



**POST GRADUATE TEACHING
DEPARTMENT OF LAW
RASHTRASANT TUKADOJI MAHARAJ NAGPUR
UNIVERSITY**



“(Established by Government of Central Provinces Education Department by Notification No. 513 dated the 1st of August, 1923 & presently a State University governed by Maharashtra Public Universities Act, 2016 (Mah. Act No. VI of 2017)”

Notification No. 03 of 2022

**SYLLABUS LEADING TO THE AWARD OF DEGREE OF MASTER OF
LAWS (LL.M.) PROGRAMME (AUTONOMOUS) (CHOICE BASED
CREDIT SYSTEM) IN POST GRADUATE TEACHING DEPARTMENT
OF LAW, RTMNU UNDER THE FACULTY OF INTERDISCIPLINARY
STUDIES**

The Masters in Law (LL.M.) Programme governed by the RTM Nagpur University, through Post Graduate Teaching Department of Law imparts course leading to award of LL.M. Degree under the Choice Based Credit System (CBCS) and is framed by considering the NEP 2020. The course is governed by Rules and Regulations for autonomous departments, Credit and Semester System prescribed by RTM Nagpur University.

- 1. Title of the Notification:** SYLLABUS LEADING TO THE AWARD OF DEGREE OF MASTER OF LAWS (LL.M.) IN POST GRADUATE TEACHING DEPARTMENT OF LAW, RTMNU. CHOICE BASED CREDIT SYSTEM UNDER THE FACULTY OF HUMANITIES, DIRECTION No. 03 OF 2022.”
- 2. Commencement and applicability of the Notification:** It shall be applicable from The Academic Session 2022-23
- 3. Scope:** This shall apply to LL.M. Regular Course Students of PGTD of Law RTMNU, from the Academic Session 2022-23
- 4.** The academic session will commence as per the calendar prescribed by PGT Department

of Law, RTMNU.

Interpretation Clause: Unless the context otherwise requires, the following words shall have the meaning as assigned to them in this clause.

- a. Academic Year: Two consecutive (one odd + one even) semesters constitute one academic year.
- b. Programme: It means the Two Year Post Graduate Programme of study and examination spread over four semesters, the successful completion of which would lead to the award of Master of Laws (LL.M.) degree.
- c. University: - It means Rashtrasant Tukadoji Maharaj Nagpur University.
- d. "Choice Based Credit System (CBCS): Choice Based Credit System provides Choice for students to select from the prescribed courses (core, elective or minor or soft skilled courses)"(See Appendix I attached with this Direction)."
- e. Course: It is equivalent to a paper/subject in a programme. It is a complete unit of learning which will be taught and evaluated within a Semester. All courses need not carry the same weight. A course may be designed to comprise lecturing/tutorial/laboratory work/fieldwork/outreach, activities/projects work/vocationaltraining/viva/seminars/termpapers/assignments/presentations/self-study etc. or a combination of some of these.
- f. Credit: Credit means the unit by which the course work is measured. It is measured in terms of weekly clock hours assigned to a Course. One Credit is equivalent to one hour of teaching work (Lecture or tutorial) or two hours of practical work/field work per week.

The Masters in Law (LL.M.) Programme governed by the RTM Nagpur University, through Post Graduate Teaching Department of Law imparts course leading to award of LL.M. Degree under the Choice Based Credit System (CBCS) and is framed by considering the NEP 2020. The Course is governed by Rules and Regulations for autonomous departments, Credit and Semester System prescribed by RTM Nagpur University.

The Post Graduate Teaching Department of Law, RTM Nagpur University offers LL.M Degree in seven Specialized Branches of Law:

Specialization Group	Specialization Name	Intake Capacity
Group- A	International Law	25 Seats
Group -B	Constitutional and Administrative Law	25 Seats
Group- C	Intellectual Property Rights	25 Seats
Group- D	Business Law	25 Seats
Group- E	Environmental Law and Legal Order	25 Seats
Group -F	Labour, Capital and Law	25 Seats
Group- G	Criminal Law	25 Seats

Intake and Reservation

The total number of students' intake is 175 i.e., 25 students in each specialization group. The number of students to be admitted in each branch of the LL.M. Degree Programme is limited to 25. The admissions to LLM programme will be as per the Reservation Policy adopted by the Government of Maharashtra from time to time.

SYLLABUS

Course Duration:

The duration of LL.M Programme is of two years. Each academic year is divided into 2 semesters (Odd and Even). The semester is designed with continuous assessment system. A student shall be granted the term for the course concerned if he/she has put in an attendance of not less than 75% of the lectures and tutorials calculated separately.

LL.M Course Structure:

1. Two-year LL.M course shall consist of 80 credits spread over two years and the same shall be divided into four semesters. First year will be divided into 2 semesters having 20 credits in each semester. The Second Year will also be divided into 2 semesters and will carry 20 credits in each semester.
2. The LL.M Course structure is as follows.

COURSE CREDIT STRUCTURE FOR ALL SPECIALIZATION

SEMESTER - I

Paper	Credits	Max. Marks	Min. Marks
Compulsory Course I	4 Credits	IA 40 Th. 60	IA + T = 40
		Total 100	40
Compulsory Course II	4 Credits	IA 40 Th. 60	IA + T = 40

		Total 100	40
Seminar & Law Teaching Course-I	4 Credits	IA 40 Th. 60	IA + T = 40
	Total 100	40	
Optional Core Course –I	4 Credits	IA 40 Th. 60	IA + T = 40
		Total 100	40
Optional Core Course –II	4 Credits	IA 40 Th. 60	IA + T = 40
		Total 100	40
Total Credits for semester 1	20 Credits	Total 500	250

SEMESTER - II

Paper	Credits	Max. Marks	Min. Marks
Compulsory Course III	4 Credits	IA 40 Th. 60	IA + T = 40
		Total 100	40
Compulsory Course IV	4 Credits	IA 40 Th. 60	IA + T = 40

		Total 100	40
Seminar & Law Teaching Course - 2	4 Credits	IA 40 Th. 60	IA + T = 40
		Total 100	40
Optional Core Course -I	4 Credits	IA 40 Th. 60	IA + T = 40
		Total 100	40
Optional Core Course -II	4 Credits	IA 40 Th. 60	IA + T = 40
		Total 100	40
Total Credits for semester 2	20 Credits	Total 500	250

SEMESTER - III

Paper	Credits	Max. Marks	Min. Marks
Compulsory Course V	4 Credits	IA 40 Th. 60	IA + T = 40
		Total 100	40
Compulsory Course VI - SLR	6 Credits	PS = 100 Viva = 50	PS+Viva = 75 (50+25) =75
		Total 150	75

Optional Core Course -v	4 Credits	IA 40 Th. 60	IA + T = 40
		Total 100	40
(Any one) Soft Course - 1 Soft Course - 2 Soft Course - 3	2 Credits	IA 20 Th. 30	IA + T = 20
		Total 50	20
(Any one) Elective Paper - 1 Elective Paper -2	4 Credits	IA 40 Th. 60	IA + T = 40
		Total 100	40
Total Credits for semester 3	20 Credits	Total 500	250

SEMESTER - IV

Paper	Credits	Max. Marks	Min. Marks
Compulsory Course VII	4 Credits	IA 40 Th. 60	IA + T = 40
		Total 100	40
Compulsory Course VIII - Dissertation	6 credits	PS = 100 Viva = 50	PS+Viva = 75
		Total 150	(50+25) =75

Optional Core Course -v	4 Credits	IA 40 Th. 60	IA + T = 40
		Total 100	40
(Any one) Soft Course - 4 Soft Course - 5 Soft Course - 6	2 Credits	IA 20 Th. 30	IA 20 Th. 30
		Total 50	20
(Any one) Elective Course - 3 Elective Course - 4	4 Credits	IA 40 Th. 60	IA + T = 40
		Total 100	40
Total Credits for semester 4	20 Credits	Total 500	250

TOTAL NUMBER OF CREDITS FOR 2 YEARS LL.M PROGRAMME = 80 CREDITS

EXPLANATION:

Soft Paper: This is a paper of two credits and can be opted for by the students of any specialization. The students pursuing their Masters Programme from any other Department in the University can opt for this paper with the permission of the concerned Head of the Department. Out of the three soft papers in semester 3 and semester 4 students are required to choose any one each in semester 3 and semester 4.

Seminar Course: In order to introduce the students with the recent advances in research and the recent developments in the concerned subject, the seminar course is conducted through discussion and presentation by the students. This is done under the personal guidance of the concerned

teacher. During semester 1, the seminar paper topic can be selected from any legal subject whereas the seminar paper of semester 2 needs to be selected from the specialization course only.

Assessment Structure:

Each paper of four credits is divided as under 100 marks having External Assessment and continuous Internal Assessment.

A. The assessment of Compulsory, optional and elective courses of 4 credits shall have the following assessment scale:

i) The external assessment shall have a theory paper of 60 marks. The duration of this paper will be 3 hours.

ii) The Internal Assessment of 40 marks for each course shall consist of the following:

- Assignments/Research Paper/Extension activity/ class tests- 20 marks
- Mid Term Examination- 10 marks
- Tutorials/Subject knowledge enhancement (SKE) viva-voce examination- 10 marks.

(SKE Viva voce test- to be conducted jointly by the subject teacher concerned and another teacher appointed by the Head of the Department from the Faculty of the Department)

B. The assessment of soft courses of 2 credits shall have the following assessment scale:

i) Each soft course of Two credits is for 50 marks in which 30 marks are allotted for External Assessment and 20 marks for Internal Assessment.

ii) Internal assessment shall consist of the following:

- Assignments/Research Paper/Extension activity/ class tests- 10 marks
- Tutorials - 5 marks
- Mid Term Examination- 5 marks

iii) For every subject

C. The students shall submit seminar paper (article) of not less than 5,000 words at the end of the semester along with the seminar paper presentation for 60 marks. For internal assessment of 40 marks the students are required to present the seminar paper before the

panel consisting of Head of Department, Guide and the External examiners which will be appointed by the Head of the Department.

- D.** The Socio-Legal Research shall consist of total 6 credits out of which four credits for written work and Two credits for viva voce (Total 6 Credits). The Viva voce shall be conducted by the panel of examiners consisting of the Head of Department, Guide and the External examiner which will be appointed by the Head of the Department.
- E.** The dissertation shall consist of total 6 credits out of which four credits for written work and Two credits for viva voce (Total 6 Credits). The Viva voce shall be conducted by the panel of examiners consisting of the Head of Department, Guide and the External examiner which will be appointed by the Head of the Department.

General Objectives of LL.M. Studies:

- 1. To make the students aware of the conceptual basis, nature of the law and its formulation.
- 2. To familiarize them with the basic principles underlying each course of study.
- 3. To acquaint them with the evolutionary processes of each law in the context of social, political, economic and other factors.
- 4. Exposition of the subject-matter in detail with the help of legislative, judicial and other materials.
- 5. To inculcate the capacity to:
 - a. Interpret and evaluate law, legal processes and legal institutions.
 - b. Analyse fact situations and suggest probable legal solutions.
 - c. Evaluate societal needs, and suggest viable solutions through modification in the existing laws, processes and institutions.
- 6. To familiarize the students with the use of the library and to develop the capacity to search and collect reading and reference materials on a given topic.
- 7. To develop the capacity for coherent and reasoned expression.
- 8. a) To introduce them to research methodology and its practical applications.
 - b) To train them in the writing of research papers/dissertations.
 - c) To train the students in skills for collection of empirical data and applying the law to practical situations.

d) to study the role of law in social change (practical ramification).

Expectations of Students' Attainment:

The students shall be expected to exhibit:

1. Understanding of the basic principles in each course.
2. Acquaintance with up-to-date statutory, judicial and other materials
3. Appreciation of leading juristic writings.
4. Coherent and reasoned expression.
5. Solution of given problems in the context of laws and principles.
6. Anticipation of legal solutions to evolve societal needs.
7. Capacity for critical appreciation of the materials studied, and ability for independent thinking.
8. Familiarity with the elementary rules of research methodology and practice in legal research and writing.
9. To understand practical implication and ramification of theoretical law with an interdisciplinary approach.

SYLLABUS STRUCTURE FOR ALL SPECIALIZATION**1ST SEMESTER LL.M. COURSES**

Specialization	Course Code	Name of the Paper	Credits	Max. Marks	Min. Marks
COMPULSORY PAPER					
For all specialization	CC-01	LEGAL RESEARCH METHODOLOGY-I	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
	CC-02	CONSTITUTIONAL REALISM	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
	CC-03	SEMINAR & LAW TEACHING COURSE - I	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
OPTIONAL PAPERS					
Group A International Law	OCC-A-01	Optional 1 NATURE AND SOURCES OF INTERNATIONAL LAW	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40

	OCC-A-02	Optional 2 LAW OF INTERNATIONAL ORGANIZATIONS	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
Group B Constitutional Law And Administrative Law	OCC-B-01	Optional 1 CONSTITUTIONALISM	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
	OCC-B-02	Optional 2 INDIAN FEDERALISM	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
Group C Intellectual Property Rights	OCC-C-01	Optional 1 CONCEPTS AND THEORIES RELATED TO INTELLECTUAL PROPERTY RIGHTS	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
	OCC-C-02	Optional 2 LAW OF COPYRIGHT	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
Group D Business Law	OCC-D-01	Optional 1 CORPORATE LAW - I	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
	OCC-	Optional 2		IA 40	IA + T

	D-02	SECURITIES AND INVESTMENT LAWS	4 credits	Th. 60	= 40
				Total 100	40
Group E Environment and Legal Order	OCC-E-01	Optional 1 ENVIRONMENTALISM	4 credits	IA 40	IA + T
				Th. 60	= 40
				Total 100	40
	OCC-E-02	Optional 2 INTERNATIONAL ENVIRONMENTAL LAWS –PRINCIPLES AND GOVERNANCE	4 credits	IA 40	IA + T
				Th. 60	= 40
				Total 100	40
Group F Labour, Capital and Law	OCC-F-01	Optional 1 LABOUR WELFARE: CONSTITUTIONAL REFORMS	4 credits	IA 40	IA + T
				Th. 60	= 40
				Total 100	40
	OCC-F-02	Optional 2 LAWS RELATING TO INDUSTRIAL RELATIONS	4 credits	IA 40	IA + T
				Th. 60	= 40
				Total 100	40
Group G Criminal Law	OCC-G-01	Option 1 CRIMINOLOGY AND VICTIMOLOGY	4 credits	IA 40	IA + T
				Th. 60	= 40
				Total 100	40
	OCC-G-02	Optional 2	4 credits	IA 40	IA + T
				Th. 60	= 40

		PRINCIPLES OF CRIMINAL LAW		Total 100	40
Total Credits in 1st Semester			20 credits	Total 500	250

2ND SEMESTER LL.M. COURSES

Specialization	Course Code	Name of the Paper	Credits	Max. Marks	Min. Marks
COMPULSORY PAPER					
For all specialization	CC-04	LEGAL RESEARCH METHODOLOGY -II	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
	CC-05	LAW AND SOCIAL TRANSFORMATION IN INDIA	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
	CC-06	SEMINAR & LAW TEACHING COURSE - II	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40

OPTIONAL PAPERS					
Group A International Law	OCC- A-03	Option 3 INTERNATIONAL HUMANITARIAN LAW & REFUGEE LAW	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
	OCC- A-04	Option 4 INTERNATIONAL CRIMINAL LAW	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
Group B Constitutional Law and Administrative Law	OCC- B-03	Option 3 CONSTITUTIONAL INTERPRETATION	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
	OCC- B-04	Option 4 ADMINISTRATIVE LAW- I	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
Group C Intellectual Property Rights	OCC- C-03	Option 3 LAW OF PATENTS	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40

	OCC-C-04	Option 4 LAW ON TRADEMARK, TRADE DESIGNS AND GEOGRAPHICAL INDICATIONS	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
Group D Business Law	OCC-D-03	Option 3 CORPORATE LAW-II	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
	OCC-D-04	Option 4 E-COMMERCE AND LEGAL ORDER	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
Group E Environment and Legal Order	OCC-E-03	Option 3 ENVIRONMENTAL POLICIES AND COMMUNITY DEVELOPMENT	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
	OCC-E-04	Option 4 ENVIRONMENTAL POLICIES AND INDUSTRIAL DEVELOPMENT	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
Group F	OCC-F-03	Option 3	4 credits	IA 40 Th. 60	IA + T = 40

Labour, Capital and Law		INDUSTRIAL ADJUDICATION		Total 100	40
	OCC- F-04	Option 4 LAWS RELATED TO EMPLOYMENT REGULATION	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
Group G Criminal Law	OCC- G-03	Option 3 PENOLOGY: REHABILITATIVE & CORRECTIONAL TECHNIQUES	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
	OCC- G-04	Option 4 PRIVILEGE CLASS DEVIANCE	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
Total Credits in 2nd Semester			20 credits		
			Total 500		250

3RD SEMESTER LL.M. COURSES

Specialization	Course Code	Name of the Paper	Credits	Max. Marks	Min. Marks
COMPULSORY COURSE					

For all specialization	CC-07	LEGAL PHILOSOPHY AND RELATIVISM	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
	CC-08	SOCIO-LEGAL RESEARCH PROJECT	6 credits	PR 100 Viva 50	PR + Viva (50+25) = 75
				Total 150	75
OPTIONAL CORE COURSE					
Group A International Law	OCC-A-05	Option 5 PRIVATE INTERNATIONAL LAW – I GENERAL PRINCIPLES, CHOICE OF JURISDICTION AND CHOICE OF LAW	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
Group B Constitutional Law and Administrative Law	OCC-B-05	Option 5 ADMINISTRATIVE LAW- II	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
Group C	OCC-C-05	Option 5 INTELLECTUAL	4 credits	IA 40 Th. 60	IA + T = 40

Intellectual Property Rights		PROPERTY RIGHTS – RECENT DEVELOPMENTS IN INDIA		Total 100	40
Group D Business Law	OCC- D-05	Option 5 LEGAL REGULATION OF ECONOMIC ENTERPRISES	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
Group E Environment and Legal Order	OCC- E-05	Option 5 LEGAL RESPONSE TO CLIMATE CHANGE- INTERNATIONAL AND NATIONAL PERSPECTIVE	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
Group F Labour, Capital and Law	OCC- F-05	Option 5 SOCIAL SECURITIES LAW	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
Group G Criminal Law	OCC- G-05	Option 5 COMPARATIVE CRIMINAL PROCEDURE AND CRIMINAL JUSTICE ADMINISTRATION	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
SOFT COURSE					

Choice of any one soft course	SC-01	BANKING AND FINANCIAL LAW	2 credits	IA 20 Th. 30	IA + T = 20
				Total 50	20
	SC-02	ELECTORAL LAW	2 credits	IA 20 Th. 30	IA + T = 40
				Total 50	20
	SC-03	FORENSIC LAW	2 credits	IA 20 Th. 30	IA + T = 40
				Total 50	20
ELECTIVE SUBJECT					
Choice of any one elective course	EC-01	MEDIA LAW	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
	EC-02	DATA PROTECTION LAW	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
Total Credits in 3rd Semester			20 credits	Total 500	250

4TH SEMESTER LL.M. COURSES

Specialization	Course Code	Name of the Paper	Credits	Max. Marks	Min. Marks
COMPULSORY COURSE					
for all specialization	CC-09	CONCEPT OF JUSTICE AND JUDICIAL PROCESS	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
	CC-10	DISSERTATION	6 credits	PR 100 Viva 50	PR + Viva = 75 (50+25) =75
				Total 150	75
OPTIONAL CORE COURSE					
Group A International Law	OCC- A-06	Option 6 PRIVATE INTERNATIONAL LAW - II SPECIFIC CHOICE OF LAW PROBLEMS	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
Group B	OCC- B-06		4 credits	IA 40 Th. 60	IA + T = 40

Constitutional Law and Administrative Law		Option 6 COMPARATIVE CONSTITUTIONAL LAW		Total 100	40
Group C Intellectual Property Rights	OCC-C-06	Option 6 INTELLECTUAL PROPERTY RIGHTS – GLOBAL TRENDS	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
Group D Business Law	OCC-D-06	Option 6 INTERNATIONAL TRADE LAW	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
Group E Environment and Legal Order	OCC-E-06	Option 6 ENVIRONMENTAL PROTECTION: EMERGING TRENDS	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
Group F Labour, Capital and Law	OCC-F-06	Option 6 LAWS RELATED TO WAGES	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
Group G Criminal Law	OCC-G-06	Option 6 ORGANISED CRIME AND TRANSNATIONAL	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40

		CRIME: NEW CHALLENGES			
SOFT COURSE					
Choice of any one soft course	SC-04	SPORTS LAW AND MANAGEMENT	2 credits	IA 20 Th. 30	IA + T = 20
				Total 50	20
	SC-05	TRANSPARENCY LAW	2 credits	IA 20 Th.30	IA + T = 20
				Total 50	20
	SC-06	FINTECH LAW	2 credits	IA 20 Th. 30	IA + T = 20
				Total 50	20
ELECTIVE SUBJECT					
Choice of any one elective course	EC-03	CYBER CRIMES	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40
	EC-04	COMMERCIAL DISPUTE REDRESSAL	4 credits	IA 40 Th. 60	IA + T = 40
				Total 100	40

Total Credits in 4th Semester	20 credits	Total 500	250
-------------------------------	---------------	--------------	-----

SEMESTER – I
COMPULSORY PAPER (CC-01)
LEGAL RESEARCH METHODOLOGY-I
(CREDITS-4)

COURSE OBJECTIVES:

The main objective of this course is to acquaint the students with the research. The course is expected to provide the knowledge, technique of selection, collection and interpretation of primary and secondary data in Socio-Legal research. Emphasis is given on equipping students to gain theoretical knowledge which will be the foundation for practical implementation of conducting research in the legal field.

LEARNING OUTCOMES:

- The course is designed in a way which will enable the students to get a deeper knowledge of know-how of legal research methodology and the methods for conducting SocioLegal research.
- Students will also develop a scientific approach to Socio-Legal problems and the nuances of methods and ways in which the problems can be addressed.
- The students will also learn various concepts in legal research, their applicability and the possible use of methods involved in conducting legal research and the manner in which research is presented.

MODULE I: CONCEPT OF LEGAL RESEARCH

- A.** Meaning and characteristics of research.

- B. Meaning and characteristics of legal research.
- C. Research process.
- D. Interdisciplinary, intra-disciplinary

MODULE II: TYPES LEGAL RESEARCH

- A. Doctrinal and Non-doctrinal research.
- B. Qualitative and Quantitative Research
- C. Inductive and deductive research
- D. Multi-Model research

MODULE III: FORMULATING RESEARCH PROBLEM

- A. Importance of Research Problem
- B. Sources of Research Problem
- C. Considerations In Selection Research Problem
- D. Steps in formulation of research Problem

MODULE IV: DEVELOPING RESEARCH DESIGN

- A. Deriving objectives of legal research.
- B. Major concepts and variables of the study.
- C. Constructing hypotheses.
- D. Types of research design

MODULE V: COLLABORATIVE, COMPARATIVE AND INTERDISCIPLINARY LEGAL RESEARCH

- A. Meaning and Significance of Collaborative Legal Research
- B. Understanding Law for Collaborative Legal Research
- C. Comparative Legal Research
- D. Types of Comparative Legal Research
 - i. Functional Method
 - ii. Structural Method

- iii. Analytical Method
- iv. Cultural Legal Comparison

BOOKS SUGGESTED FOR READING:

- 1) Anderson, J. Durstan, B. H. Pooli, M.(1977) Thesis and Assignment Writing, Eastern Books Limited. New Delhi.
- 2) Bhandarkar and Wilkinson (1990) Methodology and Techniques of Social Research, Himalaya Publishing House, Bombay.
- 3) Goode, W. J. & Hatt, P. K. (1962) Methods of Social Research, McGraw Hill, New York.
- 4) Young, P.V. (1975) Scientific Social Surveys and Research Prentice Hall, New Delhi.
- 5) Jain S. N. Legal Research & Methodology I.LI.(1983) Publication, Ed:, Tripathi Pvt. Ltd., Bombay.
- 6) Adem Stott,: Legal Research Series Editor julie Macfarlane 1996.
- 7) S.K. Agrawal (edn) , Legal Education in India (1973). Tripathi , Bombay.
- 8) N.R. Madhava Menon , (Edn) A Handbook of Clinical Legal Education, 1998 Eastern Book Co. Lucknow.
- 9) H. Brayne, N. Duncan & R.Grimes - Clinical Legal Education Active Learning in your Law School.. Oxford. 1998.
- 10) Ranjit Kumar, “Research Methodology-A Step by step Guide for beginerrs”, AGE Publication., 2021

SEMESTER – I
COMPULSORY PAPER (CC-01)
CONSTITUTIONAL REALISM
(CREDITS-4)

LEARNING OBJECTIVES:

- Students are expected to understand the transformative nature of Indian constitution.
- Student are expected to assess the effectiveness of affirmative nature of notion of equality and issues in its enforcement.

LEARNING OUTCOMES:

- Student will be able to find out Issues arising in efficacy of the state efforts for substantive equality.
- Student will able to learn and utilise knowledge for insurance of human dignity and human rights.

MODULE I: CONSTITUTIONAL COMMITMENT OF JUSTICE

- A. Justice: social economic political
- B. Individual and group interest
- C. Integration of civil political, social, economic and cultural rights
- D. Notion of equality- Substantive and Procedural

MODULE II: THE CONSTITUTIONAL COMMITMENT OF LIBERTIES

- A. Religious freedom and individualism
- B. Freedom of speech and expression
- C. Freedom of union and association

- D. Freedom of profession
- E. Freedom of cultural choices

MODULE III: ACCESS TO JUSTICE

- A. Concept of law and state
- B. Constitutional remedies of Art. 32 and Art. 226
- C. PIL and Compensatory justice
- D. Amendability

MODULE IV- CONCEPT OF CONSTITUTIONAL REALISM

- A. Realism of affirmative action
- B. Realism of secularism
- C. Realism and due process
- D. Horizontal accountability for individual rights

MODULE V- Constitutional Commitment to the Rule of Law

- A. Diceyan concept of Rule of Law
- B. Rule of Law and emergency
- C. Rule of Law and Basic Structure
- D. Rule of Law and contemporary trends

SUGGESTED READINGS:

- 1) Gupta, U. N. "LEGAL REALISM AND INDIAN CONSTITUTIONAL INTERPRETATIONS." *Journal of the Indian Law Institute* 17.2 (1975): 212-236.
- 2) Graber, Mark A. *A new introduction to American constitutionalism*. Oxford University Press, 2015
- 3) M P Jain – Indian constitutional law

- 4) H M Sirwai - Indian constitutional law
- 5) Granwil Austin “the Indian constitution: the corner stone of Nation.

SEMESTER – I
COMPULSORY COURSE- (CC-03)
SEMINAR AND LAW TEACHING COURSE- I

Course Objective:

In order enhance the legal drafting and analysis skill this paper is introduced in the 1st semester. The students will learn the recent advances in research and the recent developments in the concerned subject, the seminar course is conducted through discussion and presentation by the students. The law teaching course will provide students with a great deal of information to guide their consideration of law teaching as a career. Students who would to pursue a career in law teaching will learn the techniques and skills required for teaching. Both seminar and law teaching shall be done under the personal guidance of the Mentor under the mentor-mentee scheme of the department. During semester 1, the seminar and law teaching topic can be selected from any legal subject.

Learning Outcomes:

- The students will be able to write research papers and interpret it in a logic manner in the presentation.
- The students will be able to apply research techniques
- The students will learn how to deliver quality lectures, responsiveness of law teachers' towards students concern needs, and implantation of innovation in law teaching;
- The students will be able to develop teaching materials to enhance teaching and learning in law schools.

REQUIREMENTS:

The students are required to undertake a research on any relevant law topic under the supervision of the mentor allotted by the department. The time frame to complete this research project is 16 weeks from the commencement of the academic session.

The topic and title for the research paper will be finalized by the guide in consultation with the Head of the Department in the beginning of 1st semester. The mentor will monitor the progress and process of research executed by the students for the internal assessment of this course. During submission, the seminar paper must be of 3000 words excluding footnotes. This course includes submission of seminar paper followed by presentation before the panel appointed by the Head of the Department.

For law teaching the student will prepare the 2 lectures of 30 minutes each on any legal topics in consultation with the mentor and deliver the lecture as per the schedule provided by the department. This course includes submission lecture notes followed by delivery of lectures in the classes scheduled by the mentor.

Sr. No.	ACTIVITY	CREDITS		
1.	Seminar Paper Submission & Presentation	2 Credits	IA 20 Th. 30	IA + T = 20
2.	Law Teaching	2 credits	IA 20 Th. 30	IA + T = 20
	TOTAL	4 Credits	100 Marks	Marks 40

GENERAL INSTRUCTIONS:

- Students shall submit at least one hard copy along with softcopy in pdf format of their seminar paper and Power Point Submission is required for presentation of seminar paper.
- The seminar paper shall be approved and duly signed by their respective mentor. Seminar paper without the mentor's signature will not be accepted.
- For SLR Format -- Times New Roman, Font 12, 1.5 spacing, Font size 10 (for footnotes, without spacing), Margin- 1.5cm left, 1-1-1 cm on the remaining sides.
- Standard Indian Legal Citation to be used for inserting the footnotes.
- As the submission of seminar paper is made for the partial fulfilment of Masters of Laws (LL.M) Programme, the copyright of the paper will remain with RTM Nagpur University.

- For seminar presentation viva- each student will get 15 minutes to present the seminar paper followed by the question and answer session.
- For law teaching the students shall submit lecture notes and PPTs of the lecture.
- Valuation of 2 lectures of 30 minutes will be done for 30 marks.

Seminar Paper shall have the following structure:

- Cover page
- Certificate
- Acknowledgement
- Research Methodology
 - Objective of the paper
 - Rationale of the paper
 - Hypothesis of the paper
 - Research questions
- Introduction
- Contents (Can be included through various heading & sub-headings)
- Conclusion
- Recommendations
- Bibliography

SEMESTER – I
GROUP – A
INTERNATIONAL LAW
OPTIONAL CORE COURSE (OCC –A-01)
NATURE AND SOURCES OF INTERNATIONAL LAW
(CREDITS-4)

COURSE OBJECTIVE:

This course will examine the historical context, theory and practice of international law. This course will explore a number of foundational concepts of international law, including the sources of law and how international law interacts with domestic/municipal law. We will also examine the legal construct of the core actor in international law: the state. We will look at the extent of a state's power both legal and physical. The primary objective of this course is to expose students to the core concepts of international law and to develop familiarity and fluency with the vocabulary of international law.

LEARNING OUTCOME:

On successful completion of the course students will be able to:

- A thorough and contextual knowledge of public international law doctrine, principles and the role of legal institutions, in the areas covered during the course.
- The capacity to identify contentious issues in public international law, and apply legal doctrine to solve problems.
- A critical perspective on the relationship between public international law and the politics of the international community.

- A reflective understanding of the significance of notions of justice, sovereignty and rights within the international legal framework.

MODULE I: HISTORICAL BACKGROUND AND THEORETICAL FOUNDATION OF INTERNATIONAL LAW

- A. Definition and Character of International Law
- B. Historical Evolution and Development of International Law
- C. Basis of International Obligation

MODULE II: CONCEPT OF SOURCE OF LAW AND METHODS OF LAW FORMULATION

- A. Sources of International Law
- B. Hierarchy of the Sources
- C. Codification and Progressive Development of International Law and Role of International Law Commission and International Agencies
- D. Jus Cogens

MODULE III: RELATIONSHIP BETWEEN INTERNATIONAL LAW AND MUNICIPAL LAW

- A. Theories of Relationship
 - i. Dualistic theory
 - ii. Monastic theory
- B. Practice of States regarding relationships
- C. Indian Practice and role of Indian Judiciary

MODULE IV: SUBJECTS OF INTERNATIONAL LAW

- A. States

B. Non - State Entities

C. Individuals.

MODULE V: STATE

A. Nature and Functions of State under International Law

B. Different kinds of states and Non – State Entities

C. Associations or groups of States

D. State territory, acquisition & loss of territory

E. State jurisdiction, Territorial and Extra-territorial jurisdiction, Criminal jurisdiction and Universal jurisdiction in International Law

F. Recognition:

i. Recognition of State and Government in General

ii. Recognition De jure and De Facto

MODULE VI: STATE RESPONSIBILITY AND SUCCESSION

A. Nature and Kind of State Responsibility

B. Responsibility for breach of treaty, contractual obligation and expropriation of foreign property

C. Responsibility for International delinquencies

D. Claims

E. State Succession

i. Definition of state succession

ii. Kinds and Theories of State Succession

iii. Rights and obligations arising out of State Succession

BOOKS SUGGESTED FOR READING:

1) O, Connel, D. P. – International Law Vol. I & II.

2) S. K. Agrawal (Ed.) – Essays on the Law of Treaties (1972).

3) Roselyn Higgins – The Development of International Law through the

- 4) Political Organs of the UN (1963).
- 5) D. J. Harris – Cases and Materials on International Law (Third Ed. 1983).
- 6) Francis M. Sekandi (ed.) – New Horizons in International Law (Second
- 7) Revised Edition).
- 8) George Schwarzenberger – International Law.
- 9) Brownlie – Principles of Public International Law, 4th Edn. 1990.
- 10) Rebecca M, Wallace: International Law.
- 11) Melcolm N. Shaw: International Law.
- 12) Martin Dixon and Robert: Cases and Material on international law Mc.
- 13) Corquodale.
- 14) Shabled Rosemat – Developments in the law of Treaties.

SEMESTER – I
GROUP – A
INTERNATIONAL LAW
OPTIONAL CORE COURSE (OCC –A-02)
LAW OF INTERNATIONAL ORGANIZATIONS
(CREDITS-4)

COURSE OBJECTIVE:

The Law of International Organizations will examine the principal issues regarding organizations whose membership is that of states. It will scrutinize the legal personality and powers of such institutions; the manner in which the states parties as members participate; enforce decisions through mechanisms; dispute settlement; peace and security undertakings. In equal manner, the privileges and immunities enjoyed by these organizations will be discussed and their concomitant right to the host countries and their relationship with national law and the role played in this regard by international law. The course of study will canvass the formation, membership, internal structures regarding decision making, sanctions, accountability and control of such organizations while also examining their impact internationally as well as on the particular regions to which they are applicable.

LEARNING OUTCOME:

- To allow a better understanding of the structure of international relations;
- To provide a general understanding of the major international organizations, with particular emphasis on the analysis of its powers and areas of operation;
- To promote further study of the United Nations and other organisations.

MODULE I: EVOLUTION AND GROWTH OF INTERNATIONAL ORGANISATIONS

- A. Nature and Scope of International Organization:**
 - i. Nature and Legal personality: Public & Private
- B. Types of International Organisations:**
 - i. Private International Organisations (NGOs)
 - ii. Universal International Organisation:
 - a) League of Nations
 - b) United Nations

MODULE II: UNITED NATION

- A. Principles and Purposes of United Nations**
 - i. Structure Composition and functions of organs of United Nations
 - ii. Law making process in the United Nations Resolutions
 - iii. UN Peace Keeping Function
- B. Executive Powers and Functions of the Secretary General of the UN**
- C. Specialised Agencies of the United Nations and their functions**

MODULE III: REGIONAL INTERNATIONAL ORGANISATIONS

- A. Council of Europe,**
- B. OAS. OAU.,**
- C. NATO.,**
- D. SAARC.,**
- E. Arab League**

MODULE IV: JUDICIAL INSTITUTION

- A. Historical Evolution**
- B. Permanent Court of Arbitration**

C. Permanent Court of International Justice

D. International Court of Justice – Composition, jurisdiction and functions

SUGGESTED READING:

- 1) S. S. Goodspeed – The Nature and Function of International Organization.
- 2) Edward Yewin – Legislative Powers in the UN and Specialized Agencies (1969).
- 3) Ingrid Detter – Law Making by International Organization.
- 4) Higgins – The Development of International Law through the Political Organs of the United Nations (1963).
- 5) D. W. Rowett – The Law International Institution.
- 6) Buth Russell – A History of UN Charter.
- 7) A Cassess (Ed.) United Nations Peace Keeping Legal Essay (1978).
- 8) Meurice Rertrend – The Third General World Organisation (1989).
- 9) M. Moskowitz – The Roots and Readhes of United Nations – Action and Decisions (1980).
- 10) Dr. J. N. Saxena (Ed.) – United Nations for a Better World, Lancers Book, P. B. 4236 New Delhi – 110 048.
- 11) Dr. Rahmatullah Khan – Implied Powers of the United Nations.
- 12) Sir Gerald Fitz Maurice – The Law and Procedure of the International Court of Justice, 1986
- 13) Sabltai Rosenne – The World Court, What it is and how it works? 1995.
- 14) Felice Morgen Stern – Legal Problems of International Organisation, 1986.
- 15) Dr. S. K. Kapoor - International Law and Human Rights, Fourteenth edition (2002.)

SEMESTER – I
GROUP – B
CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW
OPTIONAL CORE COURSE (OCC-B-01)
CONSTITUTIONALISM
(CREDITS-4)

COURSE OBJECTIVES:

This course aims at demystifying the provisions of the Constitution of India with reference to the interpretation of its principles, doctrines and provisions. It inculcates within its aspect varied dimensions of the Indian tradition and value system through which interpretation is made plausible. The interpretation of the Constitution seeks to engage in a thought-provoking discussion.

The course aims to develop a comprehensive and practical approach for the students and will make them aware of the legal aspects and fundamentals of the interpretation of the Constitution of India. This course will facilitate the students to explore various theories at National and International level and will equip them to resolve the issues and challenges raised in contemporary times.

LEARNING OUTCOMES:

After undergoing this course, students will be able to understand the following:

- Indian approach relating to interpretation of the Constitution.
- Various dimensions of law and legal institutions.
- Nature of plurality and constitutional accommodation
- Constitutional principle of accommodation and assimilation of diversity
- Distinction of tolerance and acceptance of differences.

MODULE I: CONSTITUTION, CONSTITUTIONALISM AND DEMOCRACY

- A. Constitution - Meaning and Types
- B. Concept of Constitutionalism
- C. Role of Constitution in a Democracy
- D. Principles of Constitutionalism
- E. Factors Promoting Constitutionalism

MODULE II - INDIAN CONSTITUTIONALISM

- A. Philosophy of Indian Constitutionalism
- B. Constitution as Grundnorm
- C. Basic Structure Doctrine and Constitutionalism
- D. Transformative Constitutionalism

MODULE III CONSTITUTIONALISM AND LIMITED GOVERNMENT

- A. Concept of state and state accountability
- B. Testing Constitutionality of state action
- C. American Supreme Court on Judicial Review-Marbury V. Madison
- D. Limits of Judicial review - prudential and democratic objections and its Justiciability

MODULE IV- CONSTITUTIONALISM IN PLURALISTIC SOCIETY

- A. Meaning, Nature and Characteristics of pluralistic society and Right to Self Determination
- B. Religious, Ethnic, linguistic, cultural and political pluralism
- C. Right to dissent in plural society.
- D. Role of Law in Pluralistic society.

BOOKS SUGGESTED FOR READING:

- 1) Jain, Kashyap and Srinivasan (Ed.) - The Cases and Materials on the Union and State Relations.
- 2) M.P. Jain - Indian Constitutional Law.
- 3) D.D. Basu - Comparative Constitutional Law.
- 4) D.D. Basu- Legal Control of limited Government (Tagore Lectures).
- 5) H.M. Seervai - Constitutional Law of India (1993)
- 6) K.C. Wheare - Federal Government (1963)
- 7) Granville Austin - the Indian Constitution; Cornerstone of a Nation (Oxford University 1972)
- 8) Justice E.S. Venkataramaiah and P.N. Bakshi- Indian Federalism – A Comparative Study (1992)
- 9) Subash C. Jain - The Constituion of India, Select Issues and Perceptions (Taxmann-2000).
- 10) J. De, - The Constitution of India, Vol I & II, Asia Law House (Hyderabad) , (2003).

SEMESTER – I
GROUP – B
CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW
OPTIONAL CORE COURSE (OCC-B-02)
INDIAN FEDERALISM
(CREDITS-4)

COURSE OBJECTIVES:

The course aims at giving the students an insight into the federal structure as envisaged in the Constitution of India and focuses upon educating them about the Legislative relations and freedom of Trade and Commerce. Course also aims at giving students insight into impact of Emergency on Federalism

LEARNING OUTCOME:

Students will be able to understand the historical background and the nature of federalism in India. Students will be able to discuss the different forms of Governments and explain the features and the distinction between them. Students will be in a position to trace the historical background of federalism in India. Further, it enables the students to understand the judicial perspective over the Indian federalism.

Students will be able to discuss the legislative relations between the Union and the States. It shall help the students to understand the principles of interpretation of various lists and the doctrines in relation thereto.

Students will be able to explain and discuss the freedom of Trade and commerce.

The students will be able to explain and discuss the various emergency provisions in the Constitution of India and the relationship between the Centre and States during emergency.

MODULE I: INDIAN FEDERALISM-INTRODUCTION

- A. Introduction to the concept of Federalism
- B. Historical evolution of federal features in India
- C. Different forms of Governments-Unitary, Federal and Confederation, their features, merits, de-merits and distinction between them
- D. Nature of Indian Federalism –Dominant features of the Union over the States
- E. Cooperative and Competitive Federalism
- F. Judicial Perspective over the Indian federalism

MODULE II: LEGISLATIVE RELATIONS BETWEEN THE CENTRE AND THE STATES

- A. Doctrine of Territorial Nexus
- B. Scheme of distribution of legislative powers between Union and States
- C. Principles of interpretation of lists- Doctrine of Pith and Substance; Doctrine of Colorable Legislation; Doctrine of harmonious construction; Ancillary legislation
- D. Residuary Powers
- E. Parliament's power to legislate on the State List
- F. Inconsistency between laws passed by Parliament and State legislature

MODULE III: FREEDOM OF TRADE, COMMERCE AND INTERCOURSE

- A. Introduction to Freedom of Trade, Commerce and Intercourse
- B. Regulatory and Compensatory Tax
- C. Restrictions on Freedom of Trade and Commerce – Parliament's Power to regulate trade and commerce in public interest; States power to regulate trade and commerce; Savings of existing laws

MODULE IV: EMERGENCY PROVISIONS

- A. The grounds of Emergency
- B. Democratic safeguards against abuse of power
- C. Judicial response and Emergency
- D. Impact of Emergency on the Federal Character

REFERENCE BOOKS:

- 1) A.G. Noorani, (ed.), Centre State Relations in India, Bombay: Lesley SaehneyProgrammeforTraining, 1972.
- 2) Ashok Chandra, Federalism in India
- 3) De JatindraRanjan, Development of Federalism in India, Gauhati :Bani Prakashani,1974
- 4) Desai, Justice D.A. Prasad Anirudh, Centre And State Powers Under Indian Federalism
- 5) G.C.V Subbarao, Legislative powers in Indian Constitutional Law.
- 6) 13. K.C.Wheare, Federal Government.
- 7) 14. K.P. Krishna Shetty, the Law of Union-State Relations and Indian Federalism.
- 8) 15. K.Subba Rao, the Indian Federation.
- 9) 16. Kabbur, A.S. Centre-State Relations in India, New Delhi: Trust Books, 2004
- 10) 18. L.M Singhvi, Union-State Relations in India
- 11) 20. M.P.Jain, Indian Constitutional Law.
- 12) 21. M.V Pylee, Constitutional History of India
- 13) 24. Pal, Chandra Centre-State Relations and Cooperative Federalism, New Delhi: Deep & Deep Publication, 1983

SEMESTER – I
GROUP – C
INTELLECTUAL PROPERTY LAWS
OPTIONAL CORE COURSE (OCC-C-01)
CONCEPTS AND THEORIES RELATED TO INTELLECTUAL
PROPERTY RIGHTS
(CREDITS-4)

COURSE OBJECTIVE:

Intellectual Property is one of the crucial legal fields and does have its nexus with various other legal, social, economic and cultural facets. It is significant to understand the origin and approach behind the inception of IPR. This will make the students understand the true rationale and logic towards the making of this law and it help the students to expand the scope for interpretation of IPR in the contemporary areas of IPR as well.

LEARNING OUTCOMES:

After undergoing the study, the student will be able to understand the following:

- To understand the history behind the inception of IPR
- To have a base knowledge about the theories leading to the justifications of IPR
- To understand the international approach in the creation of IPR
- To know the nexus between human rights and IPR.

MODULE I: INTRODUCTION

- A. Origin And Historical Background of IPR
- B. Meaning And Definition of IPR
- C. Significance And Characteristics of IPR

- D. IPR and Interdisciplinary Fields views.

MODULE II: THEORIES OF INTELLECTUAL PROPERTY RIGHTS: INTERNATIONAL PERSPECTIVE

- A. Lockian Theory, Hegel's Theory, Marxian Theory on IPR
- B. Indian Theory On Private Property and its nexus with IP,
- C. Constitutional Aspects of Property
- D. Constitutional Protection of Property And IP

MODULE III: IP - INTRODUCTION TO LEADING INTERNATIONAL INSTRUMENTS CONCERNING INTELLECTUAL PROPERTY RIGHTS

- A. The Berne Convention,
- B. Universal Copyright Convention,
- C. The Paris Convention,
- D. The Trips Agreement,
- E. The World Intellectual Property Rights Organization (WIPO)
- F. The UNESCO

MODULE IV: DEVELOPMENT OF IPR

- A. International Law and Intellectual Property Rights
- B. Significance Of Legal Protection
- C. Historical Perspective of IPR In India
- D. Ethical, Moral and Human Rights Perspectives of IPR: An Overview

SUGGESTED READING:

- 1) W. Cornish & Llewelyn – Intellectual Property: Patent, Copyrights, Trade Marks & Allied Rights”, London Sweet & Maxwell.

- 2) Nard Madison- The Intellectual Property, Aspian Publication.
- 3) Carlosm Correa- Oxford commentaries on GATT/ WTO Agreements trade related aspects of Intellectual Property Rights, Oxford University Press.
- 4) David Bainbridge – Intellectual Property Law.
- 5) Paul L.C. Torremans (ed.) = Intellectual Property and Human rights, Wolters Kluwer
- 6) Nard, Barnes, Madison – The Law of Intellectual Property -2 nd Edition, Wolters Kluwer
- 7) Helen Norman – Intellectual Property Law - Oxford University Press.
- 8) Intellectual Property Rights and Traditional Knowledge, Krishna Ravi Srinivas, Economic and Political Weekly, Vol. 42, No. 27/28 (Jul. 14-20, 2007)

SEMESTER – I
GROUP – C
INTELLECTUAL PROPERTY LAWS
OPTIONAL CORE COURSE (OCC-C-02)
LAW OF COPYRIGHT
(CREDITS-4)

COURSE OBJECTIVES:

This course is focused on the topic of copyright, specifically as it applies to the creators, authors, performers etc. Various topic covered in this paper will try to give students an in-depth understanding about various aspects of copyright prevailing in India. This paper will enhance the understanding of the students about the application of existing law in the contemporary domain which attracts copyrights.

LEARNING OUTCOMES:

The following learning objectives will be assessed in this learning module:

- The student will get the basic knowledge of what is and what is not copyright.
- The students will get acquainted with the contemporary trends related to copyright protection in India.

MODULE I: FOUNDATION OF COPYRIGHT

- A.** Historical Background and Development of Copyright Law.
- B.** Idea/Expression Dichotomy, copyleft.
- C.** Terms of Copyright.
- D.** Subject Matter of Copyright.
- E.** Works Protected Under Copyright Law, Literary Works, Including Computer Software, dramatic Works, Musical Works, Artistic Works, Sound Recordings, Cinematograph

Films, Authorship and Ownership, Author, Contract of Service-Work for Hire, Joint Authorship, Rights Conferred on Copyright Owners

MODULE II: REGISTRATION AND RIGHTS

- A.** Copyright Registration and Registrar, Copyright Board-Power and Procedure.
- B.** Copyright Societies.
- C.** Ownership of Copyright
- D.** The Rights of Owner.
- E.** Moral Rights, Related Rights, Performers Rights, Producer of Phonograms Rights
- F.** Rights of Broadcasting Including Satellite and Cable Distribution, Organization and Of Performer

MODULE III: ASSIGNMENTS, LICENSE AND INFRINGEMENT

- A.** Assignment, Transmission and Relinquishment of copyright
- B.** License, Translation of Copyright, Compulsory Licenses, Publication.
- C.** Infringement-Criteria of Infringement
- D.** Remedies for Infringement of Copyright.
- E.** Offence & Punishment on Infringement of Copyright.

MODULE IV: NEW TRENDS IN COPYRIGHTS

- A.** Photography & Copyright
- B.** Copyright & Fashion Industry, Beauty & Makeup Art.
- C.** Software & Programming issues under Copyright.
- D.** Copyright – Graphical, pictorial, sculpture work

MODULE V: COPYRIGHT AND EMERGING ARENA

- A.** Fair Use Provisions, Research objective & Copyright infringement

- B.** Copyright and Public Domain works
- C.** Copyright and e-publication
- D.** Relationship Between Copyright And Confidential Information

BOOKS SUGGESTED FOR READING:

- 1) Melville B. Nimmer - Copyright and other Aspects of literary , musical and Artistic Works, 2nd Edn.
- 2) Baxi, U.The Law of Intellectual Property : Copyright law in India (1989)
- 3) P. Narayanan - Copyright and Industrial Design, 2nd Edn. 1995.
- 4) Thairani, K- Copyright : The Indian Experience (1987).
- 5) Lal's Copyright Act, 3rd Edn. 1995 Law Publications .
- 6) Nithyananda, K V. (2019). Intellectual Property Rights: Protection and Management. India, IN: Cengage Learning India Private Limited. 2. Neeraj, P., & Khusdeep, D. (2014) Intellectual Property Rights. India, IN: PHI learning Private Limited

SEMESTER – I
GROUP – D
BUSINESS LAW
OPTIONAL CORE COURSE (OCC-D-01)
CORPORATE LAW-I
(CREDITS-4)

COURSE OBJECTIVES:

- To enhance in students in-depth understanding of Principles of Company Law and Company Jurisprudence.
- To develop in student's ability to analyse, advanced and complex concepts of Company Law.
- To develop in student's skill for formation of company via prescribed procedure.
- To develop in Student's research and presentation skills on Basic and advanced concepts of Company Law

LEARNING OUTCOMES:

After completion of the course, students would be able to:

- To apply the basic principle of company law to solve the complex situation and challenges.
- To provide legal support for formation of company.
- To Present, research and analyse company law.

MODULE I: COMPANY JURISPRUDENCE

- A. Nature, purposes and types of business enterprises.
- B. Modernisation /Principles of company law for global competitiveness.
- C. Distinguishing Features of Company Law in Various Countries

- D. Classification of companies and theories of corporate personality.
- E. Doctrine of Lifting of Corporate Veil.
- F. New Concepts under Companies.

MODULE II: PROCEDURE FOR INCORPORATION OF COMPANY (LAW AND RULES)

- A. Promotion and pre-incorporation contracts.
- B. Memorandum of Association: Meaning, nature and content
- C. Doctrine of ultra vires - Scope, Effect, Remedies and Reforms of the doctrine.
- D. Amendment of MOA.
- E. Articles of Association: Meaning and nature.
- F. Doctrine of indoor management - Scope, Effect and Exceptions.
- G. Amendment of AOA.

MODULE III: PROSPECTUS AND ALLOTMENT OF SECURITIES

- A. Public Offer
- B. Prospectus
- C. Liabilities for false Statement in Prospectus
- D. Private placement

MODULE IV: SHARE CAPITAL AND DEBENTURE

- A. Kinds of Capital, Alteration, Reduction and Issue of Capital
- B. Share - Definition, Kinds, Classes of Shares, Allotment, Transfer, Transmission of Shares and Buy back of Shares.
- C. Debenture - Definition, Kinds and Rights of Debenture Holders, Charges, New Developments in Corporate Debt Financing.
- D. Inter- corporate Loans and Investments.

REFERENCE BOOKS:

- 1) Gover's Principles of Company Law, 5th Edn. 1992, Sweet and Maxwell.

- 2) Iyengar, T.R. Srinivasa : Company Promotion, Management & Incorporation , 2nd Edn. The Law Book co (P) Ltd.
- 3) Dr.K.R. Chandratre : Transfer and Transimission of Shares and
- 4) Debentures 3rd Edn.1996 - Bharat Law House Publication.
- 5) Badjatya : Model object Clause of Memorandum of Asociation of a company, 1995 Edn. Orient Publishing co.
- 6) Boyle and Birds - Company Law 3rd Edn. 1997 Universal Law Publishing Co.Pvt.Ltd.
- 7) J.H. Farrar and B.M. Hanniyan, Farrar's Company Law Butterworths
- 8) Altman and subrahmanyam - Recent Advances in corporate Finance (1985) LBC.
- 9) Y.D. Kulshreshta, Government Regulation of Financial Management Private Corporate sector in india (1986).
- 10) Principles of Modern Company Law Gower, Paul L Davies and Sarah Worthington, 10th Edition, Sweet and Maxwell Publication, 2016
- 11) Palmers Company Law Annotated Guide to the Companies Act, 2006, Second Edition, Sweet and Maxwell Publication, 2009.
- 12) A Ramaiya Guide to the Companies Act, 2013, 18th Edition, LexisNexis, 2015.
- 13) Avtar Singh, "Company Law", 16th Edition, Eastern Book Company, 2015

SEMESTER – I
GROUP – D
BUSINESS LAW
OPTIONAL CORE COURSE (OCC-D-02)
SECURITIES AND INVESTMENT LAWS
(CREDITS-4)

COURSE OBJECTIVES:

- To understand the basic concept of investment, legal framework of various investment laws in India.
- To Study the various Regulatory Authorities for protecting Investors and Regulating market.
- To provides the working knowledge of the operation of the legal framework of Primary and Secondary Market.

LEARNING OUTCOMES:

After undergoing the study, the student will be able:

- To provide legal supports in Securities and Investment Markets
- To apply the basic principle to solve the complex issues arising in the securities and investment market
- To Present, research and analyse Securities and Investment laws

MODULE I: INTRODUCTION

- A. Meaning of investment and market
- B. Nature and risk associated with investment
- C. Evolution of Investment and bargaining norms

MODULE II: PRINCIPLES OF INTERNATIONAL INVESTMENT LAW

- A. International treaties
- B. Types of Investment contracts
- C. Applicable law
- D. Stabilization clauses
- E. Renegotiation and adaptation

MODULE III: SOURCES OF CAPITAL RAISING IN COMPANY

- A. Venture Capital, Institutional Financing
- B. Public Financing Institutions
- C. Mutual Fund and Other Collective Investment Schemes
- D. Institutional Investments- LIC, UTI, banks
- E. Cross Broader Transaction: FDI, NRI investments, IDR, ADR, GDR

MODULE IV: SECURITY MARKET

- A. Overview of Capital Market
- B. Authorities Governing Capital Markets in India: SEBI Act, 1992
- C. Primary Market Regulation: Initial Public Offering, Players involve in IPO, Eligible Investors- Anchor Investor, Angel Investor, lead Manager Depositories, Syndicate Members, Banker to an Issue, Self-certified Syndicate bank, registered Broker, Registrar to an Issue, IPO grading, Book Building, Underwriting, listing of securities, green shoe Option buy back of securities, Delisting of Securities, Preferential Allotment
- D. Secondary Market: Development of Stock market in India; Stock market & its operations, Trading Mechanism, Block and Bulk deals, Grouping, Basis of Sensex, Nifty; Suspension and Penalties; Surveillance Mechanism; Risk management in Secondary market, Impact of

various Policies on Stock Markets such as Credit Policy of RBI, Fed Policy, Inflation index, CPI WPI

E. Securities Market Intermediaries

MODULE V: SECURITIES LAWS AND RULES

- A. Securities Contracts (Regulation) Act, 1956**
- B. Securities Appellate Tribunal, Appeals, Appearance before SAT**
- C. SEBI Rules and Regulations.**
- D. Depositories Act, 1996**
- E. Issue and Listing of Securities**
- F. An Overview of Law relating to Insider Trading and Takeovers**
- G. Investor Protection and Securities Market Reforms and Regulatory Measures to Promote Investor Confidence**

REFERENCE BOOKS:

- 1) Gordon & K. Natarajan: Capital Market in India; Himalaya Publishing House, Ramdoot, Dr. Bhalerao Marg, Girgaon, Mumbai - 400004. 2.
- 2) Sanjeev Aggarwal: Guide to Indian Capital Market; Bharat Law House, 22, Tarun Enclave, Pitampura, New Delhi – 110 034.
- 3) V.L. Iyer : SEBI Practice Manual; Taxman Allied Service (P) Ltd., 59/32, New Rohtak Road, New Delhi-110005.
- 4) M.Y. Khan : Indian Financial Systems; Tata McGraw Hill, 4/12, Asaf Ali Road, New Delhi – 110 002.
- 5) S. Suryanarayanan & : SEBI – Law, Practice & Procedure; Commercial Law Publishers (India) V. Varadarajan Pvt. Ltd., 151, Rajindra Market, Opp. Tis Hazari Court, Delhi - 110054
- 6) Mamta Bhargava : Compliances and Procedures under SEBI Law; Shreeji Publishers, 8/ 294, Sunder Vihar, New Delhi – 110 087
- 7) Taxmann : SEBI Manual

- 8)** Asim Kumar Mishra : Venture Capital Financing in India; Shipra Publications, 115A, Vikas Marg, Shakarpur, Delhi-110092.
- 9)** Shashi K Gupta : Financial Institutions and Markets ; Kalyani Publishers, 4863/2B, Bharat Nishja Aggarwal Ram Road, 24, Daryaganj, New Delhi -110002 Neeti Gupta
- 10)** Vishal Saraogi : Capital Markets and Securities Laws simplified, Lawpoint Publication, 6C, R.N. Mukherjee Road, Kolkata-700001
- 11)** A Ramaiya guide to companies act

SEMESTER – I
GROUP – E
ENVIRONMENTAL LAW
OPTIONAL CORE COURSE (OCC-E-01)
ENVIRONMENTALISM
(CREDITS-4)

COURSE OBJECTIVE:

Humans depend on a healthy environment. Stable economy also depends on natural resources and thriving ecosystems. Environmental laws help ensure the environment and the economy are equally protected and promoted, not just because we need both but because each needs the other. Environmental law is a comparatively newer field of law in India and yet it has significantly shaped the country 's natural and developmental landscape. This course tries to introduce some basic concepts of environment, policies and the legal remedies available for protection of environment in India.

LEARNING OUTCOME:

By the end of the course, students will be able to:

- Read and understand the basic legal concepts of the environment and its components and study the International and National History of the development of Environmentalism.
- To study and analyse the various colonial laws, the post – independence policies and people movements that contributed to protect, conserve and improve the Environment.
- To study the various powers and remedies available under Constitution of India, Torts and Civil & Criminal Laws of India to protect the environment. And to understand the Activism of the Judiciary towards the same cause.

MODULE – I: CONCEPT OF ENVIRONMENT

- A. Meaning, definition and concept of Environment.
- B. Environment and its components, Ecology, Biosphere, Ecosystem and its functions, types of Ecosystems.
- C. Natural and Biological Sciences Interactions: Biogeochemical Cycles, Ecological Efficiencies and Eltonian Pyramid.

MODULE – II: ENVIRONMENT AND INDIAN CULTURAL TRADITION

- A. Concept and History of Environmentalism in Ancient Indian Tradition and Culture.
- B. Protection of Environment during Medieval Period – British Period.
- C. Post-independence period – Pitambar Pant Committee – Tiwari Committee – NCEP – Department of Environment – MoEF.

MODULE – III: ENVIRONMENTAL POLICY AND POLITICS

- A. Pre – Independent Environment legislations.
- B. Environmental Movement – Bishnoi Movement – Save Silent Valley Movement – CHIPKO Movement – APPIKO Movement – Jungle Bachao Andhola.
- C. National Policies related to Environment – Forest Policy – Water Policy – National Environment Policy – Five Year Plans

MODULE – IV: LEGAL REMEDIES AND JUDICIAL REMEDIES

- A. Protection of Environment under the Indian Constitution – Introduction – Indirect Provisions, International Obligations, 42nd Constitution Amendment Act, 1976 – Directive Principles of State Policy – Fundamental Duties – Development of Fundamental Right to Environment – Distribution of powers between Centre and States over Natural Resources.
- B. Judicial Role, Expansion of Locus Standi, PIL, Constitutional Remedy for Protection of Environment, Dynamic Interpretation of Article 21, 14 & 19 of the Constitution.

C. Environmental Protection and General Civil and Criminal Laws (a) Environmental Protection and Law of Torts – Tort of Nuisance: Public and Private – Tort of Negligence – Tort of Trespass – Environmental Torts (b) Provisions under Indian Penal Code & Under Code of Criminal Procedure.

SUGGESTED READING:

- 1) Fisher, Michael H. “An Environmental History of India: From Earliest Times to the
- 2) Twenty – First Century”. Cambridge University Press, 2018.
- 3) Leelakrishnan, P., et.al. (eds.). Law and Environment. Lucknow: Eastern Book Co., 1990.
- 4) Leelakrishnan, P. The Environmental Law in India. New Delhi: Butterworths – India, 1999.
- 5) Dr. R. K Bangia. “Law of Torts”. Allahabad Law Agency. Latest Edition.

SEMESTER – I
GROUP – E
ENVIRONMENTAL LAW
OPTIONAL CORE COURSE (OCC-E-02)
INTERNATIONAL ENVIRONMENTAL LAWS – PRINCIPLES AND
GOVERNANCE
(CREDITS-4)

COURSE OBJECTIVE:

International environmental law has been an emerging field with a lot of multilateral agreements in force. Today, international environmental law has grown alongside human rights in setting the frontiers of cooperation amongst states. Its interface with international trade law is quite fascinating for those who are interested in the shaping of global resource politics and law-making. The subject has evolved with its unique principles borrowed from national and international laws in various jurisdictions. Environmental legal studies shall basically introduce the international dimensions in the initial classes to further their knowledge in the municipal systems.

LEARNING OUTCOME:

By the end of the course, students will be able to:

- Understand the general character of international environment law and its importance
- Have a broad profile of important conferences and declarations related to global environmental concerns
- Develop a basic understanding of environmental intuitions an NGO's

MODULE – I: MAJOR AREA FOR GLOBAL ENVIRONMENTAL CONCERNS

- A. Transboundary Pollution.
- B. Greenhouse gas emissions – melting of glaciers and other effects of global warming – exploitation of fossil fuels.
- C. Environmental Politics – evolution of green parties – North – South Divide.

MODULE – II: PRINCIPLES OF INTERNATIONAL ENVIRONMENTAL LAW

- A. Traditional Principle of International Environment Law- Principle of Good neighbourliness, Principle of state responsibility, Principle of State Co-operation.
- B. Modern Principles of International Environmental law - Sustainable Development – Precautionary and Polluter pays – Intergenerational equity.
- C. Principle of Common but Differentiated Responsibilities Equitable Utilization of natural resources.

MODULE – III: INTERNATIONAL CONVENTIONS AND DECLARATIONS

- A. UN conferences – Stockholm to Rio+20 – Multilateral treaty framework and bilateral arrangements – soft law instruments.
- B. The Role of UNEP in protection of environment Ramsar Bonn Convention Nairobi Convention.
- C. Agenda 21 – MDGs - SDGs (Relevant Provisions)

MODULE – IV: INTERNATIONAL AND NON – GOVERNMENTAL INSTITUTIONS

- A. UN Agencies for Environment – UNEP – UNDP – UNESCO.
- B. Global Environmental Facility – World Bank – WTO.
- C. IUCN – WWF – Greenpeace.

SUGGESTED READING:

- 1) Phillippe Sands (2018) “Principles of International Environmental Law” Cambridge.
- 2) Daniel Bodansky (2007) (ed) “The Oxford Handbook of International Environmental Law”, Oxford.
- 3) Bharat H. Desai (ed) (2014) “International Environmental Governance” Brill: Nijhoff.
- 4) Alexandre Kiss (2007) Guide to International Environmental Law, Martinus Nijhoff Publications.
- 5) Alan Boyle and Patricia Bernie (2009), International Law and Environment, Oxford.

SEMESTER – I
GROUP – F
LABOUR, CAPITAL AND LAW
OPTIONAL CORE COURSE (OCC-F-01)
LABOUR WELFARE: CONSTITUTIONAL REFORMS
(CREDITS-4)

COURSE OBJECTIVE:

- The primary objective of this paper is to make the students understand that Labour welfare is an important dimension of industrial relation, labour welfare includes overall welfare facilities designed to take care of well-being of employee's and in order to increase their living standard. It can also be provided by government, non-government agencies and trade unions.
- To study the prominent role of Dr. Babasaheb Ambedkar in Labor Law Reforms.
- To study the numerous safeguards for the protection of labour rights in the Indian constitution.
- To study in context with the new Industrial-Labour Codes.

LEARNING OUTCOME:

The students will able to understand-

- The concept of Labour Welfare and the role of ILO in its promotion.
- The Constitutional provisions provided in the Directive Principles of State Policy for securing the labour welfare.
- Deep understanding of the role played by Dr. B.R. Ambedkar in India's labour law reforms.
- Analysis of the issues and problems faced by the labours of organised and unorganised sector.

- The students can utilize their knowledge for the protection of labour safety and welfare.

MODULE I: INTRODUCTION

- A.** ILO standard for Labour International Convention for Labour Welfare- UDHR-ICCPR
- B.** The changing concept of work and labour
- C.** Constitutional provisions on
 - 1. Right to adequate means of livelihood, free legal aid, public assistance in certain cases-Article 39
 - 2. Directive principles of state policy instrumental in achieving Labour Welfare- Article 42
 - 3. Right to Work and Equal pay for equal work under Indian Constitution- Bonded Labour, Child labour, Women labour

MODULE II: AMBEDKAR LABOUR REFORMS

- A.** Ideas on Labour Rights and Welfare
- B.** Role in securing Social Security pre & post-Independence
- C.** Contributions made in reforms and legislations

MODULE III: SOCIAL WELFARE & LEGISLATIVE MEASURES

- A.** Social Security Five Year Plan Commission on Labour
- B.** The Code for Occupational Safety, Health and Working Conditions, 2020-Overview
- C.** The Plantation Labour Act 1951-Provisions relating to women
- D.** Mines Act, 1952- Provision Relating to women
- E.** Child Labour (Prohibition and Regulation) Act, 1986- Salient features
- F.** Child and Adolescent Labour (Prohibition and Regulation) Act, 1986-Salient Features

MODULE IV: PROBLEMS OF ORGANIZED /UNORGANIZED LABOUR & RECENT AMENDMENTS

- A. Bonded Labours
- B. Woman & Child Labours
- C. Migratory & Rural Labours
- D. Contract Labours
- E. Agricultural Labours
- F. Domestic Servants

SUGGESTED READING:

- 1) M. P. Jain, Indian Constitutional Law, Lexis Nexis
- 2) D.D. Basu, Introduction To The Constitution Of India 24th Edition, Lexis Nexis
- 3) Dr. B. R. Ambedkar And Indian Independent Labour Party Issues Related To Social Justice Raised In Bombay Legislature, 1937-39
- 4) Dr.Vivek Bhattacharya- Social Security Measures in India.
- 5) Dr.C. B. Mamoria- Principles of Social Security.
- 6) V.R. Bhattacharya, Some Aspects of Social Security Measures in India(1970).
- 7) S.C. Shrivastava, Social Security and Labour Laws (1985).

SEMESTER – I
GROUP – F
LABOUR, CAPITAL AND LAW
OPTIONAL CORE COURSE (OCC-F-02)
LAWS RELATING TO INDUSTRIAL RELATIONS
(CREDITS-4)

COURSE OBJECTIVE:

- The primary objective of this course is to draw attention of the students briefly to the march of the industrial society from laissez faire era to the dawn of the concept of welfare state.
- To understand the need for state intervention in the area of employer-employee relationship for achieving higher economic growth tempered with social justice.
- To familiarize the students with the legal requirements stipulated under the Factories Act, 1948.
- To study in context with the new Industrial-Labour Codes.

LEARNING OUTCOME:

The students will be able to understand-

- The role of state in providing legal framework which establishes general ground rules for Unions' management interaction and purposes of bringing out amicable settlement of industrial conflicts.
- How to further promote the legitimate trade union objectives in a peaceful manner.
- The students will be acquainted with the historical perspective relating to the development of trade unions of workers in various countries which has been more or less the same.

MODULE I: INTRODUCTION

- A. Evolution of the concept of Industrial Relations
- B. Impact of Globalization & Liberalization on Labourers
- C. Freedom of Association
 - 1. Constitutional and Legal aspects of right to form association, union in India.
 - 2. International norms- Right to form association of industrial and unorganized Labour

MODULE II: TRADE UNION & INDUSTRIAL RELATIONS

- A. Historical development of Trade Union movement in India
- B. Role of Trade Unions in the changing atmosphere of Globalization, Privatisation and Liberalisation
- C. Need, objectives and functions of Trade Union
- D. Trade Union Act, 1926
 - 1. Recognition of Trade Union
 - 2. Rights and liabilities of Registered Trade Unions
 - 3. Liabilities and Immunities of registered Trade Union
 - 4. Role of State in Workers Participation and Management
 - 5. Multi-Unionism
- E. Bombay Industrial Relation Act, 1946
- F. MRTU and PULP Act, 1971

MODULE III: COLLECTIVE BARGAINING

- A. Concept-
 - 1. Nature, Definition and theories of collective bargaining.
 - 2. Advantages, Disadvantages, comparative appraisal.
- B. Process- Types of bargaining at different levels –
 - 1. Plant level
 - 2. Industry level
 - 3. National level

- C. Prerequisites of Collective Bargaining & its application in Industrial Relation
- D. Role of ILO in promoting Collective Bargaining

MODULE IV: THE FACTORIES ACT 1948

- A. Applicability of the Act
- B. Powers of inspectors
- C. Health, safety and welfare measures
- D. Responsibility of the occupier in relation to hazardous processes
- E. Prohibition of employment of children
- F. Offences by workers
- G. Penalties procedure and exemption

SUGGESTED READING:

- 1) ILO-Collective Bargaining.
- 2) Otto Kahn Freund-Labour and the Law (1977).
- 3) ILI-Labour Law and Labour Relations (1987).
- 4) Kothari - Industrial law, Vol. I & II.
- 5) Mary Sur-Collective Bargaining.
- 6) Russel A., Smith et. al-Collective Bargaining and Labour Arbitration (1970).
- 7) Rideont-Principles of Labour Law, Chap. 8,9 & 10 (1983).
- 8) Shrivastava S. C. –Industrial and Labour Relations.
- 9) R. Dayal, MRTU and PULP Act, 1971 (Act and Rules).
- 10) Abdul Majid – Legal Protection to unorganized labour 2000, Deep & Deep Publications Pvt.
- 11) S. N. Mishra: Labour and Industrial Law, Central Law Publication, Allahabad
- 12) Khan & Khan: Labour Law, Asia Law House, Hyderabad
- 13) S. Venkata Ratnam, Industrial Relations, Oxford

SEMESTER – I
GROUP G
CRIMINAL LAW
OPTIONAL CORE COURSE (OCC – G-01)
CRIMINOLOGY AND VICTIMOLOGY
(CREDITS-4)

COURSE OBJECTIVE:

The objective of this paper is to discuss the various reasons for crime, victimization, criminal justice, treatment and compensation of criminals and victims in the various laws. The course is designed to acquaint students with advances made by sociology and psychiatry in understanding human behaviour, particularly, deviant behaviour. Emphasis will be laid on understanding the weak and strong points of the existing system in order to determine whether it can meet the challenge and carry new burdens.

LEARNING OUTCOMES:

After the completion of the course the students will be able to:

- Develop the ability to analyze exact reasons for criminal activity/ behavior, means and ways to curb its rate.
- Understand the various dimensions of the various aspects of the Indian law related to victimology;
- Understand the various aspects of the Indian legal structure like that of the concepts of restorative justice and compensatory schemes for victims;
- Demonstrate a thorough and contextual knowledge of penal laws and the various leading cases particularly in its application to real law problems

MODULE I: CRIMINOLOGY- DEFINITION, NATURE, SCOPE AND UTILITY

- A. Definition, Nature and Scope of Criminology
- B. Utility of Criminology
- C. Relation between Crime and Society

MODULE II: SCHOOLS OF CRIMINOLOGY

- A. Pre-classical School of Criminology
- B. The Classical School of Criminology
- C. The Neo- Classical School of Criminology
 - i. Cesare Lombroso
 - ii. Enrico Ferri
 - iii. Raffaele Garofalo
 - iv. Gabriel Tarde
- D. Clinical School of Criminology
- E. Sociological School of Criminology
- F. The New Criminology

MODULE III: CAUSATION AND PREVENTION OF CRIME

- A. Heredity and Crime
- B. M' Naghten's Rule of Criminal Responsibility
- C. Physical Factors and Genetics on Criminality
- D. Freud's theory of Criminal behaviour
- E. Psychological concept of crime
- F. Crime Prevention
- G. Feminist criminology and Female Criminality

MODULE IV: VICTIMOLOGY

- A. Historical development and basic concept of Victimology.
- B. UN Declaration of Basic Principles of Justice for Victim Crime and Abuse of Power, 1985.
- C. Victim –Offender relationship.
 - i. Impact of Victimization– Physical, Financial and Psychological (including Post-Traumatic Stress Disorder (PTSD), (Acute Stress Disorder (ASD), resilience, posttraumatic growth, anger etc.
- D. Primary, Secondary and Tertiary Victimization.
- E. Role of NGOs in Victim Assistance.

MODULE V: CRIMINOLOGICAL PERSPECTIVES OF VICTIMOLOGY

- A. Repeat victimization, routine activities, lifestyle exposure, fear of crime. Effects of crime on victims.
- B. Legal perspectives: Rights of the Crime Victims as per Criminal Procedure Code (CrPC) and other Laws-
- C. Victim Compensation Schemes.
- D. Contemporary Developments in Victimology: Mass Victims and Mass Victimization, Cyber Victimology, Positive Victimology.

SUGGESTED READINGS:

- 1) Sutherland Edwin H. and Cressey Donald R., Principles of Criminology, J.B. Lippincott Co., Philadelphia.
- 2) Siddique, Ahmad, Problems and Perspective of Criminology, Eastern Book Company.
- 3) Paranjape Dr.N.V., Criminology and Penology, Central Law publication.
- 4) Maniyar, Mridula, Women criminals and their life-style, Kaveri Books, New Delhi.
- 5) Swamy Dr. N. Maheshwara.: Criminology and Criminal Justice System, Asia Law House
- 6) Rajan, V.N., Victimology in India : An Introductory Study, Allied Publishers, New Delhi
- 7) Makkar S.P Singh, ., Global Perspectives in Victimology, ABC Publication Jalandhar
- 8) Geiser, L Robert, Hidden Victims, Beacon Press, Boston.
- 9) William, Parsonage H., Perspectives in Victimology, ABS Publications.

- 10) DasBharat B , Victims in the Criminal Justice system, APH Publication Corporation, New Delhi**

SEMESTER – I
GROUP G
CRIMINAL LAW
OPTIONAL CORE COURSE (OCC – G-02)
PRINCIPLES OF CRIMINAL LAW
(CREDITS-4)

COURSE OBJECTIVE:

The study of criminal law is essential to understand as to what really is the meaning of the word “crime” in the Indian context as well as internationally. The concept of crime keeps changing according to the evolving social setup. Therefore, we must study the various aspects of criminal law such as the concept of crime, the constituents of crime, the burden of proof, the various components of the legal system, the defences available in criminal law as well as the trend of rehabilitation of offenders. Along with this we are also required to study the new and upcoming criminal legislations.

LEARNING OUTCOMES:

After undergoing the study, the student will be able to understand the following:

- To understand the historical aspect and evolution of crime
- To learn the various elements involved in the commission of a crime
- To develop critical thinking towards the legal provisions which need to be changed as per changing needs of the society
- To show the ability to analyze various aspects of Criminal Law, review, and synthesize knowledge.

MODULE I: INTRODUCTION

- A. Origin and development of Crime – Traditional to Modern Approach
- B. Historical Development of Indian Penal Code: Extent and Operation of the Penal Code- Significant Reform Areas and Trends
- C. Definition and Nature of Crime
- D. Crime and Morality

MODULE II: ELEMENTS OF CRIME

- A. Elements of crime
- B. Actus Reus and Mens Rea
- C. Stages in Commission of Crime – Intention, Preparation, Attempt, Commission
- D. Strict Liability in Crime - excluding Mens Rea in certain offences

MODULE III: GENERAL EXCEPTIONS

- A. General Exceptions: Position under English law and IPC
- B. Excusable Defence
- C. Justifiable Defence

MODULE IV: COMPLICITY IN CRIME

- A. Inchoate crimes – Abetment, Conspiracy, Group or Joint Liability
- B. Critical Analysis of archaic criminal provisions in India – Sedition, Blasphemy, Suicide, Adultery, Homosexuality, etc

MODULE V: BURDEN OF PROOF

- A. Presumption of innocence - Cardinal principle of criminal jurisprudence
- B. The concept of burden of proof in criminal trials
- C. The reverse burden of proof and the changing trend

SUGGESTED READING:

- 1) K. Takwani: Indian Penal Code, Eastern Book Company, Lucknow.
- 2) R. Prem and C. K. Thakker: Criminal Law and Practice, Ashoka Law House
- 3) K. D. Gaur: Commentary on the Indian Penal Code, Universal Law Publishing Co.
- 4) Pvt. Ltd., New Delhi.
- 5) P. S. A. Pillai: Criminal Law- Incorporating the Criminal Law (Amendment) Act, 2013,
- 6) LexisNexis India, Gurgaon.

SEMESTER – II
COMPULSORY PAPER (CC-04)
LEGAL RESEARCH METHODOLOGY-II
(CREDITS-4)

COURSE OBJECTIVE:

The focus of this paper is to make the students learn about data processing, report making and research standards. This course is designed to acquaint the students with introduction and application of types and methods of creating reliable research. This course will also introduce the students to scientific data collection, statistical analysis and interpretation of results, statistical analysis and interpretation of results.

LEARNING OUTCOMES:

On successful completion of this course, the students will be able to:

- Use standard data collection methods while conducting the research.
- Understand the research ethics and citation methods
- Application of citation and footnotes
- Carry out Collaborative, Comparative and Interdisciplinary legal research

MODULE I: THE NATURE OF DATA IN LEGAL RESEARCH

- A. The universe of the study.
- B. The sampling designs. i) The adequacy of the sample size. ii) Representatives of the sample.
- C. Source of data, primary and secondary.
- D. The Research Tools: i) Interview schedule ii) Questionnaire iii) Observational schedule
- E. The methods of data collection i) Interviewing ii) Entering the data on the questionnaire iii) Observation

MODULE II: PROCESSING AND DISPLAY OF DATA

- A. Editing, coding
- B. Tabulation
- C. Methods of communicating and display of data – Texts, Graphs, Statistics
- D. Summary Writing

MODULE III: ESTABLISHING VALIDITY AND RELIABILITY OF RESEARCH

- A. Concept of validity and reliability
- B. Types of validity
- C. Predictive validity
- D. Factors affecting reliability
- E. Methods of determining reliability

MODULE IV: RESEARCH PROPOSAL AND CONTENT ANALYSIS

- A. How to write research proposal
- B. Chapterisation
- C. The form, the content and style of the report.
- D. Analysis of the report.
- E. Legislative Review
- F. Book Review and Judgment Analysis

MODULE V: RESEARCH ETHICS

- A. Research Ethics and its Importance in Legal Research
- B. Research and E-Resources
- C. Plagiarism and Types of Plagiarism
- D. Need and necessity of citations and footnotes
- E. Citation Methodology and Various Citation Styles in Legal Research

BOOKS SUGGESTED FOR READING:

- 1) Anderson, J. Durstan, B. H. Pooli, M.(1977) Thesis and Assignment Writing, Eastern Books Limited. New Delhi.
- 2) Bhandarkar and Wilkinson (1990) Methodology and Techniques of Social Research, Himalaya Publishing House, Bombay.
- 3) Goode, W. J. & Hatt, P. K. (1962) Methods of Social Research, McGraw Hill, New York.
- 4) Young, P.V. (1975) Scientific Social Surveys and Research Prentice Hall, New Delhi.
- 5) Jain S. N. Legal Research & Methodology I.LI.(1983) Publication, Ed:, Tripathi Pvt. Ltd., Bombay.
- 6) Adem Stott,: Legal Research Series Editor julie Macfarlane 1996.
- 7) S.K. Agrawal (edn) , Legal Education in India (1973). Tripathi , Bombay.
- 8) N.R. Madhava Menon , (Edn) A Handbook of Clinical Legal Education, 1998 Eastern Book Co. Lucknow.
- 9) Brayne, N. Duncan & R.Grimes - Clinical Legal Education Active Learning in your Law School.. Oxford. 1998.
- 10) Ranjit Kumar, “Research Methodology-A Step by step Guide for beginerrs”, AGE Publication., 2021

SEMESTER – II
COMPULSORY PAPER (CC-05)
LAW AND SOCIAL TRANSFORMATION IN INDIA
(CREDITS-4)

COURSE OBJECTIVES:

This course is designed with an objective to acquaint the students with the understanding of Law as a tool for Social Transformation. This course will also enhance the students' understanding of Indian models of social order as envisaged by various Indian Social thinkers from a legal perspective. Further, this course will facilitate the students to examine various legal frameworks as well as the functional aspects of the other valuable measures such as public opinion, development and contributions of legal scholars, eminent social activists and Non-Governmental organizations that brought about social transformation in India.

LEARNING OUTCOMES:

On successful completion of this course, the students will be able to:

- Enhance the understanding of different dimensions of law as a tool of social change
- Identify other tools of social transformation particularly in Indian context
- Channelize existing knowledge to understand processes involved in bringing social transformation in India
- Understand the various reforms that have taken place due to certain judicial and democratic processes in India

MODULE I: LAW AND SOCIAL CHANGE

- A.** Law as an Instrument of Social Change - Definitions of Law, The Binding Force of Law and Sanctions
- B.** Law as the Product of Traditions and Culture

- C. Evaluation of Law in the Light of Colonization and the Introduction of Common Law System and Institutions in India

MODULE II: DEVELOPMENT OF LAW FOR PROTECTION OF VULNERABLE AND DISADVANTAGED GROUPS

- A. Protective Discrimination: Scheduled Castes, Scheduled Tribes and Backward Classes Reservation, Status of Persons with Disability, Status of Senior Citizens, Statutory Commissions and Statutory Provisions
- B. Gender Justice and Empowerment: Women and LGBTQR
- C. Children and the Law - Child Labour, Sexual Exploitation, Adoption and Related Problems, Access to Education

MODULE III: SOCIAL TRANSFORMATION AND DEMOCRATIC PROCESS

- A. Political Parties: Constitutional and Legal Position
- B. Problems in the Functioning of Political Parties – Corruption, Nexus with Anti-social Elements and Inner Party Democracy
- C. Role of the Election Commission and Electoral Reforms
- D. Democratic Decentralization and Role of Local Self-Government

MODULE IV: LAW AND DEVELOPMENT

- A. Modernisation as a Value: Constitutional Perspectives Reflected in the Fundamental Duties, Modernisation of Social Institutions through Legal Reforms
- B. Industrial Reforms: Free Enterprise and State Regulation, Industrialization and Environmental Protection

MODULE V: VALUABLE CONTRIBUTIONS TOWARDS SOCIAL TRANSFORMATION

- A. The Role of Law Commission in Transforming the Law in India
- B. Role of Non-Governmental Organizations and Social Activists in Social Transformation

C. Thoughts on Socio-legal change - Dr. B.R. Ambedkar, Mr. M.K. Gandhi, Mr. B. G. Tilak, Tukadoji Maharaj.

BOOKS SUGGESTED FOR READING

- 1) V. Dicey – Law and Public Opinion in England, (1996)
- 2) Universal Book Traders
- 3) Upendra Baxi – Towards a Sociology of Indian Law (Delhi, 1966).
- 4) M. C. Setalwad – The Common Law in India.
- 5) Vasudha Dhagamwar - Law, Power and Justice (1992).
- 6) M. P. Jain - Outlines of Indian Legal History, 5th Edn. 1999,
- 7) Wadhwa & Co.
- 8) Legal & Constitutional History of India - Rama Jois, Vol -I & II,
- 9) 1990, N.M.Tripathi Pvt. Ltd. Bombay.
- 10) Rajeev Bhargava, Edited: Secularism & Its Critics, Oxford India,
- 11) 1999.
- 12) S.P. Shaw- Laws of the Child, (2000) Alia Law Agency , Allahabad.
- 13) B.R. Ghatak -. Ambedkar Thought (1997) APH Publishing Corporation , N.
- 14) Delhi.
- 15) Verinder Gorver- Jawaharlal Nehru (1995) Deep and Deep Publication,
- 16) N. Delhi.
- 17) S.R. Bakshi - Bal Gangadhar Tilak (1994) Anmot Publications, N. Delhi.
- 18) Shyam S. Agarwalla - Religion and Caste Politics, (1998) Rawat Publications
- 19) Jaipur and New Delhi.
- 20) A.S. Anand - Justice for Women concerns and expressions, (2002) Universal
- 21) Law Publishing Co.Pvt. Ltd.

SEMESTER – II

COMPULSORY COURSE- (CC-06)

SEMINAR AND LAW TEACHING COURSE- II**Course Objective:**

In order enhance the legal drafting and analysis skill this paper is introduced in the 2nd semester. The students will learn the recent advances in research and the recent developments in the concerned subject, the seminar course is conducted through discussion and presentation by the students. The law teaching course will provide students with a great deal of information to guide their consideration of law teaching as a career. Students who would to pursue a career in law teaching will learn the techniques and skills required for teaching. Both seminar and law teaching shall be done under the personal guidance of the Mentor under the mentor-mentee scheme of the department. During semester II, the seminar and law teaching topic can be selected from specialization subject.

Learning Outcomes:

- The students will be able to write research papers and interpret it in a logic manner in the presentation.
- The students will be able to apply research techniques
- The students will learn how to deliver quality lectures, responsiveness of law teachers' towards students concern needs, and implantation of innovation in law teaching;
- The students will be able to develop teaching materials to enhance teaching and learning in law schools.

REQUIREMENTS:

The students are required to undertake a research on any relevant law topic under the supervision of the mentor allotted by the department. The time frame to complete this research project is 16 weeks from the commencement of the academic session.

The topic and title for the research paper will be finalized by the guide in consultation with the Head of the Department in the beginning of 1st semester. The mentor will monitor the progress and process of research executed by the students for the internal assessment of this course. During submission, the seminar paper must be of minimum 3000 to 5000 words excluding footnotes.

This course includes submission of research paper followed by presentation before the panel appointed by the Head of the Department.

For law teaching the student will prepare the 2 lectures of 30 minutes each (one lecture from specialization subject and one lecture from compulsory subject) topics in consultation with the

mentor and deliver the lecture as per the schedule provided by the department. This course includes submission lecture notes followed by delivery of lectures in the classes scheduled by the mentor.

Sr. No.	ACTIVITY	CREDITS		
1.	Seminar Paper Submission & Presentation	2 Credits	IA 20 Th. 30	IA + T = 20
2.	Law Teaching	2 credits	IA 20 Th. 30	IA + T = 20
	TOTAL	4 Credits	100 Marks	Marks 40

GENERAL INSTRUCTIONS:

- Students shall submit at least one hard copy along with softcopy in pdf format of their seminar paper and Power Point Submission is required for presentation of seminar paper.
- The seminar paper shall be approved and duly signed by their respective mentor. Seminar paper without the mentor's signature will not be accepted.
- For seminar paper Format -- Times New Roman, Font 12, 1.5 spacing, Font size 10 (for footnotes, without spacing), Margin- 1.5cm left, 1-1-1 cm on the remaining sides.
- Standard Indian Legal Citation to be used for inserting the footnotes.
- As the submission of seminar paper is made for the partial fulfilment of Masters of Laws (LL.M) Programme, the copyright of the paper will remain with RTM Nagpur University.
- The presentation of seminar paper will take place at the end of the semester. For seminar presentation viva- each student will get 15 minutes to present the seminar paper followed by the question and answer session.
- For law teaching the students shall submit lecture notes and PPTs of the lecture.
- Valuation of 2 lectures of 30 minutes will be done for 30 marks.

Seminar Paper shall have the following structure:

- Cover page
- Certificate
- Acknowledgement
- Research Methodology
 - Objective of the paper
 - Rationale of the paper
 - Hypothesis of the paper
 - Research questions
- Introduction
- Contents (Can be included through various heading & sub-headings)
- Conclusion
- Recommendations
- Bibliography

SEMESTER – II

GROUP – A

INTERNATIONAL LAW

OPTIONAL CORE COURSE (OCC –A-03)

INTERNATIONAL HUMANITARIAN LAW & REFUGEE LAW

(CREDITS-4)

COURSE OBJECTIVE:

This course is divided into two parts - Part A and Part B. Part A deals with Humanitarian Laws, its aim remains on the development of International Humanitarian law and protection of victims of armed conflict. Further, it discusses the rules on legality of warfare (jus ad bellum), but the main emphasis is on the rules that are to be followed when the armed conflict is going on (jus in bello). Apart from this, an analysis of the jurisprudence developed by the international criminal tribunal leading to the development of principles of IHL and its ability to cope up with upcoming challenges has been undertaken. Part –B relating to Refugee law, delineates the conceptual dimensions of

refugees and various international instruments relating to the status of refugees including the United Nations 1951 Refugee Convention, the 1967 Protocol and the UN High Commission for Refugees (UNHCR). This apart, an analysis of the standard treatment of refugees in India and the role of National Human Rights Commission and Judiciary in interpreting and protecting the rights of refugee in India has been discussed.

LEARNING OUTCOME:

The students are expected after the conclusion of the course to be able to:

- Identify various solutions to legal problems at hand and in addition, apply the relevant international law norms/rules in a qualified manner.
- Read and understand international case-law as well as identify the relevant issues in the concrete case.
- Analyse the human rights norms in a contextual manner, i.e. to apply an ideological perspective.
- Become aware of the law's substantive rules, on the one hand, and their implementation including criminal sanctions, on the other hand;
- Acquire the ability to follow, on one's own, contemporary events and discourses involving international humanitarian law

PART – A

INTERNATIONAL HUMANITARIAN LAW

MODULE I: HISTORICAL DEVELOPMENT OF IHL

A. History and Evolution.

- i. The Origin and Growth of IHL.
- ii. Definition and character of IHL.

iii. Sources of IHL

B. The Four Geneva Conventions of 1949

MODULE II: INTERNATIONAL HUMANITARIAN LAW AND HUMAN RIGHTS

A. International Committee of Red Cross:

i. Growth and Development of ICRC.

ii. Additional Protocols.

B. International Measures for Implementation of IHL:

i. Serious Breaches of IHL

ii. International Criminal Court

iii. War Crimes Trials

iv. National Measures for Implementation of IHL: The Geneva Convention Act, 1960.

PART – B

INTERNATIONAL REFUGEE LAW

MODULE I: HISTORICAL DEVELOPMENT OF REFUGEE LAW

A. Definition of Refugee

B. Right to Seek Asylum

C. Principle of Non-refoulement.

D. Rights and responsibilities of Refugees

MODULE II: INTERNATIONAL INSTRUMENTS AND REGIONAL MECHANISM

A. Statute of the UNHCR.

B. 1951 Convention Relating to the Status of Refugees.

C. 1967 Protocol Relating to the Status of Refugees.

MODULE III: LINK BETWEEN HUMAN RIGHTS INSTRUMENTS AND RIGHTS OF REFUGEES

- A.** Rights of Women Refugees.
- B.** Rights of Refugee Children
- C.** International Strategies for Refugee Protection:
 - i. Early Warning
 - ii. Burden Sharing
 - iii. Safety Zones
 - iv. Right to Remain and Right to Return
 - v. Temporary Asylum.
 - vi. Refugees' "surplice".
- D.** Internally Displaced Persons

MODULE IV: PROTECTION OF REFUGEES IN INDIA

- A.** Protection without Legislation
- B.** Indian Critique of UNHCR and the Refugee Convention
- C.** Status of Refugees in India under UNHCR.
- D.** Model National Law for Refugees.

SUGGESTED READING:

- 1) Balchandran – Varghese – Introduction to IHL.
- 2) Goodwin Gill, The Refugee in International Law, 1983.
- 3) S. Chimni, International Refugee Law: A Reader, 2000.
- 4) Bulletin on IHL and Refugee Law.
- 5) Indian Society of International Law- Yearbook on IHL and Refugee Law.

SEMESTER – II
GROUP – A
INTERNATIONAL LAW
OPTIONAL CORE COURSE (OCC –A-04)
INTERNATIONAL CRIMINAL LAW
(CREDITS-4)

COURSE OBJECTIVE:

The goal of the course is to provide students with the opportunity to gain deeper insight in the area of international criminal law. This syllabus is intended as an accessible yet challenging explanation and appraisal of international criminal law and procedure for students. The focus is on the crimes which are within the jurisdiction of international courts or tribunals – genocide, crimes against humanity, war crimes and aggression – and the means of prosecuting them. It also briefly includes terrorist offences, torture, and other crimes which are not (yet) within the jurisdiction of an international court or tribunal.

LEARNING OUTCOME:

At the end of the course, a student should be able to demonstrate:

- a clear understanding of the relevant international human rights and international humanitarian laws governing activities in armed conflict;
- the ability to critically analyse existing and proposed international criminal law;
- a clear understanding of the actual violations that occur in the context of contemporary armed conflicts;
- apply the law to specific case studies, real and hypothetical;

- a clear understanding of how violations are punished or otherwise addressed in practice before national, international, and hybrid courts;
- The ability to present and defend an argument and debate it with colleagues.

MODULE I: INTRODUCTION

- A. Definition and Meaning of International Criminal Law.
- B. Historical Development of the Concept of International Criminal Law.
- C. Notion of International Crimes.
- D. Individual Criminal Responsibility and Sources of International Criminal Law.

MODULE II: ENFORCEMENT OF INTERNATIONAL CRIMINAL LAW

- A. Nuremberg and Tokyo Trials.
- B. Ad hoc Tribunals: Yugoslavia and Rwanda Tribunals.
- C. Contribution Ad hoc Tribunals in developing Individual Criminal Responsibility.

MODULE III: MODES OF CRIMINAL LIABILITY AND JURISDICTION

- A. Different Modes of Criminal Liability.
- B. Defences available against such criminal responsibility.
- C. Jurisdiction:
 - i. Universal Jurisdiction.
 - ii. International Jurisdiction.
 - iii. National Jurisdiction.

MODULE IV: SUBSTANTIVE LAW OF INTERNATIONAL CRIMES

- A. Genocide
- B. Crimes against Humanity
- C. War Crimes
- D. Crime against Peace/ Crime of Aggression

E. Transnational Crimes, Terrorism and Torture

MODULE V: STATE CO-OPERATION, ENFORCEMENT OF SENTENCES

- A. Role of State Co-operation in enforcement of International Criminal Law.**
- B. Future of International Criminal Law.**

SUGGESTED READING:

- 1) Cassese, Antonio, International Criminal Law (Oxford University Press, London, 2008) ed.2nd**
- 2) Schabas, William A., An Introduction to the International Criminal Court, (Cambridge University Press, Cambridge, 2011).**
- 3) Ilias Bantekas, International Criminal Law (Hart Publishing, 2010).**
- 4) Antonio Cassese, International Criminal Law: Cases and Commentary (OUP, 2011).**
- 5) William A. Schabas and Nadia Bernaz, Routledge Handbook of International Criminal Law (Routledge, 2011).**

SEMESTER – II

GROUP – B

CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW

OPTIONAL CORE COURSE (OCC-B-03)
CONSTITUTIONAL INTERPRETATION
(CREDITS-4)

COURSE OBJECTIVES:

This course aims at demystifying the provisions of the Constitution of India with reference to the interpretation of its principles, doctrines and provisions. It inculcates within its aspect varied dimensions of the Indian tradition and value system through which interpretation is made plausible. The interpretation of the Constitution seeks to engage in a thought-provoking discussion.

The course aims to develop a comprehensive and practical approach for the students and will make them aware of the legal aspects and fundamentals of the interpretation of the Constitution of India. This course will facilitate the students to explore various theories at National and International level and will equip them to resolve the issues and challenges raised in contemporary times.

LEARNING OUTCOMES:

After undergoing this course, students will be able to understand the following:

- Indian approach relating to interpretation of the Constitution.
- Various dimensions of law and legal institutions.
- Nature of Constitutional interpretation.
- Perspectives of the Judges while giving Judgments relating to the Constitution of India.

MODULE I: CONSTITUTIONAL INTERPRETATION

A. Meaning of Constitutional Interpretation

B. Theories of Constitutional Interpretation - Textualism, Consensualism, Originalism,

C. Doctrinalism, Structuralism, Prudentialism and Living Tree Approach

D. Methods of Constitutional Interpretation

E. Difference between Constitutional Interpretation and Statutory Interpretation

MODULE II: INDIAN JUDICIARY AND CONSTITUTIONAL INTERPRETATION

A. Judicial Approach towards Constitutional Interpretation

B. Dissenting Judgment: Importance in Democracy

C. Interpreting Dissenting Judgment

D. Culture of Dissent in the Indian Supreme Court: Past & Present

E. Contribution of Dissenting Opinions of the Judges of Supreme Court of India

MODULE III: DOCTRINES OF CONSTITUTIONAL INTERPRETATION - I

A. Doctrine of Repugnancy

B. Doctrine of Pith and Substance

C. Doctrine of Colourable Legislation

D. Doctrine of Territorial Nexus

E. Doctrine of Harmonious Construction

MODULE IV: DOCTRINES OF CONSTITUTIONAL INTERPRETATION - II

A. Doctrine of Severability.

B. Doctrine of Eclipse

C. Doctrine of Judicial Review

D. Doctrine of Constitutional Morality

E. Doctrine of Prospective Overruling

SUGGESTED READING

- 1) Barber, Nicholas William "*The principles of constitutionalism*" Oxford University Press, 2018.
- 2) Bazezew, Maru. "Constitutionalism." *Mizan Law Review* 3.2 (2009): 358-369.

- 3) Ahmad, Ahrar. "The State, Participation, and Constitutionalism: Political Crises and Democracy in India." *Asian Affairs: An American Review* 26.3 (1999): 123-136.
- 4) Grimm, Dieter. *Constitutionalism: past, present, and future*. oxford university press, 2016.
- 5) Singh, M. P., and Ravi P. Bhatia. "Foundation and Historical Evolution of Indian Constitutionalism." *Indian Historical Review* 35.1 (2008): 173-207.
- 6) Barber, Sotirios A., and James E. Fleming. *Constitutional interpretation: The basic questions*. Oxford University Press, 2007.
- 7) Huscroft, Grant, and Bradley W. Miller, eds. *The challenge of originalism: Theories of constitutional interpretation*. Cambridge University Press, 2011.
- 8) Strauss, David A. *The living constitution*. Oxford University Press, 2010.
- 9) Sripathi, Vuayashri. "Toward Fifty Years of Constitutionalism and Fundamental Rights in India: Looking Back to See Ahead (1950-2000)." *Am. U. Int'l L. Rev.* 14 (1998): 413.
- 10) Kundu, Indrani. "Constitutionalism to Transformative Constitutionalism: The Changing Role of the Judiciary." *Indian JL & Just.* 11 (2020): 347.
- 11) Klare, Karl E. "Legal culture and transformative constitutionalism." *South African Journal on Human Rights* 14.1 (1998): 146-188.
- 12) Choudhry, Sujit, Madhav Khosla, and Pratap Bhanu Mehta, eds. *The Oxford handbook of the Indian constitution*. Oxford University Press, 2016.
- 13) Gupta, U. N. "LEGAL REALISM AND INDIAN CONSTITUTIONAL INTERPRETATIONS." *Journal of the Indian Law Institute* 17.2 (1975): 212-236.
- 14) Graber, Mark A. *A new introduction to American constitutionalism*. Oxford University Press, 2015.
- 15) Ibohal Singh, *Constitutions, Constitutional Interpretations and Human Rights*, Vol 1, LexisNexis, Butterworths, 2009

SEMESTER – II

GROUP – B

CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW

OPTIONAL CORE COURSE (OCC-B-04)

ADMINISTRATIVE LAW –I

(CREDITS-4)

COURSE OBJECTIVES:

The aim of this course is essentially to undertake the study of Administrative Law in detail. Doctrine of Separation of Power, Rule of Law and Judicial Review of Administrative Actions are the important and relevant factors to be studied which comprise of subject matter of this course. This paper focuses on analytical and theoretical scrutiny of Principles of Administrative Law and their components in present context in order to enable the students and develop amongst them the proper understanding of the subject.

LEARNING OUTCOMES:

After completion of this course students will be able to:

- Identify, Explain and Apply the Principles of Administrative Law
- Comprehend the Nature, Limits and Control over the exercise of Administrative Discretion and Procedural Fairness
- Understand Administrative Adjudication

MODULE I: CONSTRUCTION OF ADMINISTRATIVE LAW

- A.** Concept of *Laissez-faire* State and Emergence of Administrative Law in Social Welfare State
- B.** Definition and Need of Administrative Law
- C.** Relationship Between Constitutional Law and Administrative Law
- D.** Synthesis of Administrative Law: Administrative Agency, Delegation, Administrative Discretion, Administrative Adjudication
- E.** Rule of Law and Separation of Power and its Influence on Administrative Law

MODULE II: DELEGATED LEGISLATION (RULE-MAKING POWER)

- A. Executive Legislation, Delegated Legislation and Excessive Delegation
- B. Necessity of Delegated Legislation
- C. Limitations on Delegated Legislation
- D. Control of Delegated Legislation: Parliamentary, Procedural and Judicial

MODULE III: ADMINISTRATIVE DISCRETION

- A. Administrative Discretion: Individualization of Administrative Action
- B. Judicial Control on The Exercise of Administrative Discretionary Power
- C. Doctrine of Proportionality and Doctrine of Legitimate Expectation
- D. Administrative Discretion in the New Age of Access to Information

MODULE IV - ADMINISTRATIVE ADJUDICATION AND TRIBUNALS

- A. Concept of Administrative Adjudication
- B. Need for devolution of Adjudicatory power on Administration.
- C. Administrative Tribunals and other Adjudicatory Authorities - Growth, Evolution and present Status.
- D. Administrative Tribunals: Differentiating from Courts
- E. Power, Procedure and Jurisdiction of Administrative Tribunals

SUGGESTED READING:

- 1) M. P. Jain “*The Evolving Indian Administrative Law*” 1983.
- 2) M.P. Jain and S.N. Jain's “*Principles of Administrative Law Revised*” Amita Dhanda (7th ed., 2017)
- 3) I.P. Massey, *Administrative Law* (7th ed., 2008)
- 4) S.P. Sathe “*Administrative Law*” (7th ed., 2004)
- 5) H.W.R. Wade and C.F. Forsyth “*Administrative Law*” 8th ed., 2000
- 6) S.N. Jain “*Administrative Tribunals in India*”, 1986
- 7) Peter H.Schuck “*Foundations of Administrative Law*” Oxford University Press, 1994
- 8) Justice Bhagwati Prosad Banerjee and Bhasker Banerjee “*Judicial Control of*

Administrative Action”” 3rd ed.,2016.

9) Harry Woolf, Jeffery Jowell and Andrew Le Sueur, De Smith “*Judicial Review*”” 6th ed., 2007.

10) K. Takwani “*Lectures on Administrative Law*” EBC 2019.

SEMESTER – II
GROUP – C
INTELLECTUAL PROPERTY LAWS
OPTIONAL CORE COURSE (OCC-C-03)

LAW OF PATENTS

(CREDITS-4)

COURSE OBJECTIVES:

This course presents an overview of patent law, including the role of patents in the landscape of intellectual property. The course includes patent requirements, patent procedure and enforcement. This paper will enhance the understanding of the students about the application of existing law in the contemporary domain which attracts patents.

LEARNING OUTCOMES:

The following learning objectives will be assessed in this learning module:

- The student will get the basic knowledge of what is and what is not copyright.
- The students will get acquainted with the contemporary trends related to copyright protection in India.

MODULE I: UNDERSTANDING PATENTS

- A.** History, Origin & Rationale Behind Patent System
- B.** Product and Process Patent, Kinds of Patents, Subject Matter of Patentability
- C.** Method and Procedure of Acquiring Patent
- D.** Types of Patents in different fields.

MODULE II: ENFORCEMENT OF PATENTS

- A.** Term of Patent
- B.** Compulsory Licensing, Rights of License Holder, Benefit of Licensing
- C.** The Commercial Transfer and Acquisition of Technology
- D.** Negotiation of Licensing Agreements

- E. Remuneration & Concept of Royalties.
- F. Rights Exceptions and Obligations of The Patentee

MODULE III: EXPLOITATION OF PATENTEE

- A. Infringement & its Types
- B. Remedies & Defenses for Infringement of Patents
- C. Doctrine of Equivalents

MODULE IV GENERAL PROVISIONS & NEW TRENDS IN PATENT

- A. Revocation, Acquisition of Patents.
- B. Bolar Provisions.
- C. Concept of Ever-greening in Pharma sector.
- D. AI & Computing Technology
- E. Ecology & Patenting, Green Technology & Patents
- F. The Relationship Between Patents And Confidential Information
- G. Agriculture and Patenting.
- H. Patenting of Traditional Knowledge.
- I. Issues Related to Bio-piracy and Bioprospecting

SUGGESTED BOOKS FOR REFERENCE:

- 1) W.R. Cornish, Intellectual Property, Sweet & Maxwell, London (2000)
- 2) Terrell On Patent, 2000
- 3) P. Narayana, Patent Law, Wadhwa Publication.
- 4) Merges, Patent Law and Policy: Cases and Materials, 1996
- 5) Brian C. Reid, A Practical Guide to Patent Law, 2nd Edition, 1993
- 6) Brinkhoff (Edited), Patent Cases, Wolters Kluwer
- 7) Prof. Willem Hoyng & Frank Eijvogels, Global Patent Litigation, Strategy and Practice, Wolters Kluwer
8. Gregory Stobbs, Software Patents Worldwide, Wolters Kluwer

- 8) Feroz Ali Khader, The Law of Patents – with a special Focus on Pharmaceuticals in India, LexisNexis Butterworths Wadhwa, Nagpur.
- 9) Sookman, Computer Law, 1996
- 10) N.S. Gopalakrishnan & T.G. Agitha, Principles of Intellectual Property (2009), Eastern Book Company, Lucknow

SEMESTER – II
GROUP – C
INTELLECTUAL PROPERTY LAWS
OPTIONAL CORE COURSE (OCC-C-04)

LAW ON TRADEMARK, TRADE DESIGNS AND GEOGRAPHICAL INDICATIONS

(CREDITS-4)

COURSE OUTCOME:

The course is designed to provide comprehensive knowledge to the students regarding Indian position of the Trademark Act, 1999, Historical development of the concept of trademark and trademark law, Registration of trademark, Infringement of trademark. This paper will also provide insights on the topics of GI and Trade designs.

LEARNING OBJECTIVES:

- To have an understanding of the fundamental legal principles relating to confidential information, copyright, patents, designs, trade-marks and unfair competition;
- To be able to identify, apply and assess principles of law relating to each of these areas of intellectual property;
- To understand the legal and practical steps needed to ensure that TM, GI and TD remain valid and enforceable.

MODULE I: LAW OF TRADE AND MERCHANDISE MARKS (TRADE MARKS ACT, 2000)

- A.** History, Origin & Development of Trade Mark Law in India
- B.** Meaning & Types of Marks, Classifications Registration, Procedure and its effects,
- C.** Limitations, Prohibition Against Registration.
- D.** Certification of Trademarks, Foreign & International Filings of Trade Mark
- E.** Licensing And Assignment Acquiescence.
- F.** Goodwill, Passing off and Infringement,
- G.** Rights of Owner, Rights of Licensee,

- H. Remedies for Infringement of Trade Mark
- I. Domain Name & TM protection emergence of new challenges.

MODULE II: LAW OF TRADE DESIGNS (THE DESIGNS ACT, 2000)

- A. Definitions, Basic Concepts, Introduction, Novelty and Originality Functional Designs, Inventor of Designs and the Rights.
- B. Salient Features of Industrial Designs Act, 2001.
- C. Registration: Procedure and Benefits, Registration Authorities, Powers and Functions.
- D. Design & Copyright, Term of Design, Compulsory License, and Right of Licensee, Assignment.
- E. Protection of Design: Infringement of Design,
- F. Remedies against Infringement of Trade Designs.

Module III: The Geographical Indications of Goods (Registration and Protection) Act 1999,

- A. Registration and Conditions for Registration of Geographical Indication.
- B. Procedure for Registration of Geographical Indication
- C. Protection to Trademarks and Prior Users.
- D. Appeals For GI
- E. Offences, Penalties and Procedure.

SUGGESTED BOOKS FOR REFERENCE:

- 1) Kerly's Law of Trade Marks and Trade Names, 14th Edition, Thomson, Sweet & Maxwell.
- 2) BanSal, Law of Trade Marks in India (2009 Edition) Institution of Constitutional and Parliamentary Studies and Centre for Law, Intellectual Property and Trade, New Delhi.
- 3) Christopher Wadlow, The Law of Passing Off, 1995
- 4) Marsha A. Echols, Geographical Indications for Food Products, International Legal and Regulatory Perspectives (2008), Wolters Kluwer.

- 5) Nandan Kamath, Law Relating to Computers Internet & E-Commerce, 2nd Edition, Universal Law Publishing Co. Pvt.Ltd.
- 6) David Lindsay, International Domain Name Law ICANN at the UDRP, (2007) Hart Publishing, Oxford and Portland, Oregon.

SEMESTER – II
GROUP – D
BUSINESS LAW
OPTIONAL CORE COURSE (OCC-D-03)

CORPORATE LAW-II

(CREDITS-4)

COURSE OBJECTIVES:

- To understand the basic principles of Corporate Governance
- To Analyze the application of Corporate Governance in the management of the company
- To comparatively understand the responsibility of companies towards society and environment.

LEARNING OUTCOMES:

After undergoing the study, the student will be able:

- To apply the principles of corporate governance in solving the complex issues and challenges.
- To provide legal assistance for issues arising in the management of the company

MODULE I: CORPORATE GOVERNANCE

- A. Corporate governance – Introduction, Nature and Scope
- B. Theories of Corporate Governance
- C. Corporate Democracy
- D. Provisions relating to the management of the company.
- E. Principles of corporate governance – OECD principles.

MODULE II: MANAGEMENT AND ADMINISTRATION OF COMPANY

- A. Corporate Management and its Characteristic
- B. Appointment and Qualification of Directors

- C. Audit and Auditors
- D. Meeting of Board and Its Power
- E. Transparency and Disclosure
- F. Investigation of affairs of Companies

MODULES III: COMPANY REORGANISATION

- A. Oppression and Mismanagement
- B. Amalgamation, take over and mergers
- C. Winding Up Under Companies Act 2013
- D. Insolvency and Bankruptcy Code 2016 (Summary)

MODULE IV: CORPORATE SOCIAL RESPONSIBILITY

- A. CSR and investment climate
- B. Roles and responsibilities of corporate.
- C. Comparative study of approaches of CSR: USA, UK and India
- D. Company Act 2013, CSR policies and Rules.
- E. Code of ethics

REFERENCE BOOKS:

- 1) Prof. N. Balasubramanian, 'Corporate Governance and Stewardship'
- 2) Petri Manttasaari, 'Comparative Corporate Governance' Springer
- 3) Jonathan Charkham, 'Keeping Better Company' Oxford University Press
- 4) Kevin Keasey, Steve Thompson, Michael Wright, Corporate Governance, Accountability, Enterprise and International Comparisons.
- 5) Dutta Kaushik, HANDBOOK FOR INDEPENDENT DIRECTORS – UPHOLDING THE MORAL COMPASS, 2nd ed., 2016, Ch 13 (Guardian of Good Governance), pp. 201 – 216

- 6) Indian Institute of Corporate Affairs, CORPORATE GOVERNANCE, 1 st ed.,2015, Taxmann, New Delhi,
- 7) Bhandari M.C., GUIDE TO COMPANY LAW PROCEDURES- PROCEDURES, RULES, COMPLIANCES AND GOVERNANCE UNDER THE COMPANIES ACT, 2013, 24th ed., 2018, Lexis Nexis Butterworths Wadhwa Nagpur
- 8) Saharay Dr H.K., COMPANY LAW, 17th ed., 2016, Ch. XXIII (Winding-up and Dissolution of Companies), pp. 423 – 500.
- 9) The Company Act 2013, Amendments and Rules of Company.
- 10) The Insolvency and Bankruptcy Code, 2016, Amendments and Rules of Company.
- 11) Garg, CA Kamal, BHARAT’S INSOLVENCY AND BANKRUPTCY CODE RAEDY RECKONER, 2nd ed., 2019, Ch. 2 (Insolvency Resolution and Liquidation of Corporate Person), pp. 50 -70, Ch. 3 (Execution of Corporate Insolvency Resolution Process), pp. 71 – 125, Ch. 5 (Liquidation of Corporate Person), pp. 134 – 169, Ch.6 (Voluntary Liquidation of Companies), pp. 170 – 183, Ch. 16 (Insolvency Professionals and Information Utilities) pp. 262 – 268.
- 12) Jain, Dr D. K., BHARAT’S GUIDE TO INSOLVENCY AND BANKRUPTCY CODE, 2nd ed., 2019, Part 2 Ch. 2 (Corporate Insolvency Resolution Process), pp.125 – 512, Ch. 3 (Liquidation Process), pp. 513 – 606, Part 4 Ch. 4 (Insolvency Professionals), pp. 841 – 913.

SEMESTER – II
GROUP – D
BUSINESS LAW
OPTIONAL CORE COURSE (OCC-D-04)

E –COMMERCE AND LEGAL ORDER (CREDITS-4)

COURSE OBJECTIVES:

- To understand the concept of E-Commerce and its Multi-Dimensional aspects.
- To Study risks involved in online payments and the legal provisions related to the same.
- To Understand the contractual issues related to –commerce

LEARNING OUTCOMES:

After undergoing the study, the student will be able:

- To make the students aspiring for corporate jobs more up-to-date.
- To gives an insight into application in the important area of E-Commerce
- To draft the e-contract for trade purpose.

MODULE I: INTRODUCTION

- A. Meaning, Nature, and Concept of e-commerce
- B. Pros and cons of e-commerce
- C. Kinds of e-commerce
- D. UNCITRAL Model Law on e-commerce
- E. Information Technology act and e-commerce

MODULE II: E-CONTRACT

- A. The Indian Contract Act and E-Commerce.
- B. Fundamental Principles of contract, postal rule
- C. E-contract Concept, offer and acceptance, applicability of postal rule

- D. E contract- legal framework
- E. Incorporating terms
- F. Identification of parties
- G. Breach of contract

MODULE III: CONSUMER PROTECTION

- A. Meaning, concept and rights of consumers
- B. E Commerce under Consumer Protection Act, 2019
- C. Consumer Protection E Commerce Rules, 2020
- D. Issues of consumer's protection in virtual world
- E. Distance selling directives
- F. E-commerce directives and consumer protection

MODULE IV: JURISDICTION ISSUE

- A. Theoretical framework to address multiple jurisdiction
- B. Principles of Private International Law: Applicability
- C. Hague Convention, EC Regulations
- D. Minimum contact test, Effect test, Zippo test
- E. Current trends and issues
- F. The Draft National e-commerce policy
- G. CCI on E commerce

REFERENCE BOOKS:

- 1) Vakul Sharma; Information and Technology: Law and Practice
- 2) Paul Todd; E Commerce Law, 1st Edition

- 3) T. Ramappa; Legal Issues in Electronic Commerce
- 4) Schellekens, M.H.M. Electronic Signature: Authentication Technology from a Legal Perspective, The Hague: T.M.C. Asser Press, 2004.
- 5) Ahmad, Trez: Cyberlaws, e-commerce and IT Law handbook, 4th edition, London
- 6) Seth, Karnika: Cyber Laws in the Information Technology Age, New Delhi
- 7) Consumer Protection Act: A Commentary, by G. B. Reddy and Baglekar Akash kumar, 1st edition, 2021.
- 8) Taxmann's Consumer Protection Law and Practice,

SEMESTER – II

GROUP – E

ENVIRONMENTAL LAW
OPTIONAL CORE COURSE (OCC-E-03)
ENVIRONMENTAL POLICIES AND COMMUNITY DEVELOPMENT
(CREDITS-4)

COURSE OBJECTIVE:

Forests are natural habitats for many animals. The trees supply oxygen to the atmosphere. They affect the rainfall in a particular region. They also provide us with wood, medicines, food, perfumes, paper, clothes, etc. Trees are the world's largest storehouses of carbon which is important to maintain global temperatures. The rise in carbon levels is believed to be the main reason behind global warming. In spite of the advantages of forests, deforestation has become very rampant in the modern era causing several problems like pollution, soil erosion, and climate change. This course tries to provide law relating to animal welfare and forestry.

LEARNING OUTCOME:

By the end of the course the students will able to:

- Understand the significance of various dimensions of environment like forests, the interrelationship with tribal communities and the legal machinery which exists to protect the forests and to understand the pivotal role of flora and the fauna in conserving the environment and welfare of the community. The various laws, missions and policies which exists to protect the wildlife form extinction, protection of waterbodies in India
- Understanding the importance of various facets of environment like birds, trees and their impact on the studying implication of forest law.
- Will generate a deep understanding towards conservation and preservation of wildlife through statutory enactment.

MODULE I: COMMUNITY WELFARE AND ENVIRONMENT CONSERVATION

- A. Urbanisation and Environment Protection
- B. Need and Necessity of Forest Conservation
- C. Conservation under Indian Forest Act 1927, Forest Conservation Act 1980 – Forest Conservation Rules 1981 with recent Amendments CAMPA.
- D. Urban Forest Conservation and its impact on Environment
- E. Role of State Government and Local Governments in Protecting Environment
- F. Judicial Approach towards environment Conservation.

MODULE II: ENVIRONMENT AND SUSTAINABLE LIVELIHOOD

- A. Role of Tribal Community in Forest Governance – Symbiotic relationship between forests and tribal people – Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 – Protection of Biodiversity.
- B. Traditional Knowledge, herbal medicines and indigenous people.
- C. Doctrine of permanent sovereignty over natural resources, right to livelihood and its relevance with environment protection.

MODULE III: COMMUNITY AND WILDLIFE LAWS

- A. Significance of wildlife in community welfare.
- B. The Wildlife Protection Act 1972 – Relevant Provisions: Constitution of India, IPC and CrPC.
- C. Sanctuaries and National Parks, Licensing of Zoos and Parks, State Monopoly in the Sale of Wild Life and Wild Life Articles.
- D. Animal adoptions, Offences against Wild Life and Animal Sacrifices in India.
- E. The Prevention of Cruelty to Animals Act, 1960
- F. Birds Conservation and Protection in India
- G. The Wildlife Institute of India – The Botanical and Zoological Survey of India

MODULE IV: COMMUNITY AND PROTECTION OF WATER BODIES

- A.** Significance of water bodies for community welfare
- B.** Water Bodies in India – Different types of inland waterbodies – Causes for Water Bodies Destruction in India.
- C.** Problem and concerns related to water scarcity
- D.** Encroachment of Water bodies – Preventive measures against encroachment.
- E.** Major Causes for declining Water Table, Overutilization of ground water, Rainwater Harvesting and conservation

SUGGESTED READING:

- 1)** Ian Hill, Dermont Shields. Incentives of Joint Forest Management in India. World Bank publications. (1998).
- 2)** Surender Mehra, Study and Practice of Wildlife (Protection) Act, 1972 laws in India – Concepts, Acts, Rules and Notifications. (2012).

SEMESTER – II
GROUP – E
ENVIRONMENTAL LAW
OPTIONAL CORE COURSE (OCC-E-04)
ENVIRONMENTAL POLICIES AND INDUSTRIAL DEVELOPMENT
(CREDITS-4)

COURSE OBJECTIVE:

The objective of the course is to provide a basic level understanding of the legislative framework of environmental regulation related to Industrial development and waste management. To enable students to identify environmental issues related to Industrial development and legal responses to them. Also, to introduce the basic concepts of waste management and to analyse various rules pertaining to Industrial as well as domestic waste management.

LEARNING OUTCOME:

By the end of the course the students will able to:

- Understand the concept of Industrial Disasters.
- Describe and analyse the Environmental policy & Industry in India and identify how important legal issues are addressed within it.
- Critically analyse Laws Relating to Mining and identify the legal issues.
- Understand the concept of Waste management and legal provision for the safe disposal of industrial as well as domestic wastes.

MODULE I: INDUSTRY AND ENVIRONMENT

- A.** Industrial Disasters and Environment Concerns – Chemical Disaster Nuclear Disaster.
- B.** Environmental policy And Industry in India – Policy And legislation since mid-1970.

- C. Legislative And Administrative Governance regulating Environmental and Industrial Development activities – MOEF And Pollution Control Boards.

MODULE II: LAWS RELATING TO MINING IN INDIA

- A. Constitutional framework regulating mining in India – Union List Entry 54 & State List Entry 23 – Important Supreme Court decisions relating to Mining Laws in India – Privatization of Mining sector in India post LGP policy 1991.
- B. Mining on Land: Coal Mines – Mines and Minerals Act – Regulatory Structure, Ownership, Foreign Ownership Processing and sale of mineral resources, and Tax.
- C. Minor Minerals – Sand Mining
- D. Off-Shore Mining: the offshore areas mineral (development and regulation) Act, 2002.
- E. International Seabed Authority – United Nations Convention on the Law of the Sea 1982

MODULE III: ZONING AND TOWN PLANNING

- A. Varieties Of Zoning, General Introduction to Special Economic Zone Act 2005.
- B. Salient Features of the SEZ, - Short coming with respect of Environment Protection Act.
- C. Concept of town planning vis a vis Environment Protection, Town planning Management And policies in India, Judicial Approach.

MODULE IV: WASTE MANAGEMENT AND ENVIRONMENT

- A. Overview of the Waste management, types of Waste.
- B. Waste Management Rules -The Bio Medical Waste Management Rules, 2016 as amended 2018, Construction and Demolition of Waste Management Rules, 2016, Hazardous And other waste management Rules. 2016, Solid Waste Management Rules. 2016, E- waste Management Rules 2016 (Extended Producer Responsibility) Plastic Waste Management

Rules 2016, Municipal Solid Waste Management Rules. (Environment Protection Act 1986 Related provisions)

C. Disposal And Recycling of Waste - Disposal Agencies local and other agencies.

D. 73rd and 74th Constitutional Amendment Acts (Municipal Bye Laws).

SUGGESTED READING:

- 1) Shyam Diwan and Armin Rosencranz, Environmental Law and Policy in India – Cases, Materials and Statutes (2nd ed., 2001)
- 2) P. Leelakrishnan, Environmental Law Case Book (2nd ed., 2010) 5. Gurdip Singh, Environmental Law in India (2nd ed 2016)

SEMESTER – II
GROUP – F
LABOUR, CAPITAL AND LAW
OPTIONAL CORE COURSE (OCC-F-03)
INDUSTRIAL ADJUDICATION
(CREDITS-4)

COURSE OBJECTIVE:

- This course is designed to draw attention of the students whenever there is a clash of interest, it may result in dissatisfaction for either of the parties involved and hence lead to industrial disputes or conflicts.
- To study various forms of dispute such as protests, strikes, demonstrations, lock-outs, retrenchment, dismissal of workers, etc.
- To understand the mechanics of dispute resolutions and set up.
- To study in context with the new Industrial-Labour Codes.

LEARNING OUTCOME:

The students will be able to understand-

- The provisions of the Industrial Disputes Act, 1947 which provides for settlement of industrial disputes through conciliation voluntary arbitration and compulsory adjudication.
- About the important basic concepts of Industrial Disputes and latest developments in the present economic order.
- The social responsibilities imposed on the employer in certain situations in with constitutional mandate brought about by various amendments to the act in the post-constitutional period.
- The changes that need to be made in industrial relations laws for achieving higher economic growth tempered with social justice.

MODULE I: INTRODUCTION

- A.** History of Industrial Adjudication
- B.** Constitutional perspective and industrial adjudication-Constitutional goals protecting labour and capital enshrined in Part-II, IV and IVA of the Constitution, Art. 300A and Art. 323A and B.
- C.** Strikes and Lockouts
 - 1. Prohibition of strikes and lockouts
 - 2. Illegal Strikes and lockouts
 - 3. Punishment
- D.** Layoff, Retrenchment, Transfer And Closure
 - 1. Continuous service
 - 2. Layoff
 - 3. Retrenchment
 - 4. Compensation to workmen in case of transfer of undertaking
 - 5. Closure and compensation
 - 6. Writ remedy

MODULE II: INDUSTRIAL DISPUTE RESOLUTION METHODS UNDER INDUSTRIAL DISPUTE ACT

- A.** Conciliation-
 - 1. Conciliation Officer
 - 2. Board of Conciliation
 - 3. Legal Status of Conciliation Settlements
- B.** Voluntary Arbitration- Arbitration award and its binding effect
- C.** Power of Reference by Government

MODULE III: COMPULSORY ADJUDICATION

- A. Labour courts
- B. Industrial Courts
- C. National Tribunal
- D. Reference of Disputes to Boards, Courts and Tribunals
 - 1. Notice of change
 - 2. Condition of service etc. to remain unchanged under certain circumstances during pendency of proceedings
- E. Exclusion of jurisdiction of civil courts and machinery under special statutes

MODULE IV: UNFAIR PRACTICES & PENALTIES

- A. Unfair labour practices
 - 1. Prohibition of unfair labour practices
 - 2. Penalties for committing unfair labour practices.
- B. Penalties
 - 1. Penalties for illegal strikes and lockouts
 - 2. Penalty for instigation
 - 3. Penalty for giving financial aid to illegal strikes and lockouts

SUGGESTED READING:

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

SEMESTER – II
GROUP – F
LABOUR, CAPITAL AND LAW
OPTIONAL CORE COURSE (OCC-F-04)
LAWS RELATED TO EMPLOYMENT REGULATION
(CREDITS-4)

COURSE OBJECTIVE:

- Students must be conversant with the terms and conditions of the industrial employment standing orders which the employees must know before they accept the employment.
- To make the students understand that Contract labour have a very little bargaining power, have little or no social security and are often engaged in hazardous occupations endangering their health and safety.
- To familiarize the students with the employment exchanges registration, placement of job seekers, career counseling, and vocational guidance and collection of employment market information.
- Accustom that the training of apprentices in the actual workplace is necessary for the up gradation and acquisition of skills.
- To study in context with the new Industrial-Labour Codes.

LEARNING OUTCOME:

The students will able to understand-

- 1) Understand the need for providing uniform statutory conditions of service in the form of certified standing orders under the industrial employment (Standing Order) Act, 1946.
- 2) Familiarize with the implementation of the compulsory notification of vacancies to employment exchanges.

- 3) Accustom with the legal framework stipulated under the Contract Labour (Regulation & Abolition) Act, 1970.
- 4) Understand the need for course of training in any industry and establishment undergone in pursuance of a contract of apprenticeship.

MODULE I: THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946

- A. Concept of Standing Orders
- B. Objective & Significance of Standing Orders
- C. Conditions for Certification of Standing Orders
- D. Authorities- Powers & Functions
- E. Penalties & Grievance procedure under the Act

MODULE II: CONTRACT LABOUR (REGULATION & ABOLITION) ACT, 1970

- A. Aims & Objectives of the Act
- B. Advisory Board- Powers & Functions
- C. Registration of Establishments Employing Contract Labour
- D. Licensing of Contractors
- E. Welfare and Health of Contract Labour
- F. Penalties & Procedures

MODULE III: EMPLOYMENT EXCHANGE (COMPULSORY NOTIFICATION OF VACANCIES) ACT, 1959

- A. Meaning & Applicability of the Act
- B. Compliance Requirement
- C. Penalties for Offences under the Act
- D. Employment Exchange (Compulsory Notification of Vacancies) Act, Rules, 1960

MODULE IV: THE APPRENTICES ACT, 1961

- A.** Scope & Objective of the Act
- B.** Provisions related to Apprentice Training
- C.** Authorities- Powers & Functions
- D.** Offences and Penalties

SUGGESTED READING:

- 1) S. N. Mishra: Labour and Industrial Law, Central Law Publication, Allahabad
- 2) Khan & Khan: Labour Law, Asia Law House, Hyderabad
- 3) S. C. Shrivastava: Industrial Relations and Labour Law, Vikas Publishing House
- 4) V. G. Goswami: Labour and Industrial Laws, Central Law Agency, Allahabad 2011
- 5) Taxmann's New Labour & Industrial Laws
- 6) Kharbanda & Kharbanda: Commentaries on Contract Labour (Regulation & Abolition) Act, 1970
- 7) S. C. Shrivastava: A Review on Contract Labour (Regulation & Abolition) Act, 1970 and other applicable Labour Laws

SEMESTER – II
GROUP G
CRIMINAL LAW
OPTIONAL CORE COURSE (OCC – G-03)
PENOLOGY: REHABILITATIVE & CORRECTIONAL TECHNIQUES
(CREDITS-4)

COURSE OBJECTIVE:

This course will introduce the students to the concepts of Penology and rehabilitative & correctional techniques. It will acquaint them with the study of law from this perspective. This course will provide the students an understanding of the various theories of punishment, penal reforms, prison reforms, etc.

LEARNING OUTCOMES:

Students will be equipped with the theoretical and empirical knowledge related to penology and juvenile justice. It will enable them to deal with the vexing theoretical and empirical questions in rigorous manner. Interdisciplinary nature of the course will strengthen their analytical skill and sound articulation

MODULE I: INTRODUCTION

- A.** Definition of Penology
- B.** Historical and contemporary approaches to penology.
- C.** Theories of punishment
 - i. Retribution - Utilitarian prevention:
 - ii. Deterrent Theory
 - iii. Reformatory Theory

- D. Efficacy of Punishment
- E. Classical Hindu and Islamic approaches to punishment.

MODULE II: APPROACHES TO SENTENCING

- A. Probation
 - i. Scope of probation under Section 360 Cr.P.C
 - ii. The Probation of Offenders Act, 1958
- B. Parole
- C. Corrective labour - fines - bail, bond –collective fines - reparation by the offender/by the court.

MODULE III: SENTENCING

- A. Types of sentences in IPC and special laws
- B. Sentencing for habitual offender
- C. Sentencing for white collar crime
- D. Pre - sentence hearing - summary punishment
- E. Constitutionality of Capital Punishment, Judicial Attitudes towards Capital Punishment in India-An inquiry through the status law and case law, Law Reform Proposal.

MODULE IV: THE PRISON ADMINISTRATION

- A. Classification of Prisoners
- B. Rights of Prisoners and Duties of Custodial Staff
- C. Open Prison
- D. The Problem of Under trial Prisoners
- E. Prison Reforms

MODULE V: JUVENILE DELINQUENCY

- A. Factors - response
- B. Juvenile Justice Act 2000 – Juvenile Justice Board - Welfare Boards
- C. Constitutional aspects - Neglected and Delinquent, care and protection.

SUGGESTED READING:

- 1) Ahmad Siddique: Criminology & Penology (Sixth Edition) Eastern Book Company
- 2) Chaturvedi, J.C, Penology & Correctional Administration (2006)
- 3) John.Gillin: Criminology & Penology
- 4) M.Ponnaian: Criminology & Penology (3rd Ed., 1992)
- 5) Paranjape, Prof. N.V, Criminology, Penology & Victimology, Central Law Publication
- 6) Scot David: Penology, Saga Pub., 2008
- 7) Sen P.K: Penology Old & New
- 8) Vedder & Key: Penology- Realistic Approach
- 9) Abadinsky Howard: Probation & Parole, Simon & Schuster Company, New Jersey.
- 10) Alan J. Harland: Choosing Correctional Options that Work, Sage Publications, New Delhi.
- 11) Bartollas Clemens: Correctional Treatment-Theory and Practice, Prentice Hall, New Jersey.

SEMESTER – II
GROUP G
CRIMINAL LAW
OPTIONAL CORE COURSE (OCC – G-04)
PRIVILEGE CLASS DEVIANCE
(CREDITS-4)

COURSE OBJECTIVE:

This course focuses on the "Criminality of the "Privileged classes". The definition of "privileged classes" in a society like India should not pose major problem at all; the expression nearly includes wielders of all forms of state and social (including religious) power. Accordingly, the course focuses on the relation between privilege power and deviant behavior. The traditional approaches which highlight "white-collar offences", "socio-economic offences" or "crimes of the powerful" deal mainly with the deviance of the economically resourceful. Here we dispel the belief that crime is usually associated with the impoverished.

LEARNING OUTCOMES:

After undergoing the study, the student will be able to understand the following:

- To understand the concept and nature of deviance
- To learn the various types of deviance
- To evaluate the various legislations undertaken to control this type of crime
- To appreciate the challenges involved in the prosecution of such criminals.

MODULE I: INTRODUCTION

- A. Definition, Nature and Concept of Deviance
- B. Causes of White-Collar Crime and its effect

- C. Indian Approach on socio-economic offences
- D. Forms of Privilege Class Deviance – Official, Professional
- E. Deviance in Electoral Practices – Rigging, Booth Capturing, Corrupt practices and Role of judiciary in curbing it

MODULE II: POLICE DEVIANCE

- A. Police Deviance
- B. Legal restraint on police powers in India
- C. Unconstitutionality of “third-degree” methods and custodial violence by police - Encounter Killings - Police atrocities
- D. Plea of superior orders
- E. Rape and related forms of gender-based aggression by Police and Para- military forces
- F. Police Reforms

MODULE III: OFFICIAL DEVIANCE

- A. Official Deviance: Conception - permissible limit of discretionary powers - Principles of Natural Justice
- B. Commission reports - Chagla Commission, The Das Commission Report, The Grover Commission Report, Maruti Commission Report, The Ibakkar – Natarajan Commission Report

MODULE IV: PROFESSIONAL DEVIANCE

- A. Professional Deviance - Unethical practices at the Bar - Medical Malpractice - 'yellow journalism'
- B. The Lentin Commission Report.

MODULE V: RESPONSE TO PRIVILEGE CLASS DEVIANCE

- A. Response of Indian Legal Order to the Deviance of Privileged Classes – Vigilance Commission –
- B. Right to Information
- C. Public Accounts Commission
- D. Ombudsman
- E. Commission of Enquiry
- F. Prevention of Corruption Act
- G. Information Technology Act.

SUGGESTED READING:

- 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. Shukla ed.)

SEMESTER – III
COMPULSORY PAPER (CC-07)
LEGAL PHILOSOPHY AND RELATIVISM
(CREDITS-4)

COURSE OBJECTIVES:

This paper will help students to understand fundamental questions of Law and Justice. This course will enable the students to understand the basic foundations of Law, the manner in which Law is justified, the relationship between Law and Morality and Law and Justice. Various theories of Law and Justice are explored in this syllabus. This course will also introduce students with Western and Ancient Indian jurisprudential theories of Law and Justice. It will also construct a sound theoretical foundation of various legal systems which will develop a pragmatic approach of the students towards the understanding of various dimensions of Law and Justice.

LEARNING OUTCOMES:

On successful completion of this course, the students will be able to:

- Demonstrate an advanced and integrated understanding of the political, social, historical, philosophical, and economic context of law.
- Engage in identification, articulation and critical evaluation of legal theory and its implications for policy.
- Critically analyze and research the contemporary complex social, legal and political problems and make reasoned and appropriate choices amongst alternatives.

MODULE I: NATURAL LAW

- A. Origin of law. – Divine, human
- B. Natural law and democratic principles Social Contract
- C. Natural Law and Morality –Fuller

- D. Relationship of natural law and natural rights – Finnis

MODULE II: TRANSCENDENTAL NATURAL LAW

- A. Categorical imperative – Kant
- B. Rules of participation - Stammler
- C. Natural law and Indian relativism
- D. Notion of dharma and Natural Law

MODULE III: LEGAL POSITIVISM

- A. Positivism as a response to Natural Law
- B. Positivist tendency to the morality
- C. Austins theory of Law
- D. Pure theory of Law
- E. H.L.A. Hart- Concept of Law

MODULE IV: SOCIOLOGICAL SCHOOL OF LAW

- A. Savigny- Custom as a source of Law
- B. Sir Henry main- Historical comparison of Law
- C. Semi Sociological Natural Law
- D. Sociological Engineering- Rosco Pound
- E. Socio economic and cultural rights and constitutional relativism

SUGGESTED READING:

- 1) Prof. Dr. Dilip Ukey, *The Jurisprudence of Legal Theory*, First Edition, 2020.
- 2) Michael Sandel, *Justice: What's The Right Thing To Do?*, 2008.
- 3) Suri Ratnapala, *Jurisprudence*, Cambridge university Press, 2009.
- 4) Raymond Wacks, *Understanding Jurisprudence: An Introduction to Legal Theory*.
- 5) W. Friedman, *Legal Theory*, Universal Law Publication co, 2013(Indian Reprint)

- 6) Julius Stone, *Social Dimension of Law and justice*,
- 7) K. Allen- *Law in the making*
- 8) Lloyd-*Introduction to Jurisprudence*
- 9) Dias-*Text on Jurisprudence*
- 10) Prof. Julious Stone- *Human Law and Human Justice*
- 11) Prof. Roscoe Pound- *Jurisprudence* Vol. I to IV
- 12) Rawls, John. *A theory of justice*. Harvard university press, 2020.
- 13) Nussbaum, Martha Craven. *Frontiers of justice: Disability, nationality, species membership*. Cambridge, MA: Belknap Press, 2006.
- 14) Sen, Amartya Kumar. *The idea of justice*. Harvard University Press, 2009.
- 15) MacKinnon, Catherine A. "Towards a Feminist Theory of the State, Harvard University Press, 1989
- 16) MacKinnon, Catharine. "Difference and dominance: On Sex Discrimination." *Feminism and Politics* (1998): 295-312.

SEMESTER – III
COMPULSORY PAPER (CC-08)
SOCIO-LEGAL RESEARCH PROJECT
(CREDITS-6) (Marks – 150)

COURSE OBJECTIVES:

This paper aims to develop and enhance the research skills among the students. It involves the use of techniques and tools of empirical and quantitative research by the students. The students are expected to discuss the social issues/problems/challenges and the application of relevant legal provisions related to the social issues.

LEARNING OUTCOME:

- The students will be able to develop analytical skill towards understanding the rationale behind the social problems and the application of apt law on it.
- Students will get acquainted with the tools of data collection, interpretation of data and display of data.
- Students will be able to figure out the major findings and propose recommendations based on their research.

REQUIREMENTS:

The students are required to undertake research on the topic of social-legal relevance under the supervision of the guide allotted by the department. The time frame to complete this research project is 16 weeks from the commencement of the academic session.

The topic and title for the SLR will be finalized by the student in consultation with the guide and the Head of the Department in the beginning of 3rd semester. Once the title is approved by the DRC it will not be changed or altered. The supervisor will monitor the progress and process of research executed by the students for the internal assessment of this course. During submission, the SLR project must be of minimum 70 pages.

This course includes submission of Socio Legal Research Project followed by Viva Voce examination.

Sr. No.	ACTIVITY	CREDITS	MARKS	Minimum Marks
1.	PROJECT REPORT EXTERNAL EXAM	4 Credits	100 Marks	50 Marks
2.	VIVA VOCE INTERNAL EXAM	2 credits	50 Marks	25 Marks
	TOTAL	6 Credits	150 Marks	75 Marks

GENERAL INSTRUCTIONS:

- Students shall submit at least one hard copy along with softcopy in pdf format of their SLR project.
- The Socio-legal Research shall be approved and duly signed by their respective guides and DRC. Socio-legal Research without the guide's signature will not be accepted.
- For SLR Format -- Times New Roman, Font 12, 1.5 spacing, Font size 10 (for footnotes, without spacing), Margin- 1.5cm left, 1-1-1 cm on the remaining sides.
- Standard Indian Legal Citation to be used for inserting the footnotes.
- As the submission of SLR is made for the partial fulfilment of Masters of Laws (LL.M) Programme, the copyright of the SLR work will remain with RTM Nagpur University.

GUIDELINES FOR SOCIO-LEGAL RESEARCH:

A. Step by step procedure to be followed for Socio-Legal Research:

- 1) Approval of the title
- 2) Collection of material
- 3) Review of literature
- 4) Problem
- 5) Objectives
- 6) Rationale

- 7) Hypothesis
- 8) Chapterization
- 9) Detuning the Universe of the study
- 10) Sampling Design
- 11) Research Questions/Interview Schedule
- 12) Collection of Data
- 13) Data Processing
- 14) Analysis and Interpretation of data
- 15) Report Writing
- 16) Preparation of Bibliography
- 17) Preparation of List of cases, Abbreviation

B. Socio-Legal Research shall have the following structure:

- Cover
- Cover page
- Certificate
- Acknowledgement
- List of Case Laws.
- List of Tables
- List of Maps
- Abbreviations
- Contents

Scheme of Chapterization:

INTRODUCTION

- Part A- Theoretical Background
- Part B- Research Methodology

Chapter I CONCEPTUAL ANALYSIS

Chapter II ANALYSIS AND INTERPRETATION OF DATA

MAJOR FINDINGS

CONCLUSION

SUGGESTIONS.

Bibliography

Annexures:

- Interview Schedules / Questionnaires
- Master Charts
- Acts, Bills, Maps, etc.

C. The students are required to follow the steps given below for preparation of Socio-Legal Research:

Research Methodology (Part B):

1. Title of the Study
2. Problem of the study
3. Rationale of the study
4. Objectives of the study
5. Hypothesis
6. Review of Literature
7. Operational concepts & Variables of the study
8. Research Design
 - i) Nature/ Type of the study
 - ii) Universe
 - * Population
 - * Sample and Sample size.
 - * Sampling Method
 - iii) Method of Data Collection
 - iv) Sources of Data Collection
 - v) Tools of Data collection
9. Limitations of Study
10. Chapterization
11. Time Schedule
12. Possible contribution of the study

GROUP A
INTERNATIONAL LAW
OPTIONAL CORE COURSE (OCC- A- 05)
PRIVATE INTERNATIONAL LAW – I
GENERAL PRINCIPLES, CHOICE OF JURISDICTION AND CHOICE OF LAW
(CREDITS-4)

COURSE OBJECTIVE

The Course is designed to give an outline of the Private International Law or the Conflict of Law and its application. It covers various principles of international law and the relevant conventions, treaties and international organisations. It helps the students learn the significance of private international law in disputes involving a foreign element and also understand the role of National Courts in its implementation.

LEARNING OUTCOME

Students will be able to:

- Demonstrate a critical understanding of the respective merits of institutional and convention rules and regulations for international dispute settlement.
- Demonstrating the ability to make sound judgments on private international obligations, choice of law provisions, procedural aspects of claims governed by pre-existing choices of rules, law and jurisdiction.
- Advise and represent parties seeking to enforce or resist international ADR settlements, decisions and awards in a professional and competent manner.

MODULE I: SCOPE AND NATURE OF PRIVATE INTERNATIONAL LAW

A. Origin of Private International Law

- B. Development of Private International Law

MODULE II: THEORIES OF PRIVATE INTERNATIONAL LAW

- A. Statute Theory
- B. International Theory
- C. Territorial Theory
- D. Local Law Theory
- E. Theory of Justice

MODULE III: CONSECUTIVE STAGES IN CONFLICTS, LAW PROCEEDINGS

- A. Characterization
- B. RENVOI
- C. Choice of law

MODULE IV: JURISDICTION

- A. Jurisdiction of Courts
- B. Domicile and Nationality
- C. Stay of suits and forum convenience clauses

MODULE V: EXCLUSION OF FOREIGN LAW AND SOVEREIGN IMMUNITY

- A. Sources of law governing sovereign immunity from execution and its scope.
- B. Functional and absolute immunity from execution
- C. Waiver of immunity from execution

MODULE VI: RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENT AND FOREIGN ARBITRAL AWARDS

Suggested for Reading.

- 1) Dicey: Conflict of Laws.
- 2) Cheshire: Private International Law.
- 3) Paras Diwan : Private International Law, Indian & English

SEMESTER – III
GROUP – B
CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW
OPTIONAL CORE COURSE (OCC-B-05)
ADMINISTRATIVE LAW –II
(CREDITS-4)

COURSE OBJECTIVES:

The aim of this course is essentially to undertake the study of Administrative Law in detail. Judicial Review of Administrative power, remedies available against arbitrary administration, Liability of Government are the important and relevant factors to be studied which comprise of subject matter of this course. This paper focuses on analytical and theoretical scrutiny of Principles of Administrative Law and their components in present context in order to enable the students and develop amongst them the proper understanding of the subject.

LEARNING OUTCOMES:

After completion of this course students will be able to:

- Discern the criticality of Judicial Review of Administrative power
- Administrative Action and the extent of Judicial Control
- Understand Administrative process and Natural Justice Principles
- Analyse the State accountability in torts and contract
- Understand the available remedies and machinery for grievances against Administration

MODULE I: JUDICIAL REVIEW OF ADMINISTRATIVE ACTIONS

A. Judicial Review: Restraint on Executive Organ of the Government

- B.** Defining the Scope of Judicial Review: Wisdom of Policy, Appeal, Review and Concurrent Jurisdiction
- C.** Limitation of Judicial Review: Ouster Clause, Locus Standi, Res Judicata, Laches and Exhaustion of Alternative Remedies
- D.** Ensuring Administrative Justice Through Writs

MODULE II: ADMINISTRATIVE POWER AND NATURAL JUSTICE

- A.** Historical Development of the Concept of Natural Justice.
- B.** Principles of Natural Justice.
- C.** Failure of Natural Justice.
- D.** Exceptions to the Rule of Natural Justice.
- E.** Legitimate Expectation - Good Faith doctrine etc.

MODULE III: LIABILITIES OF GOVERNMENT

- A.** Liability of Government and Public Authorities in Tort
- B.** Liability of Government and Public Authorities in Contract
- C.** Sovereign and Non-Sovereign Function of the State
- D.** Compensatory Jurisprudence

MODULE IV: REDRESSAL OF COMPLAINTS AGAINST THE ADMINISTRATIVE AUTHORITIES

- A.** Relevant Provisions of The Commission of Enquiry Act, 1952
- B.** Relevant Provisions of The Central Vigilance Commission Act, 2003
- C.** Relevant Provisions of Right to Information Act, 2005
- D.** Salient Features of Lokpal and Lokayukta Act, 2014

SUGGESTED READING:

- 1) M.P. Jain and S.N. Jain's "*Principles of Administrative Law*", LexisNexis (7th ed, 2017)
- 2) M. P. Jain "*The Evolving Indian Administrative Law*" 1983.
- 3) I.P. Massey, *Administrative Law* (7th ed., 2008)
- 4) S.P. Sathe "*Administrative Law*" (7th ed., 2004)
- 5) H.W.R. Wade and C.F. Forsyth "*Administrative Law*" 8th ed., 2000
- 6) Peter H. Schuck "*Foundations of Administrative Law*" Oxford University Press, 1994
- 7) Justice Bhagwati Prosad Banerjee and Bhasker Banerjee "*Judicial Control of Administrative Action*" 3rd ed., 2016.
- 8) Harry Woolf, Jeffery Jowell and Andrew Le Sueur, De Smith "*Judicial Review*" 6th ed., 2007.

SEMESTER – III
GROUP – C
INTELLECTUAL PROPERTY LAWS
OPTIONAL CORE COURSE (OCC-C-05)
INTELLECTUAL PROPERTY RIGHTS – RECENT DEVELOPMENTS IN
INDIA
(CREDITS-4)

COURSE OUTCOME:

The course is designed to provide comprehensive knowledge to the students regarding the effect of IPR especially of patents on emerging issues like technology, public health, software, Domain Name Disputes, GMOs, Bio piracy, cultural rights etc. and the ways to tackle this problem.

LEARNING OBJECTIVES:

The students will learn-

- To understand current and emerging issues relating to the intellectual property protection, including those relating to indigenous knowledge or culture, information technology especially the distribution of material on the internet, biotechnology and international trade; and
- To be able to anticipate and subject to critical analysis arguments relating to the development and reform of intellectual property right institutions and their likely impact on creativity and innovation.

MODULE I: IPR AND TECHNOLOGY

- A. Software Patents
- B. Software Licensing & Computing Technology.
- C. Biotechnology and IPR
- D. Plagiarism Piracy and Copyright Issues
- E. Open-Source Technologies and IPR
- F. Artificial Intelligence and Nanotechnology

MODULE II: IPR AND ENVIRONMENT

- A. Biological Diversity And IPR
- B. Protection Of Plant Varieties and Farmers Rights, Breeders Rights, Concept of benefit sharing
- C. IPR And Indian Agricultural Issues
- D. GMOs And IPR
- E. Resources For Food and Agriculture – Issues on Patent Policy and Farmers’ rights
- F. Genetic Mutation of Seeds and Micro-Organisms, Genetic Engineering, Protection of Genetic Resources for Agriculture

MODULE III: IPR AND CORPORATE ASPECT

- A. Undisclosed Information and Trade Secrets
- B. Corporation’s Right to Privacy
- C. IPR and Electronic Commerce
- D. Confidentiality and IPR.
- E. Copyright And Media Laws
- F. Monopoly of Biotechnology
- G. Trade Marks and Unfair Competition

MODULE IV: IPR AND CULTURAL RIGHTS

- A. IPR And Socio, Economic and Cultural Rights – Conflicts and Convergences
- B. IPR And Cultural Relativism with Reference to Traditional Knowledge
- C. Right To Privacy and Confidentiality
- D. Patenting of Traditional Knowledge. Issues Related to Biopiracy and Bioprospecting

SUGGESTED BOOKS FOR REFERENCE:

- 1) Dr. T. Ramakrishan (Edited), Biotechnology and Intellectual Property Rights (2003), CIPRA, NLSIU, Bangalore.
- 2) William H. Lesser and Robert T. Masson,
- 3) Economic Analysis of the Plant Variety Protection Act, 1983
- 4) Pat Roy Mooney, The Law of the Seed: Another Development and Plant Genetic Resources, Development Dialogue, 1983
- 5) Iver P. Cooper, Biotechnology and the Law, 1996.
- 6) Cornish, W.R.-Intellectual Property(1981), Second India Reprint, 1993, Universal Book Traders, Delhi.
- 7) Vashishtha-Law and Practice of Intellectual Property in India, 1999.
- 8) P.Narayana- Intellectual Property (2nd Edn.) 1999.
- 9) The Biological Diversity Act, 2002.
- 10) The Biological Diversity (Amendment) Bill, 2021.
- 11) The PPVFR Act, 2001.

SEMESTER – III
GROUP – D
BUSINESS LAW
OPTIONAL CORE COURSE (OCC-D-05)
LEGAL REGULATION OF ECONOMIC ENTERPRISES
(CREDITS-4)

COURSE OBJECTIVES:

- To understand Constitutional Perspective for implementation of various economic laws and policies
- To study the Control and Regulation of Capital and Finance of India
- To study the regulations of Regulation and Control of Industrial and Trading Activities

LEARNING OUTCOMES:

After undergoing the study, the student will be able:

- To apply the constitutional perspective on the economic matters
- To Understand the Industrial and trading activities to provide legal support to public and Private Industries.
- To provide legal assistance to Economic issues at Global Level.

MODULE I: RATIONALE OF GOVERNMENT REGULATION

- A. Constitutional Perspective.
- B. Historical Background and Contemporary Issues.

- C. The new economic policy - Industrial policy resolutions
- D. The place of public, small scale, co-operative, corporate, private and joint sectors -in the changing context
- E. Judicial Review of Economic Regulation.

MODULE II: EVOLUTION OF COMPETITION

- A. Evolution, Nature & Scope of competition law and policy
- B. Competition and Fairness in Competition; its Philosophical basis (USA, EU, UK, Australia)
- C. Pillars of Competition Acts: Prohibition of Anti- Competitive Agreement, Prohibition of Abuse of Dominant Position, Regulation of Combinations, CCI.
- D. Treatments in USA, EU, UK, Australia.
- E. Modern Dimensions of Competition Law: WTO and its impacts on Competition Laws, Abuse of IPR and competition law (agreements, abuse of dominant position, combination), FDI policies and it's impacts on Competition in domestic market, E-Commerce in traditional Market.

MODULE III: REGULATION AND CONTROL OF INDUSTRIAL AND TRADING ACTIVITIES

- A. Industries (Development and Regulation) Act.
- B. Foreign Trade Development and Regulation Act.

MODULE IV: CONTROL AND REGULATION OF CAPITAL AND FINANCE

- A. Introduction to Law and Policy of Export-Import Trade in India
- B. Special Economic Zones Policy and Law
- C. Foreign Exchange Management Act including FDI and FII regulations.
- D. Money Laundering Act, 2005.
- E. COFEPOSA.

REFERENCE BOOK:

- 1) Industrial Policy Resolutions of 1948, 1956, 1991.
- 2) Industrial Licensing Policy of 1970, 1975.
- 3) Industrial Policy Statement 1973, 1977, 1980.
- 4) Report of Commission on Competition, 2001.
- 5) Taxmann's FEMA Manual.
- 6) Taxmann's Corporate Laws, 2003 Edition.
- 7) K. Ramani's Exchange Control Manual 1998, Snowwhite.
- 8) Bharat's FEMA Rules, Regulations, RBI Circular with allied Acts and Rules, 2000.
- 9) V. S. Datey – Economic Laws and Practices (2005), Taxmann Publication.
- 10) K. Dewette on Economics, S. Chand Publication.
- 11) Rudra Dutt, Himalaya Publication.

SEMESTER – III
GROUP – E
ENVIRONMENTAL LAW
OPTIONAL CORE COURSE (OCC-E-05)
LEGAL RESPONSE TO CLIMATE CHANGE - INTERNATIONAL AND
NATIONAL PERSPECTIVE
(CREDITS-4)

COURSE OBJECTIVE:

Climate change describes a change in the average conditions, such as temperature and rainfall, in a region over a long period of time. The objective of climate change laws and policies is to stabilize the greenhouse gas concentrations in the atmosphere at the level of prevent dangerous and reduce anthropogenic with climate system. This course thrives to cover the essential legal framework to strengthen the protection of environment and also touches upon issues such as, legal framework within the country and international initiatives.

LEARNING OUTCOME:

After studying this course students will be able to:

- Improve their practice in learning and teaching relating to climate change.
- To be able to evaluate environmental, scientific and technological information in order to develop informed opinions about this issue.
- An understanding of climate and climate change processes at local to global scales
- An understanding of the policy framework in which environmental decisions are made in India and internationally

MODULE I: NATURE & SOURCE OF CLIMATE CHANGE

- A. Defining Climate and Climate Change – Types of Climates- Projected Impacts of Climate Change – Risk of Irreversible Changes.
- B. Elements of climate (Wind, Temperature, Humidity, Precipitation, Pressure); Micro Macro climate zones; Earth's climate through ages, trends of global warming and climate change.
- C. Drivers of global warming and the potential of different greenhouse gases (GHGs) causing the climate change- Its e, Human, Animals, Society.

MODULE II: OZONE LAYER IT'S POLICY & AGREEMENTS

- A. Ozone layer or ozone shield; Importance of ozone layer.
- B. Ozone layer depletion and causes; ozone depleting substances; effects of ozone depletion.
- C. Mitigation measures and international protocols; Environmental policy debate.

MODULE III: INTERNATIONAL CLIMATE CHANGE INSTRUMENT

- A. The Global Climate Changes Regime – The United Nations Framework Convention on Climate Change (UNFCCC), 1992.
- B. Carbon credit and carbon trading; clean development mechanism.
- C. Kyoto Protocol, Montreal Protocol, the Paris Agreement, 2015.

MODULE IV: INDIA'S ACTION TO CURB CLIMATE CHANGE

- A. Climate change Action at the local level – Contribution of the courts to climate change law – Participation by the Non – Governmental Sector in Climate Change law – Intergovernmental Panel on Climate Change (IPCC).

- B.** Climate change; Policy ideas to protect the Planet in 2019 – National Action Plan on Climate change – NAPCC in 2008 – Participation by the Non – Governmental Sector in Climate Change Law – Ministry of Environment Forest and Climate Change (MOEF&CC).
- C.** United National Climate Action Summit in New York on 23 September 2019 – ICLG – Environment and Climate Change Laws and Regulations 2020 – The Challenge of Integration – The Challenge of Regulatory coordination.

MODULE V: CLIMATE CHANGE MITIGATION

- A.** Political context of greenhouse gas emissions – key emitters and strategies to bring down emissions to safe levels.
- B.** Integration of mitigation into development planning through low emission development strategies.
- C.** Main economic sectors where mitigation actions can be applied; key international mechanisms in planning and implementing mitigation actions – Sustainable – Clean Energy – green Technologies – Climate Change & SDG 2030.

SUGGESTED READING:

- 1) Mridula Ramesh, 2018, The Climate Solution: India's Climate Change Crisis and what we can do about it, Harchette Book Publishing India Pvt. Ltd.
- 2) Harvey, D. 2000, Climate and Global Change, Prentice Hall
- 3) Philander, S.G. 2012, Encyclopaedia of Global Warming and Climate Change (2nd edition), Sage Publications
- 4) Sushil Kumar Dash, 2015, Climate Change, Cambridge University Press India Pvt. Ltd.
- 5) Navroz K. Dubash, 2019, India in a warming world: Integrating Climate Change and Development, Oxford University Press
- 6) India in a Warming World, Navroz K. Dubash, Oxford University press, 2019
- 7) Urs Luterbacher, Detlef F. Sprinz, International relations and global Climate change, The MIT press, Cambridge, 2001.
- 8) World Tourism Organization (google.co.in) United Nations Environment Programme (google.co.in) Climate Change and Tourism: Responding to Global Challenges books.google.co.in > books 2008

SEMESTER – III
GROUP – F
LABOUR, CAPITAL AND LAW
OPTIONAL CORE COURSE (OCC-F-05)
SOCIAL SECURITIES LAW
(CREDITS-4)

COURSE OBJECTIVE:

- To understand that Social Security for employees is a concept which over time has gained importance in the industrialized countries.
- With reference to India, how the Constitution levies responsibility on the State to provide social security to citizens of the country.
- As per the Constitution of India and ILO Convention on Social Security (ratified by India in 1964), to study some of the legislations that have been enacted for social security.
- To study in context with the new Industrial-Labour Codes.

LEARNING OUTCOME:

The students will be able to understand-

- The evolving concept of social security policy in India.
- The legal framework concerning various social security protections.
- Various laws relating to remuneration, bonus, disablement compensation, retirement benefits, maternity benefits and their enforcement mechanisms.

MODULE I: INTRODUCTION

- A. Meaning and Concept of Social Security
- B. Indian Constitutional Framework
- C. UN Conventions on Social Security
- D. Role of ILO in promoting Social Security
- E. The Code on Social Security, 2020- Overview

MODULE II: EMPLOYEES PROVIDENT FUND ACT 1952

- A. Scope & Objectives of the Act
- B. Authorities- Powers & Functions
- C. Contribution to the Fund
- D. Deposit Linked Insurance scheme
- E. Employee's Pension scheme 1995- Scope & Significance

MODULE III: THE EMPLOYEES COMPENSATION ACT 1923

- A. Aims & Objectives of the Act
- B. Employers' liability for compensation.
- C. Determination of Amount of Compensation in case of various injuries
- D. Payment of compensation & Procedure
- E. Commissioner- Duties & Powers

MODULE IV: EMPLOYEES STATE INSURANCE ACT, 1948

- A. Authorities under the Act – their powers and functions.
- B. Employees state insurance fund contribution
 - (i) By employers
 - (ii) By employees
 - (iii) Grant by Central and State Governments
- C. Purposes for which fund may be expended

- D. Benefits available & eligibility to avail such Benefits
- E. Adjudication of dispute and claim

MODULE V: OTHER SOCIAL SECURITY LEGISLATIONS

A. Maternity Benefit Act, 1961-

- a. Objectives & Applicability of the Act
- b. Nature of benefits and rights available under the act.
- c. Procedure for claiming payment.
- d. Inspector- powers and functions
- e. Penalties & Offences

B. Payment of Gratuity Act, 1972

- a. Concept of gratuity
- b. Eligibility for gratuity and amount payable under the act.
- c. Nomination facility
- d. Duties of employer
- e. Procedure for settlement of disputes as to amounts
- f. Exemptions and Penalties
- g. Enforcement machinery- powers and functions

C. Payment of Bonus Act, 1965-

- a. Historical Evolution of Concept of Bonus
- b. Types of Bonus
- c. Eligibility, Bonus formula: Minimum & Maximum
- d. Principle of Set on and Set off
- e. Available and Allocable Surplus.

SUGGESTED READING:

- 1) Dr.Vivek Bhattacharya- Social Security Measures in India.
- 2) Bakshi and Mitra- Workmen's Compensation Act and other Social Insurance Legislation.
- 3) K.D. Shrivastava- Commentaries on Employees State Insurance Act.
- 4) Larson- Workmen's Compensation Law.
- 5) Dr.C. B. Mamoria- Principles of Social Security.
- 6) V.R. Bhattacharya, Some Aspects of Social Security Measures in India(1970).
- 7) S.C. Shrivastava, Social Security and Labour Laws (1985).
- 8) R.N. Choudhary, Commentary on the Workmen's Compensation Act 1923 (2000),
Orient.
- 9) S. C. Srivastava, Commentaries on Payment of Gratuity Act, Universal Book Co. Ltd
- 10) S. C. Srivastava, Employees Provident & Miscellaneous Provisions Act, Eastern Book
Company

SEMESTER – III
GROUP G
CRIMINAL LAW
OPTIONAL CORE COURSE (OCC – G-05)
COMPARATIVE CRIMINAL PROCEDURE AND CRIMINAL JUSTICE
ADMINISTRATION
(CREDITS-4)

COURSE OBJECTIVE:

This course will enhance the knowledge and understanding of the criminal justice system from a systematic approach. It will help to understand the various components of the criminal justice system and how they are related. Fair procedure is a sine quo non of every modern criminal justice system. An encumbrance procedure sometime leads to miscarriage of justice. The course is designed to acquaint students with different systems of criminal law on one hand and to compare and analyze the procedures of various countries to find out the advantages and disadvantages of the procedures in the criminal justice systems on other hand. The course is helpful to develop a critical approach and independent thinking of the students. The comparison may ultimately lead to revamp the Indian criminal justice system.

LEARNING OUTCOMES:

After undergoing the study, the student will be able to understand the following:

- To understand the various components of the criminal justice system and they are interlinked with each other
- To enhance the knowledge and understanding of the various criminal justice systems

- To familiarize the students with various legal concepts and principles of criminal justice system
- To impart necessary skills involved in the analysis of the concepts, case laws and application of the same to enhance the analytical abilities of the students to a given hypothetical situation, and to encourage independent research activity, including article writing, project work, case comments.

MODULE I: INTRODUCTION

- A. Objectives of the Criminal Justice System
- B. Criminal Judicial Process Models – Crime Control and Due Process Models
- C. Legal Systems in the world- adversarial and inquisitorial and mixed system. Similarities and differences amongst Indian and French Legal system

MODULE II: FUNCTIONARIES IN THE CRIMINAL JUSTICE SYSTEM

- A. Police
- B. Prosecutor
- C. Defence Counsel
- D. Court

MODULE III: PRE - TRIAL PROCEDURES

- A. Rights of accused and their constitutional protection – India and the USA
- B. Right on arrest
- C. Right to bail
- D. Plea bargaining – India and USA

MODULE IV: TRIAL PROCEDURES

- A. Jury system – Qualification and role of jury on justice delivery system
- B. Role of the judge, prosecutor, defence counsel and victim in trial
- C. Expert Evidence
- D. Protection to witnesses

MODULE V: ROLE OF EVIDENCE IN CRIMINAL JUSTICE SYSTEM

- A. Relevancy of confessions
- B. Dying Declaration
- C. Hostile witnesses
- D. Collection of evidence through modern tools and techniques

SUGGESTED READINGS:

- 1) R.V. Kelkar – Criminal Procedure Code, 1973
- 2) Devlin – Criminal Prosecution in England
- 3) Esmein – History of Continental Procedure (Chapter 1 & II)
- 4) Coffey (Alam) – An Introduction to Criminal Justice System and Process
- 5) French Code of Criminal Procedure & Penal Code (American Series)
- 6) K.N.S. Pillai : Lectures on Criminal Procedure

SEMESTER – III
SOFT COURSE (SC-01)
BANKING AND FINANCIAL LAWS
(CREDITS-2)

COURSE OBJECTIVES:

Banks are the important segment in Indian Financial System. An efficient banking system helps the nation's economic development. Apart from accepting deposits and lending money, banks in today's changed global business environment offer many more value-added services to their clients. Banking industry in India is mainly governed by the Reserve Bank of India Act, 1934 and the Banking Regulation Act, 1949. The Reserve Bank of India as the Central Bank of the country plays different roles like the regulator, supervisor and facilitator of the Indian Banking System. This paper offers to give students an understanding of the conceptual and regulatory parameters of banking law. This paper also provides a brief and accurate updated knowledge of other financial laws like SARFAESI, IBC.

LEARNING OUTCOMES:

Gaining comprehensive and up-to-date knowledge in the subject of Banking and Finance. To appreciate the features and importance of different banking related laws. To understand the significance of various legal framework and their contribution to banking. Studying the recent Contemporary Issues and the Regulatory challenges in Banking and Financial Institutions.

MODULE I: INTRODUCTION

- A. Banking: evolution of banking in India, structure and functions of different banking institutions: Central bank, Commercial Banks, Merchant Banks, Co-operative Banks, Specialized Banks, E-banks, Small finance banks, payment banks.
- B. Development of banking system in India:
 - a. Law of Banking Regulation: Banking Regulation Act, 1949
 - b. Reserve Bank of India Act, 1934
 - c. Private Ownership-Nationalisation-Disinvestment

MODULE II: DEBT RECOVERY LAWS

- A. Concept of Debt, Default in repayment, NPA, issue of debt recovery
- B. The Recovery of Debt Due to Banks and Financial Institutions Act, 1993
- C. Constitution, Jurisdiction, Powers and Authority of Tribunals, Procedure of Tribunal, Appellate Tribunal
- D. Securitization and Restructuring of Financial Assets and Enforcement of Security Interest Act, 2002

MODULE III: DEBT RECOVERY AND INSOLVENCY: PATH TO RESOLUTION

- A. History & Development of Insolvency Law in India
- B. Insolvency and Bankruptcy Code: Need for Insolvency & Bankruptcy Code, Mechanism under the Code for Corporate Insolvency and Personal Insolvency.
- C. Regulatory Procedure
- D. Judicial Perspectives
- E. Bad Bank: Emerging Concept

MODULE IV: DIGITIZATION OF ECONOMY

- A. Digitization of Economy, Modes, Implications
- B. Digitization of Financial Services and Financial Inclusion, Impact on Economy

READING LIST:

- 1) Tannan M.L., Tannan's Banking Law and Practice in India
- 2) Basu, A., Review of Current Banking Theory and Practice
- 3) Cranston, Ross, Principles of Banking Law
- 4) Taxmann's Guide to Insolvency and Bankruptcy Code by V.S. Datey 7th Edition, 2019
- 5) Vinod Kothari, Securitization assets Reconstruction and Enforcement of Security Interests
- 6) J.M. Holden: The Law and Practice of Banking, Universal Law Publishing.

SEMESTER – III
SOFT COURSE (SC-02)
ELECTORAL LAW
(CREDITS-2)

COURSE OBJECTIVE:

The students will be able to understand

- Relevancy of the parliamentary system in India
- The need of reforms in the electoral format

LEARNING OUTCOME:

Students will be able to utilize their knowledge for

- Improvement of the general electoral consciousness
- To improve the performing ability of the democratic system and its relevancy in Indian context

MODULE I: PARLIAMENTARY FORM OF GOVERNMENT

- A. Choice of Westminster Model
- B. Presidential Vs. Parliamentary form of Government.
- C. Parliamentary Privileges
- D. Office of profit

MODULE II: CONSTITUTIONAL CONVENTION RELATED TO PRESIDENT AND GOVERNOR

- A. President of India and his constitutional status.
- B. The Cabinet of minister and binding nature of advice

- C. Doctrine of collective responsibility.
- D. Governor and his role in Indian Federalism.

MODULE III: ELECTION COMMISSION

- A. Superintendence, direction and control of elections (Art. 324)
- B. Electoral roll - Adult suffrage.
- C. Power of the Parliament /Power of the legislature of a state to make provision with respect to election
- D. Delimitation of constituency, Bar to interference by Court in Electoral matters
- E. Bar to interference by Court in Electoral matters

MODULE IV: ISSUES RELATED TO ELECTORAL REFORMS

- A. Anti-Defection Law
- B. The need of reforms in Anti Defection Law
- C. Corrupt Electoral Practices
- D. NOTA

BOOKS:

- A. Granville Austin-“The Indian Constitution : Cornerstone of a Nation”, Oxford India Paperback
- B. M.P. Jain- “Indian Constitutional Law”
- C. DD Basu, Comparative Constitution Law, 2nd (ed.)
- D. V. S. Rama Devi and S.K. Mendiratta, How India Votes (Election Laws Practice and Procedures), Lexis Nexis, foreward by Dr. Nasim Zaidi, Chief Election Commissioner of India

SEMESTER – III
SOFT COURSE (SC-03)
FORENSIC LAW
(CREDITS-2)

COURSE OBJECTIVE:

Forensic research is becoming increasingly important in criminal investigations and the collection of evidence. It is used to identify a suspect or determine if they have committed a crime or not. This course focuses on imparting the basic knowledge pertaining to the use of foreigner's science in criminal trials in order to equip the students with the necessary skill to keep in tune with the latest advancements in law.

LEARNING OUTCOMES:

After undergoing the study, the student will be able to understand the following:

- To understand the relevance of forensic science in criminal trials
- To familiarize the students with the various processes of collecting forensic evidence
- To teach the students how to establish the identity of a criminal or a questionable document
- To appreciate the latest advancements and technology for collecting evidence and its critical appraisal.

MODULE I: INTRODUCTION

- A. Definition, Nature and Scope of Forensic Science
- B. Relevance of Forensic Science in Criminal Investigation
- C. Probative Value of Forensic Evidence

D. Processes Involved in Collecting Forensic Evidence**MODULE II: LAWS RELATED TO THE ESTABLISHMENT OF IDENTITY**

- A.** The Establishment of Identity of Individuals: - Footprints, hair, skin, blood grouping; physical peculiarities.
- B.** DNA
- C.** Fingerprints/Foot prints
- D.** Anthropology
- E.** Skeletal Remains
- F.** Odontology
- G.** Identification of documents – handwriting and signature analysis, types of forgery, charred document, counterfeit notes and coins

MODULE III: MODERN SCIENTIFIC TECHNIQUES

- A.** Narco analysis and its legal implications
- B.** Tests – polygraph, brain mapping, hypnotism and its legal regime
- C.** Lie detector test and laws related to it.

SUGGESTED READINGS:

- 1)** Dr. Jaishankar and Amin: Forensic Science in criminal Investigation
- 2)** Sharma: Forensic Science in Criminal Investigation and Trials
- 3)** Gour, A.N.: Fire arms, Forensic ballistics, Forensic chemistry and criminal jurisprudence
- 4)** Lucas A : Forensic chemistry and scientific criminal investigation.

SEMESTER – III
ELECTIVE SUBJECT (EC-04)
MEDIA LAW
(CREDITS-4)

OBJECTIVES:

The course aims to provide basic understating of the evolution and existence of various facets of media and the legal regime in place to regulate its content and matters incidental to it. It also aims to familiarize students with the various aspects of Media Law and media regulatory bodies. The course also aims to sensitize students about the importance of ethics in media profession.

LEARNING OUTCOMES:

After completion of this course, the students will be able to:

- Equip themselves to appreciate the philosophical justification for the protection of Right to Free Speech.
- Enable the students to understand the fundamental aspects of Protection of Reputation, to analyze the legal nitty-gritty of media and how their activities can result in a breach of privacy in its various hues.
- It can also make the students understand the requisite conceptual as well as statutory provisions pertaining to media, ethics and adjudication.

MODULE I: INTRODUCTION

- A. Introduction to Media and Communication
- B. Importance of Media in Democracy
- C. Kinds of Media
- D. Functions of Media – Information, Surveillance, Service the Economic System, Hold Society Together, Entertain, Act as a Community Forum, Service the political system, etc.

- E. Historical Foundations of Media Laws in UK, USA and India (Pre and Post-Independence)

MODULE II: CONSTITUTIONAL FRAMEWORK OF FREEDOM OF MEDIA IN INDIA

- A. Free Speech and Constituent Assembly Debates in India
- B. Facets of Freedom of Speech and Expression
- C. Freedom of Speech and Expression includes Freedom of Press i. Right to Circulation ii. Right to Receive Information iii. Right to Advertise iv. Right to Telecast / Broadcast v. Censorship
- D. Law Commission of India: 101st Report on Freedom of Speech and Expression under Article 19 of the Constitution - An Overview
- E. Reasonable Restrictions, privacy and media
- F. Legislative Privileges and Media
- G. Freedom of Media during Emergency

MODULE III: LEGAL DIMENSIONS OF MEDIA

- A. Media and Criminal Law (Sedition, Obscenity and Defamation)
- B. Media and Law of Torts (Civil Law of Defamation and Negligence)
- C. Media and Judiciary (Contempt of Court)
- D. Media and Executive - An Overview (The Official Secrets Act, 1923; The Right to Information Act, 2005)
- E. Media and Journalists - An Overview (The Working Journalists (Conditions of Service) Act, 1955)

MODULE IV: REGULATORY FRAMEWORK OF MEDIA

- A. Methods of Regulation (Self-Regulation and Statutory Regulation)
- B. The Prasar Bharti Act, 1990
- C. The Press Council of India Act, 1978
- D. The Telecom Regulatory Authority of India Act, 1997

- E. Advertising Standards Council of India and its Codes
- F. The Indecent Representation of Women Act, 1986

MODULE V: ISSUES IN MEDIA LAW

- A. Trial by Media (Law Commission of India: 200th Report on Trial by Media, Free Speech and Fair Trial under Criminal Procedure Code, 1973 - An Overview)
- B. String Operation and Media
- C. Media and Convergence
- D. Internet and Freedom of Media
- E. Violence against Media Persons and Law
- F. Role of Media in Electoral Process (Press Council of India, Report on Paid News, 2010, Ministry of Law and Justice, Report of the Committee on Electoral Reforms, 2010 - An Overview)

SUGGESTED READING BOOKS:

- 1) P.M. Bakshi - "Press Law – An Introduction" BTRFI Publications, 1985.
- 2) D.D. Basu - "Law of the Press", LexisNexis Butterworth's Wadhwa, Nagpur.
- 3) Fred Seaton Siebert, Theodore Peterson and Wilbur Schramm, "Four Theories of Press: The Authoritarian, Libertarian, Social Responsibility, and Soviet Communist Concepts of what the Press should be and Do", University of Illinois Press, 1963.
- 4) Madhavi Goradia - Divan - "Facets of Media Law" Eastern Book Company.
- 5) M.P. Jain "Indian Constitutional Law" LexisNexis, Butterworths, Wadhwa, Nagpur.
- 6) Ram Jethmalani and D. S. Chopra - "Cases and Material on Media Law", Thomson Reuters, New Delhi.
- 7) P.M. Bakshi, "Law of Defamation - Some Aspects", N.M. Tripathi, Bombay.
- 8) Ursula Smartt, "Media and Entertainment Law", Routledge, First Edition.
- 9) Kiran Prasad, Media Law in India, Kluwer Law International.
- 10) Vidisha Barua, Press and Media Law Manual, Universal Law Publishing, New Delhi.
- 11) N. Ahuja, "History of Press, Press Laws and Communications", Surjeet Publications, Delhi.

- 12)** Gokhale, S. D., Sadhu, A., and Kuvalekar, V, (Eds). “Press in India: On the Threshold of 21st Century”, Sakal Paper Trust, Pune. 13. M. E. Price (Ed) “Routledge Handbook of Media Law”, Routledge, London

SEMESTER – III
ELECTIVE SUBJECT (EC-04)
DATA PROTECTION LAW
(CREDITS-4)

OBJECTIVES:

In today's world, Data is the most valued commodity, be it Businesses or Countries or an Individual. We thrive on Information and Data & protect it by using the best of technologies. Yet it is these very technologies which pose a threat to the data and information which we want to keep safe and secure. India is in the process of regulating Data and its protection in a data driven economy and a demand for legal professionals with expertise in this field will definitely see a sudden spike. This paper intends to cater to this future demand and prepare a generation of lawyers who are well equipped to meet with the future challenges in the field of Data Protection Law.

LEARNING OUTCOMES:

After undergoing the study, the student will be able to understand the following:

- An understanding of Data and its importance in a technological world.
- Regulatory Framework at Domestic and International level to deal with issues arising out of Data breaches and Privacy concerns.
- Scope of Data Protection, recognition of data protection as a part of an individual's rights.

MODULE I: INTRODUCTION

- A. Concept and Meaning of Data
- B. Types of Data
- C. Sensitive and Non-sensitive data, Open-Source Databases and Data in the Public Domain
- D. Data as an Asset, Data Ownership

MODULE II: CONCEPT OF DATA PROTECTION

- A. Need for Data Protection
- B. Data Protection as a part of Human Rights
- C. Data Subject's Rights
- D. Challenges - Data Driven Economy, Privacy, Consent, Ownership, Data collected by Government, Jurisdiction

MODULE III: JUDICIAL TRENDS IN INDIA

- A. Shrikrishna Committee Report on Data Protection
- B. Development of Right to Privacy as a facet of Human Right through Data Protection
- C. Concept of Information Privacy, Informed Consent
- D. Justice K. S. Puttaswamy (Retd.) and Anr. vs Union of India And Ors

MODULE IV: DATA PROTECTION - LEGAL PERSPECTIVES

- A. General Data Protection Regulations (GDPR)
- B. OECD Guidelines c. United Nations on Data Privacy and Data protection
- C. Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits and Services) Act, 2016 (The Aadhar Act)
- D. Information Technology Act, 2000, (IT Act), Information Technology Rules (IT Rules)
- E. Copyright Act, 1957
- F. Indian Telegraph Act, 1885
- G. The Personal Data Protection Bill, 2019

SUGGESTED READING BOOKS:

- 1) Eric Brousseau & Ors, Governance Regulation & powers on the Internet
- 2) Jason & Ors, Remedies for Breach of Privacy

- 3) Lee A Bygrave, Data Privacy Law
- 4) Paul M. Schwartz, Information Privacy
- 5) Radha G. Ram , Piracy and Counterfeiting
- 6) Ronald Leenes & Ors, Protection and Privacy the Internet of Bodies
- 7) William W. Lowrence, Privacy, Confidentiality & Health Research
- 8) Data Protection, Privacy and Identity: A Complex Triad, Building-Blocks of a Data Protection Revolution: The Uneasy Case for Blockchain Technology to Secure Privacy and Identity by Shraddha Kulhar

SEMESTER – IV
COMPULSORY PAPER (CC-09)
CONCEPT OF JUSTICE AND JUDICIAL PROCESS
(CREDITS-4)

COURSE OBJECTIVES:

This paper will help students to understand fundamental questions of Law and Justice. This course will enable the students to understand the basic foundations of Law, the manner in which Law is justified, the relationship between Law and Morality and Law and Justice. Various theories of Law and Justice are explored in this syllabus. This course will also introduce students with Western and Ancient Indian jurisprudential theories of Law and Justice. It will also construct a sound theoretical foundation of various legal systems which will develop a pragmatic approach of the students towards the understanding of various dimensions of Law and Justice.

LEARNING OUTCOMES:

On successful completion of this course, the students will be able to:

- Demonstrate an advanced and integrated understanding of the political, social, historical, philosophical, and economic context of law.
- Engage in identification, articulation and critical evaluation of legal theory and its implications for policy.
- Critically analyze and research the contemporary complex social, legal and political problems and make reasoned and appropriate choices amongst alternatives.

MODULE I: REALISM IN LEGAL THEORY

A. American Legal Realism

- i. Oliver Wendell Holmes Jr.
- ii. Karl Llewellyn

iii. Jerome Frank

B. Scandinavian Legal Realism

i. Axel Hagerstrom

ii. Alf Ross

C. Indian Legal Realism

MODULE II: CONCEPT OF JUSTICE

A. Justice according to Law and Justice of the Law

B. Concept of *Dharma* in Indian Thought

C. *Dharma* as a Foundation of Legal Ordering

D. Justice as a Virtue

E. Legal Justice and Remedial Justice

F. Distributive Justice

G. Justice as Fairness: John Rawls' Theory of Justice

H. Entitlement Theory of Justice: Robert Nozick's Response to Rawls

I. Amartya Sen's Idea of Justice

J. Martha Nussbaum's Theory of Justice

MODULE III: MODERN CRITICAL PERSPECTIVES

A. Critical Legal Studies

B. Postmodernism: Deconstruction of Law

C. Feminist Legal Theory

MODULE IV: CONCEPT OF RIGHT

A. Origin of concept of right

B. Kinds of rights and justifiability

C. Theories of right

D. Hohfeldian analysis**MODULE V: PRECEDENT**

- A.** Objective's nature and rules of applicability of precedent
- B.** Theories of ratio decidendi
- C.** Power of overruling
- D.** Advisory, dissenting and declaratory role

SUGGESTED READING:

- 1) Prof. Dr. Dilip Ukey, *The Jurisprudence of Legal Theory*, First Edition, 2020.
- 2) Michael Sandel, *Justice: What's The Right Thing To Do?*, 2008.
- 3) Suri Ratnapala, *Jurisprudence*, Cambridge university Press, 2009.
- 4) Raymond Wacks, *Understanding Jurisprudence: An Introduction to Legal Theory*.
- 5) W. Friedman, *Legal Theory*, Universal Law Publication co, 2013(Indian Reprint)
- 6) Julius Stone, *Social Dimension of Law and justice*,
- 7) K. Allen- *Law in the making*
- 8) *Lloyd-Introduction to Jurisprudence*
- 9) *Dias-Text on Jurisprudence*
- 10) Prof. Julious Stone- *Human Law and Human Justice*
- 11) Prof. Roscoe Pound- *Jurisprudence* Vol. I to IV
- 12) Rawls, John. *A theory of justice*. Harvard university press, 2020.
- 13) Nussbaum, Martha Craven. *Frontiers of justice: Disability, nationality, species membership*. Cambridge, MA: Belknap Press, 2006.
- 14) Sen, Amartya Kumar. *The idea of justice*. Harvard University Press, 2009.
- 15) MacKinnon, Catherine A. "Towards a Feminist Theory of the State, Harvard University Press, 1989
- 16) MacKinnon, Catharine. "Difference and dominance: On Sex Discrimination." *Feminism and Politics* (1998): 295-312.

SEMESTER – IV
COMPULSORY PAPER (CC-10)
DISSERTATION
(CREDITS-6) (Marks – 150)

COURSE OBJECTIVE:

Students are required to submit a dissertation of ATLEAST in the Range of minimum 120 pages on a topic from the optional group offered by them. The dissertation is expected to be an in depth, analytical or critical analysis of a legal problem of contemporary significance in the field chosen by the student and must incorporate copious reference to judicial decisions, law review articles, books, monographs relevant to the topic in the form of footnotes and bibliographical references.

LEARNING OUTCOME:

- The students will be able to develop analytical skill towards understanding the rationale behind the contemporary trends in the field of law.
- Students will be able to undertake law-based analysis and interpretation of the secondary data through doctrinal/qualitative/multi-model research.
- Students will get acquaint with the analysis and interpretation of secondary data.
- Students will be able to figure out the major findings and propose recommendations based on their research.

REQUIREMENTS:

The students shall be examined at an oral examination (viva) on the strength of the dissertation (written work.) The dissertation will carry 150 marks and it should be submitted (one hard copy and a soft copy in pdf form) to Head of the Department one month before the Semester ends i.e., the Fourth Semester. The viva exam shall be held as per the examination schedule of every year. The supervisor for dissertation shall be the teaching member of the Dept. of Law. The students shall need to finalize the topic for dissertation in consultation with the supervisor and the Head of

the Department within a month after the Semester has started. The topic and title of dissertation must be approved by the Department Research Committee.

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

- a) Coverage of subject matter.
- b) Arrangement and presentation.
- c) Research Methodology
- d) Nature of references and materials used.
- e) Critical appreciation and *original contribution* of the Candidate.

Sr. No.	ACTIVITY	CREDITS	MARKS	Minimum Marks
1.	DISSERTATION Written Submission	4 Credits	100 Marks	50 Marks
2.	VIVA VOCE INTERNAL EXAM	2 credits	50 Marks	25 Marks
	TOTAL	6 Credits	150 Marks	75 Marks

The students have to write their dissertations as per the guidelines of Research Methodology given below.

GENERAL INSTRUCTIONS:

- Students shall submit at least one hard copy along with softcopy in pdf format of their dissertation.
- The dissertation shall be approved and duly signed by their respective guides and the Head of the department. Dissertation without the guide's signature will not be accepted.
- For Dissertation Format -- Times New Roman, Font 12, 1.5 spacing, Font size 10 (for footnotes, without spacing), Margin- 1.5cm left, 1-1-1 cm on the remaining sides.

- Standard Indian Legal Citation to be used for inserting the footnotes.
- As the submission of Dissertation is made for the partial fulfilment of Masters of Laws (LL.M) Programme, the copyright of the Dissertation work will remain with RTM Nagpur University.

Students are required to follow the steps given below for preparation of Doctrinal Research

A. Step by step procedure to be followed for Doctrinal Research:

- A. Approval of the title
- B. Collection of material
- C. Review of literature
- D. Problem
- E. Objectives
- F. Rationale
- G. Hypothesis
- H. Chapterization
- I. Collection of Data
- J. Analysis and Interpretation of data
- K. Report Writing
- L. Preparation of Bibliography
- M. Preparation of List of cases
- N. Abbreviation

B. Doctrinal Research shall have the following structure:

- Cover
- Cover page
- Certificate
- Acknowledgement
- List of Case Laws.
- List of Tables
- Abbreviations

Contents

SCHEME OF CHAPTERISATION:

INTRODUCTION

- Part A- Theoretical Background
- Part B- Research Methodology

Chapter I

Chapter II

Chapter III

Chapter IV

MAJOR FINDINGS

CONCLUSION

SUGGESTIONS.

Bibliography

Annexures:

- Acts, Bills, Maps, etc.
- Case laws

C. Research Methodology:

1. Title of the Study
2. Problem of the study
3. Rationale of the study
4. Objectives of the study
5. Hypothesis
6. Review of Literature
7. Operational concepts & Variables of the study
8. Research Design
 - i) Nature/ Type of the study
 - ii) Method of Data Collection

- iii) Sources of Data Collection
- 9.** Limitations of Study
- 10.** Chapterisation
- 11.** Time Schedule
- 12.** Possible contribution of the study

SEMESTER – IV
GROUP – A
INTERNATIONAL LAW
OPTIONAL CORE COURSE (OCC –A-06)
PRIVATE INTERNATIONAL LAW – II
SPECIFIC CHOICE OF LAW PROBLEMS
(CREDITS-4)

MODULE I: FAMILY LAW

- A. Marriages
- B. Matrimonial Causes
- C. Legitimacy and Legitimation
- D. Adoption
- E. Guardianship and Custody

MODULE II: LAW OF PROPERTY

- A. Movable and Immovable Property
- B. Transfer of Tangible Movables
- C. Assignment of Intangible Movables
- D. Insolvency
- E. Succession

MODULE III: LAW OF OBLIGATIONS

- A. Contracts
- B. Torts

SUGGESTED FOR READING:

- 1) Dicey: Conflict of Laws.
- 2) Cheshire: Private International Law.
- 3) Paras Diwan: Private International Law, Indian & English

SEMESTER – IV
GROUP – B
CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW
OPTIONAL CORE COURSE (OCC-B-06)
COMPARATIVE CONSTITUTIONAL LAW
(CREDITS-4)

COURSE OBJECTIVES:

The aim of this course is to develop an understanding of various concepts and theories of Constitutionalism and Constitution. The course will cover the basic principles of Constitution and Comparative Analysis of various provisions of different Constitutions across the globe. This course explores a number of essential features of the Constitutional systems of selected countries and compares them with features of the Constitutional systems of other jurisdictions. Students will get acquainted with the overarching concepts of Constitutional Law.

LEARNING OUTCOMES:

On completion of this course, the students will be able to:

- Explain the significance of Comparative Constitutional Law
- Compare and evaluate the Indian Constitutional Law with major Constitutional Democracies
- Compare the working of the Judiciary and Judicial Process in India with major Constitutional Democracies
- Explain and compare the law-making process in India
- Analyze the Constitutional foundations of functioning of the Governments in major Democracies
- Demonstrate an understanding of the growth of the concept of 'Right' across Democracies

MODULE I: RATIONALE AND UNDERPINNINGS OF COMPARATIVE CONSTITUTIONAL LAW

- A. Introduction to Comparative Constitutional Law - Relevance, Scope and Challenges
- B. Evolution and Trends in Comparative Constitutional Law
- C. Constitutional Adoptions in the Making and Designing of Constitution

MODULE II: CONSTITUTIONAL MODELS

- A. Written and Unwritten Constitution
- B. Major Types of Contemporary Constitutional Systems
- C. Transnational Constitution: The European Union Constitutional Treaty and its Aftermath

MODULE III: STRIKING A BALANCE AMONGST THE BRANCHES OF GOVERNMENT**Nature of Separation of Powers in Different Countries**

- A. Common Law System - UK, USA, Australia and Canada
- B. Civil Law System - France and Germany
- C. Presidentialism and Parliamentarism
- D. Forms of Legislatures in Different Countries
- E. Executive Powers in Modern States
- F. Patterns of Independence of Judiciary in Common Law and Civil Law Systems

MODULE IV: FEDERALISM AND ITS CHANGING CONTOURS UNDER VARIOUS JURISDICTIONS

- A. India: Structure and Functions of Federalism
- B. USA: Pragmatic and Elastic Federalism
- C. Germany: Cooperative Federalism
- D. Switzerland: Predominance of the Cantons
- E. Canada: Asymmetrical Federalism
- F. Belgium: From Centralised to Ethnic Federalism to Confederation

MODULE V: EMERGENCY LAWS IN A COMPARATIVE FRAMEWORK

- A. Emergency Powers in History and Political Thought - Greek, Roman and Indian Paradigms
- B. States of Emergency: Comparative Study with Germany and United States of America
- C. Constitutional Silence in Sweden and Finland

MODULE VI: COMPARATIVE CONSTITUTIONAL CHANGE: AMENDMENT, REPLACEMENT AND REVOLUTION

- A. Methods of Amendment: Comparative Perspective
- B. Limitations on the Amending Power
- C. Theory of Basic Structure: Origin and Development

REFERENCE MATERIAL:

- 1) Michel Rosenfeld and Andras Sajó, "The Oxford Handbook on Comparative Constitutional Law", 2012
- 2) Nicholas Aroney, The Constitution of a Federal Commonwealth: The making and meaning of the Australian Constitution, Cambridge University Press, Cambridge, 2009, pp 17-39.
- 3) Martha A. Field, "The Differing Federalisms of Canada and the United States" (1992) 55 Law and Contemp. Probs. 107.
- 4) Jan Erk, Explaining Federalism: State, Society and Congruence in Austria, Belgium,
- 5) Canada, Germany and Switzerland, Routledge, New York, 2008, pp 1-13, 44-48.
- 6) Granville Austin, The Indian Constitution: Cornerstone of a Nation (Oxford: OUP, 2008) at 156-163.
- 7) Commentary and Materials, 4th ed, The Federation Press, Sydney, 2006, pp 241-246. (Australian Federalism).
- 8) Donald P Kommers, The Constitutional Jurisprudence of the Federal Republic of Germany, 2nd edn, Duke University Press/ Durham and London, 1997, pp 61-107 (Federalism in Germany.)

- 9) DD Basu, Comparative Constitution Law, 2nd (ed.), Wadhwa, 2008, pp 324-350.
- 10) U Baxi, Rule of Law in India: Theory and Practice in Randall Peerenboom (ed.), Asian Discourses of Rule of Law, Routledge, London, 2004, pp 324-345. (included in reading material)
- 11) Eliot Bulmer, Emergency Powers, International IDEA Constitution- Building Primer 18
- 12) Christian Bjornskov, Stefan Voigt, The Architecture of Emergency Constitutions, Oxford University Press, 2018.

SEMESTER – IV
GROUP – C
INTELLECTUAL PROPERTY LAWS
OPTIONAL CORE COURSE (OCC-C-06)
INTELLECTUAL PROPERTY RIGHTS - GLOBAL TRENDS
(CREDITS-4)

COURSE OUTCOMES:

Intellectual Property is creating impact on the global market and hence the global dynamics needs to be studied. IP is influenced by the global trends and does have a correlation between national and international perspectives. Therefore, this paper intends to give students an understanding of the unconventional IP regimes like TK, trade secrets and cultural rights and its recognition in Indian system.

LEARNING OBJECTIVES:

- To understand the impact of international conventions on IP regime in India.
- To know both the conventional and unconventional parameters of IP which are undisclosed information, TK, TCEs and trade secrets.

MODULE I: INTRODUCTION

- A. International Law and Intellectual Property Rights
- B. Significance of Legal Protection towards Performers and Broadcasting Organization.
- C. WTO/Trips Agreement,
- D. The Rome Convention,
- E. WIPO'S Copyright Convention and Phonogram Treaty, 1996.

MODULE II: INTERNATIONAL PROTECTION OF PATENTS & DESIGNS

- A. Patent Cooperation Treaty
- B. TRIPS Obligation.
- C. European Patent Convention
- D. WIPO on Patents.
- E. Locarno Agreement.
- F. Strausberg Agreement

MODULE – III INTERNATIONAL PROTECTION OF TRADEMARK

- A. Paris Convention, Madrid Agreement,
- B. Nice Agreement and Trips Agreement.
- C. Trademark and Consumer Protection (Study Of UNCTAD Report)

MODULE IV: INTERNATIONAL CONVENTIONS AND AGREEMENTS FOR PROTECTION OF TRADITIONAL KNOWLEDGE AND TCES

- A. UNESCO – Protection of Folklore/Cultural Expressions.
- B. Developments In WIPO On Traditional Knowledge and Traditional Cultural Expressions
- C. TRIPS on TK&TCEs.

MODULE V: PROTECTION OF UNDISCLOSED INFORMATION/TRADE SECRETS

- A. Law Relating to Data Protection and Trade Secrets
- B. Protection of Trade Secrets – Confidential Information and its process
- C. The Relationship between Patents and Confidential Information
- D. The Relationship between Copyright and Confidential Information
- E. Data and Protection of Undisclosed Information
- F. National Legislation for Protection of Undisclosed Information

SUGGESTED BOOKS FOR REFERENCE:

- 1) Alfredo Ilardi and Michael Blakeney (Edited), International Encyclopedia of Intellectual Property Treaties (2004), Oxford University Press.
- 2) International Legal Instruments of Intellectual Property Rights Law (1998), (Vol. I & II) NLSIU, Bangalore.
- 3) WIPO, Reading Materials on Intellectual Property
- 4) Intellectual Property and International Trade (1998), Kluwer Patent Cooperation treaty Hand Book (1998),
- 5) 5.Sweet and Maxwell Christopher Wadlow : The Law of Passing Off (1998). Sweet and Maxwell.
- 6) W.R. Cornish : Intellectual Property Law (1999), Sweet and Maxwell.
- 7) Elizabeth Verke : Law of Patents (2005) Eastern Book Company, Lucknow.
- 8) S.K. Verma and Raman Mittal (Ed.) - Intellectual Property Right : A Global Vision (2006 Indian Law Destitution publication, New Delhi.
- 9) 9.Shiv Sahai Singh (Ed.)- The Law of Intellectual Property Right. (2004) Deep and Deep Publication, New Delhi.

SEMESTER – IV
GROUP – D
BUSINESS LAW
OPTIONAL CORE COURSE (OCC-D-06)
INTERNATIONAL TRADE LAW
(CREDITS-4)

COURSE OBJECTIVES:

- To familiarize the students about the World Trade Organization and its role in International trade.
- To acquaint the students with the transnational commercial law
- To prepare the students to solve the international commercial dispute

LEARNING OUTCOMES:

After undergoing the study, the student will be able:

- To draft the commercial contract for international trade
- To provide legal assistance to buyer and seller in solving the commercials dispute

MODULE I: WTO AND INTERNATIONAL TRADE

- A.** Introduction to International trade and the law of the WTO: Sources of WTO Law, Basic rules and principles of WTO Law.
- B.** WTO as an International institution- Origin of WTO; Mandate of WTO; Membership of WTO; Institutional structure of the WTO; Decision-making in the WTO
- C.** WTO and Special Agreements: Rules of origin, Agreement on agriculture, Anti-Dumping, E – commerce, Transfer of technology, Sanitary and Phytosanitary Measures; Technical barriers to Trade, TRIPs, TRIMS.

MODULE II: TRANSNATIONAL TRANSACTIONS AND RESOLUTION

- A. Transnational Commercial Laws: Meaning and scope of Transnational Commercial Law, Sources of Transnational Commercial Law, Unification of the Law of commercial laws. UNIDROIT and UNCITRAL.
- B. Special trade terms in export sales - Definitions, kinds, Differences between Rights and duties of buyers and sellers. Standardisation of terms in International Sales: Role of UNCITRAL, International Chamber of Commerce Publications, Standard contract forms applied to specified international transactions, Drafting of International Commercial contracts- an Introduction.
- C. International Sales of goods- Vienna Convention on Contract for International Sale of Goods
- D. International Carriages- Carriage of goods by sea; Carriage by air; Multimodal transportation.

MODULE III: PAYMENT AND INSURANCE IN INTERNATIONAL TRADE

- A. Letters of Credit - Characteristics and kinds.
- B. Bill of Exchange - Meaning
- C. Bank guarantees and other contract guarantees.
- D. Marine and Aviation Insurance.

MODULE IV: DISPUTE SETTLEMENT IN INTERNATIONAL TRADE

- A. Types and Forms of International Dispute Settlement
- B. Concept, nature and Types of arbitration, dispute resolution in international trade
- C. Sources of law relating to International Commercial Arbitration
- D. UNCITRAL model law and Rules on arbitration
- E. Overview of Arbitration & Conciliation Act 1996

REFERENCE BOOK:

- 1) Carr and Kidner - Statutes and Conventions on International Trade Law, 1993.
- 2) 2. Jason Chuah - International Trade Law, Cavendish Publishing Ltd, London, 1995.
- 3) Motiwal and Awasthi International Trade, 1st edn, 1995. Bhowmik and
- 4) co; New Delhi.
- 5) Clive M. Schmitthoff, Schmitthoff's, Export Trade, 8th Edn, 1986, Stevens and Sons, London.
- 6) Law of International Trade Transactions - ed. Rahmatullah Khan, Tripathi Pvt, Ltd, Bombay, 1973.
- 7) UNCITRAL Year Book, 1970-1995, United Nations, New York.
- 8) Dicey, Conflict of Laws.
- 9) Justice Kochu Thomen.- Bill of Lading.
- 10) Payne and Ivamy - Carriage of goods, 12th Edn., Butterworth.
- 11) M.C. Vaish, Sudama Singh: International Economic Law, 4th Edn., Oxford and IBH Publishing Co.
- 12) New Directions in International Trade Law, Vol I & II, Oceana Publications Inc.
- 13) B.C. Mitra - Law Relating to Bills of Lading and Charter party (Air, Land and Sea) 1998.
- 14) Avtar Singh Law of Carriage (Road, Rail, Air and Sea) 3rd Edn., Eastern Book Co.

SEMESTER – IV
GROUP – E
ENVIRONMENTAL LAW
OPTIONAL CORE COURSE (OCC-E-06)
ENVIRONMENTAL PROTECTION: EMERGING TRENDS
(CREDITS-4)

COURSE OBJECTIVE:

Environment Protection and is a dynamic concept Assessing the environment's prospects in a fast-changing times requires the consideration of emerging trend; this paper brings new trends in areas of Marine Ecosystem. Marine Ecosystem play a vital role in Human's Life. Especially, Coastal is a very potential area for a variety of development options. The increase of population and its activities will be able to threaten the existence and sustainability of ecosystems and coastal resources, marine and small islands. Increasing concern about IPR rights and Traditional knowledge of indigenous person and TK in the developing countries particularly in India. The World Energy consumption contributes to pollution, environmental deterioration and global greenhouse emissions. To end this, renewable energy resources can play an important role in controlling and reducing environmental impact.

LEARNING OUTCOME:

After studying this course students will be able to:

- The objectives are to get an insight on the coastal conservation policies implemented and to learn experiences.
- Legally protecting the biodiversity and its various frame works for future generations.
- An understanding of Understanding Environmental Impact Assessment (EIA) with progress of Sustainable Development.
- Basic concepts relating to energy and mining and its impact on environment.

MODULE I: COSTAL ZONE AND MARINE ENVIRONMENT

- A. CRZ Notifications Classification of Zones.
- B. Coastal Zone Management Plans and Implementation.
- C. Marine Resources – Conservation and Exploitation Marine Pollutants: Sources and Impacts.

MODULE II: BIODIVERSITY & INTELLECTUAL PROPERTY RIGHTS

- A. **Biodiversity And its necessity** – Definition – Importance -Threats- Need for protection of Biodiversity
- B. **Laws, Policies and Measures for Biodiversity** - Convention on Biological Diversity, 1992, The Biological Diversity Act, 2002 -Protection of Plant Varieties and Farmers Right Act, 2001 relevant portion only), The Geographical Indications (Regulation and Protection) Act, 1999(relevant portion only).
- C. **Biodiversity And IPR** - TPIPS & CBD Dynamics – a conflict of rationale origins and overall frame work, National Sovereignty VS Rights of IPR holders, Community Rights Vs Private Individual Rights Benefits, Prior Informed Consent of state and community's vs Unilateral Patent, Benefit sharing Arrangement.

MODULE III: UNDERSTANDING ENVIRONMENTAL IMPACT ASSESSMENT

- A. Provisions of environment impact assessment (EIA) under the environmental protection Act, 1986.
- B. Rationale behind EIA – EIA methodology and process environment impact assessment notification 2006 – Preliminary assessment of EIA – comprehensive EIA – functions of the impact Assessment Agency – Public hearing and EIA – Understanding types and methodology EIA – Evolution of standards of EIA – History of EIA in India – EIA process forms – Impact assessment – Comparative review of EIA process – and procedures followed in foreign Countries.
- C. ISO – Corporate Social Responsibility CSR & ISO 26000

MODULE IV: UTILIZATION OF RENEWABLE ENERGY SOURCES

- A.** Definition and concepts relating to an Energy, Impact of Mining and Energy production on Environment.
- B.** Kinds of Energy: Conventional/Non – Renewable Energy: Fossil Fuels, Coal, Oil, Natural Gas – Non – conventional/Renewable Energy – Wind Energy, Solar Energy, Hydroelectric power energy, Geothermal Energy, biomass Energy, Nuclear Energy – Types of Mining.
- C.** Defining Nuclear Energy – Importance of the Nuclear Energy as a Renewable energy. Growth of Nuclear power in India – The Emergence of Environmental Concerns Nuclear power of India – Challenges – Civil liability for nuclear damage Act, 2010 – Atomic Energy Act, 1962. Principles governing nuclear liability: Safety principles, Security, Prevention and Protection, Responsibility, Compensatory, Sustainable and developmental, Interdependence and transparency, strict and no – fault liability, Nuclear Energy Park.

SUGGESTED READING:

- 1) Integrated Social Sciences and Economics (ISE) Division National Centre for Sustainable Coastal Management Ministry of Environment, Forest and Climate Change Government of India, Assessment of Coastal and Marine Ecosystem Goods and Services – Linking Coastal Zone Management to Ecosystem Services in India Sand Dunes, 2018 – 19.
- 2) Ahana Lakshmi Et al., The Challenged Coast of India, Report prepared by PondyCAN in Collaboration with BNHS and TISS (2012)

SEMESTER – IV
GROUP – F
LABOUR, CAPITAL AND LAW
OPTIONAL CORE COURSE (OCC-F-06)
LAWS RELATING TO WAGES
(CREDITS-4)

COURSE OBJECTIVE:

- The objective of this study lesson is to thoroughly acclimatize the students with the law relating to Minimum Wages and Payment of Wages.
- To make the students understand the procedure for fixation and revision of minimum wages of the workers engaged in the scheduled employments.
- To make the students familiarize with the constitutional provisions relating to payment of wages.
- To study in context with the new Industrial-Labour Codes.

LEARNING OUTCOME:

The students will be able to understand-

- 1) The changing definition of wages including national and international perspective.
- 2) About the various facets and theories of wages.
- 3) Awareness about the minimum wage fixed by the Central Government from time to time and many other such changes made through amendments.
- 4) The Indian constitutional aspect and rights relating to payment of wages.

MODULE I: INTRODUCTION TO WAGES

- A. Historical Evolution of Concept of Wages
- B. Theories of Wages
- C. Wage Concept- Living, Fair & Minimum Wage
- D. International Labour Standards on Wage
- E. Code on Wage, 2019

MODULE II: PAYMENT OF WAGES ACT, 1936

- A. Responsibility for payment of wages
- B. Wage periods- Time for payment, deductions & fines
- C. Claims arising out of deductions and delay of payments
- D. Procedure for filing and disposal of appeals
- E. Enforcement machinery under the Act- Powers and Functions

MODULE III: MINIMUM WAGES ACT, 1948

- A. Minimum Wages Act 1948 and Maharashtra Amendment Act, 1992
- B. Power of State Government to fix different rates for certain employment
- C. Procedure for fixation of wages
- D. Procedure for disposal of claims
- E. Concepts of Dearness allowance and principles for determination of DA

MODULE IV: FACETS OF WAGES

- A. National Wage Policy & Wage Board
- B. Constitutional Perspective on Wages-
 - (i) Right to Work
 - (ii) Equal Pay for Equal Work
- C. Equal Remuneration Act, 1976-
 - (i) Duty of Employer to pay equal remuneration

- (ii) No Discrimination in remuneration
- (iii) Advisory committee.
- (iv) Authorities for hearing and deciding complaints and claims.

SUGGESTED READING:

- 1) Raghuraj Singh- Movement of Industrial Wages in India (1995).
- 2) J.C. Sandersara & LL.Deshpande, Wage Policy and Wage Determination in India.
- 3) R.B.Sethi- Payment of Wages Act and Minimum Wages Act
- 4) G.L.Kothari-Wages, Dearness Allowance and Bonus.
- 5) S.B.L.Nigam-State Regulation of Minimum Wages (1955).
- 6) Menon- Foundations of Wage Policy.
- 7) D. Srivastava, Payment of Wages Act

SEMESTER – IV
GROUP G
CRIMINAL LAW
OPTIONAL CORE COURSE (OCC – G-06)
ORGANISED CRIME AND TRANSNATIONAL CRIME: NEW
CHALLENGES
(CREDITS-4)

COURSE OBJECTIVE:

This course is designed to give students a comprehensive understanding of contemporary patterns and characteristics of organized crime, its National and International perspective and relevant international conventions in this field. The focus of this course is with the criminology of transnational organized crime, international conventions to combat transnational crime, and domestic efforts to implement and enforce this body of law.

LEARNING OUTCOMES:

After successfully completing this course, students should be able to:

- Have a general understanding of the nature, characteristics and contemporary patterns of transnational organized crime.
- Have a comprehensive knowledge of the sources of relevant international law, domestic legislation, case law, government sources, and scholarly writing in this field of study.
- Understand relevant government policies in this field and in related areas.
- Identify and structure relevant issues and present them logically.
- Work individually on designated tasks and topics and present outcomes in written and oral form.

- Develop informed, coherent strategies for law reform and policy change in this field of study.
- Discuss topical issues in an open forum.

MODULE I: INTRODUCTION

- A. Definition, concept and nature of Organised crime.
- B. Causes of Organised crime
- C. Types and characteristics of Organised crime.
- D. Comparison between white-collar crime, corporate crime and Organised crime.

MODULE II: DRUG ADDICTION, PROSTITUTION AND COLLECTIVE VIOLENCE

- A. Narcotics and Drugs and Psychotropic Substances Act, 1985: Causes, National and International perspective.
- B. Approaches to drug abuse.
- C. Causes and concern for prostitution, child prostitution and flesh trade.
- D. Communal violence and Naxal problems- causes and concerns, Telangana struggle.

MODULE III: LEGISLATIVE PROVISIONS IN INDIA

- A. Maharashtra Control of Organized Crime Act, 1999
- B. Relevant Provisions under IPC and Indian Evidence Act
- C. Prevention, control and correctional strategies

MODULE IV: TRANSNATIONAL ORGANISED CRIMES

- A. Definition, Scope and Characteristics of Transnational crime
- B. Types of Transnational crime and its Causes
 - a) Drug Trafficking as Transnational Crime
 - b) Trafficking of Weapons
 - c) Counterfeit of Goods
 - d) Trafficking of Persons and Smuggling of Migrants

e) Money Laundering

f) Terrorism

C. Emerging Crimes of International Nature

MODULE V: LAWS RELATING TO TRANSNATIONAL ORGANISED CRIME

A. Organised crime and United Nations

B. Naples Declaration and Global Action Plan 24 Dec. 1994 (Salient features)

C. United Nations Conventions Against Organized Crime 15th Dec. 2000 (Salient features)

D. Extradition Treaty: Extradition Act 1962 (Relevant Provisions)

SUGGESTED READING:

- 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) Edwards Busch, (ed.) *Drug Problems in Britain : A Review of Ten Years* (1981)
- 5) Kondanram and Y.N. Murthy, "Drug Abuse and Crime : A Preliminary Study" 7 *Indian Journal of Criminology*, 65-68 (1979)
- 6) P.R. Rajgopat *Violence and Response: A Critque of the Indian Criminal System* (1988)
- 7) United Nations, *Economic and Social Reports of the Commission on Narcotic Drugs*, United Nations
- 8) *International and Transnational Criminal Law* by David Luban , Julie R. O'Sullivan, David P. Stewart
- 9) *From Nuremberg to the Hague: The Future of International Criminal Justice*, Philippe Sands., Cambridge University Press, 2003
- 10) *Transnational Organized Crime- An Overview from Six Continents* by Jay Albanese, Philip Reichel
- 11) *Transnational Organized Crime: A Commentary on the United Nations Convention and its Protocols (Oxford Commentaries on International Law) Hardcover – May 17, 2007* by David McClean, Oxford University Press (May 17, 2007)

- 12)** Handbook of Transnational Crime and Justice by Jay Albanese, Philip Reichel, Sage Publications.
- 13)** Sriram, Martin-Ortega, and Herman, War, Conflict, and Human Rights: Theory and Practice (Routledge, 2009).
- 14)** Documents and Reports Published by United Nations from Time to time.
- 15)** The International Criminal Court: Challenges to Achieving Justice and Accountability in the 21st Century by By Mark S. Ellis, Richard J. Goldstone, Publisher: International Debate Education Association 2008

SEMESTER – IV
SOFT COURSE (SC-04)
SPORTS LAW AND MANAGEMENT
(CREDITS-2)

OBJECTIVES:

The concept of Sports is age old and with time many sports have evolved, flourished and disappeared. But in the modern era Sports are not just about recreational use of time but a Billion-Dollar industry, with worldwide Spectators and Consumers and National assets built on the very foundation of Sports. With the steady growth and expansion of the Sports Industry, the capability of traditional models of governance of sports activities to deal with contemporary issues is under scrutiny and law is the only weapon to regularize it as well as expand it keeping in mind the interests of stakeholders.

LEARNING OUTCOMES:

After undergoing the study, the student will be able to understand the following:

- Traditional and Non-Traditional Knowledge of Sports
- Understanding Vital Rules and Regulations of the Sporting Authorities of India and the World
- Understand the Practical Aspects of the Sporting World vis-a-vis Law
- The Connection between Marketing in Sports and Law regulating it

MODULE I: INTRODUCTION

- A. Meaning and need of Sports law
- B. Historical Development
- C. Traditional Sports & Legal Status in India
- D. Civil and Criminal Liability in Sports

MODULE II - DOPING AND SPORTS

- A. Doping
- B. World Anti-Doping Code
- C. Code of Conduct of Sportspersons
- D. Violations of Anti-Doping Code
- E. Recreational use of Drugs - Exemptions

MODULE III: COMMERCIALIZATION OF SPORTS & LEGAL REGULATION

- A. Development of Sports Industry & Legal Regulation (IPL, Kabaddi League)
- B. Endorsement & Advertisement Contract
- C. Broadcasting
- D. Gambling
- E. Anti-Competitive Practices in Sports Industry

MODULE IV: LEGAL REGULATION OF SPORTS IN INDIA

- A. PIL and Landmark Judgements
- B. Sports Dispute Resolution and Enforcement of Award
- C. Court of Arbitration for Sports
- D. Ministry of Youth Affairs and Sports
- E. National Sports Policy, 2011
- F. Sport Federations in India
- G. International Sports Federation
- H. Sports Authority of India

SUGGESTED READING BOOKS:

- 1) Lovely Dasgupta, Shameek Sen, Sports law in India - Policy, Regulation and Commercialisation
- 2) Mukul Mudgal, Law and Sports in India: Development Issues and Challenges
- 3) Professor Ulrich Haas and Dr Deborah Healey, Doping in Sport and the Law
- 4) Anujaya Krishna, Sport Law
- 5) Mohammad Naseem, Sports Law in India

- 6) GNLU, Ahmedabad, Sports and Legislature
- 7) Subhrajit Chanda, Handbook: Developing Sports Law in India: A Challenge Ahead
- 8) John J. Miller & Kristi L. Schoepfer, Legal Aspects of Sports
- 9) Rodney D. Ryder, Sports Law

SEMESTER – IV
SOFT COURSE (SC-05)
TRANSPARENCY LAW
(CREDITS-2)

OBJECTIVES:

Transparency has become one of the fundamental distinctive traits of contemporary Democratic societies. Information makes a person wise and it is competent enough to cope up with the modern world. So it is the duty of government to inform citizens about day to day happening whatever within the government. The transformation from governance to good governance is possible if there is possibility of increasing participation of people in governance and free access of information. By realizing this fact, Indian parliament has passed Right to Information Act, 2005 to make government accountable, responsible, efficient and transparent. In this course students will be studying the notion of Transparency on the backdrop of functioning of Right to Information Act, 2005. Students will also study the interface of transparency with the notion of Privacy. This course highlights the basic guidelines of RTI Act, the relationship between Right to Information Act and good governance and the issues relating to RTI Act.

LEARNING OUTCOMES:

On completion of this course, the students will be able to:

- Comprehend the nature, scope and application of the right from a Constitutional and a legal right perspective.
- Synthesize the concept of ‘right’ with ‘reasonable restriction’ and appreciate the various aspects of the development of law and policy in this area.

MODULE I: TRANSPARENCY - CONCEPT, RATIONALE AND SIGNIFICANCE

- A. Concept of Transparency
- B. Transparency as Power

- C. Differing Justifications for Transparency i. Transparency and Effective Administration ii. Transparency and Open Government iii. Transparency and Human Rights
- D. Right to Information Movement in India and World Over

MODULE II: LAW ON TRANSPARENCY AND INTERNATIONAL INSTRUMENTS

- A. The United Nations and Right to Information
- B. The UNDP and Right to Information
- C. The Commonwealth and the Right to Information
- D. The Rio Declaration on Environment and Development, 1992 and Access to Information

MODULE III: TRANSPARENCY, GOOD GOVERNANCE AND ACCOUNTABILITY

- A. The Official Secrets Act, Exempted Organizations
- B. Administrative Transparency and Accountability through Right to Information
- C. Effectiveness of RTI Act in Eradicating Corruption
- D. Right to Information and Good Governance
- E. Role of Judiciary in Promoting Good Governance and Accountability
- F. Whistle-blowers

MODULE IV: RIGHT TO INFORMATION AND TRANSPARENCY

- A. Constitution of India and Right to Information
- B. Salient Features of Right to Information Act, 2005
- C. Powers and Functions of Information Commission
- D. RTI and Obligations of Public Authorities
- E. Exempted Information
- F. Application of RTI Act to Legislature and Judiciary
- G. Transparency and Political Parties
- H. The Future of Transparency in the age of Big Data
- I. Right to Information and of Patent Specification during Patent Pending
- J. Fallacies of Transparency in the age of Fake News, Artificial Intelligence and Hyper Information Society.

SUGGESTED READING:

- 1) Meijer, Albert. "Transparency." The Oxford handbook of public accountability. 2014.
- 2) Bianchi, Andrea, and Anne Peters, eds. Transparency in international law. Cambridge University Press, 2013.
- 3) Goel, Sumar L. Right to information and good governance. Deep and Deep Publications, 2007.
- 4) Adams, Rachel. Transparency: new trajectories in law. Routledge, 2020.
- 5) Pozen, David E., and Michael Schudson, eds. Troubling transparency: the history and future of freedom of information. Columbia University Press, 2018.
- 6) Roy, Aruna. The RTI story: Power to the people. Roli Books Private Limited, 2018.
- 7) Jha, Himanshu. Capturing Institutional Change: The Case of Right to Information Act in India. Oxford University Press, 2021
- 8) Jain, Narinder Kumar, and M. L. Khurana. Right to Information: Concept, Law and Practice: with Position in Other Countries and Case Studies. Regal Pub., 2007.
- 9) Piotr Mikuli, Accountability and the Law: Rights, Authority and Transparency of Public Power (Comparative Constitutional Change).
- 10) K.B.Rai, Right to Information. Prabhat Prakashan 201

SEMESTER – IV
SOFT COURSE (SC-06)
FINTECH LAW
(CREDITS-2)

COURSE OBJECTIVES:

The rise of Digitization of Economies worldwide with development of the Finance Ecosystem, broadly labelled as Financial Technology or Fintech has been a remarkable feature of economies in recent decade. With one of the world's fastest-growing economies, India also has undoubtedly emerged as a FinTech Economy. Paperless Lending, Mobile Banking, Secure Payment Gateways, Mobile Wallets, and other concepts are already in vogue in India.

Fintech law bridges finance, technology and regulation. This course will provide the students with that understanding. Students will learn about the critical legal, regulatory, and policy issues associated with cryptocurrencies, initial coin offerings, online lending, new payments and wealth management technologies, and financial account aggregators.

LEARNING OUTCOMES:

After studying the subject, the students are expected to achieve the following:

- Understand the Development of Digitization of Economy with its Impact on different Service Sectors.
- Understand the Concept of Digital Currency and Cryptocurrency.
- Appreciate the Legal Developments in this area with the role of RBI as the Regulator.

MODULE I: CONCEPT OF FINTECH TECHNOLOGY

A. Financial Technology - Concept and Foundation

B. Application of Technologies - Artificial intelligence, Big data, Robotic Process

Automation, Block chain, Machine Learning

C. Key areas of Applicability - Banking, Investments, Insurance, Trading, Risk Management

D. Virtual Digital Assets and taxation in India

MODULE II: CRYPTOCURRENCY AND DIGITAL CURRENCY

A. Concept, meaning and kinds of Cryptocurrency

B. Risk of Crypto currency in modern investment Portfolio

C. Cryptocurrency and IPR

a. Cryptocurrency as a subject matter of Intellectual Property Law

b. Blockchain Technology & IP

c. Issues-Trade Secrets, Open Licenses, Ownership and Rights of First Creator

D. Legal Issues relating to Crypto currency

E. Digital Currency in India & Role of RBI

MODULE III: DEVELOPMENT OF INDIAN STACK IN PAYMENT

A. Payment and Settlement Systems Act, 2007

a. Real Time Gross Settlement (RTGS)

b. National Electronic Fund Transfer (NEFT)

c. Immediate Payment Service

d. Electronic Clearing Services (ECS)

e. JAM trinity

f. Unified Payments Interface (UPI)

B. Regulatory Framework (RBI)

- a. RBI: Central Regulator
- b. Procedural Guidelines of UPI (NPCI Guidelines)
- c. Regulation of payment intermediaries: RBIs Role
- d. Regulation of Prepaid Payment Instruments by the RBI - PPI Master Directions
- e. Regulation of Licensing and Operating of Payment Banks by RBI

READING LIST:

- 1) FinTech - Law and Regulation, Second Edition (Elgar Financial Law and Practice series) by Jelena Madir
- 2) Fintech Future: The Digital DNA Of Finance, 2020 by Sanjay Phadke, Sage Publications
- 3) The LegalTech Book: The Legal Technology Handbook for Investors, Entrepreneurs and FinTech Visionaries by Susanne Chishti, Sophia Adams Bhatti, Akber Dattoo and Drago Indjic, Wiley; 1st edition (20 July 2020)
- 4) FinTech Regulation: Exploring New Challenges of the Capital Markets Union by Valerio Lemma, 2020, Palgrave Macmillan
- 5) FinTech Future: The Digital DNA of Finance Kindle Edition by Sanjay Phadke, Sage Publications Pvt. Ltd; 1st edition (25 February 2020)
- 6) Dean Armstrong QC & Others, Blockchain And Cryptocurrency: International Legal and Regulatory Challenges
- 7) Chris Bummer, Cryptoassets: Legal, Regulatory, and Monetary Perspectives

SEMESTER – IV
ELECTIVE SUBJECT (EC-03)
CYBER CRIMES
(CREDITS-4)

COURSE OBJECTIVE:

The main objective of this course is to make students familiar with the developments that are being taking place in the different areas with the help of Computer and Information Technology. This course is designed to provide an overview of cyber-crimes and the legal framework to detect and punish persons involved in committing cyber-crimes. The students will acquire knowledge in national and international legal order and the Fundamentals of Cyber Law.

LEARNING OUTCOMES:

On successful completion of this course, students will be able to:

- Learn the conceptual and theoretical perspective of cyber laws.
- Understand the international development of cyber laws.
- Understand the legalities through analysis of IT Act, 2000.
- Learn the basic concepts of cyber-crimes.
- Enable to analyse and interpret case law on cyber-crimes.
- To identify the emerging cyber-crimes.

MODULE I: INTRODUCTION TO CYBER CRIME

- A. Meaning, Definition, Nature of Cyber-crimes.
- B. Historical Genesis and Evolution of Cyber Crimes, cyberspace, Internet, Internet of Things (IOT).
- C. Tools and Techniques Used to Commit Cyber Crimes

- D.** Types of Cyber Crimes, Crimes targeting computer systems, Crimes in which computer systems are used as tools/instruments
- E.** Characterization and Classification of Cyber-crimes: i) Cyber-crime against Individual ii) Cyber-crime against Property iii) Cyber-crime against Society iv) Cyber-crime against Government.

MODULE II: FUNDAMENTALS OF CYBER LAW

- A.** Statutory Laws pertaining to Cyber Crimes in India: Information Technology Act 2000 and Latest Amendments, Definitions under I.T. Act 2000, Offence and Penalties under the I.T. Act 2000, Indian Penal Code, Indian Evidence Act., Applicability of Criminal Procedure Code, Other Amended Special Acts (With Latest Amendments).
- B.** Specific Cyber-crimes issues: Cyber Stalking, Cyber Terrorism, Child Pornography, Computer viruses, Email spoofing and Online Fraud, Cyber defamation, Cyber voyeurism, Data theft, Hacking, identity theft, Impersonation, Ransomware, trojans, worms, Denial of Service Attack (DoS), Cyber Pornography.
- C.** Obscenity in Cyberspace.
- D.** Online Intermediaries in the governance of Internet and guidelines for intermediaries.
- E.** Cyber jurisprudence with latest Case laws.

MODULE III: INVESTIGATION OF CYBERCRIME

- A.** Cyber Forensics – Definition, Classification of Cyber Forensics
- B.** Agencies for investigation in India, their powers and their constitution as per Indian Laws.
- C.** Pre-Investigation Assessment, Standard Operating Procedures for investigations.
- D.** Cyber Crime Investigation and Challenges: Technical and Legal Aspect: Information in the computer, confiscation, protection and packing, computer examination.
- E.** Digital and forensic Evidence under Cyber Crime: Evidentiary regime: Admissibility, Burden of proof and Authenticity.

MODULE IV: INTERNATIONAL PERSPECTIVES & CONTEMPORARY TRENDS

- A.** International Convention on Cybercrime: Budapest Convention on Cybercrime.
- B.** Cyber Crimes Laws of USA, U.K., Canada and Australia: A Comparative Study.
- C.** Censorship in Cyber space, Online privacy, Freedom of Speech and Internet, Social Networking Sites Vis-à-vis Human Rights.
- D.** Virtual Currencies, Cryptocurrencies.
- E.** Recent trends and Challenges in Cyberspace.

SUGGESTED REFERENCES:

- 1) The Information Technology Act, 2000; Bare Act.
- 2) Information Technology Law and Practice by Vakul Sharma; Universal Law Publishing Co. Pvt. Ltd.
- 3) Cyber Laws by Justice Yatindra Singh, Universal Law Publishing.
- 4) Cyber Law & Cyber Crimes by Advocat Prashant Mali; Snow White Publications, Mumbai.
- 5) Cyber Law in India by Farouq Ahmed; New Era Publications, New Delhi.
- 6) Cyber Law by Pawan Duggal; Universal Law Publishing Co, New Delhi.
- 7) Guide to Cyber Laws by Rodney D. Ryder; Wadhwa & Co, Nagpur.
- 8) Cyber Security; Understanding Cybercrimes; Computer Forensics and Legal Perspectives by Nina Godbole & Sunit Belapor, Wiley Publications.

SEMESTER – IV
ELECTIVE SUBJECT (EC-04)
COMMERCIAL DISPUTE REDRESSAL
(CREDITS-4)

COURSE OBJECTIVE:

The main objective of this course is to make students familiar with the Dispute Redressal method of resolving Commercial Disputes both globally as well as within India. Disputes relating to international trade, foreign investments, insurance and reinsurance, and construction are generally being resolved by arbitration. In India the Arbitration & Conciliation Act 1996 has been enacted in pursuance of the UNCITRAL model law incorporating provisions enacted as per the Geneva Convention and the New York Convention.

LEARNING OUTCOMES:

On successful completion of this course, students will be able to:

- Demonstrate a sound understanding of alternative dispute resolution methods for commercial Disputes.
- Understand the international development of Disputes Resolution Mechanism.
- Examine the main international legal provisions and sources of norms.
- Examine the concept of arbitral awards and its enforceability.

MODULE I: ALTERNATIVE DISPUTE MECHANISM

- A.** Alternative Dispute Resolution – Definition, Scope and Genesis
- B.** Overview of Alternative Dispute Resolution Process -Arbitration, Mediation, Conciliation, Lok Adalat and Judicial Settlements

- C. Evolution of the concept of ADR with historical prospective -Position of ADR in Ancient India, Position of ADR in Mughal period, Position of ADR during British Period, Position after Independence
- D. Commercial Courts (Pre-Institution Mediation and Settlement) Rules, 2018, Speedy settlement of commercial cases through mediation.

MODULE II: ARBITRATION IN INDIA

- A. Agreement based and Court annexed ADR processes - Salient Provisions of Arbitration and Conciliation Act 1996 and Amendments in 2015 and 2019
- B. Arbitrability and Non-Arbitrability of Disputes – Interim Measures by Court and Arbitral Tribunal
- C. Arbitration Agreement, Formation and Validity of the Arbitration Agreement, Multi-party Agreements, Third Parties and Non-Signatories, Drafting an Arbitration Clause
- D. Composition and Jurisdiction of arbitral tribunal, Kompetenz–Kompetenz, Conduct of Arbitral Proceedings
- E. Making of Arbitral Award and Termination of Proceedings, Recourse against Arbitral Award, Appeals, Finality and Enforcement of Arbitral Award

MODULE III: INTERNATIONAL COMMERCIAL ARBITRATION

- A. History of International Commercial Arbitration: General background, growth of international commercial arbitration 1920 to 1950 & 1950 to the present, Development of investment arbitration
- B. Legal regime governing international commercial arbitration: New York Convention, Geneva Convention, UNCITRAL model law on arbitration, National Law
- C. International Arbitration Agreements: Jurisdictional Requirements, Arbitral Seat, Choice of Law and its Application to International Agreements - Non-Arbitrability, Formal Validity, Choice of Forum
- D. Recognition and enforcement of foreign arbitral awards, Ground for setting aside arbitral award

MODULE IV: CONTEMPORARY TRENDS

- A.** Hybrid ADR: Med-Arb and Arb-Med, Mini Trials, Online Dispute Resolution (ODR), Assisted Deal Making
- B.** Multi-Tier Arbitration in India
- C.** Arbitration under Bilateral Investment Treaties
- D.** Sector Specific ADR

SUGGESTED REFERENCES:

- 1)** Bansal A K “Law of International Commercial Arbitration”, Universal Law Publishers
- 2)** Avtar Singh, “Arbitration and Conciliation Act”, EBC, Lucknow
- 3)** Margaret L. Moses “The Principles and Practice of International Commercial Arbitration” Cambridge University Press
- 4)** Dr. Markanda P. C, “Law Relating to Arbitration and Conciliation”, Lexis Nexis
- 5)** P.C. Rao and William Sheffield, “Alternative Dispute Resolution”, Universal Law Publication
- 6)** David St. John, Judith Gill, Mathew Gearing, “Russell on Arbitration”, Sweet & Maxwell