

GONDWANA UNIVERSITY

GADCHIROLI

FACULTY OF LAW

MASTER OF LAWS (LL.M)

DETAILED SYLLABUS FOR

IIIrd SEMESTERS

LL. M. Syllabus

GUIDELINES FOR SOCIO-LEGAL RESEARCH

A student will be required to submit two copies of the research project to the Head of the Department one month before the examination of Third Semester. Viva examination will be held before or after Third Semester Examination.

A. Research scholars are required to follow the steps given below for preparation of Socio-Legal Research

Research Methodology:

Title of the Study
Problem of the study
Rationale of the study
Objectives of the study
Hypothesis
Review of Literature
Operational concepts & Variables of the study
Research Design
Nature/ Type of the study
Universe
 * Population
 * Sample and Sample size.
 * Sampling Method
Method of Data Collection
Sources of Data Collection
Tools of Data collection
Limitations of Study
Time Schedule
Possible contribution of the study
Chapterisation

B. Socio-Legal Research shall have the following structure :

Cover
Cover page
Certificate
Acknowledgement
List of Case Laws.
List of Tables
List of Maps
Abbreviations
Contents
Chapter I Theoretical Background
Chapter II Research Methodology (As given in A)
Chapter III Analysis and Interpretation of Data
Chapter IV Major Findings, Conclusions and Suggestion.

Bibliography

Annexures:

Interview Schedules / Questionnaires, Master Charts, Acts, Bills, Maps, etc.

LL. M. Syllabus

FOUNDATION COURSE

COURSE CODE FC 06 : LAW TEACHING, VIVA & GROUP DISCUSSION

This is a practical paper which contains Law Teaching, Viva Voce examination and Group Discussion.

Law Teaching will carry 30 marks. For Law Teaching, topics will be assigned to students in advance and they will be required to take a Lecture (class) for 30 minutes for LL.B or LL.M. Courses. They can select any one of the methods of teaching and their performance is evaluated by an external examiner.

Comprehensive Viva-Voce examination will be conducted on all theory subjects of 1st and 2nd Semester (foundation as well as group subjects of the students) by External Examiner.

Group Discussion will be conducted on a contemporary legal topic given by the External examiner.

The distribution of the Marks is as follows:

Law Teaching, Viva and Group Discussion:

I) Law Teaching Ext. Examiner	: 30 Marks
II) Comprehensive Viva - Voce - Ext. Examiner	: 40 Marks
III) Group Discussion - Ext. Examiner	: 30 Marks
TOTAL	: 100 Marks

OPTIONAL COURSES

GROUP-A: INTERNATIONAL LAW

Course Code -A05

Private International Law - I

(General Principles, Choice of Jurisdiction and Choice of Law)

1. Scope and Nature of Private International Law
2. Theories of Private International Law
3. Consecutive stages in conflicts, law proceedings, characterization, Renvoi and Choice of Law
4. Jurisdiction:
 - 1) Jurisdiction of Courts
 - 2) Domicile and Nationality
 - 3) Stay of suits and forum convenience clauses
5. Exclusion of Foreign Law and Sovereign Immunity
6. Recognition and Enforcement of Foreign Judgment and Foreign Arbitral Awards

Books Suggested for Reading.

- 1) Dicey: Conflict of Laws.
- 2) Cheshire: Private International Law.
- 3) Paras Diwan : Private International Law, Indian & English.

Internal Assessment : 20

Theory : 80

Private International Law - II
(Specific Choice of Law Problems)

1. Family Law:
 - 1) Marriages
 - 2) Matrimonial Causes
 - 3) Legitimacy and Legitimation
 - 4) Adoption
 - 5) Guardianship and Custody
2. Law of Property:
 - 1) Movable and Immovable Property
 - 2) Transfer of Tangible Movables
 - 3) Assignment of Intangible Movables
 - 4) Insolvency
 - 5) Succession
3. Law of Obligations:
 - 1) Contracts
 - 2) Torts

Books Suggested for Reading:

- 1) Dicey : Conflict of Laws.
- 2) Cheshire : Private International Law.
- 3) Paras Diwan : Private International Law, Indian & English.

Internal Assessment ; 20

Theory : 80

GROUP - B

CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW

COURSE CODE - B05

JUDICIAL CONTROL OF ADMINISTRATIVE POWERS.

UNIT I: Judicial Control of Administrative Powers through Writs :

- 1) Court as the Primary instrument of control of administrative action.
- 2) Writ Jurisdiction of the High Courts and the Supreme Court.
- 3) Conditions necessary for the exercise of writ jurisdiction - writ of Habeas Corpus, Mandamus, Certiorari, Quo-warranto and Prohibition.
- 4) Public policy restraints on the exercise of power of judicial review under Arts 32 and 226-, exhaustion of remedies, Laches.
- 5) Public Interest Litigation , Doctrine of Locus Standi and Compensatory Justice.
- 6) Special Leave to Appeal to the Supreme Court and High Court's Power of Superintendence.

UNIT II: Procedural Impropriety as a ground of Judicial Review of Administrative Action :

- 1) Historical Development of the Concept of Natural Justice.
- 2) Principles of Natural Justice.
- 3) Essentials of Fair Hearing
- 4) Bias and Personal Interest
- 5) Failure of Natural Justice.
- 6) Exceptions to the Rule of Natural Justice .
- 7) Legitimate Expectation - Good Faith doctrine etc.

UNIT III: Ordinary Remedies.

- 1) Distinction between ordinary remedies and remedies under Arts 226 and 32.
- 2) Declaratory Judgements and Injunctions.
- 3) Specific Performance and Civil Suits for Compensation against government and public authorities.

UNIT IV: Exclusion of Judicial Review and Ouster Clause :

- 1) Formula of Exclusion clause or ouster clause.
- 2) Scope of outer clause.
- 3) Non-compliance with statutory provisions.

UNIT V: Judicial Control of Discretionary Powers :

- 1) Scope and Extent of Judicial Review in Discretionary Powers.
- 2) Duty to give reasons.
- 3) Surrender or abdication of discretionary power.
- 4) Non-compliance with Procedural Requirements.
- 5) Administrative Discrimination.
- 6) Limiting and Structuring Discretion.

Books Suggested for Reading :

- 1) M.P. Jain and S.M. Jain - Principles of Administrative Law (1987)
- 2) M.P. Jain - Cases and Material on Administrative Law in India, (Wadhwa,1994).
- 3) H.W.R. Wade - Administrative Law.
- 4) S.P. Sathe - Administrative Law in India. (5th Edn.)
- 5) I.P. Massey - Administrative Law (2001).
- 6) B.L. Hansaria - Writ Jurisdiction under the Constitution.

Theory : 80 marks & Internal Assessment : 20 Marks

**PUBLIC AUTHORITIES AND LIABILITY : CONTROLS ON
MALADMINISTRATION**

UNIT I: Liability of Government:

- 1) Liability of Government and Public Authorities in Torts and Contract;
Promissory Estoppel.
- 2) Government Privileges in Legal Proceedings.

UNIT II: Right to Know and Information :

- 1) Jurisprudential and Constitutional Perspectives.
- 2) American Freedom of Information Act, 1966 and English Official Secrets Act and Right to Know.
- 3) Indian Official Secrets Act, 1923, Right to Information Act, 2002 and Right to know.
- 4) Judicial Decisions.

UNIT III: Ombudsman :

- 1) The concept.
- 2) Comparative perspectives
- 3) Evolving Indian models - Lokpal, Lokayukta Institutions.

UNIT IV: Fact Finding Commission and Inquiry :

- 1) Commission of Inquiry
- 2) Vigilance Commission
- 3) Investigation Agencies : the CBI
- 4) Inquiries by Legislative Committees.
- 5) Legislative Control
- 6) Financial Control - Comptroller and Auditor General
- 7) Judicial Inquiries.

UNIT V: Judicial Powers of Administration :

- 1) Need for devolution of Adjudicatory power on Administration.
- 2) Administrative Tribunals and other Adjudicatory Authorities - Growth, Evolution and present Status.
- 3) Nature and Character of Tribunals - CAT and SAT

UNIT VI: Public Undertaking and Corporation :

- 1) Reasons for Autonomous Bodies.
- 2) Government Control, Parliamentary Control, Judicial Control.

Books Suggested for Reading :

- 1) M.P. Jain and S.N. Jain - Principles of Administrative Law (1987)
- 2) D.D.Basu - Comparative Administrative Law (1969)
- 3) H.W.R. Wade - Administrative Law.
- 4) De'Smith - Judicial Review of Administrative Action.
- 5) D.D. Basu _ Administrative Law (1996)
- 6) M.P. Jain - Treaties in Administrative Law Vol. I (1996).

Internal Assessment : 20 marks.

Theory : 80 marks.

GROUP - C: INTELLECTUAL PROPERTY LAW

COURSE CODE - C05

Law Relating to Designs and Geographical Indications

**Part-A
(Industrial Designs)**

Unit-I: Historical Background.

- (a) Introduction
- (b) Industrial Designs before TRIPs
- (c) Industrial Designs after TRIPs
- (d) International Reciprocal Arrangement.
- (e) Legal framework for industrial designs in India

Unit-II: Registration, Infringement and Remedies

- (a) Registration of Designs.
- (b) Copyright in Registered Designs.
- (c) Refusal to Register a Designs.
- (d) Piracy of Registered Designs.
- (e) Remedies.
- (f) Power & Duties of Controller.

**Part-B
(Geographical Indications)**

Unit III: Historical Background

- (a) Introduction
- (b) International Evolution of Geographical Indication.
 - i. Indication of Source
 - ii. Appellations of Origin.
- (c) Paris Convention.
- (d) Madrid Agreement
- (e) Lisbon Agreement
- (f) NAFTA
- (g) TRIPs

Unit-IV: Registration, Infringement & Remedies

- (a) Registration of Geographical Indication
- (b) Effect of Registration
- (c) Infringement and Passing off of Geographical Indication.
- (d) Remedies & Procedure.

Suggested Reading

Narayanan P., Trademarks & Passing off, Eastern Law House, 6th edition, 2006. Gravis Daniel, The TRIPs Agreement: Drafting History and Analysis, 2nd edition, Sweet & Maxwell. Nair.R. Latha, Geographical Indications: A Search for Identity, Lexis Nexis, Butterworth, 2005

Guide to the International Registration of Industrial Designs under the Hague Agreement, WIPO.

R A Mashelkar "Intellectual Property Rights and the Third World". CSIR, New Delhi
Review of Debate in the inter-governmental Panel on Access to Genetic Resources, Baker, Cecil. Roger, Flow Measurement Handbook: Industrial Designs, Operating Principles, Performance, and Applications, 2000.

Intellectual Property Rights: Emerging Areas

Unit²1: Patentability of Microorganisms:

- Deposit of microorganisms
- Recognition and effect of the deposit
- Depositor
- Categories of inventions in Biotechnology
- Legal issues and concerns on patenting of microorganisms
- Position in India

Unit²II: Traditional Knowledge:

- Meaning of Traditional Knowledge
- Significance and Characteristics of Traditional Knowledge
- Economics of Traditional Knowledge
- Traditional Knowledge and Bio-diversity
- Indian Law on Traditional Knowledge
- Traditional Knowledge Protection and Promotion: Global and National Strategies

Unit-III: Instances of bio-piracy:

- (a) Patenting of Turmeric products
- (b) Neem controversy
- (c) Hoodia Cactus controversy
- (d) The case of Ayahuaska
- (e) Basmati Rice case
- (f) Other instances

Unit - IVs: Protection of New Varieties of Plants:

- Rights protected and Scope of Protection
- Period of Protection
- Position in U.S.A & U.K
- Position in India
- Protection of the Plant Varieties and Farmers' Rights Act 2001.

Suggested Readings:

Elizabeth Verkey, *Law of Patents*, Eastern Book Company, 2005

T. Ramappa, *Intellectual Property Rights under WTO: Tasks before India*, Wheeler Publishing, 2000

W R Cornish, *Intellectual Property: Patents, copyright, Trademarks and allied rights*, London : Sweet & Maxwell, 1996

Mitta, D.P., *Indian Patents Law & Procedure*, 1st edition (2002)

-Reddy, G.B., *Intellectual Property Rights and the Law*, Gogia Law Publications, Hyd.

Anil K.Gupta, 2002, *Traditional Knowledge, Benefit sharing and Folk lore protection*, WIPO,

GROUP - D: BUSINESS LAW

COURSE CODE - D05

International Trade Law

UNIT I: International Sale of Goods :

1. Special trade terms in export sales - Definitions, kinds, Differences between Rights and duties of buyers and sellers.
2. Standardization of terms in International Sales : Uniform Conditions of Export Sales - Role of UNCITRAL, International Chamber of Commerce Publications, Standard contract forms applied to specified international transactions .
3. Offer and acceptance .
4. Performance of contract.
5. Rights of unpaid seller
6. Countertrade.
7. Frustration of contract
8. Conflict of laws
9. Unification of the Law of International Sales.

UNIT II: Financing and Payment in International Trade.

1. Meaning, types and control of foreign investment
2. Bill of Exchange - Meaning
3. Letters of Credit - Characteristics and kinds.
4. Bank guarantees and other contract guarantees.

UNIT III: Transportation of Exports.

1. Carriage of Goods by Sea- Unimodal and Multimodal Transport, Contract of Carriage by Sea, Bills of Lading, Charterparty Liability of shipowner for loss or damage to goods.
2. Container transport - Course of business in container Transport, Legal problems of container transport.
3. Carriage of Goods by Air
4. Carriage of Goods by Land.

UNIT IV: Insurance of Exports -

Marine and Aviation Insurances.

UNIT V: Dispute Settlement

Non-judicial dispute settlement : Arbitration and Conciliation .

Suggested Readings:

1. Carr and Kidner - Statutes and Conventions on International Trade Law, 1993.
2. Jason Chuah - International Trade Law, Cavendish Publishing Ltd, London, 1995.
3. Motiwal and Awasthi International Trade, 1st edn, 1995. Bhowmik and co; New Delhi.
4. Clive M. Schmitthoff, Schmitthoff's, Export Trade, 8th Edn, 1986, Stevens and Sons, London.
5. Law of International Trade Transactions - ed. Rahmatullah Khan, Tripathi Pvt, Ltd, Bombay, 1973.
6. UNCITRAL Year Book, 1970-1995, United Nations, New York .
7. Dicey, Conflict of Laws.
8. Payne and Ivamy - Carriage of goods , 12th Edn., Butterworth.
9. B.C. Mitra - Law Relating to Bills of Lading and Charter party (Air , Land and Sea) 1998.
10. Avtar Singh Law of Carriage (Road , Rail , Air and Sea) 3rd Edn., Eastern Book Co.

Internal Assessment :20

Theory

:80

COURSE CODE - D06

International Economic Law

UNIT 1: Introduction:

- i) Meaning and Nature of International Economic Law .
- ii) Sources of International Economic Law.
- iii) Development and evolution of IEL in pre and post World war periods.
- iv) Changing Dimensions of International Economic Law .
- v) Doctrine of sovereignty over wealth and natural resources.

UNIT II: International Economic Agencies .

- i) International Monetary fund (IMF):*
 - a) Role and objectives, b) Structure, c) Resources, d) Special Drawing Rights.
 - e) Conditionality Clause,
- ii) International Bank for Reconstruction and Development (IBRD) :*
 - a) Role and objectives, b) Structure, c) Resources, d) Appraisal of Performance.

UNIT III: International Economic Institutions :

- i) United Nations and its specialised agencies - Functions and role played in development of International Economic Law.*
- ii) United Nations conference on trade and Development (UNCTAD) :*
 - a) Institutional framework, b) Objectives and functions, c) Role and achievements
- iii) United Nations Commission for International Trade Law (UNCITRAL):*
 - a) Structure and functions, b) Role and Achievements

UNIT IV: World Trade Organisation :

- a) Historical background, b) Objectives, c) Structure, function and jurisdiction.
- d) Principles, e) Dispute Settlement,
- f) Select agreements of WTO.on following topics:
 - i. Rules of origin, ii. Subsidiary on agriculture, iii. Anti Dumping,
 - iv. E ± commerce, v. Transfer of technology, vi. GATS
- g) Problem areas of WTO : i. Social clause, ii. Protection of environment

Suggested Readings:

1. Bandar Surendra, World Trade Organization and Developing Countries (1995) , Universal, Delhi.
2. Arun Goyal (ed.) WTO in the New Millenium (2000) , Academy of Business Studies, New Delhi
3. Jayanta Bagchi, World Trade Organization: An Indian Perspective (2000) Eastern Law House, Calcutta.
4. A. K. Kaul, - UNCED, Our Common Feature (1986) Oxford.
5. Legal Framework of UNCTAD in World Trade 1977, N.M. Tripathi, Bombay.
6. Report of Peoples Commission on GATT, 1996, Centre for Study of Global Trade System and Development, New Delhi.
7. GATT Accord and India - Edited by K.R. Gupta , Atlantic Publishers and Distributors.

JOURNALS / NEWSPAPERS.

1. Corporate Law Cases
2. Company Law Journal.
3. Annual Reports of World Bank
4. Political and Economic Weekly
5. Economic Times
6. Financial Times.

Internal Assessment : 20
Theory : 80

GROUP - E: ENVIRONMENT & LEGAL ORDER

COURSE CODE - E05

Biological Diversity and Legal Order

UNIT 1: Biodiversity and its necessity

1. Definitions
2. Meaning and Importance
3. Role of Flora and Fauna in maintaining Biodiversity
4. Threats to Biodiversity
5. Need for protection of Biodiversity
6. Biodiversity and Economic Valuation

UNIT II: Laws, Policies and Measures for Biodiversity:

1. Convention on Biological Diversity, 1992
2. The Biological Diversity Act, 2002
3. Protection of Plant Varieties and Farmers Right Act, 2001
(relevant portion only)
4. The Geographical Indications (Regulation and Protection) Act, 1999
(relevant portion only)

UNIT III: Biodiversity and Ethical Issues

1. Utilization of flora for Bio-Medical purposes
 - a) Cosmetic Plants
 - b) Medicinal Plants
2. Utilization of fauna/animals for Bio-Medical purposes
3. Genetic Mutation of Seeds
4. Experimentation on Animals
5. Genetically Modified Organisms
6. Genetic Engineering
7. Biodiversity and Intellectual Property Rights

UNIT IV: Biodiversity and Priority Sectors

Sanctuaries, Zoo and Parks, Biosphere Reserves, Protected Forest and Reserved Forests

Conservation of Biodiversity:

1. Role of NGO
2. Role of Indigenous People
3. Role of Media and Publications

Suggested Readings:

Arjun Prasad Nagore, Bibliological Diversity and International Environmental Law (1996) A.P.H. Publishing Corporation, New Delhi.
Project Large, Plant Variety Protection and Plant Biotechnology - Options for India (1999), Allied.
M.S. Swaminathan, Genetic Conservation: Microbes to Man, Presidential Address at XV International Congress of Genetics, New Delhi, India, December 12-21, 1983
Wild Genetic Resources, Earthscan Press Briefing Document No.33, Earthscan, London (1982).
K.L.Mehta and R.L. Arora, Plant Genetic Resources of India; their Diversity and Conservation (1982), National Bureau of Plant Genetic Resources, New Delhi.
P.N. Bhat et.al., Animal Genetic Resources in India (1981)
P.N. Bhat, "Conservation of Animal Genetic Resources in India, "Animal Genetic Resources, Conservation and Management FAO, Rome, (1981).

Internal Assessment :20 & Theory :80

Conservation of Resources and Management of Environment

UNIT 1: Natural Resources Management

1. Definition
2. Classification of Natural Resources
 - a) Inexhaustible
 - b) Exhaustible
3. Concept of Resource Conservation
4. Factors affecting resources
5. Conservation of Important Natural Resources
 - a) Methods of Forest Conservation
 - b) Methods of Soil Conservation
 - c) Methods of Water Conservation
 - d) Methods of Wildlife Conservation
6. Natural Resource Accounting and its Necessity

UNIT II: Environment Impact Assessment and Auditing

1. Definition, Nature and Importance
2. Guidelines of Environment Impact Assessment
3. Economic Assessment of Resources
4. Environmental Status Evaluation
5. Cost ± Benefit Analysis
6. Concept of Capacity Building

UNIT III: Environment and Emerging Concepts

Eco-Mark, Eco-Audit-a) Pre-Audit Activities, b) Post-Audit Activities
Benefits of Environmental Audits, Risk Assessment and Disaster Management Plan
Management System Certification: IS / ISO 14001: 1996

UNIT IV: Utilization of Renewable Energy Sources

Solar Energy, Hydro-Power Energy, Ocean Energy,
Geo-Thermal Energy, Bio-Energy

UNIT V: Environment and Future Perspectives

Development of Eco-Friendly Techniques, Public Participation and Decision Making
Globalization and its impact on Environment, Role of NGO in protection of Environment
Role of Media in protection of Environment

Suggested Readings:

Kailash Thakur, Environmental Protection: Law and Policy in India (1997), Deep & Deep Publications, New Delhi
WCED, Our Forest, Our Future (1999), Cambridge
Abraham C.M. Environmental Jurisprudence in India (1999), Cluwer.
Diwedi, India's Environmental Policies, Programmes and Stewardship (1999), Mc.Millan.
Leelakrishnan, P et. al. (eds.), Law and Environment (1990)
Leelakrishnan, P, The Environmental Law in India (1999), Butterworths - India
David Hughes, Environmental Law, (1999) Butterworths, London
A.R.Bam and P.N.Gantam, Natural Heritage of India (1989), R.K. Publishers, Delhi.
S.K.Jain and A.R.K.Sastry, Threatened Plants of India: A State of the Art Report (1980)
Armin Rozencranz, et.al. (eds.), Environmental Policy and Law in India (1988), Butterworths, India.

Internal Assessment :20 & Theory :80

GROUP -F

LABOUR, CAPITAL & LAW

COURSE CODE- F05

Agricultural Labour

UNIT I: Agricultural Labour Relations

- 1.1. Agricultural labourer - the concept
- 1.2. Early stages - the traditional ties between the landlord and the workers
 - 1.2.1. Non-exploitative fair relation with the feudal hegemony - share in products as wages, wages in kind, benefits in addition to wages, participation in festive occasion grievance redressal at landlord's residence
- 1.3. Exploitation of labour by the landlord
 - 1.3.1. Longer hours of work and lower wages: statutory regulation
 - 1.3.2. Bonded labour
 - 1.3.3. Indebtedness
- 1.4. Migrant agricultural labour

UNIT II: Trade Unionism and Collective Bargaining among Agricultural Labour

- 2.1. Unorganised nature ; 2.2. Seasonal character 2.3. Political movements
- 2.4. State, regional and macro-regional disparities in collective bargaining, organization and remuneration

UNIT III: Industrial "Hour Norms" in the Agricultural Labour Area

- 3.1. Problems: multi-employer - employment situation
- 3.2. Workmen's compensation
- 3.3. Minimum wages

UNIT IV: Labour Welfare

- 4.1. Need for state initiative and support
- 4.2. Assessment of existing measures: statutory and non-statutory
- 4.3. Agrarian reform as agricultural labour protection measure - land to the tiller doctrine
- 4.4. Environmental impact of distribution of forest land among agricultural labourers
- 4.5. Futuristic perspectives

UNIT V: Dispute Settlement Mechanism

- 5.1. Practices: settlements 5.2. Statutory measures: conciliation, adjudication
- 5.3. Comparative study of state practices and laws

Suggested Readings:

- V.V. Giri, Labour Problems in Indian Industry (1972)
R.R. Singh, Labour Economics (1971)
ILO, Conventions and Recommendations.
Reports of 1st and 2nd National Commissions on Labour (relevant portions)
State legislation and other welfare schemes relating to agricultural labour.
Abdul Aziz, "Unionizing Agricultural Labourers in India . A Strategy", 13 Indian Journal of industrial Relations 307 (1977)
Kalpana Bardhan, "Rural employment Wages and Labour Market in India: A Survey of. Research 12 Economic and Political Weekly 1 June 25, 1977, 11 July 2, 1977 and 11 July 9, (1977)
Government of India, Agricultural Labour Enquiry (1954).
Government of India, Report on the Second Agricultural Labour Enquiry (1958).
Government of India, Report on III Agricultural Labour Enquiry
Bardhan & Rudra "Types of Labour Attachment in Agriculture", 15 Economic and Political Weekly August 30, 1980
Report of the National Commission on Rural Labour (1991) New Delhi, Govt. of India, Ministry of labour; See especially Volume 11, Part 11 for the Study Group Report.

Internal Assessment: 20 Marks & Theory: 80 Marks

COURSE CODE- F06

SOCIAL SECURITY LEGISLATION

UNIT I: Introduction:

1. Meaning and Concept of Social Security.
2. Modality: Social prescription, Social assistance and Social insurance.
3. Distinction with Labour Welfare.

UNIT II: Constitutional Perspectives:

1. Fundamental Rights: Realization of the rights through meaningful social security measures :right to life , the wider dimensions.
2. Right to adequate means of livelihood, free legal aid, public assistance in cases of unemployment, old age, sickness and disablement, maternity relief benefits
3. Directive Principles of State Policy.

UNIT III: Origin and Development/ Comparative Perspectives of Social Security:

1. The United Kingdom.
2. The United States.
3. International Norms of Social Security-ILO & Human Rights Perspectives.

UNIT IV: The Workmen's Coomensation Act-1923:

1. Employer's liability for compensation.
2. Types of Injuries covered.
3. Workmen-who can claim compensation.
4. Amount of compensation in case of various injuries.
5. Payment of Compensation.
6. Commissioner for Workmen's Compensation - his duties, powers and procedures.

UNIT V: Employees State Insurance Act 1948:

1. Authorities under the Act -their powers and function.
2. Employees State Insurance Fund-Contributions to the fund by the Employer and Employees, Grant by Central and State Government.
3. Purposes for which the fund may be expended.
4. Benefits available, conditions under which available, persons entitled.
5. Corporation's right to recover damages or other amounts from employer, or to be indemnified in certain cases.
6. Adjudication of disputes and claims.

VI). The Maternity Benefit Act 1961:

Applicability, .Nature of benefits and privileges available under the Act
Procedure fir claiming payment, Inspectors ± their powers and functions, Penalties.

Books Suggested For Reading:

1. Dr.Vivek Bhattacharya- Social Security Measures in India.
2. Bakshi and Mitra- :Workmen's Compensation Act and other Social Insurance Legislation.
3. K.D. Shrivastava- Commentaries on Employees State Insurance Act.
4. Larson- : Workmen's Compensation Law
5. Dr. C. B. Mamoria- Principles of Social Security.
6. V.R. Bhattacharya, Some Aspects of Social Security Measures in India(1970).
7. S.C.Shrivastava, Social Security and Labour Laws (1985).
8. R.N. Choudhary, Commentary on the Workmen's Compensation Act 1923 (2000), Orient.
9. Harry Calvert, Social Security Laws (1978).

Internal Assessment : 20 marks.
Theory : 80 marks.

GROUP-G

CRIMINAL LAW

COURSE CODE-G05

**ORGANISED CRIME, TERRORISM AND INTERNATIONAL CRIME:
NEW CHALLENGES**

UNIT I: Organized Crime

- 1) Definition and Scope
- 2) Characteristics of organized crime
- 3) Types of organized crime
- 4) Causes of organized crime

UNIT II: Classification of Organized Crimes

A) *International Perspective*

Transnational organized crime, Illicit Firearms trafficking, Drug trafficking
Money laundering scams and frauds

B) *Indian Perspective*

Smuggling, Money Laundering and Hawala, Terrorism, Counterfeiting of Currency
Drug trafficking: NDPS Act penal provisions, Cyber Crimes and penal provisions in
IT Act, 2000 (Sec.65, 66 & 67), Trafficking of women and children, Trafficking of
Human Organs (penal provisions)

UNIT III: Profiles of Criminal Gang / Investigation and Prosecution

- 1) Criminal Intent and mensrea in such crimes
- 2) Modus operandi of organized crime
- 3) Role of Police in Investigation of organized crime
- 4) Role of Judiciary, Trial and Sentencing in organized crime

UNIT IV: Legislative Provisions in India

- 1) Maharashtra Control of Organized Crime Act, 1999
- 2) Relevant Provisions under IPC and Indian Evidence Act
- 3) Prevention, control and correctional strategies

UNIT V: Laws relating to Transnational Organised Crime

Organised crime and United Nations, Naples Declaration and Global Action Plan 24 Dec.
1994 (Salient features), United Nations Conventions Against Organized Crime 15th Dec.
2000 (Salient features), Extradition Treaty: Extradition Act 1962 (Relevant Provisions)

UNIT VI: International Crimes

Emerging Crimes of International Nature, Objectives of International Criminal Law
Salient features of International Criminal Court.

Suggested Readings:

Bare Acts

1. Narcotic Drugs and Psychotropic Substances Amendment (Act) 2001
2. Immoral Traffic (Prevention) Act, 1956
3. Maharashtra Control of Organised Crimes Act 1999
4. Naples Declaration and Global Action Plan, 1994
5. Extradition Treaty & Extradition Act, 1962

Books:

1. Mathur K.M., Crime, Human Rights and National Securities, Gian Publishing House, New Delhi -02
2. Nadan Kamat, Computer and Information Technology Law
3. Attra Chand, Terrorism Political Violence Security of Nation, Gian Publishing House, New Delhi -02.
4. William A Schabas, International Criminal Court, 1st Edition 2001, Cambridge University Press.

Internal Assessment : 20 marks & Theory : 80 marks.

COURSE CODE-G06

Juvenile delinquency

UNIT I: The Basic Concepts

- 1.1. The conception of 'child' in Indian Constitution and Penal Code.
- 1.2. Delinquent juvenile
- 1.3. "Neglected" juvenile
- 1.4. The overall situation of children/young persons in India, also with reference to crime statistics (of crimes by and against children)

UNIT II: Determining Factors of Juvenile Delinquency

- 2.1. Differential association
- 2.2. Anomie
- 2.3. Economic pressure
- 2.4. Peer group influence
- 2.5. Gang sub-culture
- 2.6. Class differentials

UNIT III: Legislative Approaches

- 3.1. Legislative approaches during the late colonial era.
- 3.2. Children's Act
- 3.3. Legislative position in various States
- 3.4. The Juvenile Justice Act
 - 3.4.1. Constitutional aspects.
 - 3.4.2. Distinction between "Neglected" and "delinquent" juveniles.
 - 3.4.3. Competent authorities
 - 3.4.4. Procedural safeguards for juveniles
 - 3.4.5. . Institutions, bodies, personnel
 - 3.4.6. Powers given to government
 - 3.4.7. Community participation as envisaged under the Act

UNIT IV: Judicial Contribution

- 4.1. Social action litigation concerning juvenile justice
- 4.2. Salient judicial decisions
- 4.3. Role of legal profession in juvenile justice system.

UNIT V: Preventive Strategies

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

Suggested Readings:

- National institute of Social Defence, Model Rules under the Juvenile Justice Act, 1986, (1986)
- K.S. Shukla, Adolescent Offender (1985)
- United Nations, Beijing Rules on Treatment of Young Offenders (1985)
- Myron Weiner, The Child and State in India (1990)
- The United Nations Declaration on the Rights of Children
- UNICEF periodic materials

Internal Assessment : 20 marks & Theory : 80 marks