



# હેમચંદ્રાચાર્ય ઉત્તર ગુજરાત યુનિવર્સિટી

NAAC B (2.21) State University

પો.બો.નં.-૨૧, યુનિવર્સિટી રોડ, પાટણ (ગુજ.) ૩૮૪૨૬૫

ફોન: (૦૨૭૬૬) ૨૩૭૦૦૦

ફેક્સ: (૦૨૭૬૬) ૨૩૧૯૯૭

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પરિપત્ર નં.- ૨૫૮/૨૦૨૪

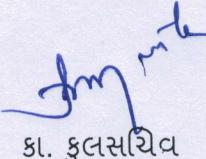
વિષય: એલ.એલ.બી./એલ.એલ.એમ.ના અભ્યાસક્રમ/પરિક્ષા સ્કીમમાં સુધારા અંગે.

આ યુનિવર્સિટીના કાયદા વિભાગના કો-ઓર્ડિનેટરશ્રી તથા સંલઘ કાયદા અભ્યાસક્રમની કોલેજોના આચાર્યશ્રીઓ/અનુસ્નાતક કેન્દ્રના વડાશ્રીઓને જણાવવાનું કે, કાયદા વિષયની અભ્યાસ સમિતિની તારીખ: ૧૧/૦૭/૨૦૨૪ની સભાના ૮ રાત નં.૦૨ થી કરેલ ભલામણ માન.કુલપતિશ્રીએ વિદ્યાશાખા / એકેડેમિક કાઉન્સિલવતી સ્વીકારી એલ.એલ.બી./એલ.એલ.એમ. અભ્યાસક્રમનો સામેલ પરિશીષ મુજબનો અભ્યાસક્રમ/પરિક્ષા સ્કીમ/રેગ્યુલેશન્સ શૈ.વર્ષ: ૨૦૨૪-૨૫થી કમશઃ અમલમાં આવેલ આવે તે રીતે સુધારો મંજૂર કરેલ છે. જેનો અમલ કરવા સારુ સંબંધિતોને આ સાથે મોકલવામાં આવે છે.

સદર બાબતની જાણ આપના સ્તરે થી અધ્યાપકશ્રીઓ તથા વિધાથીઓ ને કરવા વિનંતી છે.

નોંધ: આ પરીપત્ર યુનિવર્સિટીની વેબસાઇટ [www.ngu.ac.in](http://www.ngu.ac.in) પર પણ ઉપલબ્ધ કરવામાં આવેલ છે.આથી સંબિધત કોલેજોને ડાઉનલોડ કરી ઉપયોગ કરવા સારુ જણાવવામાં આવે છે.

બિડાણ: ઉપર મુજબ

  
કા. કુલસંચાવ

નં-એકે/અંસ/ ૩૫૮/૨૦૨૪

તારીખ: ૦૨/૧૦/૨૦૨૪

પ્રતિ,

- કો-ઓર્ડિનેટરશ્રી કાયદા વિભાગ, હેમ. ઉત્તર ગુજ. યુનિવર્સિટી પાટણ. તરફ
- ડિનશ્રી, (કાયદા વિદ્યાશાખા), શ્રી એન. એસ. પટેલ. લો કોલેજ, મોડાસા જી. અરવલ્લી
- પરીક્ષા નિયામકશ્રી, હેમચંદ્રાચાર્ય ઉત્તર ગુજરાત યુનિવર્સિટી પાટણ. (જરૂરી કાર્યવાહી સારુ)
- ગ્રંથપાલશ્રી, હેમચંદ્રાચાર્ય ઉત્તર ગુજરાત યુનિવર્સિટી પાટણ. (વિધાથીઓના ઉપયોગ સારુ રેકર્ડ ફાઇલ અર્થે)
- માન.કુલપતિશ્રી/કુલસંચાવશ્રીનું કાર્યાલય હેમચંદ્રાચાર્ય ઉત્તર ગુજરાત યુનિવર્સિટી પાટણ.
- સિસ્ટમ એનાલિસ્ટશ્રી, રિઝલ્ટ સેન્ટર, હેમ. ઉત્તર ગુજરાત યુનિ. પાટણ. (વેબસાઇટ પર મૂકવા સારુ)
- પ્રવેશ પ્ર-શાખા, હેમચંદ્રાચાર્ય ઉત્તર ગુજરાત યુનિવર્સિટી પાટણ.
- મહેકમ શાખા, હેમચંદ્રાચાર્ય ઉત્તર ગુજરાત યુનિવર્સિટી પાટણ. (પરિપત્ર ફાઇલ કરવા અર્થે)

**Hemchandracharya North Gujarat University,  
Patan.**

**Syllabus**  
**For The**  
**Master of Laws (LL.M.)**  
**(Based on CBCS)**  
**With Effective from June -2018**

**PROGRAM : HNGU 2104**

## **Ordinances:-**

### **O.LL.M.-1**

No. candidate shall be admitted to the Degree of LL.M, unless he has passed the LL.B. examination of this University or any other statutory University recognized as equivalent thereto.

### **O.LL.M.-2**

LL.M. Degree programme is the Two academic years duration consisting of four semesters, which will be required to be completed within 4 year from the date of first admission of the Semester-I.

### **O.LL.M.-3**

LL.M. two years (four semesters) Degree programme is a regular fulltime programme and therefore admitted candidate can not join any other course of study without prior permission of the University.

### **O.LL.M.-4**

Medium of instruction & examination shall be English, Hindi or Gujarati as the case may be which will not be changed during the entire Degree programme.

### **O.LL.M.-5**

The Head of Department/Institution/Center shall have to take appropriate measures against Ragging & Gender problems. In case of occurrence of any such incident, the violator shall be dealt with very seriously and appropriate stringent action shall be taken by the Head of Department/Institution/Center by observing principles of natural justice. The Head of Department /Institution/Center may appoint a Committee to inquire in to the matter which will also observe the principle of natural justice. The Committee will submit its report to the Head of Department/Institution/Center who will forward the same with his comment thereupon to the University Registrar, for taking further necessary action in the matter.

### **O.LL.M.-6**

Admission granted by the University Department /Institution/Center - to any student shall be provisional till the enrolment / registration / enlistment is made by the University. In case admission is granted on the basis of provisional eligibility certificate, the conditions & instruction given by the University should be completed within the time limit fixed by the University or latest by the beginning of the next semester, otherwise term kept by the such a student will be forfeited and no fees on any account will be refunded.

## **O.LL.M.-7**

The Dissertation / Project shall be on one of the topics approved by the committee of post-graduate teachers teaching in the department /institution/center. The student will submit the same for approval to the Head of post-graduate Department/Institution/Center not later than the beginning of the second semester. The topic on which candidate proposes to work for his/her dissertation, an approval should normally be communicated to the student well in advance by the P.G. Department/Institution/Center

## **O.LL.M.-8**

All admitting authorities (Including the College / University Department /Centre / Institute or centralized admission committee etc.) will have to strictly observe the provisions of reservation policy of the Govt. / U.G.C. / Rehabilitation Council of India etc. before admission process is undertaken, the authority will ascertain quota & number of seats available for reserved class candidates and allot to the eligible candidates. The data based information should also be providing to the University only after conclusion of entire process of admission.

## **O.LL.M.-9**

Each of the admitting authority shall have to prepare and publish the merit list in the three fold as mentioned below :-

- (1) Candidate who have passed the qualifying examination from the Hemchandracharya North Gujarat University indicating category against each of the name in the last column such as General /S.T. / S.C. / S.E.B.C./ P.H. etc.
- (2) Candidate who have passed the qualifying examination from the other University situated in the State of Gujarat indicating General / S.T. /S.C./S.E.B.C./P.H. etc.
- (3) Candidate who has passed the qualifying examination from University situated out of the Gujarat State /Country.

## **Regulations:-**

### **R.LL.M.-1**

A student desiring to appear at the LL.M. Semester - IV Examination shall submit his/her Dissertation / Project Report Before the end of the respective term.

### **R.LL.M.-2**

Two Hard Copies and one Soft Copy of the dissertation / Project Report shall be submitted in typewritten or printed form.

### **R.LL.M.-3**

- (1) To pass any of the Semester Examination, candidates shall be required to obtain :
  - (i) Not less than 40 out of total 100 marks in each course of three hours examination duration at the University examination.

AND
  - (iii) Not less than 50% of the total marks obtainable separately in each semester.

### **R.LL.M.-4**

At the end of the each semester, there shall be held an examination at which a student will appear in the course for which he has kept term irrespective of whether he has passed earlier semester/s.

### **R.LL.M.-5**

The result of semester - 4th will not be declared if there is a backlog of any semester on account of attendance, dissertation / project work etc.

### **R.LL.M.-6**

If a candidate fails to obtain 50% aggregate marks out of total obtainable marks in any Semester End Examination he/she will have to reappear in the whole examination in the same Semester End Examination with, keeping term for that semester.

Criminal Law Group						
Sem.	Course Code	Course	Instruction (Hrs./Week)	Marks		Credit
				External	Total	
Semester-I W.E.F. – June-2018	CCLW 1001	Indian Constitutional Law ; The New challenges	4	100	100	4
	CCLW 1002	Legal Education and Research Methodology	4	100	100	4
	ELLW 1003	Penology: Treatment of Offenders	4	100	100	4
	ELLW 1004	Drug Addiction, Criminal Justice and Human Rights	4	100	100	4
	SS 1005	Soft Skill- Communities Skills	2	50	50	2
	<b>TOTAL</b>		<b>18</b>	<b>450</b>	<b>450</b>	<b>18</b>
Semester-II W.E.F. – June-2018	CCLW 2001	Jurisprudence	4	100	100	4
	CCLW 2002	Law and Social Transformation in India	4	100	100	4
	ELLW 2003	Juvenile delinquency	4	100	100	4
	ELLW 2004	Privileged Class Deviance	4	100	100	4
	SS 2005	Soft Skill- Computer Awareness	2	50	50	2
	<b>TOTAL</b>		<b>18</b>	<b>450</b>	<b>450</b>	<b>18</b>
Semester-III W.E.F. – June-2018	CCLW 3001	Judicial Process	4	100	100	4
	CCLW 3002	Principles of Human Rights	4	100	100	4
	CCLW 3003	Practical-I	4	100	100	4
	ELLW 3004	Collective Violence and Criminal Justice System	4	100	100	4
	ELLW 3005	Comparative Criminal Procedure (WEF 2021)	4	100	100	4
	SS 3006	Soft Skill- Environment Awareness	2	50	50	2
<b>TOTAL</b>			<b>22</b>	<b>550</b>	<b>550</b>	<b>22</b>
Semester-IV W.E.F. – Dec. -2018	CCLW 4001	The Information Technology Act, 2000	4	100	100	4
	CCLW 4002	Practical- II	4	100	100	4
	CCLW 4003	Dissertation	8	150+50	200	8
	ELLW 4004	Forensic Science & Crime Detection Method (WEF 2021)	4	100	100	4
	SS 4005	Soft Skill - Case Study	2	50	50	2
	<b>TOTAL</b>		<b>22</b>	<b>550</b>	<b>550</b>	<b>22</b>

Business Law Group						
Sem.	Course Code	Course	Instruction (Hrs./Week)	Marks		Credit
				External	Total	
W.E.F. – June-2018 Semester-I	CCLW 1001	Indian Constitutional Law: The New challenges	4	100	100	4
	CCLW 1002	Legal Education and Research Methodology	4	100	100	4
	ELLW 1003	Law of Industrial and Intellectual Property	4	100	100	4
	ELLW 1004	Law of Export Import Regulation	4	100	100	4
	SS 1005	Communities Skills	2	50	50	2
	<b>TOTAL</b>		<b>18</b>	<b>450</b>	<b>450</b>	<b>450</b>
W.E.F. – June-2018 Semester-II	CCLW 2001	Jurisprudence	4	100	100	4
	CCLW 2002	Law and Social Transformation in India	4	100	100	4
	ELLW 2003	Banking Law	4	100	100	4
	ELLW 2004	Insurance Law	4	100	100	4
	SS 2005	Computer Awareness	2	50	50	2
	<b>TOTAL</b>		<b>18</b>	<b>450</b>	<b>450</b>	<b>450</b>
W.E.F. – June-2018 Semester-III	CCLW 3001	Judicial Process	4	100	100	4
	CCLW 3002	Principles of Human Rights	4	100	100	4
	CCLW 3003	Practical-I	4	100	100	4
	ELLW 3004	Corporate Finance	4	100	100	4
	ELLW 3005	Legal Regulation of Economic Enterprises	4	100	100	4
	SS 3006	Soft Skill- Environment Awareness	2	50	50	2
<b>TOTAL</b>			<b>22</b>	<b>550</b>	<b>550</b>	<b>550</b>
W.E.F. – June-2018 Semester-IV	CCLW 4001	The Information Technology Act, 2000	4	100	100	4
	CCLW 4002	Practical-II	4	100	100	4
	CCLW 4003	Dissertation	8	150+50	200	8
	ELLW 4004	Direct Taxes	4	100	100	4
	SS 4005	Soft Skill - Case Study	2	50	50	2
	<b>TOTAL</b>		<b>22</b>	<b>550</b>	<b>550</b>	<b>550</b>

Human Rights Law Group						
Sem.	Course Code	Course	Instruction (Hrs./Week)	Marks		Credit
				External	Total	
Semester-I W.E.F. - June-2018	CCLW 1001	Indian Constitutional Law ; The New challenges	4	100	100	4
	CCLW 1002	Legal Education and Research Methodology	4	100	100	4
	ELLW 1003	Introduction of Human Rights and Duties.	4	100	100	4
	ELLW 1004	Human Rights and Criminal Justice System	4	100	100	4
	SS 1005	Soft Skill- Communities Skills	2	50	50	2
	<b>TOTAL</b>		<b>18</b>	<b>450</b>	<b>450</b>	<b>450</b>
Semester-II W.E.F. - June-2018	CCLW 2001	Jurisprudence	4	100	100	4
	CCLW 2002	Law and Social Transformation in India	4	100	100	4
	ELLW 2003	Juvenile delinquency	4	100	100	4
	ELLW 2004	Human Rights and Special Interest/Disadvantage group: Women and Children	4	100	100	4
	SS 2005	Soft Skill- Computer Awareness	2	50	50	2
	<b>TOTAL</b>		<b>18</b>	<b>450</b>	<b>450</b>	<b>450</b>
Semester-III W.E.F. - June-2018	CCLW 3001	Judicial Process	4	100	100	4
	CCLW 3002	Principles of Human Rights	4	100	100	4
	CCLW 3003	Practical-I	4	100	100	4
	ELLW 3004	Social Problems of Human Rights in India	4	100	100	4
	ELLW 3005	Human Rights and Environment	4	100	100	4
	SS 3006	Soft Skill- Environment Awareness	2	50	50	2
<b>TOTAL</b>			<b>22</b>	<b>550</b>	<b>550</b>	<b>550</b>
Semester-IV W.E.F. - Dec. -2018	CCLW 4001	The Information Technology Act, 2000	4	100	100	4
	CCLW 4002	Practical- II	4	100	100	4
	CCLW 4003	Dissertation	8	150+50	200	8
	ELLW 4004	International Humanitarian Laws	4	100	100	4
	SS 4005	Soft Skill - Case Study	2	50	50	2
	<b>TOTAL</b>		<b>22</b>	<b>550</b>	<b>550</b>	<b>550</b>

# **EXAMINATION STRUCTURE**

<b><u>TOTAL MARKS OF EACH SUBJECT</u></b>	<b>100</b>
<b>A. EXTERNAL SEMESTER EXAMINATION</b>	<b>100 MARKS</b>
Total Four questions shall be asked, each of which, carry 25 marks.	
<b>B. Each student shall have to secure Minimum 40 Marks from External Examination.</b>	
<b><u>Standard of Passing:- Minimum 40 Marks in each Subjects and 50 Marks in aggregate.</u></b>	
<b>C. Dissertation</b>	<b>200 Marks (8 Credits)</b>
	Written work - 150
	viva-voce – 50
SEM – I 18Credits	
SEM – II 18Credits	
SEM – III 22Credits	
<u>SEM – IV 22 Credits</u>	
<b>Total 80 Credits</b>	
<b>D. Each Candidate has to Secure a Minimum 40% of Marks in Both written work and viva-voce separately.</b>	
<b>E. New Syllabus &amp; New Exam pattern (100) will be implemented from Academic Year 2018 – 19 for newly admitted Students in Sem – I.</b>	
<b>F. Sem. – I and III, and Sem. II and IV will Run Parallel.</b>	
<b>G. For Soft Skill Programme; For each soft skill programme, maximum 2 credits will be awarded. It is mandatory for each student to attend classes of soft skill programme arranged by the Dept. of Law.</b>	

## **INTRODUCTION OF GRADING SYSTEM**

Seven Points scale grading system from academic Year 2015-16 as per following pattern.

Marks in each subject obtained by students	Corresponding Grade
00 to 39.99	F
40 to 49.99	C
50 to 54.99	B
55 to 59.99	B+
60 to 69.99	A
70 to 84.99	A+
85 to 100	A++

**Note:** Each student shall have to secure “C” Grade in each semester for passing and “B” grade for Aggregate Passing.

Sr.No	% marks Obtained	Numerical grade earned	Letter grade earned	Performance of the Student
1	85 - 100	5.5 – 7.0	A++	Out standing
2	70 - 84.99	4.0 – 5.4	A+	Distinction
3	60 - 69.99	3.0 – 3.9	A	Excellent
4	55 - 59.99	2.5 – 2.9	B+	Very Good
5	50 - 54.99	2.0 – 2.4	B	Good
6	40 - 49.99	1.0 – 1.9	C	Satisfactory
7	00 – 39.99	0.0	F	Re-appear/Fail
8	Absent	0.0	AOO	Absent

# **Business Law**

**Objective:-**

Constitution of India is one of the largest in the world. We must respect it. Looking to present scenario, it is right and proper time to review some of the articles. It is a challenge before us. By introduction of this subject in LL.M programme, students will go into the depth of the subject.

**1. Federalism :**

- 1.1 Allocation and share of resources - distribution of grants in aid.
  - 1.1.1 The inter-state disputes on resources
- 1.2 Directions of the center to the state under article 356 and 365
- 1.3 Special status of certain states.
  - 1.3.1 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. Freedom of press and challenge of new scientific development.**

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

**5. Immerging Regime of New Rights and Remarks**

- 5.1 Realign Directive principles and fundamental duties into fundamental rights.
  - 5.1.1 Compensation jurisprudence
- 5.2 Right to education
  - 5.2.1 Commercialization of education and its impact
  - 5.2.2 Brain drain by foreign education market

**6. Secularism and Religious Fanaticism****7. Separation of Powers : Stresses and Strain**

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

## **Bibliography**

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

## **CCLW 1002. Legal Education and Research Methodology**

**100 (4 Credits)**

### **Objective:-**

With introduction of new syllabus in all the programmes and faculties, it is necessary to have in depth knowledge of Research methodology. Before going for research work, it requires to know the provisions. For developing the academic carrier and jump in to the research field, students must acquire knowledge of methodology and teaching methods in present changing time.

- 1. Objectives of Legal Education**
- 2. Lecture Method of Teaching - Merits and demerits**
- 3. The Problem Method**
- 4. Discussion Method and its suitability at post-graduate 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 or empirical research
  - 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
  - 10.3 Legislative materials including subordinate legislation, notification and policy statements
  - 10.4 Decisional material 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 in the reasons thereof
  - 10.5 Juristic writings to survey of juristic literature relevant to select problems in India and foreign periodicals
  - 10.6 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
  - Methods for the connection of statutory and case materials and juristic literature.
  - Use of historical and comparative research materials
  - Use of observation studies
  - Use of questionnaires / interview
  - Use of case studies
  - Sampling procedures - design of sample, types of sampling to be adopted
  - Use of scaling techniques
  - 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 Hand book 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.

## **Business Law Group**

### **ELLW 1003. Law of Industrial and Intellectual Property**

**100 (4 Credits)**

#### **Objective :-**

Main reason for the introduction of this subject in Business Law group to acquaint students regarding Intellectual Property Rights. In present times, it is necessary to have comprehensive knowledge of Patent Laws, Trade mark Laws Copyright Laws etc. Hunan Rights perspective are also included in this course.

- 1. IPR and International Perspectives**
- 2. Trademarks and Consumer Protection (Study of UNCTAD report on the subject)**
- 3. Special Problems of the Status of Computer Software in Copyright and Patent Law:  
A Comparative Study**
- 4. Patent Search, Examination and Records**
  - 4.1 International and global patent information retrieval system  
(European Patent Treaty)
  - 4.2 Patent Co-operation Treaty (PCT)
  - 4.3 Differences in resources for patent examination between developed and developing societies
  - 4.4 The Indian situation
- 5. Special Problems of Proof of Infringement**
  - 5.1 Status of intellectual property in transit - TRIPS obligation Indian position
  - 5.2 The evidentiary problems in action of passing off
  - 5.3 The proof of non-anticipation, novelty of inventions protected by patent law
  - 5.4 Evidentiary problems in piracy : TRIPS obligation-reversal of burden of proof in process patent
  - 5.5 Need and Scope of Law Reforms
- 6. Intellectual Property and Human Right**
  - 6.1 Freedom of speech and expression at the basis of the regime of intellectual property right - copyright protection on internet - WCT  
(WIPO Copyright Treat 1996)

- 6.2 Legal status of hazardous research protected by the regime of intellectual property law
- 6.3 Human right of the impoverished masses intellectual property protection of law products for healthcare and food security
- 6.4 Traditional knowledge - protection - biodiversity convention - right of indigenous people.

**Bibliography.**

- 1. Terence P. Stewar (ed.), The GATT Uruguay Round : A Negotiating History (1986-1994) The End Game (Part-1)(1999), Kluwer.
- 2. David Bainbridge, Software Copyright Law (1999), Butterworths.
- 3. W.R. Cornish, Intellectual Property Law (1999), Sweet and Maxwell.

## **ELLW 1004. Law of Export Import Regulation**

**100 (4 Credits)**

### **Objective:-**

In changing dimension, it is necessary to know about Export-Import regulations particularly with the introduction of WTO. Whole world is becoming smaller and closer, technology transfer system is hour of need. Students of Business Law group should be aware regarding exim policy also.

#### **1. Introduction :**

- 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 Foreign Trade Development & Regulation Act, 1992
  - 4.2.2 Control under FEMA

#### **5. Control of Exports:**

- 5.1 Quality control
- 5.2 Regulation on goods
- 5.3 Conservation of foreign exchange
- 5.4 Foreign exchange management
- 5.5 Currency transfer
- 5.6 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 clothes
  - 6.6 Jewellery
  - 6.7 Service sector
- 7. Technology transfer:**
  - 7.1 Restrictive terms in technology transfer agreements
  - 7.2 Automatic approval schemes

## **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.

# Criminal Law

# **CCLW 1001. Indian Constitutional Law ; The New challenges**

**100 (4 Credits)**

## **Objective:-**

Constitution of India is one of the largest in the world. We must respect it. Looking to present scenario, it is right and proper time to review some of the articles. It is a challenge before us. By introduction of this subject in LL.M programme, students will go into the depth of the subject.

### **1. Federalism :**

- 1.1 Allocation and share of resources - distribution of grants in aid.
  - 1.1.1 The inter-state disputes on resources
- 1.2 Directions of the center to the state under article 356 and 365
- 1.3 Special status of certain states.
  - 1.3.1 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. Freedom of press and challenge of new scientific development**

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

### **5. Immerging Regime of New Rights and Remarks**

- 5.1 Realign Directive principles and fundamental duties into fundamental rights.
  - 5.1.1 Compensation jurisprudence
- 5.2 Right to education
  - 5.2.1 Commercialization of education and its impact
  - 5.2.2 Brain drain by foreign education market

### **6. Secularism and Religious Fanaticism**

### **7. Separation of Powers : Stresses and Strain**

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

## **Bibliography**

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

## **CCLW 1002. Legal Education and Research Methodology**

**100 (4 Credits)**

### **Objective:-**

With introduction of new syllabus in all the programmes and faculties, it is necessary to have in depth knowledge of Research methodology. Before going for research work, it requires to know the provisions. For developing the academic carrier and jump in to the research field, students must acquire knowledge of methodology and teaching methods in present changing time.

- 1. Objectives of Legal Education**
- 2. Lecture Method of Teaching - Merits and demerits**
- 3. The Problem Method.**
- 4. Discussion Method and its suitability at post-graduate 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 or empirical research
  - 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
  - 10.3 Legislative materials including subordinate legislation, notification and policy statements
  - 10.4 Decisional material 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 in the reasons thereof
  - 10.5 Juristic writings to survey of juristic literature relevant to select problems in India and foreign periodicals
  - 10.6 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
  - Methods for the connection of statutory and case materials and juristic literature.
  - Use of historical and comparative research materials
  - Use of observation studies
  - Use of questionnaires / interview
  - Use of case studies
  - Sampling procedures - design of sample, types of sampling to be adopted
  - Use of scaling techniques
  - 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

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4. N.K. Indrayan - Application of Epistemology to Legal Research Indian Bar Review 1987.

**Criminal Law Group**  
**ELLW 1003. Penology: Treatment of Offenders**

**100 (4 Credits)**

**Objective:-**

There are various kinds of theories of punishment. Looking to some of the western countries, where there is a strong demand of abolition of capital punishment. Students of Ist Sem. should have idea regarding criminal administration.

**1. Introductory :**

1.1 Detination of Penology

**2. Theories of Punishment :**

2.1 Retribution

2.2 Utilitarian prevention : Deterrence

2.3 Utilitarian Intimidation

2.4 Behavioral prevention : Incapacitation

2.5 Behavioral prevention : Rehabilitation - Expiation

**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

**4. Sentencing :**

4.1 Principal types of sentence in the Penal Code and special laws

4.2 Sentencing in white collar crime

4.3 Sentencing for habitual offender

**5. Imprisonment :**

5.1 Classification of prisoners

5.2 Rights of prisoner and duties of custodial staff

5.3 Open prisons

**Bibliography**

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

# **ELLW 1004. Drug Addiction, Criminal Justice and Human Rights**

**100 (4 Credits)**

## **Objective :-**

Regularly and day to day, we have been watching our youth addicted to drugs. It is also a socio- psycho problem not for our country only but it is an international matter of concern. We have introduced International legal regime and criminal justice system along with Human Right aspects.

### **1. Introduction :**

- 1.1 Basic conceptions
  - 1.1.1 Drugs 'narcotics', "psychotropic substances"
  - 1.1.2 'Dependence', "addition"
  - 1.1.3 "Crimes without victims"
  - 1.1.4 "Trafficking" in "drugs"

### **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 Methods of intake
- 3.13 Pattern of the Use
- 3.14 Average Quantity and Cost
- 3.15 Consequences of 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 addition

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 during 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 prosecutor 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. deaddiction and 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

**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)

# **Human Rights Law**

# **CCLW 1001. Indian Constitutional Law ; The New challenges**

**100 (4 Credits)**

## **1. Federalism :**

- 1.1 Allocation and share of resources - distribution of grants in aid.
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## **3. Right to Equality : Privatization and Its Impact on Affirmative Action.**

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- 7.1 Judicial activism and judicial restraint
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## **CCLW 1002. Legal Education and Research Methodology**

**100 (4 Credits)**

### **Objective:-**

With introduction of new syllabus in all the programmes and faculties, it is necessary to have in depth knowledge of Research methodology. Before going for research work, it requires to know the provisions. For developing the academic carrier and jump in to the research field, students must acquire knowledge of methodology and teaching methods in present changing time.

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- 9. Research Methods**
  - 9.1 Socio-legal research
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  - 10.4 Decisional material 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 in the reasons thereof
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3. ILI Publication, Legal Research and Methodology.
4. N.K. Indrayan - Application of Epistemology to Legal Research Indian Bar Review 1987.

## **Human Rights Law Group**

### **ELLW 1003. Introduction of Human Rights and Duties**

**100 (4 Credits)**

#### **1) Basic Concept**

- 1.1) Human Values- Dignity , Liberty, Equality , Justice, Unity in Diversity, Ethics and Morals
- 1.2) Meaning and significance of Human Rights Education

#### **2) Perspectives of Rights and Duties**

- 2.1) Rights: Inherent-Inalienable-Universal- Individual and Groups
- 2.2) Nature and concept of Duties
- 2.3) Interrelationship of Rights and Duties

#### **3) Introduction to Terminology of Various Legal Instruments**

- 3.1) Meaning of Legal Instrument- Binding Nature
- 3.2) Types of Instruments: Covenant-Charter-Declaration-Treaty-Convention-Protocol-Executive Orders and Statutes

#### **4) Status of Social and Economically Disadvantaged people**

- 4.1) Status of Indigenous People and the Role of the UN
- 4.2) Status of SC/ST and Other Indigenous People in the Indian Scenario
- 4.3) Human Rights of Aged and Disabled
- 4.4) The Minorities and Human Rights

#### **5) Human rights of vulnerable groups**

- 5.1) Stateless Persons
- 5.2) Sex Workers
- 5.3) Migrant Workers
- 5.4) HIV/AIDS Victims

#### **6) Human Rights in Indian Context**

- 6.1) Indian Bill of Rights And Sarvodaya
- 6.2) Preamble- Fundamental Rights- Directive Principles-Fundamental Duties

#### **7) Role of Advocacy Groups**

- 7.1) Professional Bodies: Press, Media, Role of Lawyers-Legal Aid
- 7.2) Educational Institutions
- 7.3) Role of Corporate Sector
- 7.4) NGO's

## **Reference.**

1. M. V. Raju, Human Rights: Today and tomorrow
2. Madhusudan Pandit, Fundamental Human Rights.
3. Rajeev N. Pradhan, Future of Human Rights.
4. Jack Donnelly, 2005 Universal Human Rights in Theory and Practices, Manas Publication, New Delhi
5. Alfab Alam(ed),2000 Human Rights in India Raj Publications, New Delhi
6. Vijay Kumar, 2003 Human Rights Dimensions and Issues Anmol Publications, New Delhi
7. Richard Tuck, 1979 Natural Rights Theories, Cambridge University
8. Jermy, Waldrom, 1984 Theories of Rights Oxfords University Press, New Delhi
9. Abdulrahim, P. Vijapur, Kumar Suresh(ed) 1999 Perspectives on Human Rights Manas Publication, New Delhi

# **ELLW 1004. Human Rights and Criminal Justice System**

**100 (4 Credits)**

## **Course Content**

### **1) Historical, Philosophical and Social Perspectives**

### **2) Conceptual Perspective**

- 2.1) Concept of Criminal and Criminal liability
- 2.2) Role of Criminal Justice System

### **3) Human Rights Problems**

- 3.1) Police Atrocities and women accountability
- 3.2) Violence against women and children
- 3.3) Communal violence
- 3.4) Cast and Class conflicts
- 3.5) Maintenance of Law and Order
- 3.6) Terrorism and Insurgency

### **4) Rights of Accused**

- 4.1) Double Jeopardy
- 4.2) Right Against self – incrimination
- 4.3) Production before Magistrate
- 4.4) Fair Trial
- 4.5) Speedy Trial
- 4.6) Appeal

### **5) Rights of Inmates of Prisons and Custodial Homes**

- 5.1) Protection Homes
- 5.2) Reformatory and other institutions
- 5.3) Prisons

## **REFERENCES**

1. Bava, Noorjahan, (ed), (2000), Human rights and Criminal Justice Administrationin India, Uppal Publishing House, New Delhi
2. Vibhute Baxi, Upendra, (1988), Clemency, Extradition and Death: The Judicial Discourse inKeher Singh, Journal of Indian Law, Vol. 30, and No. 4.
3. Bhagwati, P.N.,(1985,) Human Rights in the Criminal Justice System, Journal of Indian LawInstitute, Vol. 27, No. 1.
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6. Guttal, G.H, (1986), Human Right: The Indian Law, Indian Journal ofInternational Law
7. Vada Kumchery, , James, (1991), The Police and Delinquency in India, New Delhi: APH Publishing Corporation..