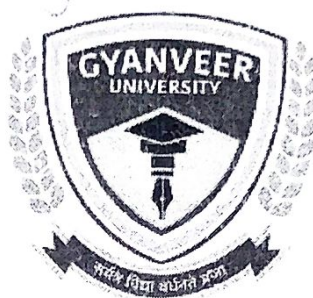


Academic Year: 2023-2024

MASTER OF LAWS (LL.M.)

With Specialization

Corporate Laws, Criminal Laws, Constitutional Laws & IPR



SCHEME OF EXAMINATION

&

DETAILED SYLLABUS

Semester – I & II

School of Legal Studies





GYANVEER UNIVERSITY, SAGAR (M.P.)

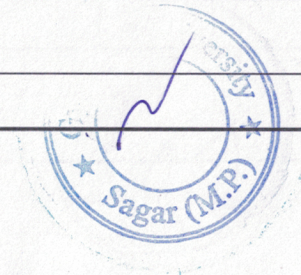
Scheme of Examination LLM - I Semester
School of Legal Studies (Academic Session 2023-24)

Subject wise distribution of marks and corresponding credits

S. No.	Paper Type	Subject/Group	Subject Code	Paper Name	Maximum Marks Allotted									Total Marks	Contact Periods Per week			Total Credits
					Theory Slot				Practical Slot						L	T	P	
					End Term Exam	Internal Assessment Class test (Descriptive & Objective)/Assignment/Seminar			Internal Assessment			External Assessment						
						FINAL EXAM	Internal Assessment I	Internal Assessment II	Internal Assessment III	Class Interaction	Attendance	Practical/Presentation/Lab Record	Viva Voce					
1		Compulsory Paper	LLM211T	Law and Social Transformation	60	20	20	20	-	-	-	-	-	100	6	0	0	6
2			LLM212T	Indian Constitutional law: The New Challenges	60	20	20	20	-	-	-	-	-	100	6	0	0	6
3		Optional Group – A (Criminal Law)	LLM213T	Comparative Criminal Procedure	60	20	20	20	-	-	-	-	-	100	6	0	0	6
4			LLM214T	Treatment of Offenders and Victimology	60	20	20	20	-	-	-	-	-	100	6	0	0	6
5		Optional Group – B (Corporate Law)	LLM215T	Law of Corporate Management and Governance	60	20	20	20	-	-	-	-	-	100	6	0	0	6
6			LLM216T	Competition and Consumer Protection Laws	60	20	20	20	-	-	-	-	-	100	6	0	0	6
7		Optional Group – C (Constitutional Law)	LLM217T	Constitutionalism*	60	20	20	20	-	-	-	-	-	100	6	0	0	6
8			LLM218T	Comparative Constitutional Law	60	20	20	20	-	-	-	-	-	100	6	0	0	6
9		Optional Group – D (IPR)	LLM219T	Nature, Emergence and Development of IPRs	60	20	20	20	-	-	-	-	-	100	6	0	0	6
10			LLM2110T	Copyright Law & Neighbouring Rights	60	20	20	20	-	-	-	-	-	100	6	0	0	6

Total of Credit is 6+6+6+6+6 = 30

Note*: Allotment of Marks for Internal Assessment for theory portion is Best of Two / either of two and addition of them.



MASTER OF LAWS (LL.M.)

Semester- I

LLM211T - LAW AND SOCIAL TRANSFORMATION

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

Course Content:

(Lecture-12)

Unit I - Law and social change

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

(Lecture-12)

Unit II - Religion and the law

Religion as a divisive factor, Secularism as a solution to the problem, Reform of the law on secular lines: Problems, Freedom of religion and non-discrimination on the basis of religion, Religious minorities and the law.

(Lecture-12)

Unit III - Language and the law

Language as a divisive factor: formation of linguistic states, Constitutional guarantees to linguistic minorities, Language policy and the Constitution: Official language; multi- language system, Non-discrimination on the ground of language.

(Lecture-12)

Unit IV - Community and the law

Caste as a divisive factor, Non-discrimination on the grounds of caste, Acceptance of caste as a factor to undo past injustices, Protective discrimination: Scheduled castes, tribes and backward classes, Reservation; Statutory Commissions, Statutory provisions, Crimes against women, Gender injustice and its various forms, Empowerment of women: Constitutional and other legal provisions.

(Lecture-12)

Unit V - Regionalism and the law

Regionalism as a divisive factor, Concept of India as one unit, Right of movement, residence and business; impermissibility of state or regional barriers, Equality in matters of employment: the slogan "Sons of the soil" and its practice, Admission to educational institutions: preference to residents of a state.



Learning Outcomes: Upon the successful completion of the course the student

will be able to understand social changes, development of Law and legal Institution of India, will gain knowledge about legal institutions of india, will be familiar of official language and multi language system, will pain knowledge about caste and communication, constitutional and legal provision, will understand about regionalism and concept of india as one unit.

Select Bibliography

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



Semester- I
LLM212T - INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES

Objectives: The Constitution of India is the supreme law of the country. This course provides the description of the necessary fundamental concepts and doctrines of Constitutional Law. This Course is designed to acquaint students with the basic principles of Constitution and Constitutionalism. The Course also has the objective to familiarize the students with the Federal principles of Indian Constitution and the powers, functions and structures of various Constitutional bodies

Course Content:

(Lecture-12)

Unit I - Federalism

Creation of new states, Allocation and share of resources - distribution of grants-in- aid, The inter-state disputes on resources, Centre's responsibility and internal disturbance within States. Directions of the Centre to the State under Article 356 and 365, Federal Comity: Relationship of trust and faith between Centre and State, Special status of certain States, Tribal Areas, Scheduled Areas.

(Lecture-12)

Unit II - Separation of powers: stresses and strains.

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

(Lecture-12)

Unit III - Freedom of Press and challenges of new scientific development

Freedom of speech and expression, Right to broadcast and telecast, Impact of Information Technology Act, 2000, Right to strikes, hartal and bandh.

(Lecture-12)

Unit IV - Emerging regime of new rights and remedies.

Reading Directive Principles and Fundamental Duties into Fundamental rights, Compensation jurisprudence, Right to education, Commercialisation of Education and its impact, Educational institutions and state control: Critical Analysis of Pai Foundation & its aftermath.

(Lecture-12)

Unit V - Democratic process.

Nexus of politics with criminals and the business, Election: Jurisprudence of Representation; Role of Election Commission, Electoral Reforms: Contribution of Judiciary, Coalition government, 'stability, durability, corrupt practice

Learning Outcomes: Upon the successful completion of the course the student

Will be able to know about centres and state responsibility and their relationship of trust and faith



Will be able understand the appointment, transfer and removal of judges and know about judicial activism and Pil

will be able to know about their rights and freedom given by the constitution. able to know the directive principles of state policy and fundamental duties,

able to understand contribution of election commission and judiciary.

Select Bibliography

- M.P. Jain, Indian Constitutional Law.
- H.M. Seervai, The Indian Constitutional Law.
- V.N. Shukla, Indian constitutional Law.



MASTER OF LAWS (LL.M.)

Semester- I

LLM213T -COMPARATIVE CRIMINAL PROCEDURE

(Preferably the Paper should be taught with reference to India, England, US, France and China)

Objectives: Lawyer, whether academic or professional, is expected to be competent to analyze and evaluate the legal process from a broader juristic perspective. Hence a compulsory on judicial process is essential in the LL.M. curriculum. The objective of this paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker participant in the power process and as an instrument of social change.

Course Content:

(Lecture-12)

Unit I: Organisation of Courts and Prosecuting Agencies

Hierarchy of criminal courts and their jurisdiction, Organisation of prosecuting agencies for prosecuting criminals, Prosecutors and the Police, Withdrawal of Prosecution.

(Lecture-12)

Unit II: Pre-Trial Procedure

Arrest and questioning of the accused, the rights of the accused, The evidentiary value of statements/articles seized/collected by the police, Right to counsel, Roles of the prosecutor and the judicial officer in investigation

(Lecture-12)

Unit III: Trial Procedure

The accusatory system of trial and the inquisitorial system, Role of the judge, the prosecutor and defence attorney in the trial, Admissibility and inadmissibility of evidence. Expert evidence. Plea bargaining.

(Lecture-12)

Unit IV: Correction and Aftercare service

The role of the court in correctional programmes in India - **Preventive Measures in India:**

Provisions in the Criminal Procedure Code, Special enactments.

(Lecture-12)

Unit V: Public Interest Litigation:

Directions for criminal prosecution.

Learning Outcomes: Upon the successful completion of the course the student

Will be able to understand hierarchy of criminal courts, their jurisdictions, prosecutors, police, arrest and questioning the accused ,rights of accused, rights of counsels and roles of officers in investigation. Also get to know about the system of trial, role of judges, evidence, plea bargaining, preventive measures in India and special enactments of criminal procedure code.

Select Bibliography:



1. Vernon Fox - Introduction to Criminology
2. Sutherland and Cressy - Criminology
3. Sethna - Society and the Criminal
4. Ahmad Siddique – Criminology
5. K.D.Gaur – A Textbook on The Indian Penal Code.
6. Videh Upadhyay - Public Interest Litigation In India: Concepts, Cases Concerns 1st Edition
7. S. K Agrawala - Public interest litigation in India: A critique (K.M. Munshi)



MASTER OF LAWS (LL.M.)

Semester- I

LLM214T - TREATMENT OF OFFENDERS AND VICTIMOLOGY

Objectives: To develop students' fundamental understanding of law with Penology Treatment of offenders. To prepare students in the context of how to create their own presence felt in the Law after completing the programme. To Develop understanding of students regarding law mix strategies for their own law practice. To develop service orientation amongst the students, as it is highly significant in the field of law.

Course Content:

(Lecture-12)

Unit I: Introductory: Definition of Penology -I

Theories of Punishment: Retribution, Utilitarian prevention: Deterrence; Utilitarian: Intimidation:

(Lecture-12)

Unit II: Introductory: Definition of Penology -II

Behavioral prevention: Incapacitation, Behavioral prevention: Rehabilitation- Expiation. Classical Hindu and Islamic approaches to punishment.

(Lecture-12)

Unit III: Approaches to Sentencing

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

(Lecture-12)

Unit IV: Imprisonment

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

(Lecture-12)

Unit V: Victimology

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

Learning Outcomes: Upon the successful completion of the course the student

will get to know about types of punishment, hindu and Islamic approach to punishment, alternative of punishment, rights and duties of prisoners. students also get to know about right of victim and UN declaration on right of victim

Select Bibliography:

1. Vernon Fox - Introduction to Criminology
2. Sutherland and Cressy - Criminology
3. Sethna - Society and the Criminal
4. Ahmad Siddique – Criminology
5. K.D.Gaur – A Textbook on The Indian Penal Code.



MASTER OF LAWS (LL.M.)

Semester- I

LLM215T - Law of Corporate Management and Governance

Objective: The main objective of this course is to acquaint the students of law with various jural postulates as enshrined in the Constitution of India with a comparative approach. This course is expected to throw light over various Constitutional developments of contemporary world.

Course Content:

(Lecture-12)

Unit I - Corporate Incorporation and Management

Certificate of Incorporation, Memorandum and Articles of Association, Doctrine of Ultra Vires, Doctrine of Indoor Management.

Directors: Appointment, Removal, Position, Powers and Duties of Directors.

Audit Committee: Its Role. Company Secretary: Qualification, Appointment and Duties. Officer who is in default: Definition of Officer who is in default. Liability of independent directors. Meetings: Types of Meetings, Procedure of calling meeting, Company's resolutions and its kinds

(Lecture-12)

Unit II - Oppression & Mismanagement and Investigation

(Sections 397 to 408; Sections 235 to 251)

Rule in Foss v. Harbottle, Prevention of Oppression, Prevention of Mismanagement. Role & Powers of the Company Law Board, Role & Powers of Central Government. Company Investigation.

(Lecture-12)

Unit III - Corporate Liquidation

Winding up of Companies, Mode of winding up of the companies, Compulsory Winding up under the Order of the Tribunal, Voluntary winding up, Contributories, Payment of liabilities

(Lecture-12)

Unit IV - Corporate Governance

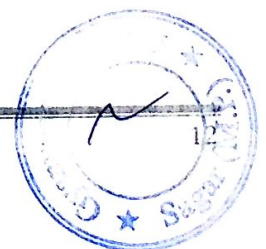
Importance of Corporate Governance, Different system of Corporate Governance, Impact of Legal Traditions and the Rule of Law on Corporate Governance, Legal Reforms of Corporate Governance in India, Reports of the various Committees on Corporate Governance

(Lecture-12)

Unit V - Social Responsibility

Emerging Trend based on the recommendation of the Committees in the, Companies Act 1956 and the Listing Agreement with Special reference to Clause 49. Corporate Social and Environmental Responsibility.

Learning Outcomes: Upon the successful completion of the course the student



Will be able to understand memorandum and article of association, doctrine of ultra virus doctrine of indoor management, appointment, removal, position, power, duties of directors, audit committee, company secretary, officer who is in default and types of meeting. Student also get to know that rule of foss vs harbottle, prevention of operation and mismanagement, role and power of company law board and central government , winding up of companies, contributors, payment of liability. importance of corporate governance and corporate social & environmental responsibility.

Selected Bibliography:

1. Smith and Keenan's, *Company Law* (2002)
2. Andrew Lidbetter, *Company Investigations ad Public Law* (1999)
3. Saleem Sheikh & William Rees, *Corporate Governance & Corporate Control* (2002).
4. Avtar Singh, *Company Law*, 2007 Eastern Book Company, Lucknow.
5. Gower's *Principles of Company Law* 8th Edition 2008, R. Cambay & Co. Pvt. Ltd.
6. Smith and Keenon's *Company Law*.
7. S. K. Verma & Suman Gupta, *Corporate Governance and Corporate Law Reform in India*. (2005).
8. Companies Act, 1956
9. Suman Gupta: *Shareholder's Democracy: Fact or Fiction*. (1992)



MASTER OF LAWS (LL.M.)

Semester- I

LLM216T - Competition and Consumer Protection Laws

Objectives: Competition law and consumer protection are essential underpinnings of a market economy. Competition law is intended to ensure that the market remains competitive, so that a meaningful range of options is made available to consumers. Competition law rules influence and govern a broad range of corporate practices

Course Content:

(Lecture-12)

UNIT – I - Competition: An Introduction - I

Definition of Competition, Definition of Competition Law, Objectives of Competition Law

(Lecture-12)

UNIT – II - Competition: An Introduction – II

History of Competition Law: (USA, UK, Europe) Relevant provisions of Sherman's Act. Indian scenario with an overview of MRTP Act, 1969. *Raghavan* Committee Report.

International co-operation for competition: WTO agreements and the Act

(Lecture-12)

UNIT – III - Anti-competitive Agreement:

Appreciable adverse effect, Horizontal and Vertical agreements, Effects doctrine. **Prohibition of anti-competitive agreements:** Concerted practices and parallel behaviour, Cartel and Cartelisation. Bid rigging and collusive bidding, Tie-in-arrangements, Exclusive supply agreement. Resale price maintenance agreement. **Abuse of Dominant Position:** Relevant market, Predatory behaviour. Predatory pricing, Discriminatory practices, Relevant market.

(Lecture-12)

UNIT – IV - Combination:

Value of Assets, Turnover, Acquisition, Conglomeration, Joint Venture, Merger and Amalgamation. Notification. **Competition Commission of India:** Establishment and composition, Duties, Procedure for inquiry, Powers, Competition funds. **Competition Advocacy:** Competition Policy

(Lecture-12)

UNIT – V - Consumer Protection Act, 1986 and its applicability to Competition Law Definition of Consumer, Definition of Service, Deficiency in Service, Unfair Trade Practices, Overlapping areas.

Learning Outcomes: Upon the successful completion of the course the student

Will be able to understand competition law, horizontal and vertical agreements, prohibition of anti-competitive agreements, Tie in agreements, abuse of dominant position, value of assets, turnover, accusation and competition commission of India.



Selected Bibliography:

1. Mittal D.P., *Taxmann's Competition Law* (2007)
2. *Universal Guide to Competition Law in India-2003*, Universal Law Publishing Company, New Delhi.
3. Ramappa. T., *Competition Law in India- Policy, Issues and Development* (2006)Oxford University Press.
4. Nahar. S. Mahala, *Law, Practice and Procedure* (2006), Commercial Law Publishers.
5. Dhall .Vinod, *Competition Law Today*, (ed.) 2007, Oxford University Press
6. Bangia R.K., *A Handbook of Consumer Protection Laws and Procedure*, 2004, Allahabad Law Agency.
7. Singh Avtar, *Law of Consumer Protection; Principles and Practice*, 2005, EasternBook Company.
8. Verma S.K. & M.Afzal Wani, *A Treatise on Consumer Protection Laws*, (ed.) 2004,Indian Law Institute.
9. Anoop K. Kaushal, *Universal's Practical Guide to Consumer Protection Law*, 2006,Universal law Publishing Company, New Delhi.
10. Pavleen, *Consumer Decision- Making*, 2006, Deep & Deep Publication.
11. Aggarwal, Prof. V. K., *Consumer and Protection Law and Practice*, 6th Ed. (2008).



MASTER OF LAWS (LL.M.)
Semester- I
LLM217T CONSTITUTIONALISM

Objectives :

- Understanding the federal structure of the Constitution of India
- Learning about the legislative, administrative, and financial relations between the states and the center.
- Understanding constitutional principles, legal frameworks, and case studies
- Understanding various constitutional aspects like the constitution of panchayat, municipalities, co-operative societies, elections provisions, and amendment procedure

Course Content:

(Lecture-12)

Unit - I : The Concept of Constitutionalism

1. Essential Principles of Constitutionalism
2. Constitutionalism and Rule of Law
3. Functions of Rule of Law and Constitutionalism

(Lecture-12)

Unit - II : Federalism as an aspect of Constitutionalism -I

1. The Federal principle : Classical and Modern
2. An overview of the Canadian and American Position
3. Constitutionalism in the Indian Legal Order

(Lecture-12)

Unit - III : Federalism as an aspect of Constitutionalism -II

3. Main features of Indian federalism
4. Federalism and Constitutionalism

(Lecture-12)

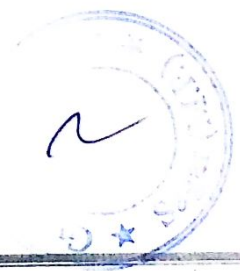
Unit - IV: New challenges to Constitutionalism: some social issues

1. Equality and Affirmative actions (Dalits, and Backward Classes)
2. Human Rights of the Marginalized Groups.
3. An Evaluation of Role of Courts.

(Lecture-12)

Unit - V: Justice Delivery System In India

1. PIL movement : Promises and Perils
2. Independence of Judiciary.
3. Judicial Reforms.



Learning Outcomes: Upon the successful completion of the course the student

Will be able to understand the concept of constitutionalism, federalism, rule of law, PIL, independence of judiciary and judicial reforms. Students also get to know about an overview of the Canadian and American position

Selected Bibliography:

- C. H. Mell Wain, Constitutionalism: Ancient and Modern. (1947).
- A. V. Dicey, Introduction to the Study of Law of the Constitution. (1982) Edition.
- Lary Alexander (ed). Constitutionalism: Philosophical Foundations. Cambridge. (1998)
- 4. M. P. Singh 'Constitution of India. 11th Ed. 2008, Eastern Book Co.
- K. C. Wheare. Federal Government. Ch. 1 & 2, 4th Edition 1963.
- M. P. Singh. Federalism, Democracy and Human Rights. 47 J.I.L.I. 47 (2005).



MASTER OF LAWS (LL.M.)

Semester- I

LLM218T - COMPARITIVE CONSTITUTIONAL LAW

Objectives: A substantial knowledge of constitutional law in major jurisdictions via a comparative perspective; a substantial knowledge of the protection and enforcement of constitutional rights and human rights in major jurisdictions; The capacity to conduct research on a wide range of constitutional problems in different constitutional regimes across a changing constitutional and political landscape;

Course Content:

(Lecture-12)

Unit-I:

Philosophy of rights and liberties – Historical overview – Methods of guarantee of basic rights – Common Law method – Constitutional bill of rights – Division of powers approach – Concept of State action – Right to Life – Traditional and Modern Concept – Positive rights of life – Rights to die – Right to personal liberty and Right to privacy.

(Lecture-12)

Unit –II:

Right to Equality – Racial Equality – Non-discrimination – Reasonable Classification – Gender equality – Protective discrimination – method and extent.

(Lecture-12)

Unit –III:

Due process of Law and its kinds – Rights of Accused– Immunity against Self- incrimination – Rule against double jeopardy – Protection against unreasonable search and seizure – Speedy Trial – Right to Counsel – Right to bail – Protection against Cruel and Unusual punishment – death penalty.

(Lecture-12)

Unit-IV:

Freedom of Speech and Expression – Content , and extent of restriction – Electronic Media – Law of Media – Freedom of Assembly, Association, Movement, Residence – Content and Extent of restrictions.

(Lecture-12)

Unit-V:

Freedom of Religion – Secularism –Right to property – Power of eminent domain – Freedom of business. The study is with reference to the constitutions of the USA, Canada and the United Kingdom.

Learning Outcomes: Upon the successful completion of the course the student

Will be able to understand philosophy of rights and liberties, right to live, right to equality, due process of law, freedom of speech and expression and freedom of religion.

Books for Study:

1. Kauper and Beytaugh – Constitutional Law
2. Rotunda and Nowak – Treatise on American Constitution Vol.3 and 4
3. Lockhart, Kamisar and Choper – American Constitution
4. Bernad Schwartz Commentary on American Constitution Part II & III,
5. Peter W. Hogg – Canadian Constitutional Law
 1. Laskin – Canadian Constitutional Law
 2. Leon & Atkey – Canadian Constitutional Law in Modern Perspective.
8. Wade and Philips – Constitutional and Administrative Law.



MASTER OF LAWS (LL.M.)

Semester- I

LLM219T - Nature, Emergence and Development of IPRs

Objectives: Understanding, defining and differentiating different types of intellectual properties (IPs) and their roles in contributing to organizational competitiveness. Understanding the Framework of Strategic Management of Intellectual Property (IP). Appreciating and appraising different IP management (IPM) approaches and describing how pioneering firms initiate, implement and manage IPM programs, Explaining how to derive value from IP and leverage its value in new product and service development Exposing to the Legal management of IP and understanding of real life practice of IPM.

Course Content:

(Lecture-12)

Unit I - Nature & Concept

- i. Meaning
- ii. Types of Intellectual Property Rights

Nature of Intellectual Property Rights

- i. Monopolistic Perspective
- ii. Economic Perspective
- iii. Public welfare perspective

(Lecture-12)

Unit II-

Theories

- i. Natural theory
- ii. Lockes'
- iii. Theory of property
- iv. Hegelian Philosophy

I. Utilitarian guidelines

II. Incentive theory

- a. Prospect theory
- b. Schumpeterian theory

(Lecture-12)

Unit III- Origin & Development

- a) Historical Background
- b) Technological Development of IPRs
- c) Intellectual Property Rights: From National to
- d) International Character d) Sustainable Development
- e) Challenges for IPR system:

1. Digital

Economy

2. E-commerce
3. Domain names
4. Biotechnology including Human genomes
5. Nanotechnology
6. Role of Government in fostering the IPR

(Lecture-12)

Unit IV- International regime of Intellectual Property Rights

- a) Background
- b) Pre WTO régime

- a. Paris Convention
 - b) Berne convention
 - c) Rome convention
 - d) Patent Cooperation treaty
 - e) World Intellectual Property Organization (WIPO), etc..
 - f) Post WTO regime
 - g) TRIPS

(Lecture-12)

Unit V- National regime

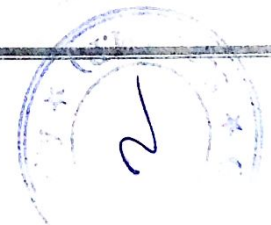
- a) Background
- b) Pre WTO
- c) Post WTO

Learning Outcomes: Upon the successful completion of the course the student

Will be able to understand concept of IPR, different theories of IPR, historical background of IPR and challenges of IPR system. Students also get know that about national and international regime of IPR.

Suggested Readings:

- a) Shiv Sahai Singh, The Law of Intellectual Property Rights, Deep & Deep publication Pvt. Ltd. 2004.
- b) Phillippe Culet, Intellectual Property Protection and Sustainable Development, Lexis Nexis Butterworth, 2004.
- c) W R Cornish, Intellectual Property: Patents, copyright, Trademarks and allied rights, London: Sweet & Maxwell, 1996
- d) Jayanti Bagachi, World Trade organization; an Indian Perspective(2000).
- e) Narayanan, P., Intellectual Property Rights
- f) Further readings
- g) UNCTAD-ICTSD, Resource book on TRIPs and Development, Cambridge University Press, 2005
- h) Surendra Bhandari, World Trade organisation and Developing Countries, 1998
- i) Bleir, F.K., Crespi, R.S. and Straus, J., Niotechnology and Patent Protection- an international review, OECD



Semester- I

LLM2110T - Copyright Law & Neighboring Rights

Objectives: The course is designed to provide comprehensive knowledge to the students regarding Indian position of the Copyright Law, 1957, Historical background and Development of Copyright Law, Infringement.

Course Content:

Unit – I

(Lecture-12)

1. Introduction to Copyright
 - a) Historical development of the law of copyright
 - b) Nature and Scope of Copyright Law and Neighbouring Rights

Unit – II

(Lecture-12)

1. International Conventions/Treaties on Copyright
 - (b) Berne Convention
 - (c) Universal Copyright Convention
2. Rome Convention, 1961
 - (d) Phonogram Convention, 1971
 - (e) TRIPs Agreement
 - (f) WIPO Copyright Treaty, 1996
3. WIPO performance and Phonogram Treaty, 1996

(Lecture-12)

Unit – III

1. Subject matter of copyright works
 - (a) Literacy, Computer, Dramatic, Musical, Cinematograph film etc.
 - (b) Provisions under Indian Law and International Convention
2. Ownership, duration and assignment of copyright
 - (a) Ownership of literacy, dramatic, artistic and computer generated works etc.
 - (b) Economic and moral rights of copyright owners
 - (c) Terms of copyright
- (d) Assignment of copyright and licenses

(Lecture-12)

Unit – IV

1. Performers rights under the Indian Copyright Law and under International Conventions
 - 1) Historical development of performers rights: Nature and Scope
 - 2) Economic and moral rights of performers and Exception of performers rights
2. Broadcast Reproduction Rights and Public Interest
 - (a) Satellite broadcasting and by cable television
 - (b) Exception under Indian law and under international convention



Unit – V

1. Infringement of copyright
 - (a) Mode of infringement of various copyright works
 - (b) Infringement of neighbouring rights
 - (c) Statutory exception under Indian law and international convention
2. Remedies of infringement of copyright under national and international perspective
 - (a) Preventive and compensatory civil remedies
 - (b) Criminal remedies
 - (c) Administrative remedies

Learning Outcomes: Upon the successful completion of the course the student

Will be able to understand copyright, international conventions and treaties on copyright, TRIPS agreement, rights under Indian copyright Law and international conventions. Also get to know about infringement of copyright and remedies of infringement of copyright.

Compulsory Readings:

1. Copyright Act, 1957
2. Berne Convention for protection of literary and artistic works
3. Universal Copyright Convention Rome Convention
4. Convention for the protection of producers of phonograms
5. TRIPS Agreement
6. WIPO Copyright Treaty
7. WIPO Performance and Phonograms Treaty

Suggested Readings:

1. International Copyright and Neighbouring Rights; Stephen M. Steward (London, 1983)
2. Copinger and Skare James on Copyright; E.P. Skare James (London, 1991)
3. How Copyright Works in Practice; Kala Thairani (Bombay, 1996)
4. Law of Copyright: From Gutenberg's Invention to Internet; (Delhi, 2001)



MASTER OF LAWS (LL.M.)

Semester- I

LLM2111T - Concept and Development of Human Rights

Objectives: To equip students with a comprehensive understanding of the concept and development of human rights, empowering them to critically analyze, advocate for, and defend these rights in the real world.

Course Content:

(Lecture 12)

Unit I : Human Rights: Jurisprudence of Human Concept of 'Right' and 'Duty'. Jural relationship, and Problem in International Law of Rights without Remedy. Meaning and Diversifications of Human Rights : Meaning derived from Scope: How to determine which human rights are Important General or Universal?

(Lecture 12)

Unit II : Justificatory Theories Theology: Natural Law and Natural Rights: Positivist Theory : Marxist Theory : Utilitarian Theory: Sociological Process : Contribution of Modern Theories of Human Rights in shaping the concept: Modern Approaches: Priori Approach. Universal Perspectives Approach. Ideal Observer Approach. Rational Contract Approach. Revived natural Rights Theory:

(Lecture 12)

Unit III : Theories based on Distributive Justice: Rawls theory on Social Justice. Ackerman's theory of Egalitarianism pursued. Cahn's approach of identifying injustice. Theories based on Autonomy: Gewirth theory of liberal approach. Nozick's theory of libertarianism. Theories based on Equal Respect: Dworkin's Theory of equality and liberty. Claims flow from human dignity. Application of various theories to key values.

(Lecture 12)

Unit IV : **Collective Rights** : Are Collective rights as human rights? Right to Solidarity. Development and Peace. Balancing Collective rights and individual human rights. Role of Sociological/Functional Approaches in Jurisprudence, Realist Movement and Judicial Process : A study of selected ideas. Thomas Pain, Locke, J. S. Mill, Jeremy Bentham. A study of selected ideas- Laski, Dworkin, Nozick and Gandhi.

(Lecture 12)

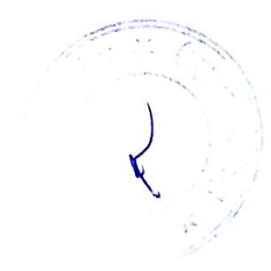
Unit-V : Evolution of Human Rights Milestones in Development of Human Rights. Thought on International Plane Evolution of Human Rights Thinking, contributions of Civilizations. Magna Carta, The British Bill of Rights, French and Declarations. Declaration of Human Rights, 1948 (Article 29), UN General Assembly Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms 1999, UNESCO Declaration on the Responsibilities of the Present Generation Towards Future Generations 1997.

Learning Outcomes: Upon the successful completion of the course the student

Will be able to understand human rights, concept of right and duties, justificatory theories, natural law and natural rights, theories based on distributive justice and collective rights. Also get to know about UN general assembly declaration on human rights and responsibility of individuals.

Suggested Readings :

- Angela Hegarty : Siobhan Leonard, Human Rights an Agenda for the 21st Century (1999)
 Lalit Parmar : Human Rights (1998)
 Rama Jis : Human Rights : Bhartiya Values (1998)
 David P. : Forsythe, Human Rights in International Relations Lon L. Fuller, The Morality of Law
 John Finnis : Natural law and Natural Rights (1980)
 Julius Stone : Human Law and Human Justice (2000), Universal, New Delhi
 M.G. Chitkara : Human Rights : Commitment and Batrayal (1966)



MASTER OF LAWS (LL.M.)

Semester- I

LLM2112T - Human Rights in International and Regional Perspective

Objectives : Concept and Development of Human Rights course, here are some more specific objectives tailored for LL.M students, focusing on the international and regional dimensions of human rights, Deepen Understanding of International Human Rights Law; Master the major principles, sources, and institutions of international human rights law

Course Content:

(Lecture-12)

Unit - I: Emerging Trends of Different Rights in Contemporary international Scenario.

Including economic, social, and cultural rights with special reference to :

Rights of the People and nations to Self-Determination.

Freedom from

Discrimination Right to

Work

Right to Education

Right to health

Right to Adequate food

Right to Adequate shelter and

services Right to Culture

Right to Clean

Environment Right to

Development

(Lecture-12)

Unit -II: Civil and Political Rights :

Right to Life, Liberty and Security of person:

UN General Assembly resolution of Summary or arbitrary Executions, 1984,

International Convention against Taking of Hostages, 1979, UN General Assembly

Declaration on the Protection of All Persons from Enforced disappearance, 1992,

Vienna Declaration on Human Rights, 1993, Vienna Declaration on Crime and

Justice: Meeting the challenges of the Twenty-first Century, 2000.

Freedom from Torture:

Convention on Prevention and Punishment of the Crime of Genocide, 1948.

Declaration on the Protection of Women and children in emergency and Armed

Conflict, 1974, Declaration on standard Minimum Rules for Treatment of prisoners,

1957. Convention on the Protection of All Persons from Being Subjected to Torture

and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984, Code of

conduct for Law Enforcement Officials, 1979, WHO Guidelines for Medical Doctors

Concerning Torture or punishment in relation to detention or Imprisonment, 1975,

UN Trust Fund for Victims for Torture, 1981, Declaration of Minimum Humanitarian

Standards (Institute for Human Rights, Oslo) 1994.

(Lecture-12)

Unit -III: Freedom from Slavery:

Slavery Convention, 1926 and supplementary Convention, 1956, Convention for the

Suppression of Traffic in Persons and of Exploitation of the prostitution of Others,

1949, Forced Labour Convention, 1957.



Administration of Justice by states:

Vienna Declaration on Crime and Justice: Meeting the challenges of the Twenty-first Century, Five Yearly UN congresses on the prevention of Crime and the Treatment of Offenders. Principles relating to Independence of Judiciary, Caracas, 1980. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985.

(Lecture-12)

Unit -IV: Right to Freedom of Opinion and Expression:

Convention on the International right of Correction, 1952, UNESCO Declaration on Fundamental Principles concerning the Contribution of the Media to Strengthening Peace and international Understanding to the Promotion of Human rights, 1978.

Freedom of Association including Trade Union Rights :

ILO Conventions on the Freedom of Association and Protection of the Right to Organize, 1948, the Right to Organize and Collective Bargaining, 1949, Workers' Representatives, 1971, the Rural Workers Organizations, 1975, the Labour Relations (Public Services) 1978, the Collective Bargaining, 1981.

Right to participation in governance

Rights of Minorities and Disadvantaged groups

Rights of Ethnic, Religious or Linguistic Minorities:

Declaration on the Right of Persons Belonging to Ethnic, Religious and Linguistic Minorities, 1992.

Rights of the Elderly:

World Assembly on Ageing, Vienna, 1982

Rights of the Indigenous People:

UN Voluntary Fund for Indigenous populations, 1985, Declaration on the Indigenous People, 1995

Rights of Migrant Workers:

Convention on the protection of the Rights of All Migrant Workers and Members of their Families, 1990, ILO Convention on Migrant Workers

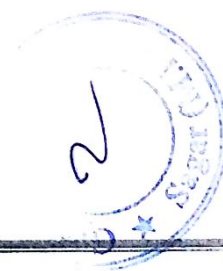
(Lecture-12)

Unit -V: Rights of the Disabled:

UN General Assembly Declaration on the Rights of the disabled Persons, 1975. Declaration on the Rights of mentally retarded persons, 1971, Resolution on the rights of the disabled persons adopted by the Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, 1993.

Human Rights and Terrorism: UN General Assembly resolution 54/164 on Human Rights and Terrorism, 2000

Human Rights under regional charters Asian charter
African charter European charter American charter



Learning Outcomes: Upon the successful completion of the course the student

Student will be able to understand emerging trends of different right contemporary international scenario, civil and political rights, conventions on slavery and trafficking in person, Vienna declaration on crime and justice, convention on the international right of correction and declaration of fundamental rights. Also able to understand the UN general assembly declarations on human rights of disabled persons, human rights and terrorism and human rights under regional charters.

Suggested Readings

- UN, Human Rights : A Compilation of international Instruments (New York : UN Publication Division, 1983).
- UN Centre for Human Rights, International Human Rights standards for Law Enforcement (Geneva : World Campaign for Human Rights, 1996).
- UN. The Standard Rules on the Equalization of Opportunities for Persons with Disabilities (New York : UN Publication division, 1994).
- UN World Campaign for Human Rights. The African Charter on Human and people's rights (Geneva, 1990).
- Aggarwal, Amita, "Human Rights of Women in India and International Standards", in M.P. Dube and Neeta Bora, eds, Perspectives on Human Rights (New Delhi : Anamika Publishers, 2000), pp. 97-106.
- Jenks, W., Human Rights and international labour Standards (London :Stevens, 1960).
- Ghai, Yash, "Human rights and Asian Values", Journal of Indian Law Institute, vol. 40, nos., 1-4, 1998, pp. 67-86
- Gandhi, Sandy, "Spare the Rod : Corporal Punishments in Schools and the European Convention on Human Rights", International and Comparative Law Quarterly, vol. 33, no.2 , 1984, pp. 488-94.
- The Rome Statute of the International Criminal Court (Oxford: Clarendon Press, 2000). Cerna, Christina, M., "The Structure and Functioning of the Inter-American Court of Human Rights", British Yearbook of International Law, vol. 63, 19992, pp. 135-229.
- Evans, Malcolm and Rod Mergan, "The European Convention for the Prevention of Torture: Operational Practice", International and Comparative Law Quarterly, vol.41, no.3, 1992, pp. 590-614.
- "The European and American Conventions : A Comparison", Human Rights Law Journal, vol. 1, no.1, 1980, pp. 44-58.
- Ghai, Yash, "Human Rights and Asian Values", Journal of Indian Law Institute , vol. 40, nos. 1-4, 1998, pp. 67-86.
- Gittleman, Richard, "The African charter on Human and People's Rights : A Legal Analysis", Virginia Journal of international Law, vol. 22, no.4, 1982, pp. 667-714.
- Madhusudhanana V., "European System for the protection of Human Rights (The Hague :MartinusNijhoff, 1977)

MASTER OF LAWS (LL.M.)

Semester- I

***Skill Development Course**

Environmental Law

Objectives: Understand the legal processes involved in environmental litigation, administrative hearings, and regulatory enforcement actions.

Course Content:

- Unit-I** Environmental Pollution-Meaning, definition and kinds, sources and causes of environmental pollution, Effects of environment degradation.
- Unit-II** Civil Law- The Constitutional Law of India-Preamble, Articles 21, 48-A and 51-A(g), The Code of Civil Procedure-Section 9 Order 39, Rule 1 to 5 Law relating to nuisance.
- Unit-III** The Water (Prevention and Control of Pollution) Act, 1974 The Air (Prevention and Control of Pollution) Act, 1981
- Unit-IV** The Environment (Protection) Act, 1986
Aims and Objects; Definition; General Powers of the Central Government
Prevention, Control and abatement of Environmental Pollution

BOOKS RECOMMENDED

VR. Krishna Iyer : Environmental Pollution and the Law Lall's
Commentaries on Water and Air Pollution Laws Suresh Jain
and Vimal Jain : Environmental Laws in India
Citizen Report, Published by the Centre for Science and Environment, New Delhi Marudhar
Mridul : Public Interest Litigation-A Profile
The Water (Prevention and Control of Pollution) Act, 1974. The
Air(Prevention and Control of Pollution)Act, 1981
The Environment (Protection)Act, 1986
The Wild Life (Protection) Act, 1972 ThePolice Act, 1861 The
Insecticide Act, 1961
The Motor Vehicles Act, 1988 The Income Tax Act, 1961 The
Public Liability Insurance Act, 1968
The Forest Conservation Act, 1980 Paras
Diwan : Law and Environment
ILI Publication Editor Dr. S.N. Jain : Seminar Proceedings of Environment Protection Law Rahimatulla
Khan: Law, Science and Environment
M.C.J., Kagzi (Editor) : Environmental Pollution and Law, Published by University Studies in Law, Jaipur
The Code of Civil Procedure, 1908 The
Code of Criminal Procedure, 1973 The
Indian Penal Code, 1980