



டாக்டர் அம்பேத்கர் அரசு சட்டக்கல்லூரி, சென்னை  
**Dr. Ambedkar Govt. Law College, Chennai**

**MASTER OF LAWS  
SEMESTER SYSTEM  
SYLLABUS  
(2006-07)**

**M.L. Course - All Branches**



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Dr. AMBEDKAR GOVT. LAW COLLEGE, Chennai.**

**M.L. DEGREE COURSE**  
All Branches

**SEMESTER SYSTEM  
SYLLABUS  
2006-07**

## REGULATIONS

The Dr. Ambedkar Government Law College, Chennai is affiliated to the Tamilnadu Dr. Ambedkar Law University and offers M.L. Degree courses in the following Four Branches:

- Branch-I : Business Law
- Branch-VI : Criminal Law and Criminal Justice  
Administration
- Branch-VII : Property Law
- Branch-VIII : Labour Law and Administrative Law



## **M.L. Degree Course Semester System**

### **REGULATIONS**

#### **1. Qualifications:**

A candidate who has passed the B.L. Degree Examination and has secured not less than 45% of the aggregate marks in all the Three Years of the Three Year B.L. Degree Course or in all Five Years of the Five Year B.L. Degree Course together, as the case may be, shall be eligible for admission to the M.L. Degree Course.

#### **2. Semester Pattern :**

M.L. Degree Course shall be of Semester Pattern consisting of Four Semesters, each Semester consisting of 90 working days.

The Semester Pattern is designed with continuous assessment system. The continuous assessment made for a candidate in a particular semester shall be final. If any candidate fails to complete the continuous assessment, he/she shall be permitted to redo the same internal assessment on payment of a fee of Rs.500/- in the ensuing semester.

#### **3. Papers prescribed for each Semester :**

In the First Semester four compulsory papers are prescribed that are common to all branches. In the Second Semester two core subjects and a paper on Practical are prescribed. Besides, an Optional Paper has to be chosen by the student from the list of subjects offered by the University. In the Third Semester three core subjects are prescribed. In the Fourth Semester one core subject paper and a Dissertation are prescribed.

#### **4. Dissertation :**

In the Fourth Semester a student shall submit a Dissertation in partial fulfillment of M.L. Degree Course. The Dissertation shall be based on research on a single subject chosen in consultation with the Guide. The Dissertation shall be not less than 100 pages.



The subject of the Dissertation should be chosen at the end of the Third Semester and the Dissertation must be submitted before the last working day of the Fourth Semester. Dissertation shall carry 200 marks. Which includes 50 marks for Viva Voce. Evaluation of the Dissertation and the conduct of the Viva Voce shall be by two examiners, one internal and the other external. In the Viva Voce the student will be examined on the theme of the Dissertation.

A candidate who failed to attend the Viva Voce in the 4th Semester, shall be permitted to attend the Viva Voce in the ensuing Semester on specific recommendations of the Principal on payment of a fee of Rs. 1,000/-.

#### **5. Passing Minimum :**

Each paper shall carry 70% marks for written examination and 30% marks by continuous assessment. The passing minimum shall be 50% marks separately for written examination and continuous assessment.

#### **6. Classification of successful candidates :**

Students who have secured 60% and above shall be classified as having passed the examination in the First Class. Students who have secured more than 50% but less than 60% will be placed in the Second Class. Student who secure not less than 75% in the Aggregate shall be declared to have passed the examination with Distinction.

Students shall be eligible for ranking only if they have passed all the subjects in the first attempt within the duration of the course of two years. Where a student is absent or does not appear for the examination in all the papers prescribed for the course, on the completion of each semester will not be eligible for ranking.

#### **7. Attendance :**

A candidate is eligible to write the examination for the semester only on obtaining a minimum of 75% of the attendance prescribed for each semester.

## 8. Continuous Assessment :

Continuous assessment includes the following:

Teaching Exercise/Seminar	:	10 Marks
Test Paper / Assignment	:	15 Marks
Attendance*	:	05 Marks

\* The marks for attendance shall be based on the following rating:

75%	:	2.5
76% - 80%	:	3.0
81% - 85%	:	3.5
86% - 90%	:	4.0
91% - 95%	:	4.5
96% - 100%	:	5.0

A candidate who failed to complete or to secure the minimum prescribed marks in internal components cannot be permitted for taking up the written examination. He/She shall be permitted to redo the same internal assessment component on payment of a fee of Rs. 500/- in the ensuing semester as one chance, provided he/she fulfills the attendance requirements.



## M.L. Degree Course - New Syllabus Pattern

### Branch-I BUSINESS LAW

<u>I - Semester : Common Subjects</u>			Page
Paper-1	Law & Social Transformation in India	70 + 30* · PFE	15
Paper-2	Constitution - New Challenges	70 + 30* PFF	19
Paper-3	Judicial Process	70 + 30* PFG	22
Paper-4	Legal Education & Research Methodology	70 + 30* PFH	
 <u>II- Semester</u>			
Paper-5	General Principles of the Law of Contracts including Electronic Contracts	70 + 30* POA	29
Peper-6	Insurance Law and Carriage of Goods	70 + 30* POB	32
Peper-7	Practical: Research	100 POC	
	Doctrinal - 25	} (Internal)	
	Non-Doctrinal - 25		
	Clinical - 25		
	Law Teaching - 25		
Paper-8	Special Contracts including Banking and Negotiable Instruments	70 + 30* POD	37
 <u>III- Semester</u>			
Paper-9	Law of Industrial & Intellectual Property	70 + 30* POE	39



Paper-10	Law of Export-Import Regulation	70+ 30*	<b>POF</b>	43
Paper-11	Corporate Governance and Corporate Finance	70 + 30*	<b>POG</b>	47

#### **IV- Semester**

Paper-12	Legal Regulation of Economic Enterprises	70 + 30*		52
Peper-13	Dissertation Viva Voce 150+50	200		120

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* Continuous Assessment	Teaching Exercise	-	10 Marks
	Test Paper	-	15 Marks
	Attendance	-	05 Marks
	<b>Total</b>	-	<b>30 Marks</b>

## Branch-VI

### CRIMINAL LAW

#### I - Semester : Common Subjects

				Page
Paper-1	Law & Social Transformation in India	70 + 30*	PFE	15
Paper-2	Constitution - New Challenges	70 + 30*	PFF	19
Paper-3	Judicial Process	70 + 30*	PFG	22
Paper-4	Legal Education & Research Methodology	70 + 30*	PFH	

#### II- Semester

Paper-5	Juvenile Delinquency	70 + 30*	PLA	56
Paper-6	Criminology and Penology - The Treatment of Offenders	70 + 30*	PLB	60
Paper-7	Practical: Research Papers	100	PLC	
	Doctrinal - 25	} (Internal)		
	Non-Doctrinal - 25			
	Clinical - 25			
	Law Teaching - 25			
Paper-8	<u>Optional Subject</u> Cyber Crimes and International Crimes	70 + 30*	PLD	63
	(OR) Medical Jurisprudence and Forensic Science	70 + 30*	PLE	64

### III- Semester

Paper-9	Privileged Class Deviance	70 + 30*	PLF	66
Paper-10	Drug Addiction, Criminal Justice & Human Rights	70+ 30*	PLG	70
Paper-11	Comparative Criminal Procedures	70 + 30*	PLH	75

### IV- Semester

Paper-12	Collective Violence and Criminal Justice System	70 + 30*		78
Peper-13	Dissertation Viva Voce	200 150+50		120

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* Continuous Assessment	Teaching Exercise	-	10 Marks
	Test Paper	-	15 Marks
	Attendance	-	05 Marks
	Total	-	30 Marks



**Branch-VII**  
**PROPERTY LAW**

<b><u>I - Semester: Common Subjects</u></b>				Page
Paper-1	Law & Social Transformation in India	70 + 30*	<b>PFE</b>	15
Paper-2	Constitution - New Challenges	70 + 30*	<b>PFF</b>	19
Paper-3	Judicial Process	70 + 30*	<b>PFG</b>	22
Paper-4	Legal Education & Research Methodology	70 + 30*	<b>PFH</b>	
 <b><u>II- Semester</u></b>				
Pape				
Paper-5	Modern Concepts and General Principles of Property Law	70 + 30*	<b>PMA</b>	81
Peper-6	Law of Mortgages and Easements	70 + 30*	<b>PMB</b>	84
Peper-7	Practical: Research Papers	100	<b>PMC</b>	
	Doctrinal	- 25	} (Internal)	
	Non-Doctrinal	- 25		
	Clinical	- 25		
	Law Teaching	- 25		
Paper-8	Modern Intellectual Property Law	70 + 30*	<b>PMD</b>	86
 <b><u>III- Semester</u></b>				
Paper-9	Law of Trusts	70 + 30*	<b>PME</b>	88
Paper-10	Land Reforms Laws and Leases	70+ 30*	<b>PMF</b>	90
Paper-11	Law of Succession	70 + 30*	<b>PMG</b>	93

#### **IV- Semester**

Paper-12	Law of Patents, Designs and Geographical Indications	70 + 30*	96
Peper-13	Dissertation Viva Voce 150+50	200	120

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* Continuous Assessment	Teaching Exercise	-	10 Marks
	Test Paper	-	15 Marks
	Attendance	-	05 Marks
	Total	-	30 Marks

## Branch-VIII

### LABOUR LAW AND ADMINISTRATIVE LAW

#### I - Semester: Common Subjects

				Page
Paper-1	Law & Social Transformation in India	70 + 30*	PFE	15
Paper-2	Constitution - New Challenges	70 + 30*	PFF	19
Paper-3	Judicial Process	70 + 30*	PFG	22
Paper-4	Legal Education & Research Methodology	70 + 30*	PFH	

#### II- Semester

Paper-5	Trade Unionism and Collective Bargaining	70 + 30*	PNA	98
Peper-6	Comparative Administrative Law	70 + 30*	PNB	101
Peper-7	Practical: Research Papers	100	PNC	
	Doctrinal	- 25	} (Internal)	
	Non-Doctrinal	- 25		
	Clinical	- 25		
	Law Teaching	- 25		
Paper-8	<u>Optional Subject</u>			
	Law Relating to Civil Servants (OR)	70 + 30*	PND	104
	Local Self Government Law	70 + 30*	PNE	107

#### III- Semester

Paper-9	Industrial Relations Law	70 + 30*	PNF	109
Paper-10	Wages	70+ 30*	PNG	112
Paper-11	Labour Welfare & Social Security	70 + 30*	PNH	114



#### **IV- Semester**

Paper-12	Administrative Process and Judicial Control	70 + 30*	117
Paper-13	Dissertation Viva Voce	150+50	200
			120

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* Continuous Assessment	Teaching Exercise	-	10 Marks
	Test Paper	-	15 Marks
	Attendance	-	05 Marks
	Total	-	30 Marks

**FIRST SEMESTER**  
Compulsory Course  
(Common to all Branches)

I:1 - Paper 01

**LAW AND SOCIAL TRANSFORMATION IN INDIA**

**Objectives of the course :**

This course is designed to offer the teacher and the taught with (a) awareness of Indian approaches to social and economic problems in the context of law as a means of social control and change; and (b) a spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. This endeavour is to make the students' aware of the role law has played and has to play in the contemporary Indian society.

The following syllabus prepared with these perspectives is given below:

**Syllabus**

**1. Law and Social Change**

1.1 Law as an instrument of social change.

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.

**2. Religion and the Law**

2.1 Religion as a divisive factor.

2.2 Secularism as a solution to the problem.

2.3 Reform of the law on secular lines: Problems.

2.4 Freedom of religion and non-discrimination on the basis of religion.

2.5 Religious minorities and the law.

### **3. 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.

### **4. Community and the Law**

4.1 Caste as a divisive factor.

4.2 Non-discrimination on the ground of caste.

4.3 Acceptance of caste as a factor to undo past injustices.

4.4 Protective discrimination: Scheduled Castes, Tribes and Backward classes.

4.5 Reservation: Statutory Commissions, Statutory Provisions.

### **5. Regionalism and the Law**

5.1 Regionalism as a divisive factor.

5.2 Concept of India as one unit.

5.3 Right of movement, residence and business; impermissibility of state or regional barriers.

5.4 Equality in matters of employment: The slogan "Sons of the soil" and its practice.

5.5 Admission to educational institutions: Preference to residence of a state.

### **6. Women and the Law**

6.1 Crimes against women.

6.2 Gender injustice and its various forms.

6.3 Women's Commission.



- 6.4 Empowerment of Women: Constitutional and other legal provisions.
- 7. Children and the Law**
  - 7.1 Child labour.
  - 7.2 Sexual exploitation.
  - 7.3 Adoption and related problems.
  - 7.4 Children and education.
- 8. Modernization and the Law**
  - 8.1 Modernization as a value: Constitutional perspectives reflected in the fundamental duties.
  - 8.2 Modernization and social institutions through law.
    - 8.2.1 Reforms of Family law
    - 8.2.2 Agrarian Reforms - Industrialization of agriculture.
    - 8.2.3 Industrial reforms: Free enterprise v. State regulation - Industrialization v. Environmental protection.
  - 8.3 Reform of court processes.
    - 8.3.1 Criminal Law: Plea bargaining; Compounding and Payment of compensation of victims.
    - 8.3.2 Civil Law: (ADR) Confrontation / Consensus; Mediation and Conciliation; Lok Adalats.
    - 8.3.3 Prison Reforms.
  - 8.4 Democratic decentralization and local self-Government.
- 9. Alternative approaches to Law**
  - 9.1 The jurisprudence of Sarvodaya - Gandhiji, Vinoba Bhave; Jayaprakash Narayan - Surrender of dacoits; Concept of Gramanyayalayas.
  - 9.2 Socialist thought on law and justice: An enquiry through Constitutional debates on the right to property.
  - 9.3 Indian Marxist critique of law and justice.
  - 9.4 Naxalite movement: Causes and cure.

### **Select Bibliography**

- ★ *Marc Galanter (ed.), Law and Society in Modern India (1977) Oxford.*
- ★ *Robert Lingat, The Classical Law of India (1988). Oxford.*
- ★ *U. Baxi, The Crises of the Indian Legal System (1982). Vikas, New Delhi.*
- ★ *U. Baxi, (ed.) Law and Poverty, Critical Essays (1988). Tripathi, Bombay.*
- ★ *Manushi, A Journal about Women and Society.*
- ★ *Duncan Derret, The State, Religion and Law in India (1999) Oxford University Pres, New Delhi.*
- ★ *H.M. Seervai, Constitutional Law of India (1996), Tripathi.*
- ★ *D.D. Basu, Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd., New Delhi.*
- ★ *Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (2000) Armol Publications, Delhi.*
- ★ *Savitri Gunasekhare, Children, Law and Justice (1997), Sage.,*
- ★ *Indian Law Institutute, Law and Social Change: Indo-American Reflections, Tripathi (1988).*
- ★ *J.B. Kripalani, Gandhi: His Life and Thought, (1970), Ministry of Information and Broadcasting, Government of India.*
- ★ *M.P. Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay.*
- ★ *Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford.*

**INDIAN CONSTITUTIONAL LAW :  
THE NEW CHALLENGES.**

**Objectives of the course :**

The Constitution, a living document, is said to be always in the making. The Judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and process. The post graduate students in law who had the basic knowledge of Indian Constitutional Law at B.L. level, should be exposed to the new challenges and perspectives of constitutional development while they are allowed to choose an area of law for liberalization. Obviously, rubrics under this paper require modification and updating from time to time.

The following syllabus prepared with these perspective is given below:

**Syllabus**

**1. Federalism**

- 1.1 Creation of new states.
- 1.2 Allocation and share of resources - Distribution of grants in aid.

**The Inter-state disputes on resources.**

- 1.3 Rehabilitation of internally displaced persons.
- 1.4 Centre's responsibility and internal disturbance within States.
- 1.5 Directions of the Centre to the State under Article 356 and 365.
- 1.6 Federal Comity: Relationship of trust and faith between Centre and States.



- 1.7 Special status of certain States.
  - 1.7.1 Tribal areas, Scheduled areas.
2. "State" need for widening the definition in the wake of liberalization.
3. Right to equality: Privatisation and its impact on affirmative action.
4. Empowerment of Women.
5. **Freedom of the Press and changes of new scientific developments.**
  - 5.1 Freedom of speech and right to broadcast and telecast.
  - 5.2 Right to strike, hartal and bandh.
6. **Emerging regime of new rights and remedies.**
  - 6.1 Reading directive principles and Fundamental duties into Fundamental rights.
    - 6.1.1 Compensation jurisprudence.
    - 6.1.2 Right to Education.
    - 6.1.3 Brain drain by Foreign Education Market.
7. Right of Minorities to establish and administer Educational Institutions and State control.
8. Secularism and Religious Fanaticism.
9. **Separation of Powers: Stresses and Strain**
  - 9.1 Judicial Activism and Judicial Restraint.
  - 9.2 PIL : Implementation.
  - 9.3 Judicial Independence.
    - 9.5.1 Appointment, Transfer and Removal of Judges.
  - 9.6 Accountability: Executive and Judiciary.
  - 9.7 Tribunals.
10. **Democratic Process**
  - 10.1 Nexus of politics with criminals and the business.

- 10.2 Election.
- 10.3 Election Commission: Status.
- 10.4 Electoral Reforms.
- 10.5 Coalition Government, 'Stability, Durability, Corrupt practice',
- 10.6 Grass Root Democracy.

**Select Bibliography :**

No specific Bibliography is suggested for this course since the course materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as Case law, Changes and Amendments of Laws, Critical Comments', studies and reports, articles and research papers and lastly contemporary emerging those impacting on constitutional values.

1. **Nature of Judicial Process.**
- 1.1 Judicial Process as an instrument of social ordering.
- 1.2 Judicial Process and creativity in law-common law model-legal reasoning and growth of law-change and stability.
- 1.3 The tools and techniques of judicial creativity and precedent.
- 1.4 Legal development and creativity through legal reasoning under statutory and codified systems.

### Syllabus

below:

The following syllabus prepared with these perspective is given

Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This paper, therefore, intends to familiarize the students with various theories, different aspects and alternative ways, of attaining justice.

A lawyer, whether academic or professional, is expected to be competent to analyse and evaluate the legal process from a broader juristic perspective. Hence a compulsory paper on Judicial Process is essential in the M.L. curriculum. The objective of this paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of the court as policy maker, participant in the power process and as an instrument of social change. This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process.

**Objectives of the course :**

### **JUDICIAL PROCESS**

III - Paper 03



## **2. Special dimensions of Judicial Process in Constitutional Adjudication**

- 2.1 Notions of Judicial Review.
- 2.2 'Role' in Constitutional Adjudication - Various theories of judicial role.
- 2.3 Tools and techniques in policy - making and creativity in Constitutional Adjudication.
- 2.4 Varieties of Judicial and Juristic Activism.
- 2.5 Problems of Accountability and Judicial Lawmaking.

## **3. Judicial Process in India.**

- 3.1 Indian debate on the role of Judges and on the notion of judicial review.
- 3.2 The "independence" of judiciary and the "political" nature of judicial process.
- 3.3 Judicial Activism and Creativity of the Supreme Court - The tools and techniques of creativity.
- 3.4 Judicial process in pursuit of Constitutional goals and values - New dimension of Judicial Activism and Structural Challenges.
- 3.5 Institutional Liability of Courts and Judicial Activism - Scope and Limits.

## **4. The concepts of Justice.**

- 4.1 The concept of Justice or Dharma in Indian thought.
- 4.2 Dharma as the foundation of legal ordering in Indian thought.
- 4.3 The concept and various theories of justice in Western thoughts.
- 4.4 Various theoretical theories of justice: The Liberal Contractual Tradition, the Liable Utilization Tradition and the Liberal Moral Tradition.

## 5. Relation between Law and Justice.

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

### Select Bibliography

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

**LEGAL EDUCATION AND  
RESEARCH METHODOLOGY**

**Objectives of the course :**

A Post-Graduate student of law should get an insight into the objectives of legal education. He should have an exposure to programmes like Organisation of Seminars, Publication of Law Journals and Holding of Legal Aid Clinics.

Law is taught in different ways in different countries. The M.L. Course, being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarize himself with the different systems of legal education. The lecture method both at B.L. level and M.L. level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as Case Method, Problem Method, Discussion Method, Seminar Method and a combination of all these methods. The student has to be exposed to these methods so as to develop his skills.

Growth of legal science in India depends on the nature and career of legal research. The syllabus is also designed to develop skills in research and writing in a systematic manner.

**Syllabus**

1. Objectives of Legal Education.
2. Lecture Method of Teaching - Merits and Demerits.
3. The Problem Method.
4. Discussion Method and its suitability at Post-Graduate level teaching.
5. The Seminar Methods of Teaching.



6. Examination system and problems in Evaluation - External and Internal assessment.
7. Student participation in law school programmes - Organization of Seminars, Publication of Journals and Assessment of Teachers.
8. Clinical Legal Education - Legal Aid, Legal Literacy, Legal Survey and Law Reforms.

**9. Research Methods.**

- 9.1 Socio Legal Research.
- 9.2 Doctrinal and Non-Doctrinal.
- 9.3 Relevance of Empirical Research.
- 9.4 Induction and Deduction.

**10. Identification of Problem of Research.**

- 10.1 What is a Research Problem?
- 10.2 Survey of available Literature and Bibliographical Research.
  - 10.2.1 Legislative Materials including Subordinate Legislation, Notification and Policy Statements.
  - 10.2.2 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.
  - 10.2.3 Juristic Writings - A survey of juristic literature relevant to select problems in India and Foreign Periodicals.
  - 10.2.4 Compilation of list of reports or special studies conducted, relevant to the problem.

**11. Preparation of the Research Design.**

- 11.1 Formulation of the Research Problem.

- 11.2 Devising Tools and Techniques for collection of data; Methodology.
- 11.2.1 Methods for the collection of statutory and Case Materials and Juristic Literature.
- 11.2.2 Use of Historical and Comparative Research Materials.
- 11.2.3 Use of Observation Studies.
- 11.2.4 Use of Questionnaires / Interview.
- 11.2.5 Use of Case Studies.
- 11.2.6 Sampling Procedures - Design of sample, Types of sampling to be adopted.
- 11.2.7 Use of Scaling Techniques.
- 11.2.8 Jurimetrics.
- 11.3 Computerized Research - A study of legal research programmes such as Lexis and West Law Coding.
- 11.4 Classification and Tabulation of data - Use of cards for data collection - Rules for tabulation. Explanation of tabulated data.
- 11.5 Analysis for data.

### **Select Bibliography**

- ★ *High Brayal, Nigel Dunnean and Richard Crimes, Clinical Legal Education: Active Learning in your Law School. (1998), Blackstone Press Limited, London.*
- ★ *S.K. Agarwal (ed.), Legal Education in India (1973), Tripathi, Bombay.*
- ★ *N.R. Madhavamenon, (ed.), A Handbook of Clinical Legal Education, (1998), Eastern Book Company, Lucknow.*
- ★ *M.O. Price, H. Bitner and Bysiewicz, Effective Legal Research (1978).*
- ★ *Pauline v. Young, Scientific Social Survey and Research, (1962).*

- ★ *William J. Grade and Paul K. Hatt, Methods in Social Research, McGraw - Hill Book Company, London. H.M. Hayman, Interviewing in Social Research (1965).*
- ★ *Payne, The Art of Asking Questions (1965).*
- ★ *Erwin C. Surrency, B. Fielf and J. Crea, A Guide of Legal Research (1959).*
- ★ *Morris L. Coha, Legal Research in Nutshell, (1996), West Publishing Co.,*
- ★ *Harward Law Review Association, Uniform System of Citations.*
- ★ *ILI Publication, Legal Research and Methodology.*



Branch-I

## BUSINESS LAW

**SECOND SEMESTER**

II:V - Paper - 05

### **GENERAL PRINCIPLES OF THE LAW OF CONTRACTS INCLUDING ELECTRONIC CONTRACTS**

#### **Objectives of the course :**

Every commercial transaction is based upon a contract, whether it be a complex mercantile phenomena like 'Business Process Outsourcing', Logistics, Internet Banking, E-Commerce, etc., or a simple phenomena like booking an Air or Rail ticket or gifting presents by remitting money or by furnishing the credits or debit card number to amazon.com or ordering eateries through a cell phone, the founding lifeblood is the 'Contract' without this underlying vital force business transactions will not be undertaken.

In this era of information Technology which has transformed the trade terrain into a global seamless one, it is imperative that an in-depth study be made in the field of contract including electronic contract, for otherwise a masters' curriculum pertaining of business law would be an incomplete one.

#### **Syllabus**

1. Evolution, nature, essential ingredients and modern development relating to contracts in the conventional mode and electronic mode.
2. Freedom of contract and the fetters that have been imposed.

3. Classification of contracts, offer and acceptance, standard form contract, liability limiting clauses, fundamental breach.
4. Consideration, doctrine of accord and satisfaction pinnel's case and its inapplicability in India, promissory estoppel.
5. Capacity, privity of contract, free consent and consent distinction coercion, undue influence, fraud, misrepresentation, mistake.
6. Legality of object, opposed to public policy void agreements, wager and contingent contracts. Illegal and unlawful agreements, blue pencil theory.
7. Performance, impossibility of performance and English law's doctrine of frustration, discharge modes and consequence, anticipatory breach, remedies including specific relief, quasi-contracts.
8. Electronic contracts, concepts of originator and addressee communication modes like e-mail, cell phone SMS, audio and video conferencing, messaging through internet messenger, etc. Legal Recognition of Digital signature, legal implication of encryption, attribution of electronic records, acknowledgement of receipt of record, concept of time and place of despatch and receipt, consideration modes like e-fund transfer agreement, inter-payment service provider, credit card, debit card, etc.
9. Legal issues relating to electronic contracts, common and distinctive features of conventional and electronic contracts.

**Books :**

- |                       |                    |
|-----------------------|--------------------|
| 1. Anson              | - Law of Contracts |
| 2. Cheshire & Fiffoot | - Law of Contracts |
| 3. Chitty             | - Law of Contracts |
| 4. Trietel            | - Law of Contracts |
| 5. Pollock & Mulla    | - Law of Contracts |

6. Avtar Singh - Law of Contracts

7. Sec. 1 to 75 of the Contract Act, 1872, and Specific Relief Act, 1963.

### **Electronic Contract Books**

- ★ *Computer Internet & E-Commerce by Nandan Kamath - Universal Law Publishing Co. (P) Ltd., New Delhi.*
- ★ *Bharat's 'The Indian Cyber Law' by Surech T. Viswanathan.*
- ★ *Bharat's Handbook of Cyber and E-Commerce Laws by M. Bakshi and K. Suri.*
- ★ *Computer Law by Chris Reed: University of London, Indian Edition - Universal Law Publishing Co. (P) Ltd., New Delhi.*
- ★ *Computer Law Cases & Materials by Seth E. Zipnex & Stephen Kalman - Merrill Publishing Co., Melbourne.*
- ★ *Law Relating to Information Technology (Cyber Laws) By T.V.R. Satya Prasad - Asia Law House, Hyderabad.*
- ★ *Guide to Cyber Laws by Rodney D. Ryder - Wadhwa, Nagpur.*



## **INSURANCE LAW**

### **Objectives of the course :**

As early as in 1601 one finds an excellent exposition of the insurance also expressed in these words of an Act of British Parliament "the loss lighleth rather easily, upon many than heavily upon few'. The insured person transfers from his own shoulders to the insurers, who, in return for agreeing to assume a potential risk of loss receive a payment known as premium. The insurers repay on the probability that only some losses, they insure against will in fact occur within any given period. They calculate therefore, that they will be left with a profit. The insurer, on the other hand, is better able to risk his capital in trade since he knows that certain events which he cannot control such as fire, shipwreck, will not cause him to lose his investment.

The insurance idea is an old-institution of transactional trade. The age old form of insurance was the marine insurance. There is nothing like disaster to set men's mind to work. Consequently, in due course of time fire and also insurance make their appearance. Within the last hundred years the insurance principle is being extended wider. Today one finds insurance cover for accidents, motor vehicles, glass, livestock, crops, burglary and various other disasters.

Insurance is a device not to avert risks, calamities and disasters; but mitigate their regours and financial losses. The function of insurance is to spread such losses arising from risks of life over a large number of persons.

The operational framework of insurance idea is provided by the general principles of contract. The insurance policy, being contract, is subject to all the judicial interpretative techniques. Besides, the insurance idea has a compensatory justice component. This brings it in the arena of the law of tort as well. It is even suggested that a fully grown and developed law of insurance may, if not totally displace, decrease the significance of the law of tort.

This course is designed to acquaint the students with the conceptional and operational parameters of insurance law in the context of the development of the general principles of law and judicial interpretation to inform the students about the use of law for the establishment of 'just' order in insurance and to develop appreciative and evaluative faculties of the student.

The following syllabus prepared with the above perspective is give below:

## **Syllabus**

### **1. Introduction**

- 1.1 Nature of insurance contract, various kinds of insurance, proposal, policy, parties, consideration, need for utmost good faith, insurable, indemnity.
- 1.2 Insurance policy, law of contract and law of torts - future of need, importance and place of insurance.
- 1.3 Constitutional perspectives - The entries 24, 25 of List-III.

### **2. General Principles of Law of Insurance**

- 2.1 Definition, nature and history.
- 2.2 The risk - commencement, attachment and duration.
- 2.3 Assignment and alteration.
- 2.4 Settlement of claim and subrogation.
- 2.5 Effect of war upon policies.

### **3. Indian Insurance Law : General**

- 3.1 History and development.
- 3.2 The Insurance Act, 1938 and the Insurance Regulatory Authority Act, 2000.
- 3.3 Mutual insurance companies and co-operative life insurance societies.
- 3.4 Double insurance and re-insurance.

#### **4. Life Insurance**

- 4.1 Nature and scope.
- 4.2 Event insured against life insurance contract.
- 4.3 Circumstances affecting the risk.
- 4.4 Amounts recoverable under life policy.
- 4.5 Persons entitled to payment.
- 4.6 Settlement of claim and payment of money.

#### **5. Marine Insurance**

- 5.1 Nature and scope.
- 5.2 Classification of marine policies.
  - 5.2.1 The Marine Insurance Act, 1963.
  - 5.2.2 Marine Insurance.
  - 5.2.3 Insurable interest, insurable value.
  - 5.2.4 Marine insurance policy - condition - express warranties - construction of terms of policy.
  - 5.2.5 Voyage - deviation.
  - 5.2.6 Perils of the sea.
  - 5.2.7 Assignment of policy.
  - 5.2.8 Partial laws of ship and of freight-salvage, general average, parcel charges.
  - 5.2.9 Return of premium.

#### **6. Insurance against Accidents.**

- 6.1 The Fatal Accidents Act, 1855.
  - 6.1.1 Objects and reasons.
  - 6.1.2 Assessment of compensation.
  - 6.1.3 Contributory negligence.
  - 6.1.4 Apportionment of compensation and liability.
- 6.2 The Personal Injuries (Compensation Insurance) Act, 1963.



- 6.2.1 Compensation payable under the Act.
- 6.2.2 Compensation insurance scheme under the Act -  
Compulsory insurance.

## **7. Property Insurance**

- 7.1 Fire insurance.
- 7.2 The emergency risks (Factories) insurance.
- 7.3 The emergency risks (Goods) insurance.
- 7.4 Policies covering risk of explosion.
- 7.5 Policies covering accidental loss, damage to property.
- 7.6 Policies covering risk of storm and tempest.
- 7.7 Glass-plate policies.
- 7.8 Burglary and theft policies.
- 7.9 Livestock policies.
- 7.10 Goods in transit insurance.
- 7.11 Agricultural insurance.

## **8. Insurance against Third Party Risks.**

- 8.1 The Motor Vehicle Act, 1988.
  - 8.1.1 Nature and scope.
  - 8.1.2 Effect of insolvency or death on claims insolvency and  
accused parties, certificate of insurance.
  - 8.1.3 Claims, tribunal, constitution, functions, application for  
compensation, procedure, powers and award.
- 8.2 Liability insurance.
  - 8.2.1 Nature and kinds of such insurance.
  - 8.2.2 Public liability insurance.
  - 8.2.3 Professional negligence insurance.

## **9. Miscellaneous Insurance Scheme : New Dimensions.**

- 9.1 Group life insurance.
- 9.2 Mediclaim, sickness insurance.

## 10. Carriage of Goods.

- 10.1 Law relating to carriage of goods by land, sea and air.
- 10.2 Common carrier, private carrier and responsibility of Railway, all carriers.
- 10.3 Contract of affreightment, charter party and bills of lading.
- 10.4 International carriage by Air and liability of Air carrier.

### Select Bibliography

- ★ *John Hanson and Christophals Henly, All Risks Property Insurance (1999), LLP Asia, Hong Kong.*
- ★ *Peter MacDonald Eggers and Patric Foss, Good Faith and Insurance Contracts (1998), LLP Asia, Hong Kong.*
- ★ *Banerjee, Law of Insurance (1994), Asia Law House, Hyderabad.*
- ★ *Mitra B.C., Law Relating to Marine Insurance (1977) Asia Law House, Hyderabad.*
- ★ *JCB Gilmar and Mustill, Arnold on the Law of Marine Insurance, (1981), Sweet & Maxwell.*
- ★ *Birds, Modern Insurance Law (1977), Sweet & Maxwell.*
- ★ *Colinvaux's Law of Insurance (1997), Sweet & Maxwell.*
- ★ *O'Mary on Marine Insurance (1993), Sweet & Maxwell.*
- ★ *International Labour Office, Administration Practice of Social Insurance (1985).*
- ★ *E.R. Hardy Ivama, General Principles of Insurance Law (1979).*
- ★ *Edwin W. Patterson, Cases and Materials on Law of Insurance (1955).*
- ★ *M.N. Sreenivasan, Law and the Life Insurance Contract (1914).*

OPTIONAL SUBJECT:  
**SPECIAL CONTRACTS INCLUDING BANKING AND  
NEGOTIABLE INSTRUMENTS**

**Objectives of the course :**

Globalization of Information Technology have brought a sea change in the banking scenario, Banking of the yesteryears has been replaced by vibrant and innovative merchant banking, investment banking, internet banking etc. In the international front we witness gramin banks tendering micro credit to the underprivileged, Islamic banking downing a profit sharing concept and reverse mortgages ensuring financial support to the senior citizens. A thorough study of modern banking law is an essential necessity.

Inspite of a plethora of enactments to protect the consumer like Standard Weight and Measures Act, Drugs and Cosmetics Act, Drugs and Magic Remedies Act, Prevention of Food Adulteration Act, etc., the Consumer Protection Act came as the most potent weapon in the minds of the consumer. This course is designed to give the students optimum exposure in the fields of special contracts, modern banking and consumer protection law to enrich their knowledge and give them the competitive edge.

**Syllabus**

1. Agency, Sale of goods and hire purchase.
2. Consumer protection including redressal.
3. Evolution and development of banking, different kinds of banks and their functions, multi-functional banks - growth and legal issues investment banking, merchant banking, banking ombudsman.
4. Previous nationalisation phenomenon, current disinvestment and privatisation policy, protection of depositors, deposit insurance, priority lending, micro credit.



5. RBI - Powers and functions, control over non-banking companies.
6. Banker and customer - relationship, rights duties and liabilities, protection of bankers, nature and types of accounts, special class of customers, pass book.
7. Good lending principles, securities for advances, repayment of loans, default and recovery of debts, recovery tribunal; Securitisation Act, (SARFAESI ACT)
8. Negotiable instruments - meaning, kinds, transfer and negotiations, holder and holder in due course, presentment and payment, presumptions, liabilities of parties, discharge, bouncing of cheques and remedies.
9. Recent trends of banking system in India, new technology, information technology, legal issues associated with on-line banking.

**Books :**

1. Bowstead - Law of Agency
2. Friedman - Law of Agency
3. Atiyah - Law of Agency
4. Benjamin - Sale of Goods
5. Bashyam & Adiga - Negotiable Instruments
6. Treaties on Consumer Protection Law - Dilip K. Sheth (Snow White Publishers, Delhi).
7. The Law of Consumer Protection in India - Gurjeet Singh (Deep & Deep, Delhi).
8. Rajendra Kumar Nayak - Consumer Protection in India.
9. Bharat's Consumer Protection Law and Practice by Dr. V.K. Aggarwal.
10. Tannan's Banking Law & Practice in India.

## THIRD SEMESTER

III:IX - Paper - 09

### LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY

#### **Objectives of the course :**

The concept of intellectual property rights as developed in India cannot be divorced from the development in the international arena as well as in the nation-to-nation relation. The impact of IPR regime on the economic front is emphasized in this paper. In particular, greater attention would be given here to the law relating to unfair and restrictive trade practices as affecting the regime of intellectual property rights. New areas of development, especially plant patenting and patenting of new forms of life (Bio-Technology) should receive special attention. Evidentiary aspects of infringement and human right dimensions of the regime of intellectual property law will also be addressed with brand building being the order of the day in the mercantile world, geographical indications occupy a pivotal position.

With B.P.O. coming into prominence privacy protection, in relation to confidential, information has become a necessity.

In multitude firm rely on the trade secrecy, strategy where reverse engineering is difficult.

The following syllabus prepared with this perspective is given below:

#### **Syllabus**

1. IPR and International Perspective.

2. Trademarks and Consumer Protection (Study of UNCTAD report on the subject).
3. **The Legal Regime of Unfair Trade Practices and Intellectual Industrial Property.**
  - 3.1 United Nation's Approach (UNCTAD, UNCITRAL).
  - 3.2 EEC's approach.
  - 3.3 Position in U.S.
  - 3.4 The Indian Situation.
4. Special Problems of the Status of Computer Software in Copyright and Patent Law: A Comparative Study.
5. **Biotechnology Patents.**
  - 5.1 Nature and Types of Biotechnology Patents.
  - 5.2 Patent Over New Forms of Life: TRIPS Obligations.
  - 5.3 Plant Patenting.
  - 5.4 Sui Generis Protection for Plant Varieties.
  - 5.5 Multinational Ownership.
  - 5.6 Regulation of Environment and Health Hazards in Biotechnology Patents.
  - 5.7 Indian Policy and Position.
6. **Patent Search, Examination and Records.**
  - 6.1 International and Global patent Information Retrieval Systems (Europeans Patent Treaty).
  - 6.2 Patent Co-operation Treaty (PCT).
  - 6.3 Differences in Resources for Patent Examination between Developed and Developing Societies.
  - 6.4 The Indian Situation.
7. **Special Problems of Proof Infringement.**
  - 7.1 Statues of Intellectual Property in Transit - TRIPS Obligation - Indian Position.



- 7.2 The Evidentiary Problems in Action of Passing off.
- 7.3 The proof of Non-anticipation, Novelty of Inventions protected by patent.
- 7.4 Evidentiary Problems in Piracy: TRIPS obligation - Reversal of proof in process patent.
- 7.5 Need and Scope of Law Reforms.

## **8. Intellectual Property and Human Rights.**

- 8.1 Freedom of Speech and Expression as the basis of the regime of Intellectual Property Right - Copyright Protection in Internet - WCT (WIPO Copy Treaty, 1996).
- 8.2 Legal Status of Hazardous Research protected by the regime of Intellectual Property Law.
- 8.3 Human Rights of the impoverished masses Intellectual Property protection of new products for Healthcare and Food Security.
- 8.4 Traditional Knowledge - Protection - Bio-diversity Convention - Right of Indigenous People.

9. Copyrights, Industrial Designs.

10. Geographical Indications.

11. Trade Secrets and Confidential Information.

### **Select Bibliography**

- ★ *Special attention should be given to literature of the U.N. System WIPO and UNESCO.*
- ★ *Terenee P. Stewart (ed.) The GATT Uruguay Round: A Negotiating History (1986) the End Game (Part-1) (1999) Kluwer.*
- ★ *Iver P. Cooper, Biotechnology and Law (1998), Clerk Boardman Callaghan, New York.*
- ★ *David Bainbridge, Software Copyright Law (1999), Butterworths.*
- ★ *Sookman, Computer Law (1998), Carswell.*

- ★ *Carlos M. Correa (ed.), Intellectual Property and International Trade (1998), Kluwer.*
- ★ *Patent Co-operation Treaty Hand Book (1998), Sweet and Maxwell.*
- ★ *Christopher Wadlow, The Law of Passing-Off (1998), Sweet and Maxwell.*
- ★ *W.R. Cornish, Intellectual Property Law (1999), Sweet and Maxwell.*



## **LAW OF EXPORT - IMPORT REGULATIONS**

### **Objectives of the course :**

After independence India has embarked upon all round efforts to modernize her economy through development ventures. Greater and greater emphasis is placed on increase of production in both industrial and agricultural sectors. Besides, there was the ever-pressing need for raising capital for investment in certain basic and key industries. All these required a considerably high rate of investment of capital. The process of modernization necessitated the adoption of newer technologies for industry and agriculture. These technologies had to be borrowed from other developed countries. This, in turn, needed foreign exchange which could be earned by the increased exports of goods and raw materials from India.

The need for accelerating the export trade of India's developing economy can hardly be over emphasized. Export earnings enable a developing country to finance its massive requirements of growth, to maintain its essential imports and thereby stimulate the process of its economy developments. In the words of Prof. V.K.R.V. Rao, "In fact expansion of exports may well be described as an integral part of the development process, neglect of which can only be at the pail of development itself".

Increasing exports have been necessitated to meet the growing needs of defence. India is a country rich in natural resources. One of the approaches to combat its economic backwardness could be in large-scale production and in maximization of the exports.

Import and export of goods and raw materials is a complex, complicated and intricate activity. It involves elaborate economic, fiscal, budgetary and monetary policy considerations. Export and Import control policy is also closely connected with country's balance of payment position.

The detailed procedures for imports and exports are provided in



the Hand Book. The Union Government used to declare its import and export policy for a three year period. At present they declare the policy for five years. The controls on exports and imports are closely connected with the Foreign Trade Regulation Act, 1992.

This course is designed to acquaint the students about the parameters of legal controls on imports and exports.

The following syllabus prepared with this perspective is given below:

## **Syllabus**

### **1. Introduction**

- 1.1 State control over Import and Export of goods - from rigidity to liberalization.
- 1.2 Impact of regulation of economy.

### **2. The Basic Needs of Export and Import Trade.**

- 2.1 Goods.
- 2.2 Services.
- 2.3 Transportation.

### **3. International Regime.**

- 3.1 WTO Agreement.
- 3.2 WTO and Tariff Restrictions.
- 3.3 WTO and Non-Tariff Restrictions.
- 3.4 Investment and Transfer Technology.
- 3.5 Quota Restriction and Anti-Dumping.
- 3.6 Permissible Regulations.
- 3.7 Quarantine Regulation.
- 3.8 Dumping of Discarded Technology and Goods in International Market.
- 3.9 Reduction of Subsidies and Counter Measures.

- 4. General Law on Control of Imports and Exports.**
  - 4.1 General Scheme.
  - 4.2 Legislative Control.
    - 4.2.1 Power of Control: Central Government and RBI.
    - 4.2.2 Foreign Trade Development and Regulation Act, 1993.
    - 4.2.3 Restrictions under Customs Law.
      - 4.2.3.1 Prohibition and Penalties.
  - 4.3 Export-Import Formulation: Guiding Features.
    - 4.3.1 Control under FEMA.
    - 4.3.2 Foreign Exchange and Currency.
      - 4.3.2.1 Import of Goods.
      - 4.3.2.2 Export Promotion Councils.
      - 4.3.2.3 Export Oriented Units and Export Processing Zones.
- 5. Control of Exports.**
  - 5.1 Quality Control.
  - 5.2 Regulation of Goods.
  - 5.3 Conservation of Foreign Exchange.
    - 5.3.1 Foreign Exchange Management.
    - 5.3.2 Currency Transfer.
    - 5.3.3 Investment in Foreign Countries.
- 6. Exim Policy: Changing Dimensions.**
  - 6.1 Investment Policy: NRIs, FIIs (Foreign Institutional Investors), FDIs.
  - 6.2 Joint Venture.
  - 6.3 Promotion of Foreign Trade.
  - 6.4 Agricultural Products.
  - 6.5 Textile and Clothes.
  - 6.6 Jewellery.
  - 6.7 Service Sector.

## **7. Law Relating to Customs.**

- 7.1 Prohibition on Importation and Exportation of Goods.
- 7.2 Control of Smuggling Activities in Export-Import Trade.
- 7.3 Levy of and Exemption from Customs Duties.
- 7.4 Clearance of Imported Goods and Export Goods.
- 7.5 Conveyance and Warehousing of Goods.

## **8. Regulation on Investment.**

- 8.1 Borrowing and lending of Money and Foreign Currency.
- 8.2 Securities Abroad.
- 8.3 Immovable Property - Purchase Abroad.
- 8.4 Establishment of Business Outside.
- 8.5 Issue of Derivatives and Foreign Securities - GDR (Global Depository Receipts), ADR (American Depository Receipts) and URO.
- 8.6 Investment in Indian Banks.
- 8.7 Repatriation and Surrender of Foreign Securities.

## **9. Technology Transfer.**

- 9.1 Restrictive Terms in Technology Transfer Agreements.
- 9.2 Automatic Approvals Schemes.

### **Select Bibliography**

- ★ *Government of India, Handbook of Import Export Procedures. (Refer to the latest Edition).*
- ★ *Government of India, Import and Export Policy (197-2002).*
- ★ *The Students should consult their relevant volumes of the Annual Survey of India, Published by the Indian Law Institute, New Delhi.*
- ★ *Foreign Exchange Management Act, 1999.*
- ★ *Marine Products Export Development Authority Act, 1972.*
- ★ *Customs Manual (Latest Edition).*
- ★ *Final Treaty of GATT, 1994.*



**CORPORATE GOVERNANCE AND  
CORPORATE FINANCE**

**Objectives of the course :**

Industrialization has played and has to play, a very vital role in the economic development of India. In the post independence era, industrial development is regarded and hence employed, as principal means in the strategy for achieving the goal of economic and social justice envisioned in the Constitution. Corporations, both public and private, are viewed as a powerful instrument for development. In a developing society like India enormous varieties of consumer goods are manufactured or produced. Obviously, the situation raises the issues of procuring, utilizing and managing the finances. For this purpose a science of Financial Management Technique has been evolved. The faculties of commerce, business and management studies, have since last decades started to impart instruction so as to turn out sufficiently well equipped and adequately trained financial personnel. However, the legal and juristic aspects of corporate finance have been more or less not effectively taken care of.

The following syllabus prepared with this perspective is given below.

- (i) To understand the economic and legal dimensions of corporate finance in the process of industrial development in establishing social order in the context of constitutional values.
- (ii) To acquaint the students with the normative, philosophical and economic contours of various statutory rules relating to corporate finance.
- (iii) To acquaint the students with the organization, functions, lending and recovery procedures, conditions of lending and accountability of international, national and state financing institutions and also commercial banks; and

- (iv) To acquaint the students with the process of the flow and outflow of corporate finance.

## **Syllabus**

### **1. Introduction**

- 1.1 Meaning, Importance and Scope of Corporate Finance.
- 1.2 Capital needs - Capitalisation - Working capital - Borrowings - Depositors - Debentures.
- 1.3 Objectives of Corporate 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-1 Union List; Entry 24 of List-II - State List.

### **2. Equity Finance**

- 2.1 Share Capital.
  - 2.1.1 Prospectus - Information Disclosure.
  - 2.1.2 Issue and Allotment.
  - 2.1.3 Shares without Monetary Consideration.
  - 2.1.4 Non-Opting Equity Shares.

### **3. Debt Finance**

- 3.1 Debentures.
  - 3.1.2 Nature, Issue and Class.
  - 3.1.3 Deposits and Acceptance.
  - 3.1.4 Creation of Charges.
    - 3.1.4.1 Fixed and Floating Charges.
  - 3.1.5 Mortgages.
  - 3.1.6 Convertible Debentures.

### **4. Conservation of Corporate Finance**

- 4.1 Regulation by Disclosure.
- 4.2 Control of Payment of Dividends.



- 4.3 Managerial Remuneration.
  - 4.4 Payment of Commission and Brokerage.
  - 4.5 Inter-Corporate Loans and Investments.
  - 4.6 Pay-Back of Shares.
  - 4.7 Other Corporate Spending.
- 5. Protection of Creditors.**
- 5.1 Need for Creditor Protection.
    - 5.1.1 Preference in Payment.
  - 5.2 Rights in making Company Decisions affecting Creditor Interests.
  - 5.3 Creditor Self-Protection.
    - 5.3.1 Incorporation of favourable terms in Lending Contracts.
    - 5.3.2 Right to Nominate Directors.
  - 5.4 Control over Corporate Spending.
- 6. Protection of Investors.**
- 6.1 Individual Share Holder Right.
  - 6.2 Corporate Membership Right.
  - 6.3 Derivative Actions.
  - 6.4 Qualified Membership Right.
  - 6.5 Conversion, Consolidation and Re-Organisation of Shares.
  - 6.6 Transfer and Transmission of Securities.
- 7. Corporate Fund Raising.**
- 7.1 Depositories - IDR (Indian Depository Receipts), ADR (American Depository Receipts, GDR (Global Depository Receipts).
  - 7.2 Public Financing Institutions - IBDI, ICICI, IFC and SFC.
  - 7.3 Mutual Fund and other Collective Investment Schemes.
  - 7.4 Institutional Investments - LIC, UTI and Banks.



7.5 FDI and NRI Investment - Foreign Institutional Investments (IMF, World Bank).

## 8. Administrative Regulation on Corporate Finance.

8.1 Inspection of Accounts.

8.2 SEBI.

8.3 Central Government Control.

8.4 Control by Registrar of Companies.

8.5 RBI Control.

### Select Bibliography

- ★ *Alastair Hundson, The Law and Financial Derivatives (1998), Sweet & Maxwell.*
- ★ *Eil's Ferran, Company Law and Corporate Finance (1999), Oxford.*
- ★ *Jonathan Charkham, Fair Shars : The Future of Shareholder Power and Response (1999) Oxford.*
- ★ *Ramaiya A, Guide to the Companies Act, (1998), Vol.I, II and III.*
- ★ *H.A.J. Ford and A.P. Austen Fords' Principle of Corporate Law (1999), Butterworths.*
- ★ *J.H. Farrar and B.M. Hanniya, Farrar's Company Law (1998), Butterworths.*
- ★ *Austen R.P., The Law of Public Company Finance (1986), LBC.*
- ★ *R.M. Goode, Legal Problems of Credit and Security (1988), Sweet and Maxwell.*
- ★ *Altman and Subrahmanyam, Recen Advances in Corporate Finance (1985) L.B.C.*
- ★ *Gilbert Harold, Corporate Finance (1956).*
- ★ *Henry E. Hoagland, Corporate Finance (1947).*
- ★ *Maryin M. Kristein, Corporate Finance (1975).*
- ★ *R.C. Osborn, Corporate Finance (1959).*

- ★ *S.C. Kuchhal Corporate Finance: Principles and Problems (6th ed. 1966).*
- ★ *V.G. Kulkarni, Corporate Finance (1961).*
- ★ *Y.D. Kulshreshta, Government Regulation of Financial Management of Private Sector in India (1986).*
- ★ *Journals - Journal of India Law Institute, Journal of Business Law, Secretary, Company Law Journal, Law and Contemporary Problems.*
- ★ *Statutory Materials - Companies Act and Laws relating to SEBI Depositors, Financing and Information Technology.*

## **FOURTH SEMESTER**

IV.XII - Paper - 12

### **LEGAL REGULATION OF ECONOMIC ENTERPRISES**

#### **Objectives of the course :**

After independence we have placed greater emphasis on the growth of our economy. The focus is on growth, both in public and private sectors so as to cope up with the problems of population explosion. We have found that there is now almost a circle from Lassies Fair to welfare state and again back to Lassies Fair. Adoption of the concept of Global Economy in the presence of the socialistic perspectives in the Constitution presents a dilemma. The trends of liberalization starting in the early nineties and continuing to this day bring a shift in focus of regulation in diverse fields of economic activities.

The course is designed to acquaint the student of the Eco-Legal Perspectives and Implications of such developments.

#### **Syllabus**

##### **1. The Rationale of Government Regulation.**

- 1.1 Constitutional Perspectives.
- 1.2 The New Economic Policy - Industrial Policy Resolutions, Declarations and Statements.
- 1.3 The place of Public, Small Scale, Co-operative, Corporate, Private and Joint Sectors - in the Changing Context.
- 1.4 Regulation of Economic Activities.



- 1.4.1 Disclosure of Information.
- 1.4.2 Fairness in Competition.
- 1.4.3 Emphasis on Consumerism.
2. Development and Regulation of Industries.
3. Take-Over of Management and Control of Industrial Units.
4. Sick Undertakings: Nationalisation or Winding-up?
5. Licensing Policy and Legal Process - Growing Trends of Liberalisation.
6. Deregulation of Essential Commodities : Development Sign or a Social Mishap?
7. Financial Services: Changing Technique of Regulation.
8. **Critical Issues Regarding the Capital Issues.**
  - 8.1 Equity and Debt Finance.
  - 8.2 Global Depositories.
  - 8.3 De-Materialised Securities.
9. **Problems of Control and Accountability: Regulation of Hazardous Activity.**
  - 9.1 Mass Disaster and Environmental Degradation: Legal Liability and Legal Remedies.
  - 9.2 Public Liability Insurance: Adequacy.
  - 9.3 Issues in Zoning and Location of Industrial Units,
10. **Special Aspects of Legal Regulation of Select Public Enterprises.** (Universities may select some such representative Public Enterprise for Transport, Mining and Energy).
  - 10.1 Telecom Regulatory Authority.
  - 10.2 Insurance Regulatory Authority.
  - 10.3 Broadcasting Regulatory Authority.

## **11. Legal Regulation of Multi-Nationals.**

- 11.1 Collaboration Agreements for Technology Transfer.
- 11.2 Development and Regulation of Foreign Investments.
  - 11.2.1 Investment in India : FDIs and NRIs.
  - 11.2.2 Investment Abroad.

## **12. Competition Law**

- 12.1 Prohibition of certain agreements Abuse of Dominant Position and Regulation of Combinations.
- 12.2 Prohibition of Abuse of Dominant Position.
- 12.3 Regulation of Combinations.
- 12.4 Competition Commission of India - Duties, Powers and Functions.
- 12.5 Duties of Director General, Competition Advocacy and Finance Accounts and Audit.

### **Select Bibliography**

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

- ★ *Indian Law Institute, Law of International Trade Transactions (1973).*
- ★ *S.M. Dugar - Commentary on MRTP, Competition and Protection Law, 4th edn. Wadhwa & W. Nagpore.*

IV:XIII - Paper - 13

**DISSERTATION**

Dissertation carrying 200 marks shall be evaluated internally and externally 150 marks for the written work and 50 marks for presentation and viva-voce.



Branch-VI

## CRIMINAL LAW

**SECOND SEMESTER**

II:V - Paper - 05

### **JUVENILE DELINQUENCY**

#### **Objectives of the course :**

Juvenile Delinquency is considered as an important branch of Criminology. The impact of juvenile delinquency upon the formation of Indian Criminology Tradition does not seem to be noticeable. No understanding of crimes and treatment of offenders can be complete without a sure grasp of causes, carrots, and cures of juvenile delinquency.

Increasingly, it is being also realized that young offenders require a wholly different centre of criminal justice system and should not be treated in the same way as the adult offenders. Juvenile Justice System, although a part of the criminal justice system has now its own autonomous characteristics.

In addition, the state and the law have to deal with juveniles in certain situations, as parents patriae. The category of 'neglected children' defines the burdens of care which state and society have to assume for neglected children. Most categories of neglected children are also themselves the victims of crime. The institutional care of children poses its own distinctive dilemmas. These, too, should be discussed, especially, at the level of resource investment compared with the extent of need.

The following syllabus prepared with this perspective will extend to a period of one semester:

## **Syllabus**

### **1. The Basic Concepts.**

- 1.1 The Conception of 'Child' in Indian Constitution and Penal Code.
- 1.2 Delinquent juvenile.
- 1.3 "Neglected" juvenile.
- 1.4 The overall situation of Children/Young Persons in India, also with reference to crime statistics (of crimes by and against children).

### **2. Determining Factors of Juvenile Delinquency.**

- 2.1 Differential association.
- 2.2 Anomie.
- 2.3 Economic pressure.
- 2.4 Peer group influence.
- 2.5 Gang sub-culture.
- 2.6 Class differentials.

### **3. Legislative Approaches.**

- 3.1 Legislative position in various States.
- 3.2 Children's Act.
- 3.3 Legislative position in various States.
- 3.4 The Juvenile Justice Act.
  - 3.4.1 Constitutional aspects.
  - 3.4.2 Distinction between "neglected" and "delinquent" Juveniles.
  - 3.4.3 Competent authorities.
  - 3.4.4 Processual safeguards for juveniles.
  - 3.4.5 Powers given to Government.

3.4.6 Community Participation as envisaged under the Act.

#### **4. Indian Context of Juvenile Delinquency.**

4.1 The child population percentage to total sex-ratio, urban/rural/rural-urban.

4.2 Neglected - below poverty line, physically and mentally disabled, orphans, destitutes, vagrants.

4.3 Labourers.

4.3.1 In Organised Industries like zari, carpet, bidi, glass.

4.3.2 In Unorganized sector like domestic servant, shops and establishments, rag-pickers family trade.

4.4 Delinquent - number, sex-ratio, ratio to adult crime, types of offences committed, recidivism, rate of increase, background.

4.5 Drug addicts.

4.6 Victims.

4.6.1 Of Violence - sexual abuse, battered, killed by parents.

4.6.2 Of Criminal activity like bootlegging, drug, pollution as a response of protective approach.

#### **5. Judicial Contribution.**

5.1 Social action litigation concerning, juvenile justice.

5.2 Salient Judicial decisions.

5.3 Role of legal profession in juvenile justice system.

#### **6. Implementation.**

6.1 Institutions, Bodies, Personnel.

6.2 Recruiting and Funding Agencies.

6.3 Recruitment Qualifications and Salaries or Fund.

6.4 Other Responsibilities of each Agency/Person.

6.5 Co-ordination among Related Agencies.



6.6 Accountability - Annual Reports and Accessibility of Public to Juvenile Justice Institution.

## **7. Preventive Strategies.**

7.1 State Welfare Programmes, Health, Nutrition, ICWS, Grants-in-Aid.

7.2 Compulsory Education.

7.3 Role of Community, Family, Voluntary Bodies, Individuals.

### **Select Bibliography**

- ★ *National Institute of Social Defence, Model Rules under the Juvenile Justice Act, 1986 (1986).*
- ★ *K.S.Shukla, Adolescent Offender (1985).*
- ★ *United Nation's, Beijing Rules on Treatment of Yong Offenders (1985).*
- ★ *Myron Weiner, The Child and State in India (1990).*
- ★ *The United Nation's Declaration on the Rights of Children.*

**CRIMINOLOGY AND PENOLOGY -  
THE TREATMENT OF OFFENDERS**

**Objectives of the course :**

This course offers a specialist understanding of Criminal Principles and Policies including Causation of Crime and Theories of Punishment of Discretion in their supposed philosophical and sociological justifications and the problematic of discretion in the sentencing experience of the 'developing' societies, a focus normally absent in law curricula so far.

The expert work of the U.N. Committee on Crime Prevention and Treatment of Offenders will be availed of in this course. Especially, at each state, the three 'D's' will be explored as offering a range of alternatives: Decriminalization, Dependization, De-Institutionalization. Broadly, the course will concern itself with:

- (a) Theories of Punishment.
- (b) Approaches of Sentencing.
- (c) Alternative to Imprisonment.
- (d) The State of Institutional Incarceration in India: Jails and other Custodial Institute.
- (e) The Problematic of Capital Punishment.
- (f) Penology in relation to Privileged Class Deviance.
- (g) Penology in relation to Marginalized Deviance or Criminality.
- (h) The Distinctive Indian (historical and contemporary) Approaches to Penology.

The following syllabus prepared with this perspective will be spread over a period of one semester:

## Syllabus

1. **Crime and Criminology** - Criminal Responsibilities - Theories of Causation - Subjective Theories of Crime - Classification of Crime and Criminals - Organized Crimes, White Collar Crimes and Victimless Crimes.
2. **Penology - Treatment of Offenders**  
Definition and Theories of Punishment.
  - 2.1 Retribution.
  - 2.2 Utilitarian Prevention : Deterrence.
  - 2.3 Utilitarian Intimidation.
  - 2.4 Behavioural Prevention: Incapacitation.
  - 2.5 Behavioural Prevention: Rehabilitation - Expiation.
  - 2.6 Classical Hindu and Islamic Approaches to Punishment.
3. **Problematic of Capital Punishment.**
  - 3.1 Constitutionality of Capital Punishment.
  - 3.2 Judicial Attitudes towards Capital Punishment in India - An Inquiry through the Statue Law and Case Law.
  - 3.3 Law Reforms Proposals.
4. **Approaches to Sentencing.**
  - 4.1 Alternative to Imprisonment.
    - 4.1.1 Probation.
    - 4.1.2 Corrective Labour.
    - 4.1.3 Fines.
    - 4.1.4 Collective Fines.
    - 4.1.5 Reparation by the Offender/by the Court.
5. **Sentencing.**
  - 5.1. Principal Types of Sentences in the Penal Code and Special Laws.



- 5.2 Sentencing in White Collar Crime.
- 5.3 Pre-Sentence Hearing.
- 5.4 Sentencing for Habitual Offender.
- 5.5 Summary Punishment.
- 5.6 Plea-Bargaining.

## 6. Imprisonment

- 6.1 The State of India's Jails Today.
- 6.2 The Disciplinary Regime of Indian Prisons.
- 6.3 Classification of Prisoners.
- 6.4 Rights of Prisoner and Duties of Custodial Staff.
- 6.5 Deviance by Custodial Staff.
- 6.6 Open Prisons.
- 6.7 Judicial Surveillance - Basis - Development Reforms.

### Select Bibliography

- ★ Edwin H. Sutherland - *Criminology*.
- ★ Gillin - *Criminology and Penology*.
- ★ Hall, Jerome - *General Principles of Criminal Law*.
- ★ Russel - *Crime and Misdemeanour*.
- ★ Wooten - *Crime and Criminal*.
- ★ 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).
- ★ A. 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 S... Anthropology 1969-479* (1986).
- ★ Tapas Kumar Banerjee, *Background to Indian Criminal Law* (1990). R. Campray & Co., Calcutta.

II:VIII - Paper - 08

**OPTIONAL SUBJECT**

1. Cyber Crimes and International Crimes  
(OR)
2. Medical Jurisprudence and Forensic Science

**1. CYBER CRIMES AND INTERNATIONAL CRIMES**

1. Theoretical Construction and Evaluation of Legal Regulations of Technological Process and Innovations.
2. Debates relating to Regulation of Cyber Space.
3. Criminal Regulation of Cyber-Space: Issues relating to Criminalization.
4. Typology of Cyber Crimes -
  - Cyber Fraud
  - Cyber Forgery
  - Damage to Computer Data or Computer Programme.
  - Computer Sabotage.
  - Unauthorised Access.
  - Unauthorised Interception.
  - Unauthorised Reproduction.
  - Pornography.
  - Money Laundering.
  - IP Infringements.
  - Other Crimes Perpetrated in the Cyber Context or can be committed with the help of Computer.

5. Jurisdiction and Criminal Regulations of Cyber Space in the Fundamental Context of nation State Sovereignty Principle.
6. Issues and Procedures relating to Cyber Criminal Investigation and Evidence.
7. Adjudication of Cyber Crimes Competence, Understanding and Appreciation about Technology Insight on the part of State-holders.
8. IT Act - Critical Appreciation on Criminal Aspects.
9. Means and Methods to prevent Cyber Loss/Injury/Damage, Technological Options.
10. **International Crimes:** Concept - Definition - Nature and Types - War Crimes and Law relating to it Institution and Process evolved - International Criminal Court - International Criminal Law and Municipal Criminal Law.

## 2. MEDICAL JURISPRUDENCE AND FORENSIC SCIENCE

### **Introduction:**

1. Medical Relationship with Crime - Forensic Science and Crime - Crime Scene Examination - Detection - Role of Investigator - Criminal Trial - Expert Witness - Role of Medical Evidence.
2. The work of Police Specialists and Forensic Scientists - Personal Identification - Examination of Living and Dead - Cases of Homicide and Suicide - Examination of Wounds and Injuries - Blood Stains and Seminal Stains - Blood and other Body Fluids - Finger Prints - Tracing of Hair, Bone Teeth etc. - Gun Shot - Asphyxia death - Death and Injuries by Burns / Scalds / Cold and Starvation.
3. Impotency and Sterility - Virginity and Defloration - Pregnancy through Crime, Legitimacy and Tracing of Inheritance - Rape - Abortion - Infanticide - Unnatural Sexual Offences.



4. Work of Forensic Science Laboratories - Contact Traces - Marks Scratches of Paint, Glass etc.
5. Identification of Property - Road Accidents - Tracing of hit and run vehicles.
6. Work of Chemist - Methods - Tracing Alcohol.
7. Work of Biologist - Tracing Blood and other Biological Matters.
8. Toxicology and Drug Identification - Classification and Effect.
9. Identification of Photos and Documents - Detection Powders.

**Select Bibliography**

- ★ *Modi* - *Medical Jurisprudence*
- ★ *H.J. Walls* - *Forensic Science*
- ★ *J.H. Phillips & J.K. Bowen* - *Forensic Science and Expert Witness*

## THIRD SEMESTER

III:IX - Paper - 09

### PRIVILEGED CLASS DEVIANCE

#### Objectives of the course :

This course focuses on the "Criminality of the Privileged Classes". The definition of "Privileged Classes" in a society like India should not pose major problem at all; the expression nearly includes wielders of all forms of state and social (including religious) power. Accordingly, the course focuses on the relation between privilege power and deviant behaviour. The traditional approaches which highlight "white-collar offences", "socio-economic offences" or "crimes of the powerful" deal mainly with the deviance of the economically resourceful. The dimension of deviance associated with bureaucracy, the new rich (nouveau riche) religious leaders and organizations, professionals classes and the higher bourgeoisie are not fully captured here.

In designing teaching materials for this course, current developments in deviance, as reflected in newspapers/journals, law reports, and legislative proceedings should be highlighted.

It should be stressed that the objective of the course include;

- (a) Dispelling of the commonly held belief that deviance crime is usually associated with the impoverished or improvident;
- (b) Construction of model so understanding the reality of middle and upper; middle class deviance criminality in India;
- (c) Critical analyses of legal system responses; and
- (d) Issues and dilemmas in penal and sentencing policies.

The following syllabus prepared with the above objectives will be spread over a period of one semester:

## **Syllabus**

### **1. Introduction**

- 1.1 Conceptions of White Collar Crimes.
- 1.2 Indian Approaches to Socio-Economic Offences.
- 1.3 Notions of Privileged Class Deviance as providing a wider categorization of understanding Indian development.
- 1.4 Typical forms of such Deviance.
  - 1.4.1 Official Deviance (Deviance by Legislators, Judges, Bureaucrats).
  - 1.4.2 Professional Deviance: Journalists, Teachers, Doctors, Lawyers, Engineers, Architects and Publishers.
  - 1.4.3 Trade Union Deviance (including Teachers, Lawyers, Urban Property Owners).
  - 1.4.4 Landlord Deviance (Class, Caste based Deviance).
  - 1.4.5 Police Deviance.
  - 1.4.6 Deviance on Electoral Process (Rigging, Booth Capturing, Impersonation Practices).
  - 1.4.7 Gender-based Aggression by Socially, economically and politically powerful.

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

### **2. Official Deviance**

- 2.1 Conception of Official deviance - Permissible limit of discretionary powers.
- 2.2 The Chambal Valley Decoit Vinoba Mission and Jai Prakash Narain Mission 1959 and 1971.



- 2.3 The Chagla Commission Report on LIC - Mundhra Affair.
- 2.4 The Dass Commission Report on Pratap Singh Kairon.
- 2.5 The Grover Commission Report on Dev Raj Urs.
- 2.6 The Maruti Commission Report.
- 2.7 The Ibakkar - Natarajan Commission Report on Fairfax.

### **3. Police Deviance**

- 3.1 Structures of Legal Restraint on Police Powers in India.
- 3.2 Unconstitutionality of "Third-degree" methods and use of fatal force by Police.
- 3.3 "Encounter" Killings.
- 3.4 Police Atrocities.
- 3.5 The Plea Superior Orders.
- 3.6 Rape and related forms of Gender-based Aggression by Police and Para-Military Forces.
- 3.7 Reforms suggestions especially by the National Police Commissions.

### **4. Professional Deviance**

- 4.1 Unethical Practices at the Indian bar.
- 4.2 The Lentin Commission Report.
- 4.3 The Press Council on Unprofessional and Unethical Journalism.
- 4.4 Medical Malpractice.

### **5. Response of Indian Legal Order to the Deviance of Privileged Classes.**

- 5.1 Vigilance Commission.
- 5.2 Public Accounts Committee.
- 5.3 Ombudsman.
- 5.4 Commissions of Enquiry.
- 5.5 Prevention of Corruption Act, 1947.
- 5.6 The Antulay Case.

### **Select 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).*
- ★ *Surendranath Dwevedi and G.S. Bbargava, Political Corruption in India (1967).*
- ★ *A.R. Desai (ed.), Violation of Democratic Rights in India (1986).*
- ★ *A.G. Noorani, Minister's Misconduct (1974).*
- ★ *B.B. Pande, "The Nature and Dimensions of Privileged Class Deviance" in The Otherside of Development 136 (1987; K.S. Shukla (ed.).*
- ★ *Indira Rother Und, "Patterns of Trade Union Leadership in Dhanbad Coal Fields" 23 J.I.L.I. 522 (1981).*

## **DRUG ADDICTION, CRIMINAL JUSTICE AND HUMAN RIGHTS**

### **Objectives of the course :**

Almost all the major dilemmas of criminal policy surface rather acutely in combating drug abuse and criminality is quite complex. At least three important questions have been recently identified as crucial for comparative research. First, to what extent drug dependence contributes to criminal behaviour? Second, in what ways do criminal behaviour patterns determine drug abuse? Third, are there any common factors which contribute to the determination on both drug abuse and criminal behaviour?

Apart from these casual issues, there is the broad questions of the social costs-benefits of criminalization of addictive behaviour. Should drug-taking remain in the category of "Crime without victims?" Or should it be viewed as posing an ever-growing threat to human resource development and be subjected to state control, over individual choices as to survival and life-styles?

The problems here are not merely ideological or theoretical. User of drug for personal, non-therapeutic purposes may well be linked with international trafficking in psychotropic substance. It has even been suggested that encouragement of drug-dependency may have in addition to motivation of high profits, politically subversive aspects.

Assuming that both addiction and trafficking have to be regulated, what penal polices should be appropriate? What human rights costs in the administration of criminal justice should be considered acceptable? The international response to these questions is indicated by the Single Convention on Narcotic Drugs, 1961, adopted in New York, 30 March 1961 and as amended by 1972 Protocol in Geneva, 25 March, 1972 and the Convention on Psychotropic substances, adopted in Vienna, 21 February 1971. India has recently adopted



the basic principles of these conventions in the Narcotic Drugs and Psychotropic Substances Act, 1986.

Broadly, Penal policy dilemmas here relate to: (a) Management of sanctions relating to production, distribution and illicit commerce in Narcotic Substances; and, (b) Ways of prevention of abuse of drugs, including speedy diagnosis, treatment, correction, aftercare, rehabilitation and realization of persons affected.

Important problems of method in studying, the impact of regulation need evaluated at every stage.

The following syllabus prepared with the above perspective will be spread over a period of one semester.

## **Syllabus**

### **1. Introduction**

1.1 Basic Conceptions.

1.1.1 Drugs "narcotics", "psychotropic substances".

1.1.2 "Dependence", "Addiction".

1.1.3 "Crimes without Victims".

1.1.4 "Trafficking" in "drugs".

1.1.5 "Primary drug abuse".

### **2. How does one study the incidence of Drug Addiction and Abuse?**

2.1 Self-Reporting.

2.2 Victim-Studies.

2.3 Problems of Comparative Studies.

### **3. Anagraphic and Social Characteristics of Drug Users.**

3.1 Gender.

3.2 Age.

3.3 Religiousness.

- 3.4 Single Individuals/Cohabitation.
- 3.5 Socio-Economic Level of Family.
- 3.6 Residence Patterns (Urban/Rural/Urban).
- 3.7 Educational Levels.
- 3.8 Occupation.
- 3.9 Age at first use.
- 3.10 Type of Drug use.
- 3.11 Reasons given as cause of first use.
- 3.12 Method of intake.
- 3.13 Pattern of the use.
- 3.14 Average quantity and cost.
- 3.15 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.

#### **4. The International Legal Regime.**

- 4.1 Analysis of the background, text and operation of the Single Convention on Narcotic Drugs, 1961, 1972.
- 4.2 Analysis of the Convention on Psychotropic Substances, 1972.
- 4.3 International Collaboration in Combating Drug Addiction.
- 4.4 "The SARC" and "South-South Cooperation".
- 4.5 Profile of International Market for Psychotropic Substances.

#### **5. The Indian Regulatory System.**

- 5.1 Approaches to Narcotic Trafficking during colonial India.
- 5.2 Nationalist thought towards regulation of drug, trafficking, and usage.

- 5.3 The Penal Provisions (under the IPC and the Customs Act).
  - 5.4 India's Role - in the evolution of the two International Conventions.
  - 5.5 Judicial approaches to sentencing in drug trafficking and abuse.
  - 5.6 The Narcotic Drugs and Psychotropic Substances Act, 1985.
  - 5.7 Patterns of resource investment in India: Policing, Adjudication, Treatment, Aftercare and Rehabilitation.
- 6. Human Rights Aspects.**
- 6.1 Deployment of marginalized people as carrier of narcotics.
  - 6.2 The problem of juvenile drug use and legal approaches.
  - 6.3 Possibilities of misuse and abuse of investigative persecutory powers.
  - 6.4 Bail.
  - 6.5 The problem of differential application of the Ugal Regimes especially in relation to the resourceless.
- 7. The Role of Community in Combating Drug Addiction.**
- 7.1 Profile of community initiatives in inhibition of dependence and addiction (e.g. de-addiction and aftercare).
  - 7.2 The role of Educational Systems.
  - 7.3 The role of Medical Profession.
  - 7.4 The role of Mass Media.
  - 7.5 Initiatives for compliance with Regulatory Systems.
  - 7.6 Law Reform Initiatives.

**Select 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. Rajagopal, *Violence and Response: A Critique of the Indian Criminal System*, (1988).
- ★ *United Nation's, Economic and Social Reports of the Commission on Narcotic Drugs, United Nations.*
- ★ *Social Defence, Research Institute (UNSDRI), Combating Drug, Abuse and Related Crimes (Rome, July 1984, Publication No. 21).*
- ★ *Lok Sabha and Rajya Sabha Debates on 1986 Bill on Psychotropic Substances.*

*Useful Journals in this area are:*

- (i) *The Law and Society Review (USA).*
- (ii) *Journal of Drug Issues (Tallahassee Florida).*
- (iii) *International Journal of Addictions (New York).*
- (iv) *British Journal of Criminology.*
- (v) *Journal of Criminal Law, Criminology and Police Science (Baltimore, Md.)*
- (vi) *Journal of Criminal Law, and Criminology (Chicago, Ill).*
- (viii) *International Journal of Offender Therapy and Comparative Criminology.*

## COMPARATIVE CRIMINAL PROCEDURE

### Objectives of the course :

Criminal Procedure is being taught as a compulsory paper at the level of B.L. However a jurisprudential thrust has to be given to this subject at the post-graduate level, as this is a subject, which has constitutional undertones and jurisprudential importance. A study of Comparative Criminal Procedure helps students develop an ecumenical approach and broadens their vision. It inspires them renew and revise their laws to be in time with developed systems. The paper is taught with reference to India, England, France, Russia & USA (General).

### Syllabus

1. **Organisation of Courts and Prosecution Agencies.**
  - 1.1 Hierarchy of Criminal Courts and their jurisdiction.
    - 1.1.1 Nyaya Panchayats in India.
      - 1.1.1.1 Panchayats in Tribal Areas.
  - 1.2 Organization of Prosecuting Agencies for Prosecuting Criminals.
    - 1.2.1 Prosecutors and the Police.
  - 1.3 Withdrawal of Prosecution.
2. **Pre-Trial Procedures.**
  - 2.1 Arrest and Questioning of the Accused.
  - 2.2 The Rights of the Accused.
  - 2.3 The Evidentiary Value of Statements / Articles Seized / Collected by the Police.
  - 2.4 Right to Counsel.
  - 2.5 Roles of the Prosecutor and the Judicial Officer in Investigation.

### **3. Trial Procedures.**

- 3.1 The Accusatory System of trial and the Inquisitorial System.
- 3.2 Role of the Judge, the Prosecutor and Defence Attorney in the trial.
- 3.3 Admissibility and Inadmissibility of evidence.
  - 3.3.1 Expert Evidence.
- 3.4 Appeal of the Court in Awarding Appropriate Punishment.
- 3.5 Plea Bargaining.

### **4. Correction and Aftercare Services.**

- 4.1 Institutional Correction of the Offenders.
- 4.2 General Comparison - After-care Services in India and France.
- 4.3 The role of the Court in Correctional Programmes in India.

### **5. Preventive Measures in India.**

- 5.1 Provisions in the Criminal Procedure Code.
- 5.2 Special Enactments.

### **6. Public Interest Litigation**

- 6.1 Directions for Criminal Prosecution.

### **Select Bibliography**

- ★ *Celia Hamptom, Criminal Procedure.*
- ★ *Wilkins and Cross, Outline of the Law of Evidence.*
- ★ *Archbold, Pleading, Evidence and Practice in Criminal Cases.*
- ★ *Sarkar, 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 People's 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 Report of Indian Law Commission.*
- ★ *The paper will be taught with reference, wherever necessary, to the procedures in India, England, US, France, Russia.*

#### IV:XII - Paper - 12

### **COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM**

#### **Objectives of the course :**

This is a crucial area of Indian development which traditional, western, criminology is not overly preoccupied. Collective Political Violence (CPV) is the order of the day, whether it is agrarian (feudal) violence, or it is atrocities against untouchable, communal riots, dectoral violence, police violence (encounters), political violence by militant and extremist groups, gender-based violence or violence involved in mercenary terrorism and its containment.

It is not very helpful in such contexts, to mouth the generalities such as "criminalization" or "lumperization" of Indian politics. Closer scientific investigation of these phenomena is crucial, which should help us understand both the aetiology and the prognosis of CPV. Instead of political analysis the course should focus on a broader social understanding of the political economy of law in India. Each specific form of violence will be examined with a view to identifying the course of its evolution, the state-law response, polices of management of sanctions, compensation and rehabilitation of victims of violence, social and political costs. The growth of polices and paramilitary forces will also, in this context, be an object of study. Primary materials here will be governmental and citizen investigative reports. The emphasis of the course will be on fashioning overall democratic understanding, and response to meet this problem.

The following syllabus prepared with this perspective will be spread over a period of one semester.

#### **Syllabus**

##### **1. Introductory**

- 1.1 Notions of "force", "coercion", "violence".
- 1.2 Distinction: "symbolic", "institutionalised violence", "structural violence".

- 1.3 Legal order as a Coercive Normative Order.
- 1.4 Force-monopoly of Modern Law.
- 1.5 "Constitutional" and "Criminal" Speech: Speech as incitement of violence.
- 1.6 "Collective Political Violence" and Legal Order.
- 1.7 Notion of Legal and Extra-legal "Repression".

## **2. Approaches to Violence in India.**

- 2.1 Religiously Sanctioned Structural Violence: Caste and Gender-based.
- 2.2 Ahimsa in Hindu, Jain, Baddhist, CChristian, and Islamic Tradition in India.
- 2.3 Gandhiji's Approach to Non-Violence.
- 2.4 Discourse on Political Violence and Terrorism during Colonial Struggle.
- 2.5 Attitudes towards Legal Order as possessed of Legitimate Monopoly over violence during the Colonial Period.

## **3. Agrarian Violence and Repression.**

- 3.1 The nature and scope of Agrarian Violence in the 18-19 Centuries India.
- 3.2 Colonial Legal Order as a causative factor of Collective Political (Agrarian) Violence.
- 3.3 The Telangana Struggle and the Legal Order.
- 3.4 The Report of the Indian Human Rights Commission on Arwal Massacre.

## **4. Violence against the Scheduled Castes.**

- 4.1 Notion of Atrocities.
- 4.2 Incidence of Atrocities.
- 4.3 Uses of Criminal Law to combat Atrocities or contain aftermath of Atrocities.
- 4.4 Violence against Women.



## 5. Communal Violence.

- 5.1 Incidence and Courses of "Communal" Violence.
- 5.2 Findings of various Commissions of Enquiry.
- 5.3 The role of Police and Paramilitary Systems in dealing with Communal Violence.
- 5.4 Operation of Criminal Justice System training, and in relation to Communal Violence.

### Select Bibliography

- ★ U. Baxi, "Dissent, Development and Violence" in R. Meagher (ed.) *Law and Social Change: Indo-American Reflections* 92 (1988).
- ★ U. Baxi (ed.), *Law and Poverty: Critical Essays* (1988).
- ★ A.R. Desai, (ed.), *Peasant Struggles in India* (1979).
- ★ A.R. Desai, *Agrarian Struggles in India: After Independence* (1986) A.R. Desai, *Violation of Democratic Rights in India* (1986).
- ★ D.A. Dhangare, *Peasant Movement in India: 1920-1950* (1983).
- ★ Ranjit Guha, *Element any Aspects of Peasant Insurgency in Colonial India* (1983).
- ★ Ranjit Guba, (ed.), *Subaltern Studies Vol. 1-6* (1983-1988).
- ★ T. Honderich, *Violence for Equality* (1980).
- ★ Mark Juergensmeyer, "The Logic of Religious Violence: The Case of Punjab" 22, *Contributions to Indian Sociology* 65 (1988).
- ★ Ranjit Kothari, *State Against Democracy* (1987).
- ★ G. Shah, *Ethnic Minorities and Nation Building: Indian Experience* (1984).
- ★ K.S. Shukla, "Sociology of Deviant Behaviour", in 3 ICSSR Survey of Sociology and Social Anthropology 1969-1979 (1986).

### IV:XIII - Paper - 13

#### DISSERTATION

Dissertation carrying 200 marks shall be evaluated internally and externally 150 marks for the written work and 50 marks for presentation and viva-voce.

Branch-VII

## PROPERTY LAW

**SECOND SEMESTER**

II:V - Paper - 05

### **MODERN CONCEPTS AND GENERAL PRINCIPLES OF PROPERTY LAW**

#### Syllabus

#### **1. Theories of Property.**

- 1.1 Natural Law Theory.
- 1.2 Historical Theory.
- 1.3 Positive Theory.
- 1.4 Sociological Theory.
- 1.5 Relationship between Property and Law.

#### **2. Possession and Ownership of Property.**

- 2.1 Definition, Essentials and Subject Matter of Ownership.
- 2.2 Right of Ownership, Modes of Acquiring and Kinds of Ownership.
- 2.3 Importance of Possession, Possession in Fact and in Law.
- 2.4 Essentials of Possession, Modes of Transfer of Possession and Kinds of Possession.
- 2.5 Distinction between Ownership and Possession.

### 3. Traditional Concepts.

- 3.1 Property as a Creature of Legal System.
- 3.2 Agrarian and Urban Aspects of Property.
- 3.3 Social and Regulatory Aspects of Property and Social Control of Land.
- 3.4 The Soviet Legal System relating to Property.

### 4. Modern Concepts.

- 4.1 Equitable Doctrines affecting transfer of Property.
- 4.2 Position of Property in Modern Industrial Society.
- 4.3 Acquisition and Requisitioning of Land.
- 4.4 Impact of Technological Developments on Property.

### 5. Property under the Indian Constitution.

- 5.1 Property Relations in Independent India.
- 5.2 Property in Relation to the Constitution of India and its Legal Implications.
- 5.3 Right to Property - From Fundamental Right to Constitutional Right.

6. General Principles of Property. See 1 to 53A of Transfer of Property Act with English Law.

#### **Books Prescribed:**

- ★ *Transfer of Property Act (Ss.1. to 53A - Mulla).*
- ★ *Modern Real Property - Cheshire.*
- ★ *Property Relations in Independent India. Constitutional and Legal Implications. - Edited by G.S. Sharma.*
- ★ *Jurisprudence and Legal Theory - V.D. Mahajan.*

#### **Statute:**

- ★ *Transfer of Property Act, 1882.*



### **Books for Reference:**

- ★ *Transfer of Property Act - H.S.Gour.*
- ★ *The Law of Real Property R.E. Megnary and Wade.*
- ★ *Concept of Property by Prof. M.D.Vidwans AIR 1955 Journal 60.*
- ★ *Fried Mann - Law in Changing Society Chapter III. The Key position of Property in Modern Industrial Society.*
- ★ *John N. Hazar - The Soviet Legal System.*
- ★ *Chen (Morris - Law and Social Order (Part II, Chapter-II).*

**LAW OF MORTGAGES AND EASEMENTS**

**Syllabus**

**1. Mortgages**

- 1.1 Definition and Different Kinds of Mortgages.
- 1.2 Rights and Liabilities of Mortgager.
- 1.3 Rights and Liabilities of Mortgagee.
- 1.4 Equitable Doctrines Affecting Mortgage.
- 1.5 Charge.

**2. Easements**

- 2.1 Equitable Doctrines Affecting Easements.
- 2.2 The Indian Easement Act, 1882. Upto Ss. 56.
  - 2.2.1 Definition.
  - 2.2.2 Kinds of Easement.
  - 2.2.3 Restrictive Easement.
  - 2.2.4 Imposition, Acquisition and Transfer of Easements.
  - 2.2.5 Incidents of Easements.
  - 2.2.6 Disturbance of Easements.
  - 2.2.7 Extinction, Expansion and Revival of Easements.
  - 2.2.8 Licence - Definition and Grant of Licence.
  - 2.2.9 Licence - When Transferable.
  - 2.2.10 Difference between Easement and Licence.

***Books Prescribed:***

- ★ *Mortgage - Fisher.*
- ★ *Transfer of Property Act (SS.58-104) Mulla.*
- ★ *Easements - Cale.*

- ★ *Indian Easement and Licence Act - Katiar*

**Statute:**

- ★ *Transfer of Property Act, 1882.*
- ★ *Indian Easement Act.*

**Books for Reference:**

- ★ *Mortgages - Ghosh.*
- ★ *Transfer of Property Act - H.S. Gour.*

II:VII - Paper - 07

**PRACTICAL / RESEARCH PAPERS**



**MODERN INTELLECTUAL PROPERTY LAW**

**Syllabus**

**1. TRIPS Agreement**

- 1.1 Object, General Provisions and Basic Principles.
- 1.2 Nature and Scope of Obligations.
- 1.3 Scope and Use of IPR.
- 1.4 Enforcement of IPR, Dispute Settlement and Prevention.
- 1.5 Social Interest in Protecting Intellectual Property.

**2. Law of Trademarks**

- 2.1 International Protection of Trademarks.
- 2.2 Trademarks Act, 1999.
  - 2.2.1 Definitions.
  - 2.2.2 Registration and Procedure for Registration of Trademark.
  - 2.2.3 use of Registered Marks, Registered Users, Assignment and Transmission.
  - 2.2.4 Collective Marks, Certification of Trademarks, Rectification and Correction of Register.
  - 2.2.5 Intellectual Property Appellate Boards - Its Power and Function.
  - 2.2.6 Infringement of Registered Trademarks, Offences relating to Trademark and Passing Off.

**3. Law of Copyright**

- 3.1 International Protection of Copyright.
- 3.2 Copyright Act, 1957 (As amended by the Copyright (Amendment) Act, 1999).
  - 3.2.1 Definitions.

- 3.2.2 Meaning of Copyright and Works in which Copyright Subsists.
- 3.2.3 Ownership of Copyright, Rights of the Owner and Term of Copyright.
- 3.2.4 Registration of Copyright, Copyright Office, Copyright Board and Copyright Societies.
- 3.2.5 Infringement of Copyright and Remedies.

**Books Prescribed:**

- ★ *Intellectual Property Law - Cornish W.H.*
- ★ *Law of Trademark and Passing Off - P. Narayanan.*
- ★ *Law of Copyright - P. Narayanan.*
- ★ *Patent Trademarks, Copyright and Industrial Design - White and Jacob.*

**Statute:**

- ★ *TRIPS Agreement.*
- ★ *Trademarks Act, 1999.*
- ★ *Copyright Act, 1957 as amended by the Copyright (Amendment) Act, 1999.*

**Books for Reference:**

- ★ *Intellectual Property - David Bain Bridge.*
- ★ *Trademarks - Kelly.*
- ★ *Law of Copyright - Copinger*

## **THIRD SEMESTER**

III:IX - Paper - 09

### **LAW OF TRUSTS**

#### **Syllabus**

#### **1. Private Trusts**

- (1) General Views of Trust.
- (2) Classification of Trust.
- (3) Creation of Private Trust.
  - 1.1 Constitution of Private Trust.
  - 1.2 Conditions for Validity of Private Trust Administration and Fiduciary Relationship Appointment - Retirement and Disabilities of Trustee.
  - 1.3 Rights, Duties and Powers of Trustees.
  - 1.4 Rights, Duties and Powers of Beneficiaries.
  - 1.5 Judicial Supervision over Administration of Trusts.

#### **2. Public Trusts and Wakfs.**

- 2.1 Concept of Charity in English Law, Hindu Law and Mohammadan Law.
- 2.2 Constitution of Charitable Endowments Rights, Duties of Debutter, Shebaitship.
- 2.3 Management of Debutter, Shebaitship, its legal Character and Incidents.
- 2.4 Administration of Charitable Endowments - Enforcement of Religious & Charitable Trust and Remedies for Breach of Trust.



- 2.5 Supervision and Administration by the State.
  - 2.6 Wakfs - Formation - Administration - Mutawalli, Function & Powers.
  - 2.7 Hindu Religious & Charitable Endowments - Formation - Administration - Essentials - Objects.
3. Fundamental Ideas underlying Religious & Charitable Trust.

**Books Prescribed:**

- ★ *Trusts - Lewin.*
- ★ *Charities - Tudor.*
- ★ *Hindu Law of Religious and Charitable Trusts - B.K. Mukerjee.*
- ★ *Mohammedan Law - S. Ameer Ali (Chapters dealing with Wakfs).*
- ★ *Wakfs Act - Past & Present.*

**Statute:**

- ★ *Indian Trusts Act.*
- ★ *Hindu Religious and Charitable Endowments Act.*

**Books for Reference:**

- ★ *Principles of Equity - Sha.*
- ★ *Trusts - Under Hill.*
- ★ *Hindu and Mohammedan Endowments - Ganapathy Ayyar.*
- ★ *Hindu Endowments and Religious Institution - Ghose.*
- ★ *Muslim Law - M. Tyabji (Chapters dealing with Wakfs).*

**LAND REFORMS LAWS AND LEASES**

**Syllabus**

**1. Historical Background**

- 1.1 Peasant Movement and Uprisings.
- 1.2 Ryotwari and Zamindari Settlements.
- 1.3 Land Revenue System under the British Administration.
- 1.4 Comparison - with Russia - Fudel Lords of England.

**2. Land Acquisition Act, 1897.**

- 2.1 Concept of Eminent Domain and Right of Preemption.
- 2.2 Definities, Scope and Object.
- 2.3 Publication of Notification and Declaration.
- 2.4 Objections.
- 2.5 Enquiry and Award by Collector.
- 2.6 Prohibition on Transfer, Forfeiture and Special Powers in cases of urgency.
- 2.7 Reference to Court and Compensation.
- 2.8 Acquisition of Land of Companies.
- 2.9 Land Acquisition and Constitutional Law Public Utility Purpose.

**3. Estate Abolition Laws.**

- 3.1 T.N. Estates Abolition and Conversion into Ryotwari Act, 1963.
- 3.2 T.N. Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963.
- 3.3 Madras Estates Land (Reduction of Rent) Act, 1947.

**4. Land Ceiling Laws.**

- 4.1 Urban Land Ceiling and Regulations Act, 1976.



4.2 T.N. Reforms (Fixation of Ceiling on Land) Act, 1961.

4.3 Special Provisions - Ceiling Areas (-) in Madras.

**5. Tenancy Laws.**

5.1 Occupants of Kudiyiruppu, Protection from Eviction and Conferment of Ownership.

5.2 Cultivating Tenants.

5.2.1 Protection of Cultivating Tenants.

5.2.2 Payment of Fair Rent.

5.2.3 Arrears of Rent Relief.

5.2.4 Special Provisions.

5.3 Record of Tenancy.

5.4 Regulation of Agricultural Lands.

5.5 Administration of Agricultural Lands.

5.6 T.N. Building - Lease and Rent Control.

**6. Bonded Labour.**

6.1 Constitutional Protection.

6.2 Abolition of Bonded Labour.

**7. Leases (Ss. 105 to 117 - TP Act, 1882).**

7.1 Definitions and Kinds of Leases.

7.2 Duration of certain Leases.

7.3 Leases how made.

7.4 Rights and Liabilities of Lessor.

7.5 Rights and Liabilities of Lessee.

7.6 Termination of Lease, Waiver of Forfeiture and Notice to Quit.

7.7 Relief against Forfeiture.

7.8 Effect of Surrender and Holding-over.

7.9 Exemption of Leases for Agricultural Purposes.



**Books Prescribed:**

- ★ *Transfer of Property Act - Mulla (Ss. 105-117).*
- ★ *Indian Land Problems and Legislation - G.D. Patel.*
- ★ *Landlord and Tenant - Wood Fall.*

**Statute:**

- ★ *The Tamil Nadu, Estate Abolition : and Conversion into Ryotwari Act, 1963.*
- ★ *The Tamil Nadu Inams (Abolition and Conversion into Ryotwari) Act, 1963.*
- ★ *Madras Estates Land (Reduction of Rent) Act, 1947.*
- ★ *The Tamilnadu Reform (Fixation of Ceiling on Land) Act, 1961.*
- ★ *The Tamilnadu Occupants of Kudiyiruppu (Protection from Eviction) Act, 1961.*
- ★ *The Tamilnadu Agricultural Lands Record of Tenancy Rights Act, 1969.*
- ★ *The Tamilnadu Occupants of Kudiyiruppu Conferment of Ownership) Act, 1971.*
- ★ *The Tamilnadu Cultivating Tenants Protection Act, 1955.*
- ★ *The Tamilnadu Tenants Cultivating (Payment of Fair Rent) Act, 1956.*
- ★ *The Tamilnadu Tenants Cultivating (Special Provision) Act, 1968.*
- ★ *The Tamilnadu Building (Lease and Rent Control) Act, 1960.*
- ★ *The Tamilnadu Cultivating Tenants Arrears of Rent (Relief) Act, 1972.*
- ★ *The Madras Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961.*
- ★ *Urban Land Ceiling and Regulations Act, 1976.*
- ★ *Bonded Labour System (Abolition) Act, 1976.*

**Books for Reference:**

- ★ *History of Land Revenue Settlement and Abolition of Intermediary Tenures in Tamilnadu - Govt. of Tamilnadu Publication, 1977.*
- ★ *Transfer of Property Act - H.S. Gour (Ss. 105-117).*

**LAW OF SUCCESSION**

**Syllabus**

**1. Preliminary**

1.1 Institution of Testamentary Disposition and its Social Utility.

Succession under

1. Mitakshara Law.
2. Dhaya Bhaga Law.
3. Hindu Women's Right to Property.
4. Stridhana.
5. Women's Estate.
6. General Rules of Succession in the case of Male Hindu.
7. General Rules of Succession in the case of Female Hindu.
8. Marumakathayam and Aliaya Sandhanam.
9. Mode of Succession.
10. Testamentary Succession.

**2. Mohammedan Law of Wills (Wasiat)**

- 2.1 Concept and Meaning.
- 2.2 Definitions.
- 2.3 Form of Will, Author of Will.
- 2.4 Bequest of Property and Restrictions over Bequest.
- 2.5 Bequest which are not absolute.
- 2.6 Revocation of Will.
- 2.7 Interpretation of Wills.
- 2.8 Comparisons between Will and Gift.
- 2.9 Comparison between Shia Law and Sunni Law of Wills.

### 3. Testamentary Succession (Indian Succession Act, 1925).

- 3.1 Application.
- 3.2 Wills and Codicils.
- 3.3 Execution of Unprivileged Wills.
- 3.4 Privileged Wills.
- 3.5 Attestation, Revocation, Alteration and Revival of Wills.
- 3.6 Interpretation of Wills.
- 3.7 Void Bequests.
- 3.8 Vesting of Legacies.
- 3.9 Onerous, Contingent and Conditional Bequests.
- 3.10 Bequests with directions as to Application or Enjoyment.
- 3.11 Bequests to an Executor.
- 3.12 Specific Legacies and Demonstrative Legacies.
- 3.13 Ademption of Legacies.
- 3.14 Payment of Liabilities in respect of the subject of a Bequest.
- 3.15 Bequest of things described in General Terms and Interest or Produce of a Fund.
- 3.16 Bequests of Annuities.
- 3.17 Legacies to Creators and Petitioners.
- 3.18 Election and Gifts in Contemplation of Death.

#### **Books Prescribed:**

- ★ *Wills - Theobald.*
- ★ *Indian Succession Act - Paruck.*
- ★ *Mohammedan Law - Ameer Ali.*
- ★ *Hindu Law & Usage - Mayne.*



**Statute:**

- ★ *Indian Succession Act, 1925 (Chapters dealing with Testamentary Succession)*

**Books for Reference:**

- ★ *Wills - Jarman*
- ★ *Executors & Administrator - Williams.*
- ★ *Wills - Mantha Remamurthy.*
- ★ *Muslim Law - Tyabji.*

## **FOURTH SEMESTER**

IV:XII - Paper - 12

### **LAW OF PATENTS, DESIGN AND GEOGRAPHICAL INDICATION**

#### **Syllabus**

#### **1. Law of Patents.**

- 1.1 International Protection of Patents.
- 1.2 Patent Act, 1970 (as Amended by the Patents (Amendment) Act, 1999.
  - 1.2.1 Definitions.
  - 1.2.2 Inventions Not Patentable
  - 1.2.3 Rights of Patentee & Compulsory Licence.
  - 1.2.4 Procedure for Obtaining a Patent, Patent Agents.
  - 1.2.6 Registrar of Patents, Establishment of Patent Office.
  - 1.2.7 Powers of the Controller and Exclusive Marketing Rights.
  - 1.2.8 Infringement of Patent and Remedies. WTO & GATT & its Differences.

#### **2. Law of Designs**

- 2.1 Design Act, 2000.
  - 2.1.1 Essentials of a Design.
  - 2.1.2 Rights of the Proprietor of Design.
  - 2.1.3 Registration of Design and Restoration of Lapsed Design.
  - 2.1.4 Cancellation of Registration.
  - 2.1.5 Powers & Duties of Controller.
  - 2.1.6 Infringement of Copyright in the Design and Remedies.

### 3. Law of Geographical Indications.

- 3.1 Geographical Indications Act, 1999.
- 3.2 Registration and Cancellation of Geographical Indications.
- 3.3 Rectification and Correction of Register.
- 3.4 Special Provisions relating to Trademark and Prior Users.
- 3.5 Infringement of Registered Geographical Indication and Remedies.

#### **Books Prescribed:**

- ★ *Intellectual Property Law - P.S. Narayan.*
- ★ *Intellectual Property Law - G.B. Reddy.*
- ★ *Intellectual Property - Nagaraj.*
- ★ *Patents, Trademarks, Copyright and Industrial Design - White and Jacob.*

#### **Statute:**

- ★ *The Patent Act, 1970 (with latest amendments)*
- ★ *Designs Act, 2000.*
- ★ *The Geographical Indications Act, 1999.*

#### **Books for Reference:**

- ★ *Intellectual Property - David Bain Bridge.*

IV:XIII - Paper - 13

### **DISSERTATION**

Dissertation carrying 200 marks shall be evaluated internally and externally 150 marks for the written work and 50 marks for presentation and viva-voce.



**Branch-VIII**

**LABOUR LAW AND**  
**ADMINISTRATIVE LAW**

**SECOND SEMESTER**

II:V - Paper - 05

**TRADE UNIONISM AND COLLECTIVE BARGAINING**

**Syllabus**

**1. Freedom of Organisation.**

- 1.1 International Norms - I.L.O. Conventions and Recommendations on Right to Organise.
- 1.2 Right to Association of Industrial Labour in U.K. and U.S.A.
- 1.3 Right to Association of Industrial Labour in India - The Constitutional and Legal Aspects.

**2. Trade Unionism in India.**

- 2.1 Factors Affecting Trade Unions.
- 2.2 Multi Unionism and Trade Union Rivalry.
- 2.3 Trade Unions and Politics.
- 2.4 Problem of Outsiders in the Union.
- 2.5 Trade Union Recognition.

**3. Trade Unionism - Comparative Analysis of Position in U.K., U.S.A. and India.**

- 4. Trade Union Law.**
  - 4.1 Legal Status of Trade Unions.
  - 4.2 Privileges and Immunities.
  - 4.3 Trade Union Funds.
  - 4.4 Comparative Study of Law in U.K., U.S.A. & India.
- 5. Collective Bargaining.**
  - 5.1 Concept of Collective Bargaining.
  - 5.2 Methodological Aspects.
  - 5.3 Factors Affecting Collective Bargaining in India.
  - 5.4 Conditions for Successful Functioning.
- 6. Bargaining Process.**
  - 6.1 Types of Bargaining.
  - 6.2 Collective Bargaining Agreements.
  - 6.3 Enforcement of Agreements.
  - 6.4 Comparative Study of Law in U.K., U.S.A. and India.
- 7. Coercive Action in Industrial Employment.**
  - 7.1 Concepts of Strike and Lockout.
  - 7.2 Legal Control of Strike and Lockout.
  - 7.3 Comparative Study of Law in U.K., U.S.A., and India.
- 8. Worker's Participation in Management.**
  - 8.1 Role of the State.
  - 8.2 Policies in U.K., U.S.A. and India.

***Selected Bibliography:***

- ★ *O.P. Malhotra, The Law of Industrial Disputes. (Tripathi).*
- ★ *K.D. Srivastava - Law Relating to Trade Unions and Unfair Labour Practices in India. (Eastern Book Company).*

- ★ V.V. Giri, *Labour Problems in Indian Industry* (Asia Publishing House).
- ★ V.B. Kher - *Indian Trade Union Law*.
- ★ J.N. Malik - *Trade Union Law*. (S.C. Sarkar & Sons).
- ★ Karnik, *Indian Trade Unions*.
- ★ Ganga Sahai Sharma - *Trade Union Freedom in India*. (Deep and Deep Publications).
- ★ S.N. Dhayani - *Trade Union and the Right to Strike* (S.Chand & Co.).
- ★ *Relevant Chapters of National Commission on Labour 1969*.
- ★ Mary Sur, *Collective Bargaining*.
- ★ I.L.O. *Collective Bargaining*.
- ★ Marris D. Korkasch - *A Treatise on Labour Law* (The Bobbs. Merrill Co. Inc.).
- ★ Benjamin J. Taylor & Fred Witney - *Labour Relations Law* (Practice Hall).
- ★ Otto - Kahn Freund - *Labour and the Law* (Stevan & Sons).
- ★ Roger W. Ridout - *Principles of Labour Law* (Sweet & Maxwell).



**COMPARATIVE ADMINISTRATIVE LAW**

**Syllabus**

- 1. Evolution and Significance of Administrative Law in various Systems of Government from Ancient to Modern.**
  - 1.1 French System.
  - 1.2 England and U.S.
  - 1.3 Other Systems.
- 2. Rule of Law**
  - 2.1 Dicey's Concept of Rule of Law.
  - 2.2 Changing Dimensions.
  - 2.3 Regulation & Administrative Process.
- 3. Doctrine of Separation of Powers.**
  - 3.1 Comparative Survey - Common Law and Continental Systems: English, U.S., French and Indian.
  - 3.2 From Rigidity to Flexibility.
- 4. Delegated Legislation.**
  - 4.1 Comparative Approaches : Widening Contours: Classification.
  - 4.2 Controls over Delegated Legislation.
- 5. Administrative Direction.**
- 6. Administrative Discretion.**
  - 6.1 Need for Discretionary Powers.
  - 6.2 Nature, Scope and Limits.
- 7. Processual Fairness**
  - 7.1 Evolution and Significance of Natural Justice.

- 7.2 England: Judicial Process: Doctrine of Fairness and Doctrine of Legitimate Expectation - Legislation.
- 7.3 Institutional Decisions.
- 7.4 U.S.: Due Process and Judicial Decisions - Legislation  
India: Through Judicial Process; Doctrine of Fairness; Articles 14, 19 and 21 - Doctrine of Legitimate Expectation.
- 7.5 Access to Information U.S.A. and India.

## **8. Liability of Administration - England, U.S. and Indian Practices.**

- 8.1 Contractual Liability.
- 8.2 Tortious Liability.
- 8.3 Federal Tort Claims Act, 1946.
- 8.4 Crown Proceedings Act, 1947.
- 8.5 Indian Attempts at Legislation.
- 8.6 Government Privileges in Legal Proceedings.

## **9. Controls on Mal-Administration.**

- 9.1 Ombudsman Concept.
- 9.2 Comparative Perspectives.
- 9.3 Evolving Indian Models - Lokpal and Lokayukata Institution.
- 9.4 Commission of Inquiry.
- 9.5 Vigilance Commission.

### ***Selected Bibliography:***

- ★ *Jain & Jain, Principles of Administrative Law.*
- ★ *M.P. Jain, Cases and Materials on Administrative Law.*
- ★ *Peter H. Schuck, Foundations of Administrative Law (194), Oxford, New York; Friedman, The State and the Rule of Law in a Mixed Economy.*

- ★ *Neville L. Brown and J.F. Garner, French Administrative Law.*
- ★ *Ivor Jennings, Law and the Constitution.*
- ★ *H.W.R. Wade, Administrative Law.*
- ★ *Schewartz & Wade, Legal Control of Government.*
- ★ *Davis, Discretionary Justice.*
- ★ *De Smith, Judicial Review of Administrative Action (1995).*
- ★ *D.D. Basu, Comparative Administrative Law (1998).*
- ★ *J.J.R. Upadhaya, Administrative Law (2001).*



II:VIII - Paper - 08

**OPTIONAL SUBJECT**

1. Law Relating to Civil Servants  
(OR)
2. Local Self-Government Law

**1. LAW RELATING TO CIVIL SERVANTS**

**1. Civil Servants: Constitutional Dimensions.**

- 1.1 Civil Servants and the Fundamental Rights - Historical and Comparative Perspective.
- 1.2 Equality and Protective Discrimination: Principles and Practices.
- 1.3 Service Regulations - The Constitutional Basis - Formulation of Service Rules - Doctrine of Pleasure.
- 1.4 Limitations on Doctrine of Pleasure.
  - 1.4.1 Action only by an Authority not Subordinate to the Appointing Authority.
  - 1.4.2 Opportunity of Being Heard and its Exceptions.

**2. Recruitment and Promotion.**

- 2.1 Central and State Agencies for Recruitment.
- 2.2 Methods, Qualification.

**3. Conditions of Service.**

- 3.1 Pay, Dearness Allowance and Bonus: Machinery for Fixation and Revision of Pay Commission.
- 3.2 Kinds of Leave and Conditions of Eligibility.

- 3.3 Social Security: Provident Fund, Superannuation and Retiral Benefits, Medicare, Maternity Benefits, Employment of Children of those dying in harness, Compulsory Insurance.
  - 3.4 Civil and Criminal Immunities for action in good faith.
  - 3.5 Comparative Evaluation with Private Sector.
  - 3.6 Comparative Evaluation between the State Government Employees and the Central Government Employees.
  - 3.7 Consultation with Public Service Commission.
- 4. Special Categories of Services.**
- 4.1 Judicial Services: Subordinate Judiciary - Judicial Officers and Servants: Appointment and Conditions of Service.
  - 4.2 Officers and Servants of the Supreme Court and the High Courts: Recruitment, Promotion, Conditions of Service and Disciplinary Action.
  - 4.3 All India Services, Objects, Regulation of Recruitment and Conditions of Service, Disciplinary Proceedings.
- 5. Settlement of Disputes over Service Matters.**
- 5.1 Departmental Remedies: Representation, Review, Revision and Appeal: Role of Service Organisations.
  - 5.2 Remedy before the Administrative Tribunal: Jurisdiction, Scope and Procedure - Merits and Demerits - Exclusion of Jurisdiction of Courts.
  - 5.3 Judicial Review of Service Matters - Jurisdiction of the Supreme Court and High Courts.
- 6. Comparative Position in England, United States and France.**

***Selected Bibliography:***

- ★ *Students are to study the Central and State Laws and Rules relating to Service Matters.*

- ★ *ILI (by Justice M. Rama Jois), Services under the State (1987).*
- ★ *N. Narayanan Nair, The Civil Servant under the Law and the Constitution (1973).*
- ★ *K.K. Goyal, Administrative Tribunals Act (1985).*
- ★ *Seervai, Constitutional Law of India.*
- ★ *Arjun P. Aggarwal, Freedom of Association in Public Employment, 14 JILI (1972).*
- ★ *C.K. Kochukoshy, "All India Services - Their Role and Future", 1972. I.J.P.A. 67.*
- ★ *Douglas Vass, "The Public Service in Modern Society", 1983 I.J.P. A. 970.*
- ★ *Z.M.S. Siddiqi, "Sanction for the Breach of Contracts of Service", 25, J.I.L.I. 359 (1983).*
- ★ *O.P. Motilal, "Compulsory Retirement", 1975, I.J.P.A. 247.*
- ★ *D.S. Chopra., "Doctrine of Pleasure - its some implication and limitations", 1975, I.J.P.A. 92.*
- ★ *G.C.V. Subba Rao, "The ONGC Case and New Horizons in Public Services Law S.C.J. 29.*

BR 132 210 81  
 Effsam me  
 21 Teachers Colony  
 11 MS Street  
 K. J. Jayaram  
 Chennai.

Srinivas  
 Abade      9840036554  
 Chennai



## **2. LOCAL SELF-GOVERNMENT LAW**

### **1. Historical Perspectives.**

- 1.1 Early Period.
- 1.2 Gram Swaraj: The Gandhian Concept.

### **2. Constitutional Scheme.**

- 2.1 Directive Principles.
- 2.2 Structure and Powers of Local Bodies.

### **3. Legislative Powers.**

- 3.1 Direct Democracy and Grass Root Planning.
- 3.2 Municipalities and Corporation.
- 3.3 Gram Sabha.

### **4. Quasi-Legislative Powers.**

- 4.1 Rule Making Power of the State Government.
- 4.2 Regulations and Bye-Laws.

### **5. Financial Powers.**

- 5.1 Levying Taxes.
- 5.2 Licensing Power.
- 5.3 Financial Resources and Powers.

### **6. Judicial and Quasi-Judicial Powers of the Local Bodies.**

### **7. Election to Local Bodies.**

### **8. Conduct of Meetings: Corporation, Municipal Council, Panchayat Committee and Gram Sabha.**

### **9. Institutional and Judicial Control.**

### ***Selected Bibliography:***

- ★ *Friedman, The State and the Rules of Law in a Mixed Economy.*
- ★ *Neville L. Brown and J.F. Garner, French Administrative Law.*

- ★ *Dicey, Introduction to the Law of the Constitution.*
- ★ *Iwon Jennings, Law and the Constitution.*
- ★ *Schwartz & Wade, Legal Control of Government.*
- ★ *Davis, Discretionary Justice.*
- ★ *Jain & Jain, Principles of Administrative Law (1986), Tripathi, Bombay.*
- ★ *Dr. A.T. Markosa, Judicial Courts & Administrative Sections in India.*
- ★ *De Smith, Judicial Review of Administrative Action (1995).*
- ★ *Indian Law Institute, Government Regulation of Private Enterprises, D.C. Panday.*
- ★ *W. Thornhill (ed.), The Growth and Reforms of English Local Self-Government (1971).*
- ★ *Weidenfeld and Nierlson, London.*
- ★ *Radhakumud Mookerji, Local Government in Ancient India (1985), Daya Publishing, Delhi.*
- ★ *M. Venkatarangaiya & M. Pattabhiram, Local Government in India (1969) Allied, New Delhi.*
- ★ *G.P. Palanidurai, New Panchayat Raj Institution.*
- ★ *S.R. Maheswari, Local Government in India, Agra Lakshmi Narain Agarwal Publication.*



## **THIRD SEMESTER**

III:IX - Paper - 09

### **INDUSTRIAL RELATIONS LAW**

#### **Syllabus**

#### **1. Concept of Employment.**

- 1.1 Evolution of the Concept of Master and Servant Relationship.
- 1.2 State Regulation of Employer - Employee Relationship.
- 1.3 Special Features of Industrial Relations Law.
- 1.4 Nature of Industrial Disputes.
- 1.5 Need for State Interference.

#### **2. Methods of Settlement of Industrial Disputes.**

- 2.1 Conciliation.
- 2.2 Arbitration.
- 2.3 Adjudication.
- 2.4 Collective Bargaining.

#### **3. Access to Adjudicatory Authorities.**

- 3.1 Control by Government - Reference Power.
- 3.2 Extent of Government's Discretion - Time, Expediency and Matters for Adjudication - Limitations on Discretion.
- 3.3 Political Overtones and Pressure Tactics.
- 3.4 Judicial Intervention and its Limitation.
- 3.5 Direct Access to Adjudicatory Authority by Employer and Workmen - Problems and Perspectives.
- 3.6 Comparative Overview of Access to Adjudicatory Process in the U.K., U.S.A. and India.



#### **4. Adjudicatory Process.**

- 4.1 Industrial Adjudication as a Modality of Harmonizing the Interests of Capital and Labour.
- 4.2 Equity and Justice as Guiding Principles.
- 4.3 Jurisdiction and Powers of Labour Courts and Industrial Tribunals.
- 4.4 Finality of Decision Making - Post-Natal Control by Government over Adjudication.
- 4.5 A Comparative Appraisal of the Adjudicatory Process in U.K., U.S.A. & India.

#### **5. Adjudicatory Process and Jurisdictional Issues.**

- 5.1 Concepts of Industry - Industrial Dispute and Workman.
- 5.2 Juridical Formulation of these Concepts.
- 5.3 Need for Reforms in Law.

#### **6. Judicial Review of the Adjudicatory Process.**

- 6.1 Finality of Decision Making in Adjudicatory Process.
- 6.2 Formulation through Constitutional Remedies of Writs and Appeal.
- 6.3 Jurisprudence of Industrial Adjudication.

#### **7. Employer's Prerogatives and Workmen's Rights.**

- 7.1 Lay-Off, Retrenchment and Closure in Industry.
- 7.2 Legal Control of Lay-Off, Retrenchment and Closure.
- 7.3 Retrenchment - The Widening Dimensions through Decisional Law.
- 7.4 Comparative Over View of Position in U.K. and India.

#### **8. Disciplinary Action in Industrial Employment.**

- 8.1 Mis-Conducts in Industrial Employment.
- 8.2 Employer's Prerogative to take Disciplinary Action.
- 8.3 Standing Orders.

- 8.4 Domestic Enquiry - Procedure.
- 8.5 Punishments.
- 8.6 Jurisdiction of the Adjudicatory authority in respect of Dismissal of Workmen.

### **Selected Bibliography:**

- ★ *O.P. Malhotra, The Law of Industrial Disputes. (Tripathi).*
- ★ *Indian Law Institute, Labour Law and Labour Relations.*
- ★ *S.C.Srivastava, Industrial Relations and Labour Law. (Vikas Publishing House).*
- ★ *Dr. G.K. Kothari, Labour Demands and their Adjudication - Vol.II (N.M. Tripathi).*
- ★ *E.M. Rao, Industrial Jurisprudence (Butte Worths).*
- ★ *Chadurvedi, R.G., Law and Procedure of Departmental Enquiries and Disciplinary Actions.*
- ★ *Markandeya Kadju, Domestic Enquiry.*
- ★ *Indian Law Institute, Labour Adjudication in India, Z.M.S. Siddiqi and M.Afzal Wani.*
- ★ *Roger W. Reidout, Principles of Labour Law (Sweet and Maxewell).*
- ★ *Robert A. Gorman, Basic Text on Labour Law.*
- ★ *J.R. Corby Hall, Principles of Industrial Law.*
- ★ *W. Mansfield Cooper & John C. Wood, Outlines of Industrial Law.*
- ★ *Morris D. Forkosch, A Treatise on Labour Law (The Bobbs - Merril Co. Inc.).*
- ★ *Benjamin J. Taylor & Fred Witney, Labour Relations Law (Prantice Hall).*
- ★ *K.D. Srivastava, Commentary on the Industrial Employment (Standing Orders) Act, 1946.*
- ★ *Relevant Portions of Reports of the National Commission on Labour 1969 and 2002.*

**WAGES**

**Syllabus**

**1. Constitutional Perspective on Wages.**

- 1.1 The Constitutional Ideals.
- 1.2 Right to Living Wage.
- 1.3 Right to Living Wage.

**2. Theories and Facets of Wages.**

- 2.1 Theories of Wages.
- 2.2 Wages - Minimum Wage, Fair Wage and Living Wage.
- 2.3 Wage Fixation - Capacity of Industry.
- 2.4 Machinery for Fixation of Wages.
- 2.5 Payment of Wages.
- 2.6 Authorised Deductions.

**3. Bonus**

- 3.1 Concept of Bonus.
- 3.2 Bonus as Deferred Wage or Share of Profits.
- 3.3 Payment of Bonus.

**4. Dearness Allowance and Other Allowances.**

**5. Wage Differentials**

- 5.1 Inter-Industry, Intra Industry and Regional Factors.
- 5.2 Private Sector - Public Sector Difference in Wages.

**6. National Wage Policy.**

- 6.1 National Wage Policy need for Integrated Approach.
- 6.2 Problems of Mixed Economy.

**7. International Standardisation - Role of ILO Conventions and Recommendations relating to Wages.**



8. Wages - Comparative Over view of Position in U.K., U.S.A., and India.

**Selected Bibliography:**

- ★ *Menon, Foundations of Wage Policy.*
- ★ *K.N. Subramanian, Wages in India (TATA Mc Graw Hill).*
- ★ *I. Satya Sundaram, National Wage Policy (B.R. Publishing Corporation).*
- ★ *R.K.A. Subramaniya, Minimum Rates of Wages (B.R. Publishing Corporation).*
- ★ *R.R. Singh, Labour Economics.*
- ★ *V.V. Giri, Labour Problems in Indian Industry (Asia Publishing House).*
- ★ *G.L. Kothari, Wages, Dearness Allowance and Bonus.*
- ★ *Morris D. Forkosch, A Treatise on Labour Law (The Bobbs - Merrill Co. Inc.).*
- ★ *W. Mansfield Cooper and John C. Wood, Outlines of Industrial Law.*
- ★ *International Labour Office, Wages.*
- ★ *International Labour Office, Wage Fixing.*
- ★ *International Labour Office, Minimum Wage Fixing.*
- ★ *Vaidyanathan, I.L.O. Conventions and India.*
- ★ *Vaidyanathan, International Labour Standards.*
- ★ *Relevant Portions of the Reports of the National Commission on Labour 1969 and 2002.*
- ★ *J.N. Malik, The Payment of Wages Act.*
- ★ *K.D. Srivastava, Commentary on Payment of Wages Act.*
- ★ *K.D. Srivastava, Commentary on Minimum Wages Act.*
- ★ *K.D. Srivastava, Commentary on Payment of Bonus Act.*
- ★ *S.C. Srivastava, Commentary on the Payment of Bonus Act, 1965. (Universal Law Publishing Co. Pvt. Ltd.).*

**LABOUR WELFARE AND SOCIAL SECURITY**

**Syllabus**

**1. Labour Welfare**

- 1.1 Constitutional Perspectives.
- 1.2 Safety to Workers in Factories.
- 1.3 Welfare of Workers in Factories.
- 1.4 Regulation of Working Hours in Factories.
- 1.5 Employment of Women and Children in Factories.
- 1.6 Need for Statutory Measures.

**2. Social Security.**

- 2.1 Meaning.
- 2.2 Distinction with Labour Welfare.
- 2.3 Labour Social Security as part of the General Social Security in the Welfare State.
- 2.4 Constitutional Perspectives.

**3. International Norms on Social Security for Labour - ILO Measures.**

**4. Compensation for Industrial Accidents.**

- 4.1 Workmen's Compensation.
- 4.2 Liability of the Employer.
- 4.3 Amount of Compensation.

**5. Employees State Insurance.**

- 5.1 Employees State Insurance Scheme.
- 5.2 Contribution towards the Scheme
- 5.3 Benefits.



## **6. Employees Provident Fund**

6.1 Employees Provident Fund and Pension Schemes.

## **7. Gratuity**

7.1 Concept of Gratuity.

7.2 Payment of Gratuity.

## **8. Social Security - Comparative Perspectives.**

8.1 The United Kingdom.

8.2 United States of America.

8.3 India.

### ***Selected Bibliography:***

- ★ S.C. Srivastava, *Social Security and Labour Laws*.
- ★ Choudhuri S.R., *Social Security Legislation in India and Britain*.
- ★ Anilkumar, *Labour Welfare and Social Security (Deep and Deep Publications)*.
- ★ John Munkman, *Employer's Liability at Common Law (Butter Worths)*.
- ★ Vaidyanathan, *I.L.O. - Conventions and India*.
- ★ Vaidyanathan, *International Labour Standards*.
- ★ K.D. Srivastava, *Commentary on Factories Act, 1948*.
- ★ R.N. Choudhry, *Commentary on Workmens Compensation Act, 1923*.
- ★ K.D. Srivastava, *Commentary on the Employees State Insurance Act, 1948*.
- ★ G.M. Kothari, *Commentary on Payment of Gratuity Act, 1972*.
- ★ Kharabanda, *Commentary on Payment of Gratuity Act, 1972 (Law Publishing House, Allahabad)*.
- ★ K.D. Srivastava, *Commentary on Employees Provident Funds Act, 1952 (Easter Book Co.)*.



- ★ *Relevant Portions of the Reports of the National Commission on Labour 1969 and 2002.*
- ★ *J.B. Cronin & R.P. Grime, Labour Law (Butte Worths).*
- ★ *Roger W. Ridout, Principles of Labour Law (Sweet & Maxwell).*
- ★ *Morris D. Forkosch A., Treatise on Labour Law (The Bobbs - Merrill Co. Inc.).*

## **FOURTH SEMESTER**

IV:XII - Paper - 12

### **ADMINISTRATIVE PROCESS AND JUDICIAL CONTROL**

#### **Syllabus**

- 1. Concept and Agencies.**
  - 1.1 Common Law Countries.
  - 1.2 French System.
- 2. Judicial Review in India.**
  - 2.1 Historical Development.
  - 2.2 Powers of the Supreme Court.
  - 2.3 Powers of the High Court.
  - 2.4 Role of Subordinate Judiciary.
- 3. Jurisdiction.**
  - 3.1 Finality Clauses.
  - 3.2 Conclusive Evidence Clauses.
  - 3.3 Law Fact Distinction.
  - 3.4 Exclusionary Clause.
- 4. Grounds of Review.**
  - 4.1 Doctrine of Ultra Vires.
  - 4.2 Unreviewable Discretionary Powers from Liversidge to Padfield.
  - 4.3 Discretion and Justifiability.
  - 4.4 Violation of Fundamental Rights.

- 4.5 Extraneous Consideration and/or Irrelevant Grounds.
- 4.6 Delegation.
- 4.7 Acting under Dictation.
- 4.8 Malafides.
- 4.9 Lack of Rationality and Proportionality.
- 4.10 Oppressing Decision.
- 4.11 Absence of Proportionality.

## **5. Procedural Fairness.**

- 5.1 Legitimate Expectation.
- 5.2 Natural Justice and Duty to Act Fairly.
- 5.3 Bias and Personal Interest.
- 5.4 Fair Hearing.

## **6. Remedies**

- 6.1 Writs.
- 6.2 Injunction and Declaration.

## **7. Limits of Judicial Review.**

- 7.1 Locus Standi and Public Interest Litigation.
- 7.2 Laches.
- 7.3 Res Judicata.
- 7.4 Estoppel and Waiver.

### ***Selected Bibliography:***

- ★ *A.T. Markose, Judicial Control of Administrative Action in India.*
- ★ *De Smith, Judicial Review of Administrative Action (1955), Sweet and Maxwell.*
- ★ *I.P. Massey, Administrative Law (1995), Eastern, Lucknow.*
- ★ *Bagawati Prasad Banerjee, Writ Remedies, (1999), Wadhwa, Nagpur.*



- ★ *M.P. Jain, The Evolving Indian Administrative Law (1983), Tripathi, Bombay.*
- ★ *Jain & Jain, Principles of Administrative Law (1996), Tripathi.*
- ★ *M.P. Jain. Cases and Materials on Administrative Law (1996), Vol.I, Wadha Nagpur.*

IV:XIII - Paper - 13

**DISSERTATION**

Dissertation carrying 200 marks shall be evaluated internally and externally 150 marks for the written work and 50 marks for presentation and viva-voce.

## DISSERTATION

Dissertation carrying 200 marks shall be evaluated internally and externally 150 marks for the written work and 50 marks for presentation and viva-voce.

In the Fourth Semester a student shall submit a dissertation in partial fulfilment of M.L. Degree Course. The Dissertation shall be based on research on a single subject chosen in consultation with Guide. The dissertation shall be not less than 100 pages.

The subject of the Dissertation should be chosen at the end of the Third Semester and the Dissertation must be submitted before the last working day of the Fourth Semester. Dissertation shall carry 200 marks. Which includes 50 marks for Viva Voce. Evaluation of the Dissertation and the conduct of the Viva Voce shall be by two examiners, one internal and the other external. In the Viva Voce the student will be examined on the theme of the Dissertation.

A candidate who failed to attend the Viva Voce in the 4th Semester, shall be permitted to attend the Viva Voce in the ensuing Semester on specific recommendations of the Principal on payment of a fee of Rs. 1,000/-.







## SYLLABUS FOR ENVIRONMENT, ENERGY AND

### CLIMATE CHANGE LAWS

#### SEMESTER II

- V. International and National Environmental Laws
- VI. Climate Change & Legal Order
- VII. Practicals
- VIII. Energy Law at International and National Level

#### SEMESTER III

- IX. Environmental Policies, strategies and Challenges
- X. Environmental Impact Assessment and Environmental Hazards
- XI. Environmental Adjudication

#### SEMESTER IV

- XII. Law relating to Coal Mining and Power sector in India (Optional)  
Law relating to Oil and Petroleum Energy sector in India (Optional)
- XIII. Dissertation

#### PAPER 05

##### International and National Environmental Laws

**Module I :** History and development of international environmental law- sources and principles of international environmental law, global environmental change- international equity- protection of global atmosphere global environmental education- global trade order and environment- environmental crimes

**Module II :** International conventions- treaties- declarations-bilateral and multilateral agreements, Stockholm Declaration, United Nations Conference on Environment and Development, UNFCCC, Kyoto and Montreal Protocol, Vienna Convention, Nairobi Declaration, Declaration and conference on sustainable development- World charter for Nature – IPCC's Third assessment report – Marrakesh Accords 2005 meeting of Nairobi work programme – 2007 IPCC 4<sup>th</sup> assessment report – 2009 Copenhagen accord – 2010 Cancun agreement – 2012 Doha amendment – 2013 Key decisions of COP 19 – 2014 COP 20 – 2015 Durban platform – 2016 Paris agreement

**Module III :** International Environmental Organizations/ Institutions-UN, UN General Assembly, Economic and Social Council, United Nations Environment Programme, World Meteorological Organization, International Union for Conservation of Nature, World Commission on Environment and Development, International Panel Climate Change, United Nations Commission on Sustainable Development, World Bank, International Court of Justice.

Module IV : Marine Environment- Antarctic environment- United Nations Convention on Law of Sea, marine pollution and its effect, oil pollution. International Tribunal for the Law of the Sea.

Module V : Trans-boundary Pollution- Trans -boundary Air Pollution- Trail Smelter case, Rotterdam Convention, Basel Convention, Bamako Convention

Module VI : National and International Policies on Environment- Fundamental Principles on Environment

Module VII : Stockholm declaration 1972- Bruntlant Report 1982- Inter – Governmental Panel on Climatic Change 1989 United Nations Frame work on Climatic Change (UNFCCC)- Montreal Protocol 1987 – Frame work on Climatic Change 1992- Kyoto Protocol 1997 – Vague Copenhagen accord- Cancun Mexico Summit 2010- China – USA Deadlock-Paris Convention -monitoring, reporting and verification (MRV)- (Reducing Emissions from Deforestation and Forest Degradation in Developing Countries. United nations Climatic conference from Paris cop 21-24 at Katowice Poland- COP25 at Chile.

#### Recommended Books

- Priya Kanjan Trivedi, International Environmental Laws (1986), A.P.H. Publishing Corporation, New Delhi
- Sir Elworthy and Jane Holder, Environmental Protection : Text and Materials (1977), Butterworth
- Nathali L.T.J. Horbach, Contemporary Developments in Nuclear Law (1999), Kluwer
- Henrick Ringbom (ed.), Competing Norms in the Law of Marine Environmental Protection (1997), Kluwer
- Claus Bosselmann and Benjamin J. Richardson, Environmental Justice and Market Mechanism (1999), Kluwer
- Jean-Pierre Beurier, New Technologies and Law of Marine Environment (2000), Kluwer
- Richard L. Reversz et, al. (eds.) Environmental Law, the Economy and Sustainable Development (2000), Cambridge
- Dovor Vidas, Protecting the Polar Marine Environment (2000), Cambridge.
- Aynsley Kellor, International Toxic Risk Management (1990), Cambridge.
- Zhiguo Gao, Environmental Regulation of Oil and Gas (1998), Kluwer.
- Indian Law Institute, Legal Control of Environmental Pollution (1980)
- Varshney, CK (ed.), Water Pollution and Management (1983), Wiley Eastern, New Delhi
- World Commission on Environment and development, Our Common Future (1987), Oxford
- British Institute of International and Comparative Law, Selected Documents on International Environmental Law (1975), London
- Standing Committee on Environmental Law American Bar Association, Common Boundary/Common Problems: The Environmental Consequences of Energy Production (1982) J.M. Spector, "Elephants, Donkeys and other Creatures? Presidential Election



## PAPER 06

### Climate Change & Legal Order

**Module I :** Climatic Change and Common Law- Climatic Change Mitigation International Dimensions – Carbon Credit- International Climate Change Law - Green House Effect- basics of Climatic change problems- Nature of Climatic Change Political or legal Issue Action for climatic empowerment- global action summit.

**Module II :** UNDP Programme in India - Country Programme Action Plan - Country Initiation Plan - Development of future initiatives – Scope and Strategy of Climatic change Action Plan-Predicted climatic change scenario – Climatic Change Conference of Parties 23, UNFCCC - G-20 resource efficiency dialogue.

**Module III :** Impact of climatic change on the areas of Agriculture- health- Bio-diversity and on Coastal and mountain eco-systems – Impact of Climatic change on Industrial Sector- Adaptation- Approaches and Issues- Disaster risk Deduction

**Module IV :** Reduction of Vulnerable issues- Displacement and Rehabilitation- Concepts of resilience – Technical Assessment of Climatic Change - Asian Development Bank funded adaption on Climatic Change Plan- Asian Least Cost Green House Abatement Study funded by Global Environmental Facility

**Module V :** Climate Impact Assessment Study- conducted by Department of Environment, food and rural affairs (DEFRA))National Communication Project- Planning Commission Agenda - Building of National Vulnerability Atlas

**Module VI :** National Development and Security Implications of Climate Change- Urbanisation and Population increase impact on Climatic Change - National Urban Renewable Mission - Government Programmes for Climatic Change Adaptation - Water shed development Programmes-Common Area Development Programme - Crops diversification Programme- Expansion of Irrigation and water Management - Flood control and Management.

**Module VII.** India intended nationally determined contribution – India commitment to addressing ozone layer depletion – UNDP and India – India and Kigali agreement

### Recommended Books

- Mark Maslin, Climate Change, Oxford University (UK), 2014, ISBN: 978-0-19-871904-5.
- Javier de Cendra de Larragan, Distributional Choices in EU Climate Change Law and Policy, Wolters Kluwer Publications (2011), Netherland, ISBN:978-90-411-4252-8.
- Rabin Kundis Craig and Stephen R. Miller, Environmental Law Institute (Washington), 2016, ISBN:978-1-58576-177-7.
- Thoko Kaime, International Climate Change Law and Policy, Routledge Publications (2014), London and New Yark, ISBN:978-0-415-83223-6 (hbk), ISBN:978-0-203-79687-0 (ebk).
- Bill Mckibben, The Global Warming Reader, Penguin Books Ltd.,(2012), USA, ISBN:978-0-14-312189-3.
- Anamika Barua Vishal Narain Sumit Vij, Climate Change Governance and Adaptation, CRC Press (2019), US, ISBN-13:978-1-138-05450-9 (hardback).



Cycles and International Law of the Global Commons" AMU INT'L L. Rev. 5, pp 976-1038 (1999)

- S. Bhat, "Environment Protection and International Law"
- Elizabeth R. Densombra, "Global Environment Institutions"
- Stuart Bell and Donald McGillivray, "Environmental Law"
- Mukund Govind Rajan, "Global Environmental Politics"
- Stephen C. McCaffrey and Rachael E. Salcido, "Trans-global issues in Environmental Law"
- Richard L. Reverz "Environmental Law, the economy and Sustainable Development"
- Wolf and Stanley, "Environmental Law"
- Robin Churchill and David Freestone, "International law and Global Climate Change"
- Thomas G. Weiss, "Global Environmental Institutions"
- Simon Ball and Stuart Bell, "Environmental Law"
- P.K. Rao, "International Environmental Law and Economics"
- Parishit Ballabh, "International Environmental Law"
- Joyeetha Gupta, "The Climate Change Convention and Developing Countries: from conflict to consensus?"
- Diwan, A.P and D.K. Arora (1995), Recent Advances in Environmental Ecology, New Delhi: Anmol Publications Pvt. Ltd.
- Sands, Philippe et. al (2012), Principles of International Environmental Law, UK: Cambridge University Press.
- Misra Ravi, "Marine Environment", Anmol Publications, Pvt. Ltd., New Delhi, 2002
- Usha Tandon, Energy Law and Policy, Oxford University Press 2018.
- Rosemary Lyster, Energy Law and the Environment, Adrian Bradbrook, Cambridge Publications. ISBN 0521843685. (2006)
- Raphael J. Heffron, Energy Law: An Introduction, SpringerBriefs In Law, 2015.
- Richard L. Ottinger, Compendium of Sustainable Energy Laws, IUCN, Academy of Environmental Law Research Studies (2012) ISBN 10 : 1107407886.
- Usha Tandon, Climate Change-Law, Policy and Governance (2015), ISBN: 9351453375.
- Donald K. Anton, Jonathan I. Charney, Philippe Sands, Thomas Schoenbaum and Michael J. Young,
- International Environmental Law: Cases, Materials, Problems (LexisNexis 2007).
- Elli Louka, International environmental law: fairness, effectiveness, and world order, Cambridge University Press, 2006
- Philippe Sands, Principles of international environmental law, Cambridge University Press, 2003
- S Bhatt, International Environmental Law, APH Publishing, 2007 -
- Edith Brown Weiss, Daniel Barstow Magraw, Paul C. Szasz, International environmental law: basic Instruments and references, 1992-1999, Volume 2, Transnational Publishers, 1999.

- Grazia Brunetta, Urban Resilience for Risk and Adaptation Governance, Springer Publications (2019), ISBN:978-3-319-76943-1(e-book), ISBN:978-3-319-76944-8.
- Arwin van Buuren, Action Research for Climate Change Adaptation, Routledge Publications (2015), New York, ISBN:978-1-138-01760-3 (hbk), ISBN:978-1-315-78036-8 (ebk)

## PAPER 7

### Practicals

The Practical Examination shall be held at the end of the second semester on Research Methodology, Law Teaching and Clinical work. There shall be 25 marks each for doctrinal research and non-doctrinal research and 25 marks each for law teaching and clinical work. How the component practical shall be evaluated is left to individual faculties of law. They can formulate their models of assessment. However, for making the practical examination objective and meaningful, the following guidelines shall be adhered to.

#### 1. Research Methodology

##### (i) Doctrinal Research (25Marks)

Each Student is assigned in advance a separate topic and asked to collect materials. A period of 5-7 days can be set apart for carrying out this assignment in the library. The materials indicated or collected during the assignment shall be evaluated by a group of faculty members. Students shall submit a well researched legal article on a given subject of law. The articles shall be 8 to 10 pages, typed in A4 size paper with proper foot notes.

##### (ii) Non-doctrinal Research (25 Marks)

Students are asked to go out of the class room and library and make an empirical study of a problem which has legal, social, economic, moral or political dimension. Field data can be collected through any model of data collection. The result are to be assessed by a term of faculty members. The research report shall be typed in A4 size paper with proper foot notes and acknowledgement.

#### 2. Clinicals (25 Marks)

The modalities can be evolved by the law school. One method is that the legal aid clinic of the law school can involve itself with other legal aid programmes in the area. Students are encouraged not only to work with the clinic but also to acquaint themselves with court proceedings, working of a business or other tackling of labour disputes, drafting of business or other deeds and with public interest litigation. The initiative and potential of the student and the actual work turned out by him shall be assessed by the faculty. Students shall participate in classroom moot exercises, arbitration and other simulation exercises.



### 3. Law Teaching (25 Marks)

A topic is assigned to the student in advance. He is required to handle a class for 25 to 30 minutes. Where LL.B programme co-exists with LL.M Programme, the students may be asked to teach the LL.B students. They can select any of the methods of teaching.

#### Recommended Books

- S.K.Verma and M. Afzal Wani (Eds.) Legal Research and Methodology, Indian Law Institute (2001) 2nd Edition.
- Goode and Hatt, „Methods in Social Research", Singapore, Mc. Graw Hill Book Co., 1985 (reprint).
- N.R. Madhava Menon, (ed) A Handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow.
- M.O.Price, H.Bitner and Bysiewiez, Effective Legal Research (1978)
- Pauline V. Young, Scientific Social Survey and Research, (1962)
- William J. Grade and Paul K. Hatt, Methods in Social Research, Mc Gra-w-Hill Book Company, London
- H.M.Hyman, Interviewing in Social Research (1965)
- Payne, The Art of Asking Questions (1965)
- Erwin C. Surrency, B.Fielf and J. Crea, A Guide to Legal Research (1959)
- Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co. Havard Law Review Association, Uniform System of Citations.
- S.K.Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
- ILI Publication, Legal Research and Methodology
- High Brayal, Nigel Dunean and Richard Crimes, Clinical Legal Education: Active Learning in your Law School, (1998) Blackstone Press Limited, London
- Baxi, Upendra, „Socio-Legal Research in India — A Program Schriff, ICSSR, Occasional Monograph, 1975.
- Cohen, Morris L., „Legal Research", Minnesota, West Publishing Co. 1985. Ghosh, B.N., „Scientific Method and Social Research", New Delhi, Sterling Publishers Pvt. Ltd., 1984
- Johari J.C. (ed), „Introduction to the Method of Social Sciences", New Delhi

## PAPER 8

### Energy Law at International and National Level

**Module I :** Energy-sources-conventional energy- hydro-electric, thermal and nuclear, non-conventional energy- solar, wind, tidal, biogas and bio fuel

**Module II :** Nuclear Power programme of India - Growth of Nuclear Power in India – Emergence in Environmental Concerns – Importance of Nuclear Power Challenges - Civil liability for nuclear damage act, 2010 – Atomic Energy Act, 1962 – International atomic energy agency as in International inspectorate review body – safety principle – prevention and protection principle – precautionary principle – security principle – responsibility principle – compensation principle – sustainable and developmental



principle – Independence and transparency principle – Liability for Nuclear damage – strict liability and no fall liability on Nuclear Energy – Nuclear Energy parks

**Module III :** International framework of Nuclear liability – Paris Convention 1960, Vienna convention 1983, Protocol to amend 1997 – convention on supplementary compensation of Nuclear damage – Non proliferation, US India agreement and nuclear supply

**Module IV :** Solar Energy Basic concepts – Overview of the Solar Energy in India – Production of Solar Energy - Energy conservation and efficiency – Global efforts and achievements – Future planning and Energy conservation – efficiency scenario in India – Energy Audit - National Institute of Solar Energy and its functions - Sardar Swaran Singh National Institute of Renewable Energy- The Indian Renewable Energy Development Agency (IREDA)- Solar energy Corporation of India . Energy - Standards and Labeling Concept of star rating and its importance.

**Module V :** History of Wind Energy – Current status and future prospects – Advantages and Disadvantages of wind energy - Overview of the Wind Energy in India – Production of Wind Energy - Energy conservation and efficiency – Global efforts and achievements – Future planning and Energy conservation – efficiency scenario in India – Energy Audit – National Institute of Wind Energy and its functions - renewal energy regulatory frameworks

**Module VI :** Energy sources and Conservation- Projected Indian energy production and usage - Comprehend and evaluate major legislation governing oil production and use for the transportation sector, and the management of the electric power generation sector - Analyze and evaluate the potential economic and environmental impacts of different energy policy options involving oil and electricity generation –

**Module VII :** Analyze and evaluate the potential national and global security impacts of US production, usage and policy options involving oil -Explain and evaluate the benefits and drawbacks of different energy sources and technologies -Develop the ability to understand and navigate energy information reports and databases -Develop the ability to write strong, clear and compelling policy briefs and analyses.

**Module VIII :** Basics of Energy Law-Basics of Climatic Change Policies- Addressing environment , energy and climatic changes through existing National and International Environmental Statutes ,Conventions and Policies- Environment and Natural Resources Law- Moral Basis of Pollution Control – Principles of Environmental Law inclusion of Sustainable Development- Precautionary Principle-Principles of Cost-effectiveness-equity and common but differentiated responsibilities – Eco centrism.

#### Recommended Books

- Standing Committee on Environmental Law American Bar Association, Common Boundary/Common Problems: The Environmental Consequences of Energy Production (1982) J.M. Spector, “Elephants, Donkeys and other Creatures? Presidential Election Cycles and International Law of the Global Commons” AM.U.INT“LL.Rev. 5, pp976-1038 (1999)

- Deepa Badrinarayan , The Emerging Constitutional Challenge of Climatic Change: India in Perspective, Chapman University School of Law (2009) Fordham Environmental Law Review.
- Mohammed Naseem, Energy Law in India , Kluwer Law International (2014). ISBN - 10:904115213X.
- Barry Dalal and Clayton and Steve Bass, The Challenges of Environmental Mainstreaming, International Institute for Environmental and Development(UK) in 2009, ISBN:978-1-84369-756-5.
- Charles H.Eccleston Frederic March, Global Environmental Policy, Taylor and Francis group(US), 2011, ISBN-13:978-1-4398-4767(e-book).
- Jane Roberts, Environmental Policy, Routledge Publications(USA), 2004, ISBN:0-415-19885-2(hbk), ISBN:0-415-19886-0(pbk).
- Nigel Haigh, EU Environmental Policy, Routledge Publications (NY),2016, ISBN:978-1-138-89030-5(hbk), ISBN:978-1-315-71247-5(ebk).
- Sharon Beder, Environmental Principles and Policy, University of New South Wales(2007), ISBN-10:1-84407-404-8(paperback), ISBN:-13:978-1-84407-404-4 (paperback).
- Thomas C.Horeber, The Origins of Energy of Environmental Policy in Europe, Routledge Publications(2013), ISBN:978-0-415-63003-0 (hbk), ISBN:978-0-203-08304-8 (ebk).
- Abdullah Al Faruque, Nuclear Energy Regulation, Risk and Environmental, Routledge Publications(2019), ISBN:978-0-8153-7535-7 (hbk), ISBN:978-1-351-24006-2 (cbk).
- Robert Falkner, The Handbook of Global Climate and Environment Policy, Wiley-Blackwell Publications(2013), ISBN:978-0-470-67324-9 (cloth)
- Anuj K.Chandel, Sustainable Biofuels Development in India, Springer Publications(2017), ISBN:978-3-319-50217-5, ISBN:978-3-319-50219-9 (e-book).
- Rupam kataki, Renewable Energy and Sustainable Development, EBH Publishers(India), 2012, ISBN:9380261780, 9789380261782.
- G.S.Sawhney, Non-Conventional Energy Resources, PHI Learning Private Limited(2012), ISBN:978-81-203-4609-3.
- Godfrey Boyle, Renewable Energy, Power for a sustainable future, Third Edison, Oxford Publications(1996),ISBN:019856452X, 9780198564522.
- John Twidell, Renewable Energy Resources, Taylor & Francis (2005), USA, ISBN:0-419-12010-6.
- K.V. Sharma, Energy Management and Conservation, (I.K. International, 2011), ISBN-13:878-9381141298.
- D.E. Barcen Kumar, Energy Management Audit & Conservation (2014), Vrinda Publications Ltd., ASIN:BOOK ON 7 KC1.
- B.P. Patil, Energy Conservation and Audit Nirali Prakashan, ASIN:BO7HMOVX5YV.



## SEMESTER III

### Paper 9

#### Environmental Policies, strategies and Challenges

**Module I :** Comparative analysis of Laws in United States of America and United Kingdom-National Environmental Policies (2006) –

**Module II :** Key environmental challenges causes and concerns – Objectives - Principles – Causes and Actions 2006 - Important role of human beings in the sustainable development processes –

**Module III :** National wind solar Hybrid Policy and its Amendments - Strategic Plans of the Renewable Sector - National Policy on Bio-Fuels - Health, Safety Environmental Regulations in Energy Sector- Regulatory framework of Power Energy Sector

**Module IV :** Constitutional aspects of Environmental law mere clause issues in Environmental law - Constitutional Obligations of State and Citizens - Natural resources as common heritage of Mankind - Constitutional Standing in Environmental Citizens Cases –

**Module V :** Environmental decisions of the Tribunal - Regulatory taking issues in Environmental law concerning energy and climatic change. Entry 53 list of the Schedule relating to Oil and Natural Gas – Right to approach the High Court and Supreme Court seeking extra-ordinary remedies in the form of Writs.

#### Recommended Books

- Deepa Badrinarayan , The Emerging Constitutional Challenge of Climatic Change: India in Perspective, Chapman University School of Law (2009) Fordham Environmental Law Review.
- Mohammed Naseem, Energy Law in India , Kluwer Law International (2014).ISBN - 10:904115213X.
- Barry Dalal and Clayton and Steve Bass, The Challenges of Environmental Mainstreaming, International Institute for Environmental and Development(UK) in 2009, ISBN:978-1-84369-756-5.
- Charles H.Eccleston Frederic March, Global Environmental Policy, Taylor and Francis group(US), 2011, ISBN-13:978-1-4398-4767(e-book).
- Jane Roberts, Environmental Policy, Routledge Publications(USA), 2004, ISBN:0-415-19885-2(hbk), ISBN:0-415-19886-0(pbk).
- Nigel Haigh, EU Environmental Policy, Routledge Publications (NY),2016, ISBN:978-1-138-89030-5(hbk), ISBN:978-1-315-71247-5(ebk).
- Sharon Beder, Environmental Principles and Policy, University of New South Wales(2007), ISBN-10:1-84407-404-8(paperback), ISBN:-13:978-1-84407-404-4 (paperback).
- Thomas C.Horeber, The Origins of Energy of Environmental Policy in Europe, Routledge Publications(2013), ISBN:978-0-415-63003-0 (hbk), ISBN:978-0-203-08304-8 (ebk).



- Robert Falkner, The Handbook of Global Climate and Environment Policy, Wiley-Blackwell Publications(2013), ISBN:978-0-470-67324-9 (cloth)

## Paper 10

### Environmental Impact Assessment and Environmental Hazards

- Module I :** Provisions of Environment Impact Assessment under the Environmental Protection Act,1986. Rationale behind EIA- EIA methodology and process - Environment Impact Assessment Notification 2006 –
- Module II :** Pre-liminary assessment of EIA- Comprehensive EIA- Functions of the Impact Assessment Agency- Public Hearing and EIA- understanding Types and methodology EIA-Evolution of Standards of EIA- History of EIA in India- EIA Process- Forms of Impact Assessment- Comparative Review of EIA process- and Procedures..
- Module III :** Environmental Degradation-Penalty Provisions under the Air Prevention and Control of Pollution Act1981-
- Module IV :** Water Prevention and Control of Pollution Act, 1972- Sec 27 of the Petroleum Act - Role of the Central Pollution Control Board and the State Pollution Control Board - and Penal provision under IPC – Carbon credits and Analysis-

### Recommended Books

- Andrew Chadwick and Riki Therivel, Introduction to Environmental Impact Assessment, Newgen Publications UK, 5 th Edition(2019) ISBN :978-1-138-60074-4(hbk) ,ISBN :978-0-429-47073-8(ebk).
- Anji Reddy Mareddy, Environmental Impact Assessment Theory and Practise,BSP Publications Elsevier Inc(2017), ISBN:978-0-12-811139-0
- Charles H Eccleston, Environment Impact Assessment: A guide to Best Professional Practices, CRC Press Taylor and Francis Group, USA (2011) ISBN 13:978-1-4398-2874-8.
- R.R.Barthwal,Environment Impact Assessment, New Age International Publishers, NewDelhi (2002)ISBN :81-2244-1357-9.
- Christopher Wood, Environmental Impact Assessment , Second Edition,, Routedledge Publications,(2002)
- Richard K Morgan, Urban Studies, Vol.34, No.3(March 1997) pg.517-519 March 1997,Sage Publications Ltd <http://www.jstor.org/stable/43083382>
- Peter Morris, Methods of Environmental Impact Assessment, UBL press Vancouver, (1995) ISBN 0-7748-0526-9.
- Betty Bowers Marriot,Environmental Impact Assessment,A Practical Guide,Mc Graw Hill Professionall ,1997, ISBN0070404100, 97800704106.
- Y.Anjaneyulu,Environmenal Impact Assessment Methodologies,CRC Press,Taylor and Francis( 2011) ISBN 415665566.
- IUCN, Directory of Impact assessment guidelines

- Keith Smith, Environmental Hazards: Assessing risk and Reducing disaster, Routledge, Sixth edition(2013).ISBN:978-0-415-68105-9(hbk), ISBN:978-0-203-80530-5(ebk).
- Ramesh Sivanpillai, Biological and Environmental Hazards, Risk and Disasters, Elsevier publisher,UK,(2016),ISBN:978-0-12-394847-2.
- Bimal kantipaul, Environmental Hazards and Disasters,Willey Blackwell Publications(2011), ISBN:978-0-470-66002-7(cloth), ISBN:978-0-470-66001-0(pbk).
- John Perritano, The Truth about Environmental Hazards, Facts on File Publications,(2010), ISBN-10:0-8160-7646-4(hardcover: alk.paper), ISBN-13:978-1-4381-2973-0 (e-book).
- Max Martin, Climate, Environmental Hazards and Migration in Bangladesh, Routledge Publications(2018), ISBN:978-1-138-23849-7(hbk), ISBN:978-1-315-29745-3(ebk).
- Stephen Stec, Energy and Environmental Challenges to Security, Springer Publications(2007), ISBN:978-1-4020-9452-1(PB), ISBN:978-1-4020-9453-8(e-book).

## PAPER 11

### Environmental Adjudication

Module I : Energy Transaction and Litigation

Module II : Principles agencies that regulate the energy sector an brief description of their jurisdiction

Module III : Oil and Gas- Litigations arising out of Arbitrations before Indian Courts

Module IV : Violations in Production sharing contract

Module V : Case study of Union of India v Reliance Industries - Socio Corporate Responsibility Issues - For Instance Shale Gas explorations by Private Parties - Regulatory position of Hydraulic fracturing etc.,

### Recommended Books

- Maria R.Boes, Crime and Punishment in Early Modern Germany, Routledge Publications (2016), USA, ISBN:9781409431473 (hbk), ISBN:9781315574783 (ebk).
- Geetanjoy Sabu, Environmental Jurisprudence and the Supreme Court, Orient Blackswan (2014), India, ISBN:9788125056027.
- Maria May Seitanidi, The Politics of Partnership, Springer Publications (2010), UK, ISBN:978-90-481-8546-1(e-book), ISBN:978-90-481-8547-4.
- Orchid Lee Lopez, Back to Basics, Xlibris (2011), ISBN:978-1-4568-6273-2 (Hardcover), ISBN:978-1-4568-6274-9 (e-book)



## Law relating to Coal Mining and Power sector in India (Optional)

- Module I :** Environmental Aspects of Mining - Introduction: Sustainable development, environmental carrying capacity - concepts & principles; Environmental impacts of mining and associated activities.. - Laws related to mining environment; EIA of mining projects. Land Acquisition & Revenue: Concepts: Related laws and regulations.
- Module II :** Corporate Social Responsibility: Concepts and principles. Mine closure: Concepts and principles- Mine Legislation The Mines Act 1952 The Mines Rescue Rules, 1985; Coal Mine Nationalization Act, 1973- Provisions of Electricity Rules, 1961 relevant to Mining - Guidelines on Socio-Corporate Responsibility in. coal mining- Coal Regulatory Authority Bill 2013.
- Module III :** Salient provisions of the Mines and Minerals (Development & Regulation) Act, 1957, Mineral Concession Rules, 1960, and Mineral conservation and Development Rules. Mine Safety Introduction to safety management system and risk - Coal bearing area acquisition and Development Act- Relevant provisions of the Land Acquisition Act, 1894- Forest conservation Act - Environment Protection Act, 1986 - Right to information Act, 2005
- Module IV :** The central electricity authority - Central Electricity Board and regulatory commission - Rural electrification power schemes -
- Module V :** Energy conservation of Electricity Act, 2003 - The Electricity Rules, 2005 - Forum of regulations rules 2005 - Appellate tribunal for electricity (Procedure-form- fee and record of proceedings rules, 2007 - works of Licences rules 2006-
- Module VI :** Central electricity regulatory commission state of accounts and records rules, 2007- Central Electricity Regulatory commission (Constitution and Manner of Application of the fund) and time for preparation of Budget rules - Central electricity regulatory commission (Standard of Performance of inter state transmission licences regulation 2012 -
- Module VII :** The Fees for, Allowances and Other Conditions of Service of Chairperson and Members) Rules, 2004 - The Appeal to the Appellate Authority Rules, 2004 The Means of Delivery of Notice, Order or Document Rules, 2004 - The Procedure for Conducting Inquiry Against a Member of Appropriate Commission Rules, 2004 - The Procedure for Electricity Salary, Allowances and Other Conditions of Service of the Officers and Employees Rules, 2004 as amended by (Amendment) Rules, 2017 -
- Module VIII :** The Intimation of Regulators Rules, 2005 • The National Load Despatch Centre Rules, 2005 - The Distribution of Electricity Licence (Additional Requirements of Capital Adequacy, Creditworthiness and Code of Conduct) Rules, 2005 etc.

## Recommended Books

- Navroz K. Dubash, Mapping Power The Political Economy of Electricity in India's States, Oxford University, First Edition (2018), ISBN-13:978-0-19-948782-0, ISBN-10:0-19-948782-0.



- D.R.Shree Raman Dubey, Energy Crisis in India, Partridge Publications (2015), ISBN:978-1-4828-5711-5 (hardcover), ISBN:978-1-4828-5709-2 (e-book).
- Sudeshna Ghosh Banerjee, Power for All, World Bank Group (2015), ISBN:978-1-4648-0341-0, ISBN:978-1-4648-0345-1
- The Mines Act 1952
- The Mines Rescue Rules, 1985
- Coal Mine Nationalization Act, 1973
- Provisions of Electricity Rules, 1961
- Mines and Minerals (Development & Regulation) Act, 1957
- Mineral Concession Rules, 1960
- Helen J. Nicholson, The Proceedings Against the Templars in the British Isles, Routledge Publications (2016), USA, ISBN:9781409436522 (hbk).
- Jacqueline Peel and Hari M. Osofsky, Climate Change Litigation, Cambridge University (United Kingdom), 2015, ISBN:978-1-107-03606-2 (hardback).
- Albert I. Telsey, New Jersey Environmental Law Handbook, Bernan Press (2014), Eighth Edition, USA, ISBN:978-1-59888-668-9 (pbk), ISBN:978-1-59888-699-3 (electronic).
- Rachel E. Stern, Environmental Litigation in China, Cambridge University (2013), USA, ISBN:978-1-107-02002-3 (hardback)

#### Law relating to Oil and Petroleum Energy sector in India (Optional)

**Module I :** Power energy sector laws and regulation - Oil and Petroleum: Introduction Regulatory Framework - Policies made by NITI AYOJ

**Module II :** Regulatory framework of Ministry of finance in Oil and Petroleum Industry - Petroleum Act 1934-(Concerning Import transport and Storage)-Oil Fields Act, 1948- Petroleum and Natural Gas Rules 1959 - Petroleum and oil Industry Regulatory Board. Act, 2006

**Module III :** Oil Industry Board-Relevant Taxing Provisions on Oil and Petroleum Industry - with holding taxes - Double Tax Avoidance rules - anti avoidance rules GAAR - indirect Taxes GST applications -

**Module IV :** Directorate General of Hydrocarbons - Oil Industry Development Board- Petroleum and gas Natural Regulatory Board - Salient features of Discovered small Fiscal (DSF) policy - Hydro Carbon Exploration and Licensing Policy-(help) -

**Module V :** Acreage Policy and other changes. Bidding Process- dispute resolution.- oil Mines Regulation, 2017 Energy: Energy Conservation and EC Act 2001

**Module VI :** Introduction to energy management, energy conservation, energy efficiency and its need - Salient features of Energy Conservation Act 2001 & The Energy Conservation (Amendment) Act, 2010 and its importance- Energy Audit- Energy Audit Procedures.

**Module VII :** Percentage of FDI-Government Incentives to promote Non- conventional energy- Encouragement of Private Investment in the Sector- Accelerated depreciation allowances capital cost subsidies interest rate subsidies exemption from cst and customs duty concessions on the import material in non conventional energy projects-

**Module VIII :** Financial and fiscal incentives provided by the state government in the Non- Conventional Energy Sector. Salient features-Foreign Investment of Oil and

Petroleum Industry Exploration of Oil and Natural Gas fields- Infrastructure and Market related aspects of the Industry Refining in the Private Sector- Public sector unions engaged in Petroleum Refining. : Upstream- Middlestream and Down stream of oil and Petroleum Production- crude oil-LNG and petroleum products-  
**Module IX – Oil Corporations - Oil and Petroleum companies - Indian Oil Corporation Limited- Reliance Industries- Bharat Petroleum Corporation Limited- Hindustan Petroleum Corporation Limited- ONGC- Gail India Limited- Oil India Limited- International oil and gas companies operating in India are Cairn India, Shell, BG group and British Petroleum- Recent Initiatives of the Government of India-Fair Market Value in Oil and Petroleum Industry- Capital Gains – Investment Treaty Arbitrations.**

### Recommended Books

- Jonathan Borg, Oil & Gas collection (2016), Amazon, ASIN: BOIEOTLDJY.
- Jonathan Borg, Oil & Gas Management (2017), Amazon, ASIN: BO6W5KSGER.
- Jonathan Borg, Oil & Gas Law Contractual Risk Management (Oil), 2016, ASIN: BOIBUGKP52.
- Raj Kanwar, ONGC, The untold story Bloomsbury India (2019), ISBN-10:9388271394, ISBN-13:978-938821394.
- Jon Gordon, The Energy Bus, John Wiley & Sons (Canada), 2007, ISBN-13:978-0-470-10078-8 (cloth).
- Helmar Krupp, Energy Politics and Schumpeter Dynamics, Springer Publications, First Edison (1992), Japan, ISBN:978-4-431-66929-6, ISBN:978-4-431-66927-2 (e-book).
- Arthur Pecher, Hand Book of Ocean wave Energy, Springer Publications (2017), USA, ISBN:978-3-319-39888-4 (e-book), ISBN:978-3-319-39889-1.
- Alfred Linden Levinson, Energy and Materials in Three Sectors of the Economy, Routledge Publications, First Edison (2018), New York, ISBN:978-1-138-50269-7 (hbk), ISBN:978-1-315-14507-5 (ebk).
- Catalina Spataru, Whole Energy System Dynamics, Routledge Publications(2017), New York, ISBN:978-1-138-79989-9 (hbk), ISBN:978-1-315-75580-9 (ebk).
- GARP, Foundations of Energy Risk Management, John Wiley & Sons Publications(2009), Canada, ISBN:978-0-470-42190-1.

### PAPER 13.

#### Dissertation.

- S.Sivakumar, How to read, assess and write a research article ? Journal of the Indian Law Institute Volume 59 April – June 2017, No. 2 pg.123-152.
- Dr.Jagmohan Negi, PHD Thesis and Dissertation, Lakshmi Publications, First Edison (2016), ISBN:978-93-5138-268-3.
- Chris Hart, Doing your Master Dissertation, SAGE Publications (2005), New Delhi (India), ISBN:0761942165, ISBN:0761942173 (pbk).
- R.M.Koster, The Dissertation, Overlook Publications (USA), 2013, ISBN:978-1-4683-0909-6.



- Laura Lammasniemi, Law Dissertations, Routledge Publications (2018), ISBN:978-1-138-24067-4 (hbk), ISBN:978-1-315-28285-5 (ebk).
- Erwin C.Surrency. B.Fielf and J.Crew.A, Guide to Legal Research, 1959
- H.M.Hyman, Interviewing in Social Research, 1965
- ILI Publication, Legal Research and Methodology
- Payne, The art of asking questions, 1965
- William.J.Grade and Paul.K.Hatt., Methods in Social Research, McGraw Hill Publications

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