

# **Kalinga University Atal Nagar (C.G.)**



## **SCHEME OF EXAMINATION & SYLLABUS**

of

**(LLM)  
(Master of Laws)  
Latin Legum Magister**

UNDER

**RAIPUR**

**FACULTY OF LAW  
w.e.f. Session 2021-22**

**Kalinga University, Atal Nagar Raipur**  
**Master of Law (2 yrs Programme)**  
**Session-2021-22**

<b>FIRST SEMESTER</b>					
S.No.	Paper	Credits	End Term	Internal	Total
LLM101	Research Methods And Legal Writing	4	70	30	100
LLM102	Law and Social Transformation in India	4	70	30	100
LLM103	Constitutionalism	4	70	30	100
LLM104	Optional I	4	70	30	100
<b>Total</b>		<b>16</b>	<b>280</b>	<b>120</b>	<b>400</b>
<b>SECOND SEMESTER</b>					
S.No.	Paper	Credits	End Term	Internal	Total
LLM201	Law And Justice In Globalizing World	4	70	30	100
LLM202	Judicial Process	4	70	30	100
LLM203	Comparative Public Law	4	70	30	100
LLM204	Optional II	4	70	30	100
<b>Total</b>		<b>16</b>	<b>280</b>	<b>120</b>	<b>400</b>

SPECIALIZATION : CRIME AND TORTS					
SERIAL NO.	PAPER	Credits	END TERM	INTERNAL	TOTAL
OPTIONAL I LLMCT104	Law of Evidence	4	70	30	100
OPTIONAL II LLMCT204	General Principles of Criminology Law and IPC	4	70	30	100
SPECIALIZATION : CONSTITUTIONAL AND ADMINISTRATIVE LAW					
Paper code	Subject	Credits	External	Internal	Total
OPTIONAL I LLMCAL104	Evolution And Basic Provisions	4	70	30	100
OPTIONAL II LLMCAL204	Fundamental Rights And Directive Principles	4	70	30	100
SPECIALIZATION: INTELLECTUAL PROPERTY RIGHTS					
Paper code	Subject	Credits	External	Internal	Total
OPTIONAL I LLMIPR104	Nature, Emergence And Development Of IPR	4	70	30	100
OPTIONAL II LLMIPR204	Copyright And Neighbouring Rights	4	70	30	100

SPECIALIZATION: BUSINESS AND CORPORATE LAW					
Paper code	Subject	Credits	External	Internal	Total
OPTIONAL I LLMBCL104	Banking And Insurance	4	70	30	100
OPTIONAL II LLMBCL204	Corporate Law	4	70	30	100
SPECIALIZATION: CYBER LAW					
Paper code	Subject	Credits	External	Internal	Total
OPTIONAL I LLMCL104	Cyber Law I	4	70	30	100
OPTIONAL II LLMCL204	Cyber Torts	4	70	30	100
SPECIALIZATION: LABOUR LAW					
Paper code	Subject	Credits	External	Internal	Total
OPTIONAL I LLMLL104	Industrial Adjudication	4	70	30	100
OPTIONAL II LLMLL204	Social Security Law	4	70	30	100

THIRD SEMESTER					
SPECIALIZATION CRIME AND TORT					
Paper code	Subject	Credits	External	Internal	Total
LLMCT301	Criminal Justice Administration	4	70	30	100
LLMCT302	Criminology And Penology	4	70	30	100
LLMCT303	Criminal Justice And Human Rights	4	70	30	100
LLMCT304	Police Law And Administration	4	70	30	100
SPECIALIZATION: CONSTITUTIONAL AND ADMINISTRATIVE LAW					
Paper code	Subject	Credits	External	Internal	Total
LLMCAL301	Administrative Law	4	70	30	100
LLMCAL302	Local Self Government	4	70	30	100
LLMCAL303	System of Governance	4	70	30	100
LLMCAL304	Media Laws	4	70	30	100
SPECIALIZATION: INTELLECTUAL PROPERTY RIGHT					
Paper code	Subject	Credits	External	Internal	Total
LLMIPR301	Law of Patents	4	70	30	100
LLMIPR302	Law of Trademarks	4	70	30	100
LLMIPR303	Law of Designs, Layout Designs and Geographical Indications	4	70	30	100
LLMIPR304	Information Technology and IPR	4	70	30	100

SPECIALIZATION: BUSINESS AND CORPORATE LAW					
Paper code	Subject	Credits	External	Internal	Total
LLMBCL301	Intellectual And Property Law	4	70	30	100
LLMBCL302	Competition Law	4	70	30	100
LLMBCL303	Employment Laws And Human Resources Management	4	70	30	100
LLMBCL304	Cyber Law In Corporate World	4	70	30	100
SPECIALIZATION: CYBER LAW					
Paper code	Subject	Credits	External	Internal	Total
LLMCL301	Cyber Law And International Perceptive	4	70	30	100
LLMCL302	Constitution And Human Right In Cyber Space	4	70	30	100
LLMCL303	Intellectual Property Issues, E Commerce And Dispute Resolution In Cyber Space	4	70	30	100
LLMCL304	Cyber Crimes And Legal Framework	4	70	30	100
SPECIALIZATION: LABOUR LAW					
Paper code	Subject	Credits	External	Internal	Total
LLMLL301	Laws Relating To Industrial Injuries And Social Security	4	70	30	100
LLMLL302	Collective Bargaining	4	70	30	100
LLMLL303	Laws Relating To Civil Servants	4	70	30	100

LLMLL304	Wages	4	70	30	100
FOURTH SEMESTER					
SPECIALIZATION CRIME AND TORT					
Paper code	Subject	Credits	External	Internal	Total
LLMCT401	White Collar Crime And Corporate Crime	4	70	30	100
LLMCT402	Viva And Dissertation	8	100	100	200
SPECIALIZATION: CONSTITUTIONAL AND ADMINISTRATIVE LAW					
Paper code	Subject	Credits	External	Internal	Total
LLMCAL401	Minorities Law	4	70	30	100
LLMCAL402	Dissertation And Viva	8	100	100	200
SPECIALIZATION: INTELLECTUAL PROPERTY RIGHT					
Paper code	Subject	Credits	External	Internal	Total
LLMIPR401	Protection Of Plant Varieties And Traditional Knowledge And Biodiversity	4	70	30	100
LLMIPR402	Dissertation And Viva	8	100	100	200
SPECIALIZATION: BUSINESS AND CORPORATE LAW					
Paper code	Subject	Credits	External	Internal	Total
LLMBCL401	Contract Law	4	70	30	100
LLMBCL402	Dissertation And Viva	8	100	100	200

SPECIALIZATION: CYBER LAW

Paper code	Subject	Credits	External	Internal	Total
LLMCL401	Information Technology Act 2000	4	70	30	100
LLMCL402	Dissertation And Viva	8	100	100	200

SPECIALIZATION: LABOUR LAW

Paper code	Subject	Credits	External	Internal	Total
LLMLL401	Personnel Management And Industrial Sociology	4	70	30	100
LLMLL402	Dissertation And Viva	8	100	100	200

R A I P U R





FIRST SEMESTER

RAIPUR

**RESEARCH METHODS AND LEGAL WRITING**

**UNIT – I**

Introduction, Scope of Sociology, Nature of Social Phenomenon, Characteristics of Social Phenomenon

Law-- Meaning of Law, Nature of Law, Purpose of Law, Sociology of Law, Importance of duty/ obligation, Relation between juristic science and social science

**UNIT – II**

Meaning, Nature and Scope of Legal Research—Introduction, meaning of research, Legal Research, Importance and Utility of Research, Nature of legal research and legal research method, Benefits of legal research, Necessity of legal research, Scope of legal research, Aims and objective of legal research, Motivating factors of legal research, Facts, events and data of legal research, Basic assumptions of socio-legal research, Quality of a good legal researcher.

**UNIT – III**

Legal research Methodology—Meaning of methodology, Research method and Research technique, Main Characteristics of research methodology.

Background and Development of Legal Research in India—The different Phases of legal research in India(First, Second, Third and Fourth Phases of legal research in India)

Various Kinds of Legal Research-- Kinds of research according to objectives of study material, Kinds of research according to the methods available for doing research, Legal Reasoning, Concept and their Role in Scientific legal investigation, Theory and research.

Major Steps involved in doing legal research(The legal research process), Selection or Formulation of legal research problem or topic.

**UNIT – IV**

Hypothesis—Meaning, Characteristics and Sources of Hypothesis, Types of Hypothesis, Testing of the Hypothesis, Legal Research Design, Part of Research Design, Characteristics of a good research design, Types of research design, Sampling design for legal research, meaning of Sampling, Merits and demerits of sampling, Characteristics, Types of Sampling

Research Data, Forms, Sources, Tools and Collection of Data, Different methods for collecting the data, Observation Method and its different kinds, Interview Method and its different kinds, Schedule Method and its kinds, Questionnaire Method and its kinds, Case Study Method and Survey Method

**UNIT – V**

Data Processing—Editing, Coding, Classification and Tabulation, Analysis and Interpretation of Data, Generalization in Legal Research, Problem of measurement in legal research, Scaling technique in legal research, Sociometry in legal research, Jurimetrics.

Method of using Libraries and the use of Computer in legal research, Inter-Disciplinary Research

Preparations of Research Report and its Writing.

**REFERENCE BOOKS:**

- 1---Dr. S.R. Myneni-Legal Research Methodology, Published by Allahabad Law Agency
- 2---Dr. H.N. Tiwari- Legal Research Methodology, Published by Allahabad Law Agency
- 3---Shilpa Agrawal- Legal Research Methodology

- 4---Indian Law Institute-Legal Reserch and Methodology, Edited by S.K. Verma and M. Afzal Wani
- 5---William P. Statisky- Legal Research
- 6---EwincSurrency- A Guide to Legal Research
- 7---William J. Goode& Paul K. Hatt-Method in Social Research
- 8---Dr. H.N. Giri-Legal Research Methodology ( Written in Hindi)
- 9---Dr. Sanjay Kulshrestha-VidhikAnushandhanPaddhatiya(Written in Hindi)
- 10—Dr.Bashanti Lal Babel-Legal Education and Research



RAIPUR

## LAW AND SOCIAL TRANSFORMATION IN INDIA

### Unit I–

#### LAW AND SOCIAL CHANGE

Law as an instrument of social change.

Law as the product of traditions and culture. Criticism and evaluation in the light of colonization and the introduction of common law system and institution in India and its impact on further development of law and legal institutions in India.

#### RELIGION AND THE LAW

- Religion as a divisive factor. Secularism as a solution to the problem.
- Reform of the law on secular lines: problems
- Freedom of religion and non-discrimination on the basis of religion.
- Religious minorities and the law.

### Unit II

#### LANGUAGE AND THE LAW

Language as a divisive factor: formation for linguistic states.

Constitutional guarantees to linguistic minorities.

Language policy and the Constitution: Official language; multi-language system.

Non-discrimination on the ground of language.

#### COMMUNITY AND THE LAW

Caste as a divisive factor.

Non-discrimination on the ground of caste.

Acceptance of caste as a factor to undo past injustices.

Protective discrimination: Scheduled castes, tribes and backward classes.

Reservations; Statutory Commissions, Statutory provisions.

### Unit III

#### REGIONALISM AND THE LAW

Regionalism as a divisive factor.

Concept of India as one unit

Right of movement, residence and business; impressibility of state or regional barriers.

Equality in matters of employment: the slogan —Sons of the soil and its practice.

Admission to educational institutions: preference to residents of a state.

#### WOMEN AND THE LAW

Crimes against women.

Gender injustice and its various forms.

Women's Commission.

Empowerment of women: Constitutional and other legal provisions.

### Unit IV

#### CHILDREN AND THE LAW

Child labour.

Sexual exploitation.

Adoption and related problems.

Children and education.

### **ALTERNATIVE APPROACHES TO LAW**

The jurisprudence of Sarvodaya- Gandhi, VinobaBhave; Jayaprakash Narayan- Surrender of dacoits; concept of gram nyayalayas.

Socialist thought on law and justice: An enquiry through constitutional debates on the right to property. Indian Marxist critique of law and justice. Naxalite movement: causes and cure.

## **UNIT V**

### **MODERNISATION AND THE LAW**

Modernization as a value: Constitutional perspectives reflected in the fundamental duties.

Modernization of social institutions through law.

Reform of family law.

Agrarian reform- Industrialization of agriculture.

Industrial reform: Free enterprise Vs. State regulation Industrialization Vs. environmental protection.

Reform of court process.

Criminal law: Plea bargaining; compounding and payment of compensation to victims.

Civil law: (ADR) Confrontation Vs. consensus; mediation and conciliation. Lokadalats.

Prison reforms.

Democratic centralization and local self-government.

### **BOOKS RECOMMENDED**

1. Marc Galanter : Law and Society in Modern India (1997) Oxford
2. Robert Lingat : The Classical Law Of India (1998) Oxford
3. U. Baxi : The Crisis Of the Indian Legal System (1982), Vikas, New Delhi
4. U. Baxi : Law and Poverty Critical Essay. (1988) Tripathi, Bombay
5. Manushi : A Journal about Women and Society.
6. Duncan Derret : The State , Religion and Law in India (1999) Oxford
7. H.M. Seervai : Constitutional Law of India (1996) Tripathi
8. D.D. Basu : Shorter Constitution Of India (1996) Prentice- Hall of India (P) ltd
9. Sunil Deshta and Kiran Deshta : Law and Mernace of Child Labour (2000) Armol Publications Delhi.
10. SavitriGunasekhare : Children, Law and Justice (1997) Sage
11. Indian Law Institute, Law and Social Change: Indo American Reflections, Tripathi(1988)
11. J.B.Kripalani, Gandhi : His life and Thought,(1970) Ministry of Information and Brodcasting, Government of India
12. M.P.Jain, : Outline of Legal History,(1993), Tripathi, Bombay.
13. Agnes, Flavia, Law and Gender Inequality: The Position of Women's Rights in India (1999), Oxford for linguistic states.

R A I P U R

## CONSTITUTIONALISM

### Unit - I : The Concept of Constitutionalism

1. Essential Principles of Constitutionalism
2. Constitutionalism and Rule of Law
3. Functions of Rule of Law and Constitutionalism
4. Constitutionalism in the Indian Legal Order

### Unit - II : Federalism as an aspect of Constitutionalism

1. The Federal principle : Classical and Modern
2. An overview of the Canadian and American Position
3. Main features of Indian federalism
4. Federalism and Constitutionalism

### Unit - III: New challenges to Constitutionalism: some social issues

1. Equality and Affirmative actions (Dalits, and Backward Classes)
2. Human Rights of the Marginalized Groups.
3. An Evaluation of Role of Courts.

### Unit - IV: Justice Delivery System In India

1. PIL movement : Promises and Perils
2. Independence of Judiciary.

### Unit V

Judicial Reforms.

### Recommended Books:

1. C. H. Mell Wain, *Constitutionalism: Ancient and Modern*. (1947).
2. A. V. Dicey, *Introduction to the Study of Law of the Constitution*. (1982) Edition.
3. Lary Alexander (ed). *Constitutionalism: Philosophical Foundations*. Cambridge. (1998)
4. M. P. Singh '*Constitution of India*. 11th Ed. 2008, Eastern Book Co.
5. K. C. Wheare. *Federal Government*. Ch. 1 & 2, 4th Edition 1963.
6. M. P. Singh. *Federalism, Democracy and Human Rights*. 47 J.I.L.I. 47 (2005).
5. Larry Alexander (ed) *Constitutionalism: Philosophical Foundations* (Cambridge University Press 1998)
6. M.P. Singh , *Federalism, Democracy and Human Rights* 47, *Journal Of the Indian Law Institute* 47 (2005)
7. C.J. Friedrich, *Constitutional Government and Democracy*, (Indian edition reprint 1974)
8. K.C. Wheare, *Federal Government* Chapter I and II 4th Edition 1963
9. Granville Austin: *The Indian Constitution: Cornerstone of a Nation* (1966)
10. B.D. Dua and M.P. Singh, *Indian Federalism in the New Millennium* (2003) Manohar Delhi
11. *State of West Bengal v Union of India* AIR 1963 SC, 1241 and *S.R.Bommai v Union of India* AIR 1994 SC 1918
12. Parmanand Singh, *Social Rights and Good Governance*, in Raj Kumar and D.K. Srivastave (eds) *Human Rights and Development: Law, Policy and Governance* , Chapter 24, pp 437-454 Lexis Nexis, Hong Kong (2006)
13. *P.A Inamdar v State of Maharashtra* 2005 6 SCC 537, *Pai Foundation* 2002 8 SCC 481

## SECOND SEMESTER

**LAW AND JUSTICE IN GLOBALIZING WORLD**

Module I World Legal Systems & their Salient Features

1. Common law : origin, characteristics, scope and extent
2. Civil law : origin, characteristics, scope and extent
3. Other systems : socialist law, religion-based laws

MODULE II Nature of Indian legal system :

combination of common-civil-religious elements

Module III Patterns of Religion, State & Law Relations

1. State religion system : concept, forms, impact, examples
2. State secularity system : concept, forms, impact, examples
3. Religious freedom under both systems
4. Minorities : status and rights under both systems

Module IV Universal Norms of Equality Non-Discrimination

1. Concept of equality in international & national laws
2. Religious & racial discrimination
3. Gender-based discrimination
4. Protective Discrimination : concept, objects, scope

Module V Global Surveillance of Law and Justice

1. UN agencies & their reports
2. US annual surveys & reports
3. Private agencies & their reports
4. Print & audio-visual media reporting

REFERENCE BOOK :

- Pandey J.N, The Constitutional Law of India, Central Law Agency, Allahabad
- Jain M.P, Indian Constitutional Law, Lexis Nexis, Haryana
- Basu D.D, Introduction to Constitution of India, Lexis Nexis, Haryana
- Rai Kailash, Constitutional Law of India, Central Law Publications, Allahabad
- Bakshi P.M, Constitution of India, Universal Law Publications, Delhi
- Shukla V.N, Constitution of India, Eastern Book Company, Lucknow
- Tripathi G.P., Constitutional Law- New Challenges, Central Law Publications

**JUDICIAL PROCESS**

## Unit - I:

Nature of Judicial process and its role in constitutional adjudication

1. Judicial process as an instrument of social ordering.
2. Judicial process and creativity in law – common law model – legal reasoning and the Growth of law – change and stability
3. The tools and techniques of judicial review and judicial creativity.
4. Analysis of the doctrine of Stare Decisis in India.

## Unit - II:

Special Dimensions of Judicial Process in Constitutional adjudication.

1. Notions of Judicial Review
2. Is Judicial Review the same as Judicial Activism?
3. Judicial Activism and Judicial Self Restraint.
4. Problem of Accountability in judicial law – making.

## Unit - III:

Judicial Process in India

1. The Indian Debate on the role of the Judges and on the notion of Judicial review
2. The “Independence” of Judiciary and ‘Political’ nature of Judicial Process.
3. Judicial Activism and Creativity of the Indian Supreme Court ; the new dimensions
4. Institutional liability of Courts and Judicial activism – Scope and Limits.

## Unit - IV:

Judicial Process and Constitutional Amendments

1. Evolution of the Concept of Basic Structure
2. Philosophy of the doctrine of Basic Structure
3. The Recent Developments: The “essence of rights” test and “rights test” to determine Basic structure
4. Basic Structure and Constitutionalism.

## Unit V

Judicial Reasoning

Judicial Activism and Judicial Overreach

**SUGGESTED READINGS**

1. A. Lakshminath, Precedent in Indian Law: Judicial Process (2009).
2. Aharon Barak, Purposive Interpretation in Law (2005).
3. Aharon Barak, The Judge in a Democracy (Princeton University Press, 2008).
4. B.N. Cardozo, The Nature of the Judicial Process (1964).
5. Bernard C. Gavit, Ralph F. Fuchs, Cases and Materials on an Introduction to Law and the Judicial Process (1952).
6. Bodenheimer, Jurisprudence: The Philosophy and Method of the Law (2006).
7. Cass R. Sustein, A Constitution of Many Minds: Why the Founding Documents Doesn't Mean What It meant Before (Princeton University Press, 2009).
8. Craig R. Ducat, Constitutional Interpretation (2004).
9. Duncan Kennedy, A Critique of Adjudication (Harvard University Press, 1998).
10. Duncan Kenney, Legal Reasoning: Collected Essays (2008).
11. Edward H. Levi, Introduction to Legal Reasoning (1972).
12. F.A.R. Bennion, Statutory Interpretation (1992).



13. F.S. Nariman, *Before Memory Fades: An Autobiography* (2010).
14. George H. Gadbois, Jr., *Judges of the Supreme Court of India: 1950 – 1989* (OUP, 2011).
15. Jeffrey Goldsworthy, *Interpreting Constitutions: A Comparative Study* (OUP, 2006).
16. Lloyd L. Weinreb, *Legal Reason: The Use of Analogy in Legal Argument* (Cambridge University Press, 2005).
17. Martin Philip Golding, *Legal Reasoning* (2001).
18. Mauro Cappalletti, *The Judicial Process in Comparative Perspective* (Clarendon Press: Oxford, 1989).
19. Morris R. Cohen and Felix S. Cohen, *Readings in Jurisprudence and Legal Philosophy* (Ninth Printing, Little Brown and Co.).
20. P. St. J. Langan, *Maxwell on The Interpretation of Statutes* (2004).
21. Rajeev Dhavan and Alice Jacob, *Selection and Appointment of Supreme Court Judges: A Case Study* (1978).
22. Roscoe Pound, *Law Finding Through Experience and Reason* (University of Georgia Press, Athens, 1960).
23. Rupert Cross, J W Harris, *Precedent in English Law* (Clarendon Law Series, 1991).



RAIPUR

**COMPARATIVE PUBLIC LAW**

Module I Principles, Objects & Forms of Government

- Governance : origin, foundations, concept, objects, attributes ,
- Sovereignty : concept, evolution, of God, of people, of nations,
- Forms of governance : monarchy, autocracy, oligarchy, democracy, State regulation of public private laws

Module II Constitutional Governance & Rule of Law

Constitutional governance: meaning, scope, requirements, Written & unwritten constitutions, constitutional conventions & orders, Constitutional state organs; legislature, executive, judiciary & their functions, Rule of law: meaning, requirements, and examples. exceptions

Module III Federal & Unitary systems of Governance

- Federalism : meaning, requirements, kinds, examples,
- Centrally ruled areas in federal states : concept, examples,
- Distribution of powers in federal states : patterns, examples,
- Unitary states : meaning, kinds, patterns, examples

Module IV Parliamentary & Presidential Democracy

Parliamentary democracy : concept, system, requirements,

Presidential democracy : concept, system, requirements,

MODULE V Head of state & government in both systems :

Election, powers, Major democracies of either kind : USA, Canada, Australia, Switzerland, India

REFERENCE BOOK

- Jain M.P, Indian Constitutional Law, Lexis Nexis, Haryana
- Basu D.D, Introduction to Constitution of India, Lexis Nexis, Haryana
- Rai Kailash, Constitutional Law of India, Central Law Publications, Allahabad
- Bakshi P.M, Constitution of India, Universal Law Publications, Delhi
- Shukla V.N, Constitution of India, Eastern Book Company, Lucknow
- Tripathi G.P., Constitutional Law- New Challenges, Central Law Publications, Allahabad
- Joshi K.C, Constitutional Law of India, Central Law Publications, Allahabad
- Comparative Law – Gutteridge
- Jurisprudence – Dicey

Specialization:  
Crime and Torts



RAIPUR

**Law of Evidence**

Unit-I

Introduction and History of Evidence, Rule of Evidence in Hindu and Muslim Law, Changes in British period, Interpretation clause of Indian Evidence Act, May Presume, Shall Presume and conclusive proof.

Unit-II

Relevancy of facts in various circumstances (sec 4-16) Admission; its types and provisions relating to it, Provision relating to confession (sec 24-31) and statement by person who cannot be called on witness (sec 32-33) position of statement made under special circumstances and how such of a statement to be proved (sec 34-39) Relevancy of the judgment of the court and opinion of third person (sec 40- 44 & 45-51) and provision relating to character of person (sec 52-55)

Unit-III

Fact which had not be proved; oral and documentary evidence (sec 56- 78) Presumption as the document (sec 79-90) and relating to the exclusion of oral by documentary evidence (sec 91-100)

Unit-IV

Burden of proof relating to death, ownership, legitimacy, suicide and dowry death and their presumptions (Sec 101- 114A) Section relating to dumb and other types of witness (sec 118 – 134)

Unit-V

Provisions relating to the examination of witness; Examination in chief, cross and Re –examination, Leading questions and other provision of chapter x and chapter xi (sec 135- 167) of Indian Evidence Act.

Books Recommended

- P.K.Sen - Penology old and New
- Gillian JL - Criminology and Penology
- Bhattacharya - Prisons
- Flexvor&Baldwani - Juvenile court and Probation
- M.Ponnanian - Criminology and Penology
- J.C.Chaturvedi - Penology & Criminal Procedure Code

R A I P U R

**General Principles of Criminal law and IPC**

**Unit-I**

Concept of Criminal liability: Its history, nature and scope in Ancient, medieval and modern context codification of criminal law in India and of Indian Penal Code of 1860,

**Unit-II**

Sections relating to General exception and punishment (sec 1-75 IPC) General explanation (sec 76-106 IPC) and Abatement (sec 107-120 IPC) Criminal conspiracy (sec 120A-120B IPC) Offences against the state and public tranquility sedition (sec 124A IPC) Unlawful assembly, Rioting and Affray (Sec 141,146 & 159)

**Unit-III**

Giving false evidence, fabricating false evidence and other offences against public justice health safety and morals (Sec 191-229) provisions relating to public nuisance, obscenity (Sec 268-294) offences relating to body: Specially Culpable homicide, murder, Dowry death, Suicide, Miscarriage, Hurt, Grievous hurt, Wrongful restraint and Wrongful confinement, Force, criminal force, Assault, Kidnapping, Abduction (sec 299-374)

**Unit-IV**

Sexual offences (sec375-377), Offences relating to property especially – Theft (sec 378), Extortion (sec 383), Robbery (sec 390), Dacoit (sec 391), Criminal misappropriation of property (sec 403-404),Criminal Breach of Trust (sec 405 -409), stolen property (sec 410-414), Cheating, mischief and criminal trespass ( sec 415,425,441), House breaking (sec 445), Offence relating to documents (sec 463-477A)

**Unit-V**

Offences relating to property marks and currency notes (479-489E) Offences relating to marriage (sec 493-498A), Defamation (sec 499- 502), Criminal intimidation: Insult and Annoyance (sec 503- 510) and attempt to commit offences (sec 511)

**Books Recommended**

- P.K.Sen - Penology old and New
- Gillian JL - Criminology and Penology
- Bhattacharya - Prisons
- Flexvor&Baldwani - Juvenile court and Probation
- M.Ponnanian - Criminology and Penology
- J.C.Chaturvedi - Penology & Criminal Procedure Code

**Third Semester**



**RAIPUR**

**Criminal Justice Administration**

Unit-1-Crime Concept, Nature, Definition and Characteristics of Crime.

- Development of Criminal Law and Criminal Justice System during British period and post
- Independent period. Kinds of Punishment Elements of Criminal Liability of the crime, Intention, preparations, attempt
- Mens rea – Intention, recklessness, negligence, malice, inchoate offences.
- Mens rea under the Indian Penal Code 1860
- Exemptions from criminal liability

Unit II Procedural Mechanism in the Criminal Justice System Cognizable and Non-cognizable offences.

- Bailable and Non-Bailable offences.
- Compoundable and Non-Compoundable offences
- Investigation, Prosecution and Trial
- Warrant cases and Summons cases
- The right to counsel and legal aid With special reference to Indian Constitution and Cr.P.C

Unit III Police System in India History of Police Policing

- Role of police in modern societies.
- Police organization in India
- Police community and crime.
- Police reforms and modernization
- Effective Judicial Control on Criminal Justice system•

Unit IV Role of evidence in Criminal Justice System Relevancy and admissibility of facts

- Relevancy of confessions and dying declarations
- Appreciating expert evidence in court
- Relevancy and Admissibility of evidence collected through
- Forensic and other modern tools and techniques of Admissibility of evidence in Cyber Crime
- Protection of Witnesses
- Hostile witnesses.

## Books

- 1.Nelson, R.A.; Indian Penal Code; LexisNexis
- 2.Gaur, K.D.; Criminal Law: Cases and Materials;LexisNexis
- 3.Choudhary, Ram Naresh; Principles of Criminal Law; Eastern Book Company
4. Dutta K.K., Some Aspects of Criminal Law, Law Research Institute, Edition 1997, APH, Publishing House, Darya Ganj, New Delhi -02.
- 5.JusticeChandrachud Y V and Manohar V R, Ratanlal and Dhirajlal"s The Indian Penal Code. 28th Edition 199, Wadhwa and Company New Delhi.



RAIPUR



**CRIMINOLOGY AND PENOLOGY**

Unit I Nature and Definition

- The definition, concept of crime
- Nature and Scope of Criminology
- The schools of Criminology
- Principles of Criminal Jurisprudence

Unit II Theories of crime Causation of crime

- Theory of crime
- Relation between crime and society
- Crime, Social Control and Crime Prevention

Unit III Justice system in India

- Theories of Punishment
- Criminal Court in India
- International Criminal Court
- Constitutional validity of capital punishment

Unit IV Prison system in India Historical development of prisons

- Objectives of imprisonment
- .United Nation Standard Minimum Rules for treatment of prisoners and other standard settings, conventions and documents. Legal framework of the prison system in India.
- Prison organization in India
- Modernization of prisons

Reference Books

1. Chakrabarti, Nirmal Kant, 1995, Probation System in the Administration of Criminal Justice, Deep & Deep Publications, New Delhi
2. Das, Ram Mohan, 1982, Crime and Punishment in India: With a particular reference to the Manusmrti, Kanchan Publications, Bodh-Gaya
3. K Padmanabhaiah Committee on Police Reforms, 20011.
4. Sutherland, Edwin H; Principles of Criminology; General Hall
5. Paranjape, N.V.; Criminology and Penology; Central Law Publication
6. Qadri S.M.A Criminology and Penology Eastern Book Company Lucknow

## LLMCT303 Criminal Justice and Human Right

UNIT-I- Identifying the linkages between Human Rights and Criminal justice-International and National Perspective.

- Human rights, Indian Constitution and criminal justice.
- Human Rights and the United Nations Charter,
- International Bill of Right Understand the human rights regime at the global level with special reference to criminal justice.

UNIT-II Human Rights of Offender vis-s-vis Criminal Justice

- Human rights of the offender at the pre-trial stage viz. investigation, arrest, search and seizure.
- Human rights of the offender during trial.
- Human rights issues in sentencing process.
- Police accountability and custodial violence, Police reforms and implementation, Judicial pronouncements

Unit-III Recognizing Human Rights of the Victims of Crime

- Victimological approaches to human rights jurisprudence.
- Human rights of victims vs. human rights of offenders a conflict zone
- Protection from double jeopardy, Self-incrimination, Production before magistrate from police custody, Fair and speedy trial, Representation, Protection from ex post facto laws, Legal aid,
- Compensation, Rehabilitation, Administration of criminal justice.
- Role of various Protection Agencies/Institutions

Unit-IV Role of Human rights institutions in criminal justice

- National Human Rights Commission,
- State Human Rights Commission and Criminal justice.
- Human rights courts, International Criminal Court, International norms on Administration of Criminal justice

Text Books

- 1.Vibhute, K. I.; Criminal Justice: A Human Rights Perspective of the Criminal Justice Process in India,Eastern Book Company
- 2.Singh, M. P.; V.N Shukla"s Constitution of India; Eastern Book Company

Reference Books

- 1.Journal of the Indian Law Institute; Indian Law Institute
- 2.Parekh, P.H.; Human Right Year Books; Universal Publication
- 3.Basu, D.D.; Human Rights in Constitutional Law; LexisNexis 4.Bava, Noor Jahan; Human Rights and Criminal Justice Administration in India; Uppal Publishing Vibhute, K. I.;

**Unit I : Introduction History of Indian Police**

- Policing in Ancient, Medieval and Modern India
- Police Act of 1861
- National Police Commission Recommendations (NPC), 1979.
- The Police System Structural Organization of Police
- Role of police in modern societies

**Unit II: Organization and Structure of Indian Police**

- The Police System Structure and hierarchy.
- Functioning of police organizations
- Types of police organizations.
- State Police.
- District Police,
- Central Police Organizations.
- International Criminal Police Organizations

**Unit III: Police Investigation Procedures Methods of Investigation - Information, Interrogation and**

- Instrumentation. Recording of FIR, Case Diary and Station
- House Diary. Modus Operandi, Collection of Evidence,
- Examination of Witnesses and Suspects, Confession, Filing
- charge sheet.

**Unit IV: Contemporary Policing Modernization of police, Public perception of police,**

- Policeself image : measures to improve police image;
- Developing healthy police public relationship, zero tolerance policing.
- Police Reforms and role played by Supreme Court

**Reference:-**

1. Krishna Mohan Mathur (1994), Indian Police, Role and Challenges, Gyan Publishing House, New Delhi.
2. Parmar. M.S., (1992), Problems of Police Administration, Reliance Publishing House, New Delhi.
3. Ramanujam .T (1992), Prevention and Detection of Crime, Madras Book Agenc
4. James, Vadackumchery, 1998, Crime, Police & Correction, APH Publishing Company, New Delhi

## **LLMCT 401 White Collar Crimes and Corporate Crime**

### UNIT-1 Nature and Definition Genesis of White Collar Crime.

- Nature and Scope of White Collar Crime
- Growth of White Collar Crime in India and Western Countries.
- Men-srea and White Collar Crime.
- Vicarious liability in White Collar Crime
- Strict liability in White Collar Crime.

### UNIT –II Corporate Crimes Corporate Crimes-Meaning and Nature.

- Psychological and Socio-economic Factors underlying corporate frauds.
- Types of Corporate Crimes.\
- Judicial Attitude towards Corporate Crimes.
- Offences Relating to Statutory Noncompliance under Companies Act
- Vicarious Liability of Corporation

### UNIT III: Statues dealing with White Collar Offences.

- The Essential Commodities Act, 1955
- The Food Safety and Standards Act, 2006
- Provisions relating to Food Articles.
- Implementation of the Act by Food Safety Officers.
- Food Safety and Standards Authority of India.
- Breach of Foreign Exchange Regulations(FEMA)

### UNIT-IV Indian Scenario White Collor Crimes in Indian scenario.

- Corruption in government and politics
- Black Money.
- Judicial response to white collar crimes in India.
- Cyber Crimes

## REFERENCES

- 1.Gandhirajan, C K 2004, Organised crime, A P H Publishing Corporation
2. Nair, P M 2002, Combating Organized crime, Konark Publishers
- 4.V Grover, 2002, Encyclopedia of International Terrorism, Vol. 1,2 &3, Deep & Deep Publications, New Delhi.
5. Holmes, Ronald M, 2001, Murder in America, Sage Publications, New Delhi.
6. Viano, Emilio C 2000 Global Organized Crime and International Security, Ashgate Publishing Limited

**LLMCT402**

**DESSERTATION AND VIVA**

Project Work will be on some current topic of legal importance or inclusive of other Disciplines.

Practical training will be in the form of internship, organizing programmes etc.

Evaluation will be made by Examiners comprising of Senior most faculty members of University and an External Examiner



**RAIPUR**

# SPECIALIZATION CONSTITUTIONAL LAW



R A I P U R

## Constitutional Law -I

### Evolution and Basic Provision

LLMCAL104

External Marks: 70

Internal Marks: 30

#### UNIT- I: Constitutional History of India

1. Constitution & Constitutional Law
2. Historical background of Constitution,
3. Pre Constitution Acts the framing of the new constitution

#### UNIT- II: Philosophy and Salient Features

1. Nature of Indian Constitution – Unitary, federal or quasi federal
2. Salient features of the constitution
3. Lengthiest constitution
4. Parliamentary form of government

#### UNIT- III: Union of India & its Territories

1. Union of states
2. Territory of India
3. Admission or establishment of new states
4. Formation of new states and alteration of boundaries of existing states
5. Cession of Indian Territory to foreign states.

#### UNIT- IV: Nationality & Citizenship

1. Citizenship and its meaning
2. Citizenship at the commencement of the Constitution
3. Citizenship Act, 1955
4. Overseas citizenship
5. Termination of citizenship.

#### UNIT- V: Constitution Amending Process

1. Types and Procedure
2. Limitations
3. Doctrine of Basic Structure and the Landmark Judgments.

#### REFERENCE BOOKS:

- Pandey J.N, The Constitutional Law of India, Central Law Agency, Allahabad
- Jain M.P, Indian Constitutional Law, Lexis Nexis, Haryana
- Basu D.D, Introduction to Constitution of India, Lexis Nexis, Haryana
- Rai Kailash, Constitutional Law of India, Central Law Publications, Allahabad
- Bakshi P.M, Constitution of India, Universal Law Publications, Delhi
- Shukla V.N, Constitution of India, Eastern Book Company, Lucknow
- Tripathi G.P., Constitutional Law- New Challenges, Central Law Publications, Allahabad
- Joshi K.C, Constitutional Law of India, Central Law Publications, Allahabad

## Constitutional Law –II

### Fundamental Rights and Directive Principles

LLMCAL204

External Marks: 70

Internal Marks: 30

#### UNIT- I: Nature, Scope & Inconsistent Laws

1. Origin and development of Fundamental rights
2. Concept of State
3. Inconsistent laws.

#### UNIT- II: Fundamental Rights

1. Right to Equality.
2. Right to Freedom.
3. Right against Exploitation.
4. Right to Freedom of Religion.
5. Cultural and Educational Right

#### UNIT- III: Enforcement of Fundamental Rights

1. Right to Constitutional Remedies under Art 32 and 226
2. Parliamentary Powers to modify the rights conferred by Part III in their application
3. Restriction on Rights conferred by Part III while Martial Law in force

#### UNIT- IV: Directive Principles of State Policy

1. Introduction & Concept, Object behind DPSP
2. Nature, Significance and Application of DPSP
3. Relation b/w DPSP & Fundamental Rights Social & Economic Charter
4. Social Security Charter
5. Community Welfare Charter
6. Key Directive Principles & their Judicial Interpretation

#### UNIT- V: Fundamental Duties of Citizens

1. Concept and Nature of Fundamental Duties
2. Necessity and Scope of Fundamental Duties
3. Enforceability of Fundamental Duties
4. Fundamental Duties as an Aid to Interpretation of Constitutional Provisions

#### REFERENCE BOOKS:

- Pandey J.N, The Constitutional Law of India, Central Law Agency, Allahabad
- Jain M.P, Indian Constitutional Law, Lexis Nexis, Haryana
- Basu D.D, Introduction to Constitution of India, Lexis Nexis, Haryana
- Rai Kailash, Constitutional Law of India, Central Law Publications, Allahabad
- Bakshi P.M, Constitution of India, Universal Law Publications, Delhi
- Shukla V.N, Constitution of India, Eastern Book Company, Lucknow
- Tripathi G.P., Constitutional Law- New Challenges, Central Law Publications, Allahabad
- Joshi K.C, Constitutional Law of India, Central Law Publications, Allahabad



## Constitutional Law -III

### ADMINISTRATIVE LAW

LLMCAL301

External Marks: 70

Internal Marks: 30

#### Unit- I: Introduction

1. Evolution and significance of Administrative Law
2. Various systems of governance-form Administrative systems from ancient to modern.

#### Unit- II: Concepts in Administrative Law

1. Doctrine of Separation of Powers: France Other Countries systems
2. India: Doctrine of Fairness (Art.14, 19, 21)
3. Doctrine of Legitimate Expectation
4. Privilege against disclosure, official secrecy
5. Access to information

#### Unit- III: Comparative Study

1. Comparative survey – Common Law and Continental System
2. England, USA, France and India from Rigidity to Flexibility.
3. U.S.A and India: Due process and judicial review

#### Unit: IV: Changing Dimensions of Administrative Law

1. Rule of Law: Regulation of administrative process.
2. Delegated Legislation: Problems, Process and Control
3. Judicial Review of delegated legislation
4. Proportion Fairness: Evolution and Significance of Natural Justice
5. England: Judicial Process

#### Unit- V: Check and Balance on the Executives

1. Right to Information Act
2. Control on Maladministration: Ombudsman, Commissions of Inquiry, Vigilance Commissions
3. Investigative Agencies: The CBI, Inquiries by Legislative Committee
4. Legislative control, Judicial Inquiries.

#### REFERENCE BOOKS:

- 1.Friedman, The State and Rule of law in a mixed Economy.
- 2.Ivor Jennings, Law & the Constitution
- 3.D.D.Basu, Comparative Administrative Law, 1998
- 4.Jain & Jain, Principles of Administrative Law 5.Prof. MadhaviGidwan –Pub – Delhi, Media Law

## Constitutional Law –IV

### LOCAL SELF GOVERNMENT

LLMCAL302

External Marks: 70

Internal Marks: 30

#### Unit: I Historical Background

1. Early period,
2. Gram Swaraj the Gandhian concept

#### Unit: II Constitutional Scheme

1. Directive Principles, Structure and powers of local bodies

#### Unit: III Legislative Powers

2. Direct democracy and grass root planning,
3. Municipalities and Corporation,
4. Gram Sabha
5. Quasi-legislative Powers: Rule making power of the State Government,
6. Regulations and Bye-laws

#### Unit: IV Financial Powers

1. Levying taxes, Licensing power,
2. Financial resources and powers
3. Judicial and Quasi-judicial powers of the Local Bodies

#### Unit: V Election to Local Bodies

1. Conduct of Meetings – Corporation, Municipal Council,
2. Panchayat Committee and Gram Sabha,
3. Institutional and Judicial Control

#### REFERENCE BOOKS:

- Pandey J.N, The Constitutional Law of India, Central Law Agency, Allahabad
- Jain M.P, Indian Constitutional Law, Lexis Nexis, Haryana
- Basu D.D, Introduction to Constitution of India, Lexis Nexis, Haryana
- Rai Kailash, Constitutional Law of India, Central Law Publications, Allahabad
- Bakshi P.M, Constitution of India, Universal Law Publications, Delhi
- Shukla V.N, Constitution of India, Eastern Book Company, Lucknow
- Tripathi G.P., Constitutional Law- New Challenges, Central Law Publications, Allahabad
- Joshi K.C, Constitutional Law of India, Central Law Publications, Allahabad

## Constitutional Law –V

### SYSTEM OF GOVERNANCE

LLMCAL303

External Marks: 70

Internal Marks: 30

#### UNIT- I Union Legislature

1. Constitution of Parliament & its officers
2. Conduct of Business & disqualifications
3. Powers, Privileges and immunities
4. Procedure – Legislative, financial & general

#### UNIT- II Union Executive

1. President & Vice President
2. Council of Minister & Attorney General of India
3. Conduct of Government Business
4. Legislative Power of President

#### UNIT- III State Legislature & Executive

1. Governor & Council of Ministers
2. Conduct of Business
3. Constitution of Legislature & its officers, Disqualifications, Powers and privileges
4. Procedure – Legislative, Financial, General,
5. Legislative power of the Governor

#### UNIT- IV Centre – State Relations

1. Distribution of Legislative powers
2. Administrative Relation
3. Disputes relating to waters
4. Co-ordination between States

#### UNIT- V Election Law

1. Election Commission – Composition, Adult Suffrage and
2. Representation of People Act 1951, Power of Legislature and
3. Non interference of Courts

#### REFERENCE BOOKS:

- Pandey J.N, The Constitutional Law of India, Central Law Agency, Allahabad
- Jain M.P, Indian Constitutional Law, Lexis Nexis, Haryana
- Basu D.D, Introduction to Constitution of India, Lexis Nexis, Haryana
- Rai Kailash, Constitutional Law of India, Central Law Publications, Allahabad
- Bakshi P.M, Constitution of India, Universal Law Publications, Delhi
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- Tripathi G.P., Constitutional Law- New Challenges, Central Law Publications, Allahabad
- Joshi K.C, Constitutional Law of India, Central Law Publications, Allahabad

## Constitutional Law –VI

### MEDIA LAWS

LLMCAL304

External Marks: 70

Internal Marks: 30

#### Unit: I Introduction

1. Evolution of Media
2. Types of media: Print, Electronic
3. E-Media - Free Flow of Information beyond boundaries and barriers
4. Difference between Visual and non- Visual Media - impact on People

#### Unit: II Freedom of Speech and Expression -Article 19 (1) (a)

1. An introduction to Freedom of expression
2. Evolution of Freedom of Press
3. Restrictions under Constitution
4. (i) Article 19 (2)  
(ii) Government Power to legislate - Article 246 read with the Seventh Schedule. (iii) Power to impose Tax -licensing and licence fee.
4. Advertisement & Ethics: Misleading Advertisement vis-a-vis Consumers rights

#### Unit: III Law of defamation and obscenity Defamation

1. Libel, Slander •Obscenity
2. Sedition

#### Unit: IV Censorship of films

1. Censorship under Constitution
2. Censorship under the Cinematograph Act.
3. Pre-censorship of films

#### Unit: V Recent Trends

Development of laws relating to Mass Media, vis a vis International regime

#### REFERENCE BOOKS:

- H.M. Seervai, Constitutional Law of India 2002 Vol. 1 Universal
- 2.MP Jain Constitutional Law of India (1994) Wadhva Nagpur

## Constitutional Law –VII

### MINORITIES LAW

LLMCAL401

External Marks: 70

Internal Marks: 30

#### Unit: I MINORITIES IN INDIAN SOCIETY

1. Concept of Minorities
2. Linguistic Minorities Religious Minorities

#### Unit: II INTERNATIONAL NORMS FOR PROTECTION OF MINORITIES

1. Human Rights of Minorities
2. Minority Rights under the International Covenant on Civil and Political Rights
3. Non-discrimination provisions of the United Nations Charter 1945
4. Declaration on Rights of Minorities

#### Unit: III MINORITY RIGHTS

1. Secularism Right to religion Linguistic rights

#### Unit: IV Cultural and Traditional

1. Rights Right to culture and traditions
2. National Commission for Minority

#### Unit: V RIGHTS OF MINORITY EDUCATIONAL INSTITUTIONS

1. Educational rights of Minorities
2. Right to administer Minority Educational institution
3. Aided and Unaided Minority Educational Institutions and Governmental Controls
4. National Commission for Minority Educational Institutions

#### REFERENCE BOOKS:

- M.P.Jain, Indian Constitutional Law
- D.D.Basu, Commentary on the Constitution of India
- M.P. Sijjgh, Constitution of India

R A I P U R

**LLMCAL402**

**DESSERTATION AND VIVA**

Project Work will be on some current topic of legal importance or inclusive of other Disciplines.

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Evaluation will be made by Examiners comprising of Senior most faculty members of University and an External Examiner



**RAIPUR**



Specialization: Intellectual Property Rights

RAIPUR

Unit I Nature & Concept

- i. Meaning
- ii. Types of Intellectual Property Rights
- (b) Nature of Intellectual Property Rights
  - i. Monopolistic Perspective
  - ii. Economic Perspective
  - iii. Public welfare perspective

(c) Theories

- i. Natural theory
- ii. Lockes' Theory of property
- iii. Hegelian Philosophy
- iv. Utilitarian guidelines
- v. Incentive theory
- vi. Prospect theory
- vii. Schumpeterian theory

Unit II- Origin & Development

- a) Historical Background
- b) Technological Development of IPRs
- c) Intellectual Property Rights: From National to International Character
- d) Challenges for IPR system:
  - i. Digital Economy
  - ii. E-commerce
  - iii. Domain names
  - iv. Biotechnology including Human genomes
  - v. Nanotechnology
- e) Role of Government in fostering the IPR.

Unit III- International regime of Intellectual Property Rights

- a) Background
- b) Pre WTO régime



- Paris Convention
- Berne convention
- Rome convention
- Patent Cooperation treaty
- World Intellectual Property Organization (WIPO), etc..

c) Post WTO regime

a) TRIPS

Unit IV- National regime

a) Background

b) Pre WTO

c) Post WTO

Books Recommended:

1. Shiv Sahai Singh, The Law of Intellectual Property Rights, Deep & Deep publication Pvt. Ltd. 2004.
2. Phillippe Culet, Intellectual Property Protection and Sustainable Development, Lexis Nexis Butterworth, 2004.
3. W R Cornish, Intellectual Property: Patents, copyright, Trademarks and allied rights , London : Sweet & Maxwell, 1996
4. Jayanti Bagachi , World Trade organization; an Indian Perspective(2000).
5. Narayanan, P., Intellectual Property Rights

R A I P U R

Unit – I

1. Introduction to Copyright

- (a) Historical development of the law of copyright
- (b) Nature and Scope of Copyright Law and Neighbouring Rights

2. International Conventions/Treaties on Copyright

- (a) Berne Convention
- (b) Universal Copyright Convention
- (c) Rome Convention, 1961
- (d) Phonogram Convention, 1971
- (e) TRIPs Agreement
- (f) WIPO Copyright Treaty, 1996
- (g) WIPO performance and Phonogram Treaty, 1996

Unit – II

1. Subject matter of copyright works

- (a) Literacy, Computer, Dramatic, Musical, Cinematograph film etc.
- (b) Provisions under Indian Law and International Convention

2. Ownership, duration and assignment of copyright

- (a) Ownership of literacy, dramatic, artistic and computer generated works etc.
- (b) Economic and moral rights of copyright owners
- (c) Terms of copyright
- (d) Assignment of copyright and licenses

Unit – III

1. Performers rights under the Indian Copyright Law and under International Conventions

- (a) Historical development of performer's rights: Nature and Scope
- (b) Economic and moral rights of performers and Exception of performer's rights

2. Broadcast Reproduction Rights and Public Interest

- (a) Satellite broadcasting and by cable television
- (b) Exception under Indian law and under international convention

Unit – IV

## 1. Infringement of copyright

- (a) Mode of infringement of various copyright works
- (b) Infringement of neighbouring rights
- (c) Statutory exception under Indian law and international convention

## UNIT V

### 1. Remedies of infringement of copyright under national and international Perspective

- (a) Preventive and compensatory civil remedies
- (b) Criminal remedies
- (c) Administrative remedies

#### Compulsory Readings:

1. Copyright Act, 1957
2. Berne Convention for protection of literacy and artistic works
3. Universal Copyright Convention
4. Rome Convention
5. Convention for the protection of producers of phonograms
6. TRIPs Agreement
7. WIPO Copyright Treaty
8. WIPO Performance and Phonograms Treaty

#### Suggested Readings:

1. International Copyright and Neighbouring Rights; Stephen M. Steward (London, 1983)
2. Copinger and Skare James on Copyright; E.P. Skare James (London, 1991)
3. How Copyright Works in Practice; Kala Thairani (Bombay, 1996)
4. Law of Copyright: From Gutenberg's Invention to Internet; (Delhi, 2001)

**UNIT – I: Introduction**

- a. Evolution of Patents in India
- b. International Treaties on Patents
  - i. Paris Convention
  - ii. TRIPS
  - iii. Budapest Treaty
  - iv. PCT

**UNIT – II: Patentability and Procedures for Grant of Patents**

- a. Patentable and Non Patentable Inventions
- b. Pre-requisites – Novelty, Inventive Step, Industrial Application
- c. Prior Art, Anticipation, & Person Skilled in the Art
- d. Procedures for Filing Application
- e. Specifications – Provisional and Complete Specifications
- f. Priority dates
- g. Pre-Grant and Post Grant Opposition
- h. Grant and sealing of Patents
- i. Rights of Patentee
- j. Term of Patent
- k. Surrender and Revocation of patents
- l. Restoration

**UNIT – III: Limitations, Exceptions & Infringements**

- a. Licencing – Voluntary & Non –Voluntary
- b. Assignment
- c. Fair Use
- d. Use and acquisition of inventions by Central Government
- e. Parallel Imports
- f. Claim Interpretations and Constructions
- g. Infringements & Remedies

**UNIT – IV: Patent Authorities, Patent Agents & Emerging Issues**

- a. Controller General of Patents
- b. Patent Examiners
- c. Patent Agents
- d. IPAB
- e. Emerging Issues
  - i. Patents & Computer Programs
  - ii. Business Methods & Utility Patents
  - iii. Bio-Informatics Patents
  - iv. Patent and Human Right Issues

**UNIT – V : CASE STUDIES**

- a) Bajaj Auto Limited Vs. TVS Motor Company Limited JT 2009 (12) SC 103
- b) Novartis v. Union of India (2013) 6 SCC 1
- c) F. Hoffmann-La Roche Ltd vs Cipla Ltd., Mumbai Central
- d) Dr Snehlata C. Gupte v. Union of India & Ors (W.P. (C) No 3516 and 3517 of 2007) Delhi HC)
- e) Bayer Corporation vs Union Of India

**Text Books:**

- 1. Feroz Ali Khader, The Law of Patents-With a Special Focus on Pharmaceuticals in India, LexisNexis, 2nd Edition, 2011
- 2. Elizabeth Verkey, Law of Patents, Eastern Book Company, 2nd Edition, 2012

References:

1. Richard Miller, Guy Burkill, Hon Judge Birss, Douglas Campbell, Terrell on the Law of Patents, Sweet and Maxwell, 2010
2. Feroz Ali Khader, The Touchstone Effect: The Impact Of Pre-Grant Opposition On Patents, Lexis Nexis, 2009
3. Donald S Chisum, Chisum on Patents (17 Volumes), Lexis Nexis, 2012
4. Janice M. Mueller, Patent Law, Wolters Kluwer, 2013
5. Martin J. Adelman et al., Patent Law in a Nutshell, West, 2013
6. Amy L. Landers, Understanding Patent Law, Lexis Nexis, 2012.
7. Ananth Padmanabhan, Intellectual Property Rights Infringement and Remedies, Lexis Nexis, 2012



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UNIT-I: Introduction

- a. Evolution of Trademark in India
- b. Justification
- c. International Treaties:
  - i. Paris Convention
  - ii. Madrid Agreement and Protocol
  - iii. NICE Agreement
  - iv. Trademark Law Treaty
  - v. Singapore Law Treaty
  - vi. TRIPS
- d. Kinds of Trademarks: Registered and Unregistered Trademarks, Conventional & Non-Conventional Trademarks, Service Mark, Collective Marks, Certification Marks, Well Known Trademarks

UNIT-II: Registration of Trademarks

- a. Pre-requisites
- b. Absolute and Relative Grounds for Refusal of Registration
- c. Concept of Deceptive Similarity and its Applicability in Registration
- d. Procedure for Registration
- e. National and International Registration

UNIT-III: Commercial Exploitation of Trademarks and IPAB

- a. Rights of Proprietor
- b. Assignment, Licensing and Transmission of Trademark
- c. IPAB

UNIT-IV: Infringement and Passing off

- a. Infringement
- b. Goodwill and Passing off
- c. Remedies
- d. Trademark Issues in Cyberspace

UNIT – V : CASES

- a) Yahoo!, Inc. v Akash Arora & Anr [1999 (19) PTC 201 (Del)]
- b) DM entertainment v Baby Gift House and ors. [MANU/DE/2043/2010]
- c) MilmetOftho Industries & Ors v. Allergan Inc. [Civil Appeal No. 5791 of 1998]
- d) The Coca-Cola Company Vs. Bisleri International Pvt. Ltd [Manu/DE/2698/2009]
- e) Cadila Health Care v Cadila Pharmaceutical Ltd [2001 PTC (SC) 561]

Text Books:

- 1. K C Kailasam and RamuVedaraman, Law of Trademarks including International Registration under Madrid Protocol and Geographical Indications, Lexis Nexis, 2013
- 2. A. K. Bansal, Law of Trademark in India, Thomson & Reuter, 2014

References:

1. David T Keeling, David Llewelyn, Kerley's law of Trade Marks and Trade Names, Sweet and Maxwell, 15th Edition, 2014.
2. Narayanan, Trade Marks and Passing Off, Eastern Law House, 2004
3. Ananth Padmanabhan, Intellectual Property Rights Infringement and Remedies, Lexis Nexis, 2012
4. Christopher Wadlow, The Law of Passing Off: Unfair Competition by Misrepresentation, Sweet and Maxwell, 2011.
5. David Lindsay, International Domain Name Laws, Hart Publishing, 2007.



RAIPUR

**Subject: Law of Designs, Layout Designs and Geographical Indications**

**LLMIPR303**

**External marks 70  
Internal Marks 30**

**UNIT-I: Industrial Designs**

- a. Introduction
- b. Evolution
- c. Justification
- d. International Treaties
  - i. Paris Convention
  - ii. Hague Agreement
  - iii. Locarno Agreement
  - iv. TRIPS
- e. Industrial Design Act, 2000
- f. Interface Between Design, Copyrights and Trademarks

**UNIT-II: Semiconductor and Layout Designs**

- a. Introduction
- b. Evolution
- c. Justification
- d. International Treaties:
  - i. Washington Treaty
  - ii. TRIPS
- e. The Semiconductor Integrated Circuits Layout-Designs Act, 2000

**UNIT III: Geographical Indications-I**

- a. Introduction
- b. Evolution
- c. Justification
- d. International Treaties:
  - i. Paris Convention
  - ii. Madrid Agreement
  - iii. Lisbon Agreement
  - iv. TRIPS Agreement

**UNIT-IV: Geographical Indications-II**

- a. Protection of GI at National Level
- b. Geographical Indication of Goods (Protection & Registration) Act, 1999
- c. Higher Level of Protection of GIs and TRIPS, Article 23 Controversy
- d. Genericides of Geographical Indications

**UNIT – V : Assignment and Transmission and use of Lay-out Design**

- a. Assignability and Transmissibility of Registered Lay-out Design
- b. Registration of Assignments and Transmissions
- c. Registered Users
- d. Rights of Registered user to take proceedings against infringement
- e. Offences and Penalties for Infringement

Text Books:



- 1.Ashwani Kumar Bansal, Design Law, Universal Law Publishing Company, 2012.
- 2.Latha R Nair &Rajendra Kumar, Geographical Indications: A Search For Identity, Lexis Nexis, 2005

References:

- 1.Tapan Kumar (Ed.), WTO, TRIPS and GIs, New Century Publications, 2014
- 2.DevGangjee, Relocating the Law of GI, Cambridge University Press, 2012
- 3.K C Kailasam and RamuVedaraman, Law of Trademarks including International Registration under Madrid Protocol and Geographical Indications, Lexis Nexis, 2013



RAIPUR

UNIT –I: Information and Technology Act, 2000

- 1.1 Introduction
- 1.2 Digital Signature
- 1.3 Regulation of Certifying Authority
- 1.4 Digital Signature Certificates
- 1.5 Cyber Regulations Appellate Tribunal
- 1.6 Offences

UNIT –II :Internet and the Protection of Software Copyright

- 2.1 Open Source
- 2.2 Reverse Engineering

UNIT – III Trademark Issues in Cyber Space

- 3.1 Domain Name
- 3.2 The ICANN Uniform Domain Name Dispute Resolution Policy

UNIT –IV Regulation of Converging Technologies

- 4.1 What is Converging?
- 4.2 Internet Policy Direction
- 4.3 The Problem of Regulation Convergence Technology
- 4.4 Options for Regulatory Development

UNIT –V Cyber Crimes and Intellectual Property Rights

- 5.1 Introduction
- 5.2 Essential Ingredients of Crime
- 5.3 Types of Internet Crimes
- 5.4 Cyber Crime and IPR

References:

1. Nandan Kamath, Law Relating to Computers Internet & E-Commerce, 2nd Edition, Universal Law Publishing Co. Pvt. Ltd.
2. David Lindsay, International Domain Name Law ICANN at the UDRP, (2007) Hart Publishing, Oxford and Portland, Oregon.

R A I P U R

UNIT – I: Introduction

- a.Introduction to Plant Varieties – Law& Science
- b.Evolution of Plant Patents & Plant Varieties Protection
- c.Justification for IP Protection
- d.UPOV
- e.Essential Requirements- NDUS
- f.Kinds of Varieties
- g.Registration of Varieties

UNIT – II: Rights, Limitations & Infringement

- a.Exclusive Rights
- b.Breeders' Rights v. Farmers' Rights
- c.Researcher's Rights; Farmers' rights and Rights of Communities
- d.Compulsory Licence
- e.Benefit Sharing
- f.Infringement& Remedies

UNIT – III: Traditional Knowledge (TK)

- a.Meaning, Nature and Characteristics
- b.Need for protection of TK
  - i.Equity Considerations
  - ii.Conservation Motive
  - iii.Preservation of Traditional Practices and Cultures
  - iv.For Indigenous Peoples' Participation in Development Process
  - v.To Facilitate Access
  - vi.For the Conservation of Environment and Management of Bio Diversity
- c.International Initiatives on TK Protection
  - i.Rio Declaration on Environment and Development (1992)
  - ii.The Convention on Biological Diversity, 1992
  - iii.Bonn Guidelines on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising out of their Utilization, 2002
  - iv.International Treaty on Plant Genetic Resources for Food and Agriculture, 2001
  - v.The FAO International Code of Conduct for Plant Germplasm Collecting and Transfer, 1993
  - vi.Convention Concerning Indigenous Peoples in Independent Countries, 1986
  - vii.Declaration of Principles of the World Council of Indigenous Peoples,1984
  - viii.Kari-Oca Declaration and the Indigenous Peoples' Earth Charter, 1992
  - ix.The Mataatua Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples, 1993
  - x.Doha Ministerial Declaration, 2001
  - xi.UN Declaration on the Rights of Indigenous Peoples, 2007
  - xii.The Nagoya Protocol, 2010
  - xiii.Other TRIPS Plus initiatives
- d.International bodies and Institutions responsible for the Protection of TK

UNIT – IV: Traditional Knowledge and IPR

- a.Interface between IPR & TK
  - i.Protection of Traditional Knowledge under the Existing Modes of Intellectual Property and Issues thereof
  - ii.Concepts of Prior Informed Consent (PIC) and Agreement to benefit sharing (ABS)
- b.National Initiatives

i. Defensive protection of TK through legislative efforts: Constitutional Provisions, The Biological Diversity Act, 2002; Protection of Plant Varieties and Farmers' Rights Act, 2001; The Patent Amendment Acts 2002 and 2005; The Geographical Indications of Goods (Registration and Protection) Act, 1999 ;The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 etc.

ii. TKDL

iii. Need for a sui generis protection

#### UNIT – Biodiversity and IPR

a. Biodiversity and Sustainable Development

b. Genetic Resources and Biotechnology

c. Benefit Sharing

d. Bonn Guidelines

e. Patenting Biological Invention

#### Text Books:

1. Elizabeth Verkey, Law of Plant Varieties Protection, Eastern Book Company, 2007

#### References:

1. Anthony J. Stenson and Tim S. Gray, The Politics of Genetic Resource Control, Macmillan Press Ltd., London, 1999

2. Brush S.B & D. Stabinsky (ed.), Valuing Local Knowledge- Indigenous people and Intellectual Property Rights, Island Press, Covelo, California, 1996 13

3. Carlos M Correa, Traditional knowledge and Intellectual Property, Issues and Options Surrounding the Protection of Traditional Knowledge, Quaker United Nations Office, Geneva, 2001

4. David Downes, Using Intellectual Property as a Tool to Protect Traditional Knowledge: Recommendations for Next Steps, Center for International Environmental Law, Washington, DC, 1997

5. P. Drahos and M. Blakeney (ed.), Perspectives on Intellectual Property: IP in Biodiversity and Agriculture, Sweet and Maxwell, London, 2001

6. Vandana Shiva, Biopiracy: The Plunder of Nature and Knowledge, South Press, 1997

7. Vandana Shiva, Protect or Plunder: Understanding Intellectual Property Rights , Zed Books Ltd., London, 2001

8. S. K. Verma & Raman Mittal (ed.), Intellectual Property Rights a Global Vision , Indian Law Institute, New Delhi, 2004

R A I P U R

**LLMIPR402**

**DESSERTATION AND VIVA**

Project Work will be on some current topic of legal importance or inclusive of other Disciplines.

Practical training will be in the form of internship, organizing programmes etc.

Evaluation will be made by Examiners comprising of Senior most faculty members of University and an External Examiner



**RAIPUR**

Specialization: CYBER LAW



RAIPUR

## **LLMCL104**

### **Cyber Law-I**

#### **Introduction**

UNIT-I: Introduction, Definition, Nature, Scope and Development

UNIT-II: Computers and its Impact in Society

UNIT-III: Overview of Computer and Web Technology

UNIT-IV: Need for Cyber Law

UNIT-V: Cyber Jurisprudence at International and Indian Level

## **LLMCL204**

### **Cyber Torts**

UNIT-I Defamation under Torts

UNIT-II Defamation under IPC

UNIT-III Cyber Defamation

UNIT-IV Different Types of Civil Wrongs under the IT Act, 2000

UNIT-V

## **LLMCL301**

### **Cyber Law and International Perspectives**

UNIT-I: UN & International Telecommunication Union (ITU) Initiatives

UNIT-II: Council of Europe - Budapest Convention on Cybercrime

UNIT-III: Asia-Pacific Economic Cooperation (APEC)

UNIT-IV: Organization for Economic Co-operation and Development (OECD)

UNIT-V: World Bank, Commonwealth of Nations

## **LLMCL302**

### **Constitutional & Human Rights Issues in Cyber Space**

UNIT-I: Freedom of Speech and Expression in Cyberspace

UNIT-II: Right to Access Cyberspace – Access to Internet

UNIT-III: Right to Privacy

UNIT-IV: Right to Data Protection

UNIT-V: Right to Information

## **LLMCL303**

### **Intellectual Property Issues, E Commerce, Dispute Resolution in Cyber Space**

UNIT-I Interface with Copyright Law, Interface with Patent Law

Trademarks & Domain Names Related issues

UNIT-II Concept, E-commerce-Salient Features

UNIT-III Online approaches like B2B, B2C & C2C, Online contracts

Click Wrap Contracts, Applicability of Indian Contract Act, 1872

UNIT-IV Concept of Jurisdiction, Indian Context of Jurisdiction and IT Act, 2000.

UNIT-V International Law and Jurisdictional Issues in Cyberspace.

Dispute Resolutions

## LLMCL401

### Cyber Crimes & Legal Framework

UNIT-I: Cyber Crimes against Individuals, Institution and State

UNIT-II: Hacking, Digital Forgery

UNIT-III: Cyber Stalking/Harassment, Cyber Pornography

UNIT-IV: Identity Theft & Fraud, Cyber terrorism, Cyber Defamation

UNIT-V: Different offences under IT Act, 2000

## LLMCL304

### Information Technology Act, 2000

Unit I

Introduction,

DIGITAL SIGNATURE,

ELECTRONIC SIGNATURE,

ELECTRONIC GOVERNANCE,

ATTRIBUTION,

ACKNOWLEDGEMENT AND DESPATCH OF ELECTRONIC RECORDS.

Unit II

SECURE ELECTRONIC RECORDS,

SECURE ELECTRONIC SIGNATURE,

REGULATION OF CERTIFYING AUTHORITIES,

ELECTRONIC SIGNATURE CERTIFICATES,

DUTIES OF SUBSCRIBERS.

Unit III

PENALTIES,

COMPENSATION,

ADJUDICATION,

THE APPELLATE TRIBUNAL.

Unit IV

OFFENCES

Unit V

INTERMEDIARIES NOT TO BE LIABLE IN CERTAIN CASES,



EXAMINER OF ELECTRONIC EVIDENCE,  
MISCELLANEOUS.



R A I P I R

**Dissertation and Viva**

Dissertation shall be compulsory for each student. Topic of the dissertation shall be allotted by subject teacher. This paper contains 100 marks for script writing.

Each student shall also appear for Viva-Voce examination of 100 marks.

This will be held before a Board of three examiners of whom two will be external. The absence of one external examiner may, however, be condoned by the Kulpati, if it is caused due to unavoidable circumstance, ordinarily, the subject teacher will be the Internal examiner.



**RAIPUR**



Specialization: LABOUR LAW

RAIPUR

## INDUSTRIAL ADJUDICATION

LLMLL104

External Marks: 70

Internal Marks: 30

### UNIT I

Constitutional Perspectives and Foundations  
Constitutional authorization for institutional framework (legislative entries, Article 323. B)  
Constitutional goals protecting capital and labour enshrined in the fundamental rights and duties and the directive principles

### UNIT II

Access to Adjudicatory Justice  
Threshold control by government: reference  
Extent of governmental discretion: time, expediency and matters for adjudication  
Limitations on discretion

### UNIT III

Political overtones and pressure tactics  
Judicial restraint or liberalism, the ideal juristic approach  
Direct access to adjudicatory authority by employer and employee: problems and perspectives  
International norms  
Comparative overview of access to adjudicatory process in the U.K. and Australia

### UNIT IV

Adjudicatory Process  
3.1. Industrial adjudication as a modality of harmonising interests of capital and labour  
3.2. Impact on employer's prerogatives and employee's rights  
3.3. Silence of the statute on criteria for adjudication  
3.4. Equity and justice as guiding principle  
3.5. Industrial conflicts and the vistas of decisional process: a comparative probe  
3.6. Post-natal control by government over adjudication

### UNIT V

Judicial Review of the Adjudicatory Process  
4.1. Finality of decision making in adjudicatory process: a myth  
4.2. Jurisprudence of industrial adjudication: formulations through constitutional remedies of writs and appeal  
4.2.1. Jurisdiction of the adjudicatory authority in respect of dismissal of workmen  
4.2.2. Juridical formulation of the concept of industry  
4.2.3. Retrenchment the widening dimensions through decisional law.

### Reference Books

1. Malhotra, The Law of Industrial Disputes, Vol. 1, (1988).
2. I.L.I, Labour Law and Labour Relations, Parts 11, IV, VI, VII, IX, and XI.
3. Rideout, Principles of labour Law (1983), Ch. 4, 5 & 6.
4. Russel A. Smith, et al. Collective Bargaining and Labour Arbitration, (1970) Part-II.
5. I.P. Massey, "A legal Conundrum in Labour Law", 14 JILI 386 (1972).
6. S.C. Srivastava, "Voluntary Labour Arbitration: Law and Policy", 23, JILI 349, (1981).
7. Arjun P. Aggarwal "Conciliation and Arbitration of Labour disputes in Australia" J.I.L.I 30 (1966).
8. D.C. Jain, "Meaning of Industry: Wilderness of Conjectural Justice" (1986) 3. S.C.C. Journal 1.
9. T.N. Singh, "Futuristic Industrial Jurisprudence a Poser", (1986) 3 S.C.C. Journal 15.
10. Chaturvedi.R.G., Law and Procedure of Departmental Enquiries and Disciplinary Actions (1997)

## SOCIAL SECURITY LAWS

LLMLL204

External Marks: 70

Internal Marks: 30

### UNIT I

#### 1. Social Security

- 1.1. Meaning
- 1.2. Distinction with labour welfare
- 1.3. Modality: social prescription, social assistance and social insurance
- 1.4. Labour social security as part of the general social security in the welfare state

### UNIT II

#### 2. Origin and Development

- 2.1. Western countries - charitable institutions - professional guilds - philanthropic organisations - workmen's compensation law in England
- 2.2. Eastern societies - India: joint family system, statutory schemes
- 2.3. International norms on social security for labour : the ILO measures

### UNIT III

#### 3. Constitutional Perspectives

- 3.1. Fundamental Rights : realization of the rights through meaningful social security measures: right to life, the wider dimensions
- 3.2. Right to adequate means of livelihood, free legal aid, public assistance in cases of unemployment, old age, sickness and disablement, maternity relief.

### UNIT IV

#### 4. From Compensation to Insurance

Judicial interpretation of the expression "arising out of and in the course of employment"  
Employees' state insurance benefits: an improvement over workmen's compensation  
Social Security: Law and Practices, the Comparative Perspectives  
The United Kingdom  
The United States

### UNIT V

- 5. Towards an Ideal Social Security Scheme: the Futuristic  
Comprehensive and integrated social security: an utopian concept or a pragmatic approach?  
Funding  
Benefits and beneficiaries  
Role of trade unions  
Social security clauses in collective agreements  
Trade union schemes with its own fund

## Reference Books

- R.N.Choudhry, Commentary on the Workmen's Compensation Act 1923 (2000), Orient
- S.C. Srivastava, Social Security and Labour Laws (1985).
- R.W. Rideout Principles of Labour Law (1988), Chs. 12,13.
- H.K. Saharay, Industrial and labour Laws of India (1987) Chs. 7 and 8.
- Munkman, Employers' Liability (1985), Chs. 1, 2, 3, 22 and 23.
- Harry Calvert, Social Security Laws (1978)
- Reports of the National Commission on Labour 1969 (relevant portions)
- Neeru Sehgal, "Employment of Women and Reproductive Hazards in Workplace", 29 J.I.LI 201 (1987)
- Prakash Sinha, "Quality of Working Life and Quality of Life", (1982) Indian Journal of Industrial Relations, p. 373.
- Mallik Jyotsna Nath, "Workmen's compensation Act and some Problems of Procedure", 3 J.I.L.I.
- V.R. Bhattacharya, Some Aspects of Social Security Measures in India (1970).
- Suresh C. Srivastava, "Machinery for Fixation of Minimum Wage of Sweated Labour in India - Problems and Prospects" 23 J.I.L.I. 495 (1981)
- R.D. Agarwal, Dynamics of Labour Relations in India (1972)
- SahabDayal. "Wage, Income and Industrial Relations in Modern India: An Evaluation of selected Empirical Implications". 15 Indian Journal of Industrial Relations 295 (1977)
- Madhuri G. Seth, "Bonus in Equity Perspective", 15 Indian Journal of Industrial Relations 119 (1979)
- Deepak Lal, Theories of Industrial Wage Structures: A Review" 15 Indian Journal of Industrial Relations 167 (1979)
- C. Mani Sastry, "Wage Structure and Regional Labour Market", 21 Indian Journal of Industrial Relations 344 (1985)
- Suresh C. Srivastava, "Payment of Dearness Allowance to Industrial Workers in India: The Judicial Approach", 15 J.I.L.I 444 (1973).
- R.L. Chawla, "Wage Policy and Industrial Relations. A Brazilian Case Study", 17 Indian Journal of Industrial Relations 27 (1981)

R A I P U R

## LAWS RELATING TO INDUSTRIAL INJURIES AND SOCIAL SECURITY

LLMLL301

External Marks: 70

Internal Marks: 30

### UNIT I

History of Trade Union - Trade Union Act, 1926 - Recognition of Trade Union - Affiliation of Unions to political parties - Multi-unionism - Policies towards workers, participation in management - role of State - Workers participation in Management - Liberalization and Industrial relation in India.

### UNIT II

Collective bargaining - Process of Collective bargaining - Perquisites for collective bargaining - strikes/lockouts [pen-down, tool down, go slow, work to rule, stay in, sit in, picketing] - Gherao - Law relating to collective bargaining.

### UNIT III

Freedom of Association - Constitutional and legal aspects

4. Industrial Disputes Act - Layoff - retrenchment - compulsory retirement - Voluntary retirement - superannuation

### UNIT IV

Industrial Dispute Resolutions - Methods - Conciliation Officer - Board of Conciliation – Legal status of Conciliation settlements - Voluntary Arbitration - Arbitration under the Industrial Disputes Act - Compulsory Adjudication - Power of reference - Reference by Government – Industrial Tribunals – National Tribunals – Status, powers, awards – Judicial review.

### Suggested Reading

1. Indian Law Institute Labour Law and Labour Relations [ 1987]
2. Dr. V G Goswami Labour and Industrial Laws [2004]
3. Ramaswami and Uma R Industry and Labour
4. Giri V V Labour Problems in Indian Industry
5. Raman M P Political Involvement of Indian Trade Union
6. O P Malhotra The Law of Industrial Disputes, Vol I [1988]
7. Chetty Narayan Y Dynamics of Trade Unionism in India – Anmol

R A I P U R

## COLLECTIVE BARGAINING

LLMML302

External Marks: 70

Internal Marks: 30

### UNIT I

#### Freedom of Organization

International norms: right to association of industrial and unorganised labour  
1.2 Right to association in India: the constitutional and legal aspects  
Collective Bargaining Conceptual and Processual Issues  
Conception of collective bargaining: a comparative appraisal  
Methodological aspects

### UNIT II

#### Bargaining Process

Empirical Indian studies  
Types of bargaining: plant level, industry level and national level  
Legal Control of Collective Bargaining Endeavours  
Strike (pen-down, tool down, go slow, work to rule, stay in, sit in, picketing)  
Gherao  
Lock out

### UNIT III

#### Factors Affecting on Collective Bargaining

Multi-unionism  
Other factors  
Conditions for successful functioning: comparative analysis

### UNIT IV

#### Economic Implications of Collective Bargaining

Wage policy  
Work discipline  
National income and profit

### UNIT V

#### Collective Bargaining and Political Processes

Problem of outsiders in the union  
Affiliation of unions to political parties  
Policies towards workers, participation in management - role of state.

### Reference Books

1. Gillian S. Morris and Timothy J. Archer, *Collective Labour Law* (2000), Oxford
2. Nick Humphrey, *Trade Union Law* (1997), Blackstone, London
3. John Bowers and Simon Hentyball, *Text book on Labour Law* (1998), Blackstone, London
4. Stephen Dery and Richard Mitchell, *Employment Relations Individualisation and Union Exclusion* (1999), Blackston, London.
5. Roger Blanpain, Chris Engels (Eds.), *Comparative Labour Law and Industrial Relations in Industrialised Market Economies* (1999) Kluver
6. Indian Law Institute, *Labour Law and Labour Relations*, (1987)
7. ILO, *Collective Bargaining in Industrialised Market Economies*
8. Mary Sur, *Collective Bargaining* (1965)
9. R.W. Rideout, *Principles of Labour Law*, Chs. 8,9 and 10 (1983)
10. Otto Kahn-Freund, *Labour and the Law*, (1977)
11. A.V. Rajagopalan, "Approaches to collective Bargaining - Intricacies" 1982 Vol. II Labour Law Notes P.J. 42



13. B.R. Patil, "Sectionalised Bargaining in Textile Industry in Coimbatore" 20 Indian Journal of Industrial Relations 44. (1985)
14. Elias T. Ramos, "Growth of Collective Bargaining in the Philippines, 1953-74", 14 Indian Journal of Industrial Relations 559 (1987)
15. T.O. Ekeehukwu, "Collective Bargaining and Process of Settling Industrial Disputes in Nigeria" 18 Indian Journal of Industrial Relations 607 (1983)
16. Y.R.K. Reddy, "Determination of collective Bargaining Agency Search for a Procedure" 14 Indian Journal of Industrial Relations 73 (1978)
17. SahabDayat "Revival of Collective Bargaining in India: Some Recent Evidence" 17 Indian Journal of Industrial Relations 329 (198)



RAIPUR

## LAW RELATING TO CIVIL SERVANTS

LLMLL303

External Marks: 70

Internal Marks: 30

### UNIT I

1. Civil Servants: Constitutional Dimensions
  - Civil servants and the fundamental rights - Historical and comparative perspectives
  - Equality and protective discrimination: principles and practices
  - Service Regulations - the constitutional bases - formulation of service rules - doctrine of pleasure.
  - Limitations on doctrine of pleasure
  - Action only be an authority not subordinate to the appointing authority
  - Opportunity of being heard and its exceptions

### UNIT II

2. Recruitment and Promotion
  - Central and state agencies for recruitment
  - Methods, qualification
  - 2.1 Conditions of Service
    - Pay, dearness allowance and bonus: machinery for fixation and revision, Pay Commission
    - Kinds of leave and conditions of eligibility
    - Social security: provident fund, superannuation and retiral benefits, Medicare, maternity benefits, employment of children of those dying in harness, compulsory insurance
    - Civil and criminal immunities for action in good faith
    - Comparative evaluation with private sector
    - Comparative evaluation between the state government employees and the central government employees.
    - Consultation with Public Service Commission

### UNIT III

- 3 Civil Service: Amalgam of Principles, Compromises and Conflicts
  - Neutrality - commitment dilemma, permanency, expertise and institutional decision making
  - Relaxation of age and qualification in recruitment, spoils system, seniority-cum merit recruitment and promotion.
  - Frequent transfers, education, of children, housing and accommodation
  - Civil service and politics, politicisation of government servants organisation and inter-union rivalry

### UNIT IV

- 4 Special Categories of Services
  - Judicial services: subordinate judiciary - judicial officers and servants: appointment and conditions of service
  - Officers and servants of the Supreme Court and the High Courts: recruitment, promotion, conditions of service and disciplinary action
  - All India services.objects, regulation of recruitment and conditions of service, disciplinary proceedings

### UNIT V

- 5 Settlement of Disputes over Service Matters
  - Departmental remedies: representation, review, revision and appeal : role of service organisations
  - Remedy before the Administrative Tribunal: jurisdiction, scope and procedure - merits and demerits -

exclusion of jurisdiction of courts

Judicial review of service matters -jurisdiction, of the Supreme Court and High Courts  
Comparative position in England, United States and France.

### Reference Books

1. ILI (by Justice M. Rama Jois), Services Under the State (1987)
2. N. Narayanan Nair, The Civil Servant under the Law and the Constitution (1973)
3. K. K. Goyal, Administrative Tribunals Act (1985)
4. Seervai, Constitutional Law of India
5. Arjun P. Aggarwal Freedom of Association in Public Employment", 14 JILI (1972)
6. C.K. Kochukoshy, "All India Services-Their Role and Future", 1972 I.J.P.A. 67
7. Douglas Vass, "The Public Service in modern Society", 1983 I.J.P.A. 970
8. Z.M.S. Siddiqi, "Sanctions for the breach of contracts of service," 25 J.1.L.I. 359 (1983)
9. O.P. Motilal, "Compulsory Retirement", 1975 I.J.P.A. 247
10. D.S. Chopra, "Doctrine of Pleasure-its scope implication and limitations", 1975 I.J.P.A.92
11. G. C. V. Subba Rao, "The O.N.G.C. Case and New Horizons in Public Services Law", 1975 S.C.J. 29



RAIPUR

**UNIT I**

1. Constitutional Perspectives on Wages

- Denial of minimum wage as forced labour
- Constitutionalisation of legal rights: elevation of legal rights to fundamental rights
- The constitutional ideals
- Right to work
- Right to living wage
- Right to equal pay for equal work
- Workers participation in management: impact on wage determination

**UNIT II**

2. Theories and Facets of Wages

- Theories of wages
- Wages, bonus and dearness allowance
- Basic wage
- Bonus as deferred wage or share of profits - eligibility
- Allowances and concessions
- House rent allowance
- City compensatory allowance
- Educational allowance
- Conveyance allowance
- Cash incentives: percentage on turn-over
- Medical allowance
- Leave travel concessions
- Free and subsidized food and products
- Leave encashment
- Overtime allowances
- Low wages and high perks as a camouflaging stratagem of defeating ceiling on wages

**UNIT III**

3. Wage Differentials: Rational Policy or Unjust Practice?

Equality, honoured or violated ?

Diminishing the differential: disincentive to initiative and productivity or elimination of irrational disparity in remuneration?

Inter-industry, intra-industry and regional factors

Private sector - public sector difference in wages - government servants

Capacity of industry and wage fixation

**UNIT IV**

4. Wages, Price and Tax

Increase of wages - impact on price

Increase in price - impact on wages

Tax - impact on price and wages

Taxation on goods and increase of prices

Taxation on wage income - a cut on real wages  
Wages and the consumer

## UNIT V

### 5. National Wage Policy: Problem and Perspectives

National wage policy  
Need for integrated approach: income, price and wage  
Problems of mixed economy  
Capital intensive sector  
Labour intensive sector  
Wages in Multi-national corporations: impact of globalisation

### 6. International Standardisation

Role of ILO: conventions and recommendations relating to wages

## Reference Books

1. O.P. Malhotra, Law of industrial Disputes (1999)
2. R.R. Singh, Labour Economics Chs. 6, 7, 8 and 9 (1971)
3. G.L- Kothari, Wages, Dearness Allowances and Bonus (1968)
4. Y.B. Singh, Industrial Labour in India Part I, (1960)
5. V.V. Giri, Labour Problem in Indian Industry Ch. 6 (1972)
6. Report of the National Commission on Labour 1969 (Relevant Portions)
7. International Labour Office, Wages (1968)



RAIPUR

## PERSONNEL MANAGEMENT AND INDUSTRIAL SOCIOLOGY

LLMLL401

External Marks: 70

Internal Marks: 30

UNIT-I Personnel Management: Precept, Principle & Practice:

- 1 Personnel Management: Meaning & Evaluation
- 2 Organizational Philosophy & Personnel Management
- 3 Personnel Function: Scope & Organization

UNIT-II Sociology of Indian Workers & Managers

- 1 Socio-Economic Background of Industrial Workers
- 2 Commitment, Mobility & Occupational Aspiration
- 3 Sociological Profiling of India Managers

UNIT-III Manpower Planning & Organization

- 1 Objective & Need of Manpower Planning
- 2 Manpower Planning Process
- 3 Organization Structure & Manpower Planning

UNIT-IV Selection, Training & Development

- 1 Selection Process & Method
- 2 Performance Appraisal & Internal Mobility
- 3 Wage & Salary Administration

UNIT-V Labour Welfare Planning & Organization

- 1 Voluntary & Statutory/Compulsory Welfare Measure
- 2 Role & Functions of Labour Welfare Officer
- 3 Workers **Problem**

R A I P U R

Dissertation shall be compulsory for each student. Topic of the dissertation shall be allotted by subject teacher. This paper contains 100 marks for script writing.

Each student shall also appear for Viva-Voce examination of 100 marks.

This will be held before a Board of three examiners of whom two will be external. The absence of one external examiner may, however, be condoned by the examiner if it is caused due to unavoidable circumstance, ordinarily, the subject teacher will be the Internal examiner.



**RAIPUR**

## **Specialization: Business and Corporate Law**



**RAIPUR**



**Paper I- Banking and Insurance**

**UNIT - I**

The Evaluation of Banking Services and its History in India

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

**UNIT – II**

Lending by Banks and Recent Trends of Banking System in India

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

**UNIT – III**

General Principles of Law of Insurance

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

**UNIT – IV**

Recent Trends in Insurance

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

**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).

**Selected Bibliography:**

1. Tannan, M.L., Tannan's Banking Law and Practice in India, 2008, Wadhwa and Co.
2. Tannan, M.L., Tannan's Banking Law and Practice in India, 2004, India Law House.
3. Tannan: Banking Law and Practice in India (in 3 vols.), 22nd Ed., R. Cambray & Co. Pvt. Ltd.

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



RAIPUR

**Paper II Corporate Law**

**Unit - I:**

**Corporate Incorporation and Management**

- (i) Certificate of Incorporation
  - (ii) Memorandum and Articles of Association
  - (iii) Doctrine of Ultra Vires
  - (iv) Doctrine of Indoor Management
- 2.
- (i) Directors: Appointment, Removal, Position, Powers and Duties of Directors.
  - (ii) Audit Committee: Its Role.
  - (iii) Company Secretary: Qualification, Appointment and Duties
  - (iv) Officer who is in default: Definition of Officer who is in default
  - (v) Liability of independent directors.
- 3.
- (i) Types of Meetings
  - (ii) Procedure of calling meeting
  - (iii) Company's resolutions and its kinds

**Unit –II**

**Oppression & Mismanagement and Investigation**

(Sections 397 to 408; Sections 235 to 251)

- 1.
- (i) Rule in Foss v. Harbottle
  - (ii) Prevention of Oppression
  - (iii) Prevention of Mismanagement
  - (iv) Role & Powers of the Company Law Board
  - (v) Role & Powers of Central Government
- 2.
- (i) Company Investigation

**Unit – III**

## **Corporate Liquidation**

1.

- (i). Winding up of Companies
- (ii). Mode of winding up of the companies
- (iii). Compulsory Winding up under the Order of the Tribunal
- (iv). Voluntary winding up
- (v). Contributories
- (vi). Payment of liabilities

(With effect from the Academic Session 2009- 2010)LL.M. Programme

### **Unit IV:**

#### **Corporate Governance and Social Responsibility**

1.

- (i) Importance of Corporate Governance
- (ii) Different system of Corporate Governance
- (iii) Impact of Legal Traditions and the Rule of Law on Corporate Governance
- (iv) Legal Reforms of Corporate Governance in India
- (v) Reports of the various Committees on Corporate Governance
- (vi) Emerging Trend based on the recommendation of the Committees in the Companies Act 1956 and the Listing Agreement with Special reference to Clause 49.

### **UNIT V.**

- (i) Corporate Social and Environmental Responsibility

#### **Selected Bibliography:**

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)

**Unit: I Introduction Origin and Genesis of I.P.R**

Theories of IPR - Locke's, Hegel and Marxian Ethical, moral and human rights perspectives of I.P.R

**Unit: II Intellectual Property Rights:**

International Relevance Internationalization of I.P protection –

**Unit: III Paris Convention, Berne Convention**

TRIPS Agreement - basic principles and minimum standards – Limits of one-size-Fit for all flexibilities under TRIPS

**Unit: IV Intellectual Property:** Issues and Challenges Copyright protection with reference to performer's rights and Artist rights, Global governance towards Patents Trade Marks: Legal recognition, Trade secrets: Comparative analysis in India, EU and USA

**Unit V. Intellectual Property:**

Contemporary Trends

- 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
  - UNESCO - protection of folklore/cultural expressions
  - 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

Suggestive 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

R A I P U R

**.Unit:I Introduction**

- a. Basic economic and legal principles
- b. Restraint of Trade under Indian Contract Act
- c. Monopolistic Trade Practices
- d. Restrictive Trade Practices

**Unit: II Development of law from MRTP**

- a. Aims, Objects and Salient features
- b. Comparison between MRTP Act and Competition Act
- c. Anti-Competitive Agreement

**Unit: III Competition Act, 2002**

- a ) Abuse of Dominant Position
- b) Combination
- c) Protection of consumers

**Unit: IV Competition Commission of India**

- a. Structure and function of CCI
- b. Regulatory role

**Unit: V Competition Appellate Tribunal**

- a. Composition, Functions, Powers and Procedure
- b. Award Compensation
- c. Power to punish for contempt
- d. Execution of orders Outcome:-They know Federal Government in India. Suggested

**Reading:**

1. Dr. R.K. Singh : Restriction Trade Practices and Public Interest
2. S.M. Dugar's MRTP Law, Competition Law and Consumer Protection
3. Taxmann's competition Law and Practice

**Unit: I Introduction**

- a) Workers Rights as Human Rights-Constitutional edifice and
- b) Reflections of I.L.O. standards in the Indian legal System.
- c) Concept of employment, non-employment,

**Unit: II Terms of employment and conditions of labour**

- a) Challenges and Issues
- b) Special Reference of labour management.
- c) Relations in 21st Century.

**Unit: III Social Security Labour Legislations**

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

**Unit: VI Transnational Trade and Labour**

- a) Impact of globalization on labour market-Indian,
- b) ILO vis-a-vis WTO
- c) Developing vis-a-vis developed States
- d) Resolution of Labour Management Disputes-Means and Mechanisms

**Unit: V Law and Policies of Protective Discrimination in Employment Laws**

- a) Social security safety and welfare at workplace
- b) Women, children, and differently-disabled.
- c) Compensation, Insurance with respect to
- d) Wrongful dismissal and employment hazards.

*. Suggested materials for reference:*

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

**Unit: I Fundamentals of Cyber Law**

Conceptual and theoretical perspective of cyber law.

Computer and Web Technology

Development of Cyber Law – National and International Perspective

**Unit: II Legal Issues and Challenges in India**

USA and EU Data Protection

Cyber Security

Legal recognition of Digital Evidence Recognition of liability in the digital world Jurisdiction Issues in Transnational Crimes

**Unit: III International Perspectives**

Budapest Convention on Cybercrime

ICANN's core principles and the domain names disputes

**Unit: IV Communication:**

Net neutrality and the E.U. Electronic communications regulatory framework Web Content Accessibility Guidelines (WCAG) 2.0

**Unit: V Contemporary Trends**

A) Impact of cyber warfare on privacy, identity theft. B) International law governing Censorship, online privacy, copyright regulations, C) Online Intermediaries in the governance of Internet D) Social Networking Sites vis-a-vis Human Rights

*Suggestive Readings:* 1. YatindraSingh : Cyber Laws. 2. Kamath Nandan : Law relating to Computer, Internet and E-Commerce.

R A I P U R



**CONTRACT LAW**

**Unit: I**

Introduction

Standard Form Contracts Nature

Advantages and unilateral character

**Unit: II**

Principles of protection against the possibility of exploitation

Exemption clauses

Law Commission of India's views

**Unit: III**

Government Contracts

Constitutional Provisions Performance of Government contracts

Tender procedure in public contracts

Statutory Contracts

**Unit: IV**

Quasi Contracts

Principle of unjust enrichment

Contract for Necessaries

Unit: V Provisions of Indian Contracts Act,

Quasi Contracts in English Law

***SUGGESTED READINGS***

1. AvtarSingh : Law of Contract.
2. Pollock and Mulla on the Indian Contract and Specific Relief Acts.
3. Dr. S. K. Kapoor – Contract of Law Ed. 2013, Pub. C.L.A.

Dissertation shall be compulsory for each student. Topic of the dissertation shall be allotted by subject teacher. This paper contains 100 marks for script writing.

Each student shall also appear for Viva-Voce examination of 100 marks.

This will be held before a Board of three examiners of whom two will be external. The absence of one external examiner may, however, be condoned by the examiner if it is caused due to unavoidable circumstance, ordinarily, the subject teacher will be the Internal examiner.



**RAIPUR**