization
- 1.3 Different Kinds of Company: One Person Company, Foreign Company
- 1.4 Process of Incorporation
- 1.5 Memorandum and Articles of Association
- 1.6 Doctrine of Ultra-Vires

## UNIT II Role of Directors and Meetings

- 2.1 Directors: Appointment, Removal, Position, Powers and Duties of Directors.
- 2.2 Liability of independent directors
- 2.3 Meetings - Types of Meetings, Procedure of calling meeting
- 2.4 Doctrine of Indoor Management
- 2.5 Doctrine of Ultra-vires
- 2.6 Doctrine of Constructive Notice

## UNIT III Oppression & Mismanagement and Investigation (Sections 397 to 408; Sections 235 to 251)

- 3.1 Rule in Foss v. Harbottle
- 3.2 Prevention of Oppression

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- 3.3 Prevention of Mismanagement
- 3.4 Role & Powers of the Company Law Board
- 3.5 Role & Powers of Central Government

#### UNIT IV

#### Corporate Liquidation

- 4.1 Winding up of Companies
- 4.2 Mode of winding up of the companies
- 4.3 Compulsory Winding up under the Order of the Tribunal
- 4.4 Voluntary winding up
- 4.5 Contributories Payment of liabilities

#### Suggested Reading:

1. Saleem Sheikh & William Rees, Corporate Governance & Corporate Control, Cavendish Publishing Ltd., 1995
2. Taxmann Companies Act 2013
3. Taxmann, A Comparative Study of Companies Act 2013 and Companies Act 1956
4. Avtar Singh: Indian Company Law
5. Shah S.M : Lectures on Company Law
6. Charles Wild & Stuart Weinstein Smith and Keenam, Company Law, Pearson Longman, 2009
7. Institute of Company Secretaries of India, Companies Act, 2013, CCH Wolter Kluwer Business, 2013
8. Lexis Nexis, Corporate Laws 2013 (Palmtop Edition)
9. C.A. Kamal Garg, Bharat's Corporate and Allied Laws, 2013

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*Corporate Law*

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PROGRAMME	SEMESTER	COURSE NAME	COURSE CODE
LLM	II	Corporate Governance	12020205

**Course Objectives:** Corporate governance is the set of processes, customs, policies, laws and institutions affecting the way a corporation is directed or controlled. Emergence of corporate social responsibility affecting all the stakeholders seeks to make the corporations socially responsible. The course aims at providing basic idea about corporate governance and its implications on society and legal system

**UNIT I. THEORIES AND PRINCIPLES OF CORPORATE GOVERNANCE.**

- 1.2. Corporate governance and Public Governance
- 1.3. Evolution of corporate governance-Developments in India, US, UK
- 1.4. Principles of Corporate Governance- OECD Principles
- 1.5. Theories and philosophies of corporate governance
- 1.6. Concept of corporate governance and stake-holders

**UNIT II. LEGISLATIVE FRAMEWORK OF CORPORATE GOVERNANCE IN INDIA**

- 2.1 Companies Act, 2013: Board of Directors, Directors- Introduction, types of directors, duties and responsibilities, independence Board Composition, diversity in board, board's role and responsibility
- 2.2 Securities and Exchange Board of India Act, 1992.

**UNIT III: CORPORATE GOVERNANCE AND SHAREHOLDER AND OTHER STAKEHOLDERS RIGHTS**

- 3.1. Rights of Shareholders. Challenges in exercising shareholder's rights
- 3.2. Corporate governance and related party transactions
- 3.3. Investor protection in India; Role of institutional investors. Employees
- 3.4. Customers, Institutional Investors, Creditors, Community, Government.

**UNIT IV: CORPORATE SOCIAL RESPONSIBILITY**

- 4.1. CSR and investment climate, Corruption, Code of ethics.

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4.2 Corporate Frauds, Major Corporate frauds, case studies.


4.3 Whistle-blowing and Corporate governance.

**Suggested Readings:**

1. Sami Pathasarathy, Corporate Governance, Principles, Mechanisms and Practice
2. Dimple Grover, Amulya Khurana, Ravi Shankar, The Regulatory Norms of Corporate Governance in India.
3. Sadhalaxmi Vivek Rao, Legal Framework and corporate Governance: An Analysis of Indian Governance System
4. Ministry of Corporate Affairs, Voluntary Guidelines on Corporate Governance, 2009
5. Sanjay Anand, Essentials of Corporate Governance
6. Kevin Keasey, Steve Thompson, Michael Wright, Corporate Governance, Accountability, Enterprise and International Comparisons
7. The Institute of Directors, Handbook of International Corporate Governance
8. Christine Mallin, International Corporate Governance- A case Study approach
9. Frederick Lipman & Keith Lipman, Corporate Governance Best Practices, Strategies for Public, Private and NGOs
10. A.C. Fernando, Policies and Practices

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PROGRAMME	SEMESTER	COURSE NAME	COURSE CODE
LLM	II	Law Relating Insolvency and Bankruptcy Code-2016	12020206

**Course Objectives:** The objective of the Insolvency and Bankruptcy Code, 2016 is to consolidate and amend the laws relating to re-organisation and insolvency resolution of corporate persons, partnership firms and individuals in a time bound manner so as to make it easy for the investors to exit within a fixed time frame in an effort to improve the ease of doing business in India. Since there is no single law in India that deals with insolvency and bankruptcy, one of the most important reforms envisaged in this bill is to make substantive changes in eleven enactments and repealing some to avoid conflicting rules, i.e., now only one Act to be followed, instead of eleven different Acts. It also opens up a new window of professional opportunity for Chartered Accountants as Insolvency Professionals.

#### **UNIT I. The Insolvency and Bankruptcy Code, 2016**

- 1.1 Important Provisions of the code, 2016.
- 1.2 Corporate Debtors
- 1.3 Insolvency Resolution Process for Individuals/Unlimited Partnership.
- 1.4 Institutional Infrastructure

#### **UNIT II. Rules and Regulation under the bankruptcy Code.**

- 2.1 All Rules and Regulations notified under the Code till 31st December, 2017

Insolvency

- 2.2 Insolvency and Bankruptcy Board of India (Engagement of Research Associates and Consultants) Regulations, 2017.
- 2.3 Insolvency and Bankruptcy Board of India (Model Bye Laws and Governing Board of Insolvency Professional Agencies) Regulations, 2016.

#### **UNIT III. The Companies Act, 2013(specific provisions)**

- 3.1 Prospectus and Allotment of Securities
- 3.2 Share Capital and Debentures, Acceptance of Deposits by Companies. Registration of

Charges

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3.3 Management and Administration, Accounts of Companies, Compromises, Arrangements and Amalgamations

3.4 Removal of names of the companies from the register of companies

3.5 Winding-up of the companies

#### **UNIT IV. Miscellaneous Provisions**


4.1 The Recovery of Debts due to Banks and Financial Institutions Act, 1993;

4.2 The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interests Act, 2002;

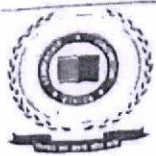
4.3 Corporate Debt Restructuring Scheme, Strategic Debt Restructuring, and Scheme for Sustainable Structuring of Stressed Assets (S4A) (of RBI)

#### **Suggested Readings:**

1. Insolvency and Bankruptcy Code 2016 - Bare Act Book by Taxmann.
2. Insolvency and Bankruptcy in India – Law & Practice, 1 January 2020 IP) Ayush J Rajani (FCA), Khushboo Shah Rajani (ACA, LLB), Alka Adatia (FCA)
3. Resolution of Stressed Assets with Special Emphasis on Insolvency and Bankruptcy Code, 2016 for Bankers by MR UMARJI IIBF, Taxmann Publications.

  
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PROGRAMME	SEMESTER	COURSE NAME	COURSE CODE
LLM	II	Corporate Taxation	12020207

**Course Objectives:** The course intends to equip students with the ability to apply corporate tax provisions and financial planning tools to corporate world. Corporate Taxation are discussed in terms to provide necessary inputs to the students for handling real life problems efficiently using appropriate concepts of taxation laws. Students are apprised with the recent developments in tax structure in India

#### **UNIT I. GENERAL PRINCIPLES OF TAXATION.**

1.1. Introduction to Income-tax, Definitions of Income-tax. Types of Company. Special Provision in respect of newly established undertaking in free trade zone SEZ, Profit and Gains of business or profession

1.2. Concept of Capital Gains, Set off or carry forward of losses

1.3. Incentive and deductions to Companies under Section 80.

1.4. Depreciation under Companies Act- Schedule 14 S. 205 & S. 350 and depreciation Under Income Tax Act. Minimum Alternate Tax 115 JB, Tonnage Taxation Ch. 12 G.

1.6. Dividend Tax; International Transaction. Penalties and prosecution

#### **UNIT II. WEALTH TAX INTRODUCTION AND CHARGEABILITY**

2.1. Valuation date and computation

2.2. Assets and deemed assets

2.3 Assets exempt from tax

2.4. Debt owed, Valuation of assets

2.5. Return of wealth and assessment

#### **UNIT III SALES TAX AND VAT LAWS**

3.1. Imposition of Tax

3.2. Registration and Security, Returns

3.3. Assessment, Payment of Tax and Interest

3.4. Accounts and Records

3.5. Objections, Appeals and Disputes. Penalties and Offences

3 6. Way to GST (Tax on goods & services)

#### **UNIT IV EXCISE, CUSTOMES AND SERVICE TAX**

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4.1 Excise- Introduction, Levy and Collection, Search, Seizure and Confiscation, Appeals and Revision

4.2 Custom-Introduction, Charge of Custom Duty, Bill of Entry, Prohibition of Import and Export, Goods liable for confiscation, Baggage exempt from duty, Offences

4.3. Service Tax-Introduction, Exemption from service tax, Abatement, Penalties, Service Tax on Government Department and Public Authorities.

#### **Suggested Readings:**

1. Vinod Singhania & Kapil Singhania, Direct Taxes Law and Practice, Taxmann, 2014
2. Chaturvedi & Pithisaria, Income Tax Act with Relevant Tax Allied Acts, Lexis Nexis, 2013
3. Dr. Monica Singhania & Dr Vinod Singhania, Students guide to Indirect Tax Laws, Taxmann, 2014
4. V.S. Datey, Elements of Indirect Taxes, Taxmann, 5th Edition., 2014.

#### **References:**

1. B.B. Lal, Income Tax, Pearson, 2010
2. Taxmann's Income Tax Act as Amended by Finance Act, 2014
3. Vineet Sodhani, Indirect Tax Laws, Taxmann, 2014
4. S.S. Gupta, Service Tax: How to Meet your Obligation, Taxmann, 2014
5. R Krishnan & R Parthasarthy, Valuation under Central Excise & Service Tax, Commercial Law Publishers Pvt. Ltd, 2013.
6. V.S. Datey, Custom Law and Practice and Procedure, Taxmann, 12th Edn., 2014A

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PROGRAMME	SEMESTER	COURSE NAME	COURSE CODE
LLM	II	INTERNATIONAL TRADE LAW	12020208

**Course Objectives:** To make aware students about the World Trade Organisation and its role in International Trade and giving an insight about the origin of the WTO, sources of WTO law, structure, functions, dispute settlement mechanism, principles of the WTO. Acquaint the students with the transitional commercial law covering the history, UNIDROIT and UNCITRAL etc.

**UNIT I. THEORIES RELATED TO INTERNATIONAL TRADE LAW**


- 1.1 Mercantilism,
- 1.2 Theory of absolute advantage of Adam Smith,
- 1.3 Theory of comparative advantage of David Ricardo and its developments
- 1.4 Marxist notions affecting International Trade

**UNIT II. HISTORICAL BACKGROUND, STRUCTURE AND ROLE OF THE WORLD TRADE ORGANISATION (WTO) IN INTERNATIONAL TRADE**

- 2.1 Historical background of WTO
- 2.2 Organizational Structure of the WTO
- 2.3 Role of the WTO in International Trade
- 2.4 Dispute Settlement Mechanism within the WTO and Relationship of WTO with the other two Bretton Woods institutions i.e. IMF and World Bank

**UNIT III. Trade in Goods: Transitional Commercial Laws**

- 3.1 Transnational Commercial Laws Meaning and scope of Transnational Commercial Law. Evolution of Law Merchant Sources of Transnational Commercial Law Movement towards unification of national commercial laws UNIDROIT and UNCITRAL.

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3.2 International Carriages- Carriage of goods by sea: Carriage by air: Multimodal transportation. International Sales of goods- Vienna Convention on Contract for International Sale of Goods; Drafting of International Commercial contracts- an Introduction.

3.5 International Commercial Arbitration. UNCITRAL Model Law on International commercial arbitration. Indian Arbitration and Conciliation Act, 1996; Enforcement of foreign arbitral awards.

#### **UNIT IV. LAW AND POLICY ON TRADE AND INVESTMENT**

4.1 Introduction to law and Policy of Export- Import Trade in India

4.2 Foreign Trade (Development and Regulation) Act, 1992

4.3 Foreign Exchange Management Act, 1999.

4.4 Law relating to Customs, Customs Act, 1962

#### **Suggested Readings:**

1. Bhala, Raj Modern GATT Law: A Treatise on the General Agreement on Tariffs and Trade (Thompson, Sweet and Maxwell 2005)
2. Macrory, Patrick F.J. et al The World Trade Organization: Legal, Economic and Political Analysis (Springer, 2005)
3. Matsushita, Mitsuo et al The World Trade Organization: Law Practice and Policy ( OUP, 2006)
4. Mavroidis, Petros C. The General Agreement on Tariffs and Trade (OUP 2005)
5. Schnitzer, Simone Understanding International Trade Law (Law Matters Publishing, 2006) Michael J. Trebilcock, Robert Howse. The Regulation of International Trade
17. Michael K. Levine, Inside International Trade Policy formulation
18. Nicholas Kouladin, Principles of Law relating to International Trade, Springer, 2006.
19. P. Sellman, The Law of International Trade, 150 leading Cases (2<sup>nd</sup> 3dition, London: Old Bailey Press, 2004)
20. P.Todd, Cases and Materials on International Trade Law (1<sup>st</sup>edn. London: Sweet & Maxwell, 2003)
21. Palmeter, N. David; Mavroidis, Petros C., Dispute Settlement in the World Trade Organization: Practice and Procedure.


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22. Raj Bhalla, International Trade Law: Theory and Practice, Second Edition, Lexis Publishing, 2001.
23. Rao M B, WTO & International Trade, 2<sup>nd</sup> edition, Vikas Publishing House Pvt.Ltd
24. Rene David, Arbitration in International Trade, Kluwer Law and Taxation Publishers, Netherlands, 1985.
25. Schnitzer, Simone, Understanding International Trade law, Universal Publishing House, 2007
26. Vibha Mathur, WTO and India.
27. WTO Analytical Index: Guide to WTO Law and Practice, WTO Geneva 2003

## SPECIALISATION –HUMAN RIGHTS

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PROGRAMME	SEMESTER	SUBJECT	COURSE CODE
LL.M	I	RESEARCH METHODS & LEGAL WRITING	

### RESEARCH METHODS & LEGAL WRITING

The main objective of this course is to acquaint the student of law with the scientific method of social science research. This course is expected to provide the knowledge of the technique of selection, collection and interpretation of primary and secondary data in socio legal research.

Emphasis would be laid on practical training in conducting research in this course. By the end of the course the students are expected to develop a scientific approach to socio legal problems. They should be able to design and execute small scale research problems. The practical skill in conducting research will be evaluated on their performance in field research and workshops/seminars.

#### UNIT I. RESEARCH — PERCEPTS

- 1.1 Definition, Meaning and Objectives of Research
- 1.2 Research methods vis-à-vis Research Methodology
- 1.3 Legal Research:
  - a) Meaning, scope and purpose of Legal Research
  - b) Relation between law and society
- 1.4 Types of Research- Descriptive, Analytical, Applied, Fundamental, Quantitative, Qualitative, Conceptual, and Empirical.
- 1.5 Qualities of a Good Researcher
- 1.6 Obstacles to a good Research in India

#### UNIT II. RESEARCH DESIGN & TECHNIQUES

- 2.1 Major steps in research design
- 2.2 Identifications and Formulation of Research Problem
- 2.3 Hypothesis and Research Design
- 2.4 Scaling and Content Analysis
- 2.5 Technique for Collections of data- collection of case materials and juristic literature, use of historical and comparative research material from Statutes, Judicial Decisions, Juristic Writings

#### UNIT III. RESEARCH TOOLS AND DATA PROCESSING

- 3.1 Observation
- 3.2 Interview, schedule and Questionnaire,
- 3.3 Sampling, Survey and Case Study method
- 3.4 Socio-metrics and jurimetrics

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- 3.5 Data processing (deductions and Inductions) analysis and interpretation of data

#### UNIT IV. LEGAL WRITING


- 4.1 Legal Writings: Meaning & Significance
- 4.2 Report/Article writing & legal research; use of definitions, maxims, concepts, principles, doctrines in legal research
- 4.3 Guidelines for researchers
  - a. Research Ethics
  - b. Plagiarism & its consequences.
- 4.4 Citation methodology

#### Suggested Reading

1. Robert Watt- Concise book on Legal Research
2. Good and Hatt- Research Methodology
3. Pauline Young- Research Methodology
4. Earl Babbie- Research Methodology
5. Stott D.-Legal Research
6. Robert Watt and Francis Johns- Concise Legal Research
7. S.K.Verma & Afzal Wani- Legal Research Methodology
8. C R Kothari, : Research Methodology

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PROGRAMME	SEMESTER	SUBJECT	COURSE CODE
LL.M	I	COMPARATIVE PUBLIC LAW	

**Objectives:** The paper intends to provide a comparative analysis about the structure of government, legislative process and the role of the judiciary to have better understanding of the Indian polity. It also aims at providing a Comparative study of the systems of polity in UK, US and India.

**UNIT I. Public Law and It's Role in Governance**

- 1.1 Nature & Role of Public Law
- 1.2 Distinction between public and private law
- 1.3 Scope of Public law – Constitutional law, Administrative law and Criminal law
- 1.4 Basic concepts of Public Law – Constitution vis-à-vis Constitutionalism
- 1.5 Principles of Accountability and Public Law

**UNIT II Basic Principles of organization of Government and Forms of Government**

- 2.1 Presidential and Parliamentary forms of Government
- 2.2 Forms of Governments  
Federal and Unitary Forms  
(a) Features, Advantages, and Disadvantages  
(b) Model of Federalism and Concept of Quasi-Federalism  
(c) Role of Courts in Preserving Federalism
- 2.3 (a) System of Governance under the U.S. Constitution  
(b) Basic principles underlying Government in U.K.

**UNIT III. Study of Comparative Constitutional Law**

- 3.1 Nature and Role of Fundamental Rights in Public Law
- 3.2 Evolution of Fundamental Rights in U.K. , U.S.A. ,and India
- 3.3 Scope of Fundamental Rights in U.S.A.
- 3.4 Role of Fundamental Rights in U.K. .
- 3.5 Limits to Fundamental Rights
- 3.6 Relevance and Problems in Using Comparison

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#### UNIT IV.

#### Constitutional Foundations of Powers

- 4.1 Rule of Law
  - (a) Dicey's Concept of Rule of Law
  - (b) Modern Concept of Rule of Law
  - (c) Social and Economic Rights as Part of Rule of Law
- 4.2 Separation of Powers
  - (a) Concept of Separation of Powers
  - (b) Checks and Balances
  - (c) Separation of Powers or Separation of Functions
- 4.3 Judicial Review: Comparative analysis of scope of Judicial Review in UK, US and India


#### Books Recommended:

1. Christopher Forsyth, Mark Elliott, Swati Jhaveri, *Effective Judicial Review: A Cornerstone of Good Governance* (Oxford University Press, 2010).
2. D.D. Basu, *Comparative Constitutional Law* (2nd ed., Wadhwa Nagpur).
3. David Strauss, *The Living Constitution* (Oxford University Press, 2010)
4. Dr. Subhash C Kashyap, *Framing of Indian Constitution* (Universal Law, 2004)
5. Elizabeth Giussani, *Constitutional and Administrative Law* (Sweet and Maxwell, 2008).
6. Erwin Chemerinsky, *Constitutional Law, Principles and Policies* (3rd ed., Aspen, 2006)
7. M.V. Pylee, *Constitution of the World* (Universal, 2006)
8. Mahendra P. Singh, *Comparative Constitutional Law* (Eastern Book Company, 1989).
9. Neal Devins and Louis Fisher, *The Democratic Constitution* (Oxford University Press, 2010)
10. S.N Ray, *Judicial Review and Fundamental Rights* (Eastern Law House, 1974).

#### Articles:

1. AmanUllah and UzairSamee, "Basic Structure of Constitution: Impact of KesavanandaBharati on Constitutional Status of Fundamental Rights", Vol. 26 (2) South Asian Studies 299-309 (JulyDecember 2011).
2. Anne Smith, "Internationalization and Constitutional Borrowing in Drafting Bills of Rights", 60(4) International and Comparative Law Quarterly 867-894 (2011October).
3. Bruce Ackerman, "The New Separation of Powers" 113 (3) Harv. L. Rev. 634-729 (2000)
4. Bryan Clark and Amanda Leiter, "Regulatory hide and seek: What agencies can (and can't) do to limit judicial review" 52(5) Boston College Law Review 1687-1732 (2011 November)
5. Rodriguez, "Change that matters: Essay on State Constitutional Development", 115(4) Penn State Law Review 1073-1098 (Spring 2011).

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PROGRAMME	SEMESTER	SUBJECT	COURSE CODE
LL.M	I	LAW & JUSTICE IN GLOBALIZING WORLD	

**OBJECTIVES:** The students should understand the process of globalization in all its dimensions and perspectives; they should particularly appreciate the role of Law and Justice in the context of globalization

**UNIT I. Globalisation and Legal Theory**

- 1.1 Relationship of Law and Justice: Justice as Function and Purpose of Law.
- 1.2 Jeremy Bentham's Utilitarian Theory of Justice
- 1.3 John Rawls Theory of Justice.
- 1.4 Welfare State and Sociological Jurisprudence
- 1.5 Amartya Sen's Idea of Justice: Its Relevance in the light of Justice and World

**UNIT II. GLOBALIZATION: MEANING, REACH AND FORM**

- 2.1 Social, Political, and Economic Dimensions of Globalization
- 2.2 Emergence of Transnational Law in a Globalizing World
- 2.3 Impact of Globalization on Sovereignty of States
- 2.4 Impact of Globalization on Federalism and Democratic Law Making
- 2.5 Impact of globalization on
  - a. Human Rights
  - b. Trade Law

**UNIT III. CONCEPT OF JUSTICE IN A GLOBALIZING WORLD**

- 3.1 Globalization and Universal Values
- 3.2 Concept of Global Justice
- 3.3 Cosmopolitanism
- 3.4 Globalization and Social Justice/ Global Distributive Justice
- 3.5 Impact of Globalization on Judicial Process and Administration of Justice

**UNIT IV. Emerging Initiatives for Justice**




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7. Daryl Levinson and Richard H. Pildes "Separation of Parties, Not Powers" 119(8) Harvard Law Review 2311-2386 (2006).
8. David King, "Formalizing Local Constitutional Standards of Review and the Implications for Federalism" 97 (7) Virginia Law Review 1685-1726 (November 2011). \* Suggested Readings are not exhaustive. Need to be supplemented with additional readings.
9. David Staruss, "Do we Have a Living Constitution" 59 (4) Drake Law Review 973-984 (2011 Summer)
10. Devi Prasad Singh, "Sovereignty, Judicial Review and Separation of Power", 7(5) Supreme Court Cases 1-13 (2012 September)

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PROGRAMME	SEMESTER	SPECIALIZATION	SUBJECT	COURSE CODE
LL.M	I	CRIMINAL LAW	Administration of Criminal Justice in India	

**Objective:** The objective of this subject is to enable and equip the students not only to effectively evaluate the contemporary criminal justice system-their policies and practices but also research and critically analyze the lacunae in criminal justice services.

#### UNIT I. Introduction

- 1.1 Definition and Concept of Crime
- 1.2 Relationship between Crime and society
- 1.3 Criminal justice system in India
- 1.4 International Norms on administration of Criminal justice

#### UNIT II. Criminal Proceedings in India

- 2.1 Police Investigation: FIR, arrest, bail, confessions of the accused and statements of the witnesses, witness protection, search, seizures.
- 2.2 Prosecutors –role in the criminal proceedings, purpose and need of independent prosecution system.
- 2.3 Attitude of the law towards the police : police dilemma
- 2.4 Criminal justice reform- Malimath Committee Recommendations

#### UNIT III Criminal Judicial System and Social Defence

- 3.1 Public Interest Litigation
- 3.2 Bail Justice System
- 3.3 Prison Justice
- 3.4 Compensation to victims of crime
- 3.5 Legal aid and legal services.

#### UNIT IV. Human Rights under Criminal Justice System

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- 4.1 Role of Mediation and Arbitration in Globalized world
- 4.2 Third World's Perspectives to Globalisation.
- 4.3 Cosmopolitanism and Global Justice
- 4.4 Roles and Responsibilities of
  - a) Multinational Companies
  - b) Corporate Social Responsibilities
  - c) Other New Initiatives
- 4.5 United Nations' Institutional Mechanism of Justice under International Legal Regime

**Books Recommended:**

1. Andrew Kuper, Democracy Beyond Borders: Justice and Representations in Global Institutions (OUP, 2006).
2. Anthony McGrew, David Held (eds.), Governing Globalization: Power, Authority and Global Governance (Polity Press, 2002).
3. Boaventura de Sousa Santos, Cesar A. Rodriguez-Garavito (eds.), Law and Globalization from Below (Cambridge University Press, 2005).
4. David B. Goldman, Globalization and the Western Legal Tradition: Recurring Patterns of Law and Authority (Cambridge University Press, 2008).
5. David Held, A Globalizing World? Culture, Economics, Politics (2004).
6. Amartya Sen : The idea of justice

**Articles:**

1. Ajit Pal Singh, "Globalization and its Impact on National Policies with Reference to India: An Overview of Different Dimensions" 42 (1-2) Journal of Constitutional and Parliamentary Studies 62-78 (2008).
2. Amit Kumar Sinha, "Human Rights in the Era of Globalization" 245 (6) Madras Law Journal 124-136 (2010).
3. Anupam Hazra, Indians in Need of Rehabilitation, 8 (3) Indian Journal of Public Administration 29-35 (2009).
5. B. S. Chimni, "A Just World Under Law: A View From South" 22 (2) Am. U. Int. Law. Rev. 199- 220 (2007).
6. B.S. Chimni, "International Institutions Today: An Imperial Global State in the Making" 15 E.J.I.L. 1 (2004).
7. Benedict Kingsbury, Nico Krisch, et al., "The Emergence of Global Administrative Law" 68 Law and Contemporary Problems (2005).
8. Boutros and Branislav, "Global Leadership and Global Systematic Issues: South, North and UNITED Nations in a 21st Century World II 46 (44&45) Economic and Political Weekly 23-35 (April 2011).
9. Cameron and Gunningham, "Natural Resources, New Governance and Legal Regulation: When Does Collaboration Work" 24 (3) New Zealand Universities Law Review 309-336 (June 2011).
10. Hiren Gohain, "Livelihood Losses and National Gains" 45 (51) Economic and Political Weekly 79-80 (2010).

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PROGRAMME	SEMESTER	COURSE NAME	COURSE CODE
LLM	I	International Criminal Law	

Module -I

1. Introduction to International Criminal Law
2. Individual Responsibility: Historical Development
  - (a) Treaty of Versailles,
  - (b) Nuremberg & Tokyo Trials
  - (c) Genocide Convention, 1948,
  - (d) Geneva Convention, 1949,
  - (e) ILC Draft Code of Crimes against the Peace and Security of Mankind

Module II

1. State Sovereignty and International Criminal Law
2. General Principles of International Criminal Law
3. Crimes and Elements of Crimes
4. Genocide: Prosecutor V. Akayesu (ICTR 1998);  
Prosecutor v. Krstic (ICTY 2004)
5. Modes of Criminal Responsibility and Defences,  
Prosecutor v Samuel Hinga Norman, Case No. SCSL-2004-14-AR729F.

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- (5)
- 4.1 Communal and caste violence
  - 4.2 Rule of law and due process of law in criminal jurisprudence
  - 4.3 Punitive and preventive detention - procedure and safeguards
  - 4.4 UDHR, ICCPR, ICESCR - legal significance in Indian context

### Suggested Readings:

1. Ratan Lal Law of Criminal Procedure
2. Sarkar, Law of Evidence
3. Tapas Kumar Banerjee Background to Indian Criminal Law [1990]
4. K N Chandrasekharan Pillai [ed.] R V Kelkar's Outline of Criminal Procedure [2000]  
Eastern Book House
5. Law of Commission of India, forty-second Report Ch. 3 [1971]
6. Malimath Committee Report 2004
7. Patric Devlin The Criminal Prosecution in England
8. Sanders and Young Criminal Justice [1994]
9. P D Sharam Police and Criminal Justice System in India
10. Agarwal, H.O. Implementation of Human Rights Covenants with Special Reference to India (New Delhi: D.K. Publishers, 1993)

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## CRIMINAL LAW SPECIALIZATION

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PROGRAMME	SEMESTER	COURSE NAME	COURSE CODE
LLM	II	Criminology, Penology and victim logy	12020202


**Objective:** The objective is to enable the students understands and appreciate broad classification of organized crime and their respective causes. The students should particularly appreciate the role of judicial Institutions and investigating authorities in this regard for preventing & control strategies.

### **Unit-I      Crime as a Legal, Social and Psychological Construct**

- 1.1 Traditional Crimes: Crimes against Property and Person
- 1.2 Modern Crimes: Organized Crimes, Economic Crimes
- 1.3 Technology and Crime
- 1.4 Transnational Crimes

### **Unit-II      Criminology and its aspects**

- 2.1 Definition and Scope
- 2.2 Criminology and other Social Sciences
- 2.3 Structure of Criminal Justice System in India; Role of Legislature in Law making

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Prosecutor V. Blaskic, (ICTY 2004)

### Module III

1. International Criminal Court and Tribunals

2. International Criminal Court

3. ICC Jurisdiction over the Nationals of Non-States parties

4. International Criminal Tribunal for Yugoslavia (ICTY)

5. International Criminal Tribunal for Rwanda (ICTR)

### Module IV

1. Universal Jurisdiction, Immunities Ex parte Pinochet (UK House of Lords);
2. Belgium's 1993 Universal Jurisdiction law; ICJ Arrest warrant of 2000 (Congo v. Belgium); Congo v. France;
3. Decisions of the International Court of Justice Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro) of 26 February 2007
4. Special Court for Sierra Leone
5. Extraordinary Court for Cambodia
6. Response of South Asian Countries to the ICC
7. Indian Perspectives on the ICC
8. The Future of International Criminal Law

### Suggested Readings:

- Primary Sources Convention on the Prevention and Punishment of the Crime of Genocide, 1948
- Principles of International Co-operation in the Detection, Arrests, Extradition and Punishment of Persons Guilty of War Crimes, and Crimes against Humanity, 1973
- Rome Statute of the International Criminal Court, 1998
- Cassese, Antonio, International Criminal Law (Oxford University Press, London, 2008) ed.2nd
- Schabas, William A., An Introduction to the International Criminal Court. (Cambridge University Press, Cambridge, 2001)



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2.4 Participation of Victims and Witnesses in the Criminal Justice Process.

2.5 Schools of Criminology and its legal approaches

### **Unit-III Penology and its aspects**

3.1 Definition, nature and scope

3.2 Punishment: Significance, Concept, Aims and Types

3.3 History and evolution of Prison legislations

3.4 Punishment-in ancient, medieval and modern times

3.5 Recent approaches to the Punishment

### **Unit-IV Victim logy and its trends in society**

4.1 Historical development of Victim logy

4.2 Impact of Victimization– Physical, Financial and Psychological


4.3 UN Declaration of Basic Principles of Justice for Victims of Crime, Abuse of Power

### **Suggested References:**

1. Sutherland: principles of criminology (latest Edition)
2. Garofolo: Criminology Parts I, II and III (Latest Edition).
3. Taft: Criminology (Latest Edition) Part-I-Ch 1, 3 for study.
4. Pillai: Principles of Criminology lectures 2, 3,4,5,6,9,11 and 12.
5. Cavan: Criminology Part-I Omitting Chapter 2. Part II- full.
6. Lombroso,Casare: Crime,its cause and remedies.
7. Different Reports published by government of India form time to time.



8. Moral Approach to criminal Law by Radzinowicz and Turner.
9. New Horizons in Criminology by Barnes and Tetters.
10. Pioneers in Criminology edited by Minnhein.
11. Criminology: Ahmad Siddique
12. Criminology and Penology: Prof N.V.Paranjape

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PROGRAMME	SEMESTER	COURSE NAME	COURSE CODE
LLM	II	Socio Economic Offences	12020203

**Objective-** The course is the introduction of some social and some economic related crimes in India to the students. The course approach students and make them understand the socio-economic factors which leads to the crime in India.

### **Unit I Concept and Evolution of Socio-Economic Offences in India**

- 1.1 Nature, Scope and Extent of Socio-Economic Offences in India
- 1.2 Difference between Socio-Economic Offences and Traditional Crimes
- 1.3 Important Committee Reports on Socio-Economic Offences in India.

### **Unit II White Collar crimes**

- 2.1 White Collar Crimes and Indian Law
- 2.2 Organized Crimes and Indian Law
- 2.3 Difference between White Collar Crimes and Organized Crimes



### **Unit-III Socio-economic offences and social factors**

- 3.1 The Food Safety and Standards Act, 2006; - Sec-4, 5, 9, 11, 16, 51-60
- 3.2 The Dowry Prohibition Act, 1961:- Section- 2 to 7
- 3.3 The Protection of Women from Domestic Violence Act, 2005:- Sec- 2 to 9, 18, 19, 27 to 32
- 3.4 The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities), Act, 1989:- 2, 3, 4, 15, 15A, 18A, 21

### **Unit-IV Indian Acts related with Socio-economic offences**

- 4.1 The Immoral Traffic (Prevention) Act, 1986:- sec- 2 to 7, 14, 17, 22
- 4.2 The Prevention of Corruption Act, 1988:- sec- 2 to 13
- 4.3 The Prevention of Money Laundering Act, 2002:- 2 to 6, 16 to 19, 25 to 29

### **Suggestive Readings**

- 1. Marc Galanter (ed.), Law and Society in Modern India (1997), Oxford
- 2. Robert Lingat, The Classical Law of India (1998), Oxford
- 3. U. Baxi, The Crisis of the Indian Legal System (1982), Vikas, New Delhi
- 4. U. Baxi (ed.), Law and Poverty (1988), Tripathi, Bombay Manushi A, Journal about Women
- 5. Duncan Derret, The State, Religion and Law in India (1999), Oxford University Press, New Delhi
- 6. Gaur, K.D. : Criminal Law : Cases & Materials (1975)
- 7. Hall, Jerome : General Principles of Criminal Law (1960), 2nd Edn.
- 8. Halsbury's : Laws of England : 3rd Edn., Vols. X & XI; 4th Edn., Vol. XI



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PROGRAMME	SEMESTER	COURSE NAME	COURSE CODE
LLM	II	Cyber Crimes	12020204

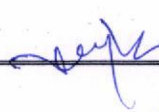
**Objective-** The basis genesis of this subject is to make understand the students about the basics of cyber crimes and IT act and how these are related with the actual world crimes.

**Unit-I Basic of computer and Cyber Security**

- 1.1 History of Computers, Areas of Application
- 1.2 Basics of Networks and internet, Types of Network, Definition of Cyber Security
- 1.3 Evolution of the IT Act, Genesis and Necessity
- 1.4 Salient features of the IT Act, 2000, various authorities under IT Act and their powers. ; Penalties & Offences, amendments.

**Unit-II Cyber crime in India**

- 2.1 Differentiation between traditional crime and cyber crimes.
- 2.2 Data Theft
- 2.3 Hacking
- 2.4 Spreading Virus & Worms

  
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9. Huda, Shamshul : Principles of Law of Crime in British India (1902) (Reprint, 1993-Eastern Book

10. Kane, P.V. : History of Dharamshashtra, Vol. III

11. Kenny's : Outlines of Criminal Law, 19th Edn.

12. Mayne, J.D. : Criminal Law of India, 4th Edn.

13. Nelson : Indian Penal Code

14. Nigam, R.C. : Law of Crimes in India, Vol. I

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2.5 Phishing, Cyber Stalking / Bullying

2.6 Identity Theft & Impersonation

2.7 Credit card & Online Banking Frauds

2.8 Obscenity, Pornography & Child Pornography

2.9 Cyber Defamation, Defacement,

2.10 Cyber terrorism

### **Unit-III Cyber Law: International Perspective**

3.1 Electronic Data Interchange (EDI): Concept and legal Issues.

3.2 Electronic Signature Law's of Major Countries

3.3 Cryptography Laws

3.4 European Union (EU) Convention on Cyber Crime

### **Unit-IV Cyber Law – Contemporary Trends**

4.1 Impact of cyber warfare on privacy, identity theft.

4.2 International law governing Censorship, online privacy, copyright regulations,

4.3 Online intermediaries in the governance of Internet

4.4 Social Networking Sites vis-à-vis Human Rights.

### **Suggested References:**

1. An Introduction to Cyber Crime and Cyber Law ;Dr.R.K.Chaubay
2. Cyber crime in India : Dr.M.Dasgupta
3. Cyber laws and crimes :Barkha & U.Ramamohan Information Technology Act 2000
4. Albert J. Marcellaa and Robert S. Greenfiled (Ed) (2002) Cyber



5. Forensics, A Field Manual for collecting, examining and preserving evidence of computer crimes, Auerbach publications.
6. Deflem, Mathieu, and J. Eagle Shutt. 2006 "Law Enforcement and Computer Security Threats and Measures." Pp. 200-209
7. Handbook of Information Security, Volume 2: Information
8. Warfare; Social, Legal, and International Issues; and Security
9. Foundations, edited by Hossein Bidgoli. Hoboken, NJ: John Wiley & Sons.
10. Giddens, A (1990) The Consequences of Modernity, Polity Press: Oxford.
11. Hafner, K. & Markoff, J. (1995). Cyberpunks: Outlaws and hackers on the computer frontier. Toronto: Simon and Schuster.
12. Hauben, Michael and Ronda Hauben (1997). Netizens: On the History and Impact of Usenet and the Internet. Wiley-IEEE Computer Society Press: New Jersey
13. McQuade, Samuel C (2005). Understanding and managing cyber crime. New Jersey: Allyn & Bacon.
14. Pease, K. (2001). Crime futures and foresight: Challenging criminal behaviour in the information age. In D. Wall (ed.) Crime and the internet. London: Routledge.
15. Seymour Goodman and Abraham Soafer (ed.) (2002) The Transnational dimensions of cyber crime, Hoover Institution Press Washington.
16. Smith R, Grabosky P and Urbas G (2004). Cyber criminals on trial. Cambridge: Cambridge University Press pp 5-10
17. United Nations (1997). United Nations Manual on the Prevention and Control of Computer-Related Crime, International Review of Criminal Policy Nos. 43 and 44, United Nations: New York, <http://www.uncjin.org/Documents/EighthCongress.html>
18. Wall, D. (2001). Cyber crimes and the internet. In D. Wall (ed.) Crime and the internet. London: Routledge



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# SGT UNIVERSITY, GURGAON

## FACULTY OF LAW

PROGRAMME	SEMESTER	COURSE NAME	COURSE CODE
LL.M	II	POLICE LAW AND ADMINISTRATION	

### POLICE LAW AND ADMINISTRATION

#### Module-I

##### **Police Administration and Management:**

- (a) Development of Police Force in India
- (b) Hierarchical Structure of Police Force
- (c) Code of Conduct for the Police
- (d) Police Commissions

#### Module-II

##### **An Introduction and Overview of Police Law**

- a) The Police Act, 1949
- b) The Haryana Police Act, 2007
- c) The Delhi Special Police Establishment Act, 1946

#### Module-III

##### **Functions, Duties and Problems of Police**

- (i) Prevention of Offences
- (ii) Arrest and Release of Accused
- (iii) Investigation and Enquiry into Offences
- (iv) Frisking and Interrogation of Offenders or Suspects
- (v) Search and Seizure
- (vi) Identification of Criminals and Crime Prone Area
- (vii) Police - Public Relations (a) Duties of Civil Police (b) Problems of Police

  
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## **Module-IV**

### **Judicial Trends and Police Reforms**

- (a) Constitution of the State Security Commission
- (b) Selection and Minimum Tenure of Director-General of Police
- (c) Minimum Tenure of Inspector General of Police and other Police Officers
- (d) Separation of Investigation Staff from Law and Order Staff
- (e) Constitution of a Police Establishment Board
- (f) Constitution of Police Complaints Authority
- (g) Establishment of a National Security Commission

### **Suggested Readings:**

1. Dr. N. Maheshwara Swamy: Criminology and Criminal Justice System, Asia Law House
2. Arvind Verma & K S Subramanian: Understanding the Police in India, Lexis Nexis
3. B.L. Babel: Rajasthan Police Act & Rules

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