

SCHEME OF EXAMINATION

&

DETAILED SYLLABUS

For

MASTER OF LAWS (LL.M.) – 2 YEARS PROGRAMME

With Specialization

Corporate Laws, Criminal Laws, Constitutional Laws & IPR

(w.e.f. 2019-20)



SCHOOL OF LAW AND CONSTITUTIONAL STUDIES

**SHOBHIT UNIVERSITY, NH-58, MODIPURAM -
MEERUT (U.P.) – 250110**

**Approved and adopted in year 2019 (Board of Studies, August 3, 2019)
by 13th Academic council (Agenda no-4.4)**

FIRST YEAR

First Semester

Sl. No.	Subject	Subject code	Credit	L	T	P	Total Credit	
Compulsory Paper								
1	Law and Social Transformation	MLC – 101	4	4	0	0	16	
2	Indian Constitutional law: The New Challenges	MLC – 103	4	4	0	0		
Optional Group – A (Criminal Law)								
3	Comparative Criminal Procedure	MLE – 105	4	4	0	0		
4	Treatment of Offenders and Victimology	MLE – 107	4	4	0	0		
Optional Group – B (Corporate Law)								
5	Law of Corporate Management and Governance	MLE – 109	4	4	0	0		
6	Competition and Consumer Protection Laws	MLE – 111	4	4	0	0		
Optional Group – C (Constitutional Law)								
7	Constitutionalism*	MLE-113	4	0	4	0		
8	Comparative Constitutional Law	MLE-115	4	0	4	0		
Optional Group – D (IPR)								
9	Nature, Emergence and Development of IPRs	MLE-117	4	0	4	0		
10	Copyright Law & Neighbouring Rights	MLE119	4	0	4	0		

Second Semester

Sl. No.	Subject	Subject code	Credit	L	T	P	Total Credit	
Compulsory Paper								
1	Judicial Process	MLC 202	4	4	0	0	16	
2	Legal Education & Research Methodology	MLC 204	4	4	0	0		
Optional Group – A (Criminal Law)								
3	Drug Addiction, Criminal Justice and Human Rights	MLE 206	4	4	0	0		
4	Privileged Class Deviance	MLE 208	4	4	0	0		
Optional Group – B (Corporate Law)								
5	Intellectual Property Rights	MLE 210	4	4	0	0		
6	Corporate Taxation	MLE 212	4	4	0	0		
Optional Group – C (Constitutional Law)								
7	Constitutionalism: Power of Judicial Review	MLE-214	4	4	0	0		
8	Federalism: Union –State Relations	MLE-216	4	4	0	0		
Optional Group – D (IPR)								
9	Patents Law	MLE-218	4	4	0	0		
10	Law Relating to Trademarks	MLE-220	4	4	0	0		

Second Year

Third Semester

Sl. No.	Subject	Subject code	Credit	L	T	P	Total Credit	
Compulsory Paper								
1	Seminar in Contemporary Issue	MLC 301	8	0	0	0	16	
Optional Group – A (Criminal Law)								
3	Juvenile Delinquency	MLE 303	4	4	0	0		
4	Collective Violence and Criminal Justice System	MLE 305	4	4	0	0		
Optional Group – B (Corporate Law)								
5	Banking and Insurance Law	MLE 307	4	4	0	0		
6	The Law of Corporate Finance and Securities Regulations	MLE 309						
Optional Group – C (Constitutional Law)								
7	Human Rights: Constitution of India	MLE-311	4	4	0	0		
8	Constitutional Pluralism: Protection of Special National Interest	MLE-313	4	4	0	0		
Optional Group – D (IPR)								
9	Law Relating to Designs & Geographical Indication	MLE-315	4	4	0	0		
10	Teaching and Research in IPRs	MLE-317	4	4	0	0		

Fourth Semester

Sl. No.	Subject	Subject code	Credit	L	T	P	Total Credit
Compulsory Paper							
1	Dissertation	MLC 402	16	0	0	0	16

LAW AND SOCIAL TRANSFORMATION

Sub. Code: MLC – 101

C 4, L 4.

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 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.

Unit II - 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

Unit III - 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 IV - Community and the law

Caste as a divisive factor, Non-discrimination on the grounds 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, Crimes against women, Gender injustice and its various forms, Empowerment of women: Constitutional and other legal provisions.

Unit V - 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 barriers, Equality in matters of employment: the slogan “Sons of the soil” and its practice, Admission to educational institutions: preference to residents of a state.

Select Bibliography

1. Marc Galanter (ed.), Law and Society in Modern India (1997) Oxford.
2. Robert Lingat, The Classical Law of India (1988), Oxford.
3. U.Baxi, The Crisis of the Indian Legal System (1982). Vikas, New Delhi.

4. U.Baxi (ed.), Law and Poverty Critical Essays (1988), Tripathi, Bombay.
5. Manushi, A Journal about 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. Indian Law Institute, Law and Social Change: Indo-American Reflections, Tripathi (1988)

INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES

Sub. Code: MLC – 103

C 4, L 4.

Unit I - Federalism

Creation of new states, Allocation and share of resources - distribution of grants-in- aid, The inter-state disputes on resources, 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 - Separation of powers: stresses and strains.

Judicial activism and judicial restraint, PIL : implementation, Judicial independence, Appointment, transfer and removal of judges, Accountability: Executive and judiciary,

Unit III - Freedom of Press and challenges of new scientific development

Freedom of speech and expression, Right to broadcast and telecast, Impact of Information Technology Act, 2000, Right to strikes, *hartal* and *bandh*

Unit IV - Emerging regime of new rights and remedies.

Reading Directive Principles and Fundamental Duties into Fundamental rights, Compensation jurisprudence, Right to education, Commercialisation of Education and its impact, Educational institutions and state control: Critical Analysis of Pai Foundation & its aftermath,

Unit V - Democratic process.

Nexus of politics with criminals and the business, Election: Jurisprudence of Representation; Role of Election Commission, Electoral Reforms: Contribution of Judiciary, Coalition government, 'stability, durability, corrupt practice'

Select Bibliography

M.P. Jain, Indian Constitutional Law.

H.M. Seervai, The Indian Constitutional Law.

V.N. Shukla, Indian constitutional Law.

COMPARATIVE CRIMINAL PROCEDURE

(Preferably the Paper should be taught with reference to India, England, US, France and China)

Sub. Code: MLE – 105

C 4, L 4.

Unit I: Organisation of Courts and Prosecuting Agencies

Hierarchy of criminal courts and their jurisdiction, Organisation of prosecuting agencies for prosecuting criminals, Prosecutors and the Police, Withdrawal of Prosecution.

Unit II: Pre-Trial Procedure

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

Unit III: Trial Procedure

The accusatory system of trial and the inquisitorial system, Role of the judge, the prosecutor and defence attorney in the trial, Admissibility and inadmissibility of evidence, Expert evidence, Plea bargaining.

Unit IV: Correction and Aftercare service

The role of the court in correctional programmes in India - **Preventive Measures in India:** Provisions in the Criminal Procedure Code, Special enactments

Unit V: Public Interest Litigation:

Directions for criminal prosecution.

Select Bibliography:

1. Vernon Fox - Introduction to Criminology
2. Sutherland and Cressy - Criminology
3. Sethna - Society and the Criminal
4. Ahmad Siddique – Criminology
5. K.D.Gaur – A Textbook on The Indian Penal Code.
6. Videh Upadhyay - Public Interest Litigation In India: Concepts, Cases Concerns 1st Edition
7. S. K Agrawala - Public interest litigation in India: A critique (K.M. Munshi memorial lectures)
8. N.V. Paranjape – Criminology Penology & Victimology.

TREATMENT OF OFFENDERS AND VICTIMOLOGY

Sub. Code: MLE – 107

C 4, L 4.

Unit I: Introductory: Definition of Penology

Theories of Punishment: Retribution, Utilitarian prevention: Deterrence; Utilitarian: Intimidation; Behavioural prevention: Incapacitation, Behavioural prevention: Rehabilitation-Expiation, Classical Hindu and Islamic approaches to punishment

Unit II: Approaches to Sentencing

Alternatives to Imprisonment, Probation, Corrective labour, Fines, Collective Fines, Reparation by the offender/by the court, Constitutionality of Capital Punishment, Judicial Attitudes towards Capital Punishment in India - An inquiry through the status law and case law, Law Reform Proposal.

Unit III: Imprisonment

The State of India's jails today, The disciplinary regime of Indian prisons, Classification of prisoners, Right of prisoner and duties of custodial staff, Deviance by custodial staff, Open prisons, Judicial Surveillance-basis- development reforms.

Unit IV: Victimology

Status of victim in Criminal Justice System, Rights of Victim, Compensation to victims of crime, UN Declaration on Rights of victim of crime and abuse of power, recommendations of Malimath Committee and Law Commission of India.

Select Bibliography:

1. Vernon Fox - Introduction to Criminology
2. Sutherland and Cressy - Criminology
3. Sethna - Society and the Criminal
4. Ahmad Siddique – Criminology
5. K.D.Gaur – A Textbook on The Indian Penal Code.
6. Videh Upadhyay - Public Interest Litigation In India: Concepts, Cases Concerns 1st Edition
7. S. K Agrawala - Public interest litigation in India: A critique (K.M. Munshi memorial lectures)
8. N.V. Paranjape – Criminology Penology & Victimology.

Law of Corporate Management and Governance

Sub. Code: MLE 109

L 4, C 4.

Unit I - Corporate Incorporation and Management

Certificate of Incorporation, Memorandum and Articles of Association, Doctrine of Ultra Vires, Doctrine of Indoor Management.

Directors: Appointment, Removal, Position, Powers and Duties of Directors.

Audit Committee: Its Role. Company Secretary: Qualification, Appointment and Duties.

Officer who is in default: Definition of Officer who is in default. Liability of independent directors. Meetings: Types of Meetings, Procedure of calling meeting, Company's resolutions and its kinds

Unit II - Oppression & Mismanagement and Investigation

(Sections 397 to 408; Sections 235 to 251)

Rule in Foss v. Harbottle, Prevention of Oppression, Prevention of Mismanagement, Role & Powers of the Company Law Board, Role & Powers of Central Government. Company Investigation

Unit III - Corporate Liquidation

Winding up of Companies, Mode of winding up of the companies, Compulsory Winding up under the Order of the Tribunal, Voluntary winding up, Contributories, Payment of liabilities

Unit IV - Corporate Governance and Social Responsibility

Importance of Corporate Governance, Different system of Corporate Governance, Impact of Legal Traditions and the Rule of Law on Corporate Governance, Legal Reforms of Corporate Governance in India, Reports of the various Committees on Corporate Governance, Emerging Trend based on the recommendation of the Committees in the, Companies Act 1956 and the Listing Agreement with Special reference to Clause 49.

Corporate Social and Environmental Responsibility.

Selected Bibliography:

1. Smith and Keenan's, *Company Law* (2002)
2. Andrew Lidbetter, *Company Investigations ad Public Law* (1999)
3. Saleem Sheikh & William Rees, *Corporate Governance & Corporate Control* (2002).
4. Avtar Singh, *Company Law*, 2007 Eastern Book Company, Lucknow.
5. Gower's *Principles of Company Law* 8th Edition 2008, R. Cambay & Co. Pvt. Ltd.
6. Smith and Keenan's *Company Law*.
7. S. K. Verma & Suman Gupta, *Corporate Governance and Corporate Law Reform in India*. (2005).
8. Companies Act, 1956

9. Suman Gupta: *Shareholder's Democracy: Fact or Fiction*. (1992)

Competition and Consumer Protection Laws

Sub. Code: MLE 111

L 4, C 4.

UNIT – I - Competition: An Introduction

Definition of Competition, Definition of Competition Law, Objectives of Competition Law

History of Competition Law: (USA, UK, Europe) Relevant provisions of Sherman's Act, Indian scenario with an overview of MRTP Act, 1969. *Raghavan Committee Report.*

International co-operation for competition: WTO agreements and the Act

UNIT – II - Anti-competitive Agreement:

Appreciable adverse effect, Horizontal and Vertical agreements, Effects doctrine.

Prohibition of anti-competitive agreements: Concerted practices and parallel behaviour, Cartel and Cartelisation, Bid rigging and collusive bidding, Tie-in-arrangements, Exclusive supply agreement, Resale price maintenance agreement. **Abuse of Dominant Position:** Relevant market, Predatory behaviour, Predatory pricing, Discriminatory practices, Relevant market.

UNIT – III - Combination:

Value of Assets, Turnover, Acquisition, Conglomeration, Joint Venture, Merger and Amalgamation, Notification. **Competition Commission of India:** Establishment and composition, Duties, Procedure for inquiry, Powers, Competition funds. **Competition Advocacy:** Competition Policy

UNIT – IV - Consumer Protection Act, 1986 and its applicability to Competition Law

Definition of Consumer, Definition of Service, Deficiency in Service, Unfair Trade Practices, Overlapping areas

Selected Bibliography:

1. Mittal D.P., Taxmann's *Competition Law* (2007)
2. *Universal Guide to Competition Law in India-2003*, Universal Law Publishing Company, New Delhi.
3. Ramappa. T., *Competition Law in India- Policy, Issues and Development* (2006) Oxford University Press.
4. Nahar. S. Mahala, *Law, Practice and Procedure* (2006), Commercial Law Publishers.

5. Dhall .Vinod, *Competition Law Today*, (ed.) 2007, Oxford University Press
6. Bangia R.K., *A Handbook of Consumer Protection Laws and Procedure*, 2004, Allahabad Law Agency.
7. Singh Avtar, *Law of Consumer Protection; Principles and Practice*, 2005, Eastern Book Company.
8. Verma S.K. & M.Afzal Wani, *A Treatise on Consumer Protection Laws*, (ed.) 2004, Indian Law Institute.
9. Anoop K. Kaushal, *Universal's Practical Guide to Consumer Protection Law*, 2006, Universal law Publishing Company, New Delhi.
10. Pavleen, *Consumer Decision- Making*, 2006, Deep & Deep Publication.
11. Aggarwal, Prof. V. K., *Consumer and Protection Law and Practice*, 6th Ed. (2008).

CONSTITUTIONALISM

MLE-113

L4T/P0C4

Unit - I : The Concept of Constitutionalism

1. Essential Principles of Constitutionalism
2. Constitutionalism and Rule of Law
3. Functions of Rule of Law and Constitutionalism
4. Constitutionalism in the Indian Legal Order

Unit - II : Federalism as an aspect of Constitutionalism

1. The Federal principle : Classical and Modern
2. An overview of the Canadian and American Position
3. Main features of Indian federalism
4. Federalism and Constitutionalism

Unit - III: New challenges to Constitutionalism: some social issues

1. Equality and Affirmative actions (Dalits, and Backward Classes)
2. Human Rights of the Marginalized Groups.
3. An Evaluation of Role of Courts.

Unit - IV: Justice Delivery System In India

1. PIL movement : Promises and Perils
2. Independence of Judiciary.
3. Judicial Reforms.

Selected Bibliography:

1. C. H. Mell Wain, *Constitutionalism: Ancient and Modern*. (1947).
2. A. V. Dicey, *Introduction to the Study of Law of the Constitution*. (1982) Edition.
3. Lary Alexander (ed). *Constitutionalism: Philosophical Foundations*. Cambridge. (1998)
4. M. P. Singh 'Constitution of India'. 11th Ed. 2008, Eastern Book Co.
5. K. C. Wheare. *Federal Government*. Ch. 1 & 2, 4th Edition 1963.
6. M. P. Singh. *Federalism, Democracy and Human Rights*. 47 J.I.L.I. 47 (2005).

COMPARITIVE CONSTITUTIONAL LAW

MLE-115

L4T/P0C4

Unit-I:

Philosophy of rights and liberties – Historical overview – Methods of guarantee of basic rights – Common Law method – Constitutional bill of rights – Division of powers approach – Concept of State action – Right to Life – Traditional and Modern Concept – Positive rights of life – Rights to die – Right to personal liberty and Right to privacy.

Unit –II:

Right to Equality – Racial Equality – Non-discrimination – Reasonable Classification – Gender equality – Protective discrimination – method and extent. Due process of Law and its kinds – Rights of Accused– Immunity against Self- incrimination – Rule against double jeopardy – Protection against unreasonable search and seizure – Speedy Trial – Right to Counsel – Right to bail – Protection against Cruel and Unusual punishment – death penalty.

Unit-III:

Freedom of Speech and Expression – Content , and extent of restriction – Electronic Media – Law of Media – Freedom of Assembly, Association, Movement, Residence – Content and Extent of restrictions. Unit-IV:

Freedom of Religion – Secularism –Right to property – Power of eminent domain – Freedom of business. The study is with reference to the constitutions of the USA, Canada and the United Kingdom.

Books for Study:

1. Kauper and Beytaugh – Constitutional Law
2. Rotunda and Nowak – Treatise on American Constitution Vol.3 and 4
3. Lockhart, Kamisar and Choper – American Constitution
4. Bernad Schwartz Commentary on American Constitution Part II & III,
5. Peter W. Hogg – Canadian Constitutional Law
6. Laskin – Canadian Constitutional Law
7. Leon & Atkey – Canadian Constitutional Law in Modern Perspective.
8. Wade and Philips – Constitutional and Administrative Law.
9. Bailey, Harries and Jones – Civil Liberties.
10. Hood Philips – Constitutional and Administrative Law

Nature, Emergence and Development of IPRs

MLE-117

L4 T/P0 C4

Unit I - Nature & Concept

- i. Meaning
- ii. Types of Intellectual Property Rights

Nature of Intellectual Property Rights

- i. Monopolistic Perspective
- ii. Economic Perspective
- iii. Public welfare perspective

Theories

- i. Natural theory
- ii. Lockes' Theory of property
- iii. Hegelian Philosophy
- iv. Utilitarian guidelines
- v. Incentive theory
- vi. Prospect theory
- vii. Schumpeterian theory

Unit II- Origin & Development

- a) Historical Background
- b) Technological Development of IPRs
- c) Intellectual Property Rights: From National to International Character
- d) Sustainable Development
- e) Challenges for IPR system:
 - i. Digital Economy
 - ii. E-commerce
 - iii. Domain names
 - iv. Biotechnology including Human genomes
 - v. Nanotechnology
- f) Role of Government in fostering the IPR

Unit III- International regime of Intellectual Property Rights

- a) Background
- b) Pre WTO régime
 - Paris Convention
 - Berne convention
 - Rome convention
 - Patent Cooperation treaty
 - World Intellectual Property Organization (WIPO), etc..
- c) Post WTO regime
 - a) TRIPS

Unit IV- National regime

- a) Background
- b) Pre WTO
- c) Post WTO

Suggested Readings:

- Shiv Sahai Singh, *The Law of Intellectual Property Rights*, Deep & Deep publication Pvt. Ltd. 2004.
- Phillippe Culet, *Intellectual Property Protection and Sustainable Development*, Lexis Nexis Butterworth, 2004.
- W R Cornish, *Intellectual Property: Patents, copyright, Trademarks and allied rights*, London : Sweet & Maxwell, 1996
- Jayanti Bagachi , *World Trade organization; an Indian Perspective*(2000).
- Narayanan, P., *Intellectual Property Rights*

Further readings

- UNCTAD-ICTSD, *Resource book on TRIPs and Development*, Cambridge University Press, 2005
- Surendra Bhandari , *World Trade organisation and Developing Countries*, 1998
- Bleir, F.K., Crespi, R.S. and Straus, J. , *Biotechnology and Patent Protection- an international review*, OECD
- Jayashree Watal, *Intellectual Property rights in the WTO and Developing Countries* , the Hague kluwer law International, 2001



Copyright Law & Neighbouring Rights

MLE-119

L4 T/P0 C4

Unit – I

1. Introduction to Copyright

- (a) Historical development of the law of copyright
- (b) Nature and Scope of Copyright Law and Neighbouring Rights

2. International Conventions/Treaties on Copyright

- (a) Berne Convention
- (b) Universal Copyright Convention
- (c) Rome Convention, 1961
- (d) Phonogram Convention, 1971
- (e) TRIPs Agreement
- (f) WIPO Copyright Treaty, 1996
- (g) WIPO performance and Phonogram Treaty, 1996

Unit – II

1. Subject matter of copyright works

- (a) Literacy, Computer, Dramatic, Musical, Cinematograph film etc.
- (b) Provisions under Indian Law and International Convention

2. Ownership, duration and assignment of copyright

- (a) Ownership of literacy, dramatic, artistic and computer generated works etc.
- (b) Economic and moral rights of copyright owners
- (c) Terms of copyright
- (d) Assignment of copyright and licenses

Unit – III

1. Performers rights under the Indian Copyright Law and under International Conventions

- (a) Historical development of performers rights: Nature and Scope
- (b) Economic and moral rights of performers and Exception of performers rights

2. Broadcast Reproduction Rights and Public Interest

- (a) Satellite broadcasting and by cable television
- (b) Exception under Indian law and under international convention

Unit – IV

1. Infringement of copyright

- (a) Mode of infringement of various copyright works
 - (b) Infringement of neighbouring rights
 - (c) Statutory exception under Indian law and international convention
- ### **2. Remedies of infringement of copyright under national and international perspective**
- (a) Preventive and compensatory civil remedies
 - (b) Criminal remedies
 - (c) Administrative remedies

Compulsory Readings:

- 1. Copyright Act, 1957
- 2. Berne Convention for protection of literacy and artistic works
- 3. Universal Copyright Convention
- 4. Rome Convention
- 5. Convention for the protection of producers of phenograms
- 6. TRIPs Agreement

7. WIPO Copyright Treaty

8. WIPO Performance and Phonograms Treaty

Suggested Readings:

1. International Copyright and Neighbouring Rights; Stephen M. Steward (London, 1983)

2. Copinger and Skare James on Copyright; E.P. Skare James (London, 1991)

3. How Copyright Works in Practice; Kala Thairani (Bombay, 1996)

4. Law of Copyright: From Gutenberg's Invention to Internet; (Delhi, 2001)

Judicial Process

Sub. Code: MLC – 202

L 4, C 4

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 of law-change and stability, The tools and techniques of judicial creativity and precedent, Legal development and creativity through legal reasoning under statutory and codified systems.

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 II: 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 creativity, Judicial process in pursuit of constitutional goals and values-New dimensions of judicial activism and structural challenges, Institutional liability of courts and judicial activism-Scope and limits.

Unit III: 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 IV: 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.

Select Bibliography

1. Julius Stone, The Province and Function of Law, 2000 Universal, New Delhi
2. Cardozo, The Nature of Judicial Process, 1995 Universal, New Delhi
3. Henry J. Abraham, The Judicial Process, 1998, Oxford.
4. J. Stone, Precedent and the Law-Dynamics of Common Law Growth, 1985
5. W. Friedmann, Legal Theory, 1960
6. Bodenheimer-Jurisprudence-the Philosophy and Method of the Law, 1997, Universal, New Delhi
7. J. Stone, Legal System and Lawyers' Reasonings, 1999 Universal, New Delhi

Legal Education and Research Methodology

Sub. Code: MLC – 204

L 4, C 4

Unit I: Introductory

Objectives of Legal Education, Lecture Method of Teaching – Merits and demerits, The Problem Method, Discussion method and its suitability at postgraduate legal teaching, The Seminar Method of teaching, 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 II: Research Methods

Social Legal Research, Doctrinal and non-doctrinal, Relevance of empirical research, induction and deduction

Unit III: 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 or special studies conducted relevant to the problem.

Unit IV: 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/interview, Use of case studies, Sampling procedures – design of 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, Explanation of tabulated data, Analysis of data.

Unit – IV: Conduct of Research

Supervision, Guidelines for researchers

Bibliography

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

ILI Publication, Legal Research and Methodology.

DRUG ADDICTION, CRIMINAL JUSTICE AND HUMAN RIGHTS

Sub. Code: MLE 206

L 4, C 4.

Unit: Introductory

Basic conceptions, Drugs' narcotics" "psychotropic substances". 'Dependence," "addiction", "Crimes without victims, "Primary drug abuse", Problem of drug addiction, Analysis of the background and different convention related control of drug trafficking, Causes of drug addiction.

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 first use, Types 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 sensitized 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: Indian Regulatory System

Penal provisions under the IPC and Custom Act, Penal provisions under the Narcotics, Drugs and Psychotropic Substances Act, 1985, Procedure and punishment under NDPS Act. Judicial approaches to sentencing in drug trafficking and abuse, treatment, aftercare And rehabilitation

Unit IV: The International Legal Regime

Analysis of background, text and operation of the Single Convention on Narcotic Drugs, 1961, 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 V: 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 systems, The role of medical profession, The role of mass media, Law reform initiatives

Select bibliography

1. H.S. Becker, *Outsiders: The Studies in Sociology of Deviance* (1966)
2. J.A. Incard, C.D. Chambers, (eds.), *Drugs and the Criminal Justice System* (1974)
3. R. Goeken, *Drug Abuse and personality in Young Offenders* (1971)
4. G. Edwards Busch, (ed.) *Drug Problems in Britain: A Review of Ten Years* (1981)
5. P. Kondanram and Y.N. Murthy, "Drug Abuse and Crime: A Preliminary Study" 7 *Indian Journal of Criminology*, 65-68 (1979)
6. P.R. Rajgopat *Violence and Response: A Critique of the Indian Criminal System* (1988)
7. United Nations, *Economic and Social Reports of the Commission on Narcotic Drugs*, United Nations
8. Social Defence, Research Institute (UNSDRI) *Combating Drug Abuse and Related Crimes* (Rome, July 1984, Publication No. 21).
9. Lok Sabha and Rajya Sabha Debates on 1986 **Bill** on Psychotropic Substances. Useful Journals in this area are:
 - The Law and Society Review (USA)
 - Journal of Drug Issues (Tallahassee Florida)

- International Journal of Addictions (New York)

British Journal of Criminology

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

Journal of Criminal Law and Criminology (Chicago, III)

International Journal of Offender Therapy and Comparative Criminology (London)

Bulletin on Narcotics (United Nations)

Privileged Class Deviance

Sub. Code: MLE 208

L 4, C4.

Unit I: Privileged Class Deviance

Introduction: Meaning and concepts -Theories of Deviance(Individualistic versus Sociological Theories , Structural -Functionalism & Anomie Theories , Conflict and Threat Theories , Labeling Theory) white collar crimes- Indian approaches to socio-economic offences , Deviance on electoral process (rigging, booth capturing, impersonation, corrupt practices) , Gender- based aggression by socially economically and politically Powerful.

Unit II: Police Deviance:

Police deviance and ethics, Types of Police deviance, Deviance and corruption . Structures of legal restraint on police power 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.

Unit III: Official Deviance:

Conception of official deviance–permissible limit of discretionary powers. Commissions on official deviance (The Chambal valley dacoit – Vinoba Mission and Jain Prakash Narain Mission – in 1959 and 1971, The Chagla Commission Report in 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 IV: Professional Deviance & Indian Legal Order to the Deviance:

Unethical practices at the Indian bar- The Lentin Commission Report- The Press Council on unprofessional and unethical journalism- Medical malpractice, Vigilance Commission, Public Accounts Committee, Ombudsman, Commissions of Enquiry, Prevention of Corruption Act, 1947, The Antulay Case.

INTELLECTUAL PROPERTY RIGHTS

Sub. Code: MLE 210

L 4, C 4.

Unit I: Introduction

Meaning & Origin of IPR, purpose of Intellectual Property Rights, Categories of IPR, International Conventions, World Trade Organization (WTO) and Intellectual Property Rights, World Intellectual Property Organization (WIPO), Trade Related Aspects of Intellectual Property Rights (TRIPS).

Unit II: Intellectual Property: Issues & Challenges

Meaning of Copyright, Copyright Protection, Legal Recognition, Copyrights in Computer Software, Rights of Broadcasting Organizations and Performers Rights, Copyrights Act. 1957.

Meaning of Patent, Purpose & Policy, Objects of Patent Law, Rights and obligations of patent holder, patents – Infringements and remedies, Rights of Patentees, transfer of patent, revocation and surrender of patents, patent Agent, Global Governance towards patent.

Unit III: Intellectual Property: Contemporary Trends

Introduction of Trade Marks, Trade Mark and Paris convention, Madrid Agreement, Comparative analysis in India, Legal Recognition, Trade Mark Act. , Geographical Indications, Geographical Indications of Goods Act. Rights of Biological Diversity, Biological Diversity Act.2002, UNESCO – Protection of Folklore/ Cultural Expressions, Nagoya Protocol and Indian Law.

Unit IV: Designs & Rights of Plant Breeders and Farmers

Industrial Designs, Layout Designs (Topographies) of integrated circuits, Rights of Plant Breeder's and Farmer's, Benefit Sharing and Contractual Agreements- International Treaty on Plant Genetic.

Suggestive Readings:

- W. Cornish & Llewelyn – Intellectual Property: Patent, Copyrights, Trade Marks & Allied Rights”, London Sweet & Maxwell.
- Nard Madison- The Intellectual Property, Aspian Publication.
- Carlosm Correa- Oxford Commentaries on GATT/WTO Agreements trade related aspects of Intellectual Property Rights, Oxford University Press.
- David Bainbridge – Intellectual Property Law.
- Dr. S.R. Myneni- Law of Intellectual Property, Asia Law House, Hyderabad.
- Dr. B.L. Wadhwa – Law Relating to Intellectual Property, Universal Law Publishing co., New Delhi.

N.K. Acharya – Intellectual Property Rights, Asia Law House, Hyderabad.

Corporate Taxation

Sub. Code: MLE - 212

L 4, C 4.

Unit-I: Income Tax

Type of Companies – (a) Indian Company (b) Domestic Company (c) Foreign Company (d) Public Sector Company (e) Companies in which public are substantially interested S 2(18) (f) Infrastructure Capital Company. Special Provision in respect of newly established undertaking in free trade zone SEZ, 100% export oriented unit 10A, 10AA, 10B, 10BA. Profit and Gains of business or profession. Capital Gains. Set off or carry forward of losses. Incentive and deductions to Companies under Section 80. Deprecation under Companies Act-Schedule 14 S. 205 & S. 350 and depreciation under Income Tax Act. Minimum Alternate Tax 115 JB, Tonnage Taxation Ch. 12 G. Tax on Distributed Profits under Section 115 (O), Special Provisions relating to tax on income received from Venture Capital Companies and Venture Capital Fund 115-U. Dividend Tax ; International Transaction. Penalties and prosecution

Unit - II : Wealth Tax

Introduction & Chargeability, Valuation date and computation, Assets and deemed assets, Assets exempt from tax, Debt owed, Valuation of assets, Return of wealth and assessment.

Unit - III: Sales Tax & VAT Laws

Preliminary, Imposition of Tax, Registration and Security, Returns, Assessment, Payment of Tax and Interest, Accounts and Records, Objections, Appeals and Disputes, Penalties and Offences, Way to GST (Tax on goods & services)- going to implement w.e.f. 1-4-2010.

Unit - IV: Excise, Customs and Service Tax

(1) **Excise:** Introduction, Levy and Collection, Valuation, Cenvat Credit, Search, Seizure and Confiscation, Appeals and Revision

(2) **Custom:** Introduction, Charge of Custom Duty, Bill of Entry, Prohibition of Import and Export, Goods liable for confiscation, Baggage exempt from duty, Offences.

(3) **Service Tax:** Introduction, Exemption from service tax, Abatement, Penalties, Service Tax on Government Department and Public Authorities

Selected Bibliography:

1. Singhanian V.K. & Singhanian Kapil, *Direct Taxes, 2006, Law and Practice*, Taxmann.
2. Ahuja Girish & Gupta Ravi, *Concise Commentary on Income Tax 2008*, Bharat Law House.
3. Garg Rakesh, *Delhi Vat Ready Reckoner, 2007*, Versatile Publishers.
4. Garg Mohan Lal, *Law of Central Sales Tax, 2008*, Jain Book Agency.
5. Kohli D.N., *Central Excise Procedures 2008*, Taxman Publication
6. Jain R.K., *Service Tax Law Guide, 2007-2008*, Centax Publishers
7. Jain R.K., *Customs Law Manuals, 2008* Centax Publishers
8. Gupta Ravi & Ahuja Girish, *Bharat's Systematic Approach to Income Tax & Central Sales Tax, 2006*, Bharat Law House.
9. Chaturvedi K., *Guide to Mastering Vat, 2005*, Wadhwa & Company.
10. Chaturvedi K., *Central Sales Tax Laws, 2002*, Wadhwa & Company.
11. Arvind P. Datar, *Guide to Central Excise Law and Practice, 2002*, Wadhwa & Company.
12. Gururaj B.N., *Guide to the Customs Act, 2005*, Wadhwa & Company.
13. Batra Ashok, *A Guide to Service Tax, 2005*, S. Wadhwa & Company.
14. Gupta S.S., *Service Tax, 2005*, Taxmann.
15. Aggarwal Rohini, *Service Tax Law and Practice, 2005*, Eastern Book Company

Constitutionalism: Power of Judicial Review

MLE-214

L4 T/P0

C4

Unit-I

1. Concept of Constitutionalism

Common Law

Indian Concept: Before Independence

Present Constitutionalism

2. Independence of Judiciary

2.1 Doctrine of Separation of Powers

2.2 Rule of Law

2.3 Independence of Judiciary in India

3. Judiciary in India

Appointment of Judges

Jurisdiction and Powers of the Supreme Court and the High Court

Unit-II

4. Power of Judicial Review

Supremacy of the Constitution

Doctrine of Ultra Vires

Judicial Review of Constitutional Amendments, Legislations, Administrative Actions

5. Writ Jurisdiction

Articles 32 and 226

General Conditions

Particular Writs

Unit-III

6. Expanding Dimensions of Fundamental Rights

6.1 Public Interest Litigation

6.2 Definition of State Action

6.3 Judicial Review of Discretion

6.4 Judicial Activism

Unit-IV

7. Exclusion of judicial Review

7.1 Political Questions

7.2 Express exclusion by the Constitution

7.3 Judicial Self-restraint

8. Courts and Tribunals

8.1 Subordinate Judiciary

8.2 Tribunals

Select Bibliography:

Seervai, H.M. : Constitutional Law of India (1991), Tripathi, Bombay.

Bhatnagar, Sudha : Union- State Financial Relations and Finance Commissions (1979)

Chandra, Ashok : Federalism in India(1965)

Sebastian, V.D. : Indian Federalism: The Legislative Conflicts, Chs. 6-7 and 8 (1980)

- Chandrapal : Centre-State Relations and Cooperative Federalism, Chs. 5 and 8 (1983)
- Subba, Rao G.C.V. : Legislative Powers in Indian Constitution Law, Chs. 37,38,39(1982)
- Richard M. Pious : The American Presidency, 293-331, Ch. 9 (1979)
- Deniel J. Elazar : American Federalism, Chs. 3 and 4 (1984)
- Krishna Shetty, K.P. : The Law of Union- State Relations and the Indian Federalism Ch. 9(1981)
- Ludri, Amit : Law of Personal Autonomy (2012 ed.)
- Report of the Eighth Finance Commission.
- Administrative Reforms Commission on Centre-State Relationship, Ch. 3 (1969)
- Constituent Assembly Debates Vol. 9, 203, 204 and 302-349, Vol. 10, 325-342.
- Administrative Reforms Commission, Report of the Study Team on Central-State Relationship (1967) Vol. I, Sections I and II, pp IS-168
- Singhvi, L.M.(ed) : Union-State Relations in India 124-154 (1969)
- Government of Tamilnadu : Report of the Centre-State Relations Inquiry Committee Ch. 5(1971)
- Lakadwala, D.T. : Union-State Financial Relations (1967)
- Jain, M.P. : Indian Constitutional Law (1994), Wadhwa
- Subba Rao, K. : The Indian Federation (1969)
- Wheare, K.C. : Federal Government (1963)

Federalism: Union-State Relations

MLE-216

L4 T/P 0 C4

Unit-I

1. Federalism

Classical Federalism- USA, Australia, Canada
Co-operative Federalism
Essential Conditions of Federalism

2. States of the Union

Creation New States
No guarantee of territorial integrity
State Autonomy

Unit-II

3. Legislative and Administrative Relations

Distribution of Legislative Powers
Principles of Interpretation, Residuary power, Dominance of the Union Power

Unit-III

4. Financial Relations

Distribution of Taxes.
Tax sharing under the Constitution
Finance Commission
Doctrine of Immunity of Instrumentalities

5. Inter-State Trade and Commerce

Freedom of Trade and Commerce
Restriction on the Freedom
Authority to regulate Trade and Commerce

Unit-IV

6. National Economy

Need for Regulation and Development of National Economy
Planning Commission

7. Review of Union-State Relations

Need for Review
Recommendation of Sarkaria Commission

8. Special Status of some States

State of J&K (Article 370)
Other States

Select Bibliography:

- Baxi, Upendra : "Law, Democracy and Human Rights"- 5 Lokayan Bulletin 4 (1987).
- Dandekar, V.M. : "Unitary Elements in a Federal Constitution" 22 E.P.W. 1865(1988)
- Dhavan, Rajeev : "The Press and the Constitutional Guarantee of Free Speech and Expression" 28 J.I.L.I. 299, (1986)
- Fazal, M.A. : "Drafting A British Bill of Rights" 27 J.I.L.I. 423 (1985)
- Jain, M.P. : Indian Constitutional Law (1994) Wadhwa

- Narain, Jagat : “ Judicial Law Making and the Place of the Directive Principles in the Indian Constitution.” J.I.L.I. 198(1985)
- Ludwikowski, Rhett : “ judicial Review in the Socialist Legal Systems: Current Development” 37 I.C.L.D. 89-108 (1988)
- Sathe, S.P. : Fundamental Rights and Amendment of the Indian Constitution(1968)
- Seervai, H.M. : Constitutional Law of India (1993) Tripathi, Bombay.

Patents Law

MLE-218

L4

T/P0C4

Unit I: (A) Evolution and Growth

- (i) History of the patent law in U.K.
 - Beginning of concept
 - Coming of Industrialization
- (ii) The International Patent System
- (iii) Foreign Impact upon National system
- (iv) History of Patent law in India

Unit I (B) - Grant and Content

- (i) Variety of Patent
- (ii) National Grant of Patents
 - Patent specification
 - General procedure for obtaining a patent
- (iii) International Grant of Patent

Unit II (A)- Validity of claims

- (i) National Scenario
 - Novelty
 - Inventive step
 - Industrial application
 - Patentable subject matter
 - Clear and complete disclosure
 - Requirement for claims
- (ii) International Scenario
 - Patent Cooperation Treaty
 - TRIPs

(B) Scope of Exclusivity

- (i) Infringement
 - Introduction
 - Infringement during manufacture
 - Infringement after manufacture
 - Right of patentee

Unit III: (A) Property Rights and Exploitation

- 1. Under national Forum
 - Initial entitlement and property dealing
 - Licensee of patent and allied rights
 - Compulsory license
 - EMR / Mail box System

(B) Infringement of Patent

- 1. Modes of Infringement
- 2. National / International Infringement

Unit IV: (A) Remedies and Enforcement

- Injunction and other equitable remedies
- Interlocutory injunction
- Discretion to grant injunction

(B) Emerging Problems Damage and other monetary benefits

- Cross border patent violation
- Emerging technologies

suggested reading:

- Elizabeth Verkey, *Law of Patents*, Eastern Book Company, 2005
- T. Ramappa, *Intellectual Property Rights under WTO: Tasks before India*, Wheeler Publishing, 2000
- W R Cornish, *Intellectual Property: Patents, copyright, Trademarks and allied rights*, London : Sweet & Maxwell, 1996
- Mitta, D.P., *Indian Patents Law & Procedure*, 1st edition (2002)
- Robert A. Choate & William H. Francis, *Patent Law*, (1981)
- Stedman, *Patents*, 1929

Law Relating to Trademarks

MLE-220

L4 T/P0 C4

Unit -1

1. History and Evolution

- (a) Paris Convention (history and continuing influence over national trademark laws)
- (b) Madrid Agreement
- (c) Madrid Protocol
- (d) TRIPs Agreement
- (e) Trademark Law Treaty

2. Purpose of Trademarks

- (a) What is Trademarks: Definition, Function, Kind and use
- (b) Economic and Social Justification for Trademarks.
- (c) Overview of general types of laws applicable to trademarks/ service marks globally.

3. Passing Off

- (a) Laws relating to Passing off.
- (b) Passing off action.

Unit-II

1. Registration of Trademarks.

- (a) Principle for Registration of Trademarks.
- (b) Rights Conferred by Registration of Trademarks.
- (c) Procedure for Registration.
- (d) Deceptive Similarity.

2. Licensing of trademarks

- (a) Assignment and Transmission of Trademarks
- (b) Limitations on Licensing.

3. Invalidity

- (a) What marks are not registerable.
- (b) Cancellation of Registration.

Unit-III

1. Infringement

- (c) Infringement of Trademarks
- (d) Action for Infringements.

Course Purpose and Scope: This course is designed to give an overview / survey of trademarks and trademark law and practice in countries around the world. There will also be some attention given to various international treaties, conventions and agreements. The focus will vary from historical, philosophical, legal and even practical topic.

- (e) Offences & Penalties.

- (f) Unfair Competition Law.

2. Remedies And Enforcement

- (a) Types of Relief- Civil, Criminal & Administrative.
- (b) Procedure for Litigation.

Unit-IV

1. New Challenges

- (a) Trademarks in cyberspace- Domain names, Cyber squatting, Meta tagging.
- (b) Review alternative dispute resolution procedure such as the Uniform Domain Resolution Policy (UDRP) and other similar procedures
- (c) Trademarks vs. Patent, Copyrights, Trade secrets & Geographical indication.
- (d) Concept of Well-known Trademarks.

2. Comparative Analysis of European and Indian Trademarks Law

Suggested Readings

- Narayanan P., *Trademarks & Passing off*, Eastern Law House, 6th edition, 2006.
- Shiv Sahai Singh, *The Law of Intellectual Property Rights*, Deep & Deep Publication Pvt. Ltd. 2004.
- W. R. Cornish, *Intellectual Property: Patents. Copyrights, Trademarks and allied rights*, London: Sweet & Maxwell, 1996.
- J. S. Sarkar, *Trademarks- Law and Practice*, 1997.
- P.S. Sangal & K. Ponnuswamy, *Intellectual Property Law*, 1994.
- Hilary E. Pearson and Clifford G. Miller, *Commercial Exploitation of Intellectual Property*, Indian Reprint, 1994.
- *Trademarks in the Marketplace: selection and adoption of trademarks, proper use and protection*, by United State Trademarks Association, 1964, University of Michigan.
- Dorr. C. Robert, *Protecting Trade Secrets, Patents, Copyrights and Trademarks*, 1990, University of Michigan

Juvenile Delinquency

Sub. Code: MLE – 303

L 4, C 4.

Unit I

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 crime by and against children), Differential Association, Anomie, Gang-sub-culture.

Unit II: Legislative Approaches

Legislative approaches during the late colonial era, Juvenile Justice Act, 2000, Constitutional Aspects, Competent Authorities, Powers given to government, Community Participation as envisaged, United Nation Conventions on the Right of Child, 1989.

Unit III: Indian Context of Juvenile Delinquency

The child population percentage to total sex ratio, urban/rural/rural-urban, Labourers, In organised industries like Zari, Cappet, Bidi, Glass, In unorganised section like domestic servant, shops and establishments, Durg Addicts, Victims of violence-sexual abuses, battered, killed by parents.

Unit IV: Judicial Contribution and Preventive Strategies

Social Action Litigation concerning Juvenile Justice, Judicial decisions, Role of legal profession in Juvenile Justice System, State Welfare Programme health, Nutrition, Role of community, family, voluntary, bodies, industrials, individual.

Collective Violence and Criminal Justice System

Sub. Code: MLE – 305

L 4, C 4.

Unit I

Notion of 'force', 'coercion', 'violence', Distinctions: Symbolic violence, Institutionalized violence structural violence, Speech as an incitement to violence, 'Collective political violence' and legal order.

Unit II

Religiously sanctioned structural violence caste and gender based, Ahimsma in Hindu, Jain, Buddish and Islamic traditions in India , Gandhijis approach to non-violence, Nature and scope of agrarian violence in the 18th, 19th century in India

Unit III: Violence against the Schedule Caste

Notion of Atrocities, Incident of Atrocities, Uses of Criminal Law to combat atrocities as certain aftermath of atrocities, Violence against women.

Unit IV:

Incidence and courses of communal violence, Findings of various commissions of inquiry, the Role of police and paramilitary systems in dealing with communal violence, operation of criminal justice system firing and in relation to, communal violence.

Banking and Insurance Laws

Sub. Code: MLE – 307

L 4, C 4.

UNIT – I: The Evaluation of Banking Services and its History in India

History of Banking in India, Bank nationalization and social control over banking, Various types of Banks and their functions, Contract between banker and customer: their rights and duties, Role and functions of Banking Institutions

UNIT – II: Lending by Banks and Recent Trends of Banking System in India

Advances, Loans and Securities, Direct, collateral and miscellaneous Securities, Default and recovery, Bank Debt Recovery Tribunals, The Securitization and Reconstruction of Financial Assets and Enforcements of Security Interest Act, 2002 (Definitions, Section 13 – Enforcement of security interest, Section 17 - Right to appeal.)

UNIT – III: General Principles of Law of Insurance

Definition, nature and history, Contract of insurance and principles, The Risk – commencement, attachment, assignment, Types of insurances, Policy and its Legal Status.

UNIT – IV: Recent Trends in Insurance

Insurance against third party risks (relevant provisions from Motor Vehicles Act, 1988.), Liability Insurance, Consumer Protection and Banking and Insurance Services, The Insurance Act, 1938 and the Insurance Regulatory & Development Authority Act, (IRDA), 2000, Miscellaneous Insurance Schemes: New Dimensions (Group Life Insurance, Mediclaim, Sickness).

Selected Bibliography:

1. Tannan, M.L., Tannan's *Banking Law and Practice in India*, 2008, Wadhwa and Co.
2. Tannan, M.L., Tannan's *Banking Law and Practice in India*, 2004, India Law House.
3. Tannan: *Banking Law and Practice in India* (in 3 vols.), 22nd Ed., R. Cambay & Co. Pvt. Ltd.
4. Gupta, S. N., *The Banking Law in Theory and Practice* (in three volumes), 2006, Universal Law Publishing Co.
5. Sharma, B.R. and Nainta, R.P., *Principles of Banking Law and Negotiable Instruments Act 2004*, Allahabad Law Agency
6. Nainta, R.P., *Baking System, Frauds and Legal Control*, 2005, Deep and Deep Publications.
7. Murthy, K.S.N., and Sarma, K.V.S., *Modern Law of Insurance in India*, 2002, Lexis Nexis Butterworth
8. Birds, John, *Modern Insurance Law*, 2003, Universal Publishing Co.
9. Shah, M. B., *Landmark Judgments on Insurance*, 2004, Universal Publishing Co.
10. Mishra, M.N., *Law of Insurance Principles and Practice*, 2008, Radhakrishnan Prakashan
11. Rangarajan, C., *Handbook of Insurance and Allied Laws*.

The Law of Corporate Finance and Securities Regulations

Sub. Code: MLE - 309

L 4, C 4.

UNIT – I:

Public Issue of Shares: Prospectus, Remedies for misrepresentation, SEBI and Stock Exchange guidelines. **Share Capital:** Nature and Kind of Shares, Transfer, Transmission, Surrender and forfeiture of Shares, Purchase by Company of its own shares, Issue of shares at premium and discount, SEBI Guidelines.

UNIT – II:

Shareholders' Rights: (Various rights of shareholders and variation of shareholders rights. **Debentures;** Difference between Share and Debentures; Kinds of Debenture; Remedies of Debenture Holder; Company Charges.

UNIT – III:

Insider Trading; SEBI's Guidelines on Insider Trading. Securities and Exchange Board of India (SEBI): Constitution, Powers and Functions

UNIT – IV:

Reconstruction, Amalgamation and Take Over: Provisions in Company Law and SEBI Guidelines, Auditors: Appointment, powers, duties and removal of auditors, Special Audit, Director Responsibility statement in Board Report, National Advisory Committee on Accounting Standards

Selected Bibliography:

1. Gower's *Principles of Company Law*, Sweet & Maxwell Thomson, 2006
2. Smith and Keenon's *Company Law*, Pearson Education Ltd., 2009
3. Suman Gupta: *Shareholder's Democracy: Fact or Fiction*, Publication Division, University of Delhi, 1992
4. Companies Act, 1956
5. Verma J.C., *Corporate Mergers, Amalgamations & Takeovers*, Bharat Law House, 2008

Human Rights: Constitution of India

MLE-311

Unit-I

1. Human Rights

Freedom Movement and Human Rights

Universal Declaration of Human Rights

Framing of the Fundamental Rights in the Constituent Assembly.

2. Fundamental Rights under the Constitution

2.1 General

2.2 Enforcement of the Fundamental Rights

Unit-II

3. Right to Equality

Formal Equality

Material Equality

Reservation and Equality- Socio-Economic Equality

4. Citizenship and Political Freedoms

Citizenship

Political Freedoms under Article 19

Restrictions on Freedom

Unit-III

5. Right to Life and Personal Liberty

Right to life-Meaning

Human Dignity- Right not be subjected to torture, inhuman and cruel treatment.

Personal Liberty- meaning and scope

6. Due Process

6.1 Procedural due process

Substantive due process

Unit-IV

7. International Perspectives

7.1 UN Conventions

7.2 Impact of International Law

7.3 European Convention

7.4 Amnesty International

8. Human Rights Commission

International Human Rights Commission

Human Rights Commission in India

Select Bibliography:

Akbar, M.J. : Riots After Riots (1988)

Baxi, U. (ed.) : The Right to be Human (1986)

Baxi, U. : The Crisis of the Indian Legal System(1982) Vikas Publishing House, New Delhi

Kazmi, F. : Human Rights (1987)

Levin, L. : Human Rights (1982)

Madhavtirtha : Human Rights (1953)

- Gromley, W.P. : Human Rights and Environment (1976)
- Beddard, H. : Human Rights and Europe (1980)
- Singh, Nagendra : Human Rights and International Co-operation (1969)
- Kashyap, S.C. : Human Rights and Parliament (1978)
- Khare, S.C. : Human Rights and United Nations (1977).
- Moskowitz : Human Rights and World Order (1958)
- Andrews, J.A. : Human Rights in International Law (1986)
- Menon, I. (ed.) : Human Rights in International Law (1985)
- Roberston, A.B. (ed.) : Human Rights in National and International Law (1970)
- Baxi, U. : “ Human Rights, Accountability and Development” Indian Journal International Law 279 (1978)

Constitutional Pluralism: Protection of Special National Interests

MLE-313

Unit-I

1. Secularism & Pluralism

Concept of Secularism

Freedom of Religion

Rights of the Minorities

Protection of Linguistic Cultural & Educational Rights

Unit-II

2.

3. Gender Equality

Rights of the Women

Rights of the Children

4. Weaker Sections of the Society

Protection of SC's and ST's Interests

Backward Classes of citizens

Unit-III

5. National Security

Legislation to Protect National Security

Preventive Detention and Safeguards

6. National Emergency

Emergency under Article 352

Effects of Emergency on Rights

Effects on Union State Relations

Protection of the States

Unit-IV

7. State Emergency

Failure of Constitutional Machinery in the State

8. Financial Emergency

9. Martial Law

Select Bibliography:

Koppell G.O. : " The Emergency, The Courts and Indian Democracy" 8
J.I.L.I. 287(1966)

Seervai, H.M. : The Emergency, Future Safeguards and the Habeas Corpus: A
Criticism (1978)

International Commission of Jurists, Status of Emergency and Human Rights (1984)

Chatterji, N.C. and : Emergency and the Law (196)

Rao Parameshwar

Seervai, H.M. : Constitutional Law of India, Tripathi, Bombay

Jain, M.P. : Indian Constitutional Law, Wadhwa, Nagpur

Law Relating to Designs and Geographical Indications Paper

MLE-315

L4 T/P0

C4

Part-A

(Industrial Designs)

Unit-I

1. Historical Background.

- (a) Introduction
- (b) Industrial Designs before TRIPs
- (c) Industrial Designs after TRIPs

2. Emerging Issues.

- (a) Protection of Security of India
- (b) International Reciprocal Arrangement.

Unit-II

1. Registration

- (a) Registration of Designs.
- (b) Copyright in Registered Designs.
- (c) Refusal to Register a Designs.

2. Infringement & Remedies

- (a) Piracy of Registered Designs.
- (b) Remedies.
- (c) Power & Duties of Controller.

Part-B

(Geographical Indication)

Unit III

1. Historical Background

- (a) Introduction
- (b) International Evolution of Geographical Indication.
 - i. Indication of Source
 - ii. Appellations of Origin.
- (c) Paris Convention.
- (d) Madrid Agreement
- (e) Lisbon Agreement
- (f) NAFTA
- (g) TRIPs

2. Emerging Issues

- (a) Genericide of Geographical Indication.
- (b) TRIPs Article 23 Controversy

Unit-IV

1. Registration

- (a) Registration of Geographical Indication
- (b) Effect of Registration

2. Infringement & Remedies

- (a) Infringement and Passing off of Geographical Indication.

(b) Remedies & Procedure.

3. Comparative Analysis

(a) Comparative Analysis of Geographical Indication Law in India & France

Suggested Reading:

- Narayanan P., Trademarks & Passing off, Eastern Law House, 6th edition, 2006.
- Gravis Daniel, The TRIPS Agreement: Drafting History and Analysis, 2nd edition, Sweet & Maxwell.
- Nair. R. Latha, Geographical Indications: A Search for Identity, Lexis Nexis, Butterworth, 2005
- Guide to the International Registration of Industrial Designs under the Hague Agreement, WIPO.
- R. Basant (1998), "Intellectual Property Rights: A Note", IIMA, Mimeo.
- R A Mashelkar "Intellectual Property Rights and the Third World".CSIR, New Delhi
- S. Khoury (1998), "Valuing Intellectual Properties", in P.H. Sullivan (1998), Profiting from Intellectual Capital: Extracting value from Innovation, John Wiley & Sons.
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Teaching and Research in IPRs

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Unit - 1: Emerging Trends in Intellectual Property Right

(1) Intellectual Property Protection of Computer Software

- (a) Copyright Protection
- (b) Limitation of Copyright Protection of Software
- (c) Patentability of Software

(2) Intellectual Property Protection in Cyberspace

- (a) Trademark and the Internet : Domain Names, Hyper links, Metatags
- (b) Copyright and the Internet: Computer program, Computer program language, Electronic Signatures, Online works, Online music etc.
- (c) Emerging Patent Trends: Patent protection for Computer programs, Business Methods, biotechnology Patents.

Unit – II:

1. Protection of Plant Varieties: Objective, Protection in India, International Treaties
2. Protection of Traditional Knowledge- Objective, Protection in India, International Treaties
3. The Convention on Biological Diversity- What is biodiversity and its importance, International protocols

Unit - III: Globalisation of IPRs

1. TRIPS Agreement- Its Origin, Negotiation, Content, and its impact on Developing Countries.
2. Copyright and the Dissemination of Information in Higher Education.

Unit - IV: Copyright and Distance Education

1. The United States TEACH ACT and DMCA (The Digital Millennium Copyright Act and the Higher Education.
2. The Copyright Education Programs- Purpose of teaching Copyright, Development of effective copyright program

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3. Cyber Ethics – Morality and Law in Cyberspace- Richard A. Spinillo, Jones and Bartlett Publishers, Sandbury, Massachusetts
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