<table>
<thead>
<tr>
<th>Paper</th>
<th>Name of Paper</th>
<th>Max. Marks</th>
<th>Min. Marks</th>
<th>Aggregate Marks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part A</td>
<td>Compulsory Paper</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Law &amp; Social Transformation in India</td>
<td>100</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>2.</td>
<td>Indian Constitutional Law New Challenges</td>
<td>100</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>Part B</td>
<td>Specialisation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group 1</td>
<td>Criminal Law: Drug Addiction Criminal Justice &amp; Human Rights</td>
<td>100</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>Group 2</td>
<td>Business Law: Legal Regulation of Economic Enterprises</td>
<td>100</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>Group 3</td>
<td>Human Rights</td>
<td>100</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>Group 4</td>
<td>Administrative Law</td>
<td>100</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>Part C</td>
<td>Project Work &amp; Viva Voce</td>
<td>50</td>
<td>20</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>350</td>
<td></td>
<td>175</td>
</tr>
</tbody>
</table>
The following Syllabus prepared with this perspective will be spread over a period of one semester.

1. Law and social change: Law as an instrument of social change, Law and the product of traditions and culture. Criticism on evolution in the light of secularization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

2. Religion and the law: Religion as a divisive factor, Socialism as solution to the problem. Reform of the law on secular basis, problems of religious and non-religious minorities in India, impact on the basis of religions, Religious minorities and the law.


5. Regression and the Law: Regionalism as a divisive factor. Concept of India as one unit, right of movement, residence and business a impracticability to move or shifting the base. Equity in matter of employment - the slogan " Some of the soil had its produce, Apathy to educational institutions, preference to residence of the state.


Select Bibliography:

Indian Constitutional Law: The New Challenges
L.L.M. Ist Semester
Paper III

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

2. "State". Need for widening the definition in the wake of Secularization.
3. Right to the equality: Privatization and its impact on affirmative action.
6. Rights of Man: the Right to establish and administer educational institutions and State control.
7. Secularism and Religious Parallels.
10. Legislative Procedure.
11. Separation of Powers: Stresses and Strain; Judicial activism and judicial restraint; PIL implementation; Judicial independence; Appointment, transfer and removal of judges; Accountability: executive and judiciary, Tribunals.

Select Bibliography

3. H.M. Seervai: Constitutional Law
4. V.N. Shukla: Constitutional Law of India (M.P. Singh ed.)
5. G. Austin: Constitutional Community of a Nation.
6. J.N. Pandey: The Constitution of India – (Hindi & English)
9. H.I. Journal
10. AIR – SCC

II.M. I Semester Paper – IIIrd

Drug Addiction, Criminal Justice and Human Rights

Introductory:

Basic concept: Drugs “narcotics” “Psychotropic Substances” Dependence “addiction” “Crime without victim” “Trafficking” “in Drugs” “Primary drugs abuse”

Anagraphic and Social Characteristics of Drug Users

Gender, Age, Religiosity, Single individuals / cohabitation, Socio-economic level of family, Residence patterns (urban/urban/urban), Educational levels, Occupation, Age at first use, Type of drug use, Reasons given as cause of first use, Method of intake, Pattern of the use, Consequences on addict’s health (physical psychiatric)

The International Legal Regime

Analysis of the background, text and operation of the Single convention on Narcotic drugs, 1961.

1972.
The Indian Regulatory System

1. Approaches to control: trafficking during colonial India. Nationalization through progressive regulation of drug trafficking and abuse.
2. The legal provisions under the Ipc and Narcotics Act.
4. Patterns of resource investment in India: policing, adjudication, treatment, aftercare and rehabilitation.

Human Rights Aspects

Deployment of marginalized people as carriers of narcotics. The problem of juvenile drug use and legal approaches, possibilities of misuse and abuse of investigative power of police. etc.

The Role of Community in Controlling Drug Addiction

The role of educational systems, the role of medical profession, the role of mass media. Initiatives for compliance with regulatory systems. Law reform initiatives.

Select Bibliography

Administrative Law – Group
LL.M. 1st Semester
Paper: III

Administrative Process: Nature and Scope

The syllabus prepared with the above mentioned objective will extend to a period of one semester.

1. Administrative Process
   Nature and reason: the role of administrative agencies.
2. Rule of Law
   Changing dimensions: regulation of administrative process.
3. Separation of powers: From rigidity to flexibility
5. Power and duty
   Doctrine of police power, doctrine of eminent power, holding power, responsibility and accountability
6. Administrative Discretion
   Structuring and limiting: impact of teaching development

Selected Bibliography

1. Friedman, The State and the Rule of a Law in a Mixed Economy
2. Dicey, Introduction to the Law of the Constitution
3. Davis, Discretionary Justice
Concept and Development of Human Rights

Context: The following syllabus prepared with the above.

5. Human Rights Protection Agencies

Selected Bibliography

4. David P. Tappier, Human Rights in International Relations.
Concept and Development of Human Rights

Course: The following syllabus prepared with the above:

2. Human rights in international law and national law.
6. Human Rights Protection Agencies

Selected bibliography:

1. Angela Hartley, Shehban Lenehard, Human Rights and Agenda for the century
4. David P. Forsythe, Human Rights in International Relations
5. L.A. Fuller, The Morality of Law
Jiwaji University, Gwalior (M.P.)
L.L. M. I st Semester
Paper-III Business Law Group
Legal Regulation of Economic Enterprises

This Paper shall be of 100 Marks. Candidates attempted five questions out of ten.

Contents

1. The Rationale of Government Regulation:
   Constitutional Perspectives, the new economic policy - Industrial Policy, resolutions, declarations and statement. The place of public, small scale, cooperative, corporate private and joint sectors in the changing context. Regulation of economic activities, Disclosure of information, fairness in competition, emphasis on consumerism.

2. Development and Regulation of Industries:
   takeover of management and control of industrial units, sick undertakings, Nationalization or Winding up.

3. Growing Trends of Liberalization:
   Licensing Policy and Legal process, Deregulation of essential commodities, changing Techniques of Regulation.

4. Critical Issues Regarding the Capital Issues:
   Equity and debt finance, global depositories, Dematerialized securities.

5. Problems of control and Accountability:
   Regulation of Hazardous activity, mass disaster and environmental degradation, Legal liability and Legal remedies to public Liability Insurance and Issues in Zoning and location of industrial units.

6. Special Aspects of Legal Regulation of Select Public Enterprises:
   Insurances Regulatory Authority, Transport Authority, Energy Authority and Broadcasting Regulatory Authority.

7. Legal Regulation of Multi-Nationals:
   Concepts of Multi-Nationals, Collaboration agreements for technology transfer, Development and regulation of foreign investments, Investment in India FDI and NRIs, Investment abroad.
PRACTICAL & VIVA VOCE
T.L.M. 1st Semester
Paper - IV

The practical examination and Viva-Voce shall be held at the end of 1st Semester.
Written examination. Each student shall prepare a project report on the topic assigned
to them in advance and he shall bring their record at the time of Viva-Voce.

The practical examination & Viva-Voce shall be conducted by Panel of one
external examiner to be appointed by the university and at least one examiner.
<table>
<thead>
<tr>
<th>Paper</th>
<th>Name of Paper</th>
<th>Max. Marks</th>
<th>Min. Marks</th>
<th>Aggregate Marks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part A</td>
<td>Compulsory Paper: Foundation Paper / Subject</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Judicial Process &amp; Legal Theories</td>
<td>100</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>2.</td>
<td>Legal Education &amp; Research Methodology</td>
<td>100</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>Part B</td>
<td>Specialisation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group 1</td>
<td>Criminal Law:</td>
<td>100</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>Comparative Criminal Procedure</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group 2</td>
<td>Business Law:</td>
<td>100</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>Law of Industrial and Intellectual Property</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group 2</td>
<td>Human Rights</td>
<td>100</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>Human Rights &amp; International Order</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group 4</td>
<td>Administrative Law</td>
<td>100</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>Administrative Process &amp; Judicial Control</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Part C</td>
<td>Project Work &amp; Viva Voce</td>
<td>50</td>
<td>20</td>
<td>25</td>
</tr>
</tbody>
</table>

Total: 350 | 175
JIWAJI UNIVERSITY, GWALIOR (M.P.)
LL.M. 2nd SEMESTER
SESSION 20

PAPER - 1st
JUDICIAL PROCESS AND LAW AND LEGAL THEORIES
(COMPULSORY SUBJECT)

Syllabus:

1. Law - Definition and content
3. Jurisprudential Concepts - Personality, Right and Duty and Ownership

4. Nature of judicial process -
   1. Judicial process as an instrument of social ordering
   2. Judicial process and creativity in law - common law model - Legal Reasoning and growth of law change and stability
   3. The tools and techniques of judicial creativity and precedent
   4. Legal development and creativity through legal reasoning under statutory and codified systems

5. Special Dimensions of Judicial Process in Constitutional Adjudications -
   1. Notions of judicial review
   2. Role of constitutional adjudication, various theories of judicial role i.e.
   3. Tools and techniques in policy-making and creativity in constitutional adjudication
   4. Varieties of judicial and juristic activism
   5. Problems of accountability and judicial law-making

6. Judicial Process in India
   1. Indian debate on the role of judges and on the notion of judicial review
   2. The "independence" of judiciary and the "political" nature of judicial process
   3. Judicial activism and creativity in the Supreme Court - the tools and techniques of creativity
   4. Judicial processes in pursuit of constitutional goals and values - new dimensions of judicial activism and structural challenges
   5. Institutional viability of courts and judicial activism - scope and limits
The Concepts of Justice
1. The concept of justice or Dharma in Indian thought.
2. Dharma as the foundation of legal ordering in Indian thought.
3. The concept and various theories of justice in the western thought.
4. Various theoretical bases of justice: the liberal social contract tradition, the liberal utilitarian tradition and the liberal moral tradition.

3. Relation between Law and Justice
1. Equilibrium: Theories of justice as nothing more than the positive law of the stronger class.
2. Dependency theories: For its realization justice depends on law, but justice is not the same as law.
3. The independence of justice theories: means to end relationship of law and justice. The relationship in the context of the Indian constitutional ordering...
4. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

Select Bibliography

Cardozo, *The Nature of Judicial Process* (1921), Universal, New Delhi
W. Friedman, *Legal Theory* (1960), Stevens, London
Budzinski, *Juristic Ethics: the Philosophy and Method of Law* (1997), Universal, Delhi
Rajeev Dhavan, *The Supreme Court of India: A Social-Legal Critique of its Jurisprudential Techniques* (1977), Tripathi, Bombay


Bhat - Jurisprudence
Dhavan - Concepts of Jurisprudence
Friedman - Legal Theories of Jurisprudence.
JIWAJI UNIVERSITY, GWALIOR (M.P.)
LL.M. 1Ind SEMESTER
SESSION 20
PAPER - 1Ind
LEGAL EDUCATION AND RESEARCH METHODOLOGY
(COMPULSORY SUBJECT)

Outline
1. Objectives of Legal Education
2. Lecture Method of Teaching: Merits and demerits
3. The Problem Method
4. Discussion method and its suitability at postgraduate level teaching
5. The Seminar Method of teaching
6. Examination system and problems in evaluation: external and internal assessment
7. Student participation in law school programmes: Organisation of Seminars, publication of journal and assessment of teachers
9. Research Methods
   1. Socio-Legal Research
   2. Doctrinal and non-doctrinal
   3. Relevance of empirical research
   4. Induction and deduction
10. Identification of Problem of research
    1. What is a research problem?
    2. Survey of available literature and bibliographical research.
       (i) Legislative materials including subordinate legislation, notification and policy statements
       (ii) Decisinal materials including foreign decisions; methods of discovering the "rule of the case" tracing the history of important cases and decisions.
that there have not been over ruled, discovering judicial conflict in the area pertaining to the research problem and the reasons thereof.

(iii) Juristic writings a survey of jurisprudential literature relevant to select problems in Indian and foreign periodicals.

(iv) Compilation of list of reports or special studies conducted relevant to the problem.

11. Preparation of the Research Design
   1. Formulation of the Research problem
   2. Deviseing tools and techniques for collection of data Methodology
   (i) Methods for the collection of statutory and case materials and jurisprudential literature
   (ii) Use of historical and comparative research materials
   (iii) Use of observation studies
   (iv) Use of questionnaires/interview
   (v) Use of case studies
   (vi) Sampling procedures, design of sample, types of sampling to be adopted
   (vii) Use of scaling techniques
   (viii) Journalism
   (ix) Computerized Research: A study of legal research programs such as Lexis and West law coding
   (x) Classification and tabulation of data, use of cards for data collection; rules for classification, Explanation of tabulated data
   (xi) Analysis of data
Bibliography


S.K. Agarwalla (Ed.), Legal Education in India (1979), Tripathi, Bombay.


Pauline V. Young, Scientific Social Survey and Research, (1962).


H.H. Publication. Legal Research and Methodology.
COMPARATIVE CRIMINAL PROCEDURE

Note: The paper shall be of 100 Marks. Candidates are required to attempt five sections out of six sections.

Syllabus:

1. Organization of Courts and Prosecuting Agencies
   1. Hierarchy of criminal courts and their jurisdiction
   2. Nyaya Panchayats in India
   3. Panchayats in tribal areas

2. Pretrial Procedures in India, Britain and America
   1. Arrest and questioning of the accused
   2. The rights of the accused
   3. The evidentiary value of statements / articles seized / collected by the police
   4. Right to counsel
   5. Roles of the prosecutor and the judicial officer in investigation

3. Trial Procedures in India, Britain and America
   1. The adversary system of trial and the inquisitorial system
   2. Role of the judge, the prosecutor and defense attorney in the trial
   3. Admissibility and inadmissibility of evidence
      1. Expert evidence
   4. Appeal of the court in awarding appropriate punishment
   5. Plan compelling
6. Which legal areas are discussed in the text regarding corrections in India?
LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY

Max. M. 100

Note: This paper shall be of 100 marks. Candidates are required to attempt five questions out of ten questions.

Syllabus
1. Intellectual Property Right and International Perspectives
2. Trademarks and Consumer Protection (Study of UNCTAD report on the subject)
3. The Legal Regime of Uniform Trade Practices and of Intellectual Property
   1. United Nations approaches (UNCTAD, UNCITRAL)
   2. EEC approaches
   3. Position in U.S.
   4. The Indian situation
5. Biotechnology Patents
   1. Nature and types of biotechnology patents
   2. Patent on new forms of life TRIPS obligations
   3. Plant patenting
   4. Soil genetic protection for plant varieties
   5. Multinational ownership
   6. Regulation of environment and health hazards in biotechnology patents
   7. Indian policy and position
6. Patent Search, Examination and Record
   1. International and global patent information retrieval systems
   2. Patent Cooperation Treaty
   3. Madrid Convention
   4. Patent and trademark protection for biotechnology, biologically derived and genetically modified organisms
7. Special Problems of Proof of Infringement:
   2. The evidentiary problems in action of passing off.
   3. The proof of non-infringement: novelty of inventions protected by patent law.
   5. Need for and Scope of Law Reforms.

8. Intellectual Property and Human Rights:
   1. Freedom of speech and expression: the impact of the regime of intellectual property right: copyright protection on internet.
   2. Legal status of humanitarian research protected by the regime of intellectual property law.
   3. Human right of the impoverished masses: intellectual property protection of new products for medical and food security.

Select bibliography:

Special attention should be given to literature of the U.N. System, WIPO and the UN.(1993).
Kluwer.
JIWAJI UNIVERSITY, GWALIOR (M.P.)
LL.M. IIInd SEMESTER
SESSION 2012-13

PAPER - III

Human Rights and International Order
(HUMAN RIGHTS LAW GROUP)

Syllabus

1. Development of the Concept of Human Rights Under International Law
   1. Role of International Organization and Human Rights
   2. Universal Declaration of Human Rights (1948)
   3. Covenant on Political and Civil Rights (1966)
   5. ILO and other Conventions and Protocols dealing with human rights

2. Role of Regional Organizations
   1. European Convention on Human Rights
   2. European Commission on Human Rights/Court of Human Rights.
   3. American Convention on Human Rights
   5. Other regional Conventions.

3. Protection agencies and mechanisms
   1. International Commission of Human Rights
   2. Amnesty International
   3. Non-Governmental Organizations (NGOs)
   4. ILO Division of Human Rights
   5. International Labour Organization
   6. UNESCO
   7. UNICEF
   8. Voluntary organizations
   9. National and State Human Rights Commissions

4. International enforcement of Human Rights
   1. Role of ICJ and regional institutions
Select bibliography


JIIWAI UNIVERSITY, GWALIOR (M.P.)
LL.M. II Ind SEMESTER
SESSION 2012-13

PAPER - II Ind

ADMINISTRATIVE PROCESS AND JUDICIAL CONTROL
(ADMINISTRATIVE LAW GROUP)

Syllabus:

1. Concepts and Agencies
   1. Common law countries
   2. French system

2. Judicial Review in India
   1. Historical development
   2. Powers of the Supreme Court
   3. Powers of the High Court
   4. Role of subordinate judiciary

3. Jurisdiction
   1. Finality clauses
   2. Conclusive evidence clauses
   3. Law fact distinction
   4. Exclusionary clause

4. Grounds of Review:
   1. Doctrine of ultra vires
   2. Unreviewable discretionary powers: from Liversidge to Padfield
   3. Discretion and Justifiability
   4. Violation of fundamental rights
   5. Externalee consideration and/or irrelevant grounds
   6. Delegation
   7. Acting under dictation
   8. Malafides and bias
   9. Lack of rationality and proportionality
   10. Oppressing decision
   11. Absence of proportionality

5. Procedural fairness
   1. Legitimate Expectation
   2. Natural justice and duty to act fairly
   3. Bias and personal interest
   4. Fair hearing

6. Remedies

23
1. Writs
2. Injunction and declaration
7. Limits of judicial review
   1. Locus standi and public interest litigation
   2. Laches
   3. Res judicata
   4. Alternative remedies
8. Judicial Review Delegated Legislation

Select bibliography

S. P. Seth, Administrative Law (1986), Butterworths, India.
M. P. Jain, The Evolving Indian Administrative Law (1983), Tripathi, Bombay
Jain & Jain, Principles of Administrative Law (1986), Tripathi
JIWAJJI UNIVERSITY, GWALIOR (M.P.)
LL.M. IInd SEMESTER
SESSION 2012-13

PAPER - IVth
PRACTICAL VIVA-VOCE.

The practical examination and viva-voce shall be held at the end of IInd Semester examination. Each student shall prepare a project report on the topic assigned to them in advance and he shall bring that record at the time of viva-voce. Where LL.B. programme co-exists with LL.M. programme, the students may be asked to teach the LL.B. students.

The practical & viva-voce examination shall be conducted by a Panel of One external examiner to be appointed by the university and internal examiner. The Head of department will not as internal examiner.
JIWAJI UNIVERSITY, GWALIOR
SYLLABUS AND SCHEME OF EXAMINATION
SESSION 2013 – 14
LL. M. IIIrd SEMESTER

1. Specialization in Criminal Law Group

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Criminology &amp; Privileged class Deviance</td>
<td>100</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>2</td>
<td>Juvenile Delinquency</td>
<td>100</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>3</td>
<td>Collective Violence and Criminal Justice System</td>
<td>100</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>4</td>
<td>Project work and Viva - Voce</td>
<td>50</td>
<td>20</td>
<td>25</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>350</td>
<td></td>
<td>175</td>
</tr>
</tbody>
</table>

2. Specialization in Business Law Group

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Insurance Law</td>
<td>100</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>2</td>
<td>Law of Export Import Regulation</td>
<td>100</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>3</td>
<td>Banking Law</td>
<td>100</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>4</td>
<td>Project work and Viva - Voce</td>
<td>50</td>
<td>20</td>
<td>25</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>350</td>
<td></td>
<td>175</td>
</tr>
</tbody>
</table>

3. Specialization in Administrative Law Group

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Public Authorities : Liability</td>
<td>100</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>2</td>
<td>Public Authorities and Power Holders: Controls on Maladministration</td>
<td>100</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>3</td>
<td>Local Self Government Law</td>
<td>100</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>4</td>
<td>Project work and Viva - Voce</td>
<td>50</td>
<td>20</td>
<td>25</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>350</td>
<td></td>
<td>175</td>
</tr>
</tbody>
</table>

4. Specialization in Human Rights Law Group

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Protection and Enforcement of Human Rights in India</td>
<td>100</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>2</td>
<td>Human Rights of Disadvantaged groups: Problems &amp; issues in the Protection and Enforcement</td>
<td>100</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>3</td>
<td>International Humanitarian law and Refugee law</td>
<td>100</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>4</td>
<td>Project work and Viva - Voce</td>
<td>50</td>
<td>20</td>
<td>25</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>350</td>
<td></td>
<td>175</td>
</tr>
</tbody>
</table>
JIWAJI UNIVERSITY, GWALIOR (M.P.)
LL.M. 3rd SEMESTER
SESSION 2012-13
PAPER II CRIMINOLOGY PRIVILEGED CLASS DEVIANCE

Max. M. 100 Pass M. 40
Aggregate - 50%

Note: This paper shall be of 100 marks. Candidates are required to attempt five questions out of ten questions.

Syllabus:

1. Introduction
   1. Conceptions of white collar crimes
   2. Indian approaches to socio-economic offences
   3. Notions of privileged class deviance as providing a wider categorization of understanding Indian development
   4. Typical forms of such deviance
      1. Official deviance (deviance by legislators, ideos, bureaucrats)
      2. Professional deviance (journalists, teachers, doctors, lawyers, engineers, architects and publishers)
      3. Trade union deviance (including teachers, lawyers, urban property owners)
      4. Landlord deviance (class based deviance)
      5. Police deviance
      6. Deviance on electoral process (rigging, booth capturing, impersonation, corrupt practices)
      7. Gender-based aggression by socially, economically and politically powerful

2. Official Deviance
   1. Conception of official deviance permissible limit of discretionary powers
   2. The Chandoli Valley dam Yashwantrao Chavan and Janata Mission in 1959 and 1971
   3. The Chanda Commission Report on LIC-Mahabharata Affair
   4. The Indra Commission Report on Dabhol project
   5. The Chandra Commission Report on Coal Tenders
   6. The Purohit Commission Report
   7. The Parthasarathi Commission Report
3. Police Deviance
   1. Seizures of legal restraint on police powers in India
   2. Unconstitutionality of "third degree" methods and use of total force by police
   3. "Concentrating" Killings
   4. Political assassinations
   5. The use of superior orders
   6. Rape and related forms of gender-based aggression by police and para-military forces
   7. Reform suggestions especially by the National Police Commissions

4. Professional Deviance
   1. Unethical practices at the Indian Bar
   2. The Caine Commission Report
   3. The Press Council on unprofessional and unethical journalism
   4. Medical malpractice

5. Response of Indian Legal Order to the Deviance of Privileged Classes
   1. Vigilance Commissioner
   2. Public Accounts Committee
   3. Ombudsmen
   4. Commissions of Enquiry
   5. The Prevention of Corruption Act, 1947
   6. The Anthony Case

Select Bibliography:
Upendra Baxi, Liberty and Corruption: The Anthony Case and Beyond (1989)
Sudeb Ranjan Duadvatli and G.S. Bhargava, Political Corruption in India (1967)
A.R. Deoli (ed.), Violation of Democratic Rights in India (1986)
A.G. Noone, Minister's Misconduct (1974)
JIWAJI UNIVERSITY, GWALIOR (M.P.)  
L.L.M. IIIrd SEMESTER  
SESSION 2015-16  
PAPER-III  
JUVENILE DELINQUENCY  
Max. M. 100  
Pass M. 40  
Agg. 50%  

Note: This paper shall be of 100 marks. Candidates are required to attempt five questions out of ten questions.

Syllabus:

1. The Basic Concepts
   1. The conception of 'child' in Indian Constitution and Penal Code.
   2. Delinquent juvenile
   3. 'Neglected' juvenile
   4. The overall situation of children/young persons in India, also with reference to crime statistics (of crimes by and against children)

2. Determining Factors of Juvenile Delinquency
   1. Psychological association
   2. Anomie
   3. Demographic pressure
   4. Peer group influence
   5. Gang sub-culture
   6. Class differentials

3. Legislative Approaches
   1. Legislative approaches during the late colonial era
   2. Children's Act
   3. Legislative position in various States
   4. The Juvenile Justice Act
      1. Constitutional aspects
      2. Distinction between 'Neglected' and 'delinquent' juveniles
      3. Competent authorities
      4. Procedural safeguards for juveniles
      5. Powers given to government
      6. Community participation as envisaged under the Act

4. Indian Context of Juvenile Delinquency
   1. The child population percentage to total sex ratio (inter-generational sex ratio)
   2. Neglected delinquent, less-privileged and unstable social problem, destitute wards

(Continued on next page)
establishments, tap pictures family tradition

4. Delinquent number: sex ratio, rate to adult crime: type of offences committed, recidivism, rate of increase background

5. Duty defenses

6. Victims
   1. Of violence: parental, suicide, sexual, killed by parents
   2. Criminal activities like bootlegging, drug peddling, etc.

7. Response of protective approach

5. Judicial Consideration
   1. Social action step: opinion concerning juvenile justice
   2. Salient judicial decisions
   3. Role of legal profession in juvenile justice system

6. Implementation
   1. Institutions, bodies, personnel
   2. Recruiting and training agencies
   3. Recruitment and training programs and statistics on head
   4. Other responsibilities of each agency/person
   5. Coordination among related agencies
   6. Accountability annual reports and accessibility of public to juvenile justice facilities

7. Preventive Strategies
   1. State Welfare programmes health, nutrition, ICDS, grants-in-aid
   2. Compulsory education
   3. Role of community, family voluntary, bodies, individuals

Select bibliography
K.S. Srinivas, Adolescent Offender (1985)
United Nations, Beijing Rules on the Treatment of Young Offenders (1985)
The United Nations Declaration on the Rights of Children
UNICEF periodic methods
IIWAIJI UNIVERSITY, GWALIOR (M.P.)
LL.M. 3rd SEMESTER
SESSION 2018-19

COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM

Max.M. 100
Pass M. 40
Aggregate: 50%

Note: This paper shall be of 100 marks. Candidates are required to attempt five questions out of ten questions.

Syllabus:
1. Introductory
   1. Notions of "force", "coercion", "violence"
   2. Distinctions: "symbolic" violence, "institutionalized" violence, "structural violence"
   3. "Constitutional" and "criminal" speech: Speech as incitement to violence
   4. "Collective political violence" and legal order
   5. "Police of legal and extra legal "repression"
2. Approaches to Violence in India
   1. Religiously sanctioned structural violence: Caste and gender based
   2. Hinduism, Buddhism, Christian, and Islamic traditions in India
   3. Gandhi's approach to non-violence
   4. Discourse on political violence and terrorism during colonial struggle
   5. Attitudes towards legal order as possessed of legitimate monopoly over violence during the colonial period
3. Violence against the Scheduled Castes
   1. Notion of Atrocities
   2. Incidence of Atrocities
   3. Uses of Criminal Law to control Atrocities or contain aftermath of Atrocities
   4. Violence against Women
   5. Communal Violence
      1. Incidence and cases of "communal" violence
      2. Heaviness in various constitutions of minority
      3. The role of police and non-military systems in dealing with communal violence
      4. Enforcement of law and order system strategies in handling communal violence
5. Criminal Liability
   1. Group Liability
   2. Vicarious Liability
   3. Strict Liability
   4. Absolute Liability
   5. Liability in Socio-economic and Socio-culture Offences

Select bibliography:
A.R. Desai, "Violation of Democratic Rights in India" (1986)
T. Hooden, Violence for Equality (1960)
Rajiv Kolian, State Against Democracy (1987)
Syllabus

1. **Introduction**
   1. Nature of insurance contract, various kinds of insurance, proposal, policy, parties, consideration, need for utmost good faith, insurable interest, indemnity
   2. Insurance policy, law of contract and law of torts-future of insurance need, importance and place of insurance
   3. Constitutional perspectives-the Entries 24, 25, 29, 30, 47 of List I
   Union List, 23; 24, of List III

2. **General Principles of Law of Insurance**
   1. Definition, nature and history
   2. The risk, commencement, attachment and duration
   3. Assignment and alteration
   4. Settlement of claim and subrogation
   5. Effect of war upon policies

3. **Indian Insurance Law—General**
   1. History and development
   3. Mutual insurance companies and cooperative life insurance societies

4. **Life Insurance**
   1. Nature and scope
   2. Event insured against life insurance contract
   3. Circumstances affecting the risk
   4. Amounts recoverable under life policy
   5. Persons entitled to payment
   6. Settlement of claim and payment of money

5. **Marine Insurance**
   1. Nature and scope
   2. Classification of marine policies
   3. The Marine Insurance Act, 1963
   4. Marine insurance
   5. Insurable interest, insurable value
6. Insurance Against Accidents
   1. The Fatal Accidents Act, 1855
      (i) Objects and reasons
      (ii) Assessment of compensation
      (iii) Contributory negligence
      (iv) Apportionment of compensation and liability
   2. The Personal Injuries (Compensation insurance) Act 1963
      (i) Compensation payable under the Act
      (ii) Compensation insurance scheme under the Act-Compulsory insurance

7. Property Insurance
   1. Fire insurance
   2. The Emergency Risks (Factories) Insurance
   3. The Emergency Risks (Goods) Insurance
   4. Policies covering risk of explosion
   5. Policies covering accidental loss, damage to property
   6. Policies covering risk of storm and tempest
   7. Glass-plate policies
   8. Burglary and theft policies
   9. Livestock policies
   10. Goods in transit insurance
   11. Agricultural insurance

8. Insurance Against Third Party Risks
   1. The Motor Vehicles Act, 1988
      (i) Nature and scope
      (ii) Effect of insolvency or death on claims of insolvency and death of parties, certificate of insurance
      (iii) Claims tribunal: constitution, functions, application for compensation, procedure, powers and award
   2. Liability Insurance
(i) Nature and kinds of such insurance
(ii) Public liability insurance
(iii) Professional negligence insurance

(i) Group life insurance
(ii) Medical claim, sickness insurance

Select bibliography

John Hanson and Christopher Henly, All Risks Property *Insurance* (1999), LLP Asia, Hong Kong
Peter Mac Donald Eggens and Patrick Foss, Good *Faith and Insurance Contracts* (1996), LLP Asia, Hong Kong
Collins', *The Law of Insurance* (1997), Sweet & Maxwell
O’Mary on *Marine Insurance* (1993), Sweet & Maxwell.
*International Labour Office, Administration Practice of social insurance* (1985)
R. Hardy (ed.), *General Principles of Insurance Law* (1979)
Edwin W. Patterson, *Cases and Materials on Law of insurance* (1965)
M. N. Sreenivasan *Law and the Life Insurance Contract* (1914)
JIWAJI UNIVERSITY, GWALIOR (M.P.)
LL.M. - 1ST SEMESTER
SESSION 2013-14

LAW OF EXPORT-IMPORT REGULATION

Max M. 100
Pass M. 40
Aggregate - 50%

Note: This paper shall be of 100 marks. Candidates are required to attempt five questions out of ten questions.

SYLLABUS
1. Introduction
   1. Role of control over import and export of goods from antiquity to liberalization
   2. Impact of regulation on economy
2. The Basic Needs of Export and Import Trade
   1. Credit
   2. Services
   3. Transportation
3. International Regime
   1. WTO agreement
   2. WTO and tariff restrictions
   3. WTO and non-tariff restrictions
   4. Investing and transfer of technology
   5. GATT restrictions and anti-dumping
   6. Permissible regulations
   7. Quarantine regulation
   8. Dumping of discarded technology and goods in international market
4. General Law on Control of Imports and Exports
   1. General scheme
   2. Legislative control
      1. Power of control: Central government and RBI
      2. Foreign Trade Development and Regulation Act 1992
      3. Restrictions under customs law
   3. Prohibition and penalties
   4. Export-Import formalities guiding features
      1. Control under FEMA
      2. Foreign exchange and currency
         1. Import of goods
         2. Export promotion councils
      3. Export development boards and export promotion councils

[Signature]
3.6
5. Control of Exports
1. Quality control
2. Regulation on goods
3. Conservation of foreign exchange
   1. Foreclosure of management
   2. Currency transfer
   3. Investment in foreign countries

1. Investment policy NRIs, FII (foreign institutional investors), FDI
2. Joint venture
3. Promotion of foreign trade
4. Agricultural products
5. Textile and cloths
6. Jewellery
7. Service sector

7. Law Relating to Customs
1. Prohibitions on importation and exportation of goods
2. Control of smuggling activities in export-import trade
3. Levy of and exemption from customs duties
4. Clearance of exported goods and import goods
5. Conveyance and warehousing of goods

8. Regulation on Investment
1. Borrowing and lending of money and foreign currency
2. Securities abroad issues of
   1. Immovable property purchase abroad
   2. Establishment of business outside
   3. Issue of derivatives and foreign securities GDR (global depository receipts), ADR (American depositary receipts) and UBO
   4. Investment in Indian banks
   5. Repayment and surrender of foreign securities

9. Technology transfer
1. Restrictive terms in technology transfer agreements
2. Automatic approval schemes

Select bibliography
- The relevant volumes of the Annual Survey of India
- Foreign Trade Development and Regulation Act, 1992 and Rules
- Foreign Exchange Management Act, 1999
- Market Participants (Inter-Broker) Agreement, 1992
- Foreign Trade Act, 1992
5. Control of Exports
   1. Quota control
   2. Regulation on goods
   3. Conservation of foreign exchange
      1. Foreign Exchange Management Act
      2. Currency transfer
      3. Investment in foreign countries

   1. Investment policy NRIs, FIs (foreign institutional investors), FDIs
   2. Joint venture
   3. Promotion of foreign trade
   4. Agricultural products
   5. Textile and clothing
   6. Jewellery
   7. Service sector

7. Law Relating to Customs
   1. Prohibition on importation and exportation of goods
   2. Control of smuggling activities in export-import trade
   3. Levy of, and exemption from, customs duties
   4. Clearance of imported goods and export goods
   5. Conveyance and warehousing of goods

8. Regulation on Investment
   1. Borrowing and lending of money and foreign currency
   2. Securities abroad issues of
      1. Immovable property purchase abroad
      2. Establishment of business outside
      3. Issue of derivatives and foreign securities (GDR/global depository receipts, ADR (American depositary receipts) and Ukr
      4. Investment in Indian banks
      5. Repatriation and surrender of foreign securities

9. Technology Transfer
   1. Restrictive terms in technology transfer agreements
   2. Automatic approval schemes

Select bibliography:
   The Student should consult the relevant volumes of the Annual Survey of Foreign Trade.
   The Foreign Trade Development and Regulation Act 1963 and Rules.
   Foreign Exchange Management Act 1999
   Market Mechanism Reform Development Authority Act 1972
JIWAJI UNIVERSITY, GWALIOR (M.P.)
LL.M. 3rd SEMESTER
SESSION 2013
CUM. YEAR
BANKING LAW

Max. M. 100
Pass M. 40
Aggregate - 50%

Note: This paper shall be of 100 marks. Candidates are required to attempt five questions out of ten questions.

Syllabus
1. Introduction
   1. Nature and development of banking.
   2. History of banking in India and elsewhere: Indigenous banking: evolution of banking in India: different types of banks and their
      functions.

2. Law relating to Banking Companies in India
   1. Control by government and its agencies.

3. 1.2
   1. Credit management
      1.1. Credit policy
      1.2. Collateral
   4. Control over Banking
   1. Nationalization
   2. Privatisation
   3. Protection of deposits
   4. Priority lending
   5. Performance of underprivileged classes

4. Deposit Insurance
   1. The Deposit Insurance Corporation Act 1961: objects and powers
   2. Establishments of Central of DIS
   3. Resolution of banking companies, insured banks, liability of DIS, etc.: Disproportion
   4. Recovery of insurance, insured banks: DIS and Reserve Bank of India

5. The Central Bank
   1. Evolution of central bank
   2. Character of central banks
   3. Functions, organization, etc.
   4. The Reserve Bank of India and its role

38
6. Functions of the RBI
1. Regulation of monetary mechanism of the economy
2. Credit control
3. Exchange control
4. Monopoly of currency issue
5. Draw up policy formulation

7. Control of RBI over non-banking companies
1. Financial companies
2. Non-financial companies

8. Relationship of Banker and Customer
1. Legal character
2. Contract between banker and customer
3. Banker's lien
4. Protection of bankers
5. Customers
   1. Nature and type of accounts
   2. Special classes of customers, industries, minor parameters
   3. Corporations, local authorities

9. Banking duty to customers

7. Negotiable Instruments
1. Meaning and kinds
2. Transfer and negotiations
3. Holder and holder in due course
4. Presentment and payment
5. Validity of protests

8. Lending by Banks
1. Need for adequate capital and liquidity
2. Facilities for advances, limits, and their merits and demerits
3. Repayment of loans, rate of interest, protection against penalty
4. Defaulter, recovery, and debt recovery tribunal

9. Recent Trends in Banking System in India
1. New technology
2. Information Technology
3. Automation and legal aspects
4. Automatic teller machines and use of internet
5. Smart cards
6. Use of expert system

10. Policy of the Central Bank
   - Management of foreign exchange reserves
6. Functions of the RBI
   1. Regulation of monetary mechanism of the economy
   2. Credit control
   3. Exchange control
   4. Monopoly of currency issue
   5. Bank rate policy formulation

7. Control of RBI over non-banking companies
   1. Financial companies
   2. Non-financial companies

8. Relationship of Banker and Customer
   1. Legal character
   2. Contract between banker and customer
   3. Banker's lien
   4. Protection of bankers
   5. Customer's
      1. Nature and types of accounts
      2. General classes of customers: individuals, minor partnerships, corporations, local authorities

9. Banking duty to customers

10. Negotiable Instruments
    1. Meaning and kinds
    2. Transfer and negotiations
    3. Holder and holder in due course
    4. Presentment and payment
    5. Validity of pastes

11. Lending by Banks
    1. Good-lending principles and lending to poor masses
    2. Security for advances: kinds and their merits and demerits
    3. Repayment of loans: rate of interest; protection against penalty
    4. Default, recovery and debt recovery tribunal

12. Recent Trends in Banking System in India
    1. New technology
    2. Information technology
    3. Automation and legal aspects
    4. Automatic teller machine and use of internet
    5. Smart cards
    6. Use of expert system

13. Role of a Central Banking Law
    1. Maintenance of financial system's normalcy

39
Select Bibliography

   V. C. Credit, Principles of Banking Law (1972) Oxford
   M. C. Credit, The Law of Banking and Banking (1972) Oxford
   M. L. Credit, The Credit Law and Practice of India (1972) India Law
   Credit, New Delhi (1972), 3 volumes.
   KG. Credit, Banking Theory and Practice (1968) Butterworths, London.

2. Credit, London Press, London
   V. Credit, Commercial Law (1972) Oxford
   B. Credit, Commercial Law (1972) Oxford
   J. Credit, Commercial Law (1972) Oxford
   C. Credit, The Commercial Law and Practice of India (1972) India Law
   London
   K. Credit, Commercial Law (1972) Oxford
   S. Credit, Commercial Law (1972) Oxford
   Delhi
   S. Credit, Commercial Law (1972) Oxford
   Delhi

3. Geographical 
   Geography on the Foreign Trade (Development and Regulation Act 1992)
   University Law Publishing Co. Ltd., New Delhi
   R. S. Geography, The Realities of Trade due to Banks and Financial Institutions
   Book, New Delhi
   M. A. Mathematics, Demand Guarantees in International Trade (1992) Sweet & Maxwell
   J. C. Mathematics, European Banking Law: The Banker-Customer Relationship
   University Law Agency, New Delhi
   P. Mathematics, Committee Report on Supervision of Banks and Financial
JIVAJI UNIVERSITY, GWALIOR (M.P.)
LL.M. IIIrd SEMESTER
SESSION 2012-13
(Pondicherry Law College)
PM704

PUBLIC AUTHORITIES’ LIABILITY

Max. M. 200 Pass M. 40 Aggregate - 50%

Note: This paper shall be of 100 marks. Candidates are required to attempt five questions out of ten questions.

Syllabus
1. Tortious Liability
   1. Sovereign immunity
   2. Commercial and non-commercial function
2. Contractual Liability
   1. Procedural justice
   2. Provision of right to information
   3. Right to contest
3. Deliberation Liability
   1. Personal accountability
   2. Compensation jurisprudence and right to life
4. Accountability under consumer law
5. Privilege Against Disclosure
   1. Right to information
   2. Official secrecy
   3. Executive privilege
   4. Security of state and control on information
   5. Judicial review
6. Promissory Estoppel
   1. Legitimate expectation
   2. Constitutional dimensions

Additional reading
Sanjay Jain, Concept of Administrative Law (2009), Tripathi
1. "Introduction to Administrative Law"
JIWAJI UNIVERSITY, GWALIOR (M.P.)
LL. M. IIIrd SEMESTER
SESSION 2013

PAPER - I

PUBLIC AUTHORITIES AND POWER HOLDERS: CONTROLS ON ADMINISTRATION

Max. M. 100  Pass M. 40
Aggregate - 50%

Note - This paper shall be of 100 marks, Candidates are required to attempt five questions out of ten questions.

Syllabus

1. Observation
   a. The concept
   b. Comparative perspectives
2. Evolving Indian models: Lokpal, Lokayukt institutions
3. Present Position of Lokpal, Lokayukt
4. Commission of Inquiry
5. Vigilance Commissions
6. Investigation Agencies: the CBI
7. Inquiries by Legislative Committees
8. Legislative Control
9. Financial Control: Comptroller and Auditor General
10. Judicial Inquiries

Select bibliography

- Tanntulo

[Signature]
JIIWAJI UNIVERSITY, GWALIOR (M.P.)
LL.M. IIIrd SEMESTER
SESSION 2018-19

LOCAL SELF-GOVERNMENT LAW

Max M. 100 Pass M. 40

Note: This paper shall be of 100 marks. Candidates are required to attempt five questions out of ten questions.

Syllabus

1. Historical Perspectives
   1. Early period
   2. Gram Swaraj; the Gandhian concept
2. Constitutional Scheme
   1. Directive Principles
3. Structure and powers of local bodies
4. Legislative Powers
   1. Direct democracy and grass root planning
   2. Municipalities and corporation
   3. Gram Sabha
5. Executive and administrative powers
6. Financial powers
   1. Levying taxes
   2. Licensing power
7. Judicial and quasi-judicial powers of the Local Bodies
8. Election to Local Bodies
9. Conduct of meetings, Corporation, Municipal Council, Panchayat Committee and Gram Sabha
10. Institutional and Judicial Control
Select Bibliography

Friedman, The State and the Rule of Law in a Mixed Economy

Nollekens, J., Brown and J.C. Gadioli, English Administrative Law

Neeley, Introduction to the Law of Law

Jaffar Jaffar, Law and the Constitution

Schwartz & Wexler, Legal Control of Government

Deas, Judicial Review in Nigeria

Jain & Jain, Principles of Administrative Law (1985), Delhi, Bankey

M. Smith, Judicial Review of Administrative Action (1985)

Indian Law Institute, Government Regulation of Private


PROTECTION AND ENFORCEMENT OF HUMAN RIGHTS IN INDIA

Max. M. 100 Pass M. 40

Note: This paper shall be of 100 marks. Candidates are required to attempt all the questions out of ten questions.

Syllabus:

1. History and Development of Human Rights in Indian Constitution
   1. Constitutional Philosophy: Preamble
   2. Fundamental Rights
   3. Directive Principles of State Policy
   4. Fundamental Duties
2. Judicial Activism and Development of Human Rights Jurisprudence
3. Enforcement of Human Rights
   1. Formal enforcement mechanisms
      1. Role of Supreme Court
      2. Role of High Courts
      3. Role of Civil and Criminal Courts
      4. Statutory Tribunals
      5. Special Courts
   2. Role of India in formulating international norms and standards

Selected Bibliography:

VS
JIWALI UNIVERSITY, GWALIOR (M.P.)
LL.M. IIrd SEMESTER
SESSION 2019-19

HUMAN RIGHTS OF DISADVANTAGED GROUPS: PROBLEMS AND ISSUES IN THE PROTECTION AND ENFORCEMENT

Max. Marks: 100
Pass Marks: 40
Aggregate: 50%

Note: This paper shall be of 160 marks. Candidates are required to attempt five questions out of ten questions.

Syllabus
1. Concept of Disadvantaged Groups
2. Emerging Human Rights Jurisprudence and the Role of the Judiciary
   1. Rights of women
   2. Rights of the child
   3. Rights of persons with disabilities
   4. Rights of other indigenous people
   5. Mentally ill
   6. The street persons
   7. Organized labour
   8. 'Aids' victims
   9. Rights of minorities
   10. Rights of minorities
3. Enforcement of Human Rights
   1. Protection Laws of the Disadvantaged Groups: Problems and Issues
4. Future Perspectives of the Human Rights of the Disadvantaged

Select bibliography
Paras Bhowmick and Pratibha Bhan, Women and Legal Protection
Philip Askin (et al.), Children. Rights and the Law
Kelly D. Akker, Eshele M. Kwa-Neuse, Women and International Human Rights
Law, (1999)
R. K. Chakravarti, An Analysis of the Administration of Criminal Justice
Law
Reena Vardhan, International Humanitarian Law, Zoroastrian National Comm.

[Signature]
JIWAJI UNIVERSITY, GWALIOR (M.P.)
LL.M. IIIrd SEMESTER
SESSION 2013-14
PAPER IIIrd
INTERNATIONAL HUMANITARIAN LAW AND REFUGEE LAW

Max. M. 100
Pass M. 40
Aggregate - 50%

Note: This paper shall be of 100 marks; Candidates are required to attempt five questions out of ten questions.

Syllabus:

1. Humanization of Warfare:
   1. Amelioration of the wounded and sick
      1. Armed forces in the field
      2. Armed forces at sea, The shipwrecked
   2. Protection and facilities
      1. Prisoners of war
      2. Civilians in times of war
      3. Cultural properties

2. Control of weapons:
   1. Conventional
   2. Chemical
   3. Biological
   4. Nuclear

3. Humanitarian law; Implementation
   1. Red Cross role
   2. National legislation

4. The Concept of refugees
   1. Definition of refugees and displaced persons; their problems
   2. The UN Relief and Rehabilitation Administration and other international Refugee organizations; International protection
   3. Protection under national laws

5. Principles to combat refugee problems
   1. Repatriation, resettlement local integration and rehabilitation
   2. Other role
   3. Other aspects
Select Bibliography

JIWALI UNIVERSITY, CBI (M.P.)
LL.M. IIIrd SEMESTER
SESSION 2013-14

PROJECT WORK AND VIVA VOCE

Max. M. = 50

The Project Work and viva-voce shall be held at the end of IIIrd Semester examination.
Each student shall prepare a project report on the topic assigned to them in advance and
he shall bring that record at the time of viva-voce.

The project and viva-voce examination shall be conducted by a panel of one
external examiner to be appointed by the university and internal examiner. The Head of
department will be one internal examiner appointed internally.

49
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Penology and Treatment of Offenders</td>
<td>100</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>2</td>
<td>Dissertation</td>
<td>100</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>3</td>
<td>Project work and Viva - Voce</td>
<td>50</td>
<td>20</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td>250</td>
<td></td>
<td><strong>125</strong></td>
</tr>
</tbody>
</table>

2. Specialization in Business Law Group

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Corporate finance</td>
<td>100</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>2</td>
<td>Dissertation</td>
<td>100</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>3</td>
<td>Project work and Viva - Voce</td>
<td>50</td>
<td>20</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td>250</td>
<td></td>
<td><strong>125</strong></td>
</tr>
</tbody>
</table>

3. Specialization in Administrative Law Group

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Comparative Administrative law</td>
<td>100</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>2</td>
<td>Dissertation</td>
<td>100</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>3</td>
<td>Project work and Viva - Voce</td>
<td>50</td>
<td>20</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td>250</td>
<td></td>
<td><strong>125</strong></td>
</tr>
</tbody>
</table>

4. Specialization in Human Rights Law Group

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Science Technology and Human</td>
<td>100</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>2</td>
<td>Dissertation</td>
<td>100</td>
<td>40</td>
<td>50</td>
</tr>
<tr>
<td>3</td>
<td>Project work and Viva - Voce</td>
<td>50</td>
<td>20</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td>250</td>
<td></td>
<td><strong>125</strong></td>
</tr>
</tbody>
</table>
Penology: Treatment of Offenders

Objectives of the Course

This course offers a specialist understanding of criminal policies including theories of punishment, their supposed philosophically and sociologically justification and the problematic of discretion in the sentencing experience of the 'developing' societies, a focus normally absent in law curricula so far.

The expert work of the U.N. committee on crime prevention and treatment of offenders will be availed of in this course. Especially, at stage, the three 'D's will be explored as offering a range of alternatives: decriminalization, demonetization, deinstitutionalization. Broadly, the course will concern itself with:

(a) Theories of punishment
(b) Approaches to Sentences
(c) Alternatives to imprisonment
(d) The state of institutional incarceration in India: jail and others custodial institutions
(e) The problematic of capital punishment
(f) Penology in relation to privileged class deviance
(g) Penology in relation to marginalized deviance or criminality
(h) The distinctive Indian (historical and contemporary) approaches to penology

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

Syllabus

1. Introductory

   Definition of Penology

2. Theories of Punishment


3. The Problematic of Capital Punishment

   Constitutionality of Capital Punishment, Judicial Attitudes towards Capital Punishment in India – An inquiry through the statute law and case law, Law Reform Proposals.

4. Approaches to Sentencing
Alternatives to imprisonment, Probation, Corrective Labour, Fines, Collective fines, Reparation by the offender/ by the court.

5. Sentencing

6. Imprisonment
The state of India's jails today, The disciplinary regime of Indian Prisons, Classification of prisoners, Rights of prisoner and duties of custodial staff, Deviance by custodial staff, Open prisons, Judicial surveillance - basis - development reforms

Select bibliography

H.L.A. Hart, Punishment and Responsibility (1968)
Herbert L. packer, The Limits of Criminal Sanction (1968)
Alf Ross, On Guilt, Responsibility and Punishment (1975)
A. Siddique, Criminology (1984) Easten, lucknow
Law Commission of India, Forty-Second Report: Ch. 3 (1971)
Tapas Kumar Banerjee, Background to Indian Criminal Law (1990), R Campray & Co., Calcutta.
Objectives of the course

Industrialisation has played, and has to play, a very vital role in the economic development of India. In the Post-independent era, industrial development is regarded, and hence employed, as principal means in the strategy for achieving the goal of economic and social justice envisioned in the Constitution. Corporations, both public and private, are viewed as a powerful instrument for development. In a developing society like India enormous varieties of consumer goods are manufactured or produced. Obviously, the situation raises the issues of procuring, utilising and managing the finances. For this purpose a science of financial management techniques has been evolved. The faculties of commerce, business and management studies have since last decades started to impart instruction so as to turn out sufficiently well equipped and adequately trained financial personnel. However, the legal and juristic aspects of corporate finance have been more or less not effectively taken care of.

In view of the above perspectives, the broad objectives of this course may be formulated as follows-

(i) To understand the economic and legal dimensions of corporate finance in the process of industrial development in establishing social order in the context of constitutional values

(ii) To acquaint the students with the normative, philosophical and economic contours of various statutory rules relating to corporate finance

(iii) To acquaint the students with the organisation, functions, lending, and recovery procedures, conditions of lending and accountability of international national and state financing institutions and also of commercial banks; and

(iv) To acquaint the students with the process of the flow and outflow of corporate finance. The following syllabus prepared with the above perspective will be spread over a period of one semester.
Syllabus

1. Introduction
   1.1 Meaning, importance and scope of corporate finance
   1.2 Capital needs - capitalisation, working capital, securities, borrowings, deposits, debentures
   1.3 Objectives of corporate finance - profit maximisation and wealth maximisation
   1.4 Constitutional perspectives - the entries 37,38,43,44,64,46,47,52,82,83 and 85 of List I
       Union List; entry 24 of List II; State List.

2. Equity Finance
   2.1 Share capital
   2.2 Prospectus - information disclosure
   2.3 Issue and allotment
   2.4 Shares without monetary consideration
   2.5 Non-opting equity shares

3. Debt Finance
   3.1 Debentures
   3.2 Nature, issue and class
   3.3 Deposits and acceptance
   3.4 Creation of charges
   3.5 Fixed and floating charges
   3.6 Mortgages
   3.7 Convertible debentures

4. Conservation of Corporate Finance
   4.1 Regulation by disclosure
   4.2 Control on Payment of dividends
   4.3 Managerial remuneration
   4.4 Payment of commissions and brokerage
   4.5 Inter-corporate loans and investments
   4.6 Pay-back of shares
   4.7 Other corporate spending

5. Protection of creditors
   5.1 Need for creditor protection
   5.2 Preference in payment
5.3 Rights in making company decisions affecting creditor interests
5.4 Creditor self-protection
5.5 Incorporation of favourable terms in lending contracts
5.6 Right to nominate directors
5.7 Control over corporate spending

6. Protection of Investors
6.1 Individual shareholder right
6.2 Corporate membership right
6.3 Derivative actions
6.4 Qualified membership right
6.5 Conversion, consolidation and re-organisation of shares
6.6 Transfer, and transmission of securities
6.7 Dematerialisation of securities

7. Corporate Fund Raising
7.1 Depositories – IDR (Indian Depository Receipts), ADR (American Depository Receipts), GDR (Global Depository Receipts)
7.2 Public financing institutions – IDBI, ICICI, IFC and SFC
7.3 Mutual fund and other collective investment schemes
7.4 Institutional investments – LIC UTI and banks
7.5 FDI and NRI Investment – Foreign institutional investments (IMF and World Bank)

8. Administrative Regulation on Corporate Finance
8.1 Inspection of accounts
8.2 SEBI
8.3 Central government control
8.4 RBI Control
COMPARATIVE ADMINISTRATIVE LAW

Objective of the course
Specialists in Administrative Law have to be in the position to assess the developments in Indian administrative law from a comparative angle. That the administrative law jurisprudence in the country owed major its growth from the English and American development is a recognised fact. However, India is still to go for general legislation of the English and U.S. type laying down administrative norms. From a comparative angle, the course focuses on the doctrine of separation of Powers, the scope of delegated legislation, the exercise of discretion, the doctrine of fairness struck by judicial process for administrative decision-making and the liabilities of the administration.

This Paper shall comprise of about 42 units of one-hour duration to be spread out a period of one semester.

Syllabus
   1.1 French System
   1.2 England and US
   1.3 Other Systems

2. Doctrine of Separation of Powers
   2.1 Comparative survey – common law and continental systems: English, US, French, German and Indian.

3. Delegated Legislation
   3.1 Comparative approaches: widening contours, classification, controls over delegated legislation.

4. Administrative Discretion
   4.1 Need for discretionary powers.
4.2 Nature, scope and limits.

5. Procedural Fairness

5.1 Evolution and significance of natural justice.

5.2 England: judicial process; doctrine of fairness and doctrine of legitimate expectation legislation.

5.3 US: due process and judicial decisions – legislation India: through judicial process doctrine of fairness; Articles 14, 19 and 21 doctrine of legitimate expectation.

5.4 Access to information.


6.1 Contractual liability

6.2 Torts and liability

6.3 Federal Tort Claims Act, 1946

6.4 Crown Proceedings Act, 1947

6.5 Indian attempts at legislation.
SCIENCE, TECHNOLOGY AND HUMAN RIGHTS

Objectives of the course

We live in an era of scientific development. The alarming rate of development in biotechnology calls for drastic changes in the law. Many concepts and terms have to be re-defined. The development in information technology poses serious problems and challenges. The rapid changes made by science and technology will have to be reflected in law to make it meaningful and realistic in the modern era. This course is intended to make students conscious of various legal problems arising due to developments in such areas as biotechnology and information technology and to identify the changes needed in the law.

Syllabus

1. Interrelationship of Science, Technology and Human Rights
2. Implication of Development of Science and Technology on Human Rights
   2.1 Right to environment in the development of science and technology
   2.2 Right to environment in the advancement of science and technology
   2.3 Right to human health and impact of development in medical science

3. Medicine and the Law
   3.1 Organ transplantation
   3.2 Experimentation on human beings
   3.3 Euthanasia (mercy killing)
   3.4 Gene therapy

4. Issue of Human Rights Ethics in Scientific and Technological Development
   4.1 Sex determination test
   4.2 Induced abortion
   4.3 Reproductive technology
   4.4 Cloning
   4.5 In-vitro fertilization
   4.6 Artificial insemination

5.8
4.7 Surrogate motherhood

5. Development in Information Technology and Human Rights


6.1 Right to life
6.2 Right to Privacy
6.3 Right to physical integrity
6.4 Right to information
6.5 Right to benefit from scientific and technological progress
6.6 Right to adequate standard of living