

स्वामी विवेकानंद विश्वविद्यालय, सिरोंजा, सागर(म.प्र.)

**Swami Vivekanand University, Sirona,
Sagar (M.P.)**

**As per model syllabus of U.G.C. New Delhi,
drafted by Central Board of Studies and
Approved by Higher Education and the
Governor of M.P.**

Department of LAW



(LL.M)

Faculty of LAW

Syllabus & Prescribed Books

LL.M Semester Examination

2016-17

Semester

I,II,III,IV

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कुलसचिव

स्वामी विवेकानंद विश्वविद्यालय सिरोंजा ,सागर (म.प्र.)



Swami Vivekanand University, Sagar (M.P.) Scheme of Examination



Faculty of Law

Department of Law

Scheme of Course : MASTER OF LAW (L.L.M.) Course Code : LLM GROUP B - Criminal Law

SEMESTER – I

Paper / Subject Code	Title of the Paper / Subject	Credit Allotted			Total Credit	Distribution of Marks									
		L	T	P		Theory					Practical			Grand Total (G= C+F)	
						End Sem.		Sessional		Total (C= A+B)	End Sem.		Internal LW (E)		Total (F=D+E)
						Max (A)	Min	Max (B)	Min		Max (D)	Min			
LLM101	Law And Social Transformation In India	6	2	0	8	100	36	-	-	100	-	-	-	-	100
LLM102	Indian Constitution Law :The New Challenges	6	2	0	8	100	36	-	-	100	-	-	-	-	100
LLM103-B	Comparative Criminal Procedures	6	2	0	8	100	36	-	-	100	-	-	-	-	100
LLM104-B	Penology: Treatment Of Offenders	6	2	0	8	100	36	-	-	100	-	-	-	-	100
	Total	24	08	0	32	400	-	-	-	400	-	-	-	-	400

The duration of theory exam is 3 Hrs



Swami Vivekanand University, Sagar (M.P.)

Scheme of Examination



Faculty of Law

Department of Law

Scheme of Course : MASTER OF LAW (L.L.M.)

Course Code : LLM

GROUP B - Criminal Law

SEMESTER – II

Paper / Subject Code	Title of the Paper / Subject	Credit Allotted			Total Credit	Distribution of Marks										Grand Total (G= C+F)
		L	T	P		Theory					Practical					
						End Sem.		Sessional		Total (C= A+B)	End Sem.		Internal LW (E)	Total (F=D+E)		
						Max (A)	Min	Max (B)	Min		Max (D)	Min				
LLM201	Judicial Process	6	2	0	8	100	36	-	-	100	-	-	-	-	100	
LLM202-B	Privileged Class Deviance	6	2	0	8	100	36	-	-	100	-	-	-	-	100	
LLM203-B	Drug Addiction & Criminal Justice	6	2	0	8	100	36	-	-	100	-	-	-	-	100	
	Total	18	06	0	24	300	-	-	-	300	-	-	-	-	300	

The duration of theory exam is 3 Hrs



Swami Vivekanand University, Sagar (M.P.)

Scheme of Examination



Faculty of Law

Department of Law

Scheme of Course : MASTER OF LAW (L.L.M.) Course Code : LLM GROUP B - Criminal Law

SEMESTER – III

Paper / Subject Code	Title of the Paper / Subject	Credit Allotted			Total Credit	Distribution of Marks									
		L	T	P		Theory					Practical			Grand Total (G= C+F)	
						End Sem.		Sessional		Total (C= A+B)	End Sem.		Internal LW (E)		Total (F=D+E)
						Max (A)	Min	Max (B)	Min		Max (D)	Min			
LLM301	Legal Education & Research Methodology	6	2	0	8	100	36	-	-	100	-	-	-	-	100
LLM 302-B	Juvenile Delinquency	6	2	0	8	100	36	-	-	100	-	-	-	-	100
LLM 303-B	Collective Violence & Criminal Justice System	6	2	0	8	100	36	-	-	100	-	-	-	-	100
	Total	18	06	0	24	300	-	-	-	300	-	-	-	-	300

The duration of theory exam is 3 Hrs



Swami Vivekanand University, Sagar (M.P.)

Scheme of Examination



Faculty of Law

Department of Law

Scheme of Course : MASTER OF LAW (L.L.M.)

Course Code : LLM GROUP B - Criminal Law

SEMESTER – IV

Paper / Subject Code	Title of the Paper / Subject	Credit Allotted			Total Credit	Distribution of Marks										Grand Total (G= C+F)
		L	T	P		Theory					Practical					
						End Sem.		Sessional		Total (C= A+B)	End Sem.		Internal LW (E)	Total (F=D+E)		
						Max (A)	Min	Max (B)	Min		Max (D)	Min				
LLM401	Dissertation	-	-	-	-	100	36	-	-	100	-	-	-	-	100	
LLM 402	Viva-Voce	-	-	-	-	100	36	-	-	100	-	-	-	-	100	
	Total	-	-	-	-	200	-	-	-	200	-	-	-	-	200	

The duration of theory exam is 3 Hrs



Swami Vivekanand University, Sagar (M.P.) Scheme of Examination

Faculty of Law

Department of Law

Scheme of Course : MASTER OF LAW (L.L.M.) Course Code : LLM GROUP C - Business Law

SEMESTER – I

Paper / Subject Code	Title of the Paper / Subject	Credit Allotted			Total Credit	Distribution of Marks										Grand Total (G= C+F)
		L	T	P		Theory					Practical			Total (F=D+E)		
						End Sem.		Sessional		Total (C= A+B)	End Sem.		LW (E)			
						Max (A)	Min	Max (B)	Min		Max (D)	Min				
LLM101	Law And Social Transformation In India	6	2	0	8	100	36	-	-	100	-	-	-	-	100	
LLM102	Indian Constitution Law :The New Challenges	6	2	0	8	100	36	-	-	100	-	-	-	-	100	
LLM103-C	Law of Export& Import Regulation	6	2	0	8	100	36	-	-	100	-	-	-	-	100	
LLM104-C	Banking Law	6	2	0	8	100	36	-	-	100	-	-	-	-	100	
	Total	24	08	0	32	400	-	-	-	400	-	-	-	-	400	

The duration of theory exam is 3 Hrs



Swami Vivekanand University, Sagar (M.P.)

Scheme of Examination



Faculty of Law

Department of Law

Scheme of Course : MASTER OF LAW (L.L.M.)

Course Code : LLM

GROUP C - Business Law

SEMESTER – II

Paper / Subject Code	Title of the Paper / Subject	Credit Allotted			Total Credit	Distribution of Marks										Grand Total (G= C+F)
		L	T	P		Theory					Practical			Total (F=D+E)		
						End Sem.		Sessional		Total (C= A+B)	End Sem.		Internal LW (E)			
						Max (A)	Min	Max (B)	Min		Max (D)	Min				
LLM201	Judicial Process	6	2	0	8	100	36	-	-	100	-	-	-	-	100	
LLM202-C	Insurance Law	6	2	0	8	100	36	-	-	100	-	-	-	-	100	
LLM203-C	Corporate Finance	6	2	0	8	100	36	-	-	100	-	-	-	-	100	
	Total	18	06	0	24	300	-	-	-	300	-	-	-	-	300	

The duration of theory exam is 3 Hrs



Swami Vivekanand University, Sagar (M.P.)

Scheme of Examination



Faculty of Law

Department of Law

Scheme of Course : MASTER OF LAW (L.L.M.) Course Code : LLM GROUP C - Business Law

SEMESTER – III

Paper / Subject Code	Title of the Paper / Subject	Credit Allotted			Total Credit	Distribution of Marks										Grand Total (G= C+F)
		L	T	P		Theory					Practical					
						End Sem.		Sessional		Total (C= A+B)	End Sem.		LW (E)	Total (F=D+E)		
						Max (A)	Min	Max (B)	Min		Max (D)	Min				
LLM301	Legal Education & Research Methodology	6	2	0	8	100	36	-	-	100	-	-	-	-	100	
LLM 302-C	Law of Industrial & Intellectual Property	6	2	0	8	100	36	-	-	100	-	-	-	-	100	
LLM 303-C	Legal Regulation of Economic Enterprises	6	2	0	8	100	36	-	-	100	-	-	-	-	100	
	Total	18	06	0	24	300	-	-	-	300	-	-	-	-	300	

The duration of theory exam is 3 Hrs



Swami Vivekanand University, Sagar (M.P.) Scheme of Examination

Faculty of Law

Department of Law

Scheme of Course : MASTER OF LAW (L.L.M.)

Course Code : LLM GROUP C - Business Law

SEMESTER – IV

Paper / Subject Code	Title of the Paper / Subject	Credit Allotted			Total Credit	Distribution of Marks									
		L	T	P		Theory					Practical				Grand Total (G= C+F)
						End Sem.		Sessional		Total (C= A+B)	End Sem.		Internal LW (E)	Total (F=D+E)	
						Max (A)	Min	Max (B)	Min		Max (D)	Min			
LLM401	Dissertation	-	-	-	-	100	36	-	-	100	-	-	-	-	100
LLM 402	Viva-Voce	-	-	-	-	100	36	-	-	100	-	-	-	-	100
	Total	-	-	-	-	200	-	-	-	200	-	-	-	-	200

The duration of theory exam is 3 Hrs



LAW AND SOCIAL TRANSFORMATION IN INDIA

(LLM101)

Paper code	Title of the Paper	Periods Per week				Distribution of Marks								Grand Total (i=d+h)	Duration of Exam
		L	T	P	C	Theory		MS T (c)	Total (d = a+c)	Practical		T W (g)	Total (h=e+g)		
						Max (a)	Min (b)			Max (e)	Min (f)				
LLM 101	LAW AND SOCIAL TRANSFORMATION IN INDIA	6	2	0	8	100	36	-	-	-	-	-	-	100	3 HOURS

UNIT- I

Law and social change:- Law as an instrument of social change. Law as the product of traditions and culture, Criticism and evaluation in the light colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institution in India.

Religion and the law:-Religion as a divisive factor. Secularism as a solution to the problem. Reform of the law on secular lines: Problems ,Freedom of religion and non-discrimination on the basis of religion. Religious minorities and the law.

Language and the law:-Language as a divisive factor formation of linguistic states. Constitutional guarantees to linguistic minorities. Language policy and the Constitution: Official language; multi-language system , Non-discrimination on the ground of language.

UNIT- II

Community and the law:- Caste as a divisive factor. Non- discrimination on the ground of caste. Acceptance of caste as a factor to undo past injustices. Protective discrimination: Scheduled castes, tribes and backward classes. Reservation; Statutory Commissions. Statutory provisions. Barriers.

Regionalism and the law:-Regionalism as a divisive factor. Concept of India as one unit. Right of movement, residence and business; impermissibility of state or regional. Equality in matters of employment the slogan "Sons of the soil" and its practice. Admission to educational institutions: preference to residents of a state.

UNIT- III

Women and the law:- Crimes against women, Gender injustice and its various forms. Women's Commission ,Empowerment of women: Constitutional and other legal provisions.

Children and the law -: Child labor, Sexual exploitation. Adoption and related problems. Children and Education .

UNIT- IV

Modernization and the law: Modernization as a value: constitutional perspectives reflected in the fundamental duties. Modernization of social institutions through law. Reform of family law Agrarian Reform- Industrialization of Agriculture Industrial reform: Free enterprise V/s State regulation – Industrialization V environmental protection. Reform of court processes .Criminal law : Plea bargaining; compounding and payment of compensation to Victims. Civil law: (ADR) Confrontation v. consensus; mediation and conciliation; Lok adalats. Prison reforms. Democratic decentralization and local self government.

UNIT- V

Alternative approaches to law: The jurisprudence of Sarvodaya – Gandhiji , Vinoba Bhave; Jayaprakash Narayan- surrender of dacoits; concept of gram nyayalayas. Socialist thought on law and justice: An enquiry through constitutional debates on the right to property. Indian Marxist critique of law and justice. Naxalite movement: causes and cure.

In addition to the above questions may be asked on aspects related with this paper.

Text books

1. Marc Galanter (ed), Law and Society in Modern India (1997) Oxford
2. Robert Lingat, The Classical Law of India (1998), Oxford
3. U. Baxi, The Crisis of the Indian Legal System (1982), Vikas, New Delhi
4. U.Bixi (ed), Law and Poverty Critical Essays (1988), Tripathi, Bombay
5. Manushi, A journal About of Women and Society
6. Duncan Derret, The State, Religion and Law in India (1999), Oxford University Press, New Delhi
7. H.M.Seervai, Constitutional Law of India (1996), Tripathi
8. D.D.Basu, Shorter Constitution of India (1996), Prentice – Hall of India (P) Ltd., New Delhi
9. Sunil Deshta and Kiran Deshta, Law and Menace of child Labour (2000) Armol Publications, Delhi.
10. Savitri Gunasekhare, Children, Law and Justice (1997), Sage
11. Indian Law Institute, Law and Social Change: Indo-American Reflections , Tripathi (1988)
12. J.B. Kripalani, Gandhi: His Life and Thought, (1970) Ministry of Information and Broadcasting .
13. M.P. Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay
14. Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford



INDIAN CONSTITUTION LAW : THE NEW CHALLENGES

(LLM102)

Paper code	Title of the Paper	Periods Per week				Distribution of Marks								Grand Total (i= d+h)	Duration of Exam
		L	T	P	C	Theory		M S T (c)	Total (d = a+c)	Practical		T W (g)	Total (h= e+g)		
						Max (a)	Min (b)			Max (e)	Min (f)				
LLM 102	INDIAN CONSTITUTIONAL LAW :THE NEW CHALLENGES	6	2	0	8	100	36	-	-	-	-	-	-	100	3 HOURS

UNIT- I

Federalism: Creation of new states. Allocation and share of resources - distribution of grants in aid. The inter-state disputes on resources. Rehabilitation of internally displaced persons. Centre's responsibility and internal disturbance within States. Directions of the Centre to the State under Article 356 and 365. Federal Comity : relationship of trust and faith between centre and state. Special status of certain States. Tribal Areas, Scheduled Areas.

UNIT- II

"State" : Need for widening the definition in the wake of liberalization , **Right to equality** : Privatization and its impact on affirmative action, **Empowerment of women** , **Freedom of press** and Challenges of new scientific development, **Freedom of speech and right to broadcast and telecast** , Right to strikes, hartal and bandh .

UNIT- III

Emerging regime of new rights and remedies: Reading Directive Principles and Fundamental Duties into Fundamental Rights . Compensation jurisprudence. Right to education. Commercialization of education and its impact. Brain drain by foreign education market. Right of minorities to establish and administer educational institutions and Secularism and religious fanaticism.

UNIT- IV

Separation of powers: stresses and strain: Judicial activism and judicial restraint. PIL : implementation. Judicial independence. Appointment, transfer and removal of judges. Accountability: executive and judiciary. Tribunals.

UNIT- V

Democratic process: Nexus of politics with criminal and the business. Election. Election commission: status Electoral Reforms. Coalition government's stability, durability, corrupt practice. Grass root democracy.

In addition to the above questions may be asked on aspects related with this paper.

Text Books

1. Marc Galanter (ed), Law and Society in Modern India (1997) Oxford
2. Robert Lingat, The Classical Law of India (1998), Oxford
3. U. Baxi, The Crisis of the Indian Legal System (1982), Vikas, New Delhi
4. U.Bixi (ed), Law and Poverty Critical Essays (1988), Tripathi, Bombay
5. Manushi, A journal About of Women and Society
6. Duncan Derret, The State, Religion and Law in India (1999), Oxford University Press, New Delhi
7. H.M.Seervai, Constitutional Law of India (1996), Tripathi
8. D.D.Basu, Shorter Constitution of India (1996), Prentice – Hall of India (P) Ltd., New Delhi
9. Sunil Deshta and Kiran Deshta, Law and Menace of child Labour (2000) Armol Publications, Delhi.
10. Savitri Gunasekhare, Children, Law and Justice (1997), Sage
11. Indian Law Institute, Law and Social Change: Indo-American Reflections, Tripathi (1988)
12. J.B. Kripalani, Gandhi: His Life and Thought, (1970) Ministry of Info. and Broadcasting. Govt. of India
13. M.P.Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay
14. Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford



COMPARATIVE CRIMINAL PROCEDURES

(LLM 103 - B)

Paper code	Title of the Paper	Periods Per week				Distribution of Marks								Grand Total (i= d+h)	Duration of Exam
		L	T	P	C	Theory		MST (c)	Total (d = a+c)	Practical		T W (g)	Total (h= e+g)		
						Max (a)	Min (b)			Max (e)	Min (f)				
LLM 103	JUDICIAL PROCESS	6	2	0	8	100	36	-	-	-	-	-	-	100	3 HOURS

UNIT- I

Organisation of Courts and Prosecuting Agencies: Hierarchy of criminal courts and their jurisdiction. Nyaya Panchayats in India. Panchayats in tribal areas. Organisation of prosecuting agencies for prosecuting criminals. Prosecutors and the police. Withdrawal of prosecution

UNIT- II

Pre-trial Procedures: Arrest and questioning of the accused. The rights of the accused. The evidentiary value of statements/articles seized/collected by the police. Right to counsel. Roles of the prosecutor and the judicial officer in investigation.

Trial Procedures- The accusatory system of trial and the inquisitorial system. Role of the judge, the prosecutor and defense attorney in the trial. Admissibility and inadmissibility of evidence. Expert evidence. Appeal of the court in awarding appropriate punishment. Plea bargaining

UNIT- III

Correction and Aftercare services: Institutional correction of the offenders. General comparison – After care services in India and France. The role of the court in correctional programmes in India.

UNIT- IV

Preventive Measures in India: Provisions in the Criminal Procedure Code. Special enactments

UNIT- V

Public Interest Litigation: Directions for criminal prosecution.

In addition to the above questions may be asked on aspects related with this paper.

Text books

1. Celia Hamptom, Criminal Procedure
2. Wilkins and Cross, Outline of the Law of Evidence.
3. Archbold, Pleading, Evidence and Practice in Criminal Cases Sarkar, Law of Evidence Lucknow.
4. K.N. Chandrasekharan Pillai(ed.), R.V. Kelkar's Outlines of Criminal Procedure (2000) Eastern, PC
haitnriac. Devilin, The Criminal Prosecution in England
5. American Series of Foreign Penal Codes Criminal Procedure Code of People's Republic of
John N. Ferdico, Criminal Procedure, (1996) West.
6. Sanders & Young, Criminal Justice (1994)
7. Christina Van Den Wyngart, Criminal Procedure Systems in European Community Joel
8. samaha, Criminal Procedure (1997) West.
9. Criminal Procedure Code, 1973
10. The French Code of Criminal Procedure.
11. 14th and 41st Reports of Indian Law Commission



**PENOLOGY: TREATMENT OF OFFENDERS
(LLM 104 –B)**

Paper code	Title of the Paper	Periods Per week				Distribution of Marks								Grand Total (i=d+h)	Duration of Exam
		L	T	P	C	Theory		MS T (c)	Total (d = a+c)	Practical		T W (g)	Total (h= e+g)		
						Ma x (a)	Mi n (b)			Ma x (e)	Mi n (f)				
LLM 104	PENOLOGY: TREATMENT OF OFFENDERS	6	2	0	8	100	36	-	-	-	-	-	-	100	3 HOURS

UNIT- I

Introductory: Definition of Penology. **Theories of Punishment-** Retribution. Utilitarian prevention : Deterrence. Utilitarian : Intimidation 4.1.3 Fines. Behavioral Prevention : Incapacitation. Behavioral Prevention : Rehabilitation – Expiation. Classical Hindu and Islamic approaches to punishment.

UNIT- II

The Problematic of Capital Punishment: Constitutionality of Capital Punishment. Judicial Attitudes Towards Capital Punishment in India – An inquiry through the statute law and case law. Law Reform Proposals

UNIT- III

Approaches to Sentencing: alternatives to Imprisonment. Probation. Corrective labour. Reparation by the offender/by the court

UNIT- IV

Sentencing: Principal types of sentences in the Penal Code and special laws. Sentencing in white collar crime. Pre-sentence hearing. Sentencing for habitual offender. Summary punishment. Plea-bargaining

UNIT- V

Imprisonment: The state of India's Jails today. The disciplinary regime of Indian prisons. Classification of prisoners. Rights of prisoner and duties of custodial staff. Deviance by custodial staff. Open prisons. Judicial surveillance – basis – development reforms.

In addition to the above questions may be asked on aspects related with this paper

Text books

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



Judicial Process
(LLM 201)

Paper code	Title of the Paper	Periods Per week				Distribution of Marks								Grand Total (i= d+h)	Duration of Exam
		L	T	P	C	Theory		MS T (c)	Total (d = a+c)	Practical		T W (g)	Total (h= e+g)		
						Ma x (a)	Mi n (b)			Ma x (e)	Mi n (f)				
LLM 201	Judicial Process	6	2	0	8	100	36	-	-	-	-	-	-	100	3 HOURS

UNIT- I

Nature of judicial process: Judicial process as an instrument of social ordering. Judicial process and creativity in law-common law model-Legal Reasoning and growth. The tools and techniques of Judicial creativity and precedent. Legal development and creativity through legal reasoning under statutory and codified System.

UNIT- II

Special Dimensions of Judicial Process in Constitutional Adjudications: Notions of judicial review. 'Role' in constitutional adjudication-various theories of judicial role. Tools and techniques in policy making and creativity in constitutional adjudication. Varieties of judicial and juristic activism. Problems of accountability and judicial law-making.

UNIT- III

Judicial Process in India: Indian debate on the role of judges and on the notion of judicial review. The "independence" of judiciary and the "political" nature of judicial process. Judicial activism and creativity of the Supreme Court – the tools and techniques of. Judicial process in pursuit of constitutional goals and values – new dimensions of judicial process. Institutional liability of courts and judicial activism-scope and limits.

UNIT- IV

The concepts of Justice: The concept of justice or Dharma in Indian thought. Dharma as the foundation of legal ordering in Indian thought, the concept and various theories of justice in the western thought. Various theoretical bases of justice: the liberal contractual tradition, the liberal. Utilitarian tradition and the liberal moral tradition.

UNIT- V

Relation between Law and Justice: Equivalence Theories-Justice as nothing more than the positive law of the stronger class. Dependency theories- For its realization justice depends on law, but justice is not the Same as law. The independence of justice theories- means to end relationship of law and justice –The relationship in the context of the Indian constitutional ordering. Analysis of selected cases of the Supreme Court where the judicial process can be seen. As influenced by theories of justice.

In addition to the above questions may be asked on aspects related with this paper.

Text books

Julius Stone, The Province and Function of Law, Part-II, Chs.1/8-16(2000), Universal, New Delhi. Cardozo, The Nature of Judicial Process (1995) Universal, New Delhi.
Henry J. Abraham, The Judicial Process(1998), Oxford.
J.Stone, Precedent and the Law:Dynamics of Common Law Growth(1985) Butterworths Delhi.
W.Friedmann, Legal Theory (1960), Stevens, London.
Bodenheimer, Jurisprudence – the Philosophy and Method of the Law (1997), Universal, Tripathi Bombay.
J. Stone, Legal System and Lawyers Reasonings (1999) Universal, Delhi.
U.Baxi, The Indian Supreme Court and Politics (1980) Eastern, Lucknow
Rajeev Dhavan, The Supreme Court of India – A socio-Legal Critique of its Juristic Techniques (1977)
John Rawls, A Theory of Justice (2000) Universal, Delhi.
Edward H.Levi, An Introduction to Legal Reasoning (1970) University of Chicago.



Privileged Class Deviance
(LLM 202-B)

Paper code	Title of the Paper	Periods Per week				Distribution of Marks								Grand Total (i=d+h)	Duration of Exam
		L	T	P	C	Theory		MS T (c)	Total (d = a+c)	Practical		T W (g)	Total (h= e+g)		
						Ma x (a)	Min (b)			Ma x (e)	Min (f)				
LLM 202	Privileged Class Deviance	6	2	0	8	100	36	-	-	-	-	-	-	100	3 HOURS

UNIT- I Conceptions of white collar crimes: Indian approaches to socio-economic offences. Notions of privileged class deviance as providing a wider categorization of understanding. Typical forms of such deviance of doing the course. Official deviance (deviance by legislators, judges, bureaucrats) Professional deviance: Journalists, teachers, doctors, lawyers, engineers, architects. Trade Union deviance (including teachers, lawyers/urban property owners) Landlord deviance (class/caste based deviance) Police deviance, Deviance on electoral process (rigging, booth capturing, impersonation, corrupt practices) Gender-based aggression by socially, economically and politically powerful.

NOTE : depending on specialist interest by the teacher and the taught any three areas of deviance of privileged class may be explored. What follows is only illustrative of one model

UNIT- II Official Deviance : conception of official deviance – permissible limit of discretionary powers. The Chambal valley dacoit Vinoba Mission and Jai Prakash Narain Mission – in 1959 and 1971. The Chagla Commission Report on LIC – Mundhra Affair The Das Commission Report on Pratap Singh Kairon. The Grover Commission Report on Dev Raj Urs. The Maruti Commission Report. The Ibakkar-Natarajan Commission Report on Fairfax..

UNIT- III Police Deviance Structures of legal restraint on police powers in India. Unconstitutionality of "third degree" methods and use of fatal force by police "Encounter" killings, Police atrocities. The plea of superior orders. Rape and related forms of gender-based aggression by police and para-military forces. Reform suggestions especially by the National Police Commission

UNIT- IV

Professional Deviance: Unethical practices at the Indian bar. The Lentin Commission Report. The Press Council on unprofessional and unethical journalism. Medical malpractice.

UNIT- V Response of Indian Legal Order to the Deviance of Privileged Classes

Vigilance Commission. Public Accounts Committee. Ombudsman. Commissions of Enquiry Prevention of Corruption Act, 1947. The Antulay Case In addition to the above questions may be asked on aspects related with this paper.

Text Books

Upendra Baxi, The Crisis of the Indian Legal System (1982) Vikas Publising House, New Delhi, Upendra Baxi (ed.), Law and Poverty : Essays (1988), Upendra Baxi, Liberty and Corruption : The Antulay Case and Beyond (1989) Surendranath Dwevedi and G.S. Bhargava, Political Corruption in India (1967). A.R. Desai (ed.) Violation of democratic Rights in India (1986) A.G. Noorani, Minister's Misconduct (1974)
B.B. Pande, The Nature and Dimensions of Privileged Class Deviance in The Other Side of Development 136 (1987; KS. Shukla ed.)
Indira Rothermund, "Patterns of Trade Union Leadership in Dhanbad Coal Fields"



**Drug Addiction ,Criminal Justice and Human Rights
(LLM 203-B)**

Paper code	Title of the Paper	Periods Per week				Distribution of Marks							Grand Total (i=d+h)	Duration of Exam	
		L	T	P	C	Theory		MS T (c)	Total (d = a+c)	Practical		T W (g)			Total (h= e+g)
						Ma x (a)	Mi n (b)			Ma x (e)	Mi n (f)				
LLM 203	Drug Addiction ,Criminal Justice and Human Rights	6	2	0	8	100	36	-	-	-	-	-	-	100	3 HOURS

UNIT- I Introductory: Basic conceptions Drugs 'Narcotics' "psychotropic substances"."Dependence,""addiction" "Crimes without victims" "Trafficking" in "drugs" "Primary drug abuse" How does one Study the incidence of Drug Addiction and Abuse: Self-reporting, Victim-studies, Problems of comparative studies.

UNIT- II Anagraphic and Social Characteristics of Drug Users: Gender, Age, Religiousness, Single individuals/cohabitation, Socio-economic level of family, Residence patterns (urban/rural/urban) Educational levels, Occupation, Age at fist use, Type of drug use, Reasons given as cause of first use Method of Intake, Pattern of the – Use, Average Quantity and Cost. Consequences on addict's health (physical/psychic) .

NOTE : Since no detailed empirical studies exist in India, the class should be in this topic sensitised by comparative studies. The principal objective of this discussion is to orient the class to a whole variety of factors which interact in the 'making' of a drug addict.

UNIT- III The International Legal Regime: Analysis of the background, text and operation of the Single Convention on Narcotic. Drugs, 1961, 1972. Analysis of the Convention on Psychotropic Substances, 1972. International collaboration in combating drug addiction. The SARC, and South-South Cooperation. Profile of international market for psychotropic substances .

UNIT- IV The Indian Regulatory System: Approaches to narcotic trafficking during colonial India. Nationalist though towards regulation of drug trafficking and usage. The penal provisions (under the, IPC and the Customs Act) India's role in the evaluation of the two international conventions. Judicial approaches to sentencing in drug trafficking and abuse. The Narcotic Drugs and Psychotropic Substances Act, 1985. Patterns of resource investment in India : policing adjudication, treatment, aftercare and rehabilitation. The role of medical profession. The role of mass media. Initiatives for compliance with regulatory systems. . Law reform initiatives.

UNIT- V Human Rights Aspects: Deployment of marginalized people as carrier of narcotics. The problem of juvenile drug use and legal approaches. Possibilities of misuse and abuse of investigative prosecutory powers. Bail. The problem of differential application of the Ugal Regimes, especially in relation to their esource less.

The Role of community in Combating Drug Addiction- Profile of Community initiatives in inhibition of dependence and addiction (e.g. Addiction and aftercare).

The role of educational system. In addition to the above questions may be asked on aspects related with this paper.

Text Books

H.S. Becker, *Outsiders: The Studies in Sociology of Deviance* (1966)

J.A. Incard, C.D. Chambers, (eds.), *Drugs and the Criminal Justice System* (1974)

R, Cocken, *Drug Abuse and personality in young offenders* (1971)

G. Edwards Busch, (ed.) *Drug Problems in Britain : A Review of Ten Years* (1981)

P. Kondanram and Y.N. Murthy, "Drug Abuse and Crime : A Preliminary Study" *Indian Journal of Criminology*, 65-68 (1979)

P.R. Rajgopal *Violence and Response : A Critique of the Indian Criminal system* (1988) United Nations, Economic and Social Reports of the Commission on Narcotic Drugs, United Nations Social Defence, Research Institute (UNSDRI) *Combating Drug Abuse and Related Crimes*

(Rome, July 1984, Publication No.21) Lok Sabha and Rajya Sabha Debates on 1986 Bill on

Psychotropic Substances. Useful Journals in this area are :

(i) *The Law and Society Review* (USA)

(ii) *Journal of Drug Issues* (Tallahassee Florida)

(iii) *International Journal of Addictions* (New York) (iv) *British Journal of Criminology*

(v) *Journal of Criminal Law, Criminology and Police Science* (Baltimore, Md.)

(vi) *Journal of Criminal Law and Criminology* (Chicago-III)

(vii) *International Journal of Offender Therapy and Comparative Criminology* (London) (viii)

Bulletin on Narcotics.



**Legal Education and Research Methodology
(LLM 301)**

Paper code	Title of the Paper	Periods Per week				Distribution of Marks								Grand Total (i=d+h)	Duration of Exam
		L	T	P	C	Theory		MS T (c)	Total (d = a+c)	Practical		T W (g)	Total (h=e+g)		
						Ma x (a)	Mi n (b)			Ma x (e)	Mi n (f)				
LLM 301	Legal Education and Research Methodology	6	2	0	8	100	36	-	-	-	-	-	-	100	3 HOURS

UNIT- I Objectives of Legal Education: Lecture Method of Teaching – Merits and demerits. The Problem Method. Discussion method and its suitability at postgraduate level teaching. The seminar Method of teaching.

UNIT- II

Examination system and problems in evaluation - external and internal assessment. Student participation in law school programmes – Organisation of Seminars, publication of journal and assessment of teachers. Clinical legal education – legal aid, legal literacy, legal survey and law reform

UNIT- III

Research Methods – Socio Legal Research. Doctrinal and non-doctrinal Relevance of empirical research. Induction and deduction.

UNIT- IV

Identification of Problem of research: What is a research problem? Survey of available literature and bibliographical research. Legislative materials including subordinate legislation, notification and policy statements. Decisional materials including foreign decisions; methods of discovering the "rule of the case" tracing the history of important cases and ensuring that these have not been over-ruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof. Juristic writings – a survey of juristic literature relevant to select problems in India and foreign periodicals. Compilation of list of reports of special studies conducted relevant to the problem.

UNIT- V

Preparation of the Research Design: Formulation of the Research problem. Devising tools and techniques for collection of data : Methodology. Methods for the collection of statutory and case materials and juristic literature. Use of historical and comparative research materials. Use of observation studies. Use of questionnaires/interviews. Use of case studies. Sampling procedure design of tabulated data. Analysis of data. In addition to the above questions may be asked on aspects related with this paper sample, types of sampling to be adopted. Use of scaling techniques. Jurimetrics. Computerized Research – A study of legal research programmes such as Lexis and West. .

Law coding- Classification and tabulation of data – use of cards for data collection – Rules for tabulation.

Text Books

1. High Brayal, Nigel Dunean and Recharad Crimes, Clinical Legal Education: Active Learning in your Law School, (1998) Blackstone Press Limited, London
2. S.K.Agrawal (Ed), Legal education in India (1973), Tripathi, Bombay
3. N.R.Madhava Menon, (ed) a Handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow
4. M.O.Price, H.Bitner and Bysiewiez, Effective Legal Research (1978)
5. Pauline V. Young, Scientific Social Survey and Research (1962)
6. William J. Grade and Paul K.Hatt, Methods in Social Research, Mc Graw-Hill Book Company, London
7. H.M.Hyman, Interviewing in Social Research (1965)
8. Payne, The Art of Asking Questions (1965)
9. Erwin C. Surrency, B.Fielf and J. Crea, A Guide to Legal Research (1959)
10. Morris L.Cohan, Legal Research in Nutshell, (1996), West Publishing Co.
11. Havard Law Review Association, Uniform Systems of Citations
12. ILI Publication, Legal Research Methodology.



**Juvenile Delinquency
(LLM 302-B)**

Paper code	Title of the Paper	Periods Per week				Distribution of Marks								Grand Total (i=d+h)	Duration of Exam
		L	T	P	C	Theory		MS T (c)	Total (d = a+c)	Practical		T W (g)	Total (h = e+g)		
						Max (a)	Min (b)			Max (e)	Min (f)				
LLM 302B	Juvenile Delinquency	6	2	0	8	100	36	-	-	-	-	-	-	100	3 HOURS

UNIT- I

The Basic Concepts The conception of child in Indian Constitution and Penal Code. Delinquent Juvenile "Neglected" juvenile. The overall situation of children/young persons in India also with reference to crime statistics (of crimes by and against children).

Determining Factors of Juvenile Delinquency- Differential association. Anomie. Economic pressure. Peer group influence. Gang sub-culture. Class differentials

UNIT- II

Legislative Approaches: Legislative approaches during the late colonial era. Children's Act. Legislative position in various States. The Juvenile Justice Act. Constitutional aspects. Distinction between "Neglected" and "delinquent" juveniles. Competent authorities. Processual safeguards for juveniles. Powers given to government. Community participation as envisaged under the Act.

UNIT- III

Indian Context of Juvenile Delinquency: The child population percentage to total sex-ratio, urban/rural/rural-urban. Neglected-below poverty line, physically and mentally disabled, orphans, destitute, vagrants. Labourers. In organised industries like zari, carpet, bidi, glass. In unorganised sector like domestic servant, shops and establishments, rag-pickers family trade. Delinquent – number, sex-ratio, ratio to adult crime, types of offences committed, recidivism, rate of increase background Drug addicts, Victims. Of violence – sexual abuse, battered, killed by parents. Of criminal activities like bootlegging, drug pollution as a response of protective approach

UNIT- IV

Judicial Contribution: Social action litigation concerning juvenile justice. Salient judicial decisions. Role of legal profession in juvenile justice system. **Implementation-** Institutions bodies, personnel. Recruiting and funding agencies. Recruitment qualifications and salaries or fund. Other responsibilities of each agency/person. Coordination among related agencies. Accountability-annual reports and accessibility of public to juvenile justice institution.

UNIT- V

Preventive Strategies: State Welfare programmes health, nutrition, ICWS grants –in aid. Compulsory education. Role of community, family, voluntary, bodies, individuals.

In addition to the above questions may be asked on aspects related with this paper.

Text books

- Julius Stone, The Province and Function of Law, Part-II, Chs.1/8-16(2000), Universal, New Delhi. Cardozo, The Nature of Judicial Process (1995) Universal, New Delhi.
Henry J. Abraham, The Judicial Process(1998), Oxford.
J.Stone, Precedent and the Law:Dynamics of Common Law Growth(1985) Butterworths Delhi.
W.Friedmann, Legal Theory (1960), Stevens, London.
Bodenheimer, Jurisprudence – the Philosophy and Method of the Law (1997), Universal, Tripathi Bombay.
J. Stone, Legal System and Lawyers Reasonings (1999) Universal, Delhi.
U.Baxi, The Indian Supreme Court and Politics (1980) Eastern, Lucknow
Rajeev Dhavan, The Supreme Court of India – A socio-Legal Critique of its Juristic Techniques (1977)
John Rawls, A Theory of Justice (2000) Universal, Delhi.
Edward H.Levi, An Introduction to Legal Reasoning (1970) University of Chicago



**Collective Violence and Criminal Justice System
(LLM 303-B)**

Paper code	Title of the Paper	Periods Per week				Distribution of Marks								Grand Total (i=d+h)	Duration of Exam
		L	T	P	C	Theory		MS T (c)	Total (d = a+c)	Practical		T W (g)	Total (h = e+g)		
						Max (a)	Min (b)			Max (e)	Min (f)				
LLM 303B	Collective Violence and Criminal Justice System	6	2	0	8	100	36	-	-	-	-	-	-	100	3 HOURS

UNIT- I Introductory: Notions of "force", "coercion", "violence", Distinctions : "symbolic" violence, "institutionalized" violence, "structural violence" Legal order as a coercive normative order Force monopoly of modern law "Constitutional" and "criminal" speech: Speech as incitement to violence, "Collective political violence" and legal order Notion of legal and extra-legal "repression"

UNIT- I Approaches to Violence in India: Religiously sanctioned structural violence : Caste and gender based. Ahimsa in Hindu, Jain, Buddhist, Christian and Islamic traditions in India. Gandhiji's approach to nonviolence. Discourse on political violence and terrorism during colonial struggle. Attitudes towards legal order as possessed of legitimate monopoly over violence during the colonial period.

UNIT- III Agrarian Violence and Repression: The nature and scope of agrarian violence in the 18-19 centuries India. Colonial legal as a causative factor of collective political (agrarian) violence. The Telangana struggle and the legal order. The Report of the Indian Human Rights Commission on Arwal Massacre

UNIT- IV Violence against the Scheduled: Notion of Atrocities. Incidence of Atrocities. Uses of Criminal Law to combat Atrocities or contain aftermath of Atrocities. Violence Against Women

UNIT- V Communal Violence: Incidence and courses of "communal" violence. Findings of various commissions of enquiry. The role of police and para-military systems in dealing with communal violence. Operation of criminal justice system tiring, and in relation to communal violence.

In addition to the above questions may be asked on aspects related with this paper.

Text Books

Baxi, "Dissent, Development and Violence" in R. Meagher (ed.) Law and Social Change : Indo American Reflections 92 (1988).

U. Baxi (ed.) Law and Poverty : Critical Essays, (1988)

A.R. Desal, (ed.) Peasant Struggles in India, (1979)

A.R. Desai, Agrarian Struggles in India : After independence (1986) A.R. Desai, Violation of democratic Rights in India (1986)D.A. Dhangare, Peasant Movement in India : 1920-1950 (1983)

Ranjit Guha, Element any Aspects of Peasant Insurgency in Colonial India (1983) Ranjit Guba, (ed.)



**Dissertation
(LLM 401)**

Paper code	Title of the Paper	Periods Per week				Distribution of Marks								Grand Total (i=d+h)	Duration of Exam
		L	T	P	C	Theory		MS T (c)	Total (d = a+c)	Practical		T W (g)	Total (h=e+g)		
						Ma x (a)	Min (b)			Ma x (e)	Min (f)				
LLM 401	Dissertation	6	2	0	8	100	36	-	-	-	-	-	-	100	



VIVA -VOCE
(LLM 402)

Paper code	Title of the Paper	Periods Per week				Distribution of Marks								Grand Total (i=d+h)	Duration of Exam
		L	T	P	C	Theory		MS T (c)	Total (d = a+c)	Practical		T W (g)	Total (h= e+g)		
						Ma x (a)	Min (b)			Ma x (e)	Min (f)				
LLM 402	VIVA-VOCE	6	2	0	8	100	36	-	-	-	-	-	-	100	



Group – C : BUSINESS LAWS

Swami Vivekanand University, Sagar (M.P.)



**LAW OF EXPORT IMPORT REGULATION
(LLM 103-C)**

Paper code	Title of the Paper	Periods Per week				Distribution of Marks							Grand Total (i=d+h)	Duration of Exam	
		L	T	P	C	Theory		MS T (c)	Total (d = a+c)	Practical		T W (g)			Total (h = e+g)
						Max (a)	Min (b)			Max (e)	Min (f)				
LLM 103C	LAW OF EXPORT AND IMPORT REGULATION	6	2	0	8	100	36	-	-	-	-	-	-	100	3 HOURS

UNIT-I Introduction

State control over import and export of goods- from rigidity to liberalization, Impact of regulation on economy

The Basic Needs of Export and Import Trade- Goods, Services, Transportation

UNIT-II International Regime

WTO arrangement

WTO and tariff restrictions WTO and non- tariff restrictions Investment and transfer of technology Quota restriction and anti-dumping

Permissible regulations

Quarantine regulation

Dumping of discarded technology and goods in international market

Reduction of subsidies and counter measures

UNIT-II General Law on Control of Imports and exports

General scheme

Legislative control

Power of control: Central government and RBI

Foreign Trade Development and Regulation Act 1992

Restrictions under customs law

Prohibition and penalties

Export-Import formulation: guiding features

Control under FEMA

Foreign exchange and currency

Import of goods
Export promotion councils
Export oriented units and export processing zones

UNIT-IV Control of Exports

Quality Control
Regulation on Goods
Conservation of Foreign Exchange
Foreign exchange management
Currency Transfer
Investment in Foreign Countries

Regulation on Investment

Borrowing and lending of money and foreign currency
Securities abroad-issue of
Immovable property-purchase abroad
Establishment of business outside
Issue of derivatives and foreign securities – GDR(global depositories receipts), ADR (American depository receipts) and Uro Investment in Indian banks ,Repatriation and surrender of foreign securities

UNIT-V Exim policy: Changing Dimensions

Investment policy: NRIs, FIIs(foreign institutional investors), FDIIs
Joint venture
Promotion of foreign trade
Agricultural products
Textile and cloths
Jewellery
Service sector

Law Relating to Customs

Prohibition on importation and exportation of goods Control of smuggling activities in export-import trade , Levy of and exemption from customs duties
Clearances of imported goods and export goods Conveyance and warehousing of goods

Technology transfer

Restrictive terms in technology transfer arrangements
Automatic approval schemes

Selected bibliography

1. Government of India, Handbook of Import exports Procedures, (refer to the latest edition)
2. Government of India Import and Export Policy (1997-2002)
3. The students should consult the relevant volumes of the Annual Survey of Indian Law, Published by the Indian law Institute, New Delhi
4. Foreign Trade Development and Regulation Act 1992 and Rules
5. Foreign Exchange Management Act 1999
6. Marine Products Export Development Authority Act 1972



**BANKING LAW
(LLM 104-C)**

Paper code	Title of the Paper	Periods Per week				Distribution of Marks								Grand Total (i=d+h)	Duration of Exam
		L	T	P	C	Theory			Total (d = a+c)	Practical		Total (h=e+g)			
						Max (a)	Min (b)	MS T (c)		Max (e)	Min (f)		TW (g)		
LLM 104-C	BANKING LAW	6	2	0	8	100	36	-	-	-	-	-	-	100	3 HOURS

UNIT-I Introduction

Nature and development of banking .History of banking in India and elsewhere -indigenous banking-evolution of banking in India - different kinds of banks and their functions. Multi-functional banks - growth and legal issues.

Law Relating to Banking Companies in India

Controls by government and its agencies On management ,On accounts and audit, Lending, Credit policy ,Reconstruction and reorganization, Suspension and winding up, Contract between banker and customer: their rights and duties.

UNIT II Social Control over Banking, Nationalization, Evaluation: private ownership, nationalisation and disinvestment Protection of depositors Priority lending , Promotion of under privileged classes

Deposit Insurance

The Deposit Insurance Corporation Act 1961: objects and reasons

Establishment of Capital of DIC

Registration of banking companies insured banks, liability of DIC to depositors

Relations between insured banks, DIC and Reserve Bank of India

UNIT III The Central Bank

Evolution of Central Bank

Characteristics and functions
Economic and social objectives
The Central Bank and the State - as bankers' bank
The Reserve Bank of India as the Central Bank
Organisational structure
Functions of the RBI
Regulation of monetary mechanism of the economy
Credit control
Exchange control
Monopoly of currency issue
Bank rate policy formulation
Control of RBI over non-banking companies
Financial companies
Non-financial companies

UNIT IV Relationship of Banker and Customer

Legal character
Contract between banker and customer
Banker's lien
Protection of bankers
Customers
Nature and type of accounts
Special classes of customers - lunatics, minor, partnership, corporations, local Authorities
Banking duty to customers
Consumer protection: banking as service
Negotiable Instruments
Meaning and kinds
Transfer and negotiations
Holder and holder in due course Law
Presentment and payment
Liabilities of parties

UNIT V Lending by Banks

Good lending principles
Lending to poor masses
Securities for advances
Kinds and their merits and demerits
Repayment of loans : rate of interest, protection against penalty ,
Default and recovery
Debt recovery tribunal

Recent Trends of Banking System in India

New technology

Information technology

Automation and legal aspects

Automatic teller machine and use of internet

Smart card

Use of expert system

Credit cards

Reforms in Indian Banking Law

Recommendations of committees: a review

Select bibliography

1. Basu, A. Review of Current Banking Theory and Practise (1998) Mac millan
2. M. Hapgood (ed.), Pagets' Law of Banking (1989) Butterworths, London
3. R. Goode, Commercial Law, (1995) Penguin, London.Law 258
4. Ross Cranston, Principles of Banking Law (1997) Oxford.
5. L.C. Goyle, The Law of Banking and Bankers (1995) Eastern
6. M.L. Tannan, Tannan's Banking Law and Practice in India (1997) India Law House, New Delhi, 2volumes
7. K.C. Shekhar, Banking Theory and Practice (1998) UBS Publisher Distributors Ltd. New Delhi.M. Dasse, S. Isaacs and G. Pen, E.C. Banking Law, (1994) Lloyds of London Press, London V. Conti and Hamau (eds.),
8. Financial Markets' Liberalization and the Role of Banks', Cambridge
9. University Press, Cambridge, (1993)
10. J. Dermine (ed.), European Banking in the 1990s' (1993) Blackwell, Oxford.
11. C. Goodhart, The Central Bank and the Financial System (1995), Macmillan, London
12. S. Chapman, The Rise of Merchant Banking (1984) Allen Unwin, London
13. K. Subrahmanyam, Banking Reforms in India (1997) Tata Maigraw Hill, New Delhi.
14. Subodh Markandeya and Chitra Markandeye, Law Relating to Foreign Trade in India:
15. Commentary on the Foreign Trade, (Development and Regulation) Act 1992, Universal Law Publishing Co. Pvt. Ltd. Delhi.
16. R.S. Narayana, The Recovery of Debts due to Banks and Financial Institutions Act, 1993 (51 of 1993), Asia Law House, Hyderabad.
17. M.A. Mir, The Law Relating to Bank Guarantee in India (1992), Metropolitan Book, New Delhi.
18. Anthony Pierce, Demand Guarantees in International Trade (1993) Sweet & Maxwell,
19. Ross Cranston (ed.) European Banking Law: The Banker-Customer Relationship (1999) LLP,London
20. Mitra, The Law Relating to Bankers' Letters of Credit and Allied Laws, (1998) University Book Agency, Allahabad.
21. R.K. Talwar, Report of Working Group on Customer Service in Banks



**INSURANCE LAW
(LLM 202-C)**

Paper code	Title of the Paper	Periods Per week				Distribution of Marks								Grand Total (i=d+h)	Duration of Exam
		L	T	P	C	Theory		MS T (c)	Total (d = a+c)	Practical		T W (g)	Total (h=e+g)		
						Ma x (a)	Min (b)			Ma x (e)	Min (f)				
LLM 202-C	INSURANCE LAW	6	2	0	8	100	36	-	-	-	-	-	-	100	3 HOURS

UNIT I Introduction

Nature of insurance contract, various kinds of insurance, proposal, policy, parties, consideration, need for utmost good faith, insurable interest, indemnity Insurance policy, law of contract and law of torts-future of insurance : need, importance and place of insurance, Constitutional perspectives- the Entries 24,25,29,30,47 of List 1 Union List; 23, 24, of List III

General Principles of Law of Insurance

Definition, nature and history
 The risk - commencement, attachment and duration
 Assignment and alteration
 Settlement of claim and subrogation
 Effect of war upon policies

UNIT II Indian Insurance Law: General

History and development
 The Insurance Act 1938 and the Insurance Regulatory Authority Act 2000
 Mutual insurance companies and cooperative life insurance societies
 Double Insurance and re-insurance

Life Insurance

Nature and scope
 Event insured against life insurance contract
 Circumstances affecting the risk Law

Amounts recoverable under life policy
Persons entitled to payment
Settlement of claim and payment of money

UNIT III Marine Insurance

Nature and Scope
Classification of marine policies
The Marine Insurance Act, 1963
Marine insurance
Insurable interest, insurable value
Marine insurance policy - condition. - express warranties construction of terms of policy
Voyage-deviation
Perils of the sea
Assignment of policy
Partial laws of ship and of freight, salvage, general average, particular charges
Return of premium

Insurance Against Accidents

The Fatal Accidents Act, 1855
Objects and reasons
Assessment of compensation
Contributory negligence,
Apportionment of compensation and liability
The Personal Injuries (Compensation insurance) Act 1963
Compensation payable under the Act Compensation insurance scheme under the Act-Compulsory insurance Law

UNIT IV Property Insurance

Fire insurance
The Emergency Risks (Factories) Insurance
The Emergency Risks (Goods) Insurance
Policies covering risk of explosion
Policies covering accidental loss, damage to property
Policies covering risk of storm and tempest
Glass-plate policies
Burglary and theft policies
Live stock policies
Goods in transit insurance
Agricultural insurance

UNIT V Insurance Against Third Party Risks

The Motor Vehicles Act, 1988

Nature and scope

Effect of insolvency or death on claims of insolvency and death of parties,
certificate of insurance

Claims tribunal: constitution, functions, application for compensation,
procedure,

powers and award

Liability Insurance

Nature and kinds of such insurance

Public liability insurance

Professional negligence insurance

Miscellaneous Insurance Schemes: New Dimensions

Group life insurance

Mediclaim, sickness insurance Law

Select bibliography

1. John Hanson and Christopals Henly, All Risks Property Insurance (1999), LLP Asia, Hongkong.
2. Peter Mac Donald Eggers and Patric Foss, Good Faith and Insurance Contracts (1998) LLP Asia, Hongkong
3. Banerjee, Law of Insurance (1994), Asia Law House, Hyderabad.
4. Mitra B.C, Law Relating to Marine Insurance (1997) Asia Law House, Hyderabad
5. JCB Gilmar and Mustill, Arnold on the Law of Marine Insurance, (1981), Sweet & Maxwell
6. Birds, Modern Insurance Law (1997) Sweet & Maxwell
7. Colinvaux's Law of Insurance (1997), Sweet & Maxwell
8. O'Mary on Marine Insurance (1993), Sweet & Maxwell.
9. International Labour Office, Administration Practice of social Insurance (1985)
10. E.R. Hardy Ivamy, General Principles of insurance Law (1979)
11. Edwin W. Patterson, Cases and Materials on Law of insurance (1955)
12. M. N. Sreenivasan Law and the Life Insurance Contract (1914)



**CORPORATE FINANCE
(LLM 203-C)**

Paper code	Title of the Paper	Periods Per week				Distribution of Marks								Grand Total (i=d+h)	Duration of Exam
		L	T	P	C	Theory		MS T (c)	Total (d = a+c)	Practical		T W (g)	Total (h=e+g)		
						Ma x (a)	Min (b)			Ma x (e)	Min (f)				
LLM 203-C	CORPORATE FINANCE	6	2	0	8	100	36	-	-	-	-	-	-	100	3 HOURS

UNIT I Introduction

Meaning, importance and scope of corporation finance
 Capital needs - capitalisation - working capital - securities-borrowings-deposits ,debentures, Objectives of corporation finance – profit maximisation and wealth maximization. Constitutional perspectives - the entries 37, 38, 43, 44, 45, 46, 47, 52, 82, 85, and 86 of List 1 - Union List; entry 24 of List 11 - State List.

UNIT II Equity Finance

- Share capital
- Prospectus - information disclosure
- Issue and allotment
- Shares without monetary consideration
- Non-opting equity shares
- Debt Finance
- Debentures**
- Nature, issue and class
- Deposits and acceptance
- Creation of charges
- Fixed and floating charges
- Mortgages
- Convertible debenture

UNIT III Conservation of Corporate Finance

Regulation by disclosure

Control on payment of dividends

Managerial remuneration

Payment of commissions and brokerage

Inter-corporate loans and investments

Pay-back of shares

Other corporate spending

Protection of creditors

Need for creditor protection

Preference in payment

Rights in making company decisions affecting creditor interests

Creditor self-protection

Incorporation of favourable terms in lending contracts

Right to nominate directors

Control over corporate spending

UNIT IV Protection of Investors

Individual share holder right

Corporate membership right

Derivative actions

Qualified membership right

Conversion, consolidation and re-organisation of shares

Transfer and transmission of securities

Dematerialisation of securities

UNIT V Corporate Fund Raising

Depositories - IDR(Indian depository receipts), ADR(American depository receipts),GDR(Global depository receipts)

Public financing institutions - IDBI, ICICI, IFC and SFC

Mutual fund and other collective investment schemes

Institutional investments - LIC, UTI and banks

FDI and NRI investment - Foreign institutional investments (IMF and World bank).

Administrative Regulation on Corporate Finance

Inspection of accounts, SEBI

Central government control

Control by registrar of companies RBI control

Select bibliography

1. Alastair Hundson, The Law on Financial Derivatives (1998), Sweet & Maxwell
2. Eil's Ferran, Company Law and Corporate Finance (1999), Oxford.
3. Jonathan Charkham, Fair shares: the Future of Shareholder Power and Responsibility (1999), Oxford.
4. Ramaiya A, Guide to the Companies Act (1998), Vol. I, II and III.
5. H.A.J. Ford and A.P. Austen, Fords' principle of Corporations Law (1999) Butterworths.
6. J.H. Farrar and B.M. Hanniyan, Farrar's company Law (1998) Butterworths
7. Austen R.P., The Law of Public Company Finance (1986) LBC
8. R.M. Goode, Legal Problems of Credit and Security (1988) Sweet and Maxwell
9. Altman and Subrahmanyam, Recent Advnces in Corporate Finance (1985) LBC
10. Gilbert Harold, Corporation Finance (1956)
11. Henry E. Hoagland, Corporation Finance (1947)
12. Maryin M. Kristein, Corporate Finance (1975)
13. R.C. Osborn, Corporation Finance (1959)
14. S.C. Kuchhal Corporation finance : Principles and Problems (6th ed. 1966)
15. V.G. Kulkami, Corporate Finance (1961)
16. Y.D. Kulshreshta, Government Regulation of Financial
17. Management of Private Corporate Sector in India (1986)
18. Journals - Journal of Indian Law Institute, Journal of Business Law, Chartered Secretary, Company



**LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY
(LLM 302-C)**

Paper code	Title of the Paper	Periods Per week				Distribution of Marks								Grand Total (i=d+h)	Duration of Exam
		L	T	P	C	Theory		MS T (c)	Total (d = a+c)	Practical		T W (g)	Total (h= e+g)		
						Ma x (a)	Min (b)			Ma x (e)	Min (f)				
LLM 302-C	LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY	6	2	0	8	100	36	-	-	-	-	-	-	100	3 HOURS

UNIT I IPR and International Perspectives

Trademarks and Consumer Protection (Study of UNCTAD report on the subject)

The Legal Regime of Unfair Trade Practices and of Intellectual Industrial Property

United Nations approaches (UNCTAD, UNCITRAL), EEC approaches

Position in U.S. The Indian situation.

UNIT II Special Problems of the Status of Computer Software in Copyright and Patent Law: A

Comparative Study.

Biotechnology Patents:

Nature and types of biotechnology patents

Patent over new forms of life : TRIPS obligations

Plant patenting

Sui generis protection for plant varieties

Multinational ownership

Regulation of environment and health hazards in biotechnology patents

Indian policy and position.

UNIT III Patent Search, Examination and Records:

International and global patent information retrieval systems (European Patent Treaty).Patent Co-operation Treaty(PCT)

Differences in resources for patent examination between developed and developing Societies , The Indian situation

UNIT IV Special Problems of Proof of Infringement:

Status of intellectual property in transit - TRIPS obligation - Indian position.

The evidentiary problems in action of passing off.

The proof of non-anticipation, novelty of inventions protected by patent law

Evidentiary problems in piracy : TRIPS obligation - reversal of burden of proof in process patent, Need and Scope of Law Reforms.

UNIT V Intellectual Property and Human Right

Freedom of speech and expression as the basis of the regime of intellectual property right - copyright protection on internet - WCT (WIPO Copyright Treaty, 1996).

Legal status of hazardous research protected by the regime of intellectual property law.

Human right of the impoverished masses intellectual property protection of new products for healthcare and food security

Traditional knowledge - protection- biodiversity convention- right of indigenous people.

Select bibliography

Special attention should be given to literature of the U.N. System, WIPO and the UNESCO.

Terence P. Stewart (ed.), The GATT Uruguay Round: A Negotiating History (1986-1994) the End Game (Part - 1)(1999), Kluwer

Iver P. Cooper, Biotechnology and Law (1998), Clerk Boardman Callaghan, New York.

David Bainbridge, Software Copyright Law (1999), Butterworths

Sookman, Computer Law (1998), Carswell

Carlos M. Correa(ed.), Intellectual Property and International Trade (1998), Kluwer

Patent Co-operation Treaty Hand Book (1998), Sweet and Maxwell

Christopher Wadlow, The Law Of Passing-Off (1998), Sweet and Maxwell

W.R.Cornish, Intellectual Property Law (1999), Sweet and Maxwell



**LEGAL REGULATION OF ECONOMIC ENTERPRISES
(LLM 303-C)**

Paper code	Title of the Paper	Periods Per week				Distribution of Marks								Grand Total (i=d+h)	Duration of Exam
		L	T	P	C	Theory		MS T (c)	Total (d = a+c)	Practical		T W (g)	Total (h= e+g)		
						Ma x (a)	Min (b)			Ma x (e)	Min (f)				
LLM 303-C	LEGAL EDUCATION OF ECONOMIC ENTERPRISES	6	2	0	8	100	36	-	-	-	-	-	-	100	3 HOURS

UNIT-I The Rationale of Government Regulation\Constitutional perspectives

The new economic policy - Industrial policy resolutions, declarations and statements
 The place of public, small scale, co-operative, corporate, private and joint sectors - in the changing context
 Regulation of economic activities
 Disclosure of information
 Fairness in competition
 Emphasis on consumerism

UNIT-II Development and Regulation of Industries

Take-over of Management and Control of Industrial Units
 Sick Undertakings: Nationalisation or Winding Up?
 Licensing Policy and Legal Process - Growing Trends of Liberalisation

UNIT-III Deregulation of essential commodities: developmental sign or a social mishap. Financial Services : Changing Techniques of Regulation ,Critical Issues Regarding the Capital IssuesEquity and debt finance, Global depositories , De-materialised securities,

Problems of Control and Accountability: Regulation of Hazardous Activity, Mass disaster and environmental degradation : legal liability and legal remedies

Public Liability Insurance : adequacy
 Issues in zoning and location of industrial units

UNIT-IV Special Aspects of Legal Regulation of Select Public Enterprises

Telecom Regulatory Authority
 Insurance Regulatory Authority
 Broadcasting Regulatory Authority

Unit-V Legal Regulation of Multi-Nationals

Collaboration agreements for technology transfer
Development and regulation of foreign investments
Investment in India : FDI and NRIs
Investment abroad

Select bibliography

S.Asواني Kumar, The Law of Indian Trade Mark (2001), Commercial Law House, Delhi.
Industrial Policy Resolutions of 1948,1956, 1991
Industrial Licensing Policy 1970,1975
Industrial Policy Statements 1973,1977, 1980
Reports of Committees on Public Undertakings of Parliament.
Industries (Development and Regulation) Act, 1951
U. Baxi (ed.), Inconvenient Forum and Convenient Catastrophe The Bhopal Case, (1986) U. Baxi
& T. Paul (eds.), Mass Disasters and Multinational Liability (1986)
U. Baxi & A. Dhandba, Valiant Victims and Lethal Litigation: The Bhopal Case (1989)
Indian Law Institute, Law of international Trade Transactions, (1973)