

Subject Title: Law and Social Transformation in India

Subject Code: - LLM24401CR

Paper: 1

Lectures: 4 credits

Objectives

To introduce the students regarding the scenario behind the laws. Detailed understanding of laws especially for the vulnerable group of people, i.e., Women & Children. To prepare students in the context of how to overcome the problems of Casteism as Law makers. Also, it would be facilitated how Language and caste system works as a divisive factor to the Law. To develop understanding of students regarding Regionalism and religions as a divisive factor to the Law. And social reformation solutions to those factors. To develop thought process of the students regarding the modernization in laws so that positive changes in the society can be brought.

Unit-I

1. Law and Social Change

- 1.1. Conceptual Analysis of Society – Materialistic and Spiritualistic Interpretations
- 1.2. Relationship between Law and Society
- 1.3. Law as an Instrument of Social Change
- 1.4. Law as an Accommodator of Social Change

2. Constitution and Society

- 2.1. Constitutional Provisions Promoting Social Justice
- 2.2. Right to Equality – Article 14
- 2.3. Prevention of Discrimination – Article 15
- 2.4. Equality of Opportunity in Public Employment – Article 16
- 2.5. Reservation Policy – Articles 15(4) and 16(4)
- 2.6. Abolition of Untouchability – Article 17

Unit-II (Constitutional Provision promoting Religious Harmony and Rights of Minority Communities)

1. Secularism
2. Religious Freedom – Articles 15 and 26
3. Protection of Rights of Religious and Linguistic Minorities – Articles 29 and 30

Unit-III (Women and Law)

1. Crime Against Women
2. Gender Injustice: Forms, Causes and Remedies
3. Women Empowerment
4. Women's Commission

Unit-IV (Children and Law)

1. Child Labour
2. Child Sexual Exploitation
3. Child and Education
4. Juvenile Delinquency

Reference Books:

1. March Galanter (ed.), Law and Society in Modern India (1997), Oxford
2. Robert Lingat, The Classical Law of India (1998), Oxford.
3. U.Baxi, The Crisis of the Indian Legal system (1998) 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 (1996)Tripathi 13
7. D.D.Basu, Shorter Constitution of India (1996), Prentice-Hall of India (P) Ltd, New Delhi
8. Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (2000),Arnol Publications, Delhi
9. Savitri Gunasekhare, Children, Law and Justice(1997) Sage
10. M.P.Jain, Outlines of Indian Legal Histroy, (1993) Tripathi, Bombay

Subject Title: CRIMINAL JUSTICE SYSTEM – A COMPARATIVE JURISPRUDENCE

Subject Code: - LLM24402CR

Paper: 2

Lectures: 4 credits

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 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 to understand the following:

- Identify the structural features of the criminal justice systems in the main legal traditions of the world (India, USA, UK, France and Russia).
- Identify the structural features of the criminal justice systems in the main legal traditions of the world (India, USA, UK, France and Russia).
- Employ methods for classifying and comparing legal systems.
- Compare and contrast the character of the criminal laws and criminal responsibility in different traditions and explain the reasons for any difference.
- Interpret essential features of the selected substantive laws and procedural law through the social, historical and political values that underpin the different conceptions of crime and punishment.

Unit-I Comparative Criminal Justice System

- 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.

Unit-II Comparative Criminal Law

- a) Histories and Functions of Comparative Criminal Law
- b) Principle of Legality (Nulla Poena Sine Lege)
- c) Analysis of Criminal Liability – General Principles of Criminal Liability

Unit-III Criminal Law – Comparative Jurisprudence

- a) Jurisdiction
- b) Punishment Theory – Sentencing Jurisprudence
- c) Victims

Unit-IV: Diverse systems and Models of Criminal Proceedings

- I. a) Adversarial / Accusatorial and Inquisitorial Systems
- b) Crime Control Model and Due Process Model
- c) Indian system of Justice Administration and its challenges

II. Sentencing Stages:

1. Pre – trial Processes

- a) Bringing information about crime incident 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

2. Trial Processes

- a) Taking Cognizance by courts and committal proceedings – Hierarchy of Criminal Courts and types of trials
- b) Framing of Charge and Discharge Proceedings
- c) Acquittal or Conviction – Revision, Appeal and transfer of case for trial

3. Sentence Process:

- a) Pre – sentence hearing – Transfer of Cases
- b) Sentences – Execution, Suspension, remission and commutation of sentences
- c) Reformatory Sentence – Withdrawal from prosecution – Plea Bargaining – Compounding of Offences

4. 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 – 5. Protection of Witnesses – Hostile witnesses

RECOMMENDED READING:

BOOKS

- 1. Francis Pakes, Comparative Criminal Justice, (3rd ed) 2014 Taylor and Francis: Online: (HV7419.R45 2015).
- 2. Kevin Heller & Markus Dubber, The Handbook of Comparative Criminal Law, 2011: Stanford University Press: eBook: (K5015.4.H36 2011)
- 3. Harry Dammer & Jay Albanese, Comparative Criminal Justice Systems, (5th ed) 2014: Wadsworth Cengage Learning (HV7419.F35 2014, Law)
- 4. Kenneth Gallant, The principle of legality in international and comparative criminal law, 2009: Cambridge University Press: eBook (K5165.G35 2009).
- 5. Shahid M Shahidullah, Comparative criminal justice systems: global and local perspectives, 2014: Jones & Bartlett (K5001.S52 2014, Law).

JOURNALS / ARTICLES

- 1. Nelken, D. (2009). Comparative criminal justice: Beyond ethnocentrism and relativism. European Journal of Criminology, 6(4), 291 – 311
- 2. Penrose, M. (2016). Creating an international prison. Houston Journal of International Law, 38(2), 425 – 464
- 3. Sander, G., Scandurra, A., Kamenska, A., MacNamara, C., Kalpaki, C., Fernandez Bessa, C., Laso, G.N., Parisi, G., Varley, L., Wolny, M., Moudatsou, M., Henrique Pontes, N., Mannix – McNamara, P., Libianchi, S and Antypas, T. (2016). Overview of harm reduction in prisons in seven European countries. Harm Reduction Journal, 13(28), 1 – 13.
- 4. Service, T. (2012). From Belfast to Bishkek: An international perspective on neighbourhood and community policing. International Journal of Police Science & Management, 14(4), 362 – 372.
- 5. Zimring, F.E. (2006). The necessity and value of transnational comparative study: Some preaching from a recent convert. Criminology and Public Policy, 5(4), 615 – 622.

Subject Title: Comparative Criminal Procedure

Subject Code: - LLM 24403DCE

Paper: 3

Lectures: 4 credits

Objectives of the course

Criminal Procedure is being taught as a compulsory paper at the level of LL.B. today. However, a jurisprudential thrust has to be given to this subject at the post-graduate level as this is a subject which has constitutional undertones and jurisprudential importance. A study of comparative criminal procedure helps students develop an ecumenical approach and broadens their vision. It inspires them renew and revise their laws to be in tune with developed systems. The paper is taught with reference to India, England, France and China. The paper shall be of the pattern as provided in the annexure.

Unit 1 Organisation of Courts, Prosecuting Agencies and Pre-trial Procedures

- 1.1. Hierarchy of criminal courts and their jurisdiction
- 1.2. Organisation of prosecuting agencies for prosecuting criminals
- 1.3. Withdrawal of prosecution.
- 1.4. Arrest and questioning of the accused
- 1.5. The rights of the accused
- 1.6. The evidentiary value of statements / articles seized / collected by the police
- 1.7. Right to counsel
- 1.8. Roles of the prosecutor and the judicial officer in investigation.

Unit 2:. Trial Procedures

- 2.1. The accusatory system of trial and the inquisitorial system
- 2.2. Role of the judge, the prosecutor and defence attorney in the trial
- 2.3. Admissibility and inadmissibility of evidence
- 2.4. Expert evidence
- 2.5. Appeal of the court in awarding appropriate punishment.
- 2.6. Plea bargaining

Unit 3 Correction and Aftercare services

- 3.1. Institutional correction of the offenders
- 3.2. General comparison - After - care services in India and France
- 3.3. The role of the court in correctional programmes in India.

Unit 4 Preventive Measures in India and Public Interest Litigation

- 4.1. Provisions in the Criminal Procedure Code
- 4.2. Special enactments
- 4.3. Directions for criminal prosecution in Public Interest Litigation

Select bibliography

1. Celia Hamptom, Criminal Procedure
2. Wilkins and Cross, Outline of the Law of Evidence
3. Archbold, Pleading, Evidence and Practice in Criminal Cases
4. Sarkar, Law of Evidence
5. K.N.Chandrasekharan Pillai(ed.), R.V. Kelkar's Outlines of Criminal Procedure (2000), Eastern, Lucknow.
6. Patric Devlin, The Criminal Prosecution in England
7. American Series of Foreign Penal Codes Criminal Procedure Code of People's Republic of China.
8. John N. Ferdico, Criminal Procedure (1996), West
9. Sanders & Young, Criminal Justice (1994)
10. Christina Van Den Wyngart, Criminal Procedure Systems in European Community Joel Samaha, Criminal Procedure (1997), West Criminal Procedure Code, 1973
11. The French Code of Criminal Procedure,
12. 14th and 41st Reports of Indian Law Commission.
13. The Paper will be taught with reference, wherever necessary, to the procedures in India, England, US France, Russia and China

Subject Title: International Trade Law

Subject code: LLM24404DCE

Paper: 4

Lectures:4 Credits

Objectives of the course:

The course aims at in-depth study and critical evaluation of the international trade law

Unit 1. International Sale of Goods

- 1.1. Definition and types of international commercial contracts
- 1.2. Formation and Enforcement of International contracts
 - 1.2.1 Delivery of Goods
 - 1.2.2 Passing of the Property
 - 1.2.3 Unascertained Goods
 - 1.2.4 Ascertained Goods
 - 1.2.5 The Retention of Title Clause
- 1.3. Rights and liabilities of parties to the contract
 - 1.3.1 Passing of the Risk
- 1.4. Incoterms 1990
- 1.5. Payment in international trade
 - 1.5.1. Bills of Exchange
 - 1.5.1.1 Foreign Bills
 - 1.5.1.2 The UN Convention on International bills of exchange and International Promissory Notes (1988).
 - 1.5.1.3 The Claused Bill
 - 1.5.1.4 The Documentary Bill
 - 1.5.1.5 Avalised Bills
 - 1.5.1.6 Bills Drawn in a Set
 - 1.5.1.7 Negotiation of bills by Exporter
 - 1.5.1.8 Proceedings Bills by Exporter on Bills of Exchange
 - 1.5.2. Letters of Credit
- 1.6. Carriage of Goods in Export Trade
 - 1.6.1. Carriage of goods by sea
 - 1.6.2. Bills of Lading
 - 1.6.3. Rights and liabilities of parties to the contract of carriage

Unit 2. World Trade Organisation

- 2.1. WTO Agreement on Rules of Origin
- 2.2. Rules of Origin in International Trade

Syllabus for LL.M. 4th Semester (2024 and Onwards)

2.3. WTO Agreement on Subsidies and Countervailing Measures

2.4. WTO Agreement on Agriculture

Unit 3. Trade and Environment

3.1. Stockholm to Rio

3.2. Right to development

3.3. UNCED

3.4. Principles

3.5. Rio Principles related to sustainable development

Selected Bibliography

1. Leo D' Arcy, Carole Murray and Barbara Cleave, Schmitthoff's Export Trade, The Law and Practice of International Trade, Sweet & Maxwell
2. Simon Lester and Bryan Mercurio, World Trade Law- Text, Materials and Commentary, Universal Law Publishing Company, 2010
3. Indira Carr, International Trade Law, Routledge, 4th Edition, 2010.
4. Jayanta Bagchi, World Trade Organisation- An Indian perspective, Eastern Law House, 2000.
5. David Holloway and Daren Timson-Hunt Schmittohoff Export Trade, 2007, Sweet and Maxwell.
6. Stoll, Schorkoff, WTO-World Economic Order, World Trade Law, 2006.
7. Raj Bhala "International Trade Law: A Comprehensive Textbook" Vol-I , Fifth Edition 2019, Carolina Academic Press.

Syllabus for LL.M. 4th Semester (2024 and Onwards)

Subject Title: National Security, Public Order, and Rule of Law

Subject Code: LLM24405DCE

Paper: 5

Lectures:4 credits

Objectives of the course

In every written constitution, provision is required to be made to equip the state to face grave threats to its existence arising from extra-ordinary circumstances created by war or external aggression or armed rebellion. Although "amidst the clash of arms, the laws are not silent" they do not speak the same language in war as in peace. Extra-ordinary circumstances warrant the invocation of extra-ordinary laws and such laws are known as emergency laws. They put greater fetters on individual liberty and also eclipse certain aspects of the due process. But in such circumstances, the democratic forces must assert that for survival of the State, the least possible liberty should be available. The students should be familiarized with different aspects of such emergency powers and scrutinizing intellectual attitude towards such powers.

Unit 1. Emergency Detention

- 1.1 Emergency Detention in England – Civil Liberties
- 1.2 Preventive Detention in India
- 1.3 Preventive Detention and Constitutional Safeguards.

Unit 2. National Security Legislations

- 2.1 National Security Act, 1980
- 2.2 Unlawful Activities (Prevention) Act, 1967
- 2.3 J&K Public Safety Act, 1978. & Armed Forces Special Powers Act, 1958

Unit 3. Martial Law and Emergency Powers

- 3.1 Martial Law- English and Indian Position
- 3.2 Emergency Powers under Indian Constitution
- 3.3 Access to the Courts & Emergency Powers- Indian Position.

Selected Bibliography:

- G.O. Koppell "The Emergency, The Courts and Indian Democracy" 8 J.I.L.I. 287 (1966)
- H.M. Seervai, The Emergency, Future Safeguards and the habeas Corpus: A Criticism (1978).

Syllabus for LL.M. 4th Semester (2024 and Onwards)

- International Commission of Jurists, Status of Emergency and Human Rights (1984)
- N.C. Chatterji and ParameshwarRao, Emergency and the Law (1966).
- Altaf Ahmad Mir, Martial Law and Emergency Powers under the Indian, Srinagar: Knowledge Line Publishers (2002).
- Abhishek Singhvi and Khagesh Gautam, The Law of Emergency Powers- Comparative Common Law Perspectives, Singapore: Springer (2020).

Subject Title: Family and Matrimonial Law-III

Subject code: LM24406DCE Paper:6

Credits : 3

Adoption is an important component of Hindu Family and accordingly the Hindu personal law provides for adoption. The aim of the course is to analyse the relevance of adoption in Hindu family and the role of the law in protecting this institution. Further the course aims at understanding the issues relating to Guardianship and Custody and the role played by the judiciary in this regard.

Unit I. Law relating to Adoption

- 1.1 Adoption-Concept and Evolution in Hindu System
- 1.2 Adoption under the Hindu Adoption and Maintenance Act, 1956

Unit II. Law relating to Guardianship and Custody

- 2.1 Custody and Guardianship under Hindu Law
- 2.2 Custody and Guardianship under Muslim Law
- 2.3 Guardianship under the Guardian and Wards Act, 1890.

Unit III. Judicial Approach towards Guardianship and Custody

- 3.1 Welfare of the Child
- 3.2 Joint Responsibility
- 3.3 Parent alienation Syndrome

Selected Bibliography:

- Hammudah Abd al Ali, The Family structure in Islam, Illinois: American Trust Publications (1977)
Ameer Ali, The Spirit of Islam, New Delhi: Kitab Bhawan (1922)
N.J.Coulson, A History of Islamic Law, Edinburgh: Edinburgh University Press (1964).
Ahmad A, Galwah, The religion of Islam, Cairo: Al-Ehemad Press (1945)
Ruben Levy, The Social Structure of Islam, Cambridge: Cambridge University Press (1957)
Abu Amenah Bilal Phillips, The Evolution of Fiqh, Riyaadh, Tawheed Publications (1990).
Paras Diwan, Hindu Law, Allahabad: Wadhwa and Company (1995).
P.V.Kane, History of Dharmasastra, Bhandarkar Research Institute (1976)
Duncan Derrett, A critiques of Modern Hindu Family Law, Bombay: N.M.Tripathi Pvt. Ltd. (1970)
John D Mayne, Treatise on Hindu Law and Usage, New Delhi: Bhanot Law House (1991)

Subject Title: Conflict of Laws- Marriage and Divorce

Subject code: LLM24407DCE

Paper: 7

Credits: 3

Private international law on the conflict of laws plays an important part in resolving the issues before domestic courts. The course aims at evaluating the application conflict of laws in matters relating to marriage and divorce.

Unit I. Concept of Conflict of Laws

- 1.1 Meaning and Nature of Conflict of Laws
- 1.2 Foundation of the rules of conflict of laws
- 1.3 Sources of Conflict of Laws

Unit II. Marriage

- 2.1 Hague Convention
- 2.1 Validity of Marriage under different systems of law.

Unit III. Divorce

- 3.1 Divorce under different systems of law.

Selected Bibliography

Diwan, Paras, Indian & English Private International Law (1988)

Dicey & Morris, Conflict of Laws

Setalvad, Atul M, Conflict of Laws, New Delhi, Lexis Nexis (2007)

Syllabus for LL.M. 4th Semester (2024 and Onwards)

Subject Title: DISSERTATION

Subject Code: LLM24408CR

Paper: 08

Practical: 16 credit

Dissertation shall be compulsory (core courses) for all specialization groups in Semester – IV.

Subject Title: TEACHING PRACTICE

(Tutelage)

Subject Code: LLM24409CR

Paper: 09

Practical: 08 credit

Class-room Teaching shall be compulsory (core courses) for all specialization groups in Semester – IV.

Subject Title: The Whistle Blowers Act, 2011

Subject Code: LLM24410OE

Paper: 10

Lectures: 1 credit

Practical: 1 credit

The paper shall introduce the learner to the basic concept of the Whistle Blowers Act . It shall give an overview of the provisions of the legislation.

The paper shall be of the pattern as provided in the annexure

Unit 1:

- 1.1. Overview of Act
- 1.2. Public Interest Disclosure
- 1.3. Procedure on Receipts of Complaint

Unit 2:

- 2.1 Protection under Act
- 2.2. Offences and Penalties
- 2.3. Functions of Competent Authority

Select bibliography

1. The Whistle Blowers Protection Bill, 2011

Subject Title: Right to Information Law

Subject Code: LLM24411OE

Paper: 11

Lectures: 1 credit

Practical: 1 credit

The paper shall introduce the learner to the basic concept of Right to Information . It shall give an overview of the provisions of the legislation.

Unit 1:

- 1.1. Right to Information and Good Governance
- 1.2. Overview of RTI Act, 2005
- 1.3. Definitions
- 1.4. Obligations of Public Authorities
- 1.5. Procedure for Applications and their Disposal
- 1.6. Exception under RTI Act, 2005

Unit 2:

- 2.1.
- 2.2 Central Information Commission
- 2.3.State Information Commission
- 2.4 Appeals and Penalties
- 2.5. Important Judgements of the Supreme Court and J&K High Court

Select bibliography

- 1. Accounts and accountability: theoretical implications of the right-to-information movement in India
- 2. R Jenkins, AM Goetz - Third world quarterly, 1999 - Taylor & Francis
- 3. Winning the right to information in India: Is knowledge power
A Baviskar - In J Gaventa & R McGee (eds) Citizen Action and ..., 2010
- 4. Bhoomi, Gyan Ganga, e-governance and the right to information: ICTs and development in IndiaP Thomas - Telematics and Informatics, 2009 - Elsevier
- 5. The genesis and evolution of the right to information regime in India
S Singh - Transparent Governance in South Asia, 2010 -
- 6. A great and revolutionary law? The first four years of India's
Right to Information Act
A Roberts - Public Administration Review, 2010 - Wiley Online Library
- 7. Structural pluralism and the right to information
A Roberts - The University of Toronto Law Journal, 2001 - JSTOR

Subject: Tax planning and law

Subject Code: LLM24412GE

Paper: 12

Lectures: 2 credits

The paper shall introduce the learner to the basic concept of Taxation Law. It shall provide an in depth and updated study of the developments in Taxation Law.

Unit 1 Direct tax

- 1.1. Nature and scope of Tax Planning
- 1.2. Direct Tax Code : salient features
- 1.3. Heads of Income
- 1.4. Procedure for Assessment
- 1.5. Appeal, Revision and Review
- 1.6. Settlement of tax disputes

Unit 2 : Indirect tax

- 2.1. General principles of GST
- 2.2. Need for GST
- 2.3. Chargeability of tax under GST
- 2.4. Taxable person/event
- 2.5. Subsuming of existing taxes
- 2.6. Emerging issues

Selected Bibliography

1. Ram Niwas and Lakhotia, Subhash Lakhotia : How to Save Income Tax through Tax Planning: Practical and Time-Tested Methods for Saving Income Tax , 29th ed(2015)
2. Rafi M : Indirect Taxes : Central Excise, Customs, Service Tax and VAT

Syllabus for LL.M. 4th Semester (2024 and Onwards)

(English) 10th Edition (Paperback) Bharat Law House Pvt Ltd. 2013

3. Ravi Gupta , Girish Ahuja: Systematic Approach to Taxation Containing Income Tax & Indirect Taxes (English) 32nd Edition 2014
4. Kanga and Palkhivala: The Law and Practice of Income Tax 10th ed (2013)
5. B.C.Datta: Laymen's Guide to GST 1st Ed(2011)
6. Sumit Dutt Majumder: GST in India, first ed(2014)
7. Direct Tax Code 2014 [Bare Act]
8. Goods And Services Tax 2014 [Bare Act].