



# R.K.D.F. UNIVERSITY, BHOPAL

## MASTER OF LAW

FIRST YEAR

### Scheme

Semester – I

No	Subject Code	Subject Title	Marks Allotted						
			Assignment Marks		Theory Marks		Practical Marks		Total Marks
			Max	Min	Max	Min	Max	Min	
1	LLM 101	Research Methods and Legal Writing	30	16	70	28	-	-	100
2	LLM 102	Indian Constitutional Law : the new challenges	30	16	70	28	-	-	100
3	LLM 103	Law and Justice in a Globalised World	30	16	70	28	-	-	100
<b>CRIMINOLOGY</b>									
4	LLC 104	White Collar Crimes	30	16	70	28	-	-	100
5	LLC 105	Penology: treatment of offenders	30	16	70	28	-	-	100
<b>HUMAN RIGHTS</b>									
4	LLH 104	Concept & Development of Human Rights	30	16	70	28	-	-	100
5	LLH 105	Human Rights & International Order	30	16	70	28	-	-	100
<b>BUSINESS LAW AND CORPORATE LAW</b>									
4	LBC 104	Principles of Corporate law	30	16	70	28	-	-	100
5	LBC 105	Corporate Crimes & Social Responsibility	30	16	70	28	-	-	100
<b>ADR</b>									
4	LLA 104	Evolution and Concept of ADR	30	16	70	28	-	-	100
5	LLA 105	Law of Arbitration	30	16	70	28	-	-	100
<b>CONSTITUTIONAL &amp; LEGAL ORDER</b>									
4	LCL 104	Fundamental Rights, duties and Directive Principles of State Policy	30	16	70	28	-	-	100
5	LCL 105	Media and Law	30	16	70	28	-	-	100
<b>ENVIRONMENT LAW</b>									
4	LLE 104	Environment & Development : law and policy	30	16	70	28	-	-	100
5	LLE 105	Resource Management and the Law	30	16	70	28	-	-	100
<b>FAMILY LAW</b>									
4	LLF 104	Uniform Civil Code	30	16	70	28	-	-	100
5	LLF 105	Law Relating To Marriage And Separation	30	16	70	28	-	-	100
<b>INTELLECTUAL PROPERTY RIGHTS</b>									
4	LIP 104	Introduction to Intellectual Property	30	16	70	28	-	-	100
5	LIP 105	Laws of Copy right	30	16	70	28	-	-	100
<b>Labour Law</b>									
4	LLL 104	Laws relating to Industrial Relations	30	16	70	28	-	-	100
5	LLL 105	Laws relating to labour Welfare	30	16	70	28	-	-	100
<b>Total</b>			<b>150</b>	<b>80</b>	<b>350</b>	<b>140</b>	<b>-</b>	<b>-</b>	<b>500</b>



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### FIRST YEAR SEMESTER-I (Common to all Branch)

Course	Subject Title	Subject Code
LLM	Research Methods and Legal Writing	LLM 101

#### **Note:**

- 16 (sixteen) questions will be set with 2 (two) questions in each unit. Student shall be required to attempt 8 (eight) questions in all, selecting 1 (one) question from each unit.
- All questions shall carry equal marks.

#### **-Syllabus-**

#### **Introduction of Legal Research**

- a. Meaning; objectives and scope of legal research.
- b. Socio-legal Research in India
- c. Research Method vis-a-vis Research Methodology
- d. Kind of Legal Research- Doctrinal and Non-doctrinal legal research; Inter/multidisciplinary, etc.
- e. Arm chair research vis-a-vis empirical research

#### **Research Design and Techniques**

- a. Primary and secondary source
- b. Workable Hypothesis-formulation and evaluation
- c. Major steps in research design
- d. Sampling
- e. Survey and Case Study method

#### **Research Tools and Data Processing**

- a. Observation
- b. Interview and schedule
- c. Questionnaire
- d. Socio-metrics and jurimetrics
- e. Data processing (deductions and Inductions) analysis and interpretation of data

#### **Legal Writing**

- a. Essentials of good legal writing
- b. Structured Legal Writing ; Organization of Legal Material
- c. Report/article writing in legal research
- d. Use of definitions, maxims, concepts, principles, doctrines in legal research
- e. Modern- Technology- Computer, Internet, etc.
- f. Citation, Reference and Footnoting methodology
- g. Book review and case comments
- h. Dissertation and Thesis Writing



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- i. Plagiarism as an offence in Research.

### Suggested Readings:

- |   |   |
|---|---|
| Price, M.O. Bitner, H. and Bysiewicz  | : Effective Legal Research                                    |
| S.K. Verma & Afzal Wani   | : Legal Research Methodology                                  |
| Anwarul Yaqin   | : Legal Research Methodology                                  |
| S.K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.                                |   |
| N.R. Madhav Menon, (ed) A Handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow. |   |
| Young, Pauline V.   | : Scientific Social Survey and Research                       |
| Grade, William J. and Paul, K. Hatt.  | : Methods in social Research McGraw Hill Book company, London |
| Hyman H.M.  | : Interviewing in Social Research                             |
| Erwin, C. Surrency, B. Fieif and J. Cera  | : A Guide to Legal Research,                                  |
| Morris, L. Cohan  | : Legal Research, West Publishing House                       |
| Co. Havard Law Review Association   | : Uniform System of Citations.                                |
| ILI Publication   | : Legal Research and Methodology                              |
| Baxi, Upendra   | : Social Legal Research in India                              |
| Kothari, C.K.   | : Research Methodology: Method and Technology                 |
| Myneni  | : Legal Research Methodology.                                 |



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### **FIRST YEAR SEMESTER-I (Common to all Branch)**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>Indian Constitutional Law: the New Challenges</b>	<b>LLM 102</b>

The following syllabus prepped with this perspectives will be spread over a period of one semester-

#### **Syllabus-**

##### **1- Federalism**

- a- Creation of new states
- b- Allocation and share of resources – distribution of grants in aid
- c- The interstate disputes on resources
- d- Rehabilitation of internally displaced persons
- e- Centres responsibility and internal disturbance within states
- f- Directions of the centre to the state under article 356 and 365
- g- Federal comity : Relationship of trust and faith between centre and state
- h- Special status of certain states
- i- Tribal Areas, Scheduled Areas

##### **2- “State” Need for widening the definition in the wake of liberalization**

##### **3- Right of equality : Privatization and its impact on affirmative action**

##### **4- Empowerment of women**

##### **5- Freedom press and challenges of new scientific development**

- a. Freedom of speech and
- b. Right to strike hartal and bandh

##### **6- Emerging regime of new rights & remedies**

- a. Reading directive principle and fundamental duties into fundamental rights
- b. Compensation jurisprudence
- c. Right of education
- d. Commercialization of education and its impact
- e. Brain drain by foreign education market

##### **7- Right of minorities to establish and administer education institutions and state control**



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### 8- Secularism and religious fanaticism

### 9- Separation of power stresses and strain

- a. Judicial activism and judicial restraint
- b. PIL implementation
- c. Judicial independence ‘
- d. Appointment, transfer and removal of judges
- e. Accountability : executive and judiciary
- f. Tribunals

### 10- Democratic process

- a. Nexus of politics with criminals and the business
- b. Election
- c. Election commission : status
- d. Electoral reforms
- e. Coalition government: Stability durability corrupt practice
- f. Grass root democracy

### Select Bibliography

H.M. Survai	-	Constitutional Law of India (1996) tripathi
V.N. Shukla	-	Constitutional Law of India
M.P. Jain	-	Constitutional Law of India
D.D. Basu	-	Constitutional Law of India
.P. Jain	-	Constitutional Law of India
M. Hidayatullah	-	Constitutional Law of India
T.K. tape	-	Constitutional Law of India
Subbarao	-	Constitutional Law of India
V.D. mahajan	-	Constitutional Law of India
Case Law	-	AIR, SCC, SCJ
Journals	-	Indian Law institute, Bar council of India



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### **FIRST YEAR SEMESTER-I (Common to all Branch)**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>Law and Justice in a Globalizing World</b>	<b>LLM 103</b>

#### **Objectives of the course-**

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 endeavour is to make the students aware of the role of the law that has played and has to play in the contemporary Indian society.

The following syllabus prepared with these perspectives will be spread over a period of one semester-

#### **Syllabus-**

##### **1- Law and social change**

- a- Law as an instrument of social change
- b- Law as the product of tradition and culture. Criticism and evaluation in the light of colonization and the introduction of common law system and institution in India and its impact on further development of law and legal institution in India.

##### **2- Religion and the law-**

- a- Religion as a divisive factor
- b- Secularism as a solution to the problem
- c- Reform of the law on secular lines: problems
- d- Freedom of religion and non-discrimination on the basis of religion
- e- Religious minorities and the law

##### **3- Language and the law**

- a- Language as a decisive factor in the formation of linguistic states
- b- Constitutional guarantees to linguistic minorities



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- c- Language policy and the constitution : Official language : multi language system
- d- Non –discrimination on the ground language

#### **4- Community and the law**

- a- Caste as a divisive factor
- b- Non –discrimination on the ground of caste
- c- Protective discrimination : should castes, tribes and backward classes
- d- Reservation : statutory commission, statutory provisions

#### **5- Regionalism and the law**

- a- Regionalism as a divisive factor
- b- Concept of India as one unit
- c- Right of movement, residence and business, impermissibility of state or regional barriers
- d- Equality in matters of employment the slogan “Sons of the Soil” and its practices
- e- Admission to educational institutions : preferences to residents of a state

#### **6- Women and the law**

- a- Crimes against women
- b- Gender injustices and its various forms
- c- Women’s commission
- d- Empowerment of women : constitutional and other legal provisions

#### **7- Children and the law-**

- a- Child labour
- b- Sexual exploitation
- c- Adoption and related problems
- d- Children and education

#### **8- Modernisation and the law**

- a- Modernisation as a value : constitution perspective reflected in the fundamental duties
- b- Modernisation of social institutions through law
- c- Reform of family law
- d- Agrarian reform – industrialization of agriculture
- e- Industrial reform: free enterprise state regulation – industrialisation environmental protection.



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- f- Reform of court processes
- g- Criminal law plea bargaining : compounding and payment of compensation to victims
- h- Civil law (ADR) conformation consensus: mediation and conciliation : Lok Adalats
- i- Prison reforms
- j- Democratic decentralization and local self-government

### 9- **Alternative approaches to law**

- 1- The jurisprudence of Sarvodaya-Gandhiji, Vinoba Bhave, Jayaprakash Narayan surrender of dacoits, concept of grama nyayalayas.
- 2- Socialist thought on law and justice An enquiry through constitutional debates on the right to property
- 3- Indian Marxist critique of law and justices
- 4- Naxilite movement : causes and cure

### **Select Bibliography**

- Marc Galanter (ed). Law and society in modern India (1997) oxford.
- Robert Lingat, the elassical law of India (1998) oxford
- U. Baxi. The crisis of the Indian legal system (1982) Vikas, New Delhi
- Manushi A Journa About women and society
- Dunean Derret : the state, Religion and law in India (1999) oxford university press, New Delhi
- H.M. Seervai Constitutional law of India (1996) Tripathi
- D.D. Basu Shorter Constitutional of India (1996), Perentic Hall of India (p) Ltd. New Delhi
- Shukla V.N. Constitutional of India
- Sunil Deshta and Kiran Destha Law and Menace of Child Labour and Menace of Child Labour (2000) Armol publication Delhi
- Savitri Gunaselhare, Chidre. Las and Justics (1997) sage
- Indian law and social change : Indo- American Reflection Tripathi (1998)
- B. Kriplani Gandhi : His life and thought, (1970) Minister of Information and Broadcasting Government of India.
- M.P. Jain. Outlines of Indian Legal History, (1993) Tripathi Bobbaay
- M.P. Jain Indian constitutional law
- Agnes, Flavia law and gender inequality The polities of women's right in India (1999) oxford.





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### FIRST YEAR SEMESTER-I CRIMINOLOGY

Course	Subject Title	Subject Code
LLM	WHITE COLLAR CRIMES	LLC 104

#### 1. **Conceptual Perspective of White Collar Crimes**

- Concept and Types of White Collar Crimes
- Indian Approaches to Socio-economics Offences
- Privileged class deviance
- Growth of White Collar Crimes
- Need for Specific Measures
- Unethical practices of the Indian Bar
- Unprofessional and Unethical Journalism
- Medical Malpractice
- Organizational or Corporate Crime
- Law Commission recommendations
- White Paper on white collar crime
- Vigilance Commission

#### 2. **Professional Deviance**

- Unethical practices of the Indian Bar
- Unprofessional and Unethical Journalism
- Medical Malpractice
- Organizational or Corporate Crime

#### 3. **White Collar Crime and Response of Indian Legal Order**

- Law Commission recommendations
- White Paper on white collar crime
- Vigilance Commission
- Public Account Committee
- Ombudsman Lokpal Bill

#### 4. **Corruption in Politics and Government Some Major Scandals:**

- Bofors Scandal
- Stock Market Manipulation Scam 1999-2001
- 2G Spectrum Allocation Scandal
- Commonwealth Games Scandal
- Satyam Computer Scam
- Fodder Scam



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- JBT Scam
- Latest Coal Scam

### **Suggested Readings:**

- 1. Upendra Baxi, The Crisis of the Indian Legal System (1982) Vikas Publishing House, New Delhi.
- 2. Upendra Baxi (ed.), Law and Poverty: Essays (1988)
- 3. Upendra Baxi, Liberty and Corruption: The Antulay Case and Beyond (1989)
- 4. Surendranath Dwevedi and G.S. Bbargava, Political Corruption in India (1967)
- 5. A.R. Desai (ed.) Violation of democratic Rights in India (1986)
- 6. A.G. Noorani, Minister's Misconduct (1974)



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### FIRST YEAR SEMESTER-I CRIMINOLOGY

Course	Subject Title	Subject Code
LLM	PENOLOGY: TREATMENT OF OFFENDERS	LLC 105

- 1- Theories of punishment
- 2- Approaches to sentencing
- 3- Alternatives to imprisonment
- 4- The state of institutional incarceration in India jails and other custodial institutions
- 5- The problematic of capital punishment
- 6- Penology in relation to privileged class deviance
- 7- The distinctive Indian (Historical and contemporary) approach to penology

The following syllabus prepared with this perspective will be spread over a period of one semester-

#### Syllabus-

#### 1- Introductory

- Definition of penology

#### 2- Theories of punishment

- Retribution
- Utilitarian prevention deterrence
- Behaviour prevention rehabilitation
- Classical Hindu and Islamic approaches of punishment

#### 3- The problematic of capital punishment

- Constitutionality of capital punishment
- Judicial attitudes towards capital in India – an impact through the state law and case law
- Law reform proposals

#### 4- Approaches to sentencing

- Alternatives to imprisonment
- Probation
- Corrective labour
- Fines
- Collective fines
- Reparation by the offender/by the court

#### 5- Sentencing

- Principal types of sentences in the penal code and special laws



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- Sentencing in white collar crime
- Pre-sentence hearing
- Sentencing for habitual offender
- Summary punishment
- Plea-bargaining

### **6- 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
- Deviancy by custodial staff
- Judicial surveillance basic development reforms

### **Select Bibliography –**

- Chhabbra the quantum off punishment in criminal law (19970)
- L.A. Hart Punishment and responsibility (1968)
- Herbert L. Packer, the limits of criminal sanction (1968)
- Alf Ross, on guilt responsibility and punishment (1975)



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### FIRST YEAR

## Scheme

### Semester – II

### CRIMINOLOGY

No	Subject Code	Subject Title	Marks Allotted						
			Assignment Marks		Theory Marks		Practical Marks		Total Marks
			Max	Min	Max	Min	Max	Min	
1	LLC 201	Juvenile Delinquency	30	16	70	28	-	-	100
2	LLC 202	Collective Violence and Criminal Justice System	30	16	70	28	-	-	100
3	LLC 203	Privileged Class Deviance	30	16	70	28	-	-	100
4	LLC 204	Drug Addiction, Criminal Justice & Human Rights	30	16	70	28	-	-	100
5	LLC 205	Dissertation Including Viva- Voice	-	-	-	-	100	40	100
Total			120	64	280	112	100	40	500



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### **FIRST YEAR SEMESTER-II CRIMINOLOGY**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>JUVENILE DELINQUENCY</b>	<b>LLC 201</b>

#### **1. The Basic Concepts**

- The conception of child in Indian constitution and penal code
- Delinquent juvenile
- “Neglected” juvenile
- The overall situation of children / young persons Indian, also with reference to crime statistics (of crimes by and against children)

#### **2. Determining factors of juvenile delinquency**

- Differential association
- Anomie
- Economic pressure
- Peer group influence
- Gang sub-culture
- Class differentials

#### **3. Legislative approaches**

- Legislative approaches during the late colonial era
- Children’s act
- Legislative position in various states
- The juvenile justices act
- Constitutional aspects
- Distinction between “Neglected” and delinquent” juveniles
- Procession safeguards for juveniles
- Powers given to government
- Community participation as envisaged under the act

#### **4. Indian context of juvenile delinquency**

- The child population percentage to total sex ratio, urban/rural-urban
- Neglected -below poverty line, physically and mentally disabled, orphans,
- Destitute, vagrants
- Labourers In organized industries like zari, carpet, bidi, glass



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- In unorganised sector like domestic servant, shops & establishment, rig pickers family trade
- Delinquent – number, sex ratio, ratio to adult crime, types of offences committed, recidivism, rate of increase background
- Drugs addicts
- Victims Of violence sexual abuse, battered, killed by parents
- Of criminal activities like bootlegging drug pollution as a response of protective approach

### **5. Judicial contribution**

- Social action litigation concerning juvenile justice
- Salient judicial decisions
- Role of legal profession in juvenile justice system

### **6. Implementation**

- Institutions, bodies ,personnel
- Recruiting and funding agencies
- Recruitment qualifications and salaries or fund
- Other responsibilities of each agency/ person
- Coordination among related agencies
- Accountability- annual reports and accessibility of public to juvenile justice institution

### **7. Preventive strategies**

- State welfare programme health, nutrition, ICWS, grants in aid
- Compulsory education
- Role of community family, voluntary, bodies, individuals

### **Selected bibliography**

- National instate of social defence,. Model rules under the juvenile justice act, 1986 (1986)
- K.S. shukla, Adolescent offender (1985)
- United Nations, Beijing rules on treatment of young offenders (1985)
- Myron Weiner, the child and state in India (1990)
- The united nations declarations on the rights of children
- UNICEF periodic materials



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### FIRST YEAR SEMESTER-II CRIMINOLOGY

Course	Subject Title	Subject Code
LLM	Collective Violence and Criminal Justice System - II	LLC 202

#### 1. Introduction

- Nations of “Force”, “coercion”, “Violence”
- Distinctions : “Symbolic” violence, “institutionalized” violence, “structural violence  
Legal order as a coercive normative order
- Force monopoly of modern law
- “Constitutional” and “Criminal” speech: speech as incitement to violence
- “Collective political violence” and legal order
- Nation of legal and extra-legal ‘repression

#### 2. Approach to violence in India

- Religiously sanctioned structural violence : Caste and gender based
- Ahimsa in Hindu, Jain, Buddhist, Christian and Islamic traditions in India
- Gandhiji’s approach to non-violence
- Discourse on political violence and terrorism during colonial struggle
- Attitude towards legal order as possessed of legitimate monopoly over violence during the colonial period

#### 3. Agrarian violence and repression

- The nature and scope of agrarian violence in the 18-19 centuries India
- Colonial legal order as a causative factor of collective political (agrarian) violence
- The telangana struggle and the legal order
- The report of the Indian Human rights commission on Arwal massacre\

#### 4. Violence against the scheduled castes –

- Notion of atrocities
- Uses of criminal law to combat atrocities
- Violence against women

#### 5. Communal violence

- Incidence and coursed of “Communal” violence
- Findings of various commissions of enquiry
- The role of police and para-military systems in relation to, communal violence
- Operation of criminal justice system tiring and in relation communal violence





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### FIRST YEAR SEMESTER-II CRIMINOLOGY

Course	Subject Title	Subject Code
LLM	Privileged Class Deviance	LLC 203

#### 1. Introduction

- Conceptions of white-collar crimes
- Indian approaches to socio-economic offences
- Notions of privileged class deviances as providing a wider categorization of understanding Indian development
- Typical forms of such deviance
- Official deviances (deviance by legislators. Judges, bureaucrats)
- Professional deviance: journalists, teachers, doctors, lawyers. engineers.
- Architects and publishers
- Trade union deviance (including teachers, law yers/urban property owners)
- Landlord deviances (class/caste based deviance)
- Police deviances
- Deviance on electoral process (rigging, booth capturing, impersonation, corrupt practices)
- Gender- based aggression by socially, economically and politically powerful

**Note:** Depending on specialist interest by the teacher and the taught any three areas of deviance of privileged class may be explored. What follows is only illustrative of one model of doing the course.

#### 2. Official Deviance

- Conception of official deviance-permissible limit of discretionary powers
- The Chambal valley dacoit Vinoba Mission and Jai Prakash Narain Mission in 1959 and 1971
- The Chagla Commission Report on LIC Mundra Affair
- The Das Commission Report on Pratap Singh Kairon
- The Grover Commission Report on Dev Raj Urs
- The Maruti Commission Reprot
- The Ibakkar- Natarajan Commission Report on Fairfax

#### 3. Police Deviance

- Structures of legal restraint on police power in India
- Unconstitutionality of “third-degree” methods and use of fatal 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
- Reforms suggestions especially by the National Police Commissions



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#### **4. Professional Deviance**

- Unethical practices at the Indian bar
- The Lentin Commission report
- The Press Council on unprofessional and unethical journalism Medical malpractice

#### **5. Response of Indian Legal Order to the Deviance of Privileged Classes**

- Vigilance Commission
- Public Accounts Committee
- Ombudsman
- Commissions of Enquiry
- Prevention of Corruption Act. 1947
- The Antulay case

#### **Selected Bibliography**

- UpendraBaxi. The Crisis of the Indian Legal system (1982) Vikas Publishing House, New Delhi
- UpendraBaxi, (ed.), Law and Poverty:Essays (1988)
- UpendraBaxi. Liberty and Corruption: The Antulay Case and Beyond (1989)
- SurendraNathDwevedi and G.S. Bhargava, Political Corruption in India (1967)
- A.R. Desai (ed.) Violation of democratic Rights in India(1986)
- A.G. Noorani, Ministers's Misconduct (1974)
- B.B. Pande the Nature and Dimensions of Privileged Class Deviance "In the othe side of development 136(1987;K.S.. Shukla ed.)
- Indira Rothermund, "Patterns of Trade Union Leadership in Dhanbad Coal Fields"23 J.I.L.I 522 (1981)



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### **FIRST YEAR SEMESTER-II CRIMINOLOGY**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>Drug Addiction, Criminal Justice &amp; Human Rights</b>	<b>LLC 204</b>

#### **Introductory**

- Basic Conceptions
- Drug. Narcotics” “psychotropic substances”
- “Dependence” “addiction”
- “Crimes without victims”
- “Trafficking” in “drugs”
- “Primary drug abuse”

#### **How Does One Study the Incidence of Drug Addiction and Abuse?**

- Self-reporting
- Victim-studies
- Problems of comparative studies

#### **Anagraphic and Social Characteristics of Drug Users**

- Gender
- Age
- Religiousness
- Single individuals/cobabitation
- Socio-economic level of family
- Residence patterns (urban/rural/urban)
- Educational levels
- Occupation
- Age at first use
- Type 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)

#### **The International Legal Regime**

- Analysis of the background, text and operation of the single convention on
- Narcotic drugs, 1061, 1972
- Analysis of the convention on psychotropic substnecs, 1972
- International collaboration in combating drug addiction
- The SARC, and South-South cooperation



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- Profile of International market for psychotropic substances

### **The Indian Regulatory System**

- Approaches to narcotic trafficking during colonial India
- Nationalist thought towards regulation of drug trafficking and usage
- The penal provisions (under the IPC and the customs Act)
- India's role in the evolution of the two international conventions
- Judicial approaches to sentencing in drug trafficking and abuse
- The narcotic drugs and psychotropic substances Act, 1985
- Patterns of resource investment in India: policing adjudication, treatment, Aftercare and rehabilitation

### **Human Rights Aspects**

- Deployment of marginalized people as carrier of narcotics
- The problem of juvenile drug and legal approaches
- Possibilities of misuse and abuse of investigative prosecutor powers Bail
- The problem of differential application of the Ugal Regimes, especially in Relation to the resource less

### **The Role of Community In Combating Drug Addiction**

- Profile of community initiatives in inhabitation of dependence and addiction (e.g.de addiction and aftercare)
- The role of educational systems
- The role of medical profession
- The role of mass media
- Initiative for compliance with regulatory systems
- Law reform initiatives

### **Selected bibliography**

- H.S. Becker, outsiders: The Studies in Sociology of Deviance (1966)
- J.A Incard, C:D Chambers(eds.), Drug and the Criminal Justice System (1974)
- R.Cocken, Drug abuse and Personality in Young Offenders (1971)
- G. Edwards Busch. (ed.) Drug Problems in Britain: A Review of Ten Years(1981)
- P.Kondanram and Y.N. Murthy, "Drug Abuse and Crime: A Preliminary Study" 7 Indian Journal of Criminology, 65-68 (1979)
- P.R. Rajgopal Violence and Response: A Critique of the Indian Criminal System (1988)
- United Nations, Economics and Social Reports of the Commission on Narcotic Drugs, United Nations
- Social Defence, Research Institute (UNSDRI) combating drug abuse and related crimes (Rome, July 1984, publication No.21.)



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

- 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 Issue (Tallahassee florida)
- International Journal of Addictions (New York)
- British journal of Criminology Law, Criminology and police sciences (Baltimore.Md.)
- Journal of Criminal Law and Criminology (Chicago, III)
- International journal of Offenders Therapy and Comparative Criminology (Landon)
- Bulletin on Narcotics (United Nations)



# R.K.D.F. UNIVERSITY, BHOPAL

## MASTER OF LAW

FIRST YEAR

SEMESTER-I

### HUMAN RIGHTS

Course	Subject Title	Subject Code
LLM	CONCEPTS AND DEVELOPMENT OF HUMAN RIGHTS	LLH 104

**1. Human Rights : concepts.**

- i. Human rights in Indian tradition: ancient medieval and modern
- ii. Human rights in western tradition
- iii. Development of natural rights
- iv. Human rights in International law and national law

**2. Classification of Human Rights- First second and third generations: Historical Development**

**3. Human Rights: Policies and society**

- i. Colonization imperialism and human rights
- ii. Power, practices, accountability and transparency
- iii. Liberalization, privatization and globalization
- iv. Human duties: responsibilities and obligations

**4. Human rights and judicial process**

- i. Judicial activism

**5. Human rights protection Agencies**

**Select bibliography**

- Angela Hegarty, Siobham Leonard, Human rights and Agenda for the 21<sup>th</sup> century (1999)  
Lalitparmer, human rights, (1998)
- Rama jois Human rights bharatiya values (1998)
- David P. forsythe, Human Rights in International relations.
- Lon L. Fuller, the morality of law.
- John Finnis, Natural Law and Human Rights, (1980)
- Julius stone, Human Law and Human Justice, (2000), Universal, New Delhi.
- M.G. Chitkara, Human Rights commission and Betrayal, (1995)
- V.D. Kulshrestha constitution in the India legal and constitutional History 1995
- Robert Lewgat, The classical law of India (1998), Oxford.



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

### **FIRST YEAR SEMESTER-I HUMAN RIGHTS**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>HUMAN RIGHTS AND INTERNATIONAL ORDER</b>	<b>LLH 105</b>

#### **1. Development of the concept of Human rights Under International Law**

- i. Role of international organization and Human rights
- ii. Universal Declaration of Human rights (1948)
- iii. Covenant on Political and Civil Rights (1966)
- v. Covenant on Economics social and cultural Rights (1966)
- vi. ILO and other Conventions & protocols dealing with Human Rights

#### **2. Role of Regional organizations**

- i. European convention on human Rights
- ii. European commission on Human Rights/ Court of Human Rights
- iii. American convention on Human Rights
- iv. African convention on Human Rights
- v. Other regional conventions.

#### **3. Protection agencies and mechanisms**

- i. International commission of Human Rights
- ii. Amnesty International
- iii. Non-Governmental Organizations (NGOs)
- v. U.N. Division of Human Rights
- vi. International Labour organization
- vii. UNESCO
- viii. UNICEF
- ix. Voluntary organization
- x. National and state Human Rights Commissions

#### **4. International enforcement of Human Rights**

#### **5. Role of ICJ and regional institutions**

#### **Select bibliography**



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## **MASTER OF LAW**

- Benedetto conforti and Francesco francioni, Enforcing international Human rights in Domestic courts (1997)
- Francisco Forrest Martin, International Human Rights Law and practice, (1997)
- Luck clements, European Human Rights taking a case under the convention (1994)
- Evelyn A. Ankumah, The African commission on Human Rights and people's Rights (1996)
- R.K. Sinha, human rights of the World (1997)
- Philip Alston, The united Nations and Human Rights A critical Appraisal (1992)
- R.S. Sharma and R.K. Sinha perspectives in Human Rights development (1997)
- The Human rights watch global report on Women's human rights, (2000), Oxford
- B.P. Singh Gehat, Human Rights in India (1996)
- ChandanBala, International court of justice its functioning and settlement of International Disputes (1997)





# R.K.D.F. UNIVERSITY, BHOPAL

## MASTER OF LAW

### FIRST YEAR

### Scheme

### Semester – II

### HUMAN RIGHTS

No	Subject Code	Subject Title	Marks Allotted						
			Assignment Marks		Theory Marks		Practical Marks		Total Marks
			Max	Min	Max	Min	Max	Min	
1	LLH 201	Protection & Enforcement of HR in India	30	16	70	28	-	-	100
2	LLH 202	HR of Disadvantaged groups: problems & issues in the protection & enforcement	30	16	70	28	-	-	100
3	LLH 203	International Humanitarian law & Refugee law	30	16	70	28	-	-	100
4	LLH 204	Science Technology & human Rights	30	16	70	28	-	-	100
5	LLH 205	Dissertation Including Viva	-	-	-	-	100	40	100
Total			120	64	280	112	100	40	500



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

### **FIRST YEAR SEMESTER-II HUMAN RIGHTS**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>Protection &amp; Enforcement of HR in India</b>	<b>LLH 201</b>

#### **1. History and Development of Human Rights in Indian constitution**

- i. Constitutional philosophy- preamble
- ii. Fundamental Rights
- iii. Directive principles of State policy
- iv. Fundamentals Duties

#### **2. Judicial Activism and Development of Human Rights Jurisprudence**

#### **3. Enforcement of Human Rights**

- i. Formal enforcement mechanisms
- ii. Role of supreme court
- iii. Role of High court
- iv. Statutory Tribunals
- v. Special Courts

#### **4. Role of India in implementing International Norms and Standards**

#### **Select bibliography:**

1. D.D.Basu Human Rights in Indian Constitution law (1994)
2. Vijay chitins human rights and law: national and global perspectives (1997)
3. B.P.Singh Sehgal law , Judiciary and Justice in India (1993)
4. James vadakkumehery, human rights and politics in India (1996)
5. D.R. Saxena , Tribals and the law (1997)
6. Poornima Advani , Indian Judiciary and tribute (1997)
7. Justice Venkatramaah, human rights in the changing world(1998)



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

### **FIRST YEAR SEMESTER-II**

#### **HUMAN RIGHTS**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>Human Rights Of Disadvantaged Groups: Problems And Issues In The Protection And Enforcement</b>	<b>LLH 202</b>

1. Concepts of disadvantaged groups
2. Emerging human rights jurisprudence and the role of judiciary
3. Rights of women
4. Rights of child
5. Rights of prisoners
6. Rights of dalits
7. The tribal and other indigenous people
8. The mentally ill
9. The stateless persons
10. The unorganized labour
11. Aids victims
12. Rights of minorities

#### **Enforcement of Human Rights**

#### **Protection laws of the disadvantaged groups: problems and issues**

#### **Future perspectives go human rights of the disadvantaged**

#### **Selected bibliography :-**

1. D.D. Basu, Human Rights in Indian Constitutional Law (1994)
2. Vijay chitnis (et.al) Human Rights and the law National and global perspectives (1997)
3. B.P. Singh Seghal law judiciary and justice in India (1993)
4. James vadakkumcherry Human Rights and the policies in India (1996)
5. D.R. axena, Tribals and the law (1997)
6. PoornimaAdvani Indian judiciary A Tribute (1997)
7. Justice Vnekataramiah, Human Rights in the changing World (1998)
8. Paramji S. Jaiswal and NeshthaJaiswal, Human Rights and the law (1996)



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

### **FIRST YEAR SEMESTER-II HUMAN RIGHTS**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>International Humanitarian Law And Refugee Law</b>	<b>LLH 203</b>

#### **1. Humanization of Warfare**

- I. Amelioration of the wounded and sick
- II. Armed forces in the field
- III. Armed forces at sea
- IV. Protection and facilities
- V. Prisoners of war
- VI. Civilians in times of war
- VII. Cultural properties

#### **2. Control of weapons**

- I. Conventional
- II. Chemical
- III. Biological
- IV. Nuclear

#### **3. Humanitarian law : implementation**

- I. red cross : role
- II. national legislation

#### **4. The concept of refugees**

- I. Definition of refugees and displaced persons : their problems
- II. The UN Relief and Rehabilitation Administration and other International Refugees Organization : international protection
- III. Protection under national laws

#### **5. Strategies to combat refugee problems**

- I. Repatriation, resettlement local integration and rehabilitation
- II. UNHCR – role
- III. UNHCR and India

#### **6. Meaning of “Security of State”**



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7. Meaning of “Public Order”
8. Suspension of Article 19 rights of declaration of emergency
9. President’s Right to suspend right to move any court
10. Article 21 special importance its non-suspend ability
11. Suspend ability- 44<sup>th</sup> amendment
12. Access to court and Emergency
13. Article 359: ups and downs of judicial review
14. Constitution 44<sup>th</sup> Amendment Act, 1978
15. Constitution 59<sup>th</sup> Amendment Act, 198
16. Martial Law
  - I. Provisions in English Law
  - II. Provisions in the Constitution

### **Select bibliography**

1. B.S.Chimni
2. Kelly Dawn Calier, who is a refugee, A comparative
3. M.K. Balachandran, introduction to international humanitarian law ( 1997)
4. GyyS. Goodwin Gill the refugee in the International law (1996)



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

### **FIRST YEAR SEMESTER-II HUMAN RIGHTS**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>Human Rights Law (Science Technology And Human Rights)</b>	<b>LLH 204</b>

#### **1. Inter relationship of science, technology and Human Rights**

#### **2. Implication of Development of Science and Technology on Human Rights**

- 2.1 Right to environment in the development of science and technology
- 2.2 Right to development in the advancement of science and technology
- 2.3 Right to human health and impact of development in medical sciences

#### **3. Medicine and the Law**

- 3.1 Organ transplantation
- 3.2 Experimentation on human beings
- 3.3 Euthanasia (mercy killing)
- 3.4 Gene therapy

#### **4. Issue of Human Rights Ethics in Scientific and Technological Development**

- 4.1 Sex determination test
- 4.2 Induced abortion
- 4.3 Reproductive technology
- 4.4 Cloning
- 4.5 Invitro fertilization
- 4.6 Artificial insemination
- 4.7 Surrogate motherhood

#### **5. Development in information Technology and Human Rights**

- 5.1 Censorship of films – constitutionality
- 5.2 The Abbas Case
- 5.3 Differences between films and press- why pre- censorship valid for films but not for the press
- 5.4 Censorship under the cinematograph Act

#### **6. Radio and television- Government monopoly**

- i. Why Government department?



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## **MASTER OF LAW**

- ii. Should there be an autonomous corporation?
- iii. Effect of television on people
- iv. Report of the chandda committee
- v. Government policy
- vi. Commercial advertisement
- vii. Internal security of serials etc
- viii. Judicial Review of Doordarshan decisions: freedom to telecast

### **7. Constitutional Restrictions**

- i. Radio and television subject to law of defamation and obscenity
- ii. Power of legislate- Article 246 read with the seventh schedule
- iii. Power of impose tax- licensing and license fee

### **Selected Bibliography**

- 1. M.P. Jain, constitutional law of India (1994) Wardha
- 2. H.M. Seevai, constitutional law of India Vol. (1991) Tripathi Bombay
- 3. John B. Haward, “ The social Accountability of public Enterprises” in law and community contn in New Development strategies (International Center for law in Development 1980)
- 4. Bruce Michael, “Film censorship in India: A Reasonable Restriction on Freedom of spee and expression” 14 J.I.L.I. 501 (1972)
- 5. Rajeev Dhavan“ Legitimizing Government Rhetoric,” Reflections on some Aspects of social press commission “26 J.I.L.I. 391 (1984)
- 6. Soli Sorabjee, Law of press censorship in India (1976)
- 7. Justice E.S. Venkaramiah, freedom of press: some recent trends (1984)
- 8. D.D. basu, The law of press in India (1980)
- 9. V.N. Shukla Constitutional Law of India

Students should consult relevant volumes of the Annual survey of Indian Law Published by Indian Law Institute. (Constitutional Law I & II Administrative Law and Public Interest Litigation



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

### **FIRST YEAR SEMESTER-I**

#### **Business law and Corporate law**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>Principles of Corporate Law</b>	<b>LBC 104</b>

#### **1. Introduction**

- i. Origin and Development of Corporate Law
- ii. Essential ingredients in establishment of Corporation

#### **2. Shares and share capital**

- i. Concept of shares, share capital
- ii. Kinds of shares
- iii. Debentures,
- iv. Issue , Allotment , transfer and forfeiture of shares

#### **3. Legal Aspects governing corporate management**

- i. Meetings, Majority Rule and minority protection
- ii. Prevention of oppression, mismanagement
- iii. Role of central government, Company Registrar, Company Law Board/ Tribunal,

#### **4. Amalgamation, Reconstruction, Mergers, take-over of Companies**

- i. Meaning of the terms
- ii. Statutory provisions
- iii. Powers of court/ tribunal
- iv. Reconstruction/ amalgamation by sale of shares/sale of undertakings
- v. Procedures of Winding up a Company

#### **5. Corporate Governance**

- i. Concept,
- ii. Significance,
- iii. Dimensions,
- iv. Legal framework
- v. Impact of globalization

#### **6. Corporate Social Responsibility**

- i. Evolution of the concept,
- ii. Dimensions of CSR
- iii Legislations and CSR





# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

### **FIRST YEAR SEMESTER-I**

#### **Business law and Corporate law**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>Corporate Crimes and Social Responsibility</b>	<b>LBC 105</b>

Ø Corporate Crimes

Ø Cyber Crimes

Ø Corporate Social Responsibility: Theories and Justification

Ø CSR and Multinational Corporations

Ø Regulation of Multinational Corporations in India



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

**FIRST YEAR**

### **Scheme**

**Semester – II**

**Business law and Corporate law**

<b>No</b>	<b>Subject Code</b>	<b>Subject Title</b>	<b>Marks Allotted</b>						
			<b>Assignment Marks</b>		<b>Theory Marks</b>		<b>Practical Marks</b>		<b>Total Marks</b>
			<b>Max</b>	<b>Min</b>	<b>Max</b>	<b>Min</b>	<b>Max</b>	<b>Min</b>	
<b>1</b>	LBC 201	International Trade Law	<b>30</b>	<b>16</b>	<b>70</b>	<b>28</b>	-	-	<b>100</b>
<b>2</b>	LBC 202	Banking and Insurance Law	<b>30</b>	<b>16</b>	<b>70</b>	<b>28</b>	-	-	<b>100</b>
<b>3</b>	LBC 203	Law relating to Contract	<b>30</b>	<b>16</b>	<b>70</b>	<b>28</b>	-	-	<b>100</b>
<b>4</b>	LBC 204	Companies Act	<b>30</b>	<b>16</b>	<b>70</b>	<b>28</b>	-	-	<b>100</b>
<b>5</b>	LBC 205	Dissertation Including Viva-Voice	-	-	-	-	<b>100</b>	<b>40</b>	<b>100</b>
<b>Total</b>			<b>120</b>	<b>64</b>	<b>280</b>	<b>112</b>	<b>100</b>	<b>40</b>	<b>500</b>



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

### **FIRST YEAR SEMESTER-II**

#### **Business law and Corporate law**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>International Trade Law</b>	<b>LBC 201</b>

- Ø Introduction to ITL
- Ø FDI and Technology Transfer
- Ø International Commercial Arbitration
- Ø Competition Law
- Ø WTO
- Ø E-commerce



# R.K.D.F. UNIVERSITY, BHOPAL

## MASTER OF LAW

### FIRST YEAR SEMESTER-II

#### Business law and Corporate law

Course	Subject Title	Subject Code
LLM	Banking and insurance law	LBC 202

#### Unit-I

1. Nature and development of Banking
2. Bank nationalization and social control over banking
3. Banking: Definition, Different kinds of Banks and Functions
4. Recovery of debt by banks
5. Banker and Customer- Relationship between Banker and Customer,
6. Termination of Banker and Customer Relationship

#### Unit-II

1. Special Features of Relationship between Banker and Customer- Banker's
2. Obligations, Banker's right, Obligation and right of customers to his banker,
3. Negotiable Instruments- Definition
4. Essential Features of Negotiable Instruments
5. Promissory Note, Bill of exchange and Cheque
6. Dishonor of Cheques: statutory provisions with cases

#### Unit-III

1. Meaning and Nature of Insurance
2. Principles of Insurance
3. Types of Contract of Insurance
4. The Risk – commencement, attachment, assignment

#### Unit-IV

1. Insurance against 3rd party (relevant provisions from Motor Vehicle Act 1988)
2. Liability Insurance
3. Consumer protection for Banking and Insurance services
4. Insurance Regulatory and Development Authority Act, 2000:- Establishment,
5. Composition, Duties, Powers and Functions

#### ***SUGGESTED READINGS:***

##### **Legislations**

- Banking and Regulation Act, 1949
- Reserve Bank of India Act, 1934
- Recovery of Debt due to Banks and Financial Institutions Act, 1993
- Securitization and Reconstruction of Financial Assets and enforcements of security interest Act, 2002
- Enforcement of security interest and Recovery of Debts Laws and Miscellaneous provisions



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(Amendment) Act 2016

- Insurance Regulatory and Development Authority Act, 2000
- Motor Vehicle Act 1988
- Consumer Protection Act 1986



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

**FIRST YEAR  
SEMESTER-II  
Business law and Corporate law**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>Law Relating to Contract</b>	<b>LBC 203</b>

1. General Principles of Contract
2. Standard Form of Contract:
3. E-contract
4. Government Contract
5. Specific Contract: Bailment, Agency etc.
6. International Commercial Contract



# R.K.D.F. UNIVERSITY, BHOPAL

## MASTER OF LAW

### FIRST YEAR SEMESTER-II

#### Business law and Corporate law

Course	Subject Title	Subject Code
LLM	Companies Act	LBC 204

#### General Principles of Company Law

- Ø Basic Concepts
- Ø Incorporation: Advantages and Disadvantages
- Ø Memorandum of Association
- Ø Doctrine of Indoor Management
- Ø Doctrine of *Ultra-vires*: Erosion, Evasion and Effects
- Ø Prospectus

#### Company Management and Administration

- Ø Director
- Ø Company Meetings
- Ø Inspection and Investigation
- Ø Prevention of Oppression and Mismanagement
- Ø Winding Up
- Ø Corporate Governance under SEBI Regulations

#### Suggested Readings\*

##### BOOKS

1. Andrew Griffiths, *Contracting with Companies: Contemporary Studies in Corporate Law* (Hart Publishing, North America, 2005).
1. Arun Goyal and Noor Mohammed, *WTO in the New Millenium* (Academy of Business Studies, New Delhi, 2000).
2. C.R.Dutta, *Law Relating to Commercial and Domestic Arbitration* (Wadhwa Nagpur, 2008).
2. C.R.Dutta, *Law Relating to Commercial and Domestic Arbitration* (Wadhwa Nagpur, 2008).
3. David D. Caron, *The UNCITRAL Arbitration Rules* (Oxford University Press, New York, 2006).
3. David Palmer and Pertos C. Maurodis, *Dispute Settlement in the WTO* (Cambridge University Press, New York, 2004).
4. Frank Easterbrook, *The Economic Structure of Corporate Law* (Harvard University Press, 1991).
5. Freund Ernst, *The Legal Nature of Corporations* (Batoche Books, Kitchener, Canada, 2000).
6. Gabrie Moens and Peter Gillies, *International Trade and Business: Law, Policy and*



# R.K.D.F. UNIVERSITY, BHOPAL

## MASTER OF LAW

*Ethics* (Cavendish Publishing Pvt. Ltd., London, 2000).

4. Jayanta Bagchi, *WTO: An Indian Perspective* (Eastern Law House, New Delhi, 2000).

5. M.B. Rao, Majula Guru, *WTO Dispute Settlement and Developing Countries* (Lexis Nexis, New Delhi, 2010).

6. Michael Chissick & Kelmen Alistair, *Electronic Commerce: Law and Practice* (Sweet & Maxwell, London, 2000).

7. Nandan Kamath, *Law relating to Computers, Internet & E-Commerce* (Universal Law Publishing Company 2002).

7. Peter Sanders, *The Works of UNCITRAL on Arbitration and Conciliation* (Kluwer Law International, London, 2004).

8. Richard Whish, *Competition Law* (Oxford University Press, New York, 5th edn., 2005).

8. Roy Goods, Herbert Kronke *et.al.*, *International Commercial Arbitration Transnational Commercial Law* (Oxford University Press, New York, 2007).

\* Suggested Readings are not exhaustive. Need to be supplemented with additional readings.

9. Slot & Johnston, *An Introduction to Competition Law* (Oxford and Portland, Oregon,





# R.K.D.F. UNIVERSITY, BHOPAL

## MASTER OF LAW

### FIRST YEAR SEMESTER-I ADR

Course	Subject Title	Subject Code
LLM	Evolution And Concept of ADR	LLA 104

#### UNIT – I: Introduction to ADR-I

- a. Disputes – meaning and Kinds of Disputes
- b. Dispute Resolution in adversary system, Justiciable court structure and jurisdiction
- c. ADR- Meaning and philosophy, Need for ADR
- d. Overview of ADR processes

#### UNIT – II: Indian Perspective of ADR

- a. Types of ADR in India
- b. Current Trends
- c. Acceptability

#### UNIT –III: Dispute Resolution at grass root level

- a) Lok Adalats,
- b) Nyaya Panchayath,
- c) Legal Aid,
- d) Preventive and Strategic legal aid.

#### UNIT – IV: ADR Application

- a. Commercial and Financial Disputes
- b. Real estate and Land Disputes
- c. Consumer Disputes
- d. Accident Claims
- e. Matrimonial Disputes

#### Text Books:

1. P.C. Rao and William Sheffield, *Alternative Dispute Resolution*, Universal Law Publication, 2004
2. Sarfaraz Ahmed Khan, *Lok Adalat: An Effective Alternative Dispute Resolution*, New APCON Publication, Daryaganj, 2006.
3. Madabhushi Sridhar - *Alternative Dispute Resolution*, Butterworth Lexis Nexis, (Reprint 2010) 1st edition.

#### References:

1. Federal Judicial Centre, *Manual for Litigation Management and Cost and Delay Reduction* (1992).
2. Henry J Brown and Arthur L. Marriott, *ADR Principles and Practices* (2nd ed.) Sweet and Maxwell, 1999.
3. J. G. Merrills, *International Dispute Settlement*. U.K : Cambridge University Press, 2005(Fifth Edition)



# R.K.D.F. UNIVERSITY, BHOPAL

## MASTER OF LAW

### FIRST YEAR SEMESTER-I ADR

Course	Subject Title	Subject Code
LLM	Law of Arbitration	LLA 105

#### UNIT – I: Introduction to Arbitration

- Concept and Essential features
- Need of Arbitration in International and Indian Law
- Arbitration Law before 1996
- Arbitration Law after 1996

#### UNIT –II: Law of Arbitration in India-I

- Arbitration Agreement
- Appointment of Arbitrator
- Conduct of Arbitration Proceedings
- Power of Courts to interfere in Arbitration Proceedings
- Place of Arbitration
- Law applicable to the Arbitration

#### UNIT – III: Law of Arbitration in India-II

- Interim Measures
- Jurisdictional Issues
- Arbitral Award
- Setting Aside the Arbitral Award
- Enforcement of Arbitral Award
- Online Dispute Resolution

#### UNIT – IV: International Dispute Resolution

- Foreign Award
- New York Convention
- Geneva Convention
- Enforcement of Foreign Award: Public Order

#### Text Books:

- Avtar Singh, Law of Arbitration and Conciliation, Eastern Book Company, 2013(10th Edition)
- Bansal, A. K. *Law of international commercial arbitration*, Universal, Delhi, (2010)
- David St. John, Judith Gill, Mathew Gearing, *Russell on Arbitration*, Sweet & Maxwell, 23rd ed. 2013.

#### References:

- O. P. Malhotra & Indu Malhotra, *The Law and Practice of Arbitration and Conciliation*, 3rd ed. (2014).



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

2. Justice P.S. Narayan, *The Arbitration and Conciliation Act*, 4th ed. (2007).
3. Chawla, S.L. *Law Of Arbitration and Conciliation*, Eastern Law House (2004)
4. Markanda P.C., *Law Relating to Arbitration and Conciliation*, Wadhwa Nagpur



# R.K.D.F. UNIVERSITY, BHOPAL

## MASTER OF LAW

### FIRST YEAR

## Scheme

### Semester – II

#### ADR

No	Subject Code	Subject Title	Marks Allotted						
			Assignment Marks		Theory Marks		Practical Marks		Total Marks
			Max	Min	Max	Min	Max	Min	
1	LLA 201	International Commercial Arbitration	30	16	70	28	-	-	100
2	LLA 202	Mediation Conciliation & Negotiation	30	16	70	28	-	-	100
3	LLA 203	Lok Adalats and Consumer forum.	30	16	70	28	-	-	100
4	LLA 204	Practical training in ADR Skills	30	16	70	28	-	-	100
5	LLA 205	DISSERTATION INCLUDING VIVA-VOICE	-	-	-	-	100	40	100
Total			120	64	280	112	100	40	500



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

### **FIRST YEAR SEMESTER-II ADR**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>International Commercial Arbitration</b>	<b>LLA 201</b>

#### **UNIT-I: Introduction**

- a. Concept, Nature and Emergence of International Commercial Arbitration
- b. Dispute Resolution in International Trade
- c. Important terms used in International Commercial Arbitration
- d. International Arbitration Institutions
- e. A comparison between institutional versus ad-hoc rules of arbitration

#### **UNIT-II: Applicability of Laws**

- a. Types of laws applicable in international commercial arbitration
- b. Governing law of arbitration, Law applicable to the substantive and procedural issues
- c. Enforcing the choice of law clause
- d. Party Autonomy: Choice of law (Seat Theory), Choice of national law.
- e. Conflict Rules

#### **UNIT-III: Regulating International Commercial Arbitration**

- a. An introduction to UNCITRAL Model law on International Commercial Arbitration
- b. Judicial intervention to Arbitration
- c. Reference to arbitration
- d. Interim Measures
- e. General policy for enforcement, review and refusal of foreign award in India.

#### **UNIT-IV: Recognition or enforcement of foreign arbitral awards**

- a. Foreign Award- meaning
- b. The International Conventions for recognition and enforcement of arbitral awards
- c. Reciprocity and Commercial Reservation
- d. Indian law- Scope and Applicability
- e. Recognition and enforcement of annulled awards

#### **Text Books:**

- 1. Jay E. Grenig, International Commercial Arbitration, West Thomson Reuters, 1st



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

ed.(2014).

**2.** Kroll, Laukas A Mistelis, Viscasilas, V. Rogers, International Arbitration and International Commercial Law, Kluwer International (2011)



# R.K.D.F. UNIVERSITY, BHOPAL

## MASTER OF LAW

### FIRST YEAR SEMESTER-II ADR

Course	Subject Title	Subject Code
LLM	Mediation, Conciliation and Negotiation	LLA 202

#### UNIT – I: Mediation-I

- Mediation: Meaning, Scope and importance of Mediation
- Adjudication vs Mediation
- Techniques of Mediation
- Mediation Ethics and Obligations of Mediation

#### UNIT – II: Mediation II

- Supreme Court's Module on Mediation
- Civil and Commercial Mediation
- Family Mediation
- Victim-offender Mediation

#### UNIT – III: Conciliation and Negotiation

- Conciliation: Nature and Modes of Conciliation
- Law Relating to Conciliation
- Negotiation: Meaning and Significance
- Techniques and approach to Negotiation

#### UNIT – IV: International Practices

- Comparative study of Mediation
- Comparative Study of Conciliation
- Negotiation for International Relations and Disputes

#### Text Books:

- Sriram Panchu, *Mediation Practices & Law*, Lexis Nexis Butterworth, 1st ed. (2011).
- S. Susheela, *Mediation Readers Handbook*, Asia Law House, 1st ed. (2012).

#### References:

- Abraham P. Ordoover and Andrea Doneff, *Alternatives to Litigation : Mediation, Arbitration, and the Art of Dispute Resolution*, Notre Dame: National Institute for Trial Advocacy, 2002
- Mediation in India, A Toolkit, USEFL
- The Mediator's Handbook by Ruth Chariton and Micheline Dewdney .
- The Fundamentals of Family Mediation by John M. Haynes and Stephanie Charlesworth.



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

**FIRST YEAR  
SEMESTER-II  
ADR**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>		<b>LLA 203</b>





# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

### **FIRST YEAR SEMESTER-II ADR**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>Practical Training in ADR Skills</b>	<b>LLA 204</b>

The objectives of this paper is to develop in the students of LLM ADR practical understandings of the matter which can be preferably resolved through ADR. They will therefore be given actual training in processing cases for resolution using ADR techniques. The main focus will be on resolution of commercial disputes of both national and international dimensions, disputes between citizens and government, matrimonial disputes, arbitration and those concerning civil rights. During the semester at least four cases will have to be processed by the students. The evaluation of course work in this paper shall be exclusively internal by a Board of examiner constituted by the Academic Programme Committee of the University School of Law and Legal Studies.

#### **Subject: Dissertation Paper Code:**

The evaluation of the Dissertation and Viva Voce will be conducted by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

**FIRST YEAR**

**SEMESTER-I**

**CONSTITUTIONAL & LEGAL ORDER**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>Fundamental Rights, Fundamental Duties And Directive Principles Of State Policy</b>	<b>LCL 104</b>

1. Concept of Fundamental Rights and Relation with Natural Right
2. Enforcement of Fundamental Rights
  - I. Definition of 'State' - Rights against state
  - II. Rights against non-state actors
  - III. Is there need to enlarge the definition of State?
3. Fundamental Rights: Limitations, Suspend ability and Amenability
4. Remedies against Violation/Threat of Violation of Fundamental Rights –  
Effects of Indemnity Granted under Article 34
5. Significance and Importance of Fundamental Duties
6. Significance of Directive Principles of State Policy and their Unenforceability
7. Emerging Regime of New Rights and Remedies under the Garb of Fundamental Rights
8. Use of DPSP and International Instruments in Interpreting FRs.
9. Constitutional Torts
10. FRs and Judicial Review
  - I. Reasonableness Test and Strict Scrutiny Test
  - II. Rights Test and Essence of Rights Test



# R.K.D.F. UNIVERSITY, BHOPAL

## MASTER OF LAW

### FIRST YEAR SEMESTER-I

#### CONSTITUTIONAL & LEGAL ORDER

Course	Subject Title	Subject Code
LLM	MASS MEDIA LAW	LCL 105

#### SYLLABUS

1. Mass Media- Types of- Press Films, radio Television
  - i. Ownership patterns – press – private public
  - ii. Ownership patterns- films private
  - iii. Ownership patterns – radio & television, Public
  - iv. Differences between visual and non-visual Media-Impact on peoples minds
2. Press freedom, of speech and Expression- Article 19 (1) (a)
  - i. Includes freedom of the press
  - ii. Laws of defamation, obscenity, blasphemy and sedition
  - iii. The relating to employees' wages and services conditions
  - iv. Price and pages schedule Regulation
  - v. Newsprint control order
  - vi. Advertisement- is it included within freedom of speech and expression?
  - vii. Press and the monopolies and Restrictive trade practices Act.
  - viii. Press and the monopolies and Restrictive trade practices Act.
3. Films- for included in freedom in of speech and expressions?  
Role of Indian in Implementing International Norms and standards.

#### Selected bibliography :-

1. D.D. Basu, Human Rights in Indian constitutional Law, (1994)
2. Vijay Chitnis, (et.al) Human Rights and the Law National and Global perspectives (1997)
3. B.P. Singh Seghal, Law judiciary and justice in India (1993)
4. James Vadakkumchery, Human Rights and the Politics India, (1996)
5. D.R. axena Tribal and the Law. (1997)
6. PoornimaAdvani, Indian Judiciary A tribute, (1997)
7. Justice Venkataramiah, Human Rights in the changing world, (1998)
8. Paramjit S. Jaiswal and NeshthaJaiswal, Human Rights and the law, (1996)



# R.K.D.F. UNIVERSITY, BHOPAL

## MASTER OF LAW

### FIRST YEAR

## Scheme

### Semester – II

#### CONSTITUTIONAL & LEGAL ORDER

No	Subject Code	Subject Title	Marks Allotted						
			Assignment Marks		Theory Marks		Practical Marks		Total Marks
			Max	Min	Max	Min	Max	Min	
1	LCL 201	Judicial Review	30	16	70	28	-	-	100
2	LCL 202	General Principles of Administrative Law	30	16	70	28	-	-	100
3	LCL 203	National Security, Public Order and Rule of Law	30	16	70	28	-	-	100
4	LCL 204	Human Rights	30	16	70	28	-	-	100
5	LCL 205	Dissertation Including Viva- Voice	-	-	-	-	100	40	100
Total			120	64	280	112	100	40	500



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

### **FIRST YEAR SEMESTER-II CONSTITUTIONAL & LEGAL ORDER**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>JUDICIAL REVIEW</b>	<b>LCL 201</b>

### **SYLLABUS**

1. The Concept of Judicial Review – Origin and Its Democratic Legitimacy
2. Judicial Review of Legislatio
3. Judicial Review of Administrative Actions
  - I. Ground
  - II. Scope – Permissibility of Merits Review
4. Limits on Judicial Review
  - I. Doctrine of Political Questions
  - II. Judicially Manageable Standards
  - III. Policy Matters
5. Constitutional Framework for Judicial Review of Administrative Actions in India
  - I. Power and Jurisdiction of the Supreme Court
  - II. Power and Jurisdiction of High Courts
  - III. Subordinate Courts and Judicial Review of Administrative Actions – Is there a need to invoke Article 32 (3)
6. Writs
  - I. Mandamus
  - II. Certiorari
  - III. Quo warranto
  - IV. ProhibitioN
  - V. Habeas Corpus
7. Judicial Activism as an Extension of Power of Judicial Review
8. Exclusion of Judicial Review



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

### **FIRST YEAR SEMESTER-II CONSTITUTIONAL & LEGAL ORDER**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>General Principles of Administrative Law</b>	<b>LCL 202</b>

- 1. Administrative Law**
  - i. Definition, Nature, Scope and Functions
  - ii. Growth of Administrative Law in India
- 2. Basic Constitutional Principles: Indian Perspectives**
  - i. Rule of Law
  - ii. Separation of Powers
  - iii. Natural Justice
- 3. Classification of Administrative Functions**
- 4. Administrative Discretion and Rules of Fairness**
- 5. Transparency and Accountability**
  - i. Lokpal and Lokayukt
  - ii. Right to Information
  - iii. Vigilance Commission
  - iv. Comptroller and Auditor - General of India
  - v. Commissions of Inquiry
- 6. Delegated Legislation**
  - i. Importance, Need and Constitutionality of Delegated Legislation
  - ii. Conditional Legislation
- 7. Controls on Delegated Legislation**
  - i. Parliamentary Control
  - ii. Procedural Control
  - iii. Judicial Control
- 8. Administrative Tribunals**



# R.K.D.F. UNIVERSITY, BHOPAL

## MASTER OF LAW

### FIRST YEAR SEMESTER-II CONSTITUTIONAL & LEGAL ORDER

Course	Subject Title	Subject Code
LLM	Constitution And Legal Order (National Security, Public Order, And Rule of Law)	LCL 203

#### Syllabus

#### **1. National Security, Public Order and Rule of Law**

1. Emergency Detention in England- Civil Liberties
2. Subjective satisfaction or objective assessment?
3. Pre-Independence Law

#### **2. Preventive Detention and Indian Constitution**

1. Article 22 of the constitution
2. Preventive detention and safeguards
3. Declaration of emergencies
4. 1975 emergency

#### **3. Exceptional legislation**

1. COFEPOSA and other legislation to curb economic offenders
2. TADA “the draconian law” comments on NHRC
3. Special courts and tribunal
4. Due process and special legislation

#### **4. Civil Liberties and Emergency**

1. Article 19
2. meaning of “Security of State”
3. meaning of “public order”
4. suspension of Article 19, rights on declaration of emergency
5. president’s right to suspend right to move any court
6. article 21, special importance- its non suspend ability
7. suspend ability – 44<sup>th</sup> amendment

#### **5. Access to court and emergency**

1. Article 32 : ups and downs of judicial review
2. constitution 44<sup>th</sup> amendment Act 1978
3. constitution 59<sup>th</sup> Amendment Act 1988

#### **6. Martial Law**

1. provisions in English Law
2. provisions in the constitution

#### **Selected bibliography**

1. G.O Koppel “the emergency, the courts and indian democracy
2. HM Seervai , the emergency . future safeguards and the habeas corpus : a criticism



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## **MASTER OF LAW**

3. International commission of jurists , status of emergency and HR
4. NC Chattrji and prameshwarr rao , emergency and the law





# R.K.D.F. UNIVERSITY, BHOPAL

## MASTER OF LAW

### FIRST YEAR SEMESTER-II CONSTITUTIONAL & LEGAL ORDER

Course	Subject Title	Subject Code
LLM	HUMAN RIGHTS	LCL 204

#### 1. Panoramic view of Human Right

1. Human Rights in Non-Western Thought
2. Awareness of Human Rights during the nationalist movement
3. Universal Declaration of Human Rights Constituent Assembly and part III drafting process
4. Subsequent developments in International Law and the position in India (e.g.) convention of social discrimination, torture, gender discrimination, environment and the two human rights covenants

#### 2. Fundamentals Rights Jurisprudence as Incorporating Directive Principles

1. The dichotomy of fundamental rights (F.R.) and directives principles (D.P.)
2. The interaction between F.R. and D.P.
3. Resultant expansion of basic needs oriented human rights in India

#### 3. Right not be subject to Torture, in Human or Cruel Treatment

1. Conceptions of torture, third degree methods
2. “Justification” for it
3. Outlawry of torture at international and constitutional law level
4. Incidence of torture in india
5. Judicial attitudes
6. Law Reform- proposed and pending

#### 4. Minority Rights

1. Conception of minorities
2. Scope of protection
3. The position of minority “Women” and their basic rights
4. Communal Riots as involving violation of Rights

#### 5. Rights to Development of Individual and Nations

1. The UN declaration on right to development 1987
2. The need for constitutional and legal changes in India from Human Rights standpoint



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

### **6. People;s Participation in Protection and Promotion of Human Rights**

1. Role of International NGOS
2. Amensty International
3. Minority Rights Groups
4. International Bars association Law Asia
5. Contribution of these groups to protection and promotion of human rights in India

### **7. Development Agencies and Human Rights**

1. Major international funding agencies and their operations in India
2. World Bank lending and resultant violation/promotion of human rights
3. Should development assistance be tied to observance of human rights (as embodied in various UN declaration)

### **8. Comparative sources of Learning**

1. EEC jurisprudence
2. The Green Movement in Germany
3. The International peace Movement
4. Models of protection of the rights of indigenous peoples New Zealand (Maoris)
5. Australia, Aborigines and Canada (Indians)

### **9. Freedoms**

1. Free Press- its role in protecting human rights
2. Right of association
3. Right to due process of law
4. Access and Distributive justice

### **10. Independence of the judiciary**

1. Role of the legal profession
2. Judicial appointments- tenure of judges
3. Qualifications of judges
4. Separation of judiciary from executive

### **11. European Convention of Human Rights**

1. European Commission/Court of Human Rights
2. Amnesty International
3. PUCL, PUDR, citizens for democracy
4. Minorities Commission
5. Human Rights Commission
6. Remedies Against Violation of Human Rights



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

### **Select bibliography**

1. M.J. Akbar, Riots After Riots (1988)
2. U. Baxi (ed) The Right to be Human (1986)
3. U. Baxi The Crisis of the Indian legal system (1982) Vikas Pub House New Delhi
4. F. Kazsmi, Human Rights (1982)
5. L. Levin Human Rights (1982)
6. W.P. Gromely, Human Rights and Environment (1976)
7. H. Beddard Human Rights and Europe (1980)
8. Nagendra Singh, Human Rights and International Co-operation (1969)
9. S.C. Kashyap, Human Rights and parliament (1978)
10. S.C. Khare, Human Rights and United Nations (1977)
11. Moskowitz, Human Rights and World Order (1958)
12. J.A. Andrews, Human Rights in International Law (1986)
13. Menon (ed), Human Rights and International Law (1985)
14. UpendraBaxi, "Human Rights, Accountability and Development" India of International law 279 (1978)



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

### **FIRST YEAR SEMESTER-I ENVIRONMENT LAW**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>ENVIRONMENT AND DEVELOPMENT: LAW AND POLICY</b>	<b>LLE 104</b>

#### **Syllabus**

#### **1. The ideal of Environment**

- i. Ancient and Medieval writings
- ii. Traditions
- iii. Natural and biological sciences: perspectives
- iv. Modern concepts: Conflicting dimension

#### **2. Development**

- i. Theories of development
- ii. Right to development
- iii. Sustainable development - national and international perspectives
- iv. Developing economics

#### **3. Policy and Law**

- i. From Stockholm to Rio and after
- ii. Post independent India
- iii. Role of government
- iv. Five-Year Plans
- v. Forest Policy
- vi. Conservation strategy
- vii. Water policy

#### **4. Population, environment and Development**

- i. Population explosion and environmental impact
- ii. Population and development
- iii. Population and sustainable development

#### **5. Constitutional Perspectives**

- i. Fundamental rights
- ii. Right of environment
- iii. Enforcement of the right
- iv. Directive principles and fundamental duties
- v. Legislative power
- vi. Environment: Emerging concepts and challenges
- vii. Polluter pay principle absolute liability of hazardous industry
- viii. Precautionary principle
- ix. Public trust doctrine



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

### **Selected bibliography**

1. C.M. Abraham, environment Jurisprudence in India (1999), Kluwer
2. MadavGadgil and Ramchandraguha, This fissured Island: An Ecological History of India (1996), Oxford
3. R.B. Singh 7 Suresh Mishra, Environment Law in India (1996), concepts publishing co. New Dehli
4. Enid, M. Barson and Ilga Nielson (eds) Agriculture and sustainable use in Europe (1998), Kulwer
5. Trever Halla Well, Blackston's Guide to contaminated Land (2000) Blackstone press
6. Leelakrishan, p et.al.(eds, Law and Environment (1990)
7. Leelakrishan, p et. Al.(eds, Law and Environment (1990) Butterworths India
8. Frodorick R. Anderson et.al Environment improvement through Economic Incentives(1977)
9. Indian Journals of Public Administration, Special number on Environment and Administration, July September 1988, Vol. xxxv, No.3
10. David Hughes, environmental Law, (1999) Butterworths, London
11. A.R. Bam and P.N. Gantam, Natural Heritage of India (1989), R.K. Publishers, Delhi
12. Standing Committee on environmental Law American Bar Association. Common Boundary/
13. Common problems: The Environmental consequences of Energy Production (1982)
14. S.K. Jain and A.R. Sastry, Threatened plans of India: A State of the Art Report (1980)
15. Armin Rozencranz, et.al. (eds.), Environmental policy and Law in India (1988) Butterworths India



# R.K.D.F. UNIVERSITY, BHOPAL

## MASTER OF LAW

### FIRST YEAR SEMESTER-I ENVIORNMENT LAW

Course	Subject Title	Subject Code
LLM	RESOURCE MANAGEMENT AND THE LAW	LLE 105

#### Syllabus

#### 1. Water

- i. Salinity
- ii. Bund and spillways
- iii. Aquaculture and Fishing: Regulation
- iv. Irrigation
- v. Ground water management
- vi. Interstate water management and disputes

#### 2. Land

- i. Controls on land development
- ii. Eco-friendly land planning: conservation, utilization and conservation
- iii. Mining and quarrying

#### 3. Concepts of Common Property and State Property

- i. Forest
- ii. Wildlife
- iii. Common facilities and the right to use: roads, pathways, parks, lakes, rivers
- iv. Natural heritages-Tribal habitat
- v. Historical monuments
- vi. Wet lands: wise use concept

#### 4. Energy

- i. Sources
- ii. Energy related environment problems: tapping transmission and utilization, indiscriminate use
- iii. Utilization of conventional energy: hydro-electric, thermal and nuclear
- iv. Non-conventional energy: Solar, wind tidal and biogas

#### Select Bibliography

1. KaliashThakur, Environmental Protection: Law and Policy in India (1997), Deep & Deep publications. New Delhi
2. WCED, Our forest, Future (1999), Cabbridge
3. Abraham C.M. Environmental Jurisprudence in India (1999), Cluwer
4. Diwedi, India's Environmental policies, programmes and Stewardship(1999) Mc, Millan



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

5. Enid M. Barron, et.al. (eds), Royal Commission on environmental pollution, London, U.K.(1998)Kulwar
6. David B Wilkins, Animal Welfare in Europe(1997), Kluwer
7. Mark Austen and Tamara Richerds, Basic Legal Documents on International Animal Welfare and Wild Life Conversation (2000), Kluwer
8. Jack Grosse, protection and Management of Our Natural Resources, Wild Life and habitat (1997) Oceana
9. Kailash Thakur, environmental Protection: Law and Policy in India (1997), Deep and Deep Publications New Delhi
10. Richard L. Riversz, et. Al(eds), environmental Law, the Economy and sustainable development (2000), Cabbridge
11. Christopher D. Stone, should Trees Have Standing and other essays on Law, Morals and the environment (1996), Oceana



# R.K.D.F. UNIVERSITY, BHOPAL

## MASTER OF LAW

### FIRST YEAR

## Scheme

### Semester – II

#### ENVIRONMENT LAW

No	Subject Code	Subject Title	Marks Allotted						
			Assignment Marks		Theory Marks		Practical Marks		Total Marks
			Max	Min	Max	Min	Max	Min	
1	LLE 201	Prevention & Control of Pollution	30	16	70	28	-	-	100
2	LLE 202	Environment & International Legal order	30	16	70	28	-	-	100
3	LLE 203	Biological Diversity & Legal Order	30	16	70	28	-	-	100
4	LLE 204	Environmental Legislation	30	16	70	28	-	-	100
5	LLE 205	Dissertation Including Viva- Voice	-	-	-	-	100	40	100
Total			120	64	280	112	100	40	500





# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

### **FIRST YEAR SEMESTER-II ENVIORNMENT LAW**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>PREVENTATION AND CONTROL OF POLLUTION</b>	<b>LLE 201</b>

#### **1. Pollution**

- i. Meaning
- ii. Kinds of pollution and their impact

#### **2. Pollution of water**

- i. Definition
- ii. Ground water pollution
- iii. Sources
- iv. Critique of existing
- v.. Machinery
- vi. Powers
- vii. Function
- viii. Offences and penalties

#### **3. Pollution of Air**

- i. Pollutants and effects
- ii. Modalities of control
- iii. Conflicts of jurisdiction of different control
- iv. Agencies
- v. Critique of the existing legal framework

#### **4. Noise pollution**

- i. Sources and effects
- ii. Different legal controls
- iii. Ned for specific law

#### **5. Disposal of Waste**

- i. Kinds of wastes
- ii. Disposal agencies: local bodies and other agencies
- iii. Disposal and recycling of wastes

#### **6. Sanctions against pollution**

- i. Efficacy of criminal and civil sanctions
- ii. Corporate liability, civil and criminal
- iii. Should penalties be prohibitive?
- iv. Civil liability, compensatory and penal
- v. Administrative compensation system
- vi. Incentives to pollution control



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

### **Select bibliography**

1. Kailash Thakur, Environmental Protection Law and Policy in Indian (1997), Deep & Deep Pub. New Delhi
2. Enid, M. Barson and Ilga Neilson (eds.), Agriculture and Sustainable Use in Europe (1998), Kluwer
3. John F. M. c. Eldownery and Sharron Mc. Eldownery, Environmental Law and Regulation (2000), Blackstone Press
4. Leelakrishan, P. et al. (eds.), Law and Environment (1990)
5. Fredrick R. Anderson, et al. Environmental Improvement through Economic Incentives (1977)
6. David Huges, Environmental Law (1999), Butterworths, London
7. Daniel R. Mandekar, Environmental and Land Controls Registration (1976), Bobbs -Merri, New York
8. Indian Law Institute, Mass Disasters and Multinational Liability: The Bhopal Case (1986)



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

### **FIRST YEAR SEMESTER-II ENVIRONMENT LAW**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>Environment And International Legal Order</b>	<b>LLE 202</b>

#### **Syllabus**

- 1. International concern for Environment Protection**
  1. World environment movement
  2. Natural and cultural heritage
  3. Role of international and regional organizations
- 2. International Obligation towards Sustainable Development**
  1. International financing policy
  2. World environment fund
  3. Global environmental Facility (GEF)
  4. International co-operation
  5. Poverty alleviation
- 3. Marine Environment**
  1. Marine resources: conservation and exploitation
  2. Scientific research and exploration
  3. Antarctic environment
  4. International Seated Authority
  5. Pollution from ships
  6. Dumping of oil and other wastes into the sea
- 4. Trans-boundary Pollution Hazards**
  1. Oil pollution
  2. Nuclear fallouts and accidents
  3. Acid rain
  4. Chemical pollution
  5. Green house effect
  6. Depletion of ozone layer
  7. Space pollution
- 5. Control of Multinational Corporations and Containment of environmental Hazards**
  1. Problems of liability and control mechanisms
  2. Disasters management at international level
  3. Monopoly of biotechnology by MNCs
- 6. Disposal and Dumping of Hazardous Wasres: Transnational Problem and Control**



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

### **Select Bibliography**

- i. PriyaKanjani Trivedi, International Environmental Laws (1996), A.P.H. Pub. Corporation, New Delhi
2. Sir Elworthy and Jane Holder, Environmental Protection: Text and Materials (1997), Butterworths
3. Nathali L.T.J. Horbach, Contemporary Development in Nuclear Energy Law (1999), Kluwer
4. Henrick Ringbom (ed.), Competing Norms in the Law of Marine Environmental Protection (1997), Kluwer
5. Claus Bosseimann and Benjamin J. Richardson, Environmental Justice and Market Mechanism (1999), Kluwer
6. Jean-Pierre Beuirer, New Technology and Law of Marine Environment (2000), Kluwer
7. Richard L. Reversz et.al.(eds.), Environmental Law, the Economy and Sustainable Development (2000), Cambridge
8. Aynsely Kellor, International Toxic Risk Management (1999), Cambridge
9. British Institute of International and Comparative Law, Selected Documents on International Environmental Law (1975), London
10. Standing Committee on Environmental Law American Bar Association, Common Boundary Common Problems: The Environmental Consequences of Energy Production (1982)
11. J.M. Spector, "Elephants, Donkeys and other Creatures? Presidential Election Cycles and International Law of the Global Commons" 15 AM. U. INT'L. Rev. 5. PP976-1038 (1999)



# R.K.D.F. UNIVERSITY, BHOPAL

## MASTER OF LAW

### FIRST YEAR SEMESTER-II ENVIRONMENT LAW

Course	Subject Title	Subject Code
LLM	BIOLOGICAL DIVERSITY AND LEGAL ORDER	LLE 203

#### Bio-diversity

1. Meaning
2. Need for protection of bio-diversity
3. Dependence of human life on the existence in flora and fauna
4. Significance of wild life
5. Medicinal plants
6. Plant and microorganism

#### Bio-diversity and Legal Regulation

1. Utilization of flora and fauna for bio-medical purposes
2. Experimentation on animals: Legal and ethical issues
3. Genetic mutation of seeds and microorganisms
4. Genetic engineering
5. Legal mechanisms of control
6. Recognition of regional and local agencies

#### Development projects and destruction of bio- diversity , sustainable development

#### Problem in Legal Regulation of Medicinal Plants

1. Cosmetic plants
2. Animal products
3. Utilization of flora and fauna for bio medicinal purpose by multi –national corporation : problems of control
4. Regulation of trade in wildlife products

#### Legal framework for development and protection of sanctuaries

1. parks zoos biosphere resources
2. Protection of genetic resources for agriculture

#### Select bibliography

1. Arjun Prasad nagore , biological diversity and international environmental law (1996), A.P.H publishing corporation , New Delhi
2. Project large, plant variety protection and plant biotechnology – options for India (1999)
3. M.S. Swaminatham, genetic conservation, Microbes to man, presidential address at XV International Congress of genetics , New Delhi India December 12-21, 1983
4. Wild genetic resources, earth scan press briefing document no 33, earth scan, London
5. K.L Mehta, R.L Arora, Plant genetic resources , New Delhi
6. P.N. Bhat, Animal Genetic Resources in India (1981)
7. P.N Bhat, "Conservation of Animal Genetic Resources in India, "Animal Genetic Resources, Conservation and Management FAO, Rome (1981)



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

### **FIRST YEAR SEMESTER-II ENVIRONMENT LAW**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>ENVIRONMENTAL LEGISLATION</b>	<b>LLE 204</b>

#### **SYLLABUS**

1. General laws on environmental concern
  - i. Code of Criminal Procedure : public Nuisance
  - ii. Provisions in the Indian Penal Code
  - iii. Local Bodies law : an overview
2. Enrolment (Protection) Act , 1996
  - i. Necessary and proper clause , concentration of power on the control government
  - ii. Delegated legislation: power to make rules , regulations and to issue directions
  - iii. Delegations of powers
3. Coastal zone management
  - i. sea erosion
  - ii. SRZ notification
  - iii. prohibitions and exemptions
  - iv. permissible activities
  - v. classifications of zones
  - vi. regulations of sea resorts
  - vii. eco tourism
  - viii. coastal zone management
  - ix. aquacultures
4. Laws on hazardous substance
5. Preparedness of environmental disasters
6. Emerging legal controls
  - i. eco mark
  - ii. Environmental impact assessment
  - iii. Public participation in environmental decision making
  - iv. Environmental information



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

### **FIRST YEAR SEMESTER-I Family Law**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>Uniform Civil Code</b>	<b>LLF 104</b>

#### **Unit 1**

1. Uniform civil code - Meaning, need, feasibility, impediments to the formulation of uniform civil code and role of state, comparative analysis with U.S.A, connotations of directive principles u/a -44 of constitution of India with special reference to personal law and role of judiciary.

2. Religious pluralism and its implications in the matters of marriage, divorce and maintenance – concept of marriage and theories of divorce with special reference to Hindu law, Muslim law, Parsi law, Christian law, Special marriages law, Foreign marriages law and Indian divorces law. Kinds of maintenance and right to get maintenance under personal and Uniform law.

#### **Unit 11**

1. Optional uniform civil code – meaning, need and scope of optional uniform civil code specifically in the law on succession and inheritance applicable to Hindu, Muslim, Christian and Parsi, and its comparative analysis with uniform law.
2. Secular laws and its implications in the matters of adoption including inter country adoptions and guardianship – concept, nature and relevance of adoption and guardianship with special reference to Hindu law , Muslim law, Parsi law, Christian law and Uniform law.

#### **SUGGESTED READINGS**

1. M.P Raju - Uniform civil code – A Mirage, Anamika Pub & Distributors, 2003.
2. Dina Nath Raina – Uniform civil Code and Gender Justice, Reliance Publishing House, 01.
3. M.S Ratnaparkhi – Uniform Civil Code – An Ignored Constitutional Imperative, Atlantic Publishers & Dist, 01-Jan-1997 - Civil law -
4. Vasudha daghmvar – Towards uniform civil code , ILI publication 1989.
5. Naseem Akhtar – Family Law on divorce and judicial separation, deep and deep publication, 2003.
6. A.M Bhattacharjee – Muslim law and constitution, Eastern law house, 1985.
7. Sayed Khalid Rashid revised by V.P Bharatiya – Muslim law, eastern book company,
8. Tahir Mahmood and Dr. Saif Mahmood – Introduction to Muslim law, universal law publishing company pvt. Ltd., 2013.
9. Justice S.A Kader – Muslim Law of marriage and succession in India (a critique with a plea for optional civil code).
10. Family Law lectures – Family law -1 and II – Lexis Nexis publication latest edition.
11. Mulla – Principles of Hindu Law, butterworths publication 1998.
12. Mayne's – Hindu law, bharat law house, 1987.



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

13. Justice S. Krishnamurthy Aiyar – law of marriage, maintenance, separation and divorce, universal law publication 2009.
14. Cowas Noshirwan Wadia – Parsi law relating to marriage and divorce and inheritance and succession.





# R.K.D.F. UNIVERSITY, BHOPAL

## MASTER OF LAW

### FIRST YEAR SEMESTER-I Family Law

Course	Subject Title	Subject Code
LLM	Law Relating To Marriage And Separation	LLF 105

Objective: To acquaint the students with the concepts and law relating to marriage and separation in India and to create understanding about contemporary developments in the arena of emerging marriage and separation issues.

#### SYLLABUS

##### Hindu Law

Hindu marriage: concept, evolution, kinds, conditions and solemnization, Matrimonial remedies: nullity of marriage, restitution of conjugal rights, judicial separation, Difference between judicial separation and divorce and theories of divorce.

##### Muslim Law

Muslim marriage: concept, evolution, nature, essentials and option of puberty (Khyar-ul-bulug), iddat, Legal effect of a valid marriage, Muta or temporary Marriage, Mahr, Dissolution of marriage (Talaq), Legal effects of change of religion.

##### Laws Relating to Christian and Parsi and Jews

Concept of parsi and jews marriage: nature, kinds, essentials, Nullity of marriage, Judicial separation, Concept of divorce.

##### Contemporary Issues

Uniform Civil Code, Legitimacy of live-in relationships, Marriages under Special Marriages Act, 1954, NRI Marriages, Concept of same gender marriage and its legality, Family Courts: Constitution, power and functions, Administration of gender justice.

##### Acts and Statutes (As Amended)

1. The Hindu Marriage Act, 1955
2. The Dissolution of Muslim Marriage Act, 1939
3. The Family Courts Act, 1984
4. The Muslim (Women of Rights on Divorce) Act, 1986
5. The Special Marriages Act, 1954
6. The Prohibition of Child Marriages Act, 2006

##### Text Books

1. Ahmad, Aqil; Mohammedan Law; Central Law Agency
2. Diwan, Paras; Hindu Law; Allahabad Law Agency

##### Reference Books

1. Fyzee, Asaf A. A.; Outlines of Muhammadan Law; Oxford University Press



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

2. Desai, Satayjit A; Mulla's Principles of Hindu Law, Volume-I and II; LexisNexis
3. Machanda, S.C.; Law and Practice of Divorce in India; Universal Publication
4. Kusem; Marriage and Divorce Law Manual; Universal Publication



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

**FIRST YEAR**

### **Scheme**

**Semester – II**

**Family Law**

<b>No</b>	<b>Subject Code</b>	<b>Subject Title</b>	<b>Marks Allotted</b>						
			<b>Assignment Marks</b>		<b>Theory Marks</b>		<b>Practical Marks</b>		<b>Total Marks</b>
			<b>Max</b>	<b>Min</b>	<b>Max</b>	<b>Min</b>	<b>Max</b>	<b>Min</b>	
<b>1</b>	LLF 201	Inheritance & Succession	<b>30</b>	<b>16</b>	<b>70</b>	<b>28</b>	-	-	<b>100</b>
<b>2</b>	LLF 202	Women's Rights And Their Protection	<b>30</b>	<b>16</b>	<b>70</b>	<b>28</b>	-	-	<b>100</b>
<b>3</b>	LLF 203	Child Rights And Protection	<b>30</b>	<b>16</b>	<b>70</b>	<b>28</b>	-	-	<b>100</b>
<b>4</b>	LLF 204	Religion And Family Law	<b>30</b>	<b>16</b>	<b>70</b>	<b>28</b>	-	-	<b>100</b>
<b>5</b>	LLF 205	Dissertation Including Viva- Voice	-	-	-	-	<b>100</b>	<b>40</b>	<b>100</b>
<b>Total</b>			<b>120</b>	<b>64</b>	<b>280</b>	<b>112</b>	<b>100</b>	<b>40</b>	<b>500</b>



# R.K.D.F. UNIVERSITY, BHOPAL

## MASTER OF LAW

### FIRST YEAR SEMESTER-II

#### Family Law

Course	Subject Title	Subject Code
LLM	LAW RELATING TO INHERITANCE AND SUCCESSION	LLF 201

Objective: To impart knowledge to students about general principles of law of Inheritance or Succession and their contemporary significance.

#### SYLLABUS

##### Introduction

Inheritance in Hindu, Muslim and other religion: object, scope and nature of inheritance in Hindus, Muslims, and other Religious communities such as Parsis and Christians.

##### Inheritance under Hindu law

Succession under Mitakshara and Dayabhaga, Joint family property, Coparcenary Property, Order of inheritance of male and female, Classes of heirs and rules of exclusion.

##### Inheritance under Muslim Law

Pre Islamic customs and Islamic reforms, Sunni law of inheritance, Shia law of inheritance, Doctrine of increase and return under Sunni and Shia law and Rules of exclusion, Testamentary succession.

##### Recent development and contemporary issues

The Constitution of India, Judicial Trends and the Family Courts Act, 1984.

##### Acts and Statutes (As Amended)

1. The Constitution of India
2. The Hindu Succession Act, 1956
3. The Married Women Property Act
4. The Muslim Personal Law (Shariat) Application Act, 1937
5. The Indian Succession Act, 1925
6. The Family Court Act, 1984

##### Text Books

1. Desai, Satayjit A; Mulla's Principles of Hindu Law, Volume-I and II; LexisNexis
2. Sinha, R.K; Muslim Law; Central Law Agency

##### Reference Books

1. Mishra, Rangnath; Hindu Law and Usages; Bharat Publication
2. Ahmad, Aqil; Mohammedan Law; Central Law



# R.K.D.F. UNIVERSITY, BHOPAL

## MASTER OF LAW

### FIRST YEAR SEMESTER-II Family Law

Course	Subject Title	Subject Code
LLM	Women's Rights And Their Protection	LLF 202

### SYLLABUS

#### 1. Introduction

- I. Status and Position of women: Vedic Post Vedic, Medieval period and Contemporary India.

#### 2. Rights and Protection of Women: International Perspective

Relevant provisions of:

- i. Universal Declaration on Human Rights (UDHR),
- ii. Convention on Elimination of Discrimination Against Women (CEDAW),
- iii. Convention Political Rights of Women,
- iv. Convention on Nationality of Married Women,
- v. Convention on Elimination of Violence Against Women.

#### 3. Rights and protection of women: National scenario

Position under general laws:

- i. Constitution of India,
- ii. Criminal laws,
- iii. Personal laws,
- iv. Property laws,
- v. Industrial and Labour laws.

Position under special laws:

- i. Dowry prohibition act,
- ii. Domestic violence act,
- iii. Pre-conception and prenatal diagnostic techniques (prohibition of sex selection) act,
- iv. National Women Commission.

#### 4. Contemporary issues and Special initiatives for women

- i. Law against Sexual harassment at workplace,
- ii. National policies for girl child,
- iii. National policies for the empowerment of women,
- iv. Participation of women in politics,
- v. armed forces etc.

#### Acts and Statutes (As Amended)

1. The Constitution of India
2. The Indian Penal Code, 1860
3. The Indian Evidence Act, 1872



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

4. The Special Marriage Act, 1955
5. The Hindu Marriage Act, 1955
6. The Dowry Prohibition Act, 1961
7. The Medical Termination of Pregnancy Act, 1971
8. The Protection of Women from Domestic Violence Act, 2005
9. The Equal Remuneration Act, 1976
10. The National Commission for Women Act, 1990
11. The Prevention of Sexual Harassment Act, 2013
12. The Report of Justice Verma Committee



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

### **FIRST YEAR SEMESTER-II Family Law**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>Child Rights And Protection</b>	<b>LLF 203</b>

Objective: To impart knowledge regarding the child rights and their protection at national and international level, and also to sensitize the students about various issues and legal policies related to child rights.

### **SYLLABUS**

#### **Legislative approach**

Place of child in Indian Constitution with special reference to Article 15(3), Article 24, Article 39 (e) and (f), Article 45, Protection of child through different legislations, National Commission for Protection of Child Rights: mandate, constitution and powers.

#### **International Regime**

ILO Convention on Child Labour 1999, United Nation Conventions on the Right of Child 1989, UN Convention on Child Prostitution and Child Pornography 2000, Role of UNICEF for the protection of child rights.

#### **Judicial Contribution and Preventive Strategies**

Juvenile in conflict with law, Social Action Litigation concerning Juvenile Justice, Sexual Exploitation of Children, Role of NGOs protecting child rights, trafficking in children.

#### **Educational Rights**

Article 21-A of Indian Constitution, Right of children to free and compulsory education, Corporal punishment at school, Critical analysis of Mid-day meal scheme.

#### **Acts and Statutes (As Amended)**

1. The Commissions for the Protection of Child Rights Act, 2005
2. The Prohibition of Child Marriage Act, 2006
3. The Juvenile Justice (Care and Protection of Children) Act, 2000
4. The Protection of child from sexual offences Act 2012
5. The Information Technology Act, 2000

#### **Text Books**

1. Bajpai, Asha; Child Rights in India: Law, policy and practice; Oxford University Press
2. Tripathi, S.C; Law Relating to Women and Child; Central Law Publication



# R.K.D.F. UNIVERSITY, BHOPAL

## MASTER OF LAW

### FIRST YEAR SEMESTER-II

#### Family Law

Course	Subject Title	Subject Code
LLM	RELIGION AND FAMILY LAW	LLF 204

Objectives: To acquaint the students with concepts of religion with special reference to family laws and its effect under constitutional mandate as well as in personal laws and to develop critical and analytical understanding of contemporary issues related to religion and family law.

### SYLLABUS

#### Introduction

Religion: concept and evolution, Religion and multiculturalism, Freedom of propagation of religion, Critical evaluation of fatwa and khap, Uniform Civil Code.

#### Marriage

Marriage: personal laws and under Special Marriage Act, 1954, conditions for valid marriage, consequences and effects.

#### Divorce

Divorce: concept, origin, status of children, Rights and obligations after divorce under personal laws and Code of Criminal Procedure, 1973.

#### Adoption and Maintenance

Adoption by Hindus and by other faith: statutory provisions, scope, effect and consequences, Maintenance under Cr. P.C. and in different personal laws.

#### Acts and Statutes (As Amended)

1. The Constitution of India
2. The Muslim Shariyat Act, 1937
3. The Dissolution of Muslim Marriage Act, 1939
4. The Family Courts Act, 1984
5. The Muslim Women (Protection of rights on Divorce) Act 1986
6. The Special Marriage Act, 1954
7. The Hindu Marriage Act, 1955
8. The Hindu Succession Act, 1956.
9. The Hindu Adoption and Maintenance Act, 1956

#### Text Books

1. Bhattacharjee, A.M.; Muslim Law and the Constitution; Eastern Law House
2. Kapadia, K.M; The Marriage and Family Law in India, Oxford University Press
3. Jain, M.P; Indian Constitutional Law; LexisNexis





# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

### **FIRST YEAR SEMESTER-I INTELLECTUAL PROPERTY RIGHTS**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>Introduction to Intellectual Property Rights</b>	<b>LIP 104</b>

1. History and International Regime: Pre- TRIPs and post TRIPs
- 2 Justification and Rationale
3. Balancing Rights of the IPR Holder and the Society
4. Enforcement of IPRs
5. Exhaustion of IPRs
6. IPR and Human Rights
7. Interface between IPR and Competition Law



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

### **FIRST YEAR SEMESTER-I INTELLECTUAL PROPERTY RIGHTS**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>Law of Copyright</b>	<b>LIP105</b>

#### **Copyright**

1. Meaning, Nature, Justification, Registration
2. History and International Treaties
3. Idea/expression Dichotomy; Copyright in Concept Notes
4. Moral Rights
5. Rights of Performers, Rights of Broadcasting Organizations etc.,
6. Modes of Transfer
7. Infringement: Civil and Criminal Remedies
8. Border Protection Measures
9. Fair Dealing
10. Copyright in Database, Software and Digital Works
11. Folklore and Cultural Expressions



# R.K.D.F. UNIVERSITY, BHOPAL

## MASTER OF LAW

### FIRST YEAR

## Scheme

### Semester – II

#### INTELLECTUAL PROPERTY RIGHTS

No	Subject Code	Subject Title	Marks Allotted						
			Assignment Marks		Theory Marks		Practical Marks		Total Marks
			Max	Min	Max	Min	Max	Min	
1	LIP 201	Laws of Patent & Undisclosed Information	30	16	70	28	-	-	100
2	LIP 202	Law of Trademark	30	16	70	28	-	-	100
3	LIP 203	Protection of Plant Varieties & Traditional Knowledge	30	16	70	28	-	-	100
4	LIP 204	Laws of Layout Design & Geographical Indication	30	16	70	28	-	-	100
5	LIP 205	Dissertation Including Viva- Voice	-	-	-	-	100	40	100
Total			120	64	280	112	100	40	500



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

### **FIRST YEAR SEMESTER-II INTELLECTUAL PROPERTY RIGHTS**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>Law of Patent and Undisclosed Information</b>	<b>LIP 201</b>

#### **Patent**

1. Scope, Objectives and Justification
2. History and International Treaties
3. Patentability Criteria
4. Patentable and Non- patentable inventions
5. Registration, Ownership, Rights of Patentee, Transfer of technology
6. Working of Patents and Compulsory licensing
7. Infringement
8. Impact of TRIPs and TRIPs Flexibilities
9. Pharma patents *vis a vis* Public Health Issues
10. Patent vis-à-vis Copyright: Software and Computer Programmes
11. Utility Patent

#### **Undisclosed Information**

1. Rationale and Subject matter of Confidential Information
2. TRIPS Regime
3. Trade Secrets v. other forms of protection
4. Techniques of Secrecy Protection ( India and International level)



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

### **FIRST YEAR SEMESTER-II INTELLECTUAL PROPERTY RIGHTS**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>Law of Trademark</b>	<b>LIP 202</b>

#### **Trademark**

1. Justification, History, and International Treaties
2. Registration (India and International level) and Scope of Protection
3. Kinds : Conventional and Non-conventional
4. Licensing and Assignments
5. Passing off, Infringement and Remedies
6. Character Merchandising
7. Comparative Advertisement and Disparagement
8. Interplay of Unfair Competition and Trademark Law



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

### **FIRST YEAR SEMESTER-II INTELLECTUAL PROPERTY RIGHTS**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>New Plant Varieties Protection</b>	<b>LIP 203</b>

1) Variety of plants:

- Kinds of plants.
- Relation with Intellectual Property.

2) Breeder and its Rights:

- Who is the breeder?
- Licensing.
- Rights of breeder.
- Remedies in case of infringement.
- Authorities involved.

3) Protection of plants:

- Need of protection.
- Protection of breeder of the variety under Indian Constitution.
- Role of DPSP regarding the protection of new varieties of plants.

4) The Protection of Plant Varieties and Farmers' Rights Act, 2001:

- Introduction and Authorities.
- Plant Varieties and Essentially Derived Variety-Application for Registration (ChapterIII).
- Duration and Effect of Registration
- Benefit Sharing and Duration of Registration.
- Compulsory License
- Appellate Tribunal

5) Farmers Rights, Revocation and Penalties:

- Surrender and revocation of certificate.
- Rights of farmers and of communities.
- Protection from infringement.
- Authorization of plant variety.
- Governmental schemes.
- Penalties (ChapterX)



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

### **FIRST YEAR**

### **SEMESTER-II**

### **INTELLECTUAL PROPERTY RIGHTS**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>Law of Layout Designs &amp; Geographical Indication</b>	<b>LIP 204</b>

#### **Industrial Design and Layout Designs of Integrated Circuit**

1. Meaning, Scope and Registration
2. History, International Developments
3. Designs v/s Copyright and Trademark
4. Infringement and Remedies

#### **Geographical Indication**

1. National and International Perspective
2. Meaning, Nature and Justification
3. Geographical Indication v. other forms of IPRs
4. Registration, Infringement and remedies
5. TRIPS and Concerns for developing countries

#### **SELECTED BIBLIOGRAPHY**

1. Alka Chawla, Copyright and Related Rights: National and International Perspectives (Macmillan India Ltd., Delhi, 2007).
2. Ashwani Bansal, Law of Trade Marks in India with introduction to Intellectual Property Laws (Institute of Constitutional and Parliamentary Studies, New Delhi, 2009)
3. David Bainbridge, Intellectual Property (Pearson Education, Delhi, 2003).
4. Elizabeth Verkey, Law of Patent (Eastern Book Company, Lucknow, 2005).
5. Holyoak & Torremans, Intellectual Property Law (Oxford University Press, New York, 2010).
6. J. K. Das, Intellectual Property Law (Kamal Law House, Kolkata, 2008).
7. J.A.L. Sterling, World Copyright Law (Sweet & Maxwell, London, 2009).



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

### **FIRST YEAR SEMESTER-I**

#### **Labour Law**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>Law Relating To Industrial Relations</b>	<b>LLL 104</b>

1. History of Trade Union - Trade Union Act, 1926 - Recognition of Trade Union -Affiliation of Unions to political parties - Multi-unionism - Policies towards workers, participation in management - role of State - Workers participation in Management - Liberalization and Industrial relation in India.
2. Collective bargaining - Process of Collective bargaining - Perquisites for collective bargaining - strikes/lockouts [pen-down, tool down, go slow, work to rule, stay in, sit in, picketing] - Gherao - Law relating to collective bargaining.
3. Freedom of Association - Constitutional and legal aspects
4. Industrial Disputes Act - Layoff - retrenchment - compulsory retirement - Voluntary retirement - superannuation
5. Industrial Dispute Resolutions - Methods - Conciliation Officer - Board of Conciliation –Legal status of Conciliation settlements - Voluntary Arbitration - Arbitration under the Industrial Disputes Act - Compulsory Adjudication - Power of reference - Reference by Government – Industrial Tribunals – National Tribunals – Status, powers, awards – Judicial review.

#### **Suggested Reading**

1. Indian Law Institute Labour Law and Labour Relations [ 1987]
2. Dr. V G Goswami Labour and Industrial Laws [2004]
3. Ramaswami and Uma R Industry and Labour
4. Giri V V Labour Problems in Indian Industry
5. Raman M P Political Involvement of Indian Trade Union
6. O P Malhotra The Law of Industrial Disputes, Vol I [1988]
7. Chetty Narayan Y Dynamics of Trade Unionism in India – Anmol Publications Pvt. Ltd., New Delhi





# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

### **FIRST YEAR SEMESTER-I**

#### **Labour Law**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>Law Relating To Labour Welfare</b>	<b>LLL 105</b>

1. Constitution and Labour Welfare —Right to work- Bonded Labour child labour —special provision for women and children- Law relating to protection of Women in work place International conventions.
2. Minimum Wage- Types and kinds of wage determination theories of wage , Payment of Wages —Bonus Dearness allowance —basic wage Other wage [HRA, CCA, MA, LTC, Leave encashment, Overtime allowances, cash incentives, conveyance allowance] National Wage Policy Payment of Wages Act Denial of minimum wage as Forced Labour
3. ILO standard for labour International Convention for Labour Welfare UDHR —ICCPR.
4. Labour and Human Rights Equality of Opportunity in employment Equal Pay for Equal Work Equal Remuneration Act Maternity Benefit Shops and Establishment
5. Unorganised sector and labour laws and Agriculture labourer (concept, exploitation, tribal labour in forest settlement, plantation labour Act, political movement, agrarian reforms) migrants , sale promotion, small scale industries, beedi and cigar, construction labour, ship breaking, cracker industry, employment guarantee scheme.

#### **Suggested Readings:**

1. Mishra S N Labour and Industrial laws Central law publication Allahabad 20th Edition 2004
2. Shrivastava .K. D Law relating to Trade Unions and Unfair Trade Practices in India. Eastern Book Company
3. Y B Singh Industrial Labour in India [Part-I] 1960
4. Report on the National Commission on Labor 1969
5. Shrivastava S. C. Social security and labour law Eastern Book Company Lucknow, 1985
6. Pretal Joshi- ILO and its impact in India



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

**FIRST YEAR**

### **Scheme**

**Semester – II**

**Labour Law**

<b>No</b>	<b>Subject Code</b>	<b>Subject Title</b>	<b>Marks Allotted</b>						
			<b>Assignment Marks</b>		<b>Theory Marks</b>		<b>Practical Marks</b>		<b>Total Marks</b>
			<b>Max</b>	<b>Min</b>	<b>Max</b>	<b>Min</b>	<b>Max</b>	<b>Min</b>	
<b>1</b>	LLL 201	Law Relating To Industrial Injuries And Social Security	<b>30</b>	<b>16</b>	<b>70</b>	<b>28</b>	<b>-</b>	<b>-</b>	<b>100</b>
<b>2</b>	LLL 202	Law Relating To Service Regulation	<b>30</b>	<b>16</b>	<b>70</b>	<b>28</b>	<b>-</b>	<b>-</b>	<b>100</b>
<b>3</b>	LLL 203	Wages	<b>30</b>	<b>16</b>	<b>70</b>	<b>28</b>	<b>-</b>	<b>-</b>	<b>100</b>
<b>4</b>	LLL 204	Agricultural Labour	<b>30</b>	<b>16</b>	<b>70</b>	<b>28</b>	<b>-</b>	<b>-</b>	<b>100</b>
<b>5</b>	LLL 205	Dissertation Including Viva- Voice	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>100</b>	<b>40</b>	<b>100</b>
<b>Total</b>			<b>120</b>	<b>64</b>	<b>280</b>	<b>112</b>	<b>100</b>	<b>40</b>	<b>500</b>



# **R.K.D.F. UNIVERSITY, BHOPAL**

## **MASTER OF LAW**

### **FIRST YEAR SEMESTER-II**

#### **Labour Law**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>Law Relating To Industrial Injuries And Social Security</b>	<b>LLL 201</b>

1. Workmen's Compensation From Compensation to Insurance Judicial Interpretation of the express 'arising out of and in the course of employment' Employee State Insurance Act 1948
2. Fatal Accidents Act, 1857 Motor Vehicle Compensation Law Employer Liability Act 1935
3. Industrial safety Factories Act Environmental destruction Bhopal —Shriram gas leak
4. Occupational Health and Industrial Injuries Old age, sickness and disablement -Hazardous employment- Employers Liability - Medical Insurance - Public Liability Insurance Act 1991
5. Social Security Five year plan National Commission on Labour PF, Pension and Gratuity Mining worker Social Security for Unorganized Labour —Employee stock option —workers cooperatives.

#### **Suggested Readings:**

1. Shrivastava S. C. Social security and labour law Eastern Book Company Lucknow, 1985
2. RN Choudhry Commentary on the Workmen's Compensation Act 1923
3. H K Saharay Industrial and Labour Laws of India 1987
4. R W Rideout Principles of Labour Law 1988



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## **MASTER OF LAW**

### **FIRST YEAR SEMESTER-II Labour Law**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>Law Relating To Service Regulation</b>	<b>LLL 202</b>

1. Service Law- Recruitment Procedure- Rules Agencies —Employment Exchange
2. Conditions of Service terms Central Civil Service Rules State Civil Service Rules Pay Commission Fixation of pay and other allowances- Law Relating to Civil Servants/Rules 'Doctrine of pleasure'
3. Contractual Employment concept Security of tenure —Employment Act { UK }
4. Misconduct and discipline of the employees major and minor misconduct File noting Confidentiality of Adverse remarks Internal appeal mechanism Inquiry procedure punishment Managerial prerogative transfer, long leave —Standing order
5. Judicial Review Central Administrative Tribunal State Administrative tribunal- Powers and Functions Appeal Provision —Writs

#### **Suggested Readings**

1. Mallick Service Law
2. Ezo's Service Law in India
3. Chabra Administrative Tribunal
4. G B Singh's Commentary on The CCS & CCA Rules
5. Central Social Service Rule
6. Administration Training Tribunals Act

#### **RELATED STATUTES:**

1. Industrial Disputes Act, 1947
2. Trade Unions Act, 1926
3. Arbitration and Conciliation Act 1996
4. Factories Act.1948
5. Maternity Benefit Act, 1961
6. Minimum Wages Act
7. Payment of Wages Act
8. Migrant Labour Act
9. Plantation Labour Act
10. Kerala Agricultural Labour Act



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11. Workmen's Compensation Act
12. Public Insurance Liability Act
13. Fatal Accidents Act 1987
14. Employees Liability Act.1935
15. Contract Labour(L &R) Act 1986
16. Mines Act
17. Payment of Gratuity Act
18. Provident Fund Act
19. Equal Remuneration Act
20. Silk Industries Company Act
21. Central Social Service Rules
22. Employment Exchange Act
23. Industrial Employment Standing Orders Act
24. Administration Training Tribunals Act
25. Unorganized Labour Bill 2002
26. Report of I& II National Commission on Labour



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## MASTER OF LAW

### FIRST YEAR SEMESTER-II Labour Law

Course	Subject Title	Subject Code
LLM	Law Relating to Contract	LLL 203

#### **1. Constitutional Perspectives on Wages**

- 1.1 The constitutional ideals: Right to work; Right to living wage; Right to equal pay for equal work
- 1.2 History of Wage legislation in India: Findings of Royal Commission on Wages 1931
- 1.3 Wage Concept of Minimum Wage, Living Wage, Fair Wage. Principles governing fixation of these Wages.
- 1.4 Committee on Fair Wages 1949 (Recommendations)

#### **2. Theories and Facets of Wages**

- 2.1 Theories of wages: Wage differentials
- 2.2 Regulations of Payment of Wages: Safeguards against unlawful deductions and delay in payment of wages - Payment of Wages Act, 1936. Jurisdictions, Powers of Presiding Officer, Wages Authority .

#### **3. Facets of Wages**

- 3.1 Methods for wage fixation - The Minimum Wages Act, 1923, Wage Fixation through Adjudication – Principles evolved by Judiciary; Wage Fixation by Wage Boards – Principals & Practices – Functionary & Wage Boards Critical Appraisal
  - 3.1.1 Dearness Allowance – Concept, meaning, Evolution; D.A. & Consumer Price Index – Controversies involved. Imposition of ceiling limit on the Extent of neutralization.
  - 3.1.2 Bonus concept - as "deferred wage", "Profit sharing" Facets Attendance bonus, incentive bonus, Incentive Bonus, etc. Critical Study of Payment of Bonus Act, 1965
  - 3.1.3 Other Allowances and concessions :House rent allowance, City compensatory allowance, Educational allowance, Conveyance allowance, Cash incentives: percentage on turn-over, Medical allowance, Leave travel concessions, Free and subsidized food and products, Leave encashment, Overtime allowances, Low wages and high perks as a camouflaging stratagem of defeating ceiling on wages.

#### **4. Wages, Price and Tax – Correlations**

- 4.1 Increase of wages - impact on price
- 4.2 Increase of price - impact on wages
- 4.3 Tax - impact on price and wages
  - 4.3.1 Taxation on goods and increase of prices



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- 4.3.2 Taxation on wage income - a cut on real wages
- 4.4 Wages and the consumer

### **5. National Wage Policy: Problem and Perspectives**

- 5.1 National wage policy
- 5.2 Need for integrated approach: income, price and wage
- 5.3 Problems of mixed economy
  - 5.3.1 Capital intensive sector
  - 5.3.2 Labour intensive sector

- 5.4 Wages in Multi-national corporations

### **6. International Standardization**

- 6.1 Role of ILO: Conventions and Recommendations relating to Wages

### **Select Bibliography**

- O.P. Malhotra, Law of Industrial Disputes Latest Edn.
- R.R. Singh, Labour Economics Latest Edn.
- G.L. Kothari, Wages, Dearness Allowances and Bonus Latest Edn.
- Y. B. Singh, Industrial Labour in India Part I Latest Edn.
- V.V. Giri, Labour Problem in Indian Industry
- K.D. Srivastva, Payment of Wages Act, 1936 Latest Edn.
- K.D. Srivastva, Payment of Bonus Act, 1936 Latest Edn. Report of the National Commission on Labour 1969 (Relevant Portions)
- International Labour Office, Wages (1968)
- International Labour Office, Wage Fixing (1981)
- International Labour Office, Minimum Wage Fixing (1981)



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## **MASTER OF LAW**

### **FIRST YEAR SEMESTER-II Labour Law**

<b>Course</b>	<b>Subject Title</b>	<b>Subject Code</b>
<b>LLM</b>	<b>Agricultural Labour</b>	<b>LLL 204</b>

#### **1. Agricultural Labour Relations**

- 1.1 Agricultural labourer - the concept
- 1.2 Early stages - the traditional ties between the landlord and the workers
  - 1.2.1 Non-exploitative fair relation: the feudal hegemony, share in products as wages, wages in kind, benefits in addition to wages, participation in festive occasion, grievance redressal at landlord's residence
- 1.3 Exploitation of labour by the landlord
  - 1.3.1 Longer hours of work and lower wages: statutory regulation
  - 1.3.2 Bonded labour
  - 1.3.3 Indebtedness
- 1.4 Tribal labour in forest settlements
- 1.5 Migrant agricultural labour

#### **2. Trade Unionism and Collective Bargaining among Agricultural Labour**

- 2.1 Unorganized nature
- 2.2 Seasonal character
- 2.3 Political movements
- 2.4 State, regional and macro-regional disparities in collective bargaining, organization and remuneration

#### **3. Industrial Labour Norms in the Agricultural Labour Area**

- 3.1 Problem: multi employer - employment situation
- 3.2 Workmen's compensation
- 3.3 Minimum wages

#### **4. Labour Welfare**

- 4.1 Need for state initiative and support
- 4.2 Assessment of existing measures: statutory and non-statutory
- 4.3 Agrarian reform as agricultural labour protection measure: land to the tiller doctrine
- 4.4 Environmental impact of distribution of forest land among agricultural labourers
- 4.5 Futuristic perspectives

#### **5. Dispute Settlement Mechanism**

- 5.1 Practices: settlements
- 5.2 Statutory measures: conciliation, adjudication
- 5.3 Comparative study of state practices and laws





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### **Select Bibliography**

- V.V. Giri, Labour Problems in Indian Industry Latest Edn.
- R.R. Singh, Labour Economics Latest Edn. ILO,
- Conventions and Recommendations Report of the National Commission on Labour (Relevant Portions) 1969 State Legislation and other welfare schemes relating to agricultural labour.
- Abdul Aziz, "Unionizing Agricultural Labourers in India: A Strategy", 13 Indian Journal Industrial Relations 307 (1977)
- A.B. Maily, "Forced Labour in India",  
15 Indian Journal of Industrial Relations 77 (1979)
- L.C. Sharma, "Forestry Sector Generate More Employment", 15 Indian Journal of Industrial Relations 77 (1979).
- P.K. Bardhan, Land Labour and Rural Poverty (1984)
- Kalpana Bardhan, "Rural Employment Wages and Labour Market in India: