

DEPARTMENT OF LAW
(Saurashtra University)
LL.M. Syllabus w.e.f. June-2002.
Relevant Ordinances and Regulations

LL.M.-Ordi.7 :

No. candidate shall be admitted to the examination for the degree of LL.M. unless he has passed the LL.B.(Special) examination of this University or an examination of any other statutory university recognized as equivalent thereto.

AND

Shall have kept term of semester in a department/centre recognized for the post-graduate studies in Law by the University.

AND

No candidate shall be admitted to the degree of LL.M. class unless he has passed LL.B. (Special) Examination with atleast Second Class of this University or the examination recognized as equivalent thereto.

LL.M. –Ordi.8

A candidate for the degree of LL.M. must have obtained (a) degree of LL.B. of this University or a degree of any other University recognized as equivalent thereto; and (b) passed the LL.M. Degree examination in four semester consisting in all 12 papers including dissertation viva-voce.

LL.M. –Ordi.9

Provided however that a candidate who is not able to pass the whole examination within the period of five years from the date of first registration as stipulated above may be given re-registration on payment of prescribed fee on condition that he has passed one part/two semester examinations before re-registration.

Provided further that such a candidate passes his remaining part/semester examinations within two academic years of re-registration.

Provided further that such candidate will not be eligible for exemption in individual papers.

LL.M. –Regu.7

The dissertation shall be on one of the topics approved by the committee of post-graduate teachers teaching in the department/centre. The student shall submit for approval to the Heads of the post-graduate deptt./centre not later than the 20th December, the topic on which he proposes to work for the purpose of his dissertation. Such approval should normally be communicated to the student before the end of December. If a subject suggested by any student is not approved he will be at liberty to suggest another.

LL.M. –Regu.8

A student desiring to appear at the LL.M. Semester-IV Examination shall submit his Dissertation not later than 20 April.

LL.M. –Regu.9

Three copies of the Dissertation shall be submitted in typewritten or printed form.

LL.M. – Regu.10

- (1) To pass the LL.M. degree examination candidate shall be required to obtain :
 - (i) Not less than 22 marks in each papers of three hours duration at the University Examination.
AND
 - (ii) Not less than 15 marks in each paper in Internal Examination
AND
 - (iii) Not less than 48% of the total marks obtainable, separately in each semester.
- (2) Class shall be awarded on the basis of total marks obtained in the aggregate i.e.
 - (a) A successful candidate who obtains not less than 70% of the total marks obtainable in the aggregate i.e. in Part I and II taken together will be placed in the First Class with distinction.

- (b) A successful candidate who obtains less than 70% but not less than 60% of the total marks obtainable in the aggregate i.e. in Part I and II taken together will be placed in the First Class.
- (c) A successful candidate who obtains less than 60% but not less than 48% of the total marks obtainable in the aggregate i.e. in Part I and II taken together will be placed in the Second class.

LL.M. –Regu.11

- (I) At the end of the each semester, there shall be held an Examination at which a student will appear in the papers for which he has kept term irrespective whether he has passed earlier semester/s.

LL.M.
List of Papers
Monsoon Semester
LL.M. Part-I

[1] : 1. Foundation Courses :

1. Law and Social Transformation in India.
2. Constitutional Law of India : New Challenges

2. Business Law Group

1. Law of Industrial and Intellectual Property
2. Legal Regulation of Economic Enterprise

3. Criminal Law Group

1. Drug Addiction, Criminal Justice and Human Rights
2. Juvenile delinquency

Monsoon Semester
LL.M. Part-II

[2] : 1. Business Law Group

1. Banking Law
2. Insurance Law
3. Corporate Finance

2. Criminal Law Group

1. Penology : Treatment of offenders
2. Forensic Science
3. Collective Violence and Criminal Justice System.

Winter Semester
LL.M. Part-I

[3] : **1. Foundation Courses**

1. Judicial Process
2. Legal Education and Research Methodology
3. Practical

2. Business Law Group

1. Law of Export-Import Regulation

3. Criminal Law Group

1. Privileged Class Deviance

DEPARTMENT OF LAW
SAURASHTRA UNIVERSITY
RAJKOT
LL.M. SCHEME

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)	Class and seminar participation	10 Marks
ii)	Home assignment	10 Marks
iii)	Tests	15 Marks
iv)	Attendance	05 Marks

	TOTAL	40 Marks

Every paper shall be evaluated internally and externally for 60 marks in addition to the continuous internal assessment of 40 marks described above. Dissertation carrying 200 marks shall be evaluated internally and externally with 150 marks for the written work and with 50 marks for presentation and viva-voce.

LL.M. PART-I
Monsoon Semester
COMPULSORY COURSES
(FOUNDATION COURSES)

MODULE-1: LAW AND SOCIAL TRANSFORMATION IN INDIA.

Syllabus :

1. Law and social change.

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

2. Religion and the law.

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

3. Language and the law.

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

4. Community and the law.

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

5. Regionalism and the law.

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

6. Women and the law.

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

7. Children and the law.

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

8. Modernisation and the law.

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

9. Alternative approaches to law.

- 9.1. The jurisprudence of Sarvodaya --- Gandhiji, Vinoba Bhave : Jayaprakash Narayan --- Surrender of dacoits; Concept of grama nyayalayas.
- 9.2. Socialist thought on law and justice :An enquiry. through constitutional debates on the right to property.
- 9.3. Indian Marxist critique of law and justice.
- 9.4. Naxalite movement : causes and cure.

Select Bibliography :

- 1. U. Baxi(Ed.), Law and Poverty : Critical Essays (1988).
- 2. Indian Law Institute, Law and Social Change : Indo-American Reflections, Tripathi (1988).
- 3. N.K. Indrayan - Law and Public Opinion in India.

MODULE -2 : INDIAN CONSTITUTIONAL LAW : THE NEW CHALLENGES.

Syllabus :

1. Federalism.

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

2. "State" : Need for widening the definition in the wake of liberalization.

3. Right to equality : privatization and its impact on affirmative action.

4. Empowerment of women.

5. Freedom of press and challenges of new scientific development.

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

6. Emerging regime of new rights and remedies.

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

7. Right of minorities to establish and administer educational institutions and State control.

8. Secularism and religious fanaticism.

9. Separation of powers : stresses and strain.

- 9.1. Judicial activism and judicial restraint.
- 9.2. PIL : Implementation.
- 9.3. Judicial independence.
- 9.3.1. Appointment, transfer and removal of judges.
- 9.4. Accountability : executive and judiciary.

10. Democratic process.

- 10.1. Nexus of politics with criminals and the business.
- 10.2. Election.
- 10.3. Election commission : status.
- 10.4. Electoral Reforms.
- 10.5. Coalition government, stability, durability, corrupt practices.
- 10.6. grass root democracy.

Select Bibliography :

- 1. Constitution since Independence – ILI.

GROUP-A : BUSINESS LAW.

MODULE – 3 : LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY.

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 generic* 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 Rights.

- 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. Tradition knowledge – protection – biodiversity convention right of indigenous people.

Select bibliography :

1. Terenee P. Stewar (ed.), The CATT Uruguay Round : A Negotiating History (1986-1994) the End Gaem (Part-1)(1999), Kluwer.
2. David Bainbridge, Software Copyright Law (1999), Butterworths.
3. Carlos M. Correa (ed.), Intellectual Property and International Trade (1998), Kluwer.
4. W.R. Cornish, Intellectual Property Law (1999), Sweet and Maxwell.

MODULE – 4 : LEGAL REGULATION OF ECONOMIC ENTERPRISES.

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 emerging context.
- 1.4. Regulation of economic activities.
 - 1.4.1. Disclosure of information.
 - 1.4.2. fairness of competition.
 - 1.4.3. Emphasis on consumerism.

2. Development and Regulation of Industries.

3. Licensing policy and Legal Process – growing trend of Liberalization.

4. Deregulation of essential commodities : development sign or a social mishap ?

5. Financial services : changing techniques of Regulation.

6. Critical Issues Regarding the Capital Issues.

- 6.1. Equity and debt finance.
- 6.2. Global depositories.
- 6.3. De-materialized securities.

7. Special Aspects of Legal Regulation of select Public enterprises. (Universities may select some such representative public enterprises for transport, mining and energy.)

- 7.1. Telecom regulatory authority.
- 7.2. Insurance Regulatory Development Authority.
- 7.3. Broadcasting Regulatory Authority.

8. Legal Regulation of Multi-Nationals.

- 8.1. Collaboration agreements for technology transfer.
- 8.2. Development and regulation of foreign investments.

- 8.2.1. Investment in India : FDIs and NRIs.
- 8.2.2. Investment abroad.

Select bibliography :

1. Industrial Policy Resolutions of 1948, 1956, 1991.
2. Industries (Development and Regulation) Act, 1951.
3. Indian Law Institute, Law of International Trade Transactions,(1973).

GROUP - B - CRIMINAL LAW

MODULE -5 : DRUG ADDICTION, CRIMINAL JUSTICE AND HUMAN RIGHTS

Syllabus

1. Introductory

- 1.1. Basic conceptions
- 1.1.1. Drugs 'narcotics' "psychotropic substances"
- 1.1.2. "Dependence," "addiction"
- 1.1.3. "Crimes without victims"
- 1.1.4. "Trafficking" in "drugs"
- 1.1.5. "Primary drug abuse".

2. How Does One Study the Incidence of Drug Addiction and Abuse ?

- 2.1. Self-reporting
- 2.2. Victim-studies
- 2.3. Problems of comparative studies.

3. Anagraphic and Social characteristics of Drug Users

- 3.1. Gender
- 3.2. Age
- 3.3. Religiousness
- 3.4. Single individuals/cohabitation
- 3.5. Socio-economic level of family
- 3.6. Residence patterns (urban/rural/urban)
- 3.7. Educational levels
- 3.8. Occupation
- 3.9. Age at first use
- 3.10. Type of drug use
- 3.11. Reasons given as cause of first use
- 3.12. Method of Intake
- 3.13. Pattern of the Use
- 3.14. Average Quantity and Cost
- 3.15. Consequences on addict's health(Physical/psychic)

4. The International Legal Regime

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

5. The Indian Regulatory System

- 5.1. Approaches to narcotic trafficking during colonial India
- 5.2. Nationalist thought towards regulation of drug trafficking And usage
- 5.3. The penal provisions (under the IPC and the Customs Act)
- 5.4. India's role in the evolution of the two international conventions
- 5.5. Judicial approaches to sentencing in drug trafficking and abuse
- 5.6. The Narcotic Drugs and Psychotropic Substances Act, 1985.
- 5.7. Patterns of resource investment in India: policing adjudication, treatment, aftercare and rehabilitation.

6. Human Rights Aspects

- 6.1. Deployment of marginalized people as carrier of narcotics.
- 6.2. The problem of juvenile drug use and legal approaches
- 6.3. Possibilities of misuse and abuse of investigative Prosecutory powers.
- 6.4. Bail
- 6.5. The Problem of differential application of the Ugal Regimes, especially in relation to the resource less.

7. The Role of Community in Combating Drug Addiction

- 7.1. Profile of Community initiatives in inhibition of dependence and addiction (e.g. de addiction & aftercare)
- 7.2. The role of educational systems
- 7.3. The role of medical profession
- 7.4. The role of mass media
- 7.5. Initiatives for compliance with regulatory systems
- 7.6. Law reform initiatives.

Select Bibliography

- 1. J.A. Incard, C.D. Chambers, (eds.), Drugs and the Criminal Justice System (1974).
- 2. Social Defence Research Institute (UNSDRI) Combating Drug Abuse and Related Crimes (Rome, July 1984, Publication No.21)

MODULE -6 : JUVENILE DELINQUENCY

Syllabus

1. The Basic Concepts

- 1.1. The conception of 'child' in Indian Constitution and Penal Code.
- 1.2. Delinquent juvenile
- 1.3. "Neglected" juvenile
- 1.4. The overall situation of children/young persons in India, also with reference to crime statistics (of crimes by and Against children)

2. Determining Factors of Juvenile Delinquency

- 2.1. Differential association
- 2.2. Anomie
- 2.3. Economic pressure
- 2.4. Peer group influence
- 2.5. Gang sub-culture
- 2.6. Class differentials

3. Legislative Approaches

- 3.1. Legislative approaches during the late colonial era.
- 3.2. Children's Act
- 3.3. Legislative position in various States
- 3.4. The Juvenile Justice Act
 - 3.4.1. Constitutional aspects.
 - 3.4.2. Distinction between "Neglected" and "delinquent" juveniles.
 - 3.4.3. Competent authorities
 - 3.4.4. Processual safeguards for juveniles
 - 3.4.5. Powers given to government
 - 3.4.6. Community participation as envisaged under the Act.

4. Indian Context of Juvenile Delinquency

- 4.1. The child population percentage to total sex-ratio, urban/rural/rural-urban.

- 4.2. Neglected below poverty line, physically and mentally disabled, orphans, destitutes, vagrants.
- 4.3. Labourers
 - 4.3.1. In organized industries like zari, carpet, bidi, glass.
 - 4.3.2. In unorganized sector like domestic servant, shops and establishment, rag-pickers family trade.
- 4.4. Delinquent number, sex-ratio, ratio to adult crime, types of offences committed, recidivism, rate of increase background.
 - 4.1. Drug addicts.
 - 4.2. Victims
 - 4.6.1. Of violence sexual abuse, battered, killed by parents
 - 4.6.2. Of criminal activities like bootlegging, drug pollution as a response of protective approach.

5. Judicial Contribution

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

6. Implementation

- 6.1. Institutions, bodies, personnel
- 6.2. Recruiting and funding agencies.
- 6.3. Recruitment qualifications and salaries or fund
- 6.4. Other responsibilities of each agency/person
- 6.5. Coordination among related agencies.
- 6.6. Accountability-annual reports and accessibility of Public to juvenile justice institution.

7. Preventive Strategies

- 7.1. State Welfare programmes health, nutrition, ICWS, grants-in-aid
- 7.2. Compulsory education
- 7.3. Role of community, family, voluntary, bodies, individuals.

Select bibliography

1. Myron Weiner, the Child and State in India (1990)

WINTER SEMESTER
COMPULSORY COURSES
(FOUNDATION COURSES)

MODULE – 7 : JUDICIAL PROCESS.

Syllabus :

1. Nature of Judicial process.

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

2. Special Dimensions of Judicial Process in Constitutional Adjudications.

Notion of Judicial review.

‘Role’ in constitutional adjudication – various theories of judicial role.

- 2.3. Tools and techniques in policy-making and creativity in constitutional adjudication.
- 2.4. Varieties of judicial and juristic activism.
- 2.5. Problems of accountability and judicial law-making.

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.

4. The Concepts of Justice.

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

5. Relation between Law and Justice.

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

Select Bibliography.

- 1. U. Baxi, The Indian Supreme Court and Politics (1980) Eastern, Lucknow.
- 2. Henry J. Abraham, The Judicial Process (1998), Oxford.

MODULE – 8 : LEGAL EDUCATION AND RESEARCH METHODOLOGY.

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 – external and internal assessment.**
- 7. Student participation in law school programmes – organization of Seminars, publication of journal and assessment of teachers.**
- 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 :

1. S.K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
2. N.R. Madhava Menon, (ed.) A Handbook of Clinical Legal Education, (1988) Eastern Book Company, Lucknow.
3. ILI Publication, Legal Research and Methodology.
4. N.K. Indrayan - Application of Epistemology to Legal Research Indian Bar Review 1987.

PAPER – 9 : 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 25 Marks each for doctrinal research and for non doctrinal research and 25 marks each for law teaching and clinical work.

The following guidelines shall be adhered to.

1. Research Methodology.

- a) Doctrinal research (25 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 evaluate by a group of faculty members.

- ii) Non-doctrinal research (25 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 by a team of faculty members.

2. Clinical work (25 marks).

The modalities can be evolved by the law school. One methods 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 with court proceedings, working of a business organization, 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 faculty.

Law Teaching (25 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 be asked to teach the LL.B. students. They can select any of the methods of teaching. In legal education practical, the LL.M. students are evaluated internally and externally.

GROUP –A- BUSINESS LAW

MODULE – 10 : LAW OF EXPORT IMPORT REGULATION.

INTRODUCTION :

1. 1.1. State control over import and export of goods -from rigidity to liberalization.
- 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 possessing 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.
- 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. Law Relating to Customs.

- 7.1. Prohibition on importation and exportation of goods.
- 7.2. Control of smuggling activities in export-import trade.
- 7.3. Levy, of and exemption from, customs duties.
- 7.4. Clearance of imported goods and export goods.
- 7.5. Conveyance and warehousing of goods.

8. Regulation of investment.

- 8.1. borrowing and Lending of money and foreign currency.
- 8.2. Securities abroad – issue of
- 8.3. Immovable property – purchase abroad.
- 8.4. Establishment of business outside.
- 8.5. Issue of derivatives and foreign securities - GDR (global depositories receipts), ADR (American depository receipts) and Uro.
- 8.6. Investment in Indian banks.
- 8.7. Repatriation and surrender of foreign securities.

9. Technology transfer.

- 9.1. Restrictive terms in technology transfer agreements.
- 9.2. Automatic approval scheme.

Select bibliography.

1. Government of India, Handbook of Import Export Procedures, (Refer to the latest edition).
2. Foreign Trade Development and Regulation Act 1992 and Rules.
3. Foreign Exchange Management Act 1999.

GROUP –B- CRIMINAL LAW

MODULE -11 : PRIVILEGED CLASS DEVIANCE

Syllabus

1. Introduction

- 1.1 Conceptions of white collar crimes
- 1.2 Indian approaches to socio-economic offences
- 1.3 Notions of privileged class deviance as providing a wider Categorization of understanding Indian development.
- 1.4. Typical forms of such deviance
 - 1.4.1. Official deviance (deviance by legislators, judges, bureaucrats)
 - 1.4.2. Professional deviance : Journalists, teachers, doctors, Lawyers, engineers, architects & publishers.
 - 1.4.3. Trade union deviance (including teachers, lawyers/ urban property owners)
 - 1.4.4. Landlord deviance (class/caste based deviance)
 - 1.4.5. Police deviance
 - 1.4.6. Deviance on electoral process (rigging, booth capturing, impersonation, corrupt practices)
 - 1.4.7. Gender-based aggression by socially, economically and politically powerful.

2. Official Deviance

- 2.1. Conception of official deviance – permissible limit of discretionary powers.
- 2.2. The Chambal valley dacoit Vinoba Mission and Jai Prakash Narain Mission – in 1959 and 1971.
- 2.3. The Chagla Commission Report on LIC-Mundhra Affair
- 2.4. The Das Commission Report on Pratap Singh Kairon.
- 2.5. The Grover Commission Report on Dev Raj Urs.
- 2.6. The Maruti Commission Report
- 2.7. The Ibakkar –Natarajan Commission Report on Fairfax.

3. Police Deviance

- 3.1. Structures of legal restraint on police powers in India.
- 3.2. Unconstitutionality of “third-degree” methods and use of Fatal force by police.
- 3.3. “Encounter” killings.
- 3.4. Police atrocities
- 3.5. The plea of superior orders
- 3.6. Rape and related forms of gender-based aggression by Police and para-military forces.
- 3.7. Reform suggestions especially by the National Police Commissions.

4. Professional Deviance

- 4.3. Unethical practices at the Indian bar.
- 4.4. The Lentin Commission Report.
- 4.5. The Press Council on unprofessional and unethical Journalism.
- 4.6. Medical malpractice.

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

- 5.1. Vigilance Commission
- 5.2. Public Accounts Committee
- 5.3. Ombudsman
- 5.4. Commissions of Enquiry
- 5.5. Prevention of Corruption Act, 1947.
- 5.6. The Antulay Case.

Select Bibliography

- 1. B.B. Pande, ‘The Nature and Dimensions of Privileged Class Deviance’ in the Other Side of Development 136 (1987; K.S. Shukla ed.)

LL.M. PART – II
MONSOON SEMESTER
GROUP –A- BUSINESS LAW

MODULE – 12 : BANKING LAW.

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 reorganization.
 - 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, nationalization and Disinvestment.
- 3.3. Protection of depositors.
- 3.4. Priority lending.
- 3.5. Promotion of underprivileged 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. Bankers' 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.
- 8.3. 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. Use of expert system.
- 9.6. Smart Card.
- 9.7. Credit cards.

10. Reforms in Indian Banking Law.

- 10.1. Recommendations of committees a review.

Select bibliography.

- 1. L.C. Goyle, The Law of Banking and Bankers (1995) Eastern.
- 2. M.L. Tannan, Tannan's Banking Law and Practice in India (1997) India Law House, New Delhi, 2. Volumes.

MODULE – 13 : INSURANCE LAW.

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 I 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.
- 3.3. 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. Marine insurance.
 - 5.2.3. Insurable interest, insurable value.
 - 5.2.4. Marine insurance policy – condition – express warranties, construction of terms of policy.
 - 5.2.5. Voyage – deviation.
 - 5.2.6. Perils of the sea.
 - 5.2.7. Assignment of policy.
 - 5.2.8. Partial laws of ship and of freight, salvage, general average, particular charges.
 - 5.2.9. 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.

- 7.12. The Motor Vehicles Act, 1988.
- 8.1.1. Nature and scope.
- 8.1.2. Effect of insolvency of 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.
- 7.13. 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. Mediclaim, sickness insurance.

Select bibliography.

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

MODULE – 14 : CORPORATE FINANCE.

Syllabus :

1. Introduction.

- 1.1. Meaning, importance and scope of corporation finance.
- 1.4. Capital needs – capitalization – working capital - securities – borrowings – deposits debentures.
- 1.5. Objectives of corporation finance – profit maximization and wealth maximization.
- 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 creditor

- 5.1. Need for creditor protection.

- 5.1.1. Preference in payment.
- 5.2. Hights in making company decisions affecting creditor interests.
- 5.2. Creditor self-protection.
- 5.3.1. Incorporation of favorable terms in leading 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-organization of shares.
- 6.6. Transfer and transmission of securities.
- 6.7. Dematerialization 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.

1. Ramaiya A, Guide to the Companies Act (1998), Vol. I, II and III.
2. S.C. Kuchhal Corporation Finance : Principles and problems (6th ed. 1966).
3. V.D. Kulshreshtha, Government Regulation of Financial Management of Private Corporate Sector in India (1986).

GROUP –B- CRIMINAL LAW

MODULE -15 : PENOLOGY : TREATMENT OF OFFENDERS

Syllabus

1. Introductory

- 1.1. Definition of Penology

2. Theories of Punishment

- 2.1. Retribution
- 2.2. Utilitarian prevention : Deterrence
- 2.3. Utilitarian : Intimidation
- 2.4. Behavioural prevention : Incapacitation
- 2.5. Behavioural prevention : Rehabilitation – Expiation.
- 2.6. Classical Hindu and Islamic approaches to punishment.

3. The Problematic of Capital Punishment

- 3.1. Constitutionality of Capital Punishment
- 3.2. Judicial Attitudes Towards Capital Punishment in India – An inquiry through the statute law and case law.
- 3.3. Law Reform Proposals.

4. Approaches to Sentencing

- 4.1. Alternatives to Imprisonment
 - 4.1.1. Probation
 - 4.1.2. Corrective labour
 - 4.1.3. Fines
 - 4.1.4. Collective fines
 - 4.1.5. Reparation by the offender/by the court.

5. Sentencing

- 5.1. Principal types of sentences in the penal code and special laws.
- 5.2. Sentencing in white collar crime
- 5.3. Pre-sentence hearing

- 5.4. Sentencing for habitual offender
- 5.5. Summary punishment
- 5.6. Plea-bargaining

6. Imprisonment

- 6.1. The state of India's jails today
- 6.2. The disciplinary regime of Indian prisons.
- 6.3. Classification of prisoners .
- 6.4. Rights of prisoner and duties of custodial staff.
- 6.5. Deviance by custodial staff.
- 6.6. Open prisons
- 6.7. Judicial surveillance – basis – development reforms.

Select Bibliography

- 1. H.L.A. Hart, Punishment and Responsibility (1968)
- 2. Law Commission of India, Forty-Second Report Ch. 3(1971)

MODULE-16 :FORENSIC SCIENCE

Syllabus

1. Common Evidentiary Clues

Chemistry with special reference to identification and individualization of the following materials :

- a) Petroleum Products
- b) Paints and Varnishes
- c) Pigments and dyes
- d) Glass
- e) Soil
- f) Paper
- g) Inks
- h) Detective dyes
- i) Sealing wax
- j) Powder Residues

2. Classification of Chemistry with special reference to the availability, manufacture, properties, identification and estimation of the following narcotics :

- a) Opium, morphine, Heroin, Pathadin Bartitirates
- b) Cocaine, amphetmines, methaquion
- c) Cannabis Indica LSD, DMT

Alcohol and alcoholic Beverages

3. Road accidents

Scientific investigation and evaluation of clue, materials, Arson

Scientific investigation and evaluation of materials Trace Analysis

Nature, Location, Collection and evaluation of trace materials.

4. **Poisons and Poisoning**

Classification and mode of action of poison, Animal Poisoning

Metabolism and excretion of poisons.

5. Systematic Extraction, Isolation, Identification and estimation of some commonly used poisons, Sodium hydroxide, Ammonium hydroxide and Potassium hydroxide, Mercury Arsenic, Lead, Copper, Zinc, Sulphuric acid, Nitric Acid, Hydrochloric acid, Phenol. Phosphorous, Chlorine, Iodine Castor Oilseed, Cotton seeds, Dhatura, Oleander seed, Abrus precatitons seeds, Barbiturates, Opium, Charas, Ethyl alcohol, methyl alcohol, Chloroforms, Ether, Snake Venom, DDT, Endrin, Deldrin, Aldrin, B.H.C. (Gamma xene, Parathion, Malathion and Diazinon), their symptoms, fatal does etc.

6. **Biological Evidence** : Importance, Nature, Classification, Location, Collection and Evaluation.

Hairs and Fibres : Importance, Nature, Location, Collection and Evaluation.

7. **Semen** : Importance, Nature, Location and collection and evaluation (Excluding serological examination). Other Body Fluid, saliva, Urine, Milk, Sweats, faces (without serological examination)

8. **Botanical Evidence** : Wood, Leaves, Seeds, Fibre, Pollen, Resin. Tobacco and Bhang particles. Forensic Microbiology.

9. **Elementary Forensic Medicine** :

- a) Investigation of death
- b) Injuries
- c) Age determination of living person
- d) Insanity

10. **Evaluation of skeletal remains formage, height, sex, time of death, mode of death, and identification including skull and site marks**
Odontology

11. Spectroscopic Techniques : (a) Fundamental and General introduction : Nature of Radiations, unit of energy, Regions of spectrum and energies corresponding (b) Absorption and emission of Radiation : The time dependents, Schrodinger equation, induced quantum transitions, interaction of electro-magnetic radiation with a molecular system. Basic of spectrum ripes. The integrated absorption coefficient for transition of a particle in a body and for a vibrational transition of absorption bands due to electronic transition.

- 12.** a) Spectrographic techniques
b) U.V. Vis., I.R. Spectrophotometry
c) Atomic Absorption Spectrometry
d) Mass Spectrometry

13. Chromatography

- a) Column
b) Paper
c) Thin layer
d) Gas-Liquid
e) H.P.L.C.

14. Electrophoretic Techniques :

- a) Gelsadiffus on techniques
b) Electrophoretic techniques
c) Immuno electrophoretic techniques
d) Isoelectric Focussing techniques

15. Thermal analytical techniques :

Polarographic techniques
Microprocessor and Computer controlled analysis

- 16.** 1. History of Finger Prints
2. Ridge Formation – Ridge Destruction
3. Types of Finger Print Patterns – Pattern interpretation.

17.
 1. Ridge characteristics – Ridge counting – Ridge tracing
 2. The Finger Print outfit – Recording finger prints
 3. Functions of the Finger Print card – Special circumstances.
18.
 1. Latent finger prints – Crime scene procedures
 2. Primary classification
 3. Sub-classification
 - Unlettered loop
 - Whorl
 - Lettered loop.
19.
 1. Filling of Finger Print records.
 2. Combinations and approximating patterns.
 3. Preparing Finger Prints for court
 4. F.B.L. Extensions to the Henry system
20.
 1. The Finger Print witness in court-case histories.
 2. Identification of Palm and Foot prints.
 3. Bureau, operation and records.

BOOKS RECOMMENDED

- 1) Sharma B.K. : Forensic Science

MODULE -17 : COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM

Syllabus

1. Introductory

Notions of 'force', 'coercion', 'violence'
Distinctions : 'symbolic' violence, "institutionalized" violence, "Structural violence"
Legal order as a coercive normative order
Force-monopoly of modern law
"Constitutional" and "criminal" speech : Speech as incitement to violence.
"Collective political violence" and legal order.
Notion of legal and extra-legal "repression".

2. Approaches to Violence in India.

- 2.1. Religiously sanctioned structural violence : Caste and Gender based
- 2.2. Ahimsa in Hindu, Jain, Buddhist, Christian, and Islamic traditions in India
- 2.3. Gandhiji's approach to non-violence
- 2.4. Discourse on political violence and terrorism during colonial struggle.
- 2.5. Attitudes towards legal order as possessed of legitimate monopoly over violence during the colonial period.

3. Agrarian Violence and Repression

- 3.1. The nature and scope of agrarian violence in the 18-19 Centuries India.
- 3.2. Colonial legal order as a causative factor of collective Political (agrarian) violence.
- 3.3. The telangana struggle and the legal order.
- 3.4. The Report of the Indian Human Rights Commission on arwal Massacre.

4. Violence against the Scheduled Castes

- 4.1. Notion of Atrocities.
- 4.2. Incidence of Atrocities.
- 4.3. Uses of Criminal law to combat Atrocities, aftermath of Atrocities.
- 4.1. Violence Against Women.

5. Communal Violence

- 5.1. Incidence and courses of “communal” violence.
- 5.2. Findings of various commissions of enquiry
- 5.3. The role of police and para-military systems in dealing with communal violence
- 5.4. Operation of criminal justice system tiring, and in relation to, communal violence.

Select bibliography

- 1. U. Baxi, “Dissent, Development and Violence” in R. Meagher (ed.) Law and Social Change : Indo-American Reflections 92 (1988).
- 2. G. Shah, Ethnic Minorities and Nation Building : Indian Experience (1984).

WINTER SEMESTER

: DISSERTATION :

MODULE – 13 : INSURANCE LAW.

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.

- 3.4. History and development.
- 3.5. The Insurance Act 1938 and the Insurance Regulatory Authority Act 2000.
- 3.3. Mutual insurance companies and cooperative life insurance societies.
- 3.6. Double insurance and re-insurance.

4. Life Insurance.

- 4.7. Nature and scope.
- 4.8. Event insured against life insurance contract.
- 4.9. Circumstances affecting the risk.
- 4.10. Amounts recoverable under life policy.
- 4.11. Persons entitled to payment.
- 4.12. Settlement of claim and payment of money.

5. Marine Insurance.

- 5.3. Nature and Scope.
- 5.4. Classification of marine policies.
 - 5.2.1. The Marine Insurance Act, 1963.
 - 5.2.2. Marine insurance.
 - 5.2.3. Insurable interest, insurable value.
 - 5.2.4. Marine insurance policy – condition – express warranties, construction of terms of policy.
 - 5.2.10. Voyage – deviation.
 - 5.2.11. Perils of the sea.
 - 5.2.12. Assignment of policy.
 - 5.2.13. Partial laws of ship and of freight, salvage, general average, particular charges.
 - 5.2.14. Return of premium.

6. Insurance Against Accidents.

- 6.2. 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.

- 7.14. Fire insurance.
- 7.15. The Emergency Risks (Factories) Insurance.
- 7.16. The emergency Risks (Goods) Insurance.
- 7.17. Policies covering risk of explosion.
- 7.18. Policies covering accidental loss, damage to property.
- 7.19. Policies covering risk of storm and tempest.
- 7.20. Glass-plate policies.
- 7.21. Burglary and theft policies.
- 7.22. Live stock policies.
- 7.23. Goods in transit insurance.
- 7.24. Agricultural insurance.

8. Insurance Against Third Party Risks.

- 7.25. The Motor Vehicles Act, 1988.
- 8.1.1. Nature and scope.
- 8.1.2. Effect of insolvency of 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.
- 7.26. 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. Mediclaim, sickness insurance.

Select bibliography.

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