



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW (LLM)

### INTELLECTUAL PROPERTY LAW

#### FIRST YEAR

SEMESTER- I			SEMESTER- II		
COURSE CODE	COURSE TITLE	UNITS	COURSE CODE	COURSE TITLE	UNITS
LLM 101	Jurisprudence	4	LLM 201	Comparative Public Law	4
LLM 102	Law and Social Transformation of India	4	LLM 202C	Law of Copyright	4
LLM 103	Legal Research Methodology-I	4	LLM 203C	IPR Valuation and Management	4
LLM 104C	Evolution and Principles of IPR	4	LLM 204C	Law of Patent and Design	4
	<b>Total</b>	<b>16</b>		<b>Total</b>	<b>16</b>

#### SECOND YEAR

SEMESTER- III			SEMESTER- IV		
COURSE CODE	COURSE TITLE	UNITS	COURSE CODE	COURSE TITLE	UNITS
LLM 301C	Intellectual Property Rights and WTO	4	LLM 401C	Dissertation & Viva Voce	20
LLM 302C	Law of Trademarks and GI	4	LLM 402C	Seminar	3
LLM 303C	Other forms of Intellectual Property Rights	4			
	<b>Total</b>	<b>12</b>		<b>Total</b>	<b>23</b>



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW (LLM)

### INTELLECTUAL PROPERTY LAW

SEMESTER- I					
COURSE CODE	COURSE TITLE	L	T	P	Credits
LLM 101	Jurisprudence	4	0	0	4
LLM 102	Law and Social Transformation of India	4	0	0	4
LLM 103	Legal Research Methodology-I	4	0	0	4
LLM 104C	Evolution and Principles of IPR	4	0	0	4
<b>Total</b>		<b>16</b>	<b>0</b>	<b>0</b>	<b>16</b>



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW (LLM)

### INTELLECTUAL PROPERTY LAW

<b>Course: Jurisprudence</b>	<b>Semester: I</b>
<b>Course Code: LLM 101</b>	<b>Credits: 4</b>

**Objective:** To impart basic knowledge about science and philosophy of law, various schools and theories of jurisprudence and their contemporary significance.

#### UNIT-I

**Introduction:** 04

Meaning and scope of term “Jurisprudence”, Theories of jurisprudence Relationship of Jurisprudence with other social sciences.

**Law:** 04

Nature, Scope, Theories and definition of “Law”, Sources of Law, Purpose and Functions of Law.

**Ancient Indian Legal System:** 04

Evolution and Concept of Law, Rule of Law, Role of King in administration of justice.

#### UNIT-II

**Schools of Jurisprudence:** 06

Natural School of Law, Positive School of Law, Historical School of Law, Sociological School of Law, Utilitarian School of Law, Marxist Theory of Law.

**Justice:** 08

Meaning & kinds, Justice and Law, approaches of different schools, Administration of Justice, Civil & Criminal, Theories of punishment, Indian Position, Role of State in Administrative Justice, Principles of Natural Justice, Judicial Activism.

#### UNIT-III

**Legal Persons:** 06

Concept of Person , Natural and Legal Persons, Nature of Personality, Status of the unborn, minor, lunatic drunken and dead person, Corporate personality, Dimensions of the modern legal personality, legal personality of non-human beings.



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW (LLM)

### INTELLECTUAL PROPERTY LAW

**Legal Rights:** 04

The Concept, Rights, Kinds, Right duty correlation.

**Possession:** 04

The Concept, Kinds of Possession, Acquisition of Possession, Modes of Acquisition of Property.

**Ownership:** 04

The Concept, Kinds of Ownership , Difference between possession & ownership

#### UNIT-IV

**Interpretation of Statutes:** 04

Rules of Interpretation of a Statutes, Basic Guidelines on Interpretation, Divergent Opinions on Interpretation and Construction of Statutes, Rules of Construction, Procedural and Substantive Law.

**Suggested Readings:**

1. Salmond, *Jurisprudence*, Universal Publishers 12<sup>th</sup>Edn. 1966.
2. Paton, *Jurisprudence*.
3. Allen, *Law in the Making*, Universal Publishers 7<sup>th</sup>Edn. 2001.
4. Mahajan V.D., *Legal Theory and Jurisprudence*, Eastern Book Company, Lucknow, 5<sup>th</sup> Edn. 1977.
5. Dias, *Jurisprudence*, Aditya Books, 5<sup>th</sup>Edn. 1985.
6. Rama Jois, *Legal and Constitutional History of India*, Universal Law Publications, Delhi.
7. Sarathi Vepa P., *Interpretation of Statutes*, Eastern Book Co, 4<sup>th</sup>Edition, 1976.
8. Maxwell, *Interpretation of Statutes*, Butterworths Publications, 1976, 12<sup>th</sup> Edition.
9. Crawford, *Interpretation of Statutes*, Universal Publishers.
10. Chatterjee, *Interpretation of Statutes*.
11. Singh G.P., *Principles of Statutory Interpretation*, Wadhwa and Company, 8<sup>th</sup> Ed., 2001.
12. Cross, *Statutory Interpretation*.



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW (LLM)

### INTELLECTUAL PROPERTY LAW

<b>Course: Law and Social Transformation of India-I</b>	<b>Semester: I</b>
<b>Course Code: LLM 102</b>	<b>Credits: 4</b>

#### UNIT- I

**Law and Social Change : 06**

Law as an instrument of social change, Law as the product of traditions and culture. Criticism and evaluation in the light of colonizations and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

**Law and its Inter-relationships with Religion, Language, Community and Regionalism: 06**

Religion, language, community and regionalism as divisive factors, Responses of law to: Religion - through secularism, Language - through constitutional guarantees, Community - through non-discrimination, Regionalism - through unity, Non-discrimination and protective discrimination (reservation).

#### UNIT- II

**Women and the Law: 05**

Crimes against woman, Gender injustice and its various forms, Woman's Commission, Empowerment of woman: Constitutional and other legal provisions.

**Children and the Law: 05**

Child labour, Sexual exploitation, Adoption and related problems, Children and education.

#### UNIT- III

**Modernization and the Law: 06**

Modernization as a value: Constitutional perspectives reflected in the fundamental duties. Modernization of social institutions through law: Reform of family law, Agrarian reform - Industrialization of agriculture, Industrial reform: Free enterprise v. State regulation - Industrialization v. environment protection

**Reform of court processes: 06**

Criminal law : Plea bargaining; compounding and payment of compensation to victims, Civil law: (ADR) Confrontation v. consensus; mediation and conciliation; Lok adalats, Prison reforms. Democratic decentralization and local self-government.



# **R.K.D.F. UNIVERSITY, RANCHI**

## **MASTERS OF LAW (LLM)**

### **INTELLECTUAL PROPERTY LAW**

#### **UNIT- IV**

#### **Alternative Approaches to Law:**

**12**

The jurisprudence of Sarvodaya - Gandhiji, Vinoda Bhave; Jayaprakash Narayan - Surrender of dacoits; concept of grama nyayalays. Socialist thought on law and justice : An enquiry through constitutional debates on the right to property, Indian Marxist critique of law and justice, Naxalite movement : causes and cure.

#### **References**

1. Marc Galanter (ed.), Law and Society in Modern India (1997), Oxford
2. Robert Lingat, The Classical Law of India (1998), Oxford
3. U. Baxi, The Crisis of the Indian Legal System (1982), Vikas, New Delhi.
4. U. Baxi (ed.), Law and Poverty Critical Essays (1988), Tripathi Bombay
5. Manushi A, Journal about Woman and Society
6. Duncan Dereet, The State, Religion and Law in India (1999), Oxford university press, New Delhi.



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW (LLM)

### INTELLECTUAL PROPERTY LAW

<b>Course: Legal Research Methodology</b>	<b>Semester: I</b>
<b>Course Code: LLM 103</b>	<b>Credits: 4</b>

#### UNIT- I

**Foundations of Research: 08**

Meaning, Objectives, Motivation, Utility, Concept of theory, empiricism, deductive and inductive theory.

**Characteristics of scientific method: 04**

Understanding the language of research, Concept, Construct, Definition, Variable and Research Process

**Problem Identification & Formulation: 04**

Research Question, Investigation Question, Measurement Issues, and Hypothesis: Qualities of a good Hypothesis, Null Hypothesis, Alternative Hypothesis, Hypothesis Testing & Logic & Importance.

#### UNIT- II

**Research Design: 06**

Concept and Importance in Research, Features of a good research design, Exploratory Research Design, Concept, types and uses, Descriptive Research Designs, Experimental Design: Concept of Independent & Dependent variables.

**Qualitative and Quantitative Research: 04**

Concept of measurement, causality, generalization, replication, merging the two approaches.

**Measurement: 04**

Concept of measurement, What is measured? Problems in measurement in research, Validity and Reliability, Levels of measurement: Nominal, Ordinal, Interval, Ratio.

#### UNIT- III

**Sampling: 06**

Concepts of Statistical Population: Sample, Sampling Frame, Sampling Error, Sample Size, Non Response. Characteristics of a good sample. Probability Sample: Simple Random Sample,



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW (LLM)

### INTELLECTUAL PROPERTY LAW

Systematic Sample, Stratified Random Sample & Multi-stage sampling. Determining size of the sample – Practical considerations in sampling and sample size.

**Data Analysis: 04**

Data Preparation, Univariate analysis (frequency tables, bar charts, pie charts, percentages), Bivariate analysis – Cross tabulations and Chi-square test including testing hypothesis of association.

**UNIT- IV**

**Interpretation of Data and Paper Writing: 04**

Layout of a Research Paper, Journals in Computer Science, Impact factor of Journals, When and where to publish? Ethical issues related to publishing, Plagiarism and Self-Plagiarism. Use of Encyclopedias, Research Guides, Handbook etc., Academic Databases for Computer Science Discipline.

**Use of tools / techniques for Research: 04**

Methods to search required information effectively, Reference Management Software like Zotero/Mendeley, Software for paper formatting like LaTeX/MS Office, Software for detection of Plagiarism

**References:**

1. Business Research Methods – Donald Cooper & Pamela Schindler, TMGH, 9th edition
2. Business Research Methods – Alan Bryman & Emma Bell, Oxford University Press.
3. Research Methodology – C.R.Kothari

**Legal Education:** Objectives and Development

**Lecture method of teaching-**

Merits & Demerits, Discussion Method & Seminar Method of teaching, Examination systems and problems in evaluation.

**Suggested Readings:**

1. Clinical Legal Education- N.R. Madhava Menon
2. Legal Education in India in 21<sup>st</sup> Century- Kaul & Ahuja
3. Legal Education and Profession in India- P.L. Mehta & Sushma Gupta
4. Learning the Law- Glanville Williams
5. Legal Research and Methodology- S.K Verma & M. Afzal Wani





# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW (LLM)

### INTELLECTUAL PROPERTY LAW

<b>Course:</b> Evolution and Principles of IPR	<b>Semester:</b> 1
<b>Course Code:</b> LLM 104C	<b>Credits:</b> 4

#### UNIT- I

**Introduction:** 04

Nature, meaning and scope Categories and characteristics of IPR, Era of divine ownership, Territorial phase, International, Global phase, National legal regime.

**Basic concepts, International standards of IP:** 06

IPR at Glance, Copy right, Patent, Plant Variety, Biodiversity, Trade secrets.

#### UNIT- II

**Developing Nation:** 04

In context of Developed Nation, In context of International Unions.

**Theories on IPR:** 04

Locke's Labour Theory of Property, Hegel's Personality Theory of Property, Marxian Theory on Private Property and IP.

**Indian Theory on Private Property:** 04

Constitutional Aspects of Property, Constitutional Protection of Property and IP

#### UNIT- III

**International Treaties:** 06

Pre -WIPO, Post- WIPO, International, National, regional, and Global standards under Paris, Berne treaty and TRIP convention and regional as well International Treaties And Conventions.

**Other Treaties:** 04

Patent treaties, Trademark treaty, Industrial design, Geo indications treaty, Sui generis, Copy right treaties.

**Regional treaties:** 03

National Laws special reference to UK, USA, JAPAN an Indian context, International and regional org., National Bodies for Administration of IP Laws jurisdiction and enforcement.



# **R.K.D.F. UNIVERSITY, RANCHI**

## **MASTERS OF LAW (LLM)**

### **INTELLECTUAL PROPERTY LAW**

#### **UNIT- IV**

**Issues Relating Information Technology and Biotechnology: 06**

IP Protection Relationship between IP and traditional knowledge and knowledge driven economy and IP.

**Management of IPR Assets and ethical issues relation IP: 05**

#### **Suggested Readings:**

1. Ahuja, V.K., Law Relating To Intellectual Property Rights, 2<sup>nd</sup>edn., 2013, Lexis Nexis.
2. Pricipals of Itellental Property, N.S. Gopala Krishnan & T.G. Agitha.



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW (LLM)

### INTELLECTUAL PROPERTY LAW

SEMESTER- II					
COURSE CODE	COURSE TITLE	L	T	P	Credits
LLM 201	Comparative Public Law	4	0	0	4
LLM 202C	Law of Copyright	4	0	0	4
LLM 203C	IPR Valuation and Management	4	0	0	4
LLM 204C	Law of Patent and Design	4	0	0	4
<b>Total</b>		<b>16</b>	<b>0</b>	<b>0</b>	<b>16</b>



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW (LLM)

### INTELLECTUAL PROPERTY LAW

<b>Course:</b> Comparative Public Law	<b>Semester:</b> II
<b>Course Code:</b> LLM 201	<b>Credits:</b> 4

**Objective:** The syllabus aims at introducing basic concepts underlying modern governmental process in different parts of the world. It is now recognized that to understand and appreciate any branch of law knowledge of public law from a comparative prospective is essential.

#### UNIT-I

**Meaning, Scope & Method:** **14**

Public Law and its Relevance: Nature of public law, distinction between public and private law, scope and content of public law – Constitutional law, Administrative law and Criminal law. Comparative public law – Need of the study methods of comparison. Limits of comparative public law.

#### UNIT-II

**Constitutions and Constitutionalism:** **12**

Need for Constitution, evolution of Constitution and Constitutional law, Parts of a perfect Constitution. Constitutionalism and its incorporation into a written Constitution. Limited Government, Separation of powers, Federal Principles, Fundamental rights or Liberty of the subjects, and Judicial Review.

#### UNIT-III

**Classification of Constitution:** **12**

Federal and Unitary Form, Features, Advantages and Disadvantage Models of Federalism and Concept of Quasi-federalism, Role of Courts in Preserving Federalism, Parliamentary and Presidential Forms of Government, Cabinet System and its weakness. Legislative supervision over executive government.

#### UNIT-IV

**Administrative Process:** **08**

Basic Principles of administrative law: Rule of Law, Separation of powers, and delegation of powers, principles of natural justice and judicial review of administrative action. Accountability



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW (LLM)

### INTELLECTUAL PROPERTY LAW

and transparency in administration – Right to information, Citizens Charters and Ombudsman (Lakopal and Lok Ayuktas).

#### **Independent Judiciary and Judicial Review: 04**

Independent judiciary and Constitutional adjudication. Independence of Judiciary under Indian Constitution. Judicial Review: Growth and Development, Judicial Activism and Judicial restraint. Public interest Litigation. Theory of basic structure.

#### **Select Bibliography:**

1. D.D.Basu, Comparative Constitutional Law, 2nd edn, (Wadhwa, Nagpur,2010 )
2. David Starnes, The Living Constitution, ( Oxford University Press, 2010).
3. M.V.Pyle, Constitutional of the World, (Universal Publishers, 2006).
4. Sudhir Krishna Swamy, Democracy and Constitutionalism in India – A study of the Basic Structure Doctrine (Oxford University Press, 2013).
5. Vikram David Amar, Mark Tushnet, Global Perspectives on Constitutional Law (Oxford University Press Inc United States 2009)
6. M.P.Singh, Comparative Constitutional Law, (Eastern Book Company, 1989).
7. J.P. Pennock and J.W. Chapman, Constitutionalism, NOMOSXX, (New York University Press,1979).
8. M.P.Jain, Constitutional Law, 6th edn, ( Mumbai : Lexis Nexis, 2013)
9. M.P.Singh, V.N Shukla's. Constitution of India, 12th edn, (Lucknow: Eastern Book Company, 2013)



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW (LLM)

### INTELLECTUAL PROPERTY LAW

<b>Course:</b> Law of Copyright	<b>Semester:</b> II
<b>Course Code:</b> LLM 202C	<b>Credits:</b> 4

**Objective:** The scope and objective is to make students aware of current trends in Copyright laws and related issues, its growth in India and its comparative perspective.

#### UNIT- I

**Introduction & Historical Background:** **12**

Introduction to Copyright, History of Copyright, Statute of Anne, Roman History, Other Essential Backgrounds, Requirement of subject-Copyright in Globalized world, Concept of Author, Works in which copyright subsists, Author, An Introduction, Rights of Author, Cases on Rights of Author, International Instruments-Concepts of Author.

#### UNIT- II

**Infringement:** **06**

An Introduction, Principles Governing Infringement, Case Laws Analysis-Infringement, Fair Dealing/Fair Use-Concept, Other Exceptions, Analysis of WCT, WPPT.

**Performer's Rights:** **04**

Performer's Right, Analysis of Performer's Right in India-2012 Amendment, Concept of Lecture and Performer, Author in Posthumous & Unpublished works.

#### UNIT- III

**Copyright Board:** **06**

Introduction, Copyright Board-Structure, Rights, Duties & Functions, Internet & Copyright, Introduction, Infringement- Piracy in Web, Remedies-Infringement

**Arbitrability in Copyright Law:** **05**

Arbitration-An Introduction, Scope of Arbitrability in Copyright matters, Concept of Arbitration and Copyright-IBM v Fujitsu



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW (LLM)

### INTELLECTUAL PROPERTY LAW

#### UNIT- IV

**Comparative Analysis: 06**

DMCA, 2000 and Copyright Act 1957, International Instruments-Role of Copyright, Problems in Copyright Legislations, Comparative Analysis- Digital Millennium Copyright Act, 2000 and Copyright Act 1957.

**Role of International Instruments: 08**

A comparative study-Seeking improvements in Copyright Act, Analysis-International Instruments on Reciprocity, TRIPS- Role of TRIPS in Copyright Law, Necessary Improvements Required in Indian Copyright Act 1957, Current Issues in Copyright Act and necessary steps, Summary of the subject and Suggestions.

**Suggested Readings:**

1. Alka Chawla, *Copyright and Related Rights : National and International Perspectives* (Macmillan India Ltd., Delhi, 2007)
2. Copyright Act 1957,(As amended 2012)
3. David Bainbridge, *Intellectual Property* (Pearson Education, Delhi, 2003).
4. Holyoak & Torremans, *Intellectual Property Law* (Oxford University Press, New York, 2010)



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW (LLM)

### INTELLECTUAL PROPERTY LAW

<b>Course:</b> IPR Valuation and Management	<b>Semester: II</b>
<b>Course Code:</b> LLM 203C	<b>Credits: 4</b>

**Objective:** This is a developing field and trend which enables one to achieve a different level of perspective to look through various IPR systems, its effective management and how to value them as a valuer.

#### UNIT- I

**Introduction:** 06

Introduction to Intellectual Property Management, Meaning of Asset and Intellectual Property Asset, Role of Intellectual Property Asset in Business Economics, Benefit of Intellectual Property, Planning of Intellectual Property Assets, Management by objective of business.

**Management functions and Intellectual Property:** 06

Management functions, Planning, Organizing, Staffing, Leading, Communication, Controlling, Budgeting, Management Information systems (MIS).

#### UNIT- II

**Intellectual Property Management:** 06

Economic objectives of Intellectual Property Management , Intellectual Property importance for an organization, IP Policy, Intellectual Property Management System (IPMS), Intellectual Property Assets Management, Assessing Potentials of IP, Intellectual Property Governance, Preparing for IP Protection and taking steps for Registration of IP.

**Intellectual Property Strategies:** 06

Intellectual Property System Strategy, IP Portfolio management, Leveraging of Intellectual assets, Identifying core competencies, market analysis, building up, protection and enforcement of core competencies, redefining business strategies.

#### UNIT- III

**Commercialization of Intellectual Property Assets:** 08

Commercialization of Intellectual Property assets and strategy, IP Brokin, Due diligence, Transfer of Intellectual Property, Licensing Intellectual Property, Negotiating license agreements, Auctioning and selling Intellectual property, Joint ventures in Intellectual property,





# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW (LLM)

### INTELLECTUAL PROPERTY LAW

branding and pricing of Intellectual property, Contractual obligations, Non disclosure agreement, anti royalty stacking, indemnification, patent pools and cross licensing.

**Intellectual Property Risk Management: 04**

Intellectual Property and Risks, Risk Mitigation, Techniques, third party claims, Litigation and Dispute Resolution, Alternative Dispute Resolution/Online Dispute Resolution methods, Maintenance and prosecution of Intellectual Property rights, Intellectual Property Insurance.

**UNIT- IV**

**Intellectual Property Valuation: 04**

Principles of Intellectual Property valuation, Methods of Intellectual Property valuation, Brand value, Marketing of Intellectual Property Assets.

**Intellectual Property Accounting: 04**

Intellectual Property and Financial Statements , Accounting Principles, accounting treatment of intangible assets, International Accounting Standards (IAS), Applicable International Accounting Standards (IAS).

**Intellectual Property Audit: 04**

Intellectual property audit, defining IP audit, scope and purpose of conducting Intellectual Property audit, need for Intellectual Property audit, and types of Intellectual Property audit.

**Intellectual Property Taxation: 02**

Taxing aspects of Intellectual property and tax considerations.

**Suggested Readings:**

1. Weston Anson, IP Valuation and Management
2. Mike Pellegrino, BVR's Guide to Intellectual property Valuation
3. Derek Bosworth, Elizabeth Webster , The Management Of Intellectual Property
4. Claire Howell and David Bainbridge, Intellectual Property Asset Management, How to identify, protect, manage and exploit intellectual property within the business environment Paperback , Rout ledge



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW (LLM)

### INTELLECTUAL PROPERTY LAW

<b>Course:</b> Law of Patent and Design	<b>Semester:</b> II
<b>Course Code:</b> LLM 204C	<b>Credits:</b> 4

**Objective:** The course covers most of the basic provisions of the patent statute, and students should acquire a solid general bank of knowledge about how patents and the patent law operate in practice.

#### UNIT- I

**Introduction to Patents:** **08**

Meaning of Patent, Essentials of Patents, Nature of Patents, A Document, A form of Property, Scope of Patenting, Invention, Innovation and Discoveries, New Areas of Patenting Biotech, Genetic, Plant Patent, Electrical, Nanotech, Software, etc., Distinguish between Patents and other Forms of IPRs

**Evolution of Patent Law :** **06**

International Developments, Treaties and Conventions, Paris Convention, Budapest Treaty, Doha Declaration, The Strasbourg Agreement, TRIPs Agreement, Patent Law Treaty, Patent Cooperation Treaty and others, Institutions, WIPO, etc.

#### UNIT- II

**Classification of Patents:** **04**

Classification of Patent by World Intellectual Property Organization, TRIPS, US, Europe and India.

**Patent Law in India:** **05**

Evolution of patent law, objectives of patent law in India, Patentable and non-patentable subject matter, development of patent law in India, various amendments to patent law, guidelines of Patent offices.

#### UNIT- III

**Procedure for Grant of Patent:** **06**

New Invention, Application for Grant of Patent, Eligibility to apply for Patent, Provisional and complete specification, Examination, Secrecy of Invention, Pre and Post grant opposition, Patent in Addition, Grant of Patent, Patent Office and Authorities.



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW (LLM)

### INTELLECTUAL PROPERTY LAW

**Rights of Patent holder: 06**

Exclusivity and Limitations, ownership rights, duties of a patent holder and a co-owner, Transfer of patent rights, License, Assignment, Compulsory licensing, Government use and other obligations, Restoration, Revocation and surrender of Patents.

**UNIT- IV**

**Remedies for Infringement: 04**

Infringement, meaning and types, Parties to infringement, Action for infringement, Civil and Criminal remedies, Injunctions, Damages, offences, penalties.

**Disputes Relating to Patents: 06**

Jurisdiction of patent offices and courts, Defenses against infringement, Jurisdiction of Controller general of patents and the Intellectual Property Appellate Board, Role of Patent Agent.

**Reference**

1. Narayanan P., *Patent Law*, Eastern Law House
2. Mittal D.P., *Indian patents Law and Procedure*, Taxmann Allied Services
3. Kalyan C. Kanakala, Arun K. Narasani, Vinita Radhakrishnan, *Indian Patent Law and Practice*, Oxford India
4. Stim Richard, *Intellectual Property: Patents, Trademarks and Copyright*, West Thomson Learning
5. David Brain Bridge, *Intellectual Property*, Pearson Education
6. N.S. Gopalakrishnan and T.G. Agitha, *Intellectual Property*, Eastern Book Company
7. W. Cornish, D. Llewelyn and T. Aplin, *Intellectual Property, Patents, Copyright, Trademarks and Allied Rights*, Sweet and Maxwell
8. Arora Manish, *Guide to Patents Law*, Universal Law Publications



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW (LLM)

### INTELLECTUAL PROPERTY LAW

SEMESTER- III					
COURSE CODE	COURSE TITLE	L	T	P	Credits
LLM 301C	Intellectual Property Rights and WTO	4	0	0	4
LLM 302C	Law of Trademarks and GI	4	0	0	4
LLM 303C	Other forms of Intellectual Property Rights	4	0	0	4
<b>Total</b>		<b>12</b>	<b>0</b>	<b>0</b>	<b>12</b>



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW (LLM)

### INTELLECTUAL PROPERTY LAW

<b>Course:</b> Intellectual Property Rights and WTO	<b>Semester:</b> III
<b>Course Code:</b> LLM 301C	<b>Credits:</b> 4

#### UNIT- I

**GATT and WTO:** 08

Rounds of GATT, Dunkel Proposal, Formation of WTO, Structure of WTO Agreements in WTO

**WTO and Economic Development** 08

#### UNIT- II

**TRIPs Agreement and Its relation with other International IPR Treaties:** 10

Paris Convention, Berne Convention, Rome Convention

#### UNIT- III

**TRIPs Agreement:** 12

General Provisions and Basic Principles, Minimum Standard, Enforcement of IPR, Dispute Prevention and Settlement

#### UNIT- IV

**TRIPs and Environment:** 10

TRIPs and Biodiversity, TRIPs and Protection of Plants Varieties, TRIPs and Biotechnology

#### References :

1. Daniel Gervais (edited), Intellectual Property, Trade and Development (2007), Oxford University Press.
2. Peter – Tobias Stoll, Jan Busche and Katrin Arend (Edited), WTO-Trade related Aspects of Intellectual Property Rights (2009) (Vol. 7), Martinus Nijhoff Publishers.
3. A.H. Qureshi, Interpreting WTO Agreements, Cambridge.
4. Carlos M. Correa, Oxford Commentaries on The GATT.WTO Agreements (2007), Oxford University Press.



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW (LLM)

### INTELLECTUAL PROPERTY LAW

<b>Course:</b> Law of Trademarks and GI	<b>Semester:</b> III
<b>Course Code:</b> LLM 302C	<b>Credits:</b> 4

**Objective:** The overall purpose of trademark law is to prevent unfair competition by protecting the use of a symbol, word, logo, slogan, design, domain name, etc. that uniquely distinguishes the goods or services of a firm

#### UNIT- I

**Introduction:** 12

Evolution of Trademark in India, Justification, International Treaties: Paris Convention Madrid Agreement and Protocol, NICE Agreement, Trademark Law Treaty, Singapore Law Treaty, TRIPS

**Kinds of Trademarks:** 10

Registered and Unregistered Trademarks, Conventional & Non-Conventional Trademarks, Service Mark, Collective Marks, Certification Marks, Well Known Trademarks

#### UNIT- II

**Registration of Trademarks:** 12

Pre-requisites., Absolute and Relative Grounds for Refusal of Registration, Concept of Deceptive Similarity and its Applicability in Registration, Procedure for Registration, National and International Registration

#### UNIT- III

**Commercial Exploitation of Trademarks and IPAB:** 08

Rights of Proprietor, Assignment, Licensing and Transmission of Trademark, IPAB

#### UNIT- IV

**Infringement and Passing off:** 08

Infringement, Goodwill and Passing off, Remedies, Trademark Issues in Cyberspace

#### Text Books:

1. K C Kailasam and Ramu Vedaraman, Law of Trademarks including International Registration under Madrid Protocol and Geographical Indications, Lexis Nexis, 2013
2. A. K. Bansal, Law of Trademark in India, Thomson & Reuter, 2014



# **R.K.D.F. UNIVERSITY, RANCHI**

## **MASTERS OF LAW (LLM)**

### **INTELLECTUAL PROPERTY LAW**

#### **References:**

1. David T Keeling, David Llewelyn, Kerley's law of Trade Marks and Trade Names, Sweet and Maxwell, 15th Edition , 2014.
2. Narayanan, Trade Marks and Passing Off, Eastern Law House, 2004
3. Ananth Padmanabhan, Intellectual Property Rights Infringement and Remedies, Lexis Nexis, 2012
4. Christopher Wadlow, The Law of Passing Off: Unfair Competition by Misrepresentation, Sweet and Maxwell, 2011.
5. David Lindsay, International Domain Name Laws, Hart Publishing, 2007.



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW (LLM)

### INTELLECTUAL PROPERTY LAW

<b>Course:</b> Other forms of Intellectual Property Rights	<b>Semester:</b> III
<b>Course Code:</b> LLM 303C	<b>Credits:</b> 4

**Objective:** The objective is to provide an overview of various IPRs, its regulation and mechanism.

#### UNIT- I

**Introduction:** 06

Revisiting Dimensions of IPRs, Importance and Extent ,Types of Other IPRs existing, Current Trends and Developments.

**Other IPRs in India:** 06

IP offices, Statistics of IP awareness and Development, Globalization and Indian Response to IPR and International Institutions, TRIPS Guidelines.

#### UNIT- II

**Geographical Indications:** 05

Introduction, Evolution, Justification, International Treaties, Paris Convention, Madrid Agreement, Lisbon Agreement , TRIPS Agreement

**Layout Designs & Integrated Circuits:** 05

The Semiconductor Integrated Circuits Layout-Design Act, 2000,Conditions and Procedure for Registration, Duration and Effect of Registration, Assignment and Transmission.

#### UNIT- III

**Trade Secrets:** 08

Introduction to Trade Secrets, Trade Secrets & Intellectual Property, Protectable Subject Matter, Secrets versus Public Knowledge, Economic Value, Reasonable Effort to maintain secrecy, Scope of protection, Duty of Confidentiality, Improper means, Restrictive Covenants, Third Party Liability.

**Biotechnology & IPR:** 06

Basic legal concepts, Law, BRAI BILL, Regulation of Biotechnology in India, Patent Laws in India and its significance, morality and ethics as different contexts for evaluating biotechnology, Research Collaborations and Other Agreements, Case studies of major biotech licensing deals,





# **R.K.D.F. UNIVERSITY, RANCHI**

## **MASTERS OF LAW (LLM)**

### **INTELLECTUAL PROPERTY LAW**

Regulation of Biotechnology, Food and Drug Law, Introduction to administrative agencies, Overview of the Food and Drug Administration, Basics of food and drug law.

#### **UNIT- IV**

##### **The Protection of Plant Varieties and Farmers' Rights:**

**08**

The Protection of Plant Varieties and Farmer's Rights Act, 2001, Protection of Plant Varieties and Farmers' Rights, Authority and Registry, Registration of Plant Varieties and Essentially derived variety, Duration, Effect of Registration and Benefit Sharing, Surrender and revocation of Certificate, Farmers' Rights, Plant Varieties Protection Appellate Tribunal, Infringement, Offences, Penalties and Procedure

##### **Suggested Readings:**

1. Elizabeth A. Rowe & Sharon K. Sandeen, *Cases and Materials on Trade Secret Law* (2d ed. 2017).
2. Casebook 240-245, 1-15, 31-33 E.I. DuPont deNemours & Co. v. Christopher, 431 F.2d 1012 (5th Cir. 1970)
3. Clorox Co. v. S.C. Johnson & Son, Inc., 627 F.Supp.2d 954 (E.D. Wis. 2009)
4. Bimbo Bakeries USA, Inc. v. Botticella, 613 F.3d 102 (3d Cir. 2010)
5. The Semiconductor Integrated Circuits Layout-Design Act, 2000
6. Biotechnology and Intellectual Property Rights, Kshitij Kumar Singh, Springer Nature, 2015 edition



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW (LLM)

### INTELLECTUAL PROPERTY LAW

SEMESTER- IV					
COURSE CODE	COURSE TITLE	L	T	P	Credits
LLM 401C	Dissertation & Viva Voce	20	0	0	4
LLM 402C	Seminar	3	0	0	4
<b>Total</b>		<b>23</b>	<b>0</b>	<b>0</b>	<b>23</b>

\*\*\*\*\*



# RKDF UNIVERSITY RANCHI

## MASTER OF LAW

### INTELLECTUAL PROPERTY LAW

FIRST YEAR					
SEMESTER- I			SEMESTER- II		
COURSE CODE	COURSE TITLE	UNITS	COURSE CODE	COURSE TITLE	UNITS
LLM 101	Jurisprudence	4	LLM 201	Comparative Public Law	4
LLM 102	Law and Social Transformation of India	4	LLM 202D	Law of carriage, Transportation & Insurance	4
LLM 103	Legal Research Methodology-I	4	LLM 203D	Law of Merger & Governance	4
LLM 104D	Law & Economics	4	LLM 204D	International Contract Law	4
	<b>Total</b>	<b>16</b>		<b>Total</b>	<b>16</b>

SECOND YEAR					
SEMESTER- III			SEMESTER- IV		
COURSE CODE	COURSE TITLE	UNITS	COURSE CODE	COURSE TITLE	UNITS
LLM 301D	White Collar Crimes	4	LLM 401D	Dissertation & Viva Voce	20
LLM 302D	Law of Foreign Trade and Exchange	4	LLM 402D	Seminar	3
LLM 303D	International Banking Law	4			
	<b>Total</b>	<b>12</b>		<b>Total</b>	<b>23</b>



# RKDF UNIVERSITY RANCHI

## MASTER OF LAW

SEMESTER- I					
COURSE CODE	COURSE TITLE	L	T	P	Credits
LLM 101	Jurisprudence	4	0	0	4
LLM 102	Law and Social Transformation of India	4	0	0	4
LLM 103	Legal Research Methodology-I	4	0	0	4
LLM 104D	Law & Economics	4	0	0	4
<b>Total</b>		<b>16</b>	<b>0</b>	<b>0</b>	<b>16</b>



# RKDF UNIVERSITY RANCHI

## MASTER OF LAW

<b>Course: Jurisprudence</b>	<b>Semester: I</b>
<b>Course Code: LLM 101</b>	<b>Credits: 4</b>

**Objective:** To impart basic knowledge about science and philosophy of law, various schools and theories of jurisprudence and their contemporary significance.

### UNIT-I

**Introduction:** 04

Meaning and scope of term “Jurisprudence”, Theories of jurisprudence Relationship of Jurisprudence with other social sciences.

**Law:** 04

Nature, Scope, Theories and definition of “Law”, Sources of Law, Purpose and Functions of Law.

**Ancient Indian Legal System:** 04

Evolution and Concept of Law, Rule of Law, Role of King in administration of justice.

### UNIT-II

**Schools of Jurisprudence:** 06 Natural School of Law, Positive School of Law, Historical School of Law, Sociological School of Law, Utilitarian School of Law, Marxist Theory of Law.

**Justice:** 08

Meaning & kinds, Justice and Law, approaches of different schools, Administration of Justice, Civil & Criminal, Theories of punishment, Indian Position, Role of State in Administrative Justice, Principles of Natural Justice, Judicial Activism.

### UNIT-III

**Legal Persons:** 06

Concept of Person , Natural and Legal Persons, Nature of Personality, Status of the unborn, minor, lunatic drunken and dead person, Corporate personality, Dimensions of the modern legal personality, legal personality of non-human beings.

**Legal Rights:** 04

The Concept, Rights, Kinds, Right duty correlation.



# RKDF UNIVERSITY RANCHI

## MASTER OF LAW

**Possession:** 04

The Concept, Kinds of Possession, Acquisition of Possession, Modes of Acquisition of Property.

**Ownership:** 04

The Concept, Kinds of Ownership, Difference between possession & ownership

### UNIT-IV

**Interpretation of Statutes:** 04

Rules of Interpretation of a Statutes, Basic Guidelines on Interpretation, Divergent Opinions on Interpretation and Construction of Statutes, Rules of Construction, Procedural and Substantive Law.

### Suggested Readings:

1. Salmond, *Jurisprudence*, Universal Publishers 12<sup>th</sup> Edn. 1966.
2. Paton, *Jurisprudence*.
3. Allen, *Law in the Making*, Universal Publishers 7<sup>th</sup> Edn. 2001.
4. Mahajan V.D., *Legal Theory and Jurisprudence*, Eastern Book Company, Lucknow, 5<sup>th</sup> Edn. 1977.
5. Dias, *Jurisprudence*, Aditya Books, 5<sup>th</sup> Edn. 1985.
6. Rama Jois, *Legal and Constitutional History of India*, Universal Law Publications, Delhi.
7. Sarathi Vepa P., *Interpretation of Statutes*, Eastern Book Co, 4<sup>th</sup> Edition, 1976.
8. Maxwell, *Interpretation of Statutes*, Butterworth's Publications, 1976, 12<sup>th</sup> Edition.
9. Crawford, *Interpretation of Statutes*, Universal Publishers.
10. Chatterjee, *Interpretation of Statutes*.
11. Singh G.P., *Principles of Statutory Interpretation*, Wadhwa and Company, 8<sup>th</sup> Ed., 2001.
12. Cross, *Statutory Interpretation*.



# RKDF UNIVERSITY RANCHI

## MASTER OF LAW

<b>Course: Law and Social Transformation of India-I</b>	<b>Semester: I</b>
<b>Course Code: LLM 102</b>	<b>Credits: 4</b>

### UNIT- I

**Law and Social Change: 06**

Law as an instrument of social change, Law as the product of traditions and culture. Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

**Law and its Inter-relationships with Religion, Language, Community and Regionalism: 06**

Religion, language, community and regionalism as divisive factors, Responses of law to: Religion - through secularism, Language - through constitutional guarantees, Community - through non-discrimination, Regionalism - through unity, Non-discrimination and protective discrimination (reservation).

### UNIT- II

**Women and the Law: 05**

Crimes against woman, Gender injustice and its various forms, Woman's Commission, Empowerment of woman: Constitutional and other legal provisions.

**Children and the Law: 05**

Child labour, Sexual exploitation, Adoption and related problems, Children and education.

### UNIT- III

**Modernization and the Law: 06**

Modernization as a value: Constitutional perspectives reflected in the fundamental duties. Modernization of social institutions through law: Reform of family law, Agrarian reform - Industrialization of agriculture, Industrial reform: Free enterprise v. State regulation - Industrialization v. environment protection

**Reform of court processes: 06**



# RKDF UNIVERSITY RANCHI

## MASTER OF LAW

Criminal law : Plea bargaining; compounding and payment of compensation to victims, Civil law: (ADR) Confrontation v. consensus; mediation and conciliation; Lokadalats, Prison reforms. Democratic decentralization and local self-government.

### UNIT- IV

#### **Alternative Approaches to Law:**

**12**

The jurisprudence of Sarvodaya - Gandhiji, VinodaBhave; Jayaprakash Narayan - Surrender of dacoits; concept of gramanyayalays. Socialist thought on law and justice : An enquiry through constitutional debates on the right to property, Indian Marxist critique of law and justice, Naxalite movement : causes and cure.

#### **References**

1. Marc Galanter (ed.), Law and Society in Modern India (1997), Oxford
2. Robert Lingat, The Classical Law of India (1998), Oxford
3. U. Baxi, The Crisis of the Indian Legal System (1982), Vikas, New Delhi.
4. U. Baxi (ed.), Law and Poverty Critical Essays (1988), Tripathi Bombay
5. Manushi A, Journal about Woman and Society
6. Duncan Dereet, The State, Religion and Law in India (1999), Oxford university press, New Delhi.





# RKDF UNIVERSITY RANCHI

## MASTER OF LAW

<b>Course: Legal Research Methodology</b>	<b>Semester: I</b>
<b>Course Code: LLM 103</b>	<b>Credits: 4</b>

### UNIT- I

**Foundations of Research: 08**

Meaning, Objectives, Motivation, Utility, Concept of theory, empiricism, deductive and inductive theory.

**Characteristics of scientific method: 04**

Understanding the language of research, Concept, Construct, Definition, Variable and Research Process

**Problem Identification & Formulation: 04**

Research Question, Investigation Question, Measurement Issues, and Hypothesis: Qualities of a good Hypothesis, Null Hypothesis, Alternative Hypothesis, Hypothesis Testing & Logic & Importance.

### UNIT- II

**Research Design: 06**

Concept and Importance in Research, Features of a good research design, Exploratory Research Design, Concept, types and uses, Descriptive Research Designs, Experimental Design: Concept of Independent & Dependent variables.

**Qualitative and Quantitative Research: 04**

Concept of measurement, causality, generalization, replication, merging the two approaches.

**Measurement: 04**

Concept of measurement, What is measured? Problems in measurement in research, Validity and Reliability, Levels of measurement: Nominal, Ordinal, Interval, Ratio.

### UNIT- III

**Sampling: 06**

Concepts of Statistical Population: Sample, Sampling Frame, Sampling Error, Sample Size, Non Response. Characteristics of a good sample. Probability Sample: Simple Random Sample,



# RKDF UNIVERSITY RANCHI

## MASTER OF LAW

Systematic Sample, Stratified Random Sample & Multi-stage sampling. Determining size of the sample – Practical considerations in sampling and sample size.

**Data Analysis: 04**

Data Preparation, Univariate analysis (frequency tables, bar charts, pie charts, percentages), Bivariate analysis – Cross tabulations and Chi-square test including testing hypothesis of association.

**UNIT- IV**

**Interpretation of Data and Paper Writing: 04**

Layout of a Research Paper, Journals in Computer Science, Impact factor of Journals, When and where to publish? Ethical issues related to publishing, Plagiarism and Self-Plagiarism. Use of Encyclopedias, Research Guides, Handbook etc., Academic Databases for Computer Science Discipline.

**Use of tools / techniques for Research: 04**

Methods to search required information effectively, Reference Management Software like Zotero/Mendeley, Software for paper formatting like LaTeX/MS Office, Software for detection of Plagiarism

**References:**

1. Business Research Methods – Donald Cooper & Pamela Schindler, TMGH, 9th edition
2. Business Research Methods – Alan Bryman & Emma Bell, Oxford University Press.
3. Research Methodology – C.R.Kothari

**Legal Education: Objectives and Development**

**Lecture method of teaching-**

Merits & Demerits, Discussion Method & Seminar Method of teaching, Examination systems and problems in evaluation.

**Suggested Readings:**

1. Clinical Legal Education- N.R. Madhava Menon
2. Legal Education in India in 21<sup>st</sup> Century- Kaul& Ahuja
3. Legal Education and Profession in India- P.L. Mehta &Sushma Gupta
4. Learning the Law- Glanville Williams
5. Legal Research and Methodology- S.K Verma& M. Afzal Wani



# RKDF UNIVERSITY RANCHI

## MASTER OF LAW

<b>Course:</b> Law & Economics	<b>Semester:</b> 1
<b>Course Code:</b> LLM 104D	<b>Credits:</b> 4

**Objective:** This course will use economic analysis to illuminate the structure of law in the fields of property law, tort law, contract law, and criminal law.

### Syllabus

**Introduction to law and economics: 05**

Positive and Normative Analysis of Law, John Rawls Distribution of Justice, Social Contract Theory, Micro economic theory fundamental concepts, Maximization Equilibrium and Efficiency, theory of consumer Choice, theory of demand and supply, Game theory, theory of asset pricing , Profits and Growth , Behavioral Economics.

**Economic Theory of Property: 06**

The Coase theorem, Bargaining theory of Property, Legal Concepts of Property, Ownership and Possession, Fundamentals of Property Law , Property Rights Definition, Incentives, Emergence and Enforcement, The Assignment of Rights and Distribution of Wealth, theory of Property , Inalienability, Trespass and Nuisance, Protection of Property Rights, Remedies available for violation of Property Rights, Possessory Remedies, Economic property law, limited and dividend ownership, Intellectual Property Rights.

**Involuntary Transfers and Restriction on Property Transfers: 05**

Private Persons involuntary Transfers, Adverse Possession, Primogeniture, Rule Against Perpetuity, Promissory Grant by Estoppels, Doctrine of Eminent Domain, Compensatory Jurisprudence, Special Economic Zone, Legal issues.

**Dispute Settlements: 04**

Judicial Process, Litigations and Settlement Process, Alternative Dispute Resolutions, *Lis Pendence*, Costs and Compensation, Indigent suit, Free Legal Aid, Plea Bargaining, Rule against Self Incrimination, Right of Privacy.

**Economic theory of Tort Law and Economic relevancy: 04**

Cause in fact, Proximate cause, Kinds of Liability, Liquidated and un liquidated damages, Economics of Tortuous liability, Respondent Superior, Negligence and Contributory Negligence, *Res ipsaloquitur*, Worker's Compensation in Accidental Claims, Liability for Environment



# RKDF UNIVERSITY RANCHI

## MASTER OF LAW

degradation, liability in Medical Mal Practices, customary Practices and informed consent, Product Liability.

**Economic theory of contractual law: 04**

Formation of contract, enforcement, breach of contracts, Remedies, Economics of contractual law, Specific Performance of Contract, Frustration of Contracts, Self-enforcement contract, Express and Implied Contracts.

**Economic Crimes: 4**

Economics of crime, theft, Money Laundering, Illegal drug Trafficking, Primary and secondary, Import and Export Fraud, IP Theft or Fraud, NBFC Frauds, Fake Currency and Stamps, Market Frauds/Stock Manipulations, Computer crimes, Credit cards Frauds, Illegal, Bank and Insurance Frauds, Trade in Human body parts, Real Estates Fraud, Foreign Trade, white color crimes, Economic theory of crime and punishment , Racketeering false related travel documents.

**Regulatory Bodies in India: 8**

RBI, SEBI, IRDA, FMC, PFRDA, TRAI, AERA, Cyber Regulation Appellate Tribunal, Competition Commission of India , Petrol and Natural Gas Regulatory Board, The Economics of Anti, Trust laws, Perse Rule versus Rule of Reason, Perfect Competition versus Monopoly, New Economic Policy, LPG, Neo Liberalism Concept Economics of legal process

**Suggested Readings:**

1. Economic Analysis of Law in India: Theory and Application Editor(s): Robert Cooter& Thomas Ulen ,*Introduction to Law & Economics* (Fifth Edition).
2. David Friedman (1987). "Law and Economics," *The New Palgrave: A Dictionary of Economics*, v. 3, p. 144.
3. Posner, Richard (1983), *The Economics of Justice*. Cambridge: Harvard University Press. p. 4. ISBN 0-674-23525-8.
4. Markovits, Richard (1998). *Second-Best Theory and Law & Economics: An Introduction*. 73. Chicago-Kent Law Review.



# RKDF UNIVERSITY RANCHI

## MASTER OF LAW

<b>SEMESTER- II</b>					
<b>COURSE CODE</b>	<b>COURSE TITLE</b>	<b>L</b>	<b>T</b>	<b>P</b>	<b>Credits</b>
LLM 201	Comparative Public Law	4	0	0	4
LLM 202D	Law of carriage, Transportation & Insurance	4	0	0	4
LLM 203D	Law of Merger & Governance	4	0	0	4
LLM 204D	International Contract Law	4	0	0	4
<b>Total</b>		<b>16</b>	<b>0</b>	<b>0</b>	<b>16</b>



# RKDF UNIVERSITY RANCHI

## MASTER OF LAW

<b>Course:</b> Comparative Public Law	<b>Semester: II</b>
<b>Course Code: LLM 201</b>	<b>Credits: 4</b>

**Objective:** The syllabus aims at introducing basic concepts underlying modern governmental process in different parts of the world. It is now recognized that to understand and appreciate any branch of law knowledge of public law from a comparative prospective is essential.

### UNIT-I

**Meaning, Scope & Method:** **12**

Public Law and its Relevance: Nature of public law, distinction between public and private law, scope and content of public law – Constitutional law, Administrative law and Criminal law. Comparative public law – Need of the study methods of comparison. Limits of comparative public law.

### UNIT-II

**Constitutions and Constitutionalism:** **10**

Need for Constitution, evolution of Constitution and Constitutional law, Parts of a perfect Constitution. Constitutionalism and its incorporation into a written Constitution. Limited Government, Separation of powers, Federal Principles, Fundamental rights or Liberty of the subjects, and Judicial Review.

### UNIT-III

**Classification of Constitution:** **12**

Federal and Unitary Form, Features, Advantages and Disadvantage Models of Federalism and Concept of Quasi-federalism, Role of Courts in Preserving Federalism, Parliamentary and Presidential Forms of Government, Cabinet System and its weakness. Legislative supervision over executive government.

### UNIT-IV

**Administrative Process:** **08**

Basic Principles of administrative law: Rule of Law, Separation of powers, and delegation of powers, principles of natural justice and judicial review of administrative action. Accountability



# RKDF UNIVERSITY RANCHI

## MASTER OF LAW

and transparency in administration – Right to information, Citizens Charters and Ombudsman (Lakopal and LokAyuktas).

### **Independent Judiciary and Judicial Review: 04**

Independent judiciary and Constitutional adjudication. Independence of Judiciary under Indian Constitution. Judicial Review: Growth and Development, Judicial Activism and Judicial restraint. Public interest Litigation. Theory of basic structure.

### **Select Bibliography:**

1. D.D.Basu, Comparative Constitutional Law, 2nd edn, (Wadhwa, Nagpur,2010 )
2. David Starnes, The Living Constitution, ( Oxford University Press, 2010).
3. M.V.Pyle, Constitutional of the World, (Universal Publishers, 2006).
4. Sudhir Krishna Swamy, Democracy and Constitutionalism in India – A study of the Basic Structure Doctrine (Oxford University Press, 2013).
5. Vikram David Amar, Mark Tushnet, Global Perspectives on Constitutional Law (Oxford University Press Inc United States 2009)
6. M.P.Singh, Comparative Constitutional Law, (Eastern Book Company, 1989.
7. J.P. Pennock and J.W. Chapman, Constitutionalism, NOMOSXX, (New York University Press,1979).
8. M.P.Jain, Constitutional Law, 6th edn, ( Mumbai : Lexis Nexis, 2013)
9. M.P.Singh, V.N Shukla's. Constitution of India, 12th edn, (Lucknow: Eastern Book Company, 2013)



# RKDF UNIVERSITY RANCHI

## MASTER OF LAW

<b>Course:</b> Law of carriage, Transportation & Insurance	<b>Semester: II</b>
<b>Course Code:</b> LLM 202D	<b>Credits: 4</b>

**Objective:** The objective of the course is to appraise the students with various laws relating to the contract of carriage.

### Syllabus

**Carriage by road Act, 2007:** 10

Introduction, Meaning and def. of common Carrier, Difference between common carrier and Private carrier, Gratuitous Carrier, Registration of common, carrier, Liability of common carrier, Exception from liability, Measure of damages, Rule making power of the Central Govt.

**Carriage by Air Act, 1972:** 11

International carriage by Air- Meaning, The first Schedule, Meaning of International Carriage, Documents of carriage, Liability of Carrier, Warsaw convention and Human Rights Act, Limits of Liability, The Hague protocol, The second schedule, Internal Carriage by air, Combined Carriage, Consumer cases on airline Services, Travel agent duties, Duty of airport Authority, Carriage of dangerous goods.

**Carriage by Rail:** 10

Carriage of goods by rail, Delivery of goods against railway receipt, Manner of delivery, Railway's General Lien, Responsibility of railway administration as carriers, General Responsibilities of Railways, Right to sue, Carriage of animals, Cessation of responsibility, Burden of proof, Notice of loss, Carriage of passengers.

**Carriage by sea:** 7

Contract of affreightment, Implied undertaking, Charter Parties, Bill of lading, Responsibilities and liabilities of railway carrier, Right and immunities, Excepted Perils, Jettison and general average, Abandonment of ship, Demurrage and lay days, Freight.

**Marine Insurance Law:** 6

Nature and scope of marine insurance contract, Classification of Marine Policies, Voyage-deviation, Perils of the sea, Warranties in marine insurance, Loss.





# RKDF UNIVERSITY RANCHI

## MASTER OF LAW

### Suggested Readings:

1. Singh, Avtar, *Law of carriage ( Air, Land and Sea)*, 5th Edition, 2015, Eastern Book Company, 405 pp.
2. Saharay, H K, *Law of Carriage of goods*, 2nd Revised edition edition, 2014 Eastern Law House, 983 pp.
3. Harris, Brian. Ridlay's, *Law of the Carriage of goods by Land, Sea, and Air*, 8th edition, Sweet & Maxwell, 2010, 512 pp.
4. Rajvanshi, Gargi, *Transportation Law*, First edition, 2015, Lexis Nexis, 280pp.
5. Murthy, K.S.N. & Sarma, K.V.S., *Modern Law of Insurance in India*, N.M. Tripathi, 1991, 332 pp.



# RKDF UNIVERSITY RANCHI

## MASTER OF LAW

<b>Course:</b> Law of Merger & Governance	<b>Semester:</b> II
<b>Course Code:</b> LLM 203D	<b>Credits:</b> 4

**Objective:** To understand basic concept of laws governing mergers and its impact.

### Syllabus

**Introduction:** **10**

Theories of Merger and Acquisition (in short M & A), Types of M & A, Advantages and Disadvantages, Structure of Transaction(Asset Purchase, Cross-Border Mergers, Share Purchase), Merger and Acquisition in International Law, European Law, American Law and other Systems of Law.

**Merger and Acquisition in India:** **06**

Pre and Post Liberalisation period, Role of Regulators governing M & A in India: Security and Exchange Board of India (SEBI), Reserve Bank of India (RBI), Foreign Investment Promotion Board (FIPB), Competition Commission of India (CCI)

**Law relating to M & A:** **04**

Company Law, Competition Law, FEMA, SEBI Regulation and Guidelines, RBI Policies and others,

**Issues Relating to M & A:** **06**

Contractual, Intellectual Property, Exchange Control (FDI), Tax, Due Diligence.

**Merger and Acquisition Agreement (Essentials):** **06**

MoU (Pre-Agreement), Acquisition Agreement (Share Purchase Agreement etc.).

**Corporate Governance and Social Responsibility:** **12**

Importance of Corporate Governance (ii) Different system of Corporate Governance (iii) Impact of Legal Traditions and the Rule of Law on Corporate Governance (iv) Legal Reforms of Corporate Governance in India (v) Reports of the various Committees on Corporate Governance (vi) Emerging Trend based on the recommendation of the Committees in the Companies Act 1956 and the Listing Agreement with Special reference to Clause 49. 2. (i) Corporate Social and Environmental Responsibility



# RKDF UNIVERSITY RANCHI

## MASTER OF LAW

### Suggested Readings:

1. H. R. Machiraju : Mergers, Acquisitions and Takeovers
2. Andrew J. Sherman and Milledge A. Hart, Merger and Acquisitions from A to Z
3. Donald M. DePamphilis , Mergers, Acquisitions, and Other Restructuring Activities
4. J. Fred Weston, Kwang S. Chung and Susan E. Hoag, Mergers, Restructuring, And Corporate Control
5. Companies Act
6. Competition Act
7. Foreign Exchange Management Act
8. FDI Regulations
9. Foreign Security Regulations
10. Takeover Code
11. ICDR Regulations



# RKDF UNIVERSITY RANCHI

## MASTER OF LAW

<b>Course:</b> International Contract Law	<b>Semester: II</b>
<b>Course Code:</b> LLM 204D	<b>Credits: 4</b>

**Objective:** To understand the basic principles of international commercial contracts and the instruments that facilitates and eases the governance of international contracts.

### Syllabus

**Introduction: 10**

International contracts, Meaning and definitions, Principles of international contract, Modern *lexmercantoria*, pre-contractual statements, Parties to transactions, Trade terms and Incoterms 2000, Validity of contracts, Drafting, Essentials, Common clauses of international contracts, Commercial contracts and Government contracts, Subcontracts, Hardships in international commercial contracts, Importance of language and culture and its limitations in drafting international contracts investment in free trade, Regional and international trade policies and treaties.

**Commercial contracts for sale of goods: 08**

Uniform commercial Code (UCC), International contracting, the UN convention on international Sale of Goods (CISG), Its objectives, rights and obligations of the seller and buyer, International sales contracts and its clauses, the Hague convention, serving of process and legal documents, obligations of member countries, Remedies for breach.

**UNDRIOT: 08**

Principles of international contracts, significance of national laws and its effects on international sales, Comparative contract law principles, Subject matter of contract, Offer, acceptance and consideration rules, International primary payment methods, Currency issues Pre-payment and credit transactions etc.

**Drafting specific contracts: 08**

Modules and exercises, Agreement to sell, Conditional sales contract, Franchise contract, Sole distribution contract, International agency agreement, Service and employment contracts , Distributorship contracts, Joint venture agreements, Technology transfer agreements ,Licensing



# RKDF UNIVERSITY RANCHI

## MASTER OF LAW

Agreements, IPR related contracts, Insurance and carriage contracts ,issues relating to choice of law, Choice of forum, Force majeure .

### **Dispute resolution:**

**08**

Arbitration clauses in international contracts and its significance, Commercial and international disputes, Special rules and conventions governing disputes and adoption of model laws relating to ADR into the National laws.

### **Suggested Readings:**

1. Larry A DiMatteo, *Law of International Contracting*, second edition
2. Michael J Bonell, *An international Restatement of contract law: The UNDRUIT principles of international commercial contracts*
3. Christon, *Drafting commercial agreements*, 2011
4. Joseph F Morrissey, J M Graves, *International sales law and arbitration: problems, cases and commentary*, 2008



# RKDF UNIVERSITY RANCHI

## MASTER OF LAW

<b>SEMESTER- III</b>					
<b>COURSE CODE</b>	<b>COURSE TITLE</b>	<b>L</b>	<b>T</b>	<b>P</b>	<b>Credits</b>
LLM 301D	White Collar Crimes	4	0	0	4
LLM 302D	Law of Foreign Trade and Exchange	4	0	0	4
LLM 303D	International Banking Law	4	0	0	4
<b>Total</b>		<b>12</b>	<b>0</b>	<b>0</b>	<b>12</b>



# RKDF UNIVERSITY RANCHI

## MASTER OF LAW

<b>Course:</b> White Collar Crimes	<b>Semester:</b> III
<b>Course Code:</b> LLM 301D	<b>Credits:</b> 4

**Objective:** To understand variety of white collar crimes and its Judicial response.

### Syllabus

**Emergence of White-Collar Crime: 04**

Concept and Nature of White-Collar Crimes, Sutherland's view on white-collar crimes and its analysis.

**Causes of White-Collar Crimes: 12**

Distinguish between White-Collar Crimes and Blue-Collar Crimes, Implications of White-Collar Crimes, Courts and White Collar Crime in India.

**White Collar Crimes in India: 14**

Hoarding, Black Marketing and Adulteration, White Collar Crimes in certain Professions, Medical Profession, Legal profession, Educational Institutions, Engineering, White Collar Crimes in business deals, Fake Employment Placement Agencies, Remedial Measures.

**Regulations: 14**

Prevention of Corruption Act, 1988, Objects and Reasons of the Act, Definitions, Public duty, Public Servant, Power to appoint special judges, cases triable by special judges, Procedure and Powers of special judges, Offences and Penalties, Public Servant taking gratification other than legal remuneration in respect of an official Act, Criminal misconduct by a Public Servant.

### Suggested Readings :

1. Mahesh Chandra, *Socio- Economic Crimes*
2. Marshall B. Clinard, *Crime in Developing Countries*
3. Pranjape N.V., *Criminology and Penology*
4. Prevention of Corruption Act, 1988
5. 47th Report of Law Commission of India
6. Trial and Punishment of Socio-Economic Offences.
7. Annual Report Criminal Law Review.



# RKDF UNIVERSITY RANCHI

## MASTER OF LAW

<b>Course:</b> Law of Foreign Trade and Exchange	<b>Semester:</b> III
<b>Course Code:</b> LLM 302D	<b>Credits:</b> 4

**Objective:** The overall purpose of trademark law is to prevent unfair competition by protecting the use of a symbol, word, logo, slogan, design, domain name, etc. that uniquely distinguishes the goods or services of a firm

### UNIT- I

**Introduction:** 12

Evolution of Trademark in India, Justification, International Treaties: Paris Convention Madrid Agreement and Protocol, NICE Agreement, Trademark Law Treaty, Singapore Law Treaty, TRIPS

**Kinds of Trademarks:** 10

Registered and Unregistered Trademarks, Conventional & Non-Conventional Trademarks, Service Mark, Collective Marks, Certification Marks, Well Known Trademarks

### UNIT- II

**Registration of Trademarks:** 12

Pre-requisites., Absolute and Relative Grounds for Refusal of Registration, Concept of Deceptive Similarity and its Applicability in Registration, Procedure for Registration, National and International Registration

### UNIT- III

**Commercial Exploitation of Trademarks and IPAB:** 08

Rights of Proprietor, Assignment, Licensing and Transmission of Trademark, IPAB

### UNIT- IV

**Infringement and Passing off:** 08

Infringement, Goodwill and Passing off, Remedies, Trademark Issues in Cyberspace

### Text Books:

1. K C Kailasam and RamuVedaraman, Law of Trademarks including International Registration under Madrid Protocol and Geographical Indications, Lexis Nexis, 2013
2. K. Bansal, Law of Trademark in India, Thomson & Reuter, 2014





# RKDF UNIVERSITY RANCHI

## MASTER OF LAW

### References:

1. David T Keeling, David Llewelyn, Kerley's law of Trade Marks and Trade Names, Sweet and Maxwell, 15th Edition , 2014.
2. Narayanan, Trade Marks and Passing Off, Eastern Law House, 2004
3. AnanthPadmanabhan, Intellectual Property Rights Infringement and Remedies, Lexis Nexis, 2012
4. Christopher Wadlow, The Law of Passing Off: Unfair Competition by Misrepresentation, Sweet and Maxwell, 2011.
5. David Lindsay, International Domain Name Laws, Hart Publishing, 2007.



# RKDF UNIVERSITY RANCHI

## MASTER OF LAW

<b>Course:</b> International Banking Law	<b>Semester:</b> III
<b>Course Code:</b> LLM 303D	<b>Credits:</b> 4

**Objective:** This course is designed with the objective of acquainting students with the conceptual and operational parameters of International Banking law, the judicial interpretation and the new and emerging dimensions in Banking sector.

### Syllabus

**Introduction:** **04**

International Banking, Historical Evolution, Functions, Globalization and convergence of International Banking systems, Benefits and reasons for International Banking, Theories of Multinational Banking, Types of International Banking Offices, Codification of International Banking Law, International methods of Payment, Eurocurrency Markets, Growth and Creation of Euro Money Markets, Euro Deposits.

**International Law Relating to Banking:** **04**

Limitation Convention (1974), Hamburg Rules 1978, UNCITRAL Bill of Rules and Notes Convention 1988, UNCITRAL Credit Transfer Law 1992, UN Guarantee and Credit Transfer Law, UN Guarantee and Stand BY Convention 1995, UNCITRAL Electronic Commerce Law 1996, UNCITRAL Model Insolvency Law 1997, International Bill of Exchange and International Promissory Notes, 1988.

**International Law Relating to Banking:** **04**

Legal and Regulatory frame work, an overview, Bretton Woods Conference, Collapse, International Banking Supervision, Establishment of Basel Committee, Basel I, II and III Norms(1975,83 and 90 Concordat), Establishment of Bank for International Settlement, Regulation and Process of Deregulation, Avoidance of regulation through dealing in international markets , BCCI affair.

**International Banking Operations:** **06**

Policies and Practices, Role of LIBOR, Loans to Foreign Corporations, Syndicated Loans Pre, Contract Matters, The agent Bank, Legal Relationship Between The Members of the Syndicate, Technology and International Banking, Financing Foreign Governments ,Transaction Cost and



# RKDF UNIVERSITY RANCHI

## MASTER OF LAW

Risks in International Banking, Profitability of Foreign Corporations. Capital Adequacy Norms and Ratio, Introduction, Basel Committee, Tiers, Amendments to Capital Accord to Incorporate Market Risks, Prudential Norms on Capital Adequacy, Exchange Rate Swings and Swings in Currency Rate, Interest Rate Derivative And Their Impact On Net Worth Of Banks.

### **Laws relating to Banking in UK: 04**

The Banking Act 1979, Supervisory Powers, Data Protection Act 1984, Civil Liability (contribution) Act 1978, Company Act 1989, Consumer Credit Act 1974, Financial Services Act 1986, The Bill of Exchange Act 1882, The Cheques Act, 1957, Insolvency Act 1986.

### **Laws relating to Banking in US: 02**

The depository Institutions Deregulation Act 1980 (DIDRA), Laws on Negotiable Instruments, UCC, Negotiations, Enforcement of Instruments, Liability of Parties, Dishonour, Proof of Signature, Forgery / Alteration, Refusal to pay Cashier, Checks, impostors, Dishonours.

### **Risks in International Lending: 04**

Kinds of Risks, Factors Affecting Country Risks, Bank for International Settlement (BIS) Principles on Credit Risk Management, Guidelines on Income Recognition, Assets Classification, Loan Transfer, Assignments, *Novations* and Sub, Participation, Transfer of Risk the Act of State Doctrine and Sovereign Immunity (*Callejo v. Bancomer*).

### **Legal Issues in International Banking Law I: 04**

Governing Law and Choice of Law by Parties, Introduction, Governing Law, Choice of Laws, Concept, Factors influencing Choice of Law, Characterization, Connecting Factor, Proper Law, Principle of *Renvoi*, Aspects of Transaction Controlled by Proper Law, Legal Issues in Trade dispute and Derivative Transactions.

### **Legal Issues in International Banking Law II: 04**

Jurisdiction, Against Whom Action may be Filed, Basis of Action, Extended or Discretionary Jurisdiction of English Courts, Basis of Jurisdiction under the convention (*Lex Mercatoria*), Legal Restrictions on Jurisdiction, Conflicts of Law, Foreign Element.

### **International Aspects of Indian Banks and Banking activities: 04**

Legal rules that effect foreign Bank doing business in India (*Daiwa Bank, Case*). Home Bank Liability for Foreign Branch Deposits (*CITI BANK V. WELL FARGO ASIA*), Swaps, Legal Implications of Swaps and Regulations.



# RKDF UNIVERSITY RANCHI

## MASTER OF LAW

### Suggested Readings:

1. Graham Roberts Law relating to International Banking, Wood Head Publishing Ltd, (2003)
2. IIBF, International Banking, Legal and Regulatory Aspects, Mac Millan Publications India 2014
3. George Alexander Walker, International Banking Regulation: Law Policy and Practice, Kluwer Law International, 2001
4. A.W Mullineux, Hand Book on International Banking,
5. Alfred M. Pollard, Banking Law in United States, Juris Publishing, 4<sup>th</sup> Edition Volume (1) 2010.
6. Maichael P Malloy, Banking Law and Regulation, Wolters AndKluwers Publication, 2014
7. Bimal N. Patel, India and International Law, MartinosNijhoff Publishers, 2008.
8. Lazorous O. Panourgious, Banking Regulation and World Trade Law, Hart Publishing 2006.



# RKDF UNIVERSITY RANCHI

## MASTER OF LAW

SEMESTER- IV					
COURSE CODE	COURSE TITLE	L	T	P	Credits
LLM 401D	Dissertation & Viva Voce	20	0	0	20
LLM 402D	Seminar	3	0	0	3
<b>Total</b>		<b>23</b>	<b>0</b>	<b>0</b>	<b>23</b>

\*\*\*\*\*



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

1

### LLM Program Structure

FIRST YEAR					
SEMESTER- I			SEMESTER- II		
COURSE CODE	COURSE TITLE	UNIT S	COURSE CODE	COURSE TITLE	UNITS
LLM 101	Jurisprudence	4	LLM 201	Comparative Public Law	4
LLM 102	Law and Social Transformation of India	4	LLM 202A	Comparative Constitution	4
LLM 103	Legal Research Methodology-I	4	LLM 203A	Federalism & Local Self Government	4
LLM 104A	Constitution of India	4	LLM 204A	Fundamental Rights & Directive Principle of State Policy	4
	<b>Total</b>	<b>16</b>		<b>Total</b>	<b>16</b>

SECOND YEAR					
SEMESTER- III			SEMESTER- IV		
COURSE CODE	COURSE TITLE	UNIT S	COURSE CODE	COURSE TITLE	UNITS
LLM 301A	Administrative Law	4	LLM 401A	Dissertation & Viva Voce	20
LLM 302A	Election Law.	4	LLM 402A	Seminar	3
LLM 303A	Public International Law	4			
	<b>Total</b>	<b>12</b>		<b>Total</b>	<b>23</b>



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

2

SEMESTER- I					
COURSE CODE	COURSE TITLE	L	T	P	Credits
LLM 101	Jurisprudence	4	0	0	4
LLM 102	Law and Social Transformation of India	4	0	0	4
LLM 103	Legal Research Methodology-I	4	0	0	4
LLM 104A	Constitution of India	4	0	0	4
<b>Total</b>		<b>16</b>	<b>0</b>	<b>0</b>	<b>16</b>



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

3

<b>Course: Jurisprudence</b>	<b>Semester: I</b>
<b>Course Code: LLM 101</b>	<b>Credits: 4</b>

**Objective:** To impart basic knowledge about science and philosophy of law, various schools and theories of jurisprudence and their contemporary significance.

### UNIT-I

**Introduction:** 04

Meaning and scope of term “Jurisprudence”, Theories of jurisprudence Relationship of Jurisprudence with other social sciences.

**Law:** 04

Nature, Scope, Theories and definition of “Law”, Sources of Law, Purpose and Functions of Law.

**Ancient Indian Legal System:** 04

Evolution and Concept of Law, Rule of Law, Role of King in administration of justice.

### UNIT-II

**Schools of Jurisprudence:** 06

Natural School of Law, Positive School of Law, Historical School of Law, Sociological School of Law, Utilitarian School of Law, Marxist Theory of Law.

**Justice:** 08

Meaning & kinds, Justice and Law, approaches of different schools, Administration of Justice, Civil & Criminal, Theories of punishment, Indian Position, Role of State in Administrative Justice, Principles of Natural Justice, Judicial Activism.

### UNIT-III

**Legal Persons:** 06

Concept of Person , Natural and Legal Persons, Nature of Personality, Status of the unborn, minor, lunatic drunken and dead person, Corporate personality, Dimensions of the modern legal personality, legal personality of non-human beings.

**Legal Rights:** 04

The Concept, Rights, Kinds, Right duty correlation.





# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

4

**Possession: 04**

The Concept, Kinds of Possession, Acquisition of Possession, Modes of Acquisition of Property.

**Ownership: 04**

The Concept, Kinds of Ownership , Difference between possession & ownership

**UNIT-IV**

**Interpretation of Statutes: 04**

Rules of Interpretation of a Statutes, Basic Guidelines on Interpretation, Divergent Opinions on Interpretation and Construction of Statutes, Rules of Construction, Procedural and Substantive Law.

**Suggested Readings:**

1. Salmond, *Jurisprudence*, Universal Publishers 12<sup>th</sup>Edn. 1966.
2. Paton, *Jurisprudence*.
3. Allen, *Law in the Making*, Universal Publishers 7<sup>th</sup>Edn. 2001.
4. Mahajan V.D., *Legal Theory and Jurisprudence*, Eastern Book Company, Lucknow, 5<sup>th</sup> Edn. 1977.
5. Dias, *Jurisprudence*, Aditya Books, 5<sup>th</sup>Edn. 1985.
6. Rama Jois, *Legal and Constitutional History of India*, Universal Law Publications, Delhi.
7. SarathiVepa P., *Interpretation of Statutes*, Eastern Book Co, 4<sup>th</sup>Edition, 1976.
8. Maxwell, *Interpretation of Statutes*, Butterworths Publications, 1976, 12<sup>th</sup> Edition.
9. Crawford, *Interpretation of Statutes*, Universal Publishers.
10. Chatterjee, *Interpretation of Statutes*.
11. Singh G.P., *Principles of Statutory Interpretation*, Wadhwa and Company, 8<sup>th</sup> Ed., 2001.
12. Cross, *Statutory Interpretation*.



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

5

<b>Course: Law and Social Transformation of India-I</b>	<b>Semester: I</b>
<b>Course Code:102</b>	<b>Credits: 4</b>

### UNIT- I

#### **Law and Social Change :**

Law as an instrument of social change, Law as the product of traditions and culture. Criticism and evaluation in the light of colonizations and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

#### **Law and its Inter-relationships with Religion, Language, Community and Regionalism**

Religion, language, community and regionalism as divisive factors, Responses of law to: Religion - through secularism, Language - through constitutional guarantees, Community - through non-discrimination, Regionalism - through unity, Non-discrimination and protective discrimination (reservation).

### UNIT- II

#### **Women and the Law:**

Crimes against woman, Gender injustice and its various forms, Woman's Commission, Empowerment of woman: Constitutional and other legal provisions.

#### **Children and the Law:**

Child labour, Sexual exploitation, Adoption and related problems, Children and education.

### UNIT- III

#### **Modernization and the Law:**

Modernization as a value: Constitutional perspectives reflected in the fundamental duties. Modernization of social institutions through law: Reform of family law, Agrarian reform - Industrialization of agriculture, Industrial reform: Free enterprise v. State regulation - Industrialization v. environment protection

#### **Reform of court processes:**

Criminal law : Plea bargaining; compounding and payment of compensation to victims, Civil law: (ADR) Confrontation v. consensus; mediation and conciliation; Lok adalats, Prison reforms. Democratic decentralization and local self-government.



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

6

### UNIT- IV

#### **Alternative Approaches to Law:**

The jurisprudence of Sarvodaya - Gandhiji, Vinoda Bhave; Jayaprakash Narayan - Surrender of dacoits; concept of grama nyayalays. Socialist thought on law and justice : An enquiry through constitutional debates on the right to property, Indian Marxist critique of law and justice, Naxalite movement : causes and cure.

#### **References**

1. Marc Galanter (ed.), Law and Society in Modern India (1997), Oxford
2. Robert Lingat, The Classical Law of India (1998), Oxford
3. U. Baxi, The Crisis of the Indian Legal System (1982), Vikas, New Delhi.
4. U. Baxi (ed.), Law and Poverty Critical Essays (1988), Tripathi Bombay
5. Manushi A, Journal about Woman and Society
6. Duncan Derreet, The State, Religion and Law in India (1999), Oxford university press, New Delhi



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

7

<b>Course: Legal Research Methodology</b>	<b>Semester: I</b>
<b>Course Code: LLM103</b>	<b>Credits: 4</b>

### UNIT- I

#### **Foundations of Research:**

Meaning, Objectives, Motivation, Utility, Concept of theory, empiricism, deductive and inductive theory.

#### **Characteristics of scientific method:**

Understanding the language of research, Concept, Construct, Definition, Variable and Research Process

#### **Problem Identification & Formulation**

Research Question, Investigation Question, Measurement Issues, and Hypothesis: Qualities of a good Hypothesis, Null Hypothesis, Alternative Hypothesis, Hypothesis Testing & Logic & Importance.

### UNIT- II

#### **Research Design:**

Concept and Importance in Research, Features of a good research design, Exploratory Research Design, Concept, types and uses, Descriptive Research Designs, Experimental Design: Concept of Independent & Dependent variables.

#### **Qualitative and Quantitative Research:**

Concept of measurement, causality, generalization, replication, merging the two approaches.

#### **Measurement:**

Concept of measurement, What is measured? Problems in measurement in research, Validity and Reliability, Levels of measurement: Nominal, Ordinal, Interval, Ratio.

### UNIT- III

#### **Sampling:**

Concepts of Statistical Population: Sample, Sampling Frame, Sampling Error, Sample Size, Non Response. Characteristics of a good sample. Probability Sample: Simple Random Sample, Systematic Sample, Stratified Random Sample & Multi-stage sampling. Determining size of the sample – Practical considerations in sampling and sample size.



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

8

### UNIT- IV

#### **Data Analysis:**

Data Preparation, Univariate analysis (frequency tables, bar charts, pie charts, percentages), Bivariate analysis – Cross tabulations and Chi-square test including testing hypothesis of association.

#### **Interpretation of Data and Paper Writing:**

Layout of a Research Paper, Journals in Computer Science, Impact factor of Journals, When and where to publish? Ethical issues related to publishing, Plagiarism and Self-Plagiarism. Use of Encyclopedias, Research Guides, Handbook etc., Academic Databases for Computer Science Discipline.

### UNIT- V

#### **Use of tools / techniques for Research:**

Methods to search required information effectively, Reference Management Software like Zotero/Mendeley, Software for paper formatting like LaTeX/MS Office, Software for detection of Plagiarism

#### **References:**

1. Business Research Methods – Donald Cooper & Pamela Schindler, TMGH, 9th edition
2. Business Research Methods – Alan Bryman & Emma Bell, Oxford University Press.
3. Research Methodology – C.R.Kothari

**Legal Education:** Objectives and Development

#### **Lecture method of teaching-**

Merits & Demerits, Discussion Method & Seminar Method of teaching, Examination systems and problems in evaluation.

#### **Suggested Readings:**

1. Clinical Legal Education- N.R. Madhava Menon
2. Legal Education in India in 21<sup>st</sup> Century- Kaul & Ahuja
3. Legal Education and Profession in India- P.L. Mehta & Sushma Gupta
4. Learning the Law- Glanville Williams
5. Legal Research and Methodology- S.K Verma & M. Afzal Wani
6. Research Methodology- Dr. S.R.Myeni



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

9

<b>Course: Constitutional Law</b>	<b>Semester: I</b>
<b>Course Code: LLM 104A</b>	<b>Credits: 4</b>

**Objective:** This course focuses on fundamental rights and directive principles of state policy. It introduces the students to the abstract and concrete meanings of the constitution, kinds of constitution and concepts of constitutionalism.

### UNIT - I

**Introduction: 04**

Historical Background to the Constitution of India, the Making of the Constitution, The Philosophy of the Constitution, Salient Features of the Indian Constitution, Judicial Activism. Different Types of Modern Constitutions, Nature of the Constitution of India, Union of States and Territory of India, 35th and 36th Amendments to the Constitution of India, Preamble, Doctrine of basic Structure.

**Fundamental Rights and the State (Articles 12-13): 04**

Origin, Development and Need of Fundamental Rights, Fundamental Rights and the State, Laws Inconsistent with or in Derogation of the Fundamental Rights (Article 13).

**Right to Equality (Articles 14-18): 06**

Equality before Law, Prohibition of Discrimination (Article 15), Equality of Opportunity in Public Employment (Article 16), Abolition of Untouchability (Article 17), Abolition of Titles (Article 18).

**Right to Freedom (Article 19): 06**

Rights available to Citizens under the Constitution of India, Judicial Interpretation under Article 19.

### UNIT - II

**Protection of Life and Personal Liberty (Articles 20, 21, 22): 08**

Protection in respect of conviction for offences (Article 20), Protection of Life and Personal Liberty (Article 21), 21A. Right to education (Article 21A), Protection against Arrest and Detention (Article 22).

**Right Against Exploitation (Articles 23-24): 04**

Prohibition of Traffic in Human Beings and Forced Labour, Prohibition of Employment of Children in Factories etc.



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

10

**Freedom of Religion, Cultural and Educational Rights (Articles 25-30):** **06**

Right to Freedom of Religion, Cultural and Educational Rights.

**Right to Constitutional Remedies:** **04**

Article 32, Article 226, Public Interest Litigation (PIL)

### UNIT - III

**Directive Principles of State Policy:** **06**

Directive Principles, Classification of Directive Principles, Fundamental Rights and Directive Principles of State Policy, Uniform Civil Code (Article 44) of the Constitution of India, Free Legal Services and Free Legal Aid (Article 39 A), Organizations of Village Panchayats (Article 40), Protection and Improvement of Environment, Safeguarding Forests and Wildlife (Article 51A).

**Fundamental Duties:** **04**

Importance, Enforcement and their Interpretation.

### UNIT - IV

**Union Executive:** **04**

President, Vice President, Election, removal, Powers, Extent of Executive power of the Union, Union Council of Ministers, Attorney General for India.

**Union Legislature:** **04**

Parliament, Composition, Officers of Parliament, Conduct of Business, Qualifications and Disqualifications of Members, Powers, Privileges and Immunities, Legislative Procedure, Anti Defection Law.

**Union Judiciary:** **04**

Supreme Court, Appointment and Removal of Judges, Powers and Jurisdiction, Original, Appellate, in respect of Constitutional matters, Civil, Criminal and Special Leave to Appeal, Comptroller and Auditor General of India.

**State Executive:** **06**

Governor, Appointment, Powers, Council of Ministers, Conduct of Government Business, Advocate General for the State.

**State Legislature:** **06**

Composition, Officers of State Legislature, Conduct of Business, Qualifications and



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

11

Disqualifications of Members, Powers, Privileges and Immunities, Legislative Procedure.

**State Judiciary: 06**

High Courts, Appointment Removal and Transfer of Judges, Powers and Jurisdiction, Subordinate Judiciary , Independence of judiciary , Judicial Accountability.

**UNIT - V**

**Centre State Relations: 18**

Legislative, Administrative and Financial Relations , Cooperation and Coordination between the Centre and States, Judicial Interpretation of Centre, State Relations, Doctrines evolved by Judiciary.

Liability of State in Torts and Contracts, Freedom of Interstate Trade, Commerce and Inter course.

Services under the Union and the States, Doctrine of pleasure, All India Services, Public Service Commissions.

**Emergency: 16**

Need of Emergency Powers, Different kinds of Emergency, National, State and Financial emergency, Impact of Emergency on Federalism and Fundamental Rights, Amendment of Indian Constitution and Basic Structure Theory.

**Suggested Readings:**

1. M.P.Jain, Indian Constitutional Law, Wadhwa & Co, Nagpur.
2. V.N.Shukla, Constitution of India, Eastern Book Compamy, Lucknow.
3. Granville Austin, Indian Constitution, Cornerstone of a Nation, OUP, New Delhi.
4. H.M.Seervai, Constitutional Law of India (in 3 Volumes), N.M.Tripathi, Bombay.
5. G.C.V.Subba Rao, Indian Constitutional Law, S.Gogia & Co., Hyderabad.
6. B.Shiva Rao: Framing of India's Constitution (in 5 Volumes), Indian Institute of Public Administration, New Delhi.
7. J.N.Pandey, Constitutional Law of India, Central Law Agency, Allahabad.





# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

12

SEMESTER- II					
COURSE CODE	COURSE TITLE	L	T	P	Credits
LLM 201	Comparative Public Law	4	0	0	4
LLM 202A	Comparative Constitution	4	0	0	4
LLM 203A	Federalism & Local Self Government	4	0	0	4
LLM 204A	Fundamental Rights & Directive Principle of State Policy	4	0	0	4
<b>Total</b>		<b>16</b>	<b>0</b>	<b>0</b>	<b>16</b>



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

13

<b>Course:</b> Jurisprudence-II	<b>Semester:</b> II
<b>Course Code:</b> LLM201	<b>Credits:</b> 4

### UNIT- I

**Justice:** 8

Meaning & kinds, Justice and Law, approaches of different schools, Administration of Justice, Civil & Criminal, Theories of punishment, Indian Position, Role of State in Administrative Justice, Principles of Natural Justice, Judicial Activism.

**Ancient Indian Legal System:** 3

Evolution and Concept of Law, Rule of Law, Role of King in administration of justice.

### UNIT- II

**Legal Persons:** 5

Concept of Person , Natural and Legal Persons, Nature of Personality, Status of the unborn, minor, lunatic drunken and dead person, Corporate personality, Dimensions of the modern legal personality, legal personality of non-human beings.

**Legal Rights:** 2

The Concept, Rights, Kinds, Right duty correlation.

### UNIT- III

**Possession:** 3

The Concept, Kinds of Possession, Acquisition of Possession, Modes of Acquisition of Property.

**Ownership:** 3

The Concept, Kinds of Ownership, Difference between possession & ownership.

### UNIT- IV

**Interpretation of Statutes:** 2

Rules of Interpretation of a Statutes, Basic Guidelines on Interpretation, Divergent Opinions on Interpretation and Construction of Statutes, Rules of Construction, Procedural and Substantive Law.



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

14

### Suggested Readings:

1. Salmond, *Jurisprudence*, Universal Publishers 12<sup>th</sup> Edn. 1966.
2. Paton, *Jurisprudence*.



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

15

<b>Course:</b> Comparative Constitution	<b>Semester: II</b>
<b>Course Code:</b> LLM 202A	<b>Credits: 4</b>

**Objective:** The Course Deals with series of topics within Comparative study of Constitutional System. It analyses the most significant institutions of the constitutional law such as constitution, Human Rights, system of govt., Judicial Review and many more. This course will introduce the different models of the constitutionalism in the modern world and students will master of comparative analysing of constitutional Legal system.

### UNIT- I

**Comparative Constitution:** 4

Nature and Scope, Constitution, Meaning, Definition, nature and scope and relevance to modern State, Classification of modern Constitutions, Comparative Constitutional law and historical trends, functions and aims of comparative constitutions.

**General Principles Relating to Constitution:** 4

Separation of Power, theory of checks and balances, judicial review, constitutionalism, theory of emanation, Rule of Law, Due Process, Doctrine of immunity of instrumentalities.

### UNIT- II

**Working of the Unitary Constitution: UK** 6

Salient features of the British Constitution, Structure of Government, powers and functions of Legislative, Executive and Judiciary, concept of Parliamentary sovereignty, Dicey's concept of Rule of Law, Scope of Judicial Review in UK, Emergency Powers, Amendment Powers, An appraisal of working of British Parliament, the Crown and the Judiciary

**Working of the Unitary Constitution: France** 5

French Declaration 1791, History of 5<sup>th</sup> Republic 1958, salient features of the Constitution, structure, powers and functions of the Legislature, Executive and the Judiciary, Constitutional Counsel and its role in constitutional interpretation, concept of Driot Administration, Emergency Powers, Amendment Powers, An appraisal of working of French Constitutional system.



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

16

### UNIT- III

#### **Working of Modern Federal Constitution: USA**

6

Historical perspective of US Constitution, Declaration of Independence and Article of Confederation, Salient features of US Constitution 1787, structure, powers and functions of Congress, the President and the Judiciary, Evolution of judicial review and analysis of Marbury v. Madison, 1803 and its impact, Emergency Powers, Amendment Powers, An appraisal of working of the American Constitutional system

#### **Working of Modern Constitution: Canadian Constitution**

6

Historical aspect of the Canadian Constitution (British North American Act 1867), Canadian Constitution Act, 1982, Repatriation of Canadian Constitution, structure, powers and functions of the Legislature, Executive and the Judiciary, Distribution of Powers, Canadian Charter of Rights and Freedoms, Emergency Powers, Amendment Powers, An appraisal of Canadian Constitutional system.

### UNIT- IV

#### **Comparative Perspective of the Indian Constitution:**

5

Historical Aspect of the Indian Constitution, Evolution, Salient features of the Indian Constitution, The present Constitution whether copied or inspired? Application of established.



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

17

<b>Course:</b> Federalism & local self-government	<b>Semester:</b> II
<b>Course Code:</b> LLM 203A	<b>Credits:</b> 4

### UNIT- I

**Decentralization of Government:** 4

Union, State and Local Self Government (LSG), Historical Perspective of LSG, Constitutional Perspective, Importance of LSG and Gandhian Philosophy

**Nature and Different Forms of LSG** 5

Position in Rural and Urban Areas (Cantonment, Port etc), Position in other Countries, Post Constitutional Governmental Initiatives on Strengthening LGS, The Committees, Balwant Rai Mehta Committee, 1957, Ashok Mehta Committee, 1978, GVK Rao Committee, 1985, LM Singhvi Committee, 1986 and their Recommendations

### UNIT- II

**LSG in Rural India** 3

Panchayath Raj Institutions: Past and Present, 73<sup>rd</sup> Constitutional Amendment and its Salient Features, Gram Sabha and Gram Panchayat, Composition, Powers and Functions, 11<sup>th</sup> Schedule to the Constitution of India, Related State Laws

**LSG in Urban India** 4

Nagarpalikas, Municipal Corporations, Municipalities: Composition, Powers and Functions, 12<sup>th</sup> Schedule to the Constitution of India and Related State Laws

**Other Forms of LSG in India** 4

Cantonment Boards: Laws and Regulations, Port Trust: Law and Regulation, Urban Development Authority: Laws and Regulations, Special Authorities (Zala Prasad, Regional Development Forces etc)

### UNIT- III

**Election to LSG in Rural India** 4

Role of the Election Commission, Qualification of Candidates, Reservation of Seats, Resolution of Election Disputes

**Election to the Nagarpalikas** 4

Role of the Election Commission, Qualification of Candidates, Reservation of Seats, Resolution



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

of Election Disputes	18
<b>Accounts and Finance of Panchayats</b>	4
Audit, Recommendations of Finance Commission of Centre and States, Tax Powers	
<b>Accounts and Finance of Urban</b>	4
Audit, Recommendations of Finance Commission of Centre and States, Tax Powers	
<b>Role of LSG in National Development:</b>	4
Role in implementing Welfare Schemes, Rural Development, Urban Development, Administration of Justice, Contentious Issues, Direct Financial Assistance to LSG from.	
<b>UNIT- IV</b>	
<b>Working of Federalism in modern times:</b>	6
Federalism in USA, Canada, Switzerland, Australia, Distribution of Powers and Independence of Judiciary, A Comparative Study.	
<b>Indian Federalism:</b>	5
Nature of Indian Constitution, Application of federal principle, federal features in Indian Constitution, distribution of powers, formation and admission of new states (Article 2 and 3).	
<b>Legislative Relations:</b>	6
Distribution of legislative powers in India, Nature of legislative powers, territorial jurisdiction of Union and States, Division of legislative powers (Article 246, 7 <sup>th</sup> Schedule), Residuary powers of legislation, Parliamentary legislation in state fields, Primacy of union laws over state laws (Article 254), Judicial principles relating to distribution of legislative powers, Doctrine of Pith & substance, colorable legislation, repugnancy, Harmonious Interpretation, Doctrine of occupied field and Intended Occupation.	
<b>UNIT- V</b>	
<b>Fiscal Federalism in India:</b>	4
Distribution of financial powers under Indian Constitution, Powers of taxation of Union and States, sharing and appropriation of the taxes, grants-in-aid and specific purpose grants, borrowing and spending powers, Inter-governmental tax immunities, Doctrine of Immunity of Instrumentalities (Article 285 and 289), Union and state finance commission, powers and functions.	



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

19

### **Indian Federalism and Emergency Powers:**

**4**

Emergency powers under Indian Constitution, Historical Perspective, Kinds of Emergency and grounds of imposition, centers duty to protect states, effect of failure to comply with directions by the Union (Article 365), Contentious issues relating to emergency, role of governors, Use and misuse of Article 356, Judicial Response, S.R. Bommai and after.

### **Role of Commissions on centre state relations:**

**4**

Need to strengthen centre state relations, Appointment of National Commissions, Rajamannar Commission, Sarkaria Commission, Administrative reforms Commissions (1<sup>st</sup> and 2<sup>nd</sup>), NCRWC, Punchi Commission, Recommendations, Implementations, an Appraisal.

## **UNIT- VI**

### **Independence of Judiciary and Indian Constitution:**

**4**

Independence of Judiciary as a federal feature and basic feature of Indian Constitution, Relevant provisions under Indian Constitution to maintain independence of judiciary, statutory provisions, Judges Inquiry Act, Judicial Accountability in India, JSA Bill, Role of Judiciary in upholding federal structure of India, Case studies, Judicial Review and Judicial Activism, Contempt of Courts.

### **Independence of Judiciary, Contentious Issues:**

**5**

Appointment and transfer of Judges of Higher Judiciary, Intention of framers of the Constitution an role of political executive, position before and after Judges the 2<sup>nd</sup> Transfer Case, Impact of 2<sup>nd</sup> and 3<sup>rd</sup> Judges Transfer Case and Collegium system, 99<sup>th</sup> Constitutional Amendment, National Judicial Appointments Commission, Its role in maintenance of independence of Judiciary.





# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

20

<b>Course:</b> Fundamental Rights and Directive Principles	<b>Semester:</b> II
<b>Course Code:</b> LLM 204A	<b>Credits:</b> 4

**Objectives:** This paper is designed with a view to educate the pupil about the Constitutional rights, duties and policies of the government underlining the relevant legislations which are having wider ramification on the interpretation of the provisions of the Constitution.

### UNIT- I

#### **Introduction:**

Evolution of Fundamental Rights, Impact of Universal Declaration of Human Rights and Constitutions of other countries, Concepts of Fundamental Rights, Definition of state under Art.12, Inviolability of Fundamental Rights-Article 13, Doctrine of Waiver, Doctrine of Severability, Doctrine of Eclipse, scope of definition of law under art.13.

### UNIT - II

#### **Fundamental Rights (Article 14 to 16):**

Right to Equality Article 14 - Doctrine of Classification, Doctrine of Arbitrariness, Doctrine of Legitimate Expectation, Art. 15- Prohibited grounds for discrimination (Art.15); special provisions relating to women, protective discrimination in favor of Backward Classes, Scheduled Castes and Scheduled Tribes, Art.16- Equality of Opportunity in the matters of public employment, reservations in public employment, residence as prerequisite for employment.

### UNIT – III

#### **Fundamental Rights (Article 19 to 32 & 226):**

Right to Freedom, Right against Exploitation a. Art. 19- Fundamental freedoms under Art.19 and reasonable restrictions Art 19 (2) to (6); b. Art. 20, 21, 22, 23, 24 - Rights of accused; Doctrine of ex-post -facto law; Doctrine of Double Jeopardy; privilege against self-incrimination. Protection of life and personal liberty; right to education; safeguards against ordinary arrest and preventive detention; right against exploitations, Art.25-30 Ambit of religious freedom, cultural and educational rights, Art. 32 and 226- Right to constitutional remedies; Fundamental Rights and Emergency Provisions.



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

21

### UNIT-IV

#### **Directive Principles of State Policy and Fundamental Duties:**

Relative importance of Directive Principles of State Policy (DPSP) and Fundamental Rights, Nature of Directive Principles of State Policy, Justifiability of Directive Principles of State Policy, Social security and welfare provisions under Directive Principles of State Policy, economic rights, Directive Principles of State Policy that were read into Fundamental Rights

**Fundamental Duties:** evolution, relationship between Fundamental Rights and Duties.

#### **Suggested Readings:**

1. H.M. Seervai, Constitutional Law of India – Vol. I &II
2. V.N.Shukla , Constitution of India
3. Subhash C Jain, The Constitution of India
4. D.D. Basu, Commentaries on Constitutional Law of India, Vol. A to E
5. M. Hidayatullah (Ed.), Constitution of India.
6. M.P.Jain, Indian Constitutional Law.
7. Subba Rao G C V Indian constitutional law



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

22

SEMESTER- III					
COURSE CODE	COURSE TITLE	L	T	P	Credits
LLM 301A	Administrative Law	4	0	0	4
LLM 302A	Election Law.	4	0	0	4
LLM 303A	Public International Law	4	0	0	4
<b>Total</b>		<b>12</b>	<b>0</b>	<b>0</b>	<b>12</b>



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

23

<b>Course: Administrative Law</b>	<b>Semester: III</b>
<b>Course Code: LLM 301A</b>	<b>Credits: 4</b>

**Objective:** Objective is to lay emphasis on understanding the structure and modus operandi of administration along with the role of agencies playing in our modern constitutional form of government and their limits, and the ways in which courts do and do not constrain agencies through judicial review.

### Unit- I

**Introduction: 08**

Administrative Law: Meaning, Definitions, Nature and Scope, historical growth and development of administrative law: England, US, France, India, reasons for growth of administrative law relationship between Constitutional law and Administrative law.

### Unit- II

**Basic Constitutional Principles: 08**

Rule of Law, Interpretation of Dicey's Principles of Rule of law, Rule of law in Indian constitution, Modern Concept of Rule of law, Theory of Separation of Powers, Separation of power in practice in US, England in India, Separation of power in Indian Constitution.

**Administrative Action: 06**

Needs for classification of administrative actions, legislative, executive and judicial functions: general distinctions, distinctions between administrative and quasi-judicial functions.

### Unit- III

**Delegated Legislation: 14**

Delegated Legislation: Meaning and definition, reasons of Growth of delegated legislation, Classification of delegated legislation: Valid, Excessive, Conditional and Sub-delegation, Control over the delegated legislation: judicial and legislative.

**Administrative Adjudication: 06**

Natural Justice: meaning and scope, Principles of natural justice: Rule against Bias, The Right to Fair Hearing Right of Counsel and Friends, Reasoned decisions, Breach of natural justice and its effects.



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

24

### **Judicial Control of Administrative action and discretion:**

**06**

Meaning of administrative discretion and judicial review, Failure to exercise discretion, excess or abuse of discretion, judicial remedy to the individual aggrieved by the action of administrative authority: Writs and others types of remedy.

### **Unit- IV**

### **New Growth in Administrative law:**

**14**

Administrative Tribunal, Ombudsman, Commission of Inquiries, Public Corporation.

### **Suggested Readings:**

1. Takwani C.K., *Lectures on Administrative Law*, 5<sup>th</sup> Edn, 2012, Eastern Book Company.
2. I.P.Massey, *Administrative Law*, Eastern Book Company, 5th Edn. 2001.
3. Griffith and Street, *Principles of Administrative Law*.
4. Wade H.W.R., *Administrative Law*, Oxford Publications, 8th Edn. 2000, London.
5. Smith De, *Judicial Review of Administrative Action*, Sweet and Maxwell, 1998.
6. Sathe S.P., *Administrative Law*, Butterworth's, 6th Edn. 1998.



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

25

<b>Course:</b> Election Law	<b>Semester:</b> III
<b>Course Code:</b> LLM 302A	<b>Credits:</b> 4

**Objective:** Democracy is one of the basic features of the Constitution and free and fair elections is the cornerstone for constructive realization for democratic ideals and aspirations of the people of a country. This paper is intended to acquaint the students regarding the significance of free and fair elections and various intricacies of the Elections Law, including electoral corrupt practices, which will facilitate them to choose responsive representatives for good governance.

### **Syllabus**

#### **Meaning and Concept of Election and Election Dispute:**

Challenge to Election, Whom and How to Made, Forum for filing Election Petition, Parties to Election Petition, Contents of Election Petition, Grounds of Challenge to Election, Trial of Election Petition, Recriminatory Petition, Withdrawal, Abetment and Appeal, Election to President and Vice President, Composition and Powers of Election Commission (Part XV- Article 324-329 of the Constitution of India).

#### **Qualification and Disqualification of Candidates:**

Meaning and Distinction Between Qualification and Disqualification, Qualifications and Disqualifications Provisions under Indian Constitution and the Representation of People's Act, 1951, Office of Profit, Government Contract, Disqualifications on Convictions under the Representation of People's Act, 1951, Anti-Defection Law.

#### **Nomination (Sections 30-39, S100(1)(c), S100(1)(d) of the Representation of People's Act, 1951:**

Meaning of Valid Nomination, Procedure for Filing of Nomination Security Deposits etc., Grounds of Rejection of and Withdrawal of Nominations, Voter's Right to Know Antecedent of the Candidates, Recognition of Political Parties and Election Symbols.

#### **Corrupt Practices:**

Meaning and Distinction between Corrupt Practices and Electoral Offences, Substantive Corrupt Practice: Bribery, Undue Influence, Character, Assassination of Candidates, Appeal on the Grounds of Religion, Race, Caste, etc. 106, Needs of Educational Qualification for Candidates, Criminalization of Politics, Election Expenses, Model Code of Conduct, Use of



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

26

Government/Private Electronic Media and Social Media by Political Parties, Opinion and Exit Polls, Defacement of Public and Private Properties, Reservation for Women in Parliament and State Legislatures.

### **Suggested Readings:**

1. V.S. Rama Devi & S.K. Mehendiratta, Election Law, Practice and Procedure, Butterworths Publishers, 2013
2. P.C. Jain & Kiran Jain, Election Law and Practice, Chawla Publishers, 2012
3. P.M. Bakshi, The Constitution of India, Universal Publishing Company Ltd., 2014
4. The Representation of Peoples' Act, 1950 (Bare Act), Universal Publishing Company Ltd., 2014
5. The Representation of Peoples' Act, 1951(Bare Act), Universal Publishing Company Ltd., 2014
6. The Presidential and Vice-Presidential (Election) Act, 1952(Bare Act), Universal Publishing Company Ltd., 2014
7. The Registration of Elector Rules, 1960(Bare Act), Universal Publishing Company Ltd., 2014
8. The Conduct of Election Rules, 1961(Bare Act), Universal Publishing Company Ltd., 2014



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

27

<b>Course:</b> Public International Law	<b>Semester:</b> III
<b>Course Code:</b> LLM 303A	<b>Credits:</b> 4

**Objective:** To impart basic knowledge and understanding about the principles of public international Law and the emerging issues relating to States, Individuals and Non State Entities and their relation with each other.

### UNIT- I

**Introduction:** 5

Structure of the International Community Historical Development and Specificities of Public International Law, Definition, Nature, Legality of International Law, Theories as to basis of International Law, Relation of International Law to Domestic, Practice of States, UK USA and India, Sources of International Law , Codification.

**Subjects of International Law:** 3

The Concept of Subject of Law and of Legal Personality, Various Theories like Realistic Theory, Fictional Theory, Functional Theory, State as Subject, Definition and Conditions for Statehood, rights and duties of states, Territory, Modes of acquisition and loss of state territory, Sovereignty.

**Recognition:** 4

*De Facto* and *De Jure*, Theories of Recognition, Recognition of Belligerency and Recognition of Insurgency, Collective Recognition, State Responsibility, Original and Vicarious Responsibility, State Responsibility for various Acts, Individual Acts, Mob Violence, Insurgency and for International delinquencies, The Invocation of Responsibility and Diplomatic Protection, State Succession, Theories of State Succession, Rights and Duties arising out of State Succession.

### UNIT- II

**Individual as a subject of International Law:** 4

The Basic modification, post charter in the position: Nationality, extradition, Asylum, Territorial and Extra, territorial, UNO & Human Rights, UDHR, Covenant on Civil Political Rights, 1966, Covenant on Economic Social and Cultural Rights, 1966.

**Law of Treaties:** 3

Concept of Treaty, Kinds of Treaties, Binding Force of Treaties, *Pacta Sunt Servanda*, *Jus Cogens*, *Rebus Sic Stantibus*, Parties of a Treaty, Formation of a Treaty, Reservation, Invalidity





# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

28

and Termination of Treaties.

### **Diplomatic Relations: 5**

Meaning of Diplomacy, Law on Diplomatic Relations, Classification of Diplomatic Agents, Functions, Privileges and Immunities of Diplomatic Agents, and Duties.

### **UNIT- III**

### **Law of the Sea: 4**

Historical Background, Maritime Belt, Territorial Sea, The Contiguous Zone, Exclusive Economic Zone, Continental shelf, The High Seas, International Sea Bed Area, Common Heritage of Mankind , Law of the Sea Conventions (United Nations Convention on the Law of the Seas).

### **Air Space and International Law: 4**

Aircraft Hijacking, Important Conventions relating to Airspace , Paris, Havana, Warsaw and Chicago Conventions , Five Freedoms of Air , Legal Regime of Outer space , Important Conventions such as Outer space Treaty.

### **UNIT- IV**

### **Settlement of International Dispute: 4**

Legal and Political Disputes, Pacific Means of Settlement, Arbitration , Negotiation, Mediation, Good Offices, Conciliation, Settlement under UNO, Compulsive Means, Retortion, Reprisals, Embargo, Pacific Blockade, Intervention.

### **International Institutions: 6**

Legal Personality, League of Nations, United Nations , Origin and Purposes, Agencies of United Nations, Specialized Agencies of United Nations, ILO, WHO, UNESCO,

### **Suggested Readings:**

1. Shaw Malcolm Nathan, *International Law*, Cambridge University Press, 2003.
2. Kapoor S K, *International Law and Human Rights*, Central Law Agency, Allahabad, 14<sup>th</sup> Edn.-2002.
3. Ian Brownlie, *Principles of Public International Law*, Oxford University Press, 2008
4. Joseph Gabriel Starke, Ivan Anthony Shearer, Starke's, *International Law* , Butterworths, 1994.
5. Lassa Oppenheim, Robert Jennings and Arthur Watts, *Oppenheim's International Law*,



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

SEMESTER- IV					
COURSE CODE	COURSE TITLE	L	T	P	Credits
LLM 401A	Dissertation & Viva Voce	0	0	20	20
LLM 402A	Seminar	3	0	0	3
<b>Total</b>		<b>3</b>	<b>0</b>	<b>20</b>	<b>23</b>

\*\*\*\*\*



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

### CRIMINAL LAW & CRIMINOLOGY

### CRIMINOLOGY

<b>FIRST YEAR</b>					
<b>SEMESTER- I</b>			<b>SEMESTER- II</b>		
<b>COURSE CODE</b>	<b>COURSE TITLE</b>	<b>UNITS</b>	<b>COURSE CODE</b>	<b>COURSE TITLE</b>	<b>UNITS</b>
LLM 101	Jurisprudence	4	LLM 201	Comparative Public Law	4
LLM 102	Law and Social Transformation of India	4	LLM 202B	Comparative Criminal Law	4
LLM 103	Legal Research Methodology-I	4	LLM 203B	Juvenile Delinquency & Violence	4
LLM 104B	Criminology, Penology & Treatment of offenders	4	LLM 204B	Crime and Administration of Criminal Justice	4
<b>Total</b>		<b>16</b>	<b>Total</b>		<b>16</b>

<b>SECOND YEAR</b>					
<b>SEMESTER- III</b>			<b>SEMESTER- IV</b>		
<b>COURSE CODE</b>	<b>COURSE TITLE</b>	<b>UNITS</b>	<b>COURSE CODE</b>	<b>COURSE TITLE</b>	<b>UNITS</b>
LLM 301B	Drug Addiction, Criminal Justice & Human Rights	4	LLM 401B	Dissertation & Viva Voce	20
LLM 302B	Forensic Science	4	LLM 402B	Seminar	3
LLM 303B	Privileged Class Deviance & International Crimes	4			
<b>Total</b>		<b>12</b>	<b>Total</b>		<b>23</b>



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

### CRIMINAL LAW & CRIMINOLOGY

SEMESTER- I					
COURSE CODE	COURSE TITLE	L	T	P	Credits
LLM 101	Jurisprudence	4	0	0	4
LLM 102	Law and Social Transformation of India	4	0	0	4
LLM 103	Legal Research Methodology-I	4	0	0	4
LLM 104B	Criminology, Penology & Treatment of offenders	4	0	0	4
<b>Total</b>		<b>16</b>	<b>0</b>	<b>0</b>	<b>16</b>



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

### CRIMINAL LAW & CRIMINOLOGY

<b>Course: Jurisprudence</b>	<b>Semester: I</b>
<b>Course Code: LLM 101</b>	<b>Credits: 4</b>

**Objective:** To impart basic knowledge about science and philosophy of law, various schools and theories of jurisprudence and their contemporary significance.

#### UNIT-I

**Introduction:** 04

Meaning and scope of term “Jurisprudence”, Theories of jurisprudence Relationship of Jurisprudence with other social sciences.

**Law:** 04

Nature, Scope, Theories and definition of “Law”, Sources of Law, Purpose and Functions of Law.

**Ancient Indian Legal System:** 04

Evolution and Concept of Law, Rule of Law, Role of King in administration of justice.

#### UNIT-II

**Schools of Jurisprudence:** 06

Natural School of Law, Positive School of Law, Historical School of Law, Sociological School of Law, Utilitarian School of Law, Marxist Theory of Law.

**Justice:** 08

Meaning & kinds, Justice and Law, approaches of different schools, Administration of Justice, Civil & Criminal, Theories of punishment, Indian Position, Role of State in Administrative Justice, Principles of Natural Justice, Judicial Activism.

#### UNIT-III

**Legal Persons:** 06

Concept of Person , Natural and Legal Persons, Nature of Personality, Status of the unborn, minor, lunatic drunken and dead person, Corporate personality, Dimensions of the modern legal personality, legal personality of non-human beings.

**Legal Rights:** 04

The Concept, Rights, Kinds, Right duty correlation.



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

### CRIMINAL LAW & CRIMINOLOGY

**Possession:** 04

The Concept, Kinds of Possession, Acquisition of Possession, Modes of Acquisition of Property.

**Ownership:** 04

The Concept, Kinds of Ownership , Difference between possession & ownership

#### UNIT-IV

**Interpretation of Statutes:** 04

Rules of Interpretation of a Statutes, Basic Guidelines on Interpretation, Divergent Opinions on Interpretation and Construction of Statutes, Rules of Construction, Procedural and Substantive Law.

#### Suggested Readings:

1. Salmond, *Jurisprudence*, Universal Publishers 12<sup>th</sup>Edn. 1966.
2. Paton, *Jurisprudence*.
3. Allen, *Law in the Making*, Universal Publishers 7<sup>th</sup>Edn. 2001.
4. Mahajan V.D., *Legal Theory and Jurisprudence*, Eastern Book Company, Lucknow, 5<sup>th</sup> Edn. 1977.
5. Dias, *Jurisprudence*, Aditya Books, 5<sup>th</sup>Edn. 1985.
6. Rama Jois, *Legal and Constitutional History of India*, Universal Law Publications, Delhi.
7. SarathiVepa P., *Interpretation of Statutes*, Eastern Book Co, 4<sup>th</sup>Edition, 1976.
8. Maxwell, *Interpretation of Statutes*, Butterworths Publications, 1976, 12<sup>th</sup> Edition.
9. Crawford, *Interpretation of Statutes*, Universal Publishers.
10. Chatterjee, *Interpretation of Statutes*.
11. Singh G.P., *Principles of Statutory Interpretation*, Wadhwa and Company, 8<sup>th</sup> Ed., 2001.
12. Cross, *Statutory Interpretation*.



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

### CRIMINAL LAW & CRIMINOLOGY

<b>Course: Law and Social Transformation of India-I</b>	<b>Semester: I</b>
<b>Course Code: LLM 102</b>	<b>Credits:</b>

#### UNIT- I

**Law and Social Change: 06**

Law as an instrument of social change, Law as the product of traditions and culture. Criticism and evaluation in the light of colonizations and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

**Law and its Inter-relationships with Religion, Language, Community and Regionalism: 06**

Religion, language, community and regionalism as divisive factors, Responses of law to: Religion - through secularism, Language - through constitutional guarantees, Community - through non-discrimination, Regionalism - through unity, Non-discrimination and protective discrimination (reservation).

#### UNIT- II

**Women and the Law: 05**

Crimes against woman, Gender injustice and its various forms, Woman's Commission, Empowerment of woman: Constitutional and other legal provisions.

**Children and the Law: 05**

Child labour, Sexual exploitation, Adoption and related problems, Children and education.

#### UNIT- III

**Modernization and the Law: 06**

Modernization as a value: Constitutional perspectives reflected in the fundamental duties. Modernization of social institutions through law: Reform of family law, Agrarian reform - Industrialization of agriculture, Industrial reform: Free enterprise v. State regulation - Industrialization v. environment protection

**Reform of court processes: 06**

Criminal law: Plea bargaining; compounding and payment of compensation to victims, Civil law: (ADR) Confrontation v. consensus; mediation and conciliation; Lok adalats, Prison reforms. Democratic decentralization and local self-government.



# **R.K.D.F. UNIVERSITY, RANCHI**

## **MASTERS OF LAW**

### **CRIMINAL LAW & CRIMINOLOGY**

#### **UNIT- IV**

#### **Alternative Approaches to Law:**

**12**

The jurisprudence of Sarvodaya - Gandhiji, Vinoda Bhave; Jayaprakash Narayan - Surrender of dacoits; concept of grama nyayalays. Socialist thought on law and justice: An enquiry through constitutional debates on the right to property, Indian Marxist critique of law and justice, Naxalite movement: causes and cure.

#### **References**

1. Marc Galanter (ed.), Law and Society in Modern India (1997), Oxford
2. Robert Lingat, The Classical Law of India (1998), Oxford
3. U. Baxi, The Crisis of the Indian Legal System (1982), Vikas, New Delhi.
4. U. Baxi (ed.), Law and Poverty Critical Essays (1988), Tripathi Bombay
5. Manushi A, Journal about Woman and Society
6. Duncan Dereet, The State, Religion and Law in India (1999), Oxford university press, New Delhi.





# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

### CRIMINAL LAW & CRIMINOLOGY

<b>Course: Legal Research Methodology</b>	<b>Semester: I</b>
<b>Course Code: LLM 103</b>	<b>Credits:</b>

#### UNIT- I

**Foundations of Research: 08**

Meaning, Objectives, Motivation, Utility, Concept of theory, empiricism, deductive and inductive theory.

**Characteristics of scientific method: 04**

Understanding the language of research, Concept, Construct, Definition, Variable and Research Process

**Problem Identification & Formulation: 04**

Research Question, Investigation Question, Measurement Issues, and Hypothesis: Qualities of a good Hypothesis, Null Hypothesis, Alternative Hypothesis, Hypothesis Testing & Logic & Importance.

#### UNIT- II

**Research Design: 06**

Concept and Importance in Research, Features of a good research design, Exploratory Research Design, Concept, types and uses, Descriptive Research Designs, Experimental Design: Concept of Independent & Dependent variables.

**Qualitative and Quantitative Research: 04**

Concept of measurement, causality, generalization, replication, merging the two approaches.

**Measurement: 04**

Concept of measurement, What is measured? Problems in measurement in research, Validity and Reliability, Levels of measurement: Nominal, Ordinal, Interval, Ratio.

#### UNIT- III

**Sampling: 06**

Concepts of Statistical Population: Sample, Sampling Frame, Sampling Error, Sample Size, Non Response. Characteristics of a good sample. Probability Sample: Simple Random Sample, Systematic Sample, Stratified Random Sample & Multi-stage sampling. Determining size of the



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

### CRIMINAL LAW & CRIMINOLOGY

sample – Practical considerations in sampling and sample size.

**Data Analysis: 04**

Data Preparation, Univariate analysis (frequency tables, bar charts, pie charts, percentages), Bivariate analysis – Cross tabulations and Chi-square test including testing hypothesis of association.

**UNIT- IV**

**Interpretation of Data and Paper Writing: 04**

Layout of a Research Paper, Journals in Computer Science, Impact factor of Journals, When and where to publish? Ethical issues related to publishing, Plagiarism and Self-Plagiarism. Use of Encyclopedias, Research Guides, Handbook etc., Academic Databases for Computer Science Discipline.

**Use of tools / techniques for Research: 04**

Methods to search required information effectively, Reference Management Software like Zotero/Mendeley, Software for paper formatting like LaTeX/MS Office, Software for detection of Plagiarism

**References:**

1. Business Research Methods – Donald Cooper & Pamela Schindler, TMGH, 9th edition
  2. Business Research Methods – Alan Bryman & Emma Bell, Oxford University Press.
- Research Methodology – C.R.Kothari

**Legal Education:** Objectives and Development

**Lecture method of teaching-**

Merits & Demerits, Discussion Method & Seminar Method of teaching, Examination systems and problems in evaluation.

**Suggested Readings:**

1. Clinical Legal Education- N.R. Madhava Menon
2. Legal Education in India in 21<sup>st</sup> Century- Kaul & Ahuja
3. Legal Education and Profession in India- P.L. Mehta & Sushma Gupta
4. Learning the Law- Glanville Williams
5. Legal Research and Methodology- S.K Verma & M. Afzal Wani



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

### CRIMINAL LAW & CRIMINOLOGY

<b>Course:</b> Criminology, Penology & Treatment of offenders	<b>Semester: I</b>
<b>Course Code:</b> LLM 104B	<b>Credits:</b>

**Objectives:** To understand crime and the methods by which society deals with crime, punishment and in-depth examination of the formal institutions of criminal justice and treatment of offender and victims.

#### UNIT-I

**Introduction to Criminology:** **08**

Nature and scope of Crime, Criminal and victim, Schools of criminology, Theories of crime.

#### UNIT-II

**Introduction to Penology:** **12**

Theories of punishment, Classical Hindu and Islamic approaches to punishment, Capital punishment, judicial attitude towards capital punishment in India.

#### UNIT-III

**Sentencing under Statute:** **12**

Theory and practice, Pre- sentence hearing, Sentencing in white collar crime and sentencing for habitual offenders, Alternative to imprisonment- Probation, corrective labour, fine, reparation by the offender/ the court, Principle types of sentence in the penal Code and special laws, plea bargaining.

#### UNIT-IV

**Treatment of Offenders:** **08**

State of India's jails today, Disciplinary regime of Indian prisons, Classification of prisoners, Rights of prisoners and duties of custodial staff, Open prisons, judicial surveillance.

**Treatment to Victims:** **06**

Specific Victimization- Children, Women, Prisoners, SC/ST, Restitution, Compensation and Assistance to Victims in U.S.A, U.K. and India, Victim's Right to Compensation under the Indian Criminal Justice System, Victim Welfare Schemes and Programs.

**Statutory Materials:** Probation of Offenders Act, 1958 **04**



# **R.K.D.F. UNIVERSITY, RANCHI**

## **MASTERS OF LAW**

### **CRIMINAL LAW & CRIMINOLOGY**

#### **Select Bibliography:**

1. Sutherland – Principles of Criminology
2. Sethna – Society and Criminal
3. Barnes & Teeters – New Horizons in Criminology
4. Vold – Theoretical Criminology
5. Gillin – Criminology and Penology
6. Hans Von Henting – Criminal and his Victim
7. H.l.a. Hart – Punishment and Responsibility.
8. Siddique – Criminology
9. Alf Ross – On Guilt, Responsibility and Punishment
10. Law Commission of India -42nd Report, 1971 (Chapter 3)



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

### CRIMINAL LAW & CRIMINOLOGY

SEMESTER- II					
COURSE CODE	COURSE TITLE	L	T	P	Credits
LLM 201	Comparative Public Law	4	0	0	4
LLM 202B	Comparative Criminal Law	4	0	0	4
LLM 203B	Law and Organized Crime	4	0	0	4
LLM 204B	Crime and Administration of Criminal Justice	4	0	0	4
<b>Total</b>		<b>16</b>	<b>0</b>	<b>0</b>	<b>16</b>



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

### CRIMINAL LAW & CRIMINOLOGY

<b>Course:</b> Comparative Public Law	<b>Semester:</b> II
<b>Course Code:</b> LLM 201	<b>Credits:</b> 4

**Objective:** The syllabus aims at introducing basic concepts underlying modern governmental process in different parts of the world. It is now recognized that to understand and appreciate any branch of law knowledge of public law from a comparative prospective is essential.

#### UNIT-I

**Meaning, Scope & Method:** **14**

Public Law and its Relevance: Nature of public law, distinction between public and private law, scope and content of public law – Constitutional law, Administrative law and Criminal law. Comparative public law – Need of the study methods of comparison. Limits of comparative public law.

#### UNIT-II

**Constitutions and Constitutionalism:** **12**

Need for Constitution, evolution of Constitution and Constitutional law, Parts of a perfect Constitution. Constitutionalism and its incorporation into a written Constitution. Limited Government, Separation of powers, Federal Principles, Fundamental rights or Liberty of the subjects, and Judicial Review.

#### UNIT-III

**Classification of Constitution:** **12**

Federal and Unitary Form, Features, Advantages and Disadvantage Models of Federalism and Concept of Quasi-federalism, Role of Courts in Preserving Federalism, Parliamentary and Presidential Forms of Government, Cabinet System and its weakness. Legislative supervision over executive government.

#### UNIT-IV

**Administrative Process:** **08**

Basic Principles of administrative law: Rule of Law, Separation of powers, and delegation of powers, principles of natural justice and judicial review of administrative action. Accountability and transparency in administration – Right to information, Citizens Charters and Ombudsman



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

### CRIMINAL LAW & CRIMINOLOGY

(Lakopal and Lok Ayuktas).

#### **Independent Judiciary and Judicial Review:**

**04**

Independent judiciary and Constitutional adjudication. Independence of Judiciary under Indian Constitution. Judicial Review: Growth and Development, Judicial Activism and Judicial restraint. Public interest Litigation. Theory of basic structure.

#### **Select Bibliography:**

1. D.D.Basu, Comparative Constitutional Law, 2nd edn, (Wadhwa, Nagpur,2010 )
2. David Starnes, The Living Constitution, ( Oxford University Press, 2010).
3. M.V.Pyle, Constitutional of the World, (Universal Publishers, 2006).
4. Sudhir Krishna Swamy, Democracy and Constitutionalism in India – A study of the Basic Structure Doctrine (Oxford University Press, 2013).
5. Vikram David Amar, Mark Tushnet, Global Perspectives on Constitutional Law (Oxford University Press Inc United States 2009)
6. M.P.Singh, Comparative Constitutional Law, (Eastern Book Company, 1989.
7. J.P. Pennock and J.W. Chapman, Constitutionalism, NOMOSXX, (New York University Press,1979).
8. M.P.Jain, Constitutional Law, 6th edn, ( Mumbai : Lexis Nexis, 2013)
9. M.P.Singh, V.N Shukla's. Constitution of India, 12th edn, (Lucknow: Eastern Book Company, 2013).



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

### CRIMINAL LAW & CRIMINOLOGY

<b>Course:</b> Comparative Criminal Law	<b>Semester:</b> II
<b>Course Code:</b> LLM 202B	<b>Credits:</b> 4

**Objective:** To impart basic knowledge about science and philosophy of law, various schools and theories of jurisprudence and their contemporary significance.

#### UNIT-I

**International Criminal Law: 04**

Introduction, Individual Criminal Responsibility, Historical Development, Treaty of Versailles, Nuremberg and Tokyo International Military Tribunals, Genocide Convention, Geneva Convention, ICTY, ICTR and ICC

**The Comparative Criminal Law: 04**

Object and Scope of the Subject, Adversarial Model: India, USA, England etc., And Inquisitorial Model: France, Italy, Germany, Australia, Basic Principles of Criminal Jurisprudence: Presumption of Innocence, Proving Guilt Beyond Reasonable Doubt, Fair Trial.

**Justice Malimath Committee Report on Reforms: 06**

Adversarial & Inquisitorial Model, Justice to victim, Investigation, Witness and Perjury, The Right to Silence: Meaning and Scope, Indian Law on Subject, World Scenario- Canada, Italy, Japan, South Africa, USA, UK.

#### UNIT-II

**Right to Silence: 05**

Meaning and Scope, Indian Law on Subject: World Scenario- Canada, Italy, Japan, South Africa, USA, UK, Right to Silence and Adverse Inference.

**Inherent Powers of the Court: 05**

Meaning and Scope, Indian Law on Subject: Sec. 482, 311 313, 313A and 319 of Cr.P.C, 1973, Sec. 165 of Indian Evidence Act, 1872, International Scenario: Judge's positive duty of discovery of truth, Sec. 139 of Germany Magna Charta.

**Rights of Arrested Person: 06**

Indian and world Scenario on following rights: Impartial & Fair Trial, Speedy Trial, Double Jeopardy, Ex-Post facto law, Assistance of Counsel, To know the grounds of Arrests, Right of





# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

### CRIMINAL LAW & CRIMINOLOGY

Medical Examination, Right Against Torture, Case Laws: Miranda v. Arizona, Joginder Kumar v. State of U.P., D.K. Basu v. State of W.B.

#### UNIT-III

**Plea Bargain:** **08**

Meaning Scope and Object, Types: Charge Bargain, Sentence Bargain, Fact Bargain, World Scenario- Canada, Italy, Poland, USA, UK, Indian Law: 2005 Amendment  
Sec. 265A- 265L of Cr.PC, 1973.

#### UNIT-IV

**Honor Killing:** **06**

History, Meaning and Reasons, Types: For Seeking Marriage, Inter Caste and Sa-gotra Marriage, Witch Hunting as Honor Killing, Sati as Honor Killing, Legal Regime on the Subject: India, Pakistan, Joardan, Syria, UAE, Yemen, Turkey, Honor Killing and Khap Panchayats, Fake Honor vis-à-vis Real Murder: Judicial Approach.

**Right to Privacy, Choice and Homosexuality:** **04**

History, Meaning of Privacy and homosexuality, Right to Equality and Sec. 377 IPC, 1860, Right to Privacy and Sec. 377 IPC, 1860, Freedom of Choice and Sec. 377 IPC, 1860, Current Legal Scenario: Global Trends.

**Cyber Crime:** **02**

History, Meaning of Cyber Crime, Cyber terrorism, Cyber theft

#### Modern Crimes

#### Suggested Readings:

1. Justice Malimath Committee Report on *the Reforms in the Criminal Justice System*.
2. Kelkar R.V., *The Code of Criminal Procedure, 1973*.
3. Ratanlal & Dhirajlal, *The Code of Criminal Procedure*, Lexis Nexis Publication.
4. Gaur K.D., *The Indian Penal Code*, Universal Publication.
5. Gaur K.D., *Criminal Law: Cases & Materials*, Lexis Nexis Publication.
6. Monir M., *The Law of Evidence*, Universal Law Publication.
7. Ratanlal & Dhirajlal, *The Law of Evidence*, Lexis Nexis Publication.



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

### CRIMINAL LAW & CRIMINOLOGY

<b>Course:</b> Law and Organized Crime	<b>Semester:</b> II
<b>Course Code:</b> LLM 203B	<b>Credits:</b> 4

**Objective:** To understand the concept of organized crime and to Study the scope of organized crime in India.

#### UNIT- I

**Introduction to Organized Crime:** **08**

Definition & scope of organized crime, Types & characteristics of organized crime, Causes of organized crime, Comparison between white-collar crime, corporate crime, and organized crime

#### UNIT- II

**Scope of Organized Crime in India:** **12**

Drug Addiction, trafficking – National & international legal perspective, Illicit trafficking of women & children, prostitution, Economic crime, money laundering, scams, *Hawala* & Counterfeiting of Currency, Nexus of Organized crime and politics

#### UNIT- III

**Legal Analysis, Investigation & Prosecution of Organized Crime:** **12**

Mens Rea, modus operandi & criminal conspiracy in organized crime, Role of Police in Investigation of organized crime, Role of Judiciary, Trial and Sentencing in organized crime, Legal issues under IPC and Indian Evidence Act

#### UNIT- IV

**Organized Crime, Threat to National Security & Preventive Action:** **08**

Close linkage between organized crime and terrorism – special reference to Maharashtra Control of Organized Crime Act, 1999 & Gujarat Control of Terrorism and Organized Crime Bill, 2015, Issues & law related to Internal Security – The National Security Act, 1980, Armed Forces (Special Powers) Act (AFSPA), 1958

**Major Historical Events of Organized Crime:** **06**

The Gujarat Scenario, The Scene in Uttar Pradesh, Indian Underworld & Pakistan ISI, Shri Prakash Singh Gang, Babloo Srivastav Gang



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

### CRIMINAL LAW & CRIMINOLOGY

#### **Suggested Readings:**

1. Gandhirajan C.K. – *Organized Crime*, APH Publishing Corporation, Tamil Nadu
2. Ryan Patrick J. – *Understanding Organized Crime in Global Perspective: A Reader*, Sage Publications, California
3. McClean D. – *Transnational Organized Crime: A Commentary on the United Nations Convention and its Protocols*, Oxford University Press
4. Madsen F. – *Transnational Organized Crime*, Global Institutions, New Delhi
5. Unnithan Prabha N. – *Crime and Justice in India*, Sage Publications, Colorado State University, Fort Collins.



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

### CRIMINAL LAW & CRIMINOLOGY

<b>Course:</b> Crime and Administration of Criminal Justice	<b>Semester:</b> II
<b>Course Code:</b> LLM 204B	<b>Credits:</b> 4

#### UNIT- I

**Crime and Criminal law: 06**

Meaning, Nature, Scope, Characteristic features of crime, Essential elements of crime, Classification of Crime, Theories of crime.

**Factors / Causations leading to crime: 04**

Reactions to crime, Prevention of crime, Principles of criminal law, Criminal law and its role.

**Philosophy of Criminal Justice System: 04**

The Constitution and Criminal Justice System, Challenges of Criminal Justice System, Reform Strategy, Ethics in Criminal Justice System, Issues in Criminal Justice System

**Stages of criminal justice process: 02**

Judicial Approach in Criminal Justice System.

#### UNIT- II

**Criminal Justice system: 04**

Its components and functions, Investigative agency, Police, Prosecution, Defence Counsel, History of the Prosecution of India- Nature, Scope and Role of Prosecution, Constitutional Provision of Role of Prosecution- Powers and Duties of Prosecutor – Role of Judiciary, Critical Analyses of Role of Prosecutor- Role of Prosecution in Other Countries

**Constitution of Criminal Courts: 04**

Organization of Criminal Courts and Criminal Justice System, Control over Criminal Courts, Accused and Rights of Female Accused / Female Prisoners, Law and procedure relating to Criminal Appeals, Revisions, Writ Petition and Special Leave Petitions..

**Police Administration in Criminal Justice System: 06**

Development of police force and Hierarchical structure of police force, Principles and functions of policing, Duties of civil police, Rural policing in India, Problems in police service, Custodial torture, Police Public cooperation, Judicial opinions on police force, Modernization of police



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

### CRIMINAL LAW & CRIMINOLOGY

force, Role of police in International Issues, Role of police in administration of criminal justice system, Directions of the Supreme Court relating to police reforms.

#### UNIT- III

##### **Penology with punishments and prison reforms: 04**

Definition, objectives and scope of penology, Concept, definition, nature, forms and purposes of punishments, Sentencing process, Mitigating & Extenuating circumstances in the decision making of sentence, Plea Bargaining, Alternatives to punishment. Therapeutic / Humanitarian approach to Prisoners, Measures to Reform criminals, Probation & Parole.

##### **Victim ology: 04**

Victim and Victimization, Definition, nature and scope of victims and victim ology, Categorization of the victims, Theories of victim ology, Victim of crime and victim of Abuse, Consequences of victim ology, victim Redressal Programs, International Recognition of Victims' Rights.

#### UNIT- IV

##### **Justice Process: 05**

Restorative Justice Process in Contemporary Criminal Justice, History, Definition, Principles, Root and Values of Restorative Justice, Restorative Justice in social context, Human rights and Restorative Justice, Global appeal of Restorative Justice, Future of Restorative Justice.

##### **Suggested Readings:**

1. Ahmed Siddiqui, Criminology: Problems and Perspectives, 4<sup>1</sup> Edition, Eastern Book Co. Lucknow 2014
2. Van Ness, Daniel W., and Karen Heetderks Strong. Restoring justice: An introduction to restorative justice. Routledge, 2014.
3. Ahmad, Dr. "A Brief Analysis of Theories of Punishment in India." Available at SSRN 3561458 (2020).
4. Maguire, Morgan and Reiner, The Oxford Handbook of Criminology, 3<sup>IC</sup> Edition, Oxford Univ Pres, New York 2015
5. Criminology and Penology , Rajendra K. Sharma , Atlantic Publishers and Distributors Pvt Ltd; 1st edition (19 December 2017).



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

### CRIMINAL LAW & CRIMINOLOGY

SEMESTER- III					
COURSE CODE	COURSE TITLE	L	T	P	Credits
LLM 301B	Drug Addiction, Criminal Justice & Human Rights	4	0	0	4
LLM 302B	Forensic Science	4	0	0	4
LLM 303B	Privileged Class Deviance & International Crimes	4	0	0	4
<b>Total</b>		<b>16</b>	<b>0</b>	<b>0</b>	<b>16</b>



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

### CRIMINAL LAW & CRIMINOLOGY

<b>Course:</b> Drug Addiction, Criminal Justice & Human Rights	<b>Semester:</b> III
<b>Course Code:</b> LLM 301B	<b>Credits:</b> 4

#### UNIT- I

##### **Introduction:**

Basic conceptions, Drugs „narcotics“ “psychotropic substances”. “Dependence”, “addiction” “Crimes without victims”. “Trafficking” in “drugs”. “Primary drug abuse”. Drug Addiction and Abuse- Self-reporting, Victim-studies, Problems of comparative studies.

**Anagraphic and Social characteristics of Drug Users:** Gender, Age, Religiousness, Single individuals/cohabitation, Socio-economic level of family, Residence patterns (urban/rural/urban), Educational levels, Occupation, Age at first use, Type of drug use, Reasons given as cause of first use, Method of Intake, Pattern of the Use, Average Quantity and Cost, Consequences on addict’s health (physical/psychic)

#### UNIT- II

##### **The International Legal Regime:**

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

#### UNIT- III

##### **The Indian Regulatory System:**

Approaches to narcotic trafficking during colonial India. Nationalist thought towards regulation of drug trafficking and usage. The penal provisions (under the IPC and the Customs Act). India’s role in the evolution of the two international Conventions. Judicial approaches to sentencing in drug trafficking and abuse. The Narcotic Drugs and Psychotropic Substances Act, 1985. Patterns of resource investment in India: policing adjudication, treatment, aftercare and rehabilitation.



# **R.K.D.F. UNIVERSITY, RANCHI**

## **MASTERS OF LAW**

### **CRIMINAL LAW & CRIMINOLOGY**

#### **UNIT- IV**

##### **Human Rights Aspects:**

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

##### **The Role of Community in Combating Drug Addiction:**

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

##### **Suggested Readings:**

1. Drug Addiction, Criminal Justice & Human Rights / Dr. Sheetal Kanwal / Text Book.
2. J.A. Incard, C.D. Chambers, (eds.), Drugs and the Criminal Justice System (1974).
3. Social Defence Research Institute (UNSDRI) Combating Drug Abuse and Related Crimes (Rome, July 1984, PublicationNo.21).
4. P. R. Rajnat – Violence and Response: A Critical Study of Indian Criminal justice System.
5. United Nations – Economic & Social Reports of the Commission on Narcotic Drugs.
6. United Nations Social Defense Research Institute (UNSRDI) – Combating Drug Abuse and Related Crimes.





# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

### CRIMINAL LAW & CRIMINOLOGY

<b>Course:</b> Forensic Science	<b>Semester:</b> III
<b>Course Code:</b> LLM 302B	<b>Credits:</b> 4

**Objectives:** Crime in the society is as old as human race. With the advancement of science and technology types and methods of crime have undergone a radical. Intelligent criminal has been quick to exploit science and technology for commission of crime. Forensic Science has proved a very useful tool for identification the crime, criminal and victim. The syllabus is designed to make aware the students of this recent Forensic Science and Technology.

#### UNIT- I

**Introduction:** 10

Principles & Perspectives: Meaning & Definition. Need & Principles. Function & Development. Tools & Techniques. Problems of Proof.

**Recent Advances in Forensic Science & Cyber Forensic:** 06

Importance, Nature, Classification, Collection of Evidence, Hypnosis, Truth Serum, Brain Mapping Test, The Polygraph-Lie-Detector Test, Computer Crime

#### UNIT- II

**Road Accidents- Alcohol & Drivers:** 18

Scientific investigation and evaluation of clue, materials, Arson, Scientific investigation and evaluation of materials trace Analysis.

Nature, Location, Preservation, Collection and evaluation of trace materials, Identification, Comparison, Recording etc. Tire Impressions and skid marks

#### UNIT- III

**Nature, Identification, Classification, Collection, Location Of Narcotics Cluematerials:** 08

Opium, Morphine, Heroin, Pathadin, Barbiturates. Cocaine, Amphetmines, Methaquiun. Cannabis, LSD, DMT. Alcohol and Alcoholic Beverages. Toxicology – Poison - Kinds of Poison



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

### CRIMINAL LAW & CRIMINOLOGY

#### UNIT- IV

#### **Role of Investigator:**

**12**

Micro traces. Importance & Nature. Location & collection. Forensic Problems. Individual Micro traces and Ballistics. Dusts content sample, Hair & Fiber, Blood, Semen & other body fluids (Saliva, Urine, Faces, Sweat, Nasal secretions, Tears).

Bullet Identification, Direction, Time and Range of Fire. Woundshandling, collection of preservation of evidence. Bomb disposal handling of explosives and examination of explosive residues.

Death Investigator Post mortem examination (autopsy) Injuries, Age determination of living person Insanity. Evaluation of skeletal remains formage, height, sex, time of death, mode of death, and identification including skull and site marks. Finger Prints & Foot Prints and Hand writings & Documents Marksand Scratches, Ballistics, Explosives, Firearms, Dog tracking.

#### **Suggested Readings:**

1. Sharma B.R.: Forensic Science.
2. Quzalbush Yawer : Law of Lie Detector Narco-analysis etc. (2011) Universal
3. B.S.Nobar : Forensic Science in crime Investigation(Reprint – 2015)
4. Asia Law HouseCase Law : Related Forensic Science



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

### CRIMINAL LAW & CRIMINOLOGY

<b>Course:</b> Privileged Class Deviance	<b>Semester:</b> III
<b>Course Code:</b> LLM 303B	<b>Credits:</b> 4

#### UNIT- I

**Introduction and Concept:** **04**

Conceptions of white-collar crimes, Indian approaches to socio-economic offences, Notions of privileged class deviance as providing a wider categorization of understanding Indian development

**Typical forms of such deviance:** **06**

Official deviance (deviance by legislators, judges, bureaucrats), Professional deviance: journalists, teachers, doctors, lawyers, engineers, architects and publishers, Trade union deviance (including teachers, lawyers/urban property owners), Landlord deviance (class/caste based deviance), Police deviance, Deviance on electoral process (rigging, booth capturing, impersonation, corrupt practices), Gender-based aggression by socially, economically and politically powerful.

#### UNIT- II

**Official Deviance:** **08**

Conception of official deviance - permissible limit of discretionary powers. The Chambal valley dacoit, Vinoba Mission and Jai Prakash Narain Mission – in 1959 and 1971. The Chagla Commission Report on LIC- Mundhra Affair. The Das Commission Report on Pratap Singh Kairon. The Grover Commission Report on Devraj Urs. The Maruti Commission Report. The Ibakkar- Natarajan Commission Report on Fairfax.

#### UNIT- III

**Organization and Structure of Indian Police:** **04**

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.

**Police Investigation Procedures:** **06**

Methods of Investigation – Information, Interrogation and Instrumentation, Recording of FIR,



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

### CRIMINAL LAW & CRIMINOLOGY

Case Diary and Station House Diary, Modus Operandi, Collection of Evidence, Examination of Witnesses and Suspects, Confession, Filing charge sheet.

**Police Deviance: 04**

Unconstitutionality of "third-degree" methods and use of fatal force by police. "Encounter" killings Police atrocities. The plea of superior orders. Rape and related forms of gender-based aggression by police and Paramilitary forces. Reform suggestions especially by the National Police Commissions.

**UNIT- IV**

**Professional Deviance: 05**

Unethical practice at the Indian Bar, The unethical commission Report, press council on unprofessional and unethical journalism medical malpractice.

**Response of Indian Legal Order to the Deviance of Privileged Classes: 06**

Vigilance Commission, Public Accounts Committee, Ombudsman, Commissions of Enquiry, Prevention of Corruption Act, 1947. The Antulay Case.

**Statutory Materials:**

1. The Prevention of Corruption Act, 1988.
2. Indian Legislation relation to untouchability and suppression of immoral Traffic.
3. Documents relating to International Criminal Court.

**Select Bibliography:**

1. Upendra Baxi – Liberty and Corruption: The Antulay's Case and Beyond (1989)
2. D.B. Pande – The Nature and Dimensions of Privileged Class Deviance
3. Surendra Nath & Bhargava – Political Corruption in India
4. Gilbert Geis – White Collar Crime in Business, Politics and Profession
5. Sutherland – White Collar Crime
6. Law Commission on Scoio – Economic Offences (47th Report)
7. Muller & Wise – International Criminal Law
8. Bassioni – A Treatise on International Criminal Law



# R.K.D.F. UNIVERSITY, RANCHI

## MASTERS OF LAW

### CRIMINAL LAW & CRIMINOLOGY

SEMESTER- IV					
COURSE CODE	COURSE TITLE	L	T	P	Credits
LLM 401B	Dissertation & Viva Voce	20	0	0	4
LLM 402B	Seminar	3	0	0	4
<b>Total</b>		<b>23</b>	<b>0</b>	<b>0</b>	<b>23</b>