

HINDI VIDYA PRACHAR SAMITI'S
HINDI VIDYA PRACHAR SAMITI'S COLLEGE OF LAW

(Affiliated to the University of Mumbai & Recognized by the Bar Council of India)
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**LL.M. (2 YEARS POSTGRADUATE
COURSE)**

A.Y. 2022-23

**(Syllabus framed by the University of
Mumbai)**

SYLLABUS

(Subject to change by the University of Mumbai)

Module – I (1 Credit)

1. Law and Social Change:

- 1.1. Law as an instrument of social change.
- 1.2. 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.

2. Religion and the Law:

- 2.1. Religion as a divisive factor.
- 2.2. Secularism as a solution to the problem.
- 2.3. Reform of the law on secular lines: Problems.
- 2.4. Freedom of religion and non-discrimination on the basis of religion.
- 2.5. Religious minorities and the law.

Module – II (1 Credit)

3. Language and the Law:

- 3.1. Language as a divisive factor: Formation of linguistic states.
- 3.2. Constitutional guarantees to linguistic minorities.
- 3.3. Language policy and the Constitution Official language; multi-language system.
- 3.4. Non-discrimination on the ground of language.

4. Community and the law:

- 4.1. Caste as a divisive factor
- 4.2. Non-discrimination on the ground of caste.
- 4.3. Acceptance of caste as a factor to undo past injustices.
- 4.4. Protective discrimination; Scheduled castes, tribes and backward classes.
- 4.5. Reservation; Statutory Commissions, Statutory provisions. 8

Module – III (1 Credit)

5. Women and the Law:

- 5.1. Crimes against women.
- 5.2. Gender injustice and its various forms.
- 5.3. Women's Commission.
- 5.4. Empowerment of women: Constitutional and other legal provisions

6. Children and the Law:

- 6.1. Child labour
- 6.2. Sexual exploitation.
- 6.3. Adoption and related problems.
- 6.4. Children and education.

Module – IV (1 Credit)

7. Modernization and the Law:

- 7.1. Modernisation as a value: Constitutional perspectives reflected in the fundamental duties.

- 7.2. Modernisation of social institutions through law. 7.2.1. Reform of family law
- 7.2.2. Agrarian reform – Industrialisation of agriculture. 7.2.3. Industrial reform: Free enterprise v. State regulation – Industrialisation v. environmental protection.
- 7.3. Reform of court processes.
- 7.3.1. Criminal law: Plea bargaining; compounding and payment of compensation to victims.
- 7.3.2. Civil Law; (ADR) Confrontation v. consensus; mediation and conciliation; Lokadalats.
- 7.3.3. Prison reforms
- 7.4. Democratic decentralization and local self-government.

8. Alternative approaches to law:

- 8.1. Naxalite movement: causes and cure

References: —

Marc Galanter (ed.), *Law and Society in Modern India* (1997) Oxford. Robert Lingat, *The Classical Law of India* (1998), Oxford. U. Baxi, *The Crisis of the Indian Legal System* (1982), Vikas, New Delhi.

U. Baxi (ed.), *Law and Poverty Critical Essays* (1988). Tripathi, Bombay.

Manushi, A Journal About Women and Society.

Duncan Derret, *The State, Religion and Law in India* (1999), Oxford University Press, New Delhi.

H.M. Seervai, *Constitutional Law of India* (1996), Tripathi. D.D. Basu, *Shorter Constitution of India* (1996), Prentice Hall of India (P) Ltd., New Delhi.

Sunil Deshta and KiranDeshta, *Law and Menace of Child Labour* (2000) Armol Publications, Delhi.

SavitriGunasekhare, *Children, Law and Justice* (1997), Sage Indian Law Institute, *Law and Social Change: IndoAmerican Reflections*, Tripathi (1988)

J.B. Kripalani, *Gandhi: His Life and Thought*, (1970) Ministry of Information and Broadcasting, Government of India. M.P. Jain, *Outlines of Indian Legal History*, (1993), Tripathi, Bombay.

Agnes, Flavia, *Law and Gender Inequality: The Politics of Women's Rights in India* (1999), Oxford

FOUNDATION PAPER II— INDIAN CONSTITUTIONAL LAW : NEW CHALLENGES (4 Credits)

Module – I (1 Credit)

1. Federalism:

- 1.1. Creation of new states
- 1.2. Allocation and share of resources – distribution of grants in aid 1.2.1. The inter-state disputes on resources
- 1.3. Centre's responsibility and internal disturbance within State.
- 1.5. Directions of the Centre to the State under Article 356 and 365.
- 1.6. Federal Comity: Relationship of trust and faith between Centre and State
- 1.7. Special status of certain States.
- 1.7.1. Tribal Areas, Scheduled Areas

2. "State": Need for widening the definition in the wake of Liberalization.

Module – II (1 Credit)

3. Right to equality: privatization and its impact on affirmative action.

4. Empowerment of Women.

5. Freedom of press and challenges of new scientific development:

5.1. Freedom of speech and right to broadcast and telecast. 5.2. Right to strikes, hartal and bandh

Module – III (1 Credit)

6. Emerging regime of new rights and remedies:

6.1. Fundamental Rights Directive Principles and Fundamental Duties.

6.1.1. Compensation jurisprudence.

6.1.2. Right to education.

6.1.2.1. Commercialisation of education and its impact. 6.1.2.2. Brain drain by foreign education market.

7. Rights of minorities to establish and administer educational institutions and state control.

8. Secularism and religious fanaticism.

Module – IV (1 Credit)

9. Separation of powers: stresses and strain:

9.1. Judicial Activism and judicial Restraint

9.2. PIL: implementation

9.3. Judicial independence.

9.3.1. Appointment, transfer and removal of judges. 9.4. Accountability: executive and judiciary.

9.5. Tribunals

10. Democratic process:

10.1. Nexus of politics with criminals and the business.

10.2. Election commission: status.

10.3. Electoral Reforms

10.4. Coalition government, 'stability, durability corrupt practice'

10.5. Grass root democracy.

References: —

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

FOUNDATION PAPER III - JUDICIAL PROCESS (4 Credits)

Module – I (1 Credit)

1. Nature of judicial process:

1.1. Judicial process as an instrument of social ordering

1.2. Judicial process and creativity in law –common law model – Legal Reasoning and growth of law – change and stability.

- 1.3. The tools and techniques of judicial creativity and precedent.
- 1.4. Legal development and creativity through legal reasoning under statutory and codified systems.

Module – II (1 Credit)

2. Special Dimensions of Judicial Process in Constitutional Adjudications:

- 2.1. Notions of judicial review
- 2.2. 'Role' in constitutional adjudication – various theories of review.
- 2.3. Tools and techniques in policy-making and creativity in constitutional adjudication,
- 2.4. Varieties of judicial activism
- 2.5. Problems of accountability and judicial law making.

Module – III (1 Credit)

3. Judicial Process in India:

- 3.1. Indian debate on the role of judges and on the notion of judicial review.
- 3.2. The 'independence' of judiciary and the 'political' nature of judicial process.
- 3.3. Judicial activism and creativity of the Supreme Court – the tools and techniques of creativity.
- 3.4. Judicial process in pursuit of constitutional goals and values – new dimensions of judicial activism and structural challenges
- 3.5. Institutional liability of courts and judicial activism–scope and limits.

Module – IV (1 Credit)

4 The Concept of Justice:

- 4.1. The Concept of justice or Dharma in Indian thought
- 4.2. Dharma as the foundation of legal ordering in Indian thought.
- 4.3. The concept and various theories of justice in the western thought.
- 4.4. Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

Module – IV (1 Credit)

5 Relations between Law and Justice:

- 5.1. Equivalence Theories – Justice as nothing more than the positive law of the stronger class
- 5.2. Dependency theories – For its realization justice depends on law, but justice is not the same as law.
- 5.3. The independence of justice theories – means to end relationship of law and justice – The relationship in the context of the Indian constitutional ordering.
- 5.4. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

References :—

- Julius Store, *The Province and Function of Law. Part II, Chs. 1.8- 16*(2000), Universal, New Delhi.
- Cardozo, *The Nature of Judicial Process* (1995) Universal, New Delhi. Henry J. Abraham, *The Judicial Process* (1998), Oxford. J. Stone, *Precedent and the Law: Dynamics of Common Law Growth* (1985) Butterworth
- W. Freidmann, *Legal Theory* (1960), Stevens, London. Bodenheimer, *Jurisprudence – the Philosophy and Method of the Law* (1997), Universal, Delhi.

J. Stone, Legal System and Lawyers' Reasonings (1999), Universal, Delhi. U. Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow. Rajeev Dhavan, The Supreme Court of India – A Socio Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay. John Rawls, A Theory of Justice (2000), Universal, Delhi. Edward H. Levi, An introduction to Legal Reasoning (1970), University of Chicago, 14

FOUNDATION PAPER IV – LEGAL EDUCATION AND RESEARCH METHODOLOGY (4 Credits)

Module – I (1 Credit)

- 1. Objective of Legal Education.**
- 2. Methods of Teaching – Merits and demerits.**
- 3. Examination reforms.**

Module – II (1 Credit)

- 4. Clinical Legal Education – Legal aid, Legal Literacy, Legal survey and Law reform.**

Module – III (1 Credit)

5. Research Methods:

- 5.1. Socio Legal Research
- 5.2. Doctrinal and non-doctrinal
- 5.3. Induction and deduction.

6. Identification of Research Problem and formulation of Hypothesis:

- 6.1. Research problem
- 6.2. Survey of available literature and bibliographical research
 - 6.2.1. Legislative materials including subordinate legislation, notification and policy statements.
 - 6.2.2. Decisional materials including foreign decisions; methods of discovering the “rule of the case” tracing the history of important cases and ensuring that these have not been over-ruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof.
 - 6.2.3. Juristic writings - a survey of juristic literature relevant to select problems in India and foreign periodicals.
 - 6.2.4. Compilation of list of reports or special studies conducted relevant to the problem.

Module – IV (1 Credit)

7. Preparation of the Research Design :

- 7.1. Devising tools and techniques for collection of data : Methodology.
 - 7.1.1. Methods for the collection of statutory and case materials and juristic literature.
 - 7.1.2. Use of historical and comparative research materials
 - 7.1.3. Use of observation studies
 - 7.1.4. Use of questionnaires/interview
 - 7.1.5. Use of case studies
 - 7.1.6. Sampling procedures – design of sample, types of sampling to be adopted.
 - 7.1.7. Use of scaling techniques
- 7.2. Computerized Research – A study of legal research programmes such as Lexis and West law coding etc.
- 7.3. Classification and tabulation of data – use of cards for data collection – Rules for tabulation, Explanation of tabulated data.
- 7.4. Analysis of data.

References :—

High Brayal, NigelDunean and Richard Crimes, Clinicallegal Education: Active learning in your law school,(1998)Blackstone Press Limited, London.

S.K. Agrawal (Ed.), Legal Education in India (1973),Tripathi,Bombay N.R. MadhavaMenon,(ed) A handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow.

M.O. Price, H. Bitner and Bysiewiez, Effective LegalResearch, (1978). Pauline V. Young, Scientific Social Survey and Research,(1962) William J. Grade and Paul K. Hatt, Methods in SocialResearch, McGraw-Hill Book Company, London.

H.M. Hyman, Interviewing in Social Research (1965)Payne, The Art of Asking Questions (1965)

Erwin C. Surrency, B. Fieff and J. Crea, A Guide to Legal Research (1959) Morris L. Cohan, Legal Research in Nutshell, (1996), WestPublishing Co. Havard Law Review Association, Uniform System of Citations. ILI Publication, Legal Research and Methodology.

OPTIONAL SUBJECTS-**GROUP-I BUSINESS LAW****PAPER I – FUNDAMENTAL PRINCIPLES OF LAW OF CONTRACT AND ALLIED LAWS [4 Credits]****Module – I (1 Credit)**

- 1.1. Nature, Object and Multi-dimensional Scope.
- 1.2. Foundation Theories of Law of Contract
- 1.3. Individualism:
- 1.4. Freedom of Contract.
- 1.5. Sanctity of Contract.
- 1.6. Encroachment on Freedom of Contract:

Module – II (1 Credit)

- 2.1. Legislative Intervention.
- 2.2. Socio-economic Factors.
- 2.3. Limitations on Sanctity of Contract.
- 2.4. Conceptual Analysis: Contract
- 2.5. Essentials of Contract.
- 2.6. Specific Contracts.
- 2.7. Standard-form contract, Exemption Clauses, Protective Measures.
- 2.8. Quasi- Contract: Doctrine of Unjust Enrichment, Law of Restitution.
- 2.9. Doctrine of Frustration: Grounds and Effects of Frustration. 2.10. Breach of Contract and Remedies. U.N. Convention on Sales.

Module – III Alternative Disputes Resolution (1 Credit)

- 3.1. Historical background of the Arbitration and Conciliation Act, 1996.
- 3.2. Distinction between the Arbitration Act, 1940, and the Arbitration and Conciliation Act, 1996.
- 3.3. Definition and Meaning of Arbitration
- 3.4. Arbitration Agreement and Arbitration Clause in Agreement 3.5. Alternative Disputes Resolution (ADR) Process

Module – IV (1 Credit)

- 4.1. Composition of the Arbitral Tribunal
- 4.2. Number / Appointment of Arbitrators

- 4.3. Disqualification / Removal of Arbitrators
- 4.4. Termination of Authority of Arbitrator
- 4.5. Jurisdiction of Arbitral Tribunal
- 4.6. Conduct of Arbitral Proceedings
- 4.7. Making of Arbitral Award.
- 4.8. Finality and Enforcement of Arbitral Awards.
- 4.9. Recourse against Arbitral Award
- 4.10. Other Internationally Accepted modes of Alternative Disputes Resolution. - (ADR)
- 4.11. Commercial Arbitration
- 4.12. Conciliation.

References: Fundamental Principles of Law of Contract:

1. Anson – Law of Contract
 2. Cheshire, Fifoot and Furmston-Law of Contract
 3. Pollock & Mulla – Indian Contract Act and Specific Relief Act
 4. Chitty’s Mercantile Contracts (1st Indian Reprint)-2001
 5. Dutt – Indian Contract Act,
 6. Cheshire and Fifoot – Cases on Law of Contract
 7. Schelsinger – Formation of Contract
 8. Law of Contract – Dr. Avtar Singh
 9. Dr. Meena Rao – Fundamental Concepts in Law of Contract
 10. Dr. Meena Rao – Consent in Law of Contract.
 11. The Law of Contracts : An Outline (2nd Ed.) – Dr.Nilima Chandiramani.
 12. United Nations Convention on Sales by the United Nations Commission.
 13. Sale of Goods and Partnership (For U.N. Convention on Sales) – Dr.Nilima Chandiramani
- Alternative Disputes Resolution — (ADR):**
14. Justice Bachawat’s Law of Arbitration and Conciliation.
 15. O. P. Malhotra - Arbitration and Conciliation Act
 16. Rao P.C. and William Sheffield - Alternative Disputes Resolution—What it is and How it works.
 17. Kwatra G.K. —The Arbitration and Conciliation Law of India with case Law on UNCITRAL Model Law on ARbitration.
 18. Bansal A.K. — Law of International Commercial Arbitration.
 19. Law of Arbitration and Conciliation—Dr. Avtar Singh

**PAPER II—GLOBAL TRADE UNDER WORLD TRADE ORGANISATION
(4 Credits)**

Module – I (1 Credit)

1. World Trade Organization (WTO) Agreement:

- 1.1. Introduction to World Trade Organisation
- 1.2. Bretton woods Conference
- 1.3. General Agreement on Tariffs and Trade (GATT) 1.4. World Trade Organisation (WTO)—Establishment, Scope, Functions, Structure, Secretariat, Status, Decision-making, Withdrawal, etc.

Module – II (1 Credit)

2. Trade in Goods:

- 2.1. General Agreement on Tariffs and Trade (GATT) Rules.
- 2.2. Most Favoured Nation (MFN)
- 2.3. National Treatment
- 2.4. QRs, tariff bindings
- 2.5. Textile and Clothing
- 2.6. Investment Measures
- 2.7. Anti-dumping, Safeguard and countervailing measures
- 2.8. Customs valuation, pre-shipment inspection
- 2.9. Rules of origin, import licensing
- 2.10. Agreement on Agriculture
- 2.11. Sanitary and Phyto-sanitary norms.

Module – III (1 Credit)

3. Trade in Services:

- 3.1. General Agreement on Trade in Services (GATS) Agreement
- 3.2. Financial Services
- 3.3. Maritime Transport
- 3.4. Professional services

Module – IV (1 Credit)

4. Trade Related Aspects of Intellectual Property (TRIPS) :

- 4.1. Patents
- 4.2. Copyright
- 4.3. Industrial Designs
- 4.4. Trademarks
- 4.5. Geographical Indications
- 4.6. Integrated Circuits
- 4.7. Undisclosed Information

5. Dispute Settlement Process.

References:—

1. GATT Agreements – World Trade Center Publication
2. WTO in the New Millennium – MVIRDC World Trade Centre – Arun Goyal
3. Trade, Development and WTO (Handbook) – IMF Publication ed. Bernard Hoekman, AadityaMattoo + Philip English
4. WTO and Globalisation – Nilima Chandiramani.

PAPER III—CORPORATE LAW (4 Credits)

Module – I (1 Credit)

1. Formation of Company:

- 1.1. Concept of Corporate Personality
- 1.2. Registration and Incorporation
- 1.3. Memorandum of Association
- 1.4. Articles of Association
- 1.5. Kinds of Companies

2. Organisation and Management:

- 2.1. Managerial Personnel

- 2.2. Meetings
- 2.3. Corporate Governance
- 2.4. Professional Management
- 2.5. Legal Regulation of Multi-nationals. – Collaboration Agreements
- 2.6. Amalgamation of Companies

Module – II (1 Credit)

3. Corporate Finance:

- 3.1. Meaning, importance and scope of Corporate Finance
- 3.2. Capital requirements
- 3.3. Prospectus
- 3.4. Share Capital, Kinds of Shares, Shareholders, allotment of Shares.

4. Audit, Accounts and Dividends:

- 4.1. Auditors
- 4.2. Audit of Accounts
- 4.3. Dividends

5. Securities, Borrowing, Debentures:

- 5.1. Debentures – Nature, issue, Class
- 5.2. Mortgages and Charges
- 5.3. Transfer and transmission of securities
- 5.4. Dematerialisation of securities.

Module – III (1 Credit)

6. Protection of Investors and Creditors:

- 6.1. Need for Protection
- 6.2. Protection and Rights of Creditors
- 6.3. Protection of Investors
- 6.4. Rights of Shareholders and Members
- 6.5. Majority Powers and Minority Rights

7. Administrative Regulation on Corporate Finance:

- 7.1. Security Exchange Board of India - (SEBI).
- 7.2. Central Government Control
- 7.3. Control by Registrar of Companies
- 7.4. Control by company Law Board

Module – IV (1 Credit)

8. Prevention of Oppression and Mismanagement:

- 8.1. Oppression
- 8.2. Mismanagement
- 8.3. Preventive measures
- 8.4. Powers of Company Law Board
- 8.5. Powers of Central Government.

9. Winding Up:

9.1. Winding up and Dissolution of Company.

Types of Winding up.

9.2. Winding up by Court.

9.3. Voluntary Winding up

9.4. Process of Winding up

9.5. Winding up of Defunct Companies, Sick undertakings, Unregistered Companies and Foreign Companies.

References:—

1. Gower – The Principles of Modern Company Law

2. Sethna – Indian Company Law.

3. Mayson, French & Ryan, Company Law. (15th ed.) 2000 (1st Indian Reprint)

4. Palmer – Company Law

5. Pennington – Formation of Companies

6. Madon – Management of Corporations.

7. Mazumdar D.L. – Towards a Philosophy of the Modern Corporation.

8. Sen S.C. – The New Frontiers of Company Law.

9. Ramaiya A, - Guide to the Companies Act 3 Vols.

10. Taxmann's Corporate Laws.

11. Taxmann's Company Law and Practice.

12. Company Law – Dr. Avtar Singh

13. Companies Act and Laws relating to SEBI, depositories, Industrial Financing

PAPER IV– LAW RELATING TO CUSTOMS AND FOREIGN EXCHANGE

(4 Credits)

Module – I (1 Credit)

1 Law Relating to Customs:

1.1. Custom of charging customs duties

1.2. Rules relating to interpretation of customs law

1.3. Prohibition on Importation and Exportation of Goods

1.4. Chargeability and Levy of Customs duty

Module – II (1 Credit)

1.5. Exemption from Customs duties

1.6. Refund of Customs duty

1.7. Clearance of Imported Goods and Export Goods 1.8. Warehousing of Goods

1.9. Powers of Customs Officers.

1.10. Adjudicatory Proceedings

1.11. Appeals

1.12. Criminal Prosecution

Module – III (1 Credit)

2. Law Relating to Foreign Exchange:

- 2.1. Historical background to Foreign Exchange Regulation Act (FERA) and Foreign Exchange Management Act (FEMA).
- 2.2. Foreign exchange and currency
- 2.3. Foreign exchange management and noteworthy features of Foreign Exchange Management Act (FEMA).

Module – IV (1 Credit)

2.4. New Concepts under Foreign Exchange Management Act (FEMA).

- Resident
 - Capital Account Transactions
 - Current Account Transactions
 - Export
 - Person

 - Service
 - Transfer
- 2.5. Export of Goods and Services
 - 2.6. Adjudication, Appeals and Penalties
 - 2.7. Foreign Direct Investment in India
 - 2.8. Foreign Trade, Development & Regulation Act, 1992

References :—

1. Customs Law, Practice and Procedure – T.P. Mukerjee
2. Customs Law, Practice and Procedure – Justice Roy
3. A Guide to Customs Act. – Nilima Chandiramani.
4. Foreign Exchange Management Act — DilipSheth
5. Foreign Exchange Management Manual – Taxmann.

PAPER V – LAW OF INSURANCE (4 Credits)

Module – I (1 Credit)

1. Introduction:

- 1.1. The nature of risk and insurance.
- 1.2. Risk management – Principles and Practices.
- 1.3. Need and importance of Insurance, Future of Insurance
- 1.4. Kinds of Insurance, Types of Insurance Policies, Law of Contract, Proposal, Consideration
- 1.5. Re-insurance and Double Insurance

2. General Principles of Law of Insurance:

- 2.1. Need for utmost Good Faith.
- 2.2. Insurable interest
- 2.3. The risk – Commencement, attachment and duration.
- 2.4. Indemnity
- 2.5. The law of proximate cause
- 2.6. Subrogation
- 2.7. Assignment and nomination,

3. Indian Insurance Law – General:

- 3.1. Nationalisation, Privatisation and Globalisation of Insurance Sector.
- 3.2. Principles of General Insurance.
- 3.3. The Insurance Regulatory Development Authority Act, 2000.

Module – II (1 Credit)

4. Insurance pertaining to Life and Personal Accidents/ Hospitalisation:

- 4.1. Life Insurance – Nature, Principles and Scope
- 4.2. Events insured against life insurance contract.
- 4.3. Factors affecting risk
- 4.4. Mediclaim, Sickness Insurance, Personal Accidents

5. Marine Insurance:

- 5.1. Marine Insurance – Nature, Principles and Scope
- 5.2. Marine Insurance Policy – Conditions – Warranties
- 5.3. Seaworthiness
- 5.4. Perils of the Sea and other Insured Perils in Marine Policies
- 5.5. Hull and Cargo Insurance

Module – III (1 Credit)

6. Property Insurance:

- 6.1. Fire Insurance
- 6.2. Risks Insurance
- 6.3. Policies covering risk of explosion, earthquake, flood.
- 6.4. Policies covering accidental loss, damage to property, construction risks
- 6.5. Burglary, Theft, Civil Commotion and Strikes, other Endorsements.

Module – IV (1 Credit)

7. Insurance Against Accidents arising under Tort, Contract and Statute :

- 7.1. Accident Policies
- 7.2. Assessment of compensation and Liability
- 7.3. Contributory Negligence
- 7.4. The Personal Injuries (Compensation Insurance) Act, 1963.
- 7.5. Compulsory Insurance.
- 7.6. Professional Negligence Insurance

8. Insurance Against Third Party Risks under Statute :

- 8.1. Relevant Provisions of Motor Vehicles Act, 1988.
- 8.2. Claims Tribunal : constitution, functions, procedures, powers and award.
 - 8.3. Liability Insurance: Contractual and Legal Liabilities
 - 8.4. Public Liability Insurance

References:—

1. Gow
 1. Colinvaux – Law of Insurance (1977)
 2. E.R. Hardy Ivamy – Principles of Insurance (1979)
 3. Marine Insurance – Hardy Ivamy
 4. Chalmers Marine Insurance Act 1906
 5. Mitra B.C. – Law of Marine Insurance (1997)
 6. Brijnandan Singh – Law of Insurance – (1997)

7. Banerjee, Law of Insurance (1994)
8. Birds, Modern Insurance Law – (1997)
9. John Hanson and ChristopalsHenly – All Risks Property Insurance (1999)
10. M.N. Srinivasan – Insurance Law
11. K.S.N. Murthy and Dr. K.V.S. Sarma – Modern Law Insurance.
12. The Insurance Act – 1938
13. The Life Insurance Corporation Act, 1956.
14. The Insurance Regulatory Authority

PAPER VI – BANKING LAWS (4 Credits)

Module – I (1 Credit)

1. Introduction:

- 1.1. Nature and Development of banking
- 1.2. History of Banking in India and elsewhere-indigenous banking-evolution of banking in India – different kinds of banks and their functions.
- 1.3. Multi-functional banks – growth and legal issues.

2. Law Relating to Banking Companies in India:

- 2.1. Controls by government and its agencies.
 - 2.1.1. On management
 - 2.1.2. On accounts and audit
 - 2.1.3. Lending
 - 2.1.4. Credit policy
 - 2.1.5. Reconstruction and reorganization
 - 2.1.6. Suspension and winding up
- 2.2. Contract between banker and customer: their rights and duties

Module – II (1 Credit)

3. Social Control over Banking:

- 3.1. Nationalization
- 3.2. Evaluation: private ownership, nationalization and disinvestments
- 3.3. Protection of depositors
- 3.4. Priority lending
- 3.5. Promotion of under privileged classes

4. The Central Bank:

- 4.1. Evolution of Central Bank
- 4.2. Characteristics and functions
- 4.3. Economic and social objectives
- 4.4. The Central Bank and the State – as bankers' bank
- 4.5. The Reserve Bank of India as the Central Bank
 - 4.5.1. Organisational structure
- 4.6. Functions of the RBI
 - 4.6.1. Regulation of monetary mechanism of the economy
 - 4.6.1.1. Credit control
 - 4.6.1.2. Exchange control
 - 4.6.1.3. Monopoly of currency issue
 - 4.6.1.4. Bank rate policy formulation
- 4.7. Control of RBI over non-banking companies
 - 4.7.1. Financial companies

4.7.2. Non-financial companies

Module – III (1 Credit)

5. Relationship of Banker and Customer:

- 5.1. Legal character
- 5.2. Contract between banker and customer
- 5.3. Banker's lien
- 5.4. Protection of bankers
- 5.5. Customers
 - 5.5.1. Nature and type of accounts
 - 5.5.2. Special classes of customers – lunatics, minor, partnership, corporations, local authorities.
- 5.6. Banking duty to customers
- 5.7. Consumer protection: banking as service

6. Negotiable Instruments:

- 6.1. Meaning and kinds of instruments
- 6.2. Transfer and negotiations
- 6.3. Holder and holder in due course
- 6.4. Presentment and payment
- 6.5. Liabilities of parties

Module – IV (1 Credit)

7. Lending by Banks:

- 7.1. Good lending principles
- 7.2. Lending to poor masses
- 7.3. Securities for advances
- 7.4. Kinds and their merits and demerits
- 7.5. Repayment of loans: rate of interest, protection against penalty
- 7.6. Default and recovery
- 7.7. Debt recovery tribunal

8. Recent Trends of Banking System in India:

- 8.1. New technology
 - 8.2. Information technology
 - 8.3. Automation and legal aspects
 - 8.4. Automatic teller machine and use of internet
 - 8.5. Smart card
 - 8.6. Credit cards

References :—

1. Negotiable Instruments Act- Bhashyam and Adiga
2. Law of Negotiable Instruments Nilima Chandiramani
3. Banking Law and Practice in India -M.L. Tannan
4. The Law of Banking and Bankers - L.C. Goyle
5. Banking Theory and Practice - K.C. Shekar
6. Banking Theory and Practice -Varshney
7. Review of current Banking theory and Practice – Basu A.

8. Pagets Law of Banking - M. Hapgood (ed)
9. Banking Reforms in India - K. Subrahmanyam
10. Report of working Group on Customer Services in Banks - R.K. Talwar
11. Law of Negotiable Instruments - Dr. P.W. Rege.

Semester – IV Topics for Credit based Choice (4 credits)

1. Understanding and Assessment of Industrial Psychology
2. C S R and Human Rights Education
3. Right to Information Under Mercantile Legislations – Constitutional Perspective
4. Securities Laws and Criminal Jurisprudence
5. Growth and Development of A D R Under Environmental Legislations
6. Property Laws and Rights of Consumers
7. W T O and Indian Politics
8. Information Technology and e-commerce –Emerging Legal Issues and Concern
9. Corporate Law and Accounting Standards

References :—

1. Indian Constitutional Law; Dr. Durga Das Basu revised by S.R.Roy and SP.Gupta.3rd edition,2011.
2. Right to information Law in India N.V.Paranjape 2014
3. The Political Economy of the World Trading System Amitabh Kundu,Michel M Kosteki edition 3rd 2009
4. Law and Practice of Alternative Dispute Resolution In India A Detailed Analysis AnirbanChakraborty edition 2016
5. Role of Environmental Green Tribunal in Protection Environment M J Khandare 2016
6. International Law and Human Rights S K Kapoor 2016
7. Consumer, Consumerism and Consumer Protection – Indian Context Dr.K.N.Bhatt, Prof. Suresh Mishra and Sapna Chadah2015
8. Information Technology Law and Practice Vakul Sharma 2014
9. Cyber and E-Commerce Laws (Diwan and KapoorBharat Publishers
10. SEBI Manual Code

**GROUP II – CRIMINAL LAW AND CRIMINALADMINISTRATION
PAPER I – CRIMINAL JURISPRUDENCE – (TOTAL 4 CREDITS)
Module-I (1 Credit)**

1. Crime, Criminal Law and Criminal Justice.
2. Administration of Criminal Justice – Meaning, Necessity and Growth.
3. Doctrine of Mens Rea and Exceptions:
 - 3.1. Negligence
 - 3.2. Physical Element in Crime- Actus Reus.
4. Stages in Commission of Crime :
 - 4.1. Inchoate Crimes.

4.2. Abetment and Criminal Conspiracy.

Module- II (1 Credit)

5. Principle of Group Liability in Crime.

6. Fundamental Principles of Criminal Jurisprudence :

6.1. Test of Criminality /Legality

6.2. Presumption of Innocence

6.3. Double Jeopardy

6.4. De Minimus Non Curat Lex.

6.5. Mistake of Law and Mistake of Fact

6.6. Jus Necessitatis.

7. General Exceptions.

8. Right of Private Defense

Module – III (1 Credit)

9. Theories and kinds of punishment.

10. Right of Protection of the accused.

11. Strict Liability

Module – IV (1 Credit)

12. International Criminal Court.

13. Concept of Decriminalisation.

References:—

Glanville Williams : Criminal Law (The general part)

Jarome Hall : General Principles of Criminal Law

Fitz Gerald : Criminal Law and punishment

Moberly : Ethics of Punishment

Nigam : Criminal Law

Tapas Kumar Banerjee : Back ground to Indian Criminal Law

Commission of India, Forty Second

Report Chapter 3 (1971) Criminal

Procedure Code, 1973 14th and 41st

Report of Indian Law Commission.

PAPER II - PENAL LAWS – (TOTAL 4 CREDITS)

Module-I (1 Credit)

1. Offences under Indian Penal Code:

1.1. Offences Against the State

1.2. Offences Relating to Elections

1.3. Offences Relating to Religion

1.4. Offences Affecting the Public Health, Safety,

Convenience, Decency and Morals.

1.5. Reforms in I.P.C.

Module-II (1 Credit)

2. The Maharashtra Control of Organised Crime Act,1999.

3. The Prevention of Terrorism Act, 2002

Module-III (1 Credit)

4. Cyber Crimes under Information Technology Act

Module-IV (1 Credit)

5. The Juvenile Justice (Care and Protection of
Children) Act, 2000:

5.1. The Basic Concepts

5.2. Determining Factors of Juvenile Delinquency

5.3. Legislative Approaches

5.4. Indian Context Juvenile Delinquency

5.5. Judicial Contribution

5.6. Implementation

5.7. Preventive Strategies

References: —

The Indian Penal Code, 1860

Ratanlal&Dhirajlal – Law of Crime

Russel on Crime

Smith &Hogen – Criminal Law

PAPER III — CRIMINOLOGY- – (TOTAL 4 CREDITS)

Module-I (1 Credit)

1. Concept of Crime. Criminal Law, Criminology as a Science:

1.2. Development and Crime

2. Criminology From – Ancient to Modern thought:

2.1. Pre-classical – classical – Neo classical

2.2. Cartographic School

2.3. Socialist School

2.4. Dr.Lombrozo theory

2.5. Approach of Radical Criminologist

Module-II (1 Credit)

3. Multiple Factor theory.

4. Causes of Crimes:

4.1. Socio –Cultural

4.2. Physical

4.3. Economic

4.4. Psychological

4.5. Mass Media & Crime

Module-III (1 Credit)

5. Privileged Class Deviance and Indian Legal order:

5.1. Notion of Privileged Class Deviance

5.2. White Collar Crimes

5.3. Official Deviance

5.4. Police Deviance

6. Professional Deviance of Lawyers, Teachers,

Judges, Journalists, Doctors, Technocrats, etc. :

6.1. Unethical Practices at the Indian bar

6.2. The Lentin Commission Report 76

6.3. The Press Council on unprofessional and unethical
Journalism

6.4. Medical Malpractice

Module-IV (1 Credit)

7. Response of Indian Legal Order:

7.1. Vigilance Commission

7.2. Public Accounts Committee

7.3. Ombudsman

7.4. Commission of Enquiry

7.5. Prevention of Corruption Act, 1988

References: —

A.S. Siddique - Criminology (1984) Eastern, Lucknow

Tapaskumar Banerjee - Background to Indian Criminal Law (1990) R.

Company & Co., Calcutta.

Tapan - Crimes, Justice and Correction

Dr.Sethana - Society and the Criminal, Southern and Cresscy -

Principles of Criminology Law Commission of India 42 Report Chap.3

(1971)

Sutherland &Cresey - Principles of Criminology Barnes& Teeters

- New Horizons in Criminology

Dr. Suresh Mane - Crime, Criminal Law & Criminology, 2007.

**PAPER – IV COLLECTIVE VIOLENCE AND CRIMINAL
JUSTICE SYSTEM–**

(TOTAL 4 CREDITS)

Module- I:- (1 Credit)

1. Introductory:

1.1. Notions of “force”, “coercion”, “violence”

1.2. Distinctions: “symbolic” violence, “institutionalized” violence, “structural violence”

1.3. Legal order as a coercive normative order

1.4. Force-monopoly of modern law

1.5. Freedom of speech and incitement to violence

1.6. “Collective political violence” and legal order

1.7. Notion of legal and extra- legal repression”

2. Approaches to Violence in India:

2.1. Religiously sanctioned structural violence: Caste and gender based

2.2. Ahimsa in Hindu, Jain, Buddhist, Christian and Islamic traditions in India.

2.3. Gandhiji’s approach to non-violence

2.4. Discourse on political violence and terrorism during colonial struggle

2.5. Attitudes towards legal order as possessed of legitimate monopoly over violence during the colonial period.

Module- II: - (1 Credit)

3. Agrarian Violence and Repression:

3.1. The nature and scope of agrarian violence in the 18-19

Centuries in India

3.2. Colonial legal order as a causative factor of collective political (agrarian) violence

3.3. The Telangana struggle and the legal order

3.4. The Report of the Indian Human Rights Commission on Arwal Massacre

Module- III: - (1 Credit)

4. Violence against the Weaker Sections:

4.1. Notion of Atrocities

4.2. Incidence of Atrocities

4.3. Uses of Criminal Law to combat Atrocities or contain aftermath of Atrocities

4.4. Violence Against Women and Children

Module- IV: - (1 Credit)

5. Caste/Communal Violence:

5.1. Incidence and courses of “communal” violence

5.2. Findings of various commissions of enquiry

5.3. The role of police and para-military systems in dealing with communal violence

5.4. Operation of criminal justice system trying and in relation to, communal violence

NOTE: Choice of further areas will have to be made by the teacher and taught.

References: —

U. Baxi - “Dissent, Development and Violence” in R, Meagher(ed) Law

and Social Change: Indo-American Reflections 92(1988).

U. Baxi - (ed) Law and Poverty: Critical Essays, (1988)

A.R. Desai,(ed)- Peasant Struggles in India, (1979)

A.R. Desai - Agrarian Struggles in India: after Independence 1986)

A.R. Desai, Violation of democratic Rights in India (1986).

D.A. Dhangare - Peasant Movement in India: 1920-1950(1983)

Ranjit Guha - Element any Aspects of Peasant Insurgency in Colonial

India (1983) Ranjit Guba(ed) Subaltern Studies Vol. 1-6(1983-1988)

T. Honderich - Violence for Equality (1980)

Mark Juergensmeyer - “The Logic of Religious Violence: The Case of

Punjab” 22 Contributions to Indian Sociology 65 (1988)

Rajni Kothari - State Against Democracy (1987)

G. Shah - Ethnic Minorities and Nation Building: Indian Experience

(1984)

K.S. Shukla - “Sociology of Deviant Behaviour,” in 3 ICSSR Survey of Sociology and Special Anthropology 1969- 1979(1986).

PAPER V - PENOLOGY: TREATMENT OF OFFENDERS -

– (TOTAL 4 CREDITS)

Module- I: - (1 Credit)

1. Introductory:

1.1. Definition of Penology

2. Theories of Punishment:

2. Theories of Punishment

2.1. Retribution

2.2. Utilitarian prevention: Deterrence

2.3. Utilitarian: Intimidation

2.4. Behavioural prevention: Incapacitation

2.5. Behavioural prevention: Rehabilitation - Expiation

2.6. Classical Hindu and Islamic Approaches

Module- II: - (1 Credit)

3. The Problems of Capital Punishment:

3.1. Constitutionality of Capital Punishment

3.2. Judicial Attitudes Towards Capital Punishment in India

– An inquiry through the statute law.

3.3. Law Reform Proposals

Module –III: - (1Credit)

4. Approaches to Sentencing:

4.1. Alternatives to Imprisonment

4.2. Probation

4.3. Corrective labour

4.4. Fines

4.5. Collective fines

4.6. Juvenile Institutions

4.7. Rehabilitative Programmes.

5. Sentencing:

5.1. Principal types of sentences in the Penal Code and special laws

5.2. Sentencing in white collar crime

5.3. Pre-sentence hearing

5.4. Sentencing for habitual offender

5.5. Summary punishment

5.6. Plea-bargaining

Module- IV: - (1 Credit)

6. Imprisonment:

- 6.1. The State of India's jails today
- 6.2. Prison Reforms in India
- 6.3. The disciplinary regime of Indian prisons
- 6.4. Classification of prisoners
- 6.5. Rights of prisoner and duties of custodial staff.
- 6.6. Deviance by custodial staff
- 6.7. Open prisons
- 6.8. Judicial surveillance – basis – development reforms

References:—

S. Chhabbra - The Quantum of Punishment in Criminal Law (1970).

H.L.A. Hart - Punishment and Responsibility (1968)

Herbert L. Packer- The Limits of Criminal Sanction (1968)

Alf Ross - On Guilt, Responsibility and Punishment (1975)

Siddique A.S.- Criminology (1984) Eastern, Lucknow

Law Commission of India, Forty-Second Report Ch.3(1971)

S.K. Shukla - "Sociology of Deviant Behaviour" in 3 ICSSR

Survey of Sociology and Social Anthropology 1969-179 (1986)

Tapas Kumar Banerjee - Background to Indian Criminal Law (1990),

R. Campray & Co., Calcutta.

PAPER VI—FORENSIC SCIENCE AND SCIENTIFIC INVESTIGATION OF CRIME. -

(4 CREDITS)

Module –I: - (1 Credit)

1. Forensic Science – An Integral component of Criminal Justice system – scope.
2. Development of Forensic Science in India.

Module –II: - (1 Credit)

3. An Introduction to:

3.1. Forensic Laboratories

3.2. Forensic Biology

3.3. Forensic Toxicology

3.4. Forensic Anthropology

3.5. Forensic Ballistics

3.6. Forensic Documents

3.7. Forensic Medicine

Module –III: - (1 Credit)

4. Modern Scientific Methods of Crime Control and Prevention:

4.1. Electrical Traps to catch thieves, burglars

4.2. Truth Telling Drugs.

4.3. Lie Detector.

4.4. Atomat

4.5. Breathalyser

4.6. Traffipax Camera

4.7. Magnetic Gun

4.8. Night Vision Binoculars.

4.9. Portable Bomb Sniffer

4.10. Detection of Note Forgery by use of ultra violet ways

Module- IV: - (1 Credit)

5. Interstate crimes and Criminals:

5.1. The problem of International Crime

5.2. International Co-operation –

5.3. International Criminal Police Organisation (Interpol)

References: —

1. Dr. Hans Gross - Criminal Investigation
2. R. Deb. - Criminology, Criminal and Investigation.
3. Soderman And O'Connell - Modern Criminal Investigation
4. Dr. J.P. Modi - A Text Book of Medica Jurisprudence and Toxicology.
5. Nigel Morland -Science in Crime Detection.
6. The Indian Police Journal
7. International Criminal Police Review Journal.

Semester – IV Topics for Choice Based Credits (Four credits)

1. Law of defamation & Freedom of speech.
2. Study of Criminal behavior vis-à-vis increasing criminality.
3. White Collar Criminality & Corporate Crimes.
4. Tackling Collective Violence vis-à-vis Innovative Policing Techniques.
5. Ethical Issues & Medical Profession.
6. Cyber Crimes & Remedies.
7. Juvenile Justice System in India & Juvenile Psychology.
8. Corruption Laws & Elections in India.

References:—

1. Moberly: Ethics of Punishment
2. Dr. Sethna: Society &The Criminal.
3. U. Baxi: Dissent, Development & Violence
4. S K Shukla: Sociology of Deviant Behaviour.

5. Dr. J P Modi: A Text book of Medical Jurisprudence & Toxicology

NOTE: 100 marks Exam Pattern regarding the First Year Course is subject to change according to the declaration by the Board of Studies & University of Mumbai

R.4356. The LL.M. course shall consist of Foundation course of 4 papers and any one optional Group of 6 papers from Six Groups.

R.4357. The First Semester shall be of two Foundation Papers and two Papers of an Optional Group. Each Paper shall be of 100 Marks. (4credits)

R.4358. The Second Semester shall be of two Foundation Papers and the next two Papers of Optional Group opted by the student in the First Semester. Each Paper shall be of 100 Marks(4credits)

R.4359. The third semester shall be last two papers of optional group. Each paper shall be of 100 Marks. (4 credits each).

In addition there shall be practical examination of 100 marks (Four Credits) as under:

1. Classroom Teaching & Seminar – 40 marks (20 marks each)
2. Choice of Practical Components comprising of 50 marks to the students from the following Component.
3. 10 marks attendance

Choice of Practical Component:

- (a) Legal Aid
- (b) Loopholes / Lacunae in existing laws and reports
- (c) Comparative study and its utility in context of India
- (d) Debate on any contemporary legal issue
- (e) Book Review / Group Discussion on current Legal Affairs
- (f) Surprise Written Test
- (g) Case Comments.

R.4360. Revised; The Fourth Semester shall be of Dissertation of 80 marks and Viva-presentation of 20 marks (4 credits).

For the balance 100 marks the students would have choice to select the topic for project from the topics listed in the syllabus of the group opted which will have interdisciplinary approach. Out of 100marks (4credits), 50 marks (2 Credits) would be for project and 50 marks (2 credits) for viva – presentation.