

LAW AND SOCIAL TRANSFORMATION

Sub. Code: MLC – 101

C 4, L 4.

Unit I - Law and social change

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

Unit II - Religion and the law

Religion as a divisive factor, Secularism as a solution to the problem, Reform of the law on secular lines: Problems, Freedom of religion and non-discrimination on the basis of religion, Religious minorities and the law

Unit III - Language and the law

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

Unit IV - Community and the law

Caste as a divisive factor, Non-discrimination on the grounds of caste, Acceptance of caste as a factor to undo past injustices, Protective discrimination: Scheduled castes, tribes and backward classes, Reservation; Statutory Commissions, Statutory provisions, Crimes against women, Gender injustice and its various forms, Empowerment of women: Constitutional and other legal provisions.

Unit V - Regionalism and the law

Regionalism as a divisive factor, Concept of India as one unit, Right of movement, residence and business; impermissibility of state or regional barriers, Equality in matters of employment: the slogan “Sons of the soil” and its practice, Admission to educational institutions: preference to residents of a state.

Select Bibliography

1. Marc Galanter (ed.), Law and Society in Modern India (1997) Oxford.
2. Robert Lingat, The Classical Law of India (1988), 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. Indian Law Institute, Law and Social Change: Indo-American Reflections, Tripathi (1988)

COMPARATIVE PUBLIC LAW

Sub. Code: MLC – 103

C 4, L 4.

Unit I – Federalism: Comparative Analysis

Creation of new states, Allocation and share of resources - distribution of grants-in- aid, The inter-state disputes on resources, Centre's responsibility and internal disturbance within States, Directions of the Centre to the State under Article 356 and 365, Federal Comity: Relationship of trust and faith between Centre and State, Special status of certain States, Tribal Areas, Scheduled Areas. Comparative Federalism between Unitary Constitutions and Federal Constitutions

Unit II - Separation of powers: stresses and strains.

Judicial activism and judicial restraint, PIL : implementation, Judicial independence, Appointment, transfer and removal of judges, Accountability: Executive and judiciary, Comparative Separation of Power in Common law Jurisdictions and Civil Law Jurisdictions

Unit III - Freedom of Press and challenges of new scientific development

Freedom of speech and expression, Right to broadcast and telecast, Impact of Information Technology Act, 2000, Right to strikes, *hartal* and *bandh*

Unit IV - Emerging regime of new rights and remedies.

Reading Directive Principles and Fundamental Duties into Fundamental rights, Compensation jurisprudence, Right to education, Commercialisation of Education and its impact, Educational institutions and state control: Critical Analysis of *Pai Foundation* & its aftermath,

Unit V - Democratic process.

Nexus of politics with criminals and the business, Election: Jurisprudence of Representation; Role of Election Commission, Electoral Reforms: Contribution of Judiciary, Coalition government, 'stability, durability, corrupt practice'

Select Bibliography

M.P. Jain, Indian Constitutional Law.

H.M. Seervai, The Indian Constitutional Law.

V.N. Shukla, Indian constitutional Law.

COMPARATIVE CRIMINAL PROCEDURE

Sub. Code: MLE – 105

C 4, L 4.

Unit I: Organisation of Courts and Prosecuting Agencies

Hierarchy of criminal courts and their jurisdiction, Nayaya Panchayats in India, Panchayats in tribal areas, Organisation of prosecuting agencies for prosecuting criminals, Prosecutors and the Police, Withdrawal of Prosecution.

Unit II: Pre-Trial Procedure

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

Unit III: Trial Procedure

The accusatory system of trial and the inquisitorial system, Role of the judge, the prosecutor and defence attorney in the trial, Admissibility and inadmissibility of evidence, Expert evidence, Plea bargaining.

Unit IV: Correction and Aftercare service

The role of the court in correctional programmes in India - **Preventive Measures in India:** Provisions in the Criminal Procedure Code, Special enactments

Unit V: Public Interest Litigation:

Directions for criminal prosecution.

Select Bibliography:

1. Vernon Fox - Introduction to Criminology
2. Sutherland and Cressy - Criminology
3. Sethna - Society and the Criminal
4. Ahmad Siddique – Criminology
5. K.D.Gaur – A Textbook on The Indian Penal Code.
6. Videh Upadhyay - Public Interest Litigation In India: Concepts, Cases Concerns 1st Edition
7. S. K Agrawala - Public interest litigation in India: A critique (K.M. Munshi memorial lectures)
8. N.V. Paranjape – Criminology Penology & Victimology.

TREATMENT OF OFFENDERS AND VICTIMOLOGY

Sub. Code: MLE – 107

C 4, L 4.

Unit I: Introductory: Definition of Penology

Theories of Punishment: Retribution, Utilitarian prevention: Deterrence; Utilitarian: Intimidation; Behavioural prevention: Incapacitation, Behavioural prevention: Rehabilitation-Expiation, Classical Hindu and Islamic approaches to punishment

Unit II: Approaches to Sentencing

Alternatives to Imprisonment, Probation, Corrective labour, Fines, Collective Fines, Reparation by the offender/by the court, Constitutionality of Capital Punishment, Judicial Attitudes towards Capital Punishment in India - An inquiry through the status law and case law, Law Reform Proposal.

Unit III: Imprisonment

The State of India's jails today, The disciplinary regime of Indian prisons, Classification of prisoners, Right of prisoner and duties of custodial staff, Deviance by custodial staff, Open prisons, Judicial Surveillance-basis- development reforms.

Unit IV: Victimology

Status of victim in Criminal Justice System, Rights of Victim, Compensation to victims of crime, UN Declaration on Rights of victim of crime and abuse of power, recommendations of Malimath Committee and Law Commission of India.

Select Bibliography:

1. Vernon Fox - Introduction to Criminology
2. Sutherland and Cressy - Criminology
3. Sethna - Society and the Criminal
4. Ahmad Siddique – Criminology
5. K.D.Gaur – A Textbook on The Indian Penal Code.
6. Videh Upadhyay - Public Interest Litigation In India: Concepts, Cases Concerns 1st Edition
7. S. K Agrawala - Public interest litigation in India: A critique (K.M. Munshi memorial lectures)
8. N.V. Paranjape – Criminology Penology & Victimology.

Law of Corporate Management and Governance

Sub. Code: MLE 109

L 4, C 4.

Unit I - Corporate Incorporation and Management

Certificate of Incorporation, Memorandum and Articles of Association, Doctrine of Ultra Vires, Doctrine of Indoor Management.

Directors: Appointment, Removal, Position, Powers and Duties of Directors.

Audit Committee: Its Role. Company Secretary: Qualification, Appointment and Duties.

Officer who is in default: Definition of Officer who is in default. Liability of independent directors. Meetings: Types of Meetings, Procedure of calling meeting, Company's resolutions and its kinds

Unit II - Oppression & Mismanagement and Investigation

(Sections 397 to 408; Sections 235 to 251)

Rule in Foss v. Harbottle, Prevention of Oppression, Prevention of Mismanagement, Role & Powers of the Company Law Board, Role & Powers of Central Government. Company Investigation

Unit III - Corporate Liquidation

Winding up of Companies, Mode of winding up of the companies, Compulsory Winding up under the Order of the Tribunal, Voluntary winding up, Contributories, Payment of liabilities

Unit IV - Corporate Governance and Social Responsibility

Importance of Corporate Governance, Different system of Corporate Governance, Impact of Legal Traditions and the Rule of Law on Corporate Governance, Legal Reforms of Corporate Governance in India, Reports of the various Committees on Corporate Governance, Emerging Trend based on the recommendation of the Committees in the, Companies Act 1956 and the Listing Agreement with Special reference to Clause 49.

Corporate Social and Environmental Responsibility.

Selected Bibliography:

1. Smith and Keenan's, *Company Law* (2002)
2. Andrew Lidbetter, *Company Investigations ad Public Law* (1999)
3. Saleem Sheikh & William Rees, *Corporate Governance & Corporate Control* (2002).
4. Avtar Singh, *Company Law*, 2007 Eastern Book Company, Lucknow.
5. Gower's *Principles of Company Law* 8th Edition 2008, R. Cambray & Co. Pvt. Ltd.
6. Smith and Keenan's *Company Law*.
7. S. K. Verma & Suman Gupta, *Corporate Governance and Corporate Law Reform in India*. (2005).
8. Companies Act, 1956

9. Suman Gupta: *Shareholder's Democracy: Fact or Fiction*. (1992)

Competition and Consumer Protection Laws

Sub. Code: MLE 111

L 4, C 4.

UNIT – I - Competition: An Introduction

Definition of Competition, Definition of Competition Law, Objectives of Competition Law

History of Competition Law: (USA, UK, Europe) Relevant provisions of Sherman's Act, Indian scenario with an overview of MRTP Act, 1969. *Raghavan* Committee Report.

International co-operation for competition: WTO agreements and the Act

UNIT – II - Anti-competitive Agreement:

Appreciable adverse effect, Horizontal and Vertical agreements, Effects doctrine. **Prohibition of anti-competitive agreements:** Concerted practices and parallel behaviour, Cartel and Cartelisation, Bid rigging and collusive bidding, Tie-in-arrangements, Exclusive supply agreement, Resale price maintenance agreement. **Abuse of Dominant Position:** Relevant market, Predatory behaviour, Predatory pricing, Discriminatory practices, Relevant market.

UNIT – III - Combination:

Value of Assets, Turnover, Acquisition, Conglomeration, Joint Venture, Merger and Amalgamation, Notification. **Competition Commission of India:** Establishment and composition, Duties, Procedure for inquiry, Powers, Competition funds. **Competition Advocacy:** Competition Policy

UNIT – IV - Consumer Protection Act, 1986 and its applicability to Competition Law

Definition of Consumer, Definition of Service, Deficiency in Service, Unfair Trade Practices, Overlapping areas

Selected Bibliography:

1. Mittal D.P., Taxmann's *Competition Law* (2007)
2. *Universal Guide to Competition Law in India-2003*, Universal Law Publishing Company, New Delhi.
3. Ramappa. T., *Competition Law in India- Policy, Issues and Development* (2006) Oxford University Press.
4. Nahar. S. Mahala, *Law, Practice and Procedure* (2006), Commercial Law Publishers.
5. Dhall .Vinod, *Competition Law Today*, (ed.) 2007, Oxford University Press

6. Bangia R.K., *A Handbook of Consumer Protection Laws and Procedure*, 2004, Allahabad Law Agency.
7. Singh Avtar, *Law of Consumer Protection; Principles and Practice*, 2005, Eastern Book Company.
8. Verma S.K. & M.Afzal Wani, *A Treatise on Consumer Protection Laws*, (ed.) 2004, Indian Law Institute.
9. Anoop K. Kaushal, *Universal's Practical Guide to Consumer Protection Law*, 2006, Universal law Publishing Company, New Delhi.
10. Pavleen, *Consumer Decision- Making*, 2006, Deep & Deep Publication.
11. Aggarwal, Prof. V. K., *Consumer and Protection Law and Practice*, 6th Ed. (2008).

