

Department of Law
School of Law and Governance
Central University of South Bihar

MLLAW1003 C03	LAW AND JUSTICE IN A GLOBALIZING WORLD	L	T	P	C
Version1.2		3	0	0	3
Pre- Requisites/Exp osure	Indian Constitution, Concept of law and justice and the relationship between two				
Co-requisites	Concept of globalisation				
Course Instructor	Dr. Pradip Kumar Das				
	LL.M.				

1.1.Course Description

Globalization stands out for a large public, spread across the world, and one of the defining terms of contemporary society. To deal with the phenomenon it has now become inevitable for harmonization of the laws across the world in all field of human endeavor. Traditionally, legal disputes about justice played out within territorial states as concerns among citizens, subjected by state level legal regime. The concept of global justice is now very much important in this globalizing world. This course will look at form and function of law as it relates to justice in globalized world. It will focus on how the law can be a tool for justice beyond a territorial border. It examines the role of law in promoting global justice focusing on the rule of law, human rights, economic justice and social justice. The topics will involve a broad range of socio-legal perspective.

2.0. Course Objectives:

The objective of the present course is to enable students to understand and seek solutions to pressing problems in the domain of global justice. The students should understand the process of globalization in all its dimensions and perspectives. In an increasingly globalized world, students practicing law will encounter globalizing law and justice. This course aims at equipping students with better understanding of the impact of globalization on society in general and law and justice specifically.

3.0. Course Outcomes:

After completion of the course, the students are expected to:

- (i) Have a general understanding of the concept of law and justice;
- (ii) Have an understanding of legal implementation of justice in a globalizing world;
- (iii) Have an understanding of international justice mechanisms and their jurisdictions; and
- (iv) Be able to critically analyze and to discuss emerging issues in international law.

4.0. Pedagogy:

- Class Room Discussion
- Case Study
- Teaching Assignment
- Project Submission
- Project Presentation
- Seminar Paper
- Panel Discussion

5.0. Evaluation Scheme:

Sl.No.	Components	Weightage (Maximum Marks)
1.	Project Submission	20
2.	Project Presentation	10
3.	Seminar Paper	10
4.	Teaching Assignment	10
5.	End Semester Examination	50

6.0. Course Contents :

UNIT-I: Introduction to Law and Justice – [20% weightage]

- Meaning and Nature of Law
- Meaning and Nature of Justice
- Indian Concept of Justice
- Western theories of Justice
- Relationship of Law and Justice

UNIT-II: Introduction to Globalization [20% weightage]

- Globalization: Meaning, Nature and Significance;
- Causes of globalization
- State Sovereignty and Jurisdictional Issues in the era of globalization
- Globalization and Social Change
- Globalization and Economic Development

UNIT-III: Justice in Globalizing World [20% weightage]

- Existing Scenarios and Issues: Economic, Social and Political
- Mechanisms for Justice under International Legal Regime

- Impact of Globalization on Administration of Justice
- The Global Justice Movement and Concept of Global Administrative Law
- Challenges and the Way Forward

UNIT-IV: Globalization, Law and Legal Order [20% weightage]

- Global Legal Order and Role of International Institutions
- Crimes against Humanity/War Crimes and International Criminal Law
- Global Financial Crisis, Legal Order and Reform
- Public and Private International Law and Globalization
- Harmonizing Private Commercial Law and Intellectual Property Law
- Emergence of Transnational Law in a Globalizing World

UNIT-V: Third World's Perspectives [20% weightage]

- Third World's Perspectives to Globalization of Law and Concept of Justice
- Impact on welfare state
- Displacement for Development and Problem of Unemployment
- Rethinking the Idea of Just World Order
- Challenges and the Way Forward

7.0.Content Interaction Plan:

Lecture Cum Discussion (Each Session of 1 hour)	Unit/Module/Topic/Sub Topic
1-6	UNIT-I: Introduction to Law and Justice –
7-12	UNIT-II: Introduction to Globalization
13-18	UNIT-III: Justice in Globalizing World
19-24	UNIT-IV: Globalization, Law and Legal Order
25-30	UNIT-V: Third World's Perspectives

8.0. Prescribed Readings/References:

- Antony Anghie (eds.), The Third World and International Order: Law, Politics, and Globalization, Kluwer Law International, 2003
- Joseph Stiglitz, Making Globalisation Work: The Next Step to Global Justice, Penguin, 2007

- Andrew Byrnes, Mika Hayashi, Christopher Michaelson, International Law in the New Age of Globalization, Martinus Nijhoff Publishers, 2013
- Boaventura de Sousa Santos, Cesar A. Rodriguez-Garavito (eds.), Law and Globalization from Below, Cambridge University Press, 2005
- David Kinley, Civilizing Globalization: Human Rights and the Global Economy, Cambridge University Press, 2009)
- Andrew Kuper, Democracy Beyond Borders: Justice and Representations in Global Institutions, Oxford University Press, 2006
- Laura Valentini, Justice in a Globalizing World: A Normative Framework, Oxford University Press, 2006, 2011
- Jan Aart Scholte, Globalization: A Critical Introduction, Palgrave Macmillan, 2005
- Jarrod Wiener, Globalization and the Harmonization of Law, Bloomsbury Publishing, 1999
- Laura Valentini, Justice in a Globalized World: A Normative Framework, Oxford University Press, 2011
- Pierrick Le Goff, “Global Law: A Legal Phenomenon Emerging from the Process of Globalization”, 14 Ind. J. Global Legal Studies, 2007
- Thomas Nagel, “The Problem of Global Justice” 33(2) Philosophy & Public Affairs, 2005
- Deen K. Chatterjee (Eds.), Encyclopedia of Global Justice, 2012



MLLAW1001C03	RESEARCH METHODS AND LEGAL WRITING	L	T	P	C
Version1.1		3	0	0	3
Pre-requisites//Exposure					
co-requisites					
Course Teacher	Dr. S. P. Srivastava				

Course Description

Law is influenced by the prevailing social values and ethos. Law also attempts to mould or change the existing social values and attitudes. A systematic approach is required to understand the existing and emerging legislation policies, laws their social relevancies and efficacies, etc. Hence a law student should be acquainted with the scientific methods required for the enquiry of law.

The main objective of this course is to acquaint the student of law with the scientific method of social science research. This course is expected to provide the knowledge of technique of selection, collection and interpretation of primary and secondary data in socio-legal research. Emphasis would be laid on practical training in conducting research in this course.

In this backdrop, this course intends to make the students familiar with nature, scope and significance of legal research. It endeavors to make them aware with various tools and techniques required for a successful legal research which plays an important role in the socio-legal development of the country. The practical skill in conducting research will be evaluated on their performance in field research and workshops/seminars.

Course Objectives

Specific objects of the course are as follows:

- To understand the concept, role and nature of legal research.
- To identify the causes of research
- To assess the problem of research.
- To identify the area of research
- To assess the impact of research in socio-legal development of the country.

- To examine the challenges in research work.

Pedagogy

A various learning methods will be used which will emphasize a cooperative learning format. Student led discussions and presentations will be combined with instructor facilitated experiences and lectures. Specific methods include:

- Class Room Discussion
- Teaching Assignment
- Presentations
- Case Studies
- Projects
- Seminar
- Panel Discussion

Evaluation Scheme:

Sl. No.	Components	Weightage (Max. Marks)
1	Project Submission	20
2	Project Presentation	10
3	Seminar	10
4.	Teaching Assignment	10
5.	Semester End Examination	50
6	Total	100

UNIT I.

A. Introduction

- Meaning and Objective of Research
- Characteristics and Significance of Research
- Inter-disciplinary Research and Legal Research Models

- Research Methodology
- Importance of Research Methodology

UNIT II.

Research Design

- Hypothesis- Meaning, Significance and Characteristics
- Type of Hypothesis—Doctrinal and Non-Doctrinal (empirical)
- Workable Hypothesis-Formulation and Evaluation
- Testing of Hypothesis
- Major steps in Research Design
- Types of Research Design-Descriptive, Exploratory, Experimental and Diagnostic Design.

UNIT III

Research Techniques

- Sampling
- Survey and Case Study
- Scaling and Contents Analysis

UNIT IV

Research Tools and Data Processing

- Observation Method
- Interview and Schedule Method
- Questionnaire Method
- Survey Method
- Case Study Method
- Projective Techniques
- Contents Analysis
- Data Processing (deductions and Inductions) analysis and Interpretation of Data.

UNIT V

Legal Writing

- Essentials of Good Legal Writing
- Structured Legal Writing-Organization of Legal Materials
- Framing of write Up- Research Question, Title, Identifying relevant areas of Law, Identifying Literature and Case Laws, Analysis and Case Laws. Recommendations and Conclusion Sources of Authority.
- Kinds- Informative, persuasive; Writing for Individual Purposes; Writing for Academic Purpose; Writing for court purposes; Briefs, Plaints etc, Writing for publications; Reviews, Articles, Books etc. Judicial Writings.
- Citation, Reference and Footnoting
- Editing and Proof Reading
- Writing of Research Proposal
- Dissertation/ Thesis Writing

Recommended Books

1. Bruce L Berg, *Qualitative Research Methods for the Social Sciences*, 2001
2. C.R.Kothari, *Research Methodology; Methods and Techniques*,1985
3. Denis P.Forcese and Stephen Richer, *Stages of Social Research-Contemporary Perspectives*,1970
4. Frederic Charls Hicks, *Materials and Methods in Legal Research*
5. Good and Hall, *Methods in Social Research*, 1985
6. Harvard Law Review Association, *The Bluebook;Uniform System of Citation*
7. Janathan Anderson, *Thesis and Assignment Writing*
8. Johan Galtung, *Theory and Mathods of Social Research*,1970
9. Leon Festinger, *Research Methods in Behavioral Sciences*,1953
10. S.K. Verma and Afzal Wani, *Legal Research and Methodology*, ILI,New Delhi.
11. Dr. S.R.Myneni, *Legal Research Methodology*
12. Jain.S.N., *Legal Research and Methodology*
13. Morris.L.Cohan, *Legal Research in Nutshell*

MLLAW1002C03	COMPARATIVE PUBLIC LAW/SYSTEM OF GOVERNANCE	L	T	P	C
Version1.1		3	0	0	3
Pre-requisites//Exposure	Constitutional Law, Administrative Law and Criminal Law				
co-requisites					
Course Teacher	Dr. S. P. Srivastava				

Course Description

Public law (latin *ius publicum*) is that part of law which governs relationships between individuals and the government, and those relationships between individuals which are of direct concern to the society. The relationships public law governs are asymmetric and unequal – government bodies (central or local) can make decisions about the rights of individuals. However, as a consequence of the rule of law doctrine, authorities may only act within the law (*secundum et intra legem*). The government must obey the law. The idea that the administration of the state should be controlled by a set of laws originated in France, Germany and Austria in the 18th century. It is related to the strong position of the central government in the era of enlightened absolutism, and was inspired by the French Revolution and enlightenment. It developed hand in hand with the creation of civil codes and criminal codes.

As late as at the beginning of the 20th century, United Kingdom had, it could be said, no public law. Not only was this theoretical category absent, there was no body of law governing the administration of public affairs. Reforms at the period of the two world wars and especially on UK's entry into the European Economic Community were such, that by the 1980s such a branch of law has been established.

Course Objectives

Specific objects of the course are as follows:

- To understand the concept, role and nature of public law.
- To identify the causes of global constitutionalism
- To assess to role of constitutional justice and interference of rule of law in governance.
- To identify why secrecy and absolutism has been discarded.
- To assess the impact of role of non- state actors in policy framing.

- To examine the challenges and options of governance.

Course Outcomes

- Understand the difference of constitutionalism and Governance.
- Appreciate the nitty-gritty of direct democracy and representative democracy and constrains of governance.
- Able to develop a broader perspective of aims, and functional constraints of transparency, prosecution and accountability and justice. After completion of the course student shall come to know why accountability is given preference.
- It will aware with the alternatives and demerits of various forms of Governance.
- Students will also appreciate the role of transnational institutions in shaping of of public laws of the nations.

Pedagogy

A various learning methods will be used which will emphasize a cooperative learning format. Student led discussions and presentations will be combined with instructor facilitated experiences and lectures. Specific methods include:

- Class Room Discussion
- Teaching Assignment
- Presentations
- Case Studies
- Projects
- Seminar
- Panel Discussion

Evaluation Scheme:

Sl. No.	Components	Weightage (Max. Marks)
1	Project Submission	20
2	Project Presentation	10
3	Seminar	10
4.	Teaching Assignment	10
5.	Semester End Examination	50

6	Total	100
---	-------	-----

UNIT I.

A. Introduction

- Meaning and definition of Public Law
- Concept of Public Law
- Nature of Public Law and its importance in Governance
- Globalisation of Comparative Public Law- Rule-making by transnational Bodies
- Democracy and Public Law

UNIT II.

Constitutionalism

- Concept, Distinction between Constitution and Constitutionalism
- Essential features of Constitutionalism
- Constitutional foundations of powers
- Supremacy of Legislature in Law Making
- Rule of law
- Separation of Powers
- Independence of Judiciary and Judicial Review

UNIT III

System of Governance

- Meaning and Concept of Governance
- Forms of Government: – Federal and Unitary – Feature, Advantages and Disadvantages,
- Models of Federalism – USA, India;
- Parliamentary and Presidential forms of Government – Features, Advantages & Disadvantages,
- Models of Parliamentary and Presidential forms of Government – UK, India & USA.

UNIT IV

Comparative Criminal Law – Common law, Civil law

- Independent Investigating Agency
- Prosecution of State Representative
- Separation of Law & Order and Investigation
- Transparency and Participation in Criminal Procedure
- Plea Bargaining – USA, India
- Jury System of USA
- White Collar Crimes
- Juvenile Justice

UNIT V

Governance and Challenges

- Legitimate Expectation,
- Public Accountability and Proportionality
- Transparency and Accountability in Governance, coordination between inter related agencies.
- SMART Governance- Mobile Governance
- Role of Stake holders in policy Framing
- Governance and Depoliticisation of Development
- Role of International Organization in protection of Human Rights of Individuals.

Recommended Books

1. M.P. Jain, Indian Constitutional Law, LexisNexis,
2. Seervai H.M., *Constitutional Law of India*,
3. Shubhankar Dam, *Presidential Legislation in India*,
4. Austin Granville, *The Indian Constitution: Cornerstone of A Nation: Cornerstone of A Nation (Classic Reissue)*,
5. M. P. Singh, *Comparative Constitutional Law*,
6. Lary Alexander, *Constitutionalism: Philosophical Foundation*,
7. Dominique Rousseau, *Constitutionalism and Democracy*, Edited by John Zvesper.
8. P. Ishwar Bhatt, *Constitutionalism and Constitutional Pluraalism*, EBC.

9. D. D. Basu, *Select Constitutions of the World*, LexisNexis.
10. Anirudh Prasad, *Judicial Power and Judicial Review*, EBC.
11. H. R. Khanna, *Making of Indian Constitution*, EBC.
12. Christopher Forsyth, Mark Elliott, Swati Jhaveri, *Effective Judicial Review: A Cornerstone of Good Governance*, OUP.
13. M.V. Pylee, *Constitution of the World*, Universal Law Publication.
14. M. Shukla, *Judicial Accountability: Welfare & Globalization*, Regal Publication.
15. Tom Bingham, *The Rule of Law*, Penguin Publication.
16. S.N. Ray, *Judicial Review & Fundamental Rights*, Eastern Law House.
17. S.K. Aggarwal, *Towards Improving Governance*, Academic Foundation, New Delhi.
18. David Armstrong, et al, (2011), *Civil Society and International Governance*, Routledge, Canada.
19. Elisabeth Zoller, *Introduction to Public Law: A Comparative Study*, BRILL, 2008.
20. Tom Ginsburg, Robert A. Kagan, *Institutions and Public Law*, Peterlang publication, 2005.

Research Papers

1. Carol Harlow, *The Concepts and Methods of Reasoning of the New Public Law: Legitimacy*, LSE Law, Society and Economy Working Papers 19/2010.
2. Grégoire C N Webber, *What is an Original Constitution?* LSE Law, Society and Economy Working Papers 19/2009.
3. Kai Möller, *The Global Model of Constitutional Rights: Introduction*, LSE Law, Society and Economy Working Papers 4/2013.
4. David Johnston, *The General Influence of Roman Institutions of State and Public Law*, IusCivile.com.
5. Benedict Kingsbury and Benjamin Straumann, *Introduction: The Roman Foundations of the Law of Nations*, Public Law & Legal Theory Research Paper Series Working Paper No. 11-06.
6. Professor David Feldman, *The Constitutional Reform Process*, Written Evidence submitted to the House of Lords Select Committee on the Constitution, 2011.
7. David Feldman, *Comparative Reflections on Sovereignty and Constitutionalism*, W. G. Hart Legal Workshop, 28th June 2011, Sovereignty in Question.
8. G. Edward White, *The Origins of Civil Rights in America*, University of Virginia School of Law Public Law and Legal Theory Research Paper Series No. 2013-03

9. Aziz Z. Huq, *Structural Constitutionalism As Counterterrorism*, Public Law And Legal Theory Working Paper No. 399.

10. Stephanos Bibas, *Transparency and Participation in Criminal Procedure*, Public Law And Legal Theory Working Paper No. 117.

E-Journal:

1. <http://www.wcl.american.edu/journal/alr>,

Journal Name: *Administrative Law Review*.

2. <http://comparativelaw.metapress.com/home/main.mpx>,

Journal Name: American Journal of Comparative Law.

3. <http://www.harvard-jlpp.com/>,

Journal Name: *Harvard Journal of Law and Public Policy*.

4. http://www.oxfordjournals.org/our_journals/ijtj/about.html,

Journal Name: *International Journal of Transitional Justice*.

5. <http://www.sweetandmaxwell.co.uk/Catalogue/ProductDetails.aspx?recordid=469&productid=7106>, Journal Name: *Public Law*.



Department of Law
School of Law and Governance
Central University of South Bihar

MLLAW1004E02	CORPORATE GOVERNANCE	L	T	P	C
Version: 1.2		2	0	0	2
Pre-requisites//Exposure	Company Law-I & Company Law-II				
co-requisites	SEBI, Investment Law & FMR				
Semester	Ist				
Course Teacher	Dr. Pradip Kumar Das				
LL.M.					

1.0.Course Description:

The course is designed to impart basic understanding to the students about the meaning and purpose of corporate governance. Corporate Governance assumes special significance in all over the world. Importance of this subject is being admitted by many developed countries of the world .Importance of this subject is also gradually growing in our country. The aim of this paper is to teach the students basic principles, aims and objects of corporate governance. They will be in a position to acquire working knowledge about the subject.

2.0.Course Objectives

The chief objectives of the course are:

- To develop among the students an understanding of the meaning and importance of corporate governance;
- To analyze and impart the basic principles of Corporate governance and its historical development in England, USA, Australia, Canada, Japan and in India to the students;
- To acquaint with the existing challenges in the practice of corporate governance norms in various countries of the world with special reference to the Indian Corporate Scenario;
- To acquaint with the modern corporate governance practices and developments in various countries of the world and to make a comparative analysis with Indian scenario.

3.0.Pedagogy:

- Class Room Discussion
- Case Study

- Teaching Assignment
- Project Submission
- Project Presentation
- Seminar Paper
- Panel Discussion

4.0.Evaluation Scheme:

Sl.No.	Components	Weightage (Maximum Marks)
1.	Project Submission	20
2.	Project Presentation	10
3.	Seminar Paper	10
4.	Teaching Assignment	10
5.	End Semester Examination	50

5.0.Course Contents:

Module I: Introduction to Corporate Governance [15% weightage]

- Genesis and historical development of corporate governance;
- Historical Developments of Corporate Governance in India;
- Clause 49 of the Listing Agreement;
- Objectives and fundamental principles of corporate governance;
- Models of corporate governance – German Model, Japanese Model, the UK – US Model and the Indian Model.

Module II: The Board of Directors and Board Committees[15% weightage]

- The role and importance of the board in corporate system.
- Types of board structure – Unitary board system and the two tier board system.
- Size of the board and number of directorship;
- Powers of the Board;
- Structure and composition of the board;
- Board Committees and the need for board committees.
- Director compensation.
- The role and functions of the chairman and the CEO.
- Disclosure and Transparency;
- Standard of care owed by a director – the English position;
- Negligent decisions;

- Business Judgment Rule;
- Delegation and reliance.

Module III: Fiduciary Duties of the Director [15% weightage]

- Nature of the fiduciary duty of a director.
- Director's duty to exercise an independent judgment.
- Acting in good faith and in company's interest.
- Exercising powers for a proper purpose.
- The no-conflict and no-profit rules.

Module IV: Self-dealing Transactions and Conflict of Interests[15% weightage]

- Duty of directors to disclose interests in transactions.
- Substantial property transactions.
- Loans, quasi-loans and credit transactions.
- Conflict of interest and the use of corporate property, information and opportunity.
- Competing and multiple transactions.
- Executive compensations.

Module V: Agency Problems and Derivative Actions[15% weightage]

- Shareholder litigation and corporate governance.
- Mechanisms to control agency costs.
- Merits and demerits of derivative actions.
- Difficulties with conferring rights on shareholders to litigate.

Module VI: Corporate Governance and Shareholders Rights[15% weightage]

- Rights of shareholders;
- Shareholders Rights enshrined in the Companies Act, 2013;
- Challenges in exercising Shareholders rights;
- Investors protection in India;
- Insider Trading;
- Investors Education & Protection Fund;
- Protection of Rights of Minority shareholders and Related Party Transactions;
- Shareholder Activism;

- Investors Relation;
- Role of Institutional Investors in Corporate Governance;
- Institutional Investors- Global Trends.

Module VII: Corporate Social Responsibility [10% weightage]

- Meaning and definition;
- CSR is not Philanthropy;
- CSR is a contract with society;
- Factors influencing CSR;
- Triple Bottom Line Approach of CSR;
- CSR in India;
- CSR Voluntary Guidelines, 2009;
- National Voluntary Guidelines on Social, Environmental and Economic Responsibilities of Business;
- Corporate Social Responsibility under the Company’s Act, 2013;
- Companies (Corporate Social Responsibility Policy) Rules, 2014;
- Corporate Citizenship-Beyond the mandate of law;
- CSR Standard- ISO 26000;
- CSR Assessment.

6.0.Content Interaction Plan:

Lecture Cum Discussion (Each Session of 1 hour)	Unit/Module/Topics/Sub-Topics
1-3	Module I: Introduction to Corporate Governance [3 Lectures]
4-7	Module II: The Board of Directors and Board Committees [4 Lectures]
8-11	Module III: Fiduciary Duties of the Director [4 Lectures]
12-15	Module IV: Self-dealing Transactions and Conflict of Interests [4 Lectures]
16-19	Module V: Agency Problems and Derivative Actions [4 Lectures]

20-23	Module VI: Corporate Governance and Shareholders Rights[4 Lectures]
24-27	Module VII: Corporate Social Responsibility [4 Lectures]
27 Lectures	Tutorials

7.0.Prescribed Readings:

7.1.Text Books:

1. Indrajit Dube, Corporate Governance, Lexis Nexis Butterworth, Wadhwa.
2. Arad Reisberg, Derivative Actions and Corporate Governance, Oxford University Press;
3. Stephen M. Bainbridge, the New Corporate Governance in Theory and Practice, Oxford University Press.
4. Adrian Cadbury, Corporate Governance and Chairmanship- A personal View, Oxford University Press;
5. A.C. Fernando, Corporate Governance, Principles, Policies and Practices, Pearson;
6. Avtar Singh, Company Law, Eastern Book Company,
7. Dr. G.K. Kapoor & Sanjay Dhamija, *Company Law and Practice*, Taxman.
8. Taxman's SEBI Manual, Taxman.
9. Taxman's Foreign Exchange Management Manuals, Taxman.
10. Company Act, 2013, [Bare Act], Taxman.
11. Marc Georgen, International Corporate Governance (2012) Prentice Hall Publications
12. Brian R. Cheffins, The History of Modern US Corporate Governance (2011) Edward Elgar Publishing Ltd
13. Alessio M. Paces The Law and Economics of Corporate Governance: Changing Perspectives (2010) Edward Elgar Publishing Ltd
14. William Allen, Renier Kraakman and Guhan Subramanian, Commentary and Cases on the Law of Business Organisations (2009) Aspen Publishing.
15. Brian R. Cheffins, Corporate Ownership and Control: British Business Transformed, (2008) Oxford University Press;

7.2.Reference Books: ज्ञान सेवा विमुक्तये

16. Jonathan Macey, Corporate Governance: Promises Kept, Promises Broken (2008) University Presses of California, Columbia and Princeton
17. Joseph McCahery & Erik Vermeulen, Corporate Governance of Non Listed Companies, (2008) Oxford University Press
18. Franklin Allen & Douglas Gale, Understanding Financial Crisis (2007) Oxford University Press
19. John Coffee, Gatekeepers (2006) Oxford University Press

20. Randall K. Morck, A History of Corporate Governance around the World: Family Business Groups to Professional Managers (2005) University of Chicago Press
21. Klaus J. Hopt, Corporate Governance in Context: Corporations, States and Markets in Europe, Japan and the U.S. (2005) Oxford University Press.
22. Klaus Gugler, Corporate Governance and Economic Performance (2001) Oxford University Press
23. Frank Easterbrook & Daniel Fischel, The Economic Structure of Corporate Law (1996) Harvard University Press
24. P.R.J. Holland, Contemporary Issues in Corporate Governance (1993) Oxford University Press
25. R.H. Coase, The Firm, The Market, and The Law (1990) University of Chicago Press
26. Adolf A. Berle, Gardiner Means; The Modern Corporation and Private Property (1932) Transaction Publishers
27. Alan J Dignam, Michael Galanis, The Globalization of Corporate Governance (2009) Ashgate Publishing Ltd
28. Chris A. Mallin, Handbook on International Corporate Governance (2006) Edward Elgar Publishing
29. Igor Filatofchev, Mike Wright; The Life Cycle of Corporate Governance (2005) Edward Elgar Publishing
30. Thomas Clarke, Fundamentals of Corporate Governance (2008) Sage Publications
31. Thomas Clarke, Marie Dela Rama; Corporate Governance and Globalization (2006) Sage Publications



Department of Law
School of Law and Governance
Central University of South Bihar

MLLAW2005E02	LAWS RELATING TO SECURITIES AND FINANCIAL MARKETS	L	T	P	C
Version: 1.2		2	0	0	2
Pre-requisites//Exposure	Company Law-I & Company Law-II				
co-requisites	SEBI Act & Rules				
Semester	IIInd				
Course Teacher	Dr. Pradip Kumar Das				
	LL.M.				

1.0 Course Description

Till the early nineties, the Indian economy functioned in an environment regimented by control and regulations. With the reforms initiated by the Government, the economy moved from controlled to market driven. The forces of globalisation and liberalisation compelled the corporates to restructure the business by adopting the tools, viz., mergers, amalgamations and takeovers. All these activities, in turn, impacted the functioning of the capital market. The economic and social development started being measured in relation to the growth of security market at national and global levels. With trans-national investments, on the global level there is a trend for unification of controls of securities and investments. This global phenomenon is also essentially felt in India. The new laws and regulations governing the security and commodity market fall in line with the global requirements. The study of law relating to investment and securities has attained greater impetus in today's globalised market. A well functioning securities market is conducive to sustained economic growth. The securities market fosters economic growth as it (a) augments the quantities of real savings and capital formation from any given level of national income; (b) increases net capital inflow from abroad; (c) raises the productivity of investment by improving allocation of investible funds; and (d) reduces the cost of capital.

2.0 Course Objective: The course will enable the students to understand tools of investments like securities, bonds, mutual funds. Also they will learn the role of various regulatory bodies like RBI, SEBI etc. They would get the understanding of financial institutions like banking and non-banking financial institutions.

3.0 Course Outcome:

On the completion of the course the students would be aware of the functioning of the securities market and would be well versed with the various laws and factors governing the market.

4.0 Evaluation Scheme:

- (i). Project Submission 20
- (ii). Project Presentation 10
- (iii). Seminar 10
- (iv). Teaching Assignment 10
- (v). Semester End Examination 50

Project submission deadline has to be strictly adhered failing which 50% marks shall be deducted on account of late submission.

5.0 Pedagogy

A various learning methods will be used which will emphasize a cooperative learning format. Student led discussions and presentations will be combined with instructor facilitated experiences and lectures. Specific methods include:

- Class Room Discussion
- Case Study
- Presentations
- Case Laws
- Projects
- Seminar.

6.0. Detailed Syllabus:

Module –I: Overview of Capital Market & Securities Market[20% weightage]

- Organizational Structure of Financial Market;
- Financial Markets;
- Need for Capital Market;
- Functions of the Capital Market;
- Securities Market and Economic Growth;
- Improved Investment Allocation;
- Profile of Securities Markets;
- Market Regulation;

- Securities Market Reforms & Regulatory Measures to promote investors' confidence;
- Features of Developed capital market: The International Organization of Securities Commissions (IOSCO).

Module-II: Capital Market Instruments[20% weightage]

- Classification of instruments;
- Equity Shares;
- Shares with differential voting rights;
- Preference shares, Debentures, Sweat Equity Shares, Secured Premium Notes, Equity Shares with detachable warrants, Dual Option Warrants;
- Debt Instruments with Debt Warrants, Debt for Equity Swap, Indexed rate notes, Extendable notes, Level pay floating rate, Zero coupon convertible notes,
- Deep discount bond, Disaster bonds, Option bonds, Easy exit bonds, Pay in kind bonds, Floating rate bonds and notes, Clip and strip bonds, Dual convertible bonds, Stepped coupon bonds, Industrial Revenue bonds, Commodity bonds, Carrot and stick bonds, Capital Indexed bonds, Tax Free bonds;
- Global Depository Receipts;
- Foreign Currency Convertible Bonds;
- Indian Depository Receipts;
- Hedge Funds, Exchange Traded Funds, Fund of Funds (FOFs).

Module-III: Resource Mobilisation in International Capital Market [20% weightage]

- Regulatory Framework in India;
- Depository Receipts;
- ADR & GDR;
- Depository Receipts Scheme, 2014;
- Two-way Fungibility Scheme;
- Provisions of Companies Act, 2013 relating to issue of GDRs;
- Companies(Issue of Global Depository Receipts) Rules, 2014;
- Procedure for issuance of GDR/FCCBs;
- Foreign Currency Exchangeable Bonds(FCEB);
- Difference between FCCB and FCEB;
- Issue of Foreign Currency Exchangeable Bonds (FCEB) Scheme, 2008.

Module IV: Indian Depository Receipts[20% weightage]

- Advantages of the IDR;
- Regulatory Framework of IDRs;
- Rule 13 of the Companies(Registration of Foreign Companies) Rules, 2014;
- Rights issue of IDRs;
- Compliances under SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015.

Module-V: Issue of Securities [20% weightage]

- Types of Issue;
- Meaning of draft offer document, offer document and Red Herring Prospectus;
- Pricing,
- Book building,
- Green Shoe Option facility;
- Procedure for issue of securities;
- Right Issue;
- Bonus Issue;
- Qualified Institutional Placement;
- Institutional Placement Programme;
- Issue of securities by small and medium enterprises.

7.0. Content Interaction Plan-

Lecture Cum Discussion (Each Session of 1 hour)	Unit/Topic/Module/Sub-Topic
1-5	Module –I: Overview of Capital Market & Securities Market
6-10	Module-II: Capital Market Instruments
11-17	Module-III: Resource Mobilisation in International Capital Market
18-23	Module IV: Indian Depository Receipts

24-30	Module-V: Issue of Securities
30 hrs	Tutorials

8.0. Prescribed Reading-

8.1. Text Books:

1. E. Gordon & K. Natarajan, *Financial Markets and Services*, Himalaya Publishing House.
2. Guruswami, *Financial Services*, Mc Graw Hill Education.
3. Dr. S.R. Myneni, *Law of Investment and Securities*, Asia Law House.
4. M.Y. Khan, *Indian Financial System*, The Mc Graw-Hill Company.
5. Avtar Singh, *Company Law*, Eastern Book Company,
6. Dr. G.K. Kapoor & Sanjay Dhamija, *Company Law and Practice*, Taxman.
7. Taxman's SEBI Manual, Taxman.
8. Taxman's Foreign Exchange Management Manuals, Taxman.

8.2. Reference Books:

9. Misra-Puri, *Indian Economy*, Himalaya Publishing House.
10. Sangeet Kedia, *Capital Market and securities Laws*, Pooja Law Publishing Co.
11. G.Y. Shitole, Gomathy Thyagarajan, *Performance evaluation of mutual funds in India*, Adhyan Publishers & Distributors, Financial Markets and Services,
12. Barry G. Dolgin, *A handbook of mutual fund investing, A new perspective, A new paradigm.*, Createspace,
13. Gomez, Clifford, *Financial Markets, Institutions and Financial Services*, PHI Learning Pvt. Ltd.
14. E-Resource Materials e.g. relevant research articles etc. [will be supplied to the students during class].

MLLAW2006E02	Competition Law	L	T	P	C
Version1.1		2	0	0	2
Pre-requisites//Exposure					
co-requisites					

1.0 Course Description

Till 1975, there were only a handful of countries having competition laws on their statute books. Today, more than 90 jurisdictions boast some form of competition laws. The Indian parliament passed the Competition Act, 2002, which has replaced the Monopolies and Restrictive Trade Practices Act, 1969. As India transitions from a “command and control” economy to a “free-market” economy, the nascent Competition Act is supposed to act as a bulwark of necessary support structure.

Competition plays a vital role in ensuring productivity, innovation and responsive market. Policies to stimulate competition are a key driver for improving the micro and macroeconomic performance of an economy. In a liberalized economy customer is equipped with the assurance of better quality of goods and services at an affordable price.

2.0 Course Objective

This course seeks to serve as a foundational course on competition law and policy. Nevertheless, it aims to act as a window to the vibrancy, energy, and excitement that pervade the study of competition law.

The aim of the course is to enable students to critically reflect upon the basic principles and policies at the heart of competition law. In particular, to understand how the law governs business practices that may restrict competition in economic markets through private and public enforcement and to analyze how competition law can curb anticompetitive activities and facilitate free competition.

3.0 Learning Outcome:

After completion of this course the student will be in a position to understand the role, relevancy and application of Competition Laws in global Market.

- Understand the conceptual and statutory framework.
- They will get applied understanding of competition intricacies
- Identify the issues and challenges of Competition Law.

4.0 Pedagogy:

The teaching in this course is done by way of lectures, seminars and tutorial sessions. The lecture series is devoted to examination of the relevant statutory and case law.

5.0 Evaluation Scheme:

Sl. No.	Components	Weightage (Max. Marks)
1	Project Submission	20

2	Project Presentation	10
3	Seminar	10
4.	Teaching Assignment	10
5.	Semester End Examination	50

6.0 Syllabus

MODULE I BASIC CONCEPTS

- i. Competition, Market Structure: Perfect Market Structure, Imperfect Market Structure Monopoly and anti-trust policy, Monopolistic competition, Oligopoly.
- ii. Inception of Competition Laws: A comparative study.
- iii. Interface between Economics and Competition Law, economic concerns of competition law.
- iv. Classical theory, Neo-Classical theory, Chicago School, the Neo Austrian School and Harvard School.

CASES

- RRTA vs Svadesi Mills Co. Ltd RTPE 19 of 1974, order dated 30/1/1976
- RRTA vs Crompton Greaves Ltd Order dated 29/10/1976
- Amco Batteries Ltd and others RTPE 25 of 1976, order dated 8/5/1978
- DGIR vs Four Wheeler Nishan Owners Union and Others RTPE 94 of 1990, order dated 8/5/2001

MODULE II REGULATORY FRAMEWORK IN INDIA

- i. Constitutional vision of social justice.
- ii. Sachar Committee,
- iii. MRTP Act-Salient features and its amendment in 1991,
- iv. Raghavan Committee Report,
- v. Competition Act 2002, Main features of Competition Act 2002
- vi. Enforcement Framework of Competition Act, 2002

CASES:

- Union of India & Others vs. Hindustan Development Corporation 1994 CTJ 270 (SC) (MRTP)
- Kiroloskar Oil Engines Ltd. vs. MRTPC, JT2002 (10) SC53
- Pennwalt (I) Ltd. & Another vs. MRTPC, AIR1999Delhi23
- R.C. Sood & Co. (P) Ltd. Vs. MRTPC, 1996 (38) DRJ118
- In DG (IR) vs. Modi Alkali and Chemicals Ltd 2002, CTJ 459 (MRTP)

- ITC Limited vs. MRTP Commission & Ors. (1996) 46 Comp. Case. 619.
- Alkali & Chemical Corporation of India Ltd. And Bayer India Ltd
- Sirmur Truck Operator's case (1995) 3 CTJ 332 (MRTPC)
- Truck Operators Union vs. Mr. N.C. Gupta & Mr. Sardar (1995) 3 CTJ 70 (MRTPC)
- DG (IR) vs. Sumitomo Corporation, Tokyo, Japan and others 2004 CTJ 26 (MRTP)
- Mewar Chamber of Commerce & Industry & Others v. Bhilwara dist. Truck
- Transport Union & Others, (1995) 3 CTJ 7 (MRTPC)
- Re: Bombay Cotton Waste Merchants Association & Others, (1995) 3 CTJ 185
- Johnson & Johnson Ltd. v. Maharashtra State Chemists & Druggists Associations & others., 2002 CTJ 265 (MRTP)
- Mewar Chamber of Commerce & Industry & Others v. Bhilwara dist. Truck
- Transport Union & Others, (1995) 3 CTJ 7 (MRTPC)
- Bhiwadi Manufacturers Association v. Truck Operators Association., 1 CTJ 126 (MRTPC)
- UOI v. Hindustan Development Corp. & Others, (1994) 2 CTJ 270

MODULE III REGULATION OF COMPETITION IN MARKET

- i. Anticompetitive Agreements-
- ii. Abuse of Dominance, Dominant Position, What is "joint dominance"? "Essential facilities doctrine"
- iii. Regulation of combination
- iv. Cartelization
- v. Predatory pricing: Predation and excessive pricing: What is "predatory pricing"?, Types of predatory behavior, Testing for predation
- vi. Monopolization and Other Abusive Practices
- vii. Regulatory interface between Competition Commission and other regulators viz SEBI/TRAI/IRDA/NCDRC/CERC?

CASES

- American Tobacco Co. v. United States 328 U.S. 781 (1946)
- Compagnie Maritime Belge Transports SA v. Commission of European Communities [2000]EUECJ C-365/96
- Aéroports de Paris v Commission of the European Communities(2000)
- Pepsico Inc. v. The Coca Cola Co. (2nd Circuit Court of Appeals, Dec 24, 2002)
- Rural Press Limited v Australian Competition and Consumer Commission; Australian Comp [2003] HCA 75 (11 December 2003)
- N. V. Netherlands Banden Industrie Michelin v. Commission of the European Communities [1983] ECR 3451,

- Star India P. Ltd.Vs. The Telecom Regulatory Authority of India and Ors.[Alongwith W.P.(C) 16913 and 16914/2006]
- MTNL Vs. Telecom Regulatory Authority of Delhi and Telecom Watchdog & Another Vs. Telecom Regulatory Authority of India Civil Writ Petition No. 6543 OF 1999
- Zee Telefilms Ltd. and Ors. Vs. Respondent: Union of India (UOI) and Ors. 78(1999)DLT738

MODULE IV INTERNATIONAL DIMENSIONS OF COMPETITION LAW

- i. Globalization and competition Law.
- ii. World Trade Organization and Competition Law
- iii. Regulatory Framework for Merger control vis a vis competition in US, UK and EU
- iv. Emerging Issues in Competition Law
- v. Interface of IPR and Competition.
- vi. Cross border issues in competition law

CASES

- Akzo v Commission Case C-62/86 ECR I-3359,[1993] 5 CMLR215
- Brooke Group ltd. v. Brown & Williamson Tobacco Corp 509 U.S. 209
- Matsushita V. Zenith Radio Corp., 475 U. S. 574 (1986)
- MSG Media Service40 Merger case Decision 94/922 [1995] 1 CEC 2,509
- British Telecom/MCI (II) Case No COMP/M.856 - British Telecom/MCI (II), OJ 1997 L336/1.
- CMA CGM v EC Commission Case T-213/00 [2003] E.C.R. II-913
- United States v Terminal Railroad Association 224 U.S. 383 (1912).
- Eastman Kodak Co. v. Image Tech. Inc 504 US 451, 482-3 (1992)
- Verizon Communications Inc. v. Law Offices of Curtis V. Trinko 540 U.S. 398, (2004).
- Re Independent Service Organizations Anti-trust litigation (the XEROX case) 203 F.3d 1322 Fed Cir 2000
- FTC v Dell Computer 121 F.T.C. 616 (Federal Trade Commission 1996)

Prescribed Books

- 1) C. Noonan, Emerging Principles of International Competition law
- 2) C.R. Leslie, Antitrust law and Intellectual Property Rights: Cases and Materials
- 3) D. Gerber, Global Competition
- 4) H.H. Lidgard, National Developments in the Intersection of IPR and Competition Law
- 5) J. Goyder and A. Albersliorens, Goyder's EC Competition Law
- 6) K.S. Anantharaman, Lectures on Company Law and Competition law

- 7) P. Hughes and P.Burbidge, Competition Law
- 8) R.J.R. Peritz, Competition Policy in America
- 9) R. Whish, Competition law
- 10) S.D. Anderman, The Interface between Intellectual Property Rights and Competition Law
- 11) T.Prosser, The limits of competition law
- 12) V Korah and I. Lianos, Competition Law: texts, cases and materials
- 13) S.M. Dugar, Commentary on MRTP Law, Competition Law & Consumer Protection Law,
- 14) Vinod Dhall, Competition Law in India Policy, Issues, and Developments
- 15) T. Ramappa, Competition Law in India: Policy, Issues and Developments
- 16) Einer Elhauge and Damien Geradin, Global Competition Law and Economics
- 17) Martyn Taylor, International Competition Law: A New Dimension for the WTO
- 18) Rudolf Peritz , *The Interface between Intellectual Property Rights and Competition Policy*, edited by Steven Anderman (Cambridge University Press, 2007).
- 19) Maher M. Dabbah; EC and UK Competition Law:-Commentary, Cases and Materials, Cambridge University Press
- 20) Joanna Goyder and Albertina Albers –Llorens ,Goyder’s EC Competition Law, Oxford University Press
- 21) Alison Jones and Brenda Sufin, EC Competition Law: Text, Cases and Materials, Oxford University Press
- 22) Louis Philips, Competition Policy: A Game Theoretical perspective, Cambridge University Press.
- 23) Bishop, S and Walker, M (1999) “*The Economics of EC Competition Law: Concepts, Application and Measurement*”, London: Sweet and Maxwell.

WEB SITES

www.unctad.org

www.wto.org

www.cci.gov.in

MLLAW1003E02	CRIMINAL JUSTICE AND HUMAN RIGHTS	L	T	P	C
Version: 1.1		2	0	0	2
Pre-requisites//Exposure	Constitution of India, Indian Penal Code, Criminal Procedure Code				
co-requisites	United National Declaration on Human Rights, Various International Conventions and Treaties on Human Rights				
Semester	I				
Programme	LL.M.				

Course Description: Criminal Justice System is one of the critical areas of Human Rights and Duties where the legal system is tested on a continuous basis for preservation of peace and security in the society on the one hand, and preservation of human dignity of both victims of crime and persons accused of it. This paper provides a detailed study of the concept besides the conceptual and other perspectives, Human Rights Problems, Rights of the Accused, Rights of inmates of prisons and custodial homes and the right to legal aid, access to justice and speedy justice.

Course Objectives:

Specific objects of the course are as follows:

- To understand the concept, role and nature of Criminal Justice System.
- To identify the causes of poor functioning of Criminal Justice system with respect to Human Rights.
- To assess to role of constitutional justice and interference of rule of law in governance.
- To identify why gross violations of Human Rights have become part of Justice system in India
- To assess the impact of role judiciary in protection of Human Rights.
- To examine the challenges and options of Criminal Justice and Human Rights.

Course Outcomes:

- Understand the relation between Criminal Justice and Human Rights

- Able to develop a broader perspective of aims, and functional constraints of Criminal Justice System. After completion of the course student shall come to know why it is necessary to make accountability of Criminal Justice System towards Human Rights Violations.
- Students will also appreciate the role of Supreme Court as being the guardian of Human Rights in India.

Pedagogy:

A various learning methods will be used which will emphasize a cooperative learning format. Student led discussions and presentations will be combined with instructor facilitated experiences and lectures. Specific methods include:

- Class Room Discussion
- Teaching Assignment
- Presentations
- Case Studies
- Projects
- Seminar
- Panel Discussion

Evaluation Scheme:

Sl. No.	Components	Weightage (Max. Marks)
1	Project Submission	20
2	Project Presentation	10
3	Seminar	10
4.	Teaching Assignment	10
5.	Semester End Examination	50
6	Total	100

Module 1: Conceptual Perspective

- Concept of Crime and Criminal Liability
- Offences Involving Human Rights

- Role of Criminal Justice System

Module 2: Human Rights Problems:

- Police Atrocities and Accountability
- Violence against women and Children
 - Protection of Women from Domestic Violence Act, 2005
 - Juvenile Justice Act, 2006
- Communal Violence, Hate Speech
- Human Rights of Weaker Sections of the Society
 - Sociological Perspective
 - Dalit Movements
- Maintenance of Law and Order
- Terrorism and Insurgency

Module 3: Rights of Accused

- Double Jeopardy
- Ex- post facto Law
- Against Self-Incrimination
- Production before Magistrate
- Fair Trial
- Speedy Trial
- Appeal

Module 4: Rights of Inmates of Prisons and Custodial Homes

- Protection Homes
- Reformatory and other Institutions
- Prison

Module 5: Rights to Legal Aid, Access to Justice and Speedy Justice

- Right to Legal Aid
- Right to compensation
- Ordinary Courts
- Special Courts
- District Human Rights Courts
- Nyaya Panchayats
- Human Rights Sensitization.
 - Rules of National Human Rights Commission
 - Human Rights Protection Act, 1993

Recommended Books:

1. M.P. Jain, Indian Constitutional Law, LexisNexis,
2. Seervai H.M., *Constitutional Law of India*,
3. Austin Granville, *The Indian Constitution: Cornerstone of A Nation: Cornerstone of A Nation (Classic Reissue)*,
4. Bava, Noorjahan, (ed), (2000), Human rights and Criminal Justice Administration in India, Uppal Publishing House, New Delhi
5. Ghosh, S.K., (1993), Torture and Rape in Police Custody, New Delhi: Asish Publishing House.
6. Vibhute, K.I., Criminal Justice A Human Rights Perspective of the Criminal Justice Process in India, 1st Edition 2004, Eastern Book Company
7. Bhardwaj, H.R., Crime, Criminal Justice and Human Rights, Konark Publishers
8. Andrew Ashworth, QC (Hon); Alison Macdonald; Ben Emmerson, QC, Human Rights and Criminal Justice, 3rd Edition, Sweet & Maxwell
9. Sinha, Manoj; Implementation of Basic Human Rights, Lexis Nexis
10. Sinha, Manoj; Basic Document in Human Rights and Refugee Law, Lexis Nexis

Research Papers:

1. Vibhute Baxi, Upendra, (1988), Clemency, Extradition and Death: The Judicial Discourse in Keher Singh, *Journal of Indian Law*, Vol. 30, and No. 4.
2. Bhagwati, P.N.,(1985,) Human Rights in the Criminal Justice System, *Journal of Indian Law Institute*, Vol. 27, No. 1.
3. Arora, Nirman, (1999), Custodial Torture in Police Stations in India: A Radical Assessment, *Journal of Indian Law Institute*, Vol. 41, Nos 3 and 4.
4. Subramanian, K. S. "Decolonising Rule of Law." *Economic and Political Weekly* 44, no. 9 (2009): 33-35. <http://www.jstor.org/stable/40278551>.
5. Baxi, Upendra. "The Twilight of Human Rights in India." *India International Centre Quarterly* 30, no. 2 (2003): 19-28. <http://www.jstor.org/stable/23006102>.
6. George Mathew. "Panchayati Raj Institutions and Human Rights in India." *Economic and Political Weekly* 38, no. 2 (2003): 155-62. <http://www.jstor.org/stable/4413076>.
7. Prabhash, J. "MEDIATED RIGHTS: MEDIA, WOMEN AND HUMAN RIGHTS IN INDIA." *The Indian Journal of Political Science* 66, no. 1 (2005): 53-74. <http://www.jstor.org/stable/41856112>.
8. Maan, Inderjeet Singh. "GLOBALIZATION : Its Impact On Women Human Rights in India." *The Indian Journal of Political Science* 69, no. 2 (2008): 371-79. <http://www.jstor.org/stable/41856423>.
9. Jain, Nilanjana. "HUMAN RIGHTS UNDER DEMOCRACY." *The Indian Journal of Political Science* 67, no. 1 (2006): 143-52. <http://www.jstor.org/stable/41856200>.
10. H. Suresh. "Human Rights and Criminal Justice Functionaries." *Economic and Political Weekly* 31, no. 24 (1996): 1441-444. <http://www.jstor.org/stable/4404259>.

Important Note:

1. The topics and study materials mentioned above are not exhaustive. The teacher teaching the course shall be at liberty to add new topics/legislations/cases.
2. The students are required to study the legislations as amended up-to-date and consult the latest editions of books.

MLLAW1001E02	CRIMINOLOGY AND CRIMINAL JUSTICE ADMINISTRATION	L	T	P	C
Version1.1		3	0	0	2
Pre-requisites//Exposure	Indian Penal Code, Law of Evidence, Code of Criminal Procedures, Judicial Decisions etc.				
co-requisites					

Course Description

Criminology may be described as a study of the crime and its causes. In its broader perspective, criminology means the study of crime, the causes of crime and the crime problems, the preventions of crime and the effects of punishment on criminals and society and the treatment of the criminals. Ineffective treatment of juveniles and adults both is also a reason of criminal behavior. The punishment and the reformative patterns have the effects on the criminals and society both.

Our criminal justice system is basically an adversarial justice system whose main hypothesis is that every person is presumed to be innocent unless the contrary is proved. In our system we always talk about rights and duties. The question thus come out as what are rights? Rights are generally the protected interests of an individual by the states. So when any criminal act is done by any individual, the state is bound by its duty to protect the interests of both i.e. the victims as well as the accused. This brings into the emergence of different statutory provisions to safeguard the values of all. The well recognized fundamental principles of criminal jurisprudence are presumption of innocence and right to silence of the accused, burden of proof on prosecution and the right to fair trial in the criminal jurisprudence is given a wider area to the accused. So now the question arises that how far it is correct to hold that accused should be given the benefits as under Indian Criminal Justice Administration.

Course Objectives

Specific objects of the course are as follows:

- To understand the concept, role and nature of criminology
- To identify the causes of crime

- To study the criminal behavior and its causes
- To secure an orderly society
- To assess the impact of judicial decisions on criminal justice administration
- To examine the challenges before the police, courts, investigating agencies, criminals and other stakeholders in criminal justice administration
- Attitude of criminals and their reformation and rehabilitation.

Pedagogy

A various learning methods will be used which will emphasize a cooperative learning format. Student led discussions and presentations will be combined with instructor facilitated experiences and lectures. Specific methods include:

- Class Room Discussion
- Teaching Assignment
- Presentations
- Case Studies
- Projects
- Seminar
- Panel Discussion

Evaluation Scheme:

Sl. No.	Components	Weightage (Max. Marks)
1	Project Submission	20
2	Project Presentation	10
3	Seminar	10
4.	Teaching Assignment	10
5.	Semester End Examination	50
6	Total	100

UNIT I.

A. Introduction

- What is Criminology, Growth , Nature and Scope of Criminology.
- Criminal Law- Nature and Elements, Fundamentals of Modern Criminal Liability.
- Causes of Crime and Criminal Jurisprudence., Theories of Crime
- Prevention of Crime and the role of Society
- Theories of Criminal behavior.

UNIT II.

Administration of Criminal Justice

- Classification of Offences
- Investigation of Criminal Case.
- Arrest and Examination of the Accused.
- Rights of the Accused.
- Plea Bargaining

UNIT III

Criminal Justice and Trial Procedures

- Bail and Personal Liberty
- The Accusatorial and Inquisitorial System of Trial
- Principle Feature of Fair Trial
- Inherent Powers of the High Court..

UNIT IV.

Criminal Justice and Rule of Evidence

- Admission and Confession
- Dying Declaration
- Expert Evidence
- Admissibility and Inadmissibility of Evidence

Recommended Books

1. T.K.Benarjee, *Background to Indian Criminal Law*
2. Ratan Lal & Dhiraj Lal, *Law of Criminal Procedure*
3. Sarkar, *Law of Evidence*
4. K.N.C.Pillai. R.V.Kelkars *Outline of Criminal Procedure*
5. Patric Devline, *The Criminal Prosecution in England*
6. P.D.Sharma, *Police and Criminal Justice System in India*
7. T.Bhattacharya, *The Indian Penal Code*
9. V.N.Pranjape, *Criminal Procedure Code*
10. V.N.Pranjape, *Criminology and Penology*
11. M.Monir, *Law of Evidence*
12. Ahmed Siddiqui, *Criminology and Penology*
13. Law Commission of India , *Forty Second Report, Chapter 3*
14. *Malimath Committee Report, 2004*
15. *Report of Committee on Reforms of Criminal Justice System 2003*



MLLAW1006E02	CYBER LAW	L	T	P	C
Version1.1		2	0	0	2
Pre-requisites//Exposure					
co-requisites					

Course Description

The internet in India is growing rapidly. It has given rise to new opportunities in every field we can think of – be it entertainment, business, sports or education. Due to immense increase in the use of Internet and dependency of individuals in every field, a number of new crimes related to Computer and other gadgets based on internet have evolved in the society. *Such crimes where use of computers coupled with the use of Internet is involved are broadly termed as Cyber Crimes.*

There was no statute in India for governing Cyber Laws involving privacy issues, jurisdiction issues, intellectual property rights issues and a number of other legal questions. With the tendency of misusing of technology, there arisen a need of strict statutory laws to regulate the criminal activities in the cyber world and to protect the true sense of technology "**INFORMATION TECHNOLOGY ACT, 2000**" [ITA- 2000] was enacted by Parliament of India to protect the field of e-commerce, e-governance, e-banking as well as penalties and punishments in the field of cyber crimes. The above Act was further amended in 2006 and 2008.

Course Objectives

1. To understand the significance of digital world in every person's life
2. To impart knowledge about the laws governing cyber space
3. To impart knowledge about the international developments in this field
4. To create awareness about various types of Cyber Crimes and laws for convictions under them

Course Outcomes

On completion of this course, the students will be able to

1. Understand all the legal and regulatory aspects of Internet and the World Wide Web which govern them as netizens.
2. Understand the encompassing nature of this domain with other very distinct fields of law such as IPR & Contract Laws.
3. Understand the rights and obligations of every netizens and the safeguards available against any fraud and crime in cyber space.

Reference Books

- 1) Vishwanathan Suresh T., "The Indian Cyber Law" Second Edition 2001:- Bharat Law House.
- 2) Prasad T.V.R. Satya, "Law Relating to Information Technology (Cyber Laws)" 1st edition 2001:- Asia Law House.
- 3) Syed Shakil Ahmed and Reheja Rajiv, " A Guide to Information Technology" (Cyber Laws & Ecommerce) Edition 2001:- Capital Law House.
- 4) Reed Chris, "Computer Law", Third Edition 1996 (First Indian Reprint 2000):- Universal Law Publishing Co. Pvt. Ltd.
- 5) Kamath Nandan, "Law Relating to Computers Internet & E-commerce (A guide to Cyber Laws & the Information Technology Act, 2000 with Rules & Notification)", 2nd Edition, Reprint : 2002:- Universal Book Traders.
- 6) Narayanan P., " Intellectual Property (Trade Marks & the Emerging concepts of Cyber property rights (HB)", 3rd Edition. (HB), 2002:- Universal Book Traders
- 7) Duggal Pavan, "Cyberlaw: The Indian Perspective" 2002:- Saakshar Law Publications

4.0 Evaluation Scheme:

Sl. No.	Components	Weightage (Max. Marks)
1	Project Submission	20
2	Project Presentation	10
3	Seminar	10
4.	Teaching Assignment	10
5.	Semester End Examination	50

5.0 Pedagogy

A various learning methods will be used which will emphasize a cooperative learning format. Student led discussions and presentations will be combined with instructor facilitated experiences and lectures. Specific methods include:

- Class Room Discussion

- Presentations
- Case Laws
- Case Observation
- Projects
- Seminar

6.0. Syllabus

Module 1

A. Introduction

Jurisprudence of cyber law, Conceptual and theoretical perspective of cyber law, Freedom of expression on the internet; Internet and problems of geography, Sovereignty- Functional Equality

B. E-contracts – Concept :

1. offer and acceptance
2. Acceptance of contract: applicability of postal rule
3. E-commerce directives and Regulations
4. Incorporation of terms
5. Identity of contracting parties
6. E-contracts : extent of details :

Module 2

Cyber Law: Legal Issues and Challenges in India, USA and EU

A. Recognition of liability in the digital world

B. Legal recognition of Digital Evidence

C. Data Protection, Cyber Security

D. Jurisdiction Issues:

- Addressing multiple jurisdiction
- Application of International law
- Zippo Test

- E. Digital signature certificates, Securing electronic records and digital signature,
- F. Electronic commerce and Taxation.

Module III

Cyber Law: International Perspectives

- A. Budapest Convention on Cybercrime
- B. ICANN's core principles and the domain names disputes
- C. Net neutrality and the EU electronic communications regulatory framework
- D. Web Content Accessibility Guidelines (WCAG) 2.0

Module IV

Intellectual Property Issues and Cyberspace

- A. Trade Marks and Domain Name Protection, and Cyber-Squatting.
- B. Online Piracy, Copyright Regulations- Digital rights management, DMCA
- C. Concurrent Registration and international trademark regime
- D. Brand Identities, search engines and secondary market
- E. Database Right
- F. UDRP Policy and ICANN Regulation

Module V

Consumer Protection Issues

1. Consumer Protection Act
2. EC Directive on distance selling
3. E-commerce Directive
4. Payment Issues
5. Fraud Risk and Protection
6. Breach of contract
7. Credit cards, debit cards and Digital Cash
8. Charge back agreements

MODULE VI

1. Cyber crimes under the Information Technology Act, 2000,
2. Cyber crimes under International law,

3. Investigation and jurisdiction over cyber crimes.
4. Cyber terrorism, and cyber warfare Impact on privacy, identity theft.
5. International law governing Censorship, online privacy, copyright regulations,
6. Online Intermediaries liability
7. Social Networking Sites vis-à-vis Human Rights.

Recommended Books:

1. Paul Todd, Law of E-commerce, Cavendish, 2005
2. Phillips, Jeremy. Butterworths E-commerce and IT law handbook. 4th ed. London: LexisNexis Butterworths, 2007.
3. Ramappa, T. Legal issues in Electronic commerce, Macmillan, 2003.
4. Yatindra Singh : Cyber Laws.
5. Ajit Narayanan and Bennum (ed.) : Law, Computer Science and Artificial Intelligence.
6. Linda Brennan and Victoria Johnson : Social, ethical and policy implication of Information Technology.
7. Kamath Nandan : Law relating to Computer, Internet and E-Commerce.
8. Arvind Singhal and Everett Rogers : India's Communication Revolution : From Bullock Carts to Cyber Marts.
9. Lawrence Lessing : Code and other Laws of cyberspace.
10. Mike Godwin : Cyber Rights Defencing free speech in the Digital Age.
11. Ahmad, Tabrez. Cyberlaw, e-commerce & m-commerce, APH Publishing Corporation, 2009

ARTICLE



MLLAW2001E02	International Criminal Law	L	T	P	C
Version1.1		2	0	0	2
Pre-requisites//Exposure					
co-requisites					

1.0. Course Description

From the Nuremberg trial to the case against Saddam Hussein, from the prosecution of Al-Qaeda terrorists to the trial of Somali pirates – no area of law is as important to world peace and security as international criminal law. This course will educate students about the fundamentals of international criminal law and policy. We will explore the contours of international crimes such as genocide, war crimes, terrorism, and piracy. We will examine unique modes of international criminal liability and specialized defenses.

2.0. Course Objective:

- To examine the constraints and workability of the principle of Sovereignty in international crime.
- To understand the basic aspects of International Criminal Law, its development and essentials.
- To assess the impact of general principle of the International Criminal Law.

3.0 Learning Outcome:

At the end of the course the students will be able to:

1. Know various types of International Crimes
2. Understand the ingredients of International Crimes
3. The working of various International Criminal Tribunals (Past and Present)

4.0 Pedagogy:

1. Lecture Method
2. Discussion Method
3. Presentations
4. Guest Lecture/Expert Lecture
5. Seminar

5.0 Evaluation Scheme

Sl. No.	Components	Weightage (Max. Marks)
1	Project Submission	20
2	Project Presentation	10

3	Seminar	10
4.	Teaching Assignment	10
5.	Semester End Examination	50

6.0 Syllabus

Unit 1 Introduction:

1.1. International Criminal Law: Definition, Sense and Sensibility

1.2. Individual Responsibility

- Historical Development
- Treaty of Versailles
- Nuremberg and Tokyo International Military Tribunals
- Genocide Convention
- Geneva Conventions
- ICTY, ICTR and ICC

SUGGESTED READINGS

ARTICLES

Tallgren, The Sensibility and Sense of International Criminal Law, 13 EUR. J. INT'L L. 561-595 (2002)

E. Greppi, The evolution of individual criminal responsibility under the International Law, International Review of the Red Cross No. 835, pp. 531-553 (1999)

BOOKS

1. Antonio Cassese, International Criminal Law, (2008), Oxford University Press
2. Wil0liam A. Schabas, An Introduction to International Criminal Court, Cambridge University Press, 2007
3. Sinha, Manoj; Historical Development of International Criminal Law, ISIL
4. Sinha, Manoj; International Criminal Law and Human Rights, Maanak Publication Delhi, 2010

Unit 2 Crimes and Elements of Crime

4.1 Genocide

4.2 Crimes Against Humanity

4.3 War Crimes

SUGGESTED READINGS

ARTICLES

A. Eser, Mental Element – Mistake of Fact and Mistake of Law in Cassese, Gaeta Jones, ICC Commentary, vol. 1, 911-20

BOOKS

1. G. Werle, Principles of International Criminal Law (The Hague: T.M.C. Asser Press, 2005), 94-5
2. Elizabeth van Schaak, Ronald C. Slye, International Criminal Law: The Essentials, Wolters Kluwer, 2009

Unit 3 General Principles of International Criminal Law

3.1 Sovereignty

3.2 Modes of Criminal Responsibility

- Criminal Liability
- Command Responsibility

3.3 Defenses

- Superior Orders
- Duress

SUGGESTED READINGS

ARTICLES

B. F. Smith, The American Road to Nuremberg- The Documentary Record – 1944-45 (Stanford, Cal.: Hoover Institution Press, 1982) at 35

BOOKS

1. Antonio Cassese, International Criminal Law, (2008), Oxford University Press
2. William A. Schabas, An Introduction to International Criminal Court, Cambridge University Press, 2007
3. Jordan J Paust, International Criminal Law: Cases and Materials, Carolina Academic Press

Unit 4 International Criminal Tribunals

4.1. Ad hoc tribunals and Hybrid Courts

- ICTY
- ICTR
- Special Court for Sierra Leone & East Timore
- International Criminal Court

SUGGESTED READINGS

REPORT

1. Report of the International Law Commission, 46th Session, 2 May – 22 July 1994, UN GAOR, 49th Session, Supp. No. 10, UN Doc. A/49/10 (1994)

ARTICLES

H. van der Wilt, *Bilateral Agreements between the US and the State parties to the Rome Statute: Are they compatible with the Object and Purpose of the Statute?* *Leiden L. Int'l L.* 93-111 (2005)

BOOKS

1. William A. Schabas, *The UN International Criminal Tribunals: The Former Yugoslavia, Rwanda and Sierra Leone*, Cambridge University Press, 2006
2. William A. Schabas, *An Introduction to International Criminal Court*, Cambridge University Press, 2007
3. Beth Van Schaack; Ronald C. Slye, *International Criminal Law and Its Enforcement, Cases and Materials*, Foundation Press

Unit 5 National Prosecution of International Crimes

- Universal Jurisdiction
- Security Council and Rome Statute
- India and International Criminal Law

SUGGESTED READINGS

BOOKS

1. Antonio Cassese, *International Criminal Law*, (2008), Oxford University Press
2. Alexander Zahar, *International Criminal Law: A Critical Introduction*, Oxford

Unit 6. The Future of International Criminal Law

SUGGESTED READINGS

ARTICLES

G. P. Fletcher, *Parochial versus Universal Criminal Law*, 3 *Journal of Int. Criminal Law* 20-34 (2005)

BOOKS

1. Antonio Cassese, *The Oxford Companion to International Criminal Justice*, Oxford, 2009

Recommended Books

1. Antonio Cassese, *International Criminal Law*, Oxford, 2008
2. William A. Schabas, *An Introduction to International Criminal Court*, Cambridge University Press, 2007
3. Robert Cryer, *International Criminal Law and Procedure*, Cambridge University Press, 2007
4. Antonio Cassese, *The Oxford Companion to International Criminal Justice*, Oxford, 2009

5. William A. Schabas, *The UN International Criminal Tribunals: The Former Yugoslavia, Rwanda and Sierra Leone*, Cambridge University Press, 2006
6. Alexander Zahar, *International Criminal Law: A Critical Introduction*, Oxford
7. Jordan J Paust, *International Criminal Law: Cases and Materials*, Carolina Academic Press
8. M Cherif Bassiouni, *International Criminal Law*, Brill
9. Beth Van Schaack; Ronald C. Slye, *International Criminal Law and Its Enforcement, Cases and Materials*, Foundation Press
10. Elizabeth van Schaak, Ronald C. Slye, *International Criminal Law: The Essentials*, Wolters Kluwer, 2009



MLLAW1001E02	POLICE LAW AND ADMINISTRATION	L	T	P	C
Version1.1		2	0	0	2
Pre-requisites//Exposure	Administration, Police and Reform, and Socio-legal issues				
co-requisites					
Semester	I				
Programme	LL.M.				

Course Description

Within any country the role of police is very different from what it was a century ago. To this global change with regard to the role of police, India is no exception. The Indian police was originally conceived of as a force, to improve and strengthen the system collection of revenue by the East India Company. The police system designed by the Act of 1861 was based on, perhaps, on two prime considerations- to safeguard the interests of the British Rule and to protect the British citizen in India. The situation, however, is much different now. The Indian Police, today, is service oriented organization. Though the concepts such as police role. Performance and service, changed after independence, in practice such concepts have not changed remarkably. The changed context demands an active, alert, judicious service-oriented and responsive police force.

Course Objectives

Specific objects of the course are as follows:

Objectives; Explain the importance of police within the criminal justice administration.

- Discuss the origin and the organizational setup of the police in general and in particular about India.
- Analyze the structural the set-up of the police in particular reference to police services in India.
- Discuss the powers of the police in the administration of criminal justice.
- Explain and categorize the functions of police as per the provisions in law and in practice.

Pedagogy

A various learning methods will be used which will emphasize a cooperative learning format. Student led discussions and presentations will be combined with instructor facilitated experiences and lectures. Specific methods include:

- Class Room Discussion
- Teaching Assignment
- Presentations
- Case Studies
- Projects
- Seminar
- Panel Discussion

Evaluation Scheme:

Sl. No.	Components	Weightage (Max. Marks)
1	Project Submission	20
2	Project Presentation	10
3	Seminar	10
4.	Teaching Assignment	10
5.	Semester End Examination	50
6	Total	100

Unit I: Introduction

- History of Indian Police
- Policing in Ancient, Medieval and Modern India
- Police Act of 1861
- National Police Commission Recommendations (NPC), 1979.
- The Police System Structural Organization of Police
- Role of police in modern societies.
 - Problems in Police Administration: Human Rights, Jurisdiction

Unit II:

- Organization and Structure of Indian Police

- The Police System Structure and hierarchy.
- Functioning of police organizations
- Types of police organizations.
- State Police.
- District Police,
- Central Police Organizations.
- International Criminal Police Organizations

Unit III:

- **Police** Investigation Procedures - Methods of Investigation - Information, Interrogation and Instrumentation. Recording of FIR, Case Diary and Station House Diary.
- Modus Operandi, Collection of Evidence, Examination of Witnesses and Suspects, Confession, Filling charge sheet.

Unit IV:

- Contemporary Policing :- Modernization of police, Public perception of police,
- Police self image : measures to improve police image;
- Police Administration *vis-à-vis* Terrorism
- Developing healthy police public relationship, zero tolerance policing.
- Police Reforms and role played by Supreme Court

Reference:-

1. The Padmanabhaiah Committee on Police Reforms
2. *Parmar. M.S.*, (1992), Problems of Police Administration, Reliance Publishing House, New Delhi.
3. *Sankar Sen* (1986), Police Today, Ashish Publishing House, New Delhi
4. *. Krishna Mohan Mathur* (1994), Indian Police, Role and Challenges, Gyan Publishing House, New Delhi
5. *Gautam, D.N.* (1993), The Indian Police : A study in fundamentals, Mittal Publications.
6. *Ramanujam .T* (1992), Prevention and Detection of Crime, Madras Book Agenc 6.James,
7. Vadackumchery, 1998, Crime, Police & Correction, APH Publishing Company, New Delhi
8. *Mayhill, Pamela D*, 1985, Police-community relations and administration of justice, Prentice Hall Englewood Cliffs
9. Prakash Singh & Ors vs Union Of India And Ors .2006(9)SCALE444.
10. Vineet Narain & Ors. v. Union of India & Anr. [(1998) 1 SCC 226

MLLAW2003E02	CORPORATE CRIME/WHITE COLLAR CRIME	L	T	P	C
Version1.1		2	0	0	0
Pre-requisites//Exposure					
co-requisites					

1.0 Course Description:

Contemporary societies feel increasingly threatened by crimes carried out by corporations where huge amount of embezzlement of fund takes place. Corporate crimes were once thought of as victimless offenses, but now with billions of dollars and an increasingly global economy at stake this is understood to be far from the truth. This subject explores the complex interplay of factors involved when corporate cultures normalize lawbreaking, and when organizational behavior is pushed to unethical (and sometimes inhumane) limits.

2.0 Course Objective

This papers intends to identify the reason and solution of corporate crime. Corruption induce informality by acting as a barrier to entry into the formal sector. Firms that are forced to go underground operate at a smaller scale and are less productive. Corruption also affects the growth of firms in the private sector. This result seems to be independent of the size of the firm. A channel through which corruption may affect the growth prospects of firms is through its negative impact on product innovation. SMEs pay higher bribes as percentage of revenue compared with large companies and bribery seems to be the main form of corruption affecting SMEs. Bribery is not the only form of corruption affecting large firms. Embezzlement by a company's own employees, corporate fraud, and insider trading can be very damaging to enterprises too. There is evidence that the private sector has as much responsibility in generating corruption as the public sector. Particular situations such as state capture can be very damaging for the economy.

3.0 Course Outcome

- (i) After completion of the course student shall have an understanding of development and issues related to corporate crime
- (ii) The students shall have a working knowledge of global statutes relating to corporate crime.
- (iii) The students would develop a critical understanding of how to solve issues related to corporate crime.

4.0 Evaluation Scheme:

Sl. No.	Components	Weightage (Max. Marks)
1	Project Submission	20
2	Project Presentation	10
3	Seminar	10

4.	Teaching Assignment	10
5.	Semester End Examination	50

5.0 Pedagogy

A various learning methods will be used which will emphasize a cooperative learning format. Student led discussions and presentations will be combined with instructor facilitated experiences and lectures. Specific methods include:

- Class Room Discussion
- Presentations
- Case Laws
- Case Observation
- Projects
- Seminar

6.0 Course Contents:

Module I

Introduction

1. Definition, nature & forms of corporate crime.
2. Causes of corporate crime.
3. Types of corporate crime.
4. Characteristic of corporate criminals.

ModuleII

Economic Offences

1. Definition
2. Introduction of offences as listed in Schedule 13 of Companies Act
3. Securities, Corporate and Fiduciary Frauds
 - Insider Trading
4. Environmental Law
5. Crime against Consumers
6. Medical Crime
7. Computer Crime
8. IPR violation
9. Tax & Duties violation
10. Labour Laws violation
 - Payment of wages
 - Minimum wages

- Provident Funds Act, etc.

Module III Liabilities of Corporation & Individuals

1. Theory of vicarious liability,
 - Concept of Mens- rea /Actus Reus,
 - Attribution of Mens-rea to the company
2. From Individual conduct to Corporate Responsibility
 - Corporate Structure as way of limiting liability
 - Individual Liability for corporate/ collective Action
3. From Corporate Conduct to Individual Responsibility
 - Willful Blindness
 - Whistleblower Protection & Compensation

ModuleIV Corporate Crime and Legal System

1. Investigation and Policing various types of Corporate Crime
2. Prosecution & Imprisoning Corporate Criminals
3. Merits and demerits of the legislation in controlling crime
4. Role of Regulatory Bodies
5. Corporate Crime and Reactions of the Criminal Justice System

Module V Sociological effect of Corporate Crime

1. Violation of Civil and Human Rights
2. Victims of Corporate Crimes and its effect
3. Analysis of Criminal Behaviour
4. Role of the Mass Media
5. Damage Control

5.0 Recommended Readings:

1. Anderson, K. (2006). Utilitarianism: The Greatest Good for the Greatest Number.
2. Barkan, S. E. (2006). Criminology: A Sociological Understanding (3rded.). Upper Saddle River, NJ: Prentice Hall.

3. Bass, B. M. Concepts of Leadership. In R. P. Vecchio (Ed.) (1997). Leadership: Understanding the Dynamics of Power and Influence in Organizations. Notre Dame, IN:University of Notre Dame.
4. Chertoff, M. (2002). Testimony of the Honorable Michael Chertoff, Assistant Attorney General, Criminal Division, United States Department of Justice. Crawford, C., &Brungardt, C. (1999). Risk Leadership: The Courage to Confront and
5. Dotter, D. (2004). Creating Deviance: An Interactionist Approach. New York: AltaMira Press. Empey, L. T. (1982). Social Control Theory. Republished in Theories of Deviance (5thed.). S.H. Traub& C. B. Little (Eds.). Belmont, CA: Wadsworth.
6. Yeager, Peter & Marshall Clinard. Corporate Crime (Law and Society Series)
7. Mclean, Bethany &Elkind Peter. The Smartest Guys in the Room: The Amazing Rise and Scandalous Fall of Enron
8. Wells, Joseph T. Fraud Casebook: Lessons from the Bad Side of Business
9. Wells, Joseph T. Corporate Fraud Handbook: Prevention-Detection. 2nd Ed. Wiley, John & Sons, Incorporated
10. Pontell, Henry N. International Handbook of White-Collar and Corporate Crime
11. Bricke, Kathleen F. Corporate and White Collar Crime: Cases and Materials: (5th Ed.) Aspen Casebook Series Washington University

MLLAW2002E02	Sentencing and Criminal Justice	L	T	P	C
Version1.1		2	0	0	2
Pre-requisites//Exposure					
co-requisites					

1.0 Introduction

Sentencing is a seriously underdeveloped area of law even though there have been substantial developments in judicial decisions in recent years regarding the formation of sentencing policy. It is in the realm of punishment that the power of the state over the individual is at its zenith, and it is the law which controls and guides this power. One would expect sentencing law to constitute one of our richest and best developed areas of law. However, sentencing law is still in a comparatively rudimentary state. Various factors have contributed to this regrettable state of affairs. Sentencing has traditionally been treated as an executive and legislative matter, rather than a judicial matter. Sentencing and Criminal justice is not recognized as a subject in the curriculum by many universities in India. Hence the introduction of this course will help the students to get an opportunity to study the subject.

2.0 Course Description

This course seeks to enable the students to understand the sentencing policy prevailing in India in granting punishment to offenders. It will provide in-depth knowledge to the students about the facts considered by the judges in awarding sentence to the offenders. This course will give an overview of the role of the judges in imposing sentences, the factors affecting the granting of lesser or severe punishment for offences, the need of reformation of offenders, the role of the legislative, executive and judiciary in sentencing. To mitigate the problem of sentencing, the principle of proportionality between crime and punishment, requiring the Judge to prepare a balance sheet of mitigating and aggravating circumstances and after balancing the two, awarding an appropriate sentence have been evolved over the period of time. Analysis of the proportionality principle and the role of aggravating and mitigating circumstances in sentencing through various case laws will help the students to understand the subject thoroughly. This course will help the students to understand the role of executive over judiciary in sentencing. This course will give advanced knowledge to the students about the subject by a comparative study with other countries.

3.0 Objectives of the Course

This course offers a specialized understanding of sentencing policies and the problematic discretion of the judiciary in the sentencing experience and its comparison with the

'developing' societies. It defines the roles and significance of the Criminal Justice system in the societal context. It evaluates current ideas and proposed changes in the purposes and operation of sentencing policy the Criminal Justice system. It analyses the role of executive in sentencing.

4.0 Course Outcome

After the completion of the course the student will understand about:-

1. The concept of sentencing and criminal justice.
2. The factors affecting sentencing.
3. The role of executive and judiciary in sentencing
4. The need for proper guidelines for sentencing.
5. A comparative study of sentencing policy with other countries like USA and UK.

5.0 Evaluation Scheme:

Sl. No.	Components	Weightage (Max. Marks)
1	Project Submission	20
2	Project Presentation	10
3	Seminar	10
4.	Teaching Assignment	10
5.	Semester End Examination	50

6.0 Pedagogy

Initial learning begins with basic understanding of the concepts through lecture classes followed by analysis of various case laws, Indian and foreign. Case law discussions and presentations in the class will extent in tutorial classes.

- Module 1** Introduction
 Aim of the criminal justice system
 Approaches to Sentencing
 The rationale of sentencing
 Principal types of sentences in the Penal Code and special laws
 Procedure for sentencing
 The Code of Criminal procedure, 1973
 S.235, S.248, S.325, S.360 and S.361
 The probation of Offenders Act, 1958
- Module 2** **Factors in sentencing**
 Elements of Proportionality
 Aggravation and Mitigation
- Module 3** Sentencing in specific offences

Sentencing in death penalty cases

Sentencing in sexual offences

Sentencing in white collar crimes

Sentencing of habitual offenders

Module 4 Approaches to Sentencing

Executive

Power of pardon under the Constitution

Power of commutation, remission and suspension under the Code of Criminal Procedure.

Judiciary

Judicial decision making and sentencing policy

Analysis of case laws

Module 5 Sentencing policy in UK and USA

Select bibliography

Legislation

- Criminal Justice Act, 1991
- Criminal Courts (Sentencing) PCCS Act, 2000
- Criminal justice Act, 2003
- S. Chhabbra, *The Quantum of Punishment in Criminal Law* (1970),
- H.L.A. Hart, *Punishment and Responsibility* (1968)
- Herbert L. Packer, *The Limits of Criminal Sanction* (1968)
- Alf Ross, *On Guilt, Responsibility and Punishment* (1975)
- Siddique, *Criminology* (1984) Eastern, Lucknow.
- K.S. Shukla, "Sociology of Deviant Behaviour" in 3 ICSSR Survey of Sociology and Social Anthropology 1969-179 (1986)
- Tapas Kumar Banerjee, *Background to Indian Criminal Law* (1990), R.Campray & Co., Calcutta.
- Andrew Ashworth, *Sentencing and Criminal Justice*, 2010 5th ed., Cambridge University, UK
- CK Boyle & MJ Allen, *Sentencing Law and Practice*, 1985 1st ed., Sweet & Maxwell, London
- Cyrus Tata & Neil Hutton (ed.) Ashgate Publishing Ltd., England
- Martin Wasik, *Emmins on sentencing*, 1998 3rd ed., Blackstone Press Ltd., London
- Philip C. Stenning, *Accountability for Criminal Justice*, 1995 1st ed., University of Toronto Press, Toronto
- R.V.Kelkar, *Criminal Procedure*, 2001 4th ed., Eastern Book Company, Lucknow

Reports

School of Law and Governance

- Government of India, Law Commission 35th Report, 1967
- Government of India, Law Commission Forty-Second Report Ch. 3 (1971)
- Report on National Policy on Criminal Justice, Government of India, Ministry of Home Affairs, 2007.
- John Halliday, *Making Punishment Work- Report of a Review of the Sentencing Framework for England and Wales*, 2001
- *Justice for All*, 2002
- Silvia D'Ascoli, EUI Working Group on International Criminal Law, 2005.



LLM 507	MERGER AND ACQUISITION	L	T	P	C
Version1.1		2	0	0	2
Pre-Requisites//Exposure	Basics of Company Law				
Co-requisites					

Course Description:

Mergers, acquisition and amalgamations are popular tools of expansion, survival and growth for corporate. It has played a major role in expansion and consolidation of business organizations across the globe. Recently, it has become important in influencing market forces. The present course critically examines the provisions of the Companies Act, and other laws relating to schemes of arrangement encompassing mergers, amalgamations and takeovers to enable students to understand the procedural difficulty that must be tackled in order to successfully accomplish a scheme of amalgamation, demerger, acquisition, corporate restructuring or compromise.

Course Objectives:

The main objective of this course is to teach students the procedure of mergers, acquisition and amalgamations.

Course Outcomes:

After completion of the course, the students are expected to:

- To understand the basics of about Merger & Acquisition
- To understand the process of Merger & Acquisition
- To train students the relevant legal framework for Merger & Acquisition
- To impart the students an working knowledge on Merger & Acquisition

Pedagogy:

- Class Room Discussion
- Case Study
- Teaching Assignment
- Project Submission
- Project Presentation
- Seminar Paper
- Panel Discussion

Evaluation Scheme:

Sl. No.	Components	Weightage (Maximum Marks)
1	Project Submission	20
2	Project Presentation	10
3	Seminar Paper	10
4.	Teaching Assignment	10
5	Semester End Examination	50

Course Contents:

Module I: Introduction to Merger and Acquisition

- Mergers and Acquisitions: Meaning, Kinds and Causes
- Requirements for Its Successful and Role of Motive
- Advantages and disadvantages of Merger and Acquisition
- Amalgamation of Companies and Various Aspects of Mergers
- Corporate Demerger and Reverse Merger

Module II: Takeover and Funding of Merger and Takeover

- Takeover: Meaning, Kinds and Concept
- Legal Aspects of Takeover: SEBI Takeover Regulations
- Bail Out Takeovers and Takeover of Sick Units
- Financial Alternatives, Financial Restructuring and Rehabilitation Finance
- Funding of Merger and Takeover: Financial Instruments, Institutions and Banks

Module III: Post Merger Reorganization

- Post Merger Reorganization: Factors and Integration Model
- Strategic Interdependence and Autonomy
- Integration of Businesses and Operations
- Assessing Accomplishment of Post Merger Objectives
- Measuring Post Merger Efficiency

Module IV: Joint Ventures

- Joint Ventures: Meaning and Characteristics
- Role of Joint Ventures in Business Strategy
- International Joint Ventures
- Reasons for Failures of Joint Ventures
- Joint Ventures Vis-à-vis Anti-trust Policy

Module V: International Merger & Acquisition

- Cross-boarder Merger & Acquisition
- Opportunities and Threats
- Cross-boarder Merger & Acquisition and International Trade
- Impact of Government Policies and Political and Economic Stability
- Challenges before Cross-boarder Merger & Acquisition

References:

- Thomas L. West and Jeffrey D. Jones, *Mergers and Acquisitions Handbook for Small and Midsized Companies*, John Wiley and Sons, 1997
- Ernst And Young, *Master Guide to Mergers and Acquisition in India Tax and Regulatory*, Wolters Kulwer, 2016
- James Scott, *The Book on Mergers and Acquisitions*, A New Renaissance Corporation Publication, 2013
- Brian Coyle, *Mergers and Acquisitions*, Glenlake Publishing Company, 2000
- Sridharan, *Guide to Takeovers and Mergers*, LexisNexis Butterworths, Wadhwa, 2010
- Arunachala Ramaiya, *Guide to Companies Act*, LexisNexis Butterworths Wadhwa, 2010
- M.C. Bhandari, *Guide to Company Law Procedures*, LexisNexis Butterworths Wadhwa, 2015
- K.R. Sampath, *Merger/Amalgamations, Takeovers, Joint Ventures, LLPs and Corporate Restructure*, Snow White Publications, 2010
- S. Ramanujam, *Mergers et al- Issues, Implications and Case Law in Corporate Restructuring*, LexisNexis Butterworths Wadhwa, 2010
- K.G. Ray, *Merger and Acquisitions Strategy, Valuation and Integration*, Prentice Hall India Learning Private Limited, 2010



Course Code: MLLAW2004E02	Course Title: International Trade Law	L	T	P	C
Version1.1		2	0	0	2
Pre-Requisites/Exposure	Basics of Trade Law and International Law				
Co-requisites	Free Trade, Globalization				
Semester	II Semester				
Programme	LL.M. (One Year)				

1.0. Course Objectives:

International trade is a complicated area of law because there are numerous levels of trade organizations and interactions. There are bilateral trade agreements, regional trade agreements, and multinational trade agreements. Each of these agreements has its own history, policies, dispute settlement procedures, and limitations as well. This course will deal with the law relating to WTO, regional trade agreements, international trade and dispute settlement mechanisms, international sales, transportation with reference to shipping and aviation, financing and settlement of commercial disputes, international banking, insurance and taxation will be the major components of the course. Apart from the relevant Indian laws, the focus will be mainly upon the international legal conventions and Indian legal system in these areas. In addition, the international trade regime, as reflected in the Foreign Trade (Development and Regulation) Act and other related enactments will also be discussed in detail. The main objectives of course are to understand an international sales transaction and its elements, to understand the theories and practice of harmonization of international trade law, understand the functions of sales, carriage, payment and cargo insurance contracts in international trade, apply knowledge of these four contracts in any given factual scenario on international sales transaction, and to understand the rules governing the WTO regime in facilitating trade and the dispute settlement mechanism.

2.0. Teaching Learning Methodology:

- Lecture Method
- Seminar, presentations by students,
- Individual and group drills.
- Group Discussion Method
- Case Presentation and Analysis (Socio-Legal & political)
- Moot Court Exercise

3.0. Evaluation Scheme:

Sl. No.	Components	Weightage (Max. Marks)
1	Project Submission	20
2	Project Presentation	10
3	Seminar	10

4.	Teaching Assignment	10
5.	Semester End Examination	50

4.0. Learning Outcomes:

Successful completion of this paper will make students understand the laws relating to WTO, international sales, transportation with reference to shipping and aviation, international banking, insurance and taxation and also facilitate critical legal thinking on how to incorporate these laws in the Indian legal system while adhering to the principle of free and fair trade. The basic objective is to make them understand that trade and development are not mutually exclusive. At the end of the course, the student is trained to pick his research area of his interest and produce a thesis

5.0. Course Contents:

Module I: International Trade and Economic Law

- International Trade: Basic Principles and Concepts
- Concept of Most Favoured Nation, Non-Discrimination, and National Treatment
- Liberalization of International Trade Law: Role of GATT and WTO
- International Promotion and Development of International Trade
- The Third World Countries and Their Demand For New International Economic Order (NIEO)
- Indian Anti-dumping Code and Foreign Trade Act, 1992

Module II: Regionalism and International Trade Law

- International Trade and Regional Integration: Closed Regionalism vs. Open Regionalism
- Impact of Free Trade Regime on Regionalism: Regionalism vs. Multilateralism
- WTO and Regional Trade: Scope of Article 24
- Regional Trade Blocs: EU, NAFTA, SAFTA
- India and Other Regional Blocs: Focus on recent FTA with ASEAN

Module III: International Trade and Dispute Resolution Mechanisms

- International Institutions for Dispute Settlement Mechanism- PCIJ, PCA, ICJ, WIPO
- Dispute Settlement under WTO Regime: A Case Study Method
- Dispute Settlement under Various Agreements- GATT 1994, Agreement on Anti-Dumping, Subsidies and Countervailing Measures, Safeguard Measures, Sanitary and Phyto-sanitary Measures, Technical Barriers to Trade, Textile and Clothing, GATS, TRIPs, Agriculture
- International Trade and Alternative Dispute Resolution: Negotiation, Arbitration, Conciliation, Mediation
- International Trade and Investment Disputes and Intellectual Property Dispute
- Dispute Settlement and Enforcement in India

Module IV: International Banking, Insurance, and Taxation

- Introduction to International Banking System
- Trade liberalisation and Banking Regulations- Regional, Multilateral
- International and inter-governmental financial institutions- IMF, IBRD
- Regional Banking and Cross Border Banking
- Overview of International Taxation
- International Tax conflicts and Double taxation: Double taxation treaties

6.0. Content Interaction Plan:

Lecture cum Discussion (Each session of 1 Hour)	Module/Topic/Sub-Topic
1-2	
3-5	
6-7	
8-13	
14-17	
18-19	
20-21	
22-31	
32-33	
34-38	
39	
40	
41	
42	
43	
44	
45	
15 Hours	Tutorials

7.0. Prescribed Readings:

- Mitsuo Matsushita, *The World Trade Organization: Law, Practice and Policy*, 2006
- John Jackson, *The Jurisprudence of the GATT and the WTO: Insights on Treaty Law and Economic Relations*, 2000
- John Jackson, *The World Trade Organization: Constitution and Jurisprudence*, 1998
- John Jackson, *The World Trading System*, 1997
- John Jackson, *Implementing the Uruguay Round*, 1997

- Peter Van Den Bossche, *The Law and Policy of World Trade Organisation- Texts, Cases and Materials*
- Indira Carr and Miriam Goldby, *International Trade Law, Statutes and Conventions, 2011-2013*
- J.C.T.Chuah, *Law of International Trade- Cross Border Commercial Transactions*
- Mavroidis Petros C and Skyes, Alan O, *The WTO and International Trade Law/ Dispute Settlement*
- James D Gaisford, *Economic Analysis for International Trade Negotiations: The WTO and Agricultural Trade*
- Nigel Grimwade, *International Trade Policy- A Contemporary Analysis*
