



JAGADGURUKUL
UNIVERSITY

***SCHEME OF EXAMINATION
&
DETAILED SYLLABUS***

***LL.M. One Year Degree Programme
(2016– 2017)***

Center for Post Graduate Legal Studies

Faculty of Law

City Campus: Plot No. IP-2 - 3, Phase–IV, Sitapura Ind. Area,
Opp. ChokhiDhani, Jaipur.

University Campus: Village Rampura, TehsilChaksu, Jaipur



Course Structure

LL.M. One Year (2016–2017)

First Semester Examination

Group –A: Corporate and Commercial Law

Group –B: Criminal and Security Law

Code No.	Paper	L	Credits
LLM 101	Research Methods and Legal Writing	3	3
LLM 102	Comparative Public Law	3	3
LLM 103	Law and Justice in a Globalizing World	3	3
LLM 104- A	Company Law	2	2
LLM 105- A	Intellectual Property Law	2	2
LLM 104- B	White Collar Crimes	2	2
LLM 105- B	Criminal Justice and Human Rights	2	2
	Sub Total	13	13

Group -A
Corporate and Commercial Law
Second Semester Examination

Code No.	Paper	L	Credits
LLM 201- A	International Trade Law	2	2
LLM 202- A	Competition Law	2	2
LLM 203- A	Laws on Securities and Financial Markets	2	2
LLM 204- A	Banking and Insurance Law	2	2
LLM 205- A	Dissertation including viva-voce	-	5
	SUB TOTAL	08	13

Group -B
Criminal and Security Law
Second Semester Examination

Code No.	Paper	L	Credits
LLM 201- B	Victimology	2	2
LLM 202- B	Sentences and Sentencing	2	2
LLM 203- B	Criminology and Criminal Justice Administration	2	2
LLM 204- B	Police Law and Administration	2	2
LLM 205- B	Dissertation including viva-voce	-	5
	SUB TOTAL	08	13

MAXIMUM & MINIMUM CREDITS OF THE PROGRAMME

The total number of credits of the LL.M. One Year Degree Programme is 26.

Each student shall be required to appear for examination in all subjects. However, for the award of the degree a student should secure 26 credits required for that particular programme.



Examination Scheme-LL.M. One Year Degree Programme (2016-2017)

SEM.	PAPER CODE	SUBJECT	Theory / Practical Paper	Credits	MAX. MARKS	INTERNAL EVALUATION		END TERM EXAM		MIN. PASS MARKS
						Max Marks	Min Marks	Max Marks	Min Marks	
I	LLM 101	Research Methods and Legal Writing	Theory	3	150	50	-	100	-	75
I	LLM 102	Comparative Public Law	Theory	3	150	50	-	100	-	75
I	LLM 103	Law and Justice in a Globalizing World	Theory	3	150	50	-	100	-	75
I	LLM 104- A	Company Law	Theory	2	100	30	-	70	-	50
I	LLM 105- A	Intellectual Property Law	Theory	2	100	30	-	70	-	50
I	LLM 104- B	White Collar Crimes	Theory	2	100	30	-	70	-	50
I	LLM 105- B	Criminal Justice and Human Rights	Theory	2	100	30	-	70	-	50
II	LLM 201- A	International Trade Law	Theory	2	100	30	-	70	-	50
II	LLM 202- A	Competition Law	Theory	2	100	30	-	70	-	50
II	LLM 203- A	Laws on Securities and Financial Markets	Theory	2	100	30	-	70	-	50
II	LLM 204- A	Banking and Insurance Law	Theory	2	100	30	-	70	-	50
II	LLM 205- A	Dissertation including viva-voce	-	5	200+50	-	-	-	-	125
II	LLM 201- B	Victimology	Theory	2	100	30	-	70	-	50

II	LLM 202- B	Sentences and Sentencing	Theory	2	100	30	-	70	-	50
II	LLM 203- B	Criminology and Criminal Justice Administration	Theory	2	100	30	-	70	-	50
II	LLM 204- B	Police Law and Administration	Theory	2	100	30	-	70	-	50
II	LLM 205- B	Dissertation including viva-voce	-	5	200+50	-	-	-	-	125

MAXIMUM & MINIMUM CREDITS OF THE PROGRAMME

The total number of the credits of the LL.M. One Year Degree Programme is 26.

Each student shall be required to appear for examination in all subjects. However, **for the award of the degree a student should secure 26 credits required for that particular programme.**

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LL.M. One Year (2016–2017)

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LLM 105– A	Intellectual Property Law	2	2
LLM 104- B	White Collar Crimes	2	2
LLM 105- B	Criminal Justice and Human Rights	2	2
	Sub Total	13	13

LL.M. 101: Research Methods and Legal Writing

Credits: 3

Max. Marks: 100

Time Allowed: 3 Hrs.

Objectives:

The main objective of this course is to acquaint the student of law with the scientific method of social science research. This course is expected to provide the knowledge of the technique of selection, collection and interpretation of primary and secondary data in socio legal research. Emphasis would be laid on practical training in conducting research in this course. By the end of the course the students are expected to develop a scientific approach to socio legal problems. They should be able to design and execute small scale research problems.

Note:

- (1) Eight questions shall be set with two questions in each Unit. The candidates shall be required to attempt four questions in all, selecting one question from each Unit.
- (2) All questions shall carry equal marks.

Unit-I

Introduction of Legal Research

- a) Meaning; objectives and scope of legal research.
- b) Socio-legal Research in India
- c) Research Method *vis-a-vis* Research Methodology
- d) Kind of Legal Research- Doctrinal and Non-doctrinal legal research; Inter/multidisciplinary, etc.
- e) Arm chair research *vis-a-vis* empirical research

Unit-II

Research Design and Techniques

- a) Primary and secondary source
- b) Workable Hypothesis-formulation and evaluation
- b) Major steps in research design
- c) Sampling
- d) Survey and Case Study method

Unit-III

Research Tools and Data Processing

- a) Observation
- b) Interview and schedule
- c) Questionnaire
- d) Socio-metrics and jurimetrics
- e) Data processing (deductions and Inductions) analysis and interpretation of data

Unit-IV

Legal Writing

- a) Essentials of good legal writing
- b) Structured Legal Writing ; Organization of Legal Material
- c) Report/article writing in legal research
- d) Use of definitions, maxims, concepts, principles, doctrines in legal research
- e) Modern- Technology- Computer, Internet, etc.
- f) Citation, Reference and Footnoting methodology
- g) Book review and case comments
- h) Dissertation and Thesis Writing
- i) Plagiarism as an offence in Research.

Suggested Readings:

- Price, M.O. Bitner, H. and Bysiewicz : Effective Legal Research
- S.K. Verma & Afzal Wani : Legal Research Methodology
- AnwarulYaqin : Legal Research Methodology
- S.K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
- N.R. Madhav Menon, (ed) A Handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow.
- Young, Pauline V. : Scientific Social Survey and Research
- Grade, William J. and Paul, K. Hatt. : Methods in social Research, McGraw-Hill Book Company, London
- Hyman, H.M. : Interviewing in Social Research
- Erwin, C. Surrency, B. Fieif and J. Cera : A Guide to Legal Research.
- Morris, L. Cohan : Legal Research, West Publishing House Co.
- Havard Law Review Association : Uniform System of Citations.
- ILI Publication : Legal Research and Methodology
- Baxi, Upendra : Social Legal Research in India
- Kothari, C.K. : Research Methodology: Method and Technology
- Myneni : Legal Research Methodology.

LL.M. 102: Comparative Public Law

Credits: 3

Max. Marks: 100

Time Allowed: 3 Hrs.

Objectives:

This paper focuses on analytical and theoretical scrutiny of Public Administrative Law and Constitutional Law and its component in comparative manner to enable the students and develop amongst them the proper understanding of the subject.

Note:

- (1) Eight questions shall be set with two questions in each Unit. The candidates shall be required to attempt four questions in all, selecting one question from each Unit.
- (2) All questions shall carry equal marks.

UNIT-I

Introduction

- a) Meaning and definition of Public Law
- b) Concept of Public Law
- c) Globalization of Comparative Public Law
- d) Constitutionalism and Rule of Law

UNIT-II

Tools of Comparative Public Law

- a) Constitutional Law – Forms of Government, Separation of Power
- b) Legislative Mechanism – Supremacy of Legislature
- c) Typology of Federalism – USA, India

UNIT-III

Public Interest Litigation – US, India

- a) Public Interest Litigation movement and Independence of Judiciary
- b) Judicial Activism
- c) Judicial Accountability

UNIT-IV

Ombudsman

- a) Ombudsman in Scandinavian countries
- b) International Scenario – Common law and Civil law
- c) Indian Scenario
 - i) Lokpal (Ombudsman)
 - ii) Lokayukta

Suggested Readings:

1. H. W. Wade - Administrative Law.
2. DeSmith - Judicial Review of Administrative Action.
3. Garner - Administrative Law.
4. D. D. Basu - Comparative Administrative Law.
5. Wade and Philips - Constitutional Law
6. M. P. Jain, S. N. Jain - Principles of Administrative Law.
7. M. P. Jain - Cases and Materials on Administrative
8. K. S. Shukla and S. S. Singh - Lokayukta - A socio legal study.
9. Ivor Jennings - Law and the Constitution.
10. K.D.Gaur – A Textbook on The Indian Penal Code.
11. Vidh Upadhyay - Public Interest Litigation In India: Concepts, Cases Concerns 1stEdition
12. S. K Agrawala - Public interest litigation in India: A critique (K.M. Munshi memoriallectures)

LL.M. 103: Law and Justice in a Globalizing World

Credits: 3

Max. Marks: 100

Time Allowed: 3 Hrs.

Objectives:

The main objective of the course is to enable students to understand and seek solutions to pressing problems in the domain of global justice. By the end of the term, students are expected to have become familiar with the multiple dimensions of the theoretical literature and be able to critically evaluate the liberal, republican, and discursive democratic attempts to make sense of, and to ameliorate, prevailing instances of injustice in the world. This will be imparted through theoretical and philosophical debates advanced by various scholars and the institutional mechanism that need to be accelerated to achieve the objectives of global justice.

Note:

- (1) Eight questions shall be set with two questions in each Unit. The candidates shall be required to attempt four questions in all, selecting one question from each Unit.
- (2) All questions shall carry equal marks.

UNIT-I

Introduction

- (a) Meaning and significance of Globalization
- (b) Concept of Global Justice
- (c) Social, Political and economic dimensions of globalization.

UNIT-II

Historical and Central Challenges to Global Justice

- (a) Global Poverty
- (b) Armed Conflict
- (c) Nationalist practices
- (d) Crimes against Humanity
- (e) Environment and Health

UNIT-III

Role and Reformation of Global Institutions

- (a) States, Sovereignty and Transnational Law
- (b) Economic and Trade Institutions-MNC's
- (c) Structural reforms of United Nations-Security Council
- (d) International Judicial Institutions

UNIT-IV

Models to Achieve Global Justice

- (a) Social Contract and Social Justice
- (b) Sarvodaya Model of Justice
- (c) Multi Culturalism and Cosmopolitanism
- (d) Significance of Human Rights Education
- (e) Impact of globalization on judicial process and administration of justice.

Suggested Readings:

1. Springer: Encyclopedia of Global Justice 2012
2. Brian Barry, *Culture and Equality*. Cambridge: Polity, 2001
3. Duncan Bell (ed.) *Ethics and World Politics*. Oxford 2010.
4. Allen Buchanan. *Justice, Legitimacy, and Self-determination: Moral Foundations for International Law*. Oxford 2004.
5. Simon Caney, *Justice Beyond Borders*. Oxford:, 2005
6. Nicole Hassoun. 2008a. "World Poverty and Individual Freedom." *American Philosophical Quarterly*. Vol. 45, No. 2: 191-198.
7. Andrew Hurrell. 2001. "Global Inequality and International Institutions." *Global Justice*.
8. Martha Nussbaum, *Frontiers of Justice*. Cambridge, Mass.: Harvard University Press, 2006.
9. Thomas Pogge, *World Poverty and Human Rights*. Cambridge: Polity, 2002.
10. John Rawls, *The Law of Peoples*. Cambridge, Mass.: Harvard University Press, 1999
11. Amartya Sen, *Development as Freedom*. Oxford: 1999
12. Amartya Sen *The Idea of Justice* 2009
13. Amartya Sen: *Development as Freedom* 1999 Oxford
14. Amartya Sen: *Human and Public Action* Oxford
15. *Journals of Oxford and Cambridge on global Justice*
16. R. PIERIK : *Cosmopolitanism Global Justice and International Law* Cambridge 2005
17. *American Journal of International Law and Proceedings of American Society of International Law*

GROUP- A: CORPORATE AND COMMERCIAL LAW

LL.M.104- A: Company Law

Credits: 2

Max. Marks: 70

Time Allowed: 2 Hrs

Objectives:

The course is designed to understand the formation, management and other activities of the companies, in view of the important developments that have taken place in the corporate sector. This course aims to impart the students, the corporate management, control, possible abuses, the remedies and government regulation of corporate business and winding up of companies.

Note:

- (1) Eight questions shall be set with two questions in each Unit. The candidates shall be required to attempt four questions in all, selecting one question from each Unit.
- (2) All questions shall carry equal marks.

Unit-I

Formation and Incorporation

Company- Historical Perspective; Meaning and Nature; Kinds of Company; Concept of Corporate Personality; Lifting of Corporate Veil; Formation, Registration & Incorporation of Company; Memorandum of Association, Doctrine of ultra virus; convergence of Corporate Legal System in the present scenario- Concept of Limited Liability Partnership.

Unit-II

Articles of Association

Its relationship with Memorandum of Association; Doctrine of Constructive Notice; Doctrine of Indoor Management with Exceptions; Promoters, & Pre-Incorporation Contracts.

Unit-III

Corporate Management

Board of Directors - position - appointment - qualifications - vacation of office - removal - resignation - powers and duties of directors - meeting, registers, loans - remuneration of directors - role of nominee directors - compensation for loss of office - managing directors - compensation for loss of office - managing directors and other managerial personnel

Majority Rules and Minority Protection, Rules laid down in **Fossy.Harbottle** with exceptions. Prevention of Oppression and Mis-Management

Unit-IV

Corporate Liquidation

Winding up- Meaning & Scope; Modes of Winding up- Voluntary Winding up and Compulsory Winding up; Liquidators and Official Liquidators; Powers and Functions of Liquidators.

Suggested Readings:

Singh, Avtar	: Company Law
Gower, L.C.B.	: The Principles of Modern Company Law
Shah, S.M.	: Lectures on Company Law
Palmer	: Company Precedents Part-I
Ramaiya, A.	: Guide to the Company Act.

GROUP- A: CORPORATE AND COMMERCIAL LAW

LL.M.105- A: Intellectual Property Law

Credits:2

Max. Marks: 70

Time Allowed: 2 Hrs.

Objective:

The objective of this course is to acquaint the students with basic components of intellectual property rights with special reference to Indian law and practice.

Note:

- (1) Eight questions shall be set with two questions in each Unit. The candidates shall be required to attempt four questions in all, selecting one question from each Unit.
- (2) All questions shall carry equal marks.

Unit I

Introduction

Concept of Intellectual Property- Kinds of Intellectual Property, Importance of Intellectual Property, rights and the need for their legal protection

Internationalization of IP protection- Paris Convention, Berne Convention, TRIPS

Unit II

Copyright

- a. Copyright-Subject matter of copy rights
- b. Rights conferred by copyright-Fair use
- c. Infringement and remedies

Unit III

Patents

- a. Patents- Patentable subject matters
- b. Patentability criteria Patent' granting procedure
- c. Rights-conferred Infringement and remedies.

Unit IV

Trademarks

- a. Trademarks and passing off
- b. Registration of -Trade Marks
- c. Rights conferred Infringement -and remedies.

Statutory Material:

- 1.The Patent Act,1970
- 2.The Trade Marks Act, 1999
- 3.The Copy Right Act 1957
- 4.TRIPS Agreement
- 5.GATT

Suggested Readings:

1. R. Anita Rao & Bhanoji Rao: Intellectual Property A Primer
- 2.Nair and Kumar: Intellectual Property Rights (N. Delhi: Allied, 1994);
3. Narayanan, P.: Patent Law (Kolkata: Eastern Law House, 998)
4. N.S. Gopal Krishman & T.G. Agitha: Principal of Intellectual Property
5. Cornish, W. R. :*Intellectual Property* (London: Sweet & Maxwell, 1996);
6. Robert A. Gorman and Jane C. Ginsburg: Copyright: Cases and Materials (New York: Foundation Press, 2002).
7. Stewart, S.M.: International Copyright and Neighbouring Rights (London: Butterworth's, 1983)

GROUP- B: CRIMINAL AND SECURITY LAW

LL.M.104- B: White Collar Crimes

Credits: 2

Max. Marks: 70

Time Allowed: 2 Hrs.

Objectives:

This course focuses on the "Criminality of the "Privileged classes". The definition of "privileged classes" in a society like India should not pose major problem at all; the expression nearly includes wielders of all forms of state and social (including religious) power. Accordingly, the course focuses on the relation between privilege power and deviant behaviour. The traditional approaches which highlight "white-collar offences", "socio-economic offences" or "crimes of the powerful" deal mainly with the deviance of the economically resourceful. The dimension of deviance associated with bureaucracy, the new rich (nouveau riche), religious leaders and organizations, professional classes and the higher bourgeoisie are not fully captured here.

Note:

- (1) Eight questions shall be set with two questions in each Unit. The candidates shall be required to attempt four questions in all, selecting one question from each Unit.
- (2) All questions shall carry equal marks.

Unit I

Conceptual Perspective of White Collar Crimes

- Concept and Types of White Collar Crimes
- Indian Approaches to Socio-economics Offences
- Privileged class deviance
- Growth of White Collar Crimes
- Need for Specific Measures

Unit II

Professional Deviance

- Unethical practices of the Indian Bar
- Unprofessional and Unethical Journalism
- Medical Malpractice
- Organizational or Corporate Crime

Unit III

White Collar Crime and Response of Indian Legal Order

- Law Commission recommendations
- White Paper on white collar crime
- Vigilance Commission
- Public Account Committee
- Ombudsman Lokpal Bill

Unit IV

Corruption in Politics and Government

Some Major Scandals:

- Bofors Scandal
- Stock Market Manipulation Scam 1999-2001
- 2G Spectrum Allocation Scandal
- Commonwealth Games Scandal
- Satyam Computer Scam
- Fodder Scam
- JBT Scam
- Latest Coal Scam

Suggested Readings:

1. Upendra Baxi, *The Crisis of the Indian Legal System* (1982) Vikas Publishing House, New Delhi.
2. Upendra Baxi (ed.), *Law and Poverty: Essays* (1988)
3. Upendra Baxi, *Liberty and Corruption: The Antulay Case and Beyond* (1989)
4. Surendranath Dwevedi and G.S. Bbargava, *Political Corruption in India* (1967)
5. A.R. Desai (ed.) *Violation of democratic Rights in India* (1986)
6. A.G. Noorani, *Minister's Misconduct* (1974)
7. B.B. Pande, 'The Nature and Dimensions of Privileged Class Deviance' in *the Other Side of Development* 136 (1987; K.S. Shukla ed.).

GROUP- B: CRIMINAL AND SECURITY LAW

LL.M 105- B: Criminal Justice and Human Rights

Credits: 2

Max. Marks: 70

Time Allowed: 2 Hrs.

Objective: Criminal Justice and Human Rights has long been an important area for study and is still developing fast particularly in the international arena. There is increased worldwide interest in ensuring that criminal justice systems comply with human rights requirements in order to ensure that states' implementation and enforcement of the criminal law, through investigation, trial and punishment, respect the civil liberties of citizens accused of crime.

Note:

- (1) Eight questions shall be set with two questions in each Unit. The candidates shall be required to attempt four questions in all, selecting one question from each Unit.
- (2) All questions shall carry equal marks.

Unit I

Concept and Development of Human Rights

- Concept, Importance and Nature
- U. N. Charter and its agencies
- History, Evolution and Growth
- Classification of Human Rights

Unit-II

Human Rights and Criminal Jurisprudence

- Rights of Accused
- Rights of arrested persons
- Rights of Fair and Speedy Trial
- Rights of Free legal aid
- Parole and Probation

Unit-III

Human Rights Problems in the Administration of Criminal Justice

- Police Atrocities and Custodial Torture
- Violence against Women and Children
- Terrorism and Insurgency

Unit IV

Implementation of Human rights in India

- Role of NGO
- Public Interest Litigation
- Role of Judiciary
- Role of National Human Rights Commission

Essential Case Law:

- M.M. Hoskot v. State of Maharashtra, AIR 1978 SC 1548
- HusainaraKhatoon v. State of Bihar, AIR 1979 SC 1360
- Khatri v. State of Bihar, AIR 1981 SC 928
- State of Maharashtra v. Manubhai PragjiVasi (1995) 5 SCC 730
- D.K. Trivedi v. Union of India, AIR 1986 SC 1328
- Vishaka v. State of Rajasthan, AIR 1997 SC 3011
- State of Karnatka v.Appavalu Ingle, AIR 1995 SC 1126
- Supritendent of Remembrance of Legal Affairs,West Bengal v. S. Bhaumic, AIR 1981 SC 917

Suggested Readings:

- 1.Forest Martin et.al. (ed.) International Human Rights Law and Practice- Part I. and II of. cases, treaties and materials.
- 2.Vijay Chitinis, et.al (ed.)- Human Rights and the Law -National and Global Perspective.
- 3.Basu D.D. Human Rights in Constitutional Law.
- 4.Singh Sehgal B.P-Human Rights in India - Problems and Perspectives.
- 5.Protection of Human Rights in Criminal Justice administration-- A study by Prof. UpendraBaxi and Manjula Batra.
- 6.L.H. Leigh-Protection of Human Rights in Criminal Procedure. The British Experience.

Group -A

Corporate and Commercial Law

Second Semester Examination

Code No.	Paper	L	Credits
LLM 201- A	International Trade Law	2	2
LLM 202- A	Competition Law	2	2
LLM 203- A	Laws on Securities and Financial Markets	2	2
LLM 204- A	Banking and Insurance Law	2	2
LLM 205- A	Dissertation including viva-voce	-	5
	SUB TOTAL	13	13

LL.M. 201- A: International Trade Law

Credits: 2

Max. Marks: 70

Time Allowed: 2 Hrs.

Objective:

The objective of the course is to introduce the subject to the students with special reference to India's role and relevance in the multilateral trading represented by the WTO.

Note:

- (1) Eight questions shall be set with two questions in each Unit. The candidates shall be required to attempt four questions in all, selecting one question from each Unit.
- (2) All questions shall carry equal marks.

Unit I

Introduction and Evolution of International Trade Law

- a. Evolution and Concept of International Trade
- b. Meaning and Nature of International Trade Law
- c. Havana Charter for International Trade Organization (ITO)
- d. Advantages and Disadvantages of International Trade
- e. Free Trade and Trade Barriers
- f. Globalization of Trade

Unit II

GATT- Historical perspective, overview

- a. The Uruguay Round Negotiations
- b. Uruguay Round -Doha Round Negotiations
- c. Scope, Importance and Salient features of GATT
- d. Agreement on Agriculture
- e. Agreement on subsidies & countervailing measures

Unit III

Specific Agreements & International Trade Law

- a. Agreement on Anti Dumping measures
- b. Agreement on Trade in services
- c. Agreement on Trade Related aspects of Intellectual Property Rights (TRIPS)

Unit IV

Trade and Environmental Issues in WTO

- a. Trade and Environment conflicts & challenges

- b. Protocol on protecting Ozone Layer
- c. Sanitary and Phytosanitary measures
- d. WTO Dispute Resolution Mechanism- consultation, conciliation & mediation, dispute settlement and surveillance

Suggested Readings:

1. Guide to the WTO and GATT: Economics, Law and Politics by Avtar Krishan Koul
2. World Trade Organisation :Dr. S. R. Myneni
3. International Trade Law: Ishita Chatterji
4. Srinivasan, T. N., Developing Countries and the Multilateral Trading System: From the GATT to the Uruguay Round and the Future (Delhi: Oxford University Press, 1998)
5. Bhagwati, Jagdish and Hudec, Robert E, Fair Trade and Harmonization: Prerequisites for Free Trade (Cambridge, Mass.: MIT Press, 1996) vol. 2 (Legal Analysis).
6. Pratap, Ravindra, India at the WTO Dispute Settlement System (New Delhi: Manak Publications, 2004).
7. Croome, John, Reshaping the World Trading System: A History of the Uruguay Round (The Hague: Kluwer, 1999).
8. Hoekman, Bernard and Kostecki, Michel, The Political Economy of The World Trading System: From GATT to WTO (Oxford: OUP, 1995).

LL.M. 202- A: Competition Law

Credits:2

Max. Marks: 70

Time Allowed: 2 Hrs.

Objectives:

In most countries of the world that competition plays a key role to play in ensuring productive, efficient, innovative and responsive markets. The consumers are ensured availability of 'goods' and 'services' in abundance of acceptable quality at affordable price. Competition law and policy also result in equity among producers and reduce rent seeking behavior on their part.

In tune with the international trend and to cope with changing realities, India has reviewed the Monopolies and Restrictive Trade Practices Act, 1969 and has enacted the Competition Act, 2002 (the Act) w.e.f. 14.1.03.

The Competition Commission of India feels that in order to create greater awareness of competition law and competition issues, it is important that the Competition Act, 2002 and the role of the Competition Commission of India should form part of the syllabus of faculties/schools of management, law and other relevant institutes. This would also enable the students to take up professional practice in the field of competition law and policy. As a part of its statutory duty to create awareness and to build strong competition culture in the country, the Competition Commission of India has already taken up the matter with over 144 universities to incorporate the Competition Act as a part of syllabus. This syllabus also aims to create awareness among the students and develop their abilities to deal with the issues on the expanding horizons of corporate law.

Note:

- (1) Eight questions shall be set with two questions in each Unit. The candidates shall be required to attempt four questions in all, selecting one question from each Unit.
- (2) All questions shall carry equal marks.

Unit-I

Concept of Competition

- a) Competition Law and policy- an overview, contours of competition policy; Competition Law- National and International perspective.
- b) Meaning and Scope; The Competition Act, 2002- Historical Perspective, Nature and philosophy.
- c) Some basic concepts: Competition, Consumer, Agreement, Enterprises, Cartel, Goods & Services.
- d) Restraint of Trade under Indian Contract Act.

Unit-II

The Competition Act, 2002

- a) Anti-Competitive Agreement- Nature & Scope, Horizontal Agreements, Vertical Agreement, Applicability to IPR
- b) Abuse of Dominant Position- Concept of dominant position, group and control, practices constituting abuse of dominant position, consequences of abuse of dominance, IPR & abuse of dominance.
- c) Combinations- Concept, Meaning and Scope, Regulation of Combination.

Unit-III

Competition Commission of India

- a) Establishment and Composition
- b) Powers and Duties
- c) Function and Procedure
- d) Meetings of the Commission
- e) Orders of the Commission- Execution, Review and Rectification
- f) Appeal
- g) Competition Advocacy

Unit-IV

Competition Appellate Tribunal

- a) Establishment and Composition; jurisdiction, powers and function
- b) Procedure
- c) Orders of the CAT- Execution, Contravention, Appeal
- d) Penalties

Suggested Readings:

1. Agarwal, V.K. : Consumer Protection- Law and Practice
2. Agarwal, V.K. : The Competition Act- Principles and Practice
3. Agarwal, V.K. : Law of Consumer Protection (2013 Student Edition)-
Law and Practice
4. Agarwal, V.K. : The Competition Act, 2002- (2012 Student Edition)
5. Rao, Rajyalakshmi : Consumer is King
6. Suzan Rab : Indian Competition Law- An International Perspective
7. S.M. Dugar's : MRTP Law, Competition Law and Consumer
Protection
8. Sachar Committee Report, High Powered Committee on MRTP Act &
Company Act, 1980 and other related work

LL.M. 203- A: Laws on Securities and Financial Markets

Credits: 2

Max. Marks: 70

Time Allowed: 2 Hrs.

Objective: The Financial Market is a market for financial investments that are direct and indirect claims to capital. It embraces all forms of lending and borrowing. So the aim to teach this subject is to acquire knowledge and understanding of securities laws and regulatory framework of Financial Markets.

Note:

- (1) Eight questions shall be set with two questions in each Unit. The candidates shall be required to attempt four questions in all, selecting one question from each Unit.
- (2) All questions shall carry equal marks.

Unit-I

Instruments of Security and Financial Markets

- a. Shares- Meaning and various kinds of Shares, Share Capital, General Principles of Allotment; Shares Certificate- its objects and effects; Transfer & Transmission of Shares, Alteration in Share Capital and its effects.
- b. Public Issue and Rights Issue
- c. Debentures- Meaning, Kinds of Debenture, issue of Debentures, distinction between Shares and Debentures.
- d. Company Deposit- Nature and Scope

Unit-II

The Securities Contracts (Regulation) Act, 1956

- a. Nature, Scope and Purpose
- b. Meaning and Scope of Securities, Government Securities and derivatives;
- c. Listing and delisting of securities
- d. Insider Trading
- e. Security Appellate Tribunals- Composition, Powers and Functions.

Unit-III

Securities and Exchange Board of India (SEBI)

- a. SEBI Act, 1992- Nature, Scope and purpose; Establishment of SEBI;
- b. Powers and functions of SEBI
- c. Recognition of Stock Exchanges
- d. SEBI's Power in context of Stock Exchange

Unit-IV

Non Banking Financial Institutions

- a. Meaning and Scope
- b. Purpose and Salient Features of some Non Banking Institutions- LIC, GIC, UTI, IFCI, IDBI, SIDBI, ICICI, & NABARD

Suggested Readings:

1. Dr. S. R. Myneni : Corporate Law II (Law of Securities)
2. Singh, Avtar : Company Law
3. Gower, L.C.B. : The Principles of Modern Company Law
4. Shah, S.M. : Lectures on Company Law
5. Ravi Pillani : Manual of SEBI- Volume-I and II
6. Ramaiya, A. : Guide to the Company Act.

LL.M. 204- A: Banking and Insurance Law

Credits: 2

Max. Marks: 70

Time Allowed: 2 Hrs.

Objective:

This course is designed to acquaint the students with the conceptual and operational parameters of banking law and insurance law, the judicial interpretation and the new and emerging dimensions of both the insurance as well as banking.

Note:

- (1) Eight questions shall be set with two questions in each Unit. The candidates shall be required to attempt four questions in all, selecting one question from each Unit.
- (2) All questions shall carry equal marks.

Unit-I

Evolution, Concept and Principles of Banking Law

- a. Nature and development of Banking
- b. Functions of Banking
- c. Banker and Customer relationship
- d. The Banking Regulation Act, 1949- Nature and Scope, Salient features, Social Control, Nationalization of Banks
- e. Recent Trend in Banking Electronic Payment System- Mobile Banking, Internet Banking

Unit-II

Establishment of Reserve Bank of India

- a. Reserve Bank India Act, 1934- Organization and Legal Status of RBI, Powers and functions of RBI
- b. RBI and Commercial Banks
- c. Banking Ombudsman- Banking Ombudsman Scheme 1995, Banking Ombudsman Scheme 2002

Unit-III

Introduction of Law of Insurance

- a. General Principles of Law of Insurance- Definition; Nature and History of Insurance
- b. Contract of Insurance; Insurable Interest; Utmost good faith; Premium
- c. Policy- Classification of Policy; Form and Contents; Risk and Insurance; Assignment and Construction

Unit-IV

Public Liability Insurance Act, 1991- Nature, Scope, Purpose and Salient features

Insurance Regulatory & Development Authority Act, (IRDA) 2000- Nature, Scope, Purpose and Salient Features.

Selected Readings:

1. KSN Murthy & KVS Sarma : Modern Law & Insurance in India
2. Tannan, M.L. : Banking Law and Practice in India
3. Murthy, K.S.N. and : Modern Law of Insurance in India
4. Sarma, K.V.S.
5. Mishra, M.N. : Law of Insurance Principles and Practice
6. Goyle, L.C. : Law of Banking and Bankers
7. Maheshwari : Banking Law & Practice
8. Vats, R.M. : Law Relating to Insurance
9. E Gordan : Banking Theory Law & Practice

LL.M. 205- A: Dissertation including viva-voce

Credits-5

Max. Marks: 200+50

Dissertation will be written on some current topic of legal importance to be allotted by the Dean/HoD LL.M. One Year Degree Programme. The Dissertation will be evaluated by external examiner. A panel of 3 subject experts will be drawn by the Dean/HoD in consultation with the supervisor. The dissertation will be evaluated by one of the expert who is approved by the Vice-Chancellor.

Viva-voce will be conducted by a Board consisting of Dean/HoD, Supervisor and an External Expert. Minimum 2 members will constitute the quorum.

2 copies of the Dissertation will be submitted to the Center for Post Graduate Legal Studies, Faculty of Law.

F

Group -B
Criminal and Security Law
Second Semester Examination

Code No.	Paper	L	Credits
LLM 201- B	Victimology	2	2
LLM 202- B	Sentences and Sentencing	2	2
LLM 203- B	Criminology and Criminal Justice Administration	2	2
LLM 204- B	Police Law and Administration	2	2
LLM 205- B	Dissertation including viva-voce	-	5
	SUB TOTAL	08	13

LL.M. 201- B: Victimology

Credits: 2

Max. Marks: 70

Time Allowed: 2 Hrs.

Objective:

The objective of this paper is to discuss the various reasons for crime, victimization, criminal justice, treatment and compensation of criminals and victims in the various law.

Note:

- (1) Eight questions shall be set with two questions in each Unit. The candidates shall be required to attempt four questions in all, selecting one question from each Unit.
- (2) All questions shall carry equal marks.

Unit I

Concept and Scope of Victimology:

- (a) Concept of Victimology
- (b) Historical Development of Victimology
- (c) Indian Experience
- (d) Victim and Criminal Justice: Emerging Trends and Policies

Unit II

Theories of Victimology and Impact of Victimization:

- (a) The Precipitation Theory
- (b) Life-style Theory
- (c) Deviant Place Theory
- (d) Routine Activity Theory

Impact of Victimization:

- (a) Physical
- (b) Economical
- (c) Psychological

Unit III

Concept of Restorative Justice:

- (a) Essential Elements of Restorative Justice
 - i. Restoration
 - ii. Accountability
 - iii. Community Protection
 - iv. Skill Development
- (b) Programmes of Restorative Justice

Unit IV

Compensatory Jurisprudence in the Field of Victimology:

- (a)** Compensatory Relief under General/Procedural Laws
- (b)** Compensation under Special Laws
 - i. Compensation under the Probation of Offender Act, 1958
 - ii. Compensation under the Motor Vehicles Act, 1988
- (c)** Compensatory Reliefs under the Constitution of India
- (d)** Compensation by Human Rights Commissions
 - i. National Human Rights Commissions
 - ii. State Human Rights Commissions
 - iii. Human Rights Court

Suggested Readings:

1. Prof. N. V. Panjape: Criminology and Penology, Central Law Agency
2. Girjesh Shukla: Criminology, Lexis Nexis
3. Sutherland and Cressey, Principles of Criminology, Surjeet Publications
4. Martin Wasik, Emmins On Sentencing (1998)
5. Hall J., Law, Social Science and Criminal Theory
6. J.M.Sethna, Society and the Criminal, 1980
7. A. Siddique, Criminology-Problems and Perspectives, 1997
8. S. M. A. Quadari, Criminology and Penology

LL.M. 202- B: Sentences and Sentencing

Credits: 2

Max. Marks: 70

Time Allowed: 2 Hrs.

Objectives:

This course offers a specialist understanding of criminal policies including theories of punishment, their supposed philosophical and sociological justifications and the problematic of discretion in the sentencing experience of the 'developing' societies. Much has been said against capital punishment and imprisonment as methods of preventing and control of crime.

Note:

- (1) Eight questions shall be set with two questions in each Unit. The candidates shall be required to attempt four questions in all, selecting one question from each Unit.
- (2) All questions shall carry equal marks.

Unit-I

Concept, Nature and Scope of Punishment:

- (a) Concept and Nature of Punishment
- (b) Object and Purpose of Punishment
- (c) Forms of Punishment
- (d) Judicial Approach towards Capital Punishment in India; Principle of *Rarest of Rare case*

Unit-II

Theories of Punishment:

- (a) Deterrence Theory
- (b) Retributive Theory
- (c) Preventive Theory
- (d) Reformatory Theory

Unit- III

Sentencing:

- i. Principal types of Sentences in Penal Code
- ii. The Problems of Default Sentence (Imprisonment for nonpayment of fine)
- iii. Pre-Sentence Hearing
- iv. Sentencing for Habitual Offender
- v. Summary Punishment
- vi. Sentencing Process and Marginalized Accused
- vii. Plea Bargaining

Unit- IV

Sentencing and Imprisonment

Approaches to Sentencing:

- i. Alternatives to Sentencing

- ii. Probation & Parole
- iii. Corrective Labour
- iv. Fine
- v. Remission and Commutation of sentence

Imprisonment:

- (a) Jail System & Jail Reforms
- (b) Classification of prisoners
- (c) Open Prisons
- (d) Rights of prisoners & Duties of custodial staff

Suggested Readings:

1. Girjesh Shukla: Criminology, Lexis Nexis
2. Dr. N. Maheshwara Swamy: Criminology and Criminal Justice System, Asia Law House
3. Sutherland and Cressey, Principles of Criminology, Surjeet Publications
4. S Chhabra, *The Quantum of Punishment in Criminal Law*
5. H.L.A. Hart, *Punishment and Responsibility*
6. Herbert L. Packer, *The Limits of Criminal Sanction*
7. Alf Ross, *On Guilt, Responsibility and Punishment* Latest Edn. See also U. Baxi Review of this work in 21 J.I.L.I. 407 (1979)
8. A. Siddique, *Criminology*, Latest Edn. Law Commission of India, *Forty - Second Report Ch. 3* (1971)
9. K.S. Shukla, "*Sociology of Deviant Behaviour*" In 3 ICSSR Survey of Sociology and Social Anthropology 1969-1979
10. Tapas Kumar Banerjee, *Background to Indian Criminal Law*
11. K.P. Malik- Penology and Victimology

LL.M. 203- B: Criminology and Criminal Justice Administration

Credits-2
Max. Marks- 70
Time: 2 Hrs.

Objective:

The course is designed to acquaint students with advances made by sociology and psychiatry in understanding human behaviour, particularly, deviant behaviour. Emphasis will be laid on understanding the weak and strong points of the existing system in order to determine whether it can meet the challenge and carry new burdens.

Note:

- (1) Eight questions shall be set with two questions in each Unit. The candidates shall be required to attempt four questions in all, selecting one question from each Unit.
- (2) All questions shall carry equal marks.

UNIT I

Concept of Criminology

- (a) Meaning, Nature & Scope
- (b) Basic Features of Criminology
- (c) Pure Criminology
- (d) Practical Criminology
- (e) Criminalities

UNIT II

Schools of Criminology

- (a) Pre-Classical School of Criminology
- (b) Classical School of Criminology
- (c) Neo Classical School of Criminology
- (d) Positivist School of Criminology (**Italian School**)
- (e) Clinical School of Criminology
- (f) Sociological School of Criminology

UNIT III

Theories of Criminology

- (a) Theory of Radical Criminology (Marxist Approach)
- (b) Modern Conflict Theories
 - i. Sellin's Cultural Conflict Theory
 - ii. Vold's Group Conflict Theory
 - iii. Quinney's Theory of Social Reality of Crime
 - iv. Turk's Theory of Criminalization

- (c) The Modern Theory of Criminology
- (d) Marxist Theory of Criminology
- (e) Bonger's Theory of Economic Criminality

UNIT IV

Criminal Justice Administration

Pre-trial Procedures-arrest and questioning of, the accused, the rights of the accused, the evidentiary value of statements/ articles seized/collected by the Police, right to counsel, role of the prosecutor and the judicial officer in Investigation.

Trial Procedures- the Accusatory system of trial and the inquisitorial system of trial- role of the Judge the prosecutor and defence attorney in the trial-admissibility and in admissibility of evidence-expert evidence appeal of the Court in awarding appropriate punishment.

Suggested Readings:

1. Dr. N. Maheshwara Swamy: Criminology and Criminal Justice System, Asia Law House
2. Sutherland and Cressey, Principles of Criminology, Surjeet Publications
3. S.Rao, Crime in Our Society, (1983).
4. J.M. Sethna, Society and the Criminal (1980).
5. Siddique, Criminology: Problems and Perspectives (1997).
6. E. Sutherland, White Collar Crime (1949).
7. S. Kaldate, Society, Delinquent and Juvenile Courts (1982).
8. W.C.Reckless, The Prevention of Juvenile Delinquency (1972),
9. D.C. Pandey, Habitual Offenders and the law (1983).
10. D. Abrahansen, David : Crime and the Human Mind (1979).
11. Conrad, John. P. : Crime and its Correction: An international survey of Attitudes and Practices.
12. Krishna Iyer Report on Female Prisoners (1986).
13. Mulla Committee Report, (1983).
14. P. Rajgopal, Violence and Response: A Critique of Indian Criminal Justice System (1988).

LL.M. 204- B: Police Law and Administration

Credits: 2

Max. Marks: 70

Time Allowed: 2 Hrs.

Objective:

The object of this paper is to discuss about the Administration, Function, duties and problems of the Police. This paper also discusses the general laws governing police and the various reforms done to strengthen them.

Note:

- (1) Eight questions shall be set with two questions in each Unit. The candidates shall be required to attempt four questions in all, selecting one question from each Unit.
- (2) All questions shall carry equal marks.

Unit I

Police Administration and Management:

- (a) Development of Police Force in India
- (b) Hierarchical Structure of Police Force
- (c) Code of Conduct for the Police
- (d) Police Commissions

Unit II

An Introduction and Overview of Police Law

- a) The Police Act, 1861
- b) The Police Act, 1949
- c) The Rajasthan Police Act, 2007

Unit III

Functions, Duties and Problems of Police

- (i) Prevention of Offences
 - (ii) Arrest and Release of Accused
 - (iii) Investigation and Enquiry into Offences
 - (iv) Frisking and Interrogation of Offenders or Suspects
 - (v) Search and Seizure
 - (vi) Identification of Criminals and Crime Prone Area
 - (vii) Police - Public Relations
- (a) Duties of Civil Police
 - (b) Problems of Police

Unit IV

Judicial Trends and Police Reforms

- (a) Constitution of the State Security Commission
- (b) Selection and Minimum Tenure of Director-General of Police
- (c) Minimum Tenure of Inspector General of Police and other Police Officers
- (d) Separation of Investigation Staff from Law and Order Staff
- (e) Constitution of a Police Establishment Board
- (f) Constitution of Police Complaints Authority
- (g) Establishment of a National Security Commission

Suggested Readings:

1. Dr. N. Maheshwara Swamy: Criminology and Criminal Justice System, Asia Law House
2. Arvind Verma & K S Subramanian: Understanding the Police in India, Lexis Nexis
3. B.L. Babel: Rajasthan Police Act & Rules

LL.M. 205- B: Dissertation including viva-voce

Credits-5

Max. Marks: 200+50

Dissertation will be written on some current topic of legal importance to be allotted by the Dean/HoD LL.M. One Year Degree Programme. The Dissertation will be evaluated by external examiner. A panel of 3 subject experts will be drawn by the Dean/HoD in consultation with the supervisor. The dissertation will be evaluated by one of the expert who is approved by the Vice-Chancellor.

Viva-voce will be conducted by a Board consisting of Dean/HoD, Supervisor and an External Expert. Minimum 2 members will constitute the quorum.

2 copies of the Dissertation will be submitted to the Center for Post Graduate Legal Studies, Faculty of Law.