OPJS UNIVERSITY, CHURU (RAJ.)

SYLLABUS

OF

LL.M.

(One Year)

Department of Law

OPJS UNIVERSITY, CHURU (RAJ.)

~**~

(2014-15)
# Scheme of Examination

## MASTER OF LAWS {ONE YEAR}

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ML-101-Research Methods and Legal Writing

Research:--
What is Research? Meaning and Objectives
Research methods *vis a vis* Research Methodology
Legal Research - Meaning, scope and purpose. Relation between law and society
Types/kinds: Doctrinal and Non-Doctrinal (empirical); Applied, fundamental;
Library research, field research and laboratory research, analytical, descriptive,
conceptual; Participatory and Non-Participatory; Comparative, historical,
statistical, critical, socio-legal; Mono disciplinary and trans disciplinary; quasi
disciplinary, inter-disciplinary (multi-disciplinary) research; Quantitative and
qualitative, one time and longitudinal, clinical or diagnostic research; Research
for legal reform.

Research Methods:--
Research Design
Various Steps in Research: Research Process
Research Problem: Identification and Formulation
Hypothesis
Use of Library
Use of Modern Technology/ Computer Assisted Research
Tools and Techniques for Collection of Data
· Primary and Secondary Sources
· Literature Review
· Observation Method
· Questionnaire

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:- LL.M. Course Detail Subject-wise :-
ML-102-Comparative Public Law

1. Introduction

- Meaning and definition of Public Law
- Concept of Public Law
- Globalisation of Comparative Public Law
2. **Tools of Comparative Public Law**

- Constitutional Law – Common Law, Civil Law
- Legislative Mechanism - Common Law, Civil Law
- Typology of Federalism – USA, India

3. **Public Interest Litigation – US, India**

- Locus standi
- Judicial Activism
- Judicial Accountability

4. **Comparative Criminal Law – Common law, Civil law**

- Domestic Violations – International, National
- Provisions relating to Rape
- Plea Bargaining – USA, India
- White Collar Crimes
- Juvenile Justice

5. **Ombudsman**

- Ombudsman in Scandinavian countries
- International Scenario – Common law and Civil law
- Indian Scenario
  
i) Lokpal (Ombudsman)

ii) Lokayukta

**Select Bibliography:-**

5. Wade and Philips - Constitutional Law

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MLCC-103-Principles of Corporate Law

I. Introduction
   a. Corporate personality
   b. Advantages and Disadvantages of Incorporation
   c. Concept of lifting of Corporate Veil.
   d. Convergence of Corporate Legal System in the Present Time – LLP as a type of Corporate vehicle

II. Corporate Finance
   b. Offer Documents
   c. Public Issues
   d. Under writing of Issues
   e. Corporate Loans
   f. Venture Capital, Institutional Financing
   g. Role of SEBI and stock exchanges

III. Amalgamation, Reconstruction, Mergers and takeovers etc.
   a. Meaning of the terms
   b. Statutory provisions
   c. Powers of the court/tribunal

IV. Corporate Governance
   a. Concept, Significance
   b. Dimensions
   c. Legal framework, Basic Principles and OECD principles of Corporate Governance
   d. Impact of globalization

Suggested Readings
1. J.M. Thomson- Palmer’s Company Law
2. Gower- Principles of Modern Company Law
3. Ramaiya- Guide to Companies Act
4. Indian Law Institute- Current Problems of Corporate Law
5. Compendium on SEBI, Capital Issues and Listing – by Chandratre, Acharya, Israni, Sethuraman
6. Corporate Finance- Ashwath Damodaran

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MLCC-104-Banking Law

I. A. Introduction
   (i) Nature and Development of Banking.
(ii) Functions of Banking
B. Global Banking Institutions
C. The Banking (Regulation) Act, 1949. Its main provisions, social control, nationalization of Banks.

B. Bank as borrowers: Forms of borrowing, Types of Deposit, Accounts, Electronics, Withdrawal, Money Transfer and e-Banking.
C. Deposit Insurance Corporation Act, 1962.

III. A. Bank and Customer Relationship.
C. Interference by third parties.
   (i) Attachment, Mareva Injunctions, Bank and Garnishee, set off.

IV. A. Social Banking
B. Basal II norms
C. Letter of Credit
D. Recovery of Debts Due to Banks.
F. Recent Trends of Banking System in India.

Suggested Readings

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MLCC-105-Contract Law

.1. STANDARD FORM CONTRACTS
   Nature, advantages and unilateral character
   Principles of protection against the possibility of exploitation
   Exemption clauses
   Law Commission of India's views

2. GOVERNMENT CONTRACTS
   Constitutional Provisions
Performance of Government contracts
Tender procedure in public contracts
Statutory Contracts

3. ELECTRONIC CONTRACTS
   Formation of E-Contracts
   Advantages and disadvantages of E-Contracts
   Relevant Laws
   Legality of E-Contracts

4. QUASI CONTRACTS
   Principle of unjust enrichment
   Contract for Necessaries
   Provisions of Indian Contracts Act
   Quasi Contracts in English Law

Suggested Readings:-

8. Nilima Bhadabhade, Contract Law in India

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MLCS-103-General Principles of Criminal Law

I.

Historical Background of Criminal Law.
Nature of crime
Elements of crime
Importance of Mens rea

II.

Abetment
Criminal Conspiracy
Vicarious liability in criminal law with reference to Ss 34-38, 149,396 & 460 of the I.P.C.
Compulsion by threats as defence to criminal liability.
III.

Mistake of Law & Fact.
Accident.
Necessity.
Insanity.
Intoxication.

IV.

Right of Private defence against Body and Property
Joint Liability
Elements of Theft and Extortion
Criminal breach of Trust

Suggested Readings:-

4. T. Bhattacharya: Indian Penal Code
5. V.N. Pranipe : Indian Penal Code
6. Raja Ram Yadav : Indian Penal Code

MLCS-104-Police Law and Administration

I : Introduction

II : Structure
Structure of State Police - District Police - City Police.
Central Police Organizations - CBI, CISF, CRPF, RPF etc.

III : Recruitment and Training
Recruitment and training of Constables, Sub-inspectors, Deputy / Assistant Superintendents of Police.

IV : 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.

**V : Contemporary Policing**
Modernization of police, Public perception of police, Police self image : measures to improve police image; developing healthy police public relationship, zero tolerance policing.

Reference:-

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**MLCS-105-Criminology & Criminal Justice Administration**

**I.**
- What is Criminology, Growth, Nature and Scope of Criminology.
- Theories of Criminal Behaviour.

**II.**
- Classification of Offences.
- Investigation of Criminal cases.
- Arrest and Examination of the Accused.
- Rights of the Accused.
- Plea Bargaining.

III.

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

IV.

- Relevance of Facts in Criminal cases.
- Confession.
- Dying Declaration.
- Expert Evidence.
- Admissibility and Inadmissibility of Evidence.

**Suggested Readings:**
1. Tapas Kumar Banerjee: Background to Indian Criminal Law [1990]
2. Ratan Lal: Law of Criminal Procedure
3. S. Sarkar: Law of Evidence
5. Law of Commission of India, forty-second Report Ch. 3 [1971]
6. Malimath Committee Report 2004
7. Patric Devlin: The Criminal Prosecution in England
8. P D Sharam: Police and Criminal Justice System in India
9. T. Battacharya: Indian Penal Code.(English/Hindi)
11. V.N. Pranjape: Criminology & Penology.

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**ML-201-Law and Justice in a Globalizing World.**

. Globalization: Meaning, Reach and Form
. Social, Political, and Economic Dimensions of Globalization
. Emergence of Transnational Law in a Globalizing World
. Impact of Globalization on Sovereignty of States
. Impact of Globalization on Federalism and Democratic Law Making  
. Impact of globalization on 
. Human Rights  
. Trade Law

. **Globalization and Free Market**  
. Impact on welfare state  
. Natural Resources  
. Environment  
. Displacement for Development  
. Problem of Unemployment

. **Concept of Justice in a Globalizing World**  
. Globalization and Universal Values  
. Concept of Global Justice  
. Cosmopolitanism  
. Globalization and Social Justice/ Global Distributive Justice  
. Impact of Globalization on Judicial Process and administration of Justice

**Suggested Readings**


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**MLCC-202-Cyber Law**

**Fundamentals of Cyber Law**
A. Conceptual and theoretical perspective of cyber law.  
B. Computer and Web Technology
C. Development of Cyber Law – National and International Perspective

**Cyber Law: Legal Issues and Challenges in India, USA and EU**
A. Data Protection, Cyber Security,
B. Legal recognition of Digital Evidence
C. Recognition of liability in the digital world
D. Jurisdiction Issues in Transnational Crimes

**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

**Cyber Law – Contemporary Trends**
A. Impact of cyber warfare on privacy, identity theft.
B. International law governing Censorship, online privacy, copyright regulations,
C. Online Intermediaries in the governance of Internet
D. Social Networking Sites vis-à-vis Human Rights.

**Suggestive Readings:**
5. Arvind Singhal and Everett Rogers : India's Communication Revolution : From Bullock Carts to
6. Cyber Marts.
8. Mike Godwin : Cyber Rights Defencing free speech in the Digital Age.

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**MLCC-203-Competition Law.**

I. Introduction
a. Basic economic and legal principles
b. Restraint of Trade under Indian Contract Act
c. Monopolistic Trade Practices
d. Restrictive Trade Practices

II. Development of law from MRTP to Competition Act 2002
a. Aims, Objects and Salient features
b. Comparison between MRTP Act and Competition Act
c. Anti-Competitive Agreement
d. Abuse of Dominant Position
e. Combination
f. Protection of consumers

III. Competition Commission Of India
a. Structure and function of CCI
b. Regulatory role

IV. Competition Appellate Tribunal
Composition, Functions, Powers and Procedure
1. Award Compensation
c. Power to punish for contempt
d. Execution of orders

Suggested Reading:
1. K.S. Anantaranan : Lectures on Company Law and MRTP
2. Dr. R.K. Singh : Restriction Trade Practices and Public Interest
3. Suzan Rab- Indian Competition Law- An International Perspective
4. S.M. Dugar's MRTP Law, Competition Law and Consumer Protection
5. Report of the Monopolies Inquiries Commission, Govt. of India 1965 (Dr. Hazari Report)
6. Sachar Committee Report, High Powered Commitee on MRTP Act & Company Act, other related work

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MLCC-204-Intellectual Property Law

I. Copyright
a. Nature and Meaning
b. Scope of protection
c. Procedure for protection
d. Enforcement and Remedies

II. Patents
a. Nature and Meaning
b. Scope of protection
c. Procedure for protection  
d. Enforcement and Remedies

III: Trademarks  

a. Nature and Meaning  
b. Scope of protection  
c. Procedure for protection  
d. Enforcement and Remedies

IV: Designs  

a. Nature and Meaning  
b. Scope of protection  
c. Procedure for protection  
d. Enforcement and Remedies

Text books:  
1. Paris Convention for the Protection of Industrial Property, 1883;  
2. Berne Convention for the Protection of Literary and Artistic Works, 1886;  
3. Indian Copyright Act, 1957;  
4. Indian Patents Act, 1970;  
5. Agreement on Trade-Related Aspects of Intellectual Property Rights, 1994 (the TRIPS Agreement);  
6. Indian Trademarks Act, 1999;  

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MLCS-202-White Collar Crimes

I  
Genesis of White Collar Crime.  
Nature and Scope of White Collar Crime.  
Growth of White Collar Crime in India and Western Countries.  
Men-srea and White Collar Crime.  
Vicarious liability in White Collar Crime  
Strict liability in White Collar Crime.

II  
The Essential Commodities Act, 1955:  
The Food Safety and Standards Act, 2006:  
Definitions
Provisions relating to Food Articles.
Implementation of the Act by Food Safety Officers.
Food Safety and Standards Authority of India.
Adjudication and Power to Compound offences
Analysis of Food Articles.
Offences and Penalties.

III

The Foreign Exchange Management Act, 1999:
Definitions
Regulation and Management of Foreign Exchange Authorized Person.
Adjudication and Appeal.
Penalties.
The Prevention of Corruption Act, 1988:
Definitions
Special Judges.
Procedure and Power of Special Judge.
Offences and Penalties.
Sanction for Prosecution and other Provisions.

IV

The Narcotic Drugs and Psychotropic Substances Act, 1985:
Definitions and objective of the Act.
Investigative procedure under the Act.
Penalties
The Conservation of Foreign exchange and Prevention of Smuggling Activities
Act, 1974:
Definitions
Detention under the Act.

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MLCS-203-Penology

I-
Concept of Punishment: Its history and development Religious and Punishment: Types and Forms of Punish and as Ancient, medieval and Modern India. Its classification whether death penalty is necessary? Its merits and Demerits.

II-
Theories of Punishments: Deterrence, Retributive, Expiation, Reprobation, Probation, Classical and utilitarian view on punishment: Punishment advantages and disadvantages: critical analysis in the righting in purpose scale and provision of criminal law and pardon, social necessity of law and order.

III-
History of Penal system in development in India, Types of Prisons and Prisoners Basic principles for the treatment of prisoners National and International Rights of Prisoners under our Constitution and the Prisoners Act 1900.

IV-

V-Power and jurisdiction of Police under Cr.p.c U/s 302, 55, 161, 36,156,160,174,102 and 166 Criminal Justice Process, Organize ahead structure of Jail and Police in India Provision relating to custodial death, torture etc.

Books Recommended
P.K.sen-Penology old and New
Gillian JL -Criminology and Penology
Bhattacharya -Prisons
Flexvor &Baldwani - Juvenile court and Probation
M.Ponmanian- Criminology and Penology
J.C.Chaturvedi- Penology & Criminal Procedure Code

MLCS-204-Victimology

I
- Victimology: Definition and Meaning, Theories of Victimology.
- Meaning, Kinds of Victims.
- Scope and Science of Victimology
- Victimization: Impact of Victimization, Physical impact, Financial impact,
- Psychological impact, Secondary Victimization from Criminal Justice System and Society.

II

Sources of Victimization
- Police as Victimizer.
- Seniors and Politicians.
- Victim offender Relationship.
- Victimization of Society.

III

Rights of Victim
- Compensatory Jurisprudence.
- Meaning and Definition of Compensation.
- Compensatory provisions in Criminal law.
- International perspective of Victimology.
- Rights of Victim under Indian Constitution.

IV

- Compensation under Probation of Offenders Act.
- Compensation to Victim under Motor Vehicle Act.
- Common Law regarding Compensation in Tort and Civil law.
  Recommendations of Justice Malimath Committee with respect to compensation to victims of Crime.

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MLD-205-Dissertation

Candidates are required to submit a dissertation of about 150-200 pages on a topic from the optional group offered by them. The dissertation is expected to be an indepth and critical analysis of a legal problem of contemporary significance in the field chosen by the candidate and must incorporate copious reference to judicial decisions, law review articles, books, monographs relevant to the topic in the form of footnotes and bibliographical references.

The dissertation will carry 100 marks and it should be submitted (Three copies) to Head of the Department one month before the Semester ends i.e. the Second Semester.
The supervisor for dissertation shall be the teaching member of the Deptt. of Law. The students will be assigned the topic for dissertation by their supervisor in consultation with the Head of the Department within a month after the Semester has started.

After the dissertations have been submitted they shall be evaluated by the external examiner along with the Head of the Department and/or internal examiner. The examiner will evaluate the dissertation taking into account the following points:

(a) Coverage of subject matter.
(b) Arrangement and presentation.
(c) Research Methodology
(d) Nature of references and materials used.
(e) Critical appreciation and original contribution of the candidate.

Note: The students have to write their dissertations as per the guidelines of Research Methodology given below.

GUIDELINES FOR DOCTRINAL RESEARCH.

A. Research scholars are required to follow the steps given below for preparation of Doctrinal Research

Research Methodology:

1. Title of the Study
2. Problem of the study
3. Rationale of the study
4. Objectives of the study
5. Hypothesis
6. Review of Literature
7. Operational concepts & Variables of the study
8. Research Design
   (i) Nature/ Type of the study
   (ii) Method of Data Collection
   (iii) Sources of Data Collection
9. Limitations of Study
10. Time Schedule
11. Possible contribution of the study
12. Chapterisation

B. Doctrinal Research shall have the following structure:

Cover
Cover page
Certificate
Acknowledgement
List of Case Laws.
List of Tables
Abbreviations
Contents
Introduction
A. Theoretical Background
B. Research Methodology (As given in A.)
Chapter I
Chapter II
Chapter III
Chapter IV
Chapter V
Major Findings, Conclusions and Suggestion.

Bibliography

Annexures:

Acts, Bills, Maps, etc

C. Step by step procedure to be followed for Doctrinal Research:

(1) Approval of the title
(2) Collection of material
(3) Review of literature
(4) Problem
(5) Objectives
(6) Rationale
(7) Hypothesis
(8) Chapterization
(9) Collection of Data
(10) Analysis and Interpretation of data
(11) Report Writing
(12) Preparation of Bibliography
(13) Preparation of List of cases
(14) Abbreviation

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* Department of Law
OPJS UNIVERSITY, CHURU