

**SRI VENKATESWARA UNIVERSITY  
DEPARTMENT OF LAW  
TIRUPATI – 517 502**

**ACADEMIC REGULATIONS  
COURSE STRUCTURE &  
DETAILED SYLLABUS (CBCS)**



**LL.M  
TWO YEAR DEGREE COURSE**  
(For Regular students studying in Dept. of Law, S.V. University  
& Affiliated Law Colleges, S.V. University)

**CBCS-SEMESTER SYSTEM**  
(w.e.f. 2024 – 2025)

**SRI VENKATESWARA UNIVERSITY :: TIRUPATI**  
(For Regular students studying in Dept. of Law, S.V. University  
& Affiliated Colleges, S.V. University)

**LLM**  
**CBCS Pattern**  
**(With effect from 2024-2025)**  
**The Course of Study and the Scheme of Examinations**

**BRANCH – I – CONSTITUTION AND LEGAL ORDER**

**I - Semester**

S.No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks		Total
				L	T	P		I	E	
1	<b>Core</b>	1.1	Mass Media Law	4	2	-	6	30	70	100
2		1.2	Public Utilities Law	4	2	-	6	30	70	100
3	<b>Foundation Course</b>	1.3	Law and Social Transformation in India	4	2	-	6	30	70	100
4		1.4	Indian Constitutional Law, The New Challenges	4	2	-	6	30	70	100
	<b>Total</b>					-	24	120	280	400

**II - Semester**

S.No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks		Total
				L	T	P		I	E	
1	<b>Core</b>	2.1	Union – State Financial Relations	4	2	-	6	30	70	100
2		2.2	Constitutionalism, Pluralism and Federalism	4	2	-	6	30	70	100
3	<b>Foundation Course</b>	2.3	Judicial Process	4	2	-	6	30	70	100
4		2.4	Legal Education and Research Methodology	4	2	-	6	30	70	100
	<b>Total</b>					-	24	120	280	400

### III – Semester

S.No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks		Total
				L	T	P		I	E	
1	Core	3.1	Human Rights	4	2	-	6	30	70	100
2		3.2	National Security, Public Order and Rule of Law	4	2	-	6	30	70	100
3		3.3	Practical Training	-	-	6	6	100	-	100
4	Generic Elective	3.4a	Environment Protection and the Law	4	2	-	6	30	70	100
5		3.4b	Intellectual Property Rights Law							
6	Open Elective	3.5a	Cyber Crimes and Law	4	2	-	6	30	70	100
7		3.5b	Evolution and Concept of ADR							
	<b>Total</b>						<b>24</b>	<b>120</b>	<b>280</b>	<b>400</b>

### IV – Semester

S.No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks		Total
				L	T	P		I	E	
1	Core	4.1	Dissertation and Viva-Voce	-	-	24	12		Dissertation - 150 Viva – 50	200
2	Open Elective	4.2a	Law of Consumer Protection	4	2	-	6	30	70	100
3		4.2b	International Human Rights (MOOC / Online Course)							
	<b>Total</b>						<b>12</b>		<b>200</b>	<b>200</b>
			Grand Total				<b>84</b>			<b>1400</b>

**Note:-**

1. Student has to choose one paper out of two in Generic elective in the III Semester.
2. Students of other discipline other than law course can choose one paper out of two in Open elective in the III Semester and IV Semester. In the IV Semester Paper 4.2b – International human Rights is MOOC / Online course only.
3. Duration of examination for each paper in all the semesters is 3 Hours except for Practical Training in III Semester and Dissertation and Viva-Voce in IV Semester.

*K. Sita Manikyam*

(K. SITA MANIKYAM)  
Chairperson, BoS in Law  
S.V. University, Tirupati

## I-SEMESTER

### LL.M. SYLLABUS

#### BRANCH –I – CONSTITUTION AND LEGAL ORDER

##### Paper – 1.1

### MASS MEDIA LAW.

#### **Objectives of the course:**

Mass media such as press, radio and television, films, play a vital role in socialisation, culturalisation and modernisation of a society. The visual media are bound to have a much greater impact on human mind. But while these media have such a potential value as mass educators, they are also susceptible to destructive and harmful uses for promoting criminal anti-social and selfish escapist tendencies. While their positive potential as mass educators has to be harnessed for developmental purposes, their negative, harmful potential has to be curbed in public interest. Law plays a dual role vis-a-vis such media. On the one hand, it protects the creative freedom involved in them, on the other, it has to regulate them so as to avoid their possible abuse. This paper will deal with such interaction between law and mass media.

#### **Syllabus:**

##### **Unit - 1. Mass media - Types of - Press Films, Radio Television**

Ownership patterns - Press - Private – Public, Ownership patterns - Films – Private, Ownership patterns - Radio & Television, Public, Difference between visual and non- Visual Media- impact on People's minds.

##### **Unit - 2. Press - Freedom of Speech and Expression - Article 19 (1) (a)**

Includes Freedom of the Press, Laws of defamation, obscenity, blasphemy and sedition, The law relating to employees wages and service conditions, Price and Page Schedule Regulation. Newsprint Control Order, Advertisement - is it included within freedom of speech and expression? Press and the Monopolies and Restrictive Trade Practices Act.

##### **Unit - 3. Films - How far included in freedom of speech and expression?**

Censorship of films – constitutionality, abbas Case, Difference between films and Press - why pre-censorship valid for films but not for the press? Censorship under the Cinematograph Act.

##### **Unit - 4. Radio and Television - Government monopoly.**

Why Government departments ? Should there be an autonomous corporation? Effect of television on people, Report of the Chanda Committee, Government policy, Commercial advertisement, Internal Scrutiny of serials, etc. Judicial Review of Doordarshan decisions: Freedom to telecast.

##### **Unit - 5. Constitutional Restrictions**

Radio and television subject to law of defamation and obscenity, Power to legislate - Article 246 read with the Seventh Schedule, Power to impose tax - licensing and licence fee.

#### **Select bibliography**

1. M.P. Jain, Constitutional Law of India (1994) Wadhwa.
2. H.M. Seervai, Constitutional Law of India Vol.I (1991) Tripathi, Bombay.
3. John B. Howard, "The Social Accountability of Public Enterprises" in Law and
4. Community Controls in New Development Strategies (International Center for law in Development 1980).
5. Bruce Michael Boyd, "Film Censorship in India: A Reasonable Restriction on Freedom of Speech and Expression ". 14 J.I.L.I. 501 (1 972).
6. Rajeev Dhavan "On the Law of the Press in India" 26 J.I.L.I. 288 (1984).
7. Rajeev Dhavan, "Legitimizing Government Rhetoric: Reflections on Some Aspects of the Second Press Commission" 26 J.I.L.I. 391 (1984).
8. Soli Sorabjee, Law of Press Censorship in India (1976).
9. Justice E.S. Venkaramiah, Freedom of Press: Some Recent Trends (1984).
10. D D. Basu, The Law of Press of India (1980).
11. Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute. (Constitutional Law 1 & 11, Administrative Law and Public Interest litigation).

## Paper – 1.2

# PUBLIC UTILITIES LAW

### **Objectives of the course:**

Public utilities are government monopolies, which are services rather than commercial enterprises. The law of public utilities is contained in the statutes of incorporation and judicial decisions given by courts while resolving disputes between the utilities and their consumers or employees or traders or others entering into business relations with them. In this paper a student will study (a) government policy in regard to such utilities in general and to each utility in particular, (b) the growth and evolution of the public utilities; (c) patterns of the laws of incorporation and (d) powers, functions and liabilities of the public utilities vis-a-vis their employees, consumers and others.

### **Syllabus:**

#### **Unit - 1. Growth and evolution of public utilities and their legislation**

Railways, Electricity, Gas, Road Transport, telephone, post and telegraph service, Police, Fire Brigade, Banking service, etc. Government and Parliamentary Control Constitutional division of power to legislate, Public Utilities law - Why government monopoly?

#### **Unit - 2. Administrative Authorities and Fair hearing**

Structure of the Administrative Authorities, Subordinate legislation, Quasi-Judicial Decision – Administrative Discretion.

#### **Unit - 3. Public Utilities And their Employees : Consumer Protection**

Application of Articles 16 and 311, Application of Industrial law- right to strike, Rights of consumers protected by the Consumer Protection Act, Rights Arising from law of Contract and law of Torts

#### **Unit - 4. Public Utilities and Fundamental Rights**

The right to equality: the airhostess case, Are Public utilities "State" for the purpose of article 12 of the Constitution? Extension of the concept of State

#### **Unit - 5. Liabilities and special privileges of public utilities**

In contract, In tort, In criminal law

### **Select bibliography**

1. P.M. Bakshi, Television and the Law, (1986)
2. Vasant Kelkar, "Business of Postal Service" 33 I.J.P.A. pp. 133-141 (1987)
3. G. Ramesh, "Characteristic of Large Service Organisation in a Developing Country Like India" 32 I.J.P.A. 77 (1986)
4. Nalini Paranjpe, "Planning for Welfare in the Indian Railways" 31 I.J.P.A. 171-180 (1985)
5. Arvind K. Sharna "Semi-Autonomous Enterprise: Conceptual Portrait – Further Evidence on the Theory of Autonomy" 33 I.J.P.A. p. 99-113.
6. S.P. Sathe, Administrative Law (1998)
7. Jain & Jain, Principles of Administrative Law, (1986)
8. Jagdish UI, Handbook of electricity Laws, (1978)
9. Bhaumik, The Indian Railways Act, (1981)
10. Law Commission of India, 38th Report : Indian Post Office Act, 1898, (1968)
11. Students should consult relevant volumes of Annual Survey of Indian Law published by the Indian Law Institute (Constitutional Law I & II, Consumers Protection Law and Labour Law)

**Paper – 1.3**  
**LAW AND SOCIAL TRANSFORMATION IN INDIA.**

**Objectives of the course:**

This course is designed to offer the teacher and the taught with - (a) awareness of Indian approaches to social and economic problems in the context of law as a means of social control and change; and (b) a spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. The endeavour is to make the students aware of the role the law has played and has to play in the contemporary Indian society

**Syllabus:**

**UNIT 1. Law and social change**

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

**UNIT -2. Community, religion and the law**

Caste as a divisive factor, Non-Discrimination on the ground of caste, Acceptance of caste as a factor to undo past injustices, Protective discrimination, Protective discrimination: Scheduled castes, tribes and backward classes. Reservation; Statutory Commissions., Statutory provisions. Freedom of religion and non-discrimination on the basis of Religion, Religious minorities and the law.

**UNIT –3. Women, children and law**

Crimes against women, Gender injustice and its various forms, Women Commission. Empowerment of women: Constitutional and other legal provisions, Child labour, Adoption and related problems, Children and education.

**UNIT- 4. Modernization and law**

Modernisation as a value: Constitutional perspectives reflected in the fundamental duties, Democratic decentralisation and local self-government.

**UNIT-5. Alternative approaches to law**

The jurisprudence of Sarvodaya--- Gandhiji, VinobaBhave; Jayaprakash Narayan--  
-Surrender of dacoits; concept of gramanyayalayas.

**Select Bibliography**

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

## **Paper – 1.4**

### **INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES.**

#### **Objectives of the Course:**

The Constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes. The post graduate students in law who had the basic knowledge of Indian Constitutional Law at LL.B level, should be exposed to the new challenges and perspectives of constitutional development while they are allowed to choose an area of law for specialisation. Obviously, rubrics under this paper require modification and updating from time to time.

#### **Syllabus:**

##### **UNIT-1. Federalism**

Creation of new states, The inter-state disputes on resources, Centre's responsibility and internal disturbance within States, Federal Comity : Relationship of trust and faith between Centre and State, Special status of certain States, Tribal Areas, Scheduled Areas.

##### **UNIT-2. "State" right to equality**

Definition of state, Need for widening the definition in the wake of liberalization. Privatisation and its impact on affirmative Action, Relating to equality.

##### **UNIT-3. Emerging regime of new rights and remedies**

Reading Directive Principles and Fundamental Duties into Fundamental Rights Compensation jurisprudence Right to education, Commercialization of education and its impact, Brain drain by foreign education market, Right of minorities to establish and administer educational institutions and state control.

##### **UNIT – 4. Separation of powers stresses and strain**

Judicial activism and judicial restraint, PIL: implementation, Judicial independence, Appointment, transfer and removal of judges, Accountability: executive and judiciary, Tribunals.

##### **UNIT- 5. Democratic process**

Nexus of politics with criminals and the business, Election, Election commission: status, Electoral Reforms, Coalition government, 'stability, durability, corrupt practice' Grass root democracy.

#### **Select bibliography**

No specific bibliography is suggested for this course since the course materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values.

### **II-SEMESTER**

#### **BRANCH –I - CONSTITUTION AND LEGAL ORDER**

## **Paper – 2.1**

### **UNION-STATE FINANCIAL RELATIONS**

#### **Objectives of the course:**

The Indian Constitution adopts federal government for various reasons. Power is divided between the Union and the States in such a way that matters of national importance are entrusted to the Centre and matters of local importance are left to the States. The Constitution departs from the model of classical federalism in many ways. This departure was made to suit the peculiar Indian circumstances. However, the constitutional provisions were in practice further distorted so as to make the states totally subservient to the Centre.

Distribution of fiscal power is the nerve centre of the federal system. In this paper a student will be made conscious of various aspects of federal principle, and their working in the Indian context with a view to ultimately assessing the Indian experience critically. He must clearly understand various emerging forces such as regionalism, sub-national loyalties and nationalism. He should be able to see the working of the constitutional process as a vital element of the political economy.

### **Syllabus:**

#### **UNIT – 1. Federalism – Essentials**

Models of Federal government - U.S.A, Australia, Canada, Difference between Federation and Confederation Evaluation of federal government of India

#### **UNIT – 2. Distribution of Legislative Power / Administrative Power / Physical power**

Indian Constitution, Center-State relations, Factors responsible for subordination of State Administrative relations, Scheme of Allocation of taxing power, Extent of union power of taxation, Residuary power – inclusion of physical power, Fundamental rights Inter-Government tax immunities Difference between tax and fee.

#### **UNIT – 3. Distribution of tax Revenues and Borrowing Power of the state**

Tax-sharing under the constitution finance commission – specific purpose grants (article 282), Borrowing by the government of India, Borrowing by the states.

#### **UNIT – 4. Inter – State Trade and Commerce under the Indian constitution**

Freedom of Inter-State trade and commerce, restrictions on legislative power of the Union and States with regard to trade and commerce

#### **UNIT – 5. planning and cooperative federalism**

Planning commission, National Development Council, Plan grants, Full faith and credit, Inter-State Council, Zonal Councils.

### **Select Bibliography:**

1. H.M. Seervai, Constitutional Law of India (1991), Tripati, Bombay
2. SudhaBatnagar, Union-State financial Relations and Finance Commissions, (1979)
3. Ashok Chandra, Federalism in India, (1965)
4. V.D. Sebastian, Indian Federalism :The Legislative Conflicts Chs. 6,7 & 8 (1980)
5. Chandrapal, Center-State Relations and cooperative federalism. Chs.5 & 8 (1983)
6. G.C.V SubbaRao, Legislative Powers in Indian Constitutional law, Chs 37,38 & 39 (1982)
7. Richard M. Pious, the American Presidency, 293-331, Ch. 9 (1979)
8. Daniel J. Elzar, American Federalism. Chs 3 & 4 (1984)
9. K.P. Krishna Shetty, The law of Union-State Relations and the Indian Federalism Ch. 9 (1981)
10. Report of the English Finance corporation
11. Administrative Reforms commission on center-state relationship Ch.3 (1969)
12. Constituent Assembly debates Vol. 9, 203, 240 and 302-349; Vol 10, 325-342
13. Administrative reforms commission, Report of study Team o central-state relationship (1967) Vol. 1 Sections land 11 pp. IS-168
14. L.M. Singhvi (ed), Union state Relations in India 124-154 (1969)
15. Government of Tamilnadu report of the Center – State Relations Inquiry committee Ch. 5 (1971)
16. D.T. Lakadwala, Union – State Financial Relations (1967)
17. M.P. Jain “Indian Constitutional Law” (1994), Wadhwa
18. K. SubbaRao, The Indian Federation (1969)
19. K.C. Wheare, Federal Government (1963)

## **Paper – 2.2**

### **CONSTITUTIONALISM, PLURALISM AND FEDERALISM**

#### **Objectives of the course:**

Constitutionalism essentially means a limited government. Where government functions according to certain principles, it is said to be abiding by constitutionalism. Must it be a democracy or can it be an autocracy also. In ancient India, the king was supposed to act



according to dharma. He was not absolute in the sense in which John Austin defined sovereignty. Constitutionalism may therefore be determined by a written constitution or by religion or tradition or by mere practice or convention as in England. In a plural society, where different religious as well as linguistic groups have to live together, various rules of accommodation and mutual recognition are incorporated in the Constitution. Usually these are contained in the bills of rights which contain guarantees of individual liberty and equality against majoritarian rule. Constitutionalism does not merely imply majoritarian rule, it has to be a consensual rule. However, where there is not only such vertical pluralism but also horizontal pluralism reflected by subnations/regional loyalties, power is not only required to be restrained but it has to be shared. This calls for a federal government. The purpose of this paper is to provide exposure to the students to various models of pluralism and forms of constitutional governments and federal structures.

## **Syllabus:**

### **UNIT – 1. Constitutionalism**

Authoritarianism – Dictatorship, Democracy – Communism, Limited Government concept Limitations on government power, What is a Constitution? Development of a democratic government in England – Historical evolution of constitutional government. Conventions of constitutionalism – law and conventions Written constitutions: U.S.A, Canada, Australia and India, Separation of powers: Montesquieu, Rule of law: Concept and new horizons

### **UNIT – 2. Federalism**

What is a federal government? Difference between confederation and federation, conditions requisite for federalism patterns of federal government – U.S.A, Australia, Canada, India Judicial review – for federal umpiring New trends in federalism: Co-operative federalism Dynamic of federalism.

### **UNIT – 3. Pluralism**

What is a pluralistic society, Ethnic, linguistic, cultural, political pluralism individual rights – right to dissent, Freedom of speech and expression, Freedom of religion, Freedom of association, Rights of the religious and linguistic minorities.

### **UNIT – 4. Equality in plural society**

Right to equality and reasonable classification, prohibition of discrimination on ground of religion, caste, sex, language, compensatory discrimination for backward classes, Women-rights to equality and right to special protection, Abolition of untouchability, Secularism – constitutional principles, Scheduled tribes, District Identity – protection against exploitation, Tribal Groups and Equality.

### **UNIT – 5. Pluralism and International concern**

International declaration of Human rights, Conventions against genocide. Protection of religious, ethnic and linguistic minorities, State intervention for protection of human rights, Right of self determination. The role of judiciary in plural society.

## **Select Bibliography:**

1. UpendraBaxi, “Law, Democracy and Human Rights” – 5 Lokayan Bulletin 4 (1987)
2. V.M. Dandekar “Unitary Elements in a Federal Constitution” 22 E.P.W 1965 (1988)
3. Rajeev Dhanvan, “The Press and Constitutional Guarantee of Free Speech and Expression” 28 J.I.L.I 299 (1986)
4. M.A. Fazal “Drafting an British Bill of Rights” 27, J.I.L.I 423(1985)
5. M.P. Jain “Indian Constitutional Law” (1994), Wadhwa
6. JagatNarain “Judicial law making and the place of the Directive Principles in the Indian Constitution”, J.I.L.I 198 (1985)
7. Rhett Ludkwikowski, “Judicial Review in the socialist legal systems: Current Development” 37 I.C.I.D. 89-108 (1988)
8. S.P.Sathe, Fundamental Rights and Amendment of Indian Constitution, (1968)

9. H.M. Seervai, Constitutional Law of India (1993), Tripathi, Bombay
10. The Role of Judiciary in plural societies edited by Neale TiruchuvamRadhika kumara swamy

## **Paper – 2.3**

### **JUDICIAL PROCESS**

#### **Objectives of the course:**

A lawyer, whether academic or professional, is expected to be competent to analyse and evaluate the legal process from a broader juristic perspective. Hence a compulsory paper on Judicial Process is essential in the LL.M curriculum. The objective of this paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change. This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process. Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This paper, therefore, intends to familiarise the students with various theories, different aspects and alternative ways, of attaining justice.

#### **Syllabus:**

##### **Unit - 1. Nature of judicial process**

Judicial process as an instrument of social ordering, Judicial process and creativity in law - common law model - Legal Reasoning and growth of law - change and stability. The tools and techniques of judicial creativity and precedent.

##### **Unit - 2. Special Dimensions of Judicial Process in Constitutional Adjudications.**

Notions of judicial review, 'Role' in constitutional adjudication - various theories of judicial role, Tools and techniques in policy-making and creativity in constitutional adjudication. Varieties of judicial and juristic activism Problems of accountability and judicial law-making.

##### **Unit - 3. Judicial Process in India**

Indian debate on the role of judges and on the notion of judicial review. The "independence" of judiciary and the "political" nature of judicial process. Judicial activism and creativity of the Supreme Court - the tools and techniques of creativity. Judicial process in pursuit of constitutional goals and values - new dimensions of judicial activism and structural challenges  
Institutional liability of courts and judicial activism - scope and limits.

##### **Unit - 4. The Concepts of Justice**

The concept of justice or Dharma in Indian thought, Dharma as the foundation of legal ordering in Indian thought. The concept and various theories of justice in the western thought, Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

##### **Unit - 5. Relation between Law and Justice**

Equivalence Theories - Justice as nothing more than the positive law of the stronger class.

Dependency theories - For its realisation justice depends on law, justice is not the same as law.

The independence of justice theories - means to end relationship of law and justice- The relationship in the context of the Indian constitutional ordering. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice. Access to Justice – Locus standi : PIL, Legal Services authority

#### **Select Bibliography**

1. Julius Store, The Province and Function of Law, Part II, Chs. 1. 8-16 (2000), Universal, New Delhi.

2. Cardozo, The Nature of Judicial Process (1995) Universal, New Delhi
3. Henry J. Abraham, The Judicial Process (1998), Oxford.
4. J. Stone, Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworths
5. W. Friedmann, Legal Theory (1960), Stevens, London
6. Bodenheimer, Jurisprudence - the Philosophy and Method of the Law (1997), Universal, Delhi
7. U. Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow.
8. Rajeev Dhavan, The Supreme Court of India - A Socio - Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay.
9. John Rawls, A Theory of Justice (2000), Universal, Delhi
10. Edward H. Levi, An Introduction to Legal Reasoning (1970), University of Chicago

## **Paper – 2.4**

### **LEGAL EDUCATION AND RESEARCH METHODOLOGY**

#### **Objectives of the course:**

A post-graduate student of law should get an insight into the objectives of legal education. He should have an exposure to programmes like organisation of seminars, publication of law journals and holding of legal aid clinics.

Law is taught in different ways in different countries. The LL.M course, being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarise himself with the different systems of legal education. The lecture method both at LL.B level and LL.M level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problem method, discussion method, seminar method and a combination of all these methods. The student has to be exposed to these methods so as to develop his skills.

#### **Syllabus:**

##### **Unit - 1. Objectives of Legal Education and methods of teaching**

Lecture Method, Problem Method, Discussion method and Seminar Method, Merits and Demerits, student participation in law school programmes - Organisation of Seminars, publication of journal and assessment of teachers, Clinical legal education - legal aid, legal literacy, legal survey and law reforms.

##### **Unit - 2. Research Methods**

Socio Legal Research, Doctrinal and non-doctrinal, Relevance of empirical research, Induction and deduction

##### **Unit - 3. Identification of Problem of research**

What is a research problem? Survey of available literature and bibliographical research, Legislative materials including subordinate legislation, notification and policy statement, Decisional materials including foreign decisions; methods of discovering the "rule of the case" tracing the history of important cases and ensuring that these have not been over-ruled; discovering, judicial conflict in the area pertaining to the, research problem and the reasons thereof, Juristic writings - a survey of juristic literature relevant to select problems in India and foreign periodicals Compilation of list of reports or special studies, conducted relevant to the problem.

##### **Unit - 4. Preparation of the Research Design**

Formulation of the Research problem, Devising tools and techniques for collection of data, Methodology, Methods for the collection of statutory and case materials and juristic literature, Use of historical and comparative research materials, Use of observation studies, Use of questionnaires/interview/Schedule, Use of case studies Sampling procedures - design of sample, types of sampling to

be adopted, Use of scaling techniques, Jurimetrics, Computerized Research - A study of legal research, programmes such as Lexis and West law coding and manupatra

#### **Unit – 5. Analysis and report writing**

Classification and tabulation of data, Explanation of tabulated data, Analysis of data and Report Writing.

#### **Bibliography**

1. High Brayal, Nigel Dunean and Richard Crimes, Clinical Legal Education: Active Learning in your Law School, (1998) Blackstone Press Limited, London
2. S.K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
3. N.R. Madhava Menon, (ed) A Handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow.
4. M.O. Price, H. Bitner and Bysiewicz, Effective Legal Research (1978)
5. Pauline V. Young, Scientific Social Survey and Research, (1962)
6. William J. Grade and Paul K. Hatt, Methods in Social Research, McGraw-Hill Book Company, London
7. H.M. Hyman, Interviewing in Social Research (1965)
8. Payne, The Art of Asking Questions (1965)
9. Erwin C. Surrency, B. Fieff and J. Crea, A Guide to Legal Research (1959)
10. Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.
11. Harvard Law Review Association, Uniform System of Citations.
12. ILI Publication, Legal Research and Methodology.

### **III-SEMESTER**

#### **BRANCH – I – CONSTITUTION AND LEGAL ORDER**

#### **Paper – 3.1**

#### **HUMAN RIGHTS**

#### **Objectives of the course:**

Human rights were conceived rather narrowly as mere freedom from arbitrary government in the past. It was realised later and much more so during last fifty years since the end of the Second World War that the threats to liberty, equality and justice did not emanate from the state alone. Many nations of Asia and Africa came to nationhood during this period. These nations had to bring about their development and they needed capital. Foreign aid and foreign investments were invited but these could very well lead to their second subjugation. Poverty, ignorance, exploitation had to be fought at the global level. Development had to come without the sacrifice of human values. A greater awareness of human rights, not only as negative restrictions on the state but as positive obligations for creating an environment in which man could live with dignity was necessary. The focus of a course on human rights must be on the national problems with an international or global perspective. The world community's concerns about human rights have been expressed through various conventions. On the national levels, they are contained in constitutional provisions such as directive principles of state policy, fundamental rights, fundamental duties and judicial, legislative as well as administrative strategies of reconstruction. Human rights acquire much more comprehensive and wider meaning. It requires us to take up cudgels against poverty discriminations based on caste, colour or sex, make provisions for drinking water, population control, conservation and preservation of natural resources, ecological balance, protection of consumers against ruthless and profit seeking, traders or manufacturers, provisions against hazardous industries and so on and so forth. Human rights is an important parameter for a just society and future lawyers must be able to assess any programme of social transformation with reference to them.

#### **Syllabus:**

#### **Unit - 1. Panoramic View of Human Rights**

Human Rights in Non-western Thought, Awareness of Human rights during the nationalist movement, Universal Declaration of Human Rights, Constituent Assembly and Part III, drafting process, Subsequent developments in International

Law and the Position in India (e.g. Convention of Social discrimination, torture, gender discrimination, environment and the two human rights covenants.) Fundamental Rights Jurisprudence as Incorporating Directive Principles. The Interaction between F.R and D.P.

**Unit - 2. Freedom and judiciary**

Free Press - Its role in protecting human rights, Right of association, Right to due process of law. Role of Judiciary in protecting Human Rights.

**Unit - 3. Rights to development of Individuals and Nations**

The UN Declaration on Right to Development, 1987. The need for constitutional and legal changes in India from human rights stand point.

**Unit - 4: Right not be Subject to Torture, Inhuman or Cruel Treatment**

Conceptions of torture, third degree methods, "Justifications" for it, Outlawry of torture at international and constitutional law level, Incidence of torture in India, Judicial attitudes, Law Reform - proposed and pending

**Unit - 5. People's Participation in Protection and Promotion of Human Rights**

Role of International and National NGOs, Amnesty International, International Bar Association, Law Asia. PUCL, PUDR, Citizens for Democracy, Contribution of these groups to protection and promotion of human rights in India. European Commission/Court of Human Rights, Minorities Rights Commission, Remedies Against Violation of Human Rights, Role of Legal Profession

**Select bibliography**

1. M.J. Akbar, Riots After Riots (1988)
2. U.Baxi (ed.), The Right to be Human (1986)
3. U.Baxi, The Crisis of the Indian Legal System (1982), Vikas Publishing House, New Delhi.
4. F.Kazmi, Human Rights (1987)
5. L.Levin, Human Rights (1982)
6. Madhavtirtha, Human Rights (1953)
7. W.P. Gromley, Human Rights and Environment (1976)
8. H. Beddard, Human Rights and Europe (1980)
9. Nagendra Singh, Human Rights and International Co-operation (1969)
10. S.C. Kashyap, Human Rights and Parliament (1978)
11. S.C. Khare, Human Rights and United Nations (1977)
12. Moskowitz, Human Rights and World Order (1958)
13. J.A. Andrews, Human Rights in International Law (1986)
14. Menon (ed.), Human Rights in International Law (1985)
15. A.B. Robertson (ed), Human Rights in National and International Law (1970)
16. UpendraBaxi, "Human Rights, Accountability and Development" Indian Journal of internationallaw 279 (1978)

## **Paper – 3.2**

### **NATIONAL SECURITY, PUBLIC ORDER AND RULE OF LAW**

**Objectives of the course:**

In every written constitution, provision is required to be made to equip the state to face grave threats to its existence arising from extra-ordinary circumstances created by war or external aggression or armed rebellion. Although "amidst the clash of arms, the laws are not silent" they do not speak the same language in war as in peace. Extra-ordinary circumstances warrant the invocation of extra-ordinary laws and such laws are known as emergency laws. They put greater fetters on individual liberty and also eclipse certain aspects of the due process. But in such circumstances, the democratic forces must assert that for survival of the State, the least possible liberty should be available. The students should be familiarized with different aspects of such emergency powers and scrutinizing intellectual attitude towards such powers.

**Unit - 1. National Security, Public Orders and the Rule of Law**

Emergency Detention in England - Civil Liberties, Subjective satisfaction or objective assessment? Pre-Independence law, Martial Law Provisions in English law and in the Indian Constitution.

**Unit - 2. Preventive Detention and Indian Constitution**

Article 22 of the Constitution, Preventive Detention and Safeguards, Declaration of Emergencies, 1962, 1965 and 1970 Emergencies, 1975 Emergency

**Unit - 3. Exceptional Legislation**

COFEPOSA and other legislation to curb economic offenders, TADA& POTA : "the draconian law"-comments of NHRC, Special courts and tribunals, Due process and special legislation

**Unit - 4. Civil Liberties and Emergency**

Article 19, Meaning of "Security of State", Meaning of "Public Order", Suspension of Article 19 rights on declaration of emergency, President's Right to suspend right to move any court, Article 21 - special importance - its non-suspendability, Suspendability -44th amendment

**Unit - 5. Access to Courts and Emergency**

Article 359: ups and downs of judicial review, Constitution (Forty-fourth), Amendment Act, 1978, Constitution (Fifty-ninth) Amendment Act,. 1988.

**Select bibliography**

1. G.O. Koppell "The Emergency, The Courts and Indian Democracy" 8 J.I.L.I. 287 (1966)
2. H.M. Seervai, The Emergency, Future Safeguards and the habeas Corpus: A Criticism (1978)
3. International Commission of Jurists, Status of Emergency and Human Rights (1984)
4. N.C. Chatterji and ParameshwarRao, Emergency and the Law (1966).

## **Paper – 3.3**

### **PRACTICAL TRAINING**

The practical training shall be held in the Third semester on Research Methodology, Law Teaching and Clinical work. There shall be 25 marks each for doctrinal research and for non-doctrinal research and 25 marks each for law teaching and clinical work. How the components of practical shall be evaluated is left to individual faculties of law. They can formulate their own models of assessment. However, for making the practical training objective and meaningful, the following guidelines shall be adhered to.

**1. Research Methodology****(i) Doctrinal research (25 marks)**

Each student is assigned in advance a separate topic and asked to collect materials. A period of 5-7 days can be set apart for carrying out this assignment in the library. The materials indicated or collected during the assignment shall be evaluated by a group of faculty members.

**(ii) Non-doctrinal research (25 marks)**

Here the students are asked to go out of the classroom and library and make an empirical study of a problem, which has social, economic, moral or political dimension. Field data can be collected through any model of data collection. The results are to be assessed by a team of faculty members.

**2. Clinical work (25 marks)**

The law school can evolve the modalities. One method is that the legal aid clinic of the law school can involve itself with other legal aid programmes in the area. Students are encouraged not only to work with the clinic but also to acquaint themselves with court proceedings, working of a business organization, tackling of labour disputes, drafting of business or other deeds and with public interest litigation. The faculty shall assess the initiative and potential of the student and the actual work turned out by him.

**3. Law Teaching (25 marks)**

A topic is assigned to the student in advance. He is required to handle a class for 25 to 30 minutes. Where LL.B. programme co-exists with LL.M programme, the students may be asked to teach the LL.B students. They can select any of the methods of teaching. In legal education practical, the LL.M students are evaluated internally.

**Paper – 3.4(a)**  
**ENVIRONMENT PROTECTION AND THE LAW**

**Objectives:-**

The Concept of the Environmental Law is for the maintenance and improvement of environment

**Syllabus:-**

**Unit- 1.** General Laws on Environmental Concern Code of Criminal Procedure: Public nuisance, Provisions in the India Penal code, Local bodies Law: an overview.

**Unit-2. Environment (Protection) Act, 1986**

‘Necessary and proper clause’: concentration of power on the Central Government, Delegated legislation: power to make rules, regulation and to issue Directions, Delegation of powers.

**Unit-3. Coastal Zone Management**

Sea erosion, CRZ Notification, Prohibitions and exemptions, Permissible activities, Classification of zones, Regulations of sea resorts, Eco-tourism, Coastal zone management plans, Aquaculture.

**Unit-4. Biological Diversity Act, 2002**

**Unit -5. Emerging Legal Controls**

Environmental audit, Environmental Impact Assessment, Public participation in environment decision making, Environment information, environmental education Incentives for pollution control.

**Select Bibliography**

1. Leelakrishnan, (P et., Al. 9eds,) Law and Environment (1990), Eastern, Lucknow
2. Leelakrishnan, P, The Environment Law in India (1999), Butterworths, India.
3. Department of Science and Technology, Government of India, Report of the Committee for recommending Legislative Measures and Administrative Machinery.
4. For Ensuring Environmental Protection (1980) (Tiwari Committee Report).
5. Indian law Institute, Environment Protection act: An Agenda for Implementation (1987)
6. Indian Journal of public administration, special number on Environment & Administrative, July-September, 1988, Vol. XXXV, No.3
7. Findley, P.W. and Farder, D.A. Environmental law
8. David Hughes, Environmental law (1999), Butterworths, London
9. Armin Rozenclanz, et.al.(eds.), Environmental policy and law in India (2000), Oxford.
10. Biological Diversity Act, 2002.

**Paper – 3.4(b)**  
**INTELLECTUAL PROPERTY RIGHTS LAW**

**Objectives:** The main objective of the paper is to introduce to the students the basic concepts of IPR and their relationship with other subjects especially, economic law, and other technological aspects . Apart from the above, the paper covers the approaches of International Institutions and introduces the various aspects that are form part of the province of IPR

**Unit -1. INTRODUCTION:**

- (a) Origin and Genesis of IPR
- (b) The Ways and Means of Creation of IPR
- (c) Sources of IPR-Custom, Treaties, Judicial Decision, Juristic Writings, General Principles of Law, Resolutions of International Organizations

**Unit -2. Concept and Theoretical Perspectives**

- a) Meaning and Definition or IPR
- b) Theories – Marxist – Western – Indian
- c) International Trade and IPR – GATT and UNCTAD – IMF – World Bank – WTO

**Unit – 3. Economic and Technological Approaches**

- a) International Economic Law and IPR
- b) Information and Technological perspectives
- c) Computers and Cyber Crimes – WIPO and Perspectives
- d) Bio-technology and IPR

**Unit – 4. Approaches of International Institutions and IPR**

- a) UN and IPR
- b) ECOSOC – UNESCO – WHO – FAO – ILO – WIPO – Human Rights Council

**Unit – 5. SUBJECT PROVINCE OF IPR**

- a) Patents – Basic aspects
- b) Trade Marks – Basic principles
- c) Copy Right – Basic Issues
- d) Industrial Designs and Geographical Indications

**Suggested Readings:**

1. Peter Drahos: A Philosophy of Intellectual Property, 1996
2. Commons J.R.: International Economics, 1934
3. Narayan: Intellectual Property rights, 2007
4. Gopalakrishnan.N.S, Cases And Materials On Intellectual Property Law : Along With Objectives, Methodology, And Course Outline Bangalore : National Law School of India University, 1992
  - International Legal Instruments, D.K. Agencies 1998
  - Intellectual Property Rights CSIR Journal
  - International Legal Materials.; Journal of the Indian Law Institute
5. Journal of the Indian Society of International Law ; American Journal of International Law ; Apart from the above, the students may be informed about the other materials by the concerned teacher.

**Paper – 3.5(a)**

**CYBER CRIMES AND LAW**

**Unit - 1. Introduction to Cyber Laws, Cyber Crimes.**

- 1.1. Meaning, Definition, Nature of Cyber crimes
- 1.2. Historical Genesis and Evolution of Cyber Crimes
- 1.3. International & Indian Laws on Cyber Crimes.
- 1.4. Computer and Internet basics

**Computer Hardware & Networks:**

The BIOS and Boot Process - Computer Memory - Hard Disks, Floppy Disks, CD ROMs and DVDs - Networks and Communications - Understanding the Internet: How the Domain Name System works - Email Concepts -World Wide Web concepts - Website Creation Concepts Forms, Interactivity, and Database-Driven Web Sites – Web Commerce

**Unit - 2. CYBER CRIMES**

- 2.1. Cyber crime: Definition –
- 2.2. Malicious Code - Computer Viruses, Computer Worms, Computer Trojans,
- 2.3. Web Hacking Foot printing, Port Scanning, E-Shopping Web Defacement, Denial of Service Attacks, Manipulating Cookies
- 2.4. Email Hacking: Email Hacking using Packet Sniffers, Email Hacking & Phishing, Email Frauds & Phishing, Email Bombing
- 2.5. Email Hijacking - Social Engineering .
- 2.6. Cyber Stalking,
- 2.7. Cyber Terrorism,
- 2.8. Pornography,
- 2.9. Cyber Bullying, Piracy

**Unit - 3. Statutory Laws pertaining to Cyber Crimes in India:**

- 3.1. Cyber Policing Current statutes in India:
- 3.2. Penalties & Offences under the Information Technology Act, 2000,
- 3.3. Offences under the Indian Penal Code, 1860,
- 3.4. Issues relating to investigation and adjudication of cyber crimes in India Digital evidence



### 3.5 IT act 2000 and other legal provisions

#### **Unit - 4.Cyber Crime Investigation**

##### 4.1. Introduction to Cyber Crime Investigation:

##### 4.2. Basic Investigation Techniques

- First Information Report Initialising a Search and Seizure Operation Tracking & Tracing Emails,
- Final Form/ Report
- Computer evidence assessment checklist
- Computer evidence analysis checklist
- Computer evidence analysis report
- Cyber forensics analysis report Recovery of Digital Evidence,

##### 4.3.Setting up a Cyber Crime Investigation Cell Cyber Forensics:

#### **Unit - 5.Cyber Law Prevention measures and Data Safety.**

##### 5.1. Cyber Law Prevention measures

##### 5.2. Data Safety

##### 5.3. Future Challenges

#### **Suggested Reading:-**

1. An Introduction to Cyber vCrime and Cyber Law;Dr.R.K.Chaubay  
Cyber crime in India :Dr.M.Dasgupta  
Cyber laws and crimes :Barkha&U.Ramamohan  
Information Technology Act 2000
2. Albert J. Marcellaa and Robert S. Greenfiled (Ed) (2002) Cyber Forensics, A Field Manual for collecting, examining and preserving evidence of computer crimes, Auerbach publications.
3. Deflem, Mathieu, and J. Eagle Shutt. 2006 “Law Enforcement and Computer Security Threats and Measures.” Pp. 200-209 in The Handbook of Information Security, Volume 2: Information
4. Warfare; Social, Legal, and International Issues; and Security Foundations, edited by Hossein Bidgoli. Hoboken, NJ: John Wiley& Sons.
5. Giddens, A (1990) The Consequences of Modernity, Polity Press:Oxford.
6. Hafner, K. &Markoff, J. (1995). Cyberpunks: Outlaws and hackers on the computer frontier. Toronto: Simon and Schuster.
7. Hauben, Michael and Ronda Hauben (1997). Netizens: On the History and Impact of Usenet and the Internet. Wiley-IEEE Computer Society Press: New Jersey
8. McQuade, Samuel C (2005). Understanding and managing cybercrime. New Jersey: Allyn& Bacon.
9. Pease, K. (2001). Crime futures and foresight: Challenging criminal behaviour in the information age. In D. Wall (ed.) Crime and the internet. London: Routledge.
10. Seymour Goodman and Abraham Soafer (ed.) (2002) The Transnational dimensions of cyber crime, Hoover Institution Press Washington.
11. Smith R, Grabosky P and Urbas G (2004). Cyber criminals on trial. Cambridge: Cambridge University Press pp 5-10
12. United Nations (1997). United Nations Manual on the Prevention and Control of Computer-Related Crime, International Review of Criminal Policy Nos. 43 and 44, United Nations: New York<http://www.uncjin.org/Documents/EighthCongress.html>
13. Wall, D. (2001). Cyber crimes and the internet. In D. Wall (ed.) Crime and the internet. London: Routledge.

### **Paper – 3.5(b)**

#### **EVOLUTION AND CONCEPT OF ADR**

##### **UNIT – 1. Introduction to ADR**

- a. Disputes – meaning and Kinds of Disputes
- b. Dispute Resolution in adversary system, Justiciable court structure and jurisdiction
- c. ADR- Meaning and philosophy, Need for ADR

d. Overview of ADR processes

**UNIT – 2. Indian Perspective of ADR**

- a. Types of ADR in India
- b. Current Trends
- c. Acceptability

**UNIT –3. Dispute Resolution at grass root level**

- a) LokAdalats,
- b) NyayaPanchayath,
- c) Legal Aid, Legal Services Authority
- d) Preventive and Strategic legal aid.

**UNIT – 4. ADR Application**

- a. Commercial and Financial Disputes
- b. Real estate and Land Disputes
- c. Consumer Disputes
- d. Accident Claims
- e. Matrimonial Disputes

**UNIT – 5. Informal Methods of Settlements of Disputes and Grievance Redressal Procedures**

- a. Conciliation and Medication through social action groups
- b. Use of media, lobbying and public participation
- c. Public inquires and commissions of inquiry
- d. Ombudsman; Lok Pal, LokAyuktha
- e. Vigilance Commission
- f. Congressional and Parliamentary Committes.

References:

1. P.C. Rao and William Sheffield, Alternative Dispute Resolution, Universal Law Publication, 2004
2. Sarfaraz Ahmed Khan, LokAdalat: An Effective Alternative Dispute Resolution, New APCON Publication, Daryaganj, 2006.
3. Madabhushi Sridhar - Alternative Dispute Resolution, Butterworth Lexis Nexis, (Reprint 2010) Ist edition.
4. Federal Judicial Centre, Manual for Litigation Management and Cost and Delay Reduction (1992).
5. Henry J Brown and Arthur L. Marriott, ADR Principles and Practices (2nd ed.) Sweet and Maxwell, 1999.
6. J. G. Merrills, International Dispute Settlement. U.K : Cambridge University Press, 2005(Fifth Edition)
7. D.D. Basu, Comparative Administrative Law (1998)
8. Wade, Administrative Law (Seventh Edition, Indian Print 1997), Universal, Delhi
9. Indian Law Institute, Cases and materials on Administrative Law in India, Vol. (1996), Delhi.

**IV-SEMESTER**

**BRANCH – I – CONSTITUTION AND LEGAL ORDER**

**Paper – 4.1**

**DISSERTATION AND VIVA- VOCE**

*{Topic from optional group}*

The Student has to submit a Dissertation on a topic choosing from optional group containing 150 to 200 pages by following research methodology.

For written part – 150 Marks

For Viva - 50 Marks

**Paper – 4.2a**

**LAW OF CONSUMER PROTECTION.**

**Unit - 1** Historical and Sociological Background of Consumer Law

Concept of Consumer:

- a. Consumer in India.
- b. Consumer of goods and services.
- c. Professional services - Medical, legal, educational and welfare services.

**Unit - 2** Definitions: complainant, consumer dispute, defect, deficiency in service, service, unfair trade practices, restrictive trade practices.

Rights of Consumer under the Act, nature and characteristics.

**Unit - 3** Consumer Protection Councils, role, objects, and composition. Structure, composition, power and functions of District Forum, State Commission and National Commission.

**Unit - 4** Law of compensation, approach of Consumer Forum while awarding compensation.

**Unit - 5** Procedure to be followed by consumer redressal agencies, provisions regarding execution of the decision and Appeals. Landmark Judgments of Supreme Court and NCDRC.

**Select bibliography**

1. Venkat Rao, Law of Consumer Protection, 1998. Asia Law House
2. G.B. Reddys, Law of Consumer Protection, 1997, Gogia Law Agency
3. V.K. Agrawal, Consumer Protection Law & Practice 1997, B.L.H. Publishers.
4. D.N. Saraf, Law of Consumer Protection in India, (2nd Edn/1995).
5. Consumer Protection Judgments (CPJ) and Consumer Protection Reports (CPR)
6. Dr. Gurjit Singh, The Law of Consumer Protection in India, 1996 Deep and Deep Publications.
7. R.S. Chaudhari, Doctor & Consumer Protection Act, 1994, Maharashtra Law Agency
8. R.M. Vats, Law Relating to Insurance, 1997, Universal Law Publishing Co. Pvt. Ltd.
9. R.M. Vats, Law Relating to Telephone, 1996, Universal Law Publishing Co.Pvt.Ltd.

**Paper – 4.2b**

**INTERNATIONAL HUMAN RIGHTS**

(MOOC / ONLINE COURSE)

This subject is MOOC / Online course only.

For more details and syllabus log on to [www.mooc-list.com](http://www.mooc-list.com).

**SRI VENKATESWARA UNIVERSITY :: TIRUPATI**  
**MASTER OF LAW**  
**CBCS Pattern**  
**(With effect from 2024-2025)**

**The Course of Study and the Scheme of Examinations**

**BRANCH – II - CRIMINAL LAW**

**I Semester**

S.No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks		Total
				L	T	P		I	E	
1	<b>Core</b>	1.1	Penology : Treatment of Offenders	4	2	-	6	30	70	100
2		1.2	Privileged Class Deviance	4	2	-	6	30	70	100
3	<b>Foundation Course</b>	1.3	Law and Social Transformation in India	4	2	-	6	30	70	100
4		1.4	Indian Constitutional Law, The New Challenges	4	2	-	6	30	70	100
	<b>Total</b>					-	24	120	280	400

**II Semester**

S.No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks		Total
				L	T	P		I	E	
1	<b>Core</b>	2.1	Drug Addiction, Criminal Justice and Human Rights	4	2	-	6	30	70	100
2		2.2	Comparative Criminal Law	4	2	-	6	30	70	100
3	<b>Foundation Course</b>	2.3	Judicial Process	4	2	-	6	30	70	100
4		2.4	Legal Education and Research Methodology	4	2	-	6	30	70	100
	<b>Total</b>					-	24	120	280	400

### III Semester

S.No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks		Total
				L	T	P		I	E	
1	<b>Core</b>	3.1	Juvenile Delinquency	4	2	-	6	30	70	100
2		3.2	Collective Violence and Criminal Justice System	4	2	-	6	30	70	100
3		3.3	Practical Training	-	-	6	6	100	-	100
4	<b>Generic Elective</b>	3.4a	Environment Protection and the Law	4	2	-	6	30	70	100
5		3.4b	Intellectual Property Rights Law							
6	<b>Open Elective</b>	3.5a	Cyber Crimes and Law	4	2	-	6	30	70	100
7		3.5b	Evolution and Concept of ADR							
	<b>Total</b>						<b>24</b>	<b>120</b>	<b>280</b>	<b>400</b>

### IV – Semester

S.No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks		Total
				L	T	P		I	E	
1	<b>Core</b>	4.1	Dissertation and Viva-Voce	-	-	24	12		<b>Dissertation - 150 Viva – 50</b>	<b>200</b>
2	<b>Open Elective</b>	4.2a	Law of Consumer Protection	4	2	-	6	30	70	100
3		4.2b	International Human Rights (MOOC / Online)							
	<b>Total</b>						<b>12</b>		<b>200</b>	<b>200</b>
			Grand Total				<b>84</b>			<b>1400</b>

**Note:-**

1. Student has to choose one paper out of two in Generic elective in the III Semester.
2. Students of other discipline other than law course can choose one paper out of two in Open elective in the III Semester and IV Semester. In the IV Semester Paper 4.2b – International human Rights is MOOC / Online course only.
3. Duration of examination for each paper in all the semesters is 3 Hours except for Practical Training in III Semester and Dissertation and Viva-Voce in IV Semester.

*K. Sita Manikyam*

(K. SITA MANIKYAM)  
Chairperson, BoS in Law  
S.V. University, Tirupati

## **I-SEMESTER**

### **LL.M. SYLLABUS** **BRANCH –II – CRIMINAL LAW**

#### **Paper – 1.1**

#### **PENOLOGY: TREATMENT OF OFFENDERS**

##### **Objectives of the course:**

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

The expert work of the U.N. Committee on Crime Prevention and Treatment of Offenders will be availed of in this course. Especially, at each stage, the three 'D's will be explored as offering a range of alternatives: decriminalisation, dependization, deinstitutionalization. Broadly, the course will concern itself with:

- (a) Theories of Punishment
- (b) Approaches to Sentencing
- (c) Alternatives to Imprisonment
- (d) The State of Institutional Incarceration in India: Jails and other custodial institutions
- (e) The problematic of Capital Punishment
- (f) Penology in relation to privileged class deviance
- (g) Penology in relation to marginalized deviance or criminality
- (h) The distinctive Indian (historical and contemporary) approaches to penology

##### **Syllabus**

##### **Unit - 1. Introduction and Theories of Punishment**

- 1.1. Definition of Penology
- 1.2. Retribution
- 1.3. Utilitarian prevention: Deterrence
- 1.4. Utilitarian: Intimidation
- 1.5. Behavioural prevention: Incapacitation
- 1.6. Behavioural prevention: Rehabilitation – Expiation
- 1.7. Classical Hindu and Islamic approaches to punishment.

##### **Unit - 2. The Problematic of Capital Punishment**

- 2.1 Constitutionality of Capital Punishment
- 2.2 Judicial Attitudes towards Capital Punishment in India - An inquiry through the statute law and case law.
- 2.3 Law Reform Proposals

##### **Unit - 3. Approaches to Sentencing**

- 3.1. Alternatives to Imprisonment
  - 3.1.1. Probation
  - 3.1.2. Corrective labour
  - 3.1.3. Fines
  - 3.1.4. Collective fines
  - 3.1.5. Reparation by the offender/by the court

##### **Unit - 4. Sentencing**

- 4.1. Principal types of sentences in the Penal Code and special laws
- 4.2. Sentencing in white collar crime
- 4.3. Pre-sentence hearing
- 4.4. Sentencing for habitual offender
- 4.5. Summary punishment
- 4.6. Plea-bargaining

##### **Unit - 5. Imprisonment**

- 5.1. The state of India's jails today
- 5.2. The disciplinary regime of Indian prisons
- 5.3. Classification of prisoners
- 5.4. Rights of prisoner and duties of custodial staff.
- 5.5. Deviance by custodial staff
- 5.6. Open prisons
- 5.7. Judicial surveillance - basis - development reforms

### **Select bibliography**

- 1 S. Chhabra, The Quantum of Punishment in Criminal Law (1970),
- 2 H.L.A. Hart, Punishment and Responsibility (1968)
- 3 Herbert L. Packer, The Limits of Criminal Sanction (1968)
- 4 Alf Ross, On Guilt, Responsibility and Punishment (1975)
- 5 Siddique, Criminology (1984) Eastern, Lucknow.
- 6 Law Commission of India, Forty-Second Report Ch. 3 (1971)
- 7 K.S. Shukla, "Sociology of Deviant Behaviour" in 3 ICSSR Survey of Sociology and Social Anthropology 1969-179 (1986)
- 8 Tapas Kumar Banerjee, Background to Indian Criminal Law (1990), R.Campray & Co., Calcutta.

## **Paper – 1.2**

### **PRIVILEGED CLASS DEVIANCE**

#### **Objectives of the course**

This course focuses on the "Criminality of the "Privileged classes". The definition of "privileged classes" in a society like India should not pose major problem at all; the expression nearly includes wielders of all forms of state and social (including religious) power. Accordingly, the course focuses on the relation between privilege power and deviant behaviour. The traditional approaches which highlight "white-collar offences", "socio-economic offences" or "crimes of the powerful" deal mainly with the deviance of the economically resourceful. The dimension of deviance associated with bureaucracy, the new rich (nouveau riche), religious leaders and organizations, professional classes and the higher bourgeoisie are not fully captured here.

In designing teaching materials for this course, current developments in deviance, as reflected in newspapers/journals, law reports, and legislative proceedings should be highlighted.

It should be stressed that the objectives of the course include:

- (a) Dispelling of the commonly held belief that deviance crime is usually associated with the impoverished or improvident;
- (b) Construction of model so understanding the reality of middle and upper; middle class deviance criminality in India;
- (c) Critical analyses of legal system responses and
- (d) Issues and dilemmas in penal and sentencing policies.

### **Syllabus**

#### **Unit - 1. Introduction**

- 1.1. Conceptions of white collar crimes
  - 1.2. Indian approaches to socio-economic offences
  - 1.3. Notions of privileged class deviance as providing a wider categorization of understanding Indian development
  - 1.4. Typical forms of such deviance
    - 1.4.1. Official deviance (deviance by legislators, judges, bureaucrats)
    - 1.4.2. Professional deviance: journalists, teachers, doctors, lawyers, engineers, architects and publishers
    - 1.4.3. Trade union deviance (including teachers, lawyers/urban property owners)
    - 1.4.4. Landlord deviance (class/caste based deviance)
    - 1.4.5. Police deviance
    - 1.4.6. Deviance on electoral process (rigging, booth capturing, impersonation, corrupt practices)
    - 1.4.7. Gender-based aggression by socially, economically and politically powerful
- NOTE: Depending on specialist interest by the teacher and the taught any three areas of deviance of privileged class may be explored. What follows is only illustrative of one model of doing the course.

**Unit - 2. Official Deviance**

- 2.1. Conception of official deviance - permissible limit of discretionary powers.
- 2.2. The Chambal valley dacoit Vinoba Mission and Jai PrakashNarain Mission - in 1959 and 1971
- 2.3. The Chagla Commission Report on LIC-Mundhra Affair
- 2.4. The Das Commission Report on Pratap Singh Kairon
- 2.5. The Grover Commission Report on Dev Raj Urs
- 2.6. The Maruti Commission Report
- 2.7. Thebakkar-Natarajan Commission Report on Fairfax.

**Unit - 3. Police Deviance**

- 3.1. Structures of legal restraint on police powers in India
- 3.2. Unconstitutionality of "third-degree" methods and use of fatal force by police
- 3.3. "Encounter" killings
- 3.4. Police atrocities
- 3.5. The plea of superior orders
- 3.6. Rape and related forms of gender-based aggression by police and para-military forces
- 3.7. Reform suggestions especially by the National Police Commissions

**Unit - 4. Professional Deviance**

- 4.1. Unethical practices at the Indian bar
- 4.2. The Lentin Commission Report
- 4.3. The Press Council on unprofessional and unethical journalism
- 4.4. Medical malpractice

**Unit - 5. Response of Indian Legal Order to the Deviance of Privileged Classes**

- 5.1. Vigilance Commission
- 5.2. Public Accounts Committee
- 5.3. Ombudsman
- 5.4. Commissions of Enquiry
- 5.5. Prevention of Corruption Act, 1947
- 5.6. The Antulay Case

**Select bibliography**

- 1 UpendraBaxi, The Crisis of the Indian Legal System (1982) Vikas Publishing House, New Delhi.
- 2 UpendraBaxi (ed.), Law and Poverty: Essays (1988)
- 3 UpendraBaxi, Liberty and Corruption: The Antulay Case and Beyond (1989)
- 4 SurendranathDwevedi and G.S. Bbargava, Political Corruption in India (1967)
- 5 A.R. Desai (ed.) Violation of democratic Rights in India (1986)
- 6 A.G. Noorani, Minister's Misconduct (1974)
- 7 B.B. Pande, "The Nature and Dimensions of Privileged Class Deviance" in The Other Side of Development 136 (1987; K.S. Shukla ed.).
- 8 Indira Rothermund, "Patterns of Trade Union Leadership in Dhanbad Coal fields" 23 J.I.L.I 522 (1981)

**Paper – 1.3****LAW AND SOCIAL TRANSFORMATION IN INDIA.****Objectives of the course:**

This course is designed to offer the teacher and the taught with - (a) awareness of Indian approaches to social and economic problems in the context of law as a means of social control and change; and (b) a spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. The endeavour is to make the students aware of the role the law has played and has to play in the contemporary Indian society

**Syllabus:****UNIT 1. Law and social change**

Law as an instrument of social change, Law as the product of traditions and culture. Criticism and evaluation in the light of colonization and the introduction



of common law system and institutions in India and its impact on further development of law and legal institutions in India.

**UNIT -2. Community, religion and the law**

Caste as a divisive factor, Non-Discrimination on the ground of caste, Acceptance of caste as a factor to undo past injustices, Protective discrimination, Protective discrimination: Scheduled castes, tribes and backward classes. Reservation; Statutory Commissions., Statutory provisions. Freedom of religion and non-discrimination on the basis of Religion, Religious minorities and the law.

**UNIT –3. Women, children and law**

Crimes against women, Gender injustice and its various forms, Women Commission. Empowerment of women: Constitutional and other legal provisions, Child labour, Adoption and related problems, Children and education.

**UNIT- 4. Modernization and law**

Modernisation as a value: Constitutional perspectives reflected in the fundamental duties, Democratic decentralisation and local self-government.

**UNIT-5. Alternative approaches to law**

The jurisprudence of Sarvodaya--- Gandhiji, VinobaBhave; Jayaprakash Narayan--Surrender of dacoits; concept of gramanyayalayas.

**Select Bibliography**

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

## **Paper – 1.4**

### **INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES.**

**Objectives of the Course:**

The Constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes. The post graduate students in law who had the basic knowledge of Indian Constitutional Law at LL.B level, should be exposed to the new challenges and perspectives of constitutional development while they are allowed to choose an area of law for specialisation. Obviously, rubrics under this paper require modification and updating from time to time.

**Syllabus:**

**UNIT-1. Federalism**

Creation of new states, The inter-state disputes on resources, Centre's responsibility and internal disturbance within States, Federal Comity : Relationship of trust and faith between Centre and State, Special status of certain States, Tribal Areas, Scheduled Areas.

## **UNIT-2. "State" right to equality**

Definition of state, Need for widening the definition in the wake of liberalization. Privatisation and its impact on affirmative Action, Relating to equality.

## **UNIT-3. Emerging regime of new rights and remedies**

Reading Directive Principles and Fundamental Duties into Fundamental Rights Compensation jurisprudence Right to education, Commercialization of education and its impact, Brain drain by foreign education market, Right of minorities to establish and administer educational institutions and state control.

## **UNIT – 4. Separation of powers stresses and strain**

Judicial activism and judicial restraint, PIL: implementation, Judicial independence, Appointment, transfer and removal of judges, Accountability: executive and judiciary, Tribunals.

## **UNIT- 5. Democratic process**

Nexus of politics with criminals and the business, Election, Election commission: status, Electoral Reforms, Coalition government, 'stability, durability, corrupt practice' Grass root democracy.

### **Select bibliography**

No specific bibliography is suggested for this course since the course materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values.

## **II-SEMESTER**

### **BRANCH –II – CRIMINAL LAW**

#### **Paper – 2.1**

#### **DRUG ADDICTION, CRIMINAL JUSTICE AND HUMAN RIGHTS**

##### **Objectives of the course:**

Almost all the major dilemmas of criminal policy surface rather acutely in combating drug addiction and trafficking through the legal order. The issue of interaction between drug abuse and criminality is quite complex. At least three important questions have been recently identified as crucial for comparative research. First, to what extent drug dependence contributes to criminal behaviour? Second, in what ways do criminal behaviour patterns determine drug abuse? Third, are there any common factors which contribute to the determination of both drug abuse and criminal behaviour?

Apart from these causal issues, there is the broad questions of the social costs-benefits of criminalization of addictive behaviour. Should drug-taking remain in the category of "crime without victims?" Or should it be viewed as posing an ever-growing threat to human resource development and be subjected to state control, over individual choices as to survival and life-styles?

The problems here are not merely ideological or theoretical. User of drugs for personal, non-therapeutic purposes may well be linked with international trafficking in psychotropic substance. It has even been suggested that encouragement of drug-dependency may have, in addition to motivation of high profits, politically subversive aspects.

Assuming that both addiction and trafficking have to be regulated, what penal polices should be appropriate? What human rights costs in the administration of criminal justice should be considered acceptable? The international response to these questions is indicated by the Single Convention on Narcotic Drugs, 1961, adopted in New York, 30 March 1961 and as amended by 1972 Protocol in Geneva, 25 March, 1972 and the Convention on Psychotropic substances, adopted in Vienna, 21 February 1971. India has recently adopted the basic principles of these conventions in the Narcotic Drugs and Psychotropic Substances Act, 1986

Broadly, penal policy dilemmas here relate to: (a) management of sanctions relating to production, distribution and illicit commerce in Narcotic Substances and, (b) ways of prevention of abuse of drugs, including speedy diagnosis, treatment, correction, aftercare, rehabilitation, and realization of persons affected.

Important problems of method in studying the impact of regulation need evaluated at every stage.

## **Syllabus:**

### **Unit - 1. Introductory**

- 1.1. Basic conceptions
  - 1.1.1. Drugs 'narcotics' "psychotropic substances"
  - 1.1.2. 'Dependence,' "addiction"
  - 1.1.3. "Crimes without victims"
  - 1.1.4. "Trafficking" in "drugs"
  - 1.1.5. "Primary drug abuse"
- 1.2 How Does One Study the Incidence of Drug Addiction and Abuse?
  - 1.2.1. Self-reporting
  - 1.2.2. Victim-studies
  - 1.2.3. Problems of comparative studies

### **Unit - 2. Anagraphic and Social Characteristics of Drug Users**

- 2.1. Gender
- 2.2. Age
- 2.3. Religiousness
- 2.4. Single individuals/cohabitation
- 2.5. Socio-economic level of family
- 2.6. Residence patterns (urban/rural/urban)
- 2.7. Educational levels
- 2.8. Occupation
- 2.9. Age at first use
- 2.10. Type of drug use
- 2.11. Reasons given as cause of first use
- 2.12. Method of Intake
- 2.13. Pattern of the -Use
- 2.14. Average Quantity and Cost
- 2.15. Consequences on addict's health (physical/psychic)

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

### **Unit - 3. The International Legal Regime**

- 3.1. Analysis of the background, text and operation of the Single Convention on Narcotic Drugs, 1953, 1972
- 3.2. Analysis of the Convention on Psychotropic Substances, 1972
- 3.3. International collaboration in combating drug addiction
- 3.4. The SARC, and South-South Cooperation
- 3.5. Profile of international market for psychotropic substances

### **Unit - 4. The Indian Regulatory System**

- 4.1. Approaches to narcotic trafficking during colonial India
- 4.2. Nationalist thought towards regulation of drug trafficking and usage
- 4.3. The penal provisions (under the IPC and the Customs Act)
- 4.4. India's role in the evolution of the two international conventions
- 4.5. Judicial approaches to sentencing in drug trafficking and abuse
- 4.6. The Narcotic Drugs and Psychotropic Substances Act, 1985
- 4.7. Patterns of resource investment in India: policing adjudication, treatment, after care and rehabilitation

### **Unit - 5. Human Rights Aspects and the Role of Community in Combating Drug Addiction**

#### **5.1 Human Rights Aspects**

- i. Deployment of marginalized people as carrier of narcotics
- ii. The problem of juvenile drug use and legal approaches
- iii. Possibilities of misuse and abuse of investigative prosecutory powers
- iv. Bail
- v. The Problem of differential application of the Ugal Regimes, especially in relation to the resource less

#### **5.2 The Role of Community in Combating Drug Addiction**

- i. Profile of Community initiatives in inhibition of dependence and addiction (e.g. de-addiction and aftercare)
- ii. The role of educational systems
- iii. The role of medical profession

- iv. The role of mass media
- v. Initiatives for compliance with regulatory systems
- vi. Law reform initiatives

### **Select bibliography**

1. H.S. Becker, *Outsiders : The Studies in Sociology of Deviance* (1966)
2. J.A. Incard, C.D. Chambers, (eds.), *Drugs and the Criminal Justice System* (1974)
3. R. Cocken, *Drug Abuse and Personality in Young Offenders* (1971)
4. G. Edwards Busch, (ed.) *Drug Problems in Britain : A Review of Ten Years* (1981)
5. P. Kondanram and Y.N. Murthy, "Drug Abuse and Crime : A Preliminary Study" 7 *Indian Journal of Criminology*, 65-68 (1979)
6. P.R. Rajgopat *Violence and Response: A Critique of the Indian Criminal System* (1988)
7. United Nations, *Economic and Social Reports of the Commission on Narcotic Drugs*, United Nations
8. Social Defence, Research Institute (UNSDRI) *Combating Drug Abuse and Related Crimes* (Rome, July 1984, Publication No. 21).
9. Lok Sabha and Rajya Sabha Debates on 1986 Bill on Psychotropic Substances. Useful Journals in this area are:
  - (i) *The Law and Society Review* (USA)
  - (ii) *Journal of Drug Issues* (Tallahassee Florida)
  - (iii) *International Journal of Addictions* (New York)
  - (iv) *British Journal of Criminology*
  - (v) *Journal of Criminal Law, Criminology and Police Science* (Baltimore , Md.)
  - (vi) *Journal of Criminal Law and Criminology* (Chicago, Ill)
  - (vii) *International Journal of Offender Therapy and Comparative Criminology* (London)
  - (viii) *Bulletin on Narcotics* (United Nations)

## **Paper – 2.2**

### **COMPARATIVE CRIMINAL LAW**

#### **Objectives of the course:**

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

#### **Syllabus:**

##### **Unit - 1. Organisation of Courts and Prosecuting Agencies**

- 1.1. Hierarchy of criminal courts and their jurisdiction
  - 1.1.1. Nyaya Panchayats in India
    - 1.1.1.1. Panchayats in tribal areas
- 1.2. Organisation of prosecuting agencies for prosecuting criminals
  - 1.2.1. Prosecutors and the police
- 1.3. Withdrawal of prosecution.

##### **Unit - 2. Pre-trial Procedures**

- 2.1. Arrest and questioning of the accused
- 2.2. The rights of the accused
- 2.3. The evidentiary value of statements / articles seized / collected by the police
- 2.4. Right to counsel
- 2.5. Roles of the prosecutor and the judicial officer in investigation.

##### **Unit - 3. Trial Procedures**

- 3.1. The accusatory system of trial and the inquisitorial system
- 3.2. Role of the judge, the prosecutor and defence attorney in the trial
- 3.3. Admissibility and inadmissibility of evidence
  - 3.3.1. Expert evidence
- 3.4. Appeal of the court in awarding appropriate punishment.
- 3.5. Plea bargaining

##### **Unit - 4. Correction and Aftercare services**

- 4.1. Institutional correction of the offenders
- 4.2. General comparison - After - care services in India and France
- 4.3. The role of the court in correctional programmes in India.

**Unit - 5. Preventive Measures in India**

- 5.1. Provisions in the Criminal Procedure Code
- 5.2. Special enactments
- 5.3. Public Interest Litigation - Directions for criminal prosecution.

**Select bibliography**

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

The Paper will be taught with reference, wherever necessary, to the procedures in India, England, US France, Russia and China

## **Paper – 2.3** **JUDICIAL PROCESS**

**Objectives of the course:**

A lawyer, whether academic or professional, is expected to be competent to analyse and evaluate the legal process from a broader juristic perspective. Hence a compulsory paper on Judicial Process is essential in the LL.M curriculum. The objective of this paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change. This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process. Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This paper, therefore, intends to familiarise the students with various theories, different aspects and alternative ways, of attaining justice.

**Syllabus:**

**Unit - 1. Nature of judicial process**

Judicial process as an instrument of social ordering, Judicial process and creativity in law - common law model - Legal Reasoning and growth of law - change and stability. The tools and techniques of judicial creativity and precedent.

**Unit - 2. Special Dimensions of Judicial Process in Constitutional Adjudications.**

Notions of judicial review, ' Role' in constitutional adjudication - various theories of judicial role, Tools and techniques in policy-making and creativity in constitutional adjudication. Varieties of judicial and juristic activism Problems of accountability and judicial law-making.

**Unit - 3. Judicial Process in India**

Indian debate on the role of judges and on the notion of judicial review. The "independence" of judiciary and the "political" nature of judicial process. Judicial activism and creativity of the Supreme Court - the tools and techniques of creativity. Judicial process in pursuit of constitutional goals and values - new dimensions of judicial activism and structural challenges

Institutional liability of courts and judicial activism - scope and limits.

#### **Unit - 4. The Concepts of Justice**

The concept of justice or Dharma in Indian thought, Dharma as the foundation of legal ordering in Indian thought. The concept and various theories of justice in the western thought, Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

#### **Unit - 5. Relation between Law and Justice**

Equivalence Theories - Justice as nothing more than the positive law of the stronger class.

Dependency theories - For its realisation justice depends on law, justice is not the same as law.

The independence of justice theories - means to end relationship of law and justice-  
The relationship in the context of the Indian constitutional ordering. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice. Access to Justice – Locus standi : PIL, Legal Services authority

#### **Select Bibliography**

1. Julius Stone, The Province and Function of Law, Part II, Chs. 1. 8-16 (2000), Universal, New Delhi.
2. Cardozo, The Nature of Judicial Process (1995) Universal, New Delhi
3. Henry J. Abraham, The Judicial Process (1998), Oxford.
4. J. Stone, Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworths
5. W. Friedmann, Legal Theory (1960), Stevens, London
6. Bodenheimer, Jurisprudence - the Philosophy and Method of the Law (1997), Universal, Delhi
7. U. Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow.
8. Rajeev Dhavan, The Supreme Court of India - A Socio -Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay.
9. John Rawls, A Theory of Justice (2000), Universal, Delhi
10. Edward H. Levi, An Introduction to Legal Reasoning (1970), University of Chicago

## **Paper – 2.4**

### **LEGAL EDUCATION AND RESEARCH METHODOLOGY**

#### **Objectives of the course:**

A post-graduate student of law should get an insight into the objectives of legal education. He should have an exposure to programmes like organisation of seminars, publication of law journals and holding of legal aid clinics.

Law is taught in different ways in different countries. The LL.M course, being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarise himself with the different systems of legal education. The lecture method both at LL.B level and LL.M level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problem method, discussion method, seminar method and a combination of all these methods. The student has to be exposed to these methods so as to develop his skills.

#### **Syllabus:**

##### **Unit - 1. Objectives of Legal Education and methods of teaching**

Lecture Method, Problem Method, Discussion method and Seminar Method, Merits and Demerits, student participation in law school programmes- Organisation of Seminars, publication of journal and assessment of teachers, Clinical legal education - legal aid, legal literacy, legal survey and law reforms.

##### **Unit - 2. Research Methods**

Socio Legal Research, Doctrinal and non-doctrinal, Relevance of empirical research, Induction and deduction

##### **Unit - 3. Identification of Problem of research**

What is a research problem? Survey of available literature and bibliographical research, Legislative materials including subordinate legislation, notification and policy statement, Decisional materials including foreign decisions; methods of discovering the "rule of the case" tracing the history of important cases and ensuring that these have not been over-ruled; discovering, judicial conflict in the area pertaining to the, research problem and the reasons thereof, Juristic writings - a survey of juristic literature relevant to select problems in India and foreign periodicals Compilation of list of reports or special studies, conducted relevant to the problem.

#### **Unit - 4. Preparation of the Research Design**

Formulation of the Research problem, Devising tools and techniques for collection of data, Methodology, Methods for the collection of statutory and case materials and juristic literature, Use of historical and comparative research materials, Use of observation studies, Use of questionnaires/interview/Schedule, Use of case studies Sampling procedures - design of sample, types of sampling to be adopted, Use of scaling techniques, Jurimetrics, Computerized Research - A study of legal research, programmes such as Lexis and West law coding and manupatra

#### **Unit – 5. Analysis and report writing**

Classification and tabulation of data, Explanation of tabulated data, Analysis of data and Report Writing.

#### **Bibliography**

1. High Brayal, Nigel Dunean and Richard Crimes, Clinical Legal Education: Active Learning in your Law School, (1998) Blackstone Press Limited, London
2. S.K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
3. N.R. Madhava Menon, (ed) A Handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow.
4. M.O. Price, H. Bitner and Bysiewicz, Effective Legal Research (1978)
5. Pauline V. Young, Scientific Social Survey and Research, (1962)
6. William J. Grade and Paul K. Hatt, Methods in Social Research, McGraw-Hill Book Company, London
7. H.M. Hyman, Interviewing in Social Research (1965)
8. Payne, The Art of Asking Questions (1965)
9. Erwin C. Surrency, B. Fieff and J. Crea, A Guide to Legal Research (1959)
10. Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.
11. Harvard Law Review Association, Uniform System of Citations.
12. ILI Publication, Legal Research and Methodology.

### **III-SEMESTER** **BRANCH –II – CRIMINAL LAW** **Paper – 3.1** **JUVENILE DELINQUENCY**

#### **Objectives of the course:**

Juvenile delinquency is considered an important branch of criminology. The impact of juvenile delinquency upon the formation of Indian criminology tradition does not seem to be noticeable. No understanding of crimes and treatment of offenders can be complete without a sure grasp of causes, carrots, and cures of juvenile delinquency.

Increasingly, it is being also realized that young offenders require a wholly different centre of criminal justice system and should not be treated in the same way as the adult offenders. Juvenile Justice System, although a part of the criminal justice system has now its own autonomous characteristics.

In addition, the state and the law have to deal with juveniles in certain situations, as *parens patriae*. The category of 'neglected children' defines the burdens of care which state and society have to assume for neglected children. Most categories of neglected children are also themselves the victims of crime. The institutional care of children poses its own

distinctive dilemmas. These, too, should be discussed, especially, at the level of resource investment compared with the extent of need.

## **Syllabus:**

### **Unit - 1. The Basic Concepts**

- 1.1. The conception of 'child' in Indian Constitution and Penal Code.
- 1.2. Delinquent juvenile
- 1.3. "Neglected" juvenile
- 1.4. The overall situation of children/young persons in India, also with reference to crime statistics (of crimes by and against children)
- 1.5 Determining Factors of Juvenile Delinquency
  - 1.5.1. Differential association
  - 1.5.2. Anomie
  - 1.5.3. Economic pressure
  - 1.5.4. Peer group influence
  - 1.5.5. Gang sub-culture
  - 1.5.6. Class differentials

### **Unit - 2. Legislative Approaches**

- 2.1. Legislative approaches during the late colonial era.
- 2.2. Children's Act
- 2.3. Legislative position in various States
- 2.4. The Juvenile Justice Act
  - 2.4.1. Constitutional aspects.
  - 2.4.2. Distinction between "Neglected" and "delinquent" juveniles.
  - 2.4.3. Competent authorities
  - 2.4.4. Processual safeguards for juveniles
  - 2.4.5. Powers given to government
  - 2.4.6. Community participation as envisaged under the Act

### **Unit - 3. Indian Context of Juvenile Delinquency**

- 3.1. The child population percentage to total sex-ratio, urban/rural/rural-urban
- 3.2. Neglected - below poverty line, physically and mentally disabled, orphans, destitutes, vagrants.
- 3.3. Labourers
  - 3.3.1. Inorganised industries like zari, carpet, bidi, glass
  - 3.3.2. Inunorganised sector like domestic servant, shops and establishments, rag-pickers family trade.
- 3.4. Delinquent - number, sex-ratio, ratio to adult crime, types of offences committed, recidivism, rate of increase background
- 3.5. Drug addicts
- 3.6. Victims
  - 3.6.1. Of violence - sexual abuse, battered, killed by parents
  - 3.6.2. Of criminal activities like bootlegging, drug pollution as a response of protective approach
- 3.7. Judicial Contribution**
  - 3.7.1. Social action litigation concerning juvenile justice
  - 3.7.2. Salient judicial decisions
  - 3.7.3. Role of legal profession in juvenile justice system.

### **Unit - 4. Implementation**

- 4.1. Institutions, bodies, personnel
- 4.2. Recruiting and funding agencies
- 4.3. Recruitment qualifications and salaries or fund
- 4.4. Other responsibilities of each agency/person
- 4.5. Coordination among related agencies
- 4.6. Accountability-annual reports and accessibility of public to juvenile justice institution.

### **Unit - 5. Preventive Strategies**

- 5.1. State Welfare programmes health, nutrition, ICWS, grants-in-aid
- 5.2. Compulsory education
- 5.3. Role of community, family, voluntary, bodies, individuals.

### **Select bibliography**

1. National institute of Social Defence, Model Rules under the Juvenile Justice Act, 1986, (1986)



2. K.S. Shukla, Adolescent Offender (1985)
3. United Nations, Beijing Rules on Treatment of Young Offenders (1985)
4. Myron Weiner, The Child and State in India (1990)
5. The United Nations Declaration on the Rights of Children
6. UNICEF periodic materials

### Paper – 3.2

## COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM

### **Objectives of the course:**

This is a crucial area of Indian development with which traditional, western, criminology is not overly preoccupied. Collective political violence (CPV) is the order of the day, whether it is agrarian (feudal) violence, or it is atrocities against untouchables, communal riots, electoral violence, police violence (encounters), political violence by militant and extremist groups, gender-based violence or violence involved in mercenary terrorism and its containment.

It is not very helpful in such contexts, to mouth the generalities such as "criminalization" or "lumpenization" of Indian politics. Closer scientific investigation of these phenomena is crucial, which should help us understand both the aetiology and the prognosis of CPV. Instead of political analysis the course should focus on a broader social understanding of the political economy of law in India. Each specific form of violence will be examined with a view to identifying the course of its evolution, the state-law response policies of management of sanctions, compensation and rehabilitation of victims of violence, social and political costs. The growth of police and paramilitary forces will also, in this context, be an object of study. Primary materials here will be governmental and citizen investigative reports. The emphasis of the course will be on fashioning overall democratic understanding and responses to meet this problem.

### **Syllabus:**

#### **Unit - 1. Introductory**

- 1.1. Notions of "force", "coercion", "violence"
- 1.2. Distinctions: "symbolic" violence, "institutionalised" violence, "structural violence"
- 1.3. Legal order as a coercive normative order
- 1.4. Force-monopoly of modern law
- 1.5. "Constitutional" and "criminal" speech: Speech as incitement to violence
- 1.6. "Collective political violence" and legal order
- 1.7. Notion of legal and extra-legal "repression"

#### **Unit - 2. Approaches to Violence in India**

- 2.1. Religiously sanctioned structural violence: Caste and gender based
- 2.2. Ahimsa in Hindu, Jain, Buddhist, Christian, and Islamic traditions in India
- 2.3. Gandhiji's approach to non-violence
- 2.4. Discourse on political violence and terrorism during colonial struggle
- 2.5. Attitudes towards legal order as possessed of legitimate monopoly over violence during the colonial period

#### **Unit - 3. Agrarian Violence and Repression**

- 3.1. The nature and scope of agrarian violence in the 18-19 centuries India
- 3.2. Colonial legal order as a causative factor of collective political (agrarian) violence
- 3.3. The Telangana struggle and the legal order
- 3.4. The Report of the Indian Human Rights Commission on Arwal Massacre

#### **Unit - 4. Violence against the Scheduled Castes**

- 4.1. Notion of Atrocities
- 4.2. Incidence of Atrocities
- 4.3. Uses of Criminal Law to combat Atrocities or contain aftermath of Atrocities
- 4.4. Violence Against Women

#### **Unit - 5. Communal Violence**

- 5.1. Incidence and courses of "communal" violence
- 5.2. Findings of various commissions of enquiry
- 5.3. The role of police and para-military systems in dealing with communal violence
- 5.4. 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

### **Select bibliography**

1. U. Baxi, "Dissent, Development and Violence" in R. Meagher (ed.) Law and Social Change: Indo-American Reflections 92 (1988)
2. U. Baxi (ed.), Law and Poverty: Critical Essays, (1988)
3. A.R. Desai, (ed.) Peasant Struggles in India, (1979)
4. A.R. Desai, Agrarian Struggles in India: After Independence (1986) A.R. Desai, Violation of democratic Rights in India (1986)
5. D.A. Dhangare, Peasant Movement in India: 1920-1950 (1983)
6. Ranjit Guha, Element any Aspects of Peasant Insurgency in Colonial India (1983) Ranjit Guba,(ed, ) Subaltern Studies Vol. 1-6 (1983-1988)
7. T. Honderich, Violence for Equality (1980)
8. Mark Juergensmeyer, "The Logic of Religious Violence: The Case of Punjab" 22 Contributions to Indian Sociology 65 (1988)
9. Rajni Kothari, State Against Democracy (1987)
10. G. Shah, Ethnic Minorities and Nation Building: Indian Experience (1984)
11. K.S. Shukla, "Sociology of Deviant Behaviour," in 3 ICSSR Survey of Sociology and Social Anthropology 1969-1979 (1986)

## **Paper – 3.3**

### **PRACTICAL TRAINING**

The practical training shall be held in the Third semester on Research Methodology, Law Teaching and Clinical work. There shall be 25 marks each for doctrinal research and for non-doctrinal research and 25 marks each for law teaching and clinical work. How the components of practical shall be evaluated is left to individual faculties of law. They can formulate their own models of assessment. However, for making the practical training objective and meaningful, the following guidelines shall be adhered to.

#### **1. Research Methodology**

##### **(i) Doctrinal research (25 marks)**

Each student is assigned in advance a separate topic and asked to collect materials. A period of 5-7 days can be set apart for carrying out this assignment in the library. The materials indicated or collected during the assignment shall be evaluated by a group of faculty members.

##### **(ii) Non-doctrinal research (25 marks)**

Here the students are asked to go out of the classroom and library and make an empirical study of a problem, which has social, economic, moral or political dimension. Field data can be collected through any model of data collection. The results are to be assessed by a team of faculty members.

#### **2. Clinical work (25 marks)**

The law school can evolve the modalities. One method is that the legal aid clinic of the law school can involve itself with other legal aid programmes in the area. Students are encouraged not only to work with the clinic but also to acquaint themselves with court proceedings, working of a business organization, tackling of labour disputes, drafting of business or other deeds and with public interest litigation. The faculty shall assess the initiative and potential of the student and the actual work turned out by him.

#### **3. Law Teaching (25 marks)**

A topic is assigned to the student in advance. He is required to handle a class for 25 to 30 minutes. Where LL.B. programme co-exists with LL.M programme, the students may be asked to teach the LL.B students. They can select any of the methods of teaching. In legal education practical, the LL.M students are evaluated internally.

**Paper – 3.4(a)**  
**ENVIRONMENT PROTECTION AND THE LAW**

**Objectives:-**

The Concept of the Environmental Law is for the maintenance and improvement of environment

**Syllabus:-**

**Unit- 1.** General Laws on Environmental Concern Code of Criminal Procedure: Public nuisance, Provisions in the India Penal code, Local bodies Law: an overview.

**Unit-2. Environment (Protection) Act, 1986**

‘Necessary and proper clause’: concentration of power on the Central Government, Delegated legislation: power to make rules, regulation and to issue Directions, Delegation of powers.

**Unit-3. Coastal Zone Management**

Sea erosion, CRZ Notification, Prohibitions and exemptions, Permissible activities, Classification of zones, Regulations of sea resorts, Eco-tourism, Coastal zone management plans, Aquaculture.

**Unit-4. Biological Diversity Act, 2002**

**Unit -5. Emerging Legal Controls**

Environmental audit, Environmental Impact Assessment, Public participation in environment decision making, Environment information, environmental education Incentives for pollution control.

**Select Bibliography**

1. Leelakrishnan, (P et., Al. 9eds,) Law and Environment (1990), Eastern, Lucknow
2. Leelakrishnan, P, The Environment Law in India (1999), Butterworths, India.
3. Department of Science and Technology, Government of India, Report of the Committee for recommending Legislative Measures and Administrative Machinery.
4. For Ensuring Environmental Protection (1980) (Tiwari Committee Report).
5. Indian law Institute, Environment Protection act: An Agenda for Implementation (1987)
6. Indian Journal of public administration, special number on Environment & Administrative, July-September, 1988, Vol. XXXV, No.3
7. Findley, P.W. and Farder, D.A. Environmental law
8. David Hughes, Environmental law (1999), Butterworths, London
9. Armin Rozencranz, et.al.(eds.), Environmental policy and law in India (2000), Oxford.
10. Biological Diversity Act, 2002.

**Paper – 3.4(b)**  
**INTELLECTUAL PROPERTY RIGHTS LAW**

**Objectives:** The main objective of the paper is to introduce to the students the basic concepts of IPR and their relationship with other subjects especially, economic law, and other technological aspects . Apart from the above, the paper covers the approaches of International Institutions and introduces the various aspects that are form part of the province of IPR

**Unit -1. INTRODUCTION:**

- (a) Origin and Genesis of IPR
- (b) The Ways and Means of Creation of IPR
- (c) Sources of IPR-Custom, Treaties, Judicial Decision, Juristic Writings, General Principles of Law, Resolutions of International Organizations

**Unit -2. Concept and Theoretical Perspectives**

- a) Meaning and Definition or IPR
- b) Theories – Marxist – Western – Indian
- c) International Trade and IPR – GATT and UNCTAD – IMF – World Bank – WTO

**Unit – 3. Economic and Technological Approaches**

- a) International Economic Law and IPR
- b) Information and Technological perspectives
- c) Computers and Cyber Crimes – WIPO and Perspectives

d) Bio-technology and IPR

**Unit – 4. Approaches of International Institutions and IPR**

a) UN and IPR

b) ECOSOC – UNESCO – WHO – FAO – ILO – WIPO – Human Rights Council

**Unit – 5. SUBJECT PROVINCE OF IPR**

a) Patents – Basic aspects

b) Trade Marks – Basic principles

c) Copy Right – Basic Issues

d) Industrial Designs and Geographical Indications

**Suggested Readings:**

1. Peter Drahos: A Philosophy of Intellectual Property, 1996
2. Commons J.R.: International Economics, 1934
3. Narayan: Intellectual Property rights, 2007
4. Gopalakrishnan.N.S, Cases And Materials On Intellectual Property Law : Along With Objectives, Methodology, And Course Outline Bangalore : National Law School of India University, 1992
  - International Legal Instruments, D.K. Agencies 1998
  - Intellectual Property Rights CSIR Journal
  - International Legal Materials.; Journal of the Indian Law Institute
5. Journal of the Indian Society of International Law ; American Journal of International Law ; Apart from the above, the students may be informed about the other materials by the concerned teacher.

**Paper – 3.5(a)**

**CYBER CRIMES AND LAW**

**Unit - 1. Introduction to Cyber Laws, Cyber Crimes.**

1.1. Meaning, Definition, Nature of Cyber crimes

1.2. Historical Genesis and Evolution of Cyber Crimes

1.3. International & Indian Laws on Cyber Crimes.

1.4. Computer and Internet basics

Computer Hardware & Networks:

The BIOS and Boot Process - Computer Memory - Hard Disks, Floppy Disks, CD ROMs and DVDs - Networks and Communications - Understanding the Internet: How the Domain Name System works - Email Concepts - World Wide Web concepts - Website Creation Concepts Forms, Interactivity, and Database-Driven Web Sites – Web Commerce

**Unit - 2. CYBER CRIMES**

2.1. Cyber crime: Definition –

2.2. Malicious Code - Computer Viruses, Computer Worms, Computer Trojans,

2.3. Web Hacking Foot printing, Port Scanning, E-Shoplifting Web Defacement, Denial of Service Attacks, Manipulating Cookies

2.4. Email Hacking: Email Hacking using Packet Sniffers, Email Hacking & Phishing, Email Frauds & Phishing, Email Bombing

2.5. Email Hijacking - Social Engineering .

2.6. Cyber Stalking,

2.7. Cyber Terrorism,

2.8. Pornography,

2.9. Cyber Bullying, Piracy

**Unit - 3. Statutory Laws pertaining to Cyber Crimes in India:**

3.1. Cyber Policing Current statutes in India:

3.2. Penalties & Offences under the Information Technology Act, 2000,

3.3. Offences under the Indian Penal Code, 1860,

3.4. Issues relating to investigation and adjudication of cyber crimes in India  
Digital evidence

1.5 IT act 2000 and other legal provisions

**Unit - 4. Cyber Crime Investigation**

4.1. Introduction to Cyber Crime Investigation:

4.2. Basic Investigation Techniques

- First Information Report Initialising a Search and Seizure Operation Tracking & Tracing Emails,
- Final Form/ Report
- Computer evidence assessment checklist
- Computer evidence analysis checklist
- Computer evidence analysis report
- Cyber forensics analysis report Recovery of Digital Evidence,

4.3. Setting up a Cyber Crime Investigation Cell Cyber Forensics:

**Unit - 5. Cyber Law Prevention measures and Data Safety.**

5.1. Cyber Law Prevention measures

5.2. Data Safety

5.3. Future Challenges

**Suggested Reading:-**

1. An Introduction to Cyber vCrime and Cyber Law; Dr. R.K. Chaubay  
Cyber crime in India : Dr. M. Dasgupta  
Cyber laws and crimes : Barkha & U. Ramamohan  
Information Technology Act 2000
2. Albert J. Marcella and Robert S. Greenfield (Ed) (2002) Cyber Forensics, A Field Manual for collecting, examining and preserving evidence of computer crimes, Auerbach publications.
3. Deflem, Mathieu, and J. Eagle Shutt. 2006 "Law Enforcement and Computer Security Threats and Measures." Pp. 200-209 in The Handbook of Information Security, Volume 2: Information
4. Warfare; Social, Legal, and International Issues; and Security Foundations, edited by Hossein Bidgoli. Hoboken, NJ: John Wiley & Sons.
5. Giddens, A (1990) The Consequences of Modernity, Polity Press: Oxford.
6. Hafner, K. & Markoff, J. (1995). Cyberpunks: Outlaws and hackers on the computer frontier. Toronto: Simon and Schuster.
7. Hauben, Michael and Ronda Hauben (1997). Netizens: On the History and Impact of Usenet and the Internet. Wiley-IEEE Computer Society Press: New Jersey
8. McQuade, Samuel C (2005). Understanding and managing cybercrime. New Jersey: Allyn & Bacon.
9. Pease, K. (2001). Crime futures and foresight: Challenging criminal behaviour in the information age. In D. Wall (ed.) Crime and the internet. London: Routledge.
10. Seymour Goodman and Abraham Sofer (ed.) (2002) The Transnational dimensions of cyber crime, Hoover Institution Press Washington.
11. Smith R, Grabosky P and Urbas G (2004). Cyber criminals on trial. Cambridge: Cambridge University Press pp 5-10
12. United Nations (1997). United Nations Manual on the Prevention and Control of Computer-Related Crime, International Review of Criminal Policy Nos. 43 and 44, United Nations: New York <http://www.uncjin.org/Documents/EighthCongress.html>
13. Wall, D. (2001). Cyber crimes and the internet. In D. Wall (ed.) Crime and the internet. London: Routledge.

**Paper – 3.5(b)**

**EVOLUTION AND CONCEPT OF ADR**

**UNIT – 1. Introduction to ADR**

- a. Disputes – meaning and Kinds of Disputes
- b. Dispute Resolution in adversary system, Justiciable court structure and jurisdiction
- c. ADR- Meaning and philosophy, Need for ADR
- d. Overview of ADR processes

**UNIT – 2. Indian Perspective of ADR**

- a. Types of ADR in India
- b. Current Trends
- c. Acceptability

**UNIT –3. Dispute Resolution at grass root level**

- a) LokAdalats,
- b) NyayaPanchayath,
- c) Legal Aid, Legal Services Authority
- d) Preventive and Strategic legal aid.

**UNIT – 4. ADR Application**

- a. Commercial and Financial Disputes
- b. Real estate and Land Disputes
- c. Consumer Disputes
- d. Accident Claims
- e. Matrimonial Disputes

**UNIT – 5. Informal Methods of Settlements of Disputes and Grievance Redressal Procedures**

- a. Conciliation and Medication through social action groups
- b. Use of media, lobbying and public participation
- c. Public inquires and commissions of inquiry
- d. Ombudsman; Lok Pal, LokAyuktha
- e. Vigilance Commission
- f. Congressional and Parliamentary Committes.

**References:**

1. P.C. Rao and William Sheffield, Alternative Dispute Resolution, Universal Law Publication, 2004
2. Sarfaraz Ahmed Khan, LokAdalat: An Effective Alternative Dispute Resolution, New APCON Publication, Daryaganj, 2006.
3. Madabhushi Sridhar - Alternative Dispute Resolution, Butterworth Lexis Nexis, (Reprint 2010) Ist edition.
4. Federal Judicial Centre, Manual for Litigation Management and Cost and Delay Reduction (1992).
5. Henry J Brown and Arthur L. Marriott, ADR Principles and Practices (2nd ed.) Sweet and Maxwell, 1999.
6. J. G. Merrills, International Dispute Settlement. U.K : Cambridge University Press, 2005(Fifth Edition)
7. D.D. Basu, Comparative Administrative Law (1998)
8. Wade, Administrative Law (Seventh Edition, Indian Print 1997), Universal, Delhi
9. Indian Law Institute, Cases and materials on Administrative Law in India, Vol. (1996), Delhi.

**IV-SEMESTER**

**BRANCH – II – CRIMINAL LAW**

**Paper – 4.1**

**LL.M 401. DISSERTATION AND VIVA-VOCE**

*{Topic from optional group}*

The Student has to submit a Dissertation on a topic choosing from optional group containing 150 to 200 pages by following research methodology.

For written part – 150 Marks

For Viva - 50 Marks

## **Paper – 4.2a**

### **LAW OF CONSUMER PROTECTION.**

**Unit - 1** Historical and Sociological Background of Consumer Law

Concept of Consumer:

- a. Consumer in India.
- b. Consumer of goods and services.
- c. Professional services - Medical, legal, educational and welfare services.

**Unit - 2** Definitions: complainant, consumer dispute, defect, deficiency in service, service, unfair trade practices, restrictive trade practices.

Rights of Consumer under the Act, nature and characteristics.

**Unit - 3** Consumer Protection Councils, role, objects, and composition. Structure, composition, power and functions of District Forum, State Commission and National Commission.

**Unit - 4** Law of compensation, approach of Consumer Forum while awarding compensation.

**Unit - 5** Procedure to be followed by consumer redressal agencies, provisions regarding execution of the decision and Appeals. Landmark Judgments of Supreme Court and NCDRC.

#### **Select bibliography**

1. Venkat Rao, Law of Consumer Protection, 1998. Asia Law House
2. G.B. Reddys, Law of Consumer Protection, 1997, Gogia Law Agency
3. V.K. Agrawal, Consumer Protection Law & Practice 1997, B.L.H. Publishers.
4. D.N. Saraf, Law of Consumer Protection in India, (2nd Edn/1995).
5. Consumer Protection Judgments (CPJ) and Consumer Protection Reports (CPR)
6. Dr. Gurjit Singh, The Law of Consumer Protection in India, 1996 Deep and Deep Publications.
7. R.S. Chaudhari, Doctor & Consumer Protection Act, 1994, Maharashtra Law Agency
8. R.M. Vats, Law Relating to Insurance, 1997, Universal Law Publishing Co. Pvt. Ltd.
9. R.M. Vats, Law Relating to Telephone, 1996, Universal Law Publishing Co.Pvt. Ltd.

## **Paper – 4.2b**

### **INTERNATIONAL HUMAN RIGHTS**

(MOOC / ONLINE COURSE)

This subject is MOOC / Online course only.

For more details and syllabus log on to [www.mooc-list.com](http://www.mooc-list.com).

**SRI VENKATESWARA UNIVERSITY :: TIRUPATI****MASTER OF LAW****CBCS Pattern****(With effect from 2024-2025)****The Course of Study and the Scheme of Examinations****BRANCH – III – LABOUR LAWS****I - Semester**

S.No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks		Total
				L	T	P		I	E	
1	<b>Core</b>	1.1	Labour Management Relations And	4	2	-	6	30	70	100
2		1.2	Trade Union Law	4	2	-	6	30	70	100
3	<b>Foundation Course</b>	1.3	Law And Social Transformation In India	4	2	-	6	30	70	100
4		1.4	Indian Constitution The New Challenges	4	2	-	6	30	70	100
	<b>Total</b>					-	24	120	280	400

**II - Semester**

S.No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks		Total
				L	T	P		I	E	
1	<b>Core</b>	2.1	Wages and minimum labour standards	4	2	-	6	30	70	100
2		2.2	Law and Social Security	4	2	-	6	30	70	100
3	<b>Foundation Course</b>	2.3	Judicial Process	4	2	-	6	30	70	100
4		2.4	Legal Education And Research Methodology	4	2	-	6	30	70	100
	<b>Total</b>					-	24	120	280	400



### III – Semester

S.No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks		Total
				L	T	P		I	E	
1	<b>Core</b>	3.1	Industrial Discipline and	4	2	-	6	30	70	100
2		3.2	Collective Bargaining	4	2	-	6	30	70	100
3		3.3	Practical Training	-	-	6	6	100	-	100
4	<b>Generic Elective</b>	3.4a	Environment Protection and the Law	4	2	-	6	30	70	100
5		3.4b	Intellectual Property Rights Law							
6	<b>Open Elective</b>	3.5a	Cyber Crimes and Law	4	2	-	6	30	70	100
7		3.5b	Evolution and Concept of ADR							
	<b>Total</b>						<b>24</b>	<b>120</b>	<b>280</b>	<b>400</b>

### IV – Semester

S.No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks		Total
				L	T	P		I	E	
1	<b>Core</b>	4.1	Dissertation and Viva-Voce	-	-	24	12		<b>Dissertation - 150 Viva – 50</b>	200
2	<b>Open Elective</b>	4.2a	Law of Consumer Protection	4	2	-	6	30	70	100
3		4.2b	International Human Rights (MOOC / Online)							
	<b>Total</b>						<b>12</b>		<b>200</b>	<b>200</b>
			Grand Total				<b>84</b>			<b>1400</b>

**Note:-**

1. Student has to choose one paper out of two in Generic elective in the III Semester.
2. Students of other discipline other than law course can choose one paper out of two in Open elective in the III Semester and IV Semester. In the IV Semester Paper 4.2b – International human Rights is MOOC / Online course only.
3. Duration of examination for each paper in all the semesters is 3 Hours except for Practical Training in III Semester and Dissertation and Viva-Voce in IV Semester.

*K. Sita Manikyam*

(K. SITA MANIKYAM)  
Chairperson, BoS in Law  
S.V. University, Tirupati

## **I-SEMESTER**

### **LL.M. SYLLABUS** **BRANCH –III - LABOUR LAWS** **LABOUR MANAGEMENT RELATIONS AND DISPUTE** **RESOLUTION**

#### **UNIT 1. Governments policy on industrial relations**

Indian Government policy of active intervention in industrial relations through conciliation and adjudication – Compulsory methods V. Voluntary methods of settlement of industrial disputes.

#### **UNIT-2. I.D. Act - definitions and governments power to refer industrial disputes**

Appropriate government, industry, industrial dispute and workman, Settlement and award Layoff, Retrenchment and Closure. Nature and extent of governments power refer industrial disputes.

#### **UNIT -3. Methods of settlement of industrial disputes**

Works Committees, Conciliation, Investigation – Court of Inquiry, Voluntary Arbitration, Compulsory Adjudication. Objectives of industrial adjudication, Labour courts, industrial tribunals and National Industrial Tribunals –Constitution and Composition, Jurisdiction, powers and functions of adjudicatory authorities, Finality and Judicial review of awards, Commencement, enforceability and operation of awards.

#### **UNIT –4. Chapter v a and v b of industrial disputes act**

Restrictions on and compensation for layoff, retrenchment transfer and closure of undertakings, Exit policy.

#### **UNIT-5. Change of conditions of service**

Section 9A & 9B and Schedule IV of Industrial Disputes Act, Section 33, 33A & 33B of Industrial Disputes Act. Section 33C(1) of Industrial Disputes Act, Jurisdiction of Labour Courts under Section 33C(2) of Industrial Disputes Act.

#### **Reference Books:**

1. The Law of Industrial Disputes Vol. I & Vol. II – O.P. Malhatra
2. Labour and the Law – Kahn - Freund
3. Report of National Commission on Labour( Relevant chapters) of 1969 and 2002

### **Paper-1.2** **TRADE UNION LAW**

#### **UNIT – 1. Freedom of organization**

Negative and positive features, Position in India, Britain and America, Scope of Art 19(1) , Brief History of Trade Union movement in Britain, Evolution of Trade Union Movement Labour Legislation in India

#### **UNIT-2. Trade unions and corporate status**

Definition of Trade Union, Registration and Corporate Status, Immunities of Trade Unions – India and Britain.

#### **UNIT- 3. Trade union recognition**

Recognition of Trade Unions in Britain, Recognition of Trade Unions in India – NCL Recommendations.

#### **UNIT-4. Problems facing the indian trade union movement**

Multi – Unionism, Outsiders in the Unions, Political affiliation, Inter Union Rivalry and IntraUnion Rivalry, N.C.L. Recommendations.

#### **UNIT-5. UNORGANISED LABOUR AND UNIONIZATIONS**

Problems of unorganized labour, agricultural labour, child labour, bonded labour.

#### **Reference Books:**

1. Citrine – Trade Union Law
2. Cyril Grunfeld – Modern jTrade Union Law.
3. Richard kinder – Trade union Law
4. KahnFreund – Labour and the Law

5. J.N. Mallick – Trade union Law
6. K.D. Srivastava – Trade union Law
7. S.C. Jha – Indian Trade Union Movement
8. V.V. Giri – Labour Problems in Indian Industry
9. C.K. Sharma – Labour Movement in India
10. N.C.L. Recommendations – Relevant Chapters
11. Bombay Industrial Relations Act 1946
12. Maharashtra – Recognition of Trade Unions and PULP Act 1971

### **Paper – 1.3**

#### **LAW AND SOCIAL TRANSFORMATION IN INDIA.**

##### **Objectives of the course:**

This course is designed to offer the teacher and the taught with - (a) awareness of Indian approaches to social and economic problems in the context of law as a means of social control and change; and (b) a spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. The endeavour is to make the students aware of the role the law has played and has to play in the contemporary Indian society

##### **Syllabus:**

##### **UNIT 1. Law and social change**

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

##### **UNIT -2 Community, religion and the law**

Caste as a divisive factor, Non-Discrimination on the ground of caste, Acceptance of caste as a factor to undo past injustices, Protective discrimination, Protective discrimination: Scheduled castes, tribes and backward classes. Reservation; Statutory Commissions., Statutory provisions. Freedom of religion and non-discrimination on the basis of Religion, Religious minorities and the law.

##### **UNIT –3 Women, children and law**

Crimes against women, Gender injustice and its various forms, Women Commission. Empowerment of women: Constitutional and other legal provisions, Child labour, Adoption and related problems, Children and education.

##### **UNIT- 4 Modernization and law**

Modernisation as a value: Constitutional perspectives reflected in the fundamental duties, Democratic decentralisation and local self-government.

##### **UNIT-5 Alternative approaches to law**

The jurisprudence of Sarvodaya--- Gandhiji, VinobaBhave; Jayaprakash Narayan-- -Surrender of dacoits; concept of gramanyayalayas.

##### **Select Bibliography**

1. Marc Galanter (ed.), Law and Society in Modern India (1997 ) Oxford,
2. Robert Lingat, The Classical Law of India (1998), Oxford
3. U. Baxi, The Crisis of the Indian Legal System (1982). Vikas, New Delhi.
4. U. Baxi (ed.), Law and Poverty Critical Essays (1988). Tripathi, Bombay.
5. Manushi, A Journal About Women and Society.
6. Duncan Derret, The State, Religion and Law in India (1999). Oxford University Press, New Delhi.
7. H.M. Seervai, Constitutional Law of India (1996), Tripathi.
8. D.D. Basu, Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd., New Delhi.
9. Sunil Deshta and KiranDeshta, Law and Menace of Child Labour (2000) Armol Publications, Delhi.
10. SavitriGunasekhare, Children, Law and Justice (1997), Sage
11. Indian Law Institute, Law and Social Change : Indo-American Reflections, Tripathi (1988)
12. J.B. Kripalani, Gandhi: His Life and Thought, (1970)Ministry of Information and Broadcasting, Government of India
13. M.P.Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay.

14. Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford

## **Paper – 1.4**

### **INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES.**

#### **Objectives of the Course:**

The Constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes. The post graduate students in law who had the basic knowledge of Indian Constitutional Law at LL.B level, should be exposed to the new challenges and perspectives of constitutional development while they are allowed to choose an area of law for specialisation. Obviously, rubrics under this paper require modification and updating from time to time.

#### **Syllabus:**

##### **UNIT-1. Federalism**

Creation of new states, The inter-state disputes on resources, Centre's responsibility and internal disturbance within States, Federal Comity : Relationship of trust and faith between Centre and State, Special status of certain States, Tribal Areas, Scheduled Areas.

##### **UNIT-2. "State" right to equality**

Definition of state, Need for widening the definition in the wake of liberalization. Privatisation and its impact on affirmative Action, Relating to equality.

##### **UNIT-3. Emerging regime of new rights and remedies**

Reading Directive Principles and Fundamental Duties into Fundamental Rights Compensation jurisprudence Right to education, Commercialization of education and its impact, Brain drain by foreign education market, Right of minorities to establish and administer educational institutions and state control.

##### **UNIT – 4. Separation of powers stresses and strain**

Judicial activism and judicial restraint, PIL: implementation, Judicial independence, Appointment, transfer and removal of judges, Accountability: executive and judiciary, Tribunals.

##### **UNIT- 5. Democratic process**

Nexus of politics with criminals and the business, Election, Election commission: status, Electoral Reforms, Coalition government, 'stability, durability, corrupt practice' Grass root democracy.

#### **Select bibliography**

No specific bibliography is suggested for this course since the course materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values.

## **II-SEMESTER**

### **Paper-2.1**

#### **WAGES AND MINIMUM LABOUR STANDARDS**

##### **UNIT-1. Constitutional perspectives on wages and Welfare**

Denial of minimum wages as forced labour, Right to living wage, Right to equal pay for equal work, Concept of labour welfare, Health, Safety and Welfare of workers in factories

##### **UNIT-2. Theories and facets of wages**

Theories of wages, Concepts of minimum wage, fair wage, living wage and need – based minimum wage.

##### **UNIT-3. Fixation and revision of wages**

ILO Conventions, Principles of wage fixation – Industrial Adjudication, Wage boards and fixation of wages Wage fixation under Minimum Wages Act. Basic wage and Dearness Allowance, Fixation and Revision of Dearness Allowance.

#### **UNIT-4. Protection of wages**

Problems relating to payment of wages, Royal Commission and payment of wages Deductions and the Payment of Wages Act.

#### **UNIT-5. Concept and payment of bonus**

Concept of profit sharing and deferred wages, Full Bench Formula, Bonus under the Payment of Bonus Act.

#### **Reference Books:**

1. O.P. Malhotra, Law of Industrial Disputes (1999)
2. R.R. Singh, Labour Economics Chs. 6,7,8 and 9 (1971)
3. G.L. Kothari, Wages, Dearness Allowances and Bonus (1968)
4. Y.B. Singh, Industrial Labour in India Part 1, (1960)
5. V.V. Giri, Labour Problems in Indian Industry Ch.F (1972)
6. Report of the National Commission on Labour 1969 (Relevant Portions)
7. International Labour Office, Wages (1968)
8. International Labour Office, Wage Fixing (1981)
9. International Labour Office, Minimum Wage Fixing (1981)
10. VedulaJagannadhaRao, Law Relating to Shops and Establishments in AP(1989)
11. Suresh C. Srivastava, 'Payment of Dearness Allowance to Industrial Workers in India' 15 J.L.L. 444(1973)
12. Suresh C. Srivastava, "Machinery for Fixation of Minimum Wage of Sweated Labour in India – Problems and Prospects" 23 J.L.L.495(1981)
13. R.D. Agarwal, Dynamics of Labour Relations in India (1972)
14. SahabDayal. "Wage, Income and Industrial Relations in Modern India : An Evaluation of Selected Empirical Implications". 15 Indian Journal of Industrial Relations 195(1971)
15. Madhuri G. Seth, "Bonus in Equity Perspective", 15 Indian Journal of Industrial Relations 119 (1979)
16. Deepak Lal, Theories of Industrial Wage Structures : A Review "15 Indian Journal of Industrial Relations 167 (1979)
17. C. Mani Sastry, "Wage Structure and Regional Labour Market", 21 Indian Journal of Industrial Relations 344(1985)
18. Suresh C. Srivastava, "Payment of Dearness Allowance to Industrial Workers in India: The Judicial Approach", 15 J.L.L.1 444(1973).
19. R.L. Chawla, "Wage Policy and Industrial Relations. A Brazilian Case Study", 17 Indian Journal of Industrial Relations 27(1981)

## **Paper-2.2**

### **LAW AND SOCIAL SECURITY**

#### **UNIT-1. Social security**

Meaning, Labour Welfare and Social Security, Modalities - Social Assistance and Social Insurance

#### **UNIT-2. Constitutional perspectives**

Fundamental Rights :Realisation of the rights through meaningful social security measures : Right to life, the wider dimensions, Directive Principles of State Policy : Right to adequate means of livelihood, Right to public assistance in cases of unemployment, old age, sickness and disablement, maternity relief.

#### **UNIT-3 International norms for social security of labour : the ilo measures**

#### **UNIT-4 Law and social security**

Employer's liability act, 1936, Workmen's Compensation Act, 1923, Employees State Insurance Act, 1948, Employees Provident Fund & Miscellaneous Provisions Act, 1952, Payment of Gratuity Act, 1972, Maternity Benefit Act, 1961.

#### **UNIT-5 social security for unorganized and agricultural labour**

Comprehensive and integrated social security scheme – as recommended by N.C.L. , National Rural Employment Guarantee Act.

#### **Reference Books:**

1. Harry Calvert – Social Security Laws (1978)
2. S.C. Srivastava  
Social Security and Labour Laws (1985)
3. Reports of the National Commission on Labour (1&2) (Relevant Chapters)
4. The Laws of Social Security – Ogn and Berndt (1978) (Relevant chapters)

## **Paper – 2.3**

### **JUDICIAL PROCESS**

#### **Objectives of the course:**

A lawyer, whether academic or professional, is expected to be competent to analyse and evaluate the legal process from a broader juristic perspective. Hence a compulsory paper on Judicial Process is essential in the LL.M curriculum. The objective of this paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change. This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process. Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This paper, therefore, intends to familiarise the students with various theories, different aspects and alternative ways, of attaining justice.

#### **Syllabus:**

##### **Unit - 1. Nature of judicial process**

Judicial process as an instrument of social ordering, Judicial process and creativity in law - common law model - Legal Reasoning and growth of law - change and stability. The tools and techniques of judicial creativity and precedent.

##### **Unit - 2. Special Dimensions of Judicial Process in Constitutional Adjudications.**

Notions of judicial review, 'Role' in constitutional adjudication - various theories of judicial role, Tools and techniques in policy-making and creativity in constitutional adjudication. Varieties of judicial and juristic activism Problems of accountability and judicial law-making.

##### **Unit - 3. Judicial Process in India**

Indian debate on the role of judges and on the notion of judicial review. The "independence" of judiciary and the "political" nature of judicial process. Judicial activism and creativity of the Supreme Court - the tools and techniques of creativity. Judicial process in pursuit of constitutional goals and values - new dimensions of judicial activism and structural challenges. Institutional liability of courts and judicial activism - scope and limits.

##### **Unit - 4. The Concepts of Justice**

The concept of justice or Dharma in Indian thought, Dharma as the foundation of legal ordering in Indian thought. The concept and various theories of justice in the western thought, Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

##### **Unit - 5. Relation between Law and Justice**

Equivalence Theories - Justice as nothing more than the positive law of the stronger class.

Dependency theories - For its realisation justice depends on law, justice is not the same as law.

The independence of justice theories - means to end relationship of law and justice- The relationship in the context of the Indian constitutional ordering. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice. Access to Justice – Locus standi : PIL, Legal Services authority

#### **Select Bibliography**

1. Julius Stone, The Province and Function of Law, Part II, Chs. 1. 8-16 (2000), Universal, New Delhi.
2. Cardozo, The Nature of Judicial Process (1995) Universal, New Delhi
3. Henry J. Abraham, The Judicial Process (1998), Oxford.
4. J. Stone, Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworths
5. W. Friedmann, Legal Theory (1960), Stevens, London
6. Bodenheimer, Jurisprudence - the Philosophy and Method of the Law (1997), Universal, Delhi
7. U. Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow.
8. Rajeev Dhavan, The Supreme Court of India - A Socio -Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay.

9. John Rawls, A Theory of Justice (2000), Universal, Delhi
10. Edward H. Levi, An Introduction to Legal Reasoning (1970), University of Chicago

## **Paper – 2.4**

### **LEGAL EDUCATION AND RESEARCH METHODOLOGY**

#### **Objectives of the course:**

A post-graduate student of law should get an insight into the objectives of legal education. He should have an exposure to programmes like organisation of seminars, publication of law journals and holding of legal aid clinics.

Law is taught in different ways in different countries. The LL.M course, being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarise himself with the different systems of legal education. The lecture method both at LL.B level and LL.M level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problem method, discussion method, seminar method and a combination of all these methods. The student has to be exposed to these methods so as to develop his skills.

#### **Syllabus:**

##### **Unit - 1. Objectives of Legal Education and methods of teaching**

Lecture Method, Problem Method, Discussion method and Seminar Method, Merits and Demerits, student participation in law school programmes - Organisation of Seminars, publication of journal and assessment of teachers, Clinical legal education - legal aid, legal literacy, legal survey and law reforms.

##### **Unit - 2. Research Methods**

Socio Legal Research, Doctrinal and non-doctrinal, Relevance of empirical research, Induction and deduction

##### **Unit - 3. Identification of Problem of research**

What is a research problem? Survey of available literature and bibliographical research, Legislative materials including subordinate legislation, notification and policy statement, Decisional materials including foreign decisions; methods of discovering the "rule of the case" tracing the history of important cases and ensuring that these have not been over-ruled; discovering, judicial conflict in the area pertaining to the, research problem and the reasons thereof, Juristic writings - a survey of juristic literature relevant to select problems in India and foreign periodicals Compilation of list of reports or special studies, conducted relevant to the problem.

##### **Unit - 4. Preparation of the Research Design**

Formulation of the Research problem, Devising tools and techniques for collection of data, Methodology, Methods for the collection of statutory and case materials and juristic literature, Use of historical and comparative research materials, Use of observation studies, Use of questionnaires/interview/Schedule, Use of case studies Sampling procedures - design of sample, types of sampling to be adopted, Use of scaling techniques, Jurimetrics, Computerized Research - A study of legal research, programmes such as Lexis and West law coding and manupatra

##### **Unit – 5. Analysis and report writing**

Classification and tabulation of data, Explanation of tabulated data, Analysis of data and Report Writing.

#### **Bibliography**

1. High Brayal, Nigel Dunean and Richard Crimes, Clinical Legal Education: Active Learning in your Law School, (1998) Blackstone Press Limited, London
2. S.K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
3. N.R. Madhava Menon, (ed) A Handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow.
4. M.O. Price, H. Bitner and Bysiewicz, Effective Legal Research (1978)
5. Pauline V. Young, Scientific Social Survey and Research, (1962)
6. William J. Grade and Paul K. Hatt, Methods in Social Research, McGraw-Hill Book Company, London
7. H.M. Hyman, Interviewing in Social Research (1965)
8. Payne, The Art of Asking Questions (1965)

9. Erwin C. Surrency, B.Fielf and J. Crea, A Guide to Legal Research (1959)
10. Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.
11. Havard Law Review Association, Uniform System of Citations.
12. ILI Publication, Legal Research and Methodology.

## **III-SEMESTER**

### **Paper-3.1**

## **INDUSTRIAL DISCIPLINE AND LAW**

### **UNIT-1. Industrial discipline**

Concept and need for maintaining industrial discipline

### **UNIT-2. Industrial employment (standing orders) act, 1946 and model standing orders**

Certification of Standing orders, Modification of standing orders, tempory application of model standing orders

### **UNIT-3. Misconduct and punishment**

Different types of misconduct, Punishment appropriate to misconduct, Major and minor punishment, Termination of employment, Dismissal, Discharge (Punitive or simple), Discharge of probationers, Compulsory retirement , Suspension – subsistence allowance during suspension, Reversion or demotion, Withdrawal of increments – cumulative or noncumulative, Fines.

### **UNIT-4. Domestic enquiry**

Compliance with principles of natural justice, Chargesheet – Requirements of Enquiry officer – Presiding Officer – Defence counsel, Enquiry officere report Final showcase, notice and order of punishment.

### **UNIT-5. Jurisdiction of adjudicatory authorities**

Supervisory original or appellate jurisdiction, Section 11 A of Industrial Disputes Act, Section 2A(2) of Industrial Disputes (A.P. Amendment) Act, Protection of civil servants, Doctrine of pleasure – Art.310 of the Constitution, Protection under Art 311 of the constitution, Jurisdiction of Administrative Tribunals and High Courts.

### **Reference Books:**

1. The Law of industrial disputes Vol I & Vol II – O.P. Malhotra
2. Constitutional Law of India – H.M. Seervai (Relevant chapters)
3. Report of National Commission on Labour (1969) (Relevant chapters)

### **Paper-3.2**

## **COLLECTIVE BARGAINING**

### **UNIT-1. Collective bargaining – concepts**

Concept of collective bargaining – a comparative appraisal, Methodological aspects, Types of bargaining – Plant level, industry level and national level, Advantages of collective bargaining over compulsory adjudication.

### **UNIT-2. Legal control and collective bargaining**

Strike as a weapon in the process of collective bargaining (pendown, goslow, work to rule, stayin, picketing, Gherao, Lockout, Legality and Justifiability of strikes and Lockouts, Disciplinary action for participating in illeggal strikes. Wages for the period of strike.

### **UNIT-3. Factors affecting collective bargaining**

Multi Unionism, and bargaining – Bargaining councils – Sole bargaining agent. Other factors, Conditions for successful functioning.

### **UNIT-4. Status of collective agreements**

Binding nature of collective agreements, Collective Agreement and conciliation settlement

### **UNIT-5. Workers' participation in management**

Concept and theories of participation of workers, Works Committees, Joint Management Councils, Worker – Director, Workers' share holders.

### **Reference Books:**

1. Gillian S. morris and Timothy J.Archer, CkollectiveLabour Law (2000), Oxford
2. Nick Humphrey, Trade Union Law (1997), Blackstone, London



3. John Bowers and Simon Hentyball, Text book on Labour Law (1998), Blackstone, London.
4. Stephen Dery and Richard Mitchell, Employment Relations - Individualization and Union Exclusion (1999), Blackston, London
5. Roger Blanpain, Chris Engels(Eds.), Comparative Labour Law and Industrial Relations in Industrialised market Economies (1999) Kluver
6. Indian Law Institute -Labour Law and Labour Relations, (1997)
7. ILO, Collective Bargaining.
8. ILO, Collective Bargaining in Industrialised Market Economies
9. Mary Sur, Collective Bargaining (1965)]
10. R.W. Rideout, Principles of Labour Law, Chs. 8,9 and 10 (1983)
11. Otto KahnFreund, Labour and the Law, (1977)
12. A.V. Rajagopalan, "Approaches to Collective Bargaining – Intricacies" 1982 Vol. II Labour Law Notes P.J. 42.
13. B.R. Patil, Sectionalised Bargaining in Textile Industry in Coimbatore" 20 Indian J Journal of Industrial Relations 44. (1985)
14. Elias T. Ramos, "Growth of Collective Bargaining in the Philippines, 195374", Indian Journal of Industrial Relations 559 (1987)
15. T.O. Ekeehukwu,"Collective bargaining and Process of Settling Industrial
16. Dispsutes in Nigeria" 18 Indian journal of ndustrial Relations 607 (1983)
17. Y.R.K. Reddy, "Determination of Collective Bargaining Agency Search for a Procedure" 14 Indian journal of Industrial Relations 73 (1978)
18. SahabDayat "Revival of Collective Bargaining in India : Some Recent Evidence" Indian Journal of Industrial Relations 329 (1982)

## **Paper – 3.3**

### **PRACTICAL TRAINING**

The practical training shall be held in the Third semester on Research Methodology, Law Teaching and Clinical work. There shall be 25 marks each for doctrinal research and for non-doctrinal research and 25 marks each for law teaching and clinical work. How the components of practical shall be evaluated is left to individual faculties of law. They can formulate their own models of assessment. However, for making the practical training objective and meaningful, the following guidelines shall be adhered to.

#### **1. Research Methodology**

##### **(i) Doctrinal research (25 marks)**

Each student is assigned in advance a separate topic and asked to collect materials. A period of 5-7 days can be set apart for carrying out this assignment in the library. The materials indicated or collected during the assignment shall be evaluated by a group of faculty members.

##### **(ii) Non-doctrinal research (25 marks)**

Here the students are asked to go out of the classroom and library and make an empirical study of a problem, which has social, economic, moral or political dimension. Field data can be collected through any model of data collection. The results are to be assessed by a team of faculty members.

#### **2. Clinical work (25 marks)**

The law school can evolve the modalities. One method is that the legal aid clinic of the law school can involve itself with other legal aid programmes in the area. Students are encouraged not only to work with the clinic but also to acquaint themselves with court proceedings, working of a business organization, tackling of labour disputes, drafting of business or other deeds and with public interest litigation. The faculty shall assess the initiative and potential of the student and the actual work turned out by him.

#### **3. Law Teaching (25 marks)**

A topic is assigned to the student in advance. He is required to handle a class for 25 to 30 minutes. Where LL.B. programme co-exists with LL.M programme, the students may be asked to teach the LL.B students. They can select any of the methods of teaching. In legal education practical, the LL.M students are evaluated internally.

**Paper – 3.4(a)**  
**ENVIRONMENT PROTECTION AND THE LAW**

**Objectives:-**

The Concept of the Environmental Law is for the maintenance and improvement of environment

**Syllabus:-**

**Unit- 1 :** General Laws on Environmental Concern Code of Criminal Procedure: Public nuisance, Provisions in the India Penal code, Local bodies Law: an overview.

**Unit-2 : Environment (Protection) Act, 1986**

‘Necessary and proper clause’: concentration of power on the Central Government, Delegated legislation: power to make rules, regulation and to issue Directions, Delegation of powers.

**Unit-3 : Coastal Zone Management**

Sea erosion, CRZ Notification, Prohibitions and exemptions, Permissible activities, Classification of zones, Regulations of sea resorts, Eco-tourism, Coastal zone management plans, Aquaculture.

**Unit-4 : Biological Diversity Act, 2002**

**Unit -5 : Emerging Legal Controls**

Environmental audit, Environmental Impact Assessment, Public participation in environment decision making, Environment information, environmental education Incentives for pollution control.

**Select Bibliography**

1. Leelakrishnan, (P et., Al. 9eds,) Law and Environment (1990), Eastern, Lucknow
2. Leelakrishnan, P, The Environment Law in India (1999), Butterworths, India.
3. Department of Science and Technology, Government of India, Report of the Committee for recommending Legislative Measures and Administrative Machinery.
4. For Ensuring Environmental Protection (1980) (Tiwari Committee Report).
5. Indian law Institute, Environment Protection act: An Agenda for Implementation (1987)
6. Indian Journal of public administration, special number on Environment &Administrative, July-September, 1988, Vol. XXXV, No.3
7. Findley, P.W. and Farder, D.A. Environmental law
8. David Hughes, Environmental law (1999), Butterworths, London
9. Armin Rozencranz, et.al.(eds.), Environmental policy and law in India (2000), Oxford.
10. Biological Diversity Act, 2002.

**Paper – 3.4(b)**  
**INTELLECTUAL PROPERTY RIGHTS LAW**

**Objectives:** The main objective of the paper is to introduce to the students the basic concepts of IPR and their relationship with other subjects especially, economic law, and other technological aspects . Apart from the above, the paper covers the approaches of International Institutions and introduces the various aspects that are form part of the province of IPR

**Unit -1 INTRODUCTION:**

- (a) Origin and Genesis of IPR
- (b) The Ways and Means of Creation of IPR
- (c) Sources of IPR-Custom, Treaties, Judicial Decision, Juristic Writings, General Principles of Law, Resolutions of International Organizations

**Unit -2 Concept and Theoretical Perspectives**

- a) Meaning and Definition or IPR
- b) Theories – Marxist – Western – Indian
- c) International Trade and IPR – GATT and UNCTAD – IMF – World Bank – WTO

**Unit - 3 Economic and Technological Approaches**

- a) International Economic Law and IPR
- b) Information and Technological perspectives
- c) Computers and Cyber Crimes – WIPO and Perspectives

d) Bio-technology and IPR

**Unit - 4 Approaches of International Institutions and IPR**

a) UN and IPR

b) ECOSOC – UNESCO – WHO – FAO– ILO – WIPO – Human Rights Council

**Unit - 5 SUBJECT PROVINCE OF IPR**

a) Patents – Basic aspects

b) Trade Marks – Basic principles

c) Copy Right – Basic Issues

d) Industrial Designs and Geographical Indications

**Suggested Readings:**

1. Peter Drahos: A Philosophy of Intellectual Property, 1996
2. Commons J.R.: International Economics, 1934
3. Narayan: Intellectual Property rights, 2007
4. Gopalakrishnan.N.S, Cases And Materials On Intellectual Property Law: Along With Objectives, Methodology, And Course Outline Bangalore : National Law School of India University, 1992
  - International Legal Instruments, D.K. Agencies 1998
  - Intellectual Property Rights CSIR Journal
  - International Legal Materials.; Journal of the Indian Law Institute
5. Journal of the Indian Society of International Law ; American Journal of International Law ; Apart from the above, the students may be informed about the other materials by the concerned teacher.

**Paper – 3.5(a)**

**CYBER CRIMES AND LAW**

**Unit - 1. Introduction to Cyber Laws, Cyber Crimes.**

1.1. Meaning, Definition, Nature of Cyber crimes

1.2. Historical Genesis and Evolution of Cyber Crimes

1.3. International & Indian Laws on Cyber Crimes.

1.4. Computer and Internet basics

Computer Hardware & Networks:

The BIOS and Boot Process - Computer Memory - Hard Disks, Floppy Disks, CD ROMs and DVDs - Networks and Communications - Understanding the Internet: How the Domain Name System works - Email Concepts - World Wide Web concepts - Website Creation Concepts Forms, Interactivity, and Database-Driven Web Sites – Web Commerce

**Unit - 2. CYBER CRIMES**

2.1. Cyber crime: Definition –

2.2. Malicious Code - Computer Viruses, Computer Worms, Computer Trojans,

2.3. Web Hacking Foot printing, Port Scanning, E-Shoplifting Web Defacement, Denial of Service Attacks, Manipulating Cookies

2.4. Email Hacking: Email Hacking using Packet Sniffers, Email Hacking & Phishing, Email Frauds & Phishing, Email Bombing

2.5. Email Hijacking - Social Engineering .

2.6. Cyber Stalking,

2.7. Cyber Terrorism,

2.8. Pornography,

2.9. Cyber Bullying, Piracy

**Unit - 3. Statutory Laws pertaining to Cyber Crimes in India:**

3.1. Cyber Policing Current statutes in India:

3.2. Penalties & Offences under the Information Technology Act, 2000,

3.3. Offences under the Indian Penal Code, 1860,

3.4. Issues relating to investigation and adjudication of cyber crimes in India  
Digital evidence

1.6 IT act 2000 and other legal provisions

**Unit - 4. Cyber Crime Investigation**

4.1. Introduction to Cyber Crime Investigation:

4.2. Basic Investigation Techniques

- First Information Report Initialising a Search and Seizure Operation Tracking & Tracing Emails,
- Final Form/ Report
- Computer evidence assessment checklist
- Computer evidence analysis checklist
- Computer evidence analysis report
- Cyber forensics analysis report Recovery of Digital Evidence,

4.3. Setting up a Cyber Crime Investigation Cell Cyber Forensics:

**Unit - 5. Cyber Law Prevention measures and Data Safety.**

5.1. Cyber Law Prevention measures

5.2. Data Safety

5.3. Future Challenges

**Suggested Reading:-**

1. An Introduction to Cyber vCrime and Cyber Law; Dr. R.K. Chaubay  
Cyber crime in India : Dr. M. Dasgupta  
Cyber laws and crimes : Barkha & U. Ramamohan  
Information Technology Act 2000
2. Albert J. Marcellaa and Robert S. Greenfield (Ed) (2002) Cyber Forensics, A Field Manual for collecting, examining and preserving evidence of computer crimes, Auerbach publications.
3. Deflem, Mathieu, and J. Eagle Shutt. 2006 "Law Enforcement and Computer Security Threats and Measures." Pp. 200-209 in The Handbook of Information Security, Volume 2: Information
4. Warfare; Social, Legal, and International Issues; and Security Foundations, edited by Hossein Bidgoli. Hoboken, NJ: John Wiley & Sons.
5. Giddens, A (1990) The Consequences of Modernity, Polity Press: Oxford.
6. Hafner, K. & Markoff, J. (1995). Cyberpunks: Outlaws and hackers on the computer frontier. Toronto: Simon and Schuster.
7. Hauben, Michael and Ronda Hauben (1997). Netizens: On the History and Impact of Usenet and the Internet. Wiley-IEEE Computer Society Press: New Jersey
8. McQuade, Samuel C (2005). Understanding and managing cybercrime. New Jersey: Allyn & Bacon.
9. Pease, K. (2001). Crime futures and foresight: Challenging criminal behaviour in the information age. In D. Wall (ed.) Crime and the internet. London: Routledge.
10. Seymour Goodman and Abraham Sofer (ed.) (2002) The Transnational dimensions of cyber crime, Hoover Institution Press Washington.
11. Smith R, Grabosky P and Urbas G (2004). Cyber criminals on trial. Cambridge: Cambridge University Press pp 5-10
12. United Nations (1997). United Nations Manual on the Prevention and Control of Computer-Related Crime, International Review of Criminal Policy Nos. 43 and 44, United Nations: New York <http://www.uncjin.org/Documents/EighthCongress.html>
13. Wall, D. (2001). Cyber crimes and the internet. In D. Wall (ed.) Crime and the internet. London: Routledge.

**Paper – 3.5(b)**

**EVOLUTION AND CONCEPT OF ADR**

**UNIT – 1. Introduction to ADR**

- a. Disputes – meaning and Kinds of Disputes
- b. Dispute Resolution in adversary system, Justiciable court structure and jurisdiction
- c. ADR- Meaning and philosophy, Need for ADR
- d. Overview of ADR processes

**UNIT – 2. Indian Perspective of ADR**

- a. Types of ADR in India
- b. Current Trends
- c. Acceptability

**UNIT – 3. Dispute Resolution at grass root level**

- a) Lok Adalats,
- b) Nyaya Panchayath,
- c) Legal Aid, Legal Services Authority
- d) Preventive and Strategic legal aid.

**UNIT – 4. ADR Application**

- a. Commercial and Financial Disputes
- b. Real estate and Land Disputes
- c. Consumer Disputes
- d. Accident Claims
- e. Matrimonial Disputes

**UNIT – 5. Informal Methods of Settlements of Disputes and Grievance Redressal Procedures**

- a. Conciliation and Mediation through social action groups
- b. Use of media, lobbying and public participation
- c. Public inquires and commissions of inquiry
- d. Ombudsman; Lok Pal, LokAyuktha
- e. Vigilance Commission
- f. Congressional and Parliamentary Committes.

References:

1. P.C. Rao and William Sheffield, Alternative Dispute Resolution, Universal Law Publication, 2004
2. Sarfaraz Ahmed Khan, LokAdalat: An Effective Alternative Dispute Resolution, New APCON Publication, Daryaganj, 2006.
3. Madabhushi Sridhar - Alternative Dispute Resolution, Butterworth Lexis Nexis, (Reprint 2010) Ist edition.
4. Federal Judicial Centre, Manual for Litigation Management and Cost and Delay Reduction (1992).
5. Henry J Brown and Arthur L. Marriott, ADR Principles and Practices (2nd ed.) Sweet and Maxwell, 1999.
6. J. G. Merrills, International Dispute Settlement. U.K : Cambridge University Press, 2005(Fifth Edition)
7. D.D. Basu, Comparative Administrative Law (1998)
8. Wade, Administrative Law (Seventh Edition, Indian Print 1997), Universal, Delhi
9. Indian Law Institute, Cases and materials on Administrative Law in India, Vol. (1996), Delhi.

**IV-SEMESTER**

**Paper – 4.1**

**DISSERTATION AND VIVA-VOCE**

*{Topic from optional group}*

The Student has to submit a Dissertation on a topic choosing from optional group containing 150 to 200 pages by following research methodology.

For written part – 150 Marks  
For Viva - 50 Marks

**Paper – 4.2a**

**LAW OF CONSUMER PROTECTION.**

**Unit - 1** Historical and Sociological Background of Consumer Law

Concept of Consumer:

- a. Consumer in India.
- b. Consumer of goods and services.
- c. Professional services - Medical, legal, educational and welfare services.

**Unit - 2** Definitions: complainant, consumer dispute, defect, deficiency in service, service, unfair trade practices, restrictive trade practices.

Rights of Consumer under the Act, nature and characteristics.

**Unit - 3** Consumer Protection Councils, role, objects, and composition. Structure, composition, power and functions of District Forum, State Commission and National Commission.

**Unit - 4** Law of compensation, approach of Consumer Forum while awarding compensation.

**Unit - 5** Procedure to be followed by consumer redressal agencies, provisions regarding execution of the decision and Appeals. Landmark Judgments of Supreme Court and NCDRC.

**Select bibliography**

1. Venkat Rao, Law of Consumer Protection, 1998. Asia Law House
2. G.B. Reddys, Law of Consumer Protection, 1997, Gogia Law Agency
3. V.K. Agrawal, Consumer Protection Law & Practice 1997, B.L.H. Publishers.
4. D.N. Saraf, Law of Consumer Protection in India, (2nd Edn/1995).
5. Consumer Protection Judgments (CPJ) and Consumer Protection Reports (CPR)
6. Dr. Gurjit Singh, The Law of Consumer Protection in India, 1996 Deep and Deep Publications.
7. R.S.Chaudhari, Doctor&Consumer Protection Act, 1994, Maharashtra Law Agency
8. R.M. Vats, Law Relating to Insurance, 1997, Universal Law Publishing Co.Pvt. Ltd.
9. R.M. Vats, Law Relating to Telephone, 1996, Universal Law Publishing Co.Pvt. Ltd

**Paper – 4.2b**

**INTERNATIONAL HUMAN RIGHTS**

(MOOC / ONLINE COURSE)

This subject is MOOC / Online course only.

For more details and syllabus log on to [www.mooc-list.com](http://www.mooc-list.com).

**SRI VENKATESWARA UNIVERSITY :: TIRUPATI**  
**MASTER OF LAW**  
**CBCS Pattern**  
**(With effect from 2024-2025)**  
**The Course of Study and the Scheme of Examinations**  
**BRANCH – IV – INTELLECTUAL PROPERTY RIGHTS**  
**I - Semester**

S.No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks		Total
				L	T	P		I	E	
1	<b>Core</b>	1.1	Intellectual Property Rights and Global Regime	4	2	-	6	30	70	100
2		1.2	Patents and the Law	4	2	-	6	30	70	100
3	<b>Foundation Course</b>	1.3	Law and Social Transformation in India	4	2	-	6	30	70	100
4		1.4	Indian Constitutional Law, The New	4	2	-	6	30	70	100
	<b>Total</b>					-	24	120	280	400

**II - Semester**

S.No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks		Total
				L	T	P		I	E	
1	<b>Core</b>	2.1	Law and the Copy Rights	4	2	-	6	30	70	100
2		2.2	Law and the emerging Areas of IPR	4	2	-	6	30	70	100
3	<b>Foundation Course</b>	2.3	Judicial Process	4	2	-	6	30	70	100
4		2.4	Legal Education and Research Methodology	4	2	-	6	30	70	100
	<b>Total</b>					-	24	120	280	400

### III – Semester

S.No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks		Total
				L	T	P		I	E	
1	<b>Core</b>	3.1	Law and Trade Marks	4	2	-	6	30	70	100
2		3.2	Law and the Designs	4	2	-	6	30	70	100
3		3.3	Practical Training	-	-	6	6	100	-	100
4	<b>Generic Elective</b>	3.4a	Environment Protection and the Law	4	2	-	6	30	70	100
5		3.4b	Intellectual Property Rights Law							
6	<b>Open Elective</b>	3.5a	Cyber Crimes and Law	4	2	-	6	30	70	100
7		3.5b	Evolution and Concept of ADR							
		<b>Total</b>					<b>24</b>	<b>120</b>	<b>280</b>	<b>400</b>

### IV – Semester

S.No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks		Total
				L	T	P		I	E	
1	<b>Core</b>	4.1	Dissertation and Viva-Voce	-	-	24	12		<b>Dissertation - 150 Viva – 50</b>	<b>200</b>
2	<b>Open Elective</b>	4.2a	Law of Consumer Protection	4	2	-	6	30	70	100
3		4.2b	International Human Rights (MOOC / Online)							
		<b>Total</b>					<b>12</b>		<b>200</b>	<b>200</b>
			<b>Grand Total</b>				<b>84</b>			<b>1400</b>

**Note:-**

1. Student has to choose one paper out of two in Generic elective in the III Semester.
2. Students of other discipline other than law course can choose one paper out of two in Open elective in the III Semester and IV Semester. In the IV Semester Paper 4.2b – International human Rights is MOOC / Online course only.
3. Duration of examination for each paper in all the semesters is 3 Hours except for Practical Training in III Semester and Dissertation and Viva-Voce in IV Semester.

*K. Sita Manikyam*

(K. SITA MANIKYAM)  
Chairperson, BoS in Law  
S.V. University, Tirupati



## **I-SEMESTER**

### **LL.M. SYLLABUS**

#### **BRANCH –IV – INTELLECTUAL PROPERTY RIGHTS LAWS**

##### **Paper-1.1**

#### **INTELLECTUAL PROPERTY RIGHTS – GLOBAL REGIME.**

##### **UNIT-1. Introduction to Intellectual Property**

What is IPR, Classification, Theories of Protection,  
Harmonization and Unification of Law,  
National treatment, minimum rights principle

##### **UNIT-2. International instruments**

Conventions relating to Patent, Patent cooperation treaty, Budapest treaty, Eurasian Convention. Trade Marks Agreements : Madrid, Lisbon, Trademark treaty and regulation. Copy Rights: Berne Convention, Universal Copyright Convention, WIPO Treaty and Industrial Designs: Hague and Locarno agreements.

##### **UNIT-3. International trade agreements.**

TRIPS Agreement, Object of TRIPS, Scheme of TRIPS.  
WTO – Procedure for governing the settlement of  
Disputes, 1994. North American free trade Agreement.

##### **UNIT-4. I.P.R. and WIPO.**

WIPO organization – functions, membership and organs,  
Agreement between the WIPO and the WTO.

##### **UNIT-5. Global efforts and the third world perspectives of I.P.R.**

The Recommendations made by the Commission  
on IPR relating to Patent System (2002)  
Developing Countries,  
Developed and Developing Countries, Least developed Countries.

##### **Select bibliography**

- 1.Cormish W.R., Intellectual Property, patents, Trade Marks, Copy Right and Allied Rights (1999), Asia law House, Hyderabad.
- 2.Vikas Vashishth, law and practice of Intellectual property (1999), Bharat Law House, Delhi.
- 3.P.Narayanan, Intellectual property law (1999), (ed) Easter

## **PAPER –1.2**

### **THE PATENTS AND THE LAW.**

##### **UNIT – 1. Definition of patent.**

Evolution of patent law in India. Definition of patent,  
Salient Features of patent, Kinds of patent,  
Position in India

##### **UNIT –2. The salient features of patent law, 1970., and amendments of 2002 and 2005.**

Acquisition of patent ,the procedure,  
Product patent of Drugs and Pharmaceuticals in India,  
Rights of patentees, Patent Rights and limitations,  
Transfer of the patent rights, Surrender and Revocations of patents.

##### **UNIT-3. Infringement of patents.**

Remedy for Infringement,  
Defences available to the defendants  
Reliefs may be granted.

##### **UNIT-4. E.M.R (exclusive marketing rights)**

Remedies for Infringement of E.M.R.  
Issues related to compulsory licenses.

##### **UNIT- 5. Functionaries under the act.**

The Controller and his Powers.  
Other Powers of Controller.

### **Select bibliography**

1. Cormish W.R., Intellectual Property, patents, Trade Marks, Copy Right and Allied Rights (1999), Asia law House, Hyderabad.
2. Vikas Vashishth, law and practice of Intellectual property (1999), Bharat Law House, Delhi.
3. P. Narayanan, Intellectual property law (1999), (ed) Eastern law house, Calcutta.
4. Dr. G.B. Reddy's, Intellectual property rights and the law 2006, Gogia law House, Hyderabad
5. P.S. Sangal and Kishore Singh, Indian Patent System and Paris Convention:
6. U.I.F. Andderfelt, International Patent Legislation and Developing countries (1971)

## **Paper – 1.3**

### **LAW AND SOCIAL TRANSFORMATION IN INDIA.**

#### **Objectives of the course:**

This course is designed to offer the teacher and the taught with - (a) awareness of Indian approaches to social and economic problems in the context of law as a means of social control and change; and (b) a spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. The endeavour is to make the students aware of the role the law has played and has to play in the contemporary Indian society

#### **Syllabus:**

##### **UNIT 1. Law and social change**

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

##### **UNIT -2 Community, religion and the law**

Caste as a divisive factor, Non-Discrimination on the ground of caste, Acceptance of caste as a factor to undo past injustices, Protective discrimination, Protective discrimination: Scheduled castes, tribes and backward classes. Reservation; Statutory Commissions., Statutory provisions. Freedom of religion and non-discrimination on the basis of Religion, Religious minorities and the law.

##### **UNIT –3 Women, children and law**

Crimes against women, Gender injustice and its various forms, Women Commission. Empowerment of women: Constitutional and other legal provisions, Child labour, Adoption and related problems, Children and education.

##### **UNIT- 4 Modernization and law**

Modernisation as a value: Constitutional perspectives reflected in the fundamental duties, Democratic decentralisation and local self-government.

##### **UNIT-5 Alternative approaches to law**

The jurisprudence of Sarvodaya--- Gandhiji, VinobaBhave; Jayaprakash Narayan--  
-Surrender of dacoits; concept of gramanyayalayas.

### **Select Bibliography**

1. Marc Galanter (ed.), Law and Society in Modern India (1997 ) Oxford,
2. Robert Lingat, The Classical Law of India (1998), Oxford
3. U. Baxi, The Crisis of the Indian Legal System (1982). Vikas, New Delhi.
4. U. Baxi (ed.), Law and Poverty Critical Essays (1988). Tripathi, Bombay.
5. Manushi, A Journal About Women and Society.
6. Duncan Derret, The State, Religion and Law in India (1999). Oxford University Press, New Delhi.
7. H.M. Seervai, Constitutional Law of India (1996), Tripathi.
8. D.D. Basu, Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd., New Delhi.
9. Sunil Deshta and KiranDeshta, Law and Menace of Child Labour (2000) Armol Publications, Delhi.
10. SavitriGunasekhare, Children, Law and Justice (1997), Sage
11. Indian Law Institute, Law and Social Change : Indo-American Reflections, Tripathi (1988)

12. J.B. Kripalani, Gandhi: His Life and Thought, (1970) Ministry of Information and Broadcasting, Government of India
13. M.P.Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay.
14. Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford

## **Paper – 1.4**

### **INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES.**

#### **Objectives of the Course:**

The Constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes. The post graduate students in law who had the basic knowledge of Indian Constitutional Law at LL.B level, should be exposed to the new challenges and perspectives of constitutional development while they are allowed to choose an area of law for specialisation. Obviously, rubrics under this paper require modification and updating from time to time.

#### **Syllabus:**

##### **UNIT-1. Federalism**

Creation of new states, The inter-state disputes on resources, Centre's responsibility and internal disturbance within States, Federal Comity : Relationship of trust and faith between Centre and State, Special status of certain States, Tribal Areas, Scheduled Areas.

##### **UNIT-2. “State” right to equality**

Definition of state, Need for widening the definition in the wake of liberalization. Privatisation and its impact on affirmative Action, Relating to equality.

##### **UNIT-3. Emerging regime of new rights and remedies**

Reading Directive Principles and Fundamental Duties into Fundamental Rights Compensation jurisprudence Right to education, Commercialization of education and its impact, Brain drain by foreign education market, Right of minorities to establish and administer educational institutions and state control.

##### **UNIT – 4. Separation of powers stresses and strain**

Judicial activism and judicial restraint, PIL: implementation, Judicial independence, Appointment, transfer and removal of judges, Accountability: executive and judiciary, Tribunals.

##### **UNIT- 5. Democratic process**

Nexus of politics with criminals and the business, Election, Election commission: status, Electoral Reforms, Coalition government, 'stability, durability, corrupt practice' Grass root democracy.

#### **Select bibliography**

No specific bibliography is suggested for this course since the course materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values.

## **II-SEMESTER**

### **Paper-2.1**

### **LAW AND THE COPY RIGHTS**

#### **UNIT-1. What is copy right**

The object and meaning of copy right. Subject matter of copy right, concept of literary property, Analysis of the Statutory meaning, Copy right in case of literary, Dramatic, Musical works and computer programmes. Copy right incase of Artistic work and Cinematograph film and Sound recording.

#### **UNIT –2. Law and the copy right protection.**

Copy right Act, 1957 and the Amendments 1983, 1984, 1994, 1999.

#### **UNIT –3. Ownership of copyright and the law.**

Ownership of copy right, First owner, author, joint authors, HUF ,  
Photographs and speeches.

Right of owners of copyright: assignment ,  
licences, Broadcasting, and performer's right,  
and right to sue. Term of copy right:

**UNIT-4. Enforcement machinery**

The authorities. Copy right Board, the Chairman and his powers,  
Copy right Societies and its powers

**UNIT-5. Infringement of copy right and Remedies**

What is infringement, common forms,  
Factors involving infringement,  
Rights of producers of versions recording.  
Civil remedies, Criminal remedies,  
Restrictions on remedies in relation  
to architecture works, Administrative remedies.

**Select bibliography**

1. Cormish W.R., Intellectual Property, patents, Trade Marks, Copy Right and Allied Rights (1999), Asia law House, Hyderabad.
2. Vikas Vashishth, law and practice of Intellectual property (1999), Bharat Law House, Delhi.
3. P.Narayanan, Intellectual property law (1999), (ed) Easter law house, Calcutta.
4. Dr. G.B. Reddy's , Intellectual property rights and the law 2006, Gogia law House, Hyderabad
5. K. Thairani, copyright: The Indian Experience (1987)

**Paper-2.2**

**LAW AND THE EMERGING AREAS OF I.P.R.**

**UNIT –1. Geographical indications protection.**

Indication of source, Appellation of origin,  
TRIPS agreement – position in India ,  
Important Definitions

**UNIT-2. Micro – organisms and patentability.**

What is deposit of micro-organism, Who is a depositor  
Recognition and effect of micro-organism, Mode of protection,  
National regimes and micro-organism,  
Exemption from patent infringement ,  
Categories of inventions in Bio-technology.

**UNIT-3. Protection of new varieties of plants.**

Scope of protection of new plant varieties, Rights of protected,  
Period of protection, Position in India, U.K.

**UNIT-4. Traditional knowledge and protection under the law.**

Definition of traditional knowledge,  
Features of traditional knowledge,  
Traditional knowledge and Bio-diversity,  
Some instance of Bio-Piracy.

**UNIT-5. Turmeric, Neem, Hoodia Cactus, Basmathi, Ayahuaska Controversies.**

Indian law and traditional knowledge,  
Traditional knowledge protections and strategies

**Select Bibliography:**

1. Cormish W.R., Intellectual Property, patents, Trade Marks, Copy Right and Allied Rights (1999), Asia law House, Hyderabad.
2. Vikas Vashishth, law and practice of Intellectual property (1999), Bharat Law House, Delhi.
3. P.Narayanan, Intellectual property law (1999), (ed) Easter law house, Calcutta.
4. Bibeck Debroy (ed.) Intellectual property rights (1998 Rajiv Gandhi Foundation, Delhi.
5. U.I.F. Andderfelt, International Patent Legislation and Developing countries (1971)
6. W.R. Cornish, Intellectual property (3<sup>rd</sup>ed) (1996) Sweet and Maxwell
7. W.R. Mann, Transfer of Technology (1982)
8. Mata Din, Law of passing off and infringement Action of Trade Marks (1986).
9. P.S. Sangal and Kishore Singh, Indian Patent System and Paris Convention:
10. Legal Perspectives (1987).
11. K. Thairani, copyright: The Indian Experience (1987)
12. W.R. Cornish, para and Materials on Intellectual Property (1999), sweet & Maxwell

13. Dr. G.B. Reddy's , Intellectual property rights and the law 2006, Gogia law House, Hyderabad

## **Paper – 2.3**

### **JUDICIAL PROCESS**

#### **Objectives of the course:**

A lawyer, whether academic or professional, is expected to be competent to analyse and evaluate the legal process from a broader juristic perspective. Hence a compulsory paper on Judicial Process is essential in the LL.M curriculum. The objective of this paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change. This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process. Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This paper, therefore, intends to familiarise the students with various theories, different aspects and alternative ways, of attaining justice.

#### **Syllabus:**

##### **Unit - 1. Nature of judicial process**

Judicial process as an instrument of social ordering, Judicial process and creativity in law - common law model - Legal Reasoning and growth of law - change and stability. The tools and techniques of judicial creativity and precedent.

##### **Unit - 2. Special Dimensions of Judicial Process in Constitutional Adjudications.**

Notions of judicial review, ' Role' in constitutional adjudication - various theories of judicial role, Tools and techniques in policy-making and creativity in constitutional adjudication. Varieties of judicial and juristic activism Problems of accountability and judicial law-making.

##### **Unit - 3. Judicial Process in India**

Indian debate on the role of judges and on the notion of judicial review. The "independence" of judiciary and the "political" nature of judicial process. Judicial activism and creativity of the Supreme Court - the tools and techniques of creativity. Judicial process in pursuit of constitutional goals and values - new dimensions of judicial activism and structural challenges  
Institutional liability of courts and judicial activism - scope and limits.

##### **Unit - 4. The Concepts of Justice**

The concept of justice or Dharma in Indian thought, Dharma as the foundation of legal ordering in Indian thought. The concept and various theories of justice in the western thought, Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

##### **Unit - 5. Relation between Law and Justice**

Equivalence Theories - Justice as nothing more than the positive law of the stronger class.

Dependency theories - For its realisation justice depends on law, justice is not the same as law.

The independence of justice theories - means to end relationship of law and justice- The relationship in the context of the Indian constitutional ordering. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice. Access to Justice – Locus standi : PIL, Legal Services authority

#### **Select Bibliography**

1. Julius Stone, The Province and Function of Law, Part II, Chs. 1. 8-16 (2000), Universal, New Delhi.
2. Cardozo, The Nature of Judicial Process (1995) Universal, New Delhi
3. Henry J. Abraham , The Judicial Process (1998), Oxford.
4. J. Stone, Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworths
5. W. Friedmann, Legal Theory (1960), Stevens, London
6. Bodenheimer, Jurisprudence - the Philosophy and Method of the Law (1997), Universal, Delhi
7. U. Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow.
8. Rajeev Dhavan, The Supreme Court of India - A Socio -Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay.

9. John Rawls, A Theory of Justice (2000), Universal, Delhi
10. Edward H. Levi, An Introduction to Legal Reasoning (1970), University of Chicago

## **Paper – 2.4**

### **LEGAL EDUCATION AND RESEARCH METHODOLOGY**

#### **Objectives of the course:**

A post-graduate student of law should get an insight into the objectives of legal education. He should have an exposure to programmes like organisation of seminars, publication of law journals and holding of legal aid clinics.

Law is taught in different ways in different countries. The LL.M course, being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarise himself with the different systems of legal education. The lecture method both at LL.B level and LL.M level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problem method, discussion method, seminar method and a combination of all these methods. The student has to be exposed to these methods so as to develop his skills.

#### **Syllabus:**

##### **Unit - 1. Objectives of Legal Education and methods of teaching**

Lecture Method, Problem Method, Discussion method and Seminar Method, Merits and Demerits, student participation in law school programmes- Organisation of Seminars, publication of journal and assessment of teachers, Clinical legal education - legal aid, legal literacy, legal survey and law reforms.

##### **Unit - 2. Research Methods**

Socio Legal Research, Doctrinal and non-doctrinal, Relevance of empirical research, Induction and deduction

##### **Unit - 3. Identification of Problem of research**

What is a research problem? Survey of available literature and bibliographical research, Legislative materials including subordinate legislation, notification and policy statement, Decisional materials including foreign decisions; methods of discovering the "rule of the case" tracing the history of important cases and ensuring that these have not been over-ruled; discovering, judicial conflict in the area pertaining to the, research problem and the reasons thereof, Juristic writings - a survey of juristic literature relevant to select problems in India and foreign periodicals Compilation of list of reports or special studies, conducted relevant to the problem.

##### **Unit - 4. Preparation of the Research Design**

Formulation of the Research problem, Devising tools and techniques for collection of data, Methodology, Methods for the collection of statutory and case materials and juristic literature, Use of historical and comparative research materials, Use of observation studies, Use of questionnaires/interview/Schedule, Use of case studies Sampling procedures - design of sample, types of sampling to be adopted, Use of scaling techniques, Jurimetrics, Computerized Research - A study of legal research, programmes such as Lexis and West law coding and manupatra

##### **Unit – 5. Analysis and report writing**

Classification and tabulation of data, Explanation of tabulated data, Analysis of data and Report Writing.

#### **Bibliography**

1. High Brayal, Nigel Dunnean and Richard Crimes, Clinical Legal Education: Active Learning in your Law School, (1998) Blackstone Press Limited, London
2. S.K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
3. N.R. Madhava Menon, (ed) A Handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow.
4. M.O. Price, H. Bitner and Bysiewicz, Effective Legal Research (1978)
5. Pauline V. Young, Scientific Social Survey and Research, (1962)

6. William J. Grade and Paul K. Hatt, Methods in Social Research, McGraw-Hill Book Company, London
7. H.M. Hyman, Interviewing in Social Research (1965)
8. Payne, The Art of Asking Questions (1965)
9. Erwin C. Surrency, B. Fielf and J. Crea, A Guide to Legal Research (1959)
10. Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.
11. Harvard Law Review Association, Uniform System of Citations.
12. ILI Publication, Legal Research and Methodology.

### **III-SEMESTER**

#### **Paper – 3.1**

#### **LAW AND THE TRADE MARKS.**

##### **UNIT-1. What is trademark**

Essential features of trademark, functions of a trademark, distinction between trademark and property mark.

##### **UNIT-2. Different types of trademarks.**

Letter mark., symbol mark, brand, Label and ticket, color combination, numerals, shape of goods., packing, device. Containers. Service marks, certification marks, collective marks and well known trademarks.

##### **UNIT –3. Trade mark legislation in India and conditions for registration of Trade Mark**

Trade description and false trade description, Acquisition of registered trademark and Procedure, who can apply, Various steps in registration of trademarks, Factors to be considered, Grounds for refusal of registration. Rights of the register trademark holder, Infringement of trademark, Passing-off action

##### **UNIT –4. Distinctiveness of trademark**

Invented word, using surname as trademark, Geographical name as trademark. Distinct mark – Illustrations of marks allowed – not allowed, Limitation as to colour, Honest and concurrent use, Grounds for refusal of registration, Protection of well known trademark, Prohibition of registration of names of chemical elements and others

##### **UNIT- 5. Deceptive similarities**

Confusion and deception., Infringement of T.M and factors to be considered

##### **Select bibliography**

1. Cormish W.R., Intellectual Property, patents, Trade Marks, Copy Right and Allied Rights (1999), Asia law House, Hyderabad.
2. Vikas Vashishth, law and practice of Intellectual property (1999), Bharat Law House, Delhi.
3. P.Narayanan, Intellectual property law (1999), (ed) Easter law house, Calcutta.
4. Dr. G.B. Reddy's , Intellectual property rights and the law 2006, Gogia law House, Hyderabad

#### **Paper – 3.2**

#### **LAW AND THE DESIGNS.**

##### **UNIT-1 Perspectives of designs**

Position in India and England. Meaning of Design, Change in the definition by 2000 Act

##### **UNIT-2 Essential features of design.**

Novelty, must match, immaterial appearance , functional features, the whole article and parts.

##### **UNIT – 3- Registration of design.**

Who can apply, contents, Prohibition of registration of certain designs. Objections, Effect of registration Cancellation of design.

##### **UNIT-4-Rights granted to design holders**

Right to protect the design from piracy, Instance of piracy of design, Infringement of pirated design ,Fraudulent imitation

##### **UNIT- 5. Infringement of design.**

Test to determine infringement, Right to claim profits earned by defendants,

Lay-out designs.

### **Select bibliography**

1. Cormish W.R., Intellectual Property, patents, Trade Marks, Copy Right and Allied Rights (1999), Asia law House, Hyderabad.
2. Vikas Vashishth, law and practice of Intellectual property (1999), Bharat Law House, Delhi.
3. P.Narayanan, Intellectual property law (1999), (ed) Easter law house, Calcutta.
4. Dr. G.B. Reddy's , Intellectual property rights and the law 2006, Gogia law House, Hyderabad

## **Paper – 3.3**

### **PRACTICAL TRAINING**

The practical training shall be held in the Third semester on Research Methodology, Law Teaching and Clinical work. There shall be 25 marks each for doctrinal research and for non-doctrinal research and 25 marks each for law teaching and clinical work. How the components of practical shall be evaluated is left to individual faculties of law. They can formulate their own models of assessment. However, for making the practical training objective and meaningful, the following guidelines shall be adhered to.

#### **1. Research Methodology**

##### **(i) Doctrinal research (25 marks)**

Each student is assigned in advance a separate topic and asked to collect materials. A period of 5-7 days can be set apart for carrying out this assignment in the library. The materials indicated or collected during the assignment shall be evaluated by a group of faculty members.

##### **(ii) Non-doctrinal research (25 marks)**

Here the students are asked to go out of the classroom and library and make an empirical study of a problem, which has social, economic, moral or political dimension. Field data can be collected through any model of data collection. The results are to be assessed by a team of faculty members.

#### **2. Clinical work (25 marks)**

The law school can evolve the modalities. One method is that the legal aid clinic of the law school can involve itself with other legal aid programmes in the area. Students are encouraged not only to work with the clinic but also to acquaint themselves with court proceedings, working of a business organization, tackling of labour disputes, drafting of business or other deeds and with public interest litigation. The faculty shall assess the initiative and potential of the student and the actual work turned out by him.

#### **3. Law Teaching (25 marks)**

A topic is assigned to the student in advance. He is required to handle a class for 25 to 30 minutes. Where LL.B. programme co-exists with LL.M programme, the students may be asked to teach the LL.B students. They can select any of the methods of teaching. In legal education practical, the LL.M students are evaluated internally.

## **Paper – 3.4(a)**

### **ENVIRONMENT PROTECTION AND THE LAW**

#### **Objectives:-**

The Concept of the Environmental Law is for the maintenance and improvement of environment

#### **Syllabus:-**

**Unit- 1.** General Laws on Environmental Concern Code of Criminal Procedure: Public nuisance, Provisions in the India Penal code, Local bodies Law: an overview.

**Unit-2. Environment (Protection) Act, 1986**



‘Necessary and proper clause’: concentration of power on the Central Government, Delegated legislation: power to make rules, regulation and to issue Directions, Delegation of powers.

**Unit-3. Coastal Zone Management**

Sea erosion, CRZ Notification, Prohibitions and exemptions, Permissible activities, Classification of zones, Regulations of sea resorts, Eco-tourism, Coastal zone management plans, Aquaculture.

**Unit-4. Biological Diversity Act, 2002**

**Unit -5. Emerging Legal Controls**

Environmental audit, Environmental Impact Assessment, Public participation in environment decision making, Environment information, environmental education Incentives for pollution control.

**Select Bibliography**

1. Leelakrishnan, (P et., Al. 9eds,) Law and Environment (1990), Eastern, Lucknow
2. Leelakrishnan, P, The Environment Law in India (1999), Butterworths, India.
3. Department of Science and Technology, Government of India, Report of the Committee for recommending Legislative Measures and Administrative Machinery.
4. For Ensuring Environmental Protection (1980) (Tiwari Committee Report).
5. Indian law Institute, Environment Protection act: An Agenda for Implementation (1987)
6. Indian Journal of public administration, special number on Environment & Administrative, July-September, 1988, Vol. XXXV, No.3
7. Findley, P.W. and Farder, D.A. Environmental law
8. David Hughes, Environmental law (1999), Butterworths, London
9. Armin Rozencranz, et.al.(eds.), Environmental policy and law in India (2000), Oxford.
10. Biological Diversity Act, 2002.

**Paper – 3.4(b)**

**INTELLECTUAL PROPERTY RIGHTS LAW**

Objectives: The main objective of the paper is to introduce to the students the basic concepts of IPR and their relationship with other subjects especially, economic law, and other technological aspects . Apart from the above, the paper covers the approaches of International Institutions and introduces the various aspects that are form part of the province of IPR

**Unit -1. INTRODUCTION:**

- (a) Origin and Genesis of IPR
- (b) The Ways and Means of Creation of IPR
- (c) Sources of IPR-Custom, Treaties, Judicial Decision, Juristic Writings, General Principles of Law, Resolutions of International Organizations

**Unit -2. Concept and Theoretical Perspectives**

- a) Meaning and Definition or IPR
- b) Theories – Marxist – Western – Indian
- c) International Trade and IPR – GATT and UNCTAD – IMF – World Bank – WTO

**Unit – 3. Economic and Technological Approaches**

- a) International Economic Law and IPR
- b) Information and Technological perspectives
- c) Computers and Cyber Crimes – WIPO and Perspectives
- d) Bio-technology and IPR

**Unit – 4. Approaches of International Institutions and IPR**

- a) UN and IPR
- b) ECOSOC – UNESCO – WHO – FAO – ILO – WIPO – Human Rights Council

**Unit – 5. SUBJECT PROVINCE OF IPR**

- a) Patents – Basic aspects
- b) Trade Marks – Basic principles
- c) Copy Right – Basic Issues
- d) Industrial Designs and Geographical Indications

**Suggested Readings:**

1. Peter Drahos: A Philosophy of Intellectual Property, 1996
2. Commons J.R.: International Economics, 1934

3. Narayan: Intellectual Property rights, 2007
4. Gopalakrishnan.N.S, Cases And Materials On Intellectual Property Law : Along With Objectives, Methodology, And Course Outline Bangalore : National Law School of India University, 1992
  - International Legal Instruments, D.K. Agencies 1998
  - Intellectual Property Rights CSIR Journal
  - International Legal Materials.; Journal of the Indian Law Institute
5. Journal of the Indian Society of International Law ; American Journal of International Law ; Apart from the above, the students may be informed about the other materials by the concerned teacher.

### **Paper – 3.5(a)**

### **CYBER CRIMES AND LAW**

#### **Unit - 1.Introduction to Cyber Laws, Cyber Crimes.**

- 1.1. Meaning, Definition, Nature of Cyber crimes
- 1.2. Historical Genesis and Evolution of Cyber Crimes
- 1.3. International & Indian Laws on Cyber Crimes.
- 1.4. Computer and Internet basics
  - Computer Hardware & Networks:
    - The BIOS and Boot Process - Computer Memory - Hard Disks, Floppy Disks, CD ROMs and DVDs - Networks and Communications - Understanding the Internet: How the Domain Name System works - Email Concepts -World Wide Web concepts - Website Creation Concepts Forms, Interactivity, and Database-Driven Web Sites – Web Commerce

#### **Unit - 2.CYBER CRIMES**

- 2.1. Cyber crime: Definition –
- 2.2. Malicious Code - Computer Viruses, Computer Worms, Computer Trojans,
- 2.3. Web Hacking Foot printing, Port Scanning, E-Shoplifting Web Defacement, Denial of Service Attacks, Manipulating Cookies
- 2.4. Email Hacking: Email Hacking using Packet Sniffers, EmailHacking & Phishing, Email Frauds & Phishing, Email Bombing
- 2.5. Email Hijacking - Social Engineering .
- 2.6. Cyber Stalking,
- 2.7. Cyber Terrorism,
- 2.8. Pornography,
- 2.9. Cyber Bullying, Piracy

#### **Unit - 3.Statutory Laws pertaining to Cyber Crimes in India:**

- 3.1. Cyber Policing Current statutes in India:
- 3.2. Penalties & Offences under the Information Technology Act, 2000,
- 3.3. Offences under the Indian Penal Code, 1860,
- 3.4. Issues relating to investigation and adjudication of cyber crimes in India
  - Digital evidence
  - 1.7 IT act 2000 and other legal provisions

#### **Unit - 4.Cyber Crime Investigation**

- 4.1. Introduction to Cyber Crime Investigation:
- 4.2. Basic Investigation Techniques
  - First Information Report Initialising a Search and Seizure Operation Tracking & Tracing Emails,
  - Final Form/ Report
  - Computer evidence assessment checklist
  - Computer evidence analysis checklist
  - Computer evidence analysis report
  - Cyber forensics analysis report Recovery of Digital Evidence,
- 4.3.Setting up a Cyber Crime Investigation Cell Cyber Forensics:

#### **Unit - 5.Cyber Law Prevention measures and Data Safety.**

- 5.1. Cyber Law Prevention measures
- 5.2. Data Safety

### 5.3. Future Challenges

#### **Suggested Reading:-**

1. An Introduction to Cyber vCrime and Cyber Law;Dr.R.K.Chaubay  
Cyber crime in India :Dr.M.Dasgupta  
Cyber laws and crimes :Barkha&U.Ramamohan  
Information Technology Act 2000
2. Albert J. Marcellaa and Robert S. Greenfiled (Ed) (2002) Cyber Forensics, A Field Manual for collecting, examining and preserving evidence of computer crimes, Auerbach publications.
3. Deflem, Mathieu, and J. Eagle Shutt. 2006 “Law Enforcement and Computer Security Threats and Measures.” Pp. 200-209 in The Handbook of Information Security, Volume 2: Information
4. Warfare; Social, Legal, and International Issues; and Security Foundations, edited by Hossein Bidgoli. Hoboken, NJ: John Wiley& Sons.
5. Giddens, A (1990) The Consequences of Modernity, Polity Press:Oxford.
6. Hafner, K. &Markoff, J. (1995). Cyberpunks: Outlaws and hackers on the computer frontier. Toronto: Simon and Schuster.
7. Hauben, Michael and Ronda Hauben (1997). Netizens: On the History and Impact of Usenet and the Internet. Wiley-IEEE Computer Society Press: New Jersey
8. McQuade, Samuel C (2005). Understanding and managing cybercrime. New Jersey: Allyn& Bacon.
9. Pease, K. (2001). Crime futures and foresight: Challenging criminal behaviour in the information age. In D. Wall (ed.) Crime and the internet. London: Routledge.
10. Seymour Goodman and Abraham Sofer (ed.) (2002) The Transnational dimensions of cyber crime, Hoover Institution Press Washington.
11. Smith R, Grabosky P and Urbas G (2004). Cyber criminals on trial. Cambridge: Cambridge University Press pp 5-10
12. United Nations (1997). United Nations Manual on the Prevention and Control of Computer-Related Crime, International Review of Criminal Policy Nos. 43 and 44, United Nations: New York<http://www.uncjin.org/Documents/EighthCongress.html>
13. Wall, D. (2001). Cyber crimes and the internet. In D. Wall (ed.) Crime and the internet. London: Routledge.

### **Paper – 3.5(b)**

#### **EVOLUTION AND CONCEPT OF ADR**

##### **UNIT – 1. Introduction to ADR**

- a. Disputes – meaning and Kinds of Disputes
- b. Dispute Resolution in adversary system, Justiciable court structure and jurisdiction
- c. ADR- Meaning and philosophy, Need for ADR
- d. Overview of ADR processes

##### **UNIT – 2. Indian Perspective of ADR**

- a. Types of ADR in India
- b. Current Trends
- c. Acceptability

##### **UNIT –3. Dispute Resolution at grass root level**

- a) LokAdalats,
- b) NyayaPanchayath,
- c) Legal Aid, Legal Services Authority
- d) Preventive and Strategic legal aid.

##### **UNIT – 4. ADR Application**

- a. Commercial and Financial Disputes
- b. Real estate and Land Disputes
- c. Consumer Disputes
- d. Accident Claims
- e. Matrimonial Disputes

##### **UNIT – 5. Informal Methods of Settlements of Disputes and Grievance Redressal Procedures**

- a. Conciliation and Medication through social action groups

- b. Use of media, lobbying and public participation
- c. Public inquires and commissions of inquiry
- d. Ombudsman; Lok Pal, LokAyuktha
- e. Vigilance Commission
- f. Congressional and Parliamentary Committes.

**References:**

1. P.C. Rao and William Sheffield, Alternative Dispute Resolution, Universal Law Publication, 2004
2. Sarfaraz Ahmed Khan, LokAdalat: An Effective Alternative Dispute Resolution, New APCON Publication, Daryaganj, 2006.
3. Madabhushi Sridhar - Alternative Dispute Resolution, Butterworth Lexis Nexis, (Reprint 2010) Ist edition.
4. Federal Judicial Centre, Manual for Litigation Management and Cost and Delay Reduction (1992).
5. Henry J Brown and Arthur L. Marriott, ADR Principles and Practices (2nd ed.) Sweet and Maxwell, 1999.
6. J. G. Merrills, International Dispute Settlement. U.K : Cambridge University Press, 2005(Fifth Edition)
7. D.D. Basu, Comparative Administrative Law (1998)
8. Wade, Administrative Law (Seventh Edition, Indian Print 1997), Universal, Delhi
9. Indian Law Institute, Cases and materials on Administrative Law in India, Vol. (1996), Delhi.

## **IV-SEMESTER**

### *Paper – 4.1*

## **DISSERTATION AND VIVA-VOCE**

### *{Topic from optional group}*

The Student has to submit a Dissertation on a topic choosing from optional group containing 150 to 200 pages by following research methodology.

For written part – 150 Marks  
For Viva - 50 Marks

### **Paper – 4.2a LAW OF CONSUMER PROTECTION.**

**Unit - 1** Historical and Sociological Background of Consumer Law

Concept of Consumer:

- a. Consumer in India.
- b. Consumer of goods and services.
- c. Professional services - Medical, legal, educational and welfare services.

**Unit - 2** Definitions: complainant, consumer dispute, defect, deficiency in service, service, unfair trade practices, restrictive trade practices.

Rights of Consumer under the Act, nature and characteristics.

**Unit - 3** Consumer Protection Councils, role, objects, and composition. Structure, composition, power and functions of District Forum, State Commission and National Commission.

**Unit - 4** Law of compensation, approach of Consumer Forum while awarding compensation.

**Unit - 5** Procedure to be followed by consumer redressal agencies, provisions regarding execution of the decision and Appeals. Landmark Judgments of Supreme Court and NCDRC.

#### **Select bibliography**

1. Venkat Rao, Law of Consumer Protection, 1998. Asia Law House
2. G.B. Reddys, Law of Consumer Protection, 1997, Gogia Law Agency
3. V.K. Agrawal, Consumer Protection Law & Practice 1997, B.L.H. Publishers.
4. D.N. Saraf, Law of Consumer Protection in India, (2nd Edn/1995).
5. Consumer Protection Judgments (CPJ) and Consumer Protection Reports (CPR)
6. Dr. Gurjit Singh, The Law of Consumer Protection in India, 1996 Deep and Deep Publications.
7. R.S. Chaudhari, Doctor & Consumer Protection Act, 1994, Maharashtra Law Agency

8. R.M. Vats, Law Relating to Insurance, 1997, Universal Law Publishing Co. Pvt. Ltd.
9. R.M. Vats, Law Relating to Telephone, 1996, Universal Law Publishing Co. Pvt. Ltd

**Paper – 4.2b INTERNATIONAL HUMAN RIGHTS**

(MOOC / ONLINE COURSE)

This subject is MOOC / Online course only.

For more details and syllabus log on to [www.mooc-list.com](http://www.mooc-list.com).



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