

**Madhusudan Law University, Cuttack
Odisha- 753003**

Syllabus and Regulations for LL.M.

TWO YEARS PROGRAMME

(UNDER CHOICE BASED CREDIT SYSTEM)

PART – I

Syllabus for LL.M. Course

**MADHUSUDAN LAW UNIVERSITY,
CUTTACK**

**SYLLABUS FOR THE MASTER OF LAWS (LL.M.) EXAMINATION (SEMESTER COURSE)
UNDER CHOICE BASED CREDIT SYSTEM**

This syllabus has been designed on Choice Based Credit System as per the guidelines provided by University Grant Commission and the Curriculum Development Centre of U.G.C. This LL.M. Programme is projected to train future researchers and the students to enquire and also to explore about the legal frame work of the contemporary society.

This syllabus (on Choice Based Credit System) for Master of Laws (LL.M.) examination consists of four semesters. The 1st Semester shall cover the period from July to December and 2nd Semester from January to June during the first academic session. Similarly, the 3rd Semester shall commence from July to December and 4th Semester from January to June of the second academic session.

The course design shall be as follows:

Semester	Core Subjects (Compulsory)	Elective Subjects (Special Papers)	Total Papers	Marks @100/Paper
First	2	2	4	400
Second	2+1 (Practical)	2	5	500
Third		2	2	200
Fourth	1 (Dissertation & Viva-Voce equivalent to 2 Papers having 200 marks)		1	200
Total No. of Papers (Core + Elective) = 12		Total Marks = 1300		

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

The students shall have to do all the Core Courses (four theory courses, the dissertation, and the practical) and six papers from a single Optional (Specialization) Group i.e. Elective Courses. A thorough knowledge in a particular branch of law is the objective of LL.M. Programme.

The Credits specified for LL.M. Programme describe the weightages of various courses of the programme. The number of Credits along with Grade Points that the student has satisfactorily completed, measures the performance of the student. Satisfactory progress of a student is subject to his/ her maintaining a minimum Cumulative Grade Point Average (CGPA), as well as minimum Grades in different subjects of the programme. Description of Credit distribution for the course has been given below:

NO. OF CORE PAPERS:

(A) 1st SEM 02 + 2nd SEM 02 = 04 PAPERS

(B) PRACTICAL PAPER (in 2nd SEM) = 01 PAPER

(B) DISSERTATION AND VIVA-VOCE (in 4th SEM) = 01 PAPER

[Though it is 01 paper but will be considered as equivalent to 02 papers as it is of 200 marks]

NO. OF ELECTIVE PAPERS:

1st SEM 02 + 2nd SEM 02+ 3rd SEM 02 = 06 PAPERS

[Elective papers are meant for Specialization and Students are to choose, as per their choice, any one of the Specialization Subject (for all the three semesters) mentioned in the syllabus]

TOTAL NO. OF SEMESTERS = 04

TOTAL PAPERS OF ALL SEMESTERS = 12

EACH PAPER CONSISTS OF 04 CREDITS

TOTAL NO. CREDITS = 52

[11 Papers (10 theory papers + 01 practical paper) x 04 = 44 Credits + Dissertation and Viva-voce (equivalent to 02 papers) = 08 Credits]

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

The following shall be the Subjects and the Courses of Study for Master of Laws (LL.M.) Examination. All the Core Subjects are compulsory for Students.

CORE SUBJECTS (CS)

1. Judicial Process
2. Legal Education and Research Methodology
3. Indian Constitutional Law: The New Challenges
4. Law and Social Transformation in India
5. Practical
6. Dissertation and Viva-Voce

ELECTIVE SUBJECTS (ES) (OPTIONAL GROUPS AS SPECIALIZATION)

1. Constitution and Legal Order (Group-1)
2. Business Law (Group-2)
3. Criminal Law (Group-3)
4. International Law and Organization (Group-4)
5. Human Rights (Group-5)
6. Labour, Capital and Law (Group-6)
7. Environment and Legal Order (Group-7)
8. Jurisprudence (Group-8)
9. Feminist Critique of Legal Order (Group-9)
10. Administrative Law (Group-10)
11. Science, Technology and Law (Group-11)

DISTRIBUTION OF CORE SUBJECTS (CS) AND ELECTIVE SUBJECTS (ES) (OPTIONAL GROUPS AS SPECIALIZATION)

The systematic distribution of core subjects and elective subjects over 4 Semesters shall be as follows:

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

CORE SUBJECTS (CS)

1st Semester

1. LL.M.-CS-01-P-I: Judicial Process
2. LL.M.-CS-02-P-II: Legal Education and Research Methodology

2nd Semester

1. LL.M.-CS-03-P-V: Indian Constitutional Law: The New Challenges
2. LL.M.-CS-04-P-VI: Law and Social Transformation in India
3. LL.M.-CS-05-P-VII: Practical

4th Semester

1. LL.M.-CS-06-P-XII: Dissertation and Viva-Voce

ELECTIVE SUBJECTS (ES) (OPTIONAL GROUPS AS SPECIALIZATION)

1st Semester

1. LL.M.-ES-SP-G01: Constitution and Legal Order (Group-1)

LL.M.-ES-SP-G01-P-III: Mass Media law

LL.M.-ES-SP-G01-P-IV: Public Utilities law

2. LL.M.-ES-SP-G02: Business Law (Group-2)

LL.M.-ES-SP-G02-P-III: Law of Industrial and Intellectual Property

LL.M.-ES-SP-G02-P-IV: Legal Regulation of Economic Enterprises

3. LL.M.-ES-SP-G03: Criminal Law (Group-3)

LL.M.-ES-SP-G03-P-III: Comparative Criminal Procedure

LL.M.-ES-SP-G03-P-IV: Penology: Treatment of Offenders

4. LL.M.-ES-SP-G04: International Law and Organization (Group-4)

LL.M.-ES-SP-G04-P-III: International Law and Organisation: Law, Practice and Future

LL.M.-ES-SP-G04-P-IV: Disarmament and Peace Strategies

5. LL.M.-ES-SP-G05: Human Rights (Group-5)

LL.M.-ES-SP-G05-P-III: Concept and Development of Human Rights

LL.M.-ES-SP-G05-P-IV: Human Rights and International Order

6. LL.M.-ES-SP-G06: Labour, Capital and Law (Group-6)

LL.M.-ES-SP-G06-P-III: Collective Bargaining

LL.M.-ES-SP-G06-P-IV: Industrial Adjudication

7. LL.M.-ES-SP-G07: Environment and Legal Order (Group-7)

LL.M.-ES-SP-G07-P-III: Environment and Development: Law and Policy

LL.M.-ES-SP-G07-P-IV: Resource Management and the Law

8. LL.M.-ES-SP-G08: Jurisprudence (Group-8) LL.M.-

ES-SP-G08-P-III: Comparative Judicial Process LL.M.-ES-

SP-G08-P-IV: Marxian Theory of Law

9. LL.M.-ES-SP-G09: Feminist Critique of Legal Order (Group-9)

LL.M.-ES-SP-G09-P-III: Feminist Theorizing and Legal Order LL.M.-

ES-SP-G09-P-IV: Nationalist Struggle and Gender Equality

10. LL.M.-ES-SP-G10: Administrative Law (Group-10)

LL.M.-ES-SP-G10-P-III: Administrative Process: Nature and Scope

LL.M.-ES-SP-G10-P-IV: Administrative Process and Judicial Control

11. LL.M.-ES-SP-G11: Science, Technology and Law (Group-11)

LL.M.-ES-SP-G11-P-III: Law, Science and Technology

LL.M.-ES-SP-G11-P-IV: Law, Science and Medicine

2nd Semester

1. LL.M.-ES-SP-G01: Constitution and Legal Order (Group-1)

LL.M.-ES-SP-G01-P-VIII: Union-state Financial Relations

LL.M.-ES-SP-G01-P-IX: Constitutionalism: Pluralism and Federalism

2. LL.M.-ES-SP-G02: Business Law (Group-2)

LL.M.-ES-SP-G02-P-VIII: Law of Export - Import Regulation

LL.M.-ES-SP-G02-P-IX: Banking Law

3. LL.M.-ES-SP-G03: Criminal Law (Group-3)

LL.M.-ES-SP-G03-P-VIII: Privileged Class Deviance

LL.M.-ES-SP-G03-P-IX: Drug Addiction, Criminal Justice and Human Rights

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

4. LL.M.-ES-SP-G04: International Law and Organization (Group-4)

LL.M.-ES-SP-G04-P-VIII: International Humanitarian Law

LL.M.-ES-SP-G04-P-IX: Law and Diplomacy

5. LL.M.-ES-SP-G05: Human Rights (Group-5)

LL.M.-ES-SP-G05-P-VIII: Protection and Enforcement of Human Rights in India

LL.M.-ES-SP-G05-P-IX: Human Rights of Disadvantaged Groups

6. LL.M.-ES-SP-G06: Labour, Capital and Law (Group-6)

LL.M.-ES-SP-G06-P-VIII: Law Relating to Civil Servants

LL.M.-ES-SP-G06-P-IX: Agricultural Labour

7. LL.M.-ES-SP-G07: Environment and Legal Order (Group-7)

LL.M.-ES-SP-G07-P-VIII: Prevention and Control of Pollution

LL.M.-ES-SP-G07-P-IX: Environment and International Legal Order

8. LL.M.-ES-SP-G08: Jurisprudence (Group-8)

LL.M.-ES-SP-G08-P-VIII: Socialist Jurisprudence

LL.M.-ES-SP-G08-P-IX: Concepts of Justice

9. LL.M.-ES-SP-G09: Feminist Critique of Legal Order (Group-9)

LL.M.-ES-SP-G09-P-VIII: Patriarchal Elements in Indian Law

LL.M.-ES-SP-G09-P-IX: Gender Justice Standards at International Law

10. LL.M.-ES-SP-G10: Administrative Law (Group-10)

LL.M.-ES-SP-G10-P-VIII: Public Authorities: Liability

LL.M.-ES-SP-G10-P-IX: Public Authorities and Power Holders: Controls on
Maladministration

11. LL.M.-ES-SP-G11: Science, Technology and Law (Group-11)

LL.M.-ES-SP-G11-P-VIII: The Electronics Revolution and Legal Order

LL.M.-ES-SP-G11-P-IX: Nuclear Technology: Dilemmas of Legal Controls

3rd Semester

1. LL.M.-ES-SP-G01: Constitution and Legal Order (Group-1)

LL.M.-ES-SP-G01-P-I-X: Human Rights

LL.M.-ES-SP-G01-P-XI: National Security, Public Order and Rule of Law

2. LL.M.-ES-SP-G02: Business Law (Group-2)

LL.M.-ES-SP-G02-P-X: Insurance Law

LL.M.-ES-SP-G02-P-XI: Corporate Finance

3. LL.M.-ES-SP-G03: Criminal Law (Group-3)

LL.M.-ES-SP-G03-P-X: Juvenile Delinquency

LL.M.-ES-SP-G03-P-XI: Collective Violence

4. LL.M.-ES-SP-G04: International Law and Organization (Group-4)

LL.M.-ES-SP-G04-P-X: Law of the Sea

LL.M.-ES-SP-G04-P-XI: International Law and Contemporary Issues

5. LL.M.-ES-SP-G05: Human Rights (Group-5)

LL.M.-ES-SP-G05-P-X: International Humanitarian Law and Refugee Law

LL.M.-ES-SP-G05-P-XI: Science, Technology and Human Rights

6. LL.M.-ES-SP-G06: Labour, Capital and Law (Group-6)

LL.M.-ES-SP-G06-P-X: Wages

LL.M.-ES-SP-G06-P-XI: Social Security Law

7. LL.M.-ES-SP-G07: Environment and Legal Order (Group-7)

LL.M.-ES-SP-G07-P-X: Biological Diversity and Legal Order LL.M.-

ES-SP-G07-P-XI: Environmental Legislation

8. LL.M.-ES-SP-G08: Jurisprudence (Group-8)

LL.M.-ES-SP-G08-P-X: Law and Society

LL.M.-ES-SP-G08-P-XI: Theories of Rights

9. LL.M.-ES-SP-G09: Feminist Critique of Legal Order (Group-9)

LL.M.-ES-SP-G09-P-X: Labour, Gender and the Law

LL.M.-ES-SP-G09-P-XI: Population Planning and Gender Justice

10. LL.M.-ES-SP-G10: Administrative Law (Group-10)

LL.M.-ES-SP-G10-P-X: Local Self-government Law LL.M.-

ES-SP-G10-P-XI: Comparative Administrative Law

11. LL.M.-ES-SP-G11: Science, Technology and Law (Group-11)

LL.M.-ES-SP-G11-P-X: Bio-technology and Legal Regulation

LL.M.-ES-SP-G11-P-XI: Epidemiological and Public Health Aspects of Science and Technology

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

Students are to elect any one of the Specialization Subject for 1st, 2nd and 3rd semesters. Once they elect any one specialization in 1st Semester, it cannot be changed in subsequent semesters. However, the University/Colleges reserves/reserve the right to offer specializations, subject to availability of teaching and other logistic facilities. The Head of the Department/Principal will notify the availability of specializations before the commencement of the class of 1st Semester. Each student shall apply in writing to the Head of the Department/Principal expressing his/her options for specialization subjects within the first week of the 1st Semester of that academic session. The Head of the Department/Principal shall then notify the names of the students and their respective specializations in the Notice Board.

LL.M. SYLLABUS

SEMESTER – I

CORE SUBJECTS (CS) FOR 1ST SEMESTER

PAPER - I

LL.M.-CS-01-P-I: JUDICIAL PROCESS

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

UNIT I: Nature of Judicial Process

- 1.1. Judicial Process as an instrument of social ordering
- 1.2. Judicial Process and Creativity in Law- Common Law, Statutory and Codified System
- 1.3. Dimensions of Judicial Process-Kinds, Stages and Drawbacks
- 1.4. Tools and Techniques of Judicial Creativity- Doctrine of Precedent, Ratio decidendi, Obiter dicta

UNIT II: Judicial Process in India

- 2.1. Independence of Judiciary and Political nature of Judicial Process
- 2.2. Concept of Judicial Review, Dimensions of Judicial Review in Constitutional adjudication
- 2.3. Judicial activism, Dimensions of Judicial Activism, Structural Challenges
- 2.4. Judicial Restraint, Institutional liability of Courts-Scope and Limits

UNIT III: Concept of Justice

- 3.1. Justice: Meaning, Concept of Dharma as foundation of legal ordering in Indian

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

Thought

3.2. Theoretical Basis of Justice- The Liberal Contractual Tradition, the Liberal Utilitarian Tradition and the Liberal moral tradition

3.3. Idea of Justice- Aristotle and Plato's theory of Justice, Immanuel Kant, Robert Nozick

3.4. John Rawls-Justice as Fairness, Amartya Sen's Idea of Justice

Unit IV: Law and Justice in Globalising World

4.1. Relationship between Law and Justice- Equivalence Theories, Dependency Theories

4.2. Analysis of cases of Supreme Court influence of theories of Justice

4.3. Globalisation- Emerging Dimensions, Idea of Global Commons, Impact of Globalisation on Judicial Process and Access to Justice

4.4. Transnational Justice, Rule of Law in Globalised World, Role of International Organisations.

Select Bibliography

1. Julius Stone, The Province and Function of Law, Part II, Chs. 1. 8-16 (2000), Universal, New Delhi
2. Cardozo, The Nature of Judicial Process (1995) Universal, New Delhi
3. Henry J. Abraham, The Judicial Process (1998), Oxford
4. J. Stone, Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworths
5. W. Friedmann, Legal Theory (1960), Stevens, London
6. Bodenheimer, Jurisprudence - the Philosophy and Method of the Law (1997), Universal, Delhi
7. J. Stone, Legal System and Lawyers' Reasonings (1999), Universal, Delhi
8. U. Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow
9. Rajeev Dhavan, The Supreme Court of India - A Socio -Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay
10. John Rawls, A Theory of Justice (2000), Universal Publishing: Delhi
11. Edward H. Levi, An Introduction to Legal Reasoning (1970), University of Chicago
12. Prof. Upendra Baxi, The Future of Human Rights, (2006), Oxford University Press.
13. Prof. Upendra Baxi, 'Access to Justice in a Globalized Economy: Some Reflections', ILI Golden Jubilee, (2006)
14. Manfred B. Steger, Globalization: A Very Short Introduction, Oxford University

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

Press (3rd Ed. 2013)

15. Alison Brysk and Arturo Jiminez-Bacardi, The Politics of the Globalization of Law-Getting from Rights to Justice, Routledge (1st ed., 2014).

16. Amartya Sen, The Idea of Justice, Penguin India (2011)

PAPER - II

LL.M.-CS-02-P-II: LEGAL EDUCATION AND RESEARCH METHODOLOGY

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)

NO.OF CREDITS – 4

SYLLABUS

Unit – I : Legal Education System in India

- 1.1. Objectives and Status of Legal Education in India
- 1.2. Role of Bar Council of India and University Grants Commission
- 1.3. Continuing Legal Education
- 1.4. Globalization and future of Legal Education

Unit – II : Law Curriculum, Teaching Methods and Examination System

- 2.1. Present Curriculum Model – Defects and possible alternatives
- 2.2. Methods of Law Teaching – Lecture Method, Seminar Method, Problem Method, Discussion Method
- 2.3. Clinical Legal Education
- 2.4. Examination system and Evaluation Process – The Problems and its Solution

Unit – III : Research Methods and Identification of Research Problem

- 3.1. Research methods: Socio-legal research, Doctrinal and non-doctrinal research, Relevance of empirical research, Induction and Deduction
- 3.2. Identification of research problem
- 3.3. Survey of available literature and bibliographical research
- 3.3.1. Legislative materials including subordinate legislation, notification and policy

statements

3.3.2. 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

3.3.3. Juristic writings - a survey of juristic literature relevant to select problems in India and foreign periodicals

3.4. Compilation of list of reports or special studies conducted relevant to the problem

Unit – IV : Preparation of the Research Design

4.1. Formulation of the Research problem and Hypothesis

4.2. Devising tools and techniques for collection of data: Methodology

4.2.1. Methods for the collection of statutory and case materials and juristic literature

4.2.2. Use of historical and comparative research materials

4.2.3. Use of observation studies

4.2.4. Use of questionnaires/interview

4.2.5. Use of case studies

4.2.6. Sampling procedures - design of sample, types of sampling to be adopted.

4.2.7. Use of scaling techniques

4.3. Classification and tabulation of data - Use of cards for data collection - Rules for tabulation; Explanation of tabulated data

4.4. Analysis of data

Select Bibliography

1. High Brayal, Nigel Dunean and Richard Crimes, Clinical Legal Education: Active Learning in your Law School, (1998) Blackstone Press Limited, London

2. S.K.Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay

3. N.R. Madhava Menon, (Ed.) A Handbook of Clinical Legal Education, (1998), Eastern Book Company, Lucknow

4. M.O.Price, H.Bitner and Bysiewicz, Effective Legal Research (1978)

5. Pauline V.Young, Scientific Social Survey and Research,(1962)

6. William J. Grade and Paul K. Hatt, Methods in Social Research, Mc Graw-Hill Book

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

Company, London

7. H.M.Hyman, Interviewing in Social Research (1965)
8. Payne, The Art of Asking Questions (1965)
9. Erwin C. Surrency, B.Fielf and J. Crea, A Guide to Legal Research (1959)
10. Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.
11. Havard Law Review Association, Uniform System of Citations
12. ILI Publication, Legal Research and Methodology

ELECTIVE SUBJECTS (ES)(SPECIALIZATION) FOR 1ST SEMESTER

PAPER – III

LL.M.-ES-SP-G01: CONSTITUTION AND LEGAL ORDER (GROUP-1)

LL.M.-ES-SP-G01-P-III: MASS MEDIA LAW

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)

NO.OF CREDITS – 4

SYLLABUS

Unit – I : Mass media - Types of - Press Films, Radio & Television

- 1.1. Ownership patterns - Press - Private - Public
- 1.2. Ownership patterns - Films - Private
- 1.3. Ownership patterns - Radio & Television, Public
- 1.4. Difference between visual and non- visual Media - impact on people's minds

Unit – II : Press - Freedom of Speech and Expression - Article 19 (1) (a)

- 2.1. Freedom of the Press and Constitution of India
- 2.2. Laws of defamation, obscenity, blasphemy and sedition
- 2.3. Advertisement - is it included within freedom of speech and expression?
- 2.4. Press and the Monopolies and Restrictive Trade Practices Act.

Unit – III : Films and electronic media and Law

- 3.1. Censorship of films - constitutionality

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3.2. Difference between films and Press - why pre-censorship valid for films but not for the press?

3.3. Censorship under the Cinematograph Act

3.4. State and Control of electronic media

Unit – IV : Mass Media Regulating Authorities

4.1. Role of Press Council under the Press Council Act, 1978

4.2. Role of Board of Film Censors under the Cinematograph Act, 1952

4.3. Role of Prasar Bharati Board under the Prasar Bharati (Broadcasting Corporation of India) Act, 1990

4.4. Regulation under the Cable Television Networks (Regulation) Act, 1995

Select Bibliography

1. M.P. Jain, Constitutional Law of India (1994) Wadhwa
2. H.M. Seervai, Constitutional Law of India Vol.I (1991) Tripathi, Bombay
3. John B. Howard, "The Social Accountability of Public Enterprises" in Law and Community Controls in New Development Strategies (International Center for law in Development 1980)
4. Bruce Michael Boyd, "Film Censorship in India: A Reasonable Restriction on Freedom of Speech and Expression ". 14 J.I.L.I. 501 (1 972)
5. Rajeev Dhavan "On the Law of the Press in India" 26 J.I.L.I. 288 (1984)
6. Rajeev Dhavan, "Legitimizing Government Rhetoric: Reflections on Some Aspects of the Second Press Commission" 26 J.I.L.I. 391(1984)
7. Soli Sorabjee, Law of Press Censorship in India (1976)
8. Justice E.S. Venkaramiah, Freedom of Press: Some Recent Trends (1984)
9. D D. Basu, The Law of Press of India (1980)
10. Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute.(Constitutional Law 1 & 11, Administrative Law and Public Interest litigation)

PAPER - III

LL.M.-ES-SP-G02: BUSINESS LAW (GROUP-2)

LL.M.-ES-SP-G02-P-III: LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY
FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)

NO. OF CREDITS – 4

SYLLABUS

Unit – I: Introduction

- 1.1. IPR and International Perspectives
- 1.2. Trademarks and Consumer Protection (Study of UNCTAD report on the subject)
- 1.3. Special Problems of the Status of Computer Software in Copyright and Patent Law: A Comparative Study
- 1.4. Patent Search, Examination and Records
 - 1.4.1. International and global patent information retrieval systems (European Patent Treaty)
 - 1.4.2. Patent Co-operation Treaty (PCT)
 - 1.4.3. Differences in resources for patent examination between developed and developing societies
 - 1.4.4. The Indian situation

Unit – II : The Legal Regime of Unfair Trade Practices and of Intellectual Industrial Property

- 2.1. United Nations approaches (UNCTAD, UNCITRAL)
- 2.2. EEC approaches
- 2.3. Position in U.S.
- 2.4. The Indian situation

Unit – III : Biotechnology Patents

- 3.1. Nature and types of biotechnology patents; Patent over new forms of life: TRIPS obligations
- 3.2. Sui generis protection for plant varieties
- 3.3. Plant patenting and Multinational ownership

3.4. Regulation of environment and health hazards in biotechnology patents; Indian policy and position

Unit – IV : Intellectual Property and Human Right

4.1. Freedom of speech and expression as the basis of the regime of intellectual property right - copyright protection on internet - WCT (WIPO Copyright Treaty, 1996)

4.2. Legal status of hazardous research protected by the regime of intellectual property law

4.3. Human right of the impoverished masses intellectual property protection of new products for healthcare and food security

4.4. Traditional knowledge - protection- biodiversity convention- right of indigenous people

Select Bibliography

1. Special attention should be given to literature of the U.N. System, WIPO and the UNESCO
2. Terence P. Stewart (ed.), The GATT Uruguay Round: A Negotiating History (1986- 1994) the End Game (Part - 1)(1999), Kluwer
3. Iver P. Cooper, Biotechnology and Law (1998), Clerk Boardman Callaghan, New York
4. David Bainbridge, Software Copyright Law (1999), Butterworths
5. Sookman, Computer Law (1998), Carswell
6. Carlos M. Correa(ed.), Intellectual Property and International Trade (1998), Kluwer
7. Patent Co-operation Treaty Hand Book (1998), Sweet and Maxwell
8. Christopher Wadlow, The Law Of Passing-Off (1998), Sweet and Maxwell
9. W.R.Cornish, Intellectual Property Law (1999), Sweet and Maxwell

PAPER – III

LL.M.-ES-SP-G03: CRIMINAL LAW (GROUP-3)

LL.M.-ES-SP-G03-P-III: COMPARATIVE CRIMINAL PROCEDURE

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)

NO. OF CREDITS – 4

SYLLABUS

Unit – I : Organisation of Courts and Prosecuting Agencies

- 1.1. Hierarchy of Criminal Courts and their jurisdiction
- 1.2. Nyaya Panchayats in India, Panchayats in tribal areas
 - 1.2.1. Grama Nyayalaya Act, 2008
- 1.3. Organisation of prosecuting agencies for prosecuting criminals
 - 1.3.1. Prosecutors and the police
- 1.4. Withdrawal of prosecution

Unit – II : Pre-trial Procedures

- 2.1. Arrest and questioning of the accused
- 2.2. The rights of the accused, Right to counsel
- 2.3. The evidentiary value of statements / articles seized / collected by the police
- 2.4. Roles of the prosecutor and the judicial officer in investigation

Unit – III : Trial Procedures

- 3.1. The accusatory system of trial and the inquisitorial system
- 3.2. Role of the judge, the prosecutor and defence attorney in the trial
- 3.3. Admissibility and inadmissibility of evidence
 - 3.3.1. Expert evidence
- 3.4. Plea bargaining

Unit – IV : Correction and Aftercare services and Preventive Measures in India

- 4.1. Institutional correction of the offenders
- 4.2. General comparison - After care services in India and France
- 4.3. The role of the court in correctional programmes in India
- 4.4. Preventive Measures in India

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4.4.1. Provisions in the Criminal Procedure Code

4.4.2. Provisions in Special enactments

Select Bibliography

1. Celia Hamptom, Criminal Procedure
 2. Wilkins and Cross, Outline of the Law of Evidence
 3. Archbold, Pleading, Evidence and Practice in Criminal Cases
 4. Sarkar, Law of Evidence
 5. K.N.Chandrasekharan Pillai(ed.), R.V. Kelkar's Outlines of Criminal Procedure (2000), Eastern, Lucknow
 6. Patric Devlin, The Criminal Prosecution in England
 7. American Series of Foreign Penal Codes Criminal Procedure Code of People's Republic of China
 8. John N. Ferdico, Criminal Procedure (1996), West
 9. Sanders & Young, Criminal Justice (1994)
 10. Criminal Procedure Code, 1973
 11. The French Code of Criminal Procedure
 12. 14th and 41st Reports of Indian Law Commission
- (The Paper will be taught with reference, wherever necessary, to the procedures in India, England, US France, Russia and China)

PAPER – III

LL.M.-ES-SP-G04: INTERNATIONAL LAW AND ORGANIZATION (GROUP-4)

**LL.M.-ES-SP-G04-P-III: INTERNATIONAL ORGANISATIONS: LAW, PRACTICE AND
FUTURE**

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)

NO. OF CREDITS – 4

SYLLABUS

Unit – I : Introduction

- 1.1. Evolution of International organization: The Concert of Europe, the League of Nations and the United Nations
- 1.2. United Nations peace-keeping functions
- 1.3. Constitution and functions of specialized agencies
- 1.4. International Commission of Jurists

Unit – II : United Nations as a Constitutional and Political System

- 2.1. Organs and Their functions
- 2.2. Law creating processes including Resolutions and Declarations of the General Assembly and Specialized Agencies
- 2.3. Financing and Problems of financial crisis
- 2.4. Secretary General of the United Nations

Unit – III : The Political Process

- 3.1. Blocks and Alliances
- 3.2. Non-aligned movement and its impact on voting in the various organs of the United Nations
- 3.3. India and the United Nations
- 3.4. The Big Two and the United Nations

Unit – IV : Peaceful Change through United Nations

- 4.1. Dispute settlement machinery of the United Nations
- 4.2. The Role of ECOSOC in bringing about peaceful change
- 4.3. UN Operational Programmes in the Social and Economic Field
- 4.4. Disarmament and Human Rights

Select Bibliography

1. D.W. Bowett, Law of International Institutions, (1982)

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

2. Ingrid Detter, Law Making by the International Organisation, (1965)
3. Stephen S.Goodspeed, Nature and Function of International Organisation, (1967)
4. Wilfred Jenks, The proper Law of International Organisations, (1962)
5. E.P.Walters, History of the League of Nations (1965)
6. D.W.Bowett, United Nations Forces: A Legal Study (1969)
7. Leland M. Goodrich, Charter of the United Nations (1969)
8. Leland M. Goodrich, United Nations in a Changing World (1974).
9. Rosalyn Higgins, Development of International Law through Political Organs of the United Nations (1963)
10. Hans Kelsen, Law of the United Nations (1954)
11. Rahmathullah Khan, Implied Powers of the United Nations (1970)
12. Edward Macwhinney, United Nations Law Making (1984)
13. M.S.Rajan, United Nations and Domestic Jurisdiction (1961)

PAPER - III

LL.M.-ES-SP-G05: HUMAN RIGHTS (GROUP-5)

LL.M.-ES-SP-G05-P-III: CONCEPT AND DEVELOPMENT OF HUMAN RIGHTS

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)

NO. OF CREDITS – 4

SYLLABUS

Unit – I : Human Rights: Concept

- 1.1. Human rights in Indian tradition: ancient, medieval and modern; Human rights in western tradition
- 1.2. Development of natural rights.
- 1.3. Human rights in international law
- 1.4. Classification of Human Rights - First, Second and Third Generations: Historical Development

Unit – II : Constitution, Legislations and Human Rights Protection

- 2.1. Constitutional Guarantees and Legislative measures for promotion and protection of human rights in India
- 2.2. Displacement and human rights protection
- 2.3. Emergence of basic need oriented human rights jurisprudence in India
- 2.4. Human Rights protection agencies

Unit – III : Human Rights: Politics and Society

- 3.1. Colonization, imperialism and human rights
- 3.2. Power, practices, accountability and transparency
- 3.3. Liberalization, privatization and globalization
- 3.4. Human duties: responsibilities and obligations

Unit – IV : Human Rights and Judicial Process

- 4.1. Judicial activism and Human Rights
- 4.2. Role of Supreme Court, High Courts, Civil and Criminal Courts, Statutory Tribunals and Special Courts
- 4.3. Survey of judicial pronouncements protecting human rights in India
- 4.4. Evolution of PIL and liberalization of locus standi

Select Bibliography

1. Angela Hegarty, Siobhan Leonard, Human Rights an Agenda for the 21st Century (1999)
2. Lalit Parmer, Human Rights, (1998)
3. Rama Jois, Human Rights: Bharatiya Values, (1998).
4. David P. Forsythe, Human Rights in International Relations
5. Lon L. Fuller, The Morality of Law
6. John Finnis, Natural Law and Natural Rights, (1980)
7. Julius Stone, Human Law and Human Justice, (2000), Universal, New Delhi
8. M.G.Chitkara, Human Rights: Commitment and Betrayal, (1996)
9. V.D. Kulshreshtra, Landmarks in the Indian Legal and Constitutional History, (1995)

10. Robert Lewngat, The Classical Law of India (1998), Oxford

PAPER – III

LL.M.-ES-SP-G06: LABOUR, CAPITAL AND LAW (GROUP-6)

LL.M.-ES-SP-G06-P-III: COLLECTIVE BARGAINING

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)

NO. OF CREDITS – 4

SYLLABUS

Unit – I : Freedom of Organization and Collective Bargaining

- 1.1. International norms: right to association of industrial and unorganised labour
- 1.2. Right to association in India: the constitutional and legal aspects
- 1.3. Conception of collective bargaining: A comparative appraisal
- 1.4. Methodological aspects

Unit – II : Collective Bargaining and Political Processes

- 2.1. Types of bargaining: plant level, industry level and national level
- 2.2. Problem of outsiders in the union
- 2.3. Affiliation of unions to political parties
- 2.4. Policies towards workers, participation in management - role of state

Unit – III : Legal Control of Collective Bargaining Endeavours

- 3.1. Strike (pen-down, tool down, go slow, work to rule, stay in, sit in, picketing)
- 3.2. Gherao
- 3.3. Lock out
- 3.4. Empirical Indian studies

Unit – IV : Factors Affecting on Collective Bargaining and Economic Implications

- 4.1. Multi-unionism and other factors
- 4.2. Conditions for successful functioning: Comparative analysis

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

4.3. Work discipline

4.4. Wage policy; National income and profit

Select Bibliography

1. Gillian S.Morris and Timothy J.Archer, Collective Labour Law (2000), Oxford
2. Nick Humphrey, Trade Union Law (1997), Blackstone, London
3. John Bowers and Simon Hentyball, Text book on Labour Law (1998), Blackstone, London
4. Stephen Dery and Richard Mitchell, Employment Relations Individualisation and Union Exclusion (1999), Blackston,London
5. Roger Blanpain, Chris Engels(Eds.), Comparative Labour Law and Industrial Relations in Industrialised Market Economies (1999) Kluver
6. Indian Law Institute, Labour Law and Labour Relations, (1987)
7. ILO, Collective Bargaining
8. ILO, Collective Bargaining in Industrialised Market Economies
9. R.W. Rideout, Principles of Labour Law, Chs. 8,9 and 10 (1983)
10. Otto Kahn-Freund, Labour and the Law, (1977)
11. A.V. Rajagopalan, "Approaches to collective Bargaining - Intricacies" 1982 Vol. II Labour Law Notes P.J. 42
12. B.R. Patil, Sectionalised Bargaining in Textile Industry in Coimbatore" 20 Indian Journal of Industrial Relations 44. (1985)
13. Y.R.K. Reddy, "Determination of collective Bargaining Agency Search for a Procedure" 14 Indian Journal of Industrial Relations 73 (1978)
14. Sahab Dayat "Revival of Collective Bargaining in India: Some Recent Evidence" 17 Indian Journal of industrial Relations 329 (1982)

PAPER – III

LL.M.-ES-SP-G07: ENVIRONMENT AND LEGAL ORDER (GROUP-7)

LL.M.-ES-SP-G07-P-III: ENVIRONMENT AND DEVELOPMENT: LAW AND POLICY

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)

NO. OF CREDITS – 4

SYLLABUS

Unit – I : Environment and development

- 1.1. Idea of environment in ancient and medieval writings, traditions, natural and biological sciences
- 1.2. Theories of development
- 1.3. Right to development vis-à-vis protection of environment
- 1.4. Sustainable development - National and International perspectives

Unit – II : Policy and Law

- 2.1. From Stockholm to Rio and after
- 2.2. International scenario: Laws and Policies
- 2.3. Post - Independence Era - The state of India's environment
- 2.4. Role of government
 - 2.4.1. Five Year Plans
 - 2.4.2. Forest Policy
 - 2.4.3. Conservation strategy
 - 2.4.4. Water policy

Unit – III : Population, Environment and Development

- 3.1. Population explosion and environmental impact
- 3.2. Population and development
- 3.3. Population and sustainable development
- 3.4. International strategies for population control and United Nations Environment Programme (UNEP)

Unit – IV : Constitutional Perspectives

- 4.1. Fundamental Rights - Right to environment and enforcement of the right
- 4.2. Directive principles and fundamental duties
- 4.3. Legislative power
- 4.4. Environment: Emerging concepts and challenges

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

- 4.4.1. Polluter pay principle: absolute liability of hazardous industry
- 4.4.2. Precautionary principle
- 4.4.3. Public Trust doctrine

Select Bibliography

1. C.M. Abraham, Environmental Jurisprudence in India (1999), Kluwer
2. Madhav Gadgil and Ramachandra Guha, This Fissured Island: An Ecological History of India (1996), Oxford
3. R.B. Singh & Suresh Misra, Environmental Law in India (1996), Concept Publishing Co., New Delhi
4. Kailash Thakur, Environmental Protection: Law and Policy in India (1997), Deep & Deep Publications, New Delhi
5. Richard L. Riversz, et. al. (eds.), Environmental Law, the Economy and Sustainable Development (2000), Cambridge
6. Stuart Bell and Donald McGillivray, Environmental Law (2000), Blackstone Press
7. Charles A.R. Webster, Environmental Health Law (1981)
8. Leelakrishnan, P et. al. (eds.) Law and Environment (1990), Eastern
9. Leelakrishnan, P, The Environmental Law in India (1999), Butterworths-India
10. Department of Science and Technology, Government of India, Report of the Committee for Recommending Legislative Measures and Administrative Machinery for Ensuring Environmental Protection (1980) (Tiwari Committee Report)
11. Thomas J. Schoenbaum, Environmental Policy Law (1992), Foundation Press, Inc. Westbury, New York
12. Indian Journal of Public Administration, Special Number on Environment and Administration, July-September 1988, Vol. XXXV, No.3, pp.353-801
13. Khosho, Environmental Concerns and Strategies (1988), Ashish, Delhi
14. Centre for Science and Environment, The State of India's Environment 1982, The State of India's Environment 1984-85 and The State of Indian Environment 1999-2000
15. World Commission on Environment and Development, Our Common Future (1987), Oxford

PAPER – III

LL.M.-ES-SP-G08: JURISPRUDENCE (GROUP-8)

LL.M.-ES-SP-G08-P-III: COMPARATIVE JUDICIAL PROCESS

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I : Types of Judicial Processes

1.1. Nature of judicial process in pre-industrial society

1.1.1. Self -help

1.1.2. Kin-based redress

1.1.3. Mediation

1.1.4. Elder's Councils: Panchayats

1.1.5. Paramount chieftainships

1.2. Judicial process in the western legal traditions prior to industrialization

1.2.1. Judicial process in canon law

1.2.2. Judicial process in feudal customary law

1.2.3. Common law adjudication: Early history

1.2.4. Adjudication and law merchant

1.2.5. Urban law and dispute handling

1.2.6. Growth of royal and imperial law

1.3. Judicial process and colonization

1.3.1. Common law judicial process in America

1.3.2. Common law judicial process in India

1.3.3. Common law judicial process in Anglophonic and Civil Law adjudication in Franco-phonic Africa

1.4. Adjudication in revolutionary and post-revolutionary situations: An over view of Soviet and Chinese experiences

Unit – II : Contemporary Natures of Judicial Process and Institutional Structuring of Courts

- 2.1. The Rule of Law and the doctrine of independence of judiciary as an aspect of Separation of Powers Division of Functions
- 2.2. The Notion of the independence of judiciary and of legal professions
 - 2.2.1. Appointment of judges
 - 2.2.2. Transfer of judges
- 2.3. Judicial personnel planning: India and elsewhere
 - 2.3.1. Comparative pattern of workload and alternatives to adjudication
- 2.4. Current crises of Indian adjudicatory system

Unit – III : Staple Controversies Surrounding Judicial Roles

- 3.1. Notions of "Role", "Role Conflict", "Status and Role" and Notions of judicial review; Democratic "Character" of judicial review
- 3.2. Legalism and Interpretivism
- 3.3. Ronald Dworkin's theory of judicial role
- 3.4. Varieties of judicial and juristic activism; Problem of accountability of justices

Unit – IV : The Indian Judicial Process

- 4.1. Indian debates on the role of justices (suppression, commitment, transfer and all that)
- 4.2. The socio-economic background of the Indian judiciary
- 4.3. The 'politics' of judiciary
- 4.4. Impact of public opinion on judicial process

Select Bibliography

- 1. Verinder Grover (Ed.) Political Process and Role of Courts, (1997) Deep & Deep Publications, New Delhi
- 2. B.P.Sigh Seghal (Ed.) Law, Judiciary and Justice (1993) Deep & Deep, N.Delhi
- 3. E. Adamson Hoebel, The Law of the Primitive Man (1968)
- 4. Upendra Baxi, Towards the Sociology of Indian Law (1986)

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

5. Harold J. Berman, Law and Revolutions the Formation of the Western Legal Tradition (1983)
6. Henry J. Abraham, The Judicial Process (1995), Universal
7. John Hart Ely, Democracy and Distrust. A Theory of Juridical Review (1980)
8. J. Stone, Precedent and the Law: Dynamics of Common Law Growth (1985)
9. Upendra Baxi, The Indian Supreme Court and Politics (1980)
10. Upendra Baxi, Courage, Craft and Contention: The Indian Supreme Court in Mid-Eighties (1986), Tripathi, Bombay
11. Rajeev Dhavan, The Supreme Court of India: A Study of its Socio-Juristc Techniques (1977), Tripathi, Bombay
12. Rajeev Dhavan and P. Kalpakam, The Supreme Court under Strain: The Challenge of Arrears (1979)
13. Simon Shetret & Jules Descheness (Ed.), Judicial Independence: A Contemporary Debate, Martinus Highoff Pub., Dercbrecht, (1985)
14. Martin Shapiro, Courts: A Comparitive and Political Analysis (1981), University of Chicago
15. H.R.Khanna, Judiciary in India and Judicial Process, (1985), S.C. Sarkar and Sons, Calcutta

PAPER – III

LL.M.-ES-SP-G09: FEMINIST CRITIQUE OF LEGAL ORDER (GROUP-9)

LL.M.-ES-SP-G09-P-III: FEMINIST THEORIZING AND LEGAL ORDER

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I : Introductory

- 1.1. Distinction between "sex" (nature) and "gender" (culture)
- 1.2. The notion of patriarchy
- 1.2.1. Patriarchy as referring male-dominance ("biologistic" conception of patriarchy)

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

- 1.2.2. Patriarchy as denoting historical/social dimension of women's exploitation (historical sociological conception)
- 1.3. Notion of Discrimination, paternalism and division of labour
- 1.4. Androgyny (transcendence from traditional masculine/feminine stereotypes concerning 'human' nature)

Unit – II : Legal Theory and Practice in the Light of Feminist Critiques

- 2.1. Critique of natural law ideologies
- 2.2. Critique of Legal Positivism: especially in terms of patriarchal conceptions of rule of law (as lawyers law, equality before law)
- 2.3. Critiques of affirmative or preferential discrimination programmes
- 2.4. Law reform and patriarchy

Unit – III : Radical Feminism and Traditional Marxist strategies

- 3.1. Patriarchy is perceived as a total male control of female bodies
 - 3.1.1. Forced motherhood
 - 3.1.2. Sex-based murders: dowry, Sati
- 3.2. Critique of state and law as being based on legitimizing and reinforcing patriarchal domination
- 3.3. Strategies of transformation
 - 3.3.1. Repudiation of Marriage (e.g. Brahmakumaris, other worldly feminism, lesbianism)
 - 3.3.2. Women's enterprises serving their needs without hierarchy and domination
 - 3.3.3. Direct action against symbols of patriarchy (e.g. burning of pornographic bookstores, destruction of blue films)
 - 3.3.4. Attack on the "public" and "private" law distinction
- 3.4. Traditional Marxist strategies for overcoming women's oppression

Unit – IV : Liberal Feminism and Socialist Feminism

- 4.1. The legal/political strategies of liberal feminists
 - 4.1.1. Focus on opposition to sex-based discriminatory laws

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

- 4.1.1.1. Suffragette struggles
- 4.1.1.2. Equality in wages
- 4.1.1.3. Equality in work-place
- 4.1.1.4. Equality in access to public services
- 4.1.1.5. Equality in matrimonial remedies - equality in inheritance and property rights
- 4.2. Active uses of law to expose other forms of sex-based discrimination
 - 4.2.1. Struggle against "protective" legislation
 - 4.2.2. Struggle against customary law based discrimination
 - 4.2.3. Struggle against impoverishment of women struggle for equality in public participation
 - 4.2.4. Struggle to constrain the state to eliminate sex-based administration and adjudication
 - 4.2.5. Struggle for "preferential discrimination"
- 4.3. Economic independence, Women empowerment and equality
- 4.4. Strategies for transformation of socialist feminism
 - 4.4.1. How internationalised repression of women should be eliminated
 - 4.4.2. State and law should recognize the full value of procreational and household labour
 - 4.4.3. Struggle against de-professionalisation and proleterinization of women's work
 - 4.4.4. Forging political unity among oppressed groups
 - 4.4.5. Demand for participatory democracy.
 - 4.4.6. Demand for nuclear families, with equalisation of domestic labour between men and women (democratisation of procreation)

Select Bibliography

1. Alison M. Jaggar, Feminist Thought and Human Nature (1983), Harvester Press Sussex
2. Maria Mies, Patriarchy and Accumulation on a World Scale: Women in the International Division of Labour (1986), Zed Books, London.
3. Lawrence A. Babbm Redemptive Encounters: Three Modern Styles in the Hindu Tradition 93-158, (1987)

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

4. K.N. Venkatarayappa, Feminine Roles (1980)
 5. Susan Atkins & Brend Hogett, Women and the Law (1984)
 6. Julia Brophy & Carol Smart (ed.), Women in Law: Explorations in Law, Family and Sexuality (1985)
 7. Susan Edwards (ed.), Gender, Sex and Law (1985)
 8. Michael D.A. Freeman (ed.), The State, the Law and the Family (1984)
 9. Katherine O' Donovan, Sexual Divisions in Law (1985)
 10. E.Diane Pask, Kathleen E.Mahency and Catherine A. Brown (ed.), Women, the Law and Economy (1985)
 11. Carol Smart, The Ties that Bind: Law, Marriage and the Reproduction of Patriarchal Relations (1984)
 12. Catherine A. Mackinon, Feminism Unmodified: Discourse on Life and Law (1987)
 13. Catherine A. Mackinon, Toward a Feminist Theory of the State (1989)
- (These readings should be contextualized by reference to: Manushi Special Numbers of EPW on Women's studies and publications of Kali)

PAPER – III

LL.M.-ES-SP-G10: ADMINISTRATIVE LAW (GROUP-10)

LL.M.-ES-SP-G10-P-III: ADMINISTRATIVE PROCESS: NATURE AND SCOPE

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I : Administrative Process

- 1.1. Nature and meaning
- 1.2. The role of civil service
- 1.3. The role of administrative agencies
- 1.4. Judicial review of administrative action

Unit – II : Administrative Process: Regulation to De-regulation and Control to Decontrol **Globalization and Liberalization**

- 2.1. Constitutional standards
- 2.2. Comparative aspects
- 2.3. Changing dimensions
- 2.4. Regulation of administrative process

Unit – III : Power and duty

- 3.1. Doctrine of police power
- 3.2. Doctrine of eminent power
- 3.3. Taxing power
- 3.4. Responsibility and accountability

Unit – IV : Miscellaneous

- 4.1. Separation of powers: From Rigidity to Flexibility
- 4.2. Delegated Legislation: Problems, Process and Control
- 4.3. Structuring and limiting
- 4.4. Impact of technological development

Select Bibliography

1. Friedman, The State and the Rule of Law in a Mixed Economy
2. Dicey, Introduction to the Law of the Constitution,
3. Davis, Discretionary Justice
4. Jain & Jain, Principles of Administrative Law (1986) Tripathi
5. De Smith, Judicial Review of Administrative Action (1995)
6. M.P. Jain, Cases and Materials on Administrative Law (1996), Vol.I, Wadha, Nagpur

PAPER - III

LL.M.-ES-SP-G11: SCIENCE, TECHNOLOGY AND LAW (GROUP-11)

LL.M.-ES-SP-G11-P-III: LAW, SCIENCE AND TECHNOLOGY

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I : Introductory: Science and Technology

- 1.1. Conceptions of "Science" Science as natural philosophy and modern science
- 1.2. Scientific thought in ancient, medieval and modern India
- 1.3. The emergence of western technology (1500-1750)
 - 1.3.1. The renaissance
 - 1.3.2. The steam engine
 - 1.3.3. Metallurgy and mining
 - 1.3.4. New commodities
 - 1.3.5. Agriculture
 - 1.3.6. Transport and communications
 - 1.3.7. Chemistry
- 1.4. The industrial revolution and Power technology

Unit – II : Colonization, Science and Technology

- 2.1. Industrial revolution and colonization
- 2.2. Creation of the political economy of backwardness through colonizing powers and processes
- 2.3. Displacement of indigenous science and technology during colonization
- 2.4. Colonial legal order and its role in 2.1 to 2.3 as mentioned above

Unit – III : Technology in the Twentieth Century

- 3.1. The second industrial revolution: Computers
- 3.2. The Nuclear technology for peace and war
- 3.3. Biotechnology
- 3.4. Space technology

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

Unit – IV : The Emergence of Technological Society and State

- 4.1. Technology and practice of politics
- 4.2. Law as social technology
- 4.3. Notions of technological society
- 4.4. "Scientism" and notions of scientific temper

Select Bibliography

1. Markandey Katju, Law in the Scientific Era (2000), Universal, New Delhi
2. Helen Reece (ed.), "Law and Science" in Current Legal Issues (1998) Oxford
3. Philip Grubb, Patents for Chemicals, Pharmaceuticals and Biotechnology (1999) Oxford
4. John Zinian et.al.(ed.) World of Science and the Rule of Law (1986), Oxford
5. Ann Johnston et.al. (ed.) New Technologies and Development (1986) UNESCO
6. Maie-Wan Ho, Genetic Engineering: Dreams or Nightmare? The Brave New World of Bad Science and Big Business (1997) RESTE, New Delhi
7. Cees J. Hamelink, The Ethics of Cyberspace (2001), Sage

PAPER – IV

LL.M.-ES-SP-G01: CONSTITUTION AND LEGAL ORDER (GROUP-1)

LL.M.-ES-SP-G01-P-IV: PUBLIC UTILITIES LAW

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.
OF CREDITS – 4**

SYLLABUS

Unit – I : Public Utility Services

- 1.1. Growth and evolution of public utilities and their legislation
- 1.2. Railways, Electricity, Gas, Road Transport, telephone, post and telegraph service, Police, Fire Brigade, Banking service, etc.
- 1.3. Necessity and Rationality of public utility services in India
- 1.4. Characteristics of Large Service Organizations in a developing country like India

Unit – II : Public Utilities and Fundamental Rights

- 2.1. The right to equality: the airhostess case
- 2.2. Are Public utilities "State" for the purpose of article 12 of the Constitution?
- 2.3. Extension of the concept of State
- 2.4. The Essential Services Maintenance Act, 1968

Unit – III : Public Utilities and Consumer Protection

- 3.1. Exclusion from M.R.T.P. Act
- 3.2. Rights of consumers protected by the Consumer Protection Act
- 3.3. Rights Arising from law of Contract and law of Torts
- 3.4. Liabilities and special privileges of public utilities
 - 3.4.1. In Contract
 - 3.4.2. In Tort
 - 3.4.3. In Criminal law

Unit – IV : Public Utilities - Government Monopoly and patterns of Utilities Legislation

- 4.1. Government and Parliamentary Control
- 4.2. Constitutional division of power to legislate
- 4.3. Administrative Authorities and its Structure
- 4.4. Subordinate legislation

Select Bibliography

1. P.M. Bakshi, Television and the Law, (1986)
2. Vasant Kelkar, "Business of Postal Service," 33 I.J.P.A. pp. 133-141 (1987)
3. G. Ramesh, "Characteristic of Large Service Organisation in a Developing Country Like India" 32 I.J.P.A. 77 (1986)
4. Nalini Paranjpe, "Planning for Welfare in the Indian Railways" 31 I.J.P.A. 171-180 (1985)

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

5. Arvind K. Sharrna "Semi-Autonomous Enterprise: Conceptual Portrait - Further Evidence on the Theory of Autonomy" 33 I.J.PA. p. 99-113
6. S.P. Sathe, Administrative Law (1998)
7. Jain & Jain, Principles of Administrative Law, (1986)
8. Jagdish UI, Handbook of electricity Laws, (1978)
9. Bhaumik, The Indian Railways Act, (1981)
10. Law Commission of India, 38th Report: Indian Post Office Act, 1898, (1968)
11. Students should consult relevant volumes of Annual Survey of Indian Law published by the Indian Law Institute (Constitutional Law 1 & 11, Administrative Law, Consumers' Protection Law and Labour law)

PAPER – IV

LL.M.-ES-SP-G02: BUSINESS LAW (GROUP-2)

LL.M.-ES-SP-G02-P-IV: LEGAL REGULATION OF ECONOMIC ENTERPRISES

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I : The Rationale of Government Regulation

- 1.1. Constitutional perspectives
- 1.2. The new economic policy - Industrial policy resolutions, declarations and statements
- 1.3. The place of public, small scale, co-operative, corporate, private and joint sectors in the changing context
- 1.4. Regulation of economic activities
 - 1.4.1. Disclosure of information
 - 1.4.2. Fairness in competition
 - 1.4.3. Emphasis on consumerism

Unit – II : Regulation; Management and Control

- 2.1. Development and Regulation of Industries
- 2.2. Take-over of Management and Control of Industrial Units
- 2.3. Sick Undertakings: Nationalisation or Winding Up?
- 2.4. Licensing Policy and Legal Process - Growing Trends of Liberalisation

Unit – III : Legal Regulation of Multi-Nationals and Selected Public Enterprises

- 3.1. Collaboration agreements for technology transfer
- 3.2. Development and regulation of foreign investments
 - 3.2.1. Investment in India: FDIs and NRIs
 - 3.2.2. Investment abroad
- 3.3. Telecom Regulatory Authority
- 3.4. Insurance Regulatory Authority

Unit – IV : Miscellaneous

- 4.1. Deregulation of essential commodities: developmental sign or a social mishap?
- 4.2. Financial Services: Changing Techniques of Regulation
- 4.3. Critical Issues Regarding the Capital Issues
 - 4.3.1. Equity and debt finance
 - 4.3.2. Global depositories
 - 4.3.3. De-materialised securities
- 4.4. Problems of Control and Accountability: Regulation of Hazardous Activity
 - 4.4.1. Mass disaster and environmental degradation: legal liability and legal remedies
 - 4.4.2. Public Liability Insurance: adequacy
 - 4.4.3. Issues in zoning and location of industrial units

Select Bibliography

1. S.Aswani Kumar, The Law of Indian Trade Mark (2001), Commercial Law House, Delhi
2. Industrial Policy Resolutions of 1948, 1956, 1991
3. Industrial Licensing Policy 1970, 1975

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

4. Industrial Policy Statements 1973, 1977, 1980
5. Reports of Committees on Public Undertakings of Parliament
6. Industries (Development and Regulation) Act, 1951
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PAPER – IV

LL.M.-ES-SP-G03: CRIMINAL LAW (GROUP-3)

LL.M.-ES-SP-G03-P-IV: PENOLOGY: TREATMENT OF OFFENDERS

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I : Penology and Theories of Punishment

- 1.1. Concept and definition of Penology
- 1.2. Theories of Punishment
- 1.3. Responsibility and Punishment
- 1.4. Classical Hindu and Islamic approaches to punishment

Unit – II : The Problematic of Capital Punishment

- 2.1. Constitutionality of Capital Punishment
- 2.2. Judicial Attitudes towards Capital Punishment in India - An inquiry through the statute law and case law
- 2.3. Law Reform Proposals – 35th Report of the Law Commission of India
- 2.4. International Covenant on Civil and Political Rights, 1966; 2nd Optional Protocol to the International Covenant on Civil and Political Rights, 1989; Conventions and

Covenants Prohibiting Capital Punishment for offences committed by Persons under the age of 18

Unit – III : Approaches to Sentencing

3.1. Alternatives to Imprisonment

3.1.1. Probation

3.1.2. Corrective labour

3.1.3. Fines

3.1.4. Collective fines

3.1.5. Reparation by the offender/by the Court

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

3.3. Sentencing in white collar crime

3.4. Sentencing for habitual offender

Unit – IV : Imprisonment

4.1. The state of India's jails today; The disciplinary regime of Indian prisons

4.2. Classification of Prisoners; Open Prisons

4.3. Rights of prisoner and duties of custodial staff; Deviance by custodial staff

4.4. Judicial surveillance - basis - development reforms

Select Bibliography

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PAPER – IV

LL.M.-ES-SP-G04: INTERNATIONAL LAW AND ORGANIZATION (GROUP-

4) LL.M.-ES-SP-G04-P-IV: DISARMAMENT AND PEACE STRATEGIES

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I : Conceptions of Disarmament and Dynamics of the Arms Race

- 1.1. Disarmament and world security, military alliances, arms trade
- 1.2. Changing conceptions of disarmament
- 1.3. The reasons of arms race, including nuclear weapons
- 1.4. Consequences of arms race in terms of resources and economic development;
International implications of the arms race

Unit – II : Disarmament and the United Nations

- 2.1. History of the failure of disarmament efforts
- 2.2. UN Disarmament Commission, its achievements and limitations.
- 2.3. U.N. Disarmament Decades of 1970's and 1980's
- 2.4. Negotiations leading to the signing of SALT - I and SALT - II

Unit – III : Nuclear Disarmament and International Regulation

- 3.1. Nuclear Non-Proliferation treaty and Intermediate range Missile Treaty
- 3.2. International regulation of nuclear weapons
- 3.3. International Regulation of Biological and Chemical or Weapons of Mass
Destruction
- 3.4. International regulation and Control of Militarization of Outer Space and the Ocean Bed

Unit – IV : Conserving the world's resources

- 4.1. Assisting the economic development of less developed countries

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

- 4.2. Harnessing science and technology for development
- 4.3. Peaceful settlement of international disputes
- 4.4. Towards a balanced world trade

Select Bibliography

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PAPER – IV

LL.M.-ES-SP-G05: HUMAN RIGHTS (GROUP-5)

LL.M.-ES-SP-G05-P-IV: HUMAN RIGHTS AND INTERNATIONAL ORDER

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I : Development of the Concept of Human Rights under International Law

- 1.1. Role of International Organization and Human Rights
- 1.2. Universal Declaration of Human Rights (1948)
- 1.3. Covenant on Political and Civil Rights (1966); Covenant on Economic, Social and Cultural Rights (1966)
- 1.4. ILO and other Conventions and Protocols dealing with human rights

Unit – II : Role of Regional Organizations

- 2.1. European Convention on Human Rights
 - 2.1.1. European Commission on Human Rights/Court of Human Rights
- 2.2. American Convention on Human Rights
- 2.3. African Convention on Human Rights
- 2.4. Other regional Conventions

Unit – III : Protection agencies and mechanisms

- 3.1. International Commission of Human Rights; National and State Human Rights Commissions
 - 3.1.1. Amnesty International
 - 3.1.2. Non-Governmental Organizations (NGOs)
- 3.2. U.N. Division of Human Rights
- 3.3. International Labour Organization
- 3.4. UNESCO and UNICEF

Unit – IV : International enforcement of Human Rights

- 4.1. International Court of Justice – Its functioning and settlement of disputes
- 4.2. Role of Regional institutions
- 4.3. Perspectives of Human Rights Development in International level
- 4.4. The African Commission on Human Rights and People's Rights

Select Bibliography

- 1. Benedetto Conforti and Francesco Francioni, Enforcing International Human Rights in Domestic Courts, (1997)
- 2. Francisco Forrest Martin, International Human Rights Law and Practice, (1997)
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- 4. Evelyn A. Ankumah, The African Commission on Human Rights and People's Rights, (1996)
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PAPER – IV

LL.M.-ES-SP-G06: LABOUR, CAPITAL AND LAW (GROUP-6)

LL.M.-ES-SP-G06-P-IV: INDUSTRIAL ADJUDICATION

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I : Introduction

- 1.1. Constitutional Perspectives and Foundations
- 1.2. Constitutional authorization for institutional framework (legislative entries, Article 323. B)
- 1.3. Constitutional goals protecting capital and labour enshrined in the fundamental rights and duties and the directive principles
- 1.4. Futuristic Industrial Jurisprudence and ILO

Unit – II : Access to Adjudicatory Justice

- 2.1. Threshold control by government: reference
 - 2.1.1. Extent of governmental discretion: time, expediency and matters for adjudication
 - 2.1.2. Limitations on discretion
 - 2.1.3. Political overtones and pressure tactics
 - 2.1.4. Judicial restraint or liberalism, the ideal juristic approach
- 2.2. Direct access to adjudicatory authority by employer and employee: problems and perspectives

2.3. International norms

2.4. Comparative overview of access to adjudicatory process in the U.K. and Australia

Unit – III : Adjudicatory Process

3.1. Industrial adjudication as a modality of harmonizing interests of capital and labour

3.2. Impact on employer's prerogatives and employee's rights

3.3. Silence of the statute on criteria for adjudication; Equity and justice as guiding principle

3.4. Post-natal control by government over adjudication

Unit – IV : Judicial Review of the Adjudicatory Process

4.1. Finality of decision making in adjudicatory process: a myth

4.2. Jurisprudence of industrial adjudication: formulations through constitutional remedies of writs and appeal

4.3. Jurisdiction of the adjudicatory authority in respect of dismissal of workmen

4.4. Juridical formulation of the concept of industry

Select Bibliography

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2. ILI, Labour Law and Labour Relations, Parts 11, IV, VI, VII, IX, and XI

3. Rideout, Principles of labour Law (1983), Ch. 4, 5 & 6

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PAPER – IV

LL.M.-ES-SP-G07: ENVIRONMENT AND LEGAL ORDER (GROUP-7)
LL.M.-ES-SP-G07-P-IV: RESOURCE MANAGEMENT AND THE LAW

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO. OF CREDITS – 4

SYLLABUS

Unit – I : Water

- 1.1. Salinity
- 1.2. Bund and spill ways
- 1.3. Aquaculture and fishing: regulation
- 1.4. Ground water management and Irrigation

Unit – II : Land

- 2.1. Controls on land development
- 2.2. Eco-friendly land planning: conservation, utilisation and conversion.
- 2.3. Mining and quarrying
- 2.4. Wet lands: Wise use concept

Unit – III : Concepts of Common Property and State Property

- 3.1. Forest
- 3.2. Wildlife
- 3.3. Common facilities and the right to use: roads, parks, pathways, lakes, rivers
- 3.4. Natural heritage - Tribal habitat; Historical monuments

Unit – III : Energy

- 4.1. Sources

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

- 4.2. Energy related environmental problems: tapping, transmission and utilization, indiscriminate use
- 4.3. Utilization of conventional energy: hydro-electric, thermal and nuclear
- 4.4. Non-conventional energy: Solar, wind, tidal and biogas

Select Bibliography

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PAPER – IV

LL.M.-ES-SP-G08: JURISPRUDENCE (GROUP-8)

LL.M.-ES-SP-G08-P-IV: MARXIAN AND THEORY OF LAW

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I : Introductory: Stereotypes of Marxian Jurisprudence

- 1.1. The Law is a tool of the ruling classes
- 1.2. The law being located in superstructure is determined by the base of economic structure
- 1.3. Accordingly, law mirrors but cannot initiate or accomplish social transformation
- 1.4. Accordingly, all adjudication and legislative action is in the short and long term class biases in favour of the ruling classes

Unit – II : Beyond the Stereotypes: Marx's own Views on the Nature of Law

- 2.1. Marx's critique of Hegel's Philosophy of Right
- 2.2. Marx on customary law: Debates on the Theft of Wood
- 2.3. Marx on human rights (on the Jewish Question)
- 2.4. Law and property relations

Unit – III : Law as Ideology and Ideology in law

- 3.1. Notions of ideology; Law as ideological apparatus (Althusser)
- 3.2. The form of ideology
- 3.3. The content of ideology
- 3.4. Legal thought and lawyers as articulators of ideology

Unit – IV : New Perspectives Arising out of Marxian Approaches

- 4.1. Marx on Justice: Critique of natural law
- 4.2. Adjudication as a site of contradiction between fractions of capital

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

4.3. Progressive legislation serving interest of subordinated classes

4.4. Understanding Social Action Litigation

Select Bibliography

1. Upendra Baxi, Marx, Law and Justice: Some Indian, Perspectives (1992)
2. Progress Publishers, Moscow, Theory of State and Law (1987)
3. Maureen Gain & Alan Hunt, Marx and Engles on Law (1979)
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PAPER – IV

LL.M.-ES-SP-G09: FEMINIST CRITIQUE OF LEGAL ORDER (GROUP-9)

**LL.M.-ES-SP-G09-P-IV: NATIONALIST STRUGGLE AND GENDER
EQUALITY**

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I : Position of Women in Early Societies and afterwards

1.1. Position of Women in early societies

1.1.1. Matriarchal societies

1.1.2. Advent of private property and change in the position of women

1.1.3. Position of women under Shastric laws and bias against women

1.1.4. The role of interpretation and custom on Shastric law

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

- 1.2. Policy of non-interference with the personal laws of Hindus and Muslims and its effect on custom
- 1.3. The concern of Indian social reformers like Raja Ram Mohan Roy on the plight of women - Position of sati in Bengal; Contextual setting of the Regulation against Sati
- 1.4. Social Legislation to Ameliorate the Position Subsequent to Regulation against Sati
 - 1.4.1. Legislation against female infanticide
 - 1.4.2. The Hindu Widow Remarriage Act, 1856
 - 1.4.3. Emphasis on education of women by Indian Social reformers as a means to elevate the status of women
 - 1.4.4. Education, widow remarriage and other reforms within the patriarchal structure their weaknesses

Unit – II : Developments Subsequent to 1887 and Reform of Other Personal Laws

- 2.1. End to social reforms at the initiative of the British Administration
- 2.2. Developments Subsequent to 1887
 - 2.2.1. Special Marriage Act, 1872
 - 2.2.2. Married Women's Property Act, 1874
 - 2.2.3. Child Marriage Restraint Act, 1929
 - 2.2.4. The Hindu Law of Inheritance (Removal of Disabilities) Act, 1928 and The Hindu Law of Inheritance (Amendment) Act, 1929, The Hindu Women's Rights to Property Act, 1938
 - 2.2.5. Muslim Personal Law (Shariat) Application Act, 1937; Dissolution of Muslim Marriages Act, 1939
- 2.3. Married Women's Property Act, 1974 and its applicability to Parsi & Christian married women
- 2.4. Indian Succession Act, 1925 and its application to the Parsis and the Christians; Parsi Marriage and Divorce Act, 1936.

Unit – III : Women's Participation

- 3.1. Partition of Bengal - Participation of women in the movement against
- 3.2. Gandhiji and Involvement of the Women in the Non-violent Movement

3.3. Resolution of Karchi Congress on equality of status and equality of opportunities for women.

3.4. Appointment of National Planning Committee with sub-committee on women's role in planned economy.

Unit – IV : Gender Equality

4.1. Independence and the Constitutional guarantee of equality

4.2. Monogamous marriage with equal rights of divorce

4.3. Right of daughters to share equally with sons in separate property of father recognized and limited right of ownership abolished

4.4. The future of gender equality in 21st century

Select Bibliography

1. E.M.S. Namboodiripad, History of Indian Freedom Struggle (1980)
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3. M.Nehru, Discovery of India (1956)
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13. Bharati Roy, Swadeshi Movement and Women's Development Studies Navjivan Trust
14. Angeles Almenas Lipowsky, The Position of Indian Women in the Light of Legal Reform (1975).
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PAPER – IV

LL.M.-ES-SP-G10: ADMINISTRATIVE LAW (GROUP-10)

LL.M.-ES-SP-G10-P-IV: ADMINISTRATIVE PROCESS AND JUDICIAL CONTROL

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I : Judicial Review in India

- 1.1. Historical development
- 1.2. Powers of the Supreme Court
- 1.3. Powers of the High Court
- 1.4. Role of subordinate judiciary

Unit – II : Grounds of Review

- 2.1. Doctrine of ultra vires
- 2.2. Violation of fundamental rights
- 2.3. Extraneous consideration and/or irrelevant grounds
- 2.4. Malafides and bias; Lack of rationality and proportionality

Unit – III : Procedural fairness

- 3.1. Legitimate Expectation
- 3.2. Natural justice and duty to act fairly
- 3.3. Bias and personal interest
- 3.4. Fair hearing

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

Unit – IV : Limits of judicial review

- 4.1. Locus standi and public interest litigation
- 4.2. Laches
- 4.3. Res judicata
- 4.4. Alternative remedies

Select Bibliography

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PAPER – IV

LL.M.-ES-SP-G11: SCIENCE, TECHNOLOGY AND LAW (GROUP-11)

LL.M.-ES-SP-G11-P-IV: LAW, SCIENCE AND MEDICINE

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I : Profession and Professionals Self Regulation

- 1.1. The varieties of medical profession in India
- 1.2. Self Regulation through codes of conduct and disciplinary proceedings
- 1.3. Self Regulation through education
- 1.4. Self-Regulation through institutional discipline: Hospital regulation

Unit – II : The Regulation of Pharmaceutical Industry

- 2.1. Regulation of research and development

- 2.2. Public sector in pharmaceuticals; MRTP Aspects
- 2.3. Regulation of drug-testing procedures in India
- 2.4. Multinational drug industry in India: Patent law aspects and dumping of unsafe drugs

Unit – III : Experimentation and Regulation

- 3.1. The Doctrine of "Informed Consent"
- 3.2. Experimental Abuses
- 3.3. Experimentation on Foetuses and Children; Experimentation on People in Custody, including psychiatric Custody
- 3.4. Proper Role for Experimentation on Animals

Unit – IV : The Physician-Patient Relationship

- 4.1. Confidentiality and Privilege
- 4.2. Patient's right of full disclosure of course of therapy including side effects of drugs
- 4.3. Medical malpractice; Health insurance
- 4.4. The law relating to medico-legal cases with special reference to (i) road accidents, (ii) sexual assaults and (iii) mass disasters

Select Bibliography

- 1. Charles Modwal, Injury? An Enquiry into the Marketing and Advertising of British Food and Drug Products in India and Malaysia (1981)
- 2. Lokojan Bulletin, Special Issue. Bhopal -An Interim Appraisal (Jan-April, 1988)
- 3. Centre for Science and Environment, The State of India's Environment, The Second Citizen's Report (1985)
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SEMESTER – II

CORE SUBJECTS (CS) FOR 2ND SEMESTER

PAPER - V

LL.M.-CS-03-P-V: INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I : INDIAN FEDERALISM

- 1.1 Federalism: Concept, Characteristics of Indian Federalism
- 1.2 Distribution of Legislative Powers between Union and the States, Territorial and Topical Distribution of Powers
- 1.3 Centre-State relationship- Emerging Trends, Co-operative Federalism
- 1.4 The Inter-State Disputes on Resources, Taxing Provisions and GST Act

Unit – II : INDEPENDENCE OF JUDICIARY AND JUDICIAL ACTIVISM

- 2.1. Judicial Independence-Appointment, transfer and removal of Judges
- 2.2. Public Interest Litigation- Concept, Leading Judgements, Implementation
- 2.3. Judicial Activism and Judicial Restraint
- 2.4. Amendment of the Constitution, Basic Structure Doctrine

Unit – III : EMERGING REGIME OF NEW RIGHTS AND REMEDIES

- 3.1 Fundamental Rights and its nexus with Directive Principles and Fundamental Duties
- 3.2 Freedom of press and Challenges of new scientific development
- 3.3 Right to equality: Privatization and its impact on affirmative action
- 3.4 Right of Minorities and State Control

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

Unit – IV : DIGITAL AGE AND CONSTITUTIONAL CHALLENGES

- 4.1. Right to Privacy- Constitutional framework, Emerging Dimensions
- 4.2. Impact of Technology, Artificial Intelligence on Right to Privacy and Data Protection
- 4.3. Commercialization of Education and its Impact on Right to Education
- 4.4. Electoral Reforms, Election Commission

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Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

PAPER - VI

LL.M.-CS-04-P-VI: LAW AND SOCIAL TRANSFORMATION IN INDIA

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I: Law and Social Change

- 1.1. Law as an instrument of social change; Relationship between Law, Morality and Culture
- 1.2. Law as the product of traditions and culture; Colonialization and impact on development of law and legal institutions in India
- 1.3. Socialist thought on Law and Justice, Marxist Critique on Law and Justice
- 1.4. Theoretic Models on Social Change and their applications- Evolutionary, Functionalist and Conflict Theories

Unit- 2: Religion, Community and the Law

- 2.1. Religion as Divisive Factor, Concept of Secularism; Constitutional Protection of Religious Minorities
- 2.2. Language as Divisive factor, Constitutional Guarantees to linguistic minorities, Constitutional Official Language, Multi-language system
- 2.3. Caste as Divisive factor, Non-discrimination on ground of caste, Protective discrimination, Reservations, Reverse discrimination.
- 2.4. Regionalism as Divisive factor, Right of Movement, residence and business; Impermissibility of State or regional barriers.

Unit -3: Women, Children and the law

- 3.1. Crimes against women, The National Commission for Women
- 3.2. Gender Justice, Rights of the Third Genders
- 3.3. Child Labour, Sexual exploitation of Children, Children and Right to Education
- 3.4. Adoption and related problems

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

Unit – IV: Modernization and Law

- 4.1. Modernization as a value, Constitutional perspectives reflected in the fundamental duties
- 4.2 Modernization of social institutions through law
- 4.3. Agrarian Reforms, Industrial Reforms, Prison Reforms, Uniform Civil Code, Gram Nyayalayas
- 4.4. Contribution of Judiciary in Social Transformation

Select Bibliography

- 1. Marc Galanter (Ed.), Law and Society in Modern India (1997) Oxford
- 2. Robert Lingat, The Classical Law of India (1998), Oxford
- 3. U. Baxi, The Crisis of the Indian Legal System (1982). Vikas, New Delhi
- 4. U. Baxi (ed.), Law and Poverty Critical Essays (1988). Tripathi, Bombay
- 5. Manushi, A Journal About Women and Society
- 6. Duncan Derret, The State, Religion and Law in India (1999). Oxford University Press, New Delhi
- 7. H.M. Seervai, Constitutional Law of India (1996), Tripathi
- 8. D.D. Basu, Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd., New Delhi
- 9. Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (2000) Armol Publications, Delhi
- 10. Savitri Gunasekhare, Children, Law and Justice (1997), Sage
- 11. Indian Law Institute, Law and Social Change: Indo-American Reflections, Tripathi (1988)
- 12. J.B. Kripalani, Gandhi: His Life and Thought, (1970) Ministry of Information and Broadcasting, Government of India
- 13. M.P. Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay
- 14. Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford
- 15.G. G. Padmakar Tripathi and G. P. Tripathi, Law and Social Transformation: EBC Webstore, 1 st edition 2012, Reprinted 2021
- 16. Oliver Mendelsohn, Law and Social Transformation: Oxford University Press, 2014.

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

PAPER - VII

LL.M.-CS-05-P-VII: PRACTICAL

FULL MARKS – 100 (There will be no Internal Assessment) NO.

OF CREDITS – 4

Practical examination

The practical examination shall be held at the end of the second semester on Research Methodology and Law Teaching carrying 50 marks each. There shall be 25 marks each for doctrinal research and for non- doctrinal research and 50 marks for law teaching. How the components of practical shall be evaluated shall be left to a Committee consisting of Head of the Department/Principal, one Associate Professor and one Assistant Professor. They shall formulate their own models of assessment. However, for making the practical examination objective and meaningful, the following guidelines shall be adhered to:

A. Research Methodology

(i) Doctrinal research (25 marks)

Each student will be assigned in advance a separate topic and asked to collect materials. A period of two weeks can be set apart for carrying out this assignment in the library. The materials indicated or collected during the assignment shall be submitted in A4 size paper in Times New Roman style with font size 12 and 1.5 line spacing which shall be evaluated by a Committee consisting of Head of the Department/Principal and Supervisor/Teacher Guide. The Committee will be made and notified by the Head of the Department/Principal.

(ii) Non-doctrinal research (25 marks)

Here the candidate will be asked to go out of the class room and library and make an empirical study of a problem which has social, economic, legal or political dimension. Field data can be collected through any method of data collection. Finally the candidates shall be required to submit a write up (just like a project work) which shall be within 50 typed pages in A4 size paper in Times New Roman style with font size 12 and

1.5 line spacing. The results are to be assessed by a team of faculty members. The Head of the Department/Principal will constitute such team.

B. Law Teaching (50 marks)

A Unit of a Course will be assigned to the candidate in advance. He/she shall be required to deliver lecture for one hour on each topic of that unit for a period of one week (total 4 classes). Where LL.B. Programme (3 years/Integrated 5 years) co-exists with LL.M. Programme, the candidates shall be asked to teach these 3 years LL.B./5 years LL.B. students only through lecture method of law teaching. In legal education practical, the candidates shall be evaluated internally by a committee of faculty members as prescribed in the Regulations.

ELECTIVE SUBJECTS (ES)(SPECIALIZATION) FOR 2ND SEMESTER

PAPER – VIII

LL.M.-ES-SP-G01: CONSTITUTION AND LEGAL ORDER (GROUP-1)

LL.M.-ES-SP-G01-P-VIII: UNION-STATE FINANCIAL RELATIONS

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I: Distribution of Legislative Power/Administrative Power

- 1.1. Indian Constitution
- 1.2. Centre-State relations
- 1.3. Factors responsible for subordination of States
- 1.4. Administrative relations

Unit – II: Distribution and Restriction of Fiscal Power

- 2.1. Scheme of Allocation of taxing power
- 2.2. Extent of Union power of taxation; Difference between tax and fee
- 2.3. Residuary power - inclusion of fiscal power
- 2.4. Fundamental Rights; Inter-Government tax immunities

Unit – III: Distribution of Tax Revenues and Borrowing Power of the State

- 3.1. Tax-Sharing under the Constitution
- 3.2. Finance Commission - Specific purpose grants (Article 282)
- 3.3. Borrowing by the Government of India
- 3.4. Borrowing by the States

Unit – IV: Inter-State Trade and Commerce, Planning and Financial Relations

- 4.1. Freedom of Inter-State trade and commerce

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

- 4.2. Restrictions on legislative power of the Union and States with regard to trade and commerce
- 4.3. Planning Commission; Plan grants
- 4.4. National Development Council; Inter-State Council and Zonal Councils

Select Bibliography

1. H.M. Seervai, Constitutional Law of India (1991), Tripathi, Bombay
2. Sudha Bhatnagar, Union-State Financial Relations and Finance Commissions, (1979)
3. Ashok Chandra, Federalism in India, (1965)
4. V.D. Sebastian, Indian Federalism: The Legislative Conflicts Chs. 6-7 and 8 (1980)
5. Chandrapal, Centre-State Relations and Cooperative Federalism, Chs. 5 and 8 (1983)
6. G.C.V. Subba Rao, Legislative Powers in Indian Constitution Law, Chs. 37, 38, 39 (1982)
7. K.P. Krishna Shetty, The Law of Union-State Relations and the Indian Federalism Ch.9 (1981)
8. Report of the Eighth Finance Commission
9. Administrative Reforms Commission on Centre-State Relationship Ch. 3 (1969)
10. Constituent Assembly Debates Vol. 9, 203, 240 and 302-349; Vol. 10, 325-342
11. Administrative Reforms Commission, Report of the Study Team on Central-State Relationship (1967) Vol. 1, Sections and 11, pp. IS- 168
12. L.M. Singhvi (ed.), Union-State Relations in India 124-154 (1969)
13. D.T. Lakadwala, Union-State Financial Relations (1967)
14. M.P. Jain, Indian constitutional Law (1994), Wadhwa.
15. Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute (Constitutional Law - II)

PAPER – VIII

LL.M.-ES-SP-G02: BUSINESS LAW (GROUP-2)

LL.M.-ES-SP-G02-P-VIII: LAW OF EXPORT IMPORT REGULATION

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I: Introduction

- 1.1. Concept of Export and Import
- 1.2. State control over import and export of goods - from rigidity to liberalisation
- 1.3. Impact of regulation on economy
- 1.4. The Basic Needs of Export and Import Trade
 - 1.4.1. Goods
 - 1.4.2. Services
 - 1.4.3. Transportation

Unit – II: International Regime

- 2.1. WTO agreement; WTO and tariff restrictions; WTO and non-tariff restrictions
- 2.2. Investment and transfer of technology
- 2.3. Quota restriction and anti-dumping; Dumping of discarded technology and goods in international market
- 2.4. Permissible regulations and Quarantine regulation

Unit – III: General Law on Control of Imports and Exports

- 3.1. General scheme
- 3.2. Legislative control
 - 3.2.1. Power of control: Central government and RBI
 - 3.2.2. Foreign Trade Development and Regulation Act 1992
 - 3.2.3. Restrictions under customs law
 - 3.2.3.1. Prohibition and penalties
- 3.3. Export-Import formulation: guiding features
 - 3.3.1. Control under Foreign Exchange Management Act (FEMA)
 - 3.3.2. Foreign exchange and currency

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

3.3.2.1. Import of goods

3.3.2.2. Export Promotion councils and Export Inspection council

3.4. Marine Products Export Development Authority Act 1972

Unit – IV: Miscellaneous

4.1. Control of Exports

4.2. Exim Policy: Changing Dimensions

4.3. Law Relating to Customs

4.4. Regulation on Investment and Technology transfer

Select Bibliography

1. Government of India, Handbook of Import Export Procedures, (Refer to the latest edition)

2. Government of India Import and Export Policy (1997 -2002)

3. The Students should consult the relevant volumes of the Annual Survey of Indian Law, Published by the Indian law Institute, New Delhi

4. Foreign Trade Development and Regulation Act 1992 and Rules

5. Foreign Exchange Management Act 1999

6. Marine Products Export Development Authority Act 1972

7. Customs Manual (Latest edition)

8. Final Treaty of GATT, 1994

PAPER - VIII

LL.M.-ES-SP-G03: CRIMINAL LAW (GROUP-3)

LL.M.-ES-SP-G03-P-VIII: PRIVILEGED CLASS DEVIANCE

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I: Introduction

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

- 1.1. Concept classification of white collar crimes
- 1.2. Indian approaches to socio-economic offences
- 1.3. Classification of Privileged Class Deviance
- 1.4. Indian approaches to Privileged Class Deviance

Unit – II: Privileged Class Deviance - I

- 2.1. The Nature and Dimensions of Privileged Class Deviance
- 2.2. Landlord deviance (class/caste based deviance)
- 2.3. Deviance on electoral process (rigging, booth capturing, impersonation, corrupt practices)
- 2.4. Gender-based aggression by socially, economically and politically powerful

Unit – III: Privileged Class Deviance - II

- 3.1. Official deviance (deviance by legislators, judges, bureaucrats)
- 3.2. Police deviance
 - 3.2.1. Unconstitutionality of "third-degree" methods and use of fatal force by police
 - 3.2.2. "Encounter" killings
 - 3.2.3. Police atrocities
 - 3.2.4. Reform suggestions especially by the National Police Commissions
- 3.3. Trade Union deviance (including teachers, lawyers, urban property owners)
- 3.4. Professional deviance (deviance by journalists, teachers, doctors, lawyers, engineers, architects and publishers)

Unit – IV: Response of Indian Legal Order to the Deviance of Privileged Classes

- 4.1. Vigilance Commission
- 4.2. Public Accounts Committee; Commissions of Enquiry
- 4.3. Ombudsman/Lokpal
- 4.4. Prevention of Corruption Act, 1947 and Whistleblower Protection Law

Select Bibliography

1. Upendra Baxi, The Crisis of the Indian Legal System (1982) Vikas Publishing House, New Delhi

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

2. Upendra Baxi (ed.), Law and Poverty: Essays (1988)
3. Upendra Baxi, Liberty and Corruption: The Antulay Case and Beyond (1989)
4. Surendranath Dwevedi and G.S. Bbargava, Political Corruption in India (1967)
5. A.R. Desai (ed.) Violation of democratic Rights in India (1986)
6. A.G. Noorani, Minister's Misconduct (1974)
7. B.B. Pande, "The Nature and Dimensions of Privileged Class Deviance" in The Other Side of Development 136 (1987; K.S. Shukla ed.)
8. Indira Rothermund, "Patterns of Trade Union Leadership in Dhanbad Coal fields" 23 J.I.L.I 522 (1981)

PAPER – VIII

LL.M.-ES-SP-G04: INTERNATIONAL LAW AND ORGANIZATION (GROUP-

4) LL.M.-ES-SP-G04-P-VIII: INTERNATIONAL HUMANITARIAN LAW

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I: International Movement for Humanization of Warfare

- 1.1. Contributions of classical writers
- 1.2. History of the Red Cross
- 1.3. Geneva conventions of 1864 for Amelioration of the Condition of wounded Soldiers in Land Army, St. Petersburg Declaration, 1868
- 1.4. The Hague Conventions of 1899 and 1907, Geneva Conventions of 1929 and 1949 on treatment of Prisoners of war, Wounded and Sick persons and Civilian Persons

Unit – II: International Efforts

- 2.1. International Efforts to outlaw Slavery, Slave Trade and Practices similar to Slavery
- 2.2. International Efforts on Forced Labour and Trafficking in Human Beings
- 2.3. United Nations and Humanitarian Law: The Role of ECOSOC and ILO

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

2.4. Crusade against discrimination in respect of employment and occupation; Racial Discrimination

Unit – III: International Refugees

3.1. The UN Relief and Rehabilitation Administration and other International Refugee Organizations

3.2. Conventions relating to Status of Refugees and State-less persons

3.3. Regional Organizations in Africa and Asia

3.4. Genocide Convention

Unit – IV: Implementation of the Right to Self-determination

4.1. Declaration on the grant of independence to colonial countries and people, humanitarian treatment of peoples living under colonial rule and trusteeships

4.2. Eliminating discrimination against Women and Children through International Co-operation

4.3. Eliminating discrimination against minorities through International treaties

4.4. National implementation of International Humanitarian Law

Select Bibliography

1. C.Hosoya, N.Ando, Y.Onuma, R.Minear, The Tokyo War Crimes Trial (1986)

2. G.Tunkin, Theory of International Law (1974)

3. G.Schwarzenberger, The Law of Armed Conflicts (Vol.II)

4. J.Stone, Legal Controls of International Conflicts (1959)

5. R.Falk, "The Shimoda Case" 69 Am. J. Int. Law (1965)

PAPER - VIII

LL.M.-ES-SP-G05: HUMAN RIGHTS (GROUP-5)

**LL.M.-ES-SP-G05-P-VIII: PROTECTION AND ENFORCEMENT OF HUMAN RIGHTS
IN INDIA**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.
OF CREDITS – 4**

SYLLABUS

Unit – I: History and Development of Human Rights in Indian Constitution

- 1.1. Constitutional Philosophy - Preamble
- 1.2. Fundamental Rights
- 1.3. Directive Principles of State Policy
- 1.4. Fundamental Duties

Unit – II: Development of Human Rights Jurisprudence

- 2.1. Judicial Activism and development of Human Rights Jurisprudence in India
- 2.2. Human Rights and Politics in India
- 2.3. Human Rights in the changing world
- 2.4. Landmark and recent cases on Human Rights Jurisprudence

Unit – III: Enforcement of Human Rights

- 3.1. Formal enforcement mechanisms
- 3.2. Role of Supreme Court and High Courts
- 3.3. Role of Civil and Criminal Courts
- 3.4. Statutory Tribunals and Special Courts

Unit – IV: Miscellaneous

- 4.1. Role of India in implementing international norms and standards
- 4.2. Universal Declaration of Human Rights (UDHR); International Covenant on Civil and Political Rights (ICCPR); International Covenant on Economic, Social and Cultural Rights (ICESCR)
- 4.3. United Nations Convention against Torture (UNCAT)
- 4.4. Convention on Elimination of All forms of Discrimination against Women (CEDAW)

Select Bibliography

1. D.D.Basu, Human Rights in Indian Constitutional Law, (1994)

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

2. Vijay Chitnis,(et.al.). Human Rights and the Law: National and Global Perspectives, (1997)
3. B.P.Singh Seghal, Law, Judiciary and Justice in India, (1993)
4. James Vadakkumchery, Human Rights and the Politics in India, (1996)
5. D.R.Saxena, Tribals and the Law, (1997)
6. Poornima Advani, Indian Judiciary: A Tribute, (1997)
7. Justice Venkataramiah, Human Rights in the Changing World, (1998)
8. Paramjit S.Jaiswal and Neshtha Jaiswal, Human Rights and the Law, (1996)

PAPER – VIII

LL.M.-ES-SP-G06: LABOUR, CAPITAL AND LAW (GROUP-6)

**LL.M.-ES-SP-G06-P-VIII: LAW RELATING TO CIVIL
SERVANTS**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.
OF CREDITS – 4**

SYLLABUS

Unit – I: Civil Servants: Constitutional Dimensions

- 1.1. Civil servants and the fundamental rights - Historical and comparative perspectives
- 1.2. Equality and protective discrimination: principles and practices
- 1.3. Service Regulations - the constitutional bases - formulation of service rules – doctrine of pleasure
- 1.4. Limitations on doctrine of pleasure
 - 1.4.1. Action only be an authority not subordinate to the appointing authority
 - 1.4.2. Opportunity of being heard and its exceptions

Unit – II: Recruitment, Promotion and Conditions of Service

- 2.1. Central and state agencies for recruitment; Methods and qualification
- 2.2. Pay, dearness allowance and bonus: machinery for fixation and revision, Pay Commission; Kinds of leave and conditions of eligibility

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

2.3. Social security: provident fund, superannuation and retiral benefits, Medicare, maternity benefits, employment of children of those dying in harness, compulsory insurance

2.4. Civil and criminal immunities for action in good faith; Comparative evaluation with private sector; Comparative evaluation between the state government employees and the central government employees

Unit – III: Special Categories of Services

3.1. Judicial services: subordinate judiciary - judicial officers and servants: appointment and conditions of service

3.2. Officers and servants of the Supreme Court and the High Courts: recruitment, promotion, conditions of service and disciplinary action

3.3. All India services: objects, regulation of recruitment and conditions of service, disciplinary proceedings

3.4. Civil service and politics, politicisation of government servants' organisation and inter-union rivalry

Unit – IV: Settlement of Disputes over Service Matters

4.1. Departmental remedies: representation, review, revision and appeal: role of service organisations

4.2. Remedy before the Administrative Tribunal: jurisdiction, scope and procedure merits and demerits - exclusion of jurisdiction of courts

4.3. Judicial review of service matters -jurisdiction, of the Supreme Court and High Courts

4.4. Comparative position in England, United States and France

Select Bibliography

1. Students are to study the state laws and rules relating to service matters, make empirical investigations and write a paper on a significant problem

2. ILI (by Justice M. Rama Jois), Services under the State (1987)

3. N. Narayanan Nair, The Civil Servant under the Law and the Constitution (1973)

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

4. K. K. Goyal, Administrative Tribunals Act (1985)
5. Seervai, Constitutional Law of India
6. Arjun P. Aggarwal Freedom of Association in Public Employment", 14 JILI (1972)
7. C.K. Kochukoshy, "All India Services-Their Role and Future", 1972 I.J.P.A. 67
8. Douglas Vass, "The Public Service in modern Society", 1983 I.J.P.A. 970
9. Z.M.S. Siddiqi, "Sanctions for the breach of contracts of service," 25 J.I.L.I. 359 (1983)
10. O.P. Motilal, "Compulsory Retirement", 1975 I.J.P.A. 247
11. D.S. Chopra, "Doctrine of Pleasure-its scope implication and limitations", 1975 I.J.P.A.92
12. G. C. V. Subba Rao, "The O.N.G.C. Case and New Horizons in Public Services Law", 1975 S.C.J. 29

PAPER – VIII

LL.M.-ES-SP-G07: ENVIRONMENT AND LEGAL ORDER (GROUP-7)

LL.M.-ES-SP-G07-P-VIII: PREVENTION AND CONTROL OF POLLUTION

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO. OF CREDITS – 4

SYLLABUS

Unit – I: Pollution

- 1.1. Meaning, Kinds of pollution and their impact
- 1.2. Kinds of wastes; Disposal of Waste
- 1.3. Disposal agencies: local bodies and other agencies
- 1.4. Disposal and recycling of wastes

Unit – II: Pollution of Water

- 2.1. Definition
- 2.2. Ground water pollution
- 2.3. Sources

2.4. Critique of existing laws

2.4.1. Machinery

2.4.2. Powers

2.4.3. Function

2.4.4. Offences and penalties

Unit – III: Pollution of Air and Noise Pollution

3.1. Pollution of Air: Pollutants and effects

3.2. Modalities of control of Air Pollution; Critique of the existing legal frame work

3.3. Noise Pollution; Sources and effects

3.4. Different legal controls and Need for specific law

Unit – IV: Sanctions against Pollution

4.1. Efficacy of criminal and civil sanctions

4.2. Corporate liability: Civil and Criminal

4.3. Civil liability: Compensatory and Penal

4.4. Administrative compensation system; Incentives to pollution control

Select Bibliography

1. Kailash Thakur, Environmental Protection Law and Policy in India (1997), Deep & Deep publications, New Delhi
2. Enid.M.Barson and Ilga Nielson (eds.), Agriculture and Sustainable Use in Europe (1998), Kluwer
3. John F.Mc. Eldownery and Sharron Mc. Eldownery, Environmental Law and Regulation (2000), Blackstone Press
4. Leelakrishnan, P et. al. (eds.), Law and Environment (1990)
5. Leelakrishnan, P. The Environmental Law in India (1999), Butterworths
6. Frodorick R.Anderson, et.al. Environmental Improvement through Economic Incentives (1977)
7. David Hughes, Environmental Law (1999), Butterworths, London

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

8. Daniel R. Mandekar, Environmental and Land Controls Registration (1976), Bobbs- Merrill, New York
9. Indian Law Institute, Mass Disasters and Multinational Liability: The Bhopal Case (1986)
10. Inconvenient Forum and Convenient Catastrophe: The Bhopal Case (1986)
11. Armin Rozencranz, et.al. (eds.) Environmental Policy and Law in India (2000), Butterworths, India

PAPER – VIII

LL.M.-ES-SP-G08: JURISPRUDENCE (GROUP-8) LL.M.-

ES-SP-G08-P-VIII: SOCIALIST JURISPRUDENCE

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I: Introductory

- 1.1. The Evolution of the notion of socialist legality
- 1.2. The retreat of law: Stalinist "Jurisprudence"
- 1.3. The retreat of law: Cultural Revolution in China
- 1.4. The resurgence of socialist legality
 - 1.4.1. The 1977 Soviet Constitution
 - 1.4.2. Glasnost and Perestroika: The Soviet jurisprudence of the mid-1980s.
 - 1.4.3. Restoration of law in post Mao-China

Unit – II: Legal Institutions Ownership

- 2.1. Theoretical point of departure in socialist law
- 2.2. Socialist nationalization
- 2.3. Social ownership and commodity production
- 2.4. Socialist "private- property" and Socialist "co-operatives"

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

Unit – III: Legal Institutions: Contract, Civil Liability and Criminal Liability

- 3.1. The nature of contractual obligation in socialist jurisprudence
- 3.2. Legal institutions: Civil Liability
 - 3.2.1. Differentiation of liability: Moral, political, legal
 - 3.2.2. Socialist conceptions of fault/strict liability
 - 3.2.3. State liability
- 3.3. The rights of the accused in socialist jurisprudence
- 3.4. Socialist theories of punishment and sentencing

Unit – IV: Legal Institutions: Courts and Tribunals

- 4.1. Ideological bases of structuration of judicial powers in socialist societies (pedagogic paternalist functions)
- 4.2. Public participation in administration of justice
- 4.3. Settlement of economic disputes; Social courts
- 4.5. Administrative penal jurisdiction in European socialist societies

Select Bibliography

1. U. Baxi, Marx, Law and Justice: Some Indian Perspectives (1992)
2. O. Bihari, Constitutional Models of Socialist Organization (1979)
3. G.Y. Eorsi, Comparative Civil (Private) Law (1979)
4. Kalman Kulesar, People's Assessors in the Courts: A Study on the Sociology of Law (1982)
5. E. Lontai, The Research Contracts (1977)
6. A. Raz, Courts and Tribunals: A Comparative Study (1980) Also Consult the leading comparative law journals: e.g. American Journal of Comparative Law, The International and Comparative Law Quarterly for contemporary development

PAPER – VIII

LL.M.-ES-SP-G09: FEMINIST CRITIQUE OF LEGAL ORDER (GROUP-9)

LL.M.-ES-SP-G09-P-VIII: PATRIARCHAL ELEMENTS IN INDIAN LAW

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I: Introductory

- 1.1. Concept of Patriarchy
- 1.2. Right of feminists against Patriarchy
- 1.3. Changing nature of feminist struggle challenges the very notion of femininity and masculinity as mutually exclusive biologically determined categories
- 1.4. Patriarchy and Jurisprudence
 - 1.4.1. Patriarchy in "Utilitarian Jurisprudence"
 - 1.4.2. Legalism: Equality before law and patriarchy

Unit – II: Patriarchy and Colonial Law

- 2.1. Gender based rules doctrines in laws of evidence
- 2.2. Gender based specification of offences - adultery - rape
- 2.3. Gender based notions of property (e.g. unit for purposes of land reform male headed family: discrimination between adult son and daughter)
- 2.4. Gender based notions of matrimonial law - divorce, maintenance, guardianship

Unit – III: The Patriarchal Character, Constitution and Legislative Process

- 3.1. The Patriarchal Character of Public/Private Law Dichotomy
- 3.2. Patriarchal Character of Criminal Law
- 3.3. Constitution and Patriarchy
- 3.4. Legislative Process and Patriarchy

Unit – IV: Miscellaneous

- 4.1. Judiciary and Patriarchy
- 4.2. Government, Public Undertaking and Patriarchal Values

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

- 4.2.1. Government rules - Administrative Service and Foreign Service regarding married women-discriminatory treatment
- 4.2.2. Indian Air Lines and Air India Service rules governing air hostesses
- 4.3. Patriarchal Character of Legal Administration
- 4.4. Patriarchal character of Judicial Administration

Select Bibliography

1. Bina Agarwal (ed.), Structures of patriarchy (1988)
2. Kamia Bhasin and Nighat Said Khan, Some Questions of Feminism and its Relevance in South Asia (1986)
3. Madhu Kishwar and Ruth Vanita, In Search of Answers Chap. 1 (Women's Lives), chap.3 (Violence against Women), (1986)
4. R. Aininova, The October Revolution and Women's Liberation Movement (1977). Constituent Assembly Debates Vol. 7(3.12.48)
5. Kumari Jayawardene, Feminism and Rationalism in the Third World (1986)
6. Claire Duchon, Feminism in France (1986)
7. Varda Bunslyn, "Masculine Dominance and the State" 46 in Socialist Register (1983).
8. P. Andiappan, "Public Policy and Sex Discrimination in Employment in India" - 14 IJIR 395 (197879)
9. Kay Macpherson, "International Aspects of Feminism" in Status on Women News, Vol. 6, NO. 302 (1980)
10. Govind Kelkar, Women in Post-Liberation Societies: A Comparative Analysis of Indian & Chinese Experiences
11. Rhoda Reddock, "Women's Liberation & National Liberation" in Maria Mies & Rhoda Reddock(eds.), National Liberation & Women's Liberation (1982)

PAPER – VIII

LL.M.-ES-SP-G10: ADMINISTRATIVE LAW (GROUP-10)

LL.M.-ES-SP-G10-P-VIII: PUBLIC AUTHORITIES:

LIABILITY

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I: Tortious and Contractual Liability

- 1.1. Sovereign immunity
- 1.2. Commercial and non-commercial function
- 1.3. Processual justice: Privilege - right dichotomy
- 1.4. Terms in government contract as instruments of social justice

Unit – II: Emerging Liability

- 2.1. Personal accountability
- 2.2. Compensatory jurisprudence and right to life
- 2.3. Accountability under consumer law
- 2.4. The liability of Public Authorities and statutory provisions

Unit – III: Privilege against Disclosure

- 3.1. Right to information and official secrecy
- 3.2. Executive privilege
- 3.3. Security of state and control on information
- 3.4. Judicial review

Unit – IV: Promissory Estoppel

- 4.1. Legitimate expectation
- 4.2. Constitutional dimensions
- 4.3. Promissory estoppels and State liability
- 4.4. The goals ahead

Select Bibliography

1. Jain & Jain, Principles of Administrative Law (1986), Tripathi

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

2. De Smith, Judicial Review of Administrative Action (1995)
3. B.Schwartz, An Introduction to American Administrative Law

PAPER - VIII

LL.M.-ES-SP-G11: SCIENCE, TECHNOLOGY AND LAW (GROUP-11)

LL.M.-ES-SP-G11-P-VIII: THE ELECTRONICS REVOLUTION AND LEGAL ORDER

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I: Introductory

- 1.1. Growth of computer science and technology; "Hardware" and "Software"
- 1.2. Notion of artificial intelligence; Artificial Intelligence and Human Resources
- 1.3. Organization of R & D and of international market for computer systems
- 1.4. The overall Indian position

Unit – II: The Law: Intellectual Property

- 2.1. Law relating to protection of computer software
- 2.2. Law relating to patenting of hardware
- 2.3. Regulation of transfer of computer technology (Unfair Means, Restrictive Trade Practices)
- 2.4. New and advanced technologies and need for specific legislation; Judicial approach

Unit – III: Computer Systems and Renovation of Legal Order

- 3.1. Legal information retrieval systems
- 3.2. Computerized retrieval of judicial decision
- 3.3. Jurimetrics and computer analysis
- 3.4. Computer analysis and computerization; Criminological analysis and computerization

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

Unit – IV: Miscellaneous

- 4.1. Central data banks and privacy rights
- 4.2. Consumer Credit, privacy rights and computer systems
- 4.3. Computer fraud
- 4.4. Computer non-feasance and liability for damages

Select Bibliography

1. Cees J. Hamelink, The Ethics of Cyberspace (2001), Sage
2. Markandey Katju, Law in the Scientific Era (2000), Universal, New Delhi
3. John Zinian et.al.(ed.) World of Science and the Rule of Law (1986), Oxford
4. Ann Johnston et.al. (ed.) New Technologies and Development (1986) UNESCO
5. Maie-Wan Ho, Genetic Engineering: Dreams or Nightmare? The Brave New World of Bad Science and Big Business (1997) RESTE, New Delhi

PAPER – IX

LL.M.-ES-SP-G01: CONSTITUTION AND LEGAL ORDER (GROUP-1)

LL.M.-ES-SP-G01-P-IX: CONSTITUTIONALISM: PLURALISM AND FEDERALISM

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I: Constitutionalism

- 1.1. Authoritarianism – Dictatorship; Democracy - Communism
- 1.2. Development of a democratic government in England - Historical evolution of constitutional government; Written Constitutions: U.S.A. Canada Australia Sweden South Africa and India
- 1.3. Conventions of constitutionalism - law and conventions
- 1.4. Marxist concept of constitutionalism

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

Unit – II: Federalism

- 2.1. Difference between confederation and federation; Conditions requisite for federalism; what is a federal government?
- 2.2. Patterns of federal government - U.S.A., Australia, Canada, India
- 2.3. Judicial review - for federal umpiring
- 2.4. New trends in federalism: Co-operative federalism; Political factors influencing federalism

Unit – III: Pluralism

- 3.1. What is a pluralistic society?
- 3.2. Ethnic, linguistic, cultural and political pluralism
- 3.3. Individual rights - right to dissent
 - 3.3.1. Freedom of speech and expression
 - 3.3.2. Freedom of the press
 - 3.3.3. Freedom of association
- 3.4. Rights to separateness
 - 3.4.1. Freedom of religion
 - 3.4.2. Rights of the religious and linguistic minorities
 - 3.4.3. Compensatory discrimination for backward classes
 - 3.4.4. Women - rights to equality and right to special protection
 - 3.4.5. Scheduled Tribes, Distinct Identity - protection against exploitation - NSIS – Exclusion from Hindu Law.

Unit – IV: Pluralism and International Concerns

- 4.1. International Declaration of Human Rights; Conventions against genocide
- 4.2. Protection of religious, ethnic and linguistic minorities
- 4.3. State Intervention for protection of human rights
- 4.4. Equality in Plural Society

Select Bibliography

1. Upendra Baxi, "Law, Democracy and Human Rights"- 5 Lokayan Bulletin 4 (1987)

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

2. V.M. Dandekar "Unitary Elements in a Federal Constitution" 22 E.P.W. 1865 (1988)
3. Rajeev Dhavan, "The Press and the Constitutional Guarantee of Free Speech and Expression" 28 J.I.L.I. 299 (1986)
4. M.A. Fazal "Drafting A British Bill of Rights" 27 J.I.L.I. 423 (1985)
5. M.P. Jain Indian Constitutional Law (1994), Wadhwa
6. Jagat Narain "Judicial Law Making and the Place of the Directive Principles in the Indian Constitution," J.I.L.I. 198 (1985)
7. Rhett Ludwikowski, "Judicial Review in the socialist Legal Systems: Current Development" 37 I.C.L.D. 89-108 (1988)
8. S.P. Sathe, Fundamental Rights and Amendment of the Indian Constitution, (1968)
9. H.M. Seervai, Constitutional Law of India (1993), Tripathi, Bomaby
10. Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute

PAPER – IX

LL.M.-ES-SP-G02: BUSINESS LAW (GROUP-2)

LL.M.-ES-SP-G02-P-IX: BANKING LAW

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I: Introduction

- 1.1. Historical Development of Banking
- 1.2. Social Control and Nationalisation of Banks
- 1.3. Reserve Bank of India – Powers and Functions
- 1.4. Regulation of Banks – Licensing, Suspension of Business and Winding Up
- 1.5. Banker Customer Relationship

Unit – II: Loans and Advances

- 2.1. Principles of Good lending
- 2.2. Recovery of Debt due to Banks – Procedure under Recovery of Debts and Bankruptcy Act, 1993
- 2.3. Debt Recovery Tribunals – Composition, Jurisdiction and Powers
- 2.4. Securitisation and Reconstruction of Financial Assets
- 2.5. Enforcement of Security Interests

Unit 3: Prevention of Money Laundering

- 3.1. Money Laundering – Historical Background, Definition
- 3.2. Stages of Money Laundering
- 3.3. Offence of Money Laundering and Punishment under the PMLA, 2002
- 3.4. Obligation of Banking companies, KYC Guidelines

Unit 4: Deposit Insurance, Fraud and Ombudsman

- 4.1. Deposit Insurance and Credit Guarantee Corporation Act, 1961 - Object and Reasons
- 4.2. Establishment and Management of Deposit Insurance Corporation
- 4.3. Liability of DIC in respect of insured deposits
- 4.4. Frauds in Banking Operations
- 4.5 Banking Ombudsman

Reference Books:

1. M L Tannan, Tannan's Banking Law and Practice in India, 29 th edition 2021 (LexisNexis)
2. J Odgers and I Wilson, Paget's Law of Banking, 16 th edition 2015 (LexisNexis)
3. Avtar Singh, Banking and Negotiable Instruments, 4 th edition 2023 (EBC)
4. S N Gupta, The Banking Law, 6 th edition 2017 (Universal)
5. Vinod Kothari, Securitisation, Asset Reconstruction and Enforcement of Security Interests, 7 th edition 2024 (LexisNexis)
6. Abhijeet Sharma, Money Laundering: Prevention. Law and Practice, 1 st edition 2023 (EBC)
7. M C Mehanathan, Law on Prevention of Money Laundering in India, 3 rd edition 2022 (LexisNexis)

PAPER – IX

LL.M.-ES-SP-G03: CRIMINAL LAW (GROUP-3)

LL.M.-ES-SP-G03-P-IX: DRUG ADDICTION, CRIMINAL JUSTICE AND HUMAN RIGHTS

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I: Drug Addiction; Anagraphic and Social Characteristics of Drug Users

1.1. Basic conceptions

1.1.1. Drugs: “narcotics” “psychotropic substances”

1.1.2. “Dependence”, “addiction”

1.1.3. “Crimes without victims”

1.1.4. “Trafficking” in “drugs”

1.1.5. “Primary drug abuse”

1.2. Anagraphic and Social Characteristics of Drug Users - I

1.2.1. Gender, Age, Religiousness, Socio-economic level of family, Residence patterns (urban/rural/urban), Educational levels, Occupation

1.3. Anagraphic and Social Characteristics of Drug Users - II

1.3.1. Age at first use, Type of drug use, Reasons given as cause of first use, Method of Intake, Pattern of the Use, Average Quantity and Cost

1.4. Consequences on addict's health (physical/psychic)

Unit – II: The International Legal Regime

2.1. Analysis of the background, text and operation of the Single Convention on Narcotic Drugs, 1961, 1972

2.2. Analysis of the Convention on Psychotropic Substances, 1972; United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988

2.3. International collaboration in combating drug addiction

2.4. The SARC, and South - South Cooperation

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

Unit – III: The Indian Regulatory System

- 3.1. Approaches to narcotic trafficking during colonial India
- 3.2. India's role in the evolution of the two international conventions
- 3.3. Judicial approaches to sentencing in drug trafficking and abuse
- 3.4. The penal provisions under the Narcotic Drugs and Psychotropic Substances Act, 1985, Indian Penal Code and Customs Act; Patterns of resource investment in India: policing adjudication, treatment, aftercare and rehabilitation

Unit – IV: Human Rights Aspects and the Role of Community in Combating Drug Addiction

- 4.1. Deployment of marginalized people as carrier of narcotics
- 4.2. The problem of juvenile drug use and legal approaches
- 4.3. Possibilities of misuse and abuse of investigative prosecutory powers
- 4.4. The Role of Community in Combating Drug Addiction
 - 4.4.1. The role of educational systems
 - 4.4.2. The role of medical profession
 - 4.4.3. The role of mass media
 - 4.4.4. Initiatives for compliance with regulatory systems
 - 4.4.5. Law reform initiatives

Select Bibliography

1. H.S. Becker, Outsiders : The Studies in Sociology of Deviance (1966)
2. J.A. Incard, C.D. Chambers, (eds.), Drugs and the Criminal Justice System (1974)
3. R. Cocken, Drug Abuse and personality in Young Offenders (1971)
4. G. Edwards Busch, (ed.) Drug Problems in Britain: A Review of Ten Years (1981)
5. P. Kondanram and Y.N. Murthy, "Drug Abuse and Crime : A Preliminary Study" 7 Indian Journal of Criminology, 65-68 (1979)
6. P.R. Rajgopat Violence and Response: A Critique of the Indian Criminal System (1988) United Nations, Economic and Social Reports of the Commission on Narcotic Drugs, United Nations
7. Social Defence, Research Institute (UNSDRI) Combating Drug Abuse and Related Crimes (Rome, July 1984, Publication No. 21)
8. Lok Sabha and Rajya Sabha Debates on 1986 Bill on Psychotropic Substances Useful

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

Journals in this area are:

- (i) The Law and Society Review (USA)
- (ii) Journal of Drug Issues (Tallahassee Florida)
- (iii) International Journal of Addictions (New York)
- (iv) British Journal of Criminology
- (v) Journal of Criminal Law, Criminology and Police Science (Baltimore, Md.)
- (vi) Journal of Criminal Law and Criminology (Chicago, Ill)
- (vii) International Journal of Offender Therapy and Comparative Criminology (London)
- (viii) Bulletin on Narcotics (United Nations)

PAPER – IX

**LL.M.-ES-SP-G04: INTERNATIONAL LAW AND ORGANIZATION (GROUP-4)
LL.M.-ES-SP-G04-P-IX: LAW AND DIPLOMACY**

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I: Contemporary International System

- 1.1. International stratification
- 1.2. Neo-colonialism
- 1.3. Dependence and domination
- 1.4. Geopolitical considerations

Unit – II: Diplomacy

- 2.1. Beginning of Diplomacy: Various Diplomatic Traditions, Greek, Byzantine and Indian; Golden age of Classical Diplomacy of 18th and 19th Centuries in Europe
- 2.2. Transition from "old" to "new" diplomacy, Impact of the First World War and the Russian Revolution
- 2.3. Impact of Technology on the Conduct of Diplomacy, Impact of the Nuclear Weapons, Military Alliance
- 2.4. Secret v. Open Diplomacy, Democratic Control of Foreign Policy

Unit – III: Diplomacy in contemporary world.

- 3.1. Diplomacy in the United Nations
- 3.2. Development and diplomacy
- 3.3. Diplomacy through mass media and propaganda
- 3.4. Diplomacy and Resources

Unit – IV: Diplomacy and Crisis Management

- 4.1. Diplomacy in the Law of the Sea Convention
- 4.2. Diplomacy and new human rights conceptions
- 4.3. Diplomacy and Right to Development Declaration
- 4.4. The Stockholm Declaration on Environment

Select Bibliography

1. A.Ball, Modern Intentional Negotiations (1969)
2. I.Clark, Reform and Resistance in International Order (1980)
3. I.Clark, “The Satisfied and the Dissatisfied States Negotiate International Law: A Case Study,” 18 World Politics 20-41 (1965)
5. H.Nicolson, Diplomacy (1969)
6. J.Stone, Law and Nations (1974)
7. L.Hanken, How Nations Behave (1968)
8. R.L.Friedheim, Parliamentary Diplomacy - A Survey (1976)
9. R.P. Anand, International Courts and Contemporary Conflict (1979)

PAPER – IX

LL.M.-ES-SP-G05: HUMAN RIGHTS (GROUP-5)

LL.M.-ES-SP-G05-P-IX: HUMAN RIGHTS OF DISADVANTAGED GROUPS:

**PROBLEMS AND ISSUES IN THE PROTECTION AND
ENFORCEMENT**

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I: Introduction

- 1.1. Concept of Disadvantaged Groups
- 1.2. Enforcement of Human Rights
- 1.3. Protection Laws of the Disadvantaged Groups: Problems and Issues
- 1.4. Future Perspectives of the Human Rights of the Disadvantaged

Unit – II: Emerging Human Rights Jurisprudence - I

- 2.1. Rights of women and children
- 2.2. Rights of the aged and disabled persons
- 2.3. Rights of prisoners
- 2.4. Rights of minorities and societal violation

Unit – III: Emerging Human Rights Jurisprudence - II

- 3.1. The tribal and other indigenous people
- 3.2. The mentally ill
- 3.3. The unorganised labour
- 3.4. 'Aids' victims

Unit – IV: Protection and Enforcement of Human Rights

- 4.1. Role of Society and NGOs
- 4.2. Role of State
- 4.3. Role of Judiciary
- 4.4. Role of International agencies

Select Bibliography

1. G.S Bhargava and R.M.Pal, Human Rights of Dalit Societal Violation, (1999)
2. Geraldine Van Bueren, The International Law on the Rights of the Child, (1998)
3. Prabhat Chandra Tripathi, Crime Against Working Women, (1998)
4. Paras Diwan and Piyush Diwan, Women and Legal Protection
5. Philip Alston (et.al.), Children, Rights and the Law

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

6. Kelly D. Askin, Dorean M. Koenig, Women and International Human Rights Law, (1999)
7. N.K.Chadabarti, Juvenile Justice in the Administration of Criminal Justice, (1999)
8. Rebecca Wallace, International Human Rights, Text and Materials, (1997)
9. Janaki Nair, Women and Law in Colonial India, (1996)
10. Simon Creighton, Vicky King, Prisons and the Law, (1996)

PAPER – IX

LL.M.-ES-SP-G06: LABOUR, CAPITAL AND LAW (GROUP-6)

LL.M.-ES-SP-G06-P-IX: AGRICULTURAL LABOUR

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I: Agricultural Labour Relations

1.1. Agricultural labourer - The Concept

1.1.1. Early stages - the traditional ties between the landlord and the workers

1.1.2. Non-exploitative fair relation with the feudal hegemony - share in products as wages, wages in kind, benefits in addition to wages, participation in festive occasion grievance redressal at landlord's residence

1.1.3. Exploitation of labour by the landlord

1. 2. Bonded labour

1. 3. Tribal labour in forest settlements

1.4. Migrant agricultural labour

Unit – II: Trade Unionism and Collective Bargaining among Agricultural Labour

2.1. Unorganised nature

2.2. Seasonal character

2.3. Political movements

2.4. State, regional and macro-regional disparities in collective bargaining, organization and remuneration

Unit – III: Labour Welfare

- 3.1. Assessment of existing measures: statutory and non-statutory
- 3.2. Agrarian reform as agricultural labour protection measure - land to the tiller doctrine
- 3.3. Environmental impact of distribution of forest land among agricultural labourers
- 3.4. Need for State initiative, support and Futuristic perspectives

Unit – IV: Industrial "Hour Norms" in the Agricultural Labour Area and Dispute Settlement Mechanism

- 4.1. Problems: multi-employer - employment situation
- 4.2. Workmen's compensation and Minimum wages
- 4.3. Practices: settlements; Comparative study of state practices and laws
- 4.4. Statutory measures: conciliation, adjudication

Select Bibliography

1. V.V. Giri, Labour Problems in Indian Industry (1972)
2. R.R. Singh, Labour Economics (1971)
3. ILO, Conventions and Recommendations
4. Reports of National Commissions on Labour 1969 (relevant portions)
5. State legislation and other welfare schemes relating to agricultural labour
6. Abdul Aziz, "Unionizing Agricultural Labourers in India . A Strategy", 13 Indian Journal of industrial Relations 307 (1977)
7. L.C. Sharma, "Forestry Sector Generate More Employment", 15 Indian Journal of Industrial Relations 577 (1979)
8. Kalpana Bardhan, "Rural employment Wages and Labour Market in India: A Survey of Research
9. Economic and Political Weekly 1 June 25, 1977, 11 July 2, 1977 and 11 July 9, (1977)
10. Government of India, Agricultural Labour Enquiry (1954)
11. Government of India, Report on the Second Agricultural Labour Enquiry (1958)
12. Government of India, Report on III Agricultural Labour Enquiry
13. Bardhan & Rudra "Types of Labour Attachment in Agriculture", 15 Economic and

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Political Weekly August 30, 1980

14. Report of the National Commission on Rural Labour (1991) New Delhi, Govt. of India, Ministry of labour; See especially Volume 11, Part 11 for the Study Group Report

PAPER – IX

LL.M.-ES-SP-G07: ENVIRONMENT AND LEGAL ORDER (GROUP-7)

LL.M.-ES-SP-G07-P-IX: ENVIRONMENT AND INTERNATIONAL LEGAL ORDER

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I: Environment Protection and Sustainable Development

- 1.1. World environment movement
- 1.2. Natural and cultural heritage
- 1.3. Role of international and regional organizations
- 1.4. International Obligations towards Sustainable Development
 - 1.4.1. International financing policy
 - 1.4.2. World environment fund
 - 1.4.3. Global Environmental Facility (GEF)
 - 1.4.3.1. International co-operation
 - 1.4.3.2. Poverty alleviation

Unit – II: Marine Environment

- 2.1. Marine resources: conservation and exploitation
- 2.2. Scientific research and exploration
- 2.3. International Seabed Authority
- 2.4. Pollution from ships; Dumping of oil and other wastes into the sea

Unit – III: Trans-Boundary Pollution Hazards

- 3.1. Oil and Chemical pollution
- 3.2. Space pollution; Nuclear fall outs and accidents

3.3. Acid rain

3.4. Green house effect; Depletion of ozone layer

Unit – IV: Control of Multinational Corporations and Containment of Environmental Hazards

4.1. Problems of liability and control mechanisms

4.2. Disaster management at international level

4.3. Monopoly of biotechnology by MNCs

4.4. Disposal and Dumping of Hazardous Wastes: Transnational Problem and Control

Select Bibliography

1. Priya Kanjan Trivedi, International Environmental Laws (1996), A.P.H. Publishing Corporation, New Delhi

2. Sir Elworthy and Jane Holder, Environmental Protection: Text and Materials (1997), Butterworths

3. Nathali L.T.J. Horbach, Contemporary Developments in Nuclear Energy Law (1999), Kluwer

4. Henrick Ringbom (ed.), Competing Norms in the Law of Marine Environmental Protection (1997), Kluwer

5. Jean-Pierre Beurier, New Tehnologies and Law of Marine Environment (2000), Kluwer

6. Richard L.Reversz et.al. (eds.) Environmental Law, the Economy and Sustainable Development (2000), Cambridge

7. Dovor Vidas, Protecting the Polar Marine Environment (2000), Cambridge

8. Aynsley Kellor, International Toxic Risk Management (1999), Cambridge

9. Zhiguo Gao, Environmental Regulation of Oil and Gas (1998), Kluwer

10. Indian Law Institute, Legal Control of Environmental Pollution (1980)

11. Varshney, C.K. (ed.), Water Pollution and Management (1983), Wiley Esatern, New Delhi

12. World Commission on Environment and development, Our Common Future (1987), Oxford

PAPER – IX

LL.M.-ES-SP-G08: JURISPRUDENCE (GROUP-8)

LL.M.-ES-SP-G08-P-IX: THEORIES OF JUSTICE

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.
OF CREDITS – 4

SYLLABUS

Unit – I: The Concepts of Justice

- 1.1. The nature, meaning and varieties of justice
 - 1.1.1. Karl Mark
 - 1.1.2. John Austin
 - 1.1.3. Hans Kelson
 - 1.1.4. C.K.Allen
 - 1.1.5. Karl Renner
- 1.2. The objectivity of Justice
- 1.3. Justice as social norms; Justice as absolute moral principles
- 1.4. Justice as appropriative; Justice as obligatory

Unit – II: The Basis of Justice

- 2.1. The Liberal contractual tradition
- 2.2. The liberal utilitarian tradition
- 2.3. The liberal moral tradition
- 2.4. The socialist tradition

Unit – III: The Relation between Law and Justice

- 3.1. Equivalence Theories: Justice is nothing other than the positive law of the stronger classes.
- 3.2. Dependency theories: For its realization justice depends on law justice, however, is not the same as law
- 3.3. The Independence of justice theories
- 3.4. The conformity of law to justice

Unit – IV: Miscellaneous

- 4.1. Treaties on justice
- 4.2. Rights, justice and bounds of liberty
- 4.3. Justice and injustice; justice and justification
- 4.4. Restorative and Distributive Justice

Select Bibliography

1. M.D.A. Freeman (ed.), Lloyd's Introduction to Jurisprudence (1994), Sweet & Maxwell
2. Bodenheimer, Jurisprudence: The Philosophy & Method of Law (1997) Universal, N.Delhi
3. Freedman, Legal Theory (1960) Stevens and Sons, London
4. John Rawls, A Theory of Justice (2000) Universal, Delhi
5. C.K. Allen, Law in the Making, (1961)
6. H. Kelsen, What is Justice? (1957)
7. R.P. Mckee, "The Meanings of Justice and the Relations among Traditions of Thought", 41 Revue
8. F. Olafson, (ed.), Justice and Social Policy, (1961)
9. C. Perelman, "Justice and Justification", 10 Natural Law Forum, 1-20 (1965)
10. N. Rescher, Distributive Justice (1966)
11. Henry Stuart Private Justice, (1983)
12. Joel Feinberg, Rights, Justice and the Bounds of Liberty, (1980)
13. Burton M. Leiser, Liberty, Justice and Morals, (1979)
14. R.G. Chaturvedi, Natural and Social Justice, (1975)
15. Jeremy Bentham, An Introduction to the Principles of Morals and Legislation (1789).
16. Edmund Bergler and Noort Meerloo, Justice and Injustice, (1963)

PAPER – IX

LL.M.-ES-SP-G09: FEMINIST CRITIQUE OF LEGAL ORDER (GROUP-9)

**LL.M.-ES-SP-G09-P-IX: GENDER JUSTICE STANDARDS AT INTERNATIONAL
LAW**

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)

NO. OF CREDITS – 4

SYLLABUS

Unit – I: Introduction

- 1.1. Concept of Gender Justice
- 1.2. The League of Nations and women's equality.
- 1.3. Women's issue in the formulation of the U. N. Charter.
- 1.4. The U.N. Sub-Commission on Status of women since 1946 and the Role of the NGOs.

Unit – II: The International Labour Organization and Rights of Women hour

- 2.1. Equal pay for equal work.
- 2.2. Women and part-time work; Regulation of Night Work for women
- 2.3. Protective for women
- 2.4. Maternity protection

Unit – III: Political Rights of Women

- 3.1. Article of Universal Declaration of Human Rights
- 3.2. The 1952 Convention on Political Rights of Women
- 3.3. The 1979 Convention on the Abolition of all Forms of Discrimination against Women
- 3.4. Political Rights of Women: The future perspective

Unit – IV: Sexual Exploitation of Women

- 4.1. The International Agreement for the Suppression of White Slave Traffic, 1910, and 1921 League of Nations Activity
- 4.2. The Programme of Action by the United Nations; Convention on Traffic in Women and Children, 1949.
- 4.3. Recommendation for World Tourism Organization (WTO) on Sex Oriented Tourism
- 4.4. Nationality of Married Women: Convention on the subject dated January 29, 1957

Select Bibliography

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

1. S.K. Kuba's work status of Women in International Law
2. Other relevant literature is to be found in Paper – III, Paper – IV and Paper X of this group. Here see the prospective Plan on Women. Govt. of India, 1988 and compare it with standards emergent at contemporary international law.

PAPER – IX

LL.M.-ES-SP-G10: ADMINISTRATIVE LAW (GROUP-10)

LL.M.-ES-SP-G10-P-IX: PUBLIC AUTHORITIES AND POWER HOLDERS:

CONTROLS ON MALADMINISTRATION

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I: Introduction

- 1.1. Definition and concept of Maladministration; Maladministration in the public sector;
Types of public maladministration
- 1.2. Corruption and Maladministration in Administrative Law
- 1.3. Administrative ethics vis-à-vis Maladministration
- 1.4. Causes and remedies of Maladministration: Need for promotion of good governance

Unit – II: Ombudsman

- 2.1. The concept and its comparative perspectives
- 2.2. Ombudsman in Scandinavian countries
- 2.3. International Scenario – Common law and Civil law
- 2.4. Evolving Indian Models –Lokpal and Lokayukt Institutions

Unit – III: Inquiry and Investigation

- 3.1. Commission of Inquiry; Vigilance Commissions
- 3.2. Judicial Inquiries
- 3.3. Inquiries by Legislative Committees

3.4. Investigation Agencies: The CBI

Unit – IV: Controls on Maladministration

4.1. Legislative Control

4.2. Financial Control - Comptroller and Auditor General

4.3. Right to Information and Doctrine of Public Accountability

4.4. Controls on Maladministration: The International Scenario

Select Bibliography

1. K.S. Shukla and S.S.Singh, Lokayukta: a Social Legal Study (1988), Indian Institute of Public Administration, N.Delhi
2. Jain & Jain, Principles of Administrative Law (1986) Tripathi
3. Donald C. Rowat, The Ombudsman (1966), George Allan and Unwin Ltd., Toronto

PAPER – IX

LL.M.-ES-SP-G11: SCIENCE, TECHNOLOGY AND LAW (GROUP-11)

**LL.M.-ES-SP-G11-P-IX: NUCLEAR TECHNOLOGY: DILEMMAS OF
LEGAL**

CONTROLS

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.
OF CREDITS – 4**

SYLLABUS

Unit – I: Introduction

- 1.1. Nuclear Fission/Fusion; Nuclear fuel
- 1.2. Radioactivity
- 1.3. "Thermal" and "Fast" reactors
- 1.4. Heavy-water reactors

Unit – II: India's Atomic Energy Programme

2.1. India's overall energy needs and planning

- 2.2. India's Nuclear Energy Programme
- 2.3. The Atomic Energy Commission Act
- 2.4. Technology transfer and India's nuclear programme

Unit – III: Hazard Aspects of Nuclear Power

- 3.1. Uranium mining associated hazards
- 3.2. Accidents Potential: e.g. fuel failure, re-circulation pump failures, control valve leaks, failure of shut-down device, metal failure, of electronic monitoring and control systems
- 3.3. Occupational hazards for workers at research institutes and nuclear plants
- 3.4. The Regime of legal liability
 - 3.4.1. Right to information as to levels of radioactivity
 - 3.4.2. Right to compensation
 - 3.4.3. Right to meaningful "rehabilitation"

Unit – IV: Legal Aspects

- 4.1. Secrecy and Right to information
- 4.2. Minimum public participation
- 4.3. Regimes of liability for mass disasters and personal injuries
- 4.4. Environmental: Law regulation of the hazardous aspects of nuclear energy production

Select Bibliography

In addition to official documents (e.g., Report of the DAE and Regulative Texts, consult, Centre for Science and Environment, The State of India's environment : 1984-1985 : The Second Citizen's Report (1985), also see relevant articles in Economic and Political Weekly; and the recent Supreme Court decision on the EEC radioactive butter case.

SEMESTER – III

ELECTIVE SUBJECTS (ES)(SPECIALIZATION) FOR 3RD SEMESTER

PAPER - X

LL.M.-ES-SP-G01: CONSTITUTION AND LEGAL ORDER (GROUP-1)

LL.M.-ES-SP-G01-P-X: HUMAN RIGHTS

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I: Panoramic View of Human Rights

- 1.1. Human Rights in Non-western Thought
- 1.2. Awareness of Human rights during the nationalist movement
- 1.3. Universal Declaration of Human Rights, Constituent Assembly and Part III, drafting process
- 1.4. Subsequent developments in International Law and the Position in India (e.g. Convention of Social discrimination, torture, gender discrimination, environment and the two human rights covenants)

Unit – II: Right not be subject to Torture, Inhuman or Cruel Treatment

- 2.1. Conceptions of torture, third-degree methods; "Justifications" for it
- 2.2. Outlawry of torture at international and constitutional law level
- 2.3. Incidence of torture in India
- 2.4. Judicial attitudes; Law Reform - proposed and pending

Unit – III: Minority Rights

- 3.1. Conception of minorities
- 3.2. Scope of protection
- 3.3. The position of minority "Woman" and their basic rights

3.4. Communal Riots as Involving violation of Rights

Unit – IV: Miscellaneous

4.1. People's Participation in Protection and Promotion of Human Rights

4.2. Development Agencies and Human Rights

4.3. Protection of the rights of indigenous peoples

4.4. European Convention of Human Rights

Select Bibliography

1. M.J. Akbar, Riots After Riots (1988)
2. U.Baxi (ed.), The Right to be Human (1986)
3. U.Baxi, The Crisis of the Indian Legal System (1982), Vikas Publishing House, New Delhi
4. F.Kazmi, Human Rights (1987)
5. L.Levin, Human Rights (1982)
6. Madhavgirya, Human Rights (1953)
7. W.P. Gromley, Human Rights and Environment (1976)
8. H. Beddard, Human Rights and Europe (1980)
9. Nagendra Singh, Human Rights and International Co-operation (1969)
10. S.C. Kashyap, Human Rights and Parliament (1978)
11. S.C. Khare, Human Rights and United Nations (1977)
12. Moskowitz, Human Rights and World Order (1958)
13. J.A. Andrews, Human Rights in International Law (1986)
14. I. Menon (ed.), Human Rights in International Law (1985)
15. A.B. Robertson (ed), Human Rights in National and International Law (1970)
16. Upendra Baxi, "Human Rights, Accountability and Development" Indian Journal of international law 279 (1978)

PAPER – X

LL.M.-ES-SP-G02: BUSINESS LAW (GROUP-2)

LL.M.-ES-SP-G02-P-X: INSURANCE LAW

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.
OF CREDITS – 4**

SYLLABUS

Unit – I: Introduction

- 1.1. Historical Development of Insurance
- 1.2 Nationalisation of Insurance business
- 1.3 Report of Malhotra Committee on reforms in Insurance sector
- 1.4 Insurance Regulatory and Development Authority – Duties, Powers and Functions

Unit –II Life Insurance

- 2.1. Doctrine of Utmost Good Faith
- 2.2. Assignment of Life Insurance Policy
- 2.3. Nomination by policy holder
- 2.4. Options on lapsing of a policy

Unit – III: Third Party Insurance

- 3.1. Necessity for insurance against third party risk
- 3.2. Requirements of policies and limits of liability
- 3.3. Duty of insurers to satisfy judgments and awards
- 3.4. Transfer of Certificate of Insurance, Procedure of Application for Compensation

Unit IV – Marine Insurance

- 4.1. Doctrine of Utmost Good Faith
- 4.2. Voyage, Warranties, Assignment
- 4.3. Insurable Interest, Premium, Return of Premium
- 4.4. Double Insurance, Subrogation, Contribution Life Insurance

Select Bibliography

1. KSN Murthy and KVS Sarma, Modern Law of Insurance in India, 7 th edition, LexisNexis (2024)
2. MN Srinivasan and K Kannan, Principles of Insurance Law, 11 th edition, LexisNexis

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

(2021)

3. Avtar Singh, Law of Insurance, 3 rd edition, EBC (2023)
4. Kannan and Vijayaraghavan, Motor Vehicle Laws, 17 th edition, LexisNexis (2023)
5. John Birds, Birds' Modern Insurance Law, 12 th edition, Sweet and Maxwell (2022)
6. John Birds', Ben Lynch and Simon Paul, MacGillivray on Insurance Law, 15 th edition, Sweet and Maxwell (2024)
7. Robert Merkin, Colinvaux's Law of Insurance, 13 th edition, Sweet and Maxwell (2024)
8. Mark Templeman et al, Arnould: Law of Marine Insurance and Average, 21 st edition, Sweet and Maxwell (2024)

PAPER – X

LL.M.-ES-SP-G03: CRIMINAL LAW (GROUP-3)

LL.M.-ES-SP-G03-P-X: JUVENILE DELINQUENCY

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I: The Basic Concepts

- 1.1. The conception of 'child' in Indian Constitution and Penal Code.
- 1.2. Delinquent juvenile
- 1.3. "Neglected" juvenile
- 1.4. The overall situation of children/young persons in India, also with reference to crime statistics (of crimes by and against children)

Unit – II: Determining Factors of Juvenile Delinquency and Legislative Approaches

- 2.1. Determining Factors of Juvenile Delinquency
 - 2.1.1. Differential association
 - 2.1.2. Anomie
 - 2.1.3. Economic pressure

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

- 2.1.4. Peer group influence
- 2.1.5. Gang sub-culture
- 2.1.6. Class differentials
- 2.2. Legislative approaches during the late colonial era.
- 2.3. Legislative position in various States
- 2.4. The Juvenile Justice Act

Unit – III: Indian Context of Juvenile Delinquency

- 3.1. Neglected juveniles - below poverty line, physically and mentally disabled, orphans, destitutes, vagrants
- 3.2. Delinquent - number, sex-ratio, ratio to adult crime, types of offences committed, recidivism, rate of increase background
- 3.3. Drug addicts
- 3.4. Victims
 - 3.4.1. Of violence - sexual abuse, battered, killed by parents
 - 3.4.2. Of criminal activities like bootlegging, drug pollution as a response of protective approach

Unit – IV: Judicial Contribution, Implementation and Preventive Strategies

- 4.1. Social action litigation concerning juvenile justice
- 4.2. Role of legal profession in juvenile justice system; Salient judicial decisions
- 4.3. Juvenile justice institution; Coordination among related agencies; Accountability - Annual Reports and accessibility of public to juvenile justice institution
- 4.4. Preventive Strategies
 - 4.4.1. State Welfare programmes health, nutrition, ICWS, grants-in-aid
 - 4.4.2. Compulsory education
 - 4.4.3. Role of community, family, voluntary, bodies, individuals

Select Bibliography

- 1. National institute of Social Defence, Model Rules under the Juvenile Justice Act, 1986, (1986)
- 2. K.S. Shukla, Adolescent Offender (1985)

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

3. United Nations, Beijing Rules on Treatment of Young Offenders (1985)
4. Myron Weiner, The Child and State in India (1990)
5. The United Nations Declaration on the Rights of Children
6. UNICEF periodic materials

PAPER – X

LL.M.-ES-SP-G04: INTERNATIONAL LAW AND ORGANIZATION (GROUP-4) LL.M.-ES-SP-G04-P-X: LAW OF THE SEA

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I: Historical introduction to the law of the Sea

- 1.1. Contributions of Seldon, Grotius, Bynkershock and others to the development of the early law; The Anglo-Norwegian Fisheries case and its aftermath
- 1.2. The technological revolution and utilization of the new resources of the sea
- 1.3. The U.N. Conferences on the Law of the Sea
- 1.4. Developing nations and the uses of sea

Unit – II: Changing concepts of Maritime Frontiers

- 2.1. Rights of states over territorial waters and contiguous zone
- 2.2. Continental Shelf
- 2.3. Exclusive Economic Zone
- 2.4. Principles for determination of maritime frontiers and Maritime Boundaries under the customary and conventional law

Unit – III: Exploitation of Deep Sea-Bed Resources

- 3.1. International Sea Bed Authority, its functions and powers
- 3.2. Decision-making; settlement of disputes
- 3.3. Principles governing joint ventures; transfer of data and training of personnel of the Authority
- 3.4. Problems and Perspectives of exploitation of Deep Sea-Bed Resources

Unit – IV: Miscellaneous

- 4.1. Conservation of Living Resources of the High Sea: Problems of Maritime Pollution
- 4.2. Land-locked States and the Law of the Sea
- 4.3. Sea as Common Heritage of Mankind; the Future of the Law of the Sea
- 4.4. International Sea Tribunal to Settle Disputes

Select Bibliography

1. Orrego Vicuna, The Changing International Law of the High seas Fisheries (1999), Cambridge
2. Ian Brownlie, Principles of Public International Law (1998), Clarendon press, Oxford
3. P. Chandrasekhara Rao, The New law of Maritime Zones (1983) Miling Publications, New Delhi
4. Samir Mankababy, The International Shipping Rules (1986), Croom Helm, London
5. Nagendra Singh, International Maritime law Conventions, Vol.I Navigation (1983) Stevens & Maxwell, London
6. Myron H. Nordquist and John Norton Moor (eds.), Ocean Policy - New Institutions, Challenges and Opportunities (1999), Kluwer
7. R.P. Anand, Law of the Sea,. Caracas and beyond (1978)
8. D.W. Bowett, Law of the Sea
9. D.W. Bowett, Legal Regime of Islands in International Law
10. John Colombos, International Law of the Sea (1962)
11. J.H. Hargrove, Who Protects the Ocean: Environment and the Development of the Law of the Sea
12. Devendra Kaushik, Indian Ocean towards a Peace Zone (1983)
13. Myres S. McDougal and W. Burke, The Public Order of the Oceans (1962)
14. D.P. P'Connel, International Law of the Sea, Vols. 1 & 11 (1982)

PAPER – X

LL.M.-ES-SP-G05: HUMAN RIGHTS (GROUP-5)

**LL.M.-ES-SP-G05-P-X: INTERNATIONAL HUMANITARIAN LAW AND REFUGEE
LAW**

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.
OF CREDITS – 4

SYLLABUS

Unit – I: Humanization of Warfare and Implementation of Humanitarian law

- 1.1. Amelioration of the wounded and sick
 - 1.1.1. Armed forces in the field
 - 1.1.2. Armed forces at sea
- 1.2. Protection and facilities
 - 1.2.1. Prisoners of war
 - 1.2.2. Civilians in times of War
 - 1.2.3. Cultural properties
- 1.3. Implementation of Humanitarian Law and role of Red Cross
- 1.4. National Legislation

Unit – II: Control of weapons

- 2.1. Conventional
- 2.2. Chemical
- 2.3. Biological
- 2.4. Nuclear

Unit – III: The Concept of refugees

- 3.1. Definition of refugees and displaced persons - their problems
- 3.2. The UN Relief and Rehabilitation Administration and other International Refugee organizations: International protection
- 3.3. Protection under National laws
- 3.4. The problem of refugees in the light of contemporary International law issues

Unit – IV: Strategies to combat refugee problem

- 4.1. Repatriation, resettlement local integration and rehabilitation.
- 4.2. Role of United Nations High Commissioner for Refugees (UNHCR)
- 4.3. UNHCR and India

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

4.4. Long term strategies and common responsibility; Role of NGOs in helping United Nations High Commissioner for refugees (UNHCR)

Select Bibliography

1. B.S.Chimni, International Refugee Law, (2000).
2. Jean Yves Calier, Who is a Refugee A Comparative Case Law Study, (1997)
3. Kelly Dawn Askin, War Crimes Against Women, (1997).
4. M.K.Balachandran, Rose Varghese, Introduction to International Humanitarian Law, (1997).
5. Guy S. Goodwin-Gill, The Refugee in International Law, (1996)
6. Veral Gowlland- Debbas, The Problem of Refugees in the Light of Contemporary International Law Issues, (1996)
7. Anti-personnel Landmines Friend or Foe?, International Committee of Red Cross, (1996)
8. Resettlement Handbook, The United Nations High Commissioner for Refugees
9. James C. Hathaway, Hohn A. Dent, Refugee Rights: Report on a Comparative Survey, (1995)

PAPER – X

LL.M.-ES-SP-G06: LABOUR, CAPITAL AND LAW (GROUP-6)

LL.M.-ES-SP-G06-P-X: WAGES

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I: Constitutional Perspectives on Wages and International Standardisation

- 1.1. Denial of minimum wage as forced labour
- 1.2. Constitutionalisation of legal rights: elevation of legal rights to fundamental rights
- 1.3. The constitutional ideals
 - 1.3.1. Right to work

- 1.3.2. Right to living wage
- 1.3.3. Right to equal pay for equal work
- 1.3.4. Workers participation in management: impact on wage determination
- 1.4. International Standardization
 - 1.4.1. Role of ILO: Conventions and Recommendations relating to wages

Unit – II: Theories and Facets of Wages

- 2.1. Theories of wages
- 2.2. Wages, bonus and dearness allowance
 - 2.2.1. Basic wage
 - 2.2.2. Bonus as deferred wage or share of profits - eligibility
- 2.3. Allowances and concessions
 - 2.3.1. House rent allowance
 - 2.3.2. City compensatory allowance
 - 2.3.3. Educational allowance
 - 2.3.4. Conveyance allowance
 - 2.3.5. Cash incentives: percentage on turn-over
 - 2.3.6. Medical allowance
 - 2.3.7. Leave travel concessions
 - 2.3.8. Free and subsidized food and products
 - 2.3.9. Leave encashment
 - 2.3.10. Overtime allowances
- 2.4. Low wages and high perks as a camouflaging stratagem of defeating ceiling on wages

Unit – III: Wages, Price and Tax

- 3.1. Increase of wages - impact on price
- 3.2. Increase in price - impact on wages
- 3.3. Tax - impact on price and wages
 - 3.3.1. Taxation on goods and increase of prices
 - 3.3.2. Taxation on wage income - a cut on real wages
- 3.4. Wages and the consumer

Unit – IV: National Wage Policy: Problem and Perspectives

- 4.1. National wage policy
- 4.2. Need for integrated approach: income, price and wage
- 4.3. Problems of mixed economy
 - 4.3.1. Capital intensive sector
 - 4.3.2. Labour intensive sector
- 4.4. Wages in Multi-national Corporations: Impact of Globalisation

Select Bibliography

- 1. O.P. Malhotra, Law of industrial Disputes (1999)
- 2. R.R. Singh, Labour Economics Chs. 6, 7, 8 and 9 (1971)
- 3. Y.B. Singh, Industrial Labour in India Part I, (1960)
- 4. V.V. Giri, Labour Problem in Indian Industry Ch. 6 (1972)
- 5. Report of the National Commission on Labour 1969 (Relevant Portions)
- 6. International Labour Office, Wages (1968)
- 7. International Labour Office, Wage Fixing (1981)
- 8. Suresh C. Srivastava, "Machinery for Fixation of Minimum Wage of Sweated Labour in India - Problems and Prospects" 23 J.I.L.I. 495 (1981)
- 9. R.D. Agarwal, Dynamics of Labour Relations in India (1972)
- 10. Sahab Dayal. "Wage, Income and Industrial Relations in Modern India: An Evaluation of selected Empirical Implications". 15 Indian Journal of Industrial Relations 295 (1977)
- 11. Madhuri G. Seth, "Bonus in Equity Perspective", 15 Indian Journal of Industrial Relations 119 (1979)
- 12. Deepak Lal, Theories of Industrial Wage Structures: A Review" 15 Indian Journal of Industrial Relations 167 (1979)
- 13. C. Mani Sastry, "Wage Structure and Regional Labour Market", 21 Indian Journal of Industrial Relations 344 (1985)
- 14. Suresh C. Srivastava, "Payment of Dearness Allowance to Industrial Workers in India: The Judicial Approach", 15 J.I.L.I 444 (1973).
- 15. R.L. Chawla, "Wage Policy and Industrial Relations: A Brazilian Case Study", 17 Indian Journal of Industrial Relations 27 (1981)

PAPER – X

LL.M.-ES-SP-G07: ENVIRONMENT AND LEGAL ORDER (GROUP-7)

LL.M.-ES-SP-G07-P-X: BIOLOGICAL DIVERSITY AND LEGAL ORDER

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO. OF CREDITS – 4

SYLLABUS

Unit – I: Bio-diversity

- 1.1. Meaning, Need for protection of bio-diversity
- 1.2. Dependence of human life on the existence in flora and fauna
- 1.3. Significance of wild life, Plant and micro-organism; Medicinal plants
- 1.4. Development Projects and Destruction of Bio-diversity: Concept of Sustainable Development

Unit – II: Bio-diversity and Legal Regulation

- 2.1. Utilization of flora and fauna for bio-medical purposes
- 2.2. Experimentation on animals: Legal and ethical issues
- 2.3. Genetic mutation of seeds and micro-organisms; Genetic engineering
- 2.4. Legal mechanisms of control; Recognition of regional and local agencies

Unit – III: Problems in Legal Regulation of Medicinal Plans

- 3.1. Cosmetic plants
- 3.2. Animal products
- 3.3. Utilization of flora and fauna for bio-medical purposes by Multi-national corporations: Problems of control
- 3.4. Regulation of trade in wild-life products

Unit – IV: Legal framework for Development and Protection of Sanctuaries

- 4.1. Parks

4.2. Zoos

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

4.3. Biosphere resources

4.4. Protection of genetic resources for agriculture

Select Bibliography

1. Arjun Prasad Nagore, Bibliological Diversity and International Environmental Law (1996) A.P.H. Publishing Corporation, New Delhi
2. Project Large, Plant Variety Protection and Plant Biotechnology - Options for India (1999), Allied
3. M.S. Swaminathan, Genetic Conservation: Microbes to Man, Presidential Address at XV International Congress of Genetics, New Delhi, India, December 12-21, 1983
4. Wild Genetic Resources, Earthscan Press Briefing Document No.33, Earthscan, London (1982)
5. K.L.Mehta and R.L. Arora, Plant Genetic Resources of India; their Diversity and Conservation (1982), National Bureau of Plant Genetic Resources, New Delhi
6. P.N. Bhat et.al., Animal Genetic Resources in India (1981)
7. P.N. Bhat, "Conservation of Animal Genetic Resources in India, "Animal Genetic Resources, Conservation and Management FAO, Rome, (1981)

PAPER – X

LL.M.-ES-SP-G08: JURISPRUDENCE (GROUP-8)

LL.M.-ES-SP-G08-P-X: LAW AND SOCIETY

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I: Introduction

- 1.1. The idea of social sciences; Law as a social science
- 1.2. Sociology of law as a relatively autonomous discipline
- 1.3. Place of law in the history of development of social science theory: Durkheim, Weber, Marx
- 1.4. The Idea of legal system (Normative, Behavioural, Institutional and Cultural) and

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

the idea of social system (Consensus approach and Conflict approach)

Unit – II: Functions of Law

- 2.1. The law maintains legitimate monopoly of force in society
- 2.2. The law plays important role in resource allocation in society
- 2.3. The law provides resources for orderly and pacific handling of disputes and conflicts
- 2.4. The law is an important instrumentality of social control

Unit – III: The impact of Society on Law

- 3.1. The law as volksgiest (Savigny)
- 3.2. The impact of public opinion on the making, unmaking, and implementation of laws
- 3.3. Pluralism: Control by elite, class domination and the law
- 3.4. Pressure groups, lobbying and legal policies; Lobbying for the poor

Unit – IV: Law as Instrument of Social Control - Impact of Law in Society

- 4.1. Notions of social control
- 4.2. Religion, education and law as key instrumentalities of social control.
- 4.3. Distinctive features of law as a means of social control.
 - 4.3.1. Imposition of obligation to obey the law
 - 4.3.2. Incentives to compliance: Bentham's conception of relevance of the law to social expectations.
 - 4.3.3. Varieties of sanctions
 - 4.3.4. Legal administration as an aspect of social control
- 4.4. Limits of effective legal action

Select Bibliography

1. U. Baxi, Towards Sociology of the Indian Law, (1987)
2. J. Bentham, Theory of Legislation, (1985)
3. Yash Ghai et al., The Political Economy of the Law: A Third World Reader, (1987)
4. Lawrence M. Friedman & Stewart Macoulay (eds.), Law, and Behavioural Sciences, (1977)

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5. Charles E. Reardon & Robert M. Rich, The Sociology of Law. A Conflict Perspective, (1978)
6. Julius Stone, Social Dimensions of Law and Justice (1999) Universal
7. Upendra Baxi, "Durkheim and Legal Evolution: Some Problems of Disproof", 8 Law & Society Review, 645 (1974)
8. Katherine S. Newman, Law and Economic Organization: A Comparative Study of Preindustrial Societies (1983)
9. B.M. Shukla, Law and Social Justice (1998) Rawat Pub., Nagpur
10. W. Friedman, Law in a Changing Society (1996), Universal
11. Richara S. Schwartz, "Legal Evolution and Societal Complexity: A Reply to Professor Baxi" in 8 Law and Society Review 53 (1974)
12. Markanday Katju, Law in the Scientific Era (2000), Universal
13. Upendra Baxi, The Crisis of the Indian Legal System (1982) Vikas, New Delhi
14. Upendra Baxi, Towards a Sociology of Indian Law. (1986)

PAPER - X

LL.M.-ES-SP-G09: FEMINIST CRITIQUE OF LEGAL ORDER (GROUP-

9) LL.M.-ES-SP-G09-P-X: LABOUR, GENDER AND THE LAW

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I: Women Labour: Introductory

- 1.1. Sex ratio in employment in modern sectors
- 1.2. Female labour in unorganized subsistence sector
- 1.3. Self-employed women
- 1.4. "Housewifization" process: Quantification of domestic and family work and services

Unit – II: Paternalistic Legislation and Employment of women

- 2.1. Hours of work legislation and exclusion of women from the labour force
- 2.2. Hazardous operations and women labour exclusion

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

2.3. Home-based production and exploitation of women's labour, with special reference to Beedi and Cigar Workers' Act

2.4. Female Agricultural Labour

Unit – III: Legal and Jurisprudential Questions Arising from the Case Studies

3.1. The anti-women model of development and planning - Consonance with constitutional obligations with the state

3.2. The enforcement of equalitarian laws

3.3. Associational rights of working women, legal repression and fundamental rights

3.4. Law reform and social action for amelioration of the situation

Unit – IV: Self -Employed Women

4.1. Conceptions of self-employment

4.2. SEWA: A success story?

4.3. Position of self-employed women at laws

4.4. Need for law reform

Select Bibliography

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

2. Government of India, National Commission on Self - Employed Women (1988)

3. Government of India, Towards Equality: Report of the Committee on the Status of Women (1975), Ministry of Social welfare

4. Manisha Gupta & Anita Borkar, Women's Work Fertility and Access to Health Care (1988), the Foundation for Research in Community Health, Bombay

5. A. Mitra, L. Pathok, S. Mukedi, The Status of Women: Shift in Occupational Participation (1980)

6. Maria Mies, The Lace-makers of Narsapur: Indian Housewives Prepare for the World Market, (1982)

7. Maria Mies, Indian Women in Subsistence and Agricultural Labour (1987)

PAPER – X

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

LL.M.-ES-SP-G10: ADMINISTRATIVE LAW (GROUP-10)

LL.M.-ES-SP-G10-P-X: LOCAL SELF - GOVERNMENT LAW

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I: Historical Perspectives and Constitutional Scheme

- 1.1. Early period
- 1.2. Gram Swaraj: the Gandhian concept
- 1.3. Directive Principles
- 1.4. Structure and powers of local bodies

Unit – II: Legislative and Quasi-legislative Powers

- 2.1. Direct democracy and grass root planning
- 2.2. Municipalities and corporation
- 2.3. Gram Sabha
- 2.4. Rule making power of the State Government; Regulations and Bye-laws

Unit – III: Financial, Judicial and Quasi-judicial powers

- 3.1. Levying taxes
- 3.2. Licensing power
- 3.3. Financial resources and powers
- 3.4. Judicial and Quasi-judicial powers of the Local Bodies

Unit – IV: Miscellaneous

- 4.1. Election to Local Bodies
- 4.2. Conduct of Meetings: Corporation, Municipal Council, Panchayat Committee and Gram Sabha
- 4.3. Democratic decentralization: Merits and Demerits
- 4.4. Institutional and Judicial Control

Select Bibliography

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

1. Friedman, The State and the Rule of Law in a Mixed Economy
2. Neville L. Brown and J.F. Garner, French Administrative Law
3. Dicey, Introduction to the Law of the Constitution,
4. Ivor Jennings, Law and the Constitution
5. Schwartz & Wade, Legal Control of Government
6. Davis, Discretionary Justice
7. Jain & Jain, Principles of Administrative Law (1986), Tripathi, Bombay
8. De Smith, Judicial Review of Administrative Action (1995)
9. Indian Law Institute, Government Regulation of Private
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PAPER – X

LL.M.-ES-SP-G11: SCIENCE, TECHNOLOGY AND LAW (GROUP-11)

**LL.M.-ES-SP-G11-P-X: BIOTECHNOLOGY AND LEGAL
REGULATION**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.
OF CREDITS – 4**

SYLLABUS

Unit – I: Introductory

- 1.1. Decoding the Structure of the DNA/RNA
- 1.2. The Technology of Splicing
- 1.3. Cloning; Cell-Fusion
- 1.4. Genetic Engineering

Unit – II: Biotechnology Agro-business and Biological Diversity

- 2.1. Plant Genetic Resources in Nature: Abundance of biological diversity

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

- 2.2. The Genetic mutation of Seed: Seed industry at global level: Indian Seeds Act, 1966
- 2.3. The Impact of Biotechnology on Biological Diversity: Erosion of plant genetic resources
- 2.4. The green revolution and biotechnology
 - 2.4.1. Growth of fertilizer and pesticide industry
 - 2.4.2. Impact of fertilizer and pesticides on agricultural workers
 - 2.4.3. Bhopal green revolution and biotechnology
 - 2.4.4. Agro-business and reckless commercial exploitation of biotechnology

Unit – III: Biotechnology and Human Health

- 3.1. Genetic Markers: Diagnostic biotechnology
- 3.2. Conquest of disease
- 3.3. Genetic screening
 - 3.3.1. Prevention of genetic disease and mental retardation
 - 3.3.2. Uses and abuses of amniocentesis;
- 3.4. Cloning of human beings

Unit – IV: Legal Regulation of Biotechnology

- 4.1. Regulation of government sponsored research
- 4.2. Regulation of Private Research and Development
- 4.3. Regulation of deliberate and accidental release of genetically mutated micro-organisms
- 4.4. Progress of biotechnology and legal regulation in India

Select Bibliography

- 1. U.Baxi, Biotechnology and Legal Order: Dilemmas of the Future of Law and Human Nature (1993)
- 2. D. Bull, A Growing Problem: Pesticide and the Third World Poor (1982)
- 3. J. Doyle, Altered Harvest, Agriculture, Genetics and Fate of The World's Food Supply (1986)
- 4. Z. Harsanyi & R. Hutton, Genetic Prophecy: Beyond the Double Helix (1987)

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PAPER - XI

LL.M.-ES-SP-G01: CONSTITUTION AND LEGAL ORDER (GROUP-1)

**LL.M.-ES-SP-G01-P-XI: NATIONAL SECURITY, PUBLIC ORDER, AND RULE OF
LAW**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.
OF CREDITS – 4**

Syllabus

Unit – I: National Security, Public Orders and Rule of Law

- 1.1. Concept of Civil Liberties; Meaning of “Security of State” and “Public Order”
- 1.2. Emergency Detention in England - Civil Liberties; Protection of Civil Liberties in U.S.A.
- 1.3. Pre-Independence laws on Detention
- 1.4. International Conventions for Protection of Civil Rights and Provisions for civil liberties

Unit – II: Preventive Detention and Indian Constitution

- 2.1 Preventive Detention: Concept, Constitutional Validity
- 2.2. Constitutional Safeguards relating to Preventive detention
- 2.3. Declaration of Emergencies: 1962, 1965, 1970 and 1975 emergencies
- 2.4. Emergency and Suspension of Fundamental Rights

Unit – III: Exceptional Legislation

- 3.1 The NSA Act, 1980; UAPA Act, 1967, TADA 1987, POTA 2002, AFSPA Act 1958
- 3.2. Constitution of Special courts and tribunals
- 3.3. Due Process and special legislation, Relevant Case Laws
- 3.4. Economic Offences- COFEPOSA, Fugitive Economic Offenders Act, 2018

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

Unit – IV: Access to Courts under Emergency and Martial Law

- 4.1. Cyber security and Digital threats, Surveillance, Privacy and Data protection
- 4.2. Internal security and Insurgency
- 4.3. Martial Law in England, Provisions in India
- 4.4. Law Enforcement machinery in India and Comparative analysis with USA, England

Select Bibliography

1. G.O. Koppell "The Emergency, The Courts and Indian Democracy" 8 J.I.L.I. 287 (1966)
2. H.M. Seervai, The Emergency, Future Safeguards and the habeas Corpus: A Criticism (1978)
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7. M.P. Jain, Indian Constitutional Law , 8th ed., 2018, LexisNexis
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10. Prof.Udai Raj Rai, Fundamental Rights and their enforcements, 2011, PHI Publications

PAPER - XI

LL.M.-ES-SP-G02: BUSINESS LAW (GROUP-2)

LL.M.-ES-SP-G02-P-XI: CORPORATE FINANCE

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO. OF CREDITS – 4

Syllabus

Unit – I: Introduction

- 1.1. Meaning, importance and scope of corporation finance

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1.2. Capital needs - capitalisation - working capital - securities-borrowings-deposits

Debentures

1.3. Objectives of corporation finance - profit maximisation and wealth maximisation

1.4. Constitutional perspectives - the entries 37, 38, 43, 44, 45, 46, 47, 52, 82, 85, and 86 of

List 1 - Union List; entry 24 of List 11 - State List

Unit – II: Equity Finance; Debt Finance; Conservation of Corporate Finance;

Protection of Creditors and Investors

2.1. Equity Finance

2.2. Debt Finance

2.3. Conservation of Corporate Finance

2.4. Protection of Creditors and Investors

Unit – III: Corporate Fund Raising

3.1. Depositories - IDR (Indian Depository Receipts), ADR (American Depository Receipts), GDR (Global Depository Receipts)

3.2. Public Financing Institutions - IDBI, ICICI, IFC and SFC

3.3. Mutual Fund and other collective investment schemes

3.4. Institutional investments - LIC, UTI and Banks; FDI and NRI investment - Foreign institutional investments (IMF and World Bank)

Unit – IV: Administrative Regulation on Corporate Finance

1.1. SEBI

1.2. Central Government control

1.3. Control by Registrar of Companies

1.4. Control by Reserve Bank of India

Select Bibliography

1. Eil's Ferran, Company Law and Corporate Finance (1999), Oxford.

2. Ramaiya A, Guide to the Companies Act (1998), Vol. I, II and III

3. H.A.J. Ford and A.P. Austen, Fords' principle of Corporations Law (1999), Butterworths

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4. J.H. Farrar and B.M. Hanniyan, Farrar's company Law (1998) Butterworths
5. Austen R.P., The Law of Public Company Finance (1986) LBC
6. R.M. Goode, Legal Problems of Credit and Security (1988) Sweet and Maxwell
7. Altman and Subrahmanyam, Recent Advances in Corporate Finance (1985) LBC
8. Gilbert Harold, Corporation Finance (1956)
9. Henry E. Hoagland, Corporation Finance (1947)
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11. S.C. Kuchhal Corporation Finance: Principles and Problems (6th ed. 1966)
12. Y.D. Kulshreshta, Government Regulation of Financial management of Private Corporate Sector in India (1986)
13. Journals - Journal of Indian Law Institute, Journal of Business Law, Chartered Secretary, Company Law Journal, Law and Contemporary Problems
14. Statutory Materials - Companies Act and laws relating SEBI, depositories, industrial financing and information technology

PAPER - XI

LL.M.-ES-SP-G03: CRIMINAL LAW (GROUP-3)

LL.M.-ES-SP-G03-P-XI: COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I: Introductory

- 1.1. Concept of collective violence; Distinctions: "symbolic" violence, "institutionalised" violence, "structural violence"
- 1.2. "Constitutional" and "Criminal" speech: Speech as incitement to violence
- 1.3. "Collective political violence" and legal order
- 1.4. Changing dimensions of collective violence

Unit – II: Approaches to Violence in India

- 2.1. Religiously sanctioned structural violence: Caste and gender based

- 2.2. Gandhiji's approach to non-violence; Ahimsa in Hindu, Jain, Buddhist, Christian, and Islamic traditions in India
- 2.3. Discourse on political violence and terrorism during colonial struggle
- 2.4. Attitudes towards legal order as possessed of legitimate monopoly over violence during the colonial period

Unit – III: Agrarian Violence and Repression

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

Unit – IV: Violence against the SCs, STs, Women, Minorities and Communal Violence

- 4.1. Violence and Atrocities against SCs, STs, Women and Minorities
- 4.2. Uses of Criminal Law to combat Atrocities or contain aftermath of Atrocities
- 4.3. Incidence and courses of "Communal" violence
- 4.4. The role of Police and Para-military systems in dealing with communal violence;
Operation of criminal justice system tiring, and in relation to, communal violence

Select Bibliography

- 1. U. Baxi, "Dissent, Development and Violence" in R. Meagher (ed.) Law and Social Change: Indo - American Reflections 92 (1988)
- 2. U. Baxi (ed.), Law and Poverty: Critical Essays, (1988)
- 3. A.R. Desai, (ed.) Peasant Struggles in India, (1979)
- 4. A.R. Desai, Agrarian Struggles in India: After Independence (1986) A.R. Desai, Violation of democratic Rights in India (1986)
- 5. D.A. Dhangare, Peasant Movement in India: 1920-1950 (1983)
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- 7. Ranjit Guba, (ed,) Subaltern Studies Vol. 1-6 (1983-1988)
- 8. T. Honderich, Violence for Equality (1980)

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10. Rajni Kothari, State Against Democracy (1987)
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12. K.S. Shukla, "Sociology of Deviant Behaviour," in 3 ICSSR Survey of Sociology and Social Anthropology 1969-1979 (1986)

PAPER - XI

LL.M.-ES-SP-G04: INTERNATIONAL LAW AND ORGANIZATION (GROUP-

**4) LL.M.-ES-SP-G04-P-XI: INTERNATIONAL AND CONTEMPORARY
ISSUES**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.
OF CREDITS – 4**

SYLLABUS

Unit – I: The New International Economic Order (NIEO)

- 1.1. Background
- 1.2. Essential component of the NIEO
- 1.3. State acceptance and practice of NIEO principles.
- 1.4. Critique of NIEO

Unit – II: The Right to Development

- 2.1. The 1979 G.A. Resolution
- 2.2. Progress towards enunciation of the Declaration of Right for Development
- 2.3. Basic Concepts of right to development
- 2.4. State acceptance and practice.

Unit – III: Towards Sustainable Development

- 3.1. The Context of U.N. Commission on Environment and Development
- 3.2. Our Common Future: the Report of the Commission.
- 3.3. Proposed legal principles for environmental protection and sustainable development.

3.4. State acceptance and practice

Unit – IV: Miscellaneous

4.1. Changing dimension of International law

4.2. International Trade law

4.3. International Criminal law and Terrorism

4.4. Climate change and Sustainable Development Goals: The International Scenario

Select Bibliography

1. H.W. Singer & J.A. Ansari, Rich and Poor Countries (1982)
2. P. Alston, "Development and the Rule of Law; Prevention Versus Cure as a Human Rights Strategy" in Human Right and Rule of law 83 (1981)
3. R. Falk, The End of the World Order (1983)
4. S. Gwrge, How the other Half Dies: The Real Persons for World Hunger (1976)
5. U. Bad, "The New International Economic Order, Basic Needs and Rights: Notes towards Development of the Right to Development": in Role of Law and Judiciary in Transformation of Society: India G.D.R. Experiments 178-205 (1984) D.A. Desai ed.) And see the literature there in cited. This paper is also published in the J. of the Indian Society of international Law.
6. UN Report of the Secretary General: "The International Dimensions of the Right to Development as a Human Right with other Human Right Based on International Cooperation, including the Right to Peace, Taking into Account the Requirement of the New International Economic Order and the Fundamental Human Needs". EICN - 41374.
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PAPER - XI

LL.M.-ES-SP-G05: HUMAN RIGHTS (GROUP-5)

LL.M.-ES-SP-G05-P-XI: SCIENCE, TECHNOLOGY AND HUMAN RIGHTS

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I: Introductory

- 1.1. Interrelationship of Science, Technology and Human Rights
- 1.2. Implication of Development of Science and Technology on Human Rights
- 1.3. Right to environment in the development of science and technology; Right to development in the advancement of science and technology
- 1.4. Right to human health and impact of developments in medical sciences

Unit – II: Medicine and the Law

- 2.1. Organ transplantation
- 2.2. Experimentation on human beings
- 2.3. Euthanasia (mercy killing)
- 2.4. Gene therapy

Unit – III: Issue of Human Rights Ethics in Scientific and Technological Development

- 3.1. Sex determination test; Induced abortion
- 3.2. Reproductive technology
- 3.3. Cloning
- 3.4. Surrogate motherhood

Unit – IV: Impact of Scientific and Technological Progress on Human Rights: Normative Response of the International Community

- 4.1. Development in Information Technology and Human Rights
- 4.2. Right to life; Right to adequate standard of living; Right to privacy and Right to information
- 4.3. Right to Physical integrity
- 4.4. Right to benefit from scientific and technological progress

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

Select Bibliography

1. Diane Rowland, Elizabeth Macdonald, Information Technology Law, (1997)
2. Suresh T. Viswanathan, The Indian Cyber Law, (2000)
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8. Swarup J., Human Rights and Fundamental Freedoms, (1975)
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13. Lauterpacht, E., International Law and Human Rights, (1968)
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PAPER - XI

LL.M.-ES-SP-G06: LABOUR, CAPITAL AND LAW (GROUP-6)

LL.M.-ES-SP-G06-P-XI: SOCIAL SECURITY LAW

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I: Social Security

- 1.1. Meaning
- 1.2. Distinction with labour welfare
- 1.3. Modality: social prescription, social assistance and social insurance
- 1.4. Labour social security as part of the general social security in the welfare state

Unit – II: Origin and Development

- 2.1. Western countries - charitable institutions - professional guilds – philanthropic organisations - workmen's compensation law in England
- 2.2. Eastern societies - India: joint family system, statutory schemes
- 2.3. International norms on social security for labour : the ILO measures
- 2.4. From Compensation to Insurance
 - 2.4.1. Judicial interpretation of the expression "arising out of and in the course of employment"
 - 2.4.2. Employees' state insurance benefits: an improvement over workmen's compensation

Unit – III: Constitutional Perspectives and Social Security: Law and Practices

- 3.1. Fundamental Rights: realization of the rights through meaningful social security measures: right to life, the wider dimensions
- 3.2. Right to adequate means of livelihood, free legal aid, public assistance in cases of unemployment, old age, sickness and disablement, maternity relief
- 3.3. Social Security: Law and Practices - The Comparative Perspectives
 - 3.3.1. The United Kingdom
 - 3.3.2. The United States
- 3.4. Some Aspects of social security measures in developing and developed countries

Unit – IV: Towards an Ideal Social Security Scheme: the Futuristic

- 4.1. Quality of Working Life and Quality of Life
- 4.2. Comprehensive and integrated social security: An Utopian concept or a pragmatic approach?
 - 4.2.1. Funding
 - 4.2.2. Benefits and beneficiaries
- 4.3. Role of Trade Unions
 - 4.3.1. Social security clauses in collective agreements
 - 4.3.2. Trade union schemes with its own fund
- 4.4. Social Security Measures in India

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

Select Bibliography

1. R.N.Choudhry, Commentary on the Workmen's Compensation Act 1923 (2000), Orient
2. S.C. Srivastava, Social Security and Labour Laws (1985).
3. R.W. Rideout Principles of Labour Law (1988), Chs. 12,13.
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6. Harry Calvert, Social Security Laws (1978)
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PAPER - XI

LL.M.-ES-SP-G07: ENVIRONMENT AND LEGAL ORDER (GROUP-

7) LL.M.-ES-SP-G07-P-XI: ENVIRONMENTAL LEGISLATION

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I: General Laws on Environmental Concern

- 1.1. Code of Criminal Procedure: Public nuisance
- 1.2. Provisions in the Indian Penal code
- 1.3. Local bodies law: an overview
- 1.4. Environment (Protection) Act, 1986

Unit – II: Coastal Zone Management

- 2.1. Sea erosion
- 2.2. Coastal Regulation Zone (CRZ) Notification
 - 2.2.1. Prohibitions and exemptions
 - 2.2.2. Permissible activities
- 2.3. Classification of zones and Coastal zone management plans
- 2.4. Regulation of sea resorts
 - 2.4.1. Eco-tourism

Unit – III: Emerging Legal Controls

- 3.1. Eco-mark
- 3.2. Environmental audit
- 3.3. Environment Impact Assessment
- 3.4. Public participation in environmental decision making

Unit – IV: Miscellaneous

- 4.1. Laws on Hazardous Substance
- 4.2. Preparedness on Environmental Disasters
- 4.3. Environment Information
- 4.4. Aquaculture

Select Bibliography

- 1. Leelakrishnan, P et. al. (eds.), Law and Environment (1990), Eastern, Lucknow
- 2. Leelakrishnan, P, The Environmental Law in India (1999), Butterworths, India
- 3. Department of Science and Technology, Government of India, Report of the Committee for Recommending Legislative Measures and Administrative Machinery for Ensuring Environmental Protection (1980) (Tiwari Committee Report)
- 4. Indian Law Institute, Environment Protection Act: An Agenda for Implementation (1987)
- 5. Indian Journal of Public Administration, Special Number on Environment and Administration, July - September 1988, Vol. XXXV, No.3

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8. Armin Rozencranz, et.al. (eds.), Environmental Policy and Law in India (2000), Oxford
9. Jaiswal, P.S. and Jaiswal, N, Environmental Law

PAPER – XI

LL.M.-ES-SP-G08: JURISPRUDENCE (GROUP-8)

LL.M.-ES-SP-G08-P-XI: CONCEPTS OF RIGHTS

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I: Classification and Categorization of Rights

- 1.1. Constitutional Rights
- 1.2. Rights protected by the IPC and Cr. P.C.; New rights generated in case law
- 1.3. Types of rights: positive, negative, natural, legal, and absolute in rem, in personam
- 1.4. Correlation of rights with duties

Unit – II: History of Legal Discourse on Rights

- 2.1. French Revolution and the Rights of man: Locke, Thomas Paine, Rousseau, Kant
- 2.2. The British Bill of Rights; The emergence of the American Bill of Rights
- 2.3. Declaration of Human Rights: The Soviet and Arab opposition
- 2.4. The Karachi Resolution and the First Indian Bill of Rights; The Constitutional debates in India: 'due process', rights of minorities, rights to property

Unit – III: Nature and Structure of Rights

- 3.1. What are Rights?
 - 3.1.1. Rights as Trumps. (Ronald Dworkin)
 - 3.1.2. Rights as Utility: David Lyons.

- 3.1.3. Rights as entitlement (Robert Nozick)
- 3.1.4. Rights as values. (Allen Buchanan)
- 3.2. Natural Rights and Absolute Rights
- 3.3. Correlation of Rights with other legal concepts - the Hohfeldian concept
- 3.4. Generation of Rights: The internal logic of the number of rights

Unit – IV: The Basis of Rights

- 4.1. Why do people have rights; Rights, Options and Entitlements
- 4.2. Grounds for claiming rights
 - 4.2.1. Explanations emerging from theory of self
- 4.3. Explanations emerging form theories of society
- 4.4. Explanations emerging from theories of morality

Select Bibliography

- 1. Upendra Baxi, The Crisis of the Indian Legal System (1985), Vikas Publishing House, New Delhi
- 2. Bentham on Legal Rights, in Oxford Essays in Jurisprudence, Second Series, (1973)
- 3. W.N. Hohfeld, Fundamental Legal Conceptions (1923)
- 4. D. Miller, Social Justice ch. 2, (1976)
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- 6. M. Cranston, What are Human Rights? (1973)
- 7. R.M. Dworkin, Taking Rights Seriously (1996), Universal, New Delhi
- 8. J. Finnies, Natural Law And Natural Rights (1980), Clarendon Press
- 9. C. Fledrich, 'Rights, Liberties and Freedoms - A Reappraisal', 57 American PoL Sci. Rev. 841 (1963)
- 10. H.J., McCloskey, 'Human Needs, Rights and Political Values 134 American Philosophical Quarterly (1976)
- 11. R. Wasserstorm, 'Rights, Human Rights and Racial Discrimination', 628 (1964) 61 Journal of Philosophy
- 12. J. Raz., Professor Dworkin's Theory of Rights', 26 Polit. Studies, 123 (1978)

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PAPER - XI

LL.M.-ES-SP-G09: FEMINIST CRITIQUE OF LEGAL ORDER (GROUP-9)

LL.M.-ES-SP-G09-P-XI: POPULATION PLANNING AND GENDER JUSTICE

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO. OF CREDITS – 4

SYLLABUS

Unit – I: Introductory

- 1.1. About demography as a social science; Demography and human and cultural geography
- 1.2. Poverty and population
- 1.3. Population policy perspectives
- 1.4. Constitutional Aspects of Population Policy

Unit – II: Law as a Factor - Affecting Fertility

- 2.1. Notions of fertility.
- 2.2. Raising the minimum age of marriage through the law: Problems and prospects
- 2.3. Population planning and equal inheritance rights for women, as factor affecting fertility
- 2.4. Adverse sex ratio and legal order
 - 2.4.1. Infant mortality rate of girls
 - 2.4.2. Nutritional sex discrimination
 - 2.4.3. Amniocentesis
 - 2.4.4. "Social sterilization" of widows
 - 2.4.5. Polygamous marriages
 - 2.4.6. Uniform Civil Code and population planning

Unit – III: Sterilization

- 3.1. Vasectomy v. Tubectomy: Discrimination against women in family welfare programmes
- 3.2. Incentives and disincentives for family planning
- 3.3. Abortion law and services
- 3.4. Injectable contraceptives, women's health and wellbeing, and judicial response

Unit – IV: Laws on Economic Factors Affecting the Family

- 4.1. The incidence of income tax and family planning
- 4.2. Maternity benefits
 - 4.2.1. Factories Act
 - 4.2.2. Maternity Benefits Act, 1961
 - 4.2.3. Workmen's Compensation Act, 1923
 - 4.2.4. The Minimum Wages Act, 1948
- 4.3. Child labour regulation and population planning
- 4.4. Migration, Law, Population Planning

Select Bibliography

- 1. Ashoka Mistra, The India's Population: Aspects of Quality Control, (1978)
- 2. S. Chandrasekhar, Population and Law in India, (1976)
- 3. Govt. of India, Towards Equality Report of the National Committee on the Status of Women (1975)
- 4. Govt. of India, The Shah Commission Report on Emergency Excesses (1978) Relevant Articles from The Economic and Political Weekly

PAPER - XI

LL.M.-ES-SP-G10: ADMINISTRATIVE LAW (GROUP-10)

LL.M.-ES-SP-G10-P-XI: COMPARATIVE ADMINISTRATIVE LAW

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I: Evolution and Significance of Administrative Law in Various Systems of Governance - From Ancient to Modern

- 1.1. French system
- 1.2. England and US
- 1.3. Indian system
- 1.4. Other systems

Unit – II: Doctrine of Separation of Powers; Delegated Legislation and Administrative Discretion

- 2.1. Comparative survey - Common law and Continental systems: English, US, French, German and Indian
- 2.2. Comparative approaches - widening contours: classification, controls over delegated legislation
- 2.3. Need for discretionary powers
- 2.4. Nature, scope and limits

Unit – III: Processual Fairness

- 3.1. Evolution and significance of natural justice
- 3.2. England: judicial process - doctrine of fairness and doctrine of legitimate expectation - legislation
- 3.3. US: due process and judicial decisions - legislation India: through judicial process doctrine of fairness: Articles 14, 19 and 21 - doctrine of legitimate expectation
- 3.4. Access to information

Unit – IV: Liability of Administration - England, US and Indian Practices

- 4.1. Contractual liability
- 4.2. Tortious liability
- 4.3. Federal Tort Claims Act, 1946; Crown Proceedings Act 1947
- 4.4. Indian attempts at legislation

Syllabus and Regulations -LL.M. (M S Law University, Cuttack)

Select Bibliography

1. Peter H. Schuck, Foundations of Administrative Law (1994), Oxford, New York
2. Friedman, The State and the Rule of Law in a Mixed Economy
3. Neville L. Brown and J.F. Garner, French Administrative Law
4. Ivor Jennings, Law and the Constitution
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6. Davis, Discretionary Justice
7. De Smith, Judicial Review of Administrative Action (1995)
8. Neil Hawke and Neil Papworth, Introduction to Administrative Law (1996), Lawman, New Delhi
9. D.D.Basu, Comparative Administrative Law, (1998)

PAPER - XI

LL.M.-ES-SP-G11: SCIENCE, TECHNOLOGY AND LAW (GROUP-11)

**LL.M.-ES-SP-G11-P-XI: EPIDEMIOLOGICAL AND PUBLIC HEALTH ASPECTS
OF SCIENCE AND TECHNOLOGY**

FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40) NO.

OF CREDITS – 4

SYLLABUS

Unit – I: Generation of Human resources through the exploitation of medical science and technology

- 1.1. Biomedical concept - health as absence of disease
- 1.2. Ecological concept - health as a state of balance between man and environment
- 1.3. Bio-social and bio-cultural concept - health includes the consideration of social, cultural and psychological factors
- 1.4. Health as Basic human Right

Unit – II: Impediments to Public Health

- 2.1. Undue emphasis on curative medicine as the basis of primary health care (as a result of uncritical acceptance of the western model of medical health care)
- 2.2. Concentration of health care services in urban areas

2.3. Meagre resource allocations to cover the hitherto uncovered rural population

2.4. Neglect of preventive, promotive and rehabilitative aspects of health care

Unit – III: Public Health: A Key to National Socio-Economic Development

3.1. Health for all: Alma-Ata Declaration

3.2. Sectors serving as inputs to public health

3.2.1. Drugs and pharmaceuticals

3.2.2. Education and social welfare

3.2.3. Housing; Potable water; Sanitation

3.2.4. Prevention of food adulteration

3.2.5. Immunization

3.2.6. Conservation of environment

3.3. Laws Relating to Public Health and Convenience

3.3.1. Anti-Smoking Laws - The Cigarettes and other Tobacco Products (Prohibition of Advertisements and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003

3.3.2. The Food Safety and Standards Act, 2006 and Relevant Provisions of Chapter XIV of IPC 1860

3.3.3. The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013

3.4. Reproductive and Therapeutic Technology – Surrogacy; Organ Transplantation Technology and the Transplantation of Human Organs and Tissues Act, 1994

Unit – IV: Miscellaneous

4.1. Correlation between population stability and primary health care

4.2. Modes of enforcing small-family norms

4.3. Health care to self-inflicted diseases such as oral cancer due to tobacco chewing

4.4. Universal primary health care versus specialized medical care

Select Bibliography

1. Report of Working Group on Health for All by 2000 A.D. (1981)

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2. M.J. Roberts, "The Logical and Philosophical Problems of Allocation of Scarce Health Care Resources", in Health Policy towards the 21st Century 47-72 (1984)
3. V. Ramalingaswami, "Medicine, Health and Human Development", The Ninth Jawaharlal Nehru Lecture, New Delhi, Nov. 1975
4. D.D. Kulpati, "The Basic Concepts of Health", in Dilemmas in Health Policy, at C-9, C-13 (1986)
5. Pragma Kumar & Virendra Kumar, "Health as a Fundamental Human Right", in Dilemmas in Health Policy, at C-1 C-8 (1986)

SEMESTER – IV

CORE SUBJECTS (CS) FOR 4TH SEMESTER

PAPER – XII

LL.M.-CS-06-P-XII: DISSERTATION AND VIVA-VOCE (Equivalent to 02 papers)

FULL MARKS – 200 (There will be no Internal Assessment) 08

CREDITS

The topics for dissertation along with the Teacher Guides/Supervisors for each student shall be notified by the Head of the Department/Principal within a week from the commencement of 4th semester. During the Dissertation work for the purpose of attendance a candidate shall meet the Teacher Guide/Supervisor twice a week in the class allotted there for. A candidate shall prepare the dissertation (Minimum 100 pages and Maximum 150 pages) as per guidance of the Teacher and submit his/her soft copy (in a Compact Disc) and four hard copies of the dissertation on the date of examination. The dissertation should be neatly typed in A4 size paper in Times New Roman style with font size 12 and 1.5 line spacing. Proper research methodology should strictly be followed at the time of preparing the dissertation.

Viva Voce examination shall be conducted by a Board of Examiners as prescribed in the Regulations.

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PART – II

MADHUSUDAN LAW UNIVERSITY
CUTTACK

Regulations for LL.M. Course

MADHUSUDAN LAW UNIVERSITY, CUTTACK

**REGULATIONS FOR THE MASTER OF LAW (LL.M.) PROGRAMME
(SEMESTER COURSE) UNDER CHOICE BASED CREDIT SYSTEM**

1. NAME OF THE PROGRAMME: MASTER OF LAWS (LL.M.)

2. APPLICABILITY:

These Regulations for Master Degree (LL.M.) Programme shall be applicable to the P.G. Department of Law, Madhusudan Law University and all other affiliated law colleges having P.G.(LL.M.) Programme under the Madhusudan Law University, Cuttack. It shall come into effect from the Academic Session 2021-2022.

3.ELIGIBILITY:

3.1. A candidate who has passed the Bachelor Degree of Law Examination (three years LL.B./five years integrated LL.B.) with minimum 50% marks in the aggregate shall only be eligible for admission to this Programme.

3.2. From among the eligible candidates selection for admission to the Programme shall be made on the basis of the procedure to be decided by the Govt. of Odisha from time to time (as per practice) which shall be applicable to the P.G. Department of Law, Madhusudan Law University as well as all affiliated law colleges of this University imparting LL.M. Programme. Reservation of seats will be as per the Government Rules.

3.2. However, in case the joint entrance examination for the Programme is being conducted by the Government agency, then the rules, regulations, notifications, orders etc. issued by the Government from time to time for this purpose shall be applicable for the whole admission process.

3.4. No student shall be ordinarily admitted as a matter of right or provisionally to the 1st Semester Class of the Programme unless he/she fulfills the criteria for admission. Admission to subsequent semesters is subject to fulfillment of Rules and Regulations set by the Madhusudan

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Law University from time to time.

4. NO. OF SEATS: The total number of seats will be 30.

5. FEES: The fees for admission shall be as prescribed by the University from time to time.

6. KEY WORDS:

6.1. Programme: An educational programme leading to award of a Degree.

6.2. Academic Year: Two consecutive (one odd + one even) semesters constitute one Academic Year.

6.3. Duration:

6.3.1. The duration of the Programme shall spread over for a period of two academic years which shall consists of four semesters.

6.3.2. In all semesters each class/period shall be of one hour duration.

6.4. Semester: Each semester will consist of 15 -18 weeks of academic work equivalent to 90 actual teaching days which shall include lecture, tutorial, seminar, library work etc. The odd semester may be scheduled from July to December and even semester from January to June.

6.5. Course: Courses in LL.M. Programme may be of two kinds: Core course and Elective course. Core course is the course which is to be compulsorily studied by a student as a core requirement to complete the requirement of the programme. Elective course is a course which can be opted from a group of papers. **Course is usually referred to as 'Papers' of a Programme.**

6.7. Medium of Instruction: The medium of instruction will be English.

6.8. Choice Based Credit System (CBCS): The CBCS provides choice for students to select from the prescribed courses (Elective Courses).

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6.9. Credit: A unit by which the course work is measured. It determines the number of hours of instructions required per week. One credit is equivalent to one hour of teaching (lecture or tutorial).

6.10. Credit Point: It is the product of Grade point and No. of Credits for a course.

6.11. Credit Index: It is the sum of Credit points in a Semester (i.e. total credit points).

6.12. Grade Point: It is a numerical weight allotted to each letter grade on a 10-point scale. It is the value assigned to the marks obtained by a candidate in a paper.

6.13. Letter Grade: It is an index of the performance of students in a said course. Grades are denoted by letters O, A+, A, B+, B, F and Abs.

6.14. Semester Grade Point Average (SGPA): It is a measure of performance of work done in a semester. It is the ratio of Credit Index (i.e. total Credit Points) secured by a student in various courses registered in a semester and the total course credits taken during that semester. It shall be expressed up to two decimal places.

6.15. Cumulative Grade Point Average (CGPA): It is a measure of overall cumulative performance of a student over all semesters. The CGPA is the ratio of total Credit Points secured by a student in various courses in all semesters (i.e. sum of total Credit Index) and the sum of the total Credits of all courses in all the semesters. It is expressed up to two decimal places.

6.16. University: University means Madhusudan Law University, Cuttack.

6.17. Controller of Examinations: It means the Controller of Examinations, Madhusudan Law University, Cuttack.

7. COURSE DESIGN:

There shall be six Core Papers which are compulsory in nature and six Optional Papers which shall be opted by the students from a pool of various Elective Subjects (Specialization Groups). Students are to elect any one of the Specialization Subject for 1st, 2nd and 3rd semesters. Once they elect any one Specialization Group in 1st Semester, it cannot be changed in subsequent semesters. The students shall have to do all the Core Courses (four theory courses, the dissertation, and the practical) and six papers from a single Optional (Specialization) Group i.e. Elective Courses. The Course design is given below:

Semester	Core Subjects (Compulsory)	Elective Subjects (Special Papers)	Total Papers	Marks @ 100/Paper
First	2	2	4	400
Second	2+1 (Practical)	2	5	500
Third		2	2	200
Fourth	1 (Dissertation & Viva-Voce equivalent to 2 Papers having 200 marks)		1	200
Total No. of Papers (Core + Optional) = 12		Total Marks = 1300		

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8. COURSE CODE:

8.1. Each course shall have a unique alphanumerical code.

8.2. Every course offered by the University is identified by a unique alphanumerical code. For example LL.M.-CS-01-P-I is the alphanumerical code in which LL.M. is the Course Code; CS stands for Core Subject; 01 is the Serial number of the Course and P-I is Paper –I.

8.3. Similarly, LL.M.-ES-SP-G01-P-I stands for alphanumerical code for Elective Subjects. Here LL.M. is the Course code; ES stands for Elective Subject; SP stands for Specialization Paper; G stands for Group; 01 stands for Serial number of the Group and P-I is Paper –I.

9. ATTENDANCE:

9.1. A student in order to qualify him/her self to appear at the end semester examination shall have to secure at least 75% of classroom attendance in all the subjects taken together for each semester including lecture, tutorial, seminar, library work etc.

9.2. A student shall prefer an application before the Vice-Chancellor citing a reasonable ground for failure to attend 75% of the classes.

9.3. The Vice-Chancellor shall enjoy the prerogative to grant not more than 9 per cent of class room attendance to a student in such case (as mentioned under Regulation 9.2)

i.e. every student must attend at least minimum 66% of the classes in aggregate. In the case of affiliated colleges, the case shall be forwarded to the Vice-Chancellor through the Principal of the concerned college/ institution for condoning of the shortage of attendance.

9.4. A student who represents the University/Institution in any International/National/State/zonal level Academic activities/Sports competition with prior permission of the Authority, their absence in the class shall be considered as present for

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the period attended/participated during that semester on production of relevant Certificates.

10. PROMOTION RULES:

10.1. The First Semester Form Fill up is mandatory to retain the studentship.

10.2. If the candidate fills up the examination form of the first semester, but fails to appear the said examination, her/his studentship shall not be cancelled.

10.3. She/he shall not be promoted to second semester/ third semester.

10.4. She/He has to start afresh from first semester in the subsequent year.

11. QUALIFICATION FOR ADMISSION INTO SEMESTER EXAMINATIONS OF MASTER OF LAW (LL.M.):

11.1. Any Regular student may be admitted into the Semester Examination if he fulfills the conditions as laid in the Regulations and completed the Semester Course of study provided he/she is not otherwise ineligible to appear the said examination.

11.2. Enrollment for 1st Semester is compulsory. He/she has to first enroll for 1st Semester Examination and then only he/she will be allowed to appear at the subsequent semesters' examinations.

11.3. An examinee may appear odd semester examination and even semester examinations simultaneously (i.e. 1st & 3rd, 2nd & 4th can be taken together), provided he/she fulfills the criteria mentioned in 10.2.

11.4. If a candidate could not appear in the University Examination at the end of any semester due to shortage of attendance, he/she may take admission in the same semester at the beginning of the next academic session over and above the sanctioned strength with prior permission of the Authority.

11.5. In order to clear a semester, a candidate is required to secure 50% (Grade Point 6.0) in each paper and in aggregate.

11.6. Notwithstanding anything contained in the foregoing Regulations, a candidate shall appear and pass in all examination for the Master of Law (LL.M.) degree within a period of 5 years from the date of his/her first registration in the LL.M. Programme.

12. APPLICATION FOR ADMISSION TO THE EXAMINATION:

A candidate for admission to the 1st, 2nd, 3rd, & 4th semester examination shall specify the Papers and Subject/Group allotted to him/her in which he/she is to be examined in the prescribed application form provided by the University along with other relevant documents and fees as prescribed by the University from time to time, provided he/she is eligible to appear at the Semesters' examinations as per Regulations.

13. SYSTEM OF EXAMINATION:

13.1. The candidates shall have to do all the Core Subjects (four theory papers, the dissertation, and the practical) and six papers from a single Optional Group (Specialization/Elective Subjects).

13.2. A candidate for MASTER OF LAWS (LL.M.) Degree shall be required to appear in the examinations in Four Semesters.

13.3. The Controller of Examinations shall notify the Examination Schedule on completion of all the courses and Internal Assessments.

13.4. Every theory paper (Total 10 nos.) shall carry 100 marks each out of which 60 marks are for the End Semester Examination and 40 marks for Internal Assessment. For every theory paper total eight questions shall be set with two questions from each unit. The candidates should be required to attempt only four questions, selecting one question from each unit. Each question will carry 15 marks. There shall be no Internal Assessment for the Practical paper and Dissertation.

13.5. The time for the end semester theory examination will be of 3 hours duration and for mid-term test it shall be of 45 minutes.

The Criteria for Internal Assessment will be as follows:

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(i) Seminar participation and Presentation of Paper = 15 marks

(ii) Written Assignment = 10 marks

(iii) Mid-term Test = 15 marks

Total = 40 marks

13.6. The question papers shall be set by the Question Setters fixed by the Controller of Examinations. Similarly the answer scripts shall be evaluated by the Board of Examiners appointed by the Controller of Examinations.

13.7. The Controller of Examinations will publish the result taking into account both marks obtained in the Internal Assessment and in the End Semester Examination by the candidates.

13.8. Every theory paper of 60 marks shall be evaluated externally (by the examiner appointed by the Controller of Examinations) whereas the internal assessment of 40 marks, as described above, shall be evaluated internally. The Mid-term test shall be conducted after the completion of Unit-I and Unit-II of each theory paper. The dates for Seminar and Mid-term test shall be fixed by the Head of the Department/Principal in consultation with the Dean. In Written Assignment the students are required to prepare a Research Project (not more than 20 pages) on any topic of that Semester to be decided by a Committee consisting of Head of the Department/Principal, and the Supervisor/Teacher Guide and submit it on a date fixed by the Authority. After the completion of all these tests and evaluation the concerned authority shall forward the awards of marks to the Controller of Examinations within 15 days.

13.9. Where a candidate fails to appear in the examination in any one or more subjects or having taken the examination has failed to secure the minimum pass marks (50%) in any one or more subjects or in aggregate, his/her Internal Assessment marks shall be carried forward to the subsequent examination.

13.10. A candidate will be allowed to appear the Internal Assessment once in every method of assessment. There shall be no pass mark or provision for improvement, repeat or back.

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13.11. If a candidate remains absent in any method of evaluation of Internal Assessment, he/she shall not be debarred from appearing the other theory papers / Practical / Dissertation of the end semester examination.

13.12. Dissertation and Viva-voce carrying 200 marks shall be evaluated externally and internally with 150 marks for the written work and with 50 marks for presentation and viva- voce. For this purpose Head of the Department in consultation with the Dean shall prepare a list of External Examiners, not below the rank of the Professor (minimum 3 names), which shall be placed before the Vice Chancellor for approval. After such approval the Controller of Examinations shall notify the names of External Examiners for both dissertation and viva-voce examination. External Examiners must be from any other University/Institution imparting LL.M. Course.

The Viva-voce shall be conducted by a Board of Examiners consisting of the following members:

- A. Head of the Department/Principal – Chairman of the Board
- B. External Examiner – Member
- C. Supervisor/Teacher Guide of the Candidate – Member

13.13. The remuneration including T.A. D.A. for the members of the Board shall be made in accordance with the University rules and it shall be borne by the respective Institution.

13.14. The Board of Examiners shall evaluate the performance of the candidate on the basis of presentation, domain knowledge, communication skill, research methodology used/applied and accordingly award the marks.

13.15. The dissertation should be neatly typed in A4 size paper in Times New Roman style with font size 12 and 1.5 line spacing. Proper research methodology should strictly be followed at the time of preparing the dissertation.

13.16. The topics for dissertations along with Teacher Guides/ Supervisors for each candidate shall be notified by the Head of the Department/Principal within a week from the commencement of 4th Semester. During the dissertation work for the purpose of attendance a candidate shall meet a Supervisor/ Teacher Guide at least twice a week in the class allotted there

for.

13.17. At the end of 4th semester a candidate shall submit four typed copies of the dissertations and its soft copy (in a compact disc) in the office of the Controller of Examinations through the Head of the Department/Principal on the scheduled date fixed by the Controller. After the evaluation of the dissertation by the examiners the Controller of Examinations shall notify the date for viva-voce test.

13.18.

A. The **doctrinal research (25 marks) and non-doctrinal research (25 marks) [Total (50 marks)]** and **Teaching Assignment (50 marks)** of **Paper- VII** shall be evaluated by a Committee constituted by PG Council Chairman on the recommendations of Head of the Department PG, MLU.

B. The Vice-Chancellor shall approve the University Nominee from the Panel submitted by the PG Council Chairman.

C. The Committee shall consist of the following members:

- i. VC Nominee (Chairperson)
- ii. Principal (member)
- iii. Subject Teacher (member)

D. Research Methodology

(i) Doctrinal research (25 marks)

Each student will be assigned in advance a separate topic and asked to collect materials. A period of two weeks can be set apart for carrying out this assignment in the library. The materials indicated or collected during the assignment shall be submitted in A4 size paper in Times New Roman style with font size 12 and 1.5 line spacing.

ii) Non-doctrinal research (25 marks)

Here the candidate will be asked to go out of the class room and library and make an empirical study of a problem which has social, economic, legal or political dimension. Field data can be collected through any method of data collection. Finally the candidates shall be required to submit a write up (just like a project work) which shall be within 50 typed pages in A4 size paper in Times New Roman style with font size 12 and 1.5 line spacing.

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E. Law Teaching (50 marks)

A Unit of a Course will be assigned to the candidate in advance. He/she shall be required to deliver lecture for one hour on each topic of that unit for a period of one week (total 4 classes). Where LL.B. Programme (3 years/Integrated 5 years) co-exists with LL.M. Programme, the candidates shall be asked to teach these 3 years LL.B./5 years LL.B. students only through lecture method of law teaching. In legal education practical, the candidates shall be evaluated internally by a committee constituted for the purpose. In this committee only the Head of the Department/Principal and other two teaching faculties will be there. The H.O.D./Principal will constitute and notify this committee.

14. EVALUATION PROCESS:

A panel of examiners for different purposes/examinations of the LL.M. Programme should be prepared and submitted by the Chairman, Board of Studies to the Controller of Examinations for approval. Accordingly, the Controller will appoint the examiners for the evaluation of answer scripts and for other purposes as stated in these regulations. Central evaluation should be preferred for the evaluation of answer scripts.

15. PASS MARK AND CLASSIFICATION OF SUCCESSFUL CANDIDATES:

15.1. A candidate is required to secure minimum 50% marks in each paper and aggregate (Grade B with Grade Point 6.0 and above) in order to pass in a semester.

15.2. Aggregate marks for passing the degree examination shall be sum total of the aggregates of the 1st, 2nd, 3rd, and 4th Semester Examinations taken together (i.e. CGPA).

15.3. (a) If a candidate is marked absent in any paper(s) in an examination, such a candidate shall have to appear in that paper(s) in order that his/her results are declared within subsequent chance only as prescribed. Otherwise his/her result will be declared as Withheld/Result Awaited.

(b) A candidate failing to secure 50% in any paper or in aggregate in any of the 1st, 2nd, 3rd, & 4th Semester Examinations of this University may be allowed to appear in those subjects in subsequent examinations of the same semesters for which he/she was registered to clear-up back paper(s) on payment of requisite fees within stipulated time period as prescribed in regulation no.

11.6.

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15.4. A candidate may improve his/her Score/Division/Grade by appearing the examination in one subsequent chance only within that prescribed period of five years.

16. THE CREDIT SYSTEM:

The credits specified for MASTER OF LAWS (LL.M.) Programme describe the weightages of various courses of the programme. The number of credits along with grade points that the student has satisfactorily completed, measures the performance of the student. Satisfactory progress of a student is subject to his/ her maintaining a minimum Cumulative Grade Point Average (CGPA), as well as minimum grades in different subjects of the programme. Description of credit distribution for the course has been given below.

NO. OF CORE PAPERS:

(A) 1st SEM 02 + 2nd SEM 02 = 04 PAPERS

(B) PRACTICAL PAPER (in 2nd SEM) = 01 PAPER

(B) DISSERTATION AND VIVA-VOCE (in 4th SEM) = 01 PAPER

[Though it is 01 paper but will be considered as equivalent to 02 papers as it is of 200 marks]

NO. OF ELECTIVE PAPERS:

1st SEM 02 + 2nd SEM 02 + 3rd SEM 02 = 06 PAPERS

[Elective papers are meant for Specialization and candidates are to elect, as per their choice, any one of the Specialization Subject (for all the three semesters) mentioned in the syllabus]

TOTAL NO. OF SEMESTERS = 04

TOTAL PAPERS OF ALL SEMESTERS = 12

EACH PAPER CONSISTS OF 04 CREDITS

TOTAL NO. CREDITS = 52

[11 Papers (10 theory papers + 01 practical paper) x 04 = 44 Credits + Dissertation and Viva-voce (equivalent to 02 papers) = 08 Credits]

17. GRADING SYSTEM:

GRADE		MARK SECURED	GRADE POINT
Outstanding	O	90 - 100	10
Excellent	A+	80 - 89	9
Very Good	A	70 - 79	8
Good	B+	60 - 69	7
Satisfactory	B	50 - 59	6
Fail	F	Less than 50	0
Absent	Abs	---	0

To calculate the Grade Point in case of Dissertation and Viva-voce (which is equivalent to 2 papers having 200 marks) the marks secured by the candidate will be divided by 2 and accordingly the Grade Point will be determined.

[For example if the mark secured is 163, then according to the Grading System the Grade Point will be 9 (i.e. $163 / 2 = 81.5$ and its respective Grade Point is 9].

18. CALCULATION OF SGPA AND CGPA:

Each paper consist of 4 Credit.

Credit Point for each Paper = Grade Point Secured X No. of Credits for a Paper

[For example, if a candidate has secured 75 marks in an Individual Paper the corresponding Credit Point of 75 is Grade - A with Grade Point 8 and his/her Credit Point in that paper shall be $8 \times 4 = 32$]

Credit Index = Sum of Credit Points in a Semester.

SGPA (Semester Grade Point Average) =

CGPA (Cumulative Grade Point Average) =

$$\frac{\text{Credit Index}}{\text{Total No of Credits of a Semester}}$$
$$\frac{\text{Sum of Credit Index of All Semesters}}{\text{Sum of Credits in All Semesters}}$$

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ILLUSTRATION OF SGPA AND CGPA:

Semester	Paper	Marks Secured	Grade Point	Credit per Paper	Credit Point (Grade Point X Credit per Paper)	Credit Index (Sum of Credit Points in a Semester)
I	I	68	7	4	7 X 4 = 28	28 + 32 + 36 + 24 = 120
	II	79	8	4	8 X 4 = 32	
	III	82	9	4	9 X 4 = 36	
	IV	55	6	4	6 X 4 = 24	
II	V	80	9	4	9 X 4 = 36	36 + 32 + 36 + 28 + 32 = 164
	VI	76	8	4	8 X 4 = 32	
	VII	83	9	4	9 X 4 = 36	
	VIII	64	7	4	7 X 4 = 28	
	IX	70	8	4	8 X 4 = 32	
III	X	69	7	4	7 X 4 = 28	28 + 32 = 60
	XI	74	8	4	8 X 4 = 32	
IV	XII	163	9	8	9 X 8 = 72	72

TOTAL NOS. OF CREDITS = 16 + 20 + 8 + 8 = 52

[I Semester = 4 + 4 + 4 + 4 =16; II Semester = 4 + 4 + 4 + 4 + 4 = 20; III Semester = 4 + 4 = 8; and IV Semester = 8]

TOTAL CREDIT INDEX = 416

[I Semester = 120; II Semester = 164; III Semester = 60; and IV Semester = 72]

SGPA [Credit Index divided by total nos. of Credits of a Semester] =

I Semester : 120 / 16 = 7.50

II Semester : 164 / 20 = 8.20

III Semester : 60 / 8 = 7.50

IV Semester : 72 / 8 = 9.00

CGPA [Sum of Credit Index of all Semesters divided by Sum of Credits in all Semesters] =
Sum of Credit Index of all Semesters = $120 + 164 + 60 + 72 = 416$ Sum
of Credits in all Semesters = $16 + 20 + 8 + 8 = 52$
Hence CGPA = $416 / 52 = 8.00$

19. PUBLICATION OF RESULTS:

19.1. The results of the MASTER OF LAWS (LL.M.) Degree Examination and the Division to be awarded shall be determined on the basis of combined results of 1st, 2nd, 3rd, & 4th Semester examinations taken together. In aggregate the minimum passing Grade shall be B with Grade point 6.0.

19.2. A candidate who has passed in all the papers/courses of 1st, 2nd, 3rd, and 4th Semesters of two year LL.M. Programme taken together shall be declared as 'Passed'. Such passed candidates may be awarded with the Division according to the following criteria:

- (i) First Division : CGPA 6.5 and above
- (ii) Second Division : CGPA 5.5 and above, but below 6.5.

19.3. Percentage of marks will be calculated by subtracting 0.50 from the CGPA and then multiplying it by 10 i.e. $[(CGPA - 0.50) \times 10]$. For example if the CGPA is 8.00 then its percentage will be $(8.00 - 0.50) \times 10$ i.e. $7.50 \times 10 = 75$ percent.

19.4. The list of candidates who passed in 1st Division shall be arranged in order of merit. Candidates who passed all the examinations in first attempt will be placed above those who passed with back paper/repeat clearance in the merit list.

19.5. The candidates who passed all the examinations in first attempt with 1st Division shall only be eligible for University Gold Medals in order of merit.

20. MISCELLANEOUS:

- (i) **Grace Rule:** The Conducting Board of Examiners may provide grace mark to the candidates basing on the performance of the results as deems proper. But it should not exceed 1% of the

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total marks in a semester in which he/she is appearing. This rule shall be for the award of division only.

(ii) In case of any ambiguity, the Controller of Examinations shall take the final decision with the consultation of the Dean and final approval of the Vice Chancellor.

21. DEGREE:

Each successful candidate at the end of Semester examinations of the course shall receive a DEGREE OF MASTER OF LAWS (LL.M.) provided by the University.

22. DRESS CODE:

All the students are required to wear the uniform prescribed by the University authorities from time to time. Dress code is as follows-

- **Girls/Female students-**

- a) Black Trouser, White Shirt (full sleeves), Black Tie, Black Blazer with University crest (during winters), Black Leather Shoes, Socks (Black/White).
- b) Sari (white) with black/white blouse.
- c) Suit (white) with white dupatta.
- d) Skirt (Black) with White Shirt (full sleeves)

- **Boys/Male Students-**

- a) Black Trouser, White Shirt (full sleeves), Black Tie, Black Blazer with University crest (during winters), Black Leather Shoes, Socks (Black/White).

➤ *Non-observance of dress code is considered as an act of indiscipline and an action shall be initiated as per Madhusudan Law University Regulations.*

23. OBSERVANCE OF DISCIPLINE:

All the admitted students are required to carry their Identity Card all the time inside University premises and remain disciplined. Violation of any provision of University, Act /Rules/ Regulations/ Order/ Notice shall invite action in accordance with University Regulations.

24. RAGGING:

Ragging in any form is strictly prohibited. Any person involved shall be dealt strictly as per the rules/regulations of UGC/BCI and MLU Regulations.
