

Savitribai Phule Pune University

LL.M. (2 year) Course Credit System

Applicable to all P.G. Courses of Law

(Affiliated to Savitribai Phule Pune University)

(2014-15)

RULES AND REGULATIONS

1) Title of the Course:

LL.M. Course

2) Preamble of the Syllabus:

Master of Law is a Post-Graduation course of Savitribai Phule Pune University. The credit system to be implemented through this curriculum, would allow students to develop a strong footing in the fundamentals and specialize in the disciplines of his/her liking and abilities. The students pursuing this course would have to develop in depth understanding of various aspects of the subject.

3) Eligibility:

The candidate should have completed B.A.LL.B. /LL.B. (Bachelor Degree of Law).

4) Admission:

Admissions will be given as per the selection procedure / policies adopted by the respective college, in accordance with conditions laid down by the Savitribai Phule Pune University. Reservation and relaxation will be as per the university rules.

5) Instructions for the Students:

The students seeking admission to Master of Laws course is hereby informed that they are supposed to adhere to the following rules:

1. A minimum of 75 % attendance for lectures / practicals is the pre-requisite for grant of term.
2. The students are supposed to attend all the Internal Assessment Activities, Workshops / Seminars / Training Programme/ symposia/ study tour organized by the P. G. Department/college.

6) Examination

I) Evaluation Method:

1. The Internal and External examinations will have equal weightage of 50% each.
2. A Student has to obtain 50% marks in both examinations of Internal and External with minimum passing of 40% in both of these examinations separately.
3. A student cannot register for third semester, if he/she fails to complete any 6 papers consisting of 24 credits, out of total 8 papers of first and second semester consisting of 32 credits in total.
4. The external examination answer papers shall be evaluated by Central Assessment Programme.
5. There shall be a revaluation of the answer scripts of External examination but not of

Internal Assessment as per Ordinance No. 134A & B.

6. While marks are given for all internal and external examinations for a maximum number of 50 each, they will be converted into grades by University. Semester end grade sheets will have only grades & final grade sheet and transcripts shall have grade points average and total percentage of marks. The final grade sheets will also indicate the P.G. Center to which the candidate belongs.
7. Internal marks remain unchanged and internal assessment cannot be repeated. If a student remain absent during internal assessment examination, he/she will have second chance with the permission of the competent authority. It will be under the discretion of the competent authority and internal departmental assessment committee. In case he/she wants to repeat Internal, he/she can do so only by registering for the said courses.

A. External Examination

1. External Examination for the 50% marks will be conducted by the Savitribai Phule Pune University.
2. The External examination programme will be scheduled as per the notifications and guidelines issued by the Examination section of Savitribai Phule Pune University.

B. Internal Examination:

Internal assessment for each course would be continuous and dates for each tutorials/practical tests etc. will be pre-notified in the time table for teaching or placed separately as a part of time table. The P. G. Department / College Internal Assessment Committee will coordinate this activity.

Internal Assessment:

1. It is a continuous evaluation process. The Internal marks will be evaluated on the basis of the following i.e. attendance, punctuality, practical skills, and oral skills etc.,
2. Assessment of internal work will be conducted before conducting External examination.
3. Longish Term Paper will be evaluated by the examiners the same college and the dissertation will be evaluated by one internal and one external examiner.

4. Semester wise Evaluation:

SEMESTER I

Number of Credits for each paper	Internal Marks	External Marks	Total Marks
04	(50%)	(50%)	100

Division of Internal Marks :

- a. The first semester consists of four papers; a student has to submit two Longish Term Paper on any two subjects of his/her choice, out of which one Longish Term Paper should be on Legal Research Methodology subject. **The students not opting for L.T.P. in a subject have to opt Seminar paper in that subject.**

[Longish Term Paper – Total 15 marks]

(10 Marks for L.T. P. Project and 5 marks for viva voce of L.T. P)

OR

[Seminar Paper – Total 15 marks]

(10 marks for seminar paper submission and 5 marks for oral presentation on seminar topic)

- b. Tutorial – Maximum 5 tutorials in each subject and each tutorial carries 1 mark. (Total 5 arks)
- c. Assignment - Maximum 5 Assignments in each subject and each assignment carries 1 mark. (Total 5 marks)
- d. Group Discussion / Open Book Test/ Library Research Work/ Extension Work (Total 5 marks)
- e. 2 Written Test in each subject (10 marks each and Total 20 marks)

SEMESTER II

Number of credits for each paper	Internal Mark	External Marks	Total Marks
04	(50%)	(50%)	100

***Note: Out of 4 papers one paper will be on Practical Research Methodology which will carry 100 marks (No external examination for the same)**

Division of Internal Marks:

- a.** The second semester consists of four papers out of which one paper will be Practical Research Methodology. Out of the remaining three papers, the student has to submit one Longish Term Paper on any of the subject of his/her choice and two Seminar papers for remaining two papers. **The student not opting for LTP in a subject has to opt Seminar paper in that subject.**

[Longish Term Paper – Total 15 marks]

(10 Marks for L.T. P. Project and 5 marks for viva voce of L.T. P)

OR

[Seminar Paper – Total 15 marks]

(10 marks for seminar paper submission and 5 marks for oral presentation on seminar topic)

- b.** Tutorial – Maximum 5 tutorials in each subject and each tutorial carries 1 mark. (Total 5 marks)
- c.** Assignment - Maximum 5 Assignments in each subject and each assignment carries 1 mark. (Total 5 marks)
- d.** Group Discussion / An Open Book Test/ Library Research Work/ Extension Work (Total 5 marks)
- e.** 2 Written Test in each subject (10 marks each and Total 20 marks)

SEMESTER III

Number of Credits for each paper	Internal Marks	External Marks	Total Marks
04	(50%)	(50%)	100

Division of Internal Marks:

The third semester consists of four papers and for every paper, the division of internal marks will be as follows :

- a.** Tutorial – Maximum 5 tutorials in each subject and each tutorial carries 1 mark. (Total 5 marks)
- b.** Assignment - Maximum 5 Assignments in each subject and each assignment carries 1 mark. (Total 5 marks)
- c.** Group Discussion / An Open Book Test/ Library Research Work/ Extension work. (Total 5 marks)
- d.** 2 Written Test in each subject (10 marks each and Total 20 marks)
- e.** Book review/article review on every subject of the third semester. (10 marks for written submission and 5 marks for oral presentation on Book Review/article review)

SEMESTER IV

The fourth semester consists of four papers.

Note: Out of 4 papers two will be on Dissertation which will carry 200 marks (8 credits). Dissertation Project carries 150 marks and 50 marks for viva voce. The student has to carry the research work from 3rd semester onwards by selecting the topic and guide of the dissertation duly approved by the P.G. Departmental Committee. (No external examination for Dissertation)

Division of Internal Marks for remaining two papers:

Number of credits for each paper	Internal Marks	External Marks	Total Marks
04	(50%)	(50%)	100

- a. Tutorial – Maximum 5 tutorials in each subject and each tutorial carries 1 mark. (Total 5 marks)
- b. Assignment - Maximum 5 Assignments in each subject and each assignment carries 1 mark. (Total 5 marks)
- c. Group Discussion / Open Book Test/ Library Research Work/ Extension Work (Total 5 marks)
- d. 2 Written Test in each subject (10 marks each and Total 20 marks)
- e. Case study for the two subjects of the fourth semester. (10 marks for written submission and 5 marks for oral presentation on case study)

5. All the Internal Assessment written test papers/assignments duly checked will be issued to the students for perusal and return. A teacher may propose any other means towards Internal Assessment that may suit for a particular course and initiate only after the approval of the P. G. Departmental Committee of the College constituted by the Principal of the college.

6. If a student fails to gain the credits of any course (declared F grade in that course) then the student can reattempt the course with internal assessment (if the course is conducted in that semester) and External Examination both or with External Examination only (if one has scored 20 marks in Internal assessment) in the subsequent External Examination (max. two such attempts) within a period of 4 years from the date of admission for the first semester.

7. In case a student fails to earn the minimum number of credits required for obtaining a degree within the stipulated period of 4 years, then such a student will be declared INCOMPLETE EXIT and in such a case the student can seek a fresh admission as per the admission rules prevailing at that time.

II) ATKT Rules

A student cannot register for third/fourth semester, if he/she fails to complete six papers consist of 24 % credits of total eight papers consist of 32 credits and he/ she is expected ordinarily to complete within two semesters.

III) Award of Class

Grades will be awarded from grade point average (GPA) of the credits.

IV) Assessment and Grade point average

- a. The system of evaluation will be as follows: Each internal assessment and External Examination will be evaluated in terms of marks. The marks for internal assessment and External Examination will be added together and then converted into a grade and later a grade point average.
- b. Results will be declared for each semester.
- c. After the gain of minimum number of credits towards a completion of a PG programme, a student will get a grade sheet with total grades earned and a grade point average.
- d. Marks/Grade/Grade Point

Marks/	Grade	Grade Point
100 to 75	O: Outstanding	06
74 to 65	A: Very Good	05
64 to 55	B: Good	04
54 to 50	C: Average	03
49 to 45	D: Satisfactory	02
44 to 40	E: Pass	01
39 to 0	F: Fail	00

Final Grade:

(C)GPA	Grade
05.00-6.00	O
04.50-04.99	A
03.50-04.49	B
02.50-03.49	C
01.50-02.49	D
00.50-01.49	E
00.00-00.49	F

- 4.1 'B' Grade is equivalent to atleast 55% of the marks as per circular No. UGC-1298/[4619]UNI- 4 dated December 11, 1999.
- 4.2 If the (C)GPA is higher than the indicated upper limit in the three decimal digit, then higher final grade will be awarded (e.g. a student getting (C)GPA of 4.492 may be awarded 'A' grade).
- 4.3 There will be only final compilation and moderation at CGPA (Final) level. While declaring the result, the existing relevant ordinances are applicable. There is also a provision for verification and revaluation in case of verification, the existing rules will be applicable. The revaluation result will be adopted if there is a change of at least 10 % marks and in the grade of the course.
- 4.4 For grade improvement a student must reappear for External Examination for a minimum 20 credits. These courses will be from the parent Department (subject). A student can appear only once for the Grade Improvement Program only after the successful completion of PG Degree program and at the end of the next academic year after completion of the Degree and within two years of completion of the Degree.
- 4.5 The formula for (C) GPA will be based on Weighted Average. The final (C) GPA will not be printed unless a student earns minimum 64 credits.

The description for the grades is as follows:**O: Outstanding: Excellent analysis of the topic, (75% and above)**

Accurate knowledge of the primary material, wide range of reading, logical development of ideas, originality in approaching the subject, Neat and systematic organization of content, elegant and lucid style;

A: Very Good: Excellent analysis of the topic (65 to 74%)

Accurate knowledge of the primary material, acquaintance with seminal publications, logical development of ideas, Neat and systematic organization of content, effective and clear expression;

B: Good: Good analysis and treatment of the topic (55 %)

Basic knowledge of the primary material, logical development of ideas, Neat and systematic organization of content, effective and clear expression;

C: Average: Some important points covered (50 to 54%)

Basic knowledge of the primary material, logical development of ideas, Neat and systematic organization of content, good language or expression;

D: Satisfactory: Some points discussed (45 to 49%)

Basic knowledge of the primary material, some organization, acceptable language or expression;

E: Pass: Any two of the above (40 to 44%)

F: Fail: None of the above (0 to 39%)

V) Setting of Question Paper / Pattern of Question Paper

For core (compulsory) theory courses end-semester question papers will be set by the Savitribai Phule Pune University and centralized assessment for theory papers will be done as per the University instructions. Questions should be designed to test the conceptual knowledge and understanding of the basic concepts of the subject.

Duration of External Examination:

The Question paper pattern of the External Examination for a Paper shall be as follows: (This will not be applicable to those Papers for which there is no external examination)

Number of credits of a Paper	Internal Marks (50%)	External Marks (50%)	Total Marks	Duration For External Examination for 50 marks paper	Total Number of Questions	Total Questions to be Answered
04	50	50	100	3 hours	06	04

Note:

1. Each external question paper shall consist of total 6 questions and out of which 5 questions carry 12 marks each. The student has to answer any three questions from the choice of five questions. (Total $3 \times 12 = 36$ marks)
2. The Question No.6 is compulsory which consists of four short note of which any two has to be answered and carries 7 marks each (Total $2 \times 7 = 14$ marks).

7) Structure of Course

The Basic structure/pattern (Framework) of the postgraduate syllabus for the two year LL.M. course Credit system in the colleges affiliated to Savitribai Phule Pune University are given below.

Savitribai Phule Pune University
Post Graduate Teaching Department of Law
Two Year LL.M. Credit System Syllabus
(Applicable to all P.G. Centres of Affiliated Law Colleges from 2014-15 onwards)

Paper No.	Name of the Paper	Category	No. of Credits
Semester - I			
Paper 1	Introduction to Legal Theory	Compulsory	04
Paper 2	Constitution Law of India.	Compulsory	04
Paper 3	Legal Research Methodology	Compulsory	04
Paper 4	Specialisation Subject (as given below)		
	<i>(Students should opt any one among the following two clusters as their specialisation subject)</i>	Compulsory	04
	Cluster I (International Law) – Paper 4- Introduction to International Law		
	Cluster II (Business Law) – Paper 4 - Principles of Corporate Law		
	<i>(Students once they opt any one Clusters as their specialization, they are bound to continue the papers mentioned under the same cluster in semester II, III and IV)</i>		
Semester - II			
Paper 5	Practical Research Methodology	Compulsory	04
Paper 6	Comparative Constitutional Law	Compulsory	04
Paper 7	Law Making in Indian Polity & Statutory Interpretation	Compulsory	04
Paper 8	Specialisation Subject (as given below)	Compulsory	04
	Cluster I (International Law) – Paper 8-International Institution		
	Cluster II (Business Law) – Paper 8- Law of Contract-General Principles		
Semester-III			
Paper 9	Law and Social Transformation in India	Compulsory	04
Paper 10	Law, Science and Technology	Compulsory	04
Paper 11	Specialisation Subject (as given below)	Compulsory	04
	Cluster I (International Law) – Paper 11-Private International Law		
	Cluster II (Business Law) – Paper 11- Consumer Law		
Paper 12	Optional Paper to be chosen by the student*	Optional	04
	<i>(The students of both Clusters have to choose one paper from the options offered by the P.G. Department of the College or from any other Faculty (such as Arts, Commerce, and Management etc.) P.G. Departments of Affiliated Colleges of Savitribai Phule Pune University subject to condition that the optional paper chosen by the Student from other Faculties of P.G. Departments of Affiliated of Colleges should be relevant to the subject of their study and this can be done with the approval of College P.G. Departmental committee)</i>		

Semester – IV			
Paper 13	Specialization Subject (as given below) Cluster I (International Law) – Paper 13-International Economic Law Cluster II (Business Law) – Paper 13- Banking and Negotiable instrument	Compulsory	04
Paper 14	Optional Paper to be chosen by the student*	Compulsory	04
	<i>(The students of both Clusters have to choose one paper from the options offered by the P.G. Department of the College or from any other Faculty (such as Arts, Commerce, and Management etc.) P. G. Departments of Affiliated Colleges of Savitribai Phule Pune University subject to condition that the optional paper chosen by the Student from other Faculties of P.G. Departments of Affiliated of Colleges should be relevant to the subject of their study and this can be done with the approval of College P.G. Departmental committee)</i>		
Paper 15 & Paper 16	Dissertation	Compulsory	08

***Note:** - For the Paper 12 & Paper 14, the students of both clusters can choose a paper from the below mentioned list of optional papers offered by the P. G. Department of college or can choose an optional paper from any other Department/college of any other faculty other than law i.e. relevant to the subject of their study with approval of P. G. Departmental committee of the college.

List of Optional Papers offered by P. G. Department of the college:-

(These Optional papers will be offered by the concerned P. G. Department of the college by considering the availability of the teacher having specialization of the subject.)

1. Introduction to Alternative Dispute Resolution
2. Introduction to Human Rights
3. Law of Insurance
4. Law and Medicine
5. Criminology and Penology
6. Mass Media Laws
7. Administrative Law
8. Criminal Law
9. Introduction to Intellectual Property Rights
10. Legal Theory and Feminist Jurisprudence II
11. Corporate Finance

As the students are going to be admitted on the basis of branch specialization at the time of application itself, the students should necessarily finalize the dissertation topic in the end of the first semester and finalize the synopsis with tentative cauterization in the first month of the second semester. If any student fails to adhere to the rules such cases may be decided by the P.G. Departmental Committee of the college whether such student may be permitted/ whether to submit the dissertation in the fourth semester or in the subsequent semester. This rule has to be used only in exceptional circumstances not as a general norm. The decision of the departmental committee shall be final and no further appeal is entertain.

The P. G. Department of the college will display the attendance of each student two weeks before the final examination. If any student secures less than the prescribed attendance by the University such students are not eligible to take the examination in that semester. They have to redo such course in which they have shortage of attendance only when the semester repeats. Only in exceptional cases the P. G. Departmental Committee of the college may permit such genuine students if they have more than 70% of attendance in such subject.

Semester-I
(Paper 1)

Compulsory Paper

Credits: 4

Introduction to Legal Theory

Objectives:

The course aims at developing and insight into the jur stic foundations of a legal system-an understanding of the law as it exists and functions in society. Furt er, this course gives a clear understanding about the nuances of law and its nature function. It gives a clear understanding about the impact of law on various other branches and its functioning and its relationship to ethics and justice.

Introduction

Meaning and concept of Jurisprudence

Relevance of Jurisprudence in the contemporary era

Meaning and definition of Law

Law and Morals, Value of Judgments

II Relevance of Natural Law: theoretical Perceptions

(a) The Origin and Significance of Natural Law

(b) Theoretical Perceptive of Natural Law

(C) ST Thomas Acquainas; Grotius;Hobbes;Locke;Rosseau

(D) German Transcendental Idealism-Immanuel Kant

(E) Revival of Natural Law-Stammler; Fuller; John. Finnis

(F) Semi-sociological Natural Law-H.L.A. Hart

(G) Liberty and Civil disobedience

III. Legal positivism:

(a) Austin’s analytical theory of Law.

(b) Pure Theory of Law-Hans Kelson

IV. Post Modern Theories

(a) Hart’s concept of Law

(b) Rawls theory of Justice

(c) Amartya Sen’s theory of Justice

V Sociological Jurisprudence :

a) Prof. Pound-Social Engineering Theory.

b) Prof. Patterson.

c) Prof. Selznick.

VI American legal Realism:

a) Jerome Frank.

b) Karl Lewellyn.

c) Indian Judicial process & relevance to American legal realism.

Suggested Readings:

1. W. Friedmann – Legal Theory
2. Julius Stone – Social Dimension of Law & Justice.
3. C. K. Allen – Law In the Making.
4. Lloyd – Introduction to Jurisprudence.
5. Dias – Text on Jurisprudence.
6. H.L.A. Hart – Law, Liberty and Morality.
7. Lord Devlin – The Enforcement of moral.
8. BasiMitchell – Law morality and religion in a secular society.

9. Prof. Julius Stone – Human Law and Human Justice.
 10. Prof. Julius Stone – Province & functions of Law.
 11. Prof. Roscoe Pound – Jurisprudence Vol. I to IV.
 12. R. Warrenton – Post modern Jurisprudence.
 13. J. M. Balkin – The Legal Subject and the Problem of Legal Coherence.
 14. Ronald Dworkin – Laws Empire.
 15. Ronald Dworkin – Morality principle.
 16. Patton – Text on Jurisprudence.
 17. Hohfeld – Fundamental Legal Conceptions.
 18. John Rawls – Theory of Justice.
 19. John Rawls – Political Liberalism.
 20. Catherine Mackinnon – Difference & Dominance on sex discrimination.
 21. Catherine Mackinnon – Towards a Feminist Theory of State.
 22. K. Barlett & Kennedy Feminist Legal Theory.
 23. K. Weis Berg – Feminist Legal Theory Foundation.
 24. Precedent in Indian Legal System - Prof. A. Lakshminath.
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Constitutional Law of India

Objectives :

According to keelson, constitution is the Grundnorm and all other norms flow from it constitution is the Supreme law of the land. Constitut being the fundamental law of any country, the objective of this paper is to introduce t fundamental concepts of the constitution of India and to make them aware some of the important aspects of the contemporary issues of the polity. This will enable the students to integrate the perspectives of the constitution in various other disciplines and bran hes that they study in their LL.M. programme.

1) Constitutional developments since 1858 – 1947

- Making of Indian constitution
- Debates of Constituent Assembly relating to drafting of constitution. - Constitutionalism
- Supremacy of constitution

2) Preamble – Reflection of constitution

- Significance of Preamble
- Source, aim and objective of Preamble.
- Amendments relating to preamble.

3) Fundamental rights and directive Principles

- Right to equality
- Equality and Social Justice
- Equality and rule of law
- Protective discrimination
- Special protection to SC/ST and backward classes, women

4) Freedoms and Social control

- Speech and expression
- Freedom of assembly, association, movement, to reside and settle profession and business.
- Constraints on these freedoms

5) Personal Liberty

- a. Rights of an accused – double jeopardy – self- incrimination
- b. Right to life and personal liberty
- c. Due process of law
- d. Art 21 – ocean of rights.

6) Judiciary under the constitution.

- a. Judicial Process
- b. Separation of Powers
- c. Independence of Judiciary
- d. Judicial Activism
- e. Judicial Accountability

7) Jammu and Kashmir

- a. Special statutes under the constitution
- b. Legislative history of Art. 370.
- c. Special privileges of Permanent residents.
- d. Measures to combat terrorism in Jammu Kashmir.

8) Secularism

- a. Freedom of Religion in India
- b. Uniform Civil code, Personal laws and Minority Rights.

9) Emerging regime of new rights and remedies

- Compensatory jurisprudence
- Right to education.
- Reservation for Women.

Books Suggested

Constituent Assembly Debates vol. 1 to 12 (1989)

H M Seervai, constitution of India vol. 1-3 (1992), Tripathi, Bombay

G. Austin, History of Democratic constitution, the Indian Expenditure (2000), Oxford.

- G. Austin, Indian constitution: cornerstone of a Natio (1972)
- M. Galanter, competing equalities – law and the backward classes in India (1984), Oxford.
- D.D. Basu, Shorted constitution of India (1996), Prentice Hall of India Delhi.
- M.P. Singh (ed.) V.N. Shukla, constitutional Law India (2000), Oxford.

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(Paper 3)

Compulsory Paper

Credits: 4

Legal Research Methodology

Objectives:

The main objective of this course is to acquaint the student of law with the scientific method of social science research. This course is expected to provide the knowledge of the technique of selection, collection and interpretation of primary and secondary data in socio-legal research. Emphasis would be laid on practical training in conducting research in this course.

I) Introduction

- a) Significance of Research
- b) Meaning and concept of research

II) Scientific Methods & Legal Research.

- a) The science of research and scientific methodology (Theory, facts, definition and concepts, variables etc. i.e. characteristics of scientific methodology)
- b) Socio-legal research and legal research models.
- c) Doctrinal and non-doctrinal research.
- d) What is a research problem? Formulation of research problem.

III) Research Design and its components :

- a) Hypothesis: Its role, definition, criteria of a workable hypothesis and its sources.
- b) Major steps of preparation of research design.

IV) Research tools:

- a) Observation, Interview, Questionnaire (Utility and limitations and methods of using these tools)

V) Research Techniques:

- a) Use of case studies and surveys.
- b) Sampling techniques:
 - i. Design of sample
 - ii. Its uses and advantages in research.
 - iii. Random sampling, simple random, stratified random, systematic random.
 - iv. Non-random sampling, haphazard, availability and purposive etc.
- c) Scaling Techniques – Types, utility, modus operandi (a) Elementary Statistics, design & stages in statistical investigation and interpretation and Preparing Diagrams & graphs.
- d) Content analysis.

VI) Data Processing:

- a) Data Collection, Data processing and analysis and interpretation of data.
- b) Socio-metrics and Jurimetrics.
- c) Inductions and deductions.

VII) Computerized research:

- a) A study of legal research programmes such as Lexis and Westlaw coding
- b) Online & offline sources and techniques of e-legal research.

VIII) Report writing:

- a) Research report & techniques of writing research work.
- b) Citation rules and modes of legal writing.

Suggested reading:

- 1) Wilkinson – Bhandarkar – Research Methodology.
 - 2) Young, Pauline V. – Scientific Social Survey and Research.
 - 3) Berelson B : Content Analysis in Communication Research.
 - 4) Jain S. N. : Legal Research and Methodology.
 - 5) Earl Babi – Research Methodology.
 - 6) Good & Halt : Research Methodology (*And relevant Websites*)
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Compulsory Paper

Credits 4

(Paper 4)

**Paper-4 of International Law for the International Law Cluster
Introduction to International Law**

**Paper-4 of the Business Law for Business Law cluster
Corporate Law**

For the Syllabi see the concerned Clusters

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Semester – II
(Paper-5)

Compulsory paper

Credits: 4

Practical Research Methodology

Objectives: 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 adhere to.

1. Research Methodology

(i) Doctrinal Research (25 marks)

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 a group of faculty members.

(ii) Non-doctrinal Research (25 marks)

Here the students are asked to go out the class room and library and make empirical study of a problem which has social, economic, moral or political dimension field data can be collected through any model of data collection. The results are to assessed by a team of faculty members.

2. Clinical Work (25 marks)

The modalities can be evolved by the law school. One method is that the legal clinic of the law school can involve itself with other legal id programmers 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 organization, tackling of labour dispute drafting of business or other deeds and public interest litigation. The initiative is potential of the student and the actual work out by him shall be assessed by the faculty.

3. Law Teaching, Legal drafting, Commercial Legal drafting, Legal aid with the help of

ADR mechanism (25 marks)

In the above areas the departmental committee will decide to allot the work in various areas in the interest of the students each time whatever is important. In case if the departmental committee decides one or two areas in which the students are suppose to work the marks will be allotted accordingly.

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(Paper-6)

Compulsory Paper

Credits: 4

Comparative Constitutional Law

Objectives: A Constitution is being the supreme Law of the Land; it derives its directives from various aspects. Hence, it is obligatory on the part of a constituent assembly to refer the various customs and precedents that are in existence within an side the country. Hence an inquiry in the basic structural aspects and the differences that exist between the various constitutional perspectives need to be studies to give an understandi g of the significance of the dictums of a constitution. This being the prime aim of the paper, it introduces to the student the differences that exist in the basic structural patterns in the constitutional perspective in the world.

1. Introduction

- (a) The significance and importance of Study of Constitution
- (b) Types of Constitutions
- (c) Forms of government-Parliamentary-Presidential-Monarchical forms

II Federalism – Comparative Study

- (a) Principles of federalism
- (b) Legal features of federalism.
- © Co-operative federalism
- (d) Transition from competitive federalism to co-operative federalism.
- (e) Distribution of legislative and financial power in a federal system

III Judicial Review

- (a) Evolution and Concept of Judicial Review
- (b) Meaning of Judicial Review
- (c) Characteristics of Modern Constitutions and their impact on Judicial Review
- (d) Constitutional growth in India under judicial Review and its impact

4. Impact of emergency under different constitutions

- (a) Express emergency provisions under constitutions
- (b) Justiciability of the proclamation of emergency.
- © Impact of Emergency on the rights

5. Parliamentary Privileges and judicial review

- (a) Parliamentary privileges-comparative study with different countries
- (b) Parliamentary privileges and anti-defection Law
- (c) Need for Legislation on Parliamentary privileges in India

6. Amenability of Constitution – amendment under different constitutions

- Process of amendment
- Types of Amendment
- Judicial scrutiny of Amendments to the constitution.

Book suggested

1. Dr. Durga Das Basu – Comparative constitutional law , second edition Revised 2008 Wadhwa Nagpur.
 2. Dr. Durga Das Basu – Comparative federalism, second edition revised 2008, Wadhwa Nagpur.
 3. Dr. CD Jha's - Judicial review of Legislative Aots, second edition revised 2009 Lexis Nexis, butterworth, Wadhwa Nagpur.
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LAW MAKING IN INDIAN POLITY & STATUTORY INTERPRETATION

Objectives:

The students shall learn the skills and techniques of understanding the intention and objective of the law and the factors that contribute towards making of the law. Statutory interpretation is intended to imbibe in the students the ability to understand the philosophy behind the law for proper application of the law in the given society.

I) Introduction:

- a) Significance, utility, scope and objective of the course, its theoretical and practical relevance

II) Law Making Processes:

- a) Constitutional Law making
- b) Statutory Law making & general scheme of legislative drafting.
- c) Objectives of civil, criminal, commercial and international law.
- d) Sub-ordinate Law making.
- e) Judicial Law making.
(Its interrelation and significance in delivery of justice and social mobilization)

III) Anticipated Goals and Obstacles in implementation of law:

- a) Law and morals.
- b) Law and Public Opinion.
- c) Law and Politico-Economic structure.
- d) Law and administrative machineries.

IV) General Principles of Statutory Interpretation:

- a) Primary rules, literal rule Golden rule, Mischief rule, rule of harmonious construction, Secondary Rules – Noscitur a sociis, Eiusdem generis, Reddeno singulari singularis.

V) External sources and Internal aids

- a) Dictionaries, statutes in para materia, contemporaneous position, debates, inquiry commission reports and law commission reports.
- b) Title, Preamble, Headings, Marginal notes, section and subsections, punctuation marks, illustrations exceptions, provisos, savings clauses, schedules and non obstante clause.

VI) Classification of Statutes and Subject wise Interpretation

- a) Interpretation of Constitutional Law, International Law incorporated in municipal Law, Penal statutes and Tax Laws

VII) Other Rules of Interpretation

- a) Presumption in statutory interpretation, Maxims and statutory interpretation.
- b) Leading cases relating to interpretation of Statute

Suggested Readings:

- 1) W. Friedmann, Law in a changing Society
- 2) C. K. Allen: Law in Making
- 3) J. Bentham, Principles of Legislation Upendra Baxi (ed)
- 4) Law, Liberty, and Morality by Basil Mitchell
- 5) Law and Public opinion in England: A. V. Dicey
- 6) Interpretation of Statutes: Bindra N.S.

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(Paper-8)

Compulsory Paper

Credit 4

**For International Law Cluster
International Institutions (Paper-8)**

**For Business Law Cluster
Law of Contract – General Principles (Paper-8)**

For detail syllabus, please see the concerned cluster

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Semester-III

(Paper-9)

Compulsory Paper

Credits: 4

LAW AND SOCIAL TRANSFORMATION IN INDIA

Objectives of the Course: This course is designed to create awareness in the students who are the future generations of India about the Indian approaches to social and economic problems and to address the remedial measures through Law as an instrument of social control and change. Further, it aims to create awareness in the minds of the students and taught to explore and exploit the significance of law and legal institutions as a means of development within the framework of law. Such an approach certainly creates not only an in depth understanding about the mechanism of law but also able to appreciate the nuances of the constitution of India and the philosophy with which the Constitutional Framers made a Sovereign, Democratic and, Republic.

I Introduction

- (a) Meaning and concept of Social Transformation
- (b) Law as an Instrument of Social Change
- (c) Law as the product of traditions and culture

II Tools of Social Transformation

- (a) Religion as a divisive factor – Secularism as a solution
- (b) Language Policy of India
- (c) Linguistic States-Problems and Perspectives
- (d) Regionalism-Problems and perceptions-Constitutional Philosophy

III Constitution and Protective Groups

- (a) Concessions to Women and Children
- (b) Reservations to Scheduled Castes and Tribes
- (c) Status of Physically Challenged People
- (d) Religious Minorities
- (e) Legislative Measures to uplift the Protective Groups

IV Social Transformation and Democratic Process

- (a) Political Parties -Constitutional and Legal Position
- (b) Trends in the Growth and Functioning of Political Parties
- (c) Problems in the Functioning of Political Parties _Corruption-Nexus with anti-social elements-Inner Party Democracy
- (d) Role of the Election Commission
- (e) Democratic Decentralization and Role of Local Self Government

V Role of Legal Institutions, Law and Social Transformation

- (a) The Role of Law Commission in Transforming the Law
- (b) The Role of Judiciary in Expanding the horizons of Law-New Rights Philosophy-Public Interest Litigation
- (c) Role of Legislature and Executive in reforming the Law-Agrarian Reforms-Industrial Reforms-Prison Reforms-Plea Bargaining
- (f) Lok Adalats and Legal Aid Cells
- (g) Right to Information-Problems and Perspectives

VI Alternative Approaches to Law

- (a) The Jurisprudence of Sarvodaya-Gandhiji, Vinoba Bhave, Jayaprakash Narayanan
- (b) Socialist Thought on Law and Justice-The Philosophy of M.N. Roy
- (c) Naxalite and Anti Insurgent Movements-Causes and Cure

- (d) Effectuation of Fundamental Duties
- (e) Concept of Gram Nayalas

Suggested Readings:

- Marc Glanter: Law and Society in Modern India, 1977
 - Indian Law Institute ; Law and Social Change
 - Ishwar Bhat: Land Social Transformation , 2009
 - University of Madras: Sarvodaya, 1972
 - Reports of the National Commission to Review the functioning of the Constitution Volu-II, Book-I 2002
 - Duncan Derret: The State, Religion and Law in India , 1999
 - Granville Austin: Working a Democratic Constitution: The Indian Experience, 2000
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(Paper-10)

Compulsory Paper

Credits: 4

LAW, SCIENCE AND TECHNOLOGY

Objectives: The aim of the course is to introduce in brief to the student about the developments in the field of Science and Technology and the relationship between Law and Science and Technology. The paper further seeks to explore some specific aspects to test the possible interactions, controversies and their interrelationships between both the aspects. Further, it focuses on the relationship between Human Rights and Science and Technology and the need to regulate science and technology in order to preserve the basic concept of sustainable development.

I) Introduction:

- a) Developments in Science and Technology
- b) Science & Technology Vis a Vis Sustainable and equitable development.
- c) Impact of Human Rights on Science & Technology
- d) Human Rights and preservation of human health

II Science - Technology and Relationship with Law

- a) Nexus between science technology and law
- b) Problems and Perspectives between Law and Science
- d) The need for legal control of Science and Technology.
- e) Clinical Trials and the Need Professional responsibility and ethical principles.

III) Privacy, Law and technology:

- a) Origin and Development of Law of Privacy
- b) Concept and Nature and Law of Privacy
- c) Law of Privacy Vis-a Vis Science and Technology

V) Use of Science and Technology in Judicial Investigations:

- (a) The Significance of Science and Technology in the Legal Proceedings.
- (b) The Significance of Forensic science in the Criminal Matters
- C) The Indian Judiciary on the Use of Science and Technology

VI) Biotechnology & Law:

- a) Origin and Development of Bio Technology
- b) Debatable issues in biotechnological innovations
- c) Ethical and Moral implications on the use of Genetic Engineering

VII) Nuclear Technology and Law:

- a) Uses & misuses.
- b) Legal control- national and international scenario.
- c) Human Rights Vis-avis Nuclear Technology

Suggested bibliography

The material for the course shall be traces on relevant websites of the universities and research institutes at the national and international levels.

Suggested Readings:

- 1) Markandey Katju, Law in scientific Era (2000) Universal, New Delhi
- 2) Cees J.Hamelink, the ethics of cyber space(2001)sage.
- 3) Jonh Zinian et.al(ed) World of Science and Rule of Law (1986) Oxford
- 4) U.Baxi,Biotechnology and Legal Order: Dilemmas of the future of Law and Human nature.(1993)

Journal of national and international repute on the subject. (Print and electronic)

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(Paper-11)

Compulsory Paper

Credit 4

**For the International Law Cluster:
Private International Law (Paper-11)**

**For Business Law Cluster:
Consumer Law (Paper-11)**

For detail syllabus, please see the concerned cluster

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(Paper-12)

Optional Paper

Credits: 4

The students of both Clusters have to choose one paper from the options offered by the P.G. Department of the College or from any other Faculty (such as Arts, Commerce, and Management etc.) of P. G. Departments of Affiliated Colleges of Savitribai Phule Pune University subject to condition that the optional paper chosen by the Student from other Faculties of P.G. Departments of Affiliated of Colleges should be relevant to the subject of their study and this can be done with the approval of College P.G. Departmental committee

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Semester-IV

(Paper-13)

Compulsory Paper

Credits: 4

In this semester the students will take one compulsory paper from their respective cluster..
International Law and Business Law (i.e. Paper- 13 of the respective clusters).

Title of the paper for International Law Cluster : International Economic Laws

Title of the paper for the Business Law Cluster : Banking and Negotiable Instruments.

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(Paper-14)

Optional Paper

Credits: 4

The students of both Clusters have to choose one paper from the options offered by the P.G. Department of the College or from any other Faculty (such as Arts, Commerce, and Management etc.) of P. G. Departments of Affiliated Colleges of Savitribai Phule Pune University subject to condition that the optional paper chosen by the Student from other Faculties of P.G. Departments of Affiliated of Colleges should be relevant to the subject of their study and this can be done with the approval of College P.G. Departmental committee

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(Paper-15 & 16)

Compulsory Paper

Credits : 8

Dissertation/Project work

A student of each branch is expected to submit a dissertation/project work in the respective branch in consultation with a guide allotted by the Department. The dissertation/project work should strictly adhere to the standard legal research pattern. Dissertation/project work should be hard bond not less than 100 pages and not exceeding 150 pages. The dissertation/project work will have double evaluation, one by the guide and other by the external examiner. In the credit pattern the written part of the dissertation /project work will have 6 credits and the viva-voce will have 2credits.

The dissertation /project work need to be commenced from the III semester onwards. In the IV semester before starting the dissertation/project work the students are expected to give an oral presentation and an oral presentation before the submission of the dissertation /project work.

Papers of the International Law Cluster:
Semester I
International Law Cluster
(Paper-4)

INTRODUCTION TO INTERNATIONAL LAW

Objectives of the Course:

International law commonly is defined as the rules, principles, and norms which govern the interaction among states. Many scholars of international relations view international law as a meaningful tool for providing order to world politics and for minimizing global conflict. Other scholars of international relations dismiss international law as insignificant. According to these scholars, state interests-- not internationally agreed-upon rules, principles, and norms--guide interaction among states. This course, will investigate the basic question underlying this debate over the utility of international law: does international law act as a constraint on state autonomy, or is it merely used by states when it is in their self-interest? In an effort to address this question, the main focus of the paper is on the fundamental principle of international law, sovereignty and non-intervention, and will consider whether these principles have been eroded in recent decades as a result of growing support for new international legal norms, including human rights.

I Introduction

- (a) Origin and Development
- (b) Scope and basis of International Law
- (c) Theories of International Law
- (d) Sources of International Law-Treaties, Custom, General Principles of International Law, Judicial Decisions and Writings of Publicists; UN General Assembly Resolutions

II Relationship between International Law and Municipal Law

- (a) Theoretical Perspectives
- (b) The role of Municipal rules in International Law
- (c) International Law before Municipal Courts
- (d) Practices of the few States: U.K., USA and India with respect to Treaties and Customary Norms

III Subjects of International Law

- (a) States and different types of States
- (b) International Organisations
- (c) Individuals
- (d) MNC's and other Private Entities

IV Recognition of States and Governments and State Succession

- (a) States and their Territory in general
- (b) Theories and Types of Recognition
- (c) Meaning and concept of State Succession

V. Jurisdiction of States

- (a) Civil and Criminal Jurisdiction (b) Basic Principle (c) Diplomatic Immunities and Privileges
- (d) Law of the Sea- General Introduction (e) Law of Air and Outer Space-General Perspective
- (f) Sovereign Immunity and Act of State

VI. State Responsibility

- (a) Permanent Sovereignty over Natural Resources
- (b) Draft Articles of the ILC
- (c) Protection of Individuals and Groups
- (d) Human rights-Calvo Clause
- (e) Protection of Environment

VII. The Settlement of Disputes by States : Peaceful Means

- (a) Diplomatic methods of Dispute Settlement: Negotiation, Good Offices and Mediation, Inquiry and conciliation
- (b) International Institutions and Settlement of Disputes
- (c) Judicial Settlement: Arbitration, Judicial Settlement

VIII. The Settlement of Disputes by States: Use of Force

- (a) Law of Force in Just war and Provisions of UN Charter
- (b) Intervention and Self Determination
- (c) International law and Terrorism
- (d) Armed conflict and Disarmament

Suggested Readings:

- Oppenheim: International Law (9th Edn) 1992, Vol.1
- Malcolm Shaw: International Law (5th Edn) 2005
- ▲ Ian Brownlie: Principles of International Law, 5th Edn 2009
- J.G. Strake Introduction to International Law, 12th Edn. 2008

American Journal of International Law, International Law and Comparative Law Quarterly; Indian Journal of International Law; International Legal Materials.

Semester II
International Law Cluster
(Paper-8)

INTRODUCTION TO INTERNATIONAL INSTITUTIONS

Objectives of the Course

This course explores the institutional structures, political processes, and impact of international organizations within the larger context of world politics. International organizations, Play an important role in the contemporary international scenario in addressing the contemporary international Problems. This course covers the UN system and the other regional organizations and the contemporary issue of their handling with the contemporary problems.

I Introduction

- (a) Global Governance significance of International Organizations
- (b) Organizational Culture, Organizational Adaptation and Learning
- (c) Inter-organizational Relations
- (d) League of the Nations an Over View

II The United Nations System

- (a) The UN System_ Brief over view of the charter
- (b) The Security Council ; the General Assembly; The Economic and Social Council; The Trusteeship System; The Secretariat
- (c) Important Specialized Agencies-ILO;WHO;UNESCO;FAO
- (d) Peace Keeping and Peace Making role of the UN
- (e) The collective Security System

III International Institutions

- (a) North Atlantic Treaty Organization
- (b) The Western European Union
- (c) The European Union
- (d) The Organization of American States
- (e) The Arab League and the OPEC
- (f) Common Wealth of Independent States
- (g) ASEAN and SAARC

V International Judicial Organisations

- (a) The International Court of Arbitration
- (b) The International Court of Justice—Jurisdictional aspects
- (c) The International Criminal Court
- (d) The International Tribunal for the Law of the Sea

V Legal Status of International Organizations

- (a) Legal Personality of International Organizations in International Law
- (b) Powers and functions and the constituent instruments
- (c) Privileges and Immunities
- (d) Liability of Member States
- (e) Dissolution and Succession

Suggested Readings:

- D.W. Bowett: International Institutions; 1982
- Good Rich and Hambro: Interpreting the Charter of UN, 1960
- L.B.sohn: Cases on United Nations Law 1967
- Malcom Shaw: International Law (5th edn) chapters on UN and International Institutions
- Journal of International Organizations
Foreign Affairs
- American Journal of International Law
- Indian Journal of International Law

Semester III
International Law Cluster
(Paper-11)

Private International Law

Objectives of the Course:

Private international Law or otherwise popularly referred to as conflict of Laws is an auxiliary component part of Public International Law. In this area, the Laws and regulations deal with private aspects in which Public International Law is not able to deal with them individually. In the era of the fourth phase of globalization and the expanding horizons of science and technology, it is almost certain that nation-states and their individuals cannot live in isolation.

Every state is interested to compete in the international arena especially in the economic and commercial front. In such case, mostly the states and their individuals try to expand their trading relations across the World. When such individualist and corporate and states join together to compete in the promotion of their economic might through commerce, it is inevitable that disputes may arise on many issue . With that objective keeping in mind and the futuristic trading perspectives of the world especially that of India, the syllabi in this paper is concentrating only on the commercial front and the problems connected to it.

Though traditionally Private International Law deals all aspects including the family and personal relations of the individuals, the syllabi is restricted to give a touch to the student with the commercial aspects in tune with the policy of department to offer only International Law and Business Law Branches.

I Introduction:

- (a) Significance of Private International Law
- (b) Connecting aspects Between Private and Public International Law
- (c) Definition and Name of Private International Law
- (d) Historical development of Private International Law
- (e) Concept and Sources of Private International Law

II Classification and Characterization and Incidental Issues

- (a) Meaning and Process of Characterisation
- (b) Position in English and Indian Laws
- (c) Classification and cause of action
- (d) Incidental questions and the theory of Renvoi
- (e) Proof of foreign Law and Exclusion of Foreign Law
- (f) Domicile, Nationality and Residence

III The Law of Obligations

- (a) Trusts-Corporations
- (b) Contracts-Rome convention

- (c) Torts-common Law rules-Choice of Law Rules
- (d) Mixed issues of Tort and Contracts
- (e) Property- Choice of Law rules
- (f) Insolvency
- (g) Restitution

IV Jurisdiction of Courts

- (a) Jurisdiction of Courts traditional Rules
- (b) Jurisdiction under the Brussels-Lugano Convention
- (c) Immunity from suits-Position in England; Commonwealth and India
- (d) Jurisdiction in Personam and in Rem
- (e) Stay of suits –forum of Selection and Arbitration
- (f) Limitation on Jurisdiction

V Recognition and Enforcement of Foreign Judgments

- (a) Traditional Rules—Position under International Law and Conventions
- (b) Recognition and Enforcement Under common Law
- (c) Recognition and Enforcement of foreign Judgments-Position in England and India

VI Recognition and Enforcement of Arbitral Foreign Award

- (a) Traditional rules—Position in International Law
- (b) Position in Common Law and England
- (c) Position in India in General
- (d) Enforcement of Foreign Awards in suits
- (e) Enforcement of Awards Under Arbitration (Protocol and convention Act, 1937)
- (f) Enforcement of Awards Under the Foreign Awards (Recognition and Enforcement) Act1961
- (g) Enforcement of Awards under the Arbitration and Conciliation Act 1996)

Suggested Readings:

- Diecy, Morris & Collins : Conflict of Laws (14th edn) 2005
- Cheshire and North: Private International Law 2006
- A.M.Setalvad: Conflict of Laws, 2nd Edn(2006)
- Ruth Hayward: Conflict of Laws (4th edn) 1999
- International Law and Comparative Law Quarterly
- Netherlands Year Book of International Law
- Journal of the Indian Law Institute
- Sir H. Lauterpacht: Private Analogies of Public International Law 1965

Semester IV
International Law Cluster
(Paper-13)

PRINCIPLES OF INTERNATIONAL ECONOMIC LAW

Objectives of the Course:

In this fourth phase of globalization, the significance of International Economic Law is increasingly directly concerned with the individual, the trader and the investor and the international financiers. Hence in order to equip the student with the policy perspectives and political nuances of the international regime the object of the course is to introduce the student to know the fundamental implications Economics and its impact on Law and the functioning of the International Economic Institutions, policy perspectives.

I Introduction

- (a) Inter relationship between law and Economics
- (b) Historical back ground of International Economic Order
- (c) The Significance of International Monetary Relations

II Nature and Scope of International Economic Law

- (a) Definition and Concept of International Economic Law
- (b) Sources of International Economic Law
- (c) Economic Sovereignty and the significance of Permanent Sovereignty over natural Resources
- (d) Relationships between National and International Economic Law

III International Monetary System

- (a) The Bretton Woods System
- (b) The International Monetary Fund-SDR and Balance of Payments
- (c) The World Bank
- (d) Asian Development Bank

IV New International Economic Order and International Monetary System

- (a) Origin and Development of NIEO
- (b) Impact of NIEO on the Economic Relations
- (c) Common Heritage of Mankind and Economic Relations

V Significance of International Investment

- (a) International Investment Law Treatment and Protection
- (b) Bilateral Investment Treaties
- (c) The World Bank Guidelines
- (d) Attempts for a Multilateral Investment Agreement
- (e) Role of ICSID

VI International Trade Law

- (a) Origin and Development of International Trade
- (b) GATT and Trading System
- (c) WTO and the Trading system
- (d) The Significance of GATS
- (e) Dispute settlement system under GATT/WTO

VII Impact of International Economic Law on Labour Relations

- (a) International Movement of Labour and Labour Standards
- (b) Trade Investment and Labour Movements
- (c) MNC and Labour Relations in Developing Nations
- (d) The role of UN and Human Rights in regulating the Labour Standards.

Suggested Readings:

- Asif. H. Qureshi :International Economic Law, 2007
- M.J. Trebilcock and R. Howse, *The Regulation of International Trade*, 3rd ed., Routledge, 2005
- C.Raja Gopal: International Law from below, 2008
- R.A. Cases Economic Perspective in International Economic Law 2002
- Journal of International Economic Law

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Semester I
Business Law Cluster
(Paper-4)
Principles of Corporate Law

Objectives:

In view of the changing niceties of global governance especially from the point of view of good governance, corporate governance plays a vital role in the development of an economy both nationally and internationally. Taking this into consideration, the paper aims to introduce to the students the nuance of corporate law and the obligations of it towards society in discharging its trading relations and to be a good corporate citizen.

I. Introduction

a) Origin and Development of Corporate Law

b) Essential ingredients in establishment of Corporation
II. Shares and share capital

a) Concept of shares, share capital

b) Kinds of shares

c) Debentures,

d) Issue , Allotment , transfer and forfeiture of shares

III. Legal Aspects governing corporate management-

a) Meetings, Majority Rule and minority protection

b) Prevention of oppression, mismanagement

c) Role of central government, Company Registrar, Company Law Board/ Tribunal,

IV. Amalgamation, Reconstruction, Mergers, take-over of Companies

a) Meaning of the terms

b) Statutory provisions

c) Powers of court/ tribunal

d) Reconstruction/ amalgamation by sale of shares/sale of undertakings

e) Procedures of Winding up a Company

V. Corporate Governance

a) Concept,

b) Significance,

c) Dimensions,

d) Legal framework

e) Impact of globalization

VI. Corporate Social Responsibility

a) Evolution of the concept,

b) Dimensions of CSR

c) Legislations and CSR

Suggested Readings-

1. J.M. Thomson- Palmer 's Company Law
2. Gower- Principles of Modern Company Law
3. Ramaiya- Guide to Companies Act
4. Indian Law Institute- Current problems of Corporate Law
5. Datta- Company Directors
6. Compendium on SEBI, Capital Issues and Listing by Chandratre, Acharya, Israni, Sethuraman

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Semester II
Papers of Business Law Cluster

(Paper-8)

Compulsory Paper

Credits:4

LAW OF CONTRACTS-GENERAL PRINCIPLES

Objectives :

To study the general principles of Law of Contracts and Special Contracts in India in context of their judicial development and interpretation .

To give an appreciation of the emerging trends necessitated by modern trade and commerce, change in nature and functions of the State and planned economy taking into account the recent developments like globalization.

To develop the capacity to evaluate the law and judicial decisions in the light of changing needs of industrialized planned and welfare society.

Topics for Study:

1. INTRODUCTION
 - a) Proposal
 - b) Acceptance
 - c) Agreement & Contract
 - d) Tenders
 - e) Standard form contracts
 - f) E-contracts
 - g) Government contracts
2. CONSIDERATION
 - a) Definition
 - b) Privity of contract and of consideration
 - c) Exceptions to consideration
3. FREE CONSENT
 - a) Vitiating factors and their effect
 - b) Coercion
 - c) Undue influence
 - d) Misrepresentation
 - e) Fraud
 - f) Mistake
4. PERFORMANCE & DISCHARGE OF CONTRACT
 - a) Modes of discharge
 - b) Discharge by performance
 - c) Discharge by agreement
 - d) Discharge by frustration
 - e) Discharge by breach
5. REMEDIES FOR BREACH OF CONTRACT
 - a) Damages
 - b) Specific performance & Injunction
 - c) Limitation of actions
 - d) Restitution

6. SALE OF GOODS

- a) Sale and agreement to sell
- b) Conditions and warranties
- c) Effects of the contract of sale
- d) Performance of contract
- e) Rights of an unpaid seller
- f) Suits for breach of contract
- g) Auction Sales

7. PARTNERSHIP

- a) Nature of Partnership
- b) Relations of partners to one another
- c) Relations of partners to third parties
- d) Incoming and outgoing partners
- e) Dissolution of firms
- f) Registration of firms

Suggested Readings:

- 1) A.G. Guest (ed): Anson's Law of Contract.
- 2) A.G. Guest : Law of Contract.
- 3) P.S. Atiya, Introduction to the Law of Contract.
- 4) Avtar Singh : Law of Contract.
- 5) G.C. Cheshire, H. S. Fifoot : Cases on the law of Contract.
- 6) Chitty : Chitty on Contracts, Vol. I General Principles Vol. 2 Specific Contracts.
- 7) Pollock and Mulla on the Indian Contract and Specific Relief Acts.
- 8) Cheshire and Fifoot, The Law of Contract.
- 9) Bowstead on Agency.
- 10) Lindley on Partnership.
- 11) Mull on Partnership Act and Sale of Goods Act.
- 12) K. Poonuswami & K. K. Puri, Cases and Materials on Contract.
- 13) G. M. Treitel : Law of Contract.
- 14) S. Venkataraman and K. Ramanamurthy, T. S. Venkatesa Iyer's Law of Contract.
- 15) R. S. Sim and S. V. Powell : Case book on Contract.

Semester III
Business Law Cluster

(Paper-11)

Compulsory Paper

Credits : 4

CONSUMER LAW

Objective: To obtain an insight into the provisions and working of the Consumer Protection law.

Topics for Study:

1. INTRODUCTION
 - a) Historical perspective of consumer protection in India
 - b) United Nations & consumer Protection
 - c) Laws dealing with consumer complaints
 - d) Caveat Emptor

2. CONSUMER PROTECTION ACT
 - a) Aims & Objects of the Act
 - b) Consumers
 - c) Consumer Dispute
 - d) Defect in Goods and Services
 - e) Unfair Trade Practices

3. DEFICIENCY IN SERVICES
 - a) Meaning & Instances
 - b) Negligence
 - c) Deficiency in service in various professions: Insurance services, Banking and Financial services, Housing etc.

4. PROCEDURAL PROVISIONS
 - a) National Commission
 - b) State Commission

5. CONSUMER PROTECTION ACT & CONFLICT WITH OTHER ENACTMENTS

6. CONSUMER PROTECTION COUNCILS

7. CONSUMER DISPUTES REDRESSAL AGENCIES

Suggested Readings:

1. Saraf, D.N., Law of Consumer Protection in India.
2. Avtar Singh, The Law of Consumer Protection: Principles and Practice.
3. J.N.Barowalia, Commentary on Consumer Protection Act 1986.
4. P.K.Majundar, The Law of Consumer Protection In India
5. D.P.Wadhwa & W.L.Rajah, The Law of Consumer Protection
6. R.N.P.Choudhary, Consumer Protection Law
7. V.Balakrishna Eradi, Consumer Protection Jurisprudence
8. Gupta S.N., Banks & Consumer Protection Law
9. Kaushal Anoop, Medical Negligence & Legal remedies
10. S.K.Verma & M.Afzal Wani, A Tretise on Consumer Protection Law
11. Landmark Judgement on Insurance & Consumer Protection t, NCDRC
12. Landmark Judgement on Consumer Protection, NCDRC.

(Paper-12)

Optional paper

Credits: 4

(The students of both Clusters have to choose one paper from the options offered by the P.G. Department of the College or from any other Faculty (such as Arts, Commerce, and Management etc.) P. G. Departments of Affiliated Colleges of Savitribai Phule Pune University subject to condition that the optional paper chosen by the Student from other Faculties of P.G. Departments of Affiliated of Colleges should be relevant to the subject of their study and this can be done with the approval of College P.G. Departmental committee)

Semester III
Business Law Cluster

(Paper-13)

Compulsory Paper

Credits: 4

Banking and Negotiable Instruments Act

Objectives

In any economy, banks play a vital role. The developmental aspects and the objects of the State to a greater extent are discharged by the banking companies through various services. In the contemporary era of the fourth phase of globalisation, the significance and role of the banking companies is increased in various ways and means. Taking into consideration of the significant role played by banks and the need to their regulation and the services offered by them need to study in detail. Hence this paper introduces to the student the various aspects relating to banking especially their social obligations and the legal regulation and the control of the state.

I. Introduction

- a) Nature and development of Banking
- b) Evolution of Banking in India
- c) Different kinds of banks, their functions

II. Social Control over Banking

- a) Nationalization--Liberalization
- b) Social Control Measure—Banking Regulation Act

III. Law Relating to Banking Companies in India

- a) Control by government and its agencies on Various aspects of Banking Management
- b) Reconstruction and reorganization
- c) Suspension and winding up

IV. Reserve Bank of India

- a) Origin and development of RBI as a Central Bank
- b) Powers-functions and objectives
- c) Regulation of monetary mechanism-Credit control
- d) Bank rate policy formulation

V. Relationship between Banker and customer

- a) Contract between banker and customer
- b) Banker's lien
- c) Protection of bankers
- d) Nature and type of accounts

- e) Special classes of customer- lunatics, minor, partnership, corporations, local authorities
- f) Consumer protection- banking as a service

VI. Negotiable instruments

- a) Meaning and kinds of Negotiable Instruments
- b) Holder and holder in due course
- c) Negotiation and its significance
- d) Presentment and payment of an Instrument
- e) Liabilities of parties- Dishonor of cheques-Recent Trends

VII. Recent Trends in Banking System in India

- a) Impact of Science and Technology on Banking
- b) Automation and Legal Aspects
- c) Information Technology

Suggested Readings:

Basu A.- Review of Current Banking Theory and Practice

L.C. Goyle- The Law of Banking and Bankers

M.L.Tannan- Tannan 's Banking Law and Practice in India

K.C. Shekhar- Banking Theory and Practice

K. Subrahmanyam- Banking Reforms in India

Ross Cranston- Principles of Banking law

R. Goode- Commercial Law

M. Hapgood (ed), Pagets' Law of Banking

OP.Faizi and Ashish Aggarwal- Khergamwala on 'The Negotiable Instruments Act'

Datta on Negotiable Instruments Act

Bhashyam and Adiga- Negotiable Instruments Act

(Paper-14)

Optional paper

Credits: 4

(The students of both Clusters have to choose one paper from the options offered by the P.G. Department of the College or from any other Faculty (such as Arts, Commerce, and Management etc.) P. G. Departments of Affiliated Colleges of Savitribai Phule Pune University subject to condition that the optional paper chosen by the Student from other Faculties of P.G. Departments of Affiliated of College should be relevant to the subject of their study and this can be done with the approval of College P.G. Departmental committee)

All the following Optional Papers will have 4 credits each and the student should choose any one of the following paper for Paper 12 and Paper 14

Paper 1

INTRODUCTION TO ALTERNATIVE DISPUTES RESOLUTION

Objectives:

In the era of globalization where time and resources are precious, the main aim and objective of the course is to equip a candidate in the alternative disputes resolution that exists both nationally and internationally. The significant aspect of the course is that it vastly covers all the potential issues relating to ADR and helps a candidate in whatever profession or filed works to help the organization in resolving the disputes with in the organization in an amicable manner in a judicious way in the possible shortest time than awaiting long time for a judicial settlement.

I Evolution and concept of Disputes

- (a) Historical Perspectives of ADR in the International Perspective
- (b) Meaning and Conceptual Perspectives of a Dispute
- (c) Types of disputes-Justiciable and Non-justiciable disputes
- (d) Players involved in Disputes-Individuals-Organizations-States-Inter-state-Multilateral and Legal Disputes
- (e) Impact of Disputes on Socio-Economic –Political-Legal and Cultural Issues

II Methods adopted in Dispute Resolution

- (a) Traditional methods of dispute resolution
- (b) Methods adopted in dispute resolution-Judicial and Non-Judicial methods
- (c) Role of Law in Settling Disputes—National and International Legal aspects
- (d) Disputes settlement at the Gross roots and local level

III Meaning and philosophy of ADR

- (a) The significance of ADR-Current Trends
- (b) Over view of the Process of ADR
- (c) Planning and Strategies of ADR
- (d) Legal Recognition to ADR
- (e) Comparative perspective of ADR-USA-UK-India-EEC

IV Process and Procedures of ADR

- (a) Procedural Aspects of ADR
- (b) Types of ADR-Negotiation-Mediation-Conciliation-Arbitration
- (c) Theoretical perspectives of ADR
- (d) Significance of Private International Law –Choice of Law Rules

V ADR and Contemporary Issues

- (a) Information Technology and ADR
- (b) Dispute Resolution in Cyber space
- (c) ADR and Online Dispute Resolution
- (d) ADR and Scientific Issues-IPR and Bio-Technology

Suggested Readings:

Shiv Sahai Singh, *The Law of Intellectual Property Rights*, . 2004.

Phillippe Culet, *Intellectual Property Protection and Sustainable: Development*, 2004

W R Cornish, *Intellectual Property: Patents, copyright, Trademarks and allied rights* , 1996

Jayanti Bagachi , *World Trade organization; an Indian Perspective*(2000).

Narayanan, P., *Intellectual Property Rights*

Further readings

_ UNCTAD-ICTSD, *Resource book on TRIPs and Development*, Cambridge University Press, 2005

_ Surendra Bhandari , *World Trade organisation and Developing Countries*, 1998

_ Bleir, F.K., Crespi, R.S. and Straus, J. , *Niotechnology and Patent Protection- an international review*, OECD

_ Jayashree Watal, *Intellectual Proprty right s in the WTO and Developi g Countries ,2003*

Paper-2

Introduction to Human Rights

Objectives:

The main objective of the course is to introduce to the students the significance of Human Rights in the contemporary era with a theoretical perspective and the problematic groups who needs special protection. Another important objective is that rights are only there to realize the duties that are casted with them and to signify the importance of the Human Rights Education not in the enjoyment of these rights but to find out the way and means to help the vulnerable groups of the world.

I Nature and Concept of Human Rights:

- (a) Historical Perspective of Human Rights
- (b) Important Declarations on Human Rights-Magna Carta-British Bill of Rights-French Declaration of Rights of Man and Citizen-American Bill of Rights-Indian Bill of Rights
- (c) Impact of Human Rights on International Law
- (d) Sources of Human Rights-International Law and Indian Perspective

II Concept and Theories of Human Rights

- (a) Meaning-nature and Scope
- (b) Classification of Rights
- (c) Theories of Rights and Duties-Natural Rights Theory-Liberal Theory-Marxist Theory-Sociological and Cultural Theories
- (d) Classification of Rights under the Indian Constitution

III Human Duties –Responsibilities

- (a) Moral, Ethical, Social, Economic , Political and Cultural
- (b) Inter-Relationship between Rights and duties
- (c) Rights and Duties-Areas of Harmony –conflict

IV Human Rights and Vulnerable Groups

- (a) Definition and Concept of Vulnerable Groups
- (b) Women and Children 's Rights
- (c) Aged and Disabled rights
- (d) Minorities and Unorganized Labour
- (e) Tribal and Indigenous Population
- (f) HIV and AIDS Victims
- (g) Refugees

V Problems and Perspectives of Human Rights and Duties

- (a) Poverty and Population
- (b) Illiteracy and Corruption
- (c) Sovereignty-State Jurisdiction-MNCs-Terrorism
- (d) Sustainable development-Need for Human Rights Education

Suggested Readings:

- V.T. Patil and T.S.N.Sastry: Studies in Human Rights, 000
- T.S.N.Sastry: Human Rights in India, 2006
- O.P. Agrawal: Introduction to Human Rights 2007
- Sinha S.P.: Conflict and Tension in Tribal Society, 1993
- Kouwsha Rachana: Women and Human Rights in India, 2000
- Blue Book Series of Oxford on Human Rights 2009
- Indian Journal of International Law
- American Journal of International Law
- Human Rights Quarterly

Paper -3
Law of Insurance

Objectives:

Insurance is one of the sectors both financially and socially. It acts as cover to the individual investors and as a money spinning organization for the State. In India, in the beginning it was confined only to public sector. However, after the expanding tenets of globalization, prompted the government of India too, to open the insurance regime to the private sector. This necessitated structural changes in the insurance sector and brought competition in the sector and emerged an important organization to play its role. Taking into consideration, an attempt will be made in this paper to introduce the importance of insurance and the various socio-legislative aspects of it in the contemporary era.

I. Introduction

- a) Origin and Development of the Concept of Insurance
- b) Theoretical Perspectives of Insurance
- c) Types of Insurance—Parties to Insurance
- d) Rights and liabilities of Insurer and Insured
- e) Insurance policy- law of contract and law of torts
- f) Need and importance of insurance

II. General Principles of Law of Insurance

- a) Contract of insurance- definition, nature of contract
- b) The Insurable interest
- c) Premium
- d) The risk- commencement, attachment, duration
- e) Assignment and alteration
- f) Warranties and disclosures
- g) Insurance intermediaries

III. Life Insurance

- a) Nature and scope
- b) Event insured against in Life Insurance
- c) Circumstances affecting the risk
- d) Amount recoverable under life policy
- e) Persons entitled to payment
- f) Settlement of claim and payment of money 47

IV. Marine Insurance

- a) Nature and scope
- b) Classification of marine policies
- c) Insurable interest, insurable value
- d) Voyage- deviation
- e) Perils at sea
- f) Warranties in marine insurance
- g) Loss

V. Insurance against Third Party Risk

- a) Motor Vehicle Act 1988
- b) Nature and scope
- c) Effect of insolvency or death on claims

- d) Claims Tribunal- constitution, functions, application for compensation, procedure, powers and award

Suggested Readings-

M. N. Sreenivasan- Law and the Life Insurance Contract
JCB Gilmar and Mustill, Arnold- Law of Marine Insurance
Birds- Modern Insurance Law
Colinvaux's Law of Insurance
KSN Murthy and Dr. KVS Sarma- Modern Law of Insurance
Avtar Singh- Law of Insurance
Mitra B.C.- Law relating to Marine Insurance

Paper 4

Law and Medicine

Objectives :

This course seeks to explore the areas of medicine and paramedical branches of science where the law plays its role to regulate them. The course design aims to give comprehensive and practical approach to the students to make them aware of the developments in medical sciences, to explore various issues and to enable them to be equipped to face the recent challenges raised by the modern issues in the contemporary era.

I. Introduction

- (a) Origin and Development of Medical Profession
- (b) Various kinds of Medicinal Practices
- (c) Ethical and Moral Values of Medical Profession

II. The Physician- Patient Relationship

- a) Nature and concept of Physician-Patient relationship of relationship
- b) Rights and obligations of doctors and Patients to each other
- c) Legal regulations governing the relations between doctor and patient
- d) Role of Judiciary in regulating the relationship

III. Legal Aspects of Medical Law

- (a) International Provisions-role of WHO
- (b) Constitutional Provisions-Regulation of Public health
- (c) Medical Council of India-Structure-Powers and Functions
- (d) Important Legislations dealing with Law and Medicine

IV. Pharmaceutical industries

- a) Brief overview – Drugs (control) Act, Pharmacy Act
- b) Drugs and Magic Remedies Act, Drugs and Cosmetic Act
- c) Impact of patent laws on Indian pharmaceutical industries
- d) Dumping of unsafe drugs

V. Bio-ethics- Issues and Regulations

- a) Prenatal diagnostic techniques
- b) Medical termination of pregnancy
- c) Artificial insemination- surrogate motherhood
- d) Euthanasia, physician assisted suicide
- e) Organ transplantation

Suggested Readings---

1. Freeman- law and Medicine
2. Michael Davies- Textbook on Medical Law
3. Lyon's Medical Jurisprudence for India
4. Anoop Kaushal- Medical Negligence and Legal Remedies
5. Modi's Medical Jurisprudence
6. S.V. Jogarao- Current Issues in Criminal Justice and Medical Law
7. R.K. Bag- Medical Negligence and Compensation
8. Mason and Mc Call Smith- Law and Medical Ethics

Paper 5

Criminology and Penology

Objectives:

The concept of crime is a changing dimension in any society or polity according to the changes in the social, political and economic and legal and cultural dimensions. Apart from this the development of science and technology also has a wider impact on the pattern of crimes that are committed by individuals depending upon socio-psychological factors. Hence it is important to impart the concepts and perspectives of crime and the remedial measures. This will equip the students with criminal etiology and sentencing policy in the given legal system.

1. Dimensions of Crime

Definition of Crime

- Nature and extent of crime in India
- Concept and causes of crime
- Theories relating to crime
- Criminology as a part of criminal justice system
- Schools of criminology

2. White collar crime

- Types of white collar crime
- Causes and growth of white collar in India
- Susserland's theory relating to white collar criminality.

3. Punishment and its kinds

- Ancient and discarded modes of punishment
- Capital punishments
- Imprisonment
- Rehabilitation and Reformation as a correction method.

4. Re-socialization processes

- Principles of parole
- Parole laws and procedure
- **Concept and principles of probations**
- Selection of offenders for parole and probation
- Judicial attitude towards Probation and parole
- Probation of offenders Act, 1958
- Evaluation of probation and parole

5. Victimology

- Declaration of United Nation General Assembly in 1985.
- Nature and Development
- Types of Victims
- Victim and criminal justice system in India
- Police and judicial attitude towards victims
- Legislation relating to victims.

6. Terrorism – Devastation of peace in the world

- Definition of Terrorism
- Contributory factor for the growth of terrorism
- Conventions and legislations enacted on terrorism
- Terrorism and cyber crimes
- Measure required to combat terrorism .

Book Suggested

1. Walker, N. Crime and criminology: A Critical introduction (1987)
2. S. Rao, Crime in Our Society, (1983)
3. A. Siddique, Criminology: Problem and perspectives (19)
4. E. Sutherland, White Collar Crime (1949)
5. Mulla Committee Report (1983)
6. J.P.S.Sirohi,Criminology and Penology(2004)

Paper 6

Mass Media Laws

Objectives:

Mass Media is divided into print and electronic such as Press, radio, television, films, internet etc. Media plays a vital role in this new era of Globalization Privatization and liberalization. Communication through media has given access to literacy and development in the society. This will enable the students to understand the nuances of the fourth estate and its significance in the contemporary era.

1. Media Law

- Historical evolution of media
- Types of Media and its role in the society and Democracy India
- Theories of freedom of speech
- Why liberty/
- Press as the fourth pillar of Democracy

2. Constitutional and other legal Provisions relating to Media

- Constitutional restraints U/Art 19
- Legal Provisions
- Defamations, obscenity, blasphemy and sedition under criminal law
- Censorship relating to electronic Media
- Restrictions during election on electronic Media
- Other legislations relating to print and electronic Media

3. Investigatory Journalism – Checks and Balances.

- Media Trials
- Media vis a vis right to privacy
- Information and technology Act
- Cyber crimes
- Tapping and law of Interception
- Interception of communication and privacy
- Telecommunication and Privacy laws
- Freedom of Press and challenges of new scientific development

4. Right to Information and Media

- Official secrets Act 1923
- Struggle for right to information
- How far right to information aided in transparency of Govt administration

Books Suggested

1. Soli sorabjee, law of Press censorship in India (1976)
2. D. D. Basu, the Law of Press of India (1980)
3. Rajeev Dhavan, On the law of the Press in India
4. Justice E. S. Venkaramiah, Freedom of Press: some Recent trends (1984)

Paper 7

ADMINISTRATIVE LAW

Objectives:

With the emergence of a State as a welfare institution its administration and administrative law have become all pervading feature across the world. The objective of this course is to study the structure, governance, organization, powers and functions of public authorities in India. The expansion of the powers of the state necessitates to undertake a scrutiny of its various functions viz. Legislative, executive, as well as judiciary. Indian Administrative law is essentially a judge made law and therefore students are expected to be familiar and acquainted with the development of the subject.

Topics for Study:

1. INTRODUCTION

Definition of Administrative Law Nature and scope of Administrative Law
Historical growth & development of Administrative Law- England, USA, France&India.

2. PRINCIPLES OF NATURAL JUSTICE

Doctrine of Bias
AudiAlteramPartem
Reasoned Decisions

3. ADMINISTRATIVE TRIBUNALS

Administrative Tribunal Act
National Environment Tribunal
Telecom Disputes Settlement and Appellate
Tribunal Appellate Tribunal for Electricity

4. COMMISSIONS

Election Commission
Commissions of
Inquiry
National Commission on Human Rights

5. REGULATORY

AUTHORITIES Competition
Commission Electricity
Regulatory Commission
Telecom Regulatory Authority of India
Insurance Regulatory and Development Authority

6. JUDICIAL REVIEW OF ADMINISTRATIVE DISCRETION

Failure to exercise discretion
Abuse of discretion
Doctrine of Legitimate expectation

7. LIABILITY OF GOVERNMENT

Contractual Liability
Tortious Liability
Doctrine of
Estoppel

8. RIGHT TO INFORMATION

Historical perspective
Public Authority
Public Information Officer
Appellate Authority and Information Commission

Suggested Readings:

- 1) H.W. Wade-Administrative Law.
- 2) DeSmith-Judicial Review of Administrative Action.
- 3) Garner – Administrative Law.
- 4) D.D. Basu – Comparative Administrative Law.
- 5) Wade & Philips – Constitutional Law.
- 6) Dicey – Introduction to Law of the Constitution.
- 7) O Hood Philips – Constitutional Law & Administrative Law.
- 8) M. P. Jain, S. N. Jain – Principles of Administrative Law.
- 9) M. P. Jain – The Evolving Indian Administrative Law.
- 10) B. Schwartz – An Introduction to American Administrative Law.
- 11) M. P. Jain – Cases and materials on Administrative Law.
- 12) K. S. Shulka & S. S. Singh – Lokayukta – A Socio legal study.
- 13) Ivor Jennings – Law and the Constitution.
- 14) K. C. Davis – Discretionary Justice.
- 15) Neville L. Brown & J. F. Garner French Administrative Law.
- 16) Peter H. Schuck – Foundations of Administrative Law.
- 17) P. P. Craig – Administrative Law.
- 18) Alex Carol – Constitution & Administrative Law.
- 19) Neil Hawke & Neil Papworth – Introduction to Administrative Law.
- 20) Jaffe – Judicial Control of Administrative Law.

Paper 8

CRIMINAL LAW

Objectives :

To study the general principles of criminal law and their development to acquaint the students with modern trends in criminal law in Indian and England. To explain the principles as applied in India and as elaborated through judicial pronouncement.

The application of the general principles would be illustrated with reference to specific offences in extensor. The emphasis in the course would be on an understanding of the modern trends and developments in criminal law and the need for change in Indian criminal law in the present socio-economic context.

Topics for study:

1. INTRODUCTION

- Nature and Scope of Criminal Law
- Theoretical Perspectives of Criminal Law
- Types of Crimes
- Principles of criminal liability
- Common Intention & Object
- Stages of commission of crime
- Criminal liability of corporation

2. PRELIMINARY CRIMES

- Abetment
- Criminal conspiracy Attempt

3. GENERAL EXCEPTIONS

- Introduction
- Mistake
- Necessity
- Insanity
- Intoxication
- Consent
- Duress

4. PRIVATE DEFENCE

- Right of private defence of body
- Right of private defence of property

5. OFFENCES AGAINST WOMEN

- Rape
- Prevention of Immoral Traffic
- Prohibition of Indecent representation of women
- Dowry deaths
- Sexual Harassment

6. ECONOMIC OFFENCES

Tax Evasion
Money Laundering
Trade in Human Body parts
Illicit Drug Trafficking
Fraudulent Bankruptcy
Corruption & Bribery of public servants
Illegal Foreign Trade
Terrorist Activities
Computer crime/ Software piracy/Cyber crime
Company frauds

Suggested Readings:

- 1) Glanville Williams : Criminal Law (General Part)
- 2) J.W.C. Turner (ed) : Kenny's Outlines of Criminal Law.
- 3) J.W.C. Turner (ed) : Russel on Crime, Vol. I-II.
- 4) Nigam R.C.: Law of Crimes in India, Vol – I (Principles of Criminal Law)
- 5) Hari Singh Gour : Penal Law of India, Vol. I-IV.
- 6) K.D. Gaur: Criminal Law : Cases and Materials.
- 7) K.N.C. Pillai: General Principles of Criminal Law.
- 8) Sarkar : Sarkar on Evidence.
- 9) Chandrasekharan Pillai (ed) : Kellar's Outlines of Criminal Procedure.
- 10) Shumshul Huda : Principles of Law of Crimes.
- 11) J. Hall : General Principles of Criminal Law.
- 12) ILI : Essays on the I.P.C.
- 13) Law Commission of India : 14th, 42nd Reports.
- 14) Bhatt: Essays on Criminal Law.
- 15) Cross and Jones: Criminal Law.
- 16) Smith and Hogen: Criminal Law.
- 17) George Fletcher: Rethinking of Criminal Law.
- 18) Fitzgerald P.J.: Criminal Law and Punishment.
- 19) A. Ashworth: Principles of Criminal Law.
- 20) J. Dressler: Understanding Criminal Law

Paper 9

INTRODUCTION TO INTELLECTUAL PROPERTY RIGHTS

Objectives: The main objective of the paper is to introduce to the students the basic concepts of IPR and their relationship with other subjects especially, economic law, and other technological aspects . Apart from the above, the paper covers the approaches of International Institutions and introduces the various aspects that are form part of the province of IPR

I INTRODUCTION:

- (a) Origin and Genesis of IPR
- (b) The Ways and Means of Creation of IPR
- (c) Sources of IPR-Custom, Treaties, Judicial Decision, Juristic Writings, General Principles of Law, Resolutions of International Organizations

II Concept and Theoretical Perspectives

- a) Meaning and Definition of IPR
- b) Theories – Marxist – Western – Indian
- c) International Trade and IPR – GATT and UNCTAD – IMF – World Bank – WTO

III Economic and Technological Approaches

- a) International Economic Law and IPR
- b) Information and Technological perspectives
- c) Computers and Cyber Crimes – WIPO and Perspectives
- d) Bio-technology and IPR

IV Approaches of International Institutions and IPR

- a) UN and IPR
- b) ECOSOC – UNESCO – WHO – FAO – ILO – WIPO – Human Rights Council

V SUBJECT PROVINCE OF IPR

- a) Patents – Basic aspects
- b) Trade Marks – Basic principles
- c) Copy Right – Basic Issues
- d) Industrial Designs and Geographical Indications

Suggested Readings:

Peter Drahos: A Philosophy of Intellectual Property, 1996

Commons J.R.: International Economics, 1934

Narayan: Intellectual Property rights, 2007

Gopalakrishnan.N.S, Cases And Materials On Intellectual Property Law : Along With Objectives, Methodology, And Course Outline Bangalore : National Law School of India University, 1992

- International Legal Instruments, D.K. Agencies 1998
- Intellectual Property Rights CSIR Journal
- International Legal Materials.; Journal of the Indian Law Institute

Journal of the Indian Society of International Law ; American Journal of International Law ; Apart from the above, the students may be informed about the other materials by the concerned teacher.

Paper 10

Legal Theory & Feminist Jurisprudence -II

Objectives:

The Objective of this study is to give a clear understanding of the nature, scope and function of Law. The study of any legal system at postgraduate level necessitates its basic foundations to enable students to acquaint with the nature of legal system and its role in the development of society.

An analysis of legal concepts in the context of societal development and changing socio-economic and politics attitude and an appreciation of the purpose of Law and its relationship to ethics and Justice. This course aims at developing a insight into the jurist foundation of a legal system and understanding of Law as it exists in a given contemporary society.

The nature and foundation of Law has undergone changes in the recent past, the current trends and developments are essentially to be studied in the context of justice viz. gender, social and economic along with new challenges and its responses.

1. Doctrine of precedent:

- Nature and scope.
- Authority of precedent.
- Bindingness of precedent.

- Precedent in British legal system. -Ratio decidendi-obiterdicta. -Theories of ratio decidendi..
- Art 141 of the Indian Constitution. -Doctrine of Prospective overruling. - Advisory Jurisdiction and precedent.

2. Concept of Legal Right :

- Nature and definitions. -Theories of Rights.
- Fundamental legal conceptions of Right (Hohfeldian Analysis). -Kind of Rights.

3. Feminist Jurisprudence:

- Nature and Types of Feminism. -Gender justice and feminism.
- Indian Constitution of Feminist Jurisprudence.

4. Rawls Theory of Justice:

- Notion of Justice.
- Distributive Justice.
- Applicability of Rawls Theory to Indian Legal system.

5. Law and Enforcement of Morals:

- Basis and nature of morality. -Role of morality.
- Morality and Indian Legal system.

Suggested Readings:

1. W. Friedmann – Legal Theory
2. Julius Stone – Social Dimension of Law & Justice.
3. C. K. Allen – Law In the Making.
4. Lloyd – Introduction to Jurisprudence.
5. Dias – Text on Jurisprudence.
6. H.L.A. Hart – Law, Liberty and Morality.

7. Lord Devlin – The Enforcement of moral.
8. Basimitchell – Law morality and religion in a secular society.
9. Prof. Julius Stone – Human Law and Human Justice.
10. Prof. Julius Stone – Province & functions of Law.
11. Prof. Roscoe Pound – Jurisprudence Vol. I to IV.
12. R. Warrenton – Post modern Jurisprudence.
13. J. M. Balkin – The Legal Subject and the Problem of Legal Coherence.
14. Ronald Dworkin – Laws Empire.
15. Ronald Dworkin – Morality principle.
16. Patton – Text on Jurisprudence.
17. Hohfeld – Fundamental Legal Conceptions.
18. John Rawls – Theory of Justice.
19. John Rawls – Political Liberalism.
20. Catherine Mackinnon – Difference & Dominance on sex discrimination.
21. Catherine Mackinnon – Towards a Feminist Theory of State.
22. K. Barlett & Kennedy Feminist Legal Theory.
23. K. Weis Berg – Feminist Legal Theory Foundation.
24. Precedent in Indian Legal System - Prof. A. Lakshminath.

Paper 11

Corporate Finance

Objectives-

In view of globalization and liberalization, there is a compelling pressure on the nation states to raise their economies substantially. However, since many of the developing nations are not able to meet the requirements of the old economy, they started opening their economies in order to encourage the corporate sector to bail the economies. Hence it became an important aspect that corporate finance plays a very vital role in various aspects of the development of a nation. Hence, this paper introduces to the student the various nuances of corporate finance and the legal implication

1. Introduction

Meaning, Importance, scope of corporate finance
Objectives of corporate finance

2. Types of Finance

Equity Finance- share capital, prospectus- information disclosure, issue and allotment
Debt finance – debentures, deposits, charges, mortgages

3. Protection of creditors

Need for creditor protection
Preference in payment
Creditor self protection
Control over corporate spending

4. Protection of Investors

Individual shareholder's rights
Corporate membership's rights
Derivative actions
Conversion, Consolidation, reorganization of shares
Dematerialization of securities

5. Corporate Fund Raising

Depositories-IDR, ADR, GDR
Public Financing Institutions- IDBI, ICICI, IFC, SFC
Mutual Fund and Other Collective Investment Schemes
Institutional Investments- LIC, UTI, banks
FDI, NRI investments

6. Administrative Regulation of Corporate Finance

Inspection of accounts
SEBI, RBI, Registrar of companies, Central Government

Bibliography-

Ramaiya A – Guide to the Companies Act
S.C. Kuchhal- Corporate Finance- Principles and problems
Y.D. Kulshreshtha, Government Regulation of Financial Management of private sector in India

Semester IV
Paper 15 & Paper-16

Compulsory Paper

Credits: 8

Dissertation/Project work

A student of each Cluster is expected to submit a dissertation/project work in the Respective Cluster in consultation with a guide allotted by the P.G. Department. The dissertation/project work should strictly be adhered to the standard legal research pattern.

The Dissertation/project work should be hard bound not less than 100 pages and not exceeding 150 pages. The dissertation/project work will have double evaluation, one by the guide and other by the external examiner. In the credit pattern the written part of the dissertation /project work will have 6 credits and the viva-voce will have 2 credits. The dissertation /project work need to be commenced from the III semester onwards. In the IV semester before starting the dissertation/project work the students are expected to give an oral presentation before the submission of the dissertation /project work.

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