



# PRESTIGE

INSTITUTE OF MANAGEMENT & RESEARCH, GWALIOR

**AN AUTONOMOUS INSTITUTE ACCREDITED WITH  
UGC NAAC GRADE 'A' AND NBA (AICTE)**

SCHEME OF EXAMINATION

&

DETAILED SYLLABUS

for

**For Two Year LL.M. Course under CBCS Mode**

**(Academic Session – 2023-25)**

Department of law

Prestige Institute of Management & Research, Gwalior

Airport Road, Opposite DD Nagar, Gwalior

(Madhya Pradesh) INDIA

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**Specialization – II: Criminal Law and Criminal Justice Administration**

**SPECIALIZED CORE PAPERS**

Criminal Justice System in India..... 110-114

Law Relating to Narcotic Drugs and Psychotropic Substances ..... 115-119

Law Enforcement Tools and Cooperation for Transnational Organized Crimes..... 120-124

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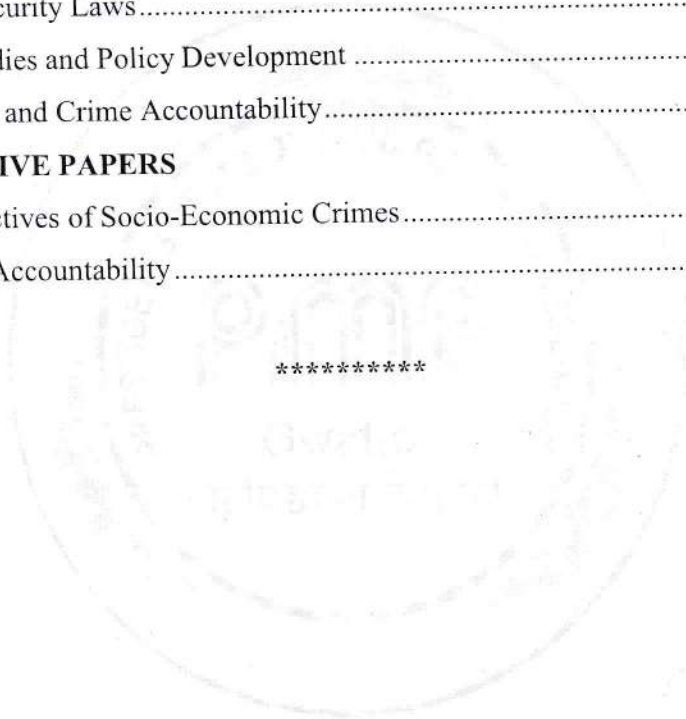
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*Prof. Dr. P. P. Singh, Pimpri*

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PRESTIGE INSTITUTE OF MANAGEMENT AND  
RESEARCH, GWALIOR

CHOICE-BASED CREDIT SYSTEM (CBCS)  
REGULATIONS FOR LL.M PROGRAMME

Department of Law, Prestige Institute of Management and Research, Gwalior (UGC NAAC 'A' Accredited, UGC Approved Autonomous Institute) is starting post-graduate in law for the advancement and dissemination of knowledge in learning, teaching and research in the field of law. The Institute is recognized by the Bar Council of India (BCI) and affiliated with Jiwaji University, Gwalior. The Institute has Under Graduate and Postgraduate programme. The Institute offer Master of Law Degree Courses in two different specializations, based on the recommendations of the University Grants Commission and Bar Council of India the Choice Based Credit System (CBCS).



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## NATURE AND NOMENCLATURE OF THE PAPERS

### COMMON PAPERS – 07

S.No	Nomenclature of Paper	Paper Code	Credits
1	Judicial Process	LLM101	4
2	Legal Education, Research Methods and Legal Writing	LLM102	4
3	Constitutional Law: The New Challenges	LLM201	4
4	Law and Social Transformation in India	LLM202	4
5	<b>Inter-disciplinary Empirical Research</b>	LLM205	2
6	<b>Research Ethics and Teaching Techniques</b>	LLM403	6
7	Dissertation	LLM404	6

### SPECIALIZATION –I: BUSINESS LAW AND CORPORATE GOVERNANCE

#### SPECIALIZED CORE PAPERS – 06

S.No	Nomenclature of Paper	Paper Code	Credits
1	<b>Corporate Governance</b>	LLMB103	4
2	Banking and Finance.	LLMB104	4
3	<b>Competition Law</b>	LLMB203	4
4	<b>Legal Regime of Intellectual Property Rights</b>	LLMB301	4
5	Law of International Finance and Institutions.	LLMB302	4
6	<b>Insurance Laws</b>	LLMB401	4

#### DISCIPLINE-SPECIFIC ELECTIVE PAPERS – 03

S.No	Nomenclature of Paper	Paper Code	Credits
1	Law of Commercial Dispute Resolution.	LLMB204	4
2	Law of Corporate Cyber Security.	LLMB303	4
3	<b>International Trade Law</b>	LLMB402	4

#### GENERIC ELECTIVE PAPERS – 02

S.No	Nomenclature of Paper	Paper Code	Credits
1	<b>Human Rights Perspectives of Corporate Law</b>	LLMB204	3
2	<b>Comparative Legal System for Consumer Protection</b>	LLMB303	3

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**SPECIALIZATION – II: CRIMINAL LAW AND CRIMINAL JUSTICE ADMINISTRATION****SPECIALIZED CORE PAPERS – 06**

S.No	Nomenclature of Paper	Paper Code	Credits
1	<b>Criminal Justice System in India</b>	LLMC103	4
2	<b>Law relating to Narcotic Drugs and Psychotropic Substances</b>	LLMC104	4
3	<b>Law Enforcement Tools and Cooperation for Transnational Organized Crimes</b>	LLMC203	4
4	<b>Victimology and Human Rights</b>	LLMC301	4
5	<b>A Comparative Criminal Justice System</b>	LLMC302	4
6	<b>Law and Forensic Science</b>	LLMC401	4

**DISCIPLINE-SPECIFIC ELECTIVE PAPERS – 03**

S.No	Nomenclature of Paper	Paper Code	Credits
1	<b>Cyber Crime and Security Laws</b>	LLMC204	4
2	<b>Criminal Justice Studies and Policy Development</b>	LLMC303	4
3	<b>Elite Class Deviance and Crime Accountability</b>	LLMC402	4

**GENERIC ELECTIVE PAPERS – 02**

S.No	Nomenclature of Paper	Paper Code	Credits
1	<b>International Perspectives of Socio-Economic Crimes</b>	LLMC204	3
2	<b>Medical Ethics and Accountability</b>	LLMC303	3

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SCHEME: LL.M. 1<sup>st</sup> Semester

## Prestige Institute of Management, Gwalior

SCHEME: LL.M. 1<sup>st</sup> Semester

## Session 2023-25

Course code	Nature of the Paper	Comp/ Optional.	Nomenclature of the Subjects	Total Marks	Credit	Theory		Practical		Sessional	
						Max.	Min.	Max	Min.	Max.	Min.
LLM 101	Common Paper - I	Comp.	Judicial Process	100	4	60	21			40	14
LLM 102	Common Paper -II	Comp.	Legal Education, Research Methods and Legal Writing	100	4	60	21			40	14
LLMB 103	SPECIALIZED CORE PAPER -I	Option	Corporate Governance	100	4	60	21			40	14
LLMC 103			Criminal Justice System in India								
LLMB 104	SPECIALIZED CORE PAPER-II	Option	Banking and Finance	100	4	60	21			40	14
LLMC 104			Law relating to Narcotic Drugs and Psychotropic Substances								
LLMB 105	Generic Elective Course-I	Option	Human Rights Perspectives of Corporate Law	100	3	60	21			40	14
LLMC 105			International Perspectives of Socio-Economic Crimes								
AGGR. PASS %	ATKT/PNS/Suppl. Y/N	GRACE Y/N	GRACE IN EACH PAPER	MAX MARKS	Total Credit	CLASS Y/N	1st Div.	2nd Div.	NO. OF SUB.	NO. OF SUB. TO APPEAR	
35	2	YES	1MARK/1PAPER	500	19	YES			5	5	

Common Paper

Specialized Core Paper

Discipline-Specific Elective Papers

Generic Elective Papers

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SCHEME: LL.M.2<sup>nd</sup> Semester

## Prestige Institute of Management, Gwalior (M.P.)

SCHEME: LL.M.2<sup>nd</sup> Semester

## Session 2023-25

Course code	Nature of the Paper	Comp/Optiona I.	Nomenclature of the Subjects	Total Marks	Credit	Theory		Practical	Sessional		
						Max	Min	Max	Min	Max	Min
LLM 201	Common Paper - III	Comp.	Constitutional Law: The New Challenges	100	4	60	21			40	14
LLM 202	Common Paper -IV	Comp.	Law and Social Transformation in India	100	4	60	21			40	14
LLMB 203	SPECIALIZED CORE PAPER -III	Option	Competition Law	100	4	60	21			40	14
LLMC 203			Law Enforcement Tools and Cooperation for Transnational Organized Crimes								
LLMB 204	Discipline Specific Elective Course-I	Option	Law of Commercial Dispute Resolution	100	4	60	21			40	14
LLMC 204			Cyber Crime and Security Laws								
LLM 205	Ability Enhancement Compulsory Courses	Comp.	Inter-disciplinary Empirical Research	75	2			Field Work			
				25				Viva			
				=100							
AGGR. PASS %	ATKT/PNS/Su ppl. Y/N	GRACE Y/N	GRACE IN EACH PAPER	MAX MARKS	Total Credit	CLAS Y/N	1st Div.	2nd Div.	NO. OF SUB	NO. OF SUB. TO APPEAR	
35	2	YES	1MARK/1PAPER	500	18	YES			5	5	

Common Paper  
Specialized Core Paper  
Discipline-Specific Elective Papers  
Generic Elective Papers

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SCHEME: LL.M.3<sup>rd</sup> Semester

## Prestige Institute of Management, Gwalior (M.P.)

SCHEME: LL.M.3<sup>rd</sup> Semester

## Session 2023-25

Course code	Nature of the Paper	Comp/ Optional.	Nomenclature of the Subjects	Total Marks	Credit	Theory		Practical		Sessional	
						Max	Min	Max	Min	Max	Min
LLMB 301	SPECIALIZED CORE PAPER -IV	Option	Legal Regime of Intellectual Property Rights	100	4	60	21			40	14
LLMC 301			Victimology and Human Rights								
LLMB 302	SPECIALIZED CORE PAPER -V	Option	Law of International Finance and Institutions	100	4	60	21			40	14
LLMC 302			A Comparative Criminal Justice System								
LLMB 303	Discipline-Specific Elective Course-II	Option	Law of Corporate Cyber Security	100	4	60	21			40	14
LLMC 303			Criminal Justice Studies and Policy Development								
LLMB 304	Generic Elective Course-II	Option	Comparative Legal System for Consumer Protection	100	3	60	21			40	14
LLMC 304			Medical Ethics and Accountability								
AGGR. PASS %	ATKT/PNS/S uppl. Y/N	GRACE Y/N	GRACE IN EACH PAPER	MAX MARKS	Total Credit	CLASS Y/N	1st Divs.	2nd Divs.	NO. OF SUB	NO. OF SUB. TO APPEAR	
35	2	YES	1MARK/1PAPER	400	15	YES			4	4	

Common Paper  
Specialized Core Paper  
Discipline Specific Elective Papers  
Generic Elective Papers

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SCHEME: LL.M.4<sup>th</sup> Semester

## Prestige Institute of Management, Gwalior (M.P.)

SCHEME: LL.M.4<sup>th</sup> Semester

## Session 2023-25

Course code	Nature of the Paper	Comp/ Optional.	Nomenclature of the Subjects	Total Marks	Credit	Theory		Practical		Sessional		
						Max	Min	Max	Min	Max	Min	
LLMB 401	SPECIALIZED CORE PAPER -VI	Option	Insurance Laws	100	4	60	21			40	14	
LLMC 401			Law and Forensic Science									
LLMB 402	Discipline Specific Elective Course-III	Option	International Trade Law	100	4	60	21			40	14	
LLMC 402			Elite Class Deviance and Crime Accountability									
LLM 403	Skill Enhancements Course (SEC)	Comp.	Research Ethics and Teaching Techniques	25	6				70			
				100								Course Planning/ Internship Project*
				25								Teaching / Industrial Training
				50								Report
				= 200								Viva
LLM 404		Comp.	Dissertation	150	6				70			
				50								File
				= 200								Viva
AGGR. PASS %	ATKT/PNS/Sup pl. Y/N	GRACE Y/N	GRACE IN EACH PAPER	MAX MARKS	Total Credit	CLASS Y/N	1st Divs	2nd Divs.	NO. OF SUB.	NO. OF SUB. TO APPEAR		
35	2	YES	1MARK/1PAPER	600	20	YES			4	4		

Common Paper  
Specialized Core Paper  
Discipline Specific Elective Papers  
Generic Elective Papers

\*Fieldwork [Subject oriented] (Court, Forum, Tribunal Lawyer, Academic Institutions Visits, Etc)

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# LL.M. COMMON PAPER

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**LL.M. COMMON PAPER – I**  
**SUBJECT: JUDICIAL PROCESS**

**Paper Code: LLM 101**

**Credit: 04**

**OBJECTIVES OF THE COURSE**

*The Constitution, a living document is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. This course aims to study the nature of the judicial process and the role of the judges as policymakers and as participants in evolving political principles of governance in the comparative aspects. Another objective of this paper is the study a comparative view of how the Judiciary manages itself for its effective productive results.*

*After undergoing the study, the student will be able to understand the following:*

1. *Nature of Judicial Process and its techniques.*
2. *Role of Judges as Policymakers and as participants in evolving political principles of governance.*
3. *Comparative aspects of Judicial Management and Administration.*
4. *Legal progression and creativity through legal reasoning under statutory and codified systems.*

**COURSE OUTCOMES**

*After completing the course, the students will be able-*

<b>CO1:</b> To Understand the judicial creativity in the process of social ordering.
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<b>CO2:</b> To elucidate the Recognize the role of the judges as policy makers.
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<b>CO3:</b> To elaborate the Under the role of Judge in Democracy.
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<b>CO4:</b> To demonstrate the intricacies of judicial creativity and judicial lawmaking. Compare and Analysis the different methods of Judicial and Case management systems.
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**COURSE OUTLINE**

**MODULE I – NATURE AND DIMENSIONS OF JUDICIAL PROCESS**

- a. *Judicial process: Inquiry- Law, Justice, Ethics and Morality.*
- b. *Components of Legal Reasoning- Deductive, Inductive, Analogy and dialectical reasoning*
- c. *The tools and techniques- Judicial Polemics, Judicial Axiology.*
- d. *Methods of interpretation- Constitutional Interpretation, Statutory Interpretation in Civil and Common Law Countries.*



- e. Concept of Judicial Review, Judicial Activism and Judicial Self Restraint.
- f. Judicial Accountability, Transparency and Independence- Bangalore Principles

## MODULE II - JUDICIAL PROCESS IN INDIA

- a. Structure of Judicial System in India- Alternative adjudication- Nyaya Panchayats
- b. Judicial Process and PIL/ Social Action Litigation and Development.
- c. Judicial Policy Making- Evolution of Doctrines and Principles-Brandies Brief, Jurimetrics.
- d. The doctrine of Prospective overruling- Colorable legislation- Harmonious interpretation.
- e. The doctrine of Basic Structure Theory and Recent its Developments

## MODULE III - JUDICIAL PROCESS IN USA & UK

- a. Judicial Structure in USA- Jury System
- b. Due Process of Law- Judicial Review and American Democracy- the classic debate.
- c. Independence of Judiciary as an aspect of Separation of Powers.
- d. Parliamentary Sovereignty and Judicial Supremacy- English Version of Judicial Review Interpretation of Statues and Constitution by Judiciary.
- e. Common-Law and Doctrine of Precedent.
- f. Fusion of Powers Vs. Separation of Power.
- g. Constitutional Amendment position in USA & UK

## MODULE IV - JUDICIAL MANAGEMENT & JUDICIAL ADMINISTRATION

- a. Case Management System in UK, USA, Australia and India- Master of Roaster in India.
- b. Lord Woolf's Report on "Case Management" (UK)- Australian Law Reform Commission on "Judicial and case Management"
- c. National Case Management System (NCMS) in India- E-Courts- Court Manager.
- d. Selection and Appointment of Judges- Transfer- manpower and Planning including finance.
- e. JIA- Mounting arrears and the reasons.
- f. Workload- Patterns of Court Management- Law Commission Recommendation.

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#### BOOKS

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2. Aharon Barak, The Judge in a Democracy (Princeton University Press, 2008).

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3. S.P. Sathe, **Judicial Activism in India: Transgressing Borders and Enforcing Limits** (2003).
4. Bernard C. Gavit, **Ralph F. Fuchs, Cases and Materials on an Introduction to Law and the Judicial Process** (1952).
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2. S. P. Sathe, "India: From Positivism to Structuralism" in Jeffrey Goldsworthy, **Interpreting Constitutions: A Comparative Study** (OUP, 2006)
3. Upendra Baxi, "The Avatars of Indian Judicial Activism: Explorations in the Geographies of [In] justice" in S.K. Verma and Kusum (ed.), **Fifty Years of the Supreme Court of India: Its Grasp and Reach** (OUP, 2001).
4. David A. Nelson, "The Nature of Judicial Process Revisited" 22 N. Ky. L. ReVs. 563 (1994 – 1995).
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4. Rupert Cross, J W Harris, **Precedent in English Law** (Clarendon Law Series, 1991).
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6. P. St. J. Langan, **Maxwell on The Interpretation of Statutes** (2004).
7. Dr Vijay Chitnis, **Judicial Process** (2013)
8. Cardozo, **The Nature of The Judicial Process** (1921)
9. K.L. Bhatia, **Judicial Review and Judicial Activism** (1997)
10. Henry J. Abraham, **The Judicial Process** (1997)

*P. Puneeth*

*U. Baxi*

*S. P. Sathe*

*David A. Nelson*

*Thomas R. Mcoy*



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2. Dr Justice B.S. Chauhan, **The Legislative Aspect of the Judiciary: Judicial Activism and Judicial Restraint**, Tamil Nadu State Judicial Academy Journal.
3. M. P. Singh, "Securing the Independence of the Judiciary-The Indian Experience", Indiana Law Review.
4. S.P Sathe "Judicial Activism: The Indian Experience" Washington Journal of Law and Policy, 2001.
5. Arthur L. Corbin, "The Judicial Process Revisited: Introduction" 71 Yale L. J. 195 (1961 – 62).
6. Introduction to action research, Greenwood, David J. Levin, Morten, sage Publication, London, 1998.
7. Methodology in social research: Dilemmas and perspective essays in honour of R. Mukharjee, Sage Publication, New Delhi, 2000.
8. Justice Ranganath Misra, "Supreme Court Legal Aid Committee, New Delhi: Its Aims, Activities and Achievements", 5 SCC Jour. (1995).
9. Madhava Menon N.R., "Restructuring the Legal Profession for Strengthening Administration of Justice", XXII, IBR (1995).
10. Mohammad Ghose, "Legal Education in India: Problems and Perspective", (Book review) 19 J.I.L.I. (1977).

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2. The State of Madras Vs. Srimathi Champakam Dorairajan 1951 AIR 226.
3. Indira Nehru Gandhi vs Shri Raj Narain & Others 1975 AIR 2299.
4. D.M. Jabalpur Vs. S. Shukla (1976) 2 SCC 521.
5. Mohd. Ahmed Khan Vs. Shah Bano Begum AIR 1985 SC 945.
6. Olga Tellis Vs. Bombay Municipal Corporation 1985 SCC (3) 545.
7. I.R Coelho and State of Tamil Nadu AIR 2007 SC 861
8. Aruna Ramachandra Shanbaug Vs. UOI (2011) 4 SCC 454.
9. Lily Thomas and Union of India (2013) 7 SCC 653.
10. Hussainara Khatoon (I) Vs. Union of India.
11. M.C. Mehta Vs. Union of India A.I.R. 1987 S.C. 1086
12. Bandhua Mukti Morcha Vs. Union of India, AIR 1984 S C 802

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13. Nandini Satpathy Vs. P.L. Dani A.I.R. 1978 S.C. 1025
14. M.H. Hoskot's case A.I.R. 1978 S.C. 1548.
15. Hussainara Khatoon's case A.I.R. 1979 S.C. 1377
16. Francis Coralie Mullin Vs. Administrator, Union Territory of Delhi A.I.R. 1981 S.C. 746
17. Vishaka Vs. State of Rajsthan (AIR 1997 SC 3011)
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19. Sunil Batra Vs. Delhi Administration 1980 Cr.L.J. 1099.
20. Bhim Singh Vs. State of Jammu and Kashmir, 1985 (4) SCC 677

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## LL.M. COMMON PAPER – II

### SUBJECT: LEGAL EDUCATION, RESEARCH METHODS AND LEGAL WRITING

Paper Code: LLM 102

Credit: 04

#### OBJECTIVES OF THE COURSE

Globalization has called upon the law to execute numerous responsibilities in society and lawyers are expected to act as change agents and social engineers in governance and development. If the law is a tool for social engineering and social control, it should be studied in the social context. This means integrating law subjects with social and behavioural sciences. This would enable the lawyer to solve problems in socially acceptable ways and assist in developing public welfare. A post-graduate student of law should get an insight into the objectives of legal education. The LL.M. course is intended to produce lawyers with better competence and expertise, the student must familiarize himself with the different systems of legal education. The pedagogy and andragogy method both at the LL.B. level and LL.M level has to be exposed to develop his skills in research and legal writing. The growth of legal science in India depends on the nature and career of legal research. The syllabus is designed to develop skills in research and writing in a systematic manner that brings an obligation to imbue future generations with an understanding of and appreciation for the rule of law, judicial system, and the role of the profession.

#### COURSE OUTCOMES

*After undergoing the study, the student will be able*

CO1: To Understand the aim, objectives and teaching methods.

CO2: To elucidate the legal research

CO3: To elaborate the formulation of research problem & research design

CO4: To demonstrate the research method and ethics

#### COURSE OUTLINE

##### MODULE I - LEGAL EDUCATION AND PEDAGOGY

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- a. Aims and objectives of legal education and social change.
- b. Agencies of legal education - Legal education and the special role of BCI - Challenges in Legal Education System
- c. Methods of Teaching, Evaluation and Supervision
- d. Ideas of Social Justice and Justice Education- Shift from Legal Education to Justice Education-Clinical Legal Education
- e. Application of ICTs in Legal Education- Electronic Books- E-Journals- Electronic Legal Data Bases

## MODULE- II OVERVIEW OF LEGAL RESEARCH

- a. Research: Meaning and Nature; Purpose and objective(s) of Research; Scientific Research.
- b. Nature and Importance of Legal Research; Sources; Scope and Limitations. Object and Purposes of Research; Distinction between the research object and research purpose. Kinds of research are based on their nature and characteristics.
- c. Research Methods and Research Methodology.
- d. Legal research; Socio-legal Research and Inter-Disciplinary Research.

## UNIT- III FORMULATION OF RESEARCH PROBLEM & RESEARCH DESIGN

- a. Defining Research Problem; elements and characteristics. Steps of Formulation of Research Problem: Realization of Problem, Identification of Problem, Analysis and determination of the problem, Statement of problem.
- b. Analysis of Problem: Constituents and variable: determination of independent and dependent variable, relevant variable, internal and external variables; Major and Minor variables.
- c. Kinds of Research Problems: Uni-variable Problem, Bi-Variable, Multi- variable, Research Variables: Dependent, Independent, Control, Selection of Problem for academic Research: Generalization and Impact of the Problem.
- d. Meaning, Nature and Importance of Research Design. Kinds of Research Design- Substantive and Procedural Design, Qualitative and quantitative, doctrinal and non-doctrinal.
- e. Research Steps: Research Objects, Review of Literature, Hypothesis and Research Questions. Formulation and testing of Hypothesis,
- f. Determination of Universe of Study; Sampling: Types of sampling, Methods of Sampling, Sample size.

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- g. Data: Data selection (**Inductive, Deductive and Abductive Reasoning**) Tools and Techniques of Data Collection (**Reliability, Validity and Standardization**); Data Analysis and Interpretation of Data.

#### UNIT- IV RESEARCH METHODS, ETHICS AND REFERENCE

- a. Classification of Research data: Qualitative and Quantitative Date, Observable and Measurable data. Primary and Secondary Data, Doctrinal and Empirical Research. Legal Reasoning, Inductive, Deductive and Abductive Reasoning.
- b. Effectiveness and analysis of Empirical and non-empirical research
- c. Research attributes and ethics; fundamental ethical principles; types of ethical violations; confidentiality and privacy; intellectual property and ethics; researcher's independence and accountability; research misconduct; plagiarism; Academic Integrity; ethical codes and institutional policies.
- d. Importance of References and Citation, Mode of Citation; Standard Citation Modes; Footnote and Endnote, Reference, Bibliography and Webliography.

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2. Beveridge WIR-Art of Scientific investigation.
3. Black & Champion-Research Methodology.
4. C. M. Coroll and Frederic Coroll: Methods of Sociological Research.
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[LL.M. Syllabus] [Department of Law] [Prin. Gwalior]

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2. Antoinette Sedillo Lopez, "Learning Through Service in A Clinical Setting: The Effect of Specialization on Social Justice and Skills Training", 7 *Clinical Law Review* 307 (2000- 2001).
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**SUBJECT: CONSTITUTIONAL LAW: THE NEW CHALLENGES**

Paper Code: LLM 201

Credit: 04

**OBJECTIVES OF THE COURSE**

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

**LEARNING OUTCOMES**

*After undergoing the study, the student will be able*

**CO1:** To discuss the federal structure of Indian Constitution and the nature of relations of State and Center.

**CO2:** To relate the concept of 'State' and 'Equality'

**CO3:** To illustrate the relationship of concepts of judicial independence and separation of powers.

**CO4:** To appraise the democratic process enshrined in the Constitution of India.

**COURSE OUTLINE**

**MODULE I – FEDERALISM**

- a. Creation of new states - Allocation and share of resources - Distribution of Grants in Aid - The inter-state disputes on resources - Rehabilitation of internally displaced persons
- b. Centre's responsibility and internal disturbance within States - Directions of the Centre to the State under Article 356 and 365
- c. Federal Comity: Relationship of trust and faith between Centre and State - Special status of certain States - Tribal Areas, Scheduled Areas
- d. A comparative approach to Federalism

**MODULE II - CONCEPT OF "STATE" AND "EQUALITY"**

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- a. Need for widening the definition in the wake of liberalization
- b. Right to equality: privatization and its impact on affirmative action.
- c. Judicial expansion of "State" and "Equality"
- d. Freedom of press and challenges of new scientific development - Freedom of speech and right to broadcast and telecast - Right to Strike and Bandh.
- e. The emerging regime of new rights and remedies - Reading Directive Principles and Fundamental Duties into Fundamental Rights.

### MODULE III - JUDICIAL INDEPENDENCE AND SEPARATION OF POWERS

- a. Judicial activism and judicial restraint – Judicial independence - Appointment, transfer and removal of judges – Tribunals.
- b. PIL: implementation
- c. Compensatory Jurisprudence.
- d. The doctrine of Separation of Powers - Stresses and Strains
- e. Accountability: executive and judiciary
- f. Latimer House Principles

### MODULE IV - DEMOCRATIC PROCESS

- a. Election – Election Commission: Status – Electoral Reform Law
- b. The coalition government, 'stability, durability, Fractured Mandate
- c. Trans-judicialize of secular principles.

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

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## LL.M. COMMON PAPER – IV

## SUBJECT: LAW AND SOCIAL TRANSFORMATION IN INDIA

Paper Code: LLM 202

Credit: 04

## OBJECTIVES OF THE COURSE

*This course is designed to offer the teacher and the taught– awareness of Indian approaches to social and economic problems in the context of the law as a means of social control and change, and a spirit of inquiry to explore and exploit the law and legal institutions as a means to achieve development within the framework of the law. The endeavour is to make the students aware of the role the law has played and has to play in contemporary Indian society. After undergoing the study, the student will be able to understand the following:*

1. *The interdependence of the law with other social systems.*
2. *That law is the reflection of the will and wish of society.*
3. *That law is binding because most people in society consider it to be.*
4. *The role of law in the transformation of society.*

## COURSE OUTCOMES

*After completing the course, the students will be able –*

CO1: To Understand the importance of Law as an instrument of Social Change
CO2: To elucidate that law is a product of traditions and culture.
CO3: To elaborate the common law system and institutions in India
CO4: To apply the knowledge of modernization and alternative approaches to law

## COURSE OUTLINE

## MODULE I – LAW, COMMUNITY AND SOCIAL CHANGE

- a. Law as an instrument of social change
- b. Law as the product of traditions and culture
- c. Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on the further development of law and legal institutions in India.
- d. Caste as a divisive Factor-Non-discrimination on the ground of Caste-Acceptance of caste as a factor to undo past injustices.

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- e. Protective discrimination: Scheduled castes, tribes and backward classes
- f. Reservation, Statutory Commissions, Statutory provisions.
- g. Language policy and the Constitution: Official language; multi-language system

## MODULE II – REGION, RELIGION AND THE LAW

- a. Religion as a divisive factor–Secularism as a solution to the problem–Reform of the Law on secular lines: problems and perspectives
- b. Freedom of religion and non-discrimination based on religion
- c. Religious minorities and the law.
- d. Regionalism as a divisive factor - Concept of India as one unit - Right of movement, residence and business; impermissibility of state or regional barriers.
- e. Equality in matters of employment: the slogan "Sons of the soil" and its practice
- f. Admission to educational institutions: preference to residents of a state.

## MODULE III - WOMEN & CHILDREN

- a. Crimes against women - Gender injustice and its various forms.
- b. Role of Women's Commission for Protection of Women Rights.
- c. Role of National Commission for Protection of Child Rights.
- d. Constitutional and other legal provisions related to the Empowerment of women.
- e. Child Labour - Sexual exploitation - Adoption and related problems - Children and education.

## MODULE IV - MODERNIZATION AND ALTERNATIVE APPROACHES TO LAW

- a. Modernization as a value: Constitutional perspectives reflected in the Fundamental Duties - Modernization of social institutions through law - Reform of family law - Agrarian reform - Industrialization of Agriculture.
- b. Reform of court processes - Criminal law: Plea bargaining; compounding and payment of compensation to victims - Civil law: (ADR) Confrontation Vs. Consensus; Mediation and Conciliation; Lok Adalats - Prison reforms - Democratic Decentralization and Local Self-Government.
- c. The Jurisprudence of Sarvodaya - Gandhiji, Vinoba Bhave, Jayaprakash Narayan - Surrender of dacoits; concept of Gram Nyayalayas.
- d. Socialist thought on law and justice: An enquiry through constitutional debates on the property right.
- e. Indian Marxist critique of law and justice - Naxalite movement: causes and cure

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## BIBLIOGRAPHY

### RECOMMENDED READING:

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**CASES FOR GUIDANCE**

Cases such as 'Nirbhaya' have had a significant impact on society, where the common was talking about how the law must be, what kind of punishment must be imposed.

1. Vishaka Vs State of Rajasthan 1997
2. Sharaya Bano Vs Union of India 2017
3. Shankari Prasad Vs Union of India 1951
4. Golak Nath Vs State of Punjab 1967
5. Keshvananda Bharti Vs State of Kerala 1973
6. Minerva Mills Vs Union of India 1980
7. AK Gopalan Vs State of Madras 1950
8. Maneka Gandhi Vs Union of India 1978
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11. Indira Sawhney Vs Union of India 1993
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16. Unni Krishnan J.P. Vs. State of Andhra Pradesh 1993
17. L. Chandra Kumar Vs Union of India 1997
18. Waman Rao Vs Union of India 1981
19. Gian Kaur Vs State of Punjab 1996
20. Aruna Shanbaug Vs Union of India 2011

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**OBJECTIVES OF THE COURSE**

*Legal Research is the process of identifying and retrieving information necessary to support legal decision-making. It begins with an analysis of the facts of a problem and it concludes with the results of the investigation. Legal research skills are of great importance for lawyers to solve any legal case, regardless of area or type of practice. The most basic step in legal research is to find a noteworthy case governing the issues in question. As most legal researchers know, this is far more difficult than it sounds. Whether you are a Lawyer, a paralegal or a law student, Legal research must be done effectively. This is where the methodology comes into play. Different cases must be approached in different ways and this is why it is important to know which type of legal research methodology is suitable for your case and helpful for your client.*

**LEARNING OUTCOMES:**

- a) It helps a student to find a solution to a pressing practical problem at hand using Applied Legal Research methodology.*
- b) It involves doing full-fledged field research work on a specific area of law followed by gathering information on all technical legal rules and principles applied and forming an opinion on the prospects of the solution to the problems.*

**COURSE WORK**

In this course, the student will be asked to do field work research in law with applied research methodology and present it to the faculty (Guide). The course will carry 2 credits. The student will earn one credit for the field work and one credit for the Viva-voce conducted by the faculty.

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**LL.M. COMMON PAPER – VI****SUBJECT: RESEARCH ETHICS AND TEACHING TECHNIQUES****Paper Code: LLM 403****Credits: 06****OBJECTIVES OF THE COURSE**

*Practice in Law is an ardent and noble profession. Lawyers to be so successful must have augmented skills that include presentation, advocacy, presence of mind and precise legal delivery. Lawyers need not become experts in each of these areas, but they must have a basic understanding of them. These are now tools for lawyers. The profession is part of a broader, more diversified, and challenging profession in India. They must adapt to these because the law is no longer about lawyers; it is about clients. The "hard skills" required of lawyers are only part of their expanded profession. They must also possess "soft skills" which is equally important as hard ones.*

**COURSE OUTCOME:**

*To Understand the right to acquire, right amount of training to enhance the required skills to face the challenges in the court of law and Industry.*

**Learning Outcomes:**

1. *This course gives the right input for the postgraduate student of law to acquire the right amount of training to enhance the required skills to face the challenges in the court of law and Industry.*
2. *In this course, the student will undergo two types of training for skill enhancement.*
  - a) *The first type is where the PG student will undergo training in teaching law to the Under Graduate programme.*
  - b) *The Second one will be fieldwork which includes Fieldwork that is Subject oriented, where the student will visit Court, Forum, Tribunal, Law chamber, Academic Institutions, Industry Etc.*
  - c) *Based on the field visit the Third one, i.e., Viva-voce will be conducted to test the knowledge acquired through the field visits. Each student will earn 6 credits in this course.*

**Marks pattern for this course****a) Course Planning/ Internship Project – 25 Marks**

Development of Course Planning by the student (Operative Mechanism with guidelines will be provided to students)

**b) Teaching / Industrial Training – 100 Marks**

Teaching by the student (Operative Mechanism with guidelines will be provided to students)

**c) Submission of Report – 25 Marks**

Submission of the report (Softcopy of Research Material developed) to faculty supervisor -  
(Templet will be provided to students)

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d) Viva-Voce – 50 Marks

Viva-Voce will be conducted by Panel Including External Expert and Internal Faculty.

TOTAL Marks = 200

TOTAL CREDITS = 06

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LL.M. COMMON PAPER – VII

SUBJECT: DISSERTATION

Paper Code: LLM 404

Credits: 06

**Brief Guide to Legal Research and Dissertation Works for Master Degree Programs at Prestige Institute of Management, Gwalior (Jiwaji University, Gwalior)**

Dissertation work integral part of the Master Degree Programs at Jiwaji University, Gwalior. The main object of the dissertation work is to facilitate a Master's degree student to examine an issue of contemporary relevance with in-depth study and examine the issue of vital concern with inter disciplinary or analytical approach. The guidelines give here have four stages in the first a student shall select a relevant topic. The second stage involves the identification and collection of relevant data and literature about the topic chosen. The third stage involves choosing the methodology to be adopted in writing the dissertation work and the final stage is about the shaping and completion of the dissertation work.

The dissertation work will be examined on three parameters – clarity i.e., presentation of the views and facts clearly and simply; brevity i.e., using precise language and articulating without circumventing and confusing the readers; and creativity i.e., to use imaginative approaches within the norms and conventions established in academic writing. Language and writing though argued as a symbol it is also a fact that the creative use of symbols distinguishes mundane writing from that of powerful presentations.

**STAGE 1: -Identifying an area of interest or a topic:**

Dissertation work in a Master Degree Program is carried out with time constraints for most candidates who are employed. Hence it is important in the first stage itself one identifies a topic that has some prior interest to expand the knowledge or could be useful in the career one is involved. This identification of one or more areas is a rough sketch or a clue to navigate through the vast field of the subject. The identification of one or more areas will help stabilize the candidate than a wild chase of various interesting topics but could not be handled due to paucity of materials or guidance or the time it may require.

**STAGE II: - Identification of Literature/Data:**

This stage is the starting point to enlarge one's interest in the topic chosen and to know what works has already been done. this exercise will also lead to the gaps in the area chosen. Even one comes across various writings on the chosen topic it may lead the candidate to interpret the subject or topic from a different angle which will add to the existing knowledge. The work put in identifying literature and data

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will decide the strength and depth of the project and will convey to the examiner the efforts undertaken by the researcher. This stage involves the following:

**Bibliography – in print format:** This could be done by browsing or acquainting the Index published by the commercial publications like the Index to Indian Periodical Literature and Asian Bibliographies available in most of the organized libraries. this could also be done by browsing the various law quarterlies available in the law section of libraries.

**Bibliography – Electronic format:** Apart from the printed form of Bibliographies on the web one can use the google search by using precise search string. The net can also lead to index services like the journals online or other sites which are pry sites like Lex site. CD-ROMs are also available in the market like which contains the cases of the Supreme Court from 1950 and has powerful search tools. JURIX is another CDROM that contains various branches of business law cases. Supreme Court Cases with full text, Law office 2000 etc.

### STAGE III – Methodology of project Writing:

There are different formats used for writing a project but there has to be a method with established requirements that should be an integral part of the project writing.

1. **COVER PAGE:** It must contain the title of the project, Course name, details of the student of the Prestige Institute of Management, Gwalior (Jiwaji University):

Illustration: WTO AND FUTURE OF INDIAN PATENT REGIME

Dissertation Work

Master Degree in Criminal Law, Criminology and Forensic Science

Submitted by

Name of the Candidate ID No.xxxxxxxx

Year of Study

1, June 2021

2. **CONTENTS PAGE:** The Contents of the project assignment must be detailed incorporating various supporting and sources and documents.

TABLE OF CONTENTS (Example)

Abbreviations:

- I. Introduction
- II. International Trade and Origin of WTO
- III. WTO and Third World Perspective
- IV. Issues in WTO – an IPR perspective
- V. a. IPR regime a comparative outlook

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- VI. b. Globalization of IPR  
Role of WIPO Issues of Health and Medicine in Third World
- VII. c. IPR and Biodiversity Balancing World Trade and National Interest
- VIII. Strategies for future IPR negotiation in WTO
- IX. Evolving a consensus on IPR Public Policy
- X. References

3. **TABLE OF CASES:** One should provide the complete details of the cases quoted and the sources from print or electronic format.

4. **TABLE OF STATUES:** The candidate should provide the complete details of the statutes quoted whether it be Indian cases or foreign cases.

### 5. BODY OF THE REPORT:

- A. **Abbreviations-** This will give an index of abbreviations used – Journals, Organizations, Reports etc.
- B. **Introduction-** This section will deal with briefly the background of the topic; the issues involved and will unfold the author's core idea or the research problem of taking up the assignment.
- C. **Research Methodology:** A special section on METHODOLOGY is part of the research writing to provide the same details under a special sub-heading in the INTRODUCTION itself. METHODOLOGY should at least contain the following:
  - I. General Method of analysis (e.g., empirical, descriptive, analytical etc.,) Sources of data (e.g., interviews, secondary materials etc.,)
  - II. Scope and limits of the analysis
  - III. Sub-themes & section
  - IV. Acknowledgements of the source of information/idea by Footnote/Endnote.  
It could be quotations- in such it should be done by quotations to reproduce the verbatim information "....."  
Citations of similar ideas or information by other authors  
Website address and links where the information has been sourced
  - V. Conclusion.

6. **Bibliography-** Classified as primary and secondary and each section in alphabetical order.

## II: ILLUSTRATIONS OF MOST COMMON CITATION FORMS

### BOOK BY ONE AUTHOR

Author Title of the book citing Page No. Place of Publication,

Publisher, Year of Publication

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### BOOK BY MORE THAN ONE AUTHOR

- (i) N.K. Choudhary and J. C. Aggarwal, Dunkel Proposals. Vol. II. Implications for India and the third world. 130-135 (Delhi: Shipra Publications, 1994. and others
- (ii) Vandana Shivs et al., the enclosure and recovery of the commons: Biodiversity, indigenous knowledge and intellectual rights (New Delhi: RFFST and Ecole, 1997).

### EDITORS AND TRANSLATORS OF BOOK

When a classic work is edited and is published by a different publisher than the original publisher.

Place of Author Title of the Book Editor Publication, year of Original Publication, Publisher Year of Publication

Jonathan Swift, Gulliver's Travels (Paul Turner ed., Oxford: OUP, 1986) (1735).

(II) When a classic work is edited, and it is a publisher as a different edition. Jonathan Swift, Gulliver's Travels (Paul Turner ed., 10th ed. Oxford: OUP)

(III) When edited a book with a collection of articles Indian Patents system and Paris Convention: Legal Perspective (P.S. Sangal et al. eds., Allahabad: Wadhwa & Co. 1987).

(IV) When there is a different editor and a translator Editor Translator, Edition No.

Walter Benjamin, Illuminations (Hannah Arendt ed. & Harry Zones trans., London: Penguin, 1969) (1955).

#### **Bibliography -in print format:**

This could be done by browsing or acquainting the Indexes published by the commercial publications like the Index to India Periodical literature and Asian Bibliographies available in most of the organized libraries. This could also be done by browsing various law quarterly available in the law section of libraries.

**Bibliography – Electronic format:** Apart from the printed form of bibliographies on the web one can use the google search by using precise search strings. The net can also lead to index services like the

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journals online or other sites which are pay sites like Lex site. CD-ROMs are also available in the market like which contains the cases of the Supreme Court from 1950 and has powerful search tools. JURIX is another CDROM that contains various branches of business law cases, Supreme Court Cases with full text, Law Office 2000 etc.

### STAGE III – Methodology of project Writing:

There are different formats used for writing a project but there has to be a method with established requirements that should be an integral part of the project writing.

1. COVER PAGE: It must contain the title of the project, Course name, details of the student of the Prestige Institute of Management, Gwalior (Jiwaji University):

Illustration: WTO AND TORTURE OF INDIAN PATENT REGIME

Dissertation Work

Master Degree in Criminal Law, Criminology and Forensic Science

Submitted by

Name of the Candidate

ID No.xxxxxxxx

Year of Study

1, June 2002

2. CONTENTS PAGE: The Contents of the project assignment must be detailed incorporating various supporting sources and documents.

TABLE OF CONTENTS Abbreviations

I. Introduction

II. International Trade and Origin of WTO

III. WTO and Third World Perspective

IV. Issues in WTO –an IPR perspective

IV.a. IPR regime a comparative outlook

IV.b. Globalization of IPR

Role of WIPO

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Name of the Authors, Volume No.

Frederick Pollock & Frederic W. Maitland, 2 The History of the English Law (London: Sweet & Maxwell, 1895).

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"Law", 22 *Encyclopedia of Britannica* (15th ed., New York: Encyclopedia Britannica Corp., 1991).

Section No. Article Name Volume No. Name of the Encyclopedia  
Year of Publication

"Constitutional Law", 16 (101) *Corpus Juris Secundum* (1984).

### PERIODICAL MATERIALS

(i) Journals with Consecutive Page Citation Page Nos.

P.K. Vasudeva, Patenting biotech products: Complex issues. Vol. 35 No. 42, *Economic and Political Weekly*. p. 3726-3728 (2000)

Issue

Author Name of the Article

Name of the Journal, Beginning Page of the article, Volume No. Citing Page No.

(iii) Journals with non-consecutive Pagination

Srinivasan R, "E-commerce and taxation", p. 1-8 *Taxman* (May-June 2001).

### BOOK REVIEW

(i) Robin West, "Relativism, Objectivity and Law", 99 (3) *Yale Law Journal* 1473 (1990) (reviewing Barbara H. Smith, *Contingencies of Value* (Oxford: OUP) 1988).

(ii) Robin West, "Relativism, Objectivity and Law", 3, 99(3) *Yale Law Journal* 1473 (1990) (Book review).

### NEWS MAGAZINES AND PAPERS

Praful Bidwai, "Seeking a Parading Shift", *Frontline*, April 24, 1998, at 17.

Padma Seth, "Women Still Waiting", *The Times of India*, July 27, 1998, at 10.

B. Krishna, "Gandhi: Triumphs and Failures", *The Hindu*, July 26, 1996 (Magazine), at IV.

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*P. K. Vasudeva*

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*Palika Sikawar*  
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[LL.M. Syllabus] [Department of Law] [Faculty, Gwalior]

## FORTHCOMING PUBLICATIONS

Rebecca West, "Consent and Democracy", 107 (2) Yale Law Journal (forthcoming 1991).

Upendra Baxi, "From Human Rights to Right to be Human", in Human Rights and Wrongs (Bhiku Parekh & Upendra Baxi eds., forthcoming 1991).

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Rebecca J. Simmons, Philosophy and Narrative Form (Oct. 15, 1990) (unpublished manuscript, on file with the Columbia Law Review).

### (ii) Dissertations and These

Rebecca J. Simmons, Philosophy Narrative Form (1990)  
(Unpublished Ph.D. dissertation, Cambridge University).

## CITING A CROSS-REFERENCE

Walter Benjamin, Illuminations (Hannah Arendt ed. & Harry Zones trans., London: Penguin, 1969), as cited in Bhiku Parekh, "Misconceived. Discourse on Political Obligation", 35(4) Political Studies (1993), at 15.

## UNITED NATIONS MATERIALS

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Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and the benefit of Mankind, G.A. Res. 3384, U.N. GAOR 30th Session, 10 November 1975, Supp. No. 34 (A/10034) at 86, U.N. Doc. A/2890 (1975)

### (ii) Declarations of International Conferences

The Vienna Programme of Action, U.N. Doc. A/CONF. 157/23, 12 July 1993.

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(iii) Studies published by UN

The Balance which should be Established between Scientific and Technological Progress and the Intellectual, Spiritual, Cultural and Moral Advancement of Humanity, U.N. Doc. E/CN.4/1199 and add. 1 (1976)

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"Law", Encyclopedia of Britannica (CD-ROM) (New York: Britannica Corp., 1991).

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Third World Network, Biosafety, Patents and Biopiracy,  
<http://www.twinside.org.sg/south/twn/title/braz-cn.htm> (June 15, 1999).

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1. D.J. Harris et., Law of the European Convention on Human Rights (London: Butterworths, 1995).
2. H.L.A. Hart, The Concept of Law 10 (Oxford: OUP, 1969). "Seeking a Paradigm Shift", Frontline, April 24,
3. Praful Bidwai, 1998 at 17.,
4. Id.
5. Ibid at 15.
6. Supra note 2, at 25-26.
7. Fredrick Pollock & Frederic W. Maitland, 2 The History of the English Law 109 (London Sweet & Maxwell, 1895).
8. Ibid 1 at 25.
9. Supra note 3, at 12.

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## Illustration 2 (Using short-cuts to cite multiple references)

1. D.J. Harris et al., *Law of the European Convention on Human Rights* (London Butterworths, 1995); H.L.A. Hart, *The Concept of Law* 10 (Oxford: OUP, 1969);
2. Praful Bidwai, "Seeking a Paradigm Shift", *Frontline*, April 24, 1998, at 17;
3. Frederick Pollock & Frederic W. Maitland, *2 The History of the English Law* 109 (London: Sweet & Maxwell, 1895).
4. Harris, *supra* note 1 at 55-60; Pollock & Maitland, *ibid* at 110.

### MODES OF CITING STANDARD REPORTERS

**NOTE:** The modes of citation enumerated below are as recommended by the particular reporter in question. Ordinarily, the mode provided by the reporter itself is the best way of citing it. In case of any conflict between the mode mentioned here and the mode provided by the particular reporter, the latter will have preference.

Sl. No. Name of the Journal Mode of Citations

1. Accident Claims Journal 1999 ACJ\_( )1
2. All England Law Reports (1999)2 All ER
3. All India Report AIR 1976\_( )2
4. Company Cases (1999)97 Com.Cas.\_ ( )
5. Consumer Claims Journal 1998 CCJ\_( )
6. Criminal Law Journal 1995 Cri. L.J
7. Consumer Protection Judgments II (1992) CPJ\_( )
8. Current Tamilnadu cases 1999 (II) CTC\_
9. Current Tax Reporter (1999) 154 ICTR ( )
10. Divorce and Matrimonial Cases I (1999) DMC\_
11. Income Tax Reports (1997) 2251. T.R.\_ ( )
12. Industrial Property Law Reporter IPLR 1999 ARIL\_

1 The Page number where the cited case begins will replace the symbol ' \_ ' Inside the bracket, '( )', the abbreviation of the forum which decided the particular case is to be entered. For example, (SC) for Supreme Court, (Mad.) For the High Court of Madras etc.

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2. The first ‘\_’ will be replaced by the abbreviated form of the forum which decided the case, for eg., SC for Supreme Court, Kant. for the High Court of Karnataka, P&H for the High Court of Punjab and Haryana, etc. the second ‘\_’ will be substituted by the page number where the cited decision begins.

13. International Legal Material 38 I.L.M 1 (1999) \_
14. Judgement Today JT 1999 (3) SC \_
15. Labour and industrial Cases 1999 Lab I.C \_ ()
16. Labour 1999-I-LLJ ‘\_’
17. Labour Law Reporter 1999 LLR \_
18. Madras Law Journal (1999) II MLJ \_
19. Scale (1999) SCALE \_
20. SEBI and Corporate Law (1999) 20 SCL \_ ()
21. Supreme Court Cases (1999) 3 SCC \_
22. SCC (Criminal) (1999) SCC (Cri.) \_
23. Supreme Court Journal (1999) 1 S.C.J
24. Taxman (1993) 71 Taxman \_ ()
25. The Law Reports of India (1999) 2 LRI \_
26. Karnataka Services Law Journal 1992 KSLJ \_
27. American Law Reports \_ ALR \_ 3
28. Bangladesh Legal Decisions 1981 BLD (AD) \_
29. United State Supreme Court Reports, Lawyers Edition Led.2d \_ 3

3 The first ‘\_’ will be replaced by the volume number of the particular report and the second ‘\_’ will be substituted by the page where the cited case begins.

**Data:**

1. Number of Hospitals; Machines available; Details of registration of each machine
2. Number of cases in which violations were take taken note of
3. Number of Cases registered by the police
4. Nature of Remedies or Sanctions provided by the Courts
5. Number of cases in which final decisions rendered by the Courts

**Primary and Secondary Source:**

1. Hospital Authorities,

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2. Distributors of the Machines;
3. Political Stations;
4. District Government Medical Hospital;
5. Judicial Reports;
6. Official Gazettes;

**Data Collection Methods:**

1. Survey
2. Interviews
3. Administration of Questionnaires

**Data Analysis and Method of arriving at Findings:**

1. Deductive
2. Inductive

**Research Findings, Conclusions and Suggestions:**

Proposed Literature for Survey (Bibliography)

Proposed judicial decisions for analysis

**Proposed Chaptalization:**

1. Introduction
2. Frame work of Law; Definitions; Analysis of Ingredients;
3. Judicial Decisions, Analysis and Research Findings
4. Conclusion and Suggestions
5. Bibliography of Books referred
6. List of Judicial Decisions

**AREA:** Abuse of Reproduction Technology and Legal Responses

**Topic:** Examination of the scope of law relating to Pre-Conception and Pre Natal-Diagnostic Techniques and evaluation of judicial interpretation

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*Deep*

*P.P. Singh*

*Harina*

*Palpa Sikarwar*

### Objective:

1. To Examine the scope of the "Pre-Conception Pre Natal-Diagnostic Technique"
2. To find the necessary obligations to be complied with by a hospital or a medical institution before making available the services of PC OND Technology
3. To analyze the scope of powers vested with the Authorities to supervise and monitor the usage of PC PND Technology
4. To examine the nature of violation by the Medical Institutions and verify the nature of orders passed by the monitoring bodies and the number of cases being reported with police
5. To evaluate the Judicial Interpretations as to the rights and obligations of various parties and examine the trends in the Judicial interpretation

### Research Questions:

1. What is the definition of "Pre-Conception and Pre Natal-Diagnostic Technique"?
2. What are the shortcomings of the definition of "Pre-Conception and Pre Natal-Diagnostic Technique" under the Act?
3. What are the mandatory obligations mandatory of a hospital/a medical institution before and while making available the services of PC PND Technology?
4. Who are the authorities vested with powers to monitor and what are their powers?
5. When these powers may be exercised? What are the shortcomings?
6. What are the remedies available to an aggrieved machinery seizure or license termination or hospital being down?
7. In how many cases machinery was seized, licenses were cancelled and hospitals were sought to be closed down?
8. What reliefs were granted to the aggrieved?
9. What sanctions were imposed on wrongdoers?
10. In how many cases, appellate courts upheld, reversed or modified the orders of the lower courts?

### Hypothesis:

1. Definition of "Pre-Conception and Pre Natal-Diagnostic Technique" is outdated
2. Obligation on the hospital or a medical institution before the use of PCPNDT are too many/inadequate/vague or serve no purpose

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- 3. Responses of State Governments to implement PCPNDT Law and establish or constitute the monitoring authorities is very progressive/ weak or inadequate
- 4. Powers vested with the Authorities to supervise and monitor the usage of PC PNDT are too many/very limited
- 5. Number of FIR's registered for the violations under the Act is far too limited
- 6. Judicial responses to the affected parties are dismal/ too much of time taking

MARKS: Dissertation and Viva-voce – 200, Marks Dissertation – 150 Marks, Vivo-voce – 50 Marks

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*Varina* *Patil Sikawan*

**SPECIALIZATION -I**  
**BUSINESS LAW AND CORPORATE GOVERNANCE**

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## BUSINESS LAW AND CORPORATE GOVERNANCE

Business Law in its ever-changing contours requires one to be constantly updated with the latest developments in the field and the Department strives to impart that to the students. The Department of Law, PIMG has been consistently promoting Continuing Legal Education by organizing periodical events inviting Notable District Collectors, practising Lawyers in the Globalized World amongst others creating value additions to the Research carried out in the field of Business Law.

The legal environment in which business is conducted has been transformed over the recent decades, with the revolution of corporate legal practice. Corporate transactions have grown markedly in scope, value and complexity. This has created an intense demand for highly trained and skilled corporate lawyers. Hence, those who have already embarked upon a legal career can maximize their potential as business lawyers by continuing their legal education with corporate-oriented studies at Masters Level. The LL.M. in Business Law is structured to prepare students for these facets of successful corporate practice, and thus provides an excellent academic platform for those who have embarked upon a legal career or will do so shortly and intend to specialize in the area of corporate law. The syllabus has been accordingly restructured with effect from the academic year 2021-22 by the Law Department. The program offers 6 Specialized Core papers, 3 Discipline Specific Elective papers and 2 Generic Elective papers that synergizes theoretical knowledge and practical applications, perfect for equipping the students with professional levels of competence of Business Laws. The courses are scheduled to be spread over 4 semesters in 2 years (CBCS system).

The specialization provides students with ample opportunity to engage with the key theoretical debates of corporate law and related areas of law, like Banking and Finance, Insurance, Intellectual Property and Competition Laws. These courses would provide an all-important bridge between the various disciplines and skills required by the modern business professional. The elective courses are designed to address the needs arising from the unique dynamics of the current corporate environment, where business intersects with Cyber Law and Dispute Resolution. The International Business Law course will prepare the student for a career in global business by providing insights into the complexities of transnational business interactions. The generic electives are structured to enable a holistic understanding of the corporate world when seen through the prism of Human Rights and Consumer protection.

*Rakesh*

*Deep*

*P. P. Singh*

*Harina*

*Taba Sikandar*

**SPECIALIZATION –I: BUSINESS LAW AND CORPORATE GOVERNANCE**

**SPECIALIZED CORE PAPERS – 06**

S.No	Nomenclature of Paper	Paper Code	Credits
1	<b>Corporate Governance</b>	LLMB103	4
2	Banking and Finance.	LLMB104	4
3	<b>Competition Law</b>	LLMB203	4
4	<b>Legal Regime of Intellectual Property Rights</b>	LLMB301	4
5	Law of International Finance and Institutions.	LLMB302	4
6	<b>Insurance Laws</b>	LLMB401	4

**DISCIPLINE-SPECIFIC ELECTIVE PAPERS – 03**

S.No	Nomenclature of Paper	Paper Code	Credits
1	Law of Commercial Dispute Resolution.	LLMB204	4
2	Law of Corporate Cyber Security.	LLMB303	4
3	<b>International Trade Law</b>	LLMB402	4

**GENERIC ELECTIVE PAPERS – 02**

S.No	Nomenclature of Paper	Paper Code	Credits
1	<b>Human Rights Perspectives of Corporate Law</b>	LLMB204	3
2	<b>Comparative Legal System for Consumer Protection</b>	LLMB303	3

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LL.M. SPECIALIZED CORE PAPER – I  
SUBJECT: CORPORATE GOVERNANCE

PAPER CODE: LLMB 103

CREDITS: 04

**OBJECTIVES OF THE COURSE**

The term 'Corporate Governance encompasses a healthy and viable relationship between the corporation and its board of directors/ Principals, management and stakeholders. In recent years, the regulate others and legislate others have deepened their focus on the way businesses ought to be run. They are striving to create a legal prototype for new corporate governance which is beneficial for both the stakeholders and regulate others. This course strives to cover the essential legal framework to strengthen corporate governance of a corporation and also touches upon issues such as conflicts of interest, the legal framework within the country and international corporate governance.

After undergoing the study, the student will be able-

**CO1:** To Understand the principles and concepts of corporate management law that governs various commercial transactions

**CO2:** To elucidate the Equip the students to analyse the principle of corporate management and strategies adopted by corporates towards achieving their objectives

**CO3:** To demonstrate the Grasp knowledge of the Institutions and stakeholders that play a major role in corporate structuring.

**CO4:** To elaborate the Enable the students to answer some vital questions regarding the law of corporate management, governance and legal perspectives about the same.

**LEARNING OUTCOMES**

1. Refine their understanding of shareholder rights, audit committee, investor funds, its composition and responsibilities.
2. Adopt and implement best practices for effective corporate management. Adhere to sound principles of corporate governance.
3. Critically evaluate and analyses the significance and importance of corporate governance.

**COURSE OUTLINE**

**MODULE I - INTRODUCTION**

- a. Origin and History of Corporate Management and Governance-Evolution of corporate governance.
- b. Principles of corporate Governance-Theories of corporate governance.

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- c. Globalization and corporate Governance-Correlation between corporate governance and corporate responsibility
- d. Organization for Economic Co-operation and Development (OECD) and BIS Principles - Implementation and pitfalls.
- e. International environment to Improve Corporate Governance - The US Sarbanes-Oxley Act of 2002 (SOX) – Overview of Dodd-Frank Wall Street Reform and Consumer Protection Act 2010 to corporate governance - The Cadbury Report (1992) – Overview of The UK Corporate Responsibility Act 2002.

## MODULE II - CORPORATE SECURITIES

- a. Shareholders-Role of Shareholders-Shareholder Rights-Responsibilities of Shareholders – Protection to the shareholders.
- b. Debentures-Role of Debenture Holders-Debenture Holders Rights-Responsibilities of Debenture Holders-Protection to the Debenture holders.
- c. Other Stakeholders role, rights and Responsibilities-Relationship of Shareholders and Other Stakeholders-Comparative analysis of Shareholders and Debenture holders.
- d. Share Holder Democracy- Rule of Majority

## MODULE III – MANAGEMENT AND ADMINISTRATION

- a. Director and Key Managerial Personnel, Managerial remuneration
- b. Board of Directors-Structure of the Board-Role, Authority and independence of the Board - Difference between Board and Management.
- c. Duties, Rights of Directors-Fiduciary Responsibilities-Role of the board in Shareholder's protection through disclosure and transparency.

## MODULE IV – LEGAL FRAMEWORK RELATING TO AUDIT

- a. The Audit Committee and corporate Governance-Defining Audit and Audit Others-Significance of accounting and auditing for governance.
- b. Roles Duties, & Responsibilities of Auditors-Responsibilities of the Audit Firm - Role of institutional Investors-Investor's Problems and Protection-Classification of Investor Protection-Impact of Investor Protection
- c. The Concept of Corporate Social Responsibility; Role of Stakeholders in CSR; International Aspects of Corporate Social Responsibility; Action vs. intentions corporate commitment, voluntary vs. mandatory stakeholders' activism.





## BIBLIOGRAPHY

### RECOMMENDED READING:

#### BOOKS

1. VS. Balachandran, VS. Chandrasekaran, Corporate Governance, Ethics and Social Responsibility, 2011.
2. Sharma J.P, Corporate Governance and Social Responsibility of Business, Anne Books Pvt. Ltd, New Delhi, 2019
3. A.C., Pearson, Corporate governance- Principles, Policies and Practices, Fernando, 2009.
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5. Kesho Prasad, Corporate Governance, PHI learning Pvt Ltd, 2011.

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1. Adams, Hermalin, and Welsbach (2010), The Role of Boards of Director/ Principals in Corporate Governance- A Conceptual Framework and Survey, Journal of Economic Literature.
2. Hartzell, Jay C. and Laura T. Starks (2003), "Institutional investors and executive compensation", Journal of Finance.
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4. Greenwood, Robin, and Michael Schor (2009) Investor activism and takeovers, Journal of Financial Economics
5. Bertrand, M., P. Mehta, and S. Mullainathan (2002), Ferreting Out Tunneling- An Application to Indian Business Groups, Quarterly Journal of Economics.

### FURTHER READING:

#### BOOKS

1. Josef C. Brada, Inderjit Singh, Saul Estrin, Alan Gelb, Xavier Richet- Corporate Governance in Central Eastern Europe- Case Studies of Firms in Transition
2. Jay W. Lorsch, The Future of Boards- Meeting the Governance Challenges of the Twenty-First Century
3. Bob Tricker, Essentials for Board Director/ Principals- An A-Z Guide
4. Ram Charan, Boards That Lead- When to Take Charge, When to Partner, and When to Stay Out of the Way
5. Cathy A. Trower, The Practitioner's Guide to Governance as Leadership- Building High-Performing Nonprofit Boards

*Agarwal* *Sharma* *P.P.S.P.* *Harina* *Palika Sikawan*

6. Arindam Das, *Corporate Governance in India*
7. Dipak R. Basu and Victoria Miroshnik, *Corporate Governance and Effectiveness- Why Companies Win or Lose*
8. Franklin N. Ngwu, Onyeka Osuji, Chris Ogbechie, and David Williamson, *Enhancing Board Effectiveness- Institutional, Regulatory and Functional Perspectives for Developing and Emerging Markets*
9. Lars Engwall, *Corporate Governance in Action- Regulators, Market Actors and Scrutinizers*
10. Ralf Müller, *Governance and Governmentality for Projects- Enablers, Practices, and Consequences*

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1. Gompers, P. A., J. Ishii, and A. Metrick. (2003) *Corporate Governance and Equity Prices*, Quarterly Journal of Economics.
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4. Calpers Global Principles of Accountable Corporate Governance, 2011 <http://www.calpers-governance.org/docs-sof/principles/2011-11-14-global-principlesof-accountable-corpgoVs.pdf>
5. Corporate Governance- An International Review- [https://books.google.co.in/books?hl=en&lr=&id=YNp73RY8pJIC&oi=fnd&pg=PP1&dq=Corporate+GovernanceAn+International+Review&ots=\\_CJpZnZ9xS&sig=HcupWcoyszWoSrXMjyf0Zx862LQ#v=onepage&q=Corporate%20Governance%3A%20An%20International%20Review&f=false](https://books.google.co.in/books?hl=en&lr=&id=YNp73RY8pJIC&oi=fnd&pg=PP1&dq=Corporate+GovernanceAn+International+Review&ots=_CJpZnZ9xS&sig=HcupWcoyszWoSrXMjyf0Zx862LQ#v=onepage&q=Corporate%20Governance%3A%20An%20International%20Review&f=false)
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7. Renée, Benjamin E. Hermalin, Michael S. Weisbach (2010), "The Role of Boards of Director/ Principals in Corporate Governance- A Conceptual Framework and Survey." *Journal of Economic Literature* 48(1), 58-107.
8. *Development Economics and Public Policy*, file:///C:/Users/human/Downloads/de030002.pdf
9. Anil Arya et al., *are unmanaged earnings always better for shareholders?* (Yale ICF, Working Paper No. 02-37, Aug. 2002), at <http://papers.ssrn.com/sol3/papers.cfm?>

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10. Liev, Peter, Karl VS. Lins, Darius P. Miller, Lukas Roth (2015), "Shareholder Voting, and Corporate Governance Around the World." Review of Financial Studies 28(8), 446-485.

#### CASES FOR GUIDANCE

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2. Paramount Communications, Inc. Vs. Time, Inc., 571 A.2d 1140 (Del. 1989).
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4. Auerbach Vs. Bennett, 47 N.Y.2d 619, 393 N.E.2d 994, 419 N.Y.S.2d 920, 1979 N.Y. LEXIS 2202 (N.Y. 1979)
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6. Polaris Software Lab. Limited Vs Suren Khivadkar ILLJ 323 Mad, (2003) 3 MLJ 557
7. SEC Vs. General Motors Corporation, 14A 1 s11-8104
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12. Snowcem India Ltd. and Others. Vs Union of India and Others. 124 Comp Cas 161 Bom, 2005 60, SCL 50 Bom on 24 September 2004,
13. Surender Babbar Vs Delhi Transco Ltd. & Others, W.P.(C) 4733/2013 on 17 August 2017
14. Chitra Sharma Vs Union of India, 27229 S.C.2019 on 9 August 2018
15. Walchand People First Ltd. Vs Assesse, I.T.A. No. 2543 /Mum/2013 on 4 February 2016
16. Cyrus Investments Pvt. Ltd. Vs Tata Sons Ltd. & Others, Company Appeal (AT) No.254 of 2018 on 18 December 2019
17. Price Waterhouse, Bangalore Vs SEBI, Appeal 6 SAT 2019 on 9 September 2019
18. M/S. Tata Industries Ltd. Vs M/S. Grasim Industries Ltd on 9 July 2008
19. SEC Vs. Adelpia, <https://www.sec.gov/litigation/complaints/complr17627.htm>
20. Sesa Industries Ltd Vs Krishna H. Bajaj & Others 1430-1431 S.C. 2011 on 7 February 2011

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**OBJECTIVES OF THE COURSE**

*The emerging changes in India, particularly after the initiation of the planning process as an instrument of rapid economic development had affected the banking structure, policies, patterns and practices and also the financial enterprises. Bank and the banking system evolved into a vital socio-economical institution in the modern age and backbone of any country. A significant development in the banking system is diversification in banks financing. The commercial banks entered into the field of wide-ranging financial assistance to industry, both large and small scale, requiring the need for social control of the banking system eventually leading to the nationalization of banks.*

*The evolutionary process continues with the global phenomenon of liberalization. This has witnessed the entry of Foreign Banking Companies in the Indian market leading to deviation in the banking policy. Moreover, new means such as E-Banking and E-Commerce has made it essential that the Indian legal system adopts a new modus operandi to cope with the modern scenario. This course is designed to acquaint the students with the conceptual and operational parameters of banking law, the judicial interpretation and emerging dimensions of the banking system. After undergoing the study, the student will be able:*

- |  |
|--|
| <b>CO1:</b> To understand the conceptual and legal parameters including the judicial interpretation of banking law.  |
| <b>CO2:</b> To examine the current and potential future contours of the International Banking System with that of the banking system in India.                   |
| <b>CO3:</b> To Articulate and analyses the roles of national governments and regulators in the regulation of banking and financial institutions and the economy. |
| <b>CO4:</b> To analyze the New emerging dimensions in the banking system including e-commerce and e-banking  |

**LEARNING OUTCOMES**

- 1. Have a comprehensive understanding of conceptual and legal parameters including the judicial interpretation of banking law.*
- 2. Examine the current and potential future contours of the International Banking System with that of the banking system in India.*
- 3. Articulate and analyses the roles of national governments and regulators in the regulation of banking and financial institutions and the economy.*
- 4. Analyze the New emerging dimensions in the banking system including e-commerce and e-banking.*

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**MODULE I - INTRODUCTION**

- a. Evolution of Banking and its history in India
- b. Banking - The different types of Banks viz. Central Bank, Commercial Bank, Co-operative Banks, Specialized Banks, Regional Rural Banks (RRBs), NABARD, Financial Institutions and their respective functions.
- c. Growth and development of Non-Banking Financial Companies and Capital Market
- d. Nationalization- Evaluation- private ownership, nationalization and Disinvestment. Priority lending, Promotion of underprivileged classes.
- e. Reforms in Indian Banking Law Recommendations of Committees.
- f. Automation and legal aspects, automatic teller machine and use of the internet, use of the expert system, smart Card, Credit cards.

**MODULE II - REGULATION OF BANKS**

- a. Organizational structure and Functions of Reserve Bank of India
- b. Credit control, Exchange control, Bank rate policy formulation, Regulations of the monetary mechanism of the economy.
- c. RBI's control over banking and non-banking financial companies. Banking Ombudsman scheme- Purpose, Extent, Definitions, Establishment and Powers; Procedure for Redresses of Grievance; Arbitration and Conciliation Procedure.
- d. Banking Regulation Act, 1949- Control over Management, Prohibition of certain activities about Banking Companies, Acquisition of the undertakings of Banking Companies

**MODULE III – THE PAYMENT AND SETTLEMENT SYSTEMS ACT, 2007**

- a. Object and scope - Payment and Settlement Systems Act, 2007
- b. Authorization of the payment system
- c. Regulation and supervision by Reserve bank
- d. Settlement of disputes, offences and penalties

**MODULE IV- DEBT RECOVERY, SECURITIZATION AND RECONSTRUCTION**

- a. The Recovery of Debt Due to Banks and Financial Institutions Act, 1993. Recovery of Debts Determined by Tribunal and Miscellaneous Provisions.

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- b. **Securitization - Regulation of Securitization and Reconstruction of Financial Assets of Banks and Financial Institutions.**
- c. **Enforcement of Security Interest – under SARFAESI Act 2002 and the Security Interest (Enforcement) Rules, 2002.**
- d. **Insolvency and Bankruptcy Code – Salient features, Regulatory and Judicial Perspective.**

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**OBJECTIVES OF THE COURSE**

*Competition plays a key role to play in ensuring productive, efficient, innovative and responsive markets. Consumers have ensured the availability of 'goods' and 'services' in the abundance of acceptable quality at affordable prices. Competition law and policy also result in equity among producers and reduce rent-seeking behaviours on their part. In tune with the international trends and to cope with changing realities, India has reviewed the Monopolies and Restrictive Trade Practices Act, 1969 and has enacted the Competition Act, 2002. Competition law has spread from country to country at a rapid rate and there are now over one hundred and thirty jurisdictions with established competition laws. Hence post graduate students must be equipped with a thorough understanding of Unfair Competition Law in International Jurisdictions. This course focuses on European, UK and US Laws, drawing on international and other national jurisdictions where relevant. The purpose of this course is to consider the rationale, scope and application of the competition law in various jurisdictions across the world. After undergoing the course, the student will be able to understand:*

**CO1:** To discuss the evolution and growth of Competition Law.

**CO2:** To relate the concept of Anti-Competitive agreements and abuse of dominance.

**CO3:** To illustrate the concept of regulation of combinations.

**CO4:** To appraise the concept of regulation of competition law.

**LEARNING OUTCOMES**

- 1. An economic theory of competition law, the need for protecting competition in the market and the difference between competition law and policy.*
- 2. Practical aspects and enforcement mechanisms of competition law in various jurisdictions and its relevance in the Indian context.*
- 3. Know about the interrelation between the jurisdiction aspects of regulatory authorities of competition law and Intellectual property.*
- 4. To engage in various advocacy programs of the Competition Commission with a broader outlook and apply it practically.*

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## COURSE OUTLINE

### MODULE I – EVOLUTION & GROWTH OF COMPETITION LAW

- a. Basic economics of Competition law, Purpose of competition Law-Market structure,
- b. Concept of the market, Open market- Regulated market, Market functions of the role of Competition Law
- c. Dimensions of Competition -Types of Competition – Economic Objectives of Competition Law - The Role of Economics in Competition Policy, Social Welfare, Distinction between Competition Policy and Competition Law, Need for competition Law
- d. Law of unfair competition – evolution in the global level - English common Law – Modern developments in US – UK – European Union – Sherman Act – Clayton Act – other global legislations.
- e. Evolution in India – MRTP Act – Consumer Protection Act – Unfair Trade Practices regulations – drawbacks of MRTP Act – Raghavan Committee Report.
- f. Competition Act 2002 –Salient features of the Act

### MODULE II - ANTI COMPETITIVE AGREEMENTS AND ABUSE OF DOMINANCE

- a. Anti-competitive Agreements - Agreement expanded definition - Concept -Forms and Treatment in India - Parallel Import.
- b. Treatment of Anti-Competitive Agreements under USA, EU, UK, Australia
- c. Appreciable Adverse Effect on Competition in the Market - Relevant market - Determination of Relevant Market - Rule of Reason and Per se
- d. Cartels - Definition - Dealing Cartels in US, UK, European Union Case - Studies – Legal and Enforcement Framework of Cartels
- e. Detecting Abuse of Dominance - Factors to Determine the Dominant Position - Relevant Market
- f. Factors Determining Abuse – Exploitative, Exclusionary- circumstances of abuses in the market predatory pricing – Anti- Trust Laws and price Fixing-Essential facilities doctrine
- g. Role of CCI dealing with abuse of dominance - Penalties and Sanctions-Division of Undertakings to prevent abuse.

### MODULE III – REGULATION OF COMBINATIONS

- a. Regulating Combinations, Meaning of Mergers & Acquisitions Vertical Horizontal
- b. Combinations - Concept, Forms, Reasons.

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- c. Regulatory Framework in India, Different Tests for Studying the Impacts of Combinations in the Market, Unilateral and Coordinate Effects of Combinations, Foreclosure, Failing Firm, Creeping Acquisitions
- d. Regulation of Cross Border Combinations, Treatment of combinations under the USA, EU, UK.

#### MODULE IV - REGULATION OF COMPETITION LAW

- a. Powers and Functions of CCI, Role of regulatory authorities in the US, U.K, European Union
- b. Sectoral Regulation, Competition law and jurisdictional overlaps, Role of Judiciary in dealing with jurisdictional issues- exclusivity model, concurrency model-cooperation
- c. WTO and its Impact on Competition Laws regarding UNCTAD - Anti-Dumping- International Competition Law under WTO, International Enforcement and Judicial Assistance
- d. IPR and Competition Law Conflicting and complimentary Relationship-Competition and Patent Law-Interplay Between Competition Law and IPR.

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**LL.M. SPECIALIZED CORE PAPER – IV**  
**SUBJECT: LEGAL REGIME OF INTELLECTUAL PROPERTY**  
**RIGHTS**

**PAPER CODE: LLMB 301**

**CREDITS: 04**

**OBJECTIVES OF THE COURSE**

*This course is intended to teach Intellectual Property and its economic and commercial impact in the current scenario. In the growing world where Invention, access to medicine, Transfer of Technology has a significant role this course examines the international provisions and national instruments about Intellectual property rights along with the Human rights perspective.*

*After undergoing the study, the student will be able:*

<b>CO1:</b> To Understand the International and National instruments relating to Intellectual Property Rights
<b>CO2:</b> To elucidate the impact of international instruments relating to Intellectual Property
<b>CO3:</b> To analyze the impact of patents and copyrights
<b>CO4:</b> To apply the knowledge relating to trademarks, geographical indication and industrial design & semiconductor integrated circuits.

**LEARNING OUTCOMES**

- 1. Understand the International and National instruments relating to Intellectual Property Rights*
- 2. Know the impact of Intellectual Property in Business, Agriculture, Human rights law and Competition Law*
- 3. Analyze the impact of new technologies in balancing the objective behind the Intellectual Property system*
- 4. Understand the importance of strong Intellectual Property rights in facilitating the economic growth and industrialization*
- 5. Realize that IPR and Competition law concerning Human rights promotes consumer welfare and protects both public and private interest.*

**COURSE OUTLINE**

**MODULE I - CONCEPTUAL DEVELOPMENT OF INTELLECTUAL PROPERTY**

- a. Concept & Meaning - Nature & Characteristics of Intellectual Property
- b. History & Classification of IP

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- c. Role of Intellectual Property in Economic Development
- d. Justification and Rationale for Protecting Intellectual property
- e. Balancing the Protection of IPR and Public Policy Objective
- f. Constitutional and Jurisprudential Aspects of IP

## MODULE II - INTERNATIONAL INSTRUMENTS RELATING TO IP

- a. The International Trade Organization and the events leading to the creation of GATT, 1947 -The GATT, its working and salient features - Negotiating history of the WTO, the Dunkel Draft and the Agreement stabilizing the WTO, 1994 and Dispute settlement mechanism
- b. Classic treaties Paris Convention, Berne Convention, Rome Convention. The Agreement on Trade-related Aspects of Intellectual Property Rights – General Provisions and Basic Principles- Objectives and Principles-Protection of Specific Intellectual Property Rights under TRIPS
- c. UPOV - Agreement on Agriculture-Agreement on Textile and Clothing-Agreement on import licensing Procedure-The Agreement on Safeguards-General Agreement on Trade in Services

## MODULE III- LAW OF PATENTS AND COPYRIGHT

- a. Introduction to Patents - Patentable and Non-Patentable Subject Matter
- b. Procedure for obtaining patents – Working of Patents - Compulsory License
- c. Commercialization of Inventions-License- Terms of License Agreement Assignment of patents - Revocation of Patents-Infringement – Estoppel – Principle of Exhaustion – Bolar Exception Protection of Plant Varieties and Farmers Rights Act, 2001 & Bio-Diversity Act 1999
- d. Access to benefit of Science and Technology, Right to health and Right to food – Ethical concerns on patenting of life forms.
- e. TRIPS Agreement- Compulsory Licensing – Patent Pooling
- f. Law relating to copyright- Subject Matter, Ownership and Rights, Term and Infringement; Licensing.

## MODULE IV - LAW RELATING TO TRADEMARKS, GEOGRAPHICAL INDICATION AND INDUSTRIAL DESIGNS & SEMICONDUCTOR INTEGRATED CIRCUITS

- a. Introduction to Trade marks -Registration of Trademarks
- b. Acquisition of Trademarks – Rights of registered TM owners - Infringement and

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Remedies,

- c. Law relating to Geographical Indications-The Geographical Indications of Goods (Registration and Protection) Act, 2000 -Procedure for Registration-Duration of Protection and Renewal-Infringement, Penalties and Remedies
- d. Nature of Industrial Designs - Subject matter of Industrial Designs
- e. Rights conferred by Designs - Term of Designs - Remedies for infringements
- f. The Semiconductor Integrated Circuits Layout-Design Act, 2000 - Conditions and Procedure for Registration - Duration and Effect of Registration

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9. Faber Castell Akteingesellschaft Vs Pikpen (P) Ltd (2003) 6 Bom Cr 65 - 2003 27 PTC 538
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13. Gottschalk Vs Benson 34 L Ed 2d 273- 409 US 63 (1972)
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16. Novartis AG Vs Union of India (2013) 6 SCC 1
17. RG Anand Vs Deluxe Films (1978) 4 SCC 118 AIR 1978 SC 1613
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20. Ramdev Food Products Vs Arvind Bhai Ram Bhai Patel (2006) 8 SCC 726 AIR 2006

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LL.M. SPECIALIZED CORE PAPER – V

SUBJECT: LAW OF INTERNATIONAL FINANCE AND INSTITUTIONS

PAPER CODE: LLMB 302

CREDITS: 04

OBJECTIVES OF THE COURSE

*Law of International Finance and Institutions is a framework of rules, standards and practices that govern international financial markets, their transactions and also portrays the role of the Institutions which deals with them. It focuses on the law, documentation and legal issues affecting major transactions in global financial markets and their regulation. It is structured to be of both high academic and direct practical value. It appeals to students preparing for a career in financial markets in addition to practitioners wishing to broaden their horizons.*

*After undergoing the study, the student will be able to –*

**CO1:** Understand the nature and complexities of International Finance and its legal issues and Legal Framework of International Finance

**CO2:** Equip with the law of International methods of payment and money transfer that regulates various commercial transactions at the international level.

**CO3:** accumulate a discernment on all the essential legal aspects of international finance along with their nature and complexities

**CO4:** To apply the international finance laws to the current business environment at national and international level.

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LEARNING OUTCOMES

1. *To achieve a complete grasp and understanding of the Legal Framework of International Finance and gain mastery over the subject.*
2. *To gain insight and also to analyses on various Financial Institutions.*
3. *To accumulate a discernment on all the essential legal aspects of international finance along with their nature and complexities.*
4. *To apply the international finance laws to the current business environment.*

COURSE OUTLINE

MODULE I - INTRODUCTION

- a. The genesis of International Finance Law-Nature, importance and objectives of International Finance law
- b. Sources of International Finance-Commercial Banks, International Agencies and Development

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- c. Factors contributing to the growth of International Finance in Developing Countries-Recent Changes in Global Financial Markets and its legal implications.
- d. Global Foreign Direct Investment-Meaning-Entry routes for investment through FDI- Automatic Route and Government Route-Permissible instruments for investing through the Automatic or Approval route
- e. Different legal forms in which a foreign entity can establish its presence in India- Regulatory Framework for foreign direct investment across the globe with special reference to IMF and OECD- UNCTAD world investment report
- f. Overseas Direct Investment-Meaning- Eligibility for the investment in overseas direct investment- Transactions that require the prior approval of the Authorities-Conditions for investing ODI -Various filing requirements -Form ODI Part I, II, III-Governing laws of various countries for making overseas investment

## MODULE II - INTERNATIONAL METHODS OF PAYMENTS AND MONEY TRANSFER

- a. Meaning-Traditional and Electronic Methods-Kinds- Cash in Advance- Debit card payment, Telegraphic transfer, international cheque, Letters of Credit, Documentary Collections, Open Account, Consignment
- b. Legal challenges posted in the digital world
- c. Aligned Documentation System-Commercial and Regulatory Documents-Balance of payments- IMF definition of the Balance of Payments-Elements of BOP- Laws governing the balance of payments at the international level.
- d. Inward and outward remittance-FEMA Guidelines and Regulations for Remittances-RBI regulations for Foreign Remittances
- e. International Money Transfer Agreements-Money Transfer Service Scheme (MTSS)- Oversees Principal-Indian Agent-Types of remittances- Approval of Reserve Bank of India
- f. Payment and Settlement Systems Act (PSS Act), 2007

## MODULE III - INTERNATIONAL FINANCIAL INSTRUMENTS AND THE LEGAL REGULATIONS

- a. Depository receipts-American Depository Receipts-Global Depository Receipts-International Depository Receipts-Indian Depository Receipts-Conditions for the issue- Framework issued by

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SEBI for issuance of depository receipts- The Companies (Issue of Global Depository Receipts) Rules, 2014

- b. Debt instruments –Meaning-Kinds-Foreign Bonds, Euro Bonds, Global Bonds, Convertible Bonds-Non-Debt Instruments- Foreign Exchange Management (Non- Debt Instruments) Rules, 2019
- c. Derivatives Contracts-Meaning-Instruments and its Kinds-Forwards-Future-Swap-Options- Credit derivatives-Over the Counter derivatives-The Global Derivatives Market-Legal Aspects of Derivatives Trading in India- Foreign Exchange Management (Foreign Exchange Derivative Contracts) (First Amendment) Regulations, 2020

#### **MODULE IV - INTERNATIONAL FINANCIAL INSTITUTIONS-BILATERAL, MULTI-LATERAL AND REGIONAL AND THE REGULATORY FRAMEWORK**

- a. Bi-lateral- CDC Group (British Development Finance Institution)-DEG (German Development Finance Institution)-Japan Bank for International Cooperation- Overseas Private Investment Corporation
- b. Multi-lateral- European Commission, International Fund for Agricultural Development, World Bank Group (IDA, IFC, MIGA, ICSID) – OPEC Fund for International Development-
- c. Regional- Asian Development Bank, European Bank for Reconstruction and Development- International Investment Bank-Objectives, operations, schemes of international financing – Investment's policy – portfolio management and resource mobilization efforts-regulatory framework.

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LL.M. SPECIALIZED CORE PAPER – VI

SUBJECT: INSURANCE LAWS

PAPER CODE: LLMB 401

CREDITS: 04

OBJECTIVES OF THE COURSE

*Similar to other financial institutions, insurance is an activity that needs to be governed and regulated as the health of the insurance sector reflects a country's economy. A proper regulatory mechanism is therefore the sine qua non of success and growth of the insurance industry as it stimulates the confidence of all stakeholders. The primary rationale to regulate this sector is to maintain the confidence of the financial system and to provide an appropriate degree of consumer protection. The subject thereby aims to equip the students with the general principles of insurance along with their kinds and also enlightens on the governance and regulatory aspects about the law of insurance with special reference to various regulations framed by the Insurance Regulatory Development Authority of India who stands to be the regulator of the Insurance sector in India. After undergoing the study, the student will be able –*

CO1: To Understand the complete grasp and understanding of general principles of the law of insurance and their kinds
CO2: To elucidate the law of Insurance that regulates various transactions at the international level
CO3: To demonstrate the nature and complexities of the legal issues about varied types of Insurance.
CO4: To elaborate the knowledge on the Institutions which play a major role with the Insurance sector and some vital questions regarding the law of international aspects of Insurance Law.

LEARNING OUTCOMES

- 1. To acquire comprehensive knowledge about the legal and regulatory environment around insurance*
- 2. To gain an understanding of the role of the insurance regulator, as a supervisory and developing body*
- 3. To acknowledge the need for regulation and regulatory norms for corporate governance, policy holder's protection and data protection in the field of insurance*

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4. To acquire insight on the regulations, circulars, orders issued by the insurance regulatory body from time to time and apply to the current business environment
5. To accumulate a discernment on International Trends in Insurance Regulations

## COURSE OUTLINE

### MODULE I – INTRODUCTION AND GENERAL PRINCIPLES OF LAW OF INSURANCE

- a. Evolution and history of Insurance-Definition and Meaning.
- b. Need for Insurance-Nature-Scope and Significance-Constitutional perspectives.
- c. Insurance as a Social Security Tool-Risk Pooling-Role of insurance in economic development.
- d. Essential elements of insurance Contracts-Nature-Contract is Aleatory- Contract of Uberrima Fide-Contract of Indemnity-Contract of Wager-Contract of Adhesion.
- e. Insurable interest- Premium- Risk-Assignment of Insurance Policies-Warranties & disclosures.
- f. Double insurance & Re-Insurance-Doctrine of Contribution, Subrogation & Reinstatement.
- g. International Trends In Insurance Regulations; International Association of Insurance Supervisors-Insurance Core Principles-Financial Services Authority, U.K.-Department of Financial Services, New York.

### MODULE II - INSURANCE CONTRACTS

- a. Life Insurance-Nature & scope of life Insurance-Kinds of life insurance Contracts-Events insured -Felo De Se-Factors affecting risk in life Insurance-Amounts recoverable under life Insurance-Persons entitled to payment under life Insurance-Settlement of claims.
- b. Marine Insurance-Nature & scope of marine Insurance-Classification of marine insurance Policies-Change of voyage and deviation- Maritime Perils-Implied Warranties-Loss.
- c. Property Insurance-Fire Insurance-Elements of fire insurance-kind of Policies-Claims under fire Insurance-Motor Vehicle Insurance-Types of Motor Policies-No fault liability-Compulsory Insurance-Knock for Knock Agreements-Rights and Liabilities of Third Party in Motor Insurance-Claims Tribunal.

### MODULE III- INSURANCE REGULATORY & DEVELOPMENT AUTHORITY ACT, 1999

- a. Salient features of the Act- Insurance Regulatory & Development Authority; Establishment-Objectives-Composition-Duties-Powers-Functions.

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- b. Finance, Accounts and Audit- Amendments-Regulations-Guidelines.
- c. Insurance Agents & Brokers and The Regulatory Mechanism; Regulations issued by IRDA for Insurance Agents & Brokers-Rights and responsibilities-
- d. Agent's compensation and hereditary Commission-Termination of the agency.
- e. The IRDAI (Insurance Brokers) Regulations 2018-The IRDAI (Appointment of Insurance Agents) Regulations, 2016.
- f. Agency Contract-License to act as insurance Agent-Authority of a Life Insurance Agent-Licensing of Insurance Brokers-Role & Responsibilities of Insurance Brokers
- g. Corporate Governance Guidelines for Insurance Companies, 2016.

#### MODULE IV - INSURANCE OMBUDSMAN AND DISPUTE RESOLUTION MECHANISMS

- a. Insurance Ombudsmen Rules 2017-Objectives-Executive Council of Insurers.
- b. Functions-Establishment of Ombudsmen Offices and process of selection of Insurance Ombudsmen-Term of Office-Remuneration-Territorial Jurisdiction-Duties and Functions.
- c. Procedure & Proceedings before Ombudsmen-Decisions of Ombudsmen-Awards by Ombudsmen-Annual Report on Ombudsmen Activities-Advisory Committee on Ombudsmen.

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LL.M. DISCIPLINE SPECIFIC ELECTIVE PAPER – I  
SUBJECT: LAW OF COMMERCIAL DISPUTE RESOLUTION

PAPER CODE: LLMB 204

CREDITS: 04

**OBJECTIVES OF THE COURSE**

*Alternative Dispute Resolution, commonly known as ADR, refers to the dispute resolution mechanisms outside the realm of traditional judicial processes. The objective of this paper is to acquaint students with various modes of ADR. ADR mechanism is less bound by procedural formalities and speedy in giving results. The inability to resolve disputes on time eviscerates public and private rights obligations. To overcome this drastic situation ADR is highly recommended and accepted. For this reason, ADR is appreciated by many countries around the world. The course is designed in a way that will give students insightful knowledge about this emerging area.*

*After undergoing the study, the student will be able-*

<b>CO1:</b> To Understand the operation and implications of various ADR theories and practices and assess their value
<b>CO2:</b> To elucidate the theoretical models of dispute resolution and capacity to analyse their operation in both legal and social contexts
<b>CO3:</b> To demonstrate basic mediation skills, including communication, analysis and issue identification to engage in simple dispute resolution systems design
<b>CO4:</b> To elaborate the ethical and legal ethical issues surrounding dispute resolution models and practice

**LEARNING OUTCOMES**

- 1. To identify and analyse the complex drivers of dispute in the community*
- 2. To understand the theoretical models of dispute resolution and capacity to analyse their operation in both legal and social contexts*
- 3. To develop basic mediation skills, including communication, analysis and issue identification to engage in simple dispute resolution systems design*
- 4. To understand the ethical and legal ethical issues surrounding dispute resolution models and practice*

**COURSE OUTLINE**

**MODULE I - INTRODUCTION AND BASIC CONCEPTS**

- History & Evolution of ADR Dispute and its inevitability – Evolution of the concept of ADR with Historical Perspective – Origins of ADR – Ancient Times – Pre-Independence – Post Independence – Current Level of Pro ADR support in India and Globally – Definition, Scope, Genesis and Need of ADR
- Introduction to different mechanisms Overview of Alternative Dispute Resolution – Arbitration

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- Mediation – Conciliation – Dispute Review Board – Lok Adalat – Judicial Settlements – Other ADRs – Advantages and Disadvantages – Comparison of ADR with Conventional Litigation – Challenges and Constrains of ADR, ADR Agreements
- c. Need of ADR Agreements – ‘Life Vest Analogy – ‘Pre-requisites to a draft – Essentials of an ADR Clause – Contents of a Clause – Adhoc ADR Vs. Institutional ADR – Advantages and Disadvantages of Institutional ADR – Hybrid ADR Clauses – Drafting ADR Clauses – Incorporation – Doctrine of Severability – Enforcement of ADR Clause – Pathological ADR Clauses

## MODULE II – NEGOTIATION, MEDIATION AND CONCILIATION- THEORY AND PRACTICE

- a. Theories Three Dimensions of any Negotiations – People, Problem, Process – Communication – Active Listening & Active Speaking – Cognitive Biases – Approaches/Theories of Negotiations – Structural Approach, Strategic Approach, Behavioral Approach, Processual Approach, Integrative Approach
- b. Preparation Awareness on instinctive pitfalls – Essentials of Preparation – 10 Point Check List of the Dimensions – People – Personal Relationships, The Mandate, Stakeholders – Problem – Motivations, Solutions at the Table, Justifications, Solution away from the Table (SAFT) or BATNA – Process – Organisation, Communication, Logistics
- c. Strategies and Tactics Why do Negotiations fail? – Zone of Possible Agreement (ZOPA) – Cognitive Biases – Coping with the failures – Value-Creating Vs. Value Claiming – Usual Bargaining Tactics – Negotiation Sequence – Principles of being an Effective Negotiator – Personalizing your Theory before Practice – Reaching the End – Agreement and Non-Agreement
- d. Theories Scope of Mediation/Conciliation – Principles Underlying Mediation/Conciliation – Features of Mediation/Conciliation – Approaches/Theories of Mediation/Conciliation – Facilitative, Transformative, Analytical, Inclusive, Narrative – Ubuntu, Abunzi, Gacaca, Mahajans and Gandhian Approaches – Mediation Vs. Conciliation – Role of Mediators, Counsel and Parties – Adhoc, Private, Annexed and Institutional Mediation/Conciliation
- e. Procedure Agreement – Preparation – Pre-Mediation Conference – Relationship with and among the parties – Opening of Process – Communication – Apology – Forgiveness – Exploring Issues and Interests – Accumulating Information – Agenda Development – Encouraging party negotiations – Separate Session (Caucus) – Concluding – Ethics
- f. Settlement Agreement and Governing Laws Purpose of Settlement Agreement – Reaching Settlement – Reality Testing – Components of Settlement Agreement – Revisions – Breach of

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### MODULE III - LAW OF ARBITRATION

- a. Basic Concepts and Arbitrability Why Arbitrate? – Features of Arbitration – Validity of an Arbitration Agreement – Types of Arbitration – Ad Hoc Arbitration Vs. Institutional Arbitration – Applicable Laws – Juridical Seat of Arbitration – Reference to Arbitration – Composition of Tribunal – Venue and Language of Arbitration – Jurisdiction of the Tribunal (*Kompetenz-Kompetenz*) – Equal Treatment of Parties – Arbitrability and Non-Arbitrability of a Dispute – Rights in Rem Vs. Rights in Persona
- b. Role of Courts, Parties, the Tribunal and other Stakeholders Before Commencement of Arbitration – During the Arbitral Proceedings – After the End of the Arbitration Proceedings – Rights and Duties – Ethics
- c. International Commercial Arbitration Evolution and Basic Concepts – Theories in International Arbitration – Comparison to other International Dispute Resolution Mechanisms and Organisations – Agreement of Parties – Lex Arbitri (Law of Seat) – Lex Fori (Law of the forum) – Other Applicable Laws – Ad hoc Arbitration Vs. Institutional Arbitration – Recognised Arbitral Institutions – Evolution from Geneva Convention to the New York Convention – Jurisdiction of the Enforcement Court – Required Documents – Limitations – Grounds for Non-Enforcement – Effects of Challenge – Hard Law Vs. Soft Law – UNCITRAL Model Law, Rules and Notes – IBA Guidelines – Other Applicable Laws
- d. Procedure – Commencement to Publication Notice Invoking Arbitration Agreement – Choosing and Appointment of Arbitrator – Case Management Conference – Terms of Reference – Interim Measures – Determination of Rules of Procedure and Communication – Statement of Claim and Defence – Counter Claims – Evidence – Admission and Examination – Challenge to Jurisdiction of Arbitrator – Challenge to Qualifications and Impartiality of Arbitrator – Procedural Orders – Termination of Mandate or Proceedings – Substitution – Conducting and Controlling of Arbitration Proceedings – Hearings and Written Proceedings – Publication of Award
- e. Arbitral Award and its Challenges or Enforcement Categories of Award – Remedies – Deliberations and Decisions of the Tribunal – Form and Content of Awards – Corrections, Interpretations and Additional Award – Effect of Awards – Proceedings after the Award – Methods, Grounds & Effects of Challenge – Enforcement in Domestic Courts – Final Relief
- f. Specific Concepts Administrative Assistance – Waivers – Appointment of Expert – Limitations – Default

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#### MODULE IV - EMERGING TRENDS

- a. ODR & VDR, ODR Vs. VDR – Agreement specifying ODR or VDR – Hybrid Mechanism of VDR – Request for Online Medium – Juridical Seat in the Online Process – Third-Party Support – Institutional ODR or VDR – Reliable Virtual Infrastructure – Cyber Security – Consideration of Cost – Document Storage and Sharing – Examination of Evidence and Witness – Recording and Transcription – Signing of Documents
- b. Contemporary Developments, Fast Track Procedure in Arbitration – Emergency Arbitration – Med-Arb-Med Process – Third-Party Funding – Mandatory ADR – Tribunal Secretary Practice – Transparency Vs. Confidentiality – Financial Institutions' Preference for Arbitration – Unilateral Appointment – Diversity in International ADR
- c. Sector Specific ADR Increasing specialization of ADR – Need and Purpose – Dispute Related – Investment Disputes, Securities and Stock Exchange Disputes, Commodity Disputes, Maritime Disputes, IP Disputes, Construction Disputes, Domain Name Disputes, Space Disputes, Agriculture Disputes, Sports Disputes, MSME Disputes, Art Disputes, Fashion Disputes etc. – Institution Related – IIT Arb, WIPO, ICANN, PRIME Finance, SHIACA, ICEA, FACT, CIAC, CAS, CAFA, ICSID, ICSOD etc.

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LL.M. DISCIPLINE SPECIFIC ELECTIVE PAPER – II

SUBJECT: LAW OF CORPORATE CYBER SECURITY

PAPER CODE: LLMB 303

CREDITS: 04

OBJECTIVES OF THE COURSE

Cyber risk in the corporate world has multiplied manifold with the evolution and complexity of the technology landscape. Cyber breaches can escalate to legal liability for corporations and hence it is imminent for corporations to develop their practices around cyber security for good. The term cyber security suggests innovations and procedures intended to protect computer frameworks, programming, systems and client information from unapproved access; also from dangers exhibited through the internet by cybercriminals, hackers or terrorist groups. After undergoing the study, the students will be able –

CO1: to understand about the nexus between Cyber Security measures to be applied

CO2: to analyze the legislations in India- relevance of cyber laws for corporations

CO3: elucidate the provisions important conventions and committee recommendations

CO4: to demonstrate relevance of e-commerce law and contracts, emerging concepts in cyber space

LEARNING OUTCOMES

1. Appreciate and criticize the statutory provisions applying to cyber security in the Corporate World
2. Analysis's security issues in networks and computer systems to secure corporate infrastructure.
3. Evaluate the human role in security systems with an emphasis on ethics and social engineering vulnerabilities.
4. Interpret and investigate security incidents in the corporate sector.

COURSE OUTLINE

MODULE I - INTRODUCTION

- a. Meaning, Essence of Cyber Law and need for Cyber Security
- b. Introduction, history and types of cyber crime
- c. Cyber threats to the corporate sector
- d. Cyberspace and Jurisdiction
- e. How internet structure and jurisdiction impact corporate contracts (E-Contracts)
- f. Electronic contract and its validity in India and type of contracts that cannot be electronically Executed-Digital signature and its legal aspects

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**MODULE II - LEGISLATIONS IN INDIA –RELEVANCE OF CYBER LAWS FOR  
CORPORATIONS**

- a. Information Technology Act, 2000
- b. The National Cyber Security Policy, 2013
- c. Prevention of Money Laundering Act, 2002

**MODULE III - IMPORTANT CONVENTIONS AND COMMITTEE RECOMMENDATIONS**

- a. Suggestions of (Uday) Kotak Committee regarding Cyber Security to be adapted by companies/ corporations
- b. International Conventions- European Convention on Cyber Crime (Budapest Convention)
- c. The Snowden Revelations of Cyber Security
- d. ICANN (Internet Corporation for Assigned Names and Numbers)

**MODULE IV - RELEVANCE OF E-COMMERCE LAW AND CONTRACTS, EMERGING  
CONCEPTS IN CYBER SPACE**

- a. Legal framework for structuring E-commerce portals
- b. Contractual arrangements required for an e-commerce portal to function
- c. Limitations to e-commerce contracts
- d. Need of cyber security in Cloud computing
- e. Outsourcing work to Third Party and ensuring cyber security
- f. Concept of Artificial Intelligence and Machine Learning

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LL.M. DISCIPLINE SPECIFIC ELECTIVE PAPER – III

SUBJECT: INTERNATIONAL TRADE LAW

PAPER CODE: LLMB 402

CREDITS: 04

OBJECTIVES OF THE COURSE

*International Business Law aims to provide the regulations required for the execution of international transactions involving more than one nation. The subject thereby introduces the background to international business law, discusses the legal framework of international business regulation and examines areas of law particularly relevant to the conduct of international business, including the law of contracts, sale of goods, international trade and carriage of goods, international banking, international consumer law etc. After undergoing the study, the student will be able to*

- |  |
|--|
| CO1: To introduce the concept and general principles of International Trade Law            |
| CO2: To relate the concept of Sale of Goods and Consumer Law in International perspective. |
| CO3: To illustrate the relationship of International Trade and Carriage of Goods.          |
| CO4: To appraise the Legal and Regulatory aspects of International Banking.                |

LEARNING OUTCOMES

- 1. To achieve a complete grasp and understanding of the Legal Framework of International business and gain mastery over the subject.*
- 2. To understand the legal framework of private international business transactions*
- 3. To accumulate a thorough explanation on all the essential legal aspects of international business along with their nature and complexities*
- 4. To apply the international business laws to the current business environment*

COURSE OUTLINE

MODULE I – INTRODUCTION AND GENERAL PRINCIPLES

- The genesis of International Business Law-Nature, importance and scope of international business law
- Factors causing globalization of business
- Legal Framework of International Business and the United Nation's role in its development
- General Principles of Law of Contract as applicable to International Business-Types of International Commercial Contracts and the Importance of Standard Form Contracts in International Business

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- e. Legal issues arising out of International Contracts and the determination of the applicable law.
- f. UNIDROIT Principles of International Commercial Contracts 2016- Preamble and General Principles

## MODULE II - SALE OF GOODS AND CONSUMER LAW- AN INTERNATIONAL PERSPECTIVE

- a. Meaning of International Sale of Goods-Parties- Buyer and seller and their rights and duties
- b. Uniform Law on the Formation of Contracts for International Sale of Goods
- c. International Sales Contract with special reference to The United Nations Convention on Contracts for the International Sale of Goods (CISG)
- d. Introduction to International Consumer Law-The Principal Functions of International Consumer Law
- e. The Importance of the UN Guidelines on Consumer Protection-The Role of ICPEN- International Consumer Protection and Enforcement Network- Legal Challenges.
- f. The Consumer Protection Act 2019 and its impact on international covenants

## MODULE III - INTERNATIONAL TRADE AND CARRIAGE OF GOODS

- a. Introduction and theories of International Trade Law-Principles of International Trade Law- Export and Import Regulations-Tariff and non- tariff restrictions -Quota restrictions- Anti Dumping-Permissible Regulation-Quarantine Regulation-Customs Unions-Free Trade Areas- Preferential trade agreements
- b. Evolution of GATT as a trading institution and transition of GATT to WTO-World Trade Organization as a regulator of International Trade-Instruments of International Trade Laws- Agreements, Treaties, Conventions, Model Laws, Rules- GATS-TRIMS-ASEAN-AFTA-SAFTA -NAFTA, USMCA, MERCOSUR and FTAA-An overview of International Trade Laws in India with special reference to Foreign Trade Policy 2015-2020
- c. Definition and classification of Carriers-Carriage of Goods by Sea, Land and Air and the application of international Law-Documents of Carriage of Good-Bills of Lading- Kinds, Nature, Features-Seaway Bill-Airway Bill-Consignment Note-International consignment note- An overview on Brussels Convention, Hague Rules, Hague- Visby Rules, International Transport by Sea- Provisions under Hamburg Rules, Conventions on Carriage by Air- The Warsaw Convention & Montreal Convention. Convention on Carriage by land- Convention on the Contract for the International Carriage of Goods by Road-INCOTERMS2020 and international transactions.

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## MODULE IV - INTERNATIONAL BANKING-LEGAL AND REGULATORY ASPECTS

- a. International Banking Regulation-BASEL NORMS -International law, choice of law, conflict of laws, jurisdictional issues -Exchange management and controls, international loan agreements, covenants and clauses
- b. Role of International Monetary Fund and World Bank in International debt crisis Management- International Anti Money Laundering Laws and Regulations- The Financial Action Task Force- International Competitiveness-Implications and effectiveness
- c. Arbitration and mediation in the international banking business

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## LL.M. GENERIC ELECTIVE PAPER – I

### SUBJECT: HUMAN RIGHTS PERSPECTIVES OF CORPORATE LAW

PAPER CODE: LLMB 105

CREDITS: 03

#### OBJECTIVES OF THE COURSE

*Businesses are important for the growth of the Economy. The corporate world provides investment, jobs and services however the business does not always do good to people. In the wake of globalization, there is an increased threat of human rights abuses by corporations at the global as well as domestic level. If a corporation harms human rights, there are options to enforce one's rights. However, the intersection between corporate law and human rights in India is still relatively constricted. After undergoing the study, the students will be able to –*

**CO1:** To Understand the most relevant Acts and regulations applicable in India that seek to protect the human right of the corporate sector.

**CO2:** To elucidate the measures to be taken by the corporate personnel to safeguard the human rights of its employees.

**CO3:** To demonstrate the promote equality, health and safety, social welfare of corporate employees etc.

**CO4:** To elaborate the evaluate and analyses the significance and importance of human rights in the life of consumers of the corporate world.

#### LEARNING OUTCOMES

- 1. Enhance their thoughts on the correlation between corporate law and human rights.*
- 2. Adopt an appropriate mechanism for effective resolution of the dispute.*
- 3. Implement best practices for the protection of human rights within the corporate world.*
- 4. Adhere to sound principles of human rights preservation within the corporate sector.*
- 5. Critically evaluate and analyses the significance and importance of human rights in the life of consumers of the corporate world.*

#### COURSE OUTLINE

##### MODULE I – INTRODUCTION- CORPORATIONS AND HUMAN RIGHTS

- Meaning, Scope and Kinds of Corporation
- How Corporations can impact Human Rights?

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- c. Corporate Social Responsibility Initiatives (for employees and their human rights)
- d. Introduction to Human Rights and Constitutional perspective relating to it.
- e. International Human Rights system and its obligations.
- f. How are rights at the workplace abused?

- Discrimination at workplace
- Sexual Harassment
- No freedom of association and collective bargaining
- Low/ Unpaid wages
- Unhealthy and unsafe working conditions
- Child labour and Modern-day slavery

## **MODULE II - INTERNATIONAL APPROACH TO CORPORATE LAW AND HUMAN RIGHTS**

- a. UN Guiding Principles on Business and Human Rights 2011 (UNGPs)
- b. Human Rights and Transnational Corporations and Other Business Enterprises 2017
- c. International Convention on the Protection of the Rights of All Migrant Workers and the Members of their Families, 1990
- d. Supreme Court and High Courts (civil and criminal jurisdiction)
- e. National Human Rights Commission (NHRC)
- f. National Commission for
  - Women Rights
  - Child Rights

## **MODULE III - REGULATORY FRAMEWORK AND JUDICIAL MECHANISM IN INDIA**

- a. National Voluntary Guidelines on Social, Environmental & Economic Responsibilities of Business, 2018
- b. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and relevant case studies
- c. National Action Plan on Business and Human Rights

## **MODULE IV - GRIEVANCE RESOLUTION IN INTERNATIONAL CASES**

- a. Options available to individuals to enforce his/her rights
- b. How to bring the civil claim and criminal claim against corporations in?
  - National court
  - Foreign court

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- c. How to use International Corporate Grievance Mechanism and regulatory bodies to hold corporations accountable

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**LL.M. GENERIC ELECTIVE PAPER – II****SUBJECT: COMPARATIVE LEGAL SYSTEM FOR CONSUMER  
PROTECTION****PAPER CODE: LLMB 105****CREDITS: 03****OBJECTIVES OF THE COURSE**

*Industrialization, developments in communication and globalization has brought in a lot of changes in our need, perception and attitude towards rights, responsibilities and duties of a consumer. In developing countries like India, these issues have become more problematic. During the past decade, the need for consumer protection is felt all over the world. All these facts others have increased more scope for research and advocacy for creating a consumer-friendly regulatory framework. The Indian legal framework has also undergone a substantial change to comply with international norms. The subject has received tremendous importance among the contemporary legal fraternity in India. In this background, the present course will aim to introduce the students to the present law and practice relating to consumer protection both in the national and international scenario. After undergoing the study, the student will be able:*

<b>CO1:</b> to understand of the existing law on consumer protection in India.
<b>CO2:</b> to elucidate with major international instruments on consumer protection.
<b>CO3:</b> to elaborate the various consumer protection agencies in India
<b>CO4:</b> to demonstrate the provisions related to comparative consumer protection laws in US, UK, EU.

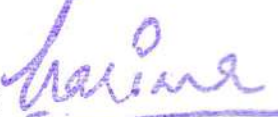
**LEARNING OUTCOMES**

- 1. A comprehensive understanding of the existing law on consumer protection in India.*
- 2. Conversant with major international instruments on consumer protection*
- 3. Aware of the basic procedures for handling consumer disputes.*
- 4. Students will be able to appreciate the emerging questions and policy issues in consumer law for future research.*

**COURSE OUTLINE****MODULE I - INTRODUCTION**

- a. Consumer Protection - An Overview, The rationale for consumer protection, Development of the market and consumer relations*






- b. Definition of consumer – consumerism – state's responsibility in consumer protection
- c. Need for legislative measures for consumer protection

## MODULE II - EVOLUTION OF CONSUMER PROTECTION – INTERNATIONAL SCENARIO

- a. International instruments and consumer protection, The United Nations Guidelines for Consumer Protection, Objectives, the scope of application and general principles
- b. Principles for good business practices Guidelines, International cooperation
- c. International institutional machinery

## MODULE III - CONSUMER PROTECTION AGENCIES IN INDIA

- a. Constitutional provisions on consumer protection, Framework of consumer protection in other legislations
- b. The interface between consumer laws and other laws, Sectoral laws, Professional service legislation
- c. Intellectual property, international trade law
- d. New dimensions of consumer protection - present legislative measures, Scope and objective of Consumer Protection Act 2019
- e. Expanded definitions, Three Tier System, Jurisdiction of consumer
- f. Relief available to consumers, E-commerce and consumer protection

## MODULE IV - COMPARATIVE STUDY OF CONSUMER PROTECTION

- a. Institutional aspects of consumer protection IN U.S, UK, EU, Existing Enforcement Mechanisms
- b. Framework to Assess enforcement design, Assessing strength and weaknesses of an existing law enforcement system
- c. Mutual Consent under UK/EU Laws, Rights to Contractual Information, Consultation mechanisms, Operational autonomy

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**SPECIALIZATION – II**  
**CRIMINAL LAW AND CRIMINAL JUSTICE ADMINISTRATION**

Akash Seel

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**CRIMINAL LAW AND CRIMINAL JUSTICE ADMINISTRATION****PROGRAM OUTCOMES**

The Department of Law, Prestige Institute of Management, Gwalior has the preamble objective of advancement and promotion of learning and knowledge of the law in the education pattern of the state of Madhya Pradesh. To provide a suitable Post Graduate Course and promoting various fields of law is a principal obligation on the part of the Institute. Towards attaining the same, two-year LL.M. course of Criminal Law and Criminal Justice Administration is being offered under the semester pattern. The academic calendar and the curriculum are strict as guided by the UGC. Subsequently, as mandated by the commission, the course was restructured under the CBCS pattern, to design the same to be more students centric with holistic and flexible syllabi. Criminal law is a branch of law that relates exclusively to crime and the Criminal Justice System refers to a combination of state functionaries and processes which are involved in crime detection, its adjudication and correction of criminal conduct. The course is expected to provide the maximum sense of security to the people at large by dealing with crimes and criminals effectively, quickly and legally. The syllabi involve an advanced study of key laws and policies related to areas such as Contemporary and Applied Approach to Criminal Justice System, Law relating to Drugs and Enforcement Agencies, Economic Crime – Multidisciplinary and Cross-National Perspective, Organized and Unorganized Crimes – Law and Policy, Digital Crime and Digital Forensic in Cyber Space, Law of Victimology and Human Rights – Juristic Perspective, Criminal Justice System – A Comparative Jurisprudence, Criminal Justice Research and Policy Development, Medical Ethics and Accountability, Criminalistics and Scientific Investigation – Law and Policy and Elite Class Deviance and Crime Accountability. The syllabus has been accordingly restructured with effect from the academic year 2021 – 22.

Controlling crime and achieving justice are goals that all societies must seek to achieve. The study of these subjects makes these goals possible. The future of the study of criminal law and criminal justice administration is quite robust. Increasingly it is called upon to contribute to the understanding of how crime prevention and control can be improved. The department continues to conduct various research initiatives in these areas and major issues to continue to address. Department besides imparting curriculum has been providing practical exposure to the students via visiting Central Prison, Forensic Sciences Department, Department of forensic medicine for Autopsy Visit, Trust way foundation De-addiction Centre and Juvenile Home Visit. Eligible candidates aspiring to pursue the course would ideally possess an innovative mind as the line of work requires them to answer hypothetical legal questions involving the criminal justice system. Successful postgraduates of Criminal Law and Criminal Justice Administrations interested in higher studies in the discipline may go for pursuing Ph. D & LLD in the subject. Such postgraduates find lucrative employment opportunities in areas such as National



Legal Institutions, Law Firms, Defense, Criminologists, Detective, Criminal Lawyer, Forensic Science Technician, Lecturer / Professor.

**CRIMINAL LAW AND CRIMINAL JUSTICE ADMINISTRATION LL.M SYLLABUS**  
**SPECIALIZED CORE PAPERS – 06**

S.No	Nomenclature of Paper	Paper Code	Credits
1	<b>Criminal Justice System in India</b>	LLMC103	4
2	<b>Law relating to Narcotic Drugs and Psychotropic Substances</b>	LLMC104	4
3	<b>Law Enforcement Tools and Cooperation for Transnational Organized Crimes</b>	LLMC203	4
4	<b>Victimology and Human Rights</b>	LLMC301	4
5	<b>A Comparative Criminal Justice System</b>	LLMC302	4
6	<b>Law and Forensic Science</b>	LLMC401	4

**DISCIPLINE-SPECIFIC ELECTIVE PAPERS – 03**

S.No	Nomenclature of Paper	Paper Code	Credits
1	<b>Cyber Crime and Security Laws</b>	LLMC204	4
2	<b>Criminal Justice Studies and Policy Development</b>	LLMC303	4
3	<b>Elite Class Deviance and Crime Accountability</b>	LLMC402	4

**GENERIC ELECTIVE PAPERS – 02**

S.No	Nomenclature of Paper	Paper Code	Credits
1	<b>International Perspectives of Socio-Economic Crimes</b>	LLMC204	3
2	<b>Medical Ethics and Accountability</b>	LLMC303	3

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**LL.M. SPECIALIZED CORE PAPER – I****SUBJECT: CRIMINAL JUSTICE SYSTEM IN INDIA****PAPER CODE: LLMC 103****CREDITS: 04****OBJECTIVES OF THE COURSE:**

*Criminal Justice refers to the agencies of government charged with enforcing the law, adjudicating crime, and correcting criminal conduct. The criminal justice system is essentially an instrument of social control: society considers some behavior so dangerous and destructive that it either strictly controls their occurrence or outlaws them outright. It is the job of the agencies of justice to prevent these behaviors by apprehending and punishing transgressors or deterring their future occurrence. Although society maintains other forms of social control, such as the family, school, and church, they are designed to deal with moral, not legal, misbehavior. Only the criminal justice system has the power to control crime and punish criminals. The central purpose of the Criminal Justice System is to deliver an efficient, effective, accountable and fair justice process for the public. After undergoing the study, the student will be able:*

<b>CO1:</b> To Understand the jurisprudential basis of crime, the criminal justice system and administration in India.
<b>CO2:</b> To elucidate the correctional system and alternatives to imprisonment within the realm of criminal justice administration.
<b>CO3:</b> To demonstrate role played by different functionaries in the criminal justice administration to meet the challenges of modern India.
<b>CO4:</b> To elaborate the need for reforms and new challenges in the wake of growing importance and realization of victim's rights and the necessity to involve all the stakeholders for ensuring justice to all.

**LEARNING OUTCOME**

- 1. Demonstrate knowledge of the major areas of the criminal justice system: policing, courts, corrections and the history of those components.*
- 2. Trace the relationship between the criminal justice complex and the socioeconomic elements of Indian society.*
- 3. Trace the various types of crime and criminals, the numerous theories of crime causation, and the relationship between crime and its various correlates.*
- 4. Trace the various social movements over the years, and how they have impacted the criminal justice system.*
- 5. Analyze scholarly research, governmental crime statistics, and public policy.*







**COURSE OUTLINE****MODULE – I: CRIMINAL LAW AND PHILOSOPHY OF CRIMINAL JUSTICE SYSTEM**

- a. Meaning, Nature, Scope – Characteristic features of crime – Essential elements of crime – Classification of Crime – Theories of crime
- b. Causations leading to crime – Reactions to crime – Prevention of crime
- c. Principles of criminal law – Criminal law and its role
- d. The Constitution and Criminal Justice System – Challenges of Criminal Justice System – Reform Strategy
- e. Stages of criminal justice process – Judicial Approach in Criminal Justice System

**MODULE –II CRIMINAL JUSTICE SYSTEM AND CONSTITUTION OF CRIMINAL COURTS**

- a. Investigative agency – Police – Prosecution – Defence Counsel – Courts – History of the Prosecution of India – Nature, Scope and Role of Prosecution
- b. Constitutional Provision of Role of Prosecution – Powers and Duties of Prosecutor – Role of Judiciary
- c. Organization of Criminal Courts and Criminal Justice System
- d. Accused and his Rights – Rights of Female Accused / Female Prisoners
- e. Law and procedure relating to Criminal Appeals, Revisions, Writ Petition and Special Leave Petitions
- f. Restorative Justice in a social context – Human rights and Restorative Justice

**MODULE – III: POLICE ADMINISTRATION IN CRIMINAL JUSTICE SYSTEM**

- a. Development of the police force – Hierarchical structure of police force – Principles and functions of policing – Duties of civil police – Rural policing in India – Problems in police service
- b. Custodial torture – Police Public cooperation – Judicial opinions on the police force – Modernization of police force – Role of police in International Issues
- c. Role of police in the administration of criminal justice system – Directions of the Supreme Court relating to police reforms.

**MODULE– IV: VICTIMOLOGY AND PENOLOGY: PRISON REFORMS**

- a. Definition, nature and scope of victims and victimology
- b. Theories of victimology – Victim of crime and victim of Abuse

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- c. Consequences of victimology – victim Redressal Programme – International Recognition of Victims' Rights
- d. Definition, objectives and scope of penology – Concept, definition, nature, forms and purposes of punishments
- e. Sentencing process – Mitigating & Extenuating circumstances in the decision making of the sentence – Plea Bargaining – Alternatives to punishment.
- f. Therapeutic / Humanitarian approach to Prisoners – Measures to Reform criminals – Probation – Parole

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**LL.M. SPECIALIZED CORE PAPER – II****SUBJECT: LAW RELATING TO NARCOTIC DRUGS AND PSYCHOTROPIC  
SUBSTANCES****PAPER CODE: LLMC 104****CREDITS: 04****OBJECTIVES OF THE COURSE:**

*Drug abuse is a social evil. Narcotics and other dependence producing substances have been used in the world in one form or another since times immemorial. Likewise trading in these substances has been carried on over a considerable period. Narcotics came into widespread use in Western medical practice during the latter part of the 19th century. They had in their crude form, been known for the so-called beneficial effects for centuries and had been extensively used, both therapeutically and non – therapeutically, for their calming, intoxicating and presumed curative properties. However, the introduction of these drugs shortly led to their abuse. The course is designed to understand the need for wider Drug Trafficking Laws from a national and global perspective and how these policies affirmatively affect society. The notion of International Conventions and their legislative intent is embarked on carefully with a wider prospect of future analysis. After undergoing the study, the student will be able:*

- |  |
|--|
| <b>CO1:</b> To identify major drugs of abuse with their legal status, psychopharmacological effects, & sociological implications of drug use and drug policy |
| <b>CO2:</b> To describe the political, programmatic, and policy elements are known as the "war on drugs" and current related debates                         |
| <b>CO3:</b> To find and summarize relevant information about current events bearing on policy debates over drugs   |
| <b>CO4:</b> To Synthesize information from multiple sources and points of view into a coherent policy perspective  |

**LEARNING OUTCOME**

1. Able to discuss the history of drug abuse and subsequent policies in India.
2. *Identify major drugs of abuse with their legal status, psychopharmacological effects, & sociological implications of drug use and drug policy*
3. *Describe the political, programmatic, and policy elements are known as the "war on drugs" and current related debates*
4. *Find and summarize relevant information about current events bearing on policy debates over drugs*
5. *Synthesize information from multiple sources and points of view into a coherent policy perspective*






**COURSE OUTLINE****MODULE – I: DRUGS – NARCOTICS – PSYCHOTROPIC SUBSTANCES – DRUG TRAFFICKING- NACRO TERRORISM**

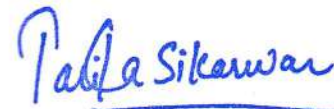
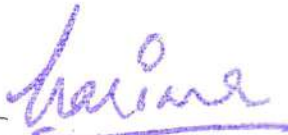
- a. Drugs – Narcotics – Psychotropic substances – Drug Dependence and Addiction – Primary drug abuse
- b. Trafficking in drugs – Drug addiction as a victimless crime – Drug-related crimes
- c. Ana graphic and social characteristics of Drug Users – Drugs: Their use and effects
- d. Counter Measures for dealing with drug trafficking – Political Scenario – Cross Border issues.
- e. Drugs and development: The global impact of drug use and trafficking on social and economic development
- f. Associated Crimes – Mandate of the United Nations Office on Drugs and Crime (UNODC)

**MODULE – II: INTERNATIONAL LEGAL REGIME & HUMAN RIGHTS**

- a. Historical development of International Law on drug control
- b. Transnational Crime Convention – International Narcotics Control Board (INCB) – SAARC Convention on drug policies.
- c. US – India bilateral agreement on anti-narcotic cooperation – WHO – Health of the Victims – Drug Control Policy.
- d. Access to essential and control drugs – Rehabilitation of drug addicts – Anti-drug Justice as Social Justice.
- e. Human Rights Abuses Committed Under the International Drug Control Regime – Punitive Drug Laws and Public Health Crisis
- f. International Guidelines on Human Rights and Drug Policy – Implementation of alternatives to uphold international human rights standards.

**MODULE – III: INDIAN REGULATORY SYSTEM AND ENFORCEMENT MECHANISM**

- a. Narcotic Drugs and Psychotropic Substances (NDPS) Act: Its Legislative Intent
- b. National drug control framework – National Crime Records Bureau (NCRB) – United Nations Office on Drugs and Crime (UNODC)
- c. Criminal Justice System – Crime Control Institutions – National Coordination Scheme
- d. Drug Laws Enforcement: Judicial Response – Identifying and Tracing the forfeitable properties
- e. International Narcotic Control Strategy Report – Special Narcotic Courts
- f. The doctrine of Onus Probandi – Punitive or Reformative – Reformation of Narcotic Legislation (NDPS Act).





**MODULE – IV: VICTIMOLOGY AND SOCIAL JUSTICE**

- a. Drug Abuse as a Social Problem – Anagraphic and Social Characteristics of Drug Users
- b. Victim's perception – Sociological factors – Marginalized and Underprivileged – Juvenile
- c. Psycho neuro immunological mechanisms – Rehabilitation Measures – Towards Social Justice.
- d. Sustainable Solutions for Drugs Prevention
- e. National Action plan for Drug Demand Reduction – Social Impact of Drug Abuse.
- f. The Role of Community in Combating Drug Addiction – Regulatory Systems – Law Reform Initiatives – Social justice.

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**LL.M. SPECIALIZED CORE PAPER – III****SUBJECT: LAW ENFORCEMENT TOOLS AND COOPERATION FOR  
TRANSNATIONAL ORGANIZED CRIMES****PAPER CODE: LLMC 203****CREDITS: 04****OBJECTIVES OF THE COURSE:**

*The term "organized crime" brings to mind Drug Cartels, Mafias, Black Societies and Biker gangs. What do these groups have in common? What are their differences? What do they do? Organized and Unorganized Crimes Law and Policy aims to unpack and understand the dynamics of organized crime, its act others, groups, activities and organization as well as their geographical aspects. The subject explores from a theoretical and practical perspective the different approaches that have been used to explain and understand organized crime, as well as the policy responses to it. Case-based approaches will be used to illustrate throughout the course. This course analyses major 'organized crime' groups across the globe and the various forms of transnational crime encountered in the contemporary setting. After undergoing the study, the student will be able:*

<b>CO1:</b> To introduce the concept and categories of organized crimes.
<b>CO2:</b> To relate the concept of Legal Analysis, Investigation & Prosecution of Organized Crime with Preventive Action
<b>CO3:</b> To illustrate the Profiles of Organized Criminal Gangs
<b>CO4:</b> To appraise the concept of organized Crime in Transnational Jurisdiction and Notorious Organized Crime in Global Parameter

**LEARNING OUTCOME**

1. *Apply the main theoretical approaches to the study of organized crime and its evolution across time.*
2. *Critically evaluate the contributions of different schools of thought to our understanding of organized crime.*
3. *Identify the main characteristics, activities, act others, and forms of organized crime.*
4. *Critically analyses organized crime policy at the local and international levels.*
5. *Understand and critically assess the macro and micro causes of transnational crime.*

**COURSE OUTLINE****MODULE – I: Introduction and Categories of Organized Crime**

- a. Definition & Scope of organized crime
- b. Types & characteristics of organized crime









- c. Causes of organized crime – Comparison between white-collar crime, corporate crime, and organized crime
- d. Predatory crime – A crime syndicate
- e. Criminal rackets – Business labour rackets – Gambling rackets
- f. Criminal rackets in the commercial world – Political grafts
- g. The illicit trafficking of women & children, prostitution – Terrorism & Narco-Terrorism
- h. Economic crime, money laundering, scams, Hawala & Counterfeiting of Currency – Nexus of Organized crime and politics

## MODULE – II: LEGAL ANALYSIS, INVESTIGATION & PROSECUTION OF ORGANIZED CRIME WITH PREVENTIVE ACTION

- a. Mensrea, modus operandi & criminal conspiracy in organized crime
- b. Role of Police in Investigation of organized crime
- c. Role of Judiciary, Trial and Sentencing in organized crime – Legal issues under IPC and Indian Evidence Act.
- d. The close linkage between organized crime and terrorism
- e. Maharashtra Control of Organized Crime Act, 1999 & Gujarat Control of Terrorism and Organized Crime Bill 2015.
- f. Issues & law related to Internal Security – The National Security Act, 1980. – Armed Forces (Special Powers) Act (AFSPA) 1958

## MODULE – III: Profiles of Organized Criminal Gangs

- a. Vardharaja Mudaliar Gang – Dawood Ibrahim Gang – Chota Rajan Gang – Veerappan Gang of Karnataka
- b. Babloo Srivatsava and Irfan Goga Gangs – Arun Gawli and Amar Naik Gang
- c. Latif Gang – Rashid Gangs

## MODULE- IV: ORGANIZED CRIME IN TRANSNATIONAL JURISDICTION AND NOTORIOUS ORGANIZED CRIME IN GLOBAL PARAMETER

- a. Features of transnational organized crime
- b. Indian's perspective on transnational organized crime
- c. Naples Declaration and Global Action Plan 24 Dec. 1994 – Role of United Nations in preventing international crime
- d. Organized crime in the United States – Colombian drug trafficking gangs



- e. Jamaican possess – Chinese Organized crime – Triads in Hong Kong – Japanese Organized crime
- f. Vietnamese Organized crime – South African crime syndicate – a Russian crime syndicate

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**LL.M. SPECIALIZED CORE PAPER – IV****SUBJECT: VICTIMOLOGY AND HUMAN RIGHTS****PAPER CODE: LLMC 301****CREDITS: 04****OBJECTIVES OF THE COURSE:**

*The law relating to the victims of crime has undergone drastic changes in recent times. Though quite late, but yet the legislature has recognized the importance of the victims in the Indian Criminal Justice System and has, therefore, given them various rights by making amendments in the Cr P C 1973 from time to time. At the same time, the Indian judiciary has become very sensitive towards the rights of the victims and has changed the interpretation of various important aspects of criminal jurisprudence to include the victims as a part of it such as the right to "fair trial" of an accused. An important role has been played by various institutions and bodies such as Victimology and the World Society of Victimology in the growth of Victimology in India. After undergoing the study, the student will be able*

<b>CO1:</b> To Understand the role and typology of the victims
<b>CO2:</b> To elucidate the International and National Developments in Victimology and Human Rights of the Victims of Crime
<b>CO3:</b> To elaborate the Contemporary Issues in Victimology and Consequences of Victimization
<b>CO4:</b> To demonstrate the provisions related to rights- remedies for Victims of Crime and Restitution- Rehabilitation of Victims of Crime

**LEARNING OUTCOME**

1. *Victim empowerment through the use of legislation, the media, public discourse, and private enterprise.*
2. *Examine correlates of victimization and predictors of future victimization.*
3. *Discuss victim participation in the criminal justice system decision-making, victim services and restitution, and restorative justice initiatives.*
4. *Better interpret the changing world of crime, become a more informed citizen, and be better prepared to enter the world of professional criminology and criminal justice.*
5. *Develop a global perspective of victimization.*

**COURSE OUTLINE****MODULE – I: Role and Typology of Victims**

- a. Historical background, Meaning and Scope of victimology – Typology of victims – Categorization of victims – Theories of victimology
- b. Victimization Process – Relation between criminology, penology and victimology






- c. Role of the Victim in Crime: Victim Precipitation, Victim Facilitation, and Victim Provocation – Contributions of the Victims' Rights Movement – Victimology Today
- d. Penal Laws and Victims of Crime
- e. Rules of Evidence and Plight of Victims
- f. Criminal Procedure and Role of Victim – Appeal and Presumption of Innocence

**MODULE – II: International and National Developments in Victimology and Human Rights of the Victims of Crime**

- a. International norms in victimology and victim rights
- b. Comparative issues and perspectives – Victims in international law and policy
- c. International victimization studies – National Developments in Victim Protection – Constitutional Concern for Victims
- d. Victimological approaches to human rights jurisprudence – Human rights of victims Vs. human rights of offenders a conflict zone
- e. Protection from double jeopardy, Self – incrimination, Production before a magistrate from police custody, Fair and speedy trial, Representation, Protection from ex post facto laws, Legal aid,
- f. Compensation, Rehabilitation, Administration of criminal justice – Role of various Protection Agencies / Institutions

**MODULE – III: Contemporary Issues in Victimology and Consequences of Victimization**

- a. Dimensions of victim vulnerability, Risk and Fear of crime – Vulnerable groups – Victimization – Children – Elderly people – LGBTQI – SC / ST – Refugees
- b. Victims of Hate Crimes – Human Trafficking – Terrorism – Victims of custodial crimes
- c. Intimate Partner Violence & Stalking – Types & Effects of Sexual Assault – Victimization at School & the Workplace – Cyber Victimology
- d. Victimization Consequences: Emotional, Psychological & Social – Trauma-Related Disorders: Post-traumatic stress disorder & Acute Stress Disorder
- e. Stockholm Syndrome: Definition, Cases & Treatment – Complex PTSD: Symptoms, Treatment & Test
- f. Financial Consequences of Victimization – Crime Victims' Compensation: Process – Victim Impact Statement – Restorative Justice

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**MODULE – IV: Rights- Remedies for Victims of Crime and Restitution- Rehabilitation of Victims of Crime**

- a. Rights to the Victims of Crime – Access to justice and fair treatment
- b. Compensation and Assistance
- c. The Right to Protection – Victim – Witness Rights through Assistance Programme
- d. Compensation to Victims of Crime – Victim Compensation Scheme in the United Kingdom & United States of America – The Criminal Injuries Compensation Authorities – Victim Compensation under the Code of Criminal Procedure, 1973
- e. Compensation to the Victim / Dependents in Heinous Crimes – Rehabilitation of Victims – Special Compensatory Provisions
- f. The Probation of Offenders Act, 1958 – The Motor Vehicles Act, 1988 (with amendments) – The Fatal Accidents Act, 1855 – Victims of Medical Negligence

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**LL.M. SPECIALIZED CORE PAPER – V****SUBJECT: – A COMPARATIVE CRIMINAL JUSTICE SYSTEM****PAPER CODE: LLMC 302****CREDITS: 04****OBJECTIVES OF THE COURSE:**

*Criminal Justice System – A Comparative Jurisprudence offers a comparative and critical investigation into criminal law, criminal procedure and criminal justice as it is conceptualized and also how it operates within the main legal traditions of the world (India, USA, UK, France and Russia). The subject explores the relationship between law, justice, crime and punishment and how each is manifest within contemporary legal systems. The subject uses the comparative methodology to highlight similarities and differences between and within legal traditions. It also will assess the different criminal law processes and their outcomes and how these can inform criminal law reform in a global context.*

*After undergoing the study, the student will be able:*

**CO1:** To understand the comparison and contrast criminal justice systems in terms of the major legal traditions used across the world.

**CO2:** Analyze the Comparative Jurisprudence, Punishment Theories and Diverse systems and Models of Criminal Proceedings used across the world.

**CO3:** To elaborate the similarities and differences that occur in court structures and procedures in multiple countries as well as the international community.

**CO4:** Understand the Role of Evidence in Criminal Justice System across the world.

**LEARNING OUTCOME**

- 1. Develop an understanding of the interrelationship between crime and punishment from an international and comparative perspective.*
- 2. To compare and contrast criminal justice systems in terms of the major legal traditions used across the world.*
- 3. Demonstrate knowledge of critical issues confronting global criminal justice systems as well as the international criminal justice system.*
- 4. To identify mechanisms to deal with issues of human rights violators and perpetrators of international crimes.*

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5. To compare similarities and differences that occur in court structures and procedures in multiple countries as well as the international community.

## COURSE OUTLINE

### MODULE – I: Comparative Criminal Justice System and Criminal Law

- a. Meaning and significance of comparative Criminal Justice System.
- b. A comparative perspective on criminal justice & its main components.
- c. Impact of international criminal justice on comparative Criminal Justice.
- d. Histories and Functions of Comparative Criminal Law
- e. Principle of Legality (*Nulla Poena Sine Lege*)
- f. Analysis of Criminal Liability – General Principles of Criminal Liability

### MODULE – II: Criminal Law – Comparative Jurisprudence, Diverse systems and Models of Criminal Proceedings

- a. Jurisdiction
- b. Punishment Theory – Sentencing Jurisprudence
- c. Victims
- d. Adversarial / Accusatorial and Inquisitorial Systems
- e. Crime Control Model and Due Process Model
- f. Indian system of Justice Administration and its challenges

### MODULE – III: Pre-trial and Sentence Process

- a. Bringing information about crime incidents before the formal system (Police or Magistrate)
- b. Investigation of Crime – Bail and Remand
- c. Rights of Accused and Victim – Right to Counsel and Legal Aid – Principal Features of a Fair Trial
- d. Taking Cognizance by courts and committal proceedings – Hierarchy of Criminal Courts and types of trials
- e. Framing of Charge and Discharge Proceedings
- f. Acquittal or Conviction – Revision, Appeal and transfer of case for trial
- g. Presentence hearing – Transfer of Cases
- h. Sentences – Execution, Suspension, remission and commutation of sentences

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- i. Reformatory Sentence – Withdrawal from prosecution – Plea Bargaining – Compounding of Offences

#### MODULE – IV: Role of Evidence in Criminal Justice System

- a. Relevancy and admissibility, of facts – Relevancy of confessions and dying declarations
- b. Appreciating expert evidence in court – Relevancy and Admissibility of evidence collected through
- c. Forensic and other modern tools and techniques – Admissibility of evidence in Cyber Crime – Protection of Witnesses – Hostile witnesses

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**LL.M. SPECIALIZED CORE PAPER – VI**  
**SUBJECT: LAW AND FORENSIC SCIENCE**

**PAPER CODE: LLMC 401**

**CREDITS: 04**

**OBJECTIVES OF THE COURSE:**

*Forensic science is any kind of science used in the legal or justice system to support and uphold the law. When a crime has been committed and evidence is collected at the scene, scientists analyze it, arrive at scientific results and give expert court testimony about their findings. Forensic science concentrates on facts that prove something did or did not happen in a criminal or civil case. Regardless of their scientific specialty, all forensic scientists have the same goal: examining evidence from a crime scene using strictly scientific knowledge and principles to find facts about a criminal case. Because the outcomes are objective facts, forensic science can be useful both to the prosecution and the defense. Any discipline of forensic science can prove whether and how suspects and victims are linked to each other or to the crime scene itself. Criminalistics and scientific investigation have become one of the most important parts of any criminal case. After undergoing the study, the student will be able:*

**CO1:** To define the Forensic Science and Crime Scene Management

**CO2:** To analyze Forensic Dermatoglyphics, Forensic Chemistry, Toxicology and other impressions

**CO3:** To describe Forensic Anthropology, Forensic Biology and DNA Profiling

**CO4:** To develop the concepts of Forensic Medicine, Digital Forensic and Cyber Crime

**LEARNING OUTCOME**

1. *Develop skills in forensic identification, forensic problem solving either independently or as a team member.*
2. *Keep abreast with all recent developments and emerging trends in Forensic science, Ethics and the law.*
3. *Identify a variety of specific career fields related to forensic science and law enforcement and that an individual cannot be an expert in all areas.*
4. *Outline protocols are used when a crime scene is being secured and evidence is being procured by law enforcement members.*

**COURSE OUTLINE****MODULE – I: Forensic Science and Crime Scene Management**

- a. Forensic Science Unit – Tools and techniques in Forensic Science – Jurisprudence of Forensic Evidence and Constitutional Challenges – Human Rights and Comparative Forensic Analysis
- b. Forensic Photography – Crime Scene Management
- c. Collection, Handling, Admissibility and Challenges

**MODULE – II: Forensic Dermatoglyphics, Forensic Chemistry, Toxicology and other impressions**

- a. Fingerprints and Palm prints – Biometrics
- b. Foot / Footwear / Tyre impressions – Lip prints, Ear prints and their significance
- c. Collection, Handling, Admissibility and Challenges
- d. Forensic Chemistry – Explosives – Ballistics
- e. Forensic Toxicology and Pharmacology – Drugs of Abuse
- f. Collection, Handling, Admissibility and Challenges
- g. Introduction to Document Examination – Handwriting and Signature examination
- h. Typewritten and Printed Documents – Forgery Detection
- i. Collection, Handling, Admissibility and Challenges

**MODULE – III: Forensic Anthropology, Forensic Biology and DNA Profiling**

- a. Personal Identification – Human Growth and Development
- b. Forensic Morphometry of Skeletal Remains – Forensic Odontology
- c. Collection, Handling, Admissibility and Challenges
- d. Serology and Immunology – Forensic Biology
- e. DNA Profiling – DNA Polymorphism
- f. Collection, Handling, Admissibility and Challenges

**MODULE – IV: Forensic Medicine, Digital Forensic and Cyber Crime**

- a. Medico-legal aspects of death – Injuries and investigations
- b. Forensic Entomology – Forensic Psychology
- c. Collection, Handling, Admissibility and Challenges
- a. E – data analysis – Types of cyber crimes
- b. Audio-video examination – Speaker Identification
- c. Collection, Handling, Admissibility and Challenges

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**LL.M. DISCIPLINE-SPECIFIC ELECTIVE PAPER – I****SUBJECT: CYBER CRIME AND SECURITY LAWS****PAPER CODE: LLMC 204****CREDITS: 04****OBJECTIVES OF THE COURSE:**

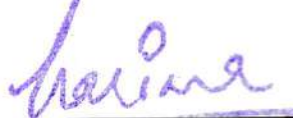
*Cyber Forensics is a branch of digital forensic science about evidence found in computers and digital storage media. The goal of cyber forensics is to examine digital media in a forensically sound and constructive manner to identify, preserve, recovering, analyzing and presenting facts and evidence in a court of law. The courses are designed with a focus on strengthening student's knowledge in all areas of cybersecurity and digital forensics. This course provides hands-on experience in different computer forensics situations that apply to the real world. Students will learn different aspects of digital evidence: ways to uncover illegal or illicit activities left on the disk and recover files from intentionally damaged media with computer forensics tools and techniques.*

*After undergoing the study, the student will be able to understand the following:*

- 1. To demonstrate foundational knowledge and skills in Cyber forensics.*
- 2. To explain the role of digital forensics and the relationship of digital forensics to traditional forensic science, traditional science and the appropriate use of scientific methods*
- 3. To learn investigation tools and techniques, analysis of data to identify evidence, Technical Aspects & Legal Aspects related to cybercrime.*
- 4. Describe the procedures for selecting appropriate security components in preventing cybercrimes.*

**LEARNING OUTCOME**

- 1. Demonstrate the ability to properly document a computer forensics investigation/analysis and create reports.*
- 2. Identify standards of professionalism and ethical behavior for information security and digital forensics professional and apply these standards successfully to ethical dilemmas.*
- 3. Interpret and appropriately apply the laws and procedures associated with identifying, acquiring, examining and presenting digital evidence*
- 4. Work collaboratively with clients, management, and/or law enforcement to advance digital investigations or protect the security of digital resources*
- 5. Students will be introduced to the current research in computer forensics. This will encourage them to define research problems and develop effective solutions*





**COURSE OUTLINE****MODULE – I: Networks and Network Security**

- a. Networking Architecture – Networking Technologies – Networking Topologies
- b. Network Protocols – Data Link Layer – Network Layer Protocols – Transport Layer
- c. Security Mechanisms in Networking Layers

**MODULE – II: Cyber Space, Cyber Laws and Digital Crime- The present and the future**

- a. Cyber Space – Cyber Laws – Digital Crime – cybersecurity
- b. Electronic Communication Devices – Communication Technologies in Cybercrime
- c. Classification of cybercrime – Classification of Cybercriminals – Challenges to cybercrimes
- d. Cyberwar – The present and the future
- e. Cryptocurrency – Bitcoins – Ethereum – Blockchain – Ransomware
- f. Deep Web and Dark Web – Countermeasures to overcome challenges

**MODULE – III: Cyber Forensic Investigation and Digital Evidence**

- a. Forensic Examination Process – Methods in Forensic Analysis
- b. Benefits of Cyber Forensics – Classification of Cyber Forensics
- c. Challenges of Digital Forensics in Cyber Security
- d. Duplication and Preservation of Digital Evidence
- e. Acquisition and Handling of Digital Evidence
- f. Analysis and Admissibility of Digital Evidence – Challenges with Digital Evidence

**MODULE – IV: Legal Issues, Information and Human Security**

- a. Law Enforcement / Criminal Prosecutions – Evidentiary Issues, Organizations and Standardizations
- b. Information security – Information processing – Secure program administration.
- c. Organizational and Human Security – Information security professionals – International Human Rights – Cybercrime a comparative analysis.

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4. Investigating and prosecuting cybercrime: Forensic dependencies and barriers to justice, Brown C, International Journal of Cyber Criminology (2015) 9(1) 55 – 119
5. Embedded device forensics and security, Choo KFei Y Xiang, CM Transactions on Embedded Computing Systems (2016) 16(2)
6. A rational jurisdiction for cyber terrorism, Moslemzadeh Tehrani P Abdul Manap N, Computer Law and Security Review (2013) 29(6) 689 – 701
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15. Avnish Bajaj Vs. State 29 May, 2008, [https://en.wikisource.org/wiki/IT act 2000\\_Act](https://en.wikisource.org/wiki/IT_act_2000_Act).
16. Ritu Kohli Case, [http://www.daman.nic.in/acts-rules%5CPolicedepartment %5Cdocuments/ %20ITact 2000%20Act%20.pdf](http://www.daman.nic.in/acts-rules%5CPolicedepartment%5Cdocuments/%20ITact%202000%20Act%20.pdf)
17. Dr. J.J. Irani Jamshed J. Irani vs State of Jharkhand and Others, 2006 (4) JCR 117 Jhr
18. Amar Singh vs UOI, (2011) 7 SCC 69
19. Barbara Taylor Bradford vs Sahara Media Entertainment Ltd, 2003 SCC Online Cal 323 (2004)
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**LL.M. DISCIPLINE-SPECIFIC ELECTIVE PAPER – II****SUBJECT: CRIMINAL JUSTICE STUDIES AND POLICY DEVELOPMENT****PAPER CODE: LLMC 303****CREDITS: 04****OBJECTIVES OF THE COURSE:**

*Criminal justice research and policy development will introduce research methods used in criminology and criminal justice. The nature of the scientific inquiry, issues in research methods, and statistical concepts used in quantitative analyses will be explored. The content is designed to familiarize with the basic ideas, techniques, and problems associated with conducting criminological and criminal justice research. The study will provide the analytical, critical thinking skills necessary to understand empirical research and the tools necessary to conduct the research project. The subject should be of interest and benefit to the intended policymakers in assessing the benefits of investing in criminal justice research, and, to researchers and practitioners who wish to become familiar with major research findings and methods for improving the research – to practice link.*

*After undergoing the study, the student will be able to*

<b>CO1:</b> understand the basic principles, an overview of scientific inquiry in criminal justice, identify scholarly research, and field research methods.
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<b>CO2:</b> Analyze General Issues in Research Design, Agency Records, Content Analysis, and Secondary Data
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<b>CO3:</b> understand causation, operationalize, conceptualize, measure in research methods and different levels of measurement in research methods.
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<b>CO4:</b> Understand the Role of policies and Criminal Justice Researches conducted in India
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**LEARNING OUTCOME**

1. Think critically about important issues in criminal justice research methodology
2. Problem-solving solutions to methodological problems
3. *Enhance communication skills and READING: / research/writing acumen*
4. *A review of published research to determine specific strengths and weaknesses of the research methodology as well as understand basic concepts of social research, to understand the influence of criminal justice research on policy development.*

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**COURSE OUTLINE****MODULE – I: Scientific Inquiry and Field Research**

- a. Criminal Justice Inquiry – Personal Human Inquiry, Errors in Personal Human Inquiry – Foundations of Social Science – Purposes of Research – Differing Avenues for Inquiry
- b. Field Research, Appropriate topics – The Various Roles of the Observer – Asking Questions
- c. Gaining Access to Subjects – Recording Observations – Linking Field Observations and Other Data – Validity, Reliability, Generalizability of Field Research.

**MODULE – II: General Issues in Research Design, Agency Records, Content Analysis, and Secondary Data**

- a. Research Design – Causation in the Social Sciences – Criteria, Causes
- b. Validity and Causal Inference – Introducing Scientific Realism – Units of Analysis – Social Artifacts – The Ecological Fallacy – Reductionism
- c. The Time Dimension in Research – Designing a Research Project – Preparing a Research Proposal
- d. Agency Records, Content Analysis, and Secondary Data
- e. Types of Agency Records – Units of Analysis and Sampling – Reliability and Validity
- f. Content Analysis – Units, Sampling, Coding, Illustrations – Secondary Analysis

**MODULE – III: Concepts, Operationalization, Measurement and Survey Research, Experimental and Quasi-Experimental Designs**

- a. Conceptions and Concepts – Operationalization Choices – Measurement, types, Levels, Implications – Reliability, Validity – Composite Measures – Typologies, An Index of Disorder
- b. Topics Appropriate to Survey Research – Guidelines for Asking Questions, Question types, Statements, Biased Items and Terms, Designing Self – Report Items
- c. Questionnaire Construction – Self – Administered Questionnaires – Software applications used – In-Person Interview Surveys – Role of Interviewer, General Rules, Software applications – Telephone Surveys, Video Conference – Specialized Interviewing, Focus Groups
- d. Experimental and Quasi-Experimental Designs
- e. The Classical Experiment, Variables, Pretesting and Post – testing, Experimental and Control Groups, Double-Blind Experiments, Selecting Subjects, Randomization – Experiments and Causal Inference – Experiments and Threats to Validity
- f. Variations in the Classical Experimental Design – Variations in Time – Series Designs, Variable-Oriented Research and Scientific Realism

  
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**MODULE – IV: The Influence of Criminal Justice Research**

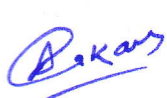
- a. Role of Criminal Justice Researches conducted in India.
- b. Policing – Patrol Operations, Criminal Investigation, Specialized Offender / Offense Operations – Prosecution – The Case – Attrition Problem, dealing with Career Criminals – Sentencing – Reassessing Sentencing Objectives, Sentencing Reform – Corrections – Prison Crowding, Releasing Pretrial Detainees from Jail, Parole Issues, Attempts to Make Probation a Safer Sentencing Alternative
- c. Product – Oriented Research – Products for Policing Applications, Technical Research for Prosecution and the Courts, Other Technical Research – Assessing the Benefits of Research and Increasing the Return on Research Investment

**BIBLIOGRAPHY****RECOMMENDED READING:****BOOKS**

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2. Research Methods in Criminal Justice and Criminology Paperback, Callie Marie Rennison (Author), Timothy Christopher Hart (Author), SAGE Publications, Inc; 1st edition (20 February 2018)
3. Vito, G. F., Kunselman, J. C., & Tewksbury, R. (2014). Introduction to criminal justice research methods: An applied approach. Charles C Thomas Publisher.
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2. Pickett, J. T. (2019). Public opinion and criminal justice policy: Theory and research. Annual Review of Criminology, 2, 405 – 428.
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**LL.M. DISCIPLINE-SPECIFIC ELECTIVE PAPER – III****SUBJECT: ELITE CLASS DEVIANCE AND CRIME ACCOUNTABILITY****PAPER CODE: LLMC 402****CREDITS: 04****OBJECTIVES OF THE COURSE:**

*Elite deviance, committed by the upper echelons of society, and organized crime threaten development and the rights and security of people across and within nations. These types of illegal and harmful activities, as well as collusion and linkages between the act others involved, are of major concern to governments, non – governmental organizations (NGOs), and supranational institutions. A Socioeconomic offence does not only extend the scope of the subject matter of white-collar crime but is also of wider import towards elite class deviance. Various parameters and dimensions of elite class deviance and criminality committed in India are described in the different MODULEs in this course. In designing teaching materials for this course, current developments in deviance, as reflected in newspapers/journals, law reports and legislative proceedings will be highlighted.*

*After undergoing the study, the student will be able:*

**CO1:** To understand the features and dimensions of socio-economic, white-collar offences and elite class deviance

**CO2:** To identify the difference between socio-economic and white-collar offences, white-collar offences and elite class deviance

**CO3:** To get the idea of the laws and governmental efforts to regulate and control elite class deviance and accountability.

**CO4:** To examine the empirical linkages between elite deviance, organized crime, and conventional (non – elite) crime cross-nationally.

**LEARNING OUTCOME**

1. *To differentiate between deviance and crime and categorize the different types of deviant behavior*
2. *To determine why certain behaviors are defined as deviant while others are not.*
3. *To understand the legal control mechanism in India to combat elite class deviance and crime.*
4. *The course will describe the characteristics of disciplinary social control and their relationship to normalizing societies.*
5. *Trial, punishment and prevention of elite class criminality will be critically examined towards policy reform perspective.*

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*P.P.P. Sharma*

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**COURSE OUTLINE****MODULE – I: Crime and Deviance**

- a. Theories of Deviance: Individualistic versus Sociological Theories, Functionalism & Anomic Theories, Conflict and Threat Theories, Labeling Theory.
- b. Typical forms of Deviance: Official deviance – Professional deviance – Police deviance – Electoral Deviance – Trade union deviance, Landlord deviance (class / caste-based deviance) – Gender-based aggression.
- c. Indian approaches to socio-economic offences – Notions of Elite class deviance.

**MODULE – II: White Collar Crimes and Police Deviance**

- a. Conceptions of white-collar crimes – Growth of white-collar crimes in India – Chronological Background
- b. White-collar crime and blue-collar crime – Report on white-collar crime in India – Santhanam Committee – Wanchoo Committee – 29th & 47th Report of Law Commission of India
- c. White-collar crime in other professions – Legislation against white-collar crime in India.
- d. Police Deviance – Structures of legal restraint on police power in India – Typology of Police Deviance – Police atrocities
- e. Police and Para – Military forces – Professional conduct and ethics
- f. Accountability and Reform in Policing – Human Rights approach

**MODULE – III: Professional Deviance and Official Deviance**

- a. Moral and Ethics – Professional Ethics
- b. Unethical practices at the Indian bar – The Press Council on unprofessional and unethical journalism
- c. Medical malpractice – Deviant behavior by Teachers, Engineers & Architects
- d. The conception of official deviance – Malfeasance – Misfeasance – Non – feasant – Discretion and legality – Permissible limit of discretionary powers
- e. Deviance by Legislators, Judges and Bureaucrats – Official Enquiry into Deviance and Corruption – Commission Report on Official Deviance
- f. Judicial Control of Official Discretion – Commissions on official deviance

**MODULE – IV: Indian Legal Order and New criminal jurisprudence**

- a. Indian Legal Order to Elite Classes Deviance – Investigation, trial and punishment – Public Accounts Committee

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- b. Vigilance Commission – Ombudsman – Lokpal and Lokayukta – Commissions of Enquiry – Prevention of Corruption Act, 1988
- c. Need for New criminal jurisprudence

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SUBJECT: INTERNATIONAL PERSPECTIVES OF SOCIO-ECONOMIC  
CRIMES

PAPER CODE: LLMC105

CREDITS:03

## OBJECTIVES OF THE COURSE:

*Economic crime is fraud in its various manifestations, is among the costliest of all criminal activities the proliferation of anonymous financial transactions is accompanied by a commensurate proliferation of opportunities for the betrayal of trust. There are several major forms of economic crime that confront society in the new millennium. The various categories of economic crimes are not mutually exclusive but are intended to illustrate the range and variety of economic crimes. Economic crime covers a wide range of offences, from financial crimes committed by banks, tax evasion, insurance fraud, illicit capital heavens, money laundering, crimes committed by public officials (like bribery, embezzlement, traffic of influences, etc.) among many others. This subject will highlight various parameters of economic crime from a national and international perspective.*

*After undergoing the study, the student will be able:*

**CO1:** to explore the problem of domestic legislation when the – circumstances and proceedings of the crime take place outside the territorial jurisdiction of India.

**CO2:** to analyze the fact that, unlike other crimes, economic crimes may continue to increase in the coming years, adversely affecting economic, national and international security situations

**CO3:** to Interpret and appropriately apply the laws and procedures associated with identifying, acquiring, examining and presenting digital evidence

**CO4:** to understand some of the major problems faced in coping with an economic crime in the areas of detection, investigation, prosecution.

## LEARNING OUTCOME

- 1. The subject will act as a springboard for future research and also be useful for new Developing Countries which may have to encounter a similar economic crime phenomenon.*
- 2. Will explore the problem of domestic legislation when the – circumstances and proceedings of the crime take place outside the territorial jurisdiction of India.*
- 3. Aims to analyze the fact that, unlike other crimes, economic crimes may continue to increase in the coming years, adversely affecting economic, national and international security situations.*

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*Shil*

*P.P. Singh*

*Pooja Sikawar*

4. *Interpret and appropriately apply the laws and procedures associated with identifying, acquiring, examining and presenting digital evidence*
5. *Students will be introduced to the current research in economic crimes. This will encourage them to define research problems and develop effective solutions*

## **COURSE OUTLINE**

### **MODULE – I: Economic Crime in a Globalizing Society**

- a. Economic Crimes – Across the World – Typology, New Trends and Countermeasures
- b. Measuring the Impact of Economic Crime – Economic crime: A Comparative Analysis
- c. Prevention and control of Economic crime

### **MODULE – II: Bank Frauds, Debit and Credit Card Fraud – Prevention and Detection**

- a. Banking sector fraud – Fraud risk management at Banks
- b. Banking Regulations (Including Codes & Ethics)
- c. Investigation – Implementation – Preventive security controls in the Indian banking industry
- d. Types and Techniques of Debit and Credit Card Frauds – Payment Systems: Domestic and International
- e. Debit and Credit Card Fraud Detection Techniques – Challenges in Debit and Credit Card Detection
- f. Regulation and governance – Countermeasures to combat card payment fraud

### **MODULE – III: Securities, Capital Markets and Frauds in Insurance Sector**

- a. Types of insurance fraud – Detecting insurance fraud
- b. Risk Management in General and Life Insurance – Grievance Redressal Mechanism in General Insurance – Mechanism to Identify, Avoid, Prevent Frauds
- c. Vigilance Mechanism in General Insurance – Role & Significance of Information Technology in Insurance Frauds
- d. Functions of Capital Market – Structure of Capital Market – Difference between Capital Market and Money Market
- e. Role of SEBI in Capital Market – Legal and Regulatory Framework of Securities Markets
- f. Recent Developments in the Indian Capital Market





**MODULE – IV: Legal Processes and Regulatory Framework for Economic Crimes**

- a. Legal Framework to prevent, control Economic Crimes
- b. Regulatory & Rating Agencies – Regulatory Authorities – Financial Intelligence – Investigation
- c. International Endeavors – Mutual Legal Assistance Treaty

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**LL.M. GENERIC ELECTIVE PAPER –II****SUBJECT: MEDICAL ETHICS AND ACCOUNTABILITY****PAPER CODE: LLMC 304****CREDITS:03****OBJECTIVES OF THE COURSE:**

*Medical law is a fascinating field of study as advances in medical research and new technologies shift the boundaries of medicine. New health issues are emerging and patient rights are increasingly taking center stage. New and complex medico-legal dilemmas arise in clinical practice, in the realities of human health, and the relationships between patients and healthcare professionals. Healthcare is not just confined to clinical practice but also has philosophical aspects in terms of medical ethics. This brings forth the necessity of the philosophy of medical ethics and principles in practice that every medico-legal professional should understand. As advocacy is intrinsic to policymaking, the current crisis in health care suggests that new strategies for improving the quality and broadening the scope of health professions' advocacy are needed.*

*After undergoing the study, the student will be able:*

<b>CO1:</b> To Understand the concept of Medical Jurisprudence
<b>CO2:</b> To elucidate the professional conduct, etiquette and medical ethics
<b>CO3:</b> To elaborate the Medical Practice, Professional secrecy and Medical Negligence (Medical Malpractice)
<b>CO4:</b> To demonstrate the provisions related to Ethics and Accountability in the Medical Profession

**LEARNING OUTCOME**

- 1. To equip with better decision-making skills that will help to elevate their practice and observe fulfilling victims' outcomes that also abide by the moral principles associated with the practice.*
- 2. Gain in-depth knowledge about medical law, ethics, and duties & responsibilities.*
- 3. Understanding of medico-legal issues not just in the legal context, but with a sound grounding in ethics, social and theoretical contexts.*
- 4. The learners will understand the repercussions of unethical acts and misconduct in the practice.*
- 5. Develop skills and attitudes that can direct their conduct during their practicing career while also being sensitive towards the ethical issues that they may face on a day-to-day basis.*

*Prakash*     *Deep*     *P.P. Singh*     *Harina*     *Tabia Sikawan* 162



## COURSE OUTLINE

### MODULE – I: Medical Jurisprudence

- a. The Scope of Medicine – Indian Medical Council – functions of Indian Medical Council – Medical Register – Medical Education – Recognition of Foreign Medical Qualification
- b. State Medical Council – Functions of State Medical Council – Medical Register – Disciplinary Control – Warning Notice
- c. Rights and Privileges of a Registered Medical Practitioner – Health Statistics

### MODULE – II: Professional Conduct, Etiquette and Medical Ethics

- a. Law and Ethics – The International code of medical ethics – The Indian code of medical ethics – Universal Principles in Medical Ethics – Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002
- b. Medical Ethics – Duties of Physicians to their Patients – Duties of Physician in Consultation – Responsibilities of Physicians to each other
- c. Unethical Acts – Misconduct – Punishment and Disciplinary Action

### MODULE – III: Medical Practice, Professional secrecy and Medical Negligence (Medical Malpractice)

- a. Hippocratic oath – Declaration of Geneva, 1948 (Physician's Oath)
- b. Informed Consent – Medical Confidentiality – Revealing confidentiality Information – Therapeutic Privilege
- c. HIV / AIDS & Confidentiality – Privileged Communications – Excessive Disclosure
- d. Civil Negligence – Criminal Negligence – Duty of care – Dereliction of Duty
- e. Damage – Reasonable Foreseeability of Damage – Calculated Risk Damage – Novus Actus Interveniens – Res Ipsa Loquitur
- f. Contributory Negligence – Corporate Negligence – Product Liability – Therapeutic Misadventure – Defense against Negligence

### MODULE – IV: Ethics and Accountability in the Medical Profession

- a. Position of medical laws and ethics in India – Criminalization of Medical Negligence
- b. Tortious Liability of Medical Professionals – Contractual Liability of Medical Professionals – Liability of the Medical Professionals under the Consumer Protection Act, 1986
- c. Medication Errors – Legal issues in Newborn intensive care – Legal aspect of Bioterrorism

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- d. Clinical Trial Ethics – International Guidelines – The Nuremberg Code – The Declaration of Helsinki – Health insurance and professional liability
- e. Ethics and Bio-Ethics – Life care planning: Ethical and Legal Issues – Liability of Health care Entities for Negligent care
- f. Medical product liability – Liability in Telemedicine – Professional liability in emergency medicine

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