

# SYLLABUS

**MASTER OF LAWS (LL.M.)  
(TWO YEARS POST GRADUATE DEGREE PROGRAMME)  
(Effective from Academic Year 2021-22)**



**Faculty of Legal Studies  
Mahatma Jyotiba Phule Rohilkhand University,  
Bareilly U.P. India**

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## 1. Introduction to CBCS System :

The CBCS provides an opportunity for the students to choose courses from the prescribed courses comprising **Generic Core, Elective Groups** (FIVE fixed specialisation) and **Choice Based Disciplinary Courses (CBDC), Choice Based Interdisciplinary Courses (CBIC)** and **Half Credit/Minor Courses /MOOCS/ Value Added Courses**. The courses can be evaluated following the grading system. Grading system provides uniformity in the evaluation and computation of Cumulative Grade Point Average (CGPA) based on student's performance in examinations which enables the student to move across institutions of higher learning. The uniformity in evaluation system also enable the potential employers in assessing the performance of the candidates.

## 2. Programme Objectives (POs):

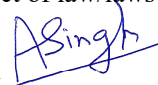
The LL.M. Programme is aimed at:

- Familiarising students with laws and judicial interpretations at the national and international level and provide a comparative study of the contemporary and traditional laws and judicial interpretations.
- Apprising students of the legal system, rule of law, and administration of justice, while promoting specialised branch of study and research in diverse fields of law
- Imparting interdisciplinary approaches to law and legal development by involving philosophy, economics and scientific approach towards law study and research.
- Imparting professionally and socially relevant legal education.
- Sensitising students towards the issues of access to justice of the deprived, marginalised and weaker sections of society.
- Producing internationally competent litigating lawyers, corporate lawyers, judges, judicial officers, legalofficers, researchers, law reformers, law teachers, etc.
- Imparting skills of legal reasoning, problem solving, research, legal writing, oral and written communication, persuasion, leadership and teamwork.
- Promoting ethical practices in the profession of law.
- Promoting inter-disciplinary approach to legal profession.

## 4. Programme Specific Outcomes (PSOs):

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

- Study and explore law in an interdisciplinary and comparative manner.
- Do legal research and explore origin, development and prospect of law/laws both in national and international Law
- Understand, interpret, and apply law.

  
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- Evaluate and compare domestic and international laws.
- Design, and formulate case theory and strategy.
- Analyze and differentiate facts and law.
- Solve problems by employing legal reasoning, research. Choose ethical practices in the profession of law and discharge their social responsibility

#### 5. LL.M. Programme Details Programme Structure :

a) **Programme Structure** : The LL.M. Programme is a two years course divided into four semesters. A student has to complete 96 credits for the completion of the course and award of the degree. The scheme is as follows:

|                  |   | <i>Semester</i>  | <i>Semester</i>  |   |                  |
|------------------|---|--|--|---|------------------|
| <b>Part – I</b>  | First Year  | Semester I<br>(28 credit)                              | Semester II (24 credit)  |   |                  |
| <b>Part – II</b> | Second Year   | Semester III<br>(24 credit)                            | Semester IV<br>(30 credit)   |   |                  |
| Semesters        | Generic<br>Core<br>Papers<br>4<br>Credits Each<br>Dissertation 8<br>Credits | Elective<br>Group Papers<br>or MOOCS<br>4 Credits Each | Value Added or<br>Interdisciplinary or Skill<br>Based Papers<br>4 Credits Each | Internship<br>or Project<br>Work 4<br>Credits<br>Each | Total<br>Credits |
| I                | 3   | 3  | 1  | -   | 28               |
| II               | 3   | 2  | 1  | -   | 24               |
| III              | 2   | 2  | 1  | 1   | 24               |
| IV               | 1 (Dissertation)  | 2  | 1  |   | 30               |

Total 96 Credits

  
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| Semesters  | Core                         | Elective/MOOCs<br>/Interdisciplinary                   | Value<br>Added/<br>Skill<br>Based | Internship /<br>Project Work | Total<br>Credits |
|------------|------------------------------|--|-----------------------------------|------------------------------|------------------|
| <b>I</b>   | 3 Core<br>Papers<br>3*4 (12) | 2 Electives +1 Elective /<br>MOOCs 3*4 (12)            | 1 Credit<br>1*4 (4)               | -                            | 28               |
| <b>II</b>  | 3 Core<br>Papers<br>3*4 (12) | 1 Electives +1 Elective /<br>MOOCs 2*4 (8)             | 1 Credit<br>1*4 (4)               | -                            | 24               |
| <b>III</b> | 2 Core<br>Papers<br>2*4 (8)  | 1 Electives +1 Elective /<br>MOOCs 2*4 (8)             | 1 Credit<br>1*4 (4)               | 1 Credit<br>1*4 (4)          | 24               |
| <b>IV</b>  | 1<br>Dissertation<br>1*8 (8) | 1 Electives +1 Elective /<br>Interdisciplinary 2*4 (8) | 1 Credited 1*4 (4)                | -                            | 30               |

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**6. Assessment of Students' Performance and Scheme of Examination Pass Percentage & Promotional Criteria :**

1. Assessment of students' performance shall consist of: 70 marks (End Semester Written Examination) and 30 marks (Internal Assessment).
2. The duration of the End Semester Written Examination in Core Courses and Elective Courses shall be three hours for 70 marks.
3. For internal assessment of 30 marks, one internal Test+Assignment/Presentation/Viva shall be in the class in each course in each term.
4. Dissertation will carry 200 Marks. 100 For written Work and 100 for Viva.

**7. Grade Points:**

|                   |    |
|-------------------|----|
| O (Outstanding)   | 10 |
| A+(Excellent)     | 9  |
| A (Very Good)     | 8  |
| B+(Good)          | 7  |
| B (Above Average) | 6  |
| C (Average)       | 5  |
| P (Pass)          | 4  |
| F (Fail)          | 0  |

**8. CGPA Calculations:**

**Grading Pattern and illustration of Grading Pattern**

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

  
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Illustration:

| Course                 | Credit | Grade | Grade Point | Credit Grade | SGPA        |
|------------------------|--------|-------|-------------|--------------|-------------|
| Semester I             |        |       |             |              |             |
| Core I                 | 04     | B+    | 7           | 28           |             |
| Core II                | 04     | B+    | 7           | 28           |             |
| Core III               | 04     | B+    | 7           | 28           |             |
| Elective I             | 04     | A     | 8           | 32           |             |
| Elective II            | 04     | B     | 6           | 24           |             |
| Elective III/Moocs     | 04     | B+    | 7           | 28           |             |
| Value Added            | 04     | B+    | 7           | 28           |             |
| Total                  | 28     |       |             |              | 196/28=7    |
| Semester II            |        |       |             |              |             |
| Core II                | 04     | B+    | 7           | 28           |             |
| Core III               | 04     | B+    | 7           | 28           |             |
| Core IV                | 04     | B+    | 7           | 28           |             |
| Elective IV            | 04     | A     | 8           | 32           |             |
| Elective V/MOOCs       | 04     | B     | 6           | 24           |             |
| Value Added            | 04     | B     | 6           | 24           |             |
| Total                  | 24     |       |             |              | 164/24=6.8  |
| Semester III           |        |       |             |              |             |
| Core V                 | 04     | B+    | 7           | 28           |             |
| Core VI                | 04     | B+    | 7           | 28           |             |
| Elective VI            | 04     | A     | 8           | 32           |             |
| Elective VII/Moocs     | 04     | B     | 6           | 24           |             |
| Value Added            | 04     | B+    | 7           | 28           |             |
| Internship             | 04     | B+    | 7           | 28           | 158/24=6.58 |
| Total                  | 24     |       |             |              |             |
| Semester IV            |        |       |             |              |             |
| Core VII(Dissertation) | 8      | B+    | 7           | 56           |             |
| Elective VIII          | 04     | A     | 8           | 32           |             |
| Elective IX/Moocs      | 04     | B     | 6           | 24           |             |
| Value Added            | 04     | B+    | 7           | 28           |             |
|                        |        |       |             |              | 140/30=7    |
| Total                  | 30     |       |             |              |             |

Thus:

|              |         |      |
|--------------|---------|------|
| Semester I   | Credits | SGPA |
| Semester I   | 28      | 7.00 |
| Semester II  | 24      | 6.70 |
| Semester III | 24      | 6.58 |
| Semester IV  | 30      | 7.00 |

Total 96

CGPA=(28x7+24x6.58+24x6.58+30x7)/96= 6.84

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**Core Papers :****a. Semester I**

- i. Constitutional Law : New Challenges
- ii. Law & Social Transformation
- iii. Mass Media Law
- iv. Fundamental of Intellectual Property Rights
- v. Jurisprudence and Legal Theory -I
- vi. Value Added Course (Credited)

**b. Semester II**

- i. Legal Jurisprudence and Legal Theory -II
- ii. Law and Justice in Globalized World
- iii. Law of Patent, plant varieties & Farmer's Rights
- iv. Research Methodology
- v. Human Rights
- vi. Criminal Justice System & H.R.
- vii. Value Added (non-Credited)

**c. Semester III**

- i. Criminology and penology
- ii. Law of Trade Mark, Geographical Indications Design
- iii. Summer Internship
- iv. Inter Departmental Course/ Elective

**d. Semester IV**

- i. Judicial Process
- ii. Law of Copy Rights /Elective
- iii. Dissertation

**Elective Papers- I : Semester III**

- i. Constitutionalism, Pluralism and Good Governance
- ii. Treatment of Offender and Victimology
- iii. Law of Corporate Management
- iv. Women Rights and its Protection
- v. Social Security Laws in India

**Elective Papers- II : Semester III**

- i. Federalism and Comparative Power Sharing
- ii. Forensic Science & Its Evidentiary Value
- iii. Competition Law and Policy
- iv. Socio-Economic Offences
- v. Law relating to Industry

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**Elective Papers- I : Semester IV**

- i. Comparative Constitutional Law
- ii. International Criminal Law and Transnational Crime
- iii. Competition Law
- iv. Principal of Inheritance & Succession
- v. Safeguards of Women and Child in Labour Laws

**Elective Papers- II : Semester IV**

- i. Administrative Process and Judicial Control
- ii. Offences & Law related to Juvenile
- iii. Election Law
- iv. Law of Adoption and Guardianship
- v. Labour Welfare Laws and Employee Insurance

**Value Added/ Skill Based**

**In Each Semester a candidate shall take one paper.**

1. Practice of Yoga
2. Introduction to Linguistics and Phonetics
3. Labour Welfare, Social Security Law, MBA (Department of Business of Administrative )
4. Legal Framework governing human relations, MBA
5. Pharmaceutical Jurisprudence, B.Pharma
6. Social Work Profession: Concept, Philosophy and Development, MSW, Semester I, Department of SocialWork.
7. Computer Applications/ Computer fundamental
8. Right to Information & Good Governance
9. Security Law
10. Cyber Law
11. Labour Jurisprudence
12. Clinical Legal Aid
13. Environment Awareness.

  
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## LL.M. I SEMESTER

### PAPER I

#### INDIAN CONSTITUTIONAL LAW-THE NEW CHALLENGES

1. **Introduction:** Indian Constitutional Law has been an outcome of labour of constitutional framers. Constitutional Governance always faces new challenges and ameliorating aspirations of such a plural democracy based on rule of law and judicial review is very challenging itself.
2. **Course Outcome:**
  - C.O. 1: The objective of this paper is to study the nature of constitutional governance.
  - C.O. 2: It is intended to highlight the role of constitution to face new challenges of society.
  - C.O. 3: This paper further intends to expose the intricacies of challenges of constitutional governance.
  - C.O. 4: To Understand the concept of Constitutional Morality.
3. **Programme Outcome:**
  - P.O. 1: To understand and distinguish the role of Constitution to tackle the problems of society
  - P.O.2 : To understand the impact of Constitution in making public opinion.
  - P.O.3: To Inculcate the value of legal research
4. **Assessment Plan**  
Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

#### Unit I: Indian Federal Structure


(8 Lectures)

- 1.1 Federalism : Creation of New States, Special status of certain States & Article 370,
- 1.2 Federal Comity-Relationship of trust and faith between Centre and State,
- 1.3 Tribal Areas, Scheduled Areas, Boundary disputes, Deployment of security forces etc.
- 1.4 Separation of Power : Doctrine of Separation of Powers and checks and balances,

#### Unit II: Judicial Framework & Constitutional Governance

(8 Lectures)

- 2.1 Constitutional framework-Judicial interpretation and practice, Judicial activism and judicial restraining, PIL : Implementation, Judicial autonomy and independence,
- 2.2 Accountability of Executive, Legislature and Judiciary.
- 2.3 Democratic Process : Election and Electoral reforms, Election Commission.
- 2.4 The Rule Of Law : The independence of judiciary as an aspect of separation of powers/Division of functions.
- 2.5 Constitutional Morality, Right to Dissent, Doctrine of Legitimate Expectation, Inclusive and Egalitarian Governance.

  
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**Unit III :State & Constitutional Governance**

**(8 Lectures)**

- 3.1 The Executive : Constitutional status, Powers and functions of the President vis-a vis form of Government.
- 3.2 The Legislature : Parliamentary/Legislative Privilege : Nature, Extent, Scope and Limitation OnPrivileges.
- 3.3 The Judiciary : Status, Power, functions and contemporary developments, Power of JudicialReview.
- 3.4 Constitutional torts and compensatory Jurisprudence, Contractual Liability of State Fundamental Duties & Citizenship

**Unit IV: Equality, Liberty & Constitutional Governance**

**(8 Lectures)**

- 4.1 Liberalization & Social Justice
- 4.2 Right to Equality: Privatization and its Impact On Affirmative Action.
- 4.3 Empowerment of Women.
- 4.4 Freedom of Press and Challenges of New Scientific Development,
- 4.5 Data Protection & Privacy


**Unit V: Constitutional Governance & Emerging Trends**

**(8 Lectures)**

- 5.1 Emerging regime of new rights and remedies.
- 5.2 Reading Directive Principles and Fundamental Duties into Fundamental Rights.
- 5.3 Secularism: Religious freedom and right of minorities to establish and administer educational institutions of their choice.
- 5.4 Implementation of International Obligation : Human Rights, Environmental protection and International trade.

**Books:**

1. D.D. Basu, Shorter Constitution of India
2. M.P. Jain, Constitution of India
3. M.P. Singh, Comparative Constitutional Law
4. T.K. Tope, Constitution of India

  
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**CORE PAPERS**  
**LL.M. I SEMESTER**  
**PAPER II**  
**LAW AND SOCIAL TRANSFORMATION IN INDIA**

**1. Introduction:**

Law is considered a social phenomenon. It removes the hindrances that hinder human growth. The legal phenomenon in spite of having a unique, objective identity is inherently tied to the social realities. The modern anthropocentric world considers individual as the center of the universe and law along with society must serve this individual. A tectonic shift in the society is bound to change the legal culture of a country. A Kelsenian/normative approach necessitates that Constitution changes the society whereas the sociological approach is of the view that it is the society that transforms the legal structure. Indian has adopted the latter approach. The purpose of the course is to familiarize the students with the changing dynamics of the Indian Legal system from post-independence to the current era of globalization.

**2 . Course Outcomes:**

- C.O. 1 :** To assess the concept of social transformation and its impact on the legal culture.
- C.O. 2 :** To evaluate the social problems affecting the Indian nation state and its legal solutions.
- C.O. 3 :** To critically evaluate the existing legal structure and its efficacy in solving the current social evils of the nation state .
- C.O. 4 :** To assess the legal culture of India in a post globalized era

**3 . Program Outcomes**

- P.O.1:** To foster an inter disciplinary approach in order to assess the social reality of law in India
- P.O.2:** To assess the changing nature of law in India in the era of „Right Based jurisprudence“.
- P.O.3:** To encourage a Critical method of thinking among the students to assess the legal situation
- P.O.4:** To assess the social impact and outcome of law.

**4 .Assessment Plan**

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

**UNIT I : Law and Social Change**

**(8 Lectures)**

- 1.1 Meaning of Social Change and Social Transformation .
- 1.2 Relation between Law and Society : The Consensus and Conflict model
- 1.3 Social, Economic and Educational Corollary
- 1.4 Law and Morality.

**UNIT II: Constitution and Social Change**

**(8 Lectures)**

- 2.1 The normative method and sociological mode of change .
- 2.2 Constitutional Amendments and Social change
- 2.3 Basic Structure theory as a balancing factor

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2.4 Women Empowerment and Social Dichotomy

2.5 Liberty and Social Acceptance

**UNIT III: Globalization and Constitution of India**

**(8 Lectures)**

3.1 Impact of Globalization on the vision of Article 38 and Article 39 (b), (c) of the Constitution.

3.2 Impact of Globalization on the legal aspects of Industries and Agriculture in India .

3.3 Impact of Human Rights on Indian Legal Culture.

3.4 Status of Welfare state in a Globalized Economy.

**UNIT IV: Social Transformation & Modern India**

**(8 Lectures)**

4.1 Regionalism and Law : Right to Movement, Residence and Business

4.2 Language Policy and Indian Constitution : Official, State and Court Language

4.3 Freedom of Religion and Religious Minorities

4.4 Reservation Policy in India : Schedule Caste, Schedule Tribe and Backward Class

**UNIT V: Contemporary Issues in Indian Legal Culture**

**(8 Lectures)**

5.1 Citizenship Law of India and Identification Documents in India.

5.2 Right to Privacy and Supreme Court of India.

5.3 Alternate Dispute Resolution Mechanism and Social Upliftment

5.4 Good governance and RTI

**Resources:**

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

2. Robert Lingat, The Classical Law of India,

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

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

5. H.M. Seervai, Constitutional Law of India.

6. Tarngini Sriraman, *In Pursuit of Proof: A History of identification Documents in India* ,Oxford publications

7. Chris Thornhill, *A Sociology of Constitutions: Constitution and State legitimacy in Historical – Sociological Perspective* ,Cambridge Publications .

8 .Anupama Roy, *Mapping Citizenship in India*, Oxford Publication.

9 .Gautam Bhatia, *The Transformative Constitution : A Radical Biography in Nine Acts* , Harper Collins India

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**LL.M. I SEMESTER  
CORE PAPER  
PAPER III  
MASS MEDIA LAW**

**1. Introduction**

To introduce the media and constitutional governance.

**2 .Course Outcomes:**

C.O. 1 :To develop media awareness.

C.O. 2 : to apprise the students about media.

C.O. 3 :to apprise the incumbents about digital rights.

**3 .Program Outcomes**

To make students understand the role of media in constitutional governance.

**4 .Assessment Plan**

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

**Unit I**

**Media, Ethics and the Constitution**

(8 Lectures)

- 1.1 Disseminating facets of media, Understanding the Concept of Media, History of Media, Theories of Media, Evolution of Media in India and
- 1.2 Media Legislation (including Media Laws in US, Scrips Newspapers Chain, Foreign Direct Investments in Media
- 1.3 **Media & Copyright issues Right to Information Act 3005:** New tool for Press Freedom **Media and Journalists:** Working Journalists Act and Press Council & Human Rights **Trial by Media:** Influence on Adjudicators
- 1.4 Press-Freedom of Speech and Expression-Article 19 (1) (a)Includes Freedom of the Press, Laws of defamation, obscenity, blasphemy and sedition.
- 1.5 Media and social Media Laws

**Unit II**

**Advertisement and the Law**

(8 Lectures)

- 2.1 **Basis of Advertisement:** Constitutional Freedom of Commercial Speech, **Drug and Magic Remedies** (Objectionable Advertisements) Act and other Laws regulating Advertisements
- 2.2 Content of Advertisements: **Civil and Criminal liability**
- 2.3 Unfair Practices through Advertisements and **Consumers Rights, Advertising Standards Council of India:** A Private Regulatory, **Misleading Advertisements:** Need for New Law

## 2.5 Press and the Monopolies and Restrictive Trade Practices Act.

**Unit III : Electronic Media and Regulatory Law****(8 Lectures)****3.1 Convergence of New Media in the Internet: Cinema, Social Media, Expansion of Electronic Media:**

Broadcast sector – TV and Radio

**3.2 Autonomy of Public Sector Broadcaster:** Prasar Bharti Law**3.4 Freedom of Private Broadcasting:** Broadcasting Regulation Bill and Cable TV Network Regulation Act**3.5 Cinematography Act, Pre-censorship, Indecent Representation of Women (Prohibition) Act and**Young Persons (Harmful Publications) Act **Information Technology Act 3000****Unit IV : Media & Self Regulation****(8 Lectures)**

## 4.1 History of Media Law in India

## 4.2 Constitutional Rights of Media &amp; Limitations on Freedom of Speech and Expression

## 4.3 Media &amp; Other Constitutional Aspect

**Unit V : Constitutional Restrictions****(8 Lectures)**


5.1 Radio and Television subject to law of defamation and obscenity,

5.2 Power to legislate-Article 246 read with the Seventh Schedule.

5.3 Power to impose tax-licensing and licensing fee.

**Select Bibliography**

1. H.M.Seervai, Constitutional Law of India,
2. M.P.Jain, Constitutional Law of India,
3. John B.Howard, The Social Accountability of Public Enterprises,
4. Rajeev Dhavan, On the Law of the Press in India, 26 JILI 288 (1984)
5. Soli Sorabjee, Law of Press Censorship in India,
6. Justice E.S.Venkaramiah, Freedom of Press : Some Recent Trends, 1984
7. D.D.Basu, The Law of Press of India,
8. Rajeev Dhavan, Legitimizing Government Rhetoric : Reflections on Some Aspects of the Second Press Commission, 26 JILI 391, 1984
13. tionalism” 62 (6) *Stanford Law Review* 1583-1628(June 3010).

  
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## LL.M. I SEMESTER

**FUNDAMENTALS OF INTELLECTUAL PROPERTY RIGHTS**

## Unit –I

- 1.1 Meaning and Concept of Intellectual Property Rights,
- 1.2 Types of Intellectual Property Rights,
- 1.3 Economic Importance of Intellectual Property,
- 1.4 Justifications for Protection of Intellectual Property,

## Unit –II

- 2.1 Nature of Intellectual Property Rights:
- 2.2 Monopolistic Perspective, Economic Perspective, Public welfare perspective,
- 2.3 Theories of Intellectual Property Rights.

## Unit III

- 3.1 International Legal Framework: Pre and Post WTO regime:
- 3.2 TRIPS Agreement.
- 3.3 IPR and Human Rights,

## Unit -IV

- 4.1 IPR and Protection of Traditional Knowledge.
- 4.2 IPR and Sustainable Development, Challenges for IPR:
- 4.3 Digital Economy, ECommerce, Domain names, Biotechnology and Nanotechnology

## Unit –V,

- 5.1 Competition Law and Intellectual Property Rights Interface,
- 5.2 Competition Policy and Intellectual Property Rights,
- 5.3 Interplay Between Competition Law And IPR In Its Regulation,

**Select Bibliography:**

1. Shahid Alikhan and Raghunath Mashelkar, Intellectual Property and Competitive Strategies in 21st Century , Second Edition ( 3009) Kluwer Law International.
2. Phillippe Culet, Intellectual Property Protection and Sustainable Development, Lexis Nexis Butterworth, 3004.
3. W R Cornish, Intellectual Property: Patents, copyright, Trademarks and allied rights , London : Sweet & Maxwell, 1996
4. Jayanti Bagachi , World Trade organization; An Indian Perspective (3000). Narayanan, P., Intellectual Property Rights
5. UNCTAD-ICTSD, Resource book on TRIPs and Development, Cambridge University Press, 3005
6. Michael Blakeney, Trade Related Aspects of Intellectual Property Rights: A concise Guide to the TRIPS Agreement.
7. Elizabeth Verkey, Intellectual Property (3015), Eastern Book Company Lucknow.

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## LL.M. I SEMESTER

### CORE PAPER

#### Jurisprudence and Legal Theory- 1

##### 1. Introduction:

Legal philosophy is backbone of legal discourse. Philosophical investigation of different ideas and theories is core of the legal study. This paper aims to introduce to the students the different schools and theories of legal philosophy so as to develop their analytical, critical and comparative approach to legal study. Scientific investigation of an idea is fulfilling and enriching experience and this paper inculcates the value of inquisitiveness, inquiry and inclusivity of ideas.

##### 2. Course Outcomes :

- C.O. 1:** Grasp the fundamentals of different schools and their dominant ideas.
- C.O.2:** Understand the concept of law and legal order in the backdrop of the theories of different schools.
- C.O.3:** Apply their understanding of law in different legal systems;
- C.O.4:** Identify and analyze problems of legal order and their analysis with multiple perspectives.
- C.O.5:** To appreciate establishment of an egalitarian legal order.

##### 3. Program Outcomes

- P.O.1:** Demonstrate the ability to extract rules and policy from cases, statutes, and administrative regulations and analyzing, interpreting and arguing differing interpretations of rules and statutes;
- P.O.2:** Demonstrate the ability scientific, critical and comparative inquiry of the theory and ideas;
- P.O.3:** Identify legal issues and application of legal ideas thereto;
- P.O.4:** Inculcating the value of research;
- P.O.5:** Demonstrate the ability to solve problems with an holistic approach;

##### 4. Assessment Plan

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

#### UNIT I Legal Philosophy & Natural Law School

(8 Lectures)

- 1.1 Legal Philosophy & Jurisprudence
- 1.2 Jurisprudence: Distinct Study & Synthetic Jurisprudence
- 1.3 Jurisprudence: A Priori & A Posteriori, Deductive & Inductive Method
- 1.4 Natural Law School: Roman & Greek School, Thomist & Sophist, Social Contract, Dark Ages, Stammler & Kohler

#### UNIT II: Historical School & Analytical School

- 2.1 Maine & Status to Contract, Anthropology & Law
- 2.2 Kelsen: Pure Theory of Law: Normative Character of Law

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**UNIT III: Philosophical School& Sociological School (8 Lectures)**

- 3.1 Kant & Hegel: Idealism, Metaphysical and Materialism, Dialectical Materialism
- 3.2 Sociology of Law and Sociological Jurisprudence
- 3.3 Inhering: Interest Theory
- 3.4 Roscoe Pound: Theory of Interests & Social Engineering

**UNIT IV: Realist, Critical Studies & Feminism (8 Lectures)**

- 4.1 Badman Theory, Jurimetrics & Skepticism & Scandinavian School
- 4.2 Critical Legal Studies
- 4.3 Feminism: Liberal & Radical Approach

**UNIT V: Modernism and Post-Feminism and Post Modernism School (8 Lectures)**

- 5.1 Modernism & Deconstructionism
- 5.2 Post-feminism and Post Modernism Discourse
- 5.3 Contemporary Discourse

**Books:**

1. Bodenehimer, Jurisprudence-The Philosophy & Method of Law, Universal, Delhi
2. R.W.M. Dias, Jurisprudence, Indian Reprint-Adithya Books, Delhi
3. Fitzgerald, Salmond on Jurisprudence, Tripathi, Bombay
4. Dhyani S N, Jurisprudence-A Study of Indian Legal Theory.
5. Wayne Morrison, Jurisprudence, Cavendish Publication.
6. Llyod, Introduction to Jurisprudence, Sweet and Maxwell.
7. N.E. Simmonds, Central Issues in Jurisprudence, Justice, Law and Rights, Second Edition (Sweet & Maxwell) .
8. Brian Bix, Jurisprudence: Theory and Context, Carolina Academic Press, 1999.
9. Roger Cotterrell, Politics of Jurisprudence.

  
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## LL.M. II SEMESTER

## CORE PAPER I

## Jurisprudence and Legal Theory- II

**1. Introduction:**

The nature of law has changed drastically in the 21<sup>st</sup> century. We are living in the age of post modernism where Skepticism is in vogue. The contemporary era does not ask as to „what is the law?“ or what is the nature of legal enterprise? What is required now is a moment of reflexivity. One must question whether law is truly an independent, objective phenomenon or a range of different phenomena which are loosely grouped under the heading of law? In addition to the Liberal – Positivist approach to law, various other Schools have made their inroads into the ontology of law. The paper is an attempt to incorporate these new approaches and to develop a sense of reflection among the students. International social movements are affecting legal cultures all across the world and academics have opened new epicenters of knowledge. Third World Scholars have challenged the hegemony of Western intelligentsia and the Bretton Woods system has been challenged by the South Block ever since the outbreak of the sub-prime mortgage crisis. The issue of justice and human rights has gained momentum. The paper tends to investigate the new wave in the understanding of law in a Gridlock world.

**2. Course Outcome**

- C.O. 1:** To analyze the changing nature of Law in the 21<sup>st</sup> century.
- C.O. 2 :** To analyze and interpret the impact of international social movements on law .
- C.O. 3 :** To understand and interpret the new approaches to law.
- C.O. 4 :** To analyze the concepts of justice and rights as applicable in the 21<sup>st</sup> century.

**3 . Program Outcomes**

- To inculcate an inter disciplinary approach in order to understand the nature of law .
- To assess the changing nature of law.
- To assess the changing nature of Law, State , Sovereignty and Justice.

**4 . Assessment Plan**

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

**UNIT I : Law in a Post Modern World .****(8 Lectures)**

- 1.1 Law and Post modernism: Critical Legal School , Ideas of Roberto Unger , Duncan Kennedy , Michel Foucault, Jacques Derrida .
- 1.2 Queer Jurisprudence.
- 1.3 Feminist Jurisprudence.
- 1.4 Law and Ideology.

  
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**UNIT II : Law , State and Sovereignty in a Contemporary world . (8 Lectures)**

- 2.1 Challenges to Sovereignty in the 21<sup>st</sup> century : Subsidiarity , Sovereignty as Responsibility ,
- 2.2 Chunk theory of Sovereignty , Globalization , The concept of Fail / Weak State.
- 2.3 Post 9/11 world and State : Philosophy of Carl Schmitt , Giorgio Agamben , The concept of Bio Politics .
- 2.4 Cosmopolitanism and Globalization as an alternate to the State system .
- 2.5 The concept of Demosprudence .

**UNIT III : Changing notion of Justice in a contemporary world (8 Lectures)**

- 3.1 Rawlsian Difference Principle and the ideas of Nozick and Sen
- 3.2 Global Distributive Justice : Views of Peter Singer , Thomas Pogge , KokChor Tan, Martha Nussbaum, Refugee justice ,
- 3.3 Anti Globalization Movement : Meaning , Nature and Scope.

**UNIT IV : Minorities & Governance (8 Lectures)**

- 4.1 Right of Self-determination and the Minorities.
- 4.2 Ethnic Minorities and Governance
- 4.3 Sustainable Development, Inclusive Governance

**UNIT V: Recent Global Trends (8 Lectures)**

- 5.1 TWAIL scholarship.
- 5.2 Importance of Legal monism in establishing international peace.
- 5.3 Global Administrative Law : Meaning , Nature and Scope .
- 5.4 Global Governance, Post Secularism and Public Reason
- 5.5 Linguistic Philosophy, Wittgenstein, Interpretation of Law,

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1. Encyclopedia of Global Justice ,Deen Chatterjee (ed) , Springer.
2. Global Governance by Thomas Weiss , Polity .
3. Global justice : The basics by Huw . L. Williams and Carl Death ,Routledge .
4. Jurisprudence : from the Greeks to Post Modernism by Wayne Morrison , Lawman (India) , Private Limited .
5. Globalization and After by Dasgupta and Kelly ,Routledge.
6. Legality and legitimacy by David Dyzenhaus , Cambridge publication.
7. Sovereignty as Responsibility by Luke Glanville , Chicago university press.
8. International Law from Below by Balakrishna Rajagopal , Cambridge .

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## LL.M. II SEMESTER

## CORE PAPER II

## LAW &amp; JUSTICE IN GLOBALISED WORLD

**1 . Introduction:**

Global world is known for its pervasiveness. Justice governed by rule of law has been epicenter of modern global world. Rights and duties and its interplay with people and corresponding role of state has been very changing in the modern world. The business and its interplay with rule of law and democratic constitutional governance is very important dynamics of modern world.

**2 .Course Outcomes :**

**C.O. 1:** Grasp the fundamentals of philosophical and analytical skills including close reading, logical analysis and exemplary modes of problem solving;

**C.O.2:** Understand the concept of justice as a political and legal ideal and appreciate the different motivations and assumptions behind key conceptions of justice;

**C.O.3:** Apply their understanding of justice in adopting a critical perspective on the nature of the law and legal systems;

**C.O.4:** Identify and analyze problems of justice within and beyond national communities with a special emphasis on the distinction between national, international, global and cosmopolitan justice; and

**C.O.5:** To appreciate the institutional and practical dimensions of securing a just and equitable society.

**3 . Program Outcomes**

**P.O.1:** Demonstrate the ability to extract rules and policy from cases, statutes, and administrative regulations and analyzing, interpreting and arguing differing interpretations of rules and statutes;

**P.O.2:** Demonstrate the ability to conduct investigation of facts and to construct a coherent narrative based on that investigation;

**P.O.3:** Identify legal issues in facts and applying rules and policy to facts;

**P.O.4:** Perform comprehensive legal research;

**P.O.5:** Demonstrate the ability to solve problems in light of a client's objectives: anticipating consequences and assessing risks;

**4 .Assessment Plan**

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

**Unit I : Legal Philosophy & Utilitarianism**

1.1 Legal and Philosophical Analysis

1.2 Utilitarian Justice

1.3 Non-Utilitarian Theories of Justice

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**Unit II: Law & Justice** (8 Lectures)

- 2.1 Law and Justice
- 2.2 Rawls & Nozick, Sen and Justice
- 2.3 The Separation of Law and Morals
- 2.4 The Unity of Law and Morals

**Unit III: Economic Justice & Rights & Governance** (8 Lectures)

- 3.1 Rights Based Theory of Justice
- 3.2 Economic Analysis of Law and Justice
- 3.3 Justice in Critical Legal Studies

**Unit IV: Socialism & Communism** (8 Lectures)

- 4.1 Marx, Law and Justice
- 4.2 Communitarian Justice
- 4.3 Economic State & Laissez
- 4.4 Faire State

**Unit V: Feminism & Global Justice** (8 Lectures)

- 5.1 Feminist Theories of Justice
- 5.2 Cosmopolitan Justice
- 5.3 Global Justice

**Resources:**

1. Aristotle. Nicomachean Ethics, OUP Oxford, 3009. (Excerpts)
2. Simmonds, N.E. Central Issues in Jurisprudence, Justice, Law and Rights, Second Edition(Sweet & Maxwell) pp. 1-15.
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5. Mill, JS. Utilitarianism, Chapters 1 & 2
6. Smart, J.J.C and Williams, Bernard. Utilitarianism: For and Against, Cambridge University Press, 1973.
7. Kymlicka, Will. Contemporary Political Philosophy: An Introduction, Oxford University Press, 3002, pp. 23-52.
8. Sandel, Michael. Liberalism and the Limits of Justice, Cambridge: Cambridge University Press, 1982, Chapter 1.
9. Rawls, John. A Theory of Justice, Harvard University Press, 3009, Chapter 1.
10. Kymlicka, Will. Contemporary Political Philosophy: An Introduction, Oxford University Press, 3002, Chapter 3.
11. Sen, Amartya. The idea of justice. Harvard University Press, 3011. Chapter 1, 2, 10
12. Cohen, G.A. Rescuing Justice and Equality, Harvard University Press, 3008.
13. Hart, Herbert Lionel Adolphus. The Concept of Law. OUP Oxford, 3012, Chapter 6
14. Coleman, Jules. „Beyond Inclusive Legal Positivism“, Ratio Juris, 22(3) 3009.
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28. Cohen, G.A. If You're An Egalitarian How Come You're So Rich?, Harvard University Press, 2001 (Revised edition).
29. Okin, Susan Moller. "Justice and Gender", Philosophy and Public Affairs, 16(1), 1987.
30. Putnam, Ruth Anna. "Why not a Feminist Theory of Justice?" in M Nussbaum and J Glover (ed.) Women, Culture and Development: A Study of Human Capabilities, Oxford University Press, 1995.
31. Walzer, M. Spheres of Justice, Basic Books New York, 1983.
32. Sandel, Michael. Liberalism and the Limits of Justice, Cambridge University Press, 1982.
33. Rawls, John. The Law of Peoples, Harvard University Press, 2001.
34. Pogge, Thomas W. "An egalitarian law of peoples", Philosophy & Public Affairs 23(3), 1994.
35. Pogge, Thomas, "What is global justice?" (2003).
36. Nagel, Thomas, "The problem of global justice", Philosophy & Public Affairs 33 (2), 2005.
37. Miller, David. National Responsibility and Global Justice, Oxford University Press, 2007.


## PATENT LAW – BIODIVERSITY AND PLANT VARIETIES

### 1. Introduction:

Patent fosters inventions and innovation. Prior art and state of the art runs the industrial wheel of any society. Patentability of an invention is dependent on morality of nation. Flora and fauna and its diversity and protection of plant varieties is must in modern world. Intellectual property found in traditional knowledge and traditional cultural expressions is on the verge of extinction due to non-availability of protection.

### 2. Course Outcomes:

- C.O. 1 :** To assess various dimensions of patents.
- C.O. 2 :** To evaluate the commercial exploitation of patents and resolving the infringement of patents.
- C.O. 3 :** To critically evaluate the existing legal order and its comparison with international order.
- C.O. 4 :** To critically understand the Indian Intellectual property and its protection through law.
- C.O.5:** To train for dispute resolution of Intellectual property.

  
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### 3 .Program Outcomes

To foster an inter disciplinary approach to understand the intellectual property protection regime.

To assess the changing nature of protection and commercial exploitation of property.

To encourage a Critical method of thinking among the students to assess the legal situation.

To assess the social impact and outcome of intellectual property law.

### 4 .Assessment Plan

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

## UNIT I : Patent

(8 Lectures)

1.1 Patent, Introduction, Subject matter of Patent, Conditions of Patentabilities,

1.2 Patentable and Non Patentable

1.3 Object, Nature, Scope, Role, Advantage

1.4 Specification, Kinds of Specification, Contents of Specification, Priority provisions

1.5 Working of Patents, Compulsory Licences, Revocation and Non working of Patens,

1.6 Purpose of Gravity ,Compulsory Licences, Termination of Compulsory Licence

1.7 Opposition to grant of patent, Anticipation, Infringement and Remedies, Surrender and revocation of patents.

  
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**UNIT II: Patent & TRIPS****(8 Lectures)**

- 2.1 Paris Convention- Major Provisions
- 2.2 TRIPS Agreement, Obligations and Indian Position, Public Interest Issues
- 2.3 Intellectual Property and Human Rights, Intellectual property Health Care and Food Security
- 2.4 Prospective
- 2.5 WTO, Obligations, Dispute settlements, Issues and Controversies WIPO

**UNIT III: Biodiversity****(8 Lectures)**

- 3.1 Intellectual Property and Biological Diversity, Convention on Bio Diversity (CBD)
- 3.2 Regulation and Access to Biological Diversity and Biopiracy
- 3.3 Biodiversity Management Committee/Boards
- 3.4 Biodiversity Funds
- 3.5 Biodiversity Authorities

**UNIT IV: Plant Variety Protection****(8 Lectures)**

- 4.1 Intellectual Property and Farmers Rights, Proactable plant Varieties
- 4.2 Farmers Rights
- 4.3 Essentially Derived varieties
- 4.4 Registration of Plant varieties
- 4.5 Duration and Effect of Registration and Benefits

**UNIT V: Traditional Knowledge****(8 Lectures)**

- 5.1 Intellectual Property and Traditional Knowledge Concept/Significance Nature
- 5.2 Rights of Indigenous People, Forms of Protection
- 5.3 Intellectual Property Exploitation, Dispute Resolution & Its Management & Valuation

**Book:**

1. N.S. Gopalakrishnan & T.G. Ajitha, Principles of Intellectual Property, Eastern Book Company.
2. B.L. Wadhwa, Law Relating to Intellectual Property, Universal Law Publishing.
3. S. Narayan, Intellectual Property Law in India, Gogia Law Agency, Hyderabad.
4. A. K. Bansal, Law of Trademark In India, Thomson & Reuter.
5. V.K. Ahuja, Law Relating to Intellectual Property Law, Lexis Nexis.
6. Elizabeth Veghese, Law of Patents, Eastern India Company.
7. Jayashree Watal, Intellectual Property Rights in the WTO and Developing Countries, Oxford University Press.
8. P. Narayanan, Law of Trademarks (The Trademarks Act 1999) and Passing Off, Eastern Law, Calcutta.
9. W.R. Cornish, Intellectual Property: Patents, Copyright, Trademark and Allied Rights, Universal Law Publishing.

  
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**LL.M. II SEMESTER**  
**CORE PAPER IV**  
**RESEARCH METHODOLOGY**

**1 . Introduction:**

Research is the most important aspect of higher learning. This paper aims to introduce the research foundation, types, tools, techniques and methods for doctrinal and non-doctrinal method. It also makes the students aware about the research universe, research design, research tools and method. Research plan and its execution is the most important aspect of this paper.

**2 .Course Outcomes :**

**C.O. 1 :** To understand the dimensions of legal research.

**C.O. 2 :** To be able to find out research problem and hypothesize the research universe and tool techniques for the same .

**C.O. 3 :** To apply various tools and techniques in doctrinaire and non-doctrinaire researches.

**C.O. 4 :** To be able to understand the use of ICT in researches.

**3.Program Outcomes**

- To inculcate the value of inter disciplinary research attitude.
- To assess the importance of investigation and exploration of facts in law & policy making and in its enforcement.
- To encourage to find out legal issues in a comparative way of social problems and its solutions via legal researches.
- To train in comprehensive comparative legal research.


**4 .Assessment Plan**

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

**Unit I : Research Methods**

**(8 Lectures)**

- 1.1 Research, Meaning & Significance
- 1.2 Legal Research, Socio-Legal Research
- 1.3 Doctrinal and Non-Doctrinal
- 1.4 Relevance of Empirical Research

  
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- 1.5 Induction and Deduction
- Unit II: Identification of Problem of Research (8 Lectures)**
- 2.1 Research Problem
- 2.2 Formation of Research Problem
- 2.3 Sampling Technique, Meaning, Type & Scaling
- 2.3 Questionnaire / Interview, Observation
- 2.4 Compilation of List of Reports or Special Studies Conducted Relevant To The Problem
- Unit III Research Design & Tools (8 Lectures)**
- 3.1 Steps in Preparation of Research
- 3.2 Devising tools and techniques for collection of Data : Methodology
- 3.3 Methods for the collection of statutory and case materials and juristic literature, Use of case studies,
- 3.4 Literature Review, Jurimetrics, Case Study & Case Law Analysis
- 3.5 Hypothesis, Nature, Type, Formulation, Testing & Variables
- Unit IV Classification and Tabulation of Data (8 Lectures)**
- 4.1 Rules for Tabulation
- 4.2 Explanation of tabulated data
- 4.3 Analysis of Data, Report Writing & Interpretation
- 4.4 Plagiarism & Research Ethics, Copyright Violations, Fair Use, Citation & Bibliography
- Unit V Computerized Research (8 Lectures)**
- 5.1 Legal Research & Computer
- 5.2 Use of software for legal research SPSS
- 5.3 Use of Computer, Mobiles and Camera in Data Collection
- 5.4 Use of Power Point Presentation and Explanation, Audio Visual

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1. M. O. Price, H. Bitner and Bysiewicz, Effective Legal Research
2. Pauline V. Young, Scientific Social Survey and Research
3. William J. Grade and Paul K. Hatt, Methods in Social Research, McGraw - Hill Book Company, London.
4. H. M. Hyman, Interviewing in Social Research
5. Payne, The Art of Asking Questions
6. Erwin C. Surrency, B. Fielf and J. Crea, A Guide to Research
7. Morris L. Cohan, Legal Research in Nutshell, West Publishing Co.
8. Harvard Law Review Association, Uniform System of Citations
9. ILI Publication, Legal Research and Methodology
10. S.K. Verma and M. Afzal Wani (Eds.) *Legal Research and Methodology*, Indian Law Institute, (3001) 2nd Edition.

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**LL.M. II SEMESTER  
PAPER VI**

**CRIMINAL JUSTICE SYSTEM & H.R.**

**Introduction:**

Criminal justice is one of the critical areas of human rights where the legal system is tested on a continuous basis for preservation of peace and security in society on the one hand and the prevention of human dignity of both the victims of crime and accused of crime.

**Objectives:**

1. To give a detailed understanding of the concept, history and development of human rights.
2. To understand various theories of rights.
3. To understand international treaties and documents on human rights.
4. To understand the various dimensions of Article 21 of the Constitution of India.

**Outcomes:**

1. Students will get a better understanding of the concept of human rights.
2. Students will be able to understand the various international instruments and agencies for ensuring human rights.
3. Students will develop interest in becoming peace ambassadors.

**UNIT-I: The Concept, History and Development of human Rights**

**(8 Lectures)**

- i. History of human rights civilization ii. Magna Cart, iii. British Bill of Rights iv. Declaration of Rights of Man and Citizen vi. International Bill of Rights
- ii. Are Human Rights a universal concept?
- iii. Treaty Law as the main source of Human Rights
- iv. Legal nature of human rights obligations
- v. Scope of application

**Theories of Rights**

- i. Natural Rights Theory ii. Legal/Positivist Theory iii. Marxist Theory iv. Cultural Theory v. Sociological theory

**UNIT-II: International Bills and Criminal Justice System**

**(8 Lectures)**

- i. Universal Declaration on Human Rights: a. History of the Declaration b. Structure of the Declaration c. Legal Significance
- ii. Rights under Criminal Justice System and International Covenants: ICCPR and ICESCR a. Nature and Characteristic b. Optional Protocols
- ii. Rights under Criminal Justice System and Regional Instruments a. European Convention on Human Rights b. American Convention on Human Rights

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**UNIT-III****(8 Lectures)**

In India a. History and Development of Human Rights in Indian Constitution. b. Constitutional Philosophy. c. Preamble d. Human Rights Problems requiring the need of criminal justice - namely police atrocities, e. Protection of Human Rights in Criminal Justice Administration i. Compensation jurisprudence ii. Art. 30 Protection against Ex-Post Facto Laws, Protection against Double Jeopardy and Protection against Self Incrimination

**UNIT-IV****(8 Lectures)**

Art. 21 Impact of expansive interpretation on criminal jurisprudence, Meaning of terms: Life and Personal liberty Fair Procedure Due Process of Law iv. Right of Accused Arrest, Hand Cuffing Bail, Speedy Trial Torture Custodial v. Violence Compensation Public Interest Litigation: Direct access to Courts in case of violation of Fundamental Right and other implicit rights vi. Death Penalty in Light of Art. 21 vii. Art. 22 Protection to Accused in case of punitive detention Protection against Preventive Detention

**UNIT-V****(8 Lectures)**

Role of various Agencies in Protection of Human Rights under CJS i. At International Level i. Human Rights and the United Nations Charter: ii. Normative and Institutional Framework of the UN iii. Role of the permanent organs of the UN, Human Rights iv. Commissions, UN High Commissioner for Human Rights iii. At National Level i. The Protection of Human Rights Act, 1993 and amendments. ii. National Human Rights Commission iii. State Human Rights Commissions. iv. Human Rights Courts v. Other Commissions.vi. Emerging regime of new human rights under CJS in India.

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2. Batra, Manjula, Protection of Human Rights in Criminal Justice Administration : A study of the right of Accused in Indian and Soviet Legal System (New Delhi: Deep and Deep, 1989).
3. Walter Kalin and JorgKunzti, Law of International Human Rights Protection (Oxford, 3009),
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## LL.M. SEMESTER III

### HUMAN RIGHTS

#### 1. Introduction

The paper aims to introduce human rights in national and international Legal Order.

#### 2 .Course Outcomes:

**C.O. 1** : Human Rights

**C.O. 2** : human rights protection scheme

**C.O. 3** : Human Rights Protection in International Order

#### 3 .Program Outcomes

To inculcate the value of protection of Human Rights.

#### 4 .Assessment Plan

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

#### Unit I : Panoramic View of Human Rights

(8 Lectures)

- 1.1 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,
- 1.2 Subsequent developments in International Law and the Position in India (e.g., Convention of Social Discrimination, Torture, Gender discrimination, Environment and the Two human right covenants.)
- 1.3 Fundamental Rights Jurisprudence as Incorporating Directive Principles The dichotomy of Fundamental Rights and Directive Principles, The interaction between Fundamental Right and Directive Principles, Resultant expansion of basic needs oriented human rights in India.

#### Unit II : Right not be Subject to Torture, Inhuman or Cruel Treatment

(8 Lectures)

- 2.1 Conceptions of torture, third-degree methods, 'Justification' for it, Outlay of torture at international and constitutional law level, Incidence of torture in India, Judicial attitudes, Law Reform-proposed and pending. Minority Rights : Conception of minorities, Scope of protection, The position of minority 'Woman' and their basic rights, Communal Riots as involving violation of

  
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rights.

### Unit III

(8 Lectures)

Rights to Development of Individuals and Nations : The U.N. Declaration on right to Development, 1987, The need for constitutional and legal changes in India from human rights standpoint. People's Participation in Protection and Promotion of Human Rights : Role of International NGOS, Amnesty International, Minority Rights Groups, International Bars Association, Law Asia, Contribution of these groups to protection and promotion of human rights in India.

### Unit I

(8 Lectures)

- 4.1 Development Agencies and Human Rights : Major International funding agencies and their operations in India,
- 4.2 World Bank lending and resultant violation/promotion of human rights,
- 4.3 Should development assistance be tied to observance of human rights (as embodied in various UN declarations)
- 4.4 Comparative Sources of Learning : EEC Jurisprudence,
- 4.5 The Green Movement in Germany,
- 4.6 The International Peace Movement,
- 4.7 Models of Protection of the rights of indigenous peoples : New Zealand (Maoris), Australia, Aborigines and Canada (Indians).
- 4.8 Freedom : Free Press-its role in protecting human rights,
- 4.9 Right of association, Right to due process of law,
- 4.10 Access and Distributive justice.

### Unit V

(8 Lectures)

- 4.1 Independence of Judiciary : Role of the Legal Profession,
- 4.2 Judicial appointments-tenure of judges,
- 4.3 Qualifications of judges,
- 4.4 Separation of judiciary from executive.
- 4.5 European Convention of Human Rights : European Commission/Court of Human Rights,
- 4.6 Amnesty International, PUCL, PUDR,
- 4.7 Citizens for Democracy,
- 4.8 Minorities Commission, Human Rights Commission,
- 4.9 Remedies Against Violation of Human Rights.

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- 9.Moskowitz, Human Rights and World Order, 1958
10. J.A. Andrews, Human Rights in International Law, 1986

**CRIMINOLOGY AND PENOLOGY****UNIT-I Criminology- Conceptual Aspect**

- 1.1 Definition, Nature, Scope and utility, Methods of Criminological Studies
- 1.2 Schools of Criminology: Classical, Biological Cartographic, Sociological and Socialist
- 1.3 Theorising Criminal actiology Lombroso and Neo- Lombrosian, Psycho-analysis, Differential Association, Anomie Tradition, Critical Criminology with reference to Labeling, Interactionism and Conflict Theory
- 1.4 brief discussion Modern Trends in Criminology Phenomenology,

**UNI-II Criminology and Social Aspects**

- 2.1 Postmodernism and Feminism Crime and Feminism

**UNIT-III Penology and Criminal Justice System**

- 3.1 Treatment of offenders: Prison, Probation and Parole
- 3.2 Punishment: Concept and Theories
- 3.3 Death Sentence

**UNIT-IV Victimology and Human Rights**

- 4.1 Victimology ,Naturer ,Meaning and Scope
- 4.2 Human Rights and Victimology , Victim assistance and service: types, victim assistance and service of criminal justice system
- 4.3 victim in Criminal Justice System, Rights of Victim, Compensation to victims of crime, UN Declaration on Rights of victim of crime and abuse of power, recommendations of Malimath Committee and Law Commission of India

**Bibliography**

1. Schur, Edwin,M, 1965, Crimes without victims, Prentice hall.Inc.
2. Mc Donald, William F, 1976, Criminal Justice and the Victim, Sage Publications, London
3. Singh Makkar, S.P, 1993, Global perspectives in Victimology, ABC Publications, Jalandar.
4. Rajan, V.N, 1981, Victimology in India: An Introductory Study, Allied Publishers, New Delhi
5. Ahmad Siddique, Criminology: Problem & Perspectives, Eastern Book Company
6. William Doerner, Victimology
7. Mike Maguire, Rod Morgan and Robert Reiner, The Oxford Handbook of Criminology (5th edn,3012)
8. Sutherland, Edwin Hardin (1974), Criminology,(9th edn), Philadelphia, Lippincott.

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**LL.M. IV SEMESTER  
CORE PAPER JUDICIAL PROCESS**

**1. Introduction:**

Judicial Process is the most important phenomenon of social order. Legal and judicial process contributes in the evolution, interpretation and enforcement of law. Judicial process through courts and judiciary has shaped the society and law ever.

**2. Course Outcome:**

C.O. 1: The objective of this paper is to study the nature of judicial process as an instrument of social ordering.

C.O. 2: It is intended to highlight the role of court as policy maker participant in the power process and as an instrument of social change.

C.O. 3: This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques.

C.O. 4: 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.

C.O.5: This paper, therefore, intends to familiarise the students with various theories different aspects and alternative ways of attaining justice.

**3. Programme Outcome:**

P.O. 1: To understand and distinguish the law making process.

P.O.2 : To understand the impact of judiciary in law making.

P.O.3: To understand the role of judicial process in social order.

**4. Assessment Plan**

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

**Unit I: Nature of Judicial Process (8 Lectures)**

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

**Unit II: Legal Development And Creativity Through Legal Reasoning (8 Lectures)**

- 2.1 Legal development and creativity through statutory and codified systems.
- 2.2 Role of judiciary in constitutional adjudication-various theories of judicial role.
- 2.3 Judicial Behaviour and constitutional adjudication.

**Unit III: Judicial Process in India : (8 Lectures)**

- 3.1 Judicial accountability-Problems and Prospects.
- 3.2 Indian debate on the role of judges and on the notion of judicial review.
- 3.3 The "Independence" of Judiciary "Political" nature of judicial process.

**Unit IV: Judicial Activism And Creativity Of the Supreme Court: (8 Lectures)**

- 4.1 The tools and techniques of creativity.
- 4.2 Judicial process in pursuit of constitutional goals and values.
- 4.3 Judicial Delay, Docket Explosion, Court Management& Litigation Management, and Performance of the Judges.

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**Unit V: Development of Human Rights Jurisprudence By Judiciary: (8 Lectures)**

- 5.1 New dimensions of judicial activism and structural challenges.
- 5.2 Institutional liability of courts scope and limits.
- 5.3 The expansion of Human Rights jurisprudence by Interpretational tools.

**Resources :**

1. Julius Stone, The Province and Function of Law, Part II, Chs. 1-8-16 ,Universal, New Delhi.
2. Cardozo : The Nature of Judicial Process, Universal, New Delhi 21.
3. Henry J. Abraham : The Judicial Process , Oxford.
4. J.Stone : Precedent and the Law : Dynamics of Common Law Growth .
5. Butterworths W. Friedmann : Legal Theory , Stevens, London.
6. Bodenheimer : Jurisprudence - The Philosophy and Method of the Law , Universal.
7. Delhi J. Stone : Legal System and Lawyer's Reasoning (1999), Universal, Delhi.
8. U. Baxi : The Indian Supreme Court and Politics (1970), Eastern, Lucknow.
9. Rajeev Dhavan : The Supreme Court of India - A Socio-Legal Critique of its Juristic Techniques .
10. Tripathi, Bombay John Rawls : A Theory of Justice , Universal, Delhi Edward.
11. H. Levi : An Introduction to Legal Reasoning , University of Chicago.



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**ELECTIVE PAPERS-1**  
**SEMESTER III**  
**(I.) CONSTITUTIONALISM, PLURALISM AND GOOD GOVERNANCE**

**1. Introduction**

The paper introduces the constitution and constitutionalism & Good Governance in Indian Perspective.

**2 .Course Outcomes:**

- C.O. 1 :** To Understand the concept of Constitution.
- C.O. 2 :** Understand the concept of Constitutionalism
- C.O. 3 :** Understand the concept of Constitution and Good governance
- C.O. 4 :** Understand the concept of Constitution with relation to Federalism

**3 .Program Outcomes**

The Student will learn a critical and collaborative approach to constitution.

**4 .Assessment Plan**

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

**Unit I : Constitutionalism**

**(8 Lectures)**

- 1.1 Authoritarianism-Dictatorship,
- 1.2 Democracy-Communism,
- 1.3 Limited Government-concept, Limitations on Governmental Power,
- 1.4 What is a Constitution? Development of a democratic government in England-Historical evolution of Constitutional government,
- 1.5 Conventions of Constitutionalism-law and conventions,
- 1.6 Written Constitutions : U.S.A., Canada, Australia, Sweden, South Africa and India,

**UNIT II: Separation of Powers & Rule of Law**

**(8 Lectures)**

- 2.1 Separation of Powers : Montesquieu,
- 2.2 Rule of Law : Concept and new horizons,
- 2.3 Marxist concept of constitutionalism,
- 2.4 Dictatorship of the proletariat,
- 2.5 Communist State from Stalin to Gorbachov,
- 2.6 Fundamental Rights : Human Rights,
- 2.7 Judicial Review : European Court of Human Rights,
- 2.8 Human Rights : International conventions,

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2.9 Limits & doctrine of domestic jurisdiction in international law.

### **Unit III : Federalism**

**(8 Lectures)**

3.1 What is a federal government? Difference between confederation and federation

3.2 Conditions requisite for federalism,

3.3 Patterns of federal government-USA, Australia, Canada, India, Judicial review-for federal umpiring,

3.4 New trends in federalism : Co-operative federalism,

3.5 India-Central Control v. State Autonomy,

3.6 Political factors influencing federalism,

3.7 Plural aspects of Indian Federalism : Jammu & Kashmir, Punjab, Assam, Dynamics of federalism.

### **Unit IV : Pluralism**

**(8 Lectures)**

4.1 What is a pluralistic society? Ethnic, linguistic, cultural, political pluralism,

4.2 Individual rights, Right to dissent, Freedom of speech and expression, Freedom of the Press,

4.3 Freedom of association, Rights to separateness, Rights of the religious and linguistic minorities,

4.4 Compensatory discrimination for backward classes,

4.5 Scheduled Tribes,

4.6 Distinct identity-protection against exploitation,

4.7 Uniform Civil Code-Non-State Law(NSLS) and State Law Systems - Problem of a Uniform

v. 4.8 Personal laws - vertical federalism.

### **Unit V :**

**(8 Lectures)**

5.1 Equality in Plural Society : Right to equality and reasonable classification,

5.2 Prohibition of discrimination on ground of religion, caste, sex, language, Abolition of untouchability, Secularism-Constitutional principles, Tribal Groups and Equality.

5.3 Pluralism and International Concerns : International Declaration of Human Rights,

5.4 Conventions against genocide, Protection of religious, ethnic and linguistic minorities, State intervention for protection of human rights, Right of self-determination.

### **Select Bibliography :**

1. UpendraBaxi, Law, Democracy and Human Right , 5 Lokayan Bulletin 4 (1987).
2. V.M.Dandekar. Unitary Elements in a Federal Constitution, 22 E.P.W 1865, 1988
3. Rajeev Dhavan, The Press and the Constitutional Guarantee of Free Speech and Expression, 28 JILI 299 (1986)
4. M.A.Fazal, Drafting a British Bill of Rights, 27 JILI 423, 1985
5. M.P.Jain, Indian Constitutional Law (1994), Wadhwa
6. H.M.Seervai, Constitutional Law of India, (1993)

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**ELECTIVE PAPER-1: SEMESTER III  
(II.) TREATMENT OF OFFENDER AND VICTIMOLOGY**

**1. Introduction**

This course offers a specialised understanding of criminal policies including theories of punishment, their supposed philosophical and sociological justifications. It advocates modern penology system and neo victimology in contemporary aspects. The emphasis of course will be on fashioning overall democratic understanding and responses to meet this problem.

**2. Objectives:**

1. To give a detailed study about the various theories of punishment and schools of criminology.
2. To provide an insight about the issues associated with sentencing in India.
3. To give a detailed study about latest issues like victim and witness protection.

**3. Outcomes:**

1. It will help the students in understanding the basic concepts like sentencing, theories of punishment etc.
2. It will help them to develop understanding of latest issues like victim and witness protection.

**4 . Assessment Plan**

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

**Unit I: Introductory: Definition of Criminology and Penology**

**(8 Lectures)**

Theories of Punishment: Retribution, Utilitarian prevention: Deterrence; Utilitarian: Intimidation; Behavioral prevention: Incapacitation, Behavioral prevention: Rehabilitation- Expiation, Classical Hindu and Islamic approaches to punishment. School of Criminology: The Constitutional School of Criminology, Lombroso and others, Hereditary and mental retardation as causes of Crime, Sociological theories Anomies, Modern Sociological Theories: Sutherland's differential Association theory, Reckless" social vulnerable theory. Multiple Causation Theories.

**Unit II: Approaches to Sentencing**

Alternatives to Imprisonment, Probation, Corrective labour, Fines, Collective Fines, Reparation by the offender/by the court, Constitutionality of Capital Punishment, Judicial Attitudes towards Capital Punishment in India-An inquiry through the status law and case law, Law Reform Proposal.

**Unit III: Imprisonment**

**(8 Lectures)**

The State of India's jails today, The disciplinary regime of Indian prisons, Classification of prisoners, Right of prisoner and duties of custodial staff, Deviance by custodial staff, Open prisons, Judicial Surveillance-basis- development reforms, rights of women prisoners

**Unit IV: Victimology**

**(8 Lectures)**

Status of victim in Criminal Justice System, Rights of Victim, Compensation to victims of crime, UN Declaration on Rights of victim of crime and abuse of power, recommendations of Malimath

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Committee and Law Commission of India, Neo victimology, rights of tourist victim, victimization, victimological theories, concept in victimology, victim psychology.


**Unit-V: Victim and Witness Protection**

**(8 Lectures)**

Witness protection, witness protection scheme,3018, approach of International criminal court, Victim assistance and service: types, victim assistance and service of criminal justice system. Criminal justice system and victim relationship: Collaborator or evidence-Victim and police

**Bibliography**

1. Schur, Edwin,M, 1965, Crimes without victims, Prentice hall.Inc.
2. Mc Donald, William F, 1976, Criminal Justice and the Victim, Sage Publications, London
3. Singh Makkar, S.P, 1993, Global perspectives in Victimology, ABC Publications, Jalandar.
4. Rajan, V.N, 1981, Victimology in India: An Introductory Study, Allied Publishers, New Delhi
5. Ahmad Siddique, Criminology: Problem & Perspectives, Eastern Book Company
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**ELECTIVE PAPERS-1: SEMESTER III  
(III.) CORPORATE FINANCE**

**1.Introduction:**

Corporation were founded for profit maximization and to fulfill human wants and desires by providing quality goods and services. Floating and financing a company is a herculean task. This paper aims to apprise the incumbents about financing of corporations in modern world and regulation thereof.

**2 .Course Outcomes:**

**C.O. 1 :** To assess the concept of corporate finance in modern world.

**C.O. 2 :** To evaluate the problems in multiple financing modes.

**C.O. 3 :** To critically evaluate the existing legal structure and its efficacy regarding financing the corporations.

**C.O. 4 :** To assess the legal regime of corporate financing .

**3 .Program Outcomes**

- To foster an inter disciplinary approach in order to assess the corporate finance
- To assess the corporate finance and its interrelationship with corporate scams.
- To encourage a Critical method of thinking among the students to assess the legal situation of financing the corporation.
- To assess the social impact and outcome of corporate law.

**4 .Assessment Plan**

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

**Unit I Corporate Finance: Introduction**

**(8 Lectures)**

- 1.1 Meaning, importance and scope of Corporation Finance
- 1.2 Own/Loan Capital
- 1.3 Capital needs - capitalisation - working capital
- 1.4 Objectives of corporation finance - profit maximisation and wealth maximisation
- 1.5 Dematerlization, de-mat account, Fungibility of Shares

**Unit II Equity Finance**

**(8 Lectures)**

- 2.1 Share capital
- 2.2 Prospectus - information disclosure, Types of Prospectus

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- 2.3 Issue and allotment
- 2.4 Shares without monetary consideration
- 2.5 Non-opting equity shares

**Unit III Debt Finance** **(8 Lectures)**

- 3.1 Debentures
- 3.2 Nature, issue and class
- 3.3 Deposits and acceptance
- 3.4 Creation of charges, Fixed and floating charges
- 3.5 Convertible debentures/Non-convertible, ECB, Securitization

**Unit IV Regulation of Corporate Finance** **(8 Lectures)**

- 4.1 Regulation by Disclosure
- 4.2 Control On Payment Of Dividends
- 4.3 Managerial Remuneration
- 4.4 Payment of commissions and brokerage
- 4.5 Inter-corporate Investments, Foreign Investment & RBI, FEMA Dimensions
- 4.6 Buy-back of shares

**Unit V Protection of Creditors/Shareholders** **(8 Lectures)**

- 5.1 Need for creditor protection
- 5.2 Rights in making company decisions affecting creditor interests
- 5.3 Creditor self-protection, Nominee Directors, Control over corporate spending
- 5.4 Shareholders' Protection, IEPF and SEBI, Independent Directors
- 5.5 Control of Corporate Scams & Audit of Corporation

**References :**

1. Alastair Hundson, The Law on Financial Derivatives, Sweet & Maxwell
2. Eil's Ferran, Company Law and Corporate Finance
3. Oxford. Jonathan Charkham, Fair shares: the Future of Shareholder Power and Responsibility Oxford.
4. Ramaiya A, Guide to the Companies Act
5. H.A.J. Ford and A.P. Austen, Fords' principle of Corporations Law, Butterworths.
6. J.H. Farrar and B.M. Hanniyan, Farrar's company Law, Butterworths
7. Austen R.P., The Law of Public Company Finance
8. LBC R.M. Goode, Legal Problems of Credit and Security, Sweet and Maxwell
9. Altman and Subrahmanyam, Recent Advances in Corporate Finance
10. LBC Gilbert Harold, Corporation Finance
11. Henry E. Hoagland, Corporation Finance
12. MaryinM. Kristein, Corporate Finance
13. R.C. Osborn, Corporation Finance
- 14 S.C. Kuchhal Corporation finance : Principles and Problems

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**ELECTIVE PAPER-I: SEMESTER III  
(IV) MARRIAGE UNDER DIFFERENT PERSONAL LAWS**

**1. Introduction**

Marriage is an essential institution of the society. Law is an instrument to regulate the society. Therefore, its legal aspect and effects are relevant to discuss as part of the post graduate course in Law. This paper is concerned with the all legal aspects and effects of the marriage under personal Laws. It provides a comprehensive knowledge about the ceremonies, essentials, validity, and consequences of the marriage of all religion and interreligious marriages.

**2. Course Outcome:**

**C.O.1:** It provides an opportunity to understand the Legal concept of the institution of Marriage

**C.O.2:** It comprehensively deals with the statutory provisions related to Marriage of all personal laws.

**C.O.3:** It equipped the students to apply their critical thinking to solve the factual situations concerned with the family.

**C.O.4:** It provides an access to deal with contemporary issues of marriage.

**C.O.5:** Write research papers/notes and case comments On Matrimonial Relief.

**3. Programme Objective**

**P.O.1:** This Course develops an understanding about the legal aspect of the institution of marriage under all personal Laws

**P.O.2:** An objective of the course is to provide a comprehensive information about the essentials, ceremonies, etc of the religious and interreligious marriages.

**P.O.3:** A comparative study of the nature and concept of marriage under all personal laws.

**4. Assessment Plan**

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

**Unit I: Hindu Marriage**

**(8 Lectures)**

- 1.1 Marriage as an institution for Hindus,
- 1.2 Justifiability of marriage for the Hindus,
- 1.3 Marriage under Classical Hindu Law,
- 1.4 Marriage under Hindu Marriage Act 1955, (Ceremonies, Essentials, Kinds, Validity of The Marriage), Arya Samaj marriages,
- 1.5 Case study of leading judgments on the issues related to Hindu marriage, Registration of Hindu Marriage

**Unit II: Muslim Marriage**

**(8 Lectures)**

- 2.1 Marriage as an Institution for the Muslims (marriage under Islam),
- 2.2 Essentials and Ceremonies of Marriage under Muslim Personal Law,
- 2.3 Legal Impediments of the Muslim Marriage, Mutual Obligations of The Marital Couples,
- 2.4 Dower, Case Study of the Leading judgments on the issues related to Muslim Marriage,
- 2.5 Contemporary issues related to Muslim Marriage,

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**Unit III: Christian and Parsi Marriage****(8 Lectures)**

- 3.1 Marriage as an Institution for the Christians,
- 3.2 Essentials and Ceremonies of the Christian marriage,
- 3.3 The Indian Christian Marriage Act 1872, Marriage As An Institution For The Paris, Essentials And Ceremonies Of The Parsi Marriages,
- 3.4 The Parsi Marriage and Divorce Act 1936,
- 3.5 Case study of leading judgments on the issues related to Christian and Parsi marriages,

**Unit IV: Child Marriage****(8 Lectures)**

- 4.1 Status of child marriages in India,
- 4.2 The Prohibition of Child Marriage Act 3006,
- 4.3 Child Labour and Child Abuse
- 4.4 Case study of Leading Judgments on the Issues Related to Child marriages/Abuse

**Unit V: Inter Religious Marriages****(8 Lectures)**


- 5.1 Special Marriage Act 1954
- 5.2 Essentials and Conditions of a valid marriage
- 5.3 Registration of Inter Religious Marriages.
- 5.3 Case Study of Leading Judgments On The Issues Related To Inter Religious Marriages.

**References**

1. Hindu Marriage Act, 1955
2. Special Marriage Act, 1954
3. The Indian Christian Marriage Act, 1872
4. The Parsi Marriage and Divorce Act, 1934
5. The Prohibition of Child Marriage Act, 3006

**Books**

1. Mayne, Hindu Law and Usage, Bharat Law House, New Delhi, 3001
2. Mulla, D.F: Principles of Mohammedan Law, N.M.Tripathi Pvt. Ltd., Bombay, 3001
3. Mulla, D.F: Principles of Hindu law. 18th Edn. New Delhi: LexisNexis Butterworths, 3001
4. Paras Diwan, Modern Hindu Law, Universal Law Publishing Co., N.Delhi, 3002.
5. Archana Prasad,A.Dhanda: Redefining Family Law in India, 3007
6. B.R.Verma, Commentaries on Mohammedan Law, Law Publishers India (Pvt.) Ltd., Allahabad, 3002.
7. Dr.R.C.Nagpal, Mordern Hindu Law, Eastern Book Company
8. Dr. Paras Diwan, Family law by Marriage and divorce
9. Family Law lectures by Kusum
10. Studies of Hindu Law by Tahir Mahmood
11. Mohammadan Law by Fazee

  
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**ELECTIVE PAPERS-I : PAPER-III  
(v.) SOCIAL SECURITY LEGISLATION IN INDIA**

**1. Introduction:**

This paper consisted is consisted with various types of social security legislation. The main objectives of the same legislation to access the benefits and compensation to labour employed in any industrial establishment.

**2 .Course Outcomes:**

**C.O. 1 :** To introduce Social Security.

**C.O. 2 :** To introduce the factories Act.

**C.O. 3 :** To introduce the beneficial arrangements of social security.

**3 .Program Outcomes**

The paper aims to apprise the value of social security in social order.

**4 .Assessment Plan**

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

**UNIT-I Employees' Compensation and Payment of Wages (8 Lectures)**

- 1.1 Definitions, Employees' Compensation: Employer's Liabilities for compensation and Notional extension theory
- 1.2 Compensation in case of death of or injury in plantation, Amount of compensation.
- 1.3 Responsibility for payment of wages, Deductions and Maintenance of Register and Records
- 1.4 Claims, Appeal, Penalties and Procedure, Contracting out and payment of undisbursed wages

**UNIT-II The Minimum Wages and payment Bonus (8 Lectures)**

- 2.1 Interpretations; Fixing of Wages, Advisory Board and Committees; Correction of Errors, Rates of Wages, Overtime and Maintenance of Register and Records
- 2.2 Inspectors Claims, penalties, offences by companies, bar of suits, Contracting out and Exemption & Exceptions .
- iii. Definitions; Establishment, Computation, Eligibility, Min. & Max. Payment of Bonus and Calculation of Bonus.
- iv. Computation of working day, set on & set off of allocable surplus, deduction of certain Amount from bonus, Time limit for payment of Bonus, recovery of Bonus from employer and Penalty.

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**UNIT-III The Payment of Gratuity (8 Lectures)**

- i. Payment of Gratuity,: Definitions; continuous service, Controlling Authority, Payment of Gratuity, Compulsory Insurance, nomination and determination of the amount of gratuity
- ii. Inspectors, recovery of Gratuity, Penalties, exemption, Protection of Gratuity
- iii. The Buildings and other Construction Workers (Regulation of Employment and Condition of Service) Act, 1996: Definitions; Advisory Committees and Expert Committees.
- iv. Registration of Building Workers as Beneficiaries (Section 11-17).

**UNIT-IV Employees' Provident Funds (8 Lectures)**

- i. The Employees' Provident Funds and Miscellaneous Provisions Act, 1952: Definitions; Employees Provident Fund Schemes, Central Board, executive Committee, State Board, Appointment of Officer, delegation.
- ii. Contributions, Employees' Pension Scheme, Employees' Deposit-Linked Scheme, Modification of Scheme, Determination of Money due from Employers and determination of Escaped Amount.
- iii. Employees' Provident Funds Appellate Tribunal.
- iv. Interest payable by Employer, Recovery Provisions, Inspectors and Penalties Procedure

**UNIT-V Employment Exchanges and Dock Workers (8 Lectures)**

- i. The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959: Definitions; Act not to apply in relation to certain vacancies, Notifications of Vacancies, Employers to furnish Information and right to access to records and documents.
- ii. Penalties and Procedure and making rules.
- iii. The Dock Workers (Regulation of Employment) Act, 1948: Definitions: Scheme for ensuring regular employment.
- iv. Advisory Committee and Dock Labour Board.


**Legislations**

1. The Dock Workers (Regulation of Employment) Act, 1948
2. The Employment Exchanges (Compulsory, Notification of Vacancies) Act, 1959
3. The Employees' Provident Funds and Miscellaneous Provisions Act, 1952
4. The Payment of Gratuity Act, 1972
5. The Minimum Wages Act, 1948
6. Employees' Compensation Act, 1923
7. The Payment of Wages Act, 1936
8. The Payment of Bonus Act, 1965
9. The Code on Wages, 3019
10. The Occupational Safety, Health and Working Conditions Code, 3030
11. The Industrial Relations Code, 3030
12. The Code on Social Security, 3030

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1. OP Malhotra : the Law of Industrial Disputes two vols. Publication- Lexis Nexis
2. HL Kumar: Labour Problems and Remedies 12<sup>th</sup> Ed. Publication-Universal Law Publishing Co.
3. VSP Rao: Human Resource Management, Publisher: Excel Books, New Delhi-28
4. SC Srivastava: Industrial Relation and Labour Laws, Publisher: Vikash Publishing House Pvt Ltd. Noida U P.

5. SN Mishra: Labour and Industrial Laws, Publisher: Central Law Publications, Allahabad.
6. HL Kumar: Practice and Procedure of Labour Laws with Model Forms, Publisher: Universal Law Publishing Co. New Delhi
7. EM Rao: Industrial Jurisprudence, Publisher: Lexis Nexis Butterworth's, New Delhi -1
8. Government of India, Report of the first National Commission on Labour (1969).
9. Government of India, Report of the Second National Commission on Labour (3002).
10. GB Pai: Labour Law in India, in two Vols. Publication- Butterworth's.
11. VG. Goswami: Labour and Industrial Laws, Publication-Central Law Agency.
12. HG Abhyankar: Industrial Disputes Act, 1947, Publication-
13. KD Srivastava: Labour Laws
14. BD Singh: Industrial Laws
15. VB Coutinho: Lectures on Labour Laws, EBC
16. P. L. Malik: Industrial Law, Publication- EBC

  
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**ELECTIVE PAPER-II : SEMESTER III**  
**(I.) FEDERALISM AND COMPARATIVE POWER SHARING**

**1. Introduction**

The paper introduces the federal structure.

**2 .Course Outcomes:**

**C.O. 1** : to introduce federal structure.

**C.O. 2** : To Introduce the comparative federal structure.

**C.O. 3** : Different Federal Structure.

**3 .Program Outcomes**

To understand and develop a comparative and collaborative federal structure.

**4 .Assessment Plan**

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

**UNIT I:**

**(8 Lectures)**

- 1.1 Conceptual position of federation and confederation.
- 1.2 Rights and Duties of the states in confederal union.
- 1.3 Nature and scope of cooperative federalism.
- 1.4 Is India quasi-federal?
- 1.5 Relationship of trust and faith between centre and state in federalism.

**UNIT II:**

**(8 Lectures)**

- 2.1 Federalism in USA, Canada, Australia and Switzerland.
- 2.2 Views of Thomas Jafferson about federalism.
- 2.3 Comparative analysis of federalism of Government of India Act 1935 and Constitution of India.
- 2.4 Role of concurrent list in federal structure of India and Australia.
- 2.5 Lujan v. Defenders of wildlife, 504 U.S. 555 (1992).
- 2.6 Analysis of United States v. Munoz-Flores, 495 U.S. 385, 394 (1990) with search light case.

**UNIT III:**

**(8 Lectures)**

- 3.1 Concept of Checks and balances in India, USA, Canada and Australia.
- 3.2 Separation of powers is a corner-stone of federalism or not?

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**UNIT IV**

**(8 Lectures)**

- 4.1 Administrative relations of centre and state/cantons in India and Switzerland.
- 4.2 Allocation of Taxing powers in India, USA and Canada.
- 4.3 Concept of Grants-in-Aid.


**(8 Lectures)**

**UNIT V:**

- 5.1 The Official Languages Act, 1963 and the concern amendments.
- 5.2 Concept of Legislative relation between centre and state in South Asia.
- 5.3 Distribution of powers in USA, Canada, Australia and Switzerland.
- 5.4 Article 352 v. Article 356 (Indian Constitution).

**BOOKS**

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- 4.M.A.Fazal, Drafting a British Bill of Rights, 27 JILI 423, 1985
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- 6.H.M.Seervai, Constitutional Law of India, (1993)

  
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**ELECTIVE PAPER-II : SEMESTER III****(II.) FORENSIC SCIENCE AND ITS EVIDENTIARY VALUE****Introduction**

Forensic science is in a unique position amongst other fields because of its social impact and legal implication in civil and criminal cases. It will provide a correlation between the scientific- technical and legal aspect. The purpose of forensic science is to serve the unique need of student who desire quality education in the field of forensic science.

**Objectives**

1. The objective is to give a fair idea of forensic science and its application in law.
2. It is introduced with an idea to help the student in better understanding of the crime scene, the accused and the victim.
3. It will help the students in better understanding and application of the procedure prescribed under Evidence Act, Criminal procedure code and civil procedure code.
4. It can help the students in understanding the various medical terms used under different criminal laws.

**Outcome**

1. It will promote inter-disciplinary learning.
2. It will help students in better understanding of the criminal law as a whole.
3. It will help in understanding the various complicated issues associated with the crime scene and will help better understanding of the Evidence law.
4. It will demonstrate the competency in the collection, processing, analyzing and evaluation of evidence.
5. It will identify the role of forensic scientist and physical evidence with the criminal justice system.

**UNIT-I : Crucial Role of Evidence in Criminal Trials****(8 Lectures)**

Need for investigating agencies to appreciate the special value of use of modern technology in collection and presentation of evidence

The role of Forensic Sciences in Criminal Cases

- 1.1 Kinds of Forensic Evidence
- 1.2 The basic question in investigation- Qui Bono;
- 1.3 The scene of crime;
- 1.4 Discovery of traces of physical evidence;
- 1.5 Classification and reference to classified record: Systematization and classification of physical evidence and comparison with suspected material;
- 1.6 The principles of exchange;
- 1.7 The principles of heredity, Taxonomy, etc.
- 1.8 Probative Value of Forensic Evidence
- 1.9 Processes Involved in Collecting Forensic Evidence

**UNIT-II****(8 Lectures)**

The Establishment of Identity

The Establishment of Identity of Individuals: Footprints, hair, skin, blood groupings, physical peculiarities.

The Establishment of the Identity of Physical Objects by shape and size: Identifying marks and impressions made by physical objects; shoe prints: type and tread marks; die and tool marks;

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rupture of fracturemarks.

### UNIT-III

(8 Lectures)

Questioned Documents and the Identification of Handwriting:

Paper, its types and identification;

Inks: pencils and writing tools;

Handwriting habit and flow; Disguised writing; comparison and points of identity;

Samples; various type of forgery and their detection;

Additions; erasures alterations; seals; rubberstamps; typewriting; printing; blocks.

The Identification of Fire-Arms and Cartidges and Related Problems:

Type of fire-arms and their use; time and range of firing; ii. Identification of a fire-arm with a cartridge case and bullet; iii. Miscellaneous fire-arm problems like origin or direction of fire.

### UNIT-IV

(8 Lectures)

Injuries to Persons

i. Evidentiary value of details of injuries; ii. Traces left by the weapon used: its range and direction; iii. Danger to clothing worn by the victim and related problems; iv. The flow of blood from injuries; v. The shape and directions of blood drops and their evidentiary value, the discovery of blood and semen stains on various objects; vi. Accidental deaths and suicides.

Evidentiary value of Physical Evidence as Evaluated a Forensic sciences laboratory viz, Evidence with scientific report.

i. Fallibility of eye witnesses. The probative value of such evidence. ii. Findings of scientific methods of investigation; their probative value. iii. Assessment of value from actual cases. Value to be assigned to the different types of exhibit. Restoration of numbers; iv. Examination of the walking, picture of footprints; clothing; copper wire; pieces of wood etc.

Modern scientific Techniques

Narco-Analysis ii. Tests, Polygraph test, Brain Mapping Test, hypnotism, iii. Lie Detector Test & others

### UNIT-V: Victimology and Forensic Science

(8 Lectures)

i. Meaning of Victimology and forensic psychology

ii. Insanity in its medico legal aspect

iii. Mental ill-health, feigned mental ill health and criminal responsibility

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9. Ishita Chatterjee, Law on Forensic Science.
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11. Parekh, Medical Jurisprudence

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## **ELECTIVE PAPER-II : SEMESTER III (III) COMPETITION LAW AND POLICY**

### **1. Introduction**

A free and fair market based on demand supply is must for a robust economy. The Competition law in India post WTO regime was an obvious choice before the Indian Government to secure an efficient market based on market and competitive forces. This paper aims to expose the students the competition law of India with a comparative overview of other jurisdictions as well. Competition law is a rapidly growing area of law which reflects the free market economy and increasing world globalization. The huge economic movements which have taken place in recent years increased the attractiveness of this subject, and competition lawyers are now prominent in the biggest law firms and institutions advising in complex transactions. The course aims to give an overview on the basics of Competition Law in India through a overview study of the main jurisdictions in brief (especially U.S. and EU) and thus provide a solid background for further studies of this subject.

### **2. COURSE OUTCOMES**

1. Relate the history and evolution of Competition law
2. The laws relating Anti – Competitive activities and its Practical applicability
3. The student shall be able to comment on current controversies and criticisms
4. The student shall be able to Analyze the law for better applications
5. The student shall further be researching in the area.

### **3. Program Outcomes**

**P.O. 1:** Demonstrate the ability to extract rules and policy from cases, statutes, and administrative regulations and analyzing, interpreting and arguing differing interpretations of rules and statutes

**P.O. 2:** Demonstrate the ability to conduct investigation of facts and to construct a coherent narrative based on that investigation;

**PO. 3:** Identify legal issues in facts and applying rules and policy to facts

**PO. 4:** Perform comprehensive legal research

**PO. 5:** Demonstrate the ability to solve problems in light of a client's objectives: anticipating consequences and assessing risks;

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**4 .Assessment Plan**

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

**Unit I: Competition Law****(Lectures 8)**

- 1.1 Evolution of Competition Law, Constitutional aspect of Elimination of Concentration of Wealth and Distribution of Resources Article 39 (b) (c) Relation between Competition Policy and
- 1.2 Competition Law –Objectives of Competition Law
- 1.3 Monopoly & Restrictive Trade Practices Act, 1969,
- 1.4 Raghavan Committee Recommendations
- 1.5 Competition Act, 3002, Objectives and Overview,
- 1.6 Appreciable Adverse Effect Over the Competition, Unfair Trade Practices.

**Unit II: Anti-Competitive Agreements****(Lectures 8)**

- 2.1 Horizontal Agreements: Price Fixing, Output Limitation, Market Sharing, Bid Rigging, Collusive Bidding, Cartel
- 2.2 Vertical Agreements: Tie In Agreement, Exclusive Supply, Exclusive Distribution, Refusal To Deal & Resale Price Maintenance.
- 2.3 Rule of Reason & Rule Per Se
- 2.4 Competition & Intellectual property Rights; Inter-linkage

**Unit III: Abuse of Dominant Position & Regulation of Combination****(Lectures 8)**

- 3.1 Abuse of Dominant Position: Dominant Position and Its Abuse,
- 3.2 Predatory Pricing, Trade Barriers & Denial of Market Access.
- 3.3 Regulation of Combination: Threshold Limits,
- 3.4 Procedure and Role of Commission

**Unit IV: Competition Authorities & Investigation, Enforcement****(Lectures 8)**

- 4.1 Competition Commission of India: Composition, Appointment, Power, Function and Duties
- 4.2 Director General, Power & Functions
- 4.3 Competition Appellate Tribunal: Composition Power, Function
- 4.4 Investigation: General Procedure and Remedies,
- 4.5 Extra-territorial Operation of Commission.

**Unit V: Enforcement & Competition Policy****(Lectures 8)**

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- 5.1 Competition Advocacy,
- 5.2 Leniency Programme, Contemporary Issues in Competition
- 5.3 Relation between International Trade Law and Competition Law
- 5.4 International Competition Law

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2. VinodDhall, Competition Law Today: Concept, Issues and Law in Practice, Oxford University Press, 3007
3. Richard Wish, David Bailey, Competition Law, Oxford University Press, 3012.

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2. United States v Socony Vacuum Oil Co.
3. United States v. Trenton Potteries Co.
4. The Lombard Club Case; Standard Oil Co. of California v United States.
5. BrahmDutt v. Union of India, AIR 3005 SC 730
6. CCI v. Steel Authority of India Ltd. &Anr, (3010)10SCC 744
7. Excel Crop Care Ltd v Competition Commission of India &Ors (3017) 8 SCC 47
8. Aamir Khan Productions Private Limited v. Union of India, (3010) 4CompLJ570(Bom)
9. Builders Association of India v. Cement Manufacturers', Case No. 29/3010, CCI.
10. All India Tyres Dealers Federation v. Tyres Manufacturers, 3013 COMP LR 92 (CCI)
11. ShamsherKataria v. Honda Siel Cars India Ltd., 3014 Comp LR 1 (CCI)

  
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**ELECTIVE PAPERS-1: SEMESTER IV  
(I.) COMPARATIVE CONSTITUTIONAL LAW**

**1. Introduction**

The paper introduces the comparative constitutional study and approach.

**2 .Course Outcomes:**

**C.O. 1 :** Comparative study of constitutions

**C.O. 2 :** Constitutional Borrowings.

**C.O. 3 :** Constitutional Interlinkage.

**3 .Program Outcomes** The paper introduces the understanding about Comparative Constitutions.

**4 .Assessment Plan**

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

**UNIT I: Constitutional Governance (8 Lectures)**

- 1.1 Federal & Unitary Governance
- 1.2 Constitution, Constitutionalism & Governance
- 1.3 Features of Constitutionalism
- 1.4 Comparison of Federal Governance in Indian, UK & USA

**UNIT II: Rule of Law (8 Lectures)**

- 2.1 Rule of Law & Constitutional Governance
- 2.2 Equality & Rule of Law
- 2.3 Equality & Affirmative Action
- 2.4 Discrimination & Equality

**UNIT III: Judicial Review (8 Lectures)**

- 3.1 Judicial Review & Constitutional Governance
- 3.2 Judicial Review & Interpretation of Constitution
- 3.3 Writs & Remedies
- 3.4 Judicial Accountability

**UNIT IV: Separation of Power & Division of Power (8 Lectures)**

- 4.1 Separation of powers
- 4.2 The Doctrine of Checks and Balances

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4.3 Rule of Law and Separation of Powers in the Indian Constitution

4.4 Division of Powers & Judiciary

**UNIT V: Contemporary Constitutional Governance**

**(8 Lectures)**

5.1 Privacy & Digital Rights


5.2 LGTBQ Rights

5.3 Indigenous People & Minority Rights

5.4 Displaced Persons & Refugee, Vulnerables & Migrant

**BOOKS :**

1. H.M.Seervai, Constitutional Law of India
2. M.P.Jain, Constitutional Law of India,
3. John B.Howard, The Social Accountability of Public Enterprises,
4. Rajeev Dhavan, On the Law of the Press in India, 26 JILI 288 (1984)
5. Soli Sorabjee, Law of Press Censorship in India
6. Justice E.S.Venkaramiah, Freedom of Press : Some Recent Trends,
7. D.D.Basu, The Law of Press of India
8. Rajeev Dhavan, Legitimizing Government Rhetoric : Reflections on Some Aspects of the Second Press Commission, 26 JILI 391, 1984

  
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**ELECTIVE PAPERS-1: SEMESTER IV**  
**(II) INTERNATIONAL CRIMINAL LAW AND TRANSNATIONAL LAW**

**Introduction**

Transnational crime is a crime which takes place in more than one country or jurisdiction but their consequences significantly affect other countries. Since transnational organized crimes include variety of other criminal activities like conveying drugs, conveying arms, trafficking for sex etc, it becomes relevant to have in-depth study of the subject.

**Objectives:**

1. To get a detailed understanding of international criminal law and transnational crime.
2. To get an understanding of working of international criminal justice system.
3. To understand about the prevention, control and correctional strategies.

**Outcomes:**

1. It will help students in understanding the transnational crimes.
2. It will further enhance students understanding in role of police and judiciary in handling organized crimes.

**Assessment Plan**

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

**Unit-I: International criminal law Development**

**(8 Lectures)**

- 1.1 The substantive international law
- 1.2 The concept of an international crime
- 1.3 Crimes under general international law (i): general
- 1.4 Crimes under general international law (ii): imposing responsibility
- 1.5 Crimes under general international law (iii): excluding responsibility
- 1.6 Treaty crimes (i): general
- 1.7 Treaty crimes (ii): focus on treaty-based responses to terrorism
- 1.8 The role of the International Criminal Court and jurisdiction – The Rome Statute
- 1.9 The crime of aggression b. Genocide c. Crimes against humanity d. War crimes e.
- 1.10 Terrorism and transnational law
- 1.11 The objectives and policies of international criminal law; including issues of amnesty, truth and justice
- 1.12 Various International criminal tribunals
- 1.13 Emerging issues in international criminal law

**UNIT-II: Transnational crimes**

**(8 Lectures)**

- 2.1 Definition and Scope
- 2.2 Characteristics of Transnational crime
- 2.3 Types of Transnational crime

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- 2.4 Causes of Transnational crime
- 2.5 Criminal Intent and mens-rea in such crimes
- 2.6 Modus operandi of Transnational crime

**UNIT-III: Classification of Transnational Crimes** (8 Lectures)

- 3.1 International Perspective
- 3.2 Drug Trafficking as Transnational Crime
- 3.3 Trafficking of Weapons
- 3.4 Counterfeit of Goods
- 3.5 Trafficking of Persons and Smuggling of Migrants
- 3.6 Money Launderin
- 3.7 Terrorism
- 3.8 Environmental Crimes

**UNIT-IV: Laws relating to Transnational Crime** (8 Lectures)

- 4.1 Organized crime and United Nations,
- 4.2 The UN Convention on transnational and organized crime
- 4.3 United Nations Conventions Against Organized Crime, 3000

**UNIT-V** (8 Lectures)

- Prevention, control and correctional strategies
- 5.1 Extradition Act 1962 (Relevant Provisions) and Extradition Treaty
- 5.2 International investigative agencies (Interpol etc), Adjudication authorities(including ad hoc and permanent criminal tribunals),
- 5.3 Role of Police in Investigation of organized crime
- 5.4 Role of Judiciary, Trial and Sentencing in organized crime
- 5.5 Profiles of Criminal Gang / Investigation and Prosecution

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2. An Introduction to International Criminal Law and Procedure Paperback – June 28, 3010 by Robert Cryer, HakanFriman, Darryl Robinson
3. International Criminal Law: Cases and Commentary (Paperback) By (author) Antonio Cassese, By (author) Guido Acquaviva, By Mary De Ming Fan, Alex Whiting
4. An Introduction to Transnational Criminal Law (Paperback) by Neil Boister
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8. From Nuremberg to the Hague: The Future of International Criminal Justice, Philippe Sands., Cambridge University Press, 3003
9. Transnational Organized Crime- An Overview from Six Continents by Jay Albanese, Philip Reichel
10. Transnational Organized Crime: A Commentary on the United Nations Convention and its Protocols (Oxford Commentaries on International Law) Hardcover – May 17, 3007 by David McGlean, Oxford University Press (May 17, 3007)
11. Handbook of Transnational Crime and Justice by Jay Albanese, Philip Reichel, Sage Publications.



**PAPERS-****Law of Trade Mark, Geographical Indications And Design****1. Introduction:**

Intellectual property law basically classified in copyright and industrial property establishes a whole new order run on knowledge. Copyright introduces the incoming students about protection and exploitation of work. Trademark and GI are protection of industrial property and community property. Design promotes aesthetics.

**2 .Course Outcomes:**

- C.O. 1 :** To assess the conceptual framework of Intellectual Property  
**C.O. 2 :** To understand the philosophy of intellectual property protection and commercial and non-commercial uses.  
**C.O. 3 :** To critically evaluate the existing legal structure its comparison to international intellectual property regime.  
**C.O. 4 :** To assess the intellectual property culture of India in a post globalized era .

**3 .Program Outcomes**

- To foster an inter disciplinary approach in order to assess the ground reality of intellectual property law in India .
- To assess the changing nature of intellectual property law in India with reference to TRIPS
- To encourage a Critical method of thinking among the students to assess the legal situation.
- To assess the social impact and outcome of intellectual property law.
- To train incumbents to present and resolve Intellectual property disputes effectively.

**4 .Assessment Plan**

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

**Unit I: Intellectual Property Law An Overview****(8 Lectures)**

- 1.1 Intellectual Property History& Modern Development: International & National
- 1.2 Intellectual Property Order
- 1.3 Intellectual Property Rights Meaning and Nature
- 1.4 Intellectual Property Rights in India
- 1.5 Forms of Protection of Intellectual Property
- 1.6 Object, Role, Advantages , Recent Development

**Unit II: Copyright**

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**(8 Lectures)**  
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- 2.1 Trade Marks, Meaning and aspects
- 2.2 Rights Under Trade Marks Law
- 2.3 Ownership, Authorship, License, Terms (modes of assignment)
- 2.4 Infringement of Trade Marks

**Unit III: Design****(8 Lectures)**

- 3.1 Design, Industrial design, Layout
- 3.2 Procedure of application for registration
- 3.3 Opposition to registration
- 3.4 Copyrights in registration
- 3.5 Deception and Similarities

**Unit IV: Trademark****(8 Lectures)**

- 4.1 Principles of Trademarks, concept, Emergence, justification
- 4.2 Registration of Trademark, Grant and Refusal
- 4.3 Distinctiveness, Deceptive Similarities
- 4.4 Misuse of Trademarks
- 4.5 Cancellation

**Unit V: Geographical Indication****(8 Lectures)**

- 5.1 Concept of Geographical Indication (G I), Objective, Justification, International Imitative
- 5.2 Registration of Geographical Indication/ Appellation of Origin
- 5.3 Effect of Registration/ G I Protection in India
- 5.4 Passing off/ Remedies
- 5.5 Case Studies

**BOOKS:**

1. N.S. Gopalakrishnan & T.G. Ajitha, Principles of Intellectual Property, Eastern Book Company.
2. B.L. Wadhwa, Law Relating to Intellectual Property, Universal Law Publishing.
3. S. Narayan, Intellectual Property Law in India, Gogia Law Agency, Hyderabad.
4. A. K. Bansal, Law of Trademark In India, Thomson & Reuter.
5. V.K. Ahuja, Law Relating to Intellectual Property Law, Lexis Nexis.
6. Elizabeth Veghese, Law of Patents, Eastern India Company.
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8. W.R. Cornish, Intellectual Property: Patents, Copyright, Trademark and Allied Rights, Universal Law Publishing.
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**ELECTIVE PAPERS-1: SEMESTER IV  
(III)SAFEGUARDS OF WOMEN AND CHILD IN LABOUR LAWS**

**1. Introduction:**

This paper is incorporated in the same course with view of provide the safeguard for children and women workers. It will have to study the provisions of equal remuneration and equal opportunity in recruitment of women who seeking to get employment in industrial establishment..

**2 .Course Outcomes:**

- C.O. 1 :** To Introduce the idea of safeguards of women.
- C.O. 2 :** To Introduce the idea of safeguards of Children.
- C.O. 3 :** To Introduce the concept of protective discrimination.

**3 .Program Outcomes**

Safety and security at workplace of women workers and the crèche houses related provisions aware to such workers.

**4 .Assessment Plan**

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

**UNIT-I The Child Labour**

**(8 Lectures)**

- 1.1 The Child Labour (Prohibition and Regulation) Act, 1986:
- 1.2 Definitions; Prohibition of Employment of Children in Certain occupation and Processes (Sections 3-5). (2 Lect.)
- 1.3 Regulation of Conditions of Work of Children (Sections 6-13).
- 1.4 Penalties and procedure (Sections 14-16).
- 1.5 Appointment of Inspectors, Power to make Rules and Remove Difficulties (Sections 17-18 and 21).

**UNIT-II The Maternity Benefit**


**(8 Lectures)**

- 2.1 The Maternity Benefit Act, 1961: Definitions; Employment of or work by women prohibited during certain periods, right to payment of maternity benefit and payment of Maternity benefit in certain cases (secs. 4-5B).
- 2.2 Notice and Leave (sections 6-11).
- 2.3 Dismissal, Appointment of Inspectors and Forfeiture of Maternity benefit (Sections12-18).
- 2.4 Penalties and Procedure (Sections 21-23).

**UNIT-III The Equal Remuneration**

**(8 Lectures)**

- 3.1 The Equal Remuneration Act, 1976: Definitions; Payment of Remuneration at Equal Rates to Men and women workers and other matters (Secs. 4-7)
- 3.2 Duty of Employers to maintain register, Inspectors and Penalties and Procedure (Secs. 8-12)

  
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3.3 The Equal Remuneration Rules, 1976: Definitions; Complaint and Claims under the Act (Sections 3-5).

3.4 The Various Forms for Applications.

**UNIT-IV Equal Remuneration Rules**

**(8 Lectures)**

4.1 The Central Advisory Committee on Equal Remuneration Rules, 1991: Whole Act.

4.2 Constitutional as well as Judicial Pronouncement Regarding to safety of women at workplace.

**UNIT-V Beedi and Cigar Workers**

**(8 Lectures)**

5.1 The Beedi and Cigar Workers (Conditions of Employment) Act, 1966:

5.2 Definitions; Industrial premises to be Licensed, Licenses and Appeal (Sections 3-5).

5.3 Inspectors, first Aid, Crèches and Canteens (Sections 6-16).

5.4 Working Hours and Holidays (Sections 17-23).

5.5 Prohibition of employment of Children and women (Sections 24-25) and Penalties & procedure (Sections 32-34, and 36).

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5. SN Mishra: Labour and Industrial Laws, Publisher: Central Law Publications, Allahabad.
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**ELECTIVE PAPERS-II: SEMESTER IV**  
**(I) ADMINISTRATIVE PROCESS AND JUDICIAL CONTROL**

**1. Introduction**

This paper introduces the administrative process and control over it.

**2. Course Outcomes:**

**C.O. 1 :** To Inculcate the value of administrative process.

**C.O. 2 :** To introduce the judicial control over administrative process.

**C.O. 3 :** To differentiate the role of Judicial Processes.

**3. Program Outcomes**

This paper inculcates a collaborative and critical approach to study of law.

**4 .Assessment Plan**

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

**Unit I :**

**(8 Lectures)**

- 1.1 Administrative process : Nature and Meaning,
- 1.2 The role of civil service,
- 1.3 The role of administrative agencies,

**Unit II :**

**(8 Lectures)**

- 2.1 Constitutional standards : Doctrine of Police Power, Doctrine of Eminent Domain,
- 2.2 Taxing power,
- 2.3 Responsibility and accountability.

**Unit III :**

**(8 Lectures)**

- 3.1 Judicial Review of Administrative action in India : Historical development,
- 3.2 Power of Supreme Court, Powers of High Courts, Role of Subordinate Courts.
- 3.3 Jurisdiction : Finality Clause,
- 3.4 Conclusive evidence Clauses,
- 3.5 Law Fact distinction, Exclusionary Clause.

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- 3.6 Ground of Judicial Review : Doctrine of Ultra vires,
- 3.7 Unreasonable discretionary power : From liver sidge to padfield, discretion and Justifiability, violation of fundamental rights,
- 3.8 Extraneous consideration and /or irrelevant ground, delegation acting under dictation, Malafides and Bias,
- 3.9 Lack of rationality and proportionality, oppressing decision.

**Unit IV :****(8 Lectures)**

- 4.1 Limits of Judicial Review : Locus standi and PIL,
- 4.2 Laches,
- 4.3 Resjudicata,
- 4.4 Alternative remedies,
- 5.5 Remedies Writs,
- 6.6 Injunction and declaration.

**Unit V :****(8 Lectures)**

- 5.1 Tortuous and contractual liability,
- 5.2 Emerging liability-Personal accountability,
- 5.3 Compensatory jurisprudence and right to live,
- 5.4 Accountability under consumer protection law,
- 5.5 Promissory Estoppels : Legitimate expectation and Constitutional dimensions.

**BOOKS**

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**ELECTIVE PAPERS-II: SEMESTER IV  
(II) OFFENCES AND LAW RELATED TO JUVENILE**

**Introduction**

To increase knowledge about programs and policies that address juvenile crimes. To improve dissemination of knowledge pertaining to human behavior. Assessing the extent of juvenile law breaking behavior in contemporary society and trace its development (and the popular perception of its development).

**Objectives:**

1. To give an exhaustive study of juvenile delinquency and laws in India.
2. To give an insight into international approach on juvenile delinquency.
3. To provide a detailed study about the judicial approach on the issue and give a comparative study with other countries.

**Outcomes:**

1. Students will develop a better understanding of the laws on juvenile delinquency.
2. It will develop a better understanding of the approach prevalent in other countries.

**4 .Assessment Plan**

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

**Unit I :**

**(8 Lectures)**

- 1.1 The conception of „child“ in Indian Constitution and Penal Code,
- 1.2 Delinquent Juvenile, „Neglected Juvenile“, the Overall situation of children/young persons in India, also with reference to crime statistics (of crime by and against children),
- 1.3 Differential Association, Anomie, Gang-sub-culture.

**Unit II: Legislative Approaches**

**(8 Lectures)**

- 2.1 Legislative approaches during the late colonial era, Juvenile Justice Act, 3015,
- 2.2 Constitutional Aspects, Competent Authorities, Powers given to government, Community Participation as envisaged,
- 2.3 United Nation Conventions on the Right of Child, 1989

**Unit III: Offences Against Juveniles**

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**(8 Lectures)**  
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- 3.1 The child population percentage to total sex ratio, urban/rural/rural-urban, laborers, In organized industries like Zari, Carpet, Bidi, Glass. In unorganized section like domestic servant, shops and establishments,  
 3.2 Drug Addicts, Victims of violence-sexual abuses, battered, killed by parents.

**Unit IV: Judicial Contribution and Preventive Strategies (8 Lectures)**

- 4.1 Social Action Litigation concerning Juvenile Justice, Judicial decisions,  
 4.2 Role of legal profession in Juvenile Justice System,  
 4.3 State Welfare Programme health, Nutrition, Role of community, family, voluntary, bodies, industrials, individual.

**Unit-V: Comparative Study on Juvenile Delinquency (8 Lectures)**

- 5.1 Analyzing and comparing legal position on juvenile delinquency between developed and developing countries

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- 5.Singh Makkar, S.P, 1993, Global perspectives in Victimology, ABC Publications, Jalandar.
- 6.Rajan, V.N, 1981, Victimology in India: An Introductory Study, Allied Publishers, New Delhi
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- 8.Law Commission of India, 42nd report, Ch. 3 (1971).

**LAW OF COPY RIGHTS**

**UNIT-I Introduction to Copy Rights**

- 1.1 Introduction to Copyright, Evolution of Copy Right, History of Copy Rights Law
- 1.2 International Copy right Law, Subject matter of Copyrights Under The Copyright Act, 1957,
- 1.3 Fair use, Infringement and remedies, Copyright vis-a-vis Digital Technology,
- 1.4 Computer programme Software Copyright, Implication of International Conventions in India.

**UNIT-II Copy Right: National Perspective**

- 2.1 Nature and Scope of Copyright, Meaning of Copyright, Aims, Objectives and Range of Copy Right
- 2.2 Copy Right on cyber space and emerging Aspects
- 2.3 Infringement of Copy Right
- 2.4 Property Rights and Exploitation

**UNIT-III Copy Rights Cases**

- 3.1 Copy Right: particular cases
- 3.2 Statutory Laws in India
- 3.3 Copyright and Public Interest
- 3.4 Rights Granted, Ownership, duration, registration and assignment of copyright , Remedies for infringement of copyright

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#### **UNIT-IV Copy Right: International Perspective**

- 4.1 International Copy Right Law , Berne Convention for the Protection of Literary and Artistic works. Universal Copyright Convention.
- 4.2 Convention for the Protection of Producers of Phonograms against Unauthorised Duplication of their Phonograms.
- 4.3 Multilateral Convention for the Avoidance of Double Taxation of Copyright Royalties. Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement.
- 4.4 Copyright-related treaties administered by WIPO, WIPO Copyright Treaty (WCT) WIPO Performances and Phonograms Treaty (WPPT), Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled,

#### **Recommended Readings:**

1. Cornish W.R. - Intellectual Property; Patents, Copyright, Trade Marks and allied Rights.
2. P.M.Bakshi - Intellectual property, Indian Trends
3. P.Narayanan - Intellectual Property Law

  
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