

SHIVAJI UNIVERSITY KOLHAPUR



Est.: 1962
NAAC 'A' Grade

Faculty of Humanities

Master of Laws

(LL.M. - Two Year) Programme

Choice Based Credit System (CBCS)

(To be implemented from Academic Year 2019-20)

Rules and Regulations

LL.M. R.1: Implementation of Regulations & guidelines:

The Regulations and guidelines shall be implemented as mentioned below -

LL.M. Part – I, Sem I & II from Academic year 2019-20

LL.M. Part – II, Sem III & IV from Academic year 2020-21

LL.M. R.2: LL.M. Course and Duration:

- a) The LL.M. Programme shall be a full time course both at University Departments and P.G. Centres at Law Colleges affiliated to Shivaji University, Kolhapur. The duration of the course shall be of two **years with four Semesters**. There shall be a University Examination at the end of each Semester. Each Semester shall have minimum 15 weeks of teaching, excluding the vacation and examination.
- b) **The LL.M. programme shall be offered in two specialised courses:**
 1. Business Laws – Group - I
 2. Intellectual Property Rights – Group II
- c) **Intake Capacity:** Intake capacity for the course shall be as per the sanctioned seats approved by Shivaji University, Kolhapur.

LL.M. R.3: Medium of Course:

The medium of course and examinations shall be in English.

LL.M. R.4: Admission and Eligibility:

- a) Admission to Two Years LL.M. program will be on the basis of merit subject to intake capacity.
- b) The student who has obtained LL.B. Degree under Three Year or Five Year Law Courses under this University or a degree of any other University recognized as equivalent to be LL.B. Degree of this University shall be eligible for admission.
- c) The minimum percentage of marks not below 50% of the total marks in case of General Category Applicants, 45% for OBC category and 40% of the total marks in case of SC / ST Applicants. The reservation policy shall be subject to rules and regulations of Government of Maharashtra from time to time.
- d) The Merit List shall be prepared, based on the highest score obtained by the candidate at the 5 years or 3 years LL.B. Programme.
- e) Admissions will be subject to reservation policy and rules prescribed by the Maharashtra State Government and the Shivaji University from time to time.
- f) Students shall opt for any one of the Specializations offered by the College, at the time of admission to the Programme (Specialisation – I: Business Laws and Specialisation – II: Intellectual Property Rights).

- g) Specialisation once opted by the students in the first semester shall be final and no change shall be allowed thereafter.

LL.M. R.5: Attendance:

- a) Minimum 75% of attendance is mandatory for the grant of term. The attendance relaxation shall be as per the University norms.
- b) The student shall attend all the internal assessment, workshops, seminars, training programmes, projects, study tours, legal aid and literacy camps, etc.

LL.M. R.6: Fee Structure:

The Fee structure shall be as per the norms of Shivaji University.

LLM R.7: Examination Pattern:

- a) The Theory and Internal examinations will have 80: 20. A Student has to obtain 50% marks in both examinations of Theory (80 Marks) and Internal (20 Marks) separately. They must obtain minimum 40 marks in theory (out of 80) and minimum 10 marks in internal assessment (out of 20).
- b) Internal Assessment will be as follows:
 - i) Tutorials/Seminars/Projects - 10 marks ii) Viva - 10 marks
- c) There shall be no written examination for Dissertation.
- d) Internal Assessment for Dissertation will be as follows:
 - i) Dissertation - 150 marks (To be evaluated by Internal and External panel of examiners)
 - ii) Viva - 50 marks (To be conducted by Internal and External Examiner)
- e) Every student shall submit one soft copy in CD and two hard bound copies of the dissertation to the Department/ College in the standard format, at least Four weeks before the end of the final Semester.
- f) Every paper of 4 Credits shall carry 100 marks out of which 80 marks are for the written examination i.e. University Examination & 20 marks for Internal Assessment which shall be conducted by the P.G. Department / College.
- g) Each Skill Enhancement compulsory Course (SEC) of 2 Credits shall be of 50 Marks. The assessment of the Subject Skill Enhancement Course shall be internal assessment. The weightage for the continuous internal Assessment shall be based on written examination of 50 marks, for 25 objective type questions of two marks each.

The student shall have to secure minimum 20 marks in each of the Skill Enhancement Course to pass the respective course.

LLM R.8: Credit System:

- i) To be eligible for the award of LL.M. Degree under the Choice Based Credit System (CBCS), a student shall be required to earn a minimum of 64 Credits.
- ii) One Credit Theory Course shall be equivalent to 15 contact hours of learning activities such as lectures, group discussion, seminars, problem solving, tutorials and assessment.

- iii) A Four Credit Course shall have 60 contact hours (4 hours per week x 15 weeks) in a semester.
- iv) The Credits shall comprise of Core Courses, Optional Courses and Dissertation. The Programme shall have compulsory Core Courses of 24 Credits, Optional Courses of 24 Credits and a compulsory dissertation comprising of 8 Credits. (Total 56 Credits)
- v) In addition to this, every student must earn additional 8 credits (2 Credits in every Semester) in Open Electives in CBCS Pattern.
- vi) A student is required to obtain a minimum of 56 Credits from the parent Institute, at which the student is registered; of which 24 would be the minimum number of Core Credits, 24 Optional Papers Credits and Dissertation of 8 credits. The remaining 8 Credits may be earned by the student by choosing from Optional Courses either from the parent Institute or any other Institute. (Total 56+8=64 Credits for LL.M. with CBCS Pattern)
- vii) A student shall be eligible for the award of LL.M. Degree on the successful completion of 64 Credits.

LLM R.9: The System of Evaluation will be as follows:

- a. Each internal assessment and External Examination will be evaluated in terms of marks. The marks for internal assessment and External Examination will be added together and then converted into a grade and later a grade point average.
- b. Results will be declared for each semester.
- c. After the gain of minimum number of credits towards completion of a PG programme, a student will get a grade sheet with total grades earned and a Cumulative Grade Point Average (CGPA).
- d. Marks / Grade / Grade Status and Grade Points shall be as follows:

Marks	Grade	Grade Status	Grade Point
100 to 75	O	Outstanding	6
74 to 65	A	Very Good	5
64 to 55	B	Good	4
54 to 50	C	Satisfactory	3
49 to 45	D	Average	2
44 to 40	E	Pass	1
39 to 0	F	Fail	0

Final Grade:

CGPA/ Grade Point	Grade
05.00-6.00	O
04.50-04.99	A
03.50-04.49	B
02.50-03.49	C
01.50-02.49	D
00.50-01.49	E
00.00-00.49	F

List of Compulsory Papers:

1. Law and Social Transformation in India.
2. Legal Education and Research Methodology.
3. Legal Theory.
4. Judicial Process.
5. Indian Constitutional Law: New Challenges.
6. Legal Concepts.

List of Optional Papers: (Subject Elective)**BUSINESS LAW: GROUP - I**

1. Law of Industrial and Intellectual Property
2. Information Technology Law
3. Banking Law
4. Insurance Law
5. Law Related to Consumer Protection and Competition
6. International Trade Law

INTELLECTUAL PROPERTY RIGHTS (IPR): GROUP - II

1. Law of Patents
2. Law of Trademarks
3. Law of Copyrights
4. Law of Designs Integrated Circuits, Geographical indications and confidential information
5. Law of Intellectual Property and Bio diversity
6. Law of Intellectual Property and Information Technology

List of Skill Enhancement Courses (Open Elective):

1. Alternative Disputes Resolution (ADR)
2. Introduction to Human Rights (IHR)
3. Right to Information (RTI)
4. Public Interest Litigation (PIL)

LL.M. R.10: Rules of Promotion: -

- a) The admission of students to the Two Year LL.M Program shall be on the yearly basis.
- b) A student admitted to the First Year of the course who complies with norms of the credit system and internal assessment with minimum 75% of attendance in the first year shall be automatically promoted to the Second year.
- c) The minimum passing criteria shall be 40 out of 80 marks theory and 10 marks out of 20 Internal assessments). The aggregate percentage shall be 50%.
- d) The student has to pass both the heads i.e. theory and internal assessment separately.
- e) The Internal Assessment marks will be carried forward to the next examination of that paper.

LL.M. R.11: Question Paper Model:

The Question Paper of LL.M Course of 80 marks shall consist of total eight questions carrying 16 marks each. Q.No. 8 shall be of short notes with four options out of which any two of 8 marks each shall be attempted. Out of eight questions, the student shall attempt / answer any five questions.

Structure
CBCS Two year LL.M. Programme
LL.M. Business Law
Group – I (Specialisation)

FIRST YEAR LL.M.: SEMESTER – I						
Courses	Course Code	SUBJECTS	Pattern	Total Marks	Lectures per Week Hours	Total Credits
Core Course	CC-101	Law and Social Transformation in India	80 : 20	100	4	4
Core Course	CC-102	Indian Constitutional Law : New Challenges	80 : 20	100	4	4
Core Course	CC-103	Legal Theory	80 : 20	100	4	4
Elective Course	EC-104	Law of Industrial and / Intellectual Property	80 : 20	100	4	4
Skill Enhancement Course	SEC-105	Alternative Disputes Resolution	30 : 20	50	2	2
Total			350:100	450	18	18

FIRST YEAR LL.M.: SEMESTER – II						
Courses	Course Code	SUBJECTS	Pattern	Total Marks	Lectures per Week Hours	Total Credits
Core Course	CC-201	Judicial Process	80 : 20	100	4	4
Core Course	CC-202	Legal Education and Research Methodology	80 : 20	100	4	4
Core Course	CC-203	Legal Sources and Concepts	80 : 20	100	4	4
Elective Course	EC-204	Information Technology Law	80 : 20	100	4	4
Skill Enhancement Course	SEC-205	Introduction to Human Rights	30 : 20	50	2	2
Total			350:100	450	18	18

SECOND YEAR LL.M.: SEMESTER – III						
Courses	Course Code	SUBJECTS	Pattern	Total Marks	Lectures per Week Hours	Total Credits
Core Course	ECC-301	Banking Law	80 : 20	100	4	4
Core Course	ECC-302	Insurance Law	80 : 20	100	4	4
Core Course	ECC-303	Law Relating to Consumer Protection and Competition	80 : 20	100	4	4
Elective Course	EC-304	International Trade Laws	80 : 20	100	4	4
Skill Enhancement Course	SEC-305	Right to Information Laws	30 : 20	50	2	2
Total			350:100	450	18	18

SECOND YEAR LL.M.: SEMESTER – IV						
Courses	Course Code	SUBJECTS	Pattern	Total Marks	Lectures per Week Hours	Total Credits
Core Course	CC-401	Dissertation Viva-Voce	150 : 50	200	8	8
Skill Enhancement Course	SEC-402	Public Interest Litigation	30 : 20	50	2	2
Total			180:70	250	10	10

Structure
LL.M. Intellectual Property Rights (IPR)
Group – II (Specialisation)

FIRST YEAR LL.M.: SEMESTER – I						
Courses	Course Code	SUBJECTS	Pattern	Total Marks	Lectures per Week Hours	Total Credits
Core Course	CC-101	Law and Social Transformation in India	80 : 20	100	4	4
Core Course	CC-102	Indian Constitutional Law : New Challenges	80 : 20	100	4	4
Core Course	CC-103	Legal Theory	80 : 20	100	4	4
Elective Course	EC-104	Law of Patents	80 : 20	100	4	4
Skill Enhancement Course	SEC-105	Alternative Disputes Resolution	30 : 20	50	2	2
Total			350:100	450	18	18

FIRST YEAR LL.M.: SEMESTER – II						
Courses	Course Code	SUBJECTS	Pattern	Total Marks	Lectures per Week Hours	Total Credits
Core Course	CC-201	Judicial Process	80 : 20	100	4	4
Core Course	CC-202	Legal Education and Research Methodology	80 : 20	100	4	4
Core Course	CC-203	Legal Sources and Concepts	80 : 20	100	4	4
Elective Course	EC-204	Law of Trade Marks	80 : 20	100	4	4
Skill Enhancement Course	SEC-205	Introduction to Human Rights	30 : 20	50	2	2
Total			350:100	450	18	18

SECOND YEAR LL.M.: SEMESTER – III						
Courses	Course Code	SUBJECTS	Pattern	Total Marks	Lectures per Week Hours	Total Credits
Core Course	ECC-301	Law of Copyrights	80 : 20	100	4	4
Core Course	ECC-302	Law of Designs and Integrated Circuits, Geographical Indications and Confidential Information	80 : 20	100	4	4
Core Course	ECC-303	Law of Intellectual Property and Bio-Diversity	80 : 20	100	4	4
Core Course	ECC-304	Law of Intellectual Property and Information Technology	80 : 20	100	4	4
Skill Enhancement Course	SEC-305	Right to Information Laws	30:20	50	2	2
Total			350:100	450	18	18

SECOND YEAR LL.M.: SEMESTER – IV						
Courses	Course Code	SUBJECTS	Pattern	Total Marks	Lectures per Week	Total Credits
Core Course	CC-401	Dissertation Viva-Voce	150 : 50	200	8	8
Subject Elective Course	SEC-402	Public Interest Litigation	30 : 20	50	2	2
Total			180:70	250	10	10

**Syllabus
Group – I
Business Laws
LL.M. Part – I, Semester – I
CC-101: Law and Social Transformation in India**

Max. Marks: 100

Objectives of the course: This course aims at:

- (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 the law has played and has to play in the contemporary Indian society

Syllabus:

Unit I -Law and social change

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

Unit II - Religion and the law

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

Unit III - Language and the law

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

Unit IV - Community and the law

- 4.1. Caste as a divisive factor
- 4.2. Non-discrimination on the ground of caste.
- 4.3. Acceptance of caste as a factor to undo past injustices.
- 4.4. Protective discrimination: Scheduled castes, tribes and backward classes.
- 4.5. Reservation; Statutory Commissions., Statutory provisions.

Unit V - Regionalism and the law

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

Unit VI - Women and the law

- 6.1. Crimes against women.
- 6.2. Gender injustice and its various forms.
- 6.3. Women's Commission.
- 6.4. Empowerment of women: Constitutional and other legal provisions.

Unit VII - Children and the law

- 7.1. Child labour.
- 7.2. Sexual exploitation.
- 7.3. Adoption and related problems.
- 7.4. Children and education.

Unit VIII - Modernisation and the law

- 8.1. Modernisation as a value: Constitutional perspectives reflected in the fundamental duties.
- 8.2. Modernisation of social institutions through law.
 - 8.2.1. Reform of family law
 - 8.2.2. Agrarian reform - Industrialisation of agriculture.
 - 8.2.3. Industrial reform: Free enterprise v. State regulation - Industrialisation v. environmental protection.
- 8.3. Reform of court processes.
 - 8.3.1. Criminal law: Plea bargaining; compounding and payment of compensation to victims.
 - 8.3.2. Civil law: (ADR) Confrontation v. consensus; mediation and conciliation; Lok adalats.
 - 8.3.3. Prison reforms.
- 8.4. Democratic decentralisation and local self-government.

Select Bibliography:

1. Marc Galanter (ed.), Law and Society in Modern India (1997) Oxford,
2. Robert Lingat, The Classical Law of India (1998), Oxford
3. U. Baxi, The Crisis of the Indian Legal System (1982). Vikas, New Delhi.
4. U. Baxi (ed.), Law and Poverty Critical Essays (1988). Tripathi, Bombay.
5. Manushi, A Journal About Women and Society.
6. Duncan Derret, The State, Religion and Law in India (1999). Oxford University Press, New Delhi.
7. H.M. Seervai, Constitutional Law of India (1996), Tripathi.
8. D.D. Basu, Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd., New Delhi.
9. Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (2000) Armol Publications, Delhi.
10. Savitri Gunasekhare, Children, Law and Justice (1997), Sage
11. Indian Law Institute, Law and Social Change : Indo-American Reflections, Tripathi (1988)
12. J.B. Kripalani, Gandhi: His Life and Thought, (1970)Ministry of Information and Broadcasting Government of India
13. M.P.Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay.

CC-102: Indian Constitutional Law: The New Challenges

Max. Marks: 100

Objectives of the Course:

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

Syllabus:

Unit I - Federalism

- 1.1. Creation of new states
- 1.2. Allocation and share of resources - distribution of grants in aid
 - 1.2.1. The inter-state disputes on resources
- 1.3. Rehabilitation of internally displaced persons.
- 1.4. Centre's responsibility and internal disturbance within States.
- 1.5. Directions of the Centre to the State under Article 356 and 365
- 1.6. Federal Comity : Relationship of trust and faith between Centre and State.
- 1.7. Special status of certain States.
 - 1.7.1. Tribal Areas, Scheduled Areas

Unit II - Right to equality: Privatisation and its impact on affirmative action.

- 2.1 Introduction
- 2.2 Equality Before Law
- 2.3 Landmark Judgments

Unit III - Empowerment of women.

- 3.1 Introduction
- 3.2 Empowerment: Meaning and Importance
- 3.3 Empowerment of Women in India
- 3.4 Initiatives by the Judiciary

Unit IV - Freedom of press and challenges of new scientific development

- 4.1. Freedom of speech and right to broadcast and telecast.
- 4.2. Right to strikes, hartal and bandh.

Unit V - Emerging regime of new rights and remedies

- 5.1. Reading Directive Principles and Fundamental Duties into Fundamental Rights
 - 5.1.1. Compensation jurisprudence
 - 5.1.2. Right to education
 - 5.1.2.1. Commercialisation of education and its impact.
 - 5.1.2.2. Brain drain by foreign education market.

Unit VI - Secularism and religious fanaticism.

- 6.1 Secularism
- 6.2 Secularism under Indian Constitution
- 6.3 Right to Religion
- 6.4 Religious Fanaticism

Unit VII - Separation of powers: stresses and strain

- 7.1. Judicial activism and judicial restraint.
- 7.2. PIL: implementation.
- 7.3. Judicial independence.
 - 7.3.1. Appointment, transfer and removal of judges.
- 7.4. Accountability: executive and judiciary.
- 7.5. Tribunals

Unit VIII - Democratic process

- 8.1. Nexus of politics with criminals and the business.
- 8.2. Election
- 8.3. Election commission: status.

- 8.4. Electoral Reforms
- 8.5. Coalition government, 'stability, durability, corrupt practice'
- 8.6. Grass root democracy.

Select Bibliography:

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

CC-103: Legal Theory

Max. Marks: 100

Objectives of the course:

- a) The course aims at developing an insight into the juristic foundations of a legal system.
- b) To enable understanding of the law as it exists and its functions in a contemporary society.
- c) To inculcate a clear understanding about the new aspects of law and its nature and function.
- d) To create a clear understanding about the impact of law on various other branches of the study and its relationship with ethical aspects of justice.

Syllabus:

Unit I - Introduction

- 1.1 Meaning and concept of Jurisprudence
- 1.2 Relevance of Jurisprudence in the contemporary era
- 1.3 Meaning and definition of Law Law and Morals
- 1.4 Value of Judgments

Unit II - Relevance of Natural Law: theoretical Perceptions

- 2.1 The Origin and Significance of Natural Law
- 2.2 Theoretical Perceptive of Natural Law
- 2.3 ST Thomas Acquainas; Grotius;Hobbes;Locke;Rosseau
- 2.4 German Transcendental Idealism-Immanuel Kant
- 2.5 Revival of Natural Law-Stammler; Fuller; John. Finnis
- 2.6 Semi-sociological Natural Law-H.L.A. Hart
- 2.7 Liberty and Civil disobedience

Unit III - Legal positivism

- 3.1 Austin's analytical theory of Law
- 3.2 Bentham's Legal Positivism
- 3.3 Pure Theory of Law-Hans Kelson
- 3.4 Oliver Wendell Homes Theory

Unit IV - Post Modern Theories

- 4.1 Hart's concept of Law
- 4.2 Rawls theory of Justice
- 4.3 Amartya Sen's theory of Justice

Unit V - Sociological Jurisprudence

- 5.1 Duguit Theory
- 5.2 Ehrlich and Ihering Theory
- 5.3 Dean Roscoe Pound Theory
- 5.2 Prof. Patterson
- 5.3 Prof. Selznick.

Unit VI - American legal Realism:

- 6.1 Jerome Frank.
- 6.2 Karl Lewellyn
- 6.3 Indian Judicial process & relevance to American legal realism

Unit VII – Scandinavian Realism

Unit VIII - Hindu Jurisprudence

Select Bibliography:

1. Salmond: Jurisprudence, Universal Publishers.
2. Paton : Jurisprudence
3. Allen : Law in the Making, Universal Publishers.
4. Mahajan V.D.: Legal Theory and Jurisprudence, Eastern Book Company, Lucknow.
5. Dias : Jurisprudence, Aditya Books.
6. Rama Jois, Legal and Constitutional History of India, Universal Law Publications, Delhi.
7. John Rawls-Theory of justice.

EC-104: Law of Industrial and Intellectual Property

Max. Marks: 100

Objectives of the course:

The concept of intellectual property rights as developed in India cannot be divorced from the developments in the international arena as well as in the nation-to-nation relations. The impact of IPR regime on the economic front is emphasised in this paper. In particular, greater attention would be given here to the law relating to unfair and restrictive trade practices as affecting the regime of intellectual property rights. New areas of development, especially plant patenting and patenting of new forms of life (biotechnology) should receive special attention. Evidentiary aspects of infringement and human right dimensions of the regime of intellectual property law will also be addressed.

Syllabus:

Unit I - IPR and International Perspectives

- 1.1 International Treaties and Conventions on Intellectual Property.
- 1.2 Treaties on Classification
- 1.3 Other Special Conventions in the Field of Related Rights.

Unit II - Trademarks and Consumer Protection (Study of UNCTAD report on the subject)

- 2.1 **Evolution of Trade Mark Laws**

- 2.1.1 Concept of Trade Mark
- 2.1.2 Types of Trade Marks
- 2.1.3 Evolution of Trade Marks
- 2.1.4 Trade Mark Laws in India
- 2.2 Consumer Protection**
 - 2.2.1 Meaning of Consumer Protection
 - 2.2.2 Problems Faced by Consumers
 - 2.2.3 Need for Consumer Protection
 - 2.2.4 Legal protection to Consumers in India
- 2.3 Trademark Laws and Consumer Protection**
 - 2.3.1 UNCTAD (United Nations Conference on Trade and Development)
 - 2.3.2 What is AIPPI?
 - 2.3.2 Trademarks and consumer protection Resolution

Unit III - The Legal Regime of Unfair Trade Practices and of Intellectual Industrial Property

- 3.1. United Nations approaches (UNCTAD, UNCITRAL)
- 3.2. EEC approaches
- 3.3. Position in U.S.
- 3.4. The Indian situation.

Unit IV - Special Problems of the Status of Computer Software in Copyright and Patent Law: A Comparative Study.

- 4.1 Introduction
- 4.2 Intellectual Property and Computer Software
- 4.3 Legislative History and vs. Economic Reality
 - 4.3.1 Evolution of Patent Case Law
 - 4.3.2 Evolution of Copyright Case Law
 - 4.3.3 Software Piracy
 - 4.3.4 Criminal Penalties for Copyright Infringement
- 4.4 Intellectual Property Abroad
 - 4.4.1 Patent Law in Foreign Countries
 - 4.4.2 Copyright Law in Foreign Countries
 - 4.4.3 Trade Secret Law in Foreign Countries
- 4.5 Can Intellectual Property Laws Provide Securities
- 4.6 Trends for the future

Unit V - Biotechnology Patents:

- 5.1. Nature and types of biotechnology patents
- 5.2. Patent over new forms of life : TRIPS obligations
- 5.3. Plant patenting
- 5.4. Sui generis protection for plant varieties
- 5.5. Multinational ownership
- 5.6. Regulation of environment and health hazards in biotechnology patents
- 5.7. Indian policy and position.

Unit VI - Patent Search, Examination and Records:

- 6.1. International and global patent information retrieval systems (European Patent Treaty).
- 6.2. Patent Co-operation Treaty(PCT)
- 6.3. Differences in resources for patent examination between developed and developing societies
- 6.4. The Indian situation

Unit VII - Special Problems of Proof of Infringement:

- 7.1. Status of intellectual property in transit - TRIPS obligation - Indian position.
- 7.2. The evidentiary problems in action of passing off.
- 7.3. The proof of non-anticipation, novelty of inventions protected by patent law
- 7.4. Evidentiary problems in piracy : TRIPS obligation - reversal of burden of proof in process patent
- 7.5. Need and Scope of Law Reforms.

Unit VIII - Intellectual Property and Human Right

- 8.1. Freedom of speech and expression as the basis of the regime of intellectual property right - copyright protection on internet - WCT (WIPO Copyright Treaty, 996).
- 8.2. Legal status of hazardous research protected by the regime of intellectual property law.
- 8.3. Human right of the impoverished masses intellectual property protection of new products for healthcare and food security
- 8.4. Traditional knowledge - protection- biodiversity convention- right of indigenous people.

Select bibliography:

1. Special attention should be given to literature of the U.N. System, WIPO and the UNESCO.
2. Terenee P. Stewart (ed.), The GATT Uruguay Round: A Negotiating History (1986-1994) the End Game (Part - 1)(1999), Kluwer
3. Iver P. Cooper, Biotechnology and Law (1998), Clerk Boardman Callaghan, New York.
4. David Bainbridge, Software Copyright Law (1999), Butterworths
5. Sookman, Computer Law (1998), Carswell
6. Carlos M. Correa(ed.), Intellectual Property and International Trade (1998), Kluwer
7. Patent Co-operation Treaty Hand Book (1998), Sweet and Maxwell
8. Christopher Wadlow, The Law Of Passing-Off (1998), Sweet and Maxwell
9. W.R.Cornish, Intellectual Property Law (1999), Sweet and Maxwell

SEC-105: Alternative Dispute Resolution

Max. Marks: 50

Objectives of the Course:

The main objectives of the Course are:

1. Understand the strengths and weakness of various dispute resolution methods.
2. Explain primary dispute resolution process and functions
3. Develop techniques and skill to make effective use of ADR methods.
4. Describe and explain the ADR movement.
5. Compare and contrast various legal implications of each method.
6. Train participants to be effective Arbitrators, Conciliators and Mediators.
7. Reduce the backing of pending cases
8. Develop Case Management System.
9. Reduce the time pendency of the litigations

Syllabus:

Unit I - Introduction to ADR

- 1.1 Key Concepts in Dispute Resolution

- 1.2 Disputes - Kinds of Disputes - Justiciable dispute- Dispute Resolution in adversary system, court structure and jurisdiction.

Unit II - Dispute Resolution at grass root level, Lok Adalats, Nyaya Panchayath, Legal Aid, Preventive and Strategic legal aid.

- 2.1 ADR - Meaning and philosophy
- 2.3 Overview of ADR processes,
- 2.3 Legal counselling,
- 2.4 Case - planning strategy,
- 2.5 Conciliation / Mediation,

Unit III – Negotiation:

- 3.1 Theories and Frameworks.
- 3.2 Skills and Behaviour
- 3.4 Barriers to Agreements
- 3.5 Rule of law; Ethics and Policies.

Unit IV - Mediation - I

- 4.1 Introduction Overview
- 4.2 Purposes and Uses.
- 4.3 Skills - Roles of Mediators,
- 4.4 Parties, Lawyers

Unit V – Mediation – II.

- 5.1 Ethics, Fairness, Neutrality, Confidentiality and Personal values
- 5.2 Policies, Controversies.
- 5.3 Practical skills of client interviewing/legal counselling.

Unit VI - ADR Information, Technology

- 6.1 Internet - Cyber space,
- 6.2 Online, cyberspace dispute resolution.

Unit VII – Arbitration - I

- 7.1 Arbitral Proceedings, commencement Roots of procedural evidence, 7.2 "Fast Track" arbitration, statement of claim and defence, hearing and return proceedings-interim measures by Court and by Arbitral Tribunal.
- 7.3 The law of binding Arbitration.
- 7.4 Skills and Ethics of Arbitration.
- 7.5 Arbitral Tribunal - Composition, eligibility and qualifications of arbitrators.
- 7.6 Termination or a mandate of arbitral Tribunal's and of arbitrators, appointment of arbitrators and filling up of vacancies, powers and functions of Arbitral Tribunal's. competence of arbitral Tribunal to rule on its own jurisdiction etc.

Unit VIII – Arbitration – II

- 8.1 Practice and Legal issues; "compulsory" arbitration in courts and contracts.
- 8.2 Evolution of mediation/conciliation as a mode of settlement of disputes, distinction between mediation, conciliation, negotiation and good offices - definition and scope of conciliation, advantages of conciliation
- 8.3 The Arbitration and Conciliation a Act of 1996 - Appointment of conciliators, commencement of conciliation, proceedings - submission of statements - communication between conciliator and parties, suggestions for settlement –
- 8.4 Confidentiality of information
- 8.5 Admissibility of evidence in other proceedings
- 8.6 settlement agreement-status and effect. Termination of conciliation proceedings; costs and deposits.

Select bibliography:

1. The Indian Arbitration and Conciliation Act of 1996.
2. The Fundamentals of Family Mediation by John M. Haynes and Stephanie Charlesworth.
3. The Promise of Mediation, by Robert A Baruch Bush and Joseph Folger
4. Alternative Dispute Resolution, by P. C. Rao and William Sheffield
5. Getting to Yes, by Fisher ADR Getting past, No. by fisher and Ury 7. Mediation in Family Dispute, by Marian Roberts.
6. Family Mediation, by Lisa Parkinson
7. People Skills, by Robert Bolton
8. The Mediator's Handbook by Ruth Chariton and Micheline Dewdney
9. Mediation: Principles, Process, Practice by Laurence Boulle -Butterworths.
10. Living the 7 Habits by Stephen R. Covey
11. The Monk who sold his Ferrari by Robin Sharma
12. The Code of Civil Procedure, 1908.

**LL.M. Part – I, Semester II
CC-201: Judicial Process**

Max. Marks: 100

Objectives of the course:

A lawyer, whether academic or professional, is expected to be competent to analyse and evaluate the legal process from a broader juristic perspective. Hence a compulsory paper on Judicial Process is essential in the LL.M curriculum. The objective of this paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change. This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process. Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This paper, therefore, intends to familiarise the students with various theories, different aspects and alternative ways, of attaining justice.

Syllabus:**Unit I - Nature of judicial process**

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

Unit II - Doctrine of Precedent-Ratio decidendi and Obiter Dictum

- 2.1 Methods of determining ratio- Stare decisis
- 2.2 Exceptions-precedent in common law and Civil law Countries.

Unit III - Special Dimensions of Judicial Process in Constitutional Adjudications.

- 3.1. Notions of judicial review
- 3.2. 'Role' in constitutional adjudication - various theories of judicial role.
- 3.3. Tools and techniques in policy-making and creativity in constitutional adjudication.
- 3.4. Varieties of judicial and juristic activism

- 3.5. Problems of accountability and judicial law-making.

Unit IV - Logic and growth in law

- 4.1 Categories of illusory Reference-legal reasoning (judicial as well as juristic).
- 4.2 New rhetorics - role of judicial Concepts and judicial discretion in judicial reasoning.

Unit V - Judicial Process in India

- 5.1. Indian debate on the role of judges and on the notion of judicial review.
- 5.2. The "independence" of judiciary and the "political" nature of judicial process
- 5.3. Judicial activism and creativity of the Supreme Court - the tools and techniques of creativity.
- 5.4. Judicial process in pursuit of constitutional goals and values - new dimensions of judicial activism and structural challenges
- 5.5. Institutional liability of courts and judicial activism - scope and limits.

Unit VI- Nature of judicial process

- 6.1 Search for the legislative
- 6.2 intention-methods of judicial interpretation
- 6.3 Role of Philosophy, logic, history tradition and sociology.

Unit VII - The Concepts of Justice

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

Unit VIII - Relation between Law and Justice

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

Select bibliography:

1. Julius Store : The Province and Function of Law, Part II, Chs. 1-8-16 (2000), Universal, New Delhi.
2. Cardozo : The Nature of Judicial Process (1995), Universal, New Delhi
3. Henry J. Abraham : The Judicial Process (1998), Oxford
4. J.Stone : Precedent and the Law : Dynamics of Common Law Growth (1985), Butterworths
5. W. Friedmann : Legal Theory (1960), Stevens, London
6. Bodenheimer : Jurisprudence - The Philosophy and Method of the Law (1997), Universal, Delhi
7. J. Stone : Legal System and Lawyer's Reasoning (1999), Universal, Delhi.
8. U. Baxi : The Indian Supreme Court and Politics (1980), Eastern, Lucknow.

CC-202: Legal Education and Research Methodology

Max. Marks: 100

Objectives of the course:

A post-graduate student of law should get an insight into the objectives of legal education. He should have an exposure to programmes like organisation of seminars, publication of law journals and holding of legal aid clinics. Law is taught in different ways in different countries. The LL.M course, being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarise himself with the different systems of legal education. The lecture method both at LL.B level and LL.M level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problem method, discussion method, seminar method and a combination of all these methods. The student has to be exposed to these methods so as to develop his skills. Growth of legal science in India depends on the nature and career of legal research.

Syllabus:

Unit I - Introduction

- 1.1 Objectives of Legal Education
- 1.2 Clinical Legal Education - Legal Aid, Legal Literacy, Legal Survey and Law Reform

Unit II - Methods of Teaching – I

- 2.1 Lecture Method of Teaching
- 2.2 The Problem Method

Unit III - Methods of Teaching – II

- 3.1 The Seminar Method teaching.
- 3.2 Discussion method and its suitability at post graduate level teaching

Unit IV Identification of Problem Research & Research Methods

- 4.1 What is a Research Problem?
- 4.2 Survey of Available Literature and Bibliographical Research
- 4.3 Socio-Legal Research
- 4.4 Doctrinal and Non-Doctrinal
- 4.5 Relevance of Empirical Research
- 4.6 Induction and Deduction

Unit V Preparation of the Research Design - I

- 5.1 Formulation of the Research Problem
- 5.2 Devising tools and techniques for collection of data: Methodology
 - 5.2.1 Methods for the Collection of Statutory and Case materials and Juristic Literature
 - 5.2.2 Use of Historical and Comparative Research Materials

Unit VI - Preparation of the Research Design - II

- 6.1 Use of Observation Studies
- 6.2 Use of Question/Interview
- 6.3 Use of Case Studies
- 6.4 Sampling Procedures - Design of Sample, Types of Sampling to be adopted
- 6.5 Use of Scaling Techniques

Unit VII Preparation of the Research Design - III

- 7.1 Jurimetrics
- 7.2 Computerised Research - A Study of Legal Research Program such as Lexis & West Law Coding

Unit VIII Preparation of the Research Design – IV

- 8.1 Classification and Tabulation of Data - Use of Cards for Data Collection - Rules for Tabulation. Explanation of Tabulated Data.
- 8.2 Analysis of Data

Select Bibliography:

1. High Brayal, Nigel Dunnean and Richard Crimes, Cliniacl Legal Education:
2. Active Learning in your Law School, (1998) Blackstone P Press Limited, London
3. S.K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
4. N.R. Madhava Menon, (Ed.) A Handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow.
5. M.O. Price, H. Bitner and Bysiewiez, Effective Legal Research (1978).
6. Pauline V. Young, Scientific Social Survey and Research, (1962)
7. William J. Grade and Paul K. Hatt, Methods in Social Research, Mc-Graw-Hill Book Company, London
8. H.M. Hyman, Interviewing in Social Research (1965)
9. Payne, The Art of Asking Questions (1965).
10. Erwin C. Surrency, B. Fiell and J. Crea, A Guide to Legal Research (1959)
11. Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.
12. Havard Law Review Association, Uniform System of Citations
13. ILI Publication, Legal Research and Methodology

CC-203: Legal Sources and Concepts

Max. Marks: 100

Objectives of the Study:

The paper highlights the fundamental doctrines of legal process like precedent. It provides a deeper understanding of legal system, hierarchy of courts, ordinances and interpretation of statutes.

Syllabus:

Unit – I - Introduction

- 1.1 Meaning of the term ‘source’
- 1.2 Classification of sources of law
 - 1.2.1 Formal, material and literary sources
 - 1.2.2 Legal and historical sources,
 - 1.2.3 Binding and persuasive sources
- 1.3 Legal sources of English and Indian law
- 1.4 Equity and juristic opinion as source of law

Unit II – Concept of Custom

- 2.1 Definition of custom
- 2.2 Origin of custom
- 2.3 Early importance of customary law
- 2.4 Theories as to the nature of customary law,
- 2.5 Essentials of valid custom
- 2.6 Kinds of custom
- 2.7 Customs and usage

Unit III – Legislation and Precedent

Unit IV – Possession and Ownership

Unit V – Rights and Duties

Unit VI – Persons

Unit VII – Liability

Unit VIII - Obligations

Suggested Reading

1. Dhavan R, Supreme Court of India
2. Cross R, Precedent in English Law
3. Stone Julius, Legal system and Lawyer's Reading [Chapters 6, 7 and 8]
4. Seervai H M, Constitution of India [Chapter on Union Judiciary]
5. Allen C K, Law in the Making [Chapter on subordinate and Automatic legislation]
6. Dickerson R, Interpretation and application of Statutes
7. Mukherjee A R, Parliamentary Procedure in India [Chapter entitle] 'Legislation' and 'Committees']
8. Benjamin N Cardozo, The Nature of the Judicial Process
9. Lloyd D, Introduction to jurisprudence [chapter on 'Judicial Process']
10. Harris J W, Legal philosophies [Chapter 13 & 15]
11. Kaul M N & Shakhder, Procedure and Practices of Parliament
12. Dias, Jurisprudence 15, W Friedmann Legal Theory
13. GW Paton, A text Book of Jurisprudence
14. Bodenheimer, Jurisprudence - The Philosophy and Method of the Law
15. Salmond, Jurisprudence

EC-204: Information Technology Law

Max. Marks: 100

Objective

In present scenario, Computer and Internet has impacted every walk of our lives. Information technology has proved to be boon for humanity and it has benefited the human life in many ways. Since with every positive thing, some negatives also creep in, similarly people also started to misuse the wonders of information technology. In year 2000, information technology Act, 2000 was passed to deal with various matters pertaining to Information Technology, its uses and misuses. Information technology Act, 2000 provides legal recognition to electronic communication, email, digital signatures, computerized documents and it also provides for legal remedies in case of misuse of information technology.

Syllabus:

Unit I

- 7.1 Jurisprudence of cyber law
- 7.2 Overview of computer and web technology
- 7.3 Freedom of expression on the internet
- 7.4 Internet and problems of geography

Unit II

- 2.1 The Information Technology Act, 2000 (As amended in 2008)
- 2.2 International Legal Regime
- 2.3 Aims and objects
- 2.4 Overview of the Act

Unit III

- 3.1 Electronic governance
- 3.2 Legal recognition of electronic records and electronic evidence

Unit IV

- 4.1 E – Commerce and contract through internet validity
- 4.2 Scope, process and effect
- 4.3 Digital signature
- 4.4 Electronic signature

Unit V

- 5.1 Meaning of cyber crimes
- 5.2 Cyber crimes under Indian Penal Code, 1860
- 5.3 Criminal Procedure Code, 1973,
- 5.4 Indian Evidence Act, 1872

Unit VI

- 6.1 Cyber crimes under the Information Technology Act, 2000
- 6.2 Cyber crimes under International law
- 6.3 Legal implications of social networking
- 6.4 Investigation and jurisdiction over cyber crimes.

Unit VII

- 7.1 Intellectual Property Issues and Cyberspace
- 7.2 The Indian perspective: overview of intellectual property related legislation,

Unit VIII

- 8.1 Copyright law and cyberspace
- 8.2 Trademark law and cyberspace
- 8.3 Issue related intellectual properties.

Select Bibliography:

1. Seth, Karnika; *Computers Internet and New Technology Laws*; LexisNexis
2. Gangopadhyay, Shubhashis, Singh, Manisha G. and Singh, Nirvikar; *Waiting to Connect*; LexisNexis
3. Viswanathan, Aparna; *Cyber Law*; LexisNexis
4. Bhansali, S.R.; *The Information Technology Act*, Bharat Law House

SEC-205: Introduction to Human Rights

Max. Marks: 50

Objective of the Course:

Human rights were conceived rather narrowly as mere freedom from arbitrary government in the past. It was realised later and much more so during last fifty years since the end of the Second World War that the threats to liberty, equality and justice did not emanate from the state alone. Many nations of Asia and Africa came to nationhood during this period. These nations had to bring about their development and they needed capital. Foreign aid and foreign investments were invited but these could very well lead to their second subjugation. Poverty, ignorance, exploitation had to be fought at the global level. Development had to come without the sacrifice of human values. A greater awareness of human rights, not only as negative restrictions on the state but as positive obligations for creating an environment in which man could live with dignity was necessary.

The focus of a course on human rights must be on the national problems with an international or global perspective. The world community's concerns about human rights have been expressed through various conventions. On the national levels, they are contained in constitutional provisions such as directive principles of state policy, fundamental rights, fundamental duties and judicial, legislative as well as administrative strategies of reconstruction. Human rights is an important parameter for a just society and future lawyers must be able to assess any programme of social transformation with reference to them.

Syllabus:

Unit I - Panoramic View of Human Rights

- 1.1. Human Rights in Non-western Thought
- 1.2. Awareness of Human rights during the nationalist movement
- 1.3. Universal Declaration of Human Rights, Constituent Assembly and Part III, rafting process.
- 1.4. 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 convenants.)

Unit II - Fundamental Rights Jurisprudence as Incorporating Directive Principles

- 2.1. The dichotomy of Fundamental Rights (F.R.) and Directive Principles (D.P.)
- 2.2. The interaction between F.R. and D.P.
- 2.3. Resultant expansion of basic needs oriented human rights in India

Unit III - Right not be Subject to Torture, Inhuman or Cruel Treatment

- 3.1. Conceptions of torture, third-degree methods
- 3.2. "Justifications" for it
- 3.3. Outlawry of torture at international and constitutional law level
- 3.4. Incidence of torture in India
- 3.5. Judicial attitudes
- 3.6. Law Reform - proposed and pending

Unit IV - Minority Rights

- 4.1. Conception of minorities
- 4.2. Scope of protection

- 4.3. The position of minority "Woman" and their basic rights
- 4.4. Communal Riots as Involving violation of Rights.

Unit V - Rights to development of Individuals and Nations

- 5.1. The UN Declaration on Right to Development, 1987
- 5.2. The need for constitutional and legal changes in India from human rights standpoint.

Unit VI - People's Participation in Protection and Promotion of Human Rights

- 6.1. Role of International NGOS
 - 6.2.1. Amnesty International
 - 6.2.2. Minority Rights Groups
 - 6.2.3. International Bars Association, Law Asia
- 6.3. Contribution of these groups to protection and promotion of human rights in India.

Unit VII - Development Agencies and Human Rights

- 7.1. Major international funding agencies and their operations in India
- 7.2. World Bank lending and resultant violation/promotion of human rights
- 7.3. Should development assistance be tied to observance of human rights (as embodied in various UN declarations)

Unit VIII - Freedoms

- 8.1. Free Press - Its role in protecting human rights
- 8.2. Right of association
- 8.3. Right to due process of law
- 8.4. Access and Distributive Justice

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 Publishing House, New Delhi.
- 4. F.Kazmi, Human Rights (1987)
- 5. L.Levin, Human Rights (1982)
- 6. Madhavtirtha, Human Rights (1953)
- 7. W.P. Gromley, Human Rights and Environment (1976)
- 8. H. Beddard, Human Rights and Europe (1980)
- 9. Nagendra Singh, Human Rights and International Co-operation (1969)
- 10. S.C. Kashyap, Human Rights and Parliament (1978)
- 11. S.C. Khare, Human Rights and United Nations (1977)
- 12. Moskowitz, Human Rights and World Order (1958)
- 13. J.A. Andrews, Human Rights in International Law (1986)
- 14. Menon (ed.), Human Rights in International Law (1985)
- 15. A.B. Robertson (ed), Human Rights in National and International Law (1970)
- 16. Upendra Baxi, "Human Rights, Accountability and Development" Indian Journal of international law 279 (1978)

Group – II
LL.M. Part – I Sem – I
Intellectual Property Rights

CC-101: Law and Social Transformation in India

Max. Marks: 100

Objectives of the course: This course aims at:

- (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 the law has played and has to play in the contemporary Indian society

Syllabus:

Unit I - Law and social change

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

Unit II - Religion and the law

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

Unit III - Language and the law

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

Unit IV - Community and the law

- 4.1. Caste as a divisive factor
- 4.2. Non-discrimination on the ground of caste.
- 4.3. Acceptance of caste as a factor to undo past injustices.
- 4.4. Protective discrimination: Scheduled castes, tribes and backward classes.
- 4.5. Reservation; Statutory Commissions., Statutory provisions.

Unit V - Regionalism and the law

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

Unit VI - Women and the law

- 6.1. Crimes against women.
- 6.2. Gender injustice and its various forms.
- 6.3. Women's Commission.
- 6.4. Empowerment of women: Constitutional and other legal provisions.

Unit VII - Children and the law

- 7.1. Child labour.
- 7.2. Sexual exploitation.
- 7.3. Adoption and related problems.
- 7.4. Children and education.

Unit VIII - Modernisation and the law

- 8.1. Modernisation as a value: Constitutional perspectives reflected in the fundamental duties.
- 8.2. Modernisation of social institutions through law.
 - 8.2.1. Reform of family law
 - 8.2.2. Agrarian reform - Industrialisation of agriculture.
 - 8.2.3. Industrial reform: Free enterprise v. State regulation - Industrialisation v. environmental protection.
- 8.3. Reform of court processes.
 - 8.3.1. Criminal law: Plea bargaining; compounding and payment of compensation to victims.
 - 8.3.2. Civil law: (ADR) Confrontation v. consensus; mediation and conciliation; Lok adalats.
 - 8.3.3. Prison reforms.
- 8.4. Democratic decentralisation and local self-government.

Select Bibliography:

14. Marc Galanter (ed.), Law and Society in Modern India (1997) Oxford,
15. Robert Lingat, The Classical Law of India (1998), Oxford
16. U. Baxi, The Crisis of the Indian Legal System (1982). Vikas, New Delhi.
17. U. Baxi (ed.), Law and Poverty Critical Essays (1988). Tripathi, Bombay.
18. Manushi, A Journal About Women and Society.
19. Duncan Derret, The State, Religion and Law in India (1999). Oxford University Press, New Delhi.
20. H.M. Seervai, Constitutional Law of India (1996), Tripathi.
21. D.D. Basu, Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd., New Delhi.
22. Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (2000) Armol Publications, Delhi.
23. Savitri Gunasekhare, Children, Law and Justice (1997), Sage
24. Indian Law Institute, Law and Social Change : Indo-American Reflections, Tripathi (1988)
25. J.B. Kripalani, Gandhi: His Life and Thought, (1970)Ministry of Information and Broadcasting Government of India
26. M.P.Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay.

CC-102: Indian Constitutional Law: The New Challenges

Max. Marks: 100

Objectives of the Course:

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

Syllabus:

Unit I - Federalism

- 1.1. Creation of new states
- 1.2. Allocation and share of resources - distribution of grants in aid
 - 1.2.1. The inter-state disputes on resources
- 1.3. Rehabilitation of internally displaced persons.
- 1.4. Centre's responsibility and internal disturbance within States.
- 1.5. Directions of the Centre to the State under Article 356 and 365
- 1.6. Federal Comity : Relationship of trust and faith between Centre and State.
- 1.7. Special status of certain States.
 - 1.7.1. Tribal Areas, Scheduled Areas

Unit II - Right to equality: privatisation and its impact on affirmative action.

- 2.1 Introduction
- 2.2 Equality Before Law
- 2.3 Landmark Judgments

Unit III - Empowerment of women.

- 3.1 Introduction
- 3.2 Empowerment: Meaning and Importance
- 3.3 Empowerment of Women in India
- 3.4 Initiatives by the Judiciary

Unit IV - Freedom of press and challenges of new scientific development

- 5.1. Freedom of speech and right to broadcast and telecast.
- 5.2. Right to strikes, hartal and bandh.

Unit V - Emerging regime of new rights and remedies

- 6.1. Reading Directive Principles and Fundamental Duties into Fundamental Rights
 - 6.1.1. Compensation jurisprudence
 - 6.1.2. Right to education
 - 6.1.2.1. Commercialisation of education and its impact.
 - 6.1.2.2. Brain drain by foreign education market.

Unit VI - Secularism and religious fanaticism.

- 1.1 Secularism
- 1.2 Secularism under Indian Constitution
- 1.3 Right to Religion
- 1.4 Religious Fanaticism

Unit VII - Separation of powers: stresses and strain

- 7.1. Judicial activism and judicial restraint.
- 7.2. PIL: implementation.
- 7.3. Judicial independence.
 - 7.3.1. Appointment, transfer and removal of judges.
- 7.4. Accountability: executive and judiciary.
- 7.5. Tribunals

Unit VIII - Democratic process

- 8.1. Nexus of politics with criminals and the business.
- 8.2. Election
- 8.3. Election commission: status.
- 8.4. Electoral Reforms
- 8.5. Coalition government, 'stability, durability, corrupt practice'
- 8.6. Grass root democracy.

Select Bibliography:

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

CC-103: Legal Theory

Max. Marks: 100

Objectives of the course:

- e) The course aims at developing an insight into the juristic foundations of a legal system.
- f) To enable understanding of the law as it exists and its functions in a contemporary society.
- g) To inculcate a clear understanding about the new aspects of law and its nature and function.
- h) To create a clear understanding about the impact of law on various other branches of the study and its relationship with ethical aspects of justice.

Syllabus:

Unit I - Introduction

- 1.5 Meaning and concept of Jurisprudence
- 1.6 Relevance of Jurisprudence in the contemporary era
- 1.7 Meaning and definition of Law Law and Morals
- 1.8 Value of Judgments

Unit II - Relevance of Natural Law: theoretical Perceptions

- 2.1 The Origin and Significance of Natural Law
- 2.2 Theoretical Perceptive of Natural Law
- 2.3 ST Thomas Aquainas; Grotius;Hobbes;Locke;Rosseau
- 2.4 German Transcendental Idealism-Immanuel Kant
- 2.5 Revival of Natural Law-Stammler; Fuller; John. Finnis
- 2.6 Semi-sociological Natural Law-H.L.A. Hart
- 2.7 Liberty and Civil disobedience

Unit III - Legal positivism

- 3.1 Austin's analytical theory of Law
- 3.2 Bentham's Legal Positivism
- 3.3 Pure Theory of Law-Hans Kelson
- 3.4 Oliver Wendell Homes Theory

Unit IV - Post Modern Theories

- 4.1 Hart's concept of Law
- 4.2 Rawls theory of Justice
- 4.3 Amartya Sen's theory of Justice

Unit V - Sociological Jurisprudence

- 5.1 Duguit Theory
- 5.2 Ehrlich and Ihering Theory
- 5.3 Dean Roscoe Pound Theory
- 5.2 Prof. Patterson
- 5.3 Prof. Selznick.

Unit VI - American legal Realism:

- 6.1 Jerome Frank.
- 6.2 Karl Lewellyn
- 6.3 Indian Judicial process & relevance to American legal realism

Unit VII – Scandinavian Realism

Unit VIII - Hindu Jurisprudence

Select Bibliography:

1. Salmond: Jurisprudence, Universal Publishers.
2. Paton : Jurisprudence
3. Allen : Law in the Making, Universal Publishers.
4. Mahajan V.D.: Legal Theory and Jurisprudence, Eastern Book Company, Lucknow.
5. Dias : Jurisprudence, Aditya Books.
6. Rama Jois, Legal and Constitutional History of India, Universal Law Publications, Delhi.
7. John Rawls-Theory of justice.

EC-104: Law of Patents (Paper – I)Max. Marks: 100

Objectives of the course:

Law of Patents is the branch of intellectual property providing protection to new inventions. The paper exposes students to the evolution of patents in India, treaties and conventions. It provides insight into the concept of patentable and non patentable inventions, procedure of filling application and rights of the patentee.

Syllabus:

Unit I – Introduction

- 1.1 Concept of Patent
- 1.2 Origin and Development of Patent: National and International Scenario
- 1.3 International Character of Patents
- 1.4 Subject matter of Patents – Patentable and non-Patentable inventions
- 1.5 Advantages of patent to the inventor

Unit II – How to Obtain Patent

- 2.1 Who may apply?
- 2.2. Procedure – Pre-requisites
- 2.3. Term of Patent
- 2.4 Provisional and Complete Specification
- 2.5 Examination, publication, Opposition, grant of patentPatent of addition
- 2.5 Patent of addition

Unit III – Rights and Obligations of Pantentee

- 3.1 Nature of patent rights
- 3.2 Limitations of Pantentee’s Rights
- 3.3 Obligations of Pantentee

Unit IV – Transfer of Patent Rights

- 4.1 Assignments
- 4.2 License
- 4.3 Compulsory Licenses, Licenses of Rights and Revocation for Non-working
- 4.4 Government use of Inventions
- 4.5 Revocation and Surrender of Patents

Unit V – Infringement of Patents

- 5.1 What constitutes infringement
- 5.2 Action for Infringement
- 5.3 Defenses
- 5.4 Reliefs / remedies

Unit VI - Threat of Infringement Proceedings

- 6.1 Concept of threat
- 6.2 Burdern of Proof
- 6.3 Persons aggrieved
- 6.4 Injunction
- 6.5 Damages

Unit VII – Offenses and Penalties and Miscellaneous Matters

- 7.5 Offenses
- 7.6 Inventions relevant for defense purposes
- 7.7 Convention countries and reciprocity arrangements
- 7.8 Patent Agents
- 7.9 The Intellectual Property Appellate Board, Power, Constitution, jurisdiction

Unit VIII – Patent and emerging issues

- 8.1 Emerging Issues
- 8.2 Patents & Computer Programs
- 8.3 Bio-Informatics Patents,
- 8.4 Patent and Human Right Issues

Select bibliography:

1. Richard Miller, Guy Burkill, Hon Judge Birss, Douglas Campbell, Terrell on the Law of Patents, Sweet and Maxwell, 2010
2. Feroz Ali Khader, The Touchstone Effect: The Impact Of Pre-Grant Opposition On Patents, Lexis Nexis, 2009
3. Donald S Chisum, Chisum on Patents (17 Volumes), Lexis Nexis, 2012
4. Janice M. Mueller, Patent Law, Wolters Kluwer, 2013
5. Martin J. Adelman et al., Patent Law in a Nutshell, West, 2013
6. Amy L. Landers, Understanding Patent Law, Lexis Nexis, 2012.
7. Ananth Padmanabhan, Intellectual Property Rights Infringement and Remedies, Lexis Nexis, 2012

SEC-105: Alternative Dispute Resolution

Max. Marks: 50

Objectives Of The Course:

The main objectives of the Course are:

2. Understand the strengths and weakness of various dispute resolution methods.
2. Explain primary dispute resolution process and functions
3. Develop techniques and skill to make effective use of ADR methods.
4. Describe and explain the ADR movement.
5. Compare and contrast various legal implications of each method.
6. Train participants to be effective Arbitrators, Conciliators and Mediators.
7. Reduce the backlog of pending cases
8. Develop Case Management System.
9. Reduce the time pendency of the litigations

Syllabus:

Unit I - Introduction to ADR

- 2.1 Key Concepts in Dispute Resolution
- 2.2 Disputes - Kinds of Disputes - Justiciable dispute- Dispute Resolution in adversary system, court structure and jurisdiction.

Unit II - Dispute Resolution at grass root level, Lok Adalats, Nyaya Panchayath, Legal Aid, Preventive and Strategic legal aid.

- 2.1 ADR - Meaning and philosophy
- 2.3 Overview of ADR processes,
- 2.3 Legal counselling,
- 2.4 Case - planning strategy,
- 2.5 Conciliation / Mediation,

Unit III – Negotiation:

- 3.1 Theories and Frameworks.
- 3.2 Skills and Behaviour
- 3.4 Barriers to Agreements
- 3.5 Rule of law; Ethics and Policies.

Unit IV - Mediation - I

- 4.1 Introduction Overview
- 4.2 Purposes and Uses.
- 4.3 Skills - Roles of Mediators,
- 4.4 Parties, Lawyers

Unit V – Mediation – II.

- 5.1 Ethics, Fairness, Neutrality, Confidentiality and Personal values
- 5.2 Policies, Controversies.
- 5.3 Practical skills of client interviewing/legal counselling.

Unit VI - ADR Information, Technology

- 6.1 Internet - Cyber space,
- 6.2 Online, cyberspace dispute resolution.

Unit VII – Arbitration - I

- 7.1 Arbitral Proceedings, commencement Roots of procedural evidence, 7.2 "Fast Track" arbitration, statement of claim and defence, hearing and return proceedings-interim measures by Court and by Arbitral Tribunal.
- 7.3 The law of binding Arbitration.
- 7.4 Skills and Ethics of Arbitration.
- 7.5 Arbitral Tribunal - Composition, eligibility and qualifications of arbitrators.
- 7.6 Termination or a mandate of arbitral Tribunal's and of arbitrators, appointment of arbitrators and filling up of vacancies, powers and functions of Arbitral Tribunal's. competence of arbitral Tribunal to rule on its own jurisdiction etc.

Unit VIII – Arbitration – II

- 8.1 Practice and Legal issues; "compulsory" arbitration in courts and contracts.
- 8.2 Evolution of mediation/conciliation as a mode of settlement of disputes, distinction between mediation, conciliation, negotiation and good offices - definition and scope of conciliation, advantages of conciliation
- 8.3 The Arbitration and Conciliation a Act of 1996 - Appointment of conciliators, commencement of conciliation, proceedings - submission of statements - communication between conciliator and parties, suggestions for settlement –
- 8.4 Confidentiality of information

- 8.5 Admissibility of evidence in other proceedings
- 8.6 settlement agreement-status and effect. Termination of conciliation proceedings; costs and deposits.

Select bibliography:

- 13. The Indian Arbitration and Conciliation Act of 1996.
- 14. The Fundamentals of Family Mediation by John M. Haynes and Stephanie Charlesworth.
- 15. The Promise of Mediation, by Robert A Baruch Bush and Joseph Folger
- 16. Alternative Dispute Resolution, by P. C. Rao and William Sheffield
- 17. Getting to Yes, by Fisher ADR Getting past, No. by fisher and Ury 7. Mediation in Family Dispute, by Marian Roberts.
- 18. Family Mediation, by Lisa Parkinson
- 19. People Skills, by Robert Bolton
- 20. The Mediator's Handbook by Ruth Chariton and Micheline Dewdney
- 21. Mediation: Principles, Process, Practice by Laurence Boulle -Butterworths.
- 22. Living the 7 Habits by Stephen R. Govey
- 23. The Monk who sold his Ferari by Robin Sharma
- 24. The Code of Civil Procedure, 1908.

**LL.M Part – I, Sem - II
CC-201: Judicial Process**

Max. Marks: 100

Objectives of the course:

A lawyer, whether academic or professional, is expected to be competent to analyse and evaluate the legal process from a broader juristic perspective. Hence a compulsory paper on Judicial Process is essential in the LL.M curriculum. The objective of this paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change. This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process. Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This paper, therefore, intends to familiarise the students with various theories, different aspects and alternative ways, of attaining justice.

Syllabus:

Unit I - Nature of judicial process

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

Unit II - Doctrine of Precedent-Ratio decidendi and Obiter Dictum

- 2.1 Methods of determining ratio- Stare decisis
- 2.2 Eceptions-precedent in common law and Civil law Countries.

Unit III - Special Dimensions of Judicial Process in Constitutional Adjudications.

- 3.1. Notions of judicial review
- 3.2. 'Role' in constitutional adjudication - various theories of judicial role.
- 3.3. Tools and techniques in policy-making and creativity in constitutional adjudication.
- 3.4. Varieties of judicial and juristic activism
- 3.5. Problems of accountability and judicial law-making.

Unit IV - Logic and growth in law

- 4.1 Categories of illusory Reference-legal reasoning (judicial as well as juristic).
- 4.2 New rhetorics - role of judicial Concepts and judicial discretion in judicial reasoning.

Unit V - Judicial Process in India

- 5.1. Indian debate on the role of judges and on the notion of judicial review.
- 5.2. The "independence" of judiciary and the "political" nature of judicial process
- 5.3. Judicial activism and creativity of the Supreme Court - the tools and techniques of creativity.
- 5.4. Judicial process in pursuit of constitutional goals and values - new dimensions of judicial activism and structural challenges
- 5.5. Institutional liability of courts and judicial activism - scope and limits.

Unit VI- Nature of judicial process

- 6.1 Search for the legislative
- 6.2 intention-methods of judicial interpretation
- 6.3 Role of Philosophy, logic, history tradition and sociology.

Unit VII - The Concepts of Justice

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

Unit VIII - Relation between Law and Justice

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

Select bibliography:

1. Julius Store : The Province and Function of Law, Part II, Chs. 1-8-16 (2000), Universal, New Delhi.
2. Cardozo : The Nature of Judicial Process (1995), Universal, New Delhi

3. Henry J. Abraham : The Judicial Process (1998), Oxford
4. J.Stone : Precedent and the Law : Dynamics of Common Law Growth (1985), Butterworths
5. W. Friedmann : Legal Theory (1960), Stevens, London
6. Bodenheimer : Jurisprudence - The Philosophy and Method of the Law (1997), Universal, Delhi
7. J. Stone : Legal System and Lawyer's Reasoning (1999), Universal, Delhi.
8. U. Baxi : The Indian Supreme Court and Politics (1980), Eastern, Lucknow.

CC-202: Legal education and research methodology

Max. Marks: 100

Objectives of the course:

A post-graduate student of law should get an insight into the objectives of legal education. He should have an exposure to programmes like organisation of seminars, publication of law journals and holding of legal aid clinics. Law is taught in different ways in different countries. The LL.M course, being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarise himself with the different systems of legal education. The lecture method both at LL.B level and LL.M level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problem method, discussion method, seminar method and a combination of all these methods. The student has to be exposed to these methods so as to develop his skills. Growth of legal science in India depends on the nature and career of legal research.

Syllabus:

Unit I - Introduction

- 1.1 Objectives of Legal Education
- 1.2 Clinical Legal Education - Legal Aid, Legal Literacy, Legal Survey and Law Reform

Unit II - Methods of Teaching – I

- 2.1 Lecture Method of Teaching
- 2.2 The Problem Method

Unit III - Methods of Teaching – II

- 3.1 The Seminar Method teaching.
- 3.2 Discussion method and its suitability at post graduate level teaching

Unit IV Identification of Problem Research & Research Methods

- 4.1 What is a Research Problem?
- 4.2 Survey of Available Literature and Bibliographical Research
- 4.3 Socio-Legal Research
- 4.4 Doctrinal and Non-Doctrinal
- 4.5 Relevance of Empirical Research
- 4.6 Induction and Deduction

Unit V Preparation of the Research Design - I

- 5.1 Formulation of the Research Problem
- 5.2 Devising tools and techniques for collection of data: Methodology
 - 5.2.1 Methods for the Collection of Statutory and Case materials and Juristic Literature

5.2.2 Use of Historical and Comparative Research Materials

Unit VI - Preparation of the Research Design - II

- 6.1 Use of Observation Studies
- 6.2 Use of Question/Interview
- 6.3 Use of Case Studies
- 6.4 Sampling Procedures - Design of Sample, Types of Sampling to be adopted
- 6.5 Use of Scaling Techniques

Unit VII Preparation of the Research Design - III

- 7.1 Jurimetrics
- 7.2 Computerised Research - A Study of Legal Research Program such as Lexis & West Law Coding

Unit VIII Preparation of the Research Design – IV

- 8.1 Classification and Tabulation of Data - Use of Cards for Data Collection - Rules for Tabulation. Explanation of Tabulated Data.
- 8.2 Analysis of Data

Select Bibliography:

- 10. High Brayal, Nigel Dunnean and Richard Crimes, Clinical Legal Education:
- 11. Active Learning in your Law School, (1998) Blackstone P Press Limited, London
- 12. S.K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
- 13. N.R. Madhava Menon, (Ed.) A Handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow.
- 14. M.O. Price, H. Bitner and Bysiewicz, Effective Legal Research (1978).
- 15. Pauline V. Young, Scientific Social Survey and Research, (1962)
- 16. William J. Grade and Paul K. Hatt, Methods in Social Research, Mc-Graw-Hill Book Company, London
- 17. H.M. Hyman, Interviewing in Social Research (1965)
- 18. Payne, The Art of Asking Questions (1965).
- 10. Erwin C. Surrency, B. Fiell and J. Crea, A Guide to Legal Research (1959)
- 11. Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.
- 12. Harvard Law Review Association, Uniform System of Citations
- 13. ILI Publication, Legal Research and Methodology

CC-203: Legal Sources and Concepts

Max. Marks: 100

Objectives of the Study:

The paper highlights the fundamental doctrines of legal process like precedent. It provides a deeper understanding of legal system, hierarchy of courts, ordinances and interpretation of statutes.

Syllabus:

Unit – I - Introduction

- 1.5 Meaning of the term ‘source’
- 1.6 Classification of sources of law
 - 1.6.1 Formal, material and literary sources
 - 1.6.2 Legal and historical sources,
 - 1.6.3 Binding and persuasive sources
- 1.7 Legal sources of English and Indian law
- 1.8 Equity and juristic opinion as source of law

Unit II – Concept of Custom

- 2.1 Definition of custom
- 2.2 Origin of custom
- 2.3 Early importance of customary law
- 2.4 Theories as to the nature of customary law,
- 2.5 Essentials of valid custom
- 2.6 Kinds of custom
- 2.7 Customs and usage

Unit III – Legislation and Precedent

Unit IV – Possession and Ownership

Unit V – Rights and Duties

Unit VI – Persons

Unit VII – Liability

Unit VIII - Obligations

Suggested Reading

16. Dhavan R, Supreme Court of India
17. Cross R, Precedent in English Law
18. Stone Julius, Legal system and Lawyer's Reading [Chapters 6, 7 and 8]
19. Seervai H M, Constitution of India [Chapter on Union Judiciary]
20. Allen C K, Law in the Making [Chapter on subordinate and Automatic legislation]
21. Dickerson R, Interpretation and application of Statutes
22. Mukherjee A R, Parliamentary Procedure in India [Chapter entitle] 'Legislation' and 'Committees']
23. Benjamin N Cardozo, The Nature of the Judicial Process
24. Lloyd D, Introduction to jurisprudence [chapter on 'Judicial Process']
25. Harris J W, Legal philosophies [Chapter 13 & 15]
26. Kaul M N & Shakhder, Procedure and Practices of Parliament
27. Dias, Jurisprudence 15, W Friedmann Legal Theory
28. GW Paton, A text Book of Jurisprudence
29. Bodenheimer, Jurisprudence - The Philosophy and Method of the Law
30. Salmond, Jurisprudence

EC-204; Law of Trademark

Max. Marks: 100

Objective

The paper provides student understanding of the law of trademarks. It provides knowledge on international convention and development on the subject. It examines the process of registration, infringement and remedies.

Unit I – Introduction

- 1.1 What is Trade Mark
- 1.2 Functions of a Trade Mark
- 1.3 Evolution of Trade Mark Law
- 1.4 Service Marks
- 1.5 Collective Trade Marks

Unit II – Trade Marks Registry and Register of Trade Marks

- 2.1 The jurisdiction of Trade Mark Offices
- 2.2 Registrar of Trade Marks
- 2.3 Trade Marks Journal

Unit III – Property in a Trade Marks and Registration of Trade Marks

- 3.1 Property in Trade Mark
- 3.2 What marks are registrable
- 3.3 Procedure for Registration of Trade and Service Marks
- 3.4. Opposition to registration
- 3.5 Duration and Renewal of Trade Marks
- 3.6. Marks not registratble

Unit IV – Similar, Near Resemblance and Deceptively Similar Marks

- 4.1 General
- 4.2 Factors to be taken into consideration
- 4.3 Word and Devise Marks

Unit V – Assignment and Transmission, Licensing of Trade Marks

- 5.1 Procedure for Assignment and Transmission
- 5.2 Registration of assignment and transmission
- 5.3 Licensing - Permitted use and Registered user
- 5.4 How far licensing is possible

Unit VI – Infringement, Threat and Trade Libel

- 6.1 Rights conferred by registration of Trade Marks
- 6.2 Infringment of Trade Marks
- 6.3 Action for infringement
- 6.4 Threat of legal proceedings
- 6.5 Trade Libel

Unit VII – Passing Off

- 7.1 Classification formulation of passing off
- 7.2 Distinguish between infringement and passing off

- 7.3 Defenses in Passing Off
- 7.4 Reliefs available in Passing Off Actions

Unit VIII – Offenses and Penalties

- 8.1 Nature of Offenses
- 8.2 Defense available to the accused
- 8.3 Offenses by companies
- 8.4 Criminal Proceedings
- 8.5 Miscellaneous matters

Select Bibliography:

1. David T Keeling, David Llewelyn, *Kerley's law of Trade Marks and Trade Names, Sweet and Maxwell*, 15th Edition , 2014.
2. P. Narayanan, *Trade Marks and Passing Off*, Eastern Law House, 2004
3. Ananth Padmanabhan, *Intellectual Property Rights Infringement and Remedies*, Lexis Nexis, 2012
4. Christopher Wadlow, *The Law of Passing Off: Unfair Competition by Misrepresentation*, Sweet and Maxwell, 2011.
5. David Lindsay, *International Domain Name Laws*, Hart Publishing, 2007.
6. Kerly on Trade Marks and Trade Names, 13th Ed. 2001, Sweet & Maxwell.
7. Dr. B. L. Wadehra, *Patents, Trade Marks, Copyright, Designs & Geographical Indications*, Universal Law Publishing Co., Pvt., Ltd.

SEC-205: Introduction to Human Rights

Max. Marks: 50

Objective of the Course:

Human rights were conceived rather narrowly as mere freedom from arbitrary government in the past. It was realised later and much more so during last fifty years since the end of the Second World War that the threats to liberty, equality and justice did not emanate from the state alone. Many nations of Asia and Africa came to nationhood during this period. These nations had to bring about their development and they needed capital. Foreign aid and foreign investments were invited but these could very well lead to their second subjugation. Poverty, ignorance, exploitation had to be fought at the global level. Development had to come without the sacrifice of human values. A greater awareness of human rights, not only as negative restrictions on the state but as positive obligations for creating an environment in which man could live with dignity was necessary.

The focus of a course on human rights must be on the national problems with an international or global perspective. The world community's concerns about human rights have been expressed through various conventions. On the national levels, they are contained in constitutional provisions such as directive principles of state policy, fundamental rights, fundamental duties and judicial, legislative as well as administrative strategies of reconstruction. Human rights is an important parameter for a just society and future lawyers must be able to assess any programme of social transformation with reference to them.

Syllabus:

Unit I - Panoramic View of Human Rights

- 1.1. Human Rights in Non-western Thought
- 1.2. Awareness of Human rights during the nationalist movement
- 1.3. Universal Declaration of Human Rights, Constituent Assembly and Part III, rafting process.
- 1.4. 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 convenants.)

Unit II - Fundamental Rights Jurisprudence as Incorporating Directive Principles

- 2.1. The dichotomy of Fundamental Rights (F.R.) and Directive Principles (D.P.)
- 2.2. The interaction between F.R. and D.P.
- 2.3. Resultant expansion of basic needs oriented human rights in India

Unit III - Right not be Subject to Torture, Inhuman or Cruel Treatment

- 3.1. Conceptions of torture, third-degree methods
- 3.2. "Justifications" for it
- 3.3. Outlawry of torture at international and constitutional law level
- 3.4. Incidence of torture in India
- 3.5. Judicial attitudes
- 3.6. Law Reform - proposed and pending

Unit IV - Minority Rights

- 4.1. Conception of minorities
- 4.2. Scope of protection
- 4.3. The position of minority "Woman" and their basic rights
- 4.4. Communal Riots as Involving violation of Rights.

Unit V - Rights to development of Individuals and Nations

- 5.1. The UN Declaration on Right to Development, 1987
- 5.2. The need for constitutional and legal changes in India from human rights standpoint.

Unit VI - People's Participation in Protection and Promotion of Human Rights

- 6.1. Role of International NGOS
 - 6.2.1. Amnesty International
 - 6.2.2. Minority Rights Groups
 - 6.2.3. International Bars Association, Law Asia
- 6.3. Contribution of these groups to protection and promotion of human rights in India.

Unit VII - Development Agencies and Human Rights

- 7.1. Major international funding agencies and their operations in India
- 7.2. World Bank lending and resultant violation/promotion of human rights
- 7.3. Should development assistance be tied to observance of human rights (as embodied in various UN declarations)

Unit VIII - Freedoms

- 8.1. Free Press - Its role in protecting human rights
- 8.2. Right of association
- 8.3. Right to due process of law
- 8.4. Access and Distributive Justice

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 Publishing House, New Delhi.
4. F.Kazmi, Human Rights (1987)
5. L.Levin, Human Rights (1982)
6. Madhavtirtha, Human Rights (1953)
7. W.P. Gromley, Human Rights and Environment (1976)
8. H. Beddard, Human Rights and Europe (1980)
9. Nagendra Singh, Human Rights and International Co-operation (1969)
10. S.C. Kashyap, Human Rights and Parliament (1978)
11. S.C. Khare, Human Rights and United Nations (1977)
12. Moskowitz, Human Rights and World Order (1958)
13. J.A. Andrews, Human Rights in International Law (1986)
14. Menon (ed.), Human Rights in International Law (1985)
15. A.B. Robertson (ed), Human Rights in National and International Law (1970)
16. Upendra Baxi, "Human Rights, Accountability and Development" Indian Journal of international law 279 (1978)
