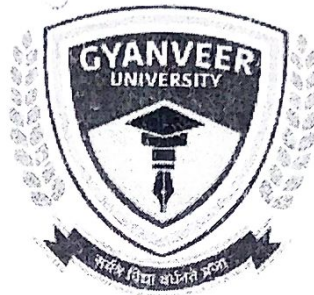


Academic Year: 2023-2024

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 - II Semester

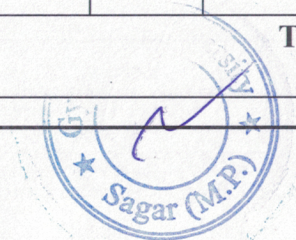
School of Legal Studies (Academic Session 2023-24)

Subject wise distribution of marks and corresponding credits

S. No.	Subject	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 Assesment Class test (Descriptive & Objective)/Assignment/Seminar			Internal Assesment			External Assesment							
					FINAL EXAM	Internal Assesment I	Internal Assesment II	Internal Assesment III	Class Interaction	Attendance	Practical/ Presentation/ Lab Record	Viva Voce	Lab Work					
1.	Compulsory Paper	LLM221T	Judicial Process	60	20	20	20	-	-	-	-	-	100	6	0	0	6	
2.		LLM222T	Legal Education & Research Methodology	60	20	20	20	-	-	-	-	-	100	6	0	0	6	
3.	Optional Group – A (Criminal Law)	LLM223T	Drug Addiction, Criminal Justice and Human Rights	60	20	20	20	-	-	-	-	-	100	6	0	0	6	
4.		LLM224T	Privileged Class Deviance	60	20	20	20	-	-	-	-	-	100	6	0	0	6	
5.	Optional Group – B (Corporate Law)	LLM225T	Intellectual Property Rights	60	20	20	20	-	-	-	-	-	100	6	0	0	6	
6.		LLM226T	Corporate Taxation	60	20	20	20	-	-	-	-	-	100	6	0	0	6	
7.	Optional Group – C (Constitutional Law)	LLM227T	Constitutionalism: Power of Judicial Review	60	20	20	20	-	-	-	-	-	100	6	0	0	6	
8.		LLM228T	Federalism: Union –State Relations	60	20	20	20	-	-	-	-	-	100	6	0	0	6	
9.	Federalism: Union –State Relations Optional Group – D (IPR)	LLM229T	Patents Law	60	20	20	20	-	-	-	-	-	100	6	0	0	6	
10.		LLM2210T	Law Relating to Trademarks	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 Assesment for theory portion is Best of Two / either of two and addition of them.



MASTER OF LAWS (LL.M.)
Semester- II
LLM221T - Judicial Process

Objectives: to be competent to analyze and evaluate the legal process from a broader juristic perspective. Hence a compulsory paper 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: Nature of judicial process

Judicial process as an instrument of social ordering, Judicial process and creativity in law common law model-Legal Reasoning and growth of law-change and stability, The tools and techniques of judicial creativity and precedent, Legal development and creativity through legal reasoning under statutory and codified systems.

(Lecture-12)

Unit II: Special Dimensions of Judicial Process in Constitutional Adjudications: Notions of judicial review, Role in Constitutional adjudication-various theories of judicial role. Tools and techniques in policy-making and creativity in constitutional adjudication. Varieties of judicial and juristic activism, Problems of accountability and judicial law-making.

(Lecture-12)

Unit III: Judicial Process in India

Indian debate on the role of judges and on the notion of judicial review, The independence of judiciary and the political nature of judicial process, Judicial activism and creativity of the Supreme Court-The tools and techniques of creativity, Judicial process in pursuit of constitutional goals and values-New dimensions of judicial activism and structural challenges. Institutional liability of courts and judicial activism-Scope and limits.

(Lecture-12)

Unit IV: The Concepts of Justice

The concept of justice or Dharma in Indian thought, Dharma as the foundation of legal ordering in Indian thought, the concept and various theories of justice in the western thought, Various theoretical bases of justice-the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

(Lecture-12)

Unit V: Relation between Law and Justice

Equivalence Theories-Justice as nothing more than the positive law of the stronger class. Dependency theories-For its realization justice depends on law, but justice is not the same as law, the independence of justice theories-means to end relationship of law and justice-the relationship in the context of the Indian Constitutional ordering, Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

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

Will be able to understand about judicial process, role in constitutional adjudication, various theories of judicial , role of judges , judicial review and independence of judiciary. Also get to know about concept of justice and dharma in Indian thoughts, relation between law and justice.

Select Bibliography

1. Julius Stone, The Province and Function of Law, 2000 Universal, New Delhi
2. Cardozo, The Nature of Judicial Process, 1995 Universal, New Delhi
3. Henry J. Abraham, The Judicial Process, 1998, Oxford.
4. J. Stone, Precedent and the Law-Dynamics of Common Law Growth, 1985
5. W. Friedmann, Legal Theory, 1960
6. Bodenheimer-Jurisprudence-the Philosophy and Method of the Law, 1997, Universal, NewDelhi
7. J. Stone, Legal System and Lawyers', Reasonings, 1999 Universal, New Delhi



MASTER OF LAWS (LL.M.)

Semester- II

LLM222T - Legal Education and Research Methodology

Objectives: A Post-graduate student of Law should get an insight into the objectives of legal education. He should have an exposure to Programmes like organizations of seminars, publication of Law Journals and holding of legal aid clinics. Law is taught in different ways in different countries. The LL.M. course, being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarize himself along with the different systems of legal education. The lecture method both at LL.B. level and LL.M. level has many demerits.

Course Content:

(Lecture-12)

Unit I: Introductory

Objectives of Legal Education, Lecture Method of Teaching – Merits and demerits, The Problem Method, Discussion method and its suitability at postgraduate legal teaching. The Seminar Method of teaching, Examination system and problems in evaluation – external and internal assessment, Student participation in law school programmes – Organisation of Seminars, publication of journal and assessment of teachers, Clinical legal education – legal aid, legal literacy, legal survey and law reform.

(Lecture-12)

Unit II: Research Methods

Social Legal Research, Doctrinal and non-doctrinal, Relevance of empirical research, induction and deduction

(Lecture-12)

Unit III: Identification of Problem of research

What is a research problem? Survey of available literature and bibliographical research. Legislative materials including subordinate legislation, notification and policy statements. Decisional materials including foreign decisions; methods of discovering the, "rule of the case" tracing the history of important cases and ensuring that these have not been over-ruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof, Juristic Writings – a survey of juristic literature relevant to select problems in India and foreign periodicals, Compilation of list of reports or special studies conducted relevant to the problem.

(Lecture-12)

Unit IV: Preparation of the Research Design

Formulation of the Research problem, Devising tools and techniques for collection of data: Methodology, Methods for the collection of statutory and case materials and juristic Literature, Use of historical and comparative research materials, Use of observation studies Use of questionnaires/interview, Use of case studies, Sampling procedures – design of sample, types of sampling to be adopted, Use of scaling techniques, Jurimetrics. Computerized Research – A study of legal research programmes such as, Lexis and West law coding, Classification and tabulation of data – use of cards for data collection – Rules for tabulation, Explanation of tabulated data, Analysis of data.



Unit – V: Conduct of Research

Supervision, Guidelines for researchers

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

Will be able to understand objectives of legal education, research methodology, identification of problem of research, preparation of research design and conduct of research.

Bibliography

1. S.K.Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
2. N.R.Madhava Menon, (ed) A Handbook of Clinical Legal Education, (1998) EasternBook Company, Lucknow.
3. M.O.Price, H.Bitner and Bysiewiez, Effective Legal Research (1978)
4. Pauline V. Young Scientific Social Survey and Research , (1962)
5. William J. Grade and Paul K.Hatt, Methods in Social Research, Mc Graw-Hill Book,Company, London
6. H.M.Hyman, Interviewing in Social Research (1965)
7. Payne, The Art of Asking Questions (1965)
8. Erwin C.Surrency, B.Fielf and J.Crea, A Guide to Legal Research (1959)
9. Morris L.Cohan, Legal Research in Nutshell, (1996), West Publishing Co. Havard Law Review Association, Uniform System of Citations. ILI Publication, Legal Research and Methodology.



MASTER OF LAWS (LL.M.)

Semester- II

LLM223T - DRUG ADDICTION, CRIMINAL JUSTICE AND HUMAN RIGHTS

Objectives:

- To introduce the fundamental aspects of Drug Laws to students.
- To disseminate knowledge on different types of drugs, their aftereffects and physical and psychological effects on human body.
- To disseminate knowledge on the International as well as Indian regime existing on Drug prevention. To disseminate knowledge on the human rights aspects of drug addiction.
- To make students aware regarding the current trends about Drug Addiction and Drug Prevention.

Course Content:

(Lecture-12)

Unit: Introductory

Basic conceptions, Drugs' narcotics" "psychotropic substances". 'Dependence," "addiction". "Crimes without victims, "Primary drug abuse", Problem of drug addiction, Analysis of the background and different convention related control of drug trafficking, Causes of drug addiction.

(Lecture-12)

Unit – II: Anagraphic and Social Characteristics of Drug Users

Gender, Age, Religiousness, Single individuals/cohabitation, Socio-economic level of family. Residence patterns (urban/rural/urban), Educational levels, Occupation, Age at first use, Types of drug use, Reasons given as cause of first use, Method of intake, Pattern of the – Use, Average Quantity and Cost, Consequences on addict's health (physical/psychic).

NOTE: Since no detailed empirical studies exist in India, the class should be in this topic sensitized by comparative studies. The principal objective of this discussion is to orient the class to a whole variety of factors which interact in the making of a drug addict.

(Lecture-12)

Unit III: Indian Regulatory System

Penal provisions under the IPC and Custom Act, Penal provisions under the Narcotics, Drugs and Psychotropic Substances Act, 1985, Procedure and punishment under NDPS Act. Judicial approaches to sentencing in drug trafficking and abuse, treatment, aftercare And rehabilitation.

(Lecture-12)

Unit IV: The International Legal Regime

Analysis of background, text and operation of the Single Convention on Narcotic Drugs, 1961, Analysis of the Convention on Psychotropic Substances, 1972, International collaboration in combating drug addiction, The SARC, and South-South Cooperation, Profile of international market for psychotropic substances.



Unit V: The Role of Community in Combating Drug Addiction

Profile of Community initiatives in inhibition of dependence and addiction (e.g. addiction and aftercare), The role of educational systems, The role of medical profession, The role of mass media, Law reform initiatives.

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

Will be able to understand basic concept of drug, narcotics, psychotropic substances, anagraphic and social characteristics of drug users, Indian regulatory system and international legal regime. Also get to know about the role of community in combating drug addiction.

Select bibliography

1. H.S. Becker, *Outsiders: The Studies in Sociology of Deviance* (1966)
2. J.A. Incard, C.D. Chambers, (eds.), *Drugs and the Criminal Justice System* (1974)
3. R. Goeken, *Drug Abuse and personality in Young Offenders* (1971)
4. G. Edwards Busch, (ed.) *Drug Problems in Britain: A Review of Ten Years* (1981)
5. P. Kondanram and Y.N. Murthy, "Drug Abuse and Crime: A Preliminary Study" *7 Indian Journal of Criminology*, 65-68 (1979)
6. P.R. Rajgopat *Violence and Response: A Critique of the Indian Criminal System* (1988)
7. United Nations, *Economic and Social Reports of the Commission on Narcotic Drugs*. United Nations
8. *Social Defence*, Research Institute (UNSDRI) *Combating Drug Abuse and Related Crimes* (Rome, July 1984, Publication No. 21).
9. Lok Sabha and Rajya Sabha Debates on 1986 **Bill** on Psychotropic Substances. Useful Journals in this area are:
 - The Law and Society Review (USA)
 - Journal of Drug Issues (Tallahassee Florida)
 - International Journal of Addictions (New York)
 - British Journal of Criminology
 - Journal of Criminal Law, Criminology and Police Science (Baltimore, Md.) *Journal of Criminal Law and Criminology* (Chicago, Ill)
 - International Journal of Offender Therapy and Comparative Criminology (London) *Bulletin on Narcotics* (United Nations)



MASTER OF LAWS (LL.M.)

Semester- II

LLM224T - Privileged Class Deviance

Objectives: This course focuses on the —Criminality of the —Privileged classes||. The definition of privileged classes in a society like India should not pose major problem at all; the expression nearly includes wielders of all forms of state and social (including religious) power. Accordingly, the course focuses on the relation between privilege power and deviant behaviour. For the overall development of the students in this field, this paper will also include the area of Juvenile Delinquency for imparting extensive knowledge about the major existing legislations on Children in India.

Course Content:

(Lecture-12)

Unit I: Privileged Class Deviance

Introduction: Meaning and concepts -Theories of Deviance(Individualistic versus Sociological Theories , Structural -Functionalism & Anomie Theories , Conflict and Threat Theories , Labeling Theory) white collar crimes- Indian approaches to socio-economic offences , Deviance on electoral process (rigging, booth capturing, impersonation, corrupt practices) , Gender- based aggression by socially economically and politically Powerful.

(Lecture-12)

Unit II: Police Deviance:

Police deviance and ethics, Types of Police deviance, Deviance and corruption . Structures of legal restraint on police power in India –Unconstitutionality of “third-degree” methods and use of fatal force by Police-“Encounter” killings-Police atrocities – The plea of superior orders-Rape and related forms of gender-based aggression by police and para-Military forces.

(Lecture-12)

Unit III: Official Deviance:

Conception of official deviance—permissible limit of discretionary powers. Commissions on official deviance (The Chambal valley dacoit – Vinoba Mission and Jain Prakash Narain Mission – in 1959 and 1971

(Lecture-12)

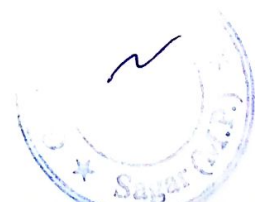
Unit IV:

The Chagla Commission Report in LIC-Mundhra Affair, The Das Commission Report on Pratap Singh Kairon, The Grover Commission Report on Dev Raj Urs, The Maruti Commission Report. The Ibakkar –Natarajan Commission Report on Fairfax)

(Lecture-12)

Unit V: Professional Deviance & Indian Legal Order to the Deviance:

Unethical practices at the Indian bar- The Lentin Commission Report- The Press Council on unprofessional and unethical journalism- Medical malpractice, Vigilance Commission, Public Accounts Committee, Ombudsman, Commissions of Enquiry, Prevention of Corruption Act, 1947. The Antulay Case.



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

will be able to understand Criminality of the —Privileged classes. The definition of privileged classes in a society like India should not pose major problem at all; the expression nearly includes wielders of all forms of state and social (including religious) power. Accordingly, the course focuses on the relation between privilege power and deviant behaviour. For the overall development of the students in this field, this paper will also include the area of Juvenile Delinquency for imparting extensive knowledge about the major existing legislations on Children in India

Suggestive Readings:

- 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



MASTER OF LAWS (LL.M.)
Semester- II
LLM225T - INTELLECTUAL PROPERTY RIGHTS

Objectives: Intellectual property is a 'Product of Skill and Mind'. With the view to create awareness on the significance of IPR's to the students who are being imparted law education and in order to cater to the needs of the stakeholders of knowledge economy the course is hereby proposed for those interested in pursuing a career in IPR's, which opens opportunities in the fields of IP Analysts, IP Attorneys, IP Consultants, IP Managers and the like together with appraising the students with other relevant amendments in the law forming the significant part of this course.

Course Content:

(Lecture-12)

Unit I: Introduction

Meaning & Origin of IPR, purpose of Intellectual Property Rights, Categories of IPR. International Conventions, World Trade Organization (WTO) and Intellectual Property Rights. World Intellectual Property Organization (WIPO), Trade Related Aspects of Intellectual Property Rights (TRIPS).

(Lecture-12)

Unit II: Intellectual Property: Issues & Challenges

Meaning of Copyright, Copyright Protection, Legal Recognition, Copyrights in Computer Software, Rights of Broadcasting Organizations and Performers Rights, Copyrights Act. 1957.

(Lecture-12)

Unit III: Meaning of Patent, Purpose & Policy, Objects of Patent Law, Rights and obligations of patent holder, patents –Infringements and remedies, Rights of Patentees, transfer of patent, revocation and surrender of patents, patent Agent, Global Governance towards patent.

(Lecture-12)

Unit IV: Intellectual Property: Contemporary Trends

Introduction of Trade Marks, Trade Mark and Paris convention, Madrid Agreement, Comparative analysis in India, Legal Recognition, Trade Mark Act. , Geographical Indications, Geographical Indications of Goods Act. Rights of Biological Diversity, Biological Diversity Act.2002. UNESCO – Protection of Folklore/ Cultural Expressions, Nagoya Protocol and Indian Law.

(Lecture-12)

Unit V: Designs & Rights of Plant Breeders and Farmers

Industrial Designs, Layout Designs (Topographies) of integrated circuits, Rights of Plant Breeder's and Farmer's, Benefit Sharing and Contractual Agreements- International Treaty on Plant Genetic.

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

- will be able to understand Intellectual property is a 'Product of Skill and Mind'. With the view to create awareness on the significance of IPR's to the students who are being imparted law education and in order to cater to the needs of the stakeholders of knowledge economy the course is hereby proposed for those interested in pursuing a career in IPR's, which opens opportunities in the fields of IP Analysts, IP Attorneys, IP Consultants, IP Managers and the like together with appraising the students with other relevant amendments in the law forming the significant part of this course.

Suggestive Readings:

- W. Cornish & Llewelyn – Intellectual Property: Patent, Copyrights, Trade Marks & Allied Rights”, London Sweet & Maxwell.
- Nard Madison- The Intellectual Property, Aspian Publication.
- Carlosm Correa- Oxford Commentaries on GATT/WTO Agreements trade related aspects Intellectual Property Rights, Oxford University Press.
- David Bainbridge – Intellectual Property Law.
- Dr. S.R. Myneni- Law of Intellectual Property, Asia Law House, Hyderabad.
- Dr. B.L. Wadhwa – Law Relating to Intellectual Property, Universal Law Publishingco.. New Delhi.
- N.K. Acharya – Intellectual Property Rights, Asia Law House, Hyderabad.



MASTER OF LAWS (LL.M.)
Semester- II
LLM226T - Corporate Taxation

Objectives: This course aims at making students conversant with the concept of the corporate tax planning and Indian tax laws, as also their implications for corporate management.

Course Content:

(Lecture-12)

Unit-I: Income Tax -I

Type of Companies – (a) Indian Company (b) Domestic Company (c) Foreign Company (d) Public Sector Company (e) Companies in which public are substantially interested S 2(18) (f) Infrastructure Capital Company. Special Provision in respect of newly established undertaking in free trade zone SEZ, 100% export oriented unit 10A,10AA, 10B, 10BA. Profit and Gains of business or profession.

(Lecture-12)

Unit-II: Income Tax -II

Capital Gains. Set off or carry forward of losses. Incentive and deductions to Companies under Section 80. Depreciation under Companies Act- Schedule 14 S. 205 & S. 350 and depreciation under Income Tax Act. Minimum Alternate Tax 115 JB, Tonnage Taxation Ch. 12 G. Tax on Distributed Profits under Section 115 (O), Special Provisions relating to tax on income received from Venture Capital Companies and Venture Capital Fund 115-U. Dividend Tax ; International Transaction. Penalties and prosecution

(Lecture-12)

Unit - III : Wealth Tax

Introduction & Chargeability, Valuation date and computation, Assets and deemed assets. Assets exempt from tax, Debt owed, Valuation of assets, Return of wealth and assessment.

(Lecture-12)

Unit - IV: Sales Tax & VAT Laws

Preliminary, Imposition of Tax, Registration and Security, Returns, Assessment, Payment of Tax and Interest, Accounts and Records, Objections, Appeals and Disputes. Penalties and Offences. Way to GST (Tax on goods & services)- going to implement w.e.f. 1-4-2010.

(Lecture-12)

Unit - V: Excise, Customs and Service Tax

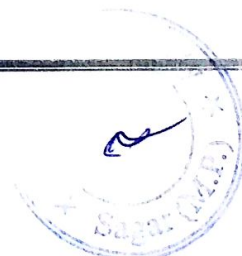
(1) Excise: Introduction, Levy and Collection, Valuation, Cenvat Credit, Search, Seizure and Confiscation, Appeals and Revision

(2) Custom: Introduction, Charge of Custom Duty, Bill of Entry, Prohibition of Import and Export, Goods liable for confiscation, Baggage exempt from duty, Offences.

(3) Service Tax: Introduction, Exemption from service tax, Abatement, Penalties, Service Tax on Government Department and Public Authorities

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

- Will be able to understand the concept of the corporate tax planning and Indian tax laws, as also their implications for corporate management.



Selected Bibliography:

1. Singhanian V.K. & Singhanian Kapil, Direct Taxes, 2006, Law and Practice, Taxmann.
2. Ahuja Girish & Gupta Ravi, Concise Commentary on Income Tax 2008, Bharat LawHouse.
3. Garg Rakesh, Delhi Vat Ready Reckoner, 2007, Versatile Publishers.
4. Garg Mohan Lal, Law of Central Sales Tax, 2008, Jain Book Agency.
5. Kohli D.N., Central Excise Procedures 2008, Taxman Publication
6. Jain R.K., Service Tax Law Guide, 2007-2008, Centax Publishers
7. Jain R.K., Customs Law Manuals, 2008 Centax Publishers
8. Gupta Ravi & Ahuja Girish, Bharat's Systematic Approach to Income Tax & Central SalesTax, 2006, Bharat Law House.
9. Chaturvedi K., Guide to Mastering Vat, 2005, Wadhwa & Company.
10. Chaturvedi K., Central Sales Tax Laws, 2002, Wadhwa & Company.
11. Arvind P. Datar, Guide to Central Excise Law and Practice, 2002, Wadhwa & Company.
12. Gururaj B.N., Guide to the Customs Act, 2005, Wadhwa & Company.
13. Batra Ashok, A Guide to Service Tax, 2005, S. Wadhwa & Company.
14. Gupta S.S., Service Tax, 2005, Taxmann.
15. Aggarwal Rohini, Service Tax Law and Practice, 2005, Eastern Book Company



MASTER OF LAWS (LL.M.)

Semester- II

LLM227T - Constitutionalism: Power of Judicial Review

Objectives:

- To acquaint the student with Judicial Review in India & other countries
- To acquaint them with role of Judiciary in controlling Administrative Powers
- To know the New dimensions and challenges to Judicial Review

Course Content:

(Lecture-12)

Unit-I

1. Concept of Constitutionalism
Common Law
Indian Concept: Before Independence
Present Constitutionalism

(Lecture-12)

Unit-II

2. Independence of Judiciary
Doctrines of Separation of Powers
Rule of Law
Independence of Judiciary in India
3. Judiciary in India
Appointment of Judges
Jurisdiction and Powers of the Supreme Court and the High Court.

(Lecture-12)

Unit-III

4. Power of Judicial Review
Supremacy of the Constitution
Doctrines of Ultra Vires
Judicial Review of Constitutional Amendments, Legislations, Administrative Actions
5. Writ Jurisdiction
Articles 32 and 226
General Conditions
Particular Writs

(Lecture-12)

Unit-IV

6. Expanding Dimensions of Fundamental Rights
Public Interest Litigation
- 6.2 Definition of State Action
- 6.3 Judicial Review of Discretion
- 6.4 Judicial Activism

Unit-V

7. Exclusion of judicial Review
 - 7.2 Political Questions
 - 7.3 Express exclusion by the Constitution
 - 7.3 Judicial Self-restrain
8. Courts and Tribunals
 - Subordinate Judiciary
 - Tribunals

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

- Will be able to understand Judicial Review in India & other countries
- Will be able to acquaint them with role of Judiciary in controlling Administrative Powers
- Will be able to know the New dimensions and challenges to Judicial Review

Select Bibliography:

- Seervai, H.M. : Constitutional Law of India (1991), Tripathi, Bombay.
- Bhatnagar, Sudha : Union- State Financial Relations and Finance Commissions (1979)
- Chandra. Ashok : Federalism in India(1965)
- Chandrapal Sebastian, V.D. :- Centre-State Relations and Cooperative Federalism, Chs. 5
: Indian Federalism: The Legislative Conflicts, Chs. 6-7 and 8 (1980) and 8 (1983)
- Subba. Rao G.C.V. : Legislative Powers in Indian Constitution Law, Chs. 37,38,39(1982)
- Richard M. Pious : The American Presidency, 293-331, Ch. 9 (1979) Deniel J. Elazar
: American Federalism, Chs. 3 and 4 (1984)
- Krishna Shetty. K.P. : The Law of Union- State Relations and the Indian Federalism Ch. 9(1981)
- Ludri. Amit : Law of Personal Autonomy (2012 ed.) Report of the Eighth Finance Commission.
- Administrative Reforms Commission on Centre-State Relationship, Ch. 3 (1969) Constituent Assembly Debates Vol. 9, 203, 204 and 302-349, Vol. 10, 325-342.
- Administrative Reforms Commission, Report of the Study Team on Central-State Relationship (1967) Vol. I, Sections I and II, pp IS-168
- Singhvi, L.M.(ed) : Union-State Relations in India 124-154 (1969)
- Government of Tamilnadu : Report of the Centre-State Relations Inquiry Committee Ch. 5(1971)
- Lakadwala. D.T. : Union-State Financial Relations (1967) Jain, M.P. : Indian Constitutional Law (1994), Wadhwa Subba Rao, K. : The Indian Federation (1969)
- Wheare, K.C. : Federal Government (1963)



MASTER OF LAWS (LL.M.)

Semester- II

LLM228T- Federalism: Union-State Relations

Objectives:

1. To analyze the origin and historic evolution of the concept of federalism in India.
2. To familiarize students with the relationship between union and state under the constitutional mechanism.
3. To develop an understanding among the students about the constitutional provisions with respect to the services under the Union and States.
4. To familiarize the students with the emergency provisions incorporated in the Constitution of India which regulates the relationship between the Centre and States during emergency.

Course Content:

(Lecture-12)

Unit-I

1. Federalism
Classical Federalism- USA, Australia, Canada
Co-operative Federalism
Essential Conditions of Federalism
2. States of the Union
Creation New States
No guarantee of territorial integrity
State Autonomy

(Lecture-12)

Unit-II

3. Legislative and Administrative Relations
Distribution of Legislative Powers
Principles of Interpretation, Residuary power, Dominance of the Union Power

(Lecture-12)

Unit-III

4. Financial Relations
Distribution of Taxes.
Tax sharing under the Constitution
Finance Commission
Doctrine of Immunity of Instrumentalities

(Lecture-12)

Unit-IV

5. Inter-State Trade and Commerce
Freedom of Trade and Commerce
Restriction on the Freedom
Authority to regulate Trade and Commerce



Unit-V

6. National Economy
Need for Regulation and Development of National Economy
Planning Commission
7. Review of Union-State Relations
Need for Review
Recommendation of Sarkaria Commission
8. Special Status of some States of J & K (Article 370) , Other States

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

- will be able to analyze the origin and historic evolution of the concept of federalism in India.
- will be able to familiarize students with the relationship between union and state under the constitutional mechanism.
- will be able to develop an understanding among the students about the constitutional provisions with respect to the services under the Union and States.

Select Bibliography:

- Baxi, Upendra : "Law, Democracy and Human Rights"- 5 Lokayan Bulletin 4 (1987).
- Dandekar, V.M. : "Unitary Elements in a Federal Constitution" 22 E.P.W. 1865(1988)
- Dhavan, Rajeev : "The Press and the Constitutional Guarantee of Free Speech and Expression" 28 J.I.L.I. 299, (1986)
- Fazal, M.A. : "Drafting A British Bill of Rights" 27 J.I.L.I. 423 (1985)
- Jain, M.P. : Indian Constitutional Law (1994) Wadhwa
- Narain, Jagat : "Judicial Law Making and the Place of the Directive Principles in the Indian Constitution." J.I.L.I. 198(1985)
- Ludwikowski, Rhett : "judicial Review in the Socialist Legal Systems: Current Development" 37 I.C.L.D. 89-108 (1988)
- Sathe, S.P. : Fundamental Rights and Amendment of the Indian Constitution(1968)
- Seervai, H.M. : Constitutional Law of India (1993) Tripathi, Bombay.



MASTER OF LAWS (LL.M.)

Semester- II

LLM229T - Patents Law

Objectives: The course is designed to provide comprehensive knowledge to the students regarding Indian position of the Patent Law (1970), Historical development, Procedure for granting a patent, Infringement.

Course Content:

(Lecture-12)

Unit I: (A) Evolution and Growth

- (i) History of the patent law in U.K.
 - Beginning of concept
 - Coming of Industrialization
- (ii) The International Patent System
- (iii) Foreign Impact upon National system
- (iv) History of Patent law in India

(Lecture-12)

Unit II (B) - Grant and Content

- (i) Variety of Patent
- (ii) National Grant of Patents
 - Patent specification
 - General procedure for obtaining a patent
- (iii) **International Grant of Patent**

(Lecture-12)

Unit III (A) - Validity of claims

- i. National Scenario
 - Novelty
 - Inventive step
 - Industrial application
 - Patentable subject matter
 - Clear and complete disclosure
 - Requirement for claims
- ii. **International Scenario**
 - Patent Cooperation Treaty
 - TRIPs

(B) Scope of Exclusivity

- i. **Infringement**
 - Introduction
 - Infringement during manufacture
 - Infringement after manufacture
 - Right of patentee



Unit IV: (A) Property Rights and Exploitation

1. Under national Forum
 - Initial entitlement and property dealing
 - Licensee of patent and allied rights
 - Compulsory license

(B) Infringement of Patent

1. Modes of Infringement
2. National / International Infringement

(Lecture-12)

Unit V: (A) Remedies and Enforcement

- Injunction and other equitable remedies
- Interlocutory injunction
- Discretion to grant injunction

(B) Emerging Problems Damage and other monetary benefits

- Cross border patent violation
- Emerging technologies

Learning Outcomes: Upon the successful completion of the course the student:
will be able to understand comprehensive knowledge to the students regarding Indian position of the Patent Law (1970), Historical development, Procedure for granting a patent, Infringement.

Suggested reading:

- Elizabeth Verkey, Law of Patents, Eastern Book Company, 2005
- T. Ramappa, Intellectual Property Rights under WTO: Tasks before India, Wheeler Publishing, 2000
- W R Cornish, Intellectual Property: Patents, copyright, Trademarks and allied rights, London : Sweet & Maxwell, 1996
- Mitta, D.P., Indian Patents Law & Procedure, 1st edition (2002)
- Robert A. Choate & William H. Francis, Patent Law, (1981)
- Stedman, Patents, 1929



MASTER OF LAWS (LL.M.)

Semester- II

LLM2210T - Law Relating to Trademarks

Objectives: The course is designed to provide comprehensive knowledge to the students regarding Indian position of the Trademark, Historical development of the concept of trademark and trademark law. Registration of trademark, Infringement of trademark.

Course Content:

(Lecture-12)

Unit -I

1. History and Evolution

- (a) Paris Convention (history and continuing influence over national trademark laws)
- (b) Madrid Agreement
- (c) Madrid Protocol
- (d) TRIPs Agreement
- (e) Trademark Law Treaty

(Lecture-12)

Unit -II

2. Purpose of Trademarks

- (a) What is Trademarks: Definition, Function, Kind and use (b) Economic and Social Justification for Trademarks.
- (c) Overview of general types of laws applicable to trademarks/ service marks globally.

3. Passing Off

- (a) Laws relating to Passing off. (b) Passing off action.

(Lecture-12)

Unit-III

1. Registration of Trademarks.

- (a) Principle for Registration of Trademarks.
- (b) Rights Conferred by Registration of Trademarks.
- (c) Procedure for Registration.
- (d) Deceptive Similarity.

2. Licensing of trademarks

- (a) Assignment and Transmission of Trademarks
- (b) Limitations on Licensing.

3. Invalidity

- (a) What marks are not registerable.
- (b) Cancellation of Registration.



(Lecture-12)

Unit-IV

1. Infringement

- (c) Infringement of Trademarks
- (d) Action for Infringements.

Course Purpose and Scope: This course is designed to give an overview / survey of trademarks and trademark law and practice in countries around the world.

There will also be some attention given to various international treaties, conventions and agreements. The focus will vary from historical, philosophical, legal and even practical topic.

(e) Offences & Penalties.

(f) Unfair Competition Law.

2. Remedies And Enforcement

(a) Types of Relief- Civil, Criminal & Administrative.

(b) Procedure for Litigation.

(Lecture-12)

Unit-V

1. New Challenges

(a) Trademarks in cyberspace- Domain names, Cyber squatting, Meta tagging.

(b) Review alternative dispute resolution procedure such as the Uniform Domain Resolution Policy (UDRP) and other similar procedures

(c) Trademarks vs. Patent, Copyrights, Trade secrets & Geographical indication.

(d) Concept of Well-known Trademarks.

2. Comparative Analysis of European and Indian Trademarks Law

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

- will be able to understand Comprehensive knowledge to the students regarding Indian position of the Trademark, Historical development of the concept of trademark and trademark law, Registration of trademark, Infringement of trademark.

Suggested Readings

- Narayanan P., Trademarks & Passing off, Eastern Law House, 6th edition. 2006.
- Shiv Sahai Singh, The Law of Intellectual Property Rights, Deep & Deep Publication Pvt. Ltd. 2004.
- W. R. Cornish, Intellectual Property: Patents. Copyrights, Trademarks and allied rights, London: Sweet & Maxwell, 1996.
- J. S. Sarkar, Trademarks- Law and Practice, 1997.
- P.S. Sangal & K. Ponnuswamy, Intellectual Property Law, 1994.
- Hilary E. Pearson and Clifford G. Miller, Commercial Exploitation of Intellectual Property, Indian Reprint, 1994.
- Trademarks in the Marketplace: selection and adoption of trademarks, proper use and protection, by United State Trademarks Association, 1964, University of Michigan.
- Dorr. C. Robert, Protecting Trade Secrets, Patents, Copyrights and Trademarks, 1990, University of Michigan



MASTER OF LAWS (LL.M.)

Semester- II

LLM2211T - Human Rights: Enforcement Mechanism

Objectives: To understand and critically analyze the various mechanisms and strategies employed to enforce human rights globally and nationally. Students could be encouraged to research and present on specific human rights issues and the relevant enforcement mechanisms.

Course Content:

(Lecture-12)

Unit -I Human Rights : Implementation and Supervision by the United Nations Organisation National measures of Implementation and Supervision.

International Measures for Implementation and Supervision Periodic reporting system.

Procedure for dealing with Inter-state Complaints. References to International Court of Justice.

References to European and Inter-American Court of Human Rights. Fact-finding and Conciliation.

Procedure for consideration of Private Communications. Conflicts between various Implementation Procedures United Nations Human Rights Council

United Nations High Commissioner for Human Rights United Nations Commission on Human Rights

(Lecture-12)

Unit -II Human Rights and the International Labour Organization Permanent Supervision of the Application of the I.L.O. Standards.

Information and Reports Information on submission of Conventions and Recommendations to the competent authorities. Reports on unratified Conventions and Recommendations. Reports on ratified Conventions. Involvement of Employers' and Workers' Organizations in the Supervisory Procedures.

(Lecture-12)

Unit -III Supervisory Bodies: The Committee of Experts on application of the Conventions and Recommendations. The Conference committee on application of the Conventions and Recommendations. The System of Direct Contract. Contentious Procedures Representations against Members. Complaints against Members. Special Freedom of Association Procedure. The Committee of Freedom Association. The Fact Finding and Conciliation Commission on Freedom of Association. Non-Contentious Procedures.

(Lecture-12)

Unit -IV

Human Rights: Implementation under the Regional Instruments European Commission of Human Rights. European Court of Human Rights

Inter-American Commission on Human Rights. Inter-American Court on Human Rights.

O.A.S. General Assembly and the Committee of Ministers. International Non-Governmental Organizations :

Meaning of International Non- governmental Organizations Role of International Non-governmental Organizations in Implementation of Human Rights.

Diplomatic Interventions and Mission by NGOs. Public discussions of Human Rights

Violations Contribution to International Investigative Procedures. AIDS and Human Rights

Activities at Local levels. Contribution to Development of Human Rights Norms.



- Unit -V** Human Rights : Implementation Mechanism in India and role of :
 Executive
 Legislature Judiciary.
 National Human Rights Commission, State Human Rights Commission(s), Other
 Commissions and Committees at Central and State level
 Human Rights Court. Information
 Media and Education
 Role of N.G.Os. in Promotion and Protection of Human Rights in India.
 Activities at Local levels for promotion of Human Rights

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

- To understand and critically analyze the various mechanisms and strategies employed to enforce human rights globally and nationally. Students could be encouraged to research and present on specific human rights issues and the relevant enforcement mechanisms.

Suggested Readings:

- D.D. Basu : Human Rights in Indian Constitutional Law (1994)
- Vijay Chitnis (et al.) : Human Rights and the Law : National and Global Perspectives (1997)
- B.P. Singh Sehgal : Law Judiciary and Justice in India (1993) James Vadakkumchery : Human Rights and the Politics in India (1996)
- Saxena : Tribals and the law (1997)
- Poornima Advani : Indian Judiciary : a Tribute (1997)
- Justice Venkataramiah : Human Rights in the Changing World (1998):, Paramjit S. Jaiswal and Neshtha Jaiswal : Human Rights and the Law (1996)



MASTER OF LAWS (LL.M.)

Semester- II

***Skill Development Course
Legal Aid, Para Legal Services and Public
Interest Litigation**

Course Objectives: To comprehend the role and functioning of legal aid, para-legal services, and public interest litigation in promoting access to justice and addressing social issues. Understand the concept of legal aid and its significance in ensuring equal access to justice for marginalized communities.

Course Content:

- (Lecture-12)
- Unit-I** Legal Aid – Meaning, Nature, Scope and Development, Legal Aid and Constitution of India (Lecture-12)
- Unit-II** Legal services Authorities Act – objections, establishment of Authorities and their powers, Eligibility for Legal Aid (Lecture-12)
- Unit-III** Legal Aid to accused at State expenses (303-304 of the Cr.P.C.) Public Interest Litigation – Meaning, Scope, Necessity (Lecture-12)
- Unit-IV** Locus-standi, Lok Adalats and their working opart Legal Counselling, Meaning, Necessity, Scope, Training for Para-Legal Services

BOOKS RECOMMENDED:

- Constitution of India : J.N. Pandey Legal Services Authority Act, 1987
- Bare Act of Constitution of India as amended upto date Shukla, VN. : Constitution of India
- Jain, M.P. : Constitutional Law of India
- Basu, D.D. : Introduction to the Constitution of India
- Dr. N.V. Paranjape : Public Interest Litigation, Legal Aid & Services, Lok-Adalats& Para Legal Services.
- Dr. Chandan Bala: Lead Aid, Pubic Interest Litigation & Para legal Services
- Dr. S.S. Sharma : Legal Services, Public Interest Litigations & Para-Legal Services

