



BHARTI VISHWAVIDYALAYA DURG (C.G.)

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SCHEME OF EXAMINATION & SYLLABUS Of LL.M.

Semester Exam
UNDER
FACULTY OF LAW

(Approved by Board of Studies)

Session 2022



BHARTI VISHWAVIDYALAYA



MASTER OF LAW (LL.M.) (SEMESTER PATTERN) SCHEME OF EXAMINATION

SEMESTER – I

The student shall have to opt any one optional group from Optional Groups A, B and

C in Semester - I, II & III.

S. No.	Subject Code	Subject	External	Internal	Total	Credit
COMPULSORY PAPERS						
1	LLM101	Legal Research Methods	70	30	100	4
2	LLM102	Judicial Process	70	30	100	4
OPTIONAL GROUP – A (CONSTITUTIONAL LAW)						
3	LLM103	Fundamental Rights and Directive Principles of State Policy	70	30	100	4
4	LLM104	Mass Media Laws	70	30	100	4
OPTIONAL GROUP – B (CRIMINAL LAW)						
5	LLM105	Crime and Administration of Criminal Justice	70	30	100	4
6	LLM106	Comparative Criminal Procedure	70	30	100	4
OPTIONAL GROUP – C (CORPORATE LAWS)						
7	LLM107	Corporate Law	70	30	100	4
8	LLM108	Banking and Insurance Law	70	30	100	4
Total					400	16

SEMESTER – II

S. No.	Subject Code	Subject	External	Internal	Total	Credit
COMPULSORY PAPERS						
1	LLM201	Jurisprudence	70	30	100	4
2	LLM202	Law and Social Transformation	70	30	100	4
OPTIONAL GROUP – A (CONSTITUTIONAL LAW)						
3	LLM203	Indian Federalism	70	30	100	4
4	LLM204	Health Laws	70	30	100	4
OPTIONAL GROUP – B (CRIMINAL LAW)						
5	LLM205	Juvenile Delinquency	70	30	100	4
6	LLM206	Economic Crimes	70	30	100	4
OPTIONAL GROUP – C (CORPORATE LAW)						
7	LLM207	Intellectual Property Law	70	30	100	4
8	LLM208	Cyber Law In Corporate World	70	30	100	4
Total					400	16



SEMESTER – III

S. No.	Subject Code	Subject	External	Internal	Total	Credit
COMPULSORY PAPERS						
1	LLM301	Constitutional Law: New Challenges	70	30	100	4
2	LLM302	Legal Theory	70	30	100	4
OPTIONAL GROUP – A (CONSTITUTIONAL LAW)						
3	LLM303	Right to Information Act	70	30	100	4
4	LLM304	Local Self-Government & Direct Democracy	70	30	100	4
OPTIONAL GROUP – B (CRIMINAL LAW)						
5	LLM305	Crime against Women	70	30	100	4
6	LLM306	Law of Evidence	70	30	100	4
OPTIONAL GROUP – C (CORPORATE LAW)						
7	LLM307	Competition Law and Consumer Protection	70	30	100	4
8	LLM308	Employment Laws And Human Resources Management	70	30	100	4
Total					400	16

SEMESTER – IV

S. No.	Subject Code	Subject	External	Internal	Total	Credit
1	LLM 401	Dissertation & Viva-Voce			200	8
Total					200	8

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Programme Outcome

Programme outcomes, Programme Specific outcomes and course outcomes for all programme offered by ISBM University under School of Law:-

- Programme Outcomes of all the programmes are identified at the National Level according to the Bar Council of India. The Programme outcomes and Programme specific outcomes are achieved through a curriculum that offers a number of courses. The prospectus of the college states the syllabus of every subject under each course offered at the college and the objectives of the course. It provides a general idea about the expectations of the college and about the outcome on the successful completion of the course. Our college offered various courses such as B.B.A.LL.B. (Five Year/Tenth Semester course), LL.B. (Three Year/ Sixth Semester course) and LL.M. (Two Year/ Fourth Semester P.G. course).
- Following are some of the work which could be done by the completion of Course or programme :-
 - Practice of Law in Bar
 - Judicial Services
 - Legal Process Outsourcing
 - As Legal Advisor In Law Firm
 - Non-Governmental Organization
 - As Prosecutors
 - As Law Clerk
 - Government Services
 - Legal officers in PSUs and Private Organizations

•Pedagogy:-

The pedagogy would be the combination of the following techniques:-

- Lectures
- Seminar
- Presentations
- Classroom Activities
- Discussions, Questions & Answers
- Case Study

•Program outcomes of P.G. course LL.M.

- Inculcate critical thinking to carry out research objectively without being biased with preconceived notions.
- Explore and explain the substantial & procedural laws in which they are made or drafted and how students think and understand the legislative setup.
- Interpret and analyse the legal and social problems and work towards finding solutions to the problems by application of laws and regulations.
- Equip the student with skills to analyze problems, formulate a hypothesis, evaluate and validate results, and draw reasonable conclusions thereof.
- Students are equipped with the knowledge of teaching methods through the subject on Teaching Pedagogy thereby enabling them to enter the teaching profession.
- Apply ethical principles and commit to legal professional ethics, responsibilities and norms of the established legal practices.

- Continue to acquire relevant knowledge and skills appropriate to professional activities and demonstrate highest standards of ethical issues in legal research.
- Recognise the need for and have the preparation and ability to engage in independent and life-long learning in the broader context of legal change.
- Provide a platform of self-employability by developing professional skills in legal industry.

•Program specific outcomes of P.G. course LL.M.

- Provide advanced knowledge on topics in law, empowering the students to pursue higher degrees at reputed academic institutions.
- Assist students in preparing (personal guidance, books) for competitive exams like net, set etc.
- Should use skills in specific areas (e.g. Criminal, industrial-organizational, clinical, counselling, social, community).
- Should possess the skills to communicate in both oral and written forms and ability to formulate legal problems and using appropriate concepts and methods to solve them.
- Should have the capability to understand the laws at national and global level and to solve the client’s problem.
- Demonstrate understanding of substantive and procedural law sufficient to enter the legal profession and professions in which legal knowledge is an advantage.’
- Enabling the art of undertaking doctrinal and empirical research covering a wide area of socio-legal knowledge and implementation of various tools and techniques of research.

•Course Outcome

Prepare students in order to achieve professional excellence, commitment to fairness, justice, compassion, and the highest ethical standard of moral values. In the legal education scope for career development, community service, leadership, faith on own capacity, adjust in global society, and inter disciplinary approach of research. Students after getting legal education shall competent in core and valuable assessment of social problem. Legal course of education shall develop core professional competencies. This are:-

First: competencies in knowledge of law and legal profession.
 Second: competencies relating to professional skills.

Fundamentals of Course outcome is as follows:

- **Careers:** To develop the academic skilled of students to enhance legal knowledge and competencies. It will enable the students to succeed in every range of career. The career of law student is in every field of life i.e. administration, legal profession, executor of plan or good planner, social reformer, value protector, self-employer, motivator, arbitrator, mediator, conciliator, legal adviser, and best creator of society.
- **Service:** Prepare students to protect and preserve composite culture, secularism principles, value ideas, national development, serve community, participate in legal service programme, legal service provider and contribute in dispute resolution mechanism.
- **Leadership:** the legal course would provide opportunities to law students’ professional skills of collaboration, counseling and needed for competent and ethical participation as leader of the legal profession. All students will also demonstrate a basic understanding of business fundamentals and be able to read and understand basic financial documents as all-rounder of the discipline and leader as legal expert.
- **Faith on own capacity:** LL.M. students will demonstrate a basic understanding global law,

perform legal analysis, capacity in oral communication and oral arguments, deeper understanding of financial law, core doctrine of administrative law, intellectual property laws, legal analysis, ability to find out structural components, operational elements and analytical framework for a compliance function of major legal system of country.

- Adjust in global society: The purpose of law is to provide justice, this is global phenomenon. The students shall demonstrate understanding of universal principles of law including capacity of project management. Application and adoption of new vistas of law shall be correlated with the competency of skilled capacity by the students for the development of Law.
- Inter-disciplinary approach of research: law students shall demonstrate research knowledge of interdisciplinary legal studies. Students shall generate knowledge in the social world. Students usually prepared to undertake legal research and analysis, by getting quality legal education they will able to develop methodological skills to undertake interdisciplinary legal studies. Students shall get competency in social, problem and legal solution



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SEMESTER - I

LLM101

External Marks: 70

Internal Marks: 30

LEGAL RESEARCH METHODS

Course objective: The aim of this course is to make the learners aware about the meaning, definition, nature and scope of research. It is useful for the learners to understand the implications of research and develop their interest to contribute in addition of knowledge. The paper is to equip the students with various tools of Legal research.

Course Outcome:

- Law Student shall get an insight into the objectives of legal education.
- Produce law expert with better competent and expertise.
- Students shall familiarize him with the system of legal education.

UNIT-I

Objectives of legal education, teaching methods – The problem method, lecture method, discussion method and the seminar method of teaching, Evaluation of teaching methods.

Examination system of legal education

– Problems in evaluation, external and internal assessment system and suggested approaches for reformation of the system.

UNIT-II

Clinical Legal Education: Concepts and Dimensions – Legal aid, legal literacy, legal survey and law reforms. Students' participation in Law School Programmes: Organizing seminars, publication and editing of Law Journal and assessment of teachers.

UNIT-III

Research methods – Socio-legal research, Inter-disciplinary approaches, doctrinal and non-doctrinal research, field surveys, relevance of empirical research and induction and deduction.

UNIT-IV

Identification of the research problem – What is a research problem and how it is to be selected? Definition and statement of the problem, evaluation of the problem, the hypotheses, the research proposal or synopsis, survey of available literature and bibliographical research, legislative materials, notification and policy statements, decisional material pertaining to research problem juristic writings and compilation of list of reports or special studies conducted, research design.

UNIT-V

Devising tools and techniques for collection of data – methodology, use of observation studies, questionnaires and schedules, interview techniques, use of case studies, sampling procedures and use of scaling techniques, procedure for collecting data and its treatment, analysis and interpretation of data and role of computers in legal research.

References:

1. A.M.L Robinson, Systematic Bibliography, London, Bingley, 1971.

2. Anwarul Yaqin, Legal Research and Writing Methods, Lexis Nexis, New Delhi, 2008.
3. Arundell Esdaile, Student's Manual of Bibliography, Barnes and Noble Publication New York, 1954.
4. C.R Kothari, Research Methodology Methods and Techniques, New Age International Publishers, New Delhi, 2008.
5. Donald Davinson, Bibliographical Control, Clive Bingley Linnet Books, London, 1975.
6. Enity Finch & S. Fafinski, Legal Skills, Oxford University Press, 2011.
7. Girja Kumar & Krishan Kumar, Bibliography, Vikas Publishing House Pvt. Ltd, 1976.
8. H.N Tiwari, Legal Research Methodology, Allahabad Law Agency, Faridabad, 1999.
9. Jagdish Sharan Sharma, Fundamentals of Bibliography, S.Chand and Company Limited, New Delhi, 1977.
10. Rattan Singh, Legal Research Methodology, Lexis Nexis, New Delhi, 2013.
11. Roy B. Stokes, "Bibliography" -Encyclopedia of Library and Information Science, Dekkar publication, New York, 1969.
12. S.K Verma, Legal Research and Methodology, Indian Law Institute, New Delhi, 2000.
13. S.R Myneni, Legal Research Methodology, Allahabad Law Agency, Faridabad, 1997.
14. Shipra Aggrawal, Legal Research Methodology, Sri Sai Law Publications, Faridabad, 2003.



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JUDICIAL PROCESS

Course Objectives: The aim of the course is to make the learners aware about the nature and scope of judicial process, interpretive techniques, relevance of law to provide justice, role of judge's social engineering helping the state to maintain law and order and shape contents of law with the passage of time. The course is useful for the learners in learning the method to read and analyze the judgments, techniques of drawing the analogies by judges from the arguments of the counsels, application of legal principles and legal concepts to resolve the disputes for operationalizing the law.

Course Outcome:

- Analysis and evaluation the legal process from broader juristic, perspective.
- To study the nature of judicial process as an instrument of social ordering.
- Highlight the role of court as policy maker, participant in the power process.

UNIT-I

Nature of Judicial Process – Judicial Process as an instrument of social ordering, Judicial Process and creativity in law – Tool and Techniques. Legal development and creativity through legal reasoning under statutory and codified systems. Multiple Dimensions of Judicial Process –

- (a) Kinds: Adversary, Inquisitorial, Arbitration, Public Interest Litigation
- (b) Stages in Judicial process: Advisory, pre-trial, Trial, Appellate, Appeal, Revision
- (c) Elements of Judicial Process: Practice and judicial technique, Reporting, Attendance and Management, (d) Judicial Process Distinguished from other processes: Legislative Process, Administrative Process, Conciliation, and Mediation.
- (e) Drawback of Judicial Process: Costs, Delay, Inadequate Representation, Class Structure, Technically.

UNIT-II

Judicial Process in India – Indian Debate on the role of Judges and on the notion of judicial review, The independence of Judiciary and the political nature of judicial process, Judicial activism and creativity of the Supreme Court, Judicial process in pursuit of Constitutional goals and values, Accountability of the Courts and judicial activism, Impact of public opinion on judicial process, Public confidence in the Judiciary.

UNIT-III

The Concepts and basis of Justice – The concept of justice or dharma in India thought, the nature and varieties of justice – views of Karl Marx, John Austin, Hans Kelson, C.K. Allen, Carl Renner, Gerny Bentham, Upendra Baxi, Rajiv Dhawan, Justice as a social norm, The objectivity of justice, Justice and justification, Justice as absolute moral principles, The modern approach to justice. Theoretical basis of justice

– The liberal conceptual tradition, the liberal utilitarian tradition, the liberal utilitarian tradition, the liberal moral tradition.

UNIT-IV

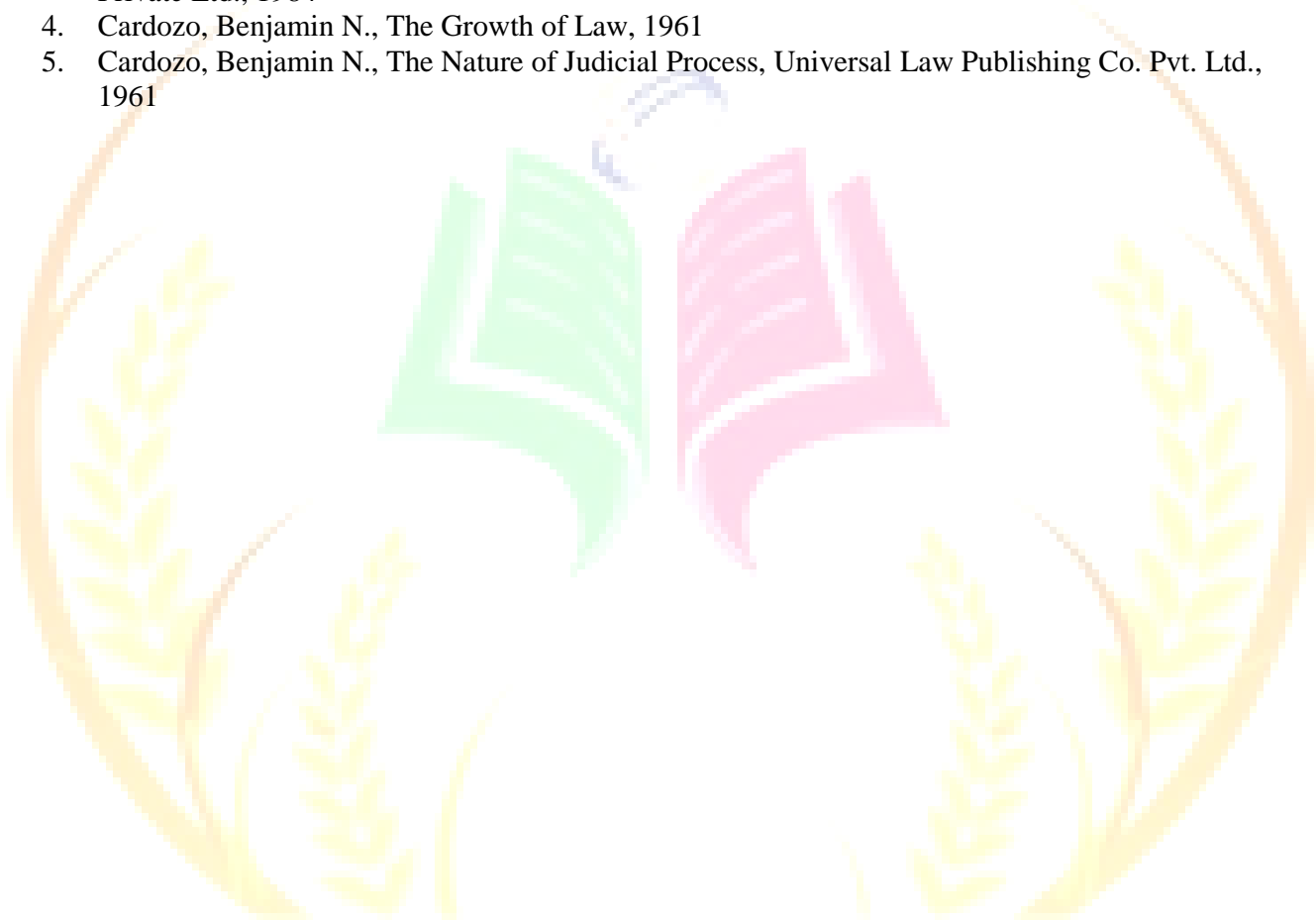
Relationship between Law and Justice – The dependence of the realization of justice on law, Can law be independent of justice? The conformity of law to justice, the dependence of justice on social action and not law. The criteria of law (just law).

UNIT-V

Equivalence theories: Justice is nothing other than the positive law of the stronger classes;
Dependency theories – For its realization justice depends of law justice, however, is not the same as law. The independence of justice theories – the relationship in the context of Indian constitutional setting; Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theory of justice.

References:

1. Abraham, Henry J., The Judicial Process, Oxford University Press, 3rd Edition 1975.
2. Agarwala, B. R., Our Judiciary, National Book Trust, India, 3'd Edition 2004
3. Agresta, John, The Supreme Court and Constitutional Democracy, Prentice Hall of India Private Ltd., 1984
4. Cardozo, Benjamin N., The Growth of Law, 1961
5. Cardozo, Benjamin N., The Nature of Judicial Process, Universal Law Publishing Co. Pvt. Ltd., 1961



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**OPTIONAL GROUP – A:
CONSTITUTIONAL LAW**

LLM103

**External Marks: 70
Internal Marks: 30**

**PAPER – I: FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES OF
STATE POLICY**

Course Objectives: The aim of the course is to make the learners aware the concept, meaning, nature and scope of rights. The course will be useful for the learners to understand the distinction between legal rights, human rights and fundamental rights. It also aims to sensitize the learners regarding the sense of duty and the relationship between right and duty. Besides, the sensitization regarding scope of rights available to each individual and remedy in case of violation thereof is also primary aim of the course.

Course Outcome:

- It is very essential for meaningful understanding of students related to living documents of Constitution.
- Exposed the new challenges and perspective of Constitutional development.
- Explore the knowledge of specialized area of law.

UNIT-I

1. Concept of Fundamental Rights and Relation with Natural Rights
2. Justifiability of Fundamental Rights
3. Definition of “State” - Need to enlarge the definition of State
4. Waiver of Fundamental Rights
5. Doctrine of Eclipse, Doctrine of Severability
6. Military Law and Fundamental Rights.

UNIT-II

1. Rights to Equality: Reasonable Classification, Wednesbury’s Principle, Legitimate expectation, Doctrine of proportionality and Administrative discretion, Equality under personal laws
2. Equality of Opportunity in public employment: Mandal Commission Case, Protective discrimination
3. Right to Freedom and Reasonable restrictions
4. Right to Life and Personal Liberty: Changing dimensions of Right to Privacy, Pre and post Maneka Gandhi case.
5. Freedom of Religion and Secularism.

UNIT-III

1. Development and Importance of Directive Principles of State Policy and their Unenforceability.
2. Inter-relationship between Fundamental Rights and Directive Principles.
3. Emerging Regime of New Rights and Remedies under the Garb of Fundamental Rights – Use of DPSP and International Instruments in Interpreting FRs.

4. Significance of Fundamental Duties.

UNIT-IV

1. Right to Property: Present Position.
2. Exceptions to Fundamental Rights (Arts.31-A, 31-B and Ninth Schedule).
3. Right to Constitutional Remedies (Writs) and Public Interest Litigation.

UNIT-IV

1. Judicial Review of FRs and DPSP: Concept of Socio-Economic Justice.
2. Amendment to FRs and DPSP (Shankari Prasad to I.R. Coelho's Case).

References:

1. H.M. Seervai, Constitutional Law of India – Vol. I & II.
2. V.N. Shukla, Constitution of India.
3. Subhash C Jain, The Constitution of India.
4. D.D. Basu, Commentaries on Constitutional Law of India, Vol. A to E.
5. M. Hidayatullah (Ed.), Constitution of India.
6. M.P. Jain, Indian Constitutional Law.
7. Subba Rao G C, V Indian constitutional law
8. Pande G S, Constitutional law of India.



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PAPER – II: MASS MEDIA LAWS**Course Objectives:**

- We examine the key ethical and legal principles related to mass media laws, including day-to-day legal-ethical dilemmas, big-picture thematic legal-ethical issues, open meeting and records laws, freedom of speech and press, and major legal constructs and court decisions affecting public relations, journalism and advertising.
- Review essential legal tenets involved with media law, including but not limited to issues involving libel, privacy and copyright

Course Outcomes:

- Knowledge about press, radio, television, films and its practical application.
- Develop capacity to make society modernization.
- Cultivation of mind of the students to increase potential values.
- Inculcate the challenges faced by early eminent journalists of the country and the values and morals with which they produced their newspapers.

UNIT-I

1. Types of: Press, Films, Radio and Television.
2. Ownership patterns - Press-Private-Public.
3. Ownership patterns - Films-Private.
4. Ownership patterns - Radio and Television, Public.
5. Difference between visual and non-visual Media- impact on People's minds.
6. Role of Internet as Mass media.

UNIT-II

1. Article 19 (1) (a)
2. Constitutional Restrictions, Parliamentary Privileges
3. Power to legislate - Article 246 read with the Seventh Schedule.
4. Media and Contempt of Courts Act, 1971
5. Issues relating to privacy and Official Secrecy Act, 1923.

UNIT-III

1. Social Media and Information Technology Act, 2000
2. The Abbas Case
3. Cinematograph Act, 1952

UNIT-IV

1. Press Councils Act, 1978
2. Prasar Bharti Act, 1990.
3. Cable Television Network Regulation Act, 1995.

UNIT-V

1. Monopolies and Restrictive Trade Practices Act, 1964.
2. Telecom Regulatory Authority of India Act, 1997.

References:

1. M.P. Jain, Constitutional Law of India; Wadhwa, Nagpur;(1994)
2. H.M. Seervai, Constitutional Law of India 2002 Vol. 1; Universal Law Publishing Co Ltd.
3. John B. Howard, "The Social Accountability of Public Enterprises" in Law and Community Controls in New Development Strategies (International Center for law in Development 1980)
4. Rodney D. Ryder, Brands, trademarks, and advertising, Lexis Nexis Butterworths, (2003).
5. Soli Sorabjee, Law of Press Censorship in India (1976).
6. Justice E.S. Venkaramiah, Freedom of Press: Some Recent Trends (1984).
7. D.D. Basu, The Law of Press of India (1980)
8. Venkat Iyerass, Media Laws and Regulations In India; Bahri Sons (India Research Press) (2000).
9. Monroe Edwin Price, Stefaan G. Verhulst, Broadcasting reform in India: media law from a global perspective, Oxford University Press, (2000).
10. Kiran Prasad, Media Law in India, Kluwer Law International ;(2011).
11. Daxton Stewart (ed.) Social Media and the Law: A Guidebook for Communication Students and Professionals, Routledge, (2013).
12. B. Manna, Mass Media and Related Laws in India, Academic Publishers, (2006).
13. Monroe Edwin Price, Stefaan G. Verhulst, Broadcasting reform in India: media law from a global perspective, Oxford University Press, (2001). M.P. Jain, Constitutional Law of India (1994) Wadhwa.
14. Bruce Michael Boyd, "Film Censorship in India: A Reasonable Restriction on Freedom of Speech and Expression ". 14 J.I.L.I. 501 (1972).
15. Rajeev Dhavan "On the Law of the Press in India" 26 J.I.L.I. 288 (1984).
16. Press Commission" 26 J.I.L.I. 391 (1984).
17. Justice E.S. Venkaramiah, Freedom of Press: Some Recent Trends (1984).

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OPTIONAL GROUP – B: CRIMINAL LAW

LLM105

External Marks: 70

Internal Marks: 30

PAPER – I: CRIME AND ADMINISTRATION OF CRIMINAL JUSTICE

Course Objective:

- Crime and administration of criminal Justice Studies students will demonstrate a critical understanding of diversity and inequality as manifested in the criminal justice system locally, nationally, and globally.
- Students will relate these understandings to both study and practice of criminology and criminal justice including an engagement with diverse local and global communities around issues of crime, criminal justice, and other problem behaviors.
- Crime and administration of criminal Justice Studies students will cultivate a fundamental commitment to ethical analysis, research, and practice and will demonstrate the ability to apply these principles to work within criminology, criminal justice, and related fields.

Course Outcome:

- Understanding concept, nature, definition and characteristics of crime, development of criminal law and criminal justice, theories and sociology of crimes.
- understanding criminology, principles of criminal jurisprudence, crime trends and crime prevention, social change, deviance and disorganization,
- practical knowledge of criminal liability, sentencing policy and process and victimology

UNIT-I

1. Crime, causes of crime, concept of criminal jurisprudence.
2. Administration of criminal justice.
3. Organisational hierarchy of criminal court and their jurisdiction.
4. Organisation of prosecuting agencies for prosecuting criminals; prosecution, police and withdrawal of prosecution.

UNIT-II

1. Arrest and questioning of accused.
2. The rights of the accused: right to counsel, right to bail, constitutional rights.
3. Roles of the prosecutor and judicial officer in investigation.
4. The Evidentiary value of the Statement/ the articles seized/ collected by the police.

UNIT-III

1. The accusatory and the inquisitorial system of trial.
2. Role of the judges.
3. Plea bargaining.
4. Preventive detention laws.

UNIT-IV

1. Protection of public peace and order.
2. Correctional institutions, correctional programmes.
3. Role of the court in Correctional Programmes in India.

UNIT-V

1. Public interest litigation,
2. Preventive and reformative measures in India: provisions under different legislations.

References:

1. Celia Hamptom, Criminal Procedure.
2. Wilkins and Cross, Outline of the Law of Evidence.
3. Archbold, Pleading, Evidence and Practice in Criminal Cases.
4. Sarkar, Law of Evidence.
5. K.N. Chandrasekharan Pillai (ed.), R.V. Kelkar's Outlines of Criminal Procedure (2000).
6. Patric Devlin, The Criminal Prosecution in England.
7. American Series of Foreign Penal Codes Criminal Procedure Code of People's Republic of China.
8. John N. Ferdico, Criminal Procedure (1996), West.
9. Sanders & Young, Criminal Justice (1994).
10. Christina Van Den Wyngart, Criminal Procedure Systems in European Community Joel Samaha.
11. Criminal Procedure (1997), West.
12. Criminal Procedure Code, 1973.
13. The French Code of Criminal Procedure.
14. 14th and 41st Reports of Indian Law Commission.
15. The Paper will be taught with reference, wherever necessary, to the procedures in India, England, US France, Russia and China.

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PAPER II: COMPARATIVE CRIMINAL PROCEDURE**Course Objective:**

Criminal procedure is being taught as a compulsory paper at the level of LL.B. today however, jurisprudential thrust has to be given to this subject at the post-graduate level as this is a subject which has constitutional undertones and jurisprudential importance. A study of comparative criminal procedure helps students develop an ecumenical approach and broadens their vision. It inspires them to renew and revise their laws to be in tune with developed systems. The paper taught with reference to India, England, France and China.

Course Outcome:

- Comparative criminal Law is a Part of Criminal Justice System which aims to compare law of different countries worldwide.
- This studies helps us in determines the similarities and differences in structure, goals and punishment.
- However, the functions of a criminal justice system can be categorized into policing, adjudication and corrections methods.

UNIT-I

1. Hierarchy of criminal courts and their jurisdiction
 - Nyaya panchayats in India
 - Panchayats in tribal areas
2. Organization of prosecuting for prosecuting criminals
 - Prosecutors and the police
3. Withdrawal of prosecution.

UNIT-II

1. Arrest and questioning of the accused
2. The right of the accused
3. The evidentiary value of statements / articles seized / collected by the police
4. Right to counsel
5. Roles of the prosecutors and the judicial officer in investigation.

UNIT-III

1. The accusatory system of trial and the inquisitorial system
2. Role of the judge, the prosecutor and defence attorney in the trial
3. Expert evidence
4. Appeal of the court in awarding appropriate punishment
5. Plea bargaining.

UNIT-IV

1. Institutional correction of the offenders
2. General comparison – after – care services in India and France
3. The role of the court in correctional programmers in India.

UNIT-V

1. provisions in the criminal procedure code
2. special enactments
3. Public interest Litigation
4. Directions for criminal prosecution.

References:

1. Celia Hamptom, criminal procedure
2. Wilkins and cross, outline of the law of evidence
3. Archbold, pleading, evidence and practice in criminal cases
4. Sarkar, law of evidence
5. K.N. Chandrasekharan Pillai (ed), R.V. Kelkar's Outlines of Criminal Procedure (2000), Eastern, Lucknow.
6. Patric Devlin, the criminal prosecution in England.
7. American series of foreign penal codes criminal procedure code of People 's Republic of China.
8. John N. Ferdico, Criminal Procedure (1996), West
9. Sanders & Young, Criminal Justice (1994)
10. Christina Van Den Wyngart, Criminal Procedure Systems European Community Joel samaha,
11. Criminal Procedure (1997) , West
12. Criminal Procedure Code, 1973
13. The French Code of Criminal Procedure ,
14. 14th and 41st Reports of Indian Law Commission.

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OPTIONAL GROUP – C: CORPORATE LAWS

LLM107

External Marks: 70

Internal Marks: 30

PAPER - I: CORPORATE LAW

Course Objectives: The course covers all important recent developments in this area. The course of Corporate Law has been specifically designed to provide not only an overview but also an in-depth knowledge about incorporation, raising capital by companies, borrowings and investments by companies, foreign direct investment in Indian companies, corporate restructuring, corporate insolvency and other related important issues.

Course Outcomes:

- In-depth understanding about different business organisations and comprehend importance of company form of business organisation with its incorporation and administration
- Learning about raising of capital by companies in compliance with SEBI regulations
- Comprehension of corporate management and governance
- Learning legal aspects of accounts and audit of companies with role of auditors
- Understanding different restructuring methods for companies
- Understanding business rescue proceedings and compromises

UNIT-I

- (i) Certificate of Incorporation
- (ii) Memorandum and Articles of Association
- (iii) Doctrine of Ultra Vires
- (iv) Doctrine of Indoor Management
- (v) Directors: Appointment, Removal, Position, Powers and Duties of Directors.
- (vi) Audit Committee: Its Role.
- (vii) Company Secretary: Qualification, Appointment and Duties
- (viii) Officer who is in default: Definition of Officer who is in default
- (ix) Liability of independent directors.
- (x) Types of Meetings
- (xi) Procedure of calling meeting
- (xii) Company's resolutions and its kinds

UNIT- II

(Sections 397 to 408; Sections 235 to 251)

- (i) Rule in Foss v. Harbottle
- (ii) Prevention of Oppression
- (iii) Prevention of Mismanagement
- (iv) Role & Powers of the Company Law Board
- (v) Role & Powers of Central Government
- (vi) Company Investigation

UNIT - III

- (i) Winding up of Companies
- (ii) Mode of winding up of the companies
- (iii) Compulsory Winding up under the Order of the Tribunal

- (iv) Voluntary winding up
- (v) Contributories
- (vi) Payment of liabilities

UNIT- IV

- (i) Importance of Corporate Governance
- (ii) Different system of Corporate Governance
- (iii) Impact of Legal Traditions and the Rule of Law on Corporate Governance
- (iv) Legal Reforms of Corporate Governance in India
- (v) Reports of the various Committees on Corporate Governance

UNIT- V

1. Corporate Social and Environmental Responsibility
2. Emerging Trend based on the recommendation of the Committees in the Companies Act 1956 and the Listing Agreement with Special reference to Clause 49.

Suggested Readings:

1. Smith and Keenan's, Company Law (2002)
2. Andrew Lidbetter, Company Investigations and Public Law (1999)
3. Saleem Sheikh & William Rees, Corporate Governance & Corporate Control (2002).
4. Avtar Singh, Company Law, 2007 Eastern Book Company, Lucknow.
5. Gower's Principles of Company Law 8th Edition 2008, R. Cambray & Co. Pvt.Ltd.
6. Smith and Keenan's Company Law.
7. S. K. Verma & Suman Gupta, Corporate Governance and Corporate Law Reform in India. (2005).
8. Companies Act, 1956
9. Suman Gupta: Shareholder's Democracy: Fact or Fiction. (1992)

BHARTI VISHWAVIDYALAYA

PAPER – II: BANKING AND INSURANCE LAW

Course Objectives:

- To make the students understand the various services offered and various risks faced by banks
- To make them aware of various banking innovations after nationalization
- To give them an overview about insurance industry
- To make the students understand various principles, provisions that govern the Life General Insurance Contracts

Course Outcomes:

- To have basic institutional and practical knowledge supported by text books including up-to-date information in the field of Banking and Insurance.
- To have knowledge of banking, insurance and capital market law besides fundamental legal knowledge.
- To carry out financial analysis of banks and insurance companies.
- To prioritize ethical values & to keep up with developments in financial markets.
- To analyze risks and financial problems and to take responsibility for the problems encountered or not anticipated in practice, as a member of a team.

UNIT - I

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

UNIT – II

1. Advances, Loans and Securities.
2. Direct, collateral and miscellaneous Securities.
3. Default and recovery.
4. Bank Debt Recovery Tribunals.
5. The Securitization and Reconstruction of Financial Assets and Enforcements of Security Interest Act, 2002 (Definitions, Section 13 – Enforcement of security interest, Section 17 - Right to appeal.)

UNIT – III

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

UNIT – IV

1. Insurance against third party risks (relevant provisions from Motor Vehicles Act, 1988.)
2. Liability Insurance.
3. Consumer Protection and Banking and Insurance Services.

UNIT V

1. The Insurance Act, 1938 and the Insurance Regulatory & Development Authority Act, (IRDA), 2000.
2. Miscellaneous Insurance Schemes: New Dimensions (Group Life Insurance, Medi claim, Sickness).

Suggested Readings:

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

BHARTI VISHWAVIDYALAYA

SEMESTER - II

LLM201

External Marks: 70

Internal Marks: 30

JURISPRUDENCE

Course Objective: The aim of the course is to make the learners aware about the meaning, definition and origin of law, its relevance to various socio-politic and other factors. The course is useful for the learners in understanding the relevance of law, legal principles and legal concepts in day to day activities and its functional aspects. Method of discussion would be based on lecture method, Discussion on Case Studies and Articles available on online databases subscribed by the University.

Course Outcome: A basic grounding in the central themes of the legal philosophies which involves examining the major schools of legal theory.

- The course should also give students an opportunity to think carefully about the values that ought to underpin a country's legal system
- Introducing students to core legal debates that have preoccupied legal philosophers from the early days of civilization to modern times.

UNIT-I

Historical Introduction to the Philosophy of Law, Philosophical idealism and the search for absolute values: Greek Theories of natural law: Roman theories of justice: Philosophical idealism in middle ages: Philosophy of social contract theories; German transcendental idealism; Indian transcendentalism; Aurbindo, philosophy of Bhagvad Gita; Neo Kantian philosophy; Theories of relationship between law and morality; Modern value philosophies and revival of natural law theories.

UNIT-II

Historical and Evolutionary Theories of Law: The Doctrine of Historical School; Savigny and Historical School in Germany; Historical School in England and United States; Biological-Cultural theory of evolution of law: the Herbert Spencer; Theory of living law: Ehrlic. Utilitarian Approach to law: General significance of Bentham's work; Pleasure and pain principle in legislation, Bentham on codification and law reforms; Utilitarian theory of law: Stuart Mill; Ihering's social utilitarianism: the jurisprudence of interests.

UNIT-III

Analytical Legal Postivism: Doctrine of analytical positivism; Austin's theory of law; German positivistic theories of law; Analytical positivism in France; Kelsen's pure theory of law; Contemporary modification of analytical positivism. Sociological jurisprudence; Characteristics of sociological jurisprudence; Developmental aspects of sociological schools:

(a) Mechanical stage (b) the Biological stage; (c) the Psychological stage; and (d) the stage of

unification; Sociological theories of law: theory of social interests – Rescoe Pound; Law and social control mechanism.

UNIT-IV

Pragmatism in Legal Philosophy: Pragmatism and a philosophy of law Origin of pragmatism; Basic ideas of pragmatism in American legal philosophy; Philosophy of the radical pragmatist: John Dewey, William James and O.H. Holmes;

UNIT-V

Pragmatic approach to law – the Indian experience; Study in Scandinavian Realism: Some implication of juristic pragmatism Economic Philosophy of Law : meaning and definition of economic jurisprudence Economic theories of legal evolution,

- (a) Communist theories of law,
- (b) Marxist theory of law,
- (c) Renner's analysis of law, and
- (d) Legal theory of social democracy.

Suggested Readings:

1. Bowett, D. W. (1982), Law of International Institutions, Oxford University Press, USA.
2. Boderheimer, (1996), Jurisprudence-The Philosophy & Method of Law, Universal, Delhi.
3. Dias R.W.M., (1994), Jurisprudence Indian Reprint-Adithya Books, Delhi.
4. Fitzgerald, (1999), Salmond on Jurisprudence Tripathi, Bombay.
5. Dhyani S.N., (1985) Jurisprudence-A Study of Indian Legal Theory, CLP, All.

BHARTI VISHWAVIDYALAYA

LAW AND SOCIAL TRANSFORMATION

Course Objective: This course is designed to discuss, explore and analyze the issues regarding; Indian approaches to social and economic problems in the context of law as a means of social control and to change the Law and a legal institutions as a means to achieve development within the framework of law.

Course Outcome:

- Social transformation is a complex subject that speaks of and deals with fundamental changes in society, its structure, method and manner of functioning. India, as a developing multicultural society, has an enormous population.
- Pluralism is to India in religion, language, caste onerous, structure, ethnic groups, and regions. We cannot be free from the impact and effects of multifaceted changes, and society has to respond with the appropriate legal framework, policies and programmes.
- The legal system's position as a purposeful enterprise for promoting justice logically compels it to play an instrumental and creative role in the social transformation task.
- This course is designed to offer the teacher, and the taught an opportunity to discuss, explore and analyze the issues regarding;
 - Indian approaches to social and economic problems in the context of the law as a means of social control and change; and
 - Law and legal institutions as a means to achieve development within the framework of the law.

UNIT-I

Law and social change – Law as an instrument of social change, Law and public opinion, Relation between law and public opinion, Characteristics of law making public opinion, Public opinion and democracy. Law and public opinion in England and India during 19th and 20th centuries.

UNIT-II

Religion and the law – Religion as a divisive factor, Secularism as a solution to the problem, Freedom of religion and non-discrimination on the basis of religion, Religious fundamentalism and issues like Ayodhya and Babri Masjid Constitutional perspective.

UNIT-III

Community and the Law – Caste as a divisive factor, Non-discrimination on the basis of the caste, Reservation – Action for social equality, Reservation policy, statutory commissions/provisions and the role of Supreme court of India. Children and the law – Menace of child labour – the legal perspective Constitutional philosophy of child education in India, Child welfare and the judicial role.

UNIT- IV

Women and the Law – Crimes against women, Empowerment of women – Constitutional and legal perspective, women commissions in India, Women welfare and judicial role. Modernization and the law Modernization as a value – Constitutional perspective ret cited in the fundamental duties.

UNIT-V

Changing dimensions of right to property, Reform of court processes, widening dimensions of compensatory jurisprudence in criminal law, Lok Adalats: Alternative dispute resolution device in civil law, Prison jurisprudence and prison reforms, Emerging trends of democratic decentralization and the philosophy of local self-government.

Suggested Readings:

1. Galanter, M. (ed.) (1997), Law and Society in Modern India, Oxford University Press, New Delhi.
2. Lingat, R. (1998), The Classical Law of India, Oxford University Press.
3. Baxi, U. (1982), The Crisis of the Indian Legal System, Vikas, New Delhi.
4. Baxi, U. (ed.) (1988), Law and Poverty Critical Essays, Tripathi, Bombay.
5. Derret, D. (1999), The State, Religion and Law in India, Oxford University Press, New Delhi.
6. Seervai, H. M. (1996), Constitutional Law of India, Tripathi, Bombay.
7. Basu, D.D. (1996), Shorter Constitution of India, Prentice - Hall of India (P) Ltd., New Delhi.
8. Deshta, S. & Deshta, K. (2000), Law and Menace of Child Labour, Anmol Publications, Delhi.
9. Malik, K. P. (2009), Law and Social Transformation in India, Pioneer Books, Faridabad.
10. Gunasekhare, S. Children, (1997). Law and Justice, Sage Publications.
11. Jain, M. P. (2010), Outlines of Indian Legal History, Tripathi, Bombay.
12. Friedmann, W. (2004), Law in a Changing Society, University of California Press, Berkely.

BHARTI VISHWAVIDYALAYA

OPTIONAL GROUP – A: CONSTITUTIONAL LAW

LLM203

External Marks: 70

Internal Marks: 30

PAPER – I: INDIAN FEDERALISM

Course Objectives:

- Describe the meaning of Federalism.
- Explain the key features of Federalism.
- Evaluate reasons behind success of federalism in India.
- Explain how federalism is practiced in India.
- Describe the linguistic and language policy of India.
- Explain impact of decentralization in the progress of rural areas.
- Mention three-tiers of local self-government.

Course Outcomes: After studying the chapter students will be able to:-

- Know the meaning of Federalism and features of Federalism.
- Familiarize about two kinds of routes through which federations can be formed.
- Appreciate, respect the power sharing process in India.
- Know about the decentralisation of power in India.
- Real analysis of participatory democracy.
- Philosophical, fundamental and new horizons of rule of law.
- Comparative study of pluralism and secularism.

UNIT-I

1. Federalism and unitary forms of Constitution
2. Models of Federal Government – U.S.A, Australia, Canada
3. Difference between Federalism and confederation
4. Evolution of federal government in India.

UNIT-II

1. Legislative Relations between Centre and States
2. Administrative Relations and Cooperative Federalism
3. Common Civil Service and Impact on Autonomy of States
4. Principles of Interpretation in distribution of powers
5. Inter-State Council.

UNIT-III

1. Constitutional scheme of allocation of taxing powers
2. Grant in Aid
3. Difference between Tax, Fee and Surcharge
4. Finance Commission, Niti Ayog

5. National Development Council.

UNIT-IV

1. Freedom of Inter-State trade and commerce
2. Restrictions on legislative power of the Union and States with regard to trade and commerce
3. Borrowing by the Government of India.

UNIT-V

1. Borrowing by the States
2. Sarkaria Commission Report.

Suggested Readings:

1. H.M. Seervai, Constitutional Law of India (1991), Tripathi, Bombay.
2. SudhaBhatnagar, Union-State Financial Relations and Finance Commissions, (1979).
3. Ashok Chandra, Federalism in India, (1965).
4. V.D. Sebastian, Indian Federalism: The Legislative Conflicts (1980).
5. Chandrapal, Centre-State Relation and Co-operative Federalism, (1983).
6. K.C.Wheare, Federal Government.
7. Jain M.P Outlines of Indian Legal History.
8. M.V Pylee, Constitutional History of India.
9. Rama Jois M, Legal and Constitutional History of India.
10. Stetalvad M.C, , Constitutional History of India.
11. Keith A.B. , Constitutional History of India.
12. H.M. Seervai, Constitutional Law of India – Vol. I & II.
13. G.C.V Subbarao, Legislative powers in Indian Constitutional Law.
14. V.D. Sebastian, Indian Federalism: the Legislative Conflict.
15. L.M Singhvi, Union-State Relations in India.
16. K. Subba Rao, The Indian Federation.
17. K.P. Krishna Shetty, The Law of Union-State Relations and Indian Federalism.
18. Ashok Chandra, Federalism in India.
19. Subba Rao G C V Indian constitutional law.
20. Pande G S Constitutional law of India.
21. Saharay, H K Constitution of India.
22. Pylee M.V Our constitution government & politics
23. Tope T K Constitutional law of India
24. G.C.V. Subba Rao, Legislative Powers in Indian Constitutional Law, Chs. 37,38,39 (1982)
25. Richard M.Pious, The American Presidency, (1979)
26. Daniel J. Elazar, American Federalism, (1984)
27. K.P.KrishnaShetty, The Law of Union-State Relations and Indian Federalism, (1981)
28. Report of the Eighth Finance Commission
29. Administrative Reforms Commission on Centre-State Relationship (1969)
30. Constituent Assembly Debates Vol.9, Vol. 10

PAPER - II: HEALTH LAWS**Course Objectives:**

The objective is to study through practical cases and legal notions and structures, a number of chosen aspects related to Health Law. Doing so, the target is:

- To analyse the different health legal systems existing in the India and to define the interactions national healthcare legal systems.
- To foster interest in Health to bring solutions to globalize matters and inspire further legislation

Course Outcomes:

- Use legal terminology appropriately.
- Apply knowledge of the structure of the legal system to understand the validity of various types of legal pronouncements, rulings and regulations.
- Identify various types of legal issues when encountering them in the workplace.
- Identify forms of legal remedies available under health laws.
- Identify the steps of the litigation process.
- Identify the basic attributes of the court system and of common-law development.

UNIT-I

1. Definition of Health, Lifestyles and health care, Environment and health
2. WHO: Concept of Health
3. Universal Declaration of Human Rights, 1948
4. UN Declaration on the Rights of Mentally Retarded Persons, 1971
5. Declaration on Rights of Disabled Persons, 1975

UNIT-II

1. Related Fundamental Rights: Articles 21 (Convention on Elimination of All Forms of Discrimination Against Women, 1979), Article 23, 24 (UN Convention on Rights of Child, 1989)
2. Directive Principles: Articles 38, 39, 41, 42, 48A, 51A
3. Indian Penal Code: Sections 52, 84, 87, 88, 89, 92, 176, 243-G and 11th Schedule 270, 271, 272, 273, 274, 275, 276, 277, 278, 284, 290, 304A, 312, 313, 319, 320, 375, 376.

UNIT-III

1. Medical Termination of Pregnancy Act, 1971: Reproductive Rights.
2. Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994: Issues and Challenges.
3. The Transplantation of Human Organs and Tissues Act, 1994: Framework for regulating Technological advancement (Surrogacy) and Rules of 2014 there under.

UNIT-IV

1. Food Safety and Standards, 2006: Food Safety and Standards Regulations, 2011, 2016 (Food product standards, Food Additives, Prohibition and restriction on sales)
2. Bio-Medical Waste (Management and Handling) Rules, 1998
3. Narcotic Drugs and Psychotropic Substance Act, 1985 and Rules

UNIT-V

4. Maternity Benefit Act, 1961 and Rules
5. Insecticide Act, 1968 and Rules
6. Pharmacy Practice Regulations, 2015: Role of Pharmacist in Patient Care
7. MCI's Code of Medical Ethics.

Suggested Readings:

1. BasuDurga Das, Commentary on the Constitution of India, (Lexis Nexis ButterworthsWadhwa Nagpur, New Delhi, 2008).
2. Davar V. Bhargavi, Mental Health from a Gender Perspective, (Sage Publications India Pvt. Ltd., New Delhi 2001).
3. Dhanda Amita, Legal Order and Mental Disorder, (Sage Publication, New Delhi, 2000).
4. Doyal Lesley, What makes women Sick-Gender and the Political Economy of Health, (Macmillan Press Ltd., London, 1995).
5. Gupta M. C., Health and Law, (Kanishka Publishers, Distributors, New Delhi, 2002).
6. Jain K Ashok, Socio legal off shoots, The Sana of Female Foeticide in India', (Ascent Publication, Delhi, 2006).
7. Kishore J., National Health Programs of India, (Century Publications, New Delhi, 2006).
8. Kishwar Madhu, Off the beaten track rethinking gender justice for Indian women, (Oxford University Press, New Delhi, 1999).
9. Kumar Avanish, Human Right to Health, (Satyam Law International, New Delhi, 2007).
10. Kumar Narinder, Constitutional Law of India, (Pioneer Books, Delhi, 2005).
11. Maan Jonathan, Health and Human Rights: A Reader, (New York, Routledge, 1999).
12. Parmanand Desai's, Law of Disability-medical & nonmedical (Dwivedi& Company Law Publishers & Book sellers, Adersh Nagar, Bhawapur, Allahabad, 2004).
13. Patel Tulsi, Sex-Selective Abortion in India, Gender, Society and New Reproductive Technologies, (Saga Publications India Pvt. Ltd., New Delhi, 2007).
14. Rao B. Shiva, The Framing of India's Constitution, (Universal Law Publishing Co. Pvt. Ltd., Vol. 2, Delhi, 1967).
15. Singh Jagdish, BhushanVishwa, Medical Negligence & Compensation, (Bharat Law Publication, Jaipur 2004).
16. Srivastava S. C., Verma S. K., Legal Framework for Health Care in India, (Lexis Nexis Butterworth's, The Indian Law Institute, New Delhi, 2002).
17. Swarup Jagdish, Constitution of India, (Modern Law Publication, Allahabad Vol. I, 2006).

OPTIONAL GROUP – B:

CRIMINAL LAW

LLM205

External Marks: 70

Internal Marks: 30

PAPER - I: JUVENILE DELINQUENCY

Course Objectives:

- To understand the history and current social context of the juvenile justice system.
- To understand legal issues that arise when dealing with juvenile offenders.
- To understand the level and trends for juvenile delinquency.
- To understand the etiology of delinquency and the policy implications that stem from this knowledge.

Course Outcomes:

- This course critically examines juvenile delinquency and the juvenile justice system in the India.
- Students will be exposed to the theories that help professionals understand the development of delinquency within the context of individuals, families and communities.
- Understanding the mechanisms that contribute to delinquency is important for social work professionals as this understanding should directly guide the policies and practices of the justice system.
- This course will focus on some of the most pressing issues that face the juvenile justice system and the social work professionals that work within this system.
- After the study student will ready to understand about juvenile justice system its importance in law making process and approach.

UNIT- I

1. The concept child in Indian Constitution and Penal codes.
2. Juvenile delinquency: Meaning, neglected juvenile.
3. Factors responsible for Juvenile delinquency.
4. National and international concern for Juvenile Justice.

UNIT- II

1. General principles of care and protection of Children, Juvenile Justice Board.
2. Child in conflict with law: procedure in relation to that and child welfare committee.
3. Procedure in relation to children in need of care and protection: rehabilitation and social reintegration and adoption
4. Other offences against children.

UNIT- III

1. Sexual offences against children

2. Using child for pornographic purposes and punishment thereof.
3. Abetment and attempt to commit an offence.
4. Procedure for recording statement of the child.
5. Special courts: procedure, powers and recording of statements.

UNIT- IV

1. Social action litigation / public interest litigation.
2. Salient Judicial decisions.
3. Role of legal profession in Juvenile Justice system.

UNIT-IV

1. Accountability: annual reports and accessibility of public to Juvenile Justice Institutions.
2. Role of State welfare programmes, voluntary bodies and individuals.

Suggested Readings:

1. National Institute of Social Defence, Model Rules under the Juvenile Justice Act, 1986, (1986)
2. K.S. Shukla, Adolescent Offender (1985)
3. United Nations, Beijing Rules on Treatment of Young Offenders (1985)
4. Myron Weiner, The Child and State in India (1990)
5. The United Nations Declaration on the Rights of Children UNICEF periodic materials
6. The Juvenile Justice Act, 2016.
7. The Protection of children from sexual offences act, 2012.

BHARTI VISHWAVIDYALAYA

PAPER – II: ECONOMIC CRIMES**Course Objectives:**

At the end of this program, students will:

- Identify types of economic/financial fraud
- Define identity theft
- Identify how thieves use the victim's personal information
- Identify how credit/debit cards are used in fraudulent activity
- Identify credit/debit card security features
- Identify elements of phishing related to credit/debit fraud
- Define various crimes involving checks and checking accounts
- Apply federal law regarding computer/internet/e-mail fraud

Course Outcomes:

On completing this course, learners will be able to:

- Understand the meaning and nature of crimes.
- Analyse economic offences vis-à-vis traditional crimes.
- Trace the steps involved in the commission of these offences to detect any future issues.
- Learn the procedure of filing a case on various economic offences.
- Critically evaluate India's position in context of international economic offences.
- Appreciate and critique the role of Legislature, Executive and Judiciary in curbing economic offences.

UNIT-I

Prevention of Food Adulteration Act, 1954: Definitions, Functions of the Central Food Laboratory, Function and Duties of the Food Inspectors, Public Analyst, Offences under the Act.

UNIT-II

Offences under the Income Tax Act, 1961, Chapter XXI and XXII.

UNIT-III

The Essential Commodities Act, 1955: Definitions, Power of the Governments to control production, supply and distribution of essential commodities, offences under the Act etc.

UNIT-IV

The Drugs Control Act, 1950: Scope and application, Definitions, Drug, Dealer, Producer and Sale, Offences power of search and seizure of the Drug Authorities.

UNIT-V

The Prevention of Corruption Act, 1988.

Suggested Readings:

1. The Prevention of Food Adulteration Act, 1954
2. The Essential Commodities Act, 1955
3. Offences under the Income Tax Act, 1961
4. The Drugs Control Act, 1950
5. Prevention of Corruption Act. 1988

6. Conservation of Foreign Exchange & Prevention of Smuggling Activities Act, 1974.
7. Smuggling and Foreign Exchange Manipulators (Forfeiture of Property) Act. 1976.
8. Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act. 1980
9. Foreign Exchange Regulation Act, 1973.



BHARTI VISHWAVIDYALAYA

OPTIONAL GROUP C: CORPORATE LAW

LLM207

External Marks: 70

Internal Marks: 30

PAPER – I: INTELLECTUAL PROPERTY RIGHTS

Course Objectives:

- To recognize the importance of IP and to educate the pupils on basic concepts of Intellectual Property Rights.
- To identify the significance of practice and procedure of Patents.
- To make the students to understand the statutory provisions of different forms of IPRs in simple forms.
- To learn the procedure of obtaining Patents, Copyrights, Trade Marks & Industrial Design.
- To enable the students to keep their IP rights alive.

Course Outcomes:

- Knowledge about the agreement on trade related aspects of IPR and its enforcement.
- Solving problems using the concepts of intellectual property rights.
- Understanding the structure of international as well as national trade related disputes.
- Ability to identify the coincidental matters relating to intellectual property rights.

UNIT-I

1. Meaning and content of Intellectual Property; national and international protection of intellectual property
2. An overview of TRIPS agreement, WTO and WIPO.
3. Paris Convention for Protection of Industrial Property,
4. The Trademark Act, 1999 – Object and scope, concepts of Mark, Trademark, Registered Trademark.
5. Certification Trademark – Conditions for registration procedure for registration and duration of registration.
6. Assignment and transmission of registered Trademark and unregistered Trademark, Infringement of Trademark and remedies.

UNIT-II

1. International Conventions on copyright, Bern Convention, WIPO Copyright Convention and Phonogram Treaty.
2. The Copyright Act, 1957 as amended till date and its objectives.
3. The concept of author, work, literary work, artistic work, musical work, cinematograph film, work of sculpture, reprography, computer programmer copyright and adaptation and the role of IT Act, 2000.
4. Copyright Office and Copyright Board, International copyright term of copyright registration of copyright, infringement of copyright and remedies.

UNIT-III

1. Object and purpose, value of patent system, international character of patents, advantages of patent to inventor, rights and obligations of Patenter.
2. The Patents Act, 1970 with latest amendments – objects and scope, concept of patent, invention, patented article and patented process, registration of patents, inventions nor patentable, infringement of patents and remedies.

UNIT-IV

1. Scope and purpose subject matter of protection.
2. The Design Act 2000 – Objects and scope concept of design, proprietor of a new or original design, registration of design, copyright in registered design, piracy of designs and remedies.
3. Geographical Indications in registered design, piracy of designs and remedies.
4. Geographical Indications of Goods Act 2002 – Object and scope, concept of geographical indications, conditions for registration, procedure and duration of registration, effect of registration.

UNIT- V

1. Benefit sharing and contractual agreements - International Treaty on Plant Genetic Resources for Food and Agriculture - issues on patent policy and farmers' rights CBD, Nagoya Protocol and Indian law.
2. UNESCO - protection of folklore/cultural expressions.
3. Developments in WIPO on traditional knowledge and traditional cultural expressions Outcome They approaches of International Institutions and introduces the various aspects that are form part of the province of IPR.

Suggested Readings:

1. David Bainbridge - Intellectual Property Law.
2. Dr. R. K. Choube – Allahabad Pub., Intellectual Property Rights edi 2013
3. Dr. J.S. Singh – An Intro of IPR

BHARTI VISHWAVIDYALAYA

PAPER – II: CYBER LAW IN CORPORATE WORLD

Course Objectives:

- To introduce the corporate world and cyber law in general
- To explain about the various facets of cybercrimes
- To enhance the understanding of problems arising out of online transactions and provoke them to find solutions
- To clarify the Intellectual Property issues in the cyber space and the growth and development of the law in this regard
- To educate about the regulation of cyber space at national and international level.

Course Outcomes:

- After completing the course, students will be familiar with Understanding concepts related to cyber world and cyber law in general
- Develop competitive edge on various facets of cybercrimes
- Problems arising out of online transactions and provoke them to find solutions
- Intellectual property issues in the cyber space and the growth and development of the law
- Regulation of cyber space at national and international level.
- Upholding ethical standards in cyber laws and intellectual property issues

UNIT- I

1. Conceptual and theoretical perspective of cyber law.
2. Computer and Web Technology
3. Development of Cyber Law – National and International Perspective

UNIT- II

1. USA and EU Data Protection
2. Cyber Security
3. Legal recognition of Digital Evidence Recognition of liability in the digital world Jurisdiction Issues in Transnational Crimes

UNIT- III

1. Budapest Convention on Cybercrime
2. ICANN's core principles and the domain names disputes

UNIT- IV

1. Net neutrality and the E.U.
2. Electronic communications regulatory framework

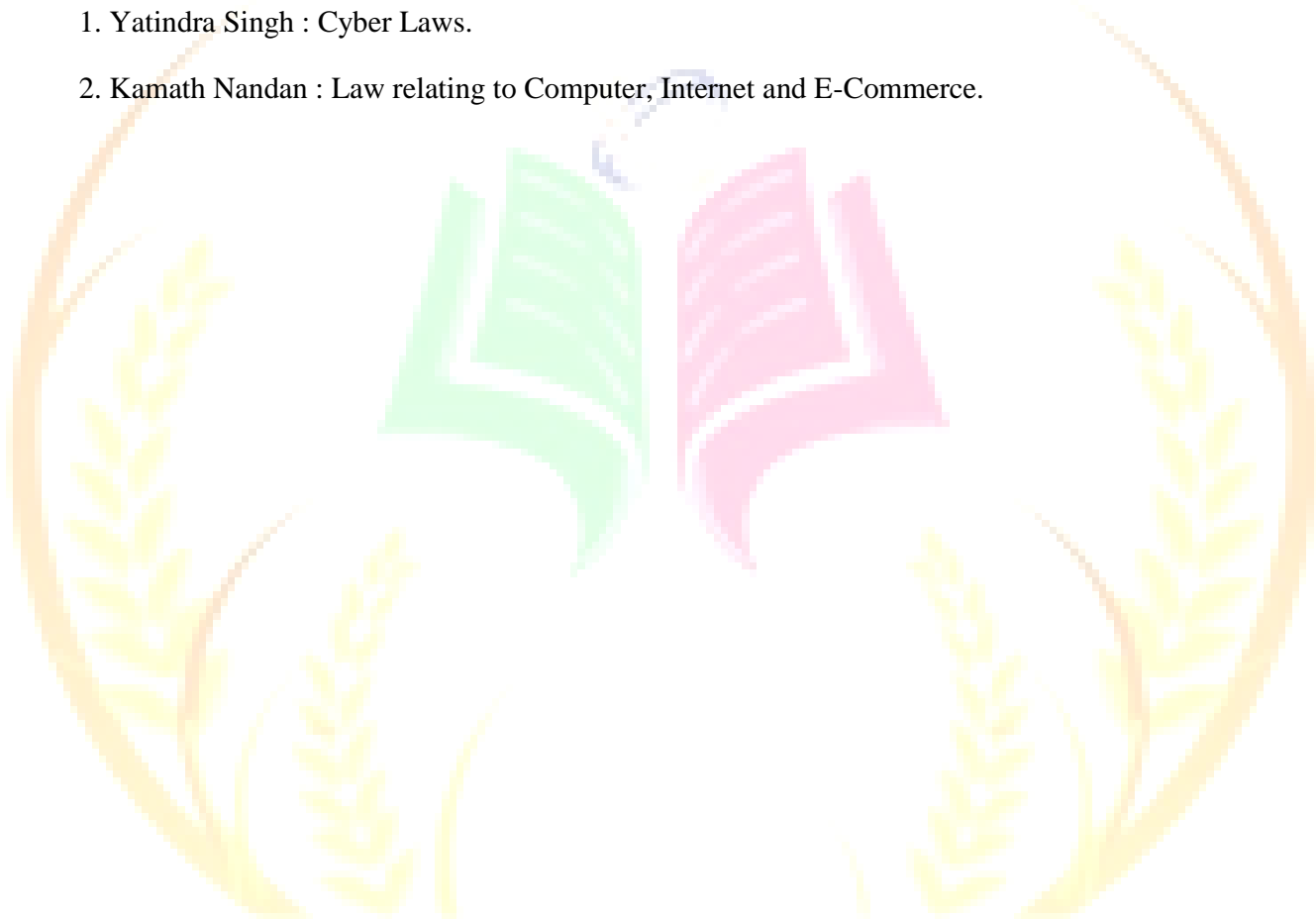
3. Web Content Accessibility Guidelines (WCAG) 2.0

UNIT- V

1. Impact of cyber warfare on privacy, identity theft.
2. International law governing Censorship, online privacy, copyright regulations,
3. Online Intermediaries in the governance of Internet
4. Social Networking Sites vis-a-vis Human Rights

Suggested Readings:

1. Yatindra Singh : Cyber Laws.
2. Kamath Nandan : Law relating to Computer, Internet and E-Commerce.



BHARTI VISHWAVIDYALAYA

SEMESTER – III

LLM301

External Marks: 70

Internal Marks: 30

CONSTITUTIONAL LAW: NEW CHALLENGES

Course Objectives:

- The course is designed with the aim to provide exposure to the new challenges and perspectives of constitutional development.
- To acquaint the students about the emerging regime of new rights and remedies such as right to education, commercialization of education of its impact on society, brain drain by foreign education market.
- To understand the various rights of minorities and the constitutional safeguards available to them.
- To understand secularism and the religious fanaticism regarding it.
- To understand the doctrine of basic structure and separation of powers.

Course Outcomes:

- To enable the students to understand the mechanism of judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social needs.
- To understand the working of legal system and processes leads to constitutional developments.
- To study about new challenges and perspectives of constitutional developments.

UNIT-I

Nature and special features of the Constitution, Preamble Parliamentary/ Presidential forms of government- Suitability Judicial Review in New Democracies- A revisionist Analysis of Marbury v. Madison” Democracy and the Rule of law.

UNIT-II

1. President of India
2. Council of Ministers
3. Governor and state government - constitutional relationship
4. Prime Minister - cabinet system - collective responsibility - individual responsibility
5. Secularism
 - a. Concept of secularism: historical perspective
 - b. Indian constitutional provision
 - c. Freedom of religion - scope
 - d. Religion and the state: the limits
 - e. Minority rights.

UNIT-III

1. Equality and Social Justice
 - a. Equality before the law and equal protection of laws
 - b. Classification for differential treatment: constitutional validity
 - c. Gender justice
 - d. Justice to the weaker sections of society: scheduled castes, scheduled tribes and other backwards classes.
2. Right to Freedoms:

- a. Media, press and information
 - b. Freedom of speech and contempt of court
 - c. Freedom of assembly
 - d. Freedom of association
 - e. Freedom of movement
 - f. Freedom to reside and settle.
 - g. Freedom of profession/business.
 - h. Property: from fundamental right to constitutional right.
3. Rights of an accused –
- a. Against ex-post facto,
 - b. Against double jeopardy
 - c. Against self-incrimination
4. Safeguards against Arbitrary Arrest and Detention, Preventive Detention Acts (N.S.A., COFEPOSA etc.)

UNIT-IV

Protection of Life and Personal Liberty

- a. Right to life and personal liberty: meaning, scope and limitations
- b. Preventive detention - constitutional policy
- c. New Dimensions.

UNIT-V

Fundamental Rights and Directive Principles

- a. Directive Principles - directions for social change - A new social order.
- b. Fundamental Rights and Directive Principles - inter-relationship - judicial balancing.
- c. Constitutional amendments - to strengthen Directive Principles.
- d. Reading Directive Principles into Fundamental Rights, Fundamental duties.

Suggested Readings:

1. H. M. Seervai, Constitutional Law of India, Vol.1-3 (Universal Law Pub., 2015).
2. Dr. Subhash C Kashyap, Framing of Indian Constitution (Universal Law Pub., 2004).
3. D. J. De. The Constitution of India (Asia Law House, Hyderabad, 2008).
4. Granville Austin, Working a Democratic Constitution: A History of the Indian Experience (Oxford University Press, 2013).
5. Granville Austin, The Indian Constitution: Cornerstone of a Nation (Oxford University Press, 2013).
6. M. P. Jain, Outlines of Indian Legal and Constitutional History (Lexis Nexis, Nagpur, 2011).
7. Mahendra Pal Singh (Revised), V. N. Shukla's Constitution of India (Eastern Book Company, 12th Edition, 2016).
8. Mahendra Pal Singh, Comparative Constitutional Law (Eastern Book Company, 2011).
9. Durga Das Basu, Comparative Constitutional Law (Lexis Nexis Publication, New Delhi, 2nd ed., 2008).
10. Durga Das Basu, Comparative Federalism (Lexis Nexis, 2007).
11. Durga Das Basu, Commentary on the Constitution of India (Lexis-Nexis-Butterworth-Wadhwa, Nagpur, 2011).
12. Sylvia Snowiss, Judicial Review and the Law of the Constitution, (Universal Law Pub., 2008)
13. Mark Tushnet, Why the Constitution Matters (Yale University Press, 2010).
14. Neal Devins and Louis Fisher, The Democratic Constitution (Oxford Uni. Press, 2010).

LEGAL THEORY

Course Objective: The aim of the course is to make the learners aware about the meaning, definition and origin of law, its relevance to various socio-politic and other factors. The course is useful for the learners in understanding the relevance of law, legal principles and legal concepts in day to day activities and its functional aspects. Method of discussion would be based on lecture method, Discussion on Case Studies and Articles available on online databases subscribed by the University.

Course Outcome:

- A basic grounding in the central themes of the legal philosophies which involves examining the major schools of legal theory.
- The course should also give students an opportunity to think carefully about the values that ought to underpin a country's legal system
- Introducing students to core legal debates that have preoccupied legal philosophers from the early days of civilization to modern times.

UNIT-I

Analytical Positivism, Command Theory of Law by Austin, Kelsen's Pure Theory of Law, Neo-Analytic Modified Positivism and H.L.A. Hart.

UNIT-II

Historical & Evolutionary Approaches towards Law, *Volksgeist* Theory of Savigny, Sir Henry Maine's Anthropological Approach.

UNIT-III

Utilitarianism of Jeremy Bentham & Ihering, Ehrlich's Living Law, Roscoe Pound's Social Engineering, Duguit's Legal Philosophy.

UNIT-IV

Realist Movement, Judicial Activism in India, Rights Thesis of Ronald Dworkin, Critical Legal Studies Movement.

UNIT-V

Revival of Natural Law, Law, Morality & Religion, Hart-Fuller Debate, Hart-Devlin Controversy.

Suggested Readings:

1. Allen, C.K. : Law in the Making (1961)
2. Baxi, Upendra : Towards a Sociology of Indian Law (1986)
3. Bodenheimer : Jurisprudence (1986)
4. Collins, Hugh : Marxism and Law (1982)
5. Dias : Jurisprudence (1990)
6. Dworkin, Ronald : Taking Rights Seriously (1977)
7. Finnis, J : Natural Law and Natural Rights (1980)
8. Hart, H.L.A. : Concept of Law (1994)
9. Laski, Harold J. : Liberty in the Modern State (1961)

OPTIONAL GROUP A: CONSTITUTIONAL LAW

LLM303

External Marks: 70

Internal Marks: 30

PAPER – I: RIGHT TO INFORMATION ACT

Course Objective:

- To promote transparency and accountability in the functioning of the government.
- To set up a practical regime for giving citizen's access to Information that is under the control of public authorities.
- It will lead to effective and efficient records management technique that is needed to facilitate the provision of information in response to public interest.
- To empower the citizens as the law will promote the participation of the citizens in official decisions that directly affect their lives.

Course Outcome:

- Explain the need to have a right to information;
- Describe the brief history of the efforts made in the direction of right to information in the country;
- Discuss the Right to Information Act 2005;
- Describe the duties and responsibilities of the officials concerned;
- Explain the powers and functions of the Information Commission; and
- Analyse the critical success gaps in the implementation of the Act and suggest ways towards its effective implementation.

UNIT-I

Origin and Concept of Right to Information, Good Governance and Right to Information.

UNIT-II

Right to Information under International Conventions and Declarations, Right to Information under regional instruments.

UNIT-III

Right to Information under Indian Constitution - Fundamental rights and right to information; Judiciary and right to information.

UNIT-IV

Right to Information Act 2005 in India-Public authorities and their obligation Implementation of Right to Information Act in private sector, Judicial review and Right to Information Act, Information related to the third party and protection of right, Appeals under right to information law.

UNIT-V

Right to Information in different Statutes in India, Right to information and Empowerment of the people, Voters' right to know.

Suggested Readings:

1. P.K.Das :The Right to Information Act, 2005
2. S.L.Goel :Right to Information and Good Governance
3. Sharma,S.D. & :The Right to Information: Implementation
4. Saxena Priti :Problems and Solutions
5. Faizan Mustafa :Constitutional Issues in Freedom of Information: International and National Perspectives.
6. De Smith :Judicial Review of Administrative Action
7. M.P.Jain :Cases and Materials on Administrative Law
8. M.P.Jain :Constitution of India
9. D.D.Basu :Comparative Administrative Law
10. Datar, Arvind P. :Constitution of India
11. Brownlie I :Basic Documents on Human Rights
12. Rajkumar. C. :Corruption and Good Governance.



BHARTI VISHWAVIDYALAYA

PAPER – II: LOCAL SELF-GOVERNMENT & DIRECT DEMOCRACY**Course Objectives:**

- Understand the importance and need for a local government. Define local government and assess its need in a governing system.
- Appreciate the evolution of local government in India.
- Identify the objectives, functions and sources of income for local governments in rural areas.

Course Outcomes: Students will be able to:

- Understand that decentralisation of power is important at all levels for effective governance.
- Understand that local Government is the closest form of government for its citizens that will help address local issues.

UNIT-I

1. Evolution of Local Self Government in India
2. Gram Swaraj: the Gandhian Concept
3. The Balwantrai Mehta committee report, 1957
4. GVK Rao committee report, 1985
5. Community development programme, National Extension Service.

UNIT-II

1. Direct democracy and grass root planning
2. The Panchayats: Art. 243, 243- A to 243-O
3. The Municipalities: Art. 243-P to 243-ZG
4. The Co-operative Societies: Art. 243-ZH to 243-ZT
5. 73rd and 74th Constitutional amendments
6. Subject matters of 11th and 12th Schedule of the Constitution of India

UNIT-III

1. Gram Nyayalayas Act, 2008.
2. Legislative Powers: Direct democracy and grass root planning.
3. Municipalities and corporation.

UNIT-IV

1. Election to Local Bodies , Conduct of Meetings – Corporation,
2. Municipal Council, Panchayat Committee and

UNIT-V

1. Quasi-legislative Powers: Rule making power of the State Government, Regulations and Bye-laws.
2. Gram Sabha , Institutional and Judicial Control, Judicial and Quasi-judicial powers of the Local Bodies .

Suggested Readings:

1. S.P. Aiyar and U. Mehta (eds.), Essays on Indian Federalism, Bombay, Allied Publishers, 1965.
2. D.D. Basu, An Introduction to the Constitution of India, New Delhi, Prentice Hall, 1994
3. K.R. Bombwall, The Foundations of Indian Federalism, Bombay, Asia Publishing House, 1967.

4. R. Khan, Rethinking Indian Federalism, Shimla, Indian Institute of Advanced Studies, 1997.
5. R. Kothari, Party System and Election Studies, Bombay, Asia Publishing House, 1967.
6. J.A. Kousar, Federalism and Good Governance: Issues across Cultures, New Delhi, South Asian, 1998.
7. P. Kumar, Studies in Indian Federalism, New Delhi, Deep and Deep 1988.
8. Z. Hasan (ed.), Parties and Party Politics in India, New Delhi, Oxford University Press, 2001.
9. J. Manor, "Parties and the Party System", in A. Kohli (ed.) India's Democracy: An Analysis of Changing State- Society Relations, Princeton NJ, Princeton University Press, 1988.
10. S. Pai, State Politics: New Dimensions: Party System, Liberalisation and Politics of Identity, Delhi, Shipra, 2000.
11. M. Weiner, Party Building in a New Nation: The Indian Congress, Chicago, University of Chicago Press, 1967.
12. C.E. Zirakzadeh, Social Movements in Politics: A Comparative Study, New York, Addison Wesley, Longman 1997.



BHARTI VISHWAVIDYALAYA

OPTIONAL GROUP – B: CRIMINAL LAW

LLM305

External Marks: 70

Internal Marks: 30

PAPER – I: CRIME AGAINST WOMEN

Course Objectives:

- Understand the key concepts related violence against women and domestic violence and recognise common barriers to access to justice for victims of violence against women;
- Refer to the key international and European legal instruments, especially the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, in your everyday work;
- Apply a gender sensitive and victim-centered approach in violence against women and domestic violence cases;
- Understand the important role of the civil and criminal law professionals in protecting the victims of violence against women and domestic violence and ensuring their access to justice;
- Understand the importance of co-operation and co-ordination to ensure higher standards and greater efficiency in the judicial system and better measures targeting violent offenders.

Course Outcomes:

- Describe the different type of violence that diverse women and girls may experience over the life course.
- Identify the strengths and limitations of different sources of data on violence against women; gaps in the current state of knowledge; and the particular ethical and safety issues that arise when conducting research on gender-based violence.
- Describe the drivers and reinforcing factors of violence against women.
- Demonstrate how theories of social change and prevention frameworks can be applied to the design of interventions designed to prevent violence against women.
- Critically appraise the evidence underpinning current efforts to prevent violence against women.

UNIT-I

1. Women as a Vulnerable group
2. Magnitude and forms of Problems of Women
3. Causes of Vulnerability of Women

Status of Women –

1. In Different countries
2. In India
3. In Vedic Period
4. In Post Vedic Period
5. Women in Medieval Period
6. Women in British Period
7. In contemporary India.

UNIT-II

Safeguards under Indian Constitution

1. Preamble
2. Fundamental Rights
3. Directive Principles of State Policy
4. Fundamental Duties
5. Women's reservation in representative bodies

Personal Laws Relating to Women

1. Marriage and Divorce
2. Maintenance
3. Guardianship
4. Adoption
5. Women's Estate.

UNIT-III

Law Relating to Crime against Women

1. Dowry Death
2. Causing of miscarriage, of injuries to unborn children, of the exposure of infants, and of the concealment of births
3. Kidnapping, abduction, slavery and forced labour
4. Sexual offences
5. Unnatural offences
6. Offences relating to Marriage
7. Cruelty by Husband or Relatives of Husband.

UNIT-IV

Women and Industrial Laws

1. Employee's State Insurance Act, 1948
2. Factories Act, 1948
3. Maternity Benefits Act, 1961
4. Equal Remuneration Act, 1976.

UNIT-V

Special Laws relating to Women

1. Dowry Prohibition Act, 1961
2. Immoral Traffic (Prevention) Act, 1965
3. Domestic Violence Act, 2005
4. Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Selection) Act, 1994

Protection and enforcement agencies

1. Courts: Supreme Court, High Court, Family Courts
2. Commissions for Women (National and State)
3. NGO's.

References:

1. Gaur, Empowerment of Women in India (2005), Law Publishers (India) Pvt. Ltd. Allahabad.
2. Vinay Sharma, Dowry Deaths Legal Provisions and Judicial Interpretation (2007).
3. Dr. Sarojini Saxena, Femijuris, Chapter-5, India Publishing Co., Raipur.
4. Reena Patel, Hindu Women's Property Rights in Rural India (2007), Chapter-6, Ashgate Publishing Co., Burlington, USA.
5. Mamta Rao, Law Relating to Women and Children (2005), pg. 66-67, Eastern Book Co. Lucknow.
6. G.B. Reddy, Women and the Law (2004), Gogia Law Agency, Hyderabad.
7. R.K. Raizada, Women and the Law: Problems and Prospects (1996).
8. Flavia Agnes, Women and Law in India (2006), Chapters 2,3,4,6 & 7, Oxford Uni. Press, New Delhi.
9. Dr. Preeti Mishra, Domestic Violence against Women legal control and judicial response Deep & Deep Publication Delhi.
10. Engendering Law - Essay in Honour of Lotika Sarkar.

PAPER – II: LAW OF EVIDENCE**Course Objectives:**

- To enable the students understand the relevance & importance of law of evidence in the adversarial process.
- To expand the student's knowledge of the policy bases of law of evidence.
- To enhance the student's awareness of the principles of law of evidence.
- To enrich the students in grappling with the nuances of scientific & technological evidence.
- To expose the students to a comparison of Indian law of evidence vis-a-vis other selected countries.
- To enlighten the students of the skills & techniques of examination of witnesses.

Course Outcomes:

- The law of evidence has its own significance amongst procedural laws.
- The knowledge of law of evidence is indispensable for a students.
- The course is designed to acquaint the students with the rules of evidence in relation to relevancy of facts and proof. In addition they are introduced to law relating to production of evidence.
- The course teacher shall familiarize the students with appreciation of evidence and use innovative techniques like simulation exercises wherever necessary.

UNIT-I

Introduction: Distinction between substantive and procedural law - Conceptions of evidence in classical Hindu and Islamic Jurisprudence - Evidence in customary law systems (Non-state law) - Introduction to the British 'Principles of Evidence'- Legislations dealing with evidence (other than India Evidence Act) with special reference to CPC, Cr. P.C., Bankers Book Evidence Act, Commercial Document Evidence Act, Fiscal and Revenue Laws - Salient features of the Indian Evidence Act, 1861, Applicability of the Indian Evidence Act. Central Conceptions in Law of Evidence - Facts – Facts in issue and relevant facts – Evidence - Circumstantial and direct evidence. Relevancy of Facts - Facts connected with facts in issue - Doctrine of Res Gestae; Sections 6, 7, 8 and 9 of Evidence Act - Evidence of Common Intension - Section 10, Relevancy or otherwise irrelevant facts- Facts to prove right or custom (Section 13) - Facts concerning state of mind/state of body or bodily feelings (Sections 14 and 15) – Relevancy and admissibility of admissions, privileged admissions- evidentiary value of admissions (Sections 17 to 23).

UNIT-II

Relevancy and admissibility of confessions- Admissibility of information received from an accused person in custody - Confession of co-accused (Sections 24 to 30) – Admitted facts need not be proved (Section 58); Dying declarations - Justification for relevance- Judicial standards for appreciation of evidentiary value - Section 32 (1) with reference to English Law - Other statements by persons who cannot be called as witnesses – (Sections 32 (2) to (8), 33) – Statement under special, circumstances (Sections 34 to 39); Relevance of judgments - General principles – Fraud and collusion (Sections 40 to Sec. 44); Expert testimony: General principles (Sections 45-50) – Who is an expert - Types of expert evidence - Problems of judicial defense to expert testimony.

UNIT-III

Character evidence - Meeting – Evidence in Civil Criminal cases; English Law (Sections 52-55) - Oral and documentary Evidence – Introduction on Proof of facts - General principles concerning oral; Evidence (Sections 59-60) - General principles concerning documentary; Evidence (Sections 61-90) -

General principles regarding exclusion by evidence (Sections 91-100).

UNIT-IV

Burden of Proof - The general conception of onus probandi (Section 101) - General and special exception to onus probandi (Sections 102-106) - The justification of presumption and burden of proof (Sections 107 to 114) with special reference to presumption to legitimacy of child and presumption as to dowry death- Doctrine of judicial notice and presumptions.

UNIT-V

Witness, Examination and Cross Examinations:

Competence to testify (Sections 118 to 120) - Privileged communications (Sections 121 to 128) - General principles of examination and cross examination (Sections 135 to 166) - Leading questions (Sections 141 to 145) - Approver's testimony (Section 133) - Hostile witnesses (Section 154) - Compulsion to answer questions (Sections 147, 153) - Questions of corroboration (Sections 156 to 157) - Improper admission of evidence.

Prescribed Book:

1. Ratanlal and Dhirajlal – Law of Evidence.

Reference Books:

1. Best – Law of Evidence.
2. Sarkar – Law of Evidence.
3. M. Rama Jois – Legal and Constitutional History of India.
4. Batuklal – Law of Evidence.

BHARTI VISHWAVIDYALAYA

OPTIONAL GROUP - C: CORPORATE LAW

LLM307

External Marks: 70

Internal Marks: 30

PAPER – I: Competition Law and Consumer Protection

Course Objectives: Competition Law and Consumer Protection Law will introduce students to the concept of consumer protection and the interface between the two Acts.

- To know ‘who is a consumer’ under the Consumer Protection Act and the Competition Act and understand the concept of consumer protection under the Acts.
- To know how the Competition Act protects consumer interests.
- To know rights of consumers under both the Consumer Protection Act and the Competition Act
- To know the reliefs available to consumers.

Course Outcomes: Students will be able to appreciate whether both the Consumer Protection Act and Competition Act complement each other in protecting consumer interests. Students will be able to distinguish ‘consumer’ under the Acts and know different reliefs which are available for consumers under the Acts.

UNIT – I

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

UNIT – II

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

UNIT – III

1. Combination - Value of Assets - Turnover - Acquisition - Conglomeration - Joint Venture - Merger and Amalgamation - Notification
2. Competition Commission of India
3. Establishment and composition Duties Procedure for inquiry Powers Competition fund Competition Advocacy

UNIT – IV

Competition Policy Consumer Protection Act, 1986 and its applicability to Competition Law. Powers and Functions, Jurisdiction of the CCI, adjudication and appeals, Director General of Investigation (DGI), Penalties and Enforcement.

Constitutional validity of the Consumer Protection Act, 1986; Object and Reasons, Scope and Applicability, Definitions- Complainants, Complaint, Consumer, Defect, Deficiency, Goods, Manufacturer, Services, Spurious, Restrictive Trade Practice, Unfair Restrictive Trade Practice.

UNIT- V

District Consumer Dispute Redressal Forum, State Consumer Dispute Redressal Commission, National Consumer Dispute Redressal Commission- Constitution, Powers, Jurisdiction, Procedure, Appeals. Nature of relief which can be provided by the consumer dispute redressal agencies including Cease & Desist Order, Compensation and Corrective Advertisements etc.

Unfair method or unfair or deceptive practice

Text Books:

1. Definition of Consumer Definition of Service Deficiency in Service Unfair Trade Practices Overlapping areas Dhall .Vinod, Competition Law Today: Concept Issues and Law in Practice, Oxford University Press, 2007
2. Bangia R.K., A Handbook of Consumer Protection Laws and Procedure, Allahabad Law Agency, 2004

References:

1. Mittal D.P., Taxmann's Competition Law and Practice, 3rd Edition, 2007.
2. Universal Guide to Competition Law in India, Universal Law Publishing Company, New Delhi. 2003
3. Ramappa. T., Competition Law in India- Policy, Issues and Development Oxford University Press, 3rd Edition, 2013
4. Aditi P Talati, Nahar. S. Mahala, Competition Act, 2002: Law, Practice and Procedure, Commercial Law Publishers, 2006
5. Avtar Singh & Harpreet Kaur, Introduction to Law of Tort & Consumer Protection, Lexis Nexis, 2013.
6. Verma S.K. & M.Afzal Wani, A Treatise on Consumer Protection Laws, Indian Law Institute, 2004
7. Anoop K. Kaushal, Universal's Practical Guide to Consumer Protection Law, Universal law Publishing Company, New Delhi, 2006.
8. Aggarwal, Prof. V. K., Consumer and Protection Law and Practice, 6th Edition, 2008.

PAPER – II: EMPLOYMENT LAWS AND HUMAN RESOURCE MANAGEMENT

Course Objectives:

1. To enable the students to understand the HR Management and system at various levels in general and in certain specific industries or organizations.
2. To help the students focus on and analyse the issues and strategies required to select and develop manpower resources.
3. To develop relevant skills necessary for application in HR related issues.
4. To enable the students to integrate the understanding of various HR concepts along with the domain concept in order to take correct business decisions.

Course Outcomes: On completion of this course, the students will be able

- To develop the understanding of the concept of human resource management and to understand its relevance in organizations.
- To develop necessary skill set for application of various HR issues.
- To analyse the strategic issues and strategies required to select and develop manpower resources.
- To integrate the knowledge of HR concepts to take correct business decisions.

UNIT- I

1. Workers Rights as Human Rights-Constitutional edifice and
2. Reflections of I.L.O. standards in the Indian legal System.
3. Concept of employment, non-employment,

UNIT- II

1. Challenges and Issues
2. Special Reference of labour management.
3. Relations in 21st Century.

UNIT- III

1. National (Constitutional and Statutory) and International Perspectives
2. I.L.O. norms, measures and standards-its relevance in Indian legal system
3. Employment Contracts and labour management relations-Trends, Issues and Challenges-A critique.

UNIT- IV

1. Impact of globalization on labour market-Indian,
2. ILO vis-a-vis WTO
3. Developing vis-a-vis developed States

4. Resolution of Labour Management Disputes-Means and Mechanisms

UNIT- V

1. Social security safety and welfare at workplace
2. Women, children, and differently-disabled.
3. Compensation, Insurance with respect to.
4. Wrongful dismissal and employment hazards.

Reference:

1. Shrivastava-labour laws.
2. OP Malhotra -Labour Management Relations
3. Prof.S.N.Mishra – Pub Central Law Agency Alld.



BHARTI VISHWAVIDYALAYA

SEMESTER – IV

DISSERTATION & VIVA-VOCE

Course Objectives: On successful completion of the dissertation a student will be able to:

- Acquisition of detailed knowledge in a particular topic.
- Development of critical understanding of a particular topic.
- Development of the capacity to plan and carry out independent research work.

Course Outcomes:

- Socio-Legal problem for critical analysis.
- Develop Research writing skilled.
- Creative activities in legal research.
- Augmentation, argument, analytical and critical development habit of law students.
- Nurture problem solving skills, thinking, creativity through assignments, project work.
- Inculcate inductive, deductive and critical reasoning.

BHARTI VISHWAVIDYALAYA