

**DEPARTMENT OF LAW
SAURASHTRA UNIVERSITY,
RAJKOT**



[Accredited Grade "A"]
By NAAC

FACULTY OF LAW

**LL.M. Syllabus [cbcs]
Effective From June - 2015**

**Saurashtra University
University Campus, Rajkot – 360 005
Gujarat , India.**

Website : www.saurashtrauniversity.edu

**P.G. Adhoc Board Dt. 30-04-2015
Law Faculty Meeting Dt.18-09-2015, Resolution No. "3"
Subject to approval of Academic Council**

SAURASHTRA UNIVERSITY
RAJKOT-360 005.

(Established under the Gujarat Act, No.39 of 1965)

Faculty of Law

Ordinances and Regulations for the Degree of

Master of Law (LL.M.)

(Based on CBCS)

Effective from June -2015

O.LL.M.-1

No. candidate shall be admitted to the Degree of LL.M. unless he has passed the LL.B. (Special) examination with at least SECOND CLASS of this University or an examination of any other statutory University recognized as equivalent thereto. The Department may hold entrance test for admission with the previous approval of the Vice-Chancellor.

O.LL.M.-2

LL.M. Degree programme is of Two academic years duration consisting of four semesters, which will be required to be completed within 4 year from the date of first admission the Semester-I.

O.LL.M.-3

LL.M. two years (four semesters) Degree programme is a regular fulltime programme and therefore admitted candidate can not join any other course of study without prior permission of the University.

O.LL.M.-4

Medium of instruction & examination shall be English, Hindi or Gujarati as the case may be which will not be changed during the entire Degree programme.

O.LL.M.-5

The Choice Based Credit System (CBCS) Programme of the University is a comprehensive and continuous evaluation programme and minimum attendance as per O.98 is mandatory for the students. Non-Compliance of these requirements may result into rejection of the concerned term (Semester).

O.LL.M.-6

The Head of Department shall have to take appropriate measure against Ragging & Gender problems arising in the University Department. In case of occurrence of any such incident, the violator shall be dealt with very seriously and appropriate stringent action shall be taken by the Head of Department by observing principles of natural justice. The Head of Department may appoint a Committee to inquire in to the matter which will also observe the principle of natural justice. The Committee will submit its report to the Head of Department who will forward the same with his comment thereupon to the University Registrar, for taking further necessary action in the matter.

O.LL.M.-7

A candidate, at an University Semester End Examination, if fails to obtain minimum marks for passing in particular course he /she will be required to reappear in that course without keeping term for that semester. The candidate will have to reappear in the Semester End Examination by paying fresh examination fee along with an application form. Such a candidate when obtains minimum or more than minimum marks for passing in the course his /her marks of reappearace will be carried forward for award of class /CGPA.

O.LL.M.-8.

Admission granted by the University Department to any student shall be provisional till the enrolment / registration / enlistment is made by the University. In case admission is granted on the basis of provisional eligibility certificate, the conditions & instruction given by the University should be complied within the time limit fixed by the University or latest by the beginning of the next semester, otherwise term kept by the such a student will be forfeited and no fees on any account will be refunded.

O.LL.M.-9

The Dissertation / Project shall be on one of the topics approved by the committee of post-graduate teachers teaching in the department /centre . The student will submit the same for approval to the Head of post-graduate Deptt. / Centre not later than the beginning of the second semester. The topic on which candidate proposes to work for his/her dissertation, an

approval should normally be communicated to the student well in advance by the P.G. Department

O.L.L.M.-10.

All admitting authorities (Including the College / University Department / Centre / Institute or centralized admission committee etc.) will have to strictly observe the provisions of reservation policy of the Govt. / U.G.C. / Rehabilitation Council of India etc. before admission process is undertaken, the authority will ascertain quota & number of seats available for reserved class candidates and allot to the eligible candidates. The data based information should also be provide to the University only after conclusion of entire process of admission.

O.L.L.M.-11.

Each of the admitting authority shall have to prepare and publish the merit list in the three fold as mentioned below :-

- (1) Candidate who have passed the qualifying examination from the Saurashtra University indicating category against each of the name in the last column such as General /S.T. / S.C. / S.E.B.C./ P.H. /Widow / Divorcee etc.
- (2) Candidate who have passed the qualifying examination from the other University situated in the State of Gujarat indicating General / S.T. / S.C. /S.E.B.C. / P.H. / Window / Divorcee etc.
- (3) Candidate who has passed the qualifying examination from University situated out of the Gujarat State.

Candidate who have passed National or State level entrance test conducted by the competent authority should be given priority in admission.

Regulations :

R.L.L.M.-1

Candidates must forward their applications for admission to University examination section through head of the department, who may forward the same to the Controller of Examination duely signed by him on or before the prescribed date with a certificate of attendance duly signed by the Head of the Department along with the examination fees fixed by the University.

R.LL.M.-2

Thirty percent internal evaluation shall be within the exclusive purview of the Head of Department which requires purity, transparency accuracy in the evaluation & assessment of students. The benefits of re-assessment scheme will not be made available to the students in this regards.

R.LL.M.-3

A student desiring to appear at the LL.M. Semester – IV Examination shall submit his/her Dissertation / Project Report not later than 20th March in the second year of his / her studies.

R.LL.M.-4

Three copies of the dissertation / Project Report shall be submitted in typewritten or printed form.

R.LL.M.-5 [Passing Standard]

(1) To pass any of the Semester Examination candidates shall be required to obtain :

(i) Not less than 28 out of total 70 marks in each course of three hours examination duration at the University examination.

AND

(ii) Not less than 12 out of total 30 marks in each course in Internal Examination.

AND

(iii) However, not less than aggregate 50% of the total marks obtainable separately in each semester.

[Award of Class]

(2) Class shall be awarded on the basis of total marks obtained in the aggregate i.e.

(a) A successful candidate who obtains less than 70% but not less than 60% of the total marks obtainable in the aggregate i.e. of semester – I to IV taken together will be placed in the First Class.

(b) A successful candidate who obtains less than 60% but not less than

50 % of the total marks obtainable in the aggregate i.e. of semester – I to IV taken together will be placed in the Second class.

R.LL.M.-6

At the end of the each semester, there shall be held an examination at which a student will appear in the course for which he has kept term irrespective of whether he has passed earlier semester/s.

R.LL.M.-7

The result of semester – IVth will not be declared if there is a backlog of any semester on account of attendance, dissertation / project work etc.

R.LL.M.-8

A candidate who fails to obtain minimum marks for passing in any of the subject / course he will have to reappear in the term end examination for the same subject / course with keeping term. When he/she passes the same subject/course his/her marks will be carried forward for determining the class.

R.LL.M.-9

If a candidate fails any of the semester end examination he / she will have to reappear in the concerned semester end examination as provided to OLL.M. 7.

R.LL.M.-10

The following are the courses for study and examination of LL.M. semester I to IV.

1. One Course shall usually consist of 90 periods spread over 17 weeks, at the rate of 6 Lectures per week, thus one course will earn 6 credits.
2. LL.M. Teaching Scheme

Semester- I

Sr. No.	Course Code	Course Title	Credit	Maximum Marks			Hours
				CCA	SEE	Total	
1.	CLW-1001	Law & Social Transformation in India Compulsory (Core Course-1)	06	30	70	100	90
2.	CLW-1002	Judicial Process Compulsory (Core Course-2)	06	30	70	100	90
3.	ELW-1001	Elective Course-1 Drug Addiction and Criminal	06	30	70	100	90

	OR	Justice System					
	ELW-1002	Exim Law					
		Sub-Total	18		300	270	

Semester- II

Sr. No.	Course Code	Course Title	Credit	Maximum Marks			Hours
				CCA	SEE	Total	
1.	CLW-2001	Indian Constitutional Law : New Challenges Compulsory (Core Course-3)	06	30	70	100	90
2.	ELW-2001	Elective Course-2	06	30	70	100	90
3.	OR ELW-2002	Penology / Law of Industrial & Intellectual Property					
4.	ELW-2003	Elective Course-3	06	30	70	100	90
5.	Or ELW-2004	Juvenile Justice / Prevention and Control of Pollution					
6.	ELW-2005	Elective Course-4	06	30	70	100	90
7.	Or ELW-2006	Collective Violence and Criminal Justice System/ Labour Laws					
		Sub-Total	24		400	360	

Semester- III

Sr. No.	Course Code	Course Title	Credit	Maximum Marks			Hours
				CCA	SEE	Total	
1.	CLW-3001	Legal Education & Research Methodology Compulsory (Core Course-4)	06	30	70	100	90
2.	CLW-3002	Compulsory (Core Course-5) Practical	06	100	--	100	180
3.	ELW-3001	Elective Course-5	06	30	70	100	90
4.	Or ELW-3002	Forensic Science / Law of Insurance					
5.	ELW-3003	Elective Course-6	06	30	70	100	90
7.	Or ELW-3004	Privileged Class Deviance/ Banking Law					
		Sub-Total	24		400	450	

Semester- IV

Sr. No.	Course Code	Course Title	Credit	Maximum Marks			Hours
				SEE	CCA	Total	
1.	CLW-4001	Compulsory (Core Course-6) (Dissertation / Project Report Writing / Viva, Presentation	15 3	-- --	150 50	150 50	225 45

		Sub-Total	18	200	270
		Grand Total	84	1300	

Course Grade Point = $\frac{\text{Marks obtained}}{\text{Max. Marks}}$

Course Credit Point = Credits x Grade Point

Total SGPA = $\frac{\text{Credit Points}}{\text{Total Credits}}$

The examination duration for each of the theory paper shall be of two hours duration.

5. The question paper shall be set in the following form :

Question No.	Type	Weightage (Marks)
1	Objective (Counsisting-6 MCQs)	10
2, 3 & 4	Short Essay	30 (10 each)
5,6	Long Essay	30(15 each)
		70

R.L.L.M.-11 PROMOTION, RE-ADMISSION RULES & MAXIMUM TIME FOR COMPLETION OF COURSE

11.1 Rules of promotion shall be as under :

11.1.1 From semester I to semester II, if a student has appeared in First semester end examination & fulfills the required criterion of attendance and he/she secures minimum 12 (out of 30) marks in the internal assessment component.

11.1.2 From semester –II to Semester – III, if a student has appeared in second Semester End Examination & fulfills the required criterion of attendance and he secures minimum 12 (out of 30) marks in the internal assessment component of semester – II.

11.1.3 From semester –III to semester – IV, if a student has appeared in third Semester End Examination & Fulfills the required criterion of attendance and has secured the minimum 12 (out of 30) marks in the internal assessment component of semester –

III. The result of semester – IV will not be declared if there is backlog of semester – I to III on any account such as attendance theory / practical exam / dissertation / report etc.

- 11.2 Rules and the Procedure for granting Re-admission to the student shall be as under,
- 11.2.1. Who had not put in the required attendance in a Course in the concerned Programme or a semester and thus detained, or
- 11.2.2. Who had not cleared the required number of Courses and thus detained; where applicable or
- 11.2.3. A student who had put in not less than 40% of attendance in a Semester and not registered for the examination shall be considered for the re-admission in the same semester.
- 11.2.4. The student, who after completing the first two semesters of the Programme if opts out of the Programme, then he or she shall be eligible to rejoin the Programme, subject to the time period elapsed has not exceeded two years.
- 11.2.5. Such readmissions shall be granted by the Head of the concerned Department directly, subject to the fulfillment of the following conditions :
- a) The concerned teachers have granted the attendance of the Courses in each semester.
 - b) The student shall complete the Programme within 4 years from the year of the original admission.
 - c) No readmission shall be granted after the first four weeks of the Semester in which he/she is seeking admission.

Note :

The provisional grade card will be issued at the end of the every semester end examination indicating the courses completed successfully. Upon successful completion of Masters Degree Program a Final Grade card, which shall consist of grades of all courses will be issued by the Controller of Examinations of the University.

<u>Grade Point</u>	<u>Letter Grade</u>
4	F
5	E
6	D
7	C
8	B
9	A
10	O

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MARKING SCHEME

Every paper shall carry 100 marks out of which 70 marks are for written examination and 30 marks for internal assessment. The criteria for Internal assessment shall be as follows :

i)	Class and seminar participation	10 Marks
ii)	Home assignments	05 Marks
iii)	Tests	10 Marks
iv)	Attendance	05 Marks

	TOTAL	30 Marks

Every paper shall be evaluated externally for 70 marks in addition to the continuous internal assessment of 30 marks described above. Dissertation / Project carrying 200 marks shall be evaluated internally and externally.

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Acknowledgement

I, Prof. (Dr.) B.G. Maniar, being a Chairman of the PG Ad-hoc Board hereby express my sense of gratitude to Dr. J. U. Nanavaty (Principal, Sheth M.N. Law College, Patan) and Dr. Arundhati P. Dasani (Assi. Prof., Government Law College, Maninagar) for their valuable contribution in framing this new syllabus.

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Recommendation:

The P.G. Ad-hoc Board of Studies hereby recommends to get feedback of this syllabus from other Universities.

MONSOON SEMESTER

[SEMESTER – 1]

CLW - 1001
MODULE-1:
(Core Course)

LAW AND SOCIAL TRANSFORMATION IN
INDIA.

Syllabus :

1. Law and Social change.

- 1.1. Law as an instrument of social change.
- 1.2. Law as the product of traditions and culture. Criticism and evaluation of the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

2. Modernisation and the Law.

- 2.1 Modernisation as a value : Constitutional perspectives reflected in the fundamental duties.
Modernisation of social institutions through law.
- 2.2.1. Reform of family law.
- 2.2.2. Agrarian reform – Industrialisation of agriculture.
- 2.2.3. Industrial reform : Free enterprise v. State regulation.
- 2.2.4. Industrialisation v. environmental protection.
Reform of court processes.
- 2.3.1. Criminal law : Plea bargaining ; compounding and payment of compensation to victims.
- 2.3.2. Civil law :(ADR) Confrontation v. Consensus; mediation and conciliation; lok adalats.
- 2.3.3. Prison reforms.
- 2.4. Democratic decentralization and local self-government.

3. Alternative approaches to Law.

- 3.1. The jurisprudence of Sarvodaya --- Gandhiji, Vinoba Bhave , Jayaprakash Narayan --- Surrender of dacoits; Concept of gram nyayalayas.
- 3.2. Socialist thought on law and justice :An enquiry. through constitutional debates on the right to property.
- 3.3. Indian Marxist critique of law and justice.
- 3.4. Naxalite movement : causes and cure.

4. Religion and the Law.

- 4.1. Religion as a divisive factor.
- 4.2. Secularism as a solution to the problems.
- 4.3. Reform of the law on secular lines : Problems.
- 4.4. Freedom of religion and non-discrimination on the basis of religion.
- 4.5. Religious minorities and the law.

5. Language and the Law.

- 5.1. Language as a divisive factor : formation of linguistic States.
- 5.2. Constitutional guarantees to linguistic minorities.
- 5.3. Language policy and the Constitution : Official language; Multi-language system.
- 5.4. Non-discrimination on the ground of language.

6. Caste and the Law.

- 6.1 Caste as a divisive factor.
- 6.2. Non-discrimination on the ground of caste.
- 6.3 Acceptance of caste as a factor to undo past injustices.
- 6.4 Protective discrimination : Scheduled castes, tribes and backward classes.
- 6.5 Reservation; Statutory Commission, Statutory provisions.

7. Regionalism and the law.

- 7.1. Regionalism as a divisive factor.
- 7.2. Concept of India as one unit,
- 7.3. Right of movement, residence and business; impermissibility of state or regional barriers.
- 7.4. Equality in matters of employment; the slogan “Sons of the soil” and its practice.
- 7.5. Admission to educational institutions : preference to residents of a State.

8. Women and the Law.

- 8.1. Crimes against women.
- 8.2. Gender injustice and its various forms.
- 8.3. Women’s Commission. Empowerment of women : Legal Provision apart from Constitutional.

9. Children and the Law.

- 9.1. Child labour.
- 9.2. Sexual exploitation.
- 9.3. Adoption and related problems.
- 9.4. Children and education.

Select Bibliography :

- 1. U. Baxi(Ed.), Law and Poverty : Critical Essays (1988).
- 2. Indian Law Institute, Law and Social Change : Indo-American Reflections, Tripathi (1988).

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CLW - 1002
MODULE – 2 : JUDICIAL PROCESS.
(Core course)

Syllabus :

1. Nature of Judicial Process.

- 1.1. Judicial process as an instrument of social ordering.
- 1.2. Judicial process and creativity in Law – Common law model – Legal reasoning and growth of law - Change and stability.
- 1.3. The tools and techniques of judicial creativity and precedent.
- 1.4. Legal development and creativity through legal reasoning under statutory and codified systems.

2. Special Dimensions of Judicial Process in Constitutional Adjudications.

- 2.1. Notion of Judicial Review.
- 2.2. 'Role' in constitutional adjudication – various theories of judicial role.
- 2.3. Tools and techniques in policy-making and creativity in constitutional adjudication.
- 2.4. Varieties of judicial and juristic activism.
- 2.5. Problems of accountability and judicial law-making.

3. Judicial Process in India.

- 3.1. Indian debate on the role of judges and on the notion of judicial review.
- 3.2. The “independence” of judiciary and the “political” nature of judicial process.
- 3.3. Judicial activism and creativity of the Supreme Court : the tools and techniques of creativity.
- 3.4. Judicial process in pursuit of constitutional goals and values – new dimensions of judicial activism and structural challenges.

- 3.5. Institutional liability of courts and judicial activism
- scope and limits.

4. The Concepts of Justice.

- 4.1. The concept of justice or Dharma in Indian thought.
- 4.2. Dharma as the foundation of legal ordering in Indian Thought.
- 4.3. The concept and various theories of justice in the western thought.
- 4.4. Various theoretical bases of justice : The liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

5. Relation between Law and Justice.

- 5.1. Equivalence Theories – Justice as nothing more than the positive law of the stronger class.
- 5.2. Dependency theories – For its realization justice depends on law, but justice is not the same as law.
- 5.3. The independence of justice theories – means to end relationship of law and justice – The relationship in the context of the Indian constitutional ordering.
- 5.4. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

Select Bibliography.

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

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Group - A - Criminal Law

ELW - 1001

**MODULE -3A : DRUG ADDICTION, CRIMINAL JUSTICE AND
Elective Course HUMAN RIGHTS**

Syllabus :

1. Introductory

- 1.1. Basic conceptions
 - 1.1.1. Drugs ‘narcotics’ “psychotropic substances”
 - 1.1.2. “Dependence,” “addiction”
 - 1.1.3. “Crimes without victims”
 - 1.1.4. “Trafficking” in “drugs”
 - 1.1.5. “Primary drug abuse”.

2. How Does One Study the Incidence of Drug Addiction and Abuse?

- 2.1. Self-reporting
- 2.2. Victim-studies
- 2.3. Problems of comparative studies.

3. Anagraphic and Social characteristics of Drug Users

- 3.1. Gender
- 3.2. Age
- 3.3. Religiousness
- 3.4. Single individuals/cohabitation
- 3.5. Socio-economic level of family
- 3.6. Residence patterns (urban/rural/urban)
- 3.7. Educational levels
- 3.8. Occupation
- 3.9. Age at first use
- 3.10. Type of drug use
- 3.11. Reasons given as cause of first use
- 3.12. Method of Intake

- 3.13 Pattern of the Use
- 3.14 Average Quantity and Cost
- 3.15 Consequences on addict's health(physical/psychic)

4. The International Legal Regime

- 4.1. Analysis of the background, text and operation of the Single Convention on Narcotic Drugs, 1961, 1972.
- 4.2. Analysis of the Convention on Psychotropic Substances, 1972.
- 4.3. International collaboration in combating drug addiction
- 4.4. The SAARC, and South-South Cooperation.
- 4.5. Profile of international market for psychotropic Substances.

5. The Indian Regulatory System

- 5.1. Approaches to narcotic trafficking during colonial India.
- 5.2. Nationalist thought towards regulation of drug trafficking and usage.
- 5.3. The penal provisions (under the IPC and the Customs Act).
- 5.4. India's role in the evolution of the two international Conventions.
- 5.5. Judicial approaches to sentencing in drug trafficking and abuse.
- 5.6. The Narcotic Drugs and Psychotropic Substances Act, 1985.
- 5.7. Patterns of resource investment in India: policing adjudication, treatment, aftercare and rehabilitation.

6. Human Rights Aspects

- 6.1. Deployment of marginalized people as carrier of narcotics.
- 6.2. The problem of juvenile drug use and legal approaches.
- 6.3. Possibilities of misuse and abuse of investigative prosecutory powers.
- 6.4. Bail

- 6.5. The Problem of differential application of the Ugal Regimes, especially in relation to the resource less.

7. The Role of Community in Combating Drug Addiction

- 7.1. Profile of Community initiatives in inhibition of dependence and addiction (e.g. de addiction & aftercare)
- 7.2. The role of educational systems.
- 7.3. The role of medical profession.
- 7.4. The role of mass media.
- 7.5. Initiatives for compliance with regulatory systems.
- 7.6. Law reform initiatives.

Select Bibliography

- 1. J.A. Incard, C.D. Chambers, (eds.), Drugs and the Criminal Justice System (1974).
- 2. Social Defence Research Institute (UNSDRI) Combating Drug Abuse and Related Crimes (Rome, July 1984, Publication No.21)

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Group - B - Business Law

ELW - 1002

MODULE – 3B : EXIM LAW

(Elective Course)

INTRODUCTION :

1. 1.1. State control over import and export of goods -from rigidity to liberalization.
- 1.2. Impact of regulation on economy.

2. **The Basic Formalities of Export and Import Trade.**
 - 2.1. Registration.
 - 2.2. Selection of Product & Market.
 - 2.3. Documentation.
 - 2.4. Methods of Payment.

3. **International Regime.**
 - 3.1. WTO – objectives;
 - 3.2. Functions
 - 3.3. WTO agreement.
 - 3.4. WTO and tariff restrictions.
 - 3.5. WTO and non-tariff restrictions.
 - 3.6. Anti-dumping.
 - 3.7. Countervailing Duties.
 - 3.8. Safeguards.
 - 3.9. Pre-shipment Inspection
 - 3.10. Technical Business to Trade.
 - 3.11. Sanitary & Phyto-sanitary Measures.

4. **General Law and Policy Control of Imports and Exports.**
 - 4.1. General scheme-Foreign Trade Policy.
 - 4.2. Legislative control.
 - 4.2.1. Foreign Trade Development and Regulation Act 1992.

- 4.2.2. COFEPOSA.
- 4.2.3. Quality Control Act.
- 4.2.4. Customs Act, 1962.
- 4.2.4.1. Prohibition on importation and exportation of goods.
- 4.2.4.2. Control of smuggling activities in export-import trade.

5. Exim policy : Changing Dimensions.

- 5.1. Promotion of foreign trade.
- 5.2. Agricultural products.
- 5.3. Textile and cloths.
- 5.4. Jewellery.
- 5.5. Service sector.

6. Pre-Shipment and Post-Shipment formalities.

7. Law Relating to customs.

- 7.1. Levy, of and exemption from, customs duties.
- 7.2. Clearance of imported goods and export goods.
- 7.3. Conveyance and warehousing of goods.

8. Regulation of Foreign Currency:

- 8.1. Conservation of foreign exchange.
- 8.2. Foreign exchange management.
- 8.3. Currency transfer.
- 8.4. Investment in foreign countries.
- 8.5. Borrowing and Lending of money and foreign currency.

9. Technology transfer.

- 9.1. Collaboration Agreement for Technology Transfer.
- 9.2. Restrictive terms in technology transfer agreements.
- 9.3. Joint venture.

Select Bibliography.

1. **Government of India, Handbook of Import Export Procedures, (Refer to the latest edition).**

2. Foreign Trade (Development and Regulation) Act 1992 and Rules.
3. Foreign Exchange Management Act 1999.

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(SEMESTER – III)

CLW -3001

MODULE – 1 : LEGAL EDUCATION AND RESEARCH
Core Course METHODOLOGY.

Syllabus :

1. Objectives of Legal Education.
2. Lecture Method of Teaching – Merits and Demerits.
3. The Problem Method.
4. Discussion Method and its suitability at postgraduate level teaching.
5. The Seminar Method of teaching.
6. Examination system and problems in evaluation – external and internal assessment.
7. Student participation in law school programmes – organization of seminars, publication of journal and assessment of teachers.
8. Clinical legal education – legal aid, arbitration, mediation.
9. Research Methods.
 - 9.1. Socio Legal Research.
 - 9.2. Doctrinal and non-doctrinal.
 - 9.3. Relevance of empirical research.
 - 9.4. Induction and deduction.
10. Identification of Problem of research.
 - 10.1. What is a research problem ?
 - 10.2. Survey of available literature and bibliographical

- research.
- 10.2.1. Legislative materials including subordinate legislation, notifications and policy statements.
- 10.2.2. Decisional materials including foreign decisions : methods of discovering the “rule of the case” tracing the history of important cases and ensuring that these have not been over-ruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof.
- 10.2.3. Juristic writings – a survey of juristic literature relevant to select problems in India and foreign periodicals.
- 10.2.4. Compilation of list of reports or special studies conducted relevant to the problem.

11. Preparation of the Research Design.

- 11.1. Formulation of the Research problem.
- 11.2. Devising tools and techniques for collection of data : Methodology.
 - 11.2.1. Methods for the collection of statutory and case materials and juristic literature.
 - 11.2.2. Use of historical and comparative research materials.
 - 11.2.3. Use of observation studies.
 - 11.2.4. Use of questionnaires / interview.
 - 11.2.5. Use of case studies.
 - 11.2.6. Sampling procedures – design of sample, types of sampling to be adopted.
 - 11.2.7. Use of scaling techniques.
 - 11.2.8. Jurimetrics.
- 11.3. Computerized Research – A study of legal research programmes such as Lexis and West law coding.
- 11.4. Classification and tabulation of data – use of cards for data collection – Rules for tabulation. Explanation of tabulated data.
- 11.5. Analysis of data.

Bibliography :

1. S.K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
2. N.R. Madhava Menon, (ed.) A Handbook of Clinical Legal Education, (1988) Eastern Book Company, Lucknow.
3. ILI Publication, Legal Research and Methodology.
4. N.K. Indrayan - Application of Epistemology to Legal Research Methodology Indian Bar Review 1987.

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ELW - 3001

**MODULE -2A : FORENSIC SCIENCE - [Multi-disciplinary]
(Elective Course)**

Syllabus :

1. Principles & Perspectives.

- 1.1. Need.
- 1.2. Function.
- 1.3. Development.
- 1.4. Principles.
- 1.5. Tools & Techniques.
- 1.6. Problems of Proof.

2. The Forensic Psychology.

- 2.1. Importance.
- 2.2. Nature.
- 2.3. Classification.
- 2.4. Collection of Evidence.
- 2.5. Hypnosis.
- 2.6. Truth Serum.
- 2.7. Brain Printing.
- 2.8. Case Law.

3. Road Accidents.

- 3.1. Scientific investigation and evaluation of clue, materials, Arson
- 3.2. Scientific investigation and evaluation of materials trace
Analysis.
- 3.3. Nature, Location, Collection and evaluation of trace materials.

**4. Nature, Identification, Classification, Collection, Location of
Narcotics clue materials.**

- 4.1. Opium, Morphine, Heroin, Pathadin, Barbiturates.
 - 4.2. Cocaine, Amphetamines, Methaquinon.
 - 4.3. Cannabis, LSD, DMT.
 - 4.4. Alcohol and Alcoholic Beverages.
- 5. Nature, Classification and mode of action of poison their symptoms, fatal dozes etc.**
- 5.1. Sodim hydroxide, Annonium Hydroxide and Potassium hydroxide.
 - 5.2. Mercury, Arsenic, Lead, Copper, Zink.
 - 5.3. Sulphuric acid, Nitric Acid, Hydrochloric acid.
 - 5.4. Phenol, Phosphorous, Chlorine, Iodine.
 - 5.5. Castor oilseed, Cotton seeds, Dhatura, Oleander seed, Abrus precatitions seeds.
 - 5.6. Barbiturates, Opium, charas, Ethyl alcohol, methyl alcohol, Chloroforms, ether, Snake Venom, DDT, Endrin, Deldrin, Aldrin, B.H.C. (Gammoxene, Parathion, Malathion and Diazinon).
- 6. Micro traces.**
- 6.1. Importance.
 - 6.2. Nature.
 - 6.3. Location.
 - 6.4. Collection.
 - 6.5. Forensic Problems.
 - 6.6. Individual Micro traces.
 - 6.6.1. Plant material.
 - Wood, Leaves, Flowers, Seeds, Starch.
 - 6.6.2. Dusts.
 - 6.6.3. Soils, Glass.
 - 6.6.4. Biological Materials.
 - Hair & Fibre, Blood, Semen & other body fluids
(Saliva, Urine, Faeces, Sweat, Nasal secretions, Tears)
- 7. Elementary Forensic Medicine.**
- 7.1. Investigation of death.
 - 7.2. Injuries.

- 7.3. Age determination of living person.
- 7.4. Insanity.

- 8. Evaluation of skeletal remains formage, height, sex, time of death, mode of death, and identification including skull and site marks.**

- 9. Finger Prints & Foot Prints and Hand writings & Documents Marks and Scratches.**

- 10. Alcohol and Drivers.**

Nature, Location, Preservation, Collection, Identification, Comparison, Recording, etc.

Book Recommended :

Sharma B.R. : Forensic Science.

ELW - 3002

MODULE – 2B : INSURANCE LAW.

(Elective Course)

Syllabus :

1. Introduction.

- 1.1. Nature of insurance contract, various kinds of insurance, proposal, policy, parties, consideration, need for utmost good faith, insurable interest, indemnity.
- 1.2. Insurance policy, law of contract and law of torts- future of insurance : need, importance and place of insurance.
- 1.3. Constitutional perspectives the entries 24, 25, 29, 30, 47 of list 1 Union List; 23, 24 of list III.

2. General Principles of Law of Insurance.

- 2.1. Definition, nature and history.
- 2.2. The risk – commencement, attachment and duration.
- 2.3. Assignment and alteration.
- 2.4. Settlement of claim and subrogation.
- 2.5. Effect of war upon policies.

3. Indian Insurance Law : General.

- 3.1. History and development.
- 3.2. The Insurance Act 1938 and the Insurance Regulatory Authority Act 2000.
- 3.3. Mutual insurance companies and cooperative life insurance societies.
- 3.3. Double insurance and re-insurance.

4. Life Insurance.

- 4.1. Nature and scope.
- 4.2. Event insured against life insurance contract.
- 4.3. Circumstances affecting the risk.
- 4.4. Amounts recoverable under life policy.
- 4.5. Persons entitled to payment.
- 4.6. Settlement of claim and payment of money.

5. Marine Insurance.

- 5.1. Nature and Scope.
- 5.2. Classification of marine policies.
 - 5.2.1. The Marine Insurance Act, 1963.
 - 5.2.2. Marine insurance.
 - 5.2.3. Insurable interest, insurable value.
 - 5.2.4. Marine insurance policy – condition – express warranties, construction of terms of policy.
 - 5.2.5. Voyage – deviation.
 - 5.2.6. Perils of the sea.
 - 5.2.7. Assignment of policy.
 - 5.2.8. Partial laws of ship and of freight, salvage, general average, particular charges.
 - 5.2.9. Return of premium.

6. Insurance Against Accidents.

- 6.1. The Fatal Accidents Act, 1855.
 - 6.1.1. Objects and reasons.
 - 6.1.2. Assessment of compensation.
 - 6.1.3. Contributory negligence.
 - 6.1.4. Apportionment of compensation and liability.
- 6.2. The Personal Injuries (Compensation insurance) Act 1963.
 - 6.2.1. Compensation payable under the Act.
 - 6.2.2. Compensation insurance scheme under the Act- Compulsory insurance.

7. Property Insurance.

- 7.1. Fire insurance.
- 7.2. The Emergency Risks (Factories) Insurance.
- 7.3. The emergency Risks (Goods) Insurance.

- 7.4. Policies covering risk of explosion.
- 7.5. Policies covering accidental loss, damage to property.
- 7.6. Policies covering risk of storm and tempest.
- 7.7. Glass-plate policies.
- 7.8. Burglary and theft policies.
- 7.9. Live stock policies.
- 7.10. Goods in transit insurance.
- 7.11. Agricultural insurance.
- 7.12. The Motor Vehicles Act, 1988.
- 7.13. Liability Insurance.

8. Insurance Against Third Party Risks.

- 8.1.1. Nature and scope.
- 8.1.2. Effect of insolvency of death on claims of insolvency and death of parties, certificate of insurance.
- 8.1.3. Claims tribunal : Constitution, functions, application for compensation, procedure, powers and award.
- 8.2.1. Nature and kinds of such insurance.
- 8.2.2. Public liability insurance.
- 8.2.3. Professional negligence insurance.

9. Miscellaneous Insurance Schemes : New Dimensions.

- 9.1. Group life insurance.
- 9.2. Mediclaim, sickness insurance.

Book Recommended:

Banerjee, Law of Insurance (1994), Asia Law House, Hyderabad.

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ELW - 3003

**MODULE -3A : PRIVILEGED CLASS DEVIANCE
(Elective Course)**

Syllabus

1. Introduction.

- 1.1 Conceptions of white collar crimes
- 1.2 Indian approaches to socio-economic offences
- 1.3 Notions of privileged class deviance as providing a wider categorization of understanding Indian development.
- 1.4. Typical forms of such deviance
 - 1.4.1. Official deviance (deviance by legislators, judges, bureaucrats) Professional deviance : Journalists, teachers, doctors, lawyers, engineers, architects & publishers.
 - 1.4.3. Trade union deviance (including teachers, lawyers/urban property owners)
 - 1.4.4. Landlord deviance (class/caste based deviance)
 - 1.4.5. Police deviance
 - 1.4.6. Deviance on electoral process (rigging, booth capturing, impersonation, corrupt practices)
 - 1.4.7. Gender-based aggression by socially, Economically and politically powerful.

2. Official Deviance.

- 2.1. Conception of official deviance – permissible limit of discretionary powers.

- 2.2. The Chambal valley dacoit Vinoba Mission and Jai Prakash Narain Mission – in 1959 and 1971.
- 2.3. The Chagla Commission Report on LIC-Mundhra Affair
- 2.4. The Das Commission Report on Pratap Singh Kairon.
- 2.5. The Grover Commission Report on Dev Raj Urs.
- 2.6. The Maruti Commission Report
- 2.7. The Ibakkar –Natarajan Commission Report on Fairfax.

3. Police Deviance.

- 3.1. Structures of legal restraint on police powers in India.
- 3.2. Unconstitutionality of “third-degree” methods and use of fatal force by police.
- 3.3. “Encounter” killings.
- 3.4. Police atrocities
- 3.5. The plea of superior orders
- 3.6. Rape and related forms of gender-based aggression by police and para-military forces.
- 3.7. Reform suggestions especially by the National Police Commissions.

4. Professional Deviance.

- 4.1. Unethical practices at the Indian bar.
- 4.2. The Lentin Commission Report.
- 4.3. The Press Council on unprofessional and unethical Journalism.
- 4.4. Medical malpractices.

5. Response of Indian Legal Order to the Deviance of Privileged Classes.

- 5.1. Vigilance Commission
- 5.2. Public Accounts Committee
- 5.3. Ombudsman
- 5.4. Commissions of Enquiry
- 5.5. Prevention of Corruption Act, 1947.
- 5.6. The Antulay Case.

Book Recommended :

B.B. Pande, 'The Nature and Dimensions of Privileged Class Deviance' in the Other Side of Development 136 (1987; K.S. Shukla ed.)

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ELW - 3004

MODULE – 3B : BANKING LAW.

(Elective Course)

Syllabus :

1. Introduction.

- 1.1. Nature and development of banking.
- 1.2. History of banking in India and elsewhere – indigenous banking – evolution of banking in India – different kinds of banks and their functions.
- 1.3. Multi-functional banks – growth and legal issues.

2. Law Relating to Banking Companies in India.

- 2.1. Controls by government and its agencies.
 - 2.1.1. On management.
 - 2.1.2. On accounts and audit.
 - 2.1.3. Lending.
 - 2.1.4. Credit policy.
 - 2.1.5. Reconstruction and reorganization.
 - 2.1.6. Suspension and winding up.
- 2.2. Contract between banker and customer : their rights and duties.

3. Social Control over Banking.

- 3.1. Nationalization.
- 3.2. Evaluation : private ownership, nationalization and disinvestment.
- 3.3. Protection of depositors.
- 3.4. Priority lending.
- 3.5. Promotion of underprivileged classes.

4. Deposit Insurance.

- 4.1. The Deposit Insurance Corporation Act 1961 : objects and reasons.

- 4.1.2. Establishment of Capital of DIC.
- 4.1.3. Registration of banking companies insured banks, liability of DIC to depositors.
- 4.1.4. Relations between insured banks, DIC and Reserve Bank of India.

5. The Central Bank.

- 5.1. Evolution of Central Bank.
- 5.2. Characteristics and functions.
- 5.3. Economic and social objectives.
- 5.4. The Central Bank and the State – as bankers’ bank.
- 5.5. The Reserve Bank of India as the Central Bank.
 - 5.5.1. Organisational structure.
- 5.6. Functions of the RBI.
 - 5.6.1. Regulation of monetary mechanism of the economy.
 - 5.6.1.1. Credit control.
 - 5.6.1.2. Exchange control.
 - 5.6.1.3. Monopoly of currency issue.
 - 5.6.1.4. Bank rate policy formulation.
- 5.7. Control of RBI over non-banking companies.
 - 5.7.1. Financial companies.
 - 5.7.2. Non-financial companies.

6. Relationship of Banker and Customer.

- 6.1. Legal character.
- 6.2. Contract between banker and customer.
- 6.3. Bankers’ lien.
- 6.4. Protection of bankers.
- 6.5. Customers.
 - 6.5.1. Nature and type of accounts.
 - 6.5.2. Special classes of customers – lunatics, minor, partnership, corporations, local authorities.
- 6.6. Banking duty to customers.
- 6.7. Consumer protection : banking as service.

7. Negotiable Instruments.

- 7.1. Meaning and kinds.
- 7.2. Transfer and negotiations.
- 7.3. Holder and holder in due course.

- 7.4. Presentment and payment.
- 7.5. Liabilities of parties.

8. Lending by Banks.

- 8.1. Good lending principles.
 - 8.1.1. Lending to poor masses.
- 8.2. Securities for advances.
 - 8.2.1. Kinds and their merits and demerits.
- 8.3. Repayment of loans : rate of interest, protection against penalty.
- 8.4. Default and recovery.
 - 8.4.1. Debt recovery tribunal.

9. Recent trends of Banking System in India.

- 9.1. New technology.
- 9.2. Information technology.
- 9.3. Automation and legal aspects.
- 9.4. Automatic teller machine and use of internet.
- 9.5. Use of expert system.
- 9.6. Smart Card.
- 9.7. Credit cards.

10. Reforms in Indian Banking Law.

- 10.1. Recommendations of committees a review.

Books Recommended :

1. M.L. Tannan, Tannan's Banking Law and Practice in India., India Law House, New Delhi, Latest Edition.
2. L.C. Goyal, The Law of Banking and Bankers, Latest Edition, Eastern.

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CLW - 3002

PAPER – 4 : PRACTICAL EXAMINATION.

The practical examination shall be held at the end of the third semester on Research Methodology Law. Teaching and Clinical work. There shall be 25 Marks each for doctrinal research and for non doctrinal research and 25 marks each for law teaching and clinical work.

The following guidelines shall be adhered to.

1. Research Methodology.

i) Doctrinal research (25 marks).

Each student is assigned in advance a separate topic and asked to collect materials. A period of 5-7 days can be set apart for carrying out this assignment in the library. The materials indicated or collected during the assignment shall be evaluated by a team of faculty members.

ii) Non-doctrinal research (25 marks).

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

2. Clinical work (25 marks).

The modalities can be evolved by the law school. One method is that the legal aid clinic of the law school can involve itself with other legal aid programmes in the area. Students are encouraged not only to work with the clinic but also to acquaint with court proceedings,

working of a business organization, tackling of labour disputes, family disputes, drafting of business or other deeds and with public interest litigation. The initiative and potential of the student and the actual work turned out by him shall be assessed by a team of Faculty members.

Law Teaching (25 marks)

A topic is assigned to the student in advance. He is required to handle a class for 25 to 30 minutes. Where LL.B. programme co-exists with LL.M. programme, the students may be asked to teach the LL.B. students. They can select any of the methods of teaching. In legal education practical, the LL.M. students are evaluated by a team of Faculty members.

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WINTER SEMESTER **(SEMESTER-II)**

CLW - 2001

MODULE -1
(Core Course)

: INDIAN CONSTITUTIONAL LAW : THE NEW CHALLENGES.

Syllabus :

1. Federalism.

- 1.1. Creation of new States.
- 1.2. Allocation and sharing of resources – distribution of grants in aid.
 - 1.2.1. The inter state disputes on resources.
- 1.3. Rehabilitation of internally displaced persons.
- 1.4. Centre's responsibility and internal disturbance within States.
- 1.5. Directions of the Union to the State under Article 356 and 365.
- 1.6. Federal Comity : Relationship of trust and faith between Union and State.
- 1.7. Special status of certain States.
 - 1.7.1. Tribal Areas, Scheduled Areas.

2. "State" : Need for widening the definition in the wake of liberalization.

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

4. Freedom of press and challenges of new scientific development.

- 4.1 Freedom of speech and right to broadcast and telecast.
- 4.2 Right to strike, hartal and bandh.

5. Emerging regime of new rights and remedies.

- 5.1. Reading Directive Principles and Fundamental Duties into Fundamental Rights.

- 5.1.1. Compensation jurisprudence.
 - 5.1.2. Right to education.
 - 5.1.2.1. Commercialisation of education and its impact.
 - 5.1.2.2. Brain drain by foreign education market.
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- 6. Right of minorities to establish and administer educational institutions and State control.**

 - 7. Secularism and religious fanaticism.**

 - 8. Separation of powers : stresses and strain.**
 - 8.1. Judicial restraint.
 - 8.2. PIL : Implementation.
 - 8.3. Judicial independence.
 - 8.3.1. Appointment, transfer and removal of judges.
 - 8.4. Accountability of executive.
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- 9. Democratic process.**
 - 9.1. Nexus of politics with criminals and the business.
 - 9.2. Election.
 - 9.3. Election commission : status.
 - 9.4. Electoral Reforms.
 - 9.5. Coalition government, stability, durability, corrupt practices.
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ELW - 2001

**MODULE -2A : PENOLOGY : TREATMENT OF OFFENDERS
(Elective Course)**

Syllabus

1. Introductory.

1.1. Definition of Penology

2. Theories of Punishment.

2.1. Retribution

2.2. Utilitarian prevention : Deterrence

2.3. Utilitarian : Intimidation

2.4. Behavioural prevention : Incapacitation

2.5. Behavioural prevention : Rehabilitation – Expiation.

2.6. Classical Hindu and Islamic approaches to punishment.

3. The Problematic of Capital Punishment.

3.1. Constitutionality of Capital Punishment

3.2. Judicial Attitudes Towards Capital Punishment in
India – An inquiry through the statute law and case law.

3.3. Law Reform Proposals.

4. Approaches to Sentencing.

4.1. Alternatives to Imprisonment

4.1.1. Probation

4.1.2. Corrective labour

4.1.3. Fines

4.1.4. Collective fines

4.1.5. Reparation by the offender/by the court.

5. Sentencing.

- 5.1. Principal types of sentences in the penal code and special laws.
- 5.2. Sentencing in white collar crime
- 5.3. Pre-sentence hearing

- 5.4. Sentencing for habitual offender
- 5.5. Summary punishment
- 5.6. Plea-bargaining

6. Imprisonment.

- 6.1. The state of India's jails today
- 6.2. The disciplinary regime of Indian prisons.
- 6.3. Classification of prisoners .
- 6.4. Rights of prisoner and duties of custodial staff.
- 6.5. Deviance by custodial staff.
- 6.6. Open prisons
- 6.7. Judicial surveillance – basis – development reforms.

Select Bibliography

- 1. H.L.A. Hart, Punishment and Responsibility (1968)
- 2. Law Commission of India, Forty-Second Report Ch. 3(1971)

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ELW - 2002

MODULE – 2B :
(Elective Course)

LAW OF INDUSTRIAL AND INTELLECTUAL
PROPERTY.

Syllabus :

1. IPR and International Perspectives.

- 1.1. Trademarks and Consumer Protection (Study of UNCTAD report on the subject).
- 1.2. The Legal regime of Unfair Trade Practices and of Intellectual Industrial Property.
- 1.3. Special Problems of the Status of Computer Software in Copyright and Patent Law : A Comparative Study.
- 1.4. Intellectual Property and Human Rights.

2. Patent Search, Examination and Records:

- 2.1. Concept of Patent.
 - 2.1.1. Term of Patent.
- 2.2. Provisional and Complete Specification.
 - 2.2.1. Content of Specification.
 - 2.2.2. Opposition to the Patent.
- 2.3. Patent Addition.
- 2.4. Restoration of Patent.
- 2.5. Surrender and Revocation of Patent.
- 2.6. Compulsory License.

- 2.7. Infringement of Patent.
 - 2.8. Offences and Penalties.
 - 2.9. Biotechnology Patents.
 - 2.9.1. Nature and types of biotechnology patents.
 - 2.9.2. Patent over new forms of life : TRIPS obligations.
 - 2.9.3. Plant patenting.
 - 2.9.4. *Sui generis* protection for plant varieties.
 - 2.9.5. Multinational ownership.
 - 2.9.6. Regulation of environment and health hazards in biotechnology patents.
 - 2.9.7. Indian policy and position.
- 3. Trade Mark.**
- 3.1. Concept.
 - 3.2. Registration.
 - 3.2.1. Procedure, Duration and Effect.
 - 3.3. Use of Trade Mark and Registered Users.
 - 3.4. Rectification and Correction of the Register.
 - 3.5. Collective Marks.
 - 3.6. Certification of Trade Mark.
 - 3.7. Assignment and Transmission.
 - 3.8. Appellate Board.
 - 3.9. Offences and Penalties.
- 4. Copyright.**
- 4.1. Concept of Copyright.
 - 4.2. Term and Registration Copyright.
 - 4.3. Statutory Exception.

- 4.4. International Copyright.
- 4.5. Assignment of Copyright.
 - 4.5.1. Mode of Assignment of Copyright.
- 4.6. Copyright Board.
- 4.7. Copyright Society.
- 4.8. Infringement of Copyright.
 - 4.8.1. Remedies against Infringement of Copyright.
- 4.9. Author Special Right.
- 4.10. Offences and Penalties.
- 5. Design.**
 - 5.1. Concept.
 - 5.2. Article.
 - 5.3. Registration.
 - 5.3.1. Application for Registration.
 - 5.3.2. Effect of Registration.
 - 5.3.4. Copyright on Registration.
 - 5.4. Piracy of Design.
 - 5.4.1. Piracy of registered design.
 - 5.5. Infringement of registered design.
 - 5.6. Offences and Penalties.
- 6. Geographical Indication of Goods.**
 - 6.1. Geographical Indication.
 - 6.1.1 Registration of Geographical Indication.
 - 6.1.2. Application for Geographical Indication.
 - 6.1.3. Duration of registration.
 - 6.2. Statutory exception for registration of Geographical Indication.

6.2.1. Prohibition of registration of Geographical Indication as Trademark.

6.3. Assignment and Transmission.

6.4. Infringement of Geographical Indication.

6.5. Offences and Penalties.

Select bibliography :

1. Terence P. Stewar (ed.), The GATT Uruguay Round : A Negotiating History (1986-1994) The End Game (Part-1)(1999), Kluwer.
2. David Bainbridge, Software Copyright Law (1999), Butterworths.
3. W.R. Cornish, Intellectual Property Law (1999), Sweet and Maxwell.

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ELM - 2003
MODULE -3A : JUVENILE DELINQUENCY
(Elective Course)

Syllabus

1. The Basic Concepts.

- 1.1. The conception of 'child' in Indian Constitution and Penal Code.
- 1.2. Delinquent juvenile
- 1.3. "Neglected" juvenile
- 1.4. The overall situation of children/young persons in India, also with reference to crime statistics (of crimes by and against children)

2. Determining Factors of Juvenile Delinquency.

- 2.1. Differential association
- 2.2. Anomie
- 2.3. Economic pressure
- 2.4. Peer group influence
- 2.5. Gang sub-culture
- 2.6. Class differentials

3. Legislative Approaches.

- 3.1. Legislative approaches during the late colonial era.
- 3.2. Children's Act
- 3.3. Legislative position in various States
- 3.4. The Juvenile (Protection and Care) Act.
 - 3.4.1. Constitutional aspects.

- 3.4.2. Distinction between “Neglected” and “Delinquent” juveniles.
- 3.4.3. Competent authorities
- 3.4.4. Processual safeguards for juveniles
- 3.4.5. Powers given to government
- 3.4.6. Community participation as envisaged under the Act.

4. Indian Context of Juvenile Delinquency.

- 4.1. The child population percentage to total sex-ratio, urban/rural/rural-urban.
- 4.2. Neglected below poverty line, physically and mentally disabled, orphans, destitute, vagrants.
- 4.3. Labourers
 - 4.3.1. In organized industries like zari, carpet, bidi, glass.
 - 4.3.2. In unorganized sector like domestic servant, shops and establishment, rag-pickers, family trade.
- 4.4. Delinquent number, sex-ratio, ratio to adult crime, types of offences committed, recidivism, rate of increase background.
- 4.5. Drug addicts.
- 4.6. Victims
 - 4.6.1. Of violence sexual abuse, battered, killed by parents
 - 4.6.2. Of criminal activities like bootlegging, drug pollution as a response of protective approach.

5. Judicial Contribution

- 5.1. Social action litigation concerning juvenile justice.
- 5.2. Salient judicial decisions
- 5.3. Role of legal profession in juvenile justice system.

6. Implementation

- 6.1. Institutions, bodies, personnel
- 6.2. Recruiting and funding agencies.
- 6.3. Recruitment qualifications and salaries or fund
- 6.4. Other responsibilities of each agency/person
- 6.5. Coordination among related agencies.
- 6.6. Accountability-annual reports and accessibility of public to juvenile justice institution.

7. Preventive Strategies

- 7.1. State Welfare programmes health, nutrition, ICWS, grants-in-aid
- 7.2. Compulsory education
- 7.3. Role of community, family, voluntary bodies, individuals.

Book Recommended :

- 1. Myron Weiner, The Child and State in India (1990)

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ELM - 2004
MODULE – 3B : PREVENTION AND CONTROL OF POLLUTION
(Elective Course)

Syllabus :

1. Pollution.

- 1.1. Meaning.
- 1.2. Kinds of pollution and their impact.

2. Pollution of Water.

- 2.1. Definition.
- 2.2. Ground water pollution.
- 2.3. Sources.
- 2.4. Critique of existing laws.
 - 2.4.1. Machinery.
 - 2.4.2. Powers.
 - 2.4.3. function.
 - 2.4.4. 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 the existing legal frame work.

4. Noise Pollution.

- 4.1. Sources and effects.

- 4.2. Different legal controls.
- 4.3. Need for specific law.

5. Disposal of Waste.

- 5.1. Kinds of wastes.
- 5.2. Disposal agencies : local bodies and other agencies.
- 5.3. Disposal and recycling of wastes.

6. Sanctions against Pollution.

- 6.1. Efficacy of criminal and civil sanctions.
- 6.2. Corporate liability, civil and criminal.
 - 6.2.1. Should penalties be prohibitive ?
 - 6.2.2. Civil liability, compensatory and penal.
 - 6.2.3. Administrative compensation system.
- 6.3. Incentives to pollution control.

Select bibliography.

1. Kailash Thakur, Environmental Protection Law and Policy in India (1997), Deep & Deep Publications, New Delhi.
2. David Hughes, Environmental Law (1999), Butterworths, London.
3. Indian Law Institute, Mass Disasters and Multinational Liability : The Bhopal Case (1986).

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ELW - 2005

**MODULE -4A : COLLECTIVE VIOLENCE AND CRIMINAL
(Elective Course) JUSTICE SYSTEM**

Syllabus

1. Introductory

- 1.1. Notions of ‘force’, ‘coercion’, ‘violence’
- 1.2. Distinctions : ‘symbolic’ violence, “institutionalized” violence, “Structural violence”
- 1.3. Legal order as a coercive normative order
Force-monopoly of modern law
- 1.4. “Constitutional” and “criminal” speech : Speech as incitement to violence.
- 1.5. “Collective political violence” and legal order.
- 1.6. Notion of legal and extra-legal “repression”.

2. Approaches to Violence in India.

- 2.1. Religiously sanctioned structural violence : Caste and Gender based
- 2.2. Ahimsa in Hindu, Jain, Buddhist, Christian, and Islamic traditions in India
- 2.3. Gandhiji’s approach to non-violence
- 2.4. Discourse on political violence and terrorism during colonial struggle.
- 2.5. Attitudes towards legal order as possessed of legitimate monopoly over violence during the colonial period.

3. Agrarian Violence and Repression

- 3.1. The nature and scope of agrarian violence in the 18-19 Centuries India.
- 3.2. Colonial legal order as a causative factor of collective Political (agrarian) violence.
- 3.3. The telangana struggle and the legal order.
- 3.4. The Report of the Indian Human Rights Commission on Arwal Massacre.

4. Violence against the Scheduled Castes.

- 4.1. Notion of Atrocities.
- 4.2. Incidence of Atrocities.
- 4.3. Uses of Criminal law to combat Atrocities, aftermath of Atrocities.
- 4.4. Violence Against Women.

5. Communal Violence.

- 5.1. Incidence and causes of “communal” violence.
- 5.2. Findings of various commissions of enquiry
- 5.3. The role of police and para-military systems in dealing with communal violence
- 5.4. Operation of criminal justice system during, and in relation to, communal violence.

Select bibliography.

1. U. Baxi, “Dissent, Development and Violence” in R. Meagher (ed.), Law and Social Change : Indo-American Reflections 92 (1988).
2. G. Shah, Ethnic Minorities and Nation Building : Indian Experience (1984).

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MODULE – 4B_ : LABOUR & INDUSTRIAL LEGISLATIONS
(Elective Course)

Syllabus :

1. Introduction.

- 1.1. Meaning and scope of Labour Laws.
- 1.2. Development of Labour Laws.

2. Industrial Relation Laws.

- 2.1. Meaning and scope of Industrial Relation.
- 2.2. Trade Union Act, 1926.
 - 2.2.1. Object & Scope.
 - 2.2.2. Registration.
 - 2.2.3. Rights & Privileges.
 - 2.2.4. Legal Immunities.
- 2.3. Industrial Employment (Standing orders) Act, 1946.
 - 2.3.1. Object & Scope.
 - 2.3.2. Certification of standing orders.
- 2.4. Industrial Disputes Act, 1947.
 - 2.4.1. Object & Scope.
 - 2.4.2. Conciliation & Adjudication.
 - 2.4.3. Strike & Lockout.
 - 2.4.4. Retrenchment.
 - 2.4.5. Clouser.
 - 2.4.6. Lay-off.

3. Labour Welfare Laws.

- 3.1. Meaning and Scope of Labour Welfare.
- 3.2. Factories Act, 1948.
 - 3.2.1. Object & Scope.
 - 3.2.2. Health.
 - 3.2.3. Welfare.
 - 3.2.4. Safety.
 - 3.2.5. Working hours.
 - 3.2.6. Leave.
- 3.3. Shops & Establishments Act, 1948.
 - 3.3.1. Object & Scope.
 - 3.3.2. Health.
 - 3.3.3. Welfare.
 - 3.3.4. Safety.
 - 3.3.5. Working hours.
 - 3.3.6. Leave.
- 3.4. Child Labour (Prohibition & Regulation) Act, 1948.
 - 3.4.1. Object & Scope.
 - 3.4.2. Health.
 - 3.4.3. Welfare.
 - 3.4.4. Safety.
 - 3.4.5. Working hours.
 - 3.4.6. Leave.

4. Social Security Laws.

- 4.1. Meaning and scope of Social Security.
- 4.2. Fatal Accident Act, 1865.
 - 4.2.1. Object & scope.
 - 4.2.2. Important Provisions.
- 4.3. Workmen's Compensation Act, 1923.
 - 4.3.1. Object & Scope.
 - 4.3.2. Concept of compensation.
 - 4.3.3. Liability.
 - 4.3.4. Exemption.
- 4.4. Employers Liability Act, 1938.
 - 4.4.1. Object & Scope.

4.4.2. Important Provisions.

4.5. Employees State Insurance Act, 1948.

4.5.1. Object & Scope.

4.5.2. Benefits Available.

4.5.3. Conditions for Benefits.

4.5.4. Contribution.

4.5.5. ESI Court.

4.6. Employees Provident Fund and Miscellaneous Provisions Act, 1952.

4.6.1. Object & Scope.

4.6.2. Scheme.

4.6.3. Contribution.

4.6.4. Liability.

4.7. Payment of Gratuity Act, 1972.

4.7.1. Object & Scope.

4.7.2. Concept.

4.7.3. Forfeiture.

4.7.4. Important Provisions.

5. Wage Laws.

5.1. Meaning and Scope of Wages.

5.2. Payment of Wages Act, 1936.

5.2.1. Object & Scope.

5.2.2. Legal & Illegal Deduction.

5.2.3. Liability.

5.3. Minimum Wages Act, 1965.

5.3.1. Object & Scope.

5.3.2. Fixation.

5.3.3. Liability.

5.4. Payment of Bonus Act, 1965.

5.4.1. Object & Scope.

5.4.2. Concept.

5.4.3. Formula.

5.4.4. Liability.

- 5.5. Equal Remuneration Act, 1976.
 - 5.5.1. Object & Scope.
 - 5.5.2. Important Provisions.

Select bibliography :

- 1. Industrial Law – P.L. Malik.
 - 2. Labour Laws and Labour Relations – Indian Law Institute.
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PAPER – 5 : EDUCATIONAL TOUR

Educational : Each year a tour comprising all students of LL.M.
Tour part I will be conducted to Delhi via Ahmedabad to give practical exposure to the students :

- 1) Delhi : Parliament, Supreme Court Indian law Institute, Bar Council of India, Law Ministry, Office of Law Commission of India, MRTPC, Election Commission, UPSC.

- 2) Ahmedabad :
 - a) High Court at Sola.
 - b) Permanent Legal Aid Clinic, Dafnala, Shahibag.
 - c) Central Forensic Science Lab., Gandhinagar.

A teacher of the department shall accompany the students.

(Semester-IV)

CLW – 4001

**DISSERTATION / PROJECT as decided by Head of
the Department.**

