

**MASTER OF LAW – FOURTH SEMESTER**

Fourth Semester			
S. No.	Name of Subject	Credits	Total Marks
1	Judicial Process	7	100
2	Dissertation (Continued)	6	100
3	Viva - Voice	4	100
One Optional Paper (Other than groups Chosen in Semester I to III) (Contract & Insurance)			
4	Subject 1	5	100
<b>Total</b>		<b>22</b>	

**Subject Name: JUDICIAL PROCESS**

1. The concept of justice and relation between Law and Justice. the concept of 'Dharma' in Indian thought. 'Dharma' as the foundation of legal ordering. Various theories of justice in the Western thought.
2. The nature of Judicial Process. Judicial process as an instrument of social ordering. Judicial process and creativity in law. The tools and techniques of judicial creativity and precedents.
3. Judicial Process in India. Indian debate on the role of judges and on the notion of judicial review. Danger signals and New challenges before the Indian Judiciary.
4. Independence of judiciary and the nature of judicial process. Provisions of the Indian Constitution guaranteeing Independence of judiciary. Attitude of confrontation with the Legislature & Executive. Appointment & transfer of judges and its effect on independence of judiciary.
5. Judicial Activism and Constitutional obligations of the court. Evolution of the concept. Reasons in defense of judicial activism. Constitution of India and judicial activism. Role played by the Supreme Court of India. The tools and techniques of the judicial activism. Need for care and caution.
6. Decision making in the Supreme Court of India: Nature of participation- Dissent, concurrence, unanimity and voted with majority etc.

**Subject Name: DISSERTATION (CONTINUED)**

**Subject Name: VIVA – VOICE**

**Subject Name: CONTRACT & INSURANCE**

Paper I: General Principles of Contract.

1. Formation of Contract: A critical study of offer and acceptance.

2. Doctrine of Consideration and Privity of Contract
3. Capacity to contract: Nature of minor's agreements and the doctrine of restitution.
4. Consent: Meaning, importance and the factors vitiating free consent with special reference to Fraud and Misrepresentation.
5. Standard form Contracts.
6. Void Agreements: With special reference to agreements relating to restraint of trade and wagering agreements.
7. Discharge of contracts with special reference to the doctrine of frustration.
8. Relations resembling those created by contract.
9. Remedy in the form of compensation.

OR

Paper-I: Law of Export and Import Regulation

1. Introduction: State control over import and export of goods- from rigidity to liberalization, Impact of regulation on economy.
2. The Basic Needs of Export and Import Trade: Goods, Services, and Transportation
3. International Regime: WTO agreement, WTO and Tariff restrictions, WTO 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.
4. General Law on Control of Imports and Exports: General scheme 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 zones.
5. Control of Exports: Quality control, Regulation on goods, Conservation of foreign exchange, Foreign exchange management, Currency transfer, Investment in foreign countries.
6. Exim Policy: Changing Dimensions: Investment Policy: NRIs, FIIs (foreign institutional investors), FDIs, Joint venture, Promotion of foreign trade, Agricultural products, textile and cloths, Jewellery, Service sector.
7. Law Relating to Customs; Prohibition on import and exportation of goods, Control of Smuggling activities in export-import trade, Levy of and exemption from, customs duties, Clearance of imported goods and export goods, Conveyance and warehousing of goods
8. Regulation on Investment: Borrowing and lending of money and foreign currency, Securities abroad- issue of, Immovable property- purchase abroad, Establishment of business outside, Issue of derivatives and foreign securities- GDR (global depositories receipts), ADR (American Depository receipts and Euro, Investment in Indian banks, Repatriation and surrender of foreign securities.
9. Technology Transfer: Restrictive terms in technology transfer agreements, Automatic approval schemes.

Paper II: Specific Contracts

1. Contract of Indemnity.

- a. Definition and nature of contract of indemnity
  - b. Extent and commencement of liability
2. Contract of Guarantee
    - a. Meaning and Essentials of Contract of Guarantee
    - b. Extent of Surety's Liability
    - c. Discharge of Surety's Liability
    - d. Rights of Surety
  3. Contract of Bailment & Pledge
    - a. Meaning and Essentials of Contract of Bailment.
    - b. Duties of Bailor and Bailee
    - c. Rights of Bailee.
    - d. Meaning and Essentials of Pledge and persons entitled to pledge.
  4. Contract of Agency
    - a. Nature and Essentials of Contract of Agency.
    - b. Creation of Agency: Implied Agency and Agency of Necessity.
    - c. Agency by Ratification.
    - d. Termination of Agency.

OR

#### Paper II- Corporate Finance

1. Introduction: Meaning, importance and scope of corporation finance, Capital needs- capitalization- working capital – securities-borrowings-deposits debentures, Objectives corporation finance- profit maximization and wealth maximization, Constitutional perspectives- the entries 37, 38, 43, 44, 45, 46, 47, 52, 82, 85 and 86 of List 1- Union List, entry 24 of List 11- State List.
2. Equity Finance: Share capital, Prospectus- information disclosure, Issue and allotment, Shares without monetary consideration, Non-opting equity shares
3. Debt Finance: Debenture, Nature, issue and class, Deposits and acceptance, Creation charges, Fixed and floating charges, Mortgages, Convertible debentures.
4. Conservation of Corporate Finance: Regulation by disclosure, Control on payment of dividends, Managerial remuneration, Payment of commissions and brokerage, Inter corporate loans and investment, Payback of shares, Other corporate spending.
5. Protection of creditors: Need for creditor protection, Preference in payment, Rights in making company decisions affecting creditor interests, Creditor self-protection, Incorporation of favourable terms in lending contracts, Right to nominate directors, Control over corporate spending.
6. Protection of Investors: Individual shareholder right, corporate membership right, Derivative actions, Qualified membership right, Conversion, consolidation and re-organization of shares, Transfer and transmission of securities, Dematerialization of securities.

#### Paper III: Insurance

1. Nature and definition of Contract of Insurance.
  - a. Definition of Contract of Insurance.
  - b. Contract is 'Aleatory'
  - c. Contract of utmost good faith.

- d. Contract of indemnity.
  - e. Contract of Wager.
2. Insurable interest:
    - a. Nature of insurable interest
    - b. Time or duration of interest
    - c. Insurable interest and Life insurance.
    - d. Insurable interest and Fire insurance.
  3. The Risk:
    - a. Meaning of risk
    - b. Scope of risk
    - c. Application of rule in various classes of insurance
    - d. The elements of risk
    - e. The alteration of the risk
  4. The Insurance Regulatory and Development Authority:
    - a. Establishment
    - b. Composition
    - c. Duties, powers and functions.

OR

Paper-III: Banking Law

1. Introduction: Nature and development of banking. History of banking in India and elsewhere-indigenous banking-evolution of banking in India-different kinds of banks and their functions, Multi-functional banks- growth and legal issues.
2. Law relating to Banking Companies in India: Controls by government and its agencies. On management, on accounts and audit, Lending, Credit policy, Reconstruction and reorganization, Suspension and winding up, Contract between banker and customer; their rights and duties.
3. Social Control over Banking: Nationalization, Evaluation: private ownership, nationalization and disinvestments, Protection depositors, Priority lending, Promotion of under privileged classes.
4. Deposit Insurance: The Deposit Insurance Corporation Act 1961: Objects and Reasons, Establishment of Capital of DIC, Registration of banking companies insured banks, liability of DIC to depositors, Relations between insured banks, DIC the Reserve Bank of India.
5. The Central Bank: Evolution of Central Bank, Characteristic and functions, Economic and social objectives, The Central Bank and the State as bankers' bank, The Reserve Bank of India as the central Bank, Organizational structure, Functions of the RBI, Regulation monetary mechanism of the economy, Credit control, Exchange control, Monopoly of currency issue, Bank rate policy formulation, Control of RBI over non-banking companies, Financial companies, Financial companies, Non-financial companies.
6. Relationship of Banker and Customer: Legal character, Contract between banker and customer, Banker's lien, Protection of bankers, Customers, Nature and type of accounts, Special classes of customers-lunatics, minor, partnership, corporations, local authorities Banking duty to customers, Consumer protection: banking as service.
7. Negotiable Instruments: meaning and kinds, Transfer and negotiations, Holder and holder in due course, Presentment and payment, Liabilities of parties.

8. Lending by Banks: Good lending principles, Lending to poor masses, Securities for advances, Kinds and their merits and demerits, Repayment of loans: rate of interest, protection against penalty, Default and recovery, Debt recovery tribunal.
9. Recent Trends of Banking System in India: New technology, Information technology, Automation and legal aspects, Automatic teller machine and use of internet, Smart card, Use of expert system, Credit cards.
10. Reforms in Indian Banking Law: Recommendations of committees: a review

## **OPTIONAL GROUPS**

### **Optional Group I: Constitutional Law**

Paper I: Constitutionalism and Constitutional Development in India and England.

1. What is a Constitution? Constitution, Constitutional Law and Constitutionalism. Concept of Limited Government and limitations on government power. Conventions of constitutionalism- Law and conventions. Historical evaluation of constitutional government in India and England.
2. Rule of Law. Concept and new horizons; Separation of powers. Concept and its applicability in India and England.
3. Sovereignty of British Parliament, Powers and Functions Privileges of the Parliament and Courts- Indian and British position.
4. The King of England. Prerogatives of the Crown. Position of the King in England. Cabinet System of government in India and England.
5. The Judicial system in England. Crown Proceeding Act 1947. Judicial Review and Constitutionalism in India. Prerogative writs.

Paper II: Comparative and Cooperative Federalism.

1. Concept of Federalism. Requisite conditions of federalism Patterns of federal government of U.S.A. and Australia. Federal Control v. State autonomy.
2. Indian Federal Constitution and its present shape.
3. The changing dimension of modern federal Constitutions New trends in federalism. National supremacy. Cooperative Federalism.
4. The scheme of the distribution of legislative powers in India and a comparative study of the scheme of U.S.A. and Australia. The specific legislative powers: Defence & External affairs.
5. Emergency provisions. Effect of Emergency on the federal structure. Judicial approach. Indian and American experiences.
6. Judicial Review for federal Umpiring. Scope of judicial review in the federal Constitutions. The approach of Indian & American Supreme Court.
7. Scope of Constituent power. Amending process and process in action. Judicial response. The direction of the Indian constituent power.

Paper III: Civil and Political Rights: Comparative Study of Select Constitution (India, United States of America and United Kingdom)

1. Constitutional basis for protection of Individual rights. Balance between individual liberty and social needs. To whom and against whom Rights are available. Suspension of Rights.

2. Right to Equality. General principles. Protective discrimination with special references to emerging judicial response to the problems of group inequalities. Comparative study of the decisions of the Indian and American courts.
3. Freedom of Speech and Expression: Special attention will be paid to the liberty of Press as interpreted by the Indian Supreme Court and to the interpretation of the freedom guaranteed by the First Amendment of the American Constitution.
4. Right to life and Personal Liberty: Judicial determination of the scope of the term "personal liberty", "procedure established by law" and the American expressions "liberty" and "due process". Radical changes in judicial thinking in this area.
5. Freedom of Religion Judicial interpretation of the freedom under the Constitution of India and of the United States.
6. Amendment of Rights: Adaptability of the Constitutional law to the changing needs of the society. Power and Procedure for amendments of these rights under the American and Indian constitution.
7. Elections and the Franchise: Constitutional foundation of the right to vote. The voting rights Acts. Judicial supervision of Elections.

### **OPTIONAL GROUP II- Family Law**

#### Paper I: Hindu Law including Hindu Jurisprudence

1. Basic Principle of Hindu Jurisprudence
2. Sources of Hindu Law
3. Concept of Marriage under Hindu Law
4. Matrimonial Remedies
  - a) Nullity of Marriage
  - b) Restitution of Conjugal Rights
  - c) Judicial Separation
  - d) Divorce
5. Changing Concept of Adoption: From religious to secular
6. Inheritance
  - a) Historical perspective
  - b) Succession to property of a Hindu male dying intestate under the Hindu Succession Act, 1956.
  - c) Devolution of Interest in Mitakshara Coparcenary under the Hindu Succession Act.1966.
  - d) Succession of property of Hindu female dying intestate.
  - e) General principle of Succession.
7. Minority & Guardianship under the Minority & Guardianship Act, 1956.
8. Maintenance of wife, children, Parents.
9. Joint family & coparcenary

#### Paper II- Muslim Law including Muslim Jurisprudence

1. Basic Principle of Muslim Jurisprudence
2. Sources of Muslim Law

3. Schools of Muslim Law
4. Law of Marriage
5. Law of Dower
6. Maintenance
7. Divorce under Muslim Law
8. Dissolution of Muslim Marriage Act.
9. Paternity & legitimacy
10. Law of Inheritance
11. Uniform Civil Code

Paper III Christian & Parsi and Jews Laws Christian & Parsi Law of Marriage , Divorce and Successions

1. Essentials of Marriage
2. Divorce
3. Nullity of marriage
4. Judicial Separation
5. Alimony
6. Custody of Children
7. Intestate succession of Parsis
8. Intestate succession other than Parsis

**Optional Group III: Law of Torts**

Paper I: Development of Law of Torts and Tort actions generally.

1. Evolution of Law of Torts
2. Definition, nature, scope and objects
3. Principles of liability in torts
4. Justification in Tort
5. Extinguishment of liability in certain situations
6. Standing
7. Vicarious liability
8. Doctrine of sovereignty and its relevance in India.
9. Absolute Strict liability
10. Legal Remedies

Paper II. Specific Torts- I

1. Assault, batter, mayhem False imprisonment
2. False imprisonment

3. Defamation
4. Malicious prosecution
5. Trespass to land, trespass to goods, detinue, conversion.
6. Injurious falsehood, misstatements, passing off

Paper III- Specific Torts II

1. Negligence:
  - (a) Basic concepts
  - (b) Theories of negligence
  - (c) Standards of care, duty to take care carelessness, inadvertence
  - (d) Doctrine of contributory negligence
  - (e) Res ipsa loquitur and its importance in contemporary law
  - (f) Liability due to negligence-different professionals.
  - (g) Liability of common causes for negligence.
2. Nervous shock.
3. Nuisance: definition, essentials and types
4. Acts which constitute nuisance-obstructions of highways, pollution of air, water, water, noise, and interference with light and air.
5. Liability due to negligence- different professions- under the consumer protection Act.
6. Liability of manufacturers and business houses for their products under the consumer Protection Act.

**Group IV: Crimes:**

Paper I: Criminology and Penology

1. Criminology- Definition, Nature, Scope and utility
2. Methods of Criminological Studies
3. Schools of Criminology: Classical, Biological Cartographic, Sociological and Socialist.
4. Theorising Criminal aetiology: Lombroso and Neo- Lombrosian, Psycho-analysis, Differential Association, Anomie Tradition; Critical Criminology with reference to Labeling, Interactionism and Conflict Theory
5. A brief discussion on Modern Trends in Criminology: Phenomenology, Postmodernism and Feminism Crime and Feminism.
6. Punishment: Concept and Theories
7. Death Sentence
8. Treatment of offenders: Prison, Probation and Parole
9. Victimology.

OR

Paper I: DRUG ADDICTION, CRIMINAL JUSTICE AND HUMAN RIGHTS

1. **Introductory:** Basic conceptions, Drugs "narcotics" "psychotropic substances", "dependence", "addiction", "Crimes without victims. "Trafficking" in "drugs" "Primary drug abuse".



2. **How Does One Study the Incidence of Drug Addiction and Abuse?** Self-reporting, Victim-studies, Problems of comparative studies
3. **Anagraphic and Social Characteristics of Drug Users:** Gender, Age, Religiousness, Single individuals/cohabitation, Socio-economic level of family, Residence patterns (urban /rural /urban), Educational levels, Occupation, Age at first use, Type of drug use, Reasons given as cause of first use, Method of intake, Pattern of the – Use, Average Quantity and Coast, Consequences on addict's health (physical/psychic)

NOTE: Since no detailed empirical studies exist in India, the students should be sensitized by comparative studies. The principal objective of this discussion is to orient the students to a whole variety of factors, which interact in the 'making' of a drug addict.

4. **The International Legal Regime:** Analysis of the background, text and operation of the Single Convention on Narcotic Drugs, 1961, 1972, Analysis of the Convention on Psychotropic Substances, 1972, International collaboration in combating drug addiction. The SARC, and South-South Cooperation, Profile of international market for psychotropic substances.
5. **The Indian Regulatory System:** Approaches to narcotic trafficking during colonial India, Nationalist thought towards regulation of drug trafficking and usage, The penal provisions (under the IPC and the Customs Act), India's role in the evolution of the two international conventions, Judicial approaches to sentencing in drug trafficking and abuse. the Narcotic Drugs and Psychotropic Substances Act, 1985, Patterns of resource investment in India: policing adjudication, treatment, aftercare and rehabilitation.
6. **Human Rights Aspects:** Deployment of marginalized people as carrier of narcotics, the problem of juvenile drug use and legal approaches, Possibilities of misuse and abuse of investigative prosecutory powers, Bail, The problem of differential application of the Ugal Regimes, especially in relation to the resource less.
7. **The Role of Community in Combating Drug Addiction:** Profile of Community initiatives in inhibition of dependence and addiction (e.g. de addiction and aftercare), The role of educational systems, The role of medical profession, The role of mass media, Initiatives for compliance with regulatory systems, Law reform initiatives.

Paper II: Criminal Law in India.

1. Crime and Criminal Law
2. Elements of Crime: External and Internal Intention, Recklessness, Negligence; Relevance of Motive; Strict Liability.
3. Joint and Constructive Liability
4. Preliminary offences: Attempt; Criminal conspiracy; Abetment
5. Defences:
  - i) Mistake
  - ii) Necessity
  - iii) Intoxication
  - iv) Unsoundness of mind
  - v) Consent
  - vi) Compulsion by Threat
  - vii) Superior order

- viii) Private Defence
- 6. Offences Against Human Body
  - i) Culpable Homicide and Murder    ii) Kidnapping and Abduction
- 7. Offences Against Property:
  - i) Theft    ii) Robbery
- 8. Offences Against Marriage:
  - i) Bigamy    ii) Adultery
- 9. Offence against Morals: Obscenity.
- 10. Offence against state: Sedition.

OR

Paper II: Privileged Class Deviance

1. Introduction:

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

2. Official Deviance

1. Conception of Official deviance- permissible limit of discretionary powers.
2. The Chambal valley dacoit Vinoba Mission and Jai Prakash Narain Mission- in 1959 and 1971.
3. The Chagla Commission Report on LIC-Mundhra Affair
4. The Das Commission Report on Pratap Singh Kairon
5. The Grover Commission Report on Dev Raj Urs
6. The Maruti Commission Report
7. The Ibakkar-Natarajan Commission Report on Fairfax.

3. Police Deviance

1. Structures of legal restraint on police powers in India
2. Unconstitutionality of "third-degree" methods and use of fatal force by police.
3. "Encounter" killings
4. Police atrocities
5. The plea of superior orders
6. Rape and related forms of gender-based aggression by police and para-military forces.
7. Reform suggestions especially by the National Police Commission

4. Professional Deviance

1. Unethical practices at the Indian bar
2. The Lentin Commission Report

3. The Press Council on Unprofessional and Unethical journalism
4. Medical malpractice.
5. Response of Indian Legal Order to the Deviance of Privileged Classes
  - a. Vigilance Commission
  - b. Public Accounts Committee
  - c. Ombudsman
  - d. Commissions of Enquiry
  - e. Prevention of Corruption Act, 1947
  - f. The Antulay Case.

Paper III: Crimes Against Social & Economic Security and Problems of their Control.

1. The concept of Social and Economic Offences.
2. The Distinction between Traditional Offences and the Socio Economic Offences.
  - a. Principles of Traditional Criminal Jurisprudence.
  - b. Special features of Socio-Economic
  - c. Offences. Socio Economic offences and white collar crimes.
3. Prevention of Socio Economic Crimes and Major constraints in the Implementation of Law Relating to Socio Economic Offences.
4. Dowry as a Social Evil.
  - i. Origin and Social causes of Dowry in Indian Subcontinent.
  - ii. Post-Independence phenomenon. Expansion and growth of Dowry system in India.
  - iii Criminal off shoots of Dowry – Dowry Crimes.
5. The Dowry (Prohibition Act 1961.)
  - i. Definition of Dowry
  - ii. Offence of Giving and Taping Dowry
  - iii. Offence of Demanding Dowry
  - iv. Offences of Non-transfer of Dowry
  - v. Dowry Agreements,
  - vi. Nature of Dowry Offences under the Act.
6. Dowry Prohibition (Gift to Bride & Bride Groom) Rules 1985.
7. Problems of Control of Dowry System in India
  - (1) Socio Economic Factors
  - (2) Failure of Legislative Enactments.

OR

Paper III: Cyber Crimes

1. Meaning, Definition, Nature of Cyber crimes
2. Historical Genesis and Evolution of Cyber Crimes
3. Statutory Laws pertaining to Cyber Crimes in India:

- a) Indian Penal Code
- b) Indian Evidence Act.
- c) Information Technology Act.
- 4. Cyber Crimes Laws of USA, U.K. and Canada: A Comparative Study.
- 5. Specific Cyber crimes
  - a) Cyber Stalking
  - b) Cyber Terrorism
  - c) Child Pornography
  - d) Computer viruses
- 6. Investigation and Jurisdiction over Cybercrimes.

OR

Paper III: Collective Violence and Criminal Justice System

- 1. Introductory
  - a. Notions of “force”, “coercion”, “violence”
  - b. Distinction: “Symbolic” violence, “Institutionalized” violence, “Structural violence”
  - c. Legal order as a coercive normative order
  - d. Force-monopoly of modern law
  - b. “Constitutional” and “criminal” speech: Speech as incitement to violence
  - c. “Collective political violence” and legal order
  - d. Notion of legal and extra-legal “repression”
- 2. Approaches to Violence in India
  - a. Religiously sanctioned structural violence: Caste and gender based.
  - b. Ahimsa in Hindu, Jain, Buddhist, Christian, and Islamic traditions in India.
  - c. Gandhiji’s approach to non-violence
  - d. Discourse on political violence and terrorism during colonial struggle
  - b. Attitudes towards legal order as possessed of legitimate monopoly over violence during the colonial period.
- 3. Agrarian Violence and Repression
  - a. The nature and scope of agrarian violence in the 18-19 centuries India.
  - b. Colonial legal order as a causative factor of collective political (agrarian) violence
  - c. The Telangana struggle and the legal order
  - d. The Report of the Indian Human Rights Commission on Arwal Massacre
  - b. Violence against the Scheduled Castes
- 4. Violence against the Scheduled Castes
  - a. Notion of Atrocities
  - b. Incidence of Atrocities
  - c. Uses of Criminal Law to combat Atrocities or contain aftermath of Atrocities
  - d. Violence Against Women.
- 5. Communal Violence

- a. Incidence and courses of “communal” violence
- b. Findings of various commissions of enquiry
- c. The role of police and para-military systems in dealing with communal violence
- d. Operation of criminal justice system tiring, and in relation to, communal violence.

Note: Choice of further areas will have to be made by the teacher and the taught.

#### **Group V: International Law**

##### **Paper I: Law of Treaties**

The course shall comprise:

Concept of treaty in International Law, Nature, Scope and Importance of treaty. Historical Background of the Law of Treaty. Capacity, Conclusion and Entry into Force. Reservation, Problem of Unequal Treaty, Interpretation, Jus cogens, Amendment, Invalidity, Termination and Suspension, Rebus Sic Stantibus, Succession.

OR

##### **Paper I: Diplomatic and Consular Relations**

The course shall comprise of the following:

1. Meaning, definition, evolution and development of diplomatic and consular law.
2. The Vienna Convention on Diplomatic Relations, 1961.
  - a. The in violability of the premises of the diplomatic mission.
  - b. Diplomatic immunities- personal and property.
  - c. Waiver of immunity.
3. Consular privileges and immunities: The Vienna Convention on Consular Relations, 1963.
4. The Convention on Special Missions, 1969.
5. The Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character.
6. The Immunities of international organizations.
7. Internationally protected persons.
8. Diplomatic law and Indian State practice

OR

##### **Paper I- Law Relating to Outer Space**

The Course shall comprise of the following:

1. The concept, substance and subject matter of International space law.
2. The History and development of space law.
3. Sources of international space law.
4. Fundamental principles of International space law.
5. Legal statue of space objects
6. Liability convention.
7. The Moon Treaty.
8. The regulation of various aspects of space activities include remote sensing, space communication, dire of television broadcasting satellites.

9. Protection of the outer space environment
10. Outer space law and India.

Paper II- International Court of Justice

1. International adjudication in a historical perspective.
2. International Court of Justice- a principal organ and principal judicial organ of the United Nations.
3. Organization and Structure of the ICJ.
4. The jurisdiction of the Court-general
5. Contentions jurisdiction voluntary of jurisdiction compulsory jurisdiction, reservation and reciprocity. Transferred jurisdiction, forum prorogatum.
6. Sources of law, propriety and legal interest.
7. Provisional measures, non-appearance, and third party intervention.
8. The advisory jurisdiction of the ICJ.
9. Enforcement of the judgments and advisory opinions.
10. The Role of the Court.

OR

Paper II: International Arbitration

1. Growth of the idea of international arbitration and justice, difficulties of its realization.
2. History of the institution of international arbitration (since 1875).
3. The composition of arbitral Tribunals, types of disputes submitted to arbitral tribunals, procedure and rules applied by arbitral tribunals, admissibility or in admissibility of appeal.
4. Diverse fields of arbitral awards: state territory, the individual, international delinquencies, treaties.
5. The efficacy of arbitral awards.
6. The Immunities of international Organizations.
7. Internationally protected persons.
8. Diplomatic Law and Indian State practice.

OR

Paper II Law of Seas

1. Evolution and Recent Developments
2. Territorial Sea and Contiguous Zone
3. Continental Shelf:
4. Exclusive Economic Zone (EEZ)
5. High Seas
6. Landlocked States
7. Exploration, Exploitation and Management of the Resources of the International Sea-bed Area
8. Protection and Preservation of Marine Environment

### Paper III- India and International Law

The course is designed to acquaint the student with the Indian state practice on major aspects of international law. It comprises the following:

1. International law in ancient, medieval and British India.
2. Relationship between International law and municipal law.
3. Recognition.
4. Territorial and boundary disputes.
5. Human rights, humanitarian law and refugee protection.
6. International crimes including terrorism.
7. Use of force: validity of Indian's actions in Kashmir, Goa and Bangladesh.
8. India and WTO.

### Group VI – Contract and Insurance

Paper I: General Principles of Contract.

1. Formation of Contract: A critical study of offer and acceptance.
2. Doctrine of Consideration and Privity of Contract
3. Capacity to contract: Nature of minor's agreements and the doctrine of restitution.
4. Consent: Meaning, importance and the factors vitiating free consent with special reference to Fraud and Misrepresentation.
5. Standard form Contracts.
6. Void Agreements: With special reference to agreements relating to restraint of trade and wagering agreements.
7. Discharge of contracts with special reference to the doctrine of frustration.
8. Relations resembling those created by contract.
9. Remedy in the form of compensation.

OR

Paper-I: Law of Export and Import Regulation

1. Introduction: State control over import and export of goods- from rigidity to liberalization, Impact of regulation on economy.
2. The Basic Needs of Export and Import Trade: Goods, Services, and Transportation
3. International Regime: WTO agreement, WTO and Tariff restrictions, WTO 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.
4. General Law on Control of Imports and Exports: General scheme 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 zones.

5. Control of Exports: Quality control, Regulation on goods, Conservation of foreign exchange, Foreign exchange management, Currency transfer, Investment in foreign countries.
6. Exim Policy: Changing Dimensions: Investment Policy: NRIs, FIIs (foreign institutional investors), FDIs, Joint venture, Promotion of foreign trade, Agricultural products, textile and cloths, Jewellery, Service sector.
7. Law Relating to Customs; Prohibition on import and exportation of goods, Control of Smuggling activities in export-import trade, Levy of and exemption from, customs duties, Clearance of imported goods and export goods, Conveyance and warehousing of goods
8. Regulation on Investment: Borrowing and lending of money and foreign currency, Securities abroad- issue of, Immovable property- purchase abroad, Establishment of business outside, Issue of derivatives and foreign securities- GDR (global depositories receipts), ADR (American Depository receipts and Euro, Investment in Indian banks, Repatriation and surrender of foreign securities.
9. Technology Transfer: Restrictive terms in technology transfer agreements, Automatic approval schemes.

#### Paper II: Specific Contracts

1. Contract of Indemnity.
  - c. Definition and nature of contract of indemnity
  - d. Extent and commencement of liability
2. Contract of Guarantee
  - e. Meaning and Essentials of Contract of Guarantee
  - f. Extent of Surety's Liability
  - g. Discharge of Surety's Liability
  - h. Rights of Surety
3. Contract of Bailment & Pledge
  - e. Meaning and Essentials of Contract of Bailment.
  - f. Duties of Bailer and Bailee
  - g. Rights of Bailee.
  - h. Meaning and Essentials of Pledge and persons entitled to pledge.
4. Contract of Agency
  - e. Nature and Essentials of Contract of Agency.
  - f. Creation of Agency: Implied Agency and Agency of Necessity.
  - g. Agency by Ratification.
  - h. Termination of Agency.

OR

#### Paper II- Corporate Finance

1. Introduction: Meaning, importance and scope of corporation financé, Capital needs- capitalization-working capital – securities-borrowings-deposits debentures, Objectives corporation finance-profit maximization and wealth maximization, Constitutional perspectives- the entries 37, 38, 43, 44, 45, 46, 47, 52, 82, 85 and 86 of List 1- Union List, entry 24 of List 11- State List.



2. Equity Finance: Share capital, Prospectus- information disclosure, Issue and allotment, Shares without monetary consideration, Non-opting equity shares
3. Debt Finance: Debenture, Nature, issue and class, Deposits and acceptance, Creation charges, Fixed and floating charges, Mortgages, Convertible debentures.
4. Conservation of Corporate Finance: Regulation by disclosure, Control on payment of dividends, Managerial remuneration, Payment of commissions and brokerage, Inter corporate loans and investment, Payback of shares, Other corporate spending.
5. Protection of creditors: Need for creditor protection, Preference in payment, Rights in making company decisions affecting creditor interests, Creditor self-protection, Incorporation of favourable terms in lending contracts, Right to nominate directors, Control over corporate spending.
6. Protection of Investors: Individual shareholder right, corporate membership right, Derivative actions, Qualified membership right, Conversion, consolidation and re-organization of shares, Transfer and transmission of securities, Dematerialization of securities.

### Paper III: Insurance

1. Nature and definition of Contract of Insurance.
  - f. Definition of Contract of Insurance.
  - g. Contract is 'Aleatory'
  - h. Contract of utmost good faith.
  - i. Contract of indemnity.
  - j. Contract of Wager.
2. Insurable interest:
  - e. Nature of insurable interest
  - f. Time or duration of interest
  - g. Insurable interest and Life insurance.
  - h. Insurable interest and Fire insurance.
3. The Risk:
  - f. Meaning of risk
  - g. Scope of risk
  - h. Application of rule in various classes of insurance
  - i. The elements of risk
  - j. The alteration of the risk
4. The Insurance Regulatory and Development Authority:
  - d. Establishment
  - e. Composition
  - f. Duties, powers and functions.

OR

### Paper-III: Banking Law

1. Introduction: Nature and development of banking. History of banking in India and elsewhere- indigenous banking-evolution of banking in India-different kinds of banks and their functions, Multi-functional banks- growth and legal issues.

2. Law relating to Banking Companies in India: Controls by government and its agencies. On management, on accounts and audit, Lending, Credit policy, Reconstruction and reorganization, Suspension and winding up, Contract between banker and customer; their rights and duties.
3. Social Control over Banking: Nationalization, Evaluation: private ownership, nationalization and disinvestments, Protection depositors, Priority lending, Promotion of under privileged classes.
4. Deposit Insurance: The Deposit Insurance Corporation Act 1961: Objects and Reasons, Establishment of Capital of DIC, Registration of banking companies insured banks, liability of DIC to depositors, Relations between insured banks, DIC the Reserve Bank of India.
5. The Central Bank: Evolution of Central Bank, Characteristic and functions, Economic and social objectives, The Central Bank and the State as bankers' bank, The Reserve Bank of India as the central Bank, Organizational structure, Functions of the RBI, Regulation monetary mechanism of the economy, Credit control, Exchange control, Monopoly of currency issue, Bank rate policy formulation, Control of RBI over non-banking companies, Financial companies, Non-financial companies.
6. Relationship of Banker and Customer: Legal character, Contract between banker and customer, Banker's lien, Protection of bankers, Customers, Nature and type of accounts, Special classes of customers-lunatics, minor, partnership, corporations, local authorities Banking duty to customers, Consumer protection: banking as service.
7. Negotiable Instruments: meaning and kinds, Transfer and negotiations, Holder and holder in due course, Presentment and payment, Liabilities of parties.
8. Lending by Banks: Good lending principles, Lending to poor masses, Securities for advances, Kinds and their merits and demerits, Repayment of loans: rate of interest, protection against penalty, Default and recovery, Debt recovery tribunal.
9. Recent Trends of Banking System in India: New technology, Information technology, Automation and legal aspects, Automatic teller machine and use of internet, Smart card, Use of expert system, Credit cards.
10. Reforms in Indian Banking Law: Recommendations of committees: a review

## **GROUP VII: Administrative Law**

### Paper I: Administrative Law in India

1. Importance and Scope of Administrative Law;
2. Rule of Law;
3. Separation of Powers;
4. Delegated Legislation
  - a. Constitutionality;
  - b. Judicial Control;
  - c. Parliamentary Control;
  - d. Procedural Control
5. Ombudsman in India
6. The Commission of Inquiry Act, 1952.

### Paper II: Administrative Law in India-II

1. Judicial Review of Discretionary Power;
2. Writ of Mandamus;
3. Writ of Certiorari;
4. Writ of Prohibition

5. Writ of Quo-warranto
6. Nature Justice: Bias, Opportunity of Hearing;
7. Administrative Tribunals;
8. Domestic Inquiries;
9. Administrative Finality;
10. Role of Declaratory Decree as Public Law Remedy;
11. Role of Injunction as Public Law Remedy;

OR

Paper II: Local Self Government Law

1. Historical Perspectives: Early period, Gram Swaraj-the Gandhian concept
2. Constitutional Scheme: Directive Principles, Structure and powers of local bodies
3. Legislative Powers: Direct democracy and grass root planning, Municipalities and corporation, gram Sabha
4. Quasi-legislative Powers: Rule making power of the State Government, Regulations and Bye-laws
5. Financial Powers: Levying taxes, Licensing power, Financial resources and powers
6. Judicial and Quasi-judicial powers of the Local Bodies
7. Election to Local Bodies
8. Conduct of Meetings – Corporation, Municipal Council, Panchayat Committee and Gram Sabha
9. Institutional and Judicial Control

Paper III: Comparative Administrative Law

1. Merits of French Administrative Law, Remedies available under French Administrative Law;
2. Availability of Judicial Review in the United States-
  - a. Doctrine of Primary Jurisdiction;
  - b. Doctrine of Exhaustion of Administrative Remedies;
  - c. Doctrine of Standing;
  - d. Doctrine of Ripeness;
3. Government liability for torts committed by its employees in Great Britain, France and India;
4. Promissory Estoppel in Great Britain and India;
5. Right to Information Act, 2005.
  - a. State privilege to refuse Production of documents in Courts in Great Britain and India;
  - b. The Official Secrets Act, 1923 (Indian)
  - c. The Freedom of Information Act, 2002.
6. Doctrine of Legitimate Expectation in India and Great Britain.

**Group VIII: Business Administration**

Paper I: Business Organisation

1. Introduction: History of Company Legislation, Characteristic features of a company and Lifting the corporate veil.
2. Kinds of Companies
3. Promoter- Definition and his legal position and effects of Pre-Incorporation Contracts.

4. Memorandum of Association: Contents and relation with Articles of Association, Alteration of Memorandum.
5. Prospectus; Meaning and consequences of Misstatements in prospectus.
6. Shares: Meaning, kinds and general principles and statutory provisions regarding Allotment of shares. Effect of irregular Allotment.
7. Membership of company.

Paper II: Business Management (Company Management & Administration)

1. Qualifications, Appointment and Removal of Directors, Managing Directors and Managers.
2. Remuneration of Directors, Managing Directors and Managers.
3. Legal position of Directors and Criminal Liability of the Officers of the Company.
4. Meetings of the Company- Statutory Meeting, Annual General Meeting and Extra-Ordinary Meeting.
5. Division of powers between Company-in-General Meeting and Board of Directors. Remedies in cases of oppression and Mismanagement
  - a. Investigations into the affairs of the Company.
  - b. Company Secretary- Appointments and his Legal position.
  - c. National Company Law Tribunal and Appellate Tribunal

Paper III: Law Relating to Multinational Corporation.

1. Meaning and Definition of Multinational Corporation: Problems of Definitions and Criteria of Determination.
2. Historical perspectives of MNC in India.
3. The Concept of Doctrine of Ultra-vires:
  - a) In India
  - b) In England
  - c) U.S.A. – Consequences of Doctrine of Ultra-vires.
4. U.N. Commission on Transactional Corporation – 1975.
5. National Regulation of MNC in India.
  - a. Regulation through Company Law- 1956.
  - b. Regulation through Taxation Law
  - c. Regulation through FEMA-1999.

**Group-IX: Labour Management Relations**

Paper I: Regulation of Labour Management Relations

1. Meaning, Nature and Philosophy of Labour Management Relations.
2. An Historical and Constitutional perspective of Labour Management Relations
3. State Regulatory process of Labour Management Relations in India.
4. Labour Management Regulatory processes in U.K. and USA- Its impact on India.
5. Labour Management Relations and collective Bargaining.
6. The New Economic policy and its impact on Labour Management Relations in India
7. Some recent trends to regulate the Labour Management Relations.

OR

Paper I: Comparative Study of the Law Relating to Trade Unions.

1. Meaning, Concept and Nature of Trade Unions.
2. Evolution origin and growth of Trade Unions
  - a) U.S.A. b) U.K. c) India
3. Legal Basis of Trade Unions
  - a) U.S.A. b) U.K. c) India
4. Collective Bargaining and its Status
  - a) U.S.A. b) U.K. c) India
5. Trade Unions and the Right to Strike
6. Recent Judicial trends in the Law Relating to Trade Unions
7. Globalisation, privatization and its impact on the working of the Trade Unions.

Paper II: Law Relating to Employment and Non Employment

1. Meaning and Concept of Employment
2. Wages and Conditions of Service
3. Termination of Employment
4. Termination of other than Dismissal
5. Dismissal for Misconduct

Paper III: Law Relating to terms of Employment and Conditions of Service

1. Meaning and concept of terms of Employment and conditions of service
2. The term of employment or the conditions of labour of any person.
  - a. continuity of service
  - b. per permanency of tenure of service
  - c. Transfer
3. Hours of Work
4. Work loads
5. Shifts
6. Promotions
7. Increments
8. Fringe benefits
9. Refusal benefits

**Group X: Taxation**

Paper I: Constitutional and Administrative Law Problems Relating to Taxation:

1. Distinction between Tax and Fee
2. Power to levy taxes on income
3. Power to levy Excise Duties
4. Taxes on Sale or Purchase of Goods
5. Residuary Power of Taxation Under Entry 97 of the Union List
6. Role of Taxation in achieving the Objectives of Directive Principles
7. Taxation and Right to Equality
8. Taxation and Freedom of Trade, Commerce and Intercourse

9. Distribution of Tax Revenues
10. Inter-Governmental Tax Immunities
11. Delegation of Taxing Powers
12. Judicial Review of the Orders of Tax Authorities.

Paper II – Tax on Business & Industry

1. Residence of Firms
2. Residence of Company
3. Business Connection
4. Profits and gains from business or Profession
5. Depreciation allowance
6. Business Expenditure Capital Gains
7. Income-tax authorities & their powers with special reference to search & Seizure
8. Procedure for assessment
9. Appeal & Revision.

Paper III- Current Tax Problems:

1. Assessment of Charitable Trusts
2. Service Tax
3. Tax on Agricultural income.
4. Canons of Taxation & characteristics of a good tax system.
5. Tax evasion & Black money- Causes & effects of Tax Evasion, Tax evasion distinguished with Tax Avoidance and Tax Planning.
6. Problems of Double Taxation.
7. Sales Tax- its effect & desirability – Value Added Tax.

OR

Paper III: Tax Accountancy

1. Introduction: Gross Total Income; Capital and Revenue Receipts; Methods of Accounting
2. Computation of Income under the head Salaries;
  - (i) Meaning of salary
  - (ii) Deductions under Section 16
  - (iii) Valuation of Perquisites:
    - (a) Valuation of Rent free accommodations
    - (b) Valuation of Accommodation provided on concessional rates
    - (c) Valuation of Motor Car facilities provided by the employer
  - (iv) Perquisites and Allowances exempted from taxation
  - (v) Taxation of Gratuity and Terminal payments:
    - (a) Received by Government employees
    - (b) Received under the Payment of Gratuity Act, 1972.
    - (c) Compensations received under Industrial Disputes Act.
3. Computation of Income under the Head Income from House Property:
  - (i) Determination of Annual Value

- (ii) Concessions for newly constructed properties
  - (iii) Annual value of self-occupied House Property.
  - (iv) Deductions from income from House Property.
4. Computation of Income under the head Profits and Gains of Business or Profession:
    - (i) General principles governing assessment of business income
    - (ii) Basic principles governing admissibility of deductions under Sections 30 to 40 D
    - (iii) Computation of some specific deductions:
      - (a) Rent, rates, taxes, repairs and insurance of building (S.30)
      - (b) Repairs and insurance of machinery, plant and furniture (S.31)
      - (c) Depreciation Allowance (S.32)
      - (d) Rehabilitation Allowance
      - (e) Expenditure on Scientific Research
      - (f) Expenditure on acquisition of patent rights or copy rights.
  5. Computation of Income under the head Capital Gains:
    - (i) Computation of Long term and short term capital gains on transfer of capital assets.
    - (ii) Exemptions from capital gains.
  6. Computation of income under the head Income from other sources:
    - (i) Receipts which are taxable under the head income from other sources
    - (ii) Taxation of winning from lotteries, crossword puzzles, races, card games etc.
    - (iii) Deductions under the head Income from other sources.

**Group XI: Regulated Economy:**

Paper I: Legal Regulation of Economic Enterprises

The course shall comprise with the following:

1. The Rationale of Government Regulation.
  1. Constitutional Perspectives
  2. The new economic policy- Industrial policy resolutions, declarations and statements
  3. The place of public, small scale, cooperative, corporate, private and joint sectors in the changing context.
  4. Regulation of economic activities
  5. Disclosure of information
  6. Fairness in competition
  7. Emphasis on consumerism
2. Development and Regulation of Industries
3. Take-over of Management and Control of Industrial Units

4. Sic Undertakings: Nationalisation or Winding Up?
5. Licensing Policy and Legal Process- Growing Trends of Liberalization
6. Deregulation of essential commodities: developmental sign or a social mishap?
7. Financial Services: Changing Techniques of Regulation.
8. Critical Issues Regarding the Capital Issues
  1. Equity and debt finance
  2. Global depositories
  3. De-materialised securities
9. Problems of Control and Accountability: Regulation of Hazardous Activity.
  1. Mass disaster and environmental degradation: legal liability and legal remedies
  2. Public Liability Insurance: adequacy
  3. Issues in zoning and location of industrial units.
10. Special Aspects of Legal Regulation of Select Public Enterprises  
(Universities may select some such representative public enterprises for transport, mining and energy).
  1. Telecom Regulatory Authority
  2. Insurance Regulatory Authority
  3. Broadcasting Regulatory Authority
11. Legal Regulation of Multinationals
  1. Collaboration agreements for technology transfer
  2. Development and regulation of foreign investments
  3. Investment in India: FDIs and NRIs
  4. Investment abroad

Paper II: Regulation of Labour Management Relations.

1. Meaning, Nature and Philosophy of Labour Management Relations.
2. An Historical and Constitutional perspective of Labour Management Relations
3. State Regulatory process of Labour Management Relations in India.
4. Labour Management Regulatory processes in U.K. and USA- Its impact on India.
5. Labour Management Relations and collective Bargaining.
6. The New Economic policy and its impact on Labour Management Relations in India
7. Some recent trends to regulate the Labour Management Relations.

Paper III- Corporate Finance

1. Introduction: Meaning, importance and scope of corporation fiancé, Capital needs- capitalization- working capital securities-borrowings-deposits debentures, Objectives corporation fiancé- profit



maximization and wealth maximization Constitutional perspectives- the entries 37, 38, 43, 44, 45, 46, 47, 52, 82, 85 and 86 of List I- Union List, entry 24 of List 11- State List.

2. Equity Finance: Share; Capital, Prospectus information disclosure, Issue and allotment, shares without monetary consideration, non-opting equity shares.
3. Debenture, nature issue and class, Deposits and acceptance, Creation charges, fixed and floating charges, Mortgages, Convertible debentures.
4. Managerial remuneration, Payment of commissions and brokerage, Inter-corporate loans and investment, Pay-back of shares, Other corporate spending.
5. Protection of creditors: Need for creditor protection, Preference in payment, Rights in making company decisions affecting creditor interests, Creditor Self-protection, Incorporation of favorable terms in lending contracts, Right to nominate directors, Control over corporate spending.
6. Protection of Investors: Individual shareholder right, Corporate membership right, Derivative actions, Qualified membership right, Conversion, consolidation and reorganization of shares, Transfer and transmission of securities, Dematerialization of securities.
7. Corporate Fund Raising: Depositories- IDR (Indian depository receipts), ADR (American depository receipts), GDR (Global depository receipts) Public financing institutions IDBI, ICICI, IFC and SFC, Mutual fund and other collective investment schemes, Intuitional investments LIC, UTI and Bank, FDI and NRI investment- Foreign institutional investments (IMF and World Bank)
8. Administrative Regulation on Corporate Finance: Inspection of accounts, SEBI, Central government control, Control by register of companies, RBI control.

OR

#### Paper III: Tax Accountancy

1. Introduction: Gross Total Income; Capital and Revenue Receipts; Methods of Accounting
2. Computation of Income under the head Salaries;
  - (j) Meaning of salary
  - (ii) Deductions under Section 16
  - (iii) Valuation of Perquisites:
    - (a) Valuation of Rent free accommodations
    - (b) Valuation of Accommodation provided on concessional rates
    - (c) Valuation of Motor Car facilities provided by the employer
  - (iv) Perquisites and Allowances exempted from taxation
  - (v) Taxation of Gratuity and Terminal payments:
    - (a) Received by Government employees
    - (b) Received under the Payment of Gratuity Act, 1972.
    - (c) Compensations received under Industrial Disputes Act.
3. Computation of Income under the Head Income from House Property:
  - (i) Determination of Annual Value
  - (ii) Concessions for newly constructed properties

- (iii) Annual value of self-occupied House Property.
- (iv) Deductions from income from House Property.
- 4. Computation of Income under the head Profits and Gains of Business or Profession:
  - (i) General principles governing assessment of business income
  - (ii) Basic principles governing admissibility of deductions under Sections 30 to 40 D
  - (iii) Computation of some specific deductions:
    - (a) Rent, rates, taxes, repairs and insurance of building (S.30)
    - (b) Repairs and insurance of machinery, plant and furniture (S.31)
    - (c) Depreciation Allowance (S.32)
    - (d) Rehabilitation Allowance
    - (e) Expenditure on Scientific Research
    - (f) Expenditure on acquisition of patent rights or copy rights.
- 5. Computation of Income under the head Capital Gains:
  - (i) Computation of Long term and short term capital gains on transfer of capital assets.
  - (ii) Exemptions from capital gains.
- 6. Computation of income under the head Income from other sources:
  - (i) Receipts which are taxable under the head income from other sources
  - (ii) Taxation of winning from lotteries, crossword puzzles, races, card games etc.
  - (iii) Deductions under the head Income from other sources.

**Group XII: Administration of Justice:**

Paper I: Law Relating to Jurisdiction and Systems of Courts in India.

1. Administration of Justice in Madras, Bombay and Calcutta up to 1726.
2. Mayor's Court, 1726.
3. Adalat System and its Re-organization.
4. Supreme Court created under the Regulating Act, 1773.
5. High Courts created under the Indian High Courts Act, 1861.
6. Privy Council
7. Federal Court under the Govt. of India Act, 1935.
8. High Court and Supreme court under the Constitution of India.
9. Sub-ordinate Civil Judicature and Criminal Judicature.
10. Village Panchayat Courts
11. Revenue Courts
12. New Dispute Redressal Machinery: Lok-Adalats, Family Courts and Tribunals. e.g. CAT

## Paper II: Law Relating to Procedure and Proof:

### A. Civil:

1. Jurisdiction of Civil Courts and Place of Suing
2. Res Sub-judice, Res Judicata and Foreign Judgment
3. Suit – Institution of, Essentials of, Parties of; Representative Suit and Special Suits e.g. against Government, Minors lunatics and indigent
4. Pleadings – Plaint and Written Statement
5. Issue – Meaning, Framing, kinds and importance
6. Withdrawal and Compromise of Suits
7. Effect of Death, Marriage and Insolvency of Parties
8. Trial, Judgment, Decree and its execution
9. Appeal, Reference, Review and Revision
10. Inherent Powers of Courts

### B. Criminal:

1. General principles relating to Fair Trial
2. Classes of Criminal Courts and Powers
3. Arrest, Search and seizure
4. Investigation by Police
5. Local Jurisdiction of Courts and cognizance
6. Bail
7. Withdrawal of Criminal Case
8. Charge and Trial
9. Appeal, Reference and Revision
10. Execution, Suspension, Remission and Commutation of Sentence

### C. Proof:

1. Nature and Function of Law of Evidence
2. Relevancy of Facts and Admissibility
3. Proof and Burden of Proof

## Paper III: Law Relating to Relief

1. Constitutional Relief: writs- Habeas, corpus, Mandamus, certiorari Prohibition and Quo-warranto.
2. Recovery of Possession- Movable and immovable property.
3. Specific Performance of Contract
4. Rescission of contract
5. Rectification & cancellation of Instruments

6. Declaration Decree
7. Preventive Relief- Injunctions
8. Damages: Types, Remoteness and Measure of Damages
9. Bar on Relief: General Law relating to limitation

### **GROUP XIII: Human Rights**

#### Paper I: International Law of Human Rights

The course shall comprise of the following:

1. International Concern: Protection of Individual in International Law; League of Nations; War Crime Trials.
2. Human Rights and the United Nations Charter:
  - (a) Normative and Institutional Framework of the UN
  - (b) Role of the permanent organs of the UN, Human Rights Commissions, UN High Commissioner for Human Rights
3. Universal Declaration on Human Rights:
  - (a) History of the Declaration
  - (b) Structure of the Declaration
  - (c) Legal Significance
4. International Covenants: ICCPR and ICESCR
  - (a) Nature and Characteristic
  - (b) Optional Protocols
5. Regional Instruments
  - (a) European Convention on Human Rights
  - (b) American Convention on Human Rights
  - (c) African Charter on Human and People's Rights
  - (d) Asia and Human Rights

#### Paper II: International Humanitarian Law

The course shall comprise of the following:

1. Introduction: Nature, Basic Principles; Historical Development since 1899
2. Protection of Victim of War- Wounded, Sick; Shipwrecked; and Prisoners of War
3. Implementation of International Humanitarian Law
4. Role of the International Committee of the Red Cross in Implementation of International Humanitarian Law.

OR

#### Paper II: Human Rights and the Refugees

The course shall comprise of the following:

1. Introduction: Determination of Refugee Status under the Refugee Convention of 1951 and Protocol of 1967.
2. Human Rights of the Refugees
3. Solution to Refugee Problem:
  - (a) Resettlement in Third Country
  - (b) Local Integration
  - (c) Voluntary or Forced Repatriation
  - (d) Comprehensive Responses
4. Contemporary Developments in Refugee Law
  - (a) International Burden Sharing
  - (b) International Safe Countries Burden
  - (c) Temporary Protection
  - (d) Environmental refugees
  - (e) Safety Zones
5. Internally Displaced Persons: UN Guiding Principles on Internal Displacement 1998.
6. Refugee Law and Policy in India.

Paper III: Human Rights in India

1. History and Development of Human Rights in Indian Constitution. Constitutional Philosophy. Preamble, Fundamental Rights- General.
2. Right to Equality: Gender Justice and Empowerment of Women. Special provisions for Weaker Sections of society Reservation Policy under the Constitution.
3. Freedom of Speech and Expression. Freedom of Press. Limitations, Right to Information.
4. Right to Life and Personal Liberty. New Dimension. Judicial approach.
5. Right to Freedom of Religion. Secularism. Protection to Minorities under the Constitution.
6. Implementation and Enforcement Mechanism of Human Rights in India. Remedies provided by the Judiciary and National Human Rights Commission.
7. Fundamental Duties. Article 51-A of the Constitution concept and need of Fundamental Duties. Enforcement and Effectuation of Fundamental Duties.
8. Emerging regime of new human rights in India. Taking guidance from Directive Principles of State Policy and Fundamental Duties. New Approach.

**Group XIV: Environmental Law**

Paper I International Environmental Law

1. Basic features of International Environmental Law and its evolution.
2. The landmarks in International Environmental Law- a Journey from Stockholm to Johannesburg

3. Important conventions concerning Protection and Conservation of Environment: Vienna Convention and Protocol on the Depletion of Ozone Layer, Convention and Protocol on Climate Change, Chemical Weapons convention, Basel Convention, and Regulation of Hazardous Waste Convention on Biological Diversity
4. Regulation of Transboundary pollution with special reference to Industrial Accidents and Air Pollution.
5. Impact of International Environmental Law on Indian Law with special reference to Principles of Environmental Protection.

Paper II: Natural Resource and the Law in India

1. Protection of Wild Life- with special reference to authorities, sanction and remedies under Wild Life (Protection) Act, 1972.
2. Protection and conservation of Forest- with special reference to Authorities, sanctions and remedies under Forest Act, 1927 and Forest Conservation Act, 1980.
3. Conservation of Fresh water and Ground water. Coastal Zone Management under the Environment (Protection) Act, 1986 and other relevant Statutes.
4. Protection and Conservation of Biodiversity with special reference to Biodiversity Act 2002.
5. The scope and Limit of PIL to protect the natural resources- (Special emphasis shall be placed on directions issued by the Supreme Court of India from time to time).

Paper III: Pollution Control Laws in India

1. Constitutional Mandate and Environment with special reference to Article 32 and 226. (emphasis shall be given on use of PIL as a tool to provide environmental justice)
2. Comparative Study of Water Act, 1974, the Air Act, 1981 and the Environment (Protection) Act, 1986 with special reference to authorities' mechanism and sanctions
3. Efficacy of Remedies – Section 133 Criminal Procedure Code, Public Liability Insurance Act, 1991, National Environmental Tribunal Act, 1995, National Environment Appellate Authority Act, 1997, Citizens' Suit provisions, remedies under Civil Procedure Code, 1908.
4. Specific Environmental Problems and Legal Responses- special emphasis shall be placed on rules and notification framed under the Environment (Protection) Act, 1986. (Rules and Notifications shall be prescribed each year)
5. Environment Impact Assessment and People's Participation, EIA and Public Hearing under the Environment Protection Act, 1986.

**Group XV: Intellectual Property**

Paper I. Copy Right: National and International Perspective

1. Aims, Objectives and Range of Copy Right
2. Works in which Copy Right Subsists
3. Infringement of Copy Right
4. Property Rights and Exploitation
5. Copy Right: particular cases
6. Statutory Laws in India
7. International Conventions.

## Paper 2. Trade Marks, Design and Geographical Indications

1. Underlying Themes
2. Historical Development
3. The purpose of protection
4. Common Law Liability
5. Registration, its procedure, its implications
6. Statutory Laws in India
7. International Conventions

## Paper 3. Patents and Protection of Plant Varieties and Farmers' Rights

1. Growth and Purpose
2. Grant and Content
3. Validity
4. Scope of Monopoly
5. Property Rights and Exploitation
6. Statutory Laws in India
7. International Conventions

## **Group XVI: Law Science and Technology**

### Paper I: Law, Technology Biotechnology and Medicine

1. Interface of science and technology with law, Frontiers of New Technologies
2. Science, Technology and Human Rights.
3. Legal aspects of Medicine and Medical Technology
  - (a) Organ Transplantation
  - (b) Medical Termination of Pregnancy.
  - (c) Surrogate motherhood
  - (d) Euthanasia
  - (e) Sex- determination Techniques.
4. Law and Biotechnology
  - Bio- technology and Human Health
    1. Genetic Markers: Diagnostic biotechnology
    2. Conquest of disease
    3. Genetic screening: Prevention of genetic disease and mental retardation
    4. Genetic screening: Uses and abuses of amniocentesis
    5. Cloning of human beings.
    6. Obsolescence and resilience of law.

## Legal Regulation of Biotechnology

1. Regulation of government sponsored research
  2. Regulation of Private R & D
  3. Regulation of deliberate release of genetically mutated micro-organisms
  4. Regulation of accidental release of genetically mutated micro-organisms
  5. Comparative perspective
  6. U.S.A.
5. Law and Medicine

## Paper II: Information Technology and Legal Order

The Course shall comprise with the following:

1. Introductory:
  1. Interface between laws information technology
  2. Printing, Radio & Television.
  3. Remote Sensing
  4. Growth of Computer Science and Television.
2. Artificial intelligence and Human Resources
3. The Law: Intellectual Property
  1. Law relating to protection of computer software
  2. Information Technology Act.
  3. Law Relating to patenting of hardware
4. Regulation of Transfer of computer technology
5. Computer Systems and Liability Issues
6. Computer fraud
7. Computer non-finance and liability for damages
8. Computer Systems and Renovation of Legal Order

## Paper III- Nuclear Technology: Dilemmas of Legal Controls.

The course shall comprise with the following:

1. Introduction
  1. Nuclear Fission/Fusion.
  2. Radioactivity
  3. Fission product and half-life measure
  4. "Thermal" and "Fast" reactors
  5. Heavy-water reactors.
  6. Nuclear fuel



2. Development in Civilian Uses of Nuclear Energy
  1. “Atoms for Peace” and International Atomic Energy Commission (IAEA)
  2. The European Atomic Energy Community (EUROTAM)
  3. Development of nuclear industry at a global level.
3. India’s Atomic Energy Programme
  1. India’s overall energy needs and planning
  2. India’s Nuclear Energy Programme
  3. The Atomic Energy Commission Act
  4. Technology transfer and India’s nuclear programme
4. Hazard Aspects of Nuclear Power
  1. Plant Location: Problems of Sites
  2. Uranium mining associated hazards
  3. Accidents Potential: e.g. fuel failure recirculation pump failures, control valve leaks, failure of shut-down device, metal failure, of electronic monitoring and control systems.
  4. Containment facilities
  5. Occupational hazards for workers at research institutes and nuclear plants
5. The Regime of legal liability including:
  1. Right to information as to levels of radioactivity
  2. Right to compensation
  3. Right to meaningful “rehabilitation”
6. Other Associated Hazards and Other Management
  1. The nature and magnitude of nuclear wastes
  2. Reprocessing
  3. Entombment
  4. Low level wastes and High Level Wastes
  5. Reprocessing of wastes
  6. Vitrification
  7. Dumping
7. Legal Aspects
  1. Secrecy
  2. Minimum public participation
  3. Right to information
  4. Regimes of liability for mass disasters and personal injuries
  5. Environmental: Law regulation of the hazardous aspects of nuclear energy production.

## **Group XVII: Jurisprudence**

### Paper I. Theories of Law (including Feminist Theory)

The course shall comprise of the following:

1. Definition, nature and scope of legal Theory Importance of the study of legal theory.
2. Analytical positivism- Austin: Kelsen and Hart
3. Savigny's Theory of Volk-geist, and Maine's Theory of status to contract
4. National Law theory
5. Philosophical theory- Kant and Hegel
6. A Theory of social engineering
7. American Realism
8. Relationship between law and morality
9. Feminist theories- liberal, socialist and Radical feminism.
10. Marxian they of law.

### Paper II: Theories of Justice

The course shall comprise of the following:

1. The concept of justice: Meaning, Nature and varieties of justice- views of Marx, Austin, Kelson, Allen and Karl Renner
2. The basis of justice: The liberal Contractual tradition, the liberal utilitarian tradition- the liberal moral tradition, the socialist tradition.
3. Relation between law and justice:
  - (a) Equivalence theories
  - (b) Dependency theories
  - (c) The Independence on Justice theories

### Paper III Theories of Rights

The course shall comprise of the following:

1. Classification and categorization of Rights types of rights, correlation of rights with duties
2. History of legal discourse on rights
3. Nature of rights: views of Dworkin, David Lyons, Robert Nozick, Allen Buchnon. Concepts of natural and absolute rights.
4. Structure of rights; correlation of rights with other legal concept, generation of rights.
5. The basis of rights.

## **Group XVIII: New Economic Law: W.T.O. in Context**

### Paper-I Development and Regulation of International Trade

1. W.T.O. Its Birth and Background
2. W.T.O. The Structural Dimension
3. W.T.O. Dispute Settlement Mechanisms
4. Legal Frame Work of GATT 1994.

5. W.T.O. Agreement on Agriculture
6. W.T.O. Agreement on Textile and Clothing
7. Agreement on Sanitary and Phyto sanitary Measures.
8. Agreement on Technical Barriers to Trade
9. TRIPS Agreement
10. General Agreement on Trade in Service

#### Paper II: Legal Regulation of Economic Enterprises

The course shall comprise with the following:

1. The Rationale of Government Regulation.
  1. Constitutional Perspectives
  2. The new economic policy- Industrial policy resolutions, declarations and statements
  3. The place of public, small scale, cooperative, corporate, private and joint sectors in the changing context.
  4. Regulation of economic activities
  5. Disclosure of information
  6. Fairness in competition
  7. Emphasis on consumerism
2. Development and Regulation of Industries
3. Take-over of Management and Control of Industrial Units
4. Sic Undertakings: Nationalisation or Winding Up?
5. Licensing Policy and Legal Process- Growing Trends of Liberalization
6. Deregulation of essential commodities: developmental sign or a social mishap?
7. Financial Services: Changing Techniques of Regulation.
8. Critical Issues Regarding the Capital Issues
  1. Equity and debt finance
  2. Global depositories
  3. De-materialised securities
9. Problems of Control and Accountability: Regulation of Hazardous Activity.
  1. Mass disaster and environmental degradation: legal liability and legal remedies.
  2. Public Liability Insurance: adequacy
  3. Issues in zoning and location of industrial units.
10. Special Aspects of Legal Regulation of Select Public Enterprises
  - One or two Authorities shall be prescribed each year from the following:
    1. Telecom Regulatory Authority
    2. Insurance Regulatory Authority

3. Broadcasting Regulatory Authority

11. Legal Regulation of Multinationals

1. Collaboration agreements for technology transfer
2. Development and regulation of foreign investments
3. Investment in India: FDIs and NRIs
4. Investment abroad

Paper III: Legal Regulations of International Trade

1. W.T.O. Competition Policy
2. W.T.O. and Labour Standards
3. Trade and Environment Issues in the WTO
4. WTO Trade and Investment
5. Agreement on Import-Licensing Proceeding
6. Agreement on Pre-shipment Inspection
7. Developing Countries in the GATT/WTO

**Group XIX: Alternate Dispute Resolution System**

Paper I: Domestic and International Commercial Arbitration.

1. Existing Justice Delivery System in India- Effectiveness and Menances
2. Reform in the Legal System for Achieving Effective and Speedy Resolution of Dispute.
3. Historical Background of the Arbitration Arbitration Agreement
4. Composition & Jurisdiction of Arbitral Tribunal
5. Conduct of Arbitral Proceedings
6. Making of Arbitral Award and Termination of Proceeding
7. Recourse Against Arbitral Award.
8. Finality & Enforceability of Arbitral Award.
9. Appealable Orders & Miscellaneous provisions.

Paper II: Enforcement of Foreign Award and Conciliation in India.

1. Enforcement of Foreign Award under New York Convention Award.
2. Enforcement of Foreign Award under Geneva Convention Award.
3. Meaning of Conciliation Commencement of Conciliation Proceedings and appointment of Conciliator.
4. Statements to Conciliation(s)
5. Role of Conciliator(s)
6. Conduct of Conciliation Proceeding
7. Settlement agreement & its Status and Effect.
8. Protection for conciliation Proceeding
9. Public Interest Litigation.
  - (a) Liberalization of Locus Standi Doctrine

(b) Dilution of Ubi Jus Ibi Remedium Doctrine

Paper III: Mediation, Lok Adalats and Consumer Forums etc.

1. Various Modes and Processes of Alternative Dispute Resolution System.
2. Meaning of Mediation- Distinction between Arbitration, Conciliation and Mediation and negotiation. Interest Based Versus Right Based Mediation.
3. Conduct of Mediation Proceeding
  - (a) Opening Statement of Mediator
  - (b) Opening Statement of Party.
4. Mediation Agreement or Termination of Mediation Proceeding.
5. Common Error of Mediation Advocacy.
6. Lok Adalats: Temporary and Permanent.
  - (a) Constitution, Jurisdiction, Powers
  - (b) Procedure Remedy Provided.
7. Consumer Forums under the Consumer Protection Act.
  - (a) Constitution, Jurisdiction, Power and Procedure.
  - (b) Remedy Provided.
8. Administrative Tribunals.