

UNIVERSITY OF MUMBAI



DEPARTMENT OF LAW

**HANDBOOK OF
INFORMATION
LL.M.**

2021-2022

विश्वविद्यालयगीतम्

इदं सुन्दरं मन्दिरं शारदाया
मुम्बापुरीविश्वविद्यालयम् ।
कलाशास्त्रवाणिज्यशाखाधिरूढा
अमूढा विमुक्ता विहंगा वयम् ॥१॥
शृण्वन्तु सर्वे दृढं निश्चयम् ॥धृ॥

सत्यं वदामो धर्मं चरामो
नयामो नृणां दुःखभारं लयम् ।
स्वकार्ये रतानां सदा जागृतानां
भवेत्किं भविष्येऽपि कस्मात्भयम् ॥२॥
शृण्वन्तु सर्वे दृढं निश्चयम् ॥

युवा स्यात् बलिष्ठो युवा स्यात् गरिष्ठो
युवा ध्येयनिष्ठोऽपि भूयात्स्वयम् ।
यदि स्यात्युवा राष्ट्रकर्तव्यनिष्ठः
सम्मानयेत् तं हि लोकत्रयम् ॥३॥
शृण्वन्तु सर्वे दृढं निश्चयम् ॥

वंदामहे भारतं पूजनीयं
स्वदेशात्परं नास्ति देवालयम् ।
अत्रैव सर्वे प्रतिष्ठापयामो
ममत्वेन सार्धं समत्वं नयम् ॥४॥
शृण्वन्तु सर्वे दृढं निश्चयम् ॥

कवी - श्री. वसंत बापट

संगीत - श्री. प्रभाकर पंडित

DEPARTMENT OF LAW

I. INTRODUCTION:

The Department of Law, University of Mumbai is located at the heart of the Commercial Capital of India i.e. Mumbai on the first floor of the historical building of University of Mumbai, Fort, Mumbai - 400 032. It was established in November 1959 for the purpose of imparting post- graduate legal education and to promote legal research.

General norms for LL.M. Course:

The LL.M. Course, is intended to produce Academicians and Lawyers of competence and expertise, as it is imperative that the students should have an in-depth knowledge not only of the Concepts and basic Principles of law, but also of Social, Political and Economic aspects of law, as well as dynamics of law.

Department Faculty (Full Time):

Dr. Rajeshri N. Varhadi, B.A., LL.M., Ph.D. (Law) Professor & Head, Department of Law, Former I/C Director, UMLA, University of Mumbai, Former Warden, Madame Cama Girls Hostel, Churchgate Mumbai, Former Member, Maharashtra State Consumer Disputes Redressal Commission.

Dr. Swati D. Rautela, (B.S.L.), LL.B., LL.M. SET, Ph.D.

(Law) Associate Professor & I/C Director, UMLA

Dr. Sanjay V. Jadhav, M.Com. LL.M., Ph.D. (Law), Assistant Professor.

Dr. Mrs. Alka R. Patil, M. Com, LL.M. Diploma in Cyber Law, NET. Assistant Professor

Mrs. Deepali T. Patil, (B.S.L.), LL.B., LL.M. SET Assistant Professor.

Shri Sheetal Kumar Setia, B.A., LL.M. Assistant Professor.

Adjunct Faculty:

Dr. D. K. Sonawane, M.A., LL.M., Ph.D. (Law)

The teaching staff of department consists of full-time teachers, Adjunct faculties and Part-time lecturers, who are either recognized post-graduate teachers for Law Colleges or persons of eminence in the field of their specialization.

Endowment Lectures:

The Department organises the following Endowment Lectures in Law:

- (1) **Sir Chimanlal Setalvad Memorial Lecture**
- (2) **Justice Telang Memorial Lecture**
- (3) **Justice P. B. Gajendragadkar Law Lecture**
- (4) **Justice Lallubhai Shah Memorial Lecture**
- (5) **Ms. Yougindra Khushlani Law Lecture**

Justice M. C. Chagla Chair in the subject of “**Human Rights and Civil Liberties**”:

In the year 2009, **Justice M. C. Chagla Chair** in the subject of “**Human Rights and Civil Liberties**” has been established in the Department of Law by Chief Justice M.C. Chagla Memorial Trust. **Dr. Rashmi M. Oza**, B.Sc. LL.M., NET, Ph.D. (Law) is presently the I/c Professor of Justice M.C. Chagla Chair in ‘Human Rights and Civil Liberties.

Alumni Association of the Department of Law:

The Department of Law has an active Alumni Association, with its members being experts in various specializations including Medico-legal Law, Narcotics Law, Cyber Law, Customs & Excise Law and Admiralty Law, etc.

Alumni Association website: mulawalumni.org

Prominent Alumni of the Department include:

- Hon’ble Justice Prakash D. Naik**, Judge, Bombay High Court
- Hon’ble Justice V. M. Kanade**, Lokayukta Maharashtra State & Former Judge, Bombay High Court
- Hon’ble Justice B. N. Srikrishna**, Former Judge, Supreme Court of India
- Hon’ble Justice Ferdino Rebello**, Former Chief Justice, Allahabad High Court
- Hon’ble Justice S. Radhakrishnan**, Former Judge, Bombay High Court
- Hon’ble Justice Dr. Pratibha Upasani**, Former Judge, Bombay High Court
- Hon’ble Justice R. Y. Ganoo**, Former Judge, Bombay High Court
- Dr. Poornima Advani**, Former Chairperson, National Commission for Women

Alumni at International Level

- Ms. Juliet Souza**, Solicitor, London, UK
- Mrs. Parvati Valle**, Attorney, Arizona, U.S.A.
- Mr. Naresh Gehi**, Attorney, New York, U.S.A.

Duration of the course:

Two years consisting of four semesters.

Intake:

100 students per Group.

Timing of the lectures:

LL.M. Lectures are held between 4.00 p.m. to 8.00 p.m. on week days.

Academic Terms : 2021-2022

For the academic year the arrangement of terms is as under :-

Faculty of Humanities (Law) : - Including all **Certificate, Diploma, Post-graduate Diploma, Degree and Master Degree Courses** under the Faculty of Law be as under :—

First term — 14th June, 2021 to 24th December, 2021 } Both days
Second term — 03rd January, 2022 to 14th May, 2022 } inclusive

- 1) Ganpati Vacation 10th September to 14th September 2021
- 2) **Diwali Vacation** from **01st November, 2021** to **14th November, 2021** (both days inclusive)
- 3) **Vacation between 1st and 2nd term + Winter Break = 27 December 2021 to 1st January 2022** (Both days inclusive)
- 4) Summer Vacation from **23rd May, 2022** to **30th June, 2022** (both days inclusive)

Note: - Due to COVID-19 pandemic, admission to the LL.M Program for academic year 2021-2022 shall be conducted online. The candidates may visit www.mu.ac.in/department-of-law for further information.

Rules of Admission:

O.5231. There shall be Entrance Examination for all students seeking LL.M. admission in the Department.

The minimum qualification for a candidate of general category making an application for admission to the LL.M degree course is a LL.B. degree of this University or a degree recognized as equivalent thereto. Candidates belonging to reserved category may make an application to the LL.M degree course with a pass class.

N.B.: —

The students who have passed LL.B. degree from other than Mumbai

University are required to obtain Provisional Statement of Eligibility Certificate from Eligibility Section, Dr. Babasaheb Ambedkar Bhavan, Santacruz (E.), Vidyanagari, Mumbai-400098. They are further required to pay the amount in the Department of Law as a fee for procedural Document Verification as prescribed by this University from time to time for confirmation of the validity of their certificates of their previous University and confirmation of Eligibility to their LL.M. Course.

O.5232. An application for admission to the LL.M degree course must be made in the prescribed form and be submitted to the Department of Law within the prescribed time, immediately after the declaration of the results of the LL.B. degree examination of this University held in first half of every year.

O.5233. Admission forms for the LL.M. degree course shall be referred to the Admission Committee comprising of the Head, University Department of Law and the recognized Post-graduate teachers of the University to fix the criteria of admission.

O.5234. The students selected for admission to LL.M. degree course shall register themselves with University of Mumbai as the Post-graduate students.

O.5235. Students will not be permitted to pursue the LL.M. degree course simultaneously with any other course of this or any other recognized University.

O.5236. Admission of the students shall be made in accordance with the merits at the LL.M Entrance exam and marks secured at LL. B degree.

O.5237. Admission to the LL.M. degree course shall be made for the entire academic year, i.e. for both the First and Second Semesters at the beginning of the academic year at one time.

O.5238. A Candidate for being eligible for the Second Semester must have successfully kept terms for the First Semester, irrespective of the result of the First Semester Examination.

O.5239. A candidate for being eligible for admission to the Third and Fourth Semester must have either passed in the First and Second Semesters or must have got exemption in atleast six papers of the First and Second Semesters. Student who remains absent or fail in the Third Semester Practical Examination is required to pay only examination fees to become eligible to appear for Practical Examination.

O.5240. Unless students pass all the Theory papers and Practical paper of third Semester examinations and dissertation of the Fourth Semester, their final result shall not be declared.

O.5241 Admission for the students of Backward Classes shall be in accordance with the Government Policy. Students applying for admission under the reserved category other than SC/ST are required to submit non creamy-layer certificate along with their application form. Students applying for admission for other reservation will be admitted as per the government

policy from time to time.

N.B.: —Students are required to submit all the documents required for Scholarship / Freeship within one month of their admission to the course failing which their application for Scholarship / Freeship will be rejected without any intimation.

R.4356. The LL.M. course shall consist of Foundation course of 4 papers and any one optional Group of 6 papers from Six Groups.

R.4357. The First Semester shall be of two Foundation Papers and two Papers of an Optional Group. Each Paper shall be of 100 Marks. (4credits)

R.4358. The Second Semester shall be of two Foundation Papers and the next two Papers of Optional Group opted by the student in the First Semester. Each Paper shall be of 100 Marks(4credits)

R.4359. **The third semester** shall be last two papers of optional group. Each paper shall be of 100 Marks. (4 credits each).

In addition there shall be practical examination of 100 marks (Four Credits) as under:

1. Classroom Teaching & Seminar – 40 marks (20 marks each)
2. Choice of Practical Components comprising of 50 marks to the students from the following Component.
3. 10 marks attendance

Choice of Practical Component:

- (a) Legal Aid
- (b) Loopholes / Lacunae in existing laws and reports
- (c) Comparative study and its utility in context of India
- (d) Debate on any contemporary legal issue
- (e) Book Review / Group Discussion on current Legal Affairs
- (f) Surprise Written Test
- (g) Case Comments.

R.4360. Revised; The Fourth Semester shall be of Dissertation of 80 marks and Viva-presentation of 20 marks (4 credits).

For the balance 100 marks the students would have choice to select the topic for project from the topics listed in the syllabus of the group opted which will have interdisciplinary approach. Out of 100marks (4credits), 50 marks (2 Credits) would be for project and 50 marks (2 credits) for viva – presentation.

R.4361.

- (a) Passing Standards:

50% to 59% Second Class 60%
and above First Class

- (b) No LL.M. student shall be allowed to appear for the examination unless he/she has attended 75% of the total number of lectures and seminars conducted in each Semester.
- (c) No Class will be awarded to the students in the First, Second and Third Semester examination.
- (d) The Class will be awarded on the basis of the total performance of the student in all the four Semesters. However, a student claiming exemption will be titled to pass class only.
- (e) To pass LL.M. examination, a student must obtain a minimum of 45 percent of the marks in each paper and 50 percent in aggregate in each of the Semester.
- (f) Dissertation shall be evaluated by a team of teacher of the concerned group and external expert nominated by the Head of the Department. The Marks shall be awarded after joint consultation by both the evaluators.
- (g) A student may be exempted at his choice from appearing in any of the papers, if he has secured at least 50% of the total marks in that paper.
- (h) Students failing in Dissertation/Project and Viva Examination in the Fourth Semester shall undergo again the Dissertation and Viva as the case may be. The final approved dissertation shall be submitted on CD in addition to two hard copies. The same procedure shall apply to failure in Choice based credits.
- (i) The medium of course is English only.

Note 1: All research projects, dissertations & other research assignments are required to be in accordance with the circular of the University of Mumbai dated 15th June 2018, no. Exam./Thesis/Uni/VCD/947 of 2018 and University Grants Commission (Promotion of Academic Integrity & Prevention of Plagiarism in Higher Educational Institutions) Regulation 2018.

LL.M. SYLLABUS

LL.M. PROGRAMME - OBJECTIVE

- To develop research skills among students
- To ensure specialized knowledge in the field of Law
- To encourage students to pursue further research education in the field of Law
- To motivate students to pursue their career in teaching profession

LL.M. PROGRAMME – OUTCOME

- This programme enables students,
To acquire specialized knowledge in the respective domains
of Legal studies and practice
- To pursue their further education across the globe.
- To become Legal luminaries, practitioners, officers and Judges.
- To join the noble profession of teaching in Law

CURRICULUM SUMMARY:

a. Foundation Papers

1. Law and Social Transformation in India
2. Indian Constitutional Law: New Challenges.
3. Judicial Process
4. Legal Education and Research Methodology

b. Optional Groups

1. Constitutional and Administrative Law.
2. Business Law
3. Intellectual Property and Information Technology
4. Human Rights Law
5. Criminal Law and Criminal Administration
6. Environmental Law.

c. Dissertation and Choice Based Project work

FOUNDATION PAPER I — LAW AND SOCIAL TRANSFORMATION IN INDIA (4 CREDITS)

OBJECTIVE

- Optimal utilization of knowledge of Jurisprudence towards the society.
- To study the social problems of society and find their solution.
- To have a legally tenable approach towards social problems.

OUTCOME

- This course enables students:
- To raise legal and social awareness.
- To make suggestions to the law makers for enacting the law accordingly.
- To make suggestions regarding Implementation of the laws through appropriate mechanism.

Module – I (1 Credit)

1. Law and Social Change:

Law as an instrument of social change.

Law as the product of traditions and culture. Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

2. Religion and the Law:

Religion as a divisive factor. Secularism as a solution to the problem.

Reform of the law on secular lines: Problems. Freedom of religion and non-discrimination on the basis of religion.

Religious minorities and the law.

Module – II (1 Credit)

3. Language and the Law:

Language as a divisive factor: Formation of linguistic states.

Constitutional guarantees to linguistic minorities. Language policy and the Constitution, Official language; multi-language system.

Non-discrimination on the ground of language.

4. Community and the law:

Caste as a divisive factor
Non-discrimination on the ground of caste.
Acceptance of caste as a factor to undo past injustices. Protective discrimination; Scheduled Castes, Tribes and Backward Classes. Reservation; Statutory Commissions, Statutory provisions.

Module – III (1 Credit)

5. Women and the Law:

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

6. Children and the Law:

Child labour
Sexual exploitation.
Adoption and related problems.
Children and education.

Module – IV (1 Credit)

7. Modernization and the Law:

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

8. Alternative approaches to law:

Naxalite movement: causes and cure

References: —

Agnes Flavia, *Law and Gender Inequality: The Politics of Women's Rights in India* (1999), Oxford

Duncan Derret, *The State, Religion and Law in India* (1999), Oxford University Press, New Delhi.

D.D. Basu, *Shorter Constitution of India* (1996), Prentice Hall of India (P) Ltd., New Delhi.

H.M. Seervai, *Constitutional Law of India* (1996), Tripathi.

J.B. Kripalani, *Gandhi: His Life and Thought*, (1970) Ministry of Information and Broadcasting, Government of India.

Law Institute, *Law and Social Change : Indo-American Reflections*, Tripathi (1988)

M.P. Jain, *Outlines of Indian Legal History*, (1993), Tripathi, Bombay.

Marc Galanter (ed.), *Law and Society in Modern India* (1997) Oxford.

Robert Lingat, *The Classical Law of India* (1998), Oxford. *Manushi*, A Journal About Women and Society.

Sunil Deshta and Kiran Deshta, *Law and Menace of Child Labour* (2000) Armol Publications, Delhi.

Savitri Gunasekhare, *Children, Law and Justice* (1997), Sage Indian

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

U. Baxi (ed.), *Law and Poverty Critical Essays* (1988). Tripathi, Bombay.

**FOUNDATION PAPER II— INDIAN CONSTITUTIONAL
LAW: NEW CHALLENGES
(4 Credits)**

OBJECTIVES

- To give an insight of the Constitutional Law.
- To have an astute understanding about the comparative study of Constitutional Law.
- To provide rights and remedies under the Constitution.

OUTCOME

This course enables students:

- To analyze the new challenges faced under Constitutional law.
- To Implement the constitutional laws through measures available with the judiciary.
- To bring about Constitutional reforms.

Module – I (1 Credit)

1. Federalism:

Creation of new states

Allocation and share of resources—distribution of grants in aid The inter-state disputes on resources

Centre’s responsibility and internal disturbance within State.

Directions of the Centre to the State under Article 356 and 365.

Federal Comity: Relationship of trust and faith between Centre and State

Special status of certain States. Tribal Areas, Scheduled Areas

2 “State”: Need for widening the definition in the wake of Liberalization.

Module – II (1Credit)

3. Right to equality: privatization and its impact on affirmative action.

4. Empowerment of Women.

5. Freedom of press and challenges of new scientific development:

Freedom of speech and right to broadcast and telecast. Right to strikes, hartal and bandh

Module – III (1 Credit)

6. Emerging regime of new rights and remedies:

Fundamental Rights Directive Principles and Fundamental Duties.

Compensation jurisprudence. Right to education.

Commercialization of education and its impact. Brain drain by foreign education market.

7. Rights of minorities to establish and administer educational institutions and state control.

8. Secularism and religious fanaticism.

Module – IV (1 Credit)

9. Separation of powers: stresses and strain

Judicial Activism and judicial Restraint PIL: implementation

Judicial independence.

Appointment, transfer and removal of judges. Accountability: executive and judiciary.

Tribunals

10. Democratic process:

Nexus of politics with criminals and the business.

Election commission: status.

Electoral Reforms

Coalition government, 'stability, durability, corrupt practice'

Grass root democracy.

References: —

- Indian Constitutional Law: New Challenges (Paperback, Shyamlal Verma), India Publishing Company, 2018.
- Constitutional Law- New Challenges (English, Paperback, GP Tripathi), Publisher: Central Law Publications
ISBN: 9789386456793, 9386456796, Edition: 2, 2018.
- Universal's Landmark Judgments Covering More than 100 Leading Cases of India, 12th Edition 2017 - Including Prescribed Cases for Supreme Court Advocate-On-Records Examination (English, Paperback, Universal's), Publisher: Universal Law Publishing, ISBN: 9788131252529, 8131252523, Edition: Twelfth Edition, 2017

FOUNDATION PAPER III - JUDICIAL PROCESS (4 Credits)

OBJECTIVE

- To impart knowledge about significance of law and justice in the society
- To educate students about judicial activism and bring about creativity.
- To provide Guidelines to legislature to adopt significant legislative changes.

OUTCOME

This course enables students

- To develop acquaintance with various theories of justice.
- To acquire skill of judgment writing.
- To efficiently use of various rules of Interpretation of statutes in dealing with the cases.

Module – I (1 Credit)

1. Nature of judicial process:

Judicial process as an instrument of social order
Judicial process and creativity in law –common law model – Legal Reasoning and growth of law – change and stability.

The tools and techniques of judicial creativity and precedent. Legal development and creativity through legal reasoning under statutory and codified systems.

Module – II (1 Credit)

2. Special Dimensions of Judicial Process in Constitutional Adjudications:

Notions of judicial review

‘Role’ in constitutional adjudication – various theories of review.

Tools and techniques in policy-making and creativity in constitutional adjudication,

Varieties of judicial activism

Problems of accountability and judicial law making.

Module – III (1 Credit)

3. Judicial Process in India:

Indian debate on the role of judges and on the notion of judicial review.

The ‘independence’ of judiciary and the ‘political’ nature of judicial process.

Judicial activism and creativity of the Supreme Court – the tools and techniques of creativity.

Judicial process in pursuit of constitutional goals and values – new dimensions of judicial activism and structural challenges

Institutional liability of courts and judicial activism–scope and limits.

Module – IV (1 Credit)

4 The Concept of Justice:

The Concept of justice or Dharma in Indian thought Dharma as the foundation of legal order in Indian thought. The concept and various theories of justice in western thought.

Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

5 Relation between Law and Justice:

Equivalence Theories – Justice as nothing more than the positive law of the stronger class

Dependency theories – For its realization justice depends on law, but justice is not the same as law.

The independence of justice theories – means to end relationship of law and justice – The relationship in the context of the Indian constitutional ordering.

Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

References: —

Bodenheimer, Jurisprudence – the Philosophy and Method of the Law (1997), Universal, Delhi.

Cardozo, The Nature of Judicial Process (1995) Universal, New Delhi.

Henry J. Abraham, The Judicial Process (1998), Oxford.

Edward H. Levi, An introduction to Legal Reasoning (1970), University of Chicago.

Julius Stone, The Province and Function of Law. Part II, Chs. 1.8-16 (2000), Universal, New Delhi.

J. Stone, Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworth

J. Stone, Legal System and Lawyers' Reasonings (1999), Universal, Delhi. John Rawls, A Theory of Justice (2000), Universal, Delhi.

Rajeev Dhavan, The Supreme Court of India – A SocioLegal Critique of its Juristic Techniques (1977), Tripathi, Bombay.

U. Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow.

W. Freidmann, Legal Theory (1960), Stevens, London.

FOUNDATION PAPER IV – LEGAL EDUCATION AND RESEARCH METHODOLOGY (4 Credits)

OBJECTIVE

- To inculcate values of Research and Ethical Research in the domain of Legal studies
- To motivate students to pursue research in the field of Law.
- To encourage students to undertake Socio-legal research projects.

OUTCOME

This course enables students

- To pursue further research either from India and Abroad in the fields of Law.
- To use of ICT techniques in pursuing research in Law.
- To develop Interdisciplinary approach of pursuing research in Law.

Module – I (1 Credit)

- 1. Objective of Legal Education.**
- 2. Methods of Teaching – Merits and demerits.**
- 3. Examination reforms.**

Module – II (1 Credit)

- 4. Clinical Legal Education – Legal aid, Legal Literacy, Legal survey and Law reform.**

Module – III (1 Credit)

- 5. Research Methods:**

Socio Legal Research Doctrinal and non-doctrinal Induction and deduction.

- 6. Identification of Research Problem and formulation of Hypothesis:**

Research problem

Survey of available literature and bibliographical research

Legislative materials including subordinate legislation, notification and policy statements.

Decisional materials including foreign decisions; methods of discovering the “rule of the case” tracing the history of important cases and ensuring that these have not been overruled; discovering judicial conflict in the area pertaining to the

research problem and the reasons thereof.

Juristic writings - a survey of juristic literature relevant to select problems in India and foreign periodicals.

Compilation of list of reports or special studies conducted relevant to the problem.

Module – IV (1 Credit)

7. Preparation of the Research Design:

Devising tools and techniques for collection of data:
Methodology.

Methods for the collection of statutory and case materials and juristic literature.

Use of historical and comparative research materials Use of observational studies

Use of questionnaires/interview Use of case studies

Sampling procedures – design of sample, types of sampling to be adopted.

Use of scaling techniques

Computerized Research – A study of legal research programmes such as Lexis and West law coding etc. Classification and tabulation of data – use of cards for data collection – Rules for tabulation, Explanation of tabulated data.

Analysis of data.

References: —

Erwin C. Surrency, B. Fieff and J. Crea, A Guide to Legal Research (1959)

H.M. Hyman, Interviewing in Social Research (1965)

Payne, The Art of Asking Questions (1965)

High Brayal, Nigel Dunnean and Richard Crimes, Clinical legal Education: Active learning in your law school, (1998) Blackstone Press Limited, London.

M.O. Price, H. Bitner and Bysiewicz, Effective Legal Research, (1978).

Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co. Harvard Law Review Association, Uniform System of Citations. ILI Publication, Legal Research and Methodology.

N.R. Madhava Menon, (ed) A handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow.

Pauline V. Young, Scientific Social Survey and Research, (1962)

S.K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay

William J. Gradeand Paul K. Hatt, Method sin Social Research, McGraw- Hill Book Company, London.

GROUP-II BUSINESS LAW
PAPER I – FUNDAMENTAL PRINCIPLES OF LAW OF
CONTRACT AND ALLIED LAWS [4 Credits]

OBJECTIVE

- To enhance the student's knowledge regarding the foundation theory of contract
- To analyse and study Fundamental Principles in formulation of Contract Law
- To analyse the principle of International Contracts.
- To analyse Law relating to Electronic Contracts.

OUTCOME

This course enables students to :

- Acquire special knowledge in the field of Contract Law with special emphasis on Contracts National and International
- Develop drafting skills in the field of augmentation.
- Practice in the field of insurance sector and banking sector.

Module – I (1 Credit)

Nature, Object and Multi-Dimensional Scope.
Foundation
Theories of Law of Contract
Individualism
Freedom of Contract.
Sanctity of Contract.
Encroachment on Freedom of Contract

Module – II (1 Credit)

Legislative Intervention.
Socio-economic Factors.
Limitations on Sanctity of Contract.
Conceptual Analysis: Contract
Essentials of Contract.
Specific Contracts.
Standard-form contract, Exemption Clauses, Protective Measures.
Quasi- Contract:
Doctrine of Unjust Enrichment, Law of Restitution.
Doctrine of Frustration: Grounds and Effects of Frustration.
Breach of Contract and Remedies.
U.N. Convention on Sales.

Module – III Alternative Disputes Resolution (1 Credit)

Historical background of the Arbitration and Conciliation Act, 1996.

Distinction between the Arbitration Act, 1940, and the Arbitration and Conciliation Act, 1996.

Definition and Meaning of Arbitration

Arbitration Agreement and Arbitration Clause in Agreement

Alternative Disputes Resolution (ADR) Process

Module – IV (1 Credit)

Composition of the Arbitral Tribunal Number / Appointment of Arbitrators

Disqualification / Removal of Arbitrators

Termination of Authority of Arbitrator

Jurisdiction of Arbitral Tribunal

Conduct of Arbitral Proceedings Making of Arbitral Award.

Finality and Enforcement of Arbitral Awards, Recourse against Arbitral Award

Other Internationally Accepted modes of Alternative Disputes Resolution. -(ADR)

Commercial Arbitration

Conciliation.

References: Fundamental Principles of Law of Contract:

Anson – Law of Contract

Cheshire, Fifoot and Furmston-Law of Contract Cheshire and Fifoot– Cases on Law of Contract

Chitty's Mercantile Contracts (1st Indian Reprint)-2001

Dutt – Indian Contract Act,

Dr. Meena Rao – Fundamental Concepts in Law of Contract Dr. Meena Rao – Consent in Law of Contract.

Law of Contract – Dr. Avtar Singh

The Law of Contracts: An Outline (2nd Ed.) – Dr. Nilima Chandiramani.

Pollock & Mulla – Indian Contract Act and Specific Relief Act Schelsinger – Formation of Contract

Sale of Goods and Partnership (For U.N. Convention on Sales)

– Dr. Nilima Chandiramani

United Nations Convention on Sales by the United Nations Commission.

Alternative Disputes Resolution — (ADR):

Bansal A.K. — Law of International Commercial Arbitration. Justice

Bachawat's Law of Arbitration and Conciliation.

Kwatra G.K. —The Arbitration and Conciliation Law of India with case Law on UNCITRAL Model Law on Arbitration.

Law of Arbitration and Conciliation—Dr. Avtar Singh

O. P. Malhotra - Arbitration and Conciliation Act

Rao P. C. and William Sheffield - Alternative Disputes Resolution— What it is and How it works.

PAPER II—GLOBAL TRADE UNDER WORLD TRADE ORGANISATION (4 Credits)

OBJECTIVE

- To introduce students towards the development of international trade laws.
- World Trade Organization-Establishment, Scope, Functions, Secretariat Decision making.
- Assist students and enable them to understand various perspectives of General Agreement on Trade in Services.
- Anti-Dumping laws and Counterfeiting.
- Dispute Settlement Mechanisms.

OUTCOME

On successful completion of this course, students will be able to:

- Understand the development and growth of international trade laws
- Highlight the functions effectiveness of world trade organization.
- Enable the students to understand the limitations of international legislative mechanisms on international trade laws.
- Assist them in drawing research projects and for forwarding suggestions on appropriate implementation on international trade laws

Module – I (1 Credit)

1. World Trade Organization (WTO) Agreement:

Introduction to World Trade Organisation

Bretton Woods Conference

General Agreement on Tariffs and Trade (GATT)

World Trade Organisation (WTO)—Establishment, Scope, Functions, Structure, Secretariat, Status, Decision-making, Withdrawal, etc.

Module – II (1 Credit)

2. Trade in Goods:

General Agreement on Tariffs and Trade (GATT) Rules.
Most Favoured Nation (MFN)
National Treatment QRs, tariff bindings Textile and Clothing
Investment Measures
Anti dumping, Safeguard and Countervailing Measures
Customs valuation, pre-shipment inspection
Rules of origin, import licensing Agreement on Agriculture
Sanitary and Phyto-sanitary norms.

Module – III (1 Credit)

3. Trade in Services:

General Agreement on Trade in Services (GATS) Agreement
Financial Services
Maritime Transport
Professional services

Module – IV (1 Credit)

4. Trade Related Aspects of Intellectual Property (TRIPS):

Patents
Copyright
Industrial Designs
Trademarks
Geographical Indications
Integrated Circuits
Undisclosed Information

5. Dispute Settlement Process.

References:—

GATT Agreements – World Trade Center Publication
Trade, Development and WTO (Handbook) – IMF Publication.
Bernard Hoekman, Aaditya Mattoo and Philip English
WTO and Globalisation – Nilima Chandiramani.
WTO in the New Millennium – MVIRDC World Trade Centre
– Arun Goyal

PAPER III - CORPORATE LAW (4 Credits)

OBJECTIVE

- Forward deliberations to the students regarding incorporation of companies acquainting them to understand the concept of corporate personality, procedure for registration and incorporation of Companies
- Relevance of Memorandum of Association and Articles of Association.
- Specific Sections relating to Management of Companies.
- Provisions regarding Protection of Investors and Creditors.
- Provisions regarding Prevention of Oppression and Mismanagement of Companies.

OUTCOME

On successful completion of this course, students will be able to:

- Understand of the need for registration of Company, procedure for registration and advantages on incorporation of Companies
- Highlight important features in the memorandum of association and articles of association
- Understand provisions governing corporate finance, Role of Promoters, Directors in the Company and their accountability and liability.
- Understand the limitations in laws relating to winding up of Companies.

Module – I (1 Credit)

1. Formation of Company:

Concept of Corporate Personality
Registration and Incorporation
Memorandum of Association
Articles of Association
Kinds of Companies

2. Organization and Management:

Managerial Personnel
Meetings
Corporate Governance
Professional Management
Legal Regulation of Multi-nationals
Collaboration Agreements
Amalgamation of Companies

Module – II (1 Credit)

3. Corporate Finance:

Meaning, importance and scope of Corporate Finance
Capital requirements
Prospectus
Share Capital, Kinds of Shares, Shareholders, allotment of Shares.

4. Audit, Accounts and Dividends:

Auditors
Audit of Accounts
Dividends

5. Securities, Borrowing, Debentures:

Debentures – Nature, issue, Classes
Mortgages and Charges
Transfer and transmission of securities
Dematerialization of securities.

Module – III (1 Credit)

6. Protection of Investors and Creditors:

Need for Protection
Protection and Rights of Creditors
Protection of Investors
Rights of Shareholders and Members
Majority Powers and Minority Rights

7. Administrative Regulation on Corporate Finance:

Security Exchange Board of India - (SEBI).
Central Government Control
Control by Registrar of Companies
Control by Company Law Board

Module – IV (1 Credit)

8 Prevention of Oppression and Mismanagement:

Oppression
Mismanagement
Preventive measures
Powers of Company Law Board
Powers of Central Government.

9 Winding Up:

Winding up and Dissolution of Company.

Types of Winding up.

Winding up by Court.

Voluntary Winding up

Process of Winding up

Winding up of Defunct Companies, Sick undertakings,

Unregistered Companies and Foreign Companies.

References: —

Company Law – Dr. Avtar Singh

Companies Act and Laws relating to SEBI, depositories, Industrial Financing

Gower – The Principles of Modern Company Law

Mayson, French & Ryan – Company Law.

Madon – Management of Corporations.

Mazumdar D.L. – Towards a Philosophy of the Modern Corporation.

Palmer – Company Law

Pennington – Formation of Companies

Ramaiya A, - Guide to the Companies Act

Sen S.C. – The New Frontiers of Company Law

Sethna – Indian Company Law

Taxmann's Corporate Laws

Taxmann's Company Law and Practice.

PAPER IV – LAW RELATING TO CUSTOMS AND FOREIGN EXCHANGE (4 Credits)

OBJECTIVES

- To ensure and enable students to understand the laws relating to customs and foreign exchange.
- Expanding knowledge with regard to tariffs, custom duties, Foreign Exchange and Currency.
- New Concepts under (FEMA), Foreign Exchange Management Act
- Functions of Customs Officers.
- Specific Provisions relating to Foreign Direct Investment in India.
- Issues and Challenges with regard to Foreign Trade, Development and Foreign Exchange Regulation Act

OUTCOME

On successful completion of this course, students will be able to understand:

- Customs regulations in India in an effective manner.
- The shortcomings of Customs regulations.
- And promote consumer education to students with regard to Export and Import of Goods and Services.
- And assist students in developing research topics with reference to Customs and Foreign Exchange laws and conduct research for providing assistance with reference to reforms under FEMA.

Module – I (1 Credit)

1 Law Relating to Customs:

- Custom of charging customs duties
- Rules relating to interpretation of customs law
- Prohibition on Importation and Exportation of Goods
- Chargeability and Levy of Customs duty

Module – II (1 Credit)

Exemption from Customs Duties
Refund of Customs duty
Clearance of Imported Goods and Export Goods
Warehousing of Goods
Powers of Customs Officers.
Adjudicatory Proceedings
Appeals
Criminal Prosecution

Module – III (1 Credit)**2. Law Relating to Foreign Exchange:**

Historical background to Foreign Exchange Regulation Act (FERA) and Foreign Exchange Management Act (FEMA).
Foreign exchange and currency
Foreign exchange management and noteworthy features of Foreign Exchange Management Act (FEMA).

Module – IV (1 Credit)

New Concepts under Foreign Exchange Management Act (FEMA).

- Resident
- Capital Account Transactions
- Current Account Transactions
- Export
- Person
- Service
- Transfer

Export of Goods and Services
Adjudication, Appeals and Penalties
Foreign Direct Investment in India
Foreign Trade, Development & Regulation Act, 1992

References: —

A Guide to Customs Act. – Nilima Chandiramani.
Customs Law, Practice and Procedure – T.P. Mukerjee
Foreign Exchange Management Act — Dilip Sheth
Foreign Exchange Management Manual – Taxmann.

PAPER V – LAW OF INSURANCE (4 Credits)

OBJECTIVE

- To enable students to understand the growth, development of insurance laws globally
- Nationalization of Insurance in India
- Legislations relating to Insurance Companies in India
- Characteristics and Functions of insurance Companies, Types of insurance
- Specific Provisions relating to regulatory mechanisms for regulating the insurance sector.
- Issues and Challenges with recent Developments in Insurance Sector.

OUTCOME

On successful completion of this course :

- Students will be aware of insurance regulations in India.
- Students will be able to understand and evaluate the shortcomings of insurance regulations.
- Students will be able to further and promote consumer education to students in the insurance sector
- Students will be able to assist in developing research topics on insurance laws and conduct research for providing assistance in reforms regarding insurance legislations.

Module – I (1 Credit)

1. Introduction:

The nature of risk and insurance.
Risk management – Principles and Practices.
Need and importance of Insurance,
Future of Insurance
Kinds of Insurance, Types of Insurance Policies,
Law of Contract, Proposal, Consideration
Re-insurance and Double Insurance

2. General Principles of Law of Insurance:

Need for utmost Good Faith.
Insurable interest

The risk – Commencement, attachment and duration.
Indemnity
The law of proximate cause
Subrogation
Assignment and nomination,

3. Indian Insurance Law – General:

Nationalization, Privatization and Globalization of Insurance Sector.
Principles of General Insurance.
The Insurance Regulatory Development Authority Act, 2000.

Module – II (1 Credit)

4. Insurance pertaining to Life and Personal Accidents/ Hospitalization:

Life Insurance – Nature, Principles and Scope
Events insured against life insurance contract.
Factors affecting risk
Mediclaime, Sickness Insurance, Personal Accidents

5. Marine Insurance:

Marine Insurance – Nature, Principles and Scope
Marine Insurance Policy – Conditions and Warranties
Seaworthiness
Perils of the Sea and other Insured Perils in Marine Policies
Hull and Cargo Insurance

Module – III (1 Credit)

6. Property Insurance:

Fire Insurance
Risks Insurance
Policies covering risk of explosion, earthquake, flood.
Policies covering accidental loss, damage to property, construction risks
Burglary, Theft, Civil Commotion and Strikes, other Endorsements.

Module – IV (1 Credit)

7. Insurance Against Accidents arising under Tort, Contract and Statute:

Accident Policies
Assessment of compensation and Liability
Contributory Negligence
The Personal Injuries (Compensation Insurance) Act, 1963.

Compulsory Insurance.
Professional Negligence Insurance

8 Insurance Against Third Party Risks under Statute:

Relevant Provisions of Motor Vehicles Act, 1988.

Claims Tribunal: constitution, functions, procedures, powers and award.

Liability Insurance: Contractual and Legal Liabilities Public

Liability Insurance

References: —

Brijnandan Singh – Law of Insurance – (1997)

Banerjee, Law of Insurance (1994)

Birds, Modern Insurance Law – (1997)

Charmers Marine Insurance Act 1906

E.R. Hardy Ivamy – Principles of Insurance (1979)

Gow Colinvaux – Law of Insurance (1977)

The Insurance Act – 1938

John Hanson and Christopals Henly – All Risks Property Insurance (1999)

K.S.N. Murthy and Dr. K. V.S. Sarma – Modern Law of Insurance.

The Life Insurance Corporation Act, 1956.

Hardy Ivamy - Marine Insurance

Mitra B.C. – Law of Marine Insurance (1997)

M.N. Srinivasan – Insurance Law

PAPER VI – BANKING LAWS (4 Credits)

OBJECTIVE

- To enable students to understand the need for banking systems and banking in India
- Nationalization of Banks
- Legislations relating to banking Companies in India
- Characteristics and Functions of Central Banks in India
- Specific Provisions relating to Negotiable Instrument ACT
- Issues, Challenges and recent Developments in Banking Sector.

OUTCOME

On successful completion of this course:

- Students will be aware of banking regulations in India in an effective manner.
- Students will be able to understand and evaluate the shortcomings of banking regulations.
- Students will be able to promote consumer education to students
- Students will be able to assist in developing research topics in banking laws and conduct research for providing assistance with reforms in banking legislations.

Module – I (1 Credit)

1. Introduction:

Nature and Development of banking

History of Banking in India and elsewhere-indigenous banking-evolution of banking in India–different kinds of banks and their functions.

Multi-functional banks – growth and legal issues.

2. Law Relating to Banking Companies in India:

Controls by government and its agencies on management, on accounts and audit

Lending

Credit policy

Reconstruction and reorganization

Suspension and winding up

Contract between banker and customer: their rights and duties

Module – II (1 Credit)

3. Social Control over Banking:

- Nationalization
- Evaluation: private ownership, nationalization and disinvestments
- Protection of depositors
- Priority lending
- Promotion of under privileged classes

4. The Central Bank:

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

Module – III (1 Credit)

5. Relationship of Banker and Customer:

- Legal character
- Contract between banker and customer
- Banker's lien
- Protection of bankers, customers
- Nature and type of accounts
- Special classes of customers – lunatics, minor, partnership, corporations, local authorities.
- Banking duty to customers
- Consumer protection: banking as a service

6. Negotiable Instruments:

- Meaning and kinds of instruments
- Transfer and negotiations
- Holder and holder in due course
- Presentment and payment
- Liabilities of parties

Module – IV (1 Credit)

7. Lending by Banks:

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

8 Recent Trends of Banking System in India:

- New technology
- Information technology
- Automation and legal aspects
- Automatic Teller Machine and use of internet
- Smart card
- Credit cards

References: —

Banking Law and Practice in India -M.L. Tannan
Banking Theory and Practice - K.C. Shekar Banking
Theory and Practice -Varshney
Banking Reforms in India - K. Subrahmanyam
Law of Negotiable Instruments Nilima Chandiramani
Law of Negotiable Instruments - Dr. P.W. Rege.
The Law of Banking and Bankers - L.C. Goyle
Negotiable Instruments Act- Bhashyam and Adiga
Paget's Law of Banking - M. Hapgood (ed)
Review of current Banking theory and Practice – Basu
A Report of Working Group on Customer Services in Banks-
R.K. Talwar

Semester – IV (4 credits)

The Fourth Semester shall be of :

- Dissertation of 80 marks and Viva-voce of 20 marks (4 credits).
- For the balance 100 marks, the students would have the choice to select the topic for their project from the topics listed in the syllabus of the group opted, which will have interdisciplinary approach. Out of 100 marks (4 credits), 50 marks (2 Credits) would be for the project and 50 marks (2 credits) for Viva-voce.

Topics for Choice based Credits

1. Understanding and Assessment of Industrial Psychology
2. C S R and Human Rights Education
3. Right to Information Under Mercantile Legislations – Constitutional Perspective
4. Securities Laws and Criminal Jurisprudence
5. Growth and Development of A D R Under Environmental Legislations
6. Property Laws and Rights of Consumers
7. W T O and Indian Politics
8. Information Technology and e-commerce –Emerging Legal Issues and Concern
9. Corporate Law and Accounting Standards

References: —

Cyber and E-Commerce Laws, Diwan and Kapoor, Bharat Publishers
Consumer, Consumerism and Consumer Protection – Indian Context, Dr. K.N.Bhatt, Prof. Suresh Mishra and Sapna Chadah, 2015
Law and Practice of Alternative Dispute Resolution In India- A Detailed Analysis Anirban Chakraborty, 2016
Indian Constitutional Law; Dr. Durga Das Basu, revised by S.R. Roy and SP.Gupta.3rd edition, 2011.
International Law and Human Rights, S K Kapoor, 2016
Information Technology Law and Practice, Vakul Sharma, 2014
The Political Economy of the World Trading System, Amitabh Kundu, Michel M Kostecki, 3rd edition, 2009
Right to Information Law in India, N.V. Paranjape, 2014
Role of Environmental Green Tribunal in Protection of Environment, M. J. Khandare, 2016
SEBI Manual

GROUP V – CRIMINAL LAW AND CRIMINAL ADMINISTRATION

OBJECTIVE

- To analyze the general principles of the Criminal law.
- In-depth study of theories of punishment.
- To analyze judicial trends on the rights of the accused.

OUTCOME

- Expert knowledge in Criminal Jurisprudence.
- Help the students to evaluate the criminal justice system.
- Deep understanding regarding the enforcing agencies of the criminal justice system.

PAPER I – CRIMINAL JURISPRUDENCE – (TOTAL 4 CREDITS)

OBJECTIVE

- Deliberation of the students on various aspects of crime, criminal laws and criminal justice.
- Acquainting the students to understand the issues relating to the notion of “group liability” in a crime.
- Acquainting students with the notions of private defense
- Acquainting students with the constitution and functioning of International Criminal Court.
- To inculcate amongst students the ability to evaluate critically the contemporary criminal justice system and Concept of Decriminalization.

OUTCOME

On successful completion of this course, students will be able to:

- Gain in-depth knowledge and gain the ability to practice in criminal law and also Assist them to understand the nature and various issues regarding criminal administration.
- Acquire research oriented aptitude with regard to various topics under criminal legal system in India.
- Deal sensitively with specific issues and challenges relating to effective implementation of laws under criminal jurisprudence.

Module-I (1 Credit)

- 1. Crime, Criminal Law and Criminal Justice**
- 2. Administration of Criminal Justice – Meaning, Necessity and Growth**
- 3. Doctrine of Mens Rea and Exceptions:**
 - Negligence
 - Physical Element in Crime- Actus Reus
- 4. Stages in Commission of Crime:**
 - Inchoate Crimes
 - Abetment and Criminal Conspiracy

Module- II (1 Credit)

- 5. Principle of Group Liability in Crime.**
- 6. Fundamental Principles of Criminal Jurisprudence:**
 - Test of Criminality /Legality
 - Presumption of Innocence
 - Double Jeopardy
 - De Minimus Non Curat Lex
 - Mistake of Law and Mistake of Fact
 - Jus Necessitas
- 7. General Exceptions.**
- 8. Right of Private Defense**

Module – III (1 Credit)

- 9. Theories and kinds of punishment**
- 10. Right to Protection of the accused**
- 11. Strict Liability**

Module – IV (1 Credit)

12. International Criminal Court

13. Concept of Decriminalisation

References :—

- Glanville Williams : Criminal Law (The general part)
Jarome Hall : General Principles of Criminal Law
FitzGerald : Criminal Law and punishment
Moberly : Ethics of Punishment
Ram Chandra Nigam : Criminal Law
Tapas Kumar Banerjee : Back ground to Indian Criminal Law
Law Commission of India, Forty Second Report Chapter 3 (1971)
Criminal Procedure Code, 1973
14th and 41st Report of Indian Law Commission

PAPER II - PENAL LAWS – (TOTAL 4 CREDITS)

OBJECTIVES

- To have in-depth knowledge of Penal laws in India.
- To carry out a comparative study of Indian and International Penal laws.
- To gain legal awareness about Cyber crime and Information Technology Act, 2000

OUTCOME

This course enables students

- To suggest reforms in the Penal laws in India.
- To suggest reforms in Juvenile law.

Module-I (1 Credit)

1. Offences under Indian Penal Code :

Offences Against the State
Offences Relating to Elections
Offences Relating to Religion
Offences Affecting the Public Health, Safety, Convenience,
Decency and Morals
Reforms in I.P.C.

Module-II (1 Credit)

2. The Maharashtra Control of Organised Crime Act, 1999

3. The Prevention of Terrorism Act, 2002

Module-III (1 Credit)

4. Cyber Crimes under Information Technology Act

Module-IV (1 Credit)

5. The Juvenile Justice (Care and Protection of Children) Act, 2000:

The Basic Concepts
Determining Factors of Juvenile Delinquency
Legislative Approaches - Indian Context
Juvenile Delinquency
Judicial Contribution
Implementation
Preventive Strategies

References :—

The Indian Penal Code, 1860
Ratanlal & Dhirajlal – Law of Crimes
Smith & Hogen – Criminal Law

PAPER III - CRIMINOLOGY – (TOTAL 4 Credits)

OBJECTIVE

- To understand criminology as a science.
- To avail deep knowledge of various theories of criminology.
- To gain in depth study of victimology.

OUTCOME

- Students get the comparative study of ancient and modern criminology.
- The students acquire the ability to carry out a critical study of causes of crimes.
- The students gain the ability to study the socio economic rehabilitation of criminals.

Module-I (1 Credit)

1. Concept of Crime. Criminal Law, Criminology as a Science:

1.2. Development and Crime

2. Criminology - From Ancient to Modern thought:

Pre-classical – classical – Neo classical

Cartographic School

Socialist School

Dr. Lombroso theory

Approach of Radical Criminologists

Module-II (1 Credit)

3. Multiple Factor theory.

4. Causes of Crimes:

Socio – Cultural

Physical

Economic

Psychological

Mass Media & Crime

Module-III (1 Credit)

5. Privileged Class Deviance and Indian Legal order:

Notion of Privileged Class Deviance

White Collar Crimes

Official Deviance

Police Deviance

6. Professional Deviance of Lawyers, Teachers, Judges, Journalists, Doctors, Technocrats, etc.:

Unethical Practices at the Indian bar

The Lentin Commission Report

The Press Council on unprofessional and unethical Journalism

Medical Malpractice

Module-IV (1 Credit)

7. Response of Indian Legal Order:

Vigilance Commission

Public Accounts Committee

Ombudsman

Commission of Enquiry

Prevention of Corruption Act,1988

References :—

A.S. Siddique - Criminology (1984) Eastern, Lucknow

Dr. Sethana - Society and the Criminal,

Law Commission of India 42 Report Chap.3 (1971)

Sutherland & Cressey - Principles of Criminology

Barnes & Teeters - New Horizons in Criminology

Dr. Suresh Mane - Crime, Criminal Law & Criminology, 2007.

Tapaskumar Banerjee - Background to Indian Criminal Law (1990) R.

Company & Co., Calcutta.

Tapan - Crimes, Justice and Correction

PAPER – IV COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM – (TOTAL 4 Credits)

OBJECTIVES

- To forward deliberations among the students regarding notions of force, coercion and violence.
- Acquainting the students to understand the concept of Force Monopoly of modern laws.
- Acquainting students with the notions of Collective political violence and legal order.
- Acquainting students with the nature & scope of agrarian violence in 18th & 19th centuries in India.
- To inculcate among students the ability evaluate critically the contemporary criminal justice system in India with specific reference to collective violence.

OUTCOME

On successful completion of this course, students will be able to:

- The program provide great opportunity and gives in depth knowledge to students who intend to pursue practice in criminal law
- The program inculcates research oriented aptitude in students with regard to various topics under criminal law system in India.
- Sensitizing students specifically issues and challenges relating to law and crime in Global arena.

Module - I (1 Credit)

1. Introductory:

Notions of ‘force’, ‘coercion’, ‘violence’
Distinctions: ‘symbolic’ violence, ‘institutionalized’ violence, ‘structural violence’
Legal order as a coercive normative order
Force-monopoly of modern law
Freedom of speech and incitement to violence
‘Collective political violence’ and legal order
Notion of ‘legal and extra- legal repression’

2. Approaches to Violence in India:

Religiously sanctioned structural violence: Caste and gender based

Ahimsa in Hindu, Jain, Buddhist, Christian and Islamic traditions in India.

Gandhiji's approach to non-violence

Discourse on political violence and terrorism during colonial struggle

Attitudes towards legal order as possessed of legitimate monopoly over violence during the colonial period

Module - II (1 Credit)

3. Agrarian Violence and Repression:

The nature and scope of agrarian violence in the 18th-19th Centuries in India

Colonial legal order as a causative factor of collective political (agrarian) violence

The Telangana struggle and the legal order

The Report of the Indian Human Rights Commission on Arwal Massacre

Module - III (1 Credit)

4. Violence against the Weaker Sections:

Notion of Atrocities

Incidence of Atrocities

Uses of Criminal Law to combat Atrocities or contain aftermath of Atrocities

Violence Against Women and Children

Module - IV (1 Credit)

5. Caste/Communal Violence:

Incidence and courses of 'communal' violence

Findings of various commissions of enquiry

The role of police and para-military systems in dealing with communal violence

Operation of criminal justice system - trial in relation to communal violence

NOTE: Choice of further areas will have to be made by the teacher and taught.

References :—

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

PAPER V - PENOLOGY : TREATMENT OF OFFENDERS

(4 Credits)

OBJECTIVE

- To forward deliberation among the students on definitions pertaining to penology, various theories of punishment.
- Acquainting the students with the issues relating to capital punishment.
- Acquainting students with the notions and approaches of sentencing.
- Acquainting students with nature of offenders.
- To inculcate among students the ability to evaluate critically the contemporary criminal justice system in India with specific reference to imprisonment.

OUTCOME

On successful completion of this course, students will be able to:

- Gain in-depth knowledge, pursue practice in criminal law and also assist them to understand the nature and theories of punishment
- Acquire research oriented aptitude with regard to various topics under criminal legal system in India.
- Deal sensitively with specific issues and challenges relating to effective implementation of laws and criminal jurisprudence.

Module - I (1 Credit)

1. Introductory:

Definition of Penology

2. Theories of Punishment:

Theories of Punishment

Retribution

Utilitarian prevention: Deterrence

Utilitarian: Intimidation

Behavioural prevention : Incapacitation

Behavioural prevention: Rehabilitation - Expiation

Classical Hindu and Islamic Approaches

Module - II (1 Credit)

2. The Problems of Capital Punishment:

- Constitutionality of Capital Punishment
- Judicial Attitudes Towards Capital Punishment in India
 - An inquiry through the statute law
- Law Reform Proposals

Module – III (1 Credit)

3. Approaches to Sentencing:

- Alternatives to Imprisonment
- Probation
- Corrective labour
- Fines
- Collective fines
- Juvenile Institutions
- Rehabilitative Programmes

4. Sentencing:

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

Module - IV (1 Credit)

5. Imprisonment:

- The State of India's jails today
- Prison Reforms in India
- The disciplinary regime of Indian prisons
- Classification of prisoners
- Rights of prisoner and duties of custodial staff
- Deviance by custodial staff
- Open prisons
- Judicial surveillance – basis – development reforms

References :—

- Law Commission of India, Forty-Second Report Ch.3 (1971)
- Responsibility and Punishment (1975)
- Siddique A.S.- Criminology (1984) Eastern, Lucknow
- S. Chhabbra - The Quantum of Punishment in Criminal Law (1970).
- S.K. Shukla - "Sociology of Deviant Behaviour" in 3 ICSSR
- Survey of Sociology and Social Anthropology 1969-1979 (1986)
- Tapas Kumar Banerjee - Background to Indian Criminal Law (1990), R. Campray & Co., Calcutta.

PAPER VI - FORENSIC SCIENCE AND SCIENTIFIC INVESTIGATION OF CRIME (4 Credits)

OBJECTIVE

- To gain an in-depth analysis of forensic science and criminal justice system.
- To study the modern scientific methods of crime control.
- To study the problems related to International crime.

OUTCOME

This course enables students:

- To understand the role of forensic science in the criminal justice system.
- To carry out research in field of forensic science and law.
- To gain exposure to forensic science and criminal law from across the globe.

Module – I (1 Credit)

- 1. Forensic Science – An Integral component of Criminal Justice system – Scope**
- 2. Development of Forensic Science in India**

Module – II (1 Credit)

3. An Introduction to:

Forensic Laboratories
Forensic Biology
Forensic Toxicology
Forensic Anthropology
Forensic Ballistics
Forensic Documents
Forensic Medicine

Module – III (1 Credit)

4. Modern Scientific Methods of Crime Control and Prevention:

Electrical Traps to catch thieves, burglars
Truth Telling Drugs
Lie Detector
Atomat Breatha
lyser Traffipax
Camera

Magnetic Gun
Night Vision Binoculars
Portable Bomb Sniffer
Detection of Note Forgery by use of ultra-violet rays

Module - IV (1 Credit)

5. Inter-state crimes and Criminals:

The problem of International Crime
International Co-operation
International Criminal Police Organisation (Interpol)

References :—

R. Deb.- Criminology, Criminal and Investigation.
Soderman And O'Connell-Modern Criminal Investigation
Dr. J. P. Modi -A Text Book of Medical Jurisprudence and Toxicology.
Nigel Morland -Science in Crime Detection.
The Indian Police Journal
International Criminal Police Review Journal.

Semester – IV (Four credits)

The Fourth Semester shall be of :

- Dissertation of 80 marks and Viva-voce of 20 marks (4 credits).
- For the balance 100 marks, the students would have the choice to select the topic for their project from the topics listed in the syllabus of the group opted, which will have interdisciplinary approach. Out of 100 marks (4 credits), 50 marks (2 Credits) would be for the project and 50 marks (2 credits) for Viva-voce.

Topics for Choice Based Credits

Law of defamation & Freedom of speech
Study of Criminal behavior vis-à-vis increasing criminality
Tackling Collective Violence vis-à-vis Innovative Policing Techniques.
Ethical Issues & Medical Profession.
Cyber Crimes & Remedies.
Juvenile Justice System in India & Juvenile Psychology.
Corruption Laws & Elections in India.
White Collar Criminality & Corporate Crimes.

References :—

Dr. Sethna: Society & The Criminal.
Dr. J P Modi: A Text book of Medical Jurisprudence & Toxicology
Moberly : Ethics of Punishment
S K Shukla: Sociology of Deviant Behaviour.
U. Baxi: Dissent, Development & Violence