

SHIVAJI UNIVERSITY, KOLHAPUR



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Accredited by NAAC

SYLLABUS FOR THE MASTER OF LAW (LL.M.)

(Revised From June 2008 and Onwards)

(Subject to the Modification that may be made from time
to time)

Shivaji University, Kolhapur

DEPARTMENT OF LAW

UNITISED SYLLABUS OF LL.M. PART I FOR THE ACADEMIC YEAR 2008-09

Instructions

1. There will be semester pattern w.e.f. the academic year 2008-09.
2. Each semester shall consist of one compulsory paper and six papers from each group (consisting of two papers each) of Business Law, Criminal Law and Human Rights and Values in Education for the first three Semesters and the last semester shall consist of dissertation (equivalent to two papers) and one Practical Examination paper (in Total 7, carrying 700 Marks).
3. Each Paper will be of 100 marks each. (80 Theories and 20 Practical).
4. In total there will be seven papers for each semester and the last semester covers dissertation of 200 Marks (150 Written Work and 50 for Viva-Voce) and the practical training (LL.B. Teaching) 50 Marks and clinical work 50 Marks = 100 Marks.
5. The total marks for the LL.M. Course will be 2400 Marks for two years (4 Semester)
6. There will Grade and Credit System.
7. Any Students willing to opt the optional papers of the inter-disciplinary papers of M.B.A., M.COM. or M.C.A. (Commerce), any one of the first three semesters are alternatively permitted by dropping any one of the papers of Business Law, Criminal Law or Human Rights and Values in Education.

SEMESTER - I

**Semester – 1 - 100 Marks (80: Theory & 20:Practical) each paper is of
3 hours duration**

Paper – I

CORE SUBJECT – LEGAL EDUCATION AND RESEARCH METHODOLOGY

Unit I Introduction	15 Hours
1.1 Objectives of Legal Education	
1.2 Clinical Legal Education - Legal Aid, Legal Literacy, Legal Survey and Law Reform	
Unit II Methods of Teaching - I	15 Hours
2.1 Lecture Method of Teaching	
2.2 The Problem Method	

Unit III Methods of Teaching - II

15 Hours

- 3.1 The Seminar Method teaching.
- 3.2 Discussion method and its suitability at post graduate level teaching

Unit IV Identification of Problem Research & Research Methods

15 Hours

- 4.1 What is a Research Problem?
- 4.2 Survey of Available Literature and Bibliographical Research
- 4.3 Socio-Legal Research
- 4.4 **Doctrinal and Non-Doctrinal**
- 4.5 Relevance of Empirical Research
- 4.6 Induction and Deduction

Unit V Preparation of the Research Design - I

15 Hours

- 5.1 Formulation of the Research Problem
- 5.2 Devising tools and techniques for collection of data: Methodology
 - 5.2.1 Methods for the Collection of Statutory and Case materials and Juristic Literature
 - 5.2.2 Use of Historical and Comparative Research Materials

Unit VI Preparation of the Research Design - II

15 Hours

- 6.1 Use of Observation Studies
- 6.2 **Use of Question/Interview**
- 6.3 Use of Case Studies
- 6.4 Sampling Procedures - Design of Sample, Types of Sampling to be adopted
- 6.5 Use of Scaling Techniques

Unit VII Preparation of the Research Design - III

15 Hours

- 7.1 Jurimetrics
- 7.2 Computerised Research - A Study of Legal Research Program such as Lexis & West Law Coding

Unit VIII Preparation of the Research Design - IV

15 Hours

- 8.1 Classification and Tabulation of Data - Use of Cards for Data Collection -
Rules for Tabulation. Explanation of Tabulated Data.
- 8.2 Analysis of Data

Bibliography

1. High Brayal, Nigel Dunean and Richard Crimes, Cliniacl Legal Education: Active Learning in your Law School, (1998) Blackstone P Press Limited, London
2. S.K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.

3. N.R. Madhava Menon, (Ed.) A Handbook of Clinical Legal Education, (1998)
Eastern Book Company, Lucknow.
4. M.O. Price, H. Bitner and Bysiewicz, Effective Legal Research (1978)
5. Pauline V. Young, Scientific Social Survey and Research, (1962)
6. William J. Grade and Paul K. Hatt, Methods in Social Research, Mc Graw-Hill Book Company, London
7. H.M. Hyman, Interviewing in Social Research (1965)
8. Payne, The Art of Asking Questions (1965)
9. Erwin C. Surrency, B. Fiell and J. Crea, A Guide to Legal Research (1959)
10. Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.
11. Havard Law Review Association, Uniform System of Citations
12. ILI Publication, Legal Research and Methodology

Paper – II
GENERAL PRINCIPLES OF CONTRACT INCLUDING
GOVERNMENT &
MULTI NATIONAL CONTRACTS

Unit I	Introduction: General Principles	15 Hours
	1.1 Formation of a Contract,	
	1.2 Agreements,	
	1.3 Consideration,	
	1.4 Intention to Create legal relations.	
Unit II	Capacity of the parties	15 Hours
	2.1 Minors,	
	2.2 Persons of unsound mind,	
	2.3 Corporations,	
	2.4 Government.	
Unit III	Vitiating elements in Contract	15 Hours
	3.1 Mistake,	
	3.2 Fraud,	
	3.3 Mis-representation,	
	3.4 Duress,	
	3.5 Undue Influence.	
Unit IV	Kinds of Contract	15 Hours
	4.1 Voidable Contracts	
	4.2 Void Agreements	
	4.3 Contingent Contracts.	

Unit V	Discharge of Contracts	15 Hours
5.1	By performance,	
5.2	By express Agreements,	
5.4	By frustration,	
5.5	By Breach,	
5.6	By operation of Law,	
5.7	Discharge of joint obligation.	
Unit VI	Remedies	15 Hours
6.1	Recovery of damages,	
6.2	Pacific Performance,	
Unit VII	Government Contract	15 Hours
7.1	Government as a Contracting Party.	
7.2	Standard form of Contracts	
Unit VIII	Contractual Obligations	15 Hours
8.1	Multi National Agreements.	
8.2	Strategies and Constraints to enforce contractual obligations	

Bibliography:

1. Cheshire and Fifoot - The Law of Contract
2. Anson - Principles of the English of Contract
3. Chitty on contracts. (Vol I & II)
4. Pollock & Mulla - Indian Contract Act and Specific Relief Act.
5. Avtar Singh - Law of Contract

Paper – III
CORPORATE FINANCE

Unit I Introduction	15 Hours
1.1	Meaning, Importance and Scope of Corporation Finance
1.2	Capital needs - Capitalisation - Working Capital - Securities-Borrowings – Deposits - Debentures.
1.3	Objectives of Corporation Finance - Profit Maximisation and Wealth Maximisation.
1.4	Constitutional Perspectives - the entries 37, 38, 43 to 47, 52, 82, 85 & 86 of List 1 i.e. Union List, entry 24 of List 2 i.e. State list.
Unit II	Equity Finance
2.1	Share Capital
2.1.1	Prospectus - Information Disclosure
2.1.2	Issue and Allotment
2.1.3	Shares without Monetary Consideration.
2.1.4	Non opting equity shares

UNIT III	Debt Finance	15 Hours
3.1	Debentures	
3.1.1	Nature, issue and class	
3.1.2	Deposits and Acceptance	
3.1.3	Creation of Charges	
3.1.4	Fixed and Floating Charges	
3.1.5	Mortgages	
3.1.6	Convertible Debentures	
UNIT IV	Conservation of Corporate Finance	15 Hours
4.1	Regulation by Disclosure	
4.2	Control on payment of Dividends	
4.3	Managerial Remuneration	
4.4	Payment of Commissions and Brokerage	
UNIT V	Protection of Creditors	15 Hours
5.1	Need for Creditor Protection	
5.2	Rights in making company decisions affecting creditor interests	
5.3	Creditor self - protection	
5.4	Incorporation of favorable terms in lending contracts.	
5.5	Control over corporate spending	
UNIT VI	Protection of Investors	15 Hours
6.1	Individual Share holder Right	
6.2	Corporate Membership Right	
6.3	Qualified Membership Right	
6.4	Conversion, Consolidation and Re-organization of shares	
6.5	Transfer and Transmission of Securities	
6.6	De-materialization of securities	
UNIT VII	Corporate fund Raising	15 Hours
7.1	Depositories - IDR (Indian Depository Receipts), ADR American Depository Receipts), GDR (Global Depository Receipts)	
7.2	Public financing institutions - IDBI, ICICI, IFC and SFC	
7.3	Institutional investments - LIC, UTI and Banks	
7.4	FDI and NRI investment - Foreign institutional investment (IMF and World Bank)	
UNIT VIII	Administrative Regulation on Corporate Finance	15 Hours
8.1	Inspection of Accounts	
8.2	SEBI	
8.3	Central Government Control	
8.4	Control by Registrar of Companies	
8.5	RBI Control	

Bibliography:

1. Alastair Hundson, The Law On Financial Derivatives - Sweet and Maxwell
2. Eils Ferran - Company Law and Corporate Finance 1998 (Oxford)
3. Austen R P - The Law of Public Company Finance 1986 LBC
4. R.M. Goode , Legal Problems of Trade and Security (1988) Sweet and Maxwell
5. V.G. Kulkarni - Corporate Finance (1961)
6. [SC Kuchal Corporate finance -Principles and Problems, 8th Edition 1986](#)
7. Journals - Journal of Indian Law Institute, Journal of Business Law,

Paper – IV

COMPARATIVE CRIMINAL PROCEDURE

Unit I Organisation of Courts and Prosecuting Agencies.

15 Hours

1.1 Hierarchy of Criminal Courts and their Jurisdiction

1.2 Organisation of Prosecuting Agencies for Prosecuting Criminals

Unit II Pre-Trial Procedures - I

15 Hours

2.1 Arrest and Questioning of the Accused

2.2 Rights of the Accused

Unit III Pre-Trial Procedure - II

15 Hours

3.1 The Evidentiary Value of Statements/Articles Seized/Collected by the Police

3.2 Roles of the Prosecutor and the Judicial Officer in Investigation

Unit IV Trial Procedure - I

15 Hours

4.1 The Accusatory System of Trial and the Inquisitorial System

4.2 Role of the Judge, the Prosecutor and Defense Attorney in the Trial

Unit V Trial Procedure – II

15 Hours

5.1 Admissibility and Inadmissibility of Evidence / (Expert Evidence)

5.2 Plea Bargaining

Unit VI Correction and Aftercare Services

15 Hours

6.1 Institutional Correction of Offenders

6.2 Aftercare Services in India and France – General Comparison

Unit VII Preventive Measures in Indian Enactments

15 Hours

7.1 Measures in Cr.P.C.

7.2 Special Enactments

Unit VIII Public Interest Litigation

15 Hours

Bibliography:

1. Celia Hampton, Criminal Procedure
2. Wilkins and Cross, Outline of the Law of Evidence
3. Archbold, Pleading, Evidence and Practice in Criminal Cases
4. Sarkar, Law of Evidence

5. K.N. Chandrasecharan Pillai (ed.), R. V. Kelkar's Outlines of Criminal Procedure (2000), Eastern, Lucknow
6. Sanders & Young, Criminal Justice (1994)
7. Criminal Procedure Code, 1973
8. The French Code of Criminal Procedure
9. 14th and 41st Reports of Indian Law Commission
10. John N. Ferdico, Criminal Procedure (1996), West
11. Christina Van Den Wyngart, Criminal Procedure Systems in European Community Joel Samaha, Criminal Procedure (1997), West
12. Patric Devlin, The Criminal Prosecution in England

Paper - V

PENOLOGY: TREATMENT OF OFFENDERS

- | | | |
|-----------------|--|-----------------|
| Unit I | Introductory. | 15 Hours |
| | 1.1 Meaning of Penology | |
| | 1.2 Penology Nature and Scope | |
| | 1.3 Penology – Its Future | |
| Unit II | Theories of Punishment | |
| | 15 Hours | |
| | 2.1 Retribution | |
| | 2.2 Utilitarian Prevention: Deterrence | |
| | 2.3 Utilitarian: Intimidation | |
| | 2.4 Behavioural Prevention: Incapacitation | |
| | 2.5 Classical Hindu and Islamic Approaches to Punishment | |
| Unit III | The Problems of Capital Punishment | |
| | 15 Hours | |
| | 3.1 Constitutionality of Capital Punishment | |
| | 3.2 Judicial Attitudes towards Capital Punishment in India - An inquiry through the Statute Law and Case Law | |
| Unit IV | Approaches to Sentencing | 15 Hours |
| | 4.1 Alternatives to Imprisonment | |
| | 4.1.1 Probation | |
| | 4.1.2 Corrective Labour | |
| | 4.1.3 Fines | |
| | 4.1.4 Collective Fines | |
| | 4.1.5 Reparation by the Offender by the Court | |
| Unit V | Sentencing - I | 15 Hours |
| | 5.1 Principal Types of Sentences in the Penal Code and Special Laws | |
| | 5.2 Sentencing in White Collar Crime | |
| | 5.3 Sentencing for Habitual Offender | |

Unit VI	Sentencing - II	15 Hours
6.1	Pre-Sentencing Hearing	
6.2	Summary Punishment	
6.3	Plea-bargaining	
Unit VII	Imprisonment - I	15 Hours
7.1	The State of India's Jails Today	
7.2	The Disciplinary Regime of Indian Prisons	
7.3	Classification of Prisoners	
Unit VIII	Imprisonment - II	15 Hours
8.1	Rights of Prisoner and Duties of Custodial Staff	
8.2	Deviance by Custodial Staff	
8.3	Open Prisons	
8.4	Judicial Surveillance - Basis - Development Reforms	

Bibliography:

1. S. Chhabbra, The Quantum of Punishment in Criminal Law (1970)
2. H.L.A. Hart, Punishment and Responsibility (1968)
3. Herbert L. Packer, The Limits of Criminal Sanction (1968)
4. Alf Ross, On Guilt, Responsibility and Punishment (1975)
5. [A. Siddique, Criminology \(1984\) Eastern, Lucknow.](#)
6. Law Commission of India, Forty-Second Report Ch. 3 (1971)
7. K.S. Shukla, "Sociology of Deviant Behaviour" in 3 ICSSR Survey of Sociology and Social Anthropology 1969-179 (1986)
8. Tapas Kumar Banerjee, Background to Indian Criminal Law (1990), R. Campray & Co., Calcutta

Paper – VI
PHILOSOPHICAL AND HISTORICAL FOUNDATIONS OF
HUMAN RIGHTS AND DUTIES

Unit I	Philosophical Foundations of Human Rights	15 Hours
1.1	Man and Society (Human Society)	
1.2	Human Values: Universal, Cultural, Social Dignity, Justice	
1.3	Moral and Ethical, Traditions and Ideas	
Unit II	Historical Foundation of Human Rights	15 Hours
7.1	Human Rights Civilization,	
7.2	Magna Carta,	
7.3	Bill of Rights,	
7.4	French and American Declarations	

Unit III	The Concept of Rights & Duties	
	15 Hours	
	3.1	Meaning and definition of Rights and Duties
	3.2	Classification of Rights and Duties
Unit IV	Theories of Rights and Duties	15 Hours
	4.1	Natural Rights Theory
	4.2	Liberal Theory of Rights
	4.3	Legal/Positive Theory of Rights
	4.4	Marxist Theory of Rights
	4.5	Sociological Theory of Rights
Unit V	Co-Relationship of Rights and Duties	
	15 Hours	
	5.1	Relationship between rights and duties
	5.2	Obligations and Responsibilities in relation to the State and Society
Unit VI	Human Duties and Responsibilities	15 Hours
	6.1	Moral, Ethical, Social Responsibilities
	6.2	Economic, Political and Cultural Responsibilities
	6.3	Responsibilities towards Family, Community and Society
	6.4	Universal Responsibilities
Unit VII	Rule of Law and Human Rights	15 Hours
	7.1	Concept of Rule of Law
	7.2	Origin and Importance of Rule of Law
	7.3	Relation of Human Rights and Good Governance
Unit VIII	Global and Indian Perspectives of Human Rights	15 Hours
	8.1	Global Perspectives of Human Rights
	8.2	Third World' Perspectives of Human Rights
	8.3	Indian Perspectives on Human Rights

General Bibliography :-

1. UN High Commissioner for Human Rights, An introduction making Human Rights a Reality (New York UN Publication Division 1996).
2. UNESCO – Taking Action for Human Rights in the Twenty first Century (Paris UNESCO 1998)
3. Agarwala S.K. – Human Rights, Some Problems of Developing Countries,' in Giradol and others ed. New Directions in International Law (Frankfurt 1982)
4. Baxi Upendra, Library and Corruption (1989) Mambrino's Helmet? Human Rights for a changing World (Delhi Har. Anand Publications 1994).
5. Cranston M. What are Human Rights ? London Bodley Head 1973.
Bhagwati P.N. Dimensions of Human Rights
(Madurai Society for community Organization Trust 1987.

6. Human Rights in Islamic Law – Mahmood, Tahir ed. (New Delhi, Genuine Publications 1993)
7. Tuck R. Natural Rights, Theories (Cambridge University Press 1979)
8. Vijapur. A.P. Freedom of Religion and Beief in India, in A.P.Vijapur and Kumar Suresh ed.s. Perspectives on Human Rights(New Delhi , Manak Publications 1999)

Paper – VII

PROTECTION AND ENFORCEMENT OF HUMAN RIGHTS AND DUTIES

Unit I Protection & Enforcement Of Human Rights & Duties, Conceptual Issues **15 Hours**

- 1.1 Concept of Enforcement of Human Rights
- 1.2 Violation of Human Rights

Unit II Protection and Enforcement At The Regional Level **15 Hours**

- 2.1 Regional Mechanism in America
- 2.2 Regional Mechanism in Africa
- 2.3 Regional Mechanism in Europe

Unit III Protection and Enforcement At The National Level **15 Hours**

- 3.1 Legislature, Executive, Judiciary
- 3.2 National and State commissions on human rights and other Commissions

Unit IV Protection and Enforcement at Global Level - I **15 Hours**

- 4.1 UN Human Rights Commission, UN High commissioner for Human Rights, Committees under the International Covenants on Civil and Political Rights & Economic, Social and Cultural Rights, Racial Discrimination Convention, Rights of the Child Convention, Torture Convention, etc., ILO mechanisms Monitoring Techniques: reporting obligations, state and individual complaints procedures, examination of reports, information from NGOs, right to inspect on the spot, reports on compliance of recommendations

Unit V Protection and Enforcement of Human Rights – II **15 Hours**

- 5.1 NGOs
- 5.2 Media

Unit VI Role of UNO for Enforcement of Human Rights
15 Hours

- 6.1 Role of the UN Security Council
- 6.2 General Assembly
- 6.3 ECOSOC
- 6.4 The Secretary General
- 6.5 International court of Justice

Unit VII Role of International Tribunals **15 Hours**

- 7.1 International Tribunals: International Court of Justice
- 7.2 Permanent and ad hoc International Criminal Courts

Unit VIII Jurisdiction – Enforcement Of Human Rights **15 Hours**

- 8.1 Concept of International Criminal Law, Exercise of Criminal Jurisdiction by any State on the basis of the Principle of Universality of ‘Crimes against Human Rights’, Problems of Extradition and Asylum

General Bibliography:-

1. UN Centre for Human Rights, Human Rights Machinery, (Geneva World campaign for Human Rights 1987)
2. UN Centre for Human Rights, The committee on Economic, Social and Cultural Rights (Geneva World Campaign for Human Rights, 1996)
3. UN, United Nations Action in the Field of Human Rights (New York UN Publication Division, 1985)
4. Baxi Upendra. “Clemency, Extradition and Death. The Judicial Discourse in Kehar Singh”, Journal of Indian Law Institute. Vol 30, No. 4 Oct.Dec 88 pp.501.86.
5. Kishor M.A. Monitoring International Protection of Human Rights through Reporting System” in A.P.Vijapur and Kumar Suresh, eds. Perspectives on Human Rights (New Delhi Manak Publications , 1999 pp.345-52.
6. Magan R. – Protecting Human Rights in State of Emergency Shortcomings in the European systems and a proposal for Reform” Human Rights Quarterly Vol. 100. no. 2 1988 pp. 317-94.

SEMESTER - II

100 Marks

**(80 Marks Theory & 20 Marks Practical)each
paper is of 3 Hours duration**

Paper – I

(Core Subject) JURISPRUDENCE

Unit I Legal Theory (Concepts and Theories of Law) **15 Hours**

- 1.1 The Nature and Scope of Jurisprudence
- 1.2 The Nature and Function of Law

Unit II Natural Law Theories **15 Hours**

- 2.1 Ancient,
- 2.2 Middle Ages and

2.3	Modern	
Unit III	Analytical Positivism	15 Hours
3.1	Austinian Theory,	
3.2	Kelsen's Pure Theory of Law,	
3.3	Hart's Concept of Law	
Unit IV	Legal Realism	15 Hours
4.1	American and	
4.2	Scandinavian	
Unit V	Legal Concepts - I	15 Hours
5.1	Custom,	
5.2	Precedent and	
5.3	Rights	
Unit VI	Legal Concepts - II	15 Hours
6.1	Rights and Duties Co-relation.	
Unit VII	Legal Concepts - III	15 Hours
7.1	Ownership	
7.2	Possession	
Unit VIII	Medical Jurisprudence	15 Hours
8.1	Post-Mortem Examination (Autopsy)	
8.2	Death in Medico-Legal Aspects	

Bibliography:

1. Legal Theory by - W. Friedmann
2. Test Books of Jurisprudence by - George Whitecross Paton
3. Jurisprudence by - R. W. M. Dias
4. Jurisprudence by -Edgar Bodenheimer
5. An Introduction to the Philosophy of Law by- Roscoe Pound
6. The Province and Function of Law by - Julius Stone
7. The Concept of Law by - H. L. A. Hart
8. Legal Philosophies by - J. W. Harris
9. The Limits of Law by - Anatomy Allott
10. Introduction to Jurisprudence by - Lloyed
11. Salmond on Jurisprudence
12. Jurisprudence by - Palmer
13. Legal Theory and Jurisprudence by - V. D. Mahajan
14. Medical Jurisprudence and Toxicology by - N. J. Modi (Tripathi Publication)

Paper – II
LABOUR, CAPITAL AND LAW

Unit I	Freedom of Organization	15 Hours
1.1	International Norms: Right to Association of Industrial and Un-organised Labour	
1.2	Right to Association in India: The Constitutional and Legal Aspects	
Unit II	Collective Bargaining Conceptual and Processual Issues	15 Hours
2.1	Collective Bargaining: A Comparative Appraisal	
2.2	Methodological Aspects	
Unit III	Bargaining Process	15 Hours
3.1	Empirical Indian Studies	
Unit IV	Types of Bargaining	15 Hours
4.1	Plant Level,	
4.2	Industry Level and	
4.3	National Level	
Unit V	Legal Control of Collective Bargaining	15 Hours
5.1	Strike (Pen-down, Tool-down, Work to Rule, Stay in, Sit in, Picketing)	
5.2	Gherao	
5.3	Lock out	
Unit VI	Factors Affecting on Collective Bargaining	15 Hours
6.1	Multi-unionism	
6.2	Other Factors	
6.3	Conditions for Successful Functioning: Comparative Analysis	
Unit VII	Economic Implications of Collective Bargaining	15 Hours
7.1	Wage Policy	
7.2	Work Discipline	
7.3	National Income and Profit	
Unit VIII	Collective Bargaining and Political Processes	15 Hours
8.1	Problem of Outsiders in the Union	
8.1	Affiliation of Unions to Political Parties	
8.3	Policies towards Workers, Participation in Management – Role of State	

Bibliography:

1. Gillian S. Morris and Timothy J. Archer, Collective Labour Law (2000), Oxford
2. Nick Humphrey, Trade Union Law (1997), Blackstone, London
3. John Bowers and Simon Hentyball, Text Book on Labour Law (1998), Blackstone, London
4. Stephen Dery and Richard Mitchell, Employment Relations Individualisation and Union Exclusion (1999) Kluwer

5. Indian Law Institute, Labour Law a Labour Relations, (1987)
6. ILO, Collective Bargaining
7. ILO, Collective Bargaining in Industrialised Market Economics
8. A.V. Rajagopaln, "Approaches to Collective Bargaining - Intricacies" 1982 Vol. II Labour Law Notes P.J. 42
9. Otto Kahn-Freund, Labour and the Law, (1977)
10. Y.R.K. Reddy, "Determination of Collective Bargaining Agency Search for a Procedure" 14 Indian Journal of Industrial Relations 73 (1978)
11. Sahab Dayat "Revival of Collective Bargaining in India: Some Recent Evidence" 17 Indian Journal of Industrial Relations 329 (1982)

Paper – III **BANKING LAW**

Unit I Introduction		15 Hours
1.1	Nature and Development of Banking	
1.2	History of Banking in India and Elsewhere - Indigenous Banking - Evolution of Banking in India - Different Kinds of Banks and Their Functions	
1.3	Multi-functional Banks - Growth and Legal Issues	
1.4	Law Relating to Banking Companies in India	
	1.4.1 Controls by Government and its Agencies	
	1.4.2 Contract between Banker and Customer: Their Rights and Duties	
Unit II	Social Control over Banking	15 Hours
3.1	Nationalisation	
3.2	Evaluation: Private Ownership, Nationalisation and Disinvestment	
3.3	Protection of Depositors	
3.4	Priority Lending	
3.5	Promotion of under Privileged Classes	
Unit III	Deposit Insurance	15 Hours
4.1	The Deposit Insurance Corporation Act 1961: objects and reasons	
Unit IV	The Central Bank	15 Hours
5.1	Evolution of Central Bank	
5.2	Characteristics and Functions	
5.3	Economic and Social Objectives	
5.4	The Central Bank and the State - as Bankers' Bank	
5.5	The Reserve Bank of India as the Central Bank	
5.6	Functions of the RBI	
5.7	Control of RBI over Non-Banking Companies	
Unit V	Relationship of Banker and Customer	15 Hours
6.1	Legal Character	
6.2	Contract between Banker and Customer	

6.3	Banker's Lien	
6.4	Protection of Bankers	
6.5	Customers	
6.6	Consumer Protection: Banking as Service	
Unit VI	Negotiable Instruments	15 Hours
7.1	Meaning and kinds	
7.2	Transfer and negotiations	
7.3	Holder and holder in due course	
7.4	Presentment and payment	
7.5	Liabilities of parties	
Unit VII	Lending by Banks	15 Hours
8.1	Good lending principles	
8.2	Securities for advances	
8.3	Repayment of loans : rate of interest , protection against penalty	
8.4	Default and recovery	
Unit VIII	Recent Trends of Banking System in India	15 Hours
9.1.	New Technology	
9.2	Information Technology	
9.3	Automation and Legal Aspects	
9.4	Automatic Teller Machine and Use of Internet	
9.5	Smart Card	
9.6	Use of Expert System	
9.7	Credit Cards	

Bibliography:

1. Basu , A Review of Current Banking Theory and Practice (1998) MacMillan
2. Ross Cranston , Principles of Banking Law (1997) Oxford
3. M.L. Goyale , The Law of Banking and Bankers (1995) Eastern
4. M. L. Tannan's, Tannan's Banking Law and Practice in India (1997) India Law House , New Delhi , 2 volumes
5. K. C. Shekhar , Banking Theory and Practice (1998)UBS Publisher Distributors Ltd. New Delhi
6. K Subrahmanyam , Banking Reforms In India (1997) Tata Maigraw Hill , New Delhi.
7. R. S Narayana , The Recovery of Debts due to Banks and Financial Institutions Act, 1993 (51 of 1993), Asia Law House, Hyderabad
8. Mitra, The Law Relating to Bankers' Letters of Credit and Allied Laws, (1998) University Book Agency, Allahabad
9. Janakiraman Committee Report on Securities Operation of Banks & Financial Institution (1993)

10. Narasimham Committee Report on the Financial System (1991) - Second Report (1999)
11. Ross Cranston (ed.) European Banking Law: The Banker-Customer Relationship (1999) LLP, London
12. M.A. Mir, The Law Relating to Bank Guarantee in India (1992), Metropolitan Book, New Delhi
13. R.K. Talwar, Report of Working Group on Customer Service in Banks

Paper – IV

PRIVILEGED CLASS DEVIANCE

Unit I Introduction - 1

15 Hours

- 1.1 Conceptions of White Collar Crimes
- 1.2 Indian Approaches to Socio-Economic Offences
- 1.3 Notions of Privileged Class Deviance as Providing a Wider Categorization of Understanding Indian Development

Unit II Introduction - 2

- 2.1 Typical Forms of such Deviance
- 2.2 Professional Deviance: Journalists, Teachers, Doctors, Lawyers, Engineers, Architects and Publishers
- 2.3 Trade Union Deviance (including Teachers, Lawyers/Urban Property Owners)

Unit III Introduction - 3

15 Hours

- 3.1 Landlord Deviance (Class/Caste based Deviance)
- 3.2 Police Deviance
- 3.3 Deviance on Electoral Process (Rigging, Booth Capturing, Impersonation, Corrupt Practices)
- 3.4 Gender-based Aggression by Socially, Economically and Politically Powerful

Unit IV Official Deviance

15 Hours

- 4.1 Conception of Official Deviance - Permissible Limit of Discretionary Powers.
- 4.2 The Chambal Valley Dacoit Vinoba Mission and Jai Prakash Narain Mission – in 1959 and 1971
- 4.2 The Chagla Commission Report on LIC-Mundhra Affair

- Unit V Police Deviance 15 Hours**
- 5.1 Structures of Legal Restraint on Police Powers in India
- 5.2 Unconstitutionality of "Third-degree" methods and Use of Fatal Force by Police
- 5.3 "Encounter" Killings
- 5.4 Police Atrocities
- 5.5 The Plea of Superior Orders
- 5.6 Rape and Related Forms of Gender-based Aggression by Police and Para-Military Forces
- Unit VI Reform Suggestions especially by the National Police Commissions 15 Hours**
- Unit VII Professional Deviance 15 Hours**
- 7.1 Unethical Practices at the Indian Bar
- 7.3 The Press Council on Unprofessional and Unethical Journalism
- 7.4 Medical Malpractice
- Unit VIII Response of Indian Legal Order to the Deviance Privileged Classes 15 Hours**
- 8.1 Vigilance Commission
- 8.2 Public Accounts Committee
- 8.3 Prevention of Corruption Act, 1947

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1. Upendra Baxi, The Crisis of the Indian Legal System (1982) Vikas Publishing House, New Delhi
2. Upendra Baxi (ed.), Law and Poverty: Essays (1988)
3. Upendra Baxi, Liberty and Corruption : The Antulay Case and Beyond(1989)
4. Surendranath Dwevedi and G.S. Bbargava, Political Corruption in India (1967)
5. A.R. Desai (ed.) Violation of Democratic Rights in India (1986)
6. A.G. Noorani, Minister's Misconduct (1974)
7. B.B. Pande, 'The Nature and Dimensions of Privileged Class Deviance in The Other Side of Development 136 (1987; K. S. Shukal ed.)
8. Indira Rotherm and, "Patterns of Trade Union Leadership in Dhanbad Coal Fields" 23 J.I.L.J. 522 (1981)

Paper – V

DRUG ADDICTION, CRIMINAL JUSTICE AND HUMAN RIGHTS

- Unit I Introductory 15 Hours**
- 1.1 Basic Conceptions
 - 1.1.1. Drugs 'Narcotics', "Psychotropic Substances"
 - 1.1.2 'Dependence', "Addiction"
 - 1.1.3 "Crimes without Victims"
 - 1.1.4 "Trafficking" in "Drugs"
 - 1.1.5 "Primary Drug Abuse"
- Unit II How Does One Study the Incidence of Drug Addiction and Abuse? 15 Hours**
- 2.1 Self-reporting
 - 2.2 Victim-studies
 - 2.3 Problems of Comparative Studies
- Unit III Anagraphic and Social Characteristics of Drug Users 15 Hours**
- 3.1 Gender
 - 3.2 Age
 - 3.3 Religiousness
 - 3.4 Single Individuals/Cohabitation
 - 3.5 Socio-Economic Level of Family
 - 3.6 Residence Patterns (Urban/Rural/Urban)
 - 3.7 Educational Levels
 - 3.8 Occupation
 - 3.9 Age at First Use
 - 3.10 Type of Drug Use
 - 3.11 Reasons given as Cause of First Use
 - 3.12 Method of Intake
 - 3.13 Pattern of the Use
 - 3.14 Average Quantity and Cost
 - 3.15 Consequences on Addict's Health (Physical/Psychic)
- Unit IV The International Legal Regime 15 Hours**
- 4.1 Analysis of the Background, Text and Operation of the Single Convention on Drugs, 1961, 1972
 - 4.2 International collaboration in combating drug addiction
 - 4.3 The SAARC ,and South -South Co-operation
 - 4.4 Profile of international market for psychotropic substances
- Unit V The Indian Regulatory System 15 Hours**
- 5.1 Nationalist thought towards regulation of drug trafficking and usage
 - 5.2 The penal provisions (under IPC and the Customs Act)
 - 5.3 Judicial approaches to sentencing in two drug trafficking and abuse
 - 5.4 The Narcotic Drugs and Psychotropic Substances Act ,1985

Unit VI	Human Rights Aspects	15 Hours
6.1	Deployment of Marginalized People as Carrier of Narcotics	
6.2	The Problem of Juvenile Drug Use and Legal Approaches	
6.3	Possibilities of Misuse and Abuse of Investigative Prosecutory Powers	
6.4	Bail	
Unit VII	The Role of Community in Combating Drug Addiction – 1	15 Hours
7.1	The Role of Educational Systems	
7.2	The Role of Medical Profession	
Unit VIII	The Role of Community in Combating Drug Addiction - 2	15 Hours
8.1	The Role of Mass Media	
8.2	Initiatives for Compliance with Regulatory Systems	

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1. H.S. Becker, *Outsiders: The Studies in Sociology of Deviance* (1966)
2. J.A. Incard, C.D. Chambers, (eds.), *Drugs and the Criminal Justice System* (1974)
3. R. Cocken, *Drug Abuse and Personality in Young Offenders* (1971)
4. G. Edwards Busch, (ed.) *Drug Problems in Britain : A review of Ten Years* (1981)
5. P. Kondanram and Y.N. Murthy, “Drug Abuse and Crime: A Preliminary Study” *7 Indian Journal of Criminology*, 65-68 (1979)
6. P.R. Rajgopal *Violence and Response: A Critique of the Indian Criminal System* (1988)
7. United Nations, *Economic and Social Reports of the Commission on Narcotic Drugs*, United Nations
8. Social Defence, Research Institute (UNSDRI) *Combating Drug Abuse and Related Crimes* (Rome, July 1984 Publication No.21)
9. Lok Sabha and Rajya Sabha Debates on 1986 Bill on Psychotropic Substances. Useful Journals in this area are:
 - (i) The Law and Society Review (USA)
 - (ii) Journal of Drug Issues (Tallahassee Florida)
 - (iii) International Journal of Addictions (New York)
 - (iv) British Journal of Criminology
 - (v) Journal of Criminal Law, Criminology and Police and Science (Baltimore, Md.)
 - (vi) Journal of Criminal Law and Criminology (Chicago, III)
 - (vii) International Journal of Offender Therapy and Comparative Criminology (London)
 - (viii) Bulletin on Narcotics (United Nations)

Paper – VI

INTERNATIONAL HUMANITARIAN AND REFUGEE LAWS

Unit I	International Humanitarian Law (IHL) - 1	15 Hours
1.1	Origin and development of IHL	
Unit II	International Humanitarian Law (IHL) - 2	15 Hours
2.1	Doctrine of military necessity versus the principles of humanity	
2.2	Role of IHL in non-international armed conflicts	
Unit III	International Humanitarian Law (IHL) - 3	15 Hours
3.1	National Perspectives on IHL	
	Role of International Red Cross and NGOs	
Unit IV	International Humanitarian Law (IHL) - 4	15 Hours
4.1	Implementation and Enforcement of IHL	
4.1.1	Concept of Protecting power	
4.1.2	United Nations	
4.1.3	International Criminal Courts and Tribunals	
4.1.4	Unilateralism : ‘humanitarian’ intervention versus state sovereignty	
4.1.5	Humanitarian assistance	
Unit V	International Refugee Law – I	15 Hours
5.1	The History of International refugee Law: cold War Origins to Rights of People who are not Citizens	
5.2	Determination of refugee Status	
5.2.1	Under the Refugee Convention 1951 and protocol 1967	
5.2.2	Problem of refugees in non-armed conflict situations (Economic, environmental, Natural Disasters)	
Unit VI	International Refugee Law – II	15 Hours
6.1	Protection under International Law	
6.1.1	Right of non-refoulement	
6.1.2	Right to Asylum	
6.1.3	UNHCR and Refugee protection	
6.1.4	Special problems of protection of refugee women and children	
Unit VII	International Refugee Law – III	15 Hours
7.1	Protection in India	
7.1.1	Indian critique of UNHCR and the Convention	
7.1.2	Protection without legislation : case law	
7.1.3	Status of refugees in India under UNHCR	
Unit VIII	International Refugee Law – IV	15 Hours
8.1	Solution to Refugee Problem	
8.1.1	Resettlement in third country	
8.1.2	Repatriation : Voluntary or Forced	
8.1.3	Local assimilation	
8.1.4	Protective zones	

- 8.1.5 International Law and Internally displaced Persons: UN Guiding Principles on International displacement 1998
- 8.1.6 Right and Duties of the International Community
- 8.1.7 Concept of Burden Sharing
- 8.1.8 Finding Durable Solutions: Roots of Refugee Problem
- 8.1.9 Relationship between IGHL, Refugee Law and Human Rights

General Bibliography-

1. Independent Commission on International Humanitarian Issues, Modern Wars. The Humanitarian Challenge, Report presented by Mohammed Bedjaoni (London Zed Books 1986)
2. UNESCO, International Dimensions of Humanitarian Law (Paris, UNESCO, 1988)
3. UNHCR, The State of World's Refugees, A Humanitarian Agenda (1997-1998)
4. UN Centre for Human Rights, International Humanitarian Law and Human Rights (Geneva World Campaign for Human Rights, 1992)
5. Abi-Saab ozemary, "The Principles of Humanitarian Law according to the International Court of Justice" International Review of the Red Cross no. 259, 1987, pp. 367-78
6. Bhagwati P.N. " International Aspect of Right to Life, Peace and Development, Denver Journal of International Law and Policy, vol. 19, no. 1 Fall 1990 no. 67-76.
7. Chakrabarty Manik, Human Rights and Refugees, Problems, Law and Practice (New Delhi, Deep and Deep Publications, 1998)
8. Dominice, Christians " The implementation of Humanitarian Law" in Kareel Vasak ed.The International Dimensions of Human Rights vol.1 (Paris, UNESCO, 1982) pp.427-43
9. Giri T.N.: "Rights of Regugees with Reference to Right Education". in A.P. Vijapur and Kumar Suresh, eds, Perspectives on Human Rights (New Delhi,Manak Publications, 1999,)pp.332-344.
10. Mani, V.S. "Competence of the Projected International Criminal Court in regard to Violations of International Humanitarian Law. A Critique of the 1994 ILC Draft Statute " Bulletin on IHL and Refugee Law vol 2 1997, pp. 13-54.
11. Maulson, W.T. and S.V. Malison "Judicial Status of the Irregular Combatants under the International Humanitarian Law of Armed Conflict" Case Western Review of International Journal Vol 9, 1977, pp 39-78.
12. Weissbrodt, David "Role of International Organizations in the implementation of Human Rights and Humanitarian Law in Situations of Armed Conflicts." Vanderbilt, Journal of Transnational Law vol 21, no. 2, 1988, p. 313-65

Paper – VII

HUMAN RIGHTS AND CRIMINAL JUSTICE SYSTEM

Unit I Introduction	15 Hours
1.1 Historical, Philosophical And Social Perspectives	
1.2 Punishments And Human Rights	
Unit II Conceptual Perspective	15 Hours
2.1 Concept of crime and criminal liability	
2.2 Offences involving Human Rights	
2.3 Role of Criminal Justice System	
Unit III Human Rights Problems	15 Hours
Police Atrocities and accountability	
Violence against women and children	
Communal Violence	
Caste and Class conflicts	
Maintenance of Law and Order	
Terrorism and insurgency	
Unit IV Rights Of Accused	15 Hours
4.1 Double Jeopardy	
4.2 Against self-incrimination	
4.3 Production before magistrate	
4.4 Fair Trial	
4.5 Speedy Trial	
4.6 Appeal	
Unit V Rights Of Inmates Of Prisons And Custodial Homes	15 Hours
5.1 Protection Homes	
5.2 Reformatory and other institutions	
5.3 Prisons	
UNIT VI Rights Of The Accused	15 Hours
6.1 Right To Legal Aid,	
6.2 Access To Justice	
6.3 Speedy Justice	
6.4 Right To Compensation	
Unit VII Administration Of Criminal Justice - 1	15 Hours
7.1 Ordinary Courts	
7.2 Special courts	
7.3 District Human Rights Courts	
7.4 Nyaya Panchyats	
7.5 Human Rights sensitization	

Unit VIII Administration Of Criminal Justice -2

15 Hours

- 8.1 Threats of the System
 - 8.1.1 Terrorism
 - 8.1.2 Abduction
 - 8.1.3 Others

General Bibliography-

1. ILO, Freedom of Association and Effective Bargaining (Geneva, ILO, 1983.)
2. UN, Declaration of the Right to Development (New York, UN Development of Public information 1988)
3. Baxi Upendra, “Human Rights, Accountability and Development “ Indian Journal of International Law, vol 20, no. 1, pp. 177-215.)
4. Bhagwati. P.N. International Aspect of Right to Life, Peace and Development” Denver, Journal International Law and Policy, vol. 19 no. 1 , Fall 1990, pp. 67-76
5. Nanda Ved P. “Nuclear Weapons and the Right to Survival, Peace and Development. An introduction” Denver Journal of International Law and Policy Vol 19, No. 1 Fall 1990, pp. 1-10
6. Rehman M.M. and others Human Rights and Human Development Concepts and contexts (New Delhi, Manak Publications, 2000)
7. Verma S.K. “Development of Human Rights and Globalization of Economy Journal of Indian Law Institute, vol 40, no.1 – 4 , 1998, pp. 217-29

SEMESTER – III

Semester – III (80 Marks Theory and 20 Marks Practical) each paper is of 3 hours duration

Paper – I

(Core Subject) – INDIAN CONSTITUTIONAL LAWS AND NEW CHALLENGES

Unit I Federalism

15 Hours

- 1.1 Creation of New States
- 1.2 Allocation and share of resources - distribution of grant in aid.
- 1.3 Right to equality : privatization and its impact on affirmative action.

Unit II Empowerment of Women

15 Hours

Unit III	Freedom of Press and Challenges of New Scientific Development	15 Hours
3.1	Freedom of speech and right broadcast and telecast	
Unit IV	Right to Strikes, Hartal and Bandh	15 Hours
Unit V	Emerging Regime of New Rights and Remedies	15 Hours
5.1	Reading Directive Principles and Fundamental Duties into Fundamental Rights	
5.2	Compensation Jurisprudence	
Unit VI	Right to Education	15 Hours
6.1	Commercialisation of Education and its Impact	
6.2	Brain drain by Foreign Education Market	
Unit VII	Secularism and Religious Fanaticism	15 Hours
Unit VIII	Separation of Powers: Stresses and Strain	15 Hours
8.1	Judicial Activism and Judicial Restraint	
8.2	Accountability, Executive and Judiciary	

Bibliography:

No specific bibliography is suggested for this subject since the subject materials obviously depends upon the latest developments. These developments in the areas specified in the subject can be gathered from the recent materials such as case-laws, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethics impacting on constitutional values.

Paper – II
INSURANCE LAW

Unit I Introduction		15 Hours
1.1	Nature of Insurance Contract, Various kinds of Insurance, Proposal, Policy, Parties, Consideration, Need for utmost good faith, Insurable Interest, Indemnity	
1.2	Insurance Policy , law of contract and law of torts - future of insurance : need , importance and place of insurance	
1.3	General Principles of Law of Insurance	
1.3.1	Definition, Nature and History	
1.3.2	The Risk - Commencement , Attachment and Duration	
1.3.3	Settlement of Claims and Subrogation	
1.3.4	Effect of War upon Policies	
Unit II	Indian Insurance Law : General	15 Hours
2.1	History and development	
2.2	The Insurance Act 1938 and the Insurance Regulation Authority Act 2000	
2.3	Mutual insurance companies and co-operative life insurance societies	

2.4	Double Insurance and re-insurance	
Unit III	Life Insurance	15 Hours
3.1	Nature and Scope	
3.2	Event insured against Life Insurance Contract	
3.3	Circumstances affecting the Risk	
3.4	Amount recoverable under Life Policy	
3.5	Persons entitled to Payment	
3.6	Settlement of Claims and Payment of Money	
Unit IV	Marine Insurance	15 Hours
4.1	Nature and Scope	
4.2	Classification of Marine Policies	
4.2.1	The Marine Insurance Act, 1963	
4.2.2	Insurable Interest, Insurable Value	
4.2.3	Marine Insurance Policy - Condition - Express Warranties Construction of Terms of Policy	
4.2.4	Voyage -deviation and Perils of the sea	
4.2.5	Assignment of policy and Return of premium	
4.2.6	Partial laws of ship & of freight , salvage , general a verage, particular charges	
Unit V	Insurance Against Accidents	15 Hours
5.1	The Fatal Accidents Act, 1855	
5.1.1	Objects and Reasons	
5.1.2	Assessment of Compensation	
5.1.3	Contributory Negligence	
5.1.4	Apportionment of Compensation and Liability	
5.1.5	The Personal Injuries (Compensation Insurance) Act 1963	
5.2.6	Compensation Payable under the Act	
5.2.7	Compensation Insurance Scheme under the Act-Compulsory Insurance	
Unit VI	Property Insurance	15 Hours
6.1	Fire Insurance	
6.2	The Emergency Risks (Factories) Insurance	
6.3	The Emergency Risks (Goods) Insurance	
6.4	Policies covering Accidental loss, Damage to Property	
6.5	Policies covering Risk of Storm and Tempest	
6.6	Glass-plate Policies	
6.7	Burglary and Theft Policies	
6.8	Live Stock Policies	
6.9	Goods in Transit Insurance	
6.10	Agricultural Insurance	

Unit VII Insurance Against Third Party Risks-1 **15 Hours**

- 7.1 The Motor Vehicles' Act, 1988
 - 7.1.1 Nature and Scope
 - 7.1.2 Effect of Insolvency or Death on Claims of Insolvency and Death of
 - Parties, Certificate of Insurance
 - 7.1.3 Claims Tribunal: Constitution, Functions, Application for Compensation, Procedure, Powers and Award

Unit VIII Insurance Against Third Party Risks-2 **15 Hours**

- 8.1 Liability Insurance
 - 8.1.1 Nature and Kinds of such Insurance
 - 8.1.2 Public Liability Insurance
 - 8.1.3 Professional Negligence Insurance
- 8.2 Miscellaneous Insurance Schemes: New Dimensions
 - 8.2.1 Group Life Insurance
 - 8.2.2 Mediclaim, Sickness Insurance

Bibliography:

1. Banerjee, Law of Insurance (1994), Asia Law House, Hyderabad
2. Mitra B.C., Law Relating to Marine Insurance (1997) Asia Law House, Hyderabad
3. JCB Gilmar and Mustill, Arnold on the Law of Marine Insurance, (1981), Sweet & Maxwell
4. Birds, Modern Insurance Law (1997) Sweet & Maxwell
5. Colinvaux's Law of Insurance (1997), Sweet & Maxwell
6. O'Mary on Marine Insurance (1993), Sweet & Maxwell
7. Edwin W. Patterson, Cases and Materials on Law of Insurance (1955)
8. E.R. Hardy Ivamy, General Principles of Insurance Law (1979)
9. M.N. Sreenivasan Law and the Life Insurance Contract (1914)
10. International Labour Office, Administration Practice of Social Insurance (1985)

Paper – III

**INTELLECTUAL PROPERTY AND INFORMATION
TECHNOLOGY**

Unit I Introduction **15 Hours**

- IPR and International Perspectives
- Information Technology Act, 2000

Unit II Special Problems **15 Hours**

- 2.1 Status of Computer Software
 - 2.1.1 Copyright Law
 - 2.1.2 Patent Law

Unit III	Patent Search, Examination and Records	
3.1	International and Global Patent Information Systems (European Patent Treaty)	
3.2	Patent Co-operation Treaty (PCT)	
3.3	Differences in Resources for Patent Examination between Developed and Developing Societies	
3.4	The Indian Situation	
Unit IV	Introductory Technology-1	15 Hours
4.1	Notions of Technology	
4.2	Legal Order and Technological Innovation General Considerations	
4.3	The Emergence of Western Technology (1500-1750)	
4.4	The Renaissance	
4.5	The Steam Engine	
Unit V	Introductory Technology-2	15 Hours
5.1	Metallurgy and Mining	
5.2	New Commodities	
5.3	Agriculture	
5.4	Transport and Communications	
5.5	Chemistry	
Unit VI	Introductory Technology-3	15 Hours
6.1	The Industrial Revolution	
6.1.1	Power Technology	
6.1.2	Development of Industries (Metallurgy), Mechanical Engineering Textiles, Chemicals, Agriculture, Civil Engineering, Transport and Communication, Military Technology	
Unit VII	Technology in the 20th Century-1	15 Hours
7.1	The Second Industrial Revolution Computers	
7.2	The Nuclear Technology for Peace and War	
Unit VIII	Technology in the 20th Century-2	15 Hours
8.1	Biotechnology	
8.2	Space Technology	
8.3	Role of National and International Orders relative to these	

Bibliography:

1. Patent Co-operation Treaty Hand Book (1998), Sweet and Maxwell
2. W. R. Corrish, Intellectual Property Law (1999), Sweet and Maxwell
3. Carlos M. Correa(ed.), Intellectual Property and International Trade (1998), Kluwer
4. Cees J. Hamelink, The Ethics of Cyberspace (2001), Sage. Philip Grubb, Patents for Chemicals, Pharmaceuticals and Biotechnology (1999) Oxford
5. Ann Johnston et.al. (ed.) New Technologies and Development (1986) UNESCO

Paper – IV
JUVENILE DELINQUENCY

Unit I	The Basic concepts	15 Hours
1.1	The conception of 'child' in Indian Constitution and Penal Code.	
1.2	Delinquent juvenile	
1.3	"Neglected" juvenile	
1.4	The overall situation of children/young persons in India, also with reference to crime statistics (of crimes by against children)	
Unit II	Determining Factors Of Juvenile Delinquency	15 Hours
2.1	Differential Association	
2.2	Anomie	
2.3	Economic group influence	
2.4	Gang sub-culture	
2.6	Class differentials	
Unit III	Legislative Approaches	15 Hours
3.1	Legislative approaches during the late colonial era.	
3.2	Children's Act	
3.3	Legislative position in various States	
3.4	The Juvenile Justice Act	
	3.4.1 Constitutional aspects	
	3.4.2 Distinction between " Neglected "and "delinquent "juveniles.	
	3.4.3 Competent authorities	
	3.4.4 Procedural safeguards for juveniles	
	3.4.5 Powers given to Government	
	3.4.6 Community participation as envisaged under the Act	
Unit IV	Indian Context of Juvenile Delinquency-1	15 Hours
4.1	The child population percentage to total sex-ratio urban /rural/rural-urban	
4.2	Neglected - below poverty line ,physically and mentally disabled, orphans, destitute, vagrants	
4.3	Labourers	
	4.3.1 In organised industries like zari, carpet, bidi , glass	
	4.3.2 In unorganised sector like domestic servant ,shops and establishments, rag -pickers, family trade	
4.4	Delinquent -number, sex -ratio, to adult crime ,types of offences committed recidivism, rate of increase background	
Unit V	Indian Context of Juvenile Delinquency-2	15 Hours
5.1	Drug addicts.	
5.2	Victims	
5.3	Of violence - sexual abuse, battered, killed by parents.	
5.4	Of criminal like bootlegging. drug pollution as a response of approach.	

Unit VI	Judicial Contribution	15 Hours
6.1	Social action litigation concerning juvenile justice	
6.2	Silent judicial decision	
6.3	Role of legal profession in juvenile justice system.	
Unit VII	Implementation	15 Hours
7.1	Institutions, bodies, personnel	
7.2	Recruiting and funding agencies	
7.3	Recruitment qualifications and salaries or fund	
7.4	Other responsibilities of each agency/person	
7.5	Coordination among related agencies	
7.6	Accountability-annual reports and accessibility of public to juvenile justice institution.	
Unit VIII	Preventive Strategies	15 Hours
8.1	State welfare programme health, nutrition, ICWS, grants-in-aid	
8.2	Compulsory education	
8.3	Role of community, family, voluntary bodies, individuals.	

Bibliography:

1. National Institute of Social Defence, Model Rules under the Juvenile Justice Act, 1986, (1986)
2. K.S. Shukla, Adolescent Offender (1985)
3. United Nations, Beijing Rules on Treatment of Young Offenders (1985)
4. Myron Weiner, The Child and State in India (1990)
5. The United Nations Declaration on the Rights of Children
6. UNICEF Periodic Materials

Paper – V
COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE
SYSTEM

Unit I	Introductory - 1	15 Hours
1.1	Notions of “Force”, “Coercion”, “Violence”	
1.2	Distinctions: “Symbolic” Violence, “Institutionalized” Violence, “Structural Violence”	
1.3	Legal Order as a Coercive Normative Order	
Unit II	Introductory - 2	15 Hours
2.1	Force-monopoly of Modern Law	
2.2	“Constitutional” and “Criminal” Speech: Speech as Incitement to Violence	
2.3	“Collective Political Violence” and Legal Order	
2.4	Notion of Legal and Extra-legal “Repression”	

Unit III	Approaches to Violence in India-1	15 Hours
3.1	Religiously Sanctioned Structural Violence: Caste and Gender Based	
3.2	Ahimsa in Hindu, Jain, Buddhist, Christian and Islamic Traditions in India	
3.3	Gandhiji's Approach to Non-Violence	
Unit IV	Approaches to Violence in India-2	15 Hours
4.1	Discourse on Political Violence and Terrorism during Colonial Struggle	
4.2	Attitudes towards Legal Order as possessed of Legitimate Monopoly over Violence during the Colonial Period	
Unit V	Agrarian Violence and Repression	15 Hours
5.1	The Nature and Scope of Agrarian Violence in the 18-19 Centuries India	
5.2	Colonial Legal Order as a Causative Factor of Collective Political (Agrarian) Violence	
5.3	The Telangana Struggle and the Legal Order	
5.4	The Report of the Indian Human Rights Commission on Arwal Massacre	
Unit VI	Violence against the Scheduled Castes	15 Hours
6.1	Notion of Atrocities	
6.2	Incidence of Atrocities	
6.3	Uses of Criminal Law to Combat Atrocities or Contain aftermath of Atrocities	
6.4	Violence Against Women	
Unit VII	Communal Violence-1	15 Hours
7.1	Incidence and Courses of "Communal" Violence	
7.2	Findings of Various Commissions of Enquiry	
Unit VIII	Communal Violence-2	15 Hours
8.1	The Role of Police and Para-military Systems in dealing with Communal Violence	
8.2	Operation of Criminal Justice System Tiring and in relation to, Communal Violence	

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1. U. Baxi, "Dissent, Development and Violence" in R. Meagher (ed.) Law and Social Change: Indo-American Reflections 92 (1988)
2. U. Baxi (ed.), Law and Poverty: Critical Essays, (1988)
3. A.R. Desai, (ed.) Peasant Struggles in India, (1979)
4. A.R. Desai, Agrarian Struggles in India: After Independence (1986) A.R. Desai, Violation of Democratic Rights in India (1986)
5. D.A. Dhangare, Peasant Movement in India: 1920-1950
6. Ranjit Guha, Element any Aspects of Peasant Insurgency in Colonial India (1983) Ranjit Guba, (ed,) Subaltern Studies Vol. 1-6 (1983-1988)

7. T. Honderich, Violence for Equality (1980)
8. Mark Juergensmeyer, "The Logic of Religious Violence: The Case of Punjab" 22 Contributions to Indian Sociology 65 (1988)
9. Rajni Kothari, State Against Democracy (1987)
10. G. Shah, Ethnic Minorities and Nation Building: Indian Experience (1984)
11. K.S. Shukla, "Sociology of Deviant Behaviour", in 3 ICSSR Survey of Sociology and Social Anthropology 1969-1979 (1986)

Paper – VI

HUMAN RIGHTS AND DUTIES IN INTERNATIONAL AND REGIONAL PERSPECTIVE

Unit I International And Regional Concern For Human Rights 15 Hours

- 1.1 Concern for Protection of the Individual in Anti-Slave Trade Treaties, Humanitarian Law Treaties, International Labour Organization, League of Nations (Mandate System, Social and Economic Welfare), Nazism and Fascism, the Holocaust, the War Crimes Trials, Spread of Nationalism in Asia and Africa and Struggle Against Colonialism.
- 1.2 Regional Approaches to Human Rights – Relevance and Factors Contributing to Regionalism in Human Rights.

Unit II Human Rights And The United Nations 15 Hours

- 2.1 Normative and Institutional Framework of the United Nations: Role of the UN General Assembly, The Economic and Social Council and its Commissions and Sub-Commissions

Unit III The International Bill Of Rights 15 Hours

- 3.1 Universal Declaration of Human Rights, 1948
- 3.2 International Covenant on Economic, Social and Cultural Rights, 1966
- 3.3 International Covenant on Civil and Political Rights, 1966

Unit IV Some Specific Rights - 1 15 Hours

- 4.1 **Right of the people and nations to self-determination:**
Declaration on the Granting of independence to Colonial Countries and Peoples 1960 Declaration of Principles of International Law Concerning Friendly Relations and Cooperation among States 1970 (fifth principle), Declaration on the permanent Sovereignty over Natural Resources 1962, Declaration of a New international Economic Order 1974, Charter of Economics Rights and Duties 1974

4.2 Freedom from discrimination:

Convention on Elimination of All Forms of Racial Discrimination 1965, Convention on the Suppression and Punishment of the Crime of Apartheid 1972 and Convention against Apartheid in Sports 1985, UN Declaration on Elimination of all Forms, of Intolerance and discrimination based on religion or Belief 1987, UNESCO Declaration on Race and Racial Prejudice 1978, UNESCO Declaration of Principles on Tolerance 1995

Unit V Some Specific Rights - 2 15 Hours

5.1 Freedom from Torture:

Convention on Prevention and Punishment of the Crime of Genocide 1948, Convention on the Protection of All persons from Being Subjected to Torture and Other Cruel, inhuman or Degrading Treatment or Punishment 1984

5.2 Rights of Women:

ILO Conventions on Equal Remuneration (1951) and Discrimination in Employment (1958) , Convention on elimination of All Forms of Discrimination against Women 1979 ,Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others 1949.

5.3 Rights of the Child

UN Convention on the Rights of the Child 1989, ILO Convention on Child Labour 1999

Unit VI European Convention On Human Rights 15 Hours

6.1 History and normative developments since 1950 Monitoring and Enforcement Machinery: European Court of Human Rights, European commission of Human Rights, Council of Europe

Unit VII American Convention On Human Rights 1969 15 Hours

7.1 History and development of human rights institutions in Latin America American Commission and Court of Human Rights

Unit VIII African Charter On Human and People's Rights 15 Hours

8.1 OAU Charter 1963

8.2 African Charter of Human and People's rights 1981

8.3 Mechanism of implementation: African Commission & Court of Human & People's Rights

General Bibliography:-

1. UNESCO – Violations of Human Rights, Possible Rights of Recourse and Forms of Resistance (Paris, Unesco. 1984)
2. UNICEF – The Child and the Law (New Delhi, UNICEF 1994)
3. UN Centre for Human Rights, Civil and Political Rights, The Human Rights Committee (Geneva World Campaign for Human Rights, 1997)
4. Aggarwal , Om Prakash, Fundamental Rights and Constitutional Remedies (Delhi Metropolitan Book, 1954)

5. Baxi Upendra Violence Dissent and Development Law and Social Change (Indian Law Institute New Delhi, 1988, pp. 72-93
6. Bhagwati P.N. Human Rights and Democratisation of Remedies Indian Bar Review vol. 10, no. 3 1983, pp. 584-98.
7. Basu D.D. Constitutional Law of India (New Delhi Prentice Hall 1994)
8. Cassells J. Judicial Activism and Public Interest Litigation in India. Attempting the impossible American Journal of comparative Law, vol 37, No. 3, 1989, pp. 485-519.
9. Chhabar Y.P. – National Human Rights Commission, A view from Peoples Front in K.P.Saksena ed. Human Rights Fifty Years of India’s Independence (New Delhi, Gyan Publishing House 1999, pp. 119-28)
10. Diwan and Paras and Peeyushi Diwan, Human Rights and Law, Universal and Indian (New Delhi, Deep and Deep 1998)
11. Justice Iyer V.R. Krishna, Human Rights and the Law (Indore Vedpal Law House, 1984)
12. Srivastava S.C. “ Equal Remuneration for Men and Women”, Journal of Indian Law Institute vol. 32, No. 1, 1980, pp. 82-92.

Paper – VII

SCIENCE, TECHNOLOGY AND HUMAN RIGHTS

Unit II Impact Of Science & Technology On Human Rights

And Duties : Some Conceptual Issues

15 Hours

- 1.1 Concept of science & technology as a tool for furtherance of human & social welfare.
- 1.2 Role of science & technology in contributing to development of human being
- 1.3 Negative role of science & technology
 - 1.3.1 Value neutral character of science & technology and the concept of ‘dual use’ technologies
 - 1.3.2 Impact of unbridled use of science & technology on environment
 - 1.3.3 Scientific and technological revolution leading to development of diverse, increasingly cruel/terror weapons & other means & methods of violence & war.
- 1.4 New torture methods, methods of rights deprivations
- 1.5 The on-going revolution in science & technology since the Industrial revolution in Europe
- 1.6 Scientific temper: Positive, non-materialistic impact of science & technology (Article 51-A (h) of the Indian Constitution)
 - 1.6.1 Thirst for knowledge, spirit of inquiry
 - 1.6.2 Rationalism and spirit of reform

- 1.6.3 Humanism
- 1.6.4 Human welfare orientation in management of science & technology
- 1.6.5 Democratic mindset recognizing diversity of ideas (the right to freedom of thought and expression of each individual)

Unit II Right To Human Dignity: Some Ethical And Legal Issues 15 Hours

- 2.1 Biotechnology: human cloning, feticide and abortion, in-vitro fertilization and surrogate parenthood, organ transplantation and sale of human organs, human performance augmenting drugs and technologies (e.g., use of steroids in sports, hormones, viagra like drugs)
- 2.2 Life sustaining technologies : artificial and organs, kidney dialysis, life sustaining drugs
- 2.3 Rights of the disabled: artificial limbs, mobile wheel chairs, hearing aids, etc.
- 2.4 Computer crimes, pornography online
- 2.5 Right to die in dignity and peace: euthanasia

Unit III Right To Privacy 15 Hours

- 3.1 Technologies intruding into private life: various bugging devices (including telephone bugging), remote sensing
- 3.2 Technologies that disturb public peace and private life: wanton use of loud speakers
- 3.3 Applicable legal norms:
 - 3.3.1 Article 21 of the Indian constitution, other relevant legal provisions
 - 3.3.2 Intentional Guidelines for the Regulation of Computerized Personal Data files 1990

Unit IV Freedoms Of Information, Thought And Expression 15 Hours

- 4.1 Revolution in information technology
- 4.2 Right to information, right to education, right to communication, freedom of the Press and other information media, right to entertainment
- 4.3 Problems of imposing reasonable restrictions
- 4.4 Applicable legal norms:
 - 4.4.1 Articles 19,41,45,& 46 of the Indian constitution – Information technology act 1999, other Indian laws relating to the Media, information technology, satellite communications, Cinematography Act, Official Secrets act 1926 and law relating to freedom of information, other relevant legal provision.

Unit V Right To Food 15 Hours

- 5.1 Science & technology to improve and diversify food production and storage, and for food security: fertilizers, biotechnology to production and storage, and for foods improvement in storage facilities
- 5.2 Impact of bio-technology in agriculture (positive and negative): agriculture as a commercial industry, role of multinational corporations and free market economy: world trade Organization and agriculture
- 5.3 Applicable legal norms :
 - 5.3.1 Articles 21, 47,& 48 of the Indian constitution
 - 5.3.2 Universal declaration on the eradication of Hunger and Malnutrition 1974 (World Food conference 1974), FAO's World food Security Compact 1985.

Unit VI Right To Health 15 Hours

- 6.1 Science & technology and improvement of individual and community health and hygiene
- 6.2 Experiments on living beings
- 6.3 Community Health as a public services industry: Shift in character as a commercial industry, role of multinationals, pharmaceutical industries, Changing role of government
- 6.4 Applicable legal norms:
 - 6.4.1 Article 21, 47 & 41 of the Indian constitutions, Medical Termination of Pregnancy Act 1971, and similar enactment

Unit VII Right To Development 15 Hours

- 7.1 Development (spiritual and material) as both the objective as well as the catalyst for realization of human rights
- 7.2 Human welfare:
 - 7.2.1 Indivisibility of civil and political rights, and economic social and cultural rights
 - 7.2.2 Science and technology as a tool of development
 - 7.2.3 Declaration on the Right to Development 1986
- 7.3 The divide between the developing countries and the developed countries
- 7.4 Problems in access to technology : International monopolies / oligopolies versus cooperation?
- 7.5 Applicable legal norms :
 - 7.5.1 Articles 14,15, 19,21, 38,& 39 of the Indian constitution, laws relating to development of industries, laws relating to agricultural, laws relating to social and economic equality
 - 7.5.2 UN Declaration on the right to Development 1986, UN Declaration on Social Progress and Development 1969

Unit VIII Right To Clean Environment And Public Safety **15 Hours**

- 8.1 General issues of industrial pollution: prevention, rehabilitation
- 8.2 Issues of workers' safety in factories: right to work in safe environment
- 8.3 Safety aspects of new technologies such as chemical and nuclear technologies: Issues of waste disposal, public concerns of safety, protection of the environment.
- 8.4 Issues of urbanization, rural migration into urban areas
- 8.5 Applicable legal norms :**
 - 8.5.1 Articles 51-A(g), 21, 24, 42, 48-A, Environment (protection) Act 1986 and other laws relating to protection of the environment and prevention and control of pollution, Factories Act 1948, forest laws, and other relevant India laws
 - 8.5.2 The Stockholm declaration on Environment and development 1972, Agenda 21 and Convention on Biodiversity and other documents of the Rio World Summit on Environment and sustainable Development 1992, other conventions on prevention of pollution and protection of environment (such as those on marine pollution, protection of the Ozone layer, Antarctica, outer space, trans-boundary, pollution of the atmosphere, trans-boundary and international carriage of hazardous material, international humanitarian law and protection of the environment, accident in nuclear and hazardous industries, management of hazardous industrial wastes and other material, etc.)

General Bibliography-

1. UN. Human Rights and Science and Technological Developments (New York, UN Department of Public information, 1982)
2. WHO, Protection of Human Rights in the Light of Scientific and Technological Progress in Biology and Medicine (Albany, WHO, 1975)
3. Johnson, Ann and others, eds, New Technologies and Development (Geneva, UNESCO, 1986)
4. Satyamala C. "Hazardous Contraceptives and the Right to life", Journal of Indian Law Institute, vol. 40, 1998, pp. 174-199
5. Zinian, John & others, eds. The World Science & the Rule of Law (Oxford University Press, 1986)

SEMESTER – IV
Paper - I & II
DISSERTATION (EQUIVALENT TO TWO PAPERS) 200 MARKS
(150 MARKS FOR THESIS AND 50 MARKS FOR VIVA)

Paper – III
PRACTICAL EXAMINATION - 100 MARKS

The Practical Examination shall be held at the end of the Second Year LL.M. Course on "Research and Methodology, Law Teaching and Legal Clinical Work.

- a) Law Teaching - (50 Marks)
A topic will be allotted to each Student in advance. He/she is required to prepare and practically attend and deliver lectures on the said topic to LL.B. Students of the affiliated Law Colleges assigned to him/her. The marks allotted as under:-
- i) Teaching Kits (CDs, Laptop, Materials, etc), Submission of the copy of the Prepared Teaching Material - (15 Marks)
 - ii) Methodology adopted in Teaching - (10 Marks)
 - iii) Viva-Voce (Related to Law Teaching) - (10 Marks),
and Attendance (Students are required to visit all the seven affiliated Law Colleges and they should submit the copy of the attendance report of the LL.B. Students of each Law College and the attendance certified by the Principal of the respective Law College) - (15 Marks)
- b) Legal Clinical Work includes - (50 Marks)
- i) Non-doctrinal Research Paper (15 Marks)
Each Student is required to conduct an empirical study of a particular problem. He/She should collect the data by adopting a village or the Taluka or District. They should submit a non-doctrinal research paper and the evaluation will be made by a team of faculty members. They are also permitted to do research on any one presently on-going Court Case and to submit the research paper on it.
 - ii) Field work on Legal Clinical Education - (20 Marks)
A group of Students are required to conduct a Legal Clinical Work such as Legal Awareness Campaign, Legal Literacy Camps, etc in Village Panchayats, Schools, Colleges in South-Western Maharashtra State.
 - iii) Viva-Voce (Related to Field Non-Doctrinal and Field work - (10 Marks) and
 - iv) Attendance (05 Marks)

Note:

Students are required to submit their Dissertation Thesis duly completed to the department on or before end of February _____ for evaluation and conducting the viva-voce Examination. The Law Teaching (50 Marks) and Legal Clinical Work (50 Marks) to be completed by the end of February _____ for conducting the viva-voce examinations and declaring the result in time.