

# **PONDICHERY UNIVERSITY**



# **LL.M.**

## **REGULATIONS AND SYLLABUS**

**2010-2011 ONWARDS**

**[MODIFIED W.E.F. 2019- 2020]**

**REGULATIONS FOR LL.M. DEGREE**  
**REGULAR STREAM – SEMESTER PATTERN**

**REVISED REGULATIONS 2010-2011**  
**[MODIFIED W.E.F. 2019 – 2020]**

**Eligibility for admission:**

A candidate who has passed the LL.B. Degree examination of the Pondicherry University or an examination of any other university accepted by this university as equivalent thereto and has secured not less than 45% of the marks in the aggregate in all the 3 years / 5years of the LL.B. Degree course together shall be eligible for admission to the LL.M. Degree course in the University Department or in an affiliated college of this University.

**Admission procedure:**

The admission to the above course shall be made following such procedure as may be prescribed by the Government of Puducherry from time to time.

**Reservation:**

The rule of reservation set in force by the Government of Puducherry shall be followed.

**Examination:**

(a).The course of LL.M. Degree shall be of two year duration comprising of four semesters with internal assessment. Candidate admitted into the LL.M. Degree programme shall register himself with this University or the affiliated Law College prior to the commencement of the course in the beginning of the academic year after paying the prescribed fee. No student admitted to this programme will be eligible for award of LL.M. degree unless he or she successfully completes all the four semesters.

(b).The Pondicherry University to which this college is affiliated holds examination at the end of each semester and a student will be permitted to appear for the said examinations only if he/she satisfies the following:

(i) He/she secures not less than not less than 75% of attendance arrived at by taking into account the total number of periods engaged in each and every paper of semester

(ii) He/she earns a progress certificate from the head of the institution for having satisfactorily completed the course of study in all subjects of the semester concerned.

(iii) His/her conduct is found to be satisfactory as certified by the head of the institution.

(c).Passing minimum for each theory paper shall be 50 out of 100 marks. Out of 75 marks a candidate has to secure a minimum of 35 marks and out of 25 marks a minimum of 15 marks for internal. Dissertation carries 200 marks of which 50 are earmarked for the viva voce. The passing minimum for the dissertation is 75 out of 150 marks and the overall passing minimum (both evaluation of dissertation and viva) is 100 out of 200 marks. Viva voce is mandatory but there is no passing minimum for the viva. Where any student fails to attend the said viva, he shall be treated as absent for the said paper (dissertation) and he should be required to undergo the same as and when it becomes due subsequently.

However, where a student who is not declared successful in the whole examination of a semester but obtains not less than 50% in any paper of the concerned semester examination, he will be exempted from re-examination of the said paper.

(d).Candidates who secure 60% and above in the aggregate and pass all the papers within the duration of the course i.e. two years of joining the course shall be placed in the First Class and all those who pass the whole examination shall be placed in the Second Class.

(e).Candidates who join the regular stream of two year LL.M. Degree programme should pass all the papers prescribed for the course within the following time frame prescribed by the Pondicherry University.

It is the duration of the course (i.e. 2 years) and two years thereafter totally four years from the academic year in which a student joins the first year of the LL.M. Course.

# **COURSE OF STUDY AND SCHEME OF EXAMINATION**

LL.M. degree programme is offered in the following subjects of specialization and the Intake of the students shall be ten in each of these subjects.

- Branch – I Labour Law and Administrative Law
- Branch – II Criminal Law and Criminology
- Branch – III International Law and Human Rights Law
- Branch – IV Business Law

The curriculum is revised in accordance with the UGC syllabus. There are altogether nine papers and one dissertation for the entire programme. The first three semesters shall have three papers each and in the fourth, there will be a dissertation. According to the UGC syllabus, a candidate choosing any subject of specialization specified above has to study four papers which are compulsory and submit one dissertation. The first and second semester shall have two compulsory papers each. The rest five papers shall be from the subject of specialization.

The papers which are common for all four branches are

- Paper – I: Law and Social Transformation in India
- Paper – II: Indian Constitutional Law: New Challenges
- Paper – IV: Legal Education and Research Methodology
- Paper – V: Judicial process
- Paper – X: Dissertation

## BRANCH – I: LABOUR LAW AND ADMINISTRATIVE LAW

### First Year – First Semester

	Hours	Theory + Internal (Theory)	
		Maximum	Minimum
Paper – I Law and Social Transformation in India	3	75+25	35
Paper – II Indian Constitutional Law: New Challenges	3	75+25	35
Paper – III Labor Management Relation Including ILO	3	75+25	35
		----- 300 -----	

### First Year – Second Semester

Paper – IV Legal Education and Research Methodology	3	75+25	35
Paper – V Judicial process	3	75+25	35
Paper – VI Administrative Law – I	3	75+25	35
		----- 300 -----	

### Second Year – Third Semester

Paper – VII Wages and other Monetary Benefits	3	75+25	35
Paper – VIII Administrative Law – II	3	75+25	35
		----- 200 -----	

### Second Year – Fourth Semester

Paper – IX Social Security Law	3	75+25	35
Paper – VII Dissertation	--	150	75
Viva on dissertation	--	50	--
		----- 300 -----	

**BRANCH – II: CRIMINAL LAW AND CRIMINOLOGY**

	Hours	Theory + Internal Maximum	Minimum
<b>First Year – First Semester</b>			
Paper – I Law and Social Transformation in India	3	75+25	35
Paper – II Indian Constitutional Law: New Challenges	3	75+25	35
Paper – III Criminology, Penology & Treatment of offenders	3	75+25	35
		----- 300 -----	
<b>First Year – Second Semester</b>			
Paper – IV Legal Education and Research Methodology	3	75+25	35
Paper – V Judicial process	3	75+25	35
Paper – VI Juvenile Delinquency & Collective Violence	3	75+25	35
		----- 300 -----	
<b>Second Year – Third Semester</b>			
Paper – VII Drug Addiction, Criminal Justice & Human Rights	3	75+25	35
Paper – VIII Privileged Class Deviance & International Crimes	3	75+25	35
		----- 200 -----	
<b>Second Year – Fourth Semester</b>			
Paper – IX Comparative Criminal Law	3	75+25	35
Paper – VII Dissertation	--	150	75
Viva on dissertation	--	50	--
		----- 300 -----	

**BRANCH – III: INTERNATIONAL LAW, CONSTITUTIONAL LAW AND HUMAN RIGHTS**

	<b>Hours</b>	<b>Max. Marks</b>	<b>Minimum</b>
			<b>(Theory)</b>
<b>First Year – First Semester</b>			<b>Theory+Internal</b>
Paper – I Law and Social Transformation in India	3	75+25	35
Paper – II Indian Constitutional Law: New Challenges	3	75+25	35
Paper – III International Law	3	75+25	35
		-----	
		300	
		-----	
<b>First Year – Second Semester</b>			
Paper – IV Legal Education and Research Methodology	3	75+25	35
Paper – V Judicial process	3	75+25	35
Paper – VI International Relations and Law of Treaties	3	75+25	35
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		300	
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<b>Second Year – Third Semester</b>			
Paper – VII International Human Rights Law	3	75+25	35
Paper – VIII Human rights and the Indian Legal System	3	75+25	35
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		200	
		-----	
<b>Second Year – Fourth Semester</b>			
Paper – IX Comparative Constitution	3	75+25	35
Paper – X Dissertation	--	150	75
Viva on dissertation	--	50	--
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		300	
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## BRANCH – IV: BUSINESS LAW

Minimum	Hours	Max.	Marks
			(Theory)
<b>First Year – First Semester</b>			<b>Theory+Internal</b>
Paper – I Law and Social Transformation in India	3	75+25	35
Paper – II Indian Constitutional Law: New Challenges	3	75+25	35
Paper – III Corporate Law	3	75+25	35
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		300	
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<b>First Year – Second Semester</b>			
Paper – IV Legal Education and Research Methodology	3	75+25	35
Paper – V Judicial process	3	75+25	35
Paper – VI International Trade Law	3	75+25	35
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		300	
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<b>Second Year – Third Semester</b>			
Paper – VII Business Transactions & Economic Legislations	3	75+25	35
Paper – VIII Intellectual Property Law	3	75+25	35
		-----	
		200	
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<b>Second Year – Fourth Semester</b>			
Paper – IX Cyber Law	3	75+25	35
Paper – X Dissertation	--	150	75
Viva on dissertation	--	50	--
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		300	
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**SYLLABUS**  
**COMMON PAPERS AND PAPERS OF**  
**SPECIALISTION**

**PAPERS COMMON FOR ALL BRANCHES**  
**First Year – First Semester**  
**PAPER – I: Law and social Transformation in India**

1. Law and social change – Law as the traditions and culture – Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.
2. Community and the law- Caste as a ‘divisive factor’ – Non-discrimination on the ground of caste – Caste as a factor to undo past injustices – Protective discrimination – Reservation – Constitutional provision.
3. Regionalism and the law – Regionalism as a ‘divisive factor’ – Concept of India as one unit – Right of movement, residence and business – Equality in matters of employment – Admission to educational institutions and preference to residents of a State.
4. Women, child and the law – Crimes against women – Gender injustice and its forms – Empowerment of women – Constitutional and legal provisions – Child labor – Protection against exploitation – Right to education.
5. Modernization and the law – Modernization as a value – Constitutional perspectives reflected in the fundamental duties – Reform of family law – industrial reform – Free enterprise vs. state regulation – Industrialization vs. environmental protection – Reform of court processes – Criminal law – Plea bargaining, compounding and payment of compensation to victims – Civil law –Concept of ADR – Mediation, conciliation and lok adalats.

**Select Bibliography:**

1. Marc Galanter (ed.) – Law and society in Modern India (1957), 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: Critical Essays (1988), Tripathi, Bombay.
5. H.M. Seervai – Constitutionals Law of India (1996) Tripathi.
6. D.D. Basu – Shorter Constitution of India (1996), Printice Hall of India (p) Ltd,.
7. Indian Law Institute – Law and Social Change: Indo – American Reflections, Tripathi.

## First Year – Second Semester

### PAPER – II: Indian Constitutional Law: The New Challenges

1. Federalism – Allocation and share of resources – Distribution of grants – in – aid  
The inter – state dispute on resources – Centre’s responsibility and internal  
disturbance within states – Directives of the Centre to the State under Article 356  
and 365 – Federal comity – Relationship of trust and faith between Centre and state  
– Special status of certain states.
2. State - need for widening the definition in the wake of Liberalization – Right to  
equality- Privatization and impact on affirmative action – Empowerment of women.
3. Freedom of press and challenges of new scientific development – freedom of  
speech and right to broadcast and telecast- right to strike – hartal and bundh.
4. Emerging regime of new rights and remedies – Reading Directive Principles and  
Fundamental Rights into Fundamental Duties- Compensation jurisprudence – Right  
to Education – commercialization of Education and its impact – Right of Minorities  
to establish and administer Educational institutions and state control.
5. Separation of Powers – stresses and strain – Public interest litigation – strength and  
weakness- Judicial independence – Accountability – Executive and Judiciary  
– Tribunal System – Democratic Powers – Election – Election Commission –  
Status – Electoral Reforms.

#### Select Bibliography:

No specific bibliography is suggested for this paper since the course materials obviously depends upon latest development. These developments in the areas prescribed for the paper can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impaction on constitutional values

## **First Year – Second Semester**

### **PAPER – IV: Legal Education and Research Methodology**

1. Objects of legal education and methods of teaching – Lecture method of teaching – Merits and demerits – The problem method – The seminar method of teaching – Clinical legal education – Legal Aid, literacy, legal survey and law reform.
2. Research methods – Socio legal research, Doctrinal and Non-doctrinal – Relevance of empirical research – Induction and deduction.
3. Identification of problem of research – What is research problem – Survey of available literature and bibliographical research Legislative materials including subordinate legislation, notification and statements – Juristic writings – A Survey of juristic literature relevant to select problem.
4. Preparation of the research design – Formulation of research problem – Devising tools and techniques for collection of data – Methodology – Methods for the collection of statutory and case materials and juristic literature – Use of historical and comparative research materials – Use of observation studies – Use of questionnaires/ interview – Use of case studies - Sampling procedures – Design of sample, data of sampling to be adopted – Use of scaling techniques.
5. Classification of tabulation of data – Rules for tabulation – Explanation of tabulated data – Analysis of data.
6. Preparation of research report.

#### **Select Bibliography:**

1. High Brayal, Nigel Duncan and Richard Crimes – Clinical Legal Education: Active Learning in Your Law School (1998) Blackstone Press Limited, London.
2. S.K. Agarwal (ed.) – Legal Education in India (1973) Tripathy, Bombay
3. N.R. Madhava Menon (ed.) – a Handbook of Clinical Legal Education (1998) Eastern Book Company, Lucknow.
4. M.O.Price, H. Bitner & Byslewicz – Effective Legal Research (1978)
5. Pauline V. Young – Scientific Social Survey and Research (1962)
6. William J. Grade & Paul K. Hatt – Methods in Social Research McGraw – Hill Book Company, London.
7. Morris I. Cohan – Legal Research in Nutshell (1996) West Publishing Co.

**First Year – Second Semester**  
**PAPER – V: Judicial Process**

1. Nature of judicial process – Judicial process as an instrument of social ordering – Tools and techniques of judicial creativity and precedent- ratio decidendi and obiter dictum – method of determining ratio decidendi – stare decisis and exceptions – precedents in common law and civil law countries.
2. Logic and growth in law both under code system and common law – judicial discretion in judicial reasoning – varieties of judicial and juristic activism – problem of accountability and judicial law making.
3. Judicial process in India – search for the legislative intention – method of judicial interpretation – the independence of judiciary and the political nature of judicial process - institutional liability of courts – Indian debate on the role of judges and on the notion of judicial review.
4. The judge as legislator – conscious and sub conscious elements in the judicial process social philosophy of the judges and its impact on judicial divisions – committed judiciary.
5. Judicial creativity vis-a-vis the constitution, legislation and precedents- limitation on judicial decision making – Theories Equivalence theories – Dependence theories – Independence of justice theories.

**Select Bibliography:**

1. Julius Stone – The Province and Function of Law (2000), Universal, New Delhi.
  2. Cardozo – The Nature of Judicial Process (1995), Universal, New Delhi.
  3. Henry J. Abraham – the Judicial Process (1998), Oxford.
  4. Julius Stone – Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworth.
  5. W. Friedmann – Legal Theory (1960), Stevens, London.
  6. U. Baxi – the Indian Supreme Court and Politics (1980), Eastern, Lucknow.
  7. Julius Stone – Social Dimensions of Law and Justice (1966) Chapter 1,6,7.
  8. Rupert Cross – Precedent in English Law (1968).
  9. Allen – Law in the making (1963) Chapters 3,4.
- JayaKumar – Judicial Process in India.

## **BRANCH – I: LABOUR LAW AND ADMINISTRATIVE LAW**

### **First Year – First Semester**

#### **Paper – III: Labour Management Relations including ILO**

1. ILO – Structure and functions of ILO – International labour standards setting Ratification of conventions and accountability of member-states – Conventions of the ILO on industrial – Freedom of Association and protection of Rights to Organize, 1948 and to Organize and Collective Bargaining, 1949 and relevant recommendations – International standards vis – a vis Indian labour standards.
2. Collective bargaining – Concept – Collective bargaining and constructive industrial relations – Essential requisites of collective bargaining – Freedom of association, recognition of trade union and freedom of industrial action – Attitude of the state in India towards collective bargaining and its theory and practice – Policy of State on collective bargaining and its responsibility to provide and sustain the requisites through legislative support – Efficacy of the collective bargaining for better industrial relations and factors affecting the growth of collective bargaining – Position relating to multi-unionism and problem of outsiders in the union and legal control of collective bargaining endeavors namely strike, gherao and lock out.
3. Industrial Disputes Act, 1947 – Object and purpose – Prevention and settlement of industrial disputes through voluntary and compulsory mode of settlement disputes – Efficacy of mechanism of voluntary settlement of disputes – State intervention in the process of compulsory adjudication – Reference making power and its implications on the weapons of collective bargaining – Utility of reference making power in the promotion of object of the law and the need for its retention – Provisions relation to unemployment benefits and their functional relationship with the object of law – Assessment of efficacy of the provisions for promotion of industrial peace and harmony.
4. Trade unionism in India – Affiliation of unions to political parties and its impact on the emergency of strong and powerful trade union – Rationale behind the immunities and privileges and their contribution to the growth of trade union movement and collective bargaining – Functioning of the trade union towards protection and promotion of interest of its members and accountability of the union to its members and the society.
5. Worker's Participation in the management – concept and its utility in the establishment of stable and harmonious relationship between employer and his employees – Extent of its practice in the public sector undertakings. Fair labour standards and Article 21 of the Constitution – Discrimination in employment and conditions of service and unfair labour practice in private and public employments – Concept of model employer – State as model employer – laxity and judicial tolerance.

**Select Bibliography:**

1. Indian Law Institute – Labour Law and Labour Relations (1987)
2. ILO – Collective Bargaining
3. Mary Sur – Collective Bargaining (1986)
4. Otto Khan – Freund, Labour and the Law (1977)
5. MzIhotra – The Law of Industrial Disputes
6. Ridiout – Principles of Labour Law (1983)
7. Relevant portions of the Report of the First and Second National Commission On Labour.



## **First Year – Second Semester**

### **Paper-VI: Administrative Law – I**

1. Administrative process – Nature and meaning – Changing dimensions of rule of law – Separation of powers – From rigidity to flexibility – Delegated legislation Problems, process and control – Administrative discretion.
2. Liability of state – Tortious liability – Sovereign immunity – Commercial and non –commercial function – Contractual liability – Personal accountability and compensatory jurisprudence vis – a – vis right to life.
3. Privilege against disclosure – Right to information – Official secrecy – Executive privilege – Security of state and control on information – Judicial review.
4. Promissory estoppel – Legitimate expectation – Constitutional dimensions of promissory estoppels.
5. Ombudsman – The concept – Evolving Indian models – Lokpal and Lokayukta institutions – Commission of inquiry – Vigilance Commission – Inquiries by legislative Committees – Judicial inquiries.

#### **Select Bibliography:**

1. Friedman – The State and the Rule of Law in Mixed Economy
2. Dicey – Introduction to the Law of the constitution
3. Davis – Discretionary Justice
4. Jain & Jain – Principles of Administrative Law
5. De Smith – Judicial Review of Administrative Action (1995)
6. Donald C. Rowal – The Ombudsman (1966)

## **Second Year – Third Semester**

### **Paper – VII: Wages and Other Monetary Benefits**

1. Concept of wage – Theories of wages – Kinds of wages.
2. Constitutional perspectives on wages – Denial of minimum of wage and protection against exploitation under Article 23 of the Constitution – Related constitutional ideals – Right to work, right to living wage and pay parity.
3. Role of ILO: Convention and Recommendation relating to wages.
4. Minimum wage law in India – Minimum wage protection and responsibility of State – State as legal sovereign and as employer – Fixation and revision of minimum wage and enforcement of the same – Procedure for fixation and revision of minimum wage.
5. Payment of wages – Delay and deduction – Statutory regulation.
6. Concept of bonus – Theories of bonus – Computation of bonus – Disqualification – Set off and set on.
7. Wage differentials – Problems and perspectives.
8. National wage policy – Myth or reality.

#### **Select Bibliography:**

1. G.I. Khothari – Wages, Dearness Allowance and Bonus (1968)
2. V.V. Giri – Labour Problems in Indian Industry (1972)
3. Report of First and Second National Commission on Labour
4. International Labour Office – Wages (1968)
5. International Labour Office – Wages Fixation (1981)
6. International Labour Office – Minimum Wage Fixing (1981)
7. J.N. Malik – The Payment of Wages Act
8. D.S. Chopra – Payment of Bonus Act
9. Menon – Foundation of Wages Policy.

**Second Year – Third Semester  
Paper-VIII Administrative Law – II**

1. Concept of judicial review in common law countries and French system – Judicial review in India – Jurisdiction of Supreme Court and High Court.
2. Grounds of review – Doctrine of ultra vires – Unreviewable discretionary powers – Discretion and justifiability – Violation of fundamental rights- Extraneous consideration – Delegation – Acting under dictation – Malafides and bias – Lack of rationality and proportionality.
3. Procedural fairness – legitimate expectation – Natural justice and duty to act fairly – Bias and personal interest – Fair hearing.
4. Remedies – Writs – Injunction and Declaration.
5. Limits of judicial review – Locus standi and public interest litigation – Latches- Resjudicata and alternative remedies.

**Select Bibliography:**

1. Friedman – The State and the Rule of Law in Mixed Economy
2. Dicey – Introduction to the Law of the Constitution
3. Davis – Discretionary Justices
4. Jain & Jain – Principles of Administrative law (1986)
5. De Smith – Judicial Review of Administrative Action (1986)
6. S.P Sathe - Administrative Law (1998)
7. I.P. Massey – Administrative Law (1995)
8. Bhagwati Prasad Banerjee – Writ Remedies (1999)
9. M.P. Jain – The Evolving Indian Administrative Law (1983).

**Second Year – Fourth Semester  
Paper – IX: Social Security Law**

1. Meaning – Significance of social security – Modality – Social prescription, social assistance and insurance.
2. Origin and development of social security schemes in Western countries and India.
3. International standards on social security for labour – ILO Conventions and Recommendations on social security.
4. Constitutional perspectives – Fundamental rights – Realization of the rights through meaningful social security measures – Article 21 of the Constitution and minimum standards of social security.
5. Social security legislations in India – Workmen’s Compensation Act of 1923, Employees’ State insurance Act of 1948, Employees’ Provident Fund Act of 1952, Payment of Gratuity Act of 1972 and Maternity Benefit Act of 1961 – Comparison of minimum standards of ILO and the standards envisaged in the Indian legislation. Social Security – Law and practices in comparative perspectives – The United Kingdom and the United States.

**Select Bibliography:**

1. R.N. Choudhry – Commentary on the Workmen’s Compensation Act 1923(2000)
2. S.C. Srivastava – Social Security and Labour Laws (1985)
3. R.W. Fideout – Principles of Labour law (1988) [Chapters 12 & 13]
4. H.L. Saharay – Industrial and Labour Laws of India (1987) [chapter 7 & 8]
5. Munkam – Employers; Liability (1985) [Chapters 1,2,3,22 and 23]
6. Harry Calvert – Social Security Laws (1978)
7. Reports of the First and Second National Commission on Labour [Relevant chapters].
8. V.R. Bhattacharya – Some Aspects of social Security Measures in India (1970).

## **BRANCH – II CRIMINAL LAW AND CRIMINOLOGY**

### **First Year – First Semester**

#### **Paper – III: Criminology, Penology and Treatment of offenders**

1. Nature and scope of Criminology – Crime, Criminal and victim – Schools of criminology – Theories of causation of crime.
2. Penology – Theories of punishment – Classical Hindu and Islamic approaches to punishment – Capital punishment – judicial attitude towards capital punishment in India.
3. Sentencing – Theory and practice – Pre- sentence hearing – Sentencing in white collar crime and sentencing for habitual offenders – Alternative to imprisonment – Probation, corrective labour, fine, reparation by the offender/ the court – Principle types of sentence in the penal Code and special laws – plea bargaining.
4. Prison – State of India's jails today – Disciplinary regime of Indian prisons- Classification of prisoners – Rights of prisoners and duties of custodial staff – Open prisons - judicial surveillance.

#### **Statutory Materials:**

1. Probation of Offenders Act, 1958

#### **Select Bibliography:**

2. Sutherland – Principles of Criminology
3. Sethna – Society and Criminal
4. Barnes & Teeters – New Horizons in Criminology
5. Vold – Theoretical Criminology
6. Gillin – Criminology and Penology
7. Hans Von Henting – Criminal and his Victim
8. H.I.a. Hart – Punishment and Responsibility.
9. Siddique – Criminology
10. Alf Ross – On Guilt, Responsibility and Punishment
11. Law Commission of India -42<sup>nd</sup> Report, 1971 (Chapter 3)

**First Year – Second Semester**  
**Paper – VI: Juvenile Delinquency and Collective Violence**

1. Concept of juvenile delinquency – Determining factors of juvenile delinquency- Differential association – Anomie, economic pressure, peer group influence, gang sub – culture, class differentials.
2. Legislative approaches – Legislative position in various statutes – Historical development of the Juvenile Justice Act – Constitutional aspects – Juvenile Justice (care and Protection) Act, 2000 – Distinction between children in need of care and protection and juvenile in conflict with the Authorities under the Act powers given to government – Community participation.
3. Types of offences committed – judicial approach – land mark judicial decisions.
4. Treatment – Institutional bodies and related agencies – Prevention strategies – State welfare programmes, compulsory education, role of community, family voluntary bodies individuals.
5. Approaches to violence in India – Religiously sanctioned structure – caste and gender based – Ahimsa in Hindu, Jain, Buddhist, Christian and Islamic traditions in India Gandhi's approach to non – violence - violence against scheduled caste and women – Incidence of atrocities, use of criminal law to combat atrocities – Incidence and course of communal violence and role of police and para military system in dealing with communal violence.

**Statutory Materials:**

1. Tamil nadu Borstal Schools Act, 1925
2. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,
3. Juvenile Justice (care & Protection of Children) Act, 2000.

**Select Bibliography:**

1. K.S. Shukla – Adolescent Offender
2. Myron Weiner – The Child and State in India
3. Upendra Baxi – Dissent, Development and Violence
4. Upendre Baxi – Law and Poverty
5. A.R. Desai – Violation of Democratic Rights in India
6. T. Honderich – Violence for Equality
7. United Nations Beijing Rules on Treatment of Young Offenders (1985)
8. United Nations Declarations on the Right of Child

## Second Year – Third semester

### Paper- VII: Drug Addition, Criminal Justice and Human Rights

1. Basic conceptions – Drugs, narcotics, psychotropic substance – Dependence, addition - Crimes without victims - Trafficking in drugs – Primary drug abuse.
2. International Legal Regime- Analysis of the Single Convention on Narcotic Drug 1961 and 1972 – Analysis of the Convention on Psychotropic Substance 1972 – International collaboration in combating drug addiction – Role of SAARC.
3. Indian Regulatory system - Approaches to narcotic trafficking during colonial India – penal provisions IPC and Customs Act – India’s role in the evolution of the International Conventions – Judicial approach to sentencing in drug trafficking and abuse – The Narcotic and Psychotropic Substance Act, 1985.
4. Treatment, after care and rehabilitation of drug addicts – Human rights aspects – Problem of juvenile drug use and legal approaches – Role of educational system, medical profession and mass media – Initiatives for compliance with regulatory system – Law reform initiatives.

#### Statutory Materials:

1. The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988.

#### Select Bibliography:

1. J.A. Incard – Drugs and Criminal Justice System.
2. P. R. Rajnat – Violence and Response: A Critical Study of Indian Criminal justice System.
3. United Nations – Economic & Social Reports of the Commission on Narcotic Drugs.
4. United Nations Social Defense Research Institute (UNSRDI) – Combating Drug Abuse and Related Crimes.

## Second Year – Third semester

### Paper – VIII: Privileged Class Deviance and International Crimes

1. Concepts of white collar – Sutherland's definition – Critical analysis of the definition – Indian approach to socio – economic offences – Notions of privileged class deviance as providing a wider categorization of understanding Indian development – Forms of deviance – Official, professional and police deviance.
2. Judicial attitude – Legislations against socio-economic offences.
3. Professional deviance – Unethical practice at the Indian Bar, The unethical commission Report, press council on unprofessional and unethical journalism medical malpractice, Vigilance Commission, Prevention of Corruption Act 1988.
4. International Crimes – Definition, nature and scope of international crimes – international and municipal criminal law – jurisdiction.
5. Crime against peace, crime against humanity and war crimes – Nuremberg trial, Tokyo trial and Eichmann's trial – Principles evolved – international conventions.
6. Piracy – Genocide – Hijacking – Aggression and terrorism.
7. International Criminal Court – Extradition and Interpol.

#### Statutory Materials:

1. The Prevention of Corruption Act, 1988.
2. Indian Legislation relation to untouchability and suppression of immoral Traffic.
3. Documents relating to International Criminal Court.

#### Select Bibliography:

1. Upendra Baxi – Liberty and Corruption: The Antulay's Case and Beyond (1989)
2. D.B. Pande – The Nature and Dimensions of Privileged Class Deviance
3. Surendra Nath & Bhargava – Political Corruption in India
4. Gilbert Geis – White Collar Crime in Business, Politics and Profession
5. Sutherland – White Collar Crime
6. Law Commission on Socio – Economic Offences (47<sup>th</sup> Report)
7. Muller & Wise – International Criminal Law
8. Bassioni – A Treatise on International Criminal Law



## Second Year – Fourth semester

### Paper – IX: Comparative Criminal Law

1. Principles of legality- Classification of offences – kinds of punishments – general defense (infancy, insanity consent, necessity and private defense) – abetment and attempt, recidivism and euthanasia.
2. Culpable homicide and murder – rape and unnatural offences – theft and robbery – defamation – offences relating to marriage.
3. Hierarchy of criminal courts and their jurisdiction – police: power and functions- judicial officer in investigation- prosecuting agencies- role of public prosecutor.
4. Law of arrest and procedure – rights of arrested and accused – evidentiary value of statements – bail procedure – sentencing process.
5. Accusatorial and inquisitorial system - presumption of innocence - types of trial – speedy justice – role of judge, prosecution and defense attorney during trial- victim's role in penal process – plea bargaining – appeal procedure – legal aid – public participation in criminal justice.

Note: countries to be studied: India, England. U.S and France.

#### Select Bibliography:

1. Substantive Criminal Law
2. R.V. Kelkar – Criminal Procedure Code, 1973
3. Devlin – Criminal Prosecution in England
4. Esmein – History of Continental Procedure (Chapter 1 & II)
5. Coffey (Alam) – An Introduction to Criminal Justice System and Process
6. French Code of Criminal Procedure & Penal Code (American Series)
7. 14<sup>th</sup> & 41<sup>st</sup> Report of the Law Commission of India
8. Anglo American Criminal Justice – Karlon Delmov
9. Anglo French Legal System – Rene David.

## **BRANCH – III: INTERNATIONAL LAW AND HUMAN RIGHTS LAW**

### **First Year – First Semester Paper – III: International Law**

1. Introduction – Evolution of international law – sources, Treaties, Customs, general Principles of International Law, decisions and opinion of the publicists other sources of International law, law making through international organization – codification and progressive development – Role of International Law commission.
2. Relationship between international law and municipal law – Application of international law in the municipal sphere and in the national sphere – customary laws and treaties with special reference to India – Influence of international law in the World Court and other tribunals.
3. Jurisdiction of State – Nationality, its acquisition, loss and proof – Double nationality and statelessness – Criminal Jurisdiction – Basis of criminal jurisdiction – International Criminal Law and International Criminal Tribunals Aliens - Acquired rights of aliens.
4. Sovereign immunity – Immunity of State – Immunity of State organs and property – State responsibility – General principles – Immutability – responsibility for injuries to aliens – Procedural enforcement of claims, espousal and nationality of claims and exhaustion of local remedies – remedies.
5. International Environmental Law – Introduction – Development of international environmental law – General principles – Regulation of trans-boundary air pollution – Protection of ozone layer – Global warming and climate change – International rivers and lakes – Protection of wildlife and terrestrial resources – Conservation of Biological Diversity and its convention.

#### **Select Bibliography:**

1. Oppenheim – International Law (Vol.1)
2. Oppenheim – Law of Peace
3. O' Connel – International Law (Vols. 1 & 2)
4. Brierly – The Law of Nations
5. Sorensen – A Manual of Public International Law
6. Brownlie – Principles of International Law

**First Year – Second Semester**  
**Paper – VI: International Relations and Law of Treaties**

1. Sovereignty – Nationalism – Their evolution and operation.
2. Elements of national power – Geographic element, demographic element – Historical, Sociological, Psychological and economic element – Organization, administrative element – Military element and diplomacy as an element of power.
3. Foreign policy – Theory – Different aspects of foreign policy – Negotiation – Art of negotiation – Ailments of modern diplomacy.
4. Patterns of power – Unilateralism – Collective security, balance of power- World conquest – World State – Case studies in balance of power.
5. Law of Treaties – Formation – Different aspects – Ratification – Reservation – Interpretation – Termination.

**Select Bibliography:**

1. L.F.R. Hartman –The Relations of Nations
2. H.J. Morgenthau – Politics among Nations
3. O. Wright – A Study of International Relation
4. Oppenheim – Law of Peace
5. O' Connel – International Law (Vols. 1 & 2)
6. Brownlie – Principles of International Law

## Second Year – Third Semester

### Paper – VII: International Human Rights Law

1. Nature and content of human rights – International movement for the protection of Human rights – Establishment of U.N. and its agencies.
2. Universal Declaration of Human Rights – International Convention on Civil and Political Rights – International Convention on Economic Social and Cultural Rights.
3. Convention on the Rights of the Child – Convention on Elimination of all Forms of Discrimination against Women.
4. European Convention of Human Rights – American Convention on Human Rights – African Convention on Human Rights.
5. Asian scenario – Need for a convention.

#### Select Bibliography:

1. Louis B. Sohn and Thomas Buergenthal – International Protection of Human Rights
2. A.H. Robertson – Human Rights in the World
3. Vallet – An Introduction to the Study of Human Rights
4. Ian Brownie (ed.) – Basic Documents on Human Rights.
5. Moses Markowitz – The Politics and Dynamics of Human Rights
6. A.H. Robertson (ed.) – Human Rights in National and International Law
7. Nagendra Singh – Human Rights and International Co-operation
8. Alice Henkin – Human Dignity: The Internationalization of Human Rights
9. S.K. Agrawalam T.S. Rama Rao and J.N. Saxend (ed.) – New Horizons of International Law and Developing Countries
10. Francis G. Jacobs (ed.) – The European Convention on Human Rights
11. J.E.S. Fawcett – The Application of the European Convention on Human Rights
12. Jorge Domuguezetal – Enhancing Global Rights

**Second Year – Third Semester**  
**Paper – VIII: Human rights and the Indian Legal System**

1. Human rights and the Indian Constitution & Human Rights and law enforcement agencies like officials of police, customs etc.
2. Enforcement agencies for human rights – Human Rights Commission etc. & Development activities of the human rights and the weaker section.
3. Protection of women's rights – International and national scenario & Protection of rights of children – International and national norms.
4. Protection of minorities & Protection of scheduled castes and scheduled tribes – National norms.
5. International move for protection of aboriginal rights – State and human rights Problems and perspectives & Human rights and higher judiciary.

**Select Bibliography:**

1. Louis B. Sohn and Thomas Buergenthal – International Protection of Human Rights
2. A.H. Robertson – Human Rights in the World
3. Vallet – An Introduction to the Study of Human Rights
4. Ian Brownlie (ed.) – Basic Documents on Human Rights.
5. Moses Moskowitz – The Politics and Dynamics of Human Rights
6. A.H. Robertson (ed.) – Human Rights in National and International Law
7. Nagendra Singh – Human Rights and International Co-operation
8. Alice Henkin – Human Dignity: The Internationalization of Human Rights
9. S.K. Agrawalam T.S. Rama Rao and J.N. Saxend (ed.) – New Horizons of International Law and Developing Countries
10. Francis G. Jacobs (ed.) – The European Convention on Human Rights
11. J.E.S. Fawcett – The Application of the European Convention on Human Rights
12. Jorgel Domuguezetal – Enhancing Global Rights
13. Ayyar & Raja – Fundamental Rights
14. D.D. Basu – Commentaries on the Constitution of India
15. S. Hasan – Supreme Court, Fundamental Rights & Directive Principles.

**Second Year – Fourth Semester  
Paper – IX: Comparative Constitution**

The study of the Constitution of U.K., France and U.S.A. will be confined to the following areas:

1. Form of government
2. Executive, Legislative and judicial powers
3. Due process of law
4. Rights of the individual

**Select Bibliography:**

1. A.V. Dicey – An Introduction to the Study of the Constitution
2. Wade & Philips – Constitutional Law
3. G. Hood Philips – Leading Cases in Constitutional and Administrative Law
4. Bernard Schwartz – Constitutional Law – A Text Book
5. Dorothy Pickles – French Fifth Republic
6. Story – Commentaries on the Constitution of the United States – Volumes I & II
7. Edward S. Carwins – ‘The Constitution’ and what it means today?
8. Emerson & Haber – Political & Civil Rights in the United States
9. Sir Ivor Jennings – Law and the Constitution
10. William Finer – Comparative Governments
11. J.W. Peltasen – Understanding the Constitution

## **BRANCH – IV: BUSINESS LAW**

### **First Year – First Semester= Paper – III: Corporate Law**

1. Impact of globalization liberalization and privatization upon Indian corporate laws - Scope of corporate laws in regulation the development of Indian economy – Principles of corporate governance and purpose of good corporate Governance – Corporate accountability – Corporate social responsibility – Scope of securities market in the development of Indian economy – Investment environment in India – Primary market, Secondary mutual funds, foreign Institutional Investors, venture capitalists portfolio managers, Private Equity intermediaries, Regulatory institutions.
2. The Securities Contracts Regulation Act, 1956 – Meaning, importance scope and kinds of securities – evolution and relevance of stock exchanges – recognized stock exchanges – Power of the Central Government and SEBI – contracts and options in securities – Listing of securities – Corporate securities shares and debentures control over securities and law relating to investor protection. The Securities Contracts Regulation Act, 1992 – Role of Securities and Exchange Board of India (SEBI) – Power function and composition of SEBI – registration of stock brokers, sub-brokers and share transfer agents –adjudication of disputes under the Act – Securities Appellate Tribunal – procedure – Jurisdiction and powers – Powers of the Central Government under The Act – Penalties.
3. The Depositories Act, 1996 – Meaning of depositories, depository participants, Beneficial owner, dematerialization of securities – Certificate of commencement of business under the Act – Rights and obligations of depositories, depository participants, issuers and beneficial owners – Powers of SEBI – Appeals to securities Appellate Tribunal and the Supreme Court.
4. Foreign Exchange Management Act, 1999 – Historical evolution, importance and scope FEMA – Regulation and management of foreign exchange – Current and capital account transactions – Free transactions – RBI control over capital account transactions – Control over realization foreign exchange proceeds – dealing in foreign exchange through authorized persons – Adjudication – directorate of Enforcement.
5. The Competition Act, 2002 – The need for competition law – Historical evolution of completion law from MRTP – Aims, scope and object of the Act – Anti – Competition agreements, horizontal and vertical – Meaning of dominant position abuse of dominant position – Difference between monopolization and abuse of monopoly – Product and geographical abusive practices – Predatory pricing discriminatory pricing, refusal to deal and essential facilities doctrine – Merger and acquisition – Different types of mergers, horizontal, vertical and conglomerate and the test for analysis of merger – IPR and competition law interface – Establishment and composition of Competition Commission of India Power functions, duties – Procedure – Review, rectification and execution of orders of CCI.

**Select Bibliography:**

1. Data – On Company Law
2. Taxman's – Companies Act
3. Pennington's – Company Law
4. Avatar Singh – Company Law
5. Adi. P. Tabti, Nahas, S. Mahala – Competition Act,2002
6. K.S. Anandaraman's Lectures – On Company Law and Competition Act



**First Year – Second Semester  
Paper – VI: International Trade Law**

1. New International Economic Order – Evolution, essential components, principles and practice – State acceptance.
2. International sale and transport of goods – Contract, limitation period, agency – Maritime and multi-model transport.
3. Institutions – GATT, UNCTAD, IMF, IBRD, RDBs – Objectives, structure and functions – Strength and weakness.
4. World Trade Organization – Structure, principle and working – India and WTO & Dispute settlement mechanism – Dispute Settlement Board, process of settlement, balancing of rights and obligations – India's approach – Special and different treatment.
5. International financing – International bill of exchange, promissory note and financial leasing & International commercial arbitration – Conciliation and Arbitration Rules (UNCITRAL) – Model Law on International Commercial Arbitration – foreign awards – Recognition and enforcement.

**Statutory Materials:**

Relevant UN Conventions, Protocol UNCITRAL texts.

**Statutory Materials:**

1. Schwarzberger – Economic World Order, Manchester University Press
2. Myneni Srinivasa Rao – International Economic Law, Pioneer Books
3. Bandari Surendra – World Trade Organization and Developing Countries, Universal, New Delhi
4. Arun Goel – WTO in the New Millennium, Academy of Business Studies, New Delhi
5. Jayantha Bagchi – World Trade Organization: An Indian Perspective, Eastern Law House
6. Bowett. D. W. – The Law of International Institutions
7. Materials of AALCC, Regional Seminar on International Trade Law

**Second Year – Third Semester**  
**Paper – VII: Business Transactions & Economic Legislations**

1. Business Organization – Forms and function – Legal regulation and Protections.
2. Sale of Goods and Property Transfer – Existing, future and contingent goods, sales, conditions and warranties, caveat emptor, passing of property in goods – Elements of transfer, kinds of interests, future interest – Forms and effect of transfer, rule of priorities, doctrine of acquiescence, Restrictive and personal covenant, third party rights.
3. Agency and Power of Attorney – Governing principles, legal recognition and effect of the representative act – Powers, protection and liabilities.
4. Banking and Insurance – System of banking, multi – financial dimensions, legal character, rights and obligations, control of banking and regulation of Banking service, concept of securitization, redressed, banking ombudsman System – Insurance contract and its kinds, risk and elements of risk causa Proxima, warranties and disclosures.
5. Sales Promotion, selling costs and law on advertising & Restrictive trade and unfair practice and the law.

**Statutory Materials:**

1. G.C.V. Subba Rao – Law of Property
2. Avatar Singh – Law of Contrast
3. Plock & Mulla – Law of Contract
4. M.L. Tannen – Banking Law & Practice in India
5. S.N. Gupta – Banking Law: Theory and Practice
6. E.R. Hardy Ivany – General Principles of Insurance Law
7. S. Parameswaran – Law relating to Power of Attorney
8. M.N. Srinivasan – Principles of Insurance Law
9. M.L. Seth – General Principles of Economics
10. Gupta – Power of Attorney Act
11. Selected economic legislations that govern regulate and promote business Activities are to be dealt with.

**Second Year – Third Semester  
Paper – VIII: Intellectual Property Law**

1. Classification of intellectual property – international instruments relating to intellectual property – International trade agreements.
2. Patent – Patentable subject matter – Specification – Licenses of patents and allied rights – infringement and remedies – Micro organisms and patentability – Categories of inventors in biotechnology - patent in computer programmers.
3. Trade mark – Purpose of protecting trade mark – Registration – Assignment and licensing of registered marks – Trade marks in international commerce – Disincentiveness – Deceptive similarity – Infringement and remedies.
4. Copyright – Meaning and object – Works in which copyright subsists – Economic perspective term of copyright – Fair dealing – Initial ownership – Assignment and licensing – control of monopoly – Right in performances – Infringement and remedies.
5. Industrial design – Essential characteristics – Registration – Subject matter- Infringement – Remedies against privacy & Confidential information – As property – Breach of confidence and know – how – Industrial trade secrets – Remedies.

**Statutory Materials:**

1. Patents Act, 1970
2. Patents (Amendment) Act, 1999
3. Trade and Merchandise Marks Act, 1958
4. Copyright Act, 1911
5. Designs Act, 2000

**Select Bibliography:**

1. W.R. Cornish – Intellectual Property
2. Alan S. Gutterman & Bentby J. Anderson – Intellectual Property
3. David Brainbridge – Intellectual Property
4. Philips – Introduction to Intellectual Property Law
5. K.R.G. Nair & Ashok Kumar – Intellectual Property Rights
6. Narayanan – Intellectual Property
7. B.L. Wedehare – Intellectual Property Law Handbook.

**Second Year – Fourth Semester**  
**Paper – IX: Cyber Law**

1. Scope and significance – Information technology – International endeavors – Indian scenario.
2. Definitions – Cyber space, cyber squatting, Cyber piracy, Database, Domain name, Digital signatures, Digital security, E-governance, Encryption, internet, Online privacy, Online dispute resolution, World Wide Web.
3. Information Technology Act, 2000 – Object and scope – Prospects, problems and drawbacks of the IT Act – Jurisdictional perspectives and challenges – Adjudication and dispute resolution – Authorities under the Act – Liabilities under the Act.
4. E – Governance – Electronic records – Electronic signatures, Legal Recognition, use.
5. E – Commerce and contract through internet – Validity, scope, process and effect.
6. Cyber law and intellectual property.
7. Cyber crimes – Nature, kinds, trends and challenges, legal regulations.

**Statutory Materials:**

1. Information Technology Act, 2000
2. Information Technology (Certifying Authorities) Rules
3. The Cyber Regulations Appellate Tribunal (Procedure) Rules
4. Relevant provisions of IPC, IEA & Cr, P.C
5. Communications Convergence Bill

**Select Bibliography:**

1. J. Singh Yatindra – Cyber Law
2. S. K. Verma – Legal Dimension of Cyber Space
3. T. V. R. Satyaprasad – Law relating to Information Technology
4. Dugal Pavan - Cyber Law: Indian Perspective
5. Kamath Nandan – A Guide to Cyber Law
6. Matham Raghul – Law relating to Computers and Internet.
7. Ferrera & Lichtenstein – Cyber Law