



UNIVERSITY OF CALICUT

Abstract

Faculty of Law - LLM Course - modified syllabus (semester scheme) from January-December 2013 academic year- approved - implemented - orders issued.

UNIVERSITY OF CALICUT

U.O.No. 6674/2013/CU

Dated, Calicut University.P.O, 13.12.2013

*Read:-*1. U.O.No. 732/2013/CU dated 13.03.2013.

2. Item No. 2 of the minutes of the meeting of the Board of Studies in Law (PG) held on 27.06.2013.
3. Minutes of the meeting of the Board of Studies in Law (PG) held on 11.09.2013.
4. Letter dated 22.11.2013 from the Chairman Board of Studies in Law (PG).
5. Orders of Vice Chancellor in file of even No. on 03.12.2013.

ORDER

As per paper read as first above, sanction was accorded to implement the revised Regulations, Syllabus and model question papers of LLM Course (Semester Scheme) from 2013 academic year onwards.

Vide paper read as second above, the Board of Studies in Law (PG) considered the representation by the students and the Faculty of Government Law College, Thrissur on the anomalies in the present LL.M Syllabus and entrusted Prof. A. Sathyaseelan of School of Legal Studies, Cochin University to rectify the anomalies and submit the draft syllabus in a period of 15 days.

As per paper read as third above, the Board of Studies in Law (PG) accepted the report submitted by Prof. Sathyaseelan regarding the changes to be incorporated in the syllabus of LL.M compulsory paper CC002 Legal Process I (Legislative Process and Administrative Process) and all the papers in the optional D-Administrative Law. The Board also resolved to recommend the following modifications in the course curriculam of LL.M degree Programme.

a. Under Part I-Research Methodology and Clinical Legal Education and Part II-Law Teaching, the clause " average marks shall be reckoned may be omitted and the following may be inserted"

'Internal evaluation shall be for a maximum of 20 marks and external evaluation for a maximum of 30 marks; the total being 50 marks for the paer. A sepatate minimum of 50 % marks is required for the internal and extenal evaluation'.

The Board also resolved to incorporate the above modifications in the course curriculam and syllabus with retrospective effect, i.e from January-December 2013 academic year onwards.

Vide paper read as fourth above, the Chairman of Board of Studies in Law (PG) forwarded the modified syllabus of LL.M course requesting to implement the same immediately.

Considering exigency, the Vice Chancellor exercising the powers of the Academic Council has accorded sanction to implement the modified syllabus of the LL.M Course (Semester Scheme) subject to ratification by the Academic Council.

Sanction is therefore accorded to implement the modified LL.M syllabus (Semester Scheme) with effect from January-December 2013 academic year onwards subject to ratification by the Academic Council.

Orders are issued accordingly. (modified syllabus appended)

Muhammed S
Deputy Registrar

To

The Principals of affiliated Govt Law Colleges

Copy to PS to VC/PA to PVC/PA to Registrar/PA to Controller of Exams/AR/DR/Law/EX
Section/EG1 Section/Tabulation (Law)/The System Administrator with a request to upload
the syllabus in the University Website/SF/DF/FC/.

Forwarded / By Order

Section Officer

UNIVERSITY OF CALICUT



Master of Laws (LL.M.) Semester
Scheme- (2012 December admission
onwards)-

[From January-December 2013 Academic
Year]

REGULATIONS, CURRICULUM, SCHEME-OF-SUBJECTS and
EXAMINATIONS , DETAILED SYLLABUS & Model Question
papers.

**REGULATIONS RELATING TO CONDUCT AND EVALUATION OF EXAMINATIONS FOR
PROGRAMME LEADING TO LL.M. DEGREE UNDER UNIVERSITY OF CALICUT
(WITH EFFECT FROM 2013 JANUARY TO DECEMBER ACADEMIC YEAR)**

1. (a) These regulations shall be called 'University of Calicut Regulations for LL.M. course under semester Scheme from 2012 admission onwards'
(b) These regulations shall come into force from the date of approval of the same by The University of Calicut.
(b) The name of the course shall be Master of Laws (LL.M)

2. DEFINITIONS:

1. **Academic Programme** shall mean a programme of courses and/or any other component leading to Master's Degree in Law (LL.M.)
2. **An Academic Year** is normally a period of nearly 12 months from devoted to completion of requirements specified in the Scheme of Teaching and the related examinations.
3. **Semester System** - a programme wherein each academic year is normally apportioned into two semesters.
4. **Course** means a component of the academic programme, carrying a distinctive code no.
5. **External examiner** shall mean an examiner who is not in the employment of the University of Calicut or in the colleges affiliated to the University of Calicut.
6. **Student** shall mean a person admitted to the Law Colleges affiliated to the University of Calicut for any of the academic programmes to which this Regulation is applicable.

7. **University** means the University of Calicut.
8. **Principal** means the Principal of the concerned Law College affiliated to the University of Calicut.
9. **Registrar** shall mean Registrar of the University of Calicut .
10. **Faculty** shall mean faculty of the concerned law college affiliated to the University of Calicut.
11. College means a law college affiliated to The University of Calicut.

3. **PROGRAMME CONTENT & DURATION**

- (a) A Master's degree programme in Law (LL.M.) shall comprise of a number of courses and/or other components as specified in the Scheme of Teaching & Examination and Syllabi, as are approved by the University.
- (b) The minimum period required for completion of a programme shall be the programme duration as specified in the Scheme of Teaching & Examination and Syllabi.
- (c) The maximum permissible period for completing a LL.M. programme for which the prescribed programme duration is n semesters, shall be (n + 4) semesters. All the programme requirements shall have to be completed in (n + 4) semesters.

4. **SEMESTER**

- (a) An academic year shall be apportioned into two semesters; preferably from January to June and July to December.
- (b) The Academic Calendar shall be notified by the university each year, before the start of Academic Year.

- (c) Each of the two semesters shall be of a working duration of about 18 to 20 weeks. Holidays and vacations shall be as per schedule fixed by the University and the Colleges from time to time.

5. ACADEMIC PROGRAMME COMMITTEE

There shall be an Academic Programme Committee at the college level. All faculty regularly engaged in post graduate teaching in the college shall constitute an Academic Programme Committee of which the Principal of the College shall act as its Chairman. This Committee shall coordinate the implementation of the courses for optimum utilisation of resources and timely coverage of the courses (syllabus). The Academic Programme Committee shall meet as and when required but at least once every semester. The Chairman of the Committee shall convene the meetings.

6. EXAMINATION FEES

The Registrar or Controller of Examinations shall notify the fees payable by the students for various examinations, after the same is approved by the University. A student who has not paid the prescribed fees before the start of examinations shall not ordinarily be eligible to appear in the examination.

7. ATTENDANCE

A student shall be required to have a minimum attendance of 75% or more in the aggregate of all the courses taken together in a semester, provided that the University may condone attendance shortage up to 10% for individual student for reasons to be recorded; subject to University rules and regulations prevailing from time to time.

However, under no condition, a student who has an aggregate attendance of less than 65% in a semester shall be allowed to appear in the semester/ examination.

Student who has been detained due to shortage of attendance shall not be allowed to be promoted to the next semester and he/she will be required to take re-admission and repeat all courses of the said semester with the next batch of students. The university register number of such student shall however remain unchanged and he or she shall be required to complete the programme in a maximum permissible period of (n+4) semesters as mentioned in clause 3(c).

The college or University has to announce the names of all such students who are not eligible to appear in the semester examination, before the start of the semester examinations. In case any student appears by default, who in fact has been detained by the University or college, his / her result shall be treated as null and void.

8. EXAMINATION & EVALUATION

- a. The university shall hold examinations for awarding Master's degree in Law (LL.M.) as per the prescribed Scheme of Teaching & Examinations and Syllabi.
- b. Examinations of the university shall be open to regular students i.e. candidates who have enrolled with the law colleges affiliated to the University and undergone a course of study in the college, for a period specified in the Scheme of Teaching & Examination and Syllabi.
- c. **Conduct of semester-end examinations**
 - (i) All semester-end examinations shall be conducted by the University.

- (ii) The schedule of examination shall be notified by the University at least 10 days prior to the first day of the commencement of semester-end examinations.
 - (iii) For theory as well as dissertation/thesis/project report/seminar all examiners shall be appointed by the University out of the panel suggested by the colleges.
- d. The evaluation of students in a course shall have two components unless specifically stated otherwise in the Scheme of Teaching & Examination and Syllabi:
- (i) Evaluation through a semester-end examination
 - (ii) Continuous evaluation by the teacher(s) of the course.
 - (iii) The distribution of weightage for various components of evaluation shall be as below:

Theory Courses

(i)	Semester-end examinations	60%
(ii)	Continuous evaluation by the teacher(s)	40%

For any other component of a programme not covered by the above, the weightage shall be prescribed by the University in consultation with the colleges.

Teacher's Continuous Evaluation

Theory course: The Teacher's Continuous Evaluation shall be based on the following:

Item		Apportioned Marks
(i)	Attendance	5 marks
(ii)	Class Test	10 marks
(iii)	Presentation of Papers	10 marks
(iv)	Assignment	15 marks

	Total	40 marks

e. Dissertation

For dissertation, the evaluation shall be done and marks awarded by a Committee comprising of an internal examiner, who will ordinarily be the supervisor and Chairperson, and one or more external examiners. The external examiners shall be appointed by the University out of a panel of three or more names suggested by the concerned colleges.

f. Evaluation process for Dissertation/Thesis

The dissertation may be valued by an internal examiner and external examiners and the mean of the scores may be taken as the marks awarded to the candidate.

If however, there is the difference of 15% of the total marks between the scores of the examiners, the dissertation may be sent to another examiner and the marks awarded by him shall be the final score of the candidate in respect of the dissertation.

9. CRITERIA FOR PASSING COURSES/MARKS AND DIVISIONS

- a. (i) Obtaining a minimum of 50% marks in aggregate in each course including the semester-end examination and the teacher's continuous evaluation shall be essential for passing the course. A candidate who secures less than 50% of marks in a course, shall be deemed to have failed in that course.
- (ii) A student may apply, within two weeks from the date of declaration of result, for re-checking of the examination script(s) of a specific course(s) on the payment of prescribed fees to be notified by the University. Re-checking shall mean verifying whether all the questions and their parts have been duly marked as per the question paper and the totaling of marks. In the event of any discrepancy being found the same shall be rectified through appropriate changes in both the results as well as marks-sheet of the concerned semester-end examination.
- b. A student obtaining less than 50% of maximum marks assigned to a course and failing in the course shall be allowed to re-appear in a semester end examination

of the course in a subsequent semester(s) when the course is offered, subject to maximum permissible period of (n+4) semesters. A student who has to re-appear in a semester end examination in terms of above clause shall be examined as per the syllabus which will be in operation during the subsequent semester(s).

- c. A candidate who has secured the minimum 50% marks in each course and as well as aggregate of all courses shall be declared to have passed the LL.M. Programme and shall be eligible for the award of LL.M. Degree.

Further the successful candidates will be placed in Divisions as below:

- (i) **Second Division:** A candidate obtaining aggregate of 50% and above marks but less than 60% marks shall be placed in Second Division.
- (ii) **First Division:** A candidate obtaining aggregate of 60% and above but below 70% marks shall be placed in first division.
- (iii) **First Division with Distinction:** A candidate obtaining aggregate of 70% and above marks shall be placed in first division with distinction, provided the candidates have passed all the courses in the first attempt.

10. AWARD OF DEGREE

A student shall be awarded a LL.M. Degree if;

- (i) He/She has enrolled himself/herself, as a regular student, undergone the course of studies, completed the dissertation/seminar/articles as specified in the curriculum within the stipulated time and secured the minimum 50% marks in all the courses.
- (ii) There are no dues outstanding in his/her name
- (iii) No disciplinary action is pending against him/her.

11. Admission and promotion:

1. (a) The LL.M. course shall be full time course. The admission to the Course shall be regulated by the norms and procedures laid down by the Government of Kerala and The University of Calicut from time to time.

(b) Currently the admission is based on the common entrance test conducted for the purpose by The Commissioner for Entrance Examinations, Kerala.

(c) As and when more than one optional courses are offered by the colleges, the students shall be having the option to choose their optional subjects immediately after the close of admissions for each batch. The choice exercised by students will be considered in the order of rank secured by them in the entrance examinations. The academic programme committee shall assist the students in exercising their options.

(d) Half the number of each batch shall be allotted either of the two optionals offered for a batch. Only two optional subjects shall be offered at a time. The exercise of option shall be in writing. Allotment of students into two batches each year shall be done by

The principal on the recommendations of the academic programme committee in the order of ranking in the entrance test and on the basis of the written option of the students. The process shall be completed within 15 days from close of admission to each batch, under intimation to the University.

(e) Option once exercised shall not be revoked/ altered in any circumstance whatsoever. If the intake of a batch is odd number, the academic programme committee shall have the freedom to divide the batches appropriately. No other criteria other than rank secured in the entrance test shall be considered for allotting students into the two batches based on their written option.

(f) If any student fails to exercise the written option within the stipulated time for any reason whatsoever, the Principal in consultation with the Academic Programme Committee shall allot the student to either of the two batches, and such allotment cannot be altered subsequently.

2. No person shall be admitted to the end semester examination after the first semester unless he has undergone a course of study for the period prescribed for the first semester in these regulations in the prescribed subjects in any of the law colleges affiliated to The University, after taking LL.B of this University or of a university Recognised by this University as equivalent thereto and forward to the University before the date of commencement of the first semester University examination; satisfactory evidence of taken the degree.

(3) A candidate who has not passed all the courses in a semester shall be promoted to the next semester subject to compliance with all the other conditions in these regulations, including the requirements relating to attendance. The Principal should also certify that his progress and conduct has been satisfactory in the previous semester.

12. Notwithstanding anything stated in this Regulation for any unforeseen issues arising, and not covered by this regulation or in the event of differences of interpretation, the University may take a decision, after obtaining if necessary the opinion/advice of The

Dean, Faculty of Law and Chairman, Board of Studies in Law (PG). The decision of the University shall be final.

COURSE CURRICULUM OF MASTER OF LAWS (LL.M.) Degree Programme

Compulsory Courses

1. CC001 LAW AND SOCIAL TRANSFORMATION IN INDIA.
2. CC002 LEGAL PROCESS – I. (Legislative Process and Administrative Process)
3. CC003 LEGAL PROCESS – II (JUDICIAL PROCESS)
4. CC004 LEGAL EDUCATION AND RESEARCH METHODOLOGY
5. CC005 Practical examination (Research Methodology and Law Teaching)
6. CC006 DISSERTATION- based on the optional course

Optional groups:

The constituent colleges may choose the optional groups from the list approved by the university, based on the availability of infrastructure, faculty and other facilities at the commencement of every academic year; and intimate the same to the university. Only two optionals shall be offered to a batch.

The Government Law colleges shall give priority in offering Business Laws as an optional, apart from the optionals being currently offered; since BBA.,LL.B.(Honours) with specialization in Business Laws is being offered at present in the concerned colleges.

Group A : Business Laws

A001 Law of Industrial and Intellectual Property

A002 Legal Regulation of Economic Enterprises

A003 Law of Export - Import Regulation

A004 Law of Banking.

A005 Law of Insurance

A006 Corporate Finance (*COMMON COURSE FOR BUSINESS LAWS AND TAXATION LAWS*)

A007 Corporate Taxation (*COMMON COURSE FOR BUSINESS LAWS AND TAXATION LAWS*)

Considering the demand in the job market, LL.M. program with taxation laws as optional subjects has to be retained. LL.M. in taxation is offered only in a handful of institutions in India and hence is a rare course.

The courses for taxation laws shall be as follows :

GROUP B : TAXATION LAWS

B 001. Fundamental Principles and Theoretical Foundations of Direct Taxation.

.B.002 Direct tax Administration and Procedure.

.B.003 Fundamental principles and Theoretical Foundations of Indirect Taxation.

.B.004 Indirect tax Administration and Procedure.

.B.005. International taxation and electronic commerce

.A.006. Corporate Finance (*COMMON COURSE FOR BUSINESS LAWS AND TAXATION LAWS*)

A 007. Corporate Taxation. (*COMMON COURSE FOR BUSINESS LAWS AND TAXATION LAWS*)

GROUP C: CRIMINAL LAW

C.001. Principles of Criminal Law

C.002. Offences Against Vulnerable Groups

C.003. Criminology, Penology and Victimology

C.004. Comparative Criminal Procedure

C.005. Criminal investigation and forensic science.

C.006. Socio Economic Offences and Privileged Class Deviance

C.007. Transnational Crimes and Criminal Law

GROUP D: ADMINISTRATIVE LAW

D.001. Constitutional Foundations of Administrative Law

D.002. Administrative justice and discretionary powers

D.003. Administrative Process and Judicial control

D.004. Public Authorities : Powers, responsibilities and liabilities

D.005. Law against corruption and Maladministration

D.006. Law on Local Self Government

D.007. Public Administration and Civil Service

The course design shall be as follows :

Semester	Compulsory/core Course	Optional course	Total	Marks
First	2	2	4	400
Second	1+1 (Practical)	2	4	400
Third	1	2	3	300
Fourth	Dissertation (equivalent to 2 courses)	1	3	300
			Total	1400

Every paper shall carry 100 marks out of which 60 marks are for written examination and 40 marks for internal assessment.

The criteria for internal assessment shall be as follows:

- (i) Presentation of Papers 10 marks
- (ii) written Assignment 10 marks
- (iii) Class Tests (minimum 2) 15 marks
- (iv) Attendance (one mark for every
5% attendance above 75%) 05 marks

Total 40 marks

Every paper shall be evaluated externally for 60 marks in addition to the continuous internal assessment of 40 marks described above.

Internal assessment shall be completed within the semester itself before submission of application for end semester examination. Supplementary / improvement chances will not be there for internal assessment.

Dissertation on a topic based on the optional, carrying 200 marks shall be evaluated externally with 150 marks for the written work and with 50 marks for presentation and viva-voce.

Practical examination

The practical examination shall be held at the end of the second semester on Research Methodology, Law Teaching and Clinical work. There shall be 15 marks each for doctrinal research and for non doctrinal research, 20 marks for clinical work and 50 marks for law teaching. How the components of practical shall be evaluated is left to individual faculties of law. They can formulate their own models of assessment. However, for making the practical examination objective and meaningful, the following guidelines shall be adhered to.

Part 1. Research Methodology and Clinical Legal Education.

(i) Doctrinal research (15 marks)

Each student is assigned in advance a separate topic and asked to collect materials. A period of 5-7 days can be set apart for carrying out this assignment in the library. The materials indicated or collected during the assignment shall be evaluated internally by a group of senior faculty members who are engaging LL.M. Classes regularly.

(ii) Non-doctrinal research (15 marks)

Here the students are asked to go out of the class room and library and make an empirical study of a problem which has social, economic, moral or political dimension. Field data can be collected through any model of data collection. The results are to be assessed internally by a team of senior faculty members who are engaging LL.M. Classes regularly.

(iii). Clinical work (20 marks)

The modalities can be evolved by the colleges. One method is that the legal aid clinic of the law school can involve itself with other legal aid programmes in the area. Students are encouraged not only to work with the clinic but also to acquaint themselves with court proceedings, working of a business organisation, tackling of labour disputes, drafting of business or other deeds and with public interest litigation. The initiative and potential of the student and the actual work turned out by him shall be assessed by the team of senior faculty who are engaging LL.M. Classes regularly. Focus, priority and weightage shall be for the research being done by the students in the above areas.

Part II. Law Teaching (50 marks)

A topic is assigned to the student in advance. He is required to handle a class for 25 to 30 minutes.

Where LL.B. programme co-exists with LL.M programme, the students may also be asked to teach the LL.B students also. They can select any of the methods of teaching. In law teaching practical, the LL.M students are to be evaluated internally and externally. Internal evaluation shall be for a maximum of 20 marks and external evaluation to a maximum of 30 marks in the total being 50 marks for the paper. A separate minimum of 50 % each is required for internal and external examination. Internal evaluation shall be by a group of senior faculty who are regularly engaged in handling LL.M. classes. External evaluation shall be by a Board constituted by The University for the purpose.

Pass Minimum.

A student has to secure a minimum of 50% marks in each part (Part I and Part II) of the practical examination, for a pass. A student who fails to secure the minimum marks in any part of the practical examination will have to repeat that part with the junior batch.

Scheme of Subjects ,Teaching and examination- Master of Laws (LL.M.)

Paper code	Subject(s)	Maxi Mum	Remarks

		marks	
	<u>Semester I</u>		
CC001	Law and social transformation in India	100	Regular classes will be held in the colleges from Monday to Friday from 10 AM to 4 PM
CC002	Legal Process –I (legislative process and administrative process)	100	End semester examination will be held on 2 compulsory and 2 optional papers for 60 marks each, apart from continuous evaluation for 40 marks each.
B001. or A001 Or C001 Or D001.	Fundamental principles and theoretical foundations of direct taxation. or Law of Industrial and Intellectual Property Principles of Criminal Law Constitutional foundations of Administrative Law	100	Total marks for the semester will be 400 The semester duration of 18-20 weeks shall be inclusive of the time for conduct of all the examinations for the semester

B.002	Direct tax Administration and Procedure	100	
Or			
A002	Legal regulation of economic enterprises		
Or			
C.002.	Offences Against Vulnerable Groups.		
Or			
D.002	Administrative Justice and Discretionary powers		
Paper code	Subject(s)	Maxi Mum marks	Remarks
	<u>Second semester</u>		
			End semester examination will be held on 1 compulsory and 2 optional papers for 60 marks each, apart from continuous evaluation for 40 marks each.
CC004	Legal Education And Research methodology	100	
B003	Fundamental principles and Theoretical Foundations of Indirect Taxation	100	
Or	or		
		Besides, the students will have to complete the prescribed practicals within the semester itself for 100 marks.	

A003 Or C003 Or D003	Law of export-import Regulation Criminology, Penology &Victimology Adminstrative Process and Judicial control		Total marks for the semester will be 400 The semester duration of 18-20 weeks shall be inclusive of the time for conduct of all the examinations for the semester
B004 Or A004 Or C004 Or D004	Indirect tax Administration and Procedure or Law OF Banking Comparative Criminal Procedure Public authorities : Powers , responsibilities and liabilities	100	
Practical CC005	Research Methodology, Law teaching and clinical work	100	
	<u>Third semester</u>		End semester examination will be

			held on 1 compulsory and 2 optional papers for 60 marks each, apart from continuous evaluation for 40 marks each.
CC003	Legal Process-II (Judicial Process)	100	Total marks for the semester will be 300
B005	International taxation and electronic commerce	100	The semester duration of 18-20 weeks shall be inclusive of the time for conduct of all the examinations for the semester
Or	Or		
A005	Law of Insurance		
Or			
C005	Criminal Investigations and Forensic Sciences		
Or			
D005	Law against corruption and maladministration		
A006	Corporate Finance	100	
	(COMMON COURSE FOR BUSINESS LAWS AND TAXATION LAWS)		
Or			
C006	Socio Economic Offences and		

Or D006	Privileged Class Deviance Law on Local self Government		
	<u>Fourth semester</u>		End semester examination will be held on 1 optional paper for 60 marks, apart from continuous evaluation for 40 marks.
A007 Or C007 Or D007.	Corporate Taxation (COMMON COURSE FOR BUSINESS LAWS AND TAXATION LAWS) Trans National Crimes and Criminal Law. Public Administration and Civil Service	100	Students shall also have to complete and submit the dissertation before applying for the 4 th semester examination.
CC006	Dissertation	200	Dissertation of each student should be on topics from the area of specialization chosen, and approved by the Academic programme committee. Typed and bound dissertations shall be of uniform pattern. Font size 12, new times roman, single

			<p>space, margin 1", A4 paper, minimum 150 and maximum 200 pages.</p> <p>3 copies of the dissertation shall be submitted to the college prior to registration for the 4th semester examination.</p> <p>Maximum 150 will be awarded for the dissertation. Remaining 50 marks will be for the presentation and viva-voce examination.</p>
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Syllabus for Master of Laws (LL.M.) Degree Programme

COMPULSORY COURSES

CC001. LAW AND SOCIAL TRANSFORMATION IN INDIA.

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 the law 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

1.1. Law as an instrument of social change.

1.2. Reforms of Family Law

1.3. Agrarian Reforms

1.4 Industrial Reforms.

2. Religion and the law

2.1. Religion as a divisive factor.

2.2. Secularism as a solution to the problem.

2.3.. Freedom of religion and non-discrimination on the basis of religion.

- 2.4. Religious and linguistic minorities and the law.
- 2.5. Right of minorities to establish educational institutions.
- 3. Community and the law
 - 3.1. Caste as a divisive factor
 - 3.2. Non-discrimination on the ground of caste.
 - 3.3. Acceptance of caste as a factor to undo past injustices.
 - 3.4. Protective discrimination: Scheduled castes, tribes and backward classes.
 - 3.5. Reservation; Statutory Commissions., Statutory provisions.
- 4. Women and the law
 - 4.1. Crimes against women.
 - 4.2. Gender injustice and its various forms.
 - 4.3. Women's Commission.
 - 4.4. Empowerment of women: Constitutional and other legal provisions.
- 5. Children and the law
 - 5.1. Child labour.
 - 5.2. Sexual exploitation.
 - 5.3. Adoption and related problems.
 - 5.4. Children and education.
- 6. Education as an instrument of social change
 - 6.1. Right to education
 - 6.2. Commercialisation of education and its impact
 - 6.3. Entry of foreign educational institutions into India
 - 6.4. Regulating standards of education through statutory measures.

Select Bibliography

- Marc Galanter (ed.), Law and Society in Modern India (1997) Oxford,
- Robert Lingat, The Classical Law of India (1998), Oxford
- U. Baxi, The Crisis of the Indian Legal System (1982). Vikas, New Delhi.
- U. Baxi (ed.), Law and Poverty Critical Essays (1988). Tripathi, Bombay.
- Manushi, A Journal About Women and Society.
- Duncan 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 Constitution of India (1996), Prentice - Hall of India (P) Ltd., New Delhi.
- Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (2000) Armol Publications, Delhi.
- Savitri Gunasekhare, Children, Law and Justice (1997), Sage
- Indian Law Institute, Law and Social Change : Indo-American Reflections, Tripathi (1988)
- Prof.(Dr) G.Rajasekharan Nair : Gender justice under Indian Criminal justice system(2011) eastern Law House,Kolkatta.
- J.B. Kripalani, Gandhi: His Life and Thought, (1970)Ministry of Information and Broadcasting, Government of India
- M.P.Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay.
- Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford

CC002 LEGAL PROCESS- I (LEGISLATIVE PROCESS AND ADMINISTRATIVE PROCESS)

1. Introduction to Legal Process. Role of Legislature, Executive, and Judiciary in the performance of Legal Processes.

2. Legislative organ of the state – powers, functions and limitations – Comparative position in USA, UK and India- parliamentary privileges.
3. Principles of legislation – Underlying principles of modern legislation – Legislative procedure in passing bills – Special procedure in financial bills and constitutional amendments – Legislation and pressure groups.
4. Legislative drafting – steps in drafting – language in drafting – codifying and consolidating statutes.
5. Laissez Faire State – welfare state and Administrative State – characteristics and development – Administrative Process as the headless fourth branch of the State.
6. Administrative organ of the state – structure, powers, functions and limitations. Delegated legislation – reasons for development – impact and control.
7. Administrative Process – Nature and Meaning – role of executive – political/civil – the role of administrative agencies – tools of Administrative process – Critics on administrative process.

Suggested Readings

Kaul and Shakder : Practice and Procedure of Parliament

Brown : Underlying Principles of Modern Legislation

Jennings : The Law and the Constitution

Ilbert : Methods and forms of law making

May Erskine : Parliamentary Practice

Mukherji : Parliamentary Procedure in India

Markose A.T.: Judicial control of administrative action (chapters 1 and 2)

Landis : Administrative Process

Street : Welfare State

Griffith and Street : Principles of Administrative Law

CC003.LEGAL PROCESS –II (JUDICIAL PROCESS)**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.

The following syllabus prepared with the above perspective will spread over a period of one semester

Syllabus**1. Nature of judicial process and concept of justice****1.1. Judicial process as an instrument of social ordering****1.2. Legal systems in USA, UK and India****1.3. The concept of justice or dharma in Indian Thought****1.4 . The concept and various theories of justice in the western thought****2. Doctrine of precedent****2.1. Precedent- stability and change-****2.2. Ratio Decidenti-****2.3.. obiter dicta-**

2.4. stare decises-

2.5. overruling , prospective over ruling-

2.6. distinguishing

3. Judicial Process in India

3.1. Indian debate on the role of judges and on the notion of judicial review.

3.2. The "independence" of judiciary and the "political" nature of judicial process

3.3. Judicial activism and creativity of the Supreme Court - the tools and techniques of creativity.

3.4. Judicial process in pursuit of constitutional goals and values - new dimensions of judicial activism and structural challenges

3.5. Institutional liability of courts and judicial activism - scope and limits.

3.6.. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

4.Reasoning :

4.1. Logical reasoning

4.2. Deductive and inductive reasoning

4.3. Reasoning by analogy

4.4. Reasoning based on sociological data

4.5. Factors influencing judicial reasoning

5. Interpretation of statutes

5.1. Principle rules of interpretation

5.2. Subsidiary rules of interpretation

5.3. Presumptions and maxims

Select Bibliography

Julius Stone, The Province and Function of Law, Part II, Chs. 1. 8-16 (2000), Universal, New Delhi.

Cardozo, The Nature of Judicial Process (1995) Universal, New Delhi

Henry J. Abraham, The Judicial Process (1998), Oxford.

J. Stone, Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworths

W. Friedmann, Legal Theory (1960), Stevens, London

Bodenheimer, Jurisprudence - the Philosophy and Method of the Law (1997), Universal, Delhi

J. Stone, Legal System and Lawyers' Reasoning (1999), Universal, Delhi (chapters 6, 7, and 8)

U. Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow.

Rajeev Dhavan, The Supreme Court of India - A Socio - Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay.

John Rawls, A Theory of Justice (2000), Universal, Delhi

Edward H. Levi, An Introduction to Legal Reasoning (1970), University of Chicago.

Rupert Cross : precedent in English Law

Allen C.K. : Law in the making (chapters III and IV)

Lakshminath : Precedent in Indian Law

Julius Stone : Social Dimensions of law and Justice (chapter XIV)

CC004 LEGAL EDUCATION AND RESEARCH METHODOLOGY

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. The syllabus is designed to develop also skills in research and writing in a systematic manner.

Syllabus

1. Objectives of Legal Education
2. Lecture Method of Teaching - Merits and demerits
3. The Problem Method
4. Discussion method and its suitability at postgraduate level teaching
5. The Seminar Method of teaching
6. Examination system and problems in evaluation
7. External and internal assessment.
8. Clinical legal education - legal aid, legal literacy, legal survey and law reform
9. Research Methods
 - 9.1. Socio Legal Research
 - 9.2. Doctrinal and non-doctrinal
 - 9.3. Relevance of empirical research

9.4. Induction and deduction

10. Identification of Problem of research

10.1. What is a research problem?

10.2. Survey of available literature and bibliographical research.

10.2.1. Legislative materials including subordinate legislation, notification and policy statements

10.2.2. Decisional materials including foreign decisions; methods of discovering the "rule of the case" tracing the history of important cases and ensuring that these have not been over-ruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof.

10.2.3. Juristic writings - a survey of juristic literature relevant to select problems in India and foreign periodicals.

10.2.4. Compilation of list of reports or special studies conducted relevant to the problem.

11. Preparation of the Research Design

11.1. Formulation of the Research problem

11.2. Devising tools and techniques for collection of data : Methodology

11.2.1. Methods for the collection of statutory and case materials and juristic literature

11.2.2. Use of historical and comparative research materials

11.2.3. Use of observation studies

11.2.4. Use of questionnaires/interview

11.2.5. Use of case studies

11.2.6. Sampling procedures - design of sample, types of sampling to be adopted.

11.2.7. Use of scaling techniques

11.2.8. Jurimetrics

11.3. Computerized Research - A study of legal research programmes such as Lexis and West law coding

11.4. Classification and tabulation of data - use of cards for data collection - Rules for tabulation. Explanation of tabulated data.

11.5. Analysis of data

Bibliography

High Brayal, Nigel Dunean and Richard Crimes, Clinical Legal Education: Active Learning in your Law School, (1998) Blackstone Press Limited, London

S.K.Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.

N.R. Madhava Menon, (ed) A Handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow.

M.O.Price, H.Bitner and Bysiewicz, Effective Legal Research (1978)

Pauline V. Young, Scientific Social Survey and Research, (1962)

William J. Grade and Paul K. Hatt, Methods in Social Research, Mc Graw-Hill Book Company, London

H.M.Hyman, Interviewing in Social Research (1965)

Payne, The Art of Asking Questions (1965)

Erwin C. Surrency, B.Fielf and J. Crea, A Guide to Legal Research (1959)

Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.

Havard Law Review Association, Uniform System of Citations.

ILI Publication: Legal Research and Methodology.

Glanville Williams : Learning the Law.

CC005. PRACTICAL TRAINING**CC006. DISSERTATION****Optional groups****Optional: Group B. Taxation laws**

[Since tax laws are amenable to frequent and repeated changes, detailed course plan will have to be charted out by the academic programme committee of the college every year immediately after admission to each batch is completed; under intimation to The University]

B.001. Fundamental principles and theoretical foundations of direct taxation.

1. History, types and methods of taxation-Cannons and policies of taxation-Tax avoidance, evasion, planning and management-Taxation and sovereign powers-Legislative competency-constitutional provisions relating to direct taxation-Taxing Powers of local bodies-Finance Acts and money bills-Taxation enquiry committee reports
2. Definitions-Basis of charge- residential status-total income- income not included in total income- exclusions- persons not liable to tax-
3. Wealth tax- charge-assets- net wealth – inclusions- exclusions-

4. Computation of total income- sources of income- ordinary and special sources- income from business (outline only)- income from employment- income from house property- capital gains- income from residuary sources
5. Penalties and prosecution- instances which attract liability- extent of liability- special provisions

Suggested readings:

Essays on taxation- Seligman [macmillan , new York]

Principles of taxation – sreenivasan.P [orient longman]

Fundamental principles of taxation – stamp.J.C. [macmillan]

World tax series [Harvard publications]

Constitution of india D.D.Basu

Reports of the taxation enquiry committees and tax reforms committees

Public finance B.P.Tyagi

Public finance in developing countries. Tripathy

Constitutional sanctions of Indian tax laws – nirmal mukerjee [eastern]

Taxation and the Indian economy – jha [deep & deep]

Interpretation of statutes – singh.G.P.

DIRECT TAX CODE as amended from time to time

DIRECT TAX- TAXMANN

DIRECT TAX- SINGHANIA

DIRECT TAX- MEHROTHRA AND GOYAL

DIRECT TAX- T.N.MANOCHARAN

DIRECT TAX- AHUJA

B002. Direct tax administration and procedure

(based on Direct tax code)

1. Direct tax administration- establishment of institutions- functions of Board- Direct tax authorities- powers of authorities- jurisdiction- search, survey, seizure-discovery- retention and release of materials and documents
2. Assessment Procedure- self reporting- tax return preparers- self assessment tax- processing of returns- scrutiny assessment – determination of value of assets-best judgment assessment
3. Assessment in special cases- representative assesses- business reorganization- partition of HUF –agents of non residents- persons leaving country- reconstitution of firms- discontinued business- death.
4. Remedies- appeals and revision- appeals to commissioner – appellate -tribunal- appeals to NTT- appeals to Supreme Court-revision of orders
5. Collection and recovery- TDS- TCS- advance tax- tax credit relief- payment of wealth tax- interest-refund- recovery

suggested readings

DIRECT TAX CODE as amended from time to time.

DIRECT TAX- TAXMANN

DIRECT TAX- SINGHANIA

DIRECT TAX- MEHROTHRA AND GOYAL

DIRECT TAX- T.N.MANOCHARAN

DIRECT TAX- AHUJA

B003. Fundamental principles and theoretical foundations of indirect taxation.

1. History, types and methods of indirect taxation- policies of indirect taxation- -Legislative competency-constitutional provisions relating to indirect taxation- - relevant Taxation enquiry committee reports
2. **Customs Law** – preliminary- definitions-officers- Customs ports, airports, warehouses - Prohibition on import / export- Illegal exports/ imports – detection & prevention- Power to exempt- Levy -Customs clearance, transit, warehousing, -duty drawback- coastal goods-baggage-Overview of customs rules-Overview of customs tariff Act-Overview of foreign trade (development and regulation) Act 1992
3. **Central excise Law**- Central excise Act – basic concepts-basic conditions of liability-Levy and collection-Indicating amount of duty-Powers and duties of officers-Valuation methods-Presumptions- Overview of central excise rules-Overview of central excise tariff Act-Overview of additional duties of excise (goods of special importance) Act
4. **Service Tax**- history-constitutional basis- levy & collection- classification of services- exemptions and concessions-valuation- credits- implications of other indirect taxes on service tax- export of services-individual taxable services- negative list concept
5. **Goods and services tax**- historical perspective- central & state GST- international scenario- constitutional issues- levy- rates- valuation- inter-state taxation- tax credit- import & export issues- exemptions-

Suggested readings

Customs Act- V.S.Datey [taxman]

Customs Act-P.L.Malik

Customs Act-mukerjea

Customs tariff in india – kapil singhania [taxman]

Customs manual

Service tax manual- bharat's

Guide to goods and service tax regime- Bharath's

University of Calicut- LL.M. Semester Scheme- Jan. 2013 onwards (2012 Dec. Admission)

Central excise manual –banerjea and mukerjea

Central excise Act and rules – sethi

Central excise tariff- kapil singhania

Guide to central excise procedures- datey [taxman]

B.004. Indirect Tax administration and Procedure.

- 1 **Customs Law**-officials and powers-Search, seizure, arrest , confiscation-assessment-collection and recovery-Penalties, offences, prosecution-Appeals and other Remedies-Settlement-Advance rulings- Overview of customs rules-Overview of customs tariff Act-
- 2 **Central Excise Laws**- assessment- powers of officials- registration-self removal procedure- collection and recovery- remedies-settlement- advance rulings-Overview of central excise rules-penalties , prosecution-
- 3 **Service tax**- returns-assessment- demand-recovery-interest & penalties- registration & records-refunds- service tax audit- grievance redressal mechanisms.
- 4 **Goods and service tax**- returns- e-payment- invoice- registration-check posts- cash refunds- administrative mechanism- audit- remedies

Suggested readings

Central excise manual –banerjea and mukerjea

Central excise Act and rules – sethi

Central excise tariff- kapil singhania

Guide to central excise procedures- datey [taxman]

Service tax manual- bharat's

Guide to goods and service tax regime- Bharath's

Customs Act- V.S.Datey [taxman]

Customs Act-P.L.Malik

Customs Act-mukerjea

University of Calicut- LL.M. Semester Scheme- Jan. 2013 onwards (2012 Dec. Admission)

Customs tariff in india – kapil singhanian [taxman]

Customs manual

B.005. International taxation and Electronic-commerce

1. International aspects of E-commerce- tax reforms in emerging global economy- taxing cyberspace- tax and income distribution-
2. Online trading and taxation-contracts and sales over net- constitutional issues- commerce in intangibles-taxing software-accounting for websites- service tax on net-problems in valuation
3. Importance of source- characterization of income- authority to tax- allocation of deductions-
4. Non- residents and taxation- taxing FDI- Transfer pricing and tax havens- advance rulings
5. Double taxation, and avoidance agreements – foreign tax credit-treaties-OECD & UN Models- comparison- analysis.
6. Jurisdictional issues-- refundable tax credits-technological challenges- concept of permanent establishment -
7. Analysis of current issues in international taxation - international tax competition and incentives in developing countries-

Suggested readings

International tax law- Andrea Amatucci (Kluwer)

Foundations of international income taxation . – graetz

Taxation of international transactions – Gustafson [west publishing co]

University of Calicut- LL.M. Semester Scheme- Jan. 2013 onwards (2012 Dec. Admission)

Taxation of electronic commerce- gopalakrishnan [snow white]

International taxation of electronic commerce [kluwer]

Electronic commerce and multi-jurisdictional taxation [kluwer]

International taxation – Charles I.Kingson

A.006. CORPORATE FINANCE (Common with business laws optional)

A.007.CORPORATE TAXATION (Common with business laws optional)

Optional group A

GROUP - A: BUSINESS LAW

A.001. LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY

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.

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

Syllabus

1. IPR and International Perspectives
2. Trademarks and Consumer Protection (Study of UNCTAD report on the subject)
3. 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.
4. Special Problems of the Status of Computer Software in Copyright and Patent Law: A Comparative Study.
5. 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.
6. 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

7. 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.

8. 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, 1996).

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

Special attention should be given to literature of the U.N. System, WIPO and the UNESCO.

Terence P. Stewart (ed.), The GATT Uruguay Round: A Negotiating History (1986-1994) the End Game (Part - 1)(1999), Kluwer

Iver P. Cooper, Biotechnology and Law (1998), Clerk Boardman Callaghan, New York.

David Bainbridge, Software Copyright Law (1999), Butterworths

Sookman, Computer Law (1998), Carswell

Carlos M. Correa(ed.), Intellectual Property and International Trade (1998), Kluwer

Patent Co-operation Treaty Hand Book (1998), Sweet and Maxwell

Christopher Wadlow, The Law Of Passing-Off (1998), Sweet and Maxwell

W.R.Cornish, Intellectual Property Law (1999), Sweet and Maxwell

A.002. LEGAL REGULATION OF ECONOMIC ENTERPRISES

Objectives of the course

After independence we have placed greater emphasis on the growth of our economy. The focus is on growth, both in public and private sectors, so as to cope up with the problems of population explosion. We have found that there is now almost a circle from laissez faire to welfare state and again back to laissez faire. Adoption of the concept of global economy in the presence of the socialistic perspectives in the Constitution presents a dilemma. The trends of liberalisation starting in the early nineties and continuing to this day bring a shift in focus of regulation in diverse fields of economic activities.

This course is designed to acquaint the students of the eco-legal perspectives and implications of such developments. It will comprise of about 42 units of one-hour duration each spread over a period of one semester.

Syllabus

1. The Rationale of Government Regulation

1.1. Constitutional perspectives

1.2. The new economic policy - Industrial policy resolutions, declarations and statements

1.3. The place of public, small scale, co-operative, corporate, private and joint sectors in the changing context

1.4. Regulation of economic activities

- 1.4.1. Disclosure of information
- 1.4.2. Fairness in competition
- 1.4.3. Emphasis on consumerism
- 2. Development and Regulation of Industries
- 3. Take-over of Management and Control of Industrial Units
- 4. Sick Undertakings: Nationalisation or Winding Up?
- 5. Licensing Policy and Legal Process - Growing Trends of Liberalisation
- 6. Deregulation of essential commodities: developmental sign or a social mishap?
- 7. Financial Services : Changing Techniques of Regulation
- 8. Critical Issues Regarding the Capital Issues
 - 8.1. Equity and debt finance
 - 8.2. Global depositories
 - 8.3. De-materialised securities
- 9. Problems of Control and Accountability: Regulation of Hazardous Activity
 - 9.1. Mass disaster and environmental degradation : legal liability and legal remedies
 - 9.2. Public Liability Insurance : adequacy
 - 9.3. Issues in zoning and location of industrial units
- 10.1. Telecom Regulatory Authority
- 10.2. Insurance Regulatory Authority
- 10.3. Broadcasting Regulatory Authority
- 11. Legal Regulation of Multi-Nationals
 - 11.1. Collaboration agreements for technology transfer
 - 11.2. Development and regulation of foreign investments
 - 11.2.1. Investment in India : FDIs and NRIs

11.2.2. Investment abroad

Select bibliography

S.Aswani Kumar, The Law of Indian Trade Mark (2001), Commercial Law House, Delhi.

Industrial Policy Resolutions of 1948,1956, 1991

Industrial Licensing Policy 1970,1975

Industrial Policy Statements 1973,1977, 1980

Reports of Committees on Public Undertakings of Parliament.

Industries (Development and Regulation) Act, 1951

U. Baxi (ed.), Inconvenient Forum and Convenient Catastrophe The Bhopal Case, (1986) U. Baxi

& T. Paul (eds.), Mass Disasters and Multinational Liability (1986)

U. Baxi & A. Dhandba, Valiant Victims and Lethal Litigation: The Bhopal Case (1989)

Indian Law Institute, Law of international Trade Transactions, (1973)

A.003. LAW OF EXPORT- IMPORT REGULATION

Objectives of the course

After independence India has embarked upon all round efforts to modernise her economy through developmental ventures. Greater and greater emphasis is placed on increase of production in both industrial and agricultural sectors. Besides, there was the ever-pressing need for raising capital for investment in certain basic and key industries. All these required a considerably high rate of investment of capital. The process of modernisation necessitated the adoption of newer technologies for industry and agriculture. These technologies had to be borrowed from other developed countries. This, in turn, needed foreign exchange which could be earned by the increased exports of goods and raw materials from India.

The need for accelerating the export trade of India's developing economy can hardly be over emphasised. Export earnings enable a developing country to finance its massive requirements of growth, to maintain its essential imports and thereby stimulate the process of its economic developments. In the words of Prof. V.K. R.V. Rao: "In fact, expansion of exports may well be described as an integral part of the development process, neglect of which can only be at the peril of development itself".

Increasing exports have been necessitated to meet the growing needs of defence. India is a country rich in natural resources. One of the approaches to combat its economic backwardness could be in large-scale production and in maximization of its exports.

Import and export of goods and raw materials is a complex, complicated and intricate activity. It involves elaborate economic, fiscal, budgetary and monetary policy considerations. Export and Import control policy is also closely connected with country's balance of payment position.

The detailed procedures for imports and exports are provided in the Hand Book. The Union Government used to declare its import and export policy for a three-year period. At present they declare the policy for five years. The controls on exports and imports are closely connected with the Foreign Trade Regulation Act 1992.

This course is designed to acquaint the students about the parameters of legal controls on imports and exports.

The following syllabus prepared with these objectives will comprise about 42 units of one-hour duration each spread over a period of one semester.

Syllabus

1. Introduction

1.1. State control over import and export of goods - from rigidity to liberalisation.

1.2. Impact of regulation on economy.

2. The Basic Needs of Export and Import Trade

2.1. Goods

2.2. Services

2.3. Transportation

3. International Regime

3.1. WTO agreement

3.2. WTO and tariff restrictions

3.3. WTO and non-tariff restrictions

3.4. Investment and transfer of technology

3.5. Quota restriction and anti-dumping

3.6. Permissible regulations

3.7. Quarantine regulation

3.8. Dumping of discarded technology and goods in international market

3.9. Reduction of subsidies and counter measures.

4. General Law on Control of Imports and Exports

4.1. General scheme

4.2. Legislative control

4.2.1. Power of control : Central government and RBI

4.2.2. Foreign Trade Development and Regulation Act 1992

4.2.3. Restrictions under customs law

4.2.3.1. Prohibition and penalties

4.3. Export-Import formulation : guiding features

4.3.1. Control under FEMA

4.3.2. Foreign exchange and currency

4.3.2.1. Import of goods

4.3.2.2. Export promotion councils

4.3.2.3. Export oriented units and export processing zones

5. Control of Exports

5.1. Quality control

5.2. Regulation on goods

5.3. Conservation of foreign exchange

5.3.1. Foreign exchange management

5.3.2. Currency transfer

5.3.3. Investment in foreign countries

6. Exim Policy : Changing Dimensions

6.1. Investment policy : NRIs, FIIs (foreign institutional investors), FDIs

6.2. Joint venture

6.3. Promotion of foreign trade

6.4. Agricultural products

6.5. Textile and cloths

6.6. Jewellery

6.7. Service sector

7.. Regulation on Investment

7.1. Borrowing and lending of money and foreign currency

7.2. Securities abroad - issue of

7.3. Immovable property - purchase abroad

7.4. Establishment of business outside

7.5. Issue of derivatives and foreign securities - GDR(global depositories receipts), ADR (American depository receipts) and Uro

7.6. Investment in Indian banks

7.7. Repatriation and surrender of foreign securities

8. Technology transfer

8.1. Restrictive terms in technology transfer agreements

8.2. Automatic approval schemes

Select bibliography

Government of India, Handbook of Import Export Procedures, (Refer to the latest edition)

Government of India Import and Export Policy (1997 -2002)

The Students should consult the relevant volumes of the Annual Survey of Indian Law, Published

by the Indian law Institute, New Delhi.

Foreign Trade Development and Regulation Act 1992 and Rules

Foreign Exchange Management Act 1999

Marine Products Export Development Authority Act 1972

Customs Manual (Latest edition)

Final Treaty of GATT, 1994.

A.004. LAW OF BANKING .

Objectives of the course

A vitally important economic institution the banking system is deeply influenced by socio-political and economic changes. The emerging changes in India, particularly after the initiation of the planning process as an instrument of rapid economic development had moulded and affected the banking structure, policies, patterns and practices. A significant development in the banking system is diversification in banks financing. The commercial banks entered 'into the field of wide ranging financial assistance to industry, both large and small scale, requiring the need for social control of the banking system eventually leading to the nationalisation of banks.

The conventional banking system, found to be deficient for planned developmental purposes, paved the way for developmental banking. The fag end of the last millennium witnesses influx

of foreign banking companies into India and a shift in the banking policy as part of the global phenomenon of liberalisation. The legal system is adopting itself into the new mores.

This course is designed to acquaint the students with the conceptual and operational parameters of banking law, the judicial interpretation and the new and emerging dimensions of the banking system.

The course will comprise of about 42 units of one-hour duration each spread over a period of one semester.

Syllabus

1. Introduction

1.1. Nature and development of banking

1.2. History of banking in India and elsewhere -indigenous banking-evolution of banking in India - different kinds of banks and their functions.

1.3. Multi-functional banks - growth and legal issues.

2. Law Relating to Banking Companies in India

2.1. Controls by government and its agencies.

2.1.1. On management

2.1.2. On accounts and audit

2.1.3. Lending

2.1.4. Credit policy

2.1.5. Reconstruction and re-organisation

2.1.6. Suspension and winding up

2.2. Contract between banker and customer: their rights and duties

3. Social Control over Banking

3.1. Nationalization

3.2. Evaluation: private ownership, nationalisation and disinvestment

3.3. Protection of depositors

3.4. Priority lending

3.5. Promotion of under privileged classes

4. Deposit Insurance

4.1 The Deposit Insurance Corporation Act 1961: objects and reasons

4.1.2 Establishment of Capital of DIC

4.1.3 Registration of banking companies insured banks, liability of DIC to depositors

4.1.4 Relations between insured banks, DIC and Reserve Bank of India

5. The Central Bank

5.1. Evolution of Central Bank

5.2. Characteristics and functions

5.3. Economic and social objectives

5.4. The Central Bank and the State - as bankers' bank

5.5. The Reserve Bank of India as the Central Bank

5.5.1. Organisational structure

5.6. Functions of the RBI

5.6.1. Regulation of monetary mechanism of the economy

5.6.1.1. Credit control

5.6.1.2. Exchange control

5.6.1.3. Monopoly of currency issue

5.6.1.4. Bank rate policy formulation

5.7. Control of RBI over non-banking companies

5.7.1. Financial companies

5.7.2. Non-financial companies

6. Relationship of Banker and Customer

6.1. Legal character

6.2. Contract between banker and customer

6.3. Banker's lien

6.4. Protection of bankers

6.5. Customers

6.5.1. Nature and type of accounts

6.5.2. Special classes of customers - lunatics, minor, partnership, corporations, local authorities

6.6. Banking duty to customers

6.7. Consumer protection: banking as service

7. Negotiable Instruments

7.1. Meaning and kinds

7.2. Transfer and negotiations

7.3. Holder and holder in due course

7.4. Presentment and payment

7.5. Liabilities of parties

8. Lending by Banks

8.1. Good lending principles

8.1.1. Lending to poor masses

8.2. Securities for advances

8.2.1. Kinds and their merits and demerits

8.3. Repayment of loans : rate of interest, protection against penalty

8.4. Default and recovery

8.4.1. Debt recovery tribunal

9. Recent Trends of Banking System in India

9.1. New technology

9.2. Information technology

9.3. Automation and legal aspects

9.4. Automatic teller machine and use of internet

9.5. Smart card

9.6. Use of expert system

9.7. Credit cards

10. Reforms in Indian Banking Law

10.1. Recommendations of committees: a review

Select bibliography

Basu, A. Review of Current Banking Theory and Practise (1998) Mac millan

M. Hapgood (ed.), Pagets' Law of Banking (1989) Butterworths, London

R. Goode, Commercial Law, (1995) Penguin, London.

Ross Cranston, Principles of Banking Law (1997) Oxford.

L.C. Goyle, The Law of Banking and Bankers (1995) Eastern

M.L. Tannan, Tannan's Banking Law and Practice in India (1997) India Law House, New Delhi, 2 volumes

K.C. Shekhar, Banking Theory and Practice (1998) UBS Publisher Distributors Ltd. New Delhi.

M. Dasse, S. Isaacs and G. Pen, E.C. Banking Law, (1994) Lloyds of London Press, London

V. Conti and Hamaui (eds.), Financial Markets' Liberalization and the Role of Banks', Cambridge University Press, Cambridge, (1993).

J. Dermine (ed.), European Banking in the 1990s' (1993) Blackwell, Oxford.

- C. Goodhart, The Central Bank and the Financial System (1995), Macmillan, London
- S. Chapman, The Rise of Merchant Banking (1984) Allen Unwin, London
- K. Subrahmanyam, Banking Reforms in India (1997) Tata McGraw Hill, New Delhi.
- Subodh Markandeya and Chitra Markandeya, Law Relating to Foreign Trade in India: Being a Commentary on the Foreign Trade, (Development and Regulation) Act 1992, Universal Law Publishing Co. Pvt. Ltd. Delhi.
- R.S. Narayana, The Recovery of Debts due to Banks and Financial Institutions Act, 1993 (51 of 1993), Asia Law House, Hyderabad.
- M.A. Mir, The Law Relating to Bank Guarantee in India (1992), Metropolitan Book, New Delhi.
- Anthony Pierce, Demand Guarantees in International Trade (1993) Sweet & Maxwell,
- Ross Cranston (ed.) European Banking Law: The Banker-Customer Relationship (1999) LLP, London
- Mitra, The Law Relating to Bankers' Letters of Credit and Allied Laws, (1998) University Book Agency, Allahabad.
- R.K. Talwar, Report of Working Group on Customer Service in Banks
- Janakiraman Committee Report on Securities Operation of Banks and Financial Institution (1993)
- Narasimham Committee report on the Financial System (1991)- Second Report (1999)

A.005. LAW OF INSURANCE .

Objectives of the course

As early as in 1601 one finds an excellent exposition of the insurance idea expressed in these words of an Act of British Parliament "the loss lighteth rather easily, upon many than heavily upon few". The insured person transfers from his own shoulders to the insurers, who, in return for agreeing to assume a potential risk of loss receive a payment known as premium. The insurers rely on the probability that only some of the losses, they insure against will in fact occur within any given period. They calculate, therefore, that they will be left with a profit. The insurer, on the other hand, is better able to risk his capital in trade since he knows that certain events which he cannot control, such as fire, shipwreck, will not cause him to lose his investment.

The insurance idea is an old-institution of transactional trade. The age old form of insurance was the marine insurance. There is nothing like disaster to set men's minds to work. Consequently, in due course of time fire and life insurance, made their appearance. Within the last hundred years the insurance principle is being extended wider. Today one finds insurance cover for accidents, motor vehicles, glass, live stock, crop, burglary and various other disasters.

Insurance is a device not to avert risks, calamities and disasters, but to mitigate their rigours and financial losses. The function of insurance is to spread such loss arising from risks of life over a large number of persons.

The operational framework of insurance idea is provided by the general principles of contract. The insurance policy, being a contract, is subject to all the judicial interpretative techniques. Besides, the insurance idea has a compensatory justice component. This brings it in the arena of the law of tort as well. It is even suggested that a fully grown and developed law of insurance may, if not totally displace, decrease the significance of the law of tort.

This course is designed to acquaint the students with the conceptual and operational parameters of insurance law in the context of the development of the general principles of law and judicial interpretation to inform the students about the use of law for the establishment of "just" order in insurance and to develop the appreciative and evaluative faculties of the students.

The following syllabus prepared with the above perspective will be spread over a period of one Semester Syllabus

1. Introduction

1.1. Nature of insurance contract, various kinds of insurance, proposal, policy, parties,

consideration, need for utmost good faith, insurable interest, indemnity

1.2. Insurance policy, law of contract and law of torts-future of insurance : need, importance and place of insurance

1.3. Constitutional perspectives- the Entries 24,25,29,30,47 of List 1 Union List; 23, 24, of List III

2. General Principles of Law of Insurance

2.1. Definition, nature and history

2.2. The risk - commencement, attachment and duration

2.3. Assignment and alteration

2.4. Settlement of claim and subrogation

2.5. Effect of war upon policies

3. Indian Insurance Law: General

3.1. History and development

3.2. The Insurance Act 1938 and the Insurance Regulatory Authority Act 2000

3.3. Mutual insurance companies and cooperative life insurance societies

3.4. Double Insurance and re-insurance

4. Life Insurance

4.1. Nature and scope

4.2. Event insured against life insurance contract

4.3. Circumstances affecting the risk

4.4. Amounts recoverable under life policy

4.5. Persons entitled to payment

4.6. Settlement of claim and payment of money

5. Marine Insurance

5.1. Nature and Scope

5.2. Classification of marine policies

5.2.1. The Marine Insurance Act, 1963

5.2.2. Insurable interest, insurable value

5.2.3. Marine insurance policy - condition. - express warranties construction of terms of policy

5.2.4. Voyage-deviation

5.2.5. Perils of the sea

5.2.6. Assignment of policy

5.2.7. Partial laws of ship and of freight, salvage, general average, particular charges

5.2.8. Return of premium

6. Insurance Against Accidents

6.1. The Fatal Accidents Act, 1855

6.1.1. Objects and reasons

6.1.2. Assessment of compensation

6.1.3. Contributory negligence,

6.1.4 Apportionment of compensation and liability

6.2. The Personal Injuries (Compensation insurance) Act 1963

6.2.1. Compensation payable under the Act

6.2.2. Compensation insurance scheme under the Act-Compulsory insurance

7. Property Insurance

7.1. Fire insurance

7.2. The Emergency Risks (Factories) Insurance

7.3. The Emergency Risks (Goods) Insurance

7.4. Policies covering risk of explosion

7.5. Policies covering accidental loss, damage to property

7.6. Policies covering risk of storm and tempest

7.7. Glass-plate policies

7.8. Burglary and theft policies

7.9. Live stock policies

7.10. Goods in transit insurance

7.11. Agricultural insurance

8. Insurance Against Third Party Risks

8.1 The Motor Vehicles Act, 1988

8.1.1 Nature and scope

8.1.2 Effect of insolvency or death on claims of insolvency and death of parties, certificate of insurance

8.1.3 Claims tribunal: constitution, functions, application for compensation, procedure, powers and award

8.2 Liability Insurance

8.2.1 Nature and kinds of such insurance

8.2.2 Public liability insurance

8.2.3 Professional negligence insurance

9. Miscellaneous Insurance Schemes: New Dimensions

9.1 Group life insurance

9.2 Medclaim, sickness insurance

Select bibliography

John Hanson and Christopals Henly, All Risks Property Insurance (1999), LLP Asia, Hongkong.

Peter Mac Donald Eggers and Patric Foss, Good Faith and Insurance Contracts (1998) LLP Asia, Hongkong

Banerjee, Law of Insurance (1994), Asia Law House, Hyderabad.

Mitra B.C, Law Relating to Marine Insurance (1997) Asia Law House, Hyderabad

JCB Gilmar and Mustill, Arnold on the Law of Marine Insurance, (1981), Sweet & Maxwell

Birds, Modern Insurance Law (1997) Sweet & Maxwell

Colinvaux's Law of Insurance (1997), Sweet & Maxwell

O'Mary on Marine Insurance (1993), Sweet & Maxwell.

International Labour Office, Administration Practice of social Insurance (1985)

E.R. Hardy Ivamy, General Principles of insurance Law (1979)

Edwin W. Patterson, Cases and Materials on Law of insurance (1955)

M. N. Sreenivasan Law and the Life Insurance Contract (1914)

A.006. CORPORATE FINANCE

Objectives of the course

Industrialisation has played, and has to play, a very vital role in the economic development of India. In the post independent era, industrial development is regarded, and hence employed, as principal means in the strategy for achieving the goal of economic and social justice envisioned in the Constitution. Corporations, both public and private, are viewed as a powerful instrument for development. In a developing society like India enormous varieties of consumer goods are manufactured or produced. Obviously, the situation raises the issues of procuring, utilising and

managing the finances. For this purpose a science of financial management techniques has been evolved. The faculties of commerce, business and management studies have since last decades started to impart instruction so as to turn out sufficiently well equipped and adequately trained financial personnel. However, the legal and juristic aspects of corporate finance have been more or less not effectively taken care of.

In view of the above perspectives the broad objectives of this cause may be formulated as follows-

University of Calicut- LL.M. Semester Scheme- Jan. 2013 onwards (2012 Dec. Admission)

- (i) To understand the economic and legal dimensions of corporate finance in the process of industrial development in establishing social order in the context of constitutional values
- (ii) To acquaint the students with the normative, philosophical and economic contours of various statutory rules relating to corporate finance
- (iii) To acquaint the students with the organisation, functions, lending, and recovery procedures, conditions of lending and accountability of international national and state financing institutions and also of commercial banks; and
- (iv) To acquaint the students with the process of the flow and outflow of corporate finance.

The following syllabus prepared with the above perspective will be spread over a period of one semester.

Syllabus

1. Introduction

1.1. Meaning, importance and scope of corporation finance

1.4. Capital needs - capitalisation - working capital - securities-borrowings-deposits
debentures

1.5. Objectives of corporation finance - profit maximisation and wealth maximisation

1.6. Constitutional perspectives - the entries 37, 38, 43, 44, 45, 46, 47, 52, 82, 85, and
86 of List 1 - Union List; entry 24 of List 11 - State List.

2. Equity Finance

2.1. Share capital

2.1.1. Prospectus - information disclosure

2.1.2. Issue and allotment

2.1.3. Shares without monetary consideration

2.1.4. Non-opting equity shares

3. Debt Finance

3.1. Debentures

3.1.2. Nature, issue and class

3.1.3. Deposits and acceptance

3.1.4. Creation of charges

3.1.4.5. Fixed and floating charges

3.1.5. Mortgages

3.1.6. Convertible debentures

4. Conservation of Corporate Finance

4.1. Regulation by disclosure

4.2. Control on payment of dividends

4.3. Managerial remuneration

4.4. Payment of commissions and brokerage

4.5. Inter-corporate loans and investments

4.6. Pay-back of shares

4.7. Other corporate spending

5. Protection of creditors

5.1. Need for creditor protection

5.1.1. Preference in payment

5.2. Rights in making company decisions affecting creditor interests

5.3. Creditor self-protection

5.3.1. Incorporation of favourable terms in lending contracts

5.3.2. Right to nominate directors

5.4. Control over corporate spending

6. Protection of Investors

6.1. Individual share holder right

6.2. Corporate membership right

6.3. Derivative actions

6.4. Qualified membership right

6.5. Conversion, consolidation and re-organisation of shares

6.6. Transfer and transmission of securities

6.7. Dematerialisation of securities

7. Corporate Fund Raising

7.1. Depositories - IDR(Indian depository receipts), ADR(American depository receipts),
GDR(Global depository receipts)

7.2. Public financing institutions - IDBI, ICICI, IFC and SFC

7.3. Mutual fund and other collective investment schemes

7.4. Institutional investments - LIC, UTI and banks

7.5. FDI and NRI investment - Foreign institutional investments (IMF and World bank

8. Administrative Regulation on Corporate Finance

8.1. Inspection of accounts

8.2. SEBI

8.3. Central government control

8.4. Control by registrar of companies

8.5. RBI control

Select bibliography

Alastair Hundson, The Law on Financial Derivatives (1998), Sweet & Maxwell

Eil's Ferran, Company Law and Corporate Finance (1999), Oxford.

Jonathan Charkham, Fair shares: the Future of Shareholder Power and Responsibility (1999), Oxford.

Ramaiya A, Guide to the Companies Act (1998), Vol. I, II and III.

H.A.J. Ford and A.P. Austen, Fords' principle of Corporations Law (1999) Butterworths.

J.H. Farrar and B.M. Hanniyan, Farrar's company Law (1998) Butterworths

Austen R.P., The Law of Public Company Finance (1986) LBC

R.M. Goode, Legal Problems of Credit and Security (1988) Sweet and Maxwell

Altman and Subrahmanyam, Recent Advances in Corporate Finance (1985) LBC

Gilbert Harold, Corporation Finance (1956)

Henry E. Hoagland, Corporation Finance (1947)

Maryin M. Kristein, Corporate Finance (1975)

R.C. Osborn, Corporation Finance (1959)

S.C. Kuchhal Corporation finance : Principles and Problems (6th ed. 1966)

V.G. Kulkarni, Corporate Finance (1961)

Y.D. Kulshreshtha, Government Regulation of Financial management of Private Corporate Sector in India (1986)

Journals - Journal of Indian Law Institute, Journal of Business Law, Chartered Secretary, Company

Law Journal, Law and Contemporary Problems.

Statutory Materials - Companies Act and laws relating SEBI, depositories, industrial financing and information technology

A.007.CORPORATE TAXATION

1. Income from business- computation- gross earnings- determination of expenses, depreciation, and admissible allowances-.exemptions
2. Capital gains- basis of liability-computation- transactions not regarded as transfer- special provisions for depreciable assets- computation-exemptions-
3. Aggregation of income-ordinary and special sources- total income- special provisions for business reorganization- LLP- aggregation of losses
4. Tax incentives- contribution to certain funds-political contributions- investor protection funds-
5. Special provisions relating to income of non-profit organizations- - taxing income from venture capital funds and companies- dividend distribution tax- tax on income distributed by mutual funds, insurance companies-
6. Special provisions relating to tax avoidance- disallowing expenses- determining arms length price-advance pricing agreements-sale and buy back of securities- anti-avoidance rule.
7. Maintenance of accounts- audit of accounts- reporting international transactions- methods of accounting- computation of book profits- charge of branch profit tax.
8. Authorities and powers- search, survey, seizure- assessment- remedies- payment, collection and recovery.

SUGGESTED READINGS:

CORPORATE TAXATION-H.P.RANINA-SNOW WHITE

CORPORATE TAX PLANNING-BHANU PRAKASH AGARWAL- WADWA

CORPORATE ACCOUNTING STANDARDS- TAXMANN

DIRECT TAX CODE(as amended from time to time)

DIRECT TAX- TAXMANN

DIRECT TAX- SINGHANIA

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DIRECT TAX- MEHROTHRA AND GOYAL

DIRECT TAX- T.N.MANOCHARAN

DIRECT TAX- AHUJA

OPTIONAL GROUP C: CRIMINAL LAW

Paper I

C 001- Principles of Criminal Law

This Paper is taught with an aim to understand the general principles of criminal liability and this is studied in a comparative perspective of legal system in UK, USA and India.

I

Concepts of Crime – Theoretical perspectives of crime – Elements of Crime – *Actus Reus* – Criminal Act and Omission – *Mens Rea* – Negligence – Transferred Malice – Liability Principles– Strict Liability – Vicarious Liability – Joint Liability – Corporate Liability

II

Stages in Commission of a Crime – Intention or Contemplation – Abetment – Preparation – Attempt – Essentials of the Attempt – Impossible Attempt – Attempt and preparation distinguished – Accomplishment – Conspiracy – Principal and Accessories

III

General Exceptions of Criminal Liability – Excuses and Justifications – Mistake of Fact – Ignorance of Law – Superior Order Defence – Executive and Judicial Acts – Duress – Coercion – Consent – Necessity – Infancy

IV

Exceptions as to Insanity – Drunkenness – Private Defence – Right of Private Defence of Person– Right of Private Defence of Property

V

Specific Offence- Offences against persons property- Intellectual and other properties

Suggested Readings

Bentham : Principles of Penal Law

Blackstone's : Commentaries

Burdick : The Law of Crime, Vol. I

Friedmann : Law in the Changing Society

Gandhi, B.M : Indian Penal Code (1996)

Gaur, H.S : Penal Law of India, 9th Edn.

Gaur, K.D. : Criminal Law : Cases & Materials (1975)

Hall, Jerome : General Principles of Criminal Law, 2nd Edn.

Halsbury's : Laws of England : 3rd Edn., Vols. X & XI; 4th Edn., Vol. XI

Huda, Shamshul : Principles of Law of Crime in British India

(1902) (Reprint, 1993-Eastern Book Co., Lucknow)

Kane, P.V. : History of Dharamshashtra, Vol. III

Kenny's : Outlines of Criminal Law, 19th Edn.

Mayne, J.D. : Criminal Law of India, 4th Edn.

Nelson : Indian Penal Code Nigam, R.C. : Law of Crimes in India, Vol. I

Rattan Lai : The Law of Crimes (20th Edn.)

Russel : On Crime, 12th Edn., Vol. I

Siddique, Ahmad : Criminology, 4th Edn., 1997

Stephen, James : History of Criminal Law, Vols. I & II and

Digest of Criminal Law, 9th Edn.

Paper –II**C 002 OFFENCES AGAINST VULNERABLE GROUPS**

- I. Offences against Women – Dowry death, Domestic violence, Torture, Abuse – physical, sexual, emotional and neglect, Trafficking, Various enactments for the protection and prevention of offences against women – International Conventions and Treaties.
- II. Offences against Children, Young people and Vulnerable adults – child abuse and violence -sexual, physical, child trafficking, child labour. Various special enactments for protection and prevention of violence against children - International Conventions and Treaties.
- III. Child- Definitions – concept under Indian Constitution and Penal Code, Difference between Delinquency and Criminality – Causes of Juvenile Delinquency- Methods and Treatment- Role of Police- The Juvenile Justice (Care and Protection of Children) Act, 2000- Implementing Mechanism – Rehabilitation
- IV. Offences against Socially and Economically Disadvantaged People - Dalits, Indigenous people, Scheduled Caste and Scheduled Tribes, Senior citizens, Disabled persons, migrant workers etc. , Caste based honour killings, Violence and torture against senior citizens and disabled persons, offences and atrocities against dalits and Scheduled Caste and Scheduled Tribes. Role of Police and Judiciary – Measures taken by Government- Various enactments in India and International conventions and treaties for protection and prevention of crimes against socially and economically disadvantaged group.
- V. Offences against Minorities - Communal Violence- Cruelty, Role of police and para-military systems in dealing with communal violence- operation of criminal justice system in relation to communal violence.

Suggested Reading:-

- Sheldon and Gluck, *Unravelling Juvenile Delinquency* .
- Vijay Hausane, *Juvenile Justice System*.
- United Nations Convention on the Rights of the Child, 1989.
- United Nations Convention on the Rights of Persons with Disabilities (2006).
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990.
- Convention on the Elimination of All Forms of Discrimination against Women, 1995.
- International Covenant on Civil and Political Rights, 1966.
- International Covenant on Economic, Social and Cultural Rights ,1966.
- International Convention on the Elimination of All Forms of Racial Discrimination, 1992.
- Convention on the Prevention and Punishment of the Crime of Genocide, 1948.
- The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

Paper III**C003 Criminology, Penology And Victimology****Criminology:**

I - Theories of Crime Causation – Differential Association Theory of Crime – Biological, Environmental, Socio-Economic and Psychological factors affecting Crime – Schools of Criminology.

II – Different kinds of Criminal – Different types of Crimes – Impact of Religion, Political Parties, Media, Family etc. on Crime – Recidivism.

Penology:

III – Punishment and sentencing – Types of Punishment – Theories of Punishment – Retribution – deterrence – Preventive – Prohibitory – Reformatory – Expiatory – Utilitarian –Alternatives to Punishment Sentencing Policy – Remission – Commutation – Pardoning.

IV–Correctional and Rehabilitative Techniques – Classification of Criminals – Prisons – Prison Labour – Open Prison – Parole – Probation – Probation of Offenders Act, 1958 – Indeterminate sentence – Individualization of Punishment.

Victimology:

V – Development of Victimology, status of victim in criminal justice system- Rights of victim- compensation to victim of crime- Statutory Provisions – Role of Judiciary –Rehabilitation of Victims of Crime- UN Declaration on Rights of Victims of Crime and Abuse of power - Malimath Committee Recommendations

Suggested Readings:

Criminal Procedure and Sentencing –Peter Hungerford Welch

Criminal Law and Criminology – K.D.Gaur

Principled Sentencing : Readings on Theory and Policy – Andrew Ashworth and Julian Roberts

Criminology and Penology – Ahmad Siddique

Principles of Criminology, Criminal Law and Investigation – R.Deb

Probation and Parole : Theory & Practice – Howard Abadinsky

Criminology and Penology – Prof.N.V.Paranjape

Criminal Trial & Justice (Sentencing Process) – Prof.A.Lakshminath , Dr. J. Krishna Kumari

Crime and Criminology – Prafullah Pandhy

Paper IV**C004 Comparative Criminal Procedure**

I. Principles of legality- Presumption of innocence – Burden of proof- Protection against self incrimination- *Autrefois acquits* and *Autrefois convict*- Organization of Criminal courts and their jurisdiction- Prosecuting agencies – organization of prosecuting agencies – Withdrawal from prosecution- Police -Adjudicating agencies and their jurisdiction.

II. Pretrial procedures-Arrest and interrogation of accused- Collection of evidence-confession – admissibility of evidence-right against self incrimination- double jeopardy- Role of prosecutors and judicial officers in investigation.

III Trial procedures-Accusatorial and Inquisitorial system-role of prosecutors-and defence counsel –Plea Bargaining – Role of judge- Rights of accused- Rights of arrested person- Sentencing

IV. Preventive measures-Role of executive magistrate- for keeping peace and good behavior- public peace and tranquility

Suggested Readings

Celia Hamptom- Criminal Procedure. .

Wilkins and Cross-Outline of the Law of Evidence

Archbold-Pleading, Evidence and Practice in Criminal Cases

Sarkar- Law of Evidence

K.N.Chandrasekharan Pillai (Ed.)-R.V.Kelkar's Outlines of Criminal Procedure (2010)

Patric Devlin-The Criminal Prosecution in England

American Series of Foreign Penal Codes

Criminal Procedure Code of People's Republic of China

John N. Ferdico- Criminal Procedure (1996),

West Sanders & Young- Criminal Justice(1994)

Christina Van Den Wyngart-Criminal Procedure Systems in European Community,

Joel Sambha- Criminal Procedure(1997)

The French Code of Criminal Procedure.

14 th and 41st Reports of Indian Law Commission

Paper –V

C 005- Criminal Investigation and Forensic Science

I-Scope of investigation-procedure-relevancy of FIR- Crime scene- utility of scientific evidence in investigation-establishment of evidence-individual-physical objects-chemical analysis-procedure on completion of investigation

II. Forensic science- Utility in criminal investigation- areas of forensic science- organizational set up of forensic science laboratories in India- Basic Forensic Principles, physical evidence s, crime scene, finger prints- hand writing – Odontology and photographic super imposition

III. Expert evidence-admissibility-evidentiary value-medico legal aspects- role of courts – Basic Principles in cyber forensics – Forensic Imaging – Verification-Data decoding , Recovery and Analysis- Digital investigations.

IV- Recent advances in forensic science-Narco- analysis, polygraph, brain mapping ,lie detector, DNA fingerprinting, Cyber forensics.

Suggested Reading-

1. Sharma B.R. : Forensic Science.
2. Forensic Science in criminal Investigation -Dr.Jaishankar Singh And Amin
3. Fundamentals of Forensic Science by Max M. Houck, Jay Siegel
4. Forensic Science In Criminal Investigation And Trials : Sharma
5. Modern Criminal Investigation: Harry Soderman and John J.O.Conell(Published by Funk & Wangnalls Co.Inc.,New York)
6. Criminal Investigation: Paul L.Kirk,ph.D.(Published by Inter Science Publishers,Inc.,(New York).
7. Criminal Investigation:Cr.Aand Cross.(Published by Sweet & Maxwell Limited , London).
8. Fire arms,Forensic ballistics,Forensic Chemistry and Criminal Jurisprudence : Gour.A.N.
9. Forensic Chemistry and Scientific Criminal Investigation.: Lucas A.
10. Methods of Forensic Science (Vol.I) : Lund Quist.F.

Paper VI

C 006 Socio- economic Crimes and Privileged Class Deviance

I. Concept of Socio-economic offences – Liability Concepts – Corporate Offences – Narcotic Offences – Offences Relating to Food Adulteration – Cyber Crimes

II .Concept of Privileged Class Deviance – Types of Privileged Class Deviance – Official Deviance – Professional Deviance – Trade Union Deviance – Police Deviance – Deviance on Electoral Process

III .Police Deviance – Police Atrocities: Encounter killing and the plea of superior’s orders, Structure of legal restraint on police power in India, Unconstitutionality of ‘Third Degree’ method and use of fatal force by Police – Professional Deviance – Unethical practices by Lawyers, Doctors, and Media Persons.

IV.Response of Indian Legal Order to the Deviance of Privileged Classes – Vigilance Commission – Public Accounts Committee Ombudsman – Ombudsman – Commissions of Enquiry – Prevention of Corruption Act, 1988.

Suggested Readings:

Upendra Baxi, The Crisis of the Indian Legal System (1982), Vikas Publishing House, New Delhi

Upendra Baxi (ed.), Law and Poverty: Essays (1988)

Upendra Baxi, Liberty and Corruption: The Antulay Case and Beyond (1989)

Surendranath Dwivedi and G.S.Bhargava: Political Corruption in India

A.R.Desai (ed.), Violation of Democratic Rights in India (1986)

A.G.Noornni, Minister's Misconduct (1974)

B.B.Pande. “The Nature and Dimensions of Privileged Class Deviance” in The Other Side of Development 136 (1987, K.S.Shukla ed.)

Paper VII

C. 007 Transnational Crimes and Criminal Law

- I. Development of the concept of Organized Crimes – Transnational Crimes and Transnational Criminal Law – Substantive Transnational Criminal Procedural Mechanism in establishing Jurisdiction – De territorialisation of nature of Crime -Transnational Dimensions of Crime – Limits of National Crime – Control Efforts.
- II. International efforts to control Transnational Crimes – United Nation Convention against Transnational Organized Crimes – United Nation Convention on Trafficking in Narcotic Drug and Psychotropic Substances ,1988.
- III. Transnational Economic Crimes – Maritime Piracy, Illegal Trafficking in Vehicles , Money Laundering , Credit Card Frauds – Measures to Combat Cyber Crimes – Emerging Transnational Crimes .

- IV. Transnational Organized Crimes - Terrorism , Torture, Trafficking in Persons , Women and Children, Fire arms Smuggling - International Convention and Treaties - Measures to combat Organized Crimes .
- V. International Criminal Law – Special Investigation Tools to combat Transnational Organized Crimes - Initiatives against Transnational crimes - Extradition of Criminals - Prosecution of Transnational crimes - Prospects for Transnational Criminal Justice - Implementation of Transnational Criminal Law .

Suggested Reading:-

1. Neil Boister – *An Introduction to Transnational Criminal Law* (Sept 2012, Oxford University Press).
2. Frank EG. Madsen, *Transnational Organised Crime*, (2009, Routledge).
3. David McClean, *Transnational Organized Crime, A Commentary on the UN Conventions and its Protocols*. (2009, Oxford University Press).
4. James Cockayne, *Transnational Organized Crime: Multinational Responses to a Rising Threat* (New York: International Peace Academy, April 2007)
5. Mark Findlay, *The Globalization of Crime* (Cambridge: Cambridge University Press, 1999)
6. Andre' Bossard, *Transnational Crime and Criminal law* (Chicago: Office of Criminal Justice, 1990)
7. John M. Martin and Anne T Romano, *Multinational Crime: Terrorism, Espionage, Drug and Arms Trafficking* (Thousand Oaks, Calif: Sage Publications, 1992)
8. James W.E. Sheptycki, "*Against transnational organized crime*", in *Critical Reflections on Transnational Organized Crime*, ed. Margaret E. Beare (Toronto: Toronto University Press, 2003)
9. Michael John Garcia, "*Immigration Consequences of Criminal Activity*".
10. UN Convention against Transnational Organized Crime , 2000
11. UN Convention on Trafficking in Narcotic Drugs and Psychotropic Substances, 1981

Optional Group D - ADMINISTRATIVE LAW**D001 :CONSTITUTIONAL FOUNDATION OF ADMINISTRATIVE LAW****Objectives of the course**

The administrative explosion of the 19th century in the common law world brought in new norms of relationship between the state and its citizens. In due course, the continental strategies of control over administration had their influence. Along with this the civil service and administrative agencies gained more and more importance when the state launched welfare programmes and became the guardian of the rights of individuals. The standards of administrative behaviour are moulded and supported through constitutional values in the lands of constitutional sovereignty. Necessarily, a student of law relating to administration should get a deep knowledge of the operation and changing phenomena of these standards from a comparative angle. This is so especially in the wake of technological revolution and its aftermath on the administration.

The syllabus prepared with the above mentioned objective comprises of 42 units to be spread over a semester.

Syllabus**1. Administrative Process**

- 1.1. Definition , Nature , Scope and Growth of Administrative Law
- 1.2. The role of Executive – Political/Civil, classification of functions, nature and characteristics
- 1.3. Tools of Administrative Process- Scope and Limits, corporate power-individual and state
- 1.4. Critics on Administrative Process
- 1.5. Impact of LPG on Administrative Law

2. Evolution and Significance of Administrative Law in Various Systems of Governance - From Ancient to Modern.

2.1. French system

2.2. English and US system

2.3. Indian system

2.4 Other system

3. Rule of Law

3.1. The Praxis of Rule of Law

3.2. Changing dimensions

3.3 Rule of Law: Challenges and Possibilities

3.4. Instrumentalities of Rule of Law

3.5. New Horizons of Rule of Law

4. Separation of Powers

4.1 Explanation of the doctrine

4.2. Comparative survey - common law and continental systems : English, US, French, German and Indian.

4.3 Constitutional provisions on separation of powers

4.4 Separation of powers and judiciary

5. Delegated Legislation

5.1 Need and scope of delegation

5.2. Comparative approaches: widening contours: classification, controls over delegated legislation.

5.3 Delegated legislation in India

5.4 Control on delegated legislation – Legislative, Administrative and Judicial control

D002 -ADMINISTRATIVE JUSTICE AND DISCRETIONARY POWERS

Objective of the course

Specialists in Administrative Law have to be in the position to assess the developments in Indian administrative law from a comparative angle. That the administrative law jurisprudence in the country owed major its growth from the English and American development is a recognised fact.

However, India is still to go for general legislation of the English and U.S. type laying down administrative norms. From a comparative angle, the course focuses on the doctrine of separation of powers, the scope of delegated legislation, the exercise of discretion, the doctrine of fairness struck by judicial process for administrative decision-making and the liabilities of the administration.

This paper shall comprise of about 42 units of one-hour duration to be spread out to a period of one semester.

1 . Administrative Discretion

1.1. Need for discretionary powers.

1.2. Nature, scope and limits.

1.3 Reasons behind Administrative Discretion

1.4 Discretion and Justifiability

1.5 Power and duty co-relation

2. Discretionary power, judicial review and control on discretion

- 2.1. Grounds for review and control
- 2.2. Failure to exercise jurisdiction
- 2.3 Excess for abuse of Jurisdiction
- 2.4 Control measures over administrative discretion

3. Public Accountability and control of discretion

- 3.1 Control of discretion at the stage of exercise of power
- 3.2 Policy as a fetter to discretion
- 3.3 Exemplary damages for abuse of discretion

4 Ministerial action

- 4.1 Nature and scope for ministerial action
- 4.2 Control on Ministerial action

5. Administrative Instructions

- 5.1 Legal character of Administrative instructions
- 5.2 Enforceability of instructions
- 5.3 Oral instructions
- 5.4 Unlawful instructions

Select bibliography

Friedman, The State and the Rule of Law in a Mixed Economy

Dicey, Introduction to the Law of the Constitution,

Davis, Discretionary Justice

Jain & Jain, Principles of Administrative Law (1986) Tripathi

De Smith, Judicial Review of Administrative Action (1995)

M.P. Jain, Cases and Materials on Administrative Law (1996), Vol.I, Wadha, Nagpur.

Peter H. Schuck, Foundations of Administrative Law (1994), Oxford, New York.

Friedman, The State and the Rule of Law in a Mixed Economy

Neville L. Brown and J.F. Garner, French Administrative Law

Ivor Jennings, Law and the Constitution

Schwartz & Wade, Legal Control of Government

Davis, Discretionary Justice

De Smith, Judicial Review of Administrative Action (1995)

Neil Hawke and Neil Papworth, Introduction to Administrative Law (1996), Lawman, New Delhi.

D.D.Basu, Comparative Administrative Law, (1998).

D003- ADMINISTRATIVE PROCESS AND JUDICIAL CONTROL

Objectives of the course

Administrative law is mainly a judge-made law and has secured its present features through a myriad of judicial decisions. The historical evolution of the judicial agencies reviewing administrative procedures, jurisdictional aspects of administrative decision making subjected to review, the grounds on which decisions are challenged, the scope of review of delegated legislation and the limitations on the judicial review of administrative action are to be studied in detail in this course. The procedural fairness is the key to good administrative decision and the various remedies rendered in judicial process clear the way for achieving administrative justice. The ever increasing number of delegated legislation in the form of rules, regulations, circulars

and general orders have the characteristics of law, which though framed by administration, impose burden on the rights of citizens. Keeping this specie of administration beyond judicial review is neither in the interests of the general public nor for laying down standards of administrative behaviour.

This course, with the above mentioned perspective in view, comprises of about 42 units to be spread out to a period of one semester.

Syllabus

1. Scope and extent

- 1.1. Nature and scope of judicial control
- 1.2. French system
- 1.3. British system
- 1.4. American System
- 1.5. Indian System

2. Judicial Review in India

- 2.1. Prerogative remedies
- 2.2. Statutory remedies
- 2.3 Equitable remedies
- 2.4 Subordinate judiciary
- 2.5 Extra judicial methodologies

3. Grounds of judicial control

- 3.1. *ultra vires*
- 3.2. Illegality

3.3 Rationality and proportionality

3.4 Procedural impropriety

3.5. Unreviewable discretionary powers

3.6. Oppressing decision

4. Doctrine of Bias

4.1. Different forms of Bias

4.2. Test on Bias

4.3. Reasons of Bias

4.4. Remedies against Bias

5. Procedural fairness

5.1. Due Process of Law

5.2. Legitimate Expectation

5.3. Default of Procedures and Remedies

5.4. Quasi Judicial Mechanisms for Redressal

5.5. Fair Hearing, Natural justice and duty to act fairly

5.6 Other kinds of remedies

Select bibliography

S.P. Sathe, Administrative Law (1998), Butterworths, India.

De Smith, Judicial Review of Administrative Action (1995), Sweet and Maxwell.

I.P. Massey, Administrative Law (1995), Eastern, Lucknow.

Bagawati Prosad Banerjee, Writ Remedies, (1999), Wadhwa, Nagpur.

M.P.Jain, The Evolving Indian Administrative Law (1983), Tripathi, Bombay

Jain & Jain, Principles of Administrative Law (1986), Tripathi

M.P. Jain, Cases and Materials on Administrative Law (1996), Vol.I, Wadha, Nagpur.

D004-PUBLIC AUTHORITIES: POWERS, RESPONSIBILITIES and LIABILITIES

Objectives of the course

Judicial decisions in the common law world have formulated several duties and liabilities on the administrative hierarchy towards the citizens. Is the state in exercise of sovereign functions liable to compensate the affected persons? To what extent is the state in exercise of sovereign functions immune from liability? The state enters into contracts in more ways than one. Should there be standards of conduct laid down on the state when it does so? How can accountability be determined in all these areas? Open government is one of the significant attributes of good government in democracy. In what way these norms can be meticulously followed by the state in meting out administrative justice. There are problems a country like India does confront in her march towards good governance.

This course with the above mentioned perspectives in view comprises about 42 units of one hour duration to be spread out to one semester.

Syllabus

1. Tortious Liability

1.1. Public Liability, State Liability on Torts

1.2. Sovereign immunity

1.3. Commercial and non-commercial function and Liabilities

1.4. Remedies

2. Contractual liability

2.1. Processual justice : Privilege - right dichotomy

2.2. Blacklisting of contractors

2.3. Contractual Liabilities of State

2.4. Terms in government contract as instruments of justice

2.5. Remedies

3. Emerging Liability

3.1. Corporate Liability

3.2. Personal accountability

3.3. Compensatory jurisprudence and right to life

3.4. Accountability under consumer law

4. Privilege Against Disclosure

4.1. Right to Information

4.2. Official secrecy

4.3. Executive privilege

4.4. Security of state and control on information

4.5. Judicial review

5. Promissory Estoppel

5.1. Legitimate expectation

5.2. Constitutional dimensions

5.3. Remedies

Select bibliography

Jain & Jain, Principles of Administrative Law (1986), Tripathi

De Smith, Judicial Review of Administrative Action (1995).

B.Schwartz, An Introduction to American Administrative Law.

D005- LAW AGAINST CORRUPTION AND MALADMINISTRATION**Objectives of the course**

The maladministration is a disturbing phenomenon witnessed in a developing democracy like India. People holding public offices and authority are accused of misuse of their office and misappropriation of public funds for private gain. Privatization of public property for their private aggrandizement is an evil to be curbed early. Institutions like Lokpal and Lokayukt, agencies like commissions of enquiry and vigilance commission and legislative committees inquiring into particular problem or general questions are in the process of experimentation in the country with the object of getting out of vicious triangle. These are opinions to strengthen the CBI. The reports of Comptroller and Auditor General are also followed up. This course shall concentrate on all these areas and make an evaluation of the existing machinery in the light of the judicial dicta on certain cases.

The paper comprises of about 42 units of one-hour duration to be spread out to a period of one semester.

Syllabus**1 Democratic Governance and mal administration****1.1 Different forms of mal administration**

1.2 Grounds of mal administration

1.3 Reasons of maladministration

1.4 Need for control on maladministration

2. Institutional control on mal administration

2.1. The concept of institutional control

2.2. Comparative perspectives

2.3. Evolving Indian models -Lokpal, Lokayukt institutions

2.4. Tribunals

2.5 Ombudsman

3. Commission of Inquiry

4. Vigilance Commissions

5. Investigation Agencies: the CBI

6. Inquiries by Legislative Committees

7. Legislative Control

8. Financial Control - Comptroller and Auditor General

9. Judicial Inquiries

10. Anti Corruption Measures

11. Performance Auditing and Social Auditing Measures

12. Judicial corruption and remedies

Select bibliography

K.S. Shukla and S.S.Singh, Lokayukta: a Social Legal Study (1988), Indian Institute of Public Administration, N.Delhi.

Jain & Jain, Principles of Administrative Law (1986) Tripathi

Donald C. Rowat, The Ombudsman (1966), George Allan and Unwin Ltd., Toronto

D006-LAW ON LOCAL SELF - GOVERNMENT

Objectives of the course

With the introduction of the Constitution seventy third and seventy fourth amendments, India is moving towards the ideal of direct democracy endowing the local bodies with powers of administration in matters of regional and local importance. This change has added new vistas of Indian democracy and it offers an opportunity to translate the Gandhian concept of Gram Swaraj into practice. Necessarily, a person specializing in administrative law has to be equipped with the knowledge on the working of early systems, the present constitutional scheme, the legislative powers of the State transferring responsibility to local bodies and on the increasing regulatory and financial powers of the local bodies. The nature of the democratic functioning of these elected bodies and the scope of administrative control as well of the judicial control over them are challenging areas for students of administrative law to evaluate and help formulation of new and pragmatic working methods.

The course shall comprise about 42 units of one-hour duration to be spread out to a period of one semester.

Syllabus

1. Historical Perspectives Constitutional Scheme

1.1. Early period

1.2. Gram Swaraj: the Gandhian concept

1.3 Directive Principles

1.4. Structure and powers of local bodies

2. Powers and Functions of LSG Authorities

2.1. Rule making power

2.2. Rule Execution Power

2.3. Developmental Powers

2.5. Welfare Powers

2.6. Regulative Powers

3. Financial Powers

3.1. Levying taxes

3.2. Licensing power

3.3. Financial resources and powers

3.4. Fund Flow System

3.5. State Finance Commission

4. Judicial and Quasi-judicial powers of the Local Bodies

4.1 Grievance redressal

4.2 Appellate powers

4.3 Supervisory powers

4.4 Superseding powers

5 Election to Local Bodies

5.1. State Election Commission

5.2. Electoral Mechanism

5.3. Remedial Mechanism

6. Good Governance Process in LSGIs

- 6.1 Right to information
- 6.2 Citizen service charter
- 6.3 Social auditing
- 6.4 Grievance redressal
- 6.5 Public Accountability

7. Gram Sabha and Other Participatory Bodies

- 7.1 Constitution of Grama Sabha
- 7.2 Powers functions and responsibility of Grama Sabha
- 7.3 Participatory bodies under LSG

8. Institutional and Judicial Control

- 8.1 LSG Ombudsman
- 8.2 LSG Tribunal
- 8.3 Judicial control mechanism

Select bibliography

Friedman, The State and the Rule of Law in a Mixed Economy

Neville L. Brown and J.F. Garner, French Administrative Law

Dicey, Introduction to the Law of the Constitution,

Ivor Jennings, Law and the Constitution

Schwartz & Wade, Legal Control of Government

Davis, Discretionary Justice

Jain & Jain, Principles of Administrative Law (1986), Tripathi, Bombay

De Smith, Judicial Review of Administrative Action (1995) Indian Law Institute, Government Regulation of Private

W. Thornhill (ed.), The Growth and Reform of English Local Self-government (1971), Weidenfeld and Nierlson, London

Radhakumud Mookerji, Local Government in Ancient India (1985), Daya Publishing Delhi.

M. Venketarangaiya & M. Pattabhiram, Local Government in India (1969) Allied, New Delhi.

D007- PUBLIC ADMINISTRATION AND CIVIL SERVICE

Objective of the course

To impart awareness of public administration system, to inculcate capability to analyse institutional framework and functional mechanism of public administration, to provide an introduction on civil service system, the internal and external measures for controlling a right based public service administration

1. Structure and Institutions of Public Administration in India

1.1 Constitutional and legal frame work of public administration in India

1.2 Central – State -Local system of public administration

1.3 Inter relation between public administration system

2. Civil Service System in India

2.1 Composition of Central and state civil service

2.2 Local government administrative system

3. Pleasure Doctrine

3.1 concept , practice and remedies

4. State as Provider, Guarantor and Controller of Services

5. Good Governance Mechanism

5.1 Right to openness

5.2 Citizen's service charter

5.3 Social audit

5.4 Departmental grievance redressal

5.5 Public Accountability

6. Service Right and Quality Assurance in Public Service**7. Grievance redressal [Ombudsman, Tribunals, SAT, CAT and Judiciary]**

Code No:

Name.....

Register No.....

FIRST SEMESTER LL.M EXAMINATION 2013
(FROM 2012 ADMISSION ONWARDS- SEMESTER SCHEME)
CC001 LAW AND SOCIAL TRANSFORMATION IN INDIA

Time : 3 HOURS

Maximum Marks : 60

Answer any SIX questions. Each question carries 10 Marks.

All answers should supported by relevant statutory provisions, case laws and quotations

1. Critically evaluate the social changes brought about consequent to agrarian reforms in Independent India
2. Explain the constitutional guarantees available to religious and linguistic minorities in India.
3. Discuss how far protective discrimination has brought about social changes for scheduled caste and scheduled tribes.
4. The legislative measures to secure gender Justice has only met with partial success in India. Discuss how far this statement is true.
5. Legislative measures for adopting children in India are far from satisfactory and create unnecessary hurdles for bonafide prospective parents. Explain how far this statement is relevant and suggest suitable changes to the existing laws
6. The legislative green signal for entry of foreign educational institutions will sound the death knell for our conventional educational system. Comment
7. Right to education is still a mirage for the under privileged masses in our country, and commercialisation adds to the existing divide. Evaluate the socio-legal impact of mushrooming private institutions in educational sector
8. The soft approach of law towards juvenile delinquents actually acts as an incentive for potential young offenders to break the law. Discuss how far the Indian legal system tries to curb the malaise of new generation crimes by young offenders.

(6 x 10 marks= 60)

Code No:

Name.....

Register No.....

FIRST SEMESTER LL.M EXAMINATION 2013**(FROM 2012 ADMISSION ONWARDS- SEMESTER SCHEME)****CC002 LEGAL PROCESS- I (LEGISLATIVE PROCESS AND ADMINISTRATIVE PROCESS)**

Time : 3 HOURS

Maximum Marks : 60

Answer any SIX questions. Each question carries 10 Marks.

All answers should supported by relevant statutory provisions, case laws and quotations

1. Critically evaluate the powers and functions of legislative organs in UK and India
2. Parliamentary privileges often creates unpalatable situations when parliamentarians themselves engage in its breach. Discuss
3. Discuss how Brown relies on anarchist philosophy to stress the need for positive law in a modern state
4. Discuss how Jethro Brown explains about drawing the legitimate limits within which legislation is permissible
5. Explain the procedure in passing finance bills and constitutional amendments.
6. Discuss the five stages involved in drafting process.
7. Critically evaluate the limitations on administrative action in USA and UK
8. Discuss the reasons for growth of delegated legislation in India.

(6 x 10 marks = 60)

Code No:

Name.....

Register No.....

THIRD SEMESTER LL.M EXAMINATION 2013**(FROM 2012 ADMISSION ONWARDS- SEMESTER SCHEME)****CC003. LEGAL PROCESS-II (JUDICIAL PROCESS)**

Time : 3 HOURS

Maximum Marks : 60

Answer any SIX questions. Each question carries 10 Marks.**All answers should supported by relevant statutory provisions, case laws and quotations**

1. Explain Cardozo's method of philosophy in judicial process
2. How far do you agree with the proposition of Julius Stone that "if legal process is a fact and a necessity, it is no less true and no less common place that so are a degree of stability and logicity"
3. State the different theories discussed by Rupert Cross in finding out the ratio decidendi of a case
4. Judicial activism maintains its sway over a legal system when legislature fails in law reforms and social development. Discuss the relevance of this statement in the Indian context.
5. Discuss the various factors that influence judicial reasoning.
6. Discuss the principle rules of interpretation of statutes
7. Illustrate with case laws how far the Supreme Court of India has been influenced by theories of justice
8. Discuss the concept of „Dharma“ in Indian thought and evaluate its application by the Judiciary in India

(6 x 10 marks = 60)

Code No:

Name.....

Register No.....

SECOND SEMESTER LL.M EXAMINATION 2013**(FROM 2012 ADMISSION ONWARDS- SEMESTER SCHEME)****CC004.LEGAL EDUCATION AND RESEARCH METHODOLOGY**

Time : 3 HOURS

Maximum Marks : 60

Answer any SIX questions. Each question carries 10 Marks.

All answers should supported by relevant statutory provisions, case laws and quotations

1. Discuss the merits and demerits of different methods of teaching law for UG and PG courses.
2. Discuss the relevance of empirical methods in legal research
3. Explain the process for preparing research design and formulating research problems
4. . Discuss the importance and methods of clinical legal education in India
5. Discuss the merits and demerits of examination system in Legal education in India
6. Write a critical note on the reforms introduced in legal education by Bar Council of India through its rules in 2008.
7. Discuss the methods used for data collection in legal research.
8. Discuss the relevance of Dr.N.R.Madhava Menon Committee report in reforming legal education in Kerala

(6 x 10 marks = 60)

Code No:

Name.....

Register No.....

FIRST SEMESTER LL.M EXAMINATION 2013**(FROM 2012 ADMISSION ONWARDS- SEMESTER SCHEME)****B.001. Fundamental Principles and theoretical foundations of direct taxation**

Time : 3 HOURS

Maximum Marks : 60

Answer any SIX questions. Each question carries 10 Marks.

All answers should supported by relevant statutory provisions, case laws and quotations

1. Discuss the Constitutional provisions relating to direct taxation in India.
2. Discuss how far Raja Chelliah Committee recommendations have been implemented in India
3. Discuss the relevance of residential status and its impact on incidence of direct taxation
4. Discuss how assets are charged to wealth tax
5. Discuss the various sources of income under direct tax code
6. Discuss the provisions relating to penalties and prosecution under direct tax laws
7. Enumerate and discuss the kinds of income not included in total income
8. Discuss in detail the provisions for reckoning income from house property.

(6 x 10 marks = 60)

Code No:

Name.....

Register No.....

FIRST SEMESTER LL.M EXAMINATION 2013

(FROM 2012 ADMISSION ONWARDS- SEMESTER SCHEME)

B.002. Direct tax administration and procedure

Time : 3 HOURS

Maximum Marks : 60

Answer any SIX questions. Each question carries 10 Marks.

All answers should supported by relevant statutory provisions, case laws and quotations

1. Discuss the hierarchy and powers of authorities under direct tax law in India
2. Discuss the various methods for assessment of direct tax liability
3. Discuss the provisions relating to assessment in special cases
4. Discuss the appellate and revisional jurisdiction of direct tax authorities in India
5. Discuss how far judicial interference is possible in matters relating to direct taxation
6. Explain the provisions relating to tax deduction at source
7. Explain the methods for tax collection at source and recovery of tax dues
8. Discuss the salient features of The National Tax Tribunal Act.

(6 x 10 marks = 60)

Code No:

Name.....

Register No.....

SECOND SEMESTER LL.M EXAMINATION 2013

(FROM 2012 ADMISSION ONWARDS- SEMESTER SCHEME)

B.003. Fundamental principles and theoretical foundations of indirect taxation.

Time : 3 HOURS

Maximum Marks : 60

Answer any SIX questions. Each question carries 10 Marks.

All answers should supported by relevant statutory provisions, case laws and quotations

1. Discuss the legislative competency of the Union of India in the realm of indirect taxation
2. Discuss the important recommendations for indirect tax law reforms made by various taxation enquiry committees
3. Discuss the provisions relating to customs clearance, transit and warehousing.
4. Discuss the baggage rules relating to customs in India
5. Explain the basic conditions for liability to central excise in India
6. Explain the concessions and exemptions available under service tax regime in India
7. Explain the international position relating to goods and service tax liability.
8. Critically evaluate the various methods for valuation of goods to determine central excise liability

(6 x 10 marks = 60)

Code No:

Name.....

Register No.....

SECOND SEMESTER LL.M EXAMINATION 2013

(FROM 2012 ADMISSION ONWARDS- SEMESTER SCHEME)

B.004.Indirect tax administration and procedure

Time : 3 HOURS

Maximum Marks : 60

Answer any SIX questions. Each question carries 10 Marks.

All answers should supported by relevant statutory provisions, case laws and quotations

1. Explain the powers of search, seizure and arrest available to customs officials
2. Discuss the provisions relating to assessment under Customs Act
3. Critically evaluate the provisions relating to self removal of goods under Central excise and its efficacy
4. Evaluate the provisions relating to assessment and recovery of service tax
5. Discuss the administrative mechanism envisaged for goods and service tax.
6. Explain the provisions relating to appeals and other remedies under Customs Act
7. Explain the provisions for imposing penalties under indirect tax laws in India
8. Discuss the instances and procedure for prosecution under indirect tax laws in India

(6 x 10 marks = 60)

Code No:

Name.....

Register No.....

THIRD SEMESTER LL.M EXAMINATION 2013**(FROM 2012 ADMISSION ONWARDS- SEMESTER SCHEME)****B.005. international taxation and electronic commerce**

Time : 3 HOURS

Maximum Marks : 60

Answer any SIX questions. Each question carries 10 Marks.

All answers should supported by relevant statutory provisions, case laws and quotations

1. Critically evaluate the need for tax reforms in the emerging global economy.
2. Discuss the major problems faced in tackling the issue of taxing online trading
3. Evaluate the hurdles in characterization of income in international taxation
4. Discuss how far India has adopted suitable policy changes in the realm of tax concessions to FDI.
5. Discuss the efficacy of double taxation avoidance agreements with reference to OECD and UN models
6. Highlight the jurisdictional issues involved in international taxation and assess how far the Indian system has been able to cope up with the problem
7. Evaluate the problem of international tax competition and the incentives in developing countries
8. Discuss the problems involved in taxing software and commerce in intangibles over internet.

(6 x 10 marks = 60)

Code No:

Name.....

Register No.....

FIRST SEMESTER LL.M EXAMINATION 2013**(FROM 2012 ADMISSION ONWARDS- SEMESTER SCHEME)****A.001. Law of industrial and intellectual property**

Time : 3 HOURS

Maximum Marks : 60

Answer any SIX questions. Each question carries 10 Marks.

All answers should supported by relevant statutory provisions, case laws and quotations

1. Discuss the legal provisions to tackle unfair trade practices in the field of intellectual industrial property. Compare the UN approach and Indian situation
2. Explain the UNCTAD report on trademarks and consumer protection
3. Discuss the special problems in the area of copyright issues relating to computer software
4. Explain the nature and types of patents in bio technology
5. Write a note on international and global patent information retrieval systems.
6. Discuss the evidentiary problems in piracy
7. Critically evaluate the WIPO copyright treaty
8. Explain the human right issues emerging in the health care sector consequent to IPR protection

(6 x 10 marks = 60)

100

Code No:

Name.....

Register No.....

FIRST SEMESTER LL.M EXAMINATION 2013**(FROM 2012 ADMISSION ONWARDS- SEMESTER SCHEME)****A.002. Legal regulation of economic enterprises**

Time : 3 HOURS

Maximum Marks : 60

Answer any SIX questions. Each question carries 10 Marks.**All answers should supported by relevant statutory provisions, case laws and quotations**

1. Explain the Indian position relating to regulation of economic activities to ensure fairness in competition
2. Assess whether India is equipped to deregulate dealings in essential commodities
3. Explain the critical issues in regulating capital market.
4. Evaluate the efficacy of the Indian system to fix legal liability and to provide adequate remedies for mass disasters and environmental degradation
5. Discuss the efficacy of Telecom Regulatory Authority of India
6. The IRDA is not a sufficient answer to address the concerns of investors in India. Comment
7. Discuss how far collaborative technology transfer agreements receive legal protection in India
8. Discuss the merits and demerits of growing trends of liberalization in the Indian economy

(6 x 10 marks = 60)

Code No:

Name.....

Register No....

SECOND SEMESTER LL.M EXAMINATION 2013**(FROM 2012 ADMISSION ONWARDS- SEMESTER SCHEME)****A.003. Law of export-import regulation**

Time : 3 HOURS

Maximum Marks : 60

Answer any SIX questions. Each question carries 10 Marks.**All answers should supported by relevant statutory provisions, case laws and quotations**

1. Discuss the change of stance in state control over import-export consequent to liberalization and its impact in India
2. Discuss the impact of WTO agreement and tariff restrictions on import-export trade
3. Discuss how far legal measures have succeeded in controlling dumping of discarded technology and goods in developing countries
4. Highlight the salient features of the Foreign Trade Development and Regulation Act 1992
5. Explain the efficacy of FEMA in control of foreign exchange market
6. Explain how far India is promoting foreign trade and joint ventures to its advantage
7. Write a note on GDR and ADR. Compare and evaluate with reference to Euro
8. Explain the restrictions and problems in technology transfer agreements

(6 x 10 marks = 60)

Code No:

Name.....

Register No.....

SECOND SEMESTER LL.M EXAMINATION 2013**(FROM 2012 ADMISSION ONWARDS- SEMESTER SCHEME)****A.004. Law of Banking**

Time : 3 HOURS

Maximum Marks : 60

Answer any SIX questions. Each question carries 10 Marks.**All answers should supported by relevant statutory provisions, case laws and quotations**

1. Trace the nature and development of banking in India
2. Explain the rights and duties emerging from banker-customer relationship and the enforcement measures available
3. Trace the changes in social control over banking sector in India and the merits and demerits of the current position
4. Critically evaluate the provisions of the Deposit Insurance Corporation Act
5. Critically evaluate the functions of the Reserve Bank of India
6. Write notes on: (a) Bankers lien. (b) Holder in due course.
7. Discuss the impact of governmental interference in lending policies of banks with specific examples from India
8. Highlight some of the major recommendations of various committees appointed for reforms in banking sector in India.

(6 x 10 marks = 60)

Code No:

Name.....

Register No.....

THIRD SEMESTER LL.M EXAMINATION 2013**(FROM 2012 ADMISSION ONWARDS- SEMESTER SCHEME)****A.005. Law of Insurance.**

Time : 3 HOURS

Maximum Marks : 60

Answer any SIX questions. Each question carries 10 Marks.

All answers should supported by relevant statutory provisions, case laws and quotations

1. Explain the nature of insurance contracts and the various kinds of insurance
2. Explain the highlights of The Insurance Act 1938. Discuss its suitability in a liberalized economy.
3. Discuss the nature and scope of life insurance in India
4. Critically evaluate the Marine Insurance Act 1963
5. Write a detailed note on the Fatal Accidents Act 1855 and its relevancy
6. Discuss the merits and demerits of fire insurance and assess the scope of abuse
7. Explain and evaluate whether the provisions relating to motor vehicle insurance in India are adequate to protect third parties.
8. Examine in detail the provisions of the Public Liability Insurance Act.

(6 x 10 marks = 60)

Code No:

Name.....

Register No.....

THIRD SEMESTER LL.M EXAMINATION 2013

(FROM 2012 ADMISSION ONWARDS- SEMESTER SCHEME)

A.006. Corporate Finance**(COMMON PAPER FOR TAXATION LAWS AND BUSINESS LAWS OPTIONAL)**

Time : 3 HOURS

Maximum Marks : 60

Answer any SIX questions. Each question carries 10 Marks.

All answers should supported by relevant statutory provisions, case laws and quotations

1. Explain the Constitutional perspectives and objectives of corporate finance.
2. Explain the sanctity of prospectus and its legal implications
3. Explain the nature and class of debentures.
4. Explain the statutory measures for conservation of corporate finance.
5. What are the measures for investor protection in India. Explain their relevancy and effectiveness.
6. Discuss the statutory control over corporate fund raising.
7. Critically evaluate the role of SEBI in controlling and regulating corporate finance.
8. Explain the legal control over conversion. Consolidation and re-organisation of shares.

(6 x 10 marks = 60)

Code No:

Name.....

Register No.....

FOURTH SEMESTER LL.M EXAMINATION 2013

(FROM 2012 ADMISSION ONWARDS- SEMESTER SCHEME)

A.007. Corporate Taxation**(COMMON PAPER FOR TAXATION LAWS AND BUSINESS LAWS OPTIONAL)**

Time : 3 HOURS

Maximum Marks : 60

Answer any SIX questions. Each question carries 10 Marks.

All answers should supported by relevant statutory provisions, case laws and quotations

1. Explain what all incomes are reckoned under „income from business“, and explain how it is computed.
2. Discuss the basis for imposing capital gains tax liability. Explain what all transactions are exempted.
3. Discuss the provision for aggregation of income from ordinary and special sources.
4. Explain the tax incentives available to the corporate sector in India.
5. Discuss the special provisions for computing income of non-profit organizations.
6. Discuss how far the Indian tax laws are effective in curbing tax avoidance. Explain specific statutory instances.
7. Critically evaluate the provisions for charging branch profit tax.
8. Explain the procedure for assessment of corporate tax liability.

(6 x 10 marks = 60)

Code No. :

Name:

Reg.No.:

1ST SEMESTER LL.M DEGREE EXAMINATIONS 2013
(From 2012 admission onwards- Semester Scheme)
ADMINISTRATIVE LAW

D001 Paper – I Constitutional Foundations of Administrative Law

Time: 3 hours

Maximum marks: 60

Answer any Six Questions of the following. Each Question carries equal marks

1. Denote the nature, scope and relevance of Administrative process in the modern State system
2. Examine the role of different administrative agencies in the government mechanism
3. Critically comment on the de-regulation measures and their impact on the existing administrative practice
4. How far the instrumentalities of Rule of law are effective to deal with the multi dimensional challenges on public administration
5. Write a note on the concept and application of the separation of power doctrine in the nation state system.
6. How far delegated legislation is useful to render the emerging needs of public governance in modern society.
7. Denote the reasons and rationales behind legislative , procedural and judicial control on delegated legislation.
8. Critically comment on the enforceability of remedial measures against mal - administration.

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1ST SEMESTER LL.M DEGREE EXAMINATIONS 2013
(From 2012 admission onwards- Semester Scheme)
ADMINISTRATIVE LAW

D002 Paper-II ADMINISTRATIVE JUSTICE AND DISCRETIONARY POWERS

Time: 3 hours**Maximum marks:60**

Answer any six questions.All questions carry equal marks.(10 marks)

1. Discuss the role of Article 14 of Constitution of India in ensuring fairness in administrative discretion.
2. Explain the legal position in India regarding tortious liability of the state. Compare it with position in France.
3. Right to Information Act has contributed to transparency and accountability in administrative actions. Comment.
4. Examine the relevance of self imposed fetters on administrative discretion.
5. Legitimate expectation is a ground that is buttressed in support of allegation of arbitrariness in government action. Elucidate.
6. Analyse the applicability of doctrine of promissory estoppel in government contracts in India and compare with the position in England.
7. Explain various types of ouster clauses and discuss the scope of its judicial review.
8. Trace the relevance of separation of power theory in India and USA.

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2nd SEMESTER LL.M DEGREE EXAMINATIONS 2013
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ADMINISTRATIVE LAW

D003 Paper - III ADMINISTRATIVE PROCESS AND JUDICIAL CONTROL

Time: 3 hours

Maximum marks: 60

Answer any six. All questions carry equal marks. (10 Marks)

1. Doctrine of proportionality is a comparatively new ground of judicial review of administrative action. Explain.
2. Discuss the role of writ of mandamus in controlling administrative actions.
3. Distinguish between public law remedy and private law remedy.
4. Examine how the judiciary in India has used doctrine of public accountability to review the exercise of administrative discretion.
5. In spite of the efforts of judiciary to control administrative powers, a vast area of administrative action still remains outside any effective control. Elucidate.
6. Explain the following grounds of judicial review:
 A) Irrelevant consideration
 B) Malafide
7. Analyse the rule of fair hearing with the help of decided cases.
8. Public Interest litigation plays a very important role in controlling administrative action. Comment

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2nd SEMESTER LL.M DEGREE EXAMINATIONS 2013
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ADMINISTRATIVE LAW

D004 Paper -IV Public Authorities : Powers, Responsibilities and Liabilities

Time: 3 hours

Maximum marks: 60

Answer any six. All questions carry equal marks. (10 Marks)

1. Write a note on concepts and concerns on official tort
2. Denote Immunity of Federal government from Suits by individual
3. Explain the rule that a contract in contravention of Art. 299 is void.
4. Give a brief account on Corporate liability, Legislation and challenges
5. Comment on the Right to Information vis- a-vis executive privilege
6. "*Mandamus* is not an appeal or a writ of error". Explain.
7. Explain the Scope of legitimate expectation within the ambit of administrative law
8. Write a note on Disabilities of a corporation in Torts

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3rd SEMESTER LL.M DEGREE EXAMINATIONS 2014
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ADMINISTRATIVE LAW

D005 Paper - V Law against corruption and mal administration

Time: 3 hours

Maximum marks: 60

Answer any Six. All questions carry equal marks. (10 Marks)

1. Give a comparative Analysis on the French, Continental and Oriental form of Administrative watch dogs.
2. Examine the structure , powers and functions of different models of Indian Ombudsman.
3. How far the Commissions of inquiry can be used to reduce maladministration and corruption.
4. Critically comment on the role and functions of CVC under the influence of the Union government.
5. Examine the status of CBI and comment on the relevance and scope of an absolute independent investigation mechanism.
6. Legislative and parliamentary committees can be effectively utilized to ensure a people friendly public governance system & comment.
7. Powers and functions of C& AG, are absolutely constitutional and accountable only to Parliament to what extent C& AG's institution can be used for a good governance in India
8. Social Auditing with effective correctional measures shall be introduced under the Constitutional Frame work- Comment

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3rd SEMESTER LL.M DEGREE EXAMINATIONS 2014
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ADMINISTRATIVE LAW

D006 Paper - VI LAW ON LOCAL SELF GOVERNMENT

Time : 3 hours

Maximum Marks: 60

Answer any Six Questions from the following . Each Question carries equal marks.

1. a. Give a comparative outline on the local governance mechanism in india and England during earlier periods of history.
Or
b. Examine the extent of influence from Gandhian Grama Swaraj upon the Local Governance system in india.
2. a. Denote the Constitutional frame work on Local governance in India With respect to its enforceability.
Or
b. Examine the effectiveness of constitutional mandate to decentralize governance powers to local authorities under the federal polity of India
3. a. Critically comment on the powers, functions, and responsibilities LSG Institutions with respect to Kerala Legislations
or
b. Examine the Fund Flow system and accountability in LSG system of Kerala State.
4. a. Examine the impact of Governmental control on LSG Institutions and their Administrative autonomy
Or
b. Denote the salient features of the Kerala Panchayath Raj Act and Municipalities Act in respect of participatory and partnership democratic decentralization.
5. a. Critically comment on the powers and functions of State Election Commission
Or
b. Write a note of the constitution, functions and scope of State Finance Commission
6. a. Denote the relevance of DPC in Local governance system
Or
b. Examine the interface and controlling powers of LSGI's with transferred functionaries.
7. a. Write a note on the good governance measures introduced by the LSG Institutions under the respective legislations.
or

- b. Examine the role and impact of the LSG Ombudsman in Decentralized governance
- 8. a. Denote the relevance and scope of Gram Sabha as the Primary Direct Democratic body.
or
b. Examine the Constitutional status of Gram Sabha and the Practical possibilities of participatory democracy through Gram sabha.

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4th SEMESTER LL.M DEGREE EXAMINATIONS 2014
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ADMINISTRATIVE LAW

D007- Paper - VII Public Administration and Civil Service

Time : 3 hours

Maximum marks: 60

Answer any Six of the following Questions. Each question carries equal marks.

1. Denote the Public Administration System structured by the Constitution of India
2. Examine the role of Civil Service in the Development , welfare and Regulative functions of the State
3. Critically comment on the concept and practice of Pleasure doctrine with respect to relevant case laws.
4. State has multiple roles as provider, guarantor and controller of Public services and benefits – Elucidate
5. Judicial and Executive intervention on RTI results in nullifying the legal entitlement to a citizen- comment
6. Social Auditing , monitoring and community evaluation of Service Delivery mechanism shall be entrusted with the civic society – Elucidate
7. Bench marking and incentive based quality assurance in Public Service- Give a critical note.
8. Examine the scope and applicability of Central and State Administrative Tribunals to maintain sustainable and harmonious civil service system

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1ST SEMESTER LL.M DEGREE EXAMINATIONS 2013
(From 2012 admission onwards- Semester Scheme)
C001 -GENERAL PRINCIPLES OF CRIMINAL LAW

Three hours

Maximum marks: 60

*Answer any six questions**All questions carry equal marks.*

1. Critically examine the jurisprudential foundations for supporting vicarious and corporate criminal responsibility.
2. Discuss the law of conspiracy in India and England.
3. "The right of private defence in India is wider in its scope and extent than that in England". Examine this statement in the light of case law and statutory provisions.
4. Critically examine, with the help of decided cases, whether it is just to punish a person for having attempted to commit suicide.
5. Examine the validity of impossible attempts. Examine the five tests to distinguish attempt from preparation.
6. Briefly explain the classification of criminals into principals and accessories. How this classification is reflected in the law of abetment in the IPC.
7. Discuss the principle of criminal liability emphasizing the famous maxim. Briefly discuss the exceptions to the rule?
8. Examine the reasonableness of criminal liability in statutory offences. Support your answer with decided cases?

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FIRST SEMESTER LL.M EXAMINATION 2013

FROM 2012 ADMISSION ONWARDS- SEMESTER SCHEME

PAPER C 002 –OFFENCES AGAINST VULNERABLE GROUPS

Three hours

Maximum marks: 60

*Answer any six questions**All questions carry equal marks.*

1. Explain the protection of vulnerable groups with special reference to rights of women
2. Child abuse happens mostly at homes and familiar places. Discuss how rights of the child can be protected against all forms of abuse as per the existing legislations.
3. Discuss the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000 to lay down a uniform legal framework for Juvenile Justice in the country so as to ensure that no child under any circumstances is lodged in jail or police lock-up.
4. Examine the role of Police in the administration of Juvenile Justice System in India.
5. Write notes on any Two:
 - a) Juvenile Justice Board
 - b) Prevention of crimes against socially and economically disadvantaged groups.
 - c) Honour killing
6. Discuss the role of police in dealing with communal violence..
7. Explain how the police and judiciary can effectively protect the violence against senior citizens and disabled persons?
8. Examine how far protection to minority groups are effective .

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SECOND SEMESTER LL.M EXAMINATION 2013

(FROM 2012 ADMISSION ONWARDS- SEMESTER SCHEME)

Paper – C003 Criminology, Penology and Victimology

Time: 3 Hours

Max. Marks: 60

Answer any 6 Questions.

All Questions carries Equal Marks.

1. Examine the Duties of Probation Officer. Evaluate whether Probation is effective in preventing Crimes.
2. Explain the relationship between Penology, Victimology and Criminology.
3. Give Different methods of Punishment. Do you support the retention of Capital Punishment in India? Give Reasons.
4. Critically examine the difference between Classical School and Positive School of Criminology.
5. Write shorts on any Two:
 - a) Solitary confinement
 - b) Excessive Reformation
 - c) Indeterminate sentence
6. Write a note on Prison labour. Do you think that it is reformatory and rehabilitative technique to reform the convict?
7. Do you consider the Punishment provisions in the Indian Penal code adequate? State the reasons. Discuss the merits and demerits of imprisonment as a mode of punishment.
8. "Compensation can be seen as effective alternative to punishment not only to reform the accused but also to rehabilitate the victims of crime" – Discuss.

(6 X 10 = 60)

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SECOND SEMESTER LL.M EXAMINATION 2013**(FROM 2012 ADMISSION ONWARDS- SEMESTER SCHEME)****Paper C004 Comparative Criminal Procedure**

Three hours

Maximum marks: 60

*Answer any six questions**All questions carry equal marks.*

1. What do you understand by the Principle of legality? Evaluate how this principle has been incorporated in the criminal law of India, England, U.S and France.
2. Give a detailed account of Hierarchy of Courts and their powers in the Criminal justice system in India, England and France.
3. Compare and contrast rules regarding admissibility of confession in the accusatorial and inquisitorial systems.
4. Explain the Concept of Fair trial in India, France and England.
5. Discuss how far Right to counsel and legal aid recognized in India. Compare this with Legal system of France and U.S
6. Burden of proof under General laws and Strict liability offences. Compare this with criminal system in France.
7. Write short note on-
 - a. Protection against double jeopardy
 - b. Self incrimination
8. Explain the sentencing process handled by the Judges in America and France.

(6x10=60)

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THIRD SEMESTER LL.M EXAMINATION 2013

(FROM 2012 ADMISSION ONWARDS- SEMESTER SCHEME)

Paper C005- CRIMINAL INVESTIGATION AND FORENSIC SCIENCE

Three hours Maximum marks: 60

*Answer any six questions**All questions carry equal marks.*

1. Explain the Advantages and disadvantages of scientific investigation ?
2. Explain the admissibility of statements collected/ articles collected during the course of investigation?
3. Explain the Evidentiary value of expert opinion?
4. What are the recent advancements in forensic science
5. Explain the organization of forensic science laboratories
6. Explain the contribution of forensic science to law?
7. Explain Role of judiciary on expert opinion ?
8. How the scientific investigation violate human rights of people?

(6x10= 60)

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THIRD SEMESTER LL.M EXAMINATION 2013

(FROM 2012 ADMISSION ONWARDS- SEMESTER SCHEME

PAPER C00 6 Socio- economic Crimes and Privileged Class Deviance

Three hours

Maximum marks: 60

*Answer any six questions**All questions carry equal marks.*

1. Explain the basis of fixation of liability in socio economic offences. Critically evaluate it in the light of rights of the accused.
2. Explain the concept of privilege class deviance. And discuss the various kinds of deviance which would be brought under penal liability
3. Unethical practices of legal professionals pose and explain how the law tackles these deviances in the present context.
4. Discuss how cyber crimes are being dealt in India and whether the law as it stands today is satisfactory
5. Discuss how the police atrocities and encounter killings are justifiable as superior orders?
6. Critically evaluate how far public corruption is curbed by the corruption laws in India. Explain the required changes in Prevention of corruption act to make it effective.
7. Discuss how Criminal liability in Electoral crimes and deviance on the part of political parties are dealt with under the Indian statutes?
8. Critically evaluate how far Vigilance Commission and public accounts committee have been successful in their functioning and mechanism for tackling .

(6x10=60)