



GALGOTIAS UNIVERSITY

Syllabus of LL.M

Name of School: School of Law

Department: Law

Year: 2017-18

SCHEME

LLM TRIMESTER I									
S.N O.	COURSE CODE	COURSE NAME	L	T	P	C	IA	MTE	ETE
CORE THEORY COURSES / PRACTICAL COURSES									
1	MLAW5001	Research Methods and Legal Writing	2	0	1	3	50	NA	50
2	MLAW5002	Comparative Public Law	2	0	1	3	50	NA	50
3	MLAW5003	Law and Justice in a Globalizing World	2	0	1	3	50	NA	50
TOTAL NO. OF CREDITS						9			

LLM TRIMESTER II

Criminal Law Specialization

CORE THEORY COURSES / PRACTICAL COURSES									
S.N O.	COURSE CODE	COURSE NAME	L	T	P	C	IA	MTE	ETE
1	MLAW5021	Criminology and Criminal Justice Administration	1	0	1	2	50	NA	50
2	MLAW5022	Victimology	1	0	1	2	50	NA	50
3	MLAW5023	Criminal Justice and Human Rights	1	0	1	2	50	NA	50
4	MLAW5024	Corporate Crimes/White Collar Crimes	1	0	1	2	50	NA	50
TOTAL NO. OF CREDITS						8			

LLM TRIMESTER II

Corporate Law Specialization

CORE THEORY COURSES / PRACTICAL COURSES									
S.N O.	COURSE CODE	COURSE NAME	L	T	P	C	IA	MTE	ETE
1	MLAW5025	Corporate Governance	1	0	1	2	50	NA	50
2	MLAW5026	Competition Laws	1	0	1	2	50	NA	50
3	MLAW5027	Commercial Arbitration	1	0	1	2	50	NA	50
4	MLAW5028	Intellectual Property Laws	1	0	1	2	50	NA	50
TOTAL NO. OF CREDITS						8			

LLM TRIMESTER III**Criminal Law Specialization**

CORE THEORY COURSES / PRACTICAL COURSES									
S.N O.	COURSE CODE	COURSE NAME	L	T	P	C	IA	MTE	ETE
1	MLAW5031	Sentencing and Criminal Justice	1	0	1	2	50	NA	50
2	MLAW5032	International Criminal Law	1	0	1	2	50	NA	50
3	MLAW5033	Dissertation	0	5	0	5	40	NA	60
TOTAL NO. OF CREDITS						9			

LLM TRIMESTER III**Corporate Law Specialization**

CORE THEORY COURSES / PRACTICAL COURSES									
S.N O.	COURSE CODE	COURSE NAME	L	T	P	C	IA	MTE	ETE
1	MLAW5034	International Trade Law	1	0	1	2	50	NA	50
2	MLAW5035	Law Relating to Securities	1	0	1	2	50	NA	50
3	MLAW5033	Dissertation	0	5	0	5	40	NA	60
TOTAL NO. OF CREDITS						9			

Name of The Course	RESEARCH METHODS AND LEGAL WRITING			
Course Code	MLAW 5001			
Prerequisite	Knowledge of Law			
Corequisite	Basic Knowledge of social sciences			
Antirequisite	NA			
	L	T	P	C
	2	0	1	3

Course Objectives:

The course aims to acquaint the students of law with scientific methods of inquiry into law. It also intends to make them familiar with nature, scope, and significance of legal research. It endeavors to make them aware of role of legal research in the development of law and legal institutions. It also helps the students to develop their research skills in legal writing. The students will understand the role of legal research in legal education. The syllabus covers all aspects of research methodology and legal writing.

Course Outcomes:

CO1	Students shall be able to understand the nuances of research , research ethics and shall be able to analyse current trends in research
CO2	Students Shall learn the fundamentals of Research & Research Methodology
CO3	Students shall be able to identify appropriate research topics, Select and define appropriate research problem and parameters.
CO4	Students shall be able Identify and use tools of legal research and data collection
CO5	Students shall be able to write and develop research proposal, research papers, research projects and dissertations

Text Book (s):

- Legal Research and Methodology— Indian Law Institute, New Delhi
- C.R.Kothari — Research Methodology (Methods and Techniques) - *Vishwa Prakashan*

Reference Book (s):

- Dr. H.N.Tawari Legal Research Methodology — Allahabad Law Agency.
- High Brayal, Nigel Duncan and Richard Crimes, Clinical Legal Education: Active Learning in your School (1998) Blackstone P. Press Limited, London.
- M.O. Price, H. Bitner and Bysiewiez, Effective Legal Research (1978)
- Pauline V.Young, Scientific Social Survey and Research (1962) 07.
- William I Grade and Paul K Hatt, Methods in Social Research, Mc GrawHill Book Company, London.
- H.M.Hyman, Interviewing in Social Research (1965)
- Monis L. Cohan, Legal Research in Nutshell, (1996) West Publishing Co.
- Harvard Law Review Association, Uniform System of Citations.
- Erwim C. Surrency B. Fielf and .J. Cn, 4 Guide to Legal Research (1959)
- P.Saravanavel — Research Methodology — Kitab Mahal

UNIT-1: INTRODUCTION TO RESEARCH, RESEARCH ETHICS & LEGAL RESEARCH. (6 lectures)

- a. Introduction to research, its importance & misconceptions.
- b. Current trends in research.
- c. Research ethics & other Ethical issues and challenges in the era of emerging techniques of socio-legal research.
- d. Legal research- its nature, meaning kind and scope, Role of judges, law teachers & research guide in legal research.

Unit-2: FUNDAMENTALS OF RESEARCH & LEGAL RESEARCH METHODOLGY (8 lectures)

- a. Kinds of Research and Research methods.
- b. Basic concepts of research such as Research problem, Research design, Literature review, Variables, Hypotheses and Research questions , primary and secondary data collection, sampling, etc.
- c. Steps involved in doctrinal legal research.'
- d. Steps involved in empirical legal research.

UNIT 3: COLLECTION & ANALYSIS OF DATA (8 lectures)

- a. Various Ways of Data Collection. Sampling- its advantages and limitations.
- (b) Use of Observation Method, Interview Method, Questionnaire, Survey, & Case Study / Case law method in Legal Research
- (c) What is Sample, Sampling design, sampling techniques.
- d) Processing and analysis of data by editing, coding, tabulation etc. Introduction to Use of Various IT tools and techniques in Data Analysis and Interpretation.

UNIT 4: TOOLS OF LEGAL RESEARCH (6 lectures)

- a. Various tools of legal research and their importance.
- b. Offline Sources of legal research- such as, Libraries, books, Law Reports, Law Commission Reports, Legislative and Constitutional Assembly Reports, Law journals,
- c. Online sources of legal research- online legal database such as Manupatra, heinonline, lexis nexis & google based research.
- d. How to segregate authentic and unauthentic data for legal research.

UNIT 5: AN INTROUCTION TO VARIOUS KINDS OF LEGAL WRITING (6 lectures)

- a. Citation styles in Legal Research.
- b. Writing a Legal Research Report, Types of reports-Contents-Styles of reporting- Steps in drafting Reports.
- c. Writing extended essays, articles, dissertations and thesis.
- d. Guidelines for doctoral research laid down under University grant Commission

Continuous Assessment Pattern

Internal Assessment (IA)	Mid Term Test (MTE)	End Term Test (ETE)	Total Marks
20	30	50	100

Internal Component	Research Paper Submission	Presentation	Teaching Assistance	Total
Marks	20	10	20	50

Name of The Course	Comparative Public Law			
Course Code	MLAW 5002			
Prerequisite	Constitutional Law and Criminal Law			
Corequisite				
Antirequisite				
	L	T	P	C
	2	0	1	3

Course Objectives: This course is aimed to apprise students about the comparative public law prevailing in other legal systems in the world.

Course Outcomes

CO1	On completion of this course, the students would be: Able to understand the similarities and differences between leading legal traditions
CO2	Familiar with the methodology of comparative public law
CO3	Able to use comparative methodology in public law analysis
CO4	Able to create the Constitutional philosophy and Constitution of any democratic country
CO5	Able to critically analyze the democratic governance of any country based on Constitution

Text Book (s)

1. Christopher Forsyth, Mark Elliott, Swati Jhaveri, Effective Judicial Review: A Cornerstone of Good Governance (Oxford University Press, 2010).
2. D.D. Basu, Comparative Constitutional Law (2nd ed., Wadhwa Nagpur).
3. David Strauss, The Living Constitution (Oxford University Press, 2010)
4. Dr. Subhash C Kashyap, Framing of Indian Constitution (Universal Law, 2004)
5. Elizabeth Giussani, Constitutional and Administrative Law (Sweet and Maxwell, 2008).
6. Erwin Chemerinsky, Constitutional Law, Principles and Policies (3rd ed., Aspen, 2006)
7. M.V. Pylee, Constitution of the World (Universal, 2006)
8. Mahendra P. Singh, Comparative Constitutional Law (Eastern Book Company, 1989).
9. Neal Devins and Louis Fisher, The Democratic Constitution (Oxford University Press, 2010)
10. S.N Ray, Judicial Review and Fundamental Rights (Eastern Law House, 1974).

Reference Book (s)

1. Sudhir Krishna Swamy, Democracy and constitutionalism in India – A Study of the Basic Structure Doctrine (Oxford University Press, 2009)
2. Sunil Khilnani, Vikram Raghavan, Arun Thiruvengadam, Comparative Constitutionalism in South Asia (Oxford University Press, 2013).
3. Vikram David Amar, Mark Tushnet, Global Perspectives on Constitutional Law (Oxford University Press, 2009).
4. Zachery Elkins, Tom Ginsburg, James Melton, The Endurance of National Constitutions (Cambridge University Press, 2009).

1. Introduction, Meaning and Evolution of Public law
2. Classification of law
3. Public law and Private law
4. Comparative Constitutional law, Administrative and Criminal law

Unit -2: Comparative Public Law: Overview, uses and methods 9 Lectures

1. Place of Constitutional law and Administrative law in a legal system
2. Constitution and Constitutionalism
3. Forms of Government, Federal and Unitary
4. Parliamentary and Presidential form of Government
5. Federation , Judiciary and Judicial review

Unit-3 : Comparative Constitutional Law and Administrative Law 10 Lectures

1. Relevance of Comparative Constitutional Law
2. Problems and Concerns in Using Comparison
3. The concept of Ombudsman
4. Constitutional foundations of powers
 - a. Rule of law
 - b. Supremacy of Legislature in Law Making
 - c. Modern Concept of Rule of Law
 - d. Social and economic rights as part of rule of law
 - e. Separation of powers
 - f. Concept of Separation of Powers
 - g. Checks and Balances

Unit-4 : Comparative Criminal Law 9 Lectures

- i. Comparison of British and Indian Criminal law
 - a. Rape law
 - b. Plea Bargaining- USA and India
 - c. Juvenile Justice
- ii. The American Model- Popular Sovereignty, Limited Power
- iii. The French Model- The national Sovereignty
- iv. Rule of Law: Practice and Principles
- v. Role of International Organisation in protection of Human Rights of Individuals

Continuous Assessment Pattern

Internal Assessment (IA)	Mid Term Test (MTE)	End Term Test (ETE)	Total Marks
20	30	50	100

Internal Component	Research Paper Submission	Presentation	Teaching Assistance	Total
Marks	20	10	20	50

Name of The Course	Law and Justice in a Globalizing World			
Course Code	MLAW 5003			
Prerequisite	Constitutional Law			
Corequisite	Jurisprudence, Multi-disciplinary approach			
Anti-requisite				
	L	T	P	C
	2	0	1	3

Course Objectives: This course serves as an introduction to evolving issues in contemporary international law. In an increasingly globalized world, students practicing law in any capacity will encounter globalized or internationalized law. Domestic jurisprudence cites international treaties, human rights abuses cross borders, and the global economy necessitates contracts between states, corporations, and multinational systems. To successfully navigate these systems, students must have a solid foundation in international jurisdictions, authority, and norms. The course arms students with a basic understanding of these evolving themes.

Course Outcomes:

O1	Understand of the concept of law and justice. (K2)
O2	Apply the concept of justice in a globalizing world. (K4)
O3	Develop an understanding of international and regional justice mechanisms and their jurisdictions. (K5)
O4	Critically discuss and analyze emerging issues in international aspect in multi-disciplinary manner. (K3)

Text Book (s):

1. Andrew Byrnes, Mika Hayashi, Christopher Michaelsen, *International Law in the New Age of Globalization*, Martinus Nijhoff Publishers, 2013
2. Andrew Kuper, *Democracy Beyond Borders: Justice and Representations in Global Institutions* (OUP, 2006).
3. Anthony McGrew, David Held (eds.), *Governing Globalization: Power, Authority and Global Governance* (Polity Press, 2002).
4. Boaventura de Sousa Santos, Cesar A. Rodriguez-Garavito (eds.), *Law and Globalization from Below* (Cambridge University Press, 2005).
5. David B. Goldman, *Globalization and the Western Legal Tradition: Recurring Patterns of Law and Authority* (Cambridge University Press, 2008).
6. David Held, *A Globalizing World? Culture, Economics, Politics* (2004).
7. David Kinley, *Civilizing Globalization: Human Rights and the Global Economy* (Cambridge University Press, 2009).

References:

1. Joseph Stiglitz, *Making Globalisation Work: The Next Step to Global Justice*, Penguin 2007
2. Antony Anghie (Editor), *The Third World and International Order: Law, Politics, and Globalization*, Kluwer Law International, 2003
3. David Schzeiderman, *Constitutionalizing Economic Globalization: Investment Rules and Democracy's Promise* (Cambridge University Press, 2008).

4. Jean-Marc Coicaud, Michael W. Doyle et al (eds.), The Globalization of Human Rights (United Nations University Press, 2003).
5. John Baylis, Steve Smith, et al (eds.) The Globalization of World Politics: An Introduction to International Relations (OUP, 2008).
6. Karl-Heinz Ladeur (ed.), Public Governance in the Age of Globalization (2004).
7. Laura Valentini, Justice in a Globalizing World: A Normative Framework (OUP, 2011).

Unit-1 Definition and Nature of the Legal Globalization and Justice	6 lectures
Concept of "law and justice" ; Meaning of "globalization" in a contemporary context; The Global Justice Movement; Normative Framework Addressing the Function, Scope, and Content of Justice in Globe	
Unit-2: Legal Implementation of Global Justice	6 lectures
Treaties and the Role of Customary International Law; Institutional Structure and Procedures, including Enforcement; International Implementation System (E.g., International Court of Justice, International Criminal Court, United Nations, World Bank, IMF, WTO); Regional Implementation System (E.g., Inter-American Court, European Court of Justice, European Court of Human Rights)	
Unit-3: Justice and Rule of Law Reform	8 lectures
Measuring the rule of law: how to develop useful and impartial indicators of Justice, rule of law and governance; Criminal justice, Rule of Law and Human Rights; Challenges in law and development in transition economies; Law and Justice Institution; Case Study: Justice and Rule of Law in Asia	
Unit-4: Human Rights and Humanitarian Law	8 lectures
War, Terrorism & Genocide, and Humanitarian Intervention; Migration, Refugees, Asylums, and Movement of People Across Borders; Alien Tort Claims Act and Fighting Human Rights Abuses Across Borders (Equality and Minority Rights; Race; Gender; Disability); Universal Jurisdiction for Crimes Against Humanity/War Crimes	
Unit-5: Law and Economic Justice	8 Hours
Global Poverty and Justice for the Poor; Inclusion and Equity for Vulnerable Groups; Business and Human Rights (Labor Issues); Global Justice and Trade, Regulation of Financial Markets, Systems and Infrastructure; Responding to the Global Financial Crisis through legal and regulatory reform, Tradable Pollution Rights and Carbon Trading Schemes	

Continuous Assessment Pattern

Internal Assessment (IA)	Mid Term Test (MTE)	End Term Test (ETE)	Total Marks
20	30	50	100

Internal Component	Research Paper Submission	Presentation	Teaching Assistance	Total
Marks	20	10	20	50

Name of The Course	Criminology and Criminal Justice Administration
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Course Code	MLAW 5021			
Prerequisite	Constitutional Law			
Corequisite	Jurisprudence, Multi-disciplinary approach			
Anti-requisite				
	L	T	P	C
	1	0	1	2

Course Objectives:

The objective of the course is to study the theories of criminology and the criminal justice administration. Effort will be to identify pitfalls in the criminal justice system in India and to examine various measures, if adopted, which can put the criminal justice system back on the rails and ensure speedy and expeditious dispensation of justice. For this purpose the role of the functionaries especially the judiciary is important and the students will get an idea about the various methods for improving the present criminal justice system to balance the interest of the stakeholders. Heavy reliance will be placed on Expert Committee Reports, Law Commission Reports and Legislative Measures Adopted on the basis of the Committee Reports and the Judicial Approach to the areas under study.

Course Outcomes

O1	K1	Identifying the procedural requirements to initiate criminal prosecution and factors affecting fair trial.
O2		Understanding the functionaries in the Criminal Justice system, and the role played by them in administration of justice. K2
O3		Analyzing and Interpreting the major criminological thoughts and theories. K4 & K2
O4		Evaluating the scope of policy diffusion, to strengthen the Indian Criminal Justice system. K5

Text Book (s):

1. K.N. Chandrasekharan Pillai (Rev.), R.V. Kelkar's *Criminal Procedure* (5th ed., 2008)
2. K.I. Vibhute (Ed.), *Criminal Justice* (1st ed., 2004)
3. Robert L. Packer, *The Limits of Criminal Sanction* (1968)
4. Glanville Williams, *The Proof of Guilt* (1963).
5. Inbau, Thompson and Sowle, *Criminal Justice* Vol. II, Foundation Press (1968).
6. M.P. Jain, *Indian Constitutional Law* (5th ed., 2003)
7. Mahendra P. Singh, *V.N. Shukla's Constitution of India* (11th ed., 2008)
8. M. Monir, *Law of Evidence* (14th ed., 2006)
9. Vepa P. Sarathi, *Law of Evidence* (6th ed., 2006)
10. S.M.A. Qadri, *Ahmad Siddique's Criminology & Penology*, 6th ed., Eastern book company, 2011

References:

1. H.M. Seervai, *Constitutional Law of India* (4th ed., Vol 1 (1991), Vol. 2 (1993), Vol. (1996)
2. Sutherland, Edwin H. and Cressey, Donald. *Principles of Criminology*. 11th ed. Lanham, Md.: Alta Mira Press, 1992.

Unit-1 Criminal Justice Models	4 hours
Adversarial and Inquisitorial model of Criminal Justice; Constitutional foundations of Criminal Justice System.; Access to Justice and Fair trial.	
Unit-2: Functionaries in the Criminal Justice System	4 hours
The Police – Origin and Evolution of Police function in society; Police Reforms; Public Prosecutor- Power, function, duties, withdrawal from prosecution; Private Prosecution; Hierarchy of Courts	
Unit-3: Pre-trial Procedure	4 hours
Reporting of Crime; Investigation by Police, The Exclusionary Principle; Role of Magistrate during Pre-trial process.; Arrest process in Criminal Justice Administration	
Unit-4: Trial Process	4 hours
Cognizance of Offence and Framing of Charges; Appreciation of Evidence; Bail Jurisprudence; Plea Bargaining	
Unit-5: Sentencing and Appeals	4 hours
Sentencing – Theory and Practice; Need for codified sentencing policy; Appellate Process	
Unit-6: Criminology	4 hours
Nature, Scope and Relevance in Criminal Justice Administration; Crime Causation- Theories; Schools of Criminology	

Continuous Assessment Pattern

Internal Assessment (IA)	Mid Term Test (MTE)	End Term Test (ETE)	Total Marks
20	30	50	100

Internal Component	Research Paper Submission	Presentation	Teaching Assistance	Total
Marks	20	10	20	50

Name of The Course	Victimology			
Course Code	MLAW5022			
Prerequisite				
Corequisite				
Antirequisite				
	L	T	P	C
	1	0	1	2

Course Objectives:

Victimology is a social – structural way of viewing crime and the law and the criminal and the victim. This course shall try to give the students an overall knowledge about the growth and development of victimology together with an idea about the position, role and treatment of a victim in the criminal justice system along with the legislative, judicial and administrative measures to cater to the needs of this neglected group.

Course Outcomes

CO1	Discussing and determining the basic idea, concepts, terms and trends in the field of victimology as well as understanding the roles of victims in crime and criminal justice system
CO2	Explaining and generalizing the historical development of victimology and the victims movements
CO3	Identifying and evaluating research into typology of victims and their related issues.
CO4	Assessing and critically analyzing the various methods developed to assist victims in dealing with the effects of crime and with the criminal judicial system
CO5	Comparing the development of victim rights and justice in India and other developed countries with the judicial trends.

Text Books

1. Sutherland, H.E., & Cressey, D.R. (1974), Principles of Criminology, Philadelphia : Lippincott
2. Siddique, A (1993), Criminology, Problems and Perspectives (2nd ed.) Lucknow, Eastern Book House.
3. N.V. Paranjape, Criminology, Penology Victimology(17th Edition) Central Law Agency
4. Ram Ahuja, Criminology (Rawat Publication, 2006).

Reference Books

- Harvey Wallace, Cliff Roberson Victimology Legal, Psychological and Social Perspectives, Printice Hall, 3rd edn.
- Burgess, Regehr, Roberts, Victimology Theories and Applications, Jones and Bartlett Pub.
- Sammaiah Mundrathi, Law of Compensation To Victims of Crime and Abuse of Power, Deep and Deep Publication
- T.Markus Funk, Victims’ rights and Advocacy at the International Criminal Court, Oxford University Press
- Mawby and Walklate, Critical Victimology: International Perspectives, Sage Publications.
- Andrew Karmen, Crime Victims: An Introduction to Victimology NYU Press, 2006
- Sandra Walklate, Handbook on Victims and Victimology, Routledge 2007
- Margit Averdijk, Individuals’ Victimization Patterns over Time Haveka, Alblasserdam 2010
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Unit-1 Introduction	5 Lectures
Introduction of Victimology	
<ul style="list-style-type: none"> • Conceptual development of victimology 	

<ul style="list-style-type: none"> Perspectives of Victimology:- Positivist, Radical, Critical International Developments 	
<ul style="list-style-type: none"> Newer Dimensions of Victimology 	
Unit-2	6 Lectures
Victims of Crime	
<ul style="list-style-type: none"> Typology of Victims Female as Victims Child as Victim Elder Victims 	
Unit-3	5 Lectures
Victimology In India	
<ul style="list-style-type: none"> Development of Victimology in India Legislative development of Victimology Judicial Response to victims 	
<p>l Shah v. State of Bihar (1983) 4SCC 141, Sebastian M.Hongray v. Union of India AIR 1984 SC 1026, Nilabati Behera v. State of Orissa AIR 1993 SC 1960, Kumari (Smt) v. State of T.N. AIR 1992 SC 2096, D.K.Basu v. State of W.B. AIR 1997 SC 610, Hari Krishnan and State of Haryana v. Sukhbir Singh AIR 1988 SC 2127, Bodhisattwa Gautam v. Subhra Chakraborty AIR 1996 SC 922 Chairman, Railway Board v. Chandrima Das, AIR 2000 SC 988, State of A.P. v. Challa Ramkrishna Reddy AIR 2000 SC 2083, Thakkamalai v. state of Tamil Nadu, 2006CriLJ1997, National Commission of Women v. State of Delhi AIR 2011 SC(Supp) 392, CBI v. Kishore Singh AIR 2011 SC (Supp) 584, Roy Fernandes v. State of Goa AIR 2012 SC 1030 etc)</p>	
Unit-4	4 Lectures
Victim Justice	
<ul style="list-style-type: none"> Victim Support Services Restorative Justice Compensation 	
Unit-5	4 Lectures
Victim Rights and International Law	
<ul style="list-style-type: none"> Development of Victim Rights under International Law ICC and Victim Rights Recognition of Victim Rights under Rome Statute Rights of Prisoner and Duties of Custodial Staff Judicial surveillance - Basis - Development reforms 	

Continuous Assessment Pattern

Internal Assessment (IA)	Mid Term Test (MTE)	End Term Test (ETE)	Total Marks
20	30	50	100

Internal Component	Research Paper Submission	Presentation	Teaching Assistance	Total
Marks	20	10	20	50

Name of The Course	Criminal Justice and Human Rights			
Course Code	MLAW 5023			
Prerequisite	Criminal Law			
Corequisite				
Antirequisite				
	L	T	P	C
	1	0	1	2

Course Objectives:

To apprise students about comparative perspective on criminal justice and human rights.

Course Outcomes:

CO1	Understanding human rights in major jurisdictions through a comparative perspective with reference to criminal justice.
CO2	Analyzing the importance of human rights in the criminal justice system
CO3	Assessing criminal justice system with reference to human rights.
CO4	Formulating solutions and solve the problems relating to criminal justice administration.
CO5	Creating and drafting the arguments in criminal justice with reference to human right approach

Text Book (s)

1. Agarwal, H.O. Implementation of Human Rights Covenants with Special Reference to India(New Delhi: D.K. Publishers, 1993)
2. Aroras, Nirman, "Custodial torture in Police Stations in India: A Radical Assessment", Journal of Indian Law Institute, vol.41, nos.3, and 4, 1999.
3. Bajwa, G.S. and D.K. Bajwa, Human Rights in India : Implementation and Violations (New Delhi: D.K. Publishers, 1996)
4. Baxi, Upendra, "Clemency, Extradition and death: the Judicial Discourse in Kehar Singh ", Journal of Indian Law Institute, vol.30, no.4, Oct- Dec. 1998.
5. Bhargava, G.S., "National Human Rights Commission: An Assessment of Its Functioning", in K.P. Saksena, ed., Human Rights: Fifty Years of India's Independence (New Delhi: Gyan Publishing House, 1999).

Reference Book (s)

1. Batra,Manjula, Protection of Human Rights in Criminal Justice Administration : A study of the right of Accused in Indian and Soviet Legal System (New Delhi: Deep and Deep, 1989)
2. Bava,Noorjahan, ed., Human Rights and Criminal Justice Administration in India (New Delhi : Uppal Publishing House, 2000)
3. Burgers, J.H., "The Fights against Torture ", International Commission of Jurists, no.32, 1984.
4. Upadhyay, C.M., Human Rights in Pre-trial Detention (1999).
5. Dr. V.S. Malimath Committee on Reforms of the Criminal Justice, 2003

ept, History and Development of Human Rights and Human Rights in Indian Constitution

<ol style="list-style-type: none"> 1. Conceptual Perspective 2. Universal Declaration of Human Rights, 1948 3. Constitutional Philosophy 4. Preamble 5. Fundamental Rights 	5 Lectures
Human Rights Guaranteed under Indian Constitution <ol style="list-style-type: none"> 2.1 Fair trial 2.2 Protection from ex post facto laws 2.3 Protection from double jeopardy 2.4 Right against Self- incrimination 2.5 Right to Life and Personal Liberty: New Dimension: Judicial Approach. 2.6 Right to Production before magistrate from police custody 2.7 Representation 2.8 Speedy trial 2.9 Legal Aid 	6 Lectures
Unit 3: Administration of Criminal Justice in India <ol style="list-style-type: none"> 3.1 Adversarial & Inquisitorial System 3.2 Due Process & Procedure established by Law 3.3 Agencies of Criminal Justice System <ol style="list-style-type: none"> 3.3.1 Prosecution 3.3.2 Police 3.3.3 Judiciary- Hierarchy of Courts 3.3.4 Correctional Institutions 	5 Lectures
Unit 4: Human Rights Guaranteed under Criminal Procedure Code and Rights of Vulnerable Group <ol style="list-style-type: none"> 4.1 Rights of the Accused 4.2 Bail 4.3 Appeal <p>Women & Child</p> <ol style="list-style-type: none"> 4.5 Scheduled Castes / Scheduled Tribes 4.6 Communal Violence & Terrorism 4.7 Victims of Atrocities Committed by Police & Paramilitary Forces / Custodial Violence 	5 Lectures
Unit 5: Implementation and Enforcement Mechanism of Human Rights in India and Role of Judiciary <ol style="list-style-type: none"> 5.1 The Protection of Human Rights Act, 1993 5.2 National Human Rights Commission, State Human Rights Commission 5.3 PIL / Writs 5.4 Compensatory Jurisprudence 	3 Lectures

Continuous Assessment Pattern

Internal Assessment (IA)	Mid Term Test (MTE)	End Term Test (ETE)	Total Marks
20	30	50	100

Name of The Course	Corporate Crime/White Collar Crime			
Course Code	MLAW 5024			
Prerequisite	NA			
Corequisite	Corporate Crime/White collar Crime			
Antirequisite	Not required			
	L	T	P	C
	1	0	1	2

Course Objectives:

To apprise students with corporate and white collar crimes around the world.

Course Outcomes

CO1	Identifying procedural requirements to initiate corporate prosecution and factors affecting corporate crimes. K1
CO2	Understanding National and International instruments countering corporate crime. K 2
CO3	Analyzing and Interpreting disputes in laws relating to corporate crimes and response of the Criminal Justice System. K 4, K 2
CO4	Evaluating lacunae in the present legal system to tackle corporate crimes and how it can be addressed. K5

Text Book (s)

- 1 Prof. Paranjape N.V; Criminology, Penology Victimology; Central Law Publications, Allahabad
2. Zagaris Bruce; International White Collar Crime Cases and Materials, Cambridge University Press, New York

Reference Book (s)

1. Anderson, K. (2006). Utilitarianism: The Greatest Good for the Greatest Number.
2. Barkan, S. E. (2006). Criminology: A Sociological Understanding (3rd ed.). Upper Saddle River, NJ: Prentice Hall.
3. Bass, B. M. Concepts of Leadership. In R. P. Vecchio (Ed.) (1997). Leadership: Understanding the Dynamics of Power and Influence in Organizations. Notre Dame, IN:University of Notre Dame.
4. Chertoff, M. (2002). Testimony of the Honorable Michael Chertoff, Assistant Attorney General, Criminal Division, United States Department of Justice. Crawford, C., & Brungardt, C. (1999). Risk Leadership: The Courage to Confront and
5. Dotter, D. (2004). Creating Deviance: An Interactionist Approach. New York: AltaMira Press. Empey, L. T. (1982). Social Control Theory. Republished in Theories of Deviance (5th ed.). S.H. Traub & C. B. Little (Eds.). Belmont, CA: Wadsworth.
6. Yeaqer, Peter & Marshall Clinard. Corporate Crime (Law and Society Series)
7. Mclean, Bethany & Elkind Peter. The Smartest Guys in the Room: The Amazing Rise and Scandalous Fall of Enron
8. Wells, Joseph T. Fraud Casebook: Lessons from the Bad Side of Business

9. Wells, Joseph T. *Corporate Fraud Handbook: Prevention-Detection*. 2nd Ed. Wiley, John & Sons, Incorporated
10. Pontell, Henry N. *International Handbook of White-Collar and Corporate Crime*
11. Bricke, Kathleen F. *Corporate and White Collar Crime: Cases and Materials*: (5th Ed.) Aspen Casebook Series *Washington University*

<p>Unit-1 Introduction Definition, nature & forms of corporate crime. Causes of corporate crime. Types of corporate crime. Characteristic of corporate criminals.</p> <p style="text-align: right;">6 HOURS</p>
<ol style="list-style-type: none"> 1. Unit-2 Economic Offences Definition Introduction of offences as listed in Schedule 13 of Companies Act 2. Securities, Corporate and Fiduciary Frauds <ul style="list-style-type: none"> • Insider Trading 3. Environmental Law 4. Crime against Consumers 5. Medical Crime 6. Computer Crime 7. IPR violation 8. Tax & Duties violation 9. Labour Laws violation <ul style="list-style-type: none"> • Payment of wages • Minimum wages • Provident Funds Act, etc. <p style="text-align: right;">6 HOURS</p>
<ol style="list-style-type: none"> 1. Unit-3 Liabilities of Corporation & Individuals Theory of vicarious liability, <ul style="list-style-type: none"> • Concept of Mens- rea /Actus Reus, • Attribution of Mens-rea to the company 2. From Individual conduct to Corporate Responsibility <ul style="list-style-type: none"> • Corporate Structure as way of limiting liability • Individual Liability for corporate/ collective Action 3. From Corporate Conduct to Individual Responsibility <ul style="list-style-type: none"> • Willful Blindness • Whistleblower Protection & Compensation <p style="text-align: right;">6 HOURS</p>
<p>Unit-4 Corporate Crime and Legal System Investigation and Policing various types of Corporate Crime Prosecution & Imprisoning Corporate Criminals Merits and demerits of the legislation in controlling crime Role of Regulatory Bodies Corporate Crime and Reactions of the Criminal Justice System</p>

Unit-5 Violation of Civil and Human Rights Victims of Corporate Crimes and its effect Analysis of Criminal Behaviour Role of the Mass Media Damage Control
6 HOURS

Continuous Assessment Pattern

Internal Assessment (IA)	Mid Term Test (MTE)	End Term Test (ETE)	Total Marks
20	30	50	100

Internal Component	Research Paper Submission	Presentation	Teaching Assistance	Total
Marks	20	10	20	50

Name of The Course	Corporate Governance			
Course Code	MLAW5025			
Prerequisite	Companies Law			
Corequisite				
Antirequisite				
	L	T	P	C
	1	0	1	2

Course Objectives:

Corporate Governance deals with the crucial interface between ownership and control, bringing in transparency for all the stakeholders and prescribing mechanisms of check and balance. It is a mechanism to provide assurance to the investors through reporting and mechanism of meetings. Addressing conflict of interest issues are at the core of the corporate governance framework. This paper is offered to the students of LL.M. with a specialization in Business Laws, as understanding of corporate governance frameworks is very important. The course has the following objectives for the students:

1. To understand the sources and key stakeholders and components of a corporate governance framework.
2. To acquire knowledge about the corporate governance regulations in India including key institutions and mechanisms
3. To appreciate the functions of the Board of Directors and shareholders in corporate governance
4. To understand the functioning of various committees of the Board of Directors and their functioning
5. To appreciate the effects of corporate governance failures and types of frauds as well as suggest the potential areas of reforms

Course Outcomes

CO1	Understand varied methods of raising capital, other than shares, like borrowing and debenture Discuss and debate the concept of corporate governance and its regulation in India.
CO2	Understand the role of key institutions and mechanism of corporate governance including different Committees of Board of Directors
CO3	Analytically evaluate the functioning of key institutions and mechanism of corporate governance including different Committees of Board of Directors
CO4	Evaluate the corporate governance failures and the scope of reforms comparing it with international dimensions.

- **Text Book (s)**
- IICA (2015) Corporate Governance. Taxmann: Delhi.
- Fernando, AC (2012) Corporate Governance: Principles, Policies and Practices. Pearson, 2nd Ed.
- Parekh S, Fraud, Manipulation and Insider Trading in The Indian Securities Markets (CCH 2013)
- Niti Nandini : Commodity Markets, Tata McGraw Hill Education Private Limited
- The Long and Short of Insider Trading Regulation in India: By UmakanthVarottil
- Insider Trading in India: A Case Study of Tata Finance LTD :By Varsha sharma,Anshul Bansal.
- Insider Trading: Legal Position in India vis-à-vis the UK and the US :ByKirthana Singh.
- The role of insider trading in the market reaction to news releases: Evidence from an emerging market: By Francoibaoshet ,Paul Lee,SurajShrinivasan

- Information Networks: Evidence From Illegal Insider Trading Tips: By Kenneth R. Ahern
- An Overview of The Insider Trading Regulations in India: By Omakesh Nayak
- **Reference Book (s)**
- William O. Fisher, Corporate Governance: Overview, Case Studies, and Reforms (2017).
- Indrajit Dube, Corporate Governance, Lexis Nexis Butterworths Wadhwa, Nagpur.
- Gower and Davies, Principles of Modern Company Law, 8th edition, Sweet and Maxwell, 2008.
- Louise Gullifer and Jennifer Payne, Corporate Finance Law, Hart Publishing, Oxford and Portland, Oregon (2015)
- Gordon, E. & Natarajan, H. Capital Market in India. Mumhai. Himalaya Publishing House (2009)
- Agarwal, Sanjeev. Guide to Indian Capital Market. New Delhi. Bharat Law House Pvt. Ltd (2000)
- Khan, M.Y.. Indian Financial Systems. New Delhi. McGraw-Hill Education India Pvt.Ltd (2013)
- Bhalla, V.K. . Investment Management - Security Analysis and Portfolio Management, New Delhi. S Chand & Co Ltd. (2008)
- Gopalswamy, N.. Inside Capital Market. Mumbai. Macmillan india Ltd. (2013)
- Agrawal, Sumit et al. SEBI Act - Legal Commentary on SEBI Act, 1992. New Delhi, Taxmann Publications (P) Ltd. (2011)
- Jonnalagadda K, *Securities Law*, LexisNexis, New Delhi, (2015)
- Kaushik L, Unfair Trade Practices in Securities Market, Taxmann Publications (P) Ltd. (2013)
- Mishra B, Law relating to Insider Trading Taxmann Publications (P) Ltd. (2015)

Module 1: Module I-History and Development of Corporate Governance (CG) (6 hours)

General introductions, Setting up the Need of the CG, purpose & objectives, the need of CG. Purpose & objectives, the need of CG -2, Discussion of Syllabus, Application of Equity & Trust Concept in CG – Court of Equity, The Birth of Trust & Fiduciary Concept, Application of Equity & Trust Concept in CG – Trust Concept, Various definitions of CG along with the explanations of Cadbury Committee Report Definitions.

Module – 2 - Unit –I – COMPANYS MANAGEMENT - 6 Hours –

Position and importance of BoD -Powers and Duties of Directors, the status of the directors, is the director a trustee?, directors as an agent, directors fiduciary duty, Appointment - Qualifications - Vacation Office - Removal -Resignation –Powers and Duties of Directors - Meeting, Registers, Loans – Remuneration of Directors - Role of Nominee Directors.

Module -3 – Independent Directorship, Agency Conflict & Board Committees – 3 Hours

Evolution Of The Concept Of The Board Independence And Independent Directors In Modern Corporate Structure, Board Of Directors – Strategies And Objectives, Board Structure And Firm Performance, Board committees and corporate governance, board independence and firm performance, roles and functions of an independent director, independent from whom,

single layer and double layer board (comparative), independent director (a contrary view), board monitoring, importance of board monitoring in corporate governance.

Module – 4 – Majority Rule & Minority Protection – 3 Hours

Rules of Majority- Personal Rights of the Members- Representative and Derivative Action- Exception to the Rules of *Foss v. Harbottle*- Oppression- Class Action

Module – 5 – Corporate Governance Norms in India – 4 Hours

SEBI Act & SCRA, SAST, Clause 49 of Listing Agreement, Disclosure Norms, KMP, Insolvency & Bankruptcy

Module – 6 – Major Corporate Debacles – 2 Hours

Major Corporate Debacles – South Seas Company, Enron & Subsequent Amendment in Corporate Governance Code – Sarbanes Oxley Act.

Continuous Assessment Pattern

Internal Assessment (IA)	Mid Term Test (MTE)	End Term Test (ETE)	Total Marks
20	30	50	100

Internal Component	Research Paper Submission	Presentation	Teaching Assistance	Total
Marks	20	10	20	50

Name of The Course	Competition Law			
Course Code	MLAW5026			
Prerequisite	Company Law, Law of Contract			
Corequisite	Law and Economics			
Antirequisite	NA			
	L	T	P	C
	1	0	1	2

Course Objectives:

This course seeks to serve as a foundational course on competition law and policy. Nevertheless, it aims to act as a window to the vibrancy, energy, and excitement that pervade the study of competition law.

The aim of the course is to enable students to critically reflect upon the basic principles and policies at the heart of competition law. In particular, to understand how the law governs business practices that may restrict competition in economic markets through private and public enforcement and to analyze how competition law can curb anticompetitive activities and facilitate free competition.

Course Outcomes

CO1	Understanding the significance of Competition Law in protecting the interests of consumers and controlling unfair practices of various business enterprises. K2
CO2	Understanding the meaning and scope of various anti-competitive practices, abuse of dominant position and combinations and the rules and regulations governing them K2
CO3	Analyzing the role of Competition Commission of India (CCI) in regulating competition K4
CO4	Evaluating the overlapping areas of CCI and other sector regulators like RBI, TRAI etc. for ensuring Competition in the market K5
CO5	Analyzing the cross border issues effecting competition K4

Text Book (s)

- D.P. Mittal, "Competition Act, 2002", 3rd Edition, Taxmann Publications, 20
- Abir Roy & Jayant Kumar, "Competition Law in India", 3rd Edition, Eastern Book Company, 2016

Reference Book (s)

- T. Ramappa, "Competition Law in India: Policy, Issues and Developments", 3rd Edition, Oxford University Press, USA, 2006
- K.S. Anantharaman, "Lectures on Competition law", 10th Edition, Lexisnexis Butterworth Wadhawa, Nagpur, 2013
- S.M. Dugar," Commentary on MRTP Law, Competition Law & Consumer Protection Law", 5th Edition, Eastern Book Company, 2010
- Dr. H.K.Saharay, "Textbook on Competition Law", 1st Edition, Universal Law Publishing Company, 2012
- Avtar Singh, "Competition Law", 1st Edition, Eastern Book Company, 2012
- Vinod Dhall, "Competition Law Today: Concepts, Issues and the Law in Practice", Oxford University Press, 2007

Unit-1 Introduction to Competition Law and Regulatory Framework in India	4 lectures
<ul style="list-style-type: none"> • Meaning of Market Structure: Perfect Market Structure, Imperfect Market Structure, Monopoly and anti-trust policy, Monopolistic competition, Oligopoly. 	

<ul style="list-style-type: none"> • Interface between Economics and Competition Law and economic concerns of competition law, Definition of Competition, Competition Law • Objectives of Competition Law, History of Competition Law (USA, UK, Europe- Relevant Provisions) Inception of Competition Laws: A comparative study, WTO and Competition Law • Constitutional vision of social justice (Article 39A), • Objectives and Recommendations of Sachar Committee and Raghavan Committee, • MRTP Act-Salient features and its amendment in 1991, • Competition Act 2002: Main features of Competition Act 2002
Unit-2 Regulation of Competition in Market 10 lectures
<ul style="list-style-type: none"> • Anticompetitive Agreements- (Section 3): Appreciable Adverse Effect, Horizontal and Vertical Agreements, Effects Doctrine, Concerted Practices and Parallel Behaviour, Cartel and Cartelisation, Bid-Rigging and Collusive Bidding, Tie-In Arrangements, Exclusive Supply Agreement, Resale Price Maintenance Agreement, Cartelization. • Abuse of Dominance (Section 4, Section 19): Relevant Market, Predatory Behaviour, Predatory Pricing, Discriminatory Practices
Unit-3 Combinations under Competition Act, 2002 5 lectures
<ul style="list-style-type: none"> • Regulation of combination (Sections 5, 6, 20, 29, 30, 31): Value of Assets, Turnover, Acquisition, Conglomeration, Joint Venture, Merger and Amalgamation. • Competition Commission of India: Establishment and Composition, Duties, Procedure for Inquiry, Powers, Competition Appellate Tribunal (COMPAT): Powers and Duties.
Unit-4 International Dimensions of Competition Law 5 lectures
<ul style="list-style-type: none"> • Globalization and competition Law. • World Trade Organization and Competition Law • Regulatory Interface between CCI and other regulators like RBI, TRAI, IRDA, SEBI, NCDRC. • Consumer Protection Act, 1986 and its applicability to Competition Act, 2002 • Interface of IPR and Competition. • Cross border issues in competition law

Continuous Assessment Pattern

Internal Assessment (IA)	Mid Term Test (MTE)	End Term Test (ETE)	Total Marks
20	30	50	100

Internal Component	Research Paper Submission	Presentation	Teaching Assistance	Total
Marks	20	10	20	50

Name of The Course	Commercial Arbitration			
Course Code	MLAW 5027			
Prerequisite	Indian Contract Act 1872, Arbitration and Conciliation Act 1996			
Corequisite	NA			
Antirequisite	Not Required			
	L	T	P	C
	1	0	1	2

Course Objectives:

The study of arbitration is highly significant in molding the students of law to act as soldiers of justice in the ever changing socio-economic scenario. The course aims to give the students an insight into the processes of arbitration, conciliation and mediation particularly in areas of commercial transactions where arbitration is the preferred course of dispute settlement. The course will look into comparative and international perspectives with a view to bringing out the essential awareness of the national and international systems emerging at the present context.

Course Outcomes

CO1	Understanding the concept of Commercial Arbitration and its importance in dispute resolution.
CO2	Applying the practical procedural aspects as well as condition precedents of Arbitration and Conciliation
CO3	Acquire the knowledge of evaluating Commercial Arbitration, International Arbitration and Foreign Awards.
CO4	Analyse Commercial Arbitration in order to facilitate speedy and economic justice.
CO5	Analyse comparatively the Arbitration Act 1940,1996, 2015 and 2019.

Text Books

1. Dr. N.V Paranjape, Law Relating To Arbitration & Conciliation in India.
2. S.C Tripathi, The Arbitration and Conciliation Act 1996
3. Avtar Singh, The Law of Arbitration and Conciliation.

Reference Books

1. B.P.Saraf and M.Jhunjhunwala, Law of Arbitration and Conciliation (2000), Snow white, Mumbai
2. Gerald R.Williams (ed.), The New Arbitration and Conciliation Law of India, Indian Council of
3. Arbitration (1998), New Delhi
4. A.K.Bansal, Law of International Commercial Arbitration (1999), Universal, Delhi
5. P.C.Rao & William Sheffield, Alternative Disputes Resolution- What it is and How it works? (1997)
6. Universal, Delhi
7. G.K.Kwatra, The Arbitration and Conciliation Law of India (2000), Universal, Delhi
8. Basu.N.D, Law of Arbitration and Conciliation (9th edition reprint 2000), Universal, Delhi
9. Johari, Commentary on Arbitration and Conciliation Act 1996 (1999) Universal, Delhi
10. Markanda.P.C, Law relation to Arbitration and Conciliation (1998) Universal, Delhi

11. Redfern & Hunter, Law & Practice of International Commercial Arbitration (5th Student edition, 2009)

<p>Unit I: <u>Arbitration: meaning, scope and types</u></p> <ul style="list-style-type: none">• Arbitration vs. Litigation<ul style="list-style-type: none">• 1994 law and 1996 law: UNCITRAL model law• Arbitration and conciliation• Arbitration and expert determination• Extent of judicial intervention• International commercial arbitration	5 HOURS
<p>Unit II: <u>Arbitration agreement</u></p> <ul style="list-style-type: none">• Essentials• Kinds• Who can enter into arbitration agreement• Validity• Reference to arbitration• Interim measures by court	5 HOURS
<p>Unit III: <u>Arbitration Tribunal</u></p> <ul style="list-style-type: none">• Appointment• Challenge• Jurisdiction of arbitral tribunal• Powers• Grounds of challenge• Procedure• Court assistance	5 HOURS
<p>Unit IV: <u>Award</u></p> <ul style="list-style-type: none">• Rules of guidance• Form and content• Correction and interpretation• Grounds of setting aside an award• Can misconduct be a ground?• Incapacity of a party, invalidity of arbitration agreement• Want of proper notice and hearing• Beyond the scope of reference• Contravention of composition and procedure• Breach of confidentiality• Impartiality of the arbitrator• Bar of limitation, res judicata• Consent of parties• Enforcement• Appeal and revision	5 HOURS
<p>5. <u>Enforcement of foreign awards</u></p> <ul style="list-style-type: none">• New York convention awards• Geneva convention awards	4 HOURS

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Continuous Assessment Pattern

Internal Assessment (IA)	Mid Term Test (MTE)	End Term Test (ETE)	Total Marks
20	30	50	100

Internal Component	Research Paper Submission	Presentation	Teaching Assistance	Total
Marks	20	10	20	50

Name of The Course	Intellectual Property Laws			
Course Code	MLAW 5028			
Prerequisite	Basic Knowledge of Criminal Law			
Corequisite	Basic Knowledge of Science and technology			
Antirequisite	None			
	L	T	P	C
	1	0	1	2

Course Objectives:

This course is intended to attain the understanding of global practice relating to IPR:

- To understand the harmonize system of IPR
- To know the evolution, nature and scope of Trade Marks
- Analyse and compare the Global System of Trade Marks Registration
- To Know the conflict between Trademarks and GI Law
- Issue Relating to Patent Eligibility
- Examine conflict of substantive Condition of Patentability
- To examine the challenges of Copyright Law
- To understand the legal framework of Copyright Law

Course Outcomes:

CO1	Identify the laws governing intellectual property rights and the conventions that guarantees those rights internationally K4
CO2	Determining and critically analysing the basic theoretical justifications for varying form of intellectual property protection. K4
CO3	Interpreting statutory framework, Judicial response and international legislation of IPR. K3
CO4	Deducing all necessary documents to file Patent and Trademark applications and copyright applications etc. K4
CO5	Assessing effective legal advice to clients concerning their intellectual property rights and obligations. K5

Text Book (s):

- V.K. Ahuja, *Intellectual Property Rights in India* (2009)
- Ashwani Kr. Bansal, *Law of Trade Marks in India* (2009)
- Alka Chawla, *Copyright and Related Rights : National and International Perspectives* (2007)
- P. Narayanan, *Law of Copyright and Industrial Designs* (4th ed., 2007)

Reference Book (s):

- P. Narayanan, *Law of Copyright and Industrial Designs* (4th ed., 2007)
- P. Narayanan, *Law of Trade Marks and Passing off* (6th ed., 2004)
- P. Narayanan, *Patent Law* (4th ed., 2006)
- *Copinger and Skone James on Copyright* by Gillian Davies, Kevin Garnett, and Gwilym Harbottle, (15th ed., 2005)
- David Kitchin, David Llewelyn, James Mellor, Richard Meade, Thomas Moody,
- *Kerly's Law of Trade Marks and Trade Names* (14th Edition 2005)
- W. Cornish and D. Llewelyn, *Intellectual Property: Patents, Copyright, Trademarks and Allied Rights* (6th ed., 2009)
- Bernard O'Connor, *The Law of Geographical Indications*, 2004, Camron.

- Dev Gangjee, *Relocating the Law of Geographical Indications*, Cambridge University Press 2012.
- P. Torremans, *Copyright Law: A Handbook of Contemporary Research*, Edward Elegar Publishing Limited, 2007.

<p>Unit 1: Patents– Concept, Nature, Evolution, Grounds of Registration, Procedure and Remedy</p> <ul style="list-style-type: none"> • Concept of Eligibility, Various test regarding determination of patent eligibility. • A case study of Novartis. • Biological Diversity and Granting of Patent. • Biotechnological Inventions, Software Patents, and protection of plant varieties. • Condition of Patentability- Novelty, Inventive steps, Utility. • Granting of Patents- Specification, Claims, and Construction of specification. • Working of Patents – Compulsory License. • Remedies- Anton Piller Order, Marvah Injunction, Infringement.,Defences to Infringement- Bolar Principles, Research exemption, First Sale Doctrine. 	6 HOURS
<p>Unit 2: Trademarks – Concept, Nature, Evolution, Grounds of Registration, Procedure and Remedy</p> <ul style="list-style-type: none"> • Historical development of the concept of trademark and trademark law-National and International. • Registration of Trademarks- Conventional and Non Conventional Marks, Grounds- Relative and Absolute, Procedure. • Concurrent Trade Marks, Domain Name as Trade Marks. Well Known Trademarks Protection. Prior User Doctrine • Remedies- Infringement and Passing off 	4 HOURS
<p>Unit 3: Geographical Indications</p> <ul style="list-style-type: none"> • Concept of Appellations of Origin, Indication of Source and geographical Indication • International Convention/agreements • The Geographical Indications of Goods (Registration and Protection) Act, 2000 • Procedure for Registration, Duration of Protection and Renewal Infringement, Penalties and Remedies 	6 HOURS
<p>Unit 4: Copyright</p> <ul style="list-style-type: none"> • Concepts of Copyright, Idea- Expression dichotomy, Originality, Fixation. • Works protected under Copyright law, Authorship and ownership • Rights conferred on copyright owners, Moral Rights • Related Rights- Broadcasting Rights, Performers Rights • Internet and the Protection of Software Copyright • Offences under Copyright • Infringement of Copyrighted work. 	4 HOURS
<p>Unit 5: Industrial designs</p> <ul style="list-style-type: none"> • Concept of Industrial Design, Novelty or Originality, Relation between Copyrigh and Industrial Design Protection. • Condition and Procedure of Registration. • Piracy of Industrial Design • Protection for parts of Industrial Design • International and Transnational practices 	4 HOURS

Continuous Assessment Pattern

	Theory	
Components	Internal	End Term Examination(ETE)
Marks	50	50
Total	100	

Internal Component	Research Paper Submission	Presentation	Teaching Assistance	Total
Marks	20	10	20	50

Name of The Course	Sentencing and Criminal Justice			
Course Code	MLAW 5031			
Prerequisite	Basic Knowledge of Criminal Law			
Corequisite	Basic Knowledge of Social Sciences			
Antirequisite	None			
	L	T	P	C
	1	0	1	1

Course Objectives:

This course offers a specialized understanding of sentencing policies and the problematic discretion of the judiciary in the sentencing experience and its comparison with the 'developing' societies. It defines the roles and significance of the Criminal Justice system in the societal context. It evaluates current ideas and proposed changes in the purposes and operation of sentencing policy the Criminal Justice system. It analyses the role of executive in sentencing.

Course Outcomes: After the completion of the course the student will understand about:-

CO1	The concept of sentencing and criminal justice.
CO2	The factors affecting sentencing & a comparative study of sentencing policy in US & UK
CO3	The role of executive and judiciary in sentencing
CO4	The need for proper guidelines for sentencing.

Text Book (s):

- S. Chhabbra, *The Quantum of Punishment in Criminal Law*.
- Andrew Ashworth, *Sentencing and Criminal Justice*, 2010 5th ed., Cambridge University, UK

Reference Book (s):

- H.L.A. Hart, *Punishment and Responsibility* (1968)
- Herbert L. Packer, *The Limits of Criminal Sanction* (1968)
- Alf Ross, *On Guilt, Responsibility and Punishment* (1975)
- Siddique, *Criminology* (1984) Eastern, Lucknow.
- K.S. Shukla, "Sociology of Deviant Behaviour" in 3 ICSSR Survey of Sociology and Social Anthropology 1969-179 (1986)
- Tapas Kumar Banerjee, *Background to Indian Criminal Law* (1990), R.Campray & Co., Calcutta.
- CK Boyle & MJ Allen, *Sentencing Law and Practice*, 1985 1st ed., Sweet & Maxwell, London
- Cyrus Tata & Neil Hutton (ed.) Ashgate Publishing Ltd., England
- Martin Wasik, *Emmins on sentencing*, 1998 3rd ed., Blackstone Press Ltd., London

- Philip C. Stenning, *Accountability for Criminal Justice*, 1995 1st ed., University of Toronto Press, Toronto
- R.V.Kelkar, *Criminal Procedure*, 2001 4th ed., Eastern Book Company, Lucknow

<p>Unit 1: Introduction</p> <p>A. Aim of the criminal justice system</p> <p>B. Approaches and rationale of Sentencing</p> <p>C. Principal types of sentences in the Penal Code and special laws</p> <p>D. Procedure for sentencing (The Code of Criminal procedure, 1973 S.235, S.248, S.325, S.360 and S.361, The probation of Offenders Act, 1958)</p> <p style="text-align: right;">6 HOURS</p>
<p>Unit 2: Factors in sentencing & Comparative sentencing policies</p> <p>A. Elements of Proportionality</p> <p>B. Aggravation and Mitigation</p> <p>C. Sentencing policy in UK</p> <p>D. Sentencing policy in USA</p> <p style="text-align: right;">6 HOURS</p>
<p>Unit 3: Sentencing in specific offences</p> <p>A. Sentencing in death penalty cases</p> <p>B. Sentencing in sexual offences</p> <p>C. Sentencing in white collar crimes</p> <p>D. Sentencing of habitual offenders</p> <p style="text-align: right;">6 HOURS</p>
<p>Unit 4: Approaches to Sentencing</p> <p>A. Executive Approach</p> <p>B. Judicial Approach. (Judicial decision making and sentencing policy)</p> <p>C. Power of pardon under the Constitution</p> <p>D. Power of commutation, remission and suspension under the Code of Criminal Procedure.</p> <p style="text-align: right;">6 HOURS</p>

Continuous Assessment Pattern

	Theory	
Components	Internal	End Term Examination (ETE)
Marks	50	50
Total	100	

Internal Component	Research Paper Submission	Presentation	Teaching Assistance	Total
Marks	20	10	20	50

Name of The Course	International criminal law			
Course Code	MLAW 5032			
Prerequisite	Basic Knowledge of Criminal Law			
Corequisite	Basic Knowledge of International Law			
Antirequisite	None			
	L	T	P	C
	1	0	1	2

Course Objectives:

The International Criminal Law is one of the most controversial branches of law as it brings a question mark to the principle of Sovereignty which is the most important principle on which International Law survives. The syllabus is designed to make students understand the basic aspects of International Criminal Law, its development and essentials. At the end of the course the students will be able to recognize the components of International Criminal Law.

Course Outcomes: At the end of the course the students will be able to:

CO1	Develop understanding about various types of International Crimes
CO2	Understand the ingredients of International Crimes
CO3	The working of various International Criminal Tribunals (Past and Present)

Text Book (s):

- Antonio Cassese, International Criminal Law, (2008), Oxford University Press

Reference Book (s):

- G. Werle, Principles of International Criminal Law (The Hague: T.M.C. Asser Press, 2005), 94-5
- Elizabeth van Schaak, Ronald C. Slye, International Criminal Law: The Essentials, Wolters Kluwer, 2009
- William A. Schabas, An Introduction to International Criminal Court, Cambridge University Press, 2007
- Jordan J Paust, International Criminal Law: Cases and Materials, Carolina Academic Press

Unit 1: Introduction:

1. International Criminal Law: Definition, Sense and Sensibility
2. Individual Responsibility

Nuremberg and Tokyo International Military Tribunals

5 hours

<p>Unit 2: Crimes and Elements of Crime</p> <ol style="list-style-type: none"> 1. Genocide 2. Crimes Against Humanity 3. War Crimes 4. Crimes Against Peace <p style="text-align: right;">6 hours</p>
<p>Unit 3: General Principles of International Criminal Law</p> <ol style="list-style-type: none"> 1. Sovereignty 2. Modes of Criminal Responsibility 3. Defences <p style="text-align: right;">5 hours</p>
<p>Unit 4: International Criminal Tribunals</p> <ul style="list-style-type: none"> • Ad hoc tribunals and Hybrid Courts • Sierra leone • International criminal court <p style="text-align: right;">4 hours</p>
<p>Unit 5 : National Prosecution of International Crimes</p> <ul style="list-style-type: none"> • International criminal jurisdiction • International Criminal Law <p style="text-align: right;">4 hours</p>

Continuous Assessment Pattern

	Theory	
Components	Internal	End Term Examination(ETE)
Marks	50	50
Total	100	

Internal Component	Research Paper Submission	Presentation	Teaching Assistance	Total
Marks	20	10	20	50

Name of The Course	Dissertation			
Course Code	MLAW 5033			
Prerequisite	Basic Knowledge of Law and research methodology			
Corequisite	Knoweldge of Interdisciplinary areas			
Antirequisite	None			
	L	T	P	C
	0	5	0	5

Course Objective:

Dissertation shall be a supervisor directed course. Each student can select one contemporary topic for research. The CPGLS (Centre for Post Graduate Legal Studies) shall be the Dissertation Supervisor Committee. The Committee shall have the power to deal with all matters relating to dissertation. The decision of the Committee shall be final. Dissertation carries 100 marks. Out of 100 marks, 40 marks are internal marks and 60 marks are external marks. Dissertation shall be prepared as per the guidelines prescribed in the Dissertation Policy. The Dissertation Supervisor Committee will allot mentors for each student for research guidance. Allocation of the mentor is on the basis of subject specialization or expertise of the mentor. Consultation with the mentor is mandatory throughout the Semester.

The Dissertation Paper shall be the original work of the student and plagiarism is strictly prohibited. If any student is caught for Plagiarism, he/she shall not be permitted to submit the Dissertation Paper. After successful submission of Disertation, a viva voce shall be called for the same. The Dissertation Paper will be sent for external evaluation. The Viva Voce will be conducted by External Experts.

Course Outcome:

Student shall be able to write research project under the guidance of supervisor.

ASSESSMENT CRITERIA:

INTERNAL MARKS (DISSERTATION)	EXTERNAL MARKS (VIVA)	TOTAL MARKS
40	60	100

Name of The Course	International Trade Law			
Course Code	MLAW 5034			
Prerequisite	Basic Knowledge of Commercial law			
Corequisite	Basic Knowledge of International law			
Antirequisite	NA			
	L	T	P	C
	1	0	1	2

Course Objectives:

- Understand an International Sales Transaction and its elements
- Understand the theories and practice of harmonization of international trade law
- Understand the functions of sales, carriage, payment and cargo insurance contracts in international trade
- Apply knowledge of these four contracts in any given factual scenario on international sales transaction
- Understand the rules governing the WTO regime in facilitating trade and the dispute settlement mechanism

Course Outcomes:

Successful completion of this paper will make students understand the laws relating to WTO, international sales, transportation with reference to shipping and aviation, international banking, insurance and taxation and also facilitate critical legal thinking on how to incorporate these laws in the Indian legal system while adhering to the principle of free and fair trade. The basic objective is to make them understand that trade and development are not mutually exclusive. At the end of the course, the student is trained to pick his research area of his interest and produce a thesis

Text Book (s):

Mitsuo Matsushita (Et, al), The world trade organization: Law, Practice and Policy, Oxford University Press 2006

Reference Book (s):

- The Jurisprudence of the GATT and the WTO: Insights on Treaty Law and Economic Relations (Cambridge University Press, 2000);
- The World Trade Organization: Constitution and Jurisprudence (Chatham House Papers, The Royal Institute of International Affairs, 1998)
- The law and policy of World Trade Organisation- Texts, cases and materials - Peter Van Den Bossche
- International trade law, Statutes and Conventions 2011 – 2013, Indira Carr and Miriam Goldby
- Law of International Trade- Cross border Commercial transactions – J.C.T.Chuah, Sweet and Maxwell publications
- The WTO and International Trade Law/ Dispute Settlement, Mavroidis petros C and Skyes, Alan O
- Carriage of Goods by sea – John Wilson
- Applied International Trade Analysis – Harry P Bowen
- Companies, International Trade and Human Rights, Janet Dine

- Economic analysis for international trade negotiations: The WTO and Agricultural trade, James D Gaisford
- International trade policy- A contemporary analysis, Nigel Grimwade

Unit 1: International Trade and Economic Law:	8 hours
Basic principles and concepts of international Trade law- Most favoured Nation, Non discrimination, National treatment.	
Promotion of Currency Stability: The International Monetary Fund (IMF)	
Mobilization of International Capital: World Bank	
Liberalization of International Trade: The General Agreement on Tariffs and Trade (GATT 1947)	
UNCTAD and UNCITRAL	
International Promotion of Development: The Third World Countries and Their Demand For New International Economic Order (NIEO)	
❖ World Trade Organization (WTO) and the International Trade Law	
❖ International Trade and TNCs	
❖ International Trade and Environment	
❖ International Commercial Terms: INCOTERM	
• Letter of Credit, Bill of Lading	
• Domestic Implementation of International Trade Law in India	
• Indian Anti-dumping Code	
❖ Foreign Trade Act, 1992	
❖ Customs Tariff Act, 1975	
❖ EXIM Policies in India	
Unit 2: Regionalism and International Trade Law	4 hours
❖ International Trade and Regional Integration - Closed Regionalism vs. Open Regionalism, Impact of Free Trade Regime on Regionalism, Regionalism vs. Multilateralism.	
❖ WTO and Regional Trade: Article 24 and its scope	

❖ Regional Trade Blocs: EU, NAFTA, MERCOSUR: Lessons for SAARC	
❖ South Asian Association Regional Cooperation	
❖ SAARCLAW: legal systems, judicial process, mutual cooperation on legal education, SAARC Arbitration centre	
❖ SAPTA, SAFTA	
❖ Bilateral Agreement in SAARC Region and its Future	
❖ Comprehensive Economic Cooperation Agreements (CECA)	
❖ India and Other Regional Blocs: Focus on recent FTA with ASEAN	
Unit 3: International Trade and Dispute Resolution Mechanisms	5 hours
❖ International Institutions for Dispute Settlement Mechanism- PCIJ, PCA, ICJ, WIPO	
❖ Dispute settlement under GATT Regime: Success and failures and relevant case laws	
❖ Dispute settlement under WTO regime: A case Study Method	
❖ Dispute settlement under various agreements- GATT 1994, Agreement on Anti-Dumping, Subsidies and Countervailing Measures, Safeguard Measures, Sanitary and Phyto-sanitary Measures, Technical Barriers to Trade, Textile and Clothing, GATS, TRIPs, Agriculture	
❖ International Trade and Alternative Dispute Resolution : Negotiation, Arbitration, Conciliation, Mediation.	
❖ Hybrid Process- Med-Arb, Mini Trial, MEDOLA, Dispute Review Board, Expertise Determination, DOCDEX (Documentary credit dispute Expertise), Electronic Arbitration, Online Dispute Resolution	
❖ International Trade and Investment Disputes	
❖ Intellectual Property Laws and Dispute Settlement	
❖ Dispute Settlement and Enforcement in India	
Unit 4: International Banking and insurance, International taxation	7 hours
International Banking	
❖ An overview of Indian Banking System	
❖ RBI Act, NI Act, Banking Regulation Act, Securitization	
❖ FDI in Banking	

❖ Introduction to International Banking System
❖ Trade liberalisation and Banking regulations - regional liberalisation - EU, Multilateral liberalisation – GATS
❖ International and inter - governmental financial institutions- IMF, IBRD
❖ Regional Banking System: ADB
❖ BASEL Norms I & II
❖ Money laundering and Measures Taken by Global organisations.
❖ Mergers and Acquisitions in International Banking
❖ Cross Border Banking
❖ International Bank Crises and Failure
❖ Electronic Banking
❖ System of International Payments
International Insurance
❖ Overview of Indian Insurance Sector
❖ FDI in Insurance Sector
❖ LIC Act, GIC Act, IRDA
❖ Globalization, Liberalisation, Deregulation and Privatisation of Insurance Sector: Issues and Challenges
❖ Insurance and Intergovernmental Organisations- GATT, WTO, UNCTAD
❖ Insurance Deregulations in North America.
❖ Liberalisation of Insurance in the European Union
❖ Liberalisation of Insurance sector in African Region
❖ Development of Insurance Regulations by the Regional Organisations- NAFTA, ASEAN, OECD, SAARC
❖ Global Insurance and Emerging Issues
❖ Marine Insurance

International Taxation
❖ Overview of International Taxation
❖ Business Connection, Permanent Establishment
❖ International Tax conflicts and Double taxation
❖ Indian Income Tax
❖ Double taxation treaties
❖ International Offshore Financial Centres
❖ Model Tax Conventions on Double Tax Avoidance Agreements –OECD, UN, US
❖ India – Mauritius DTAA, India – EU DTAA
❖ Transfer Pricing

Continuous Assessment Pattern:

	Theory	
Components	Internal	End Term Examination(ETE)
Marks	50	50
Total	100	

Internal Component	Research Paper Submission	Presentation	Teaching Assistance	Total
Marks	20	10	20	50

Name of The Course	LAW RELATING TO SECURITIES			
Course Code	MLAW 5035			
Prerequisite	Basic Knowledge of Company law			
Corequisite	Knowledge of Contract			
Antirequisite	NA			
	L	T	P	C
	1	0	1	2

Course Objectives:

The course will enable the students to understand tools of investments like securities, bonds, mutual funds. Also they will learn the role of various regulatory bodies like RBI, SEBI etc. They would get the understanding of financial institutions like banking and non-banking financial institutions.

Course Outcomes:

CO1	Students shall be able to have better understanding about the functioning of the securities market.
CO2	They shall be well versed with the various laws and factors governing the market

Text Book (s):

Avdhani. V.A, Himalaya Publishing House, 2005, Investment and Securities Markets in India.

Reference Book (s):

- Khan. M. Y, Tata McGraw Hill Publication, 2009, Financial Services.
- K.P.M. Sundaram, P.N.Varshney, Sultan Chand & Sons, Banking theory, Law and Practice
- Ramaiya, A., Guide to the Companies Act, (1998) Wadhwa and Co., New Delhi
- Farrar, John, H. and Hanniyan, Brenda, Farr's Company Law, (1998) Butterworths, London
- Gupta, S.N., the Banking Law in Theory and Practice, (1999) Universal, New Delhi.
- Tannan, M.L., Tannan's Banking Law and Practice in India, (2000) India Law House, New Delhi
- Bhandari, M.C., Guide to Company Law Procedures, (1996) Wadhwa and Co., New Delhi.
- Ford, Haj A.M., et. al. Ford's Principles of Corporations Law, (1999) Butterworths, London.
- Purithavathy Pandian, Vikas Publishing House, Delhi. Security Analysis and Portfolio Management.
- Dr. S. Gurusamy, Tata McGraw Hill, 2009, Financial Markets and Institutions.
- Mithani.D.M, Himalaya Publishing House, Money banking, International trade and Public Finance.
- Gordon, E. & Natarajan, K. : Capital Market in India; Himalaya Publishing House

Unit 1: 1. <u>Historical Background of securities and investment laws</u>	2 hours
1.1. Securities: the concept 1.2. England: Banking corporate finance and private financial services 1.3. India: from usury laws to the modern system	

<p>Unit 2: <u>Securities: Kinds</u></p> <p style="text-align: center;">-</p> <p>2.1. Government Securities 2.2. Securities issued by banks 2.3. Securities issued by corporations 2.4. Securities in mutual fund and collective investment scheme 2.5. Depository receipts</p>	2 hours
<p>Unit 3: <u>Government Securities</u></p> <p>1.1. Bonds issued by government and semi government institutions 3.1. Role of Central Bank (the RBI in India) 3.2. Impact of issuance of bonds on economy 3.3. Government loan from the general public 3.4. External borrowing 3.5.1. World Bank 3.5.2. I.M.F. 3.5.3. Asian Development Bank 3.5.4. Direct from foreign government. 3.5. Government loan: the constitutional dilemma and limitations 3.6. Can a state go for external loans? 3.7. Impact on economic sovereignty 3.8. Dilution of power of the Central Bank (RBI) 3.9. Treasury deposits</p>	3 hours
<p>Unit 4: <u>Securities Issued by Banks</u></p> <p>4.1. Bank notes: is it the exclusive privilege of the central bank in the issue changing functions of banks from direct lending and borrowing to modern System 4.3. Bank draft, travellers' cheques, cheque cards, credit cards 4.4. Deposits' nature: current, saving and fixed deposits, interest warrants</p>	2 hours
<p>Unit 5: <u>Corporate Securities</u></p> <p>5.1. Shares 5.2. Debentures 5.3. Company deposits 5.4. Control over corporate securities 5.4.1. Central government: Company Law Board 5.4.2. SEBI : guide lines on capital issues 5.4.3. RBI 5.5. Protection of investor 5.5.1. Administrative regulation 5.5.2. Disclosure regulation 5.5.3. Protection by criminal sanction</p>	3 hours
<p><u>Unit 6: Collective Investment</u></p> <p>6.1. Unit Trust of India 6.2. Venture capital 6.3. Mutual fund control over issue and management of UTI, venture capital and mutual funds 6.5. Plantations and horti-culture farms</p>	4 hours

6.5.1. General control 6.5.2. Control by rating 6.5.3. Regulation on rating.	
Unit 7: Depositories	3 hours
7.1. Denationalized securities 7.2. Recognition of securities 7.3. Types of depository receipts: IDR, ADR, GDR and Euro receipts 7.4. SEBI guideline on depositories	
Unit 8: Investment in non-banking financial institutions	3 hours
8.1. Control by usury laws 8.2. Control by RBI 8.3. Regulation on non-banking financial and non-financial companies 8.3.1. Private-financial companies: registration and regulation 8.3.2. Chit funds	
Unit 9: Foreign Exchange Control Regime in India	2 hours
9.1. Concept of foreign exchange regulation 9.2. Administration of exchange control	

Continuous Assessment Pattern

	Theory	
Components	Internal	End Term Examination (ETE)
Marks	50	50
Total	100	

Internal Component	Research Paper Submission	Presentation	Teaching Assistance	Total
Marks	20	10	20	50