

Educational Objective

Our aim is to create an open, supportive and enjoyable learning environment for our students. It is important that as teachers, we gain some ideas about the background, interests and objectives of law degree, and students are encouraged to take part in the design and development of the course. A student-focused approach to teaching encourages intellectual independence and creates a more stimulating and rewarding educational experience for teachers and students alike.

Vidya Vikas Mandal's

GOVIND RAMNATH KARE COLLEGE OF LAW

About Vidya Vikas Mandal

The Vidya Vikas Mandal, a registered Society was established in the year 1973. As there were no facilities for education in South Goa, the Mandal started Shree Damodar College of Commerce and Economics in the year 1973. Today the Mandal has six institutions successfully catering to needs of professional education in the State of Goa. The Institutions under the Mandal are :

Shree Damodar College of Commerce and Economics

G R Kare College of Law

The R M S Higher Secondary

The H M Gaunekar Institute of Management and Research

The Vidya Vikas ' Academy

Indira Gandhi National Open University Study Center

About The college

The G R Kare College of law was established in the year 1979. The college is situated on a spacious land area at Tansor, Comba, Margao in a Multistoreyed building, at the heart of a beautiful scenic environment, providing a conducive atmosphere for learning. It has a sufficient number of classrooms, spacious and well ventilated library, independent computer lab, Gymkhana, common room and other facilities. The College has distinguished and excellent record for over two decades. The college has organized various activities like Moot Court competitions, Law Festivals, Seminar and symposiums at the national and international levels.

The course

The Masters in Law program is designed for a period of two academic years. The University follows the semester scheme of examination [four semesters]. A total of 10 theory and two practical papers are part of the course. While the first two semesters have three theory papers each, the third and fourth semesters have two specialized theory papers. The specialization courses offered at the college are in the area of Labour, Law, Criminal Law, Human Rights and Intellectual Property Rights Branch. The second year has paper on writing a dissertation consisting of 200 marks.

Admission

Application form for admission along with prospectus can be obtained from the college office on any working day between 2.30 p.m. to 4.00 p.m. on payment of Rs.200/-. Application form duly completed shall be presented to the college office as notified by college authorities from time to time. The qualification for taking admission for LL.M. is graduation in law [LL.B.] from any UGC recognized University with a minimum of 50% passing.

The College reserves the right to hold a personal interview with each applicant before assessing whether or not the candidate should be given admission to the course.

Admission criteria shall be based on merit as well as personal interview conducted by the college. The college shall announce the list of candidates admitted through the notice board.

Library

The College has a well equipped library with a collection of more than 10,000 books, journals, magazines etc. The Library has an independent reading room, with subscription of more than 12 law journals, 10 newspapers, 9 national magazines and 5 legal magazines. The library is open on all working days between 8.00 a.m. to 5.00 p.m. On Sunday [except national holidays] the library shall be open from 9.00 a.m. to 2.00 p.m.

Students shall be allowed to borrow at a time only two books/journals/etc.

No book shall be kept by the student for more than 12 working days.

For each day of delay the student will have to pay a fine of Rs.10 per day.

Library deposit fee is Rs.1, 000 which shall be returned to the student at the time of completion of the course.

Complete silence must be maintained in the library and reading room.

Books not returned or returned in mutilated or in condition not appropriate, will attract a fine of upto Rs.1,000 or the value of the book whichever is higher. Further the student is subject for disciplinary action if found guilty of intentional wrongdoing.

Computer Lab

The College has a well equipped computer lab with 25 P4 machines connected with broadband internet connectivity, 24 hours. The College has subscribed to manupatra online legal search engine. Manupatra gives access to all the Supreme Court and High Court judgments, including Acts, notifications, ordinances etc. The computer lab is open from 10.00 a.m. to 3.00 p.m. on all working days.

Students are free to use the computer lab for academic work only.

Taking printouts or using the computer lab for personal purposes is strictly prohibited.

Chatting online and other un-academic activity in the computer lab is prohibited.

Students must use only virus free floppy or CDs.

Attendance

Attendance rules are strict. As per the Goa University Rules, a student must have a minimum of 75% attendance during each semester to qualify for the written examination. Any student not fulfilling the minimum required percentage of attendance shall not be permitted to undertake any examination, internal or external.

Seminar/Workshop

The College on a regular basis organizes State and National level seminars and workshops on various subjects and topics of current interests to the student community. The students are often encouraged to present papers and make presentations during these seminars and workshops. These workshops give the students a unique opportunity to interact with legal experts, academicians and authors

Certificate courses

The College holds annually a Certificate Course in an interrelated subject of law, medicine, science and technology. The basic aim and objective of the course is to expertise the participants with subjects and field of study which are not ordinarily part of the curriculum or syllabi. The Course is open for the public to participate and interact with the experts who handle the classes. In the past the College has conducted certificate courses in Medical Law, Cyber Law-and IPR.

Internal Examination

25 marks in Each Subject/Paper

Each paper shall have an internal assessment in the form of seminars and project work which shall be presented by the candidates. The division of internal assessment marks is as follows

Project Assignment-15 marks

A student shall be allotted a topic on the particular subject/paper for preparation and presentation. The project shall be computer typed and well researched. The assignment shall be presented before the Course Faculty.

Group discussions and seminars - 05 marks

Group discussions and seminars shall be regularly held during the tutorial period. The College shall arrange fortnightly group discussion forum in which current topics shall be debated amongst the students.

Viva-Voce - 05 marks

i) There shall be one Viva-Voce examination in each subject towards the end of each semester course. ii) The Viva-Voce examination shall be assigned by the teacher, for about 15 minutes per student.

A detailed record of the Internal examination shall be maintained by the teacher

Dissertation

Dissertation: 200 marks

Every candidate who joins the LL. M. programme has to submit a dissertation of original research in any law related field.

Topic Selection and allotment

Topic for Dissertation may be allotted at the starting of the second year of the LL. M. programme. Topic shall be selected by the student with the due approval of the Guide. The topics selected and the specific area of research to be undertaken should not be part of any previous or earlier research work undertaken for the same purpose at the Goa University or elsewhere for any degree, diploma or any other certified course.

Content of Dissertation

The dissertation shall generally include Introduction, Background, and Objective of the study, importance of the study, research questions, methodology, findings / discussions, summary / conclusions, notes, references and bibliography.

Declaration and Certificate

Every student in the dissertation must declare, in the prescribed Performa, that the dissertation is his/her own bonafide work and that all the sources used are duly acknowledged.

The guiding teacher shall also certify, in the prescribed Performa that the dissertation is an original work of the candidate, completed under his/her supervision.

Submission and Evaluation

Students shall submit their dissertation not later than the first date of the commencement of the fourth semester written examination. To pass in the dissertation, a student has to secure a minimum of 50% marks.

Fee Structure

No.	Head	Amount
1.	Tuition Fee per year	Rs. 16,000
2.	Library Deposit [Refundable]	Rs. 1,000
3.	Goa University Registration Fees	Rs. 400
	Total	Rs. 17,400

Note: The fee structure does not include the semester examination fee or any other fee as prescribed under Goa University Rules which may be levied from time to time.

Application fee is Rs. 200/-

General Instructions

Students must note that the minimum requirement for qualifying for the written UGC NET/SET examination is 55% in LL. M.

Students must ensure cleanliness in the premises of the college.

Smoking and consumption of alcoholic drinks within college premises is strictly prohibited.

The Use and display of mobile phones is strictly prohibited within the college premises.

The college reserves the right to dismiss/debar/remove any candidate from admission, if he/she is found guilty of misconduct/misbehaviour etc.

Faculty members

Principal

Prof. Arun S. Nadkarni, M. A., LL. M. \

Faculty Members

Prof. V. S. Mallar, Former Registrar, National Law School of India University

Dr. P. Ishwara Bhat, Dean, Department of Law, University of Mysore

Dr. R. K. Aithal, Dean, Department of Law, Karnataka University, Dharwad

Dr. C. S. Patil, Principal, University of Law College, Dharwad

Prof. Mohan Ram, Coordinator, LL. M., Kuvempu University, Shimoga

Prof. G. V. Ajjappa, Former Professor, NLSIU, Bangalore

Prof. C J F Prassannkumar, Lecturer, G R Kare College of Law

Prof. Saba Da Silva, Lecturer, G R Kare College of Law

Prof. J. Prabhudessai, Part-time Lecturer, G R Kare College of Law

Prof. C. Coutinho, Part-time Lecturer, G R Kare College of Law

Administrative Staff

Gayatri B. Bhamaikar

Sunetra V. Deshpande

Course subjects

I Semester

1. Constitutional Law- I
2. Legal Theory - I
3. Research Methodology

II Semester

1. constitutional Law- II
2. Legal Theory - II
3. Law and Social Change

Specialization: Labour Law Selective

III Semester: Labour Law

1. Law relating to Industrial Relation
2. Law relating to Labour Welfare

IV Semester: Labour Law

1. Law relating to Industrial Injuries and Social Security
2. Law relating to Service Regulation

Specialization: Criminal Law [Selective]

III Semester: Criminal Law

1. Crime and Administration of Criminal Justice
2. Penology and Treatment of Offenders

IV Semester: Criminal Law

1. Privileged Class Deviance
2. Law and Organized Crime

Specialization: Criminal Law [Selective]

III Semester: Criminal Law

1. Crime and Administration of Criminal Justice
2. Penology and Treatment of Offenders

IV Semester: Criminal Law

1. Privileged Class Deviance
2. Law and Organized Crime

Specialization: Human Rights [Selective]

III Semester: Human Rights

1. Human Rights
2. Human Rights and Indian Legal System

IV Semester: Human Rights

1. International Refugee Law and Humanitarian Law
2. Science technology and Human rights

Specialization: Intellectual Property Rights Branch [Selective]

III Semester: Intellectual Property Rights

1. Intellectual Property Rights (Paper I)
2. Intellectual Property Rights (Paper II)

IV Semester: Intellectual Property Rights

1. Intellectual Property Rights (Paper III)
2. Intellectual Property Rights (Paper IV)

**LL. M. Programme
Course Outline**

Semester I

Paper - I: LEGAL THEORY – I

1. Nature of Jurisprudence
2. Meaning of Law
3. Natural Law Theories
4. Classical Positivism
 - Austin
 - Bentham
 - H L A Hart
5. Pure Theory of Law
6. Analytical School of Law
7. Sociological School of Law
8. American Realism
9. Scandinavian Realism
10. Historical and Anthropological Jurisprudence

- Savigny
 - Maine
 - Grotius
 - Kent
11. Marxist Theories of Law and State
 12. Feminist Jurisprudence
 13. Postmodernist Jurisprudence

Suggested Reading

1. Lloyd's Introduction to Jurisprudence [Chapters 2, 11, 12, 113]
2. Dias Jurisprudence
3. V D Mahajan Jurisprudence [Chapters 1, 3, 4, 5, 6, 7, 8, 9, 10]
4. Bodenheimer Jurisprudence [Natural Law]
5. Wayne Morrison Jurisprudence
6. H L A Hart Concept of Law
7. Julius Stone Social Dimension of Law
8. W Friedman Law in the Changing Society
9. C K Allen Law in the making
10. Books on Constitutional Law in India and Constitutional Jurisprudence

Paper - II: CONSTITUTIONAL LAW - I

1. Preamble - Importance and amenability
2. Fundamental Rights - Concept - Nature - Necessity and justification - Fundamental Rights under Indian Constitution
3. Definition of State - Other authorities - Application of ejusdem generis- instrumentality of Govt - Pvt. Corporations - Is Judiciary a State ?
4. Enforceability of Fundamental Rights - Judicial Review - Distinctions between pre and post Constitutional laws - Doctrine of eclipse - Doctrine of Sever ability - Doctrine of waiver
5. Test for infringement of Fundamental Rights - Definition of Law - Amendment of law ? Concept of Basic Structure - From Sankariprasad to Raman Rao
6. Right to equality - Equality before law and equal protection of laws - Reasonable classification - Absence of arbitrariness - From Ramakrishna Dalmia to Maneka Gandhi and thereafter - Prohibition against discrimination - Equality of opportunity in Public employment - Concept of protective discrimination - From Champakam Dorairajan to Indra Sawhney and thereafter - Prohibition of untouchability - Protection of Civil Rights Act, 1995.
7. Right to Freedom - Freedom of Speech and expression and its 'Territorial Extent - Right to Information - Right to silence - Freedom of Press - Implications of Commercial Advertisements - reasonable restrictions - Freedom to assemble peacefully - to form association - to move freely throughout the territory of India - to reside and settle in any

- part of India - to practice any profession or occupation, trade or business - reasonable restrictions.
8. Freedom of the Person - Right of the accused - ex post facto laws - Double jeopardy - right against self Incrimination - right to life and liberty - scope and contents - from A K Gopalan to Maneka Gandhi - Impact of Maneka Gandhi's case on prisoners' right, criminal justice, Death sentence, Environmental protection, Right to Education, Right to health and Emerging trends in Compensatory jurisprudence - protection against arrest and detention - Constitutional validity of Preventive Detention Laws in India - Judicial review of preventive detention laws.
 9. Right against exploitation - trafficking in human beings - forced labour - child employment - from Peoples' Union for Democratic Rights to MCMehta.
 10. Freedom of Religion - Concept of Religion - Freedom of Conscience and right to profess, practice and propagate religion - freedom to manage religious affairs - freedom from payment of tax for promotion of religion - restriction on religious instructions in certain educational institutions - Right of Minorities - Right to conserve language, script of culture - Admission to educational institutions - Minorities right to establish educational Institutions - From in Re Kerala Education Bill to T M A Pai Foundation and trends thereafter.
 11. Right to Property - Constitutional policy before and after the Forty fourth Amendment -
 12. Right to Constitutional Remedies - Features of Writ Jurisdiction under Art. 32 Concept of locus standi - Dynamic approach of Supreme Court on Public Interest Litigation - Judicial Activism - Comparison between Art. 32 and 226.
 13. Restriction, Abrogation and Suspension of Fundamental Rights - Articles 32 (4), 33 and 34 - suspension of Fundamental Rights during Emergency Art. 19 and the Power of President to suspend the enforcement of rights conferred under Part - III - Relevance of 42nd and 44th Constitutional Amendment Acts.
 14. Directive Principles of State Policy - Nature, content and justiciability - Inter relationship between Fundamental Rights and DPSP - From Champakam Dorirajan to Mohini Jain and thereafter - Transition of DPSP into Fundamental rights by judicial interpretation - Fundamental Rights and Fundamental duties.

Suggested Reading

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|----|---------------------|---|
| 1. | P. Ishwara Bhat | Inter-relationship between Fundamental Rights |
| 2. | M P Jain | Indian Constitutional Law |
| 3. | H M Seervai | Constitutional Law of India |
| 4. | V N Shukla | Constitution of India |
| 5. | D D Basu | Shorter Constitution of India |
| 6. | B Sivarao | Constitutional Assembly Debates |
| 7. | J. V R Krishna Iyer | Fundamental Rights and Directive Principles |

8.	Paras Diwan	Human Rights and the Law
9.	P K Tripathi	Some Insight into Fundamental Rights
10.	S P Sathe	Fundamental Rights and Amendment to the Constitution
11.	P B Gajendragadkar	Law, Liberty and Social Justice
12.	David Karrys	Politics of Law

Paper -III: RESEARCH METHODOLOGY

Social Science Research Methods

1. Concept of Reflective thinking: Scientific method and Research
2. Research problem - Origin, selection and definition
3. Hypothesis - Problems of formulation, types and characteristics of usable hypothesis
4. Basic methods of research - Experimental, Descriptive, historical and Sociological
5. Technique of Research Observation, Questionnaire, interview survey and sampling
6. Analysis of data [including basic principles of statistics]
7. Report writing
8. Internet material: Its use in research

Aspects of Legal Research

1. Current Trends in Legal
2. Legal Research Technique
3. Doctrinal and non-doctrinal, suggested Readings: Research and Ideas broad style and limited style etc.

Suggested Reading

Good W and Hatte P L	Methods in Social Research
Whitney E L	Elements of Research
Young P V	Scientific Social Surveys and Research
Indian Law Institute	Legal Research and Methodology
Dhavan R	The Supreme Court of India
Gopal M H	Research Procedure in Social Science
Moser C A	Survey Methods in Social Investigation
Miller D	Handbook of Research Design and Social
Jain S N	Legal Research and Methodology

Semester II

Paper - I: LEGAL THEORY - II

I .Introduction to Precedents

2. Use of Precedent in U K, French and the American Legal System

3. Hierarchy of Courts and the principles that govern the application of the doctrine or precedent among the different courts in India. Art. 141, 151, 145 of the Constitution

4. Ratio Decidendi and Obiter dicta

Definition

Determination of

i. Tests

Wambaugh's tests

Dr. Goodhart's test

Lord Halsbury's tests. Ratio decidendi as an indeterminate/illusory category: American Realist Julius Stone

cWeight and authority of precedent [overruling distinguishing] per in curium not followed.

5. Precedent and problems

Certainty retroactivity and prospective overruling

Judicial restraint v Judicial Activism

Plurality of opinions

A case of single and anonymous opinion

Precedent value of Advisory opinion

Judicial reasoning

6. Introductory, constitutional background, Nature of Legislative powers under the Indian Constitution as distinguished from U. K. and American legal systems.

7. Forms of Legislation: Statutes, Ordinances: Delegated Legislation; forms, executive Statutory corporations and companies and association and their 'control mechanisms: critique of Ordinance making power under the Indian Constitution.

8. Parliamentary practice and procedure relating to legislation [excluding parliamentary privileges and immunities]

9. Approach to the Interpretation of statutes.

Suggested Reading

Dhavan R

Cross R

Supreme Court of India

Precedent in English Law

Stone Julius	Legal system and Lawyer's Reading [Chapters 6, 7 and 8]
Seervai H M	Constitution of India [Chapter on Union Judiciary]
Allen C K	Law in the Making [Chapter on subordinate and Automatic legislation]
Dickerson R	Interpretation and application of Statutes
Mukherjee A R	Parliamentary Procedure in India [Chapter entitled 'Legislation' and 'Committees']
Benjamin N Cardozo	The Nature of the Judicial Process
Lloyd D	Introduction to jurisprudence [chapter on 'Judicial Process']
Harris J W	Legal philosophies [Chapter 13 & 15]
Kaul M N & Shakhder	Procedure and Practices of Parliament
Dias	Jurisprudence
15, W Friedmann	Legal Theory
GW Paton	A text Book of Jurisprudence
Bodenhmer	Jurisprudence - The Philosophy and Method of the Law
Salmond	Jurisprudence
W Ivor Jennings	Modern Theories of Law
A G Guest	Oxford Essays in Jurisprudence
Julius Stone	Social Dimension of Law and Justice
Julius Stone	Human Law and Human Justice
Julius Stone	Legal System and Lawyers Reasoning
G S Sharma	Essays in Indian Jurisprudence The
H L A Hart	Concept of Law 1986
Rosco Pound	Law, Liberty and Morality 1963
Rosco Pound	Law and Morals
Walter Wheder	Fundamental Legal Conceptions cook 1966
L Fuller	The Law in the Quest of itself
Hugh Collins	Marxism and Law
Patric Devlin	Enforcement of Morals

Paper -II: CONSTITUTION LAW - II

1. Principles of Parliamentary and Presidential forms of Govt - Parliament in U K and Congress in USA
2. Nature of the Executive power - Impeachment process - Mercy power - Ordinance making power
3. Composition of Houses of legislature - Disqualifications of members - Legislative privileges Parliamentary procedures.
4. Jurisdiction of the Supreme Court and High Courts - Judicial self-restraint and judicial Activism-Limits on Judicial review - Appointment of Judges - control of Subordinate judiciary

5. Doctrine of Pleasure - Constitutional exceptions and judicial implications
6. The concept of Federalism - Necessity and Justification of Federal Govt. - Features of federalism
7. Legislative relations under the Indian Constitution - Doctrines in legislative relations - Centre's control over State Legislatures
8. Administrative Relations between Union and States, Federal features and credit clause - Centre State and inter-State conflict management
9. Restrictions on the power of State Legislatures on fiscal powers - Residuary taxes - Distribution of revenues between the Centre and State - Doctrine of immunities of instrumentalities - Role of Finance Commission.
10. Power of Judicial review Centre - State and Inter-State conflicts
11. Freedom of trade and Commerce-Exceptions - Importance of Federal Structure
12. Types of Emergencies and their impact on Federal structure.

Suggested Readings

K C Wheare	Federal Government
M P Jain	Indian Constitutional Law
H M Seervai	Constitutional Law
Frederick and Barn	Studies in Federalism
D D Basu	Shorter Constitution of India
M C Saxena	Dynamics of Federalism
Ivor Jennings	Cabinet and Constitution
A V Dicey	Law and Constitution

Paper -III: LAW AND SOCIAL CHANGE

I. Theoretical

Conceptions of Society

Social Integration - Social mobility - social control - Compliance and deviance

Theories of Social Change

Theories of Social Change in India - Westernization - Sanskritization - Islamization

Conceptions of Law and Legal System [Normative - cultural and social]

Plurality and multiplicity of social control systems

Social functions of law relative to social integration and change

Notion of legal impact and effectiveness

Symbolic and instrumental uses of law

Problems in the study of impact and effectiveness

II Comparative Perspectives Legal system and social change

Correlation between law and social change

Legal evolution and social complexity [Maine-Savigny-Durkheim]

Legalism and capitalism [Karl Marx and Max Weber]

Law and Development [Dependency theories]

Relevance of Marxist and Weberian analysis to problems of planned Economic development in developing societies.

III. Colonial Experiences - Indian Legal System and social change

Utilitarianism - Liberalism and Law reforms [works of law commission - Permanent settlements and agrarian reforms]

From Indian status to British contract [Anti disabilities law - contract law - Agrarian property i.e. Tenancy laws]

Constitutional developments during British rule.

IV. Contemporary Experience : Indian Legal system and social change

Goals of planned social change through laws relating to land ceiling and tenancy reforms

Law and Welfare benefits to the weaker sections [Preferential treatment to the Backward Classes and Scheduled castes and tribes]

Public control of Economic Enterprises [Select Aspects i.e. Licenses - Price fixation and Monopolies etc.]

Law and Liberalization policies

Law and Women empowerment

Suggested Reading

Kuppuswamy	Law and Social Change
Upendra Baxi	Towards a Sociology of Indian Law
Upendra Baxi	The Crisis of Indian Legal System
Upendra Baxi	Law and Poverty: Critical Essays
Marc Galanter	Law and Society in Modern India
Marc Galanter	Competing inequalities
Freidman	Law in Changing Society
Allan Hunt	Sociological Movement in Law
Julius Stone	Social Dimensions of Law
Lloyds	Introduction to Jurisprudence
Max Weber	Law and capitalism
Sinha	Law and Social Change
A R Desai	Social Background to Indian Constitution
Law and Social Change	Indo American perspectives, edited by Upendra Baxi and Alice Jacob, Indian Law Institute.

SPECIALIZATION: Second Year LL. M.

1. Labour Law

Paper - I: Law Relating to Industrial Relations

History of Trade Union - Trade Union Act, 1926 - Recognition of Trade Union -Affiliation of Unions to political parties - Multi-unionism - Policies towards workers, participation in management - role of State - Workers participation in Management - Liberalization and Industrial relation in India.

Collective bargaining - Process of Collective bargaining - Perquisites for collective bargaining - strikes/lockouts [pen-down, tool down, go slow, work to rule, stay in, sit in, picketing] - Gherao - Law relating to collective bargaining.

Freedom of Association - Constitutional and legal aspects

Industrial Disputes Act - Layoff - retrenchment - compulsory retirement - Voluntary retirement - superannuation

Industrial Dispute Resolutions - Methods - Conciliation Officer - Board of Conciliation - Legal status of Conciliation settlements - Voluntary Arbitration - Arbitration under the Industrial Disputes Act - Compulsory Adjudication - Power of reference - Reference by Government - Industrial Tribunals - National Tribunals - Status, powers, awards - Judicial review.

Suggested Reading

Indian Law Institute

Labour Law and Labour Relations [1987]

Dr. V G Goswami

Labour and Industrial Laws [2004]

Ramaswami and Uma R

Industry and Labour

Giri V V

Labour Problems in Indian Industry

Raman M P

Political Involvement of Indian Trade Union

O P Malhotra

The Law of Industrial Disputes, Vol I [1988]

Chetty Narayan Y

Dynamics of Trade Unionism in India - Anmol Publications Pvt.

Ltd., New Delhi - [2004].

2

1. Criminal Law

Paper - I: Crime and Administration of Criminal Justice

Crime - Causes of Crime - Concept of Criminal Jurisprudence

Administration of Criminal Justice - Organizational hierarchy of criminal courts -Jurisdiction- prosecution - Police - FIR - charge sheet - withdrawal of criminal prosecution

Arrest - interrogation - rights of accused - right to counsel - right to bail - Witness protection - hostile witness - Perjury.

Trial Procedure - Accusatory system and the inquisitorial system - pre-trial procedure -law of evidence - Narco analysis - evidentiary value of statements / article seized -admissibility and inadmissibility of evidence - expert evidence - directions for criminal prosecution [PIL]

Plea bargaining - preventive detention law - protection of public peace/order - special enactment - TADA/POTA -Essential Services Act.

Suggested Readings :

Tapas Kumar Banerjee, Background to Indian Criminal Law [1990]

Ratan Lal Law of Criminal Procedure

Sarkar, Law of Evidence

K N Chandrasekharan Pillai [ed.] R V Kelkar's Outline of Criminal Procedure [2000] Eastern Book House

Law of Commission of India, forty-second Report Ch. 3 [197 1

Malimath Committee Report 2004

Patric Devlin, The Criminal Prosecution in England
Sanders and Young, Criminal Justice [1994]
P D Sharam Police and Criminal Justice System in India

Paper - II: Penology and Treatment of Offenders

Definition of Penology - historical and contemporary approaches to penology.
Theories of punishment - Retribution - Utilitarian prevention: Deterrence - Utilitarian: Intimidation
- Behavioral prevention: Incapacitation - Behavioral prevention: Rehabilitation - Classical Hindu
and Islamic approaches to punishment.
Approaches to sentencing - Probation - parole - corrective labor - fines - bail, bond -collective
fines - reparation by the offender/by the court.
Juvenile Delinquency - factors - response - JJ Act 2000 - JJ Board - Welfare Boards -
Constitutional aspects - Neglected and Delinquent, care and protection.
Sentencing - types of sentences in IPC and special laws - sentencing for habitual offender, white
collar crime - Pre - sentence hearing - summary punishment - Capital punishment
[Constitutionality, Judicial attitude and law reform]
Victimology and Compensation - state of Jail reform - Classification of prisoners - Rights of
prisoners - open prison.

Suggested Readings

Mamata Rao Law Relating to Women and Children
G B Reddy Law Relating to Women and Children
K S Shukla Adolescent Offender [1985]
C Chhabbra The Quantum of Punishment in Criminal Law [1970 H L A Hart
A Siddique
Punishment and Responsibility
Criminology [1984], Eastern Lucknow

Paper - III: Privileged Class Deviance

Privileged Class Deviance, meaning, nature and pressures - Typical forms of deviance
Official Deviance [deviance by legislators, judges, bureaucrats], Professional deviance:
journalists, teachers, doctors, lawyers, engineers, architects and publishers - Conceptions of
white collar crimes - Hi-tech crime - Cyber Crime - Economic Crime - Politics and Crime
Official Deviance: Conception - permissible limit of discretionary powers - Principles of Natural
Justice Commission reports [Chagla Commission on LIC-Mundhra Affair, The Das Commission
Report on Pratap Singh Kairon, The Grover Commission Report on Dev Raj Urs, Maruti
Commission Report, The Ibakkar - Natarajan Commission Report on Fairfax]
Police Deviance - Structures of legal restraint on Police powers in India- Unconstitutionality of
'third degree' method and use of fatal force by police - Encounter killings - Police atrocities -
Custodial violence the plea of superior orders - rape and related forms of gender based aggression -
National Police Commission - Reforms
Professional Deviance - Unethical practices at the Bar - Medical Malpractice - 'yellow journalism'
- the Lentin Commission Report.

Response of Indian Legal Order to the Deviance of Privileged Classes - Vigilance Commission - Right to Information - Public Accounts Commission - Ombudsman - Commission of Enquiry - Prevention of Corruption Act - Information Technology Act.

Suggested Reading -

Glanville Williams, Text Book of Criminal Law [General part]
Upendra Baxi The Crisis of the Indian Legal System [1982] Vikas Publishing House, New Delhi
Upendra Baxi Law and Poverty : Essays [1988]
Upendra Baxi Liberty and Corruption : The Antulay Case and Beyond [1989] Surendranath
Dwevedi and G S Bhargava , Political Corruption in India [1967]
A R Desai [ed.] Violation of Democratic Rights in India [1986]
A G Noorani Minister's Misconduct [1974]
H S Becker Outsiders : The Studies in Sociology of Deviance [1966]
P R Rajgopal Violence and Response : A Critique of the Indian Criminal System [1988]
B B Pande The Nature and Dimensions of Privileged Class Deviance in The Other Side of
Development 136 [1987; K S Shukla ed.]

Paper - IV: Law and Organized Crime

Conception - reasons for Organized Crimes - Crime Cartels - Mumbai Underworld Cartels - International Cartels - State sponsored Crimes - International Crime syndicate
Drug Addiction - trafficking - narcotics substances - National and International Approaches to Drug Abuse - IPC provisions - Narcotic Substances Act 1985
Prostitution - Causes and concerns - International responses Prevention of Immoral Activities Act - IPC - Cyber prostitution - Internationalization of flesh trade
Collective Violence - Naxal problems - causes and concerns- tribal rebellion - Dalit struggle - Atrocities - Telangana struggle
Violence against Women - Domestic violence - Workplace violence - male dominated atrocities
Communal violence in India, background, reasons, solutions, problems in the Legal system-role of police and operation of criminal justice system - Godhra - finding of various commission reports
Politically Organized Crimes - During the Cold War Period - LTTE raise to political outfit - Terrorism - challenges.

Suggested Readings :

U Baxi, 'Dissent, Development and Violence' in R Meagher [ed.] Law and Social Change: Indo American Reflection 92 [1988]
U1. Baxi [ed.], Law and Poverty: Critical Essays [1988]
R Desai [ed.] Peasant Struggles in India, [1979]
R Desai, Agrarian Struggles in India : After Independence [1986]
R Desai, Violation of Democratic Rights in India [1986]

Paper - I: Human Rights

Human Rights Concept, Nature, Origin and Development, Importance

International movements for protection of Human Rights - U. N. and Regional Organizations - European Commission and Courts on Human Rights.

U. N. Declaration on Human Rights - Civil and Political Rights and Social and Economic Rights - International Instruments.

Violence against women in Public and Private Life as human rights issue.

International regime of enforcement of human rights - Machinery and procedure.

Paper - II: Human Rights

Human Rights and the Indian Legal System

Human Rights and the Indian Constitution - Part III and Part IV of the Constitution

Human Rights of disadvantaged groups of people like women, children, minorities etc., and the Indian statute law, in historical perspective.

Human Rights and Enforcement Agencies like the Police and Excise - Prevention of abuse of rights.

Human Rights and the Judiciary

Human Rights and preventive laws like TADA and NDPs and POTA Act

The binding force of international conventions under the constitution and the approach of the Supreme Court of India.

Paper - III: Human Rights

International Refugee law and Humanitarian law

Definition, origin and historical development of refugee law

Limitation and methods of use of force - International Instruments and institution on refugee law

Humanitarian law in internal armed conflict and international armed conflicts - Conventions and customary law - Geneva Conventions 1949.

Application and implementation of humanitarian law and refugee law - Internationally displaced persons

Incorporation of international norms in domestic laws and practice - Indian Military Law -

Training of armed personnel - International Committee of Red Cross Society.

Paper - IV: Human Rights

Science, Technology and Human Rights

Scientific and Technological Researches - Impact on ethics, morality and Human Rights

Development vis-à-vis Human Rights - Conflicts, Confrontation and resolution.

Freedom of information, Freedom for Scientific Research, Controls and Constraints

Intellectual Property Rights - International Dimensions, Protection of economic and social rights of indigenous people.

Role of judiciary in the dialogue among science, Technology, Human Rights and law

Limitations on the right to information under Information Technology Laws - The approach of the judiciary.

1. Intellectual Property Rights Branch

Paper - I: Intellectual Property Rights

I. International Copyright Protection

Berne Convention for the Protection of Literary and Artistic Works 1886 and its amendments

Rome Convention for the Protection Procedures of Phonograms and Broadcasting Organizations 1961

Geneva Convention for the Protection of producers of Phonograms against Unauthorized Duplication of their Phonograms, 1971

Brussels Convention relating to the Distribution of Programme - carrying signals transmitted by Satellites, 1974

II. International Protection of Industrial Property Rights - Paris Convention for the Protection of Industrial Property, 1883

III. International Agencies and intellectual Property

World Intellectual Property Organization (WIPO)

United Nations Educational, Scientific and cultural organization

United Nations Conference on Trade and Development

IV. WIPO Copyright Treaty (20 December 1996)

WIPO Performances and Phonograms Treaty (20 December 1996)

V Convention on Biological Diversity

VI. European Patent Convention, 1973

Suggested reading

Michael Blakeney Trade Related Aspects of Intellectual Property Rights: A concise Guide to the

TRIPS Agreement Paul Torremans Intellectual Property Law

Cornish W. R. Intellectual Property

Paper - II: Intellectual Property Rights

Copyrights, Trademarks, Industrial Designs and Information Technology

I. The Indian Copyright Act, 1957

Rights of authors

Ownership in Copyright

C. Rights conferred under copyrights

Rights of Broadcasting organizations and of Performers

Assignment

Infringement of copyright

II. Trade marks

The Trade and Merchandise Marks Act, 1958

Trade Marks Registry and Register of Trade Marks

Property in a Trade Mark and Registration and Registration of Trade Marks

C. Deceptive Similarity

Assignment and transmission

Licensing of Trade Marks and Registered users

Rectification of Register

Infringement, Threat and Trade Libel

Good Will
Passing off
Offences and Penalties

III. Industrial Designs Act, 2001
Nature of Industrial Designs
Subject matter of Industrial Designs
C. Rights conferred by Designs
Term of Designs
Remedies for infringements
IV. Information Technology Act, 2001

Salient features

Suggested Readings:

Prabudh Ganguli ' Gearing up for Patents
Prabudh Ganguli Intellectual Property Rights
P. Narayanan Intellectual Property Law
Wadehra B. L. Patents, Trademarks, Designs and Geological Indications
Cornish P. Intellectual Property Law

Paper - III: Intellectual Property Rights

International Protection of IPR

The International Trade Organization and the events leading to the creation of GATT, 1947
The GATT, its working and salient features
Negotiating history of the WTO, the Dunkel Draft and the Agreement stabilizing the WTO, 1994
Agreement on Agriculture
Agreement on Textile and clothing
Agreement on import licensing Procedure
C. The Agreement on Safeguards
d. General Agreement on Trade in Services
V. The Agreement on Trade related aspects of intellectual Property Rights - General Provisions and Basic Principles - Objectives and principles
VI. Protection of Specific Intellectual Property Rights under TRIPS
Copyrights and related Rights'
Trademarks
C. Geographical indications, protection plant varieties
Industrial designs
Patents
Layout Designs
Undisclosed information
Control of anti-competitive Practices in Contractual Licenses
VII. Enforcement of Intellectual Property Rights
Civil and Administrative procedures and Remedies

Provisional Measures

C. Special Requirements Related to Border measures

d. Dispute Prevention and Settlement

VIII Rules and procedure Governing the Settlement of Disputes

IX Role of intellectual Property in Economic Development

Suggested Readings :

M. B. Rao WTO and International Trade

Michael Blakeney Trade Related aspects of Intellectual Property Rights : A Concise Guide to the TRIPS Agreement

Paper - IV: Intellectual Property Rights

I. Intellectual Property Rights - Concepts, Definitions and Institutions.

II. Protection of intellectual Property in India the Patents Act, 1970 and the Patents (Amendment) Act, 1999

The meaning of Patent

How to obtain a patent

C. Specification

Opposition to Grant of Patent

Register of Patents and Patent Office

f, Rights and obligations of a patentee

Transfer of Patent Rights

Compulsory Licenses and Licenses of Right

Revocation and surrender of patents

j. Infringement of Patents and penalties

II. Bio-Diversity Act - 1999

Objectives of the legislation

Principles of Bio-diversity

C. Protection of Bio-diversity as Sovereign Rights

Mechanism of Monitoring bio-diversity

Remedies for infringement

III. Protection of Plant Varieties and Farmers Rights Act, 2001

Objective of the legislation

Conceptualization of Plant varieties, breeding, culture, farmers rights etc.

C. Period of protection