

LL.M.

Prospectus No. 2013132

संत गाडगे बाबा अमरावती विद्यापीठ

SANT GADGE BABA AMRAVATI UNIVERSITY

विधिविद्याशाखा  
(FACULTY OF LAW)

**PROSPECTUS**

Prescribed for  
LL.M. Ist to IVth Semester  
Session 2012 -2013



2012

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**SYLLABUS**  
**Prescribed for LL.M. (Semester Pattern)**  
**FOUNDATION COURSE**  
**PAPER – F-I**

**LAW AND SOCIAL TRANSFORMATION IN INDIA**

Objective of the course:

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

The following syllabus will be spread over a period of one semester.

**Syllabus of the Course:**

- 1 Law and social change
  - 1) Law as an instrument of social change.
  - 2) Law as the product of traditions and culture. Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.
2. Reception of English Law in India:
  - 1) Development of judicial institutions and civil law in British India
  - 2) Role of Privy Council in India.
  - 3) Role of Justice, Equity and Good Conscience.
3. Community and the Law:
  - 1) Caste as a divisive factor
  - 2) Non - discrimination on the ground of caste.
  - 3) Acceptance of caste as a factor to undo past injustices.
  - 4) Protective discrimination: Scheduled castes, tribes and backward classes.
  - 5) Reservation: Statutory Commissions., Statutory provisions.
4. Modernisation and the Law:
  - 1) Modernisation as a value: Constitutional perspectives reflected in the fundamental duties.
  - 2) Industrial reform: Free enterprise V. State regulation - Industrialisation
5. Enforcement of Constitutional Values:
  - 1) Concept of India as one unit - Regionalism as a divisive factor

- 2) Secularism .
- 3) Directive Principles of State Policy - judicial response.
- 4) Problems of Uniform Civil Code.
- 5) Gender injustice ( Constitutional perspective )
- 6) Children and Law . “ “
6. Approaches to Law and Justice during the Nationalist Struggle: Gandhi's Theory of State, Political and Legal Obligation. Sources of Liberalism – The ideas of Phule, Ambedkar and Tilak. Political and Legal thoughts of Nehru,

**Books Suggested for reading:**

- 1) A. V. Dicey – Law and Public Opinion in England, (1996) Universal Book Traders
- 2) Upendra Baxi – Towards a Sociology of Indian Law (Delhi, 1966).
- 3) M. C. Setalwad – The Common Law in India.
- 4) Vasudha Dhagamwar - Law, Power and Justice (1992).
- 5) M. P. Jain - Outlines of Indian Legal History, 5th Edn. 1999, Wadhwa & Co.
- 6) Legal & Constitutional History of India - Rama Jois, Vol -I & II, 1990, N.M.Tripathi Pvt. Ltd. Bombay.
- 7) Rajeev Bhargava, Edited: Secularism & Its Critics, Oxford India, 1999.
- 8) S.P. Shaw- Laws of the Child, ( 2000) Alia Law Agency , Allahabad.
- 9) B.R. Ghatak -. Ambedkar Thought ( 1997) APH Publishing Corporation , N. Delhi.
- 10) Verinder Gorver- Jawaharlal Nehru (1995) Deep and Deep Publication, N. Delhi.
- 11) S.R. Bakshi - Bal Gangadhar Tilak ( 1994) Annot Publications, N. Delhi.
- 12) Shyam S. Agarwalla - Religion and Caste Politics, (1998 ) Rawat Publications Jaipur and New Delhi.
- 13) A.S. Anand - Justice for Women concerns and expressions, ( 2002) Universal Law Publishing Co.Pvt. Ltd.

Internal Assessment: 20 marks.

Theory : 80 marks

**PAPER – F-II**

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

Objective of the Course.

The Constitution, a living document, is said to be always in the making. The Judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. Constitution

being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes.

The following syllabus will be spread over a period of one semester.

### Syllabus of the Course:

- 1) Nature and Scope of Rights:
  - 1) Historical Background of Fundamental Rights in India.
  - 2) Scope and Definition of Human Rights and Fundamental Rights.
  - 3) Role of NHRC and Human Rights Courts.
  - 4) Scope of Art.12 and Definition of 'State'.
  - 5) Art. 13 and Rules of Interpretation with regard to Fundamental Rights-Doctrines.
2. Equality and Social Justice (Art 14 -17).
3. Scope of Art. 19:
  - 1) Scope of the freedom under Art. 19(1) (a) - New Dimensions
  - 2) Scope of other freedoms as guaranteed in Art. 19(1)(b) to (g). & Reasonable Restrictions .
4.
  - 1) Safeguards to persons accused of crime under Arts 20
  - 2) Right to life and personal liberty - Nature, Scope and Expanding horizons of Art. 21.
  - 3) Preventive Detention - Art . 22
5.
  - 1) Right to Freedom of Religion and Secularism - Arts. 25-28.
  - 2) Cultural and Educational Rights of Minority Communities - Arts. 29 and 30.
6. New Rights and Emerging Regime of Remedies:
  - 1) Nature and Scope of Art.32.
  - 2) Locus Standi - Public Interest Litigation.
  - 3) Implementation of International Conventions of Human Rights.
  - 4) Compensatory Justice.
7. Fundamental Duties and Directive Principles of State Policy - New Challenges
  - 1) Legal status, underlying object, nature and character of directives, classification and categories of directives.
  - 2) Interaction and Relationship between Fundamental Rights and Directive Principles and Duties.
8. Fundamental Rights and Emergency

### Books Suggested for Reading:

- 1) H. M. Seervai – Constitutional Law of India. (1996) Tripathi.
- 2) M. Galanter – Competing Equalities: Law and the Backward Classes in India (1984).

- 3) Dr. Thrity Patel – Personal Liberty under The Constitution of India (B. Jain Publishers Delhi, 1993).
- 4) D. D. Basu – Constitution of India. (1996).
- 5) M. P. Jain – Constitutional Law of India.
- 6) V. N. Shukla – Constitution of India 9th Ed. 1994.
- 7) Ravi Prakash - Constitution, Fundamental Rights & Judicial Activism in India, 1997.
- 8) Justice Palok Basu - Law Relating to Protection of Human Rights Under the Indian Constitution and Allied Laws, (2002)

Internal Assessment: 20 marks.

Theory : 80 marks.

### PAPER-F-III

### JURISPRUDENCE AND LEGAL THEORY

1. Law and Justice:
  - a) Scope of Jurisprudence: The concept of Law.
  - b) The Relation of Justice to Law and Ethics, Ethical and Legal Theory
  - c) Law and Morals - Mills, Hart Devlin Debate.
2. Natural Law Theories:
  - a) Historical Development in Ancient, Medieval and Renaissance Period
  - b) Twentieth Century Natural Law Revival.
  - c) Hart on Natural Law.
  - d) Fuller and Morality of Law.
  - e) Finnis and Restatement of Natural Law
3. Positivism and Analytical Theories of Law:
  - a) Jeremy Bentham's Utilitarianism and Analytical Positivism.
  - b) Austin's Theory of Law
  - c) The Pure Science of Law: Kelson's Theory.
  - d) Positivism-Meaning by Prof. Hart and Dworkin.
  - e) Analytical Positivism and the Indian Legal System.
4. Sociological Jurisprudence:
  - a) Roscoe Pound's Theory of Social Engineering and Theory of Interest.  
Laswell and Mcdaugal, Parsons, Selznick.
  - b) Jhering, Max Weber, Durkheim, Ehrlich.
  - c) Unger and the Development of Modern Law.
5. Historical and Anthropological Theories:
  - a) The German Historical School-Savigny and Volkgeist.
  - b) The English Historical School - Sir Henry Maine.

6. Concept of Rights:
- Classification and Categorisation of Rights, Constitutional Rights, Unenumerated Rights Co-Relation of Rights with Duties, Hohfeld's Analysis.
  - Human Rights: Generation of Rights, French Revolution and Declaration of the Rights of Man, Debate on British Bill of Rights, American bill of Right, Declaration of Human Rights,
7. The Judicial Process and Theories of Adjudication:
- The nature of judicial process and the institution of adjudication.
  - Doctrine of Precedent-Stare Decisis, Ratio Decidendi and Obiter Dicta- Precedent as a Source of Law.
  - Nature of Contemporary Judicial Process- Rule of Law, Doctrine of Independence of Judiciary as an aspect of Separation of Powers.
8. Legal Concepts:
- Concept of Liability, moral, political and legal – Theories of liability Fault Liability, No-Fault Liability and Tstrict Liability.
  - Concept of Property – Ownership and Possession.
  - Corporate Personality / Legal Person.
9. Feminist Jurisprudence:
- Origin – Main Enquires Equality and Deference, Feminist Legal Method
  - The Critical Legal Studies Movement, Post-Modernist Jurisprudence.

**Book Suggested for Reading:**

- Friedman W. -Legal Theory. (Fifth Edition), Universal Law Publishing Co-Pvt. Ltd.
- Wayne Morrison - Jurisprudence from the Greek to Post - Modernism (1997).
- Holand Sir R.W.M. - Thomas Erskine Holland The Elements of Jurisprudence 2001, Universal law Publishing Co Pvt. Ltd.
- Freeman M.D.A. Lloyd's, Introduction to Swet and Maxwell Jurisprudence (7<sup>th</sup> Edition).
- Dias Jurisprudence (Fifth Edition), Aditya Books, Butterworths.
- P.J. Fitzgerald, Salmond on Jurisprudence (12<sup>th</sup> Edition) Universal Law Publishers
- Rajeev Dhawan and Alice Jocab, Selection and Appointment of Superme Court Judges – a Case Study (1978
- Bodenheimer, Edgar Jurisprudence The Philosophy and Method of the Law, (Revised Edition ) 1996 Universal Book Traders, New Delhi.

Internal Assessment: 20

Theory : 80

**PAPER – F - IV**

**LEGALE EDUCATION AND RESEARCH METHODOLOGY**

The paper on Legal Education and Research Methodology will carry 200 marks. The paper will be divided into two parts:

A. Research Methodology

B. Law Education.

Part A relating to Research Methodology will carry 100 marks i.e. 80 marks for theory, 20 Marks for Internal Assessment and 80 marks for project work and viva-voce. The candidates will appear for theory paper at University Examination and it will carry 80 marks. The theory paper examination will be held in the Second Semester Examination. The Internal Assessment will be out of 20. Marks .

A. Second Semester Marks :

Research Methodology:

Theory paper

80 Marks

Internal Assessment : (Participation in workshops, Seminars, presentations and tutorials /Attendance)

20 Marks

Total= 100 Marks

The Students are expected to be familiar with social science research methods and techniques and the basic research skills for conducting empirical research and preparation of research designs. The students will be required to process and interpret the research data based upon such empirical research surveys in select areas of law as might be assigned to them by the Supervisor in consultation with the Head of the Department. The projects/research work will be assigned to the students in the Second Semester. Students are expected to write a project report incorporating the data gathered on the basis of field studies and interviews. Students will be examined at viva-voce on the basis of written material or project report by external examiner in consultation with the Head of the Deptt. and/or Internal Examiner. The project work and viva-voce will carry 80 marks. Guidelines for Socio-Legal Research is enclosed with the Syllabus.

Part. B. Relating to Law Teaching will carry 20 marks . For Law Teaching, topics will be assigned to students in advance and they will be required to take a Lecture (class) for 30 minutes for LL.B or LL.M. Courses. They can select any one of the methods of teaching and the practical examination will be held in the Third Semester.



- iii) Computer information system : Software Packages, practical exercises

**Books Suggested for Reading:**

- 1) Anderson, J. Durstan, B. H. Pooli, M.(1977) Thesis and Assignment Writing, Eastern Books Limited. New Delhi.
- 2) Bhandarkar and Wilkinson (1990) Methodology and Techniques of Social Research, Himalaya Publishing House, Bombay.
- 3) Goode, W. J. & Hatt, P. K. (1962) Methods of Social Research, McGraw Hill, New York.
- 4) Young, P.V. (1975) Scientific Social Surveys and Research Prentice Hall, New Delhi.
- 5) Jain S. N. Legal Research & Methodology I.LI.(1983) Publication, Ed., Tripathi Pvt. Ltd., Bombay.
- 6) Adem Stott,; Legal Research Series Editor julie Macfarlane 1996.
- 7) S.K. Agrawal (edn) , Legal Education in India (1973). Tripathi , Bombay.
- 8) N.R. Madhava Menon , (Edn) A Handbook of Clinical Legal Education, 1998 Eastern Book Co. Lucknow.
- 9) H. Brayne, N. Duncan & R.Grimes - Clinical Legal Education Active Learning in your Law School.. Oxford. 1998.

**GUIDELINES FOR SOCIO-LEGAL RESEARCH .**

- A. Research scholars are required to follow the steps given below for preparation of Socio-Legal Research

Research Methodology:

1. Title of the Study
2. Problem of the study
3. Rationale of the study
4. Objectives of the study
5. Hypothesis
6. Review of Literature
7. Operational concepts & Variables of the study
8. Research Design
  - i) Nature/ Type of the study
  - ii) Universe
    - \* Population
    - \* Sample and Sample size.
    - \* Sampling Method
  - iii) Method of Data Collection
  - iv) Sources of Data Collection
  - v) Tools of Data collection
9. Limitations of Study

10. Time Schedule
11. Possible contribution of the study
12. Chapterisation

**B. Socio-Legal Research shall have the following structure :**

Cover

Cover page

Certificate

Acknowledgement

List of Case Laws.

List of Tables

List of Maps

Abbreviations

Contents

Chapter I Theoretical Background

Chapter II Research Methodology ( As given in A )

Chapter III Analysis and Interpretation of Data

Chapter IV Major Findings, Conclusions and Suggestion.

Bibliography : ( Books, Journals (Articls) News papers, Websits, Research Reports, Magazines. etc. )

Annexures:

Interview Schedules / Questionnaires

Master Charts

Acts, Bills, Maps, etc.

**C. Step by step procedure to be followed for Socio-Legal Research:**

- 1) Approval of the title
- 2) Collection of material
- 3) Review of literature
- 4) Problem
- 5) Objectives
- 6) Rationale
- 7) Hypothesis
- 8) Chapterization
- 9) Detuning the Universe of the study
- 10) Sampling Design
- 11) Research Questions/Interview Schedule
- 12) Collection of Data
- 13) Data Processing

- 14) Analysis and Interpretation of data
- 15) Report Writing
- 16) Preparation of Bibliography
- 17) Preparation of List of cases
- 18) Abbreviation

### PAPER –F-V

#### COMPUTER AND INFORMATION TECHNOLOGY LAW

#### THEORY:-

- 1) BASIC CONCEPTS IN COMPUTERS:-
  - a) Hardware and Software:-
    - 1) Meaning of Hardware and Software
    - 2) Computer and its assembly.
    - 3) Meaning and types of computer programmes.
  - b) Memory and Storage:-
    - 1) Types of memory and speed (RAM, ROM etc).
    - 2) Kinds, advantages and disadvantages of computer storage devices.
  - c) Fundamentals of Internet:-
    1. History of the Internet.
    2. Meaning and concept of WWW and Internet.
    3. Working and managing of internet.
    4. Types of network.
    5. Protocols and their use.
    6. Cyberspace.
  - d) Meaning and working of Viruses, Trojans and Worms etc.
  - e) Internet security: Firewalls, Biometrics.
- 2) ELECTRONIC DATA INTERCHANGE (EDI) :-
  1. Meaning and benefits of EDI.
  2. Formation of contract by EDI.
  3. Admissibility in evidence of EDI messages.
  4. Security of EDI messages.
  5. Confidentiality and protection of data.
  6. E-commerce:
    - 1) Meaning, Types and Benefits.
    - 2) E-commerce and Indian Economy, barriers to adoption. (Infrastructure, legal and jurisdictional issue).
    - 3) Electronic payments (Digital Cash).
- 3) INFORMATION TECHNOLOGY ACT:-
  - a) Digital Signatures:-

1. Technical issue: symmetric and asymmetric cryptography, keys and man-in-the-middle attack.
2. Legal issue: Definition, Recognition and Authentication of digital signature under IT Act.
3. Benefits.
- b) Damage to computers and penalties under section 43.
- c) Cyber Crimes:-
  1. Tampering with the computer source documents (section 65).
  2. Hacking ((section 66).
  3. Publishing obscene information in electronic form (section 67 and section 79).
  4. Cyber Frauds and Cyber Thefts.
  5. Cyber Stalking and Cyber Terrorism.
- d) Cyber Crime Investigation:-
  1. Technical Aspect: Information in the computer, confiscation, protection and packing, computer examination.
  2. Legal Aspect: power to investigate and procedure for investigation.

#### PRACTICAL:-

- 1) INTRODUCTION TO WINDOWS:-
  - a) What is Windows.
  - b) Start button and Task bar, hiding and showing task bars.
  - c) Windows appearance.
  - d) Basic mouse and key board techniques, keyboard shortcuts.
  - e) Starting programmes, finding documents, opening recently used files in Windows.
  - f) Customizing menus.
  - g) Customizing mouse.
  - h) Opening and closing Windows.
- 2) INTRODUCTION TO MS-WORD:-
  - a) Start a new document.
  - b) Page view and page setup.
  - c) Undoing problems.
  - d) Saving work.
  - e) Previewing and printing work.
  - f) Printing an envelop for work.
  - g) Closing / cleaning work from the screen.
  - h) Switching between multiple open documents.
  - i) Paragraph based formatting.
  - j) Tabs-Styles-Tables.

- k) Borders and shading.
  - l) Inserting objects.
  - m) Headers and footers.
  - n) Drawing tools.
  - o) Spell check.
  - p) Mail merge.
- 3) INTRODUCTION TO MS-EXCEL:-
- a) Excel basics.
  - b) Workbooks.
  - c) Worksheets.
  - d) Cell manipulation.
  - e) Data entry and manipulation.
  - f) Undo and repeat option.
  - g) Protect and unprotect cells.
  - h) Formulas.
  - i) Auto format.
  - j) Page setup.
  - k) Function and wizard.
  - l) Charts.
  - m) Macros.
  - n) Printing.
- 4) INTRODUCTION TO POWER POINT:-
- a) Presentation.
  - b) Slides.
  - c) Handouts.
  - d) Notes and outlines.
  - e) Slide layouts.
  - f) Slide sorter.
  - g) Wizards.
  - h) Slide master.
  - i) Organization charts.
  - j) Templates.
- 5) NETWORK CONCEPTS:-
- a) Information superhighway.
  - b) Network and internet.
  - c) Internet addressing.
  - d) E-mail sending and receiving.
  - e) Sending attachments.
  - f) IP address, domain names.
  - g) Internet surfing and searching techniques.
  - h) Taking or saving the net material on CDs or Floppy Disks.

Marks Distribution:

Theory	:	80	marks.	
Internal assessment	:	20	marks.	
Practical on computer	:	50	marks.	External Examiner
Viva-voce	:	25	marks.	
External Examiner				
Group discussion	:	25	marks.	
Total		:	200	marks.

**Paper - F-VI**  
**Dissertation**

Candidates are required to submit a dissertation of about 150-200 pages on a topic from the optional group offered by them. The dissertation is expected to be an in-depth and critical analysis of a legal problem of contemporary significance in the field chosen by the candidate and must incorporate copious reference to judicial decisions, law review articles, books, monographs relevant to the topic in the form of footnotes and bibliographical references.

The candidates will be examined at an oral examination (viva) on the strength of the dissertation (written work.) The dissertation will carry 200 marks and it should be submitted (two copies) to Head of the Department one month before the Semester ends i.e. the Fourth Semester. The viva exam will be held in the month of May - June every year. The supervisor for dissertation shall be the teaching member of the Deptt. of Law., and affiliated colleges where LL.M. courses are taught. The students will be assigned the topic for dissertation by their supervisor in consultation with the Head of the Department within a month after the Semester has started.

After the dissertations have been submitted they shall be evaluated by the external examiner along with the Head of the Department and/or internal examiner. The examiner will evaluate the dissertation taking into account the following points:

- a) Coverage of subject matter.
- b) Arrangement and presentation.
- c) Research Methodology
- d) Nature of references and materials used.
- e) Critical appreciation and *original contribution* of the candidate.

Written Work -	125	Marks
Viva Voce -	75	Marks
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Total=	200	Marks
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Note: The students have to write their dissertations as per the guidelines of Research Methodology given below.

### **GUIDELINES FOR DOCTRINAL RESEARCH**

- A. Research scholars are required to follow the steps given below for preparation of Doctrinal Research

#### **Research Methodology:**

1. Title of the Study
2. Problem of the study
3. Rationale of the study
4. Objectives of the study
5. Hypothesis
6. Review of Literature
7. Operational concepts & Variables of the study
8. Research Design
  - i) Nature/ Type of the study
  - ii) Method of Data Collection
  - iii) Sources of Data Collection
9. Limitations of Study
10. Time Schedule
11. Possible contribution of the study
12. Chapterisation

- B. **Doctrinal Research shall have the following structure :**

Cover  
Cover page  
Certificate  
Acknowledgement  
List of Case Laws.  
List of Tables  
Abbreviations  
Contents

#### **Introduction**

- A. Theoretical Background
  - B. Research Methodology ( As given in A. )
    - Chapter I
    - Chapter II
    - Chapter III
    - Chapter IV
- Major Findings, Conclusions and Suggestion.  
Bibliography

( Books, Journals (Articles) News papers, Websits, Research Reports, Magazines. etc. )

Annexures:

Acts, Bills, Maps, etc.

- C. **Step by step procedure to be followed for Doctrinal Research :**

- 1) Approval of the title
- 2) Collection of material
- 3) Review of literature
- 4) Problem
- 5) Objectives
- 6) Rationale
- 7) Hypothesis
- 8) Chapterization
- 9) Collection of Data
- 10) Analysis and Interpretation of data
- 11) Report Writing
- 12) Preparation of Bibliography
- 13) Preparation of List of cases
- 14) Abbreviation

### **Group – A. CRIMINALLAW**

#### **PAPER – I**

#### **Criminal Justice System**

- I A) Crime

- 1) Concept, Nature, Definition and Characteristics of Crime.
- 2) Development of Criminal Law and Criminal Justice System during British period and post independent period.
- 3) Theories of Crime
- 4) Sociology of Crimes.

- B) Criminology

- 1) Definition of Criminology - Social, Psychological and Legal approaches
- 2) Nature and scope of Criminology

- C) Principles of Criminal Jurisprudence

- 1) Adversarial (Accusatorial) and Inquisitorial System
- 2) Recommendations of Malimath Committee Report- Shift from Co-ordination in Criminal Justice system, from ' justice model' to crime control model'.

How the burden of proof shifts as per the nature of crime?

- II Crime trends and Crime Prevention
- 1) Social Change, Deviance and Disorganization
  - 2) Who is a Criminal
  - 3) Crimes against person
  - 4) Crimes against property
  - 5) Crime, Social Control and Crime Prevention
  - 6) Community and Crime Prevention
  - 7) Crimes under Special Law and its jurisdictional aspect  
(Dowry Prohibition Act, Prevention of Atrocities Act, Electricity Act, 2003)
- III Criminal Liability: Precepts and Principles
- 1) Evolution of civil and criminal Liability from common liability for 'Wrongs'
  - 2) Elements of Criminal Liability of the crime, contemplation, preparations, attempt and commission.
  - 3) Mensrea - (intention) recklessness, negligence, malice, inchoate offences.
  - 4) Mensrea under the IPC
  - 5) Exemptions from criminal liability
  - 6) Strict Liability.
  - 7) Principles of Group or Joint Liability:
  - 8) Vicarious and Corporate Liability

Note: - For Units II and III

- a) Criminal Conspiracy: Section 120-A, 120-B IPC
- b) Criminal intent : Common Intention Sec. 34, 35 IPC
- c) Abetment Chap V IPC,
- d) Chap IV IPC Section 35 CRPC
- e) Homicide – Sections 302 & 304, part I II 304 A & 304 B
- f) Sexual offences ( Relevant provision under IPC )
- g) offences Against Property (Relevant provision under IPC )

IV Victimology

1. The concept of victimology
2. Rights of Victims. Protection to Victims under Criminal Law
3. Victim- offender Relationship
4. Victim Perception
5. Withdrawal of Prosecution Role of Victim

Compensation under various Laws:

- a) Section 357. CRPC
- b) Motor Vehicles Act
- c) sexual harassment and assaults.

- d) medical negligence
  - e) State liability to pay compensation for police Atrocities
6. Compensation and Restitution to the victim- Justice To Victims, (Principle of compensatory jurisprudence)
- V Procedural Mechanism in the Criminal Justice System ( viz. Police, Prosecutor and Judicial system)
- a) Role of police in modern societies
  - b) Police Reforms and role played by Supreme Court
  - c) Meaning, purpose and need of independent prosecution system
  - d) Relationship of Police and Prosecution
  - e) Effective Judicial Control on Criminal Justice system

**Books of Reference**

1. Dutta K.K., Some Aspects of Criminal Law, Law Research Institute, Edition 1997, APH, Publishing House, Darya Ganj, New Delhi -02.
2. Dr. Mrinmaya Chaudhari, Languishing for Justice, A Critical Survey of the Criminal Justice System, DATTSONS, J. Nehru Marg, Sadar, Nagpur.
3. Malik P.L., Criminal Court Hand Book, 18<sup>th</sup> Edition, Eastern Book Company, 32, Lalbagh, Lucknow -01.
4. Manjula Batra, Protection of Human Rights in Criminal Justice Administration, Deep and Deep Publication, New Delhi.
5. Parvesh K Atri, Readings in Criminal and Criminology, 1<sup>st</sup> edition 1998, Anmol Publication Pvt. Limited, New Delhi -2
6. Ahmed Siddiqui, Criminology, Problems and Perspectives, 4<sup>th</sup> edition 1997, Eastern Book Company, Lucknow -01
7. Clive Coleman and Clive Norris , Introducing Criminology, Edition 2000, Lawman (India) Pvt Limited, Lajpat Nagar, New Delhi-24
8. Bharat B Das, Victims in the Criminal Justice System, 1<sup>st</sup> Edition 1997, APH Publication Corporation, New Delhi 2.

Internal Assessment : 20 marks.

Theory : 80 marks

**PAPER – II****CRIME AND SOCIAL LEGISLATIONS**

- I Meaning and Purpose of Social Legislation**
- Concept of Social Justice
  - Historical Evolution of the concept of Social Justice from British Rule onwards
  - Social Legislations interpreted by Courts in India
  - Impact of social legislation on the Criminal Law in India
  - Need for Reform in Social Legislations in the Indian context.
- II Protection of rights in Criminal Justice System**
- Protection of Civil Right Act 1995.
  - Meaning, Nature and scope of the Act.
  - Need for reforms in the existing Civil Right Act,
  - Nature of Offences.
- III Dowry Prohibitions Act 1961**
- Meaning and Purpose
  - Merits and Demerits
  - Negative Impact of the Act in certain exceptional cases
  - Need for modification in the existing provisions
  - Complementary provisions Sec 498A, Sec 304A & B of I P C
  - Powers of Police Officers
  - Nature of Offences.
- IV A) The Immoral Traffic (Prevention) Act, 1956**
- Definition and objectives of Act
  - Regulatory Framework
  - Scope of the Act and its applicability
- B) Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1995**
- Purpose and Object of the act
  - Merits and Demerits
- V Prevention of Corruption Act, 1988 : Its impact on Society**
- Nature, Meaning and Scope
  - Social reasons for the increase in the crimes of Corruptions
  - Prosecution - Sanctions and Regulations under the Act
  - Investigation Procedure and Powers under the Act.
- VI Prevention of Atrocities Act 1989**
- Meaning, Nature and Scope of the Act
  - Relevance of the Act in the present day scenario
  - Merits and Demerits

**Books of Reference**

- Krishnamurthy S. 1987, Impact of Social Legislations, on the Criminal Law in India, R.R. Publishers, Bangalore
- Bare Acts
  - \* I.T. Act, 2003
  - \* Evidence Act, 2003 and 2005
  - \* CR.P.C. 1999, 2003 & 2004
  - \* I.P.C. 1999, 2003 & 2004
  - \* Dowry Prohibition Act (1961), Dowry Prohibition (Amendment) Act (1961)
  - \* The Immoral Traffic (Prevention) Act, 1956
  - \* Prevention of Corruption Act, 1988.
- Roger Glenn Lamphear, Freedom from Crime. Ed, 1979, Nellen Publishing Company, New York, 100016.
- P.S. Narayana, The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act 1989 and Protection of Civil Rights Act 1955.,)Gogra Law Agency, Hyderabad, AP-2.
- Chakrabharti N.K. Social Defense, in the administration of Criminal justice Ed 1999, Deep and Deep Publications Pvt. Ltd, New Delhi-27.
- Dewan V K, Law Relating to Offences against Women, 1<sup>st</sup> Edition 1996, Oriental Law House, New Delhi-24.

Internal Assessment : 20 marks.

Theory : 80 marks

**PAPER – III****Criminal Justice : Concepts and Procedure**

- I Classification of Offences**
- Cognizable and Non-cognizable offences.
  - Bailable and Non-Bailable offences.
  - Compoundable and Non-Compoundable offences
  - Investigation, Prosecution and Trial
  - Warrant cases and Summons cases
  - Summary Trials
- II Constitutional Provisions**
- Art. 20 Protection against Ex-Post Facto Laws, Protection against Double Jeopardy and Protection against Self Incrimination
  - Art. 21 Impact of expansive interpretation on criminal jurisprudence  
Meaning of terms :  
Life and Personal liberty

- Fair Procedure
  - Due Process of Law
  - c) Right of Accused
    - Arrest, Hand Cuffing Bail,
    - Speedy Trial
    - Torture Custodial Violence
    - Compensation
    - Public Interest Litigation : Direct access to Courts in case of violation of Fundamental Right and other implicit rights
  - d) Death Penalty in Light of Art. 21
  - e) Art. 22 Protection to Accused in case of punitive detention  
Protection against Preventive Detention
- III (A) Procedural Criminal Law – Initiation of Proceeding
- 1) FIR – rights of complainant,
  - 2) Duties of Police Officers under Sec 154
  - 3) Delay in lodging FIR.
  - 4) Complaint Proceedings
  - 5) Jurisdiction of Courts.
  - 6) Quashing of Proceedings Sec. 482 CrPC & Article 227 of Constitution
  - 7) Extent and Nature of interference by Superior Courts
- (B) Procedural Criminal Law (Trial Procedures).
- 1) Arrest and questioning of accused (Sec. 41,42,46, 65, 57 . CRPC
  - 2) Guidelines of Supreme Court in
    - i) D.K Basu v Union of India
    - ii) Joginder's
  - 3) Rights of the Accused
    - i) Pre arrest and Post arrest Bail, Remand
    - ii) Right to Legal Aid
    - iii) Search and Seizure, Surveillance  
(Sec- 91,94, 97, 103, 165. CRPC )
    - iv) Charge Sheet- powers and duties of Police at the time of investigation
    - v) Extent of interference by court in investigation
- IV Admissibility of Evidence.
- 1) Relevancy and admissibility, of facts
  - 2) Relevancy of confessions and dying declarations
  - 3) Appreciating expert evidence in court
  - 4) Relevancy and Admissibility of evidence collected through Forensic and other modern tools and techniques
  - 5) Admissibility of evidence in Cyber Crime

- 6) Role of the Court in drawing inference from evidence
- 7) Protection of Witnesses
- 8) Hostile witnesses.

### Books of Reference

1. Dutta K.K., Some Aspects of Criminal Law, Law Research Institute, Edition 1997, APH, Publishing House, Darya Ganj, New Delhi -02.
2. Malik P.L., Criminal Court Hand Book, 18<sup>th</sup> Edition, Eastern Book Company, 32, Lalbagh, Lucknow -01.
3. Justice Chandrachud Y V and Manohar V R, Ratanlal and Dhirajlal's The Indian Penal Code. 28<sup>th</sup> Edition 199, Wadhwa and Company New Delhi.
4. Manjari Rajendra, First Information Report, Edition 2001, Asia Law House, Hyderabad-2
5. Mahendra Kumar Sharma, minimum Sentencing for Offences in India, Law and Policy, Edition 1996, Deep and Deep publications, Rajori Garden, New Delhi-64
6. Handbook of Criminal Procedure Code
7. Jadhav N.K. Is Capital Punishment Necessary, 1<sup>st</sup> Edition 1973, Anmol Publications, Bombay-52

Internal Assessment : 20 marks.

Theory : 80 marks

### PAPER – IV

#### Penology – Treatment of Offenders

- I Nature of Punishment
  - 1) Nature, meaning, Concept of Punishment
  - 2) Forms of Punishment- in ancient, medieval and modern times
  - 3) Alternative punishments
  - 4) Theories of Punishment
- II Capital Punishment
  - 1) Issues and prospective
  - 2) Constitutional validity of capital punishment
  - 3) Statutory Provisions
  - 4) Judicial response to capital punishment
- III Sentencing
  - A) 1) Process and Policy of sentencing
  - 2) White Collar Crime
  - 3) Organized crime
  - 4) Sexual Offenses, Rape and Abortion
  - 5) Alcoholism and Drug Abuse
  - 6) Violence
- B) Principal types of Sentencing

- 1) Pre Sentence Hearing
- 2) Sentencing of Habitual Offender
- 3) Summary Punishment
- 4) Plea bargaining
- C) Alternative to Imprisonment
  - 1) Probation
  - 2) Corrective labour
  - 3) Fines, collective fines
  - 4) Compounding of offences
  - 5) Parole philosophy and practice
  - 6) Furlough
- IV Prison System
  - 1) Prison System in the Post Independent Period
  - 2) Prison Administration Achievements and polices
  - 3) Judicial Control over prison Administration
  - 4) Prison reforms
- V Juvenile Delinquency
  - A) 1) Definition Nature and Form of Juvenile Delinquency
    - 2) Causes – Hereditary and Circumstantial
    - 3) Juvenile Justice Act and problem of implementation
    - 4) Critical appraisal of Institutional services for Juveniles.
  - B) 1) Prevention and Control of Delinquency
    - 2) Role of Public, Police and NGOS
    - 3) Role of Judiciary in protection of Juveniles.

#### Books of Reference

1. Saxena R.N. The Immoral Traffic (Prevention) Act, 1956, 5<sup>th</sup> Edition 1996, The Law Book Pvt. Ltd, Allahabad-01
2. Dr. Mehanathan M C, Law of Control on NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES in India, Edition 2002, Capital Law House, Delhi-32
3. Ramchandran S. Commentaries on The prevention of Food Adulteration Act 1954, 6<sup>th</sup> Edition 1997, S. Gogia and Company, Hyderabad
4. Peter Barrie, Compensation for Personal Injuries, Edition 2000, Oxford University Press, New Delhi.

Internal Assessment : 20 marks.

Theory : 80 marks

#### PAPER – V

### ORGANISED CRIME, TERRORISM AND INTERNATIONAL CRIME: NEW CHALLENGES

- I Organized Crime
  - 1) Definition and Scope
  - 2) Characteristics of organized crime
  - 3) Types of organized crime
  - 4) Causes of organized crime
- II Classification of Organized Crimes
  - A) International Perspective
    - 1) Transnational organized crime
    - 2) Illicit Firearms trafficking
    - 3) Drug trafficking
    - 4) Money laundering scams and frauds
  - B) Indian Perspective
    - 1) Smuggling, Money Laundering and Hawala
    - 2) Terrorism
    - 3) Counterfeiting of Currency
    - 4) Drug trafficking: NDPS Act penal provisions
    - 5) Cyber Crimes and penal provisions in IT Act, 2000 (Sec.65, 66 & 67)
    - 6) Trafficking of women and children
    - 7) Trafficking of Human Organs (penal provisions)
- III Profiles of Criminal Gang / Investigation and Prosecution
  - 1) Criminal Intent and mensrea in such crimes
  - 2) Modus operandi of organized crime
  - 3) Role of Police in Investigation of organized crime
  - 4) Role of Judiciary, Trial and Sentencing in organized crime
- IV Legislative Provisions in India
  - 1) Maharashtra Control of Organized Crime Act, 1999
  - 2) Relevant Provisions under IPC and Indian Evidence Act
  - 3) Prevention, control and correctional strategies
- V Laws relating to Transnational Organised Crime
  - 1) Organised crime and United Nations
  - 2) Naples Declaration and Global Action Plan 24 Dec. 1994 (Salient features)
  - 3) United Nations Conventions Against Organized Crime 15<sup>th</sup> Dec. 2000 ( Salient features)
  - 4) Extradition Treaty: Extradition Act 1962 (Relevant Provisions)
- VI International Crimes
  - 1) Emerging Crimes of International Nature

- 2) Objectives of International Criminal Law
- 3) Salient features of International Criminal Court.

### Books of Reference

#### Bare Acts

1. Narcotic Drugs and Psychotropic Substances Amendment (Act) 2001
2. Immoral Traffic (Prevention) Act, 1956
3. Maharashtra Control of Organised Crimes Act 1999
4. Naples Declaration and Global Action Plan, 1994
5. Extradition Treaty & Extradition Act, 1962

#### Books:

1. Mathur K.M., Crime, Human Rights and National Securities, Gian Publishing House, New Delhi -02
2. Nandan Kamat, Computer and Information Technology Law
3. Attra Chand, Terrorism Political Violence Security of Nation, Gian Publishing House, New Delhi -02.
4. William A Schabas, International Criminal Court, 1<sup>st</sup> Edition 2001, Cambridge University Press.

Internal Assessment : 20 marks.

Theory : 80 marks

### PAPER – VI

#### OFFENCES RELATING TO CORPORATE GAINS

- I Economic offences. I (Relevant Penal Provisions)
  - 1) Definition
  - 2) Companies Act.
  - 3) Standards of Weights and Measures Act.
  - 4) Essential Commodities Act.
  - 5) Food Adulteration Act.
  - 6) Consumer Protection Act.
- II Economic offences II (Relevant Penal Provisions)
  - 1) Public Liability Insurance Act.
  - 2) Insurance Fraud
  - 3) Banking Crimes/Frauds
  - 4) Criminal impact in Maharashtra Protection of Investors Depository Act.
  - 5) Tax Evasion
  - 6) Offences pertaining to Negotiable Instrument Act.
- III Corporate Crimes
  - 1) Definition. Nature and Forms of Corporate Crime
  - 2) Offences Relating to Statutory Noncompliance under Companies Act

- 3) Vicarious Liability of Corporation
  - 4) Breach of Foreign Exchange Regulations (FEMA)
- IV Labour Legislation (Relevant Penal Provisions)
- 1) Factories Act
  - 2) Payment of Wages
  - 3) Minimum Wages
  - 4) Provident Fund Act
  - 5) Standing order
  - 6) Child Labour: Child Labour Prohibition and Regulation Act, 1986.

### Books of Reference

1. Goodwin Robert, Corporation, Crime and Accoutability, Cambridge University Press.
2. Henry Glasback, Wealth By Stealth, Corporate Law, Corporate Crimes and Prevention of Democracy, Langman, 1999.
3. Rajsingh Niranjana, Electricity Law in India, Edition 2004, Universal Law Publishing Co. Pvt. Limited, New Delhi-33.
4. Bhashyam & Adigas, Negotiable Instruments Act 1881, 16<sup>th</sup> Edition, 1997, Bharat Law House, New Delhi-34.
5. Dr. V. K. Agrawal, Consumer Protection Law and Practise, 3<sup>rd</sup> Edition 1997, B.L.H., Publishers, Distributors Pvt. Limited, New Delhi -34.
6. Bare Act of “Child Labour Prohibition and Regulation Act, 1986”
7. Asha Bajpai, Child Rights In India, Law policy and Practise, 2<sup>nd</sup> Edition 2006, Oxford India Paperbacks.

Internal Assessment : 20 marks.

Theory : 80 marks

### Group - B

#### CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW

### PAPER - I

#### CONSTITUTIONALISM: PLURALISM AND FEDERALISM.

- N.B. Students are expected to be familiar with relevant provisions of other constitutions of the World - USA, UK, Canada and Australia.
1. Constitutionalism:
    - 1) Meaning and nature of the concept of Constitutionalism - Historical Background of the concept- Liberal View, and Constitutionalism in Developing Societies.
    - 2) What is Constitution? Meaning, Nature and Importance of Constitution ; Sources of strain in the Modern Constitutional Practice.
    - 3) Globalization and its impact on Constitutionalism

- 4) Definition of 'State' with Reference to Public Undertakings and Control Mechanism
2. Indian Federalism :
  - 1) Essential features and requisites of federal government-Differences between Confederation and federation.
  - 2) Pattern of Federal Government - USA, Australia, Canada, India.
  - 3) Historical background of the federal structure of Government in India.
  - 4) Why Federal government was chosen by the Constituent Assembly?
  - 5) Recent trend from competitive to Co-operative Federalism - from two - to three-tier government, from National to World Federalism.
  - 6) Panchayat Raj, Decentralisation of power and federal structure.
3. Parliamentary Form of Government :
  - 1) Choice of West Minister Model - Presidential Vs. Parliamentary form of Government.
  - 2) President of India and his constitutional status.
  - 3) The Cabinet and the Doctrine of collective responsibility.
  - 4) Governor and his role in Indian Federalism.
  - 5) Party system and Anti-Defection Law.
  - 6) Parliamentary Privileges.
4. Judicial Review :
  - 1) Meaning, Basis and Constitutional significance.
  - 2) American Supreme Court on Judicial Review-Marbury V. Madison.
  - 3) Limits of Judicial review - Justifiability, Doctrine of Ripeness and Mootness.
  - 4) Supreme Court as an umpire in the federal system.
  - 5) Jurisdiction of the Supreme Court to adjudicate the disputes between Centre and States and States inter se (Art.131).
5. Pluralism :
  - 1) Meaning, Nature and Characteristics of pluralistic society and Right to Self - Determination
  - 2) Religious, Ethnic, linguistic, cultural and political pluralism.
  - 3) Right to dissent in plural society.
  - 4) Role of Law in Pluralistic society .

**Books Suggested for Reading :**

- 1) Jain, Kashyap and Srinivasan (Ed.) - The Cases and Materials on the Union and State Relations.
- 2) M.P. Jain - Indian Constitutional Law.
- 3) D.D. Basu - Comparative Constitutional Law.
- 4) D.D. Basu- Legal Control of limited Government ( Tagore Lectures).

- 5) H.M. Seervai - Constitutional Law of India (1993)
- 6) K.C. Wheare - Federal Government (1963)
- 7) Granville Austin - the Indian Constitution; Cornerstone of a Nation (Oxford University 1972)
- 8) Justice E.S. Venkataramaiah and P.N. Bakshi- Indian Federalism - A Comparative Study (1992)
- 9) Subash C. Jain - The Constituion of India, Select Issues and Perceptions (Taxmann-2000).
- 10) D. J. De,-The Constitution of India, Vol I & II, Asia Law House ( Hyderabad) , (2003).

Internal Assessment : 20 marks.

Theory : 80 marks

**PAPER II**

**UNION - STATE RELATIONS**

N.B.: Students are expected to be familiar with relevant provisions of the Constitution of the world - USA, Australia and Canada.

1. Scheme of Distribution of Legislative and Administrative Powers:
  - 1) General Scheme of Distribution of Legislative Powers and Art. 245 to 254.
  - 2) Factors responsible for according paramountcy to the Centre.
  - 3) Administrative Relations Art. 256-263.
2. Distribution of Fiscal Powers :
  - 1) Scheme of allocation of Taxing Powers.
  - 2) Extent of Union Power of Taxation.
  - 3) Residuary Power.

Restrictions on Fiscal Powers :

  - 1) Fundamental Rights.
  - 2) Restrictions on the State's Power.
  - 3) Inter- Governmental Tax Immunities - Doctrine- its origin and application in USA, Canada , Australia and India.
3. Distribution of Tax, Revenue and Financial Equilibrium:
  - 1) Tax- Sharing under the Constitution.
  - 2) Grants - in - aid. (Art. 275) and Specific Purpose Grants (282).
  - 3) Borrowing power of the Government of India and the States.
  - 4) Financial Emergency and its impact on the Federal Structure.
4. Planning Commission and Finance Commission.
  - 1) Finance Commission - Constitution, Function, Role and Work of the Commission.
  - 2) Planning Commission and its Role.

- 3) Formulation and Implementation of the Plan- the Role of Centre and the States - coordination between Planning Commission and Finance Commission.
5. Freedom of Trade and Commerce : Art. 301-307 :
  - 1) Freedom of Trade and Commerce.
  - 2) Limitations on the Powers of the Union and States with respect to freedom of Trade and Commerce.
6. Co-operative Federalism :
  - 1) Development from Competitive to Co-operative Federalism - Emerging Trends .
  - 2) Full Faith and Credit Clause.
  - 3) Inter-State Council.
  - 4) Zonal Councils.
  - 5) Inter-State Water Disputes.
  - 6) National Integration Council.

#### **Books Suggested for Reading :**

- 1) K.C. Wheare - Federal Government (4th Ed. 1963)
- 2) D.T. Lakadawala \_ Union State Financial Relations (1967).
- 3) M.P. Jain - Indian Constitutional Law (1987)
- 4) H.M. Seervai - Constitutional law of India Vol.2, chap.-22.
- 5) Daniel J. Elazer- American Federalism Chap. 3&4. (1984)
- 6) Chandrapal, Centre - State Relations and Co-operative Federalism, Chap. 5 & 8 (1983)

Internal Assessment : 20 marks.

Theory : 80 marks

### **PAPER - III**

#### **NATIONAL SECURITY, PUBLIC ORDER AND RULE OF LAW.**

N.B.: Students are expected to be familiar with relevant provisions of the Constitution of the world - USA, Australia and Canada.

1. National Security , Public Order and Rule of Law.
  - 1) Concept and horizon of Rule of Law.
  - 2) National Emergency and its impact on federal structure of India.
  - 3) Failure of Constitutional Machinery under Art. 356.
  - 4) Scope of Art. 355.
2. Exceptional Legislation.
  - 1) COFEPOSA, FEMA and Customs Act (relevant provisions )
  - 2) TADA & POTA- the draconian law.
  - 3) Special courts and tribunals - Due process and special legislation - Protection of Human Rights Act, 1993, the National Security Act , 1980 Narcotic Drugs and Psychotropic Substances Act , 1985

3. Civil Liberties and Emergency :
  - 1) Preventive Detention and Safeguards
  - 2) Suspension of fundamental Article 19 on declaration of emergency
  - 3) President's Right to suspend right to move any court
  - 4) Article 21- special importance - its non-suspendability.
4. Martial Law
  - 1) Provision in English Law
  - 2) Provision in India Constitutions
5. Amendment
  - 1) Amendment of the Constitution and Basic Structure Doctrine.
  - 2) Effects of unconstitutionality and Doctrine of Prospective Overruling.
  - 3) 44th Amendment and Art.300- A of the Constitution of India.
6. Election Commission.
  - 1) Superintendence, direction and control of elections (Art. 324)
  - 2) Electoral roll - Adult suffrage.
  - 3) Power of the Parliament /Power of the legislature of a state to make provision with respect to election.
  - 4) Bar to interference by Court in Electoral matters.

#### **Books Suggested for Reading:**

- 1) M.P.Jain - Indian Constitutional Law.
- 2) D.D. Basu - Comparative Constitutional Law.
- 3) H.M. Seervai , The Emergence, Future Safeguards and the Habeas Corpus :A Criticism (1978)
- 4) N.C. Chatterji and Parameshwar Rao, Emergency and the Law (1966).
- 5) Dr. M.C. Mehanathan , Law of Control on Narcotic Drugs and Psychotropic Substances in India
- 6) R.K. Agrawal and Alka Agrawal , The National Security Act, 1983.

Internal Assessment : 20 marks.

Theory : 80 marks

### **PAPER - IV**

#### **ADMINISTRATIVE PROCESS**

N.B. Students are expected to be familiar with relevant principles of Administrative Law of - UK, USA and France.

1. Nature, Scope and Necessity of Administrative Law :
  - 1) Nature, scope and approaches to the Administrative Law.
  - 2) Power, Accountability and Law.
  - 3) Emerging Trends - Positive Duties of Administration under the Modern Social Welfare Legislation and Compulsion of planning.
2. Rule of Law :
  - 1) Rule of law in England as propounded by Dicey.



- 2) Rule of law in Modern Context.
- 3) Notion of Rule of law under the Indian Constitution.
3. Separation of Powers :
  - 1) Doctrine of Separation of Powers as propounded by Montesque .
  - 2) Separation of Powers under the US Constitution.
  - 3) Spirit and basic purpose of Separation of Powers-Modern Context- Separation of powers under the Indian Constitution.
4. Classification of Powers and Functions of Administration :
  - 1) Administrative, Executive, Legislative, Quasi - Judicial Powers.
  - 2) Distinction between Administrative and Judicial and Quasi-Judicial Powers.
  - 3) Kraipak's Decision and obliteration of distinction.
  - 4) Administrative Instructions.
5. Legislative Powers of Administration :
  - 1) Meaning of Legislative Powers and Function.
  - 2) Essential Legislative Function.
  - 3) Necessity of Delegation of Legislative Powers.
  - 4) Constitutionality of Delegated Legislation.
  - 5) Excessive Delegation of Legislative Power.
  - 6) Legislative Control of Delegated Legislation.
  - 7) Judicial Control of Delegated Legislation- Doctrine of Ultra Vires Substantive and procedural aspects.
  - 8) Sub- delegation.
6. Administrative Directions :
  - 1) Meaning , nature and Identification of Directions.
  - 2) Distinction between Direction and Rules.
  - 3) Need for Directions.
  - 4) Enforceability of Directions.
  - 5) Directions to Quasi- Judicial and Statutory Bodies.
7. Administrative Discretion :
  - 1) Nature of Executive power under the Constitution.
  - 2) Formulation and Execution of Policy without law.
  - 3) Discretionary Power-Nature and Necessity.
  - 4) Conferment of Administrative Powers by Law.

**Books Suggested for Reading :**

- 1) M.P. Jain and S.N. Jain - Principles of Administrative Law (1987)
- 2) D.D. Basu - Comparative Administrative Law (1969)
- 3) De' Smith - Judicial Review of Administrative Action.
- 4) H.W.R. Wade- Administrative Law.
- 5) D.D. Basu - Administrative Law (1996)
- 6) M.P. Jain - Treaties in Administrative Law Vol. I (1996).

- 7) D.J. De - The Constitution of India, Vol. I & II (2002)
- 8) M.C. Jain Kagzi - The Indian Administrative Law, Sixth Edition, (2002)
- 9) P.P. Craig - Administrative Law, Third Edition, (1994)

Internal Assessment : 20 marks.

Theory : 80 marks

**PAPER - V**

**JUDICIAL CONTROL OF ADMINISTRATIVE POWERS.**

N.B.: Students are expected to be familiar with relevant principles of Administrative Law of - UK, USA and France.

1. Judicial Control of Administrative Powers through Writs :
  - 1) Court as the Primary instrument of control of administrative action.
  - 2) Writ Jurisdiction of the High Courts and the Supreme Court.
  - 3) Conditions necessary for the exercise of writ jurisdiction - writ of Habeas Corpus, Mandamus, Certiorari, Quo-warranto and Prohibition.
  - 4) Public policy restraints on the exercise of power of judicial review under Arts 32 and 226-, exhaustion of remedies, Laches.
  - 5) Public Interest Litigation , Doctrine of Locus Standi and Compensatory Justice.
  - 6) Special Leave to Appeal to the Supreme Court and High Court's Power of Superintendence.
2. Procedural Impropriety as a ground of Judicial Review of Administrative Action :
  - 1) Historical Development of the Concept of Natural Justice.
  - 2) Principles of Natural Justice.
  - 3) Essentials of Fair Hearing
  - 4) Bias and Personal Interest
  - 5) Failure of Natural Justice.
  - 6) Exceptions to the Rule of Natural Justice .
  - 7) Legitimate Expectation - Good Faith doctrine etc.
3. Ordinary Remedies.
  - 1) Distinction between ordinary remedies and remedies under Arts 226 and 32.
  - 2) Declaratory Judgements and Injunctions.
  - 3) Specific Performance and Civil Suits for Compensation against government and public authorities.
4. Exclusion of Judicial Review and Ouster Clause :
  - 1) Formula of Exclusion clause or ouster clause.
  - 2) Scope of outer clause.
  - 3) Non-compliance with statutory provisions.
5. Judicial Control of Discretionary Powers :

- 1) Scope and Extent of Judicial Review in Discretionary Powers.
- 2) Duty to give reasons.
- 3) Surrender or abdication of discretionary power.
- 4) Non-compliance with Procedural Requirements.
- 5) Administrative Discrimination.
- 6) Limiting and Structuring Discretion.

**Books Suggested for Reading :**

- 1) M.P. Jain and S.M. Jain - Principles of Administrative Law (1987)
- 2) M.P. Jain - Cases and Material on Administrative Law in India ( Wadhwa,1994).
- 3) H.W.R. Wade - Administrative Law.
- 4) S.P. Sathe - Administrative Law in India. (5th Edn.)
- 5) I.P. Massey - Administrative Law (2001).
- 6) B.L. Hansaria - Writ Jurisdiction under the Constitution.
- 7) S.P. Sathe - Right to Know (1991) Tripathi.
- 8) Basu D.D. - Administrative Law (1996)
- 9) Harra- Public Interest Litigation (1996)
- 10) M.P. Jain - Treatise on Administrative law (1996).

Internal Assessment : 20 marks.

Theory : 80 marks.

**PAPER - VI**

**PUBLIC AUTHORITIES AND LIABILITY : CONTROLS ON MALADMINISTRATION**

1. Liability of Government.
  - 1) Liability of Government and Public Authorities in Torts and Contract; Promissory Estoppel.
  - 2) Government Privileges in Legal Proceedings.
2. Right to Know and Information :
  - 1) Jurisprudential and Constitutional Perspectives.
  - 2) American Freedom of Information Act, 1966 and English Official Secrets Act and Right to Know.
  - 3) Indian Official Secrets Act, 1923, Right to Information Act, 2002 and Right to know.
  - 4) Judicial Decisions.
3. Ombudsman :
  - 1) The concept.
  - 2) Comparative perspectives
  - 3) Evolving Indian models - Lokpal, Lokayukta Institutions.
4. Fact Finding Commission and Inquiry :
  - 1) Commission of Inquiry

- 2) Vigilance Commission
- 3) Investigation Agencies : the CBI
- 4) Inquiries by Legislative Committees.
- 5) Legislative Control
- 6) Financial Control - Comptroller and Auditor General
- 7) Judicial Inquiries.
5. Judicial Powers of Administration :
  - 1) Need for devolution of Adjudicatory power on Administration.
  - 2) Administrative Tribunals and other Adjudicatory Authorities - Growth, Evolution and present Status.
  - 3) Nature and Character of Tribunals - CAT and SAT
6. Public Undertaking and Corporation :
  - 1) Reasons for Autonomous Bodies.
  - 2) Government Control, Parliamentary Control, Judicial Control.

**Books Suggested for Reading :**

- 1) M.P. Jain and S.N. Jain - Principles of Administrative Law (1987)
- 2) D.D. Basu - Comparative Administrative Law (1969)
- 3) H.W.R. Wade - Administrative Law.
- 4) De' Smith - Judicial Review of Administrative Action.
- 5) D.D. Basu \_ Administrative Law (1996)
- 6) M.P. Jain - Treaties in Administrative Law Vol. I (1996).

Internal Assessment : 20 marks.

Theory : 80 marks.

**Group - C**  
**Business Law**  
**PAPER - I**

**LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY-I**

1. Introduction.
  - 1) Historical evolution of the concept of intellectual property.
  - 2) Meaning and main forms of Intellectual property.
  - 3) Competing rationale of the legal regimes for the protection of intellectual property.
  - 4) Intellectual property Rights and Criminal Law : Emerging trends
2. Law of Patent (The Patents Act, 1970)
  - 1) Basic concepts of patent, meaning, nature and kinds of patent.
  - 2) Procedure for registration of patents, patent agents, patent of addition, international patents.
  - 3) Rights and obligations of a patentee, assignment and surrender, notion of abuse of patent rights.
  - 4) Enforcement of patent, government use of invention, compulsory licences , licences of right and revocation for non-working, grounds of revocation of a patent.
  - 5) Infringement of patent, remedies for infringement, threat of infringement
  - 6) Patents Amendments in 1999 and 2002
  - 7) Patent and Computer Programmes , Patent and Micro - Organism
3. International Protection Of Patents.
  - 1) International conventions and agreements for the protection of patents.
  - 2) WTO/TRIPS obligation.
  - 3) Biopiracy, Biotechnology patents
  - 4) Sui generis Protection of plant varieties and farmers rights
  - 5) Convention on Biological Diversity , Protection of traditional knowledge, rights of Indigenous People, transfer of technology, Multinational Ownership
  - 6) Salient featur of the Geographical Indications of Goods Act, 1999.

**Books Suggested for Reading :**

- 1) Cornish, W.R.- Intellectual Property (1981) , Second Indian Reprint, 1993, Universal Book Traders, Delhi.
- 2) Vashishtha - Law and Practice of Intellectual Property in India, 1999.
- 3) P. Narayanan- Intellectual Property (2nd Edn.) 1999.
- 4) Sangal P.S. and Kishore Singh - Indian Patent System and Paris Convention : Legal Perspectives (1987).

- 5) Pearson and Miller- Commercial Exploitation of Intellectual Property 1<sup>st</sup> Edition, 1990.
- 6) Gopalkrishnan, N.S.- Intellectual Property and Criminal Law , 1st Edn, 1994, National Law School of India University, Bangalore.
- 7) T.A. Blanco white - Patents for Inventions, 5th Edn, 1983. Stevens and Sons.
- 8) P. Ganguli - Clearing up for Patents - Indian Scenario, Universal Press.

Internal Assessment : 20 marks

Theory : 80 marks

**PAPER-II**

**LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY-II**

1. Law Of Copyright ( Copyright Act, 1957)
  - 1) Meaning, nature and items of copyright.
  - 2) Subject matter of copyright.
  - 3) Ownership, assignment, registration and licensing of copyright.
  - 4) Rights of copyright owner and licensee.
  - 5) Infringement of copyright and remedies.
  - 6) International Conventions and Agreements for the Protection of Copyright-WTO/TRIPS Agreement, The Berne Convention, Universal Copyright Convention, The Rome Convention, WIPO's Copyright Convention and Phonogram Treaty, 1996.
  - 7) Neighbouring Rights : right of performing artists, broadcasting organisations, broadcasting rights including satellite and cable distribution.
2. Law of Trade And Merchandise Marks (Trade Marks Act, 2000)
  - 1) Meaning and nature of trade mark.
  - 2) Registration of Trade Marks : procedure and effect of registration, limitation, prohibition against registration. Certification of trade marks, foreign trade mark
  - 3) Licensing and Assignment :  
Passing of and infringement, rights of owner, rights of licensee, remedies of infringement of trade mark
  - 4) International Conventions and Agreements for Protection of Trademark :  
Paris Convention, Madrid Agreement, Nise Agreement and TRIPS Agreement. Trademark and Cnsumer Protection (Study of UNCTAD Report ).
3. Law Of Trade Designs (The Designs Act, 2000) :
  - 1) Definitions, basic concepts, functional designs, inventor of designs and the rights.

- 2) Registration : procedure and benefits, registration authorities, their powers and functions.
- 3) Design Copyright, term of design, compulsory license, license of right, assignment.
- 4) Protection of Design : infringement of design, remedies against infringement.
- 5) International Conventions and Agreements for Protection of Trade Design.

**Books Suggested for Reading:**

- 1) Melville B. Nimmer - Copyright and other Aspects of literary , musical and Artistic Works, 2nd Edn.
- 2) Baxi, U. The Law of Intellectual Property : Copyright law in India (1989)
- 3) P. Narayanan - Copyright and Industrial Design, 2nd Edn. 1995.
- 2) P. Narayanan - Trademark, Trade name and Passing off Cases 2nd Edn. Vol. I & II, 1997.
- 5) Thairani, K- Copyright : The Indian Experience (1987).
- 6) Lal's Copyright Act, 3rd Edn. 1995 Law Publications .

Internal Assessment : 20 marks

Theory : 80 marks

**Paper III**

**LAW OF TAXATION - I**

1. Basic Concepts of income, Importance of income Tax and Annual Finance Act, exempted income, person, Non-Resident Indian, previous year, Assessment year.
2. Income Tax Act - I
  - 1) Scope of total income, basis of charge, agricultural income, capital and Revenue
  - 2) Computation of income under:
    - a) Income from salary
    - b) Income from business or profession.
    - c) Income from house property.
    - d) Capital gains.
    - e) Income from other sources.
3. Income Tax Act - II :
  - a) Deductions admissible in computing income.
  - b) Taxation and assessment of firms, companies and HUF
  - c) Income Tax Authorities, their powers and jurisdiction, collection and recovery of tax
  - d) Assessment : procedure and kinds of assessment.

- e) Powers of central Govt. to compulsory purchase immovable property, search, seizure and settlement.
- f) Appeals and Revisions.
4. Corporate Tax :
  - a) Features, importance, economic and legal aspects of companies and corporations, special features affecting incidence of taxation
  - b) Assessment procedure, features and problems.
  - c) Minimum Alternative Tax.
5. Wealth Tax :
  - a) Definition.
  - b) Chargeability
  - c) Exemptions.

**Books Suggested for Reading :**

1. Dr. V.K. Singhania, Guide to Income Tax
2. Dr. Bhagwati Prasad, Direct Taxes Law and Practice with Tax Planning and Management.
3. Tax and Corporate Reference Monthly Journal by Bharat Law House Pvt. Ltd.
4. Mr. Sampat Iyengar, Law of Income Tax.
5. Dr. Mukherjee : Concise Income Tax Law and Practice 2nd Edn. 1997. Eastern Law House
6. Bharat's Concise Commentary on Income Tax . 2001 Edn .
7. Bharat's Professional Approach to Direct Taxes. 2001 - 2002.

Internal Assessment : 20

Theory : 80

**Paper - IV**

**LAW OF TAXATION - II**

1. Sales Tax :
  - 1) Evolution and basic principles of Sales Tax Laws and VAT Laws.
  - 2) Constitutional Provisions relating to Indirect Taxes.
  - 3) Maharastra Value Added Tax. 2002- Registration, Taxability, Returns. Set-off, Assessment, Interest, Penalties, Audit ,Survey and Search, etc under MVAT.
  - 4) The Central Sales Tax Act, Definitions, Inter State Sales, Import, Export, Sales on High Seas, Various Forms under the Act Registration, etc.
2. Central Excise Act :
  - 1) Basic of Charging Excise Duty
  - 2) Definition and Registration under Central Excise.
  - 3) Cenvat

- 4) Duty Draw Back Rule
3. Customs Act :
  - 1) Definition
  - 2) Kinds of Duties.
4. Service Tax Act :
 

Definitions. Registration. Salient Features, Exempted Services, Books of Assessment. Filing of Service Tax Returns, Service Tax, Credit Scheme and Rules, Assessment and Recovery of Service Tax.

#### Books Suggested for Reading :

- 1) Mr. V.S. Datey, Indirect Taxes - Law and Practice.
- 2) Mr. S.D. Singh, Central Sales Tax Act.
- 3) Mr. S.N. Dokania, Central Sales Tax Act.
- 4) P.L. Malik, Commentaries on Customs Act, 1962 ( 1982) 3rd, Edn. Eastern Book Co.
- 5) Mr. C. Parthasanthi Sanjiv Agarwal, Handbook of Service Tax. Practice and Procedure.
- 6) Mr. M.M.L. Anand. Maharashtra Value Added Tax Act, 2002 with Rules and Forms.

Internal Assessment : 20  
Theory : 80

#### Paper - V

#### BANKING LAW

1. Introduction
  - 1) Evolution of banking and its history in India. Role of banking institutions in the socio-economic development of the country.
  - 2) Structure and functions of different banking institutions- viz. Central Bank, Commercial Banks, Merchant Banks, Co-operative Bank, Specialised Banks, Financial Institutions.
  - 3) Banker and Customer- nature and relationship, rights and duties, banker's lien, banking instruments, consumer protection: banking as service.
2. Law of Banking Regulations - Banking Regulation Act, 1949
  - 1) Social control over banking institutions, National Credit Council, loan melas.
  - 2) Control by RBI and central government over business activities of banking institutions.
  - 3) Control over accounts and audit.
  - 4) Reconstruction and reorganisation
  - 5) Suspension and winding up.
  - 6) Control over non-banking financial institutions.

- 7) Nationalisation of banks, critical analysis of banks before and after nationalisation. Liberalisation policy and its impact on banking sector, disinvestment.
3. Reserve Bank Of India Act, 1934
  - 1) Evolution of Central Bank- constitutional background.
  - 2) Characteristics and functions of RBI.
  - 3) Legal status and organisational structure of RBI.
  - 4) Regulating mechanism of RBI over other Banks
4. Recovery of Loans
  - 1) Default in Repayment of Loans
  - 2) Recovery of Debts Due to Banks and Financial Institution Act, 1993
  - 3) The Securitisation Act 2002
5. Current Trends and use of latest Technology in Banking
  - 1) Internet Banking
  - 2) ATM
  - 3) Credit Cards, Debit Cards and Smart -Cards
6. Negotiable Instruments
  - 1) Negotiable Instruments- meaning, characteristics and kinds, promissory notes, bills of exchange, Hundis and Cheques.
  - 2) Discharge of parties from liability, discharge of instruments and consequences.
  - 3) Dishonour of cheques and forgery of cheques.

#### Books Suggested for Reading :

- 1) Tannan's Banking Law and Practice in India 19th Edn. Vol. I & II ( 1999).
- 2) S.N. Gupta - The Banking Law in Theory and Practice 3rd Edn. Vol I & II (1999).
- 3) J. Milnes Holdens- The Law and Practice of Banking Vol. I & II 8th Edn. Univerial Law Publishing Co.Prt.Ltd.
- 4) L.C. Goyle - Law of Banking and Bankers, 1995, Eastern Law House, New Delhi.
- 5) B.R. Sharma - Bank Frauds - Prevention and Detection 2nd Edn. Universal.
- 6) P.S. Narayana's Law of Negotiable Instruments and Dishonour of Cheques , 1997, Asia Law House.
- 7) Richardson - A Guide to Negotiable Instruments 7th Edn. 1983 Butterworth
- 8) Tripathi ,Digest of Dishonour of Cheques 2000 Edn, Singh and Co, Allah.
- 9) Dr. R.G. Chaturvedi , Madhusudan Chaturvedi - Law of State Financial Corporations , 1998, Bharat Law Publications.

Internal Assessment : 20

Theory : 80

**PAPER - VI**  
**INSURANCE LAW**

1. Nature of Insurance: History and essential elements, proposal, policy, parties, consideration, need for utmost good faith, insurable interest, indemnity, law of contract.
2. General principles of Law of Insurance: The risk, commencement, attachment and duration, assignment and alteration, settlement of claim and subrogation, Insurance Act, 1938, and Insurance Regulatory Development Authority Act, 2000, double Insurance and reinsurance.
3. Life Insurance: Nature and scope, insurable interest, accident and disability benefit, event insured against, life insurance contract, circumstances affecting the risk, persons entitled to payment, assignment and nomination.
4. General Insurance:
  - A. Marine Insurance:
 

Nature and scope, classification of marine policies, Marine Insurance Act, 1963, Insurable interest, insurable value, conditions, express warranties, interpretation of terms of policies, voyage-deviation, perils of sea, assignment of policy, partial loss of ship, freight, salvage particular charges.
  - B. Property Insurance: -
 

Fire Insurance, burglary and theft policies, goods in transit, livestock and agriculture insurance.
  - C. Third Party Risk Insurance: -
 

Motor Vehicles Act, 1988, nature and scope, contributory negligence, effect of Insolvency or death claims Tribunal, constitution, functions, procedure, powers and award, public liability Insurance.
5. Miscellaneous Insurance Schemes: New Dimensions: -
 

Group Life Insurance, Medical claim and Sickness Insurance.

**Books Suggested for Reading**

- 1) ER Hardy Ivamy - General Principles of Insurance law , 5th Edn. 1986, Butterworths, London.
- 2) Bharat's Manual of Insurance Laws - 2000.
- 3) Brijnandan Singh - Insurance Law, 4th Edn. 2000 , The University Book Agency, Allahabad.
- 4) Yodhishthira and Shrivastava - Banerjee's Law of Insurance, Vol. I & II 4th Edn. 1994, The Law Book Co.(P) Ltd., Allahabad.

- 5) Murthy and Sarma - Modern Law of Insurance in India, 2nd Edn., 1991, N.M.Tripathi (P) Ltd., Bombay.
- 6) Ivamy - Case Book on Insurance Law, 4th Edn., 1984, Butterworths.
- 7) Srinivasa - Cases on Insurance, Vol. I and II.
- 8) Taxmann's Regulations Framed under Insurance Regulatory and Development Authority Act., 2000.
- 9) B.N. Banerjee - Law of Insurance, 4th Edn., 1994, Vol I & II, Law Book Co (P) Ltd.
- 10) E.R.H. Ivamy, Marine Insurance 2nd Edn. 1974, Butterworths.
- 11) B.C. Mitra - The Law Relating to Marine Insurance , 2nd Edn., 1993, The University Book Agency, Allahabad..

Internal Assessment : 20

Theory 80

**GROUP D**  
**CORPORATE LAW**  
**PAPER - I**  
**CORPORATE LAW .**

- I. Introduction :
  - a) Nature, purposes and types of business enterprises.
  - b) Economic themes in the development of modern company law.
  - c) Classification of companies.
  - d) Concept and theories of corporate personality .
  - e) Doctrine of Lifting the Corporate Veil
  - f) Administration of Company Law- Authorities, their composition, powers and jurisdiction .
- II. Formation of company .
  - 1) Promotion and pre-incorporation contracts.
    - a) Concept of Promotion
    - b) Rights and Duties of Promoters
    - c) Pre-incorporation contracts.
  - 2) The Mechanics of Company Formation .
    - a) Formation formalities.
    - b) Memorandum of Association :
      - i) Meaning, nature and content ( Requirements under company and other legislations )
      - ii) Doctrine of ultra vires - Scope, Effect, Remedies and Reform of the doctrine .
      - iii) Amendment of MOA.
    - c) Articles of Association :
      - i) Meaning and nature.

- ii) Doctrine of indoor management - Scope, Effect and Exceptions.
  - iii) Amendment of AOA.
- III Concept of Capital and Financing of Companies:
- a) Economic and legal concept of capital
  - b) Sources of capital Depositories, Public Financial Institutions, Mutual Funds, FDI and NRI investments.
  - c) Kinds of Capital, Alteration, Reduction and Issue of Capital
  - d) Share - Definition, Kinds, Classes of Shares, Allotment, Transfer, Transmission of Shares and Buy back of Shares.
  - e) Debenture - Definition, Kinds and Rights of Debenture Holders, Charges, New Developments in Corporate Debt Financing.
  - f) Inter- corporate Loans and Investments .

#### Bibliography

- a) Gover's Principles of Company Law, 5th Edn. 1992, Sweet and Maxwell.
- b) Iyengar, T.R. Srinivasa : Company Promotion, Management & Incorporation , 2nd Edn. The Law Book co (P) Ltd.
- c) Dr.K.R. Chandratre : Transfer and Transimission of Shares and Debentures 3rd Edn. 1996 - Bharat Law House Publication.
- d) Badjatya : Model object Clause of Memorandum of Asociation of a company, 1995 Edn. Orient Publishing co.
- e) Ramaiya : Guide to the companies Act- (1998 )
- f) Boyle and Birds - Company Law 3rd Edn. 1997 Universal Law Publishing Co.Pvt. Ltd.
- g) J.H. Farrar and B.M. Hanniyan, Farrar's Company Law (1998) Butterworths
- h) Altman and subrahmanyam - Recent Advances in corporate Finance(1985)LBC.
- i) Y.D. Kulshreshtha, Government Regulation of Financial Management of private Corporate sector in india (1986)  
Journals - Journal of Indian Law Institute , Corporate Law Cases, Chartered Secretary, Law and Contemporary Problems.  
Statutory Materials - Companies Act

Internal Assessment : 20 marks.

Theory : 80 marks.

## PAPER II

### COMPANY AND SECURITIES LAWS.

- I. Management of Company .
  - 1) Concept of corporate Governance
    - a) Directors and other Managerial Personnel - Qualification, Disqualification, Appointment and Removal, Powers, Position, Duties , Liabilities and Remuneration of Directors.
    - b) Managing Director
    - c) Manager and sole selling agents .
    - d) Meetings of company
    - e) Supremacy of majority and protection of minority : exceptions to Rule in Foss V. Harbottle.
    - f) Oppression and Mismanagement: Meaning of and Relief against Oppression and Mismanagement.
- II. Regulation of companies by disclosure of information .
  - a) Themes underlying disclosure of information.
  - b) Auditors - Appointment , Qualification, Disqualification and Removal of .
  - c) Audit committee.
  - d) Investigation of affairs of companies - inspectors and their powers, inspectors' report .
- III. Amalgamation, take over and mergers
- IV. Corporate collapse - Winding up of company
  - a) Meaning and kinds of
  - b) Grounds for compulsory winding up
  - c) Appointment , Powers and Duties of Liquidator.
  - d) Contributory.
- V. International Dimensions of company law.
  - a) Multinational and Transnational companies - Meaning , Growth and Regulation of
  - b) Cross- frontier mergers international competition and international co-operation.
- VI. Securities Laws in India.
  - a) Security Contract (Regulation ) Act . Control of capital market - listing of Securities etc.
  - b) National Stock Exchange /Recognised stock Exchange / OTC .Exchange
  - c) Contracts and options in securities, Derives, listing of securities
  - d) SEBI ACT and guidelines .
  - e) Depositories Act - Demiting of Shares etc.

**Bibliography**

- a) Prof. I.C.B. Gover's Modern Principles of company law 5th Edn 1992, Sweet and Maxwell .
- b) Boyle and Birds- Company Law
- c) V.H. Farrar and B. M. Hanniyan, Farrar's Company Law ( 1998 ) Butter worth
- d) Ramaiya : Guide to the companies Act, ( 1998 )
- e) Thayil Philip and Iyengar, T.R. Srinivasa - companies Director (their Rights, Duties, Power, obligations, Appoint ments, Classifications, Removal, Resignation etc. ) 2nd Edn - Law Book Co:(p) ltd.
- f) Iyengar, T.R. Srinivasa : Company Promotion, Management and incorporation, 2nd edn. The law Book co (p) Ltd.
- g) Dr. K.R. Chandratre, Bipin S. Acharya, Dr. S.D. Israni , K. Sethuraman: compendium on SEBI- Capital Issues and listing - 3rd Edn. 1996 Bharat law House publication.
- h) Bharats Manual of SEBI, 2000, Bharat Law Journals :- Same as under Paper IV.

Internal Assessment : 20 marks

Theory : 80 marks

**PAPER III****ECONOMIC LEGISLATION**

1. Law of Contract - General Principles of Contract ( Sections. 1 to 75 of Indian Contract Act, ) Theories of Contract- Government Contracts - Meaning, Nature, and special problems relating to Govt. Contract.
2. Consumer Protection:
  - a) Consumer Protection Act, 1986.
    - i) Consumerism and Constitutional Philosophy of Freedom of Trade and Consumer Protection .
    - ii) Concept of Consumer Service, Deficiency in Service, Unfair Trade Practice and Restrictive Trade Practice
    - iii) Rights of Consumer, Mechanism for promotion and protection of rights.
    - iv) Remedy against Violation of their rights - Consumer Disputes Redressal Agencies - Composition, Jurisdiction, Powers, Procedure and Performance.
    - v) New Developments and Emerging trends- specially globalisation and privatisation and its impact on consumerism
3. Law of Arbitration and Conciliation - Arbitration Act, 1996.
  - A. Arbitration :
    - a) Nature and scope of Arbitration .

- b) Arbitration Agreement - Meaning .
- c) Appointment of Arbitrator
- d) Legal framework of arbitration proceedings
- e) Award — Remission, Setting aside, Modification and filing .
- f) Foreign Award - Recognition's, Enforcement and setting aside.
- B. Conciliation :
  - a) Meaning and Nature
  - b) Appointment of Conciliators
  - c) Role of Conciliator and conduct
  - d) Conciliation proceedings
  - e) Termination of conciliation proceedings.

**Bibliography:**

- a) Anson- Law of contract (25th Edn.) 1979 .
- b) R.K. Abhichandani (Edn.) Pollock and Mulla on Contracts and specific Relief Acts (1999) Tripathi Publication.
- c) P.S. Atiya, Introduction to the Law of Contract, 1992 Reprint ( Claredon Law series)
- d) Dutt on contract (2000) Universal Publishers.
- e) Saraf D.N. Law of Consumer Protection in India (1995) Tripathi Publishers, Bombay.
- f) J.N. Barowalia Commentary on Consumer Protection Act, 1986 (2000) Universal Publishers, Delhi.
- g) P.K. Majumdar, The law of Consumer Protection in India (1998). Orient Publishing co, New Delhi.
- h) B.P. Saraf and M. Jhunjhunwala, law of Arbitration and Conciliation (2000), Snow White, Mumbai.
- i) G.K. Kwatra , The Arbitration and conciliation Law of India (2000) Universal, Delhi.
- j) A.K. Bansal Law of International Commercial Arbitration (1999), Universal, Delhi.

Internal Assessment - 20 Marks

Theory - 80 Marks

**PAPER – IV****LEGAL REGULATION OF ECONOMIC ENTERPRISES.**

1. Rationale of Government Regulation of Economic Activities by Government
  - i) Constitutional Perspective.
  - ii) Historical Background and Contemporary Issues.
  - iii) Judicial Review of Economic Regulation.
  - iv) Basic principles of World Trade Organization.



- 2 Economic Policy Resolutions;
  - i) Industrial Policy Resolutions,
  - ii) Price Policy Resolutions,
  - iii) Foreign Trade Policy Resolutions,
  - iv) Disinvestment and Legal Issues.
- 3 Development, Regulation and Control of Industrial and Trading Activities;
  - i) Industries (Development and Regulation) Act.
  - ii) Competition and Fairness in Competition; Competition Act. And its Philosophical basis.
  - iii) Foreign Trade Development and Regulation Act.
- 4 Control and Regulation of Capital and Finance;
  - i) Foreign Exchange Management Act including FDI and FII regulations.
  - ii) Money Laundering Act, 2005.
  - iii) COFEPOSA.
- 5 Selected Regulatory Authorities and their Composition Role, Power, Functions, etc.
  - i) Telecom Regulatory Authority,
  - ii) Broadcasting Regulatory Authority,
  - iii) Electricity Regulatory Authority.
  - iv) Insurance Regulatory Authority.

**Books Suggested for Reading:**

1. Industrial Policy Resolutions of 1948, 1956, 1991.
2. Industrial Licensing Policy of 1970, 1975.
3. Industrial Policy Statement 1973, 1977, 1980.
4. Report of Commission on Competition, 2001.
5. Taxmann's FEMA Manual.
6. Taxmann's Corporate Laws, 2003 Edition.
7. K. K. Ramani's Exchange Control Manual 1998, Snowwhite.
8. Bharat's FEMA Rules, Regulations, RBI Circular with allied Acts and Rules, 2000.
9. V. S. Datey – Economic Laws and Practices (2005), Taxmann Publication.
10. K. K. Dewette on Economics, S. Chand Publication.
11. Rudra Dutt, Himalaya Publication.

**Journals:**

1. Annual Survey of Indian Law, Published by Indian Law Institute New Delhi.
2. Corporate Law Cases.

3. Company Law Journal.
4. Political and Economic Weekly.

**Statutory Material:**

1. Competition Act, 2002.
2. Industries Development and Regulation Act, 1951.
3. Foreign Exchange Management Act, 1999.
4. Money Laundering Act, 2005.
5. Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974.
6. Foreign Trade Development and Regulation Act, 1992.

Theory : 80.

Internal Assessment : 20.

**PAPER - V**

**INTERNATIONALECONOMICLAW**

1. Introduction:
  - i) Meaning and Nature of International Economic Law .
  - ii) Sources of International Economic Law.
  - iii) Development and evolution of IEL in pre and post World war periods.
  - iv) Changing Dimensions of International Economic Law .
  - v) Doctrine of sovereignty over wealth and natural resources.
2. International Economic Agencies .
  - i) International Monetary fund (IMF):
    - a) Role and objectives .
    - b) Structure.
    - c) Resources .
    - d) Special Drawing Rights.
    - e) Conditionality Clause.
  - ii) International Bank for Reconstruction and Development (IBRD):
    - a) Role and objectives .
    - b) Structure.
    - c) Resources.
    - d) Appraisal of Performance.
3. International Economic Institutions :
  - i) United Nations and its specialised agencies - Functions and role played in development of International Economic Law.
  - ii) United Nations conference on trade and Development (UNCTAD):
    - a) Institutional framework
    - b) Objectives and functions

- c) Role and achievements
- iii) United Nations Commission for International Trade Law (UNCITRAL):
  - a) Structure and functions
  - b) Role and Achievements
- 4. World Trade Organisation :
  - a) Historical background
  - b) Objectives.
  - c) Structure, function and jurisdiction.
  - d) Principles
  - e) Dispute Settlement
  - f) Select agreements of WTO.on following topics
    - i. Rules of origin
    - ii. Subsidiary on agriculture
    - iii. Anti Dumping
    - iv. E - commerce
    - v. Transfer of technology
    - vi. General Agreement on Trade in Service
  - g) Problem areas of WTO
    - i. Social clause
    - ii. Protection of environment

#### **Bibliography.**

1. Bandar Surendra, World Trade Organization and Developing Countries (1995), Universal, Delhi.
2. Arun Goyal (ed.) WTO in the New Millenium (2000), Academy of Business Studies, New Delhi
3. Jayanta Bagchi, World Trade Organization: An Indian Perspective (2000) Eastern Law House, Calcutta.
4. A. K. Kaul, - UNCED, Our Common Feature (1986) Oxford.
5. Legal Framework of UNCTAD in World Trade 1977, N.M. Tripathi, Bombay.
6. Report of Peoples Commission on GATT, 1996, Centre for Study of Global Trade System and Development, New Delhi.
7. GATT Accord and India - Edited by K.R. Gupta, Atlantic Publishers and Distributors.

#### **JOURNALS/NEWSPAPERS.**

1. Corporate Law Cases
2. Company Law Journal.
3. Annual Reports of World Bank
4. Political and Economic Weekly

5. Economic Times
6. Financial Times.

Internal Assessment : 20  
Theory : 80

### **PAPER - VI**

#### **INTERNATIONAL TRADE LAW.**

- I International Sale of Goods :
  1. Special trade terms in export sales - Definitions, kinds, Differences between Rights and duties of buyers and sellers.
  2. Standardisation of terms in International Sales : Uniform Conditions of Export Sales - Role of UNCITRAL, International Chamber of Commerce Publications, Standard contract forms applied to specified international transactions .
  3. Offer and acceptance .
  4. Performance of contract.
  5. Rights of unpaid seller
  6. Countertrade.
  7. Frustration of contract
  8. Conflict of laws
  9. Unification of the Law of International Sales.
- II. Financing and Payment in International Trade.
  1. Meaning, types and control of foreign investment
  2. Bill of Exchange - Meaning
  3. Letters of Credit - Characteristics and kinds.
  4. Bank guarantees and other contract guarantees.
- III. Transportation of Exports.
  1. Carriage of Goods by Sea- Unimodal and Multimodal Transport, Contract of Carriage by Sea, Bills of Lading, Charterparty Liability of shipowner for loss or damage to goods.
  2. Container transport - Course of business in container Transport, Legal problems of container transport.
  3. Carriage of Goods by Air
  4. Carriage of Goods by Land.
- IV. Insurance of Exports - Marine and Aviation Insurance.
- V. Dispute Settlement Non -judicial dispute settlement : Arbitration and Conciliation .

#### **Bibliography.**

1. Carr and Kidner - Statutes and Conventions on International Trade Law, 1993.

2. Jason Chuah - International Trade Law, Cavendish Publishing Ltd, London, 1995.
3. Motiwal and Awasthi International Trade, 1st edn, 1995. Bhowmik and co; New Delhi.
4. Clive M. Schmitthoff, Schmitthoff's, Export Trade, 8th Edn, 1986, Stevens and Sons, London.
5. Law of International Trade Transactions - ed. Rahmatullah Khan, Tripathi Pvt, Ltd, Bombay, 1973.
6. UNCITRAL Year Book, 1970-1995, United Nations, New York .
7. Dicey, Conflict of Laws.
8. Justice Kochu Thomen.- Bill of Lading.
9. Payne and Ivamy - Carriage of goods , 12th Edn., Butterworth.
10. M.C. Vaish, Sudama Singh : International Economic Law , 4th Edn., Oxford and IBH Publishing Co.
11. New Directions in International Trade Law , Vol I & II, Oceana Publications Inc.
12. B.C. Mitra - Law Relating to Bills of Lading and Charter party (Air , Land and Sea) 1998.
13. Avtar Singh Law of Carriage ( Road , Rail , Air and Sea) 3rd Edn., Eastern Book Co.

Internal Assessment :20  
Theory :80

**GROUPE**  
**Human Rights**

**Course Outline**

Paper - 1

**HISTORICAL AND PHILOSOPHICAL PERSPECTIVES OF HUMAN RIGHTS AND DUTIES.**

1. Concept of Human Rights :
  - a) Meaning and nature of human rights.
  - b) Criteria to determine a particular right as human rights - what are human rights?
  - c) Sources of human rights.
  - d) Categories of substantive human rights.
2. Legal and Philosophical Conceptions of Human Rights and Duties.
  - a) Natural law and natural rights, concept of legal rights - constitutional and fundamental rights.
  - b) Theories of rights and duties.
  - c) Co -relationship of rights and duties- Relationship between rights and duties. Relationship between obligations and responsibilities in relation to the state and society.

- d) Concept of Human Duties and Responsibilities :
  - 1) Moral, Ethical, Social, Economic, Political and Cultural.
  - 2) Universal
  - 3) Traditional / Modern
- e) Classification of Human Duties and Responsibilities:
  - 1) Sound Body and Mind.
  - 2) Family.
  - 3) Community and society.
  - 4) Nation-State.
  - 5) Humankind and other living beings.
  - 6) Mother Earth.
3. Human Rights Ideas and Traditions in Religious context (Intercultural Background):
  - a) Hindu traditions and ideas : concept of rights and duties and caste system.
  - b) Islamic traditions and ideas: concept of rights and duties.
  - c) Christian traditions and ideas: rights and duties.
  - d) Buddhist traditions and ideas.
4. Rule of Law:
  - a) Concept, Origin and Importance
  - b) Patterns of rule of law in societies.
  - c) Relation to human rights and good governance.
5. National Freedom Struggle and Constitutional Development:
  - A. In other countries:
    - a) French Revolution and Declaration of Rights of Man and Citizen, 1789.
    - b) American Declaration of Independence and Bill of Rights.
    - c) Magna Carta: Debate on the Bill of Rights in U.K.
  - B. In Pre- Independent India: (brief sketch):
    - i) Constitution of India Bill 1895 (Swaraj Bill).
    - ii) Congress Resolution at Bombay 1918 on Declaration of Rights of People of India.
    - iii) Annie Beasant's Commonwealth of India Bill – 1925.
    - iv) Congress Resolution at Madras (1927).
    - v) Motilal Nehru Report (1928).
    - vi) Congress Resolution at Karachi (1931).
    - vii) Sapru Committee Report (1944-45).
    - viii) Objective Resolution in Constituent Assembly by Nehru on 13/12/1946 and 22/1/1947.
6. Global and Regional Development of Human Rights and Duties.
  - A. Global :

- 1) Human Rights prior to 1945.
- 2) UN Charter and Human Rights.
- 3) International Bill of Rights.

B. Regional:

- 1) European Convention on Human Rights.
- 2) American Convention on Human Rights.
- 3) African Charter on Human and Peoples' Rights.
- 4) Arab Charter on Human Rights.

Internal Assessment : 20

Theory: : 80

**PAPER - II**

**HUMAN RIGHTS AND DUTIES: INTERNATIONAL PERSPECTIVES.**

1. Classification and Inter-relationship between different Human Rights: International Covenant on Economic, Social and Cultural Rights, 1966 International Covenant on Civil and Political Rights, 1966.
2. Civil and Political Rights - I
  - a) Right to life.
  - b) Right to liberty and security of individual, arrest and detention.
  - c) Due Process of law.
  - d) Right to privacy, right to respect, interception of mail and telephone tapping, dignity, personality and name.
  - e) Right to die- Debate on Euthanasia.
  - f) Death Penalty.
  - g) Freedom of movement and residence- Freedom to leave country, right to seek asylum, right to Nationality.
  - h) Right of the peoples and nations to self- determination - scope and its limitations.
3. Civil and Political Rights- II
  - a) Freedom of thought and expression.
  - b) Right to equality and freedom from discrimination- Convention on Elimination of All Forms of Racial Discrimination , 1965.
  - c) Rights of minorities.
  - d) Freedom of conscience and religion : UN Declaration on Elimination of All Forms of Intolerance and Discrimination based on Religion or Belief, 1987.
  - e) Right against inhuman and degrading treatment : Convention on the Protection of All Persons From Being Subjected to Torture and other Cruel, Inhuman or Degrading Treatment of Punishment 1984.
  - f) Rights of accused persons, treatment of prisoners.

- g) Freedom from Torture : Convention on Prevention and Punishment of the Crime of Genocide, 1948.
- h) Right to property, right to own property, deprivation of property.
- i) Terrorism and Human Rights.
- j) Civil and Political Rights during emergency
- k) Derogation of Human Rights.
4. Social and Economic Rights - I
  - a) Right to work and favorable conditions of employment.
  - b) Forced labour and compulsory labour, bonded labour, slavery and traffic in human beings, child labour- ILO Convention on Child Labour 1999.
  - c) Right to strike and to form trade Unions.
  - d) Right to social security, assistance and social welfare.
  - e) Right to health and adequate standard of living ( Housing), adequate food.
  - f) Right to education and training.
5. Social and Economic Rights - II
  - a) Protection of families and children - Right to marry and found a family. ( Marriage, Adoption and Custody of Children ), families right to protection, equal rights in marriage.
  - b) Right to development and right to future - UN Declaration on the Right to Development.
6. Cultural Rights:
  - a) Right to take part in cultural life.
  - b) Cultural rights of indigenous population.
7. Third Generation Solidarity Rights (Group Rights).
  - a) Rights of Tribal population.
  - b) Rights of Migrant workers.
  - c) Rights of Physically Disabled.
  - d) Rights of Prostitutes/ Gays.
  - e) Rights of Women .
  - f) Rights of the Child.

Total Marks 100

IA: 20

Theory: 80

**PAPER - III**

**PROTECTION SYSTEM AND IMPLEMENTATION OF HUMAN RIGHTS AND DUTIES**

1. Domestic Application and Enforcement of Human Rights Norms :
  - a) Relationship between International Law and Municipal Law in context of Global Human Rights Standard.

- b) Theory of Monism and Dualism and Practices of States.
2. Human Rights Protection System of the United Nations (Under Covenants of Civil and Political Rights):
  - a) The UN Commission on Human Rights . (CHR)
  - b) The UN High Commissioner for Human Rights ( UNHCHR).
  - c) The UN Human Rights Committee (HRC) - Composition and Organization, Powers and Procedures, State Communications, Individual Communication, and Supervision.
3. European System of Protection of Human Rights:
  - a) European Commission of Human Rights. Composition, Structure, Competence and Procedure.
  - b) European, Court of Human Rights: Composition, Organization, Jurisdiction and Procedure.
4. American System of Protection of Human Rights:
  - a) Inter- American Commission of Human Rights - Functions, Powers and Procedure.
  - b) Inter - American Court of Human Rights - Jurisdiction and Procedure.
5. African System of Protection of Human Rights :
  - a) OAU Charter 1963.
  - b) The African Charter of Human and Peoples' Rights.
  - c) Mechanism of implementation , African Commission and Court of Human and Peoples' Rights.
6. UN Educational Scientific and Cultural Organisation (UNESCO) and Human Rights.
7. ILO and Human Rights.
8. Role of Non- Governmental Organizations:
  - a) Role of voluntary agencies, educational institutions and NGO's in the promotion and protection of human rights.
  - b) Role of social activists, public opinion and the press in promotion and protection of human rights.

Total Marks 100

IA: 20Marks, Th.:80

#### PAPER -IV

#### **HUMAN RIGHTS AND DUTIES IN INDIA : INDIAN LEGAL SYSTEM.**

1. A. The Constitution and Human Rights and Duties :
  - a) Evolution of composite culture of India, contribution of diverse religions.
  - b) Impact of Universal Declaration of Human Rights on the drafting of Part - III and Part - IV of the Constitution.
  - c) Human Rights Norms and Constitutional perspective, Preamble,

- Fundamental Duties, Directive Principles of State Policy, problems of implementing duties.
- d) Indian Declaration to the International Covenant ( 1979)
  - B. Human Rights Philosophy and Inter-Relationship between Part-III and Part- IV of the Constitution:
    - a) Inter- relationship between Fundamental Rights and Directive Principles of State Policy.
    - b) Expansion of basic needs- Judicial interpretation on widening of the Directive Principles.
  2. Legislative Incorporation of Human Rights Norms in Indian Legislation:
    - a) Protection of Civil Rights Act, 1955.
    - b) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
    - c) Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.
  3. National Commission of Human Rights in India:
    - a) Background of the Protection of Human Rights Act, 1993.
    - b) National Human Rights Commission- Powers, Functions, Structure and Composition.
    - c) Human Rights Courts
    - d) Evaluation of the working of the Commission.
  4. Other Commissions:
    - a) National Commission for Women.
    - b) National Commission for Minorities.
    - c) National Commission for S C/ ST.
  5. Judicial Activism and Human Rights Jurisprudence:
    - a) Poverty and inaccessibility of legal redress.
    - b) Role of judiciary in protecting human rights in India, Legal Aid
    - c) Judicial activism in the field of protection of : women in private and public domain, children, bonded labour and prisoners, in the light of leading cases.
  6. Contemporary Indian Problem and Human Rights.
    - a) Reservations and Right to Equality
    - b) Uniform Civil Code and Personal Laws.
    - c) Protection of Minorities.
    - d) Health and violation of human rights: problems of health and environmental protection, population control, family planning, HIV/AIDS.
  7. Importance of Internalizing Human Rights and Duties:

Total Marks 100

IA: 20 Th: 80

**PAPER - V****HUMAN RIGHTS AND CRIMINAL JUSTICE SYSTEM.**

1. Conceptual Perspective:
  - a) Concept of crime and criminal liability.
  - b) Offences involving Human Rights.
  - c) Role of Criminal Justice System.
2. Criminal Justice and Relevant Constitutional Provisions:
 

Art. 20,21, & 22 - Rights of the Accused persons, Detention, Arrest, Search And Seizure, Bail, Legal Aid, Speedy Trial, Fair Procedure, Due Process of Law, Torture, Compensation, Custodial Violence, Investigations.
3. Monumental Acts: I.P.C., Cr.P.C., Indian Evidence Act (relevant provisions). Offences: bailable and non-bailable.
4. A. Human Rights and Role of Police as Law Enforcement Officials, Abuse of police power: third degree methods, police firing, encounter deaths.  
 B. Different Categories of Custodial Crimes: Causes, reasons for custodial crimes, instances of custodial crimes and their impact, compensatory justice, remedies for curbing incidents of custodial crimes.
5. Human Rights and International Norms:
  - 1) Standard Minimum Rules for the Treatment of Prisoners.
  - 2) Basic Principles for the Treatment of Prisoners.
  - 3) Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment.
  - 4) Code of Conduct for Law Enforcement Officials.
  - 5) Convention Against Torture and other Cruel, Inhuman or Degrading Treatments or Punishment.
  - 6) Code of Conduct for Police in India.
6. Investigation of Crime: Technology and Forensic Sciences: Searches and Seizures, Telephone Tapping, Surveillance, Lie detection test, DNA Test, other physical tests under Identification of Prisoners Act, 1920.
7. International Perspectives: International Crimes: International co-operation in combating of transnational organized crimes and International terrorism - Palermo Convention on Transnational Organized Crimes 2000, International norms on administration of Criminal Justice - UN General Assembly Resolutions. International Criminal Court - Rome Statute 1998.

Total Marks 100  
 IA: 20 Th: 80

**PAPER - VI****INTERNATIONAL HUMANITARIAN LAW & REFUGEE LAW**

1. International Humanitarian Law:
  - a) Definition of International Humanitarian Law, the origin and development throughout the ages.
  - b) Growth and Development of ICRC and its role.
  - c) The four Geneva Conventions and its Additional Protocols.
  - d) International Humanitarian Law and the Human Rights Law.
  - e) National Measures for the implementation of International Humanitarian Law. (The Geneva Convention Act, 1960).
2. International Refugee Law:
  - a) Definition of Refugee, Historical development of Refugee Law, principle of non-refoulement, rights & responsibilities of refugee, refugees “surplace”.
  - b) Role of UNHCR in protection of the Human Rights of Refugees and the link between Human Rights Instruments and Refugee Rights.
  - c) International Instruments - The 1951 Convention Relating to Status of Refugees and its 1967 Protocol.
  - d) Regional Mechanisms on Refugee Protection including the OAU Convention, Cartagena Declaration, etc.
  - e) International Strategies for Refugees Protection, early warning, burden sharing, safety zones, right to remain, right to return, temporary asylum, internally displaced persons.
  - g) Protection in India: Indian critique of UNHCR and the Convention, protection without legislation, status of refugees in India under UNHCR, Model National Law for Refugees.

Total Marks 100

IA: 20

Th: 80

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**SANTGADGE BABAAMRAVATI UNIVERSITY**

**ORDINANCE NO. 7 OF 2004**

**Examinations leading to the Degree of विधि पारंगत (Master of Laws) (LL.M.) (Semester Pattern), Ordinance, 2004.**

Whereas, it is expedient to make an Ordinance in respect of Examinations leading to the Degree of विधि पारंगत (Master of Laws) (LL.M.) (Semester Pattern), Ordinance, 2004 for the purposes hereinafter appearing; the Management Council is hereby pleased to approve the following Ordinance.

1. This Ordinance may be called, "Examinations leading to the Degree of विधि पारंगत (Master of Laws) (LL.M.) (Semester Pattern) Ordinance, 2004".
2. This Ordinance shall come into force with effect from the date of its approval by the Management Council.
3. The course for the Degree of Master of Laws under this Ordinance shall extend over a period of four semesters. At the end of each semester there shall be university examination known respectively as LL.M. First Semester Examination, LL.M. Second Semester Examination, LL.M. Third Semester Examination, and LL.M. Fourth Semester Examination.
4. The examinations will be held, as per schedule of University examination, and shall be held at such places and on such dates as may be appointed by the Board of Examinations.
5. Subject to the compliance with the provisions of this Ordinance, and of any other ordinances in force from time to time, an applicant for admission to examination shall have passed three years Bachelor of Laws degree or five years Bachelor of Laws degree Examination of the Amravati University or of any other statutory university recognised as equivalent thereto with a minimum of 50 percent marks.
6. A candidate applying for admission to an examination under this Ordinance shall prosecute regular/ full time course of study in respect of concerned examination during the relevant semester in the Post Graduate Department of Law, Amravati University, Amravati or in a college affiliated to Amravati University for conduct of LL.M.course.
7. The First Semester and Third Semester will commence from the date of opening of the college.
8.
  - i) The candidate for LL.M. First Semester shall be examined in the subjects mentioned in Appendix "A" appended with this Ordinance.
  - ii) The candidate for LL.M. Second Semester shall be examined in the subjects mentioned in Appendix "B" appended with this Ordinance.

- iii) The candidate for LL.M. Third Semester shall be examined in the subjects mentioned in Appendix "C" appended with this Ordinance, and
  - iv) The candidate for LL.M. Fourth Semester shall be examined in the subjects mentioned in Appendix "D" appended with this Ordinance..
9. The medium of instruction and examinations shall be in English. Question papers for the examination shall be set in English.
  10. The fee for the examination shall be as prescribed by the university, from time to time.
  11. The scope of the topics in various papers will be as mentioned in the syllabi.
  12. In order to be successful at the examinations and to be eligible for the Degree of Master of Laws under this Ordinance, an examinee shall obtain.
    - i) A minimum of 50% marks in each paper, and 50% marks in aggregate to be declared successful.  
Provided that an examinee securing 50% or more marks but less than 60% marks in the aggregate in all the four semester examinations, taken together, shall be placed in second division.  
Provided that an examinee securing 60% and above marks in aggregate, in all the semester examinations, taken together, shall be placed in First Division.  
Provided that an examinee securing 75% or more marks in a paper shall be declared to have passed in that paper with distinction.
    - ii) There shall be no classification of examinees successful at the LL.M. First Semester, Second Semester, and Third Semester Examinations.
  13.
    - i) An examinee who is unsuccessful at the examination shall be eligible for admission to next written examination on payment of fresh fees as prescribed by the university, and in compliance with the conditions of the ordinances in force from time to time.
    - ii) For being eligible for exemption in a paper, a candidate must have obtained minimum 50% marks in that paper.
    - iii)
      - a) A candidate who does not pass LL.M. First Semester Examination will be allowed to take admission in Second Semester course.

- b) For admission in the Third Semester a candidate should have passed in atleast 50% of papers in First Semester and second Semester Examinations i.e. out of Eight papers, the candidate should have passed in Four papers. Each paper will comprise of theory paper and internal assessment taken together. The candidate should pass the examination under both the heads separately with 50% Marks.
- c) For admission in the Forth Semester, a candiadte should have cleared atleast 50% of papers in the Third Semester.
- d) However, a candidate shall not be allowed to appear for Fourth Semester. Examination unless the candidate is declared pass in First and Second Semester Examination in full i.e. in all the Eight papers”.
14. Without prejudice to other provisions of Ordinance No. 6 relating to examinations in general, the provisions of paragraphs 5, 8, 10, and 31 of the said Ordinance shall apply to every examinee appearing for the examination.
15. Provisions of Ordinance No.18 of 2001 relating to an Ordinance to provide grace marks for passing in a Head of passing and improvement of division (Higher Class) and getting distinction in the subject and condonation of deficiency of marks in a subject in all the faculty prescribed by the statute No.18, Ordinance 2001 shall apply to the examinations under this Ordinance.
16. Notwithstanding anything contrary in this direction, no person shall be admitted to this examination if the candidate has passed the same examination or an equivalent examination of any other statutory university.
17. A candidate who has qualified for the Master of Laws Degree may apply for admission to the examination in additional group of subjects seeking fresh admission as provided in paragraph six in the Post-Graduate Teaching Department of Law or in a college affiliated to the university for LL.M. course. The candidate will appear for examination in optional group papers and also write dissertation. Provided further that an examinee successful under these provisions shall not be entitled for the award of a division or a place in the merit list or for any other award, but shall, however, receive a certificate in the prescribed form signed by the Controller of Examinations.

**Appendix - A****LL. M. FIRST SEMESTER EXAMINATION  
Foundation Courses**

Sr. No.	Paper	Subject	Max. Marks		Min. Marks
1.	F-I	Law and Social Transformation in India	IA	20	10
			T	80	40
			<b>Total</b>	<b>100</b>	<b>50</b>
2.	F-II	Indian Constitutional Law : The New Challenges	IA	20	10
			T	80	40
			<b>Total</b>	<b>100</b>	<b>50</b>

Note: 1. IA stands for Internal Assesment  
2. T stands for Theory

**Optional Courses  
Group A  
CRIMINAL LAW**

Sr. No.	Paper	Subject	Max. Marks		Min. Marks
3.	I	Criminal Justice System	IA	20	10
			T	80	40
			<b>Total</b>	<b>100</b>	<b>50</b>
4.	II	Crime and Social Legislation	IA	20	10
			T	80	40
			<b>Total</b>	<b>100</b>	<b>50</b>

**Group B  
CONSTITUTIONAL LAW and ADMINISTRATIVE LAW**

Sr. No.	Paper	Subject	Max. Marks		Min. Marks
3.	I	Constitutionalism : Pluralism and Federalism	IA	20	10
			T	80	40
			<b>Total</b>	<b>100</b>	<b>50</b>
4.	II	Union - State Relations	IA	20	10
			T	80	40
			<b>Total</b>	<b>100</b>	<b>50</b>



## Appendix - B

LL. M. SECOND SEMESTER EXAMINATION  
Foundation Courses

Sr. No.	Paper	Subject	Max. Marks		Min. Marks
1.	F-III	Jurisprudence and Legal Theory	IA	20	10
			T	80	40
			Total	100	50
2.	F-IV	Legal Education and Research Methodology: Part-A	IA	20	10
			T	80	40
			Total	100	50

## Optional Courses

## Group A

## CRIMINAL LAW

Sr. No.	Paper	Subject	Max. Marks		Min. Marks
3.	III	Criminal Justice : Concepts and Procedure	IA	20	10
			T	80	40
			Total	100	50
4.	IV	Penology - Treatment of offenders	IA	20	10
			T	80	40
			Total	100	50

## Group B

## CONSTITUTIONAL LAW and ADMINISTRATIVE LAW

Sr. No.	Paper	Subject	Max. Marks		Min. Marks
3.	III	National Security, Public Order and Rule of Law	IA	20	10
			T	80	40
			Total	100	50
4.	IV	Administrative Process	IA	20	10
			T	80	40
			Total	100	50

## Appendix - C

LL. M. THIRD SEMESTER EXAMINATION  
Foundation Courses

Sr. No.	Paper	Subject	Max. Marks		Min. Marks
1.	F-IV	Legal Education and Research Methodology (Submission of Project Work and Viva-Voce and Law Teaching) Part-B	IA	20	10
			T	80	40
			Total	100	50
2.	F-V	Computer and Information Technology Law :Theory	IA	20	10
			T	80	40
			Total	100	50

## Practical

Practical on Computer	Ext. Exam.	50	25
Viva-voce	Ext. Exam.	25	13
Group Discussion	Ext. Exam.	25	13
Total		100	51

## Optional Courses

## Group A

## CRIMINAL LAW

Sr. No.	Paper	Subject	Max. Marks		Min. Marks
3.	V	Organised Crime, Terrorism and International Crime, New Challenges.	IA	20	10
			T	80	40
			Total	100	50
4.	VI	Offences Relating to Corporate Gains	IA	20	10
			T	80	40
			Total	100	50

**Group B**  
**CONSTITUTIONAL LAW and ADMINISTRATIVE LAW**

Sr. No.	Paper	Subject	Max. Marks		Min. Marks
3.	V	Judicial control of Administrative powers	IA	20	10
			T	80	40
			Total		100
4.	VI	Public Authorities and Liability: Controls on Maladministration	IA	20	10
			T	80	40
			Total		100

**Appendix - D**

**LL. M. FOURTH SEMESTER EXAMINATION**  
**Foundation Courses**

Sr. No.	Paper	Subject	Max. Marks		Min. Marks
1.	F-VI	Dissertation (External Examiner)	Written work	125	
			Viva-voce	75	100
			Total		200

Notes:- 1. In LL.M. Semesterised Course, there are five papers on foundation courses, which are compulsory for all. There are two (subjects) specialization groups, which are optional. They are:

- i) Group A - Criminal Law
- ii) Group B - Constitutional Law and Administrative Law

2. Candidates have to select any one group of specialization, which has six papers. The candidates will have to prosecute regular full time course of study. For every paper the total marks will be 100 out of which 20 marks are for internal assessment and 80 marks for theory. In each of the group 20 students will be admitted on merit in the Post Graduate Department of Law Amravati University, Amravati.

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(Prospectus No.2013132)

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**SANT GADGE BABA AMRAVATI UNIVERSITY AMRAVATI****SPECIAL NOTE FOR INFORMATION OF THE STUDENTS**

- (1) Notwithstanding anything to the contrary, it is notified for general information and guidance of all concerned that a person, who has passed the qualifying examination and is eligible for admission only to the corresponding next higher examination as an ex-student or an external candidate, shall be examined in accordance with the syllabus of such next higher examination in force at the time of such examination in such subjects papers or combination of papers in which students from University Departments or Colleges are to be examined by the University.
- (2) Be it known to all the students desirous to take examination/s for which this prospectus has been prescribed should, if found necessary for any other information regarding examinations etc., refer the University Ordinances Booklet the various conditions/provisions pertaining to examination as prescribed in the following Ordinances.

Ordinance No. 1	:	Enrolment of Students.
Ordinance No. 2	:	Admission of Students
Ordinance No. 4	:	National cadet corps
Ordinance No. 6	:	Examinations in General (relevant extracts)
Ordinance No. 18/2001	:	An Ordinance to provide grace marks for passing in a Head of passing and Improvement of Division (Higher Class) and getting Distinction in the subject and condonation of deficiency of marks in a subject in all the faculties prescribed by the Statute NO.18, Ordinance 2001.
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**Dineshkumar Joshi**

Registrar

Sant Gadge Baba Amravati University

**DIRECTION**

No.26/2008.

Date :-6/10/2008

**Subject :- Examinations leading to the Degree of ÉÊÉÉÉ (Master of Laws) (LL.M.) (Semester Pattern)**

Whereas, Ordinance No.7 of 2004 in respect of “Examinations leading to the Degree of ÉÊÉÉÉ (Master of Laws) (LL.M.) (Semester Pattern) Ordinance, 2004” is in existence in the University.

AND

Whereas, the LL.M.course (Semester Pattern) in the subject of following specialization groups are in existence

Group- A - Criminal Law

Group- B - Constitutional Law and Administrative Law

AND

Whereas, the Govt. of Maharashtra, Higher & Technical Education Deptt., Mumbai, vide its letter No.NGC 2008/(215/08) “ÉÊÉÉÉ-3 dt. 19.6.2008 has granted approval to the affiliated colleges of the University for starting the LL.M. in specialization subjects 1) Corporate Law 2) Business Law 3) Constitutional Law 4) Criminology & Pinology Law 5) Human Rights 6) Criminal Law from the session 2008-2009.

AND

Whereas, the Board of Studies in Law, in its meeting held on 22/7/2008 prepared the draft syllabi and scheme of Examinations of the subjects Business Law, Corporate Law and Human Rights of LL.M. course in the specialization group C, D, E respectively for implementing from the session, 2008-2009.

AND

Whereas, the syllabi of the subjects Business Laws, Corporate Law and Human Rights of LL.M. courses alongwith scheme of Examinations were accepted by the Hon’ble Vice-Chancellor U/s 14 (7) of the Maharashtra Universities Act, 1994 on behalf of the faculty of Law and Academic Council.

AND

Whereas, the scheme of Examinations of the subjects 1) Business Law 2) Corporate Law and 3) Human Rights of LL.M. course (Semester Pattern) are to be included in the Appendices, A,B, C appended with the original ordinance No.7 of 2004 which are required to be amended by an Ordinance.

AND

Whereas, the matter regarding making of amendments in the existing Ordinance i.e. Original Ordinance No.7 of 2004 is time consuming process.

AND

Whereas, the syllabus of I & II Semester of New subjects of LL.M. course are to be made available from 2008-2009 session and semesters III & IV from 2009-2010 sessions.

Now, therefore, I, Dr.Kamal Singh, Vice-Chancellor, Sant Gadge Baba Amravati University, Amravati in exercise of powers conferred upon me under sub-section (8) of section 14 of the Maharashtra Universities Act, 1994 do hereby directs as under:-

1. This Direction may be called “ Examinations leading to the Degree of ÉÊÉÉÉ (Master of Laws) (LL.M.) (Semester Pattern) direction, 2008”.
2. This Direction shall come into force with effect from the date of its issuance.
3. The scheme of specialization Group-C, D & E of subjects 1) Business Law ,2) Corporate Law and 3) Human Rights respectively of LL.M. course of I<sup>st</sup> to III<sup>rd</sup> Semesters appended with this direction with Appendices - A, B, C. The specialization Group - C, D, E are included after the specialization Group - B appended with the direction No. 15/2008.
4. The word “five” appeared after the word “are” and before the word “papers” be substituted by the word `six` and the word “two” be substituted by “five” and iii) Group-C Business Law, iv) Group-D Corporate Law and v) Group-E Human Rights “be added after” ii) Group “B” in the notes No.1 However, in the notes No.2 the figure “20” appeared after the word “group” and before the word “students” be substituted by the figure “25”.

Sd/-

Amravati

Date :- 6/10/2008

(Kamal Singh)

Vice-Chancellor

**Appendix A  
LL.M. FIRST SEMESTER EXAMINATION**

**Group C  
Business Law**

Sr. No.	Paper	Subject	Max. Marks	Min.Marks	
3.	I	Law of Industrial and Intellectual Property - I	IA	20	10
			T	80	40
			Total	100	50
4.	II	Law of Industrial and Intellectual Property – II	IA	20	10
			T	80	40
			Total	100	50

**Group D  
Corporate Law**

Sr. No.	Paper	Subject	Max. Marks		Min.Marks
3.	I	Corporate Law	IA	20	10
			T	80	40
			Total	100	50
4.	II	Company and Securities Law	IA	20	10
			T	80	40
			Total	100	50

**Group E  
Human Rights**

Sr. No.	Paper	Subject	Max. Marks		Min.Marks
3.	I	Historical and Philosophical Perspectives of Human Rights and Duties	IA	20	10
			T	80	40
			Total	100	50
4.	II	Human Rights and Duties: International Perspective	IA	20	10
			T	80	40
			Total	100	50

**Appendix B  
LL.M SECOND SEMESTER EXAMINATION**

**Group C  
Business Law**

Sr. No.	Paper	Subject	Max. Marks		Min.Marks
3.	III	Law of Taxation – I	IA	20	10
			T	80	40
			Total	100	50
4.	IV	Law of Taxation –II	IA	20	10
			T	80	40
			Total	100	50

**Group D  
Corporate Law**

Sr. No.	Paper	Subject	Max. Marks		Min.Marks
3.	III	Economic Legislation	IA	20	10
			T	80	40
			Total	100	50
4.	IV	Legal Regulation of Economic Enterprises	IA	20	10
			T	80	40
			Total	100	50

**Group E  
Human Rights**

Sr. No.	Paper	Subject	Max. Marks		Min.Marks
3.	III	Protection System and Implementation of Human Rights and Duties	IA	20	10
			T	80	40
			Total	100	50
4.	IV	Human Rights and Duties in India: Indian Legal System	IA	20	10
			T	80	40
			Total	100	50

**Appendix C  
LL.M. THIRD SEMESTER EXAMINATION**

**Group C  
Business Law**

Sr. No.	Paper	Subject	Max. Marks		Min.Marks
2.	V	Banking Law	IA	20	10
			T	80	40
			Total	100	50
3.	VI	Insurance Law	IA	20	10
			T	80	40
			Total	100	50

**Group D  
Corporate Law**

Sr. No.	Paper	Subject	Max. Marks	Min.Marks	
2.	V	International Economic Law	IA	20	10
			T	80	40
			Total	100	50
3.	VI	International Trade Law	IA	20	10
			T	80	40
			Total	100	50

**Group E  
Human Rights**

Sr. No.	Paper	Subject	Max. Marks	Min.Marks	
2.	V	Human Rights and Criminal Justice System	IA	20	10
			T	80	40
			Total	100	50
3.	VI	International Humanitarian Law and Refugee Law	IA	20	10
			T	80	40
			Total	100	50

Notes :-(1) In LL.M Semesterised Course, there are Six papers on foundation courses, which are compulsory for all. There are five subjects specialization groups, which are optional. They are:

- 1) Group A - Criminal Law
- 2) Group B - Constitutional Law and Administrative Law
- 3) Group C - Business Law
- 4) Group D - Corporate Law
- 5) Group E - Human Rights

(2) Candidates have to select any one group of specialization which has six papers. The candidates will have to prosecute regular full time course of study. For every paper the total marks will be out of 100 i.e. 20 marks for internal assessment and 80 marks for theory. In each of the group 25 students will be admitted on merit in the P.G. Department and affiliated colleges for LL.M. course of the University.

**DIRECTION**

No. : 62/2010

Date : 18/10/2010

**Subject : Examinations leading to the Degree of विधि पारंगत (Master of Laws) (LL.M)(Semester Pattern).**

Whereas, the Ordinance No. 7 of 2004 in respect of “Examinations leading to the Degree of विधि पारंगत (Master of Laws) (LL.M) (Semester Pattern) Ordinance, 2004” is in existence in the University.

AND

Whereas, the faculty of Law in its meeting held on 1.4.2010 has accepted and resolved to recommend to the Academic Council that, the Internal Assessment of marks for LL.M. Course be stopped from 2010-2011 session & the theory papers shall be of 100 marks instead of 80 marks for all the subjects and groups.

AND

Whereas, the Academic Council in its meeting held on 27.8.2010 vide item No. 85 has accepted the recommendations of the faculty of Law as stated in above para and resolved to amend the respective Ordinance i.e. Ordinance No. 7 of 2004.

AND

Whereas, the Scheme of Examinations of the subjects 1) Criminal Law, 2) Constitutional Law & Administrative Law, of LL.M. course (Semester Pattern) required to be amended by an Ordinance.

AND

Whereas, the matter regarding making of amendments in the existing Ordinance i.e. Original Ordinance No. 7 of 2004 is time consuming process.

AND

Whereas, this change is to be implemented from the Academic Session 2010-2011.

Now, therefore, I, Dr. Kamal Singh, Vice Chancellor, Sant Gadge Baba Amravati University, Amravati in exercise of the power conferred upon me under Sub-Section (8) of the Section 14 of the Maharashtra Universities Act, 1994, do hereby direct as under :-

1. This Direction may be called, “ Examinations leading to the Degree of विधि पारंगत (Master of Laws)(LL.M.)(Semester Pattern) direction, 2010”.
2. This Direction shall come into force with effect from the date of its issuance.
3. The Internal Assessment of marks for LL.M. Course be stopped from 2010-2011 Session & the theory papers shall be of 100 marks instead of 80 marks for all the subjects and groups.

Amravati

Sd/-

(Kamal Singh)

Vice-Chancellor

Date : 19 October, 2010

Sant Gadge Baba Amravati University