

# **NEP and Learning Outcomes-Based Curriculum Framework (LOCF)**

For

Post Graduate Programme

**Master of Laws (LL.M)**

(To be effective from the Academic session 2022-23)



**Department of Law  
Gurugram University, Gurugram**

## **MASTER OF LAWS (LL.M.) PROGRAMME OVERVIEW**

Gurugram University, Gurugram offers two-year LL.M. Degree Programme for students committed to make career in law teaching. The University offers LL.M. (two year) programme with specializations in (i) Corporate Law (ii) Criminal Law (iii) International law. The program is designed to inculcate research skills and analytical abilities in students. In addition to classroom training imparted through innovative teaching methods, the LL. M. Program is focused on self-learning and research conducted by the students under the guidance of the faculty members

## **Programme Objectives (POs):**

The LL.M. Programme is aimed at:

- Enabling students to acquire relevant knowledge and skills appropriate to professional activities and demonstrate highest standards of ethical issues in legal research
- Apprising students of the international legal system including rule of law and administration of justice.
- Imparting professionally and socially relevant legal education.
- Sensitizing students towards the issues of access to justice of the deprived, marginalized and weaker sections of society.
- Producing internationally competent litigating lawyers, corporate lawyers, judges, judicial officers, legal officers, researchers, law reformers, law teachers, etc.
- Imparting skills of legal reasoning, problem solving, research, legal writing, oral and written communication, persuasion, leadership and teamwork.
- Inculcate critical thinking to carry out research objectively without being biased with pre conceived notion.

## **Programme Specific Outcomes (PSOs):**

At the end of the LL.M. course, the students will be able to:

- Conduct legal research.
- Understand, interpret, and apply law.
- Analyse and compare domestic and international laws.
- Acquire advanced knowledge in the specific chosen area of specialisation
- Analyze and differentiate facts and law.
- Solve problems by employing legal reasoning, research.
- Choose ethical practices in the profession of law and discharge their social responsibility.

# Scheme of Programme

## FIRST YEAR

### Semester 1

S. N. O.	COURSE CODE	COURSE TITLE	TEACHING SCHEDULE			IN T. M ARKS	EX T M ARKS TH EO RY	EX T M ARKS PR AC TI CAL	TOT AL MAR KS	C RE DI TS	DUR ATI ON OF EXA M
			L	T	P						
		<b>1<sup>st</sup> SEMESTER</b>									
		<b>Compulsory</b>									
1	LLM101	System of Governance	4	2	-	30	70	-	100	5	3h
		<b>Value Addition Course</b>									
2	LLM102	Research Methodology and Legal Writing	4	2	-	30	70	-	100	5	3h
		<b>Skill Enhancement course</b>									
3	LLM 103	Environmental Sciences-I	1	2	-	-	50	50	2		
		<b>Ability Enhancement course</b>									
4	LLM104	Professional Communication	-	4	-	50	-	-	50	2	-
		<b>Specialization : Corporate Law</b>									
5	LLM105	Law of Corporate Management and Governance	4	2	-	30	70	-	100	5	3h
6	LLM106	Corporate Taxation	4	2	-	30	70	-	100	5	3h
		<b>Specialization : Criminal Law</b>									
7	LLM107	General Principles of Criminal Law	4	2	-	30	70	-	100	5	3h
8	LLM108	Criminology and Criminal Justice Administration	4	2	-	30	70	-	100	5	3h
		<b>Specialization : International Law</b>									
9	LLM109	International Environmental Law	4	2	-	30	70	-	100	5	3h
10	LLM110	International Organization	4	2	-	30	70	-	100	5	3h

Note: Credits required by each student to successfully complete 1st semester = 24

## Semester 2

		<b>2<sup>nd</sup> SEMESTER</b>									
		<b>Compulsory</b>									
11	LLM111	Law and Justice in a Globalizing world	4	2	-	30	70	-	100	5	3h
		<b>Value Addition Course</b>									
12	LLM112	Law and Social Transformation in Ind	4	2	-	30	70	-	100	5	3h
		<b>Skill Enhancement course</b>									
13	LLM 113	Presentation skills & Presentation Development	1	2	-	-	50	50	2	-	
		<b>Ability Enhancement course</b>									
14	LLM114	Environmental Science-II	2	-	-	15	35	-	50	2	h 30r
		<b>Specialization : Corporate Law</b>									
15	LLM115	Law of Corporate Finance and Securities Regulations	4	2	-	30	70	-	100	5	3h
16	LLM116	Competition Law	4	2	-	30	70	-	100	5	3h
		<b>Specialization : Criminal Law</b>									
17	LLM117	Victimology	4	2	-	30	70	-	100	5	3h
18	LLM118	Criminal Justice system and human rights	4	2	-	30	70	-	100	5	3h
		<b>Specialization : International Law</b>									
19	LLM119	International Human Rights Law	4	2	-	30	70	-	100	5	3h
20	LLM120	Law of the Sea	4	2	-	30	70	-	100	5	3h

**Note:** After successfully completing 1st year, Diploma in Corporate Law, Criminal Law or International Law will be awarded to the students according to the specialization opted by them.

- Credits required by each student to successfully complete 1st semester = 24

## Semester 3

		<b>3<sup>rd</sup> SEMESTER</b>									
		<b>Compulsory</b>									
		<b>Specialization : Corporate Law</b>									
21	LLM121	Law of Export Import Regulations	4	2	-	30	70	-	100	5	3h
22	LLM122	Insolvency and Bankruptcy Law	4	2	-	30	70	-	100	5	3h
		<b>Discipline Specific Elective*</b>									
23	LLM123/ LLM124	Banking and Insurance Law OR Consumer Protection Law	4	2	-	30	70	-	100	5	3h
24	LLM125/ LLM126	Money Laundering and White Collar Crimes OR International Trade Law	4	2	-	30	70	-	100	5	3h
		<b>Specialization : Criminal Law</b>									
25	LLM127	Sentence and Sentencing	4	2	-	30	70	-	100	5	3h
26	LLM128	Socio Economic Offences	4	2	-	30	70	-	100	5	3h
		<b>Discipline Specific Elective*</b>									
27	LLM129/ LLM130	International Criminal Law OR Juvenile Justice and Child Protection	4	2	-	30	70	-	100	5	3h
28	LLM131/ LLM125	Cyber Crime & Cyber Security OR Money Laundering and White Collar Crimes	4	2	-	30	70	-	100	5	3h
		<b>Specialization : International Law</b>									
29	LLM132	Conflict of laws	4	2	-	30	70	-	100	5	3h
30	LLM133	International Dispute Settlement	4	2	-	30	70	-	100	5	3h
		<b>Discipline Specific Elective*</b>									
31	LLM129/ LLM126	International Criminal Law OR International Trade Law	4	2	-	30	70	-	100	5	3h
32	LLM134/ LLM135	Refugee Law OR Air and Space Law	4	2	-	30	70	-	100	5	3h

**Note:** Student's need to pick one course from the two internal choices available for each of the two Discipline Specific Elective(DSC) subjects.

- Credits required by each student to successfully complete 1st semester = 20

## Semester 4

		<b>4<sup>th</sup> SEMESTER</b>									
33	LLMD	Dissertation	-	-	-	140	-	60	200	10	-

**LL.M 2 YEAR COURSE**  
**Semester- I**

<b>Name of the Course</b>	System of Governance	<b>Course Code</b>	LLM101
<b>Hours/Week</b>	5	<b>Credits</b>	5
<b>Max. Marks.</b>	70	<b>Time</b>	3 Hours

Note: Attempt five questions from sections 1 to 5, selecting at least one question from each section. These questions shall carry 14 marks each.

**Course Outcome:-**

- Student will be able to understand the nature to Indian politics.
- Students will be able to understand the Indian constitution and fundamental rights and duties.
- Students get knowledge of political communication, socialization and elites.
- Students will be able to identify political system and comparative political approach.

**Course Objectives:-**

This paper intends to provide a comparative analysis about the structure of government and governance to have better understanding of the Indian democratic system.

**Unit - I: Introduction**

- a. Meaning and Concept of Governance
- b. Types of Governance : Democracy, dictatorship, monarchy, communalism, oligarchy
- c. Constitutional Governance: Democracy, Rule of Law and Separation of Powers

**Unit - II: Federalism as a Pattern of Governance**

- a. Nature and Principles of Federal Governance : Classical and Modern
- b. Comparative Analysis of American, Canadian and Indian Systems
- c. Corporative Federalism in India: Legislative, Administrative and Financial Relations between Union and States.

**Unit - III: Judicial process and its role in Governance**

- a. Concept and Practice of Judicial Review in India and USA

- b. Judicial Accountability, Administrative and Parliamentary Ethics
- c. Role of Judiciary in Promoting Governance: Human Rights, Criminal Justice System, Environment, Public Health etc.
- d. Judicial Governance in India

#### **Unit-IV: Emerging Trends and Challenges to Governance**

- a. Challenges to Governance: Corruption, Criminalization, Caste, Poverty, Terrorism etc.
- b. Concept of Public- Private Partnership
- c. Principles of compensatory discrimination, Religious and Linguistic Minorities
- d. Role of Media in Governance
- e. E- Governance

#### **Text Books:**

1. Joseph Minattur, *Indian Legal System*, ILI Publication, 2006( 2<sup>nd</sup> Revised Edn)
2. Allot, A.N. "African Law", in J.D. M. Derret, Ed., *An Introduction to Legal Systems* (London: Sweet & Maxwell, 1968), 131.
3. ASEAN Law Association, *ASEAN Legal Systems* (Hong Kong/Malaysia/Singapore: Butterworths, 1995).
4. Basu, D. D., *Comparative Federalism*, New Delhi: Prentice-Hall, 1987.
5. Baxi, U., "The Colonial Heritage", in Legrand, P. and Munday, R., eds., *Comparative Legal Studies: Traditions and Transitions* (Cambridge University Press, 2003), 46.

#### **References:**

1. C. H. Mell Wain, *Constitutionalism: Ancient and Modern*. (1947).
2. A. V. Dicey, *Introduction to the Study of Law of the Constitution*. (1982) Edition.
3. Lary Alexander (ed). *Constitutionalism: Philosophical Foundations*. Cambridge. (1998)
4. M. P. Singh ' *Constitution of India*. 11<sup>th</sup> Ed. 2008, Eastern Book Co.
5. K. C. Wheare. *Federal Government*. Ch. 1 & 2, 4<sup>th</sup> Edition 1963.
6. M. P. Singh. *Federalism, Democracy and Human Rights*. 47 J.I.L.I. 47 (2005).

7. Parmanand Singh '*Social Rights and Good Governance* In C. Raj Kumar and D. K. Srivastava (ed.) *Human rights and Development: Law, Policy and Governance* Ch.24 pp.437-54. Lexis Nexis. Hong Kong. (2006).
8. Parmanand Singh '*Hunger Amidst Plenty: Reflections on Law, Poverty and Governance*. 48, J.I.L.I. PP 57-77. (2006).
9. Virendra Kumar. *Dynamics of Reservation Policy: Towards a More Inclusive Social Order*, 50, J.I.L.I. PP 478-517. (2007).
10. Virendra Kumar, *Minorities' Rights to Run Educational Institutions: T. M. A. Pai Foundation in Perspective*. 45, J.I.L.I. PP 200-238. (2003).
11. Parmanand Singh '*Equality and Compensatory Discrimination: The Indian Experience*, In Choklingam and C. Raj Kumar (ed) *Human rights, Criminal Justice and Constitutional Empowerment*, Chapter 7, Oxford, Delhi. (2006).
12. Parmanand Singh. *Protecting the Rights of the Disadvantaged Groups Through Public Interest Litigation*, in M. P. Singh et al (ed), *Human Rights and Basic Needs: Theory and Practice*, Universal Law Publishing Company, New Delhi, PP 305-329. (2008).
13. Balakrishnan, K. G. '*Judiciary in India: Problems and Prospects*. 50, J.I.L.I. PP 461-467 (2008).

<b>Name of the Course</b>	<b>Research Methodology and Legal Writing</b>	<b>Course Code</b>	LMVAC1
<b>Hours/Week</b>	5	<b>Credits</b>	5
<b>Max. Marks.</b>	70	<b>Time</b>	3 Hours
<b>Note:</b> Attempt five questions from sections 1 to 5, selecting at least one question from each section. The questions shall carry 14 marks each.			

### **Course Outcome**

- Recognize primary and secondary sources of legal research material.
- Use and apply secondary sources, case law and legislation using both paper based and online resources to a research problem.
- Develop correct research strategies to critically evaluate the relevance, quality, authority and currency of the research materials.
- Demonstrate good legal writing skills, including an understanding of the use and preparation of legal research material in legal writing and the correct methods of legal referencing

### **Course Objective**

- Demonstrate the ability to choose methods appropriate to research aims and objectives.
- Understand the limitations of particular research methods.
- Develop skills in qualitative and quantitative data analysis and presentation. Develop advanced critical thinking skills.

### **Unit – I: Precepts**

- a. Nature, Scope and Objectives of Legal Research and Methodology
- b. Methods of Legal Research
- c. Collaborative Research
- d. Doctrinal and Non-Doctrinal

## **Unit - II: Research Designs**

- a. Identification and Formulation of Research Problem
- b. Hypothesis and Research Design (Characteristics and contents)
- c. Database for Legal Research: Legislations, Judicial Decisions, Juristic Writings and Traditional and Online Databases

## **Unit - III: Research Techniques**

- a. Methodology: Tool and Techniques for collection of data, collection of case materials and juristic literature, use of historical and comparative research material and use of questionnaire and interview.
- b. Census and Survey
- c. Sampling: Types, Merits and Demerits
- d. Observation
- e. Interview, Questionnaire

## **Unit – IV: Data Processing Report Writing**

- a. Data Analysis and Interpretation
- b. Report Writing
- c. Supervision
- d. Guidelines for researchers
- e. Research Ethics

### **Text Books:**

1. S.K. Verma and M. Afzal Wani (Eds.) *Legal Research and Methodology*, Indian Law Institute (2001) 2<sup>nd</sup> Edition.
2. Goode and Hatt, '*Methods in Social Research*', Singapore, Mc. Graw Hill Book Co., 1985 (reprint).

**References:**

1. Baxi, Upendra, '*Socio-Legal Research in India – A Program Schriff*', ICSSR, Occasional Monograph, 1975.
2. Cohen, Morris L., '*Legal Research*', Minnesota, West Publishing Co. 1985.
3. Ghosh, B.N., '*Scientific Method and Social Research*', New Delhi, Sterling Publishers Pvt. Ltd., 1984.
4. Johari J.C. (ed), '*Introduction to the Method of Social Sciences*', New Delhi, Sterling Publishers Pvt. Ltd. 1988.
5. Kothari C.K., '*Research Methodology: Method and Techniques*', New Delhi, Wiley Eastern Ltd., 1980.
6. Stone, Julius, '*Legal System and Lawyer's Reasoning*', Sydney, Maitland Publications, 1968.

<b>Name of the Subject</b>	Professional Communication	<b>Course Code</b>	LMAEC1
<b>Hours/Week</b>	4	<b>Credits</b>	2
<b>Max. Marks.</b>	50	<b>Time</b>	1.30 Hours
<p><b>Note:</b> The evaluation of students will be conducted on the basis of various practical assignments given to them including group discussions, moot courts, interviews, presentations etc.</p>			
<p><b>Course Objectives:</b></p> <ol style="list-style-type: none"> <li>1. This subject will help the students to develop good communication skills indispensable for corporate world.</li> <li>2. The subject will help them to understand and apply argumentation, persuasion, and rhetorical skills in a legal framework.</li> <li>3. The subject will prepare the students to face the world with confidence.</li> <li>4. Students will be prepared to excel in debates, courtroom proceedings, interview skills etc.</li> </ol>			
<p><b>Course Outcomes:</b></p> <p><b>On successful completion of this course a student will be able to</b></p> <ol style="list-style-type: none"> <li>1. Demonstrate an understanding of good communication skills in all the aspects of life.</li> <li>2. Excel in argumentation, persuasion and in various other communication skills.</li> <li>3. Develop confidence in public speaking and professional communications.</li> <li>4. Enhance their personality and overall grooming as a professional.</li> </ol>			

**Syllabus**

Importance of Communication Skills in legal profession,

Types of communications: Verbal, Non-verbal and paralinguistic,

Barriers to communication.

Development of professional communication skills with various techniques including moot courts, interviews, presentations, research papers, group discussions etc.

**References:.**

- Butterfields Jeff Soft Skills for Everyone, Cengage Learning: New Delhi,2013
- E. Suresh Kumar et. Communication for Professional Success, Orient Blackswan, Hyderabad,2015
- S. Hariharanetal, Soft Skills, MPJ Publishers, Chennai, 2010
- R.N. Chaturvedi; Drafting, Pleading and Conveyance; Central Law Agency, 2018
- D.S.Paul, Manpreet Kaur; Interview Skills; Goodwill 2<sup>nd</sup> Edition, 2019
- Sheetal Desarda; Master the Group Discussion and Personal Interview; Notion Press, 2015

## **Paper-IX**

**Paper Code: - LLM115**

**Subject: Law of Corporate Management and Governance**

### **Learning Objectives:**

1. To enable students to understand the regulatory framework governing the corporate sector.
2. To develop an idea about corporate governance and the legal framework that operates in the field
3. To analyse the importance, role and functions of the different kinds of directors
4. To enable the students to acquire understanding on the legal foundation on new changes in New company Law
5. To give an opportunity to the students to explore the nuances of the legalities in the area corporate social responsibility and help them to develop legal knowledge in this field.

### **Learning Outcomes:**

After successful completion of the course, the students will be able to:

1. Critically evaluate the existing legal framework relating to company and regulatory framework of companies in accordance with the Companies Act, 2013 including the Companies (Amendment) Act, 2017.
2. To exhibit critical and analytical understanding about the current policy trends and developments in Company Law in India, UK and USA and of the likely impact of these trends and developments on the major topics in Company Law.
3. Acquire knowledge about the legality of corporate governance issues
4. Describe the theoretical assumptions that underlie the way companies are regulated in India and the way changes to those assumptions might result in law reform.
5. Identify and articulate complex legal issues that arise in business practice and demonstrate advanced analysis of statutory provisions and case-law; sophisticated legal reasoning; and well-developed skills in creative thinking to generate appropriate legal and practical responses to those issues.

### **NOTE FOR EXAMINER/PAPER SETTER**

The question paper of each course will be divided into two sections A & B, Section A consists of Eight Small answer type questions (without internal choice) carrying 3 marks each covering the entire syllabus. This section as such will be compulsory. Section-B shall again consist eight questions

carrying 14 marks each covering the entire syllabus. However, the candidate shall be required to attempt any four questions from this section.

### **NOTE FOR STUDENTS**

Attempt all questions in Section A and Four Questions from Section B. Each Question in Section A carries 3 marks and each question in Section B carries 14 marks.

### **Unit - I: Corporate Incorporation and Management**

#### **1.**

- (i) Certificate of Incorporation
- (ii) Memorandum and Articles of Association
- (iii) Doctrine of Ultra Vires
- (iv) Doctrine of Indoor Management

#### **2.**

- (i) Directors: Appointment, Removal, Position, Powers and Duties of Directors.
- (ii) Audit Committee: Its Role.
- (i) Company Secretary: Qualification, Appointment and Duties
- (ii) Officer who is in default: Definition of Officer who is in default
- (iii) Liability of independent directors.

#### **3.**

- (i) Types of Meetings
- (ii) Procedure of calling meeting
- (iii) Company's resolutions and its kinds

### **Unit -2 : Oppression & Mismanagement and Investigation**

**(Sections 397 to 408; Sections 235 to 251)**

#### **1.**

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

- 2.
- (i) Company Investigation

### **Unit – 3: Corporate Liquidation**

1.
  1. Winding up of Companies
  - ii. Mode of winding up of the companies
  - iii. Compulsory Winding up under the Order of the Tribunal
  - iv. Voluntary winding up
  - v. Contributories
  - vi. Payment of liabilities

### **Unit -4 : Corporate Governance and Social Responsibility**

1.
  1. 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
  5. Reports of the various Committees on Corporate Governance
  - (vi) Emerging Trend based on the recommendation of the Committees in the Companies Act 1956 and the Listing Agreement with Special reference to Clause 49.
2. (i) Corporate Social and Environmental Responsibility

### **Text Books:**

- a. Saleem Sheikh & William Rees, *Corporate Governance & Corporate Control*, Cavendish Publishing Ltd., 1995
- b. Taxmann, *Companies Act 2013*
- c. Taxmann, *A Comparative Study of Companies Act 2013 and Companies Act 1956*

### **References:**

- a. Charles Wild & Stuart Weinstein Smith and Keenan, *Company Law*, Pearson Longman, 2009

- b. Institute of Company Secretaries of India, *Companies Act 2013*, CCH Wolter Kluwer Business, 2013
- c. Lexis Nexis, *Corporate Laws 2013* (Palmtop Edition)
- d. C.A. Kamal Garg, *Bharat's Corporate and Allied Laws*, 2013.

**Subject: Corporate Taxation****Paper Code: LLM103****Paper – III**

Prescribed Legislation: The Income Tax Act, 196, CGST Act, 2017, IGST Act, 2017, State GST Act, Custom Act, 1962

**Prescribed Readings:**

1. Kamal Bansal, Goods and Service tax (Latest edition)
2. V.S. Dattey, Indirect Taxes (Latest edition)
3. Vinod Singhania and Monica Singhania, Student Guide to Income Tax including GST.

**Learning Objectives**

The objective of this course is to understand and analyse the concept, growth and development of Tax System in India and international tax policies. It is also necessary to understand the way of evolution and change in policies related to direct and indirect taxation in India. Further, a critical analysis of policies adopted by OECD and its impact on few developing countries (the key partners of OECD) including India needs to be undertaken. The third, fourth and fifth head of this course is designed to study and analyse critically the development of direct and indirect taxation in India respectively. Simultaneously, the annual budget of India is also to be discussed and analysed to understand the shifts in policies and reforms related to direct and indirect taxation. It will also help in understanding the grey areas and future concerns in taxation.

**Learning Outcomes**

- (1) Students would be able to understand the concept and basis of taxation.
- (2) Students at the end of the semester would be able to know how global economic policies affect our tax policies and economy.
- (3) Students would know the advantages of comparative study and develop research oriented understanding of tax policies.
- (4) Students would be sensitized towards the importance of taxation.

**NOTE FOR EXAMINER/PAPER SETTER**

The question paper of each course will be divided into two sections A & B, Section A consists of Eight Small answer type questions (without internal choice) carrying 3 marks each covering the entire syllabus. This section as such will be compulsory. Section-B shall again consist eight questions carrying 14 marks each covering the entire syllabus. However, the candidate shall be required to attempt any four questions from this section.

### **NOTE FOR STUDENTS**

Attempt all questions in Section A and Four Questions from Section B. Each Question in Section A carries 3 marks and each question in Section B carries 14 marks.

### **Unit1: Direct Taxes**

- a. Direct Taxes at a Glance : Background of Taxation system in India; Vital Statistics; Layout; Administration.
- b. Basic concepts of Income Tax : An overview of Finance Bill, ; Important definitions under Income Tax Act, 1961; Distinction between Capital and Revenue Receipts and Expenditure; Residential Status & Basis of Charge; Scope of Total Income; Tax Rates.
- c. Exempted Income:-Incomes not included in Total Income; Tax holidays.
- d. Computation of Income under Various Heads : Income from Salary; Income from House Property; Profit and Gains of Business or Profession; Capital Gains; Income from Other Sources.
- e. Clubbing provisions and Set Off and / or Carry Forward of Losses Deductions from Gross Total Income & Rebate and Relief
- f. Classification and Tax Incidence on Companies : Computation of taxable income and tax liability of Company; Dividend Distribution Tax; Minimum Alternate Tax 'MAT'; Other Special Provisions Relating to Companies; Equalization Levy.

### **Unit 2: Goods and Service Tax**

- a. Concept of Indirect Taxes at a glance : Background; Constitutional powers of taxation; Indirect taxes in India – An overview; Pre-GST tax structure and deficiencies; Administration of Indirect Taxation in India; Existing tax structure.
- b. Basics concept and overview of GST; Constitutional Framework of GST; GST Model – CGST / IGST / SGST / UTGST; Taxable Event; Concept of supply including

composite and mixed supply; Levy and collection of CGST and IGST; Composition scheme & Reverse Charge; Exemptions under GST.

- c. Concept of Time, Value & Place of Taxable Supply
- d. Input Tax Credit & Computation of GST Liability- Overview

### **Unit 3: Procedural compliance of GST:**

- a. Registration;
- b. Tax Invoice,
- c. Debit & Credit Note,
- d. Account and Record,
- e. Electronic way Bill;
- f. Return, Payment of Tax,
- g. Refund Procedures;
- h. Audit.

### **Unit 4: Custom**

- a. Overview of Customs Law;
- b. Levy and collection of customs duties;
- c. Types of Custom duties; Classification and valuation of import and export goods;
- d. Exemption;
- e. Officers of customs;
- f. Administration of Customs Law; Import and Export Procedures;
- g. Transportation, and Warehouse

#### **Text Books:**

1. Vinod Singhania & Kapil Singhania, *Direct Taxes Law and Practice*, Taxmann, 2014
2. Chaturvedi & Pithisaria, *Income Tax Act with Relevant Tax Allied Acts*, Lexis Nexis, 2013
3. Dr. Monica Singhania & Dr Vinod Singhania, *Students guide to Indirect Tax Laws*, Taxmann, 2014
4. V.S. Datey, *Elements of Indirect Taxes*, Taxmann, 5<sup>th</sup> Edition., 2014

References:

1. B.B. Lal, *Income Tax*, Pearson, 2010
2. *Taxmann's Income Tax Act as Amended by Finance Act*, 2014
3. Vineet Sodhani, *Indirect Tax Laws*, Taxmann, 2014
4. S.S. Gupta, *Service Tax: How to Meet your Obligation*, Taxmann, 2014
5. R Krishnan & R Parthasarthy, *Valuation under Central Excise & Service Tax*, Commercial Law Publishers Pvt. Ltd, 2013.

V.S. Datey, *Custom Law and Practice and Procedure*, Taxmann, 12<sup>th</sup>Edn., 2014

Name of Program	LLM	Program Code	
-----------------	-----	--------------	--

Name of Course	General Principles of Criminal law	Course Code	
Hours/Week			
Max. Marks	80	Time	3 Hours

**NOTE FOR EXAMINER/PAPER SETTER**

The question paper of each course will be divided into two sections A & B, Section A consists of Eight Small answer type questions (without internal choice) carrying 3 marks each covering the entire syllabus. This section as such will be compulsory. Section-B shall again consist eight questions carrying 14 marks each covering the entire syllabus. However, the candidate shall be required to attempt any four questions from this section.

**NOTE FOR STUDENTS**

Attempt five questions from sections 1 to 5, selecting at least one question from each section. These questions shall carry 14 marks each.

**Course Objectives:**

- To introduce the origin, nature and development of Crime.
- To introduce various essential elements of Criminal Liability and stages of Crime.
- To introduce the concept of Punishment along with various theories.

## **Course Outcomes:**

Students will be able to

- Have an understanding of various categories of Crime and elements of criminal liability
- Demonstrate an understanding of case analysis.
- Identify the Stages in Commission of Crime.
- Demonstrate an understanding of theories of Punishment.

## UNIT-I

1. Origin and Development of Crime: Nature of Crime-Definition of Crime-Traditional and Modern Approach to Crime-Defining Criminal Conduct in Contemporary Society-Consensus and Conflict Perspectives in Crime, Fundamental Elements of Crime: Human Being- *Mens Rea-Actus Reus*-Injury to Third Party; Causation in Crime-Morality and Criminal Law
2. Historical Development of Indian Penal Code: Extent and Operation of the Penal Code-Significant Reform Areas and Trends

## UNIT-2

1. Stages in Commission of Crime: Intention-Preparation-Attempt-Commission of Crime; Complicit Criminality and Inchoate Crimes: Abetment-Conspiracy-Group or Joint Liability
2. State of Mind in Crime: Intention-Negligence-Recklessness; Presumption of Culpable Mental State in Fixing Criminal Responsibility-Strict Liability in Crime: Exclusion of *Mens rea* in Public Welfare Offences

### UNIT-3

- Punishment: Theories of Punishment-Retribution-Utilitarian Prevention- Deterrence-Behavioral Prevention-Incapacitation-Rehabilitation; Classical Hindu and Islamic Approaches to Punishment; Individualization of Sentence: Judicial Discretion in Awarding Sentence-Sentence Hearing-Minimum Mandatory Punishment
- Capital Punishment: Rationale-Constitutional Validity-Judicial Law Making-Rarest of Rare Cases; Kinds of Punishment: Imprisonment-Life Imprisonment-Simple-Rigorous-Solitary Confinement; Forfeiture of Property-Fine

### UNIT-4

- General Exceptions: Position under English law and IPC-Excusable Defence-Justifiable Defence-Provocation as a Mitigating Factor in Criminal Liability
- Principles of Exculpation: Defence of Mistake-Defence of Insanity and Intoxication Defence of Necessity and Bonafide Action-Private Defence: Right of Private Defence of Body-Right of Private Defence of Property

### **SUGGESTED BOOKS:**

1. KirpalSingh Chhabra: *Quantum of Punishment in Criminal Law in India*, Panjab University, Chandigarh.
2. Kishore Prasad: *Problems and Solutions on Criminal Law*, Universal Law Publishing, Delhi.
3. K.S. N. Murthy & K. V. S. Sarma: *KSN Murthy's Criminal Law (Indian PenalCode)*, LexisNexis India, Gurgaon.
4. M. J. Allan: *Cases and Materials on Criminal Law*, Sweet and Maxwell, London
5. M. T. Molan: *Criminal Law*, Old Bailey, London.
6. P. S. A. Pillai: *Criminal Law- Incorporating the Criminal Law (Amendment) Act, 2013*, LexisNexis India, Gurgaon.
7. R. A. Nelson: *Indian Penal Code*, LexisNexis India, Gurgaon.
8. S. N. Misra: *Indian Penal Code (As amended by Criminal Law (Amendment) Act,2013)*, Central Law Publications, Allahabad

Name of Program	LLM	Program Code	
Name of Course	Criminology and Criminal Justice Administration	Course Code	LLM 106
Hours/Week			
Max. Marks	80	Time	3 Hours

**NOTE FOR EXAMINER/PAPER SETTER**

The question paper of each course will be divided into two sections A & B, Section A consists of Eight Small answer type questions (without internal choice) carrying 3 marks each covering the entire syllabus. This section as such will be compulsory. Section-B shall again consist eight questions carrying 14 marks each covering the entire syllabus. However, the candidate shall be required to attempt any four questions from this section.

**NOTE FOR STUDENTS**

Attempt five questions from sections 1 to 5, selecting at least one question from each section. These questions shall carry 14 marks each.

**Objectives:**

- To make learner understand the jurisprudential basis of crime, criminal justice system and administration in India.
- To impart student with the knowledge of different perspective and theories on Crime and Punishment.
- To enable students to acquire an understanding on correctional system and alternatives to imprisonment within the realm of criminal justice administration.

**Outcome:**

Students will able to

- Understand the jurisprudential basis of crime, criminal law and criminal justice system.
- Explain any given Crime problem with the help of different theoretical perspectives and schools of criminology.
- Would able to critically analyse the penological choices.

**Unit-1****Introducing Criminology**

1. Origin, nature and scope of Criminology.
  2. Concept of Social Deviance.
  3. Theories of Social Deviance.
  4. Socio-economic perspectives in Crime & its Causation.
- 1.5 Schools of Thought: Classical School, Positive School, Sociological School of Criminology, Modern Criminology.

**Unit-2****Theories of crime causation**

- 2.1 Biological Theories of Crime.
- 2.2 Psychological Theories of Crime.
- 2.3 Sociological theories of Crime.
- 2.4 Economic theory.
- 2.5 White Collar Crimes, Organized crimes and Hate Crimes

### **Unit-3**

#### **Locating theories of Criminology in Administration of Criminal justice**

- 1. Philosophies of Punishment.
- 2. Objectives of Different Types of Punishment.
- 3.3 Fair Trial: Investigation of Trail
- 3.4 Institutional Victimization: Causes and Reflections.
- 3.5 Plea Bargaining : A Balancing approach in Sentencing

### **Unit-4**

#### **New policy paradigm in Criminal justice administration**

- 4.1 Police and Prosecutorial System.
  - 1. Idea behind procedural reforms in Criminal Trail.
  - 2. Role of Victim in Criminal Justice Administration.
  - 3. Juvenile Delinquency.
  - 4. Correctional Administration

**BOOKS RECCOMENDED:**

1. C. Lemert (ed.), Social Theory: the Multicultural Readings, Westview press, (1993).
2. Donald R. Taft, Criminology, 2<sup>nd</sup> Edt, Macmilan, New York
3. E. Durkheim, The Division of Labour in Society, The free Press, New York (1933)
4. E. Hootan, Crime and the Man. Cambridge (1939)
5. Edwin Hardin Sutherland; Donald R Cressey, Criminology, Philadelphia, Lippincott (1974)
6. Gabriel Trade, Penal Philosophy, Translated by R. Howell, Little Brown and Company, Boston (1912)
7. George B. Bold et al, Theoretical Criminology, 4<sup>th</sup> Edt. (1998), Oxford University, Press.
8. L. Siegel, Criminology 9<sup>th</sup> Edt. Thomson Wadsworth, (2006)

**International Environment Law**

<b>Name of the Program</b>	LL.M	<b>Program Code</b>	
<b>Name of the Course</b>	International Environment Law	<b>Course Code</b>	
<b>Hours/Week</b>	5	<b>Credits</b>	5
<b>Max. Marks.</b>	80	<b>Time</b>	3 Hours

**Note:** Attempt five questions from sections 1 to 5, selecting at least one question from each section. questions shall carry 14 marks each.

**Course Outcomes:**

- Learning about the significance of developments in international environmental law and the fundamental principles that have emerged.
- Exposition about the human right to environment and constitutional framework governing environment in select countries, including India.
- Comprehending the statutory and regulatory mechanisms pertaining to environment in India.
- Understanding judicial response to environmental issues in India.
- Knowing about importance of public participation through Right to information, Public Interest Litigation and other remedie in preserving and protecting environment.
- Studying the role of international/ national environmental institutions, NGOs, civil society and community involvement in promoting the cause of environment.
- Understanding the emerging environmental issues as ozone depletion, climate change, energy crisis, nuclear issues, waste accumulation, marine ecology etc.and the viability of posited solutions.

**Course Objectives:**

- This course aims to acquaint the students with the principles and rule governing theInternational Environmental Law.
- It further signifies the role of the concept of sustainable development towards the growth and promotion of environmental law.
- It aims to enhance the analytical skills of students to review the efficacy of various international instruments to resolve the environmental issues

Unit -I

1. Evolution and Development of International Environmental Law,
2. U.N. Conference on Human Environment 1972
3. World Charter for Nature
4. Rio Declaration ,1992 , Agenda 21
5. Johnsburg Declaraton,2002
6. Rio+20 United Nations Conference on Sustainable development

#### Unit -II

1. Principle of Sustainable development, Development v. Environment ,
2. Inter generational and Intra generational equity
3. Polluter pay principle, Precautionary principle
4. Principle of common but differentiated responsibility
5. Public Trust Doctrine

#### Unit -III

1. Montreal Protocol,
2. United Nations Framework Convention on Climate Change 1992,
3. Kyoto Protocol , 1997
4. Paris Agreement,2015

#### Unit -IV

1. Convention on Biological Diversity,1992, Bonn Guidelines
2. Cartagena Protocol on Biosafety,2000,
3. Nagoya Protocol on Access and Benefit sharing, 2014,
4. Traditional Knowledge and conservation of Biodiversity

#### Suggested Readings:

1. Phillippe sands and Jacqueline Peel, “Principles of International Environmental Law”, (4<sup>th</sup> ed., 2018)
2. P.leelakrishnan, Environmental Law case book( 2<sup>nd</sup> ed. 2010)

3. The World Commission on Environment and development, Our common future,1987
4. Daniel Bodansky, “International Climate Change Law”( Oxford University Press,2017)

## **LL.M 2 Years Course**

### **Semester. II**

### **Compulsory Subject**

**Name of the Subject: Law and Justice in a Globalizing World**

**Course Code: LLM111**

**Hours/week: 5**

**Credits: 5**

**Max. Marks: 70**

**Time: 3 hours**

**Note:** Attempt four questions from sections 1 to 4, selecting at least one question from each section. These questions shall carry 14 marks each. Section 5 of the question paper shall contain 10 short questions covering the entire syllabus. Students need to attempt any 7 questions out of these 10 questions. Each question of section 5 shall carry 2 marks.

### **Course Objective:**

This paper intends to provide an insight of the globalization and the way it has changed the mechanism of justice and justice delivery system under international legal regime.

### **Course Outcome:**

- Students will be able to understand the process of globalisation
- Students will be able to analyse mechanism of justice under international legal regime
- Students will develop an understanding of CSR and ombudsman

### **Unit-I: Justice in Globalising World: Existing Scenario**

- a. Globalisation as a Process
- b. Existing Scenarios and Issues: Economic, Social, Political
- c. Rethinking the Idea of Just World Order

### **Unit-2: Mechanism of Justice under International Legal Regime**

- a. United Nations' Institutional Mechanism
- b. Responsibility of Nation States
- c. Challenges and the Way Forward

### **Unit-3: Globalisation and National Justice Delivery System**

- a. Avoidance of National Jurisdictions
- b. Intervention of International Human Rights Regime
- c. Third World's Perspectives to Globalisation

#### **Unit-4: Emerging Initiatives for Justice**

- a. MNCs and CSRs.
- b. Other New Initiatives
- c. Global Ombudsman
- d. Protection of Faiths and Culture

#### **Text Books:**

1. Kai Ambos, Judith Large, Marieke Wierda, Building a Future on Peace and Justice: Studies on Transitional Justice, Peace and Development The Nuremberg Declaration on Peace and Justice, Springer Science & Business Media, 2008
2. Andrew Byrnes, Mika Hayashi, Christopher Michaelsen, International Law in the New Age of Globalization, Martinus Nijhoff Publishers, 2013

#### **References:**

1. Joseph Stiglitz, Making Globalisation Work: The Next Step to Global Justice, Penguin 2007
2. Antony Anghie (Editor), The Third World and International Order: Law, Politics, and Globalization, Kluwer Law International, 2003

## **Compulsory Subject**

**Name of the Subject: Law and Social Transformation in India**

**Course Code: LLM112**

**Hours/week: 5**

**Credits: 5**

**Max. Marks: 70**

**Time: 3 hours**

**Note:** Attempt four questions from sections 1 to 4, selecting at least one question from each section. These questions shall carry 14 marks each. Section 5 of the question paper shall contain 10 short questions covering the entire syllabus. Students need to attempt any 7 questions out of these 10 questions. Each question of section 5 shall carry 2 marks.

### **Course Objective**

This course is designed to create awareness in the students about the Indian approach to social and economic problems and to address the remedial measures through law as an instrument of social control and change.

### **Course Outcome**

1. The course will help the students to gain and understand about barriers of society and impact of law to mitigate these issues.
2. Students will gain knowledge of Indian approaches to social and economic problems and find out the ways to solve them.

### **Unit 1**

1. Interaction of Law and Social Sciences: A Cautious Alliance with History, Sociology, Political Science, Psychology and Economics
2. Impact of Social Development on Law: Jurisprudential Approach; Law as the product of traditions and culture- cultural, structural, and constitutive and conflict perspective; Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India

### **Unit 2**

1. Law as an instrument of Social Change: Its impact on development of society and legal institutions in India: Constitution of India as the supreme document of social change; Class, race, religion and language as divisive factors
2. Legal Idealism: Philosophical and legal Perspective; Varieties of legal idealism
3. Social Morality and Legal Order

### **Unit 3**

1. Rule of Law, the individual and the welfare state: Women and law- Crime against Women, Gender Injustice and its various forms, Constitutional and other legal provisions;
2. Children and law- Exploitation and Protective Measures, Role of Law and Education

3.Role and function of the lawyer: Lawyers and Social Stratification, Judges as Social Conscience

#### **Unit 4**

1.Economic, Social and Political Reforms and the Law- Reform of family law,

2.Agrarian reform-Industrialisation of agriculture; Industrial reform- Free enterprise v. State regulation-Industrialisation v. environmental protection

3. Reform of court processes- Criminal law. Plea-bargaining: compounding and payment of compensation to victims, Civil law: (ADR) Confrontation v. consensus; mediation and conciliation; Lok-adalats

4. Prison reforms; Decentralization of democratic institutions; Socialist thought on law and justice: An enquiry through constitutional debates on the right to property

#### **Suggested Reading:**

1. Marc Galanter (ed.) Law and Society in Modern India, 1977 Oxford.

2. Robert Lingat, The Classical Law of India, 1998

3. U. Baxi, The Crisis of the Indian Legal System, 1982

4. Duncan Derret, The State, Religion and Law in India, 1999

5. H.M.Seervai, Constitutional Law of India, 1996 3 LL.M. : Foundation Course : Paper II

## **Compulsory Subject**

**Name of the Subject: Presentation Skills & Personality Development**

**Course Code: LLM113**

**Hours/week: 2**

**Credits: 2**

**Max. Marks: 50**

### **Internal Practical**

**Note:** The evaluation of students will be conducted on the basis of various practical assignments, written projects and presentations given by them time to time. Communication skills, manner of presentation and aspects related to personality development shall be taken in to consideration.

### **Syllabus**

Syllabus is open-ended

## **Corporate Law Specialization Subject**

**Name of the Subject: Law of Corporate Finance and Securities Regulations**

**Course Code: LLM115**

**Hours/week: 5**

**Credits: 5**

**Max. Marks: 70**

**Time: 3 hours**

**Note:** Attempt four questions from sections 1 to 4, selecting at least one question from each section. These questions shall carry 14 marks each. Section 5 of the question paper shall contain 10 short questions covering the entire syllabus. Students need to attempt any 7 questions out of these 10 questions. Each question of section 5 shall carry 2 marks.

### **Course Objective:**

This course aims to develop a critical understanding of the principles of corporate finance law with special focus on some key subject matters of corporate finance and securities regulations.

### **Course outcome:**

Students will acquire comprehensive knowledge and understanding of principles, concepts and theories that underlie the corporate finance law

### **UNIT – 1**

#### **Public Issue of Shares**

- (i) Prospectus
- (ii) Remedies for misrepresentation
- (iii) SEBI and Stock Exchange guidelines

#### **Share Capital**

- (i) Nature and Kind of Shares
- (ii) Transfer, Transmission, Surrender and forfeiture of Shares
- (iii) Purchase by Company of its own shares
- (iv) Issue of shares at premium and discount
- (v) SEBI Guidelines

### **UNIT – 2**

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

### **UNIT – 3**

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

## UNIT – 4

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

### Text Books:

Davis & Sara Worthington, *Gower's Principles of Company Law*, Sweet & Maxwell Thomson, 9<sup>th</sup> Edition, 2006

Paul

David

Kidwell & Robert Parinno, *Fundamentals of Corporate Finance*, Wiley, 2012

### References:

1. Charles Wild, Stuart Weinsten, *Smith and Keenon's Company Law*, Pearson Education Ltd., 2013
2. J.C. Verma & Sanjeev Agarwal, *Corporate Mergers, Amalgamations & Takeovers*, Bharat Law House, 2008
3. Richard Brealey, Stewart Myers, Franklin Allen, *Principles of Corporate Finance*, Hill McGraw, 2012

## **Corporate Law Specialization Subject**

**Name of the Subject: Competition Law**

**Course Code: LLM116**

**Hours/week: 5**

**Credits: 5**

**Max. Marks: 70**

**Time: 3 hours**

**Note:** Attempt four questions from sections 1 to 4, selecting at least one question from each section. These questions shall carry 14 marks each. Section 5 of the question paper shall contain 10 short questions covering the entire syllabus. Students need to attempt any 7 questions out of these 10 questions. Each question of section 5 shall carry 2 marks.

### **Course Objective:**

1. To provide an insight of history and development of competition law in India
2. To discuss anti-competitive agreements under Competition Act, 2002, various rules and prohibitions
3. To provide knowledge of core provisions of Indian Competition Law

### **Course Outcome**

1. Students will be able to understand the background and stages of development of competition law in India.
2. Students will get a deep insight of the core provision of Indian competitive law
3. Students will be able to understand enforcement mechanism under competition law and competition advocacy

### **Unit-1 History and Development of Competition Law**

History and Development of Competition Law, Constitutional vision of Social Justice – Liberalization and Globalization- Raghavan Committee Report, Competition Act 2002; an Overview of Competition Law in India, Important Definitions under the Competition Act, 2002.

### **Unit-2 Anti-Competitive Agreements**

Anti- Competitive Agreements under the Competition Act, 2002. Appreciable Adverse Effect on competition in the Market. Determination of Relevant Market – Rule of Reason and Perse. Illegal rule – Horizontal and Vertical restraints, Exemption, Penalties, Prohibition of Anti- Competitive Agreements. Cartel- Predatory Pricing, bid rigging.

### **Unit-3 Regulation of Abuse of Dominant Position**

Introduction – Dominance in the Market – Relevant Market- Appreciable Adverse Effect on Competition in the Market (AAEC) – Abusive Conducts under the Competition Act. 2002 – Penalties – Prevention of Abuse of Dominance.

Combinations: Merger, Acquisition, Amalgamation and Takeover- Horizontal, Vertical and Conglomerate Mergers- Combinations covered under the Competition Act. 2002 – Regulations, Penalties

### **Unit-4 Enforcement Mechanisms and Competition Advocacy**

Enforcement Mechanisms under the Competition Act. 2002 – Competition Commission of India – Constitution of the CCI – Powers and Functions – Jurisdiction of the CCI adjudication and appeals- Director General of Investigation (DGI) – Competition Appellate Tribunal (CAT) – Enforcement Mechanisms.

Competition Advocacy in India and other foreign jurisdictions, Intellectual Property Rights and Competition Law, International Trade Law and Competition Law.

#### **References:**

1. Competition Act, 2002 – Principles and Practices by Dr. V.K. Agarwal
2. Competition Act, 2002 (Students Edition) by Dr. V.K. Agarwal
3. Suresh T. Vishwanathan, *Law and Practice of Competition Act*. Bharat
4. Richard Whish, *Competition Law*, Oxford University press, 2008
5. Mark Furse, *Competition Law at the EC and UK, 6<sup>th</sup> – 2008*, Oxford University Press
6. M. Dugar, Commentary on MRTP Law, *Competition Law & consumer Protection Law, 4<sup>th</sup> ed. – 2006*, Wadhwa Nagpur
7. Abir Roy & Jayant Kumar, *Competition Law in India*, Eastern Law House, New Delhi
8. Satyanarayana Prasad, *Competition Law and Cartels*, Amicus Books, ICFAI University Press, 2007
9. Kristy Middleton, Barry Rodger & Angus Mac Culloch, *Cases and Materials on UK and EC Competition Law*, Oxford University Press, 2003
10. Vinod Dhall (ed.), *Competition Law Today*, Oxford University Press, 2007
11. Philips E. Areeda & H. Hovenkoup, *Fundamentals of Anti-Trust Law*, ASPEAN Publications, 2006
12. Ramappa, *Competition Law in India: Policy, Issues and Developments, 3<sup>rd</sup> ed.- 2013*, Oxford University Press, New Delhi
13. Varun Chhachhar “Competition Law and Telecom Sector in India”, 1<sup>st</sup>– 2013, VLMS Publishers, New Delhi.

## **Criminal Law Specialization Subject**

**Name of the Subject: Victimology**

**Course Code: LLM117**

**Hours/week: 5**

**Credits: 5**

**Max. Marks: 70**

**Time: 3 hours**

**Note:** Attempt four questions from sections 1 to 4, selecting at least one question from each section. These questions shall carry 14 marks each. Section 5 of the question paper shall contain 10 short questions covering the entire syllabus. Students need to attempt any 7 questions out of these 10 questions. Each question of section 5 shall carry 2 marks.

### **Course Objectives:**

1. To explain the concept of victim and victimology and historical development of victimology
2. To understand and evaluate research in to various victim related issues.
3. To discuss the development of victim rights in India
4. To understand the impact of the increased societal concern over victims on social policy and practice.

### **Course Outcome**

1. Students will be able to understand the concept of victim and victimology along with its historical development
2. Students will be able to conduct various research in issues related to victims.
3. Students will get an insight of rights of victims in India and impact of societal concern on policies related to victims.

### **UNIT -1**

VICTIMOLOGY: Nature, Historical Origins and Development

- 1 Emergence, meaning and concept of victim, victimology and victimization
- 2 Relationship of Victim logy with other sciences, Nature and Scope of Victimology.
- 3 Theories of Victim logy.
- 4 Role of victims in the criminal Phenomenon-Victim Precipitation, Victim's Responsibility
- 5 Status of Victim in the Criminal Justice System

## **UNIT-2**

### Typology of Victims

- 1 Victim Blaming, Victim Vulnerability and risk, Victim - offender relationship, Victimless Crimes
- 2 Types of Victimization: Primary, Secondary, Tertiary
- 3 Impact of Victimization.
- 4 Repeat Victimization
- 5 Fear of Crime

## **UNIT-3**

### Status of Victim in the Criminal Justice Administration

- 1 Rights of Victims: International and national Approach
- 2 Role of Victims during Trial, Appeal etc.
- 3 Victim and their role in compounding of Offences/Plea Bargaining
- 4 Victim's Right to Access to Justice
- 5 Rehabilitation and Victim Assistance Programmes

## **UNIT-4**

### Victim compensation Schemes

- 1 Common Law regarding compensation in Tort ad civil law
- 2 Indian Legal Regime for Compensation (Criminal Procedure Code, Motor Vehicle Act, Probation of Offenders Act.)
- 3 International Covenant on compensation to victims
- 4 Nature of Victims Rights Movement
- 5 Judicial attitude towards compensatory Jurisprudence

### **Prescribed Books:**

1. Bajpai, G.S, and Shreya Gauba; Victim justice- A Paradigm Shift in Criminal justice system in India (Thosmson Reuters)
2. Randhawa, Gurpreet; Victimology & compensatory Jurisprudence (CLP)

## Reference Books:

1. Davis, Pamela Peter Francis, and Chris Greer; Victim, Crime and Society- An Introduction, (Saga Publications)
  2. Devasia, V.V.;Criminology, Victimology and Corrections (Ashish Publishing House, New Delhi-1992)
  3. Doerner, William G, & Steven P. lab, Victimology, S\* Ed. Cincinnati, OH: Anderson Publishing
  4. Ferguson, Claire and Brent E. Turvey. Victimology: a Brief History with an introduction to forensic Victimology.
  5. Moshe, Bensimon, Jai Shankar K. Ronel. Natti, Trends and issues in Victim logy (Cambridge Scholar Publications, 2008)
  6. 6. Raina, S.C. Rights of Victim, in Renu Ghosh (ed.) Branded (2001)213,
  7. Rajan,V.N.; Victimology in India: An Introduction study, Allied Publishers, 1 New Delhi
- B. Roberts, Albert f. and Ann Burges, Victimology Theories and Applications, 2\* Ed., jones and Barlet Publishers 2012.

## **Criminal Law Specialization Subject**

**Name of the Subject: Criminal Justice System and Human Rights**

**Course Code: LLM118**

**Hours/week: 5**

**Credits: 5**

**Max. Marks: 70**

**Time: 3 hours**

**Note:** Attempt four questions from sections 1 to 4, selecting at least one question from each section. These questions shall carry 14 marks each. Section 5 of the question paper shall contain 10 short questions covering the entire syllabus. Students need to attempt any 7 questions out of these 10 questions. Each question of section 5 shall carry 2 marks.

### **Course Objectives**

1. Students will be introduced with the criminal justice process and concept of human rights
2. To discuss critical issues in administration of criminal justice and governance
3. To discuss the role of judiciary in controlling human rights violation
4. To Understand Various Concerns and Problems of Contemporary Criminal Justice System

### **Course Outcome**

1. Students will be able to understand the concept of criminal justice process and human rights
2. Students will understand the issues and roadblocks in administering criminal justice in India
3. Students will be able to analyse the role of judiciary in mitigating violation of human rights

### **UNIT-1:**

- 1.1 Structural and Theoretical Components of Criminal Justice System
- 1.2 The importance of viewing Criminal Justice as a system
- 1.3 Justification for a rights approach in a Criminal Justice System

### **UNIT-2:**

- 2.1 Constitutional Safeguards; fair Trial Concept; Sentencing, Execution and Human Rights
- 2.2 Role of Human Rights commission of India in Dispensation of Criminal Justice
- 2.3 Crime Preventions and investigation: Role of Police in Criminal Justice System
- 2.4 Special legislation: Anti-terrorism laws and Preventive Detention Laws

**UNIT-3:**

- 3.1 Crime Trends: Pendency, Disposal, Convictions rates.
- 3.2 Role of Judiciary in Securing Human rights
- 3.3 Criminal Justice System and compensation to victims.
- 3.4 Role of PIL in Criminal Justice.

**UNIT-4:**

- 4.1 Globalisation of human Rights Norms
- 4.2 Multinational Corporation and Human Rights
- 4.3 Historical Underpinnings and Problems of Specific violations: women's Rights, Children Rights, Marginalized Groups, and Transgender Rights in Criminal law.

**Prescribed Legislations:**

1. Indian Penal Code, 1860
2. Criminal Procedure Code, 1973
3. International Conventions

**References Books: -**

1. Theodor Meron, The Making of International Criminal Justice (Oxford University Press Inc.. 2011)
2. N. Prabha Unnithan, Crime And Justice in India (Saga Publication, 2013)
3. Anthony Amatrudo and Leslie William Blank. Human Rights and the Criminal Justice System (Routledge, 2015)
4. Thom Brooks, The Rights to Fair Trial (Ashgate Publishing Company 2009)
5. Sue Hobbs & Christopher hamerton, the making of Criminal Justice Policy (Routledge, 2014)
6. Bellary Uma devi, Arrest, Detention and Criminal Justice System- A Study in the context of constitution of india (Oxford Publication)
7. Emmeson Ben Qc. Human Rights and Criminal Justice( Ben emmerson Qc et al. eds. , 3<sup>rd</sup> ed. 2012)
8. Utrecht Law Review- the Protection of Fundamental Human Rights in Criminal Process General report.

## **International Law Specialization Subject**

**Name of the Subject: International Human Rights Law**

**Course Code: LLM119**

**Hours/week: 5**

**Credits: 5**

**Max. Marks: 70**

**Time: 3 hours**

**Note:** Attempt four questions from sections 1 to 4, selecting at least one question from each section. These questions shall carry 14 marks each. Section 5 of the question paper shall contain 10 short questions covering the entire syllabus. Students need to attempt any 7 questions out of these 10 questions. Each question of section 5 shall carry 2 marks.

### **Course Objectives**

This course is intended to provide students with a deep understanding of Organisations working at international level with special reference to Various conventions held to protect human rights.

### **Course Outcomes**

After the completion of course students will be able to understand the role of various international organisations in maintaining peace and order at world and in protecting human rights.

### **UNIT I**

- (a) Role of International organization and Human Rights
- (b) Universal Declaration of Human Rights (1948)
- (c) Covenant on Political and Civil Rights (1966)
- (d) Covenant on Economic, Social and Cultural Rights (1966)

### **UNIT 2**

#### **A. Regional Conventions**

European Convention on Human Rights

American Convention on Human Rights

African Convention on Human Rights

## Other regional Conventions/Instruments

### B. UN Mechanism

- Reporting System
- Treaty based Committee System
- \* Regional Mechanism

### **UNIT 3**

(a) ECOSOGI Economic, Social Council) established by commission on Human Rights on 16th

February 1946.

[b) Amnesty International

(c) U.N.Division of Human Rights

(d) International Labour Organisation

(e) UNESCO

### **UNIT 4**

(a) NARC

(b) European Commission on Human Rights

(c) African charter on Human & Peoples Rights

(d) Regional Mechanism

### **Suggested Readings**

Benedetto conforti and Francesco Francioni, Enforcing International Human Rights in Dom Courts, (1997)

Francisco Forrest Martin, International Human Rights Law and Practice, (1997)

Luck Clements, European Human Rights Taking a Case under the Convention, (1994)  
Evelyn A Ankumah, The African Commission on Human Rights and People's Rights, (1996).

R.K. Sinha, Human Rights of the World, (1997)

Philip Alston, The United Nations and Human Rights a Critical Appraisal, (1992)

R.S. Sharma and R.K. Sinha, Perspectives in Human Rights Development, (1997)

The Human Rights Watch Global Report on Women's Human Rights, (2000)

Oxford.

## **International Law Specialization Subject**

**Name of the Subject: Law of the Seas**

**Course Code: LLM120**

**Hours/week: 5**

**Credits: 5**

**Max. Marks: 70**

**Time: 3 hours**

**Note:** Attempt four questions from sections 1 to 4, selecting at least one question from each section. These questions shall carry 14 marks each. Section 5 of the question paper shall contain 10 short questions covering the entire syllabus. Students need to attempt any 7 questions out of these 10 questions. Each question of section 5 shall carry 2 marks.

### **Course Objective**

This course aims to provide students' knowledge about laws governing seas and various terms and rules associated with it.

### **Course Outcome**

After the completion of course students will be able to understand the laws related to sea in India as well as at international level.

### **UNIT -I**

Early development of the law of the sea, Mare Liberum v. Mare Clausum Codification of the law of the sea: Hague Codification Conference, 1930

Truman Declaration / UNCLOS I 1958 / UNCLOS II 1960

UNCLOS III 1982 - Salient features

### **UNIT -2**

Maritime Zones |- Territorial Sea, Contiguous Zone and EEZ

Territorial Sea, (Breadth) of the Territorial Sea, internal waters and archipelagic waters

Rights and Duties of Coastal and other states

Delimitation of the territorial Sea

Rights and duties of Coastal and other states

Indian Position

Exclusive Economic Zone

Historical background

Limits of the EEZ

Rights and duties of Coastal and other States Living Resources, Pollution Control, Artificial Installation and Structures and Scientific Research Indian Position

### **UNIT -3**

Maritime Zones II- Continental Shelf and High Seas

Continental Shelf

Geological and Legal Concept

Meaning and Definition of Continental Shelf under Geneva Convention of 1958

High Seas

Freedom of High Seas

Law Relating to High Seas:

Geneva Convention on High Seas

### **UNIT-4**

Mechanism for the compulsory settlement of disputes;

Choice of procedure

International Tribunal for the Law of the Sea, Curisdiction, power, adjudicatory and other functions)

International Court of Justice,

Annex VII arbitral tribunal or Annex VIII special arbitral tribunal; exceptions

### **Suggested Readings:**

- Enyew, Endalew Lijalem (2022). "Sailing with TWAIL: A Historical Inquiry into Third World Perspectives on the Law of the Sea". 21(3) *Chinese Journal of International Law*.
- Sara McLaughlin Mitchell and Andrew P. Owsiak (2021). "Judicialization of the Sea: Bargaining in the Shadow of UNCLOS." *American Journal of International Law*.
- United Nations Convention on Law of Seas

## **Semester-3**

### **Corporate Law Specialization Subject**

**Name of the Subject: Law of Export Import Regulation**

**Course Code: LLM121**

**Hours/week: 5**

**Credits: 5**

**Max. Marks: 70**

**Time: 3 hours**

**Note:** Attempt four questions from sections 1 to 4, selecting at least one question from each section. These questions shall carry 14 marks each. Section 5 of the question paper shall contain 10 short questions covering the entire syllabus. Students need to attempt any 7 questions out of these 10 questions. Each question of section 5 shall carry 2 marks.

### **Course Objectives**

This course is intended to give students a deep understanding of import and export regulations governing the international business. The aim is to make them aware of all aspects of import and export including EXIM policies.

### **Course Outcome**

After the completion of course students will be able to understand the general law of control on Import and Exports. They will develop an insight about conservation of foreign exchange, FEMA etc.

#### **Unit I:**

State Control over Import and Export of Goods - From Rigidity to Liberalization Impact of Regulation on Economy WTO Agreement, Tariff and Non-Tariff Restrictions Investment and Transfer of Technology: Quota Restriction and Anti-Dumping Permissible Regulations. Quarantine Regulation Dumping of Discarded Technology and Goods in International Market Reduction of Subsidies and Counter Measures 11

#### **Unit II:**

General Law on Control of Imports and Exports Legislative Control Power of Control: Central Government and RBI Foreign Trade Development and Regulation Act (1992) Restrictions under Customs Law Prohibition and Penalties Export-Import Formulation: Guiding Features, Control Under FEMA Foreign Exchange and Currency, Import of Goods Export Promotion Councils: Export Oriented Units and Export Processing Zone

#### **Unit III:**

Control of Exports Regulation on Goods. Conservation of Foreign Exchange Foreign Exchange Management Currency Transfer Investment in Foreign Countries

## **Unit IV:**

EXIM Policy: Changing Dimensions Investment Policy: NRIs, FIIs (Foreign Institutional Investors), FDIs Joint Venture Promotion of Foreign Trade, Law Relating to Customs Regulation on Investment, Borrowing and Lending of Money and Foreign Currency

### **Prescribed Readings**

1. Government of India, Handbook of import export procedures, (refer to the latest edition).
2. Government of India, import and export policy (1997 -2002, 2004-09, 2009- 2014, 2015-20).
3. Foreign trade development and regulation act (1992 and rules).
4. Foreign exchange management act (1999).
5. Marine products export development authority act (1972).
6. Customs manual (latest edition).
7. Final treaty of GATT, (1994).

## **Corporate Law Specialization Subject**

**Name of the Subject: Insolvency and Bankruptcy Law**

**Course Code: LLM122**

**Hours/week: 5**

**Credits: 5**

**Max. Marks: 70**

**Time: 3 hours**

**Note:** Attempt four questions from sections 1 to 4, selecting at least one question from each section. These questions shall carry 14 marks each. Section 5 of the question paper shall contain 10 short questions covering the entire syllabus. Students need to attempt any 7 questions out of these 10 questions. Each question of section 5 shall carry 2 marks.

### **Course Objective**

1. This course aims to provide an exposure and in-depth understanding of the law, practice, regulations of the Insolvency and Bankruptcy Code, 2016,
2. The course focuses on the practical aspects, legal principles and comprehensive understanding of insolvency laws.
3. The course also aims to acquaint and equip the participants with the practical skills relevant to insolvency laws in the courts, tribunals in India along with the requisite negotiation and problem-solving skills.

### **Course Outcome**

1. The students will be able to acquire expert knowledge of the legal, procedural and practical aspects of Insolvency and Bankruptcy Code, 2016
2. It will provide an overview of corporate insolvency and liquidation process.
3. Students will get an insight into the administrative and adjudicatory bodies created by the law

### **UNIT 1**

#### Introduction to Insolvency and Bankruptcy Code

Historical Background; Report of the bankruptcy law reforms committee, Need, Objectives and Features of the Insolvency and Bankruptcy Code, 2016; Difference: Insolvency and Bankruptcy; Pillars of insolvency and bankruptcy code; Important Definitions (charge, claim, corporate person, financial information. financial product, financial service, person property security interest)

### **UNIT 2**

Corporate Insolvency Resolution Process: Legal Provisions; Committee of Creditors; Procedure (Submission and approval of resolution plan)

Resolution Strategies: Restructuring of equity and debt; Compromise and arrangement; Acquisition; Takeover and change of management; Sale of assets.

Fast track corporation insolvency resolution process, Manner of initiation

### **UNIT 3**

Liquidation of Corporate Person:

Initiation of liquidation; Appointment of liquidator, Powers and duties of liquidator; Dissolution of corporate debt; Voluntary liquidation of companies: Procedure; Initiation, Effect of liquidation; Completion of liquidation.

Insolvency and bankruptcy board of India: Establishment of IBBI, Power and functions of the board;

Adjudication and Appeals: Adjudicating authority; Jurisdiction of National company law tribunal (NCLT) and Debts recovery tribunals (DRTs); Appeals and appellate authority.

### **UNIT 4**

Winding-up by Tribunal: Introduction; Is winding up and dissolution are synonymous? Winding up under the Companies Act, 2013; Powers of the tribunal; Effect of winding up order; Process of winding up

Insolvency Resolution Process: Application for IRP of individual and partnership Firms; Procedural aspects;

Bankruptcy Order for Individuals and Partnership firms: Bankruptcy if insolvency resolution process fails; Application for bankruptcy; Effect of bankruptcy order, Conduct of meeting of creditors; Discharge order; Effect of discharge order.

#### **Suggested Reading:**

1. Ashish Makhija, Insolvency and Bankruptcy Code of India Commentary on Insolvency Resolution, Liquidation, Bankruptcy (LexisNexis, 2018)
2. Taxmann, Insolvency and Bankruptcy Code with Rules and Regulations
3. Surendra Malik and Sudeep Malik, Supreme Court on Insolvency and Bankruptcy (Bloomsbury, 2020)
4. Dr. S.R. Myneni, Law of Insolvency and Bankruptcy (Allahabad Law Agency, 2017)
5. CS Dr. D.K.Jain, Guide to Insolvency and Bankruptcy Code (Bharat Law House, 2021)
6. Navrang Saini, Laws Compendium on the Insolvency and Bankruptcy Code, 2016 (Commercial Law Publishers, 2022)
7. Rajender Kumar, Law on Insolvency and Bankruptcy (Urmila Publication, 2022)
8. V.S. Datey, Limited Insolvency Examination Guide (Taxmann, 2018)

## **Corporate Law Specialization Subject**

**Name of the Subject: Banking and Insurance Law**

**Course Code: LLM123**

**Hours/week: 5**

**Credits: 5**

**Max. Marks: 70**

**Time: 3 hours**

**Note:** Attempt four questions from sections 1 to 4, selecting at least one question from each section. These questions shall carry 14 marks each. Section 5 of the question paper shall contain 10 short questions covering the entire syllabus. Students need to attempt any 7 questions out of these 10 questions. Each question of section 5 shall carry 2 marks.

Course Objective:

- 1 To explain the evolution and history of Banking system in India
- 2 To explain the recent trends of banking system in India
- 3 To make the student aware of general principles of insurance and the laws related to securitization and regulations of financial assets

### **Course Outcome**

- 1 Students will be able to understand the history of banking in India and role and functions of various types of banks
- 2 Students will be able to understand recent trends of banking system in India
- 3 Students will be able to analyse laws related to insurance and financial assets in India

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

### **UNIT – III: General Principles of Law of Insurance**

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

### **UNIT – IV: Recent Trends in Insurance**

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

#### **Text Books:**

1. *Banking and Insurance Law and Practice*, Institute of Company Secretaries of India, Taxmann Publishers, 2010
2. M.N. Mishra, *Law of Insurance*, Central Law Agency, 9<sup>th</sup> Edition, 2012

#### **References:**

1. J N Jain & R K Jain, *Modern Banking and Insurance – Principles and Techniques*, Regal Publications, 2008
2. Jyotsana Sethi & Nishwar Bhatia, *Elements of Banking and Insurance*, PHI Publishers, 2<sup>nd</sup> Edition, 2013.
3. Murthy, K.S.N., and Sarma, K.V.S., *Modern Law of Insurance in India*, Lexis Nexis Butterworth, 2002
4. Birds, John, *Modern Insurance Law*, Universal Publishing Co., 2003,
5. Shah, M. B., *Landmark Judgments on Insurance*, Universal Publishing Co., 2004
6. Rangarajan, C., *Handbook of Insurance and Allied Laws*.
7. K.C. Shekhar, & Lekshmi Shekhar, *Banking Theory and Practice*, Vikas Publishing House, 19<sup>th</sup> Edition, 2005.
8. M.L. Tannan, *Banking Law and Practice in India*, Lexis Nexis, 23<sup>rd</sup> Edition, 2010

## **Corporate Law Specialization Subject**

**Name of the Subject: Consumer Protection Law**

**Course Code: LLM124**

**Hours/week: 5**

**Credits: 5**

**Max. Marks: 70**

**Time: 3 hours**

**Note:** Attempt four questions from sections 1 to 4, selecting at least one question from each section. These questions shall carry 14 marks each. Section 5 of the question paper shall contain 10 short questions covering the entire syllabus. Students need to attempt any 7 questions out of these 10 questions. Each question of section 5 shall carry 2 marks.

### **Course Objective:**

This paper seeks to familiarize the students with their rights and responsibilities as a consumer, the social framework of consumer rights and legal framework of protecting consumer rights. It also provides an understanding of the procedure of redress of consumer complaints, and the role of different agencies in establishing product and service standards.

### **Course Outcome:**

The students will be able to comprehend the business firms' interface with consumers and the consumer related regulatory and business environment.

### **Unit 1: Conceptual Framework**

Consumer and Markets: Concept of Consumer, Nature of markets: Liberalization and Globalization of markets with special reference to Indian Consumer Markets, E-Commerce with reference to Indian Market, Concept of Price in Retail and Wholesale, Maximum Retail Price (MRP), Fair Price, GST, labelling and packaging along with relevant laws, Legal Metrology

### **Unit 2: The Consumer Protection Law in India**

Objectives and Basic Concepts: Consumer rights and UN Guidelines on consumer protection, Consumer goods, defect in goods, spurious goods and services, service, deficiency in service, unfair trade practice, restrictive trade practice.

Organizational set-up under the Consumer Protection Act: Advisory Bodies: Consumer Protection Councils at the Central, State and District Levels; Adjudicatory Bodies: District Forums, State Commissions, National Commission: Their Composition, Powers, and Jurisdiction (Pecuniary and Territorial),

### **Unit 3: Grievance Redressal Mechanism under the Indian Consumer Protection Law**

Who can file a complaint? Grounds of filing a complaint; Limitation period; Procedure for filing and hearing of a complaint; Disposal of cases, Relief/Remedy available; Temporary Injunction, Enforcement of order, Appeal, frivolous and vexatious complaints; Offences and penalties. Leading Cases decided under Consumer Protection law by Supreme Court/National Commission: Medical Negligence; Banking; Insurance; Housing & Real Estate; Electricity and Telecom Services; Education; Defective Products; Unfair Trade Practices.

### **Unit 4: Contemporary Issues in Consumer Affairs**

Consumer Movement in India: Evolution of Consumer Movement in India, Formation of consumer organizations and their role in consumer protection, Misleading Advertisements and sustainable consumption, National Consumer Helpline, Comparative Product testing, Sustainable consumption and energy ratings. Quality and Standardization: Voluntary and Mandatory standards; Role of BIS, Indian Standards Mark (ISI), Ag-mark, Hallmarking, Licensing and Surveillance; Role of International Standards: ISO an Overview

#### **Suggested Readings:**

1. Prof. (Dr) V.K. Agarwal, Consumer Protection (Law & Practice), Bharat Law House, 8<sup>th</sup> Edition
2. Khanna, Sri Ram, Savita Hanspal, Sheetal Kapoor, and H.K. Awasthi. (2007) Consumer Affairs, Universities Press.
3. Choudhary, Ram Naresh Prasad (2005). Consumer Protection Law Provisions and Procedure, Deep and Deep Publications Pvt Ltd.
4. G. Ganesan and M. Sumathy. (2012). Globalisation and Consumerism: Issues and Challenges, Regal Publications
5. Suresh Misra and Sapna Chadah (2012). Consumer Protection in India: Issues and Concerns, IIPA, New Delhi
6. Rajyalaxmi Rao (2012), Consumer is King, Universal Law Publishing Company
7. E-books :- [www.consumereducation.in](http://www.consumereducation.in)
8. Empowering Consumers e-book,
9. ebook, [www.consumeraffairs.nic.in](http://www.consumeraffairs.nic.in)
10. The Consumer Protection Act, 1986 and its later versions

## **Corporate Law and Criminal Law Specialization Subject**

**Name of the Subject: Money Laundering and White Collar Crimes**

**Course Code: LLM125**

**Hours/week: 5**

**Credits: 5**

**Max. Marks: 70**

**Time: 3 hours**

**Note:** Attempt four questions from sections 1 to 4, selecting at least one question from each section. These questions shall carry 14 marks each. Section 5 of the question paper shall contain 10 short questions covering the entire syllabus. Students need to attempt any 7 questions out of these 10 questions. Each question of section 5 shall carry 2 marks.

### **Course Objectives**

As a result of participating in this course, the student will be able to critically analyse bankers' role in controlling money laundering, framework of various International and National bodies, committees and their suggestions in this regard. The course also defines white collar crime as a concept and distinguish it from other varieties of crime and criminal conduct. In addition, the student will Gain familiarity with criminal and civil statutes, regulations and rules, reported decisions in criminal and civil cases and legal academic literature

### **Course outcomes:**

After completion of the course the student will be able to Describe the evolution of white-collar crimes, Money laundering and other professional crimes etc and to identify and interpret the relevant domestic legislation and international instruments dealing with White-Collar Crimes and Blue-Collar Crimes; Implications of white-collar crimes. Students will gain insights of Courts and white collars crime in India and a comparative analysis of other countries.

### **Unit- 1**

Money Laundering: Origin - Definition - Techniques Impact on Banks - Structuring; Integration, Preventive Legislations - International Co-operation - UK; USA; India - Basel Committee - PMLA Objectives - RBI Guidelines - System Adequacy to Combat Money Laundering - Antiterrorism finance - Financial Intelligence Unit (FIU) The Financial Action Task Force (FATF) - IBA Working Group - Software for AML Screening : Money Laundering and Correspondent Banking - Exchange Companies - Foreign Branches.

### **Unit-2**

White Collar Crime: Emergence of White-Collar Crime; Concept and Nature of White-Collar Crimes; Sutherlands, View on white-collar crimes and its analysis.

### **Unit- 3**

Causes of White-Collar Crimes; Distinguish between White-Collar Crimes and Blue-Collar Crimes; Implications of white collar crimes, Courts and white collars crime in India.

#### **Unit-4**

White Collar Crimes in India; Hoarding, Black Marketing and Adulteration; White Collar Crimes in certain Professions - Medical Profession, Legal profession, Educational Institutions, Engineering; White Collar Crimes in business deals; Fake Employment Placement Rockets; Remedial Measures.

#### **Suggested Readings :**

1. Mahesh Chandra : Socio- Economic Crimes
2. Marshal B. Clinard : Crime in Developing Countries
3. N.V. Pranjape : Criminology and Penology Prevention of Corruption Act, 1988
4. 47th Report of Law Commission of India
5. Trial and Punishment of Socio-Economic Offences. Annual Report Criminal Law Review.
6. Commentary on Prevention of Money Laundering Act, 2002 by Dr. Shamsuddin.

## **Corporate Law and International Law Specialization Subject**

**Name of the Subject: International Trade Law**

**Course Code: LLM126**

**Hours/week: 5**

**Credits: 5**

**Max. Marks: 70**

**Time: 3 hours**

**Note:** Attempt four questions from sections 1 to 4, selecting at least one question from each section. These questions shall carry 14 marks each. Section 5 of the question paper shall contain 10 short questions covering the entire syllabus. Students need to attempt any 7 questions out of these 10 questions. Each question of section 5 shall carry 2 marks.

### **Course Objectives**

1 To explain the origin and evolution of GATT and WTO along with special principles governing international trade

2 To explain the dispute settlement mechanism under international trade law

3 To discuss the various agreements under international law including General Agreement on Trade and Services

### **Course Outcomes**

1 Students will be able to understand the origin and evolution of GATT and WTO along with special principles governing international trade

2 Students will be able to understand the dispute settlement mechanism under international trade law

3 Students will be able to understand various agreements under international law including General Agreement on Trade and Services

### **Unit-1**

1. Historical Introduction
2. GATT and WTO: origin and evolution
3. Principles of non-discrimination in GATT & WTO

### **Unit-II**

1. Dispute settlement procedure under GATT & WTO
2. Agreement on subsidies and countervailing measures
3. Agreement on dumping and anti-dumping duties

### **Unit -III**

1. General Agreement on Trade and Services
2. Other Trade Agreements,
3. Documents Used in International Trade

## **Unit-IV**

1. Payments in international trade
2. International Commercial Contracts
3. International Commercial Disputes

### **References:.**

1. Raj Bhalla, International Trade Law: Theory and Practice, Lexis Nexis, 2001 ( 2nd Edn
2. A.K.Kaul, Guide to the WTO and GATT: Economics,
3. Law and Politics, Kluwer Law International, 2006
4. Craig VanGrasstek, The History and the Future of the WTO, WTO Publications, 2013  
WTO, Doha Development Agenda, WTO, 2013.
5. Peter Van den Bossche, The Law and Policy of the WTO, Cambridge Publications, 2013
6. Gabriel Moens and Peter Gillies, International Trade and Business: Law, Policy and Ethics

## **Criminal Law Specialization Subject**

**Name of the Subject: Sentence and Sentencing**

**Course Code: LLM127**

**Hours/week: 5**

**Credits: 5**

**Max. Marks: 70**

**Time: 3 hours**

**Note:** Attempt four questions from sections 1 to 4, selecting at least one question from each section. These questions shall carry 14 marks each. Section 5 of the question paper shall contain 10 short questions covering the entire syllabus. Students need to attempt any 7 questions out of these 10 questions. Each question of section 5 shall carry 2 marks.

### **Course Objectives:**

1. This course of Sentence and Sentencing is designed with the objective to answer several queries of the human mind that afford explanations to criminal behaviour and reactions attached with the crime.
2. To enable the students more aware about the concern for the victims of crime that would aid students in another facet of the study of the subject with the emphasis on concepts of restorative justice, compensatory jurisprudence and rehabilitative theory.
3. To provide students a holistic analysis of the criminal process through the analysis of the law, its philosophical underpinnings and its operation in practice in constantly changing environment.
4. To critically evaluate the principle of proportionality in the context of procedural aspects of sentencing and restorative theory of justice.

**Course Outcomes:** Upon completion of the degree program, students will be able to:

1. Understand the conceptual facets of the subject and the fundamental interpretations governing the sentencing procedure
2. It is designed to inculcate students with an elaborate understanding of classical and modern approaches of sentencing.
3. Analyse and evaluate existing the relevant theories of punishment in the context of changing notions of criminality and judicial process of adjudication.
4. To evolve & expand comprehensive knowledge regarding the scope of juvenile delinquency from the perspective of socio-economic factors of crime.

### **Unit-I**

- 1.1 Introduction and history of Sentencing: classical and Modern Approaches
- 1.2 Procedure of Sentencing: Pre sentence hearing, Justification for Punishment.
- 1.3 Types of Sentencing: Sentencing and the constitution, Punishment and Indian Penal Court.

- 1.4 Legitimacy of Penal Policies: Leniency and mercy in Sentencing, Disparity in Sentence.
- 1.5 Victims and Legitimacy of Penal Policies, Sentencing Practices in other Countries.

## **Unit-II**

- 2.1 Theories of Punishment: Deterrent, Retributive, Preventive, and reformatory Theory of Punishment.
- 2.2 Sentencing in Practice: Standardisation versus Individualisation
- 2.3 Judiciary and Sentencing
- 2.4 Plea Bargaining and Sentence discounting for guilty Plea and Guidelines on Guilty Plea discounting.
- 2.5 the Traditional Indeterminate Sentencing Model, Probation, Indeterminate Sanctions and community-based corrections.

## **Unit-III**

- 3.1 Proportionality in Punishment
- 3.2 Restorative justice and Proportionality.
- 3.3 Proportionate Sentencing and Rule of Law
- 3.4 The Origins of Desert Model
- 3.5 The strengths and Limitations of Enhanced Sentencing Reasons and Rationales for Enhanced Penalties.

## **Unit-IV**

**Juvenile Delinquency:** - Its Causes, Economic Pressing, Gang Culture, Differential Association, Vagrancy, Truancy, Recidivism, Drug Addiction, Tract went of Juvenile and their signification: Borsht system observation home Reformatories after care organization and Provisions of the Juvenile Justice (care and protections of children) Act 2000.

## **Suggested Reading**

1. CK Boyle & MJ Allen, Sentencing law and Practic, 1985 1<sup>st</sup> ed., Sweet & Maxwell London.
2. Martin Wasik, Enmins on Sentencing, 1998 3<sup>rd</sup> ed, Blackstone Press Ltd. London
3. Philip c. Stenning, Accountability for Criminal Justice 1995 1<sup>st</sup> ed. University of Toronto Press Toronto.
4. Andrew Ashwort, Sentencing and Criminal Justice 2005, 4<sup>th</sup> ed. Cambridge University, UK
5. R.V. Kelkar, Criminal Procedure, 2001 4<sup>th</sup> Ed. Eastern Book company, Lucknow.
6. Bright's Juvenile Justice (Care and Protection of Children) Act, 2015 Along with rules

## **Reports: -**

1. Juvenile Delinquency Act-2015
2. 35<sup>th</sup> Report of law Commissions of India 1967
3. Justice for all 2002
4. Juvenile Justice (Care and Protection of Children) Act, 2015

## **Criminal Law Specialization Subject**

**Name of the Subject: Socio Economic Offences**

**Course Code: LLM128**

**Hours/week: 5**

**Credits: 5**

**Max. Marks: 70**

**Time: 3 hours**

**Note:** Attempt four questions from sections 1 to 4, selecting at least one question from each section. These questions shall carry 14 marks each. Section 5 of the question paper shall contain 10 short questions covering the entire syllabus. Students need to attempt any 7 questions out of these 10 questions. Each question of section 5 shall carry 2 marks.

### **Course Objective:**

Objective of this course is to make students understand the concept of Socio-Economic Offences. It will also help the students to understand the Emergence of Socio-Economic Offences in Indian Judicial System

### **Course Outcome:**

On completing this course, Students will be able to:

- Demonstrate familiarity with the various definitions of socio-economic offences
- Analyse economic offences vis-à-vis traditional crimes
- Appreciate and critique the role of Legislature, Executive and Judiciary in curbing economic offences

### **Unit 1**

Introduction to the Socio-Economic Offences, Concept and Evolution of 'Socio-Economic Offences.', Nature and Extent of Socio-Economic Offences, Mens Rea, Nature of Liability, Burden of Proof and Sentencing Policy, Distinction among Socio-Economic Offences, White Collar Crimes and Traditional Crimes, The Socio-Economic Offences in India: The Santhanam Committee Report, 1964 and the 47th Report of the Law Commission of India, 1972.

### **UNIT 2**

The Immoral Traffic (Prevention) Act, 1956 History, Development and Magnitude of Human Trafficking Constitutional Provisions and Sections 370-373 of the Indian Penal Code, 1860 The 64th report of the Law Commission of India, 1975 The Immoral Traffic (Prevention) Act, 1956

### **Unit 3**

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989: Meaning of 'atrocities,' Sections 2(1) (a) & 3 Presumption as to offences (Section 8)

Removal of person likely to commit offence (Section 10)

Power of State Government to impose collective fine (Section 16) ‘

Preventive action to be taken by the law and order machinery (Section 17)

Section 438 of the Code not to apply to persons committing an offence under the Act (Section 18)

#### **Unit 4**

The Protection of Women from Domestic Violence Act, 2005 The Protection of Women from Domestic Violence Act, 2005

Definitions of ‘Aggrieved person,’ Section 2(a); ‘Domestic Relationship,’ Section 2(f); ‘Respondent,’ Section 2(q) and ‘Shared Household,’ Section 2(s) Definition and Meaning of ‘Domestic Violence,’ Sections 2 (g) and 3

Protection Officer: Appointment, Duties and Functions (sections 8, 5 and 9)

Provisions related to various Orders and reliefs to the aggrieved persons (Sections 17, 18, 19, 20, 21, and 22)

Penalty for breach of protection order by respondent (Section 31)

#### **Prescribed Books:**

Mahesh Chandra, Socio- Economic Offences (1979)

J.S.P. Singh, Socio- Economic Offences (1st Ed., 2005, Reprint 2015)

Ahmed Siddiqui, Criminology: Problems and Perspectives (4th Ed., 1997)

B.R. Boetra, The Immoral Traffic (Prevention) Act 1956 (with state rules) (4th Ed., 1988)

P.S. Narayan, Commentary on Immoral Traffic Prevention Act, 1956 (2nd Ed., 2013)

T.V. Nawal, Legally Combating Atrocities against SC and ST, (2004)

Lawyers Collective (Ed. by Indira Jaising), Handbook on Law of Domestic Violence, (1st Ed., 2009) Kumar (Revised by Justice A.B. Srivastava and C.S. Lal),

Commentaries on Prevention of Food Adulteration Act, 1954 with Central and States Rules along with Food Safety and Standards Act, 2006 (3rd Ed., 2009)

## **Criminal Law and International Law Specialization Subject**

**Name of the Subject: International Criminal Law**

**Course Code: LLM129**

**Hours/week: 5**

**Credits: 5**

**Max. Marks: 70**

**Time: 3 hours**

**Note:** Attempt four questions from sections 1 to 4, selecting at least one question from each section. These questions shall carry 14 marks each. Section 5 of the question paper shall contain 10 short questions covering the entire syllabus. Students need to attempt any 7 questions out of these 10 questions. Each question of section 5 shall carry 2 marks.

### **Objectives of the Course**

The course structure is designed to cover origins of international criminal law, its progressive development in terms of substantive law, and the progress made towards the establishment of permanent International Criminal Court. The course is intended to give students a comprehensive understanding of international criminal law (ICL) and crimes that constitute the core of the present international criminal law. Main purpose of the course is to make students able to interpret and apply the rules of international criminal law, make legal research and solve the individual cases involving the questions of the international criminal law.

### **Course Outcomes**

1. Students will be able to trace and understand the historical development of International Criminal Law.
2. Students will be able to comprehend the working of international organisations and legal system addressing such crimes.
3. Students will be able identify and address issues of international criminal law and the liability of individual and State.
4. Students will be able to critically analyse existing and proposed international criminal law.
5. It will help them in understanding of how violations are punished or otherwise addressed in practice before national, international, and hybrid court

### **Unit-I**

#### **International Criminal Law- Introduction & General principles**

1. International rules pertaining to 'individual Responsibility' under international Law specially with reference to (a) Treaty of Versailles, (b)Nuremberg & Tokyo trials (c) Genocide Convention, 1948 (d) Geneva Convention, 1949
2. ILC Draft Code of Crimes against the peace and security of Mankind.
3. 'State Sovereignty' and 'International Criminal law'
4. Ad hoc international criminal tribunals

## **Unit-II**

### **Offences and prosecution system under ICC**

1. Categories of international Crimes under ICC- Genocide, Crimes against humanity, War Crimes Aggression.
2. Issues of jurisdiction – Territorial Jurisdiction, the Active/Passive personality principle, Universal Jurisdiction, Aut Dedere Aut Judicare Principle, International Criminal Jurisdiction.
3. Office of Prosecution under ICC
4. Adequacy of Evidence to Initiate Proceeding under ICC

## **UNIT-III**

### **Working of ICC/Tribunal under ICC**

- 1 Pre-trial Process: Confirming Suspect's identity etc.
- 2 Investigation and Collection of Evidence- State Cooperation
- 3 Confirmation of Charges, opportunity of hearing to prosecution, Defense, and the Legal representative victims etc.
4. In- absentia hearing cases
- 5 Rule of 'Admissibility' in international criminal law.

## **Unit-IV**

### **Immunity/Defense under ICC**

- 1 Rome Statute: Immunities (Ex parte Pinochet (UK house of Lords); Belgium;s 1993 Universal Jurisdiction law; ICJ)
- 2 Defenses to international crimes: Superior orders, Duress and necessity,
- 3 Self- Defense
- 4 Intoxication, Mistake of Fact of Mistake of law.
- 5 Mental Incapacity.

## **List of Readings**

### **International materials**

1. Convention on the Prevention and Punishment of the Crime of Genocide, 1948
2. Principles of International Co-operation in the Detection, Arrests, Extradition and Punishment of Persons Guilty of War Crimes and Crimes against Humanity, 1973
3. Rome, Statute of the international Criminal Court, 1998
4. Draft Code of Crimes against the peace and security of mankind with commentaries 1996

## **Secondary sources**

### **Books**

1. Raimondo, Fabian O, General Principles of Law in the Decision of International Criminal courts and Tribunals, (NIJHOFF Publishers, 2008)
2. Cassee, Antonio, International Criminal law (Oxford Press, London, 2008) ed. 2<sup>nd</sup>.
3. Schabas, Williams A,. An introduction to the international Criminal Court, (Cambridge University Press, Cambridge, 2001)
4. Jose Doria et. al. (edt.) The Legal Regime of the international Criminal court (NIJHOFF) Publishers, 2009
5. Cryer, Robert & et. al, An Introduction to International Criminal law and procedure (Cambridge university Press, 2010)
6. Bantekas, Ilias & Nash Susan., International Criminal 2<sup>nd</sup> ed. (Cavendish Publishing Limited 2003).

## **Criminal Law Specialization Subject**

**Name of the Subject: Juvenile Justice and Child Protection Laws**

**Course Code: LLM130**

**Hours/week: 5**

**Credits: 5**

**Max. Marks: 70**

**Time: 3 hours**

**Note:** Attempt four questions from sections 1 to 4, selecting at least one question from each section. These questions shall carry 14 marks each. Section 5 of the question paper shall contain 10 short questions covering the entire syllabus. Students need to attempt any 7 questions out of these 10 questions. Each question of section 5 shall carry 2 marks.

### **Course Objective**

This paper intent to Provide an insight to attempts to look at juvenile in conflict with Law and the manner in which they are treated within the Juvenile Justice System. Not only does it examine the Law on Juvenile Justice and its journey but also the different challenges faced by a Juvenile who to Satisfy his needs or because of its infantile behavior gets into trouble with the law.

### **Course Outcome**

- Students will be able to Understands the two distinct categories, namely, Juveniles in conflict with law and child in need of care and protection
- Student will be able to analyze how Juveniles in conflicts with Law will be treated in Juvenile Justice System with special reference to Indian Criminal Justice System.

### **Unit – I: Rationale for Separate and Distinct System of Justice in Cases Relating to Children**

- a. History and evolution of Juvenile Justice
- b. Jurisprudential foundations of Juvenile Justice
  - Aristotle
  - John Rawls
  - UN Declaration of the Rights of Children 1959 and finally UN Convention on Rights of the Child 1989 (ratified by the Government of India in 1992)
- c. The Children Act 1960(Central), Juvenile Justice Act, The Protection of Children from sexual offences (Amended Act, 2019. Juvenile Justice Care and Protection of Children) Act 2015 (as amended in 2006) and the JJ (Model) Rules 2007.

### **Unit - II: Definitions of ‘Child’, Distinct Apprehensions, Adjudication and Custodial Agencies.**

- a. Two distinct categories, namely, Juveniles in conflict with law and child in need of care and protection. All persons (both sexes) below 18 years “child”

- b. Juvenile Police Unit to perform apprehending function informal and social investigatory role
- c. Juvenile Justice Board “instead of Juvenile Court and “Child Welfare Committee” to distinct categories of children
- d. Observation Homes Children’s Home instead of Prisons, “Fit Person Institutions” and “Fit Person” contemplated under the Juvenile Justice Act for pre-adjudication custody.

**Unit - III: Apprehension (instead of arrest) Bail, adjudication (instead of trial) and disposition (instead of Sentence)**

- a. Limited authority to apprehend Rule 11(7)
- b. Extensive Bail right both in Bail right both in Bailable and Non-bailable Offences-S.12 JJ Act.
- c. Informal, Summary Inquiry (instead of a formal adversarial trial) that requires only satisfaction of the Board (S.15)
- d. Expeditious proceedings under Ss. 7A and 14 (four months’ time)

**Unit – IV: Role of the Family Police, Role of the NGO’s and Role of the Media in Juvenile Justice**

- a. Role of the family in delinquency prevention
- b. Dual role of police-as an agency of Criminal Judicial Administration and as protector of Juvenile interest
- c. NGO’s role in custodial institutions and as a friend of every child in need of care
- d. Media to expose instances of child exploitation and abuse in public domain as well as remain sensitive to privacy of children and their families
- e. Role of legal profession

**Select bibliography**

1. Myron Weiner, The child and state in India (1990)
2. UN convention on Right of the Child. 1989
3. UN Standard Minimum Rules for Juvenile Justice (Beijing Rules) 1985
4. Juvenile Justice (Care and Protection of Children) Act, 2000 (as amended in 2006)
5. Juvenile Justice (Model) Rules 2007

## **Criminal Law Specialization Subject**

**Name of the Subject: Cyber Crime and Cyber Security Law**

**Course Code: LLM131**

**Hours/week: 5**

**Credits: 5**

**Max. Marks: 70**

**Time: 3 hours**

**Note:** Attempt four questions from sections 1 to 4, selecting at least one question from each section. These questions shall carry 14 marks each. Section 5 of the question paper shall contain 10 short questions covering the entire syllabus. Students need to attempt any 7 questions out of these 10 questions. Each question of section 5 shall carry 2 marks.

### **Objective of the Course:**

The course has been designed keeping in mind the following objectives:

1. This course will look at the emerging legal, policy and regulatory issues pertaining to cyberspace and cybercrimes.
2. To expose students to responsible use of online social media networks.
3. To identify the emerging Cyber laws, Cybercrime & Cyber security trends and jurisprudence impacting cyberspace in today's scenario.
4. To develop skills in students that can help them plan, implement, and monitor cyber security mechanisms to ensure the protection of information technology assets

**Course Outcomes:** Upon completion of the degree program, students will be able to:

- (a) Understand the cyber security threat landscape.
- (b) Develop a deeper understanding and familiarity with various types of cyberattacks, cyber crimes, vulnerabilities and remedies thereto.
- (c) Analyse and evaluate existing legal framework and laws on cyber security.
- (d) Analyse and evaluate the digital payment system security and remedial measures against digital payment frauds.

### **UNIT 1**

Cyber Crimes – Introduction, Crime in context of Internet, types of Cyber Crime, Punishments; Information Technology Act, 2000 and Indian Penal Law (Fraud, Hacking, Mischief, Trespass, Defamation. Stalking); Issues of Internet Governance, Freedom of Speech and Expression in Internet. Issues of Censorship, Hate Speech, Sedition, Libel, Subversion, Privacy Issues, International position on Free Speech in Internet, Cyber Crimes against Women and Children

### **UNIT 2**

Defining data, meta-data. Data protection, Data privacy and data security, Big data security issues and challenges; General Data Protection Regulations(GDPR),2016; Social media-data privacy and security issues. E-banking and Digital Payment System Legal Issues

### **UNIT 3**

Cyber security terminologies- Cyberspace, attack, attack vector, attack surface, threat, risk, vulnerability, exploit, exploitation, hacker; Cyber Terrorism, Protection of end user machine; Critical IT and National Critical Infrastructure, Cyberwarfare, Blockchain, Darknet and Social media, Cyber security increasing threat landscape

### **UNIT 4**

Cyber security Plan- cyber security policy, cyber crises management plan. Types of security controls and their goals, National cyber security policy and strategy , Interception, Blocking, Protected System, procedure of Blocking and Interception under the rules and its interface with freedom of speech and privacy, right to be forgotten

### **BOOKS RECOMMENDED**

1. Rodney D.Ryder: Guide to Cyber Law Vakul Sharma: Cyber Crime Gerold R.Ferresc: Cyber Law (Text & Cases)
2. Prof. S.R. Bhansali: Information Technology Act

## **International Law Specialization Subject**

**Name of the Subject: Conflict of Laws**

**Course Code: LLM132**

**Hours/week: 5**

**Credits: 5**

**Max. Marks: 70**

**Time: 3 hours**

**Note:** Attempt four questions from sections 1 to 4, selecting at least one question from each section. These questions shall carry 14 marks each. Section 5 of the question paper shall contain 10 short questions covering the entire syllabus. Students need to attempt any 7 questions out of these 10 questions. Each question of section 5 shall carry 2 marks.

### **Objective of the Course**

1. It aims at the basic understanding of the conceptual facets on the conflict of laws and the fundamental interpretations governing the field.
2. To enable the students more aware about private international law as the interstate relations are being increased and number of transactions between individuals of different countries are taking place, particularly, in this globalizing era.
3. To equip students with the knowledge of conflict of laws (private international law) that will have an expertise to meet any situation of conflict that may arise in the application of foreign law before our courts.
4. To analytically evaluate the marital status and child care in the wake of various transactions across the borders.

**Course Outcomes:** Upon completion of the degree program, students will be able to:

1. Understand the conceptual facets of the subject and the fundamental interpretations governing the Conflict of Laws.
2. It is designed to prepare the students for a clearer understanding of transnational transactions in the light of the domestic law.
3. To evolve comprehensive knowledge regarding the relationship between Municipal Law and International Law in respect of issues like Matrimonial Relieves, Conflict of Laws Relating to Children Legitimacy and Legitimation Adoption, Guardianship etc.
4. Analyse and evaluate the theories of Renvoi in the context of Indian Position.

### **Unit-1**

Meaning, Definition, Nature and Scope of Private International Law/Conflict of Laws. Historical Development and Theories of Private International Law. Case Choice of Jurisdictions – Meaning, Basis of Jurisdiction; Relevant provisions of C.P.C. regarding jurisdiction (Section 15-20, 83, 84, 86); Actions in personam and Action in rem. Action under assumed discretionary Jurisdiction, Inherent Jurisdiction Sections 10 and 151 of CPC.

## **Unit-2**

Classification of Cause of action, Classification of Rule of law, Renvoi -Theories of Renvoi, Critical analysis of Renvoi – Indian Position. Concept of Domicile elements: intention and residence, Kinds of Domicile: Domicile of origin, Domicile of Choice, Domicile of Dependence (Married Women's position in Indian and English Laws), Domicile of corporation.

## **Unit-3**

Marriage – Formal validity by Lex Loci celebrations and Essential Validity usually governed by Lex Domicile, Matrimonial causes. Capacity and Formal validity of marriage, Divorce, Adoption, Custody of children.

## **Unit- 4**

Commercial contracts: Validity of contract, capacity to contract, formal validity-Lex Loci contractus governs, essential validity-proper law is usually accepted as governing, discharge of contract, Doctrine of "Proper Law" of contract. Torts: Importance of private International Law in the Field of Torts such as Drugs, Environments, Transport and Satellite communication. Recognition and enforcement of foreign Judgement: need for recognizing foreign Judgement, Limitations in recognizing and enforcement (Ss 13, 14, 44 of CPC and S 41 of Indian Evidence Act).

### **BOOKS RECOMMENDED:**

1. Paras Diwan & Peeyushi Diwan, Private International Law, (Deep & Deep Publications, New Delhi, 4th Ed. 1998)
2. Dicey & Morris, Conflict of Laws, (Stevens, London, 9th Ed. 1973)
3. Cheshire & North, Private International Law, (Butterworths, London, 10th Ed. 1979)
4. R. S. Chavan, Indian Private International Law (Sterling Publishers Private Limited, New Delhi, 1st Ed. 1982)
5. R. C. Khare, Private International Law, (Central Law Agency, Allahabad, 5th Ed. 2013)
6. S. R. Myneni, Private International Law, (Asia Law House, Hyderabad, 1st Ed. (Reprint) 2015)

## **International Law Specialization Subject**

**Name of the Subject: International Dispute Settlement**

**Course Code: LLM133**

**Hours/week: 5**

**Credits: 5**

**Max. Marks: 70**

**Time: 3 hours**

**Note:** Attempt four questions from sections 1 to 4, selecting at least one question from each section. These questions shall carry 14 marks each. Section 5 of the question paper shall contain 10 short questions covering the entire syllabus. Students need to attempt any 7 questions out of these 10 questions. Each question of section 5 shall carry 2 marks.

### **Course Objectives**

1. To know basic categories, institutions and proceedings within the main sections of the course;
2. To be able to explain them and give examples of emblematic cases in international legal practice;
3. To know primary instruments of dispute resolution and applicable legal limitations for diplomatic or adjudicative involvement;
4. To know specific legal aspects of negotiation proceedings, including the variety of fact finding means and subsequent commitment;

### **Course Outcomes**

1. Student will be able to know basic categories, institutions and proceedings within the main sections of the course
2. Student will be able to know primary instruments of dispute resolution and applicable legal limitations for diplomatic or adjudicative involvement
3. Student will be able to know specific legal aspects of negotiation proceedings, including the variety of fact finding means and subsequent commitment
4. Student will be able to use the core terminology when discussing theoretical and practical issues; evaluate effectiveness and relevance of diplomatic, arbitral and judicial decision

### **Unit-1**

Legal framework for the regulation of international affairs. International tensions, disputes and conflicts: jurisprudence and political agenda

Diplomatic tensions, breach of international obligations and restoration of international order. Treaty and customary law remedies. Territorial disputes. Current issues of collective security. Latest legal findings in relation to armed conflicts, classification. Erga omnes obligations: current legal findings for protection of international peace and security (including genocide cases). Responsibility to protect doctrine: emergence, legal basis, challenges.

## **Unit-2**

State and Non-State actors as parties to a dispute. Legal status, capacity, responsibility: Overview of the subjects of International Law. Latest developments of categories “statehood”, “effective control”, “self-determination”, “failed state” etc. Legal status of insurgents and national liberation movements.

Basic principles of diplomatic interactions. Negotiation proceedings, consultation: Methods of peaceful dispute resolution in accordance with the Art. 33 of the UN Charter. The role of modern diplomacy in decreasing international tensions. Peculiarities of bilateral and multilateral relations. Consultation: specific traits, advantages and limitations. Forms of negotiation, negotiation strategies and techniques.

## **Unit-3**

Mediation, Inquiry, Conciliation: Status and qualifications of mediators. Consent to mediation. Functions and limits of mediation. The value and effect of inquiry. Conciliation: emergence, significance and further developments under treaty law. Commissions of conciliation.

Arbitration: Forms of arbitration, selection of arbitrators, principles and procedural regulations, legal basis of the final decision, the effect of the award. The impact of arbitration.

## **Unit-4**

The International Court of Justice: membership, jurisdiction, judgment’s effect. Legal dimension, Jurisdiction and jurisdictional disputes. Judges: election, status, qualification. ICJ Chambers. Proceedings: establishing facts, identifying the law, judgment and it’s effect. Legal and political disputes in ICJ practice. The role of the ICJ.

The United Nations: institutionalized machinery and proceedings: The UN structure, primary organs and committees. The role and the proceedings of the Security Council and General Assembly. Action under Chapter VII of the Charter. Peace-keeping operations. Legal evaluation of the political decisions within the UN. Effectiveness and impact.

### **Suggested Readings:**

William Renwick Riddell, “Judicial Settlement of International Disputes”

Flores, I. B., & Himma, K. E. (2013). *Law, Liberty, and the Rule of Law*. Dordrecht: Springer

## **International Law Specialization Subject**

**Name of the Subject: Refugee Law**

**Course Code: LLM134**

**Hours/week: 5**

**Credits: 5**

**Max. Marks: 70**

**Time: 3 hours**

**Note:** Attempt four questions from sections 1 to 4, selecting at least one question from each section. These questions shall carry 14 marks each. Section 5 of the question paper shall contain 10 short questions covering the entire syllabus. Students need to attempt any 7 questions out of these 10 questions. Each question of section 5 shall carry 2 marks.

### **Course Objective:**

This course aims to provide students with a deep understanding of the complex and rapidly evolving field of international refugee law

### **Course outcome:**

- Students will gain understanding of international refugee law regime and its foundations
- Students will be able to gain knowledge of the expanding mandate of UNHCR and regional developments
- Students will be able to analyse the issues underlying the global dilemmas of refugee law

## **UNIT 1- INTRODUCTION TO REFUGEE LAW & CONCEPTUALIZING REFUGEES**

1. Meaning of refugee under various international instruments: Convention relating to status of refugees, 1951 and protocol relating to status of refugees 1967
2. Sources of international refugee law & linkages between IHRL, IHL & Customary International law
3. Global population movements, forced migration & contemporary challenges in refugee law: Asylum seekers, migrants, stateless persons, internally displaced persons, exclusion of refugee status
4. Refugee Definition: well, founded fear of being persecuted, political opinion, social groups, homosexuality, gender, domestic violence, female genital mutilation
5. Refugee groups with special needs: Women, Children & Elderly

## **UNIT II- ASYLUM**

1. Concept, definition and principles
2. Access to asylum procedure, examination of applications & grounds of asylum
3. Human Rights guarantees governing asylum procedure: Non-discrimination, Non-refoulment & Jus Cogens
4. The principle of Family Unity & Right to Family reunification

5. Role of International & Domestic courts in refugee protection, The role of UNHCR, legal institutions and treaty framework responses

### **UNIT III- REGIONAL FRAMEWORK, GLOBAL REFUGEE CRISES & CORE CASE STUDIES**

1. Arab World: Iraq Situation, Syrian Refugee Crisis, Yemen Crisis
2. South Asia (Rohingya Refugees in Bangladesh, Afghan Refugees situation, Refugees in Pakistan)
3. South- East Asia (Myanmar)
4. Refugee law & Policy in India
5. European framework for Refugee Protection

### **UNIT IV- CONTEMPORARY DEVELOPMENTS IN REFUGEE LAW**

1. International burden sharing
2. International safe countries burden
3. Temporary protection
4. Environmental refugees
5. Safety zones

#### **Suggestive readings: -**

1. Chimni, B.S. International Refugee Law: A Reader, New Delhi: Sage Publications, 2000
2. Forsythe, D. (2001), UNHCR's Mandate: The Politics of Being Non-political, UNHCR New Issues in Refugee Research 33.
3. A. Shacknove, "Who is a Refugee?" [1985] 95 Ethics 274 -284
4. B.S. Chimni, International Refugee Law – A Reader (Sage Publications, 2003) who is a Refugee?pp. 1-81
5. James C. Hathaway, 'The Rights of Refugees Under International Law, Cambridge University Press, 2005
6. . Cohen, R. and Deng, F., Masses in Flight: The Global Crisis of Internal Displacement. 1998.
7. . Erin D. Mooney, The Guiding Principles and the Responsibility to Protect, Forced Migration Review, December 2008
8. . Manoj Kumar Sinha, Handbook of Legal Instruments on International Human Rights and Refugee Laws (Lexis Nexis)
9. S Sri Krishna, Refugee and Human Rights (Serial Publications, 2009)
10. ICRC, Summary of the Geneva Conventions of 12 August 1949 and their Additional Protocols (Second Edition, 2012)

## **International Law Specialization Subject**

**Name of the Subject: Air and Space Law**

**Course Code: LLM135**

**Hours/week: 5**

**Credits: 5**

**Max. Marks: 70**

**Time: 3 hours**

### **Course Objectives-**

The main objectives of this course is to inculcate in the student an attitude for critical analysis of the fundamental concepts of aviation and Space laws. To analyse the various International Conventions and treaties related to aviation and Space laws.

### **Course Outcomes-**

On completion of this programme the student will be able to comprehend, analyse and apply knowledge related to Aviation and Space laws. To analyse development of Space law. The student will be able to engage in design thinking as an effective approach to problem solving.

### **Unit1**

Definition and nature of Air Law

Scope and sources of Air Law

Nature and Definition of Space Law

Scope and Sources of Space Law

### **Unit 2**

Development of Air Law

Origin of Air Law

Airspace theories

Aerial Navigation

Basic principles of Air Law

Development of Space Law

Shift from Air to Space Law

International Cooperation for peaceful use

UN General Assembly Resolutions

### Unit 3

#### 1. Aerial Navigation Conventions

Paris Convention

1919-Havana Convention

1928-Warsaw Convention

1929-Chicago Convention

#### 2. Space Treaties

1967-Rescue Agreement

1968-Liability Convention

1975-Registration Convention

1975-Moon Treaty

1979-Partial Test Ban Treaty

1963-Weather Modification Convention

### Unit 4

Liability insurance in Aviation (Carrier & Product)

Law on Air Transport (Security, Hijacking)

Regulations in India

New Development in Air Law

Recent Developments in Space Law

#### **Text Books:**

1. Sandeepa Bhat B.(ed),
2. V. balakista Reddy, V.S. Mani, S.Bhatt, Recent trends in International Space law and Policy., 2<sup>nd</sup> Edition, Asia Law House, 2015





