



PONDICHERY UNIVERSITY

PUDUCHERRY

LL.M. REGULATIONS

2008 – 09 ONWARDS

Eligibility for admission:

A candidate who has passed the LL. B. Degree examination of the Pondicherry University or an examination of any other university accepted by this university as equivalent thereto and has secured not less than 45 % of marks in aggregate in all the 3 years / 5years of the LL. B. Degree course together shall be eligible for admission to the LL.M. Degree course of the University Department or in an affiliated college of this University.

OR a candidate holding LL. B. Degree securing 40% of the marks in the aggregate with 50 % of the marks in any one of the papers may also be admitted to the corresponding branch of specialization of the LL.M. Degree course.

Admission procedure:

The admission to the above course shall be made by following the other admission related procedures as prescribed by the Bar Council, GOI and the Government of Puducherry from time to time.

Reservation:

The rule of reservation set in force by the Government of India and Puducherry shall be followed while allocation of seats during admissions.

Examination:

- (a).The course of LL.M. Degree shall be of two year duration comprising of four semesters internal assessment marks. Candidate admitted into the LL.M. Degree programme shall register himself with this University or an affiliated College prior to the commencement of the course in the beginning of the academic year after paying the prescribed fee. Mere admission to this programme will provide a candidate the LL.M. degree unless he or she successfully completes all the four semester examinations, as stipulated by the University Authorities.

(b) The University examination will be conducted at the end of each semester and a student will be permitted to appear for the said examinations only if he/ she satisfies the following:

(i) He/she secures not less than 75% of attendance arrived at by taking into account all the total number of periods engaged in each and every paper of the semester, which is to be accounted by the institution concerned and certified by the Head of the department/institution.

(ii) He/she earns a progress certificate from the head of the institution for having satisfactorily completed the course of study in all subjects of the semester concerned.

(iii) His/ her conduct is found to be satisfactory as certified by the head of the institution.

(c). Passing minimum shall be 50 out of 100 marks in each paper. The Dissertation carries 200 marks of which 50 is earmarked for the viva voce. The passing minimum for the dissertation is 75 out of 150 marks and the overall passing minimum (both evaluation of dissertation and viva) is 100 out of 200 marks. Viva voce is mandatory but there is no passing minimum for the viva. Where any student fails to attend the said viva, he shall be treated as absent for the said paper (dissertation) and he should be required to under go the same as and when it becomes due subsequently.

However, where a student who is not declared successful in the whole examination of a semester but obtains not less than 50 % in any paper of the concerned semester examination, he will be exempted from re-examination in the said paper.

(d). Candidates who secure 60% and above in the aggregate and passes all the papers within the duration of the course i.e. two years of joining the course shall be placed in the First Class and all others who just pass the whole examination shall be placed in the Second Class. .

(e). Candidates who join the regular stream of two year LL. M. Degree course should pass all the papers prescribed for the course within a period of four years from the academic year in which a student joins the first year of the LL. M. Course.

LL.M. degree programme is offered with the following subjects of specialization and the minimum intake of the students shall be atleast ten in each of these subjects. However, the intake allotment to an institution conducting these courses

Branch – I Labour Law and Administrative Law

Branch – II Criminal Law and Criminology

Branch – III International Law, Constitutional Law and Human Rights

Branch – IV Business Law

LL.M. COURSE STRUCTURE

FIRST YEAR

FIRST SEMESTER

Paper	Name of the Course
Paper – I	Law and Social Transformation in India
Paper – II	Indian Constitutional Law-I (<i>Part III, IV & IV-A</i>)
Paper – III	Jurisprudence
Paper – IV	Environmental Law

SECOND SEMESTER

Paper	Name of the Course
Paper – V	Judicial Process and Social Change
Paper – VI	Indian Constitutional Law-I (<i>other than Part III, IV & IV-A</i>)
Paper – VII	Legal Education and Research Methodology
Paper – VIII	Informational Technology Law

SECOND YEAR

BRANCH –I INDUSTRIAL RELATIONS, LABOUR AND ADMINISTRATIVE LAW

: THIRD SEMESTER		FOURTH SEMESTER	
Paper	Name of the Course	Paper	Name of the Course
Paper – IX	Administrative Law – I	Paper – XII	Law Relating to Labour Management Relations
Paper – X	Social Security Law	Paper – XIII	Administrative Law – II
Paper – XI	Law on Wages and other Monetary Benefits	Paper – XIV	Dissertation

BRANCH –II CRIMINAL LAW

: THIRD SEMESTER		FOURTH SEMESTER	
Paper	Name of the Course	Paper	Name of the Course
Paper – IX	Criminology & Penology	Paper – XII	Comparative Criminal Procedure
Paper – X	Law on Juvenile Delinquency & Collective Violence	Paper – XIII	Privileged Class Deviance and International Crimes
Paper – XI	Law on Drug Addiction & Criminal Justice System & Human Rights	Paper – XIV	Dissertation

BRANCH –III INTERNATIONAL LAW

: THIRD SEMESTER		FOURTH SEMESTER	
Paper	Name of the Course	Paper	Name of the Course
Paper – IX	International Relations & Law of Treaties	Paper – XII	Air & Space Law
Paper – X	International Human Rights Law	Paper – XIII	Private International Law
Paper – XI	International Economics Law	Paper – XIV	Dissertation

BRANCH –IV BUSINESS LAW

: THIRD SEMESTER		FOURTH SEMESTER	
Paper	Name of the Course	Paper	Name of the Course
Paper – IX	Corporate Law – I	Paper – XII	Business Transaction & Economic Legislations
Paper – X	International Trade Law	Paper – XIII	Law on Alternate Dispute Resolution System
Paper – XI	Intellectual Proper Law	Paper – XIV	Dissertation

Semester -I:

PAPER – I LAW AND SOCIAL TRANSFORMATION IN INDIA

Unit-1:

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

Unit-2:

Community and the law- Caste as a 'divisive factor' - Non-discrimination on the ground of caste - Caste as a factor to undo past injustices - Protective discrimination - Reservation - Constitutional provisions.

Unit-3:

Regionalism and the law - Regionalism as a 'divisive factor' - Concept of India as one unit - Right of movement, residence and business - Equality in matters of employment - Admission to educational institutions and preference to residents of a State.

Unit-4:

Women, child and the law - Crimes against women - Gender injustice and its forms - Empowerment of women - Constitutional and legal provisions - Child labour - Protection against exploitation - Right to education.

Unit-5:

Modernisation and the law - Modernisation as a value - Constitutional perspectives reflected in the fundamental duties - Reform of family law - Industrial reform - Free enterprise vs. state regulation - Industrialisation vs. environmental protection - Reform of court processes - Criminal law - Plea bargaining, compounding and payment of compensation to victims- Civil law - Concept of ADR - Mediation, conciliation and lok adalats.

Select Bibliography:

1. Marc Galanter (ed.) - Law and society in Modern India (1957), Oxford.
2. Robert Lingat - The Classical Law of India (1998), Oxford.
3. U. Baxi - The Crisis of the Indian Legal System (1982), Vikas, New Delhi.
4. U. Baxi (ed.) - Law and Poverty: Critical Essays (1988), Tripathi, Bombay.
5. H. M. Seervai - Constitutionals Law of India (1996), Tripathi.
6. D. D. Basu - Shorter Constitution of India (1996), Printice Hall of India (P) Ltd.,
7. Indian Law Institute - Law and Social Change: Indo - American Reflections, Tripathi.

Semester-1

PAPER – II: INDIAN CONSTITUTIONAL LAW –I (Parts III, IV and IVA)

Unit-I:

Objectives of Part III, IV & IVA- Historical genesis – Preamble to the Constitution – Concept of State – Art.13- Waiver of Fundamental Rights – Exceptions to Art. 13: Articles 31-A, 31- B, 31-C, 33 to 35

Unit-II:

Concept of 'Equality', Test of reasonable classification – Protection against arbitrariness prohibition of discrimination on certain grounds – Equality of opportunity in Public Employment - Protective Discrimination – Methods and Limitations – Prohibition of 'Untouchability'.

Unit-III:

Freedoms: Freedom of Speech & Expression – Freedom of Association or unions – Freedom of Movement and Freedom to Practice any profession or to carry on any occupation – trade or business – Reasonable restrictions – Protection in respect of conviction for offences (Art. 20)

Unit-IV:

Right to Life and Personal Liberty: Protection against arrest & detention – Right against exploitation – Prohibition of Traffic in Human beings and forced labour – Right to freedom of Religion.

Unit-V:

Minority's Right to establish and administer educational institutions – Directive Principles of State policy: Nature and Scope, Social Security provisions, Community welfare provisions – Inter-relationship between Directive Principles and Fundamental Rights – Fundamental Duties. Art. 300-A Right to Property.

Books for Study:

1. H.M. Seervai – Constitutional Law of India – Vol. I and II.
2. D.D.Basu – Commentaries on Constitutional Law of India. Vols. A to E
3. D.D. Basu – Human Rights and Fundamental Rights.
4. Subhash C. Jain – The Constitution of India, Taxmann, 2000.
5. Kagzi – Constitution of India.
6. V.N. Shukla – Constitution of India.
7. T.K. Tope, Constitutional Law of India
8. M. Hidayatullah, (Ed.) Constitution of India

Semester-I

PAPER – III: JURISPRUDENCE

Unit I:

Analytical Views of Law:- Austinian Theory of Law, Criticisms of Command Theory; Pure Theory of Law, Criticisms of Pure Theory, Implications of the Theory; Historical School of Law; Savigny's View of Law; Theory of Volksgeist, Criticisms of Volksgeist. Henry Maine's view on the development of Law.

Unit II:

Natural Law Theory: Thomas Aquinas Theory on Law, Natural Law and Social Contract-Thomas Hobbes, John Locke and Rousseau, HLA Hart, John Rawls, - American Realism: Frank's rule-skeptics and 'fact skeptics'. Llewellyn's Concept of Law.

Unit III:

Sociological School of Law: Theory of Social Engineering (Roscoe Pound) Criticisms on Social Engineering Theory. Marxian School of law

Concept of Person - Kinds of Legal Persons, Theories of Corporate Personality – Fiction Theory, Realistic Theory, Concession Theory, and Purpose Theory.

Unit IV:

Property-Concept of Property; Kinds of property, Corporeal property, Incorporeal property: Theories of property – Natural Law Theory, Metaphysical theory, Historical theory and Sociological Theory.

Vicarious Liability- Master and Servants Relationship- Legal representatives and dead man's relationship.

Unit V:

Strict liability- Absolute liability, Mistake of Law, Mistake of Fact and accidents, Mens rea (guilty mind), Exceptions to mens rea. Negligence – Theories of Negligence.

Books for study:

Julius Stone – The Province and Function of Law,

RWM Dias – Jurisprudence

Salmond – Jurisprudence

Julius Stone – Social Dimensions of Law,

Bodenheimer – Jurisprudence

Julius Stone – Lawyers Law & Lawyers Reasoning

Lloyd- Introduction to Jurisprudence (latest edition)

Roscoe Pound- Jurisprudence- Vol. 1 to 5

Roscoe Pound- Introduction to the Philosophy of Law

Kelson – The Pure Theory of Law,

D' Entreaves – Natural Law,

Summers- Essays on Law,

Maine – Ancient Law

Semester-I

Paper – IV Environmental Law

Unit-I:

Concept of 'Environment': National and International Perspective- Evolution of Environmental Law – Approaches toward Environmental protection like Trust Theory, Common property, Inter-generation equity – polluters Pay Principle – Importance of Agenda 21 – Sustainable development – Constitutional dimensions of Environmental protection.

Unit-II:

Conservation, Protection and Use of 'Land' water and other natural resources – Specific Eco systems – Forests, Wild life and wet lands – Concept of pollution: Forms of pollution; Air, Water, Noise.

Unit-III

Waste Management Law: National and International concern – Specific Legal Regime – Air Act, Water Act and Environmental Protection Act – Common Law and Criminal Law and Constitutional Remedies.

Unit-IV:

Pollution Control Boards: Its powers and functions under Water Act – Role of Central Government under Environmental Protection Act, 1986, Public Hearing.

Unit-V:

The conflict of interests – Industrial accidents, Mega projects and their impact – Environmental Impact Assessment – Environmental Audit – Coastal Zone Management.

Books for Study:

1. Simon Ball And Stuart Bell - Environmental Law
2. Garner's- Environmental Law (Butterworth's Publication).
3. Commercial Environmental Law and Liability (Longman's Publication).
4. Salter, Corporate Environmental Responsibility – Law and practice (Butterworth's Publication)
5. Hughes - Environmental Law (Butterworth's Publication)
6. Bernie and Bayle – International and the Environment (Oxford).
7. Shyam Divan and Armin Rosencranz - Environmental Law and policy in India.
8. Lal – Commentaries on Water, Air pollution and Environment (protection Laws).
Chaturvedi & Chaturvedi – Law on protection of Environment and prevention of pollution.

PAPER – V JUDICIAL PROCESS AND SOCIAL CHANGE

Unit-1;

Nature of judicial process - Judicial process as an instrument of social ordering - Tools and techniques of judicial creativity and precedent.

Unit-2;

Special dimensions of judicial process in constitutional adjudications - Notions of judicial review - 'Role' in constitutional adjudication - Various theories of judicial role - Tools and techniques in policy-making and creativity in constitutional adjudication - Varieties of judicial and juristic activism - Problems of accountability and judicial law-making.

Unit-3:

Judicial process in India— Indian debate on the role of judges and on the notion of judicial review - The 'independence' of judiciary and the 'political' nature of judicial process - Judicial activism and creativity of the Supreme Court - Tools and techniques of creativity - Judicial process in pursuit of constitutional goals and values.

Unit-4:

New dimensions of judicial activism and structural challenges - Institutional liability of courts and judicial activism - Scope and limits – Social Change.

Unit-5:

Relation between law and justice - Theories - Equivalence theories - Dependence theories - Independence of justice theories.

Select Bibliography:

1. Julius Stone - The Province and Function of Law (2000), Universal, New Delhi.
2. Cardozo - The Nature of Judicial Process (1995), Universal, New Delhi.
3. Henry J. Abraham - The Judicial Process (1998), Oxford.
4. Julius Stone - Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworth.
5. W. Friedmann - Legal Theory (1960), Stevens, London.
6. U. Baxi - The Indian Supreme Court and Politics (1980), Eastern, Lucknow.

Semester-II

PAPER – VI : INDIAN CONSTITUTIONAL LAW - II (Other than Parts III, IV & IVA)

Unit- I :

Concept and objectives of Federalism in India- Territorial Organization of states – Distribution of Legislative Powers between the Union and State- Union and State Legislature – Composition- Legislative Power of the President and Governor – Powers, Privileges and immunities of the Members of Legislature.

Unit-II:

Executive Power of the Union and State – Cabinet Government – Appointment of Prime Minister and Chief Minister. Composition of Council of Ministers – Concept of aid and advice – Collective and Individual Responsibility – Anti-defection law.

Unit-III:

Union Judiciary- Appointment of Judges – Jurisdiction of the supreme Court – Original, Appellate and Advisory - Independence of the Judiciary – High Courts in States – Appointment of Judges – Transfer of judges,- Judicial review .

Unit- IV :

Administrative Relations between Union and states- Ensuring of Constitutional governance-proclamation of Emergency – Safeguards against abuse of emergency power-President's Rule in States.

Power of the President to grant pardons and to suspend, remit or commute sentences- Speaker – Powers of the Speaker-Full faith and credit clause-Constitutional Conventions.

Unit- V:

Financial Relations – Distribution of revenue between the Union and States- Finance Commission, Power of borrowing – Inter- State Trade, Commerce and Intercourse, Public Service – Commissions – Election Commission, Inter- State Water Dispute – Working of Inter – State Council.

Books for Study:

1. E.S.Venkataramaiah – Federalism Comparative Study.
2. K.C.Wheare – Federal Government.
3. Sarkaria Commission Report.
4. H.M.Seervai – Constitutional Law of India.
5. D.D. Basu – Comparative Federalism
6. M.P.Jain – Constitutional Law of India
7. M.C.J Kagzi- Constitutional Law of India
8. V.N.Shukla- Constitutional Law of India (ed. By M.P. Singh)

Semester-II

PAPER – VII LEGAL EDUCATION AND RESEARCH METHODOLOGY

Unit-1: Objects of legal education and methods of teaching - Lecture method of teaching - Merits and demerits - The problem method - The seminar method of teaching - Clinical legal education - Legal aid, legal literacy, legal survey and law reform.

Unit-1: Research methods - Socio legal research, doctrinal and non-doctrinal - Relevance of empirical research - Induction and deduction.

Unit-3: Identification of problem of research - What is research problem - Survey of available literature and bibliographical research Legislative materials including subordinate legislation, notification and statements - Juristic writings - A survey of juristic literature relevant to select problem.

Unit-4: Preparation of the research design - Formulation of research problem - Devising tools and techniques for collection of data - Methodology - Methods for the collection of statutory and case materials and juristic literature - Use of historical and comparative research materials - Use of observation studies - Use of questionnaires/ interview - Use of case studies - Sampling procedures - Design of sample, types of sampling to be adopted - Use of scaling techniques.

Unit-5: Classification and of tabulation of data - Rules for tabulation - Explanation of tabulated data - Analysis of data - Preparation of research report.

Select Bibliography:

1. High Brayal, Nigel Duncan and Richard Crimes - Clinical Legal Education: Active Learning in Your Law School (1998) Blackstone Press Limited, London
2. S. K. Agarwal (ed.) - Legal Education in India (1973) Tripathy, Bombay
3. N. R. Madhava Menon (ed.) - A Handbook of Clinical Legal Education (1998) Eastern Book company, Lucknow
4. M. O. Price, H. Bitner & Byslewicz - Effective Legal Research (1978)
5. Pauline V. Young - Scientific Social Survey and Research (1962)
6. William J. Grade & Paul K. Hatt - Methods in Social Research McGraw – Hill Book Company, London
7. Morris L. Cohan - Legal Research in Nutshell (1996) West Publishing Co.

Semester-II

Paper – VIII – INFORMATION TECHNOLOGY LAW

Unit-1: Scope and significance - Information technology - International endeavours - India scenario.

Unit-2: Definitions - Cyber space, cyber squatting, Cyber piracy, Database, Domain name, Digital signatures, Digital security, E-governance, Encryption, Internet, Online privacy, Online dispute resolution, World Wide Web.

Unit-3: Information Technology Act, 2000 - Object and scope - Prospects, problems and drawbacks of the IT Act - Jurisdictional perspectives and challenges - Adjudication and dispute resolution - Authorities under the Act - Liabilities under the Act.

Unit-4: E - Governance - Electronic records - Electronic signatures, Legal recognition, use – E – Commerce and contract through internet - Validity, scope, process and effect.

Unit-5: Cyber law and intellectual property - Cyber crimes - Nature, kinds, trends and challenges, legal regulations.

Statutory Materials:

1. Information Technology Act, 2000
2. Information Technology (Certifying Authorities) Rules
3. The Cyber Regulations Appellate Tribunal (Procedure) Rules
4. Relevant provisions of IPC, IEA & Cr. P.C
5. Communications Convergence Bill

Select Bibliography:

1. J. Singh Yatindra - Cyber Law
2. S. K. Verma - Legal Dimension of Cyber Space
3. T. V. R. Satyaprasad - Law relating to Information Technology
4. Dugal Pavan - Cyber Law: Indian Perspective
5. Kamath Nandan - A Guide to Cyber Law
6. Matham Raghul - Law relating to Computers and Internet
7. Ferrera & Lichtenstein - Cyber Law

Semester-III

BRANCH –I INDUSTRIAL RELATIONS, LABOUR AND ADMINISTRATIVE LAW

(Br-I)PAPER – IX: ADMINISTRATIVE LAW - I

1. Administrative process - Nature and meaning - Changing dimensions of rule of law - Separation of powers - From rigidity to flexibility - Delegated legislation - Problems, process and control - Administrative discretion.
2. Liability of state - Tortious liability - Sovereign immunity - Commercial and non - commercial function - Contractual liability - Personal accountability and compensatory jurisprudence vis- a - vis right to life.
3. Privilege against disclosure - Right to information - Official secrecy - Executive privilege - Security of state and control on information - Judicial review.
4. Promissory estoppels - Legitimate expectation - Constitutional dimensions of promissory estoppels.
5. Ombudsman - The concept - Evolving Indian models - Lokpal and Lokayukta institutions - Commission of inquiry - Vigilance Commission - Inquiries by Legislative Committees - Judicial inquiries.

Select Bibliography:

1. Friedman - The State and the Rule of Law in a Mixed Economy
2. Dicey - Introduction to the Law of the constitution
3. Davis - Discretionary Justice
4. Jain & Jain - Principles of Administrative Law
5. De Smith - Judicial Review of Administrative Action (1995)
6. Donald C. Rowal - The Ombudsman (1966)

(Br-I) PAPER-X : SOCIAL SECURITY LAW

1. Meaning - Significance of social security - Modality - Social prescription, social assistance and social insurance - Origin and development of social security schemes in Western countries and India.
2. International standards on social security for labour - ILO Conventions and Recommendations on social security.
3. Constitutional perspectives - Fundamental rights - Realisation of the rights through meaningful social security measures - Article 21 of the Constitution and minimum standards of social security.
4. Social security legislations in India - Workmen's Compensation Act of 1923, Employees' State Insurance Act of 1948, Employees' Provident Fund Act of 1952, Payment of Gratuity Act of 1972 and Maternity Benefit Act of 1961 - Comparison of minimum standards of ILO and the standards envisaged in the Indian legislations.
5. Social Security - Law and practices in comparative perspectives - The United Kingdom and the United States.

Select Bibliography:

1. R. N. Choudhry - Commentary on the Workmen's Compensation Act 1923 (2000)
2. S. C. Srivastava - Social Security and Labour Laws (1985)
3. R.W. Rideout - Principles of Labour Law (1988) [Chapters 12 & 13]
4. H. K. Saharay - Industrial and Labour Laws of India (1987) [Chapters 7& 8]
5. Munkman - Employers' Liability (1985) [Chapters 1, 2, 3, 22 and 23]
6. Harry Calvert - Social Security Laws (1978)
7. Reports of the First and Second National Commission on Labour [Relevant chapters]
8. V. R. Bhattacharya - Some Aspects of social Security Measures in India (1970)

(Br-I) PAPER – XI: LAW ON WAGES AND OTHER MONETARY BENEFITS

1. Concept of wage - Theories of wages - Kinds of wages - constitutional perspectives on wages - Denial of minimum of wage and protection against exploitation under Article 23 of the Constitution - Related constitutional ideals - Right to work, right to living wage and pay parity.
2. Role of ILO: Conventions and Recommendations relating to wages.
3. Minimum wage law in India - Minimum wage protection and responsibility of State - State as legal sovereign and as employer - Fixation and revision of minimum wage and enforcement of the same - Procedure for fixation and revision of minimum wage - Payment of wages - Delay and deduction - Statutory regulation.
4. Concept of bonus - Theories of bonus - Computation of bonus - Disqualification - Set off and set on.
5. Wage differentials - Problems and perspectives - National wage policy - Myth or reality.

Select Bibliography:

1. G. L. Khothari - Wages, Dearness allowance and Bonus (1968)
2. V. V. Giri - Labour Problems in Indian Industry (1972)
3. Report of First and Second National Commission on Labour
4. International Labour Office - Wages (1968)
5. International Labour Office - Wage Fixing (1981)
6. International Labour Office - Minimum Wage Fixing (1981)
7. J. N. Malik - The Payment of Wages Act
8. D. S. Chopra - Payment of Bonus Act
9. Menon - Foundations of Wage Policy

(Br-I) PAPER – XII : LAW RELATING TO LABOUR MANAGEMENT RELATIONS

Unit-1: Labour Welfare -Introduction, History, Definition. Scope, objectives, Principles, Theories & Limitations. Role, Qualifications, Functions, Duties of Labour Welfare Officer & Difference between Personnel Manager & Welfare Officer. Inter-relationship of Welfare with Productivity. Workers Participation in Management, Role of WPM in Labour Welfare & Industrial Hygiene. Workers Education Scheme, its relationship with Labour Welfare & Industrial Hygiene.

Unit-2: Statutory Welfare Amenities. Government approaches & practices in Labour Welfare (Welfare & Health) with reference: to The Factories Act-1948, Plantation Labour Act- .1951. The Mines Act-1952, The Motor Transport Act. Non-Statutory Welfare Amenities- Role of Trade Union, NGO's& Local Govt.

Unit-3: ILO & ILC Introduction. History, Scope & Objectives, Structure of Organisations, Functions, Provisions 10 Women & Children and Limitations. Corporate Social responsibility, Ethics and Welfare, Industrial Social Workers Welfare Board -The Bombay Labour Welfare Fund Act - · 1953.

Unit-4: Industrial Disputes Act, 1947. Definition of Industry, Workman and Industrial Dispute – Authorities under the Act – Procedure, Powers and Duties of Authorities – Strikes and Lock outs – Lay off and Retrenchment – Special Provision relating to Layoff Retrenchment and Closure. The Industrial Employment (Standing Orders) Act, 1946.

Unit-5: Machinery for solving industrial disputes under Industrial Disputes Act, 1947. Role of Judiciary & its impact on industrial relations. Collective bargaining – meaning, characteristics, need, importance, process, causes for failure of collective bargaining, Alternatives to collective bargaining, Importance of employee stock option plans. Workers participation in management – concept, pre-requisites, forms & levels of participation, benefit of workers Participation in Management. Grievance handling procedure – labour management Co-operation_role of functional manager including personnel & industrial relations manager in promoting & establishing peaceful industrial relations.

Books Recommended

1. Industrial Law – P. L. Malik
2. Industrial Law – J. K. Bareja
3. Labour laws for Managers – B.D. Singh
4. Industrial & Labour Laws – S. P. Jain
5. Labour welfare, Trade unionism & Industrial relations - S..D. Punekar
6. Aspects of Labour Welfare & Social Security - A. M. Sarma
7. Labour Problems & Social welfare - R.C. Saxena
8. Economics of Labour & Worker's Participation in Mgmt. - T. N.
9. Bhagoliwal
10. labour Economics and Social welfare - Dr. B.P.Tyagi

Reference books :

1. Dynamic Personnel Administration – Prof. M. N. Rudrabasavraj.
2. Personnel Management and Industrial relations – P. C. Shejwalkar and S. B. Malegaonkar
3. Labour Management relations in India – K.M. Subramanian
4. Trade Unionism Myth and Reality, New Delhi, Oxford University Press, 1982

(Br-I)PAPER – XIII : ADMINISTRATIVE LAW - II

1. Concept of judicial review in common law countries and French system - Judicial review in India - Jurisdiction of Supreme Court and High Court.
2. Grounds of review - Doctrine of ultra virus – Un-reviewable discretionary powers - Discretion and justifiability - Violation of fundamental rights - Extraneous consideration - Delegation - Acting under dictation - Malafides and bias - Lack of rationality and proportionality.
3. Procedural fairness - Legitimate expectation - Natural justice and duty to act fairly - Bias and personal interest - Fair hearing.
4. Remedies - Writs - Injunction and declaration.
5. Limits of judicial review - Locus standee and public interest litigation - Laches - Resjudicata and alternative remedies.

Select Bibliography:

1. Friedman - The State and the Rule of Law in a Mixed Economy
2. Dicey - Introduction to the Law of the constitution
3. Davis - Discretionary Justice
4. Jain & Jain - Principles of Administrative Law (1986)
5. De Smith - Judicial Review of Administrative Action (1995)
6. S. P. Sathe - Administrative Law (1998)
7. I. P. Massey - Administrative Law (1995)
8. Bhagwati Prasad Banerjee - Writ Remedies (1999)
9. M. P. Jain - The Evolving Indian Administrative Law (1983)

(Br-I)PAPER – XIV : DISSERTATION

Semester-III

BRANCH –II CRIMINAL LAW

(Br-II) PAPER - IX: CRIMINOLOGY AND PENOLOGY

1. Nature and scope of criminology - Crime, criminal and victim - Schools of criminology - Theories of causation of crime.
2. Penology - Theories of punishment - Classical Hindu and Islamic approaches to punishment - Capital punishment - Judicial attitude towards capital punishment in India.
3. Sentencing - Theory and practice - Pre - sentence hearing - Sentencing in white collar crime and sentencing for habitual offenders.
4. Alternatives to imprisonment - Probation, corrective labour, fine, collective fine, reparation by the offender/ the court - Principal types of sentence in the Penal Code and special laws - Plea bargaining.
5. Prison - State of India's jails today - Disciplinary regime of Indian prisons - Classification of prisoners - Rights of prisoners and duties of custodial staff - Open prisons - Judicial surveillance.

Statutory Materials:

1. Probation of Offenders Act, 1958

Select Bibliography:

1. Sutherland - Principles of Criminology
2. Sethna - Society and Criminal
3. Barnes & Teeters - New Horizons in Criminology
4. Vold - Theoretical Criminology
5. Gillin - Criminology and Penology
6. Hans Von Henting - Criminal and his Victim
7. H.L.A. Hart - Punishment and Responsibility
8. A. Siddique - Criminology
9. Alf Ross - On Guilt, Responsibility and Punishment
10. Law Commission of India - 42nd Report, 1971 (Chapter 3)

(Br-II) PAPER - X: LAW ON JUVENILE DELINQUENCY AND COLLECTIVE VIOLENCE

1. Concept of juvenile delinquency - Determining factors of juvenile delinquency- Differential association - Anomie, economic pressure, peer group influence, gang sub - culture, class differentials.
2. Legislative approaches - Legislative position in various statutes - Historical development of the Juvenile Justice Act - Constitutional aspects - Juvenile Justice (Care and Protection) Act, 2000 - Distinction between children in need of care and protection and juvenile in conflict with the Authorities under the Act - Powers given to government - Community participation.
3. Types of offences committed - Judicial approach - Land mark judicial decisions.
4. Treatment - Institutional bodies and related agencies – Prevention strategies - State welfare programmes, compulsory education, role of community, family, voluntary bodies, individuals.
5. Approaches to violence in India - Religiously sanctioned structure - caste and gender based - Ahimsa in Hindu, Jain, Buddhist, Christian and Islamic traditions in India, Gandhi's approach to non - violence - Violence against scheduled caste and women - Incidence of atrocities, use of criminal law to combat atrocities -Incidence and course of communal violence and role of police and para military system in dealing with communal violence.

Statutory Materials:

1. Tamil nadu Borstal Schools Act, 1925
2. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. Juvenile Justice (Care & Protection of Children) Act, 2000.

Select Bibliography:

1. K. S. Shukla - Adolescent Offender
2. Myron Weiner - The Child and State in India
3. Upendra Baxi - Dissent, Development and Violence
4. Upendra Baxi - Law and Poverty
5. A. R. Desai - Violation of Democratic Rights in India
6. T. Honderich - Violence for Equality
7. United Nations Beijing Rules on Treatment of Young Offenders (1985)
8. United Nations Declarations on the Rights of Child

(Br-II)PAPER - XI: DRUG ADDICTION, CRIMINAL JUSTICE AND HUMAN RIGHTS

1. Basic conceptions - Drugs, narcotics, psychotropic substance - Dependence, addiction - Crimes without victims - Trafficking in drugs - Primary drug abuse.
2. International Legal Regime - Analysis of the Single Convention on Narcotic Drug 1961 and 1972 - Analysis of the Convention on Psychotropic Substance 1972 - International collaboration in combating drug addiction - Role of SAARC.
3. Indian Regulatory system - Approaches to narcotic trafficking during colonial India - Penal provisions in IPC and Customs Act - India's role in the evolution of the International Conventions.
4. Judicial approach to sentencing in drug trafficking and abuse - The Narcotic and Psychotropic Substance Act, 1985.
5. Treatment, after care and rehabilitation of drug addicts - Human rights aspects - Problem of juvenile drug use and legal approaches - Role of educational system, medical profession and mass media - Initiatives for compliance with regulatory system - Law reform initiatives.

Statutory Materials:

1. The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988

Select Bibliography:

2. J. A. Incard - Drugs and Criminal Justice System
3. P. R. Rajnat - Violence and Response: A Critical Study of Indian Criminal justice System
4. United Nations - Economic & Social Reports of the Commission on Narcotic Drugs
5. United Nations Social Defence Research Institute(UNSRDI) - Combating Drug Abuse and Related Crimes

(Br-II)PAPER – XII: COMPARATIVE CRIMINAL PROCEDURE

(with reference to India, England, U.S., and France.)

1. Hierarchy of criminal courts and their jurisdiction - Organization and prosecuting agencies - Role of Public Prosecutor.
2. Pre - trial procedure - Arrest and questioning of the accused - Rights of the accused - Evidentiary value of statement/ articles seized and collected by the police - Role of prosecutor and judicial officer in investigation - Bail procedure.
3. Trial procedure - Different types of trial - Accusatory system and inquisitorial system of trial - Role of judge, prosecution and defense attorney in the trial - Victim's role in the penal process.
4. Admissibility and inadmissibility of evidence - Expert evidence - Sentencing - Appeal procedure - Plea bargaining - Correction and After Care Services.
5. Preventive measures - Public Interest Litigation - Legal aid - Duties of Public Prosecutor.

Select Bibliography:

1. R. V. Kelkar - Criminal Procedure Code, 1973
2. Devlin - Criminal Prosecution in England
3. Esmein - History of Continental Procedure (Chapter I & II)
4. Coffey (Alan) - An Introduction to Criminal Justice System and Process
5. French Code of Criminal Procedure
6. 14th & 41st Report of the Law Commission of India

(Br-II) PAPER – XIII: PRIVILEGED CLASS DEVIANCE AND INTERNATIONAL CRIMES

1. Concepts of white collar crimes – Sutherland's definition – Critical analysis of the definition – Indian approach to socio – economic offences – Notions of privileged class deviance as providing a

wider categorization of understanding Indian development – Forms of deviance – Official, professional and police deviance.

2. Professional deviance – Unethical practice at the Indian Bar, The Lentin Commission Report, Press council on unprofessional and unethical journalism, medical malpractice, Vigilance Commission, Prevention of Corruption Act 1988..
3. International Crimes – Definition, nature and scope of international crimes – International and municipal criminal law – Jurisdiction – International Criminal Court – Extradition and Interpol.
4. Crime against peace, crime against humanity and war crimes – Nuremberg trial, Tokyo trial and Eichmman’s trial – Principles evolved – International Conventions
5. Piracy – Genocide – Hijacking – Aggression and terrorism.

Statutory Materials:

1. The Prevention of Corruption Act, 1988
2. Indian Legislation relating to untouchability and suppression of immoral traffic
3. Documents relating to International Criminal Court

Select Bibliography:

1. Upendra Baxi – Liberty and Corruption: The Antulay’s Case and Beyond (1989)
2. D. B. Pande – The Nature and Dimensions of Privileged Class Deviance
4. Surendra Nath & Bhargava – Political Corruption in India
5. Gilbert Geis – White Collar Crimes in Business, Politics and Profession
6. Sutherland – White Collar Crime
7. Law Commission on Socio- Economic Offences (47th Report)
8. Muller & Wise – International Criminal Law
9. Bassioni – A Treatise on International Criminal Law

(Br-II)PAPER – XIV : DISSERTATION

Semester-III

BRANCH –III INTERNATIONAL LAW

(Br-III)PAPER – IX: INTERNATIONAL RELATIONS AND LAW OF TREATIES

1. Sovereignty - Nationalism - Their evolution and operation.

2. Elements of national power - Geographic element, demographic element - Historical, Sociological, Psychological and economic element - Organizational, administrative element – Military element and diplomacy as an element of power.
3. Foreign policy - Theory - Different aspects of foreign policy - Negotiation - Art of negotiation - Ailments of modern diplomacy.
4. Patterns of power - Unilateralism - Collective security, balance of power- World conquest - World State - Case studies in balance of power.
5. Law of Treaties - Formation - Different aspects - Ratification - Reservation - Interpretation - Termination.

Select Bibliography:

1. L. F. R. Hartman - The Relations of Nations
2. H. J. Morgenthau - Politics among Nations
3. Q. Wright - A Study of International Relation
4. Oppenheim - Law of Peace
5. O' Connel - International Law (Vols. 1 & 2)
6. Brownlie - Principles of International Law

(Br-III)PAPER - X: INTERNATIONAL HUMAN RIGHTS LAW

1. Nature and content of human rights - International movement for the protection of human rights - Establishment of U. N. and its agencies.

2. Universal Declaration of Human Rights - International Convention on Civil and Political Rights
- International Convention on Economic Social and Cultural Rights.
3. Convention on the Rights of the Child - Convention on Elimination of all Forms of
Discrimination against Women.
4. European Convention on Human Rights - American Convention on Human Rights - African
Convention on Human Rights.
5. Asian scenario - Need for a convention.

Select Bibliography:

1. Louis B. Sohn and Thomas Buergenthal - International Protection of Human
Rights
2. A. H. Robertson - Human Rights in the World
3. Vallet - An Introduction to the Study of Human Rights
3. Ian Brownlie (ed.) - Basic Documents on Human Rights.
4. Moses Moskowitz - The Politics and Dynamics of Human Rights
5. A. H. Robertson (ed.) - Human Rights in National and International Law
6. Nagendra Singh - Human Rights and International Co-operation
7. Alice Henkin - Human Dignity : The Internationalization of Human Rights
8. S. K. Agrawala, T. S. Rama Rao and J. N. Saxend (ed.) - New Horizons of
International Law and Developing Countries
9. Francis G. Jacobe (ed.) - The European Convention on Human Rights
10. J. E. S. Fawcett - The Application of the European Convention on Human
Rights
11. Jorgel Domnguezetal - Enhancing Global Rights

(Br-III) PAPER - XI: INTERNATIONAL ECONOMIC LAW

Unit-I:

Introduction – Definition, Nature and Sources of International Economic Law – Extra- territorial jurisdiction in the economic sphere – Relationship between national and international economic laws – Contemporary developments in the context of de-colonization –

Unit-II: Developing States and the Modern perspective of international economic relations –Resolution on Permanent sovereignty Over Natural Resources –Declaration on the New International Economic Order – The charter of Economic Rights and Duties – Problems connected with transfer of technology and multinational corporations.

Unit-III:

International monetary law- Introduction – International monetary and the I.M.F – International Monetary Problems Institutional aspects of IMF Interpretation & Dispute Settlement – Regulation of the external value of the money – Discretionary system of exchange rates under the I.M.F – The Code for multilateral system of Payments under Art. VIII of the I.M.F Articles of Agreement – Exchange- restrictions and national security-

Unit-IV: Regulation of capital movements – International liquidity and the S.D.R – Balance of payments adjustments and the I.M.F resources – Financing for balance of payments disequilibrium – The role of conditionality – Regular facilities, special facilities and concessional facilities – Debt reduction assistance – Legal characterization and nature of I.M.F Conditionality.

Unit-V:

International Development Law – Introduction – Fundamental Concepts and Principles – Sustainable Development – International Development assistance and the World Bank Group - Functions of the World Bank Group – Institutional aspects of the World Bank Group – Financial obligation of the World Bank Group – International Investment Law – Expropriation – Stabilization Clauses – Bilateral investment treaties – A need for multilateral investment agreement.

Books for Study:

1. Asif H.Qureshi – International Economic Law (London: Sweet & Maxwell, 1998)
2. Jackson and W.Davey et.al.- International Economic Relations (1995).
3. H.Fox (ed.)- International Economic Law and Developing States: Some Aspects (1992).
4. I.Seidi – Hohenveldern, International Economic Law (1992).
5. Bhandari and Sykes – Economic Dimensions in International Economic Law (1999).
6. Van Meorhaeghe – International Economic Institutions (1998).
7. Schwazemberger – Foreign Investment and International law
8. Oxolic – Legal Aspects of International Transfer of Technology.
9. Wallace – Multinational Corporations.
10. O’Connell – International Law, Vol. I & II.
11. Harves D.D, - Cases and Materials on International Law

(Br-III)PAPER - XII: AIR & SPACE LAW

Unit-I:

Introduction - Definition, scope, history, principles and standards – Institution and organs for the creation and administration of Air Law – International institutions – membership, organs and functions – The right to fly- Sovereignty over the Air Space – Air Transport agreements – Non-scheduled flights,

Paris Agreement, 1956- Scheduled Air Services – Transit rights – Traffic and ancillary rights – Route planning, capacity control and rate fixing – Unauthorized entry,

Unit-II:

The legal regime of aircraft – Definition and Classification of aircraft – Legal nature of aircraft – State aircraft – International recognition of rights in Air Craft – Nationality and Registration Certificates of airworthiness – International Standards and recommended practices – Documents to be carried and notices to be exhibited – Jurisdiction over aircraft – Crimes on Board Air craft – Customs, Seizure and arrest – The legal regime of Crew, Passenger and Cargo- licenses of personnel – International standards and recommended practice – Owners of aircrafts – Operators – Crew, entry and clearance regulations – Cargo restriction, mails and sanitary regulations.

Unit-III:

Air Ports and other navigation facilities – Licensing of aerodromes, customs aerodromes – Sanitary aerodromes - Provision of air and air navigation facilities – Air Transport and Carriage by air – The establishment and licensing on air transport services – Warsaw Convention – Related instruments – Non-international carriage, conditions of Carriage and conditions of Contract – Carriage by Air Act, Liabilities arising from operation of aircraft and air services, trespass, nuisance, collision.

Unit-IV:

Space Law: Introduction – From Air law to Space law- International Control and Cooperation – Extraterrestrial application of international law – The U.N and outer space – The U.N. and development of international Law relating to outer space – the U.N Treaties on outer space.

Unit-V:

Outer space and the international legal framework – the International legal status of outer space objects, Satellites and Spacemen- the Legal regime of outer space – the Legal status of astronauts, Space crafts and space objects, military uses of outer space-Commercial uses of outer space.

Books for Study:

1. Mc.Nair – Law of the Air (London, Steens and)
2. Bin Cheng – The Law of International Air Transport (London, Stevens and sons).
3. Avatar Singh – The Law of Carriage (Lucknow, Eastern Book Company).
4. Shawcross and Beaumont – The Law of Air.
5. Bin Cheng – Studies in Internaional Space Law (Clarendon Press, Oxford).
6. C.Wilfred Jenks – Space Law (London, Stevens & Sons).

(Br-III)PAPER – XIII: PRIVATE INTERNATIONAL LAW

Unit-I:

Introduction – History – Definition – Need for application of the rules of private international law- Foreign elements and Foreign law – Personal connecting factors – Residence – Ordinary residence and habitual residence – Domicile, general principles – Acquisition of domicile of choice – Domicile of origin and Domicile of dependence – Domicile of Corporations – Domicile and nationality – Exclusion of foreign law – Public policy, penal laws, revenue laws and other public laws.

Unit-II:

Family Law- Marriage, formalities, Capacity and Polygamous marriages – Matrimonial Causes, Jurisdiction in respect of divorce and nullity of marriage – Choice of law in cases of divorce and annulment – Legitimacy, legitimation and adoption.

Unit-III:

Law of obligations – Contracts – Common law approach, the Proper law of Contract – The Rome Convention – The Choice of the governing law and the Scope of the applicable law – Special Contracts like Consumer contracts, individual employment contracts, E – Commerce – Torts – Theories – the Common law rule and the 1995 English Act.

Unit-IV:

Property and Succession – Immovables – Jurisdiction and Choice of law – Movables – Choice of law, Theories and the Modern law – Voluntary assignment of intangible movables – Succession, Intestate succession, testamentary succession and exercise of power by will.

Unit-V:

Characterisation – The incidental question and renvoi – Jurisdiction – Staying of Actions; Forum non conveniens, lis alibi pendens and jurisdiction clauses – Foreign judgments recognition and enforcement of foreign judgments- Substance and procedure.

Books for study:

1. Cheshire and North – Private International Law
2. Dicey and Morris – Conflict of Laws
3. Morris- The Conflict of Laws
4. Graveson- Private International Law
5. Paras Diwan Indian and English Private International Law
6. Chavan – Indian Private International Law.

(Br-III)PAPER – XIV : DISSERTATION

BRANCH –IV BUSINESS LAW

(Br-IV)PAPER - IX: CORPORATE LAW

1. The Securities Contracts Regulation Act, 1956 - Meaning, importance, scope and kinds of securities - evolution and relevance of stock exchanges - Recognised stock exchanges – Powers of the Central Government and SEBI - contracts and options in securities - Listing of securities - Corporate securities, shares and debentures, control over securities and law relating to investor protection.
2. The Securities and Exchange Board of India Act, 1992 - Role of Securities and Exchange Board of India (SEBI) - Powers, function and composition of SEBI - Registration of stock brokers, sub-brokers and share transfer agents - Adjudication of disputes under the Act - Securities Appellate Tribunal – Procedure - Jurisdiction and powers - Powers of the Central Government under the Act - Penalties.
3. The Depositories Act, 1996 - Meaning of depositories, depository participants, beneficial owner, dematerialisation of securities - Certificate of commencement of business under the Act - Rights and obligations of depositories, depository participants, issuers and beneficial owners - Powers of SEBI - Appeals to Securities Appellate Tribunal and the Supreme Court.
4. Foreign Exchange Management Act, 1999 - Historical evolution, importance and scope FEMA - Regulation and management of foreign exchange - Current and capital account transactions - Free transactions - RBI control over capital account transactions - Control over realization foreign exchange proceeds - Dealing in foreign exchange through authorized persons – Adjudication - Directorate of Enforcement.
5. The Competition Act, 2002 - The need for competition law - Historical evolution of competition law from MRTP - Aims, scope and objects of the Act - Anti-competition agreements, horizontal and vertical - Meaning of dominant position - Abuse of dominant position - Difference between monopolization and abuse of monopoly - Product and geographical abusive practices - Predatory pricing . discriminatory pricing, refusal to deal and essential facilities doctrine - Merger and acquisition - Different types of mergers, horizontal, vertical and conglomerate and the test for analysis of merger - IPR and competition law interface - Establishment and composition of Competition Commission of India - Powers, functions, duties - Procedure - Review, rectification and execution of orders of CCI

Select Bibliography:

1. Datta - On Company Law
2. Taxmann's - Companies Act
3. Pennington's - Company Law
4. Avtar Singh - Company Law
5. Adi. P. Tabti, Nahas, S. Mahala - Competition Act, 2002
6. K.S. Anandaraman's Lectures - On Company Law and Competition Act

(Br-IV)PAPER –X : INTERNATIONAL TRADE LAW

1. New International Economic Order - Evolution, essential components, principles and practice - State acceptance - International sale and transport of goods - Contract, limitation period, agency - Maritime and multi- model transport.
2. Institutions - GATT, UNCTAD, IMF, IBRD, RDBs - Objectives, structure and functions - Strength and weakness.
3. World Trade Organisation - Structure, principles and working - India and WTO.
4. Dispute settlement mechanism - Dispute Settlement Board, process of settlement, balancing of rights and obligations - India's approach - Special and different treatment.
5. International financing - International bill of exchange, promissory note and financial leasing.

Statutory Materials:

Relevant UN Conventions, Protocol and UNCITRAL texts.

Select Bibliography:

1. Schwarzerberger - Economic World Order, Manchester University Press
2. Myneni Srinivasa Rao - International Economic Law, Pioneer Books
3. Bandari Surendra - World Trade Organisation and Developing Countries, Universal, New Delhi
4. Arun Goel - WTO in the New Millenium, Academy of Business Studies, New Delhi
5. Jayantha Bagchi - World Trade Organisation: An Indian Perspective, Eastern Law House
6. Bowett. D. W. - The Law of International Institutions
7. Materials of AALCC, Regional Seminar on International Trade Law

(Br-IV)PAPER - XI: INTELLECTUAL PROPERTY LAW

1. Classification of intellectual property - International instruments relating to intellectual property - International trade agreements.

2. Patent - Patentable subject matter - Specification - Licences of patents and allied rights - Infringement and remedies - Micro organisms and patentability - Categories of inventors in biotechnology - patent in computer programmes.
3. Trade mark - Purpose of protecting trade mark - Registration - Assignment and licensing of registered marks - Trade marks in international commerce - Disincentiveness - Deceptive similarity - Infringement and remedies.
4. Copyright - Meaning and object - Works in which copyright subsists - Economic perspective term of copyright - Fair dealing - Initial ownership - Assignment and licensing - control of monopoly - Rights in performances - Infringement and remedies.
5. Industrial design - Essential characteristics- Registration - Subject matter - Infringement - Remedies against privacy - Confidential information - As property - Breach of confidence and know - how - Industrial and trade secrets - Remedies.

Statutory Materials:

1. Patents Act, 1970
2. Patents (Amendment) Act, 1999
3. Trade and Merchandise Marks Act, 1958
4. Copyright Act, 1957
5. Designs Act, 1911
6. Designs Act, 2000

Select Bibliography:

1. W. R. Cornish - Intellectual Property
2. Alan S. Gutterman & Bentby J. Anderson - Intellectual Property
3. David Brainbridge - Intellectual Property
4. Philips - Introduction to Intellectual Property Law
5. K. R. G. Nair & Ashok Kumar - Intellectual Property Rights
6. Narayanan – Intellectual Property
7. B. L. Wadehre – Intellectual Property Law Handbook

(Br-IV)PAPER - XII: BUSINESS TRANSACTIONS & ECONOMIC LEGISLATIONS

1. Business Organizations - Forms and functions - Legal regulation and protections.

2. Sale of Goods and Property Transfer - Existing, future and contingent goods, sales, conditions and warranties, caveat emptor, passing of property in goods – Elements of transfer, kinds of interests, future interest - Form and effect of transfer, rule of priorities, doctrine of acquiescence, restrictive and personal covenant, third party rights - Agency and Power of Attorney – Governing principles, legal recognition and effect of the representative act – Powers, protection and liabilities.
3. Banking and Insurance – System of banking, multi –financial dimensions, legal character, rights and obligations, control of banking and regulation of banking service, concept of securitization, redressal, banking ombudsman system - Insurance contract and its kinds, risk and elements of risk causa proxima, warranties and disclosures.
4. Sales Promotion, selling costs and law on advertising - Restrictive trade and unfair practice and the law.
5. Select -Economic Legislations that govern, regulate and promote business activities are to be dealt with.

Select Bibliography:

1. G. C. V. Subba Rao - Law of Property
2. Avtar Singh - Law of Contracts
3. Pollock & Mulla - Law of Contract
4. M. L. Tannen - Banking Law & Practice in India
5. S. N. Gupta - Bankng Law: Theory and Practice
6. E. R. Hardy Ivany - General Princiles of Insurance Law
7. S. Parameswaran - Law relating to Power of Attorney
8. M. N. Srinivasan - Principles of Insurance Law
9. M. L. Seth - General Principles of Economics
10. Gupta – Power of Attorney Act

(Br-IV)PAPER – XIII : LAW ON ALTERNATE DISPUTE RESOLUTION SYSTEM
(TO BE PREPARED)

Unit-1 Alternative Dispute Resolution –Overview; Conflict Resolution Styles. The nature and varieties of disputes, how they arise and how they are avoided. The options for resolving disputes: Litigation, arbitration, negotiation, mediation and conciliation. Factors considered by people when they choose a dispute

resolution method, including social, cultural and economic factors. Relevant law reform initiatives. Cross-cultural issues in the dispute resolution process.

Unit-2: Origin and development of the alternative dispute resolution movement. Confidential private listening; negotiation, mediation and conciliation; arbitration; good offices/ombudsman; mini-trials/summary jury trials; private courts, dispute resolution centres. The role of judges, lawyers and the courts in the alternative dispute resolution process. An analysis and comparison of the dispute resolution processes in environmental and native land title disputes.

Unit-3: Basic skills for successful negotiation and mediation. Mediation Overview . Conflict Resolution and Community Mediation; Mediation Models; Mediation Defined; Stages of the Mediation Process. Mediation Demonstration of a Simulated Community Dispute Referred from the Court. Active Listening and Other Communication Techniques. Mediation Skills and Techniques. “Fishbowl” Mediation Simulation. Issues in Mediation: Confidentiality; Enforceability of Mediated Agreements; Impartiality/Neutrality. Use of Mediation in Different Contexts; Process Expertise. vs. Subject-Matter Expertise of Mediators; Mediation Advocacy. Representing Clients in Mediation. Mediation and the Unauthorized Practice of Law.

Unit-4: Ethical Issues in Mediation, including, The Lawyer as Mediator, The Non-Lawyer Mediator and the Unauthorized Practice of Law, Is Mediation the Practice of Law?. Mediation as a Profession. Model Standards of Conduct for Mediators. Ten Principles of Mediation Ethics. Common Mistakes in Mediation Advocacy. Advocacy: Seven Steps for Effective Preparation.

Unit-5: What is labor arbitration? Elements and information on labor arbitration. What is Alternative Dispute Resolution? How to choose an arbitrator, elements of arbitration, past practice, defense of positions in “The Forbidden Nuptials”. What is hearsay? Discussion and examples of hearsay evidence. Exceptions to the hearsay rule. What is the burden of proof? Circumstantial and direct evidence. Other types of evidence. Role play and practice arbitration process utilizing.

References:

1. Brand, Norm, Learning to Use the Mediation Process –A Guide for Lawyers, - 2000.
2. [http://www.abanet.org/dispute/news/Model Standards of Conduct for Mediators final05.pdf](http://www.abanet.org/dispute/news/Model%20Standards%20of%20Conduct%20for%20Mediators%20final05.pdf)
3. www.mediate.com/articles/abaupl.cfm
4. Moore, Steven W., Ethical Representation in Mediation, www.bna.com/bnabooks/ababna/annual/2006/39.pdf
5. Feldacker, Bruce. Labor Guide to Labor Law. 3rd ed. (1990) Englewood Cliffs, N.J.: Prentice Hall.
6. Dilts, David, A. (2006). Cases in Collective Bargaining and Industrial Relations. (11th ed). New York: Irwin.
7. Hardin, Patrick; LaVaute, James; and O'Reilly, Timothy P.. The developing Labor Law: The Boards, the Courts, and the National Labor Relations Act. (1992) Washington, D.C.: Bureau of National Affairs.
8. Kagel, Sam, and Kelly, Kathy. The Anatomy of Mediation: What Makes It work (1989) Washington, D.C.: Bureau of National Affairs.
9. Twomey, David. Labor and Employment Law. 10th ed. (1997) Cincinnati: West/ITP.

(Br-IV)PAPER – XIV : DISSERTATION

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