

INVERTIS INSTITUTE OF LAW
INVERTIS UNIVERSITY, BAREILLY

LL.M. (One Year) [Criminal Law]*
SUBJECTS AND PAPERS CODE

Ist Semester

Paper-I	Research Methods and Legal Writing	[LLM101]
Paper-II	Comparative Public Law	[LLM102]
Paper-III	Criminology, penology and Treatment of Offenders	[LMC101]
Paper-IV	Privileged class Deviance and International crimes	[LMC102]
Paper-V	Juvenile Delinquency	[LMC103]

IInd Semester

Paper-I	Law and Justice in a Globalizing World	[LLM201]
Paper-II	Drug Addiction, Criminal Justice and Human Rights	[LMC202]
Paper-III	Collective Violence and Criminal Justice System	[LMC203]
Paper-IV	Comparative Criminal Law	[LMC204]
Paper-V	Dissertation	[LLM251]
	Viva-voce	

INVERTIS UNIVERSITY
LL.M One Year (Criminal Law)
Teaching and Evaluation Scheme

<u>Semester</u>		<u>Internal</u>	<u>External</u>	<u>Total</u>	<u>Exam. Dur.</u>
<u>Ist Semester</u>					
Paper-I	Research Methods and Legal Writing	30	70	100	3hrs
Paper-II	Comparative Public Law	30	70	100	3hrs
Paper-III	Criminology, penology and Treatment of Offenders	30	70	100	3hrs
Paper-IV	Privileged class Deviance and International crimes	30	70	100	3hrs
Paper-V	Juvenile Delinquency	30	70	100	3hrs
<u>IInd Semester</u>					
Paper-I	Law and Justice in a Globalizing World	30	70	100	3hrs
Paper-II	Drug Addiction, Criminal Justice and Human Rights	30	70	100	3hrs
Paper-III	Collective Violence and Criminal Justice System	30	70	100	3hrs
Paper-IV	Comparative Criminal Law	30	70	100	3hrs
Paper-V	Dissertation	--	--	200	--
	Viva-voce	--	--	100	--

Total= 1200

*Option of Specialization will be under the subject to availability of teachers.

INVERTIS INSTITUTE OF LAW
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LL.M. (One Year) Programme [Criminal Law]

Paper-I
Research Methods and Legal Writing

RESEARCH METHODS AND LEGAL WRITING

I. Research

- i. What is Research? Meaning and Objectives
- ii. Research methods *vis a vis* Research Methodology
- iii. Legal Research - Meaning, scope and purpose. Relation between law and society
- iv. Types/kinds: Doctrinal and Non-Doctrinal (empirical); Applied, fundamental;
- v. Library research, field research and laboratory research, analytical, descriptive,
- vi. conceptual; Participatory and Non-Participatory; Comparative, historical,
- vii. statistical, critical, socio-legal; Mono disciplinary and trans disciplinary; quasi
- viii. disciplinary, inter-disciplinary (multi- disciplinary) research; Quantitative and
- ix. qualitative, one time and longitudinal, clinical or diagnostic research; Research
- x. for legal reform

II. Research Methods

- i. Research Design
- ii. Various Steps in Research: Research Process
- iii. Research Problem: Identification and Formulation
- iv. Hypothesis
- v. Use of Library
- vi. Use of Modern Technology/ Computer Assisted Research
- vii. Tools and Techniques for Collection of Data
 - Primary and Secondary Sources
 - Literature Review
 - Observation Method
 - Questionnaire
 - Interview
 - Case study
 - Sampling
 - Jurimetrics
- viii. Analysis and Interpretation of Data
- ix. Use of Deductive and Inductive Methods in Research
- x. Preparation of Research Report and Writing of Research report
- xi. Budgeting of Research
- xii. Ethical and Legal Issues: Plagiarism and Copyright Violation

III. Legal Writing

- i. Essentials of Good Legal Writing
- ii. Structured Legal Writing: Organization of Legal Materials
- iii. Framing of Write Up: Research Question, Title, Identifying relevant areas of law,
- iv. Identifying Literature and Case Laws, Analysis, Discussion, Recommendations
- v. and Conclusion

- vi. Sources of Authority
- vii. Kinds: Informative, Persuasive; Writing for Individual Purposes; Writing for Academic Purpose; Writing for Court Purposes: Briefs, Plaints etc.; Writing for Publication: reviews, articles, books etc.; Judicial writing
- ix. Citation, Reference and Footnoting
- x. Editing and Proof reading
- xi. Writing of Research Proposal
- xii. Dissertation/ Thesis Writing

BOOKS Recommended;

1. Bruce L. Berg, *Qualitative Research Methods For The Social Sciences* (London, Allyn and Bacon, 2001).
2. C.R. Kothari, *Research Methodology: Methods and Techniques* (New Delhi: Wiley Eastern Ltd., 1985).
3. Dennis P. Forcese and Stephen Richer (ed.), *Stages of Social Research – Contemporary Perspectives* (New Jersey : Prentice Hall Inc., Englewood Cliffs, 1970).
4. Frederic Charles Hicks, *Materials and Methods in Legal Research* (Lawyers Cooperative Publishing, New York).
5. Goode and Hall, *Methods in Social Research* (Singapore : MacGraw Hill Book Co., 1985).
6. Harvard Law Review Association, *The Bluebook: Uniform system of Citation* (Harvard Law Review, Harvard).
7. Janathan Anderson, *Thesis and Assignment Writing* (Wiley Eastern Ltd, New Delhi)
8. Johan Galtung, *Theory And Methods of Social Research* (London: George Allen & Unwin Ltd., 1970).
9. Leon Festinger (ed.), *Research Methods in Behavioral Sciences* (Holt, Rinehart and Winston, New York, 1953).
10. Pauline V. Young, *Scientific Social Surveys and Research* (New Delhi : Prentice Hall of India Pvt. Ltd., 1984).
11. S. K. Verma and Afzal Vani, *Legal Research and Methodology*, ILI, New Delhi Selltiz, Jahoda *et.al.*, *Research Methods in Social Relations* (Holt, Rinehart and Winston, New York, 1964).
12. Vijay K. Gupta, *Decision Making In The Supreme Court of India (A Jurimetric Study) – Alternatives in Judicial Research* (Delhi : Kaveri Books, 1995).

PAPER – II

COMPARATIVE PUBLIC LAW

- I. Public Law – Constitution and Administrative Law**
- II. Concept of Constitution**
 - Meaning and Idea of Constitution, Nature and Goals
 - Living Constitution
 - Constitution as Supreme Law
- III. Study of Comparative Constitutional Law**
 - Relevance
 - Problems and Concerns in Using Comparison
- IV. Constitutionalism**
 - Concept, Distinction between Constitution and Constitutionalism
 - Essential features of Constitutionalism -Written Constitution, Separation of Powers,
 - Fundamental Rights, Independence of Judiciary and Judicial Review

- V. Constitutional foundations of powers**
- Supremacy of Legislature in Law Making
 - Rule of law
 - Dicey's Concept of Rule of Law
 - Modern Concept of Rule of Law
 - Social and economic rights as part of rule of law
 - Separation of powers
 - Concept of Separation of Powers
 - Checks and Balances
 - Separation of Powers or Separation of Functions
- VI. Forms of Governments**
- Federal and Unitary Forms
 - Features, Advantages and Disadvantages
 - Models of Federalism and Concept of Quasi-federalism
 - Role of Courts in Preserving Federalism
 - Parliamentary and Presidential Forms of Government
- VII. Constitutional Review**
- Methods of Constitutional Review
 - Judicial and Political Review
 - Concentrated and Diffused Review
 - Anticipatory and Successive Review
 - Concept and Origin of Judicial Review
 - Limitations on Judicial Review
- VIII. Amendment of Constitution**
- Various Methods of Amendment
 - Limitations on Amending Power: Comparative Perspective
 - Theory of Basic Structure: Origin and Development

BOOKS Recommended;

1. Christopher Forsyth, Mark Elliott, Swati Jhaveri, *Effective Judicial Review: A Cornerstone of Good Governance* (Oxford University Press, 2010).
2. D.D. Basu, *Comparative Constitutional Law* (2nd ed., Wadhwa Nagpur).
3. David Strauss, *The Living Constitution* (Oxford University Press, 2010)
4. Dr. Subhash C Kashyap, *Framing of Indian Constitution* (Universal Law, 2004)
5. Elizabeth Giussani, *Constitutional and Administrative Law* (Sweet and Maxwell, 2008).
6. Erwin Chemerinsky, *Constitutional Law, Principles and Policies* (3rd ed., Aspen, 2006)
7. M.V. Pylee, *Constitution of the World* (Universal, 2006)
8. Mahendra P. Singh, *Comparative Constitutional Law* (Eastern Book Company, 1989).
9. Neal Devins and Louis Fisher, *The Democratic Constitution* (Oxford University Press, 2010)
10. S.N Ray, *Judicial Review and Fundamental Rights* (Eastern Law House, 1974).
11. Sudhir Krishna Swamy, *Democracy and constitutionalism in India – A Study of the Basic Structure Doctrine* (Oxford University Press, 2009)
12. Sunil Khilnani, Vikram Raghavan, Arun Thiruvengadam, *Comparative Constitutionalism in South Asia* (Oxford University Press, 2013).
13. Vikram David Amar, Mark Tushnet, *Global Perspectives on Constitutional Law* (Oxford University Press, 2009).
14. Zachery Elkins, Tom Ginsburg, James Melton, *The Endurance of National Constitutions* (Cambridge University Press, 2009)

PAPER III

Criminology, Penology and Treatment of Offenders

1. Nature and scope of criminology
 - Crime, Criminal and Victim
 - Schools of Criminology
 - Theories of causation of Crime
2. Penology –
 - Theories of Punishment
 - Classical Hindu and Islamic approaches to punishment
 - Capital punishment
 - Judicial attitude towards capital punishment in India .
3. Sentencing –
Theories and Practice –Pre – Sentence hearing – Sentencing in white collar crime and sentencing for habitual offenders – Alternative to imprisonment – probation – corrective labour, fine reparation by the offenders - the court principle- types of sentence in the penal code and special laws- Plea bargaining.
4. Prison –
state of India's jails today – Disciplinary regime of Indian prisons-classification of prisoners – Rights of prisoners and duties of custodial staff – open prisons-judicial surveillance.
5. Statutory materials – Probation and offenders Act, 1958.

BOOKS Recommended;

1. Sutherland –Principles of Criminology.
2. Sethna M.J. - Society and Criminal.
3. Barnes and Teeters – New Horizons in Criminology.
4. Vold – Theoretical Criminology.
5. Gillin – Criminology and penology.
6. Hans Von Henting- Criminal and his Viction.
7. H.L.A. Hart – Punishment and Responsibility.
8. Siddique – Criminology.
9. Alf Ross- On Guilt Responsibility and Punishment.
10. Cases and Materials Prepared by the teachers

PAPER IV

Privileged class Deviance and International crimes

1. Concepts of white collar – Suitherland 's definition – Critical analysis of the definition– Indian approach to socio – economic offenders – Notions of privileged class deviance as providing a wider categorization of understanding - Indian development- Forms of deviance as providing a wider categorisation deviance official , professional and police deviance.
2. Judicial attitude – Legislation against socio- economic offenders.
3. Professional deviance – Unethical practice at the Indian Bar, the unethical Commission Report – Press Council on unprofessional and unethical journalism, practice, vigilance commission, prevention of Corruption Act, 1988.
4. International Crimes – Definition, nature and scope of international and municipal criminal law – jurisdiction.

5. Crime against peace – Crime against humanity and war crimes – Numbering trial – Tokyo trial and Eichmann’s trial – Principles evolved – International Convictions.
6. Piracy – Genocide – Hijacking – Aggression and terrorism.
7. International Criminal – Extradition and Interpol.

Statutory Materials:

1. The Prevention of Corruption Act, 1988.
2. Indian Legislation relating to untouchability and Suppression of Immoral Traffic.
3. Documents relating to international Criminal Court.

Books Recommended

1. Upendra Baxi- Liberty and Corruption: The Autuly’s case and beyond .
2. D.B. Pande – The Nature and Dimensions of Privileged class deviance.
3. Surendra Nath - & Bhargawa – political Corruption in India.
4. Gilbert Geis – White Collar Crime in Business . politics and profession.
5. Sutherland - White Collar Crime.
6. Law Commission on Socio- Economic offenders (47th Report).
7. Muller & Wise- International Criminal Law.

PAPER V

Juvenile Delinquency

1. The Basic Concepts
 - 1.1.The conception of ‘child in Indian Constitutional 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 Justice Act.
 - 3.4.1.Constitutional aspects.
 - 3.4.2.Distinction between “Neglected “and” delinquent” Juveniles.
 - 3.4.3.Competent authorities.
 - 3.4.4.Procession 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 organised industries like zari, carpet, bidi, glass.
 - 4.3.2. In unorganized sector like domestic servant, shops and establishment, ragpickers 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 presents.
 - 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.
6. Implementation
 - 6.1. Institutions, bodies, personal.
 - 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.

BOOKS Recommended;

1. National institute of Social Defence, Models Rules under the Juvenile Justice Act, (1986).
2. K.S. Shukla, Adolescent Offenders (1985).
3. United Nations, Beijing Rules on Treatment of young Offenders (1985).
4. Myron Weiner, The Child and State in India (1990).
5. The United Nations Declaration on the Rights of Children.
6. UNICEF periodic materials.

LL.M (1 Year)
IInd Semester

Paper- Ist

LAW AND JUSTICE IN A GLOBALIZING WORLD

- I. Globalization: Meaning, Reach and Form
- II. Social, Political, and Economic Dimensions of Globalization
- III. Emergence of Transnational Law in a Globalizing World
- IV. Impact of Globalization on Sovereignty of States
- V. Impact of Globalization on Federalism and Democratic Law Making
- VI. Impact of globalization on
 - Human Rights
 - Trade Law
- VII. Globalization and Free Market
 - Impact on welfare state
 - Natural Resources
 - Environment
 - Displacement for Development
 - Problem of Unemployment

VIII. Concept of Justice in a Globalizing World

- Globalization and Universal Values
- Concept of Global Justice
- Cosmopolitanism
- Globalization and Social Justice/ Global Distributive Justice
- Impact of Globalization on Judicial Process and administration of Justice

BOOKS Recommended;

1. Andrew Kuper, *Democracy Beyond Borders: Justice and Representations in Global Institutions* (OUP, 2006)
2. Anthony McGrew, David Held (eds.), *Governing Globalization: Power, Authority and Global Governance* (Polity Press, 2002).
3. Boaventura de Sousa Santos, Cesar A. Rodriguez-Garavito (eds.), *Law and Globalization from Below* (Cambridge University Press, 2005)
4. David B. Goldman, *Globalization and the Western Legal Tradition: Recurring Patterns of Law and Authority* (Cambridge University Press, 2008)
5. David Held, *A Globalizing World? Culture, Economics, Politics* (2004)
6. David Kinley, *Civilizing Globalization: Human Rights and the Global Economy* (Cambridge University Press, 2009)
- * Suggested Readings are not exhaustive. Need to be supplemented with additional readings.
7. David Schzeiderman, *Constitutionalizing Economic Globalization: Investment Rules and Democracy's Promise* (Cambridge University Press, 2008).
8. Jean-Marc Coicaud, Michael W. Doyle *et al* (eds.), *The Globalization of Human Rights* (United Nations University Press, 2003)
9. John Baylis, Steve Smith, *et al* (eds.) *The Globalization of World Politics: An Introduction to International Relations* (OUP, 2008)
10. Karl-Heinz Ladeur (ed.), *Public Governance in the Age of Globalization* (2004).
11. Laura Valentini, *Justice in a Globalizing World: A Normative Framework* (OUP, 2011).
12. M. Abouharb, David Cingranelli, *Human Rights and Structural Adjustment* (Cambridge University Press 2007)
13. Pablo De Greiff and Ciaran Cronin (eds.), *Global Justice and Transnational Politics: Essays on the Moral and Political Challenges of Globalization* (MIT Press, 2002)
14. Percy E. Corbett, *The Growth of World Law* 184 (1971).
15. Rosalyn Higgins, *Development of International Law through the Political Organs of the United Nations* (1963).
16. Simon Coney, *Justice Beyond Borders: A Global Political Theory* (Oxford University Press, 2005)
17. Upendra Baxi, *The Future of Human Rights* (OUP, 2002).
18. Warner Menski, *Comparative Law in Global Context: The Legal Systems of Asia and Africa* (Cambridge University Press, 2006)
19. Wenhua Shan, Penelope Simons *et al.*, *Redefining Sovereignty in International Economic Law* (Hart Publishing, 2008)
20. William Twining, *General Jurisprudence: Understanding Law from a Global Perspective* (Cambridge University Press, 2009)
21. World Commission on Social Dimension of Globalization, *A Fair Globalization: Creating Opportunities for All* (2004)

Paper-II

Drug Addiction, Criminal Justice and Human Rights

1. Introductory.
 - 1.1. Basic conceptions.
 - 1.1.1. Basic conceptions.
 - 1.1.1.1. Drugs ‘narcotics’ “psychotropic Substances”.
 - 1.1.1.2. ‘Dependence,’ addiction”.
 - 1.1.1.3. “Crimes without victims.
 - 1.1.1.4. “Trafficking “in drugs”.
 - 1.1.1.5. “Primary drug abuse”.
 - 1.1.2. “Crimes without victims.
 - 1.1.3. “Trafficking “in drugs”.
 - 1.1.4. “Primary drug abuse”.
 - 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. Ana graphic and Social Characteristics of Drug Users.
 - 3.1. Gender.
 - 3.2. Age.
 - 3.3. Religiousness.
 - 3.4. Single individual / cohabitation.
 - 3.5. Socio- economic level of family.
 - 3.6. Residence pattern (urban / rural /urban).
 - 3.7. Educational levels.
 - 3.8. Occupation.
 - 3.9. Age of 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. Consequence on addict’s health (physical /psychic).
- NOTE:** Since no detailed empirical studies exist in India, the class should be in this topic sensitised by comparative studies. The Principal objective of this discussion is to orient the class to a whole variety of factors which interact in the ‘making ‘ of a drug addict.

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4. The International Legal Regime.
 - 4.1. Analysis o f the background, text and operation of the Single Convention on Narcotic Drugs, 1961, 1972.
 - 4.2. Analysis of the Convention of Psychotropic Substances, 1972.
 - 4.3. International collaboration in combating drug addiction.
 - 4.4. The SARC, 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. Pattern 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 prosecutor 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 and 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.

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BOOKS Recommended;

1. H.S. Becker, Outside: The Studies in Sociology of Deviance.
2. J.A. Incard. C.D. Chambers, (eds.), Drugs and the Criminal Justice System (1974)
3. R.Cocken, Drug Abuse and personality in young Offenders (1974).
4. G. Edwards Busch, (ed.). Drug Problems in Britain: A review of Ten Years (1981).
5. P. Kondanram and Y.N. Murthy, "Drug Abuse and Crime: A Preliminary Study" 7 Indian Journal of Criminology, 65-68 (1979).
6. P.R. Rajgopat violence and Response: A Critique of the Indian Criminal System (1988).
7. United Nations, Economic and Social Reports of the Commission on Narcotic Drugs, United Nations.
8. Social Defence, Research Institute (UNSDR) Combating Drug Abuse and Related Crimes (Rome, July, 1984, Publication No.21)
9. Lok Sabha and Rajya Sabha Debates on 1986 bill on Psychotropic Substances. Useful Journals in this area are.
(I) The Law and Society Review (USA).
(II) Journal of Drug Issues (Tallahassee Florida)
(III) International Journal of Addiction (New York).
(IV) British Journal of Criminology.
(V) Journal of Criminal Law, Criminology and Police Science (Baltimore, Md.).
(VI) Journal of Criminal Law and Criminology (Chicago,III).
(VII) Interantional Journal of Offenders Therapy and Comparative Criminology (London)
(VIII) Bulletin on Narcotics (United Nations)

Paper- III

Collective Violence and Criminal Justice System

1. Introductory

- 1.1. Notions of "Force " . "Coercion. "violence".
 - 1.2. Distinctions: "Symbolic "institutionalized", structural violence".
 - 1.3. Legal order as a coercive normative order.
 - 1.4. Force-monopoly of modern law.
 - 1.5. "Constitutional "and a Criminal "speech: Speech as incitement to violence.
 - 1.6. "Collective political violence "and legal order.
 - 1.7. Notion of legal and extra "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 approaches 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 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 or contain Atrocities or contain aftermath of Atrocities.
 - 4.4. Violence Against Women.
 5. Communal Violence
 - 5.1. Incidence and courses 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. The role of police and Para- military systems in dealing with communal violence.
- NOTE:** Choice of further area will have to be made by the teacher and the taught.

BOOKS Recommended;

- U. Baxi, "Dissent, Development and Violence "in R. Meagher (ed.). Law and Social Change: Indo – American Reflections 92 (1988).
- U. Baxi (ed.). Law and poverty: Critical Essays, (1988).
- A.R. Desai. (ed.). Peasant Struggles in India (1979).
- A.R. Desai (ed.). Peasant Struggles in India: After independence (1986) A.R. Desai, Violation of democratic Rights in India (1986).
- D.A. Dhangare, peasant Movement in India: 1920-1950(1983).
- Ranjit Guha, Element any Aspects of Peasant Insurgency in Colonial India (1983) Ranjit Guba, (ed.). Subaltern Studies Vol. 1-6 (1983-1988).
- T. Honderich, Violence for Equality (1980).
- Mark Juergensmeyer," The Logic of Religious Violence: The Case of Punjab" 22 Contributions to Indian Sociology 65 (1988).
- Rajni Kothari, State Against Democracy (1987).
- G. Shah, Ethnic Minorities and Nation Building: Indian Experience (1984).
- K.S. Shukla," Sociology of Deviant Behavior," in 3 ICSSR Survey of Sociology and Social Anthropology 1969 – 1979)1986.

Paper-IV
Comparative Criminal Law

1. Principles of legality – Classification of Offences – Kinds of Punishments – general defense (Infancy, insanity, consent ,necessity and private defense) Abetment and attempt – recidivism and euthanasia.
2. Culpable homicide and murder - rape and unnatural offences – theft and robbery – definition – offences relating to marriage.
3. Hierarchy of Criminal Courts and their jurisdiction – police – power and functions – judicial officer in investigation – prosecuting agencies –role of public prosecutor.
4. Law of arrest and procedure – rights of the arrested and accused – evidentiary value of statements- bail procedure- sentencing process.

6. Accusatorial and inquisitorial system – presumption of innocence – types of trial – speedy justice role of judge , prosecution and defense Attorney during trial – victims role in penal process – plea bargaining –appeal procedure –legal aid public participation in Criminal Justice.

Note : Countries to be studied : India , U.K. & U.S.A.

Books Recommended

1. R.V. Kelkar – Criminal Procedure Code 1973.
2. Devlin – Criminal Prosecution in England.
3. Esmein – History of Continental procedure (Chapter. I&II).
4. Coffee (Alam)- An Introduction to Criminal Justice System and process.
5. Karkin Delmov- Anglo- American Criminal Justice.
6. Report of the Law Commission (14th &41st).
7. Cases and Material Prepared by the teachers.

Paper V

Dissertation

Every student has to select a topic for research duly approved by the Head of the department and take up the research work during the course of the 2nd semester. The topic must be chosen at the end of the 1st semester and the approval would be communicated at the beginning of the 2nd semester. The research must be carried out under the Supervision of a teacher, who has been experienced and qualified to be a Professor/Associate Professor/ Assistant Professor.

The topic so chosen must not have been the topic of dissertation by any other student of that institute during the last 5 Years. The topic chosen must have utility and of Current value. However, if the teacher has a doctoral degree the limit of experienced may be waived.

The dissertation must be of atleast of 100 pages typed on one side of the Paper with one and half space and 11/2” margin. Methodology prescribed must be strictly followed in regard to citation, Bibliography, chapter index etc. It must be the original work of the Candidate. The dissertation must be submitted at least 15 days before the Commencement of the final semester (IV Semester) examination. The dissertation shall be evaluated for a maximum of 200 marks by two examiners one external and the other internal) and the average marks would be taken, further, there would be viva- voce examination by a committee consisting of one external examiner and one internal examiner, which would contain 100 marks.

A Candidate should get 50% of the total marks i.e. 150 out of 300 marks assigned to this paper in order to obtain a pass in this paper. A Candidate who fails in this paper has to resubmit dissertation after attending to all the queries raised or mistakes pointed out by the examiners or submit a fresh dissertation on a new topic assigned if the dissertation is found to be very poor, as the case may be. In case, the dissertation found to be a copy of the dissertation submitted by any student earlier either to this University or any other University, The candidate would be debarred from getting LL.M., degree.

INVERTIS INSTITUTE OF LAW
INVERTIS UNIVERSITY, BAREILLY

LL.M. (One Year) Programme
[Business and Corporate Law]*
SUBJECTS AND PAPERS CODE

Ist Semester

Paper-I	Research Methods and Legal Writing	[LLM101]
Paper-II	Comparative Public Law	[LLM102]
Paper-II	Law of Corporate Management and Governance	[LMB101]
Paper-IV	Competition and Consumer Protection Law	[LMB102]
Paper-V	Banking and Insurance Laws	[LMB103]

IInd Semester

Paper-I	Law and Justice in a Globalizing World	[LLM201]
Paper-II	Corporate Taxation	[LMB201]
Paper-III	Law of Corporate, Finance and Securities	[LMB202]
Paper-IV	Comparative Corporate Law	[LMB203]
Paper-V	Dissertation Viva-voce	[LLM251]

INVERTIS UNIVERSITY
LL.M One Year [Business and Corporate Law]
Teaching and Evaluation Scheme

Semester		Internal	External	Total	Exam. Dur.
<u>Ist Semester</u>					
Paper-I	Research Methods and Legal Writing	30	70	100	3hrs
Paper-II	Comparative Public Law	30	70	100	3hrs
Paper-II	Law of Corporate Management and Governance	30	70	100	3hrs
Paper-IV	Competition and Consumer Protection Law	30	70	100	3hrs
Paper-V	Banking and Insurance Laws	30	70	100	3hrs
<u>IInd Semester</u>					
Paper-I	Law and Justice in a Globalizing World	30	70	100	3hrs
Paper-II	Corporate Taxation	30	70	100	3hrs
Paper-III	Law of Corporate, Finance and Securities	30	70	100	3hrs
Paper-IV	Comparative Corporate Law	30	70	100	3hrs
Paper-V	Dissertation	--	--	200	--
	Viva-voce	--	--	100	--
				Total=	1200

*Option of Specialization will be under the subject to availability of teachers.

Paper-I
Research Methods and Legal Writing

RESEARCH METHODS AND LEGAL WRITING

I. Research

- xi. What is Research? Meaning and Objectives
- xii. Research methods *vis a vis* Research Methodology
- xiii. Legal Research - Meaning, scope and purpose. Relation between law and society
- xiv. Types/kinds: Doctrinal and Non-Doctrinal (empirical); Applied, fundamental;
- xv. Library research, field research and laboratory research, analytical, descriptive,
- xvi. conceptual; Participatory and Non-Participatory; Comparative, historical,
- xvii. statistical, critical, socio-legal; Mono disciplinary and trans disciplinary; quasi
- xviii. disciplinary, inter-disciplinary (multi- disciplinary) research; Quantitative and
- xix. qualitative, one time and longitudinal, clinical or diagnostic research; Research
- xx. for legal reform

II. Research Methods

- xiii. Research Design
- xiv. Various Steps in Research: Research Process
- xv. Research Problem: Identification and Formulation
- xvi. Hypothesis
- xvii. Use of Library
- xviii. Use of Modern Technology/ Computer Assisted Research
- xix. Tools and Techniques for Collection of Data

- Primary and Secondary Sources
- Literature Review
- Observation Method
- Questionnaire
- Interview
- Case study
- Sampling
- Jurimetrics

- xx. Analysis and Interpretation of Data
- xxi. Use of Deductive and Inductive Methods in Research
- xxii. Preparation of Research Report and Writing of Research report
- xxiii. Budgeting of Research
- xxiv. Ethical and Legal Issues: Plagiarism and Copyright Violation

III. Legal Writing

- xiv. Essentials of Good Legal Writing
- xv. Structured Legal Writing: Organization of Legal Materials
- xvi. Framing of Write Up: Research Question, Title, Identifying relevant areas of law,
- xvii. Identifying Literature and Case Laws, Analysis, Discussion, Recommendations
- xviii. and Conclusion
- xix. Sources of Authority
- xx. Kinds: Informative, Persuasive; Writing for Individual Purposes; Writing for
- xxi. Academic Purpose; Writing for Court Purposes: Briefs, Plaints etc.; Writing for
- xxii. Publication: reviews, articles, books etc.; Judicial writing
- xxiii. Citation, Reference and Footnoting

- xxiv. Editing and Proof reading
- xxv. Writing of Research Proposal
- xxvi. Dissertation/ Thesis Writing

BOOKS Recommended;

1. Bruce L. Berg, *Qualitative Research Methods For The Social Sciences* (London, Allyn and Bacon, 2001).
2. C.R. Kothari, *Research Methodology: Methods and Techniques* (New Delhi: Wiley Eastern Ltd., 1985).
3. Dennis P. Forcese and Stephen Richer (ed.), *Stages of Social Research – Contemporary Perspectives* (New Jersey : Prentice Hall Inc., Englewood Cliffs, 1970).
4. Frederic Charles Hicks, *Materials and Methods in Legal Research* (Lawyers Cooperative Publishing, New York).
5. Goode and Hall, *Methods in Social Research* (Singapore : MacGraw Hill Book Co., 1985).
6. Harvard Law Review Association, *The Bluebook: Uniform system of Citation* (Harvard Law Review, Harvard).
7. Janathan Anderson, *Thesis and Assignment Writing* (Wiley Eastern Ltd., New Delhi)
8. Johan Galtung, *Theory And Methods of Social Research* (London: George Allen & Unwin Ltd., 1970).
9. Leon Festinger (ed.), *Research Methods in Behavioral Sciences* (Holt, Rinehart and Winston, New York, 1953).
10. Pauline V. Young, *Scientific Social Surveys and Research* (New Delhi : Prentice Hall of India Pvt. Ltd., 1984).
11. S. K. Verma and Afzal Vani, *Legal Research and Methodology*, ILI, New Delhi Selltiz, Jahoda *et.al.*, *Research Methods in Social Relations* (Holt, Rinehart and Winston, New York, 1964).
12. Vijay K. Gupta, *Decision Making In The Supreme Court of India (A Jurimetric Study) – Alternatives in Judicial Research* (Delhi : Kaveri Books, 1995).

PAPER – II

COMPARATIVE PUBLIC LAW

IX. Public Law – Constitution and Administrative Law

X. Concept of Constitution

- Meaning and Idea of Constitution, Nature and Goals
- Living Constitution
- Constitution as Supreme Law

XI. Study of Comparative Constitutional Law

- Relevance
- Problems and Concerns in Using Comparison

XII. Constitutionalism

- Concept, Distinction between Constitution and Constitutionalism
- Essential features of Constitutionalism -Written Constitution, Separation of Powers,
- Fundamental Rights, Independence of Judiciary and Judicial Review

XIII. Constitutional foundations of powers

- Supremacy of Legislature in Law Making
- Rule of law
 - Dicey’s Concept of Rule of Law
 - Modern Concept of Rule of Law

- Social and economic rights as part of rule of law
- Separation of powers
 - Concept of Separation of Powers
 - Checks and Balances
 - Separation of Powers or Separation of Functions

XIV. Forms of Governments

- Federal and Unitary Forms
 - Features, Advantages and Disadvantages
 - Models of Federalism and Concept of Quasi-federalism
 - Role of Courts in Preserving Federalism
- Parliamentary and Presidential Forms of Government

XV. Constitutional Review

- Methods of Constitutional Review
 - Judicial and Political Review
 - Concentrated and Diffused Review
 - Anticipatory and Successive Review
- Concept and Origin of Judicial Review
- Limitations on Judicial Review

XVI. Amendment of Constitution

- Various Methods of Amendment
- Limitations on Amending Power: Comparative Perspective
- Theory of Basic Structure: Origin and Development

BOOKS Recommended;

1. Christopher Forsyth, Mark Elliott, Swati Jhaveri, *Effective Judicial Review: A Cornerstone of Good Governance* (Oxford University Press, 2010).
2. D.D. Basu, *Comparative Constitutional Law* (2nd ed., Wadhwa Nagpur).
3. David Strauss, *The Living Constitution* (Oxford University Press, 2010)
4. Dr. Subhash C Kashyap, *Framing of Indian Constitution* (Universal Law, 2004)
5. Elizabeth Giussani, *Constitutional and Administrative Law* (Sweet and Maxwell, 2008).
6. Erwin Chemerinsky, *Constitutional Law, Principles and Policies* (3rd ed., Aspen, 2006)
7. M.V. Pylee, *Constitution of the World* (Universal, 2006)
8. Mahendra P. Singh, *Comparative Constitutional Law* (Eastern Book Company, 1989).
9. Neal Devins and Louis Fisher, *The Democratic Constitution* (Oxford University Press, 2010)
10. S.N Ray, *Judicial Review and Fundamental Rights* (Eastern Law House, 1974).
11. Sudhir Krishna Swamy, *Democracy and constitutionalism in India – A Study of the Basic Structure Doctrine* (Oxford University Press, 2009)
12. Sunil Khilnani, Vikram Raghavan, Arun Thiruvengadam, *Comparative Constitutionalism in South Asia* (Oxford University Press, 2013).
13. Vikram David Amar, Mark Tushnet, *Global Perspectives on Constitutional Law* (Oxford University Press, 2009).
14. Zachery Elkins, Tom Ginsburg, James Melton, *The Endurance of National Constitutions* (Cambridge University Press, 2009)

Paper: III

Law of Corporate Management and Governance

Unit - I: Corporate Incorporation and Management

1.
 - (i) Certificate of Incorporation
 - (ii) Memorandum and Articles of Association
 - (iii) Doctrine of Ultra Vires
 - (iv) Doctrine of Indoor Management
 2.
 - (i) Directors: Appointment, Removal, Position, Powers and Duties of Directors.
 - (ii) Audit Committee: Its Role.
 - (iii) Company Secretary: Qualification, Appointment and Duties
 - (iv) Officer who is in default: Definition of Officer who is in default
 - (v) Liability of independent directors.
 3.
 - (i) Types of Meetings
 - (ii) Procedure of calling meeting
 - (iii) Company's resolutions and its kinds
- Unit -2: Oppression & Mismanagement and Investigation (Sections 397 to 408; Sections 235 to 251)
1.
 - (i) Rule in Foss v. Harbottle
 - (ii) Prevention of Oppression
 - (iii) Prevention of Mismanagement
 - (iv) Role & Powers of the Company Law Board
 - (v) Role & Powers of Central Government
 2.
 - (i) Company Investigation
- Unit – 3: Corporate Liquidation
1.
 - (i). Winding up of Companies
 - (ii). Mode of winding up of the companies
 - (iii). Compulsory Winding up under the Order of the Tribunal
 - (iv). Voluntary winding up
 - (v). Contributories
 - (vi). Payment of liabilities
- Unit -4: Corporate Governance and Social Responsibility
1.
 - (i) Importance of Corporate Governance
 - (ii) Different system of Corporate Governance
 - (iii) Impact of Legal Traditions and the Rule of Law on Corporate Governance
 - (iv) Legal Reforms of Corporate Governance in India
 - (v) Reports of the various Committees on Corporate Governance
 - (vi) Emerging Trend based on the recommendation of the Committees in the Companies Act 1956 and the Listing Agreement with Special reference to Clause 49.
 2.
 - (i) Corporate Social and Environmental Responsibility

Selected Bibliography:

1. Smith and Keenan's, Company Law (2002)
2. Andrew Lidbetter, Company Investigations ad Public Law (1999)
3. Saleem Sheikh & William Rees, Corporate Governance & Corporate Control (2002).
4. Avtar Singh, Company Law, 2007 Eastern Book Company, Lucknow.

5. Gower's Principles of Company Law 8th Edition 2008, R. Cambay & Co. Pvt. Ltd.
6. Smith and Keenon's Company Law.
7. S. K. Verma & Suman Gupta, Corporate Governance and Corporate Law Reform in India. (2005).
8. Companies Act, 1956
9. Suman Gupta: Shareholder's Democracy: Fact or Fiction. (1992)

Paper: IV

Competition and Consumer Protection Laws

UNIT – I

1. Competition: An Introduction
 - Definition of Competition
 - Definition of Competition Law
 - Objectives of Competition Law
2. History of Competition Law
 - (USA, UK, Europe) Relevant provisions of Sherman's Act
 - Indian scenario with an overview of MRTP Act, 1969
 - Raghavan Committee Report
3. International co-operation for competition
 - WTO agreements and the Act

UNIT – II

1. Anti-competitive Agreement
 - Appreciable adverse effect
 - Horizontal and Vertical agreements
 - Effects doctrine
2. Prohibition of anti-competitive agreements
 - Concerted practices and parallel behaviour
 - Cartel and Cartelisation
 - Bid rigging and collusive bidding
 - Tie-in-arrangements
 - Exclusive supply agreement
 - Resale price maintenance agreement
3. Abuse of Dominant Position
 - Relevant market
 - Predatory behaviour
 - Predatory pricing
 - Discriminatory practices
 - Relevant market

UNIT – III

1. Combination
 - Value of Assets
 - Turnover
 - Acquisition
 - Conglomeration
 - Joint Venture
 - Merger and Amalgamation
 - Notification
2. Competition Commission of India
 - Establishment and composition

- Duties
 - Procedure for inquiry
 - Powers
 - Competition fund
3. Competition Advocacy
- Competition Policy

UNIT –IV

Consumer Protection Act, 1986 and its applicability to Competition Law

- Definition of Consumer
- Definition of Service
- Deficiency in Service
- Unfair Trade Practices
- Overlapping areas

Selected Bibliography:

1. Mittal D.P., Taxmann's Competition Law (2007)
2. Universal Guide to Competition Law in India-2003, Universal Law Publishing Company, New Delhi.
3. Ramappa. T., Competition Law in India- Policy, Issues and Development (2006) Oxford University Press.
4. Nahar. S. Mahala, Law, Practice and Procedure (2006), Commercial Law Publishers.
5. Dhall .Vinod, Competition Law Today, (ed.) 2007, Oxford University Press
6. Bangia R.K., A Handbook of Consumer Protection Laws and Procedure, 2004, Allahabad Law Agency.
7. Singh Avtar, Law of Consumer Protection; Principles and Practice, 2005, Eastern Book Company.
8. Verma S.K. & M.Afzal Wani, A Treatise on Consumer Protection Laws, (ed.) 2004, Indian Law Institute.
9. Anoop K. Kaushal, Universal's Practical Guide to Consumer Protection Law, 2006, Universal law Publishing Company, New Delhi.
10. Pavleen, Consumer Decision- Making, 2006, Deep & Deep Publication.
11. Aggarwal, Prof. V. K., Consumer and Protection Law and Practice, 6th Ed. (2008).

Paper: III

Banking and Insurance Laws

UNIT – I The Evaluation of Banking Services and its History in India

1. History of Banking in India.
2. Bank nationalization and social control over banking.
3. Various types of Banks and their functions.
4. Contract between banker and customer: their rights and duties.
5. Role and functions of Banking Institutions

UNIT – II Lending by Banks and Recent Trends of Banking System in India

1. Advances, Loans and Securities.
2. Direct, collateral and miscellaneous Securities.
3. Default and recovery.
4. Bank Debt Recovery Tribunals.

5. The Securitization and Reconstruction of Financial Assets and Enforcements of Security Interest Act, 2002 (Definitions, Section 13 – Enforcement of security interest, Section 17 - Right to appeal.)

UNIT – III General Principles of Law of Insurance

1. Definition, nature and history.
2. Contract of insurance and principles.
3. The Risk – commencement, attachment, assignment.
4. Types of insurances.
5. Policy and its Legal Status.

UNIT – IV Recent Trends in Insurance

1. Insurance against third party risks (relevant provisions from Motor Vehicles Act, 1988.)
2. Liability Insurance.
3. Consumer Protection and Banking and Insurance Services.
4. The Insurance Act, 1938 and the Insurance Regulatory & Development Authority Act, (IRDA), 2000.
5. Miscellaneous Insurance Schemes: New Dimensions (Group Life Insurance, Mediclaim, Sickness).

Selected Bibliography:

1. Tannan, M.L., Tannan's Banking Law and Practice in India, 2008, Wadhwa and Co.
2. Tannan, M.L., Tannan's Banking Law and Practice in India, 2004, India Law House.
3. Tannan: Banking Law and Practice in India (in 3 vols.), 22nd Ed., R. Cambray & Co. Pvt. Ltd.
4. Gupta, S. N., The Banking Law in Theory and Practice (in three volumes), 2006, Universal Law Publishing Co.
5. Sharma, B.R. and Nainta, R.P., Principles of Banking Law and Negotiable Instruments Act 2004, Allahabad Law Agency
6. Nainta, R.P., Baking System, Frauds and Legal Control, 2005, Deep and Deep Publications.
7. Murthy, K.S.N., and Sarma, K.V.S., Modern Law of Insurance in India, 2002, Lexis Nexis Butterworth
8. Birds, John, Modern Insurance Law, 2003, Universal Publishing Co.
9. Shah, M. B., Landmark Judgments on Insurance, 2004, Universal Publishing Co.
10. Mishra, M.N., Law of Insurance Principles and Practice, 2008, Radhakrishan Prakashan
11. Rangarajan, C., Handbook of Insurance and Allied Laws.

LL.M 1 YEAR
IInd Semester

Paper- Ist

LAW AND JUSTICE IN A GLOBALIZING WORLD

- IX. Globalization: Meaning, Reach and Form
- X. Social, Political, and Economic Dimensions of Globalization
- XI. Emergence of Transnational Law in a Globalizing World
- XII. Impact of Globalization on Sovereignty of States
- XIII. Impact of Globalization on Federalism and Democratic Law Making
- XIV. Impact of globalization on
 - Human Rights
 - Trade Law
- XV. Globalization and Free Market
 - Impact on welfare state
 - Natural Resources
 - Environment
 - Displacement for Development
 - Problem of Unemployment
- XVI. Concept of Justice in a Globalizing World
 - Globalization and Universal Values
 - Concept of Global Justice
 - Cosmopolitanism
 - Globalization and Social Justice/ Global Distributive Justice
 - Impact of Globalization on Judicial Process and administration of Justice

BOOKS Recommended;

1. Andrew Kuper, *Democracy Beyond Borders: Justice and Representations in Global Institutions* (OUP, 2006)
2. Anthony McGrew, David Held (eds.), *Governing Globalization: Power, Authority and Global Governance* (Polity Press, 2002).
3. Boaventura de Sousa Santos, Cesar A. Rodriguez-Garavito (eds.), *Law and Globalization from Below* (Cambridge University Press, 2005)
4. David B. Goldman, *Globalization and the Western Legal Tradition: Recurring Patterns of Law and Authority* (Cambridge University Press, 2008)
5. David Held, *A Globalizing World? Culture, Economics, Politics* (2004)
6. David Kinley, *Civilizing Globalization: Human Rights and the Global Economy* (Cambridge University Press, 2009)
- * Suggested Readings are not exhaustive. Need to be supplemented with additional readings.
7. David Schneiderman, *Constitutionalizing Economic Globalization: Investment Rules and Democracy's Promise* (Cambridge University Press, 2008).
8. Jean-Marc Coicaud, Michael W. Doyle *et al* (eds.), *The Globalization of Human Rights* (United Nations University Press, 2003)
9. John Baylis, Steve Smith, *et al* (eds.) *The Globalization of World Politics: An Introduction to International Relations* (OUP, 2008)
10. Karl-Heinz Ladeur (ed.), *Public Governance in the Age of Globalization* (2004).
11. Laura Valentini, *Justice in a Globalizing World: A Normative Framework* (OUP, 2011).
12. M. Abouharb, David Cingranelli, *Human Rights and Structural Adjustment* (Cambridge University Press 2007)
13. Pablo De Greiff and Ciaran Cronin (eds.), *Global Justice and Transnational Politics: Essays on the Moral and Political Challenges of Globalization* (MIT Press, 2002)
14. Percy E. Corbett, *The Growth of World Law* 184 (1971).
15. Rosalyn Higgins, *Development of International Law through the Political Organs of*

the United Nations (1963).

16. Simon Coney, *Justice Beyond Borders: A Global Political Theory* (Oxford University Press, 2005)

17. Upendra Baxi, *The Future of Human Rights* (OUP, 2002).

18. Warner Menski, *Comparative Law in Global Context: The Legal Systems of Asia and Africa* (Cambridge University Press, 2006)

19. Wenhua Shan, Penelope Simons *et al.*, *Redefining Sovereignty in International Economic Law* (Hart Publishing, 2008)

20. William Twining, *General Jurisprudence: Understanding Law from a Global Perspective* (Cambridge University Press, 2009)

21. World Commission on Social Dimension of Globalization, *A Fair Globalization: Creating Opportunities for All* (2004)

Paper: II **Corporate Taxation**

Unit-I: Income Tax

1. Type of Companies – (a) Indian Company (b) Domestic Company (c) Foreign Company (d) Public Sector Company (e) Companies in which public are substantially interested S 2(18) (f) Infrastructure Capital Company.
2. Special Provision in respect of newly established undertaking in free trade zone SEZ, 100% export oriented unit 10A, 10AA, 10B, 10BA.
3. Profit and Gains of business or profession
4. Capital Gains
5. Set off or carry forward of losses
6. Incentive and deductions to Companies under Section 80.
7. Depreciation under Companies Act- Schedule 14 S. 205 & S. 350 and depreciation under Income Tax Act.
8. Minimum Alternate Tax 115 JB, Tonnage Taxation Ch. 12 G.
9. Tax on Distributed Profits under Section 115 (O), Special Provisions relating to tax on income received from Venture Capital Companies and Venture Capital Fund 115-U.
10. Dividend Tax ; International Transaction
11. Penalties and prosecution

Unit - II: Wealth Tax

1. Introduction & Chargeability
2. Valuation date and computation
3. Assets and deemed assets
4. Assets exempt from tax
5. Debt owed
6. Valuation of assets
7. Return of wealth and assessment

Unit -III: Sales Tax & VAT Laws

1. Preliminary
2. Imposition of Tax
3. Registration and Security
4. Returns
5. Assessment, Payment of Tax and Interest
6. Accounts and Records
7. Objections, Appeals and Disputes
8. Penalties and Offences

9. Way to GST (Tax on goods & services)- going to implement w.e.f. 1-4-2010
Unit - IV: Excise, Customs and Service Tax

- (1) Excise
 - (a) Introduction
 - (b) Levy and Collection
 - (c) Valuation
 - (d) Cenvat Credit
 - (e) Search, Seizure and Confiscation
 - (f) Appeals and Revision
- (2) Custom
 - (a) Introduction
 - (b) Charge of Custom Duty
 - (c) Bill of Entry
 - (d) Prohibition of Import and Export
 - (e) Goods liable for confiscation
 - (f) Baggage exempt from duty
 - (g) Offences
- (3) Service Tax
 - (a) Introduction
 - (b) Exemption from service tax
 - (c) Abatement
 - (d) Penalties
 - (e) Service Tax on Government Department and Public Authorities

Selected Bibliography:

1. Singhania V.K. & Singhania Kapil, Direct Taxes, 2006, Law and Practice, Taxmann.
2. Ahuja Girish & Gupta Ravi, Concise Commentary on Income Tax 2008, Bharat Law House.
3. Garg Rakesh, Delhi Vat Ready Reckoner, 2007, Versatile Publishers.
4. Garg Mohan Lal, Law of Central Sales Tax, 2008, Jain Book Agency.
5. Kohli D.N., Central Excise Procedures 2008, Taxman Publication
6. Jain R.K., Service Tax Law Guide, 2007-2008, Centax Publishers
7. Jain R.K., Customs Law Manuals, 2008 Centax Publishers
8. Gupta Ravi & Ahuja Girish, Bharat's Systematic Approach to Income Tax & Central Sales Tax, 2006, Bharat Law House.
9. Chaturvedi K., Guide to Mastering Vat, 2005, Wadhwa & Company.
10. Chaturvedi K., Central Sales Tax Laws, 2002, Wadhwa & Company.
11. Arvind P. Datar, Guide to Central Excise Law and Practice, 2002, Wadhwa & Company.
12. Gururaj B.N., Guide to the Customs Act, 2005, Wadhwa & Company.
13. Batra Ashok, A Guide to Service Tax, 2005, S. Wadhwa & Company.
14. Gupta S.S., Service Tax, 2005, Taxmann.
15. Aggarwal Rohini, Service Tax Law and Practice, 2005, Eastern Book Company.

Paper: III
The Law of Corporate Finance and Securities

UNIT – I:

- (1). Public Issue of Shares
 - (i) Prospectus
 - (ii) Remedies for misrepresentation
 - (iii) SEBI and Stock Exchange guidelines
- (2). Share Capital
 - (i) Nature and Kind of Shares
 - (ii) Transfer, Transmission, Surrender and forfeiture of Shares
 - (iii) Purchase by Company of its own shares
 - (iv) Issue of shares at premium and discount
 - (v) SEBI Guidelines

UNIT – II:

- (1). Shareholders' Rights (Various rights of shareholders and variation of shareholders rights.
- (2). Debentures; Difference between Share and Debentures; Kinds of Debenture; Remedies of Debenture Holder; Company Charges.

UNIT – III:

- (1). Insider Trading; SEBI's Guidelines on Insider Trading
- (2). Securities and Exchange Board of India (SEBI): Constitution, Powers and Functions

UNIT – IV:

- (1). Reconstruction, Amalgamation and Take Over: Provisions in Company Law and SEBI Guidelines
- (2). Auditors: Appointment, powers, duties and removal of auditors
 - (i) Special Audit
 - (ii) Director Responsibility statement in Board Report
 - (iii) National Advisory Committee on Accounting Standards

Selected Bibliography:

1. Gower's Principles of Company Law, Sweet & Maxwell Thomson, 2006
2. Smith and Keenon's Company Law, Pearson Education Ltd., 2009
3. Suman Gupta: Shareholder's Democracy: Fact or Fiction, Publication Division, University of Delhi, 1992
4. Companies Act, 1956
5. Verma J.C., Corporate Mergers, Amalgamations & Takeovers, Bharat Law House, 2008

Paper IV
Comparative Corporate Law
Course Content

Corporate law practice today often involves doing business with corporations governed by the laws of countries other than the India, which requires a basic understanding of how corporations operate across jurisdictions.

This course will explore core topics in comparative law and comparative corporate governance, focusing on the U.S. and the European jurisdictions. Although the corporate form seems to be a universal building block of business development, corporate law and governance systems exhibit considerable diversity, as do the economic systems within which corporate law operates. The course will integrate the two goals of providing an overview of differences in legal regulation, and of introducing participants to current academic thinking on how the respective economic and political framework has shaped the development of corporate law and corporate

governance institutions. Topics to be covered include comparative governance structures; board structures; conflicts of interest between managers, shareholders, and other stakeholders; corporate takeovers; Insider trading and corporate bankruptcy.

UNIT-I An introduction to the study of comparative corporate law and comparative corporate governance.

- i. Introduction and definition.
- ii. National systems of corporate governance.
- iii. Structure of boards-Global patterns.
- iv. Stakeholder's perspective.
- v. Shareholder's perspective.

UNIT-II Insider Trading Regulation

- i. United State.
- ii. European Union.
- iii. India.

UNIT-III Corporate Takeovers

- i. Introduction to regulations of takeovers in U.S.
- ii. Ownership structures and takeovers in E.U.

UNIT-IV Comparative Corporate Insolvency Regime

- i. U. S.
- ii. U. K.
- iii. E. U.

SUGGESTED READINGS

1. Gevurtz, Global Issues in Corporate Law.
2. Cadbury, A. Corporate Governance and Chairmanship: A Personal View (Oxford University Press, 2003.)
3. Charkham, J., Keeping Better Company : Corporate Governance 10 years on, a study of corporate governance in five countries, (Oxford University Press, 2nd Eud, 2008).
4. Cheffins, B, Company Law: Theory, Structure and Opearation, (Oxford University Press, Oxford, 1997)
5. De Cruz, P, Comparative law in a changing World (3rd edn, routledge, 2007).
6. Ferrarini, G. et al, Reforming Takeover and Company Law in Europe (Oxford University Press, 2004)
7. Hopt, K, et al., Comparative Corporate Governance: the state of the art and emerging research (Oxford University Press, Oxford, 1998)
8. Kraakman, R. et al, The Anatomy of Corporate Law: A Comparative and Functional Approach (Oxford University Press, 2009)
9. Morak, R., Corporate Governance around the World (Chicago University Press, 2007).
10. Prentice, D.D., & Holland, P, Contemporary Issues in Corporate Governance, (Oxford University Press, Oxford, 1993)
11. M Andenas and F Wooldridge European Comparative Company Law (CUP 2005)
12. LC Backer (ed) Comparative Corporate Law: United States, European Union, China and Japan (Carolina Academic Press, 2002)
13. PT Muchlinski Multinational Enterprises and the Law (Blackwell Publishers, revised paperback edition, 1999)
14. Haupt, Klaus J., Comparative Corporate Governance: The State of the Art and International Regulation, 59 American Journal of corporate Law 1 (2011).

15. Martin Gelter, The Dark Side of Shareholder Influence: Managerial Autonomy and Stakeholder Orientation in Comparative Corporate Governance, 50 Harvard International Law Journal 129 (2009)
16. United States v. O'Hagan Supreme Court of the United States, MDB, CBLCVX, CVU91V521 U.S. 642 (1997) 228.
17. Palmiter, Insider Trading, Securities Regulation: Examples & Explanations.
18. Council Directive of 28 January 2003 on Insider Dealing and market Manipulation.
19. Raghvan, Ascareli & Woodrugg, Europe's Police Are Out of Luck on Insider Cases (SJ 2000)
20. Langevoort, Defining Insider Trading : The Experience in other Countries, (April 1992)
21. Palmiter, Takeover Contests-An Introduction, Corporations: Examples and Explanations

Paper V

Dissertation

Every student has to select a topic for research duly approved by the Head of the department and take up the research work during the course of the 2nd semester. The topic must be chosen at the end of the 1st semester and the approval would be communicated at the beginning of the 2nd semester. The research must be carried out under the Supervision of a teacher, who has be experienced and qualified to be a Professor/Associate Professor/ Assistant Professor.

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The dissertation must be of atleast of 100 pages typed on one side of the Paper with one and half space and 11/2" margin. Methodology prescribed must be strictly followed in regard to citation, Bibliography, chapter index etc. It must be the original work of the Candidate. The dissertation must be submitted at least 15 days before the Commencement of the final semester (IV Semester) examination. The dissertation shall be evaluated for a maximum of 200 marks by two examiners (one external and the other internal) and the average marks would be taken, further, there would be viva- voce examination by a committee consisting of one external examiner and one internal examiner, which would contain 100 marks.

A Candidate should get 50% of the total marks i.e. 150 out of 300 marks assigned to this paper in order to obtain a pass in this paper. A Candidate who fails in this paper has to resubmit dissertation after attending to all the queries raised or mistakes pointed out by the examiners or submit a fresh dissertation on a new topic assigned if the dissertation is found to be very poor, as the case may be. In case, the dissertation found to be a copy of the dissertation submitted by any student earlier either to this University or any other University, The candidate would be debarred from getting LL.M., degree.

INVERTIS INSTITUTE OF LAW
INVERTIS UNIVERSITY, BAREILLY

LL.M. (One Year) Programme
[Constitutional and Administrative Law]*
SUBJECTS AND PAPERS CODE

Ist Semester

Paper-I	Research Methods and Legal Writing	[LLM101]
Paper-II	Comparative Public Law	[LLM102]
Paper-III	Central- State Relations and Constitutional Governance	[LMA101]
Paper-IV	Fundamental Rights and Directive Principles	[LMA102]
Paper-V	Local Self Government & Federal Governance	[LMA103]

IInd Semester

Paper-I	Law and Justice in a Globalizing World	[LLM201]
Paper-II	Administrative Law	[LMA201]
Paper-III	Law and social Transformation	[LMA202]
Paper-IV	Police and Security Administration	[LMA203]
Paper-V	Dissertation	[LLM251]
	Viva-voce	

INVERTIS UNIVERSITY
LL.M One Year [Constitutional and Administrative Law]
Teaching and Evaluation Scheme

<u>Semester</u>		<u>Internal</u>	<u>External</u>	<u>Total</u>	<u>Exam. Dur</u>
<u>Ist Semester</u>					
Paper-I	Research Methods and Legal Writing	30	70	100	3hrs
Paper-II	Comparative Public Law	30	70	100	3hrs
Paper-III	Central- State Relations and Constitutional Governance	30	70	100	3hrs
Paper-IV	Fundamental Rights and Directive Principles	30	70	100	3hrs
Paper-V	Local Self Government & Federal Governance	30	70	100	3hrs
<u>IInd Semester</u>					
Paper-I	Law and Justice in a Globalizing World	30	70	100	3hrs
Paper-II	Administrative Law	30	70	100	3hrs
Paper-III	Law and social Transformation	30	70	100	3hrs
Paper-IV	Police and Security Administration	30	70	100	3hrs
Paper-V	Dissertation	--	--	200	--
	Viva-voce	--	--	100	--

Total= 1200

*Option of Specialization will be under the subject to availability of teachers.

LL.M. (One Year) Programme
[Constitutional and Administrative Law]

Paper-I
Research Methods and Legal Writing

RESEARCH METHODS AND LEGAL WRITING

I. Research

- xxi. What is Research? Meaning and Objectives
- xxii. Research methods *vis a vis* Research Methodology
- xxiii. Legal Research - Meaning, scope and purpose. Relation between law and society
- xxiv. Types/kinds: Doctrinal and Non-Doctrinal (empirical); Applied, fundamental;
- xxv. Library research, field research and laboratory research, analytical, descriptive,
- xxvi. conceptual; Participatory and Non-Participatory; Comparative, historical,
- xxvii. statistical, critical, socio-legal; Mono disciplinary and trans disciplinary; quasi
- xxviii. disciplinary, inter-disciplinary (multi- disciplinary) research; Quantitative and
- xxix. qualitative, one time and longitudinal, clinical or diagnostic research; Research
- xxx. for legal reform

II. Research Methods

- xxv. Research Design
- xxvi. Various Steps in Research: Research Process
- xxvii. Research Problem: Identification and Formulation
- xxviii. Hypothesis
- xxix. Use of Library
- xxx. Use of Modern Technology/ Computer Assisted Research
- xxxi. Tools and Techniques for Collection of Data

- Primary and Secondary Sources
- Literature Review
- Observation Method
- Questionnaire
- Interview
- Case study
- Sampling
- Jurimetrics

- xxxii. Analysis and Interpretation of Data
- xxxiii. Use of Deductive and Inductive Methods in Research
- xxxiv. Preparation of Research Report and Writing of Research report
- xxxv. Budgeting of Research
- xxxvi. Ethical and Legal Issues: Plagiarism and Copyright Violation

III. Legal Writing

- xxvii. Essentials of Good Legal Writing
- xxviii. Structured Legal Writing: Organization of Legal Materials
- xxix. Framing of Write Up: Research Question, Title, Identifying relevant areas of law,
- xxx. Identifying Literature and Case Laws, Analysis, Discussion, Recommendations and Conclusion
- xxxi. Sources of Authority
- xxxii. Kinds: Informative, Persuasive; Writing for Individual Purposes; Writing for
- xxxiii.

xxxiv.	Academic Purpose; Writing for Court Purposes: Briefs, Plaints etc.; Writing for
xxxv.	Publication: reviews, articles, books etc.; Judicial writing
xxxvi.	Citation, Reference and Footnoting
xxxvii.	Editing and Proof reading
xxxviii.	Writing of Research Proposal
xxxix.	Dissertation/ Thesis Writing

Books:

1. Bruce L. Berg, *Qualitative Research Methods For The Social Sciences* (London, Allyn and Bacon, 2001).
2. C.R. Kothari, *Research Methodology: Methods and Techniques* (New Delhi: Wiley Eastern Ltd., 1985).
3. Dennis P. Forcese and Stephen Richer (ed.), *Stages of Social Research – Contemporary Perspectives* (New Jersey : Prentice Hall Inc., Englewood Cliffs, 1970).
4. Frederic Charles Hicks, *Materials and Methods in Legal Research* (Lawyers Cooperative Publishing, New York).
5. Goode and Hall, *Methods in Social Research* (Singapore : MacGraw Hill Book Co., 1985).
6. Harvard Law Review Association, *The Bluebook: Uniform system of Citation* (Harvard Law Review, Harvard).
7. Janathan Anderson, *Thesis and Assignment Writing* (Wiley Eastern Ltd., New Delhi).
8. Johan Galtung, *Theory And Methods of Social Research* (London: George Allen & Unwin Ltd., 1970).
9. Leon Festinger (ed.), *Research Methods in Behavioral Sciences* (Holt, Rinehart and Winston, New York, 1953).
10. Pauline V. Young, *Scientific Social Surveys and Research* (New Delhi : Prentice Hall of India Pvt. Ltd., 1984).
11. S. K. Verma and Afzal Vani, *Legal Research and Methodology*, ILI, New Delhi Selltiz, Jahoda *et.al.*, *Research Methods in Social Relations* (Holt, Rinehart and Winston, New York, 1964).
12. Vijay K. Gupta, *Decision Making In The Supreme Court of India (A Jurimetric Study) – Alternatives in Judicial Research* (Delhi : Kaveri Books, 1995).

PAPER – II

COMPARATIVE PUBLIC LAW

- I. Public Law – Constitution and Administrative Law**
- II. Concept of Constitution**
 - Meaning and Idea of Constitution, Nature and Goals
 - Living Constitution
 - Constitution as Supreme Law
- III. Study of Comparative Constitutional Law**
 - Relevance
 - Problems and Concerns in Using Comparison

IV. Constitutionalism

- Concept, Distinction between Constitution and Constitutionalism
- Essential features of Constitutionalism -Written Constitution, Separation of Powers,
- Fundamental Rights, Independence of Judiciary and Judicial Review

V. Constitutional foundations of powers

- Supremacy of Legislature in Law Making
- Rule of law
 - Dicey's Concept of Rule of Law
 - Modern Concept of Rule of Law
 - Social and economic rights as part of rule of law
- Separation of powers
 - Concept of Separation of Powers
 - Checks and Balances
 - Separation of Powers or Separation of Functions

VI. Forms of Governments

- Federal and Unitary Forms
 - Features, Advantages and Disadvantages
 - Models of Federalism and Concept of Quasi-federalism
 - Role of Courts in Preserving Federalism
- Parliamentary and Presidential Forms of Government

VII. Constitutional Review

- Methods of Constitutional Review
 - Judicial and Political Review
 - Concentrated and Diffused Review
 - Anticipatory and Successive Review
- Concept and Origin of Judicial Review
- Limitations on Judicial Review

VIII. Amendment of Constitution

- Various Methods of Amendment
- Limitations on Amending Power: Comparative Perspective
- Theory of Basic Structure: Origin and Development

BOOKS

1. Christopher Forsyth, Mark Elliott, Swati Jhaveri, *Effective Judicial Review: A Cornerstone of Good Governance* (Oxford University Press, 2010).
2. D.D. Basu, *Comparative Constitutional Law* (2nd ed., Wadhwa Nagpur).
3. David Strauss, *The Living Constitution* (Oxford University Press, 2010)
4. Dr. Subhash C Kashyap, *Framing of Indian Constitution* (Universal Law, 2004)
5. Elizabeth Giussani, *Constitutional and Administrative Law* (Sweet and Maxwell, 2008).
6. Erwin Chemerinsky, *Constitutional Law, Principles and Policies* (3rd ed., Aspen, 2006)
7. M.V. Pylee, *Constitution of the World* (Universal, 2006)
8. Mahendra P. Singh, *Comparative Constitutional Law* (Eastern Book Company, 1989).
9. Neal Devins and Louis Fisher, *The Democratic Constitution* (Oxford University Press, 2010)
10. S.N Ray, *Judicial Review and Fundamental Rights* (Eastern Law House, 1974).
11. Sudhir Krishna Swamy, *Democracy and constitutionalism in India – A Study of the Basic Structure Doctrine* (Oxford University Press, 2009)
12. Sunil Khilnani, Vikram Raghavan, Arun Thiruvengadam, *Comparative Constitutionalism in South Asia* (Oxford University Press, 2013).
13. Vikram David Amar, Mark Tushnet, *Global Perspectives on Constitutional Law* (Oxford

University Press, 2009).

14. Zachery Elkins, Tom Ginsburg, James Melton, *The Endurance of National Constitutions* (Cambridge University Press, 2009)

Paper-III

Central- State Relations and Constitutional Governance

- I. Federal Features of the Indian Constitution
- II. Legislative Relations between Centre and States
- III. Administrative Relations and Cooperative Federalism
- IV. Common Civil Service and Impact on Autonomy of States
- V. Financial Relations - Dependence of States on Centre
- VI. Emergency and Division of Powers
- VII. Judiciary and Division of Powers
- VIII. Article 356 and the Role of Governor

Recommended Books:

- 1.K.C.Wheare, Federal Government.
- 2.Jain M.P Outlines of Indian Legal History.
- 3.M.V Pylee, Constitutional History of India
- 4.Rama Jois M, Legal and Constitutional History of India.
- 5.Stetalvad M.C, , Constitutional History of India
- 6.Keith A.B. , Constitutional History of India
- 7.H.M. Seervai, Constitutional Law of India –Vol.I &II
- 8.G.C.V Subbarao, Legislative powers in Indian Constitutional Law. 9.V.D. Sebastian, Indian Federalism: the Legislative Conflict.
- 10.L.M Singhvi, Union-State Relations in India
- 11.K.Subba Rao, The Indian Federation.
- 12.K.P. Krishna Shetty, The Law of Union-state Relations and Indian Federalism.
- 13.Ashok Chandra, Federalism in India.

Paper-IV

Fundamental Rights and Directive Principles

- I. Concept of Fundamental Rights and Relation with Natural Rights
- II. Enforcement of Fundamental Rights
 - Definition of ‘State’ - Rights against state
 - Rights against non-state actors
 - Is there need to enlarge the definition of State?
- III. Fundamental Rights: Limitations, Suspendability and Amendability
- IV. Remedies against Violation/Threat of Violation of Fundamental Rights – Effects of Indemnity Granted under Article 34.
- V. Significance and Importance of Fundamental Duties
- VI. Significance of Directive Principles of State Policy and their Unenforceability
- VII. Emerging Regime of New Rights and Remedies under the Garb of Fundamental Rights –
- VIII. Use of DPSP and International Instruments in Interpreting FRs.
- IX. Constitutional Torts
- X. FRs and Judicial Review
 - Reasonableness Test and Strict Scrutiny Test
 - Rights Test and Essence of Rights Test

Recommended Books;

- 1.P. Ishwara Bhat Inter-relationship between Fundamental Rights
- 2.M P Jain Indian Constitutional Law
- 3.H M Seervai Constitutional Law of India
- 4.V N Shukla Constitution of India
- 5.D D Basu Shorter Constitution of India
- 6.B Sivarao Constitutional Assembly Debates
- 7.J. V R Krishna Iyer Fundamental Rights and Directive Principles
- 8.Paras Diwan Human Rights and the Law
- 9.P K Tripathi Some Insight into Fundamental Rights
- 10.S P Sathe Fundamental Rights and Amendment to the Constitution
- 11.P B Gajendragadkar Law, Liberty and Social Justice
- 12.David Karrys Politics of Law

Paper-V

Local Self Government & Federal Governance

Unit-I. Local Self-Government Federalism in India and Local Self Government

- Evolution of Local Self Government in India
- Gram Swaraj: the Gandhian concept
- Concept of Sarvodaya

Unit –II. Local Self-Government and Constitutional Amendment 73rd and 74th Constitutional amendments;

- Subject matters of 11th and 12th Schedule of the Constitution of India
- The Balvant Rai Mehta committee report
- The Sarkariya Commission report□

Unit-3 Rural local self government Importance of Rural local self government

- Rural local self government :Origination
- Powers and functions of Rural local self government
- Women's reservation in Panchayat and its effects□

Unit-4 Urban local self government Urban local self government: Meaning and significant

- organization of Urban local self government
- Urban local self government : powers and function
- Finance and Local self Govt

Recommended Books:

- 1.Friedman, The State and the Rule of Law in a Mixed Economy
- 2.Neville L. Brown and J.F. Garner, French Administrative Law
- 3.Dicey, Introduction to the Law of the Constitution,
- 4.Iwor Jennings, Law and the Constitution
- 5.Schwartz & Wade, Legal Control of Government
- 6.Davis, Discretionary Justice
- 7.Jain & Jain, Principles of Administrative Law
- 8.De Smith, Judicial Review of Administrative Action (1995)
- 9.Indian Law Institute, Government Regulation of Private
- 10.Radhakumud Mookerji, Local Government in Ancient India (1985), Daya Publishing Delhi

Constitutional and Administrative Law

II SEMESTER
Paper-I
Law and Justice in a Globalizing World

LAW AND JUSTICE IN A GLOBALIZING WORLD

- IV. Globalization: Meaning, Reach and Form
- V. Social, Political, and Economic Dimensions of Globalization
- VI. Emergence of Transnational Law in a Globalizing World
- VII. Impact of Globalization on Sovereignty of States
- VIII. Impact of Globalization on Federalism and Democratic Law Making
- IX. Impact of globalization on
 - Human Rights
 - Trade Law
- X. Globalization and Free Market
 - Impact on welfare state
 - Natural Resources
 - Environment
 - Displacement for Development
 - Problem of Unemployment
- XI. Concept of Justice in a Globalizing World
 - Globalization and Universal Values
 - Concept of Global Justice
 - Cosmopolitanism
 - Globalization and Social Justice/ Global Distributive Justice
 - Impact of Globalization on Judicial Process and administration of Justice

BOOKS Recommended;

1. Andrew Kuper, *Democracy Beyond Borders: Justice and Representations in Global Institutions* (OUP, 2006).
2. Anthony McGrew, David Held (eds.), *Governing Globalization: Power, Authority and Global Governance* (Polity Press, 2002).
3. Boaventura de Sousa Santos, Cesar A. Rodriguez-Garavito (eds.), *Law and Globalization from Below* (Cambridge University Press, 2005).
4. David B. Goldman, *Globalization and the Western Legal Tradition: Recurring Patterns of Law and Authority* (Cambridge University Press, 2008).
5. David Held, *A Globalizing World? Culture, Economics, Politics* (2004).
6. David Kinley, *Civilizing Globalization: Human Rights and the Global Economy* (Cambridge University Press, 2009).
- * Suggested Readings are not exhaustive. Need to be supplemented with additional readings.
7. David Schneiderman, *Constitutionalizing Economic Globalization: Investment Rules and Democracy's Promise* (Cambridge University Press, 2008).
8. Jean-Marc Coicaud, Michael W. Doyle *et al* (eds.), *The Globalization of Human Rights* (United Nations University Press, 2003).
9. John Baylis, Steve Smith, *et al* (eds.) *The Globalization of World Politics: An Introduction to International Relations* (OUP, 2008).
10. Karl-Heinz Ladeur (ed.), *Public Governance in the Age of Globalization* (2004).
11. Laura Valentini, *Justice in a Globalizing World: A Normative Framework* (OUP,

- 2011).
12. M. Abouharb, David Cingranelli, *Human Rights and Structural Adjustment* (Cambridge University Press 2007).
 13. Pablo De Greiff and Ciaran Cronin (eds.), *Global Justice and Transnational Politics: Essays on the Moral and Political Challenges of Globalization* (MIT Press, 2002).
 14. Percy E. Corbett, *The Growth of World Law* 184 (1971).
 15. Rosalyn Higgins, *Development of International Law through the Political Organs of the United Nations* (1963).
 16. Simon Coney, *Justice Beyond Borders: A Global Political Theory* (Oxford University Press, 2005).
 17. Upendra Baxi, *The Future of Human Rights* (OUP, 2002).
 18. Warner Menski, *Comparative Law in Global Context: The Legal Systems of Asia and Africa* (Cambridge University Press, 2006).
 19. Wenhua Shan, Penelope Simons *et al.*, *Redefining Sovereignty in International Economic Law* (Hart Publishing, 2008).
 20. William Twining, *General Jurisprudence: Understanding Law from a Global Perspective* (Cambridge University Press, 2009).
 21. World Commission on Social Dimension of Globalization, *A Fair Globalization: Creating Opportunities for All* (2004)

Paper-II

Administrative Law

Administrative Law

- I. Definition, Nature, Scope and Functions
- II. Growth of Administrative Law in India
- III. Basic Constitutional Principles: Indian Perspectives
 - Rule of Law
 - Separation of Powers
 - Natural Justice
- IV. Classification of Administrative Functions
- V. Administrative Discretion and Rules of Fairness
- VI. Transparency and Accountability
 - Lokpal and Lokayukt
 - Right to Information
 - Vigilance Commission
 - Comptroller and Auditor - General of India
 - Commissions of Inquiry
- VII. Delegated Legislation
 - Importance, Need and Constitutionality of Delegated Legislation
 - Conditional Legislation
- VIII. Controls on Delegated Legislation
 - Parliamentary Control
 - Procedural Control
 - Judicial Control
- IX. Administrative Tribunals

Recommended Books;

1. Pater H. Schunk, *Foundation of Administrative Law*, 1994

2. Friedman, The State and Rule of law in a mixed Economy.
3. Ivor Jennings, Law & the Constitution
4. Schwartz and Wade, Legal Control of Government
5. De Smith, Judicial Review of Administrative Action, 1998
6. D.D.Basu, Comparative Administrative Law, 1998
7. K.S.Shukla and S.S.Singh, Lok Ayukta: A Socio-Legal Study, 1988
8. Jain & Jain, Principles of Administrative Law

Paper III:
Law and social Transformation

Objective of the Course

This course is designed to offer the teacher and the taught with

- a. Awareness of Indian approach to social and economic problems in the context of law as a means of social control and change, and
- b. A spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. The endeavour is to make the students aware of the role as played and has to play in contemporary Indian society.

The following syllabus prepared with this perspective will spread over a period of one semester:

1. Law and social change
 - a. Law as an instrument of social change
 - b. Law as the product of traditions and culture. Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institution in India.
2. Religion and the law
 - a. Religion as a divisive factor
 - b. Secularism as a solution to the problem
 - c. Reform of the law secular lines: problems
 - d. Freedom of religion and non discrimination on the basis of religion.
 - e. Religious minorities and law
3. Language and the law
 - a. Language as a divisive factor: formation of linguistic states
 - b. Constitutional guarantees to linguistic minorities
 - c. Language policy and the constitutions: official language; multi language system
 - d. Non discrimination on the ground of language
4. Community and the law
 - a. Caste as a divisive factor
 - b. Non-discrimination on the ground of caste
 - c. Acceptance of caste as a factor to undo past injustices
 - d. Protective discrimination; schedule caste, tribes and backward classes
 - e. Reservation; statutory commissions, statutory provisions
5. Regionalism and the law
 - a. Regionalism as a divisive factor
 - b. Concept of India as one unit
 - c. Right of movement, residence and business; impermissibility of state or regional barriers
 - d. Admission to educational institutions; preference to residents of a state
6. Women and law

- a. Crimes against women
- b. Gender injustice and its various forms
- c. Women's commission
- d. Empowerment of women; constitutional and other provision
7. Children and the law
 - a. Child labour
 - b. Sexual exploitation
 - c. Adoption and related problems
 - d. Children and education
8. Modernisation and the law
 - a. Modernisation as a value; constitutional perspectives reflected in the fundamental duties
 - b. Modernisation of social institutions through law
 - c. Reform of family law
 - d. Agrarian reform – industrialisation of agriculture
 - e. Industrial reform; free enterprise V. State regulation, industrialisation V. Environment protection
 - f. Criminal law; plea bargaining; compounding and payment of compensation to victim
 - g. Reform of court processes
9. Alternative approaches to law
 - a. The jurisprudence of sarvodaya – Gandhi ji, Vinoba Bhave, Jayprakash narayan
 - b. Socialist thought on law and justice; an enquiry through constitutional debates on the right to property
 - c. Indian Marxist critique of law and justice
 - d. Naxalite movement; causes and cure

Select Bibliography

1. Galanter Marc, law and society in modern India, 1997, Oxford.
2. Lingat Robert, The classical law of India, 1998, Oxford.
3. Baxi Upendra, the crisis of the Indian legal system, 1982, Vikash.
4. Seervai H.M, constitutional law of India, 1996, Prentice.
5. Gunasekhare Savitri, children law and justice, 1997, Sage.
6. Derret Duncan, the state religion and the law and India, 1999, Oxford.
7. Desta Sunil and Kiran, law and menace of child labour, 2000, Armol Publications.

Paper-IV

Police and Security Administration

Unit-1 National Security,
Public Orders and Rule of Law

1. Emergency Detention in England -Civil Liberties
2. Subjective satisfaction or objective assessment? 3 . Pre Independence law.

Unit-2 Exceptional Legislation

1. COFEPOSA and other legislation to curb economic offenders
2. the draconian law and NHRC
3. Special courts and tribunals
4. Due process and special legislation

Unit-3 Martial Law

1. Provisions in English Law
2. Provisions in the Constitution

Unit-4 Access to Courts and Emergency

1. Article 359: ups and downs of judicial review
2. Constitution (Forty-fourth), Amendment Act, 1978.
3. Constitution (Fifty-ninth) Amendment Act, 1988

Recommended Books:

1. G.O. Koppell "The Emergency, The Courts and Indian Democracy" 8 J.I.L.I. 287 (1966)
2. H.M. Seervai, The Emergency, Future Safeguards and the habeas Corpus: A Criticism (1978)
3. International Commission of Jurists, Status of Emergency and Human Rights (1984)
4. N.C. Chatterji and Parameshwar Rao, Emergency and the Law (1966)
5. M.S. Parmar, (1992), Problems of Police Administration, Reliance Publishing House, New Delhi

Paper V

Dissertation

Every student has to select a topic for research duly approved by the Head of the department and take up the research work during the course of the 2nd semester. The topic must be chosen at the end of the 1st semester and the approval would be communicated at the beginning of the 2nd semester. The research must be carried out under the Supervision of a teacher, who has been experienced and qualified to be a Professor/Associate Professor/ Assistant Professor.

The topic so chosen must not have been the topic of dissertation by any other student of that institute during the last 5 Years. The topic chosen must have utility and of Current value. However, if the teacher has a doctoral degree the limit of experienced may be waived.

The dissertation must be of atleast of 100 pages typed on one side of the Paper with one and half space and 11/2" margin. Methodology prescribed must be strictly followed in regard to citation, Bibliography, chapter index etc. It must be the original work of the Candidate. The dissertation must be submitted at least 15 days before the Commencement of the final semester (IV Semester) examination. The dissertation shall be evaluated for a maximum of 200 marks by two examiners (one external and the other internal) and the average marks would be taken, further, there would be viva- voce examination by a committee consisting of one external examiner and one internal examiner, which would contain 100 marks.

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