

## CURRICULUM FOR LL.M. COURSE

### Objectives of the LL.M. Course:

1. The LL.M. Course being intended to produce academicians and lawyers of competence and expertise, it is imperative that the students should have an indepth knowledge not only of the concepts and Basic Principles of law, but also social, political and economic aspects of law.
2. To develop the capacity of the students for coherent and reasoned understanding as well as expression in the matters of legislative and judicial policy, legal process and legal institutions, methods of interpretation of laws and suggest pragmatic solutions to present institutional, legal and social problems.

### Rules for LL.M.Course :

1. **The LL.M. Course shall be a full-time and a semester course. The LL.M. course can not be done externally i.e., without keeping regular terms in law college.**
2. **No two regular courses (Graduate, Post-graduate or Diploma courses) shall be done simultaneously.**
3. **Admissions are completely governed by rules and regulations made by the University from time to time.**

#### 4. Eligibility for Admission:

- 4.1. **LL.M. First Year** – For admission to the LL.M. Ist year, the candidate must have passed, the LL.B. three years degree course after graduation, or five years LL.B. course after XII th standard or equivalent qualifications, of this university or any other recognized university. Admission will be in accordance with the merit in the qualifying examination.
- 4.2. **Semester II and Semester IV** – Students will be allowed to keep terms for semester II and semester IV provided that they appear for semester I and semester III examination respectively, in all papers.
- 4.3. **A.T.K.T. Rule** – A student will be allowed to keep terms for II year, if he has passed semester I and II or he has passed in Five (5) papers out of total Seven (7) papers of LL.M. Ist Year.

5. **Admission** – Admission will be given to LL.M.I or LL.M.II only in the month of June. Intake capacity for each year will be 30 students.

#### 6. Standard of Passing –

- 6.1. To pass the LL.M. semester examination, a candidate must obtain 45% marks in each paper (The marks for the University examination and internal assessment being added up) and 50% marks in aggregate.

Provided further that the difference between University examination and internal marks of a candidate for any paper shall not be more than 20%. If the marks obtained in the internal assessment by a candidate exceed the marks

obtained by him in the University examination by more than 20%, the marks obtained by him in the internal assessment shall be brought down to that extent

**6.2. Class and Distinction –**

- a) Pass/Second Class – 50% marks or above and less than 55% marks
- b) Higher Second Class (B+) – 55% marks or more but less than 60% marks
- c) First Class – 60% marks or more but less than 70% marks
- d) Distinction – 70% marks or above
- e) Grace Marks – The candidate will be entitled to benefit of Grace marks as per University Rules.

Higher Second Class (B+), First Class and Distinction will be based on the basis of the marks of all four semesters.

- f) Exemption – The candidate getting 50% or more marks in a paper may claim exemption within a period of two next consecutive years i.e.in all four consecutive chances excluding the first attempt.

**7. Scheme of Examination –**

7.1. At the end of each semester, a University examination (Theory paper) of three hours duration, carrying 60 marks per paper will be held.

7.2. In each paper except “Research Methodology and Legal Education”, there shall be 40 marks for internal assessment as follows -

- a) Seminar - 10 marks
- b) Home Assignment - 10 marks
- c) Written Tests - 10 marks
- d) Viva-voce - 10 marks

7.3. Viva-voce will be conducted by a concerned teacher in the presence of another teacher, nominated by the Principal/Head of the Department.

7.4. In “Research Methodology and Legal Education” the practical training shall include –

- a) Research paper & Viva-voce – 30 Marks
- b) Classroom Teaching – 10 Marks

A Student shall have to deliver 3 lectures in the IInd semester on a given topic for 40 minutes in the presence of the concerned lecturer.

**8. Attendance –**

No candidate will be allowed to appear for the examination unless he / she has completed 75% attendance in a given semester.



**7. Freedom of movement and residence****8. Freedom of trade and occupation****9. Protection against ex-post-facto law****10. Guarantee against double jeopardy****11. Prohibition against self incrimination****12. Protection of life and personal liberty**

12.1. From 'Procedure established by law' to 'due process of law'

12.2. Expanding horizons of Article 21.

**13. Protection against arrest and detention**

13.1. Genesis of Article 22

13.2. Rights of arrested person under Article 22 (1) and (2)

13.3. Preventive Detention

13.3.1. Grounds of preventive detention

13.3.2. Detenue's right of representation

13.3.3. Validity of detention

13.3.4. Article 22 and Emergency

13.3.5. Role of the Advisory Board

13.3.6. Maximum period of preventive detention

**14. Freedom of Religion and Conscience.**

14.1. Freedom to profess or practice religion

14.2. Freedom to manage religious affairs

14.3. No taxation to promote a religion

14.4. Restriction on religious instructions in educational institutions.

**15. Protection of interests of minorities under Article 29.****16. Rights of a Minority Educational Institutions**

16.1. Right of minority to establish and administer educational institutions

16.2. Regulation of minority educational institutions

16.3. T.M.A. Pai Foundation V. State of Karnataka.

**17. Articles 31-A, 31-B and 31-C.****18. Emergency and Fundamental Rights.**

**Paper: II****Jurisprudence – I****Objectives of the course (for Jurisprudence I & II):**

It is an objective of the course to give clear understanding of the nature, scope and functions of law with special reference to Natural Law, Legal Positivism, American Legal Realism in general and Indian legal theory, Judicial process in India in particular.

Inter-alia it is also one of the objectives to give the students clear understanding of the basic concepts and their application and to highlight the distinction in the scope of jurisprudence and legal theory.

**1. Nature and Scope of Jurisprudence.****2. Nature and functions of Law.**

## 2.1. Natural Law theories.

2.1.1. Natural Law – Classical era- St.Thomas Aquinas, Grotious, Hobbes, Lockes, Rosseau, Montesque.

2.1.2. German transcendent Idealism – Kant and Hegel

2.1.3. Revival of Natural Law, Stammler, Radbruch, Neo-Scholastic natural Law-Duguit, Lon fuller, John Finnis.

**3. Legal Positivism**

3.1. Austins theory of positivism.

3.2. Kelsen's pure theory of Law.

3.3. Prof.H.L.A.Harts concept of Law.

**4. Functional School**

4.1. Roscoe Pound

4.2. Cordozo

4.3. Holmes

**5. American Legal Realism.**

5.1. Carl Lwellyn

5.2. Jarome Frank

**6. Judicial Process in India.**

6.1. Nature and kinds of Judicial process.

6.2. Judicial Activism

6.3. Independence of Judiciary

6.4. Limits of Judicial powers.

6.4.1. Self imposed limitations

6.4.2. Res-judicata

6.4.3. Accountability

**7. Precedent.**

7.1. Ratio decidendi & obiter dicta.

7.2. Authoritativeness of precedent.

7.3. Reversal and overruling.

7.4. Retropective and prospective overruling.

7.5. How far supreme court of India is bound by own decisions?

**Paper: III****Indian Administrative Law : I****Objectives of the course (for Indian Administrative Law - I & II):**

The administrative explosion of 19<sup>th</sup> Century, in the common law world brought in new norms of relationship between state and citizens. In due course the continental strategies of control over administration had their influence. Alongwith this the civil service and administrative agencies gained more and more importance when the state launched welfare programmes and became the guardian of the rights of individuals. The standards of administrative behaviour are moulded and supported through the constitutional values in the lands of constitutional sovereignty. Necessarily, a student of law relating to administration should get a deep knowledge of the operation and changing phenomena of these standards from a comparative angle. This is so especially in the wake of technological revolution and it's aftermath on the administration.

**1. Introductory**

- 1.1. Nature and Scope of Administrative Law
- 1.2. Reasons for growth of Administrative Law
- 1.3. Doctrinal barriers in the growth of Administrative Law
  - 1.3.1. Rule of Law – The Diceyn exposition
  - 1.3.2. Separation of powers doctrine
- 1.4. Classification of Administrative functions
  - 1.4.1. Legislative activity
  - 1.4.2. Purely Administrative activity
  - 1.4.3. Quasi – Judicial Activity
- 1.5. Significance of Doctrine of “Ministerial Responsibility” in the context of Administrative Law.

**2. Delegated Legislation**

- 2.1. Reasons for growth of Delegated Legislation
- 2.2. Permissible limits of delegation
- 2.3. Conditional legislation and Sub-delegation
- 2.4. Judicial Control of Delegated Legislation
  - 2.4.1. Substantive ultra-vires
  - 2.4.2. Procedural ultra-vires
- 2.5. Parliamentary control over Delegated Legislation.
  - 2.5.1. At the stage of delegation
  - 2.5.2. After the delegated legislation is made.

**3. Administrative Adjudication**

- 3.1. “Quasi-Judicial” body.
  - 3.1.1. Test to determine – Quasi – Judicial function
  - 3.1.2. Meaning of “Tribunal”
  - 3.1.3. Difference between “Court” and “Tribunal”.
- 3.2. Reasons for growth of administrative adjudication.
- 3.3. Procedure in Administrative Adjudication.
- 3.4. Constitutional validity of Article 323 A, 323 B.
- 3.5. Salient features of Administrative Tribunals Act 1985.
- 3.6. Administrative Adjudication in some special areas –

- 3.6.1. Tax Assessment
- 3.6.2. Labour Laws
- 3.6.3. Railway Rates Tribunal
- 3.6.4. Disciplinary Committee under Indian Advocates Act 1961.

#### **4. Judicial Control of Administrative Action through writs**

- 4.1. General Conditions for the issuance of writs
- 4.2. The writs
- 4.3. Scope of review through writs
- 4.4. Control of administrative discretion
- 4.5. Administrative discrimination
- 4.6. Special leave to appeal
- 4.7. High Courts superintendence over tribunals under Article 227.

#### **5. Administrative Discretion**

- 5.1. Ministerial and discretionary functions
- 5.2. Subjective satisfaction and objective determination
- 5.3. Scope for Judicial Review in :
  - a) Subjective Satisfaction
  - b) Objective determination
- 5.4. Judicial control of Administrative Discretion
  - 5.4.1. Abuse of Discretion
  - 5.4.2. Non use of Discretion

#### **6. Principles of Natural Justice**

- 6.1. Nature and Scope
    - 6.1.1. Audi Altern partem
    - 6.1.2. Rule against Bias
    - 6.1.3. Reasoned decision
    - 6.1.4. Institutional decision
  - 6.2. When Natural Justice Principles may be validly excluded?
  - 6.3. What is the effect of non observance of Natural Justice Principles?
-

## Semester - II

### Paper: IV                      Research Methodology & Legal Education

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

The main objectives of this course is to acquaint the students of law with the scientific method of social science research. This course is expected to provide the minimum knowledge of the technique selection, collection and interpretation of primary and secondary data in socio-legal research. Emphasis would be laid on class room teaching and a research paper including Viva-voce.

#### **1. Legal Research**

- 1.1. Objectives, Meaning, Social value of Legal Research
- 1.2. Kinds of Legal Research
- 1.3. Research Methodology
- 1.4. Basic assumptions of Legal Research
- 1.5. Major steps involved in doing Legal Research

#### **2. Legal Reasoning**

- 2.1. Scientific Legal Reasoning
- 2.2. Deductive Method
- 2.3. Inductive Method

#### **3. Formulation or Selection of Legal Research Problem or Topic.**

- 3.1. Meaning of Research Problem.
- 3.2. Selection of Research Problem.
- 3.3. Precaution in selecting Research Problem.

#### **4. Hypothesis**

- 4.1. Meaning and Importance of Hypothesis
- 4.2. Criteria to form Hypothesis
- 4.3. Sources of Hypothesis
- 4.4. Problems in formulation of Hypothesis
- 4.5. Stages in formulation of Hypothesis
- 4.6. Types of Hypothesis
- 4.7. Testing the Hypothesis

#### **5. Legal Research Design**

- 5.1. Meaning
- 5.2. Contents
- 5.3. Types of Research Design
- 5.4. Characteristics of a good research design

#### **6. Sampling Techniques**

- 6.1. Types of Sampling
- 6.2. Procedure to select a sample
- 6.3. Merits and Demerits of different types of samples

## **7. Methods / Techniques of Data Collection**

- 7.1. Sources of Data Collection
  - 7.1.1. Primary Sources
  - 7.1.2. Secondary Sources
- 7.2. Case Law as a source of law
- 7.3. Observation Method
- 7.4. Interview Method
  - 7.4.1. Schedule
- 7.5. Mailed Questionnaire Method
- 7.6. Survey Method
- 7.7. Case Study Method
- 7.8. Project Method
- 7.9. Content analysis
- 7.10. Cause and effect analysis

## **8. Research Report**

- 8.1. Purpose
- 8.2. Role of Computer in writing Research Report
- 8.3. Contents of Research Report – Methodology, Statement of the problem, Review of literature, Appendices, Bibliography, footnotes, glossary, Conclusion and Suggestions etc.
- 8.4. Lay out of Research Report

## **9. Legal Education**

- 9.1. Objectives of Legal Education
- 9.2. Various methods of Teaching – Lecture method, Problem method, Discussion method, Seminar method, and other methods of teaching – Merits and Demerits of these methods.
- 9.3. Examination System and Problems in evaluation – External and internal assessment – Reforms in examination system.
- 9.4. Role of Bar Council of India, Universities.

## **Bibliography**

1. Gopal Jain, *Research Methodology*
2. Dr.S.R.Myneni, *Legal Research Methodology*
3. S.K.Agarwal, N.M.Tripathi, *Legal Education in India, Problems and Perspectives.*
4. Dr.H.N.Tiwari, *Legal Research Methodology*
5. Indian Law Institutes, *Legal Research and Methodology*
6. Goode & Hatt, *Methods in Social Research*
7. C.R.Kothari, *Research Methodology, Methods and Techniques*
8. Dr.S.R.Bajpai, *Methods of Social Survey and Research.*

**Paper: V****Indian Constitutional Law – II****1. Parliament**

- 1.1. Functions of Parliament
- 1.2. Legislative Process
- 1.3. Role of Rajya Sabha
- 1.4. Parliamentary Privileges
- 1.5. Anti-defection law

**2. President of India**

- 2.1. Election of President
- 2.2. Constitutional position of the President.
- 2.3. Presidential privileges
- 2.4. Powers and functions of the President

**3. Supreme Court of India**

- 3.1. Jurisdiction and Powers of the Supreme Court
- 3.2. The remedies for enforcement of fundamental rights under Article 32.
- 3.3. Independence of the Supreme Court.

**4. Governor of a State.**

- 4.1. Role of the Governor in the State Executive.
- 4.2. Governor's privileges
- 4.3. Governor's Discretionary powers

**5. Legislative relations between centre and the state.**

- 5.1. Territorial Jurisdiction to Legislate
- 5.2. Distribution of Legislative Powers
- 5.3. Principles of interpretation of the lists
- 5.4. Repugnancy between a central and state law.
- 5.5. Parliamentary Legislation in the state field.

**6. Financial Relations between centre and the state.**

- 6.1. Allocation of Taxing powers
- 6.2. Restrictions on Taxing powers
- 6.3. Grants-in-aid
- 6.4. Finance Commission
- 6.5. Borrowing Power.

**7. Administrative Relations**

- 7.1. Distribution of Executive Power
- 7.2. Centre – State Administrative Co-ordination
- 7.3. Centre's Directives to the States
- 7.4. Co-operative Federalism.

**8. Federalism**

- 8.1. Principles of Federalism
- 8.2. Indian Federalism

**9. Freedom of Trade, Commerce and Intercourse**

- 9.1. Inter relation between Articles 19 (1) (g) and 301
- 9.2. Scope of Article 301
- 9.3. Regulatory measures by Parliament and State Legislature.

**10. Amendment of the Constitution**

- 10.1. Procedure for amendment of the Constitution
- 10.2. Amendability of the Fundamental Rights
- 10.3. 'Basic Features' doctrine.

**Bibliography – (For Indian Constitutional Law I & II)**

1. H.M.Seervai, *Constitution of India Vol. 1-3*
2. D.D.Basu, *Shorter Constitution of India*
3. M.P.Jain, *Indian Constitutional Law*
4. M.P.Singh (ed.) V.N.Shukla, *Constitutional Law of India*
5. *Constituent Assembly Debates* Vol. 1 to 12
6. T.K.Tope, *Constitution of India*
7. V.D.Mahajan, *Constitutional Law of India*
8. S.P.Sathe, *Judicial Activism in India*
9. B.Shiv Rao, *The Framing of India's Constitution, A Study*
10. B.Shiv Rao, *The Framing of India's Constitution, Select Documents.*



**1. Exclusion of Judicial Review**

- 1.1. Grounds of Judicial Review
- 1.2. Exclusion of Judicial Review
- 1.3. Grounds of Exclusion of Judicial Review

**2. Liability of the Government**

- 2.1. Contractual Liability :
  - 2.1.1. Government Contract : Power and Procedure
  - 2.1.2. Consequences of non-compliance
  - 2.1.3. Judicial trend in enforcing contractual liability
  - 2.1.4. Transparency and Nondiscrimination in allotment of government contracts.
  - 2.1.5. Terms in Government contracts as instruments of Social justice
- 2.2. Quasi-contractual liability:
  - 2.2.1. Conflict between Article 299 and S.70 of Indian Contract Act 1872.
  - 2.2.2. Judicial trend in enforcing Quasi-Contractual liability.
- 2.3. Tortious Liability :
  - 2.3.1. Sovereign Immunity
  - 2.3.2. Liability for Welfare and Commercial functions
  - 2.3.3. Compensation Jurisprudence under Article 21

**3. Government Privileges & Doctrine of Promissory Estoppel**

- 3.1. Government's privileges in legal proceedings –
  - 3.1.1. How far government is bound by statute?
  - 3.1.2. Government's privileges of withholding documents
  - 3.1.3. Emergence of Right to Information as a distinct legal right
- 3.2. Doctrine of Promissory Estoppel
  - 3.2.1. How far government is bound by own promises?
  - 3.2.2. Legitimate expectation in policy matters

**4. Statutory Judicial Remedies**

- 4.1. General Statutory Remedies
- 4.2. Specific Statutory Remedies
  - 4.2.1. Injunctions
  - 4.2.2. Declarations
- 4.3. Significance of Injunctions and declarations in redressing grievance against administration
- 4.4. Comparative merits and demerits of :
  - 4.4.1. Injunctions and declarations
  - 4.4.2. Writs

**5. Controls on Maladministration**

- 5.1. Doctrine of Responsible Government
- 5.2. Need and Origin of Ombudsman
- 5.3. Salient features of Maharashtra Lokayukta & Uplokayukta Act 1971
- 5.4. Salient features of Commission of Enquiries Act 1952
- 5.5. Central Vigilance Commission

**Bibliography (For Indian Administrative Law I & II)**

1. Dr.M.P.Jain & S.N.Jain, *Principles of Administrative Law*
  2. Dr.S.P.Sathe, *Administrative Law*
  3. Justice C.K.Thakker, *Indian Administrative Law*
  4. Indian Law Institute, *Cases and Materials on Indian Administrative Law*
  5. Indian Law Institute, *Delegated Legislation in India*
  6. Indian Law Institute, *Judicial Review through writs*
  7. Markose, *Judicial Control of Administrative action in India*
  8. de Smith, *Judicial Control of Administrative action*
  9. V.G.Ramachandran, *Administrative Law*
  10. Durga Das Basu, *Administrative Law*
  11. Kailash Rai, *Administrative Law*
  12. Halsbury's Laws of India, *Administrative Law*
-

**Semester - III**  
**Paper: VIII**  
**Criminology**

**Objectives of the course :**

The course is designed to acquaint the student with the broad perspective of crime-causation. The course takes into consideration advances made by Sociology, Psychiatry, Medicine, Information technology in understanding deviant behaviour of human being. Emphasis will be on various schools and theories of criminology. Criminality of the 'Privileged classes' is also given a place in this course. The issue of drug-addiction and criminality is quite complex. It is expected to understand to what extent drug dependence contributes to criminal behaviour. No understanding of crimes can be complete without a grasp of causes of Juvenile Delinquency. The principal objective of the course is to orient the post-graduate student in law to a whole variety of factors which interact in the making of 'a criminal'.

- 1. Definition / Nature and Scope of Criminology.**
- 2. Possibility of a Science of Criminology.**
- 3. Pre scientific theories explaining criminal conduct**
- 4. Classical and Neo-classical school of criminology.**
- 5. Italian school of criminology.**
- 6. Theory of Differential Association.**
- 7. Psycho analytic Theory of crime-causation**
- 8. The Constitutional School of Criminology**
- 9. Geography and Criminal Causation**
- 10. The Ecological Approach**
- 11. Heredity and Crime**
- 12. The Endocrine glands and crime**
- 13. Organized Predatory crime and Racketeering**
- 14. Alcohol and Drug Addiction as causes of crime.**
- 15. White Collar Crime**
- 16. Economic conditions and criminality.**
- 17. Multiple factor approach to crime**
- 18. Mass communication media and crime causation**
- 19. Emergence of cyber crimes**
- 20. Causes of Juvenile Delinquency**

**Bibliography –**

1. E.H. Sutherland and Donald R.Cressey, *Criminology*
2. Donald R. Taft and Ralph W.England, Jr., *Criminology*
3. Harry Elmer Barnes and Negley K.Teeters, *New Horizons in Criminology*
4. Dr.N.V.Paranjape, *Criminology and Penology*
5. Willem Bonger, *Criminality and Economic Conditions*
6. E.H.Sutherland, *White Collar Crime*
7. Ahmad Siddique, *Criminology*
8. J.M.J.Sethna, *Society and the Criminal*
9. V.R.Krishna Iyer, *Perspectives in Criminology, Law and Social Change*
10. K.D.Gaur (Ed.by), *Criminal Law, Criminology and Criminal Administration*
11. Nitant P.Trilokekar, *Computer Crime*

**Paper: IX****Company Law - I****Objectives of the course (for Company Law – I & II) :**

In view of increasing emphasis on adherence to norms of good corporate governance, company law assumes an added importance in the corporate legislative milieu, as it deals with structure, management, administration & conduct of affairs of companies. The students are expected to study the legal problems and importance of corporate sector, its administrative frame work, rules regarding the corporations or companies & to understand economic and social values which they should subserve in a planned, welfare society. Students should be well versed with decided case laws & amendments with the comparison of English law.

**1. Meaning and nature of company**

- 1.1. Characteristics of Company Law
- 1.2. History and development of English and Indian Company Law.

**2. Incorporation of Companies.**

- 2.1. Advantages and disadvantages of incorporation.
- 2.2. Lifting the Corporate veil
- 2.3. Promoter – meaning, importance, legal status, duties & liabilities
- 2.4. Formation and floating of Company
  - 2.4.1. Registration
  - 2.4.2. Certificate of incorporation
  - 2.4.3. Pre-incorporation contracts.
  - 2.4.4. Commencement of business.
- 2.5. Companies and fundamental rights.

**3. Memorandum of Association with special reference to object clause.**

- 3.1. Main objects and other objects.
- 3.2. Rule of ultravires – The latest British legislative reforms of rule of ultravires with relevance to Indian Law.
- 3.3. Rights and liabilities of Company, its officers and parties dealing with the company under the rule of ultravires.

**4. Articles of Association.**

- 4.1. Articles of Association as an instrument of internal corporate management.
- 4.2. When Articles are Compulsory.
- 4.3. Contents of Articles of Association.
- 4.4. Articles of Association vis-a-vis Memorandum of Association.
- 4.5. Binding force of Memorandum of Association and Articles of Association.
- 4.6. Alteration of Articles.
- 4.7. Constructive Notice – Doctrine of Indoor Management and its exceptions.

**5. Prospectus**

- 5.1. Statement in lieu of prospectus , its importance.
- 5.2. Contents.
- 5.3. Shelf prospectus.

- 5.4. Remedies for misrepresentation.
- 5.5. The law under Securities Exchange Board of India (SEBI) Act to raise corporate capital.

## **6. Capital**

- 6.1. Formation of Capital
  - 6.1.1. Types/Kinds of capital
  - 6.1.2. Alteration of Capital
- 6.2. Shares – Kinds of Shares
  - 6.2.1. Legal nature of shares
  - 6.2.2. Allotment of Shares – Restrictions on allotment – effect of irregular allotment.
- 6.3. Transfer and transmission of shares
  - 6.3.1. Under Companies Act and Securities contracts regulation Act 1956.
  - 6.3.2. Transfer of Share Warrant.
  - 6.3.3. Blank transfer.
  - 6.3.4. Transfer of Shares in depository mode.
- 6.4. Call on Shares , forfeiture of shares.
- 6.5. Surrender and lien on shares.

## **7. Share holders/members**

- 7.1. Who may be a member ?
- 7.2. How to become a member ?
- 7.3. Ceasing to be a member
- 7.4. Rights and liabilities of members

## **8. Borrowing Powers and Debentures.**

- 8.1. Consequences of unauthorised borrowing.
- 8.2. Mortgages and Charges.
- 8.3. Registration of Charges.
- 8.4. Debentures – Definition.
  - 8.4.1. Kinds and remedies of debenture holders.
  - 8.4.2. Debenture trust deed.
- 8.5. Floating Charge.

## **9. Deposits.**

- 9.1. Parliamentary and delegated legislation regulating the fixed deposits.



6.3. Suicide and Euthanasia.

**7. Rights of accused persons and prisoners.**

- 7.1. Right to protection against self-incrimination
- 7.2. Right to free legal aid
- 7.3. Right to be free from torture and mal-treatment
- 7.4. Right to the speedy trial
- 7.5. Right to represent against punishment

**Bibliography –**

1. Dr.S.K.Awasthi and R.P.Kataria, *Law relating to Protection of Human Rights*.
  2. Palok Basu J., *Law relating to protection of Human Rights*
  3. Geraldine Van Bueren, *The International Law on the Rights of child*
  4. Prabhat Chandra Tripathi, *Crime against working women*
  5. Paras Diwan and Piyush Diwan – *Women and Legal Protection*
  6. Philip Alston, *Children, Rights and the law*
  7. Kelly D.Askin, Dorean M.Koenig, *Women and International Human rights law 1999*
-

## Semester - IV Penology

### Paper: XI

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

This course offers a specialist understanding of criminal policies including theories of punishment, their supposed philosophical and sociological justification and the problematic of discretion in the sentencing experience of the developing societies. This course will focus mainly on Crime Prevention and Treatment of Offenders. Broadly, the course will concern itself with theories of punishment, approaches to sentencing, alternative to imprisonment, the state of Institutional Incarceration in India, the problematic of Capital Punishment, the distinctive Indian approaches to Penology, legislative approaches to juvenile delinquency.

#### **1. Introductory**

- 1.1. Definition of Penology

#### **2. Theories of Punishment**

- 2.1. Retribution
- 2.2. Utilitarian Prevention: Deterrence
- 2.3. Physical prevention: Incapacitation
- 2.4. Behavioural Prevention: Reformation, Rehabilitation, Expiation
- 2.5. Classical Hindu and Islamic approaches to Punishment

#### **3. The Problematic of Capital Punishment**

- 3.1. Constitutionality of Capital Punishment
- 3.2. Judicial and Legislative attitude towards capital punishment in India: An inquiry through the statute law and case law.
- 3.3. Favoured mode of execution of death sentence
- 3.4. Law Reform Proposals

#### **4. Approaches to Sentencing**

- 4.1. Alternatives to Imprisonment
- 4.2. Probation
- 4.3. Reparation by the offender
- 4.4. Fine
- 4.5. Corrective Labour
- 4.6. Plea-bargaining

#### **5. Sentencing**

- 5.1. Sentencing Process
- 5.2. Mitigating and Aggravating factors
- 5.3. Pre-sentence hearing
- 5.4. Types of Sentence (Historical and Contemporary)
- 5.5. Minimum Sentence
- 5.6. Sentencing for Habitual Offender
- 5.7. Individualization of treatment

## **6. Imprisonment**

- 6.1. The State of India's Prisons today
- 6.2. Classification of prisoners
- 6.3. Rights of prisoner and duties of custodial staff
- 6.4. Control of Inmates and Prison Discipline
- 6.5. Open Prisons
- 6.6. Judicial Surveillance
- 6.7. Prison Reforms

## **7. Legislative approaches to Juvenile Delinquency**

- 7.1. Legislative approaches during the late colonial era
- 7.2. Juvenile Justice Act
- 7.3. Constitutional aspects
- 7.4. Distinction between 'Neglected' and 'delinquent' juveniles
- 7.5. Competent Authorities
- 7.6. Processual safeguards for juveniles
- 7.7. Powers given to government
- 7.8. Community participation as envisaged under the Act.

## **8. Prevention of Crime and Delinquency**

### **Bibliography –**

1. E.H. Sutherland and Donald R.Cressey, *Criminology*
2. Donald R. Taft and Ralph W.England, Jr., *Criminology*
3. Harry Elmer Barnes and Negley K.Teeters, *New Horizons in Criminology*
4. Dr.N.V.Paranjape, *Criminology and Penology*
5. Ahmad Siddique, *Criminology*
6. J.M.J.Sethna, *Society and the Criminal*
7. V.R.Krishna Iyer, *Perspectives in Criminology, Law and Social Change*
8. K.D.Gaur (Ed.by), *Criminal Law, Criminology and Criminal Administration*
9. Nitant P.Trilokekar, *Computer Crime*

**Paper: XII****Company Law – II****1. Dividends and Investments.**

- 1.1. Meaning and nature of dividend
- 1.2. Dividend fund
- 1.3. Powers to pay dividend and limitations on payment – mode of payment
- 1.4. Meaning of investment
  - 1.4.1. Powers of Board over investment
- 1.5. Charitable and political contributions by companies.

**2. Directors and Officers.**

- 2.1. Position of Directors
- 2.2. Qualification and disqualification of Directors.
- 2.3. Appointment, retirement, removal and resignation of directors.
- 2.4. Powers duties and liabilities of directors.
- 2.5. Other managerial personnel – Managing Director – Manager – Secretary.

**3. Meetings**

- 3.1. Kinds of Meetings.
- 3.2. Procedure and conduct of meeting :- Notice, types of business, quorum, voting.
- 3.3. Resolutions : Kinds of resolution, Resolution by circulation.

**4. Accounts and Audit.**

- 4.1. Accounts and its necessity, maintenance and preparation of annual accounts, accounts of holding & subsidiary company and foreign companies.
- 4.2. Audit – Kinds : Statutory, internal and cost audit, special audit – qualification appointment and removal of auditors, powers and duties of auditors.

**5. Controls**

- 5.1. Control by Shareholders, Government, and Court over the management.
- 5.2. Control by Company Law Board / National Company Law Tribunal, National Company Law Appellate Tribunal – It's constitution and powers.
- 5.3. Prevention of oppression and mismanagement
- 5.4. Majority powers and minority rights.

**6. Amalgamation, Absorption, and Reconstruction of companies.**

- 6.1. Rights of dissenting share holders and creditors.
- 6.2. Statutory scheme of Reconstruction
- 6.3. Judicial intervention in scheme of Reconstruction

**7. Winding up and Dissolution.**

- 7.1. Types of winding up.
- 7.2. Who can apply for winding up?
- 7.3. Commencement of winding up and consequences of winding up order.
- 7.4. Position and powers of liquidator
- 7.5. Consequences of winding up
- 7.6. The court's power.

## 8. Revival and Rehabilitation of Sick Industrial Companies.

### Bibliography – (For Company Law I & II)

1. R.H. Pandiya, *The Companies Act*
2. B.K.Sengupta, *The Companies Act.*
3. SEBI Act Manual, *Taxman*
4. J.M.Thomas, *Palmer's Company Law*
5. S.M.Shah, *Lectures on Company Law*
6. Dr.Avtar Singh, *Company Law*
7. A.Ramaiah, *Guide to Companies Act*
8. C.R.Datta, *The Company Law*
9. H.K.Saharay, *Principles and Practice of Company Law*
10. S.K.Bose, *N.D.Basu's Company Act*
11. M.J.Sethna, *Indian Company Law*
12. M.Krishnaswamy and G.D.Devdasan, *Company Law in India*
13. *Manual of SEBI Notifications and Legislations.*

## **Paper: XIII Labour Laws: Social Security & Collective bargaining**

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

Social security is a necessary phenomenon of a welfare state. The ideal of social security is contained in the constitution. This course shall examine the various dimensions of labour security measures.

In a rapidly industrializing country like India, balancing the conflicting interests in the Industrial sector is necessary for the sustainable growth of economy. The social, economic and political forces influence the process of collective bargaining. Necessarily some rules are evolved in order to bring out industrial peace. Therefore, concept of social security and collective bargaining have to be learnt in a detailed manner.

### **1. Industrial Jurisprudence**

- 1.1. Labour Policy in India
- 1.2. Industrial Revolution in India
  - 1.2.1. Evils of Industrialisation
  - 1.2.2. Labour problems – Industrial peace and harmony
- 1.3. Principles of Labour Legislation
  - 1.3.1. Social Justice – Social equity
- 1.4. Principles of Industrial Adjudication.

### **2. Social Security**

- 2.1. Meaning
- 2.2. Distinction with Labour Welfare
- 2.3. Modality – Social Prescription, Social assistance and social insurance

### **3. From compensation to insurance**

- 3.1. Judicial Interpretation of the expression “arising out of and in the course of employment”
- 3.2. Employees State insurance benefits – an improvement over workmen’s compensation.

### **4. Constitutional Perspectives**

- 4.1. Fundamental Rights – realization of the rights through meaningful social measures; right to life – the wider dimensions
- 4.2. Directive Principles of State Policy
  - 4.2.1. Right to adequate means of livelihood
  - 4.2.2. Free legal aid
  - 4.2.3. Public assistance in unemployment, old age, sickness and disablement, maternity relief.

### **5. Freedom of Organisation**

- 5.1. International Norms: Right to association of industrial and unorganised labour
- 5.2. Right to association in India – The constitutional and legal aspects.

### **6. Collective Bargaining**

- 6.1. Concept / theories of collective bargaining
- 6.2. Characteristics of collective bargaining

- 6.3. Bargaining Process
  - 6.3.1. Emperical Indian Studies
  - 6.3.2. Types of bargaining
    - a) Plant level
    - b) Industry level
    - c) National level
- 6.4. Collective bargaining – industrial peace
- 6.5. Collective bargaining – advantages – disadvantages

## **7. Legal Control of collective bargaining Endeavours**

- 7.1. Strike, Pendown, tool down, go slow, work to rule, stay in, sit in, picketing.
- 7.2. Gherao
- 7.3. Lock out
- 7.4. Economic implications of collective bargaining, wages, working time, conditions of employment, management rights, seniority, impact of economic development on future collective bargaining.

## **Bibliography**

1. Dr.Arjun P.Aggarwal, *Gheraos and industrial Relations*
2. H.L.Kumar, *Lock out & Strike and Labour problems remedies*
3. V.G.Gosavi, *Strikes & Kinds- Labour and Industrial Laws*
4. S.K.Bhatia, *Collective Bargaining*
5. G.Varandhani, *Social Security*
6. A.M.Sharma, *Social Security & Welfare*
7. R.C.Saxeena, *Labour problems and social welfare*
8. S.C.Pant, *Indian Labour Problems*
9. Dharma Vira Aggarwala, *Industrial Relations & Collective Bargaining*
10. S.C.Srivastava, *Industrial Relations & Labour Laws*

## **Paper: XIV      Prevention and Control of Pollution**

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

Pollution hazards bring the worst harm to the environment. Legal measures are attempted to prevent or control various kinds of pollution. Can land, water, air and other pollution hazards be prevented or controlled effectively by criminal sanctions especially in a developing country like India? What other legal strategies can be adopted at this level ? One has to be a critic of the existing laws and to look forward to desirable mechanism of control over pollution hazards. This paper aims at shedding light on these areas.

#### **1. Pollution**

- 1.1. Meaning, nature and definition
- 1.2. Kinds of pollution and their impact

#### **2. Pollution of Water**

- 2.1. Definition
- 2.2. Sources of water pollution
- 2.3. Critique of existing laws
  - 2.3.1. Machinery
  - 2.3.2. Powers
  - 2.3.3. Functions
  - 2.3.4. Offences and penalties

#### **3. Pollution of Air**

- 3.1. Pollutants and effects
- 3.2. Modalities of control
- 3.3. Conflicts of Jurisdiction of different control
- 3.4. Agencies
- 3.5. Critique of existing legal framework

#### **4. Noise Pollution**

- 4.1. Meaning, nature and definition
- 4.2. Sources and effects
- 4.3. Different Legal Controls.
- 4.4. Need for specific law

#### **5. Disposal of Waste**

- 5.1. Kinds of wastes
- 5.2. Disposal Agencies
- 5.3. Disposal and recycling of wastes

#### **6. Land Pollution**

- 6.1. Meaning and nature
- 6.2. Sources
- 6.3. Critique of existing laws
  - 6.3.1. Machinery
  - 6.3.2. Powers and functions

## **7. Radiation Pollution**

- 7.1. Various sources of Radiation Pollution
- 7.2. Harmful effects of Radiation

## **8. Sanctions against pollution**

- 8.1. Efficiency of criminal and civil sanction
- 8.2. Corporate liability, civil and criminal
- 8.3. Incentives to pollution control

### **Bibliography –**

1. Kailash Thakur, *Environmental protection laws and policy in india (1997)*, Deep & Deep Publication, New Delhi.
  2. Leela Krishnan P., *Laws of Environment (1990)*.
  3. Leela Krishnan P., *The Environmental laws in india (1999)* Butterworth.
  4. David Hughes, *Environmental Law (1999)*. Butterworth, London.
  5. Armin Rozencranz, *Environmental policy and law in india (2000)*. Butterworth, India.
  6. Dr.R.G.Chaturvedi & Dr.M.M.Chaturvedi, *Law on protection of Environment and Prevention of Pollution*.
-

## LL.M. Course

### LL.M. Part-I

#### Semester - I

Paper – I	:	Indian Constitutional Law -I
Paper - II	:	Jurisprudence -I
Paper – III	:	Indian Administrative Law -I

#### Semester - II

Paper - IV	:	Research Methodology & Legal Education
Paper - V	:	Indian Constitutional Law - II
Paper -VI	:	Jurisprudence - II
Paper-VII	:	Indian Administrative Law - II

### LL.M. Part-II

#### Semester - III

Paper - VIII	:	Criminology
Paper - IX	:	Company Law -I
Paper – X	:	Human Rights of Disadvantaged Groups

#### Semester - IV

Paper - XI	:	Penology
Paper - XII	:	Company Law - II
Paper – XIII	:	Labour Laws: Social Security & Collective bargaining
Paper – XIV	:	Prevention and Control of Pollution

### Nature of Question Papers

The questions, which will test the analytical & critical skill and in-depth study of the student, will be set. The questions may be asked seeking suggestions from the students about any reforms of the law relating to that subject. The comments of the students about any legal positions, legal problem or a decided case may be the subject matter of a question.

There will be seven questions in each question paper. The students will have to solve any four questions out of seven questions. Each question will carry 15 marks.

Syllabus for LL.M. Part - I will be effective from the Year 2006-07 & Syllabus for LL.M. Part - II will be effective from the Year 2007-08.