



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

“(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. Of 2023

**ADMISSION, EXAMINATION AND SYLLABUS LEADING TO THE
AWARD OF DEGREE OF MASTER OF LAWS (LL.M.) PROGRAMME
IN POST GRADUATE TEACHING DEPARTMENT OF LAW, RTMNU
(CHOICE BASED CREDIT SYSTEM) 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 and vide G.R. No.NEP-2-22/CR No. 09/VISHI-3/ dated April 20, 2023. The course is governed by admission and examination Rules and Regulations for autonomous departments, Credit and Semester System prescribed by RTM Nagpur University from time to time.

- 1. Title of the Direction:** 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, NOTIFICATION No. OF 2023.”
- 2. Commencement and applicability of the Direction:** It shall be applicable from The Academic Session 2023-24 onwards
- 3. Scope:** This Direction shall apply to LL.M. Programme Students of PGTD of Law (Autonomous) RTMNU, from the academic session 2023- 24 onwards.
- 4. LL.M Programme** will commence as per the ACADEMIC calendar prescribed by PGT Departments, RTMNU from time to time.

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/vocational training/viva/seminars/term papers/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 Post Graduate Teaching Department of Law, RTM Nagpur University offers LL.M Degree in four Specialized Branches of Law:

Specialization Group	Specialization Name	Intake Capacity
Group -B	Constitutional and Administrative Law	25 Seats
Group- C	Intellectual Property Rights	25 Seats
Group- D	Business Law	25 Seats
Group- G	Criminal Law	25 Seats

INTAKE AND RESERVATION:

The total number of students' intake is 100 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 LL.M programme will be as per the Reservation Policy adopted by the Government of Maharashtra from time to time.

ADMISSION:

Eligibility Criteria for Admission: An applicant for admission to LL.M programme should have obtained LL.B Three Years or LL.B Five years degree from Rashtrasant Tukadoji Maharaj Nagpur University or any other recognized University in India.

Procedure of Admission: -

1. The admission to LL.M Programme will be done as per the norms of University from time to time.
2. The admission process will be completed only after the student make the payment of fees and submission of required documents prescribed by RTMNU.
3. Medium of Instructions and Examination: The medium of instruction and examination for LL.M Programme shall be English only.
4. A student admitted LL.M program shall abide by the code of conduct for students issued by the PGTD of Law from time to time. This code of conduct deals with the discipline of the students in the departments and the University premises and outside. It may also deal with such other matters as a reconsidered necessary for the general conduct of the students.
5. **Withdrawal/Cancellation-** Withdrawal/Cancellation will not result in the refunding of admission fees under any circumstances. The admission fee is absolutely non-refundable.

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.
 - 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.

LL.M Programme Syllabus

Programme 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 programme concerned if he/she has put in an attendance of not less than 75% of the lectures and tutorials calculated separately.

LL.M Programme Structure:

1. Two-year LL.M programme 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 Programme structure is as follows.

Semester I											
Code	Theory / Practical	Teaching scheme (Hours / Week)			Credits	Examination Scheme					
		Theory	Practical	Total		Duration in hrs.	Max. Marks		Total Marks	Minimum Passing Marks	
							Ex t	Pr n		Th e	Pr act
MLW-01T – MM -01	Legal Research Methodology	4			4	60	60	40	100	30	20
MLW-01P-01	Seminar Paper and Law Teaching		8		4	120	60	40	100	30	20
MLW- 01E- ME 01	Law of Science and Technology	4			4	60	60	40	100	30	20
MLW- 01E- ME 02	Fintech Law	4					60	40	100	30	20
Group B: Constitutional Law and Administrative Law											
MLW-01T-CA-01	Constitutionalism	4			4	60	60	40	100	30	20
MLW-01T-CA-02	Electoral Law	4			4	60	60	40	100	30	20
Group C: Intellectual Property Rights											
MLW-01T-IP-01	Concepts and Theories Related to Intellectual Property Rights	4			4	60	60	40	100	30	20
MLW-01T-IP-02	Law of Copyright	4			4	60	60	40	100	30	20
Group D: Business Law											
MLW-01T-BL-01	Corporate Law -I	4			4	60	60	40	100	30	20
MLW-01T-BL-02	Securities and Investment Laws	4			4	60	60	40	100	30	20
Group G: Criminal Law											
MLW-01T-CL-01	Criminology and Victimology	4			4	60	60	40	100	30	20
MLW-01T-CL-02	Principles of Criminal Law	4			4	60	60	40	100	30	20
TOTAL		44	8		20 (Per Specialization)	720 (360 Per Specialization)	500			250	

Note: T = Theory; P = Practical, FP-Field Project, RP= Research Project, MM- Mandatory Major, ME- Mandatory Elective

SYLLABUS STRUCTURE & EXAMINATION SCHEME FOR LL.M
PROGRAMME

CREDIT STRUCTURE

POST GRADUATE TEACHING DEPARTMENT OF LAW
(AUTONOMOUS)

RASHTRASANT TUKADOJI MAHARAJ NAGPUR UNIVERSITY,
NAGPUR

Scheme of teaching and examination for LL.M (CBCS) As per NEP 2020
Structure and Credit Distribution of PG Degree Program for Two years
Choice Based Credit System (Semester Pattern) Effective from 2023-2024

POST GRADUATE TEACHING DEPARTMENT OF LAW (AUTONOMOUS)

RASHTRASANT TUKADOJI MAHARAJ NAGPUR UNIVERSITY, NAGPUR

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Semester II											
Code	Theory / Practical	Teaching scheme (Hours / Week)			Credits	Examination Scheme					
		Theory	Practical			Duration in hrs.	Max. Marks		Total Marks	Minimum Passing Marks	
							External Marks	Internal Marks		Theory	Practical
MLW-02T – MM - 02	CONSTITUTIONAL REALISM	4			4	60	60	40	100	30	20
MLW-02P-02	ON JOB TRAINING and Legal Proficiency		8		4	120	60	40	100	30	20
MLW- 02E- ME 03	LAW AND SOCIAL TRANSFORMATION IN INDIA	4			4	60	60	40	100	30	20
MLW- 02E- ME 04	FEMINIST JURISPRUDENCE & GENDER STUDIES	4					60	40	100	30	20
Group B: Constitutional Law and Administrative Law											
MLW-02T-CA-03	CONSTITUTIONAL INTERPRETATION	4			4	60	60	40	100	30	20
MLW-02T-CA-04	ADMINISTRATIVE LAW -I	4			4	60	60	40	100	30	20

Group c: Intellectual Property Rights											
MLW-02T-IP-03	LAW OF PATENTS	4			4	60	60	40	100	30	20
MLW-02T-IP-04	LAW ON TRADEMARK, TRADE DESIGNS AND GEOGRAPHICAL INDICATIONS	4			4	60	60	40	100	30	20
Group D: Business Law											
MLW-02T-BL-03	CORPORATE LAW –II	4			4	60	60	40	100	30	20
MLW-02T-BL-04	THE INSOLVENCY AND BANKRUPTCY CODE FOR CORPORATE PERSONS	4			4	60	60	40	100	30	20
Group G: Criminal Law											
MLW-02T-CL-03	PENOLOGY: REHABILITATIVE & CORRECTIONAL TECHNIQUES	4			4	60	60	40	100	30	20
MLW-02T-CL-04	PRIVILEGED CLASS DEVIANCE	4			4	60	60	40	100	30	20
TOTAL		44	8		20 (Per Specialization)	720 (360 Per Specilization)			500		250

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Semester III											
Code	Theory / Practical	Teaching scheme (Hours / Week)			Credits	Examination Scheme					
		Theory	Practical			Duration in hrs.	Max. Marks		Total Marks	Minimum Passing Marks	
							External Marks	Internal Marks		Theory	Practical
MLW-03T – MM - 03	Legal Philosophy and Relativism	4			4	60	60	40	100	30	20
MLW-03P-FP	Socio-Legal Research Project		8		4	120	60	40	100	30	20
MLW- 03E- ME 05	Data Protection Law	4			4	60	60	40	100	30	20
MLW- 03E- ME 06	Forensic Law	4					60	40	100	30	20
Group B: Constitutional Law and Administrative Law											
MLW-03T-CA-05	Administrative Law -II	4			4	60	60	40	100	30	20

MLW-03T-CA-06	Comparative Constitutional Law	4			4	60	60	40	100	30	20
Group c: Intellectual Property Rights											
MLW-03T-IP-05	Intellectual Property Rights – Recent Developments in India	4			4	60	60	40	100	30	20
MLW-03T-IP-06	Protection and Conservation of Traditional Knowledge	4			4	60	60	40	100	30	20
Group D: Business Law											
MLW-03T-BL-05	Legal Regulation of Economic Enterprises	4			4	60	60	40	100	30	20
MLW-01T-BL-06	Law of Commercial Contract	4			4	60	60	40	100	30	20
Group G: Criminal Law											
MLW-03T-CL-05	Comparative Criminal Procedure and Criminal Justice Administration	4			4	60	60	40	100	30	20
MLW-03T-CL-06	Human Rights and Criminal Justice System	4			4	60	60	40	100	30	20
TOTAL		44	8		20 (Per Specialization)	720 (360 Per Specilization)			500		250

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Scheme of teaching and examination for LL.M (CBCS) As per NEP 2020

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Choice Based Credit System (Semester Pattern) Effective from 2023-2024

Semester IV											
Code	Theory / Practical	Teaching scheme (Hours / Week)			Credits	Examination Scheme					
		Theory	Practical			Duration in hrs.	Max. Marks		Total Marks	Minimum Passing Marks	
							External Marks	Internal Marks		Theory	Practical
MLW-04T – MM - 04	CONCEPT OF JUSTICE AND JUDICIAL PROCESS	4			4	60	60	40	100	30	20
MLW-04P-RP	DISSERTATION		12		6	180	100	50	150	50	25
MLW- 04E- ME 07	MEDIA LAW	4			4	60	60	40	100	30	20
MLW- 04E- ME 08	SPORTS LAW	4					60	40	100	30	20
Group B: Constitutional Law and Administrative Law											
MLW-04T-CA-07	INDIVIDUAL INTERESTS AND CONSTITUTIONAL	4			4	60	60	40	100	30	20

	ACCOUNTABILITIES OF INDIVIDUALS										
MLW-04T-CA-08	LAW AND PUBLIC POLICY	2			2	30	30	20	50	15	10
Group c: Intellectual Property Rights											
MLW-04T-IP-07	INTELLECTUAL PROPERTY RIGHTS- GLOBAL TRENDS	4			4	60	60	40	100	30	20
MLW-04T-IP-08	INTELLECTUAL PROPERTY LAWS AND AGRICULTURE	2			2	30	30	20	50	15	10
Group D: Business Law											
MLW-04T-BL-07	INTERNATIONAL TRADE LAW	4			4	60	60	40	100	30	20
MLW-04T-BL-08	LAW OF COMMERCIAL ARBITRATION	2			2	30	30	20	50	15	10
Group G: Criminal Law											
MLW-04T-CL-07	ORGANISED CRIME AND TRANSNATIONAL CRIME: NEW CHALLENGES	4			4	60	60	40	100	30	20
MLW-04T-CL-08	LAW RELATED TO ENVIRONMENTAL CRIMES	2			2	30	30	20	50	15	10
TOTAL		44	12		20 (Per Specialization)	660 (390 Per Specilization)			500		250

Note: T = Theory; P = Practical, FP-Field Project, RP= Research Project, MM- Mandatory Major, ME- Mandatory Electi

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

CREDITS

EXPLANATION:

A. Assessment Structure:

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

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

- i) The theory 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. 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 research writing, discussion and presentation by the students. This is done under the guidance of mentor. During semester 1, the seminar paper topic can be selected from any legal subject.

C. The students shall submit seminar paper (article) of not less than 3,000 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. On Job Training and Law Teaching:

- E.** The Socio-Legal Research shall consist of total 4 credits out of which three credits for written work and one credits for viva voce (Total 4 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.
- F.** 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.

EXAMINATIONS LEADING TO THE AWARD OF MASTER OF LL.M Programme

1. **Duration of the Programme:** The duration of LL.M programme shall be of Two academic year with the Departmental Examinations at the end of semester.
2. The academic session will commence as per the calendar prescribed by PGT Department of Law, RTMNU.
3. An examination shall be held after the completion of each semester, and shall be held at such places and on such dates as may be notified by the PGT Department of Law, RTMNU from time to time. The fees for the examination shall be as prescribed by the University from time to time.
4. **Interpretation Clause:** Unless the context otherwise requires, the following words shall have the meaning as assigned to them in this clause.
 - a. **Academic Year:** ONE year, two semesters constitute one academic year.
 - b. **ATKT:** means Allowed to Keep Term in Higher Semester as per the provisions of this Direction
 - c. **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).
 - d. **Course:** It is equivalent to a paper/subject in a programme. All courses need not carry the same weight. A course may be designed to comprise lecturing/tutorial/laboratory work/fieldwork/outreach, activities/projects
work/vocational training/viva/seminars/term papers/assignments/presentations/self -study etc. or a combination of some of these.
 - e. **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/fieldwork per week.
 - f. **Credit Point (CP):** It is the value obtained by multiplying the Grade

Point by the Credit i.e. No. of Credits assigned for the course x Grade Points secured for that course.

- g. **Cumulative Grade Point Average (CGPA):** CGPA means the value obtained by dividing total number of credit points in all the semesters by the total number of credits in all the semesters. It is a measure of overall cumulative performance of a student over all semesters.
- h. **Grade Letter:** Grade Letter means an index to indicate the performance of a student in a particular course/ Paper. It is the transformation of actual marks secured by a student in a course/paper into a letter grade. There shall be a range of marks for each Grade.
- i. **Grade Point:** Grade Point means weightage allotted to each grade letter.
 - a. **Programme:** Two Year LL.M Programme having four semesters.
The successful completion of four Semester pattern examination which would lead to the award of in LL.M Programme.

5. Examination Scheme

The student shall be evaluated for his/her academic performance in a theory (Lecture/ Tutorial) course through Continuous Assessment, Final Examination. The examinations shall be conducted as per the syllabi of LL.M Programme.

- a) Continuous assessment of students' performance through 'activity-based learning' on the basis of heads such as projects, assignments, tutorials, open book tests, seminars, group discussions, quizzes, journal notes, library notes etc.
- b) Semester Pattern Examination shall be conducted as per schedule in academic calendar of the University for autonomous departments.
- c) End Semester Examination shall be conducted as per schedule in academic calendar of the University for autonomous departments.
- d) End semester examinations will be of three-hour duration. The duration of examination may vary as per the need of the theory course.

6. Withdrawals

- a) A student who wants to withdraw from a course shall apply through the HOD to the Dean, on a prescribed format. The student will be awarded a withdrawal grade 'W' at the end of the session. However, such application shall be made as early as possible and latest before the start of the End Examination.
- b) In case a student is unable to attend the weekly interaction sessions for more than two weeks, it will affect their internal assessment.
- c) In case the period of absence on medical grounds is more than two weeks, he/she shall inform to the HOD as soon as possible in written format with Medical Certificate.
- d) The Examination of each theory paper of LL.M Programme shall be conducted at end of each semester. The scheme of theory examination will be decided from time to time. The theory examination shall be comprised of 60 marks while the internal assessment for 40 marks shall include tutorial/fieldwork/outreach, activities/projects work/ vocational training/ viva/ seminars/ term papers/ assignments/ presentations/ self –study, Publications/ subject knowledge enhancement/library notes/case studies etc.
- e) Standard of Passing the Semester Examinations: In order to pass a particular examination, a candidate shall have to secure at least 50% of marks (theory and internal assessment taken together) in each course in the end semester examination. However, to be successful in the end semester examination the candidate needs to secure at least 50% marks from the aggregate marks of the semester. Where a candidate, therefore, fails in the end semester examination he/she will get exemption in only those passing heads in which he/she has secured 50% or more marks.
- f) **ATKT Rules:** - Rules of promotion of students from the lower to the higher semester shall be as prescribed by the University from time to time.
- g) Calculation of SGPA and CGPA for each semester will be done as per the RTM Nagpur University policy from time to time.
- h) Supplementary Exam Rules: - Supplementary Exam rules shall be as prescribed by the University from time to time
- i) Improvement of Grade/CGPA for each semester will be done as per the RTM Nagpur University policy from time to time.

The credit of individual course can be allotted to the candidates after the completion of LL.M Programme.

LL.M PROGRAMME

- a) The award of LL.M Programme, to an eligible candidate shall be made in accordance with the procedure laid down by the University. A student shall have to fulfill all the requirements for the award of the Degree within such period as may be specified by the university.
- b) The date of initial registration for the program shall normally be the date, on which the student formally registers i.e., takes final admission for the first time. This date shall be considered as the date of joining the program for all intents and purposes.
- c) A student shall be required to attend every lecture, tutorial and practical class. However, for late registration, sickness or other such exigencies, absence may be allowed as provided by the university policy.
- d) Indication of Attempt on Grade Card: The following Characters will be displayed in the Grade Card to indicate the attempts. The LL.M certificate will not have any such indication. Single Grade Card will be provided for the regular examinations. The Grade Cards of successive attempts will be separately provided. But it will be marked 'N' as already said.

N - Not in the

First Attempt

IG - Improvement Grade

- e) Incentive credits to the students participating in Technical / NCC / NSS / Games & Sports / Cultural Activities/ Skill courses for each semester will be done as per the RTMNU policy time to time.
- f) Attendance and Absence and Leave Rule for academic session will be done as per the university policy from time to time.

Equivalence and Absorption of students: The students from previous batches of PGTDs of University of Non-autonomous pattern desirous of seeking admission to any PG Diploma / Degree in autonomous pattern, has to fulfill the prevailing ATKT norms of the PGTDs of University, to become eligible for admission. However, such students have to clear backlog courses if any,

by appearing for the respective examinations of University. In addition, the student also has to register and pass new courses, if any, introduced in earlier LL.M Programme of the autonomous pattern of the PGTDs. The norms of absorption/equivalence shall be for such students will be as per Appendices no.1.

ANNEXURE -1

SEMESTER I
COMMON MANDATORY COURSE
MLW-01T-MM-01
(04 Credit)
LEGAL RESEARCH METHODOLOGY

COURSE OBJECTIVES:

1. To acquaint the students with the legal research.
2. To provide the knowledge, technique of selection, collection and interpretation of primary and secondary data in Socio-Legal research.
3. To gain theoretical knowledge which will be the foundation for practical implementation of conducting research in the legal field.
4. To make the students learn about data processing, report making and research standards.
5. To acquaint the students with introduction and application of types and methods of creating reliable research.

LEARNING OUTCOMES:

- i. 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 Socio-Legal research.
- ii. 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.
- iii. 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.
- iv. Use standard data collection methods while conducting the research.
- v. Understand the research ethics and citation methods
- vi. Application of citation and footnotes

MODULE I: CONCEPT OF LEGAL RESEARCH

- A. Meaning and characteristics of legal research.
- B. 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
- E. Comparative Legal Research

MODULE III: DEVELOPING RESEARCH DESIGN

- A. Importance, sources, steps and considerations in Research Problem
- B. Major concepts and variables of the study.
- C. Constructing hypothesis.
- D. Types of research design

MODULE IV: NATURE OF DATA AND DATA PROCESSING IN LEGAL RESEARCH

- A. Universe, sample, sample size, sampling techniques.
- B. Source of data, primary and secondary.
- C. Tools of data collection
- D. Editing, coding and Tabulation

MODULE V: RESEARCH PROPOSAL AND CONTENT ANALYSIS

- A. How to write research proposal
- B. Chapterization
- C. The form, the content and style of the report.
- D. Judgment Analysis

MODULE VI: RESEARCH ETHICS

- A. Research Ethics and its Importance in Legal Research

- B. Plagiarism and Types of Plagiarism**
- C. Need and necessity of citations and footnotes**
- D. 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) Bhatt, Ishwara, “Ideas & Methods of Legal Research”, Oxford Publication.
- 3) Bhandarkar and Wilkinson (1990) Methodology and Techniques of Social Research, Himalaya Publishing House, Bombay.
- 4) Goode, W. J. & Hatt, P. K. (1962) Methods of Social Research, McGraw Hill, New York.
- 5) Young, P.V. (1975) Scientific Social Surveys and Research Prentice Hall, New Delhi.
- 6) Jain S. N. Legal Research & Methodology I.LI.(1983) Publication, Ed:, Tripathi Pvt. Ltd., Bombay.
- 7) Adem Stott,: Legal Research Series Editor julie Macfarlane 1996.
- 8) S.K. Agrawal (edn) , Legal Education in India (1973). Tripathi , Bombay.
- 9) N.R. Madhava Menon , (Edn) A Handbook of Clinical Legal Education, 1998 Eastern Book Co. Lucknow.
- 10) H. Brayne, N. Duncan & R.Grimes - Clinical Legal Education Active Learning in your Law School.. Oxford. 1998.
- 11) Ranjit Kumar, “Research Methodology-A Step by step Guide for beginners”, AGE Publication., 2021.

SEMESTER I
COMMON MANDATORY COURSE
MLW-01P-01
(04 Credit)
SEMINAR PAPER AND LAW TEACHING

COURSE OBJECTIVES:

1. To enhance the legal drafting and analysis skill of the LL.M students.
2. To make the students learn the recent advances in research and the recent developments in the concerned subject through discussion and presentation by the students.
3. To guide the students for learning the skills necessary for law teaching as a career option by developing their legal intercourse with the students in the classroom.

LEARNING OUTCOMES:

- i. The students will be able to write research papers and interpret it in a logic manner in the presentation.
- ii. The students will be able to apply research techniques
- iii. The students will learn how to deliver quality lectures, responsiveness of law teachers' towards students concern needs, and implantation of innovation in law teaching;
- iv. 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 along with the concerned teacher of the subject 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 = 25
2.	Law Teaching	2 credits	LT(1)-25 LT(1)-25	IA + T = 25
	TOTAL	4 Credits	100 Marks	Marks 50
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- 1.5 inches inside , 1 inches for outside, top and bottom respectively)
- Report is to be printed on both sides of the paper.
- 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 25 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
COMMON MANDATORY COURSE
MLW-02T-MM-02
(04 Credit)
CONSTITUTIONAL REALISM

COURSE OBJECTIVES:

1. To understand the transformative nature of Indian constitution.
2. To understand the effectiveness of affirmative nature of notion of equality and issues in its enforcement.

LEARNING OUTCOMES:

- i. Student will be able to find out Issues arising in efficacy of the state efforts for substantive equality.
- ii. 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.** Amenability

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 II
COMMON MANDATORY COURSE
MLW-02P-02
(04 Credit)
ON JOB TRAINING AND LEGAL PROFICIENCY

Course Objectives:

Students are expected:

1. to be trained in their career related skills to enhance their employability.
2. to be trained in professional communications and presentations.
3. to enhance their skill of imparting legal knowledge.
4. to participate in various workshops and student development activities organized by the department for their professional and personal development.

Learning Outcomes:

Sr. No.	ACTIVITIES	CREDITS		
1.	JOB TRAINING	2 Credits	PART A-30 PART B-20	PART A + PART B = 25
2.	Legal Proficiency	2 credits	PART A-30 PART B-20	PART A + PART B = 25
	TOTAL	4 Credits	100 Marks	Marks 50
GENERAL INSTRUCTIONS:				

Requirement:

The following will be the assessment criteria for 100 marks (4 credits) MLW-02P-02 paper:

Sr. No	Particulars	Marks allotment	Documents Required
On Job Training (2 credits) 50 marks			
1.	Internship with Lawyers/Law	20 Marks	Internship Certificate

	Professionals (total 30 hours in which not more than 2 hours per day)		
2.	Diary Submission based on Training Content	05 Marks	Diary Submission
3.	Training Presentation	10 Marks	PPT
4.	Participation in Department’s Skill Workshop	15 Marks	Certificate
Total Marks out of 50 (On Job Training)		Minimum Passing Marks= 25 Marks	
Legal Proficiency (2 credits) 50 marks			
1.	Library Notes in any one subject of 2 nd Semester	10 Marks	Written Submission
2.	Presentation / Participation in any one of the following in any State/National/ International event: • Seminar • Conferences • Debates • Elocution • Quiz • Paper Publication • Legal Aid • Any other	20 Marks	Certificate
3.	Participation in Department’s Academic Events during the session January -May	20 Marks	Attendance List/ Certificate
Total Marks out of 50 (communication skill)		Minimum Passing Marks= 25 Marks	

SEMESTER III
COMMON MANDATORY COURSE
MLW-03T – MM -03
(04 Credit)
LEGAL PHILOSOPHY AND RELATIVISM

COURSE OBJECTIVES:

1. To understand fundamental questions of Law and Justice.
2. To understand the basic foundations of Law, the manner in which Law is justified, the relationship between Law and Morality and Law and Justice.
3. To explore various theories of Law and Justice.
4. To introduce students with Western and Ancient Indian jurisprudential theories of Law and Justice.
5. To 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:

- i. Demonstrate an advanced and integrated understanding of the political, social, historical, philosophical, and economic context of law.
- ii. Engage in identification, articulation and critical evaluation of legal theory and its implications for policy.
- iii. 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. Austin's 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 Maine - Historical comparison of Law
- C. Semi-sociological Natural Law
- D. Sociological Engineering - Roscoe 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
COMMON MANDATORY COURSE
MLW-03P-FP
(04 Credit)
SOCIO-LEGAL RESEARCH PROJECT

COURSE OBJECTIVES:

- 1) To develop and enhance the research skills among the students.
- 2) To use the techniques and tools of empirical and quantitative research by the students.
- 3) To discuss the social issues/problems/challenges and the application of relevant legal provisions related to the social issues.

LEARNING OUTCOMES:

- i. 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.
- ii. Students will get acquainted with the tools of data collection, interpretation of data and display of data.
- iii. 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	3 Credits	60 Marks	30 Marks
2.	VIVA VOCE INTERNAL EXAM	1 credit	40 Marks	20 Marks
	TOTAL	4 Credits	100 Marks	50 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- 1.5 inches inside, 1 inches for outside, top and bottom respectively)
- Report is to be printed on both sides of the paper.
- 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. Procedure to be followed for Socio-Legal Research:

- 1) Approval of the title
- 2) Collection of material
- 3) Review of literature
- 4) Identification of research Problem
- 5) Research questions
- 6) Objectives
- 7) Rationale

- 8) Framing of Hypothesis
- 9) Chapterization
- 10) Detuning the Universe of the study
- 11) Sampling Design
- 12) Research questioner /Interview Schedule
- 13) Collection of Data
- 14) Data Processing
- 15) Analysis and Interpretation of data
- 16) Report Writing
- 17) Preparation of Bibliography
- 18) 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:

CHAPTER 1: INTRODUCTION AND THEORETICAL BACKGROUND

CHAPTER 2: RESEARCH METHODOLOGY

CHAPTER 3: DATA ANALYSIS AND INTERPRETATION

CHAPTER 4: 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:

- 1.** Title of the Study
- 2.** Problem of the study
- 3.** Rationale of the study
- 4.** Objectives of the study
- 5.** Hypothesis and Research questions
- 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

SEMESTER IV
COMMON MANDATORY COURSE
MLW-04T – MM -04
(04 Credit)
CONCEPT OF JUSTICE AND JUDICIAL PROCESS

COURSE OBJECTIVES:

1. To understand fundamental questions of Law and Justice.
2. To understand the basic foundations of Law, the manner in which Law is justified, the relationship between Law and Morality and Law and Justice.
3. To explore various theories of Law and Justice.
4. To introduce students with Western and Ancient Indian jurisprudential theories of Law and Justice.
5. To 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:

- i. Demonstrate an advanced and integrated understanding of the political, social, historical, philosophical, and economic context of law.
- ii. Engage in identification, articulation and critical evaluation of legal theory and its implications for policy.
- iii. 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

MODULE VI : JUDICIAL INDEPENDENCE

- A. Judicial activism
- B. Judicial restrain
- C. Appointment of judges
- D. Judicial reforms

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
COMMON MANDATORY COURSE
MLW-04P-RP
(06 - CREDITS)
DISSERTATION**

COURSE OBJECTIVE:

1. To conduct an in-depth research on the relevant questions of law and provide rational solutions.
2. To develop the analytical and deductive skills of the students along with improving their ability of critical examination of the legal issues

LEARNING OUTCOME:

- i. The students will be able to develop analytical skill towards understanding the rationale behind the contemporary trends in the field of law.
- ii. Students will be able to undertake law-based analysis and interpretation of the secondary data through doctrinal/qualitative/multi-model research.
- iii. Students will get acquainted with the analysis and interpretation of secondary data.
- iv. 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 SLR Format -- Times New Roman, Font 12, 1.5 spacing, Font size 10 (for footnotes, without spacing), Margin- 1.5 inches inside , 1 inches for outside, top and bottom respectively)
- Report is to be printed on both sides of the paper.
- Every chapter is to begin from rights side of the page.
- 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. Identification of Problem
- E. Objectives
- F. Rationale
- G. Framing of Research Question
- H. Hypothesis
- I. Chapterization
- J. Collection of Data
- K. Analysis
- L. Report Writing
- M. Preparation of Bibliography
- N. Preparation of List of cases
- O. 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:

- Chapter1: Introduction and Research Methodology
- Chapter 2:
- Chapter 3:
- Chapter 4:

Chapter 5: Major Finding, Conclusion & Suggestion

Bibliography

Annexures:

- o Acts, Bills, Maps, etc.
- o 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

ELECTIVE COURSE
SEMESTER I
ELECTIVE COURSE (MLW- 01E- ME 01)
LAW, SCIENCE AND TECHNOLOGY
(04-Credits)

COURSE OBJECTIVES:

1. to study the importance of Technology and law in modern contemporary society,
2. to study the controversies, legal transformations related to technological development.
3. To analyze the policy dilemmas, issues and challenges relating to various fields of science and technology.

LEARNING OUTCOMES:

- i. To study the new emerging trends and advances in the field of Science & Technology.
- ii. To understand the relationship between law, Science & Technology.
- iii. This Course program also prepares students to be productive and publicly-engaged scholars, advancing research.

MODULE I: INTRODUCTION

- A. Development and Growth of Science and Technology and its impact on human Life.
- B. Nexus between Law, Science and Technology
- C. Role and Functions of Law towards the protection and growth of technology

MODULE II: INFORMATION TECHNOLOGY AND LAW

- A. Concept and meaning of cyber Law, Cyber Space, Cyber Matrix
- B. Development of Cyber Law in India
- C. Information Technology Act, 2000
- D. Allied Legislations related to Information Technology

MODULE III: LAW RELATED TO MEDICAL TECHNOLOGY

- A. Assisted Reproductive Technology and Issues related to Surrogacy

- B. Cyber Forensic and Law
- C. Technology and Health Issues (Human Rights Issues and Intellectual Property Rights)
- D. Crime and Technology

MODULE IV: EMERGING TRENDS IN TECHNOLOGY LAW

- A. Regulation and Liability Issues related to Nuclear Technology
- B. Artificial Intelligence and Future Challenges
- C. Space technology and law
- D. Digital Assests and Law

BOOKS TO BE REFERRED:

1. Science, Technology & Human Rights, Dr. Lily Srivastava, Thompson Reuters
2. Cyber Laws, Justice Yatindra Singh, Universal Law Publishing Co.
3. Law & Medicine, Dr. Lily Srivastava, Universal Law Publishing Co.
4. India's Nuclear Policy (Compulsions, Commitments & Constraints), Dr. S. N. Yadav, JNANADA Prakashan (P & D)
5. Biotechnology Law & Policy, Searching for a Balance, Ida Madieha Abdul Ghani Azmi, Noriah Ramli, Madhav Books
6. Elements of Biotechnology, P.K. Gupta, Rastogi Publication
7. Information Technology Law & Practice (Cyber Laws & Laws Related To E-Commerce), Vakul Sharma, Universal Law Publishing Co.
8. Comentary on Information Technology Act, Apar Gupta, Lexis Nexis
9. Space Laws, C. Wilfred Jenks, London Stevens & Sons
10. Advances in Assisted Reproductive Technologies By H Nayana Patel, C Sandro Esteves
11. Artificial Intelligence and India By Kaushiki Sanyal, Rajesh Chakrabarti, OUP India

**SEMESTER-I
ELECTIVE COURSE
MLW- 01E- ME 02
FINTECH LAW
(04-CREDITS)**

COURSE OBJECTIVES:

This course is designed to achieve following objectives:

1. To understand the meaning and concept of Finance and technology.
2. To study the applicability of technology in financial sector.
3. To examine the legal, regulatory, and policy issues associated with cryptocurrencies, online payments, and new payment systems.

LEARNING OUTCOMES:

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

1. Understand the Development of Digitization of Economy with its Impact on different Service Sectors.
2. Understand the Concept of Digital Currency and Cryptocurrency.
3. 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)

MODULE IV-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 Dato 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, Block chain And Crypto currency: International Legal and Regulatory Challenges
- 7) Chris Bummer, Crypto assets: Legal, Regulatory, and Monetary Perspectives

SEMESTER – II
ELECTIVE PAPER
MLW- 02 E-ME 03
LAW AND SOCIAL TRANSFORMATION IN INDIA
(04-CREDITS)

COURSE OBJECTIVES:

1. To acquaint the students with the understanding of Law as a tool for Social Transformation.
2. To enhance the students' understanding of Indian models of social order as envisaged by various Indian Social thinkers from a legal perspective.
3. To 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:

- i. Enhance the understanding of different dimensions of law as a tool of social change
- ii. Identify other tools of social transformation particularly in Indian context
- iii. Channelize existing knowledge to understand processes involved in bringing social transformation in India
- iv. 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
- B. Legal Protection of Persons with Disability, Social Welfare and Senior Citizens
- C. Children and the Law - Child Labour, Sexual Exploitation, Adoption and Related Problems, Access to Education

MODULE III: LAW AND DEVELOPMENT

- A. Constitutional Perspectives Reflected in the Fundamental Duties
- B. Modernisation of Social Institutions through Legal Reforms
- C. Industrial Reforms and Environmental Protection

MODULE IV: VALUABLE CONTRIBUTIONS TOWARDS SOCIAL TRANSFORMATION

- A. Role of Non-Governmental Organizations and Social Activists in Social Transformation
- B. Thoughts on Socio-legal change - Dr. B.R. Ambedkar, Mr. M.K. Gandhi, Pandit J. Nehru, Mr. B. G. Tilak, Tukadoji Maharaj.

BOOKS SUGGESTED FOR READING

- 1) P. Ishwara Bhatt, “Law & Social Transformation “, Eastern Book Publication
- 2) V. Dicey – La
- 3) w and Public Opinion in England, (1996) Universal Book Traders
- 4) Upendra Baxi – Towards a Sociology of Indian Law (Delhi, 1966).
- 5) M. C. Setalwad – The Common Law in India.
- 6) Vasudha Dhagamwar - Law, Power and Justice (1992).
- 7) M. P. Jain - Outlines of Indian Legal History, 5th Edn. 1999, 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

- 11)** & Its Critics, Oxford India, 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. Delhi.
- 14)** Verinder Gorver- Jawaharlal Nehru (1995) Deep and Deep Publication, N. Delhi.
- 15)** S.R. Bakshi - Bal Gangadhar Tilak (1994) Anmot Publications, N. Delhi.
- 16)** Shyam S. Agarwalla - Religion and Caste Politics, (1998) Rawat Publications Jaipur and New Delhi.
- 17)** A.S. Anand - Justice for Women concerns and expressions, (2002) Universal Law Publishing Co.Pvt. Ltd.

SEMESTER-II
ELECTIVE PAPER
FEMINIST JURISPRUDENCE AND GENDER STUDIES
MLW- 02E- ME 04
04-CREDITS

COURSE OBJECTIVES

1. to unfold the nature of laws in the light of Feminist Legal Theory.
2. To examine the potential of Law and Policy for delivering gender justice, empowerment and equality.
3. To analyze the various International and Indian Laws for the protection of the rights of women and LGBTQI+ Community in context of the discrimination on the basis of sexual orientation which is gross violation of their fundamental rights to life with dignity, equality and non-discrimination.

LEARNING OUTCOMES

On completion, this course will:

- i. Enable the students to study gender neutral laws both Nationally and Internationally.
- ii. Students shall develop the skill to critically analyze statutes and judgments through feminist approach.
- iii. Students shall examine the socio-legal challenges and the manner in which law addresses them.
- iv. Students will be able to develop skills, thought process and sensitization towards policy formation, legislative process and its implementation in the society on gender justice, sexual orientation and gender identity issues.

MODULE I Feminist jurisprudence

- a. Concept of sex and gender
- b. Feminism origin history and purpose
- c. Theories of feminism
- d. Kinds of feminism

MODULE II - LGBTQI+, GENDER INEQUALITY AND HUMAN RIGHTS

- a. Terminologies: Sexual Orientation, Gender Identity & LGBTQI+
- b. LGBTQI+ and Socio-Economic and Political Inequality
- c. Human Rights of LGBTQI+
- d. United Nations and Protection for LGBTQI+

MODULE III - FEMINIST JURISPRUDENCE IN INDIAN LEGAL SYSTEM

- a. Personal Laws and Constitutional Rights of Women
- b. Protection of Women and Criminal Law
- c. Issues and Challenges in Cyber Crimes against Women
- d. Socio-Legal Issues and Remedies

MODULE IV- INTERNATIONAL PERSPECTIVES ON GENDER JUSTICE

- a. International Bill of Human Rights and Women's Rights
- b. UN Human Rights Council Resolution on Human Rights, Sexual Orientation and Gender Identity, 2011 and 2014
- c. Convention on the Elimination of All Forms of Discrimination Against Women
- d. Declaration on the Elimination of Violence Against Women
- e. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others

SUGGESTED READING

RELEVANT LAWS

- 1. The Constitution of India, 1950
- 2. Protection of Women from Domestic Violence Act, 2005

3. Sexual Harassment of Women at Workplace (Prevention, Prohibition, Redressal) Act, 2013
4. Maternity Benefits Act, 1861
5. Equal Remuneration Act, 1976
6. National Commission for Women Act, 1990
7. Indian Penal Code, 1860
8. Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes- 2018

BOOKS

1. Amy S. Wharton. "The Sociology of Gender: An Introduction to Theory and Research". (Key Themes in Sociology) Blackwell Publishing, UK, Indian Reprint, Kilaso Books, New Delhi. (2005).
2. Arvind Kala, "Invisible Minority: The Unknown World of the Indian Homosexual" Dynamic Books, New Delhi, 1994.
3. Arvind Narrain, "Queer: Despised Sexuality, Law and Social Change" Books for Change, 2004, p 49.
4. Dr. G. Rajasekharan Nair, "Gender Justice under Indian Criminal Justice System" Eastern Law House Pvt. Ltd.
5. Nancy E. Dowd and Michelle S. Jacobs "Feminist Legal Theory: An Anti-Essentialist Reader" ed., New York Univ. Press, 2003, ISBN 0-8147-1913-9
6. Justice Krishna Iyer "Crimes Against Women - A Saga of Victimology sans Penology" 1993, Ashish Publishing House, New Delhi
7. MacKinnon, Catharine. "Feminism, Marxism, Method, and the State: Toward Feminist Jurisprudence" Signs, vol. 8, no. 4, 1983. JSTOR, www.jstor.org/stable/3173687

8. MP Jain "Indian Constitutional Law with Constitutional Documents"" (6th Edn. 2010).
9. R. Revathi "Laws Relating to Domestic Violence" 2004, Asia Law House, Hyderabad.
10. Richards, David A. J. "Women, Gays, and the Constitution: The Grounds for Feminism and Gay Rights in Culture and Law" (1998).
11. Serena Nanda "Neither man nor woman: The Hijras of India"" P.160,22.
12. Taslima Monsoor "Gender in Law: Five Decades of Struggle for Empowerment" (2001)

JOURNALS / ARTICLES

1. Byrnes, Andrew, "Women, Feminism and International Human Rights Law - Methodological Myopia, Fundamental Flaws or Meaningful Marginalisation?: Some Current Issues," m www.hrw.org quoted from 12th Australian Year Book of International Law
2. Foucault Michel, The History of Sexuality Vol. 1: An Introduction, p. 43. Trans. Robert Hurley, New York, Vintage 1990.
3. Gupta, Balram, "Protective Discrimination in Favour of Women Under the Indian Constitution," Law Journal of Guru Nanak Dev University, Vol. X, No.2, June 1982
4. Herek, G. (1988), Heterosexuals' Attitudes Toward Lesbians and Gay Men, Journal of Sex Research, 25, 451-477
5. Herek, G.M. (1991). Stigma, prejudice, and violence against lesbians and gay men. In: J. Gonsiorek & J. Weinrich (Eds.), "Homosexuality: Research implications for public policy" (pp. 60-80). Newbury Park, CA: Sage.
6. Shashi Prabha Kumar Reader, "Indian Feminism in Vedic Perspective", Journal of

Indian Studies, Vol. 1 1998.

7. Scheyer, Victoria, and Marina Kumskova. "FEMINIST FOREIGN POLICY: A FINE LINE BETWEEN 'ADDING WOMEN' AND PURSUING A FEMINIST AGENDA." *Journal of International Affairs*, vol. 72, no. 2, Journal of International Affairs Editorial Board, 2019, pp. 57-76, <https://www.jstor.org/stable/26760832>.
8. Karalekas, Nikki. "Is Law Opposed to Politics for Feminists? The Case of the Lusty Lady." *Feminist Formations*, vol. 26, no. 1, The Johns Hopkins University Press, 2014, pp. 27-48, <http://www.jstor.org/stable/43860725>.
9. Scales, Ann C. "The Emergence of Feminist Jurisprudence: An Essay." *The Yale Law Journal*, vol. 95, no. 7, The Yale Law Journal Company, Inc., 1986, pp. 1373-403, <https://doi.org/10.2307/796562>.
10. Haney, Lynne A. "Feminist State Theory: Applications to Jurisprudence, Criminology, and the Welfare State." *Annual Review of Sociology*, vol. 26, Annual Reviews, 2000, pp. 641-66, <http://www.jstor.org/stable/223460>.

**SEMESTER III
ELECTIVE COURSE
MLW-03E-ME 05
(04 - CREDITS)
DATA PROTECTION LAW**

COURSE OBJECTIVES:

1. To make students aware of importance of Data the most valued commodity, be it Businesses or Countries or an Individual.
2. To teach about the relevance of data protection and privacy and to equip students with practical skills needed to ensure compliance with data protection regulations.
3. To impart knowledge about the Data Protection Laws in India which is a data driven economy and prepare students as lawyers who would be able to meet the demand for legal professionals with expertise in this field.
4. To train students through case studies and real-world scenarios on how to apply legal principles in various contexts and prepare them for challenges they will face in practice 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:

- i. An understanding of Data and its importance in a technological world.
- ii. Regulatory Framework at Domestic and International level to deal with issues arising out of Data breaches and Privacy concerns.
- iii. 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, 2022

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 – III
ELECTIVE COURSE**

MLW- 03E- ME 06

**FORENSIC LAW
(04-CREDITS)**

COURSE OBJECTIVE:

This course focuses on imparting the basic knowledge pertaining to forensic science in criminal trials in order to equip the students with the necessary skill to keep in tune with the latest advancements in law.

1. It is used to identify a suspect or determine if they have committed a crime or not.
2. Provide an overview of the field of forensic science, its history, development, and its role in criminal investigations and the legal system.
3. Explore the principles underlying the collection, preservation, analysis, and interpretation of physical evidence in forensic investigations.
4. Examine procedures and techniques for documenting, searching, and processing crime scenes to ensure the integrity and admissibility of evidence in court.

LEARNING OUTCOMES:

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

1. To understand the relevance of forensic science in criminal trials.
2. To familiarize the students with the various processes of collecting forensic evidence.
3. To teach the students how to establish the identity of a criminal or a questionable document.

4. 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: 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
- C. Lie detector test and others

Module IV: CYBER FORENSIC AND INVESTIGATION

- A. Concept and meaning of Cyber
- B. Types of cyber forensics
- C. Digital evidence handling
- D. Cyber Investigation techniques

SUGGESTED READINGS:

- A. Dr. Jaishankar and Amin: Forensic Science in criminal Investigation
- B. Sharma: Forensic Science in Criminal Investigation and Trials
- C. Gour, A.N.: Fire arms, Forensic ballistics, Forensic chemistry and criminal jurisprudence
- D. Lucas A : Forensic chemistry and scientific criminal investigation.

LL.M. FOURTH SEMESTRE

MEDIA LAW

MLW- 04E- ME 07

04-CREDITS

COURSE OBJECTIVES

This course aims at:

1. To provide basic understating of the evolution and existence of various facets of media and the legal regime.
2. To regulate its content and matters incidental to media.
3. To familiarize students with the various aspects of Media Law and media regulatory bodies.
4. To sensitize students about the importance of ethics in media profession.

LEARNING OUTCOMES

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

- i. Equip themselves to appreciate the philosophical justification for the protection of Right to Free Speech.
- ii. 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.
- iii. 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.

MODULE II - HISTORY OF PRESS AND THEORIES OF PRESS

- a. Historical Foundations of Media Laws in UK, USA and India (Pre and Post-Independence)
- b. International Law and Freedom of Media (UDHR, ICCPR, ECOSOC etc.)
- c. Theories of Press
 - i. Authoritarian Theory
 - ii. Libertarian Theory
 - iii. Communist Theory
 - iv. Theory of Social Responsibility
 - v. Development Media Theory
 - vi. Democratic Participant Media Theory

MODULE III - CONSTITUTIONAL FRAMEWORK OF FREEDOM OF MEDIA IN INDIA

- a. Free Speech and Constituent Assembly Debates in India
- b. Freedom of Speech and Expression in Indian Constitution
- c. Facets of Freedom of Speech and Expression
- d. 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
- e. Law Commission of India: 101st Report on Freedom of Speech and Expression under Article 19 of the Constitution - An Overview
- f. Reasonable Restrictions
- g. Legislative Privileges and Media
- h. Right to Privacy and Media
- i. Freedom of Media during Emergency

MODULE IV - 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 V- REGULATORY FRAMEWORK OF MEDIA

- a. Methods of Regulation (Self-Regulation and Statutory Regulation)
- b. The Cinematograph Act, 1952
- c. The Cable Television Networks (Regulation) Act, 1955
- d. The Prasar Bharti Act, 1990
- e. The Press Council of India Act, 1978
- f. The Telecom Regulatory Authority of India Act, 1997
- g. Advertising Standards Council of India and its Codes
- h. The Indecent Representation of Women Act, 1986

MODULE VI - 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. Broadcasting Rights
- d. Taxation and Media
- e. Media and Convergence
- f. Infringement of Intellectual Property Rights
- g. Internet and Freedom of Media
- h. Violence against Media Persons and Law
- i. 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. B. 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.

JOURNALS / ARTICLES

1. Schroeder, Ralph. "Media Systems, Digital Media and Politics." Social Theory after the Internet: Media, Technology, and Globalization, UCL Press, 2018, pp. 28-59, <https://doi.org/10.2307/j.ctt20krxdr.5>.
2. Hart, Christopher Escobedo. "Social Media Law: Significant Developments." The Business Lawyer, vol. 72, no. 1, American Bar Association, 2016, pp. 235-42,

<https://www.jstor.org/stable/26419119>.

3. Sharma, Shalini. "Indian Media and the Struggle for Justice in Bhopal." *Social Justice*, vol. 41, no. 1/2 (135-136), Social Justice/Global Options, 2014, pp. 146-68, <http://www.jstor.org/stable/24361595>.
4. Sarah Joseph. "Social Media and Promotion of International Law." *Proceedings of the Annual Meeting (American Society of International Law)*, vol. 109, [Cambridge University Press, American Society of International Law], 2015, pp. 249-53, <https://doi.org/10.5305/procannmeetasil.109.2015.0249>.
5. "Developments in the Law: The Law of Media." *Harvard Law Review*, vol. 120, no. 4, The Harvard Law Review Association, 2007, pp. 990-1066, <http://www.jstor.org/stable/40041997>.
6. Gaur, K. D. "CONSTITUTIONAL RIGHTS AND FREEDOM OF MEDIA IN INDIA." *Journal of the Indian Law Institute*, vol. 36, no. 4, Indian Law Institute, 1994, pp. 429-54, <http://www.jstor.org/stable/43952367>.
7. Oginni, Simon Oyewole, and Joash Ntenga Moitui. "Social Media and Public Policy Process in Africa: Enhanced Policy Process in Digital Age." *Consilience*, no. 14, Columbia University, 2015, pp. 158-72, <http://www.jstor.org/stable/26188747>.
8. Meyers, Joyce S. "MEDIA LAW AND DEFAMATION TORTS: RECENT DEVELOPMENTS." *Tort & Insurance Law Journal*, vol. 26, no. 2, American Bar Association, 1991, pp. 314-30, <http://www.jstor.org/stable/25761966>.
9. Tully, Stephen. "People You Might Know: Social Media in the Conflict Between Law and Democracy." *Law and Democracy: Contemporary Questions*, edited by Glenn Patmore and Kim Rubenstein, ANU Press, 2014, pp. 153-72, <http://www.jstor.org/stable/j.ctt13wwvp7.12>. JOSEPH, AMMU. "MEDIA PLURALISM: Not Just a Question of Numbers." *IndiaInternational Centre Quarterly*, vol. 42, no. 1, India

SEMESTER – IV
ELECTIVE PAPER
MLW- 04E- ME 08
SPORTS LAW
04-CREDITS

OBJECTIVES:

1. To study the growth and expansion of the Sports Industry and the related laws.
2. To study the capability of traditional models of governance of sports activities
3. to deal with contemporary legal issues
4. to discuss the sports regulatory mechanism in India

LEARNING OUTCOMES:

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

- i. Traditional and Non-Traditional Knowledge of Sports
- ii. Understanding Vital Rules and Regulations of the Sporting Authorities of India and the World
- iii. Understand the Practical Aspects of the Sporting World vis-a-vis Law
- iv. 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- INTERNATIONAL DIMENSIONS

- A. Sports Law in USA
- B. Sports Law in UK
- C. Legal Rules On Sports Law in China

D. UAE Sports Law

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

SEMESTER - I
SPECIALIZATION MANDATORY COURSE
CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW GROUP-B
MLW-01T-CA-01
(04 Credits)
CONSTITUTIONALISM

COURSE OBJECTIVES:

1. To demystify the provisions of the Constitution of India with reference to the interpretation of its principles, doctrines and provisions.
2. To inculcate in the students varied dimensions of the Indian tradition and value system through which interpretation is made plausible.
3. To develop a comprehensive and practical approach for the students and to make them aware of the legal aspects and fundamentals of the interpretation of the Constitution of India.
4. To facilitate the students to explore various theories at National and International levels and to equip them to resolve the issues and challenges arising in contemporary times.

LEARNING OUTCOMES:

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

- i. Indian approach relating to interpretation of the Constitution.
- ii. Various dimensions of law and legal institutions.
- iii. Nature of plurality and constitutional accommodation
- iv. Constitutional principle of accommodation and assimilation of diversity
- v. 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
SPECIALIZATION MANDATORY COURSE
CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW GROUP-B
MLW-01T-CA-02
(04 Credits)
ELECTORAL LAW

COURSE OBJECTIVE:

The students will be able to understand

1. To help the students understand Election Laws in India and familiarise them with various electoral systems and techniques.
2. To study the relevancy of the parliamentary system in India.
3. To understand in detail the constitutional convention related to President and Governor
4. The course aims to introduce the students to the foundational principles and key parameters of Electoral Integrity that can aid the participants in decision-making processes to conduct free and fair elections.

LEARNING OUTCOME:

Students will be able to utilize their knowledge for

1. Improvement of the general electoral consciousness
2. To improve the performing ability of the democratic system and its relevancy in Indian context.
3. To analyse the need of reforms in the electoral format

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 bindingness 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

MODULE V: 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

SUGGESTED READING:

1. Granville Austin-“The Indian Constitution : Cornerstone of a Nation”, Oxford India Paperback
2. M.P. Jain- “Indian Constitutional Law”
3. DD Basu, Comparative Constitution Law, 2nd (ed.)
4. Constitutional Law of India, H. M. Seervai
5. 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 - II
SPECIALIZATION MANDATORY COURSE
CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW GROUP-B
MLW-02T-CA-03
(04 Credits)
CONSTITUTIONAL INTERPRETATION

COURSE OBJECTIVES:

1. To study the demystifying the provisions of the Constitution of India with reference to the interpretation of its principles, doctrines and provisions.
2. Students will inculcate within its aspect varied dimensions of the Indian tradition and value system through which interpretation is made plausible.
3. This will help students for interpreting the Constitution and engaging in a thought-provoking discussion.
4. 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.
5. To 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:

1. Indian approach relating to interpretation of the Constitution.
2. Various dimensions of law and legal institutions.
3. Nature of Constitutional interpretation.
4. 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. 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. Culture of Dissent in the Indian Supreme Court: Past & Present
- D. 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, Sotirios A., and James E. Fleming. *Constitutional interpretation: The basic questions*. Oxford University Press, 2007.

- 2) Huscroft, Grant, and Bradley W. Miller, eds. *The challenge of originalism: Theories of constitutional interpretation*. Cambridge University Press, 2011.
- 3) Strauss, David A. *The living constitution*. Oxford University Press, 2010.
- 4) Sripathi, Vuayashri. "Toward Fifty Years of Constitutionalism and Fundamental Rights in India: Looking Back to See Ahead (1950-2000)." *Am. U. Int'lL. Rev.* 14 (1998): 413.
- 5) Kundu, Indrani. "Constitutionalism to Transformative Constitutionalism: The Changing Role of the Judiciary." *Indian JL & Just.* 11 (2020): 347.
- 6) Choudhry, Sujit, Madhav Khosla, and Pratap Bhanu Mehta, eds. *The Oxford handbook of the Indian constitution*. Oxford University Press, 2016.
- 7) Gupta, U. N. "LEGAL REALISM AND INDIAN CONSTITUTIONAL INTERPRETATIONS." *Journal of the Indian Law Institute* 17.2 (1975): 212-236.
- 8) Ibohal Singh, Constitutions, *Constitutional Interpretations and Human Rights*, Vol 1, LexisNexis, Butterworths, 2009
- 9) Granville Austin-“The Indian Constitution : Cornerstone of a Nation”, Oxford India Paperback
- 10) M.P. Jain- “Indian Constitutional Law”
- 11) DD Basu, Comparative Constitution Law, 2nd (ed.)
- 12) Constitutional Law of India, H. M. Seervai
- 13) 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 - II
SPECIALIZATION MANDATORY COURSE
CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW GROUP-B
MLW-02T-CA-04
(04 Credits)
ADMINISTRATIVE LAW -I

COURSE OBJECTIVES:

1. To undertake the study of Administrative Law in detail.
2. To study Doctrine of Separation of Power, Rule of Law and Judicial Review of Administrative
3. Actions which comprise of subject matter of this course and important and relevant factors.
4. To enable the students and develop amongst them the proper understanding of the subject so this paper focuses on analytical and theoretical scrutiny of Principles of Administrative Law and their components in present context in order.

LEARNING OUTCOMES:

After completion of this course students will be able to:

1. Identify, Explain and Apply the Principles of Administrative Law
2. Comprehend the Nature, Limits and Control over the exercise of Administrative Discretion and Procedural Fairness
3. 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. 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.
- 10) K. Takwani “*Lectures on Administrative Law* ” EBC 2019.

SEMESTER - III
CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW GROUP-B
SPECIALIZATION MANDATORY COURSE
MLW-03T-CA-05
(04 Credits)
ADMINISTRATIVE LAW -II

COURSE OBJECTIVES:

1. To undertake the study of Administrative Law in detail.
2. To study the Judicial Review of Administrative power, remedies available against arbitrary administration, Liability of Government which are the important and relevant factors which comprise of subject matter of this course.
3. To study the 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:

1. Discern the criticality of Judicial Review of Administrative power
2. Administrative Action and the extent of Judicial Control
3. Understand Administrative process and Natural Justice Principles
4. Analyze the State accountability in torts and contract
5. Understand the available remedies and machinery for grievances against Administration

MODULE I: JUDICIAL REVIEW OF ADMINISTRATIVE ACTION

- 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. Principles of Natural Justice.
- B. Failure of Natural Justice.
- C. Exceptions to the Rule of Natural Justice.
- D. 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* (7h ed., 2008)
- 4) S.P. Sathe "*Administrative Law* "" (7h 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.

SEMESTER - IV
SPECIALIZATION MANDATORY COURSE
CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW GROUP-B
MLW-03T-CA-06
(04 - Credits)
COMPARATIVE CONSTITUTIONAL LAW

COURSE OBJECTIVES:

1. To develop an understanding of various concepts and theories of Constitutionalism and Constitution.
2. To cover the basic principles of Constitution and Comparative Analysis of various provisions of different Constitutions across the globe.
3. To explore a number of essential features of the Constitutional systems of selected countries and compares them with features of the Constitutional systems of other jurisdictions.
4. To acquire the student with the overarching concepts of Constitutional Law.

LEARNING OUTCOMES:

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

1. Explain the significance of Comparative Constitutional Law
2. Compare and evaluate the Indian Constitutional Law with major Constitutional Democracies
3. Compare the working of the Judiciary and Judicial Process in India with major Constitutional Democracies
4. Explain and compare the law-making process in India
5. Analyze the Constitutional foundations of functioning of the Governments in major Democracies
6. 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 of 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

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

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. Belgium: From Centralised to Ethnic Federalism to Confederation

MODULE V: EMERGENCY LAWS IN A COMPARATIVE FRAMEWORK

- A. Provisions of Emergency in Germany
- B. Provisions of Emergency in States of America
- C. Constitutional Silence in Sweden and Finland
- D. Emergency provisions in India

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
Christian Bjørnskov, Stefan Voigt, *The Architecture of Emergency Constitutions*, Oxford

SEMESTER - IV
SPECIALIZATION MANDATORY COURSE
CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW GROUP-B
MLW-04T-CA-07
(04-Credits)
INDIVIDUAL INTERESTS AND CONSTITUTIONAL ACCOUNTABILITIES
OF INDIVIDUALS

COURSE OBJECTIVES:

1. To develop an understanding of the individual identity under the legal field with special reference to their interests and accountabilities provided under the constitution.
2. To make the students to identify the nature and changing form of individual interest and accountability under the constitution of India.
3. To make the student understand the changing interaction between individual interests and accountabilities due to changing socio cultural and scientific development.

LEARNING OUTCOMES:

1. To make the students understand the contemporary understanding about individual accountabilities towards each other.
2. To understand the recognition of the constitution for ensuring enforcement of these interest.

MODULE I : CONSTITUTIONAL ACCOUNTABILITIES OF AN INDIVIDUAL

- A. Nature of individual accountabilities under the Constitution
- B. Fundamental rights and duties
- C. Social accountability and directive principles
- D. Individual accountability towards collective identity
- E. Socialism and liberalization , Privatization and Globalization

MODULE II : INDIVIDUAL INTERESTS UNDER THE CONSTITUTION

- A. Nature of individual interest under the Constitution

- B. Individual interest and collective interest
- C. Individual interest and State interest
- D. Individual interest and interest of others
- E. Reasonable expectation of individual interest

MODULE III: INTERRELATION OF INDIVIDUAL INTEREST AND ACCOUNTABILITY

- A. Freedom of conscience and regulations in collective interest
- B. individual accountability of environmental protection and developmental aspiration
- C. individual accountability for socio economic interest of others
- D. human rights and human duties

MODULE IV: CONFLICTS OF INTERESTS

- A. Interest of individual privacy and Technological monopolization
- B. individual privacy and public security
- C. Individual interest of participation vis a vis freedom of individual contract
- D. Individualism and accountabilities of an Individual

REFERENCE MATERIAL:

- M.P. Jain, Indian Constitutional Law.
- H.M. Seervai, Constitutional Law of India
- D D Basu, Introduction to Constitution of India
- Uikey, Jurisprudence on Legal Theory
- Lloyd, Introduction to Jurisprudence
- Freedman, Introduction to Jurisprudence
- Dias, Legal Theory
- Transformative Interpretation Of Indian Constitution On Lgbt Rights by Sushmita Das and Shubhang Gomast
- Judicial Interpretation of Article 21 of the Constitution of India Author(s): V. M. Bachal Source: The Indian Journal of Political Science , July—September—December, 1964, Vol. 25, No. 3/4, 89

Conference Number For Xxvi Indian Political Science Conference 1964: Annamalainagar (July—September—December, 1964), Pp. 231-24

- The "Horizontal Effect" of Constitutional Rights Author(s): Stephen Gardbaum Source: Michigan Law Review , Dec., 2003, Vol. 102, No. 3 (Dec., 2003), pp. 387-459 Published by: The Michigan Law Review Association Stable URL: <https://www.jstor.org/stable/3595366>

SEMESTER - IV
SPECIALIZATION MANDATORY COURSE
CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW GROUP-B
MLW-04T-CA-08
(02-Credits)
LAW AND PUBLIC POLICY

COURSE OBJECTIVES:

1. To provide students with a solid grounding in key themes of Public Policy and Governance as well as the practical and issue-oriented knowledge which will prepare students for their future roles as policy-makers, administrator, advisors, and analysts in governmental and non-governmental organizations.
2. To explain the student a detailed and systematic understanding of how policy-making processes are shaped and influenced by State and Non-State actors and political institutions, and how public policies operate at each level of governance.
3. This course aims to provide key ideas which underpin the working of legal systems.
4. This course provides understanding of Indian Constitution legal framework within which public policy is developed, shaped and implemented.

LEARNING OUTCOMES:

After completion of this course:

- I. Students will understand the nature and meaning of Public Policy and its importance.
- II. Students will be able to comprehend the roles played by various agencies in the making and implementation of Public Policy.
- III. Students will be able to analyze the cycle of selected Public Policies.

MODULE I - INTRODUCTION TO PUBLIC POLICY

- A.**Public Policy - Definition, Nature and Significance
- B.**Relationship between Public Policy and Governance
- C.**Stages of Public Policy making - Conceptualization, Formulation, Implementation and Evaluation
- D.**Importance of Public Policy making

MODULE II - POLICY MAKING IN INDIA

- A.** Constitutional Framework of Policy Making in India - Institutional Factors: Legislative, Executive, Judiciary, NITI Aayog etc.
- B.** Public Opinion, Political Parties, Non-Governmental Agencies, Think Tanks, Interest Groups and Pressure Groups, Mass Media, Social Movements
- C.** International Agencies - UNDP, WHO, UNEP, World Bank, IMF etc. involved in Public Policy making

MODULE III - POLICY IMPLEMENTATION

- A.** Public Policy Delivery Agencies and Implementations - Role of Governmental Agencies in Policy Implementation
- B.** Need of Private and Scientific Agencies for implementation
- C.** Challenges in Public Policy Implementation - Conceptual, Political and Administrative
- D.** Conditions for Successful Implementation
- E.** Good Governance and its features

SUGGESTED READING

1. Ayyar R V, Public Policymaking in India (2009).
2. Dye, T.R. (2002) Understanding Public Policy, 10th edition Pearson, New Delhi.
3. MathurKuldeep, Public Policy and Politics in India, How Institutions Matter (Oxford India Paperbacks) (2015).

4. Mohanty, Biswaranjan. (2009). Constitution, Government and Politics in India - Evolution and Present Structure, New Century Publications, New Delhi.
5. Jain, M. P. (2010). Indian Constitutional Law, 6th edition (2 vols), LexisNexis Butterworths Wadhwa, Nagpur
6. Sapru R.K (1996) Public Policy: Formulation, Implementation and Evaluation, Sterling Publication, New Delhi.
7. Anderson, James E., 1975, Public Policy-Making, Praeger, New York.
8. Robin, Jack (Ed.), 2005, Encyclopedia of Public Administration and Public Policy, Taylor & Frinticis, London.
9. Kabra, Karnal Nayan, 1997, Development Planning in India, Exploring an Alternative Approach, Sage Publications, New Delhi.
10. Dayal, Ishwar, "Organization for policy Formulation", Kuldeep Mathur, (Ed.) 1996, Development Policy and Administration, Sage Publications, New Delhi.

JOURNALS / ARTICLES

1. Shapiro, Martin. "From Public Law to Public Policy, or the 'Public' in 'Public Law.'" *PS*, vol. 5, no. 4, [American Political Science Association, Cambridge University Press], 1972, pp. 410-18, <https://doi.org/10.2307/418497>.
2. MAHESHWARI, S. R., and S. R. MAHESWARI. "PUBLIC POLICY MAKING IN INDIA." *The Indian Journal of Political Science*, vol. 48, no. 3, Indian Political Science Association, 1987, pp. 336-53, <http://www.jstor.org/stable/41855314>.
3. Chakrabarty, Manas, and Aleya Mousami Sultana. "PUBLIC POLICY MAKING IN INDIA AND THE SCHEDULED CASTES." *The Indian Journal of Political Science*, vol. 69, no. 1, Indian Political Science Association, 2008, pp. 191-202, <http://www.jstor.org/stable/41856404>.
4. Barthwal, C. P., and BL Sah. "ROLE OF GOVERNMENTAL AGENCIES IN POLICY IMPLEMENTATION." *The Indian Journal of Political Science*, vol. 69, no. 3, Indian Political Science Association, 2008, pp. 457-72, <http://www.jstor.org/stable/41856437>.
5. Khan, Raphaele, and Patrick Kollner. *Foreign Policy Think Tanks in India: New Actors, Divergent Profiles*. German Institute of Global and Area Studies (GIGA), 2018,

<http://www.jstor.org/stable/resrep24798>.

6. Bindra, Sukhwant S. "DOMESTIC MILIEU OF INDIA AND FOREIGN POLICY MAKING PROCESS: A THEORETICAL PERSPECTIVE." *The Indian Journal of Political Science*, vol. 65, no. 2, Indian Political Science Association, 2004, pp. 245-58, <http://www.jstor.org/stable/41855812>.

SEMESTER I
GROUP C : INTELLECTUAL PROPERTY LAWS
SPECILIZATION MANDATORY COURSE
MLW-01T-IP-01
(CREDITS-04)
CONCEPTS AND THEORIES RELATED TO INTELLECTUAL PROPERTY
RIGHTS

COURSE OBJECTIVE:

Intellectual Property is one of the crucial legal field 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. **The objectives to be achieved out of the course are as following:**

1. To dispense understanding of development and growth of intellectual property laws, and rationale of protection and the conceptual nature of intellectual property.
2. To impart students with a foundational understanding of various types of intellectual property, the theories underlying their protection, and contemporary issues and challenges in the different field.
3. To provide understanding of international instrument relating to IPR.
4. To provide comprehensive understanding of the ethical and human rights perspective of IPR.

LEARNING OUTCOMES

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

1. **To have knowledge of** the history behind the inception of IPR
2. To **have fundamental understanding** about the theories leading to the justifications of **intellectual property protection.**
3. To **appraise** the international approach in the creation of IPR and administrative organizations.
4. To have **basic understanding of** international aspects of intellectual property protection and the nexus between human rights and IPR.

MODULE I: INTRODUCTION

- A. Origin and Historical Background of IPR in India
- 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. Lock's 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)

MODULE IV: DEVELOPMENT OF IPR

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

SUGGESTED BOOKS FOR REFERENCE:

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
SPECILIZATION MANDATORY COURSE
MLW-01T-IP-02
(04-CREDITS)
LAW OF COPYRIGHT

COURSE OBJECTIVES:

1. This course is focused on Understanding the development and Fundamental Principles of Copyright Law.
2. Various topic covered in this paper will try to give students an in-depth understanding about aspects of copyrightable subject matter, ownership rights and related rights.
3. The paper aims at training students with concepts and procedures of registration and commercialization of intellectual work under Copyright Law.
4. This paper will enhance the understanding of the students about the application of copyright law in the contemporary domain.

LEARNING OUTCOMES:

After undergoing the study, the student will be able to-

1. Analyze the historical evolution of copyright laws both internationally and in specific jurisdictions
2. Having the basic knowledge of copyrightable and non copyrightable copyright and understand its purpose and scope. Identify the types of works protected by copyright, including literary, musical, artistic, cinematographic, and digital works etc.
3. Understanding the process of registering a copyright and the benefits of registration and the administrative procedures and requirements for copyright registration.

4. Understanding the concepts of initial ownership, commercialization, transfer of rights, licensing etc. and identifying acts that constitute copyright infringement and understand the legal remedies available.
5. Understanding of new trends of copyright and relevancy of copyright law in contemporary era.

MODULE I: FOUNDATION OF COPYRIGHT

- A. Historical Background and Development of Copyright Law.
- B. Idea/Expression Dichotomy, copy left.
- 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,
7. Cengage Learning India Private Limited. 2. Neeraj, P., & Khusdeep, D. (2014)
8. Intellectual Property Rights. India, IN: PHI learning Private Limited

SEMESTER II
INTELLECTUAL PROPERTY LAW
SPECILIZATION MANDATORY COURSE
MLW-02T-IP-03
(04-Credits)
LAW OF PATENTS

COURSE OBJECTIVES:

1. This course presents an overview of development of patent law, including the role of patents in the landscape of intellectual property.
2. The course includes patent requirements, patent procedure, patent commercialization, and enforcement to impart understanding of practical implementation of provisions of Patent laws.
3. 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:

1. The student will get the conceptual understanding of patent and the historic background and conceptual understanding of patent and registration procedure under Indian Patent law .
2. The student will have understanding of commercialization and enforcement of patents.
3. The students will get acquainted with the contemporary trends related to copyright protection in India.
4. Critically analyze case studies and landmark judicial decisions in the field of patent law.

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 Patent 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 & Defences 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.

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.
859. Sookman, Computer Law, 1996
10. N.S. Gopalakrishnan & T.G. Agitha, Principles of Intellectual Property (2009), Eastern Book Company, Lucknow

SEMESTER II
INTELLECTUAL PROPERTY LAW
SPECILIZATION MANDATORY COURSE
MLW-02T-IP-04
LAW ON TRADEMARK, TRADE DESIGNS AND GEOGRAPHICAL
INDICATIONS
(Credit-04)

COURSE OUTCOME:

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

LEARNING OBJECTIVES:

1. To have an understanding of the fundamental legal principles relating to confidential information, copyright, patents, designs, trade-marks and unfair competition;
2. To be able to identify, apply and assess principles of law relating to each of these areas of intellectual property;
3. 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. Copyright in registered Design, 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. A. K. 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 III
INTELLECTUAL PROPERTY LAW
SPECILIZATION MANDATORY COURSE
MLW-03T-IP-05
INTELLECTUAL PROPERTY RIGHTS – RECENT DEVELOPMENTS IN
INDIA
(CREDITS 4)

COURSE OUTCOME:

1. 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.
2. The course is designed to provide comprehensive knowledge to the students regarding the the governing approaches for IPR.
3. The course is designed to provide comprehensive knowledge to the students regarding the intersection of IPR with trade and corporate sector.

LEARNING OBJECTIVES:

The students will learn-

1. To understand the challenges and opportunities posed by digital technologies to IPR in India and analyze recent developments in the protection of software, digital content, and e-commerce platforms.
2. 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 governance of all through laws and policies.
3. To analyze recent policy initiatives and regulatory changes aimed at strengthening IPR protection and enforcement in India.

4. 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 at corporate organizations.

MODULE I: IPR AND TECHNOLOGY:

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

MODULE II: IPR AND GOVERNMENT

- A. IPR and Public Policies
- B. IPR and Governance, strategies and Management
- C. IPR and University-Industry research partnerships

MODULE III: IPR AND TRADE

- A. Corporation's Right to Privacy
- B. IPR and Electronic Commerce
- C. Confidentiality and IPR.
- D. GI in Handicrafts vis-a-vis Migration of labour

MODULE IV: IPR AND CORPORATE ASPECT

A. Monopoly of Biotechnology

B. Copyright And Media Laws

C. IPR and Unfair Competition

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. The PPVFR Act, 2001.

SEMESTER III
INTELLECTUAL PROPERTY LAW
SPECILIZATION MANDATORY COURSE
MLW-03T-IP-06
PROTECTION AND CONSEVATION OF TRADITIONAL KNOWLEDGE
(CREDITS 4)

COURSE OBJECTIVES:

1. To facilitate the students with the concepts of Indian traditional knowledge and to make them understand the Importance of roots of knowledge system.
2. This will help the students in understanding the Systems of traditional knowledge protection, difference between traditional knowledge vis-à-vis formal knowledge.
3. This course will help in providing insights on need for protecting traditional knowledge Significance of TK Protection, the value of TK in the global economy, Role of Government to harness TK in India.

LEARNING OUTCOMES:

1. The course aims at providing understanding about traditional knowledge and its significance.
2. Students will be able to compare and identify different characteristics and important kinds of traditional knowledge.
3. Also, they will be able to analyze physical and social contexts of traditional knowledge.
4. Students will learn analyse the effects of lack of protection of traditional knowledge and its impact on economy.
5. Further, they will understand the legal framework of TK and its coherence with IPR.

MODULE-I: INTRODUCTION TO TRADITIONAL KNOWLEDGE

A. Define traditional knowledge,

- B. nature and characteristics,
- C. scope and importance, kinds of traditional knowledge,
- D. Historical impact of social change on traditional knowledge systems.
- E. Indigenous Knowledge (IK), characteristics, traditional knowledge vis-à-vis indigenous knowledge,
- F. traditional knowledge Vs western knowledge traditional knowledge vis-à-vis formal knowledge

MODULE-II: PROTECTION OF TRADITIONAL KNOWLEDGE

- A. The need for protecting traditional knowledge Significance of TK Protection,
- B. TK in the global economy,
- C. Role of Government to harness TK.

MODULE-III: LEGAL FRAMEWORK AND TRADITIONAL KNOWLEDGE

- A. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006;
- B. The protection of traditional knowledge bill, 2016, TK & Geographical indications act 2003.
- C. Issues Related to Bio-piracy and Bioprospecting

MODULE-IV: TRADITIONAL KNOWLEDGE AND INTELLECTUAL PROPERTY

- A. Systems of traditional knowledge protection,
- B. Legal concepts for the protection of traditional knowledge,
- C. Non IPR mechanisms of traditional knowledge protection,
- D. Patents and traditional knowledge,

E. Strategies to increase protection of traditional knowledge,

F. Global legal FORA for increasing protection of Indian Traditional Knowledge.

SUGGESTED BOOKS FOR REFERENCE:

- 1) W..R. Cornish, Intellectual Property, Sweet & Maxwell, London (2000)
- 2) Traditional Knowledge System and Technology in India by Basanta Kumar Mohanta and Vipin Kumar Singh, Pratibha Prakashan 2012.
- 3) P. Narayana, Patent Law, Wadhwa Publication.
- 4) Traditional Knowledge System in India by Amit Jha Atlantic publishers, 2002
- 5) “Knowledge Traditions and Practices of India” Kapil Kapoor, Michel Danino

SEMESTER IV
INTELLECTUAL PROPERTY LAW
SPECILIZATION MANDATORY COURSE
MLW-04T-IP-07
INTELLECTUAL PROPERTY RIGHTS- GLOBAL TRENDS
(CREDITS 4)

COURSE OUTCOMES:

1. 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. This paper intends to give students an understanding international aspect of of the conventional IPs like copyright, patent, TM,TD.
2. this paper intends to give students an understanding of the unconventional IP regimes like TK, trade secrets and cultural rights and its recognition in international system.

LEARNING OBJECTIVES:

1. To understand the impact of international conventions on IP regime in India.
2. Understand the international legal frameworks and institutions governing IPR, including WIPO, TRIPS, and other key treaties and agreements with respect to copyright, patents, designs, trademark .
3. Analyze the global debates on the balance between strong IPR protection and public interest considerations, such as trade secrets, confidential information, cultural preservation and its interface with other IPs.
4. 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.

A. WTO/Trips Agreement,

B. The Rome Convention,

C. 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 –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
INTELLECTUAL PROPERTY LAW
SPECILIZATION MANDATORY COURSE
MLW-04T-IP-08
INTELLECTUAL PROPERTY LAWS AND AGRICULTURE
(CREDITS 2)

COURSE OUTCOMES:

1. Intellectual Property is creating huge impact on agriculture, but unfortunately this is highly ignored area of IP.
2. The paper will highlight the basic issues and concerns for Agriculture and IP in across the world.

LEARNING OBJECTIVES:

1. To understand the impact of IP regime on agriculture in India.
2. To know the primary and secondary issues related to IPR and agriculture.
3. To understand legislative framework relating to intellectual property rights aspects in agriculture.

MODULE I: AGRICULTURE AND INNOVATION

- A. Technological Innovations and Agricultural IPR
- B. Seed industries and IPR
- C. GMOs and IPR
- D. Biotechnology and IPR

MODULE II: IPR AND AGRICULTURE

- 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. The Biological Diversity Act 2002 and Rules 2004,

SUGGESTED BOOKS FOR REFERENCE:

1. S.K. Verma and Raman Mittal (Ed.) - Intellectual Property Right : A Global Vision (2006) Indian Law Destitution publication, New Delhi.
2. Shiv Sahai Singh (Ed.)- The Law of Intellectual Property Right. (2004) Deep and Deep Publication, New Delhi.
3. V. Santeniello, R.E. Evenso et al, "Agriculture and IPR", CABI Publication.
4. Uma Lele, William Lesser, et al., "IPR in Agriculture", The World Bank's role in assisting borrower and member countries, IBRD Publications.
5. Kamlesh Adhikari, David. J. Jefferson, "IP Law and Plant Protection – Challenges and Development in India" Routledge Publications.
6. W.R. Cornish : Intellectual Property Law (1999), Sweet and Maxwell.

SEMESTER I
SPECIALISATION MANDATORY COURSE
BUSINESS LAW GROUP D
MLW-01T-BL-01
(04 Credit)
CORPORATE LAW I

COURSE OBJECTIVES:

This course is designed to achieve the following objectives:

1. To enhance in students in-depth understanding of Principles of Company Law and Company Jurisprudence.
2. To develop in student's ability, to analyse, advanced and complex concepts of Company Law.
3. To develop in student's skill for formation of company via prescribed procedure.
4. 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:

1. To apply the basic principle of company law to solve the complex situation and challenges.
2. To provide legal support for formation of company.
3. To present, research and analyse company law.

MODULE I: COMPANY JURISPRUDENCE

- A. Nature, purposes and types of business enterprises.
- B. Modernization /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
SPECIALISATION MANDATORY COURSE
BUSINESS LAW GROUP D
MLW-01T-BL-02
(04 Credit)
SECURITIES AND INVESTMENT LAWS

COURSE OBJECTIVES:

This course is designed to achieve the following objectives:

1. To understand the basic concept of investment, legal framework of various investment laws in India.
2. To Study the various Regulatory Authorities for protecting Investors and regulating market.
3. 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:

1. To provide legal supports in Securities and Investment Markets
2. To apply the basic principle to solve the complex issues arising in the securities and investment market
3. 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

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

MODULE IV: SECURITY MARKET

- A. Overview of Capital Market
- B. Primary Market Regulation: Initial Public Offering, Players involve in IPO, Book Building, Underwriting, green shoe Option, listing and Delisting of Securities.
- C. Secondary Market: Development of Stock market in India; Stock market & its operations, Trading Mechanism, Block and Bulk deals, Grouping, Basis of Sensex, Nifty; Surveillance Mechanism; Risk management in Secondary market.
- D. Securities Market Intermediaries

MODULE V: SECURITIES LAWS

- A. Securities Contracts (Regulation) Act, 1956
- B. Issue and Listing of Securities
- C. Authorities Governing Capital Markets in India: SEBI Act, 1992
- D. Securities Appellate Tribunal, Appeals, Appearance before SAT
- E. SEBI Rules and Regulations.
- F. Depositories Act, 1996
- G. Suspension and Penalties

H. An Overview of Law relating to Insider Trading and Takeovers

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 II
SPECIALISATION MANDATORY COURSE
BUSINESS LAW GROUP D
MLW-02T-BL-03
(04 Credit)
CORPORATE LAW-II

COURSE OBJECTIVES:

This course is designed to achieve the following objectives:

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

LEARNING OUTCOMES:

After undergoing the study, the student will be able:

1. To apply the principles of corporate governance in solving the complex issues and challenges.
2. 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 Audit and Auditors
- C. Meeting of Board and Its Power
- D. Transparency and Disclosure
- E. 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
SPECIALISATION MANDATORY COURSE
BUSINESS LAW GROUP D
MLW-02T-BL-04
(04 CREDIT)
THE INSOLVENCY AND BANKRUPTCY CODE FOR CORPORATE
PERSONS

OBJECTIVES OF THE COURSE

This course is designed to achieve the following objectives:

1. To understand a comprehensive, time-bound resolution framework and exit mechanism for the operation of companies from going bankrupt in India.
2. To enhance and upgrade their skills and knowledge as Insolvency professionals.
3. To understand the Corporate Insolvency resolution Process and Liquidation procedure under the IBC.

LEARNING OUTCOMES

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

1. To Study Role of IBBI, Insolvency Professionals for the effective implementation of the IBC.
2. To understand the corporate resolution mechanism as well as liquidation mechanism under the Code.
3. To enhance their thoughts on the assets distribution scheme (Waterfall mechanism) in IBC.
4. To examine and evaluate the different creditors' rights in the IBC.

MODULE I: INTRODUCTION

- A. History and development of corporate insolvency law in India
- B. Need for Insolvency and Bankruptcy IBC
- C. Objectives of the IBC

D. Applicability and scope of IBC

MODULE II: INSTITUTIONAL FRAMEWORK OF IBC

- A. Insolvency and Bankruptcy Board of India (Role & Powers)
- B. Adjudicating Authorities
- C. Information Utilities
- D. Insolvency Professional Agencies, & Insolvency Professionals (Role, functions, responsibilities, powers)

MODULE III: CORPORATE INSOLVENCY RESOLUTION PROCESS (CIRP) (SEC. 6 TO 32)

- A. Initiation of CIRP
- B. Consequences of Admission of CIRP (Moratorium)
- C. Time limit for completion of CIRP
- D. Withdrawal of applications
- E. Appointment, management of affairs, duties of Interim resolution professional
- F. Committee of creditors
- G. Appointment, duties of Resolution Professional
- H. Resolution Plan
- I. Person not eligible to submit Resolution Plan (Section 29A)
- J. Approval by COC, Submission and approval by NCLT

MODULE IV: LIQUIDATION PROCESS (SEC. 33 TO 59)

- A. Initiation of liquidation
- B. Consequences of Liquidation Order
- C. Appointment and Duties of Liquidator
- D. Liquidation Estate
- E. Claims: Consolidation, Verification, Admission, Determination of claims
- F. Position of Secured creditor in liquidation
- G. Avoidance transactions

- H. Distribution of Assets (Waterfall Mechanism)
- I. Dissolution of Corporate Debtor

Module V

- A. Fast Track Insolvency Resolution Process
- B. Voluntary Liquidation of Corporate Persons
- C. Pre-pack Insolvency for MSME Sector
- D. Provisions for Cross-Border Insolvency Under IBC
- E. Group Insolvency.

READING LIST

1. Justice L. Nageswara Rao, (Former Judge Supreme Court of India), Avinash Krishnan Ravi, “Corporate Insolvency Resolution Process Under The Insolvency And Bankruptcy Code, 2016” Published by LexisNexis Guragaon, Haryana, India.
2. Sumant Batra “Corporate Insolvency: Law and Practice”. Published by EBC Publishing (P) Ltd., 34-A, Lalbagh, Lucknow.
3. Vivek Parti and Pooja Mahajan “Handbook on the Insolvency Resolution Process (Decoding the Code)”
4. Taxmann’s Guide to “Insolvency and Bankruptcy Code” by V. S. Datey, 7th Edition, Published by Taxmann Publications (P) Ltd.
5. A Ramaiya “Guide to the Companies Act, 2013, 18th Edition Volume 3, Published by LexisNexis, Published by LexisNexis Guragaon, Haryana, India.
6. Commercial, “The Insolvency and Bankruptcy Code, 2016, Bare Act with Short Comments” Published by Commercial Law Publishers (India) Pvt. Ltd.

SEMESTER III
SPECIALISATION MANDATORY COURSE
BUSINESS LAW GROUP D
MLW-03T-BL-05
(04 Credit)
LEGAL REGULATION OF ECONOMIC ENTERPRISES

COURSE OBJECTIVES:

This course is designed to achieve the following objectives:

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

LEARNING OUTCOMES:

After undergoing the study, the student will be able:

1. To apply the constitutional perspective on the economic matters
2. To Understand the Industrial and trading activities to provide legal support to public and Private Industries.
3. 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 its impacts on Competition in domestic market,
- F. E-Commerce in traditional Market with reference to consumer in India.

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) Consumer Protection Act, 2019

SEMESTER III
SPECIALISATION MANDATORY COURSE
BUSINESS LAW GROUP D
MLW-01T-BL-06
(04 Credit)
LAW OF COMMERCIAL CONTRACT

OBJECTIVE OF THE COURSEWORK

This course is designed to achieve the following objectives:

1. To create a niche for effective drafting of contracts, which would bring transactions to a smooth, low dispute place.
2. Effective negotiating skills can also lend favorable terms in a contract, which would enable the learners to bring dispute resolution in a fast-paced manner.

COURSE OUTCOME:

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

1. Understanding the principles governing commercial contacts
2. Drafting and negotiations of commercial contracts
3. Dispute resolution in commercial contracts
4. Understand different kinds of commercial contracts.

MODULE I-INTRODUCTION

- A. General Aspects of Contract
- B. Principles of English Contract Law
- C. Basic elements of contract
- D. Types of contract
- E. Contract and Risk Management

MODULE II- COMMERCIAL AGREEMENTS

- A. Non-Disclosure Agreement

- B. Service Agreement
- C. Labour Agreement
- D. Partnership & LLP Agreements

MODULE III- RESTRUCTURING AGREEMENTS (Merger, Amalgamation, Acquisition)

- A. Amalgamation Agreement
- B. Slump sale Agreement
- C. Spin off Agreement
- D. Technical Collaboration Agreement
- E. Purchase of Company Share Agreement
- F. Private Equity Confidential Agreements
- G. Private Equity Investment Agreements
- H. Joint Venture Agreements
- I. Sale of business undertaking as a going concern Agreements
- J. Scheme of Arrangement Agreements

MODULE IV - THE FRAMEWORK OF CONTRACT DRAFTING

- A. Contract Anatomy - Introduction to parts of a contract Title, recitals, definition and interpretation clauses
- B. Representations and Warranties clauses and covenants
- C. Conditions Precedent, Conditions Subsequent and Completion
- D. Drafting Obligations and Payment Clauses in Any Contract Term
- E. Termination, Renewal, consequences and survival clauses
- F. Assignment and Change of Control Clauses Confidentiality, non-compete, non-solicit and exclusivity clauses
- G. Termination, procedure and consequences for termination clauses
- H. Waiver, Variation and Severability clauses, Indemnity and Limitation of Liability clauses
- I. Notice and communication clauses, Breach and enforcement related clauses
- J. Force-majeure

READING LIST

1. Drafting and Negotiating Commercial Contracts By Mark Anderson
2. Commercial Contracts: A Practical Guide to Standard Terms by Richard Lawson
3. Practical Guide to Drafting Commercial Contracts by Bhumesh Verma
4. Commercial Contracts by R. Kumar
5. Business & commercial contracts & agreements and e-contracts by Virendra K. Pamecha

Articles:

1. How Do the Courts Interpret Commercial Contracts? By Christopher Staughton
2. The Interpretation and Construction of Contracts By Edwin W. Patterson
3. Differences Between Commercial Contracts and Government Contracts By F. Trowbridge vom Baur
4. On the Writing and the Interpretation of Contracts By Steven Shavell
5. International Arbitral Practice and the UNIDROIT Principles of International Commercial Contracts By Klaus Peter Berger
6. Enforcement in India of foreign commercial awards By Adi B. Shroff

SEMESTER IV
SPECIALISATION MANDATORY COURSE
BUSINESS LAW (GROUP D)
MLW-04T-BL-07
(04 Credit)
INTERNATIONAL TRADE LAW

COURSE OBJECTIVES:

This course is designed to achieve the following objectives:

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

LEARNING OUTCOMES:

After undergoing the study, the student will be able:

1. To draft the commercial contract for international trade
2. To provide legal assistance to buyer and seller in solving the commercial 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) Jason Chuah - International Trade Law, Cavendish Publishing Ltd, London, 1995.
- 3) Motiwal and Awasthi International Trade, 1st edn, 1995. Bhowmik and co; New Delhi.
- 4) Clive M. Schmitthoff, Schmitthoff's, Export Trade, 8th Edn, 1986, Stevens and Sons, London.

- 5) Law of International Trade Transactions - ed. Rahmatullah Khan, Tripathi Pvt, Ltd, Bombay, 1973.
- 6) UNCITRAL Year Book, 1970-1995, United Nations, New York.
- 7) Dicey, Conflict of Laws.
- 8) Justice Kochu Thomen.- Bill of Lading.
- 9) Payne and Ivory - Carriage of goods, 12th Edn., Butterworth.
- 10) M.C. Vaish, Sudama Singh: International Economic Law, 4th Edn., Oxford and IBH Publishing Co.
- 11) New Directions in International Trade Law, Vol I & II, Oceana Publications Inc.
- 12) B.C. Mitra - Law Relating to Bills of Lading and Charter party (Air, Land and Sea) 1998.
- 13) Avtar Singh Law of Carriage (Road, Rail, Air and Sea) 3rd Edn., Eastern Book Co.

SEMESTER IV
SPECIALISATION MANDATORY COURSE
BUSINESS LAW (GROUP D)
LAW OF COMMERCIAL ARBITRATION
MLW-04T-BL-08
(02 Credit)

COURSE OBJECTIVES:

This course is designed to achieve the following objectives:

1. To make students familiar with the Dispute Redressal method of resolving Commercial Disputes both globally as well as within India.
2. Disputes relating to international trade, foreign investments, insurance and reinsurance, and construction.

LEARNING OUTCOMES:

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

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

MODULE I: 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 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: 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

READING LIST

- 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

SEMESTER – I
SPECIALIZATION MANDATORY COURSE
CRIMINAL LAW (GROUP G)
CRIMINOLOGY AND VICTIMOLOGY
MLW-01T-CL-01
(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 Victimisation, 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
SPECIALIZATION MANDATORY COURSE
CRIMINAL LAW (GROUP G)
PRINCIPLES OF CRIMINAL LAW
MLW-01T-CL-02
(CREDITS-4)

COURSE OBJECTIVE:

The study of criminal law is essential

1. To understand as to what really is the meaning of the word “crime” in the Indian context as well as internationally.
2. To 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.
3. To study the new and upcoming criminal legislations to keep oneself abreast of the dynamic changes brought about in the legal system

LEARNING OUTCOMES:

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

1. To understand the historical aspect and evolution of crime
2. To learn the various elements involved in the commission of a crime
3. To develop critical thinking towards the legal provisions which need to be changed as per changing needs of the society
4. 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 IPC & BNS: Extent and Operation of the Bharatiya Nyaya Sanhita - Significant changes from the Indian Penal Code
- 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 BNS
- 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.Pvt. Ltd., New Delhi.
- 4) P. S. A. Pillai: Criminal Law- Incorporating the Criminal Law (Amendment) Act, 2013, LexisNexis India, Gurgaon.
- 5) Bharatiya Nyaya Sanhita 2023

SEMESTER – II
SPECIALIZATION MANDATORY COURSE
CRIMINAL LAW (GROUP G)
MLW-02T-CL-03
PENOLOGY: REHABILITATIVE AND 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.

SEMESTER – II
SPECIALIZATION MANDATORY COURSE
CRIMINAL LAW (GROUP G)
MLW-02T-CL-04
PRIVILEGED CLASS DEVIANCE
(CREDITS-4)

COURSE OBJECTIVE:

The objective of this course is

1. to examine the concept of deviance within privileged social classes, exploring how individuals and groups with societal advantages engage in behaviours that diverge from societal norms and expectations.
2. Through theoretical frameworks and case studies, students will analyse the dynamics of privilege and deviance, critically assessing the impact on social structures, justice systems, and marginalised communities.
3. The course seeks to foster a deep understanding of the complexities surrounding deviant behaviour among the privileged, encouraging students to engage in thoughtful discourse and research on this critical societal issue.

LEARNING OUTCOMES:

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

1. To understand the concept and nature of deviance
2. To learn the various types of deviance
3. To evaluate the various legislations undertaken to control this type of crime
4. 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.** Legal aspect 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

Response of Indian Legal Order to the Deviance of Privileged Classes –

1. Vigilance Commission
2. Right to Information
3. Public Accounts Commission
4. Ombudsman
5. Commission of Enquiry
6. Prevention of Corruption
7. Information Technology Act.

SUGGESTED READING:

1. Bare Acts- Bhartiya Nyay Sanhita (BNS), Bharatiya Nagrik Suraksha Sanhita (BNSS) and the Bharatiya Sakshya Adhiniyam (BSA)
2. Upendra Baxi, Liberty and Corruption: The Antulay Case and Beyond (1989)
3. Surendranath Dwevedi and G.S. Bbargava, Political Corruption in India (1967)
4. A.R. Desai (ed.) Violation of democratic Rights in India (1986)
5. A.G. Noorani, Minister's Misconduct (1974)
6. B.B. Pande, 'The Nature and Dimensions of Privileged Class Deviance' in The Other Side of Development (K.S. Shukla ed.)

SEMESTER – III
SPECIALIZATION MANDATORY COURSE
CRIMINAL LAW (GROUP G)
MLW-03T-CL-05
COMPARATIVE CRIMINAL PROCEDURE AND CRIMINAL
JUSTICE ADMINISTRATION
(CREDITS-4)

COURSE OBJECTIVE:

1. **Understand Fundamental Principles:** Gain a comprehensive understanding of the key principles and theories underlying criminal procedure and administration of justice, with a focus on comparative perspectives across different legal systems.
2. **Compare Legal Systems:** Analyze and compare criminal procedures and justice administration practices across multiple jurisdictions, including civil law, common law, and hybrid systems, to appreciate the diversity of approaches to criminal justice.
3. **Examine Procedural Safeguards:** Explore the procedural safeguards designed to protect the rights of individuals within different legal frameworks, such as due process, right to counsel, presumption of innocence, and trial procedures.
4. **Critically Reflect:** Develop critical thinking skills through debates, discussions, and case studies, fostering an ability to critically reflect on the strengths and weaknesses of different criminal justice systems and procedural approaches.
5. **Synthesize Knowledge:** Synthesize knowledge gained throughout the course to propose recommendations for improving criminal procedures and justice administration practices globally, considering ethical, legal, and practical implications.

LEARNING OUTCOMES:

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

1. To understand the various components of the criminal justice system and they are interlinked with each other
2. To enhance the knowledge and understanding of the various criminal justice systems
3. To familiarize the students with various legal concepts and principles of criminal justice system

4. 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)** Bare Acts- Bhartiya Nyay Sanhita (BNS), Bharatiya Nagrik Suraksha Sanhita (BNSS) and the Bharatiya Sakshya Adhiniyam (BSA)
- 2)** R.V. Kelkar – Criminal Procedure Code, 1973
- 3)** Devlin – Criminal Prosecution in England
- 4)** Esmein – History of Continental Procedure (Chapter 1 & II)
- 5)** Coffey (Alam) – An Introduction to Criminal Justice System and Process
- 6)** French Code of Criminal Procedure & Penal Code (American Series)
- 7)** K.N.S. Pillai : Lectures on Criminal Procedure

SEMESTER – III
SPECIALIZATION MANDATORY COURSE
CRIMINAL LAW (GROUP G)
MLW-03T-CL-06
HUMAN RIGHTS AND CRIMINAL JUSTICE SYSTEM
(CREDITS-4)

COURSE OBJECTIVE:

1. To provide students an insight into the intricacies of human rights issues which are involved in the overall administration of criminal justice system in India
2. To make them understand various aspects of criminology, penology and victimology with reference to various vulnerable groups of society-children, women, aged persons SC/ST.
3. The course also highlights the current issues and debates regarding criminal justice administration and human rights
4. To examine how human rights principles intersect with various aspects of the criminal justice system, including law enforcement practices, judicial proceedings, incarceration, and rehabilitation.

LEARNING OUTCOMES:

After undergoing the study, the student will be able:

1. To understand the functionaries involved in administration of criminal justice.
2. To enhance the knowledge and understanding of the various human rights involved in the Criminal Justice System.
3. To determine the applicability of International Covenants for protection of Human Rights

MODULE I: INTRODUCTION

A. Meaning and evolution of Human Rights

- B.** Human Rights and United Nation Charter
- C.** Human Rights and Criminal Justice Administration
- D.** Objects of Criminal Trial
- E.** Cardinal Principle in administration of Criminal Justice
- F.** Protection of Human Right Act, 1993

MODULE II: PROTECTION OF HUMAN RIGHTS IN CRIMINAL JUSTICE SYSTEM

- A.** Role of courts in protecting human rights
- B.** Rights of accused
 - a) Protection from Self -Incrimination
 - b) Double Jeopardy
 - c) Ex-post facto laws
 - d) Fair Trial
- C.** Human Rights issue in sentencing process
- D.** Punishments and Human Rights
- E.** Compensation to victims of crime

MODULE III: CRIMINAL LIABILITY AND HUMAN RIGHTS OF VULNERABLE GROUPS

- A.** Violence against women and human rights
- B.** Violence against children: Criminal justice norms and Strategies
- C.** Police atrocities and Human Rights
- D.** Dispensing of justice and Rights of Persons with Disability

MODULE IV: ENFORCEMENT OF HUMAN RIGHTS

- A.** National Human Rights Commission
- B.** State Human Rights Commission
- C.** Human Rights Courts, Supreme Court, High Courts

- D.** International perspective, Amnesty International, International Commission of Human Rights
- E.** Non-Governmental Organisations

SUGGESTED READING

- 1) Bare Acts- Bhartiya Nyay Sanhita (BNS), Bharatiya Nagrik Suraksha Sanhita (BNSS) and the Bharatiya Sakshya Adhiniyam (BSA)
- 2) Justice Palok Basu, Law Relating to Protection of Human Rights, Modern Law Publications, New Delhi,
- 3) Agarwal, H.O. Implementation of Human Rights Covenants with Special Reference to India(New Delhi: D.K. Publishers, 1993)
- 4) Aroras, Nirman, "Custodial torture in Police Stations in India: A Radical Assessment", Journal of Indian Law Institute, vol.41, nos.3, and 4, 1999,
- 5) Bajwa, G.S. and D.K. Bajwa, Human Rights in India : Implementation and Violations (New Delhi: D.K. Publishers,1996)
- 6) Baxi, Upendra, "Clemency, Extradition and death: the Judicial Discourse in Kehar Singh ", Journal of Indian Law Institute, vol.30, no.4, Oct- Dec. 1998,
- 7) Batra, Manjula, Protection of Human Rights in Criminal Justice Administration : A study of the right of Accused in Indian and Soviet Legal System (New Delhi: Deep and Deep, 1989)
- 8) Bava, Noorjahan, ed., Human Rights and Criminal Justice Administration in India (New Delhi : Uppal Publishing House, 2000)
- 9) Bhagwati, P.N., " Human Rights in the Criminal Justice System ", Journal of the Indian Law Institute, vol. 27, no.1, 1985,
- 10) Blackshield, A.R."Capital Punishment in India " , Journal of Indian Law Institute vol. 21 no.2, 1979,
- 11) Burgers, J.H., "The Fights against Torture ", International Commission of Jurists, no.32, 1984,
- 12) Jaswal, P.S. and N. Jaswal , "Right to Personal Liberty and Handcuffing: Some Observations", Journal of the Indian Law Institute, vol.33, no.2, April- June 1991

SEMESTER – IV
SPECIALIZATION MANDATORY COURSE
CRIMINAL LAW (GROUP G)
MLW-04T-CL-07
(CREDITS-4)
ORGANISED CRIME AND TRANSNATIONAL CRIME: NEW
CHALLENGES

COURSE OBJECTIVE:

1. This course is designed to give students a comprehensive understanding of contemporary patterns and characteristics of organized crime,
2. An understanding of its National and International perspective and relevant international conventions in this field.
3. 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:

1. Have a general understanding of the nature, characteristics and contemporary patterns of transnational organized crime.
2. 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.
3. Understand relevant government policies in this field and in related areas.
4. Identify and structure relevant issues and present them logically.

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5. Work individually on designated tasks and topics and present outcomes in written and oral form.
 6. Develop informed, coherent strategies for law reform and policy change in this field of study.

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 concerns 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 BNS and Bhartiya Sakshya Adhiniyam
- 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

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- 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) Bare Acts- Bhartiya Nyay Sanhita (BNS), Bharatiya Nagrik Suraksha Sanhita (BNSS) and the Bharatiya Sakshya Adhiniyam (BSA)
- 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)

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- 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
SPECIALIZATION MANDATORY COURSE
CRIMINAL LAW (GROUP G)
MLW-04T-CL-08
LAW RELATED TO ENVIRONMENTAL CRIMES
(CREDITS-2)

COURSE OBJECTIVE:

1. To enable students to identify core environmental issues and legal and institutional responses to them.
2. To analyse the role of criminal justice system in environmental protection.
3. To introduce the basic concepts and principles of environmental crimes and to analyse the principles as tools of environmental protection through criminal law.
4. To understand development of environmental law specifically developed and developing countries perspective combating Environmental Pollution.

LEARNING OUTCOMES:

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

1. Understand the applicability of the core principles of pollution law
2. Describe and analyse the pollution law regime and identify how important criminal legal issues are addressed within it.
3. Critically analyse the judgments relating to environmental crimes and identify the legal issues.
4. Understand the remedies available to citizens in dealing with environmental crimes and applying them in practice

MODULE I – ENVIRONMENTAL CRIME AND CONCEPT OF ENVIRONMENT PROTECTION

- A. Concept of Environment and Environment pollution
- B. Factors responsible for environmental pollutions
- C. Concept of Green Criminology and Environmental Crimes
- D. Types of Environmental Crime
- E. Globalization and challenges related to Environment protection

MODULE II - ENFORCEMENT AND REMEDIES FOR ENVIRONMENTAL CRIME UNDER CRIMINAL LAW

- A. Nuisance
- B. Trespass
- C. Strict Liability and Absolute Liability
- D. Indian Penal Code Bhartiya Nyay Sanhita and Environment Protection
- E. Criminal Procedure Code Bhartiya Nagrik Suraksha Sanhita and Environment Protection
- F. Principles guiding the Indian Courts- Sustainable Development, Polluter Pays principle, Precautionary principle, Public Trust Doctrine.

MODULE III- ROLE OF POLLUTION CONTROL BOARD TO ENFORCE THE PROVISIONS OF POLLUTION LAWS

- A. Water (Prevention and Control of Pollution) Act, 1974 (Salient features)
- B. Air (Prevention and Control of Pollution) Act, 1981 (Salient features)
- C. Environment (Protection) Act, 1986 (Salient features)
- D. Wildlife Boards under Wildlife Protection Act, 1972 (Salient features)

SUGGESTED READING

1. Shibani Ghosh ed., Indian Environmental Law: Key Concepts and Principles
2. Geetanjoy Sahu, Environmental Jurisprudence and the Supreme Court: Litigation, Interpretation, Implementation (2014)
3. Shyam Diwan and Armin Rosencranz, Environmental Law and Policy in India – Cases, Materials and Statutes (2nd ed., 2001)
4. P. Leelakrishnan, Environmental Law Case Book (2nd ed., 2010)
5. Gurdip Singh, Environmental Law in India (2nd ed 2016)
6. Indications of Goods (Registration and Protection) Act 1999,
7. Kerly's Law of Trade Marks and Trade Names, 14th Edition, Thomson, Sweet & Maxwell.
8. K. 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.
9. Christopher Wadlow, The Law of Passing Off, 1995
10. Marsha A. Echols, Geographical Indications for Food Products, International Legal and Regulatory Perspectives (2008), Wolters Kluwer.
11. Nandan Kamath, Law Relating to Computers Internet & E-Commerce, 2nd Edition, Universal Law Publishing Co. Pvt.Ltd.
12. David Lindsay, International Domain Name Law ICANN at the UDRP, (2007) Hart Publishing, Oxford and Portland, Oregon.