

FAKIR MOHAN UNIVERSITY

LL.M. SYLLABUS

(CRIMINAL & BUSINESS LAW SPECIALISATION)

CHOICE BASED CREDIT SYSTEM



P.G. DEPARTMENT OF LAW

FAKIR MOHAN UNIVERSITY

VYASA VIHAR, NUAPADHI, MITRAPUR, BALASORE-20

DETAILED COURSES

BUSINESS LAW & CRIMINAL LAW

1st Sem. F.M.-500

P-I	CS-01	Law & Social Transformation in India
P-II	CS-02	New Dimension in Indian Constitutional Law
P-III	CS-03	Judicial Process
P-IV	CS-04	Legal Education System in India
P-V	CS-05	Project Presentation (PPT Mode)

2nd Sem. F.M.-500

P-VI	CS-06	Law & Social Engineering in India
P-VII	CS-07	Indian Constitutional Law-the new challenges
P-VIII	CS-08	Administrative of justice and Judicial process
P-IX	CS-09	Research Methodology
P-X	CS-10	DISSERTATION & VIVA

BUSINESS LAW

CRIMINAL LAW

3rd Sem. F.M.-500

P-XI	CE-01	Law of Industrial and Intellectual Property-I
P-XII	CE-01	Banking Law
P-XIII	CE-01	Corporate Finance
P-XIV	CE-01	PRACTICAL
P-XV	CE-01	Choice based elective papers across Criminal Law specialization

3rd Sem. F.M.-500

P-XI	CE-02	Comparative Criminal procedure
P-XII	CE-02	Penology: Treatment of Offenders
P-XIII	CE-02	Privileged Class Deviance
P-XIV	CE-02	PRACTICAL
P-XV	CE-02	Choice based elective papers across Business Law specialization

4th Sem. F.M.-500

P-XVI	CE-01	Law of Industrial and Intellectual Property-II
P-XVII	CE-01	Law of Export-Import Regulation.
P-XVIII	CE-01	Insurance Law
P-XIX	CE-01	DISSERTATION & VIVA
P-XX	CE-01	Choice based elective papers across Criminal Law specialization

4th Sem. F.M.-500

P-XVI	CE-02	Drug Addiction, Criminal Justice & Human Rights
P-XVII	CE-02	Collective Violence and Law
P-XVIII	CE-02	Juvenile in Conflict with law and CJS
P-XIX	CE-02	DISSERTATION & VIVA
P-XX	CE-02	Choice based elective papers across Business Law specialization

Classes Conducted at:

BALASORE LAW COLLEGE

O.T. ROAD, BALASORE - 756001

Ph.: 06782 262634

Website: www.balasurelawcollege.org

Email: balasurelawcollege@gmail.com

LLM-CE-02 -CL -P-XVIII JUVENILE IN CONFLICT WITH LAW

UNIT – I BASIC CONCEPT

- 1.1 The Conception of Child under Indian Constitution and Penal Code.
- 1.2 Juvenile in conflict with law.
- 1.3 "Neglected" Juvenile.
- 1.4 The over all situation of children in India - Crimes by and against children. (Crime statistic)

UNIT – II FACTORS DETERMINING JUVENILE IN CONFLICT WITH LAW.

- 2.1 Differential Association.
- 2.2 Economic pressure.
- 2.3 Peer group influence.
- 2.4 Gang sub-culture.

UNIT – III LEGISLATIVE APPROACH

- 3.1 Children's Act – Legislative approaches to juvenile in conflict with law.
- 3.2 Legislative approaches under (Care & Protection of children) Act 2000.
- 3.3 Procedural safeguards for Juveniles.
- 3.4 Legislative provision of various states.

UNIT – IV PREVENTIVE STRATEGY

- 4.1 Preventive measures – Legal, Social and Educational.
- 4.2 Compulsory education.
- 4.3 Judicial contribution-Public Interest Litigation concurring Juvenile Justice salient judicial decision.
- 4.4 Role of Community, Family, Voluntary bodies and Individuals.

Selected Bibliography:

- National Institute of Social Defence, Model Rules under the Juvenile Justice Act, 1986, (1986)
- K.S. Shukla, Adolescent Offender (1985)
- United Nations, Beijing Rules on Treatment of Young Offenders (1985)
- Myron Weiner, The Child and State in India (1990)
- The United Nations Declaration on the Rights of Children
- UNICEF periodic materials.

LLM-CE-02-CL-P-XIX DISSERTATION & VIVA VOCE

Instruction: The Principal/Course Coordinator / HOD of the Department will notify the Dissertation Title for each student. A candidate shall prepare the dissertation (Minimum 50 pages, and Maximum 100 pages in A4 size paper) and submit his/her soft and 02 hard copies of the Dissertation on the date of examination for evaluation. The student should follow proper legal citation system and Dissertation Guideline while preparing the Dissertation. The Viva voce will be conducted on the dissertation subject.

LLM-CE-02-CL-P-XX

Choice Based Elective papers across Business Law Specialization.

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LLM-CE-02 –CL -P-XVII Collective Violence**UNIT – I Introduction**

- 1.1. Notions of "Force", "Coercion" and "Violence".
- 1.2. Distinction between Symbolic Violence, Institutionalized Violence and Structural Violence.
- 1.3. "Collective political violence" and legal order.
- 1.4. Constitutional and criminal speech, Speech as incitement to violence.

UNIT – II Communal Violence

- 2.1. Incidence and Courses of "Communal" Violence.
- 2.2. Findings of various commissions of enquiry.
- 2.3. The Role of Police and para-military system in dealing with Communal Violence.
- 2.4. Operation of criminal justice system tiring, and in relation to communal violence

UNIT – III Violence against the Scheduled Castes & Scheduled Tribes

- 3.1. Notions and Incidence of atrocities.
- 3.2. Uses of Criminal Law to combat Atrocities.
- 3.3. Violence against women.
- 3.4. Use of criminal law to combat violation.

UNIT – IV Approaches of Violence in India.

- 4.1. Religiously sanctioned structural violence: Caste and gender based.
- 4.2. Ahimsa in Hindu, Jain, Buddhist, Christian and Islamic tradition in India.
- 4.3. Gandhiji's approach to non-violence.
- 4.4. Discourse on political violence and terrorism during colonial struggle and post in dependent period.

Selected Bibliography:

1. U. Baxi – Dissent, Development and Violence in R. Meagher La and Social Change: Indo- American Reflection-92, 1998.
2. U. Baxi(ed) – Law and Poverty: Critical Essays, 1998
3. A.R. Desai (ed)- Present Struggles in India, 1979
4. A.R. Desai – Agrarian Struggles in India – After Independence, 1986
5. A.R. Desai – Violence Democratic Rights in India, 1986
6. D.A. Dhangae- Peasant Movement in India, 1920-1950, 1983
7. Ranjita Guha, Elementary Aspects of peasant in surgency in colonial India, 1983
8. T. Honderich – State Against democracy, 1987
9. K.S. Shukla- Sociology of Deviant Behaviour, in 3 ICSSR survey of Sociology and Social Anthropology, 1969-1979, 1986

F.M. UNIVERSITY LLM SYLLABUS

This syllabus has been designed on choice based credit system as per the guidelines provided by University Grant Commission and the Curricular Development Centre of UGC. This LL.M programme is projected to train future researchers and the students to enquire and also to explore about the legal frame work of the contemporary society. This syllabus is applicable to the P.G. Department of law under F.M. University, Vyasa Vihar Balasore and shall come into effect from the Academic session 2015-2016.

Name of the Course: The name of the course is "TWO YEARS LL.M. COURSE UNDER CBCS"

Course Structure: The LL.M. course is of two years which is divided into four semesters. This syllabus is (on choice based Credit System) for Master of Laws (LL.M) examination. The 1st Semester shall cover the period for June to December & 2nd Semester from January to May and the 3rd Semester shall commence from June to December and 4th Semester from January to May.

The credits specified for LL.M programme describe the weightage given to various subject of the programme. The number of credits along with grade points that the student has satisfactorily completed, measures the performance of the student. Satisfactory progress of a student is subject to his/her maintaining a minimum Cumulative Grade Point Average (CGPA), as well as minimum grades in different subjects of the programme. Description of credit distribution for the course has been given below.

Semester - I

Course Category	Credits	No. of subjects	Total Credits
Core Subjects (CS)	4	5	20

Semester - II

Core Subjects (CS)	4	5	20
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Semester - III

Core Elective (CE)	4	5	20
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Semester - IV

Core Elective (CE)	4	5	20
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Total Credit in four semesters (4 X 20) 80

LL.M. degree under CBCS shall be awarded to candidates on successful completion of four semesters. In four semesters there shall be **TWENTY PAPERS** carrying 100 marks (80 external + 20 internal) in each theory paper. The course structure of the programme will have 80 credits in four semesters as explained above.

The 1st and 2nd semester courses are core subjects which are compulsory for each student.

The 3rd and 4th semester courses are specialization subjects and students are to choose any one of the specialization subject mentioned in the syllabus as core elective papers.

Free elective papers- 3rd and 4th semester students are required to take any of the paper mentioned in the syllabus as core elective paper across other specialization mentioned in the syllabus.

Audit papers- 3rd and 4th semester students may take any one of the audit paper as mentioned in the syllabus over and above the minimum required courses. This is purely optional in nature and no credit would be awarded.

Note- "Credit" is the weightage given to a paper in relation to the instructional hours assigned to it. Each paper shall consist of 4 credits mean that 4 instructional hours (which shall include Lecturer, Tutorials & Project works) per week shall be assigned to each paper.

SEMESTER WISE DETAILED COURSES**Core Subjects (CS) For 1st Semester**

CS-01	LLM-CS-01-P-1	Law & Social Transformation in India
CS-02	LLM-CS-02-P-II	New Dimension in Indian constitutional Law
CS-03	LLM-CS-03-P-III	Judicial Process
CS-04	LLM-CS-04-P-IV	Legal Education System in India
CS-05	LLM-CS-05-P-V	Project Presentation (PPT mode)

Core subjects (CS) For 2nd Semester

CS-06	LLM-CS-06-P-VI	Law & Social Engineering in India
CS-07	LLM-CS-07-P-VII	Indian Constitutional law- the new Challenges.
CS-08	LLM-CS-08-P-VIII	Administration of Justice and Judicial Process.
CS-09	LLM-CS-09-P-IX	Research Methodology.
CS-10	LLM-CS-010-P-X	DISSERTATION & VIVA

N.B. – The principal/Course Co-ordinator will notify the dissertation title for each student. A candidate shall prepare the dissertation (minimum 50 pages, and maximum 100 pages in A4 size Paper) and submit his/her soft and 02 hard copies of the Dissertation on the date of examination for evaluation. The student should follow proper Legal citation system and Dissertation Guideline while preparing the Dissertation.

3rd & 4th Semester prescribes Specialization subjects. Currently F.M. University offers TWO CORE ELECTIVES as specialization subjects such as

1. LLM-CE – G01 Business Law (Group-1)
2. LLM-CE - G02 Criminal Law (Group-2)

Students are to choose any one of the specialization Subject. However, the Principal / Coordinator /HOD reserve the right to offer specialization, subject to availability of teaching and other logistic facilities. The Principal / Coordinator / HOD will notify the availability of specialization before the commencement of the 3rd semester .Each student shall apply in writing to the Principal / Coordinator /HOD expressing his/her options for specialization subject within the first week of the 3rd semester of that academic session. The Principal / Coordinator / HOD shall notify the names of the students and their respective specializations in the Notice Board.

Details of the Core Elective subjects (CE) for 3rd Semester**LL.M-CE-01 BUSINESS LAW (GROUP-1)**

LLM-CE-01-BL-P-XI	Law of industrial and intellectual Property-1
LLM-CE-01-BL-P-XII	Banking law
LLM-CE-01-BL-P-XIII	Corporate Finance
LLM-CE-01-BL-P-XIV	Practical
LLM-FE*-01- P-XV	Choice Based elective papers across the other specialization

LLM-CE-02-CRIMINAL LAW (GROUP-2)

LL.M-CE-02 - CRL-P-XI	Comparative Criminal procedure
LL.M-CE-02 - CRL-P-XII	Penology: Treatment of Offenders
LLM-CE-02 - CRL- P-XIII	Privileged Class Deviance
LLM-CE-02 - CRL- P-XIV	Practical
LLM-FE*-01- P-XV	Choice Based elective papers across the other specialization

***(FE) FREE ELECTIVE SUBJECT** -During 3rd Semester each student shall opt one paper as free Elective Paper (theory) across any Core Elective subjects (specialization - theory) indicate above.

4th SEMESTER**LL.M CE-02 CRIMINAL LAW (GROUP-2)****LLM-CE-02 –CL -P-XVI Drug Addiction, Criminal Justice and Human Rights****UNIT – I INTRODUCTION**

- 1.1. Concept of Drugs “Narcotics” “Psychotropic substances” dependence addiction trafficking in Drug and Primary Drug abuse, Crime without victim.
- 1.2. Social Characteristics of drug users, Gender, Age, Religiousness, Age at first use.
- 1.3. Drug user’s Socio-economic level of family, Residence patterns (urban/rural) Educational levels, Occupation.
- 1.4. Reasons given as first use of drugs. Types of drug used, method of intake, average quantity and cost and its consequences.

UNIT – II THE INTERNATIONAL LEGAL REGIME

- 2.1. Analysis of the background, text and operation of the Single Convention on Narcotic Drugs, 1961, 1972.
- 2.2. Analysis of the Convention on Psychotropic Substances, 1972.
- 2.3. International collaboration in combating drug addiction
- 2.4. Profile of International market for psychotropic substances.

UNIT – III THE INDIAN REGULATORY SYSTEM.

- 3.1. Penal provisions under I.P.C. and Custom’s Act towards preventing drug addiction and trafficking drugs.
- 3.2. Judicial approaches to sentencing in drug trafficking and abuse.
- 3.3. Patterns of resource investment in India: policing adjudication, treatment, aftercare and rehabilitation.
- 3.4. The Narcotic drugs and psychotropic substances Act 1985.

UNIT – IV THE ROLE OF COMMUNITY IN COMBATING DRUG ADDICTION.

- 4.1. The role of educational systems in combating Drug Addiction
- 4.2. The role of medical profession in combating Drug Addiction.
- 4.3 The role of mass media in combating Drug Addiction.
- 4.3 Problem of Juvenile drug use and legal approaches and community initiatives in combating drug addiction.

Selected Bibliography:

- > 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” 7 Indian Journal of Criminology, 65-68 (1979)
- > P.R. Rajgopat Violence and Response: A Critique of the Indian Criminal System (1988)
- > United Nations, Economic & 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 & Comparative Criminology (London)
- viii) Bulletin on Narcotics (United Nations)

LLM-CE-01 -BL -P-XVIII INSURANCE LAW**UNIT -1 Introduction on insurance Law and General Principles**

- 1.1. History and Development insurance Law in India, Kinds of insurance
- 1.2. Constitution perspectives- the Entries 24.25.29.30.47 of List 1 Union List 23.24. of List III
- 1.3. The insurance Act. 1938 and the insurance Regulatory Authority Act 2000
- 1.4. General Principles of law of insurance good faith, Misrepresentation, Warranties Conditions, Indemnity and subrogation, Proximate Cause , Insurance and consumer Protection, Insurable interest , Commencement of insurance policy , Double Insurance and Re- insurance.

UNIT -II Laws Relating to Life Insurance and Marine

- 2.1. Nature and scope and Typology of Life Insurance
- 2.2. Event insured against life insurance contract, Circumstances affecting the risk,. Persons entitled to payment and Settlement of claim and payment of money under Life Insurance Laws,.
- 2.3. Nature and scope of Marine insurance, Classification of marine insurance, Insurable interest, Marine Insurance Policy-conditions.
- 2.4. Voyage deviation, Perils of the sea, Assignment of policy partial laws of ship and of freight, salvage, general average and particular charges.

UNIT -III Laws Relating to Accidental Insurance and property Insurance.

- 3.1. The fatal accidents Act, 1855 –Object and reasons; Assessment of compensation; Contributory Negligence.
- 3.2. The personal injuries (Compensation insurance) Act1963, Compensation payable under the Act; Compensation insurance scheme under the Act-Compulsory Insurance.
- 3.3. Fire insurance; Emergency Risks (Factories) Insurance; Emergency Risks (Goods) Insurance; Policies Covering Risk of Explosion, accidental Loss, Damage to property
- 3.4. Policies Covering Risk of storm and tempest; Glass-plate Policies; Burglary and theft policies; Goods in Transit Insurance; Agricultural Insurance

UNIT -IV Insurance against Third party

- 4.1. The Motor Vehicles Act.1988-Nature and Scope, Effect of insolvency of death on claims of insolvency and death of parties, certificate of insurance.
- 4.2. Claim Tribunal- Constitution, Function and Application for compensation procedure powers and award
- 4.3. Liability insurance-Nature and kinds of such insurance public liability insurance Act 1991; Professional Negligence insurance
- 4.4. Insurance Scheme- New Dimensions; Group Life Insurance .Med claim and sickness insurance

Selected Bibliography:

1. Banerjee, Law of Insurance, Asia Law House, Hyderabad.
2. Birds, Modern Insurance Law Sweet & Maxwell.
3. Colinvaux's Law of Insurance, Sweet & Maxwell.
4. E.R. Hardy ivamy, General Principles of insurance Law.
5. Edwin W. Patterson, Cases and Materials on Law of insurance.
6. M.N. Srenivasan Law and the Life Insurance Contract.

LLM-CE-01-BL-P-XIX DISSERTATION & VIVA VOCE

Instruction: The Principal/Course Coordinator / HOD of the Department will notify the Dissertation Title for each student. A candidate shall prepare the dissertation (Minimum 50 pages, and Maximum 100 pages in A4 size paper) and submit his/her soft and 02 hard copies of the Dissertation on the date of examination for evaluation. The student should follow proper legal citation system and Dissertation Guideline while preparing the Dissertation. The Viva voce will be conducted on the dissertation subject.

LLM-CE-01-BL-P-XX

Choice Based Elective papers across Criminal Law Specialization.

Details of the Core Elective subjects (CE) for 4th Semester**LL.M-CE-01 BUSINESS LAW (GROUP-1)**

LLM-CE-01-BL-P-XVI	Law of industrial and intellectual Property-II
LLM-CE-01-BL-P-XVII	Law of Export-Import Regulation
LLM-CE-01-BL-P-XVIII	Insurance law
LLM-CE-01-BL-P-XIX	DISSERTATION & VIVA
LLM-FE-01- P-XX	Choice Based elective papers across Criminal Law specialization

LLM-CE-02 CRIMINAL LAW (GROUP-2)

LLM-CE-02-CRL-P-XVI	Drug Addiction, Criminal Justice and Human Rights
LLM-CE-02-CRL-P-XVII	Collective Violence and Law
LLM-CE-02-CRL-P-XVIII	Juvenile in Conflict with law and Criminal Justice System
LLM-CE-02-CRL-P-XIX	DISSERTATION & VIVA
LLM-FE-01- P-XX	Choice Based elective papers across Business Law specialization

SYSTEM OF EXAMINATION:

Each paper shall have 100 marks. For evaluation, the overall structure of the distribution of marks in a theory based courses shall be such that 20 marks shall be allotted to Internal Assessments during the semester, while 80 marks shall be allotted for the End Semester Examinations. The Internal Assessments shall be made through written test as well as Viva Voce consisting of the subject teacher and Principal / Co-ordinator / HOD during each semester.

CREDIT SYSTEM:

The credits specified for LL.M. under CBCS programme describe the weightage of various courses of the Programme. The number of credits along with grade points that the student has satisfactorily completed measures the performance of the student. Satisfactory progress of a student is subject to his/her maintaining a minimum Cumulative Grade Point Average (CGPA), as well as minimum grades in different courses of the programme. A certain number of credits must be earned by the student to qualify for the degree.

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A. Assign of Credits

Credits of course shall be assigned in the following manner:

- For all theory (Lecturer) courses, one credit shall be assigned for one – our lecturer per week in a semester.
- Credits shall be in whole numbers.
- The performance of a candidate in a semester or upto a semester shall be measured by SGPA & CGPA, details of which are given below:

SGPA: Semester Grade Point Average

CGPA: Cumulative Grade Point Average

Calculation of SGPA & CGPA

$$i. \text{ S.G.P.A.} = \frac{\sum_{i=1}^n C_i.P_i}{\sum_{i=1}^n C_i}$$

C_i = No. of credits assigned for the i^{th} course of a semester for which SGPA is to be calculated.
 P_i = Grade point earned in the i^{th} Course.
 $I = 1, \dots, n$, represent the number of courses in which a student is registered in the concerned semester.

$$ii. \text{ C.G.P.A.} = \frac{\sum_{j=1}^m C_j.P_j}{\sum_{j=1}^m C_j}$$

C_j = No. of credits assigned for the j^{th} course up to the semester for which CGPA is to be calculated.
 P_j = Grade point earned in the j^{th} Course.
 $j = 1, \dots, n$, represent the number of courses in which a student is registered in the concerned semester.

Script and Duration of Examination:

- Except when otherwise directed by the Regulation or by the examiner in the examination paper, every candidate shall answer question in English Language in the examination in all the courses.
- Each individual paper shall be of 3 (three) hour.

Evaluation pattern:**a. Point Scale for Grading****Award of Grades Based on Absolute Marks**

Marks Range (Out of 100)	Grade	Grade Point	Qualification
90 - 100	O	10	Outstanding
80 - 89	A+	9	Excellent
70 - 79	A	8	Very Good
60 - 69	B	7	Good
50 - 59	C	6	Pass
41 - 49	D	5	Pass
0 - 40	F	-	Fail

LLM-CE-01 –BL -P-XVII Law of Export-Import Regulation**UNIT –I Introduction of Export –Import Legal Environment**

- Concept of Export and Import
- State control over import and export of goods – from rigidity of liberalization
- Impact of regulation on economy
- The Basic Needs of Export and Import Trade, (a) Goods (b) Services, (c) Transportation

UNIT-II Export-Import International Regime

- WTO agreement, WTO and tariff restriction, WTO and non-tariff restrictions
- Investment and transfer of technology
- Quota restriction and anti-dumping, dumping of discarded technology and goods in international market.
- Permissible regulation, Quarantine regulation.

UNIT-III Export-Import; Indian Trade Law

- Exim policy; Changing Dimensions
- Prohibition of on importation and exportation of goods, Restrictive terms in technology
- Control of smuggling activities in export –import trade.
- Levy of and exemption from, customs duties , clearance of imported goods and export goods.

UNIT- IV Control of Export-Import; Indian Legal Framework

- Foreign Trade Development and Regulation Act 1992
- Control under Foreign Exchange Management Act, 1999 (FEMA)
- Power of control; central government and RBI, Export inspection Council (EIC) Export promotion councils
- Restrictions under Customs Law.

Selected Bibliography:

- Government of India, Handbook of Import Procedures.
- Government of India, Import and Export Policy.
- Foreign Trade Development and Regulation Act, 1992 and Rules.
- Foreign Exchange Management Act, 1999.
- Marine Products Export Development Authority Act, 1972.
- Final Treaty of GATT, 1994.

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4th SEMESTER**LL.M CE-O1 BUSINESS LAW (GROUP-1)****LLM-CE-01 –BL -P-XVI Law of Industrial and Intellectual Property-II****UNIT -1 Biotechnology patent-1**

- 1.1. Nature and Types of Biotechnology Patent
- 1.2. Patent over new form Life of life –TRIPS Obligation
- 1.3. Indian Patent in Biotechnology
- 1.4. Plant Patenting

U NIT- II Biotechnology patent-II

- 2.1. Plant Variety Protection-UPOV Convention and TRIPS Obligation
- 2.2. Plant Variety and Farmers Right- Indian Policy and position.
- 2.3. Sui generic protection for plant Varieties.
- 2.4. Regulation of environment and Health Hazards in Biotechnology patents

UNIT-III Special Problems of proof of Infringement

- 3.1. Status of intellectual property in Transit –TRIPS Obligation and Indian position
- 3.2. Action of passing off- Evidentiary Problems
- 3.3. The proof of non-anticipation, Novelty of inventions protected by patent Law
- 3.4. Evidentiary problems in piracy-Reversal of Buren of Proof in process patent

UNIT-IV Intellectual property and Human Rights

- 4.1. Intellectual property and Genetic Resources, Traditional knowledge and Folklore
- 4.2. Geographical indications and appellation of Origin
- 4.3. Rights of the indigenous people and protection of Traditional Knowledge
- 4.4. Human Rights of the improvised masses, Intellectual property protection of new products for health care and food security

Selected Bibliography:

1. Iver P.Cooper, Biotechnology & Law.
2. David Bainbridge, Software Copyright Law.
3. Sookman, Computer Law.
4. Carios M. Correa, Intellectual Property and International Trade.
5. Patent Co-operation Treaty Hand Book.
6. Christopher Wadlow, The Law of Passing-Off.
7. W.R. Cornishb, Intellectual Property Law.
8. Iver P.Cooper, Biotechnology & Law.
9. David Bainbridge, Software Copyright Law.
10. Sookman, Computer Law.
11. Carios M. Correa, Intellectual Property and International Trade.
12. Patent Co-operation Treaty Hand Book.
13. Christopher Wadlow, The Law of Passing-Off.
14. W.R. Cornishb, Intellectual Property Law.

Grace Rule:

Grace Mark shall be awarded as per the following Guidelines:

1. 1% of the total marks in aggregate can be awarded to a candidate for enabling him / her to pass in a semester Examination.
2. The Candidates securing G & I grade will not be eligible.
3. Grace Mark will not be awarded for making up shortfall in minimum SGPA/ CGPA or improving the grade.

Degree Requirements:

A candidate will be eligible for award of LL.M. degree if he/she satisfied the following:

1. Has secured CGPA 5.0 or more.
2. Has cleared the credit requirements with pass grade or more in each subject.
3. Has at least a satisfactory conduct.
4. Has cleared all the theory, activity based and elective courses of all semesters.
5. Credit requirements for the Degree shall be 80.
6. The passed candidates may be awarded with the division with the division according to the following criteria.
 - a. First Division with Distinction : CGPA 8.5 & above.
 - b. First Division : CGPA 6.5 & above, but below 8.5
 - c. Second Division : CGPA 5.0 & above but below 6.5

Note: The SGPA and CGPA shall be computed upto 2 places of decimals (truncated at the second place)

The Conversion formula for converting CGPA to the corresponding percentage of Marks will be as follows:

$$X = 10 Y - 9.5$$

Where X = Percentage of Marks, Y = CGPA

RANKING TO THE CANDIDATE:

1. Ranking shall be given to only those candidates who pass all the courses of the programme in one attempt.
2. The marks obtained by him/her at the examination shall be considered as the basis for the University Ranking, Scholarships and other distinctions.
3. In order to get the benefit of this provision, the student should claim that he/she is eligible for this benefit and get a decision in writing after proving his/her eligibility there for.

FIRST SEMESTER							
CODE	Paper	Core Subject	Total Marks	Pass Mark	Theory	Internal/ External	Credit Points
CS.001	LLM-CS-01 P-I	Law & Social Transformation in India	100	40	80	20	4
CS.002	LLM-CS-02 P-II	New dimension in Indian Const. Law	100	40	80	20	4
CS.003	LLM-CS-03 P-III	Judicial Process	100	40	80	20	4
CS.004	LLM-CS-04 P-IV	Legal Education System in India	100	40	80	20	4
CS.005	LLM-CS-05 P-V	Project Presentation in PPT Mode	100	40	0	50+50	4

LLM –CS-01- P-I LAW AND SOCIAL TRANSFORMATION IN INDIA**UNIT-I Law and social change**

- 1.1 Concept and theories of social change and the role of law
- 1.2 Law as the product of traditions and culture ,Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.
- 1.3 Socio-legal dynamics of India and law as an instrument of social change and Development.
- 1.4 Counter Forces and social Transformation.

UNIT-II Religion and the Law

- 2.1 Religion as a divisive factor
- 2.2 Secularism as a solution to the problem.
- 2.3 Freedom of religion and non-discrimination on the basis of religion.
- 2.4 Rights of Religious minorities and the law.

UNIT-III Language and the Law

- 3.1 Language as a divisive factor; formation of linguistic states.
- 3.2 Constitutional guarantees to linguistic minorities.
- 3.3 Language policy and the constitution; Official language; multi-language system.
- 3.4 Non-discrimination on the ground of language.

UNIT-IV Community and the Law

- 4.1 Caste as a divisive factor
- 4.2 Non-discrimination on the ground of caste.
- 4.3 Protective discrimination; Scheduled castes, tribes and backward classes.
- 4.4 Reservation; Statutory commissions, Statutory provisions.

Selected Bibliography:

- Ø MARK GALANTER (ED.) LAW AND SOCIETY IN MODERN IN INDIA (1997) OXFORD.
- Ø ROBERT LINGAT, THE CLASSICAL LAW OF INDIA (1998), OXFORD.
- Ø U. BAXI, THE CRISIS OF THE INDIAN LEGAL SYSTEM (1982), VIKAS, NEW DELHI.
- Ø U. BAXI (ED.), LAW AND POVERTY CRITICAL ESSAYS (1998), TRIPATHY, BOMBAY.
- Ø MANUSHI, A JORNAL ABOUT WOMEN AND SOCIETY.
- Ø DUNCAN DERRET, THE STATE, RELIGION AND LAW IN INDIA (1999), OXFORD UNIVERSITY PRESS, NEW DELHI.
- Ø H.M. SEEVAI, CONSTITUTIONAL LAW OF INDIA (1996), TRIPATHY.
- Ø D.D. BASU, SHORTER CONSTITUTION OF INDIA (1996), PRENTICE - HALL OF INDIA (P) LTD., NEW DELHI.
- Ø SUNIL DESHTA AND KIRAN DESHTA, LAW AND MENACE OF CHILD LABOUR (2000), ARMOL PUBLICATIONS, DELHI.
- Ø SAVITRI GUNASEKHARARE, CHILDREN, LAW AND JUSTICE (1997), SAGE.
- Ø INDIAN LAW INSTITUTE, LAW AND SOCIAL CHANGE: INDO-AMERICAN REFLECTIONS, TRIPATHY (1988).
- Ø J.B. KRIPALANI, GANDHI: HIS LIFE & THOUGHT,(1970), MINISTRY OF INFORMATION & BROADCASTING, GOVT. OF INDIA.
- Ø M.P. JAIN, OUTLINES OF INDIAN LEGAL HISTORY,(1993), TRIPATHY, BOMBAY.
- Ø AGNES, FLAVIA, LAW AND GENDER INEQUALITY: THE POLITICS OF OWMEN'S RIGHTS IN INDIA (1999), OXFORD.

LL.M-CE-02-CL- P-XIII PRIVILEGED CLASS DEVIANCE & CRIMINAL JUSTICE SYSTEM**UNIT -I INTRODUCTION**

- 1.1. Concept of white color crime.
- 1.2. Indian Approach to socio Economic offence
- 1.3. Deviance by journalists, Teachers, Lawyers, Engineers and Land lords etc.
- 1.4 Deviance on electoral process, missing, booth capturing imprisonment corrupt practices.

UNIT-II Professional deviance and Criminal Justice System

- 2.1. Bar Council and unethical practice at the Indian bar.
- 2.2 Press council on unprofessional and unethical Journalism
- 2.3. Medical Council on Medical Malpractice.
- 2.4. Deviance by Legislators judges and Bureaucrat and Law.

UNIT- III Police deviance and Criminal Justice System

- 3.1. Police atrocities.
- 3.2. Constitutionality of third degree method and use of fatal force by police.
- 3.3. Encounter Killings
- 3.4. The plea of superior order.

UNIT-IV Response of Indian legal order to the Deviance of privileged class.

- 4.1. Vigilance Commission.
- 4.2. Public Account committee and commission of enquiry
- 4.3. Ombudsman
- 4.4. Prevention of corruption Act, 1948

Selected Bibliography:

- Upendra Baxi, The Crisis of the Indian Legal System (1982) Vikas Publishing House, New Delhi.
- Upendra Baxi (ed.), Law and Poverty: Essays (1988)
- Upendra Baxi, Liberty and Corruption: The Antulay Case and Beyond (1989)
- Surendra Nath Dwevedi and G.S. Bbargava, Political Corruption in India (1967)
- A.S. 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; K.S. Shukla ed.).
- Indira Rotherm und, "Patterns of Trade Union Leadership in Dhanbad Coal Fields" 23 J.K.L.I. 522 (1981)

LLM-CE-02-CL-P-XIV PRACTICAL

The Practical Paper shall deal with Research Methodology, Law Teaching and Clinical Works. The following is the split of marks.

1) Research Methodology	-	50 Marks.
2) Law Teaching	-	25 Marks.
3) Clinical Works	-	25 Marks.

LLM-CE-02-CL-P-XV**Choice Based Elective papers across Criminal Law Specialization.**

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LLM-CE-02-CL- P-XII PENOLOGY TREATMENT OF OFFENDERS**UNIT-I Introductory & Theories of Punishment**

- 1.1 Definition of the concept of Penology
- 1.2 Theories of Punishment
- 1.3 Retribution
- 1.4 Utilitarian Prevention (Defence) & Behavioral Punishment (In capacitating and rehabilitation)

UNIT-II Sentencing and Capital Punishment

- 2.1 Principal type of sentences in the Indian Penal Code and special Laws
- 2.2 Sentencing for white color crimes and habitual crimes.
- 2.3 Constitutionality of Capital Punishment
- 2.4 Judicial Attitude towards Capital Punishment an enquiry through the statute law and case law.

UNIT-III –Approach to sentencing

- 3.1. Alternative to Imprisonment
- 3.2. Probation
- 3.3. Corrective Labor/Fine and Collective fine
- 3.4. Reparation by the offender /by the court

UNIT –IV- Prison System and Management

- 4.1. Review of prison system in India
- 4.2. Rights of the prisoner
- 4.3. Duties of and deviance by the custodial staff
- 4.4. Open prison and reforms in prison managements.

Selected Bibliography:

- S. Chhabbra, The Quantum of Punishment in Criminal Law (1970),
- H.L.A. Hart, Punishment and Responsibility (1968)
- Herbert L. Packer, The Limits of Criminal Sanction (1968)
- Alf Ross, On Guilt, Responsibility and Punishment (1975)
- Siddique, Criminology (1984) Eastern, Lucknow.
- Law Commission of India, Forty-second Report Ch. 3 (1971)
- K.S. Shukla, "Sociology of Deviant Behaviour" in 3 ICSSR Survey of Sociology and Social Anthropology 1969-179 (1986)

LLM-CS-02-P-II NEW DIMENSIONS IN INDIAN CONSTITUTIONAL LAW**Unit-I Federalism.**

- 1.1 "State" Need for widening the definition in the wake of liberalization
- 1.2 Creation of new states
- 1.3 Special status to certain states.
- 1.4 Tribal areas, Scheduled areas.

Unit-II Federalism.

- 2.1 Concept of federal comity and constitutional frame work of centre-state relationship.
- 2.2 Allocation and share of resources – distribution of grants in aid.
- 2.3 The inter-state disputes on resources.
- 2.4 Direction of the centre to the state under Article-356 & 365.

Unit-III Democratic process

- 3.1 Nexus of politics with criminal and the business
- 3.2 Election and constitutional Provisions.
- 3.3 Election Commission; status.
- 3.4 Electoral Reforms.

UNIT-IV Separation of powers; stresses and strain.

- 4.1 Judicial activism and judicial restraint
- 4.2 Judicial independence.
- 4.3 Accountability; executive and judiciary
- 4.4 Tribunals

Selected Bibliography:

1. H.M. Sheervai: Constitutional Law in Two Vols,
2. M.P. Singh: Constitutional Law.
3. M.K.C.J.Kagzi: The Constitution of India.
4. D.D. Basu: The Constitution.
5. Constitutional Development since Independence (ILI)
6. A.V. Dicey: Constitutional Law
7. Wade & Phillips: Constitutional Law
8. AIR [Publication] Constitutional Law of India Vol I and II
9. V.N. Shukla: Constitution of India, (10th Edn.) Edited by M.P. Singh.
10. R. Patnaik: Legislative & Ordinance Making Power of the President and the Governor(s).

Other sources of development materials and recent reading texts such as case law, change and amendments of Laws, critical comments, Reports, Articles and Research Papers and contemporary emerging ethos as may be prescribed from time to time.

LLM-CS -03-P-III JUDICIAL PROCESS**UNIT-I The concepts of justice**

- 1.1 The concept of justice or Dharma in India thought
- 1.2 Dharma as the foundation of legal ordering in Indian thought
- 1.3 The concept and various theories of justice in the western thought.
- 1.4 Various theoretical bases of justice; the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

UNIT-II Relation between law and justice

- 2.1 Equivalence Theories-Justice as nothing more than the positive law of the stronger class
- 2.2 Dependency theories-For its realization justice depends on law, but justice is not the same as law.
- 2.3 The independence of justice the cries –men to end relationship of law and justice –The relationship in the context of the Indian constitutional ordering.
- 2.4 Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

UNIT-III Nature of judicial process

- 3.1 Judicial process as an instrument of social ordering.
- 3.2 Judicial process and creativity in law – common law model – legal reasoning and growth of law – change and stability.
- 3.3 The tools and techniques of judicial creativity and precedent.
- 3.4 Legal development and creativity through legal reasoning under statutory and codified systems.

UNIT-IV Judicial process in India

- 4.1 Judicial Review; Approach of Indian judiciary
- 4.2 Judicial Activism and creativity of the supreme court- the tools and techniques of creativity.
- 4.3 Judicial process in pursuit of constitutional goals and values- new dimensions of judicial activism and structural challenges.
- 4.4 Judicial Accountability.

Selected Bibliography:

- Ø JULIUS STORE, THE PROVINCE AND FUNCTION OF LAW, PART I, CHS. 1.8-16(2000), UNIVERSAL, NEW DELHI.
- Ø HENRY J. ABRAHAM, THE JUDICIAL PROCESS(1998), OXFORD.
- Ø J. STONE, PRECEDENT AND THE LAW : DYNAMICS OF COMMON LAW GROWTH(1985), BUTTERWORTHS.
- Ø W. FRIEDMANN, LEGAL THEORY (1960), STEVENS, LONDON.
- Ø BODENHEIMER, JURISPRUDENCE – THE PHILOSOPHY AND METHOD OF THE LAW(1997), UNIVERSAL, DELHI.
- Ø J. STONE, LEGAL SYSTEM AND LAWYERS' REASONINGS(1999), UNIVERSAL, DELHI.
- Ø U. BAXI, THE INDIAN SUPREME COURT AND POLITICS(1980), EASTERN, LUCKNOW.
- Ø RAJEEV DHAVAN, THE SUPREME COURT OF INDIA – A SOCIO-LEGAL CRITIQUE OF ITS JURISTIC TECHNIQUES(1997), TRIPATHY, BOMBAY.
- Ø JOHN RAWLS, A THEORY OF JUSTICE(2000), UNIVERSAL, DELHI.
- Ø EDWARD H. LEVI, AN INTRODUCTION TO LEGAL REASONING(1970), UNIVERSITY OF CHICAGO.

3rd SEMESTER**LL.M CE-02 CRIMINAL LAW (GROUP-2)****LL.M-CE-02-CL- P-XI COMPARATIVE CRIMINAL PROCEDURE****UNIT -I Organization of courts and prosecution Agencies**

- 1.1. Organization, power and jurisdiction of criminal courts in India
- 1.2. Nyaya Panchyats in India – Organization, power and operational style with special reference to Panchayats in Tribal areas.
- 1.3. Prosecuting agencies under criminal law, Organization, power and function & responsibilities
- 1.4. Prosecuting agencies and their relationship with police–withdrawal of prosecution –conditions, legality and consequences.

UNIT-II Pre-trial procedure

- 2.1. Arrest and questioning of the accused.
- 2.2. Rights of the accused.
- 2.3. Evidentiary value of statements / article seized /collected by the police and their admissibility and in admissibility.
- 2.4. Role of the prosecutor and the judicial officer in investigation.

UNIT –III Trial procedure

- 3.1. The accusatory system of trial and the inquisitional system.
- 3.2. Role of judges, the prosecutor and defense lawyer in the trial
- 3.3. Admissibility and inadmissibility of evidence and expert evidence
- 3.4. Appeal of the court in awarding appropriate punishment and plea bargaining

UNIT –IV Preventive Measures in India

- 4.1. Prevention measures under the constitution of India
- 4.2. Provisions in the criminal laws in India (CR.P.C. & other statutes)
- 4.3. Provisions under special enactments
- 4.4. Judicial attitude towards preventive detentions.

Selected Bibliography:

- Celia Hampton, Criminal Procedure
- Wilkins and Cross, Outline of the Law of Evidence
- Archbold, Pleading, Evidence and Practice in Criminal Cases
- Sankar, Law of Evidence
- K.N. Chandrasekharan Pillai(ed.) R.V. Kelkar's Outlines of Criminal Procedure (2000), Eastern, Lucknow.
- Patric Devlin, The Criminal Prosecution in England
- American Series of Foreign Penal Codes Criminal Procedure Code of Peoples' Republic of China.
- John N. Ferdico, Criminal Procedure (1996), West
- Sanders & Young, Criminal Justice (1994)
- Christina Van Den Wyngart, Criminal Procedure Systems in European Community Joel Samaha, Criminal Procedure (1997), West
- Criminal Procedure Code, 1973
- The French Code of Criminal Procedure,
- 14th and 41st Reports of Indian Law Commission.
- The paper will be taught with reference, wherever necessary, to the procedures in India, England, US France, Russia and China.

LLM-CE-01-BL-P-XIII Corporate Finance**UNIT-I Introduction.**

- 1.1. Meaning, importance and scope of corporation finance
- 1.2. Capital needs-Capitalization-Working capital- securities-borrowings-deposits Debentures.
- 1.3. Objectives of corporation finance-Profit Maximization and Wealth Maximization
- 1.4. Constitutional Perspectives –the entries 37, 38,43,44,45,46,47,52,82,85, and 86 of List one –Union list ; entry 24 of List 11 –state List.

UNIT-II Equity Finance

- 2.1. Share capital –Meaning, Nature and Types
- 2.2. Prospectus- information disclosure
- 2.3. Issue and allotment, Rights of the Share Holder, Transfer and Transmission of Securities.
- 2.4. Shares without monetary consideration, Sweet Equity Share, Non-opting equity shares.

UNIT-III Debt Finance

- 3.1. Debentures, Nature, issue and class
- 3.2. Deposits and acceptance
- 3.3. Creation of charges , Fixed and floating charges, Mortgages, Convertible debentures.
- 3.4. Creditors Protection- preference in payments, Rights in making company decisions affecting creditor interest, creditors self protection.

UNIT-IV Conservation of Corporate Finance and its Regulation

- 4.1. Control on payment of dividends
- 4.2. Managerial remuneration, payment of commissions and brokerage, Pay-back of shares
- 4.3. Regulation by SEBI, Central Government, Registrar of companies.
- 4.4. RBI Control 4510, 49 (11), 234 (A),560,234 (A)

Selected Bibliography:

1. Eils's Ferran, Company Law and Corporate Finance (1999) Oxford
2. Ramaiya A. Guide to the Companies Act (1998), Vol, I, II & III.
3. H.A.J. Ford and A.P. Austen, Fords' principle of Corporations Law (1999) Butterworths.
4. Austen R.P., The Law of Public Company Finance (1986) LBC.
5. Gilbert Harold, Corporation Finance (1956).
6. R.C. Osborn, Corporation Finance (1959).
7. S.C. Kuchhal Corporation Finance : Principles and Problems (6th ed.1966).
8. V.G. Kulkami, Corporate Finance (1961).
9. Statutory Materials – Companies Act and laws relating SEBI, depositories, industrial financing and information technology.
10. Eils's Ferran, Company Law and Corporate Finance (1999) Oxford
11. Ramaiya A. Guide to the Companies Act (1998), Vol, I, II & III.
12. H.A.J. Ford and A.P. Austen, Fords' principle of Corporations Law (1999) Butterworths.
13. Austen R.P., The Law of Public Company Finance (1986) LBC.
14. Gilbert Harold, Corporation Finance (1956).
15. R.C. Osborn, Corporation Finance (1959).
16. S.C. Kuchhal Corporation Finance : Principles and Problems (6th ed.1966).
17. V.G. Kulkami, Corporate Finance (1961).
18. Statutory Materials – Companies Act and laws relating SEBI, depositories, industrial financing and information technology.

LLM-CE-01-BL-P-XIV PRACTICAL

The Practical Paper shall deal with Research Methodology, Law Teaching and Clinical Works. The following is the split of marks.

1)	Research Methodology	-	50 Marks.
2)	Law Teaching	-	25 Marks.
3)	Clinical Works	-	25 Marks.

LLM-CE-01-BL-P-XV**Choice Based Elective papers across Criminal Law Specialization.****LLM-CS-04-P-IV LEGAL EDUCATION SYSTEM IN INDIA****UNIT -I Scope and Extent of Legal Education**

- 1.1 Professional Education and status of legal Education in India.
- 1.2 Growth and Objectives of Legal education in India.
- 1.3 Continuing legal Education.
- 1.4 Globalization and Future of legal education.

UNIT-II Teaching Method

- 2.1 Lecture method
- 2.2 Case study method
- 2.3 Seminar method
- 2.4 Clinical Legal Education.

UNIT-III Clinical Legal Education

- 3.1 Legal Aid
- 3.2 Legal literacy
- 3.3 Legal survey and law reform
- 3.4 Student's participation in clinical legal education and seminars.

UNIT- IV Evaluation process

- 4.1 Objectives of Examinations
- 4.2 Internal and external Assessments
- 4.3 Practical/Oral Examination
- 4.4 Problems in law examination and solution.

Selected Bibliography:

- Ø HIGH BRAYAL, NIGEL DUNEAN AND RICHARD CRIMES, CLINICAL LEGAL EDUCATION ACTIVE LEARNING IN YOUR LAW SCHOOL (1998), BLACKSTONE PRESS LIMITED, LONDON.
- Ø S.K. AGARWAL (ED.), LEGAL EDUCATION IN INDIA (1973), TRIPATHY, BOMBAY.
- Ø N.R. MADHAVAN MENON (ED.), A HAND BOOK OF CLINICAL LEGAL EDUCATION (1988), EASTERN BOOK AGENCY, LUCKNOW.
- Ø M.O. PRICE, H. BITNER AND BYSIEWIEZ, EFFECTIVE LEGAL RESEARCH, (1978).
- Ø PAULINE V. YOUNG, SCIENTIFIC SOCIAL SURVEY AND RESEARCH, (1962).
- Ø WILLIAM J. GRADE AND PAUL K. HATT, METHODS IN SOCIAL RESEARCH, MC GRAW-HILL BOOK COMPANY, LONDON.
- Ø H.M. HYMAN, INTERVIEWING IN SOCIAL RESEARCH (1965).
- Ø PAYNE, THE ART OF ASKING QUESTIONS (1965).
- Ø ERWIN C. SUPRENCY, b. FIELE AND J. CREA, A GUIDE TO LEGAL RESEARCH (1959).
- Ø MORRIS L COHAN, LEGAL RESEARCH IN NUTSHELL, (1996), WEST PUBLISHINGS, HAVARD LAW REVIEW ASSOCIATION, UNIFORM SYSTEM OF CITATIONS.
- Ø ILI PUBLICATION, LEGAL RESEARCH AND METHODOLOGY.

LLM-CS-05-P-V PROJECT PRESENTATION - PPT MODE

Instruction- The principal/HOD/Course Co-ordinator will notify the Project Title for each student at the beginning of the semester and the name of the teachers who will guide the students for the project work will also be notified. The Examinees shall present the allotted subject through power point presentation before the Internal and External Examiners. The examinees are required to submit their soft and hard copies of their project before the Internal / External examiner for evaluation.

SECOND SEMESTER							
CODE	Paper	Core Subject	Total Marks	Pass Mark	Theory	Internal/ External	Credit Points
CS.006	LLM-CS-06 P-I	Law & Social Engineering in India	100	40	80	20	4
CS.007	LLM-CS-07 P-II	Indian Constitutional Law: The New Challenges.	100	40	80	20	4
CS.008	LLM-CS-08 P-III	Administration of Justice and Judicial Process.	100	40	80	20	4
CS.009	LLM-CS-09 P-IV	Research Methodology	100	40	80	20	4
CS.010	LLM-CS-10 P-V	DISSERTATION & VIVA	100	40	0	50 + 50	4

LLM-CS-06-P-VI SOCIAL TRANSFORMATION AND SOCIAL ENGINEERING IN INDIA

UNIT- I Jurisprudential Perspective of Social Engineering

- 1.1 Concept and jurisprudential theories of Social Engineering
- 1.2 Fundamental Rights and new social ordering
- 1.3 Directive principles of state policies and social Transformation.
- 1.4 Judiciary and social Engineering

UNIT –II Gender Mainstreaming and Law

- 2.1 Gender injustice and Crime against women
- 2.2 Inclusion and Participation of Women in Governance and Decision Making Process.
- 2.3 Women's Commission: Determination of status of women, redressing unfair practices affecting women.
- 2.4 Empowerment of women: Constitutional and other legal provisions.

UNIT-III Children and Restorative Justice

- 3.1 Child labor.
- 3.2 Adoption and related problems.
- 3.3 Children and Education.
- 3.4 Sexual exploitation of children and law

UNIT –IV Modernizations and the law

- 4.1 Modernization of social institution through law.
- 4.2 Agrarian Reforms
- 4.3 Alternative Dispute Resolution System (Mediation, Conciliation & Lok Adalat)
- 4.4 Industrial reform (Industrialization and environmental protection)

SUGGESTED BIBLIOGRAPHY:

- Ø MARK GALANTER (ED.) LAW AND SOCIETY IN MODERN IN INDIA (1997) OXFORD.
- Ø ROBERT LINGAT, THE CLASSICAL LAW OF INDIA (1998), OXFORD.
- Ø U. BAXI, THE CRISIS OF THE INDIAN LEGAL SYSTEM (1982), VIKAS, NEW DELHI.
- Ø U. BAXI (ED.), LAW AND POVERTY CRITICAL ESSAYS (1998), TRIPATHY, BOMBAY.
- Ø MANUSHI, A JORNAL ABOUT WOMEN AND SOCIETY.
- Ø DUNCAN DERRET, THE STATE, RELIGION AND LAW IN INDIA (1999), OXFORD UNIVERSITY PRESS, NEW DELHI.
- Ø H.M. SEEVAI, CONSTITUTIONAL LAW OF INDIA (1996), TRIPATHY.
- Ø D.D. BASU, SHORTER CONSTITUTION OF INDIA (1996), PRENTICE – HALL OF INDIA (P) LTD., NEW DELHI.
- Ø SUNIL DESHTA AND KIRAN DESHTA, LAW AND MENACE OF CHILD LABOUR (2000), ARMOL PUBLICATIONS, DELHI.
- Ø SAVITRI GUNASEKHARARE, CHILDREN, LAW AND JUSTICE (1997), SAGE.
- Ø INDIAN LAW INSTITUTE, LAW AND SOCIAL CHANGE: INDO-AMERICAN REFLECTIONS, TRIPATHY (1988).
- Ø J.B. KRIPLALANI, GANDHI: HIS LIFE & THOUGHT,(1970), MINISTRY OF INFORMATION & BROADCASTING, GOVT. OF INDIA.
- Ø M.P. JAIN, OUTLINES OF INDIAN LEGAL HISTORY,(1993), TRIPATHY, BOMBAY. AGNES, FLAVIA, LAW AND GENDER INEQUALITY: THE POLITICS OF OWMEN'S RIGHTS IN INDIA (1999), OXFORD.

LLM-CE-01-P-XII Banking Law

UNIT-I- Law Relating Banking Companies in India

- 1.1. History of banking in India and elsewhere evolution.
- 1.2. Multi- functional banks- growth and legal issues.
- 1.3. Controls by government and its agencies) On management b) On accounts and audit c) Lending d) Credit policy e) Reconstruction and reorganization f) Suspension and winding up
- 1.4. Banker and CUSTOMER Relationship- Contract between banker and customer , their rights and duties; Banker's Lien; Special classes of Customers- Lunatic, Minor, Partnership , Corporation, Local authorities; Consumer Protection; Banking ns service.

UNIT-II Social Control/ RBI/Recent Trends in Banking System in India

- 2.1. Social Control over banks in India
- 2.2. RBI as Central Bank; Organizational structure, Functions of the RBI, Credit control Exchange control, Monopoly of currency issue, Bank rate policy formulation, Control of RBI over non- banking companies, Financial Companies, Non –financial companies
- 2.3. Recent Trends of Banking System in India; New technology, Information Technology, Automation and legal aspects of Automatic Teller Machine and use of internet , Smart card, Use of expert system, Credit cards.
- 2.4. Recommendations of committees for Reforms in India Banking Law –A Review

UNIT-III Deposit insurance, Lending by Banks and SRFAESIA

- 3.1. The Deposit insurance Corporation Act.1961 –objects and reasons, Establishment of capital of DIC.
- 3.2. Liability of DIC to depositor, Relation between insured Banks, DIC and reserve Bank of India
- 3.3. Lending by Banks – Default and Recovery, Debt Recovery Tribunal –Constitution, Powers and Function
- 3.4. The securitization and Reconstruction of Financial Assets and Enforcement of security Interest Act.2002 –Regulation of securitization and reconstruction of financial assets of banks and financial institutions; Enforcement of security interest; Offences and penalties.

UNIT –IV Negotiable Instruments

- 4.1. Introduction. Meaning of Negotiable instruments. Characteristics of a negotiable instruments, Types of negotiable instrument Holder and holder in due course, parties to Negotiable instrument ,
- 4.2. Liability of drawer and drawee, liability of endorser, Presumptions as to Negotiable instrument Transfer and negotiation ,instrument without consideration .
- 4.3. Presentment .Liability of parties –Dishonor of a Negotiable instruments. Notice of Dishonor, Discharge from Liability .
- 4.4. Noting and protest ,Rule of Evidence, Estoppels ,Crossed cheque ,Ingredients of offence under sec-138 of the Act, Defense which may not be allowed in any prosecution under sec-138 offences by Companies , Cognizance of offences .

SUGGESTED BIBLIOGRAPHY:

1. Basu, A. Review of Current Banking Theory and Practise.
2. M. Haggood, Pagets' Law of Banking (1989) Butterworths, London.
3. R. Goode, Commercial Law, (1995) Penguin, London.
4. M.L. Tannan, Tannan's Banking Law & Practice in India (1997) India Law House, New Delhi,2 Volumes.
5. K.C. Shekhar, Banking Theory and Practice (1998) UBS Publisher Distributors Ltd.. New Delhi.
6. R.S. Narayana, The Recovery of Debts due to Banks and Financial Institutions Act, 1993.
7. R.K. Talwar, Report of Working Group on Customer Service in Banks.
8. Janakiraman Committee Report on Securities Operation Banks and Financial Institution (1993).
9. Narasimham Committee report on the Financial System (1991)- Second Report (1999).

3rd SEMESTER
LL.M CE-O1 BUSINESS LAW (GROUP-1)

LL.M-CE-01-BL- P-XI Law of Industrial and Intellectual Property-1

UNIT –1 Fundamentals of Industrial & Intellectual Property

- 1.1. Historical development of intellectual property Right.
- 1.2. Legal Rationality behind intellectual property Right.
- 1.3. Nature, Legal Characteristic and Classifications of intellectual property Right.
- 1.4. Major multi- Lateral intellectual property Treaties.

UNIT –II IPR and International perspectives

- 2.1. Protection of intellectual property Right in USA.
- 2.2. Protection of intellectual property Right in EEC.
- 2.3. Protection of intellectual property Rights in China.
- 2.4. Protection of intellectual property (Study of UNCTAD, UNICITRAL on the subject)

UNIT –III Protections of Intellectual property Rights; Legal Regime in India

- 3.1. Copy Right; Classification, Essential elements, Limitation, Registration, Infringement and Legal Remedy Literary ,Artistic, Dramatic, Musical.
- 3.2. Patent ;Classification, Essential elements, Patent Search, Examination, Infringement, and Legal Remedy.
- 3.3. Trademark; Classification, Essential Elements, Limitation, Registration, Infringement, and Legal Remedy service mark & Trade mark.
- 3.4. Latest selective Case analysis.

UNIT-IV Special Problems of the status of Computer software in Copyright & Patent Law.

- 4.1. Protection of computer Software under international Regime –WCT, WPPT
- 4.2. Software Patents under TRPs Agreement
- 4.3. Patenting Software- Trade secret Protection, Copyright Protection, Patent Protection, Trademark Protection under National Law.
- 4.4. Proposed directives on the Patentability of computer- implemented inventions

Selected Bibliography:

1. Iver P.Cooper, Biotechnology & Law.
2. David Bainbridge, Software Copyright Law.
3. Sookman, Computer Law.
4. Carlos M. Correa, Intellectual Property and International Trade.
5. Patent Co-operation Treaty Hand Book.
6. Christopher Wadlow, The Law of Passing-Off.
7. W.R. Cornish, Intellectual Property Law.
8. Iver P.Cooper, Biotechnology & Law.
9. David Bainbridge, Software Copyright Law.
10. Sookman, Computer Law.
11. Carlos M. Correa, Intellectual Property and International Trade.
12. Patent Co-operation Treaty Hand Book.
13. Christopher Wadlow, The Law of Passing-Off.
14. W.R. Cornish, Intellectual Property Law.

LLM-CS-07-P-VII INDIAN CONSTITUTIONAL LAW : THE NEW CHALLENGES

UNIT –I Right to Freedom and law

- 1.1 Freedom of speech under constitution of India
- 1.2 Right to strikes, hartal and bandh.
- 1.3 Right to privacy and media
- 1.4 Media trial

UNIT –II Secularism and Religious Fanaticism

- 2.1 Religious Fanaticism, Religious conversion
- 2.2 Concept of secularism under constitution of India
- 2.3 Uniform civil code a step towards secularism.
- 2.4 Rights of minorities to establish and administer educational institutional and state control

UNIT- III Right to Equality: Legal Implications

- 3.1 Right to Equality –Article 14 & Reasonable Classification: Supreme court
- 3.2 Right to Equality vis a vis Reservation Policy in India
- 3.3 The concept of Equal Pay for Equal work
- 3.4 Privatization and its impact on affirmative action.

UNIT-IV Emerging regime of new rights and remedies

- 4.1 Emergence of new Rights under Directive principles and Fundamental Duties and Fundamental Right.
- 4.2 Doctrine of eminent domain and rights of the displaced.
- 4.3 Constitutional tort and state liability
- 4.4 Right to education and commercialization of education and its impact

Selected Bibliography:

1. H.M. Sheervai: Constitutional Law in Two Volumes,
2. M.P. Singh: Constitutional Law.
3. M.K.C.J.Kagzi: The Constitution of India.
4. D.D. Basu: The Constitution.
5. Constitutional Development since Independence (ILI)
6. A.V Dicey: Constitutional Law
7. Wade & Phillips: Constitutional Law
8. AIR [Publication] Constitutional Law of India Vol I and II
9. V.N. Shukla: Constitution of India, (10th Edn.) Edited by M.P. Singh.
10. R. Patnaik: Legislative & Ordinance Making Power of the President and the Governor(s).

Other sources of development materials and recent reading texts such as case law, change and amendments of Laws, critical comments, Reports, Articles and Research Papers and contemporary emerging ethos as may be prescribed from time to time.

LLM-CS-08-P-VIII ADMINISTRATION OF JUSTICE AND JUDICIAL PROCESS**UNIT -I Administration of justice**

- 1.1 Administration of justice and judicial process
- 1.2 Superior Courts in India and judicial process
- 1.3 Subordinate judiciary in India and judicial process
- 1.4 Role of Natural Justice in judicial process

UNIT –II Judicial Techniques and judicial process

- 2.1 Inductive and Deductive method
- 2.2 Judicial precedent
- 2.3 Interpretations of statute
- 2.4 Writ Jurisdictions

UNIT –III Judicial Creativity and Supreme Court

- 3.1 Doctrine of Locus standi and public interest litigation
- 3.2 Judicial creativity and protection human Rights
- 3.3 Due process and procedure established by law
- 3.4 Green jurisprudence.

UNIT-IV Criminal Justice and Judicial Process

- 4.1 Judicial Approach towards Death Sentence
- 4.2 Speedy trial
- 4.3 Detention in state custody and personal liberty
- 4.4 Judicial Approach towards Violence against women.

Selected Bibliography:

- Ø JULIOUS STORE, THE PROVINCE AND FUNCTION OF LAW, PART I, CHS. 1.8-16(2000), UNIVERSAL, NEW DELHI.
- Ø HENRY J. ABRAHAM, THE JUDICIAL PROCESS(1998), OXFORD.
- Ø J. STONE, PRECEDENT AND THE LAW : DYNAMICS OF COMMON LAW GROWTH(1985), BUTTERWORTHS.
- Ø W. FRIEDMANN, LEGAL THEORY (1960), STEVENS, LONDON.
- Ø BODENHEIMER, JURISPRUDENCE – THE PHILOSOPHY AND METHOD OF THE LAW(1997), UNIVERSAL, DELHI.
- Ø J. STONE, LEGAL SYSTEM AND LAWYERS' REASONINGS(1999), UNIVERSAL, DELHI.
- Ø U. BAXI, THE INDIAN SUPREME COURT AND POLITICS(1980), EASTERN, LUCKNOW.
- Ø RAJEEV DHAVAN, THE SUPREME COURT OF INDIA – A SOCIO-LEGAL CRITIQUE OF ITS JURISTIC TECHNIQUES(1997), TRIPATHY, BOMBAY.
- Ø JOHN RAWLS, A THEORY OF JUSTICE(2000), UNIVERSAL, DELHI. EDWARD H. LEVI, AN INTRODUCTION TO LEGAL REASONING(1970), UNIVERSITY OF CHICAGO.

LLM-CS-09-P-IX RESEARCH METHODOLOGY**UNIT-1 Legal Research: Introduction**

- 1.1 Nature and scope of Research
- 1.2 Objectives Legal Research
- 1.3 Progress of Legal Research in India
- 1.4 Scope and Application of legal Research

UNIT –II Research Method

- 1.1 Socio legal Research, Qualitative and Quantitative Research
- 1.2 Use of observation studies, questionnaire, interview, and sampling
- 1.3 Induction and deduction through Case Study Analysis.
- 1.4 Empirical research and Non Empirical research

UNIT –III Content of Research

- 1.1 Review of literature and setting of questions and issues of research
- 1.2 Formulation problem and Research Hypothesis
- 1.3 Research Design and Tools of research
- 1.4 Data: Sources, methods, Collection and Processing

UNIT-IV Interpretation of Research

- 1.1 Data Interpretation and inference
- 1.2 Implication of Judicial decisions
- 1.3 Interpretations of Legal Instruments
- 1.4 Data Analysis.

Selected Bibliography:

- Ø HIGH BRAYAL, NIGEL DUNEAN AND AND RICHARD CRIMES, CLINICAL LEGAL EDUCATION ACTIVE LEARNING IN YOUR LAW SCHOOL (1998), BLACKSTONE PRESS LIMITED, LONDON.
- Ø S.K. AGARWAL (ED.), LEGAL EDUCATION IN INDIA (1973), TRIPATHY, BOMBAY.
- Ø N.R. MADHAVAN MENON (ED.), A HAND BOOK OF CLINICAL LEGAL EDUCATION (1988), EASTERN BOOK AGENCY, LUCKNOW.
- Ø M.O. PRICE, H. BITNER AND BYSIEWIEZ, EFFECTIVE LEGAL RESEARCH, (1978).
- Ø PAULINE V. YOUNG, SCIENTIFIC SOCIAL SURVEY AND RESEARCH, (1962).
- Ø WILLIAM J. GRADE AND PAUL K. HATT, METHODS IN SOCIAL RESEARCH, MC GRAW-HILL BOOK COMPANY, LONDON.
- Ø H.M. HYMAN, INTERVIEWING IN SOCIAL RESEARCH (1965).
- Ø PAYNE, THE ART OF ASKING QUESTIONS (1965).
- Ø ERWIN C. SUPRENCY, b. FIELF AND J. CREA, A GUIDE TO LEGAL RESEARCH (1959).
- Ø MORRIS L COHAN, LEGAL RESEARCH IN NUTSHELL,(1996), WEST PUBLISHINGS, HAVARD LAW REVIEW ASSOCIATION, UNIFORM SYSTEM OF CITATIONS. ILI PUBLICATION, LEGAL RESEARCH AND METHODOLOGY.

LLM-CS-10-P-X DISSERTATION & VIVA

Instruction: The Principal/Course Coordinator / HOD of the Department will notify the Dissertation Title for each student. A candidate shall prepare the dissertation (Minimum 50 pages, and Maximum 100 pages in A4 size paper) and submit his/her soft and 02 hard copies of the Dissertation on the date of examination for evaluation. The student should follow proper legal citation system and Dissertation Guideline while preparing the Dissertation. The Viva voce will be conducted on the dissertation subject.

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