

**GUIDELINES FOR SEMESTER SCHEME AND EXAMINATION SCHEME OF  
LL.M. ONE YEAR PROGRAM (ON CAMPUS) 2020-21 ONWARDS**

**SEMESTER SCHEME:**

Candidate may attempt the Question Paper either in English or in Hindi Language.

In each Semester, all papers shall be of 100 Marks Each. There shall be two examinations in one semester - Mid-Term Examination (MTE) and End-Term Examination (ETE) each of 50 Marks.

**MID-TERM EXAMINATION (MTE):**

1. The question paper of MTE shall be of Thirty (30) Marks and Activity (ACT) shall be of Twenty (20) Marks as per the Course structure and scheme approved by the ALU.
2. ACT Component will be evaluated on the basis of Project, its Presentation, Assignments and Research Work etc. by one Internal and one External examiner. (The Course Code, Course Credit, Weightage is attached).
3. The duration of Mid-Term Exam shall be of Two Hours.
4. The Question Paper shall be of Thirty Marks (30) divided in two parts: Part-A and Part-B; There shall be Five (05) Compulsory Short Questions each of Two (02) Marks in Part-A and Three (03) Questions each of Ten (10) Marks in Part-B in which the Candidate is required to attempt any Two Questions.
5. The Candidate has to obtain a minimum of 45% Marks in each paper and 50% Marks in aggregate to be declared eligible for appearing in the End Term Examination (ETE). (Make-Up examination may be conducted by the University on furnishing reasonable ground by the Candidate subject to the satisfaction of the University).

**END-TERM EXAMINATION (ETE):**

1. The question paper of ETE shall be of Fifty (50) Marks.
2. The duration of ETE shall be of Three Hours.
3. The Question Paper shall be of Fifty Marks (50) divided into three parts: Part – A, Part - B and Part – C.

4. Part – A: There shall be Five (05) Short Questions of Two (02) Marks each. All questions are compulsory.
5. Part –B: There shall be Three (03) Questions each of Ten (10) Marks out of which the Candidate is required to attempt Two (02) Questions.
6. Part –C: There shall be Two (02) Questions each of Twenty (20) Marks out of which the Candidate is required to Attempt Any One Question.
7. The Candidate has to obtain minimum 45% Marks in each paper and 50% Marks in aggregate in the Mid-Term Examination (MTE) to obtain the eligibility for appearing in the End Term Examination (ETE). Make-Up examination may be conducted by the University on furnishing reasonable ground(s) by the Candidate subject to the satisfaction of the University.

## **EXAMINATION SCHEME**

### **1. ASSESSMENT:**

1. The academic performance of a student shall be assessed by the course instructor(s) concerned.
2. The performance of the candidate shall be evaluated in each paper of 100 marks, out of which 50 marks for mid-term examination and 50 marks for End-semester examination.in each semester.

#### **1.1 MID-TERM EXAMINATION (MTE)**

1. The mid-term examination of each semester shall further be classified as of 30 marks (written exam) and 20 marks activity (ACT) that is based on project and its presentation, assignments, quizzes, case presentations, seminars etc. which shall be assigned by the course instructor.

The Candidate who obtains a minimum of 45% Marks in each paper and 50% Marks in aggregate in MTE to be declared eligible for appearing in the End Term Examination (ETE).

##### **1.1.1 RE-SESSIONAL EXAMINATION**

1. There shall be a re-sessional examination in each semester. The candidate shall only be eligible for appearing in this examination who either (i) fails or (ii) who remains absent in the mid-term examination (on the submission of reasonable ground subject to the approval of concern authority)

#### **1.2 END TERM EXAMINATION (ETE):**

1. There shall be an End Term Examination (ETE).at the end of each semester,
2. The candidate who has obtained  $\geq 75$  % attendance in each semester shall only be permitted to appear in the End Term Examination (ETE).
3. The candidate who has declared pass in both the semesters shall not be entitled to repeat for improvement.

4. The candidate who is eligible for appearing in End Term Examination (ETE) of each semester but however, he/she could not appear in End Term Examination (ETE) shall be declared fail in that examination.
5. The Candidate who obtains a minimum of 45% Marks in each paper and 50% Marks in aggregate in the End Term Examination (ETE) of Semester First and Semester Second shall be declared Pass.
6. The candidate who could not obtain a minimum of 45% marks in atleast three paper out of five papers with aggregate of 50% of marks in the end term examination (ETE) shall be declared fail in respective semester and he/she is required to re-appear in all examinations of concerned semester as an Ex-student whenever the subsequent year respective semester examinations are held.

#### **1.2.1 MAKE-UP EXAMINATION:**

1. There shall be a Make-up examination only for the candidate who has cleared in three papers out of five papers in the End Term Examination (ETE) (Minimum 45% marks in each paper and 50% marks in aggregate) in first and second semesters respectively. The Make –up examination shall be held once only after the declaration of the result of the second semester. There shall be no make-up examination after the first semester.
2. The eligibility for pass in make-up examination shall be the same as those in the regular end-semester examinations.
3. In case of fail in makeup examination he/she shall appear in ETE of concerned semester examination as a whole, as an Ex-student.

### **CONDUCT AND EVALUATION OF EXAMINATIONS**

A Master's degree program in Law (LL.M.) for On Campus Program of the University shall be of One Year (Semester Scheme). These guidelines shall come into force from the session 2020-21.

This Examination Scheme for LL.M. (One Year Program) has been formulated keeping in view the UGC guidelines and various other academic considerations. The examination scheme of Dr. Bhimrao Ambedkar Law University will be as follows:

#### **1. EVALUATION**

- Each of the papers shall carry a maximum of 100 Marks.
- The evaluation of students in a paper shall broadly be based on two segments.
  - a. **CONTINUOUS EVALUATION BY THE TEACHER(S) OF THE COURSE:**  
Continuous evaluation will be only for 50% of the total marks assigned to each course. It may comprise of internal written examination, projects, case analysis, assignments, presentation and other similar evaluation methods. The faculty

member teaching any course will have the discretion to evolve his/her own scheme for continuous evaluation on the basis of this broad guideline.

**b. EVALUATION THROUGH A SEMESTER EXAMINATION:**

Each course will be evaluated by a semester examination for 50% marks of the total marks assigned to each course. The examination may be opened/closed book depending upon the particular requirement of any course. The exam component cannot exceed 50% the total marks for the course.

The dissertation will be evaluated out of a maximum of 100 marks out of which 75 marks shall be for the dissertation and 25 marks for the Viva-voce. The dissertation shall be evaluated by an external subject expert appointed by the university. The Viva-voce will be conducted by a panel of examiners appointed by the university for this purpose who will award the 25 marks meant for the same.

**• CONDITIONS FOR PASS:**

- To be declared successful in any Course/Dissertation, a candidate must secure at least 'C' Grade. Those who secure 'F' Grade shall be declared as failed.
- Candidates who fail to appear for the examination in a Course or fail to obtain at least 'C' Grade must take the respective examination again, including presentation of fresh Assignment/Research Papers, in the corresponding Semester.
- If a candidate secure 'F' grade in the Dissertation or fails to submit the Dissertation within the time permitted he/she will be given one more chance to submit a revised Dissertation or Dissertation as the case may be within such time as the Faculty Committee decides.
- A student admitted to the one-year LL.M. Program must be complete all the prescribed requirements within a maximum period of 2 years from and including the year of admission in order to be eligible for the award of the Degree.

**2. GRADING OF STUDENTS:**

The performance of the candidates shall be evaluated on a Eleven point scale with the corresponding Grade Values as follows:

- (a) The official transcript of the University shall indicate the Grades and the Cumulative Ten-point Grade Point Average only. The interpretation of the Grade system followed by the University shall be printed at the back of the transcript itself.
- (b) The marks secured by the students in MTE and ETE taken together shall be converted to the Grades as mentioned below:

90 and above	10	O+ (Exceptionally Outstanding)
85 and above but below 90	9	O Outstanding)
80 and above but below 85	8.5	E+
75 and above but below 80	8	E
70 and above but below 75	7.5	A++
65 and above but below 70	7	A+
60 and above but below 65	6.5	A
55 and above but below 60	6	B+
50 and above but below 55	5.5	B
45 and above but below 50	5	C
00 - 44	00	F (Fail)

**SGPA (Semester Grade Point Average)** = Sum of the total grade points secured by the student in all the papers of a semester divided by Total number of credits in all the courses of a semester.

**CGPA (Cumulative Grade Point Average)** – CGPA will be calculated by dividing the sum of the product of grade values and course credits in each course of both the semesters by the total number of credits in all the courses as per details mentioned above.

**GV** = Grade Value,

**GP** = Grade Points

**GP** = GV x Credit

**QP** – Quality points i.e., sum total of GP achieved during semester

**Award of Division:**

Overall CGPA 8.00 and above – **First Division with Distinction**

Overall CGPA 6.50 and above but below 8.00– **First Division**

Overall CGPA 5.50 and above but below 6.50 – **Second Division**

A candidate to be declared successful has to obtain a minimum of 45% marks or the grade equivalent to that i.e. C in every paper and above.

- (c) In addition to the Grade mentioned, above the following acronyms are also used in the result/transcript, wherever appropriate

**Ab**-Absent

**R**- Reappear / Repeat

**RW** -Result Withheld

**F** - Failed

**Db** – Debarred

**UM**-Unfair means

**RL**- Result later

- (d) The Cumulative Grade Point Average (CGPA) is arrived at by dividing the sum of the Grade values and the Course Credits in each course by the total number of credits in all the courses.
- (e) **Equivalent Percentage:** The conversion formula to convert CGPA into Percentage is Percentage = (CGPA X 10).

### **3. AWARD OF DEGREE:**

Candidates who have completed all the course and Dissertation obtaining at least 'C' Grade and secured Cumulative Grade Point Average (CGPA) of 5 out of 10 shall be awarded the LL.M. Degree.

- (a) A student shall be eligible for the award of LL.M. degree after successful completion of all the prescribed courses with a total 24 credits and if he/she has obtained a minimum of CGPA of 5.00 out of 10.00.
- (b) The Degree Certificate shall be signed by the Vice-Chancellor.
- (c) Along with the Degree all the students shall be provided with a consolidated Transcript, indicating the courses, course credit, grades obtained, CGPA as well as interpretation of these features on the reverse of the Transcript.
- (d) The official Transcript shall be signed by the Controller of Examination.
- (e) The records of all the certificate issued by the University shall be maintained by the Examination Section, in consultation with the Controller of Examination.
- (f) A student shall be awarded LL.M. Degree if:
  - (i) He / She has enrolled himself/herself, as a regular student, undergone the course of studies, successfully completed the examinations/ dissertation/ other practical/ Viva-voce as specified in the curriculum within the stipulated time and secured the minimum Marks in all the courses (as prescribed).
  - (ii) There are no dues outstanding in his/her name
  - (iii) No disciplinary action is pending against him/her.
  - (iv) No Unfair means/ Disorderly Conduct action is pending against him/her.

### **4. AWARD OF GOLD MEDALS:**

- a) Gold Medals(s) shall be awarded on the basis of the criteria fixed for the said gold medal. For Gold medals based on certain streams of study, they shall be awarded on the basis of the highest average of grades obtained in the course of that stream.
- b) If two or more students have secured the same grade or grade average, then the marks secured by the students in the course/s shall be taken into consideration in awarding the gold medals.
- c) A student who has been fined or has been expelled from the University for any act of indiscipline shall not be eligible for the award of gold medal(s). A student who has failed in any course and has cleared the course in a Repeat Examination shall not be eligible for award of gold medals.

### **RULES RELATING TO DISSERTATION:**

- a) ALU shall be providing a model format for making dissertation displayed on its website [Three Microsoft Word Files namely 1, 2 and 3] which model shall be strictly followed in instructing students to make their dissertation in LL.M. Second Semester for uniformity.
- b) Four Copies of Dissertation shall be submitted by the candidate to the University, One for Supervisor and rest three for external evaluation.
- c) It shall be the candidate's original work carried out under the guidance or supervision of a person who is recognized by the University to supervise research.

- ☞ All the titles of the individual chapters shall establish a link with the main title of the research work
- ☞ All chapters shall have an "introduction" and a "conclusion" describing the work to be done by the candidate in that very chapter and
- ☞ Before closing of the individual chapter summarize the chapter in few lines giving a hint as to what will be researched by the candidate in the coming chapter
- ☞ Similarly, in the next chapter candidate shall mention as to what he/she did in the last chapter and what is to be proposed and attempted in this chapter
- ☞ the page numbers in this second document (associated pages) shall be in roman numbers and when the candidate starts writing the third document i.e. The dissertation starting from chapter one the page numbers shall start with 01, 02 and so on.
- ☞ **The dissertation shall undergo strict plagiarism check as per the norms of UGC/GOVT. OF RAJASTHAN etc. Through anti-plagiarism software TURN IT IN // URKUND and student shall get generated a report to be submitted along with the dissertation duly signed by the student and the supervisor. The similarity index report shall be attached at the last of the research work.**
- ☞ **The similarity index of the completed work shall be less than or equal to 10% as per U.G.C. Guidelines. Only then the dissertation shall be submitted to the university.** Refer to - Published on 07-08-2018-UGC (Promotion of Academic Integrity and Prevention of Plagiarism in Higher Educational Institutions) Regulations, 2018.
- ☞ The entire research work shall conform to the standard bluebook 19/20<sup>th</sup> edition as updated from time to time.
- ☞ One C.D. containing the soft copy of the research work shall also be submitted to the university along with the hard copy printout submission. It is advised that the students shall get plagiarism check first hand and after the plagiarism check report only, get the final printouts submitted to the university.
- ☞ The dissertation should be around 120-130 pages in total shall be hard bound and top cover page shall be black with silver embossing of letters.
- ☞ It is clarified that in all research works submitted to the university, (like projects, dissertations, Ph.D. Thesis etc.) The copyright in the work shall be of the university and post successful submissions, any candidate desirous of publishing any portion of the submitted work anywhere apart from the university, he/she shall take permission from the university to do so.
- ☞ The entire proposed research work should be in double spacing, times new roman 12 format justified with page borders and footer as shown in this document.

The Vice-Chancellor shall have the power to take decision to ease any procedural intricacies in the conduct of this course. All such measures would be tabled in the next meeting of Academic Council for ratification.

**CONTROLLER OF EXAMINATION**

# COURSE CREDITS SEMESTER - I

LL.M. ONE YEAR

(CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW)

SEMESTER - I

BRANCH - I

S.No.	Course Code	Course Name				Weightage %			Duration of ETE in hours
			L	RSD	C	MTE	ACT	ETE	
1.	LA 2101	Legal Research Methods and Legal Writing	2	2	3	30	20	50	3
2.	LA 2102	Law and Systems of Governance	2	2	3	30	20	50	3
3.	LA 2103	Law and Justice in a Globalizing World	2	2	3	30	20	50	3
4.	CA 2104	Fundamental Rights and Directive Principles	1	2	2	30	20	50	3
5.	CA 2105	Center State Relations and Constitutional Governance	1	2	2	30	20	50	3
TOTAL=			8	10	13				

**Total Contact Hours per Week = 18**

\* including conference /Seminar/ assignments/ research work @2 to 3 hours/day etc.

\* L = Lectures

\* RSD = Research Skill Development

\*C = Credits

**LL.M. ONE YEAR  
(INTELLECTUAL PROPERTY LAW)**

**SEMESTER - I**

**BRANCH - II**

S.No.	Course Code	Course Name	Weightage %						Duration of ETE in hours
			L	RSD	C	MTE	ACT	ETE	
1.	LA 2101	Legal Research Methods and Legal Writing	2	2	3	30	20	50	3
2.	LA 2102	Law and Systems of Governance	2	2	3	30	20	50	3
3.	LA 2103	Law and Justice in a Globalizing World	2	2	3	30	20	50	3
4.	IP 2104	Nature, Emergence and Development of IPR	1	2	2	30	20	50	3
5.	IP 2105	Law of Designs, Lay Out Designs and Geographical Indications	1	2	2	30	20	50	3
TOTAL=			8	10	13				

**Total Contact Hours per Week = 18**

\* including conference /Seminar/ assignments/ research work @2 to 3 hours/day etc.

\* L = Lectures

\* RSD = Research Skill Development

\*C = Credits

**LL.M ONE YEAR**  
**(CORPORATE AND COMMERCIAL LAW)**

**SEMESTER - I**

**BRANCH - III**

S.No.	Course Code	Course Name	Weightage %						Duration of ETE in hours
			L	RSD	C	MTE	ACT	ETE	
1.	LA 2101	Legal Research Methods and Legal Writing	2	2	3	30	20	50	3
2.	LA 2102	Law and Systems of Governance	2	2	3	30	20	50	3
3.	LA 2103	Law and Justice in a Globalizing World	2	2	3	30	20	50	3
4.	CC 2104	Corporate Governance and Law	1	2	2	30	20	50	3
5.	CC 2105	Investment and Competition Law	1	2	2	30	20	50	3
TOTAL=			8	10	13				

**Total Contact Hours per Week = 18**

\* including conference /Seminar/ assignments/ research work @2 to 3 hours/day etc.

\* L = Lectures

\* RSD = Research Skill Development

\*C = Credits

**LL.M ONE YEAR**  
**(CRIMINAL AND SECURITY LAW)**

**SEMESTER - I**

**BRANCH - IV**

S.No.	Course Code	Course Name	Weightage %						Duration of ETE in hours
			L	RSD	C	MTE	ACT	ETE	
1.	LA 2101	Legal Research Methods and Legal Writing	2	2	3	30	20	50	3
2.	LA 2102	Law and Systems of Governance	2	2	3	30	20	50	3
3.	LA 2103	Law and Justice in a Globalizing World	2	2	3	30	20	50	3
4.	CS 2104	Principles of Criminal Law	1	2	2	30	20	50	3
5.	CS 2105	Victimology & Penology	1	2	2	30	20	50	3
TOTAL=			8	10	13				

**Total Contact Hours per Week = 18**

\* including conference /Seminar/ assignments/ research work @2 to 3 hours/day etc.

\* L = Lectures

\* RSD = Research Skill Development

\*C = Credits

# COURSE CREDITS SEMESTER - II

LL.M. ONE YEAR

(CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW)

SEMESTER - II

BRANCH - I

S. No.	Course Code	Course Name				Weightage %			Duration of ETE in hours
			L	RSD	C	MTE	ACT	ETE	
1.	CA 2201	Media Law	1	2	2	30	20	50	3
2.	CA 2202	Administrative Law and Judicial Control	1	2	2	30	20	50	3
3.	CA 2303	Religion and Regional Diversity and the Law	1	2	2	30	20	50	3
4.	CA 2404	Local Self Govt. Federal Governance	1	2	2	30	20	50	3
5.	CA 2505	Dissertation	2	2	3	-----	-----	75 + 25 (Viva)	-----
<b>TOTAL =</b>			06	10	11				

**Total Contact Hours per Week = 16**

\* including conference /Seminar/ assignments/ research work @2 to 3 hours/day etc.

\* L = Lectures

\* RSD = Research Skill Development

\*C = Credits

**LL.M. ONE YEAR  
(INTELLECTUAL PROPERTY LAW)**

**SEMESTER - II**

**BRANCH - II**

S. No.	Course Code	Course Name	Weightage %						Duration of ETE in hours
			L	RSD	C	MTE	ACT	ETE	
1.	IP-2201	Law of Patents	1	2	2	30	20	50	3
2.	IP- 2202	Law of Copyright	1	2	2	30	20	50	3
3.	IP- 2203	Law of Trademark and Cyber Law	1	2	2	30	20	50	3
4.	IP 2204	Protection of Plant Varieties and Traditional Knowledge	1	2	2	30	20	50	3
5.	IP 2205	Dissertation	2	2	3	-----	-----	75 + 25 (Viva)	-----
<b>TOTAL =</b>			06	10	11				

**Total Contact Hours per Week = 16**

\* including conference /Seminar/ assignments/ research work @2 to 3 hours/day etc.

\* L = Lectures

\* RSD = Research Skill Development

\*C = Credits

**LL.M ONE YEAR**  
**(CORPORATE AND COMMERCIAL LAW)**

**SEMESTER - II**

**BRANCH – III**

S. No.	Course Code	Course Name				Weightage %			Duration of ETE in hours
			L	RSD	C	MTE	ACT	ETE	
1.	CC 2201	E-Governance and Cyber Law	1	2	2	30	20	50	3
2.	CC 2202	Intellectual Property Rights	1	2	2	30	20	50	3
3.	CC 2203	Commercial Arbitration	1	2	2	30	20	50	3
4.	CC 2204	Banking Laws	1	2	2	30	20	50	3
5.	CC 2205	Dissertation	2	2	3	-----	-----	75 + 25 (Viva)	-----
<b>TOTAL =</b>			06	10	11				

**Total Contact Hours per Week = 16**

\* including conference /Seminar/ assignments/ research work @2 to 3 hours/day etc.

\* L = Lectures

\* RSD = Research Skill Development

\*C = Credits

**LL.M. ONE YEAR**  
**(CRIMINAL AND SECURITY LAW)**

**SEMESTER - II**

**BRANCH - IV**

S. No.	Course Code	Course Name	Weightage %						Duration of ETE in hours
			L	RSD	C	MTE	ACT	ETE	
1.	CS 2201	Criminology and Criminal Justice Administration	1	2	2	30	20	50	3
2.	CS 2202	International Criminal Law	1	2	2	30	20	50	3
3.	CS 2203	Corporate Crime/ White Collar Crimes	1	2	2	30	20	50	3
4.	CS 2204	Criminal Justice and Human Rights	1	2	2	30	20	50	3
5.	CS 2205	Dissertation	2	2	3	-----	-----	75 + 25 (Viva)	-----
<b>TOTAL =</b>			06	10	11				

**Total Contact Hours per Week = 16**

\* including conference /Seminar/ assignments/ research work @2 to 3 hours/day etc.

\* L = Lectures

\* RSD = Research Skill Development

\*C = Credits

**THERE SHALL BE TWO SEMESTERS IN ONE YEAR.**

In the course content there shall be three compulsory papers and four elective branches with six optional papers and one paper of dissertation in each branch.

**ELECTIVE BRANCHES:**

1. CONSTITUTIONAL AND ADMINISTRATIVE LAW
2. INTELLECTUAL PROPERTY LAW
3. CORPORATE AND COMMERCIAL LAW
4. CRIMINAL AND SECURITY LAW

Any of the Elective Branch may only be permitted provided that a minimum of five students must be there subject to the availability of the faculty specialized in that respective field.

**LL.M. ONE YEAR COURSE**

**(SEMESTER SCHEME)**

**SYLLABUS OF FIRST AND**

**SECOND SEMESTER**

**SESSION 2020 - 21**

**[ALL SUBJECTS]**

**LL.M. ONE YEAR COURSE (SEMESTER SCHEME)**

**FIRST SEMESTER**

**COMPULSORY PAPERS:**

- PAPER LA 2101: RESEARCH METHODS AND LEGAL WRITING  
PAPER LA 2102: LAW AND SYSTEMS OF GOVERNANCE  
PAPER LA 2103: LAW AND JUSTICE IN A GLOBALIZING WORLD

**ELECTIVE BRANCHES:**

**CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW**

- PAPER CA 2104 FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES  
PAPER CA 2105 CENTER - STATE RELATIONS AND CONSTITUTIONAL GOVERNANCE

**INTELLECTUAL PROPERTY LAW**

- PAPER IP 2104 NATURE, EMERGENCE AND DEVELOPMENT OF INTELLECTUAL PROPERTY RIGHTS  
PAPER IP 2105 LAW OF DESIGNS, LAY-OUT DESIGNS AND GEOGRAPHICAL INDICATIONS

**CORPORATE AND COMMERCIAL LAW**

- PAPER CC 2104 CORPORATE GOVERNANCE AND LAW  
PAPER CC 2105 INVESTMENT AND COMPETITION LAW

**CRIMINAL AND SECURITY LAW**

- PAPER CS 2104 PRINCIPLES OF CRIMINAL LAW  
PAPER CS 2105 VICTIMOLOGY AND PENOLOGY

## SECOND SEMESTER

### **ELECTIVE BRANCHES:**

#### **CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW**

PAPER CA 2201	MEDIA LAW
PAPER CA 2202	ADMINISTRATIVE LAW AND JUDICIAL CONTROL
PAPER CA 2203	RELIGION AND REGIONAL DIVERSITY AND THE LAW
PAPER CA 2204	LOCAL SELF GOVERNMENT AND FEDERAL GOVERNANCE
PAPER CA 2205	DISSERTATION

#### **INTELLECTUAL PROPERTY LAW**

PAPER IP 2201	LAW OF PATENTS
PAPER IP 2202	LAW OF COPYRIGHT
PAPER IP 2203	LAW OF TRADEMARKS AND CYBER LAW
PAPER IP 2204	PROTECTION OF PLANT VARIETIES AND TRADITIONAL KNOWLEDGE
PAPER IP 2205	DISSERTATION

#### **CORPORATE AND COMMERCIAL LAW**

PAPER CC 2201	E-GOVERNANCE AND CYBER LAW
PAPER CC 2202	INTELLECTUAL PROPERTY RIGHTS
PAPER CC 2203	COMMERCIAL ARBITRATION
PAPER CC 2204	BANKING LAWS
PAPER CC 2205	DISSERTATION

#### **CRIMINAL AND SECURITY LAW**

PAPER CS 2201	CRIMINOLOGY AND CRIMINAL JUSTICE ADMINISTRATION
PAPER CS 2202	INTERNATIONAL CRIMINAL LAW
PAPER CS 2203	CORPORATE CRIMES / WHITE COLLAR CRIMES
PAPER CS 2204	CRIMINAL JUSTICE AND HUMAN RIGHTS
PAPER CS 2205	DISSERTATION

# **SYLLABUS**

## **FIRST SEMESTER:**

### **PAPER LA 2101:**

#### **RESEARCH METHODS AND LEGAL WRITING**

#### **SCHEME OF PAPER:**

MAX. MARKS: 50

MIN. PASS MARKS: 25

This paper shall consist of three parts:

- 1) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of three (03) questions of ten (10) marks each, out of which the Candidate is required to attempt any two (02) questions and Part – C shall consist of two (02) questions of twenty (20) marks each in which the Candidate is required to attempt any one (01) question.
- 2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

The objectives of this foundational course are to create in the student an understanding of the nature, purpose and methods of doing legal research as is required by creation and advancement knowledge in law with theoretical and functional perspective for its utilization by various stakeholders. By this course the students are expected to come out to prove themselves as contributors to legal literature through ability of methodical investigation of law oriented problems and suggesting viable solutions to them.

#### **UNIT – I**

##### **Perceptions**

1. Meaning and Need for Research and Knowledge Creation
2. Nature, Scope and Purpose of Legal Research
3. Various Types and Perspectives of Legal Research
4. Current Trends in Legal Research in India and Abroad

#### **UNIT – II**

##### **Initiation, Designing and Processing**

1. Identification and Formulation of the Research Problem
2. Construction of Hypothesis and Preparation of Research Questions
3. Determination of Components, and Preparation and Significance of Research Design
4. Choice and Assortment of Appropriate Method for Research

## **UNIT – III**

### **Cognition, Collection and Corroboration of Data**

1. Categorization and Cataloguing of Data in Relevant Data Basis
2. Selection and Use of Suitable Mode for Collection of Data-Census, Survey and Sampling
3. Collection and Pooling of Germane Data through Tools and Techniques- Observation, Questionnaire and Interview.
4. Patterns and strategies for Analysis and Interpretation of Data for Testing Hypothesis and Prospective Action

## **UNIT – IV**

### **Inscription, Documentation and Presentation of Research Results**

1. Features and Special Modes of Writing Dissertation, Research Papers, Case Comments, Book Reviews and Project Reports, and Modes of Citation and Bibliography
2. Use of Technology for Legal Research
3. Publication process and Media
4. Research Ethics and Plagiarism

### **Compulsory Readings**

1. Roy M. Mersky and Donald J. Dunn, Fundamentals of Legal Research (8th edition, Foundation Press, 2002)
2. S. K. Verma and M. AfzalWani, Legal Research and Methodology, Indian Law Institute, New Delhi-2002 Reprint (Relevant Chapters).
3. Mark Van Hoecke, Methodologies of Legal Research, Hart Publishing, 2013.

### **Other Readings:**

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 : McGraw Hill Book Co., 1985).
6. Janathan Anderson, Thesis and Assignment Writing (Wiley Eastern Ltd., New Delhi).
7. VIII. Johan Galtung, Theory And Methods of Social Research (London: George Allen &Unwin Ltd., 1970).
8. IX. Leon Festinger (ed.), Research Methods in Behavioral Sciences (Holt, Rinehart andWinston, New York, 1953).
- 10.

11. X. Pauline V. Young, Scientific Social Surveys and Research (New Delhi : Prentice Hallof
12. India Pvt. Ltd., 1984).
13. XI. S. K. Verma and AfzalWani, Legal Research and Methodology, ILI, New DelhiSelltiz,
14. Jahodaet.al., Research Methods in Social Relations (Holt, Rinehart andWinston, New
15. York, 1964).
16. Vijay K. Gupta, Decision Making In The Supreme Court of India (A Jurimetric Study)–
17. Alternatives in Judicial Research (Delhi :Kaveri Books, 1995).

### **PAPER LA 2102:**

### **LAW AND SYSTEMS OF GOVERNANCE**

#### **SCHEME OF PAPER:**

MAX. MARKS: 50

MIN. PASS MARKS: 25

This paper shall consist of three parts:

- 1) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of three (03) questions of ten (10) marks each, out of which the Candidate is required to attempt any two (02) questions and Part – C shall consist of two (02) questions of twenty (20) marks each in which the Candidate is required to attempt any one (01) question.
- 2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

The objective of the course is to make the learners acquainted about the historical development of the Constitution of India and related concepts e.g. Separation of Powers, Constitutionalism in selective legal system. And to enable the students understand and appreciate various forms and systems of Governance. The students should particularly appreciate the role of judicial institutions in promotion of governance, its limitations and challenges.

#### **UNIT - I**

##### **Introduction:**

Concept of Governance, Systems of Governance, Good Governance, Constitutional Governance:

Concept of Rajdharm and Indian Tradition of Governance; Constitution, Constitutionalism: Concept, Essential features of Constitutionalism, Distinction between Constitution and Constitutionalism; Democracy, Rule of Law, Governance in India, Social and Economic Rights as part of Rule of Law; Different forms of Government: Presidential, Parliamentary, Hybrid Systems;

#### **UNIT - II**

### Democratic Pattern of Governance:

Nature and Principles of Federal Governance: Classical and Modern; Comparative Analysis of major Systems; Cooperative Federalism in India and Separation of Powers, Federal and Unitary States; Concept of Quasi Federalism; The Changing Role of the State, New Challenges to Federalism in India.

### **UNIT - III**

#### Role of Judiciary in Promoting Governance:

Organization of the Judiciary; Concept Judicial Review and its Implementation; Judicial Activism; Limitations; Writs, Doctrine of Precedent, Judicial Accountability; Role of Judiciary in Promoting Governance: Human Rights, Criminal Justice System, Environment, Public Health etc.; Theory of Basic Structure

### **UNIT - IV**

#### Emerging Issues and Challenges to Governance:

Ombudsman, Challenges to Governance: Corruption, Criminalization, Caste, Poverty, Terrorism etc.; Electoral Reforms; Public Opinion and its Role in Governance; Principles of Compensatory Discrimination, Religious and Linguistic Minorities; Role of Media in Governance.

### **SUGGESTED READINGS\*:**

- I. Rosenfeld, M. and Sajo, A. (2012). The Oxford handbook of comparative constitutional law. Oxford: Oxford University Press.
- II. Rose-Ackerman, S. and Lindseth, P. L. (2010). Comparative Administrative Law.
- III. Cheltenham: Edward Elgar. Joseph Minattur, *Indian Legal System*, ILI Publication, 2006 ( 2<sup>nd</sup> Revised Edn)
- IV. Allot, A.N. "African Law", in J.D. M. Derret, Ed., *An Introduction to Legal Systems* (London: Sweet & Maxwell, 1968), 131.
- V. ASEAN Law Association, *ASEAN Legal Systems* (Hong Kong/Malaysia/Singapore: Butterworths, 1995).
- VI. Basu, D. D., *Comparative Federalism*, New Delhi: Prentice-Hall, 1987.
- VII. Baxi, U., "The Colonial Heritage", in Legrand, P. and Munday, R., eds., *Comparative Legal Studies: Traditions and Transitions* (Cambridge University Press, 2003), 46.
- VIII. Austin, Granville : Working a Democratic Constitution: Indian Experience 2nd Edition, Oxford University Press, 2000
- IX. Bakshi, P.M. : Constitution of India- 8th Edition, Universal Law Pub., 2017.
- X. Basu, Durga Das : Shorter Constitution of India, 13th Edition, Wadhwa, 2012.
- XI. D.D. Basu, Constitutional Law of India, LexisNexis (2013).
- XII. H. M. Seervi, Constitutional Law of India, N.M. Tripathi.
- XIII. KashyapSubhash C., Constitutional Law of India, Universal Law Publishing Co. Pvt. Ltd., 2015
- XIV. M. P. Jain, Indian Constitutional Law, LexisNexis (2015).
- XV. ParasDiwan : Constitution of India

- XVI. Seervai, H.M.: Constitutional Law of India- 4th Edition, Universal Law Publishing Co. Pvt. Ltd., 2012.
- XVII. Shukla, V.N.: The Constitution of India- 11th Edition, Eastern Book Company, 2017.

### **REFERENCES:**

1. C. H. Mell Wain, *Constitutionalism: Ancient and Modern*. (1947).
2. A. V. Dicey, *Introduction to the Study of Law of the Constitution*. (1982) Edition.
3. Lary Alexander (ed). *Constitutionalism: Philosophical Foundations*. Cambridge. (1998)
4. M. P. Singh '*Constitution of India*. 11<sup>th</sup> Ed. 2008, Eastern Book Co.
5. K. C. Wheare. *Federal Government*. Ch. 1 & 2, 4<sup>th</sup> Edition 1963.
6. M. P. Singh. *Federalism, Democracy and Human Rights*. 47 J.I.L.I. 47 (2005).
7. Parmanand Singh '*Social Rights and Good Governance*In C. Raj Kumar and D. K. Srivastava (ed.) *Human rights and Development: Law, Policy and Governance* Ch.24 pp.437-54. Lexis Nexis. Hong Kong. (2006).
8. Parmanand Singh '*Hunger Amidst Plenty: Reflections on Law, Poverty and Governance*. 48, J.I.L.I. PP 57-77. (2006).
9. Virendra Kumar. *Dynamics of Reservation Policy: Towards a More Inclusive Social Order*, 50, J.I.L.I. PP 478-517. (2007).
10. Virendra Kumar, *Minorities' Rights to Run Educational Institutions: T. M. A. Pai Foundation in Perspective*. 45, J.I.L.I. PP 200-238. (2003).
11. Parmanand Singh '*Equality and Compensatory Discrimination: The Indian Experience*, In Choklingam and C. Raj Kumar (ed) *Human rights, Criminal Justice and Constitutional Empowerment*, Chapter 7, Oxford, Delhi. (2006).
12. Parmanand Singh. *Protecting the Rights of the Disadvantaged Groups Through Public Interest Litigation*, in M. P. Singh et al (ed), *Human Rights and Basic Needs: Theory and Practice*, Universal Law Publishing Company, New Delhi, PP 305-329. (2008).
13. Balakrishnan, K. G. '*Judiciary in India: Problems and Prospects*. 50, J.I.L.I. PP 461-467 (2008).

\* SUGGESTED READINGS ARE NOT EXHAUSTIVE. NEED TO BE SUPPLEMENTED WITH ADDITIONAL READINGS.

### **PAPER LA 2103:**

#### **LAW AND JUSTICE IN A GLOBALIZING WORLD**

#### **SCHEME OF PAPER:**

MAX. MARKS: 50

MIN. PASS MARKS: 25

This paper shall consist of three parts:

- 1) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of three (03) questions of ten (10) marks each, out of

which the Candidate is required to attempt any two (02) questions and Part – C shall consist of two (02) questions of twenty (20) marks each in which the Candidate is required to attempt any one (01) question.

- 2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

### **OBJECTIVES OF THE COURSE:**

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.

### **UNIT - I**

#### Philosophy of Law:

Positivism: Imperative Theory, Pure theory of Law; Historical Approach to Law; Sociological Approach to Law: Purpose Theory, Living Law Theory, Theory of Social Engineering; Realism, Feminist Philosophy; Law and Social Transformation: Globalization and Right to Development: the New Challenges: Natural Law Theory and its Present Day Relevance.

### **UNIT - II**

#### Justice and Globalization:

Meaning and Significance of Globalization; Law and Concept of Justice; Law and Justice i.e. Compensatory Justice, Distributive Justice, Socio-economic Justice, Social Justice etc.

### **UNIT - III**

#### Theoretical Propositions of Global Justice and Challenges:

Realism; Particularism; Nationalism; Cosmopolitanism; Global Poverty; Model to Achieve Global Justice: Social Contract and Social Justice; Rawl's Theory of Justice and its Criticism

### **UNIT - IV**

#### Judicial Process:

Divergence of Juristic Opinion of Blackstone, Bentham, Ehrlich, American realists about the role of the judges, performance and the Judicial Freedom of Decision; Tools and Techniques – Use of Logic, History and Custom, Mechanical Jurisprudence and Method of Sociology; Judicial Creativity-Judicial Precedent and Growth of Law; Judicial Activism, Problem of Democratic Accountability, Indian Experiences

### **SUGGESTED READINGS\*:**

- I. Allen Buchanan. Justice, Legitimacy, and Self-determination: Moral Foundations for International Law. Oxford 2004.
- II. Amartya Sen, 'Idea of Justice', Allen Lane & Harvard University Press, 2009.

- III. Amartya Sen, Development as Freedom. Oxford: 1999
- IV. Amartya Sen: Development as Freedom 1999 Oxford University Press
- V. Amartya Sen: Global Justice; available at -  
[http://www.lexisnexis.com/documents/pdf/20080806034945\\_large.pdf](http://www.lexisnexis.com/documents/pdf/20080806034945_large.pdf)
- VI. Amartya Sen: Human and Public Action, Oxford University Press
- VII. American Journal of International Law and Proceedings of American Society of International Law
- VIII. Andrew Hurrell. 2001. "Global Inequality and International Institutions." Global Justice.
- IX. Anthony J. Langlois: Is global justice a mirage? European Journal of International Relations March 2011 17: 145-157,
- X. Brian Barry, Culture and Equality. Cambridge: Polity, 2001
- XI. Duncan Bell (ed.) Ethics and World Politics. Oxford 2010.
- XII. Global Justice Net work: [www.theglobaljusticenetwork.org/journal](http://www.theglobaljusticenetwork.org/journal)
- XIII. John Rawls, The Law of Peoples. Cambridge, Mass.: Harvard University Press, 1999
- XIV. Journals of Oxford and Cambridge on global Justice
- XV. Martha Nussbaum, Frontiers of Justice. Cambridge, Mass.: Harvard University Press, 2006.
- XVI. R. Pierik : Cosmopolitanism Global Justice and International Law Cambridge 2005
- XVII. Simon Caney, Justice Beyond Borders. Oxford:, 2005
- XVIII. Springer: Encyclopedia of Global Justice 2012
- XIX. Thomas Nagel, The Problem of Global Justice;
- XX. Thomas Pogge ed. Meta-philosophy Series in Philosophy A.T. Maroobian and Brian Huschle eds. Blackwell Publishing: Oxford.
- XXI. Thomas Pogge, World Poverty and Human Rights. Cambridge: Polity, 2002.

\* SUGGESTED READINGS ARE NOT EXHAUSTIVE. NEED TO BE SUPPLEMENTED WITH ADDITIONAL READINGS

### **PAPER CA 2104**

#### **FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES**

#### **SCHEME OF PAPER:**

MAX. MARKS: 50

MIN. PASS MARKS: 25

This paper shall consist of three parts:

- 1) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of three (03) questions of ten (10) marks each, out of which the Candidate is required to attempt any two (02) questions and Part – C shall consist of two (02) questions of twenty (20) marks each in which the Candidate is required to attempt any one (01) question.
- 2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

## **OBJECTIVES OF THE COURSE:**

The Constitution of India is the supreme law of the country. This paper is designed with a view to educate the pupil about the Constitutional rights, duties and policies of the government underlining the relevant legislations which are having wider ramification on the interpretation of the provisions of the Constitution.

### **UNIT - I**

#### Introduction:

Evolution of Fundamental Rights in Part of Universal Declaration of Human Rights and Constitutions of other countries on Fundamental Rights; Concepts of Fundamental Rights, Bill of Rights, Natural Rights and Human Rights; Preamble of the Constitution and its implication with reference to Fundamental Rights, Directive Principles of State Policy, and Fundamental Duties; Definition of State under Articles 12, 13; Inviolability of Fundamental Rights; Doctrine of Waiver, Doctrine of Severability, Doctrine of Eclipse, Scope of Definition of Law under Article 13.

### **UNIT - II**

#### Right to Equality:

Relationship between Articles 14, 15, 16, 17, and 18; Doctrine of Classification, Doctrine of Arbitrariness, Doctrine of Legitimate Expectation, Wendsbury Principle; Prohibited grounds for discrimination (Art.15); Special provisions relating to women; Protective discrimination in favour of Backward Classes, Scheduled Castes and Scheduled Tribes; Judicial Responses; Equality of opportunity in the matters of public employment, reservations in public employment, residence as prerequisite for employment; Untouchability (Emerging Issues), Abolition of Titles.

### **UNIT - III**

#### Right to Freedom, Right against Exploitation:

Six fundamental freedoms under Art.19 and reasonable restrictions under Art 19 (2) to (6); Test to determine the reasonableness of restrictions; whether restriction includes deprivation and prohibition; Rights of accused; Doctrine of Ex-Post-Facto Law; Doctrine of Double Jeopardy; Privilege against Self Incrimination; Protection of Life and Personal Liberty; Right to Education; Safeguards against Ordinary Arrest and Preventive Detention; Right against Exploitation; Ambit of Religious Freedom, Cultural and Educational Rights; Right to Constitutional Remedies;

### **UNIT - IV**

#### Directive Principles of State Policy and Fundamental Duties:

Relative importance of Directive Principles of State Policy (DPSP) and Fundamental Rights; Nature of Directive Principles of State Policy; Justifiability of Directive Principles of State Policy; Social Security and Welfare Provisions under Directive Principles of State Policy; Fundamental Duties – Evolution, Relationship between Fundamental Rights and Duties.

### **LEADING CASES\*:**

- 1) Bachan Singh v. State of Punjab (1980) 2 SCC 684
- 2) Minerva Mills v. Union of India, AIR (1978) SC 1789
- 3) Maneka Gandhi v. Union of India, AIR (1978) SC 597
- 4) Kesavananda Bharthi v. State of Kerala, AIR (1973) SC 1476
- 5) Kehar Singh v. Union of India, AIR (1989) SC 653
- 6) Justice K.S. Puttaswamy v. Union of India and Ors. (Retd.) and Anr. (2017) SC

### **SUGGESTED READINGS\*:**

- I. A.G. Noorani, (ed.), Centre State Relations in India, Bombay: Lesley Saehney Programme for Training, 1972.
- II. Ashok Chandra, Federalism in India.
- III. D.D. Basu, Commentaries on Constitutional Law of India, Vol. A to E
- IV. De Jatindra Ranjan, Development of Federalism in India, Gauhati :Bani Prakashani,1974
- V. Desai, Justice D.A. Prasad Anirudh, Centre And State Powers Under Indian Federalism
- VI. Dr. Subhash C. Kashyap, Commentary on Constitution of India
- VII. Dr. Subhash C. Kashyap, Constitution of India: Review and Reassessment
- VIII. Dr. Subhash C. Kashyap, Indian Constitution-Conflicts and Controversies
- IX. Dr. Subhash C. Kashyap, Our Constitution-An Introduction to India's Constitution and Constitutional Law, 5th edition reprint 2014.
- X. Dr.Subhash C. Kashyap, The Framing of India's Constitution- A study & Constitution making since1950- An Overview
- XI. G.C.V.Subbarao, Legislative powers in Indian Constitutional Law.
- XII. Glanville Austin, The Indian Constitution: Cornerstone of a nation, Delhi; Oxford University Press.
- XIII. H.M. Seervai, Constitutional Law of India – Vol. I &II
- XIV. H.M. Seervai, Constitutional Law of India – Vol.I&II
- XV. K.C.Wheare, Federal Government.
- XVI. K.P. Krishna Shetty, the Law of Union-State Relations and Indian Federalism.
- XVII. K.SubbaRao, the Indian Federation.
- XVIII. M. Hidayatullah (Ed.), Constitution of India
- XIX. M.P Jain, Outlines of Indian Legal History.
- XX. M.P.Jain, Indian Constitutional Law
- XXI. M.P.Jain, Indian Constitutional Law
- XXII. M.V Pylee, Constitutional History of India
- XXIII. Pande G S, Constitutional law of India
- XXIV. Pande G S, Constitutional Law of India
- XXV. Prasad, Anirudh Centre-State Relations in India, New Delhi: Deep & Deep Publications,1985.
- XXVI. Setalvad M.C, Constitutional History of India
- XXVII. SubbaRao G C V, Indian Constitutional Law
- XXVIII. Subhash C Jain, The Constitution of India

XXIX. V.N.Shukla , Constitution of India

\* SUGGESTED READINGS AND LEADING CASES ARE NOT EXHAUSTIVE. NEED TO BE SUPPLEMENTED WITH ADDITIONAL READINGS AND CASE-LAWS.

### **PAPER CA 2105**

#### **CENTER - STATE RELATIONS AND CONSTITUTIONAL GOVERNANCE**

#### **SCHEME OF PAPER:**

MAX. MARKS: 50

MIN. PASS MARKS: 25

This paper shall consist of three parts:

- 1) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of three (03) questions of ten (10) marks each, out of which the Candidate is required to attempt any two (02) questions and Part – C shall consist of two (02) questions of twenty (20) marks each in which the Candidate is required to attempt any one (01) question.
- 2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

The Constitution of India is the supreme law of the country. This course aims at making the students familiar with the historical background of and the nature of federalism in India. It also gives an understanding of the different forms of Constitutions. Further, it enables the students to understand the judicial perspective over the Indian federalism. The course also aims at enabling the student to understand the legislative, administrative and financial relations between the Union and the States. It shall help the students to understand the principles of interpretation of various lists and the doctrines in relation thereto. Further, the students will be familiarised with the Services under the Union and the States and also the emergency provisions under the Constitution of India. The course is to be studied in the social, economic and political context in which the constitution operates together with the in-depth study of the latest reshaping of the Article 370 and 35-A and the Reorganization of the Jammu and Kashmir state.

#### **UNIT - I**

##### **Introduction to the Concept of Federalism:**

Nature of Federalism, Features of a Federal Polity, Mode of Formation of Federation, Different Forms of Governments-Unitary, Federal and Confederation, Their Features, Merits, De-Merits and Distinction between them; Historical Evolution of Federal Features in India; Nature of Indian Federalism –Dominant Features of the Union over the States; Judicial Perspective over the Indian Federalism

##### **Citizenship and State:**

Peculiarities of Citizenship in a Federation, Citizenship in India (relevant provisions of Citizenship Act, 1955 as amended by The Citizenship (Amendment) Act, 2019} (Basic Concepts and Future Effects).

## **UNIT - II**

### Legislative Relations between the Union and the States:

Doctrine of Territorial Nexus; Scheme of Distribution of Legislative Powers between Union and States; Principles of Interpretation of Lists: Doctrine of Pith and Substance; Doctrine of Colourable Legislation; Doctrine of Harmonious Construction; Ancillary Legislation; Residuary Powers; Parliament's Power to Legislate on the State List; Repugnancy between Laws passed by Parliament and State Legislature

### Administrative Relations Between The Union And States:

Distribution of Executive Powers; Inter-governmental Delegation of Powers; Centre's Directive to State & other Constitutional Provisions;

## **UNIT - III**

### Financial Relations between the Union and States:

Allocation of Taxing Powers, Tax Sharing between Centre and States, Grant-In-Aid, Specific Purpose Grants, Fiscal Federalism and G.S.T.

### Cooperative Federalism:

Meaning of Cooperative and Competitive Federalism, Agencies of Co-Operation and Coordination: Interstate Council, Inter State Commerce Commission, Inter State River Board and Tribunals

## **UNIT - IV**

### Emergency Provisions and Centre State Relations:

National Emergency; State Emergency; Financial Emergency; Judicial Responses

### Temporary provision (Article 370):

Reorganization of Articles 370 and 35-A by the Constitution (Application to Jammu and Kashmir) Order 2019 and Re-Organization of Jammu and Kashmir through The Jammu and Kashmir Reorganization Act, 2019. (Basic Concepts and Future Effects)

## **LEADING CASES\*:**

- 1) Babulal Parate v. State of Bombay, AIR 1960 SC 51
- 2) Bachan Singh v. State of Punjab (1980) 2 SCC 684
- 3) G.V.K. Industries v. Income Tax Officer, (2011) 4 SCC 36
- 4) In re Berubari Union & Exchange of Enclaves, AIR 1960 SC 845 48
- 5) Kuldip Nayar v. Union of India, AIR 2006 SC 3127
- 6) N. M. Sahib v. Chief Comnr. Pondicherry, AIR 1962 SC 797
- 7) R. C. Poudyal v. Union of India, AIR 1993 SC 1804
- 8) Ram Kishore Sen v. Union of India, AIR 1966 SC 644
- 9) S. R. Bommai v. Union of India, AIR 1994 SC 1918 8
- 10) State of Bihar v. Charusila Dasi, AIR 1959 SC 1002 188
- 11) State of Bombay v. R. M. D. C., AIR 1957 SC 699

- 12) State of Haryana v. State of Punjab, AIR 2002 SC 685
- 13) State of Rajasthan v. Union of India, AIR 1977 SC 1361
- 14) State of West Bengal v. Union of India, AIR 1963 SC 1241 25
- 15) Tata Iron & Steel Co. Ltd. v. State of Bihar, AIR 1958 SC 452
- 16) Union of India v. Sukumar Sengupta, AIR 1990 SC 1692

**SUGGESTED READINGS\*:**

- I. A.G. Noorani, (ed.), Centre State Relations in India, Bombay: Lesley Saehney
- II. Ashok Chandra, Federalism in India.
- III. D.D. Basu, Comparative Federalism
- IV. De Jatindra Ranjan, Development of Federalism in India, Gauhati :Bani Prakashani,1974
- V. Desai, Justice D.A. Prasad Anirudh, Centre And State Powers Under Indian Federalism
- VI. Dr. Subhash C. Kashyap, Commentary on Constitution of India
- VII. Dr. Subhash C. Kashyap, Constitution of India: Review and Reassessment
- VIII. Dr. Subhash C. Kashyap, Indian Constitution-Conflicts and Controversies
- IX. Dr. Subhash C. Kashyap, Our Constitution-An Introduction to India's Constitution and Constitutional Law, 5th edition reprint 2014.
- X. Glanville Austin, The Indian Constitution: Cornerstone of a nation, Delhi; Oxford University Press.
- XI. H.M. Seervai, Constitutional Law of India – Vol. I & II
- XII. K. C. Wheare, Federal Government.
- XIII. K. P. Krishna Shetty, the Law of Union-State Relations and Indian Federalism.
- XIV. K. Subba Rao, the Indian Federation.
- XV. M.P Jain, Outlines of Indian Legal History.
- XVI. M.P. Jain, Indian Constitutional Law
- XVII. M.V Pylee, Constitutional History of India
- XVIII. Pande G S, Constitutional law of India
- XIX. Prasad, Anirudh Centre-State Relations in India, New Delhi: Deep & DeepPublications,1985.
- XX. Programme for Training, 1972.
- XXI. Report of the Commission on Centre – State Relations(Sarkaria Commission)(1987)
- XXII. Report of the Commission on Centre-State Relations (M. M. Punchhi Commission) (2010)
- XXIII. Report of the National Commission to Review the Working of the Constitution(2002)

\* SUGGESTED READINGS AND LEADING CASES ARE NOT EXHAUSTIVE. NEED TO BE SUPPLEMENTED WITH ADDITIONAL READINGS AND CASE-LAWS.

## **PAPER CC 2104**

### **CORPORATE GOVERNANCE AND LAW**

#### **SCHEME OF PAPER:**

MAX. MARKS: 50

MIN. PASS MARKS: 25

This paper shall consist of three parts:

- 1) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of three (03) questions of ten (10) marks each, out of which the Candidate is required to attempt any two (02) questions and Part – C shall consist of two (02) questions of twenty (20) marks each in which the Candidate is required to attempt any one (01) question.
- 2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

In view of the changing niceties of global governance especially from the point of view of good governance, corporate governance plays a vital role in the development of economy both nationally and internationally. Taking this into consideration, the paper aims to introduce to the students the nuances of corporate law and the obligations of it towards society in discharging its trading relations and to be a good corporate citizen.

#### **UNIT - I**

##### Corporate Incorporation:

Concept of Company, Registration and Incorporation of Company, Types of Company, MOA (Memorandum of Association), AOA (Article of Association), Alteration in MOA & AOA, Promoters, Pre-incorporation Contracts

##### Other Important Concepts:

Doctrine of Corporate Veil, Doctrine of Indoor Management, Doctrine of Constructive Notice, Doctrine of Ultra Vires, Role of Corporations, Concept of Start-up

#### **UNIT - II**

##### Capital:

Types of Capital, Prospectus, Shares, Stock Options, Debentures, Charge, Crystallization of Floating Charge, Borrowing Powers.

##### Corporate Management and Administration:

Appointment, Qualifications and Removal of Directors, Types of Directors; Role, Duties, Rights and Powers of the Directors, Board Structure, other managerial personnel, Meetings, Audit and Accounting System

#### **UNIT - III**

##### Shareholders and Ownership:

Rule in Foss v. Harbottle (1843) and its exceptions, Prevention of Oppression and Mismanagement

### Corporate Liquidation:

Business Rescue Proceedings, Role and Powers of Adjudicatory Authorities (NCLT & NCALT), Winding Up, Liquidation Process, Corporate Insolvency

## **UNIT - IV**

### Corporate Governance:

Introduction to Corporate Governance, Principles of Corporate Governance, Significance of Corporate Governance, Shareholders Activism, Role of BOD (Board of Directors) & Management in Corporate Governance, ImPart of Takeovers, Mergers and Acquisitions on Corporate Governance, Concept of Insider trading and Various Ethical Issues, Corporate Criminal Liability, Legal Reforms of Corporate Governance in India, Corporate Social Responsibility (CSR)

### International Corporate Governance:

O.E.C.D. Principles of Corporate Governance, Corporate Governance Practices in U.K, Germany and U.S.A.

### **LEADING CASES:**

- 1) Foss v. Harbottle (1845) Ch 319.
- 2) Hindustan Lever Employees' Union v. Hindustan Lever Ltd. AIR 1995 SC 470
- 3) Miheer H. Mafatlal v. Mafatlal Inds. Ltd. AIR 1997 SC 506
- 4) Sunil Bharti Mittal v. Central Bureau of Investigation (2015) 4 SCC 609
- 5) Maksud Sayed v. State of Gujarat &Ors. (2008) 5 SCC 668
- 6) Sharad Kumar Sanghi v. Sangita Rane (2015) 12 SCC 78
- 7) Shiv Kumar Jatia v. State of NCT of Delhi, SC: Criminal Appeal No.1263 of 2019(Arising out of S.L.P.(Crl.) No.8008 of 2018) With Criminal Appeal No.1264 of 2019 (Arising out of S.L.P.(Crl.) No.7969 of 2018) And Criminal Appeal No.1265-1267 of 2019 (Arising out of S.L.P.(Crl.) Nos.10054-10056 of 2018).
- 8) Shashi Prakash Khemka (Dead) Through LRs. and Another v. NEPC Micon (Now called NEPC India Ltd.) and Others, SC: Civil Appeal Nos.1965-1966 of 2014 (Decided on 08/01/2019)
- 9) Dhulabhai v. State of Madhya Pradesh and others AIR 1969 SC 78
- 10) Union of India v R. Gandhi 2010 11 SCC 1
- 11) SAS Hospitality Pvt Ltd. v Surya Constructions Pvt Ltd. MANU/DE/3791/2018
- 12) Jai Kumar Arya & Ors. v. Chhaya Devi &Anr. Delhi H.C. (2018) 142 CLA; 365FAO (OS) 253/2017 & CM No. 33724/2017
- 13) Usha Ananthasubramanian v. Union of India, SC: Civil Appellate Jurisdiction Civil Appeal No. 7604 of 2019 [Decided on 12/02/2020]

### **SUGGESTED READINGS\*:**

- I. A. Ramaiya, Company Law (Latest Ed.)
- II. Compendium on S.E.B.I., Capital Issues and Listing – by Chandratre, Acharya, Israni, Sethuraman

- III. Corporate Finance- Ashwath Damodaran
- IV. Dimple Grover, Amulya Khurana, Ravi Shankar, The Regulatory Norms of Corporate Governance in India.
- V. Enterprise and International Comparisons
- VI. Frederick Lipman & Keith Lipman, Corporate Governance Best Practices, Strategies for
- VII. Gower- Principles of Modern Company Law
- VIII. Indian Governance System
- IX. Indian Law Institute- Current Problems of Corporate Law
- X. J.M. Thomson- Palmer's Company Law
- XI. Kevin Keasey, Steve Thompson, Michael Wright, Corporate Governance, Accountability,
- XII. Ministry of Corporate Affairs, Voluntary Guidelines on Corporate Governance, 2009
- XIII. Public, Private and NGOs
- XIV. Sadhalaxmi Vivek Rao, Legal Framework and corporate Governance: An Analysis of
- XV. Sami Pathasarathy, Corporate Governance, Principles, Mechanisms and Practice
- XVI. Sanjay Anand, Essentials of Corporate Governance
- XVII. The Institute of Directors, Handbook of International Corporate Governance

\* SUGGESTED READINGS AND LEADING CASES ARE NOT EXHAUSTIVE. NEED TO BE SUPPLEMENTED WITH ADDITIONAL READINGS AND CASE-LAWS.

## **PAPER CC 2105**

### **INVESTMENT AND COMPETITION LAW**

#### **SCHEME OF PAPER:**

MAX. MARKS: 50

MIN. PASS MARKS: 25

This paper shall consist of three parts:

- 1) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of three (03) questions of ten (10) marks each, out of which the Candidate is required to attempt any two (02) questions and Part – C shall consist of two (02) questions of twenty (20) marks each in which the Candidate is required to attempt any one (01) question.
- 2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

The process of globalization and liberalization have brought a considerable awareness towards improving the competitive process in developing economies such as India. Until recently most of the developing countries operated without a structured competition policy, and have justified the intervention by the state over economic activities. India owing to its WTO obligations enacted Competition Act, 2002. The course seeks provide fundamentals of market economy

and extensive knowledge of application of competition policy in India. The course will also examine and compare the application of competition law to business agreements, the exercise of dominant position, the combinations between the firms and sellers and the enforcement mechanisms. This course also aims to create awareness among the students and develop their abilities to deal with the issues on the expanding horizons of corporate law.

## **UNIT - I**

### Introduction:

Meaning of Investment and Market; Nature and risk associated with investment; Evolution of Investment and Bargaining Norms;

### Securities and Exchange Board of India (SEBI):

Securities and Exchange Board of India Act, 1992 (As amended by the International Financial Services Centers Authority Act, 2019 w.e.f. October 01, 2020) including The Securities and Exchange Board of India (Amendment) Act, 2013 & The Securities Laws (Amendment) Act, 2014:

Need, Importance, Objectives; Definition, Concept, Key features of the Act and Amendments; Organizational Structure of SEBI, Powers and Functions of SEBI; Securities Appellate Tribunal (SAT); Judicial Responses

## **UNIT - II**

### Depositories Act, 1996 (as amended by the International Financial Services Centers Authority Act, 2019 w.e.f. October 01, 2020):

Need, Importance, Objectives; Definition, Concept, Key features of the Act; Judicial Responses;

## **UNIT - III**

### Fundamentals of Competition Law:

Need, Importance, Objectives; Definition, Concept, Key features for Enactment of the Act; Rationale behind Competition Law; Constitutional aspect of Competition Law with respect to Human Rights and Social Justice (Article 39 (b) and (c) of the Constitution of India); Relation between Competition Policy and Competition Law; Economic analysis of Competition Law

### Historical Development of Competition Law:

History and Development of Competition Law / Antitrust Law; Development of Competition Laws in U.S.A., U.K. and E.U.; Sachar Committee Report, Raghavan Committee Report; Salient Features of the Monopolies And Restrictive Trade Practices Act, (MRTP) 1969; The Competition Act, 2002 differentiated with the MRTP Act, 1969; Judicial Responses;

## **UNIT - IV**

Competition Commission of India: Abuse of Dominant Position and Regulation of Combinations; Duties, Powers and Functions of Commission; Duties of Director General; Penalties; Appellate Tribunal; Miscellaneous; Judicial Responses;

### Interface of Competition Law with other Laws:(Basic Concepts and Emerging Issues)

Intellectual Property Rights and Competition Law; International Trade and Competition Law; Consumer Law and Competition Law; Judicial Responses;

### **LEADING CASES:**

- 1) Bharti Airtel Ltd. v. Reliance Industries Ltd. 2017 SCC OnLine CCI 25.
- 2) Competition Commission of India v. Bharti Airtel Limited And Others, Civil Appellate Jurisdiction, Civil Appeal No(s). 11843 of 2018, 2019 SC
- 3) C.C.I. v. Steel Authority of India Ltd. (2010) 10 SCC 744
- 4) Excel Crop Care Limited v. Competition Commission of India and Another AIR 2017 SC 2734.
- 5) Fast Track Call Cab (P) Ltd. v. ANI Technologies (P) Ltd. 2017 SCC OnLine CCI 36.
- 6) Fx Enterprise Solutions India Pvt. Ltd. v. Hyundai Motor India Ltd., 2017 SCC OnLine CCI 26
- 7) Harshita Chawla v. WhatsApp, 2020 SCC OnLine CCI 32, decided on 18-08-2020
- 8) MCX Stock Exchange Ltd. v. National Stock Exchange of India Ltd. 2011 SCC OnLine CCI 52.
- 9) Rajasthan Cylinders and Containers Ltd v Union of India & Anr., SC, Civil Appellate Jurisdiction, Civil Appeal No. 3546 of 2014, Decided on 01 Oct., 2018
- 10) Ramakant Kini v. Dr. L.H. Hiranandani Hospital, 2014 SCC OnLine CCI 17
- 11) Samir Agrawal v. ANI Technologies Pvt. Ltd., 2018 SCC OnLine CCI 86
- 12) Transparent Energy Systems (P) Ltd. v. TECPRO Systems Ltd. 2013 SCC OnLine CCI 42.
- 13) Uber (India) Systems (P) Ltd. v. CCI, (2019) 8 SCC 697.

### **SUGGESTED READINGS\*:**

- I. Abir Roy, Competition Law in India: A Practical Guide, Kluwer Law International B. V., 2016.
- II. Alison Jones, Brenda Suftrin, EU Competition Law: Text, Cases, and Materials, Oxford University Press, 6<sup>th</sup> ed, 2016.
- III. Avtar Singh, Competition Law, Eastern Book Company, 1st ed, 2012.
- IV. Barry Rodger, Angus MacCulloch, Competition Law and Policy in the EU and U.K., Routledge, 5<sup>th</sup> ed, 2104.
- V. Competition Act, 2002 (Principles And Practices) by Professor (Dr.) V. K. Agarwal, 2<sup>nd</sup> Edition 2019, Bharat Law House Pvt. Ltd.
- VI. Kirsty Middleton, Barry Rodger, Angus MacCulloch, Cases and Materials on UK and EC Competition Law, Oxford University Press, 2nd ed, 2009.
- VII. Maher M. Dabbah, International and Comparative Competition Law, Cambridge University Press, 2010.
- VIII. Monopolies And Restrictive Trade Practices Act, 1969
- IX. Richard Whish and David Bailey, Competition Law, Oxford University Press, 9th ed, 2018.
- X. Srinivasan Parthasarathy, Competition Law in India, Kluwer Law International B.V., 2017.
- XI. Suzanne Rab, Indian Competition Law: An International Perspective; CCH - A Wolters Kluwer Business, 2012

- XII. T. Ramappa, Competition Law in India: Policy, Issues, and Developments, Oxford University Press, 2014.
- XIII. Textbook on Indian Competition Law by VershaVahini, 1<sup>st</sup> edition August 2020, LexisNexis
- XIV. The Competition Act, 2002
- XV. Vinod Dhall, Competition Law Today, Oxford University Press. 2<sup>nd</sup> ed, 2019.
- XVI. Securities and Exchange Board of India Act, 1992 (As amended by the International Financial Services Centers Authority Act, 2019 w.e.f. October 01, 2020) including The Securities and Exchange Board of India (Amendment) Act, 2013 & The Securities Laws (Amendment) Act, 2014; Depositories Act, 1996 (as amended by the International Financial Services Centers Authority Act, 2019 w.e.f. October 01, 2020) available at:  
<https://www.sebi.gov.in/sebiweb/home/HomeAction.do?doListing=yes&sid=1&ssid=1&smid=0> and  
<https://www.sebi.gov.in/sebiweb/home/HomeAction.do?doListingLegal=yes&sid=1&ssid=1&smid=0>

\* SUGGESTED READINGS AND LEADING CASES ARE NOT EXHAUSTIVE. NEED TO BE SUPPLEMENTED WITH ADDITIONAL READINGS AND OTHER CASES.

#### **PAPER IP 2104**

#### **NATURE, EMERGENCE AND DEVELOPMENT OF INTELLECTUAL PROPERTY RIGHTS**

##### **SCHEME OF PAPER:**

MAX. MARKS: 50

MIN. PASS MARKS: 25

This paper shall consist of three parts:

- 1) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of three (03) questions of ten (10) marks each, out of which the Candidate is required to attempt any two (02) questions and Part – C shall consist of two (02) questions of twenty (20) marks each in which the Candidate is required to attempt any one (01) question.
- 2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

##### **OBJECTIVES OF THE COURSE:**

Intellectual property is a “Product of Mind”. The World Intellectual Property Organization (WIPO) states that “Intellectual Property” includes rights related to works in literary and artistic fields, performance of artists, broadcasts (in the form of CD, DVD, tape recordings etc), innovations in science and technology, industrial designs, trademarks, service marks, plant varieties, farmer's rights etc. It also includes inventions in all fields of human endeavour and protection against unfair competition and all other rights resulting from intellectual activity in

the industrial, scientific or artistic fields. With the view to create awareness on the significance of IPR's to the students who are being imparted law education and in order to cater to the needs of the stakeholders of knowledge economy this course on General Principles of Intellectual Property Rights is hereby proposed for those interested in pursuing a career in IPR's, which opens opportunities in the fields of IP Analysts, IP Attorneys, IP Consultants, IP Managers and the like together with appraising the students with other relevant amendments in the law forming the significant part of this course.

### **UNIT - I**

#### Introduction to Intellectual Property:

Theories of Intellectual Property (Basic Concepts), Justifications for the Protection of Intellectual Property; Kinds of Intellectual Property Rights: (Basic Overview); IPR and Constitution of India;

Copyright and Related Rights, Patents, Trademarks, Design, Plant Varieties, Farmer's Rights, Traditional Knowledge, Traditional Knowledge Digital Library, Convention on Biological Diversity, Trade Secrets, The Semiconductor Integrated Circuits Layout-Design.

### **UNIT – II**

#### Overview of Protection and Recognition of Intellectual Property Rights

International Copyright Conventions and Treaties:

International Patent Conventions and Treaties.

International Trade Mark Conventions and Treaties.

#### Overview of Other Conventions and Treaties Related to Intellectual Property Rights.

#### International Agencies and Intellectual Property:

World Intellectual Property Organization (WIPO); WIPO Copyright Treaty (WCT), WIPO Performances and Phonograms Treaty (WPPT), Internet Corporation for Assigned Names and Numbers (ICANN), Broadcast Music, Inc. (BMI). Etc.

### **UNIT - III**

#### Formation and Structure of WTO:

Concept and nature of International trade law, Sources of WTO Law, Evolution of GATT as a trading institution and transition of GATT to WTO; Overview of Marrakesh Agreement establishing world trade organization 1994, Regional Trade Agreements.

#### Working Mechanism of WTO

Membership, Accession and Withdrawal Process, structure of the WTO; Decision-making; Dispute Settlement Mechanism; Principles of Non-discrimination: Most Favoured Nation Treatment and National Treatment; TRIPS Agreement: IPR's covered by TRIP's; Indian response to the TRIP's.

### **UNIT – IV**

#### Contemporary Issues in IPR:

Intellectual Property Rights and Human Rights; Interface between Intellectual Property Rights and Competition Law; Intellectual Property Rights and sustainable development; Intellectual Property Rights and Open/closed source Computer Softwares; The Impact of Internet on

Intellectual Property Rights; E-Commerce and Intellectual Property Rights issues, Innovation and Intellectual Property Rights.

**LEADING CASES\*:**

- 1) Bayer Corporation v. Union of India Delhi HC
- 2) Eastern Book Company & Ors. v. D.B. Modak & Anr.
- 3) Gramophone Co. of India Ltd. v. Birendra Bahadur Pandey
- 4) Indian Performing Right Society Ltd v. Eastern India Motion Picture Association
- 5) Monsanto Technology LLC &Ors. v. Nuziveedu Seeds Ltd. &Ors.
- 6) Natco Pharma Ltd. v. Bayer Corp.
- 7) Novartis A.G. v. Union of India 2013 SC
- 8) R.G Anand v. M/S. Delux Films &Ors.
- 9) Tea Board India v. ITC Limited Kolkata HC
- 10) The Coca-Cola Company v. Bisleri International Pvt. Ltd [Manu/DE/2698/2009]
- 11) The Chancellor, Masters & Scholars of the University of Oxford & Ors. v. Rameshwari Photocopy Services &Ors.
- 12) Yahoo!, Inc. v Akash Arora & Anr. 1999 (19) PTC 201 (Delhi HC)

**SUGGESTED READINGS\*:**

- I. Ananth Padmanabhan, Intellectual Property Rights Infringement and Remedies, Lexis Nexis, 2012
- II. Arora, Manish, Guide to Trademarks, (2007) 2nd ed., Delhi, Universal Publications
- III. Barrett, Margreth, Intellectual Property, (2009) 3rd ed., New York Aspen Publishers.
- IV. Beebe, Barton, Trademarks, Unfair Competition and Business Torts, (2011), Newyork, Aspen Publishers.
- V. ChristophAntons (ed.) Traditional Knowledge, Traditional Cultural Expressions and Intellectual Property Law in the Asia Pacific Region, Kluwer Max Planck Series, (2009)
- VI. Cornish, William Intellectual Property: Patents, Copyright, Trademarks and allied rights, (2010) 7th ed., London Sweet & Maxwell.
- VII. David Downes, Using Intellectual Property as a Tool to Protect Traditional Knowledge: Recommendations for Next Steps, Center for International Environmental Law, Washington, D.C., 1997
- VIII. David I. Bainbridge, Intellectual Property, Longman, 9th Edition, 2012
- IX. Dr. Wadhwa, B.L. "Law relating to IPR" Universal Publication, (5th Edition, 2011)
- X. Indigenous Heritage and Intellectual Property: Genetic Resources, Traditional Knowledge and Folklore, Kluwer Law International, (2008)
- XI. Latha R Nair & Rajendra Kumar, Geographical Indications: A Search For Identity, Lexis Nexis, 2005
- XII. Lionel Bently & Brad Sherman, Intellectual Property Law, Oxford University Press, 3rd Edition, 2008
- XIII. Peter Groves, Sourcebook on Intellectual Property Law, Routledge-Cavendish, 1997.
- XIV. Prof. (Dr.) V.K. Ahuja and Dr. Archa Vashishtha, Intellectual Property Rights: Contemporary Developments, 1st Ed., Thomson Reuters 2020

- XV. Prof. A.K. Koul, The General Agreement on Tariffs and Trade (GATT)/World Trade Organisation (WTO) –Law, Economics and Politics, Satyam Books, 2010
- XVII. Prof. Raj Bhalla, Modern GATT Law, A Treatise on the General Agreement on Tariffs and Trade, Sweet & Maxwell Publication, 2013
- XVIII. Noam Shemtov, Ian Walden, Free And Open Source Software, Policy, Law And Practice, Oxford University Press, (2014)

\* SUGGESTED READINGS AND LEADING CASES ARE NOT EXHAUSTIVE. NEED TO BE SUPPLEMENTED WITH ADDITIONAL READINGS AND OTHER CASES.

### **PAPER IP 2105**

#### **LAW OF DESIGNS, LAY-OUT DESIGNS AND GEOGRAPHICAL INDICATIONS**

##### **SCHEME OF PAPER:**

MAX. MARKS: 50

MIN. PASS MARKS: 25

This paper shall consist of three parts:

- 1) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of three (03) questions of ten (10) marks each, out of which the Candidate is required to attempt any two (02) questions and Part – C shall consist of two (02) questions of twenty (20) marks each in which the Candidate is required to attempt any one (01) question.
- 2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

##### **OBJECTIVES OF THE COURSE:**

Intellectual Property Rights (IPR's hereinafter) have been high on the agenda of the policymakers these days and there has been a wide and on-going debate on the nature and scope of these rights but, the value of Intellectual Property does not lie merely in the creation and development rather in its commercialization. Intellectual Property is a powerful commercial asset whose commercialization is yet to be fully developed in India. IPR's are not merely rights but valuable assets that determine the rank and competitiveness of nations and corporate organizations in the global knowledge economy. Thus, Intellectual Property is an important and an effective policy instrument relevant to a wide range of socio-economic, technological and political concerns. Though, Indian Law has travelled a very long way in providing protection to different kinds of Intellectual Property creations; the condition and circumstances of gaining protection and commercializing these rights remain vulnerable. Thus, there is a need to create large public awareness about the pivotal role of IPR in globalized knowledge economy. The primary reason behind this is lack of awareness and the cumbersome process of getting protection to these rights which has led to numerous incidents of plagiarism, stealing of traditional knowledge of local communities, amongst others. The basic objective of this paper is to introduce the students with the Designs Act, The Semiconductor Integrated Circuits

Layout- Design Act and the Geographical Indication of Goods (Registration and Protection) Act and emerging issues and related concepts therein.

#### **UNIT - I**

#### **THE GEOGRAPHICAL INDICATION OF GOODS (REGISTRATION AND PROTECTION) ACT, 1999**

Need, Importance, Objectives; Definitions, Concept, Key features of the Act; The Register and Conditions for Registration; Procedure for and Duration of Registration; Effect of Registration; Special Provisions relating to Trademarks; Jurisdiction and Appellate Jurisdiction; Offences, Penalties and Procedures; Landmark Cases; Recent Developments in the Law (with Amendments, if any); Articles 22, 23 and 24 of the TRIPS Agreement (Basic Overview and Controversies involved).

#### **UNIT - II**

#### **THE SEMICONDUCTOR INTEGRATED CIRCUITS LAYOUT- DESIGN ACT, 2000**

Need, Importance, Objectives; Definitions, Concept, Key features of the Act; The Register and Conditions of Registration; Procedure for and Duration of Registration; Effect of Registration; Use of Layout-Design and Registered Users; Jurisdiction and Appellate Jurisdiction; Offences, Penalties and Procedures; Semi-Conductor Integrated Circuits Layout Designs Registry; Vision, Mission, Objectives and Functions of the Registry; Landmark Cases; Recent Developments in the Law (with Amendments, if any).

#### **UNIT - III**

#### **THE DESIGNS ACT, 2000**

Need, Importance, Objectives; Definitions, Concept, Key features of the Act; Registration of Designs; Copyright in Registered Designs; Legal Proceedings; Jurisdiction and Appellate Jurisdiction; Powers and Duties of Controller; The Hague System for the International Registration of Industrial Designs, 1925 (Basic Overview); Landmark Cases; Recent Developments in the Law (with Amendments, if any).

#### **UNIT - IV**

Landmark Decisions on Intellectual Property Rights

#### **SUGGESTED READINGS\*:**

- I. Amlan Chakraborty, Geographical Indications In India: Contemporary Challenges And Solutions, Lambert Academic Publishing, 2019
- II. Delphine Marie-Vivien, The Protection of Geographical Indications in India: A New Perspective on the French and European Experience, SAGE Law, 2015
- III. Dev Gangjee, Relocating the Law of GI, Cambridge University Press, 2012
- IV. Dr. Vandana Singh, The Law of Geographical Indications - Rising above the horizon, Eastern Law House, 2017
- V. Ganguli Prabuddha “Geographical Indications--its evolving contours” accessible in [http://iips.nmims.edu/files/2012/05/main\\_book.pdf](http://iips.nmims.edu/files/2012/05/main_book.pdf) (2009)

- VI. Jens Lienig & Juergen Scheible, Fundamentals of Layout Design for Electronic Circuits, Springer, 2020
- VII. Latha R Nair & Rajendra Kumar, Geographical Indications: A Search For Identity, Lexis Nexis, 2005
- VIII. Megha Ojha, Guide To Geographical Indications: Registration Of Geographical Indications In India, 1st Ed., Kaav Publications, 2020
- IX. N. Lalitha & Soumya Vinayan, Regional Products and Rural Livelihoods: A Study on Geographical Indications from India, Oxford University Press, 2019
- X. Parikshet Sirohi, Interface of Design Law, Amaryllis, An imprint of Manjul Publishing House Pvt. Ltd., First Edition (2015)
- XI. Tapan Kumar (Ed.), WTO, TRIPS and GI's, New Century Publications, 2014

### **LEADING CASES\*:**

- ★ Tea Board India v. ITC Limited Kolkata HC, MANU/WB/0277/2019

\* SUGGESTED READINGS AND LEADING CASES ARE NOT EXHAUSTIVE. NEED TO BE SUPPLEMENTED WITH ADDITIONAL READINGS AND OTHER CASES.

### **PAPER CS 2104**

### **PRINCIPLES OF CRIMINAL LAW**

#### **SCHEME OF PAPER:**

MAX. MARKS: 50

MIN. PASS MARKS: 25

This paper shall consist of three parts:

- 1) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of three (03) questions of ten (10) marks each, out of which the Candidate is required to attempt any two (02) questions and Part – C shall consist of two (02) questions of twenty (20) marks each in which the Candidate is required to attempt any one (01) question.
- 2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

The primary objective of criminal law is to maintain law and order in the society and to protect the life and liberty of people. It is for this reason that the people place their ultimate reliance on this branch of law for protection against all injuries that human conduct can inflict on individuals and institutions. Due to these reasons, the penal law cannot afford to be weak, ambiguous or ineffective, nor can it be harsh and arbitrary in its imPart. The application of criminal law has to be uniform regardless of any discrimination on grounds of class, caste, religion, sex or creed etc of either the criminal or the victim. This paper has been so designed as to generate critical thinking among the students about the stated objectives of criminal law and enable them to scrutinize the recent developments and changes that have taken place in the

field including the major amendments made to the Indian Penal Code in the years 2013 and 2018 and in other related laws.

### **UNIT - I**

#### Nature of Crime and Criminal Liability:

Historical Development of Indian Penal Code, 1860; Nature of Crime, Definition of Crime in Social and Legal Context, Distinction between Moral, Civil and Criminal Wrongs, Aim and Function of the Criminal Law; Criminal Liability Principles - Actus Non Facit Reum Nisi Mens Sit Rea; Origin and development of Mens Rea, Liability without Mens Rea, Mens Rea in Indian Penal Code. Facets of Mens Rea - Motive, Knowledge, Intention, Recklessness and Negligence, Malice; Elements of Crime - Human Conduct, Voluntary act, Guilty intention, Causal Connection, Prohibited Result

### **UNIT - II**

#### General Principles of Criminal Law:

Nullapoenae Sine Lege (No Penalty Without a Law), Nullumcrimen Sine Lege (A person cannot or should not face criminal punishment except for an act that was criminalized by law before he/she performed the act); Principles of Mala In Se; Mala Prohibita; Joint liability; Vicarious liability; Strict Liability and Absolute Liability; Judicial Responses  
Stages in Commission of Crime: Intention, Preparation, Attempt, Commission of Offence

### **UNIT - III**

#### Introduction to Substantive Criminal Law:

Jurisdiction under Indian Penal Code, 1860; General Explanations; Punishments (Sections- 53, 73 & 74) General Exceptions (Including Right of Private Defense); Criminal Conspiracy, Offences against State, Public Tranquility and Offences relating to Abetment; Judicial Responses

#### Offences Affecting the Human Body:

Of the causing of Miscarriage, Of Injuries to unborn Children, Of the Exposure of Infants, Of the concealment of Births including The Medical Termination of Pregnancy Act, 1971: Need, Importance, Objectives; Definition, Basic Concepts, Key Features of the Act;

### **UNIT - IV**

Cyber Crimes: Introduction to Information Technology Act, 2000, Need, Importance, Objectives; Definition, Basic Concepts, Key features of the Act; Kinds of Cyber Crime; Future Effects; Judicial Responses

The Criminal Law Amendment Acts 2013 & 2018: Need, Importance, Objectives; Definition, Basic Concepts, Key features of the Amendments; Judicial Responses.

### **LEADING CASES\*:**

- 1) Bachan Singh v. State of Punjab (1980) 2 SCC 684
- 2) Barendra Kumar Ghosh v. King Emperor (1925) 27 BOMLR 148
- 3) GianKaur v. State of Punjab, AIR 1996 SC 1217
- 4) K. M. Nanavati v. State of Maharashtra 1962 AIR 605 1962 SCR Supl. (1) 567

- 5) Mahbub Shah v. Emperor (1945) 47 BOMLR 941
- 6) Mukesh & Anr. v. State of NCT of Delhi & Ors. Criminal Appellate Jurisdiction Criminal Appeal Nos. 607-608 of 2017(arising out of S.L.P. (Criminal) Nos. 3119-3120 of 2014) with Criminal Appeal Nos. 609-610 OF 2017(arising out of S.L.P. (Criminal) Nos. 5027-5028 of 2014)
- 7) Pakala Narayana Swami v. The King Emperor AIR 1939 PC 47
- 8) Pawan Kumar Gupta v. State of NCT of Delhi, 2020 SCC OnLine SC 340
- 9) Queen Empress v. Abdullah (1885) ILR 7 All 385
- 10) Reg v. Govinda (1877) ILR 1 Bom 342
- 11) Santosh Kumar Singh v. State through CBI (2010) 9 SCC 747
- 12) State (NCT of Delhi) v. Navjot Sandhu @ Afsan Guru (2005) 11 SCC 600
- 13) State Through Superintendent of Police, CBI/SIT v. Nalini and Ors. (1999) 5 SCC 253

**SUGGESTED READINGS\*:**

- I. Andrew Ashworth Principles of Criminal Law, Clarendon Law Series.
- II. Glanville Williams, Criminal Law, Universal Law Publishing.
- III. Hari Singh Gaur, Penal Law of India (4 volumes), EBC.
- IV. Information Technology Act, 2000
- V. J.D. Mayne, Indian Penal Code (Ed. II 1901, p.242-249).
- VI. J.W. Cecil Turner, Kenny's on Outlines of Criminal Law, 19th Edn., Cambridge University Press, 1966
- VII. K.D. Gaur, A Text Book on Indian Penal Code Universal Law Publishing.
- VIII. K.N. Chndranshekhar Pillai, Essay's on Indian Penal Code, Indian Law Institute.
- IX. M.C. Setelvad, Common Law in India (Chapter III, Criminal Law, p. 124-176), Stevens.
- X. Principles of Criminal Law by R C Nigam, Law of Crimes in India, Vol. I, Asia Publishing House, New York.
- XI. P.S.A. Pillai's Criminal Law, 13th Ed. Revised by K.I. Vibhute, LexisNexis, New Delhi.
- XII. Ratanlal and Dhirajlal, The Indian Penal Code, Wadhwa and Company, Nagpur.
- XIII. S.K. Savaria, R. A. Nelson's Indian Penal Code (4 Volumes), LexisNexis Delhi.
- XIV. Smith and Hogan, Criminal Law, Oxford University Press.
- XV. Stephen, A History of Criminal Law of England, Vol. III (Last Chapter on Indian Penal Code), London, Macmillan.
- XVI. The Criminal Law (Amendment) Act, 2013
- XVII. The Criminal Law (Amendment) Act, 2018
- XVIII. The Medical Termination of Pregnancy Act, 1971
- XIX. The Oaths Act, 1969

\* SUGGESTED READINGS AND LEADING CASES ARE NOT EXHAUSTIVE. NEED TO BE SUPPLEMENTED WITH ADDITIONAL READINGS AND CASE-LAWS.

## **PAPER CS 2105**

### **VICTIMOLOGY AND PENOLOGY**

#### **SCHEME OF PAPER:**

MAX. MARKS: 50

MIN. PASS MARKS: 25

This paper shall consist of three parts:

- 1) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of three (03) questions of ten (10) marks each, out of which the Candidate is required to attempt any two (02) questions and Part – C shall consist of two (02) questions of twenty (20) marks each in which the Candidate is required to attempt any one (01) question.
- 2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

The main objective of this course is to provide in depth and advance knowledge regarding victimology and penology, to the student.

#### **UNIT - I**

##### **Victimology:**

Concept; Constituent Elements of Crime and Victimology; Nature and Scope of Victimology; Development of Victimology, Status of Victim in Criminal Justice System: Rights of Victim: Compensation to Victim of Crime; Statutory Provisions; Role of Judiciary; Rehabilitation of Victims of Crime; Malimath Committee Recommendations; Justice J. S. Verma Committee Report; Criminal Law Amendment Act, 2013 (Key Highlights)

#### **UNIT - II**

##### **Penology:**

Theories of Crime Causation; Differential Association; Theory of Crime: Biological, Environmental, Socio-Economic and Psychological Factors affecting Crime; Schools of Criminology.

#### **UNIT - III**

##### **Different Kinds of Criminals:**

Different types of Crimes – Impact of Religion, Political Parties, Media, Family etc. on Crime; Recidivism.

#### **UNIT - IV**

##### **Punishment and Sentencing:**

Types of Punishment; Theories of Punishment: Retribution; Deterrence; Preventive; Prohibitory; Reformatory; Expiatory; Utilitarian; Alternatives to Punishment Sentencing Policy; Remission; Commutation; Pardoning.

### **SUGGESTED READINGS\*:**

- I. Cavan : Criminology Part I - Omitting Ch. 2 Part II- Full.
- II. Crime, Courts and Probation.
- III. Different Reports: Published Governments of India from time to time.
- IV. Lombroso Cesare : Crime, its Cause and Remedies.
- V. Oppenheimer - Rationale of Punishment.
- VI. P. K. Sen- From Punishment to Prevention.
- VII. P. K. Sen- Penology - Old and New.
- VIII. Pioneers in Criminology edited Mannbein.
- IX. Radzinowicz and Turner- Moral Approaches to Criminal Law.
- X. Siddiue M- Criminology.

\* SUGGESTED READINGS ARE NOT EXHAUSTIVE. NEED TO BE SUPPLEMENTED WITH ADDITIONAL READINGS.

## **SYLLABUS**

### **SECOND SEMESTER:**

#### **PAPER CA 2201**

#### **CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW**

#### **MEDIA LAW**

#### **SCHEME OF PAPER:**

MAX. MARKS: 50

MIN. PASS MARKS: 25

This paper shall consist of three parts:

- 1) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of three (03) questions of ten (10) marks each, out of which the Candidate is required to attempt any two (02) questions and Part – C shall consist of two (02) questions of twenty (20) marks each in which the Candidate is required to attempt any one (01) question.
- 2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

Mass communication from the days of printing press has played a very important role on the formation of the public opinion. Advancement in science and technology has changed

the scope and dimensions of mass communication. ICT has created digital era for us. While there are definite benefits from these technologies, the experience shows that these technologies can be abused to harm the interests of the society. The course aims to provide basic understating of the evolution of mass media and its regulation.

## **UNIT - I**

### Freedom of Speech and Media:

Philosophical Justification For The Protection of Free Speech Right; Constitutional Guarantee for Free Press; Reasonable Restrictions on Free Speech Media Freedom Public Interest ,Public order and free Speech ; Boundaries of a Free Press; Mass Media: Press, Films, Radio, Television; Ownership Patterns; Origins of Broadcasting; Regulation of Press and Broadcasting; Censorship of Broadcasting Media and Press; Censorship of Films; Judicial View on Film Censorship: Standards of Censorship, Role of Media in Law Making Process;

## **UNIT - II**

### Media, Ethics and Adjudication:

Copyright issues in mass media: protection for Copyright Work; Plagiarism; Pirated Music; Remedies for Infringement Media and Courts; Report of legal proceedings – Trail By Media – Sensitive Court Reporting and Human Rights Contempt of Court – Procedure And Punishment Corporate and Commercial Speech – Development of Commercial Speech Doctrine – Commercial Speech for Professionals and Corporations – Art.19(1)(A) Protection for Unsolicited Mail Advertising; Regulation of Commercial Speech, Issues and Concerns in Mass Communication; Foundation of Ethics; Ethical Issues of Journalism's; Reporters Privileges and Protection of Media Sources;

## **UNIT - III**

### Protection of Reputation and Privacy:

Defamation: General Framework for Defamation Law; Role of Malice; IPC Provisions; Remedies and Damages; Libel in Press: Slander through Broadcasting Audio-Video; Obscenity on Mass Media; Regulation and Control; Internet as a Platform of Free Speech; Regulation of Content on Internet Self-Regulation v. Government Regulation; Defamation in Cyberspace; Jurisdictional Problems; Gutnick v. John Doe; Privacy: Obscenity and Pornography; HicklinTest; Standards in Miller Case California; Child Pornography Blasphemy; Legal Regulation of Blasphemy; Private and Confidential Information: Media Practices and Human Rights; Photo Journalism in Public Places; Child Right to Privacy; Information Privacy and Reputation; Personal Data Protection; Marketing of Personal Information; Internet Privacy;

## **UNIT - IV**

### Regulation of Broadcasting Media:

Censorship over the Broadcasting Media; Press Censorship During Emergency; Censorship Over Broadcasting Media (Audio & Visual); C.B.F.C.: Cinematograph Act, 1952; Cable Television Network (Regulation) Act, 1995; TRAI Act, 1997; Communications Convergence Bill, 2001 & Broadcasting Services Regulation Bill, 2007; Media Ownership Patterns: Legal Issues; Media and Journalists: Working Journalists Act and Press Council & Human Rights; Extra-judicial Regulation of Media Content; Press Complaints and Editors Code of Practice; Broadcasting Standards Commission; Codes for Advertisement Standards; Film Censorship Board Internet Corporation for Assigned Names and Numbers (ICANN);

### **SUGGESTED READINGS\*:**

- Singh, Arun Kumar and, Anil, Media Trials in India (December 1, 2014). Available at SSRN: <https://ssrn.com/abstract=2552426> or <http://dx.doi.org/10.2139/ssrn.2552426>
- Melville B Nimmer “Introduction-Is Freedom of the Press A Redundancy: What Does it Add To Freedom of Speech?” 26 Hastings Law Journal 639 (1975).
- Joseph Raz “Free Expression and Personal Identification” 11 Oxford Journal of Legal Studies 301 (1991).
- Edwin C. Baker, “Scope of First Amendment Freedom of Speech”, 25 U.C.L.A. Law Review 964 (1978).
- John Stuart Mill, On Liberty (Penguin publishing, Harmondsworth, 1986) First published in 1859
- Vishwanath Iyer, The Indian press 45 (Padma Publications, Bombay, 1945).
- Shefali Bedi “Responsibility of media in a democracy”, 7 International Research Journal 235 (2009).
- Shafqat Munir, “Features of Print and Electronic Media” Law Resource of India, Dec, 17, 2010.
- S Siva Kumar, “Fourth Estate: A Shield or Sword of Human Rights?” 1 Lanka Vigil 34 (2005).
- Maitrayee Chaudhuri, “Feminism in Print Media” 7 Indian Journal of Gender Studies 264 (2002).
- S Sivakumar, Press Law and Journalists: Watchdog to Guidedog (Universal Law Publications, New Delhi, 2015).
- Tilak Jha “Critique on Press Council of India” 92 Bar Council of India Review 38 (2012).

\* SUGGESTED READINGS ARE NOT EXHAUSTIVE. IT MAY BE SUPPLEMENTED WITH ADDITIONAL READINGS AND CASE-LAWS.

## **PAPER CA 2202**

### **ADMINISTRATIVE LAW AND JUDICIAL CONTROL**

#### **SCHEME OF PAPER:**

MAX. MARKS: 50

MIN. PASS MARKS: 25

This paper shall consist of three parts:

- 1) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of three (03) questions of ten (10) marks each, out of which the Candidate is required to attempt any two (02) questions and Part – C shall consist of two (02) questions of twenty (20) marks each in which the Candidate is required to attempt any one (01) question.
- 2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

This course will deal with the nature, scope and functions of Administrative Law, the nature and control of delegated legislative power, regulation of discretionary powers and general principles of Administrative adjudication. It further deals with the role played by courts in the development of Administrative Law. The rapid growth of this law in the 21<sup>st</sup> century is regarded as the most significant development in the field of law. It deals with legal framework governing public administration and the principles to control executive power to avoid arbitrariness and promote equity, justice and good conscience.

#### **UNIT - I**

##### Nature and Scope of Administrative Law:

Concept and Basic Objectives of Administrative Law; Conceptual Relationship between Administrative Law and Constitutional Law; Basic Tenets of Administrative Law: Rule of Law: Dicey's Principle of Rule of Law: Theory of Separation of Powers; Classification of Administrative Functions: Delegated Legislation: Meaning, Nature, Scope, Forms, Necessity for Delegation of Legislative Power and Control; Parliamentary Control, Procedural Control, Sub-Delegation of Legislative Powers; Quasi-judicial, Administrative and Ministerial Functions.

#### **UNIT - II**

##### Judicial Redressal of Citizens Grievances:

Liability of the State in Torts, Contracts and Constitutional Mandate; Doctrine of Promissory Estoppels; Government and Public Corporations; Administrative Adjudication: Reasons for growth, Structure and Procedure of Administrative Bodies:

Tribunals; Finality of the Tribunal's Decisions; The Administrative Tribunals Act, 1985 as amended by The Administrative Tribunals (Amendment) Act, 2006: Objectives; Definitions, Concept, Key Features of the Act and Amendment; (Forty Second Constitutional (Amendment) Act 1976); Judicial Responses.

### **UNIT - III**

The Commissions of Inquiry Act, 1952: The Central Vigilance Commission Act, 2003: Key Features of the Act; Right to Information Act, 2005 Including Right to Information (Amendment) Act, 2019: Key Features of the Act and Amendment; Transparency and Right to Information – Constitutional Imperative; Obligations of Authorities, Central and State Information Commission; Judicial Responses

Ombudsman: Objectives, Role and Relevance of Ombudsman in India; Banking Ombudsman Scheme 2006 as amended in 2017: Basic Concepts and Future Effects; The Lokpal and Lokayuktas Act, 2013 Including The Lokpal and Lokayuktas Amendment) Act, 2016: Rajasthan Lokayukta and Up-Lokayuktas Act, 1973:

### **UNIT - IV**

#### Power of Judicial Review and Administrative Action:

Notions of Judicial Review-Constitutional Basis-Democratic Character of Judicial Review-Power of Judicial Review and Supreme Court-Article 32 & Article 136, jurisdiction of High courts under article 226 and 227, Judicial Review of Public Policy. Judicial and Juristic Activism-Judicial Creativity and its Limitations-Judicial Activism vis-a-vis Judicial Self-Restraint-Problems of Accountability of Justice; Modes of Judicial Review of administrative action, public law review, Writ of Certiorari, Prohibition, Mandamus, Quo Warranto And Habeas Corpus;

#### SUGGESTED READINGS\*:

- C. K. Takwani, Administrative Law, Eastern Book Company, 2016
- P. Massey, Administrative Law, 8<sup>th</sup> Ed Eastern Book Company, 2017
- J. J. R. Upadhyaya, Administrative Law, Central Law Agency, 2016
- M. P. Jain, Administrative Law, Lexis Nexis 2017
- S.P. Sathe, Administrative Law, Lexis Nexis 2010
- V. D. Sebastian, An Introduction to Administrative Law, Asia Law House, 2016
- Kailash Rai, Administrative Law, 5<sup>th</sup> edition Eastern Book Company, 2006
- Lakshminath, Precedent in Indian Law: Judicial Process (2009).

\* SUGGESTED READINGS ARE NOT EXHAUSTIVE. IT MAY BE SUPPLEMENTED WITH ADDITIONAL READINGS AND CASE-LAWS.

## **PAPER CA 2203**

### **RELIGION AND REGIONAL DIVERSITY AND THE LAW**

#### **SCHEME OF PAPER:**

MAX. MARKS: 50

MIN. PASS MARKS: 25

This paper shall consist of three parts:

- 1) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of three (03) questions of ten (10) marks each, out of which the Candidate is required to attempt any two (02) questions and Part – C shall consist of two (02) questions of twenty (20) marks each in which the Candidate is required to attempt any one (01) question.
- 2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

This course will deal with the nature, scope and functions of Religious and Regional character of Indian society and Constitutional values and mandate. It will deal with Constitutional framework of Religious freedom: Religion and directive principles of state policy: Religious minorities and law: Regionalism and Law in India: The Unity and Integrity of the nation: Regionalism and Federalism. It further deals with the role played by the Legislature and Courts in balancing and maintaining the harmony between Secularism and Religion addressing the grass root problems curbed in Religious and Regional Diversity.

#### **UNIT- I**

Religion and Regional Diversity in the Indian Social Structure and Federal Democracy; Concept of Law, Religion and secularism, Religion and Secularism in India: nature and tradition, religious pluralism and social transformation by the instrumentality of the State, Secularism as a Constitutional value: historical background, constitutional discourse, sociological discourse and legislative efforts. Reasons and Challenges to Indian Secularism and their solutions.

#### **UNIT- II**

Constitutional framework of Religious Freedom: liberty of belief, faith and worship, right to freedom of religion under article 25-28, religion and directive principles of state policy, non-discrimination on the grounds of religion- a divisive factor or synthesising factor; Religious minorities and law, Secularism and personal laws; Reforms in Personal laws, Balancing between freedom and equality.

### **UNIT- III**

Regional Diversity, Federalism and Law: regionalism- its dimensions, meaning and issues, reasons for the growth of regionalism in India and the unity and integrity of the nation, constitutional and Political governance in regional diversity; Approach of Regional Political parties and Concept of one Unit; Regionalism v. Nationalism;

### **UNIT- IV**

Problem of regionalism and impermissibility of regional barriers; Equality in the matters of employment- son of the soil theory; Role of judiciary -Regional preference rule in the public employment; Educational institutions and Regionalism; Domicile requirement as absolute Condition-Constitutionality of it; Challenges of regionalism and response of law;

#### **SUGGESTED READINGS:**

- I. Marc Galanter (ed). Law and Society in Modern India. (1997). Oxford, New Delhi.
- II. Upendra, Baxi. The Crisis of Indian Legal System. (1982). Vikas Publication.
- III. Duncan Derret. The State, Religion and Law in India. (1999). Oxford. New Delhi.
- IV. M.P. Singh, Constitution of India (2008). 11th Ed. Eastern Book Co., Lucknow
- V. Indian Law Institute, Law and Social Change: Indo-American Reflections. Tripathi, (1988).
- VI. Virendra Kumar: Dynamics of Reservation Policy: Towards a More Inclusive Social Order 50, Journal of the Indian Law Institute PP 478-517 (2007).
- VII. Virendra Kumar, 'Minorities' Right to Run Educational Institutions: T.M.A Pai Foundation in Perspective 45, Journal of the Indian Law Institute PP 200-238 (2003)

\* SUGGESTED READINGS ARE NOT EXHAUSTIVE. IT MAY BE SUPPLEMENTED WITH ADDITIONAL READINGS AND CASE-LAWS.

### **PAPER CA 2204**

#### **LOCAL SELF-GOVERNMENT & FEDERAL GOVERNANCE**

#### **SCHEME OF PAPER:**

MAX. MARKS: 50

MIN. PASS MARKS: 25

This paper shall consist of three parts:

- 1) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of three (03) questions of ten (10) marks each, out of which the Candidate is required to attempt any two (02) questions and Part – C shall consist of two (02) questions of twenty (20) marks each in which the Candidate is required to attempt any one (01) question.
- 2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

## **OBJECTIVES OF THE COURSE:**

This course will deal with an insight into the introductory aspects, the historical and philosophical background of the Local Self-Government for the students. It will familiarise about the Constitutional scheme for the Local Self-Government and aims about the structure, powers and functions of the rural Local Self-Government. It further deal with the structure, powers and functions of the Urban Local Self-Government and aims at addressing the issues of decentralization and grass root planning of the Local Self Government This UNIT will give an insight into the modern dimensions of Local Self Government.

### **UNIT-I**

Historical Perspectives. Early period Gram Swaraj-the Gandhian concept, History, Growth and Development of Panchayati Raj in India- Lord Rippon's resolution, Royal Commission, Balwant Rai Mehta Committee Report Gram Swaraj: Gandhian concept Community Development Programme Administrative framework;

### **UNIT- II**

Federalism in India and Local Self Government Constitutional Scheme; Directive Principles of State Policy - Art. 40; 73rd and 74th Constitutional Amendments Schedules XI and XII of the Constitution Second Administrative Reforms Commission Sarkaria Commission, Punchi Commission and Local Governments

### **UNIT- III**

Legislative Powers Direct democracy and grass root planning, Quasi-legislative Powers. Rulemaking power of the State Government Regulations and Bye-laws Municipalities and corporation, Gram Sabha Gram Sabha- Meaning, importance, functions, meetings, Social Audit, Nyaya Panchayat Gram Panchayat- Introduction, Composition, functions, Sarpanch, Powers and functions of Sarpanch Taluk/Block Panchayat- Introduction, Composition, functions, Chairman- Powers and functions Zilla Panchayat-Introduction, Composition, function

### **UNIT- IV**

Financial Powers; Levying taxes; Licensing power; Financial resources and powers: Miscellanies; Judicial and Quasi-judicial powers of the Local Bodies; Election to Local Bodies; Conduct of Meetings - Corporation, Municipal Council, Panchayat Committee and Gram Sabha; Institutional and Judicial Control; Municipal Corporation-Organization and functions; Municipal Council; Chairman-functions and powers; committee-wards committees, district planning committee, Metropolitan planning committee; Municipal Commissioner- appointment, tenure, powers and functions. Cantonment Boards Special

purpose urban development agencies Municipal Finance. State control and supervision  
Financial administration-devolution of financial powers, composition of State Finance  
Commission State Control over PRI's.

### **SUGGESTED READINGS:**

- I. Jain & Jain, Principles of Administrative Law (1986), Tripathi, Bombay
- II. Joshi, R.P., Narwani, G.S., Panchayat Raj in India: Emerging Trends across the States (Rawat Publications), Hyderabad, 2011
- III. Khanna, B.S: Panchayati Raj in India- National Perspectives and State Studies (Deep and Deep Publications), New Delhi, 1994.
- IV. M. Venketarangaiya & M. Pattabhiram, Local Government in India (1969) Allied Publishers, New Delhi
- V. Radhakumud Mookerji, Local Government in Ancient India (1985), Daya Publishing Delhi.
- VI. Schwartz & Wade, Legal Control of Government
- VII. Sivaramakrishnan, K.C., Courts, Panchayats and Nagapalikas (Academic Foundation), 2009.
- VIII. W. Thornhill (ed.), the Growth and Reform of English Local Self-government (1971), Weidenfeld and Nierlson, London.
- IX. M. Venketarangaiya& M. Pattabhiram, Local Government in India (1969) Allied Publishers, New Delhi
- X. Joshi, R.P., Narwani, G.S., Panchayat Raj in India: Emerging Trends across the States (Rawat Publications), Hyderabad, 2011

\* SUGGESTED READINGS ARE NOT EXHAUSTIVE. IT MAY BE SUPPLEMENTED WITH ADDITIONAL READINGS AND CASE-LAWS.

### **PAPER CA 2205**

#### **DISSERTATION**

#### **SCHEME OF PAPER:**

MAX. MARKS: 100

MIN. PASS MARKS: 40

This paper will have two Components:

- |                                |          |
|--------------------------------|----------|
| a) Dissertation (Written Part) | 75 Marks |
| b) Viva – Voce (External)      | 25 Marks |

The candidate must pass in Parts A and B separately. For passing, he shall be required to obtain 40 percent marks in each part, i.e. 30 marks out of 75 and 10 marks out of 25.

**a) Dissertation (Written Part) 75 Marks**

Sequence of Pages: Cover Page/ Certificate/ Declaration/ Acknowledgment/ Preface/ Abbreviations/Table of Cases/ Contents/ Main Text/ Bibliography/ Appendixes

Note: The Students are advised to refer to the samples but in no case it should limit the creativity in writing. All the sample pages are based on the minimum requirements of a standard dissertation as well as imaginary particulars. The standard Bluebook Citation should be followed in making the Dissertation.

**b) Viva – Voce (External)**

**25 Marks**

Dissertation shall be evaluated by one Internal and one External Examiner and the decision of External Examiner shall be final and binding.

**PAPER IP 2201**

**INTELLECTUAL PROPERTY LAW**

**LAW OF PATENTS**

**SCHEME OF PAPER:**

MAX. MARKS: 50

MIN. PASS MARKS: 25

This paper shall consist of three parts:

- 1) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of three (03) questions of ten (10) marks each, out of which the Candidate is required to attempt any two (02) questions and Part – C shall consist of two (02) questions of twenty (20) marks each in which the Candidate is required to attempt any one (01) question.
- 2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

**OBJECTIVES OF THE COURSE:**

Indian Patent Law is defined by various provisions of The Patents Act, 1970, which has been amended since introduction. Under this law, patent rights are granted for inventions covering a new and inventive process, product or an article of manufacture that are able to satisfy the patent eligibility requirements of having novelty, inventive step, and are capable of industrial application. The Indian Patent Act, 1970 strikes a balance between the rights of the applicant and his obligation to the society granting the rights. It is in this regard that this course is being introduced to enable the students understand the law relating to Patents in India and have an in-depth knowledge about the subject for their overall development in this peculiar specialization of Intellectual Property subject area.

**UNIT - I**

The Patents Act, 1970: Introduction; History, Enactment and Implementation etc.; Interpretation Clause; Inventions Not Patentable; Applications for Patents; Publication and Examination of Applications; Opposition and Anticipation; Grant of Patents and Rights Conferred Thereby; Restoration, Surrender and Revocation of Patents;

## **UNIT - II**

Register of Patents; Patent office and Its Establishment; Working of Patents, Compulsory Licenses and Revocation; Suits Concerning Infringement of Patents; Jurisdiction and Appellate Jurisdiction; Penalties; Patent Agents

## **UNIT - III**

Patent Cooperation Treaty; [Limited to History, Establishment, Objectives, Composition, Powers, Functions and Contribution Towards Development of Patent Law];

## **UNIT - IV**

The TRIPS Agreement, 1995 related to Patents; Landmark Cases (Domestic and International); Recent Developments in the Law (with Amendments, if any);

### **SUGGESTED READINGS\*:**

- I. Feroz Ali Khader, The Law of Patents-With a Special Focus on Pharmaceuticals in India, LexisNexis, 2nd Edition, 2011
- II. Feroz Ali Khader, The Touchstone Effect: The Impact of Pre-Grant Opposition On Patents, Lexis Nexis, 2009
- III. Kankanala, Kalyan C., Indian Patent Law and Practice, (2010), India, Oxford University Press
- IV. Cornish, William Intellectual Property: Patents, Copyright, Trademarks and allied rights, (2010) 7th ed., London Sweet & Maxwell.
- V. Prof. (Dr.) V.K. Ahuja and Dr. Archa Vashishtha, Intellectual Property Rights: Contemporary Developments, 1st Ed., Thomson Reuters, 2020

### **LEADING CASES:**

- 1) Bayer Corporation v. Union of India Delhi HC 2019
- 2) Diamond v. Chakrabarty, 447 U.S. 303, 1980 Supreme Court of the United States
- 3) Natco Pharma Ltd. v. Bayer Healthcare LLC Delhi HC 2019
- 4) Novartis AG v. Union of India & Others, Civil Appeal No. 2706-2716 of 2013 SC

\* SUGGESTED READINGS AND LEADING CASES ARE NOT EXHAUSTIVE. NEED TO BE SUPPLEMENTED WITH ADDITIONAL READINGS AND OTHER CASES.

## **PAPER IP 2202**

### **LAW OF COPYRIGHT**

#### **SCHEME OF PAPER:**

MAX. MARKS: 50

MIN. PASS MARKS: 25

This paper shall consist of three parts:

- 1) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of three (03) questions of ten (10) marks each, out of which the Candidate is required to attempt any two (02) questions and Part – C shall consist of two (02) questions of twenty (20) marks each in which the Candidate is required to attempt any one (01) question.
- 2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

Indian Copyright Law is defined by various provisions of The Copyright Act, 1957, which has been amended since introduction. Copyright is a right given by the law to creators of literary, dramatic, musical and artistic works and producers of cinematograph films and sound recordings. In fact, it is a bundle of rights including, inter alia, rights of reproduction, communication to the public, adaptation and translation of the work. It is in this regard that this course is being introduced to enable the students understand the law relating to Copyright in India and have an in-depth knowledge about the subject for their overall development in this peculiar specialization of Intellectual Property subject area.

#### **UNIT - I**

The Copyright Act, 1957:

Introduction; History, Enactment and Implementation etc.; Interpretation Clause; Copyright Office and Copyright Board; Copyright; Ownership of Copyright and the Rights of the Owner; Term of Copyright;

#### **UNIT - II**

Licences; Rights of Broadcasting Organization and of Performers; Registration of Copyright; Infringement of Copyright; Jurisdiction and Appellate Jurisdiction; Civil Remedies; Offences; Appeals;

#### **UNIT - III**

International Copyright Protection:

Berne Convention for the Protection of Literacy and Artistic Works 1886; Rome Convention for the Protection Procedures of Phonograms and Broadcasting Organizations 1961; WIPO Performances and Phonograms Treaty (WPPT), Universal Copyright Convention, 1952; WIPO Copyright Treaty, 1996; International Copyright Order, 1999 [Limited to History, Establishment, Objectives, Composition, Powers, Functions and Contribution Towards Development of Copyright Law];

## **UNIT - IV**

The TRIPS Agreement, 1995 related to Copyright; Landmark Cases (Domestic and International); Recent Developments in the Law (with Amendments, if any);

### **SUGGESTED READINGS\*:**

- I. A.K. Kaul & V.K. Ahuja, Law of Copyright: From Gutenberg's Invention to Internet, University of Delhi, Delhi, 2001.
- II. Ahuja, V. K., Law of Copyright and Neighbouring Rights, (2007), New Delhi, Lexis Nexis
- III. David Nimmer, Nimmer on Copyright, Lexis Nexis, 2010
- IV. Mira Sundara Rajan, Moral Rights: Principles, Practice, and New Technology, Oxford University Press, 2011
- V. Prof. (Dr.) V.K. Ahuja and Dr. Archa Vashishtha, Intellectual Property Rights: Contemporary Developments, 1st Ed., Thomson Reuters 2020
- VI. W. R. Cornish & D. Llewelyn, Intellectual Property: Patents, Copyrights, Trade Marks and Allied rights, Sweet & Maxwell.

### **LEADING CASES:**

- 1) Eastern Book Company & Ors. v. D. B. Modak & Anr.
- 2) Gramophone Co. of India Ltd. v. Birendra Bahadur Pandey
- 3) Indian Performing Right Society Ltd v. Eastern India Motion Picture Association
- 4) RG Anand v. Delux Films, AIR 1978 SC 1613
- 5) The Chancellor, Masters & Scholars of the University of Oxford & Ors. v. Rameshwari Photocopy Services & Ors.

\* SUGGESTED READINGS AND LEADING CASES ARE NOT EXHAUSTIVE. NEED TO BE SUPPLEMENTED WITH ADDITIONAL READINGS AND OTHER CASES.

## **PAPER IP 2203**

### **LAW OF TRADEMARKS AND CYBER LAW**

#### **SCHEME OF PAPER:**

MAX. MARKS: 50

MIN. PASS MARKS: 25

This paper shall consist of three parts:

- 1) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of three (03) questions of ten (10) marks each, out of which the Candidate is required to attempt any two (02) questions and Part – C shall consist of two (02) questions of twenty (20) marks each in which the Candidate is required to attempt any one (01) question.

- 2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

### **OBJECTIVES OF THE COURSE:**

Indian Trademark Law is defined by various provisions of The Trademarks Act, 1999, which has been amended since introduction. A trademark is an intellectual property that is depicted as a visual symbol, label, sign or design in order to represent a product by a manufacturer. It helps customers distinguish the products or services of one company from the rest. The owner of a trademark may be any entity viz. an individual, company, partnership, or other groups of persons. The most important aspect of trademarks is that they appeal only to the eyes. Mostly things that can be represented graphically can be registered as trademarks. Trademarks may also include the shape of goods, their packaging and colour combinations. It is in this regard that this course is being introduced to enable the students understand the law relating to Trademarks in India and have an in-depth knowledge about the subject for their overall development in this peculiar specialization of Intellectual Property subject area.

### **UNIT - I**

The Trademarks Act, 1999:

Introduction; History, Enactment and Implementation etc.; Interpretation Clause; Kinds of Trademarks; The Register and Conditions for Registration; Procedure for and Duration of Registration; Effect of Registration;

### **UNIT - II**

Use of Trademarks and Registered Users; Collective Marks and Certification Trademarks; Jurisdiction and Appellate Jurisdiction; Offences, Penalties and Procedures; Landmark Cases (Domestic and International); Recent Developments in the Law (with Amendments, if any);

### **UNIT - III**

International Registration of Trademarks (Basic Overview): Madrid Agreement; Madrid Protocol [Limited to History, Establishment, Objectives, Composition, Powers, Functions and Contribution Towards Development of Trademark Law]; The TRIPS Agreement, 1995 related to Trademarks;

### **UNIT - IV**

Cyber Law: Genesis & Scope; Cyberspace and its components; Evolution of Internet and WWW; Trademarks and Domain Names; Internet Corporation for Assigned Names and Numbers (ICANN); UDRP (Uniform Domain Name Dispute); Eligibility Requirements Dispute Resolution Policy (ERDRP);

### **SUGGESTED READINGS\*:**

- I. Arora, Manish, Guide to Trademarks, (2007) 2nd ed., Delhi, Universal Publications
- II. Beebe, Barton, Trademarks, Unfair Competition and Business Torts, (2011), Newyork, Aspen Publishers.

- III. Prof. (Dr.) V.K. Ahuja and Dr. Archa Vashishtha, Intellectual Property Rights: Contemporary Developments, 1st Ed., Thomson Reuters 2020
- IV. W. R. Cornish & D. Llewelyn, Intellectual Property: Patents, Copyrights, Trade Marks and Allied rights, Sweet & Maxwell.

### **LEADING CASES:**

- 1) Yahoo Inc. v. Akash Arora & Anr 1999 (19) PTC 201 (Delhi HC)

\* SUGGESTED READINGS AND LEADING CASES ARE NOT EXHAUSTIVE. NEED TO BE SUPPLEMENTED WITH ADDITIONAL READINGS AND OTHER CASES.

### **PAPER IP 2204**

#### **THE PROTECTION OF PLANT VARIETIES & FARMERS' RIGHTS AND TRADITIONAL KNOWLEDGE**

#### **SCHEME OF PAPER:**

MAX. MARKS: 50

MIN. PASS MARKS: 25

This paper shall consist of three parts:

- 1) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of three (03) questions of ten (10) marks each, out of which the Candidate is required to attempt any two (02) questions and Part – C shall consist of two (02) questions of twenty (20) marks each in which the Candidate is required to attempt any one (01) question.
- 2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

In order to provide for the establishment of an effective system for protection of plant varieties, the rights of farmers and plant breeders and to encourage the development of new varieties of plants the Indian Government considered necessary to recognize and protect the rights of the farmers and plant breeders through The Protection of Plant Varieties and Farmers' Rights (PPV&FR) Act, 2001 adopting sui generis system which was one step further to protect the Traditional Knowledge at large. It is in this regard that this course is being introduced to enable the students understand the law relating to PPVFR and Traditional Knowledge in India and have an in-depth knowledge about the subject for their overall development in this peculiar specialization of Intellectual Property subject area.

#### **UNIT - I**

The Protection of Plant Varieties and Farmers' Rights Act, 2001:

Preliminary; PPVFR Authority and Registry; Members of the PPV&FR Authority; Present Members of the Authority; Registration of Plant Varieties and Essentially Derived Variety;

Duration and Effect of Registration and Benefit Sharing; Surrender and Revocation of Certificate and Rectification and Correction of Register;

## **UNIT - II**

Farmers' Rights; Compulsory Licence; Jurisdiction and Appellate Jurisdiction; Finance, Accounts and Audit; Infringement, Offences, Penalties and Procedure; Miscellaneous;

## **UNIT - III**

International Union for the Protection of New Varieties of Plants (UPOV) 1961; The Convention on Biological Diversity, 1992 (CBD); [Limited to History, Establishment, Objectives, Composition, Powers, Functions and Contribution Towards Development of the Law];

## **UNIT - IV**

The Biological Diversity Act, 2002; Guidelines on Access to Biological Resources and Associated Knowledge and Benefits Sharing Regulations, 2014; Role of National Green Tribunal in safeguarding Biodiversity; (Basic Overview);  
Traditional Knowledge; Traditional Knowledge Digital Library; (Basic Overview)

### **SUGGESTED READINGS\*:**

- I. Christoph Antons (ed.) Traditional Knowledge, Traditional Cultural Expressions and Intellectual Property Law in the Asia Pacific Region, Kluwer Max Planck Series, (2009)
- II. David Downes, Using Intellectual Property as a Tool to Protect Traditional Knowledge: Recommendations for Next Steps, Center for International Environmental Law, Washington, D.C., 1997
- III. Elizabeth Verkey, Law of Plant Varieties Protection, Eastern Book Company, 2007
- IV. Indigenous Heritage and Intellectual Property: Genetic Resources, Traditional Knowledge and Folklore, Kluwer Law International, (2008)
- V. Prof. (Dr.) V.K. Ahuja and Dr. Archa Vashishtha, Intellectual Property Rights: Contemporary Developments, 1st Ed., Thomson Reuters 2020
- VI. Protection of Traditional Knowledge in India, The Forum on Indian Traditional Medicine (FITM), set up by the Ministry of AYUSH at RIS available at -
- VII. <https://fitm.ris.org.in/sites/default/files/Scooping%20Paper%20No%202.pdf>
- VIII. W. R. Cornish & D. Llewelyn, Intellectual Property: Patents, Copyrights, Trade Marks and Allied rights, Sweet & Maxwell.

### **LEADING CASES\*:**

- 1) Chandra Bhal Singh v. Union of India & Ors. Ori. App. No. 347 of 2016, NGT, PB, New Delhi
- 2) Bio-piracy Cases related to Turmeric & Neem
- 3) India v. U.S.A. Basmati Rice Dispute

- 4) Monsanto Technology LLC Thru the Authorised Representative Ms. Natalia Voruz & Others v. Nuziveedu Seeds Ltd. Thru the Director & Others 2019 SC

\* SUGGESTED READINGS AND LEADING CASES ARE NOT EXHAUSTIVE. NEED TO BE SUPPLEMENTED WITH ADDITIONAL READINGS AND OTHER CASES.

### **PAPER IP 2205**

#### **DISSERTATION**

##### **SCHEME OF PAPER:**

MAX. MARKS: 100

MIN. PASS MARKS: 40

This paper will have two Components:

- |                                |          |
|--------------------------------|----------|
| a) Dissertation (Written Part) | 75 Marks |
| b) Viva – Voce (External)      | 25 Marks |

The candidate must pass in Parts A and B separately. For passing, he shall be required to obtain 40 percent marks in each part, i.e. 30 marks out of 75 and 10 marks out of 25.

##### **a) Dissertation (Written Part) 75 Marks**

Sequence of Pages: Cover Page/ Certificate/ Declaration/ Acknowledgment/ Preface/ Abbreviations/Table of Cases/ Contents/ Main Text/ Bibliography/ Appendixes

Note: The Students are advised to refer to the samples but in no case it should limit the creativity in writing. All the sample pages are based on the minimum requirements of a standard dissertation as well as imaginary particulars. The standard Bluebook Citation should be followed in making the Dissertation.

##### **b) Viva – Voce (External) 25 Marks**

Dissertation shall be evaluated by one Internal and one External Examiner and the decision of External Examiner shall be final and binding.

### **PAPER CC 2201**

#### **CORPORATE AND COMMERCIAL LAW**

#### **E-GOVERNANCE AND CYBER LAW**

##### **SCHEME OF PAPER:**

MAX. MARKS: 50

MIN. PASS MARKS: 25

This paper shall consist of three parts:

- 1) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of three (03) questions of ten (10) marks each, out of which the Candidate is required to attempt any two (02) questions and Part – C shall consist of two (02) questions of twenty (20) marks each in which the Candidate is required to attempt any one (01) question.
- 2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

### **OBJECTIVES OF THE COURSE:**

The primary focus of this course will be on studying the information technology law. In addition there will be an insight into the applicability of other laws in the digital environment. The learning outcome of the course will be understanding the provisions of Information Technology laws provided to facilitate electronic commerce - electronic signatures, data protection, cyber security; penalties & offences under the IT Act, dispute resolution, and other contemporary issues like explaining the meaning and importance of e-governance, providing the students with the analytical skills to comprehend the e-governance initiatives in India; making the learner understand e-governance initiatives at national and international level and it is in this regard that this course is being introduced to enable the students understand the law and to have an in-depth knowledge about the subject for their overall development in this peculiar specialization of Intellectual Property subject area.

### **UNIT - I**

Introduction to Cyberspace, Cybercrime and Cyber Law: Regulatory Framework of Information and Technology Act 2000; Offences and Penalties; The World Wide Web; Web Centric Business; e-Business Architecture, Models of e-Business, e-Commerce, Threats to Virtual World; Cyber Crimes: Difference between Traditional Crime and Cyber Crimes; Classification of Cyber Crimes: Against Person, Property and Government; Reasons for growth of Cyber Crimes; Role of ICANN; National Cyber Security Policy 2013;

### **UNIT - II**

Electronic Commerce and Electronic Governance:

E-Commerce; Issues and provisions in Indian Law, Salient Features, Advantages and Challenges Posed, Models of E-commerce like B2B, B2C & C2C, E-Contracts; E-taxation, E-banking,

E-Governance; Basic Concept and Practical Aspects in India; Digital Signature; Electronic Signature; Electronic Governance; Attribution, Acknowledgement and Dispatch of Electronic Records; Secure Electronic Records and Secure Electronic Signatures;

### **UNIT - III**

Kinds of Cyber Crimes: Cyber Squatting, Cyber Espionage, Cyber Warfare, Cyber Terrorism, Cyber Defamation; Social Media; Online Safety for Women and Children, Misuse of Private Information; Hacking; Digital Forgery; Cyber Stalking/Harassment; Cyber Pornography; Identity Theft & Fraud; Cyber Terrorism; Cyber Defamation Viruses (File Infection, Boot record infection, Boot and file viruses); Salami attacks- Web Jacking; Denial of service attack;

## **UNIT - IV**

Cybercrime Against Organization: Unauthorized Access of Computer, Password Sniffing, Denial-of-service (DOS) attack, Backdoors and Malwares and its types, E-mail Bombing, Salami Attack, Software Piracy, Industrial Espionage, Intruder attacks; Security policies violations, Crimes related to Social Media, ATM, Online and Banking Frauds. Intellectual Property Frauds

### **SUGGESTED READINGS\*:**

- I. Anirudh Rastogi, Law of Information Technology and Internet, Lexis Nexis
- II. Commentary on Information Technology Act Along with Rules, Regulations, Orders, Guidelines, Reports and Policy Documents by Apar Gupta Revised by Akshay Sapre , 3rd Edition 2016, Lexis Nexis
- III. Council of Europe - Budapest Convention On Cybercrime, 2001
- IV. Debarati Haldar & K. Jaishankar, Cybercrime against women in India, Sage Publishing
- V. Garima Tiwari, Understanding Cyber Laws & Cyber Crimes, Lexis Nexis
- VI. Information Technology Act, 2000 and its amendments available at - <https://www.meity.gov.in/content/information-technology-act-2000>
- VII. Pavan Duggal, Textbook On Cyber Law Paperback, Universal Law Publishing
- VIII. S. K. Verma & Raman Mittal, Legal Dimensions of Cyber Space, Indian Law Institute
- IX. Supreme Court on Information Technology Act, Internet & Cyber Laws and Aadhaar (1950 to 2019) by Surendra Malik and Sudeep Malik Edition: 2019, EBC
- X. देबारीतीहालदर, के .जयशंकर, भारतमेंमहिलाओंकेविरुद्धसाइबरअपराध ,सेजपब्लिशिंग
- XI. जयप्रकाशमिश्र, साइबरविधि ,सेंट्रललॉपब्लिकेशन
- XII. Prof. (Dr.) V.K. Ahuja and Dr. Archa Vashishtha, Intellectual Property Rights: Contemporary Developments, 1st Ed., Thomson Reuters, 2020
- XIII. W. R. Cornish & D. Llewelyn, Intellectual Property: Patents, Copyrights, Trade Marks and Allied rights, Sweet & Maxwell.

### **LEADING CASES:**

- 1) Anuradha Bhasin v. Union of India and Ors. (Civil Original Jurisdiction) Writ Petition (Civil) No. 1031 of 2019 and Ghulam Nabi Azad v. Union of India and Anr. Writ Petition (Civil) No. 1164 of 2019, SC 2020 (Decided on 10<sup>th</sup> January, 2020).
- 2) Avnish Bajaj v. State (NCT of Delhi) (Bazee.com) 2008 Delhi HC
- 3) Harpal Singh v. State of Punjab 2016 SC
- 4) Manik Taneja Versus State of Karnataka, Criminal Appeal No. 141/2015 SC 2015(7) SCC 423
- 5) Peoples Union For Civil Liberties v. Union of India M.A. No. 3220/2018 in W.P. (Crl.) No. 199/2013, 2019 SC
- 6) Sharat Babu Digumarti v. Govt. of N.C.T. of Delhi AIR 2017 SC
- 7) Shreya Singhal v. Union of India AIR 2015 SC 1523

\* SUGGESTED READINGS AND LEADING CASES ARE NOT EXHAUSTIVE. NEED TO BE SUPPLEMENTED WITH ADDITIONAL READINGS AND OTHER CASES.

## **PAPER CC 2202**

### **INTELLECTUAL PROPERTY LAWS**

#### **SCHEME OF PAPER:**

MAX. MARKS: 50

MIN. PASS MARKS: 25

This paper shall consist of three parts:

- 1) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of three (03) questions of ten (10) marks each, out of which the Candidate is required to attempt any two (02) questions and Part – C shall consist of two (02) questions of twenty (20) marks each in which the Candidate is required to attempt any one (01) question.
- 2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

Intellectual property is a 'Product of Skill and Mind'. With the view to create awareness on the significance of IPR's to the students who are being imparted law education and in order to cater to the needs of the stakeholders of knowledge economy the course is hereby proposed for those interested in pursuing a career in IPR's, which opens opportunities in the fields of IP Analysts, IP Attorneys, IP Consultants, IP Managers and the like together with appraising the students with other relevant amendments in the law forming the significant part of this course.

#### **UNIT - I**

##### **Introduction to Intellectual Property:**

Theories of Intellectual Property (Basic Concepts), Justifications for the Protection of Intellectual Property; Kinds of Intellectual Property Rights:(Basic Overview); IPR and Constitution of India;

Copyright and Related Rights, Patents, Trademarks, Design, Plant Varieties, Farmer's Rights, Traditional Knowledge, Traditional Knowledge Digital Library, Convention on Biological Diversity, Trade Secrets, The Semiconductor Integrated Circuits Layout-Design.

#### **UNIT - II**

##### **The World Trade Organization (WTO):**

Introduction to International trade and the law of the WTO, Sources of WTO Law, Basic rules and principles of WTO Law; Historical Background; Membership; Institutional Structure; WTO Dispute Settlement; TRIPS Agreement: IPR's covered by TRIPS'; Indian response to the TRIPS'.

The Patents Act, 1970:History, Enactment and Implementation etc.; Interpretation Clause; Inventions Not Patentable; Applications for Patents; Publication and Examination of

Applications; Opposition and Anticipation; Grant of Patents and Rights Conferred Thereby; Restoration, Surrender and Revocation of Patents; Register of Patents; Patent Office and Its Establishment; Working of Patents, Compulsory Licenses and Revocation; Landmark Cases; Recent Developments in the Law (with Amendments, if any)

### **UNIT - III**

#### The Trademarks Act, 1999:

History, Enactment and Implementation etc.; Interpretation Clause; Kinds of Trademarks; The Register and Conditions for Registration; Procedure for and Duration of Registration; Effect of Registration; Use of Trademarks and Registered Users; Collective Marks and Certification Trademarks; Landmark Cases; Recent Developments in the Law (with Amendments, if any)

The Geographical Indication of Goods (Registration and Protection) Act, 1999:History, Enactment and Implementation etc.; Interpretation Clause; The Register and Conditions for Registration; Procedure for and Duration of Registration; Effect of Registration; Special Provisions relating to Trademarks; Landmark Cases; Recent Developments in the Law (with Amendments, if any)

### **UNIT - IV**

#### The Copyright Act, 1957:

History, Enactment and Implementation etc. ; Interpretation Clause; Copyright Office and Copyright Board; Copyright; Ownership of Copyright and the Rights of the Owner; Term of Copyright, Licences; Rights of Broadcasting Organization and of Performers; Registration of Copyright; Infringement of Copyright; Landmark Cases; Recent Developments in the Law (with Amendments, if any)

The Designs Act, 2000:History, Enactment and Implementation etc.; Interpretation Clause; Registration of Designs; Copyright in Registered Designs; Legal Proceedings; Landmark Cases; Recent Developments in the Law (with Amendments, if any)

#### **LEADING CASES\*:**

- 2) Bayer Corporation v. Union of India Delhi HC
- 3) Eastern Book Company & Ors v. D.B. Modak & Anr.
- 4) Gramophone Co. of India Ltd. v. Birendra Bahadur Pandey
- 5) Indian Performing Right Society Ltd v. Eastern India Motion Picture Association
- 6) Lee Pharma Ltd. v. AstraZeneca AB
- 7) Makemytrip (India) Private Limited v. Orbit Corporate Leisure Travels
- 8) Monsanto Technology LLC & Ors. v. Nuziveedu Seeds Ltd. & Ors.
- 9) Natco Pharma Ltd. v. Bayer Corp.
- 10) Novartis A.G. v. Union of India 2013 SC
- 11) R.G Anand v. M/S. Delux Films & Ors.
- 12) Tea Board India v. ITC Limited Kolkata HC
- 13) The Coca-Cola Company v. Bisleri International Pvt. Ltd. Manu/DE/2698/2009
- 14) The Chancellor, Masters & Scholars of the University of Oxford & Ors. v. Rameshwari Photocopy Services & Ors.
- 15) Yahoo Inc. v. Akash Arora & Anr 1999 (19) PTC 201 (Delhi HC)

### **SUGGESTED READINGS\*:**

- Ahuja, V. K. , Law of Copyright and Neighbouring Rights, (2007), New Delhi, Lexis Nexis
- Dev Gangjee, Relocating the Law of GI, Cambridge University Press, 2012
- Elizabeth Verkey, Law of Patents, Eastern Book Company, 2nd Edition, 2012
- Elizabeth Verkey, Law of Plant Varieties Protection, Eastern Book Company, 200
- Feroz Ali Khader, The Law of Patents-With a Special Focus on Pharmaceuticals in India, LexisNexis, 2nd Edition, 2011
- Jayashree Watal, Intellectual Property Rights in the WTO and Developing Countries, Oxford University Press, 2001
- K. C. Kailasam and Ramu Vedaraman, Law of Trademarks including International Registration under Madrid Protocol and Geographical Indications, Lexis Nexis, 2013
- Kankanala, Kalyan C., Indian Patent Law and Practice, (2010), India, Oxford University Press
- Latha R Nair & Rajendra Kumar, Geographical Indications: A Search For Identity, Lexis Nexis, 2005
- Lionel Bently & Brad Sherman, Intellectual Property Law, Oxford University Press, 3rd Edition, 2008
- V. K. Ahuja, Law relating to Intellectual Property rights, 2nd Edition, (2013) LexisNexis.
- Vandana Shiva, Biopiracy: The Plunder of Nature and Knowledge, South Press, 1997
- W. R. Cornish, Intellectual Property: Patents Copyright Trademarks and allied rights, Sweet & Maxwell, London, 2010.

\* SUGGESTED READINGS AND LEADING CASES ARE NOT EXHAUSTIVE. NEED TO BE SUPPLEMENTED WITH ADDITIONAL READINGS AND OTHER CASES.

### **PAPER CC 2203**

#### **COMMERCIAL ARBITRATION**

#### **SCHEME OF PAPER:**

MAX. MARKS: 50

MIN. PASS MARKS: 25

This paper shall consist of three parts:

- 1) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of three (03) questions of ten (10) marks each, out of which the Candidate is required to attempt any two (02) questions and Part – C shall consist of two (02) questions of twenty (20) marks each in which the Candidate is required to attempt any one (01) question.
- 2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

## **OBJECTIVES OF THE COURSE:**

Commercial arbitration is the preferred method of resolving commercial disputes both globally as well as within India. Disputes relating to international trade, foreign investments, insurance and reinsurance, and construction are generally being resolved by arbitration. In India the Arbitration & Conciliation Act 1996 has been enacted in pursuance of the UNCITRAL model law incorporating provisions enacted as per the Geneva Convention and the New York Convention. The object of the course is to impart, theoretical as well as practical, knowledge and understanding, to the students of international arbitration. After the end of the course, the students shall have gained a thorough knowledge of the new UNCITRAL's model law, its arbitral rules, the New York Convention of 1958, and of the legal issues that might arise in this context. Additionally, the students shall gain an overall knowledge of the world's leading arbitration institutions, and their rules of procedure. The course also focuses on international commercial arbitration outlining the legal issues in the choice of law and forum for arbitration.

### **UNIT-I**

Importance of ADR, concept and nature of arbitration, dispute resolution in international trade; Important terms used in Commercial Arbitration; Types of arbitration; Overview of Arbitration & Conciliation Act 1996 as amended by the Arbitration and Conciliation Amendment Act, 2019 (with all latest amendments)

### **UNIT-II**

Arbitration Agreement Significance of arbitration agreement; Forms of arbitration agreement & definitions and validity; Foreign arbitration agreement; Jurisdiction of arbitral tribunal; Theory of competence-competence;

### **UNIT-III**

International Commercial Arbitration Uncitral Model Law on Arbitration; Governing Law of Arbitration, Applicable Law and Choice of Law and Principles And Judicial Intervention; Conflict Rules;

### **UNIT-IV**

Enforcement of Arbitral Awards; Appointment of arbitrators -Choice of law (Seat Theory) Jurisdiction of arbitral tribunal -Independence and impartiality of the tribunal Arbitral process -Party autonomy and arbitral award Grounds for setting aside arbitral award Recognition and enforcement of foreign arbitral awards;

### **SUGGESTED READING:**

- Bansal A K 'Law of International Commercial Arbitration' 2<sup>nd</sup>Edn. Universal Law Publishers.
- Saraf, B.P. and M. Jhunjhunwala; Law of Arbitration and Conciliation; Snow White Publication
- S.K. Chawla, Law of Arbitration & Conciliation –Including other ADRs, 3rd edn2012 Eastern Law House, New Delhi
- Dr.Markanda P.C., Law Relating to Arbitration and Conciliation 8thEdn., 2013 Lexis Nexis
- Mohta VA., Arbitration Conciliation and Mediation, Manupatra
- Justice SB Malik, Commentary on The Arbitration and Conciliation Act, 2013, Universal Law Publishing Co.,
- Nigel Blackabyet. al., Redlam& Hunter on International Arbitration 23rdEdn. Thomson Reuters
- Avtar Singh, 'Arbitration and Conciliation Act'10th Edition, 2013, EBC, Lucknow.

\* SUGGESTED READINGS ARE NOT EXHAUSTIVE. IT MAY BE SUPPLEMENTED WITH ADDITIONAL READINGS AND CASE-LAWS.

## **PAPER CC 2204**

### **BANKING LAWS**

#### **SCHEME OF PAPER:**

MAX. MARKS: 50

MIN. PASS MARKS: 25

This paper shall consist of three parts:

- 1) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of three (03) questions of ten (10) marks each, out of which the Candidate is required to attempt any two (02) questions and Part – C shall consist of two (02) questions of twenty (20) marks each in which the Candidate is required to attempt any one (01) question.
- 2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

A vitally important economic institution the banking system is deeply influenced by socio-political and economic changes. The emerging changes in India, particularly after the initiation of the planning process as an instrument of rapid economic development had moulded and affected the banking structure, policies, patterns and practices. A significant development in the banking system is diversification in banks financing. The commercial banks entered 'into the field of wide ranging financial assistance to industry, both large and small scale, requiring the need for social control of the banking system eventually leading to the nationalization of banks. This course is designed to acquaint the students with the conceptual and operational parameters of banking law, the judicial interpretation and the new and emerging dimensions of the banking system.

## **UNIT - I**

The Banking Regulation Act, 1949 As amended by The Banking Regulation (Amendment) Act, 2017; Definition, Key Features of the Act and Amendments; Preliminary; Business of Banking Companies; Supersession of Board of Directors of Banking Company; Prohibitions on Banking Companies; Undertakings of Banking Companies in Certain Cases; Suspension of Business and Winding-Up of Banking Companies ; Special Provisions for Speedy Disposal of Winding Up Proceedings; Provisions Relating to Certain Operations of Banking Companies; Miscellaneous and Judicial Responses;

## **UNIT – II**

Reserve Bank of India Act, 1934, (As amended by the Finance Act, 2019); Definition, Concept, Key Features of the Act and Amendments; Preliminary Incorporation, Capital, Management and Business; Central Banking Functions, Collection and Furnishing of Credit Information; Provisions Relating to Non-Banking Institutions Receiving; Deposits and Financial Institutions; Prohibitions on deposits; Regulation of Transactions in Derivatives, Money Market Instruments, Securities, etc.; Joint Mechanism; Monetary Policy; General Provisions; Penalties and Judicial Responses;

## **UNIT - III**

The Deposit Insurance and Credit Guarantee Corporation Act, 1961:

Need, Importance, Objectives; Definition, Concept, Key Features of the Act; Preliminary; Establishment and Management of the Deposit Insurance and Credit Guarantee Corporation; Registration of Banking Companies and Co-Operative Banks as Insured Banks and Liability of Corporation to Depositors; Credit Guarantee Functions; Funds, Accounts and Audit; Miscellaneous and Judicial Responses;

## **UNIT - IV**

The State Bank of India Act, 1955:

Objectives; Key Features of the Act; Preliminary; Incorporation and Share Capital of State Bank; Transfer of Undertaking of The Imperial Bank To State Bank; Shares; Management; Business of The State Bank Funds, Accounts And Audit; Miscellaneous and Judicial Responses; Negotiable Instruments Act, 1881 including The Negotiable Instruments (Amendment) Act, 2015 and The Negotiable Instruments (Amendment) Act, 2018; Objectives; Definition, Concept, Key Features of the Act and Amendments and Judicial Responses

### **SUGGESTED READINGS\*:**

- M.L. Tannan, Tannan's Banking Law and Practice in India (1997) India Law House, New Delhi, 2 Volumes.
- ICSI, Banking and Insurance Law and Practice, Institute of Company Secretaries of India, Taxmann Publishers, 2010.

- K.C. Shekhar, & LekshmiShekhar, Banking Theory and Practice, Vikas Publishing House, 19th edition, 2005.
- JyotsanaSethi & Nishwar Bhatia, Elements of Banking and Insurance, PHI Publishers, 2nd edition, 2013.

\* SUGGESTED READINGS ARE NOT EXHAUSTIVE. IT MAY BE SUPPLEMENTED WITH ADDITIONAL READINGS AND CASE-LAWS.

### **PAPER CC 2205**

### **DISSERTATION**

#### **SCHEME OF PAPER:**

MAX. MARKS: 100

MIN. PASS MARKS: 40

This paper will have two Components:

- |                                |          |
|--------------------------------|----------|
| a) Dissertation (Written Part) | 75 Marks |
| b) Viva – Voce (External)      | 25 Marks |

The candidate must pass in Parts A and B separately. For passing, he shall be required to obtain 40 percent marks in each part, i.e. 30 marks out of 75 and 10 marks out of 25.

#### **a) Dissertation (Written Part) 75 Marks**

Sequence of Pages: Cover Page/ Certificate/ Declaration/ Acknowledgment/ Preface/ Abbreviations/Table of Cases/ Contents/ Main Text/ Bibliography/ Appendixes

Note: The Students are advised to refer to the samples but in no case it should limit the creativity in writing. All the sample pages are based on the minimum requirements of a standard dissertation as well as imaginary particulars. The standard Bluebook Citation should be followed in making the Dissertation.

#### **b) Viva – Voce (External) 25 Marks**

Dissertation shall be evaluated by one Internal and one External Examiner and the decision of External Examiner shall be final and binding.

**PAPER CS 2201**

**CRIMINAL AND SECURITY LAW**

**CRIMINOLOGY AND CRIMINAL JUSTICE ADMINISTRATION**

**SCHEME OF PAPER:**

MAX. MARKS: 50

MIN. PASS MARKS: 25

This paper shall consist of three parts:

- 1) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of three (03) questions of ten (10) marks each, out of which the Candidate is required to attempt any two (02) questions and Part – C shall consist of two (02) questions of twenty (20) marks each in which the Candidate is required to attempt any one (01) question.
- 2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

**OBJECTIVES OF THE COURSE:**

The main objective of this course is to provide in depth and advance knowledge regarding criminology, victimology and penology to the student and to acquaint students with the penal policies including theories of punishment, their supposed philosophical and sociological justifications. The objective of the course is also to provide in-depth understanding of crime causation and its prevention. Advancement in the science of psychiatry and sociology has changed the understanding of criminology as a science. At the end of the course, students would be able to understand the causation of crime in a better scientific and rational manner.

**UNIT - I**

Criminology:

Definition, Nature and Scope, Methods of Studying, Importance and Classification of Crime Criminal Behaviour: Explanations; Psychological Theories: Alcoholisms and Drugs; Crime and Social Processes: Economic Motivation, Socio-cultural Movements, Crime and Community, Female Offender, Influence of Mass-Media;

**UNIT - II**

Schools of Criminological Thought (Factors in Causation of Criminal Behaviour):Schools of Criminology: The Pre-Classical School; The Classical School; Neo-Classical School; Positivist Approach; Radical Positivism and Liberal Positivism: Cesare Lombroso; Enrico Ferri; Raffaele Garofalo; Gabriel Tarde;

**UNIT - III**

Criminal Justice System (CJS):

Meaning, Purpose and Social Relevance; Legislative Process and CJS; Functionaries of CJS: Police, Prosecution, Judiciary, Prison; Control of Crime: Police and Law Courts:

Prison System-Re-socialisation of the Offender, Rehabilitation of Discharged Prisoners in the Administration of Criminal Justice, Prevention of Crime Delinquency;

#### **UNIT – IV**

##### Administration of Criminal Justice System (CJS):

Police: Fundamentals of Police Administration; Organization and Structure of Police; Police Act of 1861 – Recent State Enactment (The Rajasthan Police Act, 2007); Police Reforms in Independent India and Judicial Intervention; Policing in Modern Society- Different Approaches Including Community Policing etc., Role of various Agencies in Protection of Human Rights under Criminal Justice System (CJS); National and International Level.

##### **SUGGESTED READINGS\*:**

- Qadri, and Ahmed Siddique, Criminology - Problems and Perspectives, Eastern Book Co., 6<sup>th</sup> Ed., 2009, Reprinted 2014.
- Pananjpe, N.V. Criminology and Penology, Central Law Publications, 2005.
- K.D. Gour, Criminal Law and Criminology, Deep & Deep Publications, India, 2003.
- K.N. Pillai, Chandrasekharan, General Principles of Criminal Law, Eastern Book Co., 2005.
- Shukla Girjesh, Criminology, Lexis Nexis, New Delhi, 2013.

\*SUGGESTED READINGS ARE NOT EXHAUSTIVE. IT MAY BE SUPPLEMENTED WITH ADDITIONAL READINGS AND CASE-LAWS.

#### **PAPER CS 2202**

#### **INTERNATIONAL CRIMINAL LAW**

##### **SCHEME OF PAPER:**

MAX. MARKS: 50

MIN. PASS MARKS: 25

This paper shall consist of three parts:

- 1) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of three (03) questions of ten (10) marks each, out of which the Candidate is required to attempt any two (02) questions and Part – C shall consist of two (02) questions of twenty (20) marks each in which the Candidate is required to attempt any one (01) question.
- 2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

## **OBJECTIVES OF THE COURSE:**

The subject focuses on the institutional developments in international criminal law as well as the definition and application of the crimes of genocide, crimes against humanity, war crimes. The objective is to develop students' analytical skills in relation of the function, scope and operation of the international criminal justice system and its likely future development, as well as to enable students to apply the law to the various situations.

### **UNIT-I**

International Criminal Law: Development of the substantive international law; The objectives and policies of international criminal law; Crimes under International Law: general Crimes and imposition of responsibility : Excluding responsibility; Treaty crimes : General Treaty crimes : focus on treaty-based responses to terrorism The Rome Statute ;The crime of aggression Genocide; Crimes against humanity ;War crimes; Terrorism and transnational crimes; The role of the International Criminal Court and jurisdiction – Issues of amnesty, truth and justice Various International criminal tribunals Emerging issues in international criminal law

### **UNIT-II**

Transnational crimes: Definition, Scope and Characteristics of Transnational crime; Types of Transnational crime; Causes of Transnational crime; Criminal Intent and mens-rea in such crimes; Modus operandi of Transnational crime, Classification of Transnational Crimes; International Perspective. Drug Trafficking; Trafficking of Weapons; Counterfeit of Goods; Trafficking of Persons and Smuggling of Migrants; Money Laundering; Terrorism; Environmental Crimes;

### **UNIT-III**

Laws relating to Transnational Crime; Organised crime and United Nations. The UN Convention on transnational and organised crime; Naples Declaration and Global Action Plan 24 Dec. 1994; United Nations Conventions against Organized Crime, 2000;

### **UNIT-IV**

Extradition Act 1962 (Relevant Provisions) and Extradition Treaty International investigative agencies (Interpol etc.), Adjudication authorities (including ad hoc and permanent criminal tribunals), Role of Police in Investigation of organized crime; Role of Judiciary, Trial and Sentencing in organized crime Profiles of Criminal Gang / Investigation and Prosecution;

### **SUGGESTED READINGS\*:**

- The International Criminal Court: Challenges to Achieving Justice and Accountability in the 21st Century by Mark S. Ellis; Richard J. Goldstone. International Debate Education Association, 2008

- An Introduction to International Criminal Law and Procedure Paperback – June 28, 2010 by Robert Cryer, Hakan Friman, Darryl Robinson
- An Introduction to Transnational Criminal Law (Paperback) by Neil Boister
- The International Criminal Court: A Commentary on the Rome Statute (Oxford Commentaries on International Law) By William A. Schabas
- From Nuremberg to the Hague: The Future of International Criminal Justice, Philippe Sands., Cambridge University Press, 2003
- Transnational Organized Crime: A Commentary on the United Nations Convention and its Protocols (Oxford Commentaries on International Law) Hardcover – May 17, 2007 by David McClean, Oxford University Press (May 17, 2007)
- \* Suggested Readings are not Exhaustive. It may be supplemented with additional Readings and Case-Laws

### **PAPER CS 2203**

#### **CORPORATE AND WHITE COLLAR CRIME**

#### **SCHEME OF PAPER:**

MAX. MARKS: 50

MIN. PASS MARKS: 25

This paper shall consist of three parts:

- 1) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of three (03) questions of ten (10) marks each, out of which the Candidate is required to attempt any two (02) questions and Part – C shall consist of two (02) questions of twenty (20) marks each in which the Candidate is required to attempt any one (01) question.
- 2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

This Course will deal with the Concept of White Collar Crime and criminal liability; Role of Criminal Justice System in protection of White Collar Crime This course will deal with the nature of Crimes and type of offense, e.g., property crime, economic crime, and other corporate crimes like environmental and health and safety law violations. Some crime is only possible because of the identity of the offender, e.g., transnational money laundering requires the participation of senior officers employed in banks. The objective is to develop students' analytical skills relating to occupational crime which occurs when crimes are committed to promote personal interests, say, by altering records and overcharging, or by the cheating of clients by professionals.

#### **UNIT-I**

Evolution of the Concept of Economic Crimes; Emergence of Economic Crimes in India; White Collar Crime: Definitional issues, Sutherland's Definition of White Collar Crimes;

Relationship with other types of crimes; Blue Collar Crime; Corporate Crime, Organized trans-national Crime, Occupational Crime;

## **UNIT-II**

White Collar Criminality: Social Learning Theory; Sutherland's Differential Association theory; Differential Reinforcement theory; Neutralization Theory; Rationalization of White Collar Offences; Development of the corporate crime; Impact of Industrial Revolution and advancement of technologies and scientific developments on corporate crimes- Nature, Extent and consequences of corporate corruption; prominent patterns and incidences, Corporate Tax Evasion;

## **UNIT-III**

Theories of Corporate Criminal Liability: Theory of Vicarious Liability, Identification Theory; Aggregation Theory; Analysis of corporate criminal liability in India, USA and UK; Special Enforcement Procedure issues in detection, investigation, prosecution and trial; Sentencing policy and practices with respect to economic offences;. Difficulty in the enforcement of laws;

## **UNIT-IV**

### Legislations in India:

Provisions in the Companies Act 2013 to prevent corporate frauds. The Prevention of Corruption Act,1988; The Prevention of Money Laundering (Amendment) Act 2012, Food Safety and Standards Act,2006 and Food Safety and Standard Rules,2011.

### **SUGGESTED READINGS\*:**

- Professor Hazel Croall: Understanding White Collar Crime McGraw-Hill Education (UK),2001
- Edwin H. SutherlandWhite collar crime Yale University Press, 01-Jan-1983 -
- James B. Stewart International Handbook of White-Collar and Corporate CrimeSimon & Schuster1996
- Jake Bernstein, Secrecy World: Inside the Panama Papers Investigation of Illicit MoneyGilbert Geis, Henry N. Pontell 2006
- David O. FriedrichsTrusted Criminals: White Collar Crime in Contemporary SocietyGoogle Books 1996
- David Weisburd, ElinWaring, and Ellen F. ChayetWhite-Collar Crime and Criminal CareersGoogle Books: 2001

\* SUGGESTED READINGS ARE NOT EXHAUSTIVE. IT MAY BE SUPPLEMENTED WITH ADDITIONAL READINGS AND CASE-LAWS.

## **PAPER CS 2204**

### **CRIMINAL JUSTICE AND HUMAN RIGHTS**

#### **SCHEME OF PAPER:**

MAX. MARKS: 50

MIN. PASS MARKS: 25

This paper shall consist of three parts:

- 1) Part – A shall consist of five (05) compulsory questions of two (02) marks each whereas Part – B shall consist of three (03) questions of ten (10) marks each, out of which the Candidate is required to attempt any two (02) questions and Part – C shall consist of two (02) questions of twenty (20) marks each in which the Candidate is required to attempt any one (01) question.
- 2) The prescribed syllabus includes latest amendments and relevant judgments in the subject wherever applicable.

#### **OBJECTIVES OF THE COURSE:**

This Course will deal with the Concept of crime and criminal liability; Role of Criminal Justice System in protection of Human Rights; This course will deal with the nature of Crimes and Human values and Rights. It further deals with the developments in international criminal law as well as the definition and application of the crimes of genocide, crimes against humanity, war crimes The objective is to develop students' analytical skills in relation of the function, scope and operation of the international criminal justice system and its likely future development, as well as to enable students to apply the law to the various situations.

#### **UNIT-I**

Concept of crime and criminal liability; Role of Criminal Justice System in protection of Human Rights; *Objectives and Theories of Punishment*; Capital Punishment; Sentencing Process and Policies; Role of Judiciary and Human Rights;

#### **UNIT-II**

*Human Rights Problems*; Police Atrocities and Accountability; Violence against Women and Children; Terrorism and Insurgency *Rights to Accused*; Ex post facto law Double Jeopardy Protection against Self Incrimination; Fair Trial Punishment and Human Rights;

#### **UNIT-III**

Police-Development, Function, Custodial Violence and Reforms in Police System Violence-Terrorism and Human Rights, Atrocities against SC and ST and other vulnerable Groups Compensation to victims of crime;

#### **UNIT-IV:**

*International Perspectives* International Crimes and International Cooperation in combating of Transnational organized crimes; International Norms on Administrative of Criminal Justice.

#### **SUGGESTED READINGS\*:**

- P.S. Atchuthen Pillai: Criminal Law (1996) M.N. Tripathi
- Harri's : Criminal Law (2000-Indian reprint) Universal.
- K.N. Chandrasekharan Pillai : General Principles of Criminal Law (2005) Eastern.
- Kenny's: Outlines of Criminal Law (19th edn.) Universal.
- T.S. Batra : Criminal Law Principles of Liability (1978) Metropolitan
- Smith and Hogan: Criminal Law Cases and Materials (1975), Butterworths.
- K.I. Vibhute: P.S.A. Pillai's Criminal Law (2008) Lexis Nexis.
- L. Radzinowicz : A History of English Criminal Law, Vol. I & II (1969) Stevens.
- Cross and Jones: An Introduction to Criminal Law (1972) Butterworths
- R. Prakash: O.P. Srivastav's Principles of Criminal Law (2010) Eastern.

\* SUGGESTED READINGS ARE NOT EXHAUSTIVE. IT MAY BE SUPPLEMENTED WITH ADDITIONAL READINGS AND CASE-LAWS.

#### **PAPER CS 2205**

#### **DISSERTATION**

#### **SCHEME OF PAPER:**

MAX. MARKS: 100

MIN. PASS MARKS: 40

This paper will have two Components:

- |                                |          |
|--------------------------------|----------|
| a) Dissertation (Written Part) | 75 Marks |
| b) Viva – Voce (External)      | 25 Marks |

The candidate must pass in Parts A and B separately. For passing, he shall be required to obtain 40 percent marks in each part, i.e. 30 marks out of 75 and 10 marks out of 25.

**a) Dissertation (Written Part)**

**75 Marks**

Sequence of Pages: Cover Page/ Certificate/ Declaration/ Acknowledgment/ Preface/ Abbreviations/Table of Cases/ Contents/ Main Text/ Bibliography/ Appendixes

Note: The Students are advised to refer to the samples but in no case it should limit the creativity in writing. All the sample pages are based on the minimum requirements of a standard dissertation as well as imaginary particulars. The standard Bluebook Citation should be followed in making the Dissertation.

**b) Viva – Voce (External)**

**25 Marks**

Dissertation shall be evaluated by one Internal and one External Examiner and the decision of External Examiner shall be final and binding.