

Course Curriculum BCA-Programme



PRESTIGE

PRESTIGE INSTITUTE OF MANAGEMENT & RESEARCH, GWALIOR

AN AUTONOMOUS INSTITUTE ACCREDITED WITH UGC NAAC GRADE 'A'
APPROVED BY BAR COUNCIL OF INDIA ★ APPROVED RESEARCH CENTER OF JIWAJI UNIVERSITY, GWALIOR
APPROVED BY AICTE, GOVT. OF INDIA, DTE, M.P. GOVT. ★ PERMANENT AFFILIATION TO JIWAJI UNIVERSITY, GWALIOR



Course Curriculum

LLM

2024-26



Prestige Institute of Management & Research, Gwalior

Airport Road, Opposite DD Nagar, Gwalior (M.P.) INDIA

FIRST YEAR

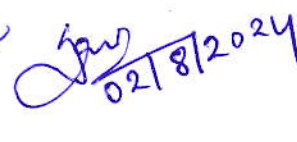
LL.M. I SEMESTER

The candidate shall be examined by the university in the following subject/ paper

Paper Code	Nomenclature of Paper	Credits	External Exam		Internal/Sessional Exam		Practical/ Viva Voce		Total Marks	IA+EA
			Max.	Min.	Max.	Min.	Max.	Min.		
LLM 101	Judicial Process	4	60	22	40	14			100	40+60
LLM 102	Legal Education, Research Methods and Legal Writing	4	60	22	40	14			100	40+60
LLMB 103	Corporate Governance	4	60	22	40	14			100	40+60
LLMC 103	Criminal Justice System in India									
LLMB 104	Banking and Finance	4	60	22	40	14			100	40+60
LLMC 104	Law relating to Narcotic Drugs and Psychotropic Substances									
LLMB 105	Human Rights Perspectives of Corporate Law	3	60	22	40	14			100	40+60
LLMC 105	International Perspectives of Socio-Economic Crimes									
		19							500	

The Percentage of marks required for Passing in LL.M. I Semester, examination is as follows:

1. 36% i.e. 36 in each of the above five subjects (Including Internal and External Marks)
2. 50% i.e. 250 marks in aggregate of the entire above subject/ paper.
3. Both Internal & External exams need to be passed separately.
4. Evaluation will be done by both Internal & External examiner.

LL.M. COMMON PAPER – I
SUBJECT: JUDICIAL PROCESS

Paper Code: LLM 101

Credit: 04

OBJECTIVES OF THE COURSE

The Constitution, a living document is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. This course aims to study the nature of the judicial process and the role of the judges as policymakers and as participants in evolving political principles of governance in the comparative aspects. Another objective of this paper is the study a comparative view of how the Judiciary manages itself for its effective productive results.

After undergoing the study, the student will be able to understand the following:

1. *Nature of Judicial Process and its techniques.*
2. *Role of Judges as Policymakers and as participants in evolving political principles of governance.*
3. *Comparative aspects of Judicial Management and Administration.*
4. *Legal progression and creativity through legal reasoning under statutory and codified systems.*

COURSE OUTCOMES

After completing the course, the students will be able-

CO1: To Understand the judicial creativity in the process of social ordering.
CO2: To elucidate the Recognize the role of the judges as policy makers.
CO3: To elaborate the Under the role of Judge in Democracy.
CO4: To demonstrate the intricacies of judicial creativity and judicial lawmaking. Compare and Analysis the different methods of Judicial and Case management systems.

COURSE OUTLINE

MODULE I – NATURE AND DIMENSIONS OF JUDICIAL PROCESS

- a. Judicial process: Inquiry- Law, Justice, Ethics and Morality.
- b. Components of Legal Reasoning- Deductive, Inductive, Analogy and dialectical reasoning
- c. The tools and techniques- Judicial Polemics, Judicial Axiology.
- d. Methods of interpretation- Constitutional Interpretation, Statutory Interpretation in Civil and Common Law Countries.

[Signatures: P. Singh, Harina, and others]

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- e. Concept of Judicial Review, Judicial Activism and Judicial Self Restraint.
- f. Judicial Accountability, Transparency and Independence- Bangalore Principles

MODULE II - JUDICIAL PROCESS IN INDIA

- a. Structure of Judicial System in India- Alternative adjudication- Nyaya Panchayats
- b. Judicial Process and PIL/ Social Action Litigation and Development.
- c. Judicial Policy Making- Evolution of Doctrines and Principles-Brandies Brief, Jurimetrics.
- d. The doctrine of Prospective overruling- Colorable legislation- Harmonious interpretation.
- e. The doctrine of Basic Structure Theory and Recent its Developments

MODULE III - JUDICIAL PROCESS IN USA & UK

- a. Judicial Structure in USA- Jury System
- b. Due Process of Law- Judicial Review and American Democracy- the classic debate.
- c. Independence of Judiciary as an aspect of Separation of Powers.
- d. Parliamentary Sovereignty and Judicial Supremacy- English Version of Judicial Review Interpretation of Statutes and Constitution by Judiciary.
- e. Common-Law and Doctrine of Precedent.
- f. Fusion of Powers Vs. Separation of Power.
- g. Constitutional Amendment position in USA & UK

MODULE IV - JUDICIAL MANAGEMENT & JUDICIAL ADMINISTRATION

- a. Case Management System in UK, USA, Australia and India- Master of Roaster in India.
- b. Lord Woolf's Report on "Case Management" (UK)- Australian Law Reform Commission on "Judicial and case Management"
- c. National Case Management System (NCMS) in India- E-Courts- Court Manager.
- d. Selection and Appointment of Judges- Transfer- manpower and Planning including finance.
- e. JIA- Mounting arrears and the reasons.
- f. Workload- Patterns of Court Management- Law Commission Recommendation.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. A. Lakshminath, "Precedent in Indian Law: Judicial Process" EBC Publication (2009).
2. Aharon Barak, The Judge in a Democracy (Princeton University Press, 2008).

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3. S.P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (2003).
4. Bernard C. Gavit, Ralph F. Fuchs, *Cases and Materials on an Introduction to Law and the Judicial Process* (1952).
5. Mauro Cappelletti, *The Judicial Process in Comparative Perspective* (Clarendon Press: Oxford, 1989).

JOURNALS/ARTICLES

1. P. Puneeth, "Independence of Judiciary: In Search of Conceptual Clarity" 3 Jindal Global Law Review 87 (September 2011)
2. S. P. Sathe, "India: From Positivism to Structuralism" in Jeffrey Goldsworthy, *Interpreting Constitutions: A Comparative Study* (OUP, 2006)
3. Upendra Baxi, "The Avatars of Indian Judicial Activism: Explorations in the Geographies of [In] justice" in S.K. Verma and Kusum (ed.), *Fifty Years of the Supreme Court of India: Its Grasp and Reach* (OUP, 2001).
4. David A. Nelson, "The Nature of Judicial Process Revisited" 22 N. Ky. L. ReVs. 563 (1994 – 1995).
5. Thomas R. Meoy, "Logic Vs. Value Judgment in Legal and Ethical Thought" 23 Vand. L. ReVs. 1277 (1969 – 1970).

FURTHER READING:

BOOKS

1. Sudhanshu Ranjan, *Justice, Judocracy and Democracy in India: Boundaries and Breaches* (Routledge, 2012).
2. Upendra Baxi, *Courage, Craft and Contention: The Indian Supreme Court in the Eighties* (1985)
3. Shimon Street and Christopher Forsyth, *The Culture of Judicial Independence: Conceptual Foundations and Practical Challenges* (Martinus Nijhoff Publishers, 2011).
4. Rupert Cross, J W Harris, *Precedent in English Law* (Clarendon Law Series, 1991).
5. Rajeev Dhavan and Alice Jacob, *Selection and Appointment of Supreme Court Judges: A Case Study* (1978).
6. P. St. J. Langan, *Maxwell on The Interpretation of Statutes* (2004).
7. Dr Vijay Chitnis, *Judicial Process* (2013)
8. Cardozo, *The Nature of The Judicial Process* (1921)
9. K.L. Bhatia, *Judicial Review and Judicial Activism* (1997)
10. Henry J. Abraham, *The Judicial Process* (1997)

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JOURNALS/ARTICLES

1. Arthur T. von Mehren, *The Judicial Process: A Comparative Analysis*, The American Journal.
2. Dr Justice B.S. Chauhan, *The Legislative Aspect of the Judiciary: Judicial Activism and Judicial Restraint*, Tamil Nadu State Judicial Academy Journal.
3. M. P. Singh, "Securing the Independence of the Judiciary-The Indian Experience", Indiana Law Review.
4. S.P Sathe "Judicial Activism: The Indian Experience" Washington Journal of Law and Policy, 2001.
5. Arthur L. Corbin, "The Judicial Process Revisited: Introduction" 71 Yale L. J. 195 (1961 – 62).
6. Introduction to action research, Greenwood, David J. Levin, Morten, sage Publication, London, 1998.
7. Methodology in social research: Dilemmas and perspective essays in honour of R. Mukharjee, Sage Publication, New Delhi, 2000.
8. Justice Ranganath Misra, "Supreme Court Legal Aid Committee, New Delhi: Its Aims, Activities and Achievements", 5 SCC Jour. (1995).
9. Madhava Menon N.R., "Restructuring the Legal Profession for Strengthening Administration of Justice", XXII, IBR (1995).
10. Mohammad Ghouse, "Legal Education in India: Problems and Perspective", (Book review) 19 J.L.L.I. (1977).

CASES FOR GUIDANCE

1. Marbury Vs. Madison 5 U.S. 137.
2. The State of Madras Vs. Srimathi Champakam Dorairajan 1951 AIR 226.
3. Indira Nehru Gandhi vs Shri Raj Narain & Others 1975 AIR 2299.
4. D.M. Jabalpur Vs. S. Shukla (1976) 2 SCC 521.
5. Mohd. Ahmed Khan Vs. Shah Bano Begum AIR 1985 SC 945.
6. Olga Tellis Vs. Bombay Municipal Corporation 1985 SCC (3) 545.
7. I.R Coelho and State of Tamil Nadu AIR 2007 SC 861
8. Aruna Ramachandra Shanbaug Vs. UOI (2011) 4 SCC 454.
9. Lily Thomas and Union of India (2013) 7 SCC 653.
10. Hussainara Khatoon (I) Vs. Union of India.
11. M.C. Mehta Vs. Union of India A.I.R. 1987 S.C. 1086
12. Bandhua Mukti Morcha Vs. Union of India, AIR 1984 S C 802

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13. Nandini Satpathy Vs. P.L. Dani A.I.R. 1978 S.C. 1025
14. M.H. Hoskot's case A.I.R. 1978 S.C. 1548.
15. Hussainara Khatoon's case A.I.R. 1979 S.C. 1377
16. Francis Coralie Mullin Vs. Administrator, Union Territory of Delhi A.I.R. 1981 S.C. 746
17. Vishaka Vs. State of Rajasthan (AIR 1997 SC 3011)
18. M.C. Mehta Vs. The state of T.N., AIR 1997 S C 699
19. Sunil Batra Vs. Delhi Administration 1980 Cr.L.J. 1099.
20. Bhim Singh Vs. State of Jammu and Kashmir, 1985 (4) SCC 677

Patla Sikanwar

Rajan Singh

P.P.H.

Harina Patla Sikanwar¹⁶

2/8/2020

Harina Singh

LL.M. COMMON PAPER – II

SUBJECT: LEGAL EDUCATION, RESEARCH METHODS AND LEGAL WRITING

Paper Code: LLM 102

Credit: 04

OBJECTIVES OF THE COURSE

Globalization has called upon the law to execute numerous responsibilities in society and lawyers are expected to act as change agents and social engineers in governance and development. If the law is a tool for social engineering and social control, it should be studied in the social context. This means integrating law subjects with social and behavioural sciences. This would enable the lawyer to solve problems in socially acceptable ways and assist in developing public welfare. A post-graduate student of law should get an insight into the objectives of legal education. The LL.M. course is intended to produce lawyers with better competence and expertise, the student must familiarize himself with the different systems of legal education. The pedagogy and andragogy method both at the LL.B. level and LL.M level has to be exposed to develop his skills in research and legal writing. The growth of legal science in India depends on the nature and career of legal research. The syllabus is designed to develop skills in research and writing in a systematic manner that brings an obligation to imbue future generations with an understanding of and appreciation for the rule of law, judicial system, and the role of the profession.

COURSE OUTCOMES

After undergoing the study, the student will be able

CO1: To Understand the aim, objectives and teaching methods.
CO2: To elucidate the legal research
CO3: To elaborate the formulation of research problem & research design
CO4: To demonstrate the research method and ethics

COURSE OUTLINE

MODULE I - LEGAL EDUCATION AND PEDAGOGY

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- a. Aims and objectives of legal education and social change.
- b. Agencies of legal education - Legal education and the special role of BCI - Challenges in Legal Education System
- c. Methods of Teaching, Evaluation and Supervision
- d. Ideas of Social Justice and Justice Education- Shift from Legal Education to Justice Education-Clinical Legal Education
- e. Application of ICTs in Legal Education- Electronic Books- E-Journals- Electronic Legal Data Bases

MODULE- II OVERVIEW OF LEGAL RESEARCH

- a. Research: Meaning and Nature; Purpose and objective(s) of Research; Scientific Research.
- b. Nature and Importance of Legal Research; Sources; Scope and Limitations. Object and Purposes of Research; Distinction between the research object and research purpose. Kinds of research are based on their nature and characteristics.
- c. Research Methods and Research Methodology.
- d. Legal research; Socio-legal Research and Inter-Disciplinary Research.

UNIT- III FORMULATION OF RESEARCH PROBLEM & RESEARCH DESIGN

- a. Defining Research Problem; elements and characteristics. Steps of Formulation of Research Problem: Realization of Problem, Identification of Problem, Analysis and determination of the problem, Statement of problem.
- b. Analysis of Problem: Constituents and variable: determination of independent and dependent variable, relevant variable, internal and external variables; Major and Minor variables.
- c. Kinds of Research Problems: Uni-variable Problem, Bi-Variable, Multi- variable, Research Variables: Dependent, Independent, Control, Selection of Problem for academic Research: Generalization and Impact of the Problem.
- d. Meaning, Nature and Importance of Research Design. Kinds of Research Design- Substantive and Procedural Design, Qualitative and quantitative, doctrinal and non-doctrinal.
- e. Research Steps: Research Objects, Review of Literature, Hypothesis and Research Questions. Formulation and testing of Hypothesis,
- f. Determination of Universe of Study; Sampling: Types of sampling, Methods of Sampling, Sample size.

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- g. Data: Data selection (Inductive, Deductive and Abductive Reasoning) Tools and Techniques of Data Collection (Reliability, Validity and Standardization); Data Analysis and Interpretation of Data.

UNIT- IV RESEARCH METHODS, ETHICS AND REFERENCE

- a. Classification of Research data: Qualitative and Quantitative Data, Observable and Measurable data. Primary and Secondary Data, Doctrinal and Empirical Research. Legal Reasoning, Inductive, Deductive and Abductive Reasoning.
- b. Effectiveness and analysis of Empirical and non-empirical research
- c. Research attributes and ethics; fundamental ethical principles; types of ethical violations; confidentiality and privacy; intellectual property and ethics; researcher's independence and accountability; research misconduct; plagiarism; Academic Integrity; ethical codes and institutional policies.
- d. Importance of References and Citation, Mode of Citation; Standard Citation Modes; Footnote and Endnote, Reference, Bibliography and Webliography.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Berelson B.: Content Analysis in Communication Research.
2. Beveridge WIR-Art of Scientific investigation.
3. Black & Champion-Research Methodology.
4. C. M. Coroll and Frederic Coroll: Methods of Sociological Research.
5. Campbell, Fox Kentey-Students guide to Legal writing.

INDIAN JOURNAL OF SOCIAL WORK:

1. Qualitative research design: A interactive approach Maxwell, Joseph A, Sage Publication, New Delhi, 1996.
2. Participatory research and evaluation: an experiment in research as a process of Liberation- Fernand Walter, Rajesh Tandon. Indian Social Institute, New Delhi, 1856.
3. Doing legal research: A guide for social scientists and mental health professionals, Morris Roberta, Sales Bruce D, Shuman Daniel W. Sage Publication, London.
4. Research Methodology: A step by step guide for Beginners-Kumar Ranjit, Sage Publication, London, 1996.

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5. Developing effective research Proposals-Punch Keith, Sage Publication, London, 2000.

JOURNALS/ ARTICLES

1. A.S. Anand, "Legal Education in India - Past, Present and Future", 3 SCC (Jour.) 1 (1998).
2. A.Lakshminath, "Legal Education, Research and Pedagogy – Ideological perceptions", Journal of Indian Law Institute, Volume 50:4, 2008
3. Wexler D.B and Winick B.J., "Essays in Therapeutic Jurisprudence", by American Psychological Association available at <https://psycnet.apa.org/record/1991-98773-000>.
4. Norman J. Finkel, "Commonsense Justice, Psychology and the Law: Prototypes that are common, sensible, and not" Journal of Psychology, Public Policy and Law, Volume 3, No.2-3, pp.461-489 available at <https://doi.org/10.1037/1076-8971.3.2-3.461>.
5. D.C. Mukherjee, "Practical Side of Law Teaching", 2 *Journal of Bar Council of India*, 1973.

FURTHER READING:

BOOKS

1. S.K. Sharma, "Legal Profession in India, Sociology of Law and Legal Profession: A Study of Relations between Lawyers and their Clients"
2. S.S. Sharma, "Deep & Deep Publications, New Delhi, 1993.
3. David J. McQuoid-Mason (Ed.), "Legal Aid and Law Clinics in South Law", Howard College, University of Natal, 1985.
4. P.L. Mehta, Sushma Gupta, "Legal Education and Profession in India" (2000).
5. Sigmund Freud, "The Essentials of Psycho-Analysis", Vintage Classics, the U.K
6. Jain S. N.: Legal Research and Methodology.
7. N. R. Madhava Menon (ed.) A Handbook of Clinical Legal Education (1988), Eastern Book Company, Lucknow.
8. S. K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
9. Erwin C. Surrency, B. Fielf and J. Crea, A Guide to Legal Research (1959).
10. Festinger L. and Katz, Daniel: Research Methods in the Behavioural Sciences.
11. B.L. Garg (et al.), AN INTRODUCTION TO RESEARCH METHODOLOGY, RBSA Publishers (2002)
12. C. Hart, DOING A LITERATURE REVIEW: RELEASING THE RESEARCH IMAGINATION, SAGE Publications, (2nded. 2018).
13. C.R. Kothari and G. Garg, RESEARCH METHODOLOGY, METHODS AND TECHNIQUES, New Age International Publishers, (3rd ed. 2014).
14. D. Watkins and M. Burton, RESEARCH METHODS IN LAW, Routledge (2nd ed. 2017)

Handwritten signatures and initials: Bangar, Deep, P. Singh, Harina, Palla Sikanar

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15. D.C. Montgomery, DESIGN AND ANALYSIS OF EXPERIMENTS, John Wiley (2001)
16. John W. Creswell, RESEARCH DESIGN: QUALITATIVE, QUANTITATIVE, AND MIXED METHODS APPROACHES, Sage Publications, (2002).
17. L. Galvan and M. C. Galvan, WRITING LITERATURE REVIEWS: A GUIDE FOR STUDENTS OF THE SOCIAL AND BEHAVIORAL SCIENCES, Routledge (7th ed. 2017).
18. M. Snel and J D Moraes, DOING A SYSTEMATIC LITERATURE REVIEW IN LEGAL SCHOLARSHIP, Eleven International Publishing, (1sted.2017)
19. M.K. Sinha and D. Kharb, LEGAL RESEARCH METHODOLOGY, Lexis Nexis (2017)
20. O.R. Krishnaswamy and M. Rangnatham, METHODOLOGY OF RESEARCH IN SOCIAL SCIENCES, Himalaya Publication House (2005)
21. P. Cane and H. Kritzer (eds.), THE OXFORD HANDBOOK OF LEGAL RESEARCH METHODS, Oxford University Press (2010)
22. P. William, LEGAL RESEARCH, ANALYSIS AND WRITING, Thomson (2004)
23. P.M. Bulakh (et.al), RESEARCH METHODOLOGY, EXPERT TRADING CORPORATION, Mumbai (2010)
24. P.S.G. Kumar, RESEARCH METHODS AND STATISTICAL TECHNIQUES, B.R. Publishing Academy, Udaypur (2004)
25. R. Murray, HOW TO WRITE A THESIS, Mcgraw-Hill Open University Press (3rded. 2011)
26. R. Veit (et al.), WRITING, READING AND RESEARCH, Ninth Edition. Stanford: Cengage Learning (2014)
27. S. Halliday and P. Schmidt (eds.), Conducting Law and Society Research: Reflections on Methods and Practices, Cambridge University Press (2009)
28. S.C. Sinha and A.K. Dhiman, RESEARCH METHODOLOGY, Ess Publications (2002)
29. S.K. Verma and M. Afzal Wani (Eds.) LEGAL RESEARCH AND METHODOLOGY, ILI Publication (2nd ed.2001).
30. Therese L. Baker, DOING SOCIAL RESEARCH, Mcgraw-Hill (1988)
31. W.J. Creswell, RESEARCH DESIGN, QUALITATIVE, QUANTITATIVE AND MIXED METHODS APPROACHES, Sage Publications (3rd ed. 2017).

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Palika Sikarwar

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Palika Sikarwar

[LAW, SYNDICATE] [EDUCATION OF LAW] [JOURNAL, COURTESY]

JOURNALS / ARTICLES

1. A.T. Markose, "A Brief History of the Steps taken in India for Reform of Legal Education", 68 Journal of the All-India Law Teachers Association, 1968.
2. Antoinette Sedillo Lopez, "Learning Through Service in A Clinical Setting: The Effect of Specialization on Social Justice and Skills Training", 7 Clinical Law Review 307 (2000- 2001).
3. Ralph Underwager & Hollida Wakefield, "Poor Psychology produces Poor Law", Journal of Law and Human Behaviour, 1992, Volume 16 No.2, pp.233-243 available at <https://doi.org/10.1007/BF01044800>.
4. Frank J. Macchiarola, "Teaching in Law School: What are we doing and what more has to be done?" 71 1994.
5. "Institutionalizing A Social Justice Mission for Clinical Legal Education: Cross-National Currents from India and The United States", 13 Clinical Law Review 165 (2006-2007).
6. Frank S.Bloch, Iqbal S. Ishar, "Legal Aid, Public Service and Clinical Legal Education: Future Directions from India and the United State", Mic. J. Int'l. L. (1990).
7. Jagat Narain, "Legal Aid - Litigation or Educational: An Indian Experiment", 28 JILI (1986).
8. Jennifer Howard, learning to "Think Like a Lawyer" Through Experience, 2 Clinical Law Review 167 (1995).
9. Jon C. Dubin, "Clinical design for Social Justice Imperatives", 51 S.M.U. L. REVS. 1461 (1997-1998).
10. Krishna Iyer, "Professions for the People: A Third World Perspective", XXII IBR (1995).

REPORTS

1. American Bar Association, "Section of Legal Education and Admissions to the Bar, Legal Education and Profession Development - An Educational Continuum", Report of the Task Force on Law Schools and the Profession: Narrowing the Gap, (ABA 1992). Government of India, Ministry of Law, Justice and Company Affairs, Department of Legal Affairs, "Report of Expert Committee on Legal Aid: Processual Justice to the People" (1973).
2. Government of India, Ministry of Law, Justice and Company Affairs, Department of Legal Affairs, "Report of Expert Committee on Legal Aid: Processual Justice to the People" (1973)

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3. Government of India, Ministry of Law, Justice and Company Affairs, Department of Legal Affairs, "Report on National Juridical care: Equal Justice - Social Justice" (1977)
4. Law Commission of India, 14th Report on Reform of Judicial Administration" (1958).
5. Law Commission of India, 184th Report on The Legal Education and Professional Training and Proposal for Amendments to the Advocates Act 1961 and the University Grants Commission Act, 1956".

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Taba Sikarwar

Rasim Singh

P. Singh

Harina Taba Sikarwar

Dr. Harina Singh

LL.M. SPECIALIZED CORE PAPER – I
SUBJECT: CORPORATE GOVERNANCE

PAPER CODE: LLMB 103

CREDITS: 04

OBJECTIVES OF THE COURSE

The term 'Corporate Governance encompasses a healthy and viable relationship between the corporation and its board of directors/ Principals, management and stakeholders. In recent years, the regulate others and legislate others have deepened their focus on the way businesses ought to be run. They are striving to create a legal prototype for new corporate governance which is beneficial for both the stakeholders and regulate others. This course strives to cover the essential legal framework to strengthen corporate governance of a corporation and also touches upon issues such as conflicts of interest, the legal framework within the country and international corporate governance. After undergoing the study, the student will be able-

CO1: To Understand the principles and concepts of corporate management law that governs various commercial transactions

CO2: To elucidate the Equip the students to analyse the principle of corporate management and strategies adopted by corporates towards achieving their objectives

CO3: To demonstrate the Grasp knowledge of the Institutions and stakeholders that play a major role in corporate structuring.

CO4: To elaborate the Enable the students to answer some vital questions regarding the law of corporate management, governance and legal perspectives about the same.

LEARNING OUTCOMES

1. *Refine their understanding of shareholder rights, audit committee, investor funds, its composition and responsibilities.*
2. *Adopt and implement best practices for effective corporate management. Adhere to sound principles of corporate governance.*
3. *Critically evaluate and analyses the significance and importance of corporate governance.*

COURSE OUTLINE

MODULE I - INTRODUCTION

- a. Origin and History of Corporate Management and Governance-Evolution of corporate governance.
- b. Principles of corporate Governance-Theories of corporate governance.

Dr. Anurag

Prof. P.P.H.

Prof. P.P.H.

Prof. P.P.H.

Prof. P.P.H.

Prof. P.P.H.

Prof. P.P.H.

Prof. P.P.H.

- c. Globalization and corporate Governance-Correlation between corporate governance and corporate responsibility
- d. Organization for Economic Co-operation and Development (OECD) and BIS Principles - Implementation and pitfalls.
- e. International environment to Improve Corporate Governance - The US Sarbanes-Oxley Act of 2002 (SOX) – Overview of Dodd-Frank Wall Street Reform and Consumer Protection Act 2010 to corporate governance - The Cadbury Report (1992) – Overview of The UK Corporate Responsibility Act 2002.

MODULE II - CORPORATE SECURITIES

- a. Shareholders-Role of Shareholders-Shareholder Rights-Responsibilities of Shareholders – Protection to the shareholders.
- b. Debentures-Role of Debenture Holders-Debenture Holders Rights-Responsibilities of Debenture Holders-Protection to the Debenture holders.
- c. Other Stakeholders role, rights and Responsibilities-Relationship of Shareholders and Other Stakeholders-Comparative analysis of Shareholders and Debenture holders.
- d. Share Holder Democracy- Rule of Majority

MODULE III – MANAGEMENT AND ADMINISTRATION

- a. Director and Key Managerial Personnel, Managerial remuneration
- b. Board of Directors-Structure of the Board-Role, Authority and independence of the Board - Difference between Board and Management.
- c. Duties, Rights of Directors-Fiduciary Responsibilities-Role of the board in Shareholder's protection through disclosure and transparency.

MODULE IV – LEGAL FRAMEWORK RELATING TO AUDIT

- a. The Audit Committee and corporate Governance-Defining Audit and Audit Others-Significance of accounting and auditing for governance.
- b. Roles Duties, & Responsibilities of Auditors-Responsibilities of the Audit Firm - Role of institutional Investors-Investor's Problems and Protection-Classification of Investor Protection-Impact of Investor Protection
- c. The Concept of Corporate Social Responsibility; Role of Stakeholders in CSR; International Aspects of Corporate Social Responsibility; Action vs. intentions corporate commitment, voluntary vs. mandatory stakeholders' activism.

Akash *deep* *P.P.L.* *harina* *Pallavi Sikarwar*

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BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. VS. Balachandran, VS. Chandrasekaran, Corporate Governance, Ethics and Social Responsibility, 2011.
2. Sharma J.P, Corporate Governance and Social Responsibility of Business, Anne Books Pvt. Ltd, New Delhi, 2019
3. A.C., Pearson, Corporate governance- Principles, Policies and Practices, Fernando, 2009.
4. Partha Sarthy, Biztantra, Corporate governance- Principles, Mechanism, and Practices, 2011.
5. Kesho Prasad, Corporate Governance, PHI learning Pvt Ltd, 2011.

JOURNALS/ARTICLES

1. Adams, Hermalin, and Welsbach (2010), The Role of Boards of Director/ Principals in Corporate Governance- A Conceptual Framework and Survey, Journal of Economic Literature.
2. Hartzell, Jay C. and Laura T. Starks (2003), "Institutional investors and executive compensation", Journal of Finance.
3. Brav, A.W. Jiang, R. S. Thomas, and F. Partnoy (2008) Hedge Fund Activism, Corporate Governance, and Firm Performance, Journal of Finance.
4. Greenwood, Robin, and Michael Schor (2009) Investor activism and takeovers, Journal of Financial Economics
5. Bertrand, M., P. Mehta, and S. Mullainathan (2002), Ferreting Out Tunneling- An Application to Indian Business Groups, Quarterly Journal of Economics.

FURTHER READING:

BOOKS

1. Josef C. Brada, Inderjit Singh, Saul Estrin, Alan Gelb, Xavier Richet- Corporate Governance in Central Eastern Europe- Case Studies of Firms in Transition
2. Jay W. Lorsch, The Future of Boards- Meeting the Governance Challenges of the Twenty-First Century
3. Bob Tricker, Essentials for Board Director/ Principals- An A-Z Guide
4. Ram Charan, Boards That Lead- When to Take Charge, When to Partner, and When to Stay Out of the Way
5. Cathy A. Trower, The Practitioner's Guide to Governance as Leadership- Building High-Performing Nonprofit Boards

Arjun Singh *P.P.S.I.* *Harina* *Pallavi Sikarwar*

Geetika *Harina* *Pallavi Sikarwar*

6. Arindam Das, *Corporate Governance in India*
7. Dipak R. Basu and Victoria Miroshnik, *Corporate Governance and Effectiveness- Why Companies Win or Lose*
8. Franklin N. Ngwu, Onyeka Osuji, Chris Ogbechie, and David Williamson, *Enhancing Board Effectiveness- Institutional, Regulatory and Functional Perspectives for Developing and Emerging Markets*
9. Lars Engwall, *Corporate Governance in Action- Regulators, Market Actors and Scrutinizers*
10. Ralf Müller, *Governance and Governmentality for Projects- Enablers, Practices, and Consequences*

JOURNALS/ARTICLES

1. Gompers, P. A., J. Ishii, and A. Metrick. (2003) *Corporate Governance and Equity Prices*, Quarterly Journal of Economics.
2. Aggarwal, R., I. Erel, R. M. Stulz, and R. Williamson. (2008), *Differences in Governance Practices between the U.S. and Foreign Firms- Measurement, Causes, and Consequences*, Review of Financial Studies.
3. Report of the Committee on the Financial Aspects of Corporate Governance (Cadbury Report) 1992 <http://www.ecgi.org/codes/documents/cadbury.pdf>
4. Calpers Global Principles of Accountable Corporate Governance, 2011 <http://www.calpers-governance.org/docs-sof/principles/2011-11-14-global-principlesof-accountable-corpgoVs.pdf>
5. Corporate Governance- An International Review- https://books.google.co.in/books?hl=en&lr=&id=YNp73RY8pJIC&oi=fnd&pg=PP1&dq=Corporate+GovernanceAn+International+Review&ots=_CJpZNZ9xS&sig=HcupWcoyszWoSrXMyjf0Zx862LQ#v=onepage&q=Corporate%20Governance%3A%20An%20International%20Review&f=false
6. Coles, Jeffrey L., Naveen D. Daniel, Lalitha Naveen (2008), "Boards- Does One Size Fit All?" Journal of Financial Economics 87, 329-356.
7. Renée, Benjamin E. Hermlin, Michael S. Weisbach (2010), "The Role of Boards of Director/ Principals in Corporate Governance- A Conceptual Framework and Survey." Journal of Economic Literature 48(1), 58-107.
8. Development Economics and Public Policy, file:///C:/Users/human/Downloads/de030002.pdf
9. Anil Arya et al., are unmanaged earnings always better for shareholders? (Yale ICF, Working Paper No. 02-37, Aug. 2002), at <http://papers.ssrn.com/sol3/papers.cfm>

Arkan *Self* *P. Ph. Ph.* *Harina* *Talika Sikawan*

Harina *Talika Sikawan*

abstract_id=322260 (Corporate governance in India- A systematic review and synthesis for future research, <https://www.tandfonline.com/doi/full/10.1080/23311975.2020.1803579>)

10. Liev, Peter, Karl VS. Lins, Darius P. Miller, Lukas Roth (2015), "Shareholder Voting, and Corporate Governance Around the World." Review of Financial Studies 28(8), 446-485.

CASES FOR GUIDANCE

1. Revlon, Inc. Vs. Mcandrews & Forbes Holdings, Inc., 506 A.2d 173 (Del. 1986).
2. Paramount Communications, Inc. Vs. Time, Inc., 571 A.2d 1140 (Del. 1989).
3. The Walt Disney Company Derivative Litigation, In re Walt Disney Co. Derivative, 907A.2d 693 (Del. Ch. 2005)
4. Auerbach Vs. Bennett, 47 N.Y.2d 619, 393 N.E.2d 994, 419 N.Y.S.2d 920, 1979 N.Y. LEXIS 2202 (N.Y. 1979)
5. Chiarella Vs. United States, 445 U.S. 222, 100 S. Ct. 1108, 63 L. Ed. 2d 348, 1980 U.S. LEXIS 88, Fed. Sec. L. Rep. (CCH) P97,309 (U.S. Mar. 18, 1980)
6. Polaris Software Lab. Limited Vs Suren Khiwadkar ILLJ 323 Mad, (2003) 3 MLJ 557
7. SEC Vs. General Motors Corporation, 14A 1 s11-8104
8. SEC Vs. American Express Company, 14A 1 d804770
9. Vodafone International Holdings Vs. Union of India and Another, 733 S.C. 2012 dated January 20, 2012
10. Securities and Exchange Commission Vs. WorldCom Inc., 02-CV-4963 (JSR)
11. Saurashtra Cement Ltd. And others Vs Union of India and 3 others. 2 GLR 1384, 2007 75SCL 375 Guj. on 14 July 2006
12. Snowcem India Ltd. and Others. Vs Union of India and Others. 124 Comp Cas 161 Bom, 2005 60, SCL 50 Bom on 24 September 2004,
13. Surender Babbar Vs Delhi Transco Ltd. & Others, W.P.(C) 4733/2013 on 17 August 2017
14. Chitra Sharma Vs Union of India, 27229 S.C.2019 on 9 August 2018
15. Walchand People First Ltd. Vs Assesse, I.T.A. No. 2543 /Mum/2013 on 4 February 2016
16. Cyrus Investments Pvt. Ltd. Vs Tata Sons Ltd. & Others, Company Appeal (AT) No.254 of 2018 on 18 December 2019
17. Price Waterhouse, Bangalore Vs SEBI, Appeal 6 SAT 2019 on 9 September 2019
18. M/S. Tata Industries Ltd. Vs M/S. Grasim Industries Ltd on 9 July 2008
19. SEC Vs. Adelphia, <https://www.sec.gov/litigation/complaints/compl17627.htm>
20. Sesa Industries Ltd Vs Krishna H. Bajaj & Others 1430-1431 S.C. 2011 on 7 February 2011

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Harina, *Talika Sikarwar*

LL.M. SPECIALIZED CORE PAPER – I**SUBJECT: CRIMINAL JUSTICE SYSTEM IN INDIA****PAPER CODE: LLMC 103****CREDITS: 04****OBJECTIVES OF THE COURSE:**

Criminal Justice refers to the agencies of government charged with enforcing the law, adjudicating crime, and correcting criminal conduct. The criminal justice system is essentially an instrument of social control: society considers some behavior so dangerous and destructive that it either strictly controls their occurrence or outlaws them outright. It is the job of the agencies of justice to prevent these behaviors by apprehending and punishing transgressors or deterring their future occurrence. Although society maintains other forms of social control, such as the family, school, and church, they are designed to deal with moral, not legal, misbehavior. Only the criminal justice system has the power to control crime and punish criminals. The central purpose of the Criminal Justice System is to deliver an efficient, effective, accountable and fair justice process for the public. After undergoing the study, the student will be able:

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| CO1: To Understand the jurisprudential basis of crime, the criminal justice system and administration in India. |
| CO2: To elucidate the correctional system and alternatives to imprisonment within the realm of criminal justice administration. |
| CO3: To demonstrate role played by different functionaries in the criminal justice administration to meet the challenges of modern India. |
| CO4: To elaborate the need for reforms and new challenges in the wake of growing importance and realization of victim's rights and the necessity to involve all the stakeholders for ensuring justice to all. |

LEARNING OUTCOME

1. Demonstrate knowledge of the major areas of the criminal justice system: policing, courts, corrections and the history of those components.
2. Trace the relationship between the criminal justice complex and the socioeconomic elements of Indian society.
3. Trace the various types of crime and criminals, the numerous theories of crime causation, and the relationship between crime and its various correlates.
4. Trace the various social movements over the years, and how they have impacted the criminal justice system.
5. Analyze scholarly research, governmental crime statistics, and public policy.

COURSE OUTLINE**MODULE – I: CRIMINAL LAW AND PHILOSOPHY OF CRIMINAL JUSTICE SYSTEM**

- a. Meaning, Nature, Scope – Characteristic features of crime – Essential elements of crime – Classification of Crime – Theories of crime
- b. Causations leading to crime – Reactions to crime – Prevention of crime
- c. Principles of criminal law – Criminal law and its role
- d. The Constitution and Criminal Justice System – Challenges of Criminal Justice System – Reform Strategy
- e. Stages of criminal justice process – Judicial Approach in Criminal Justice System

MODULE –II CRIMINAL JUSTICE SYSTEM AND CONSTITUTION OF CRIMINAL COURTS

- a. Investigative agency – Police – Prosecution – Defence Counsel – Courts – History of the Prosecution of India – Nature, Scope and Role of Prosecution
- b. Constitutional Provision of Role of Prosecution – Powers and Duties of Prosecutor – Role of Judiciary
- c. Organization of Criminal Courts and Criminal Justice System
- d. Accused and his Rights – Rights of Female Accused / Female Prisoners
- e. Law and procedure relating to Criminal Appeals, Revisions, Writ Petition and Special Leave Petitions
- f. Restorative Justice in a social context – Human rights and Restorative Justice

MODULE – III: POLICE ADMINISTRATION IN CRIMINAL JUSTICE SYSTEM

- a. Development of the police force – Hierarchical structure of police force – Principles and functions of policing – Duties of civil police – Rural policing in India – Problems in police service
- b. Custodial torture – Police Public cooperation – Judicial opinions on the police force – Modernization of police force – Role of police in International Issues
- c. Role of police in the administration of criminal justice system – Directions of the Supreme Court relating to police reforms.

MODULE– IV: VICTIMOLOGY AND PENOLOGY: PRISON REFORMS

- a. Definition, nature and scope of victims and victimology
- b. Theories of victimology – Victim of crime and victim of Abuse

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- c. Consequences of victimology – victim Redressal Programme – International Recognition of Victims' Rights
- d. Definition, objectives and scope of penology – Concept, definition, nature, forms and purposes of punishments
- e. Sentencing process – Mitigating & Extenuating circumstances in the decision making of the sentence – Plea Bargaining – Alternatives to punishment.
- f. Therapeutic / Humanitarian approach to Prisoners – Measures to Reform criminals – Probation – Parole

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Ahmed Siddiqui, Criminology: Problems and Perspectives, 4th 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, 3rd Edition, Oxford Univ Press, New York 2015
5. Criminology and Penology, Rajendra K. Sharma, Atlantic Publishers and Distributors Pvt Ltd; 1st edition (19 December 2017)

JOURNALS / ARTICLES

1. Srinivasan, Murugesan, and Mathew Jane Eyre. "Victims and the criminal justice system in India: Need for a paradigm shift in the justice system." *Temida* 10, no. 2 (2007): 51 – 62.
2. Thilagaraj, R. "Criminal justice system in India." In Handbook of Asian criminology, pp. 199 – 211. Springer, New York, NY, 2013.
3. Dhillon, Kirpal. "The police and the criminal justice system in India." *The Police, State, and Society: Perspectives from India and France* 27 (2011).
4. Role of Public prosecutor in criminal administration of justice available at, 2017. www.lawyersclupedia.com>article>criminal law.
5. Chockalingam, Kumaravelu. "Measures for crime victims in the Indian criminal justice system." *UNAFEI resource materials series* 81 (2010): 97 – 109.

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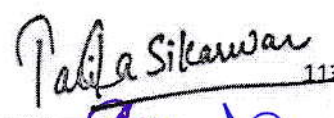
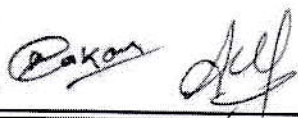
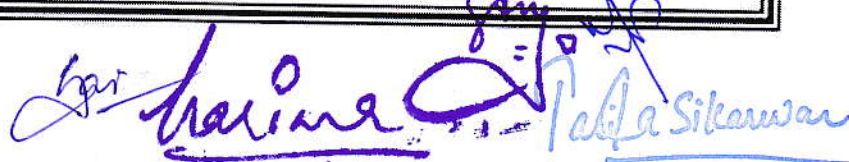
Talia Sikanwar

FURTHER READING:**BOOKS**

1. Feinman, Clarice. Women in the criminal justice system. ABC – CLIO, 1994.
2. Fundamentals of Research in Criminology and Criminal Justice, Ronet D. Bachman, Russell K. Schutt, SAGE Publications, Inc; Fourth edition (2 January 2017)
3. Rao, S. Venugopala. Criminal Justice: Problems and Perspectives in India. Konark Publishers, 1991.
4. Devi, B. Uma. Arrest, Detention, and Criminal Justice System: A Study in the Context of the Constitution of India. Oxford University Press, 2012.
5. Shapland, Joanna, Jon Willmore, and Peter Duff. Victims in the criminal justice system. Aldershot: Gower, 1985.
6. Bharti, Dalbir. The constitution and criminal justice administration. APH Publishing, 2002.
7. French, Laurence, ed. Indians and criminal justice. Totowa, NJ: Allanheld, Osmun, 1982.
8. Das, Bharat Bhudan. Victims in the Criminal Justice System. APH Publishing, 1997.
9. Zehr, Howard. The little book of restorative justice: Revised and updated. Simon and Schuster, 2015.
10. Mawby, Rob, and Sandra Walklate. Critical victimology: International perspectives. Sage, 1994.

JOURNALS / ARTICLES

1. Sharma, D. P. "Speedy Justice and Indian Criminal Justice System." Indian Journal of Public Administration 45, no. 3 (1999): 356 – 363.
2. Starr, Fred M. "Indians and the criminal justice system." Canadian J. Criminology 20 (1978): 317.
3. Khan, M. Z., and N. Prabha Unnithan. "Criminal justice research and its utilization for policy making in India." International Journal of Comparative and Applied Criminal Justice 8, no. 1 – 2 (1984): 1 – 20.
4. Pearl, M. Alexander. "Criminal Justice in Indian Country." American Indian Law Review 38, no. 2 (2014): 13 – 23.
5. Bhagwati, P. N. "Human Rights in the Criminal Justice System." Journal of the Indian law Institute 27, no. 1 (1985): 1 – 22.
6. Poblete – Cazenave, Rubén. "Crime and punishment: Do politicians in power receive special treatment in courts? evidence from India." Visited on 5, no. 19 (2019): 2020.
7. Riley, Angela R. "Crime and governance in Indian country." UCLA L. Re. 63 (2016): 1564.

 113

8. Nirmal, B. C. "Crimes within the Jurisdiction of the International Criminal Court and the Indian Response." ISIL YB Int'l Human. & Refugee L. 6 (2006): 106.
9. Reydam, Luc. "Niyonteze Vs. Public Prosecutor." American Journal of International Law 96, no. 1 (2002): 231 – 236.
10. Lochner, Lance. "Individual perceptions of the criminal justice system." American Economic Review 97, no. 1 (2007): 444 – 460.

CASES FOR GUIDANCE

1. Jagmohan Singh Vs. State of Punjab, (1973) 1 SCC 20
2. Ediga Anamma Vs. State of AP, (1974) 4 SCC 443
3. Rajendra Prasad Vs. State of UP, AIR 1979SC 916
4. Bachchan Singh Vs. State of Punjab, AIR 1980 SC 898
5. Machhi Singh Vs. State of Punjab, AIR 1983 SC 957
6. Kartar Singh Vs. State of Punjab, 1994 SCC (Cri) 899
7. Swami Shraddhanand Vs. State of Karnataka, AIR 2008 SC 3040
8. Ramji Missar Vs. State of Bihar, AIR 1963 SC 1088
9. Jagdev Singh Vs. State of Punjab, AIR 1973 SC 2427
10. Ram Naresh Pandey Vs. State of MP, (1974) 3 SCC 30
11. Musa Khan Vs. State of Maharashtra, 1976 Cr. LJ 1987 (SC)
12. Rajni Kanta Vs. State of Orissa, 1975 CrLJ 83
13. Mohammad Giasuddin Vs. State of Andhra Pradesh, (1978) 1 SCR 153
14. M. H. Hoskot Vs. State of Maharashtra, (1978) 3 SCC 544
15. Sunil Batra Vs. Delhi Adm. (1978) 4 SCC 494
16. Sunil Batra Vs. Delhi Adm. (1980) 3 SCC 488
17. Sher Singh Vs. State of Punjab (1983) 2 SCC 344
18. Boddisattwa Gautam Vs. Subhra Chakraborty AIR 1996 SC 922
19. Chairman, Railway Board Vs. Chandrima Das – Manu / SC / 0046 / 2000
20. State of Andhra Pradesh Vs. Challa Ramakrishna Reddy, AIR 2000 SC 2083

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LL.M. SPECIALIZED CORE PAPER – II

SUBJECT: BANKING AND FINANCE

PAPER CODE: LLMB 104

CREDITS: 04

OBJECTIVES OF THE COURSE

The emerging changes in India, particularly after the initiation of the planning process as an instrument of rapid economic development had affected the banking structure, policies, patterns and practices and also the financial enterprises. Bank and the banking system evolved into a vital socio-economical institution in the modern age and backbone of any country. A significant development in the banking system is diversification in banks financing. The commercial banks entered into the field of wide-ranging financial assistance to industry, both large and small scale, requiring the need for social control of the banking system eventually leading to the nationalization of banks.

The evolutionary process continues with the global phenomenon of liberalization. This has witnessed the entry of Foreign Banking Companies in the Indian market leading to deviation in the banking policy. Moreover, new means such as E-Banking and E-Commerce has made it essential that the Indian legal system adopts a new modus operandi to cope with the modern scenario. This course is designed to acquaint the students with the conceptual and operational parameters of banking law, the judicial interpretation and emerging dimensions of the banking system. After undergoing the study, the student will be able:

- | |
|---|
| CO1: To understand the conceptual and legal parameters including the judicial interpretation of banking law. |
| CO2: To examine the current and potential future contours of the International Banking System with that of the banking system in India. |
| CO3: To Articulate and analyses the roles of national governments and regulators in the regulation of banking and financial institutions and the economy. |
| CO4: To analyze the New emerging dimensions in the banking system including e-commerce and e-banking |

LEARNING OUTCOMES

1. Have a comprehensive understanding of conceptual and legal parameters including the judicial interpretation of banking law.
2. Examine the current and potential future contours of the International Banking System with that of the banking system in India.
3. Articulate and analyses the roles of national governments and regulators in the regulation of banking and financial institutions and the economy.
4. Analyze the New emerging dimensions in the banking system including e-commerce and e-banking.

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COURSE OUTLINE

MODULE I - INTRODUCTION

- a. Evolution of Banking and its history in India
- b. Banking - The different types of Banks viz. Central Bank, Commercial Bank, Co-operative Banks, Specialized Banks, Regional Rural Banks (RRBs), NABARD, Financial Institutions and their respective functions.
- c. Growth and development of Non-Banking Financial Companies and Capital Market
- d. Nationalization- Evaluation- private ownership, nationalization and Disinvestment. Priority lending, Promotion of underprivileged classes.
- e. Reforms in Indian Banking Law Recommendations of Committees.
- f. Automation and legal aspects, automatic teller machine and use of the internet, use of the expert system, smart Card, Credit cards.

MODULE II - REGULATION OF BANKS

- a. Organizational structure and Functions of Reserve Bank of India
- b. Credit control, Exchange control, Bank rate policy formulation, Regulations of the monetary mechanism of the economy.
- c. RBI's control over banking and non-banking financial companies. Banking Ombudsman scheme- Purpose, Extent, Definitions, Establishment and Powers; Procedure for Redresses of Grievance; Arbitration and Conciliation Procedure.
- d. Banking Regulation Act, 1949- Control over Management, Prohibition of certain activities about Banking Companies, Acquisition of the undertakings of Banking Companies

MODULE III - THE PAYMENT AND SETTLEMENT SYSTEMS ACT, 2007

- a. Object and scope - Payment and Settlement Systems Act, 2007
- b. Authorization of the payment system
- c. Regulation and supervision by Reserve bank
- d. Settlement of disputes, offences and penalties

MODULE IV- DEBT RECOVERY, SECURITIZATION AND RECONSTRUCTION

- a. The Recovery of Debt Due to Banks and Financial Institutions Act, 1993. Recovery of Debts Determined by Tribunal and Miscellaneous Provisions.

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- b. Securitization - Regulation of Securitization and Reconstruction of Financial Assets of Banks and Financial Institutions.
- c. Enforcement of Security Interest – under SARFAESI Act 2002 and the Security Interest (Enforcement) Rules, 2002.
- d. Insolvency and Bankruptcy Code – Salient features, Regulatory and Judicial Perspective.

BIBLIOGRAPHY RECOMMENDED READING:

BOOKS

1. Tannan M.L., Tannan's Banking Law and Practice in India. New Delhi- India Law House, 2 volumes.
2. Basu, A. (1998) Review of Current Banking Theory and Practice. McMillan
3. M. Hapgood (Ed.) (1989) Paget's Law of Banking. London- Butterworth,
4. Cranston, Ross. (1997) Principles of Banking Law. Oxford.
5. Ashish Makhija, Insolvency and Bankruptcy Code of India (2018), Lexis Nexus

JOURNALS/ARTICLES

1. R.K.Talwar, Report of Working Group on Customer Service in Banks.
2. Aparna Ravi; Working Paper, The Indian Insolvency Regime in Practice – An Analysis of Insolvency and Debt Recovery Proceedings.
3. Kristin Van Zwieten, "Corporate Rescue in India- The Influence of the Courts," Journal of Corporate Law Studies (1) (2015)
4. T. Jackson, "Bankruptcy, Non-Bankruptcy Entitlements and the Creditor's Bargain," (1982) 91 The Yale Law Journal 857; and TH Jackson and RE Scott, "On the Nature of Bankruptcy- An Essay on Bankruptcy Sharing and the Creditors' Bargain," (1989) 79 Virginia Law Review 155
5. Djankov et. al. "Debt Enforcement Around the World" (2006).

FURTHER READING:

BOOKS

1. Banking Theory and Practice (1998) UBS Publisher Distributors Ltd. New Delhi.
2. Isaacs, S. And G. Pen, E.C. (1994) Banking Law, London- Lloyds of London Press.
3. Ellinger's Modern Banking Law (Fourth Edition) [E. P. ELLINGER, Professor of Law, National University of Singapore, EVA LOMNICKA, Professor of Law, King's College, London and a practising barrister, and RICHARD HOOLEY, Professor of Law, King's College London and Fellow of Fitzwilliam College, Cambridge].
4. VS. Conti and Hamaui (eds.), Financial Markets' Liberalization and the Role of Banks', Cambridge University Press, Cambridge, (1993)

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Harina Pal Singh 56
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5. J. Dermine (ed.), *European Banking in the 1990s* (1993) Blackwell, Oxford.
6. C. Goodhart, *The Central Bank and the Financial System* (1995); Macmillan, London
7. K. Subrahmanyam, *Banking Reforms in India* (1997) Tata Maigraw Hill, New Delhi.
8. Subodh Markandeya and Chitra Markandeye, *Law Relating to Foreign Trade in India- Being a Commentary on the Foreign Trade, (Development and Regulation) Act 1992*, Universal Law Publishing Co. Pvt. Ltd. Delhi.
9. R.S. Narayana, *The Recovery of Debts due to Banks and Financial Institutions Act, 1993* (51 of 1993), Asia Law House, Hyderabad.
10. Anthony Pierce, *Demand Guarantees in International Trade* (1993) Sweet & Maxwell.

JOURNALS/ARTICLES

1. E. L. Stewart Patterson, *Banking Principles and Practice*, A Series of Texts Prepared as part of the Modern Business Course and Service of the Alexander Hamilton Institute, 1917, 2009 Dodo Press.
2. A. Karunakaran, *Inter-connectedness of Banks and NBFCs in India- Issues and Policy Implications*, W P S (DEPR) - 21 / 2011, RBI Working Paper Series, Department of Economic And Policy Research December 2011
3. Ahmed Md. Nehal and Mainul Islam Chowdhury (2007)- 'Non-bank Financial Institutions in Bangladesh- An Analytical Review', Working Paper Series No 0709, Policy Analysis Unit, Dhaka, Bangladesh.
4. Carmichael Jeffrey and Michael Pomerleano, (2002) - *Development and Regulation of Non-Bank Financial Institutions*, World Bank, Washington DC.
5. Financial Stability Board (2011) - *Macro prudential policy tools and frameworks –updates to G20 Finance Ministers and Central Bank Governors*. February
6. Greenspan Alan (1999) - 'Do efficient financial markets mitigate financial crises?' Chairman's Remarks before the 1999 Financial Markets Conference of the Federal Reserve Bank of Atlanta, Sea Island, Georgia, October 19.
7. Gopinath Shyamala (2009)- 'Addressing the Regulatory Perimeter Issues – Indian Experience' Remarks at the Ninth Annual International Seminar on Policy Challenges for the Financial Sector.
8. Kroszner Randall (2010)- *Interconnectedness, Fragility and the Financial Crisis*. Prepared for Financial Crisis Forum, Financial Crisis Inquiry Commission, Washington, DC. February.
9. (1991)- *Report of the Committee on the Financial System*, (Chairman- M Narasimha), Reserve Bank of India, Mumbai.
10. S. Paterson, "Rethinking the Role of the Law of Corporate Distress in the Twenty-First

P. Karan *Prof. P. L. Chandra* *Talika Sikarwar*

Prof. P. L. Chandra *Talika Sikarwar*

CASES FOR GUIDANCE

1. A.VS.Murthy Vs B.S Nagabajavanna ((2002) 2 SCC 642)
2. All India Bank Officers' Confederation Vs Union of India, (1989) 4 SCC 90
3. Allahabad Bank Vs Canara Bank AIR 2000 SC 1535
4. Ashok Yeshwant Badeve Vs Surendra Madhavrao Nighojakar (2001)3 SCC 726
5. Australia and New Zealand Bank Vs Ateliers de Constructions Electriques de Cherleroi [1967]1 AC 86 PC
6. Bareilly Bank Ltd. Vs Naval Kishore (AIR 1964 All 78)
7. Bhutoria Trading Company (BTC) Vs Allahabad Bank (AIR 1977 Cal. 363)
8. Bihta Co-operative Development and Cane Marketing Union Ltd. Vs bank of Bihar (AIR 1967 Supreme Court 389).
9. Brahammaya Vs. K.P. Thangavelu Nadar, AIR (1956), Madras 570
10. Brahma Shumshere Jung Bahadur Vs Chartered Bank of India, Australia and China (AIR 1956 Cal. 399)
11. Canara Bank Vs. Canara Sales Corporation and Others (AIR 1987 SC 1603)
12. Central Bank of India Ltd. Bombay Vs. VS. Gopinathan Nair and others (A.I.R.,1979, Kerala 74)
13. Crumpling Vs. London Joint Stock Bank Ltd. [1911-13] All England Rep 647
14. Federal Bank Ltd Vs.M. Jog Industries Ltd ((2001) 1 SCC 663)
15. Gerald C.S. Lobo Vs. Canara Bank (1997) 71 Comp. Cases 290
16. Indian Bank Vs. Catholic Syrian Bank AIR 1981 Mad 129
17. Ladbroke Vs. Todd (1914) 30 TLR 433
18. New Bank of India Vs. Union of India (1981) 51 Company Case p. 378
19. Oakley Bowden and Co. Vs. The Indian Bank Ltd. (A.I.R., 1964, Madras 202)
20. R.C. Cooper Vs. Union of India (AIR 1970 SC 564)

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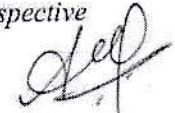
LL.M. SPECIALIZED CORE PAPER – II**SUBJECT: LAW RELATING TO NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES****PAPER CODE: LLMC 104****CREDITS: 04****OBJECTIVES OF THE COURSE:**

Drug abuse is a social evil. Narcotics and other dependence producing substances have been used in the world in one form or another since times immemorial. Likewise trading in these substances has been carried on over a considerable period. Narcotics came into widespread use in Western medical practice during the latter part of the 19th century. They had in their crude form, been known for the so-called beneficial effects for centuries and had been extensively used, both therapeutically and non – therapeutically, for their calming, intoxicating and presumed curative properties. However, the introduction of these drugs shortly led to their abuse. The course is designed to understand the need for wider Drug Trafficking Laws from a national and global perspective and how these policies affirmatively affect society. The notion of International Conventions and their legislative intent is embarked on carefully with a wider prospect of future analysis. After undergoing the study, the student will be able:

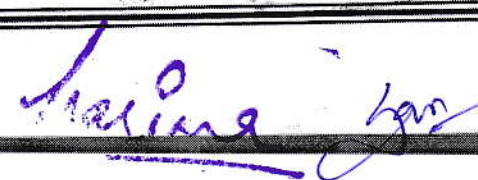
CO1: To identify major drugs of abuse with their legal status, psychopharmacological effects, & sociological implications of drug use and drug policy
CO2: To describe the political, programmatic, and policy elements are known as the "war on drugs" and current related debates
CO3: To find and summarize relevant information about current events bearing on policy debates over drugs
CO4: To Synthesize information from multiple sources and points of view into a coherent policy perspective

LEARNING OUTCOME

1. Able to discuss the history of drug abuse and subsequent policies in India.
2. Identify major drugs of abuse with their legal status, psychopharmacological effects, & sociological implications of drug use and drug policy
3. Describe the political, programmatic, and policy elements are known as the "war on drugs" and current related debates
4. Find and summarize relevant information about current events bearing on policy debates over drugs
5. Synthesize information from multiple sources and points of view into a coherent policy perspective


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COURSE OUTLINE**MODULE – I: DRUGS – NARCOTICS – PSYCHOTROPIC SUBSTANCES – DRUG TRAFFICKING- NACRO TERRORISM**

- a. Drugs – Narcotics – Psychotropic substances – Drug Dependence and Addiction – Primary drug abuse
- b. Trafficking in drugs – Drug addiction as a victimless crime – Drug-related crimes
- c. Ana graphic and social characteristics of Drug Users – Drugs: Their use and effects
- d. Counter Measures for dealing with drug trafficking – Political Scenario – Cross Border issues.
- e. Drugs and development: The global impact of drug use and trafficking on social and economic development
- f. Associated Crimes – Mandate of the United Nations Office on Drugs and Crime (UNODC)

MODULE – II: INTERNATIONAL LEGAL REGIME & HUMAN RIGHTS

- a. Historical development of International Law on drug control
- b. Transnational Crime Convention – International Narcotics Control Board (INCB) – SAARC Convention on drug policies.
- c. US – India bilateral agreement on anti-narcotic cooperation – WHO – Health of the Victims – Drug Control Policy.
- d. Access to essential and control drugs – Rehabilitation of drug addicts – Anti-drug Justice as Social Justice.
- e. Human Rights Abuses Committed Under the International Drug Control Regime – Punitive Drug Laws and Public Health Crisis
- f. International Guidelines on Human Rights and Drug Policy – Implementation of alternatives to uphold international human rights standards.

MODULE – III: INDIAN REGULATORY SYSTEM AND ENFORCEMENT MECHANISM

- a. Narcotic Drugs and Psychotropic Substances (NDPS) Act: Its Legislative Intent
- b. National drug control framework – National Crime Records Bureau (NCRB) – United Nations Office on Drugs and Crime (UNODC)
- c. Criminal Justice System – Crime Control Institutions – National Coordination Scheme
- d. Drug Laws Enforcement: Judicial Response – Identifying and Tracing the forfeitable properties
- e. International Narcotic Control Strategy Report – Special Narcotic Courts
- f. The doctrine of Onus Probandi – Punitive or Reformatory – Reformation of Narcotic Legislation (NDPS Act).

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Harina *Palika Sikanwar*

MODULE – IV: VICTIMOLOGY AND SOCIAL JUSTICE

- a. Drug Abuse as a Social Problem – Anagraphic and Social Characteristics of Drug Users
- b. Victim's perception – Sociological factors – Marginalized and Underprivileged – Juvenile
- c. Psycho neuro immunological mechanisms – Rehabilitation Measures – Towards Social Justice.
- d. Sustainable Solutions for Drugs Prevention
- e. National Action plan for Drug Demand Reduction – Social Impact of Drug Abuse.
- f. The Role of Community in Combating Drug Addiction – Regulatory Systems – Law Reform Initiatives – Social justice.

BIBLIOGRAPHY**RECOMMENDED READING:****BOOKS**

1. Polich, J. Michael. Strategies for controlling adolescent drug use. Publications Department, The Rand Corporation, 1700 Main Street, PO Box 2138, Santa Monica, CA 90406 – 2138, 1984.
2. Dorn, Nicholas, Karim Murji, and Nigel South. Traffickers: Drug markets and law enforcement. Psychology Press, 1992.
3. Jacobs, Bruce A. Robbing drug dealers: Violence beyond the law. Transaction Publishers, 2000.
4. Campbell, Nancy, and Nancy Duff Campbell. Using women: Gender, drug policy, and social justice. Psychology Press, 2000.
5. B.R. Sharma, Forensic Science in Criminal Investigation and Trials, Bombay, 2012.

JOURNALS / ARTICLES

1. Sahoo, Saddichha, N. Manjunatha, Baxi Neeraj Prasad Sinha, and C. R. J. Khess. "Why is alcohol excluded and opium included in the NDPS Act, 1985?" Indian journal of psychiatry 49, no. 2 (2007): 126.
2. Kaushik, Deepak. "Prosecution of Drug Addicts under NDPS: Need for a Re – look." Available at SSRN 3504060 (2019).
3. Arora, Usha, G. S. Sonal, G. P. Dhillon, and Hitendra Singh G. Thakor. "Emergence of drug resistance in India." Journal of the Indian Medical Association 106, no. 10 (2008): 678.
4. Joseph, Sandra. "Drug Demand Reduction Programme in India – A Qualitative Research Analysis." Global Journal for Research Analysis (GJRA) 8, no. 10 (2019).
5. Hawkins, J. David, and Richard F. Catalano Jr. Communities that care: Action for drug abuse prevention. Jossey – Bass, 1992.

FURTHER READING:*P. Singh**Deep**P. Singh**Harina**Pallavi Sikarwar**Pallavi Sikarwar**Sanjay*

BOOKS

1. C.K.Parikh (2017) Parikh's textbook of Medical Jurisprudence, Forensic Medicine and Toxicology. (6th edn).
2. Blackman, Shane. Chilling out: The cultural politics of substance consumption, youth and drug policy. McGraw – Hill Education (UK), 2004.
3. A.K. Bapuly, Forensic Science: Its Application in Crime Investigation, Hyderabad, 2006.
4. Justice K. Kannan. Karunakaran Mathiharan, ed., Modi: A Textbook of Medical
5. Jurisprudence and Toxicology, rpt, Allahabad Central Law Agency, 2013.
6. The Narcotic Drugs and Psychotropic Substances Act, 1985
7. Molly Charles, Dave Bewley – Taylor, Amanda Neidpath (2005) Drug Policy in India: Compounding Harm? Briefing paper ten. The Beckley Foundation Drug Policy Programme.
8. Rohan Dua (2014) Drug-related crime reported highest in Punjab: National Crime Records Bureau.
9. Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, United Nations Office on Drugs and Crime (UNODC) (2009).
10. James Grey (2012) Why Our Drug Laws Have Failed: A Judicial Indictment of War on Drugs. Temple University Press, USA. The history of the drug laws.

JOURNALS / ARTICLES

1. MacCoun, Robert J. "Drugs and the law: a psychological analysis of drug prohibition." Psychological Bulletin 113, no. 3 (1993): 497.
2. Werb, Dan, Greg Rowell, Gordon Guyatt, Thomas Kerr, Julio Montaner, and Evan Wood. "Effect of drug law enforcement on drug market violence: A systematic review." International Journal of Drug Policy 22, no. 2 (2011): 87 – 94.
3. Dorn, Nicholas, and Nigel South. "Drug markets and law enforcement." The British Journal of Criminology 30, no. 2 (1990): 171 – 188.
4. Anil Malhotra, Ashwin Mohan (2000) National policies to meet the challenge of substance abuse: programmes and implementation. Indian Journal of Psychiatry 42 (4): 370 – 377.
5. Ram Manohar (2004) Smoking and Ayurvedic Medicine in India. In Sander L Gilman, Zhou Xun (Eds.), Smoke: A Global History of Smoking. Reaktion Books, London.
6. George, Joshua Babu and Krishnan, Ashwin (2012) Loopholes in the Narcotic Drugs and Psychotropic Substances Act, 1985. Social Science Research Network p. 1 – 9.

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Jef

P.P.L.P. Harina

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7. Sessa Kethineni Lois Guyon Ruth McLennan Fennick (1995) Drug Use in India: Historical Traditions and Current Problems. International Journal of Comparative and Applied Criminal Justice 19(2): 211 – 221.
8. Sahoo Saddichha, Narayana Manjunatha, and Christoday Raja Jayant Khess (2010) Why do we Need to Control Alcohol Use Through Legislative Measures? A South-East Asia Perspective? Indian J Community Med 35(1): 147 – 152.
9. Tandon, Tripti, and Lawyers Collective. "Drug policy in India." IDPC briefing paper, February (2015).
10. Charles, Molly, Dave Bewley – Taylor, and Amanda Neidpath. "Drug policy in India: Compounding harm." Briefing paper (2005): 1 – 6.

CASES FOR GUIDANCE

1. Md. Sarfaraz Bonu & Others. Vs – The Union of India – 09 / 08 / 2019[CHC]
2. Mukesh Singh Vs. State (Narcotic Branch of Delhi) – 31 / 08 / 2020
3. Ajahar Ali Vs State of West Bengal 2014 Cri. L.J. 18 (SC).
4. Bachan Singh Vs State of Haryana 2004 (2) RCR (Criminal) 394 (P&H).
5. State of Manipur Vs Ngairangbam Brojendro Singh 2014 Cri.L.J. 763(Manipur)
6. State of Orissa Vs Kanduri Sahoo 2004 (1) RCR (Criminal) 196 (SC).
7. State of Punjab Vs Surinder Rani Chhindi 2001 (4) RCR (Criminal) 776 (SC).
8. Sukhdev Singh Vs State of Haryana AIR 2013 Supreme Court 953.
9. Sumita Vs Union of India 2003 Cri. L.J. 2928 (Delhi).
10. Surender Kumar Vs State of H.P. 2013 Cr. L.J. 3519 (HP).
11. Ved Singh Vs State of Rajasthan 2002 Cr. L.J. 1463 (Raj.).
12. Vijayan Vs Sub Inspector of Police and another 2013 Cr. L.J. 3091 (Kerala)
13. Baldev Singh Vs State of H.P. 2014 Cr. L.J. (NOC) 95 (HP)
14. Damru Manji Vs State of Chhattisgarh 2013 Cr. L.J. 610.
15. Gurbax Singh Vs State of Haryana AIR 2001 Supreme Court 1002
16. Alamelu and another vs State 2011 Cr. L.J. 200 (SC).
17. Deepak Mahajan Vs Director/ Principal of Enforcement AIR 1994 Supreme Court 1775.
18. Avtar Singh Vs State of Punjab AIR 2002 Supreme Court 3343.
19. Balbir Singh Vs State of Punjab AIR 1994 Supreme Court 1872.
20. Baldev Singh Vs State of Punjab AIR 1999 Supreme Court 2378.

Dokan *Deep*

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Palika Sikewar
Palika Sikewar

LL.M. GENERIC ELECTIVE PAPER – I
SUBJECT: HUMAN RIGHTS PERSPECTIVES OF CORPORATE LAW
PAPER CODE: LLMB 105
CREDITS: 03

OBJECTIVES OF THE COURSE

Businesses are important for the growth of the Economy. The corporate world provides investment, jobs and services however the business does not always do good to people. In the wake of globalization, there is an increased threat of human rights abuses by corporations at the global as well as domestic level. If a corporation harms human rights, there are options to enforce one's rights. However, the intersection between corporate law and human rights in India is still relatively constricted. After undergoing the study, the students will be able to –

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|---|
| CO1: To Understand the most relevant Acts and regulations applicable in India that seek to protect the human right of the corporate sector. |
| CO2: To elucidate the measures to be taken by the corporate personnel to safeguard the human rights of its employees. |
| CO3: To demonstrate the promote equality, health and safety, social welfare of corporate employees etc. |
| CO4: To elaborate the evaluate and analyses the significance and importance of human rights in the life of consumers of the corporate world. |

LEARNING OUTCOMES

1. Enhance their thoughts on the correlation between corporate law and human rights.
2. Adopt an appropriate mechanism for effective resolution of the dispute.
3. Implement best practices for the protection of human rights within the corporate world.
4. Adhere to sound principles of human rights preservation within the corporate sector.
5. Critically evaluate and analyses the significance and importance of human rights in the life of consumers of the corporate world.

COURSE OUTLINE

MODULE I – INTRODUCTION- CORPORATIONS AND HUMAN RIGHTS

- a. Meaning, Scope and Kinds of Corporation
- b. How Corporations can impact Human Rights?

Patika Sikarwar

Diksha *Prof. Meh. Sharma* *Sharma*

Patika Sikarwar

- c. Corporate Social Responsibility Initiatives (for employees and their human rights)
- d. Introduction to Human Rights and Constitutional perspective relating to it.
- e. International Human Rights system and its obligations.
- f. How are rights at the workplace abused?
 - Discrimination at workplace
 - Sexual Harassment
 - No freedom of association and collective bargaining
 - Low/ Unpaid wages
 - Unhealthy and unsafe working conditions
 - Child labour and Modern-day slavery

MODULE II - INTERNATIONAL APPROACH TO CORPORATE LAW AND HUMAN RIGHTS

- a. UN Guiding Principles on Business and Human Rights 2011 (UNGPR)
- b. Human Rights and Transnational Corporations and Other Business Enterprises 2017
- c. International Convention on the Protection of the Rights of All Migrant Workers and the Members of their Families, 1990
- d. Supreme Court and High Courts (civil and criminal jurisdiction)
- e. National Human Rights Commission (NHRC)
- f. National Commission for
 - Women Rights
 - Child Rights

MODULE III - REGULATORY FRAMEWORK AND JUDICIAL MECHANISM IN INDIA

- a. National Voluntary Guidelines on Social, Environmental & Economic Responsibilities of Business, 2018
- b. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and relevant case studies
- c. National Action Plan on Business and Human Rights

MODULE IV - GRIEVANCE RESOLUTION IN INTERNATIONAL CASES

- a. Options available to individuals to enforce his/her rights
- b. How to bring the civil claim and criminal claim against corporations in?
 - National court
 - Foreign court

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Palika Sikerwar

- c. How to use International Corporate Grievance Mechanism and regulatory bodies to hold corporations accountable

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Mukul Sharma, Human Rights in A Globalised World
2. Manoj Kumar Sinha, Business and Human Rights
3. Jeffery F. Addicott, Md. Jahid Hossain Bhuiyan, & Tareq M. R. Chowdhury Globalization International Law, And Human Rights
4. Chiranjivi J. Nirmal Ed., Human Rights in India
5. NS Sidharthan, K Narayan, 'Human Capital and Development- An Indian Experience

JOURNALS/ARTICLES

1. Business & Human Rights- A Brief Introduction,
<https://www.business-humanrights.org/en/business-human-rights-a-brief-introduction>
2. Legally Binding Instrument to Regulate, In International Human Rights Law, The Activities of transnational Corporations and other Business Enterprises
3. Adrij Chakraborty and Anahita Mehra, United Nations Guiding Principles and The Business and Human Rights in India.
4. Dr Vandana Shiva, Research Foundation for Science, Technology and Ecology (RFSTE)
5. Geneva Academy of International Humanitarian Law and Human Rights, 'India- International Treaties Adherence', http://www.geneva-academy.ch/RULA//international_treaties.php?id_state=107

FURTHER READING:

BOOKS

1. Daniel Fischlin & Martha Nandorfy, The Concise Guide to Global Human Rights (Oxford University Press)
2. Mrs Annie John Ed., Dialectics and Dynamics of Human Rights (Asia Law House, 2012)
3. Andrew Clapham and Scott Jerbi, 'Categories of Corporate Complicity in Human Rights Abuses' (2001)
4. Dr S.K. Kapoor, Human Rights Under International Law and Indian Law
5. Girija, K. Pushpavalli & P. Subhashree, Human Rights-An Overview
6. Jack Donnelly, Universal Human Rights in Theory and Practice

Handwritten signatures and notes:
Bakon, J.P.L.H., Harina, Palika Sikarwar, Harina, Palika Sikarwar

7. A.N. Dange, Human Rights and International Law Practices
8. Dr H. O. Agarwal International Law and Human Rights
9. Mary Wollstonecraft, Vindication of the Rights of Women
10. Lennar Cernic, The Future of Business and Human Rights- Theoretical and Practical Considerations for a UN Treaty

JOURNALS/ARTICLES

1. Lubna Kably, 'ICAI issues norms for CSR accounting by cos', <http://timesofindia.indiatimes.com/business/india-business/ICAI-issues-norms-for-CSR-accounting-by-cos/articleshow/47349754.cms>.
2. Olivier De Schutter, 'Towards a New Treaty on Business and Human Rights' (2015), Business and Human Rights Journal
3. OHCHR, 'State National Action Plans', <http://www.ohchr.org/EN/Issues/Business/Pages/NationalActionPlans.aspx>
4. Jonathan Hills, 'Coca Cola in India- a Case Study', CSR Asia (14 June 2005), <http://csr-asia.com/csr-asiaweekly-news-detail.php?id=4146>
5. Justin Rowlett, 'The Indian women who took on a multinational and won', BBC News (19 October 2015), <http://www.bbc.com/news/world-asia-india-34513824>
6. Kaushik Basu, 'Why India Needs Labour Reform', BBC News (27 June 2005), http://news.bbc.co.uk/2/hi/south_asia/4103554.STM
7. Surabhi, 'Labour Reform- On Track but Tough Job Ahead', <http://indianexpress.com/article/india/politics/labour-reforms-on-track-but-tough-job-ahead/>
8. Amrita Madhukalya, 'Two-thirds of Government Departments Don't Have Sexual Harassment Committees', <http://www.dnaindia.com/india/report-two-thirds-of-governmentdepartments-don-t-have-sexual-harassment-committees-2103799>.
9. Geneva Academy of International Humanitarian Law and Human Rights, 'India- International Treaties Adherence', http://www.geneva-academy.ch/RULAC/international_treaties.php?id_state=107
10. Ratner, S. (2001). Corporations and Human Rights: A Theory of Legal Responsibility.
11. The Yale Law Journal, 111(3), 443-545. doi:10.2307/797542

CASES FOR GUIDANCE

1. Perumatty Grama Panchayat vs State of Kerala, 2004 (1) KLT 731
2. People's Union for Democratic Rights v Union of India (1982) 3 SCC 235
3. Electricity Board, Rajasthan v Mohan Lal (1967) 3 SCR 377

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Prof. P. H. Harina

Patika Sikarwar

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4. R D Shetty v International Airport Authority, AIR (1979) SC 1628
5. Ajay Hasia v Khalid Mujib AIR (1981) SC 487
6. Pradeep Kumar v Indian Institute of Chemical Biology (2002) 5 SCC 111
7. Tekraj Vasandi v Union of India AIR 1988 SC 469
8. Chander Mohan Khanna v National Council of Educational Research and Training AIR 1992SC 76.
9. Zee Telefilms Ltd v Union of India (2005) 4 SCC 649
10. Chairman, Railway Board v Chandrima Das AIR 2000 SC 988
11. MCD v Uphaar Tragedy Victims Association (2011) 14 SCC 481
12. Kirloskar Brothers Ltd v Employees' State Insurance Corporation (1996) 2 SCC 682
13. TN Godavarman Thirumalpad v Union of India (2002) 10 SCC 606
14. Rural Litigation Entitlement Kendra v State of Uttar Pradesh AIR (1985) SC 652
15. Odisha Mining Corporation v Ministry of Environment and Forest (2013) 6 SCC 476
16. SEC Vs. KBR (Kellogg, Brown and Root)- A Subsidiary of Halliburton Corporation, Civil Action No.- 4-09-399, United States District Court Southern District of Texas Houston Division
17. Nuziveedu Seeds Ltd. And Others. vs Monsanto Technology Llc and Others., 6/2017, C.M. APPL.14331, 14335, 15669, 17064/2017 Delhi High Court
18. State of Maharashtra Vs. Madhukar Narayan Mardikar, AIR 1991 SC 207
19. Vishaka and others Vs. State of Rajasthan (1997) 6 SCC 241, AIR 1997 SC 3011
20. Nestlé USA, Inc., Petitioner Vs. John Doe I, et al., 17-55435 U.S. 9th Cir. 2019

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LL.M. GENERIC ELECTIVE PAPER –I**SUBJECT: INTERNATIONAL PERSPECTIVES OF SOCIO-ECONOMIC
CRIMES****PAPER CODE: LLMC105****CREDITS:03****OBJECTIVES OF THE COURSE:**

Economic crime is fraud in its various manifestations, is among the costliest of all criminal activities the proliferation of anonymous financial transactions is accompanied by a commensurate proliferation of opportunities for the betrayal of trust. There are several major forms of economic crime that confront society in the new millennium. The various categories of economic crimes are not mutually exclusive but are intended to illustrate the range and variety of economic crimes. Economic crime covers a wide range of offences, from financial crimes committed by banks, tax evasion, insurance fraud, illicit capital heavens, money laundering, crimes committed by public officials (like bribery, embezzlement, traffic of influences, etc.) among many others. This subject will highlight various parameters of economic crime from a national and international perspective.

After undergoing the study, the student will be able:

CO1: to explore the problem of domestic legislation when the – circumstances and proceedings of the crime take place outside the territorial jurisdiction of India.

CO2: to analyze the fact that, unlike other crimes, economic crimes may continue to increase in the coming years, adversely affecting economic, national and international security situations

CO3: to Interpret and appropriately apply the laws and procedures associated with identifying, acquiring, examining and presenting digital evidence

CO4: to understand some of the major problems faced in coping with an economic crime in the areas of detection, investigation, prosecution.

LEARNING OUTCOME

1. The subject will act as a springboard for future research and also be useful for new Developing Countries which may have to encounter a similar economic crime phenomenon.
2. Will explore the problem of domestic legislation when the – circumstances and proceedings of the crime take place outside the territorial jurisdiction of India.
3. Aims to analyze the fact that, unlike other crimes, economic crimes may continue to increase in the coming years, adversely affecting economic, national and international security situations.

Deans

Prof. Dr. P. S. Sankar

Prof. Dr. P. S. Sankar

Pallavi Sikarwar

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Prof. Dr. P. S. Sankar

Pallavi Sikarwar

4. *Interpret and appropriately apply the laws and procedures associated with identifying, acquiring, examining and presenting digital evidence*
5. *Students will be introduced to the current research in economic crimes, This will encourage them to define research problems and develop effective solutions*

COURSE OUTLINE

MODULE – I: Economic Crime in a Globalizing Society

- a. Economic Crimes – Across the World – Typology, New Trends and Countermeasures
- b. Measuring the Impact of Economic Crime – Economic crime: A Comparative Analysis
- c. Prevention and control of Economic crime

MODULE – II: Bank Frauds, Debit and Credit Card Fraud – Prevention and Detection

- a. Banking sector fraud – Fraud risk management at Banks
- b. Banking Regulations (Including Codes & Ethics)
- c. Investigation – Implementation – Preventive security controls in the Indian banking industry
- d. Types and Techniques of Debit and Credit Card Frauds – Payment Systems: Domestic and International
- e. Debit and Credit Card Fraud Detection Techniques – Challenges in Debit and Credit Card Detection
- f. Regulation and governance – Countermeasures to combat card payment fraud

MODULE – III: Securities, Capital Markets and Frauds in Insurance Sector

- a. Types of insurance fraud – Detecting insurance fraud
- b. Risk Management in General and Life Insurance – Grievance Redressal Mechanism in General Insurance – Mechanism to Identify, Avoid, Prevent Frauds
- c. Vigilance Mechanism in General Insurance – Role & Significance of Information Technology in Insurance Frauds
- d. Functions of Capital Market – Structure of Capital Market – Difference between Capital Market and Money Market
- e. Role of SEBI in Capital Market – Legal and Regulatory Framework of Securities Markets
- f. Recent Developments in the Indian Capital Market

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P. Ph. H. Sharma

Pallab Sikarwar

Pallab Sikarwar

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MODULE – IV: Legal Processes and Regulatory Framework for Economic Crimes

- a. Legal Framework to prevent, control Economic Crimes
- b. Regulatory & Rating Agencies – Regulatory Authorities – Financial Intelligence – Investigation
- c. International Endeavors – Mutual Legal Assistance Treaty

BIBLIOGRAPHY**RECOMMENDED READING:****BOOKS**

1. Chandra Mahesh, 1979, Socio-Economic Crime, N.M. Tripathi Pvt. Ltd.
2. Lal Bhure, 2003, Money Laundering: An insight into the dark world of Financial Frauds, Siddharth Publications.
3. Analoui, Farhad and Kakabadse, Andrew, 2004, Corporate sabotage, Jaico Publishing House.
4. Sachdeva, Updesh Singh, 1987, Frauds and Bankers, Prevention and Detection Techniques, UDHP Publishers.
5. Pitchandi N and Sivamurthy A, 1987, Crimes and Security in Banks, Institute of Criminological Research, Education and Services, Madras.

JOURNALS / ARTICLES

1. The application of data mining techniques in financial fraud detection: A classification framework and an academic review of literature, Ngai EHu YWong Y et al. See more, Decision Support Systems (2011) 50(3) 559 – 569
2. Credit card fraud and detection techniques: A review, Delamare LABdou HPointon J, Banks and Bank Systems, ISSN: 19917074
3. White-collar crime and the criminal justice system: Government response to bank fraud and corruption in China, Cheng H Ling L, Journal of Financial Crime (2009) 16(2) 166 – 179
4. Internal controls in fraud prevention effort: A case study, Hamdani RAibar A, Jurnal Akuntansi & Auditing Indonesia (2016) 20(2) 127 – 135
5. A Fraud Detection Approach with Data Mining in Health Insurance, Kirlidog MASuk C, Procedia – Social and Behavioral Sciences (2012) 62 989 – 994

FURTHER READING:**BOOKS**

1. Bologna, Jack, 1984, Corporate Fraud, Butterworth Publishers.
2. Nabhi's Income Tax Guidelines and Mini Ready Reckoner, 2009, A Nabhi Publishing.
3. Reuvid Jonathan, 1995, The Regulation and Prevention on Economic Crimes, Kogan Page Ltd.

Pallab Sikarwar

Prashant Sharma *Pallab Sikarwar* 159
Prashant Sharma *Pallab Sikarwar*

4. Lal Bhure, 2003, Money Laundering. An insight into the dark world of Financial Frauds, Siddharth Publications.
5. Reuvid Jonathan, 1995, The Regulation and Prevention on Economic Crimes, Internationally, Kogan Page Ltd.
6. Mansukani H.L., 1975, Smuggler's Paradise and Foreign Exchange Law, Vikas Publishing House Pvt. Ltd.
7. Pitchandi, Nand Sivamurthy. A, 1987. Crimes and Security in Banks, Institute of Criminological Research, Education and Services, Madras.
8. Vadakumchery James, 1985, Bankers, Safety in Money Transactions, Sound Books, Trivandrum.
9. Pitchandi, Nand Sivamurthy. A, 1985. Insurance Frauds, The Indian Society of Criminology, Department of Psychology, Madras.

JOURNALS / ARTICLES

1. Data mining for credit card fraud: A comparative study Bhattacharyya S Jha S Tharakunnel K Decision Support Systems (2011) 50(3) 602 – 613
2. A security-enhanced one-time payment scheme for the credit card, Li Y Zhang X, Proceedings of the IEEE International Workshop on Research Issues in Data Engineering (2004) 14 40 – 47
3. The impact of fraud prevention on the bank – customer relationships: An empirical investigation in retail banking, Hoffmann A Birnbrich C, International Journal of Bank Marketing (2012) 30(5) 390 – 407
4. A taxonomy of financial market manipulations: Establishing trust and market integrity in the financialized economy through automated fraud detection, Siering MC Iapham B Engel O, Journal of Information Technology (2017) 32(3) 251 – 269
5. Fraud score analysis in emerging markets, Skousen CT wedt B, Cross-Cultural Management: An International Journal (2009) 16(3) 301 – 316
6. A novel model for credit card fraud detection using Artificial Immune Systems, Soltani Halvaei NAKbari M, Applied Soft Computing Journal (2014) 24 40 – 49
7. Employing transaction aggregation strategy to detect credit card fraud, Jha S Guillen Christopher Westland J, Expert Systems with Applications (2012) 39(16) 12650 – 12657
8. Credit card fraud: awareness and prevention, Barker KD'Amato J Sheridon P, Journal of Financial Crime

Prakash

P.P. Singh

Pallavi Sikarwar

Pallavi Sikarwar
160

Prakash

Pallavi

9. A survey of the machine-learning and nature-inspired based credit card fraud detection techniques, Adewumi A Akinyelu A, International Journal of Systems Assurance Engineering and Management (2017) 8 937 – 953
10. Credit Card Fraud Detection Using Neural Network, Nath D, International Journal of Soft Computing and Engineering (IJSCE) (2014) 2(April) 84 – 88

CASES FOR GUIDANCE

1. Abdul Karim Telgi and Sohail Khan Vs. Union of India, through CBI, 2014(2) JLI136
2. Pareena Swarup Vs. Union of India, (2008) 14 SCC 107.
3. Union of India Vs. Hassan Ali Khan & Others. [2011] 11 SCC 778.
4. Anosh Ekka Vs. Central Bureau of Investigation
5. Hari Narayan Rai Vs. The Union of India
6. Arun Kumar Mishra Vs. Director/ Principal of Enforcement in the High Court of Delhi (2015)
7. Shiv Kant Tripathi Vs. State OF U.P. 2013 (6) ADJ 672.
8. B. Rama Raju, S / O B. Ramalinga Raju Vs. Union of India [2011] 108 SCL 491 (AP);
9. Centre for Public Interest Litigation Vs. The Union of India, (2011) 1 SCC 560
10. Global Money Laundering Ring of Iqbal Mirchi
11. Iqbal Mohammed Memon Vs. State of Maharashtra (1996 CriLJ 2418)
12. Hajra Iqbal Memon Vs. Union of India (AIR 1999 Delhi 271)
13. Sajjan Bank (Pvt.) Ltd. Vs. Reserve Bank of India, AIR 1961 Mad. 8
14. Canara Bank Vs. P.R.N. Upadhyaya (1998) 6 SCC 526
15. Mithoolal Nayak Vs. Life Insurance Corporation of India AIR 1962 SC 814
16. Kasim Ali Bulbul Vs. New India Assurance Co. AIR 1968 J & K 39
17. Smt. Krishna Wanti Puri Vs. Life Insurance Corporation of India AIR 1975 Del. 19
18. Smt. Dipashri Vs. Life Insurance Corporation of India AIR 1985 Bom. 192
19. Life Insurance Corporation of India Vs. Asha Goel (2001) 2 SCC 160: AIR 2001 SC 549
20. New India Assurance Company Ltd. Vs. M / s. Zuari Industries Ltd. (2009) 9 SCC 70

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Pawan

Shaf

Prof. Harina

Palika Sikarwar

Palika Sikarwar

Harina

Shaf